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PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

SENATE

Monday, May 4, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, with the noisy world shut out, this hallowed moment is the witness of our weakness and of how ultimately fruitless are our quests and of how futile are our arguments if, in the humility of prayer, we fail to keep the windows open to the unseen and eternal.

In the white light of Thy searching scrutiny, we would pause at this week's threshold, to examine honestly our inner desires and ruling motives, that in this temple of democracy, we may stand with pure hearts and clean hands.

As our frail hands are granted a part in the shaping of the different, fairer earth that is to be, lift us, we pray, above the foggy valley of narrow loyalties and little, partisan interests to altitudes and to a perspective which, scorning cheap shibboleths, regards always public office as a sacred trust.

In the Redeemer's name, we ask it. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 2, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7480. An act to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products; and

H.R. 9393. An act to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aids employed by soil and water conservation districts in Oklahoma.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H.R. 7480. An act to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products; and

H.R. 9393. An act to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aids employed by soil and water conservation districts in Oklahoma.

ORDER FOR RECESS TO 10 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock, tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be a morning hour, under the usual circumstances, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 189 Leg.]

Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Douglas
Fong
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Mundt
Muskie
Neuberger
Pearson
Proxmire
Randolph
Robertson
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Williams, N.J.
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Fulbright], the Senator from Florida [Mr. Holland], the Senator from Washington [Mr. Jackson], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Oregon [Mr. Morse], the Senator from Rhode Island [Mr. Pastore], the Senator from Rhode Island [Mr. Pell], the Senator from Connecticut [Mr. Ribicoff], the Senator from Georgia [Mr. Russell], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Louisiana [Mr. Ellender], the Senator from North Carolina [Mr. Ervin], the Senator from Tennessee [Mr. Gore], the Senator from Utah [Mr. Moss], the Senator from Wisconsin [Mr. Nelson], and the Senator from Ohio [Mr. Young] are necessarily absent.

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Colorado [Mr. Dominick], the Senator from New York [Mr. Javits], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Texas [Mr. Tower], and the Senator from Delaware [Mr. Williams] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business, to attend the Kennedy round trade agreement negotiations, at Geneva.

The Senator from Kentucky [Mr. Cooper] is detained on official business.

The Senator from Vermont [Mr. Prouty] is absent on official business.

The PRESIDING OFFICER (Mr. Walters in the chair). A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Publications of Federal Power Commission

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a copy of each of the following publications: "Statistics of Electric Utilities in the United States, 1962, Privately Owned," "Major Natural Gas Pipelines Map, December 31, 1963," and "Uniform System of Accounts Prescribed for Natural Gas Companies, for Class A and B Companies, February 1, 1964" (with accompanying documents); to the Committee on Commerce.

Report on Inadequate Rents Charged for Employee Housing, Bureau of Prisons

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate rents charged for employee housing, Bureau of Prisons, Department of Justice, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Impairment of Combat Capability and Unnecessary Costs Due to Inefficient and Uneconomical Practices for Electronic Equipment Within Certain Units of 8th U.S. Army, Korea

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the impairment of combat capability and unnecessary costs due to inefficient and uneconomical supply and maintenance practices for communications and electronic equipment within certain units of the 8th U.S. Army, Korea, Department of the Army, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Inclusion of Volunteer Workers in Determining the Allowable Number of Employees Engaged in Personnel Work, Veterans' Administration

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the inclusion of volunteer workers in determining the allowable number of employees engaged in personnel work tends to defeat intent of appropriation act limitations, Veterans' Administration, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Problems Incident to the Fielding of an Air Defense System Overseas Due to Supply Support Deficiencies

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on problems incident to the fielding of an Air Defense System overseas due to supply support deficiencies during 1962 and 1963 in the Department of the Army (with an accompanying report); to the Committee on Government Operations.

Report on Certain Payments to Army and Air Force Reserve Officers

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on payments to Army and Air Force Reserve officers on annual active duty training for days on which no training or necessary travel was performed, Department of Defense, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Audit Report on Government Printing Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Government Printing Office, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution of the Legislature of the State of New Mexico; to the Committee on Finance:

"House Joint Memorial 4 of the Legislature of the State of New Mexico

"Joint memorial to the Congress of the United States requesting certain actions in regard to the importation of foreign beef, lamb and mutton and the amelioration of depressed markets for domestic production of these meats

"Whereas the dollar value of imports of foreign edible animals into this country for the period 1936 to 1940 averaged $16 million, and for the year 1962 amounted to $111 million, an increase of $95 million; and

"Whereas the dollar value of imports of foreign meat products into this country for the period 1936 to 1940 averaged $28 million, and for the year 1962 amounted to $83 million, an increase of $454 million; and

"Whereas 1963 beef imports equaled 11 percent of our domestic market which has depressed 20 percent in the last 10 months, the prime beef market in Chicago being the lowest since the OPA regulation days of 1946; and

"Whereas lower costs of production in foreign countries permit underselling of our domestic lamb and mutton, and unrestricted imports at prices substantially lower than domestic prices are defeating the objectives of the National Wool Act; and

"Whereas this increase of foreign imports of edible animals and meat products dangerously weakens our domestic market with resulting injury to American stockmen and feeders; and

"Whereas stockmen and feeders in New Mexico share the plight of their fellow stockmen and feeders throughout the country in recent direct losses in livestock sales value in this State having been a staggering $22,125,800, while indirect losses to other industries and the economy of New Mexico having been equally substantial: Now, therefore, be it

"*Resolved by the Legislature of the State of New Mexico,* That the Congress of the United States be respectfully petitioned to:

"1. Take all necessary steps to provide immediate, reasonable protection for the domestic cattle, lamb and mutton industry in the form of import quotas on beef, lamb and mutton and meat products derived therefrom;

"2. Enact legislation to require labeling foreign meat products, as such, wherever they are sold and used in the United States; and

"3. Enact legislation requiring the use of domestic meat in all school lunch programs and welfare food commodity programs in which Federal participation is involved; and be it further

"*Resolved,* That a copy of this memorial be sent to the Honorable Dean Rusk, Secretary of State; the Honorable Orville L. Freeman, Secretary of Agriculture; the Honorable Carl Hayden, President pro tempore of the U.S. Senate; the Honorable Clinton P. Anderson, U.S. Senator; the Honorable Edwin L. Mechem, U.S. Senator; the Honorable John W. McCormack, Speaker of the U.S. House of Representatives; the Honorable Joseph M. Montoya, U.S. Congressman; and the Honorable Thomas G. Morris, U.S. Congressman.

"Bruce King,
"*Speaker, House of Representatives.*
"Mack Easley,
"*President, Senate.*"

A resolution of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"House Memorial 2 of the Legislature of the State of New Mexico

"Memorial memorializing the President of the United States, the Secretary of the Interior, the Speaker of the House and President of the Senate of the Congress of the United States, the Bureau of Indian Affairs and Bureau of Reclamation and the Congress of the United States to initiate and continue all measures necessary to secure the immediate authorization and construction of the Animas-La Plata project; and requesting the New Mexico Congressional Delegation and the Colorado Congressional Delegation to foster favorable congressional and administrative action on the project

"Whereas legislation authorizing the Secretary of the Interior of the United States to construct, operate and maintain the Animas-La Plata project as a bistate participating project of the Colorado River storage project has been prepared and will be considered by the Congress of the United States during the year 1964; and

"Whereas the enactment of this legislation is essential to the development and growth of the northwestern part of the State of New Mexico and the southwestern part of the State of Colorado, and has been considered and planned by the people of the area affected and by the Bureau of Reclamation of the Department of the Interior for more than 50 years; and

"Whereas the Animas-La Plata project would expand irrigation in the northwestern part of the State of New Mexico by 14,700 acres of newly irrigated land of which 2,600 acres are Indian lands and 5,500 acres of supplemental irrigation; and for southwestern Colorado 44,200 acres of newly irrigated land of which 14,600 are Indian lands, and 20,100 acres are supplemental irrigation. It would also increase the waters available for municipal and industrial use in northwestern New Mexico and southwestern Colorado plus the creation of fisheries and recreational facilities at the project reservoirs: Now, therefore, be it

"*Resolved by the Legislature of the State of New Mexico,* That responsible administrative officials of the United States and the Congress and the New Mexico delegation to Congress and the Colorado delegation to Congress be respectfully urged and encouraged to initiate and continue all measures necessary to secure the immediate authorization and construction of the Animas-La Plata project; and be it further

"*Resolved,* That copies of the memorial be delivered to the Honorable Lyndon B. Johnson, President of the United States; the Honorable John McCormack, Speaker of the House of Representatives of the U.S. Congress; the Honorable Carl Hayden, President of the Senate of the U.S. Congress; the Honorable Stewart L. Udall, Secretary of the Department of the Interior; the Honorable Floyd E. Dominy, Commissioner of Reclamation, Bureau of Reclamation; and the Honorable Philleo Nash, Commissioner, Bureau of Indian Affairs; and be it further

"*Resolved,* That copies of this memorial be delivered to the Honorable Clinton P. Anderson and the Honorable Edwin L. Mechem, U.S. Senators from New Mexico; and the Honorable Joe M. Montoya and the Honorable Thomas G. Morris, Representatives at Large from the State of New Mexico; and be it further

"*Resolved,* That copies of this memorial be delivered to the Honorable Gordon Allott and the Honorable Peter H. Dominick, U.S. Senators from Colorado; and the Honorable John A. Love, Governor of Colorado; and the Honorable Wayne Aspinall, the Honorable J. Edgar Chenoweth, the Honorable Byron G. Rogers, and the Honorable Donald Glenn Brotzman, Representatives from the State of Colorado.

"Bruce King,
"Speaker, House of Representatives.
"Albert Romero,
"Chief Clerk, House of Representatives."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolution Requesting Congress To Call a Convention for Proposing an Amendment to the Constitution of the United States Providing a Pension of $200 Monthly for Certain Persons

"*Resolved,* That the General Court of Massachusetts, acting in pursuance of article V of the Constitution of the United States, hereby requests the Congress of the United States to call a convention under said article for the purpose of proposing an amendment to said Constitution, as follows:

" 'Article —

" 'Section 1. The Congress shall provide for the payment, subject to such terms and conditions as it may prescribe, of a pension of $200 monthly to persons over the age of 65.

" 'Sec. 2. Contributions made by any individual for the pension provided in section one shall be exempt from taxation.'; and be it further

"*Resolved,* That the Congress of the United States be, and it hereby is, requested to propose as the mode of ratification of said amendment that it shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

"*Resolved.* That the State secretary be, and he hereby is, directed to send a duly certified copy of these resolutions to the presiding officer of each branch of the Congress of the United States and to the Administrator of General Services.

"Senate, adopted, April 21, 1964.
"Thomas A. Chadwick,
"Clerk.

"House of representatives, adopted in concurrence, April 23, 1964.
"William C. Maiers,
"Clerk.

"Attest:
"Kevin H. White,
"Secretary of the Commonwealth."

The petition of Karl H. Croel, of Indianapolis, Ind., praying for the enactment of House bill 7152, the Civil Rights Act of 1963; ordered to lie on the table.

RESOLUTION OF RHODE ISLAND LEGISLATURE

Mr. PASTORE. Mr. President, on behalf of my colleague, the junior Senator from Rhode Island [Mr. Pell] and myself, I present, for appropriate reference, a certified copy of H. 1098 entitled "Resolution memorializing the Members of the U.S. Senate and House of Representatives from the State of Rhode Island to make every effort to see that action is taken to build a breakwater in Bristol Harbor in the town of Bristol, R.I."

The PRESIDING OFFICER (Mr. Inouye in the chair). The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the Record.

The resolution was referred to the Committee on Public Works, as follows:

H. Res. 1095

Resolution memorializing the Members of the U.S. Senate and House of Representatives from the State of Rhode Island to make every effort to see that action is taken to build a breakwater in Bristol Harbor in the town of Bristol, R.I.

Whereas Bristol, R.I. has suffered tremendous amounts of damage from past hurricanes, wave and tide action to its industry, business, railroad property, Government property, and yachting facilities; and

Whereas a public hearing was held on this proposal on December 11, 1957, by the U.S. Army Corps of Engineers; and

Whereas thereupon surveys and plans for this breakwater were made by the U.S. Army Corps of Engineers in 1958: Now, therefore, be it

Resolved, That the Members of the U.S. Senate and House of Representatives from the State of Rhode Island are respectfully requested to take proper action to have such breakwater constructed as soon as possible in Bristol Harbor in said town of Bristol, R.I.; and be it further

Resolved, That the secretary of state be and hereby is authorized to transmit duly certified copies of this resolution to the Rhode Island delegation in Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 2049. A bill to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce (Rept. No. 1019).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2772. A bill to amend the Alaska Omnibus Act (Rept. No. 1020).

(See reference to the above bill when reported by Mr. Anderson, which appears under a separate heading.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs:

Maurice Oaksmith, of Alaska, Ray Ward, of Virginia, and W. C. Arnold, of Alaska, to be members of the Temporary Alaska Claims Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER:

S. 2797. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the Papago Reservation in Arizona;

S. 2798. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the Hualapai Reservation in Arizona; and

S. 2799. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the Salt River Pima Reservation in Arizona; to the Committee on Interior and Insular Affairs.

S. 2800. A bill for the relief of Lim Wey Nan John (or John Wey Nan Lim), and Maude Lim (or Lim Wang Maude Luella); and

S. 2801. A bill for the relief of Wie Lie Bong and Jenny Kim-Yang (nee Lie) Bong; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2802. A bill for the relief of Miss Tanguturi Suryakumari; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 2803. A bill for the relief of Joao Carlos Senra Ferreira, Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira; to the Committee on the Judiciary.

By Mr. SALTONSTALL (for himself and Mr. Kennedy):

S. 2804. A bill to authorize certain improvements on the Weymouth-Fore and Town Rivers, Mass., for navigation and other purposes; to the Committee on Public Works.

CONCURRENT RESOLUTION

TO PRINT AS A SENATE DOCUMENT A COMPILATION OF CONGRESSIONAL SPEECHES RELATING TO FREEDOM AND INDEPENDENCE OF THE PEOPLE OF POLAND

Mr. HUMPHREY submitted a concurrent resolution (S. Con. Res. 82) to print as a Senate document a compilation of congressional speeches relating to freedom and independence of the people of Poland, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. Humphrey, which appears under a separate heading.)

CONGRESSIONAL RECOGNITION OF THE 1,000TH ANNIVERSARY OF POLISH INDEPENDENCE

Mr. HUMPHREY. Mr. President, I submit, for appropriate reference, a concurrent resolution authorizing the printing, as a Senate document, of a selected compilation to be prepared by the Legislative Reference Service of the Library of Congress, of the principal statements and speeches which have been made by Members of the Senate and the House of Representatives since the founding of the United States which constitute expressions of concern or support for the freedom and independence of the people of Poland.

On May 3, 1964, Polish people all over the world will begin to celebrate 1,000 years of their existence as a state and as a Christian country. Other nations are also participating in various ways in recognizing this birthday of the Polish nation, and stressing Polish participation in Western civilization.

For example, a year ago the British Museum, in anticipation of this date, organized an excellent exhibit demonstrating the relationship between historical Poland and the English Crown.

In the United States, many institutions of learning, as well as organizations of Americans of Polish descent, are participating in this anniversary.

Since our own War of Independence in which Polish leaders like Kosciusko and Pulaski gave distinguished service in our struggle for freedom, the voices in Congress have been raised repeatedly on behalf of the freedom and independence of the Polish people. The Polish nation has suffered long periods of foreign domination. We have always worked to restore the nation to her people. Today, the Polish nation must live under the yoke of communism. We still wish to see the Polish people have full control of their own affairs.

In light of these facts and the present situation, I believe that the Congress can and should make a striking act of recognition in this year of the Polish millennium celebration.

We can publish the record of the statements and speeches by Members of both Houses of the Congress throughout our history and which concern Polish freedom and independence.

This publication would be a serious and documented approach of the U.S. Congress to the life of Poland. It could be distributed to American educational institutions. It could be forwarded to libraries in other countries.

Concern for Polish independence was discussed early in the American Congress. An early instance was in connection with providing relief for General Kosciusko. After fighting bravely and well for American independence, he returned to Poland to lift that nation from the yoke of czarist tyranny. He was defeated there, imprisoned, and finally released. He had lost his certificate of services to the United States and had never received payment. Nevertheless, the American Congress moved to give him the rewards he had earned.

The Congress later recognized the extraordinary service of Poles who joined the Allies in World War I. Many of them were technically subjects of the Central Powers who had dismembered Poland. They realized that if caught they would not be treated as prisoners but executed as traitors. Characteristically they fought to the bitter end under their slogan, "It is better to die for liberty a soldier than to be executed a traitor."

Currently we are witnessing the near completion of the new Children's Hospital in Krakow, Poland. It has been my privilege to be the principal advocate in the Congress of the Krakow Children's Hospital. This has been financed by AID and is a foreign assistance project fully and consistently supported by both Houses of Congress since 1958. This project is part of a basic, but not well enough understood, element of U.S. foreign policy. Since 1956, the United States has treated Poland differently than other Soviet-bloc states. Here we have shown our willingness to enter into workable agreements in fields which offer progress, while recognizing continued conflict over other matters. This pattern is now guiding our policy in other Eastern European nations which are asserting increasingly their independence. As Secretary of State Dean Rusk indicated in an address recently:

> It is our policy to do what we can to encourage evolution toward national independence.

The publication of the congressional interest and action in behalf of Polish independence during our entire history will show the depth and consistency of our concern far beyond the capacity of a charge of propaganda to refute. It will have many other advantages:

First. The Kremlin will understand that the interest of the U.S. Congress in the Polish people is lasting. Temporary arrangements or expediencies detrimental to the cause of Poland, do not influence public opinion in the United States.

Second. The Communist regime in Warsaw will realize that we observe their actions strictly.

Third. There will be a profound effect on the people of Poland. They have often felt abandoned to their fate. They will be reassured by this act of the Congress of the United States that they have not been forgotten.

Fourth. Americans of Polish parentage will feel gratitude for the Congress in taking this initiative.

Fifth. This is a most fitting tribute to this 1,000th year birthday of freedom.

Mr. President, I ask unanimous consent to have the resolution printed at this point in the Congressional Record.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 82) was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a selected compilation, to be prepared by the Legislative Reference Service, Library of Congress, of the principal statements and speeches which have been made by Members of the Senate and the House of Representatives in the Houses of Congress since the founding of the Government of the United States which constitute expressions of concern or support for the freedom and independence of the people of Poland.

Sec. 2. There shall be printed and bound as directed by the Joint Committee on Printing, fifteen thousand eight hundred and seventy-five additional copies of such document, of which five thousand copies shall be for the use of the Senate and ten thousand eight hundred and seventy-five copies shall be for the use of the House of Representatives.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed at this point several instances of congressional interest in Poland, which the Legislative Reference Service of the Library of Congress has supplied. These will serve as examples of what the Senate document I have proposed to be printed will contain. I also ask unanimous consent to have printed in the Record some documents dealing with the progress of the Krakow Children's Hospital. And, finally, I ask unanimous consent that various documents commenting on Polish history which have been received from the Polish American Congress be printed in the Record at the conclusion of my remarks.

There being no objection, the matters referred to were ordered to be printed in the Record, as follows:

[From the History of Congress, December 1797]

General Kosciusko

Mr. Dawson wished to call the attention of the House to a subject, which; he doubted not, would interest the feelings of every Member. The subject he alluded to was the situation of General Kosciusko. It was a fact well known to every man in this country, it was a fact known to the world, that this brave man entered into the service of the United States, at an early period of our Revolutionary War. When this service was ended, he received from the Government a certificate of what was due to him. He returned to Poland, his native country; there, animated by the same spirit which had led him to take a part in our struggle for independence, he endeavored to overthrow the existing tyranny, and to introduce in its place liberty and independence. For some time his attempt seemed likely to be crowned with success; but, on the fatal 10th of October, 1794, overpowered by numbers, he was defeated and taken prisoner. Covered with wounds and with glory, he was conducted to the prison of Petersburg. When he was released from thence, he immediately set out to this country, here to spend the remainder of his life. He was now within this city; but, from the wounds he had received in his arduous but unsuccessful conflict, he was unable to walk, or to attend to any business. The unfortunate day on which he was taken prisoner, he lost his all, and with it the certificate of the services rendered to the United States. He was unable, therefore, to obtain a settlement of his account at the Treasury. To set aside all difficulty in the matter, Mr. D. proposed to offer a resolution to the consideration of the House; and as it was justice only which he sought for this brave man, he doubted not that a spirit of justice would insure its adoption. It was to the following effect:

"*Resolved*, That a committee be appointed to inquire and report whether any, and, if any, what provisions are necessary, to obtain payment of the claim of General Kosciusko on the United States."

Mr. J. Parker seconded the motion. He hoped the resolution would be agreed to, and that immediate attention would be paid to the unfortunate gentleman, as he believed, except he made use of the grant made to him by the Emperor of Russia, which, he believed, he was disinclined to do, for considering his predecessor as the chief cause of his own misfortunes, and those of his country, he did not wish to be under obligation to him. The certificate given to the general on his departure from hence, was for $12,800, upon which he had received only 1 year's interest. He hoped, therefore, as he had the misfortune to lose his certificate, at the time he was taken prisoner, that the House would take such measures as should enable him to receive the amount of his certificate, with the interest due thereon.

Mr. Coit moved that the resolution should be committed to the Committee of Claims, but afterwards changed his motion so as to make that committee the committee to inquire and report, instead of a select committee. He professed to have no other object in these motions than that this claim should take the same course with other claims.

The motion was supported by Messrs. Allen, J. Williams, Macon, and Edmond. It was opposed by Messrs. J. Parker, Livingston, Gallatin, Brooks, Nicholas, Harper, Sheperd, Otis, Pinckney, Swanwick, S. Smith, T. Claiborne, and McDowell.

The motion for a reference to the Committee of Claims was lost—59 to 33.

Mr. Pinckney said, that as this claim was different from most others which came before that House, and having himself had something to do in the business, he would state to the House what he knew of it. Previous to General Kosciusko's return to Poland, whilst he was in Germany, he applied to the Polish Ambassador in London, by letter, requesting him to make application to the American Minister there for payment of a part of the money due to him from the United States. The mode of transacting this business was this: The interest arising from the certificate granted to the general was made payable in Paris; but from the change which took place in the French Government, the general did not know how to receive it there, which was the reason of his making application, through the Polish Minister to him (Mr. P.) in London. Mr. P. wrote to the American Minister in Paris for an order on the bankers of the United States in Holland, but having in the meantime received a letter from General Kosciusko, requesting the money be sent for him to Ratisbon or Leipsic, he (Mr. P.) sent an order to Amsterdam, requesting the bankers there to transmit the money either to Ratisbon or Leipsic, as the exchange should be most advantageous. In the interim, General Kosciusko returned to Poland, and he supposed he then had no time to attend to this business. He never heard any more upon the subject until he saw the general in Philadelphia, when he found this money had not been received by him; so that he supposed it yet lay in the hands of the Leipsic or Ratisbon banker.

Finding this to be the case, Mr. P. immediately wrote to the banker at Amsterdam, requesting him to redraw the money, and to transmit it here for the general's use. But, as he might, in the meantime, stand in need of it, it might be proper in the United States to anticipate its return, by settling the account with the general. He hoped in whatever way this business was effected, it would be in such a way as not to wound the feelings of a man who had deserved so well of this country.

On a suggestion of Mr. Sitgreaves, instead of appointing a committee, the Secretary of the Treasury was directed to make a report what "Legislative provision was necessary, &c."

This motion was carried by 49 to 40; but whatever difference of opinion there was in the House, as to the mode of doing the business, there seemed to be but one sentiment, as to the propriety of complying with the spirit of the resolution.

[From the CONGRESSIONAL RECORD, May 6, 1918]

Mr. SLAYDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. Sabath].

Mr. SABATH. Mr. Speaker, 1 year and 1 month ago today when the Congress of these United States declared war against the Imperial Government of Germany hundreds of thousands of Bohemians, Poles, and Slovaks in this country, anxious to show their appreciation of the blessings of freedom and liberty which they had enjoyed under the protection of our great Republic and eager to bestow upon all oppressed nations the blessings of liberty and democracy and to maintain it against the unscrupulous foe that threatens it, organized groups, companies, regiments, and, where the number permitted, whole divisions. Assisted by the Czechoslovak, Yugo-slovak, and Polish organizations they crossed the ocean, joining the Allied forces in all the different countries; some in France, some in Great Britain, and some in Italy, so that they could, without delay, immediately engage in the battle for liberty and democracy. [Applause.] They are there today, struggling, fighting, sacrificing their lives for our country and for our cause. [Great applause.]

A great majority of these men were still technically subjects of Austria-Hungary, and, in addition to all the hazards and dangers of war, fully realized that if captured they would not be treated as prisoners of war but would be considered traitors to Austria-Hungary and, as such, immediately executed. Notwithstanding this added danger during these 13 months these former residents of these United States have demonstrated to the Allies and to the whole world their fearlessness, their determination, their devotion, and their loyalty to the cause to which we have consecrated our all. Reenforced by the thousands of their kinsmen who were able to escape from the Austro-Hungarian Armies, they are today fighting under their Czechoslovak, Yugo-slovak, and Polish flags, side by side with the gallant French, with the heroic British, and the loyal Italian Armies, and, as long as it was possible, fought to death with the tottering Russian armies. Thousands upon thousands of these former residents of our country, fighting under their own banners, have not called for or received any aid or assistance from our Government.

Within the last 3 months whenever we heard from these men we at all times found them fighting to the bitter end with their slogan, "It is better to die for liberty a soldier than to be executed as a traitor." [Applause.] Mr. Speaker, I am proud of their deeds and of their heroism, and when the history of this great war for freedom of the seas, rights of people, independence of all nations and nationalities, and civilization is written the names of these brave men, who are sacrificing their lives, will form a large roll of honor. [Applause.] Would to God that they could all come back, but that we know is impossible. Some will have to make the supreme sacrifice, but we do know that some will come back to receive the plaudits and thanks of a nation who will turn out to receive the saviors of liberty and democracy—true it is, some will come in full possession of their health, others will return minus limbs, minus hearing, or minus vision, but return they will, and when they do, we, for whose liberty and safety they fought and bled and suffered, shall by this legislation—the least appreciation we can show—give them the privilege to come back to the country which they left for the purpose of defending its rights, its honor, its safety, and its heritage. [Applause.] With open arms should we receive them, with throbbing hearts and fast-beating pulsations as our eyes fill with happiness at the return of these brave men, and not a single obstruction nor a single restriction shall we place in their way.

Mr. Speaker, I know that our own boys will demonstrate, and have already demonstrated, their courage and their worth; but permit me, if you please, to make this distinction: They are fighting for a country of which they are citizens and a country which is leaving nothing undone to provide for their comfort and for the comfort of those they leave behind; but the men that this resolution is to assist are not our citizens, even though many have declared their intention to become such, and have not received, and as yet are not entitled to receive, the protection of our country and the provisions it makes for the comfort of its own citizens. Our soldiers receive a fair and reasonable compensation and are taken care of by way of our war-risk insurance law and other similar legislation; but those for whom I am pleading today receive no compensation whatsoever except the compensation of fighting and dying for a great and noble cause. For them there is no provision made for their dependents nor for pensions, and all that is asked today is that when, through their efforts combined with our gallant allies, this war shall have come to a victorious end for the allied forces and the cause of liberty, humanity, democracy, and civilization has triumphed—that when this time comes all these men, those who remain and desire to come back, if maimed or blind or deaf, shall be received and shall not be penalized because in defense of those principles perhaps the sacrifice they made disqualifies them from passing the physical or educational test. [Applause.]

The technical points raised against the resolution are so frivolous they are not entitled to any consideration. As to the last provision in the resolution, I care not whether it is stricken out or not, because I feel satisfied that very few of those who come back will ever become a charge upon our Government, and I know and pledge you my word that very few who are fighting in the Czechoslovak or Polish armies will ever become public charges. I know that they will be taken care of by the American-Czechoslovak, the American-Polish, and the American-Jugo-Slovak Alliance, who were instrumental in aiding them to have the distinction and honor to fight against the Hohenzollern and Hapsburg tyrannies. [Applause.]

Mr. Speaker, I have only feebly expressed my sentiments in this matter and I have only partially explained the provisions of this resolution. I hoped that my first resolution, introduced on February 6, 1918, would receive the favorable consideration of the committee. In this I have been disappointed, but nevertheless, I am heartily in favor of the modified resolution and thankful for it. My joint resolution reads as follows:

"[Feb. 6, 1918. Mr. Sabath introduced the following joint resolution; which was referred to the Committee on Foreign Affairs and ordered to be printed.]

"*Resolved, etc.*, That, notwithstanding the provisions of section 3 of the immigration act of February 5, 1917, excluding from the United States aliens who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor, printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident within the United States at the time of enlistment or conscription who have enlisted or been conscripted, or hereafter shall be enlisted or conscripted, for the military service of the United States or any one of the cobelligerents of the United States in the present war, or who have enlisted and joined the Czecho-Slovak or Polish Army waging war against any of the Central Powers, who may, within two years after the termination of the war, apply for readmission to this country, after being honorably discharged or granted furlough abroad in connection with their enlistment or conscription, shall be readmitted; and any such lawfully resident aliens of the United States who would otherwise be excluded under said section of the immigration act on the ground that they are idiotic, imbecile, feebleminded, epileptic, insane, or have had one or more attacks of insanity, or on ground that they are afflicted with constitutionally psychopathic inferiority, chronic alcoholism, tuberculosis, a loathsome or dangerous contagious disease, or a mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military forces of the United States or of any one of the nations cobelligerents of the United States, or who have enlisted and joined the Czecho-Slovak and Polish Army waging war against any one of the central powers in the present war, and if such aliens return to a port of the United States within one year after the termination of the war; and the head tax assessed by section 2 of the said immigration act shall not be collected, or, if collected, shall be refunded in the cases of aliens readmitted to the United States in pursuance of the terms hereof; nor shall the absence abroad of aliens readmitted in pursuance of the provisions hereof be construed to interrupt the continuity of their residence in the United States within the meaning of section 4 of the naturalization act approved June 29, 1906, if the commanding officer of the military organization or branch thereof in which such alien has rendered military service certifies, in support of his petition for naturalization, that he has personal knowledge that such alien is a person of good moral character and is in every way qualified, in such officer's opinion, to be admitted as a citizen of the United States, and if any alien readmitted to the United States in pursuance of the terms hereof shall at any time thereafter become a public charge, the expense of his maintenance and care in the public institution to which he may be committed shall be paid from the appropriation for the enforcement of the immigration act."

Progress on the Children's Hospital Project in Poland

(Report by Senator Hubert H. Humphrey)

It gives me great pleasure to report to the Senate at this time the progress being made on the AID-financed Children's Hospital in Krakow, Poland, a foreign assistance project fully and consistently supported by both Houses of Congress and dating back to 1958. Lyndon B. Johnson and the late John F. Kennedy, both as Senators and as Presidents, shared a longtime interest in the project and have provided executive branch approval.

The project exemplifies a basic but perhaps not yet fully appreciated element of U.S. foreign policy toward international communism, namely, our willingness to enter into workable agreements in those fields offering prospects for progress, while accepting the hard necessity of continued conflict over other matters.

The Congress is well aware that we have since 1956 treated Poland somewhat differently from other Soviet bloc states. The pattern set in the case of Poland is now guiding U.S. actions and attitudes toward other countries in Eastern Europe which are increasingly asserting their own independent policies in pursuit of their national interests and aspirations. As Secretary of State Rusk made clear in a recent speech "it is our policy to do what we can to encourage evolution toward national independence. We favor more contacts between the people behind the Iron Curtain and our own peoples. We should like to see more people from Eastern Europe visit the United States * * *. We would be glad to join in cooperative enterprises to further mankind's progress against disease, poverty, and ignorance."

The Children's Hospital project in Krakow is an example of just such a cooperative enterprise. It consists of a 300-bed pediatric hospital and research center with facilities not only for complete in- and out-patient care for children, including preventive and rehabilitative services, but also for clinical and laboratory research and training, at both graduate and undergraduate levels, for medical, paramedical, and auxiliary personnel.

When completed—probably next spring—this Children's Hospital will represent the latest American advances in medical architecture, medical care, and medical research facilities. It will provide a forceful, tangible, and lasting demonstration of the friendship which the American people have long felt, and continue to feel, for the people of Poland.

The main building of the hospital, the chapel, and perhaps one of the auxiliary wings are expected to be opened this summer or fall during the celebration of the 600th anniversary of the Jagiellonian University at Krakow, long an intellectual center in Poland and the second oldest university in central Europe.

The medical academy of the university at Krakow, which will operate and maintain the hospital, plans to make it a part of its expanded medical center complex of 2,000 beds and several departments, including a psychiatric clinic, scheduled for completion by 1970. The total cost to the Polish Government of this expanded medical center is estimated at 340 million zlotys, equivalent to $14 million.

As you know, the funds for the Children's Hospital have been appropriated under a special congressional authorization for American schools and hospitals abroad sponsored and initiated by private U.S. citizens and groups. Appropriations for this project were initiated in fiscal year 1960 with $50,000 for a preliminary feasibility study. In fiscal 1961 $1.5 million was appropriated for preparation of architectural and engineering plans and specifications, and for the initial stages of the hospital building construction. Last year an additional $2.8 million in zlotys was appropriated for the second phase of construction.

On March 24, AID announced the final U.S. grant to the sponsoring group, American Research Hospital in Poland, Inc. (ARHP) of the $6.1 million in fiscal year 1964 funds needed to complete the hospital project. Of this amount, $3.9 million will be used to purchase from the U.S. Treasury the Polish zlotys required to finish the construction of the hospital buildings. The Treasury holdings of these zlotys were derived from past sales to Poland of surplus U.S. agricultural commodities under the food-for-peace program. The remaining $2.3 million will buy medical, laboratory, furniture, and other materials required to equip the hospital center—all to be purchased in the United States except for a few specialized items not readily available here.

The total U.S. contribution by AID and its predecessor agencies stands at $10.4 million equivalent, to which the Polish Government has added about $1 million in land and services. The sponsor, ARHP, under the dynamic leadership of Mr. Biernacki-Poray, president and architect for the hospital, has furnished about $1 million in services, supplies, equipment, and public donations, bringing the total cost of the project to an estimated $12.4 million at the current exchange rate of 24 zlotys to $1.

Progress on this important project thus far has been largely due to the persistent and vigorous efforts of the sponsoring group and particularly Mr. Biernacki-Poray. Since he conceived of the idea and presented it to Members of Congress and State Department officials early in 1958, Mr. Poray has given unstintingly of his time, talents, energies and his own financial resources. At considerable personal sacrifice, he has during this period made more than 50 visits to Poland, often remaining at the project site or in the Warsaw offices for several weeks.

The ARHP has concluded most of the necessary negotiations with officials of the Medical Academy, the Polish Government and CEKOP, the Polish firm responsible for the actual hospital building construction. ARHP local staff in Poland are serving as supervising construction engineers for the project. With the support of the U.S. legislative and executive branches, ARHP has overcome many serious and complex organizational and logistical problems, and has obtained good cooperation from Polish authorities. Polish officials have accorded the project priority status and are expediting these construction activities which are thus serving as a dramatic example in a Communist country of American initiative and enterprise. The planning by the Government of Poland for the staffing, operation and maintenance of the hospital are now nearing completion; funds will be available to begin operations on July 1, 1964, and the staff will be ready for full operation by January 1, 1965.

From its inception, a central feature of the project has been its people-to-people character. Designed by architect Poray, administered by the private sponsor, ARHP, financed mainly through AID with funds specially authorized and appropriated by Congress, the project has the support of the President and the State Department and the enthusiastic endorsement of leaders of the Polish-American community and other prominent figures throughout the United States.

Among members of the national committee of the sponsoring organization, ARHP, are such distinguished Americans as the Honorable Robert D. Murphy, former Under Secretary of State; Dr. Howard A. Rusk, of the Bellevue Medical Center; Norman Cousins, editor of the Saturday Review; Gardiner Cowles, of Cowles magazines; Percival Brundage, of Price Waterhouse & Co.; Prof. Charles A. Janeway, of Harvard Medical School; Dr. Stanley A. Novak, of Polish Institute of Arts and Sciences; Dr. Robert C. Gross, of Children's Hospital, Boston; and ranking members of both our great political parties in the Senate and the House of Representatives. In addition, CARE, under the former chairman, Richard W. Reuther, now Director of Food for Peace, through grant agreements with AID and the Department of State, organized the preparation of the preliminary feasibility studies and the architectural and engineering plans, drawings, and specifications.

In conclusion, I would like to emphasize my firm conviction that this is one of the splendid examples of the many U.S. foreign activities contributing to better understanding and appreciation in the world of American character and ideals, and contributing also to rising hopes everywhere for a just and more peaceful world for ourselves and our children.

Primarily, the hospital is designed to safeguard and improve the health and welfare of the children of Poland. But secondarily, the project will create a large measure of good will for the United States, not only in Poland itself, but in other parts of Eastern Europe, Western Europe, and elsewhere in the world as well.

In line with the best and highest of U.S. traditions, the children's hospital project will help dispel the lingering doubts of some who have been told we are dominated by materialism and militarism. It will demonstrate the exact opposite, namely, that Americans are truly humanitarian. We are anxious, indeed happy, to help generously with our food, money, and technical skills to improve the lot of people, especially children, regardless of the differences which may exist between governments.

Children's Hospital Receives AID Grant

The Agency for International Development today announced a grant totaling $6.1 million to complete a hospital in Krakow, Poland, specializing in the treatment of children and sponsored by private Americans.

The grant included $3.9 million in Polish zlotys derived from sales of surplus U.S. farm products under the food-for-peace program and 2.2 million in dollars. It was authorized by special congressional appropriations for American schools and hospitals abroad.

Signers of a covering agreement in a ceremony at AID were Edmond C. Hutchinson, AID Assistant Administrator for Africa, and W. V. Biernacki-Poray, president and founder of the private U.S. group, American Research Hospital in Poland, Inc., which conceived the project initially. Also participating in the ceremony were Senator Harrison Williams, of New Jersey; Representative Clement Zablocki, of Wisconsin; and Richard W. Reuter, Director of Food for Peace.

In informal remarks by all five participants, emphasis was laid on the hospital as a symbol of U.S. friendship for the Polish people and as representing modern American hospital design and equipment in a central European country. Senator WILLIAMS and Representative ZABLOCKI recalled the longtime interest in the project of both President Kennedy and President Johnson.

When completed later this year the 300-bed pediatric hospital and research center will provide complete in- and out-patient care for children. It also will permit clinical and laboratory research and training at both undergraduate and graduate levels for medical and auxiliary personnel.

Polish zlotys made available under the agreement will pay for completion of actual construction. Dollars will provide for purchase and installation of U.S. equipment. Total U.S. contribution by AID and its predecessors stands at $10.4 million to which the Polish Government has added about $1 million in land and services while the sponsor, ARHP, has furnished about $1 million in services, equipment, and public donations. The hospital will be part of a larger medical center complex of 2,000 beds and several clinics planned for completion by 1970 by the Medical Academy of the University of Krakow. The university, long an intellectual center in Poland, celebrates its 600th anniversary this year.

THE UNIVERSITY OF KRAKOW

On May 12 of this year, the Jagiellonian University of Kraków observes its 600th anniversary of existence. It is one of the oldest institutions of higher learning in Europe, having been founded by King Kazimierz the Great in 1364, later richly endowed by Queen Jadwiga, and enlarged by her husband, King Wladyslaw Jagiello in the 1400's.

Among its illustrious alumni we find the father of modern astronomy, the man who stopped the sun and set the earth in motion, Nicolas Copernicus, 1473–1543.

Among its eminent rectors stands Paulus Vladimiri, who at the Council of Constance, 1415, promulgated the first declaration of the right of man, which had been accepted after a prolonged struggle.

In 15th century, the Jagiellonian University gained fame as the center of mathematical studies. Seven of its mathematicians lectured at Bologna University. Numerous Polish astronomers and mathematicians held chairs at Universities of Austria and Germany.

In 16th century, Kraków geographers prepared the first globe in the world. This globe, made of gold, reposes now in the treasury of the Collegium Maius of Jagiellonian University. It is to be noted that this globe includes the map of Western Hemisphere—the first one made in Europe.

Also in 16th century, Prof. Jan Brozek became famous as the creator of the theory of numbers and as a lecturer on trigonometry.

The Jagiellonian University is the only institution of higher learning in Poland with uninterrupted history. It has been active during the partition of Poland and even during the German occupation in World War II.

During the occupation, approximately 800 students were enrolled at the university, which had been operating underground. There were 162 professors, lecturing in hiding, thus enabling 62 students to receive doctorates and 460 students to receive master's degrees.

It is estimated that from 1364 to this date, over 370,000 students graduated from Jagiellonian University.

Presently, the university faculty numbers 164 professors and 486 scientific and research workers.

The academy of medicine, now separated from the university, has 15 chairs, 66 independent research workers, and 496 assistants. It is of special interest to Americans for, due largely to the U.S. grants, a children's hospital and research center is being built in Kraków. It will be, upon completion, one of the most modern medical and research centers in Europe.

PERSECUTION OF THE CATHOLIC CHURCH IN POLAND

In Poland—a favorite example of Western optimists for the coexistence of communism and religion—the persecution of the church has increased.

A large number of orphanages and schools run by nuns were closed. The pilgrimages to Czestochowa in August 1963, were banned as an alleged precautionary measure against smallpox epidemic. A new decree of September 1963 abolished the exemption of clerics from military service, many seminaries were conscripted and their studies disrupted. Besides, wayside chapels and crosses were removed, parents who baptize their children are fired from government jobs, and exorbitant taxes are levied on churches. There are instances where church equipment such as portable organs and vestments are sold at auctions by tax collectors.

In an episcopal letter, dated August 28, 1963, the Polish bishops presented a long list of complaints about measures taken by the regime against the church: confiscation of property, including typewriters, watches, and clothing, complete liquidation of lower clerical seminaries, confiscation of parts of the buildings of higher seminaries, callup of clerical trainees, elimination of nuns from hospitals (in only a few hospitals nuns have been left to attend to the patients), liquidation of convents by seizure of buildings.

In his Christmas sermon, delivered in Warsaw, Cardinal Wyszynski denounced restrictions of freedom of worship in Poland as "reactionary, barbarian and obsolete."

VICTORY AT MONTE CASSINO

From the dawn of history, Cassino stood as the southern gateway to Rome. On the adjacent mountain known as Monte Cassino, many temples and altars were built to unknown worshipers in dim past.

St. Benedict arrived there in the years of 525 to 529 and found a complete pagan acropolis, which he rebuilt, in a Christian pattern, into the Abbey of Monte Cassino.

Here, the Poles have tried to grasp the always elusive to them freedom—when the Polish legions under Gen. Henryk Dabrowski was guarding this territory for the Armies of Napoleon; then again in 1918; when Polish Army of the west was being organized from Polish-Austrian prisoners of war; and in May 1944, when the 2d Corps of the Polish Army-in-exile wrestled the mountain from the Germans.

There were four battles of Monte Cassino in 1944 and they belong to epic struggles of World War II. The chain of hills towering above the city of Cassino blocked the northward offensive of the Allied armies, and was transformed by the Germans into a seemingly impregnable fortress.

In the three previous battles, soldiers from seven nations, including the U.S. 2d Corps, tried unsuccessfully to blast the Germans from their mountain stronghold. These battles raged from January until the end of April 1944.

Then, on May 11, 1944, at 11 p.m., the Appenine Peninsula began to tremble from a renewed violence; 2,000 heavy artillery guns opened fire on Monte Cassino.

At 1 a.m., on May 12, main elements of the Polish 2d Army Corps, the 3d and the 5th Divisions under the command of Lt. Gen. Wladyslaw Anders, began to attack German positions, capturing under whithering enemy fire and in hand-to-hand combat Points 593 and 569, and finally the Phantom Ridge.

The battle lasted a whole week. The Poles advanced yard by yard, bled, died, and fought, sustained by the indomitable will to win.

During the night of May 17 and 18, the Germans recoursed to flight. With the dawn of May 18, Polish white and red flag was unfurled above the smoke-filled and blood-stained battlefield.

Peace returned to ruins of Monte Cassino.

The Poles paid a heavy price for this victory: 860 officers and men killed in action, 2,822 wounded.

One year later, in March 1945, a committee was formed for the purpose of rebuilding the Monte Cassino Abbey. It made very little progress, however.

Then on October 10, 1945, Polish Embassy at the Vatican notified the Papal Secretary of State, that the soldiers of the Polish 2d Corps are willing and ready to rebuild the abbey. The Pope accepted this offer with deep gratitude. British Command assigned 200 German prisoners of war, who worked a whole year on the project under Polish officers and men.

Thus the Poles not only conquered the enemy on Monte Cassino, but were the first to start working on the restoration of its former glory.

The gallantry and heroism of the Poles were beyond praise.

On the memorial in their war cemetery at the slopes of Point 593, these poignant words are written:

> "We Polish Soldiers,
> For your freedom and ours,
> Have given our souls to God,
> Our bodies to the soil of Italy,
> And our hearts to Poland."

As Fred Majdalany points out in his book, "The Battle of Cassino": "By the selfless immolation the Poles turned that grim mountainside into a memorial to soldiers everywhere."

MAY 3D, THE POLISH NATIONAL HOLIDAY

On May 3d, Poles everywhere and citizens of Polish origin in many countries celebrate a Polish national holiday—the Polish May 3d Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the pioneers of liberalism in Europe.

It was on May 3d in 1791, barely 2 years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May 3d Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

We Americans who have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national sovereignty.

The light of liberalism coming from Poland was then, as it has been throughout the years that followed and even unto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of nazism and communism again felt the danger of true liberalisms coming from Poland just as in 1791.

In the Polish 3d of May Constitution this liberalism was formulated in these words: "All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philosophy of government discernible throughout the 3d of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Mediations on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

TWENTIETH ANNIVERSARY OF THE POLISH AMERICAN CONGRESS

"We, the representatives of the united Americans of Polish descent, assembled in convention at Buffalo, N.Y., mindful of our civic duties, solemnly pledge our unqualified service, love, and affection to our country, the United States, and our active participation in its life. Desiring to give true expression to our sentiments and aims, we call into existence the Polish American Congress."

With this declaration a representative body of over 7 million Americans of Polish origin had been founded at organizing convention, held on 28, 29, and 30 May 1944, with the participation of over 2,000 delegates from Polish-American church organizations, fraternal orders, professional, educational, civic, and business groups.

Under wise and skillful leadership of its first president, Mr. Charles Rozmarek, reelected to this high and responsible position at the four succeeding national conventions the Polish American Congress was the first American organization to speak out against Russian aggrandizement and warn of the folly of any attempt to appease Russia on the grounds of wartime expediency. Since 1944, its leaders have carried this warning to the public, to this country's leaders and to the governments represented at the United Nations. Events of history, which now reveal the true menace of communism to civilization, have proved the validity of these warnings.

The Polish American Congress has made strong protests against the Yalta Agreement, which sacrificed Poland to Soviet domination, and against the rigged elections which were staged in Poland to form the present government. It has emphasized the importance of restoring a free, independent, and integral Poland as the cornerstone of European stability and as the true foundation of world peace and American security.

Numerous and comprehensive memorandums, statements, resolutions, letters, wires, and booklets have been directed to Presidents Roosevelt, Truman, Eisenhower, and Kennedy; Secretaries of State Hull, Stettinius, Byrnes, Marshall, Acheson, Dulles, and Rusk, Members of the U.S. Congress; delegates to the United Nations; the press; the clergy educators, and the public. In all, the Polish American Congress has called for adherence to the Atlantic Charter and respect for "the right of all peoples to choose the form of government under which they will live."

Headed by Charles Rozmarek, president, delegations have met Presidents Roosevelt, Truman, Eisenhower, and Kennedy to plead the case of a free and democratic Poland and oppose the terms of the Yalta agreement; presented the cause for an independent and integral Poland to the United Nations Conference in San Francisco; attended the Paris conference, and made a tour of Polish displaced persons camps in Western Europe.

A delegation of the Polish American Congress led by Mr. Rozmarek, presented the viewpoint of Americans of Polish origin to numerous leaders and diplomats of democratic countries in personal conferences in Europe.

Mr. Rozmarek, speaking in behalf of the Polish American Congress, has testified before congressional committees considering legislation to admit displaced persons into this country. The Polish American Congress has established a committee on displaced persons.

It has established commissions of American affairs, culture and education, civic affairs, economics and management, and information and publications to improve the welfare of Americans of Polish descent through support of their schools, parishes, press and vocational activities.

The congress has through several of its State districts offered scholarships to young Americans of Polish origin to encourage study in fields such as social work, arts, and journalism.

It has supported the distinguished Polish Institute of Art-Sciences in America, Inc.

It has published a Polish-English newspaper, the Delegates Newsletter, and a digest-size magazine, the Bulletin containing informative articles on American foreign policy, the Polish situation and related subjects.

Cooperating with the national headquarters at 1520 West Division Street, Chicago, Ill., are 33 State divisions in 26 States. Membership in the congress includes more than 20 fraternal organizations and their local lodges, parishes, several Polish language newspapers, outstanding members of the arts, sciences and professions, and business, industrial and civic leaders—also thousands of local church, civic, charitable, cultural, business, ideological, political, professional and other associations, clubs and societies, in cities and towns from coast to coast.

THE WARSAW UPRISING

The story of heroic Warsaw uprising and inhuman Soviet treachery goes back to July 1944.

The invasion of the European Continent by the Western Powers was progressing rapidly. In the east, the Soviet Army already occupied large Polish territories won from retreating Germans.

Moscow radio, through its "Kosciuszko" station began to broadcast appeals to the Poles:

"Warsaw * * * the hour of action has struck. Your houses, parks, bridges, railroad stations, factories, buildings, stores, have to be transformed into centers of resistance. The Germans will attempt to make a stand in Warsaw—to destroy the whole city. In Bialystok they were busy for 6 weeks destroying everything and murdering thousands of people * * *. Let us do everything in our power to prevent them from committing same crimes in your city. People of Warsaw, to arms."

These calls were repeated day in and day out, and finally, on July 29, when the Russian offensive ground to a halt on the right bank of the Vistula, in the Warsaw suburb of Praga, Moscow radio sent out a more "urgent appeal to Warsaw," urging the Poles to "fight against the Germans," for "the hour of action has arrived." Warsaw never surrendered, never ceased to struggle. And now everything will be lost in Hitlerite deluge unless you save it through action—Poles, the time for freedom approaches. Poles—take to arms, there is no second to be lost.

The Polish underground authorities adhered to the instructions given by Polish Government in London, where the Western Powers insisted that the Poles must actively cooperate with Russia. Accordingly, the Polish Government-in-exile issued such orders.

Then, on July 31, 1944, delegate of the Polish Government in London, and Vice Premier of the Polish underground branch of this government, Jankowski, after having heard opinions of the commander in chief of the home army, Gen. Bor-Komorowski and his chief of staff, General Monter, issued orders to the home army, to start revolt against the Germans the next day, August 1, 1944, at 5 p.m.

Three days later, on August 4, all activities on German-Russian front ceased, although the Soviet forces already consolidated their positions in Praga. Even their heavy guns were silenced.

Instead of promised and anticipated roar of Soviet artillery, which would herald new phase of Russian offensive, all was quiet on the eastern front of Warsaw.

There was only one explanation: Warsaw had been betrayed by the Russians.

On August 17, Premier Churchill and President Roosevelt appealed directly to Stalin to help Warsaw. Stalin did not reply.

Anglo-American staff drew up a plan in London for bombing German positions in Warsaw by means of shuttle operations. British and American aircraft were to bomb German strongholds in Warsaw, then fly for refueling to nearby Luck, already occupied and secured by the Soviet Army.

Stalin not only rejected this plan, but at the same time accused the Poles, fighting and dying in Warsaw, of "betrayal" and "collaboration" with the Germans.

The Poles fought on against all odds, against all hope.

They forced the Germans to send three armored divisions, badly needed on the Western front, to Warsaw. These, with incessant bombings by German planes, finally crushed the uprising.

After 63 days of fighting, Warsaw capitulated.

Over 250,000 Polish men, women and children died in this struggle, in which even juvenile Scout troops rose to the heights of heroism and sacrifice. The Germans, with a teutonic fury destroyed, burned, pillaged the remnants of the city. Warsaw did not die, however.

The indomitable Polish spirit rebuilt the city from desolation and ruins.

Warsaw, rising like Phoenix from the ashes, remembers Nazi brutality and Soviet treachery.

And it longs for the day on which a truly free and independent Poland returns to the Western family of nations.

CIVIL RIGHTS—AMENDMENTS

Mr. ALLOTT submitted an amendment (No. 568), intended to be proposed by him, to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts

of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. SMATHERS submitted an amendment (No. 569), intended to be proposed by him, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. STENNIS submitted an amendment (No. 570), intended to be proposed by him to House bill 7152, supra, which was read, ordered to lie on the table, and to be printed.

Mr. SALTONSTALL submitted an amendment (No. 571), intended to be proposed by him, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. SALTONSTALL (for himself and Mr. SCOTT) submitted an amendment (No. 572), intended to be proposed by them, jointly, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS TO INTERIOR APPROPRIATIONS BILL (AMENDMENT NOS. 566 AND 567)

Mr. PROXMIRE. Mr. President, I submit two amendments to the Department of the Interior and related agencies appropriation bill. The first of these amendments would reduce the amounts appropriated by the bill as reported from the Senate Appropriations Committee to the House figure or the budget figure, whichever is lower. This amendment would save the taxpayer over $22 million. The second amendment—one which I intend to discuss briefly today—would eliminate all items not provided for in the President's budget. Such items presently add up to almost $14 million.

This year of the tax cut, more than any other time in recent memory, the Congress should stay within the budget. The President's budget request is the end product of an exhaustive examination of budget priorities by experts with no special-interest ax to grind. The Budget Bureau gives every agency full consideration but must keep overall spending within the Nation's capacity to pay. It must say no to the strongest kind of political pressure. This year especially the Senate has a responsibility to stay within the Presidential guidelines forged by this rigorous budget process unless there is overwhelming evidence that the public interest would suffer.

The Congress and the American people enjoyed the happy luxury of the biggest tax cut in history this year. The other side of the tax-cut coin must be economy if this Congress is to be responsible and avoid inflation.

I should like to make it clear that the Senate Appropriations Subcommittee has done a conscientious job on this bill. Although the committee has added many items which were not included in the President's budget, it has cut $7 million from the overall budget estimates. But every Senator knows that much of what the Senate has cut out will—if past history is any guide—be restored, appropriated and spent in supplemental appropriations later in the year.

Furthermore, a strong case can be made for cutting below the President's requests and aiming squarely at a balanced budget. This year no case can be made for exceeding the President's requests on such a variety of items as the Senate would if it approves the Appropriations Committee's recommendations in this bill.

House and Senate Appropriations Committees have included in the bill dozens of items which were not a part of the President's budget. These amounts are not essential this year. They simply reflect legislators' desires to secure more Federal funds for their States. Put another way this is the old "you-scratch-my-back-I'll-scratch-yours" pork barrel. The second amendment I am proposing today would eliminate such expenditures.

My amendment eliminates several projects which cost less than $50,000. I am sure that most projects are praiseworthy and would be suitable for consideration at such time as a balanced budget enables us to turn our attention to them. But not a single one was included in the President's request and the cumulative impact of the 82 items which my amendment would eliminate is considerable. They represent $13,712,000 of taxpayer money.

Mr. President, I will not at this time discuss my amendment in any great detail. This can more appropriately be done when the bill itself is considered. But I will give one example.

In the President's budget $3,593,000 was provided for the construction of sport fish facilities. The House added a number of unbudgeted projects and increased appropriations in this account by $2,481,700 over the budget estimate. The Senate Appropriations Committee has made even further increases. The bill as reported from the committee provides for $7,275,300 to be used in the construction of sport fish facilities. This represents an increase of 22 projects and more than 100 percent in the budget request. Part of my amendment would reduce these appropriated funds to the budget figure of $3,593,000.

I hope that those who so strongly attack budget deficits and increased Government spending will join me in my attempt to keep Federal spending within reasonable limits. Surely the least we can do is eliminate the excessive number of unbudgeted projects provided for in the Interior appropriations bill.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

CIVIL RIGHTS AMENDMENT

AMENDMENT NO. 568

Mr. ALLOTT. Mr. President, I have heard over and over again in the last few weeks the charge that title VII, the equal employment opportunity section, would impose a quota system on employers and labor unions. There are two variations of the argument. One is that because title IV specifically says that "desegregation" shall not mean assignment of students to public schools in order to overcome racial imbalance, and title VII contains no such disclaimer in relation to employment practices, then it follows that title VII is intended to require hiring to overcome racial imbalance in the work force. The other variation is that an employer will hire members of minority groups, regardless of their qualifications, to avoid having any problems with the Equal Employment Opportunity Commission. The result, either way, so the argument goes, is that a quota system will be imposed, with employers hiring and unions accepting members, on the basis of the percentage of population represented by each specific minority group.

I do not agree with the argument. The junior Senator from Florida [Mr. SMATHERS] and I discussed this for the RECORD one evening here on the Senate floor, and I believe I made it clear at that time that I do not believe title VII would result in imposition of a quota system. Further, I believe that a quota system of hiring would be a terrible mistake, not only from the viewpoint of the employer, but from the viewpoint of the employee—from the viewpoint of the minority as well as the majority. Basically, I believe that the color of a man's skin, or the faith to which he adheres, should be completely extraneous considerations when an employer hires or a labor union admits to membership—just as it should be extraneous in granting the right to vote or in assigning him to a school.

But the argument has been made, and I know that employers are also concerned with the argument. I have, therefore, prepared an amendment which I believe makes it clear that no quota system will be imposed if title VII becomes law. Very briefly, it provides that no finding of unlawful employment practice may be made solely on the basis of racial imbalance.

Mr. President, I ask that the amendment be received, printed, and ordered to lie on the table. I also ask unanimous consent that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 568) is as follows:

On page 42, between lines 16 and 17 insert the following:

"(f) The court shall not find, in any civil action brought under this title, that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint solely on the basis of evidence that an imbalance exists with respect to the total number of percentage of persons of any race, color, religion, sex, or national orgin employed by any employer, referred or classified for employment by any employment agency, admitted to membership, or classified, by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, without supporting evidence of another nature that the respondent has engaged in or is engaging in such practice."

On page 42, line 17, strike out "(f)" and insert in lieu thereof "(g)".

On page 43, line 3, strike out "(g)" and insert in lieu thereof "(h)".

On page 43, line 8, strike out "(h)" and insert in lieu thereof "(i)".

Mr. ALLOTT subsequently said: Mr. President, I wish to modify my unanimous-consent request to ask that my amendment is presented and considered to be read, in order to make it eligible for consideration in the event a cloture motion is presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION ACT OF 1964—ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, on Saturday, May 2, 1964, on behalf of myself and the senior Senator from New Hampshire [Mr. COTTON], I introduced a bill (S. 2796), which was referred to the Committee on Commerce. I made some remarks with regard to the purpose of the bill; mainly, that it is to improve the national transportation system by allowing the Interstate Commerce Commission greater authority to handle and deal with illegal transportation, which is known in the transportation field as the "gray" areas.

Inadvertently, and solely because the Senator from New Hampshire [Mr. COTTON] and I were in a hurry to introduce the bill as members of the committee, he being the ranking Republican member and I being chairman, after the House had rejected a general transportation bill which included this section, the name of the Senator from Florida [Mr. SMATHERS] was omitted as a cosponsor.

I hereby express my regrets to him. He had long been interested and active in the "gray" areas of the transportation field, in order that there may be in this country an adequate transportation system.

I ask unanimous consent that the name of the Senator from Florida [Mr. SMATHERS] be associated with the bill, and added to the bill, if possible, because, surely we want the benefit of his advice. He was, for a long time, chairman of the Subcommittee on Surface Transportation. He is an expert in this field and knows of the great need for this part of the bill.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SMATHERS. First, I thank the able Senator from Washington for his customary generosity with reference to me. The Senator is correct when he states that the Subcommittee on Surface Transportation passed out of that subcommittee a bill, several years ago, after it could get no agreement over a bill except in the field of what is called the gray area.

I am pleased to be a sponsor with the Senator from New Hampshire and the Senator from Washington.

The PRESIDING OFFICER. Without objection, the name of the Senator from Florida will be added as a cosponsor.

Mr. COTTON subsequently said: Mr. President, I had prepared, but did not have the opportunity, to make a statement Saturday when the distinguished Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce, introduced, for himself and on behalf of me and the Senator from Florida [Mr. SMATHERS], the transportation bill. I wish to make that statement now, and I ask unanimous consent that it appear in the RECORD following the remarks of the distinguished Senator from Washington and the distinguished Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. The current posture of the major transportation legislation in this Congress reminds me of the old nursery rhyme:

> The King of France went up the hill
> With 20,000 men;
> The King of France came down the hill,
> And ne'er went up again.

The drastic overhaul of our transportation law, proposed by President Kennedy in 1962, has marched up and down the hill, its maneuvers culminating in an 8 to 7 defeat for H.R. 9903 in the House Rules Committee earlier this week.

It is clear now that major changes in the law are out of the question for this session, and I say this without any criticism of those who have labored hard and long to produce an acceptable bill.

Nevertheless, I believe this Congress can still pass some constructive and useful transportation legislation. To that end I joined the distinguished chairman of the Senate Commerce Committee [Mr. MAGNUSON] in introducing a new bill, S. 2796, containing the transportation revisions which have gone virtually unopposed during the lengthy process of consideration over the past 2 years.

The controversies and disagreements over transportation legislation which led to last week's tabling of H.R. 9903 by the House Rules Committee did not extend to the provisions of our bill. These proposals were approved by the Senate in 1962 without much opposition. They have been approved by the House Committee on Interstate and Foreign Commerce.

These proposals, which individually make relatively minor changes in the Interstate Commerce Act, will collectively constitute a positive and effective step in strengthening our Nation's transportation system.

In his statement Saturday, Senator MAGNUSON outlined the contents of the bill S. 2796. Fundamentally the bill is designed to curb illegal motor carrier operations, require motor carriers and freight forwarders to pay reparations, and generally to strengthen and improve the national transportation system.

I hope the bill will be enacted without delay.

COSPONSORSHIP OF S. 2782, APPALACHIAN REGIONAL DEVELOPMENT BILL—EXTENSION OF TIME FOR BILL TO LIE ON THE DESK

Mr. RANDOLPH. Mr. President, S. 2782 is the so-called administration proposal which embraces the Applachian regional development bill. I had asked that this measure remain at the desk until the close of business today, May 4, for additional sponsors. It is my understanding that I have been joined as of this time by 24 cosponsors, a total of 25 Senators joining in the sponsorship of this important measure.

I now ask unanimous consent that the measure, S. 2782, remain at the desk for possible additional signatures until the close of business on Wednesday, May 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIMPLIFICATION OF ADMEASUREMENT OF SMALL VESSELS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 30, 1964, the names of Mr. HOLLAND, Mr. PELL, and Mr. SMATHERS were added as cosponsors of the bill (S. 2793) to simplify the admeasurement of small vessels, introduced by Mr. MAGNUSON (by request) on April 30, 1964.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1005. An act to amend paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations; and

S. 1193. An act to amend section 309(e) of the Communications Act of 1934, as amended, to require the petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 19) to designate "Bourbon whiskey" as a distinctive product of the United States.

WHY THE U.S. ATTEMPT TO EMBARGO CASTRO IS FAILING

Mr. ALLOTT. Mr. President, I have discussed, with two or three other Members of the Senate, what has happened in Cuba. I submit for the RECORD, and ask unanimous consent to have made a part of my remarks, an article from Forbes of April 15, 1964, entitled "Dollars Talk Louder Than Diplomats," with relation to what has happened to our so-called embargo policy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOLLARS TALK LOUDER THAN DIPLOMATS

The average American just can't figure it. Britain is selling buses to Castro and France is dickering to sell him trucks. Spain already has sold him 150 trucks and now is working out a deal to sell him 100 fishing boats and 2 freighters. What goes on? Didn't the United States fight side by side with Britain and Frances in two World Wars and aren't they now, presumably, allies of the United States in NATO? Isn't Spain, presumably, an anti-Communist country? Then why should they frustrate the U.S. attempt to isolate Castro economically by embargoing all shipments to him, except those of food and medical supplies?

For the answer, the baffled American should skip the editorial columns of his newspaper and look at the business and financial section instead. He'll probably find it tucked away in a corner, in 6-point type, under the heading "Commodity Prices."

What has wrecked the U.S. attempt to embargo Castro is not so much the perversity of America's allies. It's the law of supply and demand. When Castro came to power in Cuba, the world price of sugar was 3.27 cents a pound. It's now about 7 cents a pound. In recent months, it has been as high as 12.16 cents. Castro has money. And Castro's money not only talks for him; it has proved a good deal more persuasive than Secretary of State Dean Rusk.

AT FIRST SUCCESS

The story of how the law of supply and demand wrecked the best laid plans of the State Department to bring Castro to his knees goes back to July 6, 1960. On that day, President Eisenhower ordered an end to U.S. purchases of Cuban sugar. This was a heavy blow to El Maximo, as the Cubans then called Castro. The United States had been purchasing about 3 million tons[1] of Cuban sugar a year, more than half of the country's crop, and paying the U.S. price for it.

The U.S. price, artificially pegged to support domestic beet-sugar producers, was more than 2 cents a pound above the world price. For example, in 1959, when the world price averaged 2.97 cents a pound, the U.S. price averaged 5.74 cents. Sugar sales to the United States produced $355 million net in good green 1959 dollars for Cuba.

The Soviet Union came to Castro's rescue by agreeing to buy his surplus sugar at 4 cents a pound. This was not only less than Castro had been receiving from the United States; even more important, the Russians didn't pay in cash but in barter of other products. The U.S. ban on the purchase of Cuban sugar thus cut by almost 75 percent the annual inflow of what the Cubans call divisa; that is, foreign exchange.

Castro then couldn't buy British buses and French trucks and Spanish fishing boats because he couldn't begin to pay for them. Our allies could easily honor the U.S. embargo; they had nothing to lose.

To make matters worse, sugar production also declined. Experienced managers fled the country, leaving students to run plantations and mills. Following Communist dogma, Castro also attempted to diversify Cuban agriculture and to industrialize. Sugar land was planted in other crops; money was spent for machinery rather than fertilizer. Cuba's sugar crop, about 6.8 million tons in 1961, fell to 3.8 million tons last year.

STUPIDITY SPELLS MONEY

Castro was saved by his own ineptitude—and by sheer luck. As Cuba's sugar production dropped, heavy rains quite literally watered down the sugar content of the beet sugar crop in Europe. World sugar production fell below the demand of 55 million tons a year. In 1962, the deficit was 3.4 million tons; in 1963, 3.7 million.

The law of supply and demand went into operation. From a January 1962 low of 2.3 cents a pound, the price of sugar soared to 10 cents and 11 cents a pound and even higher.

By conservative U.S. Government estimates, Castro realized some $225 million in cash from sales mostly to Western Europe, the Arab nations and Japan last year. By Castro's own reports, he has reaped $270 million. Castro is not only prosperous enough to buy from Western Europe, but he has also offered to discuss compensating the British-based Shell Oil Co. for a refinery he confiscated from it. That would further frustrate U.S. foreign policy, for in that case Shell might resume selling oil to Castro. If the United States attempted to blockade Cuba, it would have to halt British as well as Russian tankers.

How long Castro will ride high is a matter of some debate. Sugar futures have fallen. On the New York Coffee & Sugar Exchange last month, sample contracts were off to 7.9 cents a pound from a high of 12 cents, to 5.9 cents from 7.1 cents, to 7.8 cents from 13 cents and to 7.4 cents from 8.3 cents. F. O. Licht, sugar economists, have forecast a deficit of only 1.4 million tons this year. And Daniel L. Dyer, of B. W. Dyer & Co., New York sugar brokers, says supply and demand could come into balance late this year.

The United States is also expanding its own sugar output. So are the Philippines, Mexico, Australia, South Africa and other nations. But the experts are predicting that world sugar prices will range upward of $110 a ton (5 cents a pound) in future years. If much beneath the $187 a ton which sugar commanded in 1963, that $110 is about what the United States used to pay.

FEARLESS FORECAST

Recently, Dr. Carlos Rodriguez, head of the Cuban Institute of Agrarian Reform, predicted that Cuba would produce 10 million tons by 1970.[2] Skeptical sugar brokers say that this reminds them of Communist China's claims for its "great leap forward," which proved a disaster. But if Castro can raise output enough to sell the non-Communist world just 1.8 million tons, as Cuba nearly did in 1959, he stands to reap from sugar a minimum of $200 million in cash from now on.

We may expect to hear from our allies, ever more clearly, "It's not that we don't sympathize, you understand. But money is money."

THE GREAT A–11 DECEPTION

Mr. ALLOTT. Mr. President, I submit, and ask to have made a part of my remarks in the Record, an article from the Saturday Evening Post of May 2, 1964, entitled "The Great A–11 Deception."

There being no objection, the article was ordered to be printed in the Record, as follows:

The Great A–11 Deception

(By James Atwater)

In the unemotional, droning tones that he uses for public announcements, President Lyndon B. Johnson recently disclosed that the United States had secretly built one of the most fabulous aircraft ever designed. The new A–11, said the President, could fly for long periods at the incredible speed of more than 2,000 miles an hour, spanning the distance from New York to Chicago in less than 30 minutes. It could cruise at altitudes higher than 70,000 feet—probably high enough and fast enough to be safe from Soviet antiaircraft missiles. Several models of this "advanced experimental jet," the President told his February 29 press conference, were now undergoing tests "to determine their capabilities as long-range interceptors."

President Johnson didn't quite say it, but most Americans would not be blamed for taking his words to mean that the United States has built the hottest jet fighter in history; a plane capable of knocking any enemy bomber out of the sky. And 5 days later Secretary of Defense Robert McNamara went him one better by announcing that "the A–11 is an interceptor aircraft; it is being developed as such." The Department of Defense released a photograph of the aircraft that identified it as an interceptor.

In actual fact, the A–11 is not an interceptor. Furthermore, it was never designed to be an interceptor. And though future modifications might give it some value as a special-mission bomber, there is no certainty that they will prove successful. If the United States today is vulnerable to Soviet attack, the A–11 does not make it any less so.

The mystery of the A–11 actually is part of a larger controversy which has long divided top U.S. officials—the controversy over the future of manned aircraft. The Air Force, unwilling to rely entirely on missiles, has fought hard for the continued production of manned bombers and fighter planes. Secretary McNamara, determined to hold down defense costs and considering such new planes a waste of money, has resisted the airmen's demands. And in a campaign year, the state of the Nation's defenses provides a rich field for partisan charges and countercharges. Just as the Democrats in 1960 raised charges of a "missile gap" that later proved nonexistent, Republicans soon began calling the announcement of the A–11 misleading. One Republican on the House Armed Services Committee, Frank Becker, frankly called it phony.

Once the announcement had been made, however, the administration became unusually secretive about the wondrous A–11. Defense and Air Force information officers turned down all requests from reporters who wanted to learn more about the plane. McNamara, who often in the past has answered sensitive questions if they are put in writing, was approached by the Saturday Evening Post with some new questions:

"Is the A–11 now a fully developed interceptor?"

"If not, how vigorously will the A–11 be developed as an interceptor?"

In response to these questions, the Defense Department refused to elaborate on what President Johnson had said about the plane in his press conference.

Yet, unlike the standard interceptor, which is designed as a vehicle for carrying a weapons system, the A–11 was designed for a wholly different purpose which President Johnson didn't mention at all: reconnaissance. It looks like a giant dart. The shaft is a fuselage 90 feet long. Far out toward the point, so far that it seems isolated from the rest of the aircraft, is the cockpit for the two-man crew. At the rear of the fuselage are two huge engines and, almost as an afterthought, a set of thin, sweptback wings that measure only 40 feet from tip to tip. At 80,000 feet, the dart called the A–11 can fly at 2,200 miles per hour—about mach 3.4, or more than three times the speed of sound. The airplane carries only enough fuel for 90 minutes of flight, but that is enough to cover 3,300 miles—say from New York to Lisbon, Portugal.

The A–11 was planned as long ago as 1958 when the U–2 was still serenely cruising Russia's skies at 70,000 feet, taking pictures of Soviet industry and military installations while frustrated Russian Mig pilots craned their necks and followed far below.

But the CIA knew it was only a matter of time before a Russian missile shot a U–2 out of the stratosphere. With the help of the Air Force, the CIA set about creating a superspy successor to the U-2. By 1960, when Francis Gary Powers was shot down, the development of the A-11 was well underway at the huge Lockheed Aircraft plant in Burbank, Calif. The CIA official in charge of the A-11 program was Richard M. Bissell, who was known within the Agency as commanding general of the RMBAF—the Richard M. Bissell Air Force. The first plane in the RMBAF was the U-2; the second was the A-11.

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[1] Sugar is measured in metric tons, 2,204.6 pounds to a ton.

[2] The U.S. Department of Agriculture is forecasting a 1964 crop of only 3.6 million tons, somewhat less than the 1963 crop.

To date, the A-11 has cost about $500 million, a bargain by the current rule of thumb that a new aircraft will cost at least $1 billion before the first production model is ordered. About 18 months ago the A-11 began flying from a secret location in the Far West. The dozen models that have been built so far are not yet fully operational, however, according to one man who worked closely with the aircraft, and the published report that flights have been made over Communist territory is false.

Indeed, the A-11 is still hampered by two technical problems: varying the flow of fuel for effective combustion at different altitudes, and controlling the flow of air into the engines.

When these bugs are eliminated, the A-11 will be a magnificent spy. While it carries no weapons—something of a handicap for an interceptor—the aircraft is loaded with the latest aerial cameras, side-view radar and sophisticated electronic equipment for collecting what the Air Force calls "elint" (electronic intelligence). The CIA and the Air Force are counting on its speed, altitude, and missile-jamming gear to escape the same rockets that brought down Powers.

Although the United States promised to stop flying over Russia after the U-2 incident, it made no such commitments for the Communist-bloc nations or Red China. And the A-11 is undoubtedly intended to supplement the work of the orbiting SAMOS satellites, which send back their pictures by television, and the little-known Air Force satellites, which reportedly take pictures and drop them into recovery areas in the Pacific. The great advantage of the A-11 over a satellite is that it can be dispatched quickly to take pictures of specific areas. If war did come, the A-11 would have the vital task of searching out targets that had escaped the early waves of missiles and bombers.

Because of its intended mission, the secret of the A-11 was extraordinarily well kept. Not even all the members of the Joint Chiefs of Staff knew about it. "I'm a complete blank on the A-11," admits Gen. George H. Decker, who retired in 1962 as the Army's Chief of Staff. "I have no recollection that the plane was ever discussed by the Joint Chiefs." Adm. David L. McDonald, the current Chief of Naval Operations, learned about the A-11 along with the rest of the Nation when President Jonhson revealed it.

But when, after announced the plane's existence, the President and McNamara ignored the A-11's origins and said it was an interceptor—or was becoming one—they dumped the new wonder plane into one of the most briskly boiling caldrons in the Pentagon.

Since he became boss of the Pentagon—and he bosses it more completely than any other Defense Secretary in history—McNamara has been clashing with the Air Force with growing frequency and sharpness. The basic issue that splits the two is the question of how much reliability should be placed on missiles as against manned aircraft. McNamara has been turning steadily toward missiles and away from airplanes. The Air Force, while endorsing the missiles, insists that there is still a role in modern warfare for an airplane carrying a man who can make decisions instantly as the shape of battle changes. To date, Secretary McNamara has steadfastly denied the Air Force request for a new bomber, the B-70. And, until 2 months ago, he had been equally adamant about a new fighter.

The controversy over development of a new interceptor dates back at least to 1961, when the administration stopped buying the F-106, still the most modern interceptor in the Air Defense Command. The plans for the F-106 were laid down in the early fifties, a couple of generations ago in the chronology of aircraft design. The peak operating altitude for the F-106 is about 50,000 feet, where its top speed—for short sprints—is slightly more than mach 2, or about 1,500-plus miles per hour. The last new design for an interceptor—the F-108—was killed in 1959 by the Eisenhower administration.

McNamara's main argument against developing a new interceptor is that the F-106, old as it is, can handle any foreseeable threat. Its radar reportedly can pick up an enemy airplane about 90 miles away, and any target the plane can spot on radar it can hit with a rocket. "Interception today is more a search than a chase problem," says a Defense official. "The argument that an interceptor has to go faster than its target is a holdover from days when you had to chase the target down and machinegun it."

The Air Force agrees with McNamara that the F-106 can do a good job against the present generation of Soviet bombers carrying hydrogen weapons that have to be hauled over the target and dropped. The fight between the Secretary and the service is basically over the future threat of more advanced Soviet bombers.

The Air Force is afraid that Russia will develop a mach 2.5 bomber, which would hopelessly outclass the F-106. Air Force officers cite the Soviet announcement that, like the United States, Britain, and France, it will build a mach 2.5 airliner. "It is no great feat to develop a bomber version from such a supersonic transport," says Lt. Gen. Herbert B. Thatcher, head of the Air Defense Command. "Traditionally the Soviets have used this approach."

In contrast, McNamara this year told the armed-services committees of the House and Senate that he considered it unlikely the Russians would deploy a new long-range bomber. Testifying on the military budget for fiscal 1965, the Defense Secretary said, "We believe that [the current interceptor force] is appropriate for defense against what we presently see as a declining Soviet manned bomber threat."

When his turn came to testify on Capitol Hill, Gen. Curtis LeMay, the Air Force's burly and blunt Chief of Staff, disagreed sharply with McNamara. LeMay said that the Russians are likely to continue to rely on a mix of bomber and missiles. What was more, LeMay said that the Russians were improving even their current bombers by equipping them with standoff missiles—missiles that can be launched from a bomber while it is standing offshore, hundreds of miles away from its target.

LeMay told Senator RICHARD RUSSELL, chairman of the Senate's Armed Services Committee, that the F-106 does not have the speed or range to counter this tactic. "We can't get out far enough to hit them, to shoot down the bombers before they have launched their missiles," he said. "We need a longer range, higher speed aircraft."

LeMay also wants any new interceptor—known in Pentagon shorthand as an IMI, or improved manned interceptor—to be versatile enough to fight the kind of limited or conventional war that might occur in the 1970's. The Air Force remembers all too clearly that the F-86 was the only American fighter that could stop the Migs in Korea; without the F-86, the United States would have lost air superiority, which undoubtedly would have changed the whole course of the war.

"People laugh at you today when you talk about fighter versus fighter," says one former high-ranking Air Force general. "They tell you how rockets can do everything. But you never can tell. They're using bows and arrows in Vietnam. If the Russians get a better fighter, they can take us out of the sky."

"The Joint Chiefs have said we must go ahead with the IMI," LeMay testified on the Hill. "I say we are going to have to have this aircraft. You might as well make up your mind now."

During his long hours before the committees, McNamara said that he would consider developing a new interceptor if the Russians did deploy a new bomber. But he added that he felt the United States already had aircraft on hand or on order that could be converted into adequate fighters. One plane that Defense is talking about converting someday is the Air Force's F-111, the fighter-bomber now being developed by General Dynamics. The F-111 is the Air Force's version of the controversial TFX, McNamara's attempt to build one airplane that could be used by both the Air Force and Navy.

The Navy's version of the TFX will indeed be an interceptor, with the primary mission of protecting the fleet. But the Air Force claims that the F-111 would not be able to sustain its top speed of about 1,500 miles per hour long enough to reach the bombers before they could release their standoff missiles. "We have studied this in detail but it is not the solution," LeMay told the Senators. "The IMI we propose is a much better airplane."

The IMI that the Air Force would like according to General Thatcher, would fly at mach 3—about the speed of the A-11. This similarity led the Air Force to make an important decision about 18 months ago. Having given up all hope of persuading McNamara to build an IMI, Air Force planners began to consider converting the A-11 into an interceptor.

The main trouble with this idea soon turned out to be the fact that the A-11 had been designed so successfully for its special mission. The man who created the A-11 was Lockheed's Clarence (Kelly) Johnson, a former pilot, a skilled mathematician and, by any standard, one of the finest aircraft designers in the world. Johnson also built the highflying U-2, which was extremely successful as a virtual glider but suffered from lack of speed. Working in a secluded hangar nicknamed the "Skonk Works," Johnson set out to give the A-11 the safety of speed as well as altitude. To drive the A-11, Pratt & Whitney modified one of its advanced engines which develops 30,000 pounds of thrust, twice the power of the U-2. Johnson hitched two of them to the rear of his dart. To save weight, Johnson made extensive use of titanium, a light metal that withstands the heat of supersonic flight better than aluminum.

The result was a lightweight, overpowered aircraft that can fly high, fast, and straight—and that's about all. At mach 3 the A-11 needs an estimated 150 to 200 miles just to turn around.

While an interceptor no longer has to twist and loop in dogfights, it does need some maneuverability, if only to fly alongside a strayed mach 2.5 airliner to identify it. Recently a topflight aeronautical engineer sat back and outlined some of the fundamental problems involved in converting the A-11 into an interceptor.

"To do any maneuvering at all," he said, "the A-11 needs a far bigger tail. At speeds like mach 3, your aircraft is very unstable anyway. If you try to maneuver with the present tail, there's a chance that your aircraft would tumble—literally go tail over nose—exceed its load limit and come apart in the air.

"What is more, the engine for the A–11 is designed purely for speed and altitude. It's not built strongly enough to take the pressure of heavy air at the low altitudes where you may have to fly for long periods"—enemy bombers will probably come in "on the deck" in future attacks. "It also eats up a lot of fuel at low mach speeds, and at subsonic speeds it stinks. An IMI will have to go out and loiter, wait for the bombers to come through. The A–11 can't loiter; it'll run out of fuel.

"Then you have to carry the missiles inside somewhere—warheads break down at high temperatures. So you put the missiles inside, which means you have to take out some fuel tanks, which means that maybe you have to add some external tanks. It's quite a job."

Nevertheless, the Air Force thought that the A–11 could be transformed into an acceptable interceptor. The cost would have been about $300 million, according to one estimate, and even then it would not have been the ideal IMI. But the Air Force decided that such a plane would be better than no IMI at all.

Hunting for influential allies in its battle to persuade McNamara to convert the A–11, the Air Force sought out Dr. Jerome Wiesner, President Kennedy's top scientific adviser. Wiesner bought the idea and appeared for the Air Force when it made its plea to Dr. Harold Brown, Defense's Director of Research and Engineering.

DOD turned down the proposal with the standard argument that a new interceptor was not needed. But McNamara did not throw out the idea altogether. The exact arrangement is still secret, but he apparently allowed the Air Force to conduct some limited experiments in an attempt to learn just what kind of interceptor the A–11 might become.

In effect, McNamara was hedging his bet. There was a small chance the experiments might show that the A–11 would make a fine interceptor, although that seems highly unlikely because of its specialized design. At worst, however, the experiments would develop data and techniques that would slash the cost of building a true IMI—if he ever decided to build one. The A–11, for example, is being tested with the fire-control system developed for the late F–108.

Since it has been ordered not to talk about the A–11 at all, the Air Force will not say whether or not it still wants a converted A–11 as its IMI. But all the evidence indicates that LeMay has backed away from the proposal.

"The A–11 has advanced the state of the art tremendously," says one former Air Force leader. "From this aircraft we've learned how to build a good interceptor. But the A–11 itself is not it."

In his proposed budget for fiscal 1965, McNamara included only $11 million for interceptor studies, a relatively tiny sum at the Pentagon. Testifying on the Hill, LeMay asked Congress for another $40 million to develop plans for an IMI. He made no mention of the A–11, which had not been announced at the time.

McNamara later said that LeMay was really asking for the money to speed up the A–11 as an interceptor, and LeMay has not publicly contradicted him. However, several senior members of both congressional armed services committees, who had been let in on the secret of the A–11 years ago, are convinced that LeMay was talking about developing an entirely new airplane.

In any event, the House agreed with LeMay and approved the $40 million. The Senate agreed with McNamara and took it out. By the time members of both armed services committees met to work out a compromise on the military-procurement bill, President Johnson had announced the A–11. The new aircraft and its relation, if any, to the IMI was not even discussed in conference. But Senator Russell felt strongly that the $40 million should come out, and the House conferees decided not to buck him.

So the Air Force is ending up with the very best reconnaissance aircraft in the world and $11 million for experiments to see if the A–11 might possibly be turned into an interceptor.

Whatever may have been the administration's reasons for revealing the existence of the A–11 and then labeling it an interceptor, three facts emerge clearly out of the clouds of confusion surrounding the aircraft:

1. The A–11 is not now an interceptor.
2. The A–11 cannot be converted into the IMI the Air Force would like to have.
3. Secretary McNamara still has not decided that the Nation needs an improved manned interceptor at all.

In fact, there is one small clue to indicate that he has already changed his mind about developing the A–11 as "an interceptor aircraft," as he announced earlier. In the caption on the official photograph of the aircraft, the word "interceptor" has been carefully marked out with black crayon.

Mr. ALLOTT. Mr. President, this matter has caused me a great deal of concern. I have spoken several times on the Senate floor about it. I still believe it is an outrageous imposition on our system when $500 million or more is spent on an airplane which may be an interceptor or may not be, but which very few—and only a few—of the people in the Government knew about, including even some of the highest ranking military people.

Mr. GOLDWATER subsequently said: Mr. President, I commend the Senator from Colorado for placing in the Record the article to which he referred. I am very much concerned about the deception practiced in the A–11 matter. If the information I have received is correct, it has now been redesignated the YF–112, and is supposed to be an experimental fighter. It is not a fighter airplane, and it was not so designed. It must travel 200 miles in order to turn around. It is not maneuverable. It is an observation plane. The description we have received is typical of the falsehoods about our defense posture that have come out of the Pentagon day after day after day.

I appreciate the helpfulness of the Senator from Colorado in placing the article in the Record.

RHODE ISLAND INDEPENDENCE DAY—ADDRESS BY SENATOR PASTORE

Mr. McNAMARA. Mr. President, I ask unanimous consent to have printed in the Record remarks made by the Senator from Rhode Island [Mr. Pastore] in connection with the anniversary observance of Rhode Island Independence Day.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Pastore, at Anniversary Observance of Rhode Island Independence Day, Monday, May 4, 1964, Before the Statue of Roger Williams, in the Capitol of the United States, at Washington, D.C.

It is most appropriate that on this May 4—Rhode Island Independence Day—we should gather before the statue of Roger Williams, founder of our colony—of the State we love.

And it is most fitting that the statue of Roger Williams should have this place of honor in the Capitol of our Republic.

It took courage for the little colony of Rhode Island on that May day of 1776—2 months ahead of the Declaration at Philadelphia—to take this first step of separation—first and final—from the mother country.

Rhode Island was small—one-tenth the population of Massachusetts, one-fourth the population of Connecticut. On that May day, three of her five colonial regiments were away from home in the first stages of the Revolution. She had little to protect her—and we know now that Lord Howe looked on Rhode Island as the focal point of his American operations. Not in Boston—but in Rhode Island—would he plant his principal force. He would withdraw from Boston and take over Rhode Island.

First of all, he could control the important Rhode Island ports. And he could keep a thumb on those people of Rhode Island who acted too independently for their own good.

They had burned the *Gaspee*—they had set up a liberty tree, they flouted the Stamp Act, and set dangerous standards of freedom that separated them even from the other colonies—particularly Massachusetts.

In addition, Lord Howe would nullify the charter of the Colony of Rhode Island and the Providence Plantations. He would keep these disturbers so busy that their militiamen could not leave home—and Lord Howe would pick off New York and Boston in his own good time. He would soon put these American rebels in their proper places—under the rule of England's King.

As for Rhode Island, he would have the King appoint the commander of the colony's militia, the people would be bound by the acts of Parliament, the Governor of Rhode Island would be appointive, and the King would have the veto power over all the legislation of the colony.

But even as Lord Howe was sailing for America with all these grand plans in mind, the people of Rhode Island had acted. They had discounted his threats and discharged the throne.

Roger Williams was dead almost a century the day our colony declared its independence—but that declaration was the living fulfillment of the love of liberty he had planted and perfected. No King or crown could cancel those freedoms.

When historians speak of Rhode Island as the cradle of liberty, they mean the experiment in government that Roger Williams made the human experience of his colony and the example of democracy where man stands forth as man—independent of inherited position—or the possession of property.

A century before Thomas Jefferson, Roger Williams had declared that the sovereign, original, and fundamental civil power lies in the people themselves. Religious liberty, as he maintained it, leads to political liberty. Massachusetts was not ready for that new and daring doctrine. Roger Williams sought refuge in Rhode Island and created there a government to make a free commonwealth possible.

Free majority rule was made the principle of democratic government, civil liberties and all basic human rights. The darkness of persecution of minorities because of race or religion was lifted by the light of liberty as Roger Williams brought it to Rhode Island. It made bright the path to the ideals of tolerance and opportunity for all. These are the marks and the merits of free government. These are the values we cherish today.

This is our free government of the majority where minorities may not be oppressed, where tolerance and opportunity are our common rights—not as something new and novel—but rights and responsibilities that have been engraved in our hearts these hundreds of years as our heritage from Roger Williams—our American heritage.

As we dedicate ourselves to the preservation and sharing of those rights—in that measure do we observe this Independence Day—in that measure, we deserve it.

DEDICATION OF HALLAM (NEBR.) NUCLEAR POWER FACILITY

Mr. CURTIS. Mr. President, preparations are underway for dedication of the Nation's most advanced commercial atomic powerplant. This is the Hallam Nuclear Power facility, located near Hallam, Nebr., approximately 20 miles south of Lincoln.

The Hallam facility is part of the Atomic Energy Commission's program to develop economic power from nuclear energy. Consumers Public Power District of Nebraska provided the plant site and the turbine generator, and is operating the plant.

Designed and built for the AEC by Atomics International, a division of North American Aviation, Inc., the Hallam facility uses a sodium cooled, graphite moderated reactor, the first of its kind to go on the production line in the United States.

Atomics International technicians have provided the following description of the Hallam plant's operating principle:

> Liquid sodium removes heat produced by fission or burning of the nuclear fuel in the core of the reactor. The heat is then used to generate steam. The reactor core consists of slightly enriched uranium-molybdenum fuel elements suspended between canned graphite moderator-reflector elements. Graphite moderates or slows down the neutrons to help sustain the nuclear fission process.
>
> Sodium has excellent heat transfer properties and its use results in a low-pressure, high-temperature reactor capable of producing the steam conditions required by today's turbine generators. The Nebraska reactor generates steam at 830° Fahrenheit—highest temperature steam of any commercial atomic plant in the Nation.

Several outstanding safety features are incorporated into the Hallam plant, features which stem from the inherent properties of sodium. Since the boiling point of sodium is high, the reactor is operated at essentially atmospheric pressure. A containment-type reactor building, therefore, is not required.

The Hallam reactor building is a massive structure, towering about eight stories high, and extends another eight stories underground. Some 362,000 pounds of graphite were used in constructing the reactor. The amount of concrete poured into the nuclear facility alone would pave 9 miles of highway; 10 miles of fuel tubing are contained in the reactor.

Seven-foot concrete blocks, each weighing 8 tons, are used as plugs for entryways to intermediate heat exchanger cells when the reactor is operating. The reactor itself is below ground. At the floor level, the 500,000-pound fuel-handling machine reaches 54 feet into the air. Its primary purpose is to exchange new and spent fuel elements in the reactor; and it is capable of handling two fuel elements, each weighing 1,500 pounds. When operating at full capacity, the reactor will house approximately 150 fuel elements.

The Hallam nuclear power facility was authorized by the Atomic Energy Commission as part of the first round of its power demonstration reactor program. Final design of the plant began in September 1958, and ground was broken for construction in April of 1959.

The Hallam reactor first achieved self-sustaining nuclear fission in January 1962; it first generated electricity on May 29, 1963; and it was operated at full power on July 16, 1963.

Atomics International was responsible for the design, fabrication, and installation of all reactor components and for testing and the startup of the Nebraska plan.

Consumers Public Power District was responsible for construction of the conventional plant, including the turbine-generator and auxiliaries, conventional services such as feedwater and steam systems auxiliary steam, instrument, and service air.

The Hallam facility is part of the Consumers Sheldon Station, which includes a coal-fired or gas-fired boiler and turbine-generator, as well as the nuclear reactor and steam generator equipment. The design allows the turbine to accept steam from either heat source; or, if desired, the two sources may be paralleled.

This plant represents a giant step forward in this atomic age. Technicians have estimated that the fission of 1 pound of uranium produces as much energy as 1,400 tons of coal, or 250,000 gallons of gasoline, or 40 million cubic feet of natural gas.

In this fast-paced world of ours, the Hallam plant may look rather primitive in years to come. But right now it is a "first" in its field; and nuclear scientists around the world are watching it.

CIVIL RIGHTS ACT OF 1963

Mr. PROXMIRE. Mr. President, the Milwaukee Journal has published a very fine and helpful editorial entitled "The Meaning Is Clear," for those of us engaged in debate on the civil rights bill; and I should like read it in full, because it is such an excellent editorial:

THE MEANING IS CLEAR

> One glibly parroted remark against the civil rights bill is that it does not even define "discrimination." Like so much else that passes for gospel among nonreaders of the bill, this is false and malicious gossip.
>
> Its only iota of truth is that the bill does not need in so many words to quote the dictionary. There is no occasion for the draftsmen to use the style of saying, "'Discrimination' as used herein means, etc."
>
> Specific forbidden acts are in fact defined a dozen times throughout the six operating sections of the bill. They are all discriminations of one kind or another, and the meaning of the language cannot possibly be mistaken by anybody.
>
> Title I spells out that no registration officer shall apply different standards to different individuals in ruling on eligibility to vote in Federal elections, nor shall he deny registration on any excuse of technical errors that have no bearing on qualifications. It is perfectly obvious that these acts are what is meant by "discrimination" in title I.
>
> Title II says that "all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities" and so on in specified places of public accommodation "without discrimination or segregation on the ground of race, color, religion or national origin." Is there any problem in knowing what that means?
>
> Title III sets up remedies for denial of access to public facilities like parks on account of race, etc.—a perfectly clear definition of a discriminatory act. Title IV does have a list of definitions in which "desegregation" means "the assignment of students to public schools and within such schools without regard to their race," etc. (but not "the assignment of students to public schools in order to overcome racial imbalance").
>
> Title VI leaves no question that racial exclusion from any program or activity receiving Federal financial assistance is discrimination. Title VII, finally, describes seven specific distinctions based on race that will be unlawful in employment, apprenticeship and union membership.
>
> No one with even elementary understanding can read the bill without knowing precisely what it means by "discrimination."

POLISH CONSTITUTION DAY

Mr. PROXMIRE. Mr. President, I believe it is most important to remember that yesterday, May 3, was Polish Constitution Day. This event is of utmost significance to American citizens who honor their ancestral home in Poland, and to many Polish refugees around the world who yearn for the day when Poland will be free of communism and they can return.

The May 3 Constitution was a remarkable document for its day. It provided significant reforms in Polish Government, including many democratic freedoms; and it might have provided Poland with a stable constitutional monarchy, which today would operate much like the Government of Great Britain.

But the May 3 Constitution has come to mean even more to Poles, as a symbolic recognition of their right to be free. It was written and promulgated by the outstanding Poles of the day. King Stanislas II played an important role in its adoption. While many of its ideas originated in the liberal philosophy of Britain, the United States, and France, it was uniquely adapted to Poland's needs. It promised to bring freedom where it had never existed, stability where there had been only chaos, and an independent Poland where there had been only foreign domination.

The strength of Polish love for the May 3 Constitution is evidenced by the fact that it lasted for 4 years against vicious onslaughts from two sides. It was finally overcome only through two forcible partitions within 3 years, which completely obliterated Poland as a self-governing nation.

Since 1791, the May 3 Constitution has become a focal point for the great respect of all Poles for their learned ancestors of that age and, perhaps even more, for their continuous and abiding desire to freely determine their nation's course.

Even today, every evidence indicates that Poland is unhappy with foreign rule. The same spirit which motivated the short-lived national renaissance of

1791 is glowing in Poland in 1964. The same despotism smothers Polish freedom, and the same resistance rises in Polish breasts. We, as Americans, understand the Polish predicament. Their movement of 1791 was much like ours of 1776. On Polish Constitution Day, we must send our words of hope and encouragement to all Poles. It is most significant in their struggle for national liberty.

Mr. DODD. Mr. President, I join the assistant majority leader and other Senators who have spoken so eloquently in calling attention to the 173d anniversary of the adoption of the Polish Constitution of 1791.

Yesterday, May 3, marked the 173d anniversary of the adoption of the Polish Constitution. This day is celebrated by the Polish communities in the United States and, for that matter, by free people throughout the world as Polish Constitution Day.

The Polish Constitution of May 1791 deserves to be ranked with the Magna Carta and with the American Constitution as one of the great historic documents of human freedom. In advance of any other European state, it underscored the cardinal importance of the individual and the rights of the people. Let me quote one brief passage from the Polish Constitution which will help to illustrate how closely the philosophy of those who drafted the Polish Constitution paralleled the philosophy that gave birth to our own country:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Today Poland is once again enslaved, and the freedoms guaranteed by the Constitution of 1791 are ignored. But I am as certain as I am of anything that the spirit that gave birth to the Polish Constitution will once again assert itself.

Every day brings new evidence that this spirit is still alive in Poland.

It has manifested itself in the stubborn resistance of the Polish people, which has given them a measure of freedom unknown in any other Communist country.

It has manifested itself in the vitality of religion in Poland and the strength of the churches there, despite all the efforts of the Communist state to undermine them.

It has manifested itself in the attitude of the Polish students and intellectuals, who have not hesitated to criticize the regime, and to demand freedom of thought and expression, despite the reprisals to which they make themselves subject.

It has manifested itself most recently in the manifesto delivered to Prime Minister Joseph Cyrankiewicz by the 34 leading Polish intellectuals. Let me quote two brief paragraphs from this courageous document, to demonstrate, far better than any remarks of mine, the fact that the spirit of freedom still lives in the hearts of the Polish people:

> Restrictions in allocation of paper for printing books and periodicals, as well as tightening of press censorship are creating a situation which is endangering the development of Polish national culture.
>
> The undersigned, recognizing that the existence of public opinion, the right to criticize, the freedom of discussion and access to reliable information are necessary factors to progress, and, being motivated by civic concern, demand that Polish cultural policy be changed to conform to the spirit of the rights guaranteed by the Polish Constitution and to the national good.

Mr. President, in commemorating Polish Constitution Day, let us pray that the day is not too far removed when the provisions of this Constitution will again prevail in a Poland freed from the despotic yoke of international communism.

Mr. President, I ask unanimous consent to insert into the Record a number of documents and articles relating to the recent protest of the Polish intellectuals and the persecution of religion in Poland.

There being no objection, the documents and articles were ordered to be printed in the Record, as follows:

Polish Intellectuals Protest

The genesis of the protest of the intellectuals was their genuine concern for the increasingly tense situation in Poland: rising unemployment, particularly among professionals and a gradual decline in the standard of living contrasted sharply with the fanfares of official propaganda eulogizing the achievements of people's Poland over the 20 years of its existence recall in this connection Rosenfeld's interview, Washington Post, March 23, with the deputy head of Poland's central planning agency, Kazimierz Secomski, who revealed that real wages have fallen over the last 2 years so that, in his words, raising the standard of living is now a priority concern of the regime. The intellectuals felt that unless censorship and other severe restrictions placed on free expression were not loosened and mounting pressure released, discontent could lead to serious trouble.

The intellectuals were aroused by the alleged shortage of paper which was being used by the regime as an excuse for limiting publication of books, periodicals, and daily newspapers, by a reduction of one-third in the translations from Western European languages, by refusal of passports to writers and artists to travel abroad, etc.

As a first step, the issue of increasing party control was raised sometime in early March in a meeting with Wincenty Krasko, chief of the department of culture of the central committee of the Communist Party.

His evasive response and the completely unproductive nature of the meeting, finally led to the decision to protest by letter to Cyrankiewicz. Since no general meetings were possible, and secrecy was an indispensable condition of success, the collection of so many signatures of the most prominent representatives of Polish culture was, in itself, a major feat. The letter was delivered to the prime minister's office by the senior Polish poet, Antoni Slonimski. The signatories were asked to respect the confidential nature of the communication and strictly adhered to this request until Friday, March 27, when Jan Józef Lipski, former member of the "crooked circle" club was arrested by the security police. Lipski himself did not sign the petition but merely helped to collect the signatures. He was released after 48 hours at the request of the public attorney who could not find any basis for criminal proceedings.

The temporary arrest of Jan Józef Lipski was not the only response which the Polish authorities made. The fact that the regime chose this method of responding to the protest and has not yet shown the courage to reply publicly, in any fashion, is suggestive of the state of affairs prevailing in the country. It also indicates that the regime had hoped to handle this affair quietly, probably because of fear of repercussions if it became public knowledge.

According to information just received from Poland, the signatories of the petition are under strong pressure from the regime to submit a declaration withdrawing their signatures. So far, none of them has yielded. Only Prof. Jan Szczepanski, of Lódz University and a noted sociologist, and Prof. Kazimierz Wyka have responded to this pressure by declaring that they would not have signed the letter if they had known it would receive publicity. Other signatories are being subjected to reprisals. Prof. Jan Kott and writer Artur Sandauer, have had their passports withdrawn. Jan Kott was expected in Paris where he was to have received a literary prize for his essay on Shakespeare. The Polish radio received instructions banning from their programs several people who signed the petition. A program by Antoni Slonimski, previously recorded, was withdrawn at the last moment. Similarly, programs by Professor Sierpinski and Melchior Wankowicz, also previously scheduled, were both canceled. An article by Jan Kott ready for print in the magazine Tworczosc was killed.

Furthermore, according to reliable information received earlier from many sources, the authorities, unable to punish the petitioners on the basis of existing laws, resorted to administrative reprisals beyond those previously noted. The publications of at least three of four writers were banned. Three university professors were forbidden to lecture. Biweekly contributions by Antoni Slonimski disappeared from the satirical weekly Szpilki and he was refused facilities in a governmental clinic to which he is entitled as a recipient of a state prize. Cat-Mackiewicz has been dismissed from the paper Slowo Powszechne. The Catholic weekly, Tygodnik Powszechny, whose editor, Jerzy Turowicz, signed the petition, had its print-run cut down from 40,000 to 30,000 copies.

While the regime has been inflicting these retaliatory measures upon the signers of the protest, there has been a discouraging silence on the part of the Western press. It appears not unlikely that the increasingly stringent reaction by the regime inside Poland has been and is being encouraged by this virtual absence of comment and evidence of moral support from sources outside the country.

Following is an incomplete list of the 34 signers who represent the cream of the Polish intellectual elite with brief description of their credentials:

Prof. Dr. Leopold Infeld, for many years a close associate of Einstein, former professor at the University of Toronto, nuclear physicist of international fame, laureate of the Polish State Prize in 1955. Prof. Tadeusz Kotarbinski, chairman of the Polish Academy of Sciences, leading philosopher of the country and member of the Soviet Academy of Science.

Zofia Kossak, Polish novelist whose book "Bez oreza" was selected in the United States of America by the Book-of-the-Month Club. Jan Parandowski, writer, chairman of the Polish Pen Club. Antoni Slonimski, outstanding poet, chairman of the Polish Union of Writers from 1956 to 1959. Prof. Waclaw Sierpinski, professor of the Warsaw University, mathematician of international fame, doctor honoris causa of many Western universities. Adam Wazyk, a poet who won fame in 1956 by his courageous poem "The End of Utopia." Maria Dabrowska, senior of Polish writers, recipient of the Polish State Library Prize and vice chairman of the Polish Pen Club. Prof. Aleksander Geysztor, professor and former prorector of the Warsaw University of Lyon, France, and historian. Jan Kott, professor of Warsaw University, recent recipient of the Swiss Herder's Prize for his essays on Shakespeare, translated into French, English, and German.

Full text of letter follows:

"To the Prime Minister, JÓZEF CYRANKIEICZ,

"*Warsaw:*

"Restrictions on the allocation of paper for the publication of books and periodicals and the tightening of press censorship create a situation which threaten the development of our national culture. In recognition of the existence of public opinion, the right to criticize, the right of free discussion and honest information, as the necessary elements of progress, the undersigned, motivated by civic concern, demand that Polish cultural policy be altered conforming to the rights guaranteed by the Constitution of the Polish state and conducive to national welfare."

British Intellectuals in Defense of Freedom of Expression in Poland

(The following letter to the editor of the London Times has appeared in the April 18 issue:)

SIR: It is with dismay that we learn of the recent action of the Polish Government—to which your special correspondent's article on April 14, "Poland's Cloud of Apathy," makes no more than a passing reference—in restricting the freedom of expression of a number of distinguished Polish intellectuals and men of letters.

In response to a letter signed by 34 leading intellectuals, delivered to Mr. Cyrankiewicz on March 19, protesting against the current press censorship, the Polish Government has banned a number of the signatories from appearances on radio and television and from any kind of publication in book or periodical form.

Among the 12 so far affected are several names well known in this country: Jerzy Andrzejewski, the author of "Ashes and Diamonds"; Prof. Jan Kott, the distinguished Shakespearian critic; Adam Wazyk, author of "Poem for Adults," which became famous in October 1956; one of Poland's leading poets, Antoni Slonimski.

It seems regrettable, at a time when the prospects of peaceful coexistence between East and West have appeared to be improving, that the Polish Government should have chosen to act in this manner. The events of October 1956 raised great hopes, in this country and elsewhere, of far-reaching liberalization in the cultural and intellectual field, and the high quality of recent Polish achievements in film, theater, and literature has attracted our admiration.

Is it too much to hope that the Polish Government may now see its way not only to lift the present ban but to grant the surely moderate demands of the Polish intellectuals for an increased measure of freedom of expression in the Poland of 1964?

Yours faithfully,

A. Alvarez, A. J. Ayer, Alan Bullock, David Cidzer, Peter Hall, Anthony Hartley, Dan Jacobson, Arthur Koestler, Donald G. MacRae, John Mander, Henry Moore, Malcolm Muggeridge, V. S. Pritchett, Bryan Robertson, Andrew Shonfield, Stephen Spender, Kenneth Tynan, John Wain, J. G. Weightman, Arnold Wesker, Angus Wilson.

Biographical Information on Six of the Leading Polish Intellectuals Who Signed the Letter of Protest to Premier Cyrankiewicz

JERZY ANDRZEJEWSKI

Born 1909 in Warsaw. One of the best Polish novelists. By 1961 8 of his books had been translated into 15 languages, including English, French, German, Swedish, Danish, and even Japanese. His novel "Ashes and Diamonds" (1947) was filmed in 1955 and the film became internationally known.

Andrzejewski's first published work appeared in 1932. He started to contribute to the rightwing weekly Prosto z Mostu. (In fact he was discovered by its editors but soon went over to the group of "Wiadomosci Literackie," a liberal weekly.) In 1938 received the Youth Writers' Prize of the Polish Academy of Literature.

During the war he lived in Warsaw, active in underground cultural work. He moved to Cracow in 1947, and was from 1948 in Szczecin, and from 1952 again in Warsaw. He joined the PUWP (Communists) either during the war or immediately thereafter. After the war, apart from "Ashes and Diamonds," and the political discourse, "The Party and the Writers' Creativity" (1952) he wrote several important novels: "Darkness Covers the Earth" (1957), "The Gates of Paradise" (1960) (a novel about the children's crusade), and the last one—rather a long short story than a novel—"He Goes Jumping Over the Mountains" (1963). It will be noticed that, except for the early postwar "Ashes and Diamonds," and the, by common consent, ambitious but misfired attempt "Effective War or Description of Battles and Skirmishes With Self-Confident People (vol. 1, 1953) no more were published. (Nothing really important appeared before "The Thaw.")

Already active before the war in literary (or intellectual) journalism, Andrzejewski also continued to be so after the war. He was also active in the Polish Writers' Association, becoming chairman of the local branch wherever he happened to live. Thus he was chairman of the Cracow branch (1946–47), the Szczecin branch (1949–52), the Warsaw branch (1956–60). He was also deputy chairman of the association some time during his stay in Szczecin.

In politics he was active in the Polish-Soviet Friendship Society, in the Polish-German Friendship Society, and in Defenders of Peace movement, all before 1956. He was also Sejm deputy (1952–56).

He was editor in chief of Przeglad Kulturalny (Cultural Review) 1952–54, member of editorial board of Nowa Kultura (New Culture) weekly, of the monthly Twrrczosc. He had been selected as editor in chief of the monthly Europa (1957), but the galley proofs of its first issue were confiscated, and the monthly was closed before it ever appeared. Enraged, Andrzejewski (with many other members of the editorial board) resigned from the party. He later contributed to the weekly Polityka, and his article on capital punishment enraged the regime Justice authorities, who remonstrated with Gomulka, Andrzejewski was sacked, and with him the weekly's editor in chief, M. F. Rakowski. The latter, a good and influential Communist, was shortly thereafter reappointed (1960).

Andrzejewski has traveled a lot. Before 1952 he was in the Soviet Union, in 1952 in East Germany, in 1953 in Czechslovakia, in 1956 in Italy, 1957 in Yugoslavia, 1959 in France (on a scholarship from the Ford Foundation), 1962 in Great Britain.

In 1949 he was decorated with the order of the Banner of Labor, and in 1953 with the Golden Cross of Merit.

MARIA DABROWSKA

The most prominent living Polish novelist, considered by some to be worthy of the Nobel Prize.

Born on October 6, 1889, in Russowo near Kalisz, her father was the impoverished landowner Jozef Szumski. Studied science at Lausanne and economics and sociology at the Universite Nouvelle in Brussels. Holds the degree of candidat e sciences naturelles. In 1911 married Marian Dabrowski, participant in the 1905–7 revolution, a journalist and politician. Abroad until 1914 (in Switzerland, Belgium, France, England, where she studied the cooperative movement). From 1914 in Poland, working with the radical wing of the peasant movement. Worked in various offices, and only from 1924 devoted her time entirely to literature.

She has not written much. Her greatest novel is "Noce i dnie" ("Nights and Days") four volumes (1932–34). After the war she published "Stanislaw i Bogu il" ("Stanislas and Bobumil") in 1948, and her next book was in 1955—"Gwiazda Zaranna" ("The Morning Star"). She was considered to belong to the "inner emigration."

During this emigration she published in her own translation an abridged, two-volume version of Pepys' "Diary" (two editions, 1952 and 1954).

Her books have often been reprinted. "Nights and Days" had 11 editions; "Children of the Motherland" (stories for youth), 6 editions; "Znaki Zycia" ("Signs of Life"), five editions; etc. It is estimated that 16 of her books were published between 1956 and 1959. Her works have been translated into Czech, Slovak, Croatian, Serbian, Russian (over 200,000 by 1961), French, German, Italian, Danish, Hungarian.

While not a supporter of the present regime, she gave her name to actions that, though ostensibly nonpolitical, were full of political meaning. Thus she was a member of the all-Polish electoral committee, delegate to World Peace Congress (1956). She also signed the appeal for Polish exiles to return that was broadcast by the radio station KRAJ (1955).

Much more evident were her activities in writers' organizations. She was a member of the board of the Polish Writers' Association (1954–61). She resigned reportedly as protest because Jerzy Kornacki was arrested. She was also deputy chairman of the Polish Pen Club (elected 1955, reelected 1958).

She has frequently traveled abroad. In 1953 she was in the Soviet Union; 1955 in East Germany; 1956 in Stockholm (World Peace Congress); also in 1956 she was in Great Britain; and in 1959 in West Germany, in both cases representing the Pen Club, and in 1960 was in France and Yugoslavia, where she was received by Tito.

In 1952 she celebrated the 40th anniversary of her literary activity, and 10 years later the 50th was celebrated by a commemorative session of the Polish Academy of Sciences in which also foreign scholars took part. In 1959 her 70th birthday was celebrated, and in 1962 a village club was opened in the village where she was born.

She contributed to many periodicals until 1963. But early that year the publication in installments of her book "Przygody myslacego czlowieka" ("Adventures of a Thinking Man") which had been going on in Przeglad Kulturalny since October 1961, was discontinued.

Dabrowska holds numerous awards and decorations. In 1946 she was awarded the Gold Cross of Merit; in 1952 the Officers' Cross of Polonia Restituta (fourth class); in 1954 Commander Cross of Polonia Restituta with Star (or second class); in 1955 the state prize, first grade; in 1957 she received an honorary doctor's degree from Warsaw University and in 1959, on the occasion of her 70th birthday, was decorated with the Banner of Labor, first class.

Along with those tokens of official recognition there was also a sign of official displeasure, albeit a mild one. Chief of CC department cited disapprovingly her opinion regarding publication of Marek Hlasko's book: "The problem of publication is beyond discussion: one cannot limit a prominent writer's freedom to write."

ADAM WAZYK

Born in Warsaw in 1905 and a prewar Communist. A poet who from 1924 has published several volumes of poetry, essays, and novels, and a prominent translator of poetry from Russian. During the last war he was in the Soviet Union, and from 1942 to 1945 in the Polish army.

He was one of the cofounders of the Karinca weekly, and from 1950 to 1954 editor in chief of the major literary monthly Tworczosc.

He changed overnight from a well-known party-line-toeing Communist writer to a celebrity with the publication on August 21, 1955, of "The Poem for Adults." This poem, considered by no less a man than Bertold Brecht to be one of the highest achievements in poetry in the Socialist countries in the last 10 years and translated by Brecht into German (it was also translated into Czech) sparked off the revolution in Poland.

In 1957 Wazyk became a member of the editorial board of the monthly Europa, liquidated before its first issue could appear. It is said that Wazyk's poems, though by no means similar to the "Poem for Adults," were responsible for the liquidation. In 1957 Wazyk also gave up his party membership.

Up to the publication of the "Poem for Adults," Wazyk was influential, but especially since he left the party he has been victimized by the regime. He traveled to China in 1952, was in Hungary during the revolution in 1956 and in Yugoslavia in 1957. Since then he has not been permitted to leave the country.

His awards include the Pen Club Prize (1953), State Prize, second grade 1953 and Commander Cross of Polonia Restituta (or third class).

Since 1957 there has never been an official ban on publishing his works, but he also has not been permitted to publish anything important. He was reportedly in strained financial conditions. Only in 1961 was a book of his published by the Ministry of National Defense Publishing House and a poem published by another publisher.

LEOPOLD INFELD

A most prominent Polish nuclear scientist, a collaborator of Einstein, included by Bertrand Russell among the 11 greatest atomic scientists of the world.

Born in 1898, of Jewish origin, he studied in Cracow and Berlin. In 1930–33 he was lecturer at Lvov University; Rockefeller Foundation fellow. In Cambridge (England), 1933–35, where he studied under Lord Rutherford. In 1936–38 member of the Institute of Advanced Studies at Princeton, and from 1938 to 1950 at Toronto University. In 1950 he returned to Poland to become professor of the University of Warsaw.

In Poland he has been a member of the Presidium of the Polish Academy of Science since 1952, was editor in chief of the Quarterly Mysl Filozoficzna (Philosophical Thought) and is active in all nuclear committees and commissions.

Besides purely scholarly works, he has written a novel, autobiographical sketch, and several articles. He was admitted to the Academy of Sciences of the German Democratic Republic (1955) and elected member of the Council of the International Association of University professors and lecturers (1959).

In 1954 he was decorated with the order of the Banner of Labor, first class, and next year received the State Prize, first class.

An ardent Communist since 1944, he was in 1956 among those in the guard of honor at Bierut's bier. He was always most active in the World Peace Council and the Movement for Peaceful Use of Atomic Energy, and in these two capacities, as well as to attend scientific atomic conferences, he has traveled abroad well over 20 times.

In spite of all this, he has always been concerned about freedom of thinking on both sides of the Iron Curtain. As far back as 1941, he published an autobiography, "Quest," in which he accused Polish prewar universities of reactionary tendencies, lack of tolerance, and racial discrimination. But he was also reportedly the first to attack obscurantism in Polish science as a result of Russian influence and control, Stockholm Tidningen, April 16, 1959.

He signed the statement of representative of Polish public opinion in connection with the Paris summit conference (1960), but he also stated that he was disturbed over the Soviet nuclear tests, even though he made this statement simultaneously with a statement fully supporting the Soviet position with regard to West Berlin (1961). Practically at the same time he called, during the last Polish discussion on intellectual freedom, for a simultaneous increase of living standards and freedom in Poland. Only in that way could we gain more supporters for our Socialist regime and win in the competition with capitalist countries, he argued.

This was described as the most lucid and realistic formulation of hopes cherished by Polish intellectuals.

ANTONI SLONIMSKI

Probably the most prominent living Polish poet, the wittiest and most sarcastic writer, and the most outspoken protagonist of freedom of speech.

Born in 1895, of Jewish extraction, he was one of the founders of the poetic group, Skamander (1920).

Already before the war he distinguished himself as a sharp critic of conditions in Poland, especially of nationalistic tendencies. He also became known as a pacifist. During the war he was in the emigration in England. After the war he returned to Poland. Always of leftwing convictions, he was gladly received by regime.

In 1953 he became a member of the board of the Polish Writers Association, and from 1955 was a member of the board of the Polish Pen Club. Active in the broadcasting station KRAJ and Association Polonia, both created in 1955 in order to induce Polish emigration to return to Poland. In 1955 Slonimski wrote a poem calling them to return.

He received the State Prize, first grade, in 1955 and Prize of the Warsaw City National Council in 1956.

In 1956 he spoke at the memorable 19th session of the Ministry of Culture's Council for Culture and Art, and his contribution on the restoration of citizen's freedom was published in Przeglad Kulturalny. In the same he was elected chairman of the Polish Writers Association, and he was reelected in 1957, only in 1959 did he leave that position, retaining his seat on the association's board, which he gave up in 1961 in protest against the arrest of the writer Jerzy Kornacki. In 1963 he did not choose to participate in the association's general meeting.

From 1954 to 1960, he traveled abroad almost annually. Then there was an interruption, and only in 1963 did he go abroad again, this time to France and England.

"The Thaw" made him one of the most outspoken champions of freedom of speech. In 1957, while at the Pen Club Congress in Tokyo, he signed the protest against the persecution of Hungarian writers. He also must have said something about Poland's right to criticize the Soviet Union, since he was attacked by a Soviet journalist for it. A year later, in 1958, he was again rebuked by Radio Moscow for wrong interpretation of the freedom of writing. Although he improved the bad impression he had made on the Soviet Union, by his visit there in 1958 and an interview given to Moscow's Literary Gazette, he soon again fell out of favor. He wrote a poem in which he referred to Pasternak (without naming him directly) and read it at a literary meeting on December 4, 1958.

CC Departmental Chief Andrzej Werblan criticized him in the party daily Trybuna Ludu of March 15, 1959. Toward the end of that year, a volume of his prewar theater reviews, which had already been printed and sent for distribution, was confiscated.

Up to quite recently, a regular contributor to the satirical weekly Szpilki, Slonimski did not hesitate to poke fun at his possibilities and limitations. "I have often been denied talent and good looks, very often, especially recently. I am refused money, but generally speaking, I am allowed to possess courage of convictions. One has got these things. One had them during the nightmarish times of the Pilsudski regime and still a bit later" (Szpilki, July 10, 1960).

Quite recently, in 1962, he wrote the poem "The Trial of Don Quixote," which could not be printed, but is, in manuscript copies known to practically all intellectuals in Poland.

TADEUSZ KOTARBINSKI

Born March 31, 1886. One of the most prominent living Polish philosophers. Before the war professor of logic at the University of Warsaw, and 1929–30 dean of the department of humanities. Already at that time he was known for his fairly radical political convictions, his uncompromising atheism, and his liberalism.

After the war he moved to Lodz, and was the rector (president) of the newly organized university there (1945–49).

His attitude to the Communist regime and cooperation with it had, we believe, the following motives: (1) As a Polish patriot he wanted to contribute to reconstruction of the country ruined by the war, under whatever regime might be in power; (2) as an atheist he naturally welcomed the first all-out atheistic regime Poland had ever had; (3) as a man of radical opinions, though not a Communist, he was naturally inclined to cooperate with a still more radical party. It was the liberal strain in him and the uncompromising integrity of the man that put obstacles in his path of cooperation. In the quarterly Mysl Filozoficzna, No. 12/51, there appeared an article by Bronislaw Baczko called "On the Philosophical and Sociopolitical Opinions of T. Kotarbinski," in which Kotarbinski was accused of harboring idealistic opinions as a scholar. Baczko paid well-deserved compliments to Kotarbinski's prewar fight against anti-Semitism and the fascination of Polish schools and scholarships. But Kotarbinski had tried to fight from the supraclass position. He treated the class struggle as a manifestation of narrow group-mindedness and he considered its intensification to be the result of obscurantism and blind passion. That was the result of professor's individualism and elitarianism.

Such opinions expressed by a man who even now, more than 10 years later, has still not been appointed professor, enraged the old scholar. The polemics on the following issues ended with editorial condemnation of Kotarbinski's stand.

Between 1952 and 1955, little was heard of him, although he remained a member of the Polish Academy of Science and professor of Lodz University. From time to time an article of his appeared in some highly specialized and little accessible periodical. In 1956, during "The Thaw," came the first mark of recognition: on his 70th birthday he was decorated with the Banner of Labor, first class, for "outstanding achievements in scholarship and teaching."

Also in 1956 he started again writing for general weeklies such as Przeglad Kulturalny.

In January 1957 he was elected president of the Polish Academy of Science (reelected in 1960 and stepped down in 1962). This again put him on the path to a great career. Academic and scholarly appointments were heaped on him: he became a member of the Scholarships and Pedagogical Council, deputy chairman of the Institute for the History of Philosophy (1957) and chairman from 1960; he received an honorary doctoral degree from Lodz University (1957); was deputy chairman of the All-Polish Front of National Unity (1958); chairman of the Committee for the Celebration of the Millenium of Poland (1958); chairman of the Society of

Moral Culture (1958); chairman of the Committee for Reform of Education (1961); and member of the following academies: Nulgarian (1958), Soviet (1958), Mongolian (1961).

During these years he represented Polish scholarship abroad—as far the United States of America and the Soviet Union, Israel, China, England, and Italy, to name just a few countries. He wrote dozens of press articles, essays for learned magazines, and several books.

In 1960 (aged 74) he retired as professor, but remained still chairman of academy till 1962. On March 31, 1963, on his 77th birthday, he was decorated with the Grand Cross Polonia Restituta.

In spite of his advanced age and retirement as professor and president of the academy, Professor Kotarbinski has continued to hold numerous high posts, such as the chairmanship of the Committee for the Millennial Celebrations, and his 78th birthday was remembered by regime information media. His own possibilities of writing and publications were considerable. Yet, even though the times when his own intellectual freedom was restricted belong to the distant past, he was among the signatories of the letter defending intellectual freedom. But, then, Kotarbinski has always been a liberal.

[From the New York Times, Apr. 18, 1964]

POLISH WRITERS DENOUNCE CURBS—DEMAND FOR MORE FREEDOM IS MET WITH REPRISALS

WARSAW, April 17.—A quiet letter protesting Communist censorship, signed by 34 of Poland's most prominent intellectuals, has mushroomed into what could prove a major headache for the regime of Wladyslaw Gomulka's Polish United Workers Party.

It has already sparked a demonstration by Warsaw University students. Twelve of the country's best known writers and teachers have been suspended from their posts. Although the regime has never openly admitted the existence of the letter, it has been forced to sponsor a series of articles in the controlled press defending its policies.

The affair has now become an issue in the internal struggle for power that is underway within the party in advance of its national congress in June. Both the progressive and the Stalinist wings are attempting to exploit the situation for their own ends.

MAJOR EXPLOSION POSSIBLE

More importantly, in the atmosphere of discontent that envelops the country—compounded of annoyance over rising prices, shortages, a fall in real wages, unemployment, and increasing restrictions—such an incident could generate a spark to set off a major explosion.

The regime is well aware that many of the intellectuals who signed the letter were leaders in the 1954–56 revolt against Stalinism that overthrew the old order in Poland.

Taken by itself, the letter represented one more effort by the intellectuals to halt the steady cutting away by the regime of the freedoms won in 1956.

The last 6 years have witnessed increased curbs on expression, sharp cuts in allotments of paper for books, periodicals, and newspapers, and a variety of other restrictions, including the refusal of passports for travel.

SIGNERS MAINTAIN SILENCE

None of the signers of the letter will speak at this time to Western newsmen in Warsaw. However, the following details are common knowledge in the Polish capital:

The intellectuals' complaints were voiced at a Writers Association meeting in January. No relief was granted. In March, a group carried the demands to Wincenty Krasko, chief of the cultural department of the central committee.

Finally a decision was made to send the protest letter to Premier Jozef Cyrankiewicz. It said:

"Restrictions on the allocation of paper for the publication of books and periodicals, and the tightening of press censorship, create a situation that threatens the development of our national culture.

"In recognition of the existence of public opinion, the right to criticize, the right of free discussion, and honest information as the necessary elements of progress, the undersigned, motivated by civic concern, demand that the Polish cultural policy be altered so as to conform to the rights guaranteed by the constitution of the Polish state and conducive to national welfare."

The signers included such figures as Leopold Infeld, Poland's most noted theoretical physicist, who once was a collaborator of Albert Einstein. Prof. Tadeusz Kotarbinski, one of the country's leading philosophers and until last year head of the Polish Academy of Sciences; Antoni Slonimski, the nation's most noted poet; writers like Adam Wazyk, whose "Poems for Adults" was reprinted around the world during the 1956 events, and Maria Dabrowska, winner of the Polish state literary prize and deputy chairman of the Polish Pen Club.

No publicity was given the letter at the time, and it appeared that the government intended to ignore the matter. This lull lasted until nearly the end of March. Then the security police took into custody a writer named Jan Jozef Lipski, and held him 48 hours before releasing him.

Pressure was put on the signatories to induce them to withdraw their names. Two succumbed, but 32 stood firm.

Reprisals have been reported. Several who had passports have lost them.

Official policy has been reemphasized. In a series of articles the literary weekly Kultura has insisted the government's line is correct and fair. Kultura said:

"We do not see the place for books and plays whose ideological and moral sense is directed against socialism."

[From the New York Herald Tribune, Apr. 19, 1964]

AND IN POLAND, 34 INTELLECTUALS DEFY GOMULKA

(By Arnold Beichman)

Wladyslaw Gomulka returns from Moscow this weekend to confront an explosive domestic crisis occasioned by the most momentous revolt of the Polish intelligentsia since 1956.

Poland's First Party Secretary has been challenged by 34 outstanding Polish intellectuals, many of them internationally renowned, who, in a 58-word statement, have defied Communist ideology and dictation.

The sheet of paper which they signed as a group some 3 weeks ago demanded recognition by the Government of "the existence of public opinion, the right to criticize, the right of free discussion and honest information." The manifesto was formally addressed to Premier Jozef Cyrankiewicz.

Little of the dramatic behind-the-scenes story of this significant political event has been made public. In fact, the declaration itself has received little publicity here and in Europe. Polish cultural attachés in Western capitals, it is now known, have urged European editors to play down the story because it might compel Gomulka to act rough against these defiant intellectuals.

The English text, published here for the first time and somewhat longer than the original Polish, reads:

"Restrictions on the allocation of paper for the printing of books and periodicals, and the tightening of press censorship, have created a situation which threatens the development of national culture. The undersigned, in recognition of the existence of public opinion, the right to criticize, the right of free discussion and honest information as the necessary elements of progress, and being motivated by civic concern, demand that the Polish cultural policy be changed in the spirit of the rights guaranteed by the Constitution of the Polish state and as conducive to national welfare."

PRESSURES

Despite enormous pressures upon the 34 signatories to repudiate the statement, they have refused to do so. One arrest did take place. Jan Jozef Lipski, former member of the suppressed intellectual organization, the Crooked Circle, was picked up by security police March 27. He was charged, not with having signed the manifesto, since he hadn't, but with gathering the signatures. He was released after 24 hours when the public prosecutor said he was unable to find any basis for criminal proceedings.

Obviously to prosecute a man for merely soliciting signatures to an antiregime statement while ignoring the signatories themselves would have been too stultifying even for a Communist state.

Two of the dissident intellectuals have made a technical recantation. Prof. Jan Szczepanski of Lodz University, a noted sociologist who was at Leland Stanford University during 1960–61, and Kazimierz Wyka, professor of literature and prorector of Jagellonian University, responded to Government pressure by declaring that had they known that the letter might become public, they would not have signed it.

Actually the statement has not been published or broadcast in Poland, and what is known of its existence within the country is purely the result of word-of-mouth circulation.

For Gomulka the revolt of the intellectuals couldn't have come at a more embarrassing moment. Within less than 2 months, June 15, the Fourth Congress of the United Polish Workers' Party (or Communist Party) after a year's delay will open the celebration of the 20th anniversary of the Polish Communist State.

The open opposition of the intelligentsia reflects not only its own despair but is part of a nationwide malaise which has infected Polish workers and youth. A wave of work stoppages, which in some cases led to police violence, has been reported in factories in Silesia and along the Baltic coast. Workers from the Cegielski plants in Poznan, who led the 1956 "bread and freedom" marches, demonstrated some months ago for higher wages.

Since the end of the Ecumenical Council in Rome, Cardinal Wyszynski, Roman Catholic primate of Poland, and his bishops have been attacking the Gomulka regime with unprecedented openness.

REPRISALS

During the past 3 weeks, the Government has taken these reprisals against some of the signatories:

Prof. Jan Kott, writer and critic, who was to receive a literary prize in Paris for his essays on Shakespeare, had his passport withdrawn. An article already in type for publication in the magazine Tworczosc was killed.

Arthur Sandauer, a well-known writer and critic, had his passport withdrawn.

The Polish radio was ordered to ban previously recorded programs by several of the signatories, including one by Antoni Slonimski. Broadcasts by Prof. Waclaw Sierpinski and Melchior Wankowicz were canceled. Sierpinski, a professor at Warsaw University, is a scientist and mathematician. Wankowicz, who was with General Anders' army in Italy during World War II, is a writer who lived in New York and returned to Poland in 1956.

Stanislaw Mackiewicz-Cat, ex-Premier of the Polish Government-in-exile, who returned to Poland after the war, has been dismissed from the newspaper Slowo Powszechne.

Jerzy Turowicz, editor of the Catholic weekly, Tygodnik Powszechny, had his print run cut from 40,000 to 30,000.

Among the other Polish intellectuals who signed the statement:

Jerzy Andrzejewski, author of "Ashes and Diamonds," which was made into a prize-winning film a few years ago.

Maria Dabrowska, the most prominent of living Polish women writers and vice president of the Polish Pen Club.

Leopold Infeld, nuclear physicist and former pupil of Albert Einstein, who lived in the United States during the war, and a Polish State Prize laureate.

Tadeusz Kotarbinski, philosopher and honorary president of the Academy of Sciences.

Zofia Kossak-Szczucka, a prominent Catholic writer, former inmate of Auschwitz, who returned to Poland after the October 1956 revolution.

Jan Parandowski, writer and chairman of the Polish Pen Club.

Adam Wazyk, who became famous with his poem, "The End of Utopia," in 1956.

[From the New York Times, Apr. 19, 1964]

TENSION IN POLAND

The increasingly open expression of intellectual and economic discontent in Poland is creating an atmosphere reminiscent of that which exploded in violence against the Communist regime 8 years ago.

This rise in tension indicates that almost a decade of Wladyslaw Gomulka's rule has failed to meet either the spiritual or material demands of the Polish people. The nation's leading intellectuals are in revolt against the steady attrition of the gains in free expression won in 1955 and 1956. The demands for greater freedom voiced in their January letter have been met in some cases by what can only be called Stalinist-type retaliation, and this in turn is sparking protests.

The potentially incendiary nature of this ferment among the intellectuals is heightened by the widespread economic discontent among the mass of Poland's workers and farmers. Many workers fear that they may lose their jobs or have their pay cut as the result of the Government's current deflationary economic policy. Shortages of fodder have already produced demonstrations—some accompanied by violence—among peasant groups. And in the Polish Communist leadership competing factions are engaging in a bitter fight for position. It is no situation to foster official smugness.

TRAGIC SITUATION OF THE CHURCH IN POLAND

Secretary of the Polish Episcopate, Zygmunt Choromanski, auxiliary bishop of Warsaw, said that for the church "the balance of 20 years of People's Poland is very sad, even tragic and that, therefore, the church would not participate in celebrations of the anniversary." This was contained in a letter to a leftwing Catholic deputy as reported by Reuters on April 2, 1964. The letter constituted a reply to the deputy's query.

The bishop listed in his letter all the well-known grievances of the church, and added that the church, in any case, has been excluded from the start from the organization of the 20th anniversary, obviously because "the authorities of our state did not care about friendly relations."

For the Cardinal Wyszynski (and for that matter also for the Polish Communist Party leadership), the struggle goes for higher stakes—whose moral principles and moral authority is supreme in the country.

In the meantime Polish Catholics at large suffered another setback. Paper allowances for Tygodnik Powszechny has been cut by one-quarter and the journal will be published in 30,000 instead of in 40,000 copies, as reported by Reuters on April 4, 1964.

Mr. SALTONSTALL. Mr. President, yesterday, May 3, marked a significant anniversary in the annals of man's quest for freedom. On that date some 173 years ago, a Constitution was adopted by the Polish people which embodied many of the precepts of our own Constitution, adopted only 2 years before. However, whereas our Constitution has remained a living force governing our daily lives and assuring to each citizen of our great Nation the blessings of "life, liberty, and the pursuit of happiness," the Polish Constitution was a reality for only 2 short years before the country was overrun by hostile Prussian and Russian forces.

The Polish Constitution of 1791, implemented through peaceful means, established a constitutional monarchy and a responsible cabinet. Class distinctions and privileges were eliminated and the protection of the laws and the guarantee of civil liberties were extended to all, including the peasants. The Constitution also guaranteed religious freedom to the Polish people. The ideals of freedom, equality, justice, and tolerance which we in the free world cherish were to be the guiding principles for the new government. However, Poland's geographical position made her prey for her imperialistic neighbors, and on September 23, 1793, the country was partitioned, losing all of its eastern provinces to Russia, while Prussia took a major part of what was termed "Great Poland."

There are more than 7 million persons of Polish descent in the United States today. Throughout our history these people have contributed much from the rich heritage of the Polish culture to our American civilization.

The will of the Polish people to be free cannot be obliterated. Even today when the Poles must endure the cruel domination of Communist Russia, and they must celebrate this great holiday in silence, we in the free world are aware of their determination to achieve once again the freedom which has meant so much to them. On this day we salute the Polish freedom fighters of yesterday and today.

Mr. PASTORE. Mr. President, once again it is the third of May, and once again the Congress of the United States will recall the great days of brave Poland, and especially the May 3 of 1791 when the superb democratic Constitution was adopted by the Polish Parliament.

After the travail of centuries there had been the call to unity. Brilliant Poles had been writing and teaching of their country's glory—education had been updated—industries had begun to flourish.

But the very boldness of Poland, the courage of her daring democratic Constitution frightened her powerful neighbors—and persecution began again.

The name of Kosciusko was written into history. The spirit that inspired him—as his spirit inspired others—was the spirit of the Constitution which directed Poland to a nobler future. The new Poland was to meet defeats—but Poland is not dead—and Poland will never die.

She looks back in life, for instance, over 600 years to the beginnings of her beloved Krakow University. It is here that Copernicus studied. In this space age, as we call it, it is well to remember that the space age could well date back to Copernicus, the Pole.

It was he who brought mankind to believe that the earth is not flat but round—and that the earth is moving around the sun instead of being the very center of the universe.

Today, in this month of her anniversary, some of America's great men of astronomy journey back to Krakow for reunion and refreshment of their science.

But Polish scientists themselves find their comings and their goings under new restrictions. Their Government of Poland, dominated by the Soviets, builds restraint upon restraint. Men of American universities resent this restriction on freedom of movement for exchange of culture. They are protesting this adding of insult to injury of their Polish fellow scientists.

That has always been the way of the aggressor with downtrodden Poland. The road to exile in Siberia has been called the Polish Golgotha.

Wars between great powers have given only temporary relief to Poland, at best. Through the centuries hers has been the role of the oppressed—but in her darkest hours Poland is ever hopeful. True democracies everywhere kindle those hopes—and their help awaits a propitious hour.

Poland has lived through great changes—and the legend of Poland is an invisible chain linking the unforgettable past with the possibilities of tomorrow.

The generations still unborn will carry on in the heritage of a great land that is old in tragedy and in sorrow. But it will always be young with new hopes and enduring love of the fatherland.

They will always see it with the eyes of devotion—a Poland brilliant with the colors of the rainbow in her fields of yellow, orange, red, and green—her blue cottages—and green-roofed churches—and the blazing colors of the lovely women of Poland dressed in their best.

No wonder the poet calls Poland the land of the rainbow—no wonder the historian calls it the rainbow of hope after the storm—no wonder that every democracy looks upon Poland as the rainbow of living courage—the rainbow at whose end the whole world looks to see the pot of gold of enduring liberty for a people so daring—so deserving—so determined to be free.

PUBLIC EMPLOYEES UNION—A GREAT EXAMPLE OF ANTIDISCRIMINATION

Mr. PROXMIRE. Mr. President, I believe far too little publicity has been given to the many instances in which discrimination is not being practiced in this country, and to the striking examples of American democracy in action.

One example of a situation in which discrimination is not being practiced has just come to my attention. The American Federation of State, County, and Municipal Employees is presently meeting in Denver, Colo. This association has just elected its 11-man executive board for the forthcoming year. Its 11-man board includes three women, two Negroes, and one priest. The president of the board is Jewish.

There is no discrimination—instead there is true democracy—in an organization that obtains such general representation and incorporates such diversity of backgrounds.

Such instances of nondiscrimination should be recognized more frequently, because, in my judgment, they are the far more typical situation in our Nation today.

AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE URGES NEW LOOK IN UNITED STATES NEAR EAST POLICY

Mr. KEATING. Mr. President, yesterday, the American-Israel Public Affairs Committee began a 2-day policy conference in Washington with a series of speeches, briefings, and discussions concerning American policy in the Near East. At the conclusion of the day, the committee adopted a policy statement reflecting the thinking of the distinguished delegates to the conference.

Under the able chairmanship of the distinguished Rabbi Philip S. Bernstein, and the effective directorship of I. L. Kenen, the committee has compiled an impressive record of service in building greater friendship between the United States and Israel. It has meticulously exposed the aggressive designs of President Nasser and his Arab colleagues, while at the same time exploring for meaningful moves to promote peace and stability in the Middle East. It has eloquently championed the cause of closer ties between the United States and Israel, the only true friend of this country in that area.

The policy statement adopted last night by the committee succinctly and constructively analyzes the situation in the Middle East, and proposes concrete steps which, if implemented, would go a long way toward promoting peace in this troubled area of the world. These proposals deserve careful attention in Congress—and more particularly in the executive branch.

Tonight, the committee will hear an eloquent and enlightening address by Rabbi Bernstein. He has been kind enough to give me, in advance, a copy of his address.

Mr. President, in order that the activities of the American-Israel Public Affairs Committee may receive the wide attention they deserve, I ask unanimous consent to have printed in the RECORD a press release outlining the opening schedule of the conference, a copy of the policy statement adopted last night, and the text of Rabbi Bernstein's address which he will deliver tonight. I urge everyone interested in world peace, and particularly those concerned about the situation in the Near East, to read and heed the recommendations contained in this material.

There being no objection, the release, statement, and address were ordered to be printed in the RECORD, as follows:

PRESS RELEASE, AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, NATIONAL POLICY CONFERENCE, MAYFLOWER HOTEL, WASHINGTON, D.C.

Leaders of the American Israel Public Affairs Committee tonight questioned Department of State policies in the Near East, contending that the Department underestimates the danger of war and Arab expansionism in the region. They called for a stronger policy to meet the threat to Israel and other democratic outposts in the Near East.

AIPAC is a nonpartisan citizens action committee established 10 years ago to conduct public action bearing upon relations with governmental authorities, with a view to maintaining friendship and good will between the United States and Israel.

The committee opened a 2-day policy conference today (Sunday, May 3) at the Mayflower Hotel in Washington. Mr. John D. Jernegan, Deputy Assistant Secretary of State for Near Eastern Affairs, briefed delegates on U.S. policy.

Rabbi Philip S. Bernstein of Rochester, N.Y., chairman of the committee, paid tribute to the late President Kennedy's policies in the Near East and expressed confidence that President Johnson would continue to reflect the essential good will of the American people toward the State of Israel.

Recalling King Hussein's recent attacks on U.S. policy in the Near East, Rabbi Bernstein called upon the Arab States to engage in an "agonizing reappraisal."

"They are committed to a completely negative and destructive program which can only lead to calamity and failure," he declared.

At the same time, Rabbi Bernstein said that the present situation raises questions about U.S. policy.

"Does the policy of appeasement work?" he asked. "Does nondiscriminating neutrality encourage aggression rather than prevent it? Hasn't the time come for the United States to impose conditions on its aid? Should we not insist on peace negotiations in the Near East?"

Referring to recent State Department testimony before Congress, I. L. Kenen, executive director of the American Israel Public Affairs Committee, declared that the Department of State had been far too optimistic in its appraisal of the recent Cairo summit conference and the threat it poses to NATO strength and to peace in the Near East.

Since that conference, President Nasser has four times predicted war with Israel and has called for the liquidation of the U.S. base in Libya and the British port at Aden, Mr. Kenen said. If Nasser carries out that program, NATO will suffer a defeat and the Soviet Union will gain strength in the Near East.

Nasser is the real imperialist, the real expansionist in the Near East, Mr. Kenen stated. The United States should take a more realistic view of Nasser's intentions and his capacity to carry them out and it should strengthen those whom Nasser threatens.

Tonight's meeting was devoted to various aspects of the security of Israel. Mrs. Siegfried Kramarsky of New York, national president of Hadassah, cited "closing the cultural and social gaps between nation and nation and between groups within nations" as common concerns for Israel and the United States.

"If democracies cannot exist half slave and half free, they certainly cannot exist half literate and half illiterate, half trained and half untrained," Mrs. Kramarsky said. "In this age of scientific revolution, every country, large or small, rich or poor, as it looks to the future, worries about the training of leaders and citizens. It is a big worry for a little country, such as Israel, and a big worry for a big country such as our own."

Joseph Meyerhoff, of Baltimore, general chairman of the United Jewish Appeal in the United States, called for the continuation of a four-point program of assistance to Israel—through the United Jewish Appeal, Israel bonds, private investments and governmental aid. Despite the great economic strides Israel has made, the country faces increased expenditures for defense, a large balance-of-payments deficit, a steady decline in foreign aid and a high rate of immigration, Mr. Meyerhoff said. He emphasized the importance of gift dollars to help Israel's medical, education and scientific programs.

The conference will draw up a statement to be submitted to the national conventions of both political parties this summer. Its leaders will meet with representatives of the Department of State and Congress while in Washington.

The conference will conclude tomorrow evening with a dinner at the Mayflower Hotel, at which the speakers will include Representative THOMAS E. MORGAN, chairman of the House Committee on Foreign Affairs, Senator HUGH SCOTT of Pennsylvania, and Ambassador Avraham Harman of Israel.

AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE STATEMENT OF POLICY, MAY 3, 1964

We appeal to President Lyndon B. Johnson for a review of American policy in the Near East—to meet the growing danger which not only threatens a war on extermination against Israel, but also weakens the United States and undermines the security and peace of the free world.

One year ago today, this committee warned of the dangers in the Near East in a policy statment. That statement remains valid. Since its adoption, we have witnessed these ominous developments:

THE GROWING DANGER

At the Cairo summit conference in January, the Arab States agreed to establish a united military command, to launch a new propaganda and diplomatic offensive against Israel and to intitiate spite projects to block Israel's water development.

Since that Cairo conference, President Nasser has four times threatened another Arab-Israel war. Moreover, the Arab States under President Nasser's leadership have intensified a campaign to force the liquidation of the U.S. base in Libya, the British base in Aden and have engaged in disruptive tactics in Cyprus. In addition, Egypt has continued its military intervention in Yemen. Its hostile anti-Western propaganda and policies are advancing Soviet interests in the Mediterranean and Red Seas and in the Indian Ocean.

These activities are bolstered by German scientists who assist in the production of jet fighter planes and missiles, while the Soviet Union continues to supply tanks, planes, bombers, submarines, and other weapons.

Despite this growing threat to the United States and the rest of the free world, the Arab States continue to receive generous economic assistance from the United States.

THE U.S. COMMITMENT

We recognize that the administration has sought to allay concern by renewing traditional commitments to intervene against aggression.

We recall with appreciation the declaration made by the late President Kennedy on May 8, 1963, in which he committed our Government to take action in the event of aggression or preparations for aggression in the Near East.

That commitment was renewed by the present administration through a statement by Deputy Under Secretary of State Alexis Johnson on January 20, 1964.

We submit that our commitments against aggression will have greater effect and deterrent power if they are reinforced by concrete military aid to strengthen those whose security is imperiled. Israel is in that category.

Such action would be consistent with the policy instituted in 1962, when the United States agreed to permit Israel to purchase the Hawk missile. It would be consistent with the platform pledges of both national political parties and it would serve the best interests of the United States and the rest of the free world.

Recognizing the danger in the Near East, the Congress of the United States approved an amendment to the foreign aid bill approved last year, which would bar aid to countries preparing for aggression. But the administration has declined to apply this amendment to Egypt, despite that country's open preparation for aggressive military efforts. The U.S. Government can never be neutral between those who want peace and those who prepare for war.

We favor continued support of the U.S. economic aid program to raise the living standards of all people in the Near East, but we also favor conditions on American aid to insure that our assistance serves only peace and economic development.

The administration should continue economic aid to Israel and should extend all necessary military aid.

WATER

We appreciate the administration's continuing support for the Eric Johnston unified water development plan, projected by the Eisenhower administration, which allotted 60 percent of the water to Jordan and other Arab States and 40 percent to Israel. Although the technicians of the Arab States approved this constructive program, the Arab League blocked it.

Nevertheless, this program is being partly carried out in separate projects. Jordan, with the assistance of the United States, has already diverted the Yarmuk River away from Israel through the East Ghor irrigational canal. Israel is now completing its irrigation system to carrry waters from Lake Tiberias to the Negev, in strict accordance with the Eric Johnston plan.

We commend President Johnson's recent statement:

"Water should never divide men; it should unite them.

"Water should never be a cause of war; it should always be a force for peace and peace is first on our agenda."

REFUGEES

Since 1948, when the Arabs launched a war against Israel to thwart U.N. resolutions, there have been two refugee problems in the Near East.

More than 600,000 Jews have been compelled to leave Arab countries and most of these have been resettled in Israel. The problem of the Jewish refugees is being solved by their resettlement in Israel. We submit that the most feasible solution for the Arab refugees is resettlement in Arab lands which have space and economic opportunity for them.

We deplore as unrealistic, proposals which incite the Arab refugees into believing that they can be admitted to Israel to undermine and to liquidate that country's independence.

Such proposals delay resettlement and constitute a disservice to the best interests of the Arab refugees themselves.

BOYCOTT

We believe that the attempt of the Arabs to boycott American citizens and firms which trade with Israel is inconsistent with the best interests of the United States and should be vigorously condemned and resisted by our Government.

SUEZ

We call attention to the fact that despite the pledges of successive U.S. administrations, the Suez Canal remains closed to Israel shipping in violation of international convention and the United Nations Security Council decision.

NEGOTIATIONS FOR PEACE

An Arab-Israel peace can and must be secured by negotiations. We are disappointed that the United States, as the leader of the free world, has failed to take the initiative to challenge Arab belligerence which may explode into new conflict. We regret that our U.N. delegation failed to initiate or support the call for Arab-Israel direct negotiations—a concept reaffirmed in the political platforms and in line with the principles of the U.N. Charter.

Our country has the obligation to exercise moral leadership in the attainment of an Arab-Israel peace. Each day's postponement is a day of waste and danger.

Address by Rabbi Philip S. Bernstein, Chairman, American Israel Public Affairs Committee, May 4, 1964

Since this committee met in Washington a year ago a calamity befell our Nation. John F. Kennedy had brought a bold, imaginative leadership to the country. He was on the way to solving some of its toughest problems. He was moving toward the achievement of equal rights with a minimum of violence. In international affairs he was displaying a stance of strength and patience constantly searching sympathetically and imaginatively for new approaches to understanding and peace. In his assassination the free world lost its leader.

The fact that President Lyndon Johnson has so quickly and firmly taken hold is tribute not only to his own high qualities of leadership but also to the basic stability and strength of American democracy.

We, of the American Israel Public Affairs Committee, dedicated to maintaining and improving friendship and good will between the United States and Israel, had special reasons for grief in President Kennedy's untimely death, for he had been deeply concerned with the Middle East. He sought an Arab-Israel peace. He wanted to help raise the standards of all the peoples in the region. Because he was committed to the survival and strengthening of Israel he saw to it that substantial economic aid was given to the Jewish state. He personally arranged for Israel to acquire the Hawk missile to counteract the danger of attack by Egypt's Soviet bombers. Under his administration, the United States took the leadership in condemning Syrian aggression against Israel. He made it clear that the United States would stand with Israel in rejecting pressures by the Arabs to block her water development.

There is good reason to believe, on the basis of his record, that President Johnson is equally sympathetic. It is our conviction that this sympathy reflects the essential good will of the American people toward the State of Israel and the friendly intentions of its elected representatives in the Congress. Our committee has sought and received bipartisan support in its efforts toward friendship between the United States and Israel. We expect this to continue.

Recently King Hussein, speaking not so much as the ruler of Jordan—which is dependent on U.S. aid and is living in relative peace with Israel—but as spokesman for 13 Arab nations, abused the hospitality of this country by attacking Israel, Jews and Zionists, as well as U.S. policy in the Middle East. He asked Jews to make an "agonizing reappraisal." Very well, this is a reappraisal of the basic facts about Israel and the Arabs. Let us analyze the underlying assumptions of King Hussein and hence of the Arab position.

(1) The basic Middle East goals of the Allies in World War I were "Arabia for the Arabs, Armenia for the Armenians, Palestine for the Jews." The Arabs who had done little to deserve it became the chief beneficiaries of Allied victory. They were liberated in a vast area of the defunct Turkish Empire. The Jews were not given Palestine, but by the Balfour declaration were accorded the right to build a national home in Palestine. They were not given land, but had to buy it, and then to redeem it from desolation by their own blood, sweat and tears. Their efforts raised the Arab standard of living in Palestine to the highest in the entire Arab world.

(2) During the Hitler period, a visa to Palestine was the difference between life and death. Arab hostility went to every length to keep the doors closed. Innumerable Jews perished because they could not enter the land promised them as a haven and a home. This is a terrible burden of guilt on the Arab conscience.

(3) When the United Nations on November 28, 1947, after a most agonizing reappraisal of the whole problem, adopted a resolution for partitioning Palestine into Jewish, Arab and internationalized areas, the Arabs rejected the proposal. They thereby forfeited their right subsequently to demand fulfillment of any clauses of a resolution to which they had refused to adhere.

(4) When the British withdrew from Palestine, a Jewish state was established, on May 14, 1948, in the area defined by the U.N. resolution. The armies of seven Arab countries invaded with the intention of destroying Israel and pushing its inhabitants into the sea. Only stubborn Jewish defense saved the infant state from destruction by Arab aggression.

(5) To Arabs living within the Jewish area the Israel Government promised protection and equal rights if they would refrain from joining the aggressors. The 240,000 Arabs who today live in Israel enjoy a high standard of living and basic equality. But those who left to join the Arab invaders were not permitted to return to form a fifth column against Israel. They were not "forcibly uprooted from their homes, their property despoiled." They are "forcibly detained" in refugee camps by Arab rulers who refuse to permit them to resettle in Arab lands where their future lies, and who use them as political weapons against Israel.

(6) Israel is not a "real and ever present danger" to the survival of Arab nations. This charge is patently absurd. How can Israel with a population of two and a quarter million threaten 13 Arab nations with a total population of nearly a hundred million? Israel's resources are very small compared with Arab oil wealth. Israel must purchase with hard dollars every piece of defense equipment, whereas Arabs are getting vast military assistance from Russia and very substantial U.S. aid which, in effect, is diverted to arms. Israel has, it is true, a tough little army which has displayed remarkable strength and which has made clear that Jews may never again be slaughtered with impunity. However, in numbers and equipment it is minute compared with what the combined Arab nations possess.

(7) Israel has been ready to consider sympathetically every peace proposal that recognizes its sovereignty. The Arabs have rejected every proposal that recognizes Israel's right to exist. To hold the Jews responsible for "a tragedy that threatens to engulf them and others in a senseless and ruthless calamity" is to be like the boy who killed his parents and pleaded for mercy on the ground that he was an orphan. It is the more senseless because Jordan, which was the biggest territorial gainer in the war of 1948, has been kept alive by Israel. Nasser would have long since overrun Hussein's kingdom were it not for his fear of Israel's army.

(8) The Arab rulers have reaffirmed their intent "to liberate Palestine * * * with armies, with missiles, with everything." This Arab war against Israel is unique. The United Nations Charter outlaws war, yet here in the Middle East, in unprecedented defiance of the charter, belligerence is carried on without challenge, intervention, or rebuke. On the other hand, Israel, which under these circumstances finds strength necessary for survival, has continued persistently to indicate its readiness for peace. Only last week, Prime Minister Levi Eshkol said, "The day will come when our neighbors will recognize the fact that peace will bring prosperity and development for all living in this region."

(9) It was Israel that agreed to the Eric Johnston water plan even though it gave 60 percent of the Jordan waters to Arab countries that needed it least. It was the Arabs who rejected the plan because it involved cooperation with Israel. Israel is now proceeding to channel waters from the Sea of Galilee to the Negev, in accordance with the original Eric Johnston plan and with U.S. approval. Jordan, with U.S. aid, has moved ahead to implement its phase of the Johnston plan. Nevertheless, the Arab nations threaten forcibly to obstruct Israel's project and to divert the headwaters of the Jordan in a vast program of waste.

(10) It is the Arab nations that constantly play off the East against the West: even now Jordan, which has been so completely dependent upon the West. On April 11, just 3 days before President Johnson's plane landed King Hussein in the United States, Jordan's Ambassador in Moscow, Jamil Tutunji, said in an interview, "I will say frankly that today we believe that the U.S.S.R. can help us more than any other country." Compare this threat to turn to the Russians with Israel's steadfast adherence to the West, to democracy, to freedom.

The conclusions to be drawn from this review of the facts are that first the Arabs should engage in "agonizing reappraisal." They are committed to a completely negative and destructive program which can only lead to calamity and failure. Peace offers the best hope for the Arab peoples. The example for the Arab people is to be found in Israel where science, modernization, education, social justice are producing a good society.

Jews may be irritated but will not be deflected by Hussein's strictures. Nearly all Jews, with the exception of a tiny sick-minded group in the American Council for Judaism, are united in their support of Israel. Zionists and non-Zionists are united in their support of this committee which conducts public action bearing upon relation with governmental authorities with a view to maintaining and improving friendship and good will between the United States and Israel. Our efforts are completely within the framework of the American democratic pattern.

For U.S. policy, this analysis leads to these questions. Does a policy of appeasement work? Does nondiscriminating neutrality encourage aggression rather than prevent it? Hasn't the time come for the United States to impose conditions on its aid? Should we not insist on peace negotiations in the Middle East? As President Kennedy said not long before he died "It is never too early to try; it is never too late to talk; and it is high time that many disputes on the agenda of this Assembly were taken off the debating schedule and placed on the negotiating table."

PERSECUTION OF GREEK ORTHODOX LEADERS IN TURKEY

Mr. KEATING. Mr. President, time and again, I have referred to religious persecution of members of the Jewish faith in the Soviet Union. I have spoken out in opposition to the continuing repression of the Roman Catholic church in Poland. I have urged the Government of the United States to make known, publicly, the concern and anger that Americans feel when religious minorities in other nations are abused and when their civil and religious rights are undermined.

Today, Mr. President, Greek citizens in Turkey are facing a deliberate campaign, of political origin, to deprive them of their rights and livelihood in Turkey. The Turkish Government unilaterally denounced the 1923 Treaty of Lausanne, closed the printing press of the Ecumenical Patriarch, and announced that several hundred Greek nationals in Istanbul must change their lifelong professions, or else face expulsion. Turkish territorial waters have been unilaterally extended. Some 30 Greek nationals, including 3 Greek orthodox priests, were ordered to leave the country, for supposed security violations.

This kind of harassment is serious, especially against the background of prior religious discrimination and persecution.

In the world religious community, there is growing concern and anxiety over these oppressive measures taken by the Turkish Government against the ecumenical patriarchate of Constantinople, its clergy, and the Greek Orthodox Christian minority, who are under the spiritual jurisdiction of the patriarch.

Special concern has been expressed by leading spokesmen for the World Council of Churches over the status of the eastern orthodox patriarchate and its leader, Athenagoras I. The Reverend Dr. Franklin Clark Fry, chairman of the Central Committee of the World Council of Churches, and the Reverend Dr. O. Frederick Nolde, director of the Commission of the Churches on International Affairs, urged, in messages to the Turkish Foreign Minister, Feridun C. Erkin, that the Government of Turkey maintain "inviolate" the seat of the ecumenical patriarchate in Constantinople.

On April 18, 1964, the Greek Government urged the United States, Britain, and France to help in protecting the Greek community and the orthodox ecumenical patriarchate in Constantinople.

Mr. President, this is an issue in connection with which our own Government should make urgent and continuing representations. We should affirm our own support for the principles laid down in the Treaty of Lausanne to maintain religious rights for the Greek minority. We must make clear to the Turkish Government the strong opposition of the United States to these unilateral actions.

Mr. President, I ask unanimous consent to have printed in the Record the text of an editorial entitled, "Turkey's Anti-Greek Campaign." It was published in April 19, 1964, in the newspaper, Atlantis.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Turkey's Anti-Greek Campaign

At this critical stage in the Cyprus issue, Turkey is putting pressure on Greece by increasing action against its Greek minority. An article in the weekly magazine Akis, which is edited by the son-in-law of Prime Minister Inonu, said last week, "The time seems to have come for the ecumenical patriarchate and the Greeks of Istanbul to get marching * * * Greece must clearly understand that we have no wish to keep in Turkey the nationals of a country which refuses to be our friend."

A few days later, measures against the Greeks included, for the first time, one against the ecumenical patriarchate. The printing press of the patriarchate was closed indefinitely by the Turkish authorities on the ground that its use infringes the Treaty of Lausanne of 1923. The printing press had been used for turning out religious documents and an orthodox newspaper. There was no official statement, however, about which article of the treaty was violated.

This action followed the official announcement that 300 (later increased to 480) Greek nationals of Istanbul must close their "illegal businesses" and change their professions within 2 weeks. Many of these people are old and longtime residents of Istanbul. They include doctors, dentists, nurses, barbers, carpenters, shoemakers, and tailors. The Turks claim that under their law these professions and crafts are reserved for Turkish nationals, and the Turkish Government has merely tolerated their practice by Greeks for the last 30 years. The decision does not expel the Greeks, but if they can no longer practice their trades they will have to leave the country.

The day after this announcement the National Assembly passed a measure extending Turkish territorial waters from 3 to 6 miles and fishing waters from 6 to 12 miles. Minister of Defense Sancar said this was necessary because Turkey is a country "with long shores and few friends." Foreign Minister Costopoulos said, however, that Greece would not recognize Turkey's unilateral extension of her fishing zone. "This is contrary to international law," he said, "but we shall not imitate Turkey. The Greek fishing zone will remain 6 miles wide."

When this new regulation comes into effect in 3 months it will vitally affect 5,000 Greek fishermen in the islands of the eastern Aegean, lying near the Asia Minor coast. Many of these fishermen are even now frequently in trouble for fishing too near the Turkish coast; and a number of them who were caught by the Turks years ago are still in prison.

On the same day that the National Assembly was insuring the country against fishermen, 30 Greeks of Istanbul were given 1 week to wind up their affairs and leave the country. The group, mainly members of the business community, included three Greek Orthodox priests. The Minister of the Interior, Orhan Oztrak, said they had been engaged in "activities harmful to the political security of the State," but declined to be more specific.

The Government of Turkey followed this with a statement that it plans to build a direct railway line between Turkey and Bulgaria, because the line now in use runs through Greece for about 50 miles.

But this psychological warfare is more often sad than it is ludicrous. The two Turkish islands of Imrez and Bozcaada, situated near the mouth of the Dardanelles, are almost entirely Greek in population, and the latest official moves include pressure on them. There is now a bill before the Turkish Parliament to withdraw the toleration that allowed for education in the islands' schools to be in Greek. The new law would make education in Turkish compulsory for all.

There is a Turkish minority 100,000 strong in Greek Thrace, but Foreign Minister Costopoulos says Greece will not retaliate. She will continue to show restraint and keep on the right side of the law even though the

Turkish authorities are going a long way to administer the final blow to what is left of Greek-Turkish friendship.

EISENHOWER COLLEGE

Mr. KEATING. Mr. President, plans for the creation of a new, independent liberal-arts college in Seneca Falls, N.Y., have been proceeding rapidly. Under the leadership of John C. Rosenkrans, the Committee for the Promotion of a New Liberal-Arts College has employed the talents of such able men as Dr. Earl J. McGrath, former U.S. Commissioner of Education, and presently executive officer of the Institute for Higher Education, at Columbia University, to bring these plans closer to fruition.

The new college, to be named Eisenhower College, is to be built around five central ideas: first, true excellence in academic pursuit; second, a small body of 1500 liberal-arts students in attendance on a trimester basis; third, a faculty dedicated to teaching undergraduates; fourth, year-round operation of plant and facilities; and, fifth, a church relationship. The college has been endorsed by the New York Synod of the United Presbyterian Church.

Dr. McGrath is now serving as Eisenhower College's educational consultant. He is responsible for planning the college's bold, new, independent educational program.

Mr. President, I ask unanimous consent that the text of Dr. McGrath's statement entitled "Eisenhower College—An Adventure in College Education," on this educational program, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EISENHOWER COLLEGE—AN ADVENTURE IN COLLEGE EDUCATION

Eisenhower College vividly expresses the enterprising spirit and the altruistic dedication to the public good that have made this country strong and great. The college was originally conceived by one man, Dr. Scott W. Skinner, but a small band of his fellow townsmen quickly embraced the idea and named themselves the Committee for the Promotion of a New Liberal Arts College, Inc., Seneca Falls. Since early 1962 this group under the chairmanship of John C. Rosenkrans has worked tirelessly, often at great personal sacrifice, to transform their dream of a new college into a reality.

BASIC CONCEPT EARNS ACCEPTANCE

Like hundreds of their predecessors who throughout our national history sought to found such an institution, these men had at the outset nothing more tangible than a vision—no property, no money, no buildings, no trustees, no faculty, no students. They did possess, however, the indispensable ingredients of every lasting social enterprise, a clear goal, an irrepressible optimism, and, most important of all, an unshakable belief in an idea. Educationally sophisticated laymen, they recognized at the outset the need for counsel and help from professional educators and organizations. Accordingly, through the succeeding months they sought and received the counsel of the staff of the State education department, the officers of several major foundations, college and university presidents in the neighborhood and elsewhere, officials of the educational branch of the United Presbyterian Church of the U.S.A., and a host of others. In May 1962 they engaged Earl J. McGrath as their educational consultant.

The wisdom of the founders is reflected in their obtaining of General Eisenhower's permission to name the college in his honor. Dwight D. Eisenhower has devoted his entire life to public service, first in the military forces, then in the headship of a great university, and latterly in the Presidency of the United States. His life thus symbolizes the dominant purposes of the institution which bears his name. His distinguished career and his ideal of opportunity for all, limited only by their abilities and ambitions, will suffuse the entire life of this institution.

A GROWING NEED

With these felicitous beginnings the prospects for Eisenhower College look bright. Yet, even granting the auspicious initiation of this enterprise one might quite properly ask, Why establish an independent coeducational liberal arts college of this type at this time? To all those concerned about the higher education of this and coming generations the most defensible justification must be obvious. No one needs elaborate statistics to prove the present enterprise of American higher education incapable of accommodating the mass of new students which will presently stand before its gates. Only in the years immediately ahead will the colleges and universities begin to feel the real impact of the high birth rate of the past 20 years. George H. Hanford, vice president of the College Entrance Examination Board in a recent article, forecast a 50.5 percent increase in applications in the 2 academic years 1963–65. Existing colleges and universities cannot provide a suitable education for this number. Some institutions have already passed the point where undergraduates can be assured the benefits of a liberal education. Some large universities are unable to maintain the quality of teaching and the conditions of campus life which will provide the individuality of treatment basic to sound education.

PUBLICLY SUPPORTED VERSUS INDEPENDENT COLLEGES

Some propose rapid and large scale expansion of the publicly supported colleges and universities to solve the problem of the increasing demand for higher education. In recent years these institutions have served an ever growing percentage of college youth. In 1959–60, 40 percent or 2 of every 5 students attended a publicly supported institution in New York State. A study by Governor Rockefeller's Committee on Higher Education forecasts that in 1985 privately supported institutions will enroll 40 percent or less of the students in New York colleges and universities. Prof. Seymour E. Harris points out, however, that the competition for the tax dollar will handicap State governments in providing adequate funds to maintain their institutions of higher education at suitable levels. Hence even with the States best efforts a number of new independent colleges will be needed to meet the emerging demands for higher education.

The question arises whether these new colleges can gain sufficient financial support to offer an educational program of defensible quality. When a representative of a church body learned of the intention to found a new college in Seneca Falls, he remarked that "what we need is not more, but better church-related colleges." The second part of this statement is valid, the first is false. There are to be sure too many substandard colleges. Lack of vision, leadership, and uniqueness may, however, be more significant factors in their unenviable condition than lack of money. In any event, rising family incomes, the expanding gross national product, the increase in corporate giving, and the encouragement to philanthropy in the tax laws will continue to produce large additional support for eleemosynary institutions. And the most significant element of all in our faith in future support is the unmatched and undiminished generosity of Americans of all stripes and stations. Hence, those responsible for Eisenhower College believe that the character and quality of its program will assure the continued flow of gifts and fees essential to its economic viability and its educational quality.

NOT JUST ANOTHER COLLEGE

In the earlier question, "Why establish a liberal arts college of this type?" the three significant words are "of this type." To establish just another college with few if any distinctive features might be a public disservice. Here again the founders have exhibited understanding and foresight. From the very beginning they have believed that bold planning unrestricted by tradition or established practice could create a new college which would attract dedicated faculty members and students—as well as ample financial support.

Hence, Eisenhower College will embody policies and practices which, though they may not in each respect be unique, will be unmatched as a complex of experimentation and innovation. It will develop its institutional life around seven major ideas.

TRUE EXCELLENCE

1. In our time few terms in the English language have become a shibboleth more quickly than the word "excellence"—and fewer have been invested with more confused meanings. Excellence is now the sanctified phrase in every liturgy of higher education. Yet as the word is intoned in the temples of learning little actual educational change occurs. The curriculum remains substantially the same, the accustomed composition of the faculty persists, the libraries and the laboratories serve their traditional functions, and conventional teaching procedures go unexamined. The change which has commonly resulted from the preoccupation with excellence, is of doubtful educational or social worth. Many colleges have been steadily raising admission standards and intensifying their competitive efforts to lure the exceptionally able student. Unaccompanied by internal improvements, increasingly selective policies may satisfy those whose primary motivation is to limit enrollments, but there may in fact be no enhancement of the education of students. Moreover, the practice may be undemocratically prejudicial to individual students and economically and culturally impoverishing. Recent studies suggest that the uncritical drive for excellence will deprive many young people of promise of their educational birthright and the nation of a corps of competent workers and enlightened citizens. The truth is that if most of the colleges admitted only those who stood in the top 10 or 15 percent of their high school classes they would have to close for want of students.

Eisenhower College will dedicate itself to the best possible education it can provide in terms of its own values—values always consistent with those of the larger society. It will strive ceaselessly for excellence, but excellence measured in terms of the intellectual, social, moral, and spiritual growth of the students it admits rather than in terms of the invidious standards it could use to reject those who apply. The large number of youth turned away, about which many institutions like to boast, or the number failed after they enter, may be a better indication of institutional incompetence and neglect than of effectiveness and social sensitivity. Eisenhower College will try to attract high school graduates of competence, promise, and seriousness of purpose, but it will not limit its admissions to those who stand in the upper 10 percent of their classes.

Under our system of mathematics 90 percent of Americans cannot, on any standard, be included in the upper 10 percent; yet controlled studies and the evidences of ordinary life reveal that under any measure of human worth and achievement, many of the 90 percent succeed not only in college but in their occupations and in life generally. On the other hand, many of the select fail in all. Henry S. Coleman, director of college admissions at Columbia College, reports that "Most of the 15 freshmen with the poorest midsemester grades scored well on their entrance board examinations." Wilbur J. Bender, former director of admissions in Harvard College, has observed that many of its graduates of even a few years ago who have achieved distinction in all walks of life could now not even gain admission to its classes.

Eisenhower College will dip more deeply into the ability groupings than the upper 10 percent, perhaps into the upper third. In exceptional cases it will admit still others of special abilities and strong motivation whose records and recommendations indicate that with inspiring teaching they may achieve satisfactory or even distinguished records. For this type of student body the college will make every effort to provide the kind of teaching staff, the facilities, and the generally stimulating atmosphere which will guarantee maximum growth in the traits of mind and character associated with the proper goals of a liberal education. With a program designed to encourage and nurture the maximum growth of the individual student, whatever his interests or abilities, the founders of Eisenhower College believe this institution can make a significant contribution to the development of the young people who come to its campus and to the well-being of the society in which they will pass their adult lives.

RELATIVELY SMALL STUDENT BODY

2. Eisenhower College will be a relatively small academic community fostering close relations between all its various members. When the initial 4 classes have been admitted the college will have about 1,200 students. As the required additional resources become available this figure will rise to 1,500. An enrollment much below this figure inevitably entails economic waste, and in the absence of large current gifts and endowments a commensurate drop in education quality. On the other hand, very large enrollments often result in more distant social relationships, larger classes, impersonal teaching procedures, excessive multiplication of courses, and the growth of divisive subcultures. With 1,500 students the college will be able to preserve educationally valuable personal relationships between faculty and students and provide a completely adequate range of undergraduate instruction in classes of moderate size accompanied by tutorial and other forms of individualized instruction for juniors and seniors. An efficiently managed curriculum with from 1,200 to 1,500 students will assure economic soundness and a closely knit social unit.

A TEACHING FACULTY

3. The teachers largely determine the quality of any educational program. The faculty of Eisenhower College will consist of men and women of undisputed scholarship willing and eager to devote their thought and energy to the intellectual, moral, and spiritual development of undergraduates. Because of the shifts in the interests and activities of academic persons it will not be easy to assemble such a group of dedicated and inspiring teachers. As Professor Kemeny of the department of mathematics at Dartmouth College observes in his revealing article, "Once the Professor Was a Teacher," many members of the profession now list the teaching of undergraduates well down in their professional preferences. Higher among their priorities they place research, publication, consultation, and preparing graduate students. A disturbing number of Ph. D.'s consider teaching undergraduates a necessary burden borne only to maintain membership in an academic community necessary to continue their more absorbing activities. Fortunately for the Nation, thousands of men and women even among the young, ambitious members of the profession continue to find inspiration and rich psychic rewards in teaching young people. The creators of Eisenhower College believe that discriminating selection of a faculty devoted to these ideals will bring together a company of able teacher-scholars eager to build a liberal arts college in which good teaching dominates all other purposes.

Faculty members will be expected to be scholars in the sense of being conversant with the most recent additions to knowledge in their respective fields. Many will themselves engage in research. The assignment of teaching and other responsibilities, the arrangement of the academic calendar, and assured leaves with compensation every third year will provide uncommon opportunities for refeshment and growth. The members of this faculty will, therefore, be as intellectually alive and stimulating as any other, but their primary responsibility will be to ground young men and women in their cultural heritage and to nurture an abiding interest in the things of the mind.

To recruit and to hold such teachers the college will make living and working in the Eisenhower community as rewarding as possible. Salaries will exceed those in most other colleges and in many universities. The year-round operation, a reasonably high tuition, and income from gifts should enable the college to offer average salaries of $13,000 or $14,000 ranging from $6,000 to $18,000. Other features of academic life which faculty members value such as participation in the determination of educational policies, retirement and health insurance, the rights of academic freedom, and the privilege of living in the attractive Finger Lakes region should guarantee the distinctive faculty needed to carry out the Eisenhower College program.

A LIMITED CURRICULUM

4. Eisenhower College will limit its complement of studies to those required to provide a broad undergraduate liberal education and to prepare students for advanced study in a graduate or professional school. The achievement of the purposes requires far fewer courses than are common today. With few exceptions liberal arts colleges have allowed the several departments to expand beyond any defensible limit. Studies of a number of curricula in such institutions disclose broad arrays of instruction, sometimes nearly as many courses as students, much of which is so highly specialized and technical that it should be reserved for graduate departments or professional schools. This excessive proliferation usually results in a large percentage of small and expensive classes (sometimes over 40 percent of all courses offered enroll fewer than 10 students). These extravagances proportionately dissipate the efforts of the faculty, commensurately reduce their salaries, and make the student's education a collection of fragmentary and disjointed intellectual experiences. The offerings in indisputably reputable colleges demonstrate that no more than 40 to 45 hours of instruction in each of 17 or 18 departments can provide the essentials of a liberal education as well as necessary preparation for graduate study.

From such an analysis of the departmental offerings in accredited colleges and a study of the success of their alumni in graduate schools the Institute of Higher Education with the aid of recognized teacher-scholars has designed a feasible and satisfactory undergraduate curriculum. This program includes an aggregate of only 207 courses in 18 departments and 4 interdisciplinary courses. The latter, to be required of all students, include "World Literature," "Science in the Modern World," "The Contemporary World Community," and "The World of Art and Music." Other requirements will include demonstrated competence in the written and oral use of English, speaking facility in at least one foreign language, and physical skills related to the student's individual physical condition, acquired aptitudes, and recreational interests. Each student will likewise satisfy the major requirements of a department, prepare a senior thesis on a topic of his own choice, and pass a comprehensive examination covering the major branches of learning. These required experiences are intended to guarantee that all graduates of Eisenhower College will have gained the basic knowledge, mastered the general intellectual skills, and acquired the personality traits which characterize the liberally educated human being. With this range of curricular experiences, supplemented by a rich program of concerts, artistic exhibitions, and lectures by national and world figures, every graduate of Eisenhower College should leave the institution with a considerable understanding of one field of learning and a broad enough education not to mistake Schiller and Goethe for a trapeze team or Boyle's, Gresham's, and Grimm's laws for legislation enacted by the U.S. Congress.

TRIMESTER PLAN

5. Eisenhower College will operate on a year-round basis. The projected annual academic calendar includes three 14-week terms. The fall term will begin about September 15, and conclude just before Christmas. After a 3-week recess the winter session will open around January 15, and end about April 20. The summer term will begin about May 10 and conclude about August 10. The college will close for approximately a month following the summer term. This plan will give faculty members and students approximately 10 weeks of free time each year. Every ninth term, in a staggered arrangement, each faculty member, regardless of rank, will have a full trimester leave preceded and followed by a 3- or 4-week intersession, freeing him for 20 or 21 weeks from all college responsibilities. Such an arrangement should provide an opportunity, unmatched in other institutions, for any member of the teaching staff to pursue research, read extensively in his field, do consulting work, or travel as he wishes for a period of 5 months. These frequent cycles of complete relief from routine duties should attract enterprising minds and assure them frequent intellectual and physical refreshment irrespective of rank or preferred position in the society of scholars.

The 3-term year will also be a boon to those students, increasing in number, who wish to complete their undergraduate degrees in less than the conventional 4 years. Not all students wish to contract their college years, but among the thousands who will be seeking admission, enough will be drawn to Eisenhower College to assure a suitably large enrollment in each term. This arrangement will enable many to enter the occupations of their choice or a graduate or professional school 1 year earlier and thus add 1 year to their period of earning power. The plan has the advantage also of making continued use of expensive buildings which now often stand idle for several months each year. Discriminating donors should be attracted by the knowledge that their contributions will be wisely utilized in strengthening the economic position of the college and facilitating the education of capable youth.

Dubious arguments have been advanced that this acceleration of learning dilutes its quality by requiring the student to ingest knowledge more rapidly than he can assimilate it. During any term students will attend no more classes under the three-term plan than they do otherwise. Moreover, the idea that students need the summer months for reflection and the maturing of their intellectual powers rests on nothing but un-supported opinion. Indeed the few existing objective studies of this matter show an appreciable loss in knowledge during the out-of-school months. In some fields, like modern languages, the skills involved in the use of another tongue deteriorate during any prolonged period of nonusage. Only the inertia of human nature and an unwillingness to abandon traditional practices support the argument for a stretched-out undergraduate education. The Eisenhower College program will be based on more defensible grounds. The three-term plan will benefit students educationally and economically, make better use of the limited corps of superior teachers, and effect large savings in capital expenditures—savings which will provide much needed salary increases.

CHURCH RELATIONSHIP

6. Eisenhower College will found its entire program on the proposition that no necessary mutually nullifying relationship exists between the Judaic-Christian religious tradition and the proper objectives of a high quality liberal education. By their policies and practices, if not by their professions, some colleges have denied the validity of this assumption. The visitor to many church-related campuses would have difficulty in observing any differences from the State college other than the chapel spire and a required course or two in religion. The religious identification of these institutions is nominal.

In Eisenhower College young people will find an institution of higher education whose life is organized around religious values and ideals, not an empty piety but a vital reverence; not an intellectually suffocating dogma, but an outreaching for religious truth; not the bigotry of the denominated zealot, but the respect and love of the genuinely devout. The Synod of New York of the United Presbyterian Church in the U.S.A. in formal session has endorsed this institution and its purposes. This relationship will benefit the institution in many ways. In this large commonwealth with half a million citizens of this faith, Eisenhower College will serve a natural constituency among the State's Presbyterian families. Inquiry among ministers of New York State has disclosed that young people in their churches would attend such a college. These Presbyterian youth must now travel to other States or attend an unaffiliated institution, and many recipients of regents scholarships forfeit them because they cannot be used outside New York.

In these days of confusion as to the aims and meaning of life and a widespread lack among our people of any sense of direction, the church-related college has an important mission. It has the responsibility to nurture a meaningful interpretation of human existence and a desirable set of reasoned convictions upon which students can build an ordered and stable life. One of the most striking and disturbing features of our culture is the lack of steadiness in our personal and social values. Many of our people exhibit in their decisions and daily conduct no commitment to any clearly perceived goals or articulated philosophy of life which governs their personal existence, or gives stability to their decisions on social policy. The program and the institutional atmosphere of Eisenhower College will be designed to cultivate such a mature and reasoned philosophy within the religious traditions of western European culture. In this aspect of its life Eisenhower College will be ever mindful of Carlyle's observation that "Religion is constantly weaving for itself new vestures."

The religious affiliation and purposes of Eisenhower College will not prevent it from being an institution of higher education in the best and fullest sense. The essential, the indispensable element in the life of such an institution is academic freedom. The absence or suppression of Lehrfreiheit and Lernfreiheit stultify both teaching and learning. The religious affiliation, the sources of its financial support, or the special pleading of various social, economic, and political groups, will not be permitted to restrict the right of the faculty of Eisenhower College to pursue and to teach the truth as their conscience dictates. History shows that the radicalism of today is the conservatism of tomorrow. The unrestricted pursuit of truth has raised the human enterprise from ignorance, superstition, and bigotry to knowledge, reason, and tolerance. Unless a college cultivates the persistent habit of inquiry and the willingness to alter opinion in the face of new knowledge, whatever its other virtues, it will have failed in its primary reason for being.

Accordingly, Eisenhower College will not be a place of religious or any other form of indoctrination. Classes in religion and philosophy will not impose any view of man and the universe. Indeed, comparative religion will give the student an understanding of the different philosophic views which men of different ages and diverse cultures have revised to explain the origin and the destiny of man as well as the ethical codes these systems of thought have conceived for the regulation of his conduct. An unexamined faith is a poor instrument with which to penetrate the meaning of human existence, or to cope with the problems of living in this rapidly changing intellectual and social world. Eisenhower College will impose on neither faculty member nor student any test of denominational commitment or religious orthodoxy. The intellectual and spiritual goals of the institution will be stated in unmistakable terms and this community of learning will welcome to its membership anyone regardless of creed, race, or social status who finds these broad principles congenial and can qualify academically.

AN INTERNATIONAL OUTLOOK

7. The entire program and corporate life of Eisenhower College will reflect the fact that we live today in an international community in which provincial thought and behavior are as outmoded as Ptolemaic astronomy. The graduates of Eisenhower College will live in a world completely different from that of their grandfathers. Already they can travel to Cairo, or Buenos Aires, or Tokyo more quickly than their forebears could reach the State capital, and when they arrive they will discover a culture and way of life arrestingly different from their own. On transoceanic television they will see events in distant lands as rapidly as they happen. An American who knows little or nothing about the politics, economics, religion, industry, commerce, ambitions and needs of other peoples has had an education which has failed to prepare him to live intelligently in the world of today and tomorrow. Our position in the family of nations and perhaps our very individual existence will be determined by our ability to live understandingly with our fellow human beings of different countries and different cultures.

Yet, a recent report entitled "Undergraduate Education in Foreign Affairs," reveals that few of the students in the 175 institutions studied understood the facts of international life. The causes of their ignorance and indifference are doubtless many, but an analysis of college courses disclosed little real effort on the part of institutions to prepare students for the roles they will have to play as members of the international community. There were courses in international politics, economics, and culture, but these were few and designed for the small percentage of students specializing in some aspect of international affairs. The author concluded that if all students were to gain an interest in, and understanding of, events and peoples in other parts of the world and our relations to them, all departments would have to be involved. Indeed the entire campus life should reflect the institution's concern with the world scene.

An international outlook involves something more than knowledge and understanding; it requires an affirmative emotional set toward the diverse members of the human race. The cultivation of the appropriate attitudes must be the responsibility of all members of the academic community inside and outside the classroom. Eisenhower College will so organize its institutional life as to provide the intellectual and social experiences essential to living in the new world community. This purpose will be reflected in the instructional program of the several departments, in lecture series, musical concerts, and artistic exhibitions on the campus, in extracurricular activities, in arrangements for a trimester abroad with academic credit, and in a program of exchange professors and students. Through these, and other activities, Eisenhower College will attempt to prepare its graduates for effective living in the expanding social community into which they will irresistibly be drawn.

SUMMARY

These then will be the dominant purposes and the essential characteristics of this new college. Like every social institution the goals and activities of Eisenhower College will change with the needs of the society it serves. Moreover, the faculty and the students will have a voice in determining the policies under which the college will operate. But at the outset at least the board of trustees and its administrative officers will seek to assemble on the campus persons whose views roughly correspond to these aims of a liberal arts college. They believe that this type of program most adequately meets the needs of American society and particularly its youth upon whom in the years ahead the heavy responsibility of maintaining our national strength, our social well-being and our free institutions will fall.

Eisenhower College will be a society of scholars and students who respect learning and know the force of ideas in shaping and directing the human enterprise; a place where those of varied and sometimes conflicting views on the nature and destiny of man can live in mutual respect and amity, a cosmopolitan community in which Catholic, Protestant, Jew, Buddhist, and Mohammedan, Republican and Democrat, Negro, white and oriental, the socially well-favored and the humble in origin will find acceptance and personal involvement; a society in which the moral principles and the ethical precepts common to all religions will without coercive regulation govern human relation and conduct of its members; a place in which a common vision of excellence will supply the springs of enlightened and altruistic action; a place in which all the forces of community life will edify the mind, ennoble the heart, and elevate the spirit; in sum, a place of high ideals and good works. Such a place the founders of Eisenhower College will create in Seneca Falls, N.Y. Those who consider these aims too idealistic or ambitious should consider the inspiring words of another successful builder who said, "Make no little plans; they have no magic to stir men's blood. * * * Make big plans; aim high in hope and work." The small company which has already set its hands to the task invites those who share their hopes and vision to join them in their efforts.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

Mr. SMATHERS obtained the floor.

Mr. HUMPHREY. Mr. President, I ask that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 560) proposed by the Senator from Kentucky [Mr. MORTON], for himself and certain other Senators, to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and certain other Senators, relating to jury trials in criminal contempt cases.

Mr. SMATHERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 190 Leg.]

Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Douglas
Ellender
Fong
Gruening
Hart
Hartke
Hickenlooper
Hill
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Morse
Mundt
Muskie
Neuberger
Pastore
Pearson
Proxmire
Randolph
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Symington
Walters
Williams, N.J.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

The Senator from Florida has been recognized.

BEEF IMPORTS

Mr. MUNDT. Mr. President, will the Senator from Florida yield, with the understanding that he will not lose his right to the floor, and with the other customary reservations?

Mr. SMATHERS. With that understanding, I am happy to yield to the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, on April 29, I testified before the U.S. Tariff Commission with regard to the investigation which the Commission is conducting on the effect which beef imports are having on our livestock markets here at home.

In my remarks before that Commission, I pointed out that it was my belief that, under the provisions of the Trade Expansion Act, the Commission could take action which could offer a ray of hope for increased prices for our own producers. I suggested to the Commission that when the members of the Commission make their report, they not only make it to the Senate Finance Committee but also to the President of the United States, so that the President would have the information assembled in those hearings. After all, many producers have gone to a great deal of expense to send spokesmen to appear before the Commission, and certainly the information made available should be made to the one person who, under our system of government, who, and with authorities at his command, can take immediate action to place an effective curb on these imports which have caused such an economic depression throughout the cattle industry.

Mr. President, I request unanimous consent to have printed at this point in my remarks my statement before the U.S. Tariff Commission.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MUNDT AT TARIFF COMMISSION HEARING ON MEAT IMPORTS

Mr. MUNDT. Mr. Chairman and members of the Commission, I appreciate this opportunity to appear before you for this brief period to endorse the request which has been presented to you to take affirmative action to curb the flow of beef imports into this country which have such a depressing effect on the economy of cattle producers and cattle feeders.

The State of South Dakota, which I have proudly represented both as a Member of the House of Representatives and the U.S. Senate for the past 25 years, has been especially hard hit economically by the depressed prices in the cattle market. In South Dakota in 1963 our farmers received an estimated 44 percent of their cash receipts from the sale of cattle and calves. You can therefore see that the cattle producing business is a very important segment of our overall agricultural economy in South Dakota, and we are recognized as being the second most agricultural State in this Republic. I wholeheartedly endorse the statement by Merton Glover, State president of the South Dakota Stockgrowers Association.

I am sure that the various national associations of cattle feeders and producers plus the many spokesmen representing State associations have presented to you for the official record the factual material on the effect which the increasing amount of imports—now 11 percent of our total beef consumption—has had in depressing the market price for cattle. I will not reiterate or recount these facts since, as I stated earlier, they are already a part of the record. I would, however, like to reiterate some of the material which I presented to you under date of December 11 in a letter to the Commission in which I urged this Commission to take action which would curb the flow of these livestock imports.

During the debate on the legislation which extended the Trade Expansion Act of 1962, many assurances were made by Members of Congress who participated in the debate on that legislation that machinery existed for protecting the economy of our American industries and that this machinery would be used to protect these industries.

We were advised that consultation had taken place with officials of the Department of Agriculture and Commerce to insure that legislation which resulted in the Trade Expansion Act contained adequate safeguards for the legitimate interests of the American livestock industry. We were advised by the chairman of the Senate Finance Committee, the Honorable HARRY F. BYRD, that the bill gave to the President very broad authorities to raise duties, impose quotas, or take other action when he found it to be in the national interest.

Another eminent member of the committee stated on the floor of the Senate that the administration had the essential authority needed to negotiate in behalf of the American industry and agriculture and provided safeguards which would reasonably protect the vital interests of the Nation's economic strength.

Thus, during the debate, representations were emphatically made to Members of the Senate representing livestock producing States that the Trade Expansion Act did provide the machinery to protect our constituents from excessive imports which would depress the prices of any segment of agriculture industry. I hope that with the pyramiding evidence which has been assembled on the effect of continuing imports of livestock and/or meat products in depressing prices, action can be immediately forthcoming which would offer an optimistic ray of hope to those engaged in this important segment of the agriculture industry.

The administrative departments have recognized that the cattle industry is in a financial squeeze. They have initiated programs for buying domestic beef for school lunches, they have a policy of procuring American beef for troops overseas, and have engaged in a promotion program for urging consumption of more beef and also have negotiated to voluntary agreements with major exporting countries to limit the imports of beef. I am convinced that it is time for tariffs and/or quotas to be imposed which would strengthen the hand of those trying to assist the cattle producers.

I am therefore urging that this Commission devote immediate attention to the problem which is being presented here this week and that in the next few weeks a determination be made as to whether or not, under the escape clause procedure, these meat and meat product imports are injurious to the cattle industry so that the President can take action which will be helpful and which will bring optimism to those engaged in cattle production and reverse the downward trend in the financial status of those engaged in this segment of our agriculture economy.

Your recommendations under the resolution precipitating this hearing call for you to make a finding to be submitted for the consideration of the Senate Finance Committee. I hope your actions will not be limited to such a recommendation.

In view of the fact that the many witnesses engaged in the cattle-producing business who have appeared before the Commission in the past few days have gone to unlimited expense to come to Washington, I hope that some affirmative recommendations will be made by this Commission to the White House so that action can be taken by the President under the escape clause procedures. There is indeed a great deal of urgency for action and this urgency can best be met head on through Presidential action.

A REVOLVING DOOR ROUTINE

In a sense I realize we are engaged in a sort of "revolving door" exercise in connection with these hearings. The U.S. Senate voted to ask its Finance Committee to ask you to advise them on your findings concerning the impact of foreign imports on beef prices and we Senators are now down here advising you what you should advise our committee. Most of us—including the livestock people who will testify—have already appeared as witnesses directly before the Senate Finance Committee.

Thus, we must find some way in which to break out of this "revolving door cycle" since, as you know, the legislative mill of the Senate is moving very slowly these days, and any further delay in alleviating the financial hardship suffered by livestock producers will be disastrous. For the livestockman threatened with bankruptcy before the end of this year, a program to increase beef prices by limiting imports will be of no avail should it fail to become effective before some time next year. Assistance is badly needed now.

So I hope your Commission in addition to sending your findings to the Senate Finance Committee will also provide them directly to the President who has the power to take immediate helpful action. He, himself, comes from a great livestock State, and I would hope that once he is fortified with your findings demonstrating the degree to which imports are injuring the financial status of American livestock producers he would take prompt corrective action. To await action now by Congress may be too late. But by White House action taken under the escape clause authority it has we can meet the immediate problem and next year the Congress can legislate to permanentize and formalize into law the relief from livestock imports which is so urgently necessary.

Thank you very much for permitting me to be here today to testify.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, the Declaration of Independence indicates that the denial of trial by jury was one of the principal complaints against the English Crown. Trial by a jury of laymen was regarded as the birthright of freemen. The colonists fiercely opposed the courts of admiralty in which judges instead of citizen juries were authorized to try those charged with violating certain laws. A zealous determination to protect jury trial dominated the State conventions which ratified the Constitution and eventually led to the solemn reaffirmation of jury trial in the Bill of Rights—not only for all criminal prosecutions but also for all civil causes involving $20 or more. Those provisions are found in the sixth amendment and the seventh amendment to the Constitution. It is incomprehensible that the drafters of the Constitution should have provided for trial by jury for every $20 civil suit and at the same time intended that this cherished method should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-ranging mandates without giving the accused a fair trial by his fellow citizens, it would have provoked a storm of protest, to put it mildly. Would any friend of the Constitution have been foolhardy enough to take the floor of the ratifying convention in Virginia or any of a half dozen other States and even suggest such a possibility?

Mr. Justice Black observed in the Green case:

> The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning.
>
> Constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a Constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption.

I do not believe, Mr. President, that laymen, or even thoughtful lawyers, in the 18th century or today, could possibly see an appreciable difference between the crime of contempt, with its attendant punishments of up to 4 years in jail, and other major crimes. It is difficult to understand why they would draw any distinction between the two, so far as basic constitutional rights were concerned.

Blackstone's Commentaries and other legal treatises available in this country during the time that the Constitution was drafted treated contempt as a "crime." If one can draw any conclusion from the fact that these legal authorities were available to the lawyers and judges of colonial days, that conclusion is at least as compatible with the view that the Constitution requires a jury trial for criminal contempts, as with the contrary notion.

Moreover, even should the colonial jurists have believed that 18th century England did not provide jury trial in contempt proceedings, our Constitution and Bill of Rights were not designed to perpetuate every arbitrary and oppressive governmental practice then tolerated, or thought to be, in England.

Those who formed the Constitution intended to free themselves of previous shackles; they sought a better order of government, more congenial to human liberty and welfare. It cannot be seriously claimed that they intended to adopt all the common law, be it good or bad.

Actually, there was widespread hostility to the common law in the Colonies and profound opposition to its adoption into our jurisprudence from the commencement of the Revolutionary War until long after the Constitution was ratified.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. The Senator from Florida spoke of Blackstone, the great authority on the English law. Is it not true that Blackstone made the following statement:

> The trial by jury ever has been, and I think ever will be, looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases.
>
> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Mr. SMATHERS. I know Blackstone did make that statement, and I totally agree with that expression and the philosophy behind it.

Mr. HILL. While we are speaking of Blackstone, I am sure the distinguished Senator from Florida will agree with me as to the eminence of Winston Churchill. In my book, Mr. Churchill is the foremost man in the world today. Is it not true that, in his book, "English Speaking Peoples," he declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

Mr. SMATHERS. I totally agree with the able Senator. As always, Winston Churchill states those wonderful principles of law better than anyone else could state them. I also agree with the able Senator from Alabama that Winston Churchill is, without doubt, the greatest living person. He is greater with respect to all-round ability than anyone else I have ever known in my lifetime. At one time I was privileged, as I believe the able Senator from Alabama was also, to sponsor a bill to make Winston Churchill an honorary citizen of the United States.

Mr. HILL. Could he have stated the case any stronger, really, than he did in his declaration that trial by jury "makes the difference between bond and free"?

Mr. SMATHERS. There is no stronger way that he could have expressed it. As we have talked about it previously on the floor of the Senate, it is inexplicable to me why those who sponsor this particular civil rights legislative proposal would be willing even to have a bill considered by the Congress without having provided in it the right of trial by jury of those who might be called to account by a judge for violating some of the provisions of the bill.

After all, what Mr. Churchill and other great liberal leaders have said with respect to trial by jury is, it seems to me, so logical and persuasive that no one who believes in the right of individuals to be free and who wants to continue what has been called the libertarian philosophy would want Congress to pass a bill without a provision for the right of trial by jury.

Mr. HILL. I am sure the Senator will agree with Lord Camden, one of the great English jurists, who said:

> Trial by jury is the foundation of the British Constitution; take that away, and the whole fabric will soon molder into dust.

Mr. SMATHERS. I totally agree with what the Senator has said and the quotations he has used. I cannot help but think, as we have said so many times, and as has been so well stated, that the whole foundation of individual freedom rests on the concept of trial by jury. In some respects, it was actually the lack of trial by jury which brought about the founding of the United States of America. It was the people's protest against having the right of trial by jury denied to them that caused them to secede from

Great Britain and led to the establishment of the United States of America.

Mr. HILL. It is true, is it not, that Thomas Jefferson, in writing the Declaration of Independence, cited the denial of the right of trial by jury as one of the main grievances of the colonists and one of the chief reasons why the Colonies should declare their independence from the British Crown?

Mr. SMATHERS. The Senator is absolutely correct. It is to be noted that in the Constitution, in article III, provision is made for trial by jury. I refer to the body of the Constitution. When the bill of rights was written, amendment VI again specifically and clearly provided that one charged with crime is entitled to a trial by jury.

Amendment VII provides for right of trial by jury in any case involving more than $20.

So there is no question that the right to have a trial by jury is a fundamental and basic right of freedom, and was a basic concept by the Founding Fathers of what our Government should be.

Mr. HILL. Is it not true, too, that in article III of the original Constitution, which was ratified before any amendments were adopted, the right of trial by jury was provided? In other words, is it not a fact that the right of trial by jury is declared, not in one, or two places, but in three different places in the Constitution of the United States?

Mr. SMATHERS. The Senator is correct. Article III of the Constitution provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury—

Then it continues:

> and such trial shall be held in the State where the said crimes shall have been committed—

And so on.

Trial by jury is not only mentioned in the body of the Constitution, but, also, is written into amendment No. VI, which provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

So that is the second time in which trial by jury is mentioned in the Constitution of the United States.

It is mentioned the third time in amendment No. VII, in which it is stated:

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

I think that particular amendment makes it unmistakably clear that the Founding Fathers did not intend that any judge, at any time, would have the right by appeal to upset the findings of fact made in a jury-trial case where a man was tried for a crime.

[Disturbance caused by an occupant of the gallery.]

Mr. SMATHERS. So, Mr. President, it seems to me it was the intention of the Founding Fathers, from the very start, from the very time of the drafting of the Constitution and the Bill of Rights, that there should be provided within the Constitution the right of trial by jury. Yet the pending bill would deny the opportunity for an accused to have a trial by jury. It certainly runs counter to the intention and philosophy and desires of the Founding Fathers—who wanted to have a republic of the type and character which we have had up to now—for Congress to pass proposed legislation which does not have in it provisions for the right of trial by jury for one accused and tried in a criminal contempt proceeding. That negates what our Founding Fathers wanted done in our Government.

As summarized by one historian:

> The Revolutionary War made everything connected with the law of England distasteful to the people at large. The lawyers knew its value: the community did not. Public sentiment favored an American law for America. It was quickened by the unfriendly feeling toward the mother country which became pronounced toward the close of the 18th century and culminated in the War of 1812.

Mr. HILL. Mr. President, will the Senator from Florida yield for a question?

Mr. SMATHERS. I am glad to yield to the Senator from Alabama, provided that in doing so, I shall not lose my right to the floor or have my subsequent remarks counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The Senator has referred to what Blackstone said about the right to a trial by jury, what Sir Winston Churchill said about the right to a trial by jury, and what Lord Camden said about the right to a trial by jury. Is it not also true that the eminent French philosopher, De Tocqueville, who visited America in the early days, and then returned to France and wrote a treatise entitled "Democracy in America," made this declaration:

> The institution of the jury * * * places the real direction of society in the hands of the governed—

I repeat—

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Does the Senator agree with that?

Mr. SMATHERS. I totally agree with that statement, which is so ably and artistically expressed. Certainly, no one could successfully refute it, because it is evident that when we give authority to one individual—whether he be a judge, whether he eventually becomes a dictator, or whatever the situation may be—if an accuser were allowed to try a person and to imprison him, we would no longer have democracy as we have known it. It was never the intention of the founders of the Republic to turn over to any of the judiciary—as noble as they are—the right to be the accuser, the finder of fact, and also the right to pass judgment at the same time.

Mr. HILL. In other words, the right to a trial by jury is a necessary and indispensable element of democratic government. If we are to have a democratic government, if—as Abraham Lincoln said—we are to have a government of the people, by the people, and for the people, we must have the right of trial by jury; is that not correct?

Mr. SMATHERS. The Senator is absolutely correct. Regrettably, we are moving further and further away from the right of trial by jury, as has been stated previously on the floor of the Senate. Over the last 30 years, there has been a regrettable tendency to grant to courts the right to find persons in contempt. We seem to be permitting the adoption of—as the able junior Senator from Virginia calls it—"government by injunction," whereby a judge has this authority, which actually cannot be reviewed, insofar as the facts are concerned. Thereby, we are getting further and further away from the intentions of the Founding Fathers, and thereby getting further away from real democracy.

Mr. HILL. Is it not true, too, that with that very thought in mind, Congress passed the Norris-LaGuardia Act and the Landrum-Griffin Act, just some 3½ years ago last September, and in the Landrum-Griffin Act included provision for trial by jury?

Mr. SMATHERS. The Senator from Alabama is absolutely correct. What I do not understand—and I am sure the Senator from Alabama does not, either—is why Congress would go to such great lengths—as I think it should—to provide the right of trial by jury to labor organizations who might find themselves faced with a court injunction, but not do so in the pending bill. Under the Norris-LaGuardia Act, Congress went to great lengths to provide labor with the right of trial by jury; and, more recently, in the Landrum-Griffin Act, a labor measure, Congress went to great lengths to guarantee those who might find themselves acting contrary to a court's injunction with the right of trial by jury.

Why is there objection to the inclusion in the proposed legislation of provision giving those who operate their own businesses, and who may be accused of discrimination because they have not hired a sufficient number of colored citizens, the right to a trial by jury? Are they second-class citizens in any respect? I do not believe so.

Why is it that the proposed legislation would not give the right of jury trial to school boards, which might be required by an order of a court to bring about school desegregation as of a certain time, and, not having done so, would find themselves in contempt of the court order? In labor cases, there would be no question but that those involved would be entitled to a trial by jury; but in this bill, no provision has been made for school boards to have the right of trial by jury. As everyone knows, most of those who are willing to serve on school boards do so without any compensation whatever, although some of them serve with minimum compensation. In any event, without exception, all of them are highly motivated and greatly interested in the improvement of education for their own children and for their neighbors' children. Certainly, such persons, above all others, should be guaranteed the right of trial by jury. I do not understand why those who wish to protect the rights of labor leaders—and I am all for that; I wish to have them protected, also, by providing them with the right to a trial by jury—will not agree to have the members of school boards given the same right.

Mr. HILL. Is it not true that in the Landrum-Griffin bill, title I of which has been declared to be "the bill of rights" for members of labor organizations, Congress wrote in this language:

> CRIMINAL CONTEMPT
>
> SEC. 608. No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

Is there any reason why every reason and every argument should not dictate and command that the provisions of that title be written into the legislation now proposed?

Mr. SMATHERS. I could not agree more with the Senator from Alabama. I totally join with him in the statement he has made. When we talk about discrimination with respect to this particular bill and with respect to trying to eliminate discrimination because of race, color, or creed—which apparently is the philosophy behind this particular bill—although I am opposed to discrimination with respect to race, color, or creed, as I have stated many times, I do not believe the enactment of this bill or the enactment of additional laws will eliminate what a man thinks in his heart or what a man wishes to express from his mind. I cannot understand why the proponents of this particular measure would permit what I believe would be the grossest kind of discrimination, by not providing for a jury trial.

The Norris-LaGuardia Act provides for a jury trial; and jury trials are specifically provided for in the Landrum-Griffin Act, as well as in some sections of the 1957 Civil Rights Act. Yet the proponents of this bill would oppose inclusion of provision of the right to a jury trial in all the sections of this bill which involve hotel owners, motel owners, and roominghouse keepers who, by the sweat of their brow and their willingness to expend their energies, have acquired those businesses for themselves, but might later be hauled into court and accused of certain discriminatory practices, and then be denied the right of trial by jury.

So I believe it would be the height of discrimination to have the right of trial by jury granted to certain labor leaders—although I repeat that I am all for that—but not grant it to the average citizen of the United States who has worked hard and has acquired for himself the means by which he can own some property and can use it as he would like, or not grant to the members of a school board, who, as I said earlier, usually serve without compensation, the basic right of trial by jury, and to do this in the face of the injunctions and recommendations of the Constitution of the United States and the Federalist Papers.

Every recognized historian and jurist has spoken about the great importance and need of providing jury trials for those who are accused of crime, and certainly for those who are accused of criminal contempt.

Those who believe in summary trial for the crime of contempt say that it is a "necessity" if judicial orders are to be observed and the authority of the courts maintained. "Necessity," I am afraid, is often used as a synonym for "convenient" or "desirable," whereas it should be applied, if at all, only to a situation in which the extraordinary power to punish by summary process is clearly indispensable to the enforcement of court decrees and to the orderly administration of justice.

I believe, as the U.S. Supreme Court has said many times, that the courts in punishing contempts should be rigorously restricted to the "least possible power adequate to the end proposed," e.g., see the case of *In re Michael*, 326 U.S. 224, 227.

Stark necessity is an impressive and often compelling thing, but unfortunately it has all too often been claimed loosely and without warrant in the law, as elsewhere, to justify that which in truth is unjustifiable. As one of our great lawyers, Edward Livingston, observed in proposing the complete abolition of summary trial of criminal contempts:

> Not one of the oppressive prerogatives of which the crown has been successively stripped, in England, but was in its day, defended on the plea of necessity. Not one of the attempts to destroy them, but was deemed a hazardous innovation.

Upon closer examination, the argument from "necessity" rests on the assumption that the regular criminal processes, including trial by petit jury and indictment by grand jury, will not result in conviction and punishment of a fair share of those guilty of violating court orders, are unduly slow and cumbersome, and by intervening between the court and punishment for those who disobey its mandate, somehow detract from its dignity and prestige. It is like saying that the Democratic system of Government is too slow and too unsure to be effective. Obviously, such an argument reflects substantial disrespect for the institution of trial by jury, although this method of trial is—and has been for centuries—an integral and highly esteemed part of our system of criminal justice enshrined in the Constitution itself.

No solid evidence has even been forthcoming to support the innuendo that juries will not convict for contempt as effectively as do judges. The evidence is to the contrary. Experience has proven time and again that juries are fully as responsible in meting out justice in criminal cases as are the judiciary. At the same time, and immeasurably more important, trial before a jury is much less likely to result in a miscarriage of justice than summary trial by the same judge who issued the order allegedly violated.

Some Senators seem to overlook the fact that an accused's right to trial by a jury of his fellow citizens when charged with a criminal offense is one of his most valuable and well-established safeguards in this country.

Chief Justice Cooley once put it this way:

> The law has established this tribunal because it is believed that, from its numbers, the mode of their selection, and the fact that jurors come from all classes of society, they are better calculated to judge of motives, weigh probabilities, and take what may be called a commonsense view of a set of circumstances, involving both act and intent, than any single man, however pure, wise, and eminent he may be. This is the theory of the law; and as applied to criminal accusations, it is eminently wise, and favorable alike to liberty and to justice.

Mr. HILL. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Alabama.

Mr. HILL. I ask the Senator whether it is correct to say that the late great Senator George W. Norris, of Nebraska, made this declaration with reference to juries:

> I agree, that any man charged with contempt in any court of the United States * * * in any case, no matter what it is, ought to have a jury trial. It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials, knows that juries do make mistakes, as all other human beings do, and they sometimes render verdicts which seems almost obnoxious.

I am sure the Senator from Florida will recall that before Senator Norris came to Congress he was a judge.

Did not he also say:

> But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender.

Does that not sum up excellently the case for the jury system and the right of trial by jury?

Mr. SMATHERS. I totally agree with the Senator from Alabama. We all know that the able Senator Norris not only had great experience as a judge and was an outstanding Senator, but also was a leader in the liberal thought of his day and time.

I have heard him quoted many times, by some of the 1964 liberals, on subjects on which they thought it was opportune to quote him. This is one reason why I do not understand why the 1964 liberals, who often quote Norris, Borah, Justices Black and Goldberg, and others, do not quote them today with respect to the importance of jury trials. It seems to me they have deserted, in some respects, the liberal philosophy of Norris and Borah, and certainly that of Black and Holmes and others, whom we have quoted with respect to jury trials. Every one of those eminent men recommended wholeheartedly expansion of the jury trial system—not a diminution of it—for the protection of the rights of the individual citizen. They did so because they felt, as we who are defending that right today feel, that the right of trial by jury is the sure way to protect the rights of the individual citizen, insofar as it is possible to accomplish justice.

Mr. ELLENDER. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana, provided I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Is it not a fact that during civil rights debates, we seem to change, to some extent, even the rules of Senate procedure? The time of meeting is changed, as is the procedure with respect to quorum calls. Now when 51 Senators come to the floor, other Senators, who may come to the Chamber half a minute later are not necessarily recorded as being present. It seems that every time the Senate considers a bill involving civil rights, it gets special attention. I am sure the Senator is aware of the views of the famous men to whom reference was just made. When the Norris-LaGuardia act was passed, the so-called liberals sought to provide labor with the right of trial by jury. Perhaps it is not peculiar, but whenever civil rights bills are before the Senate, an exception seems to be made with respect to the right of trial by jury and many other questions.

Mr. SMATHERS. I totally agree with the Senator on that point. In this particular instance, many exceptions and changes are being made in the basic, ordinary rules which the Senate follows. It is rather obvious that the administration is anxious to push this particular bill through Congress. I regret that. Recently I read in the New York Herald Tribune that the Attorney General of the United States, in speaking about the civil rights bill, said that one of the principal reasons it is desired to have this civil rights bill passed is that it will apply only to the South.

So today we are seeing on the floor of the Senate, as we have seen in the past, an attempt to have proposed legislation applied to only one section of the country. This measure is punitive in nature. I dislike to think—and I would not want to think—that one of the reasons why a provision for trial by jury has been deliberately omitted is that the only place where such a provision would ever be used would be in the Southland. Certainly the Southland should not be discriminated against in the way it is being discriminated against in this proposed legislation.

Mr. ELLENDER. Last Saturday, when I had the floor, I attempted to show the difference between criminal contempt and civil contempt. The punishment involved is what we ought to consider. The moment an accused is punished and the judge is forced to send him to jail or to fine him for criminal contempt, there is nothing the accused can do about it; he must either serve the jail sentence or pay the fine. But in a civil contempt case, the accused can lift the fine or can get out of jail if he complies with the order of the court. Under this bill many cases could arise where an accused could not purge himself of contempt, although he may want to.

Has the Senator from Florida given any thought as to how difficult it might be for a person to comply in a civil action brought about by the Attorney General, even if the person sincerely wished to do so?

Mr. SMATHERS. To answer the question specifically, that problem worries me, as it does the able Senator from Louisiana, because, obviously, without including trial-by-jury provisions, most citizens—and in many instances, good citizens, citizens highly motivated—would be subjected to the whim, fancy, or capriciousness of a Federal judge or some other judge who might have certain predilections with respect to alleged civil rights violations and claims of civil rights discriminations. The lack of a provision for trial by jury runs contrary to the intent and purpose of the Founding Fathers, who included such a provision in the Constitution and the Bill of Rights.

Mr. ELLENDER. Can the Senator from Florida conceive of a case in which there might be an order against many persons, in a school desegregation case, for instance? If those involved were aware of the order, they might be able to comply.

Yet, a blanket injunction could be issued by the court, and many persons could be charged with violating the order without even knowing of its existence. We saw a situation very similar to what I have been describing in the Clinton, Tenn., case in 1957.

If the persons involved in the suit were at home, or away from the courtroom, or had the radio and TV set turned off, they might wake up to find themselves being held in contempt of court. And even if the charge against them were one of civil contempt, instead of criminal contempt, how could the sentence be avoided if some of the group charged refused to comply? How, in the name of commonsense, could the court do anything other than to punish them criminally?

Mr. SMATHERS. I concur in the implication of the Senator's question. That would be an unfair situation. There would be no way for those persons to purge themselves of the charge of wrongdoing, when actually they did not know about it. Yet the court could issue a blanket order which would cause 500 people to be taken into custody, and all of them might—conceivably—have to go to jail without having an opportunity to have a jury trial. On the mere assertion of the judge, the order would have been issued; and they should have known about it. It might have been published in the Federal Register, or printed in the newspapers, or registered with the clerk of the court, and therefore they should have known about it; but because they did not, they would have violated the order of the court.

Mr. ELLENDER. I return to the first question I asked the Senator. Personally, I cannot see how it would be possible for a judge to enter a verdict of civil contempt. In my opinion, it would all be criminal contempt. All those persons would be held guilty of criminal contempt; and that situation would come within the purview of the sixth amendment of the Constitution.

Mr. SMATHERS. I totally agree with the Senator from Louisiana. I do not see how it can be said, as is provided in the bill, that to imprison a person for 30 days or to fine him $300 somehow constitutes civil contempt.

I attended law school, as did the Senator from Louisiana. There we studied the difference between civil contempt and criminal contempt. There was always a rather hazy line between them. I read with great interest what the able Senator from Louisiana said the past Saturday with respect to the difference between civil contempt and criminal contempt. I thought he explained it rather well when he said that civil contempt means, figuratively, that a person who has been cited for contempt carries in his pocket the key to free himself. In other words, the court issues a continuing order, and says to the defendant, "If and when you comply with my order, you will be released from jail or from the fine," or whatever the condition might be; whereas, in criminal contempt, in point of fact, the judge fines the person summarily, and says, "I sentence you to jail for x number of days, or to pay a certain fine." In that instance, there is no way by which the accused can purge himself.

Mr. ELLENDER. I thank the Senator from Florida.

Mr. SMATHERS. Perhaps I should read into the RECORD at this point a statement from 17 Corpus Juris Secundum, page 10, with reference to the difference between criminal contempt and civil contempt.

Paragraph 5(1) considers the topic "Contempt," and also considers criminal contempt.

PARAGRAPH 5(1)—CRIMINAL CONTEMPT

A criminal contempt is conduct directed against the dignity and authority of a court or a judge acting judicially.

A criminal contempt is conduct that is directed against the dignity and authority of the court, or a judge acting judicially; it is an act obstructing the administration of justice which tends to bring the court into disrepute or disrespect.

Criminal contempt may arise in the course of a criminal action, in special proceedings, or in civil or private litigation.

Paragraph 5(2)—DISTINGUISHED FROM CONTEMPT.

> In general, contempts of court for which punishment is inflicted for the primary purpose of vindicating public authority are denominated criminal, while those in which the enforcement of civil rights and remedies is the ultimate object of the punishment are denominated civil contempts.
>
> The line of demarcation between acts constituting criminal and those constituting civil contempts is very indistinct. The confusion in attempts to classify civil and criminal contempts is due to the fact that there are contempts in which both elements appear.

The Morton amendment, for example, makes reference to criminal contempt. The truth of the matter is that in such a case a man can be put in jail. And I am sure that any time a man goes to jail for 30 days, as far as he is concerned, that falls under the heading of crime, which would make it criminal contempt.

I continue to read from Corpus Juris Secundum:

> It may not always be easy to classify a particular act as belonging to either one of the two classes. The same act may constitute both a civil and criminal contempt. Contempts may be neither wholly civil nor altogether criminal, but may partake of the characteristics of both.
>
> The major factor in determining whether a contempt is civil or criminal is the purpose for which the power is exercised. In general, contempts of court for which punishment is inflicted for the primary purpose of vindicating public authority are denominated criminal, while those in which the enforcement of civil rights and remedies is the ultimate object of the punishment are denominated civil contempts; a contempt is considered civil when the punishment is wholly remedial, serves only the purpose of complainant, and is not intended chiefly as a deterrent to offenses against the public. The polar concepts are "punitive" versus "remedial."
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> Whether or not a fine or imprisonment is imposed is not a distinguishing test. The fact that the act with which a defendant is charged in a contempt proceeding is also an indictable crime has been relied on in holding a contempt to be criminal.
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> PARAGRAPH 6—CIVIL CONTEMPT
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> Civil contempt consists in failing to do something ordered to be done by a court in a civil action for the benefit of an opposing party therein.
>
> Civil contempt consists in failing to do something ordered to be done by a court in a civil action for the benefit of the opposing party therein, and is, therefore, an offense against the party in whose behalf the violated order is made. If, however, the contempt consists in doing a forbidden act, injurious to the opposite party, the contempt may be considered criminal.
>
> In some jurisdictions a civil contempt may consist of a present refusal to perform an act in the power of the person to perform, which normally constitutes injury to other persons for whose benefit it is required, or of conduct which is derogatory to the authority or dignity of the court.

Trial by an impartial jury of independent citizens raises another imposing barrier to oppression by Government officers. As De Tocqueville observed in "Democracy in America":

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government.

The jury system injects a democratic element into the law. It safeguards the rights of the accused, and encourages popular acceptance of the laws. Martyrdom does not come easily to a man who has been found guilty as charged by 12 of his neighbors and fellow citizens.

It is obvious that a judge acting alone can dispose of criminal contempt charges faster and cheaper than a jury. But cheap, easy, and swift convictions were not the primary concern of the drafters of the Constitution and the Bill of Rights. Every procedural safeguard—not just trial by jury—makes it more difficult for the government to convict those accused of crimes. But among the values held dear by our Founding Fathers, justice occupied at least as high a position as economy. Even justice aside, however, one might ask what compelling urgency exists for punishing criminal contempts occurring beyond the courtroom. Any of the crimes of violence cry out for swifter and more certain punishment, and yet all the atrocious crimes against the person require trial by jury.

Mr. Justice Holmes hit the nail on the head when he said that where "there is no need for immediate action. Contempts are like any other branch of law and should be dealt with as the law deals with other illegal acts."

For almost a half century the Clayton Act has provided for trial by jury in all cases of criminal contempt where the alleged contempt is also a violation of a Federal criminal statute. And since 1931 the Norris-La Guardia Act has granted the same right where a charge of criminal contempt is based on the alleged violation of an injunction issued in a labor dispute. Notwithstanding the forebodings of calamity and destruction of the judicial system which preceded, accompanied, and briefly followed these reforms, there is no indication whatever that trial by jury has impaired the effectiveness or authority of the courts in these important areas of the law.

Furthermore, it appears that, in at least five States, one accused of the crime of contempt is entitled, at least to some degree, to demand jury trial where the alleged contempt occurred beyond the courtroom.

So far as can be discerned, the wheels of justice have not ground to a halt or even noticeably slowed. After all, the English courts apparently got on with their business for six or seven centuries without any general power to try charges of criminal contempt summarily.

I am confident that in the long run due respect for the courts and their mandates would be much more likely if they faithfully observed the procedures laid down by the Bill of Rights. Respect and obedience are not encouraged by arbitrary and autocratic procedures. In the end such methods only yield real contempt for the courts and the law. The classic example of this is the abuse of the injunction and summary contempt power in the labor field. The Federal courts have still not recovered from the scars inflicted by their intervention in that area where Congress finally stepped in and preserved the right of jury trial to all those charged with the crime of contempt.

As Mr. Justice Black said in the Green case:

> In the last analysis there is no justification in history, in necessity, or most important in the Constitution for trying those charged with violating a court's decree in a manner wholly different from those accused of disobeying any other mandate of the State. It is significant that neither the Court nor the Government makes any serious effort to justify such differentiation except that it has been sanctioned by prior decisions. Under the Constitution, courts are merely one of the coordinate agencies which hold and exercise governmental power. Their decrees are simply another form of sovereign directive aimed at guiding the citizen's activity. I can perceive nothing which places these decrees on any higher or different plane than the laws of Congress or the regulations of the Executive insofar as punishment for their violation is concerned. There is no valid reason why they should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth. In my judgment trial by the same procedures, constitutional and otherwise, which are extended to criminal defendants in all other instances is also wholly sufficient for the crime of contempt.

Mr. President, I hope that the Senate will heed this compelling argument as elucidated by Justice Black, and will continue the libertarian trend toward the greater use of jury trials in contempt proceedings. I hope, also that the Senate will heed the warning of Justice Goldberg that "there has been a dramatic increase in recent years in the severity of the punishment imposed in the Federal courts without trial by jury for criminal contempt"—United States against Ross Barnett, April 6, 1964.

Justice Goldberg, who wrote the dissent in the 5-to-4 split decision in the Barnett case, made what I consider a very telling argument that the summary punishment for contempt was limited by statute to petty offenses in the early days of our country, and that the more recent trend toward harsh penalties flies in the face of this tradition.

Citing a number of cases in his support, Justice Goldberg points out that from the foundation of our Republic until 1957 he could find only two isolated instances of imprisonment for longer than 6 months for criminal contempts that were brought to the attention of the Supreme Court.

On the other hand, since 1957, in at least six cases, the punishment meted out for criminal contempt without the benefit of trial, exceeded a year's imprisonment.

Justice Goldberg said:

> By holding that no nontrivial penalty may be imposed for criminal contempt without a trial by jury, we would be correcting a fundamental but only recently manifested historical error.

In order that Senators may have the benefit of Justice Goldberg's argument on this point, I should like to read portions of his opinion which deal with the question of the origins of summary proceedings for the punishment of criminal contempt:

> A review of the original sources convinces me that the history relied on by the decisions

> of this Court does not justify the relatively recent practice of imposing serious punishment for criminal contempts without a trial by jury. My research, which is confirmed by the authorities cited in the appendix to the opinion of the Court, suggests the following explanation as to why criminal contempts were generally tried without a jury at the time of the Constitution: the penalties then authorized and imposed for criminal contempts were generally minor; and the courts were authorized to impose minor criminal penalties without a trial by jury for a variety of trivial offenses including, but not limited to, criminal contempts.
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> In 1821, this Court recognized that there were "known and acknowledged limits of fine and imprisonment" for criminal contempt. *Anderson* v. *Dunn*, 6 Wheat, 204, 228. What these limits were at about the time of the Constitution can best be derived from the contemporary statutory and case law.
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> When the Bill of Rights was ratified, at least five of the Original Thirteen States had specific statutory limitations on the punishment which could be imposed summarily for criminal contempts.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the distinguished chairman of the Committee on the Judiciary.

Mr. EASTLAND. Does the Senator think for one moment that those States arbitrarily surrendered that right to the Federal Government, by placing a limit on it? Did they surrender to a Federal judge the right to impose whatever jail sentence or fine he desired to impose for criminal contempt?

Mr. SMATHERS. I do not believe they knowingly and willingly did so. Like the Senator from Mississippi, I cannot believe that the Federal Government, which is a government of limited authority, can exceed the authority provided in the 10th amendment to the Constitution, which is that all authority not specifically granted to the Federal Government is reserved to the States. Nowhere in the Constitution do the States grant to the Federal courts the authority provided in the bill.

Mr. EASTLAND. If it has not been delegated, where do the Federal courts get such authority? Is it not by usurpation?

Mr. SMATHERS. After listening to what has transpired during the past 2 weeks—and I must say the debate has been much to the point, restrained, and thorough—it is clear that Senators who are opposed to the bill have clearly demonstrated that what has happened has been that the Federal courts have arrogated this authority to themselves. No statute or constitutional provision grants such authority. The courts have gathered the authority unto themselves, without any legislative authority. That is exactly what Justice Goldberg said. It is a trend that should be stopped.

Mr. EASTLAND. Is it not manifestly clear that whenever more than $20 is involved in a civil transaction, the right of trial by jury should be preserved? Is it not clear that the Founding Fathers did not intend that a judge should impose a sentence of 6 months or a year for criminal contempt, without the right of trial by jury?

Mr. SMATHERS. I totally agree with the able Senator from Mississippi, who is chairman of the Committee on the Judiciary, and who frequently comes in contact with this kind of problem. When the Constitution—which is, after all, our basic authority—in three specific instances guarantees the right of trial by jury, we must assume that it was never intended by the Founding Fathers or the drafters of the Constitution that the Federal courts should arrogate to themselves authority which would deprive citizens of the right to trial by jury. In three instances the Constitution speaks of the necessity of guaranteeing the right of trial by jury to all citizens.

I continue to read from Justice Goldberg's dissenting opinion:

> The Connecticut statute permitting summary punishment for certain types of contempts contained a proviso "that no single minister of justice shall inflict any other punishment for criminal contempt than * * * putting them in the stocks, there to set not exceeding 2 hours; or imposing a fine, not exceeding $5."

To interpolate for a moment, we can see how far back that practice went, when the Connecticut statute permitted a judge, in a criminal contempt case, to punish a person who was found in criminal contempt, by placing him in the stocks. My recollection of the stocks is of a big, 2 by 4 type of structure, in which a man had to sit down and stick his feet through two holes which were provided for the purpose. Then the top of the 2 by 4 or 4 by 8 was let down over him, and he would have to put his hands in the upper part. He would have to stay there not to exceed 2 hours, or pay a fine not to exceed $5.

I continue to read from Justice Goldberg's dissenting opinion:

> The Delaware statute permitted a contemner to "be fined in any sum not exceeding £5"; it did not permit imprisonment for criminal contempt. The Maryland statute permitted the court to hold the contemner "in close custody until the said process, rule or order, shall be fully performed * * *." (civil contempt), but it permitted no punishment "exceeding £10 current money."
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> The New Hampshire provision permitted imprisonment for contempt not exceeding 10 days and a fine "not to exceed £10." The South Carolina statute permitted a fine not exceeding £10 for any contempt "by word or gesture," and a fine "at the discretion of the said court," for anyone who shall "strike or use any violence in the said courts"; it did not permit imprisonment.
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> Within a short time after the ratification of the Bill of Rights other States enacted statutes containing specific limitations on the punishments which could be imposed summarily for criminal contempts. These statutes, which appear to be codifications of existing practices and court decisions rather than newly created legislative limitatons, shed additional light on the practice at about the time of the Constitution.
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> The New Jersey statute permitted a contemner to be punished by a fine "not exceeding $50." The Kentucky statute specified that "no court or judge shall, for any contempt against such court or judge, pass judgment for, decree, order or inflict, or cause to be inflicted, any fine exceeding the sum of 10 pounds, nor any imprisonment exceeding 1 day, without the trial by jury to assess the quanity of such fine, and determine the duration of such imprisonment." The Pennsylvania statute permitted an unspecified fine and if the contemner "shall be unable to pay such fine, such person may be committed to prison by the court for any time not exceeding 3 months."
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> The New York statute permitted a maximum fine of $250 and imprisonment for 30 days in summary proceedings for criminal contempts.
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> The Alabama criminal contempt statute declared that:
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> "Whereas, the trial by jury in all penal, as well as criminal cases, is both a safe and adequate mode of investigation and decision, and should only be suspended in cases of absolute necessity. Be it enacted, that no court shall, for any contempt against such court, * * * inflict * * * any fine exceeding the sum of $20, nor any imprisonment exceeding 24 hours, without the trial by jury, to assess the amount of such fine, and determine the duration of such imprisonment."
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> The Virginia statute was quite detailed. It contained the following proviso:
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> "That no court shall, without the intervention of a jury, for any such contempt of misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice therein, impose any fine on any person or persons, exceeding $50, or commit him, her or them, for a longer period than 10 days: *And provided,* That in any case of aggravated contempt * * * the court may impanel a jury, without any indictment, information or pleadings, in a summary manner, to ascertain the amount of fine or term of imprisonment, proper to be inflicted for such offense, and may impose the fine or imprisonment ascertained by the jury in manner aforesaid."
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> The laws of other States similarly limited the maximum penalties which could be imposed summarily for criminal contempts.
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> The available evidence of the practice in criminal contempt cases also suggests that punishments were trivial. This practice was described by Chief Justice Kent in 1809 as follows:
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> "There is no such thing as an abuse of this power in modern times. The case probably is not to be found. An alarm cannot be excited at its existence, in the extent now laid down. * * * The tendency of the times, is rather to induce the courts to relax, than increase the severity of their ancient discipline, to exercise their power over contempts with extreme moderation. * * *" (In the case of *John* v. *N. Yates,* 4 Johnson's Reports (N.Y. 1809), 317, 375–376.)
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> And, in 1916, the Supreme Court of Iowa summarized a century and a quarter of practice in criminal contempt cases in the following terms:
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> "The authorities may be searched in vain for any precedent, under our constitutional form of government, holding it to be in the power of a State to clothe its courts with authority to visit infamous punishment upon any person for contempt or in any proceeding whatever, other than the orderly process of trial. * * *" *Flannagan* v. *Jepson,* 158 N.W. 641, 643–644. This Court has recognized that:
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> "At the time of the adoption of the Constitution there were numerous offenses, commonly described as petty, which were tried summarily without a jury, by justices of the peace in England, and by police magistrates or corresponding judicial officers in the Colonies, and punished by commitment to jail, a workhouse, or a house of correction." *District of Columbia* v. *Clawans,* 300 U.S. 617, 624.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. EASTLAND. Those cases were tried by a justice of the peace in England. Of course those cases were decided under the police power. It is fundamental law that the Federal Government has no police power.

Mr. SMATHERS. The Senator is correct. I am merely reciting what I thought was a lengthy and well documented opinion by Justice Goldberg in the Barnett case, in which he reached the same conclusion the able Senator from Mississippi and I have arrived at, namely, that there should be a jury trial in all criminal contempt cases.

Mr. EASTLAND. That is correct.

Mr. SMATHERS. In order for Justice Goldberg to arrive at that particular conclusion, and to demonstrate that he had made a very thorough documentation and annotation of the law, and had researched the law well, he cited these cases, which, as the able chairman of the Judiciary Committee points out, are merely illustrations of the exercise by police courts of what was then a temporary police power.

Mr. EASTLAND. But the Federal Government has no police power.

Mr. SMATHERS. The Senator is correct. The Federal Government has no police power. I do not know by what authority some of our judges have arrogated unto themselves the authority to put people in jail. As Justice Goldberg pointed out, since 1957 there have been six such instances in which people have been put in jail—as a result of a contempt proceeding held before judges—for a period of over 1 year.

Mr. EASTLAND. Does not the Senator think an act of tyranny has been committed in those cases, and that it is up to Congress to stop it?

Mr. SMATHERS. I totally agree with the Senator from Mississippi that it should stop. What always intrigues me is that those who call themselves great liberals can go against the basic philosophy which has been proclaimed by many liberals from the time of Senator Norris, Senator Borah, Senator Walsh, and Justice Holmes, and as further proclaimed in the Gompers case, and by Justice Black in the Green case, and by Justice Goldberg in the Barnett case. Every one of these liberals—to use that word in its ordinary terminology—have held and said, every time they had an opportunity to do so, that the right of trial by jury should be extended to every citizen, under every condition, and should not be limited.

Mr. EASTLAND. Mr. President, will the Senator from Florida yield further?

Mr. SMATHERS. I yield.

Mr. EASTLAND. How could a liberal go against the very fundamental principles of human liberty, and still be regarded as a liberal? The right of trial by jury is the most fundamental right of human liberty.

Mr. SMATHERS. That is what I cannot understand about my friends who in 1964 call themselves "liberals," and are proponents of this particular bill. Yet, in many respects they are fighting against placing provision of the right of a trial by jury into this bill. They are opposed to extending that right to good, ordinary citizens who serve on school boards, who own their own businesses, who perhaps run hotels and motels, and who perhaps later will be determined to be in the field of public accommodations. The 1964 "liberals" want to deprive those people of the right of trial by jury; yet they say they are great "liberals."

Mr. EASTLAND. Does not the act of denying a man the right of trial by jury and sending him to jail, have all the trappings of the police state?

Mr. SMATHERS. The Senator from Mississippi is absolutely correct.

Mr. EASTLAND. Does not that take us back to the days of the star chamber and the tyranny practiced at that time?

Mr. SMATHERS. The Senator is entirely correct.

Mr. EASTLAND. Is not such action a relic of medieval times?

Mr. SMATHERS. The Senator is correct.

Mr. EASTLAND. Yet that is where the 1964 "liberals" would take us.

Mr. SMATHERS. It is an attitude I cannot understand. I have great affection and regard for them. But I do not understand this quirk in their thinking. They are for the preservation of individual liberties; and individual liberties are intimately associated with trial by jury, as all of the great liberals of the past have said. Yet, in this particular bill, for some reason, the 1964 "liberals" do not want to give the right of trial by jury to these people.

Mr. EASTLAND. Is the 1964 "liberal" truly a liberal?

Mr. SMATHERS. I do not see how he could be regarded as a true liberal. Certainly he could not be regarded in the same class with such liberals as Senator Borah, Senator Norris, Senator Walsh, Justice Holmes, Justice Black, or Justice Goldberg.

The liberals of earlier days and the true liberals of today state that the right of trial by jury is the very essence of individual liberty. When the right of trial by jury is eliminated, much of the liberty of an individual is taken away. Then the country begins to move toward a police state and the type of dictatorship which actually we tried to get away from.

Another point about the bill that bothers me considerably is that under the Constitution we guarantee the right of trial by jury to an arsonist, a burglar, a rapist, a traitor, and the most vile and reprehensible person charged with crime. That person is guaranteed the right of trial by jury.

But in the case of a school board consisting of five members, all of whom willingly serve on the board, usually without pay for the services they render, but attempt to do the best job for education that they know how to do, if the members of such a board should run afoul of a court injunction, they would not be given the right of trial by jury. So it seems to me that there would be discrimination in favor of the reprehensible people, and against the people who actually should be permitted the right of trial by jury.

Mr. EASTLAND. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. EASTLAND. In this bill there is discrimination in favor of the enemies of society and against the good people. Is that not true?

Mr. SMATHERS. I believe that is a way of stating it. I believe that is the way the bill is developing. That is exactly what would happen. A dope peddler would be guaranteed the right of trial by jury; but if a man runs a hotel or a motel, and if a colored citizen comes across the highway and wishes to go into his hotel or motel, and the businessman says, "I am filled up," that colored citizen might file a complaint against the owner. The judge might say, "In my judgment, I think that you did have discrimination in your heart and soul." The judge might then impose a fine; he might say to the man, "You have already committed an act of discrimination, so I am going to fine you."

That action certainly could take place. Certainly, a three-judge court could do it. The businessman would not have the right of a trial by jury under those circumstances; but the dope peddler would. A man who steals a car and crosses State lines would have the right to a jury trial. A robber would have that right. All those charged with reprehensible crimes are guaranteed the right. But under the bill, for some reason, the proponents do not wish to give the same right of protection to the citizens who serve on school boards or those who organize their own businesses and are trying to run them the way they would like to run them, or those who are engaged in the field of public accommodations.

Mr. President, to continue with the statement included in the opinion of Mr. Justice Goldberg—

> New Jersey statutes, for example, permitted trial by a judge for offenses such as "profanely swearing" (punishable by a fine of "one half of a dollar," four hours in the stocks, or four days in the "common gaol"); "excessive use of spirituous, vinous, or other strong liquor" (fine of one dollar, four hours in the stocks, or four days in "gaol"); and disorderly conduct (three months in the workhouse). In New York, trial by jury was not required for offenses such as unlicensed practice by a physician (fine of five pounds); "offering copper coins of known inferior quality or weight" (fine of six pounds or five times the value of coins, whichever is less); "drunkenness or swearing" (fine of three shillings or four hours in the stocks); and false pretenses (imprisonment for six months). Maryland statutes permitted trial by a judge for offenses such as refusal by the mother of a bastard child to "discover" the father (fine of 30 shillings), and disorderly conduct (three months in the workhouse). Virginia permitted summary punishment for offenses ranging from improper issuing of notes (fine of 25 shillings) to disorderly conduct (20 lashes and three months' imprisonment).
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> This history has led the Court to conclude that "the intent (of the Framers) was to exclude from the constitutional requirement of a jury the trial of petty criminal offenses." *Schick* v. *United States*, 195 U.S. 65, 70.
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> It has similarly led the Court to conclude that "except in that class or grade of offenses called petty offenses * * * the guarantee of an impartial jury to the accused in a criminal prosecution * * * secures to him the right to enjoy that mode of trial from the first moment, and in whatever court, he is put on trial for the offense charged," *Callan* v. *Wilson*, 127 U.S. 540, 557, and that "the severity of the penalty" must be considered in determining whether a violation of law, "in other respects trivial and not a crime

at common law, must be deemed so serious as to be comparable with common law crimes, and thus to entitle the accused to the benefit of a jury trial prescribed by the Constitution." *District of Columbia* v. *Clawans*, 300 U.S. 617, 625.

There has been a dramatic increase in recent years in the severity of the punishment imposed in the federal courts without trial by jury for criminal contempt. For example, in *Green* v. *United States*, supra, and *Collins* v. *United States*, 269 F. 2d 745, sentences of imprisonment for three years were imposed; in *Piemonte* v. *United States*, 367 U.S. 556, a sentence of imprisonment for 18 months was imposed; in *Brown* v. *United States*, 359 U.S. 41, a sentence of imprisonment for 15 months was imposed; in *Nilva* v. *United States*, 352 U.S. 385, a sentence of imprisonment for one year and one day was imposed; and in *Levine* v. *United States*, 362 U.S. 610, a sentence of imprisonment for one year was imposed.

Mr. McCLELLAN. Mr. President, at this point, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McCLELLAN. I came into the Chamber a few moments ago. Under what authority and jurisdiction were those sentences imposed?

Mr. SMATHERS. As the Senator from Arkansas so well knows, Mr. Justice Arthur Goldberg, who sits on the Supreme Court, was one of those who dissented in the Barnett case. In order to arrive at his conclusion that the right of trial by jury should be extended to all citizens in contempt cases, Mr. Justice Goldberg wished to let people know that he had well researched the problem of contempt cases. I am reciting some of the cases which he recited in his opinion.

Mr. McCLELLAN. The citations the distinguished Senator is now stating for the Record form, in general, the basis for the conclusions reached by the distinguished Associate Justice of the Supreme Court who dissented from the majority opinion in the recent contempt case, do they?

Mr. SMATHERS. The Senator is correct. Mr. Justice Goldberg found that his conclusion turned out to be exactly the same conclusion that had been arrived at by Mr. Justice Black in the Green case; and by Mr. Justice Holmes in the Gompers case; and by several other distinguished jurists in other cases.

Mr. McCLELLAN. Does the distinguished Senator agree with me, as I stated on the floor of the Senate the other day when I spoke, that there has been a sharp division of opinion within the highest Court of the land—the Supreme Court—and that the Court has divided each time the issue has been before it, as I recall; and that in the most recent case on the subject, the Court divided on a 5-to-4 basis? Since the subject is so highly controversial and since it comes to the Senate on a legislative issue, it seems to me the proposed legislation would give an opportunity for the Senate, at least, and, I hope, for the House of Representatives, too, to include in the bill a jury trial provision, which would settle the issue so far as the Supreme Court is concerned.

I think the Court would be duty bound to follow what the statute provided, once Congress enacted the bill. Would not the Senator agree?

Mr. SMATHERS. I agree entirely with the Senator from Arkansas. The Congress of the United States provided for trial by jury in the Norris-La Guardia Act and in the Landrum-Griffin Act, in the field of labor relations. Congress felt it should not provide only for injunction in such cases, and also provided for trial by jury. Therefore, it would seem to me only fair, proper, and right that in the so-called civil rights bill there should also be provision for trial by jury.

Mr. McCLELLAN. If Congress were to fail to write such a provision into the bill before its enactment—if it should be enacted into law—then my construction of the action of Congress—and of the Senate, particularly—would be that it had failed to seize upon the opportunity that is now present, and to correct the inadequacy and, once and for all, to settle the issue that has been before the Supreme Court. The issue has been resolved by divided opinion. Congress will settle the issue either by inaction—by our not doing anything about it—or by taking affirmative action. If Congress does not take action at all, it will, in effect, strengthen the position of the bare majority of the Supreme Court in the recent decision. But if Congress took action in the other direction, I presume that act would become binding on the Court, and would be the law of the land, and there would be no more divided opinions in such cases, and the Court would follow the direction of Congress, as provided in the statute.

Mr. SMATHERS. I thoroughly agree with the Senator. I think it would be a tragic mistake if the Senate did not avail itself of the opportunity to provide the right of trial by jury to all citizens, in order to obviate what later might become government by injunction.

It has been done in the past. Many Senators talk about their concern for individual rights and liberties. There is no better way to preserve individual rights and liberties than to give people who may brush up against the law the opportunity of the right of trial by jury.

Mr. McCLELLAN. It is not necessarily the highest right; but the right of trial by jury is one of the highest and one of the most sacred rights vouchsafed an individual citizen in this country.

In a bill that contains the words "civil rights" and in a bill which the proponents say is designed to protect the civil rights of individuals, I think it would be a travesty if we failed to protect the high and sacred right of trial by jury. I think Congress would be derelict in fulfilling its duty if it failed to so provide.

I congratulate the Senator from Florida on his presentation. He was citing a number of cases, when I came into the Chamber. I interrupted him, to get my bearings and to express appreciation for the argument he is presenting. I hope he will excuse me for interrupting him.

Mr. SMATHERS. I thank the able Senator.

I totally agree with him. I cannot help but think that this is an opportunity of which the Senate should avail itself. Certainly we all know—and every schoolboy who has studied American history knows—that one of the reasons why the early colonists fought the war and engaged in the Revolution against England was that the right of trial by jury was denied them. When Thomas Jefferson began to write about some of the evils which the Government of Great Britain was practicing with respect to the Colonies, he talked about the right of trial by jury.

It is because of these facts that we find in the original body of the Constitution, in article III, the specific provision that every person is entitled to a trial by a jury of his peers; and he is entitled to know who his accusers are; and if the Government brings the action against him, he is entitled to have the Government help him get witnesses who can testify for him.

Mr. McCLELLAN. And he is entitled to be confronted by them.

Mr. SMATHERS. He is entitled to be confronted by his accusers; and he is entitled to have an attorney represent him. Those rights are provided in the body of the Constitution.

Then, in the sixth and seventh amendments to the Constitution—in the part of the Constitution known as the Bill of Rights, which was adopted almost simultaneously with the Constitution itself—there are specific provisions of the right of trial by jury.

The sixth amendment provides that in all criminal prosecutions the accused shall be entitled to a jury trial. It enumerates the other protections that any person charged with crime shall have.

Amendment No. 7 provides that in any controversy involving over $20 there shall be the right of trial by jury.

Those who founded our Government were genuine liberals, and they believed in protecting the rights of individual citizens. They felt that the rights of individual citizens were protected if they had the right to be tried by juries of their peers.

It has been stated that in some cases there has been miscarriage of justice in jury trials. I remember, as a district attorney who prosecuted many defendants, that many juries used to turn the defendants loose. I felt there were miscarriages of justice in many of those cases. But, in looking back on those cases, and having gotten somewhat older, I am genuinely convinced that the juries were right.

Certainly, the institution is right. Certainly, each individual should be permitted to have a trial by jury. The judges are as human as are those of us in the Senate or those who are sitting in the galleries. Once judges are clothed in black robes and are given lifetime jobs, from which they cannot be removed under any normal conditions, they tend to become a little arbitrary, a little capricious, a little dictatorial. All of us have known judges who have become that way. They are the judges from whom we need to protect the average citizen, in many instances. The only way to do it is to guarantee to them the right of trial by jury.

Mr. McCLELLAN. Mr. President, will the Senator yield again?

Mr. SMATHERS. I yield.

Mr. McCLELLAN. In his statement the Senator seems to completely agree with my thought. I ask the Senator if he does agree. When the charge is made that there are instances of miscarriage of justice when verdicts are left to juries, rather than to the courts, I have no question that there are instances in which juries have made mistakes. Perhaps occasionally, in rare instances, they have made mistakes willfully, deliberately, or corruptly. However, taking into account the judiciary as a whole, is there not as much evidence to support the charge that judges are sometimes prejudiced, sometimes dictatorial, and sometimes corrupt, as there is evidence that such conditions prevail with juries in this country?

Mr. SMATHERS. Certainly the Senator is correct. The fact is that probably more evidence exists with respect to a judge's being dictatorial and arbitrary, than there ever has been in regard to a jury.

I know, from my own personal knowledge—and I am certain other Senators who have practiced law do, too—of rather arbitrary and capricious judges. I recall that when I was a youthful U.S. district attorney, a man was brought into court because he had allegedly violated an order of a judge, who had issued an injunction. The defendant was a rather impecunious, hardworking, and—in that instance—illiterate young man. I remember the bailiff brought him into the courtroom. The flag of the United States was proudly displayed; the judge was sitting behind the bench, in his black robe; the U.S. marshals were present; and the U.S. district attorney was ready to proceed. All the might and majesty of the U.S. Government was arrayed against the defendant. I remember that the bailiff declared, "This is the case of the United States of America against Willie Jones." And Willie Jones said in a low voice, "My God, what odds are against me."

With all that might and power arrayed against one individual, it is comforting for him to know he will finally be tried by a jury of his peers, by citizens who may work with him, some of them on the street corner, some of them on the farm, some of them with the same background he has. He will certainly feel that he will get some kind of fair trial and fair treatment. But when an individual may be haled before a judge who can become quite arbitrary—as happens sometimes—he may feel that he is not being treated as impartially as he should be.

Mr. McCLELLAN. Does not the Senator agree with me that the logic of those who insist that contempt cases should not be tried by a jury, because they believe a jury cannot be trusted to do justice in such cases, should perhaps be carried farther—with the result that one might say, "A jury cannot be trusted in any criminal case." After all, there are far more serious criminal cases than contempt of court cases. It seems to me that if we cannot trust a jury with a minor issue, we can hardly trust a jury when it comes to issues which may involve human life itself. I cannot follow the rationale of those who state that a jury cannot be trusted in a contempt case, but would grant the right of trial by jury to those accused of murder, rape, aggravated assault, or almost any other conceivable crime.

Mr. SMATHERS. I totally agree with the Senator from Arkansas. However, those who state that they do not wish to have jury trials allowed in civil rights cases, because they say juries cannot be trusted to render fair verdicts in such cases, which, as the Senator points out, in some respects would not be of great magnitude, in my opinion should be against the jury system in all cases; they should offer an amendment to repeal the provision in the Constitution which guarantees the right of trial by jury in all cases, including the more serious ones. If they do not have any faith in the jury system, to start with, obviously they do not have any faith in it at all. If they do not have any faith in it, they should frankly say so, and should attempt to get rid of it.

It is well supported by every historian, every lawyer of consequence, and every great judge, that the right of trial by jury is an essential fundamental right of American citizenship. It has been so since the day our Constitution was ratified. Rather than diminish that right and try to infringe on it, we should extend it—as some of the great justices and Senators of distinction who have preceded us have stated. Today, tomorrow, and during the next several days, the Senate will have an opportunity to vote to extend the right of trial by jury and to guarantee it to all our citizens. If we believe in it, we should adopt such amendments. We shall soon have that opportunity.

To continue with the opinion of Associate Justice Goldberg:

> The available evidence seems to indicate that (a) at the time of the Constitution criminal contempts triable without a jury were generally punishable by trivial penalties, and that (b) at the time of the Constitution all types of petty offenses punishable by trivial penalties were generally triable without a jury. This history justifies the imposition without trial by jury of no more than trivial penalties for criminal contempts.
>
> The Court, in light of the history reviewed here and in the appendix to the opinion of the Court, has failed sufficiently to take into account—

He was referring to the majority of the Court, in that instance—

> the possibility that one significant reason why criminal contempts were tried without a jury at the time of the Constitution was because they were deemed a species of petty offense punishable by trivial penalties.
>
> Since criminal contempts, as they are now punished, can no longer be deemed a species of petty offense punishable by trivial penalties, defendants' constitutional claim to trial by jury should not be denied on the authority of the history of criminal contempt at the time of the Constitution nor on the authority of the past decisions of this Court which relied on that history.
>
> Their claim should be evaluated by analyzing the real nature of criminal contempts and applying the policy of the constitutional requirements of trial by jury in all crimes and all criminal prosecutions.

Mr. President, I believe that Associate Justice Goldberg has made a very lucid and enlightening commentary upon the subject of the right of the accused to a jury trial in criminal contempt proceedings.

While his view did not prevail in the factual situation that confronted the Court in the Barnett case, it appears to me that his reasoned opinion which represents a minority of four on the Court, should lead the Senate to consider long and hard this particular issue before any final judgment is made on the so-called civil rights bill now pending in this body.

I have pointed out in my comments today two important developments in the recent history of contempt proceedings of which we should take note. One is the fact that the legislative bodies of the United States have tended, since the founding of our Republic, toward an amelioration of the harsh remedies that can prevail when a judge is given unlimited power to punish for contempt.

Second, in Justice Goldberg's dissenting opinion we have noted that in the past 7 years there has been a disturbing increase in the number of relatively harsh penalties meted out by the court in criminal contempt proceedings.

Mr. President, I believe we should also consider the words of one of the most eminent jurists who ever sat upon the Supreme Court of the United States—Mr. Justice Oliver Wendell Holmes—in the case of *Toledo Newspaper Co.* v. *United States*, 247 U.S. 402. He said:

> I would go as far as any man in favor of the sharpest and most summary enforcement of order in court obedience to decrees, but when there is no need for immediate action, contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts.

I presume by that he meant that when a man is charged with a crime, he is entitled to a trial by jury, as guaranteed to him under the Constitution of the United States.

Mr. President, it has been pointed out before that many of the great liberal Senators of their day, men who espoused many of the causes for which the proponents of the pending legislation stand, men such as Senator Norris, Senator Kefauver, Senator Hennings, Senator O'Mahoney, Senator Borah, to name just a few—all of these men—fought for an extension of the system of trial by jury, even in cases in which they might have believed the jury trial system would deliver less swift and less certain punishment of the accused.

I do not believe that the proponents of the legislation we are now considering are any less dedicated to the fairest and finest principles of the law of the land.

I do not believe that these men are intent upon dispensing equality while dissipating liberty.

I do not believe that it is their intent to further unreasonably encroach upon the rights of the American people unless there is a solid basis in reason and in law for so doing.

To my opponents who may disagree, and who may believe that persons accused of criminal contempt should be denied the right of trial by jury, I say let us hear your voices and your arguments lest in silence we reasonably conclude that your viewpoint and ours coincide rather than conflict.

Those who a generation ago were most anxious to have contempt proceedings so restricted with jury trials and other procedural safeguards would be, I am sure, surprised to find today that their ideological compatriots of a generation later are so vehemently in opposition to this salutary development in the law of contempt. The jury trial provision in the 1957 civil rights bill continued the trend toward removal of the contempt power from the unlimited discretion of Federal judges.

Yet, here 7 years later in the name of expediency and genuine red-blooded American causes we are being told to take a step back. Otherwise, we are told people will be denied their rights; the Government will be unable to get convictions if trial by jury is provided. It has never seemed to me that we make more secure some people's rights by providing for the denial of the rights of others.

I had always thought that those most strongly in favor of this bill were as strongly for the jury system in the United States.

There have been periods when the jury system has lost favor in this country, but the system has always emerged stronger.

Whether it emerges stronger from the pall cast upon its worth by those who defend summary contempt proceedings because of the "unreliability" of juries is open to question.

If the Congress passes H.R. 7152 without the Talmadge-Ervin amendment, it will be a step back—a long step back from the path of amelioration, the path of greater justice, the path of greater temperance, which can only be assured by providing the accused the fundamental right to a trial by a jury of his peers.

Mr. President, during the debates on the Clayton Act, the then Senator from Montana, Mr. Walsh, made a very penetrating observation. He said:

> There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury system as we now know it (51 CONGRESSIONAL RECORD, 14369, 63d Cong., 2d sess).

In those same debates, Senator Reed, in discussing the jury trial, stated:

> The legislative branch of a government may make grievous errors, the executive may even undertake the exercise of tyrannical power, but so long as the temple of justice stands open, as long as courts have the courage to declare the rights of the citizen as they are preserved in the law, and so long as a man has the right to be tried by a jury of his peers, no nation will ever be really enslaved (51 CONGRESSIONAL RECORD 14415, 63d Cong., 2d sess.).

Mr. President, before I yield the floor, I should like to read into the RECORD an article which appeared in yesterday's Philadelphia Inquirer. It was written by Mr. Eric D. Blanchard. Inasmuch as he writes for the Philadelphia Inquirer, I presume that he does not fall into the classification of a "bigoted southerner" about whom we hear a great deal these days, in certain areas of the press.

In the Sunday, May 3, issue of the Philadelphia Inquirer, which obviously does not espouse the southern cause there appeared an article entitled "Negro, White Turmoil Has Changed the Face of an American City." In the article, Mr. Blanchard wrote as follows:

> Until last Good Friday, the city of Chester—population around 64,000—had been best known for its paper towels, ships, Danny Murtaugh, and as the landing site of William Penn.
>
> Since Good Friday all that has changed.
>
> Chester is nationally known now. It is referred to in the Halls of Congress. It has become a daily headache to the Governor of Pennsylvania. Newspaper accounts have begun dropping the "Pa." after referring to the city by name.
>
> The city of Chester, since March 27, has become the North's best publicized forcing house of integration.
>
> Day or night for nearly a month, Chester has been a battleground. Hundreds of people have been arrested. Scores have been hurt.
>
> And down-the-line integration of the city—and especially the school system—has taken a body blow.
>
> Chester officials boasted until a month ago that relations between the races were good. Now, however, one city official says:
>
> "Race relations in Chester have been set back 50 years—more than that. It's going to take a lot of time for the ill feeling to wear off. That's the sad part of it."
>
> A week ago, Gov. William W. Scranton marshaled top State authorities in a full-scale investigation of everything that has been happening in Chester and what set it off.
>
> At 10 a.m. Monday the State human relations commission will open public hearings in the assembly room of Pennsylvania Military College, across the playing fields from Chester's School Administration Building.
>
> What the investigators are likely to find first is adamancy on all sides. Here are the major groups involved in the Chester crisis:
>
> (1) Civil rights forces: They demand wholesale desegregation of a school system which is, to a large extent, already integrated.
>
> (2) The school board: It stands by a neighborhood school policy, a position taken 3 months after the 1954 Supreme Court school decision and restated several times since.
>
> (3) Parents' association: This predominantly—but not exclusively—white organization is backing the school board. It opposes civil rights "agitators."
>
> (4) City government: City officials insist theirs has been simply a peacemaking role, that the city government has no other part in the situation.
>
> 5. The churches: Representatives of several faiths have joined forces in recent weeks. Most of the leaders are from outside Chester. Typical of their number is the minister, in jail for a week, who refuses to accept bail and reportedly is living on vitamin pills and water.
>
> The views of these five groups are detailed below.

The article is most elucidating. It demonstrates what we who oppose the bill have been saying—that is, that continued pressure or continued force, will, rather than improve the situation, worsen it; rather than bring unity and understanding, it will result in disunity and misunderstanding. The article written by Mr. Blanchard, and published in the Philadelphia Inquirer, completely supports our contention. I read further from his article:

> 1. CIVIL RIGHTS FORCES
>
> Stanley E. Branche was sitting on the steps of Horace Baker's new home in Folcroft one sunfilled afternoon last Labor Day weekend.
>
> What might have stopped the egg and stone throwers, he mused, would have been to rest shotguns against the van as the Bakers, first Negro family in Folcroft, unloaded their furniture.
>
> The remark was mostly in jest.
>
> Branche, now 30, has been a paratrooper decorated in the Korean war, a candidate for the Philadelphia police force and a department store security man. Now head of the Committee for Freedom Now, he is regarded by Chester authorities as an outsider, although he has lived there—on Penn Street—several years.
>
> He is a big talker; some feel he's an irresponsible showboat. A powerfully built man, he has a ready smile and an easy manner.
>
> His critics say he can fill the streets easily enough, but when it comes to the conference table, he will be there on his own terms or not at all.
>
> *Can fill jails*
>
> Branche says he will fill the jails, and he does. When Governor Scranton flew into Philadelphia last Sunday, Branche complained that he hadn't met with him, that he—Branche—would have the final say.
>
> When the demonstrations were suspended last week, it was supposed to be a joint move between Branche and Philip Savage, tri-State secretary of the National Association for the Advancement of Colored People. Branche promptly said he made no such agreement.
>
> He went to work on civil rights in Chester in January a year ago. Several women were evicted from a housing project for giving birth to illegitimate children. Branche and others stood in the path of the truck hauling away the furniture. They were arrested. That was the first Chester case against him.
>
> *Commission set up*
>
> Last July, the city established a human relations commission. Branche has been at war with it ever since, despite the fact that the commission has often allied itself with the civil rights leaders.
>
> Last fall, Branche tackled overcrowding at Thaddeus Stevens School, in nearby Twin Oaks. A boycott won a victory; some pupils were transferred, and the school is expected to be closed.
>
> Chester was next. The scene was the Franklin School, inside the Negro district. Branche said the school was built for 500 but had 1,200 pupils. He said there weren't enough toilets and that classes were held in a boiler room.
>
> Picket lines were set up November 13. In 3 days, 241 demonstrators were arrested. (All were later released, a concession the city has since revoked.) It was another step. Within 2 weeks, 173 students were sent to other schools.
>
> Branche claimed another victory. Still at the school however, were 1,028 youngsters. Of these, 10 were white, according to school figures.
>
> *Arrests set record*
>
> The arrest total was the largest single dose for civil disobedience up till that time. It may have shaken Branche's friends among the other rights leaders.
>
> He had held top positions with both the NAACP and the Committee for Freedom Now. On November 16, he was out of the NAACP; it has never been made clear whether he was ousted or quit.

After November, the lines were drawn. Mayor James H. Gorbey said there would be no quarter on arresting demonstrators. The Negroes claimed the outcome of the demonstration hadn't been as positive as it appeared.

In the second week of February, 3,200 pupils boycotted Chester's schools. To Branche, it was a success; the school system said it was a bust.

February calm

February was calm for the most part. March heated up. The school board restated its neighborhood school policy, and the Human Relations Commission followed that with a recommendation of integration of faculties. The commission's report took a potshot at Branche, claiming he overstated his case about the shortcomings in the schools.

Branche and the Chester NAACP put 250 people in the streets Good Friday. The next day, wholesale arrests began when 77 demonstrators were hauled away. Ten people were hurt, including a policeman. Said Branche: "We're not fighting, ever."

Church sources attribute part of the present situation to the "fragmentation" of the NAACP leadership and the birth of the CFFN. They note, too, that national Negro leaders like Comedian Dick Gregory and Malcolm X were brought in, after Branche's militancy asserted itself.

Savage was asked to assess what had been accomplished in the past month. A lot, he said, if these factors were considered:

Solidification of the Negro community, a fresh determination, the backing of whites, and the forcing of State officials to recognize the crisis and take action.

2. THE SCHOOL BOARD

Chester has 11,000 pupils in 16 public schools. The high school is almost perfectly balanced racially.

Of the four junior highs, there is something like balance at one of them. Two others lean one way or the other. The fourth has 528 pupils of which 527 are Negro. That school, Douglass, is at Eighth Street and Central Avenue, in the Negro section.

Among the 11 elementary schools, three are entirely Negro and a fourth, Franklin, where the drive to integrate started last fall, has 10 white students out of 1,028.

Negro leaders here asked that the segregated schools be desegregated. They recall, in a series of 10 proposals laid before the school board in March, that the Supreme Court's 1954 decision holds that separate but equal education is inherently unequal.

The leaders have not told the school board what to do. The board, however, has made it clear what it will not do—and why.

Charge not denied

"No one denies we have de facto segregation," said School Superintendent Charles D. Long the other day. "But it is unintentional."

Long, 62, joined the school system in 1929, as a music teacher first, as superintendent 6 years ago.

In August 1954, he said, 3 months after the Court decision, a motion was made by a Negro board member to hold to a neighborhood school policy.

Mrs. Frances Donahoo, now president of the board, seconded the motion, Long said, and it was passed unanimously.

Last March, the policy was restated.

Neighborhood schools, said Long, apply throughout the system, with the exception of certain special students and those youngsters who transferred from the Franklin School last fall.

The system is caught in the classic bind promulgated by the Court decision: uproot in the schools a situation caused by housing patterns, or be forced to uproot.

Long said every Chester public school pupil gets an equal education. "I believe [this] in my heart," he said, noting that the Franklin transfers picked up "with no trouble whatever" in their new schools.

He flatly denied "any difference in quality and background" of the teachers. Though some of the older ones hold normal school certificates, a bachelor's degree is now a basic requirement. Nor are there differences in supplies and materials.

The board has said it won't bus students and won't transfer teachers unless they ask to be moved.

The board's position is that any change is physically, financially, educationally, and legally unfeasible.

Busing senseless

Chester is L-shaped, with 3-mile sides, making busing senseless, especially in the light of population changes.

Second, said Long, busing would cost $250,000 a year. And what would be done with the old buildings, if such ideas as the Princeton or Germantown "campus" plans were tried?

Third, what would happen if there was an indiscriminate mix of IQ's?

Fourth, there has been no gerrymandering, no shifting of school boundary lines. "Children went to the schools in the neighborhood in which they lived and everybody was satisfied until very, very recently," Special School Counsel Guy deFuria told a meeting 2 weeks ago.

At that meeting, deFuria said that if the Negroes believed rights were being abused, "Why don't they take us into court? They refuse to do that. So, we have gone into court."

Petition filed

He filed a petition in Delaware County Court April 6, seeking a judgment on whether the system should be required to make changes. A hearing was scheduled for last Monday, but the case was removed to the U.S. District Court in Philadelphia. It has not been heard yet.

Long said that he has devoted his career to providing "the best educational opportunities for all children."

"Not equality of education?" he asks. "What in the world do they mean? Where is the weakness?"

3. PARENTS' ASSOCIATION

As last week drew to a close, a two-sentence petition began making the rounds in and around Chester. It said:

"DEAR GOVERNOR SCRANTON: I sincerely feel that the mayor of the city of Chester, the Honorable James H. Gorbey, is to be complimented on his handling of the situation existing in that city at the present time.

"My family and I are 100 percent in back of his actions and do hope that you will give him your full support (these three last words were double underlined) in this matter. Respectfully yours."

The Negro civil rights leaders' demands for equal treatment, and the pressure that has gone with those demands, have caused many Chester residents, including some Negroes to ask whether their own rights should be ignored.

There are some Chester residents who feel there is no merit whatsoever in the demands of the Negro leaders. But there is a far larger group whose members appreciate what the Negroes are striving for, yet are sincerely convinced that street demonstrations are not the way to achieve Negro goals.

Sympathies shift

As the demonstrations have persisted with what appears to be steadily increasing violence, many former sympathizers with the Negro cause have changed their viewpoint.

"I was behind the Negroes' drive here originally," a self-styled liberal remarked. "But now they've gone too far, and it's the fault of their leaders."

While a meeting to calm the Chester turmoil was being held in Media on April 4, a group of white women marched outside the courthouse. They carried signs saying, "Keep our neighborhood schools," "Taxes for education, not buses," and "Mothers say no buses."

I would remind Senators that this occurred in Chester, Pa.

I read further from the article:

The women were members of the Chester Parents Association. It is a predominantly white group, to be sure. But at its last meeting, there were a number of Negroes among the gathering of 1,500.

Ten thousand members

The association chairman is Mrs. Louise Draper, mother of three. The organization claims 10,000 members.

In a report on an early meeting the association noted that "it is frightening that the merit of a cause should be determined on the basis of the turmoil a comparatively small percentage of the population, which is led by professional agitators, is capable of creating." It proceeded:

"The Chester School Board is acting within its rights to request legal direction (in its court suit) as to the extent of its responsibility. Any expenditure of tax funds for purposes other than those explicitly stipulated by law places the school board in jeopardy (of legal proceedings).

Court action urged

"If the demands of civil rights leaders were strictly in accordance with the law, they would have no fear of recourse to law," the report said.

"We will continue to support, with all our resources, the policy of neighborhood schools, because it is a matter of long record that this is the most practical and beneficial method of educating the very young child."

Also noted was the NAACP's inconsistency when it seeks neighborhood schooling in Southern States and another system in the North.

Mrs. Draper said the association has been unfairly characterized as a "white group." A number of Negroes had expressed similar concerns, she said.

She said the membership of the association was increasing all the time.

4. CITY GOVERNMENT

Late last week, after the Governor had stepped into the crisis in Chester and after civil rights leaders had declared a brief suspension of demonstrations, the city had some appearance of normalcy.

By agreement, it was a lull in a continuing struggle which has already wrenched a city apart.

Chester has been called by one nationally known civil rights leader the "Birmingham of the North." In a sense, it's adding insult to injury.

Chester is a town that boasts of its college and relies on its heavy industry. William Penn brought the English language to the shores of the Delaware River in 1682, but people from many lands—Poles, Lithuanians, Italians, Irish, and others—have fed a working class stock.

There is Sun Ship. There is Scott paper, Baldwin-Lima-Hamilton and Sun Oil are nearby. Ford was there, until recently. But there is high unemployment, in the depressed area category.

Into this picture comes the Negro. In 1930, he comprised 16 percent of the population. The ratio inched upward until it was 21 percent in 1950. In 1960 the percentage of nonwhites to whites was 1 to 3. In 20 years, according to one report, Chester lost almost 14 percent of its white residents and gained nearly 109 percent in its Negro population. The city now has a population of about 64,000, 22,000 of them Negroes.

Chester is L-shaped, with its base lying along the river. Except for isolated pockets, Negroes live in a section about 20 blocks long behind the waterfront industrial complex.

Census figures show white unemployment of about 6 percent. Negro joblessness is double that. Housing conditions reflect a similar disinheritance. So, say the Negroes, do the schools in their part of town. They decided to tackle the school problem first.

They started last November. There was a winter lull. Then on March 27 began the day and night demonstrations that were suspended at midweek. Bricks were thrown at police; nightsticks fell on bare heads.

Hundreds of people were arrested. The largest single total was on Wednesday night a week ago. The bloodiest night was Friday a week ago. The arrests were a reversal of leniency shown when the protests were calmer last fall.

Mayor James H. Gorbey, 43, father of five children, a lawyer, a former city councilman, was talking about his policy toward the demonstrators:

No ax to grind

"I have no ax to grind. * * * The law should be applied equally. I don't think super-civil rights should be permitted * * * with anybody else but civil rights groups, we would not have had so much patience.

"This is a very serious threat to law and order. I think they are trying to use Chester as a proving ground for other cities, to see how much they can get away with.

"I'm not mad at anybody. I'm not taking sides as to who's right and who's wrong (on the issues)."

Mayor hopeful

The mayor said he hoped there would be no more bloodshed but: "We're prepared for anything." He went on:

"The school board said, to my satisfaction, there was no discrimination. The school board said it was going to be a neighborhood policy. I don't see how it can change."

In the same paneled office on the third floor of the Chester Municipal Building, the mayor's assistant, Harold MacNeilly, also spoke.

If the civil rights leaders, particularly Stanley E. Branche, head of the Committee for Freedom Now, would negotiate, "this could be settled in half an hour. Everything but de facto segregation is settled."

MacNeilly said the people of Chester believe the protests are a "created situation."

"There is no problem in the school situation that couldn't have been worked out, sitting at tables. Branche demanded meetings (with the school board and the city's human relations commission) and got them. He didn't show up.

"This has set the race relations situation in Chester back 50 years. More than that, the lines are hardened. People who used to be sympathetic are now against them. Colored and white used to talk. Now they don't," MacNeilly said.

"There was no racial problem in Chester until the advent of Branche. There has been no segregation—the stores, theaters are open—there's none now. There was no ill feeling toward the Negro."

Raymond cited

MacNeilly said he believed that most of the Negro community opposes the activities of the rights groups. Less than 1 percent of the Negroes go to the rallies and demonstrations, he said. "For the most part, it's the rowdy element * * * not the ones who are worried about the schools."

He said George Raymond, head of the Chester chapter of the National Association for the Advancement of Colored People, was one of the few responsible leaders of the movement. A big trouble is outsiders, MacNeilly said, including clergymen.

He was asked about the police handling of the demonstrations, about brutality.

"No, sir, there's been no brutality. The men have to use the force necessary to make arrests, as allowed and required of them by law."

He said that the police "don't want to hurt them, but they must be made to move." He said he had seen police spit upon. Filthy curses and taunts have gone unanswered, he said.

"The Chester police force should be very highly commended for what they've taken. Fifty against five hundred is pretty rough odds," he said, noting that some officers had worked 36 hours at a stretch during the month-long demonstrations.

MacNeilly said the city is beginning to take an inventory of the damage. Since March 27, he said, there had been some 80 false alarms, most of them in the Negro section, compared to 13 over the same period last year.

"This thing has gone too far," the mayor's assistant said.

5. THE CHURCHES

The Reverend Clayton K. Hewett, 36, rector of the Episcopal Church of the Atonement in Morton, Delaware County, spent last week in the county prison annex in Media.

He could have gotten out on bail. He decided not to. He could have eaten. He decided not to.

Father Hewett is an outsider in the Chester crisis, a man described by one city official as someone who "stirs up white sympathizers."

He was arrested the night of April 24, during the worst of the fighting, at Third and Pennell Streets, in the Negro area. Accounts differ on what happened. City officials said he ordered other demonstrators to "lock arms—stand fast." This was "not the talk of a sensible man," one official said.

Called intervener

Other accounts said he intervened as a State trooper seemed about to strike a teenager, or that he was trying to protect women.

Father Hewett, who has six children, is a former steelworker and sometime boxer—never in the main-event class.

He was held in $25,000 bail for one charge—inciting to riot—after being arrested. Wednesday, the bail on that one charge was reduced to $2,500. Laymen from two churches put up deeds to get him out, but he refused to leave the jail until all the other prisoners were out.

For several days he refused solid food but drank juices. Now he is on vitamins and water, his friends say.

The talk is that Father Hewett has made himself more of a nuisance to authorities than the street demonstrators.

Committee formed

Other outsiders, including Bishop Robert L. DeWitt, new head of the Episcopal Diocese of Pennsylvania, have taken up the cudgels, forming the Interfaith Committee for Reconciliation. This group of eight men—Episcopalians, Presbyterians, a Jew, two Quakers and a law school dean—opened their campaign to give the Chester race situation a moral grounding with an after-midnight visit to Governor Scranton last Sunday. Scranton ordered the State human relations commission to take action after the meeting.

Gathering and documenting information "to spread this with all the objectivity and fact we can to as many as will listen" is the first activity of the interfaith committee. The Reverend Layton P. Zimmer has been granted leave from Trinity Episcopal Church, Swarthmore, to head the work.

Part of the work also is "the role of bridge-building between the opposition forces in the civil rights dispute. If necessary, we stand prepared to gather church people from all over the eastern part of the Nation, including national church leaders, to come together to prayerfully witness our concern over the situation there."

Key figure

Father Hewett is a key figure. "I think that his sacrifice projects this very clearly into a moral arena, an evil he sees existing. I pray to God it will awaken people's consciences," Father Zimmer said.

He said that police brutality was "just a fact" during the demonstration.

Has anything been changed in the last month? "If there has been a change in the hearts and minds of a few, then a great deal has been accomplished," Father Zimmer said.

"Insiders" in Chester have been less vocal.

The Reverend Sherwood W. Anderson, pastor of the First Presbyterian Church, the largest, and oldest Presbyterian church in the city, said, "Our people believe in freedom, equality and justice, but they are generally repelled by what they believe to be the inordinate demands of the Negro."

Provided bail

He said the denomination's State synod had provided bail for some jailed demonstrators, but that his church board "felt that it was unwise * * * because it apparently identified the church with accused lawbreakers."

"I objected, too," Mr. Anderson added.

Despite his feeling, Mr. Anderson put up $1,368 for one jailed minister, the Reverend Ralph Sundquist, a former member of the denomination's board of Christian education.

Mr. Anderson explained:

"The people who were arrested (during the demonstrations at the home of former State Senator John J. McClure two Wednesdays ago) were deliberately violating the law. On the other hand, Ralph Sundquist was part of the large number who were peaceably demonstrating on the sidewalk. He was charged with disobeying an officer. He swears to me he heard no command from an officer to disperse."

Questions about the racial situation were put to other Chester clergymen. All declined to render any personal opinions. One said he was "in accord with social justice and all that sort of thing," but was against reckless statements which might be misunderstood.

Mr. President, I hope Senators will read this article. I think it very clearly demonstrates that what happened in Chester, Pa., can happen elsewhere. Rather than bring about an understanding and a solution of the problem which exists—and all recognize that the problem of the civil rights disobedience marches exists—the pressure which is being put on is not going to bring about the solution they seek. It will only create more difficulty, more ill feeling, and adversity and malcontent.

I hope that these people, who, in some instances, have a legitimate grievance, will take their grievance to the courts. I do not think laws are made to be disobeyed and disrespected by any group, either in the North or the South. I think the time has come when the leaders of the NAACP and the leaders of the so-called civil rights movement should tell their people that they have a solemn duty, as citizens, to obey laws and regulations with respect to acts of civil rights disobedience, and that they do not have a right to disobey the law merely because they do not happen to like the law.

There may be some laws that I do not like. I did not like the decision in the

Brown case in 1954. But I must recognize that it is the law of the land, and that until it is changed, it has to be respected.

It seems to me a halt should be called to the action which some are now taking in agitating and in breaking the law. After all, they are citizens; and, as citizens, they have responsibilities, just as the rest of us do.

AMENDMENT NO. 569

Mr. SMATHERS. Mr. President, while the able Senator from Michigan [Mr. McNamara], the former chairman of the Special Committee on Aging, is present in the Chamber, I send to the desk an amendment and ask that it be printed and be ordered to remain at the desk.

The ACTING PRESIDENT pro tempore. Does the Senator from Florida wish the amendment to be considered as read?

Mr. SMATHERS. I ask unanimous consent that the amendment be considered as read and also be printed in the Record.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 569) is as follows:

> On page 32, line 19, insert "AGE," immediately after "RELIGION,".
>
> On page 33, line 2, insert "age," immediately after "sex,".
>
> On page 33, line 8, insert "age," immediately after "sex,".
>
> On page 33, line 13, insert "age," immediately after "sex,".
>
> On page 33, line 15, insert "age," immediately after "sex,".
>
> On page 33, line 20, insert "age," immediately after "sex,".
>
> On page 34, line 2, insert "age," immediately after "sex,".
>
> On page 34, line 11, insert "age," immediately after "sex,".
>
> On page 34, line 17, insert "age," immediately after "sex,".
>
> On page 34, line 18, insert "age," immediately after "sex,".
>
> On page 36, line 15, insert "age," immediately after "sex,".
>
> On page 36, line 17, insert "age," immediately after "sex,".
>
> On page 36, line 18, insert "age," immediately after "sex,".
>
> On page 42, line 16, insert "age," immediately after "religion,".
>
> On page 49, line 21, strike out "1964" and insert in lieu thereof "1965".
>
> On page 49, line 23, insert "additional" immediately preceding "legislation".

Mr. SMATHERS. The able Senator from Michigan [Mr. McNamara], as former chairman of the Special Committee on Aging, thoroughly understands there is about as much discrimination with respect to the employment of people who get above 40 years of age as there is discrimination in any other category which anyone can possibly imagine.

This proposed amendment to title VII of the pending civil rights bill would seek to prohibit age discrimination in employment. Heretofore, during the course of this debate, I have made it abundantly clear that I disapprove of this title's coercive approach to discriminatory employment practices. I have strongly criticized this title as an infringement upon the freedom of employers to choose their associates, contrary to the spirit if not the letter of the Constitution. That I am now offering an amendment to that title in no way implies any change in my opinion of it. It merely reflects my conviction that if, despite my best efforts in opposition to it, it should nevertheless become law, it would be improved by including age as one of the bases upon which discrimination could not be practiced.

As chairman of the Senate Special Committee on Aging, it has been brought forcefully to my attention that some Americans have difficulty obtaining employment because they have passed the age when some employers might consider them most desirable as employees.

On February 11, 1963, when the able Senator from Michigan [Mr. McNamara] was chairman of the Special Committee on Aging, the committee issued a report entitled "Developments in Aging." The committee said:

> With funds authorized by the Congress in July 1955, the Department of Labor undertook a comprehensive research program to explore what appeared to be the major difficulties or roadblocks to increased employment opportunities for older workers. A major undertaking of the research program was a survey of the labor market experience and problems of older workers conducted by the U.S. Employment Service and affiliated State employment services in seven major labor markets. This survey came to be known as the seven cities study.
>
> The seven cities study brought to light and clearly pointed out that older workers, particularly those in the 45-and-over age bracket, faced imposing obstacles in employment once they become idle, and that specialized, more intensified services were required to assist them in obtaining employment. The survey highlighted the fact that the greatest single obstacle facing the unemployed older workers was arbitrary age limits set by employers in their hiring practices—for example, sometimes even as low as under 35 for clerical positions, and in many cases, under 40. Of the 21,386 job openings filed in April 1956, in employment service offices in these seven cities, more than one-half specified maximum hiring ages of 55, more than two-fifths specified under 45, and one-fifth under 35.

Several January 1960 studies were published in the committee print of the Committee on Aging, entitled, "Background Studies Prepared by State Committees for the White House Conference on Aging." One study reported therein was based upon figures supplied by the Missouri Division of Employment Security on upper age restrictions in job openings in St. Louis city and county. This study showed that a job applicant 35 years old would automatically be excluded because of his age from 16.9 percent of the job openings reported by employers for filling to the employment service in St. Louis; that an applicant 40 years of age would be excluded from not only that 16.9 percent but also from an additional 11.6 of all job openings reported; that one 45 years old would be excluded from not only those jobs but also from an additional 9.6 percent, or from a total of 38.1 percent of all jobs reported; that one 55 years old would be excluded from an additional 21.2 percent, or from a total of 59.3 percent of the jobs; and that an applicant age 65 or over would be excluded from a total of 63.6 percent of the jobs.

Mr. SPARKMAN. Mr. President, will the Senator yield, if he has come to a convenient place in his speech to do so?

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Alabama, if by so doing I shall not prejudice my rights to the floor or have the resumption of my speech considered as an additional speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPARKMAN. I wish to ask a question. Is the Senator not speaking now with reference to an amendment which he has offered or expects to offer?

Mr. SMATHERS. The Senator is correct.

Mr. SPARKMAN. The amendment would remove discrimination by reason of age, would it?

Mr. SMATHERS. Yes.

Mr. SPARKMAN. Do I correctly understand that the Senator is quoting from a report of the Senate Special Committee on the Aging?

Mr. SMATHERS. Yes, the Senator is again correct. I am quoting from that special committee report made last year, and also from an additional report made in the early part of the present year.

Mr. SPARKMAN. Is it not true that the special committee very strongly pointed out, and was opposed, to the present practices of discrimination because of aging?

Mr. SMATHERS. The Senator is totally correct. It has been an unfortunate fact of life, as we discover, that frequently when a man loses his job and seeks reemployment, he has difficulty obtaining other employment. The man who is seeking reemployment is the one who has the difficulty. This results primarily, I believe, from the fact that most of the large companies have certain pension and profit-sharing programs, and they do not wish to take into their pension and profit-sharing programs a man who is 45 years old, even though he may need a job, because he may not be able to make an adequate contribution from his salary to the pension or other program. The result is that, in order to keep the programs in effect and to keep from losing their benefits, there is issued a blanket order that if a man over 35, or perhaps over 40, years of age applies for employment, his application will be rejected. In terms of discrimination, that is about the worst kind of discrimination, because such a worker—irrespective of his race, color, or creed—is thus ipso facto eliminated from the prospect of having a job, merely because of his age; when he arrives at a certain age, he will not be able to find new work.

Mr. SPARKMAN. If the Senator will yield further, is it not true that the National Government is one of the worst offenders with respect to discrimination because of age?

Mr. SMATHERS. The Senator from Alabama is totally correct. Certainly he knows of that fact, not only as a result of his varied experience in Government, but also as chairman of the Small Business

Select Committee, on which committee I have the honor to serve. In this connection, it was brought out during hearings that when certain persons were trying to obtain Government contracts, frequently they were discriminated against, not only because of the small size of their businesses, but also because of their age.

As the Senator from Alabama has so ably pointed out, the Government is one of the worst offenders in this respect, in my opinion. Apparently there are in effect in the various departments rules under which a person who has reached a certain age, perhaps 45 or 50, has little chance of getting a job with the Government. The Government agencies want workers who are perhaps only 30 years of age, and no doubt they would prefer to employ those who are only 25. They make it difficult for persons who are 45 years of age, and certainly those who are 50 years of age, to get jobs in the Government.

Mr. SPARKMAN. It seems to me the Civil Service Commission itself had a rule—or certainly the various personnel officers of the various agencies had one—that no person who was beyond age of 55 would be eligible for retirement, because of the voluntary retirement rule and the compulsory retirement rule at age 70.

Mr. SMATHERS. I am not quite positive of that, although my recollection is the same as that of the Senator from Alabama; I think he is correct.

Mr. SPARKMAN. Even that practice is only something to talk about, because, as the Senator has pointed out, a person who is 40 or 45 years old finds it almost impossible to get a job, either in the Government or in private industry.

I think the Senator is to be commended for bringing up the question of age, because if there is discrimination in employment in this country, none is more blatant than discrimination because of age.

Mr. SMATHERS. I agree with the Senator.

Mr. President, at this point I yield to the Senator from Michigan [Mr. McNamara], the former chairman of the Special Committee on Aging, and still a very active member of the committee.

Mr. McNAMARA. Mr. President, I certainly agree with the Senator from Florida that there is great need for legislation dealing with discrimination throughout the United States based on age. I am sure the distinguished chairman of the Special Committee on Aging knows that some States already have some legislation in that field. I believe Massachusetts was the first State to adopt such legislation several years ago. Other States have followed suit since then. So there is a consciousness of the need for such legislation.

However, I would be inclined to vote against the amendment, despite the fact that I favor the substance of it. In connection with this particular bill, I would vote against the amendment, because I think the pending bill is already complicated. I think to add such an amendment to the bill would add further confusion and would further complicate the bill.

I hope the able chairman of the Special Committee on Aging, the distinguished Senator from Florida, will introduce a separate bill on this subject, at some time in the future. I shall be happy to cosponsor it with him, or to take the lead in doing so, at his request.

Mr. SMATHERS. I thank the able Senator from Michigan. I know he is greatly interested in this subject. But there is before the Senate a bill which is supposed to deal with discrimination—real or imaginary. I think discrimination on the ground of age is certainly one of the main and one of the more virulent forms of discrimination. I refer to the form of discrimination practiced against those who are getting older, particularly women. For some reason, a woman who has become a widow and who happens to be 43, 44, or 45 years of age, or older, has a most difficult time getting a position. So there is the rankest type of discrimination against women who happen to be getting along in years.

If we are talking about eliminating discrimination—which is what I understand the proponents of the bill want to do—I think we should be equally as concerned with respect to persons who are aging, irrespective of their color—whether they are white, colored, Puerto Ricans, or any other type of people—so long as they are citizens, as we are for colored citizens or those who have a certain creed.

So if the amendment is rejected—I do not know that it will be; and I hope it will not be—I will come to the able Senator from Michigan, and then perhaps he and I can sponsor a bill on this subject; and we will hope it will be passed.

Mr. McNAMARA. I thank the Senator. If he will yield briefly, I merely wish to say that discrimination based on age is across-the-board discrimination. It affects people of all races and all national origins.

It seems to me the bill before the Senate is directed against a particular type of discrimination. Discrimination based on age applies equally generally to white, colored, Puerto Ricans, and the other people the Senator has mentioned. The bill before the Senate is aimed at a different group. Therefore, I hope I can join the Senator from Florida in sponsoring a separate bill on this subject. I would be opposed to the amendment as an amendment to the civil rights bill.

Mr. SMATHERS. I thank the Senator. I hope it will not be necessary for me to introduce a separate bill, because I hope the amendment will be adopted to this bill. But if not, I will see him.

I point out that in the United States there are approximately 18 million persons who are 65 years of age or older. In the category of those aged 65 to 45, the number is approximately 20 million. This age group is increasing rapidly.

When we find that more and more people are not able to make a livelihood because of age, that is an actual and real kind of discrimination. I do not think there is much discrimination in employment of people because of their race or color. I have heard it charged that there is; but I do not believe it, and I have not seen facts to prove such a charge. But there is discrimination in the North, in the East, in the South, and in the West—a major and virulent type of discrimination—against people because they happen to be growing older; and because of that fact, they are deprived of their livelihood.

If the purport of the bill is to eliminate discrimination, here is an area where the proponents can really eliminate it, particularly discrimination which exists with respect to older widows and older women who are having a difficult time, not only to provide for themselves, but also to provide for any dependents they may have. Today, such women find it next to impossible to find jobs in industry.

A more recent study shows that age discrimination in hiring continues to restrict employment opportunities for older workers. In the "Report to the President" of the President's Council on Aging, which was released on February 7, there was the following passage on age discrimination in employment:

> AGE DISCRIMINATION IN HIRING CONTINUES TO RESTRICT EMPLOYMENT OPPORTUNITIES FOR OLDER WORKERS
>
> The fact that older workers remain unemployed for longer periods of time than younger groups reflects their difficulties in obtaining reemployment. The practice of incorporating arbitrary age limitations into hiring specifications continues to restrict their employment opportunities. Evidence of age discrimination in hiring has been found in a number of studies, made under both public and private auspices. It has been confirmed by the study made by the U.S. Employment Service for the President's Council on Aging of more than 25,000 employer job orders received in May 1963 in public employment offices of the Federal-State Employment Service in eight cities. Forty-five percent, almost half, of the job orders specified an upper age limit on referrals. Eighteen percent, nearly one-fifth, of the orders restricted referrals to applicants under 35, 29 percent to applicants under 45, 42 percent to applicants under 55. As in similar studies made in 1956–57, employment in white-collar occupations was most restricted by age limitations in the following order: Clerical, sales, professional and managerial, and least restricted in service and skilled occupations.

In other words, a hygienist, a nurse, a doctor, or one who had special skill as a professor or a teacher, frequently would be more likely to find employment.

I read further from the report:

> Employers are often especially reluctant to hire new workers over the age of 45; yet the same employers may have generous practices for retention and retraining of older workers in their employ. Moreover, they assert a high regard for their older employees—their sense of responsibility, stability of performance, quality of work, and reliability.
>
> In another survey made by the U.S. Employment Service for the Council, employers were asked to rate older and younger workers on 10 characteristics related to their jobs. Five hundred larger firms, each employing at least 250 workers, responded to the survey in the same 8 cities in which job orders were studied. The majority of employers rated workers over 40 equal to or better than younger workers in 9 of the 10 characteristics. These included dependability, lack of absenteeism, quality of work, quantity of production, accident rates, physical capacity, versatility of skills, ability to

get along with others, and speed in gaining proficiency on a new job. Opinion was more divided on this last characteristic, 47 percent rated older workers equal to younger workers, and 12 percent rated them better than younger workers, but 41 percent rated younger workers better than older workers. On adaptability to change, however, almost 2 out of 3 employers considered younger workers more adaptable. Similar ratings were made by about 800 smaller reporting firms.

Other studies of characteristics and job performance of older workers based on personnel records have largely disproved supposed disadvantages of older workers such as accident-proneness, absenteeism, and lower productivity. They have found greater differences among individuals in the same age groups than existed between age groups.

A recent study of comparative work performance of 6,000 employees in the postal service confirms the findings of earlier surveys that there is no consistent pattern of any one age group having superior productivity, and that the differences in productivity among workers in the same age group are much greater than the differences among age groups. The older age groups frequently produced as much as the younger age groups.

This latest study, conducted by the Bureau of Labor Statistics among mail sorters in the post offices in 12 cities, shows that there was only a 4-percent difference between the performance score of the highest and lowest age groups. The oldest age group, 60 years and over, had the lowest average score in all cities combined, but in 2 of the 12 cities it had next to the highest score. However, the consistency of performance among the older groups was much higher than for younger workers.

And yet, in the Employment Service survey of employer attitudes in 8 cities, new employees hired in 1962 by the 1,300 reporting firms, both large and small, were overwhelmingly under 45 years of age—an estimated 90 percent of the employees hired by the larger firms and over 85 percent of the employees hired by the smaller firms. Nearly two-thirds of all new employees hired by these firms during that year were under 35 years of age. While these percentages should not be taken as indicative of hiring practices of employers throughout the country, they are nevertheless evidence of serious barriers to employment faced by unemployed men and women over 40 years of age.

I believe, Mr. President, that I could present many pages of statistics to prove that age discrimination does exist; but if I did, I would merely be providing additional confirmation of a fact within the knowledge of every Senator.

The point is, Mr. President, that as much difficulty as some may have in obtaining employment because of their race, they may be in a much more favorable position to get certain types of jobs than those who are laboring under age handicaps. In other words, it is frequently easier for a young Negro to find work than for an aged white person. The bill now before us will increase that advantage and will, in many cases, increase, not decrease, job discrimination. Accordingly, it might be a serious mistake and a grave injustice against those suffering from other types of discrimination.

Therefore, Mr. President, to prevent additional employment discrimination against older Americans, we should adopt this amendment to the pending civil rights bill—if we are to have a civil rights bill, although I do not believe we need one or should have one.

Mr. HILL. Mr. President, will the Senator from Florida yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Alabama?

Mr. SMATHERS. I am glad to yield.

Mr. HILL. We need to bring our thinking on the aged up to date. At the turn of the century, the average life of an American was 48 years. At that time, anyone over 40 was considered very old, indeed.

Today, because of medical research and the great advances made in medicine, for the welfare of the people, the average life expectancy of an American is, not 48, but the full Biblical 3 score and 10—70 years.

Mr. SMATHERS. The Senator is absolutely correct. During the last century there was a general belief that people should retire or "be put on the shelf," both physically and mentally speaking, when they reached age 45 or 50. Today, because of improved medicine and improved diet, people are living longer and are staying mentally and physically young longer. So the Senator is absolutely correct; we must reshape our thinking, in order to take care of this rapidly growing problem.

Mr. HILL. Some of the most productive and best years of the average American are those after 45; is that not correct?

Mr. SMATHERS. The Senator is absolutely correct. I know that in the beautiful city of St. Petersburg, Fla., there is an employer who will not employ anyone under 65 years of age. He finds that people over 65 do better work. He finds that they do a better job because they have more patience than younger people have, and are willing to go into greater detail in their work. Besides, he believes they appreciate their jobs more than do the younger people. The Senator is absolutely correct.

Mr. HILL. In other words, from the standpoint of success—and it must be primarily from the standpoint of financial success, because otherwise the employer would not think so—older people are better suited to that kind of work than are younger people. Is that correct?

Mr. SMATHERS. The Senator is correct. The St. Petersburg businessman to whom I have referred employs only persons who are 65 years of age or older. These older people, in point of fact, are actually growing younger and healthier, and more and more of them want somethink to do; they want to remain active. So in St. Petersburg, as well as throughout the State, such persons wish to stay active and productive. Many more such people would rather work than sit idle, and would now be employed, if they could find employment. However, there is this unreasonable discrimination against them, because of their age.

We have changed the social security law, in the past; and we shall have to change it again, I am sure. It contains a provision under which a person is allowed to draw only a certain amount of his social security benefits if he has outside employment which gives him an income greater than a certain amount.

The result of such rules is that a great many persons in this age bracket, who would like to work and stay productive, are not being productive and are not being as useful as they would like to be, because if they receive a certain amount of compensation from a job, they automatically lose their social security payments.

That is one reason why I have been a sponsor of amendments to the social security law which would permit persons above 65 years of age to draw social security payments and still be allowed to obtain outside employment to supplement their social security income.

Everyone knows it is exceedingly difficult to live solely on social security benefits. In fact, it is not possible to live in the dignity in which older people should be able to live, and with the conveniences with which they should be able to live, if they must depend solely on social security payments.

Therefore it is necessary to amend the law, so as to make it possible for people to draw their full social security benefits and still engage in outside employment.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD a series of articles which deal with this subject. They were written by Alan Lupo, and were published in the Baltimore Evening Sun.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Evening Sun, Mar. 30, 1964]

The Young Old Men: He Can't Find a Job—He's 48

(NOTE.—Across the Nation, they are sitting in the cold climate of the waiting rooms, waiting for Mr. Somebody-or-Other to see them shortly. They wait for work—for day shifts, night shifts, part-time shifts, anytime shifts. The machines, the layoffs, the failing businesses, the mergers, have put them on the streets. They are learning what the figures in the dry, bulky unemployment studies have indicated: It is very hard to get a new job after you are 40. They are 40, 45, 50, 55, 60, and 65, and it has been many years since they were on the streets looking. They are skilled workers, reliable, trustworthy, men of good record and repute, the kind who get bonds and watches and commendations, said the companies. They were secure; they had seniority, said the unions. But the security is gone, and the mortgage has been renewed, and the wife is looking for work and they are afraid.)

(By Alan Lupo)

John Doe, electrician, was 46 and out of work in Alabama in 1962 when his union sent out the call.

A shipyard near Baltimore needed men, they told him. If you want work, go to Baltimore. He packed and took his wife and small ones and went to Baltimore.

They rented a house at $28 a week, which was fine, John Doe said, because he was making $3.11 an hour at the yard.

"They were hurtin'," he said. "They needed workers."

John Doe, electrician, began working in July 1962. Last November he stopped. He was not needed anymore.

PHONE COSTS MONEY

John Doe has a 5-year-old boy who eats and wears clothes and goes to kindergarten. He has a phone, the number of which he has left on 75 job applications, and the phone costs money. There are utility bills, and the rent still costs $28 a week.

When he worked, John Doe made $124.40 a week before taxes. He now gets $40 a week in unemployment insurance.

"Every time I look for a job and pay bus fare, I'm taking it out of the food money," he says.

John Doe, electrician, spends each day "calling on the ones I've already seen. I've been to the employment office, but not once since November have they given me any referral. I go looking on my own."

SMALL NOTEBOOK

He carries with him a small brown 5-cent notebook, in which he has pasted newspaper ads and written down names. At night, he goes to school and takes courses in electronics "because that's where the future is." He has even written his Congressman, whose replies he keeps in an old briefcase with a thermos bottle.

John Doe says he would take any job available if he could do the work.

But there are two factors working against John Doe. He is 48 years old, and he is a skilled worker who has received high pay.

MANY AFRAID

Many companies are afraid to hire the skilled John Does because they think the worker would jump at the chance to return to his former and higher paying job if it were to be available again.

But the major factor, the factor that is disturbing economists and Federal employment officials, is that the John Does are considered too old to hire when they reach 40 or 45.

Of the 4,524,000 persons unemployed last month in the United States, 1,341,000 were 45 and over. More than half of them were men.

SKILLS OUTDATED

Some were unskilled. Others had skills that had been outdated by automation and other manifestations of progress.

Still others had useful skills but had been laid off for various reasons and were being discriminated against because of their age.

A combination of such factors as pension plans, automation, mergers, layoffs, and the abundance of youthful labor are creating a living graveyard of skilled, older—but unemployed—workers.

SENIORITY FACTOR

Older works, in many cases, have seniority, and their unemployment rates are relatively low in comparison to the young, but once they do lose jobs, they are out of work longer than the young men.

In 1962, the average length of unemployment for men 45 to 64 was more than 20 weeks; for those over 65, it exceeded 26 weeks.

The older workers are likely to be engaged in occupations with little promise of reemployment, such as mining, railroads, and farming.

BETTER EDUCATED

Also, newer industries or changing industries involve more technological knowledge, and the younger worker entering today's labor market is better educated than was his father.

The situation is not eased by the impending statistics that face the country.

The population of those 45 and over grew from 13,500,000 at the turn of the century to 53 million in 1960. In another 6 years, it is expected to exceed 62 million.

LIVING LONGER

The country is experiencing a phenomenon whereby people are living longer but working less years, under an often mandatory retirement age of 65.

If all trends continue, and the Department of Labor sees no reason why they should not, the country will be faced with another serious unemployment problem involving two types of over-40 unemployed—those who must work to live and those financially comfortable who feel they must continue working to escape boredom.

LACKS MOBILITY

What compounds the tragedy, noted a Labor Department spokesman, is that "many times, the older worker doesn't know how to look for work. He hasn't looked for a long time.

"Also, he lacks mobility. He has a fear of moving, or leaving his home and family ties."

But even for the man who is sufficiently educated, who is willing to move and who knows how to look for work, there is difficulty.

For many, it begins with a pencil and a newspaper.

[From the Baltimore (Md.) Evening Sun, Mar. 31, 1964]

The Young Old Men: The Human Tragedy When Employee Learns the Forties Are Too Old To Work

(By Alan Lupo)

There are about 25,000 unemployed persons in Maryland who made the mistake of being born 10 to 20 years too soon.

They account for at least 38 percent of those listed as claimants by the Department of Employment Security. They are known as the "45 and over" group.

Some of these people may never work again. Others will be lucky and will be able to return to their original jobs. Some have no skill to speak of; others have skills no longer considered useful. And many will get jobs that pay less than the wages to which they are accustomed.

One of the biggest impediments to their being reemployed is something over which they have no control—their age.

ORDERS AND RESTRICTIONS

A Federal study made last year of job orders in Baltimore showed that 2,308 of the 3,758 orders filed in one period carried age restrictions, including jobs that called for little or no physical exertion. That is approximately 61 percent.

Baltimore was one of eight cities studied in States that have no law banning age discrimination in jobs. Authorities found that 47 percent of the job orders specified upper age limits, with about one-fifth setting a limit of 35 and one-third setting a limit of 45.

Yet the employers surveyed rated older workers equal to or better than the younger ones in 9 out of 10 job qualities, such as quantity of work, lack of absenteeism, and dependability.

Of 30,247 persons 45 and older who applied in Baltimore last year for jobs, 17,234 were placed.

But statistics are only a cold reflection of a human tragedy, a tragedy that begins when an employee is told he is no longer needed.

If the empoyee makes contact with the Department of Employment Security, he will find counseling, testing, and placement services available, along with his unemployment check.

He will be told about adult education courses and the new amendment to the Manpower Development and Training Act that enables the Government to help educate the unemployed.

For many of these persons who have worked for so long and have been thrust suddenly onto an already crowded market, such methods are strange and slow.

IN THE PAPER

So, they take a pencil and turn to the back of the daily newspapers, and they find:

"Bartender, manager—age 21 to 45."

"Man under 40. Work in retail poultry."

"Company has opening for young man, 21 to 30 in consumer credit department."

"Shoe store chain requires young aggressive men to be trained as store manager."

"Accountant, minimum 2 years' experience, 25 to 35."

"Experienced warehouse supervisor, age 25 to 40."

DISAPPOINTING INTERVIEW

Most advertisements do not stipulate age limits. This does not mean that these companies, however, are eager to hire those over 40 or 50. The interview is often a disappointment.

This is sometimes due to the applicant's inability to conduct himself properly in an interview, say Employment Security personnel. It is due also, says the Department of Labor, to a prejudice against hiring the middle aged and elderly.

"They look at the gray in your hair, and that's it," said a 55-year-old carpenter, out of work since December. "They figure you can't do the physical work in your forties or fifties.

"Well, me and another fella put up one side of a 50-foot scaffolding at the stadium, and there were young men who wouldn't go up there. But I'll go. When I get so I can't do it, I'll quit."

MAJOR OBJECTIONS

Physical and health limitations often constitute the major objection by employers to hiring those over 40.

Other reasons given include adaptability, insurance and pension plans, slowness in learning, lack of education, unacceptable starting pay, less production, and more absenteeism.

"We experimented with men over 50 during the war," said a local insurance official. "The amount of turnover was tremendous. They couldn't take the work. It means a lot of walking and climbing stairs."

"There are some finance companies," said an employment agency spokesman, "who won't hire anyone over 30. A man over 30 is too old for them," and if he's 40, he might as well lie down and die."

A warehouse official said that although his company advertises with an upper age limit of 32, they would consider hiring a man as old as 45.

A BAD TASTE

"But once you get into the fifties, there aren't too many years left, and we're looking for 30-year men. Also, we have a pension plan with a retirement age of 65. An old guy wouldn't be getting any pension benefits, and he'd leave the company with a bad taste in his mouth."

The Labor Department and the National Association of Manufacturers have labeled most of the objections as "myths."

The NAM contends that an older worker provides efficiency, easier adjustment, stability, accuracy, quality and dependability.

In its official policy, the NAM urges employers "to observe voluntary hiring practices which give consideration to skills and abilities rather than to any arbitrary age factors."

One obstacle that continues to crop up above others involves pension costs to the employer who contributes to the retirement and insurance funds of his workers. An older worker usually carries a higher entry cost than a younger man.

UNLIKELY TO DIFFER

But a recent Labor Department study contended that "insurance costs, taken as a whole, are unlikely to differ very much between older entrants and younger entrants."

The additional pension cost of hiring a 45-year-old worker compared with one 35 years old was estimated at less than 1 percent of the annual compensation for an average factory worker under a typical plan providing a benefit of $2.50 per month for each year of covered service.

"The more one examines pension and insurance costs," contends the NAM, "the less valid they become as legitimate barriers to the employment of mature workers.

"When one considers the many personal assets the mature employee brings to the job, pension and insurance costs certainly lose whatever significance they may appear to have."

[From the Baltimore (Md.) Evening Sun, Apr. 1, 1964]

THE YOUNG OLD MEN: AGE BIAS CANCELS SKILL, WILLINGNESS

(By Alan Lupo)

John Brown drove twice around the block to find a legal parking space somewhere near the large brick building that served as headquarters for the south Baltimore factory.

He walked down the street and across the railroad tracks and a pock-marked yard to the smaller building occupied by the factory guard.

When the guard asked if he could help, Mr. Brown said he was looking for work at the employment office.

"The personnel office is closed," said the guard. "It won't open until Thursday."

FAMILY DAY

It was Monday, and the personnel director was away, said the guard. "And tomorrow and Wednesday, it's Family Day." He pointed to a wall sign, as if to document his explanation. It said: "Tuesday and Wednesday, Family Day."

The guard showed no anger, sadness or humor. He had a job to do and had little time to worry about the fact that Mr. Brown did not have a job.

SKILLED MACHINIST

"That's a new one," said Mr. Brown to a companion. "The personnel office is closed all week."

It was a new one even to Mr. Brown, who had spent the past 7 months looking for work and had met all the standard rebuffs, and then some.

Mr. Brown is a skilled maintenance machinist who has worked for about 45 of his 60 years. Since World War II, he has concentrated on the repair of machinery and says he "can work on most any type of machine."

Mr. Brown is one of about 100 men who lost their jobs when a local concern closed down last August. Since that time he has made 75 to 100 calls on firms in the area and has "about 20 applications floating around the city."

TOLD TO RETIRE

But he has been told, in effect, that he is old, though he turned only 60 a month ago.

"One personnel man said to me when I was 59, 'Why don't you retire?'

"I said, 'I'm not old enough to retire right now. What kind of work do you have out here that you think I can't do?" I asked him. He said, 'You have to do a lot of climbing and get on top of the machinery.'

"I told him, 'I've been doing it all my life. Why not now?'

"He said he didn't want to make the company liable if something happened."

ABLE TO WORK

John Brown is a statistic. He is one of about 25,000 persons over 45 without work in Maryland. He is a short man with blue-gray eyes set behind a pair of glasses. He drives a car as easily as any younger man.

He takes walks without tiring. He is convinced he has at least another 5 years of work in him, but is just as convinced his age is working against him.

"I know my age is against me," he said. "I had it thrown at me at one place recently. The man told me my application was all right. He said there was only one bad factor, my age.

"He said they had a minimum of 15 years pension requirement. He said if I had been 49 or 50, he'd put me to work, because he needed two men. I told him I'd waive all the pension rights.

" 'For that,' he said, 'I'd have to send the application to New York, and I know what the answer will be—no.' "

EARLY RISER

On the day he talked about his problem, John Brown arose about 7 a.m. He had to wait 2 hours for a factory to open before he could call a man with whom he once had worked. The man had become a supervisor.

"You may not remember me," Mr. Brown said. The man replied that he did remember him, but there were no jobs, and, anyway, he would have to deal through personnel.

At 9:30 a.m., Mr. Brown drove to a plant, where he got as far as the admissions gate. "At some places," he said, "they tell you right at the gate that no one is being hired.

Less than an hour later, Mr. Brown pulled up in front of an automobile plant.

In a sterile room with waxed floors, a young man wearing suit pants and a buttoned-down white shirt with tie and a somewhat stony face asked, "May I help you."

SHORT SHRIFT

Mr. Brown asked if they had any openings for maintenance machinists. "No, sir, we don't." He asked if the company used any such labor.

"You mean repairmen for machines? Yes, we do." The young man said only what was necessary and added nothing further.

John Brown shrugged, "Well, that's it," and walked out. The morning was not yet over, and he was batting 0 for 3. "When I get back," he said in his car, "I'm going to call a brewery. The weather's starting to break, and business is picking up."

Mr. Brown is not planning to enter a training program. "Would it pay for a man my age to do it?" he asks. "I think it would just be foolhardy. But if I don't get something else shortly in my line of work, I'll try something else."

Mr. Brown is not poor. His three children are married. He lives with his wife in a neat row house. He has a car of his own and a few hundred dollars' worth of tools he would like to use again.

FEELS LIMITED

He feels limited by his formal education, which ended in the ninth grade when he left school. But he proudly recalls that "there were very few papers in school that I didn't get a 90 in mathematics and algebra."

Brown is not his real name, which he did not want to use "because some employers might take it the wrong way."

He is one of 1,341,000 persons in the country who are too young to retire, yet considered too old to work.

He recalled:

"A personnel man told me once he wouldn't hire a man over 35. He said a man starts to deteriorate. Why, I can do a job in my line now just as good as 30 years ago."

[From the Baltimore (Md.) Evening Sun, Apr. 2, 1964]

THE YOUNG OLD MEN: HELP FOR THE JOB HUNTER

(By Alan Lupo)

In a high school classroom, where 5 days a week the young are trained for the future, eight middle-aged men sat quietly and listened to a younger man trying to help them rectify the present.

"Coming here today can't guarantee you a job," he told them, "but it'll prove to you that you have a real motivation to get work and are improving your chances to get a job."

Before each man was a "self-evaluation" sheet and a pencil. Each was to mark down his good points under a plus sign and his bad points under a minus sign and take the sheets home to study.

The young man, well dressed and scholarly looking, was one of 26 persons from local industries who had volunteered their time to help the unemployed.

TRYING TO HELP

He was trying to be helpful with these eight men he had never seen before. He told them he too had been laid off once. But there was one major difference between the speaker and his audience, one bridge that had been washed away.

He was young and employed; they were not so young and unemployed. And they knew that if he were to lose his job, he probably would find one more quickly than they.

The eight men sat quietly, almost expressionless. They were dressed casually or in work clothes. One man, a skilled machinist, wore an old Army sweater with a hole in the right sleeve. Another had brought his lunch in a brown paper bag that he left on the window sill. The self-evaluation sheets were for their eyes alone, but they filled them out meticulously.

They were among some 160 persons who converged on a gloomy Saturday at the Baltimore high school for what the sponsors of the program called Operation Joblift II, an attempt to aid unemployed persons 40 and older.

Some said they came "to learn what I can to better my chances." To others, it was at least another attempt, maybe that one last ace-in-the-hole.

For some, it seemed futile. "Only a dumb man would not know already that he has to clean his nails before going to an interview," said one between bites of a sandwich.

DESERVE A CHANCE

There was bitterness evident, not a caustic implication that the world owed them a living, but a feeling that after so many years of honest, hard work they did deserve a chance.

"Eleven years I commuted from Sykesville to Middle River, to work," one said proudly. He added bitterly, "11 years wasted."

"Hardly any manufacturer is gonna hire wherever you go," said another. "Unless he is put an ad in the paper, all you are gonna get is a lot of noes. That is what the employment office wants you to do—to go from place to place."

"You got to know somebody," they said.

"They will tell you, 'We will let you know.' Well, if they say that, you might as well forget it."

"Why do some of these married women have to work?"

"It is all who you know," they said.

Some were unskilled, and others had to fight the added obstacle of racial discrimination, but for most of them, the major problem was age.

The problem of unemployment among the middle-aged and older workers has at times been clouded by pressing dilemmas of youth unemployment and racial discrimination in hiring.

PROBLEMS BEGIN EARLY

"By 1959," said an official of the State commission on aging, "it was obvious that age problems began earlier in employment than in any other field."

The commission joined the department of employment security in an "educational" campaign to convince employers that hiring mature workers was, in fact, beneficial and suggested that companies "taper off" retirement for employees.

In October 1959, the agencies sponsored Operation Joblift I, attended by more than

600 jobless persons over 40. The commission also set up agencies in Baltimore and Montgomery County to find full-time or part-time work for persons over 60.

In response to requests, Governor Tawes began naming 1 month each year as "40-Plus Employment Month," and signed in 1962 a resolution declaring it State policy that no one be denied employment merely because of age.

The policy does not force a ban on age discrimination by private industry. Officials of both the commission and employment security have opposed all such bills in favor of "educating" the employers.

At present, 17 States and Puerto Rico have enacted such laws, which generally bar age discrimination between 40 and 65 and the use of age limits in advertising and provide for mediation and penalties.

Local and Federal authorities are split on this issue.

"If they really want to discriminate, they can, regardless of any law," said a local employment security official. "How do you legislate this? There are no statistics available on the effectiveness of the laws in the States that have them."

Local authorities point to an increase from about 14 to 19 percent over the last 6 years in the proportion of older workers placed as an indication of the willingness of employers to hire those over 40.

COUNCIL RECOMMENDATIONS

A Labor Department spokesman conceded that such laws, "like anything else, are so hard to enforce. But they do establish a public morality, a point from which to start."

The President's Council on Aging has urged all States to enact such legislation. Federal authorities cite a decrease in age specifications in job advertisements and orders in States carrying the law.

The President's Council has gone further. Among its recommendations are:

1. Establishment of a part-time employment service.
2. Provision of relocation allowances for workers displaced by economic shifts.
3. Adoption of gradual retirement programs.
4. Improving social security coverage.

Recently, the President signed an Executive order barring all Federal contractors from discriminating in age.

Earlier this month, President Johnson, in a manpower report, urged that unemployment insurance be extended and its benefits increased.

EVEN COLLEGE GRADUATES

"Nearly half the unemployed are receiving no unemployment benefits at all because of coverage restrictions or qualifying requirements or because duration of benefits is too brief," the report noted.

All of this represents an attempt to deal with the irony of a fast-moving industrial society that is creating a wealth of unemployed that includes even college graduates ousted by mergers or business failings.

The problem was stated succinctly in a letter last August to President Kennedy from a woman whose 52-year-old husband had lost his job as a food research technician and could not find another because of his age.

"One cannot help but wonder at the suffering, heartache, and distress such a policy may have engendered in countless thousands of homes. * * * How spendthrift as a Nation have we become when a large segment of our population may have but a brief 20 years between college and the corporate junkpile?"

Mr. **SMATHERS**. I commend Mr. Alan Lupo for his fine articles. I hope the day will not be too far away when we can have him come before the Special Committee on Aging, so that he may give us the benefit of his study and research on what we can do about bringing about greater employment possibilities to our elderly citizens.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. INOUYE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 191 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Hickenlooper
Hill
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Mundt
Muskie
Neuberger
Pastore
Pearson
Prouty
Robertson
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Symington
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER**. A quorum is present.

Mr. **ROBERTSON** obtained the floor.

AMENDMENT OF ALASKA OMNIBUS ACT—REPORT OF A COMMITTEE

Mr. **ROBERTSON**. Mr. President, I ask unanimous consent that I may yield to the Senator from New Mexico [Mr. ANDERSON] to send a bill to the desk, without losing my rights to the floor.

Mr. **ANDERSON**. Mr. President, I ask unanimous consent that when the Senator from Virginia resumes, it will not be counted as an extra speech.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MORSE**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **MORSE**. Is the Senator from New Mexico introducing a bill?

Mr. **ANDERSON**. I am submitting a report.

Mr. President, I ask unanimous consent, from the Committee on Interior and Insular Affairs, to report favorably, with amendments, a bill (S. 2772) to amend the Alaska Omnibus Act, and I submit a report (No. 1020) thereon.

The **PRESIDING OFFICER**. Is there objection?

Mr. **MORSE**. Mr. President, reserving the right to object, is this a bill that has come out of committee?

Mr. **ANDERSON**. Yes.

Mr. **MORSE**. With a quorum present?

Mr. **ANDERSON**. Yes, in the flesh.

Mr. **MORSE**. And not the product of a poll?

Mr. **ANDERSON**. No.

Mr. **MORSE**. I have no objection.

The **PRESIDING OFFICER**. The report will be received, and the bill will be placed on the calendar.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. **ROBERTSON**. Mr. President, although I am a copatron of the Talmadge amendment to provide for jury trials in all criminal contempt proceedings not committed in the presence of the judge and where the United States is the prosecutor, I rise today in support of the Morton amendment which merely provides for jury trials in criminal contempt cases growing out of the new, but by no means clearly defined, crime "discrimination." In order that I may present a clearer picture than I was able to do when I last spoke on the subject of how vital I consider this issue to be, I ask the indulgence of my Senate colleagues to permit me to conclude my prepared remarks before yielding for questions.

Mr. President, trial by jury in criminal cases originated in England nearly 800 years ago and is the peculiar earmark of English jurisprudence under which British subjects and their former colonies in the Western Hemisphere have achieved the fullest measure of personal freedom of any people in the world. While I frankly concede that there was a practice under English common law of punishment without a trial by jury of a contempt not committed in the presence of the judge, Blackstone makes it crystal clear that that rule did not apply under the English common law to criminal contempt not committed in the presence of the judge and in which the Crown was a party against a private citizen. Such cases, said Blackstone, were considered under the common law as crimes. Undoubtedly, the able lawyers who framed our Constitution knew the English common law under which their States had operated for over 150 years and, therefore, when they wrote into the Philadelphia Constitution a provision for a jury trial in all criminal cases and then reiterated that provision in the first 10 amendments, they intended to cover criminal contempt proceedings where the sovereign was a party.

In view of the fact that I have contended on every occasion that this issue has been before us that the right of trial by jury in criminal contempt cases, where the sovereign was a party, is a constitutional right, I point with pride to the fact that when we had a vote in the Senate on that issue on August 1, 1957, 50 of my then colleagues in the Senate voted as I did to sustain that viewpoint. Senators will recall that it was on the jury trial amendment offered by the distinguished Senator from Wyoming, Mr. O'Mahoney. Is it not a bit ironic to read the following from the CONGRESSIONAL RECORD, volume 103, part 10, page 13356:

> Mr. O'MAHONEY. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.
>
> Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.
>
> The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Wyoming.
>
> The motion to lay on the table was agreed to.

That action was the deliberate action of a majority of the Senate less than 7 years ago. Unfortunately, the NAACP was not willing for that amendment to continue to lie on the table. They first secured a change in conference on the civil rights bill which placed a limitation upon the punishment which a judge without a jury could inflict and then they advocated its complete elimination.

Again, Mr. President, I point with pride that no later than last month the distinguished Chief Justice of the United States and three of his colleagues on our highest Court, went on record in support of my view that trial by jury in criminal contempt cases is a constitutional right. Many of the ablest contitutional lawyers entertain the same viewpoint. The list of those who voted for jury trials in 1957 indicated, of course, that the then Senator from Massachusetts, Mr. Kennedy, and the then Senator from Texas, Mr. Johnson, voted for the O'Mahoney amendment. Without any explanation of why he had changed his position, President Kennedy, last year, sent to the Senate a civil rights bill which was to expand government by injunction without jury trials in criminal contempt cases and asked that it be adopted without amendment. This year, the former Senator from Texas who now holds the high and exalted office of President, has repeated that request.

Some days ago, however, the distinguished Senator from Montana [Mr. MANSFIELD], being far from happy over the situation in which he had become involved, even though he had turned over to the Senate whip, the Senator from Minnesota [Mr. HUMPHREY], the handling of the pending civil rights bill, proposed a substitute for the Talmadge civil rights amendment, and in doing so, was joined by the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], who had during the course of the debate on the bill indicated objections to title II and title VII of the bill and an unwillingness to vote for cloture on a bill that denied all jury trials to all defendants accused of criminal contempt. Mr. President, in my opinion, the Mansfield-Dirksen substitute makes a farce of the constitutional right in criminal cases of trial by jury. If it means anything, it is bound to mean one or two things: either confinement in jail for 30 days and being fined $300 does not constitute being convicted of a crime or in criminal cases a man's constitutional right not to be falsely imprisoned does not arise until after he has been in jail for more than 30 days.

Mr. President, that situation reminds me of my campaign for the State senate in the summer of 1919. At that time, I was 34 years old and my opponent, a Mr. Berry, was about 64 years old. He was a man of real ability and had been a financial leader in his community but, unfortunately, had been connected some years before with a bank that had failed, causing loss to all depositors. For alleged mishandling of bank funds, Mr. Berry was indicted; was tried three times, each time the trial resulting in a hung jury and then the charge against him was nol-prossed. Frankly, the ease with which I won that primary contest was evidenced by what one good lady said to me:

> You look young to be a State senator, but I certainly will not vote for that Berry. Wasn't he tried three times for the penitentiary?

Suppose a present-day Mr. Berry aspires to a political career—some county or city office, or some State office, and ultimately, of course, some Federal office. But, before he can get started on that career, a biased judge has convicted him of a charge of discrimination and confined him in jail for 30 days. Remember, when a Federal judge tells us to go to jail and we fail in our effort to get that decision reversed by a higher court, there is nothing we can do except to serve out the sentence. So, passing from what such a sentence would do to the future political aspirations of our Mr. Berry, let us assume that instead of seeking an elective public office, he will seek to join those who are in the employ of their Uncle Sam. He dutifully fills out the Civil Service Form No. 57 which, of course, includes the question:

> Have you been convicted of a criminal offense and, if so, for what, etc.

He truthfully replies:

> Yes, I served 30 days on a charge of discrimination.

In all frankness, I ask you if when that application for a job, let us say, in the Housing and Home Finance Agency, is scrutinized by the alert Dr. Weaver, it would not have been better for the applicant to have been able to answer the question:

> Yes, I was confined for 30 days on a charge of mother-in-law mayhem.

In other words, Mr. President, there can be no doubt about the fact that the amendment offered by the Senator from Kentucky [Mr. MORTON] and two distinguished colleagues to provide jury trials in all criminal contempt proceedings under the pending civil rights bill deals with a vital and cherished safeguard for personal liberty for which the Mansfield-Dirksen amendment is no adequate substitute. The Mansfield-Dirksen substitute may be, as the French say, "le poudre des yeux"—dust in the eyes—to some in the hinterland, but is there any Member of the Senate so naive as to think that if it made any material change in the plan of our distinguished Attorney General to expand government by injunction under the provisions of his civil rights bill, he would have given his blessing to the Mansfield-Dirksen amendment?

Mr. President, without question, the proceeding envisioned by the proposed legislation is a criminal proceeding within the definition laid down by the Supreme Court in *Michaelson* v. *U.S.* (266 U.S. 42 (1942)). This case involved the power of Congress to pass a statute granting the right to trial by jury—in cases involving labor disputes under the Clayton Act, now at title 18, United States Code, section 3692:

> But it is contended that the statute materially interferes with the inherent power of the courts and is therefore invalid. That the power to punish for contempts is inherent in all courts, has been many times decided and may be regarded as settled law. It is essential to the administration of justice. The courts of the United States, when called into existence and vested with jurisdiction over any subject, at once became possessed of the power. So far as the interior Federal courts are concerned, however, it is not beyond the authority of Congress (*Ex parte Robinson* (19 Wall. 505, 510–511); *Bessette* v. *W. B. Conkey Co.* (194 U.S. 324, 326)); but the attributes which inhere in that power and are inseparable from it can neither be abrogated nor rendered practically inoperative That it may be regulated within limits not precisely defined may not be doubted. The statute now under review is of the latter character. It is of narrow scope, dealing with the single class where the act or thing constituting the contempt is also a crime in the ordinary sense. It does not interfere with the power to deal summarily with contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, and is in express terms carefully limited to the cases of contempt specifically defined. Neither do we think it purports to reach cases of failure or refusal to comply affirmatively with a decree—that is to do something which a decree commands—which may be enforced by coercive means or remedied by purely compensatory relief. If the reach of the statute had extended to the cases which are excluded a different and more serious question would arise. But the simple question presented is, whether Congress may require a trial by jury upon the demand of the accused in an independent proceeding at law for a criminal contempt which is also a crime (at pp. 65–66).

That decision outlines the following attributes of contempt proceedings:

> In criminal contempts, as in criminal cases, the presumption of innocence obtains. Proof of guilt must be beyond reasonable doubt and the defendant may not be compelled to be a witness against himself (*Gompers* v. *Bucks Stove & Range Co.*, supra, p. 444). The fundamental characteristics of both are the same. Contempts of the kind within the terms of the statute partake of the nature of crimes in all essential particulars. "So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure, 3 Transactions of the Royal Historical Society, N. S. p. 147 (1885), and that at least in England it seems that they still may be and preferably are tried in that way" (*Gompers* v. *United States,* 233 U.S. 604, 610–611). This is also pointed out by counsel in the case of *O'Shea* v. *O'Shea and Parnell* (L.R. 15 Prob. Div. 59, 61); and, in the course of one of the opinions in that case, it is said (p. 64): "The offense of the appellant (criminal contempt) is certainly a criminal offense. I do not say that it is an indictable offense, but, whether indictable or not, it is

> a criminal offense, and it is an offense, and the only offense that I know of, which is punishable at common law by summary process." The proceeding is not between the parties to the original suit but between the public and the defendant. The only substantial difference between such a proceeding as we have here, and a criminal prosecution by indictment or information is that in the latter the act complained of is the violation of a law and in the former the violation of a decree. In the case of the latter, the accused has a constitutional right of trial by jury; while in the former he has not. The statutory extension of this constitutional right to a class of contempts which are properly described as "criminal offenses" does not, in our opinion, invade the powers of the courts as intended by the Constitution or violate that instrument in any other way (at pp. 66–67).

As stated above, since the Michaelson case involved the power of Congress to grant the right to trial by jury where it had not existed before, the Court was not considering the power of Congress to deny trial by jury in proceedings between the Government and the defendant.

Justice Holmes, in *Gompers* v. *U.S.* (233 U.S. 604), just cited, emphasizes that such contempts are in nature crimes:

> It is urged in the first place that contempts cannot be crimes, because, although punishable by imprisonment and therefore, if crimes, infamous, they are not within the protection of the Constitution and the amendments giving a right to trial by jury &c. to persons charged with such crimes. But the provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil. Their significance is vital not formal; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth. *Robertson* v. *Baldwin* (165 U.S. 275, 281, 282). It does not follow that conempts of the class under consideration are not crimes, or rather, in the language of the statute, offenses, because trial by jury as it has been gradually worked out and fought out has been thought not to extend to them as a matter of constitutional right. These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure, 3 Transactions of the Royal Historical Society, N.S. p. 147 (1885), and that at least in England it seems that they still may be and preferably are tried in that way (at pp. 610–611).

Another description of the protections which apply to criminal contempt are given in the dissenting opinion in the Mine Workers case:

> Upon the authorities, the following procedural provisions of the Bill of Rights, at least, would seem to apply to criminal contempt: The provision against double jeopardy, see *In re Bradley* (318 U.S. 50); the provision against self-incrimination, *Gompers* v. *Buck Stove & R. Co.* (221 U.S. 418, 444); the provision for due process insofar as it necessitates "suitable notice and adequate opportunity to appear and to be heard," *Blackmer* v. *United States* (284 U.S. 421, 440); and, although the sixth amendment protections have been said not to apply as such to criminal contempts, *Myers* v. *United States* (264 U.S. 95, 104–105); *Blackmer* v. *United States* (284 U.S. at 440), but see text infra, doubtless at least the provisions for "a speedy and public trial," for "compulsory process" and for the assistance of counsel, see *Cooke* v. *United States* (267 U.S. 517, 537), are implied in the due process provision of the fifth amendment. And it has been said that the protection against cruel and unusual punishments in the eighth amendment applies to criminal contempt, *United States ex rel. Brown* v. *Lederer* (140 F. 2d 136, 139).
>
> There are also protections not expressly included in the Bill of Rights which apply in criminal contempt, e.g., that the defendant is presumed to be innocent and must be proved guilty beyond a reasonable doubt, *Gompers* v. *Buck Stove & R. Co.* (221 U.S. 418, 444). And see *Ex parte Hudgings* (249 U.S. 378, 383): "Existing within the limits of and sanctioned by the Constitution, the power to punish for contempt committed in the presence of the court is not controlled * * * as to modes of accusation and methods of trial generally safeguarding the rights of the citizen. This, however, expresses no purpose to exempt judicial authority from constitutional limitations, since its great and only purpose is to secure judicial authority from obstruction in the performance of its duties to the end that means appropriate for the preservation and enforcement of the Constitution may be secured" (at pp. 364–365, note 30).

The Supreme Court endeavored, in the recent Barnett case, to draw a distinction between its previous decisions on the subject of criminal contempt and held by a majority of one that Barnett was not entitled to a jury trial.

I pause to say, incidentally, the circuit court of appeals, which passed on the issue, was evenly divided on the question of whether Barnett was entitled to a jury trial.

To me, it is simply astounding to follow the tortuous course of reasoning by which the majority arrived at its conclusion. First, it held that the proceedings were in appellate court, which was not true. The order complained of was a district court order. Second, it claimed that it was a proceeding of the United States against Barnett which was true only in a very limited and highly technical sense.

The case arose over a colored man named James Meredith to enter the University of Mississippi and when he was refused admittance he brought suit against an individual named Charles Dickenson Fair, an officer of the University of Mississippi, to compel his registration. The United States entered at the circuit court level on the basis of a friend who was to help the court reach a proper decision but it was no bona fide party to the criminal contempt issue. Therefore, when I spoke on the issue of the right of jury trial in criminal contempt proceedings on April 10, I took the position that under the common law when the Crown was a party against an individual for criminal contempt not committed in the presence of a judge, the proceeding had always been considered to be a crime, the defendant had always been granted the right of trial by jury and clearly, therefore, the framers of our Federal Constitution thought they had covered that type of criminal prosecution when they provided for a jury trial in all criminal prosecutions. I was followed by the senior Senator from Illinois [Mr. DOUGLAS], who challenged the validity of my views of the Supreme Court's action in the Barnett case.

His remarks begin at page 7513 of the RECORD of April 10 and while he disclaims any intent to support the Court majority on the merits of this case, it is quite obvious that he devoted a great deal of time to his argument in support of the majority opinion. Support for the majority necessarily implies criticism of the Chief Justice, and Justices Goldberg, Douglas, and Black, who filed able and well-reasoned dissenting opinions.

The Senator from Illinois suggested that the junior Senator from Virginia has changed horses in the middle of the stream, by supporting on this occasion the position of the four dissenting Justices. While I acknowledge that I do not frequently find myself allied with the Chief Justice and the Justices who dissented in this case, I suggest that it is even less frequently that the senior Senator from Illinois finds himself alined against these four jurists. If the Senator desires to trade horses with me on this occasion, I shall be delighted to accommodate him.

In his remarks on the Barnett case, the Senator from Illinois stressed the fact that a number of Southern States have in the past denied trial by jury to persons charged with criminal contempt. As I will demonstrate shortly, a comparison of State court decisions, based upon a State statute enacted under a State constitution, is of no benefit in analyzing proceedings in a Federal court, pursuant to a Federal statute enacted under the Federal Constitution. However, before entering upon that discussion I would like to discuss briefly a few of the decisions upon which the Senator has based his argument, in order to demonstrate how easily a professor of economics falls into honest error when examining a difficult legal and constitutional problem.

For example, *State* v. *Goff*, 88 S.E. 2d 788 (S.C. 1955) was a decision in which the South Carolina court held that threats made against a witness during a recess in court proceedings, while the witness was sitting on the courthouse steps, was in effect contempt in the presence of the court. Therefore, the court reasoned, this was a case of direct, rather than constructive, contempt. Clearly the case is irrelevant to any discussion of the Barnett case.

Ex Parte Winfree, 263 S.W. 2d 154 (Tex. 1953), relied upon by the Senator, is a traditional case of civil contempt. In that case a man refused to pay alimony to his ex-wife, as required by the divorce decree, and was adjudged to be in contempt, though he had not been tried by jury. Civil contempt proceedings, of course, are provided for the giving of civil relief to individual litigants, and have no application to a case of criminal contempt, which is the matter here under discussion.

Royal Cotton Mill Co. v. *Textile Workers Union*, 234 N.C. 545, 67 S.E. 2d

755 (1951) was, as the style of the case indicates, a civil matter between a corporate plaintiff and the defendant union. The union was held to have violated an injunction against mass picketing, and was adjudged guilty of contempt. This case, of course, involved a civil remedy for civil contempt ,and thus was far removed from the Barnett case. The same is true of *Bennett* v. *Bagwell & Stewart*, 216 Ga. 290, 116 S.E. 2d 288 (1960), a civil proceeding involving civil relief. *Pass* v. *State*, 184 S.W. 2d 1 (Tenn. 1944) was a case in which the State of Tennessee sought civil relief in a court of equity, and when the defendant refused to obey the injunctive relief given, he was adjudged guilt of civil contempt.

It will be noted that in none of these cases was the State a party, in its capacity as prosecutor, except in State against Goff, supra, in which the contempt was held to have occurred in the presence of the court.

I have mentioned these cases simply to demonstrate that the matter of trial by jury in cases of contempt is not a matter to be grasped upon a cursory glance at a law book, nor is it a matter upon which all courts are in agreement.

It is entirely true that a number of State courts have convicted persons of criminal contempt without trial by jury, and have expressly denied any right to trial by jury in such circumstances under State laws. Some of these cases were cited by the senior Senator from Illinois. However, it is hardly necessary to advise Members of this body that ours is a federal union, composed of a National Government, and 50 State governments.

A State court derives its power from the constitution of that State, and from the laws enacted by the State legislature. Our Federal courts, on the other hand, derive their power from the Federal Constitution and from the laws of Congress. To say that because a State court follows a certain approach to a problem, the Federal courts must follow that same approach when the question arises under a Federal law, is to utter an absurdity. This has never been the law in the past, it is not the law today, and I can see no reason for it being the law tomorrow. Once this principle is conceded, it follows that State court decisions on the question of jury trials in criminal contempt cases are irrelevant in any discussion of Federal criminal contempt cases arising under Federal law.

The Federal law respecting jury trials has its origin in the Constitution. Article III of that great charter provides that:

> The trial of all Crimes, except in Cases of Impeachment, shall be by Jury.

The sixth amendment, a part of our Bill of Rights, provides that:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

In furtherance of these constitutional mandates, and dealing specifically with contempt cases, Congress has provided, in 62 Stat. 833, 18 U.S.C. 3691:

> Whenever a contempt charged shall consist in willfull disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.
>
> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

It will be seen that in order for the provisions of this section to become applicable, the disobedience must have been to an order issued by a district court. The reason for this is quite obvious: the district court is the court in which the trial takes place; it is the court located in the geographical area in which the act complained of takes place; and the district court is traditionally the court whose mandates operate directly upon the parties. If an appellate court differs with a decision rendered by a district court, its procedure is to remand the case to the district court with instructions as to orders to be entered by that court. The decision of an appellate court, therefore, is customarily implemented and enforced by the district court, and the statute just quoted provides the procedure for enforcement of the district court's orders.

In the Barnett case, the circuit court of appeals did disagree with the initial decision of the district court, and the court of appeals issued its order restraining Governor Barnett and others, and directed the district court to enter a permanent injunction against Governor Barnett and others, to the same effect. This this district court did, on September 13, 1962, acting pursuant to the mandate of the court of appeals. Thus the judicial machinery had concluded its operation up to that point, resulting in an order of the district court. Subsequent violation of that order by Governor Barnett fell squarely within the terms of title 18, section 3691 of the United States Code, and on this point, the Governor surely was entitled to trial by jury. The Supreme Court majority, however, elected to hold that the defendant had violated the order of the court of appeals, and on this score, which is but a technicality at best, held that the defendant was not entitled to trial by jury. The majority ignored the plain language of Federal statutory law, and the majority ignored the plain intent of our Constitution that "the trial of all crimes shall be by jury."

The next requirement that must be met in order to secure trial by jury under 18 U.S.C. 3691 is that the offense committed must constitute "a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted." Congress has provided, in 74 Stat. 86, 18 U.S.C. 1509:

> Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.
>
> No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

The language of section 1509 is clearly applicable in the Barnett case, and indeed, the majority did not argue against that point.

We therefore have, at this point, the violation of an order of a district court, and that violation constitutes a crime under an act of Congress. Clearly the defendant must be given a jury trial, unless the case falls within one of the exceptions of section 3691. A majority of the court held that this case involved disobedience to an "order entered in a suit or action brought or prosecuted in the name of, or on behalf of, the United States," as provided in the exception clause of section 3691. But the suit in which the order was entered was a private suit; that is, James Meredith against Charles Dickson Fair. The United States was not a party, and had no interest in the action. The Government's position, in its action against Governor Barnett, was that the United States was brought into the private action at the request of the Court of Appeals, as amicus curiae, on September 18, 1962, and that thereafter the United States was a "party" within the meaning of 18 U.S.C. 3691. It can only be said that the majority opinion sustaining this argument is absolutely astounding, in view of the fact that the exception to section 3691 was clearly inserted in order to protect the United States when it is a bona fide party litigant, and in view of the fact that there is no responsible body of legal authority in support of the Government's position that it was a bona fide party litigant in this case.

The majority cites no authority in point on this question. However, Mr. Justice Goldberg does point out in his dissent, quite accurately, that even if the Justice Department attorney was admitted to the proceedings as amicus curiae, he did not represent the United States as a party litigant. *Kasper* v. *Brittain*, 245 F. 2d 97 (6th Cir. 1957); see *Universal Oil Products* v. *Root Refining Co.*, 328 U.S. 575.

In sum, it is entirely clear that the contempt action against Governor Barnett and others arose out of a suit between private litigants, to which the United States was not a party; Governor Barnett was charged, technically as well as practically speaking, with violation of an order of a district court; and violation of that order constituted a crime under an act of Congress.

The case against Governor Barnett, therefore, fell squarely within the provisions of 18 U.S.C. 3691, and the defendant was entitled to trial by jury. Wholly aside from the statutory law involved, an excellent argument can be made, and was made by the dissenting members of the court, for trial by jury as a constitutional right.

Yet trial by jury was denied. As stated by Mr. Justice Black in his dissenting opinion, Governor Barnett was denied trial by jury by nothing more than a judicial fiction.

In the pending bill the United States will be a party in criminal contempt proceeding either directly or by intervention under title III.

It was stated last week in the Senate Chamber that title III of this bill is far different from title III of the 1957 bill, which we almost unanimously struck from that bill. It was stated that title III would merely authorize the Attorney General to intervene when the proceeding is against the State or against some public official. I defy anyone to read any such limitation in title III.

I charge, and it is the opinion of a number of independent lawyers who have looked into the matter for me, that once a proceeding has started against a motel, hotel, or any other private operation under title II of this bill, and once it has been charged with discrimination, the Attorney General can then intervene.

Therefore, I have previously stated, and I now repeat, that, from my standpoint, title III of this bill is as objectionable as title III of the 1957 bill, and for the same reason. When we vote on this bill, title III should be totally eliminated.

Thus, it will expand government by injunction and deny citizens their cherished constitutional rights.

Let me amplify some of the objections of "government by injunction" sought to be perpetuated by H.R. 7152.

The injunctive process is susceptible to abuse. This is particularly true when its use is extended, beyond its ancient limits, to the field occupied by criminal law. Some of the objections to the use of the injunctive process in the criminal law field are well stated by a legal authority in these words:

> The objections to "criminal equity" are that it deprives the defendant of his jury trial; that it deprives him of the protection of the higher burden of proof required in criminal prosecutions; that after imprisonment and fine for violation of an equity injunction, defendant may be subjected under the criminal law to punishment for the same acts; that it substitutes for the definite penalties fixed by the legislature whatever punishment for contempt a particular judge may see fit to exact; that it is often no more than an attempt to overcome by circumvention the supposed shortcomings of jurors; and that it may result, or induce the public to believe that it results, in the arbitrary exercise of power or in government by injunction (43 C.J.S., Injunctions, sec. 150).

Defendants in civil rights cases would likewise often be deprived of their constitutional right to confront and cross-examine adverse witnesses. This is an inevitable consequence of the practice which prevails in actions for injunctive relief. Restraining orders and temporary injunctions are ordinarily issued by courts upon the most unsatisfactory evidence known to man, that is to say, ex parte affidavits or pleadings drafted by partisan lawyers and attested by partisan witnesses not subject to confrontation and cross-examination by the adverse party.

When a restraining order or temporary injunction is issued upon ex parte affidavits or pleadings and the main object of the action becomes a fact accomplished during the pendency of the action as a result of the coercive influence of the restraining order or temporary injunction, as is frequently the case, the court will thereafter refuse to try the action on its merits on the ground that the matter originally at issue has become moot, thereby rendering it impossible for the defendant to confront and cross-examine the adverse witnesses.

The powers of equity are thus perverted, the first principles of equitable jurisdiction are thus repudiated, and the powers of the State are thus usurped to establish government by injunction in place of government by law in the field of civil rights, and to insure that the government by injunction so established is not to be subject to any limitation whatever except that unknown and unpredictable quality called judicial discretion.

Government by injunction is government according to the personal convictions, inclinations, or notions of individual judges rather than government by certain and uniform laws applying alike to all men in like situation.

This being true, it is no wonder that Lord Camden, one of England's greatest lawyers, declared:

> The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends upon constitution, temper, and passion. In the best it is ofttimes caprice; in the worst it is every crime, folly, and passion to which human nature is liable.

Edmund Burke, the great English statesman, used somewhat milder language in pointing out the dangers inseparable from government by injunction. He said:

> The spirit of any sort of men is not a fit rule for deciding on the bounds of their jurisdiction; first, because it is different in different men and even different in the same at different times, and can never become the proper directing line of law; and next because it is not reason but feeling, and when once it is irritated it is not apt to confine itself within its proper limits.

Government by injunction is abhorrent to those who love our constitutional and legal systems for these reasons:

First. Government by injunction denies to ligitants the right to invoke, for their protection, basic constitutional and legal safeguards created by the Founding Fathers and Congress to protect all Americans from tyranny.

Second. Government by injunction reduces the courts from the status of judicial tributes to the status of administrative agencies of the executive department of the Government.

Third. Government by injunction inevitably tends to bring the courts into disrepute.

Fourth. Government by injunction may extend beyond prohibitions of lawless acts to make crimes of innocent acts and to coerce community conduct.

And I would commend these words of U.S. Circuit Judge Henry Clay Caldwell about the fallibility of the judges who will grant the injunctions:

> Honesty and ability do not exempt from error, and when coupled with error they become dangerous gifts. After all, the human skull is but the temple of human errors, and judicial clay, if you analyze it well, will be found to be like all other human clay. The rule is without exception that whenever the exclusive power of making or administering the law is committed, for any extended period, to a single man or a few men—to a caste—the progressive restriction of the liberty of the people follows (American Federationist for May 1910).

If one is to understand the laws and institutions of today, he must know the events of yesterday which gave them birth. For this reason, we deem it necessary to consider the origins of relevant constitutional and legal safeguards.

The founders of our Government were wise men. They knew that tyranny uses the forms of law to crush those who oppose her will. They knew that the right of trial by jury is the best security of the people against governmental oppression. They knew that the surest test of the credibility of a witness is his confrontation and cross-examination by the adverse party.

They knew the history of the long struggle of the English people to secure and preserve such basic legal safeguards as the right of trial by jury and the right to confront and cross-examine adverse witnesses.

They knew the history of the repeated efforts of tyrannical kings and subservient parliaments to deprive the English people of the benefits of such legal safeguards.

They knew the history of the court of star chamber and rightly deduced from it that—

> The rights and liberties of the people will not long survive in any country where the administration of the law is committed exclusively to a caste endowed with boundless discretion and long term of office, no matter how learned, able, and honest its members may be (U.S. Circuit Judge Henry C. Caldwell in the American Federationist for May 1910).

They knew the history of Chief Justice Jeffreys and his Bloody Assizes and rightly inferred from it that tyranny on the bench is as objectionable as tyranny on the throne.

MAGNA CARTA AND VIRGINIA'S FIRST CHARTERS AND INSTRUCTIONS

American constitutional law has come to equate trial by jury with the guarantees of Magna Carta dating back to 1215, though that document did not do so expressly. Chapter 29 of this historic document provides:

> No freeman shall be taken, or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor we will not pass upon him nor condemn him, but by lawful

> judgment of his peers, or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right (Magna Carta, 1225, 9 Hen. 3).

Although the right to compel the sworn evidence of reliable men of the neighborhood to answer questions put to them was used by William the Conqueror in the 11th century to collect the laws, to list landholdings, and later as a form of trial, the phrase "judgment of his peers" did not refer to this body of men. It referred instead to the men who presided over trials and who decided the manner in which the trial was to be conducted. This might be trial by battle, ordeal, jury, or other form of proof.

It was in the 16th century that a writer connected trial by jury with the provisions of Magna Carta. As mentioned above, American constitutional law has come to equate trial by jury with the guarantees of that document, and the references of some State constitutions to the judgment of peers are considered to establish that right. The traditional view was stated by Mr. Justice Story as follows:

> It seems hardly necessary in this place to expatiate upon the antiquity or importance of the trial by jury in criminal cases. It was from very early times insisted on by our ancestors in the parent country as the great bulwark of their civil and political liberties, and watched with an unceasing jealousy and solicitude. The right constitutes one of the fundamental articles of Magna Carta in which it is declared, "nullus homo capiatur, nec imprisonetur, aut exulet, aut al iquo modo destruatur, etc.; nisi per legale judicium parium suorum, vel per legem terrae"; no man shall be arrested, nor imprisoned, nor banished, nor deprived of life, etc., but by the judgment of his peers, or by the law of the land. The judgment of his peers here alluded to, and commonly called, in the quaint language of former times, a trial per pais, or trial by the country, is the trial by a jury, who are called the peers of the party accused, being of the like condition and equality in the state. When our more immediate ancestors removed to America, they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law, which had fenced round and interposed barriers on every side against the approaches of arbitrary power. (Commentaries on the Constitution of the United States (4th ed.; Boston, 1873), II 540–541.)

The foregoing analysis of the importance of Magna Carta comes from Perry and Cooper—"Sources of Our Liberties," 1959, pages 7–9.

This heritage was brought to America with the first permanent settlers, those at Jamestown, Va., who made the settlement under the charter of April 10, 1606, which provided in article XV that—

> The inhabitants in America and their children shall have and enjoy all liberties, franchises, and immunities * * * to all intents and purposes, as if they had been abiding and born, within this our realm of England (1 Hening's Statutes at Large 64).

In the articles, instructions, and orders established by James I on November 20, 1606, for the government of the Colony in America, the following was included:

> And that the offences of tumults, rebellion, conspiracies, mutiny, and seditions in those parts which may be dangerous to the estates there, together with murther, manslaughter, incest, rapes, and adulteries committed in those parts within the precincts of any the degrees above mentioned (and noe other offences) shall be punished by death, and that without the benefit of the clergy, except in case of manslaughter, in which clergie is to be allowed, and that the said several presidents and councells, and the greater number of them, within every of the several limits and precincts, shall have full power and authority, to hear and determine all and every the offences aforesaid, within the precinct of their several colonies, in manner and forme following, that is to say, by 12 honest and indifferent persons sworne upon the Evangelists, to be returned by such ministers and officers as every of the said presidents and councells, or the most part of them respectively shall assigne, and the 12 persons soe returned and sworne shall, according to their evidence to be given unto them upon oath and according to the truth, in their consciences, either convict or acquit every of the said persons soe to be accused and tried by them. (1 Hening 69–70.)

Historically, grievances of the colonists leading up to the American Revolution are moving examples of the value the colonists placed on the right to trial by jury; and also are the actions they took when that right was destroyed by their sovereign. For 10 years preceding the American Revolution the English Parliament attempted to remove trials for the nonpayment of excise duties on trade revenue from the common law courts to those of admiralty. The significance of the increased jurisdiction of admiralty courts is that admiralty law does not have a trial by jury. Parliament believed that colonial juries could not be trusted to convict fellow colonists for violation of the unpopular revenue acts.

There, in plain terms, we have the present problem—"Let us pass an unpopular civil rights bill and expand government by injunction, because southern juries will not convict."

The first act of this nature, passed by Parliament in 1764, levied a duty on sugars and other commodities imported into the American Colonies—4 Geo. 3, c. 15. Section 41 of this act provided in part:

> That all the forfeitures and penalties inflicted by this or any other act or acts of Parliament relating to the trade and revenues of the said British colonies or plantations in America, which shall be incurred there, shall and may be prosecuted, sued for, and recovered in any court of record, or in any court of admiralty, in the said colonies or plantations where such offence shall be committed, or in any court of vice admiralty which may or shall be appointed over all America (which court of admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.

The Stamp Act adopted in 1765 contained similar provisions—5 Geo. 3, c. 12, 57. Another act passed in 1767, entitled, "An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of Parliament relating to the trade or revenues of the British colonies and plantations in America," contained similar provisions—8 Geo. 3, c. 22.

The resolutions of the Stamp Act Congress, adopted October 19, 1765, called attention to the fact that these acts of Parliament were depriving the colonists of their right to trial by jury:

> VII. That trial by jury is the inherent and invaluable right of every British subject in these colonies.
>
> VIII. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, etc.," by imposing taxes on the inhabitants of these colonies; and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists. (Documents of American History (Commager, editor, 1934).)

I pause to emphasize the fact that in the colonial period, long before the Revolutionary War, there were two acts of the British Parliament, one relating to the collection of import duties on sugar, another relating to the collection of stamp taxes, both of which were very unpopular. So the British Parliament said, "We do not believe colonial juries will convict. Therefore, we are going to make these crimes punishable in an admiralty court, where there are no jury trials."

Listen to the title of the pending bill and what we are being called upon to do:

> H.R. 7152. A bill to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect the constitutional rights—

And so forth—a deliberate effort to expand government by injunction, to create new crimes, to be tried by a federally-appointed judge, who will hold office for life, or during good behavior, unless impeached, but who no doubt has been appointed because of certain views on social and political philosophy that he entertains; who, the defendant believes, before the trial ever starts, is biased and hostile to him. Deliberately, we are asked to do what our forefathers complained the British Parliament was doing 10 years before they finally adopted the Declaration of Independence and started a fight which resulted, at Yorktown, in winning their freedom.

Think of it—a proposal to turn back the clock of freedom in that manner and pass a bill just as obnoxious to many people as were the duties imposed on sugar imports, the tax on tea, the Stamp Act; and to enforce it, not as a crime to be tried in a court of record, but in the counterpart of an admiralty court, with no juries to be authorized. I say that is the most astounding proposal that has been made during my 31 years of service in the Congress; and, in my opinion, the most far-reaching bill that has been before the Congress since the unfortunate days of Reconstruction.

I have stated before, and I repeat today, that should we yield to the political pressure and the threat of demonstrations in the streets and possible bloodshed, and should this iniquitous bill be passed and should it be enforced, as it can be, with all the power of the Federal Government behind it, we shall live to see a different kind of government in this land from any we have ever known before.

I return to my prepared remarks, to say:

This colonialism reaction against the Stamp Act enforcement methods had been preceded by a more reserved resolution passed by the Virginia House of Burgesses on May 30, 1765, but it was followed, on February 27, 1766, by an unequivocable statement of a distinguished group headed by Richard Henry Lee which met at Leedstown, Va.

The Leedstown resolution signers declared "all due allegiance and obedience to our lawful sovereign," and asserted their determination to "preserve the laws, the peace, and good order of this colony as far as is consistent with the preservation of our constitutional rights and liberty."

They went on to say, however, that they knew it to be the birthright privilege of every British subject, including the people of Virginia, to be legally tried only by their peers and they declared:

> If, therefore, any person or persons shall attempt by any action or proceeding to deprive this colony of those fundamental rights we will immediately regard him or them as the most dangerous enemy of the community and we will go to any extremity not only to prevent the success of such attempts but to stigmatize and punish the offender.

I am trying to point out that the right of trial by jury antedates the right to vote; that, over 10 years before the Declaration of Independence, the House of Burgesses, led by Richard Henry Lee, adopted resolutions protesting acts of Parliament with respect to duties on sugar and other commodities on which there were heavy import duties; with respect to the collection of a stamp tax on tea and other imports; and with respect to shifting cases from the criminal courts to courts of admiralty, where there was no jury trial. The English Parliament, saying colonial juries might not convict, wanted trial by a judge who held office at the pleasure of the Crown. This is what the colonists said they were going to do about it:

> We will go to any extremity, not only to prevent the success of such attempts, but to stigmatize and punish the offender.

This was in the days before there had been a definite repudiation of the divine right of kings.

We must be no less vigilant in our efforts to protect the right of trial by jury than were our ancestors 11 years before the Declaration of Independence, when Thomas Jefferson spelled out as one of the major reasons why we were going to declare our independence from the mother country the fact that England had taken from us the constitutional right of jury trial, which was the heritage of every British citizen. Of course, we were British citizens, and that right was spelled out in their charter. That right was given to those who came to Jamestown in 1607. They were guaranteed trial by 12 men in criminal cases. They brought that doctrine over with them. Then the mother country tried to take it away from them, because it was said juries in the colonies would sympathize with those who knew they were being imposed upon by the imposition of heavy duties on sugar and other products of the West Indies, and tea that was brought in from China and other countries in the Orient; and, of course, it was sought to punish them without jury trial in ex parte proceedings.

The resolutions pointed out that the Stamp Act in many cases worked to deprive the British American subject of his right to trial by jury and said:

> We do determine at every hazard and paying no regard to danger or to death, we will exert every faculty to prevent the execution of the said Stamp Act in any instance whatsoever within this Colony.

These grievances were reiterated in the declaration of October 14, 1774, adopted by the First Continental Congress.

> Whereas * * * the British Parliament * * * hath * * * established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of Admiralty * * * for the trial of causes merely arising within the body of a county.
>
> * * * * *
>
> And it has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of king Henry the eighth, colonists may be transported to England, and tried there upon accusations for treasons, and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned.
>
> * * * * *
>
> That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following Rights:
>
> * * * * *
>
> *Resolved*, N.C.D. 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.
>
> * * * * *
>
> *Resolved*, N.C.D., That the following acts of Parliament are infringements and violations of the rights of the Colonists; and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American Colonies, viz:
>
> The several acts of 4 Geo. 3 ch. 15, and ch. 34; 5 Geo. 3, ch. 25; 6 Geo. 3, ch. 52; 7 Geo. 3, ch. 41 and ch. 46; 8 Geo. 3, ch. 22, which impose duties for the purpose of raising a revenue in America, extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights
>
> Also the 12 Geo. 3 ch. 24, entitled "An act for the better securing his Majesty's dockyards, magazines, ships, ammunition, and stores," which declares a new offense in America, and deprives the American subject of a constitutional trial by a jury of the vicinage, by authorizing the trial of any person, charged with the committing any offense described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm. 1 Library of Congress, Journals of the Continental Congress, 63–73 (1904).

This Continental Congress expressed similar sentiments in an address to the people of Great Britain—Idem at 81–90. The same thoughts were expressed in a memorial to the inhabitants of the British Colonies—Idem at 90–101.

There is no support in the records of this period for a view that the colonists recognized some inherent power in judges to punish contempts, without according the defendant a trial by jury. The colonists linked together their grievances against being deprived of jury trials and being subjected to judges made unduly subservient to the English Crown. In their memorial to the inhabitants of the British Colonies the First Continental Congress declared:

> The immediate tendency of these statutes is, to subvert * * * the right of trial by jury, by substituting in their place trials in Admiralty and Vice Admiralty courts, where single judges preside, holding their commissions during pleasure; and unduly to influence the courts of common law, by rendering the judges thereof totally dependant on the Crown for their salaries (Id. at 93).

It would have been strange indeed if the colonists would have acquiesced in being fined and imprisoned for contempt of the orders of judges subservient to the Crown, when they so loudly protested against being fined and imprisoned without having had the benefit of trial by jury.

THE DECLARATION OF INDEPENDENCE

When Thomas Jefferson drafted the Declaration of Independence, he used the same list of grievances against the King of England that he had prepared as a preamble to the constitution of Virginia. The final declaration contained the following:

> For depriving us, in many cases, of the benefits of trial by jury:
>
> For transporting us beyond seas to be tried for pretended offenses. (The Declaration of Independence and the Constitution of the United States of America, H. Doc. No. 459, 84th Cong., 2d sess., p. 3 (1956).)

Every student in high school is familiar with the Stamp Act duties just recited and how they were among the direct causes of the American Revolution. They would be interested to know, as I hope my colleagues will be, that not only the imposition of such taxes but the removal of the right to trial for nonpayment of duties from jury courts to nonjury courts were among the cited abuses.

Such removal in the days of the British sovereigns across the seas is almost a perfect parallel with the avowed purpose of the bill before us today. For it has been admitted that the end sought to be gained by allowing the Attorney General to seek an injunction in the name of the United States is to bypass local juries sympathetic with the justification of the State official or others in disobeying the Court decree. Such indeed was the purpose of Parliament when it sought to avoid colonial juries.

Mr. President, the names and inspiration of many of the Virginians who signed the Leedstown resolutions mentioned earlier are preserved in our State today through their descendants. If the attempt is made by the Federal Government now to constrict further the right of trial by jury, as George III did nearly two centuries ago, you will find thousands of Virginians, and their fellow believers in constitutional liberty in other States, ready again at every hazard to exert every faculty against usurpation of their fundamental rights.

REVISAL OF VIRGINIA LAWS 1776–86

In the fall of 1776 the Virginia General Assembly named a group of leading Virginians to undertake a revisal of the laws of Virginia. The men named were Thomas Jefferson, Edmund Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee. Mason soon resigned and Lee died, so that the work fell to the other three. This committee drafted 126 bills. James Madison, as a member of the Virginia House of Delegates, in 1785 and 1786 took the lead in procuring adoption of these bills. Over a period of time most of the bills were enacted into laws.

The purpose of this undertaking, as described by Julian Boyd, editor of the "Jefferson Papers":

> Was not that of forming a collection of laws then in force but of reforming the entire structure of law so as to strip it of all vestiges of its earlier monarchial aspects and to bring it into conformity with republican principles (2d "Papers of Thomas Jefferson" 305, Boyd editor (1950)).

The bills prepared by this group of leading Americans show a faithful adherence to the principle of trial by jury.

Thomas Jefferson prepared bill No. 57, which adopts the principle of trial by jury as laid down in Magna Carta. Bill No. 57 provided:

> *Be it enacted by the general assembly,* That no freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed, nor shall the commonwealth pass upon him, nor condemn him but by lawful judgment of his peers, or by the laws of the land. Justice or right shall not be sold, denied, or deferred to no man (id. at 480).

This bill was introduced into the Virginia General Assembly by Madison on October 31, 1785, and finally adopted December 5, 1785, with the addition of a clause putting it into effect January 1, 1787. The only language change made by the assembly was to substitute "any man" for "no man" at the end of the bill. According to Boyd, Jefferson's use of the double negative shows that he was relying on a very early text of Magna Carta. Obviously, Jefferson thought the principle involved was unchanged from the time of Magna Carta and unchangeable.

The very next bill drafted by Jefferson, bill No. 58, shows that it was thought to be entirely fitting and proper that a jury should pass on the acts of a judicial officer. The bill is entitled "A bill directing what prisoners shall be let to bail," and concludes with the following paragraph:

> If any justice let any go at large, on bail, who is not bailable, or refuse to admit to bail any who have right to be so admitted, after they shall have offered sufficient bail; or require excessive bail, he shall be punished by imprisonment and amercement at the discretion of a jury (id. at 481).

The bill was presented by Madison October 31, 1785, finally adopted December 5, 1785, with the addition of a clause making it effective January 1, 1787. The language as adopted was unchanged, except that the word "amercement" was changed to "he shall be amerced."

Bill No. 101 regulating proceedings in courts of equity required that questions of fact should be tried by a jury, the bill containing this provision:

> Every matter of fact, affirmed by one party, and denied by the other, in a bill and answer, or plea, shall be stated as a formal issue, and tried before the same court, by a jury, in like manner as such issue ought to be tried in a court of common law, and upon like evidence as is there admissible, and not otherwise (id. at 592, 594).

ANALOGY TO ALIEN AND SEDITION LAWS OF 1798

This historical analogy of the current proposal to give the Attorney General power to seek injunctions against individuals, so as to bar their constitutional right to trial by jury, is to be found in the alien and sedition laws of 1798. The current proposals are like the sedition law in the sweeping control they seek to exercise over individual action and in insulating the Federal courts from public criticism. The current proposals are like the alien law in evading the constitutional requirement of trial by jury.

This is the language of section 2 of the sedition law of 1798:

> That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either of any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000 and by imprisonment not exceeding 2 years (1 Stat. 596–97).

At least the sedition law did provide in section 3 for trial by jury. 1 Statute 597.

The alien law abolished trial by jury in the following language of section 2:

> That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each State, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behavior, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed (1 Stat. 577–78).

At this point, I should like to draw one more parallel. In the earlier days of major conflict between unions and management, the injunction was used by powerful corporations to prevent striking of any kind. There was no distinction drawn between legitimate and illegitimate purposes of striking. It was to correct such abuse that Congress placed in the Clayton and in the Norris-LaGuardia Acts specific provisions protecting the right of jury trial in labor-dispute cases 18 U.S.C. 3692.

In advocating the Norris-LaGuardia Act in 1932, one Member of the House said:

> I have read injunctions so fantastic, so arbitrary, that they were practically but one step from a threat of jail to a striker if he coughed, spat, or chewed.

It seems to me that the very same arguments which were made to pass these acts, to give to parties involved in labor disputes a jury trial after violation of the court's injunction, should be heeded by those who will not now listen to arguments defending the identical right where it already exists.

I hope these examples may serve to awaken in the minds of all those who are debating this proposal the gravity of changing a constitutional safeguard painfully evolved from the centuries of struggle with despotism.

I should now like to appeal to the fairness of those Senators who have evidenced their concern for the rights of defendants opposed by the United States under other provisions of the Bill of Rights. As is well known, the first 10 amendments to the Constitution are limitations on the Federal Government. Many delegates to the Constitutional Convention thought their provisions should be included in the original document, and its ratification was only obtained in some States by a promise that the new Congress would immediately pass such a bill.

Among the limitations included in the Bill of Rights are freedom of religion and speech, the right to be free from unreasonable search and seizure, prohibition of double jeopardy, self-incrimination, deprivation of life or property without due process of law, and the taking of property without just compensation, guarantee to the defendant of confrontation of witnesses, and outlaw of cruel punishment.

To those who insist that defendants and witnesses at every stage of State or Federal proceedings should enjoy the privilege against self-incrimination, may I point out that the first clause of the fifth amendment provides that no person should be held to answer for a capital crime except on indictment of a grand jury.

Another example of civil liberties recently championed is the effort to ensure a fair trial to persons seeking employment either in the Government or in certain areas of private industry. Involved herein, of course, is the sixth amendment, which guarantees that in all criminal prosecutions the accused must be confronted with the witnesses against him. Parenthetically, the first clause of this amendment also provides the accused a speedy and public trial by a jury of the State wherein the crime was committed.

Moreover, as I have earlier developed, the seventh amendment insures the right to trial by jury in civil proceedings.

A recent case involving a fair trial to persons employed in sensitive areas of private industry is *Greene* v. *McElroy* (360 U.S. 474 (1959)). At issue in the case was the right under the sixth amendment of an engineer to confront witnesses whose testimony had helped associate him with Communists and thus caused the removal of his security clearance.

Chief Justice Warren, speaking of the guarantee of the sixth amendment, said:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact-findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment, which provides that in all criminal cases the accused shall enjoy the right to be confronted with the witnesses against him.

I refer now to something which happened this past week. A distinguished Member of this body, running in a primary election in Texas, was accused by two witnesses of having accepted an alleged bribe of some kind—a large sum of money, perhaps $50,000. He denied the charge; and he produced two witnesses who were with him at the time when it was alleged that he received the money and those witnesses said he did not receive it.

That charge was affecting the outcome of the election to such an extent that it was putting it seriously in doubt. He asked the Federal Bureau of Investigation, which had investigated the Billie Sol Estes case, to contact the witnesses. The Federal Bureau of Investigation agents cross-examined the witnesses—which the Senator had not had an opportunity to do. It turned out, on cross-examination, that one of them, who was seeking to destroy the career of a Member of this body, admitted that he was lying. So, Mr. President, let no one tell me that an opportunity to cross-examine a witness, an opportunity to protect oneself, by a jury trial, from criminal penalty, is not important. Fortunately, the distinguished Senator from Texas [Mr. YARBOROUGH] received the assistance of the Federal Bureau of Investigation in examining that witness and in bringing out from him the admission that he was a deliberate liar who, for purposes not yet disclosed, had tried to wreck the political career of one of the Members of this body.

No words at my command can overemphasize the importance of the issue with which we are now concerned. As I stated, in 1957 we voted for a jury trial, not only in civil rights cases, but in all cases. That provision was struck out in conference; and we had, instead, a miserable compromise relating only to election cases. It called for a penalty of 45 days in jail. Fortunately, so far as I have been able to discover, no serious effort has been made to put people in jail under that provision.

When we deal with the FEPC provision in this bill—if it stays in the bill—we are dealing with people all over the Nation. Eventually, the FEPC provision—if once included—will be made to apply to any employer who has two or more employees. It started with 100. Then it was decreased to 50. Then it was decreased to 25. It is proposed that it not be put into effect before the November election, because some believe there might be a bad reaction if people were prosecuted a little too soon under this provision. So it is proposed that people be given a chance to get adjusted to it. It relates to a vital issue.

With regard to the amendment dealing with the right to a trial by jury in criminal cases—and such cases will be criminal cases—criminal contempt was certainly thought by the framers of our Constitution to be covered under the general category of "all crimes." They did not say, in the Constitution, "including criminal contempt, murder, rape, or arson." They said, "all crimes." Those are the words which are used in the Constitution.

The framers of the Constitution were good lawyers. They knew what "crime" meant; and they wrote a document that we cannot improve upon, no matter how hard we try to do it. In the case of the present effort to rewrite the first amendment—which provides that Congress shall make no law regarding the establishment of religion, or prohibiting its free exercise—every time we try to rewrite that amendment, we make it worse. They were past masters in the use of language. They had had better training than those in the days of Pericles, in the science of government.

They knew government. They knew the principles of tyranny. And they wrote into the Constitution the best safeguards that any people have ever had against tyranny. One of the tyrannies under King George was the appointment of hostile judges who could not hold office unless they ruled as the King told them to rule.

Our Founding Fathers wrote into the Constitution the provision that we must have the protection of a jury of our peers. Now we are asked deliberately to create a new form of crime, an extension of government by injunction, and to repudiate much of what we have inherited from our British ancestors and from the brave men of colonial America. We are asked to vote to deny to our constituents the right of trial by jury.

To me, that is simply unthinkable. I hope and pray that on Wednesday, when we vote on the Morton amendment, we will stand up and say: "So far thou shalt go, but no farther. We will not vote to take that precious right from our constituents."

I say it is constitutional; but regardless of whether it is constitutional or not constitutional, it is a right. It is a hallmark of personal freedom and of democratic government and of a government of laws, not of men.

So, when we vote on Wednesday, I hope and pray we will not go back upon so much of our history; I hope and pray we will not go back upon so much of our traditions; I hope and I pray that we will not repudiate our own actions of only 6½ years ago, when we voted for the O'Mahoney amendment, which covered all criminal contempt. The Morton amendment applies only to criminal contempts.

With a feeling of sadness in my heart, I say that if this great deliberative body rejects the Talmadge amendment, and adopts the face-saving, meaningless Mansfield-Dirksen amendment in the nature of a substitute—an amendment which provides that we tell a man that his constitutional right not to be branded as a criminal does not commence until after he has served 30 days in jail and paid $300 in fines—I cannot see any hope for any amendment to this bill which in my opinion would make it more acceptable to the fairminded people of Virginia, and would be in keeping with my belief that we have no right to take a constitutional right from one man in order to give what is said to be a civil right to another man.

Mr. President, I digress again to make this specific comment. Certainly, the so-called liberals in this Nation cannot have it both ways. They cannot claim that a labor union must not be punished by contempt proceedings without a jury trial. They cannot claim that one accused of communism and seeking to overthrow the Government cannot be denied his security clearance without a jury trial and an opportunity to confront his accusers and, at the same time, advocate government by injunction, within jury trials in titles II, VI, and VII of the pending bill. And in the Barnett case Chief Justice Warren was of the same opinion. Advocates of the bill cannot claim that on all of those rights a defendant shall be denied a jury trial, solely as I pointed out, because they think that some of them might not be found guilty by the jury that heard the evidence. That is what we are up against. That is the reason I am quoting these decisions of the Court to show that from 1607 in Virginia down to the present time we have always claimed that the right of trial by jury is one of our most precious, most cherished rights.

Associate Justice Black also said:

> It is undoubtedly true that a judge can dispose of charges of criminal contempt faster and cheaper than a jury. But such trifling economies as may result have not generally been thought sufficient reason for

> abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy. But even setting this dominant consideration to one side, what compelling necessity is there for special dispatch in punishing criminal contempts, especially those occurring beyond the courtroom? When the desired action or inaction can no longer be compelled by coercive measures and all that remains is the punishment of past sins there is adequate time to give defendants the full benefit of the ordinary criminal procedures. As a matter of fact any slight delay involved might well discourage a court from resorting to hasty, unnecessary measures to chastise suspected disobedience. I believe that Mr. Justice Holmes, speaking for himself and Mr. Justice Brandeis, took his stand on invulnerable ground when he declared that where "there is no need for immediate action, contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts" (*Toledo Newspaper Co.* v. *United States*, 247 U.S. 402, 425–426 (dissenting opinion)). Again this case aptly demonstrates the point. Here the defendants surrendered several years after they had been ordered to appear and serve their sentences. There was no reason for urgent action to punish them for their absence, there was ample time to impanel a jury and prosecute them in a regular manner. As a matter of fact, almost a month and a half did elapse between their surrender and trial.

Mr. President, Justice Black now reiterates what has been mentioned several times in the course of these debates, the parallel between the grant of jury trials in all labor dispute cases and the suggestion that it be maintained in civil rights cases:

> For almost a half century the Clayton Act has provided for trial by jury in all cases of criminal contempt where the alleged contempt is also a violation of a Federal criminal statute. And since 1931 the Norris-La Guardia Act has granted the same right where a charge of criminal contempt is based on the alleged violation of an injunction issued in a labor dispute. Notwithstanding the forebodings of calamity and destruction of the judicial system which preceded, accompanied and briefly followed these reforms, there is no indication whatever that trial by jury has impaired the effectiveness or authority of the courts in these important areas of the law. Furthermore it appears that in at least five States one accused of the crime of contempt is entitled, at least to some degree, to demand jury trial where the alleged contempt occurred beyond the courtroom (Arizona, Georgia, Kentucky, Oklahoma, and Pennsylvania).
>
> Again, I am unable to find any evidence, or even an assertion, that judicial orders have been stripped of their efficacy or courts deprived of their requisite dignity by the intervention of the jury in those States. So far as can be discerned the wheels of justice have not ground to a halt or even noticeably slowed. After all the English courts apparently got on with their business for six or seven centuries without any general power to try charges of criminal contempt summarily.
>
> I am confident that in the long run due respect for the courts and their mandates would be much more likely if they faithfully observed the procedures laid down by our nationally acclaimed charter of liberty, the Bill of Rights. Respect and obedience in this country are not engendered—and rightly not—by arbitrary and autocratic procedures. In the end such methods only yield real contempt for the courts and the law. The classic example of this is the use and abuse of the injunction and summary contempt power in the labor field. The Federal courts have still not recovered from the scars inflicted by their intervention in that area where Congress finally stepped in and preserved the right of jury trial to all those charged with the crime of contempt.
>
> In the last analysis there is no justification in history, in necessity, or most important in the Constitution for trying those charged with violating a court's decree in a manner wholly different from those accused of disobeying any other mandate of the State. It is significant that neither the Court nor the Government makes any serious effort to justify such differentiation except that it has been sanctioned by prior decisions. Under the Constitution courts are merely one of the coordinate agencies which hold and exercise governmental power.
>
> Their decrees are simply another form of sovereign directive aimed at guiding the citizen's activity. I can perceive nothing which places these decrees on any higher or different plane than the laws of Congress or the regulations of the executive insofar as punishment for their violation is concerned. There is no valid reason why they should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth. In my judgment trial by the same procedures, constitutional and otherwise, which are extended to criminal defendants in all other instances is also wholly sufficient for the crime of contempt.

Those were the views on the subject of trial by jury in criminal proceedings, expressed in 1958 by Mr. Justice Black, of the U.S. Supreme Court, and concurred in by Justice Douglas and Chief Justice Warren, both then and again in April 1964.

CONCLUSION

Mr. President, perhaps I have held the Senate too long in session, in discussing of what I regard to be a very vital right.

Therefore, my conclusion will be short. I have called attention to the many references to jury trial in our Constitution; and, in particular, I have emphasized the guaranty of it in criminal cases. Blackstone, the records of the Constitutional Convention, and other contemporary documents demonstrate that contempts by a citizen committed against the sovereign were considered to be "crimes" at the time of the adoption of the Constitution.

Finally, my wish is that the history of disasters which have occurred to governments whose organized forces have been turned on the individual citizen may caution us. The results of the British denial of jury trials to the Colonies and the results of similar denials of jury trials before the Norris-La Guardia Act are eloquent.

I oppose any extension of the denial of the right to trial by jury because I am convinced it would violate both the spirit and the express provisions of the Constitution. I oppose any extension of the denial of the right to trial by jury because it would violate the basic principles of due process and fair play which have been the basis of all our declarations of rights, from Magna Carta to our Bill of Rights.

Mr. President, if any Senator desires to ask a question, I shall be glad to yield for that purpose.

Mr. MORSE. Mr. President, if the Senator will yield, I seek not to ask questions, but to supplement from the Barnett case, certain observations by the minority that I think ought to be added to the Senator's speech of this afternoon.

Mr. ROBERTSON. Of course I have no objection to such an insertion. I certainly do not want to be in any way unfair in my description of the Barnett case. In view of the fact that I was rather critical of the majority opinion, and really praised and quoted liberally from the minority views, naturally I have no objection to the inclusion of any minority statement, or even the statement by the majority. I thought it was most unusual for the majority to say that if the penalty got "too raw," a defendant ought to have a jury trial. It is hard for me to understand where they found that in the Constitution.

I am glad to yield.

Mr. MORSE. It may please the Senator from Virginia more—if other Senators do not wish to ask questions, or if they have questions—if I withhold my statement until the Senator from Virginia has yielded the floor; then I can take the floor in my own right, for 5 or 10 minutes.

Mr. ROBERTSON. As the Senator desires.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. I congratulate the Senator on his fine address this afternoon. It is so informative, so rich in historical information, and so challenging, that indeed it has been a magnificent presentation. I warmly and heartily congratulate the Senator from Virginia.

Mr. ROBERTSON. My colleague and so-called debate team leader praises me beyond my desserts, but I do appreciate his comments. I say to him, as a member of his team, whether we call it a debate team or anything else, that in the preservation of essential and basic rights, the junior Senator from Virginia will stand by the side of his leader and will continue to fight for the preservation of the precious principles of economic and political freedom that were born of the brains and purchased with the blood of our Founding Fathers, and he never intends to surrender them.

Mr. HILL. The Senator has certainly stood forthrightly, courageously, and valiantly; and I have every confidence in the world that he will continue so to stand.

Mr. STENNIS. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I express my appreciation of the Senator's very fine presentation as a constitutional lawyer and a student of government. I know he has made a masterful speech, which I will study further. I was not present during the whole time of his delivery of his speech, but I heard part of it.

Mr. MORSE. Mr. President (Mr. BAYH in the chair), I wish to make a brief statement on the subject matter of the speech of the Senator from Virginia [Mr. ROBERTSON], in order to point up two or three observations in the dissenting opinion in the Barnett case. I do not believe they have been sufficiently emphasized.

I take a position considerably different from that upon which I stood in 1957, because since 1957 and the passage of the civil rights bill of that year, there have been divided a series of cases involving both civil contempts and criminal contempts in the field of civil rights. I believe they should at least be referred to in the course of this debate.

In the United States against Ross R. Barnett, Mr. Justice Black, in his dissenting opinion, stated:

> It is high time, in my judgment, to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury. It will be a fine day for the constitutional liberty of individuals in this country when that at last is done.

Justices Black and Goldberg were not referring to contempts committed in the presence of a court which require the court to take immediate jurisdiction, in order to preserve its integrity: What they were referring to are criminal contempts in which there had been a lapse of time following the alleged disobedience of the court order and the time when the court finally handed down a decision as to the juridical action which should be taken.

Let us not forget that in the Barnett case there was a lapse of weeks. So it was not a case in which, in order to protect the integrity of the court in connection with its immediate operations, it was necessary for the court to take summary jurisdiction over the person committing the contempt and either have him comply therewith with the order of the court, or go to jail until he was ready to comply. As will be seen in some of these cases, that was the procedure which was followed.

It is interesting to note that in the dissenting opinion of Mr. Justice Black in the Barnett case, he made this comment on the observation of the majority in the case, which I have not read about nor heard discussed yet in this debate.

Mr. Justice Black said:

> In Green the Court affirmed a 3-year sentence imposed for criminal contempt. But now in note 11 of its opinion in the present case the Court has inserted an ambiguous statement which intimates that if a sentence of sufficient severity had already been imposed on these defendants, a majority of the Court would now overrule Green in part, by holding that if a criminal contempt charge is tried without allowing the defendant a jury trial, punishment is constitutionally limited to that customarily meted out for petty offenses. I welcome this as a halting but hopeful step in the direction of ultimate judicial obedience to the doubly proclaimed constitutional command that all people charged with a crime, including those charged with criminal contempt must be given a trial with all the safeguards of the Bill of Rights, including indictment by grand jury and trial by jury.
>
> Whatever is included within the scope of petty offenses, certainly if the present defendants committed the acts with which they are charged, their crimes cannot be classified as petty, but are grave indeed. These defendants nevertheless, like others charged with crimes, should have their cases heard according to constitutional due process, including indictment and trial by jury. Nothing less can measure up to the kind of trials which article III and our Bill of Rights guarantee.

Then in a footnote which I believe contains some of the most important language for consideration of the Senate in respect to the various amendments on jury trials which will come before us in the days immediately ahead, Mr. Justice Black writes as follows:

> Of course, it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order.

Mr. President, there is nothing in Associate Justice Goldberg's decision which does not conform to the principle laid down by Mr. Justice Black and the language I have just read. It deals with the basic, oft-repeated, common law principle of the right of the court to protect its integrity. If the judicial process is to maintain itself it must have the power to deal with contempts committed in the presence of the court. The court must be able to take summary action, in order to preserve the judicial integrity of the tribunal itself.

I repeat Mr. Justice Black's language:

> Of course, it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees, *Green* v. *United States,* 356 U.S. 165, 197 (dissenting opinion). It was this kind of conditional imprisonment for the purpose of compelling obedience to a valid court order that was involved in *Watson* v. *Williams,* 36 Miss. 331, which the court stresses so heavily at the concluding part of its opinion. In that Mississippi case Watson refused to deliver property to minor children whose guardian he had been. The court entered an order "committing the plaintiff to the jail of Lowndes County for safekeeping, until he comply with the order of the court." Id., at 340. As I said in *Sacher* v. *United States,* 343 U.S. 1, 22 (dissenting opinion), with respect to this kind of conditional civil contempt order, I agree with this statement of Mr. Justice Holmes: "I would go as far as any man in favor of the sharpest and most summary enforcement of order in Court and obedience to decrees, but when there is no need for immediate action contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts." *Toledo Newspaper Co.* v. *United States,* 247 U.S. 402, 425–426 (dissenting opinion).

Mr. President, there has been much discussion in this debate on the drawing of lines of demarcation between a so-called serious offense of contempt and a mild offense of contempt. I should like to point out that one cannot read the United States against Ross R. Barnett et al. without recognizing that such attempts to draw the line result in rather arbitrary distinctions.

It goes back to those old, preconstitutional, colonial practices, set out at such length by the majority, and, I believe, very effectively commented upon by Mr. Justice Black, to the effect that in colonial times a great many differences of viewpoint existed with regard to the administration of criminal justice as compared with what exists today.

I shall come to some of those differences in a minute when I cite some observations made by Mr. Justice Goldberg. However, I believe that Mr. Justice Black makes a salient contribution for our consideration in this debate when he points out that there is no question about the right of the court to protect its own integrity from a contempt committed in its own presence.

Where we are dealing with contempt not committed in the presence of the court, we certainly ought to think a long time before we deny to freemen in this country the right to have their alleged criminal conduct passed upon by a jury of their peers.

The problem which bothers me the most, as I indicated in my comment on this subject last week, is what would happen if we were to be confronted by open jury defiance, by juries which refuse to follow the law, and thus refuse to convict, when they know that the evidence is overwhelming with respect to the guilt which exists. It is rather hard to answer Justice Goldberg's comment on that point, when he writes:

> I reject the Government's "necessity" argument—

That is what the argument is; namely, it must be done, in order to prevent the law from breaking down by a refusal on the part of juries to convict—

> I reject the Government's "necessity" argument, that "the independence of the Federal courts * * * would be seriously undermined if their orders could be nullified by an unsympathetic jury." That is but another way of putting the oft-rejected assertion against trial by jury, that some guilty men may be acquitted. This possibility, however, is the price we have chosen to pay for our cherished liberties. "The imperative necessity for safeguarding these rights * * * under the gravest of emergencies has existed throughout our constitutional history, for it is then, under the pressing exigencies of crisis, that there is the greatest temptation to dispense with fundamental constitutional guarantees which, it is feared, will inhibit governmental action." *Kennedy* v. *Mendoza-Martinez,* 372 U.S. at 165. "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." *Ex parte Milligan,* 4 Wall. 2, 120–121.

That is a rather difficult argument to answer. This dissenting opinion is very disturbing to me in connection with the solution that we must finally come to in regard to the various jury trial amendments.

I have also taken into account the fact that, from our earliest constitutional history, and prior to our constitutional history, the courts did exercise—shall I say—plenary contempt powers. Here again, it was for the most part for contempts that were committed in the presence of the court, and the court had to respond immediately, to protect its judicial integrity.

However, Mr. Justice Goldberg has made a comment on that point, which I find rather devastating in its answer to those who draw too broad an application, in the exercise of the contempt powers by courts in colonial times and early constitutional times, to the situation involved in our civil rights problems of today.

Mr. Justice Goldberg states:

> In 1821, this Court recognized that there were "known and acknowledged limits of fine and imprisonment" for criminal contempt. *Anderson* v. *Dunn*, 6 Wheat. 204, 228.[1] What these limits were at about the time of the Constitution can best be derived from the contemporary statutory and case law.
>
> When the Bill of Rights was ratified, at lease 5 of the original 13 States had specific statutory limitations on the punishment which could be imposed summarily for criminal contempts. The Connecticut statute permitting summary punishment for certain types of contempts contained a proviso "[t]hat no single minister of justice shall inflict any other punishment [for criminal contempt than] . . . putting them in the stocks, there to set not exceeding two hours; or imposing a fine, not exceeding $5."

Mr. Justice Goldberg then cites the statutes in the other colonies which had similar slight punishments, insofar as fines were concerned. However, let no one for a moment think that stock punishment was not serious punishment under the mores of that time. It was pretty serious. It would be pretty serious punishment in our time, if someone had to sit in stocks for 2, 4, or 6 hours, in view of what the community behavior then permitted with regard to a man who was in stocks.

It was common to be spat upon, jeered, ridiculed, and verbally attacked. It was not light punishment. However, Mr. Justice Goldberg comments point out that this type of punishment for contempt became frowned upon and led, as he sets out in his analysis of the law of an earlier day, to great changes in the laws. Punishments of that type—that is so-called body punishments and whip lashings, and the placing in stocks—were done away with, and the fines themselves were of a very light amount.

Mr. Justice Goldberg points out that there has been a great shift in the protection of the right of the individual to a jury trial since colonial times, when it was a common practice for judges to impose, what we might consider, light penalties without benefit of jury in the case of criminal contempts.

But even in these cases they were principally contempts committed in the presence of the court.

That is not what the Barnett case is all about.

Therefore, in closing my comments on this point, in my judgment when we come to consider the amendments which are before us, we must decide except in those instances in which contempt is committed in the presence of the court; whether we shall waive a jury trial in any other criminal contempt case; and, that where we are dealing with contempt which does not involve a situation which calls for or justifies summary judicial action on the part of the court to protect its integrity, we must decide whether we shall waive a jury trial under any arbitrary provision such as we have in some of the amendments which are before us, which would provide a jury trial if the punishment exceeded a certain number of days in jail or the fine exceeded a certain amount.

It is a difficult and arbitrary standard to justify. The basic principle, it would seem to me, in the absence of a contempt committed in the presence of a court, ought to be: Should a jury trial be required before a criminal penalty is imposed upon a free American?

I have grave doubts about the amendments which seek to compromise that principle. We must decide whether we want to follow the majority opinion in the Barnett case, which now qualifies somewhat, as Mr. Justice Black points out, the opinion in the Greene case, or whether we want to—and we have the right to do it by legislation—take the position that by legislation we will require a jury trial in every criminal contempt case, save and except in those instances in which the contempt is committed in the presence of the court, where the court must proceed to protect itself by ordering that the person be taken to jail for reflection and cooling off, and subsequently be brought back to the court, as happens in contempt cases, for further consideration, usually for an apology or for making retribution or agreeing to any reasonable adjustment for the dismissal of the case that the court suggests.

But if we are to insist upon the imposition of a penalty for criminal contempt, such as has been brought out in cases going as far as 3 or 4 years, or 18 months, or 6 months, or any other period of time, should not the person be entitled to a jury trial?

It may be said, "What will you do about the argument of Government necessity, that is referred to by the majority in the Barnett case? You may not get jurors in certain parts of the country who will convict."

I do not think we can single out any part of the country in connection with this matter and say that such an action will be limited to the South, for there can be recalcitrant juries in any part of the country on an issue as emotionally seized as this one is. I will not give up my conviction that the overwhelming majority of people in all parts of the country, once a law has been passed, and once it is the law, will take the position that even though they may not like some of the implications of the law, so long as it remains the law they will live up to their responsibility in citizenship as jurors, and honor the oath they have taken as jurors to enforce the law.

At least, it would perhaps be better for us to try that approach rather than to proceed on the assumption—and it is only an assumption—that government by law will break down if we seek to deny to people accused of crime in this country an opportunity to be judged by their peers.

I have been asked: "What have you to say about municipal ordinances, under which people are held without trial by jury?"

I point out that the common practice is that if they really want to stand trial and refuse to settle for the judgment that has been rendered by a police judge, they can appeal and get a jury trial. That is true in most jurisdictions in this country.

I wanted to say this tonight, because I do not believe sufficient consideration has been given in the debate thus far to the basic principles that Mr. Justice Goldberg and Mr. Justice Black pointed out, and to which I have alluded.

AMENDMENT NO. 570

During Mr. ROBERTSON's speech on the civil rights bill,

Mr. STENNIS. Mr. President, will the Senator yield briefly to me, so that I may make some remarks for 2 or 3 minutes and may submit an amendment?

Mr. ROBERTSON. Mr. President, I yield, with the understanding that following my remarks, there will appear in the RECORD the statement to be made by the Senator from Oregon [Mr. MORSE], and that the remarks of the Senator from Mississippi [Mr. STENNIS] will follow. The Senator from Oregon wants his remarks to be in context with the recent discussion of the Barnett case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia, and I also thank the Senator from Oregon. By proposing this amendment, I did not want to interfere in any way.

Mr. President, I send to the desk, and ask unanimous consent that it be read, in compliance with the rules of the Senate, an amendment to H.R. 7152, the Civil Rights Act of 1963.

The PRESIDING OFFICER. Without objection, the clerk will read.

Mr. STENNIS. Mr. President, I ask unanimous consent that the reading of the amendment be waived, and that it be considered as read, in compliance with the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, this proposal would amend title 18 of the United States Code so as to make it a criminal offense for any person to travel in interstate commerce with the intent and purpose of committing a criminal offense under any law of any State, district, Commonwealth, or possession of the United States. It further provides that it shall be a criminal offense to aid and abet any person to move or travel in interstate commerce with the intent and purpose to commit such a criminal offense, or to transport any material or aid and abet in the transportation of any material in interstate commerce with the intent and purpose that such material be used to commit such a criminal offense.

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[1] See *Duane* v. *United States*, Fed. Case No. 14,997 (1801): "We confine ourselves within the ancient limits of the law [of criminal contempt], recently retraced by legislative provisions and judicial decisions."

The amendment further provides that any person guilty of committing such an offense shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

Mr. President, during the past 3 years we have witnessed the growth and development of a movement which, in my opinion, embodies a philosophy that is entirely foreign to our national heritage and jurisprudence. The movement of which I speak may be broadly characterized by the new common term "freedom rider." In its broadest significance, I use this term to mean the effort by one or more persons to travel into a State for the purpose of violating the laws of that State and its political subdivisions. There is no need to document such a statement, for it is common knowledge, indeed it is admitted by the participating groups, that the purpose of these trips is to violate local laws and ordinances. These efforts can be nothing other than an open and flagrant flouting and disregard for law and order as established by the duly constituted civil authorities.

I am concerned, Mr. President, and I believe each of us must be concerned, with the spreading of this philosophy, because no Nation can long survive if there is disrespect for law. Modern society can only exist when there is order among all men. Unfortunately, it has become perfectly acceptable in our country for certain minority groups to say to one and all: "We will disregard, in fact openly violate, your laws and we dare you to resist us."

This is a serious matter, Mr. President. There are children growing up in our country today who have lived under no other circumstances. They are being exposed to such flagrant violations of law; indeed, many of these children are being taught and encouraged to ignore and challenge authority. What type of philosophy are these children going to embrace when they become adults? What are they going to believe? If they are taught to lie down in the streets or subways, to block the entrance to business operations, to willfully refuse to attend public school as required by law, and any number of other offenses which almost exceed my imagination, what type of citizens can we expect them to become?

The amendment which I now introduce is designed to help prevent the acceptance of this philosophy of complete disrespect of law, Mr. President. If adopted, it will become a Federal criminal offense for any person to travel or transport material, or to aid and abet any person in traveling or transporting material in interstate commerce, with the intent and purpose of violating the law of any State, district, Commonwealth, or possession of the United States. There is ample precedent for the enactment of such a statute of general application, and in my opinion such authority would be of immeasurable benefit in the interest of law enforcement and prevention of crime throughout the Nation.

I do not yield to anyone in my belief in all the freedoms guaranteed by our Constitution and the necessity of maintaining those rights inviolate, including the right of an individual to petition his government for the redress of grievances. But we must all remember that for every right there is a responsibility and there is no absolute right of any man in an organized, advanced society such as that in which we live. The right to peaceably assemble, for example, is subject to reasonable regulation in the interest of all citizens; so are all other guarantees of the Bill of Rights. If any person believes that such regulation is not reasonable and violates his rights, there are established procedures to challenge such regulation through duly constituted judicial tribunals. These orderly legal processes, not the law of the jungle, must prevail or our Nation will not long remain free.

Mr. President, the context of the amendment speaks for itself. Its purpose is clear; and I submit it for that purpose.

I thank the Senator from Virginia [Mr. Robertson] for yielding to me; and again I thank the Senator from Oregon [Mr. Morse].

The **PRESIDING OFFICER**. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be considered as having been read, and will be printed in the Record.

The amendment (No. 570) submitted by Mr. Stennis, was ordered to lie on the table, as follows:

On page 54, between lines 7 and 8, insert the following new title:

"TITLE XI—TRANSPORTATION OF PERSONS OR MATERIAL INTO STATE TO VIOLATE STATE LAW

"Sec. 1101. (a) Part I of title 18, United States Code, is amended by adding after chapter 113 the following new chapter:

"'*Chapter 114—Transportation of persons or material to violate State law*

"'Sec. 2351. Transportation of persons or material to violate State law.

"'Whoever—

"'(a) moves or travels in interstate or foreign commerce with the intent and purpose to commit a criminal offense under any law of any State, District, Commonwealth, or possession of the United States; or

"'(b) aids and abets any person to move or travel in interstate or foreign commerce with the intent and purpose that such person commit such a criminal offense; or

"'(c) transports any person, or aids and abets in the transportation of any person, in interstate or foreign commerce with the intent and purpose that such person commit such a criminal offense; or

"'(d) transports any material, or aids and abets in the transportation of any material, in interstate or foreign commerce with the intent and purpose that such material be used to commit, or be used in the commission of, such a criminal offense—

shall be fined not more than $5,000, or imprisoned not more than five years, or both. Nothing in this section shall be construed as indicating an intent on the part of the Congress to deprive any State, District, Commonwealth, or possession of the United States of any jurisdiction over any offense over which it would have jurisdiction in the absence of such section.'

"(b) The analysis of part I of title 18, United States Code, immediately preceding chapter 1 of such title, is amended by adding

"'114. Transportation of persons or material into State to violate State law'

after

"'113. Stolen property'."

On page 54, line 8, strike out "XI" and insert "XII".

On page 54, lines 9, 14, 22, and 25, strike out "1101", "1102", "1103", and "1104", and insert "1201", 1202", "1203", and "1204", respectively.

AMENDMENTS NOS. 571 AND 572

Mr. **SALTONSTALL**. Mr. President, will the Senator from Oregon yield to permit me to submit two amendments?

Mr. **MORSE**. I yield to the Senator from Massachusetts, if I may do so without losing my right to the floor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **SALTONSTALL**. I appreciate the courtesy of the Senator from Oregon.

Mr. President, I submit two amendments to the pending civil rights bill. I ask unanimous consent that they be printed in the Record, and ordered to lie on the table, and that they be considered as read, in order to make them eligible for consideration in the event a cloture motion is presented.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendments (Nos. 571 and 572) are as follows:

By Mr. Saltonstall:

Amendment No. 571

On page 39, line 25, strike out "Act" and insert "title".

By Mr. Saltonstall (for himself and Mr. Scott):

Amendment No. 572

On page 24, strike out lines 6 through 11 and in lieu thereof insert the following:

"(b) The Commission shall, not later than January 31 of each year, submit a report to the President and the Congress setting forth its activities and findings during the preceding calendar year and its recommendations with respect thereto. The Commission shall submit such other reports to the President and to the Congress at such times as the Commission, the Congress, or the President may deem advisable."

THE WAR IN SOUTH VIETNAM

Mr. **MORSE**. Mr. President, I have just returned to Washington, following a speaking tour in my State and a speech in Ohio. I return more convinced than ever that McNamara's war is deeply resented by many Americans throughout the country. In my opinion, the resentment will increase.

In my opinion, the families of American boys who are killed unjustifiably in McNamara's war in South Vietnam—and we now have an admission by the Secretary of Defense not only that he is willing to accept that label, but also that it is an American war in South Vietnam—will not bury their boys without a protest. Those protests will mount, and they should.

Furthermore, increasing numbers of Americans are waiting for the recommendation of the President of the United States for a resolution declaring war. They are recognizing that no President, not even the present President, has any right to make war by executive agreement. The only time there can be any justification for the American flag going into a battleline with American boys falling under it and making the supreme sacrifice is after there has been a declaration of war.

I repeat: I am still waiting for the Department of State to come forward with any international law justification for the killing of American boys in South Vietnam in McNamara's war.

I also warn the American people that the senior Senator from Oregon is convinced that undercover plans are underway to escalate that war. Escalating that war will carry with it great potential danger, for there are so many imponderables in the picture. There is great potential danger that we will be thrust into a nuclear war. If we get into a nuclear war on what we might think to be a small scale, it will be only a matter of time before the holocaust will be on. So I have a few questions to ask.

I am glad that the President of the United States has sent the chairman of the Foreign Relations Committee abroad for conferences—so the press releases and the newspapers say—with the Greek Government, the Cyprus Government, and the Turk Government, concerning the threat to peace in the Mediterranean. Certainly, there is nothing improper about that. But, to the contrary, I think it shows the good faith and the desire of the President of the United States to promote peace in that part of the world.

I should like to know what negotiations are being carried on by the United Nations seeking to resolve the conflict in the Mediterranean. I should like to know what the American Ambassador to the United Nations, Mr. Adlai Stevenson, is doing formally in regard to making United States representations concerning the struggle in the Mediterranean over which the United Nations has taken jurisdiction—and I think rightly so, and hopefully so.

I think we must make the strongest of representations to the United Nations itself. I have no objections. I applaud making representations unilaterally on the part of the United States, through the chairman of the Senate Foreign Relations Committee, Mr. Fulbright, to the leaders of Greece, Turkey, and Cyprus. But I think the United Nations is on trial, too, in the Mediterranean. I am not satisfied to date with the action that is being taken by the United Nations. The sending of a peacekeeping corps over there is not enough.

I think that the Charter of the United Nations ought to be applied in the Cyprus conflict. And if it is necessary to call for an extraordinary meeting of the General Assembly of the United Nations, I wish that my Government would join—I hope with other signatories to the Charter, who want to maintain peace in the Mediterranean—in requesting such an extraordinary meeting of the General Assembly. I think that would be a fine precedent—as I have been stating in the Senate Chamber now for some weeks—for us to appeal likewise to the United Nations to take jurisdiction in South Vietnam, and to recognize that the one organization in the world which has a clear treaty obligation under the Charter of the United Nations to maintain peace in South Vietnam is not the United States of America, but the United Nations. I think the United Nations ought to step in to make it clear to the United States that it ought to desist from its unilateral action in South Vietnam. We should proceed to act through the United Nations, and proceed to urge and to give support to the establishment of a peacekeeping corps in South Vietnam, and to the setting up of a United Nations trusteeship in South Vietnam. For, I fear that if we do not follow that course of action—and time is running out on us—matters are going to get steadily worse in South Vietnam.

The first thing we know, we will be involved with North Vietnam, Cambodia, Laos, and Red China.

I certainly think we ought to also keep in mind the possibility that our bumbling and fumbling in a unilateral, unjustifiable military action in South Vietnam might escalate into a conflagration that will involve other countries. Our Secretary of Defense now admits that this is an American war, with which he is proud to be associated, and that he has no objection to its being called "McNamara's War." And it should be called McNamara's War, for he has written the blueprints for it. He is the one who has been calling the military shots. He is the one who has been making the proposals for the military operation in South Vietnam. Before this operation is escalated into a conflagration over there which will involve countries other than the two groups of Vietnamese that are now involved in the civil war in South Vietnam, we ought to place the conflict before the United Nations.

Certainly Congress ought to start taking action. Congress ought to insist upon its constitutional prerogatives being exercised. Congress ought to make perfectly clear to this administration that it does not look with approval on the administration conducting a war without congressional approval by means of the passage of a declaration of war.

ORDER OF BUSINESS

During the delivery of Mr. Morse's speech,

Mr. METCALF. Mr. President, will the Senator from Oregon yield, to permit me to make some remarks about the Montana Power Co.?

Mr. MORSE. Mr. President, I ask unanimous consent that I may yield to the Senator from Montana without losing my right to the floor, and that his remarks will follow mine in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

IOU NO. 28—MONTANA POWER PUTS THE GRASS IN THE "GRASS ROOTS" PAPERS

Mr. METCALF. Mr. President, according to the April 28 issue of the Daily Missoulian, published in Missoula, Mont., the president of the Montana Power Co., when asked if he knew of any company employee officially or unofficially engaged in "planting" editorials, said:

> Never. This is entirely new to me. I've never heard of such a thing.

Mr. President, I ask unanimous consent to have printed in the Record an example of the company practice of which he denies knowledge.

Exhibit A is an editorial entitled "Knowles Dam Is Wasteful."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

EXHIBIT A

[From Public Service Co. of Colorado magazine, July–August 1962]

KNOWLES DAM IS WASTEFUL

Western Montana, land of the great divide and scene of many a Hollywood horse opera is currently the stage for one of the goldurndest scenarios ever to be unveiled under western skies.

Tarnation, what a plot. Instead of the usual tired settlers beseiged by the usual irate Indians with Federal troops to the rescue, this latest western features settlers and Indians fighting side by side against—the Federal Government.

It's a battle of the slow burn rather than quick draw. It seems that the Federal Government would like to add 59,000 acres of prime ranch and farmland to its spread in order to build $258,500,000 Knowles Dam on the Flathead River.

About the nicest thing the embattled residents can say about the Federal plan is that it is a shameful, wasteful proposal.

They point out that, "Taxpayers of the Nation would lose $11 million each year because operating costs of a Federal Knowles Dam would grossly exceed its income.

"The taxpayers would also lose tax income of $2,770,000 in Federal, State and local taxes each year which would come from locally constructed Buffalo Rapids dams." (The Montana Power Co. has applied to the Federal Government for permission to build two dams on the Flathead River at a cost of $42 million which would generate 240,000 kilowatts of energy, only 16,000 kilowatts less than Knowles.)

Area residents estimate the total loss to the Nation's taxpayers over a 50-year period would be more than $688 million.

What's more—they charge that it would destroy the National Bison Range at Moiese, home of the principal herd of American bison which "pennies and nickels from schoolchildren helped pay for," would isolate valuable timberlands, destroy gamefish and wildlife breeding areas, and endanger upstream water rights.

They state that nearly one-half of the cost of the Knowles project, $107 million, would be spent moving families and homes and in relocating railroads and pipelines.

Western Montanans point out that the Buffalo Rapids dams would bring in $2,770,000 in taxes each year, would not destroy the Bison Range or gamefish and wildlife areas and would "assure Montana of 240,000 kilowatts of new power, available for our needs and do it without delay."

Mr. METCALF. Mr. President, exhibit B is the August 23, 1962, memorandum attached to the above editorial, which was sent to Montana editors by a well-known, longtime Montana Power Co. public relations official.

I ask unanimous consent that exhibit B be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Exhibit B

August 23, 1962.

Dear Editor: Here is a new slant on Knowles Dam. The writer sees it as a different western plot, with the settlers and Indians standing off the Federal Government. Most of the people in western Montana, including the Indians, who would lose valuable land and damsites, are opposed to the proposed project, which would ruin three valleys in western Montana.

A reprint of the article is attached.

Owen Grinde.

Mr. METCALF. Mr. President, exhibit C is an example of a successful plant of this editorial, as it appeared in the August 30, 1962, issue of the Phillips County News, Malta, Mont.

I ask unanimous consent that exhibit C be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Exhibit C

[From the Malta (Mont.) Phillips County News, Aug. 30, 1962]

Knowles Dam Is Wasteful

Western Montana, land of the great divide and scene of many a Hollywood horse opera, is currently the stage for one of the goldurndest scenarios ever to be unveiled under western skies.

Tarnation, what a plot. Instead of the usual tired settlers beseiged by the usual irate Indians with Federal troops to the rescue, this latest western features settlers and Indians fighting side by side against—the Federal Government.

It's a battle of the slow burn rather than quick draw. It seems that the Federal Government would like to add 59,000 acres of prime ranch and farmland to its spread in order to build $258,500,000 Knowles Dam on the Flathead River.

About the nicest thing the embattled residents can say about the Federal plan is that it is a "shameful, wasteful" proposal.

They point out that, "Taxpayers of the Nation would lose $11 million each year because operating costs of a Federal Knowles Dam would grossly exceed its income.

"The taxpayers would also lose tax income of $2,700,000 in Federal, State, and local taxes each year which would come from locally constructed Buffalo Rapids dams." (The Montana Power Co. has applied to the Federal Government for permission to build two dams on the Flathead River at a cost of $42 million which would generate 240,000 kilowatts of energy, only 16,000 kilowatts less than Knowles.)

Area residents estimate the total loss to the Nation's taxpayers over a 50-year period would be more than $688 million.

What's more they charge that it would destroy the National Bison Range at Moiese, home of the principal herd of American bison which "pennies and nickles from schoolchildren helped pay for," would isolate valuable timberlands, destroy gamefish, and wildlife breeding areas, and endanger upstream water rights.

They state that nearly one-half of the cost of the Knowles project, $107 million, would be spent moving families and homes and in relocating railroads and pipelines.

Western Montanans point out that the Buffalo Rapids dams would bring in $2,770,000 in taxes each year, would not destroy the bison range or gamefish and wildlife areas and would "assure Montana of 240,000 kilowatts of new power, available for our needs and do it without delay."

Mr. METCALF. Mr. President, if the company president is not aware of this company practice, he has not earned his $75,000 annual salary, $37,695 in annual benefits upon reaching retirement age, approximately $40,000 a year in dividend income and the $370,269.90 windfall profit he obtained when he bought 30,000 shares of company stock at less than half the price per share which ordinary stockholders were required to pay.

If the company president did not know this public relations official was participating in the company's anti-Knowles Dam propaganda campaign, then the company presumably did not list any portion of the publicity man's salary and expenses in the $25,235.79 which the company listed in account 426 of its 1962 form 1 report to the Federal Power Commission, as "Information Program re Buffalo Rapids and Knowles Dam sites."

Account 426 expenditures are usually chargeable to the stockholders rather than the ratepayers. The rationale here is that while utilities can certainly engage in political propaganda activities, such matters are not part of the cost of producing electricity, therefore the electric consumers should not be required to help finance such activity.

Mr. President, the apparent failure of the Montana Power Co. to report all its anti-Knowles expenditures in the $25,235.79 item in account No. 426 indicates that the company has included some of these company propaganda activities as operating expenses, chargeable to the company ratepayers, who are required to provide Montana Power with the most exorbitant rate of return of any major IOU—investor-owned utility—in the country.

The company president's admitted lack of knowledge of employee propaganda activity raises a further question. If he has never heard that his company plants anti-Knowles newspaper editorials, he perhaps has not heard about—and properly reported to Federal Power Commission and the Montana Railroad and Public Service Commission—other activities of certain company employees in connection with Indian, conservation, resource, business, and community organizations.

Therefore, Mr. President, I am asking the Federal Power Commission to invite the Montana Power Co. to amend its report to FPC, if it wishes, after the company president has had time to familiarize himself with certain aspects of company activity of which he admits no knowledge.

The Missoulian article, to which I referred previously, also quoted the president of Montana Power as saying that the computations of the National Rural Electric Cooperative Association, concerning the Montana Power Co.'s exorbitant rate of return, are "entirely improper, unfair, and unrealistic."

Mr. President, the finding of NRECA concerning the Montana Power Co. is in accord with the findings of a large investment company with a large portfolio of utility stocks, as reported in an industry-oriented magazine, and the findings of an independent consultant who used two different methods of computing the rate of return.

As documentation, I ask unanimous consent to have printed in the Record, exhibit D, a table which appeared in the January 3, 1963, issue of Public Utilities Fortnightly, showing the rate of return in each State in 1960, with Montana listed as having the highest rate of return.

There being no objection, the table was ordered to be printed in the Record, as follows:

Exhibit D

[From Public Utilities Fortnightly, Jan. 3, 1963]

Average rate of return on capital

[In percent]

	1960 return	Increase, 1955-60
Montana	8.7	10
Alaska	8.0	----------
Texas	7.4	5
Wyoming	7.4	7
South Dakota	7.3	10
New Mexico	7.1	10
South Carolina	7.1	15
Florida	7.1	11
Nevada	6.9	24
Kentucky	6.8	8
Mississippi	6.8	21
West Virginia	6.7	7
Illinois	6.7	18
Kansas	6.7	13
Ohio	6.6	----------
Oklahoma	6.5	3
Iowa	6.5	3
Georgia	6.5	----------
Virginia	6.4	10
Pennsylvania	6.4	----------
Maryland	6.4	3
Minnesota	6.4	2
Colorado	6.3	5
North Dakota	6.2	18
Arizona	6.2	D19
Delaware	6.2	19
Oregon	6.1	D3
Missouri	6.1	1
Louisiana	6.1	2
Indiana	6.1	3
North Carolina	6.1	----------
Wisconsin	6.0	D1
Alabama	6.0	----------
Washington	6.0	D20
Connecticut	6.0	5
Vermont	5.9	3
District of Columbia	5.9	2
Michigan	5.9	1
Hawaii	5.8	----------
Arkansas	5.8	D1
California	5.7	6
Massachusetts	5.7	4
Utah	5.7	3
Maine	5.7	10
New Jersey	5.6	D1
Tennessee	5.5	40
New York	5.4	7
Rhode Island	5.2	D1
New Hampshire	4.9	D1
Idaho	[1] 4.8	D12

[1] The low figure for Idaho is probably due mainly to the fact that most of the power in this State is generated by hydro.

Mr. METCALF. Mr. President, this table is based on a presentation to the New York Society of Security Analysts by Frank D. Chutter, utility analyst with

Massachusetts Investors Trust, the oldest and largest open-end diversified investment company, which holds more than a quarter of a billion dollars in utility common stocks.

Next, I ask unanimous consent to have printed in the RECORD, exhibit E, which consists of two tables prepared by Arnold H. Hirsch, utility consultant, which appeared in the May 1962 issue of Public Power magazine. Mr. Hirsch computed the rate of return of the major electric power company in each State, for 3 years, 1958–60, by two methods. In both cases Montana Power Co. had the highest rate of return.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

EXHIBIT E

ELECTRIC UTILITY INDUSTRY

For the purpose of this study, the largest electric utility operating company was chosen in each State, and its average annual rate of return computed for the 3-year test period:

A. Based on Federal income taxes actually paid

	Average rate of return
1. Rate of return of 6.5 percent and over (generally regarded as moderately excessive to exorbitant):	
Montana	9.3
Florida	9.1
Texas	9.1
Ohio	8.8
New Mexico	8.5
Delaware	8.4
Alabama	8.2
West Virginia	8.2
Connecticut	8.0
Louisiana	8.0
South Carolina	8.0
Georgia	7.9
Virginia	7.9
Kentucky	7.7
Oklahoma	7.7
Nevada	7.6
Illinois	7.5
Kansas	7.5
Tennessee	7.5
Oregon	7.4
Wyoming	7.4
Maryland	7.1
Minnesota	7.1
Colorado	7.0
Mississippi	7.0
North Carolina	7.0
South Dakota	7.0
Arizona	6.9
District of Columbia	6.9
Indiana	6.9
New Jersey	6.9
New York	6.9
Missouri	6.8
Pennsylvania	6.8
Arkansas	6.7
Iowa	6.7
Michigan	6.6
2. Rate of return of 6 to 6.4 percent (twilight zone):	
California	6.4
Massachusetts	6.4
Utah	6.4
Vermont	6.4
Maine	6.3
New Hampshire	6.2
Washington	6.2
Wisconsin	6.2
Idaho	6.1
3. Rate of return of less than 6 percent (fair and equitable):	
North Dakota	5.9
Rhode Island	5.0

B. Based on "normalization" of Federal income taxes

	Average rate of return
1. Rate of return of 6.5 percent and over (moderately excessive to exorbitant):	
Montana	8.9
Texas	8.5
Florida	8.3
Connecticut	7.7
New Mexico	7.7
Tennessee	7.5
Wyoming	7.4
Nevada	7.2
Alabama	7.1
Kentucky	7.1
Maryland	7.1
North Carolina	7.0
Arizona	6.9
District of Columbia	6.9
Kansas	6.9
Minnesota	6.9
Virginia	6.9
Georgia	6.8
Ohio	6.7
Illinois	6.6
Oklahoma	6.6
Pennsylvania	6.6
West Virginia	6.6
Delaware	6.5
New York	6.5
South Dakota	6.5
2. Rate of return of 6 to 6.4 percent (twilight zone):	
Louisiana	6.4
Oregon	6.4
South Carolina	6.4
Vermont	6.4
Missouri	6.3
Utah	6.3
Mississippi	6.2
New Jersey	6.2
Wisconsin	6.2
Washington	6.1
3. Rate of return of less than 6 percent (fair and equitable):	
Arkansas	5.9
Colorado	5.9
North Dakota	5.9
Indiana	5.8
Massachusetts	5.8
California	5.7
Idaho	5.7
Michigan	5.7
New Hampshire	5.7
Iowa	5.6
Maine	5.6
Rhode Island	5.0

Mr. METCALF. Mr. President, next, I ask unanimous consent to have printed in the RECORD, exhibit F, the NRECA study for the 5-year period 1956–60 which shows that Montana Power Co. had the highest average rate of return—9.4 percent—of 38 companies analyzed.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXHIBIT F

Average rate of return earned, 1956–60

	Percent
Montana Power Co	9.4
Alabama Power Co	7.5
Tucson Gas, Electric Light & Power Co	7.2
Arkansas Power & Light Co	6.4
Pacific Gas & Electric Co	6.5
Public Service Co. of Colorado	7.1
Connecticut Light & Power Co	6.6
Delaware Power & Light Co	7.4
Florida Power Corp	7.7
Georgia Power Co	7.5
Commonwealth Edison Co	6.6
Public Service Co. of Indiana	6.5
Iowa Power & Light Co	7.0
Kansas Power & Light Co	7.2
Kentucky Utilities Co	7.3
Louisiana Power & Light Co	7.4
Central Maine Power Co	6.1
Potomac Edison Co	9.3
New England Power Co	6.7
Detroit Edison Co	6.4
Northern States Power Co	7.0
Mississippi Power & Light Co	6.9
Union Electric Co. (Missouri)	6.5
Southern Nevada Power Co	8.9
Public Service Co. of New Hampshire	6.0
Public Service Electric & Gas Co. (New Jersey)	7.0
Long Island Lighting Co	7.2
Carolina Power & Light Co	7.0
Ohio Edison Co	7.6
Oklahoma Gas & Electric Co	7.2
Pacific Power & Light Co	7.1
Philadelphia Electric Co	6.6
South Carolina Electric & Gas Co	7.9
Black Hills Power & Light Co	6.4
Houston Lighting & Power Co	8.4
Utah Power & Light Co	6.3
Virginia Electric & Power Co	7.6
Appalachian Power Co	7.8

Mr. METCALF. Mr. President, the Montana Power Co. has for years enjoyed the highest rate of return of any major IOU. When the company's president cries "improper, unfair, and unrealistic" he is disputing an important segment of his own industry's financial community, a leading trade publication, and an independent consultant, as well as NRECA.

The anti-Knowles editorial which a Montana Power Co. official planted in the grassroots Montana paper came from "Lines," published by Public Service Co. of Colorado. Public Service of Colorado is one of the investor-owned utilities which, along with Montana Power Co., advertises the fiction that it is the largest taxpayer in its State. I discussed this matter, and these two companies, on April 17, in IOU No. 22.

Public Service of Colorado is also the I.O.U. which served as technical adviser in the production of the electric power company's propaganda film, "The Power Within," which is designed to get the audience to write Members of Congress anti-REA letters. This letters campaign—according to the manual which power companies give to employees entrusted with arranging the showing of the film—is to "appear spontaneous to the recipient and not as though it were a planned concerted effort by any one group."

I inserted in the RECORD the text of of this IOU manual in IOU No. 1 on January 8, 1964.

There, for all to see, in the companies' own words, is documentation of the fact that production of phony letters is the policy of this Nation's IOU's.

Mr. President, I ask unanimous consent to have printed in the RECORD an article and editorial which appeared in the April 26, 1964, issue of the Missoulian, and also the April 28 Missoulian article from which I have quoted.

There being no objection, the articles and the editorial were ordered to be printed in the Record, as follows:

[From the Missoula (Mont.) Missoulian, Apr. 26, 1964]

Phony Letters Drive Proposed in Wagering War on Private Power

A program of organized harassment aimed at Montana Power Co. and other investor-owned utilities is being planned by the farm cooperatives and the REA's, and Senator Lee Metcalf has been asked to participate, the Missoulian-Sentinel has learned.

The Montana Democrat has been approached by a high-ranking employee of the cooperatives, who has also contacted news and editorial representatives of at least two leading Montana newspapers.

The newspapers, it has been learned, have been sounded out on doing a series of stories dealing with utility rates. The stories would be geared to help the REA's and cooperatives in common cause with the Democratic Party against the privately owned power firms.

Under the proposal, Senator Metcalf would supply the writer of the stories data on utility rates contained in recent speeches against private utilities which the Senator has delivered on the Senate floor.

The stories, plus a letters-to-the-editor campaign, would have as their main purpose the harassment of the power company to the extent that it would be unable to battle effectively against the publicly owned REA's and the cooperatives.

The letters to the editor would be composed by professional writers and sent to selected Montana Power Co. consumers for dressing up and sending in. This would make them appear authentic and give them a better chance of being printed.

Senator Metcalf's reaction to the proposed campaign has not as yet been revealed, nor is it known what other steps have been taken in the proposed antiprivate power program.

[From the Missoula (Mont.) Missoulian-Sentinel, Apr. 26, 1964]

Power Debate Should Be in Open

The Missoulian-Sentinel has learned that a high-ranking employee of the Montana Council of Cooperatives has outlined to Senator Lee Metcalf a campaign of harassment against the Montana Power Co., with Montana newspapers to play the role of unwitting dupes by printing authentic-looking but "planted" letters-to-the-editor attacking the company.

The letters campaign is another shot in the war between two powerful vested interests, Montana Power Co., and the REA's and cooperatives.

This combat can only redound to the harm of the helpless third party to all this, the consumer and taxpayer, whose money is the prize.

But if war it must be, then let's get it out in the open, in the forum of intelligent public debate, not in underhanded harassment campaigns.

Senator Metcalf has vigorously attacked Montana Power Co. in a series of Senate speeches. We suggest that while he's at it, he tell the public about the workings or nonworkings of the Montana Railroad and Public Service Commission in regulating utility rates.

We cannot stress too strongly that it is the commission which has the duty of seeing to it that a fair profit is made by utilities and the consumer is not overcharged. Debate so far has not touched on this. Has the three-man commission been doing its job? If Montana Power Co.'s rates are exorbitant, as Senator Metcalf says, then it has not.

The sham and deception of the phony letters-to-the-editor campaign should be repudiated immediately by the Senator. Its sole aim would be to hoodwink Montana's press and public.

This newspaper does not take sides in this debate over rates and profits, except the side of the consumer. Anyone who believes we support either the Montana Power Co. or the cooperatives is dreaming.

To get the debate into the open where it belongs, the Missoulian-Sentinel will provide equal space to both parties on its editorial page. Any takers?

[From the Missoula (Mont.) Missoulian, Apr. 28, 1964]

Metcalf, Corette Happy To Get Power Fight Into Open

(By Sam Reynolds)

Senator Lee Metcalf Monday denied that "the Montana Council of Cooperatives or anyone else has suggested to me" that the Montana Power Co. be harassed by a phony letters-to-the-editor campaign.

In a telegram to the Missoulian-Sentinel, the Montana Democrat said, "I applaud Missoulian declaration that the power debate over Montana Power Co. overcharges should be in the open."

John E. Corette, Montana Power Co. president, told this newspaper Monday afternoon that Metcalf's assertion that the company is overcharging its customers is falsely based, and promised to provide the Missoulian-Sentinel with a carefully documented rebuttal to Metcalf's charge in the near future.

The Missoulian-Sentinel Sunday broke a story which said a "high-ranking employee of the cooperatives" has proposed to Metcalf a plan of action against private power, particularly Montana Power Co.

Part of the plan would be to plant letters-to-the-editor in various State newspapers to harass the company and so occupy the firm that its resistance to the REA's would be weakened.

In an editorial, this newspaper said the power rate debate should get out in the open and offered editorial page space to both sides for this purpose.

Metcalf charged in his telegram that in a January speech to the Senate he outlined "elaborate plans of electric power companies to plant and help write letters, of the type you describe as phony, to Congressmen, attacking Rural Electric Cooperatives and the Federal Government."

The Senator said "I also deplore the use of planted newspaper editorials, such as some of those against Knowles Dam which were produced by a Montana Power Co. official and by the Industrial News Review of Portland, Oreg."

Asked if he knew of any company employee officially or unofficially engaged in planting editorials, Corette replied, "Never. This is entirely new to me. I've never heard of such a thing."

Metcalf said he is sending this newspaper copies of his 22 speeches dealing "with utility rates, regulation and propaganda." One of those speeches charged that Montana Power Co. is charging its customers exorhitant rates.

Corette, Monday, in brief reply, said that Metcalf's figures have "a rate of return based on a National Rural Electric Cooperative Association (study which) completely ignores all State laws, State supreme court decisions, State (railroad and public service) commission decisions and some Federal laws" on utility rates.

"By using this basis, it (the co-op association) contends rates were too high in 38 States," Corette said.

"We regard this as an entirely improper, unfair and unrealistic approach. In spite of our enormous service area of over 90,000 square miles and small population, our industrial rates are among the lowest 7 percent in the Nation and our residential rates are comparable to the national average," Corette said.

"We will present to your paper a more detailed statement at some time in the future."

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 192 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Cannon
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Douglas
Fong
Hart
Hartke
Hickenlooper
Hill
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McGovern
McIntyre
Metcalf
Monroney
Morse
Mundt
Muskie
Pastore
Pearson
Prouty
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Williams, Del.

The PRESIDING OFFICER. A quorum is present.

Mr. LONG of Louisiana. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield, for an insertion in the Record?

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that, without prejudice to my rights to the floor, and without being charged with an additional appearance when I resume my address, and without having such Senators charged with speeches on the unfinished business, I may yield to several Senators, for brief statements or insertions in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO THE GRADUATES OF 1964

Mr. TALMADGE. Mr. President, very soon, now, high schools throughout the Nation will begin their commencement exercises. This will be a great turning point in the lives of hundreds of thousands of young men and women in the 1964 graduating class. Of course, we wish them well in all that they are to do.

Tom Anderson, editor and publisher of the Georgia Farmer magazine, has written an excellent message for our young people, which I believe shows them the way to good citizenship. Mr. Anderson pointed out that this country needs a rededication to the principles of patriotism and morality more than ever before.

I share this view, and commend Mr. Anderson's column to the people of this country.

Mr. President, I ask unanimous consent that this message be printed in the Record.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STRAIGHT TALK

(By Tom Anderson, publisher, Georgia Farmer)

To the Graduates of 1964:

"Back in Mark Twain's day, the word 'square' was one of the finest words in our language, among the top 10 in any lexicographer's hit parade. You gave a man a square deal if you were honest. And you gave him a square meal when he was hungry. You stood foursquare for the right, as you saw it, and square against everything else. When you got out of debt, you were square with the world. And that was when you could look your fellow man square in the eye.

"Then a lot of strange characters got hold of this honest, wholesome word, bent it all out of shape and gave it back to our children. Convicts gave it the first twist. To them, a square was an inmate who would not conform to the convict code. From the prisons it was flashed across the country on the marihuana circuit of the bopsters and hipsters.

"Now everyone knows what a square is. He is the man who never learned to get away with it. A Joe who volunteers when he doesn't have to. A guy who gets his kicks from trying to do something better than anyone else can. A boob who gets so lost in his work that he has to be reminded to go home. A guy who doesn't have to stop at a bar on his way home at night because he's all fired up and full of juice already. A character who doesn't have to spend his evenings puttering in a basement workshop and his weekends scraping the bottom of a boat because he's putting all that elbow grease and steam into doing a satisfying job on the job he's getting paid to do. A fellow who laughs with his belly instead of his upper lip. A slob who still gets all choked up when the band plays 'America.' A square, and strictly from Squaresville.

"His tribe isn't thriving too well in the current climate. He doesn't fit too neatly into the current group of angle players, corner cutters, sharpshooters, and goof-offs. He doesn't believe in opening all the packages before Christmas. He doesn't want to fly now and pay later. He's burdened down with old-fashioned ideas of honesty, loyalty, courage, and thrift. And he may already be on his way to extinction.

"This country was discovered, put together, fought for, and saved by squares. It is easy to prove that Nathan Hale, Patrick Henry, Paul Revere, George Washington, Benjamin Franklin, and almost anyone else you care to include among our national heroes were squares—by simply thinking what they might have said had they not been squares.

"Nathan Hale: 'Me spy on those British. Are you trying to be funny? Do you know what they do with the spies they catch? I'll give you a newsflash, chum. They hang them.'

"Paul Revere: 'What do you mean—me ride through every Middlesex village and town? And in the middle of the night yet. Why pick on me? Am I the only man in Boston with a horse?'

"Patrick Henry: 'Sure, I'm for liberty. First, last, and always. But we've got to be a little realistic. We're a pretty small outfit. If we start pushing the British around someone is going to get hurt.'

"George Washington: 'Gentlemen, I am honored. But I do wish you would try someone else. Let's say General Gates. I'm just getting organized at Mount Vernon. Also you might say I had already served my time. Against the French, you know.'

"Benjamin Franklin: 'What we really need as Ambassador to France is a young man. I'm 70 years old. It's time a new generation took over.'

"It is perhaps a significant fact that what such men actually did say has been quietly sneaked out of our schoolbooks. This Week magazine made a survey recently of school history books issued before 1920, compared with those issued since. Nathan Hale said, 'I regret that I have but one life to give for my country' in 11 of the old texts and in only 1 of the new texts.

"Patrick Henry said, 'Give me liberty or give me death' in 12 out of 14 earlier texts and in only 2 of 45 recent ones.

"But John Paul Jones set the record. He said, 'I have not yet begun to fight' in nine of the old books and in none of the new ones."

The above classic is part of a recent speech by Charles H. Brower, president of one of the world's leading advertising agencies. And how extremely right he is. Our country today needs nationalism, patriotism, morality, courage, dedication and religion as never before. And these eternal verities—these necessities if we are to survive as a free people—should be taught from kindergarten through college.

You are the best educated generation our Nation has yet produced, say the educators and statisticians. They don't say what you're educated for. They mean that a higher percentage of students now graduate from high school and college than ever before, which really mean very little. One of the first things many graduates should do as soon as possible is to unlearn the untruths they were taught by mistaken educators. Our "progressive educators" have been stressing "life adjustment" instead of the preservation of a free nation. They have taught security, peace, and brotherhood, but left out duty, honor, and country.

When American U-2 spy Powers faced enemy trial recently, he saved his neck by pleading, "I didn't know what I was doing and if I had known it, I wouldn't have done it. * * * I know now that I was risking world peace. * * * My superiors were responsible."

Nathan Hale never saw his 22d birthday. He could have blamed George Washington and probably have lived to a ripe old age. Probably neither Nathan Hale nor Francis Powers are typical. What made their actions so different? The man himself, of course. There have always been heroes and cowards, and there always will be. But in addition, Nathan Hale had something going for him that Powers did not have. In Hale's day, it was square not to be patriotic.

A staggering number of American soldiers—more than any other nation ever had—sold out their fellow American soldiers and their country in the Korean war. Not to save their lives, but to get better treatment in prison camp, they licked the boots of their Chinese captors and made tape recordings praising communism. And why not? These spineless creatures were taught in school that patriotism is old-hat, that capitalism is wicked, that the wave of the future is a one-world, nonprofit, Socialist brotherhood.

Speaking to young men who have chosen a lifetime of service to country and Constitution, one of history's greatest generals, Douglas MacArthur, said: "Duty, honor, country: Those three hallowed words reverently dictate what you want to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn. * * * The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pedant, every demagog, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them even to the extent of mockery and ridicule."

While he was in the Philippines General MacArthur wrote this prayer which he repeated many times during early-morning devotions: "Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.

"Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.

"Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fail.

"Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, one who will reach into the future, yet never forget the past.

"And after all these things are his, add, I pray, enough of a sense of humor, so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.

"Then I, his father, will dare to whisper, 'I have not lived in vain.' "

Youth needs the right kind of heroes. Shining examples to look up to. To be truly great, one must be truly good. Robert E. Lee was as near perfect a hero as mortal man can be. We have had many heroes throughout American history. One of the true giants, Gen. Douglas MacArthur, has gone to his reward. One of history's greatest soldiers, and great if he had never been a soldier. First in his class at West Point. Brilliant, dedicated, courageous, patriotic, strong physically, morally, and spiritually. Sadly, a man too great to be chosen our President.

He has not faded away. He will never fade away, as long as "duty, honor, country" have meaning. God give us another MacArthur.

HEALTH CARE FOR THE AGED— "A FRESH APPROACH"

Mr. BOGGS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. On the same conditions, I yield to the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, an article in the April issue of the Johns Hopkins magazine emphasizes that greater consideration must be given as to what constitutes adequate and appropriate care in the continuing debate over health care for the aged.

The author, Dr. Mason Faulconer Lord, makes the point that our hospitals are filled with chronically ill people who do not belong there. He suggests a comprehensive program of hospital and community cooperation to give aged patients the kind of immediate treatment which will help return them to home environments as soon as possible.

The article was recommended to me by Dr. R. O. Y. Warren, director of medical education at the Delaware Hospital, Wilmington, Del. He called it a different and fresh approach to the problem of aging.

Because I feel the points raised are worthy of the attention of my colleagues, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Old, the Ill, the Unremembered

(By Mason Faulconer Lord)

In this modern medical age, physicians, hospital staffs, and the general public share a common belief. They believe in the principle that the sick person deserves the best quality of treatment for his ills that our society is able to provide. This principle has been more successfully translated into practice in some areas of health care than in others. One area in which we have been notably unsuccessful is in providing adequate medical care for the aged.

The aged are an especially unfortunate group. Their susceptibility to disease is generally high; their income, and their consequent means to afford treatment, generally low. Medical costs today are rising, pushed upward by advancing medical sophistication which, ironically enough, has also added to the number of people who live to 65 and beyond. Rising costs and increasing numbers of old people mean that in the future, fewer of our aged population will be able by themselves to pay for good care. And such is the cost of illness in old age that the term "medically indigent" may well cover many of us who now think of ourselves as comfortably well off.

The group of persons over 65 is growing fast. Today, every 10th person in the United States is in it, and by 1980, the total number will have grown from 18 to 24.5 million. The status of the aged is not improving, and the medical care that many receive now is inadequate. Tomorrow, when their numbers have increased significantly—unless reforms are begun—they will have little better to hope for.

How have the aged paid for their illnesses in the past? Steps have been taken over the years to provide a measure of health care for those who couldn't afford it themselves. Early ones were small indeed; lately they have geen getting bigger and bigger. Old-age assistance was established in 1935 with the passage of the Social Security Act. Federal grants were provided for public assistance medical care in 1950. By 1959, all 50 States had assumed some responsibility for provision of medical care to public assistance recipients. These measures all provided minimal care for the destitute.

More, of course, was needed, since extensive stays in the hospital can quickly dissipate savings accumulated during a lifetime of thrift. In 1960, the Kerr-Mills Act was passed by Congress, and for the first time, funds were made available for older people in need of medical care, but otherwise able to contribute in some fashion to their own support. The law provided Federal grants to States to enable them to establish the new Kerr-Mills program—medical assistance to the aged.

Under the act, States specify the medical benefits to be provided, from inpatient hospital services to drugs, eyeglasses, dentures, and prosthetic devices. The States also set up standards of eligibility (usually stringent) which the individual must meet to receive these benefits. The cost of each State's program is shared by the Federal Government, which provides up to 80 percent of the funds. So far, 28 States have set up medical assistance to the aged programs. Some of the ones that have not, carry on their own aged medical care program without Federal grants. Other States are unable, or unwilling, to match Federal funds.

Being considered now in the House Ways and Means Committee is the King-Anderson bill which, if passed, will finance health care for the aged by increasing the social security tax. The bill would provide for inpatient hospital care in periods of from 45 to 180 days, subject to various rates of deductibility depending on the period of hospitalization elected. It would also provide up to 180 days of skilled nursing home services after transfer from a hospital, and up to 240 home health service visits per year.

The Federal Government's program, the King-Anderson bill, has been well developed by experienced physicians, fiscal authorities, and politicians. The same can be said for the AMA-endorsed program, the Kerr-Mills Act. Yet the controversy over the relative merits of these plans continues. Lines of battle have been clearly drawn between the Federal Government and organized medicine.

The proponents of each stand can demonstrate, with statistics, unmet needs, and ways to meet these needs. There are many lay and professional people, not dealing directly with problems of health care for the aged, who want to take a stand only after acquainting themselves with the problems. They can look, without emotion, at these statistics; however, when they do, they are mystified as to which figures are fact and which are fiction. The results of statistics from each camp frequently demonstrate opposite conclusions about the same population. Someone is wrong; maybe both are.

While the verbal conflict continues year in and year out about how one should pay for such care, no one is demonstrating in a total community what appropriate care should be and what it should cost. Knowing these things would clear the air and point out areas where the two views could be reconciled. A demonstration of this sort is urgently needed; is, in fact, anterior to any decision about how health care for the aged is to be paid for. The grim reality is that if either the Kerr-Mills Act or the King-Anderson bill were implemented to its fullest potential, the result would be a very inappropriate type of medical care and a substantial waste of money. There is not one community in the United States today which is "tooled up" to make judicious use of the funds of either bill when totally activated.

To be sure, there are some programs which focus on the many-faceted needs of the ill aged. The best examples are the hospital-based "home care programs" which are organized to spare the patient as much hospital and nursing home expense as possible. These programs make use of all the community facilities (such as nursing centers), and personnel (such as social workers and visiting nurses) needed by this group of patients. They have been developed in many areas, and have beautifully demonstrated appropriate care of a selected group of old people.

However, the supporting funds of home care programs are limited, and a careful selection of patients, by necessity, has been in order. Patients with the best potential for a longer and more independent life are chosen; those with limited potential such as the senile, the incontinent, and those with longstanding hemiplegia (paralysis of one side of the body as the result of stroke) are understandably rejected from the programs.

These programs are usually started as 3-year pilot studies sponsored by funds from local, State, or Federal grants. For many reasons, both good and bad, the designers of many of the studies make their reports after 3 years and the programs fold. The community, which was being served in a limited fashion, is no longer served at all. The personnel involved publish the report and move to another type of study.

Home care programs can define ways to give excellent care for the aged, and outline needed improvements in the community, but more often than not their recommendations are ignored. If a home care program is financed after the 3-year pilot study, the financing continues to be very limited and the community is still served only by a demonstration. A communitywide service is not developed.

There are good and bad reasons for this too; the money needed and gargantuan headaches involved in developing such a service are the main ones. As a result of the failure of these home care programs to take in their entire communities, no community exists in the United States which can demonstrate to the rest of the Nation what services are needed for its total aged population, or what the costs should be. One cannot extrapolate in this business. It is not sound to say that a program which is successful for a limited and selected group will be successful for an unlimited and unselected one.

Proponents of the Federal Government bill constantly point to the British Isles and Scandinavia as examples of how successful health programs can be when financing is carried on through a nationwide plan. It may well be that health care for the younger population is a success in these countries, but health care for the aged is as inadequate and inappropriate there as in the United States.

In Europe the general hospitals are crowded to capacity with the chronically ill aged; chronic hospitals are giant custodial care homes; nursing homes are taking care of people either in desperate need of acute hospitalization, or not needing care at all. These communities have long waiting lists of people trying to gain entrance to any institution, no matter how inappropriate or inadequate.

There are exceptions to this in small, closely knit communities where an individual physician has dramatically transformed the health care of the aged. But such a program may collapse when he is no longer available to charge the batteries of the various institutions and agencies in the community. There are also a few remarkable demonstrations of health care for the aged in certain larger communities, but frequently they are so artificially created that they would not be adaptable in other places where social and medical research workers were not in abundance. European programs cannot really teach us what we need to know.

While it is true that supporters of the King-Anderson bill have exaggerated ideas about European success, it is also true that advocates of the Kerr-Mills law are wrong to state, before a trial is made, that centralized programs cannot work. They can, if only they are creatively and humanely conceived. The major point is that we need first to see, through several major demonstrations, what can be developed in different parts of the country in both urban and rural areas to meet the local needs of all the aged sick, and we need to know how much this will cost. We can then decide how best to administer the program, and how most efficiently to pay for it.

The argument against the above point of view is that one must start somewhere. The fact is ignored that the patients rejected by existing demonstrations make up the lion's share of any population in need of health care. We must know what needs to be done for them or we will "freeze" the existing gross inadequacies in the care given this group. If either type of care plan is put into full effect, the marginal terminal nursing homes and hospitals, which everyone deplores, will continue to flourish. State agencies report that 40 percent of nursing home beds are in institutions where there are fire or health hazards; half of the "skilled" nursing homes do not have full-time registered nurses on their staffs. If either type of plan is fully used, payment for this inadequate care will make up the largest share of the cost of any program.

Why should anyone pay for care which everyone admits is poor? It is too easy to say that for this rejected group of aged people nothing more can be done. We must know what the best care for this group is, just as we now know what the best care for the smaller selected group is.

Certain countries in western Europe have paid millions of dollars every year for the past 30 for health care for the aged, and yet tens of thousands of aged sick in these countries are inadequately cared for. Health officials abroad admit these conditions, but are doing little to demonstrate better, and perhaps less costly, ways of handling the problems. This inadequate care has been frozen because moneys were made available before appropriate care for all was developed. Why should the United States make the same mistake? We should not put into effect any health care bill before we are satisfied that each community has an understanding of what appropriate care is, and what facilities, personnel, and teaching are necessary.

Meanwhile, what happens to the patients rejected from the home care programs? Frequently, no one knows, and when an answer can be provided, it is regrettable to say the least.

In addition to being able to serve a relatively small and selected group in the community, the home care programs discharge patients after stabilization occurs. It is obvious that the aged sick never really stabilize. However, if continuous followup and care goes on until death, the caseload of the home care programs becomes impossible for the small number of personnel paid for by the limited budget. What happens to the discharged patients? Frequently, no one knows, but when answers are available, they too are often regrettable. As an example of the depth of the problem, consider this hypothetical situation. It is one which has occurred countless times in Baltimore, and which is still duplicated in every city in the country.

An elderly, indigent person has a stroke at 3 a.m., and a doctor is notified. He arrives and makes a diagnosis, but does not call an acute hospital, where such a patient would normally be sent because he knows, if his patient is over 65, that the acute hospital will usually say it has no beds. The hospital knows that if it accepts a patient of this sort, he will remain for months, and its personnel are not geared to care for him. The patient remains at home.

The doctor, as best he can, instructs the family how to care for the patient, how to turn him so he will not contract pneumonia, and how to feed him. Because the stroke may affect the swallowing mechanism, the patient has a difficult time eating and drinking. He may not drink enough water, and as a result, become dehydrated. Possibly because of increased viscosity of the blood, the brain clot may extend to affect the speech area of the brain. If in fact this happens, the patient quickly loses the power to communicate, one of the most important in rehabilitation.

From this point on, deterioration is swift since he is unable to express his needs to his family. He may become incontinent, and bedsores may result. When he is finally admitted to a hospital, he is seldom in a condition to improve. The total cost of treatment can then be as much as $10,000 because stays in acute and chronic hospitals and nursing homes are necessary. Such a patient is in custodial care for the rest of his life. There is no hope of return to the community.

On the other hand it is realistic, if the patient can be admitted to an acute hospital immediately after he has had his stroke, and then transferred to a chronic hospital for a short stay, to treat him effectively at a cost of only $1,800. If treatment is swift, he can return in a few months to his home as an independent human being. If it isn't, which is usually the case, he returns not at all, but lingers as an expensive burden to family and society alike.

In July 1959 there were 750 chronically ill patients in the chronic disease division of the Baltimore City hospitals, and approximately 100 more waiting to be admitted. Patients waited, on the average 6 months from time of application to time of admission to the hospital. Obviously, those who must wait that long deteriorate excessively. Fifty of the hundred waiting in July 1959 had died by the time hospital space was available for them, and the other fifty had deteriorated so severely that they suffered from bed sores and muscular contraction, and were disoriented. Very little medical rehabilitation was possible.

The major problem in most areas in dealing with the chronically ill and aged is that the hospital community and the general community are completely unrelated. They cannot remain so if the aged are to be treated effectively. In reviewing the 750 patients that were already in the division here, it was found that almost 500 of them did not need to be in the hospital at all, but could be sent home, or to foster or nursing homes.

In Baltimore, a program has been devised which extends responsibility beyond the four walls of the hospital and into the community. The program would serve any comparable area in the country as well. Medical and social work students both take part in it. A dynamic flow of patients has been created from their own homes promptly into acute hospitals, and within a few days or weeks into chronic hospitals. In a matter of months rather than years, they are back in the community. If the patient's condition is not satisfactory for his own home, another home is found. Any time that the patient's condition changes, the team of doctor, nurse, and social worker goes to work to provide other community arrangements. If necessary, rehospitalization is available.

Within the last 4½ years, 3,000 cases have been studied in Baltimore. More patients, 2,500 of them, will be treated and studied in the next 12 months. With this body of knowledge, a plan can be developed for a program which will manage 10,000 active cases in the community on any given day. There will be that many by 1970. Within the next 12 to 18 months, the total number of cases handled in Baltimore will equal the total figure handled by home care programs in all 50 States.

Before this program started, indigent families waited for months at home with their elderly stroke patients, and dealt there with a severely ill, screaming, disoriented, incontinent caricature of a human being. Now they are able to arrange hospitalization within a few days, well before the terrible deterioration begins. Until 1959 in Baltimore, families rarely visited their hospitalized parents for fear of having to take back home a complex and disturbing parent. This new approach has made it possible for families to preserve their natural affection for their elderly relatives, and they feel a part of the team that plans for the future.

To deal effectively with the problems of the long-term patient, many disciplines must be coordinated. Doctors and nursing personnel both within and without the hospital, as well as physical and occupational therapists and social workers must be organized into a functioning unit. In addition, large numbers of social agencies have to be coordinated in the services that they give. Each patient's program has to be handled individually, and each must have a program hand tailored to his special needs.

Although this has been partially accomplished in Baltimore, even now our chronic hospitals are filled with people who don"t belong there. The only way they leave is by dying. This situation is more than humanely wrong, it is financially intolerable. Although the King-Anderson bill will provide, if passed, for 90 days of hospital care at almost no cost, under present conditions for these patients, it will be largely wasted. Their average stay is 3 years, at a cost of $17 per day.

There are now, in Baltimore, 200,000 patients over 65, and 8,000 to 10,000 of them are suffering from severely disabling chronic illnesses. They cannot be helped by tentative programs, and money is now being wasted here just as it is in other communities for marginal care. What is needed are community-wide home care programs. Such programs could at first be set up in six areas of the country. They would each last 3 years, would cost approximately $1.5 million for each area, and would fit into care programs which already exist, such as the one in Baltimore. These new programs would set up minimal standards of excellence for the Nation. The results of these 3-year studies would be invaluable for determining what the whole country needs to care for its ill, aged population.

We cannot afford to ignore those patients, not only because in our society everyone is entitled to good medical treatment, but because this group, in the future, will quite possibly include a substantially greater percentage of the population. We cannot but be willing to pay the cost of health care for the aged if we have the assurance that the care is the best that can be provided for every older person in need of medical attention, no matter how far advanced his disease or how little potential for return to physical independence he may have. Today we do not have that assurance.

There is, in short, far too much talk about how health care for the aged is to be paid for, and how it is to be administered, and far too little about what the care is going to consist of, and how it will be developed. We must know these things, and the sooner the better. Large sums of money made available to the Nation's aged at this time, without thorough studies, will only perpetuate the chaos and inadequacy which now exist. And many of our old people will continue to receive ineffective care and reside in institutions that are little more than final resting places for the forgotten.

SOIL STEWARDSHIP WEEK

Mr. HUMPHREY. Mr. President, will the Senator from Louisiana yield to me?

Mr. LONG of Louisiana. Under the same conditions, I yield to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, this week we are observing Soil Stewardship Week. This is a nationwide observance which places emphasis on man's obligation to God as steward of the soil, water, and related resources.

This is the 10th consecutive annual Soil Stewardship Week, sponsored by the Nation's 3,000 local soil and water conservation districts and their national association. During the period of May 3 to 10, observances are being held in hundreds of thousands of churches of all faiths. Services this year are based on the theme, "To each among us—a share."

Mr. President, it is fortunate for America that there are dedicated individuals and organizations who make it their business to look to the future in the interest of assuring generations yet unborn that our rich heritage of soil and water resources will be conserved and protected in order to meet their needs. I salute the Soil Conservation District Supervisors of America for their efforts in sponsoring Soil Stewardship Week each spring.

On April 23, President Johnson issued a proclamation on Soil Stewardship Week. The President recognizes that during the last 50 years the American farmer has increasingly proved himself a good steward of his land. In many places he has taken wornout and eroded land and literally turned it into a bountiful land. I ask unanimous consent that the President's proclamation be printed at this point in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., April 23, 1964.

It is fitting that we set aside a Soil Stewardship Week each year to recognize our stewardship of the land.

During the last 50 years, the American farmer has increasingly proved himself a good steward of his land. In many places he has taken wornout and eroded land and literally turned it into a bountiful land. For the first time, we are able to produce at low cost an abundance of the food and fiber we need and still provide for many less fortunate.

It is our task to hold the rich heritage of our land in trust for future generations. What we do with it now will determine its productivity for generations to come. We must make it an instrument for progress and prosperity. If we care for and nurture the land, there is plenty. If we neglect the land, there is poverty. This is the essence of stewardship.

Lyndon B. Johnson.

IN THE PANOPLY OF OUR SCIENCE: SPEECH BY SURGEON GENERAL LUTHER L. TERRY

Mr. LONG of Louisiana. Mr. President, a very timely and informative speech on the subject of public health for this Nation was delivered by Dr. Luther L. Terry, Surgeon General of the Public Health Service. I ask unanimous consent that his address, entitled "In the Panoply of Our Science," be printed in the body of the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

In the Panoply of Our Science[1]

(Address by Luther L. Terry, M.D., Surgeon General, Public Health Service, U.S. Department of Health, Education, and Welfare)

Few, if any, of the invitations I have received as Surgeon General have given me so deep a sense of personal pride and fulfillment as yours, to deliver the Jerome Cochran Memorial lecture. In part, of course, this represents a homecoming for me, both personally and professionally. But this particular occasion has a far deeper significance for me, for several reasons.

Dr. Jerome Cochran, in whose honor we meet today, was a towering figure in the history of medicine and public health, not only here in Alabama but across the Nation. Although he has been dead nearly 68 years, his life's work remains very much alive. It was Dr. Cochran who drafted the "act to establish boards of health in the State of Alabama," passed by the legislature in 1875, constituting the Alabama Medical Association, the State board of health, and the county medical societies in a form which has persisted virtually unchanged to this day. In his own words:

"I would have a general health law passed by the legislature of the State, carefully prepared, so as not to stand in need of frequent revision or amendment. I would have this law to invest the organized medical men of the State with the functions, powers, and responsibilities of a State board of health, and these functions I would have exercised through such organs as these men might think best. I would have the same act of the legislature to invest the physicians of the several counties with the functions of county boards of health."

And Dr. Cochran did his planning well. In the words of one of his biographers, Dr. Douglas L. Cannon of Montgomery:

"More than 60 years elapsed before Alabama's 57th county was organized for health service on January 1, 1936; and yet, the machinery was not rusty."

Thus Dr. Cochran gave lasting shape and direction to the health services of our State, and in this sense alone I feel a sense of personal and professional indebtedness. But the current of association runs deeper still. In 1878 Dr. Cochran was appointed to the national Yellow Fever Commission by Dr. John M. Woodworth, the first Surgeon General of the newly reorganized Marine Hospital Service which has now, of course, become the Public Health Service. Thus Dr. Woodworth was the first in the line of succession of which I am the present incumbent, and Dr. Cochran was closely allied with him in the long and ultimately successful war against yellow fever.

But my closest personal tie of all to the Jerome Cochran Memorial lecture comes through its founder, Dr. Luther Leonidas Hill. Dr. Hill was, as many of you know, a close friend of my own family and I am his namesake. He was also, of course, the father of our great Senator Lister Hill, whose dedication to the advancement of health throughout his illustrious career has made him one of the outstanding medical benefactors of all time. Senator Hill's leadership has been a dominant factor in the forward thrust of medical research knowledge over the past two decades, in the tremendous growth of the Nation's hospital resources through the Hill-Burton Act which bears his name, and in many other vital health programs.

The Senator's devotion to health and medicine is, in many ways, a living memorial to his father, who was a man to inspire lifelong dedication. Dr. Hill was serving as president of the Alabama Medical Association in 1898, 2 years after Dr. Cochran's death, when he made the following proposal as a part of the annual president's message:

"We have been under the necessity of mourning the loss of the organizer of this great association, Dr. Jerome Cochran, and to show the high esteem, veneration and respect with which we cherish his memory I recommend that the future presidents of this association appoint some eminent medical man, either in Alabama or from a distance, to deliver an address pertaining to medicine, to be known as the Jerome Cochran oration."

The board of censors, in its report, declared itself to be in full sympathy "with the spirit of this recommendation * * * and unanimously advise its adoption substantially." The board did, however, make one small amendment to Dr. Hill's proposal, for which I—66 years later—am grateful. "They prefer," their report states, "to substitute the word 'lecture' for the word 'oration.' The latter word implies the idea of more or less oratorical and rhetorical display, which would be incompatible with the presentation of most scientific subjects."

I would add that "oratorical and rhetorical display" is also incompatible with this particular speaker. If I had been invited to deliver the Jerome Cochran oration, I would have felt somewhat intimidated at best.

The word "oration" would not have intimidated Dr. Cochran himself, however. His published papers are full of the rolling rhetoric which marked his era. They are also full of a sharp and incisive logic which, unfortunately, has never been characteristic of any era. I have chosen as the central theme of my lecture the subject of continuing education for the medical profession. And the title—"In the Panoply of Our Science"—I have taken from an address on the subject of medical education delivered to this same association by Dr. Cochran in Mobile 93 years ago.

The passage, which deals with the admission of a physician into the accepted ranks of the medical profession, goes this way:

"It matters very little how any man who applies for a place in the medical profession has contrived to obtain his medical knowledge; but the question above every other question, before he is admitted to professional brotherhood and recognition, is this: Has he got the medical knowledge he lays claim to in adequate amount and of proper quality? Let this receive favorable answer, and it is hardly necessary to ask whether he has ever seen a college or not. If he comes arrayed in the panoply of our science, he has his wedding garment on, and the lord of the feast must open the door and let him in."

You don't hear phrases like those in medical meetings any more. Nowadays, with our ears tuned to a more prosaic language, we may be distracted by them. But the logic of Dr. Cochran's argument shines through the rhetoric. Moreover, I believe that it has an important application for us today, in a quite different context.

Dr. Cochran was saying that the measure of a physician is his ability to deliver the best in scientific medical care. His immediate target was the medical education system of his day—which, as was later documented so brilliantly in the Flexner report, had sunk to a very low estate. In many places the medical degree was cheap and easy to come by. Many of those who hung out a shingle were poorly equipped indeed to practice medicine, even by what now seem to us to be the rudimentary standards of that day.

Today, of course, no one need apologize for his medical degree. Thanks in large measure to men like Dr. Cochran and, later, Dr. Flexner, our medical schools are a source of national pride. But today a new factor has entered the picture—the fantastic speed of change in medical science.

Many physicians practicing in the 1960's received their medical training in the 1920's and 1930's. In Dr. Cochran's day, this time lapse was of relatively minor significance. The pace of scientific advance was leisurely, capable of being assimilated. But nowadays, the time lapse can be, quite literally, a matter of life and death.

Ninety percent of all the drugs in use today did not exist in 1935. Surgical procedures have been revolutionized in the few short years since World War II. Rehabilitative medicine, spurred by the war, now make it possible to restore to happy and productive living many who would have been doomed to a vegetative existence a decade or two ago.

To put it another way, yesterday's hopeless case has become today's miracle cure. It should, in turn, become tomorrow's routine medical procedure. But there's many a slip twixt discovery in the laboratory and delivery to the patient.

It is dangerously easy to assume, for example, that the discovery of a new vaccine eradicates the disease; that the development of a quick, easy diagnostic technique automatically identifies all cases and brings all the patients to treatment; that the performance of a brilliant new surgical procedure in a giant medical center means the end of worry and suffering for all those who share the same defect.

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[1] The Jerome Cochran Memorial lecture, Medical Association of Alabama, Montgomery, Ala., Apr. 24, 1964.

None of these things is even remotely true. The cold fact is that, with all the unquestioned and dazzling progress in biomedical science over the past two decades, our National Center for Health Statistics was forced to report in 1962: "In recent years both the crude and age-adjusted (death) rates have varied only slightly from year to year, and almost entirely according to the presence or absence of respiratory disease outbreaks during the year." In this age of lightning progress, we have to look back 30 years to find anything more than a ripple in the mortality curves. The long downward incline of the death rate has leveled off, at a level considerably above what it might be if we practiced what we know.

This apparent paradox is causing a great deal of soul searching throughout the health professions. There is a growing conviction that a substantial proportion of the gap between what is known and what is practiced is attributable to failures in the communications process that leads—or should lead—from the laboratory to the practitioner.

This recognition has led to intensive study of the problem, and is now leading to action. As many of you know, the board of trustees of the American Medical Association appointed a joint study committee in May 1961, to "spell out the dimensions of a program of continuing medical education." The AMA was joined in sponsorship of this study by the Association of American Medical Colleges, the American Hospital Association, and other outstanding medical organizations. The results of this study, which was directed by Dr. Bernard V. Dryer, were published in 1962 under the title "Lifetime Learning for Physicians."

The Dryer report has made a major contribution by bringing into sharp focus a problem which had been causing concern within the health professions for a number of years—the lack of adequate systems and resources whereby the practicing physician could keep abreast of his rapidly developing profession through a process of continuing education. The report defines the need in terms of the following "basic assumptions":

"1. Historical and present-day developments support the assumption that the continuing medical education of the physician is one of the most important problems facing medical education today.

"2. The gap between scientific knowledge and application grows wider each year because of at least four reasons: the rapid advances of research; the maldistribution of opportunities for continuing medical education; educational inadequacies even in those places where opportunities do exist; patterns of educational organization and dissemination of knowledge which are not efficient in terms of the physician-students' needs.

"3. These problems are nationwide, hence may benefit from a national plan which articulates or reinforces existing personal, community, regional, and national resources."

The report then outlines a broad-scale program based on the concept of a "university without walls," whereby up-to-date medical knowledge would be made conveniently and systematically available to practicing physicians. Following publication of the Dryer report, the AMA expressed vigorous interest in undertaking primary responsibility for its implementation, and experimental activities are now underway on a pilot basis.

We in the Public Health Service are most gratified at this evident willingness of the medical profession to tackle this complex and fundamental problem. For our part, we feel that the Service, as a national health agency, has responsibility for fostering the advancement of continuing education of all the health professions, including not only physicians but also other health professionals and the many ancillary disciplines whose services are important to the delivery of modern health and medical care. A primary function of the Service is to stimulate and encourage the rapid application of health and medical knowledge, to help bring the benefits of research knowledge to those who need them. This task depends first of all upon health manpower trained to practice the best in modern medicine, and thus continuing education is essential to the widespread application of research knowledge.

We feel that we can contribute to achieving the goals of the Dryer report as part of a broader program of continuing education. Specifically, we are already carrying out on a modest scale both direct and indirect activities related to continuing education.

For example, in certain instances we have sought to communicate major scientific advances directly to the entire medical profession. Although no precise criteria have been defined for this type of direct transmission, the instances have generally involved unusually significant new information which is likely to affect the daily practice of a great number of practicing physicians.

Recent examples of this direct Federal communication to physicians have been the dissemination to all physicians of the report of the Special Advisory Committee on Oral Poliomyelitis Vaccines in December 1962, and of the report of the Advisory Committee on Smoking and Health in January 1964.

In the first instance, widespread scientific doubt had been raised concerning the possible risks attendant upon administering type III oral polio vaccine to adults; the report of the advisory committee—made up of the outstanding scientists in the field—presented the available evidence, evaluated by experts, in a context which permitted the private physician to reach his own medical judgment as to the use of the vaccine with his patients in his own community. In the case of the smoking report, the intent of the Service again was to make all available evidence conveniently available to every physician, to serve as a basis for informed individual judgment in his dealings with his patients.

These and other direct communications to the practicing medical profession have been well received and, we hope, valuable. We believe, however, that our major contribution to cohesive programs of continuing education will come through indirect means—through stimulation and support of activities conducted by other organizations and groups.

There are four principal resources for continuing education in communities across the Nation: the universities and professional schools, the professional societies, hospitals and community medical centers, and public and voluntary agencies. We are currently assisting these resources in a variety of ways, most of them still in an experimental stage.

With the professional schools, the Service has supported short courses for physicians in such areas of acute shortage as the neurological and sensory disorders, including pediatric epilepsy, clinical ocular pathology, and mental retardation. A Public Health Service contract was instrumental in stimulating a substantial statewide continuing education effort based at Louisiana State University. The Service is also supporting developmental work in the use of programed instruction as a tool in continuing education, and our Division of Dental Public Health is working closely with dental schools in broadening and modernizing curriculums for postgraduate students.

A contract has been awarded to the New York Academy of Medicine to evaluate the effectiveness of open circuit television as a medium of continuing education. Since early in 1963, weekly 1-hour broadcasts have been presented by the academy on various medical subjects. The academy, assisted by the Bureau of Applied Social Research, Columbia University, will seek to evaluate their effectiveness and make recommendations on future use of this technique.

The Service has worked with the South Carolina Hospital Association on a series of nine video-taped 1-hour television programs transmitted by the South Carolina educational television system via closed circuit television to an estimated audience of 6,500 nurses in hospitals. Program review, suggestions for program improvement, and aid in the development of evaluation techniques have been among the Service's contributions to this effort.

During 1963, the Public Health Service conducted seminars sponsored by 16 State public health associations and 2 State health officer associations on specific communicable disease problems. Six State academies of general practice also participated in this program. A total of over 3,000 professional health workers took part in these seminars.

Clearly, these few examples represent only a beginning. In fact it can be said that the entire health world is only beginning to measure and deal with the staggering problem of "instant obsolescence" produced by the pace of scientific progress.

In the last analysis, the success of any program of continuing professional education rests with the individual practitioner. He must be able to fit continuing education into his already crowded schedule. He must make the decision to participate. He must be the one who selects that which will be useful and valuable to him.

But for his freedom of choice to be meaningful, there must be a range of selection. For most practitioners today the accessible range of selection is either narrow or nonexistent. The goal of professional schools, professional societies, and community institutions and agencies—and the goal of Public Health Service support to these agencies—must be to provide as rich and varied a bill of fare as possible, as conveniently accessible as possible, so that the practitioner who wishes to keep pace with his profession and apply in his practice the best that is available in modern scientific knowledge may do so throughout his professional career.

Thus we return, across the intervening 93 years, to Dr. Jerome Cochran in Mobile: "The question above every other question * * * is this: has (the physician) got the medical knowledge he lays claim to in adequate amount and of proper quality? If he come arrayed in the panoply of our science, he has his wedding garment on."

How well are we, as physicians practicing in the 1960's, arrayed in the panoply of our science in the 1960's? How well are we prepared to deliver the best that science offers? For that, in effect, is the knowledge we lay claim to when we presume to practice.

The challenge before this great association, and before the Public Health Service, and before all of our many allies, is to translate the possible into the real, for all the people we serve. It is a proud quest which will, I am confident, be fulfilled with proud achievement.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. McINTYRE, by unanimous consent, introduced a bill (S. 2805) for the relief of Regina V. Genest, which was read twice by its title and referred to the Committee on the Judiciary.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I should like to address myself to the jury trial amendment which we are now considering.

Mr. President, on several different occasions during the last week of debates on the subject of jury trial, we have heard repeated the despicable, holier-than-thou argument that we must deny jury trials under this bill because southern juries cannot really be trusted to do their legal duty.

I mentioned this topic in a speech to the Senate a week ago and did not believe there would be any necessity to raise it again or to comment further about it. However, the events of late last week have changed that. It becomes absolutely necessary for me to speak up for the 4 million constituents of my State on this most vital matter. Only this morning I was in the great city of New Orleans, and Senators may be assured that my people are extremely indignant about the malicious abuse that is being heaped upon them in this regard. The fact that it has been a subtle sort of abuse, intimated and hinted more often than openly expressed, makes my people all the more furious about it. It appears to them an assult upon their honesty, their patriotism, and their integrity as American citizens.

I cannot help feeling very definitely—and I have a strong conviction on the subject—that Senators who are insisting that in criminal contempt cases we should do away with the long-established and hard-won right of trial by jury when a person is charged with criminal contempt, and where he is liable to be incarcerated, or sent to prison, their viewpoint is shortsighted. It is shortsighted because it does not take into account one of the most basic rules taught us by the history of man—namely, that in a democracy reason and logic are best served by placing trust in the people. To design the laws in such a manner as to reflect mistrust or disrespect for the public is to invite resentment, resistance, and reprisal. To pass this bill which is designed in just such a manner, would be one of the most gigantic acts of ignorance ever to take place in this Chamber.

It would exhibit a monumental ignorance of the basic needs of a democratic people, and a tragic contempt for the constitutional system which has served us so well for so long. It would reflect the shallow thinking of people too hurried and too impatient in their crusade for forced integration to take time along the way for the simple task of preserving our constitutional system of government.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield for a few questions?

Mr. LONG of Louisiana. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. The proposed legislation is labeled the Civil Rights Act of 1963, is it not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Does not the able Senator from Louisiana believe that a bill which would, in 5 of the 11 titles of the bill, deny the right of trial by jury, would not enlarge the civil rights of any citizen in America?

Mr. LONG of Louisiana. The bill clearly would take away many more rights of our citizens than it would confer upon them. It would take away some of the most basic, fundamental rights of the American citizen, and it would seek to confer upon them, instead, rights which are transitory, rights more imaginary than real. The real, fundamental rights—for which our forebears fought, and in the process gained their independence and their freedom—are the very rights which would be denied in this bill, as I interpret it.

Mr. TALMADGE. It is really a bill to regulate all 190 million of the American people, is it not?

Mr. LONG of Louisiana. The Senator is correct. It would, in many respects, regulate the private lives of the 190 million Americans. Some of those who support the bill would find that they had been denied rights for which they would eventually have to fight, to regain.

Mr. TALMADGE. Is it not true that the only new right granted by the bill would be the right to trespass upon private property, against the wishes of the owner of that property?

Mr. LONG of Louisiana. I know of very few new rights which would thus be acquired.

Mr. TALMADGE. That would be the only right, so far as I know, which would be provided by the entire bill. Everything else provided under it would be but an enlargement of the powers of various officers of the Federal Government. No rights, really, would be granted, other than the right granted to agencies and officers of the Federal Government to regulate the American people as they saw fit. Is that not correct?

Mr. LONG of Louisiana. The Senator is correct; as he knows, there are other titles in the bill, which I am not discussing at this moment, which seek to deny a person the right to "discriminate." But as a practical matter, even that title of the bill would not guarantee anyone a job or a hotel room; it would not assure anyone anything.

Mr. TALMADGE. Does the Senator from Louisiana know what "discrimination" is, as defined in the bill?

Mr. LONG of Louisiana. No, for it is not defined in the bill.

Mr. TALMADGE. Is it not true that the Senator discriminated when he purchased the suit he is now wearing?

Mr. LONG of Louisana. Yes, I did.

Mr. TALMADGE. Did not the Senator from Louisiana discriminate when he purchased the shoes he is wearing?

Mr. LONG of Louisiana. I did.

Mr. TALMADGE. Did not the Senator from Louisiana discriminate when he selected his wife?

Mr. LONG of Louisiana. Of course I did. I believe that perhaps she discriminated also—someone did have to discriminate, and I am glad she did discriminate.

Mr. TALMADGE. What type of automobile does the Senator from Louisiana drive?

Mr. LONG of Louisiana. I drive two different makes of automobiles. I drive a Ford and I drive a Buick. I certainly discriminated when I made that selection.

Mr. TALMADGE. Then the Senator must have discriminated against Chrysler Corp. and American Motors when he purchased those two automobiles?

Mr. LONG of Louisiana. Let me say that I regret that I discriminated against Chrysler, because that is a good corporation, and it is doing a good job of building automobiles. It has a big plant in Louisiana, and is doing the best it can.

Mr. TALMADGE. Is it not true that we shall continue to have a free Republic in which our people can make free decisions in their private course of conduct and in their private lives, if we continue to have that kind of discrimination?

Mr. LONG of Louisiana. Yes, for discrimination is fundamental to the whole American system of government.

Mr. TALMADGE. Discrimination really means freedom to take action, does it not?

Mr. LONG of Louisiana. Yes, it does. Discrimination means the right of a person to decide and to choose, based upon the things which appeal most to him. He can discriminate in all sorts of ways, based upon the fact that one thing may appeal to his heart and another may appeal more to his reason. The Senator is entirely correct. Americans do have the right to discriminate; and that right in large measure constitutes the freedom our people enjoy.

As the Senator has so well pointed out, when one goes into a store to purchase something, he can buy any one of half a dozen brands of the same article. He can buy Del Monte products or Hormel products or General Foods products—any of a whole wide range of products. No law on the books says one cannot choose any product he wishes, or that one is to be denied the right to discriminate.

Mr. TALMADGE. The citizens of Louisiana discriminated very wisely, let me say, by selecting the Senator for his seat in this body, did they not?

Mr. LONG of Louisiana. I have been extremely grateful for the decisions of the people of Louisiana when they discriminated against my opponents on more occasions than one.

Mr. TALMADGE. If we denied them that right to discriminate, we would deny the right of Louisiana voters to select the Senator who best suited their purposes, would we not?

Mr. LONG of Louisiana. The Senator is correct; but I wish to say, in fairness, that I do not know of any people more discriminating than the voters of Georgia, who discriminated to the utmost against those who ran against the able Senator from Georgia [Mr. TALMADGE]. They discriminated to the extent that no one dares run against him any more. To me, that is the utmost in discrimination.

Mr. TALMADGE. I thank the Senator for his comments. I certainly wish to preserve the right of the citizens of Georgia and the right of the citizens of Louisiana to continue their discrimination in selecting their public servants.

Mr. LONG of Louisiana. I hope no law against that kind of discrimination will be passed, because I am very proud to represent the people of Louisiana, and I know that the Senator from Georgia [Mr. TALMADGE] feels the same way toward his constituents.

Mr. TALMADGE. Indeed I do.

Is it not also true that if we denied the people the right to discriminate—that is, the right to make their own free decisions and free choices in the conduct of their private affairs—we would end their freedom?

Mr. LONG of Louisiana. The Senator is entirely correct.

Mr. TALMADGE. But the attempt to do that is really the basic philosophy of the bill, is it not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. It seeks to deny our citizens the right to a free choice, which they have exercised in a free republic under a capitalistic, private enterprise system, does it not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. The idea behind the bill is that the "wise" Federal Government and its agencies and its officials can make decisions with more "wisdom" than can the American citizens themselves, and that therefore the bill should be passed, in order to give those Federal officials the right to regulate, to regiment, and to dictate to the American people, to see that they do things the way those officials would decide, rather than in the way the citizens themselves desired; is that not correct?

Mr. LONG of Louisiana. The Senator is eminently correct. When the American people realize that the main impact of this bill would be to allow the Federal Government to make the decisions for the people, instead of to allow the people to make their own decisions, much of the support now enjoyed by this bill will vanish.

Mr. TALMADGE. The bill far transcends any idea of integration or segregation, does it not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. The Senator knows that in many areas of our country, some of the leading hotels, some of the leading restaurants, and others, are already accepting all comers that suit the proprietors of those businesses. But the proponents of the bill seek to enforce conformity over all the American people according to some idea that might be proposed by some Federal official in Washington. Is that not true?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. Is that not the Soviet system?

Mr. LONG of Louisiana. Yes, that is the Soviet system.

Mr. TALMADGE. Is that not the Soviet system which is used in all Communist countries?

Mr. LONG of Louisiana. Generally speaking, the Senator is correct. In Communist countries, the people have very little choice. They enjoy virtually no power of decision, because the government makes practically all decisions for them.

Mr. TALMADGE. Is that not the system which has been used in every totalitarian country, from the beginning of time?

Mr. LONG of Louisiana. Generally, that is the case.

Mr. TALMADGE. The purpose, objective, scheme, and whole idea is to have an all-wise Federal Government and its officials enforce conformity on all the people; is that not correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Does that idea comport with the Senator's idea of freedom under our Constitution and under our form of government?

Mr. LONG of Louisiana. No, it does not. My thought is that under our form of government the people make the decisions; they rule; they run the government—instead of the government running the people.

Mr. TALMADGE. Does the Senator believe that it is unconstitutional for the proprietor of a motel—wherever it may be located—in Missouri, Louisiana, or Georgia—to reply to a citizen who comes to him and says, "I want a room for the night," as follows: "I would appreciate it if you would take your business elsewhere"? Does the Senator know of anything unconstitutional or anything un-American about such an attitude on the part of a motel proprietor under our free-enterprise system?

Mr. LONG of Louisiana. No, I do not. The situation in America today is that the decision is a mutual decision. A person who is driving along a highway can decide whether he will stop at one motel or at another motel. The proprietor of a motel can decide whether he will or will not do business with this man or that man. Many times, people do not think of the situation in that way; but both the proprietor and the customer thus have the right of decision.

In view of all the clamor raised last week, with reference to a situation which developed in the city of New Orleans, I point out that apparently it is not remembered that in the city of New Orleans some hotels cater exclusively to white people; others cater exclusively to colored people; and the great majority of the hotels, including the most expensive one in the city, make their facilities available to both colored people and white people. It is entirely a matter of a man's choice. He can either be among his own people, or he can go to a hotel where he can mix with members of the other race.

In Louisiana, we do not want the type of situation that exists in Cyprus, where Federal Government tax money is being used to keep the Turks from killing the Greeks and to keep the Greeks from killing the Turks. These Cypriots are living examples of the fact that some people simply cannot live at close quarters with each other and not have serious troubles with one another. On Cyprus, as in the Southern States, there is a natural tendency toward segregation. Therefore, we do not want to be asked to enact a law to force the Ku Klux Klan and the Black Muslims to sit down together, to stay together in the same hotel, or to drink together in the same barroom. The Senator from Georgia knows enough about people to know what would happen if an attempt were made, by law, to force those groups to associate, even though neither wished to do so. The situation in Cyprus is indeed mild, compared to what would happen in this country if such a thing were tried here.

Mr. TALMADGE. In other words, the Government would deny free choice to the proprietor, but not to the patron. If the bill were passed, the proprietor would be denied free choice, but the patron would still have free choice. Is that correct?

Mr. LONG of Louisiana. Yes; but the patron's choice would be limited, because he might wish to be among people of his own race.

Mr. TALMADGE. He would be forced to conform, in other words; is that correct?

Mr. LONG of Louisiana. Yes. In the city of New Orleans, today, a patron can associate with his own race in a hotel, or he can mix with members of the other race. He can go to a hotel which accepts either white people or colored people, or he can go to one that accepts both. But if the bill became law, a person would have no choice; he would have to go to a hotel which would be required to accept both colored people and white people. The element of choice would thus disappear.

Mr. TALMADGE. Is it not true that the bill would deny free choice to every operator or proprietor of a hamburger stand or a hotdog stand?

Mr. LONG of Louisiana. I regret to say that it would.

Mr. TALMADGE. Is it not true that if the Federal Government could then tell the operator of a hamburger stand or a hotdog stand what customers he must accept, the Federal Government could also tell every hamburger and hotdog stand operator in the country what kind of food he must serve?

Mr. LONG of Louisiana. I am afraid that would be the case.

Mr. TALMADGE. Would not the exercise of one power call for the exercise of the other?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. If the Federal Government had the power to regulate as to patrons, it would also have the power to regulate as to service and conditions of service and prices, would it not?

Mr. LONG of Louisiana. After having thought about that for a moment, I must conclude that the Senator is correct; the Federal Government would necessarily have that power, too.

Mr. TALMADGE. Its officials could say, "You must take this customer or that customer," or "You must serve hamburgers."

Mr. LONG of Louisiana. "And not hot dogs."

Mr. TALMADGE. In other words, they could make the proprietor serve hamburgers, but not hot dogs, could they?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. And they could tell him, "You must serve hamburgers that contain 4 ounces of beef; and you must not charge in excess of 5 cents for those hamburgers."

Mr. LONG of Louisiana. Yes, they would have that power.

Mr. TALMADGE. Would they also not have the power to tell the proprietor what hours he must keep his establishment open?

Mr. LONG of Louisiana. Yes, no doubt they would have that power.

Mr. TALMADGE. They could tell him that he must keep his place open for 24 hours, 18 hours, 12 hours, 6 hours, or 30 minutes, or for whatever length of time the powerful Federal Government thought was the best length of time for the proprietor to keep his place open; is that correct?

Mr. LONG of Louisiana. Yes; if there existed the power to tell such a person whom he could serve, there might also be the power to decide what hours he must keep his place open.

Mr. TALMADGE. And the power to prescribe the conditions with respect to the tables there?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. Then the Federal Government could say, "You must use only pink tablecloths," or the Government could tell him to use only brown tablecloths. Is that correct?

Mr. LONG of Louisiana. I suspect that could be the case.

Mr. TALMADGE. The Government could also prescribe what restroom facilities the proprietor would have to maintain, could it?

Mr. LONG of Louisiana. Beyond a doubt.

Mr. TALMADGE. And it could prescribe the police regulations pertaining thereto, could it not? In other words, instead of a private operation, it would become a federally dictated operation, in which all decisions would be made by the Federal Government, would it not?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. And then that private individual would merely be performing the labor, in the hope that he could "get by" somehow; is that correct?

Mr. LONG of Louisiana. That could come about.

Mr. TALMADGE. Would that not strike a blow at our free enterprise system?

Mr. LONG of Louisiana. Yes—and it could destroy it.

Mr. TALMADGE. If the Government had that power over a hamburger stand, would it not also have virtually the same power over every business in the United States?

Mr. LONG of Louisiana. Yes; under the power proposed to be extended by the bill, under the commerce clause, the authority of the Federal Government could be extended to any business, not only to the restaurant business.

Mr. TALMADGE. Title VII of the bill proposes to regulate the hiring practices of all businesses and labor unions of our country with 25 or more employees, does it not?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. Countless businesses throughout America—many in Louisiana, many in Georgia, and many in other States—employ 25 or more individuals. Let us suppose that a business establishment in Louisiana had 26 employees. Therefore, it would be covered by the bill. Let us assume that the owner of that business had one opening for one new employee. Let us suppose 10 individuals were seeking to take that 1 particular job. Let us say that some of the applicants were Methodists, some were Baptists, some were Catholics; that some of them were Negroes and some of them were white people. In other words, suppose there was among them a diversity of races and religions. However, only one job was available. The proprietor would have only 1 job to give; so he would have to choose 1 of those 10 applicants. If he picked one of them, would not the other nine have a complete right to go to the Civil Rights Commission or to the Equal Employment Opportunity Commission—I believe that is what it is called in the bill—and say, "I was discriminated against because I am white," or "I was discriminated against because I am a Negro," or "I was discriminated against because I am a Catholic," or "I was discriminated against because I am a Methodist," or "I was discriminated against because I am a Baptist"? Could not each one of the other nine applicants make such complaints?

Mr. LONG of Louisiana. Yes, they could do that; and it would take a man with the wisdom of Solomon to tell which was the most discriminated against. Conceivably, all of them could have been discriminated against, and no one would know with any degree of certainty what the employer had in mind when he made the decision to hire one of them and not to hire any of the other nine.

Mr. TALMADGE. In other words, the Federal Government would have to have "thought police" to determine the thought processes of the employer's mind at that particular moment; would it not?

Mr. LONG of Louisiana. That is correct.

Mr. TALMADGE. If he employed only 1 of the 10, each of the other 9 would have a prima facie case that he had been discriminated against, would he not?

Mr. LONG of Louisiana. Yes. If the Senator from Georgia will pardon me for saying so, I went to the trouble of getting the figures on discrimination against Negroes in employment. I regret to say that the figures show that where the real discrimination exists, where it is horrible beyond any description, is in the FEPC States.

Mr. TALMADGE. I read those figures.

Mr. LONG of Louisiana. I was amazed to learn that a great State like Michigan had 6 percent of its white working force unemployed and 16 percent of its colored working force unemployed. In Illinois, as I recall, the figures showed that 3.8 percent of the white people were unemployed, and 11.5 percent of the colored people were out of work. In the FEPC States as a whole, white unemployment is 4.9 percent and nonwhite unemployment is 10.1 percent. In the Southern States these figures drop to 4.4 percent and 7.4 percent, respectively.

In the South, the percentage of whites unemployed is smaller than the percentage of colored persons unemployed; but the disparity between white unemployment and nonwhite unemployment is not nearly so dramatic or drastic as it is in the FEPC States. For instance, in FEPC States, nonwhite unemployment is 107 percent greater than white unemployment. In the Southern States, however, Negro unemployment is only 67 percent greater than white unemployment. It is fully evident that discrimination is greatest where it is done by hypocrisy, by chicanery.

I discussed this problem with an outstanding businessman. I believe he was Jewish. He said to me, "When a man hires an employee in New York, he does not dare to answer an advertisement, for then he might be made to hire a fellow he couldn't get rid of, and he might get somebody who was not qualified. He must constantly expect to be called before the FEPC if he does not watch out. So he should look around on the QT, to find somebody who would do, or to have some neighbor examine the prospective employee's background. But the employer himself should not answer an ad." The figures I have quoted indicate that this procedure works quite well in the FEPC States.

Mr. TALMADGE. I read the figures the Senator referred to. They were obtained from the Bureau of the Census, and have been published in the CONGRESSIONAL RECORD from time to time.

It seems to me that the more laws to prevent discrimination that were passed in the various States, the more discrimination in employment there would be. Is that not the Senator's conclusion?

Mr. LONG of Louisiana. Yes. To be sure of that, one has only to look at the figures.

Mr. TALMADGE. Is it not true that a State such as New York, which has perhaps the most acceptable FEPC law that could be devised or thought of by pressure groups, has more agitation and more strife between the races than are found in any other section of the country?

Mr. LONG of Louisiana. Yes. One must judge by results. Consider what happened at the World's Fair. We heard and read much about police brutality there. It is one thing for the people of the North to point the finger of scorn at the South, where the police had to use fire hoses and police dogs to enforce local ordinances. But when a crowd at the New York World's Fair decided they were going to create a "stall-in" on the day the fair opened, the people there became so outraged that it was necessary for the police to resort to brutality beyond anything the South has practiced.

Mr. TALMADGE. I saw the photographs of what happened at the New York World's Fair; and I agree with the Senator.

Mr. LONG of Louisiana. I do not criticize the police for enforcing the law there. They were supposed to enforce the law. I suppose some of that group would not behave themselves, and simply insisted on trying to take the law into their own hands; so it was necessary for the police to club them with nightsticks.

Mr. TALMADGE. But if that had happened in Louisiana or Georgia, we would have been denounced for weeks on the floors of both Houses of Congress, would we not?

Mr. LONG of Louisiana. I suppose we would have been criticized no end. No doubt we would have been likened to Simon Legree, if we had resorted to such activity.

Mr. TALMADGE. And some Members of Congress would have become so outraged that they would have importuned the President to send the Army and the Air Force, to try to correct the situation, would they not?

Mr. LONG of Louisiana. I have no doubt that the Army and the Air Force would have been sent there.

Mr. TALMADGE. The Senator is making an excellent speech. I congratulate him.

Mr. LONG of Louisiana. Mr. President, it seems to me that no greater misrepresentation has been perpetrated on the floor of the Senate than that in connection with the assertions I have undertaken to correct; and I am sure that that those who were responsible for it did not know the facts. There has been an effort to create the impression that the people of the South, from one end to the other, should not be entitled to trial by jury. This is about as vicious a proposal as I have ever heard. It is not only an insult to the 60 million people of the Southern and Border States; it is a sign that some among us are prepared to abandon a part of the Constitution of the United States in the name of expediency. Staring them in the face is the simple language of article III of the sixth amendment, which provides that "all criminal prosecutions" shall be tried by jury. Yet they find outlandish arguments and rationalizations for their refusal to heed this language. They refuse to acknowledge the obvious truth that the enactment of such a provision as the one offered in compromise by the leadership would deny us the continued safety and security of a true system of justice. In its place, they would substitute a rule which looks to expediency rather than to the Constitution for its guidelines. They turn deaf ears and closed minds toward those of us who propound the theory voiced so succinctly by President Woodrow Wilson when he said that:

> Justice has nothing to do with expediency. Justice has nothing to do with any temporary standard whatever. It is rooted and grounded in the fundamental instincts of humanity.

Mr. President, this bill places us at a turning point in American history. We must decide whether or not we are going down the road of government by men instead of by law—in effect, government by injunction process. The issue is, Shall our liberty of person be decided by the law with a trial by jury, or by one man, a Federal judge, to decide for us freedom or imprisonment? It becomes a tragic error and a travesty on justice to attempt the protection of civil rights for any one group through a process which denies to all others a liberty equally precious—that of trial by jury.

What is attempted in five titles of this bill is an absolute perversion of the Constitution of this country. It ignores and ridicules the three great documents which have most to do with the birth of American freedoms—the Magna Carta, the Declaration of Independence, and the U.S. Constitution.

What proponents say here is that they believe that our forefathers would have been perfectly justified in making wholesale exceptions to the constitutional provisions in article III and the sixth amendment. Proponents must think that this is right, for they themselves now propose it. But, if our forefathers had done what proponents now suggest that we do, we would probably not be debating this subject here today. We would probably have no such thing left in our system as a real right to trial by jury. Had the sort of exception to the rule which is proposed in this bill been made 150 years ago, the right to trial by jury would have been completely eroded away by now. That is what happens when a precedent is set, for in our legal and governmental system the very nature of precedents is that they are made to be followed. The first precedes the second. That is what precedent means. One exception to the rule justifies the next, and this second one serves as foundation for the third, and so on.

The precedent with which this Nation would be burdened if this bill passes with provisions in it taking away the right to trial by jury in criminal prosecutions is a staggering one. The law would tell the people that, if a majority of the people decide that justice can be attained easiest by disregarding the Constitution, then it is right for them to do just that. The rule that this law would set forth would tell the American people that it is far better to achieve justice quickly than constitutionally.

Mr. President, it is the manner in which the proponents seek their justice which frightens this Senator to death. If they were attempting formally to amend the Constitution so as to have it say what these jury trial provisions say, I would still think them badly mistaken. But I would say that they were at least going about their business in a correct and constitutional manner. It is the unconstitutional manner of action that we must fear; for though it may be argued by impatient men that justice must be quickly achieved in this particular situation, the manner of action lends itself toward working a severe injustice upon the people at some later date.

Have we not all experienced the feeling while watching such TV dramas as "The Untouchables" that there would be no greater act of "justice" than to have the police beat the life out of the known criminal in order to get the truth from him? In an isolated instance this may well appear to afford the greatest degree of justice. But giving the police power to act in this way would certainly open the door to great injustice.

This is where we observe the phenomenon of "precedent." You know as well as I do, Mr. President, that the whole backbone of Anglo-American law and of our fundamental legal thinking is built around the concept of precedent. Those of us who are lawyers know this particularly well. We know, Mr. President, how difficult it is once a precedent is set to reverse that precedent. The tendency is to believe that if such-and-such was right yesterday, it is right tomorrow.

Each "isolated instance" which seems to demand an extralegal or extraconstitutional solution serves as precedent for the next such instance, and soon the right we once had to protection from such unconstitutional abuse becomes riddled with exceptions. Why not forget the system and call each and every case an isolated instance? This is what Hitler and Stalin did and what Khrushchev does today—and how are they able to do it? Simply by freeing themselves from rules, such as ours, which prohibit any individual or any branch of our Government from having a voice larger or louder than that of the "system" and the people themselves.

In 1954, in the name of "justice"—incidentally, the same term used at every turn by Hitler, Stalin, Khrushchev, Fidel Castro, and company—the Supreme Court succeeded in freeing itself from some of these protective rules. The Court did this by taking upon itself the power to amend the Constitution. It did so in the 1954 school desegregation decision; and our allowing that decision to stand has served as a practical admission on our part that the Court has the right to act as it did. It usurped the power to amend the Constitution, knowing full well that the majority of the Congress would do nothing about it. Now, the Congress is preparing to usurp the power to amend the Constitution, knowing full well that the majority of the Supreme Court will not care to do anything about it. Both the Court and the Congress feel that they are acting in the name of "justice" and "social expediency" and the "needs of the 20th century." But the fact remains that each is guilty of the mortal sin of usurpation. Each has decided, or is about to decide, that the circumstances and the expediencies make it right to alter the Constitution by extralegal means. Militant minorities are demanding "freedom now," as the expression goes; and the majority has decided on a series of constitutional amendments which must be enacted now.

The sad thing about this is that we shall end up with a precedent by which this country will eventually drift away from constitutional government. Once we admit that not only the Court, but the Congress as well, has a right and a duty to disregard the Constitution when the occasion seems to call for drastic action, who then is to say that this power cannot be exercised in the future to make other provisions of the Constitution more "just" and "more suited to the 20th century" than our forefathers intended when they drafted this great document?

Mr. President, the answer is that nobody will be able to halt the chain reaction once it gets started. It will have attained the status of a formal legal precedent. Make no mistake about it, this situation will be part and parcel of the "new America" which proponents claim that they will be helping to create by the passage of this bill. It will be an America which enjoys watered-down rights to trial by jury, decapitated rights of private property, emasculated rights of privacy, and perhaps a small remnant of our once-great system of free enterprise.

But, is this the "new America" we really want? Are Senators so badly mistaken as to believe that today's Americans are willing to suffer the consequences of this radically new alinement of powers within our governmental structure? Mr. President, I say that the American people want no part of any such thing.

There are some among us who say that the Constitution is outdated and does little more than impede the progress of justice and social development. They say, Mr. President, that we must march on not in keeping with the intention of the framers of the Constitution but in spite of their intention—without the bother of embarking on an amendment of the Constitution in a legal manner when one appears to be needed.

But does this method of expanding and changing existing legislation by use of analogy, logical extension, social expediency, and personal opinion offer Americans the reliable system of law guaranteed us by our Constitution? We think not. And do social pressures, demonstrations, and the like offer the Senate any appropriate or legal vehicle by which to take upon itself an amendment of the Constitution? Mr. President, I certainly think they do not. Our action in this manner would be no less outrageous than the acts of "judicial legislation" by which the Court has usurped the power of amending the Constitution. Its similarity lies in the fact that it, like judicial legislation, would be an illegal usurpation of power.

But just where does this sort of usurpation and power grabbing fit into our family of acknowledged legal principles? Are we, as conscientious citizens, proud and jealous of our heritage, ready to surrender ourselves to a practice whose thrust is so opposite to our American system of lawmaking? Does the fact that the courts and the Congress have at times been allowed to act outside their proper realms of authority mean also that these bodies now have the undeniable, unequivocal power to do so whenever they choose with our Constitution, whenever the President and the Justice Department grant them permission to do so? If so, we are placing the voice of precedent above the authority of the Constitution itself. If so, we are being so presumptuous as to overstep our constitutional authority. It is our responsibility now to take full precaution against such a mistake. It is our duty to recall how completely unrelated our legislative role is to the subject of constitutional amendment—unless and only unless we are engaged in the preliminary steps of proposing a formal amendment to the Constitution itself.

Mr. President, I grow more apprehensive and more fearful by the hour that we, of the Congress, are on the brink of the same tragic mistake that the Court made almost 10 years ago. We are on the verge of committing the same mortal sin of usurpation. We are being asked to change our organic law in a manner not contemplated by our system of government.

Now, of course, Mr. President, the proponents of this legislation must necessarily argue, as did the plaintiffs and the Court in 1954, that they are not changing the organic law. Without mouthing this claim, they would be without capacity to continue any further with these forced integration bills. But this certainly does not mean that many Members of this body cannot be convinced that although the moral and the sociological currents might seem to run in favor of some parts of this package, the currents of constitutional law and governmental stability run very much against the procedure by which these provisions are sought to be incorporated into our law.

The sort of reasoning offered by proponents threatens and defies the continued existence of the American form of government, and, Mr. President, I believe that it should be the immediate goal of those who do appreciate and understand the nature of these dangers to educate others of their threat to our form of government. In doing so, we should remind ourselves that the basic part of this task has nothing directly to do with race relations as such.

Rather, it has to do with reminding this whole Nation—white and colored races alike—that there can be no confidence, trust, or safety under a system which is subject to the ad hoc "justice" prescribed by one man or a small group of men who place themselves above the organic rules by which the people have chosen to govern themselves.

If these organic rules need change, then let the change proceed constitutionally and not by the extralegal decrees of one of our branches of Government. As a free people, we cannot give up in absolute submission to illegal actions by any department of the Government. We must at all times and at all costs retain for ourselves the right to appeal such abuses and have them overturned. For if we do not, our liberties are gone.

Within the confines of the Constitution, whose basic structure can be changed only by the people, a complicated and delicate balancing operation between branches goes on, day in and day out, with the theoretical result that no one branch of Government is capable of forcing itself over the people in a manner not contemplated by the Constitution.

This system has served Americans and American democracy well indeed. To bring it about, we needed the Revolutionary War. To preserve it, we have had to fight two World Wars, and we may yet have to fight another. Why is "checks and balances" worth so many lives and so many billions of dollars? Because it is the very backbone of American constitutional government.

But after so much hardship and sacrifice to preserve it from outside challenges of despotism, naziism, and communism, would it not be a tragedy indeed, Mr. President, to see our constitutional democracy crumble from within? This is the danger we face today, Mr. President, if we take it upon ourselves to enact legislation which is outside the scope of the Constitution.

The Constitution, as the basic foundation of our governmental order, is by definition the standard by which all men and all lesser laws are judged vis-a-vis our existence as a nation. As such, the Constitution forms the "organic law" of our country. As President Lincoln stated so plainly, "The people's will, constitutionally expressed, is the ultimate law for all."

When the framers of this magnificent system drafted the Constitution in words and phrases, they tried to do so in the manner that would serve all Americans best, for the longest time, with the least change. No slight occasion was to tempt us to alter its framework. This is one of the great merits of a successful system of law, the fact that its fundamentals can be fully depended on—they do not change from year to year as particular issues and particular leaders come and go, unless in the meantime the fundamental has been revised and changed in an appropriate and legal method.

The framers, thus, wisely determined that there should be but one single method of changing what was then, or would later become, a part of the organic law as spelled out in the Constitution. That exclusive method would be by constitutional amendment.

No room was intended to be allowed for change in any other way. Any other manner of change would be by usurpation on the part of one or more branches of the Government, operating outside its sphere of authority. This is precisely the danger that Washington referred to in his famous Farewell Address when he warned:

> Let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Only when a fundamental part of the system's structure becomes so outdated, so antisocial, or so inappropriate as to result in a formal amendment to the document itself can that fundamental be considered changed. Until then, the precise meaning and form must be retained, preserved, and defended as the Constitution itself, for the simple reason that it is the Constitution and for the simple reason that we do live under a constitutional form of government.

If relative injustices are allowed to exist in the interim, as they have in some past instances and as some do now, this unfortunate circumstance must be viewed as one of the prices to be paid for the type of long-range governmental stability that this society has fought for and defended since our beginnings as a nation.

This stability, along with the justice it seeks to invoke and to protect, is the very purpose and goal of constitutional government. Without its preservation there are no longer any dependable rules by which the three branches of Government can legally interrelate their activities in their theoretical goal of obtaining the greatest good for the greatest number of people. We charge and are prepared to prove that the Supreme Court by its 1954 decision has upset the all-important balance of powers and has thereby made a vicious attack on the stability of our constitutional system. This is obvious when we attempt to correlate what the Constitution allows the Court to do and what it has actually done.

I could say the same of the Congress if, as a result of these deliberations, the Congress adopts certain portions of the President's civil rights package. Perhaps the best manner of insulating this body against such a usurpation of power and authority is to guard against the manner in which the Court only 10 years ago overstepped its constitutional bounds in reaching its decision in the Brown case.

Mr. TALMADGE. Mr. President, at this point will my able friend, the able Senator from Louisiana, yield?

Mr. LONG of Louisiana. I yield to the Senator from Georgia.

Mr. TALMADGE. Has the able Senator from Louisiana read the book, written by William L. Shirer, entitled "The Rise and Fall of the Third Reich?"

Mr. LONG of Louisiana. I have read parts of the book. I regret to say that I have not had the privilege of reading it completely; but I have browsed through many parts of it, and was impressed by it.

Mr. TALMADGE. Did the Senator read the portion of the book which includes the story about the action of the German Reichstag in passing the so-called Enabling Act?

Mr. LONG of Louisiana. I would appreciate it if the Senator would refresh my memory on that part.

Mr. TALMADGE. The Enabling Act was the result of a bill, proposed in the German legislative body, which gave to Adolf Hitler power to levy taxes and to determine for what purposes the revenues would be expended. That act also gave to Adolf Hitler power to promulgate any law that he saw fit to impose on the German people. The same act gave Adolf Hitler the power to make whatever treaties as he saw fit, in the name of the German Government. That act brought about the death of liberty in Germany; dictatorship began there, from that very day.

The point I wish to make is that the death of the liberty of the people of Germany was caused by the action of that legislative body in delegating such vast power to one man.

Is not the bill now before the Senate a measure along the same line, in that it would delegate to Federal officials vast power to do what they might see fit to do in relation to the daily lives of the American people in all their private endeavors?

Mr. LONG of Louisiana. The Senator is entirely correct. The Reichstag more or less brought to an end German democracy and German freedom as they had existed—by turning all power over to Adolf Hitler.

Mr. TALMADGE. Would not the pending bill regulate every area of our people's lives, including the decision as to who would be allowed to spend the night in the home of one who takes paying guests?

Mr. LONG of Louisiana. Yes, I suppose that area of people's lives would be regulated next, if the bill were passed.

Mr. TALMADGE. That is the logical conclusion. Would not the bill regulate every area of people's lives including the right to invite others to stay in one's home?

Mr. LONG of Louisiana. Yes, if the Government were allowed to decide what persons a businessman could employ and what persons he could not employ, merely because somewhere in his business he might use a commodity which had moved in interstate commerce, then I am well aware of the fact that the same power would give the Government the right to tell that man whom he could invite into his home and whom he could not. In fact, under such power the Government could require him to take into his home anybody and everybody who might want to spend a night there, or it could forbid him the right to have any outsiders in his home.

Mr. TALMADGE. Congress then could decide that if natural gas which originated in Louisiana were used in a man's home, therefore—inasmuch as the natural gas had moved in interstate commerce—his private home could be regulated. Is that not a logical conclusion, based upon the scheme of the pending bill?

Mr. LONG of Louisiana. Yes. As a practical matter, if those who argue that we ought to do what is proposed in the bill are correct in their contention, and if it were true that the Federal Government could regulate the smallest place of business, and could tell the owner whom he could serve and whom he could not serve, merely because a commodity used or served in that business had crossed a State boundary line, and thereby—according to some—interstate commerce had been affected, then—by the same argument and the same token—the Federal Government could tell a man what he could do in his own bedroom, merely because in the room he might have a light bulb that had been transported across State boundaries, and because the homeowner had turned it off or on, depending upon whether it was day or night.

Mr. TALMADGE. Or because he had on his bed bedsheets that crossed the boundary line between two States.

Mr. LONG of Louisiana. The Senator is correct. The Government could regulate both the transportation of the bedsheets and their use—and thus could decide who would be allowed to sleep on them, and when.

Mr. TALMADGE. Could not the Government officials then say that since the wheat from which the bread has been made had originated in Kansas, and therefore had crossed State lines, everything a man might wish to do in his home would be subject to Government regulation?

Mr. LONG of Louisiana. Yes, and they could regulate any activity in his home, even though he and his family did not eat the bread.

Mr. TALMADGE. But merely because the bread went into the home.

Mr. LONG of Louisiana. Yes, merely because the bread was purchased and was taken into the home. The homeowner might have been permitted to remain there without the bread being consumed.

Mr. TALMADGE. Does not the bill also purport to regulate all employment in every business that has 25 or more employees?

Mr. LONG of Louisiana. There is no doubt about it. If the Federal Government were given that power to do that, it would eventually demand the power to regulate every business, even those with no employees.

Mr. TALMADGE. Would not the bill, in title VII, deny the rights of labor unions which have entered into bargaining contracts with employers?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. The business agent of a particular labor union would no longer be free to select and to send members of the union for any vacancies in a particular job in a plant with which the union had a bargaining contract. Is that not true?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. So both the rights of employers and the rights of employees would thus be affected, would they not?

Mr. LONG of Louisiana. That is correct. The kind of power the Government would get and the kind of activities to which the bill would lead would mean that there would be nothing a man could do without having the Federal Government second-guess him or prevent him or make him do something that was just the opposite of what he wished to do.

Mr. TALMADGE. Would not the bill also affect the seniority rights of employees in every business in which there were 25 or more employees?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. Would not it control employment and also the assignments to specific jobs within the affected businesses?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. So one of the "thought policemen" could say to an employer, "You have this man working on the lathe, but he is best suited to be assistant secretary of your business"; and then the employer would have to move him to that job; is that not correct?

Mr. LONG of Louisiana. Yes, the bill would give that power.

Mr. TALMADGE. So every promotion, every job opportunity, and every assignment to particular duties in a business could be controlled by the Federal Government. Is that not correct?

Mr. LONG of Louisiana. Yes, the Federal Government could do all that.

Mr. TALMADGE. Does that comport with the Senator's idea of liberty and freedom?

Mr. LONG of Louisiana. No. As a matter of fact, while I do not recall exactly what the provision is, it goes almost as far as one of the provisions the Senator from Georgia discussed, in which it was necessary for the Federal Government to hire dream analysts, in an attempt to determine what a man had in mind when he engaged in a certain course of conduct.

Mr. TALMADGE. That would be true in this case. Let us assume that both a Catholic and a man of Jewish faith applied for one job. Let us assume the Catholic was given the job. Would not the Federal Government have to determine by some secret, thought-police-control method whether the employer had discriminated against the man of Jewish faith when he employed the Catholic?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. Does the Senator from Louisiana know how one could possibly arrive at a conclusion in that regard?

Mr. LONG of Louisiana. Certainly it would be very difficult to determine whether there had been discrimination. What is discrimination? Let us assume that five men—each of a different race—applied for a job. The employer could not hire all of them; so four of them would not get the job. How would it be determined whether the employer had discriminated when he hired one of them, and not any one of the other four? Let us assume that the applicants for one job were a Negro, a Jew, an Anglo-Saxon, a Frenchman, an Italian, a Fiji Islander, and a Japanese. How could it be determined, after all of them had applied for the job, and after only one was hired, that discrimination had not been practiced against the other six applicants? Each of them would have the right to harass the employer, and possibly bring suit against him, under title VII.

Mr. TALMADGE. Each one who did not get the job would have a prima facie case of discrimination, would he not?

Mr. LONG of Louisiana. That is my conclusion. How could it be determined whether the employer did or did not discriminate against the other six?

Mr. TALMADGE. Let us consider the enforcement provisions. Under the bill, a commission of five members would be created. Any two of the five members thus constituting that "jury"—40 percent—could authorize the filing of a suit. So if the Fiji Islander did not get the job, all he would have to do would be to convince two out of the five commissioners that he had been discriminated against; and then they would file, for him, a suit in which they would charge that the Fiji Islander had been discriminated against.

Mr. LONG of Louisiana. Yes. The only one who would not be discriminated against would be the lawyer, for he would receive various fees by reason of the filing of various lawsuits, because each of the applicants who had not received the job could accuse the employer of having "discriminated" against him when he hired the other person, and could have suit brought.

Mr. TALMADGE. Let us consider the case of a poor citizen who had managed to save $2,000. Perhaps it would be all that he had been able to save all his life. Let us assume that he invested that sum in equipment, and then borrowed $10,000 more from a bank. Even though he was trying to make a living for himself and his family, and was trying to give jobs to others, what would happen to him if he were threatened by the might and power of the Department of Justice, and the use of all the legal and financial resources it possessed—all arrayed against that poor, unfortunate fellow, who was not worth over $2,000? He could not compete with that kind of power in court, could he?

Mr. LONG of Louisiana. No. He would be at a sad disadvantage. It could break him financially.

Mr. TALMADGE. All he could do would be either go out of business or knuckle under; is that correct?

Mr. LONG of Louisiana. Yes.

Mr. TALMADGE. The Senator from Louisiana has himself been a practicing lawyer. What would be his guess as to the cost of litigating such a case through the Federal courts, and up to the U.S. Supreme Court?

Mr. LONG of Louisiana. I would hesitate to say.

Mr. TALMADGE. It would be a minimum of $50,000, and perhaps more; is that correct?

Mr. LONG of Louisiana. It could perhaps cost that much. Even if it were less, it would still be beyond that litigant's means.

Mr. TALMADGE. It would be beyond his means; and the mere threat of the Federal Government and the Attorney General would be enough to put him out of business or cause him to knuckle down to whatever the Federal Government wanted him to do; is that correct?

Mr. LONG of Louisiana. That could happen.

Mr. TALMADGE. So what we are talking about would be tyranny compounded on tyranny. Unless one had large financial resources, when the Federal Government moved in, the defendant would not have a chance, would he?

Mr. LONG of Louisiana. That is true, and all that could be done without a jury trial; it could be done by an arbitrary, unfair, prejudiced judge, simply by denying the man his right to trial by jury.

Mr. TALMADGE. I thank the Senator from Louisiana for yielding to me. I agree with his conclusions.

Mr. LONG of Louisiana. I thank the Senator from Georgia.

Mr. President, presumably, in the famous Brown case the Court had determined that the facts of life of the mid-20th century American society had changed sufficiently from those of the mid-19th century to demand a reevaluation of the 14th amendment's impact on the field of education. The mass of testimony and argumentation, as well as the opinion of the Court itself, indicate a preoccupation with sociological and psychological concepts pointing to the final proposition that "social change" and a modern social awakening have robbed the "separate but equal" doctrine of its legitimacy in our law.

Let us assume, sociologically speaking, that this is a rational argument. Nevertheless, the fact remains that legally and constitutionally speaking, mere social change does not change the organic law.

Even violent and radical social change is not allowed in itself to remake our basic constitutional law. Its only function is to state a need in the name of which the organic law might be changed in the one accepted method. This method, says article V of the Constitution, is by two-thirds vote of each House of Congress, followed by ratification of three-fourths of the State legislatures—not by "judicial legislation" of the sort used by the Court in 1954 to alter the practical meaning of the 14th amendment.

Mr. President, there are pronouncements galore from many of our most distinguished Supreme Court Justices, both past and present, indicating their objection to judicial legislation. The first, Mr. Justice Harlan, one of the great liberals of the Court, remarked many years ago:

> When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government, and by judicial construction only is declaring what should be the public policy of the United States, we will find trouble.

This same attitude was once voiced by Mr. Justice Black, who denounced the theory that the Supreme Court has some boundless power under "natural law" by which the Court periodically may expand and contract constitutional standards to conform to its own concept of what, at a particular time, constitutes civilized decency and fundamental liberty and justice. Any such theory, he warned, tends to degrade constitutional safeguards and simultaneously to appropriate to the Court "a broad power which we are not authorized by the Constitution to exercise." It is not for the Court, he said, "to roam at large in the broad expanses of policy and morals and to trespass, all too freely, on the legislative domain of the States as well as the Federal Government."

Mr. President, it may be interesting to observe that Mr. Justice Douglas, of all people, also recognized grave dangers in the concept of judicial legislation. He had this to say:

> From age to age the problem of constitutional adjudication is the same. It is to keep the power of government unrestrained by the social or economic theories that one set of judges may entertain. It is to keep one age unfettered by the fears and limited vision of another. There is in that connection one tenet of faith which has crystallized more and more as a result of our long

> experience as a nation. It is this: If the social and economic problems of State and Nation can be kept under political management of the people, there is likely to be long-run stability. It is when a judiciary with life tenure seeks to write its social and economic creed into the charter that instability is created. For then the Nation lacks the adaptability to master the sudden storms of an era. It must be remembered that the process of constitutional amendment is a long and slow one.

Had we not had the built-in safeguards of checks and balances in our governmental structure through the years, we would necessarily have developed a vastly different Government and a vastly different America from the one we know today. Whether this "other America" would have been better or worse than the one we now enjoy is an unanswerable question. The real question is whether we want to go off on an extralegal binge, an unconstitutional excursion, into an area from which there may be no road of return. The real question is whether we wish to give each branch of the Government the power from time to time to change our organic law, by stretching the words of the Constitution out of context—much as the words of the Bible can be taken out of context and be made to say almost anything imaginable, depending upon the intent of the person who uses them.

Mr. President (Mr. McIntyre in the chair), I believe I shall conclude my speech at this time, inasmuch as there was an understanding that we would recess at about this time.

ORDER OF BUSINESS

During the delivery of the speech of Mr. Long of Louisiana,

Mr. LONG of Missouri. Mr. President, will the Senator from Louisiana yield to permit me to make two insertions in the Record?

Mr. LONG of Louisiana. Mr. President, under the same conditions, I yield to the Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF APPALACHIAN PROGRAM TO THE OZARKS

Mr. LONG of Missouri. Mr. President, a national assault on poverty has been launched. In connection with this war, the 10-State Appalachian area has become a special battleground.

All of us are vitally concerned with this overwhelming national problem—poverty. Our attention is centered on how best to alleviate the burdens of unemployment, inadequate education, limited opportunity, and the lack of motivation.

President Johnson has done an outstanding job of focusing public attention on this economically deprived area of the United States. His message on Appalachia reflects extensive analysis of the difficulties faced by the citizens and detailed thought as to the best way to aid them. Appalachia is a blight on this land of plenty. These 15 million people do not, unfortunately, receive an equitable share of our prosperity.

Other citizens of this great Nation are also not participating in the economic abundance of our land. Many of the problems which confront the inhabitants of the Appalachian Mountain area are manifest in my State. Southern Missouri, especially that part right in the middle of the Ozark Mountains, is beset by the ills common to the eastern mountain region. In some of our counties over 60 percent of the population receives old-age assistance, over 12 percent of the children under 18 years old are recipients of aid to dependent children, and the median income falls considerably below $2,000 per year. In short, an environment, very comparable to that of Appalachia, exists throughout a considerable area in my State.

I am not, of course, suggesting that one area is more important that the other. Rather, my intention is to highlight the similarities between the two areas and would suggest an extension of the Appalachian program to cover comparable areas of the country such as the Ozarks.

FAITH IN WOMEN CAMPAIGN

Mr. LONG of Missouri. Mr. President, President Johnson has inaugurated a faith-in-women campaign in the Federal Government. Women's talents, too long ignored by Government officials, are now being utilized extensively.

A recent editorial published in the Springfield, Mo., Daily News captures the thought behind all efforts to assure the fairer sex participation in our national life.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Their Community Is Whole World

Spring is a fitting time to pay a tribute to the fair sex by passing on some remarks made a few weeks ago by Mrs. Katie Louchheim, of the State Department.

As Deputy Assistant Secretary for Community Advisory Services, Mrs. Louchheim has been in a position to note the surprise of foreign visitors when they encounter the American woman in her natural habitat.

"Before they come to the United States," says Mrs. Louchheim, "they have a mental image of the American woman living in idleness, pushing buttons to activate her innumerable electric servants.

"Instead, they find her out ringing doorbells to raise money for the United Fund, the Heart Drive, the Lighthouse. She sits on the boards of community organizations. She carries trays in hospitals, exercises handicapped children in clinics.

"The community's welfare activities depend on her. It has been estimated that the hours of work freely given by our women volunteers would cost many millions of dollars if they had to be paid for. They are a priceless service to the community and to the Nation."

Nor is woman's work limited to volunteer services. Mrs. Louchheim herself is an example of the many women in business, politics, government. Incidentally, the latter, she says, offers almost limitless opportunities to women.

In the State Department alone, 7 percent of the 5,000 members of the Foreign Service are women. There are two women Deputy Assistant Secretaries and three women in the important post of office director. Of only six career ambassadors, one is a woman.

In 1963, there were 29 counselors or first secretaries of embassies, 22 second secretaries, and 60 third secretaries.

"American women," says Mrs. Louchheim, "are living and working all over the globe, as Foreign Service officers, as Peace Corps volunteers, as AID technical experts, as the wives of technical advisers of Foreign Service officers.

"For today's American woman, the community is not only her town, her city or even her Nation. Her community is the world."

RECESS UNTIL 10 O'CLOCK A.M., TOMORROW

Mr. MAGNUSON. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock, tomorrow.

The motion was agreed to; and (at 6 o'clock and 32 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, May 5, 1964, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Peter 3: 13: *Nevertheless we, according to His promise, look for new heavens and a new earth, wherein dwelleth righteousness.*

Almighty and eternal God, in whom alone we can find the needed help for each new day and hope for every unknown tomorrow, may we daily surrender ourselves to Thy wise and holy will.

Show us Thy way and inspire us with a deeper appreciation of those verities and virtues which will bring freedom and peace to our hearts and to all the members of the human family.

Emancipate us from selfishness and may we cultivate and acquire a nobler skill in the fine art of brotherly living.

May we have the courage and faith to believe the kingdom of peace is slowly and surely emerging no matter how dark the clouds of national and international woe may seem to be and how great the welter of confusion and uncertainty in which we are living and laboring.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 30, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (alias John Mihai);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Dr. Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1179. An act for the relief of Basilio King, his wife, and their children; and

H.R. 1382. An act for the relief of John Gatzopi Overbeck and Mary Gatzopoulos Overbeck.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

S. 858. An act for the relief of Miladin Kljajin;

S. 2088. An act for the relief of Tomoe Ishikawa Westley;

S. 2105. An act for the relief of Martin Morales Salvador;

S. 2219. An act for the relief of Helen Marghitsa Georgalas;

S. 2225. An act for the relief of Christiane Antoine Bronas;

S. 2233. An act for the relief of Margaret Rose Owen;

S. 2336. An act for the relief of John Richard Dolby;

S. 2338. An act for the relief of Kalliope Kostides;

S. 2342. An act for the relief of Mr. and Mrs. Toros Torosian;

S. 2410. An act for the relief of Erich Hoffinger;

S. 2436. An act for the relief of Mihailo Radosavjevic;

S. 2449. An act for the relief of Dorothy Eyre; and

S. 2499. An act for the relief of Leobardo L. Gonzalez.

RESIGNATION OF A MEMBER

The **SPEAKER**. The Chair lays before the House communications which the Clerk will read.

The Clerk read as follows:

MAY 1, 1964.

Hon. JOHN MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my office as Representative in the Congress of the United States from the Fifth District of South Carolina.

I beg leave to inform you that I have this day transmitted to the Governor of South Carolina my resignation as Representative in the Congress of the United States from the Fifth District of South Carolina.

With great respect, I remain, your obedient servant,

ROBERT W. HEMPHILL.

MAY 1, 1964.

His Excellency DONALD S. RUSSELL,
Governor of South Carolina.

SIR: I hereby tender my resignation as a Member of the House of Representatives in the Congress of the United States from the Fifth District of South Carolina.

ROBERT W. HEMPHILL.

REPORT ON APPROPRIATION BILL FOR DEPARTMENT OF STATE, JUSTICE, COMMERCE, JUDICIARY, AND RELATED AGENCIES

Mr. **ROONEY** of New York. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Departments of State, Justice, Commerce, Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **BOW** reserved all points of order on the bill.

POLISH CONSTITUTION DAY

Mr. **ROONEY** of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **ROONEY** of New York. Mr. Speaker, yesterday, May 3, 1964, was the 173d anniversary of the first Polish Constitution. Under it the leading minds of Poland with the strong backing of the Polish people formed the first liberal government in Polish history. That May 3, marked a great bursting forth of the Polish people. They did this after a century of repression and many centuries of medieval cruelties.

They are now once again in a period of repression and cruelty. At every turn they are prevented from pursuing their own destiny, and determining their own fate. But Polish history should always be remembered by the rest of the world. We should not underestimate the power of freedom to inflame the minds and spirits of men.

Since 1945 Communists have spread the great lie that happiness and peace prevail in Poland. We all know this is not the case. Soviet Russia has lost the minds of the captive people. It must soon lose the ability to hold them captive. The Polish uprising in 1956 was surer proof of the true feeling of Poland than all the lies of Communist propaganda. The people of Poland should, by right and desire, be free and independent. Let us urge on them the same courage and conviction displayed so often before, most notably in 1791, when they adopted a constitution which was a milestone in the march of liberty and freedom.

Yesterday's date also coincides with the 600th anniversary of the founding of the University of Krakow; the 25th anniversary of the German-Soviet attack on Poland; and the 20th anniversaries of the Battle of Monte Cassino, of the Warsaw uprising, and of the founding of the Polish American Congress.

TRIBUTE TO WILLIAM T. MOORE

Mr. **O'HARA** of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **O'HARA** of Illinois. Mr. Speaker, I am sure all my colleagues from Illinois will join me in congratulations to William T. Moore on his election as president of the Arts Club of Washington. This is one of the Capital's oldest and most respected institutions and it occupies the residence of President James Madison, once used as a temporary White House.

Bill Moore came to Washington in 1942 as a member of the staff of correspondents for the Chicago Tribune. With the exception of an assignment as the Tribune's correspondent at Moscow he has spent the past 22 years with the Chicago Tribune press service Washington bureau, and is one of the best known and admired newspapermen in the Nation's Capital.

His wife, Eloise, a former concert star, has shared with him a long and deep interest in the advancement of the cultural and artistic causes to which the Arts Club of Washington is dedicated.

Mr. **SPRINGER**. Mr. Speaker, the election of William T. Moore to the presidency of the Arts Club of Washington is, in a small measure, recognition of outstanding contributions by Mr. Moore over the years to the cultural advancement of the Nation's Capital and the Nation itself. It is extremely gratifying to me that his efforts have been thus recognized and rewarded.

Bill Moore is a man who cannot do anything but a first-class job on anything he undertakes. For most of the past 22 years he has been a member of the Chicago Tribune's Washington staff, throwing himself so wholeheartedly into his work for his paper that it, the people of Chicago, and the people of my State of Illinois have benefited immeasurably. The same dedication has marked his work for the Arts Club of Washington, greatly benefiting that club and the city of Washington.

It is a great pleasure to join the gentleman from Illinois [Mr. O'HARA] in extending my congratulations to Bill Moore.

GENERAL LEAVE

Mr. **O'HARA** of Illinois. Mr. Speaker, I ask unanimous consent that my colleagues from Illinois who may desire to do so may extend their remarks at this point in the RECORD on William T. Moore.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs may be permitted to sit during the session of the House this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FRANCE PUTS STEAM BACK INTO CASTRO'S RAILROAD

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, it is reported that France is negotiating with Castro for the sale of 15 or 20 new railroad locomotives, a development particularly disturbing in light of stepped-up U.S. efforts to stiffen the economic boycott against Cuba.

We have just taken the British Foreign Secretary to task for British trade with Cuba, and in fact a similar British proposal to sell locomotives to Castro has recently fallen through.

So now the French seek to step in where the British have not, and Castro's ailing railroad, now estimated to be operating at only 25 percent of its pre-Castro level, will get new steam.

What the French seem to forget is that the United States has extended a total of $9,412 million in foreign aid gifts and loans. The least they owe us is greater cooperation in our efforts to squeeze Cuba's crippled economy even more.

We, therefore, must make a strong effort to impress the French with our concern over these negotiations. To relieve the strain on Castro's railroad will only impose tension on United States-French relations.

THE LATE HONORABLE HOWARD H. BUFFETT

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, last Wednesday this Nation lost one of its most dedicated citizens and a former Member of this body. Mr. Howard H. Buffett, four times a Congressman from the Second District of Nebraska, died in Omaha Wednesday at the age of 60.

Howard Buffett, a close personal friend of mine, will always be remembered as a hard-working and sincere Representative of the people of Nebraska's Second District, as well as the Nation as a whole. He was a respected Member of the House of Representatives during the 78th, 79th, 80th, and 82d Congresses. As a member of the House Committee on Banking and Currency, he was known as the "champion of a sound dollar."

When he decided not to run for reelection to the Congress in 1952, an editorial in the Omaha World-Herald described him thus:

> We are not discussing whether Mr. Buffett is generally right or wrong or in between, but are only stating the rather obvious fact that he calls them the way he sees them and always in accordance with what he considers the welfare of the public.

As many Members of the House recall, Howard Buffett spoke out on public issues as he believed, even when it was in conflict with his own Republican Party position. Many of my colleagues will also remember his forceful, conservative writing, which appeared in Human Events and other publications. He was a well-known contributor to the Omaha World-Herald.

But his interests went far beyond the legislative issues he believed in and worked for. He was one of Omaha's and Nebraska's most active civic leaders. He was a successful investment banker and businessman. Above all, he was a dedicated and devoted husband and father.

No one can measure the loss brought about by the untimely death of Howard Buffett. I will miss him as a personal friend. The Members of the House of Representatives will miss him as an able, respected former colleague. His wife and children will miss him as a devoted family man. The conservatives in this country will miss a strong voice.

I know that the Members of this body who served with Howard will join with me in paying tribute to him and in extending our sympathy to his wife and children.

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEERMANN. Mr. Speaker, I would like to add my remarks to those of the gentleman representing the Second Nebraska District, and say that our warm friend and former Congressman Howard Buffett was truly an outstanding man, possessed of a wit and sincerity of purpose that was truly amazing. Unfortunately, I did not become acquainted with Howard Buffett until I entered political life. But after we met I grew to admire his political stature and wide perspective of the national scene.

Congressman Buffett, many here will recall, was one of the real constitutional conservatives. He was ever alert against encroachment of Executive power and spoke boldly against its erosion of the people's right to rule themselves.

In addition, Congressman Buffett was resolute. Once he had exercised his judgment and determined his stand, it was taken with firmness. And he could not be prevailed upon to desert his position by the highest offices in the land.

In conclusion, may I say that the Honorable Howard Buffett was a remarkable man, particularly in the field of economics, where his experience gave him an insight into monetary policies denied most.

For that reason he buckled on the armor of combat to battle those who would destroy this country by the insidious practices of eroding our dwindling gold reserve and encouraging inflation.

Succinctly and to the point, Nebraska lost one of its greatest Representatives, and the people of the United States a real patriot when Congressman Buffett decided to abandon his seat here after four terms of the finest representation on record.

We know the news of his death will sadden many who will see in it the end of a chapter in which an articulate voice and pen spoke out in the conservative cause.

Mrs. Beermann and I extend our sympathies to Mrs. Buffett and the family.

Mr. Speaker, under permission granted I include the following editorial from the Omaha World-Herald of May 1, 1964:

> HOWARD BUFFETT
>
> The qualities that set the late Howard Buffett apart were outspokenness and a blazing integrity.
>
> Omaha's four-term Congressman might well have gone on to higher political office if he had been willing to use soft soap, trim his views, or simply remain noncommittal on touchy issues.
>
> But it wasn't in the man. He was ever true to his own conscience. If the right course meant splitting with his political party or standing alone on the House floor, as he once did when President Truman seized the railroads, Howard Buffett pursued what he believed to be the right course.
>
> Mr. Buffett was a warm, ebullient, friendly man with a lively sense of humor. But no friend ever dared ask Howard Buffett to bend his principles, and no political enemy ever nailed him with contradictions in his record or his public statements.
>
> He was a national leader of the conservative movement in America, and his pen and his voice spoke sharply and well. He had faith in his country and its free institutions. He defended them with all that was in him. We who write for this page admired Howard Buffett, and he was our friend. We shall miss him.

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I deeply regret to learn of the death of my friend and former colleague, Representative Howard Buffett.

Howard was an outstanding American. A stanch conservative, he never wavered in the fight to preserve the Constitution and the moral and financial integrity of this Government. Although critically ill he still communicated with his friends, both in and out of Congress, urging them to carry on the struggle.

Those who served with him in Congress will long remember him and regret his untimely passing.

I extend my sympathy to the members of his family in this time of bereavement.

Mr. MARTIN of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MARTIN of Nebraska. Mr. Speaker, it was with great sadness and a feeling of personal loss that I heard of the passing of my friend, Howard Buffett. I mourn the passing of Howard, not only because of my personal esteem for him, but because our country has a need of men with convictions like his, men who work to preserve the traditions of our forefathers, men who are not ashamed of their old-fashioned principles.

While I did not serve in the Congress with Howard, I had the privilege of being associated with him and working closely with him when he so ably represented the Second Congressional District of Nebraska in the House of Representatives. He served as the Representative from the 2d District in the 78th, 79th, and 80th Congresses and again in the 82d Congress before he retired from Congress. He fought hard for what he believed in, and he won the respect of his colleagues and of everyone who knew him.

After he retired from Congress, he continued his interest in good government on the local, State, and National level, and he continued to fight hard and work for those things in which he so strongly believed—sound constitutional government, preserving the rights which we in this country enjoy, the maintaining of our political and economic freedoms, and the need for a responsible citizenry who will work to maintain our God-given rights. He was as stanch as the Rock of Gibraltar in his beliefs, and he had strong and sincere convictions, which he did not hesitate to express, and because of his personal qualities of leadership, he was able to inspire others to work with him for the ideals which he held so dear. Those who knew him could only admire him as an honest, hard-working, sincere American.

Howard's loss will be felt, not only by his friends in Omaha and in Nebraska, but also by the many friends who knew him throughout the country. Our deep and heartfelt sympathy is extended to his widow and to the other members of his family who have suffered this great loss.

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOEVEN. Mr. Speaker, I join with the gentleman from Nebraska [Mr. Cunningham], and others in mourning the passing of my former colleague and dear friend, Howard Buffett.

I served with Howard Buffett throughout his service in the House of Representatives. He was admired by his colleagues for his rugged individualism and his willingness to stand alone, if need be, on some of the issues confronting the House. He was a valuable Member of the House who was always diligent in looking after the best interests of his constituents.

Howard Buffett was a wonderful citizen and a great American. He served well his day and generation. Mrs. Hoeven joins me in extending our deep sympathy to Mrs. Buffett and all members of the family.

MEMORIAL LIBRARY AND INSTITUTE FOR THE LATE PRESIDENT JOHN FITZGERALD KENNEDY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, there is currently in progress a nationwide fund-raising campaign to help build a library and institute on the banks of the Charles River in Boston as a memorial to the late President John Fitzgerald Kennedy.

The members of the Kennedy family have chosen this as their memorial because of the fact that the late President, himself, chose the site for this library and participated in its initial planning.

The library will contain, in addition to a memorial to President Kennedy, a museum, an archive, and an institute. Its purpose will be not only to keep the memory of our late leader alive but also to enlist young people in the principles of democracy and the practices of public service.

During the period of May 15 to June 15, volunteers have organized a program in which all employees of the Federal Government will have an opportunity to contribute to the library if they so desire. The family of the late President and the trustees of the library are anxious that this program be totally voluntary in every aspect. I am sure that they are correct in believing that large numbers of citizens in the Federal establishment will want to be a part of this memorial effort. President Johnson, as honorary chairman of the library, has indicated his interest and support of the library. I know that the Congress is also anxious to see this library become a reality. Many of us will contribute as individuals and hope that thousands of our countrymen will join with us.

I may say that I have designated our Doorkeeper, William M. Miller, on the part of the House to organize a committee to solicit Members and their staff and the staff of committees to make a contribution to this most desirable purpose. I know that there will be wholehearted cooperation.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. Albert). This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN DISTRICT OF COLUMBIA

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SAINT-GAUDENS NATIONAL HISTORIC SITE, N.H.

The Clerk called the bill (H.R. 4018) to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDITIONAL COMMISSIONERS, U.S. COURT OF CLAIMS

The Clerk call the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

JOHN MUIR NATIONAL HISTORIC SITE, CALIF.

The Clerk called the bill (H.R. 439) to provide for the establishment of the John Muir National Monument.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FORT BOWIE NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 946) to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN A. BLATNIK LOCK, MICHIGAN

The Clerk called the bill (H.R. 7654) to designate the new lock on the St. Marys River at Sault Ste. Marie, Mich., as the John A. Blatnik lock.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **JOHANSEN**, Mr. **VAN PELT**, and Mr. **SNYDER** objected; and, under the rule, the bill was stricken from the Consent Calendar.

CITY OF CLINTON BRIDGE COMMISSION

The Clerk called the bill (H.R. 6197) to revive and reenact as amended the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944.

There being no obligation, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved December 21, 1944, authorizing the City of Clinton Bridge Commission to acquire, construct, maintain, and operate a bridge or bridges including approaches thereto across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Illinois, as heretofore amended, be, and the same is hereby revived and reenacted: *Provided,* That this Act shall be null and void insofar as it authorizes the construction of a bridge or bridges unless actual construction thereof be commenced within three years and completed within five years from the date of approval of this Act.

SEC. 2. That section 5 of said Act, as heretofore amended, is further amended to read as follows:

"SEC. 5. The commission and its successors and assigns are hereby authorized to provide for the payment of the cost of such bridge, or bridges as may be acquired, reconstructed, or constructed, as herein provided, and approaches (including the approach highways, which, in the judgment of the commission, it is necessary or advisable to construct or cause to be constructed to provide suitable and adequate connections with existing improved highways) and the necessary land easements and appurtenances thereto, by an issue or issues of negotiable bonds of the commission, bearing interest, payable semiannually, at the rate of not more than 6 per centum per annum, the principal and interest of which bonds shall be payable solely from the funds provided in accordance with this Act, and such payments may be further secured by mortgage of the bridge or bridges. All such bonds may be registrable as to principal alone or both principal and interest, shall be payable as to principal within not to exceed twenty-five years from the date thereof, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the commission may determine, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge or bridges, acquired or constructed, and approaches and the land easements, and appurtenances used in connection therewith, when added to any other funds made available to the commission for the use of said purposes. The commission may reserve the right to redeem any or all of said bonds before maturity in such manner and at such price or prices not exceeding 105 and accrued interest as may be fixed by the commission prior to the issuance of the bonds. Subject to the provisions of any prior contracts or obligations the commission may disburse any available bridge revenues or other funds or borrow money and issue its negotiable interest-bearing notes in evidence thereof to defray the cost of designing, engineering, and planning a new bridge or bridges under this Act and acquire lands for the location and approaches thereto, provided that all notes evidencing the funds so borrowed, if not previously paid from such bridge revenues, shall be repaid from the proceeds of the bonds of the commission when issued for account of such new bridge or bridges. In the event the commission issues notes as hereinbefore in this section provided and said notes have not been otherwise paid and a new bridge or bridges are not built, said notes shall be paid from revenues derived from the operation of any other bridge or bridges owned by the commission, subject to the obligation of payment of all outstanding indebtedness for which said revenues have been theretofore pledged. The commission when it deems it advisable may issue refunding bonds to refinance any outstanding bonds, and to pay any other indebtedess of the commission, at maturity or before maturity when called for redemption, and may include, as a part of an issue of bonds to provide for the cost of a bridge to be constructed under this Act, sufficient additional bonds bearing interest at a rate or rates not exceeding 6 per centum per annum to refinance any outstanding bonds and notes at maturity or before maturity when called for redemption. The commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the commission in respect to the acquisition, construction, maintenance, operation, repair, and insurance of the bridge or bridges, the conservation and application of all funds, the security for the payment of the bonds, the safeguarding of money on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law.

"Said bonds may be sold at not less than par after public advertisement for bids to be opened publicly at the time and place stated in such advertisement and at the price bid which will yield the greatest return to the commission for the bonds to be sold. Such advertisement for bids shall be published at least once each week for at least two consecutive weeks in a newspaper or financial journal having recognized circulation among bidders for bonds of the type and character offered. The price to be paid for the bridge or bridges acquired hereunder shall not exceed the reasonable value thereof as determined by the commission at the time of acquisition. The cost of the bridge to be constructed as provided herein, together with the approaches and approach highways, shall be deemed to include interest during construction of the bridge and for twelve months thereafter, and all engineering, legal, financing, architectural, traffic surveying, condemnation, and other expenses incident to the bridge and the acquisition of the necessary property, including the cost of acquiring existing franchises and riparian rights relating to the bridge, as well as the cost of abandonment or dismantlement of any existing bridge to be replaced thereby. If the proceeds of the bonds shall exceed the cost as finally determined, the excess shall be placed in the fund hereafter provided to pay the principal and interest of such bonds. Prior to the preparation of definitive bonds the commission may, under like restrictions, issue temporary bonds or may, under like restrictions, issue temporary bonds or interim certificates without coupons, of any denomination whatsoever, exchangeable for definitive bonds when such bonds that have been executed are available for delivery."

SEC. 3. That section 8 of said Act approved December 21, 1944, as heretofore amended is further amended by inserting after the word "interest" in the first line of paragraph (a) of said section the following "and all other indebtedness of the commission", and also by striking the words "as a free bridge" as they appear in paragraph (a) of said section, and inserting the words "as a toll bridge but the schedule of tolls shall be reduced to such rates as will produce sufficient toll revenues to pay the costs of the repair, maintenance, and operation of such bridge or bridges".

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

With the following committee amendment:

Page 6, strike out lines 12 through 21, inclusive, and insert in lieu thereof the following:

"SEC. 3. Subsection 8 of such Act of December 21, 1944, as amended, is amended by striking out 'the bonds and interest,' and inserting in lieu thereof: 'the bonds, the notes issued under section 5 of this Act, and the interest,'."

The committee amendment was agreed to.

The bill was ordered to be engrosesd and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORITY OF POSTMASTER GENERAL TO LEASE PROPERTY

The Clerk called the bill (H.R. 9653) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **CONTE**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BAYOU BLACK AND BAYOU TERREBONNE, LA.

The Clerk called the bill (H.R. 9689) declaring a portion of Bayou Black and Bayou Terrebonne, La., nonnavigable waterways of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Bayou Black, Terrebonne Parish, Louisiana, between the proposed location of an earthen plug and dam (approximately 500 feet east from the city limits of Houma, Louisiana) and that point where the Houma Canal joins said stream; and (b) Bayou Terrebonne, Terrebonne Parish, Louisiana, between the point where Barrow Street crosses said stream and a line determined by prolonging and extending the eastern right-of-way line of New Orleans Boulevard in a southerly direction to the south bank of said stream; be, and the same are hereby, declared to be not navigable waters of the United States within the meaning of the Constitution and laws of the United States.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 3, strike out "Constitution and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDGE FRANCIS CARR POWERHOUSE

The Clerk called House Joint Resolution 733, to designate the powerhouse on Clear Creek at the head of Whiskeytown Reservoir, in the State of California, as Judge Francis Carr Powerhouse.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the one hundred and thirty thousand kilowatt capacity powerhouse on Clear Creek at the head of Whiskeytown Reservoir shall hereafter be known as Judge Francis Carr Powerhouse in honor of Judge Francis Carr of Redding, California, a pioneer lawyer and teacher, public servant and advocate of reclamation development including the great Central Valley project developed to meet the serious water shortages in the San Joaquin Valley and Sacramento Valley of California. The Secretary of the Interior is hereby directed to place a suitable plaque at the site. Any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such powerhouse under and by the name of Judge Francis Carr Powerhouse.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REDUCTION OF OIL POLLUTION IN THE ST. LAWRENCE SEAWAY

The Clerk called House Concurrent Resolution 45 expressing the sense of the Congress that the Administrator of the St. Lawrence Seaway Corp. should cooperate with other governmental authorities in the United States and with Canadian authorities to reduce oil pollution.

There being no objection, the Clerk read the resolution, as follows:

Whereas oil pollution of navigable waters has seriously impaired the commercial and recreational value of many areas; and

Whereas such pollution has caused serious injury to wildlife, even to the point of threatening some species of waterfowl with extinction; and

Whereas the policy of the United States, as expressed by the Oil Pollution Acts of 1924 and 1961, and many other enactments is to employ every feasible means to reduce the menace of oil pollution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Administrator of the Saint Lawrence Seaway Corporation should seek to enter into and carry out cooperative arrangements with other governmental authorities in the United States, and with Canadian authorities, to require that vessels passing through the Saint Lawrence Seaway be equipped with such fittings, keep such records, and comply with such rules or regulations as may be feasible to reduce oil pollution of the Saint Lawrence Seaway and adjacent waters, and navigable waters of the United States through which such vessels may subsequently pass.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DUST CONTROL AT LONG ISLAND, PORT ISABEL, TEX.

The Clerk called the bill (H.R. 9720) authorizing a study of dust control measures at Long Island, Port Isabel, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I wonder if I might inquire of the author of the bill, or a member of the committee, as to whether or not there would be objection to an amendment which would limit the cost of the survey to $50,000?

It is my understanding that this is the estimated cost. I think the committee report quite clearly points out that this is a brandnew area for the Corps of Engineers to embark upon.

Insofar as I could determine from the committee report, they have never done anything like this before.

I fully understand and appreciate the problem, but I believe we ought to put some cost limitation on it.

Mr. KILGORE. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Texas.

Mr. KILGORE. As the author of the bill I would have no objection to its being amended so that the limitation on cost would approximate the estimated cost, certainly.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. BALDWIN. In the committee discussion on this bill this question was raised. In fact, as I recall, I was one of those who raised the question. It was agreed that we should make a specific recommendation in the committee report on this question, but as long as the author of the bill has no objection to the bill being amended, I am quite sure that I can speak for our side of the committee, that we would likewise have no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask a question concerning the language which appears on page 1 of the bill which states:

> With a view toward establishing such remedial protective measures as in his judgment—

Meaning the Chief of Engineers—

> may be deemed necessary to prevent such adverse effects.

My question is that if with the passage of this bill is it implicit that Congress is going to provide additional Federal funds?

Mr. KILGORE. If the gentleman will yield, I do not think so. I do not think there is any commitment upon the passage of this bill authorizing the study. There is no commitment that the Congress may at some future time authorize remedial action. It may be that the remedial action recommended would be solely a local responsibility.

Mr. FORD. It would be my impression that if a survey were conducted and the Chief of Engineers recommended remedial action, that the Congress would then subsequently have to approve or authorize by law any such project so recommended.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. BALDWIN. The gentleman from Michigan has stated the situation absolutely accurately. The only commitment made by this bill is the authorization for the survey. There is no commitment in this bill as to whether or not Congress would approve any recommendation made by the Corps of Engineers. That would come before the Congress as a separate matter and Congress would then exercise its own judgment at that point.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I would suggest, unless someone has an amendment prepared, that this bill go over until the next call of the Consent Calendar so that we can get the $50,000 limitation in the bill, plus, perhaps, some other safeguarding language. But, at least, that much.

Mr. FORD. I believe the legislative record made here today would be clear evidence to the Corps of Engineers that the passage of this bill does not authorize the Corps of Engineers to proceed without further congressional authorization. Under no circumstances should they interpret the situation otherwise. But I would like to ask the gentleman from Texas [Mr. KILGORE], is time somewhat of the essence on this?

If an amendment limiting it to $50,000 was drafted and submitted here I would withdraw my reservation.

Mr. KILGORE. Mr. Speaker, I ask unanimous consent that this bill go to the foot of the calendar so that an appropriate amendment may be prepared.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZED TO GRANT SPECIAL TEMPORARY AUTHORIZATIONS FOR 60 DAYS FOR CERTAIN NONBROADCAST OPERATIONS

The Clerk called the bill (S. 1005) to amend paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended (47 U.S.C. 309(c)(2)(G)), is amended to read as follows:

"(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PETITIONS FOR INTERVENTION BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

The Clerk called the bill (S. 1193) to amend section 309(e) of the Communications Act of 1934, as amended, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(e) of the Communications Act of 1934, as amended, is amended to read as follows:

"(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBITION OF FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNTED STATES

The Clerk called the bill (S. 1988) to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am not opposed to this legislation, but I wonder, if it is enacted by the Congress, whether it will be any more effective than other legislation on this subject or whether the State Department will do with it as it pleases with respect to U.S. fishing rights?

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. BONNER. Mr. Speaker, this bill has in it a reciprocity agreement. These come under the treaties of fishing under international agreements among nations.

As to answering the gentleman's question directly, of course that is beyond me to answer, but I would hope the State Department will recognize legislation passed by this body and passed by the Congress if it becomes law.

Mr. GROSS. I join with the gentleman in hoping that the State Department will one day give serious attention to the protection of the rights of American fishermen.

Mr. BONNER. I thoroughly agree with the gentleman.

Mr. BATES. Mr. Speaker, reserving the right to object, as the chairman of the committee knows, many of our fishermen do fish inside the territorial waters of Canada. Do I understand from the gentleman that there is a reciprocity agreement in this case?

Mr. BONNER. That is the fact.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided by an international agreement to which the United States is a party. However, the Secretary of the Treasury may issue a license authorizing a vessel other than a vessel of the United States to engage in fishing within the territorial waters of the United States or for the resources of the Continental Shelf which appertain to the United States and to land its catch in a United States port, upon certification by the Secretary of the Interior that such permission would be in the national interest and upon concurrence of any State, Commonwealth or territory directly affected.

SEC. 2. (a) Any person violating the provisions of this Act shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) Every vessel employed in any manner in connection with a violation of this Act including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fish taken or retained in violation of this Act or the monetary value thereof shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

SEC. 3. (a) Enforcement of the provisions of this Act is the joint responsibility of the United States Coast Guard, the United States Department of the Interior, and the United States Bureau of Customs. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

(b) The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is in violation of any provision of this Act or the regulations issued thereunder, then to arrest such person.

(e) Such person so authorized may seize any vessel, together with its tackle, apparel, furniture, appurtenances, cargo and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of this Act or the regulations issued thereunder. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

(g) Notwithstanding the provisions of section 2464 of title 28 when a warrant of arrest or other process in rem is issued in any cause under this section, the United States marshal or other officer shall discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the fish with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

Sec. 4. The Secretary of the Treasury is authorized to issue such regulations as he determines necessary to carry out the provisions of this Act.

Amend the title so as to read: "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels."

With the following committee amendments:

On page 1, line 7, after the words "Puerto Rico", insert the following: ", or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters".

On page 1, line 9, after the words "as provided", insert the following: "in this Act or as expressly provided".

On page 2, line 1, after the word "However,", insert the following: "sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so,".

On page 2, line 1, at the end of the line, delete the word "issue".

On page 2, line 2, at the beginning of the line, delete the words "a license authorizing" and insert in lieu thereof the word "authorize".

On page 2, line 3, after the word "fishing", insert the following: "for designated species".

On page 2, line 4, after the words "United States", insert the following: "or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters".

On page 2, line 5, at the end of the line, delete the words "and to".

On page 2, line 6, at the beginning of the line, delete the words "land its catch in a United States port,".

On page 2, line 7, delete the word "Secretary" and insert in lieu thereof the following: "Secretaries of State and".

On page 2, line 9, delete the word "or" and insert in lieu thereof a comma.

On page 2, line 9, after the word "territory", insert the words ", or possession".

On page 2, line 9, at the end of the line, insert the following: "The authorization in this section may be granted only after a finding by the Secretary of the Interior that the country of registry, documentation, or licensing extends substantially the same fishing privileges for a fishery to vessels of the United States. Notwithstanding any other provision of law, the Secretary of State, with the concurrence of the Secretaries of the Treasury and of the Interior, may permit a vessel, other than a vessel of the United States, owned or operated by an international organization of which the United States is a member to engage in fishery research within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or for resources of the Continental Shelf which appertain to the United States and to land its catch in a port of the United States in accordance with such conditions as the Secretary may prescribe whenever they determine such action is in the national interest."

On page 2, line 18, after the word "seizure,", insert "summary and".

On page 2, line 19, delete the word "cargo" and insert in lieu thereof the following: "vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores".

On page 2, line 20, delete the word "cargo" and insert in lieu thereof the following: "vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores".

On page 2, line 22, after the words "such forfeitures" at the beginning of the line, insert the word "shall".

On page 3, line 2, delete the words "United States Coast Guard," and insert in lieu thereof the following: "Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating.".

On page 3, delete all of line 3.

On page 3, line 4, delete the words "States Bureau of Customs.".

On page 3, line 10, delete the period at the end of the line and insert the following: ", but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission."

On page 4, line 20, after the words "competent jurisdiction,", insert the following: "pursuant to the provisions of subsection (g) of this section,".

On page 5, delete lines 17, 18, and 19 and insert in lieu thereof the following:

"Sec. 4. The Secretaries of the Treasury and Interior are authorized jointly or severally to issue such regulations as they determine are necessary to carry out the provisions of this Act."

On page 5, after line 19, insert a new section 5, as follows:

"Sec. 5. (a) As used in this Act, the term 'Continental Shelf fishery resource' includes the living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

"(b) The Secretary of the Interior in consultation with the Secretary of State is authorized to publish in the Federal Register a list of the species of living organisms covered by the provisions of subsection (a) of this section.

"(c) As used in this Act, the term 'fisheries' means the taking, planting, or cultivation of fish, mollusks, crustaceans, or other forms of marine animal, or plant life by any vessel or vessels; and the term 'fish' includes mollusks, crustaceans, and all other forms of marine animal or plant life.

"(d) As used in this Act, the term 'Continental Shelf' refers (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels."

A motion to reconsider was laid on the table.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, the bill that has just passed the House is intended to strengthen the hand of this country in protecting its sovereignty over its fisheries in waters under its jurisdiction.

Until a few years ago no large foreign fishing fleets operated near the U.S. coasts, except, to some extent, in the Bering Sea. Now the situation has changed drastically and there have been numerous recent reports of foreign fishing vessels found within 3 miles of our coasts in both the Atlantic and the Pacific Oceans.

Present law is inadequate to prevent illegal fishing in our waters because existing law does not expressly prohibit fishing and provides no penalties or other sanctions to aid enforcement. This bill will provide effective enforcement machinery if we have adequate policing facilities.

Mr. Speaker, at this point I want to call attention to the Coast Guard authorization bill, H.R. 9640, which passed the House on February 19. It took cognizance of this very problem now before us. This fishery enforcement legislation was pending in committee at the time we considered the Coast Guard authorization measure. The Cuban affair had freshly shown our enforcement impotence. The extensive foreign flag fishing fleets appearing in increasing numbers off our coasts indicated an enlarged burden to be borne by the Coast Guard as our seagoing law enforcement arm. Therefore, we amended the bill as it was requested to include additional new cutters of the types most effective for fishery patrol and apprehension of violators.

Thus, it was a great disappointment when the Coast Guard appropriation bill H.R. 10532, failed to provide funds for early augmentation of this important part of the Coast Guard fleet. I hope, but I am not confident, that time will not show that we were in error in refusing to provide adequate tools to enable the Coast Guard to effectively handle its enlarged responsibilities. We will review this matter carefully again when the next authorization bill comes before us.

Mr. ROGERS of Florida. Mr. Speaker, I urge the House to enact the legislation before us today. As cosponsor of legislation to make it unlawful for foreign vessels to engage in fishing in U.S. territorial waters, and as a Member of Congress whose district has been witness to repeated penetrations by Soviet fishing trawlers, some of which have come as close as 1½ miles from the shore, I urge quick passage.

We are concerned here with not only a threat to our commercial fishing industry, but our national security as well. It has been acknowledged by the Navy that, for the past 2 years, the Soviets have maintained at least one trawler designed for intelligence collection off the east coast of the United States on a continuous basis.

Passage of this bill will give the United States a new law with teeth in it, and do much to halt Communist poaching in our waters.

I am pleased to participate in passage of this legislation, as cosponsor of this legislation before the House, and feel that it gives adequate authority to those agencies charged with enforcement of U.S. rights. Since last year, when the House acted upon my request that trawler incidents be investigated, there has been growing concern over such incidents, and the success of this legislation today gives testimony that the problem is one badly in need of remedy.

CONSENT TO PYMATUNING LAKE COMPACT AMENDMENT (OHIO-PENNSYLVANIA)

The Clerk called House Joint Resolution 950 granting the consent of Congress to an amendment to the compact between the State of Ohio and the Commonwealth of Pennsylvania relating to Pymatuning Lake.

There being no objection, the Clerk read the House joint resolution as follows:

Whereas, by the Acts of October 28, 1937 (50 Stat. 865); July 24, 1945 (59 Stat. 502); and July 31, 1961 (75 Stat. 242), Congress gave consent to a certain compact between the State of Ohio and the Commonwealth of Pennsylvania, relating to Pymatuning Lake, and to two successive amendments thereto; and

Whereas the State of Ohio by an act of its general assembly entitled "An act to amend section 1541.31 of the Revised Code, relative to specifications and speed of motorboats on Pymatuning Lake", and approved July 10, 1963, and the Commonwealth of Pennsylvania, by an act of its general assembly numbered 201 and approved July 31, 1963, have identically enacted a further amendment to said compact, increasing from six horsepower to ten horsepower the maximum rating of motorboats permitted to operate in a specified part of Pymatuning Lake: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the State of Ohio and the Commonwealth of Pennsylvania for said further amendment to their compact relating to Pymatuning Lake as provided by said act of the General Assembly of the State of Ohio approved July 10, 1963, and said act of the General Assembly of the Commonwealth of Pennsylvania approved July 31, 1963.

SEC. 2. The right to alter, amend, or repeal the provisions of this Act is hereby expressly reserved.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WEAVER. Mr. Speaker, I wish to express my support of House Joint Resolution 950, granting the consent of Congress to an amendment to the compact between Ohio and Pennsylvania relating to the horsepower of motorboats using Pymatuning Lake.

It should be noted that this amendment, increasing the horsepower from 6 to 10, has been approved by the Legislatures of both Ohio and Pennsylvania.

The original compact, approved by the States in 1963, was ratified by Congress. To be operative the amendment must be ratified by the House and Senate.

In anticipation of the 1964 boating and fishing season, which is already underway, many individuals purchased 10-horsepower motors or boats with that size motor. This equipment cannot be used until Congress approves the amendment.

The raising of the horsepower on Pymatuning brings this lake into line with other boating areas in northwestern Pennsylvania and northeastern Ohio.

I strongly urge the passage of this bill. Pymatuning Lake is a key recreational site in northwestern Pennsylvania. It brings many tourists dollars into the economy of that area, which suffers from heavy and chronic unemployment.

PROTECTING HEADS OF FOREIGN STATES

The Clerk called the bill (H.R. 7651) to provide authority to protect heads of foreign states and other officials.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone in connection with this bill if it is the intent of Congress to give State Department police the authority to arrest on suspicion only where it is deemed necessary to protect a foreign official?

Mr. LIBONATI. That is true. This covers about 330 persons, and has to do with the State Department or Minister, and also the Chancellor or Prime Minister.

Mr. GROSS. Let me ask the gentleman this question: What happens if a foreign diplomat assaults a citizen of the United States?

Mr. LIBONATI. This is not preemptive at all. He would be under color of both violations, Federal and State, depending upon the nature of the assault.

Mr. GROSS. He would not be able to claim diplomatic immunity in that case?

Mr. LIBONATI. No.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112 of title 18, United States Code, is amended to read as follows:

"§ 112. Assaulting certain foreign diplomatic and other official personnel

"Whoever acsaults, strikes, wounds, imprisons, or offers violence to the person of a head of a foreign state or foreign government, foreign minister, ambassador, or other public minister, in violation of the law of nations, shall be fined not more than $5,000, or imprisoned not more than three years, or both.

"Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than $10,000, or imprisoned not more than ten years, or both."

SEC. 2. The analysis in chapter 7 is amended by deleting

"112. Assaulting public minister"

and inserting in lieu thereof

"112. Assaulting certain foreign diplomatic and other official personnel".

SEC. 3. Section 1114 of title 18, United States Code, is amended by inserting immediately before "while engaged in the performance of his official duties," the following: "Security officers of the Department of State and the Foreign Service,".

SEC. 4. The Act of June 28, 1955 (69 Stat. 188), is amended by adding a new section at the end thereof, to read as follows:

"Security officers of the Department of State and the Foreign Service engaged in the performance of the duties prescribed in section 1 of this Act are empowered to arrest without warrant and deliver into custody any person violating section 111 or 112 of title 18, United States Code, in their presence or if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a violation."

With the following committee amendments:

On page 2, line 3, strike out "act," and insert in lieu thereof "acts".

On page 2, line 6, after "chapter 7" insert ", title 18, United States Code,".

On page 2, strike out lines 12 and 13 and insert in lieu thereof "or any security officer of the Department of State or the Foreign Service,".

On page 2, line 14, strike out "(69 Stat. 188)" and insert in lieu thereof "(ch. 199, 69 Stat. 188, 5 U.S.C. 170e)".

On page 2, line 17, after the quotation marks and before "Security officers" insert "SEC. 2.".

On page 3, after line 3, add the following new section:

"SEC. 5. Nothing contained in this Act shall create immunity from criminal prosecution under any laws in any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CIVIL SERVICE RETIREMENT

The Clerk called the bill (H.R. 8373) to clarify the application of certain annuity increase legislation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of section 1(a) of the Act of June 25, 1958 (Public Law 85-465), and section 1101(a) of the Act of October 11, 1962 (Public Law 87-793), the words "entitled to receive an annuity" shall, from and after the respective effective dates (August 1, 1958, and January 1, 1963) of the annuity increases provided by such Acts, not include any person whose annuity commencing date occurs after the effective date of the annuity increase involved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EASTERN SHAWNEE TRIBAL LAND IN OKLAHOMA

The Clerk called the bill (H.R. 10483) to authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon request of the Eastern Shawnee Tribe of Oklahoma, acting through its official governing body, the Secretary of the Interior is hereby authorized to sell all of the right, title, and interest of the United States and the Eastern Shawnee Tribe of Oklahoma in lots 1 and 2, section 9, township 27 north, range 25 east, Indian meridian, Ottawa County, Oklahoma, comprising 58.19 acres, said land to be sold on terms satisfactory to the tribe and the Secretary of the Interior at not less than its appraised value, as determined by the Secretary. The proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Eastern Shawnee Tribe of Oklahoma.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER.** This concludes the call of eligible bills on the Consent Calendar.

The Clerk will now call Calendar No. 305.

DUST CONTROL, LONG ISLAND, PORT ISABEL, TEX.

The Clerk called the bill (H.R. 9720) authorizing a study of dust control measures at Long Island, Port Isabel, Tex.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers is hereby authorized to undertake a study of the adverse effects of dust storms from Long Island, Port Isabel, Texas, with a view toward establishing such remedial and protective measures as in his judgment may be deemed necessary to prevent said adverse effects.

AMENDMENT OFFERED BY MR. KILGORE

Mr. KILGORE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

On page 1, line 5, after "Texas," insert "at a cost not to exceed $50,000,".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUSCATINE BRIDGE COMMISSION

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8078) to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill., as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act creating the Muscatine Bridge Commission and authorizing said Commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois", approved July 26, 1956 (70 Stat. 669; Public Law 811, Eighty-fourth Congress), as amended by the Act of April 27, 1962 (76 Stat. 59; Public Law 87-441), is amended by inserting immediately after section 14 the following new section:

"SEC. 15. The Commission and its successors and assigns are authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois, subject to the provisions of this Act; except that the authority granted by this section shall cease and be null and void unless the actual construction of such bridge is commenced within three years and completed within five years from the date of enactment of this section."

The **SPEAKER.** Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second if no one else does, in order to be sure there may be some discussion of the bill on the minority side.

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, there is absolutely no objection on this side of the committee. I yield to the distinguished gentleman from Iowa, a member of the Committee on Public Works [Mr. SCHWENGEL], for an explanation of the bill to his colleague, the gentleman from Iowa [Mr. GROSS].

Mr. SCHWENGEL. Mr. Speaker, this bill, H.R. 8078, is necessary because of a peculiar situation that prevails in Muscatine, Iowa, relative to the Muscatine Bridge Commission and their desire to build a new bridge.

The Muscatine Bridge Commission was created by the act of July 26, 1956, and it was authorized to construct, reconstruct, acquire, maintain, and operate a bridge or bridges and approaches thereto across the Mississippi River.

The commission plans to replace the present bridge by construction of a new bridge which will be located on the Federal-aid primary highway system of both the States of Iowa and Illinois. The cost of the new bridge may be defrayed either in its entirety or in part by the issuance and sale of bonds by the commission which bonds will be retired from toll revenues. If only a portion of the cost is financed by the sale of bonds, the remaining cost may be financed by funds of the States of Iowa and Illinois or by Federal-aid highway funds or by a combination of funds of the States and the Federal-aid highway funds. But there will be no additional money appropriated or necessary and this will come from the regular appropriation allotment made to each of the States and will be entered into only when both State highway commissions agree to it in cooperation with the Muscatine Bridge Commission.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. GROSS. Unlike the building of bridges across the Potomac River, this bridge is to be built by private funds except, perhaps, for the use of allocated highway funds and if there are any road funds invested in this bridge, such funds will be taken from the allocations to the two States which would construct this bridge; is that not correct?

Mr. SCHWENGEL. That is correct.

Mr. GROSS. So this is the second bill that we have had up for consideration today providing for the building of bridges across the Mississippi River, which bridges will be constructed without Federal funds; is that not correct?

Mr. SCHWENGEL. That is absolutely correct, and this sets a very fine example for this community.

Mr. GROSS. It ought to set a good example for this particular area where bridges are built across the Potomac River completely through the use of Federal funds derived from the taxpayers of the entire Nation.

The **SPEAKER.** The question is on suspending the rules and passing the bill, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING SECTION 502 OF THE MERCHANT MARINE ACT, 1936, RELATING TO CONSTRUCTION DIFFERENTIAL SUBSIDIES

Mr. BONNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10053) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies, as amended.

The Clerk read the title of the bill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine

Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1964," and inserting in lieu thereof "June 30, 1966,".

The SPEAKER. Is a second demanded?

Mr. TOLLEFSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BONNER. Mr. Speaker, the purpose of the bill, H.R. 10053, as reported by the Committee on Merchant Marine and Fisheries is to amend section 502 of the Merchant Marine Act, 1936, as amended, so as to authorize the extension for an additional 2 years of the present ceilings on construction differential subsidy payments of up to 55 percent on new vessel construction and up to 60 percent on reconstruction or reconditioning of passenger ships.

Title V of the Merchant Marine Act of 1936 authorizes the Secretary of Commerce to make construction differential subsidy payments to American shipyards so that approved U.S. steamship companies can purchase new vessels at the estimated cost of building similar vessels in foreign shipyards. Under our law American operators serving essential trade routes are required to build their ships in American shipyards. The 1936 act provided that the construction differential may not exceed 50 percent of the total domestic price of the vessels involved.

The limitation did not present any serious problem at the time of enactment of the act because the differential between American and foreign shipbuilding prices was substantially below the ceiling. In recent years, however, the gap between American and foreign shipbuilding prices has widened, due to several reasons, including the low volume of American shipbuilding programs in contrast with the high volume of work in the modernized shipyards of Europe and Japan.

Thus, in 1960, when shipbuilding differentials between United States and foreign shipyards began to exceed 50 percent, your committee recommended, and the Congress adopted, an amendment to increase the ceiling for a 2-year period ending July 7, 1962.

In the following 2-year period construction subsidy determinations in certain instances continued to exceed the 50-percent level of the basic act with regard to new construction, and, in fact, exceeded 55 percent with regard to reconstruction and reconditioning of passenger vessels where the labor factor is especially high. The higher labor factor is due to the necessity of tearing out and changing existing structure, as well as adding new material. Accordingly, in order to follow the basic concept of the 1936 act of placing American operators on a parity with their foreign competitors, the 55-percent ceiling on new construction was continued for another 2 years, with an allowable ceiling of 60 percent in the case of reconditioning or reconstruction of passenger vessels.

Under existing law, unless further extended, these ceilings will revert to 50 percent after June 30, 1964.

In the past 2 years, despite the fact that American shipbuilding prices have declined, the differential has continued to cluster around 55 percent, with evidence that it may in the future become larger.

The Maritime Administrator testified on behalf of the Maritime Administration and the Department of Commerce. He recommended a 1-year extension.

In the light of all the testimony, your committee concluded that a 2-year continuation of the ceilings in the present law would be preferable, and ordered the bill reported accordingly.

During the hearings our committee was concerned with a possible change in existing procedures for the determination of shipyard subsidies. I and most of the committee members present during these hearings felt that existing procedures which had been in effect for many years and had been reported to successive sessions of the Congress were sound, had the standing of law, and should not be changed without the most careful consideration. At some appropriate future time it is our intention to hold hearings on this most important issue, and to this end we will solicit the full and complete views of both Government and industry. Our committee expects that the Maritime Administrator will recognize the interest and responsibility of the Merchant Marine Committee and will tender his full cooperation during the hearings we will hold on this matter.

Your committee unanimously reports this bill and urges its prompt enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BONNER. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would like to ask a question or two of the gentleman and make an observation or two.

This continues the ship subsidy construction and reconditioning subsidy for a period of how long?

Mr. BONNER. For a period of 2 years.

Mr. GROSS. And this is made necessary because of a differential in costs as between Japanese and other foreign shipyards and construction and reconditioning costs in the shipyards of this country?

Mr. BONNER. That is correct. It is due to the differential rates.

Mr. GROSS. So what we have done by way of the foreign giveaway program is to help these foreign countries modernize their shipyards until today they not only have the benefit of much cheaper labor but they also have the benefit of more modern shipyards, for the most part, than we have; is that not true?

Mr. BONNER. Under the foreign aid program I am not cognizant of exactly which projects were awarded to the recipient countries, but I have no doubt that the observation the gentleman makes is probably correct. Nevertheless, there are some splendid shipyards in this country, which have endeavored to supply our needs.

Mr. GROSS. But they cannot compete, can they—and you say so in your port—because of the more modern yards overseas and because of the low wage scales paid there?

Mr. BONNER. That is correct.

Mr. GROSS. The gentleman will recall that only about 2½ years ago we settled the Japanese debt to the United States—that debt being $1.8 billion—for $490 million.

With that kind of a settlement, of course the Japanese can improve their shipyards.

What is happening is that the American taxpayer is getting clobbered both ways.

I am in favor of the bill. I have always believed in our system, and I so voted when I was a member of the Committee on Merchant Marine and Fisheries, because I want to see American shipyard workers employed. I know that they, as well as the millions of others employed by American industry, are the best customers for American farm products. They are far better customers than are the Japanese, the Germans, or anybody else. American labor employed has always been and always will be the best market for American agriculture.

But the taxpayers, including the farmers, are getting clobbered both ways in these deals in that their money is loaned or given through various devices in the foreign giveaway program, and then the loans are settled for a few cents on the dollar as in the case of the $1.8 billion that was settled for $490 million.

Of course the foreigners will have modern shipyards under the terms of such handouts.

On the other side of the picture, the taxpayers have to dig up a subsidy to pay to have ships constructed in American yards.

I say that this is the worst kind of a contradiction, and it ought to be stopped.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 10053.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROMOTING STATE COMMERCIAL FISHERY RESEARCH AND DEVELOPMENT PROJECTS

Mr. BONNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 627) to promote State commercial fishery research and development projects, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Fisheries Research and Development Act of 1964".

SEC. 2. As used in this Act, the term—

"Commercial fisheries" means any organization, individual, or group of organizations or individuals engaged in the harvesting, catching, processing, distribution, or sale of fish, shellfish, or fish products.

"Fiscal year" means the period beginning July 1 and ending June 30.

"Obligated" means the written approval by the Secretary of the Interior of a project submitted by the State agency pursuant to this Act.

"Project" means the program of research and development of the commercial fishery resources, including the construction of facilities by the State for the purposes of carrying out the provisions of this Act.

"Raw fish" means aquatic plants and animals.

"State" means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"State agency" means any department, agency, commission, or official of a State authorized under its laws to regulate commercial fisheries.

SEC. 3. (a) The purpose of this Act is to authorize the Secretary of the Interior to cooperate with the States through their respective State agencies in carrying out projects designed for the research and development of the commercial fisheries resources of the Nation. Federal funds made available under this Act will be used to supplement, and, to the extent practicable, increase the amounts of State funds that would be made available for commercial fisheries research and development in the absence of these Federal funds.

(b) (1) Nothing in this Act prevents any two or more States from acting jointly in carrying out a project.

(2) The Congress consents to any compact or agreement between any two or more States for the purpose of carrying out a project. The right to alter, amend, or repeal this subsection or the consent granted under this subsection is expressly reserved.

SEC. 4. (a) There is authorized to be appropriated to the Secretary of the Interior for the next fiscal year beginning after the date of enactment of this Act, and for the four succeeding fiscal years, $5,000,000 in each year for apportionment to the States to carry out the purposes of this Act.

(b) In addition to the amounts authorized in subsection (a) of this section there is authorized to be appropriated for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, $400,000 in each such year, and for the next three succeeding fiscal years, $650,000 in each such year, which shall be made available to the States in such amounts as the Secretary may determine appropriate for the purposes of this Act: *Provided*, That the Secretary shall give a preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future: *Provided further*, That the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels. Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) In addition to the funds authorized in subsection (a) and (b), there is authorized to be appropriated $100,000 for the fiscal year beginning after the date of enactment of this Act and for each succeeding fiscal year during the term of this Act, which shall be made available to the States in such amounts as the Secretary may determine for developing a new commercial fishery therein.

SEC. 5. (a) Funds appropriated pursuant to section 4(a) shall be apportioned among the States, by the Secretary, on July 1 of each year or as soon as practicable thereafter, on a basis determined by the ratio which the average of the value of raw fish harvested by domestic commercial fishermen and received within the State (regardless where caught) for the three most recent calendar years for which data satisfactory to the Secretary are available plus the average of the value to the manufacturer of manufactured and processed fishery merchandise manufactured within each State for the three most recent calendar years for which data satisfactory to the Secretary are available, bears to the total average value of all raw fish harvested by domestic commercial fishermen and received within the States (regardless where caught) and fishery merchandise manufactured and processed within the States for the three most recent calendar years for which data satisfactory to the Secretary are available. However, no State may receive an apportionment for any fiscal year of less than one-half of 1 per centum of funds or more than 6 per centum of the funds.

(b) So much of any apportionment for any fiscal year which is not obligated during any year remains available for obligation to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unobligated at the end of that year, the sum is returned to the Treasury of the United States.

SEC. 6. (a) Any State desiring to avail itself of the benefits of this Act may, through its State agency, submit to the Secretary full plans, specifications, and estimates of any project proposed for that State. Items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of the works, and shall be paid by the State as a part of its contribution to the total cost of the works. If the Secretary approves the plans, specifications, and estimates as being consistent with the purposes of this Act and in accordance with standards to be established by him, he shall notify the State agency. No part of any moneys appropriated pursuant to this Act may be obligated with respect to any project until the plans, specifications, and estimates have been submitted to and approved by the Secretary. The expenditure of funds authorized by this Act shall be applied only to approved projects, and if otherwise applied they shall be replaced by the State before it may participate in any further assistance under this Act.

(b) If the Secretary approves the plan, specifications, and estimates for the project, he shall promptly notify the State agency and immediately set aside so much of the appropriation made available under section 4(a) of this Act as represents the Federal share payable under this Act on account of the project, which sum shall not exceed 75 per centum of the total estimated cost of the project.

(c) When the Secretary determines that a project approved by him had been completed, he shall cause to be paid to the proper authority of the State, the Federal share of the project. The Secretary may, if he determines that the project is being conducted in compliance with the approved plans and specifications, make periodic payments on the project as it progresses, but these payments, together with previous payments, shall not exceed the United States share of the project in conformity with the plans and specifications. The Secretary and each State agency may determine jointly at what time and in what amounts progress payments are made. All payments shall be made to the official or depository, as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

SEC. 7. (a) All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe. Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary, vests in the State.

(b) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and shall receive overtime pay in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) If a State disposes of any real or personal property acquired under this Act, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposal to the extent of and in the same ratio that funds provided by this Act were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this Act for the acquisition of the property involved.

SEC. 8. The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the purposes of this Act.

SEC. 9. Amend section 5 of the Fish and Wildlife Act of 1956 (70 Stat. 1121) as amended (16 U.S.C. sec. 742c), by adding a new subsection to read as follows:

"(e) The Secretary is authorized under such terms and conditions and pursuant to regulations prescribed by him to use the funds appropriated under this section to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto: *Provided*, That any loans made under this subsection shall only be repaid from the net profits of the operations of such chartered vessels, which profits shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels. The funds authorized herein shall not be available for such loans after June 30, 1966."

The SPEAKER. Is a second demanded?

Mr. TOLLEFSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BONNER. Mr. Speaker, the purpose of this bill is to first, stimulate research and development projects by the States in the development of the Nation's commercial fisheries, on a matching fund basis; second, assist in the reestablishment of commercial fishery failures due to a resource disaster arising from natural or undetermined causes; third, the development of new commercial fishemies; and fourth, assist in the restoration of the Alaskan fishery, severely crippled by the Good Friday earthquake and subsequent tidal waves.

In order to promote State commercial fishery research and development projects, this bill provides for an appropriation of $5 million per year for a 5-year period—the Federal share of any project approved by the Secretary of the Interior being limited to 75 percent of the cost.

The apportionment of these funds is based on a formula designed to give each State a share proportionate to its commercial fishery activity as compared with total commercial fishery activity in the United States. However, no State would receive less than one-half of 1 percent, nor more than 6 percent of the appropriated fund each year.

To assist in the reestablishment of commercial fishery failures due to a resource disaster arising from natural or undetermined causes, subsection (b) of section 4 of the bill provides for an appropriation of $400,000 for the first 2 years and $650,000 for the next 3 years. However, the Secretary of the Interior would be directed to give a preference to those States suffering from a fishery failure and would be given broad discretionary authority to assist in its restoration. Further, to assist in the development of new commercial fisheries, subsection (c) of this section provides for an appropriation of $100,000 each year for 5 years, to be allotted to those States by the Secretary in which new commercial fisheries can be developed.

On April 15, I received a letter from Senator Clinton P. Anderson, chairman of the Federal Reconstruction and Development Commission for Alaska, at which time the Committee on Merchant Marine and Fisheries was holding hearings on S. 627. Senator Anderson requested prompt action on S. 627 as it was his opinion that this bill would "offer the most immediate hope for assistance to the commercial fishing industry of the State of Alaska," which was severely crippled by the March 27 earthquake.

The Senator further informed me that "the fishing season has already opened and the heavy runs of salmon will start in a few weeks," and that "it is imperative that all possible measures be taken by the Congress to place the Alaska fishing industry in a position to harvest at least part of their normal harvest of salmon."

Mr. Speaker, in order to assist in the reestablishment of the Alaskan fishery, the Merchant Marine and Fisheries Committee amended S. 627 by adding a new section, section 9 of the bill, which would provide funds from the Fish and Wildlife Act of 1956. These funds would be used to make loans to commercial fishermen for the purpose of chartering fishing vessels.

Mr. TOLLEFSON. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Speaker, first I want to commend the chairman of the full Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. Bonner], and likewise the gentleman from Louisiana [Mr. Thompson], the subcommittee chairman, for their cooperation and interest in bringing S. 627 to the floor.

These two gentlemen have been most cooperative with those of us who have been anxious to expedite some relief legislation for the fishermen whose boats were damaged or destroyed by the recent Alaska earthquake and tidal wave.

The fishing season in Alaska opens this week in the Copper River area and on June 1 in the Kodiak area. The problem has been to make available fishing boats and gear during the interval until such time as these fishermen can repair or replace their own vessels. Under a provision added by the House Committee on Merchant Marine and Fisheries to the Senate-passed S. 627, this would be accomplished by authorizing the Bureau of Commercial Fisheries to use previously appropriated funds to make loans to commercial fishermen for the purpose of chartering fishing boats pending construction or repair of their own vessels.

Senate bill 627, as passed by the Senate, is to stimulate research by the various States on a matching-fund basis. It authorizes $5 million for the next 5 fiscal years on a basis of the Federal Government paying 75 percent and the States 25 percent of a project. The purpose is to reestablish commercial fishing that has failed due to natural and undetermined causes.

Studies indicate that existing programs have been inadequate and it appears that in the Great Lakes and coastal areas fishery research can be profitably expanded.

This legislation is in harmony with the President's budget for fiscal year 1965 and there is no opposition that I know of.

I support the bill and urge its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a minute?

Mr. PELLY. Yes. Gladly.

Mr. GROSS. This bill actually involves $25 million, as I understand it, over a 5-year period, in other words $5 million a year and it deals exclusively with commercial fishing. Is that right?

Mr. PELLY. That is correct.

Mr. GROSS. It was said here today that one of the reasons for the enactment of the bill is the Alaskan earthquake. Is it not true other funds, including emergency funds, are being used to provide Alaskan fishermen with boats and this bill would come far too late insofar as the Alaska fishing industry is concerned for this season? This bill comes far too late to do them very much good; does it not?

Mr. PELLY. I would like to explain to the gentleman from Iowa there are really two separate provisions in this bill. A bill to give temporary relief to the Alaskan fishermen was introduced by me and appears as an amendment to this bill. This amendment would allow the Bureau of Commercial Fisheries to use funds that have been previously appropriated and are available to make loans to the Alaskan fishermen so the fishermen can charter vessels pending the time when they are able to get their own vessels in service through repair or rebuilding. This provision is tacked onto another bill, a research bill, which is the bill the gentleman from Iowa refers to as authorizing $5 million a year for 5 years for research where a fishery has for some undisclosed or unknown reason disappeared.

Mr. GROSS. Does this bill provide for loans for the building of fishing boats?

Mr. PELLY. No. This bill authorizes use of funds that have been appropriated for loans to upgrade fishing vessels to be used also for the purpose of chartering vessels pending the time when the fishermen can rebuild. Funds are available already to these fishermen for replacing their boats by the Small Business Administration on a 100-percent basis because of the disaster.

Mr. GROSS. That is what I thought.

Mr. PELLY. These charter loans are repayable from any net profits that the fishermen might make this season from their fishing pending the time when they can rebuild their own vessels.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. TOLLEFSON. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan [Mr. Knox].

Mr. KNOX. Mr. Speaker, I rise in support of the pending bill. I believe the legislation is long overdue. I think, in the field of research and development, this bill will go a long way to reestablish the commercial fishing industry, especially in the Great Lakes area.

We have in Michigan, and other Great Lakes States, well-established fishery organizations which would be capable of expanding their work if funds were made available to them. The fishermen of the 11th Congressional District, which I have the honor to represent, are wholeheartedly in favor of this legislation. These individuals have suffered because of the botulism scare of last fall, and they need assistance now.

I support the provisions of S. 627 and hope that the necessary two-thirds vote will be cast for its passage.

Mr. TOLLEFSON. Mr. Speaker, I yield myself such time as I may require. Mr. Speaker, I think perhaps the Record ought to show, inasmuch as the gentleman from Iowa has made some inquiry about the bill, that originally the committee had for consideration the Senate bill S. 627, a research bill. It was thought, because of the emergency nature of the need for assistance in Alaska, that we would add an amendment to it permitting the use of fishery loan funds for charter purposes. We did this simply to expedite the amendment portion of the bill. We felt that we could get it enacted into law a lot sooner than if we handled it separately. That was the only reason for adding it to this bill.

Mr. Speaker, I yield such time as he may require to the gentleman from Massachusetts [Mr. Bates].

Mr. BATES. Mr. Speaker, I want to take this occasion to congratulate the committee for reporting out not only this bill but also the other bill in respect to the construction differential. Mr. Speaker, I should like to ask the chairman of the committee at this time when we may expect to have the bill reported out of the committee having to do with the construction differential for fishing vessels.

Mr. BONNER. Mr. Speaker, I realize that the gentleman is greatly interested in that bill, and the former bill that we just passed extending the differential subsidy has a bearing on the bill that the gentleman is talking about now. I assure the gentleman that the committee will consider the bill in which he is interested just as soon as we can get this bill cleared for the extension of the construction differential subsidy.

Mr. BATES. Mr. Speaker, as the gentleman knows, we are completing action on the bill under discussion. The committee, as I understand the gentleman to say, will be free then to take up immediately the other bill having to do with the construction of fishing vessels.

Mr. BONNER. That is correct.

Mr. BATES. So we might expect action within the next week, let us say?

Mr. BONNER. I would not want to set a definite time, but certainly in the immediate future.

Mr. BATES. As the gentleman knows I have been prompted to ask this question because of the great interest that has been manifested in this bill to which I refer, by the fishing industry. And while I can go along with the gentleman's committee for the extension of the Maritime Act having to do with the construction differential for maritime vessels, I think it is high time we reported out a bill which would equalize these costs with respect to the fishermen. In other words, what is fair for one is fair for the other.

Mr. BONNER. Mr. Speaker, I want to commend the gentleman on his great interest in the fishing fleet in New England and remind him that the committee passed out a bill that is in existence today granting a 33⅓-percent construction differential subsidy to the New England fishing fleet, due to the fact that the Tariff Commission had two or three times advocated an increase in the import duty on fish; and due to that fact I was enthusiastically a supporter of the bill for the New England fisheries. The gentleman may depend on my interest in the future.

Mr. BATES. The gentleman has been a champion of this just cause, and I want to thank him for this interest and particularly for his promise now for immediate action on the other bill.

Mr. BONNER. Mr. Speaker, I want to remind the gentleman that the Speaker of the House and all others in the Congress from the New England States are very much in favor of the bill that would become a law and are interested today in the bill we are discussing.

Mr. BATES. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BATES. I yield.

Mr. GROSS. Mr. Speaker, did I understand the gentleman to say that the Tariff Commission advocated increasing the tariff on imported fish?

Mr. BONNER. Yes, sir.

Mr. GROSS. What has happened to that recommendation?

Mr. BONNER. It was 6 years ago, I think, or 4 years ago that it was suggested. The Tariff Commission recommended an increase and, of course, the gentleman knows that has to be approved uptown, and it was not approved.

Mr. GROSS. It was not approved?

Mr. BONNER. That is correct.

Mr. GROSS. That is the trouble with giving the President of the United States, no matter who he may be, authority to override the Tariff Commission. Does the gentleman agree with that?

Mr. BONNER. As the gentleman knows, we had this subject up some time ago and this House decided it that way. And, so, whether the gentleman agrees or not, it is the procedure that is followed today under the law.

Mr. GROSS. One of the reasons why the New England fishing fleet is on the beach today is because of the foreign importation of fish, is it not?

Mr. BONNER. Well, it is that and other problems. This bill under consideration now will help to carry out research. However, we have had the Russian fleet off the New England coast and it is moving south today, which brings about a condition which supports the present bill under consideration.

Mr. GROSS. And the importation of frozen fish fillets and fish from foreign countries, the fact that they are permitted to flood the markets in the United States, is due to the free trade policy that some Members of Congress indulge in around here.

This is another one of the contradictions that we see.

The free traders are writing the laws so that we cannot shut off these imports, and then they come around, asking for money out of the Federal Treasury to subsidize the fishing industry in this country.

Mr. BONNER. If the gentleman will yield further, I do not want to leave the impression that we are obtaining imports from the Russian fleet that is off the coast of the United States.

Mr. GROSS. I did not say anything about the Russian fleet, but we are getting plenty of fish imports from other foreign sources.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I do not think the Record ought to be permitted to remain as our good friend the gentleman from Iowa [Mr. Gross] would have it here today.

Certainly, the problem of imports is with us. I think all of us recognize that we have had to take some measures to protect our fishermen and fishing processors from imports. However, I think there is a good deal in this fishing problem that this committee has had to face over the years and just not the problem of imports.

I would like to say to my good friend the gentleman from Iowa [Mr. Gross] that there is a lot involved. First we have the problem of antiquated fishing vessels. There is the problem of high salaries. There is the problem of the fact that our fishermen are not going far enough abroad as do the Russians or Japanese to reach fishing resources. There is a whole abundance of problems involved.

This committee is looking very hard to see to it that these problems are met and to see to it that our fishermen are able to stay out on the high seas, although having to use inadequate equipment.

I believe this committee will in the course of its work come forward with legislation which will help to alleviate the problem of the American fishermen. But I do not want my friend from Iowa, for whom I have a great regard, to have this Record indicate that the sole problem of American fishermen is imports and foreign competition. For may long years the American fisherman was perhaps the best and most capable and most successful in the business. It has only been in recent years that they have fallen on an evil day and the problem of imports is only a small part of the problem.

Mr. BATES. If the gentleman will yield further, I thank the gentleman from Michigan for his contribution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TOLLEFSON. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Speaker, I would like to say to the gentleman from Michigan that one of the reasons why there is an antiquated New England fishing fleet is because the fishermen cannot make profits, they cannot make money with which to replace their antiquated boats. One of the real solid reasons why they cannot make the money is because of the importation of fish into this country.

Mr. TOLLEFSON. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. McIntire].

Mr. McINTIRE. Mr. Speaker, I rise in support of S. 627. This legislation has a very direct interest to our fishing industry on the coast of Maine, an industry vital on a historical base to the economy of our State of Maine.

Each year, Mr. Speaker, when one looks at the total value of this industry which approximates $57 million, as one evaluates the raw product and manufactured products, one can appreciate the importance of this legislation to my State. This bill will make an important contribution to our economy, undergirding our fishing industry in Maine and helping my State to find a more solid place within the economic structures of both the eastern seaboard and the United States.

Mr. BONNER. I yield such time to the gentleman from Florida [Mr. Fuqua] as he may desire.

Mr. FUQUA. Mr. Speaker, I rise in support of Senate bill 627, which would provide funds for the several States to conduct research and finance development of the fishing industry in this Nation.

While thousands upon thousands of the people in this land depend upon commercial fishing for their livelihood, yet very little is actually known about the sea and its mysterious ways.

Let me cite for you just how much commercial fishing meant to the great State of Florida alone. The average value of raw fish in the period from 1959 to 1961 inclusive was nearly $26 million with the average value of manufactured products in this period amounting to nearly $32 million. This was 4.91 percent of the total value for the entire Nation.

In my own district we have a thriving seafood industry in the Gulf coast area of Franklin, Jefferson, and Taylor Counties. But it has not reached its potential and serious economic circumstances face these men who wrest their living from the sea. I need only to point to the dreaded red tide, about which we know little, as one example where a natural disaster can virtually destroy the economy of an area which depends upon commercial fishing for its basic income.

I would like to urge passage of this bill. Its purpose is to stimulate research and development projects by the several States on a matching fund basis through a coordinated aid program, to assist in the establishment of commercial fishery resources that have failed due to natural disasters, and the development of new commercial fisheries.

I would point out that in testimony in hearings before the House Merchant Marine and Fisheries Committee, it was pointed out that startling inadequacies exist in our present fishery programs. Knowledge is available for only a few of the most important commercial fishes and even in these, there are serious gaps. Knowledge about other fishes now caught commercially is sketchy. It has been pointed out that across this land there are many research and development projects which have been thoroughly studied and developed by scientists which need only funds to be implemented with consequent tremendous benefit to this Nation in this great industry.

The seafood industry in this Nation has too long been neglected. There are so many areas across this Nation which have the potential to provide more employment and better living conditions for those engaged in commercial fishing, if answers could be found to certain basic problems. We know far too little about fishing, and it is far too important economically to be neglected longer.

This is the reason that I urge you to adopt this bill.

Let me say further that I compliment the House in having passed S. 1988, which prohibits fishing in the territorial waters of the United States and certain other areas by persons other than nationals or inhabitants of the United States.

In testimony before the committee, I pointed out that while our American fishermen must abide by our laws and sound conservation measures, no Federal statute existed which would prevent the poaching in our waters by foreign vessels, whose crews cared little or nothing for the conservation of this priceless natural resource. This is good legislation and I was proud to see it enacted by the House.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. ST. ONGE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ST. ONGE. Mr. Speaker, I should like to make some brief comments on the bill S. 627, now before the House. My bill, H.R. 7710, is identical to S. 627. I introduced it last year as a companion bill to the Senate measure.

First, I want to express my appreciation to the gentleman from North Carolina, Chairman BONNER, of the Merchant Marine and Fisheries Committee, and his colleagues on that committee, for reporting out this legislation. It will not only make possible to promote commercial fishery research and development projects, but it will literally help to revive and rehabilitate commercial fisheries in many States.

The chairman has already explained the purposes of this bill and how it would help in the development of the Nation's commercial fisheries on a matching fund basis through a coordinated aid program. I merely want to stress at this time that this is a 5-year program, the total cost of which over the entire 5 years will amount to $28,250,000. This is not a very large sum, considering the fact that it will help to develop an important resource which we have unfortunately sadly neglected over these past years.

When we consider the fact that in recent years the United States has dropped from second place among the leading fishing nations of the world to fifth place, then the need for this legislation becomes evident. The assistance to be provided under this bill is designed to help our fishing industry in increasing its production and utilization of local fishery resources. It will also help provide larger supplies of fish for consumption.

The projects to be undertaken will be of such nature as to meet the needs and requirements of the States in developing or rehabilitating their fishery resources. In one State it would help develop fish farms, in another, experimental fish hatcheries, in a third, stream clearance for sport fishing, and in still another it would help in the construction of a modern fishing pier.

In the committee's report on this bill, Report No. 1363, page 4, you will find an excerpt quoted from my testimony before the committee when I endorsed this legislation. At that time, I cited a situation with which we are now confronted in the town of Stonington, Conn., where this bill would be of tremendous help in rehabilitating its fishing industry. The paragraph from my testimony reads as follows:

> In Connecticut we have a situation now in the town of Stonington which is an excellent example where such aid would be of inestimable value. Stonington was formerly a major and thriving fishing harbor, in fact one of the great fishing ports along the Atlantic coast. The great fishing fleet operating out of Stonington has steadily declined over the years, but there is still a sizable remnant left. Unless we take steps to revitalize this fishing fleet by providing modern docking and processing facilities, the fishing industry of Stonington will die out. This will constitute a loss not only to the community of Stonington, but to all of Connecticut.

Mr. Speaker, the commercial fishing industry at Stonington can be revived through the construction of a modern pier to service the fishing fleet docking there, and from which these vessels could operate. Right now, the hard-pressed fishing vessel operators find that it is not feasible for them to make the necessary investments needed in shore facilities.

The estimated cost for the construction of such a pier at Stonington is approximately $300,000. The State of Connecticut has already approved a self-liquidating bond issue in the amount of $150,000 toward the construction of the pier, and town officials have agreed to raise $50,000 as the community's share. Thus, some two-thirds of the cost is already assured, with the hope that the balance of about $100,000 can become available from Federal sources when this bill is enacted.

Thus, approval of this bill would make possible for Stonington to realize its goal of a new pier and the rehabilitation of its fishing industry. It would make possible for its fishing industry, whose present outlook is indeed bleak without this help, to once again become prosperous and contribute to the economy of the area.

In the daily newspaper New London Day of February 15, 1964, where the situation at Stonington is discussed at some length, the following observation is made:

> If Connecticut commercial fishing can be revitalized, the significance of it all extends far beyond Stonington and any immediate nearby shore communities. Handling the product ashore provides employment and new business for many persons when the fisheries prosper.
>
> Commercial fishing, offshore, is a rugged and demanding occupation and, in these days, it is self-evident that men willing to endure the hard work, long hours, inherent dangers and highly unpleasant weather conditions expect to make an adequate living from it. If they cannot, they accept jobs that will pay as much ashore and the industry loses. To make a steady and adequate income, modern docking and processing facilities are urgently needed. It is as simple as that.

Mr. Speaker, at Stonington we have an excellent opportunity to render a great service to a community by enabling it to survive and to prosper, and all at a very modest sum of about $100,000. We cannot afford to lose industries or to dissipate our resources. The proposed pier at Stonington is the kind of a project which would do the most good at a very nominal cost.

I urge you to approve this bill. It is a most worthy piece of legislation which would pay for itself many times over.

Mr. RIVERS of Alaska. Mr. Speaker, I rise in support of this legislation known as S. 627 which covers the same subject matter as similar House bills, including one I introduced, H.R. 3738, and the bill, H.R. 5539, introduced by the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. BONNER].

This legislation, which is designed to assist States on a matching basis in financing their respective programs of fisheries research, and projects for fisheries resource development, is of maximum importance to my State of Alaska. I say this because of Alaska's historical greatness in the production and processing of Pacific salmon and halibut, and more recent importance in respect to king crab, dungeness crab, shrimp, and other ocean fisheries. When I speak of Alaska's historical greatness in regard to Pacific salmon, I am tacitly acknowledging the serious deterioration of this great resource which has occurred during the last 20 years.

The history of fishing for salmon in Alaska on a commercial basis goes all the way back to 1878 when the first canneries were established. By 1928 Alaska had become the world's principal salmon producer and the salmon industry had become its largest single source of revenue. The salmon pack increased from about 2 million cases in 1905 to over 6 million cases in 1928 and then to over 8 million cases in 1936. However, these mounting returns were obtained by increasing the use of fishtraps which eventually prevented enough escapement to the salmon spawning grounds. Warnings were given, but under Federal management by an absentee bureau, no attention was paid. The runs began to decline. By 1941 the pack dropped to 6,906,503 cases. The continuing decline brought the Alaska salmon pack to the low ebb of 1,600,000 cases in 1959.

Through these years Alaskans fought vigorously for abolition of the traps, which, combined with seine boat activities and the use of other floating gear, constituted serious overfishing and depletion. Incidentally, Oregon, Washington, and British Columbia, managing their own fisheries, abolished such traps in the 1930's. Alaska, as a territory, however, lacked the political strength to prevail upon the successive Federal regulatory agencies to abolish the traps, which was accomplished only upon the advent of statehood.

Accordingly, when Alaska, with statehood, took over its fisheries and abolished all but a few salmon traps owned by the Indian community of Metlakatla, it inherited the wreckage of a once-great resource depleted to almost the vanishing point because of industry exploitation and Federal mismanagement. During the 4 years since the State of Alaska assumed management of its fisheries and instituted rigorous conservation controls, the salmon runs are improving appreciably, but there is still a long way to go. Incidentally, high seas salmon fishing by the Japanese is greatly impairing Alaska's Bristol Bay red salmon pack. I trust that what I have said about the Alaska salmon runs highlights the importance of this legislation to Alaska.

I acknowledge the fact that the Federal Government has recently done research in the Gulf of Alaska and in other parts of the North Pacific, and has funded some fisheries biological studies, but wish to point out that this legislation would bring constructive efforts into another vital area which has been neglected for lack of funds.

The neglected area to which I refer is denoted in the title of S. 627, which reads as follows: "To promote State commercial fishery research and development projects, and for other purposes." I underscore the words "development projects" because Federal action has embodied technological, biological, and related research programs, and the State of Alaska, for example, has pursued a program of research studies for development of its commercial fisheries to the limit of its financial capability, with the result that such projects as stream clearance, spawning ground improvement and development, and hatchery and transplanting activities have gone begging. This sort of thing really takes money, which, under this legislation, would be authorized for use upon a matching basis in the furtherance of appropriate State projects approved by the Secretary of Interior.

Notwithstanding the great significance of the program contemplated in this legislation, the implementation to each State will be of moderate proportions, but will, I am sure, in conjunction with matching funds provided by the States, achieve progress of importance, not only to each State but to the Nation as a whole. Of the $5 million per year for a period of 5 years which would be authorized by this legislation, exclusive of the proposed interstate cooperative fund, Alaska, according to the formula, would be limited to about $300,000 per year, and other States would share in varying amounts. My point is that this is a modest approach, but would, in my opinion, prove to be significantly fruitful.

Now that the earthquake and resultant tidal wave has struck Alaska with heavy losses and damage of and to fishing vessels this legislation has assumed new significance. Before us is a committee amendment which would authorize loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the quake. Lost or destroyed were 214 Alaska fishing boats. This amendment is a timely and constructive provision which I trust will be approved, and I further trust that the House will pass this bill by a resounding majority.

Mr. BENNETT of Michigan. Mr. Speaker, our domestic producers of food from the water, as contrasted to the producers of food from the land, have received comparatively little assistance from the Federal Government. The modest sums authorized by S. 627 for grants to States to promote commercial fishery research and development projects will be money well spent. I strongly support this program.

As the Representative of a district bordering Lake Superior, I am particularly interested in the committee amendment allowing for direct help to the Great Lakes fishing industry to overcome the adverse effects of an economic disaster last fall when several deaths from botulism poisoning were traced to smoked fish from the Great Lakes area.

The evidence indicated that deadly toxin developed in the fish through careless handling in transit after it left the processing plant. The fishermen and the processors were not to blame. But they suffered heavy financial losses in the wake of a Food and Drug Administration warning against smoked fish from the Great Lakes. FDA then imposed rigid standards on the industry that require smoked fish to be frozen and kept frozen until purchased by the consumer. This forced drastic changes in the traditional methods of processing and merchandising this product.

Early this year I introduced a bill to authorize indemnity payments to the Great Lakes fishing industry similar to those made to the cranberry growers in a parallel situation 5 years ago. The Department of Agriculture paid the cranberry growers $8.5 million in reimbursement for financial losses resulting from an FDA finding that some of the 1959 cranberry crop was contaminated through misuse of a chemical weedkiller. Money for these payments came from funds available under section 32 of the Agricultural Adjustment Act. Congress in 1954 made section 32 money available to extend certain types of assistance to the commercial fishing industry. My bill, H.R. 9784, would broaden that authority to permit direct payments where necessary to establish the purchasing power of fishermen suffering temporary economic dislocation.

I still believe that this is the best method to deal with the botulism problem. Our fishermen and processors need direct and immediate financial assistance. They are in the same fix the cranberry growers were in 5 years ago. They should be indemnified in the same way the cranberry growers were.

Unfortunately, however, the Department of the Interior recommended against my bill and suggested instead an amendment to S. 627 which the committee accepted in a somewhat modified form as section 4(b). It authorizes a special fund of $400,000 in each of the first 2 years and $650,000 in each of the succeeding 3 years for distribution "as the Secretary of the Interior deems appropriate."

The amendment provides that "the Secretary shall give preference to those States in which he determines there is a commercial fishing failure due to a resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent a previous failure in the future."

The committee report states that "it is anticipated that some or all of these funds could be used by the States or the Secretary in the restoration of a Great Lakes fishery damaged by botulism."

Although there is nothing in the bill that requires the Secretary to use the money for that purpose, I believe that the Department of the Interior, through statements by its officials to the committee, has made what amounts to a moral commitment to use at least a large amount of the funds that will be available under section 4(b) to restore the Great Lakes fishing industry to economic health.

On that basis I support the amendment and strongly urge enactment of S. 627.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of S. 627. This legislation represents an effort vital not only from a conservation standpoint, but necessary for more efficient use of our natural resources as well.

The commercial fishing industry is a large and growing segment of the national economy. This program before us today will increase scientific knowledge in commercial fishing, and provide greater expansion and utilization of fisheries resources through research projects carried out in conjunction with the States. To be included are improved methods of tracking fish, storing catches, preparation of fish products, and packaging, to name a few of the operations envisioned in this measure.

One good example of the problems which could be avoided through increased scientific knowledge in commercial fishing can be found in an incident which occurred recently in the Great Lakes. The Food and Drug Administration detected dangers of botulism poisoning in over 2 million pounds of fish which were frozen in storage. The fish were held not fit for human consumption, and as a result, thousands of dollars were lost and over 20,000 men deprived of work.

The commercial fishing industry in Florida represents an estimated $32 million of fish caught each year, and an industry which grosses almost $100 million annually at the retail level.

Because commercial fishing constitutes such a large portion of Florida's economy, the people of Florida have a direct interest in this legislation.

I urge the House to pass this important legislation.

Mr. KEITH. Mr. Speaker, three bills before the House today are of importance to our beleaguered domestic fishing industry. Two of them, S. 627 and S. 1988, I consider "must" legislation.

S. 627, entitled the "Commercial Fisheries Research and Development Act of 1964," is a bill that should be given the full support of every Member who recognizes the present and potential importance of this major food industry. In the face of an expanding world population and a growing global food shortage, we must take effective action to reverse the trend that has seen us drop from second to fifth among the fishing nations of the world.

This last fact might be of more significance to those unfamiliar with the fishing industry if it were pointed out that two of the nations which passed us in the production of fish were the Soviet Union and Red China.

S. 627 extends the best possible type of governmental assistance to the fishing industry. It makes available a program of matching-fund grants to the various States, so that they may carry out badly needed projects. Implementation of the projects and specific allocation of the funds would be left to the local agencies. An important aspect of this legislation is that it is not limited in application to only coastal States.

It would provide assistance—in proportion to the dollar value of raw fish caught and the value of manufactured fish products—to every State that wishes to help build its fishing industry into a more productive part of the local economy.

Also, through special provisions, this bill would offer valuable assistance to the State of Alaska, which recently lost virtually all of its fishing industry in the Good Friday earthquake.

The fishing industry, which provided America with its first commerce, played a great role in the economic development of this country. Today, however, it finds itself on a discouraging decline, while the great fleets of rival nations thrive on an ever-increasing demand for the protein-rich products of the sea. If we hope to successfully compete with these foreign fleets, which employ the latest and most modern vessels, large Government subsidies and cheap labor, we must develop new resources, new products, and new fishing techniques that will lead to more efficient and economical methods of harvesting the fishing grounds.

The primary importance of S. 627 is that it will stimulate this needed research and development and will lay the groundwork for a coordinated approach to these challenging and vital tasks.

Mr. Speaker, another bill under consideration, S. 1988, would provide for the first time a system of penalties for foreign fishing vessels violating our territorial waters, as has been the case on numerous occasions in the past several years. Currently, there are no effective sanctions against such intrusions. The Coast Guard is limited by law to merely escorting such offenders out of our coastal waters, back to the high seas.

I was privileged to cosponsor, with my distinguished colleague from Alaska [Mr. RIVERS], the House version of this legislation. The need for such sanctions became increasingly apparent over the past few years when great armadas of Soviet fishing vessels showed up off the New England coast and off Alaska.

The following news story from the Boston Globe, published just last week, illustrates something of the scope and size of Soviet operations in waters close off my district. The impact has been terrific, and while scientific proof is almost impossible to obtain, there is every reason to believe that this large Russian fleet is primarily responsible for a 20-million pound drop in whiting landings last year and for similar declines in the landings of other species:

RUSSIANS FISH OFF NANTUCKET AGAIN

A Russian fishing fleet has been sighted 130 miles east of Nantucket, the Coast Guard said Friday.

Some 60 ships are involved in this year's fleet. It is the fourth successive year that major Russian fishing activity has taken place off the New England coast.

Last summer 300 Russian vessels were sighted.

The area, Georges Bank, was traditionally American, but now up to nine nations use the site. Included are vessels from Japan, Denmark, West Germany, Poland, England, Canada, East Germany.

The Coast Guard said there was no indication the vessels were laden with scientific equipment as were some sighted last year.

An important feature of S. 1988 is its assertion of U.S. rights to certain fishery resources "appertaining" to the Continental Shelf. This provision adopts a concept recognized by many countries, that the Continental Shelf is a natural geological adjunct to a coastal nation and, as such, the adjacent nation has a responsibility to protect and develop its resources. The United States has recognized this principle, as it pertains to certain mineral resources, in the Submerged Lands Act.

None of us familiar with the fishing industry believes that S. 1988 is any more than a necessary first step in protecting our offshore fishery resources. Since our territorial limits are unchanged by the bill, we cannot hope that it will deter the Red trawler fleet from its systematic exploitation of traditional American fisheries that lie beyond the 3-mile limit. However, it does reflect, I believe, a growing public awareness of the problems of the fishing industry and the urgent need for further steps to protect these valuable resources.

A third bill on the calendar today, H.R. 10053, is of significance to the fishing industry—even though of no direct concern to it. It parallels in purpose legislation that is of crucial importance to American fishermen. This bill would continue for 2 years the increase from 50 to 55 percent in the subsidy ceilings for constructional differential payments that have been provided the maritime industry since 1936. The reason for this extension is that, very simply, the disparity between the cost of building modern merchant vessels in U.S. yards and foreign yards has increased to this extent.

And, the reason the United States has deemed it necessary—for many years—to pay subsidies to American shipyards to build new merchant ships, is the fact that ship companies are prohibited by longstanding law from purchasing such vessels overseas—if they are to be registered as American-flag vessels.

The national policy of requiring construction in U.S. yards—to maintain a shipbuilding capacity—coupled with the widening gap in the cost of U.S. and foreign construction, created an inequity that had to be rectified if the U.S. merchant marine was to continue to exist. The subsidy is not for the shipowners, it is for the shipyards.

Now, Mr. Speaker, the identical situation exists within the American fishing industry. Since 1792 American law has prohibited the registration of a vessel of more than 5 gross tons if it was built in a foreign yard. Therefore, to land fish in U.S. ports, the vessel must have been built in a U.S. yard.

This law is unique. Only the merchant marine and the American fishing industry in this country, to my knowledge, are forbidden by law to use foreign capital equipment. The merchant marine has been provided for in the Merchant Marine Act of 1936. But no relief now exists for the fishing industry. The law has operated harshly on the fishing industry. This inequity should be corrected.

Temporary relief, in fact, was given the industry several years ago when legislation providing a 33⅓-percent subsidy for a fishing vessel constructional differential was passed by Congress. This bill was of some help, but its effectiveness was sharply reduced by the fact that it was limited to the New England groundfish industry—only 7 percent of the total domestic fishing industry—which had twice received Tariff Commission recommendations for escape clause relief and which was twice denied this relief because of the administration's fear of jeopardizing foreign relations.

A new measure, S. 1006, which would provide a differential equal to that given the maritime industry, has passed the Senate and is now before the House Merchant Marine and Fisheries Committee.

There has been some opposition to this bill by those who confuse, in my opinion, the interests of a particular segment of the fishing industry with the real issue—a basic inequity suffered by the entire industry as a result of a national policy dating back 172 years.

When one realizes that a wooden fishing vessel can be built in many foreign shipyards for about a third the cost in American yards, while a steel vessel costs about half or less, the disadvantage in modernization of our fishing fleet is apparent.

Today, to construct in the United States, a modern groundfish trawler costs about $450,000; a 450-ton tuna clipper, $740,000; a factory processing ship $8 million. When we realize that rival foreign fleets can purchase these same vessels for less than half the cost in most instances there can be no question as to why our fleets are often 25 years old, compared to foreign fleets with only a few ships more than 10 years old.

The result of this inequity and obvious competitive handicap has been devastating to the American fishing industry. The Gloucester fishing fleet, for example, has declined from 400 boats to fewer than 100 since World War II. During the same period the Boston fleet dropped by one-half. The number of tuna vessels operating out of San Diego went from 800 to 210 in a decade. The impact has not been as severe in my own district, at New Bedford, because the natural decline was halted to some extent by the development of the scallop industry.

With this decrease in construction, there has naturally been a drastic decline in employment. Fewer and fewer young men are entering the industry, and who can blame them in such a situation. It is a tough enough business, fraught with hardship, hard work and personal danger, without the added disadvantage of this gross inequity in the cost of capital equipment.

In 1959 nearly 70 percent of the Boston fishermen were over 51 years of age and fewer than 10 percent were less than 41. In Gloucester, only 9 percent were less than 41 years old. If this keeps up we are not only going to forfeit valuable jobs in these and many other areas already hard hit by industrial unemployment, we are going to forfeit our traditional claim to one of the most valuable natural resources given to man—the foods of the sea.

It is amazing to note that while the American fishing industry has a desperate need for such assistance, there has been little reservation on the part of this Government in offering similar assistance to competing nations.

Our outflow of foreign aid in this area has seriously hampered our own fishing industry. Between World War II and the end of fiscal year 1961, $115 million in American dollars, for aid projects of various types, and $182 million in counterpart funds had been used by friendly nations to build up their fisheries. This was, remarkably enough, $88 million more than we had extended to our own fishing industry for overdue modernization.

To take a briefer span of years, our foreign aid grants for development and rehabilitation of foreign fisheries between 1955 and 1962 were as follows:

	Total grants
China	$848,000
Cambodia	159,000
Indonesia	907,198
Philippines	82,000
Thailand	147,000
Vietnam	1,908,500
Korea	5,351,000
Laos	13,450
Ethiopia	43,200
India	1,128,620
Liberia	167,280
Pakistan	1,355,670
Turkey	18,500
Tunisia	147,000
Somali	337,000
Ghana (fiscal year 1962)	66,000
Ivory Coast (fiscal year 1962)	200,000
Nigeria (fiscal year 1962)	195,000
Iceland	14,600
Spain	2,000
Yugoslavia	100,000
South America:	
Chile (fiscal year 1962)	26,000
El Salvador	23,055
Peru	151,971
British Guiana	8,000
Total	13,399,544

If we can extend such aid to foreign nations, many of whom have begun to compete with us in world markets, I can see no justification for refusing help to our own fishing industry—particularly when this critically important help is in the form of legislation to correct an inequity brought about by a national policy, and certainly is nothing the industry can be blamed for or can, unfortunately, do anything about.

The seriousness of the industry's dilemma is dramatically illustrated by the fact that last year, for the first time in American history, imports of fish and fish products exceeded domestic production. Use of fishery products hit an all-time high last year, but the increased market was absorbed and then some by lower priced imports.

I earnestly hope this Congress will have an opportunity to correct the inequities in the present fishing vessel construction situation. S. 1006 is the best remedy available. I hope it will come to the floor soon and that it will receive the type of enthusiastic support this long-needed bill deserves.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks in the RECORD on the bills S. 1988, H.R. 10053, and S. 627.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

BOURBON WHISKEY

Mr. WATTS. Mr. Speaker, I move to suspend the rules and pass Senate Concurrent Resolution 19.

The Clerk read as follows:

Whereas it has been the commercial policy of the United States to recognize marks of origin applicable to alcoholic beverages imported into the United States; and

Whereas such commercial policy has been implemented by the promulgation of appropriate regulations which, among other things, establish standards of identity for such imported alcoholic beverages; and

Whereas among the standards of identity which have been established are those for "Scotch whisky" as a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of Great Britain regulating the manufacture of Scotch whisky for consumption in Great Britain and for "Canadian whisky" as a distinctive product of Canada manufactured in Canada in compliance with the laws of the Dominion of Canada regulating the manufacture of whisky for consumption in Canada and for "cognac" as grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French Government; and

Whereas "Bourbon whiskey" is a distinctive product of the United States and is unlike other types of alcoholic beverages, whether foreign or domestic; and

Whereas to be entitled to the designation "Bourbon whiskey" the product must conform to the highest standards and must be manufactured in accordance with the laws and regulations of the United States which prescribe a standard of identity for "Bourbon whiskey"; and

Whereas Bourbon whiskey has achieved recognition and acceptance throughout the world as a distinctive product of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the recognition of Bourbon whiskey as a distinctive product of the United States be brought to the attention of the appropriate agencies of the United States Government toward the end that such agencies will take appropriate action to prohibit the importation into the United States of whisky designated as "Bourbon whiskey".

The SPEAKER. Is a second demanded?

Mr. BYRNES of Wisconsin. Mr. Speaker, I demand a second.

Mr. WATTS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WATTS. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, Senate Concurrent Resolution 19 was introduced by the distinguished Senator from Kentucky, Senator MORTON, and passed the Senate a number of months ago. This same resolution unanimously passed the House of Representatives about 2 years ago and was unanimously reported out of the Committee on Ways and Means some 3 or 4 months ago, at which time a report was filed.

I am sure everyone who wished to familiarize himself with the effect and contents of this resolution has had the opportunity to do so.

The purpose of the resolution is to declare that it is the sense of Congress that Bourbon whiskey is a distinctive product of the United States. Certainly it needs and is justified in having that distinction.

Bourbon whiskey began to be produced and got its name from Bourbon County, Ky., that I have the privilege and honor of representing. Practically all of the whiskey that is labeled "Bourbon" is made in the United States, although we were advised that in Panama and many other places efforts are going to be made to produce Bourbon whiskey and send it into the United States.

This resolution, as I said, provides that it is the sense of Congress that Bourbon whiskey is a distinctive product of the United States. That is not at all an unusual procedure for any country to adopt in protecting its national product in the beverage line. For instance, England has passed a law designating Scotch whisky as a distinctive product of Scotland, and absolutely refuses to allow anyone to ship whisky into the United Kingdom or any of its Commonwealths that is designated as Scotch.

The same action has been taken by Ireland with reference to Irish whisky. It has been designated as a distinctive product of Ireland, and no one is permitted to send any whisky into Ireland labeled "Irish whisky."

With reference to cognac, France has taken the same position in declaring cognac a distinctive product of France, and no one is allowed to send any cognac into France labeled "cognac."

The same is true with reference to Canadian whisky. It has been recognized as a distinctive product of Canada and no one is permitted to send into Canada any whisky labeled "Canadian whisky."

To show you how far our Government has gone in protecting the action of these various nations, our Internal Revenue Service, based on a law that was passed in 1937, has said to people in this country who desire to produce Scotch whisky, "You cannot produce it because it is a distinctive product of England and Scotland," and permission has been refused local distillers to produce Scotch whisky. Permission has been refused local distillers to produce Irish whisky. Permission has been refused winegrowers in California to produce cognac, and no one in this country is permitted to produce Canadian whisky, nor will the alcoholic beverage end of our Internal Revenue Service permit anyone to ship into this country any Scotch or Irish whisky or cognac or Canadian whisky that does not bear the designation that it was produced in those countries.

I am merely asking that we grant to our own product the same little protection we have been willing to extend to every other product everywhere else. It is not a question of bringing more whisky into this country or keeping any whisky out. Any whisky that wants to come into this country can come in under our present law. Nothing in this concurrent resolution will prevent anybody from importing into this country the same amount they have always imported. The only thing this resolution does is say that Bourbon whiskey is a distinctive product of the United States, and that we want the agencies of Government that deal with it to so conduct themselves or adopt regulations that will say that you cannot bring into this country whisky designated as Bourbon whiskey.

I think there is another fine reason why the Bourbon people want this resolution. Their whisky is all made under Government supervision, with a Government agent present when the corn is measured, with an inspector present throughout the entire operation. There is no way in the world we can tell what might go into the whisky that is sent into this country that is designated Bourbon or any other type of whisky. That is a matter that comes under the Food and Drug Act, and when we find out, if something has ever happened, it already would be after the fact.

I think this is a fair resolution, and I ask that two-thirds of the Members support it.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield 7 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I should like to ask some questions of the gentleman from Kentucky.

First, may I ask the gentleman, Does the resolution undertake in any way to define the word "bourbon"?

Mr. WATTS. No, sir; I do not think it does.

Mr. LINDSAY. Bourbon is made out of corn mash, is it not?

Mr. WATTS. That is right. It has to be 60 percent corn and 40 percent other grains.

Mr. LINDSAY. Would the gentleman have any objection to whisky being imported into the United States that would be made out of corn mash?

Mr. WATTS. Not a bit.

Mr. LINDSAY. That is, bourbon whisky could be imported into the United States?

Mr. WATTS. No; the issue is purely a labeling matter.

Mr. LINDSAY. Is the bill mandatory?

Mr. WATTS. No; it is not.

Mr. LINDSAY. The executive branch is not required to follow this?

Mr. WATTS. No.

Mr. LINDSAY. Is the executive branch permitted to follow it in part?

Mr. WATTS. I would assume it is voluntary on their part. If it is not mandatory, they could take pretty much any action they wanted to under this resolution.

Mr. LINDSAY. I notice that the gentleman mentioned in his statement that this country does not permit the importation of whisky that is labeled Scotch and the Irish, Irish, and the Canadian the same.

Mr. WATTS. That is right.

Mr. LINDSAY. What is Canadian whisky designated?

Mr. WATTS. Canadian whisky.

Mr. LINDSAY. If whisky is labeled Scotch type, is it permitted to be imported into the United States?

Mr. WATTS. No.

Mr. LINDSAY. And Scotch type is not permitted from Great Britain?

Mr. WATTS. The Internal Revenue Service of the U.S. Government ruled they could not even put Scotch type on it.

Mr. LINDSAY. Do I understand the bill would have application to all existing situations with reference to the importation of whisky?

Mr. WATTS. Yes, sir; I certainly would say that.

Mr. LINDSAY. Would the gentleman advise me how much whisky at the present time is imported into the United States that bears the label "Bourbon"?

Mr. WATTS. I do not have the exact figures as to that. But I do have figures on the importation from Mexico. In 1962, Mexico sent into this country—and this may not be all whisky but it has to do with alcoholic beverages—$518,436 worth, while we were exporting to Mexico, $56,000 worth. If the gentleman would care to know, I can tell him why we did not send any more than that into Mexico.

Mr. LINDSAY. Yes; I would be delighted to know.

Mr. WATTS. In the first place, imports into Mexico are subject to the following taxes: 10 percent of the f.o.b. value to the Banco National; 8 percent as a donation to the Hospital General; 2 percent as a commission to the Mexican Chamber of Commerce; $10.50 a gallon commission to the CIA, whatever that is, the Mexican commercial organization; $1.50 a gallon local sales tax; $3.75 Federal sales tax. All these charges are separate from the duty which amounts to $9 per kilo which is 1 and one-twelfth quarts—plus a 100-percent ad valorem tax plus 3 percent. They do not have any ban on importations, but I would like to see you get some in there under those circumstances.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Iowa.

Mr. GROSS. From what the gentleman from Kentucky has related, they are not exactly free traders in Mexico; are they?

Mr. LINDSAY. Oh, no, definitely not.

Mr. GROSS. I am astounded to hear those figures.

Let me ask the gentleman a question. I see that Scotch whisky is recognized in the resolution as a distinctive product of Scotland. I understand that one family well known in this country made quite a fortune out of selling Scotch whisky. I wonder if they have any opposition to a resolution of this kind if it in any way infringes upon their patent on making a fortune out of Scotch whisky.

Mr. LINDSAY. Is that right? I do not know. The gentleman from Kentucky ought to be able to answer that question.

Mr. WATTS. I think that is a question the gentleman from Kentucky cannot very well answer. I would assume since this resolution does not affect Scotch whisky that anybody who has anything to do with Scotch whisky would not have any objection to it.

Mr. LINDSAY. Mr. Speaker, may I ask just one additional question of the gentleman from Kentucky? The gentleman would not by this bill wish to hurt anybody in this country whose total income at present comes from just a little bit of bourbon whisky being imported into this country?

Mr. WATTS. Certainly not.

Mr. LINDSAY. I thank the gentleman. Because of my high regard for the gentleman from Kentucky and the representation that he is giving to a very distinguished district, I should like to dedicate this little poem to him, if he does not mind.

> The nectar of Scotch is very urban,
> And that of Irish, the cream of Dublin,
> But is there a man with soul so dead
> Who never to himself has said:
> This is my own, my native bourbon.

Mr. WATTS. I wish to thank the gentleman for the fine poem.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think we have made more of this bill in some of the discussion we have had than the nature of the bill really entitles it to. That is not to say it is not a reasonable bill, because it is.

The bill really relates to labeling and that is all. People can still bring in whisky. The little ladies that the gentleman from New York referred to last week can still import whisky. The only question is whether they are going to call it bourbon. Under the regulations issued by the Alcohol and Tobacco Tax Division of the Internal Revenue Service, nobody in this country can manufacture nor can you import from a country other than Scotland, Scotch whisky, unless it had its origin in Scotland. The same thing applies to cognac from France, Canadian whisky from Canada, and so on.

Really what we are doing here is according to an industry in this country the same privileges, if they are privileges, that we have accorded to producers in other lands with respect to distinctive products.

I do not believe that the sky is going to fall in, or that the ceiling of this Chamber will fall if we should pass the bill, or not.

I believe this is a proper bill and that we should accord an industry in this country the same rights that we accord similar industries in other countries. It is merely doing for our own, in a sense, what we are willing to do for others.

Mr. Speaker, I hope that the bill will pass.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Speaker, the gentleman from Texas [Mr. FOREMAN] wanted to be here, but could not be present today. He wished to record his opposition to the bill.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. WATTS] that the House suspend the rules and concur in the concurrent resolution (S. Con. Res. 19).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 57) was laid on the table.

SPECIAL ORDER TRANSFERRED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special order for 1 hour heretofore entered on behalf of my colleague, the gentleman from Texas [Mr. PATMAN], may be transferred to Thursday next, May 7, 1964.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WE MUST REVERSE OUR COURSE—WE HAVEN'T CHANGED THE WORLD, THE WORLD HAS CHANGED US

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, in a recent sermon, the pastor of my church summed up many of the conditions which face us today.

He said:

> Many people are determined today to be extravagantly good; unfortunately, so many are so intent on acting extravagantly that the end result of good seems to be forgotten.
>
> Unity is fine—unity of purpose, unity of feeling, and unity of spirit. Forced unity is a different matter. Through the centuries people have tried to force unity on an economic basis, on a religious basis, on a geographical basis, by threat and by treaty. All such unity has been and is doomed to failure, for unity must be voluntary and come from within.

These efforts he likened to two wheels, saying:

> No one can ever carry a load by joining wheels at the circumference or rim; they must be joined by the axle at the hub or the heart.

There is a lesson to be learned. Efforts today to force people into a common pattern are doomed to eventual failure.

Mr. Speaker, it took more than a thousand years for our forefathers to wrest from the crown the right of local self-government; the right to work and save, and thereby accumulate capital; the right to own property, the incentive for putting forth effort; the right to individual freedom from molestation by others; the right to choose and to have one's religion; and the right to have a government of laws, instead of men, to protect these rights.

For hundreds of years this Nation recognized the rights of other nations of the world to run their own affairs, just as here at home it was recognized that with the many differences between sections of this Nation, with the different backgrounds of the people, it was absolutely necessary that we guarantee States rights.

For centuries, effort achieved its own reward, and each race earned its pride. For centuries it was accepted that, for our people to seek a common denominator, an average, in ability, color, religion, wealth, was to destroy initiative and to sink back to the level from which our forefathers struggled to our present economic, political, and moral strength.

We saw the economic and political failure of many of the nations in South and Central America, where there has been little reward for effort; where there has been an amalgamation of the races, though there remain great distinctions. Dictatorship has been ordinary there, and violent revolutions to overthrow the government are usual. Why the people of any race would want to go against all the lessons of history and follow in their footsteps I cannot see, yet we seem to be on our way.

Mr. Speaker, I represent the Second District of Mississippi in the Congress. Here I have served many years as chairman of the Appropriations Subcommittee for Agriculture, with its watershed and flood prevention programs, research and extension, meat inspection, school lunch, and many other activities which mean so much to all. I serve on the Appropriations Subcommittee for Public Works, whose primary job is to provide for the development and protection of our natural resources—for us today, and for our children tomorrow. I also serve on the Appropriations Subcommittee for National Defense.

In all these key positions I am proud to say I have represented all the people in my district. I believe that in no section of the Nation have the races lived more harmoniously or made greater progress from abject poverty, in which the days of Reconstruction following the Civil War left us. Never in history has there been such a fine example of one race helping another to progress.

It is sad to see this fine relationship being broken up today by paid agitators, who now spread their violence to northern cities.

GOOD INTENTIONS GONE ASTRAY

After World War II we did much good to relieve the suffering left by the war. Then we set out to remake the world. We were going to teach the people of other nations the value of our system of government, the value of the right to a trial by jury, and of a government of laws and not of men. We were going to teach them that it is unsound to overthrow government and have mob violence in the streets.

We promoted the European Common Market and now we are trying our best to keep them from freezing us out. We largely gave away more than $125 billion. We opened our doors to foreign competitors which we set up in business. We endanger not merely the beef industry and the textile industry, but our whole economy. We have dissipated our wealth in nations around the world, even to the point where we must borrow from those we help.

We have violated every lesson of history. We fight wars without any plan or any thought of winning.

We insisted that France and England give up the Suez Canal; and as a result we are now faced with demands that we give up our rights to the Panama Canal.

We opposed Batista in Cuba and end up with Castro and his Communists right off our shore; yet the Secretary of Defense called Cuba a great victory. I pray we may be protected from any more such victories.

We have injected ourselves into the internal affairs of many countries. In all we are having difficulty and, in most, we now wonder how we can get out.

We ran the stable influences out of practically every section of Africa and now see many of these tribes drifting back toward anarchy. We largely caused these African nations to spring up like mushrooms; and now we have to bargain for their votes in the United Nations, where each has a vote along with our Nation, which has only one vote.

WE TURN TO FOREIGN WAYS

We have seen the unfortunate and tragic death of an American President, on the order of what occurs in the turbulent countries which we copy. It is in our country where we see the right of jury trial gone. It is in our country where we see a minority group issue dictatorial orders and the Government back it up with troops. Yes; it is in our country where we have strikes and mob violence, and where property is damaged or destroyed without restitution or payment. It is in our country where people are being led to lie in the streets, to block the highways, to force their way into businesses to get what they want. No longer are people being taught to work, save, and accumulate capital so they may get ahead in the future. We have accepted foreign ways. We accept their policy of the shortcut; to demand, strike, insist upon, divide, and ask for what the other fellow worked for and has accumulated is condoned if not promoted. The real tragedy is that a whole new generation is being taught that this is the way to get results. It is said individual rights must come ahead of property rights. My friends, if there were no property rights there would be no individual rights to enjoy.

THE CIVIL RIGHTS BILL

We would provide by statute for our own destruction. The so-called civil rights bill now pending would do just that. This bill would give to the Attorney General far more power than a quick-tempered or ambitious man should have, and more power than a good man would want. In fact, even Attorney General Kennedy has expressed fear of all this power which a majority of my Republican colleagues and a majority of the Democrats would grant to him.

Never in history has there been a man wise enough or good enough to handle the powers which this bill would grant, unless it be the Christ himself.

We must remember laws are not self-enforcing. Thus, if the civil rights bill is passed, and may God forbid, the enforcement would put the Attorney General, U.S. marshals, the Army, Navy, and Air Force, if need be, not only in every public building but in every home, every business, and every election in the Nation. Hitler, Stalin, and Khrushchev were never the holders of more naked power than would be granted to the executive department if these measures are passed by the Congress.

It is true that many actions in these areas have already been taken by the Supreme Court, the President, the Attorney General, and others in the executive department, in many instances—in my opinion—in violation of the letter as well as of the spirit of the Constitution.

I only hope that intelligent Americans will look behind this debate and behind these demands. If so, they will see the U.S. military, with fixed bayonets, acceding to the direction of every little "Tom, Dick, and Harry" who speaks in the big Chief's name, moving in and taking over the liberty of all nonwhite people, as well as of the white people of this great Nation.

When you let the Attorney General pick the section, pick his case, pick his judges, with a Supreme Court to back him up and a President saying, as did our late President, "It is my duty to enforce Federal law, including the orders of the Federal courts"—all orders, mind you, not merely final judgments—truly neither Khrushchev, nor Stalin, nor Castro had within their hands any more power.

In our State we have felt the fire. Ours is a small State; neither party can lose many votes there, for we do not have them. We know what can and will happen.

Power once granted is never voluntarily surrendered and, perhaps, may be used on you next time.

WE MUST ACT NOW

I think it is high time that we review every single determination of policy we have followed throughout the world since World War II; reverse our course; read George Washington's Farewell Address and recognize its soundness; help the world by setting a fine example.

Mr. Speaker, I plead that we may review our situation on all sides and at all points, acknowledge our failures, determine and define our objectives, get out of wars where we have no plan to win, and, above all, here at home require a return to orderly government with each individual held accountable for any breach or threatened breach of the peace, with all entitled to jury trial to determine the facts, and all dependent for change upon orderly legislation of constitutionally adopted amendments to the Constitution.

We must get away from this practice of judge-made law and judge-made constitutional amendments, which can only lead to disaster.

The way for us to influence the world is by setting an example of stable government, possible only with a stable and enlightened electorate. We must set our own house in order; we must protect the right of jury trial for our people; we must maintain the checks and balances of the three branches of government—judicial, legislative, and executive—each equal and coordinate, with the right of local self-government guaranteed to the States and thereby to the people.

Mr. Speaker, those of us in the House of Representatives from our area, our Senators, and many, many others are working hard to get these facts over to the American people. We call on all to help.

We must return to the faith of our fathers. We must save our Government from a capricious Supreme Court and again become a Nation where our people are guaranteed freedom of religion and not freedom from religion.

Mr. Speaker, it is up to us. The danger is here and the hour is late.

SAVE THE TAXPAYER

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection

Mr. OLSEN of Montana. Mr. Speaker, I note with interest that the New York Times of Wednesday, April 29, 1964, carried a story which stated that Secretary of the Interior Stewart L. Udall has as of April 28 rejected "as not fully responsive" 10 proposals by private and public power groups to build a high voltage transmission intertie to carry surplus Pacific Northwest power to power-hungry California and the Pacific Southwest.

Mr. Udall indicated at this meeting that a second round of negotiations with the groups seeking to build the transmission lines would begin almost immediately. I trust when these new negotiations begin that the Secretary of the Interior will give careful consideration to those proposals that will in essence provide for the construction of an intertie between the northern and southern coastal regions of the west coast which will be of the greatest benefit to all users of such a carrier, both public and private, but will continue to recognize preference of public users.

I strongly support the position taken by my committee chairman, the gentleman from New York, the Honorable CHARLES A. BUCKLEY, chairman of the Committee on Public Works of the House of Representatives, in his letter of April 21, 1964, to the Honorable Stewart L. Udall, Secretary of the Interior. At that time the gentleman from New York [Mr. BUCKLEY] stated that he was completely and utterly opposed to a proposal which provided for the construction of a power line to be built jointly by the Pacific Gas & Electric Co., Southern California Edison, and the San Diego Gas & Electric Co. This combine, known as the California power pool, has proposed to construct 500,000-volt alternating current lines from the Oregon border to near the city of Los Angeles.

Their proposal anticipates a $100 million handout from the Federal Treasury. The members of this power company group are the largest and the wealthiest in the world. They do not need Federal funds—nor, indeed, do they need Federal aid of any kind. I quote directly from Mr. BUCKLEY's letter wherein he stated:

> In my 30 years in Congress I cannot recall another instance in which the forces of monopoly have been bold enough to advance a scheme more prejudicial to the interests of power consumers in the Pacific Southwest and the American taxpayers.

I support this position of Mr. BUCKLEY.

I am deeply interested in this entire question of power transmission and who is to build what and how it is to be used. I have a personal interest because of the district I represent and the State of Montana, from which I come, is part of the area of the source of this power, the Columbia River Basin. I am well aware of the problem involved. I intend to keep close watch on it and will do all I can to see that there is proper use of this power so that all, both public and private, may benefit from one of our greatest natural resources.

Further, I would hope the Secretary would give careful attention to the danger of wasting $100 million of the taxpayers' money promoting a monopoly control of all Columbia River power exported to California by the proposal of the California power pool. Certainly the Federal Government should contribute nothing toward promoting a private powerline which could virtually make captive any part of the federally produced energy of the Columbia River. The transmission of public power should be financed either all federally or all privately. In any event, the line must be a common carrier, required to recognize the preference of public municipal and rural users.

Saving the taxpayer $100 million should be given most serious consideration. The Federal pay raise or the fight against poverty could use the savings.

Under leave to extend my remarks, I enclose a copy of Chairman BUCKLEY's letter to Secretary Udall, dated April 21, 1964, and also a copy of the New York Times news item of Wednesday, April 29, 1964:

Committee on Public Works,
House of Representatives,
Congress of the United States,
Washington, D.C., April 21, 1964.

The Honorable STEWART L. UDALL,
The Secretary of the Interior,
Washington, D.C.

Dear Mr. Secretary: I have before me copies of the following correspondence relating to your call for proposals by April 18, 1964, for construction of all or part of a Pacific Northwest-Pacific Southwest electrical intertie:

1. Letter dated April 15, 1964, from Samuel B. Nelson, general manager and chief engineer, Department of Water and Power, City of Los Angeles, Calif., to the Honorable Kenneth Holum, Assistant Secretary for Water and Power, Department of the Interior, proposing a direct-current, extra-high-voltage interconnection between the Bonneville Power system and Los Angeles at the Oregon-Nevada border.

2. Letter dated April 13, 1964, from president, Southern California Edison Co., to the department of water and power, attention of Mr. Samuel B. Nelson, setting forth terms and conditions for this company's participation in the interconnection which the city proposes to construct.

It is my understanding that a combine of three California private electric utility companies, calling themselves the California power pool, dominated by the world's largest private utility, the Pacific Gas & Electric Co. as an integral part of the same intertie "package" has submitted a proposal to build a second extra-high-voltage line interconnecting northern California and the Pacific Northwest by means of a 500-kilovolt alternating current line. This facility would be interconnected with a line of equal capacity to be built by the Bonneville Power Administration between the Oregon-California border and the Columbia River at a cost of some $37 million to the Federal taxpayers.

I was startled to note in reading the two letters referred to that the intertie line proposed by Los Angeles is but a part of a total arrangement through which a combine of gigantic California private utilities would become the marketing agency outside the Pacific Northwest for surplus energy generated at federally constructed dams along the Columbia River systems. Dams, incidentally, which were built at a cost of $2.4 billion to the American taxpayers.

I am particularly distressed that the city of Los Angeles, which has benefited so greatly from its status as a preference customer for federally generated power at Hoover Dam and other facilities along the Colorado River, would be party to this patent effort to erect a "transmission tollgate" which will permit three private power companies to control the flow and rates for power to Federal agencies, municipalities, public bodies and others throughout northern and southern California for the next three-quarters of a century.

So complete is the city of Los Angeles' "surrender" to the private companies that it conditioned its proposal for a Bonneville-Los Angeles line as follows:

"This proposal is made with the understanding that it will be considered in combination with, and is contingent upon acceptance by the United States of, the proposal to be made jointly by the Pacific Gas & Electric Co., the San Diego Gas & Electric Co., and the Southern California Edison Co. * * *."

Even a cursory examination of the two letters reveals that Los Angeles' "accommodation" to the private companies is total and complete. The city retains naked title to the proposed direct-current line but little else. It is clear from the Southern California Edison Co.'s letter that Los Angeles shares the vital incidents of ownership with the company, e.g., operation of the line, utilization of its capacity, etc. To thus accommodate the private utility the Los Angeles Department of Water and Power is forced to use nearly all of its unused bonding capacity which is vitally needed for other public purposes. At no actual cost to them, the private utility is able to secure complete control of the line until almost the middle of the next century.

The letter-agreement further provides that either party may terminate upon notice in writing "on or before January 1, 1966," if the city has not made arrangements satisfactory to the advisory board (in which the California Edison Co., has equal voice) for a direct-current transmission line with a "like transmission line of the Bonneville Power Administration." Parenthetically I might remark that this latter provision appears to be designed to assure that no other interest than the Bonneville Power Administration can build any part of the line from the Columbia River to the Oregon-Nevada border.

There are, of course, other provisions in the utility's letter calculated to assume that unless the private company combine has total control it will not participate.

In my 30 years in Congress I cannot recall another instance in which the forces of monopoly have been bold enough to advance a scheme more prejudicial to the interests of power consumers in the Pacific Southwest and the American taxpayers than that which has been presented to you by the California power companies. Certainly this is the first time that a great American city has permitted itself to be used in such a strange fashion.

While my services in Congress have somewhat inured me to the tactics of monopolists, I am indeed surprised at indications that the callous proposals of the California companies and the city of Los Angeles seemingly may have been encouraged by the Administrator for the Bonneville Power Administration, Mr. Charles F. Luce, and members of his staff.

These indications are a matter of great concern to me as chairman of the Committee on Public Works which, as you know, has jurisdiction over the Bonneville Power Administration. Since under the Bonneville Power Act, you have the responsibility for the appointment of that agency's Administrator, and he is directly accountable to you for his every official action, I request that you direct Mr. Luce to submit to me forthwith copies of—

1. All memorandums covering meetings or telephone conversations between Mr. Luce and members of his staff and officials of the companies comprising the California power pool and/or the city of Los Angeles.

2. A schedule showing the dates and places of such meetings, or other contacts, together with an indication as to the identity of the moving party in arranging such meetings or contacts.

3. Copies of all correspondence, contracts, drafts, technical data, or other documents received from or submitted to the parties I have mentioned.

Following receipt of such information, and its review, I may want to convene the Committee on Public Works to review the actions of the Bonneville Power Administrator, his staff, and Department of Interior officials in this important matter.

Meanwhile, I trust you will direct BPA Administrator Luce to withhold any action on the proposals of the California power pool and the city of Los Angeles.

It is regrettable that the Bonneville Power Administrator has not kept his agency's parent committee in the House fully informed of developments in this important matter. We bear the responsibility of making certain that his activities as Administrator and those of the Department, are conducted in accordance with the letter and spirit of the Bonneville Power Act. Apropos of this I might cite provisions of that act which are particularly relevant to the proposed Pacific Northwest-Pacific Southwest intertie.

"Sec. 2(b). In order to encourage the widest possible use of all electric energy that can be generated and marketed and to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups, the Administrator is authorized and directed to * * *

"Sec. 4(a). In order to insure that the facilities for the generation of electric energy at the Bonneville project shall be operated for the benefit of the general public, and particularly of domestic and rural consumers, the Administrator shall at all times, in disposing of electric energy generated at said project, give preference and priority to public bodies and cooperatives."

I am sure that you will agree that these legislative guideposts are relevant to plans to sell surplus Bonneville power outside of the Pacific Northwest. Certainly this committee has been most generous in upholding the liberal authority granted to the Bonneville Power Administration to construct transmission lines within its service area. We have felt that such authority was needed to effectuate the objectives Congress had in mind in creating the Bonneville Power Administration. However, should an agreement be consummated which would result in monopolization of surplus Bonneville power sold in California by a combine dominated by a gigantic power company, I will seek an amendment to the Bonneville Power Act to require specific authorization for all transmission lines to be built within or without the Bonneville service area.

I am, of course, aware of the fact that while the Bonneville Power Administration is still ahead on repayment, it has been losing money for the past 5 years. Likewise I realize that enough water was wasted into the Pacific Ocean through the floodgates of the dams on the Columbia River last year to produce $33 million worth of power. Such waste should not and cannot be permitted to continue. However, the solution is not to contravene the letter and spirit of the Bonneville Power Act and Federal power marketing laws and policies by committing this enormous potential, paid for by the American taxpayers, to a clique of power monopolists in California for a term up to 75 years. Such a result would be reprehensible under any circumstances but particularly if engineered through a subterfuge by which titular ownership would be held by the city of Los Angeles with actual control in the hands of the private utilities of California.

In conclusion, then I trust that you will require Administrator Luce and other departmental employees to supply the data I have requested forthwith and that you will hold him in readiness for a call from the committee for appearance at its early pleasure.

Meanwhile, I should like your prompt assurance that you will not permit Mr. Luce or any other Bonneville or departmental employee to take any action by way of approval of the proposals presented by the California power pool—city of Los Angeles combination, or any of them, which will promote monopoly in the sale of surplus Bonneville power in California.

Very truly yours,
CHARLES A. BUCKLEY,
Member of Congress,
Chairman, Committee on Public Works.

[From the New York Times, Apr. 29, 1964]

U.S. TURNS DOWN COAST POWER TIE—UDALL REJECTS PROPOSALS ON TRANSMISSION SYSTEM IN PACIFIC NORTHWEST

(By William M. Blair)

WASHINGTON, April 28.—Secretary of the Interior Stewart L. Udall rejected today as "not fully responsive" 10 proposals by private and public power groups to build a high-voltage transmission intertie to carry surplus Pacific Northwest power to the power-hungry Pacific Southwest.

He also labeled as "exaggerated" the charges by Representative CHARLES A. BUCKLEY, Democrat, of New York, that the Interior Department appeared to encourage monopoly control of the intertie system by three California private-utility companies.

Mr. Udall disclosed his actions in a news conference following the sharp criticism by Representative BUCKLEY, who is chairman of the House Committee on Public Works.

The Secretary said that a second round of negotiations with the groups seeking to build the transmission lines would begin this week.

The first proposals, he said, failed to meet Federal criteria for integrating the electric-power resources of the two regions. The intertie in this case is a tie between sources of power and consumers.

The high-voltage lines are involved in a congressional fight. While the Interior Department has sought proposals, it is stymied by a conflict over a bill that would assure the Pacific Northwest States of Oregon and Washington preference on all power before any excess could be shipped to California, particularly southern California.

It is estimated that $30 million of electricity is wasted annually by Bonneville Power Administration for lack of a market. This situation likely will be more acute when Canada sells to Bonneville the power it will get under the Columbia River Treaty. Canada is expected to ratify the pact soon. This extra power would come from the Libby Dam project on the upper Columbia near the Canadian border.

THREE COMPANIES INCLUDED

The three California companies attacked by Representative BUCKLEY are the Pacific Gas & Electric Co., Southern California Edison, and the San Diego Gas & Electric Co. Known as the California Power Pool, the companies propose to construct two 500,000-volt, alternating-current lines from the Oregon border to near Los Angeles.

The city of Los Angeles, which Mr. BUCKLEY charges had "surrendered" to the pool, proposed a 750,000-volt, direct-current line from the Oregon border to the city.

"In my 30 years in Congress I cannot recall another instance in which the forces of monopoly have been bold enough to advance a scheme more prejudicial to the interest of power consumers in the Pacific Southwest and the American taxpayers," Mr. BUCKLEY wrote to Mr. Udall.

He also complained that the Bonneville Power Administration had not kept the House committee fully informed of all negotiations.

Mr. Udall has been pushing the intertie for another reason. He wants to beat the Soviet Union with a high-voltage, direct-current line that can move large blocks of power cheaply and more efficiently than present systems. The Pacific Northwest-Southwest intertie of more than 850 miles would be the largest in the world.

PROGRESS IN REVERSE UNDER FREEMAN

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. FINDLEY. Mr. Speaker, over the weekend, American farmers got another report of progress in reverse under Agriculture Secretary Freeman with the announcement by U.S. Department of Agriculture that the parity ratio for April 15 was 75—down two points from the month previous, down three points from the year previous.

Parity ratio shows the relationship between cost items of farmers—prices paid, interest, taxes, and farm wage rates—and prices received by farmers. As such, it reflects the ebb and flow of prosperity on the farm. Under Secretary Freeman, it has been all ebb. No flow.

For Illinois farmers, the news was even worse.

The April 15 parity ratio for Illinois was 70—down 1 point from March 15, 1964, and from April 15, 1963. Both times the parity ratio was 71.

The national parity ratio of 75 is the lowest April 15 report since the U.S. Department of Agriculture first began keeping monthly parity ratio records.

The most recent period in which the parity ratio slid to 75 was August 1939.

Here is the recent record of April 15 national parity ratios:

Year:	*U.S. parity ratio*
1961	80
1962	79
1963	78
1964	75

Here is the recent record of April 15 Illinois parity ratios:

Year:	*Illinois parity ratio*
1961	77
1962	75
1963	71
1964	70

Each year under Secretary Freeman, the cost-price squeeze on farmers has worsened.

THE WASHINGTON, D.C., AFRO-AMERICAN COURAGEOUSLY REPORTS THAT DISTRICT OF COLUMBIA GOVERNMENT OFFICIALS BLAME SLUM CONDITIONS ON TENANTS

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. WIDNALL. Mr. Speaker, on April 14, 1964, the Washington, D.C., Afro-American reported that in an official District government memorandum furnished to the Congress the rats and housing deficiencies in a two-block area of the proposed Adams-Morgan urban-renewal project have been blamed on the "habits of tenants in the area." In this memorandum District government officials were held virtually blameless, even with regard to the garbage cans in the two-block area which overflowed regularly.

In its May 2, 1964, issue, the Washington Afro-American carried a long statement made by me on the failure of District government officials to enforce the housing code in the District of Columbia.

District government officials have been approving the construction of luxury apartments and prime office space through the use of urban renewal funds. To my knowledge, and I hope I will be corrected if I am wrong, there has not been one single low-income housing unit constructed in the urban renewal areas in the 13 years the urban renewal program has been in existence. Recently, there has been the approval of the conversion to public housing in the only low-income housing development, Valley Green, of units in the District of Columbia built by private enterprise.

I include as part of my remarks the articles from the Washington Afro-American, the text of the official District of Columbia government memorandum, and the text of my letter to the Washington Afro-American.

TENANTS CITED IN ADAMS-MORGAN PROJECT

Unsatisfactory living conditions in a two-block area of the Adams-Morgan project have been blamed on the "habits of tenants in the area."

Lt. Col. Edwin Adams, the District's assistant engineer commissioner, fixed the bulk of responsibility on residents for rat-infested living conditions in the Champlain and Seaton Place areas of Adams-Morgan when questioned by a congressman about the enforcement of the city's housing regulation.

His indictment of tenants appeared Thursday in the CONGRESSIONAL RECORD.

In the indictment he termed Champlain Street and Seaton Place as "notorious to District officials for problems of bad housing, overcrowding, and the incidents of vermin."

Landlords were held virtually blameless, even to charges that garbage cans in the area overflowed regularly.

The Assistant District Commissioner submitted his views in a memorandum to Representative WILLIAM P. WIDNALL, Republican, of New Jersey, a ranking member of the Special Housing Subcommittee.

Representative WIDNALL, who has a bill in Congress for the continuance of urban renewal programs such as Adams-Morgan, raised the issue of housing violations in the area after receiving complaints from the Independent Citizens of Adams-Morgan.

The citizens group complained in a resolution that the city is lax in its enforcement of housing regulations.

Specifically cited in the resolution are accusations that Champlain and Seaton Place are rat infested, with improper trash and garbage receptacles.

"It would appear," Lieutenant Colonel Adams declared, "that a lack of sanitary knowledge, apathy, and the high turnover among residents in these particular areas all contribute to the unsatisfactory conditions.

"The areas are checked every week by one or more housing inspectors, and despite the enforcement of housing codes and educational efforts, little lasting improvement has been noted."

The District official said that a total of 501 housing violation orders had been issued on the two streets from January 1960 to January 31, 1964. There are 192 residential premises in the two areas.

It was implied that nearly all these violations were attributed to tenants, and not owners.

Lieutenant Colonel Adams says the District housing division has attempted to "educate people on Champlain and Seaton Place," on the city's housing code.

A CONGRESSMAN'S VIEWS ON ADAMS-MORGAN PROJECT

(EDITOR'S NOTE.—The Adams-Morgan project has been the subject of controversy ever since proposals were made to redevelop the area through an urban renewal program. The project is currently being resurveyed to determine whether it is blighted enough for redevelopment under urban renewal. Representative WILLIAM WIDNALL, Republican, of New Jersey, a ranking member of the Special Subcommittee on Housing, is the author of a national urban renewal bill in Congress. He takes the position that unless local housing codes are enforced, urban renewal will be of little value to a community.)

The Washington Afro-American is to be commended for its willingness to open its pages to the discussion of the failures and shortcomings of urban renewal in the Nation's Capital, and the failure of a number of Federal and District government officials to fully protect citizens in residential premises by exterminating rats and correcting housing deficiences.

Reacting to such failure, citizens both individually and through their organizations, and some broadcasting stations, have become increasingly alarmed and not only have discussed code enforcement but the lack of meaningful code enforcement in the District of Columbia and have in more than one instance complained of rats and housing deficiencies to me and to other Members of the Congress.

Because of my conviction that the housing act, as amended, is a major weapon in the war on poverty I passed these complaints along to the District Engineer Commissioner, Brig. Gen. C. M. Duke.

In his reply General Duke sent me a memorandum prepared by the Assistant Engineer Commissioner, Lt. Col. Edwin C. Adams, in which District government officials entered two pleas of not guilty.

First, we are told that the "workable program," established by the Housing Act of 1954 as a nondelegable function of the Federal Housing Administrator, has been recertified by him through September 1, 1964.

Since the workable program is not to be recertified by the Housing Administrator if code enforcement conditions are poor, it is argued that code enforcement must be good in the District of Columbia, the facts notwithstanding.

According to the memorandum, it is the fault of the slum dwellers that housing codes are not strictly enforced in the District of Columbia. It is my view, however, that slum dwellers in the District have a right to expect Federal and District Government officials, including the Housing Administrator to protest fully the quality of the housing in which they live.

What a hollow sound the war on poverty must have to the District's slum dwellers, who must pay rents as high, and in some instances higher, for slum housing with rats than many more fortunately situated District residents pay for excellent housing without rats.

Second, the memorandum that "In regard to the allegation that Champlain Street and Seaton Place have been neglected, it appears that the health and safety of the residents are subject to at least the same, if not greater, consideration and protection as that accorded citizens elsewhere in the District of Columbia": also, "During the period January 1, 1963, through January 21, 1964, the 192 residential premises on Seaton Place and Champlain Street were served with 193 orders by our inspectors," and "it is apparent that the 98 violations are in large measure, if not entirely, due to the living habits of the residents"; also "it would appear that lack of sanitary knowledge, apathy, and high turnover among residents in this particular area of Adams-Morgan all contribute to unsatisfactory conditions."

No mention is made in the memorandum of the tax incentives used by other cities to assist in the improvement of buildings and to penalize slumlords.

Yet the Joint Economic Committee of Congress has pointed out that "State and local governments have failed to make maximum use of the enormous potential in the property tax for either the prevention or the cure of poor housing * * * those who permit their property to deteriorate * * * are rewarded with lower property taxes. Landlords who enhance the value have assessments raised." There is no reference in the memorandum to the responsibilities of the landlords, and little reference to the responsibilities of the District government, or the Federal Housing Administrator, or the President who appoints the District's Commissioners.

District officials, according to newspaper reports, propose to do something about the situation in the Adams-Morgan area: They are planning to remove nearly 6,000 people, one-third of the present population, in the process of completing the urban renewal project.

Apparently, this is on the theory that it is easier to remove people than get rid of the rats and housing deficiencies. The homes of these 6,000 people (approximately) will be replaced with parking lots, prime office space, and shopping centers for the benefit of a handful of enterprising businessmen.

All of the problems now found in the Champlain Street-Seaton Place area of the Adams-Morgan urban renewal project will turn up in an intensified way in other parts of the District, and these will renew the cycle begun by Washington's Southwest urban renewal project.

Although the District government officials seem to be proud of their record in the Adams-Morgan area, and conclude that "the violations are those associated with standards of the residents rather than structural deficiencies in housing," I see nothing to be proud of in the figures I have received from them.

For instance, according to the memorandum, an inspection every week for 54 weeks found only 193 violations, and only 98 in the areas of rats, trash, and improper trash and garbage containers, and only 13 specifically respect to rats.

After I wrote to General Duke, the District's housing inspectors and officials found, in a 2-day period, by exterior inspection alone, 173 violations with respect to rodents, trash, and garbage, in contrast to 98 over the entire previous year.

During this 2-day inspection 36 rats were found, whereas 13 had been found during the entire year period. If this does not prove laxity of code enforcement what will?

Your readers will be interested in knowing that Senator HUBERT H. HUMPHREY has written me in support of my housing and urban renewal statement which was published in the CONGRESSIONAL RECORD of April 9 under this title, "A Civil Rights Program Which Does Not Include Decent, Safe, and Sanitary Housing Has Little Meaning or Substance."

The statement of mine was the subject of a long letter in the Washington Afro-American of April 25 signed by Mrs. Mary French, Mrs. Christine McNair, and Bishop M. Reed.

Senator HUMPHREY wrote as follows:

"Thank you for your CONGRESSIONAL RECORD statement concerning the enforcement of housing codes as set forth in the Housing Act. Like all aspects of the civil rights struggle, I approach this question on a nonpartisan basis and, in that spirit, express my deep concern that housing code violations be strictly enforced. This was my position as mayor of Minneapolis and it is certainly still my position today."

Despite this forthright and unequivocal statement by Senator HUMPHREY, District government officials seem determined to blame the District's slum dwellers for failure to enforce the District's housing codes.

Identical letters received today from Frederick W. Mallon, Superintendent, Housing Division, and S. Tudor Strang, Deputy Superintendent, state their belief "that Commissioner Duke's letter of February 5, 1964, with enclosures, adequately covers the subject."

Federal and District Government officials are encouraged in their "do as little as you can get away with" attitude on housing code enforcement by Charles A. Horsky, Presidential adviser on National Capital affairs at the White House.

Mr. Horsky has stated approvingly that General Duke's memorandum "shows that local code officials are aware of conditions in this particular area and are keeping the area under constant surveillance."

This is, indeed, about all that is being done about code enforcement on Champlain Street and Seaton Place, so it is clear that residents there can expect no help with rats and housing deficiencies from the White House, the District building, or the Housing and Home Finance Agency.

Until District residents obtain home rule so that Federal and District Government officials can be made responsive to their needs, members of both major political parties in the Senate and House have a responsibility to help them in matters as basic to civil and human rights as definitive actions, not words, with regard to rats and housing deficiencies.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
WASHINGTON, D.C.,
February 5, 1964.

Hon. WILLIAM B. WIDNALL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. WIDNALL: I regret the delay in replying to your letter of January 17, 1964, pertaining to enforcement of codes in the city, with particular attention to a section of the Adams-Morgan area.

I have recently had several memorandums submitted to me concerning code enforcement activity in the area. In reading them I am surprised and pleased at the amount and diversity of effort being expended in the area to improve housing conditions. I believe that you will agree with me when you read the memorandums which I am transmitting with this letter.

Your inquiry was most welcome because it gave me an opportunity to become more familiar with an important though frequently overlooked aspect of District operations.

Knowing your interest in the improvement of housing conditions, I would greatly appreciate any suggestions you have for helping disadvantaged people to attain the minimum acceptable standard of environmental hygiene which is one of the principal goals of our housing regulations.

Sincerely,

C. M. DUKE,
Brigadier General, U.S. Army,
Engineer Commissioner.

MEMORANDUM TO THE ENGINEER COMMISSIONER

FEBRUARY 5, 1964.

Subject: Code Enforcement, Adams-Morgan.

This is in reply to your request for information concerning housing code enforcement in the Adams-Morgan area, particularly on Champlain Street and Seaton Place NW.

It is understood that your inquiry was prompted by allegations found in a resolution dated January 16, 1964, adopted by the Independent Citizens of Adams-Morgan. The resolution leaves much to be desired in regard to clarity of language and precision. However, it is construed to allege:

1. That the District is not in compliance with the requirements of the workable program for community improvement regarding enforcement of the housing regulations; and

2. That enforcement of District of Columbia housing regulations has been lax or neglected for residential premises fronting on Champlain Street and Seaton Place in the Adams-Morgan area.

Neither of these allegations is substantiated by information furnished me by the District of Columbia Office of Urban Renewal and the Department of Licenses and Inspections.

The progress report on the workable program for community improvement currently certified by the Housing and Home Finance Administrator through September 1, 1964, was submitted June 6, 1963, and covered fiscal year 1962. In the letter informing the District that the program had been recertified, the only comments pertaining to the District of Columbia housing regulations were:

1. A recommendation that the housing code be amended to strengthen the provisions regarding ventilation of bathrooms.

2. A request that the next submission describe changes recommended in the community renewal program regarding changes in any codes or enforcement procedures.

During the period that the progress report was being prepared the regional office, at the District's request, sent down two representatives who reviewed the housing code and enforcement procedures with District personnel. They offered no suggestions at that time except the one noted above about bathroom ventilation.

Since the current progress report was approved by the Board of Commissioners prior to your tour of duty, I am taking the liberty of transmitting a copy with this memorandum. The section on code enforcement is on pages 7, 7A, 7B, 7C, 7D, 7E and 8. The volume of activity, the geographical spread of work and the number of kinds of enforcement activity carried out by the Housing Division will interest you as they are summarized in the progress report. The number of inspectors in the Housing Division is limited by budgetary considerations and the amount of time that can be devoted to any particular area is allocted in the light of overall need.

The workable program is recertified for the period ending September 1, 1964.

In regard to the allegations that Champlain Street and Seaton Place have been neglected, it appears that the health and safety of the residents are subject to at least the same, if not greater, consideration and protection as that accorded citizens elsewhere in the District of Columbia.

The Housing Division of the Department of Licenses and Inspections has furnished a table summarizing inspection activity on Seaton Place and Champlain Street as well as several nearby streets during the period January 1, 1960, through January 31, 1964. A copy of this table is transmitted with this memorandum. The data furnished reveals that the 192 residential premises on these 2 streets had a total of 501 orders issued against them specifying 1,724 violations during that period. Abatement of 394 orders with 1,049 violations has been attained.

During the period January 1, 1963, through January 21, 1964, the 192 residential premises on Seaton Place and Champlain Street were served with 193 orders by our inspectors, of which 98 were violations for rodents and unclean yards, broken down as follows: evidence of rat infestation, 13; trash, 71; and improper trash and garbage containers, 14. It is apparent that the 98 violations are in large measure, if not entirely, due to the living habits of the residents. Square No. 150, through which Seaton Place runs, is notorious to District officials for its problems of bad housing, overcrowding, incidence of vermin and generally unsatisfactory living conditions. As a result of the foregoing, one or more housing inspectors routinely check this area every week. Despite enforcement and educational efforts, little lasting improvement has been noted. It would appear that lack of sanitary knowledge, apathy and high turnover among residents in this particular area of Adams-Morgan all contribute to unsatisfactory conditions.

Following your request for information, the Housing Division, on January 22 and 23 carried out an exterior inspection of both Seaton Place and Champlain Street with the following results:

Eighty premises, no cause for action.

One hundred and twelve premises: orders issued for the following violations: 36, rats; 99, trash; and 38, trash and garbage cans.

These conditions prevailed despite the efforts of the prior years. Here again the violations are those associated with standards of the residents rather than structural deficiencies in housing. Obviously some of these orders updated and affirmed orders already outstanding.

Conditions found in the Champlain Street and Seaton Place areas are not unique in the District and there is little prospect of dramatic improvement. Temporary improvement through education and enforcement has been accomplished a number of times in Seaton Place and many other areas, but when the initial enthusiasm is dissipated, areas revert to the former condition.

Housing inspectors are trained to use every opportunity arising from their contacts with householders to impart information and to urge the practice of good housekeeping habits. Two employees of the Housing Division devote full time to educational activity, with special emphasis on block organizations. Supervisory personnel make frequent appearances before larger organizations, such as civic and neighborhood associations, to explain the objectives of the housing regulations and to demonstrate the advantages of citizen-government cooperation in attaining compliance with the regulations. Illustrative of this activity, there is enclosed a memorandum dated January 28, 1964, describing an effort by the Housing Division to improve conditions in an area including Seaton Place during the period April–August 1963. The memorandum describes the techniques used by resourceful Housing Division personnel and the cooperation of another District agency. It appears that the effort was temporarily successful, but the memorandum concludes with the discouraging statement, "During the cold weather, the area slips into poor condition."

Although enforcement of the housing code is an essential element in maintaining minimum environmental health standards, it is not a cure-all. It is acknowledged that substandard housing reduces the incentive for good housekeeping, but dwellings in good physical condition do not necessarily overcome the adverse influences of ill health, poverty, apathy, or lack of training for urban life which not infrequently are associated with the residents of blighted areas. Unless other contributing factors can be overcome or alleviated, housing code enforcement will not alone produce ideal environmental living conditions. This is not to say that there should be any relaxation of code enforcement, but it should be clearly recognized that other efforts are necessary.

I believe that the allegations contained in the resolution of the Independent Citizens of Adams-Morgan although made in good faith were based on less than thorough understanding of the amount of work being done by the Housing Division in Champlain Street and Seaton Place.

EDWIN C. ADAMS,
Lieutenant Colonel, Corps of Engineers, U.S. Army, Assistant Engineer Commissioner.

APRIL 28, 1964.

Mr. JAMES WILLIAMS,
Editor, Washington Afro-American,
Washington, D.C.

DEAR MR. WILLIAMS: The Washington Afro-American is to be commended for its willingness to open its pages to the discussion of the failures and shortcomings of urban renewal in the Nation's Capital, and the failure of a number of Federal and District government officials to fully protect citizens in residential premises by exterminating rats and correcting housing deficiencies.

Reacting to such failure, citizens both individually and through their organizations, and some broadcasting stations have become increasingly alarmed and not only have discussed code enforcement but the lack of meaningful code enforcement in the District of Columbia and have in more than one instance complained of rats and housing deficiencies to me and to other Members of the Congress.

Because of my conviction that the Housing Act, as amended, is a major weapon in the "war on poverty" I passed these complaints along to the District Engineer Commissioner, Brig. Gen. C. M. Duke. In his reply General Duke sent me a memorandum prepared by the Assistant Engineer Commissioner

Lt. Col. Edwin C. Adams, in which District government officials entered two pleas of not guilty.

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For instance, according to the memorandum, an inspection every week for 54 weeks found only 193 violations, and only 98 in the areas of rats, trash, and improper trash and garbage containers, and only 13 specifically with respect to rats. After I wrote to General Duke, the District's housing inspectors and officials found, in a 2-day period, by exterior inspection alone, 173 violations with respect to rodents, trash, and garbage, in contrast to 98 over the entire previous year. During this 2-day inspection 36 rats were found, whereas 13 had been found during the entire year period previously. Why this discrepancy? If this does not prove laxity of code enforcement what will?

Your readers will be interested in knowing that Senator Hubert H. Humphrey has written me in support of my housing and urban renewal statement which was published in the Congressional Record of April 9 under this title, "A Civil Rights Program Which Does Not Include Decent, Safe, and Sanitary Housing Has Little Meaning or Substance." This statement of mine was the subject of a long letter in the Washington Afro-American of April 25 signed by Mrs. Mary French, Mrs. Christine McNair, and Bishop M. Reed.

Senator Humphrey wrote as follows: "Thank you for your Congressional Record statement concerning the enforcement of housing codes as set forth in the Housing Act. Like all aspects of the civil rights struggle, I approach this question on a nonpartisan basis and, in that spirit, express my deep concern that housing code violations be strictly enforced. This was my position as mayor of Minneapolis and it is certainly still my position today."

Despite this forthright and unequivocal statement by Senator Humphrey, District government officials seem determined to blame the District's slum dwellers for failure to enforce the District's housing codes. Identical letters received today from Frederick W. Mallon, Superintendent, Housing Division, and S. Tudor Strang, Deputy Superintendent, state their belief "that Commissioner Duke's letter of February 5, 1964, with enclosures, adequately covers the subject."

Federal and District government officials are encouraged in their "do as little as you can get away with" attitude on housing code enforcement by Charles A. Horsky, Presidential Adviser on National Capital Affairs at the White House. Mr. Horsky has stated approvingly that General Duke's memorandum "shows that local code officials are aware of conditions in this particular area and are keeping the area under constant surveillance." This is, indeed, about all that is being done about code enforcement on Champlain Street and Seaton Place, so it is clear that residents there can expect no help with rats and housing deficiencies from the White House, the District Building, or the Housing and Home Finance Agency.

Until District residents obtain home rule so that Federal and District government officials can be made responsive to their needs, members of both major political parties in the Senate and House have a responsibility to help them in matters as basic to civil and human rights as definitive actions, not words, with regards to rats and housing deficiencies.

Sincerely,

William B. Widnall,
Member of Congress.

RESIDUAL OIL QUOTAS—UNFAIR TO NEW ENGLAND AND THE CONSUMER

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, there have been several statements read into the Record over the past month in opposition to residual fuel oil imports. The gentleman from Texas [Mr. Gonzalez] stated on April 10 that he took exception to a statement by Myron A. Wright, executive vice president, Standard Oil Co., New Jersey, which was filed with the Trade Information Committee on March 31, 1964. I would like to read into the Record a letter addressed to all east coast Governors and other Government officials by Independent Fuel Oil Marketers of America, Inc. This organization is a group of small marketers who have been fighting for the relaxation of residual fuel oil import controls since the present program has created a form of monopoly cartel which causes severe hardship to the independent businessman as well as the consumer of residual fuel oil. In reply to the gentleman from Texas [Mr. Gonzalez], I cite Independent Fuel Oil Marketers of America, Inc., as a good example since Mr. Gonzalez contended that Standard Oil Co., New Jersey, had an ax to grind in this issue since, as Mr. Gonzalez stated, Standard Oil Co., New Jersey, would be the chief beneficiary if controls were removed. This is questionable since under the present program the chief beneficiary is Standard Oil Co., New Jersey, since it has the largest quota. I therefore disagree with Mr. Gonzalez since Standard Oil already has a locked-in major share of the market through the import regulations, yet this company has disregarded its own interests in a statement aimed at justifying the elimination of import restrictions. I am reading this statement into the Record because it is one of the finest examples of statements of fact in support of action to eliminate controls and thereby return the private enterprise system and a competitive economy to the marketplace.

The gentleman from Texas [Mr. Gonzalez] further stated that the domestic oil industry is producing 700,000 barrels of residual fuel oil daily, which is correct, but what he neglected to state was that just over 100,000 barrels a day are produced in domestic refineries for consumption on the east coast area. Since imported residual fuel oil is only marketed on the so-called watershed area of the east coast, in discussing this problem one can only consider the domestically produced product that flows into this area, namely, 100,000 barrels a day. A considerable portion of this volume is high-quality, low-vanadium, low-solvent residual fuel oil for special consumers such as steel plants. This product is not produced or imported from oversea areas, therefore there is no competition for this domestic market from foreign sources. In fact, this quality product is exported from the United States to Europe and other consuming areas. The point I am making is that the gentleman from Texas [Mr. Gonzalez] has distorted facts and raised a very "red herring" when he contends that imported residual fuel oil is replacing domestically produced markets.

At the present time, production of residual fuel oil in the U.S. gulf refineries is down to 5 percent of the total yield and most of this, as I stated before, is a quality fuel oil produced for special consumers. In the main, domestic production available for gulf and east coast refineries is high-quality crude which does not produce a large yield of heavy fuel oil. When you couple this with the fact that domestic crude prices are maintained at a fictitiously high level due to Texas Railroad Commission controls, there is no incentive whatsoever for domestic refineries to produce residual fuel oil and, in fact, refinery techniques have been developed aimed at the complete elimination of residual fuel oil production.

Last year the special report on crude oil imports disclosed that these imports were costing the consumer approximately $3 billion a year. Add to this the fact that the oil-producing States have special tax benefits, such as the depletion allowance, and one can quickly realize that the consumers of New England are already paying a subsidy to the residents of Mr. Gonzalez' State. The gentleman from Texas [Mr. Gonzalez] wants to compound the felony by making the New England consumer continue to pay a premium for his fuel oil requirements created by a shortage of supplies due to import restrictions. The largest consumer in my own State, namely, Public Service Co. of New Hampshire, estimates that these controls are costing them more than one-half of a million dollars a year more for fuel. The gentleman from Texas [Mr. Gonzalez] cited a price of $2.02, which I challenge because it is far below what the consumers in my own State are paying. The present system has created a monopoly and frozen the market to the historical percentage shares of the companies that were marketing in 1957. There is no provision in this system for aggressive competition and the consumers are tied to one supplier, which means that they pay through the nose. Time and time again evidence has been brought to me that due to this inequitable, ridiculous system of regulating imports, supplies of imported products are allocated to marketers who do not have the business while others who do have the business are refused sufficient allocations. There is no provision for varying changes on the east coast caused by local economic development and activity. There is no provision for the unforseen climatic conditions that result in localized areas suffering unusually cold winters with the result that more fuel oil is consumed. The system, in eliminating competition and freezing import allocations to specific importers, has resulted in a value being placed on the ticket. These values range from 15 to 45 cents per barrel and are a windfall profit to the importer who is fortunate enough to receive the tickets.

Summing the whole subject up, controls should be removed because there is no economic or social justification for their continuation. But, if the administration refuses to remove controls, then they should at least change the groundrules so that the consumer has a freedom of choice of both energy form and supplier instead of being tied to one supplier as is now the situation.

I would now like to touch on the general subject of the Appalachian poverty area recently visited by the President. New England has known what it is to be a depressed area and I am sure that I speak for everyone in my State when I say that we have the greatest sympathy for the poverty stricken residents of the Appalachian area. Indications are that we are going to help finance a poverty relief program in that area. What we do protest is that we are penalized while at the same time taxed. We are penalized when we are forced to pay premium prices as a result of the import restriction program created and adopted as a result of pressure brought to bear on the administration by the coal mineowners of the Appalachian area. The coal mineowners are making more money than they ever did and yet unemployment continues to increase, and this is not because of any harm by the importation of a competitive fuel but rather because of the automation program of the coal mineowners. This program has reduced the need of coal miners by two-thirds in the last decade. But, why use this as an excuse to eliminate competition and increase prices to the consumer? The statistical price quoted by the gentleman from Texas [Mr. Gonzalez]; namely, $2.02 a barrel, was taken from the monthly study made by the Office of Emergency Planning. I question the authenticity of this price because I know that this is not the price charged to the consumers in my State. I also know that the Office of Emergency Planning does not get complete coverage in its monthly survey from all marketers and, therefore, this is just a weighted statistical figure that does not even cover the entire market. Regardless of what the price is, it is a known fact that the method of regulating and allocating imports has created false local supplier and market shortages and as a result there is a value in a ticket of anywhere from 15 to 45 cents a barrel. Is it not about time the east coast consumer was treated equally since he is already paying a premium which, for the country, runs in excess of $3 million on the restrictions of foreign crude oil imports? Why compound the felony on the east coast consumer and taxpayer by adding residual fuel oil surcharges while at the same time adopting a billion dollar relief program to help correct poverty conditions created by the coal mineowners in their program of automation? I repeat, at least the east coast consumer should be allowed to buy his fuel in a competitive market under free enterprise conditions.

The statement by Myron A. Wright, executive vice president, Standard Oil Co., New Jersey, referred to, follows:

STATEMENT BY MYRON A. WRIGHT FOR THE TRADE INFORMATION COMMITTEE MARCH 31, 1964

INTRODUCTION

My name is Myron A. Wright. I am a director and executive vice president of Standard Oil Co. (New Jersey). I am glad to have this opportunity to appear before your committee because our company believes that increased trade is important to the economic development, cohesiveness and defense of the free world, and we recognize how crucial the coming GATT negotiations are to these objectives.

We understand that some of those nations who have very favorable regional trade associations are reluctant to disturb these arrangements for broader trade. The negotiations are therefore going to be difficult and the United States will be called upon to make concessions. I would like to suggest to you a concession which the United States could offer in these negotiations which would cover a significant amount of our trade, but which would actually cost us little, if anything. The opportunity I have in mind is the complete elimination of the nontariff restrictions we now impose on residual fuel imports.

BACKGROUND

In explaining why this makes such an ideal negotiating offer, I would like to give you some background about residual fuel and the import controls that the Government now imposes on it. Residual fuel is a heavy viscous petroleum oil which is used principally in industrial and commercial applications. It is superior to coal in cleanliness and ease of handling. While a residue of U.S. refining, heavy fuel is an important prime product of foreign petroleum operations, amounting, in the instance of Venezuela, to about 60 percent of its total refined product output. Residual fuel is quite costly to transport overland and imports seldom move as much as 100 miles from deep water.

Residual fuel imports into the United States are now restricted by a quota system established in 1959 on all petroleum crude oil and products. The quotas were imposed by executive action, in accordance with the national security provision of the Trade Agreement Act, to protect the health of the domestic crude producing industry. We have always been in favor of maintaining a reasonable balance between crude oil imports and domestic crude production. Residual fuel is quite different however, in that U.S. production is inadequate to meet demand. This difference was recognized when the import program was set up, and residual controls have been administered apart from crude oil and other petroleum products with separate quotas based on different criteria. Our decontrol proposal concerns only residual fuel to be used as fuel. It is our opinion that it never should have been included in the petroleum import program in the first place. We do not see how residual fuel imports endanger the health of any of the domestic fuels industries or the national security.

RESIDUAL IMPORTS DO NOT INJURE THE DOMESTIC OIL INDUSTRY

It is clear that residual fuel imports do not injure the domestic oil industry. The value of residual fuel, as limited by other competitive U.S. fuels (coal, gas), is more than $1 per barrel less than the value of U.S. crude oil. Thus, it is obviously uneconomic to buy crude oil to produce residual fuel oil. U.S.

refiners continually strive to produce more of the higher priced gasoline and home heating oil, and correspondingly less of the low-priced residual fuel oil. They have been so increasingly successful over the years that U.S. residual fuel production now fails to meet demand by about 60 percent. Imports are needed, therefore, to supplement domestic fuel oil production and in no way can be considered to supplant it. Evidence that imports have not been causing the decline in U.S. residual fuel production is seen in the fact that the refinery yield from a barrel of crude oil has steadily declined in the interior just as it has on the coast, even though imports do not reach the interior sections of the country.

THE COAL INDUSTRY HAS ALSO NOT BEEN INJURED SIGNIFICANTLY BY RESIDUAL FUEL OIL IMPORTS

While the stated purpose of controlling residual fuel oil imports is to protect the health of the domestic crude oil producing industry, it is generally recognized that much of the pressure for these controls comes from coal interests. However, this pressure is misconceived. The coal industry has also not been significantly injured by residual fuel imports. During the entire postwar period, the overall demand for residual fuel east of the Rockies has been essentially static. As domestic residual became increasingly unavailable, the deficit has been made up by imports. The imports therefore, have not displaced coal—which never had the market in the first place—they have merely filled the gap left by insufficient production of fuel oil.

It is, of course, a fact that coal demand declined in the postwar period up to 1960. Since residual fuel demand was stable, it was obviously not a loss to residual competition. Rather it was caused by three principal factors:

1. Loss of most of the home heating market to distillate fuels and natural gas.

2. Loss of the railroad locomotive market due to switches from steam to diesel engines, a technological shift from which residual fuel oil did not benefit. Indeed, residual fuel oil actually lost business in the process since some of the steam locomotives burned that fuel.

3. Increased efficiency in the use of coal by some of its largest customers, such as steel mills and electric powerplants, so that they could achieve the same or even larger outputs with smaller amounts of coal.

Losses in these areas, some of which are one-time losses and now essentially complete, have obscured the very promising growth which coal has achieved, particularly in powerplants. I shall refer to this growth later.

Actually, only a relatively small part of the demand for residual fuel oil is in direct-price competition with coal. Instead, many of the places where residual fuel oil finds application require its ease and cleanliness of handling and clean burning characteristics. Examples of these are schools and hospitals in urban areas and in ships. In others that might conceivably use coal, the cost of conversion coupled with the added cost of handling is prohibitive. The only significant area where there is basic competition between coal and residual fuel oil is the utility fuel market and possibly also a few large industrial plants. With respect to imported residual fuel oil, this competition is further restricted to a narrow strip along the east coast. There was little in the performance of residual fuel oil in this competitive utility market during the 1950–60 decade to cause coal alarm. Total sales of residual fuel oil to utilities east of the Rockies in this period were relatively constant at around 15 million tons per year coal equivalent and its percentage participation declined, amounting to only 6 percent at the end of the decade. In the same period, coal sales to utilities almost doubled (from 129 to 244 million tons per year), thus demonstrating coal's ability to hold its own under free competition.

Everybody is aware of the seriously high level of unemployment in the coal mining areas, but this has not been caused by residual fuel oil imports. Rather, it has been caused primarily by an amazing increase in mine mechanization. The productivity of coal labor doubled between 1950 and 1960 (from 6.77 to 12.83 tons per man-day), and if coal production had stayed constant, this fact alone would have cut coal employment in half and idled 200,000 men. In addition, of course, there was the actual decline in coal production discussed previously which amounted to about 20 percent. This further aggravated coal's unemployment problem, but as pointed out earlier, the decline was not caused by residual fuel oil competition or residual fuel oil imports.

RESIDUAL FUEL OIL IMPORTS DO NOT IMPERIL MILITARY DEFENSE

Those who wish to have imports of residual fuel oil restricted try to make the case that imports of this product endanger our military defense. Such arguments fail to recognize the global nature of our defense and the need for a tanker fleet and foreign petroleum supplies to prosecute a war. In this connection, I quote to you the unqualified conclusion of the Defense Department contained in the recent OEP study as to the effect of residual fuel oil imports which was: "We cannot see wherein residual fuel imports can seriously endanger the national security."

RESIDUAL FUEL OIL IMPORT CONTROLS ARE NOT DOING ANYBODY MUCH GOOD

We have pointed out that there is no fundamental reason for residual fuel oil import controls. It is a natural consequence, therefore, that imposition of controls has not done anybody much good. Controls have now been in effect for 5 years and have been administered tightly enough to cause significant hardship to many consumers. If the control scheme had been soundly conceived in the first place, a long enough period has elapsed to permit seeing some tangible benefits. Instead, it is clear that there have been none. In the last 5 years, the domestic crude oil producing industry has seen the yield of residual fuel oil on refinery runs east of the Rockies decrease from 10.6 to 6.8 percent. This was a continuation (with even a slight acceleration) of the trend that had been evident over the whole postwar period and offers strong support for our view that the residual fuel oil yield will continue to decline with or without the controls.

It is true that demand for coal increased slightly during the import control period. However, a negligible part of this was attributable to residual fuel import controls. At most, about 2 to 4 million tons per year of utility demand shifted from residual fuel oil to coal. This is substantially less than 1 percent of total coal demand. Despite supply problems and cost aspects, most residual consumers were either unable to shift to coal or were unwilling to forego residual's premium properties. As a result, residual fuel oil demand during the control period was essentially static—the same as it had been in the decade prior to controls. The principal reason that coal demand increased during this period was not the residual fuel import controls, but rather the fact that the areas in which coal had been steadily losing volume, such as railroads and home heating, had essentially completed their conversion to other fuels. During the conversion period, these losses had offset coal's substantial growth in the utility market, which in the last 5 years has continued unmasked.

Obviously, since residual fuel oil import controls did not significantly stimulate coal demand, they could have little impact on coal employment. Coal employment records of the last 5 years demonstrate clearly that this has been the case. During these years, and despite the slight increase in coal production, bituminous coal employment dropped from 197,000 to 130,000 men. This was clearly due to coal automation and had nothing to do with residual fuel oil imports. Inappropriate measures taken to improve coal employment only delay the finding of a really effective way to cope with the problem.

RESIDUAL FUEL OIL IMPORT CONTROLS HARMFUL IN SOME AREAS

The actual record of 5 years of residual fuel oil import controls has therefore shown little, if any, benefit to their proponents. On the other hand, there have been very definite harmful effects to others. One of these is our general economic development in which energy cost is an important factor. Controls take away the natural benefits of competition and do it in a discriminatory manner. New England, which is remote from the coal fields, already has the highest cost power in the Nation, and is particularly hard hit by controls. High energy costs raise the general level of prices and reduce the competitiveness in world markets of manufactured goods from this area.

Residual fuel oil import controls have also been harmful in U.S. foreign relations. Many foreign countries depend to a great extent upon oil revenues and are understandably sensitive about their markets. Our restrictions on imports certainly cannot be regarded as designed to make such countries sympathetic to our policies. Venezuela, the principal supplier of residual fuel oil to the U.S. is a key country in the stability of Latin America.

RESIDUAL FUEL OIL IMPORT CONTROLS ARE AN IDEAL CONCESSION FOR GATT NEGOTIATIONS

Let us now turn to the coming GATT negotiations. The U.S. will be seeking tariff and other concessions, particularly from the Common Market countries, which will open up their markets to us and other free world nations. We will, of course, have to make concessions of our own in the course of these negotiations, and there are those that say that our concessions will have to be very substantial. I would like to suggest to you the complete elimination of residual fuel oil import controls is one of the least harmful concessions we can make. It is in many ways an ideal concession. It would eliminate nontariff trade barriers on a sizable amount of our imports, and would also represent a very significant reduction in the total amount of nontariff trade barriers that we maintain. Moreover, as discussed previously, elimination of quotas on imports of residual fuel oil would have virtually no harmful effects in the United States and would actually benefit us in several ways. The resulting lower cost energy that this would bring might make some of our manufacturers more receptive to reductions in the tariff protection which they now enjoy.

While Venezuela, the principal direct beneficiary of such action, is not a GATT signator, it has extensive foreign trade with GATT countries. About 48 percent ($530 million per year) of its imports come from countries other than the United States, including $300 million per year from Europe. Venezuela earns about $400 million per year of foreign exchange on its exports of residual fuel oil to the United States and this is greater than its imports from Europe, so that the significance of this restriction to the Common Market should be quite clear.

We urge therefore that the administration give serious consideration to the elimination of residual fuel oil import controls as a bargaining concession in the coming GATT negotiations. It is an ideal concession, and one within the present authority of the administration to make. We would make one further point. A recent comprehensive review of residual fuel oil imports by the OEP had the universal concurrence of all participating departments that controls of this product contributed little, if anything, to the national security. There would therefore appear to be good grounds for their complete removal in the national interest and if so, what better time than during the GATT negotiations when we might get something in return.

Mr. Speaker, the foregoing statement by Myron A. Wright was recently mailed to Congressmen and Governors by John K. Evans, executive director of the Independent Fuel Oil Marketers of America, Inc. Mr. Evans' covering letter speaks eloquently of the unfairness of continuing residual oil quotas. Because of its general interest, I am including here in the RECORD Mr. Evans' letter at that time:

INDEPENDENT FUEL OIL MARKETERS
OF AMERICA, INC.,
Washington, D.C., April 13, 1964.

DEAR SIR: As a public official from a highly industrialized and populated State, you have a stake in the subject, namely, residual fuel oil import restrictions and controls. Any action by our Government, created and caused for purely political reasons, that has a negative impact on the consumer of energy in your State is an issue that is of considerable significance and importance to you. The restrictions that were placed on the importation of residual fuel oil in 1959 were the result of an all-out propaganda campaign by the coal mine owners of our country and are costing the consumers in your State millions of dollars each year because the electric utilities are being denied their traditional right of freedom of choice of not only supplier but also of competitive forms of energy. In addition, the large industrial consumers of this fuel, such as large manufacturing plants, pulp and paper mills, etc., also are being forced to pay higher prices for their fuels. As a result, industrial enterprises are placed at a disadvantage competitively, not only within the boundaries of our country but also when it comes to competing with foreign products in world markets. Representatives of these groups are all on record confirming the above since they have filed statements with the Trade Information Committee on the subject matter. This organization represents the "small businessman" engaged in marketing residual fuel oil on the east coast and we have been fighting for a return to the free enterprise system since 1960.

My main purpose in writing you this letter is to forward the enclosed statement that was filed by the executive vice president of Standard Oil Co. (New Jersey) with the Trade Information Committee under date of March 31, 1964. This is one of the finest, most concise, most dispassionate and most factual statements that has ever been made on this overall subject. We suggest that you read the statement and that you pass it along to any member on your staff who has anything to do with trade issues and the welfare and competitive standing of the industrial economy of your State. Just to put the record straight, this organization has no ax to grind with Standard Oil Co. (New Jersey). In fact we have continually criticized the Secretary of the Interior for the regulations that control these imports because they concentrate over 50 percent of the total allocation in the hands of four major imports and the largest of this group is Standard Oil Co. (New Jersey). The latter makes it all the more impressive and it is a credit to Mr. Wright's company that they subordinate their own corporate selfish interests to the welfare of our country. It is too bad that the coal mine owners of America do not have some of this patriotism and loyalty. It is self-evident from this statement that Standard Oil Co. (New Jersey) not only believes in the socially conscious American private enterprise system, but is willing to fight for that system and to subordinate its own corporate interests in the process.

It's time for the consumer to stand up and fight for his rights. The "squeaking wheel gets the most grease" in Washington and the only way in which the best interests of our country and your State can be served is for you, the representative of the consumers, to stand up and protest not only to the President but also to Secretary Udall to the end that the best interests of our Nation are served.

I am sending a copy of this letter to all of the chambers of commerce in your State and to other civic organizations.

Respectfully yours,
JOHN K. EVANS.

ANNIVERSARY OF ADOPTION OF THE POLISH CONSTITUTION

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WALLHAUSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. WALLHAUSER. Mr. Speaker, it is my privilege to join my distinguished colleagues in the House, to pay tribute to the great nation of Poland on the anniversary of the adoption of the Polish Constitution, May 3, 1791.

For many years the U.S. Congress has commemorated this date in the chronicals of Polish history. We recall this anniversary for the many Americans who are deservedly proud of their Polish heritage and wish to remember the day on which their homeland, after many, many years of struggle and barely 2 years after the adoption of our own Constitution in 1789, succeeded in asserting the principles of democracy. But more importantly, we, who are privileged to serve in the U.S. Congress, are memorializing the date of May 3, 1791, in order to give hope and encouragement to the people of Poland who despite their present oppression by the Soviet Union fervently hope to once again live in a free and democratic nation.

The May 3 Constitution stated:

> All power in civil society should be derived from the will of the people.

These words sound strikingly familar to all Americans whose freedom has been secured through the ages by the words of our Declaration of Independence—

> Governments are instituted among men, deriving their just powers from the consent of the governed.

We in this country have been more fortunate in preserving the foundations of democratic government so firmly established by our Founding Fathers. The Poles were less fortunate in attaining a lasting foundation for the third partition of Poland by Russia, Prussia, and Austria came only 4 years later, 1795.

Today the free world considers Poland a Communist country. Yet, we should and do recognize that though the Polish Government is "Communist" the Polish people are not.

May 3 cannot be a joyous holiday similar to the exuberant celebration of our July the Fourth anniversary, but it is a date for reflection and prayer. And it is fitting that we in this great Nation, who are so richly blessed with the privileges of liberty granted by our Constitution, should today pay tribute to the Polish people who are struggling to regain their freedom and join in their prayers that they may once again realize the rights of life, liferty, and the pursuit of happiness.

PAY RAISE—A THREAT TO WAGE AND PRICE STABILITY

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, last Thursday, Under Secretary of the Treasury Robert V. Roosa, warned that the United States could face a balance-of-payments "tragedy" unless wage and price stability is maintained this year. His statement was reported in the Wall Street Journal of Thursday, April 30, 1964, in connection with a new offering of 10-year Treasury bonds bearing a 4½-percent coupon rate, the highest the Treasury can legally bear, to refund $10.6 billion of bonds maturing this month.

On the same day, the Washington Evening Star carried a full-page headline "New Pay Raise Gains in the House." The story went on to point out that the House Civil Service Committee by a vote of 14 to 3 had endorsed a new pay raise bill but one which is substantially similar to that which the House voted against last month.

When we passed the tax-cut bill, in spite of the fact that it would mean a deficit, solemn promises were made that budgetary restraint would be exercised. Although a case can be made for pay increases, how can administration leaders call for wage and price stability at the very time they are pushing pay increases for Federal employees and Congressmen through this House? There is an inconsistency in their positions that is troublesome. People have a right to expect their elected representatives to set good examples. If important spokesmen for the administration call on business and labor and the private sector of the economy to exercise restraint and maintain wage and price stability, certainly the people of this country should expect the U.S. House of Representatives to practice what the administration is preaching.

TAX TREATMENT OF BEER CONCENTRATE

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. BYRNES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have introduced today a bill (H.R. 11111) to amend the Internal Revenue Code of 1954 relating to the manufacture, use, and sale of beer concentrate.

The bill is intended to preserve the "status quo" until such time as there is a more definitive understanding and evaluation of the use and economic effect of beer concentrate. The bill distinguishes between "beer" and "beer concentrate" in order that the latter cannot be shipped in interstate commerce as beer. The bill may be summarized as follows:

First. The bill defines "beer concentrate" as a product separate and distinct from "beer."

Second. The bill provides for the manufacture of "beer concentrate" in the brewery for inplant use.

Third. The bill provides for the exportation of "beer concentrate" free of tax.

Fourth. Finally, the bill prohibits the shipment of "beer concentrate" to bottling plants or other breweries for reconstitution into beer.

While the concentration process has been used for several years with respect to products such as fruit juices, it was only recently applied to beer on a "test basis." Under the concentrate process, the beer is brewed in the brewery in the same manner as always. A part of the brewing water is subsequently removed, by freezing or some other process, reducing the beer to a concentrated sirup of about one-fourth its original volume. This sirup may then be reconstituted into beer either at the same brewery, or at another location such as a bottling plant. At the bottling plant, carbon dioxide and water are added to the beer concentrate to restore the mixture to the original consistency of beer. The beer is then bottled and marketed in the usual manner.

Chapter 51 of the Internal Revenue Code regulates the manufacture, taxation, and sale of all alcoholic beverages. Under the code and prior regulations, "beer" could only be produced in a brewery. A tax of $9 per barrel is levied upon the beer when removed for consumption or sale. Beer could be transported under bond between related breweries—under common control ownership—without the payment of tax. Beer could also be removed from a brewery for analysis and for export. However, there was no provision in the Internal Revenue Code or the regulations governing the manufacture, transportation, taxation, or a sale of beer concentrate.

The Treasury Department published proposed regulations for the utilization of beer concentrate in the Federal Register on August 31, 1963. These regulations authorize the manufacture in a brewery of beer concentrate and its shipment under bond to another brewery—or bottling plant—owned by the same brewer without payment of the Federal tax. The beer concentrate could then be reconstituted at the bottling plant and the tax paid there. These regulations went into effect on December 1, 1963.

Because of widespread concern over the proposed regulations, hearings were held by the Committee on Ways and Means on November 5 of last year.

While the regulations have not attempted to levy a tax directly on beer concentrate, the regulations have broadened the code section dealing with inbond shipment of beer. The tax provided for in the code is a tax on beer, and on beer alone. This tax is based on volume—$9 per barrel. If beer concentrate is construed to be "beer," there would be a tremendous loss of tax revenue through the reduction in volume of the taxable article. If beer concentrate is not a "beer," there is no statutory authority to permit its shipment under bond as between related breweries. Thus we have an anomalous situation where by regulations beer concentrate is treated as "beer" for shipment under bond, but cannot be classified as "beer" for tax purposes. In my opinion, these regulations are of doubtful validity, and certainly fail to offer any satisfactory solution to the problem.

At the hearings before the Ways and Means Committee it became apparent that there was justifiable concern over the impact of beer concentrate upon the industry, and particularly if the indiscriminate shipment of such beer concentrate should be permitted as between breweries or bottling plants under common ownership. It was pointed out that a central brewery might merely set up bottling plants around the country which would qualify as breweries for tax purposes. Shipments of beer concentrate could be made to such bottling plants to the detriment of the full-fledged brewery which had been established to serve that locality.

Concern was also expressed over the possibility of damage to the beer industry through lack of sufficient control over the quality of beer produced by reconstituting beer concentrate. Some witnesses, however, claimed that the reconstituting process improved the quality of the beer.

The licensing of the shipment of beer concentrate under these regulations thus could present a serious economic threat to the many local breweries and their employees. Large centralized breweries could establish reconstituting and bottling plants in areas already adequately served by local breweries. At a relatively small investment, a bottling plant could be set up to flood an area with reconstituted beer and thereby destroy the jobs and investment in the local brewery. On the other hand, the local brewery could in no way profit from the regulations for the use of beer concentrate. The local brewery could not buy the concentrate from a central brewery since, under the regulations, it can only be shipped under bond to a bottling plant owned by the manufacturer of the concentrate.

The small breweries of the country are already having difficulty meeting the competition of the larger breweries with their national advertising campaigns. The number of small breweries continues to decrease. I am advised that in 1934, there were 725 breweries operating in the United States. Ten years later, this number had declined to 463. During the next 10 years—by 1954—the number declined to 298 breweries. Today, there are only about 195 breweries, 16 of which are multiple-plant operators. Prompt action will be necessary if we are to preserve the remaining independent breweries.

The bill has the support of the U.S. Brewers' Association and the Brewers' Association of America. These organizations represent practically all the breweries in the United States.

The bill I have introduced would limit the utilization of beer concentrate to the brewery in which the concentrate is first produced, thereby preserving the situation which existed prior to the promulgation of these regulations. I propose this—not as a permanent solution to the problem—but to forestall any irreparable injury to the small independent brewers until a better solution can be considered by Congress.

At present there is no need to provide for the shipment of beer concentrate. The process is still in the experimental stage. Therefore, we are not acting to stop a present practice in the industry. If we delay taking action, however, and the larger breweries begin shipping concentrate, and possibly establishing bottling facilities, it might be too late to do anything to save the small brewer.

EXTENSION OF UNEMPLOYMENT COMPENSATION BENEFITS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, on April 30 I introduced legislation to extend the period in which unemployment compensation benefits are paid to jobless workers to 39 weeks, provide for unemployment insurance grants to the States, and otherwise strengthen the unemployment compensation program.

In December of last year, the shutdown of production by the Studebaker Corp. cost the jobs of more than 6,000 workers in South Bend, Ind. Yet, as President Johnson remarked this past weekend, after his visit to South Bend, the people of South Bend have "rolled up their sleeves and stuck out their chins and gone ahead."

Already, the Kaiser Jeep Corp., Allied Industries, and the Cummins Co. have taken over parts of the Studebaker facilities, and are well on their way to providing several hundred new jobs. We are retraining hundreds of others in skills which will give them the opportunity to participate in the benefits of prosperity.

But at the same time, 350 South Bend workers have already exhausted their unemployment compensation benefits. Many more are faced with the prospect of losing their rights to compensation in the next few months.

In the State of Indiana, the maximum period of compensation is 26 weeks, and less than a third of the workers are covered for even that length of time. The maximum benefit in Indiana, I might add, is $36 per week. Again, a substantial number of the unemployed—30 percent—are not eligible to receive that amount for even limited amounts of time.

This is more than a South Bend problem—and more than an Indiana problem. Five thousand workers ran out of benefits last February in Indiana, but in the same month, the clock ran out on 148,517 unemployed workers across the country.

Mr. Speaker, this is a national problem. One and a half million people in this country—25 percent of those entitled to unemployment compensation—exhausted their benefits last year.

The magnitude of these statistics indicates to me that the current unemployment compensation programs are not adequate. They fail to provide security against the longterm unemployment that falls so heavily, through no fault of their own, on the unskilled workers and minority groups of the Nation.

I urge, therefore, serious consideration of legislation to strengthen the unemployment compensation system and extend the period of compensation.

MOST SCHOLARSHIPS GO TO THE RICH, STUDY SHOWS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware [Mr. McDOWELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McDOWELL. Mr. Speaker, a study made by Dr. Elmer D. West, while he was director of statistical information and research of the American Council on Education, showed that more than twice as many students from families with incomes of $13,000 or over were offered scholarship aid as in families in the below $3,000 category.

Dr. West and Charlene Gleazer, staff assistant, writing in the current issue of Financial Aid News, published by the College Entrance Examination Board's College Scholarship Service, point out that in the 65 institutions studied, the number of successful applicants for financial aid from families of over $11,000 income was more than 4½ times as large as the number from families under the $3,000 mark, and 1¼ times as large as that from the under $5,000 level.

The West-Gleazer study suggests that high-income families should be asked to make greater use of loan funds on the assumption that their financial difficulty in meeting college expenses is temporary.

The West-Gleazer study also points out:

> For those who look upon scholarship aid as a means of reducing the inequality of opportunity for a college education, the situation reported is not a happy one.
>
> The image of the colleges and universities as institutions that grant scholarships to the needy and capable is somewhat blurred. Perhaps some house cleaning is in order.

It is facts such as these which makes a far-reaching Federal scholarship program mandatory. Undoubtedly, also, a house cleaning is in order, and is long overdue.

I recently introduced a bill, H.R. 10947, to amend and extend the National Defense Education Act of 1958 to provide a significant nationwide scholarship program. My bill is similar to legislation introduced by our distinguished colleague from Oregon [Mrs. GREEN] as well as several other colleagues on the House Education Subcommittee which she chairs.

I include as part of my remarks newspaper articles on the excellent West-Gleazer study, and my testimony in support of my scholarship proposal:

[From the Washington Evening Star, Apr. 30, 1964]

MOST SCHOLARSHIPS GO TO RICH, STUDY SHOWS

The poor are often forced to borrow money for college, while the wealthy often get gifts through scholarships.

This "developing impression," two educational researchers say, takes added weight from scholarship data from 65 institutions which they analyzed.

More than twice as many students from families with incomes of $13,000 or over were offered scholarship aid as in the below $3,000 category, reported Dr. Elmer D. West, former research director for the American Council on Education, and Charlene Gleazer, staff assistant.

SITUATION NOT HAPPY ONE

They said in the current issue of Financial Air News that in the 65 institutions, the number of successful applicants for financial aid from families of over $11,000 income was more than 4½ times as large as the number from families under the $3,000, and 1¼ times as large as that from the under $5,000 level.

"For those who look upon scholarship (grant) aid as a means of reducing the inequality of opportunity for a college education, the situation reported is not a happy one," they commented.

"The image of the colleges and universities as institutions that grant scholarships to the 'needy and capable' is somewhat blurred. Perhaps some house cleaning is in order."

FIGURES CAUSE CONCERN

Financial need is not the only consideration that enters into the award of a scholarship, the authors noted. Nevertheless, they continued, "these are applicants for aid. Even when one takes into consideration such things as the number of children, other dependents, indebtedness and so on, in high-income families it is difficult to accept the above figures without concern."

Among several ways to "clean house," the authors suggest that if need is to be determined after applicants are accepted for admission, as it generally seems to be, institutions might begin "at the bottom of the economic ladder and work up" in granting scholarships.

Also, they said, high-income families might be required to make greater use of loan funds on the assumption their financial difficulty in meeting college expenses was temporary.

[From the Washington Post, Apr. 30, 1964]

SURVEY FINDS NEED BY STUDENTS IS NO KEY TO SCHOLARSHIP AWARDS

(By Gerald Grant)

For every college scholarship awarded to a youngster from a family with an income below $3,000, more than four were awarded to students from families in income brackets above $11,000.

This is reported in a study by the research director of the American Council on Education, who suggested that the colleges have some "house cleaning" to do.

The director, Elmer D. West, and his assistant, Charlene Gleazer, analyzed scholarship records of 65 colleges representing a cross sections of 4-year institutions.

They reported, in the current issue of Financial Aid News, that "the situation is not a happy one. The image of the colleges and universities as institutions that grant scholarships to the 'needy and capable' is somewhat blurred."

Noting that "many considerations enter into the award of a scholarship, financial aid is not the only one," the authors went on:

"Nonetheless, these are applicants for aid. Even when one takes into consideration such things as the number of children, other dependents, indebtedness and so on, in high income families, it is difficult to accept the above figures without concern."

Specifically, these were the breakdowns of aid by income level of all students who had been accepted and applied for scholarships:

Below $3,000 family income: Of 635 students who applied, 377 or 59 percent were offered it.

Income from $3,000 to $4,999: 1,417 students applied and 887 or 63 percent aided.

Income $5,000 to $6,999: Of 2,583 applicants, 1,703 or 66 percent aided.

Income $7,000 to $8,999: Of 2,729 applicants, 1,785 or 65 percent aided.

Income $9,000 to $10,000: Of 2,265 applicants, 1,395 or 62 percent aided.

Income $11,000 to $12,999: Of 1,598 applicants, 908 or 57 percent aided.

Income above $13,000 of 2,099 students, 789 or 38 percent aided.

Asked if enough efforts were being made to provide lower income families with more information about how to go about applying for scholarships, West replied that such efforts had improved but not enough.

In the report, he wrote: "Perhaps children of low-income families do not apply to these institutions in sufficient numbers. Perhaps they do not know about the opportunities that exist. Perhaps, perhaps, perhaps.

"But of those applicants in the below-$3,000 category who did apply and were accepted, 40 percent were not given scholarships."

West also said the figure reflect the "well-known reason" that the rich are more likely to send their children to college than the poor.

But to help more of the poor who apply, he urged the colleges to "begin at the bottom of the economic ladder and work up" in granting aid.

West asks the colleges to reevaluate the principle of awarding scholarship aid strictly according to the difference between what the family is judged able to afford and what it will cost the student to attend the institution he has applied to.

While this principle tends to reduce the supply of scholarship funds to high income families (above $15,000) it favors those in upper middle-income ranges ($7,000 to $9,000).

It may mean that a student from Washington wins a scholarship to Reed College in Seattle because travel costs are included in the cost of education. It might be better to give that scholarship money to a poor boy in Seattle.

West argues that colleges that justify scholarship awards to the rich by saying they attract students from distant States and increase the "geographical distribution" of the student body. He said they should give more emphasis to "economic distribution."

West urged separation of the applicants for competitive "scholarships" from the needy who ask for aid. Prestige rather than aid may be a primary factor for high-income families seeking scholarship aid, he inferred.

Lastly, he suggested that high-income families should be asked to "make greater use of loan funds on the assumption that their financial difficulty in meeting college expenses was temporary."

STATEMENT OF HON. HARRIS B. MCDOWELL, JR., THE REPRESENTATIVE IN CONGRESS FROM THE STATE OF DELAWARE, BEFORE THE SPECIAL SUBCOMMITTEE ON EDUCATION ON BEHALF OF LEGISLATION TO AMEND AND EXTEND THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Madam Chairman, and members of the subcommittee, I appreciate this opportunity to briefly express my views in support of legislation which would promote and encourage adequate educational programs for the school-age population in the United States at all levels of ability.

I have joined several members of this subcommittee in introducing legislation to amend and extend the National Defense Education Act of 1958 because of my conviction that if education is to be sufficient for the years ahead, it must be strengthened in every discipline and at every level.

I would urge that the bill be amended to include political science and international affairs among those subjects covered by the bill which are, as you know, science, mathematics, history, geography, and modern languages. The study of political science and international affairs is crucial to the support of the defense effort because of the contribution these subjects make to the understanding both by the public and high officials as to our national security. I would suggest, then, that the bill be amended to include the words "political science, international affairs" before the word "history," wherever it occurs on pages 9, 10, and 19 in the bill I have introduced.

Much of the progress of the United States is due in large part to the firm foundation of our public education system. Other influences have been significant, of course, but without advancing its levels of formal education the United States would not have achieved its high level of agricultural and industrial productivity, its national defense and space explorations, and its medical research and improvement in the Nation's health. Neither would it have been able to develop free representative government and a free enterprise economy capable of supporting a sound wage level and other benefits for the working man and his family.

Educational efforts of the American people have not been meager in the past. This does not mean, however, that our past efforts are adequate for the great demands whicn confront us in the years ahead. There is no question but that America's manpower must now and in the future be educated at a level reserved for only a small number a few years ago. Technology and automation are already rendering many unskilled jobs obsolete—many jobs are being abolished. No occupational group, including teaching, is immune to the demands of automation for higher and more versatile and sophisticated skills as programing and planning and higher skilled operations replace many existing manual operations in our diverse and intricate industrial complex.

The 1964 manpower report of the President to the Congress is an impressive document which outlines the Government's current objectives and policies toward achieving greater manpower development of our people. The report stressed that "education must provide, as a basic part of its human development responsibility, the preparation needed for effective participation in our economic life." This preparation begins at the elementary and secondary school levels which serve as a foundation for training and further learning for all of our citizens. Such education increasingly has become a minimum requirement for effective activity and contribution in and to our advancing technological society.

In addition, broad opportunities must be provided for education beyond our high schools. The increasing complexity of many technical and managerial occupations makes education beyond high school and junior college essential. Moreover, to foster the leadership resources of the Nation, we must augment the supply of qualified teachers and stimulate the creative talents of our managers, scientists, engineers, educators, and other strategic professional personnel.

The legislation now under consideration by this subcommittee is a major step in enabling and motivating all able young people to obtain advanced training in the fields most suited to their talents. Let us educate and train our young people with the full recognition of the values set forth by President John F. Kennedy in his 1961 education message to the Congress in which he emphasized that "our progress as a Nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. The human mind is our fundamental resource."

It is essential that we raise our sights, that we seek a new vision, for it is truly said, that a people without vision will perish.

Thank you, Madam Chairman.

THE RECORD IN ALBANY

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MULTER. Mr. Speaker, the citizens of New York State have just been treated to a special session of the New York State Legislature called by Governor Rockefeller.

The Republican controlled legislature recently completed a 50-day session and during that time accomplished practically nothing. Under the leadership of the Republican Governor, the Republican legislature distinguished itself by not enacting bills that would give badly needed State aid to education, bills that would have increased the penalty for narcotics pushers, that would have insured greater highway safety precautions and that would have limited child abuse.

As a recent WABC-TV editorial noted:

> For 9 of the session's 11 weeks there was no controversy in the legislature and no progress for the State of New York.

The legislature reconvened in a special session on April 15, 1964, upon the urgent calling of the Governor. What did it accomplish? The only thing it did was revise the liquor laws as an effort to prevent a repetition of the recent scandals in the State liquor authority.

Not one of the measures for the benefit of the people of New York State discussed, neither aid to education, nor greater highway safety precaution, nor curbing child abuse, nor narcotic pushers was enacted.

If Governor Rockefeller cannot even get his own Republican legislature in his own State to tend to the State's business while he is campaigning for President, perhaps he should reconsider his candidacy and stay home.

WAITERS PROTEST RULING ON TIPS

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, earlier in this Congress I introduced legislation designed to require that the Government accept the payment of a portion of "tip" income received by tip employees, principally waiters, for social security purposes.

It is well known that waiters receive a very low wage. It becomes a living wage only by means of tips that are received. The Internal Revenue Service insists upon taxing tips, and for these purposes the Service makes arbitrary allocations upon which it insists that a waiter or other tip employee pay income tax.

The tip is here to stay and the Internal Revenue Service recognizes this by taxing the tips.

It is unrealistic and illogical for the Social Security Administration not to recognize that tips are part of a waiter's income and, includible in the employee's and employer's contribution toward old-age, survivors, and disability insurance.

In an attempt to meet the problem of the conflicting and inconsistent attitudes of two Government departments, the Internal Revenue Service and the Social Security Administration; the New York Hotel Trades Council and the New York Hotel Association entered into an agreement that recognizes the weekly total of wages and tips as $70. The employers have agreed to make social security deductions on the basis of earnings, from wages plus tips, of $70. This arrangement became effective almost a year ago, and it was hoped that the Social Security Administration and the Internal Revenue Service would enter a ruling that would result in social security recognition.

This to me was a constructive suggestion. It was an effort on the part of management and employees to work together and to make a constructive suggestion to the Federal Government. It is unfortunate that the Federal Government has not seen fit either to act on it or to suggest alternatives.

Meanwhile, tip employees and employers have contributed to a trust fund which was established by the agreement, and so far $3,400,000 has been collected by deductions. The Social Security Administration has not agreed to receive it in the absence of a final decision on social security coverage.

Early last year I introduced legislation, H.R. 7290, which provides that tips received by an employee in the course of his employment shall be included as part of his wages for old-age, survivors, and diability insurance purposes. Other Members of Congress have introduced similar legislation.

The 88th Congress is in its last months. I urge the Ways and Means Committee to give favorable consideration to this legislation. At the same time, I urge the Internal Revenue Service and the Social Security Administration, in the alternative, to consider the issuance of a ruling that will give social security recognition to the agreement entered into between the New York Hotel Trades Council and the New York Hotel Association.

Mr. Speaker, on April 19, 1964, Mr. Damon Stetson writing in the New York Times, summed up the problem in an excellent article which I ask unanimous consent to include in the Record at this point.

Waiters Protest U.S. Rules on Tips—See Conflict in Policies on Tax and Social Security

(By Damon Stetson)

Waiters in the New York Hotel Trades Council are seeking a correction of what they consider to be a double standard in the way the Government treats their tips.

At the same time, the waiters are trying to get the Treasury Department to accept $339,768.13 deducted from their wages and paid by their employers for social security. The money is now in a trust fund established by the parties because the Government has refused to accept it.

Although this effort by the waiters to contribute to the Federal exchequer might be considered an example of unusual civic generosity and good citizenship, it is, in fact, part of their drive to have tips counted as wages for social security purposes.

What bothers the waiters is that they think different departments of the Government take different attitudes toward tips.

THE WAITERS' VIEW

Vangel Kamaras, acting chairman of the council's committee on tips and social security, summarized the situation this way:

"Many of our members who are tipped * * * are increasingly indignant that the Bureau of Internal Revenue has exacted taxes from them on high estimates of the tips earned without any consideration of the fact that when they retire they are limited to the lowest social security benefits, because of the insistence of the Social Security Administration and the Internal Revenue Bureau, that tips are not wages for purpose of coverage unless accounted for."

In an attempt to meet this problem the union negotiated an agreement with the New York Hotel Association that recognized the weekly total of wages and tips as $70. The employers agreed to make social security deductions on the basis of earnings, from wages plus tips, of $70.

At the time this arrangement went into effect last June, the waiters had hoped to have a favorable ruling from the Social Security Administration and the Internal Revenue Service on the plan. To date, however, no formal ruling has been issued. But the money paid into the special trust fund has continued to accumulate.

Miss Julia Algase, assistant to the president of the council, said that the present minimum wage scale for a waiter represented by the council is $38.15 for a 40-hour week. It will increase to $39.15 on June 1. She said 3,700 waiters and waitresses, 1,150 bellmen and porters, and 390 doormen, pages, and package-room employees were covered by the agreement.

The hotel trades council is pressing for passage of a bill that would provide that tips received by an employee in the course of his employment should be included as part of his wages for purposes of old-age, survivors, and disability insurance, and for purposes of income tax withholding.

THE HOFFA TRIAL

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. Libonati] is recognized for 60 minutes.

Mr. LIBONATI. Mr. Speaker, I rise to speak on a historic article. It deals with a historic trial—one that might mark a turning point in the administration of justice in the United States.

I refer to "The Hoffa Trial" by Fred J. Cook, appearing in the April 27 issue of the Nation.

I say it is a historic trial because it brings into focus some of the fundamental issues of constitutional rights facing this nation.

Jimmy Hoffa is not on trial here. His case in Chattanooga is closed. The record in Chattanooga is closed.

That case is now on appeal. The issues of appeal are of no concern to the Congress and will be decided by the court strictly on the record which this Congress cannot influence one way or the other. But what is on trial here is the American system of justice.

The Hoffa trial raises issues which transcend and go beyond the province of judicial review. I agree with Fred Cook that—

> Though the courts may be expected to deal in their own time with the judicial aspects of the Hoffa trial, it is obvious that many of the broader and more fundamental issues posed by that trial go far beyond the limits of judicial review—and that these issues affect justice in the most basic sense. Probably these issues could never have been perceived except through such a clash of power as developed in the Hoffa trial. The average individual defendant does not have the resources to hire experts to prove wiretapping and surveillance, to engage the high-priced legal counsel which only at long last and by maximum effort extracted the information about the Partin payments and the confidential fund. The significance of the Hoffa trial is that, at Chattanooga, two behemoths clashed—the Federal Government with its overwhelming investigative resources, and Hoffa, heading his own Teamster power complex and able to match power with power. In the collision, basic practices of the Justice Department were exposed; fundamental questions about the processes of justice were raised. These questions must be answered—and only Congress can probe the issues and answer them.
>
> Regardless of the outcome of Hoffa's individual case on appeal, Congress should examine the record to determine whether Federal law enforcement is becoming a law unto itself.

I say it is a historic trial because it brings Congress and the American people face to face with problems of individual freedom arising out of big government and the new technology.

A cardinal issue involved is the operation of the Communications Act under which a defendant places himself in jeopardy if he presumes to gather evidence to show that agents have him under constant surveillance. Federal agents may use radio communications to aid them in their surveillance, but if a defendant having intercepted these communications endeavors to submit these communications, he runs the risk of a Federal charge. The question arises then—Can a defendant effectively make his case under such a one-sided arrangement?

The whole development and use of the technology of modern electronic eavesdropping raises other vital issues. Congress has already been made aware of this problem in a bill introduced by Chairman Celler, but the findings of the Celler committee in the Hoffa case may dramatize the need for the enactment of such legislation. When electronic ears can pick up conversations on a street a block away, when telephone lines can be tapped without being physically tampered with, what becomes of a defendant's right to privacy, of his opportunity to plan and conduct his defense?

As Fred Cook points out "Where is he to consult with his lawyer—in a soundproof vault?"

Under this new technology, will not present laws designed to protect the right to privacy be somewhat antiquated? Isn't there a need for congressional reevaluation with regard to the enactment of legislation for implementing citizens' rights under the fourth, fifth, and sixth amendments?

With the development of the new technology, the problem of the paid informer and agent provocateur presents an even more serious problem than it has in the past.

The question of the conduct of the Government in tearing up notes, which the Government would have been required to preserve under the original Jencks case rule, but it is now free to destroy, as a regular FBI practice, raises serious questions of the need for amendment of the present Jencks Act. How can the defendant protect himself against prior inconsistent statements by a witness when the very notes recording his conversation are destroyed and no memo contemporaneous with his original conversation exists?

Then there are some other basic questions of congressional oversight. Who prosecutes the Department of Justice if it is clearly established that Federal law has been circumvented in paying witnesses for their services and not merely for expenses accrued? If, in fact, perjured testimony has been induced by the Government and if, in fact, the Government has coerced and intimidated witnesses by threats of intimidation and indictment causing a reversal of previous testimony, what protection is afforded the citizen against such practices?

The role of the accomplice who turns State's evidence is one of the knotty problems that has confronted American jurisprudence for many years. How can the defendant be protected from Government inducements to withhold prosecution of a Government witness who is presently awaiting trial in another indictment?

These and many other fundamental questions are raised by the transcript of record in the Hoffa case.

These fundamental questions are discussed point by point on a factual analysis of the official transcript of record by Fred J. Cook. At this point I would like to insert the entire text of the "Hoffa Trial" by Fred J. Cook in the April 27 issue of the Nation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

[From Nation, Apr. 27, 1964]

The Hoffa Trial

(By Fred J. Cook)

(Fred J. Cook's "The FBI Nobody Knows," expanded from a special issue of the Nation, will be published by Macmillan this spring.)

On the late afternoon and evening of February 6, 1964, James R. Hoffa and several of his attorneys were sitting in room 914 of the Patten Hotel in Chattanooga, Tenn. The short, chunky, earthy boss of the Brotherhood of Teamsters was on trial again in Federal court, accused this time of attempting to fix a jury in a previous trial in Nashville. The case was not going well for Hoffa. Just 2 days earlier, the Government had pulled a startling surprise; it had placed on the stand its star witness, Edward Grady Partin, boss of a Teamster local in Baton Rouge, La., and Hoffa's inseparable companion during the entire course of the Nashville trial from October 22 to late December 1962. Partin had acquired such status that before the trial ended he had become sergeant at arms at Hoffa's door, deciding who should have access to the throne room. Now the Government had revealed that Partin, all the time, had been an undercover agent for the FBI and the Justice Department. He had been informing on Hoffa throughout the Nashville trial. And now, in Chattanooga, he had taken the stand, ready to testify that Hoffa had participated actively in the Nashville jury rigging.

Hoffa's attorneys were understandably worried. They wanted to sit down and confer with their client, but they didn't know where they could confer with some assurance of privacy.

From the start of the Chattanooga trial in mid-January, they had all been aware of the hovering shadow of the FBI, had all felt under constant surveillance. Mysterious cars had followed them from their law offices to their homes. There had been strange disturbances on their telephone lines. Even in the privacy of Hoffa's suite, they looked over their shoulders and they hesitated to talk, even in whispers, so convinced were they that the room was bugged.

Harry Berke, a Chattanooga lawyer for 30 years and chief local defense counsel for Hoffa, later testified about the events of February 6:

"We had been trying to get a conference with Mr. Hoffa, but we were afraid to discuss the matter of defense and the evidence and so forth in either Mr. Haggerty's room or Mr. Hoffa's room or in fact any other rooms that are rented up there at the hotel. So I suggested that we go, that we just go out maybe and get a drink, a Coca-Cola, somewheres, and sit down and discuss the next day's proceedings."

Marvin Berke, Harry Berke's son and law associate, had his car available—a two-tone Pontiac, license 4U–8888. The two Berkes, Hoffa, and Morris Shenker, another attorney advising the Hoffa defense, left the hotel and walked toward Marvin Berke's Pontiac. This simple action triggered a wave of surveillance and countersurveillance.

The Government, as it later acknowledged, had an aerie in a building across the street, from which it could keep the 11th Street entrance of the Patten Hotel under observation. On the street it had a number of innocent-appearing cars equipped with radios and "phantom" aerials and manned by FBI agents. The building lookout and control post, designated B–2, was in constant communication with the roving cars, identified by numbers.

When Hoffa and his attorneys left the Patten this message flashed:

"B–2 to 14: They are proceeding to the vehicle now, quite an entourage, will copy. This means photograph.

"B–2 to 14: I don't think you want to go near this vehicle due to its contents (pause), ah, they are ready to pull out in front now and I think the package [the particular individual being tailed] you are interested in is, he didn't even get into, uh, three other individuals go in, he is now crossing Market Street, uh, looks like he is heading over the Rent-a-Car—Avis Rent-a-Car place."

The air continued to crackle with information as the FBI kept its omniscient eye on Hoffa and others in his "entourage." How did the words of FBI agents come to be recorded for posterity? Very simply.

ON THE FBI WAVELENGTH

Hoffa's attorneys, convinced that they and their witnesses were under FBI surveillance in the midst of trial, had the previous weekend gotten in touch with Bernard B. Spindel, a nationally known expert in all forms of wiretapping and electronic eavesdropping. Spindel had worked for Hoffa before, had even been indicted with him and acquitted in a case brought by the Government on the contention that Hoffa had violated the law by having the telephone lines in his Teamsters' office in Detroit monitored. Spindel, in Rome, N.Y., after listening to the description of Hoffa's current plight, agreed to fly to Chattanooga.

He packed and shipped, air freight, about 1,000 pounds of electronic equipment, and on Monday morning, February 3, he caught an American Airlines flight to Nashville. When he landed at the Nashville airport, the FBI, as it later acknowledged, had two agents waiting on the field to shadow him. Since the FBI on its word of honor never tapped a telephone during the entire course of the Hoffa trial, this demonstration of precise advance knowledge must be a clear case of forensic telepathy.

At Nashville, Spindel rented a car and set out for Chattanooga. The FBI, as it later acknowledged, had some 8 or 10 agents waiting to pick him up at the Chattanooga city line. As Spindel's car passed, they took out after him and trailed him right down to the Patten Hotel, where he vanished into Hoffa's suite.

Spindel quickly determined that the area around the Patten was swarming with FBI agents. He located wavelengths from which exceptionally strong radio signals appeared to be emanating in the vicinity of the hotel. He borrowed a dictating machine and began to record the conversations that came over the air as FBI agents communicated with their control post and shuttled their cars back and forth through the Chattanooga streets. The result was that, when Hoffa and his attorneys left the hotel on February 6, seeking privacy in Marvin Berke's automobile, Spindel was recording the excited observations of FBI agents.

The chitchat that Spindel preserved disclosed that the G-men were in some perplexity about the identity of the men in Hoffa's entourage. They apparently had been on the lookout for Spindel as their special package, and they argued back and forth about whether a man with a bald spot on the top of his head was Spindel. Harry Berke, as it happens, has just such a bald spot.

Young Berke, on his father's instructions, drove to the West Side urban renewal district, "an entirely desolate area" where all the old houses had been torn down and no new building had yet begun. A car followed them; when they slowed down to a snail's pace, so did their shadow. "We stopped when we got to the end of East Ninth Street before making the turn and this car stopped," Harry Berke testified.

They turned back toward town. "This car followed. Now while we were on the way to Main Street we stopped either once or twice and this car stopped." When they got back into the city area, the car that had been trailing them suddenly spurted past them at high speed, and though they tried to follow it, they lost it in traffic.

Back in Spindel's hideout in the Patten Hotel, the electronic monitoring equipment once more came to life. The watching agents reported the return of the car. The discussion continued whether "the package" had been in the car and about just who had left it. "Well, I'm coming down that way now, just to get a look at it," said one agent, William L. Sheets, who later recalled he'd said the words Spindel recorded.

Other cars and the movement of other members of the Hoffa party distracted the agents and kept the air lively with their comments.

"Say, Bill," the radio squawked at one point, "the two occupants in that car were 'The Man' [Hoffa] and the ex-boxer, O'Brien [Charles 'Chuck' O'Brien, business agent of the union in Chattanooga and a constant associate of Hoffa]."

The action continued:

"B–2 to 14 and 23, uh, the ex-fighter just came out with two unidentified WMA's [white male Americans]. He got in the car, he is not moving as of yet and the other two individuals separated, walked around the corner, and headed North on Market on foot.

Twenty-three, you were just photographed. * * * There was a guy standing against the hotel with a camera and as you pulled up to the light, he stepped out behind your car and photographed your plate. The ex-fighter just got out of the car and walked back into the hotel.

The surveillance (it should perhaps be noted at this point that the Government later got purple in the face contending it never spied on Hoffa, any of the other defendants, witnesses, or lawyers) continued:

"As you probably know, the vehicle, uh, the "big boy" [Hoffa] just got back to the hotel, evidently he parked the car.

"There are a few fellows that are going in the same direction, so that Mr. Big and, uh, his necessary assistant so I don's think you want to be anywhere around that lot right now. * * * The big guy came out with the entourage and they looked like they all got back."

OUT TO GET HOFFA

Such was the atmosphere in which James R. Hoffa was tried in Chattanooga. The boss of the Teamsters is one of the most powerful labor leaders in America, and Attorney General Robert Kennedy and the Department of Justice have been contending for years that he is also one of the most unprincipled and most ruthless. Though he had been repeatedly brought to trial on a variety of charges, he had always escaped either by acquittal or a hung jury; and it was no secret that the Attorney General had set up within the Department of Justice a special investigative squad whose energies were devoted largely to the attempt to get Hoffa, Hoffa charged that he was the victim of a "vendetta," and the Government itself at times all but acknowledged the charge, claiming the Nation must be rid of the evil of Hoffa.

The danger of this attitude is that it rests upon authoritarian judgment, and it raises the question: How far will authority go to vindicate that judgment?

The record of the past indicates that it will go very far indeed. In the postwar era, with disturbing and increasing frequency, the entire weight of the FBI and the Justice Department seems to have been thrown, not into trials, but into campaigns to insure that their firm confidence of guilt would be upheld in the courts. But in Hoffa it encountered for the first time a defendant with resources almost as formidable as its own. Its own espionage and surveillance during trial could be met with counterespionage and surveillance. The nature of a jungle war violating basic principles of justice could therefore be placed at last on the record.

That is the true significance of the recent trial of Teamster boss James R. Hoffa, in Chattanooga. It far transcends the importance of Hoffa himself. At stake are root principles of American justice—and American democracy.

TWO FACES OF A SPY

The Hoffa case begins and ends with Edward Grady Partin, a ruggedly built, square-jawed man, with slightly wavy, parted hair. He can, on occasion, look sturdily distinguished, and in the light of the great victory scored over Hoffa at Chattanooga, an effort has been made by Government officials, aided and abetted by major media of information, to portray Edward Grady Partin as a national hero.

Typical was a recent article in Life that pictured the high-minded Partin as having been involved only in some inconsequential brushes with the law when he agreed to become undercover man and informer for the cause of justice. Partin, wrote Life, "was in jail because of a minor domestic problem," and had been indicted "on charges of embezzling $1,600 in union funds." It all sounded pretty trivial, and besides, Walter Sheridan, Kennedy's handpicked head of Justice's special rackets investigative squad, had told Life: "I've dealt with a lot of informers, and until this guy, they all wanted two guarantees: Nothing traced to them and never call them as witnesses. Ed asked for neither one.

"But asking him to take the stand in open court meant exposing him as an informer, jeopardizing his job—maybe much worse." Yet, said Sheridan, when he put the issue to Partin, he just shrugged and said: "I've come this far. Whatever you say."

The picture of a decent, courageous man helping the cause of justice is heartwarming.

But there is another Edward Grady Partin, so far unperceived by press and public, whose image Life might have discovered by a process no more laborious than reading some court testimony and digesting a few old clips. Partin's troubles with the law had a long history and were not what most citizens would call minor. In December 1943 he and another man were arrested in the State of Washington for breaking into a restaurant. Partin pleaded guilty, and drew a 15-year term. He twice broke out of jail. Finally freed, he joined the Marines and was dishonorably discharged.

His more recent entanglements had been so numerous that he had acquired a certain headline notoriety in Louisiana. In November 1961 (by this time he had been boss of the Teamsters local in Baton Rouge for some years), he was involved in a mysterious shooting. A pistol went off and inflicted a wound in his lower abdomen. Partin insisted to authorities that the gun discharged accidentally as he was handling it.

When this happened, Partin was already the object of official inquiry. Some rebellious members of his local had accused him of embezzling union funds. They also charged that he had gone to Cuba and consulted with a Castro aid. The 600-pound safe, containing all the union's records and books, disappeared from the union hall as if it had legs—a vanishing act that happened before Federal auditors arrived upon the scene. The safe, empty, was later recovered from the Amite River.

Partin's principal critics in his local were A. G. Klein, Jr., and J. D. Albin. They testified, with others, before an East Baton Rouge grand jury, and the jury indicted Partin for forging a withdrawal card, a deed that, it was alleged, removed one of his critics from the union. Subsequently, Albin and Klein were set upon by six teamsters and savagely beaten. Shortly thereafter, Klein was killed when a truck loaded with sand "fell on him" in St. Francisville.

These misadventures aroused official curiosity. A joint probe by the FBI, attorneys of the Justice Department, and District Attorney Sargent Pitcher, of East Baton Rouge, resulted on June 27, 1962, in the indictment of Partin on 26 counts, 13 of falsifying union records, 13 of embezzlement. He was released in $50,000 bond. Should he ever be convicted and given the maximum sentence on all the counts, he could be fined $260,000 and sentenced to 78 years in prison.

This indictment alone would seem to have removed Partin from Life's minor-offender class, but there was more to come. On August 14, 1962, he was named defendant in the first of a series of accident suits that were eventually to total $400,000. This first suit was filed by Airman Leo D. Paris, of Haverhill, Mass., stationed at the Lackland Air Force Base in Texas. Paris charged that at 12:30 a.m. Christmas Day, 1961, a sports sedan driven by Partin struck his car near Cuba, Ala., drove it off the highway and rolled it over several times. Paris and another airman were seriously injured; a third airman, William Andrew Halas of Milwaukee, Wis., was killed. The civil suits charge that Partin continued at high speed down the highway. An investigation by Alabama authorities led to Partin's indictment on September 26, 1962, on charges of first degree manslaughter and leaving the scene of an accident.

The day before this indictment was returned, Partin surrendered himself to Louisiana authorities on yet another charge—aggravated kidnaping. As long ago as the previous June, two children of one of Partin's henchmen, Sidney Simpson, had been snatched from a motel where they were staying with their mother, who had legal custody. Simpson refused to disclose their whereabouts. A summer-long investigation by District Attorney Sargent Pitcher ended with the indictment of Partin and Simpson for the kidnaping. The children were still missing. Partin at first was refused bail. Then, on October 4, 1962, after having been missing for 5 months, two tots, one 2 years old, one 10 months, were turned over to authorities in the basement of the courthouse. This relieved Partin of the possible onus of a Federal kidnaping offense and made him eligible for bail.

Partin's original $50,000 bond on the Federal embezzlement indictment had been revoked by the bonding company after he became involved in his other troubles, but now quickly, almost magically, everything was straightened out. Partin obtained another $50,000 bond, and he raised $5,000 new bail on the Alabama manslaughter indictment, $5,000 more on the Louisiana kidnaping charge.

On October 7, he walked out of jail. On October 8, he telephoned James R. Hoffa in Newark, N.J.—with investigators, unknown to Hoffa, recording the telephone conversation.

MEETING THE G-MEN

Partin testified that during his incarceration he had had a little talk with William (Hawk) Daniels, an investigator for Sargent Pitcher. The defense was never permitted to establish just what he and Hawk discussed, but it did show that this private tete-a-tete was followed by a more formal conference. Present were Partin, District Attorney Pitcher, Daniels, a couple of other men, and A. Frank Grimsley, an attorney for the Justice Department. Partin acknowledged that at this meeting Hoffa's name may have been mentioned casually, just in passing. He insisted that the main purpose of the meeting had nothing to do with Hoffa's upcoming trial in Nashville, but he did acknowledge that he had a plan to discuss the trial. The defense was never allowed to probe into the nature of this plan. Partin insisted the discussion hadn't gotten very far because some important Government representative who was supposed to be there hadn't shown up. Actually, nothing had been accomplished, then? Well, no. Partin acknowledged that, when he left this oddly pointless meeting, there was an arrangement for him to meet later with a representative of the Federal Government. Probably, he admitted, he talked to the Government the next day.

Grimsley, the Justice Department lawyer, testified that he met Partin at least two times. Possibly three. These conferences were in Sargent Pitcher's office, and they would all have taken place in late September or early October. Grimsley conceded that Partin probably started as an informer in late September and that, when he made his October 8 phone call to Hoffa, he definitely was a Federal undercover agent.

What was involved in this transformation of the much-indicted Partin into a gallant spy working on the side of the angels? To this day no one has said, but it is perhaps significant that Partin has never gone to trial. Trial dates on the 26-count Federal indictment were repeatedly set and just as repeatedly postponed, twice on motions by the defense, four times on motions by the Government. Then it lapsed into limbo, its status indefinite.

Significantly, also, just at the time Partin was sprung on bail, Hoffa was facing imminent trial in Nashville. On May 18, 1962, he had been indicted by a Federal grand jury there in what became known as the "Test Fleet" case. The indictment involved the charge that Hoffa had accepted a payoff of $1 million from a trucking concern to insure labor peace. The case was to go to trial in late October, and Partin, with all charges against him conveniently postponed, was at liberty to join his chief in Nashville.

He made a second phone call to Hoffa on October 18, 1962, one that was also recorded by detectives. Hoffa has always insisted that Partin billed himself as one who was being persecuted by the Federal agents because he was such "a loyal Hoffa man" and that he asked permission to come to Nashville and discuss his problems. Partin insisted that Hoffa extended the invitation.

Before he left to join Hoffa's retinue, Partin also testified, he was briefed by Frank Grimsley, who gave him the Nashville telephone number of Walter Sheridan, the Justice Department investigator. Partin acknowledged that he knew just what kind of information his Federal mentors desired of him. Grimsley told him, he said, "if I saw evidence of jury tampering or other illegal activities" to report immediately to Sheridan.

Partin arrived in Nashville on October 22, 1962. He had hardly set foot in the place before he discovered exactly what he had been sent to discover. The first jurors were not to be selected until the next day, but almost the first man he bumped into—a man whom he had never known, at that—told him of Hoffa's plans to rig the jury.

According to Partin, it happened this way: He had just arrived and was loitering in the coffeeshop of the Andrew Jackson Hotel, waiting for Hoffa, when he struck up an acquaintance with a man calling himself Anthony Quinn, who said he was in the vending business. Later the same day Quinn came up to him again, laughed and said he wasn't really Quinn, he was Nicholas J. Tweel. Not knowing Partin, Tweel said, he had been cautious until he checked with Hoffa. Hoffa had assured him Partin was true blue, and so Tweel, apparently out of a desire to make conversation, thereupon confided to Partin, Hoffa's determination to commit a most serious crime.

Partin said on the stand: "He [Tweel] said that Mr. [Allen] Dorfman had called him and told him it would be a personal favor to him if he would come down to Nashville and help him set up a method to get to the jury."

Partin, of course, immediately communicated this intelligence to Walter Sheridan.

Within the next 48 hours there occurred the first of the jury-fixing rumbles that were to mark the course of the Nashville trial. On the opening day of jury picking, October 23, a juror named James C. Tippens was tentatively seated. It should be emphasized that the jury was not completed until October 25, and that at any time, up to the moment it was finally sworn in, Tippens might have been challenged and dismissed. An immediate effort to fix him, under the circumstances, seems so premature as to be almost idiotic. Yet Tippens, a Nashville insurance man, subsequently testified that when he returned to his office on the afternoon of October 23, he found a friend had been trying to reach him. He went to see his friend and was told it would be worth $10,000 to him to side with Hoffa in the trial. The next morning, Tippens reported this bribe attempt to Judge William E. Miller, who called in attorneys from both sides and then dismissed Tippens from the jury.

During the long course of the Nashville trial, with Partin nightly funneling information to Sheridan, there were two more reported attempts to approach and influence the jurors. Judge Miller in each case dismissed the jurors and replaced them with alternates. Since the jury in the Nashville trial was not sequestered but was free to read and hear what was going on, it would seem almost inevitable that it must have gained the impression, so prevalent in the rest of the Nation, that Hoffa, caught in black deeds, had been desperately endeavoring to buy the jury. Yet when the case went to the jury on December 23, 1962, the jurors disagreed. They were split hopelessly. And amazingly, under the circumstances, the reported division was 7 to 5 for acquittal.

THE FIX TRIAL

But the Federal Government, with Edward Grady Partin in its corner, had laid the foundation for a new case. On May 9, 1963, another Federal grand jury indicted Hoffa and five others on five charges of jury tampering. This was the case that went to trial before Federal Judge Frank W. Wilson in Chattanooga on January 20, 1964.

On trial with Hoffa in the Chattanooga case were: Ewing King, 50, recently defeated president of Teamsters Local 327 in Nashville; Larry Campbell, 39, a business agent with Hoffa's home local in Detroit; Thomas E. Parks, 50, Campbell's uncle, a Nashville funeral home employee; Allen Dorfman, 41, a Chicago insurance broker with close personal and business ties to Hoffa; Nicholas J. Tweel, a Huntington, W. Va., businessman who had business ties to Dorfman.

Almost from the first day of the trial, the defense was in open conflict with Judge Wilson. A special list of 200 veniremen had been drawn. When the list was announced, only the names of the prospective jurors were revealed; defense attorneys were unable to obtain any indication of occupations or addresses. They protested that they were unable to fulfill the first function of defense attorneys, to examine the backgrounds of prospective jurors for traces of possible prejudice. Not until the day the trial opened, when it was too late for them to exercise this right, were defense attorneys able to obtain identifying information about the special panel.

Cecil Branstetter, a Nashville attorney representing Larry Campbell, put the issue strongly in an argument before Judge Wilson on the second day of the trial. Analyzing the first 100 names to be used in the jury-picking process, he had found the panel heavily weighted with types that could hardly be expected to be impartial toward Hoffa. Branstetter said he had found on the list: 7 merchants; 14 women whose husbands were all insurance men, bankers, or executives in industry; 15 retired persons (these included a colonel and a rear admiral); 7 Tennessee Valley Authority electricians; 4 maintenance engineers; 6 supervisors or foremen; 15 salesmen; 16 executives; 2 bankers; 2 Government officials; and 1 city employee; 9 farmers, Branstetter found, as possibly counterbalancing influences; only 2 truckdrivers, 3 general employees, 1 restaurant employee, and 6 clerks. He argued that the list did not even come close to representing a fair cross section of employment categories in this community.

Jacques Schiffer, who represented Parks, joined the argument. He said he had gone to the clerk's office and sought copies of the questionnaires filed by the 100 additional jurors who were to be on hand the next day "and we were advised that they were not available." Judge Wilson, making no direct comment on this, remarked that he understood the defense had been "furnished a list of all jurors," and Schiffer responded, with a touch of irony, that the defense had indeed received the list "yesterday morning."

A second move by Judge Wilson led to another conflict with defense attorneys. Finding the selection of a jury proceeding too slowly for his taste, the judge took over examination of prospective jurors, barring defense attorneys from questioning to establish possible prejudice. Branstetter protested that Judge Wilson's examination was weak, that he was not making it clear the burden was on the Government to prove guilt and that there is no duty on any defendant to prove himself innocent. He argued that the judge's instructions on this point were being given in "negative form," and he urged that "counsel for the defendants be permitted to directly interrogate the jurors." This Judge Wilson would not allow, and the selection of the jury was completed under the restrictions he had laid down.

The early testimony dealt with the alleged jury-fixing attempts in the Nashville trial. It was a buildup for the appearance of the prosecution's star witness, Partin, and for the all-out attack on Hoffa. Two predominant themes emerge from this early testimony—repeated startling changes by Government witnesses and repeated testimony that the Government, in its effort to elicit the story it wanted, threatened witnesses with indictment or other punitive measures if they did not come across.

AN AMBITIOUS TROOPER

One extensive strand of the testimony dealt with the alleged attempt to influence a juror named Betty Paschal through her husband, James Morris Paschal, a Tennessee State patrolman. The go-between in this endeavor was a man named Oscar (Mutt) Pitts, a trucking firm employee, and the alleged fixer was Ewing King, then president of the Nashville Teamsters local. Pitts, according to his testimony, had been a longtime friend of Paschal; and King, in late October, began to feel him out about what kind of man Paschal was. Pitts told King, he testified, that Paschal was "a good boy," that he and his wife both had some money, that money would be no inducement to them—but there was one thing Paschal wanted above all else, a promotion. He had been on the State patrol for some 14 years, with never a promotion.

King felt confident, Pitts said, that the Teamsters with their political influence could get Paschal his much-coveted promotion. There was some suggestion that Paschal might be able to talk to his wife about the Hoffa trial. King asked what kind of woman Betty Paschal was. Pitts told him she was a woman "who could stand on her own two feet anywhere." King never mentioned specifically, Pitts said, what Paschal might talk to his wife about; he never suggested she was to vote for an acquittal.

This was the situation when, on the dark and rainy night of November 17, 1962, Pitts set up a meeting between King and Paschal at a lonely spring off the River Road. At this meeting, according to Pitts, King told Paschal he felt certain the Teamsters could get him a promotion. Again, according to Pitts, Paschal was the first to bring up the subject of his wife; he mentioned that she was on the Hoffa jury. King wondered if Paschal could "talk" to his wife, but Paschal said they weren't getting along very well and, under the circumstances, he could do nothing with her.

On cross-examination by Harold Brown, Chattanooga attorney for King, the complexion of this testimony altered in some important respects. Pitts now agreed that he was the one who approached King, not King him. Pitts said he had backed a loser in the gubernatorial election; King had backed a winner; and so, knowing he had no influence, Pitts said he had asked King if he could help Trooper Paschal. This was testimony, certainly, that changed the entire direction of the stimulus.

Some other things changed when Brown confronted Pitts with the transcript of an interview he had given before a court reporter on May 14, 1963, in the law office of Leftwich & Osborn (Z. T. Osborn, Jr., had been Hoffa's counsel in the Nashville trial). In this Pitts had said that after they had discussed Paschal's promotion prospects Hoffa's name was brought up. Paschal himself first mentioned it, saying, "What are they going to do to Hoffa?" And King told him, "They would do nothing if he could get a fair trial."

In this statement, Pitts had also said that "Ewing King did not ask James Paschal to help Mr. Hoffa in any way." He had even said that King asked Paschal not to tell his wife about their conversation—and that King had assured Paschal her being on the jury had nothing to do with their conversation about the possible promotion.

Pitts had difficulty remembering these statements, but when he read the document he had signed, he said: "I wouldn't deny it; if I said it, I said it; but I don't think I said that."

Pitts was obviously a harried witness. "I'm scared to death," he testified at one point. He said he had been questioned so many times he had lost count. He had talked to William Sheets, the FBI agent who had been active in the surveillance in Chattanooga; he had talked to James F. Neal, the U.S. attorney in charge of the prosecution, to Walter Sheridan and to a number of other Federal attorneys. Neal, he testified, "never did say a word out of the way with me," but one of the other Government officials "got disgusted. He said, 'If you don't tell me the truth, I will get you and your wife both indicted.'" This occurred, said Pitts, "on a Sunday evening before I testified before the grand jury."

On further cross-examination, Pitts identified Walter Sheridan as the man who had made the threat to him about getting him and his wife indicted. "I will have to say that the reason Mr. Sheridan told me that if I didn't tell the truth and that I and my wife would be indicted was because I would not agree with something he was telling me." He testified now to virtually the same version he had originally given Osborn—that King had said to Paschal they should not be talking about Mrs. Paschal's service on the jury. "King just wanted to know what kind of woman she was," he testified.

This put the issue up to Paschal. The State trooper confirmed the details of the midnight rendezvous and the discussion of his possible promotion. But then his story veered sharply away from even the most positive testimony given by Pitts. He declared that King had brought up the fact that Mrs. Paschal was serving on the jury.

"He asked me if I could talk to her. I told him no, that I couldn't talk to her, that we weren't getting along too good." Paschal quoted King, as saying: "You talk to her. I will get you the promotion."

Paschal said he then assured King he would talk to his wife. But he never did.

On cross-examination, this positive and damning testimony changed color like a chameleon. Paschal agreed that he had never reported this jury-fixing attempt; he should have done so, but he just hadn't. He conceded, too, that he hadn't testified to this same effect when he was questioned by Judge Miller the day his wife was thrown off the jury; that he hadn't told this story when he was first questioned by the FBI; and that he had signed an affidavit to an entirely different version when he was questioned in his own home by Osborn and made a statement to a court reporter.

He had told then about his interview with FBI agents. He said he had told them he didn't know King was connected with the Teamsters; he had told them he and King never even mentioned Betty Paschal's service on the jury—"that they never mentioned it and that I didn't have any occasion to mention it." In his statement to Osborn he repeated that "there was never any conversation about me talking to my wife." Paschal, incidentally, had had his own lawyer present at that questioning.

THE TRUTH OR ELSE

Before he changed this testimony to the accusing testimony he gave on the witness stand, he had several more sessions with the FBI. "They didn't tell me they were going to indict me," Paschal testified. "They told me I could get in trouble and maybe be indicted."

He identified Sheets as the FBI man who had given him this news. Sheets, he said, had told him also that he could lose his job. However, Sheets had always told him just to come on and tell the truth. Everybody, it developed, was telling Trooper Paschal to tell "the truth," but it became fairly obvious that the only truth they would believe was the truth they wanted to hear. Paschal testified that before he finally arrived at "the truth" to which he was now testifying, and to which he had testified before the grand jury, he had had a session with his superior, a former FBI man, and with the chief and the commissioner of the State highway patrol. "They told me that they wanted me to do the right thing and if I knew anything other than what I had stated, they wanted me to tell it," Paschal testified. The chief, he said, told him he had been a good officer, but the chief also added "he wanted me to do the right thing and that they couldn't have anybody in the department that didn't." At one point Paschal acknowledged that the effect all this had "on my mind is that it would be a lot easier on me—I would come near my not losing my job and everything would be better."

At the end of his uncomfortable session on the witness stand, Trooper Paschal testified:

"I knew that I was deliberately perjuring myself when I was in the U.S. district court and questioned by Judge Miller and Mr. Neal. * * * I knew that there is a penalty for perjury. * * * To my knowledge, there has been no indictment returned against me for perjuring myself. * * * I don't recall the Federal Government has threatened me with a perjury indictment—they may be going to. * * * I am still wearing the uniform of the Tennessee Highway Patrol."

MR. FIELDS' NECKTIE

Even more curious than this checkered story was the third alleged jury-fixing attempt—an involved and tenuous skein supposedly designed to influence the one Negro juror on the Nashville panel, a man named Gratin Fields.

The prosecution's star witness in this phase of its case was a Nashville patrolman, James J. Walker. Walker knew Thomas Ewing Parks, the Nashville funeral parlor employee who was the uncle of Larry Campbell, one of Hoffa's business agents in Detroit.

Patrolman Walker testified that Parks telephoned him and later came to his home between 5 p.m. and 6 p.m. on a November day while the Hoffa Nashville trial was in progress. They sat in Parks' car and talked. Parks asked Walker if he knew anything about the Hoffa case. Walker said only what he read in the newspapers. Parks asked if Walker knew Fields, who lived up the street from him; Walker said that he did.

Parks asked if Fields needed money. Walker said he didn't know. Parks said "the big boys" wanted to talk to Fields—they needed one more man to hang the jury and "they would be willing to pay up to at least $10,000 to talk to him." Parks called Walker back 2 or 3 days later. Walker, in addition to being a city patrolman, ran a small stationery and printing business. Parks said he was opening a drycleaning business. He needed some handbills printed, and he needed someone to work for him. Did Walker know anyone he could hire?

Walker knew a couple of neighborhood youths, Walter Jackson and Carl Fields, who were in need of employment. "Was Carl Fields," Parks asked, "the son of the Fields who was on the Hoffa jury?" Walker said he was. Walker declared Parks said, "That is my man." He asked Walker if he would get in touch with Carl Fields.

The obliging patrolman arranged a meeting at his printing shop that night. Parks and Carl Fields went out to Parks' car to talk; Walker didn't hear anything that was said. Later Parks telephoned Walker and asked him to find out what Fields was going to do. Walker called Carl Fields.

"Carl told me that he hadn't done anything—that he was afraid to talk to his father and would not talk to him," Walker testified. When he transmitted this information to Parks, one of the most curious aspects of this entire sequence developed.

"Parks wanted to know what Mr. Fields was going to wear—the type of necktie and that was what he wanted Carl Fields to find out for him," Patrolman Walker testified. "He said he had given Carl Fields some money—that he thinks he would come through."

Logic compels a pause here. This, supposedly, was a jury-tampering attempt. If so, why would Parks be possessed of such a consuming passion to know what type of necktie the one Negro on the jury was going to wear? Gratin Fields, by pigmentation alone, was identifiable in that jury box. The defense certainly knew what he looked like. What possible interest could it have in Gratin Field's necktie?

When Parks didn't hear anything more from Carl, he came back to Walker and asked who wore the pants in the Fields family. Walker guessed that maybe Carl's sister, Mattie Leath, did. At Park's request, he said, he drove out to a housing authority site where Mattie Leath worked. Parks stayed in the car, and Walker went into to see Mattie.

She told him, he testified, that Carl had discussed "the matter" with her. "I don't want any part of the Government or anything of that particular type," Walker quoted her as saying. Walker told her that she was a fine girl; this was the upstanding attitude he would have expected from her; and if anyone bothered her again about "the matter," she should call the FBI and the police.

Having given this advice, Patrolman Walker—the man who by his own testimony knew that a jury-fixing attempt was underway, that a $10,000 potential bribe was involved—notified neither his superiors nor the FBI. He simply went back and reported to Parks, he testified, that it was "no dice" with Mattie Leath. On leaving him, he testified, Parks promised, "We will take care of you." Patrolman Walker added: "There was on amount mentioned." Even this offer to reward him for his dubious services did not impel him to report the incident.

On cross-examination by Jacques Schiffer, attorney for Parks, Patrolman Walker wrestled to explain why, if this was a jury-fixing attempt, he as a law officer had aided it. He insisted he didn't think "I and Mr. Parks were engaged in doing something unlawful through the conversation." He insisted, "I did not agree with Mr. Parks that he and I would try to influence" Gratin Fields. "It is the truth, the whole truth and nothing but the truth that when I introduced Carl Fields to Mr. Parks, the defendant, there was only one purpose in my making the introduction, and that was for the purpose of securing a job for Carl Fields; there is no question about that."

If there is not, if this was all that Patrolman Walker was doing, then how valid is his other and damning testimony? Damning to Parks and damning to him. Innocence and guilt cannot so commingle.

MONEY ON THE SEAT

Walker was followed to the stand by Carl Fields. He described what was discussed in Parks' car when he met Parks. "He asked me was my father on the Hoffa jury and I told him yes." Parks said, "Well, you know Bobby Kennedy is out to get Mr. Hoffa." Parks then asked, Carl Fields testified, "if I thought I could talk to my father as far as voting for acquittal." Carl Fields said: "I said no, I couldn't talk to my father about anything like that; I said he wouldn't go for anything like that."

Parks told him, Carl Fields said, that if he could influence his father it would be worth $10,000—$5,000 for him and $5,000 for his father. Carl insisted his father would not have anything to do with such a deal.

"Then he took five $20 bills and laid it on the seat of the car," Carl Fields testified. "He said, 'If you can just tell me what kind of a suit he would be wearing or what kind of a coat he would be wearing tomorrow and give me that information before 9 o'clock, I will give you another $100.'"

Carl Fields protested he didn't want the money; he didn't know whether he could do this. But Parks insisted "it would help him a great deal," and so Carl finally "obliged him" and took the money. "I saw his wallet, and it appear fat," Carl Fields testified. Parks asked him to telephone before 9 o'clock that night because he, Parks, had to make a call to Louisville. (Parenthetically, it should be noted here that a favorite tactic of the prosecution throughout the trial was to try to bolster the testimony of its witnesses by producing telephone call slips showing that calls were made at the times witnesses had testified they were made. It should be obvious that this tactic can be the hallmark of a manufactured case just as readily as it can be proof of a legitimate one.) Anyway, in this instance, Carl Fields testified, he got a checkup phone call from Walker asking him what he was going to do; then he telephoned Parks and told him he couldn't ask his father about his attire. Did Parks want his $100 back? "No, you can just keep that for your trouble," he said Parks told him.

The FBI, Carl Fields said, had talked to him twice. "The first time, I didn't tell them the facts, but the second time I did." He had also given Osborn, Hoffa's Nashville lawyer, a statement "which was not true, because I didn't want to become involved in it."

SOME MISSING NOTES

On cross-examination by Schiffer, Carl Fields said that both times he had talked to FBI Agent Sheets, Sheets had made notes on the conversations. Schiffer demanded that these notes be produced. The prosecution said they no longer existed. Sheets, taking the stand, explained that each time he finished talking to Carl Fields he dictated brief but virtually verbatim statements from the notes he had taken. Then he destroyed the notes. He had followed the same procedure in his discussion with Patrolman Walker. This, Sheets testified, was standard practice in the FBI.

Taken point by point through his first version of the Gratin Fields affair, Carl Fields acknowledged just how completely he had repudiated everything. He had denied flatly that anyone had asked him to influence his father's vote on the jury. He admitted he had said he wasn't even acquainted with Parks and had never talked to him. But now, Carl Fields insisted, this original statement was "a pack of lies." He had, he said, "deliberately lied" to the FBI and to Osborn. When he took an oath, he had "deliberately told a falsehood under oath."

Which of Carl Field's two versions was true? How did Thomas Ewing Parks, if he was attempting to rig the Hoffa jury, come to put such emphasis on Gratin Field's attire? For some possible answers, let's skip ahead to the defense's account of these events.

When Parks took the stand, he testified that, up to the very moment when he was indicted in the Chattanooga case, he didn't even know James Hoffa, Allen Dorfman, Nicholas Tweel or Ewing King, his codefendants. The way Parks told it, he was walking down a Nashville street one day during the previous Hoffa trial and he happened to meet Patrolman Walker. Walker, Parks testified, "asked me did I want to make a little extra money. I asked how I would go about it."

Walker asked Parks to come out to his print shop about 5 p.m. Parks went. He told Walker he was ready to go to work and asked what did Walker have in mind.

"He said he had an assignment from the Federal Government," Parks testified. "He wanted me to help him out on a little detail."

Walker said he needed some information from a young fellow who would be out at the office between 6:30 and 7 p.m. What Walker wanted to know was what type of clothing the young man's father would be wearing each morning when he left home. Walker, Parks said, peeled off $125 in bills and said that each time the young man gave Parks sartorial details Parks was to keep $25 for himself and give the young man $100. The young man, Walker told Parks, was named Carl.

Parks went back that night and met "Carl." At Walker's suggestion, they went out to Parks' car to talk. Parks testified: "I got in the car and I said, 'I suppose Mr. Walker told you just what he wanted did. I have to give you my phone number where you can call me and then I will contact him in turn and give him your message and he wanted me to give you this money,' and I gave him the money."

That night about 8:30, Parks said, Walker called him and asked if he had received any message from Carl. Parks said he hadn't. Walker gave him a phone number at which he could reach "Carl," and Parks called.

FAMILY AFFAIR

"I said, 'Mr. Walker wants to know what you have got to tell him.' He said, 'I have talked this over with my mother. She thinks that I shouldn't get involved in it because I don't know what it is he is really trying to find out.' I said, 'You know Mr. Walker is a policeman and it wouldn't be anything illegal, I don't think.' He said, 'Yes, but it involves more than he evidently told me. I think I better give you the money back.' "

Parks said he told "Carl" to keep the money or return it to Walker; it wasn't his, Parks' money to take back. He never saw "Carl" again, never knew his full name until he was himself indicted.

He testified he reported all of this to Walker, and Walker said, "Well, just forget it."

Parks did. About 10 days later, he said, Patrolman Walker asked "me to drive him out in South Nashville." Parks drove Walker where he wanted to go; Walker got out, disappeared for several minutes, during which he saw Mattie Leath; and then Parks drove him back to the city and let him off, never knowing what it had been all about. When a Federal grand jury began investigating the alleged jury rigging, Parks was subpenaed. Having no lawyer, he said, he telephoned Patrolman Walker asking for advice, and Walker told him the best thing he could do was to claim the fifth amendment; if he did that, he couldn't possibly get into trouble. So he did.

Sometime later, Parks was indicted for not having filed a 1961 income tax return. His gross income for that year—this man whom Carl Fields had described as having a fat wallet—was listed as $1,568.17. After this indictment had been found against him, Parks testified, he had an encounter with Walter Sheridan. When Parks appeared at the courthouse to plead on the income tax charge, a Federal marshal told him Sheridan wanted to see him.

"He told me," Parks testified, "if I would cooperate with him, I could forget about the income tax thing if I would just go along with what he had in mind for me. * * * I said if I cooperated in any way I would have to be lying because I don't know a thing about these people's affairs no more than what I read in the papers. He asked if he would not indict me, would I go along and cooperate with him. I said, no, I wouldn't. He said, 'Suppose I take Larry out of it?' I said, 'It's still nothing I could tell you but a lie'."

Parks said they talked for about 2 hours. "He told me that if I would cooperate with him, I wouldn't have to stay in Nashville, that I could take my choice of any city or State in the United States that I wanted to lie in under Government protection. I wouldn't have anything to worry about."

Sheridan, Parks declared, asked if he would telephone his nephew, Larry Campbell, and ask Campbell to meet "with us" so that he, Sheridan, could make a proposition. Sheridan said, Parks explained, that "he wasn't interested in me or Larry, it was Mr. Hoffa he was interested in, so if we would cooperate with him, it would be a direct link to Mr. Hoffa."

Parks said it was impossible; he didn't know a thing; he couldn't help unless he lied; and "I said I refused to lie for anybody." So he was indicted. On cross-examination, Parks' testimony stood unshaken.

The result poses a most hideous quandary. Was there any substance to the Government charge that Hoffa and his cohorts attempted to influence Gratin Fields? Or was this whole plot the work of an agent provocateur, intent on framing Hoffa?

The defense attempted to supply an answer by putting on the stand an informer of its own. He was Frederick Michael Shobe, an exconvict who had worked for 2 years for Walter Sheridan's special investigative unit in the Justice Department.

TURNCOAT SHADOW

Shobe had been convicted for burglary, forgery, and armed robbery; he served a term in Michigan State Prison; and he had been released on 4 years' probation. He had obtained a job on the docks, where he had been thrown into contact with exconvicts and other questionable characters. This, he was informed, was a violation of his parole, but there was a way out. Instead of being sent back to prison, he could go to work for Walter Sheridan's special investigative unit. He did. And for more than 2 years he ranged the country widely as an agent provocateur—a term he used himself to describe his function—inciting riots and fomenting trouble within the Teamsters Union, his conduct vouched for, his expenses and his salary paid by a grateful Federal Government.

Why had Shobe defected? He had finally worked his way out from under the shadow of parole and found himself in the clear. He asked his Federal mentors to get him a job. He had a college education and hoped to be able to get some training as a computer operator. After much delay, he finally was told a job had been arranged for him with the Government—but in Japan. Shobe concluded that his Federal sponsors, having used him, wanted to get him as far away as possible, where he could not possibly rock the boat. He rebelled and spilled all to William Buffalino, the Teamsters' attorney.

Taking the stand in the Chattanooga trial, Shobe demonstrated his intimacy with Sheridan by reading into the record Sheridan's Washington office number, RE 7–8200, and his unlisted home phone number in Bethesda, Md., OL 6–4525. He testified that Thomas McKeon, a Federal aid, had sent him from Detroit to Louisville and Nashville in June 1963, and had written out for him "the name of Brown's Tourist House where I should stay and Joe's Palm Room where I should frequent and that I should remain in daily communication with Walter at Nashville 242–2106." Shobe offered in evidence the piece of paper containing the notation that he said was in McKeon's handwriting. "That is what Mr. Thomas McKeon gave me along with $250, and I departed that night for Louisville," he testified.

His job, Shobe said, was to try to find "someone who would state that Larry Campbell or Charles O'Brien had made incriminating statements about their interest in the Hoffa trial." As soon as he reached Nashville, he consulted with Sheridan. Furious prosecution objections, sustained by Judge Wilson, prevented him from testifying about what he and Sheridan had discussed. But Shobe did get into the record that they had discussed Parks. "He (Sheridan) was primarily concerned at that time with getting Mr. Parks to come into the Government and at that time our plans were directed toward that end."

The Government fought furiously now, with Neal leading the pack, against Shobe's being permitted to testify to anything specific. Judge Wilson sustained virtually every objection, and Jacques Schiffer was driven to take another tack with his witness. He asked Shobe if he had ever met Patrolman Walker. Shobe said he had; as he was leaving Nashville for Louisville, Walker had sidled up to him. At this point, yielding to prosecution objections, Judge Wilson dismissed the jury and ruled Shobe would be examined in a voir dire proceeding. Schiffer, joined by all the other defense attorneys, protested vigorously. Throughout the trial, a favorite tactic of Judge Wilson's was to hold long voir dire hearings (he himself estimated at one point that 60 percent of the record was compiled in the absence of the jury), and the defense objected strenuously that this procedure was ruining its case.

Schiffer argued that the defense had an "absolute right and a duty * * * to expose any attempt by the Government to do something wrong or illegal and that it is a sign of weakness in their case when they attempt such activity and when such attempts are made to frame the defendants * * * Mr. Parks in particular * * * and where they attempt to fabricate testimony and suborn perjury, it is for this court to take such testimony and for the jury to hear it directly because it bears very materially upon all the credibility of all the testimony of all the witnesses put in here up to this point by the Government."

BRIBE MONEY

Judge Wilson refused to be swayed, and Shobe's testimony, probably as significant as any offered in the case, was never to get before the jury. Shobe stated that it was obvious to Sheridan and everyone else that, if the $1,500-a-year Parks were ever to be found guilty of bribing somebody, an explanation should be offered as to how the bribe money came into his hands. Shobe was assigned, he testified, to produce the evidence. He approached a man in Detroit named Harry Ellis, a numbers operator with numerous past violations and a whole series of new charges hanging over his head.

"I arranged for Mr. Ellis to have a conference with the U.S. district attorney, William Merrill, in Detroit, in order that he testify that a man named John White, of Detroit, Mich., had brought bribe money to Nashville during the early fall of 1962," Shobe testified. "Mr. Ellis refused to do this."

Then, Shobe said, he shadowed Parks. Sheridan had given him the name of Parks' associates; Shobe got in touch with them and "well, I guess you would say I had threatened them to a certain degree." Still seeking a handle on Parks, Shobe spoke to a Nashville voodoo practitioner known as Bishop St. Psalm. He introduced the bishop to James Durkin, the special Assistant Attorney General in the case. The bishop published a small magazine and stipulated that, if he was going to help the Government, he wanted some advertising. Assured that this might be arranged, he left Durkin's office with Shobe and went directly to Tom's Cleaners, a shacklike structure where Parks was trying to set up in business. Shobe testified that Bishop St. Psalm managed to pick up some object belonging to Parks, and when they returned to the bishop's residence, the bishop began to burn black candles and to utter incantations that were intended to sway Parks.

Shobe said that he personally never had any faith in black magic, but he had discussed the matter with Sheridan and Sheridan thought, since there were so many superstitious persons in Nashville, that it might be worth a try.

If Shobe was correct, if the Federal Government would not balk even at voodoo in its effort to turn a defendant into a witness, how far would it go? Schiffer got to the point in the following sequence:

"Question. Let me ask you this now: As you sit here now can you tell us whether you had discussed with Walter Sheridan a plan to frame Mr. Hoffa?

"Answer. We had discussed Mr. Hoffa, Mr. Buffalino, and Mr. Fitzsimmons and various Teamster officials at different times * * * as a matter of fact, this was a constant topic, it was my understanding that the only reason for the existence of the particular department that Walter headed was to get Mr. Hoffa.

"Question. I see. Was that made plain to you by Walter Sheridan that the purpose was to get Hoffa?

"Answer. That is correct.

"Question. And was it indicated to you that it made no difference whether he was—they used legal or illegal means?

"Answer. Well, preferably if there was something found that incriminated Mr. Hoffa, well and good; however, if there wasn't the feeling in the department was that Mr. Hoffa should be in jail anyway and that we—if we had to resort to unfair tactics, well, that's where a person like myself came in at.

"Question. I see. And that is why they called you into service because they wanted you, like you described, 'that's why they wanted me in the service, to frame Hoffa,' is that correct?

"Answer. Well, to get him by any means, fair or foul, that was my understanding of the matter.

"Question. And you were directly told that by Walter Sheridan?

"Answer. That is correct."

The questioning shifted back to Shobe's first encounter with Patrolman Walker. It occurred at the Greyhound Bus Terminal in Nashville. "He stated that he was working for the same man I was and, of course, I feigned ignorance because I had never spoken to Walker and I had no orders to contact him from Mr. Sheridan whatsoever, and Walker, I said, 'Well, whom do you work for?'

"He says, 'Well, you know Mr. Sheridan.' "

Shobe testified that he brushed off Walker. Later, he said, he checked with Sheridan and found that Patrolman Walker was indeed working for the Government; he even read Walker's grand jury testimony. Schiffer asked if Walker had ever said "how long a period he had been working for Mr. Walter Sheridan," and Shobe replied: "Well, he told me that he had been on this case since it started."

THE KIDNAP GAME

Now Shobe came to the most startling part of his testimony. The Government was so eager to force the defendant, Parks, into becoming a witness for the prosecution, he asserted, that at one time he and Sheridan discussed a plan to abduct Parks and scare him within an inch of his life. Shobe had noticed that Parks "in the evenings sat out in front of Tom's Cleaners either on a milk crate or on half a chair," and he felt it would be "comparatively easy" for him and a couple of companions to drive up and pretend to "arrest" Parks. They would carry out the fake by driving him to the huge parking lot in the rear of the Federal Building. There, suddenly, they would drop the pretense, handcuff Parks, gag and blindfold him, and then drive him out to a park in East Nashville.

There "we would take him out into the woods and well, we had a couple of shovels and we were just going to start digging a hole. And Mr. Parks being an undertaker, I imagine he would get the message."

After they had scared Parks sufficiently, they would remove his gag and talk to him, pretending they were Hoffa strong-arms who had been assigned to do Parks in. If Parks was sufficiently scared to cooperate, fine. If he wasn't, Shobe had figured a way out. He would flash a signal with a flashlight; men waiting in the woods would come pouring out to "rescue" Parks; and Shobe and his companions, in the confusion, would get away. Shobe testified that "the only reason this plan wasn't carried out was simply because I felt that with the feelings against the Government in Nashville and their part in the civil rights, and I don't think the local authorities would just say release Fred Shobe if they caught me with this man bound and gagged in a car or else out digging a hole." Shobe had been afraid some local cop might accidentally bump into the plot, ruining everything, and when he realized "the penalty for kidnaping in Tennessee is death * * * why I took a bus and headed back for Detroit.

When the jury was called back into the courtroom, Shobe was permitted to testify to none of this. He was permitted to say that Patrolman Walker had told him he had been working for Walter Sheridan ever since sometime in 1962. He did get into the record that Walker and some other detectives on the Nashville force had come out to see him at his motel and to ask him if Sheridan would keep his promises to them. They were worried, Shobe testified, because the Justice Department was investigating the Nashville police force. Walker told Shobe that Sheridan had promised "that he [Walker] would be spared and that was the only form of compensation I understood from him that he was going to receive from Mr. Sheridan."

With Judge Wilson upholding the Government's objections every step of the way, Shobe was not permitted to testify to his conversations with Sheridan; to the amounts he had been paid by the Federal Government to work for it as an informer; to any details of the plot to terrorize the defendant Parks into becoming a prosecution witness.

When he finished his direct testimony, he left the stand unchallenged. The Government, through Judge Wilson's favorable rulings, had kept his most damning testimony from the ears of the jury. But Shobe had cast Patrolman Walker in the role of secret Government agent, not a normally impartial witness. Since he had, it seems significant that the Government let him go without asking a single question on cross-examination. His testimony was not impeached. And since it was not, the spoor of the agent provocateur looms that much larger in the evidence.

THE PREMATURE FIX

There was left to be considered, except for the testimony of Edward Grady Partin yet to come, only one jury-fixing attempt. This was the first in the sequence and the most important—the alleged $10,000 bribe offer to James C. Tippens, the Nashville insurance man, on the very day the jury-picking began. It is obvious that this incident should have been paramount in the Government's case. The alleged attempts to influence Betty Paschal and Gratin Fields were disturbingly tenuous. Even if one accepts the prosecution's allegations at face value, it is admitted that neither Trooper Paschal nor Carl Fields ever talked to the two jurors. Mrs. Paschal and Gratin Fields knew nothing of the attempts until they were called before Judge Miller and banished from the jury.

But Tippens was one juror to whom a direct overture had allegedly been made. He had been told flatly it would be worth $10,000 to him to acquit Hoffa. In the light of this, it seems only logical that Tippens would loom as the principal exhibit in the prosecution's array of evidence. But it did not turn out that way.

Tippens' original story to Judge Miller in Nashville had been this: When he returned to his office after being tentatively seated on the jury on October 23, 1962, his secretary told him that a friend and neighbor, Lawrence (Red) Medlin, had been trying to get in touch with him. Tippens telephoned Medlin. Then, at Medlin's request, he went out to Medlin's "place of business" for a personal meeting. They talked, and Medlin told Tippens it would be worth $10,000 to him if he, as a juror, voted for Hoffa.

This account makes it obvious that Lawrence (Red) Medlin and his involvements were crucial to the Hoffa case. Who was behind this alleged bribe attempt? Who induced Medlin to approach Tippens? These were crucial questions. But, unfortunately, there was no way of getting at them because

Medlin could not be produced in court. He had been indicted with Hoffa and the others, but when Hoffa and the rest fought for a change of venue and succeeded in getting their trial transferred from Nashville to Chattanooga, Medlin had not joined in the action. He preferred to stand trial in Nashville, and so his case was severed from the rest. This left a huge gap at the heart of the prosecution's case. Because Medlin was not on trial, because the Government was prevented from tracing the alleged Tippens offer through him back to Hoffa or to anyone in Hoffa's entourage, there was a grave legal question whether Tippens should be allowed to testify at all.

The defense argued strongly that he should not. Logic and law both would seem to back this argument. But Judge Wilson decided to let Tippens testify. He decreed, however, that the testimony should be accepted only to the degree that it might tend to corroborate details of Partin's testimony regarding statements made to him by Hoffa.

Under the court's ruling, Tippens was permitted to say only that he had had a conversation with Medlin. He was not permitted to say what they had discussed. He was permitted to say that he had reported this conversation to Judge Miller the following day, October 24. He was not permitted to say what it was he had reported, but simply that he felt it was of such a nature that it disqualified him for jury service.

SLIPS OF THE TONGUE

These were the restrictions, but there was no way of guaranteeing they would be obeyed. For example, Tippens testified at one point:

"I went into Judge Miller's office and told him that I felt that I should be disqualified as a juror due to the fact that I felt like that I could not serve under the conditions that existed in which were, namely, I had been offered."

Berke roared an objection. Judge Wilson instructed the jury to disregard the remark. But the remark had been made, and the jury must have heard it.

The rest of Tippens' testimony contains many instances where, with the prosecution egging him on, he verged upon the unmentionable. At one point, before anyone could stop him, he got this out: "I told Judge Miller that I felt disqualified to serve on the jury due to the fact that I had been offered a sum of money." Berke objected. Branstetter demanded that the remark be stricken. The court instructed the jury to disregard it. But again the damage had been done.

Tippens testified that, after his session with Judge Miller on October 24, he had another talk with Medlin "at a barn where he keeps his horses * * * about a half mile from my place." Their "country places," Tippens explained, made them neighbors. Again, he seemed about to get into the details of what had been said in the judge's chambers; again, the defense roared its objections and the judge dismissed the jury while he listened to legal arguments.

Commonsense says that all of this must have been infinitely prejudicial to the defense. The impression the jury must have gotten was that of a guilt-stained defense battling with every legal technicality at its disposal to keep the forthright Tippens from giving the jury testimony it had a right to hear. Yet the truth clearly is the very reverse of this. It was the prosecution's duty to establish that the alleged $10,000 bribe was linked to Hoffa. If it was not linked, testimony about it had no place in this trial.

The dubiousness of this entire sequence was to be thrown into high relief by the separate trial of Medlin in Nashville. There, on April 3, a jury convicted Medlin of offering the $10,000 bribe to his friend, Tippens, but curiously enough the Government produced no proof to link the alleged offer to Hoffa or his aids. The Government's case was based almost entirely on Tippens' testimony about his conversation with Medlin. Medlin, 53, proprietor of a sandwich-packing concern, acknowledged that the conversation had taken place, but denied he had made Tippens any offer. He insisted he had only told Tippens about a conversation he had "overheard." Whom had he "overheard"? Who had planted this idea in his mind? These remained unanswered questions; and though the Government in this trial was unrestrained by technicalities like those that had inhibited it in Chattanooga, it suggested no answers. Medlin swore that he had never heard of Hoffa, knew nothing about him—and his statement stood in the record, unchallenged by the Government.

What is the meaning of this?

One cannot be certain, but the doubts born in the Paschal and Fields testimony are reinforced a hundredfold by the insubstantial nature of the Tippens charge. They are reinforced, too, by the way another early key element of the case, introduced by Partin, crumbled on close examination.

It will be recalled that on the first day Partin landed in Nashville (only a few hours before the Tippens mystery began to brew) he stumbled headlong upon the very evidence he had been sent to find. His story was that Nicholas J. Tweel, the West Virginia businessman who posed when they first met as Anthony Quinn, had confided to him Hoffa's plans to fix the jury. The implausibility of anyone's confiding such a dark secret to a man he had just met for the first time is comparable to the implausibility of the precipitate Tippens bribe. Nevertheless, that was Partin's story, and it is instructive to see what happened to it.

IN THE COFFEESHOP

Tweel, when he took the stand, testified that he and Allen Dorfman, the Chicago insurance man who handled Teamster pension funds, had been involved in many business deals. The defense exhaustively documented their business relationship. According to Tweel and Dorfman, they had planned to meet in New York to iron out some pressing business transactions, but at the last minute Hoffa had asked Dorfman to come to Nashville with some records that might be essential to his defense. Dorfman, as a result, had telephoned Tweel and suggested that they meet in Nashville.

They were sitting in the coffeeshop of the Andrew Jackson Hotel, Tweel testified, when Partin came up and introduced himself to Dorfman, whom he had apparently met previously. Dorfman in turn introduced Partin to Tweel. There never was any Anthony Quinn in the picture, Tweel testified; that character was Partin's fiction.

After Dorfman left, Partin engaged Tweel in conversation. Partin, Tweel said, told him all about his troubles in Louisiana and wanted to know if Tweel could recommend a good lawyer there. Since Louisiana was Partin's turf, not Tweel's, it seemed a strange request; but, as it happened, Tweel did have a friend who felt he had been well represented recently by a lawyer in Baton Rouge. Tweel couldn't think of the lawyer's name at the moment, but he told Partin he would try to find out if Partin wanted to get in touch with him later.

And that had been all there was to it. Tweel never invited Partin to his room later that night. Indeed, he never saw Partin again. Instead of chatting with Partin about fixing the Hoffa jury, Tweel had met some acquaintances, had dinner with them and then went out on the town with them, nightclubbing until about 2 a.m. This fact, too, was supported by independent testimony.

The next day, October 23, Tweel said, he and Dorfman went over to the court to look in on the opening of the Hoffa trial. In the courthouse, he said, he looked casually at a long list of veniremen from which the trial panel was to be drawn; but since he didn't know anyone in Nashville, he didn't examine the list closely. In fact, said Tweel, until this visit, he had never been in Nashville in his life, and after this one visit, he had never returned. When the morning court session ended, he and Dorfman conferred and settled their business matters; then Dorfman caught a plane to Chicago, and Tweel flew back to Huntington, W. Va.

In one sequence, Tweel testified: "During my stay in Nashville, I had no occasion to meet Mr. Hoffa. I did observe him in the lobby of the hotel. I observed him at the courthouse. I think these are the only two occasions I had ever seen Mr. Hoffa. I have never had any occasion to meet him. * * * The next time I saw Mr. Hoffa we were being arraigned together in Nashville, Tenn. I don't know how I got involved with him myself. I didn't even meet him on that occasion."

Partin, after he testified, underwent cross-examination by Edward Grady, Tweel's attorney and all but conceded that Tweel may have been right in disclaiming acquaintance with Hoffa: "I don't think that Tweel has ever said that he was real acquainted with him." A little later: "I have seen Mr. Tweel associated with Mr. Dorfman in Nashville but as far as Mr. Hoffa, I can't swear to anything that I would pin it down as being closely associated with him."

The Government attempted to bolster this confusing testimony by a long, involved story that Hoffa on one occasion had a jury list phoned to Dorfman in Chicago, so that Dorfman could phone it back to Tweel, so that Tweel could phone back to Nashville with information on the jurors. Since Tweel had testified he had never been in Nashville and had no contacts there—and since the Government offered no evidence to the contrary—this seems an idiotic procedure.

It is perhaps significant that, even in the atmosphere of the Chattanooga trial, the jury acquitted Dorfman and Tweel. On this aspect of the case, involving the first information he allegedly uncovered after his arrival in Nashville, Edward Grady Partin's story would simply not stand up. One needs to bear this in mind when turning to his accounts of incriminating conversations with Hoffa.

THE SPY AS WITNESS

The appearance of Partin upon the witness stand provoked one of the most heated legal battles of the entire trial. It raised fundamental and disturbing questions about American justice.

Partin had hardly begun to testify, had gotten into the record only his account of the conversation with Tweel, when the issue erupted on a defense motion to suppress his entire testimony. The defense attack was led by James E. Haggerty, former president of the Michigan State Bar and a director of the Detroit Bar Association, one of the attorneys for Hoffa. Haggerty's point was simple. He argued that Partin had been planted on the defense in an undercover capacity and had remained in that capacity during the whole of Hoffa's previous trial in Nashville. This, he contended, was as much an "improper intrusion on the defendant's right" as if the Government had tapped his telephone lines or bugged his hotel room.

"He [Partin] was in discussion, I might tell you, with lawyers, he had had discussions with me during the trial of the case and to my knowledge discussions with others," Haggerty told Judge Wilson. "He was constantly hanging around, I never knew for what reason. He was in court nearly every day * * * he was at the hotel and Mr. Hoffa's suite where the lawyers conferred at night."

Harvey M. Silets, of Chicago, attorney for Dorfman and one of the sharpest minds in the defense battery, argued that this espionage upon the defense in the midst of trial was illegal, and, if it was, "the famous statement of the Supreme Court that the fruits of the poisoned tree are not any good extends here." Silets argued such action "taints everything this man touched." It was, he said, as if "Your Honor's law clerk should all of a sudden turn out to be an informer and a spy for the defense."

Cecil Branstetter cited the Judith Coplon case, washed out because of wire tapping of the defendant's phones and eavesdropping by the FBI on her conversations with her attorneys. He argued that the same principle applied to this direct, in-person eavesdropping.

U.S. Attorney James Neal met the onslaught with an almost concession and a quibble. It was true, he conceded, that had Hoffa been convicted in the Nashville trial the verdict might have been tainted because the Government had planted an informer in Hoffa's camp. But this, Neal argued, had absolutely nothing to do with the new case built upon information that informer had gathered. Therefore, the decision in the Coplon case had no relevancy and was not applicable.

Silets was infuriated by this hairsplitting. He recalled that in July 1963 Federal Judge Frank Gray, Jr., had listened to 5 days of argument on the defense contention that this new, jury-tampering indictment had been based on illegally obtained evidence.

"I can remember as if it was said a moment ago," Silets told the court, "Mr. Neal in great pain and anguish saying to Judge Gray, Your Honor, there was no eavesdropping. There was no wire tap. There was no illegally obtained evidence. At that time, Mr. Neal must have known that such a thing as what has been perpetrated on this court was in fact in existence because that is the basis that this indictment was returned upon."

Neal countered that "there is no illegally obtained evidence in this case and there is no eavesdropping. Everything that this witness will testify to as things said to him were things intended that he should overhear because they were said to him."

It quickly became apparent that this contention depended upon one's ability to believe that the Government had walked a very fine ethical tightrope all during the time it had Partin planted in Hoffa's camp. Neal's position was that Partin had been instructed to gather evidence only about jury tampering—about any lawbreaking plots on the part of the defense. It had not been intended, heavens no, that he should gather information about actual defense tactics in the Nashville trial.

MEMORY TRICKS

Partin, examined on this point, instantly displayed a striking mental ambivalence. He could recall in great detail all the conversations he had had with the defendants about their alleged jury-tampering endeavors, but his mind was a blank about trial strategy they might have discussed in his presence. His explanation was that he had been told to remember the jury-fixing details and he "wrote" these down—just in his mind, that is—but he turned off the mental antenna and "wrote down" nothing about anything else. Partin dined constantly with Hoffa and Hoffa's retinue. Didn't the case constantly come up as a topic of conversation, Silets wanted to know. "I don't think it ever did," said Partin blandly. Not at all? Well, maybe, "as far as saying how it goes or something like that."

Time and again, Silets tried to extract from Partin some information he had overheard while tagging at the coattails of Hoffa's attorneys. Partin evaded, finally came up with this: "I didn't say for sure, sir, I said I may have been there when they discussed it. but I didn't remember because I wasn't interested in the case."

Not interested? Could any man, on the showing, have had better reason to be interested?

The defense attorneys from the Nashville trial had far sharper memories. One by one, they took the stand and were sworn in as witnesses. William Buffalino was especially emphatic:

"I recall vividly that on the night of December 4, 1962, he [Partin] was in our room, and I will explain exactly what I recall. * * * I was in the process of preparing, interviewing several witnesses, truckdrivers, that were in from Detroit. * * * I asked questions and I made notes. These notes were typed in question-and-answer form. * * * They were typed and Ed Partin helped me staple them. He was carrying copies back and forth from one place to the other.

"On the 5th, and the record will show, on the 5th or one of those days when Mr. Neal was interrogating the witnesses, he asked, 'Isn't it a fact' or words to this effect, 'Isn't it a fact that or were you supplied with questions and answers as to what your testimony should be?"

THE PSYCHIC ATTORNEY

That same day, Buffalino testified, there was a second, significant incident. The night before, some five or six defense attorneys had been sitting around the large table in Hoffa's room, discussing trial strategy. Partin was sitting with them, idly shuffling a pack of cards, as he usually was. Buffalino outlined an approach he planned to take the next day when he put a certain truckdriver on the stand. What happened when they got into court seems illuminating. Buffalino testified:

"The next day when I got on this particular area I started, now, and this is the language, 'Now, witness, I bring you back to 1953,' and that is all I had to say and Mr. Neal jumped to his feet and said, 'I object, your honor, they are getting into a different area.'

"I said, 'How do you know where I am going, what I am going to ask?'

"He answered, and he said, 'Your Honor, I suggest, may I request, that the jury leave this room and I want to argue this particular case in the absence of the jury.' The jury left, left the courtroom.

"I said to Mr. Neal, 'How do you know what I'm going to ask, all I said was 1953?'

"He said, 'I am psychic.' That's in the record."

Neal stood and listened to this—and he made no rebuttal. It would seem he had no answer. Indeed, instead of denial, there was from the Government a reluctant and partial confirmation.

This came from Walter Sheridan. Called to the stand by the defense, he testified about the manner in which Partin had kept passing him information.

Question. Now, did that information also constitute matters pertaining to the lawsuit that was then on trial?

Answer. Occasionally.

Sheridan said "the vast majority of the information consisted of the comings and goings of people;" it dealt with matters that, in his mind, were "at least unethical and improper," if not downright illegal. He regularly, said Sheridan, passed this information along to Neal, who was trying the case. But, in an effort to explain his action, Sheridan insisted, 'I don't think any matters relating to the trial" were passed unless they dealt with jury tampering or fell within categories he considered "unethical."

Question. Isn't it true, Mr. Sheridan, on the 4th of December, 1962, Partin informed you that witnesses were being interviewed and that they had written questions available?

Answer. There was an occasion when Mr. Partin told me that witnesses were being interviewed by Mr. Buffalino and that they had questions and answers and he was going over them.

Question. He did advise you of that?

Answer. Yes, sir.

Question. Did he tell you who they were?

Answer. I knew who they were, I think.

This seems about as close to an admission as one could expect to get in testimony coming from a key Government official, the very man who directed the operation.

Silets strove to show that Partin, from the beginning, had not been just a teamster invited to Nashville by Hoffa and told freely what he had been told, but a Government agent, employed by the Government and planted on the defense. Buffalino, in his testimony, pictured Partin not only as a spy, but as an agent provocateur, egging on the defense. Buffalino testified:

"I have some recollection that Partin said something about a particular juror, I don't know which one, that he was in the Army with one and he was starting to suggest that maybe he should get in touch with that fellow that he was in the Army with, that maybe when he goes on vacation he would be able to go in and live with juror.

"I said, 'Look, I want to have absolutely nothing at all to do with any such discussion. Lay off that. We have a cinch case. This case is absolutely nothing. And then so far as I am concerned I suggest you just forget about anything like that.' "

Silets attempted to follow this trail, to demonstrate Partin's deep involvement with Federal prosecutors long before he came to Nashville. But when he tried to question Partin about his multiple indictments, Neal objected and Judge Wilson instantly sustained. Silets next tried to determine just what had been discussed in those conversations with Hawk Daniels and Frank Grimsley. "Well, sir, that is a matter not related to this here at all," Partin told him.

Neal objected; Judge Wilson instantly sustained the objection.

Silets tried again. "I would reluctantly have to say that it doesn't relate to this," said Partin. "It is something of a more serious matter."

Here was a witness who was functioning as his own expert on legal matters, determining in his own mind what was legally relevant and what was not. It is difficult to understand why a witness should have been permitted to decide such issues for himself, but Judge Wilson pronounced for Partin, saying, "I have difficulty in seeing how it is material to the issue that is now before the court."

The whole subsequent course of the trial was to demonstrate, of course, just how material it was. The defense was to establish ultimately, through the testimony of Grimsley and Hawk Daniels, that Partin had become a secret agent in late September or early October, and that he was functioning as one on October 8 when he made his first phone call to Hoffa after attaching to his phone a recording device lent him by the Baton Rouge district attorney's office. But now, when the issue was vital to the trial's entire future course, the defense was barred from pursuing it.

Silets, trying to demonstrate the absurdity of the prosecution's pretension that Partin was not their hog-tied man, asked Partin why he had hung on in Nashville for the entire two and a half months of the trial. Partin said he was there "on union matters and personal matters." "Do you mean for two and a half months you had union and personal matters?" Silets snapped.

HOFFA'S SHADOW

Silets demanded to know if Partin had been paid by the Government. Partin denied flatly that he had. Silets demanded to know if he had been promised anything. Partin denied flatly that he had.

Question. Will you tell me, please, why did you want to take the assignment from the FBI to come to Nashville to do what you say you were going to try to do for the FBI?

Answer. I don't know.

Neal roared an objection and Judge Wilson sustained, but the answer had already slipped past Partin's lips.

Judge Wilson decided now to question the witness himself on this point. Partin denied to the judge that the Government had sent him to Nashville.

Question. Did they provide transportation for you in Nashville?

Answer. No sir, they didn't.

Question. Were you in any way in the employ of the United States at that time?

Answer. No, sir, I wasn't.

Question. But was there any arrangement for the Government paying any of your expenses and compensating you in any way in your trip to Nashville?

Answer. No, sir.

Question. At whose request did you go to Nashville?

Answer. Mr. Hoffa's. Telephone conversation at Newark, N.J.

This questioning was concentrated upon payments at the time of the Nashville trial in 1962, but when Walter Sheridan took the stand, Silets made the questions all-inclusive. This was the sequence:

Question. Have you ever authorized any payment to Mr. Partin?

Answer. No, sir.

Question. Has there been, to your knowledge, any money paid to Mr. Partin?

Answer. No, sir.

Question. Has any promise been made to Mr. Partin?

Answer. No, sir.

All the time, as Sheridan must have known, there reposed in Government files a memorandum from Walter Sheridan himself to S. A. Andretta, administrative assistant attorney general. It was dated July 3, 1963, and it read:

"Subject: Confidential fund item.

"In connection with the forthcoming trials in Nashville, Tenn., it is requested that a check in the amount of $300 be drawn against the confidential fund beginning July 8, made payable to A. Frank Grimsley, Jr., attorney in the criminal division. * * * He will cash the check and give this money to a confidential source.

"It is also requested that a check be drawn each month through November 1963 made payable to Mr. Grimsley and mailed as above."

Under this circuitous arrangement, as the defense was to show near the end of the trial, the Government funneled at least $1,500 into the hands of Partin's wife; yet, at the point at which this information was vital, the defense had only Walter Sheridan's flat denial.

On one other point the testimony of Sheridan gave the impression of technical accuracy rather than candor. He was asked by Silets if he had taken notes of his conversations with Partin. Yes, he said, he had—and he had kept them. The defense demanded that these notes be turned over to the court, so that Judge Wilson might examine them to see whether they contained information helpful to the defense. Over the objections of the prosecution this was done. Then Neal took over the questioning of Sheridan:

Question. With respect to these notes, Mr. Sheridan, how was that done? Did you attempt to make a substantially verbatim statement or notes of what the witness Partin told you?

Answer. No, sir.

Question. How did you do it?

Answer. Well, if he called me or I saw him, I would just make cryptic notes of the high points. As I usually do, of the conversation we had.

Question. In other words, you might put down one word that might be 5 minutes of conversation?

Answer. It could be.

The reason for the "cryptic note" technique quickly became apparent. In 1957, the Supreme Court, by its Jencks decision, had ruled that when the Government put a witness on the stand it must, as a test of his credibility, give the defense access to any prior statements he had made on the subject matter of his testimony. J. Edgar Hoover objected that this would "throw open" the files of the FBI and expose his secret informants. Under his urging, Congress passed the so-called Jencks Act, watering down the effect of the Supreme Court decision. The act provided that such prior statements should be turned over to the trial judge, who would determine whether they were material to the defense. It also provided that, unless statements were taken substantially verbatim or had been signed or acknowledged by the witness, they did not have to be divulged at all. Neal now took full advantage of this Hoover-created loophole, and in arguments repeated throughout the course of the trial he contended that the defense was not entitled to see the "cryptic notes" of Sheridan or other similar data. And so, in effect, Judge Willson ruled.

HOFFA RAISING CAIN

The judge, over protest, upheld the prosecution's theory that Partin had not been its man in Nashville, but Hoffa's. The judge's decision, which permitted Partin's full testimony to go before the jury, was delivered in these words: " * * * I would find that there has been no interference by the Government with an attorney-client relationship of any defendant in this case. I would further find that the Government did not place this witness, Mr. Partin, in the defendant's midst, rather than he was knowingly and voluntarily placed in their midst by one of the defendants."

Haggerty declared that "there is such a correlation here (between the Nashville and Chattanooga cases) that I cannot understand, frankly speaking, with all due respect, that Your Honor has reached his conclusion."

One might not understand, but one was going to have to listen to Edward Grady Partin.

Partin's testimony pictured Hoffa as a desperate man, intent on rigging the Nashville jury. After the Tippens fiasco, Partin declared, Hoffa was raging. He quoted Hoffa as saying: "The dirty bastard went in and told the judge that his neighbor had offered him $10,000." This meant, Hoffa added, "We are going to have to lay low for a few days."

On another occasion, when Hoffa felt that he had been hurt by some particularly damaging testimony, he confided to Partin, according to Partin: "I would pay $15,000 or $20,000, whatever it costs, to get to the jury."

On Monday, November 5, Partin testified he encountered Hoffa and Ewing King together in the hallway of the Andrew Jackson. Hoffa was "raising cain at Mr. King" because King hadn't been doing what he had been told to do. Partin said that Hoffa roared at him: "King keeps telling me he can get the patrolman, but he don't get him."

On November 7, Partin said, he went into Hoffa's suite and told Hoffa he didn't think the trial was going very well. "Well, don't worry about it too much," he quoted Hoffa, "because I have got the colored juror [Gratin Fields] in my hip pocket."

Partin said Hoffa explained: "One of my business agents, Campbell, came into Nashville prior to the trial and took care of it." Hoffa, Partin said, was straining every nerve to get a hung jury because, again allegedly quoting Hoffa, "If they have a hung jury it will be the same as an acquittal because they will never try the case again."

Still later, on November 14, Partin testified, "Hoffa was on King." He denounced King as "a stupid S.O.B. for thumbing around and not getting the job done."

In another conversation on November 19, Partin pictured Hoffa as "very upset because the highway patrolman didn't take the money." There had been, of course, no mention of money in the Paschal case because the Paschal's weren't lacking money and all the trooper wanted was a promotion.

All these conversations, except those in which Hoffa was personally berating King, took place, according to Partin, when no one else was present because "Mr. Hoffa never has anyone present when he says something."

In essence, this was all there was to Partin's testimony. Credence depended on the weight one gave his word against Hoffa's word, and on the faith one put in the validity of the prosecution's other evidence concerning the three alleged jury-tampering attempts.

On cross-examination, the defense hammered at Partin for days. Harry Berke hopped instantly on the flaw in Partin's Hoffa quotation on the alleged fixing of Gratin Fields.

Question. Didn't you say this, Mr. Partin, speaking about Mr. Hoffa, he said "One of my business agents, Campbell, came into Nashville prior to the trial and took care of it?"

Answer. That's correct. That is exactly what I said, sir. You are right.

Question. How could he fix the jury prior to the time when he didn't even know who was going to be on it?

Neal shouted an objection. He argued: "He [Partin] is only telling what Hoffa told him." Judge Wilson sustained the objection. Jacques Schiffer hotly protested that the "question goes right to the roots" of the testimony, and he snapped that "every time we reach that point in cross-examination where we come to a crucial question we are not permitted to receive an answer. * * *"

Later, when Schiffer got his chance at Partin on cross-examination, he returned to the point, and finally got Partin to admit: "It puzzled me how Larry Campbell was going to fix or take care of the colored male juror in the case before the trial started."

THE CASTRO LINK

The defense struggled to get into the record intimations of Partin's friendliness toward Castro. It tried to introduce a letter from one of Castro's generals to Partin, thanking him for help in training Castro's militia, and it tried to show that Partin had been attempting to lease freighters to run arms into Cuba. But Neal's shouted objections blocked this line of inquiry.

"This is the most offensive thing I have seen in my life," the Federal prosecutor stormed.

"Objection, objection," shouted Schiffer.

Judge Wilson sustained Neal and told Schiffer: "You will not be permitted to introduce charges for the purposes of attempting to degrade a witness. We're not here for that purpose."

Schiffer argued hotly that Partin's character was an essential issue; on it depended what credence was to be given to his testimony. He protested that the court was unfairly limiting the defense.

THE COURT UNDER ATTACK

Silets took over the cross-examination and began to delve into Partin's past, especially his early burglary conviction in Bremerton, Wash. Partin protested that he was unable to recall this or a subsequent dishonorable discharge from the Marines. Silets began to read him details from his record, and Partin argued: "It wasn't a burglary charge. You said it was a burglary charge. I said it wasn't." Schiffer hopped in with the angry observation that the witness wasn't answering the questions (indeed, at one point, Partin had begun to ramble off into a discussion about coon dogs), and the argument became heated. Schiffer moved for a mistrial, then asked Judge Wilson to let him withdraw from the case and put Parks "under the protection of the court and let Your Honor defend him because I am being prevented from defending him * * *." Partin, he said, "defies the order of the court. But the court idly does nothing with this witness, and this is prejudicing my man * * *."

Judge Wilson, as angry now as Schiffer, snapped: "Just make a note of this in the record. We will take it up at a later time * * *."

Silets went back to the attack and detailed for Partin the breaking and entering charge on his record, the fact that he had drawn a sentence of 15 years, that he had twice broken out of prison. "I said, sir," Partin told him, "I remember that I was confined to the reformatory school for something, so evidently if you say that's it, it must have been it, I don't remember the name of the place or who was there or whatever it was."

Silets pointed out that Partin had been able to recall in exact detail his conversations with Hoffa. Why couldn't a man with such a memory remember his own arrest and incarceration? "I don't remember, I certainly don't," Partin kept insisting. "I have never been convicted of but one felony in my life," Partin finally told Silets.

Question. You have pleaded guilty to other offenses, haven't you?

Answer. Minor fighting or something.

Question. And one of those was assaulting a Mr. Colotto which you plead guilty to on December 2, 1955?

The Court. Sustain the objection.

Silets. I didn't hear one, Your Honor.

The Court. Well, counsel stood up.

During a recess, with the jury out, Haggerty lowered the boom.

"In my 41 years of experience, mostly in Federal courts," he said, "I have witnessed an exhibition this morning up to date that leaves me clearly puzzled and somewhat disgusted."

The witness, he said, had refused to answer questions. He had rambled off into extraneous matters. The prosecution lawyers, Haggerty charged, were sitting there in court, shaking their heads, grimacing and smiling to the jury. He said this "conduct is deplorable and should never be allowed in a court of justice."

Other defense attorneys accused the prosecution lawyers of signaling to the witnesses; Schiffer charged the "Government wanted a drumhead court-martial and they are getting it." When Neal tried to interrupt, Schiffer shouted at the Federal prosecutor: "I don't want to listen to Mr. Neal. You subvert justice here."

Haggerty then startled court and prosecution with a new charge. He offered "proof of the surveillance of the Government of the defendant Hoffa and of the defendants and attorneys." It was, said Haggerty, "a very difficult thing to prove, but we have photos taken last night and we have photographs of an FBI agent by the name of Sheets and we will present that proof this afternoon." He charged that the surveillance "is not casual, it's active, it's organized, and it hamstrings the defendants and the defendants' counsel."

At this point, James Durkin hopped up from the prosecution table and went rushing out of the courtroom.

Branstetter asked the court to instruct Neal not to discuss with Sheets the issue that had been raised. "That wasn't the purpose I sent that man out," Neal almost sputtered, "the purpose I sent that man was to get a subpena to a well-known wiretapper who was indicted and tried with the defendant, Hoffa, who came into town the other day, Bernard Spindel."

"How do you know that, Mr. Neal, unless you have been surveilling the premises?" Silets demanded. Neal said the Government would prove "we don't surveil the defendants or their counsel," but the Government "has never said it would not surveil well-known wiretappers."

Schiffer and Neal now exchanged broadsides in a bitter argument. Schiffer, raging, protested to the court that he couldn't use his telephone because "it is being tapped by somebody." He wanted to put Neal on the stand and "let him say under oath that there has been no surveillance in this case, not anything to the effect, 'I know of none.'" The court, he said, relied on the integrity of a Government attorney, and "I say he doesn't have it." Neal offered to take the stand and testify "to the very best of my knowledge and belief there have been no surveillance of any counsel." But he added: "I would expect, however, the court to hold Mr. Schiffer in contempt."

"For what? For telling the truth?" Schiffer shouted. "That is the type tactic of the Government, as soon as defendant gets up and talks about the malfunctions of justice in this court by these prosecutors, they run to the court and they say, 'Throw Schiffer in jail, hold him in contempt, but leave us alone, Judge. We are the select fellows, we are the masters in this case. The Attorney General appointed us, he hates Hoffa, and we will get Schiffer, too.'"

At 1:30 p.m. this same day, February 7, Schiffer came thundering back from the luncheon recess, angrier if that is possible than he had been when he left. He charged that when he returned to his hotel room after the morning session in court, he discovered his files had been rifled. Schiffer told the court "all of my original documents, and the entire file which I have spent preparing for these many months for this trial on behalf of the defendant Parks was missing." Schiffer said he had been advised that a Government investigator had been seen in the hotel about noon and that a Federal marshal had been spotted near the door of his room. "This has never happened to me before," he told the court.

Judge Wilson ruled that he would take up the surveillance issue later, in the meantime, he would go on with the trial of the case.

One of the most decided and significant shifts in Partin's testimony dealt with the manner in which the Government had paid without paying him. On the motion to suppress his testimony, Partin had sworn flatly that no payment had been made; Walter Sheridan had testified that no payments had been made. These assurances had bolstered Judge Wilson in his decision to permit Partin's testimony to go before the jury. Once that decision had been made, once the Government had obtained the ruling it had to have, the real truth—a truth that seriously challenged the impression the Government had created—began to peep out from under the rug.

ON THE MONEY TRAIL

At the close of his direct examination, Partin described numerous trips he had taken about the countryside—to Tennessee, Alabama, New Orleans—conferring with Government agents. Then:

Question. Have any of those expenses been paid to you or indirectly paid to you in any way?

Answer. Yes, sir, they have.

Question. And how was that done?

Answer. I wouldn't swear how it was done, sir, I know what was done for, though.

Question. Well, to whom were the payments made? You said indirectly.

Answer. They were paid to my wife.

Question. Have all of your expenses been paid in that manner; that is, up to date, or are there still some expenses owing to you?

Answer. They still owe me.

It would seem from the very phrasing of these questions and answers that Partin had little difficulty recognizing that he had been paid, at least "indirectly," and the bland admission contrasted with his earlier flat denials.

This prosecution, which first had cultivated the impression no money was passed, now was admitting payments to Partin's wife, and it was contending, in a further quibble, that the payments weren't really payments—they represented "expense money." Silets, on cross-examination, probed the issue. How, he wanted to know, did it happen that money had been paid to Mrs. Partin?

Answer. Because I wanted my children taken care of, that's why.

Question. Well, how did that arrangement come about? Did you ask the Government to do that?

Answer. I think they asked me did I have any outstanding things that had to be taken care of and during the course of the conversation I told them I was interested in that.

Partin insisted that he never submitted any vouchers to the Government; he never signed anything to show receipt of the money. Well, who had paid for his expenses—Mrs. Partin? No, he had. Then why had the Government paid Mrs. Partin? Well, he owed his wife alimony, and he wanted it done that way. How much had his wife received? "I didn't have an idea unless I would ask her," Partin said. "I just don't know offhand, it was around a thousand dollars or maybe more or less, I don't know."

Silets demanded all vouchers and checks covering this weird Partin-Mrs. Partin transaction. The prosecution fought against producing them, arguing they weren't "relevant," but Judge Wilson ordered the documents turned over to the court. In the course of the argument, Neal denied to the court that the prosecution had had any hand in the previous rifling of Schiffer's files and he intimated that Schiffer had made the whole thing up.

The checks the Government turned over to the court were for exactly even amounts, two for $300 each, two for $150 each. Partin must have been an extremely precise man, if the Government's contention was correct, to contract exactly the same, even amount of expenses at periodic intervals. Silets, of course, argued that the whole thesis on the face of it was preposterous, that the checks really represented pay for testimony; and he argued that under a law passed by Congress October 23, 1962, it is "a crime" to pay witnesses for testimony.

"That's an unmitigated lie," Neal roared, denying Partin had been paid for testifying.

Neal charged the defense was paying, too. Schiffer retorted certainly it was—mileage expenses and standard 1-day witness fees as prescribed by law. Silets, who had been examining the checks during Schiffer's tiff with Neal, now asked to be heard.

"I am flabbergasted by these documents," he told the court. "Apparently the check was issued to Mr. Grimsley, then Grimsley used the check to go to the First National Bank of Atlanta, and with this check having been endorsed by him he has a cashier's check issued by the First National Bank of Atlanta payable to Mrs. Partin. Now, if this is not an attempt to circumvent the meaning of this act of Congress, what is?"

The legal debate now switched away from the mystery of the Partin payments and back to the surveillance issue that shadowed the entire trial. Judge Wilson disclosed that some extensive notes had been delivered to him (these were Bernard Spindel's first intercepts of FBI radio communications), and he was going to study them. However, he said, it wouldn't be "appropriate" to halt the trial to settle this issue. "A hearing will be granted upon the motion after the submission of the case to the jury," he ruled.

BREAKING AND ENTERING

Haggerty protested. One of his younger researchers, he said, had been shadowed to the law library and back at 10:30 the previous night, Sunday, February 9. Two men were still on watch in front of the Patten Hotel. He had seen some of Schiffer's rifled files and could vouch for the fact that records were missing. "We had a door broken in a few doors from mine," he added. "I was not in town over the weekend. It was broken in by force." The door, Haggerty said, was to the room of a man associated with the defense.

"Now, how can we try a case under these Gestapo tactics?" he asked. The defense, he argued, needed help—"and we need it now, not when the case is over."

Judge Wilson was adamant. He would take up the surveillance issue, he ruled, only after the case had gone to the jury.

The testimony about the Partin money payments formed the basis for further probing by the defense. It called A. Frank Grimsley, the Justice Department attorney, to the witness stand. Grimsley testified that, beginning in July 1963, he had channeled some $1,200 to Mrs. Partin by the devious route of cashiers' checks. Walter Sheridan, he said, "told me I would be receiving some checks." Grimsley never signed any receipts, any vouchers, any forms to show what the money represented; he simply endorsed the checks, got cashiers' checks, wrapped plain pieces of paper around them, put them in envelopes and mailed them to Mrs. Partin.

Grimsley testified the Government still owed Partin $343.47—the first odd figure that had cropped up in the months-long transactions. The arrangements resulted, Grimsley said, from a conversation he had had with Partin in July 1963. "* * * he said inasmuch as he wouldn't be in circulation too much he had only one request and that was for the benefit and care of his children that he would like to have some money sent to them. * * *"

When Berke took over the questioning, he brought out another facet of the Federal Government's financial arrangements with Partin. He asked Grimsley if Grimsley didn't know that Partin "was indebted to the U.S. Government in close to $5,000 in taxes which were forgiven him." Grimsley said he never knew the amount; he had been aware Partin "had some tax difficulties."

The Government's tactics in meeting these damaging disclosures were revealing. First, Neal brought out from Grimsley that no payments were made to Partin when he agreed to become an informer in September 1962, before he went to Nashville to spy on Hoffa. No payments, no promises were made to him then. Secondly, he stressed that the $1,200 in checks that passed through Grimsley's hands represented only recompense for expenses.

Question. And was it your duty to apply or to pay him for his expenses?

Answer. Yes.

Question. And did you tell him that you would pay him for his expenses?

Answer. Yes.

Question. And are these payments for his expenses?

Answer. Yes, sir.

This desperate clinging by the Government to its patently untenable expense account contention put Grimsley in an awkward spot when he faced the cross-examination of Schiffer.

Question. Did you receive from this man to whom you gave all of this cash itemized bills, add them up and total them before you paid him any money?

Answer. No, I did not.

Question. Well, tell me, wasn't the arrangement made you were going to send his wife $300 a month for support?

Answer. The $150 twice a month.

Question. One hundred and fifty dollars twice each month. And so it was not based upon what his expenses would be as he told you he was spending money and in expenses, but rather for the support of the children.

Answer. But we——

Question. Is that right?

Answer. More or less; that's correct, yes.

Question. Did you know the amounts of money and these amounts you have testified to and as reflected by these checks were in fact the alimony or support payments to his family?

Answer. It could have been, it's the same amount.

Question. Pardon me?

Answer. It could have been, it's the same amount, $300 per month.

The defense again demanded the records—all of Grimsley's accounts, any Government vouchers or memorandums concerning the transactions. The Government fought disclosure, but Judge Wilson in this instance ruled against it. And so the defense obtained the July 3, 1963, memorandum from Walter Sheridan to Andretta authorizing the payment of $300 a month to Partin. According to the memorandum, the amount was to be charged, not to travel expenses, but to the "confidential fund." Silets asked Grimsley what the "confidential fund" was for:

Question. "Isn't it true it is used to pay informers?"

Answer. "I wouldn't think it would be used that way altogether."

Question. "Now, isn't it a fact, sir, that at the time this memorandum was issued that the intention was to make a payment to Mr. Partin and that that was a flat payment of $300 a month? Isn't that true?"

Answer. "It appears that way; yes, sir."

HOFFA ON THE STAND

Against this background of evasiveness and reluctant, forced concession on the part of the Government, Hoffa took the stand in his own defense. He branded Partin's testimony "an absolute lie." He was asked point-blank about each of Partin's direct quotes accusing him of jury tampering. Did he ever make such statement? "I certainly did not," Hoffa said. He gave other emphatic answers: "That statement is ridiculous on the face of it." "I flatly deny it," "It's an absolute fabrication."

Partin, he said, had come to Nashville at Partin's own request. He wanted to plead with Hoffa not to put his Baton Rouge local under trusteeship. Hoffa said he had been working with Partin for months, trying to get him to spruce up and run a proper ship. He had not, he said, wanted to take drastic action simply because Partin had multiple indictments against him. Hoffa himself had been indicted, and took the attitude that merely because a man had been indicted he was not necessarily guilty. But the demands of the complicated Nashville trial had been so heavy that he had just had no chance to thrash things out with Partin until near the end of the ordeal, after the pressure was off. In the meantime, it was true, Partin was always hanging around his suite, and after an attempt had been made to break into the room where the defense kept its records, Partin had been employed as a guard at Hoffa's door.

Finally, near the end of the trial, Hoffa said, he and Buffalino sat down and went into Partin's problems thoroughly with him. "I can say that although I have been in this international for some 34 years, I had never heard such a story in my life," Hoffa testified. "I just couldn't envision what this man was talking about."

Partin, he said, was "nervous, upset and almost incoherent," and he was very perturbed about charges his opponents in the Baton Rouge local were making about his ties to Castro. Hoffa asked him if he was engaged in smuggling arms into Cuba and told him, if he was, "I am not only going to remove you from the local union, I am going to expel you." Partin, he said, "tried to explain it in a way with the most peculiar attitude of any man I ever saw as though it was just nothing."

Hoffa said that, as he studied the finances of the Baton Rouge local, he found that Partin was squandering a lot of the union's money by just loose trips. He told Partin again that "unless he sat down and ran the local union the way it is supposed to be run, and cleared up all the charges against him," Hoffa would have to act because he felt that Partin "was destroying our local in Baton Rouge."

"He pleaded for another chance," Hoffa said, "It blew up. He stormed out of the room and that is the way we left it." He hadn't had any other personal contact with Partin, Hoffa said. But he added: "Now I understand why he was there—to give information to the Government."

Judge Wilson had to interrupt his post-trial hearing on the surveillance issues to accept the jury's verdict convicting Hoffa. The jurors dismissed the jury-tampering charges against Dorfman and Tweel, but they convicted Hoffa, Ewing King, Larry Campbell, and Thomas Ewing Parks. Having heard the verdict the court returned to the taking of testimony on the shadowing of the defendants and their attorneys.

From the start, there were Gilbert-and-Sullivan overtones to this session devoted to the assessment of the damage after the damage had been permitted. Schiffer for the defense started the ball rolling by presenting to the court a sealed 29-page transcript representing Bernard Spindel's second batch of FBI radio interceptions. Judge Wilson, who had unsealed the first batch when they were presented to him on February 10, exhibited a gingerly disinclination to perform the same function a second time. "The court is just not familiar," he said, "with the practice of a stranger to a lawsuit filing a sealed document in which no attorney and no party alleges to have any knowledge whatsoever."

This precipitated an argument about the prosecution's trial-long penchant for filing sealed documents with the court. Defense attorneys had contended earlier that, in the Nashville trial, Neal had filed with Judge Miller, Partin's sealed affidavit regarding jury tampering. This showed, they argued, that the prosecution had planted an eavesdropper in the defendant's midst, compromising his chance for a fair trial; but the court had seen fit to keep the information sealed and secret—it had not protected the defense in its rights, and so it had become in effect an arm of the prosecution.

SEALED EVIDENCE

A similar issue had been raised in the current Chattanooga trial. The defense had insisted from the start that there had been wiretapping, eavesdropping, recordings of telephone conversations. The Government had heatedly and repeatedly denied it. It was a denial with a fatal flaw. Too many persons knew that Partin had recorded his telephone calls to Hoffa, and as the pressure by the defense for disclosure mounted, Neal slipped the recordings to the court in a sealed packet. He had not revealed this to the defense, and the defense was still making motions demanding the recordings days after Judge Wilson had received the sealed material.

Finally, on February 20, while Grimsley was on the stand, the truth came out. The defense accused the Government of chicanery; Neal sneered at the "impeccable Mr. Haggerty"; and Haggerty responded that a fair trial was "absolutely impossible * * * in this atmosphere of fraud created by the Government." Judge Wilson said he hadn't known that the defense hadn't known he had the taped Partin-Hoffa conversations; the prosecution certainly should have made that clear. But he couldn't see that any great harm had been done; the defense would be given access to the recordings at the appropriate time. The appropriate time, in the judge's estimation, came February 25, long after Partin had left the stand, when virtually all of the evidence was in and the trial all but completed. The Government's maneuver, protected and upheld by the court, had had the effect, it would seem, of depriving the defense of information it should have had at the time it was grilling Partin on cross-examination.

It was the memory of this that sent Schiffer into an angry storm when the court made an issue of Spindel's sealed recordings. Schiffer charged that Neal "knew Partin when he testified was perjuring himself, he had the physical documents and hid them in a sealed envelope, and then gave them to Your Honor and hid them there, kept the contents from you, kept it from the defendants when he knew that the physical evidence refuted and showed his star witness was perjuring himself and he, as Government counsel, put a perjurer on the stand knowingly." The Government acted as if it had never heard this particular accusation.

(The recordings showed that Partin, far from being invited by Hoffa, as he had testified, had on the contrary invited himself. The October 8 recording showed Partin first broaching the subject of their meeting in these words: "Ah, what I was thinking, Jimmy, after I get this thing straightened out * * * and everything if you get an opportunity or something, I would like to get with you and talk with you and talk this thing out." Hoffa said simply: "Well, I'll be here [in Washington] all week." Partin's recorded call to Hoffa in Newark on October 18 showed that he again took the initiative in these words: "I hate to interrupt you, Jim, but I need to talk to you on * * * when I can see you—you'd said you'd be there on the 22d in Nashville—what's the best day to come?" Hoffa said he would be in Nashville on Sunday, the 21st, and Partin wanted to know, "Will Sunday or Monday be all right?" and Hoffa, to his eternal regret, simply said, "Right.")

THE WARY JUDGE

John Hooker, the Nashville attorney who had been engaged to help the prosecution, disliked the idea of Spindel's second sealed intercept being left like a time bomb, containing God only knew what information that might be disclosed at a later date if a higher court decided to examine it. But Judge Wilson couldn't see why he should open the time bomb. Why, he wanted to know, didn't the defense do it and present the information?

"For a very obvious reason," Schiffer snapped. He emphasized that, under present laws, the FBI can spy upon a defendant to its heart's content, but the defendant places himself in jeopardy if he reveals, through radio intercepts, what the FBI is doing. The Federal Communications Act, Schiffer pointed out, does not make it a crime to intercept such communications; it makes it a crime to divulge. If Spindel had divulged, even to Schiffer, who hired him, what the intercepts said, it would have been a crime. Schiffer emphasized that Neal had made it perfectly clear in the argument on the first intercepts that what he wanted was to find "a violation of 605 of the Federal Communications Act." He wanted to prosecute Spindel and Schiffer, Schiffer charged, and he added: "They will never see me in that position."

Even without Neal's charge, the risk must have been nakedly obvious to Spindel. One of his first intercepts on Wednesday, February 5, had recorded FBI agents on this very issue. The control post, talking to one of the cars placed under surveillance, had said:

"There is a darn good chance that if this fellow is listening to all you said, there is another good chance if he is, he is recording it, so you might consider that. 10-4.

"7: I presume he knows if he is that that's a violation of Federal statutes over which we have jurisdiction. I'm sure he knows that."

Such was the spot in which Spindel found himself when he took the witness stand. He testified that he had not told even Schiffer what was in the intercepts. He had sealed and filed them "as an aid to the court." Judge Wilson was not ecstatic at being so aided. He grilled Spindel on his purpose in filing the first intercepts. He had expected them to be opened and disclosed, hadn't he? Spindel argued: "It was not for me to decide." In this as with the second intercepts, it "was a decision for the court to make."

The court wasn't making it. "I'm giving you no directions, sir," Judge Wilson said. "You are the one that stated what your duty is. Proceed in accordance with your desire."

Spindel said that he would hand the sealed transcript right back to the court.

Silets wanted to know if the court wasn't going to open the packet. "This is your witness. Proceed, sir," Judge Wilson snapped.

Harry Berke interposed. It was "the active duty of the court to himself" to see "if there is anything there that caused this defendant to have his constitutional rights violated." The court, he argued, should "not idly sit by and just let it remain sealed."

"What authority does this court have that any attorney would not have, Mr. Berke?" Judge Wilson wondered.

"Well, I think that the court has more authority than an attorney, if Your Honor please," Berke responded.

He pointed out that the court had opened the first intercepts.

Judge Wilson protested he had been deceived at that time. "I had no idea that any counsel was attempting to proceed by devious means. The court opened the document thinking all the time that this was a document that everyone knew about. The court now understands that there was some attempt to put something over on the court in regard to delivering a sealed document in that manner."

SEARCH FOR JUSTICE

Schiffer protested hotly that "there was no devious means used"; Neal had been present, representing the Government; nothing had been slipped past anybody. "If the defense attorney has no power * * * to show to the court proof and evidence of that kind of fact [the surveillance], then where does justice in the case rise?" he asked.

It seems like a good question, but Judge Wilson replied that Schiffer's argument was "wholly without merit."

Schiffer again restated the law—that it was no violation to intercept, it was to divulge—and he challenged the prosecution to deny this if he was misstating their position. Neal and the other Government attorneys remained silent. This means then, Schiffer argued, that in a case of "Government outlawry," the defendant cannot protect himself, except through the court; and if the court is part and parcel of the prosecution, then the defendant is truly helpless. Shiffer said he had "resisted the attempts of the Government to use the court against the defendants," and he charged that "the whole theory of the Government here is a frameup."

Judge Wilson still refused to open the second Spindel intercepts, and so they remained sealed, concealing no man knows what.

Neal, in savage cross-examination of Spindel, clearly demonstrated the Government's vengeful intent. He harked back to the Detroit wiretapping case the Government had brought against Hoffa and Spindel. The defense protested that Spindel had been acquitted, that the prosecution had no right now, since he had been adjudged innocent, to splatter him with old charges in a headline-hunting orgy; but Judge Wilson, who had sustained at least one objection to a question about Partin's past before Neal could make it, let Neal continue.

Neal finally began to question Spindel on whether he had told reporters or others that he had intercepts. From page 9159 through 9218 of the record, he hammered at this one point with the obvious purpose of laying the groundwork for a charge based on the contention that, if Spindel had merely said to anyone that he had intercepts or transcripts, he had divulged.

"It is quite obvious what he is attempting to do, and he has told the press and he has told other people that he is determined to get me on a violation of 605," Spindel told the court. To protect himself, Spindel claimed the privilege of the fifth amendment against possible self-incrimination.

When he did, Neal strode toward him, right arm extended, shaking forefinger pointed at the witness, and said with menace: "You are going to have to take it, Mr. Spindel."

The defense protested this threatening of the witness under the judge's nose, and Neal apologized.

OBSERVATION BY COINCIDENCE

When testimony was taken about the actual surveillance, it quickly became apparent that the Government's position was based on a subterfuge as transparent as its contention that Partin had been paid only for his expenses. The ruse here was that the FBI had never observed the defendants, their lawyers or witnesses; it had observed only a number of other persons—persons with whom, of course, the defendants and their attorneys were constantly associated—and any observations of defendants and attorneys and witnesses had been entirely accidental and counted for nothing.

Everett J. Ingram, the FBI's supervising agent in Knoxville, had had charge of the Chattanooga operation, conducted by some 25 agents, corralled from FBI offices in Charlotte, Memphis, Atlanta, and other cities. Ingram testified that this squad, using some 12 cars, had been devoted exclusively to the task of watching strictly minor figures: William A. Test, George E. Hicks, John Cleveland, Chuck O'Brien, and Spindel. "All of the written instructions, all of the oral instructions were that under no circumstances was any defendant to be placed under surveillance, and neither was any defendant's attorney to be placed under surveillance," Ingram testified.

The first trouble with this idealistic interpretation of events arose when Ingram testified about the photographic surveillance the FBI had set up from a point overlooking the Federal courthouse in Chattanooga. He conceded that 723 pictures had been taken. He conceded that defendants and their attorneys appeared "by accident" in some of these photographs. Hoffa had been photographed some 14 times; Silets, probably 10; Harry and Marvin Berke, about 4 or 5 times each; Branstetter, about 5 or 6 times; Allen Dorfman, some 15 times; even Judge Wilson and Neal and Hooker, of the prosecution's staff, had posed unwittingly for pictures. "I didn't know that," Neal said, surprised.

The object of this wholesale photographing, Ingram explained, was to see if persons kept turning up around the courthouse "who might be here for some ulterior motive." But the FBI had never found any proof of this. One man, it was true, kept doing repeat performances, and the FBI did not know just who he was; he might be of significance later.

Though some persons might consider such photographing of defendants and their attorneys clear evidence of surveillance, the FBI contended it was no such thing. It was just watchfulness. This was an argument that it became more difficult to maintain when testimony was taken about who directly observed whom. Carl N. Barrett, an

FBI supervisor from Knoxville and the man in charge under Ingram, had some difficulty explaining just how innocent it all was.

Take, for example, the very day that Hoffa came to Chattanooga to stand trial. The FBI was on hand, Barrett conceded, and since it could not very well blindfold itself, it observed Hoffa. But this observation was unintentional. The man it was really watching like a hawk at the time was William A. Test. Here is the sequence:

Question. "Now, did you ever see Mr. Test in the presence of any of these defendants?"

Answer. "At a distance."

Question. "Well, which defendant did you see?"

Answer. "Mr. Hoffa."

Question. "Now, where did you see Mr. Hoffa?"

Answer. "When he arrived in Chattanooga, the first trip he made here on a Friday of the first week of this surveillance."

MR. HOFFA BUTTS IN

Barrett testified that one FBI car followed Test to the airport, a second car picked up Test and Hoffa on the way back to Chattanooga, and his car was parked in a shopping center observing them as they drove past.

Question: "So in total, as far as you recall, there were then three vehicles observing Mr. Test and Mr. Hoffa?"

Answer: "They were not observing Mr. Hoffa so far as I was concerned, sir."

Jay Hawkins, an FBI agent who aided in coordinating this Test-Hoffa surveillance, also had a bit of difficulty explaining that the watch was all on Test, not at all on Hoffa.

Question: "In the course of observing Mr. Test, did you see any other individuals who had been associated with this case?"

Answer: "I did."

Question: "Which individuals did you see?"

Answer: "I saw Mr. Hoffa."

Hawkins admitted that he had "reason to believe" that Test might just possibly be in the presence of Hoffa when he was assigned to surveillance of Test, not Hoffa. He was on watch at the 11th Street entrance of the Patten Hotel when Test—and Hoffa—arrived between 4 and 5 p.m., January 17. "I walked past on 11th Street and saw him [Hoffa] there," Hawkins acknowledged.

Just how had he known in advance that Hoffa, beg pardon, Test, was to be there? He couldn't recall how this information came to him. He had been informed that Test was on his way to the hotel, and he had walked past to make certain that Test had arrived.

The Government and the FBI may perhaps pride themselves on the cleverness of this tactic, but it remains a tactic, and one that must cast doubt on the prosecution's methods. The testimony says clearly that Hoffa and his attorneys were being watched, and the Government's sensitiveness on the issue—the expedients to which it went to contend that it wasn't doing what patently it was doing—says that it knew it was trespassing on the defendant's rights to a fair trial.

JUSTICE ITSELF

Judge Wilson sentenced Hoffa on March 12, 1964. The term: 8 years; the fine: $10,000. The three men convicted with Hoffa—King, Campbell, and Parks—were each fined $5,000 and sentenced to 3 years in prison. Jacques Schiffer, the fiery New York counsel for Parks, was charged by the judge with willful and criminal contempt, fined $1,000 and sentenced to 60 days in jail. Schiffer's persistent attacks on the administration of justice, Judge Wilson said, had constituted "an attempt to degrade and debase this court." Schiffer asked for a hearing before another judge, which Judge Wilson refused to grant; he then declared that he would appeal the contempt citation to the U.S. Supreme Court.

In passing sentence on Hoffa, Judge Wilson denounced the stocky Teamster boss in scathing terms. Then he said this:

"You stand here convicted of seeking to corrupt the administration of justice itself. You stand here convicted of having tampered, really, with the very soul of this Nation. You stand here convicted of having struck at the very foundation upon which everything else in this Nation depends, the basis of civilization itself, and that is the administration of justice, because, without a fair, proper, and lawful administration of justice, nothing else would be possible in this country, the administration of labor unions, the administration of business, the carrying on of occupations, the carrying on of recreation, the administration of health services, everything that we call civilization depends ultimately upon the proper administration of justice itself."

With this view of the role of justice in American society, every American can agree. And that is the transcendent importance of the Hoffa case.

The trial may have begun as the trial of Jimmy Hoffa. It ended as the trial of the system of justice in the United States. For this, the U.S. Department of Justice and Judge Wilson must share at least part of the blame.

The record is poisoned by repeated and admitted distortions by witnesses called by the Government.

It is a record loaded with suggestions of threat and intimidation, threats of indictment and loss of jobs—and, most significantly, this testimony comes not alone from defense witnesses, who might be discounted, but from prosecution witnesses like Mutt Pitts and Trooper Paschall, who can hardly be discounted.

This is a record scarred from beginning to end with evasiveness, deceit, unfairness on the part of the Government—a case born in the impropriety of planting an informer in Hoffa's suite, founded on the quibble that this impropriety did not taint the charge it produced, rationalized by the untenable contention that the informer was not an informer when he went to inform, jeopardized by the statements of Government witnesses that the informer was not being paid, and finally discredited by a system of surveillance and espionage of the defense in the act of trying to defend itself, a performance cloaked in the quibble that it was not doing what patently it was doing, a performance that vitiated basic guarantees of the American system of justice.

It does not matter that the defendant was Hoffa. What matters is that it could and did happen. For when this kind of system prevails, any man and every man accused by authority can be condemned, innocent or guilty, on the authoritative justification that he is a bad man and belongs in prison.

The Hoffa case, Hoffa has said, will be appealed to the highest court in the land. It should be—and it should be heard. In the meantime, there are indications that the legal processes of appeal will not halt the jungle war in Chattanooga.

The latest phase of this war was touched off by the activities of Hoffa's investigators in seeking evidence to justify a new trial. On March 10, Hoffa's attorneys filed with the court a series of affidavits alleging that the Government, throughout the trial, had wined and feted the sequestered jurors in an almost unending carousal. The affidavits were from bellhops, elevators operators, and other employees of the hotel where the jurors were quartered; all told of liquor being delivered to the jurors and of jurors standing around in the hallway, clinking glasses in hand.

One of the affidavits was signed by Mrs. Dorothy Vaughn, of 420 Oak Street, Chattanooga. During the trial, Mrs. Vaughn deposed, one of the Federal marshals in charge of the jurors rented a room from a neighbor, Mrs. Margaret Daves. On the night of February 21, Mrs. Vaughn happened to visit her neighbor and saw a number of gifts scattered on the kitchen table.

Asked who the gifts were for, the marshal replied, "For my jurors." Mrs. Vaughn counted 16 gifts on the table, the right number if a gift were being presented to each juror and each alternate.

When the gift-wrapping was finished, another Federal marshal named Jack Erwin or Ervins came into the house. He was to deliver the packages to the jurors. During the discussion, Mrs. Vaughn asserted, this second marshal said of Hoffa: "That little imped son-of-a-bitch, that cocky bastard. We're doing everything in our power to convict him. We're going to convict him one way or another. We know he's guilty, and we're going to convict him." When the marshal called Hoffa an S.O.B., he struck the table so hard he knocked a glass over, Mrs. Vaughn said.

This posttrial challenge brought a Government riposte. A special grand jury in Chattanooga indicted Charles (Chuck) O'Brien, Hoffa's protege, on a charge of having offered one of the jurors who had convicted Hoffa $25,000 for an affidavit saying that Hoffa had not had a fair trial. Clearly, the war of affidavits, of indictments, goes on and on.

What, then, at this point, are the issues that have been raised by the Hoffa trial in Chattanooga?

They fall into two categories. The first concerns the legal issues raised by the trial itself, and these, it is to be presumed, will be threshed out in the appellate courts. The second concerns the broader, the all-inclusive aspects of the very quality of justice.

THE THIN LINE OF JUSTICE

Justice is more than a process or a set of procedures, important as these are. In the last analysis, justice rests on a state of mind, a climate of opinion within and without the courtroom, a determination to see to it that the rules and procedures are followed and that the rights of the defendant, any defendant, are respected. A thin line always separates the kind of zeal that is justifiable from the ruthlessness which should form no part of the processes of justice. This line vanishes when jungle warfare invades the judicial process.

This, then, is the real issue of the Hoffa trial: Was justice placed in hazard by a form of jungle warfare? To ask the question is to raise the issues that devolve from the trial itself. A cardinal one involves the operation of the Communications Act under which a defendant places himself in jeopardy if he presumes to gather evidence to show that Federal agents have him under constant surveillance. Federal agents may use radio communications to aid them in their surveillance, but if the defendant, having intercepted the calls, endeavors to submit what he has heard as evidence, he runs the risk of a criminal charge. Can a defendant properly make his case under such a one-sided arrangement?

The whole development and use of the technology of modern electronic eavesdropping raises other and vital issues. When electronic ears can pick up conversations on a street a block away, when telephone lines can be tapped without being physically tampered with, what becomes of a defendant's right to privacy, of his opportunity to plan and conduct his defense? Where is he to consult with his lawyer—in a soundproof vault? Granted that in the Chattanooga trial the prosecution had a right, a duty, to be vigilant, does this justify some of the methods used?

There are other broad constitutional questions. The original Jencks decision went a long way to provide defendants with safeguards against the formidable investigatory powers of the FBI. Congress itself acted to water down that decision, and the advantage which the prosecution took of the loopholes raises the inevitable question: Has the Jencks decision, in effect, been nullified?

And then there is the problem of the paid informer and the Justice Department's "confidential funds." If witnesses, by congressional fiat, should not be paid for their testimony, other than regular per diem fees and mileage expenses, how is one to assess the circuitous Partin payments? In Chattanooga, after the Government had acknowledged the Partin payments from the "confidential fund," Hoffa charged that this fund totals $600,000 and that it is used extensively to pay informers. Is this true? And how extensive is the use? These are vital questions.

Though the courts may be expected to deal in their own time with the judicial aspects of the Hoffa trial, it is obvious that many of the broader and more fundamental issues posed by that trial go far beyond the limits of judicial review—and that these issues affect justice in the most basic sense. Probably these issues could never have been perceived except through such a clash of power as developed in the Hoffa trial. The average individual defendant does not have the resources to hire experts to prove wiretapping and surveillance, to engage the high-priced legal counsel which only at long last and by maximum effort extracted the information about the Partin payments and the confidential fund. The significance of the Hoffa trial is that, at Chattanooga, two behemoths clashed—the Federal Government with its overwhelming investigative resources, and Hoffa, heading his own Teamster power complex and able to match power with power. In the collision, basic practices of the Justice Department were exposed; fundamental questions about the processes of justice were raised. These questions must be answered—and only Congress can probe the issues and answer them.

Regardless of the outcome of Hoffa's individual case on appeal, Congress should examine the record to determine whether Federal law enforcement is becoming a law unto itself.

Mr. LIBONATI. A careful reading of this thoughtful and penetrating analysis—24 fact-filled pages—gives one serious misgivings concerning the present state of the administration of justice in the United States.

I wish to commend Chairman EMANUEL CELLER in having the courage and foresight in appointing a special committee to investigate the Hoffa trial. I feel that the problems raised by the Cook piece can only be resolved by such a committee, and only if the committee uses its full powers of subpena and is not in any way restricted by political or any other consideration in the holding of public hearings.

I am delighted that the assignment has been given to a special committee without any other responsibility. It will be able to devote its full time and I trust will have an adequate staff to conduct a far-reaching investigation to follow all facts wherever they may lead them. I do not envy the committee its task, however, since it will find itself in the middle of powerful pressures from both sides. I trust that full powers of the Congress will be used in backing up the committee in this all-important responsibility.

I now call your attention to the analysis of the Cook article and particularly direct the attention of the members of the committee to this analysis. I am not necessarily in agreement or disagreement with Fred Cook's conclusions. As a member of the Judiciary Committee, I wish to withhold judgment until all facts are in. But I believe that Fred Cook makes a strong prima facie case and provides valuable insight in giving the committee insight into the nature of the problems and the factual issues in need of resolution. I shall be very much interested in hearing the other side on this all-important matter. I would like to know the position of the Department of Justice on Fred Cook's analysis of the record and the conclusions reached.

In order to pinpoint the areas for investigation and resolution, Fred Cook has submitted for your careful study, the following areas in need of investigation and resolution:

Fred Cook makes serious charges and supports these charges with excerpts of testimony taken from the official transcript of record of U.S. against Hoffa et al. These charges are of such a serious nature that if they go unanswered, they will shake public confidence in our institutions. The public has a right to know. I believe it is the responsibility of Congress to probe all available facts, and make public disclosure of such findings.

I am seriously disturbed by these charges and by the evidence produced thus far. As a member of the Judiciary Committee, I would like answers to these questions:

First. Is there, in fact, a "get Hoffa squad" in the Department of Justice. If so, under what legislative authority does it operate, what budget does it have, and what expenditures does it make?

Second. Did the $1,500 payments by the Department of Justice as alimony payments on behalf of Partin to Mrs. Partin constitute a violation of an act of Congress passed October 23, 1962, which proscribes the payment of money to a witness for testimony?

Third. Did the Department of Justice induce Partin's testimony by promising him immunity on all pending indictments? If not, then why has the Department interceded on four occasions and requested postponment of the 26-count embezzlement and record tampering indictment under Landrum-Griffin?

Fourth. Did the Government forgive Partin $5,000 in back taxes? If so, on what basis was it forgiven?

Fifth. What has happened to all of the other indictments of kidnapping, manslaughter, and forgery pending against Partin in the courts of Louisiana and Alabama?

Sixth. Sol Fox of Puerto Rico swears he reported Partin's gun-smuggling plot into Castro Cuba to the Department of Justice. If so, what is the status of the investigation into Partin's collaboration with Castro and his Communist generals?

Seventh. Was there a causal relationship between Partin's release from prison on October 7, 1962, after having conferred with Government investigators, and the two Government recorded telephone calls which were initiated by Partin to Hoffa on October 8, 1962, and October 18, 1962, on the eve of the Hoffa trial in Nashville?

Eighth. Did Partin report to Sheridan on defense legal strategy in advance? What was the basis for Special Assistant to the Attorney General Neal's remark in court, "We are psychic," when defense counsel charged him with knowing the defense case before it was presented?

Ninth. Is there a factual basis for the admission by two Government witnesses, Paschall and Pitts, that they were threatened with indictment and economic reprisal if they did not cooperate with the Government?

Tenth. Is there factual basis for the charge by three of the defendants that the Department offered them immunity if they "cooperated," but having refused to "cooperate" with the Government, were then indicted?

Eleventh. Why were 25 special agents brought into Chattanooga during the course of the Hoffa trial? For what purpose? What did they do? What expenditures were made and for what purpose? What did they accomplish?

Twelfth. Was there a massive electronic network in operation in Chattanooga and surrounding area under the control and direction of the Department?

Thirteenth. What did this electronic operation encompass? What was the physical nature of the setup? Was there in fact a "Mr. Bug" as charged, who operated from electronic headquarters on the 10th floor of the Read House, where the jury was sequestered?

Fourteenth. What was the purpose of shadowing Hoffa and his attorneys during the trial as charged?

Fifteenth. Did the Department request the telephone company to provide them with a list of all calls originating from the defense headquarters at the Patten Hotel in Chattanooga, Tenn.?

Sixteenth. If they did, what was the purpose of this request?

Seventeenth. What expenditures were authorized by Sheridan and other officials from the Department's Confidential Fund in conjunction with the Hoffa trial? Was a voucher authorized for Shobe's activities in Nashville, Tenn., which could have included, as is charged, by Shobe under oath, the purchase of a page ad in Bishop St. Psalms' magazine?

Eighteenth. If such authorizations were made and moneys expended, was it for the purpose of inducing Bishop St. Psalm to cast a spell through vodoo over Thomas Ewing Parks, in order to get him to implicate Hoffa in the jury tampering charge?

Nineteenth. Was money authorized for labor spy activities, as charged by Shobe?

Twentieth. Was money ever authorized for the purchase of liquor or other entertainment by the marshals for the benefit of the jurors in the Hoffa trial?

Twenty-first. How was the panel for the Chattanooga trial selected? Was it screened in advance by the FBI, and were persons interviewed by the FBI as to their views?

Twenty-second. Who were the suggestors of the panel names? Was the process employed fair? Did the panel in fact reflect a cross-section of the community?

Twenty-third. Why were over 24 deputy marshals brought in from various parts of the country?

Twenty-fourth. Why did the Government require one marshal for each juror, and when the jurors were marched in regiment style to and from the courthouse, why was each juror guarded by at least one marshal? Were the marshals brought to Chattanooga for any purpose other than the guarding of the jury? On what basis were these marshals chosen? Is it true that these marshals were part of an elite guard who had accompanied the Attorney General to Mississippi? Is there a factual basis to the charge that these marshals were brought in for the purpose of brainwashing the jurors?

Twenty-fifth. Did the marshals conduct themselves in a manner befitting their office? Is there a basis for the charge that a wild all-night party took place on the 10th floor of the Read House on Wednesday, March 3, which included lewd and disorderly conduct by some marshals, as well as immoral conduct with two callgirls who were available through the course of that night? The marshals should be called in by the committee to give their side of the story.

Twenty-sixth. Was the "locked up" jury in fact "locked up" during the trial? Or were they permitted to come and go individually—to partake in liquor individually—away from the hotel—and when they were sequestered on the 10th floor of the Read House? Were setups served to the jurors with liquor on the 10th floor of the Read House?

Twenty-seventh. Did one of the marshals wrap gifts for the jurors in the home of Margaret Daves on the evening of February 21, 1962?

Twenty-eighth. Did the jurors in fact receive such gifts? What was the nature of the gifts? And for what purpose were they intended?

Twenty-ninth. Was the jury transported by Government bus to Tullahoma, Tenn., for a tour of the plant on January 31, 1964?

Thirtieth. Did the Department of Justice and the Department of Labor employ Shobe, an ex-con, as an informer and agent provocateur? Did he in fact take orders from the Bureau of Labor-Management Reports and Walter Sheridan of the Justice Department "to disrupt, harass, and divide" various Teamster local unions?

These, and many other, crucial questions are raised by the Fred Cook article. He resolves the factual issues against the Government on the basis of certain sworn testimony in the official transcript of record.

On March 2, when I raised this question on the floor of the House, I introduced into the RECORD a letter, addressed to me by Sidney Zagri, legislative counsel of the International Brotherhood of Teamsters, which contained a detailed analysis of some of the charges and supporting transcripts of intercepted shortwave radio communications.

At this point, I would like to request that excerpts from another letter be printed in the RECORD; this is a letter from Sidney Zagri addressed to Chairman EMANUEL CELLER, with copies to each member of the Judiciary Committee, which updates his letter of March 2, containing additional charges and supporting information.

The matter referred to follows:

APRIL 15, 1964.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN CELLER: This is to update my letter of February 18, 1964, addressed to Congressman JAMES ROOSEVELT, which contains charges of interference of constitutional rights by the Department of Justice in the recent case of *U.S.* v. *Hoffa et al.* in Chattanooga, Tenn.

Since a number of incidents, which may be of interest to your committee, have occurred between February 18, 1964, and this date, I wish to take this opportunity to summarize the points in need of investigation by your special committee.

I. IMPROPER INFLUENCE OF JURY BY U.S. DEPUTY MARSHALS

During the 7-week period that the jury was "locked up" in the Read House in Chattanooga, Tenn., U.S. marshals sought to influence the jury by engaging in activities of an immoral and illegal character.

The following charges are supported by affidavits of private citizens, as well as information received from U.S. marshals who are willing to testify under subpena, but are denied the right to cooperate voluntarily by directives from the Attorney General's Office in Washington, D.C.

A. Gifts to the jury: Dorothy Vaughn affidavit

1. On February 21, 1964, affiant observed U.S. Deputy Marshal wrap 16 gifts for the jury and 4 alternates, which were picked up and delivered to the jury by another marshal.

B. Serving of liquor to the jury and other alleged acts of irregular conduct by the marshals:

1. Liquor was purchased in large quantities by the marshals, paid for out of Government funds and was served to members of the jury, to marshals and "girl friends," "call girls," and others over a period of several weeks while the jury was locked up on the 10th floor of the Read House.

2. Supporting statements:

a. Two deputy marshals are available to testify to the serving of liquor to the jurors, to wild parties, and to immoral behavior by a female marshal who was on duty to guard the jury. These statements can be secured only through the use of the subpena power as these marshals are presently restrained by orders of the Attorney General.

b. Affidavit of Troyce Dean. The affiant testified that she was the guest of Marshal Reidy at 2:30 a.m. in the morning of March 3, 1964, on the 10th floor of the Read House where the jury was locked up. Her testimony, beginning on page 14, relates the drinking of jurors and the presence of "call girls" as well as the lewd and vulgar conduct of her escort, U.S. Marshal Reidy, which included appearing in public wearing women's panties and a bra in the course of this party. She also testified to the "happy hour room," where the jurors would relax and drink every night.

c. Four bellhops, employed by the Read House, signed affidavits to the effect that they either delivered or observed delivery of liquor to the 10th floor of the Read House; they observed the jury "having a gay time" and recall delivering ice and setups on numerous occasions. For example, affiant Virgil Culpepper states: "I know there was considerable whisky taken up by the waiter on the service elevator; I remember some Pipeman's gin, martini mixes, and different kinds of whisky that went to the 10th floor."

C. Intoxication of marshals and/or jurors:

1. Affidavit of Seymour Ball. "On several occasions, I have seen persons that were intoxicated going up to the 10th floor accompanied by a person I thought to be a marshal."

D. Immoral activity—prostitutes and call girls:

1. Affidavit of Ezell Ervons. "I remember on one occasion, I received a call from a marshal and he wanted me to get a girl for him. I finally called a girl and got him a room on the third floor. This was room 352 and was a sampleroom. I let the marshal and the girl use the room. They stayed there about 30 minutes."

2. Affidavit of Troyce Dean. Referring to the all-night party with the marshals and jurors on the 10th floor of the Read House, affiant states: "I do know that sometime during the night there were two call-girls that were—one of the marshals sent downstairs—that came up." She further states: "Mr. Reidy (one of the marshals) was coming down in a woman's pair of panties and a bra—nothing else on except the two garments. * * * After the display of him coming down the hall with the undergarments on that he had, I told him I thought the party had been carried just about far enough for me; that I would like to go home."

E. The jury was taken on January 31, 1964, to the Arnold engineering development project which is located in Tullahoma, Tenn., about 85 miles outside of the jurisdiction of the court on a special Sunday tour with a prominent industrialist. (See Bufalino affidavit.)

F. Intimidation of witnesses by Government and private agents and threats of bodily harm and economic reprisals:

1. U.S. marshals are under instructions from the Attorney General not to talk to anyone regarding the Hoffa case with threat of discharge for any infraction of these instructions.

2. Four Negro bellhops, who signed affidavits, were fired from their jobs at the Read House within hours of their statements being filed with the courts.

3. Troyce Dean, who signed the aforementioned affidavits, received four telephone calls threatening her and her children with bodily harm if she signed any affidavits revealing any truth. She requested protective custody and was placed in a hotel room and under watch.

II. HOFFA'S CONVICTION RESTS SOLELY ON THE PERJURED TESTIMONY OF A GOVERNMENT INFORMER WHO WAS FACED WITH THREE FEDERAL INDICTMENTS AND THREE STATE INDICTMENTS AT THE TIME HE TURNED INFORMER

A. Government has requested postponement of trial on his Federal indictments on five separate occasions since he turned informer. The criminal record of Partin is herein attached; most of this record was excluded from the jury by the court including the following:

1. Castro collaborator. Voir dire testimony of Sol Fox, beginning at page 1682 of transcript, states Partin's efforts to obtain his cooperation in illegally smuggling arms into Cuba.

2. J. D. Albin's offer of proof. Mr. Albin offered to testify of his knowledge of Partin's collaboration with the Castro brothers in Cuba.

3. J. D. Albin and Ann Smith also signed affidavits to the effect that Partin had visited Cuba and was a paid mercenary to train Castro troops in 1961 and 1962.

B. "Setting up" Mr. Hoffa by the Government.

1. The Government admits that Partin was directed to wean an invitation from Mr. Hoffa to come to Nashville. Two wire-recorded conversations are evidence to this fact.

2. The Government concedes that Mr. Partin was directed to contact Walter Sheridan

and keep him informed on a regular basis as to what he had learned while he was in the company of Mr. Hoffa and his lawyers; that, in fact, such regular reports were made.

C. Evasion of the Jenks Act:

1. Walter Sheridan testified that the reports were made by Partin to him and were recorded only in the form of cryptic notes. For this reason, it was impossible to check Partin's testimony in this case for any prior inconsistent statements. This obvious evasion of the Jenks Act calls for congressional investigation, possible need for amending said act.

III. THE USE OF WIRETAPS, BUGS, AND THE HUMAN BUG IN OBTAINING EVIDENCE

A. The use of electronic equipment by the Government:

1. The FBI concedes that it engaged in surveillance and used electronic equipment for the purpose of communicating information regarding the movements of individuals under surveillance.

B. Bernard Spindel in his affidavit states that he discovered an electronic network covering Chattanooga and the environs of 45 miles which had been set up by the Government. (See Bernard Spindel affidavit.)

C. Troyce Dean's affidavit indicates that on the 10th floor of the Read House, she was introduced to "Mr. Bug" (p. 13 of Troyce Dean's affidavit) stating: "There was a man sitting to the right; he had earphones on. He had a mike in front of him. There was a lot of radio equipment in front of him."

D. The Government failed to respond to defense attorneys' questioning as to how they knew that Bernard Spindel, professional wiretapper, was arriving on a particular plane from New York to Nashville unless defense attorneys' wires were tapped.

E. Serious question was raised with reference to the Government's practice of having the telephone company turn over all records of telephone calls made by defendant and his lawyers as well as staff members out of the Patten Hotel in Chattanooga. This type of surveillance of telephone calls raises serious constitutional questions.

IV. SURVEILLANCE OF DEFENDANTS, ATTORNEYS AND WITNESSES

A. The Justice Department admits taking 572 pictures of defendants, their attorneys and others entering and leaving the Federal courthouse and the Patten Hotel. (See FBI Agent Ingram's testimony.)

B. The Government admits, through affidavits of 25 FBI agents as well as testimony of Ingram and others that the Government conducted surveillance of associates of Mr. Hoffa. Their claim is that any surveillance of Hoffa, his lawyers or witnesses was only incidental to the surveillance of Mr. Hoffa's associates which included Chuck O'Brien, his personal aid in whose person he was seen constantly as they shared not only their Detroit home when Mr. Hoffa was in Detroit, but also their hotel room in Chattanooga.

C. The attached transcription of the interception of Government short-wave radio communications clearly establishes that Mr. Hoffa and his lawyers were surveilled independently of the associates who were the alleged subjects of the surveillance. (See Sidney Zagri letter and memorandum of supporting documents charging surveillance and other illegal activities to Congressman ROOSEVELT, Feb. 18, 1964.)

V. SELECTION OF THE HOFFA JURY

A. Information available shows that:

1. Three important industrialists were instrumental in the screening of the 200 prospective jurors.

2. The list was screened also by the FBI but was not made available to the defendants until 3 days before the trial.

3. Defense lawyers filed motion of prejudice of one of the defendants who was a Negro, on the ground that failure to identify the jurors by address made it impossible to see if there were any Negroes on the panel. The names and addresses were then made available to the defense attorneys on the day of the trial.

VII. USE OF "UNEARMARKED FUNDS" BY THE GOVERNMENT FOR THE PURPOSE OF PAYING INFORMERS

A. As per defense exhibit 154, the Government paid Partin $1,543.37 expenses and per diem. Twelve hundred dollars was paid to Partin's wife (exhibit 121); these checks were made out to Frank Grimsley and were cashed by him; the cash was then paid to Partin's wife.

B. The use of Frank Grimsley as a confidant for the Government's activities raises questions of concealment of payment to Partin for his testimony and also raises questions of perjury, since Partin testified that he was not given any thing of value in return for his testimony.

VIII. FREDERICK MICHAEL SHOBE TESTIMONY

A. Mr. Shobe testified that he received regular cash payments for his activities.

B. He further testified that Government funds were used to purchase ads in a certain publication which was really a payoff for certain "voodoo" services rendered by a Negro bishop.

C. Fred Shobe testified that he was paid to perjure himself before a grand jury in Detroit in order to implicate William Bufalino in a law violation.

D. He testified Government funds were used for the purpose of "harassing, embarrassing, and otherwise disrupting Teamster Local Union 299 and other Teamster locals throughout the country."

A summary of Shobe's testimony is attached hereto.

I shall be delighted to discuss any matters referred to in this letter at your convenience. I will make it my business to keep you and the committee informed of any subsequent developments as they may arise.

With kind regards, I remain,

Cordially,

SIDNEY ZAGRI,
Legislative Counsel, IBT.

As far as I am concerned, these are questions still to be resolved by thorough investigation and public disclosure.

The charges and supporting information regarding the activities of the Government in relation to the sequestered jury in Chattanooga raise serious questions of the desirability of locking up a jury in any case other than one involving a capital offense, such as murder.

A locked-up jury should be employed only under the most extreme circumstances. It excludes from jury service many people who would normally serve. It is restrictive and makes more difficult getting a fair cross section of the community. It also places the jury in close proximity to the deputy marshals as their only outside source of contact. Charges of "brainwashing" of the Chattanooga jury by the U.S. marshals subject to the Attorney General, and his point of view, raises serious questions regarding defendant's sixth-amendment rights.

I note from the newspapers that the Hoffa trial in Chicago is now in its second week and only four jurors have been selected.

Many members of the panel have declined because they do not wish to be locked up. One member who was selected asked to be excused because she did not want to be locked up after spending 1 night away from home in the Government-designated hotel room. A serious question arises regarding the defendant's sixth-amendment rights when the Government decides to lock up a jury in advance of the trial because this imposes serious limitations upon the type of juror who will be available for jury service.

The further centralization of the marshals under direct control from Washington, D.C., as well as the investigation and prosecution of the case creates additional questions of undue centralization of power in carrying out more effectively a grand plan or campaign against an individual.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I have listened with a great deal of interest to the statement made by the gentleman from Illinois. I know he is a member of the great Committee on the Judiciary of this House.

It has been my understanding that the Committee on the Judiciary has ordered, either through its full committee, or through a subcommittee, an investigation of this case; is that correct?

Mr. LIBONATI. A special committee was appointed.

Mr. BROWN of Ohio. Is the committee sitting now?

Mr. LIBONATI. No, the counsel of the committee is analyzing the records of what occurred.

Mr. BROWN of Ohio. Are there going to be hearings?

Mr. LIBONATI. It is expected there will be.

Mr. BROWN of Ohio. They should be open and above board, as all committee hearings should be.

Mr. LIBONATI. That is right.

Mr. BROWN of Ohio. I have spoken on this subject several times in the last few weeks. I have said very frankly and very honestly to groups representing labor, and to groups representing employers, that I do not know whether Mr. Hoffa is guilty of committing some crime. It he has committed any crime, he should be convicted and punished for it. If he has not committed any crime he should be acquitted, not convicted. In any case he should have a fair trial, regardless of whether he is a labor leader or the lowliest member of our society. He is entitled to that under our Constitution and our system of government.

Mr. LIBONATI. I agree with the gentleman.

Mr. BROWN of Ohio. I am not endeavoring to defend or prosecute Mr. Hoffa, but I do have a very strong feeling that if there is any politics being mixed in with the administration of justice in this country of ours it creates a very dangerous situation, and is one into which the gentleman's committee, and the Congress, should inquire very closely and very zealously to protect the American people, and every individual citizen against any violations of their constitutional rights.

Mr. LIBONATI. I thank the gentleman for his contribution. He may rest assured that every member of the Committee on the Judiciary is looking to the facts to support justice, not taking sides relative to the parties involved at all, but purely studying the procedures and the behavior that went on there, and in some way perhaps if necessary to suggest legislation for this House to pass upon in order to protect against those departures in the future, and thereby protect a citizen regardless of his social status of acceptance as per bono publico or otherwise in the community.

I do not know Mr. Hoffa, but as an individual he deserves every right to the honest procedures of trial. He deserves every protection. If he is found guilty, he must be found guilty by his peers, and his peers must not be influenced by any outside stimulation by anyone.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Tennessee.

Mr. BROCK. I wish to associate myself with the remarks made by the distinguished gentleman from Ohio. I have the privilege of representing the district in which the trial was held. After listening to the remarks of the gentleman from Illinois, I agree that the report of surveillance by one agent of another, and by that one of a third agent, is almost beyond belief. It is questionable whether a man can have a fair trial in this country if he does not have the opportunity to confer with his lawyers in complete privacy, and if such was the case it is a matter for concern. I think this is a matter for discussion and consideration by this committee, and I hope they have a thorough investigation.

Mr. LIBONATI. I thank the gentleman.

Mr. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield.

Mr. RIVERS of Alaska. Mr. Speaker, I, too, have read Fred J. Cook's article in the Nation, entitled "The Hoffa Trial." I do not know whether the result was right or wrong because I was not there, but I share the concern of my colleague, the gentleman from Illinois, that roughshod tactics referred to by the author, Fred Cook, as "jungle warfare" must not be tolerated as part of the process of justice. Our system of justice must stress the determination that the rules and procedures be followed and that the rights of the defendant, any defendent, be respected. If there is occurring before our very eyes a trend in the wrong direction, then I say this body should investigate in aid of appropriate legislation to protect the rights of individual citizens.

Mr. LIBONATI. I thank the gentleman from Alaska.

Mr. MACDONALD. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman.

Mr. MACDONALD. Mr. Speaker, I would just like to ask the gentleman from Illinois whom I respect very much, as the gentleman knows, and I was wondering, how many times Mr. Hoffa had his day in court since, let us say, 1957. We are talking about the fact that Mr. Hoffa perhaps did not receive a fair trial at one point. I was just wondering if the gentleman knew how many times he has been in a court of law and has been represented by counsel and has appeared before impartial judges since 1957.

Mr. LIBONATI. My point is this. We are not questioning how many times he has been in court. We are questioning the procedures that were followed in his trial which may have violated our principles of law. These practices allegedly indulged in must be so investigated and guardedly so in accordance with our established principles of law and justice so as to protect all American citizens who may be brought into courts of justice so that they do receive justice.

Mr. MACDONALD. I do agree with the gentleman. Is it not so that some of the reasons why Mr. Hoffa has appeared in courts of law and why he was indicted on many occasions was for tampering with the very process which you now say was denied to him, and that is the principles of orderly procedures under which trials are held.

Mr. LIBONATI. I am not saying that anybody was denied anything. I am reading Mr. Cooks' interpretation of his analysis of the record of the court. If he was denied, certainly the court ruled upon that question; and if the court is right, then that is one thing. If the court is wrong, then that is another thing. That matter is in the court of appeals. All we are trying to determine here in our investigation is whether or not these practices which were allegedly indulged in were in conformity with procedures recognized as just and proper procedures and according to law; and whether it is necessary to pass new laws to control the inventive genius of man in tapping wires and so forth in order to bring a person to justice.

Mr. MACDONALD. Is it not a fact, may I ask my colleague, in 1957 Mr. Hoffa himself was indicted for doing the very things you are investigating? That is, he was indicted for a violation of section 605 of the Federal Communications Act.

Mr. LIBONATI. I am not arguing about Mr. Hoffa. Mr. Hoffa in this instance is not important. His case is in the court of appeals. We are discussing Mr. Cook's findings on the record of a court in which this individual was tried and of practices alleged to have been indulged in against him wherein he stated he did not receive a fair trial. I do not care how many times Mr. Hoffa was indicted or how many times he was convicted. I am talking of the charges that certain procedures of the Department of Justice that prevent an individual under our American system of law from receiving a fair trial. When a person is brought into a court of justice under charges, that person is presumed to be innocent until he is found guilty, and that goes to the very roots and basis of our law.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from California.

Mr. ROOSEVELT. I want to say first I completely agree with my distinguished colleague, the gentleman from Illinois, that there undoubtedly is a thin line which separates justifiable zeal in prosecution and ruthless jungle warfare tactics and this thin line can vanish when law enforcement becomes an end in itself.

Mr. Speaker, I would first like to say to the gentleman, however, I think it is a rule of this House—not a rule of the House but certainly one that is practiced, that matters which are on appeal should not be touched from a legislative point of view as long as they are on appeal.

While I want to join with and compliment the gentleman and the chairman of the Committee on the Judiciary on the appointment of this special committee, I hope it will not touch matters which specifically still have to be decided by the circuit court of appeals until there has been opportunity for those matters to be judicially decided.

Mr. LIBONATI. The court of appeals in the first place is limited to the record as presented to them. Therefore, anything that is done outside of that record is not being considered by the court of appeals and will not influence the court.

Mr. ROOSEVELT. The gentleman would agree, however, that anything that is in that record which was presented should not be gone into by any part of the legislative process until the court has had opportunity to settle the matter so presented to it. Would that not be correct?

Mr. LIBONATI. I would say, yes, to the gentleman.

Mr. ROOSEVELT. Of course I am familiar with this matter, for the same reasons the gentleman is, but I should like to add a little more to the record.

A further letter dated March 12, 1964, was sent to the chairman of the Committee on Education and Labor, the gentleman from New York [Mr. POWELL], and was referred to me on March 23, 1964. In this letter serious charges against the Bureau of Labor-Management Reports, of directing a labor spy and agent provocateur activities in the Teamsters Union in Detroit and in other locals throughout the country, were contained. These charges were based upon the sworn testimony of the same Frederick Michael Shobe, who was alleged to be a paid Government informer and who appeared as a defense witness in the recent Hoffa trial at Chattanooga, Tenn.

At the instruction of Chairman POWELL, I wrote to Secretary of Labor Wirtz on April 2, and in this letter I requested him to comment upon both the charges contained in the covering letter and in the sworn testimony of Frederick Michael Shobe.

On April 27, 1964, I received a reply from the Secretary in which he did not comment on either the charges or the testimony. He did send me a full copy of the testimony itself. His reply referred to the judge's ruling regarding the relevancy and competency of such testimony.

At this point, Mr. Speaker, I ask unanimous consent for permission to insert in the RECORD the text of the covering letter of March 12 to Congressman POWELL, and also the memorandum on the jurisdiction of the Committee on Education and Labor from Donald Louis Anderson, Assistant Labor Counsel, dated March 19, 1964, and my letter to

Secretary of Labor Wirtz, and his reply dated April 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEAR MR. SECRETARY: The Honorable ADAM C. POWELL, chairman of the House Committee on Education and Labor, has referred to me for preliminary investigation a letter addressed to him, signed by Mr. Sidney Zagri, legislative counsel of the International Brotherhood of Teamsters. A copy of Mr. Zagri's letter is attached hereto, as is also a memorandum discussing the jurisdiction of the Committee on Education and Labor concerning the request made in Mr. Zagri's letter.

The letter from the legislative counsel of the International Brotherhood of Teamsters contains certain charges of a serious nature reflecting upon the administration of the responsibilities charged to the Bureau of Labor Management Reports. The charges contained in Mr. Zagri's letter include the employment by the BLMR of "informers and agent provocateurs for the purpose of harassing, embarrassing, and otherwise disrupting Teamster Local Union No. 299 and other Teamster locals throughout the country."

The background for these charges is contained in the testimony as a part of the official transcript of record of the case of the *U.S.* v. *Hoffa*, recently tried in the Federal court in Chattanooga, Tenn. It is noted that these charges were made under oath, and that the Government did not offer any rebuttal to them during the course of the trial. I specifically refer you to pages 6061, 6062, 6106, and 6114 of the transcript which is enclosed, as well as to the entire transcript.

There has been also submitted to the committee by Mr. Zagri a transcript of tape-recorded conversation between William E. Buffalino, Bill Cook, and Fred Shobe, transcribed by Casey B. Smith, court reporter.

Before proceeding with any formal investigation of these charges under rule XI, paragraph 27 of the Rules of the House of Representatives, Chairman POWELL has instructed me to secure from you any comments you may wish to make with respect thereto and of course, to any other matter contained in the transcripts attached.

Because these charges are of such serious nature, I would greatly appreciate your comments in sufficient detail so that a preliminary evaluation can be made at an early date.

Thank you, and with all best wishes, I am,

Very sincerely,

JAMES ROOSEVELT.

MARCH 12, 1964.

Hon. ADAM CLAYTON POWELL,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN POWELL: I am enclosing herewith the sworn testimony of Frederick Michael Shobe, which includes serious charges against the Bureau of Management-Labor Reports and the Department of Justice regarding the employment of informers and agent provocateurs for the purpose of harrassing, embarrassing, and otherwise disrupting Teamster Local Union No. 299 and other Teamster locals throughout the country. This testimony also includes charges of attempts to secure the perjured testimony of the witness before a grand jury for the purpose of "getting" Mr. William Bufalino, president of a Teamster local in Detroit.

The witness also charges the use of Government funds which were disbursed for the purposes of subverting said unions and creating disruption and insurgent movements.

The witness further charged that this was part of an overall plan to get Jimmy Hoffa and that he and members of the Department of Justice, including Walter Sheridan, participated in numerous undertakings to further said plan.

It is to be noted that these charges were made under oath; that they remain unanswered; that the Government did not subject the witness to cross-examination in any respect with reference to these or any other statements contained in his testimony.

I am reliably informed that this witness is available to testify in these matters before the House Committee on Education and Labor; that he has information concerning other informers who were hired for the same purpose and who would be available to corroborate his testimony.

I respectfully submit that the sworn testimony of Frederick Shobe constitutes a prima facie case of law violation by the Department of Justice of an attempted subversion of legitimate labor unions and illegal expenditure of Government funds for illegal objectives. I am fully aware that these are serious charges; and the truth or falsity of these charges should be examined to establish the true facts. If they are true, then remedial legislation is in order; and certainly, if they are true, the resignation of the Attorney General, Walter Sheridan, and all others guilty should be demanded forthwith. In any event, the truth or falsity should be ascertained since the uncontroverted charges of the witness Shobe establishes serious doubt and shakes public confidence in both the Bureau of Labor-Management Reports and the Department of Justice.

I trust that you will call an investigation of these charges and subpena the appropriate witnesses for their testimony under oath.

With kind regards, I remain,

Cordially yours,

SIDNEY ZAGRI,
Legislative Counsel, IBT.

MEMORANDUM

MARCH 19, 1964.

To: Chairman POWELL.
From: Donald Louis Anderson, Assistant Labor Counsel.

I regret the delay in answering the query put by Mr. Zagri.

The issue raised by the letter from Mr. Zagri is whether the Committee on Education and Labor has jurisdiction to investigate the events complained of in Mr. Zagri's March 12, 1964, letter.

Under rule XI, paragraph 27, of the Rules of the House of Representatives each standing committee of the House has the duty to "exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee." Under this rule, the Committee on Education and Labor would have jurisdiction to look into the matters complained of insofar as the Bureau of Management-Labor Reports is concerned because the latter has duties under the Labor-Management Reporting and Disclosure Act of 1959.

However, the jurisdiction of this committee over the activities of the Department of Justice is not established by the facts alleged. Mr. Zagri's letter does not indicate the violation of any act over which this committee has jurisdiction. The allegation that the Department of Justice was guilty of "subversion of legitimate labor unions and illegal expenditure of Government funds" does not constitute a violation of any provision of statutes with which the Committee on Education and Labor is concerned.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 27, 1964.

Hon. JAMES ROOSEVELT,
Chairman, General Subcommittee on Labor, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for my comments on a letter and enclosures sent to Chairman POWELL by Mr. Sidney Zagri, legislative counsel of the International Brotherhood of Teamsters, on March 12, 1964. Mr. Zagri enclosed with his letter selected excerpts from the trial record in the case of *United States* v. *James R. Hoffa, et al.* (No. 11989) and alleges that the sworn testimony of Mr. Frederick Michael Shobe contains serious charges against the Department regarding his employment as an "agent provocateur." He further states that these charges remain unanswered since the Government did not subject this witness to cross-examination in any respect.

Since Mr. Zagri's allegations appear to be based completely on the testimony of Mr. Shobe and the fact that the Government did not subject this witness to cross-examination, I asked the Department's Solicitor to review the trial record in this case. As a result of this review I am enclosing for the information of the subcommittee, the complete record of Mr. Shobe's participation in this trial. You will note from the enclosures that the defendant's motion to dismiss the indictment on the basis of the tape recorded conversation between Mr. William E. Buffalino and Mr. Shobe was found by the court to be without merit (record, p. 2841). Also after hearing Mr. Shobe's testimony on voir dire (with the jury excluded) for the purpose of determining the competency of his testimony, the court ruled as follows:

"With regard to the witness, Shobe, the court will permit the examination of that witness only with respect to any alleged conversation with a Mr. Walker. The court will neither permit nor expect counsel to examine the witness on any other subject in his testimony" (record, p. 6471).

Further, at the close of the trial the court made the following remarks regarding the witness Shobe:

"Well, gentlemen, with regard to the motion or motions field upon February 2, 1964, based upon alleged statements of one Fred Shobe as indicated by the court at that time at page 2841 in the record, the court was unable to find any merit in that motion or in those motions. Having now seen and heard and observed the witness, Fred Shobe, upon the stand, the court's opinion in that respect is completely confirmed. The witness is without credence" (record, p. 9282).

While I am sure you will agree that a complete reading of the record in this case fully disposes of Mr. Zagri's unfounded charges, let me assure you that this Department has never employed Mr. Shobe in any capacity and has never, directly or indirectly, paid him for any information.

Yours sincerely,

——— ———,
Secretary of Labor.

Mr. ROOSEVELT. If the gentleman will yield further, I would like to add that of course the gentleman has already gone quite fully into the matters referred to. They are contained in the summary of testimony presented to us. Is that already in the RECORD?

Mr. LIBONATI. Yes, it is.

Mr. ROOSEVELT. Since it is in the RECORD, it is there for all to read.

The credibility of the testimony of Mr. Shobe has been placed in issue. Judge Wilson ruled it out primarily on the question of relevancy. Serious questions always arise whenever the testimony of an informer, agent provocateur, or possible double agent may come into play.

I should like to make clear that I am not trying to defend Mr. Hoffa in any way. Neither is the gentleman, nor is anybody else in this House. What we are interested in is having certain facts not presently before the court but dealing with procedures within the Government looked into.

I am going to ask permission to revise and extend my remarks, and I shall try to go into those matters rather fully, so that we can make certain that the comments by people such as Ruth Montgomery, a very distinguished member of the press, who went rather fully into this in some newspaper articles, as well as the matter referred to in the article in the national magazine, are properly gone into.

I believe it is important that we also at this time pause for a moment to state it is almost unthinkable that responsible Government officials would countenance the activities of any employees of this type. It is even more unthinkable that any Government agent would expend funds for the purposes which have been described in these affidavits. It certainly is the right of anyone, however, to ask that such charges be investigated, if perhaps for no other reason than that they should not be allowed to lie on the table unanswered.

I merely state that I do not believe any committee—and certainly the gentleman from New York [Mr. POWELL] has asked me to so state—on the basis of one affidavit, should take action. The chairman does not feel that the legislative process should go forward on any such basis. He has instructed the legislative counsel of the Teamsters to supply additional corroborative testimony in connection with this affidavit, before the committee can possibly consider further action.

This is, frankly, to protect the committee from being used for the purpose of making somebody else's case.

This seems to me to be right and proper. At the present time I understand that additional corroborative evidence is being prepared, to be submitted.

The good name of the Department of Labor has been challenged in these charges. Certainly we all must agree that if jungle warfare has been employed to subvert justice, this is something we cannot let stand. We must bring light in. We must do something about it.

Particularly if these tactics have been used to disrupt and subvert labor unions, then it should be established and the necessary steps to remedy this situation should be taken because again this is the kind of matter which Government should not be taking a part in. However, I think it is important to point out simply because the charges have been made that does not necessarily make them true.

Mr. LIBONATI. That is very true.

Mr. ROOSEVELT. The important thing here, it seems to me, is to remove even the faintest suspicion that any of these things have been done or, if they have been done, it is necessary to substantiate them, because if we do not remove the suspicion, we raise in the minds of many people, not just alone in the Hoffa case but in many others, that justice cannot be done if someone in the Government decides to get you. This is the essential point that I think should be removed because it is being written about all over the country. I have talked to I do not know how many people who have said, is there truth or is there not truth in these accusations? Of course, until they are established we as legislators and the public at large have no way of finding out. So I do hope that the gentleman's committee, acting presently on matters not before the court and perhaps later on matters that have been decided by the court, if the evidence so justifies, and certainly the matters before the Department of Labor that are alleged to have taken place, will thoroughly go into these matters in an effort to clear up once and for all the subject, because justice in this country is not just for the guiltless but it is also, as we understand it—and I think we must perceive it in that way—must be for the accused just as much for the individuals who are recognized to be innocent without too much probing.

I want to compliment the gentleman, because I am sure his spirit in this endeavor is correct.

Mr. Speaker, under unanimous consent I include at this point the first 18 pages of Mr. Shobe's affidavit referred to and the newspaper article by Ruth Montgomery, an outstanding and respected newspaperwoman.

[From the Baltimore (Md.) News American, Apr. 29, 1964]

Charges Link Justice Department to Voodooism and Kidnap Plot in Hoffa Case

(By Ruth Montgomery)

WASHINGTON.—A quiet, informal investigation is underway into charges that the Justice Department retained the services of a self-titled bishop to perform voodoo rites in an effort to get a witness to testify against teamster boss James R. Hoffa.

Representative JAMES ROOSEVELT, Democrat, of California, of the House Subcommittee on Labor has written a letter to Labor Secretary W. Willard Wirtz asking an explanation of sworn court testimony which purportedly links the Justice Department with voodooism and a kidnap plot.

The testimony was given in the absence of a jury during the recent jury tampering trial of Jimmy Hoffa in Chattanooga, Tenn. Hoffa was convicted and is appealing. The witness was Frederick Michael Shobe, a parolee who said he was employed by the Departments of Labor and Justice as an "agent provocateur" to "help get Hoffa."

(The Justice Department, asked for comment on the charges, pointed out that Federal Judge Frank W. Wilson on March 6 had rejected a defense motion to dismiss the indictment, and that he had said of Shobe's testimony: "The witness is without credence.")

Shobe said he took his orders directly from Walter Sheridan, special consultant to Attorney General Robert Kennedy and Thomas McKeon, attorney in the Criminal Division.

Under their instructions, he told the court, he contacted Bishop St. Psalm, "an alleged religious leader in the Negro community in Nashville," to ask him to use voodoo on Thomas Ewing Parks, an uncle of Detroit teamster official Larry Campbell. Campbell was a codefendant with Hoffa in the jury tampering trial.

The bishop, who published a magazine called "Epic," allegedly refused to perform the rites unless the Justice Department would finance some advertising in his publication.

"I then took St. Psalm to the Federal marshal's office," Shobe continued. "Jim Durkin (also a special attorney for the Justice Department) was present. He talked with Bishop St. Psalm in my presence and he outlined what we wanted from him, and he also met St. Psalm's condition that he be given advertising for some individuals * * * in return for his service to the Government."

Shobe said he and the bishop then went to a drycleaning shop and talked to Parks, after which "we returned to Bishop St. Psalm's home and he pulled out a portable altar * * * and he lit two candles on this altar."

The bishop reportedly placed on the altar an object belong to Parks which he had obtained while at the drycleaning shop and then said he would call Justice agents as soon as Parks was "fixed."

Shobe said the bishop told him that "within 2 or 3 days if someone suggested to (Parks) that he was a dog, that he would get on his knees and bark."

Shobe said he was personally paid by the Department "in cash sums" to make speeches to Negro groups, inciting them against Hoffa and telling them that "inasmuch as Mr. Kennedy and his administration were putting ther necks on the line for the many civil rights demonstrations, that we felt they should be made aware of the responsibility they had, to see that the administration attain its objective of convicting James Hoffa and of his associates who might be brought to trial in the area."

The payments were made to him, he said, either by Sheridan, McKeon or their secretaries in lump sums of from $100 to $150 at a time.

Shobe also described in detail a bizarre plot allegedly hatched by Sheridan and himself to kidnap Parks, take him into a woods near Nashville, and "start digging a hole." They were to pretend that they were agents sent by Jimmy Hoffa to kill him. At a strategic moment, officers would arrive to "rescue" Parks and take him to the marshal's office, where it was hoped that he would be so angry with Hoffa that he would make incriminating statements against him.

The plot collapsed when Shobe learned that kidnapping called for the death penalty in Tennessee, and he feared that some local police officer might "intercept."

Representative ROOSEVELT, in forwarding the sworn testimony to Secretary Wirtz, pointed out that the Government made no attempt to cross-examine Shobe on his testimony, and that it therefore had neither been denied nor challenged.

Affidavit

April 27, 1964.

State of Michigan,
City of Detroit,

I, Frederick Michael Shobe, being duly sworn and under oath, depose and state as follows:

While serving a prison term in Michigan State Penitentiary I was on hospital duty and overheard Valdez, a patient in the prison hospital, claim that he had information concerning James R. Hoffa and that this information could be used to put Hoffa in jail. Later I told prison guard Marks, a friend of mine, about this conversation, and he thought that the remarks made by Valdez were of sufficient importance that I communicate with Attorney General Robert Kennedy in this matter. I finally consented to prison guard Marks writing to Attorney General Robert Kennedy on this matter which he did, detailing the incident related by prisoner Valdez.

Finally, I qualified for parole and in view of my good prison record, was placed on parole, rejoining my wife and children in the city of Detroit. Little did I realize at the time I revealed this information to the prison guard, the Attorney General would follow up on the matter, and soon after my release from jail, I received a visit from FBI Agents Costello and Dean, who called at my home where I met them, talked with them, and at their request, talked to them in their automobile.

Agents Costello and Dean stated they were here to see me and follow up the report that I had made to the prison guard concerning a theft ring which was organized by the Teamsters and which had directly implicated Mr. Hoffa's brother. I immediately told them I had no direct knowledge of this incident, had no way of knowing whether it was true or false, nor did I place much trust in the statements made by prison inmates who were given to gross exaggeration and oftentimes excursions into realms of fantasy. They agreed that this type of information was not the best, but urged me to cooperate; in fact they told me I had an obligation to help the Government in this matter. These two agents then released me and I returned home.

Some 60 days later FBI Agent Marston called on me and laid down what was to be my guiding law for the next 4 years of my life. "Fred Shobe," he stated, rather than asking a question, "Costello and Dean spoke to you some time ago and now it's time for you to really prove you're rehabilitated as you claim to be." He then laid down the conditions under which I could stay out of jail; if I did not comply, he made it very clear that I would return to jail to complete my term until 1968. He said, "Shobe, you are on parole for 4 years. You can make it the hard way or you can make it the easy way—no, I'll take that back, there's just one way for you to make parole; work with us."

Seeing I had no alternative, I said, "Marston, if I am to be put to work, will it be near home? I have been away from home for such a long time and the children are just getting used to me." Marston assured me that "it would be right here at home." He said, "We need help right here in this area. We want to put a man in Teamster headquarters, a smart fellow like you should be able to do it if any one can." I protested. I didn't want to get in the middle of cross fire between Jimmy Hoffa and Robert Kennedy; I just wanted to be left alone. I reminded Marston that, "I can't be of value to any one dead, can I?" "Nor back in prison," said Marston, forcibly.

"The Teamster job is your best out, Shobe, as a matter of fact, you are fortunate to be offered this chance." I finally consented because I knew that I had no choice; so realistically I said, "What do you want me to do?" and it was in this fashion that I became one of Walter Sheridan's spies. This was in the spring of 1960.

My assignment was that of an "agent-provocateur." I was directed to contact Jack Bologna of the Detroit Office of the Bureau of Labor Management Reports. He, in turn, instructed me to get a job in some business under contract with one of the Teamster locals. To this end I got acquainted with Teamster officials at Teamster headquarters at 2741 Trumbull Avenue. As ordered, I had got on with the Teamsters and hung around Teamster headquarters all through that winter. I had memorized the habits and mannerisms of all business agents of the various locals; even going so far as to be willing to be an errand boy for any one who needed some trivial errands run. All this eventually paid off, and I received a work referral from Business Agent Larry Campbell who directed me to the shiploading docks of the Detroit Harbor Terminal.

I was the first Negro checker. I made a good record there and gained the confidence of both the business agents and the employer. During the winter months when the harbor was frozen I made myself available for odd jobs around the union hall and I soon was assigned as an aid to Mr. Bill Bufalino when he was engaged in a personal lawsuit against a Grosse Point realty association. Subsequently, agents of the Bureau of Labor Management Reports discovered that Frank Fitzsimmons had paid me $184 out of union funds. I was asked to testify that this was paid for the services I rendered to Mr. Bufalino during the course of his lawsuit. The truth is that I was given this money by Fitzsimmons to pay for the costs of a party and celebration of the Teamster members working at the Detroit Harbor Terminal.

I returned to work shortly after the shipping season began the following spring and worked very closely with members of the Detroit Office of the Bureau of Labor Management Reports. My task was to initiate and solidify dissention among the workers at the terminal.

I received my orders from Jack Bologna and reported daily by telephone to Jack Bologna, Ed Dooley, and Louis Weiwoodie of the BLMR. Their orders to create dissention at that time coincided with an effort of a rival union to wrest control of the docks from the Teamsters.

My efforts resulted in flooding local offices of the National Labor Relations Board with complaints from dockworkers.

The effectiveness of my efforts of creating disturbances can be verified by the increase in cases filed by men at Harbor Terminal during the summer of 1961. In September 1961, I, myself, filed a case which threw the seniority system into utter chaos. Teamster business agents coming down to the docks found themselves surrounded by a horde of half-wild longshoremen demanding their hard-earned seniority rights immediately. Men came to work wearing bayonets, dirks, and skinning knives of all types and woe betide the company or union official who said they had no right to work that day, that others must be called before them. At lunch periods, I would prey upon the fears of those who had been fortunate enough to be called for work that day. These men would arm themselves against the morrow when someone else might be called in their places—and so it went throughout the fall of 1961.

Daily via telephone I made progress reports to Jack Bologna, Ed Dooley, and Louis Weiwoodie of the BLMR. They, in turn, provided me with a protective cover in case some violence might be directed against me. Soon, help came in form of agents of the rival union who passed out change of representation cards among the now wrathful workers. I was no longer alone but very shortly came danger which the BLMR could not help me with—a coronary heart attack which occurred on November 19, 1961. I was at death's door for several days and was flat on my back for many weeks and I had no word from any of my Government mentors nor did any of them come to see me or even call upon my wife to ascertain my condition. It was only months afterward when I regained my mobility that I was again contacted by anyone representing the Government. I mention this because my attitude toward these men changed from that time on. I became skeptical of all of their policies, including the Presidential pardon which was held out as bait to me and I told Bologna so.

My effectiveness as an agent for "provocateur" must have been established by this time as I was contacted by numerous assistants to the Attorney General, including Paul Allred, and a special Assistant Attorney General in a secret office on the second floor of the Detroit Federal Building, room 335.

Following my meeting with Allred, I was contacted by Walter Sheridan.

BLMR was used as a vehicle of gaining information which could be then employed for purposes of harassment, embarrassment and great pressure. Numerous examples of this may be cited, however, one or two come to mind. Walter Sheridan's immediate concern was a hotly contested power struggle between Joey Glimco and Dominic Abata for control of Teamsters Local No. 777 of Chicago.

Stewart King, a Teamster business agent who had been assigned to Chicago, was used by me for the purpose of implicating other Teamsters such as Larry Campbell and Francis Hicks into manufactured incidents of labor violence in the Chicago area.

In contacting King, my pitch was that the BLMR had sifted through the various Chicago expense accounts and had found some tabs for expenditures prohibited by Landrum-Griffin, I suggested to King that maybe Larry Campbell, or Newman, or Hicks signed your name to the bills 'Stew.'" I distinctly recall King asking "Are you people trying to frame an innocent man?" "Your pals are framing you, Stew," was my reply. "I came here trying to help you get out from under this rap * * * There is just one way I see for me to be able to help you * * *." "What's that?" asked King. "Give me a statement that Campbell and Hicks had something to do with burning and throwing cabs over the river in Chicago," I replied. King denied having any knowledge or having taken part in any rough stuff. My parting shot to him was "There were cabs burned or thrown into the river while you were working over in Chicago and if you didn't do it you must know something about it, and if you didn't, you'd better find out something."

Thus the BLMR information about the tab signed by King for toys enabled me to demand a statement that would implicate others in a Federal indictment for violence in the course of the strike.

Another instance comes to mind. Jack Bologna subpenaed the books and records of local No. 985. He would comb through the union books and then provide me with information which was used to incite trouble. He would suggest a plan, what to say, like speeches. I would get information on Dave Johnson's holdings—like Interstate and other holdings suggesting a conflict of interest. This information would be used in speeches, leaflets, and in various other plans for creating dissention in the local.

During the election when we backed Ira Cook for the presidency of local No. 299 against Jimmy Hoffa, the BLMR gave us information to use on the handbills which we passed out to any Teamster who would accept them. One or two of us would visit Allred or French, both Assistant Attorneys General connected with Bobby Kennedy's office in Washington, after leaving the BLMR office to report on our progress one or two times a week.

On May 22, 1963, Ed Dooley, of the BLMR, directed me to go to Philadelphia to check on Lawrence "Johnny" Welsh, head business agent of Bufalino, local No. 985. Welsh had been spending considerable time in Philadelphia at the dissident locals there. Violence had occurred and BLMR felt that Welsh had inspired a portion of it, if not all.

Philadelphia turned out to be an absolute blank regarding any illegal activities by Welsh. I returned to Detroit and told BLMR their information was wrong. Dooley now suggested that Welsh be investigated for possible conflicts of interest such as ownership of jukeboxes or vending machines. When I asked for leads on this score, Dooley replied that he had none but suggested that I contact Albert Newman, business agent of local No. 985.

Dooley proposed that I contact Newman on the race issue, suggesting that a victory for

Newman as head of the local union would be a victory for the Negro race as well as a personal advancement for Newman. He also pointed out that he had obtained authorization to pay up to $500 for such information that Newman might be induced to give. Newman listened to what I had to say and asked for time to think it over. He promised to meet me a couple of days later and I alerted Dooley to be ready to move in with the money on short notice. Dooley said that he personally had to give Newman the money. Now this was contrary to what I had understood about the niceties of buying information. Newman didn't show as scheduled and Dooley and his coworker, Keith Biles, also of the BLMR, had to spend a hard night on a cheap, modern couch in the living room waiting for him. It took a couple of days to locate Newman. This time he promised to meet us at Marks, a hamburger hut, on Livernois Avenue. Dooley met Newman and gave him a $50 bill as "earnest" money to cement the deal whereby Newman would furnish Dooley and BLMR with information which would seal the doom of Lawrence "Johnny" Welsh. After leaving the drive-in Dooley informed me that they wouldn't be needing my services in this matter any longer.

The framing of Bill Bufalino was an artful plot conceived in Washington and carried out in Detroit. The fact had long been known that I had handled the record box during the Bufalino libel case in Wayne County Circuit Court for I had reported it along with the fact that I had been reimbursed for certain expenses connected with celebrating the contract signing at Detroit Harbor Terminal. However, McKeon was the first person to suggest to me that something could be made out of these two entirely unrelated events.

Recalling now the wait for Sheridan on the day of my June 1962 visit to Washington and the fact that Cassidy, who occupied an office in the same suite, had chatted with Cook, Dowd, and myself upon reporting for work that morning, jocularly inquiring of Carol and Gretchen if we were Greeks bearing gifts in form of something which Bill Bufalino could be prosecuted for. The further statements of Cassidy that Bufalino would need a suitcase full of law diplomas to get out from under the case Cassidy would put on him if he had the slightest bit of evidence to go on and that he had been waiting for a chance to nail Bufalino for the uncivil language he'd used toward him while both were monitors. These statements plus the fact that McKeon was somewhat new to the Detroit office, prompt me to conclude that McKeon acted as hatchetman for Cassidy in this regard. Indeed, the way be approached the subject left no doubt in my mind.

"I understand that you were made aware of the staff feeling toward Bufalino on your last trip to Washington, Fred," were his very words. I replied that I had indeed been aware of the Department's feeling toward Bill Bufalino for 2 years or more. McKeon became more specific.

"I understood that you talked to Mr. Cassidy and were told of the abuse he suffered at hands of Mr. Bufalino while performing his duties as a court-appointed officer on the board of monitors?" asked McKeon and I nodded assent.

"Well, I should like you to know that the whole staff is upset about this sort of thing," said McKeon. "Such behavior by an attorney is reprehensible to say the least, such uncalled for vilification of a court officer in performance of his duties should be punishable directly by law. I can tell you that the things which Bufalino said to a man trying to be civil—he should be disbarred."

I could comment neither way on the matter, points of law was McKeon's field. I listened and he continued:

"The mills of the gods grind exceedingly slow sometimes but they also grind exceedingly fine also. In going over your file and also over the records of local No. 299 in reference to the check issued you by Fitzsimmons could it be possible that this check was in reality payment for services which you performed for William Bufalino during the time of his libel suit against the Grosse Pointe realtors?"

Here was this new man and he had things all screwed up already. "I've explained the circumstances under which I carried the file case to court every day and also about the check to Paul Allred and Bill French a long time ago," I replied, "as matter of fact while these things were taking place."

"But if we were to maintain that such were the circumstances, you might be on trial for violation of Landrum-Griffin," frowned McKeon, adding, "it's far-fetched, of course."

"Is that what you people had in mind when you refused to help me get through school?" I asked, thunderstruck at the thought. McKeon laughed and waved aside such a notion.

"I only mentioned this by way of showing you what could be made of a set of facts, facts can be made to add up any way you want them to," he said smilingly. Then seriously, "If you said that Fitzsimmons gave you a check to pay you for carrying the file case to court every day in connection with Bufalino's libel suit, then Bufalino and Fitzsimmons would be in the soup—and that's right where both of them should be. Bufalino is the brain behind most of Hoffa's moves and Fitzsimmons carries them out—both of them should be on trial just like Hoffa. If you'll cooperate, they'll both be on trial soon—I can promise you that."

"It won't come to much because they'll say it's not true," I pointed out, "then I'll be in the soup."

McKeon flushed with impatience, saying, "You will be given grant of immunity and if you go before the grand jury and say these things first, Bufalino and Fitzsimmons will have a hard time proving it is not so. Shaw is dead, it will be your word against theirs. They will have to prove it is not so. All you have got to do is stick to your story when the case comes to trial."

I sat there silently for a few moments. After all, this was a new wrinkle. This was perjury and both McKeon and I knew it. Immunity or not, it was a helluva thing for a Government prosecutor to suggest. As I recall, I said that very thing. "Nothing can happen to you," McKeon reiterated. "Absolutely nothing. And if the case does not pan out, we will at least have put some pressure on them. That is what we are in this thing for, you know. Keep up the pressure at all times."

"I know about pressure," I agreed, "I am under a lot right now myself". McKeon replied, agreeing, "When you finish that school, you are going to be under a lot more pressure. We can take some of that pressure off you, Fred. That pardon would remove a lot of the obstacles in way of your getting a job to provide the kind of living your family deserves."

We talked a bit more and I agreed to go before the grand jury with the story. My school term had just begun when I was called down to testify, it was the first week in October 1962. McKeon handled the questioning before the grand jury and it went off as planned. As a matter of fact, one of the jurors went down with me on the elevator and congratulated me for being the kind of citizen unafraid to come forward and tell what he knew. I acknowleged his praise and headed out of the Federal building to spend the $5 witness check. Putting together an oppositions slate to Hoffa in local No. 299 could not have been accomplished without the active intervention by the BLMR.

The BLMR put me in touch with every dissident they knew in the area and it soon became known a formidable slate might be put together. I reported the same to French and to Allred.

In July 1962 the insurgents in local 299 rented a store front and set up opposition headquarters there. Our meetings were held there on Saturdays and the sessions were stormy, to say the least. In the process we gained a few more supporters so that our little band of active workers totaled about 15 persons now. Inasmuch as I was ineligible to run for office, my function was to serve as head speechmaker at these weekly meetings. My secret function was to assess the relative strength of the movement and report the same to Sheridan. I believe that Angel and I went over to Chicago to confer with Dominic Abata during the first part of July in hope of getting further support.

Abata was having his troubles and could lend us no aid, financial or otherwise. After this fruitless trip, a group of us went to the BLMR office and appealed for monetary aid, but to no avail. Paul Allred's office was the next stop and the group got the same answer from Allred. Thereupon, Angel sent a lengthy telegram to Bobby Kennedy appealing aid in name of the group. Whether or not Bobby sent anything remains a mystery to me. But Bobby came himself some few days later—July 24, 1962, to be exact.

Ostensibly on a trip to inspect Government buildings across the Nation, Bobby Kennedy came to Detroit on July 24, 1962. While he did conduct a handshaking tour of the Federal building, he also conferred with Paul Allred and Bill French in room 235 for some time. Television and news camerman took pictures of the "friendly picket line" which greeted Bobby as he emerged on the Lafayette Street side of the building at noon. Carrying cardboard placards with such legends as "Stars for Kennedy, Stripes for Hoffa," "Give 'em Hell, Bobby," and "Honest Teamsters Welcome Investigations," our little group was given the special attention of the Attorney General then and later. This bit of staged demand created an item worthy of nationwide press coverage which was precisely what it was intended to accomplish. Perhaps at this time, it would be well to mention something else which hasn't been mentioned previously. Sheridan encouraged the writing of letters asking the Attorney General's Office for help against various Teamster injustices, real or fancied. Thus, in addition to staged demonstrations as the above, there also existed a built-in system of fan mail. In reply to Hoffa's accusations of persecution, Bobby could produce letters showing that he was acting in response to demands from rank-and-file Teamsters. I, myself, wrote many of these letters and encouraged everyone else to do the same. Copies of these letters are still in my possession should anyone doubt their existence or that such practice was followed.

As Bobby shook my hand that day and thanked me for a job well done, it was the high point of my service up till that time. I confidently expected to be called to Washington in the next few days and receive the Presidential pardon which I had been promised and which would remove my conviction record from the FBI files. I had been given to understand that a pardon was the only instrument which could accomplish this. This was and had always been my goal. Every time an application had to be filled out for a job in one of the auto plants or large concerns, the old question confronted me: Have you ever been arrested? If so, what for and what disposition was made of the case? This was the bete noir of my life and one Walter was supposedly banishing for good.

A short time later, I consigned myself to a temporary doom. As related before, I frequently submitted evaluations of the strength of the dissident movement. And the movement had resolved into a series of petty bickerings over who was going to run for what, who would support whom for certain offices, etc. Mel Angel seemed to be the particular target of everyone else. Cook flatly stated that he would withdraw if Angel were to be put forth as candidate for president of local No. 299, others did the same. However, no one could agree on just who was a fit candidate to oppose Jimmy Hoffa. The final upshot of the row was that Ira Cook was pitted against Jimmy.

For those unfamiliar with Cook or the campaign, let it be known that Cook campaigned on the platform of ignorance. Often prefacing his speeches with the confession that, "I don't know from nothing, folks, I'm just a poor peckerwood from down in the hills," Cook exhibited a certain rustic charm and wit which would have had him the winner in some backwoods community. But it was only ludicrous in modern highly unionized Detroit. As the campaign neared its end, even Cook realized his shortcomings. It was only that he really was the stubborn hillbilly that he claimed to be which made him play out the string to election day. Perhaps Cook gave the best summation of his part in the entire affair when given the rostrum to address the membership at Detroit's giant Cobo Hall. Speaking after Jimmy Hoffa had spoken in behalf of his own candidacy, Cook mounted the rostrum, blinked a few times, loosened his tie a bit, then said: "Folks, I kinda feel like Dan'l did when he was in the lion's den."

But to get back to August–September of 1962, when it first developed that Cook was to be the candidate, I wrote Walter and told him that the dissidents would not constitute a real threat in the coming election. Shortly after, Allred spoke to me and advised me that Walter felt that any further effort with the group would be a waste of time. This pattern of coordinating dissident activity within a Teamster local union, BLMR, and the offices of the Attorney General was extended to a series of other Teamster local unions throughout the country, including locals in Chicago, St. Louis, Rochester, Toledo, and Philadelphia.

A series of squeeze plays was organized between these Government agencies and individuals I had contacted and whom I sought to implicate in various frame indictments to be used as a part of the plan of subverting the Hoffa elements in these local unions.

Upon Stewart King's return from Chicago to Detroit, Allred and the FBI and myself worked a squeeze play in an attempt to get King to furnish us information. This particular method was necessary because of the fact that the marshal's office had agreed that whenever a Teamster business agent was to be questioned by the FBI or any Government agent, he would not be questioned without his attorney being present. Our squeeze play was designed to get around this situation.

Accordingly, one morning the Bureau camera unit set up shop in front of King's home and greeted him when he walked out his door with a battery of camera lenses. Then, an equally obvious tail followed King about his daily duties as business agent for local No. 247. It should be emphasized here that the agents involved made no effort at concealment. King had to be made to understand that he was under constant surveillance for the particular ploy we had in mind to be effective. After a few days of this routine and when we felt that King was sufficiently shaken up, I moved in and spoke to him.

My message was fairly simple, designed to appeal to an upright honest labor man such as Stewart King. Feeling that we would be out in left field accusing King directly of misdeeds, my pitch was that the BLMR had sifted through the various Chicago expense accounts and had found some tabs for expenditures prohibited by Landrum-Griffin. As expected, King was shook up by this and disavowed any such tabs submitted by him for Chicago or any other union endeavor during the course of his service in the labor field. With what I know of Stewart King I know this to be true but I had a mission to perform.

Two days later, I intercepted King again. This time I told him that the Federal judge in Chicago had issued subpenas for all Teamster business agents who had taken part in the Joint Council No. 25 effort to retain the cabdrivers, thus we would be forced to reveal the existence of the tabs and so King would be indicted for that even if the others were not found guilty of any wrongdoing.

"So you see, you're in trouble, Stew," I concluded, shaking my head sadly.

"It's not true," said King.

"Try to tell the judge that," I suggested confidently. King got a fresh grip on his cigar and puffed furiously for a few minutes. Having thus let him regain his composure, I moved in on him anew:

"Stew, you're a good man and I know it," I began, "but I've got the problem of making the people I work for see it like I do. Actually, you owe it to yourself and your wife to do everything you can to stay out of jail.

"If you go to jail, you've blown 30 years in the labor movement, 30 good years for the sake of some goons who aren't fit to tie your shoelaces when it comes to ability. Stew, you're the most intelligent Negro in the entire Teamster organization. We've checked back on your record before coming to the Teamsters and you were liked and respected when you were with the Bartenders & Waiters Union, your record with them was spotless. Why not keep it like that? The only way to beat this frame that someone is trying to put on you is to give them a taste of their own medicine: put them in the cross, too.

"Does it make sense for you to take the rap because some dope bought some broad's kid toys and signed your name to the tab? I can save you, Stew, but you've got to help us out, too. It's not necessary for you to have witnessed anything other than the fact that Larry or Newman or Hicks said that they themselves or had someone go out to rough up a few cabdrivers. They must have said something like that during the time you were with them, didn't they?" King made no reply, and I continued:

"If you went to jail, Stew, you wouldn't last a year," I confided. "A man who's lived a fairly soft life, who's been used to getting around every day, couldn't make it in prison cooped up in a little cell all day; this is what I'm trying to save you from. And I can save you, Stew. I can do it." "Why don't you, then?" asked King.

"I will, Stew," I replied. "All I want you to do is to call this number and ask the person who answers the phone if you can talk to him."

Here I gave King a glimpse of my phone book with Allred's two numbers written therein. King commented on the two numbers. "One is the office number, WO 3-0388, and the other is his apartment number and phone extension, WO 2-0674, extension 1212," I explained. "What's his name?" asked King.

"Paul Allred," I replied. "Never heard of him," said King. "He's a Special Assistant Attorney General from the main office, and he can overrule any move by these shortstops out here in the local offices; he comes direct from Bobby Kennedy," I assured King. He seemed impressed.

"Talk to Paul, he's a good guy," I urged King. "If you want me to, I'll dial the number and let you talk to him about making an appointment to see him."

The reader will wonder why I didn't call myself and make such an appointment for King. The reason is that every possible effort is made to get a suspect to "volunteer" any such information as he may possess. Usually this is done by having him go to the local authorities and saying that he wants to talk to someone about such and such a thing. Thus, this "voluntary" vouching of information although in reality resulting from arm twisting and guile on my part, would come as a welcome surprise to the lower level people. And the record would show that the case developed from a tip given to the local office. No one but Sheridan, a few trusted aids, and myself, would know how the voluntary bit really embraced every sort of blackmail, coercion, and downright lies imaginable. If anyone said otherwise, that he had been put through the mill by me beforehand, the record would refute him. After all, just who was Fred Shobe? There was no record to show that I was a Government employee. Anyone suggesting that I was would have been laughed at and shown my record; it was unthinkable that the Government would employ such a man.

King asked for time to think it over and I left, promising to return the following night. When King did not call me, I called him. His wife answered and said that he was not home. I went to work on her. Plainly, this good woman was fearful for her husband. Both the threat implied by the surveillance and also the reaction of the neighbors upon seeing King trailed to and from home by obviously what were policemen of some kind. She was on verge of hysteria when I finished telling her of the series of disasters about to befall their happy home. In farewell, I charged her with listening for any and all information which could be used to help her husband since he obviously didn't want to help himself. Any such information was to be relayed to me at once and I would use it to help Stewart—such was my pitch to Mae King.

I trailed King on his daily rounds. Always staying out of actual contact with him, yet close enough so that he would know that he was under constant surveillance—this was how our siege of nerves was waged. But time was running out on us, a hearing was scheduled some few days away and we wanted nothing more than to have King testify that his fellow business agents had caused violence to be done to cabs in the Chicago area. Allred told me to renew my efforts to bring King into the fold. I did so, calling his house every hour on the hour through the night until he, in desperation, had his phone number changed. But the Bureau obtained the new number from the telephone company and I was back in business again.

In a desperate move, I called King and told him that a marshal was poised to serve him with a subpena to appear in Chicago district court but that Allred and myself were holding off in the hope that King would come in "voluntarily." But King had taken counsel of someone, in spite of my strict admonition not to do so, for he now agreed to meet Allred or anyone else if he could be accompanied by Lawrence Burns or George Mantho, local Teamster attorneys. When Allred heard this, he ordered me to drop King immediately.

Another instance of putting the "squeeze on" in conjunction with the BLMR and the FBI is to be found in the case of "Big Mackintosh," onetime organizer for local 299.

"Big Mack," a once affluent and powerful man, was now a broke and gaunt stevedore down at harbor terminal docks.

I reported his presence to Paul Allred, Special Assistant to the Attorney General. Then I got in touch with Jack Bologna, of BLMR, and he gave me a résumé of what he knew of "Big Mack's" activities in the past few months. From these conversations it became clear that "Big Mack" had once been an organizer from local No. 299 but for some unknown reason had fallen from grace, had drifted to the fringes of dissident movements in a dozen different unions, and had now returned to the Detroit waterfront. Allred felt that he might be hostile toward the union in view of his present bedraggled state. He ordered me to approach "Big Mack" and I did so.

Swooping up in front of the terminal entrance at the time "Big Mack" got off from work, I gave him and a number of his friends a ride home. Of course, my return to harbor terminal driving a new, air-conditioned Cadillac set off a wave of questions which I explained by saying that I was now working for the ILA as an organizer and was on a big expense account as well. When the last man had been dropped off, Mack expressed his wish that I could get him on with the ILA. I feigned surprise that he should want to leave the Teamsters. Mac explained that all the business agents were down on him and that he had trouble getting in enough time to make ends meet. He stated that Larry Campbell, whom he had known since childhood and certainly owed him favors, had done nothing for him toward getting a better job. As matter of fact, so Mac stated, he hadn't seen Larry enough lately to have a real heart-to-heart talk with him. Mac felt that Larry had been avoiding him on orders of unnamed officials at the union hall. He felt bitter toward most Teamster officials and would be glad to work for the ILA if I could get him on the payroll.

After receiving my résumé of our meeting, Allred went ahead and had "Big Mack" picked up by the FBI. To me, it was apparent that "Big Mack" was out of favor and could add little if anything to the Chicago picture. This was confirmed by the Bureau agents who picked Mac up and questioned him about Chicago activity on his part. Mac told them that he hadn't been in Chicago and had no knowledge of Teamster doings there other than what he'd read in the papers. He offered to take a lie detector test concerning this, an offer which the Bureau declined. Plainly, "Big Mack" McIntosh was a negative contact.

But in June 1962 Sheridan gave me orders to look up McIntosh and find out about Larry Campbell's southern relatives. This surprised me, but Walter said cryptically: "We've got a trial down there, you know." In light of later events, it is probably the most significant thing so far. June 1962, the latter half; again the FBI and I put on a squeeze. Only this time, my role was to sympathize with the harassed victim. Thus, it came about that Aaron "Big Mack" McIntosh was picked up and questioned by the Bureau, then released. The next day, word was left for him to report to the Bureau after he finished work. And after working from 7 in the morning until 10 in the evening, "Big Mack" reported as ordered. When he got home, I was waiting for him.

"Man, get me a job with your people," Mac complained.

"What's the matter?" I questioned as if I didn't know. Mac had seen many a lean day from the looks of his gaunt frame and the combination of working long hours and much-needed rest time being lost traveling back and forth to the Bureau office had gotten to him. This was exactly what he said in response to my query.

"Man, I got to go someplace, I've got to go," he repeated. "Those damn feebies have been on me 2 days in a row and all I'm doing is working like a dog every day."

"What do they want from you, Mac?" I asked.

"Damned if I know, Fred," replied Mac. "They keep asking me about what Larry Campbell was doing over in Chicago and I keep telling them that I don't know and don't give a damn what Larry Campbell or anyone else from the union hall is doing anyplace, yet they keep on bothering me.

"Then, they come up with 'How long you been knowing Larry Campbell?' 'When did you first meet him?' and all that crap—man, if I had some money, I'd hire me a lawyer and make them cut this crap out," raged "Big Mack."

"Maybe your trouble is that you're down on that Teamster dock," I suggested but Mac didn't buy it wholly.

"My trouble is that I ever heard of the Teamsters," quoth Mac. "They are hot and they are making me hot with them. Sure, I know Larry and a lot more than I told them bastards. Used to give Larry nickels when he was a kid down on Hastings but he's not doing nothing for me now."

"I didn't know you knew Larry way back then, Mac," I horned in. "I know the whole damn family," said Mac and not to be diverted, started cursing the FBI for picking him up all the time. He begged again for me to try to get him on the ILA payroll with me so that he could get away from Detroit or at least have the support of some organization which would give him legal protection from harassment. I decided to inject a bit of balm to soothe obviously troubled waters.

"Mac, what you need is a good stiff drink," I said and went to a nearby blind pig and got a pint of whisky for the guy. In my opinion, he deserved it. And so it went. At night after he got off from work or on Sundays and days when he did not work, Mac and I would get together over a bottle or two and compare past experiences with the teamster organization and personnel. In this way, I extracted the information about Larry Campbell's southern relatives. "Big Mack" knew them all and I passed on what he knew just as I got it, bit by bit. Walter seemed satisfied with the pace because every time the Bureau picked "Big Mack" up, he refused to tell them anything about anyone but himself. It never occurred to me why this information was being gathered. In blind adherence to Walter Sheridan's orders, I never gave the why or wherefore of this the slightest thought. It was something Walter wanted done and I did it. When Mac told me of Larry's uncle, Tom, who had a funeral parlor in Nashville, it was just another piece of information. What possible significance could it have had for me or anyone else save Walter Sheridan in June 1962?

Walter Sheridan put me right into the Nashville jury-tampering case; on a wall map he showed me a route that Larry Campbell, Frank Felice, and Chuck O'Brien took down through Louisville last year. I was told to trace their route, to see what they did, whom they met and what they talked about. I was also ordered to establish some connection between Campbell and his Nashville uncle, Tom Parks. Sheridan said he could not prove Campbell had been in Nashville since 1960 at this time.

I was set off to a jet start. I went right back to Detroit, got some clothes, reported to McKeon, and left for Louisville by rail after turning in the rental car. I did one small job while in Detroit. I introduced Assistant Attorney General Merrill to "Walking Harry" Ellis. I had been trying to get Ellis to say he took money to Nashville, bribe money for the Teamsters. Ellis was under IRS investigation, he was a numbers man who had hidden a substantial income for years. I got nowhere with Ellis. He was an unshakeable man. I turned him over to Merrill.

I got no leads in Louisville. I stayed in Brown's Guest House, as Campbell had done. People knew him but that was all. In Joe's Palm Room, many remembered Campbell but had no information.

I contacted local Negro detectives and they had nothing on Campbell.

Sheridan sent me back to Detroit and back again to Louisville. Again I turned up no leads. He then ordered me to come on down to Nashville.

I arrived in Nashville on July 9, 1963. I came in by Greyhound bus. I went to Sheridan's office in the Federal building, room 858. I gave him my only bit of information, that Campbell, from Louisville last year, had called his uncle often about a sick sister. Walter said "We have a record of those calls from the telephone company."

Sheridan gave me a list of names of people to contact. They included Tom Parks, Campbell's uncle who had a small pressing shop and lived in a room at a small funeral home. He gave me an 8 by 10 shot of Parks.

We agreed I should be Frank Scott, representing a Chicago colored accounting firm.

Sheridan told me the local cops would be no trouble, were all under district attorney investigation, would cooperate. He said I would meet Jack Walker, a colored cop who was working with us.

I first stayed at the Brown Hotel, a dirty rat-infested hotel for Negroes.

I expanded my contacts within the city by building up a chance acquaintanceship with a Mr. "Good Jelly" Jones. Jones is the only organized Negro politician in Nashville. I met him on my first day in town.

July 10, next day, I saw Sheridan again at his office. I told him of meeting Jones. Sheridan OK'd warming up the relationship.

Sheridan told me to concentrate on Parks, to tell him he could be named a coconspirator instead of a codefendant. Sheridan went over a list of Parks' acquaintances with me; told me to meet them and through them get in touch with Parks.

Walter had no leads for me to these people. I had to get out and make it on my own.

On this visit Sheridan showed me the statements of Jack Walker, of Carl Fields, and of Edward Partin at the grand jury proceedings which led to the Hoffa indictment.

Sheridan did not show these papers directly. He called for them and discussed points from them with me. I read them upside down across his desk.

"Partin took the fifth with the grand jury," Sheridan said, "and then made a statement which is all we have tying in Campbell and Hoffa."

Sheridan said Walker did a good job before the grand jury, but complained that Carl Fields kept changing his mind. He told me they had nothing on Fields, asked me to see if I could find out something about his life with women. "Most of these colored fellows have two or three girlfriends as well as a wife or sweetheart," Sheridan volunteered.

"Walker claims to have the goods on Fields on a burglary charge, but Walker is quite a liar," Sheridan added.

Sheridan, his secretary Teresa, and I met at the Western Union office a little later. Teresa got the wired money for me and then we took a ride. Sheridan gave me a briefing ride around town. He pointed out for me the following points of interest to my Nashville duties: Holiday Inn, where Sheridan was staying in room 429; Carl Fields' home. Teresa described Fields for me.

In the next few days I often went back to the office and had easy access to grand jury documents. They were always out on the desks of typists near the entrance of the office. Any visitor could pick up and read, or even remove, documents when girls left their desks to make coffee down the hall.

I read every document of interest in the case in this manner.

Sheridan met me on one of these trips to the office. He charged me with sounding out the Negro community on: (1) Hoffa case; (2) administration and civil rights activities.

He suggested I get together with "Good Jelly" Jones and speak to some of Jones' voter's club meetings. He also said I should contact Negro ministers, put across the notion to them, and urge them to preach on the idea that the colored community members owed Bobby Kennedy a verdict against Hoffa if they got on the Nashville jury. I also met with the elders of the Ebenezer Church and I pointed out that Bobby Kennedy had stuck his neck way out for them on the issue of civil rights and the least they could do to repay him was to help him get Hoffa. This was the line I took at almost all my meetings in the Negro community in Nashville.

Around July 20 I reported again to Sheridan. He learned I found the Negro community indifferent to the Hoffa trial, some resenting that "this mess had been sent down here." Civil rights, yes. They were very much interested and watching events closely.

I reported I had seen Parks sitting outside his little pressing shop but I had not yet contacted people close to him.

I also reported I had had no contact with Carl Fields and had not yet located people who knew him well.

Sheridan was not discomfited by all this. He asked me to leave town for a few days as Bufalino was coming in for pretrial hearings and would surely recognize me.

I left for Detroit by bus. At the bus terminal Jack Walker came up to me and forced himself on me, telling me "we are working for the same man." I admitted to nothing. Walker's action showed me Sheridan was right not to trust him fully. I feigned puzzlement but indicated to Walker I would be back in town and would stay at the El Dorado Motel.

At Louisville I called home and learned my wife was ailing. I hurried on to Detroit.

Next day I dropped in on McKeon at the Federal building.

He brought up the Ellis matter once more. If Ellis would say he knew John White, a fellow gambler, had taken Teamster money to Nashville this fact would link the Teamsters to the Mafia. White had been linked to the Mafia by phone numbers found in his apartment at the time of a police raid. I did not relish the job, but was saved by the bell, the phone bell. Nashville called and said the pretrial was ending that day and I should hurry back on down there. McKeon told me to hurry as Walter was anxious to see me.

I got into Nashville next morning and almost ran into Bill Bufalino leaving a Federal building elevator. I ducked out fast, ran back to the bus station and called Walter on 244–2106. Walter admitted a mistake had been made, that the pretrial was not over. Campbell had not come down so Walter told me to go to the El Dorado and lie low until the hearing was over. I did so.

The El Dorado was a fancy, clean place, the best Negro motel in the Southland. I called Ellis in Detroit and told him to come down and see me if he wanted to save himself. Ellis came down. Again I could not get a commitment from him to give us a statement. Walter spoke to him over the phone but refused to meet him at this point.

Ellis went back to Detroit still "thinking about it." I reported my failure to Sheridan. He made me feel most insecure, and most dependent upon him for any chance to stay clear of trouble and see the end of my parole time in safety.

I went to the phone booth and called Ellis in Detroit. He was mad with me. As soon as he got back to Detroit he was handed an indictment. He blamed me. I admired Walter's timing, and really opened up all barrels on Ellis. I told him White was going to jail anyway and would die there as he was a diabetic. Ellis said he was also diabetic. I was unmoved and pressed him hard to stay out of jail by giving us a short statement linking White to Nashville and the Teamster bribe money. I gave him 3 days to think it over. "I never thought the Government was like this," poor Ellis observed and hung up.

My next attempt to get to Tom Parks came through a chance appearance of Bishop St. Psalm at the El Dorado where I was staying. I saw a plump, suave individual putting magazines in a newsstand. The coowner of the motel told me that was the "bishop." St. Psalm, or B. J. Swain as he is now called. Swain is the publisher of Epic, a slick Negro magazine.

St. Psalm had achieved national notoriety a year or two ago by going to court in a coffin to fight a charge of keeping a still in his church. He won acquittal by proving that the impounded liquor was too weak to sell. During the pretrial period he claimed to be in touch with God and sat in his coffin daily and received alms and passed on prayers to God. So many sought his services that he was able to enter the publishing business.

In his long years in the pastorate, I guessed St. Psalm had met all the local undertakers as members of his flock departed this earth. He may have met Tilly Smith and, likely, would also know Tom Parks.

St. Psalm knew Parks. He was willing to see him at any time, had been in his shop yesterday. But, what was my interest? I conned St. Psalm into coming along with me to get some business. I took him, despite his reluctance, to the Federal Building. Walter was in Washington and William Durkin was in charge. Special Assistant Attorney Durkin and I came to an agreement in Nashville in 1963 to have "Bishop" St. Psalm put the voodoo on Tom Parks. St. Psalm claimed that in a day or two he would "have Parks barking like a dog if I tell him to."

I went with St. Psalm to his home and saw him light black candles and place Tom Parks' printed name between them. The hex was on.

In return for three esoteric services, St. Psalm was to receive orders for full-page advertisements in his magazine.

Once Parks was fully under St. Psalm's influence, he was to be persuaded, or ordered, to make a statement implicating Hoffa and other defendants.

The scheme seemed fantastic, but superstition dies hard among southern Negroes. I never learned whether the thing could work. Once Sheridan heard of it he called me direct from Washington and told me to drop the whole scheme. Walter was not against the voodoo. He had checked out St. Psalm and figured him the ideal person to become a double agent and get Teamsters advertisements also in his magazine. The whole scheme was off.

St. Psalm was upset when I told him. He pleaded he should get his ads anyway. I told him, as Walter had suggested, that if he had police trouble some time we might be able to help him out.

During this period I was visited at the El Dorado by four of Jack Walker's fellow Negro Nashville police officers. Each was anxious to curry favor with me in case they were to be named when the Nashville police investigation ended. They hoped I could get them off the hook through my connection to Walter Sheridan. Any of these men would have been all too glad to have the offer that Ellis of Detroit was still refusing. Walker had been deluging me with phone calls ever since I came back to Nashville; he suspected, correctly, that Walter did not trust him.

I spent a pleasant afternoon by the swimming pool with my visitors; they departed swearing willingness to help the Federal Government at any time.

With the end of the St. Psalm episode, Durkin pressed me for new ideas, new leads, results. I temporized until Walter was back in town, but I had a new idea. The eager police officers had helped spark it.

My idea was simple and illegal. It was to kidnap Tom Parks from in front of his little shop when he sat out at evening time. The police could flash badges and then take him away by car. The car would go to the lonely, now empty Federal parking lot. A scuffle there would be forgotten by the average citizen. There, Parks would be bound and gagged, driven to a lonely spot in the country and a grave would be dug. Parks would be told Hoffa was rubbing him out. Sorry, pal, that is it.

Then Parks would plea for his life after the gag was removed and he felt near death. Hoffa was paying us $1,500, we would tell him, cheaper than paying Parks $20,000.

Of course, if Parks would sign a statement for us, we might be able to spare him and sell Hoffa the statement for more than $1,500—a lot more.

If such a plea to a man near death did not work, I then planned for us to be surprised by a band of local police who would rush in and rescue Parks, firing blanks wildly. In the melee, we would escape and Parks would make a statement to his rescuers. Either way, we would get a statement from Parks. Walter would be able to turn Parks into a Government witness and the shaky case we had now would be bolstered. Hoffa, at last, would be convicted.

Immediately I put my case to Walter on his return. His response was instant. He OK'd the idea but ruled out any dealings with the Nashville police force. Parks might recognize them, and, in any case, they were not reliable people.

Walter asked me to line up some people capable of doing the job. He had no suggestions; he said he preferred to keep clear of people who were under indictment for crimes of violence. I was ordered to come up with some possible kidnapers. I did not like the assignment, but called a man down from Detroit.

My Detroit man came on down a couple of days later. He looked over the ground with me and then asked out. He said I was crazy to think of doing it. While we argued, Walker, unannounced, knocked at my motel door. I asked him in and passed off the situation as easily as I could.

My friend vetoed the deal for many reasons. He said it was impossible without local police cooperation which Walter had vetoed. Suppose police stumbled on the matter. Kidnaping is a death-sentence offense in Tennessee. I had not thought of this. With the present state of civil rights feeling, the kidnapers of a Negro might go to the chair. Would Sheridan intervene if we were caught in the act, or would he deny any knowledge of us?

I pressed my friend to still consider it. He left for Detroit and called later to say he had one more possible assistant kidnaper. By then, I had had time to sleep on the matter, or, rather, to lie awake on it.

I greatly desired to win my pardon but not at risk of my life. I felt that somehow I had to get out of this. I had to get back home before I lost all reason and did something stupid to please Walter. I felt almost shocked and surprised that this had been my idea in the first place. I had become pretty well brainwashed to come up with ideas like this. What would be my next bright idea? I shuddered to even guess at it.

As long as I stayed around Walter I could not but strive to please him; my future would be in jeopardy if I did not. The solution, as always in big problems, was a simple one. I had to leave Nashville and stay away. Others I could handle, but not Sheridan.

I am not very proud to write it, but I ran away. I ran back to Detroit, away from Sheridan, away from temptation to do more harm in this world than I had already done.

I left Nashville on ——— and have not been back since.

Back in Detroit, McKeon called me over to him. Parolee Fred Shobe went on over. I was determined to do as little as I could get away with but keep up appearances of cooperation until my last day of parole rolled around. That was the only way out I could see. I told McKeon I had come back because I had a better job; he was skeptical. McKeon continued to call me and ask how I was doing with Ellis.

I stalled him off. Parole day was November 25, 1963. I ached for the day to arrive. Before it did I had more trouble with Ellis. Ellis had hired a smart lawyer, a former assistant U.S. trial attorney, George Woods. Woods called me in to see him. I had to go or accept a subpena and tell my story to a courtroom of how I had pressured Ellis. In Woods' office I heard him call Sheridan in Washington and bawl him out for my actions toward Ellis. Woods complained IRS evidence had been illegally disclosed to get Ellis to finger White. Woods was indeed angry.

The upshot was that Ellis went to trial on October 24, 1963, pleaded guilty to 1 count of a 19-count indictment and that was it. He was remanded to the probation department for presentence investigation. The obstinate Ellis had played his cards well.

Shortly after November 25 my parole papers came through. My wife and I felt I would have a chance again; I could not be plucked back into jail for a minor infraction of my probation.

Shortly after New Year's Day of 1964 McKeon called me. I pleaded heart symptoms and our meeting was put off until January 15. He told me Ed Partin had failed on an assignment. He had planned a meeting with Bufalino at which Partin was to tape the whole conversation. But Bufalino advanced the date of the meeting and Partin did not have the tape equipment ready in time. The trap failed. Now, McKeon said, he wanted me to help trap Bufalino.

The plan McKeon outlined was simple. I should go to Bufalino and offer to sell him Government documents on the Chattanooga case. To make me sound genuine I should tell him what Walker would say on the witness stand in Chattanooga the next week. Then I should fix a spot and a date to sell Bufalino documents which I would claim I had stolen. When he kept the appointment all would be filmed and recorded. Bufalino would be indicted for obstruction of justice. Cassidy could gloat at last.

My reward for all this? Enough money to relocate in Japan or elsewhere in the United States. If I stayed in this country I also got a "power referral." This means a word from Justice to a big company to hire me. I had heard Walter Sheridan confirm them over the phone.

This seemed too good an offer after the 4 lean years I had known. I said I needed time to think it over. I was given 24 hours.

I agreed to do it. On January 17 I hoped to meet Bufalino and went out to his home. His wife said he was delayed in the South by bad flying weather. The following Wednesday, January 22, I received some money from McKeon in his office. His secretary, Shirley, paid me. I paid my rent and met some outstanding bills. Friday evening I got a call that Bufalino would be in Detroit that evening. Walter had Bufalino's Nashville phone bugged and had heard him talk to the Teamster pilots. Walter wanted me to talk to Bufalino and get him to ask to buy Government documents. Whether Bufalino asked to do so or not, we could always say that he did so. This was what Walter called "filling in the blanks." Once a person could be put into a situation where he might have said something, the assertion could be made—under oath—that he had done so, in fact. He then had the uphill road of proving he had never said so. Hoffa found out how difficult it was once Walter "filled in the blanks" with Ed Partin.

In order that I could "fill in the blanks" later, I had to have a witness see me meet Bufalino but not be near enough to hear what we said. The Walker testimony outline was to be the bait. It was authentic. Once Bufalino heard it confirmed in court he would meet me to get the rest of the documents. That was the plan.

I met Bufalino as arranged by my go-between at Teamster hall in Detroit on the evening of January 24. Bufalino had the police listen in to the whole interview with me. The press gave out the news. I never heard from Sheridan, McKeon, or Durkin again. The police recording prevented any "filling in of the gaps." Walter's plan had fallen to the ground.

I took stock of my broken life and decided a new start might be made in Canada. Before I could finish my plans in this direction, I was served a subpena to testify in the Chattanooga trial—for the defense.

I felt happier to see the defense subpena than I had been even to see my parole papers. I was free to tell the truth to an open courtroom, free to purge myself of all I had done, been forced to do. I welcomed the chance to testify. As you all know, Judge Wilson practically put a muzzle on me in the courtroom. I am still trying to tell the story to the American people of how the Justice Department works today.

I have made the above statement voluntarily and without any consideration of any kind whatsoever nor have I received anything of value.

I acknowledge that I recognize that the statements I herein make are made under penalty of perjury and that it is a penitentiary offense to swear falsely in said statement.

FREDERICK MICHAEL SHOBE.

Attest:

HARRIS L. ERICKSON,
Notary Public.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I commend the gentleman from Illinois [Mr. LIBONATI] for having brought to the attention of this House the implications of the Fred Cook piece in the current April 27 issue of the Nation.

I also commend him for his analysis in separating out the issues which confront the Congress in a constitutional sense and particularly the special committee to investigate the recent Chattanooga trial, which was appointed by Chairman EMANUEL CELLER of the House Judiciary Committee.

On March 2, I spoke out on this matter for the purpose of bringing it to the attention of the Congress, and I am pleased that as a result a special committee is already in progress to read the record, and I trust probing beyond the record to reconcile conflicting evidence essential to an objective finding of fact and public disclosure.

I would like to call attention today to an article which appeared in the March 4, 1964, issue of the Washington Evening Star entitled "An Odor of Police-State Methods," written by William S. White.

I ask permission to insert the article in the RECORD at this point.

The SPEAKER pro tempore (Mr. MURPHY of New York). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The article is as follows:

AN ODOR OF POLICE-STATE METHODS

(By William S. White)

An unpleasant odor of police-state methods—of instances of illegal wiretapping and of Federal snoopery over the mail of private persons—is arising from the vicinity of the U.S. Department of Justice.

The victims of these episodes have been, of course, either highly unpopular or even "bad" men, in the minds of many. This superficial circumstance, however, is wholly irrelevant to the deep root fact that this abuse of the Federal investigative power is fundamentally alien to a free society. It is mortally offensive to the constitutional guarantees of freedom and privacy which, above all, it is this same Justice Department's responsibility to shelter rather than attack.

Attorney General Robert F. Kennedy, the Department's head, owes a duty to his position and to the American tradition, not simply to put a stop at once to every form of this unfairness. It is his obligation as well to punish those officials involved in it—resolutely and pitilessly.

HAS HIGHER FUNCTION

For the Department of Justice has one function even higher than that of fighting crime and subversion. This is the lofty duty to protect and defend the Constitution and the Bill of Rights of the people—including the "bad" people—under it.

Though there is no evidence that the Justice Department has been running actually wild in this area, it is all the same a fact that recent examples of extralegal Federal action against so-called "baddies" are troubling many reasonable men, most notably in the U.S. Senate.

Roy Cohn, the New York lawyer under Federal indictment on perjury and conspiracy charges, complains that his mail is under Government surveillance—a clear and undeniable violation of his basic rights as a defendant in a criminal case brought against him by that same Government. Justice Department spokesmen first deny any Federal mail watch on their behalf. Subsequently, they are compelled to admit the truth of Cohn's complaint; they then blame it on an assistant Federal prosecutor.

A Federal judge, Archie O. Dawson, feels obliged publicly to denounce the incident as "shocking"—as indeed it is, in spite of the fact that Cohn in his day was an eager part of the pack of professional accusers of other men who gathered around the late Senator Joseph R. McCarthy of Wisconsin.

Edward Levinson, a Las Vegas, Nev., gambler—albeit, a perfectly legal gambler under the laws of that State—says before a Senate committee investigating the Bobby Baker case that Federal authorities "bugged" his telephones. This sort of thing has repeatedly been condemned by the courts of this country as a dirty business.

It is disclosed at the same time by United Press International that Nevada Members of Congress had gone to President Johnson—himself a lifelong antagonist of all forms of illicit Federal snooping—to protest reported Federal wiretapping in both Las Vegas and Reno, even before the Levinson affair. UPI reports that Senator HOWARD CANNON, of Nevada, had then been assured by a Justice Department official that there would be no Federal wiretapping in that State.

HANDED SUBPENA

And to add to all this unpleasant and disturbing business, Levinson, in the midst of his appearance before the committee in the Baker case, is handed a subpena in an income-tax investigation by a Federal agent who invades the very Senate without its knowledge or permission to work this blatantly intimidating unfairness to a Senate witness.

The point to be stressed in all this is that good intentions are no substitutes for correct Federal procedures. For unless the constitutional rights of all of us—including, and even particularly including the Cohns and Levinsons, whatever their real or alleged sins—are kept safe, the rights of none of us can be guaranteed in the end.

The understandable and proper desire of Federal agents and prosecutors to enforce the law must not be further confused with the fateful duty of these agents and prosecutors to uphold something else called the Constitution of the United States.

Mr. **CUNNINGHAM**. Mr. Speaker, briefly, the article lists what it calls "An unpleasant odor of police-state methods—of instances of illegal wiretapping and of Federal snoopery over the mail of private persons."

What makes such charges so serious is that the article goes on to say that the odor of such charges is "arising from the vicinity of the U.S. Department of Justice."

The author makes it clear that the charges of police-state methods surrounds prosecution of either "highly unpopular or even 'bad' men in the minds of many." Yet, the writer, Mr. White, concludes:

> The understandable and proper desire of Federal agents and prosecutors to enforce the law must not be further confused with the fateful duty of these agents and prosecutors to uphold something else called the Constitution of the United States.

In that conclusion I concur. Yet, these are but charges. I think they should be aired in public hearings.

I am not chiefly concerned with the personalities, whether they be "unpopular" men or "bad" men. The reputations of men are personal assets to be high or low in value according to the actions of those to whom they belong.

But I am concerned, deeply concerned, that the reputation of such an important agency of a law abiding society should be so tarnished with such charges.

Let us proceed to neither vindicate nor chastize those involved. But let us proceed to vindicate a system of justice and law in this country. This system has a reputation throughout the world for being impartial and morally right.

If there is doubt that such is true, and there is among some members of the fourth estate in our country who are qualified to judge from years of experience, then we in this Congress are obligated to search for the truth of the matter. I urge that the search begin.

I also note that at the recent building and construction trades legislative conference in the city of Washington, D.C., which convened on March 23, 1964, over 350 delegates assembled to discuss the issues raised by the Hoffa trial. I note that other members of organized labor recognize that what could happen to the Teamsters today could happen to anyone of them tomorrow; that an attack on anyone's constitutional rights is an attack on the constitutional rights of all; and that an attack on the independence and integrity of the leadership of any labor union is an attack on the entire free labor movement.

At this point, Mr. President, I would like to request that the text of the resolution which was adopted by over 350 individual delegates in their individual capacity at the recent building and construction trades legislative conference be printed in the RECORD.

The **SPEAKER** pro tempore. Without objection it is so ordered.

There was no objection.

The matter referred to follows:

RESOLUTION IN SUPPORT OF A CONGRESSIONAL INVESTIGATION OF THE DEPARTMENT OF JUSTICE IN THE HOFFA CASE

Whereas the Justice Department has spent 7 years in an unrelenting drive "to get Hoffa—one way or another" and,

Recent events in the trial of James R. Hoffa in the Federal court of Chattanooga, Tenn., raise serious questions concerning the administration of justice in the United States; and

The actions of the Government during the course of the Chattanooga trial included the surveillance of the defendants, their lawyers and witnesses; the employment of labor spies for the purpose of subverting and disrupting local unions of the International Brotherhood of Teamsters; and the interference with the defendant's rights to effective counsel through the planting of spies and informers who reported back the daily plans of the defense, which actions have led Members of Congress to call for a congressional investigation; and

There is additional evidence indicating that the Government attempted to influence the jury by providing liquor, gifts, and other special favors during the course of the trial, making this trial one of the blackest pages in American justice, and

This attack on James R. Hoffa is an attack on all members of organized labor and on their basic rights, and

The charges and protests made by Members of Congress indicate a grave threat not only to the personal security of each officer of every local union in America, but also to the continuance of the free labor movement itself;

Therefore, the undersigned delegates convened at the Ninth National Legislative Conference and Construction Trades Department at Washington, D.C., on March 23, 1964, resolves that all officers and members of the local unions affiliated with the respective State, county, and city bodies of the Building and Construction Trades Council be urged;

1. To immediately communicate with Lyndon B. Johnson, President of the United States, and the Members of Congress protesting the persecution of Teamsters President James R. Hoffa and demanding a congressional investigation at the earliest possible time.

Mr. **CUNNINGHAM**. Mr. Speaker, I am disturbed that the special committee appointed by Chairman CELLER has not yet moved to the point where the scope of the investigation has been clearly defined, the list of witnesses prepared, staff investigators assigned, and the full subpena powers of the committee exercised.

I wish to, at this point, request the text of an editorial from the Las Vegas Review-Journal, April 13, 1964, entitled "Let's Not Tamper With the Jury Tamperer" be printed in the RECORD.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

LET'S NOT TAMPER WITH THE JURY TAMPERER

The U.S. Government has taken Teamster boss James Riddle Hoffa to the whipping post again—this time with such boldness as to give Hoffa's accusations of vendetta some semblance of merit.

A Federal judge in Chattanooga Saturday made public testimony in a secret session in his court. Essence of the testimony was that Department of Justice agents have been investigating Hoffa since the revelation by a Government informer that the Teamster chief is asserted to have threatened the assassination of U.S. Attorney General Robert F. Kennedy. The disclosure was made at midday Saturday—in time to find its way into print on most of the Sunday front pages across the Nation.

Hoffa, of course, let out a howl: "This is just more inflammatory matter. Releasing this most prejudicial and unfair statement by the Attorney General and the court just adds more fuel to the fire. I can't understand why a court would do such a thing."

We can't either. There is no angelic halo hovering over Jimmy Hoffa. He's a bare-knuckled brawler whose activities have done much to tarnish the cause of the American labor movement. But the action Saturday had all the earmarks of a willful disregard for trust of power placed in the hands of Government.

In the first place, look at the source of the statement, Edward Grady Partin, the Baton Rouge, La., Teamster underling. He's a disgruntled former Hoffa henchman who has found an easier way of life as an undercover man for the Department of Justice. Any statement by a man of such circumstances would have to be given the utmost scrutiny, as of course would any disclosure of this nature.

Furthermore we fail to understand the reason for releasing the secret testimony without a corresponding report on the Government's finding in the investigation.

One fact is clear, however. James Hoffa and friends have new court dates in the near future. We would like to believe that the disclosure Saturday had nothing to do with these forthcoming appointments before the courts. In the absence of any clear-cut reasons for the surprise release of the testimony this is difficult.

James Hoffa may now stand as a convicted jury tamperer, but like all Americans he has a right to a day in court unclouded by tampering of other sorts.

Mr. **CUNNINGHAM**. I quote the following excerpts from the editorial:

> A Federal judge in Chattanooga Saturday made public, testimony in a secret session in his court. Essence of the testimony was that Department of Justice agents have been investigating Mr. Hoffa since the revelation by a Government informer that the Teamster chief is asserted to have threatened the assassination of U.S. Attorney General Robert F. Kennedy. The disclosure was made at midday Saturday—in time to find its way into print on most of the Sunday front pages across the Nation.

This editorial refers to Judge Wilson's release of his memorandum of opinion denying the defendant's motion to a new trial. The memorandum contained a disclosure of secret testimony which the judge ruled during the course of the trial as irrelevant, and, therefore, denied the defendant the right to cross examine.

And now Mr. Hoffa finds himself stigmatized by the secret utterances of an informer on a matter so inflammatory;

namely, an assassination plot of the Attorney General without an opportunity to defend himself.

It is difficult to understand why a Federal judge would rule a matter irrelevant in the course of a trial and then after the trial was over, incorporate such material in a memorandum of opinion which was released to the press. I quite agree with the Las Vegas Review-Journal when it states:

> Furthermore we fail to understand the reason for releasing the secret testimony without a corresponding report on the Government's findings in the investigation.

I would like to know the Government's findings of the investigation of the assassination plot. The American people have a right to know. The jury in Chicago which is now being selected have a right to know because this inflammatory material will undoubtedly influence their decision in the Chicago case.

Mr. Speaker, I trust that the Celler committee will take up this aspect of the investigation as one of its first orders of business as a public disclosure at this time is essential in order to undo whatever damage has been done by this highly unprecedented and one-sided procedure.

Before concluding, I would like to call to the attention of my colleagues the unhappy fact that a number of witnesses who are available to testify on pertinent facts regarding the Hoffa trial have been subjected to various pressures, including threats of physical violence, economic reprisal, and other forms of intimidation. Therefore, I would urge the Celler committee immediately to subpena those witnesses who are ready to testify for the purpose of preserving the evidence and insuring that these witnesses will be available at the time that hearings are scheduled.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from California.

Mr. HANNA. I thank the gentleman for yielding.

I too, Mr. Speaker, would like to associate myself with the remarks that have been made on this matter. I am particularly mindful, however, of the importance of the limitations mentioned by the gentleman from California [Mr. Roosevelt]. I believe that in any activity as the legislative branch of the Government there must be remembrance of the division of the powers of Government. We should not encroach upon those fields which are within the scope of the judiciary. Of course, certain aspects of this trial are so involved. However, there is open—as the gentleman from Illinois [Mr. Libonati] has expressed—another field that is involved in this matter and I believe that there is a constructive and affirmative contribution that the Congress can make.

The gentleman who just preceded me made the point that this country depends to a great extent upon the confidence that is lodged in the Department of Justice. I would not like to see a shadow or pall cast in this case which would impede in any way actions of the Department of Justice on behalf of the United States and its people in other cases. I am sure it is the duty of Congress to see that this cloud does not hang over the activities of this important branch of the Government.

Further than that, Mr. Speaker, the gentleman from Illinois made a point which I believe must be one in the forefront of any investigation and that is that the technicalities of electronics have already spawned several generations of new devices which can be very important in their impact on the continuing contentions between society's right to be protected against crime and the individual member of society's rights to have his own constitutional guarantees of due process and a fair and impartial trial as well as his right to privacy protected. In that contention we are involved here in the dynamics of constitutional law which Congress has long left to drift. An area which is crying for our inspection and for our evaluation.

Mr. Speaker, I therefore join those who have voiced their support and encouragement to the Committee on the Judiciary in going forward with this very important investigation.

Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Speaker, I wish to state to the gentleman from Illinois and to others who may be interested that I share the gentleman's deep concern for protecting the constitutional rights of defendants. I know of the gentleman's reputation for having done so as a practicing attorney, as a Member of Congress, and as a leading public figure in his State of Illinois.

However, Mr. Speaker, I am disturbed that this special order has been taken to discuss this matter today. The special order, as I understand it, is in support of an investigation that has already been agreed to and is now proceeding and going forward.

Mr. Speaker, I became interested in this subject some time ago and I wrote to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler], inquiring about it. The gentleman from New York replied, indicating to me that his committee had taken cognizance of these charges and that it was conducting an investigation in an appropriate manner.

Therefore, Mr. Speaker, I am wondering if the gentleman from Illinois can tell us the purpose of the special order today inasmuch as the Committee on the Judiciary is already proceeding with its investigation.

Mr. LIBONATI. I am a little surprised at the gentleman from Michigan in making that statement. Are we in any way limited to a subcommittee or any special committees in the investigation of matters of this sort? Do not the Members on the floor of the House who are confronted with this public question have a right to discuss factual data that are written up in the press and which are written up in magazines and have other Members comment thereon? Do we have to wait until the committee acts? Do we have to wait to get an approval from someone?

The gentleman does not feel that this special order was taken for any other purpose than informing the membership?

Do you, sir? You have been asking me questions. Let me ask you some.

Mr. O'HARA of Michigan. Will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman.

Mr. O'HARA of Michigan. May I say that I am not making any such inference. Some of those who spoke indicated a desire to see the Committee on the Judiciary conduct an investigation. I have received the impression from their remarks that perhaps their interest in this matter was directed at getting such an investigation. I pointed out that such investigation was underway. Under those circumstances, I do not see why we should urge the Committee on the Judiciary to do something that it is already doing.

Mr. LIBONATI. The gentleman is of the opinion that we are foreclosed from discussing any public question on the floor of the House; that that would be a matter for the membership of the House. By the way, in my district alone there are 15,000 members of families whose kin are members of the truckers' union locals. They are inquiring as to what has happened here and I, acting as their representative in Congress, show I am interested too. You would not blame me, being in politics yourself, for trying to place myself in a position where I realize under these circumstances something should be done, and according to articles such as the one written by Mr. Cook. Has the gentleman read Mr. Cook's article?

Mr. O'HARA of Michigan. I have not.

Mr. LIBONATI. He made an entire analysis, going through the entire trial record. What we say here cannot influence the appellate court at all. They are interested in the record alone. They are experienced in the law, and they know they cannot go outside the record. You certainly would not criticize me for discussing the question on the floor, and showing, as other Congressmen have at this order, that I have also an interest. Maybe it may not be more than a political interest, but it is important to me that the facts be brought out in the open.

Mr. O'HARA of Michigan. Mr. Speaker, I would not at all challenge the gentleman's freedom to discuss anything he wants on the floor of the House, and I encourage him to exercise that freedom of discussion. I was concerned, Mr. Speaker, because most of the matters mentioned by the gentleman from Illinois were brought up before the trial court and were passed upon by the trial judge and ruled on in connection with a motion for new trial or mistrial. These are now pending on appeal before the Sixth Circuit Court of Appeals. I recognize, as the gentleman has pointed out, that the court should not be influenced by anything outside of the record. But I heard the gentleman from

Nebraska, if I understood him correctly, make the assertion that persons who could give testimony about improper activity by the Justice Department have been prevented from doing so by intimidation and threats of force and reprisal. It will not add to the objective nature of our judicial processes when such charges are made on the floor of the House, when the matters involved are pending on appeal. I would suggest the committee is the place to conduct the proper sort of investigation, and we would be better off if we let the committee do this without our interfering.

Mr. LIBONATI. It is part of the factfinding purposes of the committee. If it is not brought to the floor in an investigation, how does the gentleman expect them to find it out? If what he says is true, that we are not intimidating, why do you quarrel with it? Because you do not want the committee to know about it? I disagree with the gentleman. I think he knows that on the affidavits of witnesses for the defense who were not at the trial to testify that they were intimidated by the Department of Justice. I think the gentleman is entitled to know it, and every man in the legislative branch is entitled to know that. There are no so-called separate departments in Government that can deter or question the activities of the legislative branch of Government. Is there something going to be decided against our free discussion of the matter on the floor and do you not want the Members of Congress to discuss the allegations that certain witnesses were intimidated by the Department of Justice?

Mr. O'HARA of Michigan. My complaint is that this matter is being handled in such a way, in spite of what the gentleman from Illinois says, as to quite possibly affect the appeal currently pending before the Circuit Court of Appeals of the Sixth District and, even more importantly, it might get us into a situation in which there is a mistrial in connection with the trial begun a week ago in the gentleman's own city of Chicago, a trial of Mr. Hoffa on charges arising from his alleged actions as trustee of the Teamsters' welfare fund.

Mr. LIBONATI. Now that the gentleman has brought that up, I understand that the same parties, the marshals, are carrying on in Chicago that served in Chattanooga, and that the local marshals have been removed from handling the jury. Does the gentleman think that is a consideration of fairness on the part of the Department of Justice?

Mr. O'HARA of Michigan. If I were in the Department of Justice and were dealing with the prosecution of a man who had just been convicted of tampering with a jury and about whom I had evidence that an attempt had been made to tamper with the jury that convicted him of tampering with the jury, I should think I would be derelict in my duty if I did not take some extraordinary steps to protect the integrity of any jury before which he might be tried. In other words, we want fairness in all cases, but we ought to expect the Department of Justice to take additional safeguards in connection with a jury in a trial involving a man already convicted of jury tampering.

Mr. LIBONATI. The gentleman has served on that side of the table and I can understand his feeling. I served on the defense side. But when you take out your local marshals and put in your own marshals, I question very much your fairness. It depends very much on what the marshals do, if they do the same thing as alleged in Chattanooga, that they originally influenced the jury.

Mr. O'HARA of Michigan. One further item. I noted in the gentleman's statement an inference that the jury that convicted Hoffa was perhaps influenced by the marshals.

Mr. LIBONATI. That was not my statement. I am going on the statement by Mr. Cook. I do not know everything about that.

Mr. O'HARA of Michigan. I beg the gentleman's pardon. He is correct. It is Mr. Cook's statement. I wanted to point out that two other individuals were also charged in connection with the same series of charges. One Buster Bell and one other person named Medlin, I believe, were also charged with jury tampering in the same trial and were convicted of that offense by different juries in different trials in different judicial districts. So I would think that would cast some doubt on the explanation that Hoffa's conviction was obtained through improper influencing of the jury. Here are two other defendants, two other juries, a different judge, and two districts, and convictions in all cases.

Mr. LIBONATI. The gentleman from Michigan talks from two sides of his mouth. He says if we bring this up we are discussing things that may affect the judicial system on appeal. Now he says two of those fellows were convicted, therefore, this fellow must be guilty. I am glad the gentleman is not in a position as if he were a member of the Department of Justice on the prosecutory side, because if he ever based the aforesaid reasoning on alleged crimes and charges, and thereby found a man guilty that claims he was framed—and you understand, I am not identifying any persons here, either Hoffa or in the Department of Justice—then I am sure based on the gentleman's whole argument, we have wasted 15 minutes on a talk that got no one any place, if I may say so.

Mr. O'HARA of Michigan. If the gentleman will yield, finally. I would not have brought this subject up, because I think it would have been better in terms of our separation of powers and the integrity of our judicial system if it were not a subject of discussion on the floor of the House at the present time; but since it was made a matter of discussion I thought it was proper for one to discuss the same point the gentleman was discussing.

Mr. HAWKINS. Mr. Speaker, because of my long concern with the protection of each and every citizen's constitutional liberties and civil rights, I have taken time to read Mr. Fred Cook's article on the Hoffa trial in Chattanooga. I must say his review of the record is deeply disturbing. Some very alarming things apparently developed in the course of this tension-packed proceeding, things which command the attention of all who are concerned with the administration of justice.

As Mr. Cook points out: "fundamental questions about the processes of justice were raised" during the course of the trial—questions involving wiretapping, surveillance and countersurveillance of all concerned, and the use of paid informers. If these questions have the substance which Mr. Cook portrays from his study of the record, then it would seem that a searching inquiry by an appropriate committee of this body is amply justified. Let us get at the truth of what transpired, not in the interests of Mr. Hoffa or any other individual, but because it is our high duty to treasure and guard the proper administration of justice.

Mr. ABELE. Mr. Speaker, I want to concur in the remarks of Congressman CLARENCE BROWN of Ohio, and make the following statement:

I have become concerned of late about the increasing frequency with which aspersions and reflections are cast upon the Justice Department and charges that it is trampling on individual and constitutional liberties as it goes about the business of prosecuting law violators or those charged with law violations.

This subject was discussed with some competence recently by Charles Bartlett, in an article in the March 5, 1964, issue of the Washington Evening Star. Wrote Bartlett:

> Some fresh issues in the conflict between the individual's right to privacy and the Government's responsibility to investigate have been raised by three men under scrutiny—James Hoffa, Roy Cohn and Edward Levinson.

Bartlett contends in this article that Mr. Hoffa, president of the Teamsters Union, presented the best evidence that privacy "is a fragile condition in contemporary life."

The author then relates charges by Hoffa—who hired his own electronics expert—that the Government was using refinements in electronics to snoop on his every move as he defended himself in a recent trial in Chattanooga, Tenn.

Of course, it is an age-old controversy, these charges of law enforcement agencies overstepping bounds of constitutional liberties in the administration of the law. There have been as many instances where charges of such excesses were false as instances where they were true.

But what we are witnessing today, apparently, is a new area of invasion of privacy of individuals, or at least the possibility of such invasion, because of refinements and technological advancement in the field of electronics. It appears from some of the reports that the wire tap on a telephone belongs to the horse and buggy days.

Nevertheless, it would seem to me that the charges involving the men mentioned in Mr. Bartlett's article would give the proper committee of Congress an opportunity to investigate the problem of electronic snooping, a problem which one day inevitably will be before us to consider.

The problem is well defined by Mr. Bartlett in the last paragraph of his article. He wrote:

> For the judges, legislators, and private citizens will have to grope their way into an era that offers no easy balance between constitutional rights and police privileges. Many already share with Hoffa, Cohn and Levinson an uncomfortable sense of dimishing privacy—the public's uneasiness is bound to grow with its awareness of the new (electronic) devices.

If an investigation into this area of public uneasiness can lend a sense of balance in the area of electronic snooping, then I think we should act immediately to investigate and determine where that area of balance is.

I also want to point out to the Members of the House the following article which appeared in the newspaper, Human Events, called the Allen-Scott Report.

[From Human Events, May 2, 1964]

CONGRESSMEN, OFFICIALS, NEWSMEN FEAR WIRETAPPING: ALLEN-SCOTT REPORT

Wiretapping and phone monitoring have become so prevalent in the national capital that many officials, Members of Congress, and newsmen are sedulously avoiding discussing confidential matters over the phone.

Instead, they are taking the time and trouble to resort to private conferences.

Graphic instances of the reason for this spreading distrust of telephones in Washington, about which little is being said publicly but which is a common subject of conversation, are the following:

A prominent southern Congressman has personally complained to President Johnson about a suspected tap of his home phone. The indignant legislator related that on one occasion his wife picked up the phone and actually heard a discussion of the tap by two apparent wiremen.

A well-known woman correspondent phoned her newspaper with an exclusive tip on an impending judicial appointment. A half hour later she was called by the White House and sharply informed her information was inaccurate—a claim that was false, as the appointment was made several days later. When the newswoman irately phoned her paper about this extraordinary White House kickback, she was emphatically assured her scoop had not been conveyed to anyone.

The press gallery phone booth used by the woman reporter has become highly suspect to other correspondents as a result of this and a series of similar incidents. Pressmen are now referring to this booth as the "tap line."

Staff directors of two Senate committees have installed private phone lines that do not go through the Capitol switchboard. These lines are checked frequently to insure they are not tapped.

A top Democratic congressional leader privately is making no bones that he no longer discusses security matters over the phone because of several experiences that convinced him his phone was tapped.

This shocking backstage situation has become so serious that it is under investigation by three congressional committees.

They are the Senate Internal Security Committee, headed by Senator JAMES EASTLAND, Democrat, of Mississippi, the Senate Commerce Committee, headed by Senator WARREN MAGNUSON, Democrat, of Washington, and the House Government Operations Subcommittee, headed by Representative JOHN MOSS, Democrat, of California.

Moss, limiting his probe to phone monitoring, already has established the startling fact that some 40 Government agencies are secretly resorting to this practice by using conversation-recording devices.

Senator HOWARD CANNON, Democrat of Nevada, member of the Commerce Committee, has firsthand knowledge of wiretapping as a result of a flood of complaints from Las Vegas hotels. They charge numerous instances of Justice Department tapping of their phones, in one case "bugging" the entire switchboard of a hotel by agents operating from a nearby building.

CANNON has a considerable file of correspondence with the Justice Department on these charges and his demand for a full explanation.

Senator EASTLAND's Internal Security Committee is probing the wiretapping activities of a private detective agency which reputedly is doing this kind of work for the State Department, Justice Department and the Central Intelligence Agency.

Launched 6 years ago by a former intelligence officer who served in the OSS during World War II, the agency has a number of branches in the United States and abroad. One of its officials sold out his interest after becoming involved in a sensational proxy fight.

During that covert operation, evidence was uncovered about the then-clandestine business activities of Bobby Baker, former secretary of the Senate Democrats. This significant information was quietly channeled to the Justice Department and another Government agency several years before Baker's affairs became the target of a headlined Senate investigation that is still smoldering.

The Senate probers have been told that this detective agency was employed to tap the home phone of Otto Otepka, State Department security official suspended last year for furnishing information to the Internal Security Committee "without authorization."

Otepka, still on the State Department's payroll, but kept from doing any work, is awaiting formal proceedings on the charges against him. The Department has repeatedly shied away from pressing its complaint.

From a high telephone company official, the Senate investigators have received a lengthy memorandum that sheds detailed light on wiretapping by Government agencies. Following are publishable highlights of this revealing document: "a private detective agency which has offices in seven cities in the United States, has contacts with Government agencies, including one with the Department of Justice, "came to Nashville about 3 months ago, allegedly to open a branch office of his firm in Tennessee. In this connection * * * approached * * * on acquiring his cooperation to allow the tapping of telephones. * * * said he does not subscribe to this practice and he declared that should he ever catch * * * at it, he would report him to the FBI for violation of section 605 of the Federal Communications Act.

"Another source, also a former FBI agent, who is acquainted with * * * advised that * * * does work for the Department of Justice which the FBI does not wish to handle. This source declared that * * * is 'Bobby Kennedy's boy' working out of Washington, D.C.

"The same source said that * * * had stated he is in Memphis working under the industrial security program on a Government contract, and has done considerable work in the past for the Central Intelligence Agency and the State Department."

[From the Washington (D.C.) Evening Star, Mar. 5, 1964]

THE ELECTRONIC EAR VERSUS PRIVACY: CHARGES BY HOFFA, COHN, AND LEVINSON RAISE FRESH ISSUES IN THE CONFLICT

Some fresh issues in the conflict between the individual's right to privacy and the Government's responsibility to investigate have been raised by three men under scrutiny—James Hoffa, Roy Cohn, and Edward Levinson.

Hoffa, convicted of jury tampering, has charged that Government agents imposed excessive surveillance upon him and his attorneys. Cohn, indicted for perjury, said his mail had been intercepted. Levinson, a figure in the Bobby Baker hearings, claimed that his telephone had been tapped.

Hoffa produced the best evidence that privacy is a fragile condition in contemporary life by bringing his own electronics expert to the scene of his trial. The expert, assigned to monitor the agents who might be monitoring Hoffa, carried a startling array of equipment: Radio transmitters only slightly larger than a match box; nickel-sized microphones; and parabolic mikes capable of overhearing conversations a block away.

The efficiency of this man's equipment testified that most laymen have been slow to realize the threats to privacy that are posed by modern science. The issue of telephone tapping never seemed significant to most citizens—a majority dismissed it as a matter between the police and the criminals.

But the transistor has facilitated ruthless forms of eavesdropping that already reach well beyond the range of law enforcement. Unscrupulous private detectives, who operate these devices with little training, engage in commercial espionage for competing firms. The privacy of the home is no refuge from these long-eared gadgets.

They pose a far broader menace to privacy than the wiretap, and the danger is that they will be left in the same gray area of legal uncertainty. Wiretapping was made illegal in 1934, but Federal and local police have risked criticism by continuing to practice it. Their vulnerability has left them reluctant to enforce the law against private violations, which are known to be common.

The Justice Department has tried since 1961 to establish a distinction between legal and illegal wiretaps by proposing a law that would enable police officials to seek court orders to monitor specific telephones. The proposal has been lost in the emotional differences that divide the civil libertarians and the specialists in law enforcement.

The issue of electronic eavesdropping has been met by special laws in eight States. Illinois enacted the sternest prohibition in 1961 in a criminal law forbidding anyone to use an eavesdropping device to hear or record an oral conversation without consent.

The same issue was raised on the national level last year in a Supreme Court dissent by Associate Justice William Brennan. Joined by Justices Douglas and Goldberg, Brennan opposed the majority's decision to uphold a conviction obtained with the aid of a small wire recorder. Brennan declared that electronic surveillance "makes the police omniscient and police omniscience is one of the most effective tools of tyranny.

"The risk of being overheard by an eavesdropper or betrayed by an informer or deceived as to the identity of one with whom one deals is probably inherent in the conditions of human society," Brennan said. "It is the kind of risk we necessarily assume whenever we speak. But as soon as electronic surveillance comes into play, the risk changes crucially."

The Court has met the problem only to the extent of asserting that an electronic device must not be planted by trespassing upon a constitutionally protected area. The Federal Communications Commission is now imposing a rule against the use of any device to overhear or record private conversations. But the FCC ruling exempts all police officers.

The New York City Bar Association has launched a study of all the new penetrations of privacy from tiny transmitters to truth drugs. This report, to be completed within the year, may well become the backdrop for a wide-ranging debate.

> For the judges, legislators, and private citizens will have to grope their way into an era that offers no easy balance between constitutional rights and police privileges. Many already share with Hoffa, Cohn, and Levinson an uncomfortable sense of diminishing privacy—the public's uneasiness is bound to grow with its awareness of the new devices.

Mr. MATSUNAGA. Mr. Speaker, I wish to commend the gentleman from Illinois [Mr. Libonati] for bringing to the attention of this body a matter as important as that which has been here discussed. At the outset I wish to express my deep regret over the announced retirement from the Congress of the gentleman in the well. He has been of great counsel and assistance to me as a freshman Member, and I will miss him more than I can adequately express myself. I will forever be grateful for the warm friendship he has extended to me.

The statements made here today cast a serious cloud on our Department of Justice and by all means this body ought to endorse the effort of the House Judiciary Committee to determine what the facts really are and propose appropriate legislation, if that be necessary.

The real issue under discussion is not the guilt or innocence of James R. Hoffa; it is whether or not an agency of Government has taken illegal means to convict a man. Regardless of the notoriety of the accused or of the case, we ought never condone illegality in our effort to mete out justice. Ours is the sacred obligation to guard jealously the fundamental freedoms for ourselves and our posterity.

Mr. FEIGHAN. Mr. Speaker, I urge full public hearings by the special subcommittee with full subpena powers granted to the subcommittee.

I do so in the interest of justice and fair play to all concerned in this controversial issue. I am informed witnesses who are prepared to testify with respect to certain matters in the Hoffa trial have been threatened and that economic reprisals have already been taken against some key witnesses. Whether or not this information is accurate should be subject to proof through the regular procedures governing the work of the Judiciary Committee or any subcommittee thereof.

Since basic constitutional issues have been raised there is an evident need to clear the air and establish the truth on these serious charges. Time is an important consideration in this matter because the evidence these key witnesses are prepared to present must be preserved now and evaluated in the context of all evidence adduced by the subcommittee.

Anything short of immediate public hearings with full subpena powers granted to and used by the special subcommittee would be inconsistent with the traditional role of Congress.

Mr. WYMAN. Mr. Speaker, many people are beginning to question whether the Hoffa trial in Tennessee was a prosecution or a persecution. A number of disquieting disclosures are coming to light in the form of affidavits, trial exhibits, statements of witnesses and of counsel, the cumulative effect of which is to impel the conclusion that a congressional investigation of the Department of Justice's handling of the Hoffa case would be in the public interest.

Mr. Speaker, we should look into this situation. Surely there can be no valid objection from those who from some sources are charged with having used the powerful law enforcement offices of this Nation in an effort to get a man rather than to prosecute for the commission of a crime. If this has not been the case, an investigation would quickly refute such complaints. Some of the allegations are so serious that the integrity of the Justice Department in the domain of American public opinion appears to be very much at stake. After observing the way television cameras were installed in the Attorney General's Office and in other places preparatory to making political propaganda out of dealing with the very serious and important problem of civil rights confrontations with State authorities, the question arises whether the same motivations may have been applied to the production of evidence against Mr. Hoffa.

This becomes even more disturbing when the President of the United States publicly endorses Walter Reuther, another labor leader whose archenmity for Hoffa is as notorious as is his political alinement with Attorney General Robert Kennedy.

There are so many allegations here that it seems as though where there is so much smoke perhaps there is a fire. I believe we should take a long, hard, careful look into all the corners and all the files of the Department of Justice in this case.

Mr. ELLSWORTH. Mr. Speaker, the gentleman from Illinois [Mr. Libonati] is to be complimented for bringing to the attention of the House the fact that the great Committee on the Judiciary is going to have hearings on the issues that have arisen in connection with the administration of justice under the present administration. These hearings should be open and above board, and no effort should be made to cover up or whitewash anything. Of course, if Mr. Hoffa is guilty of some crime, he should be convicted and punished; if he is not guilty, he should be acquitted, not convicted.

In any case he should have a fair trial, just as every citizen of the United States of America should have a fair trial, when accused of any crime.

It is my hope that politics is not being mixed in with the administration of justice here in America; but if it is, then the gentleman's committee will, I am sure, discover and expose it. The Congress should be zealous to protect the American people, and every one of its citizens, against unfair and unlawful treatment at the hands of their very own Government.

Mr. NELSEN. Mr. Speaker, I agree with the comment of the gentleman from Ohio, Congressman Clarence Brown, in his statement to the House that every person is entitled to a fair trial and the protection of his constitutional rights. It is for that reason that I am interested in noting that a special committee of the House Judiciary Committee has been appointed to make a thorough study of a serious and fundamental question: Are individual and constitutional rights being violated by the manner in which the Justice Department is going about the business of prosecuting those charged with law violations?

Whoever the defendants may be—whether it be Jimmy Hoffa in Chattanooga or Roy Cohn in New York, or any lesser person charged with law violation—he is entitled to fair trial under our American system. Without in any way judging the facts of the cases in which these controversies have arisen, I am sure we can agree that the special committee should be thorough in its investigation to determine the merits of the charges that the Justice Department is trampling on those rights.

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and I further ask that all Members may have 5 legislative days in which to extend their remarks at this point in the Record on the subject I have been discussing, and include extraneous matter.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

WITHOUT GOD—NOTHING

The **SPEAKER.** Under previous order of the House, the gentleman from Kentucky [Mr. Snyder] is recognized for 15 minutes.

Mr. SNYDER. Mr. Speaker, I have taken this time to speak in support of House Joint Resolution 861, introduced by me and similar resolutions introduced by other Members of Congress. Along with over 150 of my colleagues in the Congress, I have introduced this proposed constitutional amendment to preserve and to protect references to reliance upon God in our public schools and in other public places. This constitutional amendment is made necessary by reason of recent unfortunate Supreme Court decisions.

There appears on a building in my congressional district the following words, "Without God—Nothing." In my opinion, the issues which confront Congress in connection with this important matter find complete expression in those words.

While I have no illusion that, of itself, prayer and Scripture reading in schools make good citizens and build a godly nation, I do feel that this disowning God is a backward step, undermining our religious faith and weakening the moral foundations of our country.

Unless we approve a constitutional amendment along the lines I have proposed, I believe our country will move in the direction of atheistic communism. While attempting in theory to follow its interpretation of the 1st and 14th amendments to the Constitution, in reality the Supreme Court has struck down a sacred privilege of our people, which will have a profound effect upon future generations.

Recently, a typical seventh-grade class in my congressional district undertook to express its views on the elimination of prayer and Bible reading as part of the opening exercises in the public schools. After reading these letters which I have received, I am convinced that greater wisdom is contained in their expressions than in the majority decisions of the Supreme Court or in the weak protestations of the opponents of this constitutional amendment.

Here are a few excerpts from opinions expressed by these seventh-grade students concerning this important matter:

> Student A: "I think it is a crying shame that young schoolchildren can't even say a prayer. Why it's just like doing what Communist children do. They either do what the government says or they are punished."
>
> Student B: "This country was founded on the desire to worship freely. This is not the case now. Schoolchildren all over the country are being deprived of this great freedom, because someone of a different religion who had a child in school thought the little punk would be pushed the wrong way."
>
> Student C: "The Bible has more knowledge in it than any book. The Bible makes you understand better living."
>
> Student D: "Look at all the teenagers and kids who don't go to church. They are juvenile delinquents, but if we had Bible reading in school, they would learn about God and not learn how to cheat and steal. The parents are partly the reason the kids don't learn about God."
>
> Student E: "The Bible is something that makes me respect grownups. It helps with education. Reading the Bible in school helps to keep mouths clean of dirty words. It teaches you to love one another. It helps you to act mature and understand facts."
>
> Student F: "If we trusted God the Government wouldn't want to take 'In God We Trust' off the money."

From the days of our Founding Fathers reference to Almighty God has played an important part in our Nation's history. Both the Declaration of Independence and the Constitution of the United States contain references to God. Over the years prayer and Bible reading in our public schools have been as basic a part of our public school opening exercises as the pledge of allegiance to the flag.

The opponents of the proposed amendment to the Constitution to permit prayer and Bible reading in our public schools have charged that those who believe in such an amendment are political demagogs. In my opinion, Members of Congress who have offered resolutions similar to mine are merely expressing the will of the overwhelming majority of the American people.

Several months ago, I conducted a poll among my constituents in Jefferson County, Ky., to determine their views on a number of issues. Approximately 130,000 questionnaires were delivered and I received 17,000 replies—90.7 percent of those who replied stated they favored a constitutional amendment to return prayer and Bible reading to the public schools, while only 9.3 percent of the replies indicated any opposition to such an amendment. I think this demonstrates eloquently the overwhelming desire of the citizens of my congressional district to have this constitutional amendment approved.

Throughout our history, the conscience of the people has been demonstrated to be stronger than any other moral force in America. The people have faith in their sacred institutions. I would reply to the sophistication and callousness of the opponents to the constitutional amendment by stating that our people do not need protection from the truth.

During these hearings and in the public press, opponents of this type of constitutional amendment appear to be concerned that such an amendment would violate the principle of separation of church and state. While I am a firm believer in the separation of church and state, I do not believe that this has anything to do with the separation of the state from God and, as a matter of fact, I subscribe to the idea that it is a basic American principle to believe in God. Therefore, in an effort to correct this situation I introduce this legislation to permit voluntary, nonsectarian prayer and Bible reading in our schools.

In my judgment, there is no valid argument against such a constitutional amendment. My resolution, as well as other similar resolutions pending before the Committee on the Judiciary, will not require any student in our public schools to participate in prayer or Bible reading. The proposed amendment specifically refers to the fact that a student may decline to participate. In other words, public participation in prayer or Bible reading shall be on a voluntary basis.

The first amendment to the Constitution provides that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I yield to no one in my desire to protect and defend the true intent of the first amendment to the Constitution.

The reason the proposed constitutional amendment is opposed on the ground that it would violate the first amendment escapes me. The proposed constitutional amendment does not make compulsory the establishment of any religion or denomination and for that reason it cannot possibly be in conflict with the 1st and 14th amendments to the Constitution.

It should be borne in mind, too, that the way in which this matter received the attention of the Supreme Court was by reason of a case involving the parents of a student who did not believe in God. This case was not originated by a member of the clergy or a member of any church who contended that prayer or Bible reading in public schools violated the Constitution. The very nature of the case should dispose of the argument that there is any issue of separation of church and state. It was the majority opinion of the Supreme Court that brought that issue into the case even though the Court was not called upon to rule on the issue of separation of church and state.

In our desire to protect our people from interference with their freedom to worship as they please and to maintain the separation of church and state, let us not destroy a more basic principle.

When the day comes when the laws of the land prohibit prayer to Almighty God in public places under the guise of separation of church and state then we have retrogressed to a point where we are headed in the direction of atheism where communism finds a breeding ground. Under present conditions, it would be possible for the Supreme Court to continue in its misguided ways and eliminate prayer from all public proceedings. This tendency is demonstrated by the fact that court cases are under consideration with respect to the phrases "under God" in our pledge of allegiance to the flag and "In God We Trust" on our coins.

If the majority opinion of the Supreme Court were carried to its logical conclusion, the mention of God in prayer in any public place in our Nation could be prohibited. The ugly consequences of the Supreme Court decision has already reached a ridiculous extreme. Recently, the educational commissioner of the State of New York ruled that the third stanza of "the Star-Spangled Banner" cannot be said as a prayer. He said it was all right to sing it, but not to say it.

Here is what we cannot legally express as the prayerful hope for America:

> Blest with victory and peace, may the heav'n rescued land
> Praise the Pow'r that hath made and preserved us a Nation!
> Then conquer we must, when our cause is just,
> And this be our motto. In God is our Trust.

The inconsistency of this present situation is shown by the fact that these attacks are made by atheists and agnostics who derogate belief in Almighty God and they are seeking what they call religious freedom guaranteed under the first amendment to the Constitution.

The issue with which we are faced is not a religious issue. It is a legal matter. Since the Supreme Court interprets the law it is the responsibility of the Congress, and in the case of constitutional amendments, within the province of the several States, to approve constitutional amendments which will compel the Supreme Court to interpret the law the way it should be construed.

To demonstrate that the Supreme Court has interpreted the first amendment quite differently from the way it recently did, I call the committee's attention to the case of *Zorach* v. *Clauson*, 343 U.S. 306, which was decided by the Supreme Court in 1952. In this decision, the Supreme Court made the following statement:

> The first amendment * * * does not say that in every and all aspects there shall be a separation of church and State. Rather, it studiously defines the manner, the specific ways in which there shall be no concert or union or dependency one on the other. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies, would be flouting the first amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session" (pp. 312–313).

The Court concluded its opinion by saying: "We find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence" (p. 311).

Thus, in 1952 the Supreme Court recognized the existence of God and found nothing repugnant in prayers in public places. This decision as well as other Supreme Court decisions are at variance with the most recent decision of the Supreme Court. In addition, there are other authorities on constitutional law who find nothing objectionable in prayer and Bible reading in public schools.

I am dismayed by the source of the opposition to this constitutional amendment. My proposal gives no special preference to any denomination or to any sect. It merely strives to keep sacred that privilege which we have enjoyed in our Nation for over 150 years. Concisely put, my proposed constitutional amendment would carry out the will of the majority of the people to provide on a voluntary basis the offering of prayers and reading of the Bible in our public schools and to preserve the right of reference to God in governmental exercises.

Mr. Speaker, it is my earnest hope that the Committee on the Judiciary will take prompt action on this measure and report favorably my proposed constitutional amendment or a similar resolution pending before the Judiciary Committee.

THE HOFFA TRIAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. MACDONALD] is recognized for 20 minutes.

Mr. MACDONALD. Mr. Speaker, when I came to the floor, I had no idea of asking for a special order, but after hearing the special order discussed and the many elaborations gone into under the special order granted to the gentleman from Illinois, I think the CONGRESSIONAL RECORD should be cleared up as to the need for an investigation in the so-called Chattanooga, Tenn., Hoffa case.

As pointed out by the gentleman from Michigan [Mr. O'HARA], this investigation is already underway so why any further discussion as to why an investigation should be discussed here in the House, I do not quite understand. Therefore, I would like to clear up some of the matters that people working for the Department of Justice might feel to be in the nature of duress to have statements made about the conduct of the investigation that has been had there in Chattanooga.

I think it is necessary for all of us in order to understand the perhaps extraordinary precautions that were taken in the Hoffa case to look back into history to see exactly why these precautions were entered into.

I point out, Mr. Speaker, that James R. Hoffa was tried in 1957 in the District Court for the District of Columbia on charges of attempted bribery of an employee of the Senate committee. That committee was known as the Select Committee on Improper Activities in the Labor or Management Field, known as the McClellan committee. During the course of this trial, former heavyweight champion, Joe Louis, came into the courtroom and embraced Hoffa in full view of the jury, the majority of whom were Negroes. Also during this trial, the Afro-American newspaper was placed on the doorstep of each juror and included an article extolling Hoffa for his aid to the colored minority in this country. Thereafter, and as a result of these activities, the presiding judge sequestered the jury for the remainder of the trial.

James R. Hoffa was tried in 1957 in the southern district of New York upon an indictment charging violations of section 605 of the Federal Communications Act wiretapping statute. After a mistrial was declared because the jury was unable to agree on a verdict and it later developed that the jury was 11 to 1 for conviction, information came to the Department of Justice indicating efforts were made to influence the vote of one or more jurors in that case.

James R. Hoffa was indicted in May 1962, in the middle district of Tennessee for violations of title 29, United States Code, section 186(b), for accepting things of value from an employer of employees he represented. Trial of this case commenced in Nashville, Tenn., on October 22, 1962. On the very first day of trial, several prospective jurors reported to the court that they had been called by a man representing himself as a newspaper reporter seeking to determine their feelings about Hoffa and the forthcoming trial and advising them of the importance of the trial and the publicity that would attend it. These jurors were excused as a result of this revelation. Three people from Huntington, W. Va., have been indicted and are awaiting trial as a result of these telephone calls.

On the third day of trial, a juror who had been accepted by the Government reported to the court that his neighbor had approached him and offered him $10,000 to vote for the acquittal of Hoffa. Lawrence W. Medlin was indicted for this endeavor and was convicted on April 3, 1964.

About the same time, prospective juror William B. Morgan was telephoned by his neighbor with the proposition that he could make $25,000 if he got on the jury and would vote for the acquittal of defendant Hoffa.

During the course of the trial, one Nathan Bellamy was approached by Harold Buster Bell and was offered $30,000 to influence juror Mrs. Matthew Walker, or juror Gratin Fields, acquaintances of his, to vote for the acquittal of Hoffa. Bell, of New York City, vice president of the International Longshoremen's Association, was convicted of this endeavor on April 9, 1964.

During the course of this same trial, Thomas Ewing Parks, a native of Nashville, Tenn., who had lived in Detroit and had worked as a picket in behalf of Teamsters Local 299, approached Carl Fields, the son of juror Gratin Fields, and offered him $5,000 for himself and $5,000 for his father if he could induce his father to vote for the acquittal of James R. Hoffa. Thomas Parks, Larry Campbell, and James R. Hoffa were convicted of this endeavor on March 4, 1964.

Again, during the course of this same trial, Ewing King, who was with Hoffa in court almost every day and who was president of Nashville Teamsters Local 327, met Patrolman James Paschal, the husband of Juror Betty Paschal at 1 a.m., in a secluded country area outside Nashville and offered to secure for him a promotion in the Tennessee Highway Patrol if he would talk to his wife. Ewing King and James R. Hoffa were convicted of this endeavor on March 4, 1964.

Hoffa, Medlin, Parks, Campbell, Tweel, Dorfman, and King were indicted in May 1963 for conspiring to obstruct justice and for obstruction of justice in connection with several of the above endeavors. In November of 1963, before commencement of the trial on the above indictment, one Robert D. Vick, investigator for defense counsel, reported to the Government that Z. T. Osborn, then attorney for Hoffa, had directed him to approach a prospective juror on the panel which would try the Hoffa case and suggest to him a financial arrangement to vote for the acquittal of Hoffa, if he were selected on the jury Acting upon an affidavit of Vick containing the above information, the Government, with permission of the court—and I emphasize by the permission of the court—placed a recording device on the person of Robert Vick and sent Robert Vick back to the offices of Z. T. Osborn. As a result of this, there is a recorded conversation whereby Z. T. Osborn tells Vick to tell the prospective juror that if he gets on the jury and would vote for acquittal of Hoffa, it would be worth $10,000—$5,000 when he got on the jury and $5,000 after the trial. In this recorded conversation, the attorney tells Vick to tell the prospective juror that there will be at least two others with him.

When this matter was presented to two U.S. district judges, the attorney admitted the accuracy of the recording insofar as the literal words were concerned, but sought to put a different inference on them. The attorney was disbarred and then indicted, not only for that endeavor but for two others occurring during the course of the 1962 Hoffa trial in Nashville. In one of these, he asked a Lebanon attorney, Harry Beard, to approach the husband of a juror, also from Lebanon, Tenn., and offer him $10,000 if he would get his wife to vote for the acquittal of James R. Hoffa.

As a result of the publicity attendant upon the exposure of Hoffa's attorney, his disbarment and indictment in November and December 1963, defendants Hoffa and the others—except Medlin—moved to transfer the pending indictment for obstruction of justice from the district of Nashville. Judge Wilson, after reviewing the above publicity, concluded that in order to insure Hoffa a fair trial, the case should be transferred from Nashville to Chattanooga. Trial was then set to commence in Chattanooga on January 20, 1964.

Information received by the Department subsequent to the transfer of the case from Nashville to Chattanooga indicated that efforts would be made to reach one or more of jurors to be selected to hear the case in Chattanooga. The

Department was unable to confirm this information, although it came from a source that has furnished reliable information in the past.

With this information and background it was obviously incumbent upon the Department of Justice to take reasonable steps to insure that further attempts to tamper with the jury system not take place. To this end the limited surveillance attempting to ascertain who might engage in such conduct, and the sequestered jury were steps that were eminently proper. In view of the proceedings leading up to the trial in Chattanooga and in view of what subsequently happened, including the indictment of Chuckie O'Brien, close associate of Hoffa, for offering $35,000 to one of the Chattanooga jurors, it is apparent that involved in the Chattanooga trial was the question whether the jury system could withstand the determined onslaught of those who would place themselves above the law. Surely it was obligatory upon the Department of Justice to take steps to insure that the wellsprings of justice were not poisoned by evil men.

Therefore, Mr. Speaker, I am not only happy to have the RECORD reflect at this point as an explanation, if extra steps were taken, to safeguard the jury system, but I repeat that I think the Department of Justice would be derelict in their duty if they did not take some extraordinary precautions to prevent a recurrence of these events.

I also would like to comment on the fact that somebody in the earlier debate under the earlier special order which was given to the gentleman from Illinois [Mr. LIBONATI] indicated that there was perhaps some attempt by the Department of Justice to interfere with the workings of the labor unions here in this country. I, for one, can tell the House, Mr. Speaker, that my relationships with the Teamsters Union in the New England area could not be of a friendlier nature. I respect and admire the leaders of the New England teamsters with whom I have worked cordially and constantly. I know of my own knowledge that there is no effort whatsoever to interfere in the legal and honest way that unions are conducting themselves. I might say, parenthetically, that in my judgment this amounts to 99.9 percent of all union leaders and all union members here in the United States. However, when the Department of Justice is confronted with consistent patterns of jury tampering—not some plan that was dreamed up out of the mind of a suspicious employee of the Department of Justice but one which has been upheld time after time by the courts of the United States—then I think that the Department of Justice should be complimented on taking extraordinary precautions and not persecuted for so doing by innuendoes here on the floor of the House.

Mr. LIBONATI. Mr. Speaker, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Illinois.

Mr. LIBONATI. In the gentleman's statement he stated that I had said at some previous time that the Department of Justice interfered with union labor?

Mr. MACDONALD. No, I did not. I said that during the time when the gentleman had a special order it was indicated, I believe, by the gentleman from Nebraska [Mr. CUNNINGHAM] that that was the case.

Mr. LIBONATI. I want to compliment the gentleman for being well prepared with a dissertation in defense of the Department of Justice, but I am sure that the gentleman agrees with me that where there is a complaint based on affidavits and so forth this is the only body that can investigate or interview or create any forum for that person who is wronged. Am I correct on that?

Mr. MACDONALD. I would like to say to the gentleman nothing in my remarks should be construed as trying to limit the power of investigatory agencies set up by this Congress.

I just point out that the special order seemed not particularly well timed since the committee has already been chosen, as I understand, and is conducting an investigation. I hope that it comes back to the Congress with a full and complete report of everything that has transpired.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman.

Mr. O'HARA of Michigan. Mr. Speaker, I thank the gentleman for yielding. I want to call the gentleman's attention to the fact that the Judiciary Committee has already undertaken an investigation of this matter. A letter from the chairman of that committee to myself states:

> I also stated that counsels on the staff of the committee assigned to the special subcommittee are to check the transcript of that trial which is now in the possession of the committee.
>
> As of the present time this study of the transcript is continuing and, therefore, in accordance with the longstanding policy of this committee, no comments can be made by me until such time as the matter under litigation has been thoroughly studied and a determination made by the subcommittee.

I would like to say that I think that is the appropriate procedure. Evidently some are not satisfied with that kind of quiet judicial proceeding. I recall that on our Committee on Education and Labor, at the beginning of this Congress, certain very serious charges were made by the president of the Teamsters Union, Mr. Hoffa, alleging that officials of the Department of Justice were coercing and influencing and intimidating the officials of bonding companies in the United States to prevent them from issuing bonds to the Teamsters Union. Our committee called Mr. Hoffa before it to explain these charges and to amplify them. We found he was not willing to testify under oath to any single one of the very serious charges that he had made in his letter to the committee. The hearing was turned into a circus and I should like to commend the Committee on the Judiciary for not letting its investigation be turned into that kind of a circus and for handling it as they have.

I thank the gentleman for yielding to me.

Mr. MACDONALD. Mr. Speaker, I thank the gentleman from Michigan for his contribution. In conclusion I would like to say this. I do not think that anybody in the United States is above the laws of the United States, the laws that are made here in the Congress where individual rights are protected as they should be protected. I say that this applies to the Attorney General, who is not above the law, and I say that applies equally to any citizen of the United States, including James Hoffa.

DAVID SHEA TEEPLE

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SKUBITZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. SKUBITZ. Mr. Speaker, I was stunned and overwhelmed when I received the news of the sudden and untimely passing of David Shea Teeple, secretary and staff director for the Senate Republican policy committee. More than that, he was my longtime friend. I shall miss him sorely.

Dave Teeple was a man dedicated to principle and a man unusual among men—he had convictions and the strength to live by them.

Dave was born here in the District of Columbia on May 15, 1914. As he often told me, he grew up in Southeast Washington and was probably considered among the underprivileged, although nobody in his family seemed to realize it.

Dave went to Wilson Teachers' College here in Washington and upon graduation became a teacher of American history in the District of Columbia public school system. Not satisfied with his education, Dave—by then married—took his wife and moved to Iowa City, Iowa, where he attended the University of Iowa and earned his master's degree. Before he could get his doctorate, World War II intervened and Dave responded to the call. He devoted himself to the grim business of war with the same vigor, the same driving force, which motivated the rest of his life. His valor and ability were recognized with a battlefield commission in the South Pacific fighting.

As an officer he joined the Counterintelligence Corps of the U.S. Army and was assigned to the then secret Manhattan Engineering District whose function was to create the first nuclear weapon.

Dave Teeple left the Army to return to his first love, teaching. He was appointed assistant principal of Alice Deal Junior High School here in Washington. But teaching could not hold him. He was appointed to the staff of the first Joint Committee on Atomic Energy in 1947 and served as Deputy Director for 2 years.

Dave's knowledge of fundamentals was used still further by his Government as a special assistant to the Inspector General of the Air Force for atomic energy matters.

Later he served with distinction as special assistant to Adm. Louis Strauss who was Chairman of the Atomic Energy Commission. After leaving the Commission he again turned to the field of public relations as a consultant specializing in Government and atomic energy problems.

In April 1962, he again responded to the call of his longtime friend, the Honorable BOURKE B. HICKENLOOPER, chairman of the Senate Republican policy committee. He accepted at considerable personal sacrifice the post as secretary and staff director for that committee.

Mr. Speaker, these are but details. They describe not the man, but what the man has done. The man himself, the inner David Shea Teeple, is what the world will miss, and for whom his friends will grieve.

When I first met Dave Teeple and became immediately aware of his driving force and of his muscular convictions, I was reminded in a way of the advice Polonious gave to his son in the play, "Hamlet":

This above all: To thine own self be true,
And it must follow as the night the day,
Thou canst not then be false to any man—

Dave Teeple had high principles. And never, throughout his life, was he false to those principles. Nor was he ever false to any man.

No finer or truer friend lived. He was selective about choosing his friends, but once so chosen, his devotion was unfailing and unlimited. I count myself fortunate in having been a friend of his and in having served the same causes to which he devoted his life.

Dave was unfailing in his dedication to one principle—that of good government. He worked all his life for that cause and he died in that service.

Mrs. Skubitz and I join in extending our deep and heartfelt sympathy to Dave's lovely wife and fine family. Their loss is greater by far than ours.

AUTHORIZATION OF GOLD MEDAL TO HENRY J. KAISER

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I am today introducing a joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser.

This world-famous industrialist and humanitarian is a remarkable example for the Nation's businessmen to note. Commensurate with his dynamic and successful business drive, he has balanced his efforts with commendable charitable service and dedication.

Henry J. Kaiser is an unequaled asset to America. His success has stimulated and perpetuated our democracy.

For these and a raft of other sound reasons, I join many of my colleagues in expressing our appreciation by the introduction of this resolution and I am hopeful the Congress will set fit to expedite the passage of this legislation calling for the issuance of a gold medal to Henry J. Kaiser.

INVALUABLE WORK PERFORMED BY MEMBERS OF OUR UNIFORMED SERVICES

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, we all know of the invaluable work performed by members of our uniformed services. All Americans owe a debt to these dedicated people who perform so outstandingly on behalf of their country.

There is now a splendid opportunity to help those who serve. I refer to pending legislation, H.R. 10707 and H.R. 10737, which would guarantee medical care to retired service personnel and their dependents. Under this proposal, the facilities of the uniformed services would be utilized in order to provide such medical care. If needed, additional facilities, including facilities to provide nursing home and domiciliary care, would be made available.

For a small amount—either $1 or $2 a month, depending on circumstances—those in the services can assist in sustaining this medical care program.

I can think of nothing more which would promote high morale in the services than the enactment of this legislation. It would be a comforting thought for those in the uniformed services—those in the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service—to know that they and their dependents will be provided with adequate medical care.

THE NAVY'S SUBMARINE SERVICE

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I wish to take this opportunity to add to the many sincere and meritorious expressions delivered here in the House on April 14 in commendation of the Navy's submarine service.

It is, of course, impossible to pay any adequate tribute to the U.S. naval submarine service in words, either few or many. The record of these men and the ships they sail encompasses almost every area of human accomplishment from raw courage and artful seamanship to a scientific sophistication which today's layman can scarcely comprehend any better than might Columbus or Magellan. And what, incidentally, would Magellan have said could he have known than an American vessel would one day duplicate his voyage around the world—underwater.

As we commemorate the 64th anniversary of the Navy's acceptance of its first submarine, the U.S.S. *Holland*, some notion of the really astonishing progress of American submarine technology can be had by comparing the *Holland*, with the attainments of our modern nuclear submarine fleet. The *Holland* measured 54 feet—many pleasure boats today are larger—she was a modest 74 tons and she could remain submerged for well over an hour. Her speed submerged was 5 knots, surfaced—8 knots.

Today's speeds are secret. But the nuclear submarine can roam the seas at will, remain submerged for indefinite periods, their endurance far exceeding that of the human beings who form their crews. They carry missiles whose striking power exceeds 2,000 miles. They are equipped with automatic inertial navigational systems which will provide the skipper with his position at any and all times. They can receive communications while submerged. Their equipment is complex beyond words and their officers and men are constantly under instruction. There are no obsolescent skills in the naval submarine service. Perhaps someone should ask whether submarine technology can keep up with the submariners.

It may be appropriate to recall the highlights of our submarine service in the last war. A Joint Army-Navy Assessment Commission, whose figures are the last word, finds that our submarines sank 1,178 Japanese merchant ships, totaling more than 5 million tons. They sank 214 Japanese war vessels, or nearly 600,000 tons. Although submariners made up only 2 percent of total naval personnel, they accounted for more than 60 percent of all Japanese shipping sunk. But our submariners paid a high price for their superb war record; 52 subs sunk and 3,500 fatalities, a 25-percent loss—the highest of any branch of any of the services.

I am particularly proud to represent a naval submarine center as important as San Diego. Those of us who live there know the quality of men and officers at the Ballast Point submarine base. I am confident that San Diego will continue to grow in importance as a submarine center, and one day will equal any on the east coast. Happily, there is included in the 1965 budget, an item of $1.27 million for expanding our nuclear sub pier.

It is money well spent, or, rather, invested. For I am not among those who are calling for "deemphasis" of the military. A strong defense is an investment in freedom. And maintaining freedom, after all, is the goal of all our armed services.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURKE of Massachusetts (at the request of Mr. MCCORMACK), for an indefinite period of time, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LIBONATI, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. SNYDER, for 15 minutes, today, and to revise and extend his remarks.

Mr. HALPERN (at the request of Mr. HARRISON), for 15 minutes, today.

Mr. MACDONALD, for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. BEERMANN (at the request of Mr. HARRISON), for 30 minutes, on May 5.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or tc revise and extend remarks, was granted to:

Mr. BENNETT of Florida and to include extraneous matter.

Mr. SNYDER and to include his Washington report.

(The following Members (at the request of Mr. HARRISON) and to include extraneous matter:)

Mr. SCHWENGEL.
Mr. SCHADEBERG.
Mr. ALGER.
Mr. DEL CLAWSON.
Mr. HORTON.

(The following Members (at the request of Mr. LIBONATI) and to include extraneous matter:)

Mr. BRADEMAS.
Mrs. KELLY.
Mr. GALLAGHER in three instances.
Mr. HANNA.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 858. An act for the relief of Miladin Kljajin; to the Committee on the Judiciary.

S. 2088. An act for the relief of Tomoe Ishikawa Westley; to the Committee on the Judiciary.

S. 2105. An act for the relief of Martin Morales Salvador; to the Committee on the Judiciary.

S. 2219. An act for the relief of Helen Marghitsa Georgalas; to the Committee on the Judiciary.

S. 2225. An act for the relief of Christiane Antoine Bronas; to the Committee on the Judiciary.

S. 2233. An act for the relief of Margaret Rose Owen; to the Committee on the Judiciary.

S. 2336. An act for the relief of John Richard Dolby; to the Committee on the Judiciary.

S. 2338. An act for the relief of Kalliope Kostides; to the Committee on the Judiciary.

S. 2342. An act for the relief of Mr. and Mrs. Toros Torosian; to the Committee on the Judiciary.

S. 2410. An act for the relief of Erich Hoffinger; to the Committee on the Judiciary.

S. 2436. An act for the relief of Mihailo Radosavjevic; to the Committee on the Judiciary.

S. 2449. An act for the relief of Dorothy Eyre; to the Committee on the Judiciary.

S. 2499. An act for the relief of Leobardo L. Gonzalez; to the Committee on the Judiciary.

ADJOURNMENT

Mr. LIBONATI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 5, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2010. A letter from the Comptroller General of the United States, transmitting a report on problems incident to the fielding of an air defense system overseas due to supply support deficiencies during 1962 and 1963 in the Department of the Army; to the Committee on Government Operations.

2011. A letter from the Assistant to the President, the American Academy of Arts and Letters, transmitting the official report of the American Academy of Arts and Letters for the year 1963, pursuant to section 4 of their charter; to the Committee on House Administration.

2012. A letter from the Chairman, District Unemployment Compensation Board, transmitting the 28th Annual Report of the District Unemployment Compensation Board for the calendar year 1963, pursuant to the District of Columbia Unemployment Compensation Act; to the Committee to the District of Columbia.

2013. A letter from the Comptroller General of the United States, transmitting a report on the review of the need for adequate employment data for evaluating the effectiveness of training under Manpower Development and Training Act of 1962, Departments of Labor, and Health, Education, and Welfare; to the Committee on Government Operations.

2014. A letter from the Comptroller General of the United States; transmitting a report on the review of the inclusion of volunteer workers in determining the allowable number of employees engaged in personnel work tends to defeat intent of appropriation act limitations, Veterans' Administration; to the Committee on Government Operations.

2015. A letter from the Comptroller General of the United States, transmitting a report on the review of the impairment of combat capability and unnecessary costs due to inefficient and uneconomical supply and maintenance practices for communications and electronic equipment within certain units of the 8th U.S. Army, Korea, Department of the Army; to the Committee on Government Operations.

2016. A letter from the Comptroller General of the United States, transmitting a report on the review of the significant savings to be attained as a result of the purchase of a leased automatic data processing system in use at Sandia Laboratory, Atomic Energy Commission; to the Committee on Government Opertions.

2017. A letter from the Comptroller General of the United States, transmitting a report on the review of the exclusion of certain personnel from application of policy requiring use of less than first-class air accommodations for air travel by personnel of the Canal Zone Government and the Panama Canal Company; to the Committee on Government Operations.

2018. A letter from the Comptroller General of the United States, transmitting a report on the review of the inadequate rents charged for employee housing Bureau of Prisons, Department of Justice; to the Committee on Government Operations.

2019. A letter from the Comptroller General of the United States, transmitting a report on the review of problems relating to managing and administration of electronic data processing facilities and systems in the Federal Government; to the Committee on Government Operations.

2020. A letter from the Assistant Secretary of the Air Force (Installations and Logistics), transmitting a draft of a proposed bill entitled "A bill to provide for the restriction of certain areas in the Outer Continental Shelf (known as the Atlantic Missile Range) for defense purpose, and for other purposes"; to the Committee on Interior and Insular Affairs.

2021. A letter from the Chairman, Federal Power Commission, transmitting a copy of each of the following: "Statistics of Electric Utilities in the United States, 1962, Privately Owned"; "Major Natural Gas Pipelines Map, December 31, 1963"; and "Uniform System of Accounts Prescribed for Natural Gas Companies, for Class A and B Companies, February 1, 1964"; to the Committee on Interstate and Foreign Commerce.

2022. A letter from the Director, Administrative Office, U.S. Courts, transmitting a draft of a proposed bill entitled "A bill to amend paragraphs b and c of section 14 of the Bankruptcy Act"; to the Committee on the Judiciary.

2023. A letter from the Commandant, U.S. Coast Guard, Treasury Department, transmitting the annual statistical report relating to recreational boating in the United States for 1963, pursuant to Public Law 85-911; to the Committee on Merchant Marine and Fisheries.

2024. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d)(2) of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 142), and to the general provisions immediately following the National Aeronautics and Space Administration appropriations in the Independent Offices Appropriation Act, 1964 (77 stat. 425, 439); to the Committee on Science and Astronautics.

2025. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d)(2) of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 142) and the first paragraph of the gėneral provisions of the Independent Offices Appropriation Act, 1964, applicable to the National Aeronautics and Space Administration (77 Stat. 425, 439); to the Committee on Science and Astronautics.

2026. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952, as amended by Public Law 87-885; to the Committee on the Judiciary.

2027. A letter from the Commissioner, Immigration and Naturalization Service, U.S.

Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952, as amended by Public Law 87-885; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. S. 980. An act to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury; without amendment (Rept. No. 1369). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 10463. A bill to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap; without amendment (Rept. No. 1370). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 1642. A bill to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station and for other purposes; with amendment (Rept. No. 1371). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 6601. A bill to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes; with amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 9747. A bill to permanently extend the special milk programs for the Armed Forces and veterans hospitals; with amendment (Rept. No. 1373). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROONEY of New York: Committee on Appropriations. H.R. 11134. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purpose; without amendment (Rept. No. 1374). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSENTHAL:

H.R. 11110. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act in order to provide for more effective regulation under such act, and for other purposes; to the Committee on Agriculture.

By Mr. BYRNES of Wisconsin:

H.R. 11111. A bill to amend the Internal Revenue Code of 1954 to provide for the manufacture, use, and disposition of beer concentrate; to the Committee on Ways and Means.

By Mr. BASS:

H.R. 11112. A bill to amend the Tennessee Valley Authority Act of 1933 to exempt from State and local taxation electric power produced by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. LANGEN:

H.R. 11113. A bill to increase the amount of domestic sugar which may be marketed, and for other purposes; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 11114. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11115. A bill to amend the Internal Revenue Code of 1954 to curb the tax-exempt financing of industrial or commercial facilities used for private profitmaking purposes; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 11116. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. MORTON:

H.R. 11117. A bill to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NORBLAD:

H.R. 11118. A bill to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 11119. A bill to bring State vocational agriculture teachers within the purview of the Civil Service Retirement Act, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11120. A bill to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region; to the Committee on Public Works.

H.R. 11121. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. STUBBLEFIELD:

H.R. 11122. A bill to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region; to the Committee on Public Works.

H.R. 11123. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 11124. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. ROONEY of New York:

H.R. 11134. A bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relating to imported lamb and mutton; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to requesting Congress to call a convention for proposing an amendment to the Constitution of the United States providing a pension of $200 monthly for certain persons; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States relative to the authorization and construction of the Animas-La Plata project, and requesting favorable action on the project; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States relative to requesting certain actions in regard to the importation of foreign beef, lamb, and mutton and the amelioration of depressed markets for domestic production of these meats; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11125. A bill for the relief of Zita Brackenridge; to the Committee on the Judiciary.

By Mr. BENNETT of Florida:

H.R. 11126. A bill for the relief of Dr. Antonio Josue Castillo; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11127. A bill for the relief of Bedri Gurbuzer; to the Committee on the Judiciary.

By Mr. GRANT:

H.R. 11128. A bill for the relief of Miss Teodora Guillamon; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 11129. A bill for the relief of Maxie L. Rupert; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H.R. 11130. A bill for the relief of Lt. Col. Dante V. Morel, U.S. Air Force; to the Committee on the Judiciary.

H.R. 11131. A bill for the relief of Mr. Miao-Fu Huang, and his wife, Ruminah Huang, and their sons and daughters, Maria Theresia Mei-Lan Huang, Grace Marie Josee Mei-Hua Huang, Robert Shing-An Huang, Edward Lien-An Huang, and Albert Yuan-An Huang, and their son-in-law, Howard Hwie Liong Liem; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 11132. A bill to authorize the Secretary of the Interior to convey certain lands in Inyo County, Calif., to Gwilym L. Morris, Dolores G. Morris, George D. Ishmael, and Verna H. Ishmael; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 11133. A bill to authorize the Secretary of the Interior to convey certain lands in Inyo County, Calif., to Gwilym L. Morris, Dolores G. Morris, George D. Ishmael, and Verna H. Ishmael; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.J. Res. 1018. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. BOB WILSON:

H.J. Res. 1019. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

879. By Mr. PHILBIN: Petition of Leroy C. Spinney, of Oakham, Mass., and others, urging support of an amendment to the Federal Constitution to safeguard public reverence; to the Committee on the Judiciary.

880. By the SPEAKER: Petition of Bertha M. Kenney, Yankee Division Post No. 290, American Legion Auxiliary, Dorchester, Mass., petitioning consideration of their resolution

with reference to being in favor of the amendment to the Constitution of the United States to permit voluntary prayer and Bible reading in public schools; to the Committee on the Judiciary.

881. Also, petition of John C. Marcin, city clerk, city of Chicago, Chicago, Ill., petitioning consideration of their resolution with reference to enact the civil rights bill; to the Committee on the Judiciary.

882. Also, petition of the mayor, Gushikawa-son, Okinawa, seeking an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Polish Constitution Day

EXTENSION OF REMARKS
OF
HON. FRANK J. HORTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mr. HORTON. Mr. Speaker, the entire history of the Poles is marked with great deeds of gallantry and heroism, but their most recent past may be summed up as misery and misfortune. Through no fault of their own, they have suffered and endured more hardships than almost any other national group in all Europe. Being weaker than their powerful neighbors, both in the West and in the East, they have been unable to withstand the periodic onslaughts against them by their ruthlessly powerful foes. In 1772 when Austria, Prussia, and Russia appropriated a large part of Poland, the Poles were helpless to prevent that tragedy. From then on Poland's leaders nevertheless resorted to every means of strengthening the country so as to be able to meet future threats more effectively. They decided to overhaul Poland's governmental machinery, make it liberal, democratic, and bring it up to date. With these lofty ideals in mind the Constitution of 1791 was drafted and adopted on May 3 of that year.

This historic instrument marked a new epoch in Poland's history. By its adoption Poland stepped out of the Middle Ages and advanced into modern times. With the authority of the monarch curtailed, Poland became a constitutional monarchy. A government with ministerial responsibility was established. There was to be a legislature of two chambers, meeting regularly at stipulated times, and having authority to revise the constitution periodically.

The nobility lost most of its special privileges, and the townsmen were allowed to share other privileges with the nobility. Peasants were protected against the arbitrary power of their landlords. Freedom of conscience was guaranteed and religious toleration established. Judged even by today's standards, the Constitution of 1791 was a liberal and democratic document. Its adoption and promulgation was hailed in all parts of Europe, particularly by the prominent liberal leaders in the West. But at the same time it was bitterly denounced by Poland's implacable foes. A few years after the adoption of the constitution, and before it could be put into full force, Poland was parcelled out among its three neighbors, and by 1795 she had ceased to exist as an independent state.

Fortunately the spirit of independence and freedom did not die among the Poles; nor the liberal spirit of the Constitution of 1791. At the end of the First World War, when the Poles regained their independence, the spirit of that constitution was again revived. And the sad events of the last war have put it once more in abeyance while Communist totalitarianism rules in Poland. On this 173d anniversary observance of the adoption of that constitution, we all hope and pray that the Poles will again attain their national freedom and celebrate Constitution Day in their historic and beloved homeland.

I am well acquainted with the strong national ties which exist among Poles the world over. They properly revere the great and noble Polish Constitution of 1791 which we honor on this anniversary. And, while its tenets are forbidden practice in Poland today, the Poles of free countries do live by its worthy nature. Thus, they help to reinforce the freedom of the United States and other liberty-loving nations.

Mr. Speaker, my home community of Rochester, N.Y., includes a sizable Polish community. These fine men, women, and children over the years have made a major contribution to community life. The great culture which is in the national background of every Pole has benefited Rochester in many respects. We respect our friends and neighbors of Polish descent for their industry, their sense of civic duty, their individual initiative, their family bonds, and their numerous other virtues and qualities which add distinction to our area by their presence.

Rumanian Independence Day

EXTENSION OF REMARKS
OF
HON. CORNELIUS E. GALLAGHER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mr. GALLAGHER. Mr. Speaker, although Rumania lost national independence in 1945 when forces of the Soviet Union invaded that land and smashed its elected Government, many Rumanians and citizens of other nations who are of Rumanian descent still celebrate Rumanian Independence Day, for freedom was for so many decades their way of life.

As a nation they cherished their independence for it was hard won, being finally achieved in 1878 at the end of the Russo-Turkish War.

The period 1878–1945 was the greatest in Rumania's history for, at last the yoke had been cast off and, as a free people, the Rumanians prospered.

In World War II, they were fated to lose all that had been gained during their decades of independence. Their greatest loss, of course, being their freedom.

Although Rumania has been for nearly 20 years a Soviet satellite, her people, having known freedom, keep alive the hope that it shall one day be theirs again. On this Rumanian Independence Day, freemen the world over join them in this prayer.

Israel Independence Day

EXTENSION OF REMARKS
OF
HON. CORNELIUS E. GALLAGHER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mr. GALLAGHER. Mr. Speaker, for 16 years the people of Israel have dedicated themselves to the building of a new nation, a land to call their own. They have bravely defended its borders and protected their independence.

To build a new country is not an easy task. It has meant a revitalization of the soil misused and depleted over centuries. It required construction of industrial plants and modern transportation systems, for there were few, if any at the start. There was need for water systems, educational facilities were few and primitive.

The Jewish people, living in a democracy that gave them courage and a reason to seek their goal, overcame tremendous difficulties and solved problems that seemed beyond solution to create a land of promise.

From the mountains of Galilee to the Negev desert, Jews are at work creating new farms, new factories, roads, schools, mines, and whole cities.

The refugees who formerly starved in concentration camps now eat all they want. Israel is nearly self-sufficient in food and even exports a lot of the fresh oranges Americans eat every morning.

Near the ancient mines of King Solomon, copper is once again being produced and contributing a valuable resource to modern Israel.

Oil is being produced in significant quantities along with chemicals, textiles, paper, plastics, leather goods, building materials, ceramics and electric machinery. This provides Israelis with the highest living standard in the Mediterranean area. All of this has been made easier by the virtual elimination of illiteracy.

Throughout the bright new cities and prosperous farms of Israel, Jews are laboring to establish the freedom and comfort they richly deserve. Their accomplishments have been impressive.

As Israel commences its 17th year as an independent nation, it is encouraging to note that she has earned respect for what has been accomplished, but, more important, is the spirit of her people which has made possible what has been done and will, I am confident, make possible even greater accomplishments in the years to come.

The Prayer Amendment

EXTENSION OF REMARKS
OF

HON. RICHARD T. HANNA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mr. HANNA. Mr. Speaker, as the wave of testimony has swept through the Judiciary Committee on the various proposals for a prayer amendment, as I review the barrage of mail I have received from constituents on this important subject, as I survey the public comments of my colleagues here on the floor of Congress and elsewhere on the matter, I cannot but recall an incident which sharply reflects my own judgment about the central conflict involved in the considerations.

I was a dinner guest at the home of a member of a foreign embassy staff, whose charming wife was, as he, a Moslem. She was recounting her childhood and young adult experience in the Christian missionary schools established in her land by faiths in America. It developed that almost all of her schooling, including college, had been under the auspices of Christian church activities. A wife of an American Ambassador present concluded after her recital—"I suppose they made a Christian of you in the process."

"No," the hostess quickly said, "but they did make me a better Moslem."

This exchange had deep meaning for me. I recalled that my own mother who had a deep conviction in her own faith had urged all six of her children to go to church somewhere whatever the circumstances in which they found themselves and whether or not our own sect had services available or not.

"I never knew anyone to be hurt from going to church" she said "and whatever you learn will more than likely be of help."

Now, Mr. Speaker, we hear a great deal of concern expressed by two opposing extremes over religious observances in public places including schools. In my view both sides obscure the commonsense of the issues. The Supreme Court has stated that an officially designated prayer established by a governmental body or one of its agencies is an infraction of the limitations set forth in the Constitution, and I believe that determination is a correct one.

There are zealous persons who go on to declare that any religious observations are an infraction of their rights to practice their particular brand of religion or their denial of all religion. Such a position is an affront to commonsense and contrary to experience. Tolerantly applied expressions or lessons surrounding the basic tenets of Christianity can only make better Buddhist, Jews, atheists or whatever. Nor should the exchange of knowledge of the basic expressions or concepts of other religions be denied young Christians for it is equally true it could prove to make them better Christians.

It is no different in this matter of prayer and Bible reading than it is in the conflict over teaching the basic tenets of communism or nazism. It depends on whether there is an attitude and presentation as indoctrination or an attitude and presentation of enlightenment. I would be greatly disappointed if the Supreme Court in any of its pronouncements would state or could be interpreted as saying that the great moral and spiritual values of the past were not available to our youngsters everywhere and from whatever religious background to make of them better and more enlightened pursuers of whatever sect or group with which they ultimately freely choose to associate.

I am repelled equally from the position of those who react so violently as to justify sacrificing the division of church and state which has served so well all these years. The containment of the divergence of attitude and conviction in an area of such emotional involvement would hardly be possible in any other legal environment.

May we hope, Mr. Speaker, that commonsense will prevail on both sides. Keep us from rationalizations however purely motivated or logically conceived which propel us to the extremes in this argument. Let tolerance above the heated harangue bring balance back to a belabored people.

Polish Constitution Day

EXTENSION OF REMARKS
OF

HON. EDNA F. KELLY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mrs. KELLY. Mr. Speaker, dauntless and daring fighters for their human freedoms, the Poles are a gifted, resourceful, and industrious people. In the course of their turbulent history they have contributed to mankind great masters of art, science, and statecraft. Their liberal and democratic constitution, drafted, adopted, and promulgated on May 3, 1791, quite clearly illustrates their skill in the field of government and diplomacy.

That constitution is a veritable landmark in the progressive process of evolving a constitutional form of government, in an orderly and democratic way. By that historic document the Poles accomplished peacefully what many other people had attempted to accomplish by revolution and bloodshed. In this constitution the king's autocratic and unlimited powers were sharply reduced, and a constitutional government was established with a responsible cabinet. The upper chamber lost some of its powers, while the lower and popularly elected chamber gained considerable legislative power. Religious liberty was guaranteed, and the peasants were taken under the protection of the law. Townsmen recovered their judicial autonomy, and received a number of political rights. For all these and other liberal, progressive features the Constitution of 1791 was hailed as a great advance step in the right direction. Unfortunately, patriotic Poles who framed and enacted the constitution into law, were not given the chance to see it work. Soon after its promulgation, Poland was attacked and overrun, and finally partitioned among its three greedy neighbors. But the spirit of freedom and progress embodied in that constitution did not die. Today, on the 173d anniversary observance of the adoption of that constitution, they still cling to the lofty ideals embodied in their Constitution of 1791.

Fairbanks-Morse Recipient of Navy Polaris Flag of Recognition

EXTENSION OF REMARKS
OF

HON. HENRY C. SCHADEBERG

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mr. SCHADEBERG. Mr. Speaker, we who are residents of the First Congressional District of Wisconsin are proud of our many vital industries. Today I would like to salute the Beloit, Wis., plant of Fairbanks, Morse & Co. over which there now flies an official Navy Polaris flag of recognition.

The blue and white banner bearing familiar silhouettes of a nuclear submarine and a Polaris ballistic missile is reserved by the Navy for fleet ballistic missile systems prime contractors. Fairbanks-Morse produces the hoisting gear by which the solid-fuel missiles are lifted from place to place and lowered into the submarines' launcher tubes.

Capt. James Lieber, assistant branch head of the launcher and handling branch of the Navy's special projects office, presented the flag to James F. Jones, vice president and general manager of the Beloit plant, and E. M. Perry, Government business manager for Fairbanks-Morse, at a recent ceremony.

Transferring missiles from docks to submarines and subtenders and between resupply vessels and their tenders requires specialized and complicated equipment, designed for precision handling.

The Polaris missile program is considered the Nation's No. 1 deterrent.

In addition to missile hoists, Fairbanks-Morse also supplies auxiliary diesel generating equipment for the Polaris submarines.

Navy officials explained that the Polaris flag is presented as an emblem of membership in the Polaris Navy-industry production team.

As early as 1936 and continuing through World War II, the company also supplied diesel engines to the armed services. Fairbanks-Morse diesel engines propelled more than half the submarines in action in World War II. For these services, the company received the Navy "E" Award.

Also participating in the ceremony was Robert Tilley, president of the Beloit City Council.

Washington Report

EXTENSION OF REMARKS

OF

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

Mr. SNYDER. Mr. Speaker, pursuant to permission heretofore granted, I submit for printing in the CONGRESSIONAL RECORD, my May 1 report to the people of my district. I trust that the Members and other readers will find it interesting and worthwhile:

WASHINGTON REPORT

(By Congressman M. G. "GENE" SNYDER, Third District, Kentucky, May 1, 1964)

DEAR FRIEND: The Nation was saddened by the death of General of the Army Douglas MacArthur. He exemplified not only the glory and tradition of our Army, but the courage and valor of all our troops in all our wars. His example stirred men far beyond the limits of the military. His wisdom and foresight will be recorded by all honest historians. Of MacArthur, it can be truly said that he called forth the best in men.

GENERAL DOUGLAS MAC ARTHUR—1880-1964

Career highlights—Important chronological events in MacArthur's career:

Commissioned at West Point, a second lieutenant in the Corps of Engineers, June 11, 1903.

Became a colonel of infantry August 5, 1917, and a month later chief of staff of the 42d Division.

Appointed Superintendent of the U.S. Military Academy June 12, 1919; married Mrs. Henrietta Louise Cromwell Brooks (a divorcee) at Palm Beach while he was a major general in 1922.

Elected president of the U.S. Olympic Committee in 1928.

Quelled Bonus Expeditionary Force riots and march on Washington, D.C., July 1932.

Appointed field marshal of the Philippine Army, June 1936, by President Roosevelt.

Married Miss Jean Faircloth of Tennessee, after having been divorced in New York, 1937.

Transferred Philippines headquarters to Corregidor December 25, 1941.

Returned to Philippines with U.S. troops against the Japanese October 20, 1944; appointed General of the Army on December 15, 1944.

Accepted Japanese surrender aboard U.S.S. *Missouri* September 2, 1945.

During proconsulship in Japan, was appointed Supreme Commander of U.N. forces in the Korean conflict.

Summarily dismissed by President Truman April 10, 1951, for bypassing the Commander in Chief in letters to congressional leaders criticizing American military policy in the Korean war.

HANDS IN YOUR POCKETS

If every taxpayer had to pay an equal share of the Federal expenditures for the fiscal year to February 7, the cost would be $1,279 each—$74 more than at this date last year. And if we decided to pay off the public debt, it would cost each taxpayer $5,165—$91 more than at the same time last year. The public debt is now $309.8 billion, and it takes the total Federal taxes paid from 26 States just to pay the interest.

Congratulations to Mr. Richard Henchey, who is with a Louisville coal company. He discovered that when the specifications were changed for bidding on coal for the local Veterans' Administration Hospital this year that the specifications were written for a lower quality coal with an increased moisture and ash content and for a different size. This inferior quality was going to cost the taxpayers $9,744 more than the better quality coal when the increased freight and mine charges were added. It was not easy to get the General Services Administration to admit their error, but when they did, the specifications were changed and the taxpayers will save $9,744.

MAY IS GRADUATION MONTH

Clip the "Creed for Young America" and give to one of the many graduating seniors. As these young adults make their way to the world of tomorrow, this creed will surely symbolize what it means to be an American.

JOB TESTS PENALIZE NEGROES

Because title VII (FEPC section) of the Federal civil rights bill is very similar to the Illinois Fair Employment Practices Commission law, the *Leon Myart* v. *Motorola* case has been getting a lot of attention here in Washington. Since 1949, Motorola has hired those who successfully passed a written examination. The test was designed by a professor at the Illinois Institute of Technology, "to help evaluate the trainability of prospective employees." Myart, a 27-year-old Negro, filed a complaint that the 5-minute general ability test discriminated against him. The examiner for the State FEPC ordered Motorola to employ Myart and to stop using the test because it discriminated against "the hitherto culturally deprived and the disadvantaged groups." The examiner said "use of intelligence tests of this sort is a tool serving to discriminate between whites and Negroes, whether done deliberately or not". The final answer as to whether an employer can be permitted to set standards for his employees or whether the State will dictate the standards will probably be decided by the courts. Based on the same reasoning, only last month the New York City Board of Education abolished the use of intelligence tests in the Nation's largest public school system. This was in response to charges that such tests are "middle-class oriented" and are discriminatory primarily against Negroes and Puerto Ricans.

QUESTIONNAIRE RESULTS

I want to thank you for responding to my questionnaire and know you will be interested in the results.

Questionnaire

	Percent—	
	Yes	No
1. President's budget: This year Congress appropriated a total of $92,400,000,000. The President recently proposed a budget of $97,900,000,000, which he indicated would result in a budget deficit of $4,900,000,000, based upon his estimate of receipts. What should Congress do with this budget?		
(a) Approve the President's recommendation?	25.4	-----
(b) Cut it slightly?	13.5	-----
(c) Cut it heavily?	13.4	-----
(d) Balance the budget?	47.7	-----
2. Foreign-aid program: This year Congress appropriated $3,000,000,000 for foreign aid.		
(a) Do you favor maintaining the foreign-aid program at present levels?	23.2	76.8
(b) Do you favor eliminating the foreign-aid program entirely?	22.6	77.4
(c) Do you favor a complete revision of the foreign-aid program?	81.7	18.3
(d) Do you favor aid to underdeveloped countries that are pro-Communist?	25.6	74.4
(e) Do you favor a continuation of large-scale aid to South Vietnam?	37.2	62.8
(f) Do you favor the Alliance for Progress for Latin America in its present form?	45.1	54.9
3. Man-on-the-moon project: The space agency contemplates spending $20,000,000,000 to $40,000,000,000 between now and 1970 for the man-on-the-moon project.		
(a) Do you favor Congress appropriating money for this project?	49.9	50.1
(b) Do you favor the combined efforts of the United States and Russia for this project?	34.0	66.0
4. Cuba: Do you favor—		
(a) Maintaining the administration's present policies?	27.9	-----
(b) Imposing with our allies a total blockade on Cuba?	36.9	-----
(c) Arm and furnish air cover for Cuban exile invasion?	19.1	-----
(d) The forcible overthrow of the Castro regime by U.S. military forces?	16.1	-----
5. I have introduced H.J. Res. 861 which provides for a constitutional amendment to permit Bible reading and prayer on an optional and nonsectarian basis in public schools. Do you favor such legislation?	90.7	9.3

MORE AID TO COMMUNISTS

I was extremely upset about 2 years ago when I learned that the United States was sending Peace Corp volunteers to help Sukarno in Indonesia. Sukarno had only shortly before said, "I am a Communist of the highest order." A Peace Corp official was reported to have said at that time that we were going to send volunteers "acceptable to Sukarno." "We are not going to send any flag wavers over there, any kids with the Declaration of Independence tattooed on their chests." Sukarno is reported to have recently told U.S. Ambassador Jones that Americans could take their foreign aid and "go to hell with it." All of this seems bad enough, but now we learn that the United States is training Indonesian soldiers to fight against our own friends and allies. There are 280 Indonesian "fighters" in this country being trained not only in police tactics, administration, etc. * * * but also in guerrilla warfare. The State Department has now admitted this to Senator KEATING of New York.

U.S. SALES TO CUBA

Despite the so-called "economic blockade" the United States maintains it has on Cuba, it is very evident that American-made products are being sold to the Latin American country. While State Department officers tour Europe, attempting to argue Western governments into cutting off sales to Cuba, Communist Poland is selling U.S. supplies to Castro. Poland is able to buy strategic materials from us and in turn supply Cuba with the same products under a trade pact agreement. Few of our citizens know that in the last year Poland's central purchasing trust has bought the following items, among others, from the United States, and has sent similar supplies south of our border: Electrical industrial process control instruments, telecommunications apparatus, electronic testing machines, etc. The U.S. Government spends millions trying to counteract Castro's propaganda inside Cuba and to build a fifth column of anti-Communists on that island. This isn't all. The U.S. Department of Commerce has approved the sale of American textile machinery to Poland, and Poland, under the new pact, sends finished textiles to Cuba. Luther Hodges, Secretary of Commerce, recently said that the "national stance" now is not to help Cuba in any way except to supply some food and medicine. Mr. Hodges also said that he believed it was unrealistic to refuse trade with Cuba but the time is not yet ripe for change. I've got news for the Secretary. The change has come about and the situation is beyond ripeness—it's rotten.

U.N. CRISIS

Although Premier Khrushchev is not at the United Nations banging his shoes on the table, Russia is still causing an uneasiness in New York. The Soviet Union is more than 2 years behind in the payment of its assessments for peacekeeping operations in the Congo and the Middle East and is due to lose its vote in the General Assembly this fall unless payment is made. The Soviet delegation is saying that any attempt to deny its vote will endanger the future existence of the U.N. If Russia is successful in ignoring the penalty, it would in effect have amended the charter by unilateral action and if this occurs the world organization's effectiveness would be even less than at the present. No doubt new concessions will be made to pacify the Russians.

With best wishes from your Congressman.

A CREED FOR YOUNG AMERICA

(By Dean Alfange)

I do not choose to be a common man. It is my right to be uncommon. I seek opportunity to develop whatever talents God gave me—not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and to succeed. I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the stale calm of Utopia. I will not trade freedom for beneficence nor my dignity for a handout. I will never cower before any earthly master nor bend to any threat. It is my heritage to stand erect, proud, and unafraid; to think and act myself, enjoy the benefit of my creations and to face the world boldly and say—"This, with God's help, I have done." All this is what it means to be an American.

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

Mr. GALLAGHER. Mr. Speaker, as we in the United States know so well, the development of and the functioning of government must be within the confines of constitutional guidelines and precepts. Thus are guaranteed the rights of the individual citizens and thus is assured government by the people and for the people.

Soon after the adoption of the Constitution of the United States, the citizens of Poland adopted a constitution. The year was 1791. Poland had already undergone a partition at the hands of her three powerful neighbors—Austria, Prussia, and Russia. In order to forestall further encroachments, certain liberal leaders of Poland, imbued with genuine democratic ideas, had been working on a new constitution. It is that document, adopted in May of 1791 whose anniversary is being observed. That historic document seemed at the time a true bill of rights for the Polish nation. By that constitution a government of limited monarchy was established with definite ministerial responsibility. The electorate of the parliament was considerably enlarged, and numerous privileges formerly enjoyed by the small upper classes alone were made available to other classes. Certain rights of the peasantry were restored and the peasants were brought under the protection of the law. Even more important, freedom of conscience was guaranteed, and absolute religious toleration was established.

Today, so many years after that epochal event and after so many advances in all phases of democracy, this document may seem somewhat outdated, but nevertheless, it is regarded as a forerunner of later liberal constitutions, particularly in central and Eastern Europe. In many respects it was a pioneering document and therein may be found its real significance.

Unfortunately for the Poles and their friends abroad, there was little chance to put its provisions into operation. Soon Poland was again partitioned by her implacable and powerful neighbors, and is no longer a free and independent and sovereign country. Even so, all Poles regarded, and still regard, this document as a landmark in their history.

I am honored to join in the participation of the 173d anniversary celebration of Polish Constitution Day. I have visited Poland on several occasions in recent years and I know that the principals embodied in that great document are cherished today even though a foreign nation dominates that country and the people are denied the rights that were once guaranteed them.

Freedom of Association: Demanded in North as Well as the South

EXTENSION OF REMARKS

OF

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

Mr. BENNETT of Florida. Mr. Speaker, as the civil rights legislation is debated in the Senate and all the aspects of this bill are brought before the people of the United States it becomes increasingly apparent that freedom of association can be and must be preserved in our country. The rights of every American engaged in private business, housing, and education must be protected, and the Federal Government must not inject itself into private decisions of persons conducting their own business or in the sacredness of their homes or in the field of education.

This problem of Government intervention into these fields is not restricted to any one section of the country. It is a continuing problem in the North, East, South, and West. The inappropriateness of Government intervention is illustrated by the recent vote in the House of Representatives of Rhode Island. That Northern State had a 1960 population census of 859,488, with 838,712 white people and 18,332 Negroes. On April 10, 1964, the Rhode Island House, as reported by the Associated Press, voted 61 to 32 against a proposal to ban separateness in housing. The Associated Press dispatch referred to this legislation as a "watered-down measure" and said that it had both Democratic and Republican support.

This story, as far as I can determine, was not reported in some of the great daily newspapers of our country, and I include the AP dispatch in the RECORD following these remarks.

In an effort to protect the private rights of citizens, both in the North and the South, I have introduced a freedom of association constitutional amendment. This amendment recognizes the right of freedom of association and prohibits the Federal Government from violating that right. I include this amendment at the end of these remarks, and call attention to it for your consideration.

In the last several years the country has undergone a great and unjustified misconstruction of the U.S. Constitution. It is refreshing to see that this challenge to uphold the Constitution is as strong in the North, as exemplified by the action of the Rhode Island House, as it is in the South.

The April 10, 1964, Associated Press dispatch follows:

PROVIDENCE, R.I., April 10.—Civil rights leaders pledged to continue their fight and a legislator's house is under police guard today following a 2 to 1 defeat in the Rhode Island House of a proposal to ban discrimination in housing.

Leaders of both political parties joined the heads of groups which had lobbied for passage of the bill in expressions of disappointment at the 61 to 32 rollcall vote which killed the watered-down measure.

One of the bill's leading opponents, Representative Frank A. Martin, Jr., Democrat, of Pawtucket, told police several threatening phone calls were made to his home last night.

Police set up a watch outside the house.

Earlier, Martin said, he was accosted by an unidentified man and threatened as he was leaving the house chamber after the long and bitter debate.

Party lines, usually maintained rigidly in the Rhode Island Legislature, were shattered on the controversial issue.

Forty-two members of the Democratic majority rejected their leaders' appeals to pass the measure and redeem a pledge made in the party's 1962 campaign platform.

Nineteen Republicans joined in killing the bill, which had been backed by Republican Gov. John H. Chafee and had also been promised in the GOP platform of 2 years ago.

The favorable votes came from 25 Democrats and 7 Republicans. Representative John J. Wrenn, Democrat, of Providence, floor manager for the measure, said he didn't expect further action on this issue this year in view of the decisive margin of the house vote.

However, he said, renewed effort will be made to pass a similar bill next year.

The question of a ban on housing discrimination has been before the legislature for 7 years, but yesterday was the first time the issue has been formally debated in the house.

Previous measures were killed in committee or in the Democratic majority caucus.

The senate has passed similar bills twice.

Chafee pledged to use his executive power wherever possible to combat discrimination and enhance opportunities for the State's 22,000 Negroes.

Martin and other opponents of the measure called the vote a victory for the little man whose property rights and freedoms they said would have been infringed upon if the bill became law.

FREEDOM OF ASSOCIATION AMENDMENT

ARTICLE —

Freedom of association shall be preserved. The Federal Government shall not compel association of persons in private businesses or in housing or in educational institutions; but may assist in programs to provide equal accommodations and facilities for all, including withdrawal of such Federal assistance when equal facilities are not in fact provided. Each State shall have exclusive jurisdiction over its public educational institutions and may separate students therein on the basis of sex or race when this is decided by it to be in the best public interest or to assist in preserving freedom of choice in individual associations, provided that equal facilities shall be maintained at all times.

Poverty in Books

EXTENSION OF REMARKS

OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

Mr. SCHWENGEL. Mr. Speaker, prior to National Library Week, April 12–18, I had the privilege of meeting with the District of Columbia Committee for National Library Week. I was able to relate to this committee some of my own observations about the shocking lack of books in the District of Columbia elementary and junior high schools. I have personally visited many of these schools and have seen with my own eyes that library facilities are practically nonexistent

It is incumbent upon me to sound a note of warm praise to the District of Columbia Committee for National Library Week for its efforts and the promise of progress which has come out of these efforts to get more books into the District of Columbia schools and to put librarians in the schools where now there are none.

Under leave to extend my remarks, I wish to call the attention of my colleagues to some ways the committee approached this problem. I feel that the groundwork has been laid. I know the results will follow.

The first item is a letter from Mrs. Cazenove Lee, chairman of the District of Columbia Committee for National Library Week, to Mr. Wesley S. Williams, chairman of the board of education for the District of Columbia. This letter will be followed by excerpts from a radio panel discussion on April 16; a commentary by Edward P. Morgan on his regular ABC broadcast on April 17; an excerpt from an interview by Dr. Carl Hansen, Superintendent of Schools, on a television program on April 12, and then a list of members of the committee to whom all credit is due for making the community and the Congress aware of the poverty in books of the District of Columbia.

DISTRICT OF COLUMBIA COMMITTEE
FOR LIBRARY WEEK, APRIL 12–18,
1964,
April 13, 1964.

Hon. WESLEY S. WILLIAMS,
Chairman, Board of Education of the District of Columbia, Washington, D.C.

DEAR MR. WILLIAMS: On behalf of the District of Columbia Committee for National Library Week I should like to present for the consideration of your Board our recommendations on the school library budget for the fiscal year ending June 30, 1966.

As you know, our committee, of which you are a member, met the Superintendent Hansen and other school officials on Monday, April 6, just before your open public hearing. These recommendations are a result of the discussion at that meeting between these officials and the group of civic leaders present.

It is clear that good school libraries can contribute immensely to reading ability, that central skill in the educational process. We recommend the following provision for school libraries in the 1966 education budget, as part of a 3-year program to bring libraries up to an adequate standard:

(1) Full-time professional librarians in each of the junior high schools.

This is a necessary first step but will still leave our junior high schools far below American Library Association standards, which call for 1 librarian for each 300 students, up to 900. As you know, all of our junior high schools but one have 1,000 or more students.

(2) Full-time librarians in each of the elementary schools (or combinations of very small schools served by one principal).

This is a big but essential move, building upon the approval of the first eight professional librarians for elementary schools in the 1965 budget as recently passed by the House of Representatives.

(3) An initial appropriation of at least $2,500 for books in each elementary school.

The House appropriation for fiscal year 1965 has established this as a precedent. Actually, more than $2,500 is necessary for a satisfactory initial elementary schoolbook stock, but $2,500 is an acceptable start.

(4) Raise the annual per capita library book purchase allocation to $1 per student in the elementary grades and $1.50 per student in the junior, senior, and vocational high schools.

Here again this is a necessary step forward but leaves a long way to go in order to reach the recommended ALA per-student standards of $4 to $6 per year for library books.

(5) Make adequate provision for library space in new school buildings and, equally important, in alterations of old buildings.

Our schools at all levels have inadequate space to provide an acceptable level of library service. The ALA standards call for collections of 6,000 to 10,000 volumes in schools with 200 to 1,000 students, and 10 volumes per student for larger schools. The minimum seating capacity recommended is 45 to 55 in schools of 200 to 550 students, and 10 percent of the student body in larger schools. The present capacities of libraries in those schools in the District which have them is far below these standards.

In closing, I urge that these recommendations be incorporated in the 1966 school budget. The citizens of the District, the professional educators in our school system, and Members of Congress have indicated their support for adequate school libraries as a small but important part of a general program to improve the educational system of the Nation's Capital. We know we can count on your leadership in taking this major step toward providing the kind of education our children must have for today's world.

Sincerely yours,

MRS. CAZENOVE LEE.

EXCERPTS FROM PANEL DISCUSSION ON RADIO STATION WMAL

On Thursday, April 16, Matthew Warren, of radio station WMAL, discussed National Library Week and its application to the District of Columbia with three interested people: Miss Evelyn Bull, director of supervision and instruction on the elementary level in the District of Columbia school systems; Miss Wave Elaine Culver, member of the Capitol Hill Community Council and chairman of the Action Committee for District of Columbia School Libraries; and Congressman FRED SCHWENGEL, of Iowa. These are excerpts from their conversation:

Mr. WARREN. Someone once said that any institution of learning, regardless of the endeavor, is but a source of the knowledge of where to go to find it.

Miss BULL. President Johnson's proclamation for this special Library Week emphasizes one of the things that Representative SCHWENGEL has said: the fact that through libraries, through reading, people can help themselves. I think we know, in our past history, how many people have had a library as the only source of strength, and the only way of rising above the situation in which they found themselves.

You asked me why the children couldn't use public libraries. This is one of the reasons; the people who are self-starters will go to a public library and use it. But where we have children who need to be cranked, we have to have the library close enough so that they can get to it and so that the teachers can help. The teachers should make sure that the books aren't too hard, so that the children don't get discouraged, and see that they have a choice that goes with their interests. Because if we just give children any book they can dislike it as much as they do some of their school books—unfortunately.

Learning to read without a library is like trying to learn to cook without any food, or trying to learn to be a carpenter without any wood.

Mr. WARREN. But in the little red schoolhouse there were no libraries, there were assigned textbooks. The quality of the teaching we will assume was good. The children learned. Is proper teaching, perhaps, the answer, to raise the educational standards in our elementary schools?

Representative SCHWENGEL. First, let me take on this little red schoolhouse business; I went to one of those. But I didn't go to a little red schoolhouse that didn't have books. They were not assigned as textbooks, they were reference books. My little District No. 9 in Westford Township, Iowa, had more books than the elementary schools have here. And they only taught school up to the eighth grade. And when the teacher talked to us about the importance of reading books, she could point to a book we ought to read. And she talked about encouraging our parents to bring books into the home and that sort of thing—and that's going on here, too. But to have the teachers talk about it, and then not to have a place to let the boys and girls read a book in their spare moments. * * *

Miss CULVER. Our Capitol Hill Community Council has put token libraries in: last year in Brent School; this year in Webster.

We find that the children who come into the reading room of a so-called library in a basement room in Brent School, for example, walk in, they look at the books for a while and think that something so clean and new should not be handled by them. They're a little reluctant to pick them up. It's probably the first clean, new, bright book they have ever seen.

Then, when the youngster finally takes it up there is absolutely no reluctance on their part to read. They stay and read—and from then on your only difficulty is trying to get the child and the book disengaged so you can call it quits for the end of that hour's reading period. They respond, and their response to us has been that "these are nice clean bright books" and that they "never knew you could learn about these sorts of things."

"The Case of the Missing Librarians" is a shocker—not whodunit fiction but, so to speak, who didn't do it? fact. The fact is that for 18 million American citizens the public library is missing and so are the public librarians. For a nation boasting of its literacy—though there are still entirely too many Johnnys who can't read—this is a disgraceful circumstance in which nearly a tenth of the total population of the United States has no access to a library book.

Since this is National Library Week it is appropriate to stare this situation in the face and a good place to begin, unfortunately, is right here in Washington, D.C. Although the great Library of Congress has close to 13 billion bound volumes of books and periodicals, the power center and the Capital of the so-called free world is pinned down by the crushing fact that library facilities for Washington schoolchildren are among the worst in the Nation. Indeed in the Capital's 135 elementary schools they simply do not exist, in any form worthy of the name. Some schools, old and new, have space for a library but no books. One junior high is so crowded it has to hold classes in what is supposed to be the library. In another, parents operate a library in the corridor. This year there is an appropriation of 50 cents per grade school child for library books. Not a dime had ever been set aside for such purpose before. And this in Washington, D.C. The absolute minimum in the American Library Association's standards for school libraries is $4 per pupil per year for books.

It is precisely on the beginning level where "book learning" is needed most. As one Washington elementary school librarian, a volunteer, puts it: "Libraries are supplementary to classrooms in much the same way that books are supplementary to teachers. The aim of elementary education is to get a child interested in learning—in the enlargement of his understanding. Reading is the * * * indispensable means by which this is done.

"If children can be led to develop reading as a habit, if they come to think of reading as a road to achievement and satisfaction and even pleasure, they are on their way to becoming educated citizens: and once they are firmly on that way, no one need worry very much about their becoming delinquents or enemies of the community."

It will take some painful sacrifices, of course, to correct this library deficiency in Washington and elsewhere. Would we Americans, for instance, be willing to alter our personal spending habits sufficiently to provide a little more for books which might be donated to school libraries—if legislators won't appropriate the funds? We live a pretty Spartan existence already and I'm not sure we are ready for further sacrifices. In 1962, for example, we spent something above $3 billion for cosmetics and toilet articles and that was only double what we spent on books and maps for personal consumption. And the $10,665 million we invested in liquor was only a little more than six times the $1,677 million we squandered on books. In 1963 we shelled out a healthy $8 billion for tobacco, up only $326 million over the previous year and at that rate we'd undoubtedly have to budget pretty tightly even to afford a book on the subject of smoking and cancer.

We can have more or less what we want in this country and in terms of public libraries it appears we have already had it. The average age of library buildings in the United States is 53 years. Eighty-five percent of American public libraries were built before 1920. What more do we want? Plainly not much. It took a concerted effort led by that human dynamo from Minnesota, Senator HUBERT HUMPHREY, to get the Congress of the United States to appropriate $160,400 in 1962 to buy 160,400 textbooks for Washington, D.C., schools. And HUMPHREY had to cart an armload of tattered, obsolete texts onto the floor of the Senate, wave them under the noses of his colleagues, and point out that they didn't even have in the science books adequate passages about the airplane, let alone the space age, before the lawmakers in their myopic majesty would act. One hundred and sixty thousand dollars amounts to less than three one-hundredths of 1 percent of the net receipts of partimutuel machines at the Nation's racetracks in 1962.

According to a recent report, it won't be long before the Library of Congress is caught up in the revolutionary age of automation and employs computers to search for documents and information. At the rate we're going in our educational system, however, the only place the information can be found will be on the shelves. Already it cannot be found in the heads of too many American schoolchildren because they do not have enough books to fill their minds with knowledge—even if they learn to read.

Happy Library Week.

This is Edward P. Morgan saying good night from Washington.

Dr. Hansen's Statement on WTTG–TV

On Sunday, April 12, Superintendent of Schools Carl Hansen was interviewed on the Mark Evans show over WTTG–TV. In the course of the interview, Dr. Hansen said:

"We should provide incentives for reading, to people who don't ordinarily get reading in their own homes. Children, especially at the early ages, need to use books, need to learn to read—for spiritual rejuvenation, you might say; for entertainment, recreation, and factfinding. It has to be brought in early—it is best in the home, but when it doesn't exist in the home, in the school if possible.

"One of the paramount needs we have is to get books available to children at the very earliest age."

List of Names of Members of the District of Columbia Committee for National Library Week, April 12–18, 1964

Mrs. Cazenove Lee, chairman.

Mr. Paul Burnette, executive director.

Honorary chairman: Mrs. Lyndon B. Johnson.

Honorary vice-chairmen: Hon. Walter N. Tobriner, Hon. John B. Duncan, Brig. Gen. C. M. Duke.

Members: Dr. Hurst R. Anderson, Mr. Albert W. Atwood, Miss Alice D. Ball, Mrs. Adrienne Barth, Mrs. Arthur Blacklow, Miss Evelyn Bull, Very Rev. Edward B. Bunn, S.J., Mr. Thomas Henry Carroll, Mr. Milo F. Christiansen, Mr. Verner Clapp, Miss Wave Culver, Miss Mary Curran, Miss Olive de Bruler, Mr. Clark G. Diamond, Mrs. Tilford E. Dudley, Dr. Leonard M. Elstad, Mr. Robert W. Frase, Dr. Norman Gerstenfeld, Mr. Joseph Goodfellow, Mrs. Elizabeth Hamer, Dr. Carl F. Hansen, Miss Virginia Haviland, Mr. John S. Hayes, Mr. John W. Hechinger, Miss Helen-Anne Hilker, Mr. Fred S. Houwink, Mr. Paul Howard, Mrs. Jehu L. Hunter, Mr. John D. Koontz, Rev. James W. Kortendick, Miss Germaine Krettek, Miss Maxine LaBounty, Mrs. Richard Marsh, Mr. William J. McCarter, Rt. Rev. Msgr. William J. McDonald, Mr. Benjamin M. McKelway, Mrs. Johanna Smith Morris, Dr. L. Quincy Mumford, Dr. James M. Nabrit, Mr. John O'Rourke, Mr. Harry N. Peterson, Mr. Paxton Price, Mr. Eiler Ravnholt, Mrs. Enid Reque, Col. William A. Roberts, Very Rev. Francis B. Sayre, Jr., Mrs. Carl L. Shipley, Mr. William H. Thomas, Mr. J. C. Turner, Mrs. Jo Jasper Turner, Mrs. Luverne Walker, Dr. Garnet C. Wilkinson, Mr. Wesley Williams, Mrs. Dagmar Wilson.

Executive secretary: Mr. Robert T. Jordan, District 7–8877, 1025 Connecticut Avenue NW., Room 704, Washington, D.C.

The George Washington Address

EXTENSION OF REMARKS

OF

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

Mr. DEL CLAWSON. Mr. Speaker, recently I was privileged to hear my good friend and colleague, the Honorable KATHARINE ST. GEORGE, speak before the American Good Government Society. These remarks were so outstanding and timely that I felt each of my colleagues should have the opportunity of reading this speech. Mrs. ST. GEORGE's remarks were as follows:

The George Washington Address

(By KATHARINE ST. GEORGE)

George Washington's Farewell Address is one of the great historical documents of all time. It is a final testament left to the American people by their first President. The man who could have been king by hardly stretching out his hand. The man who believed in the Constitution and yet warned of those pitfalls that lay ahead.

The word "great" has been overworked to death. When we see the two-bit politicians to whom it is applied daily in the press, and the miserable speeches and documents that are so described, it seems almost an insult to apply it to this great document.

It might be well to apply the word "great" only to something or someone whose reputation has endured for at least 100 years, and if Madison Avenue can create an image that can survive that test, no one should quarrel about their handiwork.

Every year on Washington's Birthday the "Farewell Address" is read in the Congress of the United States. It is hard to read, as the sentences are long and the punctuation different from the modern. It is also hard to read, because the art of reading aloud is no longer practiced, or taught, in the United States and therefore the modern Member of Congress has usually considerable difficulty in delivering these great rolling sentences with conviction and lucidity. For this reason, and many others, this great testament has rarely been put to use. Like civilization and Christianity, it has never been tried.

I would like to consider the address with you tonight. I would like you to think of the words of our first President as they apply to the present and how they may be applied to the future. Washington believed deeply in the Constitution and he says, among the very first matters:

"That your union and brotherly affection may be perpetual—that the free Constitution, which is the work of your hands, may be sacredly maintained * * *."

This is something that is increasingly hard to do and one reason is that the complexion of the country and its growth have made another sentence that comes shortly after this first, useless today. It follows:

"With slight shades of difference, you have the same religion, manners, habits, and political principles."

Of course this is not true today and we conveniently forget that a great many people from many lands do not believe in a written constitution and do not believe in a modern mechanized and urbanized state.

The British, for instance, have always held that a written constitution was too rigid and have never had one. But here Washington foresaw the difficulty and gave the answer:

"The basis of our political systems is the right of the people to make and to alter their constitutions of government—but the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Not that you could change the Constitution every other minute, but that when the people by a vast majority demanded change, they could. They not only can, but do obtain these changes when they really demand them. We have seen it most recently in the XXI amendment which repealed prohibition. This fact is, of course, our salvation in a growing and changing world.

As we are gathered here tonight as a nonpartisan group to honor two Senators representing our two great political parties, we should note that our first President was most vehement in his warning against what he termed the "baneful effects of the spirit of party generally." He also said, and this is important to us today:

"It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in it greatest rankness, and is truly their worst enemy. * * *

"The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner, or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty."

Now we today have very little partisanship. As far as causes are concerned, we all believe in motherhood and the flag and the absolute rights and knowledge of the great teenage American boy or girl, and these are our sacred beliefs, be we Republicans or Democrats.

We have, however, become slaves to looks and personality. We are violent in our likes and dislikes of individual candidates. This is especially true of women, and remember, gentlemen, they have the predominant vote today. It has been well said that for every woman who makes a fool out of a man, there is another woman who makes a man out of a fool. But, ladies, the latter is a harder task, especially in the political field.

This cult for the ideal person for political office is a way to lead the kind of competition that Washington warns us of in my last quotation, and it is infinitely easier today with TV, radio, photography, etc. for an individual with a pleasing and dynamic personality to turn all this to his own elevation on the ruins of public liberty. I am afraid, my countrymen, that we are now quite a way down this road.

We of the legislative branch have no great reason to cheer over our efforts to sustain public liberty. As one who has been in the Congress 18 years I have seen with sorrow the erosion of our powers, our dignities, and our effectiveness. I do not blame this on the executive or the judicial branches. I blame it on the Congress itself. These rights and duties could never have been taken from us; we abdicated them.

Here again George Washington foresaw what might be, and spelled it out. He said:

"It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

Today we are seeing Members of the House and Senate daily criticizing the manner in which both Houses conduct their business. Well, let us now come forward, with a will to do something ourselves, before it is done for us from above. We have the critics, let us have the builders also. This is indeed a case of "physician, heal thyself."

We have heard much about the first amendment of late, and of the Supreme Court's decision in the matter of prayer in our public schools. Those upholding the decision would have us believe that the Founding Fathers feared the influence of religion and merely granted a free exercise of it. I cannot read any such meaning into the amendment. It is simple; it does not need a Philadelphia lawyer to interpret it. It says:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *."

What the founders did not want was the establishment of an official church, such as existed in most of the world at that time. Certainly, up to the latest Court ruling, this seems to have been the general interpretation, and most of our States had prayers in the public schools.

On this question of religion, the address is emphatic. It says:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. * * * Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. * * * reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle."

My fellow citizens, what we need today above all else is a return to these stern principles of morality, and indeed reason and experience prove that they will never exist without respect for and belief in spiritual values.

I will not reiterate at any length the well-known injunctions, to cherish public credit, and to eschew entangling alliances. It is probably too late now to consider either in an age when we are coming near to an era of printing press money. One of your award recipients, the distinguished Senator from Ohio, said recently:

"The requirement that there shall be 25 cents in gold for every Federal Reserve dollar issued is an anchor against printing press money. If that requirement is removed there will be no limitation of any character except the judgment of Federal officials which changes like the winds."

As to alliances, ours today encircle the globe. We have made these engagements and, for better or worse, they must be kept. In the words of the address: So far as have already formed engagements, let them be fulfilled with perfect good faith.

Finally, let us here tonight, who are dedicated to "good government," think over this great testament left us by the true Father of our Country, not as an interesting historical document, but as a blueprint for a more perfect union and a more perfect government. In the words of George Washington, the first and the greatest President of the United States, "Let us raise a standard to which the wise and honest can repair; the rest is in the hands of God."

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 4, 1964

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Washington Report of May 2, 1964:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

RENEGOTIATION ACT EXTENDED AGAIN

The House this week extended for another 2 years the Renegotiation Act of 1951, H.R. 10669. While this is a highly technical bill which most laymen find hard to understand, its purposes and its continued extension are legitimate subjects for serious consideration.

The Renegotiation Act of 1951 was enacted on March 23, 1951, as a result of the outbreak of the Korean war. Its purpose—to authorize the Government to recapture excessive profits on certain Government contracts and related subcontracts. It applied to:

1. Department of Defense.
2. Department of the Army.
3. Department of the Navy.
4. Department of the Air Force.
5. The Maritime Administration.
6. The Federal Maritime Board.
7. The General Services Administration.
8. The National Aeronautics and Space Administration.
9. The Atomic Energy Commission.

The current bill adds the Federal Aviation Agency.

The Republican views on the Renegotiation Act are summed up in minority views in the report on the bill: "We believe that steps should be taken to bring renegotiation to an orderly termination." It is the Republican position that the act should not be made permanent in effect by renewals every 2 years. Instead, sound procurement practices should be substituted for renegotiation. The report states:

"With each extension of the Renegotiation Act, there were representations made to the committee that the procurement practices were being improved with a view toward dispensing in the future with the need for renegotiation. Yet the day never comes when the procurement agencies are willing to throw away the renegotiation crutch, and learn to walk again—and we will never see that day so long as the committee continues its willingness to extend the Renegotiation Act without question.

"The procurement agencies of the Government have ample powers to protect themselves against windfall profits in Government contracts. As a matter of fact, experience in the private sector of the economy amply demonstrates that under a free enterprise system we should be concerned—not with the profits earned by a contractor—but with the prices at which the goods or services are offered to the Government. Renegotiation penalizes the efficient and rewards the inefficient. There is inherent in the renegotiation process the very element of cost-plus-a-percentage-of-cost contracting which is forbidden by law, if done directly."

All 10 Republicans on the Ways and Means Committee signed the minority views in an effort to enact an orderly transition in Government procurement so that it would be made on "fixed rules of law" rather than on the "judgment by men."

DALLAS STORY WELL RECEIVED

Mail from all sections of the Nation shows that many people are grateful for having the record on Dallas set straight. While it is inevitable that there will be those who charge me with political motives in making the speech in the House of Representatives, most Americans are deeply concerned with fairplay and honesty and they appreciate having all the facts on Dallas. In the best American tradition when the people have all the facts their final judgment will be right and those who have tried so hard to downgrade and discredit Dallas will, themselves, be discredited.

WASHINGTON EVENING STAR SUPPORTS DALLAS

A significant editorial was printed in the Washington Evening Star on Wednesday, April 29, 1964. The editorial follows:

"DALLAS AGAIN

"Repetition is dull. But when a gross error of interpretation passes from the province of papers and magazines into that of books, it must, if it is a matter of national importance, be refuted all over again.

"Such is now the case with the general proposition—or feeling, to be strictly accurate—that the prevalence of rightwing views in the city of Dallas was responsible for the assassination of President Kennedy.

"The feeling was the immediate reaction of some newscasters and some news analysts who got their views into print or on the air before the facts were in. What was even more astonishing was the continuing defense of that feeling even after it became reasonably clear that the late President was shot by a man probably working alone, and that the killer, insofar as he held responsible political views, held those of the extreme left. Serious observers who had spent a good part of the McCarthy era denouncing the conspiracy theory of history immediately embraced the theory and elaborated a vast conspiracy which included the entire Dallas police force just as openers.

"The publication of 'Dallas Public and Private,' by Warren Leslie, dignifies that feeling with hard covers and a dust jacket, and hence requires once more the assertion that President Kennedy was murdered not by antifluoridation thoughts, not by income-tax-repeal arguments, not by skepticism of psychiatry, but, as far as anyone can tell, by an individual named Lee Harvey Oswald."

Remarks of the President to the U.S. Chamber of Commerce, Constitution Hall

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1964

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the eloquent remarks of President Lyndon B. Johnson on April 27, 1964, to delegates attending the annual meeting of the U.S. Chamber of Commerce in Washington, D.C.

President Johnson's remarks follow:

REMARKS OF THE PRESIDENT TO THE U.S. CHAMBER OF COMMERCE, CONSTITUTION HALL

(As actually delivered)

Thank you very much.

I suppose it might not be entirely accurate to greet you as "My fellow Democrats," but I am very proud to welcome you to your Capital City as my fellow Americans.

Last week the railroad dispute was settled without a strike, and without compulsion.

The previous week it was announced that our gross national product had reached \$608½ billion in the first quarter of this year after the longest period of uninterrupted prosperity in the peacetime history of America.

A few weeks ago, since I became President, the largest tax cut in all American history, almost two centuries, went into effect for American families and for American private enterprise. I understand that some of you here have an interest in taxes. But I must apologize to you this morning. We haven't done anything for business this week.

You know, Vice President Barkley told the story about the man whose son went to West Point. He got his brother a veteran's pension, he gave his daughter a job in the office, and finally he went back and the old man was fighting him and just giving him thunder in the campaign working for his opponent. He said, "How could you do this to me? Here are all the things I have done for you."

He said, "Yes, but you haven't done anything lately."

No, we haven't done anything yet this week, but please remember, this is only Monday morning.

Times are good. As I told your new president when he came down on the plane with me the other day from New York, it is awfully good to be here with you.

Twenty-seven years ago this month I came here as a newly elected Congressman aboard the train with the President. I like to remind my old and dear friend HARRY BYRD that he and I both arrived in Washington and are both still here, and about the only two original New Dealers that are still around.

Washington has changed very little since then. Not long ago I called in one of the very bright and very busy young men I have working with me, and I said to him, rather brusquely, because I was in a hurry, "The people want to know what we are going to do about the farm bill. Let's get our recommendations up right away." He came right back and said, "Mr. President, I don't think we have to consider that. I don't have a file on it. I will look it up, but I think you ought to go tell them if we owe it, we will pay it."

If Washington has changed a little, the country has changed much, and what the country wants and what the country requires and what our national leadership in your National Capital requires, I think you ought to know that it must change from time to time.

A CHANGING NATION

So this morning I want to follow the advice George Washington, our first President, once gave when he said, "Let your discourse with men of business be short and comprehensive." So in these last 150 days of my administration, 5 months, your national leadership has sought to serve the changing needs and the hopes of a changing nation.

Each year for the last 3 years, with the growing population, with new demands and new needs upon us, our local and our State budgets have materially increased over the country. I think it is only natural that our national budget would increase. I hope, as you talk about budgets, that you think of your own budget and what has happened to it over the last 10 years.

During the last 3 years, our budget increased because of increase in population about \$5 billion per year, until it got in the general vicinity of \$100 billion and 190 million people and a world of 3 billion that we are dealing with.

When I came into office, I had 37 days to wrap up a budget involving \$100 billion. The budget last year was \$98.8 billion. If I increased it \$5 billion, and we have a number of built-in increases like military pay raises—it was already voted; we had no choice; we had to pay them—that budget would be \$103.8 billion if we followed the normal, natural, ordinary course that we had followed the last 3 years.

After 37 days and nights, we brought that budget down to \$98.9 billion. In other words, we cut last year's budget—the expenditures that we made last year. We asked Congress to give us only enough money to expend this year and we reduced that budget of last year, not increased it by \$5 billion, but reduced it by \$1 billion. That budget does not go into effect until June 30 of this year. We have to submit it and the Congress has to approve it and take each one of 15 appropriation bills. But we did not ask for \$5 billion additional. We asked for \$1 billion less.

In doing that, we cut last year's deficit in half. Last year our deficit between our expenditures and our income was in the neighborhood of \$9 billion. We proposed to cut that deficit from \$9 billion to \$4½ billion.

Next, we cut Federal employment. This March—and it is difficult in rising population with increased needs, with State and local governments' expenditures and employment going up like that—to hold to where you are. We cut Federal employment, March of this year, below March last year by some 13,000. That is not much, but I would have thrown my hat to the ceiling if it had just been 1, and I am taking pleasure in delivering a letter to Senator BYRD today, telling him at least 1 month, the month of March, we have 13,000 employees less than we had last year.

When my budget does get into effect on June 30, I think we will materially reduce employees all across the board. One of the reasons for that is Secretary McNamara cut approximately 1,000 out, which had already been appropriated out for, and budgeted for, by closing installations. We closed 1 installation and got 100,000 letters of protest.

I don't know what you think about it, but I do hope that if you are interested in cutting the number of employees and reducing expenditures and operating a wise and frugal and thrifty Government, that you, too, will write once in a while.

CUTTING OUT WASTE

We are cutting waste where we find it. We are cutting inefficiency where we can prove it. We are cutting out the nonessentials so we can better support what is essential. We are determined the people shall have what they need and we hope to have a frugal and thrifty Government, striving for a dollar's value for every dollar spent, a dollar's return for every dollar invested. That was a statement I made 24 hours after I took office. That is a statement I repeat every day to my Cabinet, to my administrators, and to anyone else who will listen to me.

In doing what we have done, we have endeavored to shut down unneeded installations of other wars. We have closed down some obsolete, unnecessary, what you might call illustrative cavalry forts in this missile age. They have been carried over from other times and other needs, but no one has really walked in and said, "I am pulling down the curtain." We have done that so we can sustain the muscle of our might, to have more missiles for these times and the times to come.

I can tell you with positive assurance that your country has never been stronger militarily than it is at this hour. I can tell you without the slightest fear of contradiction for the next months that I am going to be in this office we are determined to keep it that way. We are always going to keep our guard up, but our hand out, searching for some way to avoid a nuclear holocaust. We are determined that no nation shall ever exceed us in preparedness, and none shall ever excel us in the pursuit of honorable peace, for we shall keep both our reason and our readiness at all times.

As this Nation can be reasonable without becoming restless in its relations with other nations, I believe earnestly and genuinely that this Government must be more frugal without becoming less compassionate here at home.

Private citizens and public officials don't have to be loose with the dollar to prove that they are liberals and progressives. They do not have to be callous to prove that they are conservative.

We cut on estimated needs of the military almost $10 billion before it ever got to the President. After it got to the President we cut more than $1 billion, and with other departments, more than $3 billion before we started putting back in. Then we added poverty in Appalachia and other things for hungry children and fathers with 11 children and who have only $20 on which to support them. We put back $2 billion, still staying under last year's budget by $1 billion, but if you take all of the money you are spending on poverty in Appalachia, it is just around 1 percent of the entire budget. I ask you—I ask you—aren't you willing to take a penny out of a dollar to try to make taxpayers out of tax eaters?

I came here this morning because I want you to be a part of this administration, of this Government, whether you are Democrats, Republicans, or whatnots. We have one big tent, and all America is welcome until November, and we will welcome everybody then, but we will expect some of you to go across the street.

This administration is determined to begin on building a great society for tomorrow, something that you can proudly—and Mr. Carey and Mr. Neilan can proudly—say "I was a part of that. I put in the first stone. I helped build that society," something that you can look back on for generations and say, "I was there when it happened," and your people can point—"My great uncle or cousin or aunt or grandpa or grandma had a part to do in that."

THE UNEMPLOYED

We must do those things that are undone and we must fill those needs that are unfilled. Having done what we have done in this generation to make freedom safe from aggressors, I believe that we must move with courage to keep freedom safe from erosion from within, by poverty, by despair, by disease and by poor schools and by poor slums. I don't know how many of you live on the side of the tracks where you even see this. I wish you could have gone with me and looked into their eyes and seen the faith and hope that they have in their country, when I traveled into Pittsburgh and saw the unemployed steelworkers, and into South Bend and saw the 8,300 men all of whom lost their jobs Christmas Eve—auto workers—and into West Virginia and saw the unemployed coal miners. One man with 11 children told me he had 4 days work last month at $4.50 a day, not because he does not work, but because it is not there.

I have gone into these schools and these slums and I have seen these insidious enemies of a stable economy and the ones that really promote inflation and recession. I want to tell you that no segment of our society has a greater stake in these people than folks who are well enough and can afford to come to Washington and belong to the U.S. Chamber of Commerce.

I talked to an old friend of mine the other day whose brother brought me to Washington as a secretary at $260 a month 32 years ago. He owns the world's largest ranch and he does not have any trouble getting three meals a day, because he has oil and gas under practically every acre of it. But he had invested in some Latin American countries where the ancient enemies of mankind were still operating—disease and ignorance, and illiteracy—and guess what our conversation was about—not about the million acres he owned in the United States which it could have been about, not about the tax bill, but about the 60,000-acre ranch that he once owned in Cuba.

I never want to contemplate talking to the builders and the owners of America about something they once owned here, but before you get too cocky, please remember you are outnumbered in the world 17 to 1, and don't put it on a religious basis or on a numbers basis or on a class basis or on a race basis, because there are a good many more of them than there are of you. Please always remember that if we do nothing to wipe out these ancient enemies of ignorance, illiteracy, poverty, and disease, and if we allow them to accumulate—I saw three families in Inez, Ky. One had 11, one had 8, and one had 6. The father of one had finished the third grade. His boy had grown to 18 and he quit at the third grade too, and his girl quit at 17 in the third grade. I pled with him to please keep those children in school if he could.

If you don't remember anything else, I say to you, remember this becaues it is in the interest of each of you, regardless of what party you belong to and regardless of your balance sheet. If a peaceful revolution to get rid of these things—illiteracy, and these ancient enemies of mankind that stalk the earth where two-thirds of the masses are young and are clamoring and are parading and are protesting and demonstrating now for something to eat and wear, and health—if a peaceful change of these conditions is impossible, a violent change is inevitable. I am just as sure of that as I sit here.

In this political democracy, what you have and what you own and what you hope to acquire is not secure when there are men that are idle in their homes and there are young people adrift in the streets, and when there are thousands that are out of school and millions that are out of work, and the aged are lying embittered in their beds.

HOSPITAL COSTS FACING ELDERLY

This man told me that he sat up until 4 o'clock the morning before with his neighbor, who was 85. He should have been in a hospital. But during his working years he hadn't been permitted to put a dollar per month to match a dollar of his employer's in a fund which would take care of him, after he had worked 40 years, to pay his hospital bill. The Government would not have paid anything, but under a plan, if he could put in a dollar a month and his employer a dollar a month, and he went into the work market at 20 years old and he worked until he was 65, that would have been 45 years at $24 a year, which would have brought him about $1,100 or $1,200, and multiply that by 3.75 over what it earns over 45 years. You get about $4,000 that he would have had, but he is prohibited from doing that because his Government had not gotten that far along yet.

It is like the fellow down in my country—I want you to relax a little and not get too tense, because some of these things are distressing when you hear them—a man went up and bought five hams from him during the war. He charged him $3 a ham, and he gave him a $10 and a $5 bill and he said, "What about the stamps?" The old man lived over in the backwoods of Texas—not far from where I live—and he said, "What about the stamps?" and he said, "What stamps?" You had to get stamps to buy meat in those days. He said, "Well, the OPA stamps. How many stamps do I owe?" "Oh," he said, "You are talking about the O.P. & A. Well, we never did put that in down here."

We never have put in this program where a man can take a dollar a month out of his wages and his employer can put a dollar to match it, and that $2 will provide him at the end of 40 years $4,000 to pay his hospital bills. What he has saved then can pay his own doctor and he can select any doctor he wants to and what he has saved up he can pay on his doctor, but this will take care of his hospital.

Head as well as heart tells us if we look in the head and have good judgment, we will act now. The poverty of other people is already a mounting burden. How much? You are now paying $4 billion a year for public assistance. You are now paying $8 billion a year for police and health and fire departments. The costs are high and they are going higher and higher. Unless you attack the causes of poverty itself, you are going to be shoveling it out to the taxeaters instead of producing and training taxpayers.

I went in this eastern Kentucky town and I was real stimulated to see 600 people being trained. Fifty of them were in a cosmetology class, learning how to fix up ladies' hair, and all of them will have a job when they get out. Another sizable group was in an auto mechanics class, and I said, "What is that great big piece of steel?" and he said, "That is the rear end of a truck."

We are teaching those people who have no skills some skills, and it is costing us $31 a week for them to do it so they can live. But when they get off at the end of 1 year, they will be able to hold a job, and we have a good many more jobs in a good many more classifications than we have people to fill. So if the 9 million families who are poor can earn just $3,000 a year, personal income would climb more than $11 billion per year. All of those people would become taxpayers having deducts made to their checks instead of taxeaters from the deducts from your check.

This is only one simple example that I am giving you. Waste is not unique to Washington. Neither is it only the product of what Government does. Sometimes greater waste comes from a society and what that society leaves undone. Racial and religious discrimination last year, according to the President's Council of Economic Advisers, cost us $15 billion because we wanted to say a Negro or a Mexican or somebody else couldn't work at this kind of a job. Unused or underused manpower costs us even more, and that is why this administration is dedicated to lifting off the burdens which weigh down our national productivity, our national expansion, and our national prosperity.

You know, business has changed since the 1930's, and I can tell you that Government has changed since that time, too. How has business changed?

CONDITION OF BUSINESS

Corporation profits after taxes, when I came to Washington in late 1931, for the year 1932, every corporation in this country, after they paid their taxes, had a net loss of $\$3\frac{4}{10}$ billion. Now, that was a conservative Government. Mr. Hoover wasn't responsible for all the things that happened, but no one ever charged him with being adventuresome, reckless, and wasteful, but they lost $\$3\frac{4}{10}$ billion, all of the corporations of America.

Ten years later, in 1942, we changed that loss and made \$9½ billion, all of the corporations. That is after taxes, because people talk a lot about taxes these days, but after the taxes were paid they made \$9½ billion in 1942.

In 1952, it stepped up to \$17.2 billion. I am not talking about administrations, because it is almost double there, and that was President Eisenhower's administration—1942 was ours and 1952 was his—but in 10 years—that was the year he was elected, 1952—but our prosperity continued during his 8 years, with a couple of recessions, where, in 1962, corporation profits after taxes—all of you feel sorry for yourselves now—all of you have a martyr complex and all of you think you are mistreated and all of you who haven't this experience of once owning a 60,000-acre ranch and not owning it any more, I want to show you how bad off you are—you made \$24,600 million in 1962, up 17 to 24 from 1952 to 1962.

In 1 year, from 1962 to 1963, it jumped to \$27.1 billion, and it is estimated for 1964 to be \$30 billion after taxes.

The return on the net worth for the average railroad—and I am getting to be an expert on railroads these last few days—the return they made on their net worth—and they are down at the bottom of the heap, was 2.2 in 1961 but that jumped to 3.7 in 1963, almost double. But on this \$27 billion, which is going to be \$30 billion this year, the return on net worth for all manufacturing companies was 10 percent. That is the average in the United States.

Now, the first 311 corporations that have been tabulated that reported to the Federal Reserve, a very nonpartisan organization and a very sound organization led by a very able man, Mr. William McChesney Martin, who served under many administrations, the first 311 corporations tabulated this first quarter, January, February, and March, show a 23-percent increase over the same period in 1963. That is what the first quarter in 1964 looks like

So, in this new day, I do not accept the viewpoint on either side that business and Government are inherently hostile opponents. We would work much closer together if we didn't have some public relations men and mimeographing machines getting statements out for each of us, trying to get our name in the paper and show that we attack somebody.

I remember the Bond Club asked Mr. Rayburn to come and speak to them after he introduced that death sentence amendment, the Holding Company Act, in 1935. They called it a death sentence. It would kill all of them. It didn't kill any of them. They all got richer, but it kept them from swindling a bunch of widow women.

They wanted to be nice to him 1 day when he was presiding over a hearing. They said, "Why don't you come up to New York some time and make a speech?" He felt like making a speech to the Bond Club like I felt like coming to the U.S. Chamber of Commerce. He was a little bit kind of like a mule, you are trying to put the bridle on and he is a little bit shy and holding back, but he accepted and I thought of what he said when Mr. Carey said he was awfully disappointed I was not going to make it over here, and I thought I couldn't make it here because I have a rough schedule today.

When he was flying back with me, he said, "I just think you ought to come and let us know each other better." I thought about what Mr. Rayburn said. He told them, "Yes, he would come right in the middle of that big fight." He went up there and the fellow that introduced him was a little embarrassed. He was not President and they couldn't do like they did this morning and just say "The President of the United States." You don't have to say any more. You don't have to say a good President, a bad President, a middle-sized President. You just say "The President," and that is the proper way to introduce the President. But I don't always do things the proper way, as you have observed in the newspapers.

There is something good that comes out of everything. When lightning struck Lady Bird's plane out in Cleveland the other day, it scared us for a moment, but a lot of good came out of it. She is willing to start riding with me again now.

I told Dick Nixon the other night when I went out to Chicago to speak—I met Dick coming back from Vietnam and Rockefeller and Goldwater going out—and I hope they are not too disappointed if we do well out there, because it is all our boys, all of our country, but I told Dick that from now on I didn't know whether I was—I was at the Gridiron Club and they were roasting all of us. I said I don't know whether a fellow is safer being a guest of the newspaper people or whether he is worse off having them as his guests.

But anyway, we put in a new rule at the LBJ Ranch if I ever get to go down there—I have just been down there twice in 5 months. A crisis seems to develop every week, nearly, and they would really ruin me if I happened to be there when a crisis developed, but I will tell you one thing for sure: If any of you show up at the LBJ Ranch, we have some new rules. Everybody is going to walk from now on, and I am going to do what Lady Bird tells me, and we are going to make everybody drink nothing but pure rain water or Pepsi-Cola.

No, I was saying that there is not anything inherently wrong with business and government, along with labor and agriculture and the public at large getting along, that they are inseparable partners in building a more prosperous America.

NEED FOR COOPERATION

Some people say I talk out of both sides of my mouth. I don't know why you have to be antiworkingman and promanager or antimanager and proworkingman because they all three, the capitalist, the manager, and the workingman go together to make up the profit system, and this is the free enterprise system. So tomorrow I am having Mr. Carey, your executive vice president, and a hundred other businessmen to talk about how to keep from raising prices so that inflation won't eat the dollar away and make it a soft dollar instead of a hard dollar, where it will be worth something to you, where you won't have the condition repeated where 10 years ago you buy a house for \$10,000 and that house would now cost \$22,000, that same house.

Each one of us, with the profits we are making, we are going to try to reduce prices a teeny weeny bit or hold prices where they are, and then I am going to call in the leaders of the workingmen of this country this same week and tell them the same thing. That may be talking out of both sides of your mouth, but the way I feel about it, I am President of all the people.

When this administration came into office, the Nation faced a recession and the challenge of high unemployment. The first thing I did was to reject the expedient of make-work sedatives. I have seen the WPA. I worked very closely with it back in 1933, 1934, and 1935, but instead of having make-work sedatives, I wanted to go after the causes and I wanted to produce a cure, and I think you know the record.

Now, what is the record? The revision of the depreciation schedule was made in 1962. That is for the taxpayers and it was a wise one, and a beneficial one, and it has helped the Government.

There was the Investment Tax Credit that same year. We have had the tax cut this year, the biggest one in the 188 years of history, 175 since you had a President.

We have the Trade Expansion Act to keep American producers competitive in world markets where we can sell something besides just ourselves, and the increasingly successful attack on our balance-of-payments deficit.

The first quarter is always better, and you can't judge the other quarters by the first, and it is not accurate and we are not sure, but I am telling you it makes me mad when I see the first quarter is about to balance out when we have had these huge losses. I said to Secretary McNamara only last night at dinner, "Please get some of your top colonels and generals out talking to these other countries about things they can buy in the way of equipment from us so we can get some of their money back over here.

ECONOMY DRIVE

We have a drive on in every agency of this Government and you may get tired about hearing about it—they already have—I see them leak to these cocktail columnists that run around to each one of these Cabinet departments, "What do you know that you can whisper to me?" and I see they say I talk a little rough to the Cabinet and the independent offices and they say a little corn, and they say I shouldn't be insisting on efficiency and economy and I drive them too hard, and I am going to get sick because I am working too hard, and all that stuff, but we are insisting on efficiency and economy because if we don't stop this spiral, the sky is the limit. We will go the way the other nations have done.

The emphasis, and all of our actions, are on the importance of private investment. All of these have borne fruit in the good times America is enjoying now. I know the total burden of Government at all levels is heavy. I ask you to remember that your Federal Government is large and your share of its burden great, but the expenses of the Federal Government haven't gone up like the State and city. You ought to look at how much they have increased, but your Federal Government has a position that no one else has—we have to stand and preserve freedom in our time.

When we cut the nuclear production the other day, our nuclear production was up here, and all of the targets we would be required to use it against are down here, and that is all we would need. I just cut it that much. I still have that much in between on the chart, that much safety valve. When I tried to do that, you have no idea how much effort, how they tried to hold me back, and they said, "You will lose 400 men in this man's district and he is running for reelection this year." I said, "I am not going to operate a WPA nuclear project or WPA Defense Department. Let's put that over in poverty and let's put that over in Appalachia where we are spending 1 percent of our budget, but let's don't put it over here in Defense where we are spending 50 percent of the budget. Let's have the bombers, the missiles, and the men and the marines that we need. I am not going to use it unless they are needed."

You know, a friend of mine is running for President, and he is higher up in the military than I am. He is a general, and I stayed in about 25 years and never got but one promotion. When I got to be President, I got mad and resigned. But when I quit I was the equivalent of about a major or a chicken colonel, but when Castro got upset and all frustrated and excited, you remember, down in Cuba and cut our water off, I got all these recommendations from these experts and I was new in the job and didn't know quite just how to handle everything, but they told me, "Land the marines. Send the marines in." I studied it over and figured it out and went home and talked to Lady Bird about it—we don't have to shoot from our hip and let's not just go berserk here, because Castro has talked in too strong a voice. Wouldn't it be better to send in one little admiral to cut that water off than to send in all of these marines to turn it on, and that is what we did. But that costs money, even that admiral or that battalion of marines.

You take away arms out of the Federal budget, the military costs, you take away the costs of the past wars, the veterans that are on pensions that lost their legs and arms, you take away the defense and the security items and this year, 1964, Federal purchases of goods and services to our national gross produce will be within one-half of 1 percent of what it was in 1929.

I want you to remember that. When you eliminate the war picture, the defense picture, the thing that is keeping you from having somebody rap on your door at midnight and click their boots and tell you "Get up in your gown and come out to a concentration camp," when you take away that protection, you are within one-half of 1 percent of 1929, and it is going to be lower than at any time in any postwar year.

A GOVERNMENT TO DEPEND ON

You have only one Government, and all of you rely on it a lot more than you realize. You rely on it in Panama and you rely on it in Guantanamo and you rely on it in Cyprus and you rely on it in Zanzibar and you rely on it in Brazil and you never know what moment you will need it. When you need it, you mean business, and you want it to come. If you wipe that out, you are doing just about what you are doing in the Federal Government in 1929. That is 25 years ago, and I challenge any rock-ribbed, private enterprise, freedom-loving member of the chamber of commerce, to tell me his budget is the same as it was 25 years ago, when his revenues had increased proportionately with ours.

So your task and mine is to make sure that that government functions, not to obstruct—you ought not to do that to us. You ought not to oppose. You ought not to prevent it from functioning.

I ask you what would happen to your business if each day your stockholders—and that is what you are in this Government—spent all day long, like one or two of them do at an annual board meeting, criticizing what you do and finding fault with everything you do, and resolutely against you every day, every week—just as fast as those mimeographs can turn them out.

Now, you are stockholders in this Government, and every time you hit me, I am the only President you have. You make me a little bit weaker to do the things that you have hired me to do. I don't expect to muffle criticism. Every one of you say we invite free speech in our country and we want free speech and we want criticism—don't you—every one of you do. But there is a limit to how much you want, and there is a ceiling on how much is good for you.

Most of these countries tear themselves to pieces fighting among themselves, and I have never even announced for the Presidency. I said I am going to stay in this job and be President to all of the people as long as I can. I am going to follow my political philosophy, which is this, and it is stated and written and almost in stone and steel:

PERSONAL CREDO

I am a freeman first, and I am proud I am free and I treasure it and I am glad of it. I am an American second, and you don't know how I appreciate the citizenship that goes with that flag. Being an American is the proudest thing you can be except being free and a public servant honored to be the President of all of the people, third, and a Democrat fourth—in that order.

I have been rejecting the political advice of experts for 32 years that I have been in this game, but I still have the old-fashioned feeling that if you will take care of the next generation, this generation will take care of you, and that is the kind of a course that I embarked on.

So this morning I would like specifically to ask your support, not in the election, but for a purpose that I regard as most vital. I will see you later about the election. Today, in the State and local governments throughout the land, there are 1,000 offices that pay more than the salary of a Cabinet officer. Now, here are 9 or 10 men with the President who are responsible for whether we send in the marines or send in an admiral, whether we handle $100 billion carefully—I don't know how many of you handle a billion—I know one corporation made $3½ billion profits this past year, and I was mighty proud to see them make it. It didn't hurt my feelings just a bit and I just thought it was a wonderful year—but these men are handling $100 billion for you. They are handling your children for you. They are handling your life for you, and they are handling your civil defense for you, and there are at least 1,000 of them in State and local governments that made more than they do.

There are at least 290 top appointive Federal executives receiving the same or less pay than a top career man that works under him. I don't know how many of you have people working under you that make more than you do, but that is what you have here with the best Cabinet that I have ever seen assembled here in Washington, and I can say so without bragging because I didn't appoint a single one of them.

Now, I am asking your support, and it is going to cost you very little, and it is going to save you a lot, and it is going to give you a great deal more protection. The middle-level positions pay less than half the comparable scales of business and industry. The few million dollars that the Johnson administration has proposed to correct these inequalities could be paid by an increase of one one-hundredth of 1 percent in the efficiency of the Federal management, and some of the top and most valuable men to me are out in my office now wanting to see me, because they are borrowing money, and can't stand it any longer, and want to go home, and I won't see them. I won't take their resignations. I am not looking for political patronage. I am looking for performance.

I don't want to give any figures, but one of the great economic advisers, one of the ablest men in Government, has to maintain two homes and three children in college and a sick wife, and he has borrowed $16,000 to serve the Government in the last 3 years, so he has to quit. He is giving up. He can get twice as much back in private business working for a university than you allow us to pay him.

Now, I am asking your support to do something about that for yourself, so it will show on your tax return, so I will have some good management, and we can catch corruption, we can stop it before it gets going, we can have some businesslike practices, and we can do a good job, and these men get half of what you pay yours.

Finally, I would say to you this: Whatever else you have—and you may not have much this morning—but you can go home and tell your friends that you have an independent, taxpaying, light-bill-saving President in the White House. You have one who has great faith in his country, because there is no other of the 120 lands where a man could come from where I was to where I am.

OPPORTUNITY

I have a little house where I was born, the son of a tenant farmer, a picture of which is hanging up in my bedroom, because every night when I go to bed and every morning when I wake up, I call it the opportunity house. No one could look at that house and the way it looks, and not say "There is still opportunity in America." So I have faith in America and what I want you to know is that I have faith in private enterprise because it is what made America.

What I know of opportunity and initiative and enterprise I learned from life itself. I started out at a dollar a day on a road gang, working for the lowest bidder. He tried to make up what he had left on the table out of us—and did. It was the best training I got.

I came here this morning to pledge Mr. Neilan and Mr. Carey and the rest of you good people in this organization your Government's restraint and responsibility and to pledge you a hand that means only to help, and I hope never to hinder so long as the public interest is being served. I ask from you only the same restraint in those decisions which you make which affect the general economic well-being, responsibility in choosing to support or not support the policies and proposals of the Government which serves all of the people. That is your business.

These last 27 years since I came here to Washington, representing half our economic history, in that span the material welfare of the average American has gained as much as in the years before, and I am determined that we shall set a course, and we shall hold to it, which will gain for all people more in the next 27 than we gained in the last 27.

I believe this strong and this rich and this successful Nation can bring peace to the world and I believe it so strongly I am going to work for it and fight for it and I hope get it.

I not only want to bring peace to the world, but I want to bring peace to all of our lives and think about the problems that keep you awake at night, and think about what you would do if you were the father of 11 and had 4 days' work, so I want to bring peace to all of our lives. I know you think that is a big order, but I am not going to shrink from it. I am going to work toward it.

They said in the railroad strike, "What are you going to do when the negotiations bust up?" I said, "I am not thinking about that, because they are not going to bust up. We're going to settle it." They wanted me to threaten them with this and threaten them with that, and guesstimate on this and that, and I just never would do it. I said I was perfectly confident that if these railroad men that run the carriers don't know more about the railroad business than I do, then they have been overpaid for a long time. If these union men don't know more about the needs of their people than I do, they ought to get new union leaders. So if you have free, collective bargaining, let's get the Government out of it and lock the door and you sit down here and work it out and I am going to keep you here until you do.

Labor would raise this question, and carriers would raise that question every time they came in with a bunch of things that haunted them about what the Government might do or what they were doing. I just said there is only one thing I can tell you, and that is, get out your speech, write down your gripe, and the Government will give you a fair shake. I don't care if you are the biggest man in the land or the littlest man in the land, that is what we are going to do to you and go on back and settle this thing, and they did.

So this is the work of our generation, as I see it, yours and mine.

I must get back to your work at the White House and, I guess, let you get back to your work on me.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 5, 1964

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore.

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

MAY 5, 1964.

I hereby designate the Honorable CARL ALBERT to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

James 4: 8: *Draw nigh unto God, and He will draw nigh unto thee.*

O Thou whose divine will is sovereign and supreme may we now render unto Thee the homage of our hearts and bring them into harmony with Thine.

We humbly acknowledge that we are conscious of being unequal to the tasks and responsibilities of our high vocation and confused in our search for the right solution to our many difficult problems.

However desperate and dire our plight may seem to be, let us never be tempted to feel that all that is noble in our social order and civilization is at the mercy of the powers of darkness.

Grant that we may have the courage to attempt new ventures in human relations that are more magnanimous and may we extend the frontiers of freedom and justice and good will to the uttermost parts of the earth.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

DESIGNATION OF JOHN A. ROBERTS

The **SPEAKER** pro tempore laid before the House the following communication, which was read:

MAY 4, 1964.

The Honorable the SPEAKER,
House of Representatives.

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. John A. Roberts, an official in my office, to sign any and all papers and do all other acts for me which he would be authorized to do by virtue of this designation and of clause 4, rule III, of the House.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

CASTRO'S RECENT THREATS

Mr. **FUQUA**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The Speaker pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **FUQUA**. Mr. Speaker, Communist Cuba continues to pose a threat to the Western Hemisphere, and the recent tirades by dictator Fidel Castro that he will take retaliatory action against continued reconnaissance flights over that island have brought this threat into focus again.

These flights are essential to the defense of this Nation. It was such flights that revealed the presence of Russian missiles which nearly touched off a world conflict.

This Nation cannot remain unmindful of the threat, and it is an ever present threat, which a Communist government only 90 miles off our shore poses. Without such flights it would be possible for the Russians to again establish nuclear missile bases in this strategic position—where they would be a constant threat to these United States.

I know that President Johnson is going to remain firm with this Red menace and should, in no mistakable terms, tell the world that the United States will not yield to these intimidating threats. Any retreat from our position of maintaining constant surveillance of Cuba would seriously damage our prestige in the world, and would more importantly, be a serious breach in security.

I think that the firm action of the President in not being intimidated by Castro in the water crisis at Guantanamo made it unmistakably clear that he does not intend to be pushed around.

We should further make it unmistakably clear so that there can be no misunderstanding that any attempt at shooting down of American reconnaissance planes will be met with retaliation. With such an irresponsible ruler as Castro, the United States can ill afford to have him armed with nuclear weapons, poised at America's industrial and defensive might. The position of this Government should be crystal clear—we will not be intimidated into allowing this breach in our defensive armor.

JOHN F. KENNEDY MEMORIAL LIBRARY

Mr. **MARTIN** of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The Speaker pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. **MARTIN** of Massachusetts. Mr. Speaker, I am happy to join with you in endorsing the effort being made throughout the Federal Government to support the raising of funds for the John F. Kennedy Memorial Library.

Between the dates of May 15 and June 15, voluntary efforts will be in progress here on Capitol Hill to raise our share of this fund. All those who knew the late President, and who shared his ideals of public service, will want to participate.

This library is to be constructed on the banks of the Charles River in Boston. It will be a fitting memorial to the late President and a monument to his public career.

I subscribe to the appropriate remarks that you made on the subject yesterday, Mr. Speaker, and join with you in this nonpartisan request for support for a worthy cause.

WAR AGAINST POVERTY BILL

Mr. **KILBURN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **KILBURN**. Mr. Speaker, following is a letter just received from a good sound patriotic American citizen from my district. I hope everyone reads it.

GLENFIELD, N.Y.,
May 1, 1964.

Hon. CLARENCE KILBURN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Will you please work against the so-called war against poverty bill No. H.R. 10440? It is just another hodgepodge of a scheme to hand out the taxpayers hard earned money to influence votes.

Yours faithfully,
MILDRED STILES
Mrs. Mildred Stiles.

PRIVATE CALENDAR

The **SPEAKER** pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the calendar.

DR. AND MRS. ABEL GORFAIN

The Clerk called the bill (H.R. 2706) for the relief of Dr. and Mrs. Abel Gorfain.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 2728) for the relief of Charles Waverly Watson, Jr.

Mr. **CONTE**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JOHN F. MACPHAIL, LIEUTENANT, U.S. NAVY

The Clerk called the bill (H.R. 5145) for the relief of John F. MacPhail, lieutenant, U.S. Navy.

Mr. **ELLSWORTH**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ESTATE OF J. W. GWIN, SR.

The Clerk called the bill (H.R. 2747) for the relief of the estate of J. W. Gwin, Sr.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

CWO ELDEN R. COMER

The Clerk called the bill (H.R. 6136) for the relief of CWO Elden R. Comer.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

HELEN J. GOOGINS

The Clerk called the bill (H.R. 6839) for the relief of Helen J. Googins.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

DONALD J. KENT

The Clerk called the bill (H.R. 9280) for the relief of Donald J. Kent.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald J. Kent the sum of $255 for compensation for the loss of certain personal property taken by rifle-armed "Shifta" bandits on the road from Asmara to Gondar in Ethiopia while he was serving as Branch Public Affairs Officer, United States Information Agency, Asmara, Ethiopia: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSELL D. HARRIS

The Clerk called the bill (H.R. 5309) for the relief of Russell D. Harris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding laches or any statute of limitations, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Russell D. Harris, of Phoenixville, Pennsylvania, for retired pay under the Act of April 3, 1939 (53 Stat. 557; 10 U.S.C. 3687), or any other applicable law, and the said court is further authorized to determine whether the said Russell D. Harris was, at the time he was relieved from active duty in August of 1943, permanently incapacitated for active service and whether any such incapacity was the result of an incident of service as a commissioned officer in the United States Air Force incurred in the line of duty and not due to his own misconduct.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JONG WAN LEE

The Clerk called the bill (H.R. 6479) for the relief of Jong Wan Lee.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MARYELLEN BOONE

The Clerk called the bill (H.R. 8879) for the relief of Maryellen Boone.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to Maryellen Boone of Fort Lauderdale, Florida, in full satisfaction of her claim against the United States on account of the death of her son, the late Private Donald J. Boone (Army serial number BR 14699527), who died on November 3, 1959, as the result of head injuries suffered when he accidentally fell from a moving Army vehicle on which he was riding at Fort Rucker, Alabama: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$15,000" and insert "$10,000".

Page 2, line 2, strike "in excess of 10 percentum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. LUCINE BROUSSALIAN

The Clerk called the bill (H.R. 1880) for the relief of Mrs. Lucine Broussalian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Lucine Broussalian. From and after the date of the enactment of this Act, the said Mrs. Lucine Broussalian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PEDRO AGUINALDO

The Clerk called the bill (H.R. 2737) for the relief of Pedro Aguinaldo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Pedro Aguinaldo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WIESLAWA MARIANNA BORCZON

The Clerk called the bill (H.R. 5501) for the relief of Wieslawa Marianna Borczon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Wieslawa Marianna Borczon, shall be held and considered to be the natural born alien child of Mr. and Mrs. Stanislaw Borczon, citizens of the United States: *Provided*, That the natural parents of Wieslawa Marianna Borczon shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of the Immigration and Nationality Act, Wieslawa Marianna Borczon may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Stanislaw Borczon, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOLFGANG SEIDL

The Clerk called the bill (H.R. 6385) for the relief of Wolfgang Seidl.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONSTRUCTION OF DAM ON ST. LOUIS RIVER, MINN.

The Clerk called the bill (H.R. 9934) to authorize the construction of a dam on the St. Louis River, Minn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), to the Eveleth Taconite Company, a Minnesota corporation, its successors and assigns, to construct a dam on the Saint Louis River, Minnesota, townships 56 and 57 north, range 18 west, Saint Louis County, Minnesota.

SEC. 2. The authority granted by this Act shall terminate if the actual construction of the dam hereby authorized is not commenced with five years and completed within ten years from the date of the passage of this Act.

With the following committee amendment:

Page 2, line 1, strike out "with" and insert in lieu thereof "within".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. CONTE. Mr. Speaker, under the policy agreement, the remaining bills on the Private Calendar are not eligible for consideration. Therefore, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. LIBONATI. Mr. Speaker, there are two bills on the calendar having to do with the granting of renewals of patents relating to a medal and a plaque of the American Legion. I am sure there will be no objection if they are considered today as this is necessary for these medals and plaques to be awarded within the next 2 months.

The **SPEAKER** pro tempore. The gentleman may call up those bills separately.

Mr. CONTE. Mr. Speaker, there is no objection to that.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMERICAN LEGION SCHOOL AWARD MEDAL

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H.R. 9833) granting a renewal of patent No. D-162,975, relating to a medal of the American Legion.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office, dated April 17, 1951, being patent numbered D-162,975, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as a medal of the American Legion.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN LEGION SCHOOL AWARD PLAQUE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H.R. 9834) granting a renewal of patent No. D-161,955, relating to a plaque of the American Legion.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office, dated February 13, 1951, being patent numbered D-161,955, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as a plaque of the American Legion.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON WAYS AND MEANS

Mr. THOMAS. Mr. Speaker, by direction of the Democratic caucus, I offer a resolution (H. Res. 709) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That DAN ROSTENKOWSKI, of Illinois, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM A COMMITTEE

The **SPEAKER** pro tempore. The Chair lays before the House the following communication which the Clerk will read.

The Clerk read as follows:

MAY 5, 1964.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation from the House Interstate and Foreign Commerce Committee.

Respectfully yours,
DAN ROSTENKOWSKI,
Member of Congress.

The **SPEAKER.** Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF DELEGATES, INTERNATIONAL LABOR ORGANIZATION CONFERENCE IN GENEVA

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 687, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a member from the majority and a member from the minority of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 17, 1964, and July 9, 1964.

He is further authorized to appoint as alternates a member from the majority and a member from the minority of the said committee.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the aforesaid delegates and alternates from the Committee on Education and Labor of the House of Representatives engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided,* (1) That no member of said committee shall receive or expend local currencies for subsistence in an amount in excess of the maximum per diem rates approved for oversea travel as set forth in the Standardized Government Travel Regulations, as revised and amended by the Bureau of the Budget; (2) that no member of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee in any country where counterpart funds are available for this purpose.

That each member of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the chairman with the

Committee on House Administration and shall be open to public inspection.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown]; and, pending that, I yield myself 2 minutes.

Mr. Speaker, the resolution is self-explanatory. It merely provides that one Member of the majority and one Member of the minority may be appointed and may travel to the International Labor Organization conference in Geneva, Switzerland, which is to be held between June 17, 1964, and July 9, 1964. It further provides for the appointment of alternates, one to be from the majority and one to be from the minority.

It is my understanding, after conversation with the author of the resolution, the gentleman from California [Mr. Roosevelt], that there would not be a duplication but that rather, due to the length of the meeting, probably one Member would go over and return and then the alternate would be permitted to go over.

The resolution provides for the expenditure of counterpart funds, when they are available, and for the regular reporting procedures which are normal.

Therefore I urge the adoption of the resolution.

Mr. BROWN of Ohio. Mr. Speaker, I know of no opposition on this side to the adoption of the resolution. It is the normal resolution to authorize the appointment of persons to represent the House at the International Labor Organization conference in Geneva, Switzerland. It is customary to adopt a resolution of this type each year.

I support the resolution.

Mr. LAIRD. Mr. Speaker, will the gentleman from Ohio yield to me?

Mr. BROWN of Ohio. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I should like to ask one or two questions with regard to the resolution.

It is my understanding that a resolution is not necessary in order for a majority Member and a minority Member to serve as congressional advisers either to WHO or to ILO. This procedure has been going on for a period of several years. Congressional advisers have been designated as part of the delegation on several occasions, and the appointments have been made by the President of the United States. It happens that I was designated to attend the meeting of WHO by President Eisenhower, and also by President Kennedy.

I wonder what is the purpose of a separate resolution.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield to me?

Mr. BROWN of Ohio. I yield to the gentleman from California.

Mr. ROOSEVELT. I say to the distinguished gentleman that in the case of the ILO the President does not make these appointments of Members of Congress.

Secondly, the members of the Committee on Education and Labor are not permitted to travel abroad under their resolution authorizing their activities, and therefore a special resolution would be necessary.

Mr. BROWN of Ohio. Of course, there has been a feeling that rather than to have House Members serve as representatives of the Department of Labor they should serve, in a dignified manner, as representatives of the House of Representatives, or of the Congress itself. That was the original arrangement for those attending these conferences. They could be sent, and their expenses could be paid, with respect to the ILO, as I understand it, by the Department of Labor.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Wisconsin.

Mr. LAIRD. That was the point I wished to make. We have provided funds in the budget for the Department of Labor for the congressional advisers. The funds are made available in the International Labor Section of the Budget of the Department of Labor. Funds were requested for this purpose.

Mr. BROWN of Ohio. I feel certain that if the gentleman from Wisconsin were to go to any international meeting he would much prefer to go as a representative of the Congress of the United States, than of some Government agency or department downtown. He would be in a better position to speak his mind. He would be a free agent and a free representative of the Congress, and could do his own thinking.

That is why I have always supported these resolutions.

Mr. LAIRD. If the gentleman will yield further, I certainly agree with the gentleman from Ohio. My only point was that if this is to be the procedural arrangement, then we should not be making the funds available for this purpose to the Department of Labor.

Mr. BROWN of Ohio. Mr. Speaker, I would have no objection if you just eliminated these funds for the Department of Labor. I think it might be a good idea.

I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TAX LEGISLATION FOR NON-REVENUE PURPOSES

Mr. BENNETT of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The Speaker pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Speaker, there has been an opinion repeatedly expressed at various times by our Government and its spokesmen to the effect that tax legislation should be solely for revenue purposes and not directed at other objectives. There probably never was any very substantial basis for this statement, but in 1964 the exceptions to any such rule obviously make the rule of little conesquence, and I think this is as it should be.

Congress has just enacted a law to substantially cut taxes in the face of a large national debt and currently large deficits. It did so for the purpose of improving the economy and stimulating the production of new jobs. These are the reasons why I voted for the bill.

Now, there is much discussion about the possibility of another tax cut. If such occurs, I hope that it will have as much incidental benefit as possible to the people in our country who need a closer look at the way the tax laws treat them. For instance, I believe a tax deduction to parents for the college education of their children is long overdue and a very logical way of bringing about Federal aid to education without undue centralized controls.

Also I believe inequities in the existing laws on taxes should be eliminated wherever possible, as for instance where we have a spotty excise tax picture without much foundation on logic. The excise taxes were based upon wartime necessities and passed in World War II. Insofar as possible, sales taxes of this type should be left for States and local communities if they are to exist at all.

There are indications that the tax cut of 1964 may not bring about as many jobs as had been anticipated. Of course, it is too early to say for sure. However, I believe this points up the need for any future tax cuts to be tied as tightly as possible to the specific production of new jobs. I see no reason why the tax laws should not provide some sort of a tax deduction for every new job created by a particular business concern. I hope that any new tax cut law will have such a provision.

The most vital need for jobs in this country today is for the unskilled and untalented people in low-income brackets. These provide the greatest drain on the Treasury in unemployment and social programs of various kinds. Attention should be given in the tax laws to methods of opening up new opportunities for such employment. For instance, a tax deduction might be made for new jobs created in the field of domestics, maids, handymen, and other unskilled types of labor.

Another thing our country could do to increase job opportunities would be to enact a law prohibiting Federal employees hired hereafter from being employed by another employer at the same time, particularly if such a provision could be enacted at the same time that a pay raise for Federal employees is enacted.

Finally, it seems to me that there are many' fields of activity in our country where there are still unmet needs, some of which involve large potential sources of revenue. One is the matter of rapid transit for suburban people into big employing centers. The need is there, and whether by tax assistance or by whatever other means might be devised it is obvious that potential job opportunities are just around the corner for many people if free enterprise or the Government can discover the ways to bring these about.

Mr. Speaker, I am no great authority on the things upon which I have been expressing my opinion, but I do have the firm conviction that we should go more directly to the question of tying taxes to job production than we have done in previous legislation, and I am also of the opinion that many incidental things can be done to improve job opportunities in this country, such as the one I mentioned of expanding commuter services which are so greatly needed in most big cities today.

COMMITTEE ON RULES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE SOCIAL MECHANICS

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, the President is tinkering again with the basic machinery of the free enterprise system. Rather than leaving collective bargaining in the hands of labor and management where it belongs, the administration is intent on erecting a labyrinth of "guideposts" and imposing its will on wages and prices.

Just last night, the President gave another example of his desire to restrict the system which has given us the highest standard of living in the world. By using his notorious persuasive practices, the President seeks to confine the possible limits of labor-management negotiations within boundaries laid out by the social mechanics of the Federal bureaucracy.

I think this is wrong and can only move the country toward the day when all relationships among our people will be ordained in Washington. I do not believe it is consistent with the exercise of Executive power for the President to interfere in the free economic processes of the Nation. Frankly, if the Government is permitted to run roughshod over every bargaining table, we might as well let the White House draft a standard contract for nationwide use. Certainly, all unions and managements accepting the terms of such a contract would be free from the threats they now face whenever they attempt to bargain without using a Government guidepost.

Mr. Speaker, if a labor organization wants to enter contract negotiations with demands in excess of what the President has decided are proper, that is its business. Similarly, if the management negotiators can accept these demands and the two sides can forge an agreement that is mutually profitable, free enterprise and the private economy has been strengthened. But, if this whole situation has to be conducted under the evil eye of bureaucrats, the fabric of collective bargaining begins to come unraveled.

We should remember that our democracy finds its greatest distinction in the freedom which fills all outlets for human activity. Any attempt to control that freedom makes it less meaningful.

This question of preserving the vitality of a process which is an integral part of the dynamism of America's industrial society is a symptom of one of the incipient illnesses which a great deal of our national body suffers. We never yet have solved our problems by turning them over to the Government; we only have created new difficulties and further weakened individual initiative.

There is no more rigorous approach to life than that which is inherent in a democracy. It requires the citizens, not the government, to meet the challenges of each advance which the system produces. And, because free people working together have proved their unique abilities to respond, they have gained strength and wisdom to carry on and achieve even greater heights. Mastery of ourselves has come about from personal responsibility, sustained effort, and individual sacrifice.

Before we go further down the road to a society that permits its Central Government to suppress freedom "for the good of the state," let us first reflect on the conditions which have nurtured the practical accomplishments of the last 200 years. I do not believe that any reasonable person in the United States wants to diminish the value possessed by the operation of free enterprise. Yet, as surely as day becomes night, these qualities will be destroyed and our economy tossed on the rocks by a sea of socialism if we do not recognize that these efforts to improve it are really costing it its forward motion.

THE WARREN COMMISSION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. BEERMANN], is recognized for 30 minutes.

Mr. BEERMANN. Mr. Speaker, the purpose of the Warren Commission is to sift and weigh all available facts regarding the assassination of John F. Kennedy at Dallas, Tex., last November 22. In appointing the Chief Justice and high Government officials to the Commission, President Johnson sought to create a panel whose findings would be unimpeachable.

There are myths and distortions of fact circulating throughout the world concerning President Kennedy's murder. Unless refuted by authoritative findings, such lies and inuendo could do our country real harm throughout the world. Needless to say, we have enemies who seek to profit by the spread of such distortions of facts and the consequent undermining of world confidence in the U.S. Government and system.

Overwhelming evidence points to the fact that President Kennedy was assassinated by a self-declared Marxist who had once defected to the Soviet Union and who was connected with the pro-Communist Fair Play for Cuba Committee. Yet Communists and their sympathizers around the world have sought to spread the false theory that the assassination was a plot by so-called rightwing extremists. The Communists are old hands at revising and distorting history, and they and their fellow travelers have been busy at work these past months disseminating propaganda to the effect that Lee Oswald did not kill President Kennedy; or in the alternative, if he did, he was not a Communist but an agent of anti-Communists.

These are typical Communist lies, a familiar pattern to those who have followed Communist historical revision through the years. This is a special case, however, since it involves a distortion of American history to suit Communist tactical purposes. The poison that filled Lee Oswald's mind was Communist poison. It was a poison created by the lies, half-truths, and distortions of Communist propaganda—the same kind of lies, half-truths and distortions that the Communists and their allies are now disseminating regarding the Kennedy assassination.

Thus, the Warren Commission has a heavy responsibility, and President Johnson was correct in appointing the highest level of Government officials, on a bipartisan basis, to determine the truth concerning the assassination and to report the facts to the American people and the world.

Considering these circumstances, it is amazing—shocking—incredible, to find that although competent and unimpeachable legal and investigative counsel can be found in any community in the land, the Warren Commission has on its staff as a $100-a-day consultant a member of the Emergency Civil Liberties Committee—an organization cited by both the House Committee on Un-American Activities and the Senate Internal Security Subcommittee.

Prof. Norman Redlich, on the national council of the Emergency Civil Liberties Committee—cited by House and Senate Committees as an organization "to defend the cases of Communist lawbreakers"—is currently employed, at $100 a day, for the Warren Commission. And as recently as April 13, 1964, just a few weeks ago, this "consultant" had his name listed in an advertisement appearing in the New York Times with other members of the cited Emergency Civil Liberties Committee—an advertisement condemning the Un-American Activities Committee.

Further, the cited Emergency Civil Liberties Committee, upon which the Warren Commission's "consultant" serves as a national councilman, has unexplained connections and associations with the very Fair Play for Cuba Committee to which the accused assassin Lee Oswald belonged. One Phillip Luce, who served as a leader of the purported "student" group that traveled to Castro's Cuba last summer, is currently in the employ of the ECLC. This so-called "student" group was no more than a propaganda device for the Castro Communist regime.

Moreover, at least one cosigner with Redlich on the Times' April 13 advertisement was one of the original organizers of the Fair Play for Cuba Committee. The name of Waldo Frank appears with Redlich's on the April 13 advertisement. Waldo Frank helped organize the so-called Fair Play for Cuba group.

According to a press report contained in a Scripps-Howard story last week by Gene Wortsman, Redlich admitted his national council position with the Emergency Civil Liberties Committee. He was hired on December 20, less than 1 month after the Warren Commission was created. And most incredible of all the facts surrounding this astounding hiring, Redlich listed his membership in the ECLC when he applied for a position with the Warren Commission.

What is Redlich's purpose in serving as "consultant" on the Commission? Lee Oswald was a "Communist lawbreaker"—perhaps the most notorious "Communist lawbreaker" of the century. Since the Emergency Civil Liberties Committee's alleged purpose is "to defend the cases of Communist lawbreakers," is Redlich carrying out any part of this mission as a member of the staff of the Warren Commission? Why was Redlich hired—and who hired this national councilman of a Communist-front organization as a $100-a-day consultant to one of the most important factfinding commissions ever created by a President?

Strangely, little has been said or written about the Redlich hiring, although it certainly impresses me as one of the greatest miscarriages of appointive judgment in the history of American Government. I call upon those in responsible positions to dismiss this patently unqualified "consultant" from the Warren Commission staff and to investigate and make public facts concerning how Redlich managed to get hired and keep his job despite his known Communist-front affiliations.

In the absence of early action along these lines, the important work of the Warren Commission could be damaged by further loss of vital public confidence. The hiring of Redlich was a tragic mistake. His retention with the Commission compounds this mistake, and if only by undermining confidence in the Commission, serves the purposes of the world Communist propaganda apparatus.

[From the Rocky Mountain News, Apr. 30, 1964]

JFK Probe Aid in Doubtful Group

(By Gene Wortsman)

Washington, April 29.—A $100-a-day consultant to the Warren Commission, investigating President Kennedy's assassination by an admitted Marxist, is a member of a committee twice cited by congressional committees as organized "to defend the cases of Communist lawbreakers."

The consultant, Prof. Norman Redlich, 38, Wednesday freely admitted that he is on the national council of the Emergency Civil Liberties Committee (ECLC).

J. Lee Rankin, Director of the Warren Commission and Solicitor General of the United States under President Eisenhower, said Redlich applied for the job.

He was hired on December 20, less than a month after the Commission was created by President Johnson on November 29. He returns to his teaching job at New York University 1 day a week.

LISTED ON APPLICATION

Rankin said that Redlich listed his membership in the committee on his application when he applied for the job.

The Senate Internal Security Subcommittee cited ECLC in 1956 and the House Un-American Activities Committee made a similar charge in 1957.

Rankin was asked if he saw any inconsistency in hiring a man for the Commission which is investigating not only President Kennedy's killing but whether Lee Harvey Oswald, the accused assassin, formed part of a Communist plot to slay the American President.

Rankin said that every staff member is subject to a full field investigation.

He said, however, that the results of the investigation must be determined by the members of the Warren Commission, headed by Chief Justice Earl Warren.

FORMED IN 1951

The committee was formed in late 1951 by 150 clergymen, educators, and professional men to aid persons and causes involving constitutional rights. The committee was to act in arrests under State and Federal sedition laws and denials of passports and rights to travel.

The House Un-American Activities Committee said in 1957 that the committee was formed to hamper the FBI and the House committee and to create opinion against exposure and punishment of subversives.

The report said that Harvey O'Connor, then chairman and now a member of ECLC's executive committee, "has been identified in sworn public testimony as a member of the Communist Party."

It said Corliss Lamont, then vice chairman and now ECLC's chairman, has been "one of the foremost apologists for the Soviet Union in the United States."

Redlich said he doesn't believe ECLC is Communist influenced or dominated.

He said he had heard that some of the leaders in ECLC were called Communist sympathizers but he had looked into it and believes it to be false.

[From the Washington (D.C.) Daily News, Apr. 30, 1964]

Used by Warren Group: Consultant Admits ECLC Membership

(By Gene Wortsman)

A $100-a-day consultant to the Warren Commission, investigating President Kennedy's assassination by an admitted Marxist, is a member of a committee twice cited by congressional committees as organized "to defend the cases of Communist lawbreakers."

The consultant, Prof. Norman Redlich, 38, today freely admitted that he is on the national council of the Emergency Civil Liberties Committee.

J. Lee Rankin, director of the Warren Commission and Solicitor General of the United States under President Eisenhower, said Mr. Redlich applied for the job.

He was hired on December 20, less than a month after the Commission was created by President Johnson on November 29.

Mr. Redlich's salary as a legal consultant is payable for each day he works and is the top salary available to a consultant.

He returns to his teaching job at New York University 1 day a week, he said.

Mr. Rankin said that Mr. Redlich listed his membership in the committee on his application when he applied for the job.

WATER POLLUTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. Thompson] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, Members of Congress and the Nation at large are becoming more and more conscious of the problems of pollution of our waterways.

Much active and constructive thought has been given to the problem here in the Congress. Sometimes our efforts have met with opposition on the local level and, occasionally, industries which themselves do a considerable amount of polluting are hard to convince that they have a great deal of responsibility in the solution to the problem.

I have just read a most interesting and able address by the Honorable Karl R. Bendetsen which he delivered to an industry meeting of the University of Maine Pulp & Paper Foundation.

Mr. Bendetsen will be remembered most favorably by those of us who worked with him when he was Under Secretary of the Army during a previous administration. In his speech he lays the responsibility squarely on industry, not necessarily to do the whole job, but certainly to cooperate, to the fullest extent, with the Federal Government.

It is a refreshing approach to a problem that can best be solved by mutual effort. The speech in its entirety follows, and I commend it to every Member of Congress, particularly those who are interested in the problem of water pollution.

Jobs and Clean Water

(Address delivered by Hon. Karl R. Bendetsen before an industry meeting, University of Maine Pulp & Paper Foundation, April 24, 1964)

When one is honored by being asked to make a few comments to such an auspicious group of leaders of our industry, it is always tempting to turn to one of the many of our industry's more popular and well-established topics—such as overcapacity, wages and fringes, and the buyer's market.

Also tempting would be an old reliable like what is wrong with our foreign policy, the meaning of the New Hampshire primary, the Bobby Baker case, what really happened at the Bay of Pigs, or whither Brazil now. I chose a topic instead which, while neither new nor old, is ever increasing in importance, a topic calling for serious concern—frank talk—"Jobs and clean water."

Last year, speaking before the National Technical Task Committee on Industrial Wastes, James M. Quigley, Assistant Secretary of Health, Education, and Welfare said, "Enforcement is a very essential tool in any well-balanced water pollution control program. In my opinion, it is the key to effective water pollution control * * * unless we have a vigorous enforcement program, the job is never going to get done the way it must be done." One of our trade magazines observed, "the battle is joined."

Now just why did Mr. Quigley lay sole emphasis on "enforcement" instead of research. He said it because he does not believe we have any economic incentive to clean up our effluents. So perhaps he feels that in this way one will be provided.

The struggle to control waste and curb pollution has, in fact, been going on for some time. The Federal, State and local governments, along with industry, have, for the most part, gone their separate ways to research the problem and in most instances with very little or no coordination at all. The comment I just quoted is from one of our trade magazines. It may have more substance than meets the eye. I would venture the earnest hope that if this comment is accurate up to now—that soon it will be no longer. For if we look upon this problem as a battle between Federal authority and industry, as a "battle joined," it is one our industry will surely lose. This has nothing to do with the merits of the case as some of us may see them. Neither does it make any difference whether opinion is leading the Government or the Government is leading opinion. Grassroots, political action opinion is strongly developing and we must eventually yield to the court of popular opinion. If, instead of viewing the situation defensively, we view it as an opportunity for positive, collaborative and coordinated action, with all interested Federal, State and local agencies, we might be able to convert a doubtful balance to one that will redound to our credit and create an economic and technological breakthrough.

Inescapably, we are dependent on water in our manufacturing process. Without it our stack plumes would vanish, our boilers grow cold, our employees would become jobless. While we are its largest user—unfortunately we do not own it. All of us, as businessmen and as citizens, are deeply concerned with conservation of this natural resource as one of the mainstreams of our economic lifeblood. We are aware of the distressing but immutable fact that water can be taken from us, so our concern is well founded on self-interest. However, it seems to me that our self-interest will never be served by defensive reactions, particularly when they will insure not success but failure.

Following Mr. Quigley's statement, nevertheless, there was voluble expression of an all too familiar defensive posture. Some of the expressions connoting this were: "Give us more time." "Leave the enforcement authority at the local level—where our problems are better recognized and more appreciated."

Such defensive points of view may seem reasonable to us. But even though this may be so, they will avail us nothing. The handwriting is on the wall in bold script—the American people are deeply perturbed by dirty water; they want clear streams. They will have them.

The Federal Government is reflecting the attitude of politically powerful groups within the body politic. So are the State and local governments reflecting such organized demands. We urgently need understanding and cooperation if we are going to have effective action. We have not developed this necessary ingredient. This should suggest to us that a new approach on our part is imperative. The paper industry already has one of the highest capital investments per dollar of annual sales ratios in American industry. Because of this fact, it is especially important to get an adequate return on additional capital investments and huge capital investments which do not contribute to earnings would be ruinous. The capital expenditures which would be involved in effectively combating pollution are beyond the resources of the companies in our industry today. Now, we know that the Federal Government is not for clean water and no jobs. Consequently, there is a sound basis between Government and industry for understanding and cooperative effort to find the technoeconomic means for both—jobs and clean water. This we cannot do alone—we need Federal help. Let us face it. If effective help is to become available at all, then as a practical matter it is going to come from there—not from an uncoordinated multitude of well-meaning independent agencies.

The new and rapidly ascending dominance of the Federal Government in water pollution abatement on navigable waters will continue. This is no longer debatable—but a fact of life. I hasten to add that this does not eliminate State and local agencies from an important role by any measure. It simply means that the Federal authority has a new and controlling voice in a clearly constitutional role—its clear authority in interstate commerce and over navigable waters.

Each of us, in our individual companies, seeks new ways to improve our earnings by reducing waste. We have installed in-plant systems to recover valuable fibers and chemicals. We have participated in programs for primary and secondary treatment. However, more efficient methods are needed. We know how to settle, concentrate, and dispose of suspended solids. We know that secondary treatment of mill effluents will reduce biochemical oxygen demand and chemical oxygen demand. However, these processes remain excessively costly and relatively inefficient and, at best, they offer only partial solutions to the pollution problem. We must seek to improve materially the operating efficiency of our primary clarification equipment. Further, we should accelerate the development of sludge disposal methods so that they are more economical for application and operation.

Our problems as an industry have not grown like weeds in an unattended garden. Quite to the contrary, fairness requires due recognition of measurable progress. In 1939 total annual production of our industry was approximately 15 million tons. This year it will exceed 40 million tons. While we were busy growing we have also been busy reducing the pollution load. In the same period the stream loading per ton of production has been reduced through industry action by over 60 percent. Unfortunately, this is not good enough.

Even the best of these processes, particularly in the case of a large operation on a small stream, fall short of the mark. None of the known processes will economically remove color or foam, nor will they inhibit the tendency of the stream to foam. No one knows how to provide complete pollution abatement by economically feasible means.

Many times the initial answers in research prove economically impossible and offer only partial solutions. As an example, the lime filtration process, which is claimed to be at least a partial answer to the color problem is, in reality, no real answer at all. On sober inspection, this process is very costly and cumbersome to operate and offers only partial improvement—more research needs to be done on this problem.

Much work is already in process. Research projects are being conducted by the National Council for Stream Improvement, the Taft Sanitary Engineering Center, and other Government regional research centers. Many processes for waste water renovation are under study: (1) Foam fractionation; (2) carbon absorption; (3) electrodialysis; (4) distillation; and (5) reverse osmosis. Time, effort, and money are required for these projects to emerge from the laboratory into practical economic reality. Working with our Government agencies to develop realistic timetables and control plans for research, development, and implementation is in everyone's best interest.

It follows as night the day that no pollution abatement program will be successful in the eyes of the American people until the appearance of our streams is improved—that is, color and foam eliminated—as well as contamination. It is a political reality that the Government will remain steadfast in its position—that we must return clean water to the streams. And I suspect this will be so even if what we take in is not fully "clean" in the first place.

If it is true that the Government acting as prosecutor in the court of public opinion will not yield, then our course is clear. We cannot lick them—so let us join them. This calls for a fresh consideration of our relationships with the Government.

In New York earlier this year, Lammot du Pont Copeland, president of E. I. du Pont de Nemours & Co., said, "If we are to retain any hope of solving the grave problems of this age, we must do everything possible under whatever system we have to maintain a strong, healthy, and expanding economy.

"What I should like to suggest is a conscious, determined effort on both sides to improve the relationship between business and Government.

"It would be in the national interest, as well as our own interest, to put an end to what, at times, has seemed like a cold war between Government and business.

"A better relationship will not be achieved by standing off at arm's length or at sword's point. Someone will have to take the initiative."

We are desirous and conscious of the overriding necessity for conserving our water resources. We are conscious of our responsibilities as businessmen. In the past, the Government has spent large amounts of money on conservation. Why not on pollution abatement—in an allout joint effort? Conservation, and this is what we are talking about, is not a new area for Government-sponsored research. Our industry should come forward with an affirmative program for a joint effort involving Government-sponsored subsidized research into all aspects of how our industry can economically return clean water to our streams regardless of what we take in.

There is precedent in our own industry for the type of collaboration we need. An outstanding example is the U.S. Forest Service and industry working together. In the management and conservation of our national resources, what better example could be cited than the forest survey conducted by the U.S. Forest Service in cooperation with our industry? The results have been fruitful for all concerned in providing periodic timber resources benchmarks and trends in growth and drain.

In Atlanta, Ga., February 4 and 5, the Southern Pulpwood Conservation Association observed its silver anniversary. The association received strong praise for outstanding achievement in the development of southern forests. The U.S. Forest Service presented a special award citing the "effective coordination of conservation activities of private landowners, pulpwood companies, and public agencies." The Honorable Carl E. Sanders, Governor of Georgia, said, "Through improved methods, hard work and cooperative effort, the men of the industry have done more for the South than almost any other group." And the Honorable Frank Clement, Governor of Tennessee, said, "The continuing broad program of forest development in the South has resulted largely from the cooperative efforts of the pulp and paper industry, and State and Federal forestry agencies."

Local, State and Federal agencies and representatives of our industry can work jointly, cooperatively, and harmoniously in identifying, analyzing and developing practical solutions to our problems, especially in the field of natural resources.

If we may borrow from the past and cite the excellent results which have accrued to the credit of Government and our industry, we can contemplate real improvement in water management. This can be accomplished, if men of understanding and good will counsel together to seek solutions to the problems of economics and research.

There are those who will argue that the participation by the Government agencies and the use of Federal funds will, inevitably, lead to ever-tightening Federal control. Why debate this point? We will have even stricter Federal control if satisfactory water management is not achieved in our industry. With industry working together with Federal officials to satisfy our mutual interests, the problems can be solved and thus preclude a demand for more stringent control. We should accept the invitation of Murray Stein, Health, Education, and Welfare Department, Chief of Enforcement Branch, Division of Water Supply and Pollution Control, who recently called for industry to lay aside suspicion and work in close collaboration with his Department.

The broad problem of water conservation demands urgent attention. As our country becomes more densely populated and as the public has more leisure time for recreation, the ground swell of demand for clean air and streams increases in intensity. Circumstances will not permit of delay, we must come to grips with the matter.

Our newly formed Pulp, Paper & Paperboard Institute has this responsibility and needs the full and unanimous support of all of us here and of the entire pulp and paper industry. I sound here and now a clarion call upon the Institute to consider as its first order of business a plan for bringing about a joint program of Government-sponsored subsidized research to find the economic ways and means to provide both jobs and clean water. Its urgent mission is to formulate, in cooperation with Health, Education, and Welfare, a plan whereby our industry and the Government will jointly, sharing the burdens equitably, attack and solve the technoeconomic aspects of this problem—a newly formulated attack to find in ways heretofore untried, the inevitable scientific breakthrough so desperately needed and so certainly waiting to be found.

Among the courses of action the Institute might explore are: (1) A committee to meet with U.S. Senators and Representatives to discuss current programs and problems; (2) provide for a mutual exchange of information between our industrial technologists and their counterparts in the Health, Education, and Welfare Department to assure better understanding on both sides, of the nature of the problems and what is being done about them, and solicit their collaboration; (3) propose the formation of a joint committee of our industrial representatives and members of Health, Education, and Welfare to search out and find economically feasible methods of achieving our mutual goal; (4) arrive at an area of understanding with the proper Federal agency upon a plan for sharing the financial burden of the necessary research program on a fair and equitable basis; (5) work with State and Federal officials to obtain recognition of the need for consideration in our tax structure of the huge capital outlays required to cope with this problem. As a starting point, it would seem fair to request that Government agencies recognize this problem and enable industry to write off all or a substantial part of the cost of installation and operation of such projects. Moneys spent strictly for pollution abatement offer no monetary return to industry, except to the extent that recovery of materials now wasted or burned may be achieved by economic methods as yet undiscovered. Costs by known methods are exorbitant and prohibitive.

The Government feels strongly that our industry has had no economic incentive to clean up our effluents and that the only way to generate such an incentive is through enforcement. But this assumes that we know how this could economically be done. What a tragedy it would be if we were to allow our officials and the public mistakenly to believe that the only missing link in providing economic incentive is enforcement—that is, clean up or close down. There would be no alternative but to close down. It is within our reasonable capabilities to prevent such a tragic misunderstanding.

The Federal Government is in the area of pollution abatement to stay. The idea that this is primarily a State problem is neither factual, true, nor realistic. We must be prepared to put up very substantial sums of money, and we must convince the Federal Government that it must do likewise, if our industry is to survive and if we are to have both jobs and clean water.

UNDER TWO FLAGS: BLUNDERS, CONFUSION, AND CHAOS AT PANAMA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD], is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, as a general rule, visitors to the capital city of our country observe the wonderful sights of Washington more closely than those of us residing here. One of the favorite points of interest is the National Archives Building, which houses important documents in our history, including the Declaration of Independence and the Constitution of the United States. Prominently inscribed at the northern entrance of the structure is the expression, "What Is Past Is Prologue."

Though the truth of this statement has been demonstrated many times in our history, its specific application has been dramatically illustrated in recent years by a succession of events affecting the Panama Canal. It was the study of the past that enabled me to understand what movements were underway on the Isthmus, to estimate their proximate form of development, and to make timely predictions of what subsequently occurred.

The bloody Red-led and directed mob assaults on the Canal Zone territory on January 9–11, 1964, though treated in the mass news media of our country as a sudden eruption, was actually the result of long preparation. Panamanian radicals, led by Red agents trained in Cuba and elsewhere, were awaiting an incident on which to base their attack.

The assault was anticipated by informed persons. The ensuing violence was not the work of our citizens in the Canal Zone charged with heavy responsibilities in the maintenance, operation, sanitation, and protection of the Panama Canal nor of their patriotic 17-year sons attending the Balboa High School, as has been falsely relayed in the major press of our country. Instead, the disorders were part of a long-range Red program for wresting control of the Panama Canal from the United States, and were directly attributable to flying the flag of Panama over the U.S. territorial possession known as the Canal Zone.

Because the January 1964 riots in a very real sense evoked a world crisis focusing on the Panama Canal, I addressed this body at length on March 9 and 11, 1964, summarizing the background, supplying considerable documentation, and outlining a formula for future canal policy.

The sanguinary lawlessness and disorders in January of this year, in effect, were rehearsed on November 3, 1959, the anniversary of the independence of Panama, when mobs of Panamanians attempted to invade the Canal Zone, overpower Canal Zone police, and forced Panama Canal authorities to call upon the U.S. Army to defend the zone from a Red bath of arson, pillage, and rape.

Did our Government take a strong stand at that time in defense of its sovereign rights, powers, and authority as it should have done? It did not. Instead, our Department of State sent a diplomatic emissary to placate the implacable.

This emissary, Under Secretary of State Livingston T. Merchant, under instructions of his superiors, on November 24, 1959, publicly announced that the United States recognized that "titular sovereignty over the Canal Zone remains in the Government of Panama." This unfortunate and ill-advised statement is highly significant in that it did not define the term, "titular sovereignty" nor did it explain the fact that Panama had never demanded a mere "titular sovereignty" but complete sovereignty.

As I have stated to this body on many previous occasions, so-called "titular sovereignty" can mean nothing more than a reversionary interest on the part of Panama, or a successor state, in the sole event the United States should abandon the Panama Canal or fail to meet its treaty obligations. The United States cannot in anywise discharge its tremendous duties with respect to the canal with less authority in the Canal Zone than it has always exercised and as was expressly granted in the 1903 treaty.

Another rash of Red-led violence occurred on November 28, 1959, with the result that the Panamanian Ambassador to the United States presented a formal request for the display of the Panama flag in the Canal Zone. A few days later, on December 2, 1959, our Department of State prevailed upon the then President of the United States to express his belief that "we should have visual evidence that Panama does have titular sovereignty over the region" but he likewise refrained from defining the term, "titular sovereignty."

Contemporaneously with these developments, the House Committee on Foreign Affairs, in order to avoid dangers clearly foreseen, after an extensive inquiry into the Canal Zone sovereignty situation, reported favorably and recommended adoption by the Congress of the following concurrent resolution:

> That it is the sense of the Congress that any variation in the traditional interpretation of the treaties of 1903, 1936, and 1955 between the United States and the Republic of Panama, with special reference to matters involving the provisions of such treaties concerning territorial sovereignty, shall only be made pursuant to treaty. (H. Con. Res. 459, 86th Cong.; see also H. Rept. No. 2218, 86th Cong., pp. 37–40.)

Debated in the House on February 2, 1960, this resolution was adopted by a record vote of 381 to 12, clearly showing the overwhelming feeling of the people of our country against permitting the flag of Panama to be flown in the Canal Zone. Sent to the Senate, this resolution was referred to the Committee on Foreign Relations but was never acted on by this committee—see CONGRESSIONAL RECORD, February 2, 1960.

The House followed up its first action by passing on February 9, 1960, the Gross amendment to the 1961 Department of Commerce appropriation bill. This amendment prohibited the use of any appropriated funds under the bill "for the purpose of displaying the flag of Panama in the Canal Zone, the sovereign control of which is vested in the U.S. Government by virtue of longstanding treaty." The amended bill was accepted by the Senate and became law. This action by the Congress showed clearly the resolve of the people of the United States not to surrender to Red-dictated demands in Panama.

Addressing the House again on June 23, 1960, I emphasized the stupidity of allowing the formal display of the Panama flag in the Canal Zone, warned the Congress of the intention of certain suspect elements in the Department of State to do so, and called for a housecleaning of those elements from the Department. On June 30, I wrote the then Secretary of State, Christian A. Herter, giving notice that should such formal display of the Panama flag over the Canal Zone be made that Members of this House, who are clothed with constitutional authority in this regard, would press for his impeachment—Congressional Record, July 1, 1960.

Did these actions deter the suspect elements in the Department of State in their course? They did not. These elements merely waited for the Congress to adjourn.

Then, on September 17, 1960, the President of the United States, acting on the advice of the Department of State and utterly ignoring the actions of the Congress in the premises, directed that the Panama flag be flown together with the United States flag at a single place in the Canal Zone and authorized the U.S. Ambassador to Panama, Joseph S. Farland, to make a public statement to that effect. This surrender to Red aims at Panama, Mr. Speaker, was a major catastrophe in the conduct of U.S. foreign policy that placed the Canal Zone Government under two flags.

Notwithstanding the warning by Ambassador Farland in the note on September 17, 1960, that such display was "in nowise to be considered as modifying in any way the treaties and agreements in force between the United States and Panama," the Panamanian people, led by Reds and other radicals, exactly as any high school student could foresee, interpreted the formal display of the Panama flag as a belated recognition by the United States of full Panamanian sovereignty over the Canal Zone.

Aggravated later by a more profuse display of Panamanian flags in the zone by the succeeding U.S. administration, that initial display amounted to placing the Panama Canal enterprise under dual sovereignty, which was the very situation that President Theodore Roosevelt and his advisers had sought to avoid. The January 1964 violence was the inevitable consequence of this part way concession to Red-instigated demands.

In this connection, Mr. Speaker, I may add that among those most directly responsible for this deplorable surrender was Dr. Milton S. Eisenhower, whose part was condemned by me on the floor when he was meddling in isthmian matters. Certainly his record of experience is not such as to qualify him to express authoritative opinions on the problems of the Panama Canal.

In an effort to establish facts concerning the titular sovereignty and flag incidents following the recent Panamanian outbreak, I wrote the Secretary of State on January 15, 1964. Because of the evasive responses received this endeavor resulted in considerable correspondence.

The facts thus developed are quite revealing and should be understood by all concerned with interoceanic canal problems.

An examination of these letters will disclose an impossible situation in which the Governor of the Canal Zone serves under two flags, making the zone a no man's land. Furthermore, Mr. Speaker, the fight that erupted in January is going to continue until all Panama flags are removed from the Canal Zone and the United States stands up for its legitimate rights, power, and authority or the other way around—the sole display of the Panama flag with abandonment of the Canal Zone by the United States. As shown by the contemptible action on the part of the President of Panama in demanding that the Panama flag be hoisted at full height while the U.S. flag was at half-mast in respect to General MacArthur, the Panama Canal cannot serve under two masters.

The timid, vacillating course of our highest officials of the Department of State with respect to Panama Canal through the years, dominated by overt and covert efforts to liquidate U.S. authority as regards the enterprise, constitutes a tragic and sinister chapter in American diplomatic history. It has weakened and brought into actual contempt the public image of our great country in the world at large. Had a more courageous course been pursued, with proper assertion and maintenance of the wise and justifiable rights of our Government at Panama, the posture of our country would have been one to command the respect of all nations. Moreover, Mr. Speaker, I can state that growing numbers of our people are no longer fooled by diplomatic deceptions and are asking what are the influences in our Government that have permitted such betrayals of our interests.

Confusing the issue of sovereignty by the clever misuse of the term "titular sovereignty" and the unauthorized display of the Panama flag in the zone in violation of law, treaty, and international usage, were blunders of the first magnitude, which can and should be promptly corrected by their removal. The only thing that could be worse than making such blunders in the first place would be persistence in the errors.

Now that the January events are ample proof that someone made mistakes in flying the Panama flag in the Canal Zone, let us correct the situation so that only one flag will fly in the future—the flag of the United States of America.

In order to make the indicated exchange of letters available as source materials for editors, commentators, and other publicists; as documentation for historians; and as references for the Congress and the executive branch of our Government, I quote them as part of my remarks and urge that they be carefully studied, especially by the members and staffs of cognizant appropriation, legislative, and investigating committees.

January 15, 1964.

Hon. Dean Rusk,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: In connection with the action of officials of the executive branch of our Government with respect to the recognition in 1959 of so-called titular sovereignty of Panama over the Canal Zone and the flying of the Panama flag in Shaler Triangle in September 1960, I request the following:

1. A copy of any order or statement by the President, the Secretary of State, or other official directing the recognition in 1959 of titular sovereignty over the zone.

2. A copy of any order or statement by the President, the Secretary of State, or other official directing the display in 1960 of the Panama flag in Shaler Triangle.

An early reply is requested.

Sincerely yours,
Daniel J. Flood,
Member of Congress.

Department of State.
Washington, January 30, 1964.

Hon. Daniel J. Flood,
House of Representatives.

Dear Congressman Flood: Thank you for your letter of January 15, 1964, to the Secretary in which you requested certain documents relative to the titular sovereignty of Panama over the Canal Zone and the flying of the Panamanian flag in Shaler Triangle.

Pursuant to your request there is enclosed a copy of a recently prepared summary background report on the flag issue. The texts of the principal pertinent documents are contained in this report.

If I can be of further assistance to you in this matter, please do not hesitate to call on me.

Sincerely yours,
Frederick G. Dutton,
Assistant Secretary.

SUMMARY BACKGROUND: FLYING OF PANAMANIAN FLAG WITH U.S. FLAG IN CANAL ZONE BY CIVILIAN AUTHORITIES, JANUARY 20, 1964

Following violent disturbances on November 3, 1959, at the Canal Zone-Panama boundary, involving sovereignty, flags, and other issues, a special representative of the Department of State said in Panama on November 24, 1959:

"During the course of our discussions, in response to a question by the President of Panama, I assured him that the policy of the U.S. Government with respect to the status of the Canal Zone remains as it had been stated more than 50 years ago to the effect that the United States recognizes that titular sovereignty over the Canal Zone remains in the Government of Panama."

Further demonstrations, including some violence against the Canal Zone, occurred again on November 28, 1959. Subsequently the Panamanian Ambassador to the United States in Washington presented a formal request for, among other things, the flying of the Panamanian flag in the Canal Zone.

On December 2, 1959, President Eisenhower in a press conference stated that he did "in some form or other believe that we should have visual evidence that Panama does have titular sovereignty over the region." In a press conference on December 10, 1959, Secretary of State Herter stated that sympathetic consideration was being given to the proposal that the Panamanian flag fly in the Canal Zone.

On September 17, 1960, President Eisenhower directed that the U.S. flag and the Panamanian flag be flown together in a single place in the Canal Zone known as Shaler Triangle. This action was announced by a White House release which read as follows:

"Last December 2, the President stated his belief that there should be visual evidence of Panama's titular sovereignty over the Panama Canal Zone. The President has now, as a voluntary and unilateral decision on the part of the Government of the United States, approved and directed the flying of the flag of the Republic of Panama together with the U.S. flag on a daily basis in Shaler Triangle in the Canal Zone. The President has authorized the American Ambassador, Joseph S. Farland, to make a public statement to this effect.

"The President hopes that his decision will demonstrate the continuing close bonds that exist between the people of the United States and the Republic of Panama and their Governments."

The United States note transmitted to the Panama Foreign Office on September 17, 1960, stated (Department of State Bulletin, Oct. 10, 1960, vol. XLIII, No. 1111, p. 558):

"I am pleased to state that, after the highest consideration by my Government, I am instructed to inform you that as a further reflection of the genuine friendship existing between our two Governments and peoples, my Government has determined that as a voluntary act on the part of the United States, and in recognition of the titular sovereignty residing in the Republic of Panama with respect to the Canal Zone, the Panamanian flag will hereafter be flown together with the United States flag on a daily basis in the area known as Shaler Triangle in the Canal Zone. This determination is in no wise to be considered as modifying in any way the treaties and agreements in force between the United States and Panama."

On September 21, 1960, the two flags were first flown at Shaler Triangle, and have flown there daily since then.

On June 13, 1962, Presidents Kennedy and Chiari issued a joint communique stating that they were appointing high-level representatives to discuss points of dissatisfaction. Ambassador Farland and Governor Fleming were appointed by President Kennedy and Foreign Minister Scolls and Dr. Octavio Fábrega were appointed by President Chiari.

The communique stated that the Presidents "agreed that their representatives will arrange for the flying of Panamanian flags in an appropriate way in the Canal Zone."

The flag question was the first substantive matter discussed by the Special Commission. Governor Fleming with the concurrence of Ambassador Farland developed a list of 15 sites at which the United States and Panamanian flags would fly together in the Canal Zone, including Shaler Triangle where the two flags had been flying since September 21, 1960, by direction of President Eisenhower. This list of site locations for the dual flags was presented to Panama at a meeting on July 20, 1962, for discussion purposes, and was forwarded to Washington for review by the Department of State and others.

The selected sites were acquiesced in by Panama and were approved in principle by those reviewing the matter in Washington. The sites were substantially the same as those subsequently used except as affected by the addition of civilian school premises in January 1964.

The original list of sites did not include any schools. At no time did Panama or anyone in Washington object to the specific list of civilian areas or suggest any additions or deletions or raise a question about the schools. This remained true until after the trouble which began on January 7, 1964.

While the list of civilian sites was not itself controversial, Panama sought also to have her flag flown in military areas and on transiting ships. And some Members of Congress and many U.S. citizen residents in the Canal Zone felt strongly against the flying of the Panamanian flag at all in the Canal Zone. The House of Representatives had passed House Resolution 459 on February 2, 1960, against flying the Panamanian flag. The pertinent 1961 appropriation act contained a rider prohibiting the use of Canal Zone Government or Panama Canal Company funds to install a flagpole for flying a Panamanian flag in the Canal Zone (Public Law 86–451, May 13, 1960). Nevertheless the September 1960 action by President Eisenhower followed and the dual flags were established in Shaler Triangle, using special funds.

When the new Thatcher Ferry Bridge was dedicated on October 12, 1962, United States and Panamanian flags were flown at each end of the center span. These flags, the first dual sets to be flown since the Shaler Triangle action, have flown 24 hours a day ever since.

On October 29, 1962, in further implementation of the agreement, dual flags were flown at the Administration Building at Balboa Heights, and on November 1, 1962, at the administration building at Cristobal. This followed public announcement of the agreement on flags by President Chiari in an address to the Panamanian National Assembly on October 1, 1962.

On January 10, 1963, the Joint Commission created by Presidents Kennedy and Chiari issued a joint communique, the first paragraph of which reads as follows:

"1. It has been agreed that the flag of the Republic of Panama will be flown together with the flag of the United States of America on land in the Canal Zone where the flag of the United States of America is flown by civilian authorities. Private organizations and persons in the zone are free to display flags at will over their places of residence or business. Other aspects of the flag question will be discussed later."

On October 26, 1962, a Panama Canal Company employee, Gerald Doyle, had filed suit against the Governor of the Canal Zone seeking to enjoin the flying of the Panamanian flag in the Canal Zone. This action received substantial support from many Canal Zone residents and from some Members of Congress. While the suit was pending the Governor refrained from initiating any further dual flags at the remaining sites. Panama, apparently understanding the situation, did not press for action to further implement the flag agreement during the litigation, despite adverse press comment in Panama concerning the litigation.

The flag suit was dismissed by the U.S. District Court in the Canal Zone on July 8, 1963, the court opinion holding that the matter was one of executive discretion. The time for appeal expired on September 27, 1963, without an appeal having been filed.

Thereafter, the Governor directed that the dual flags be flown at the remaining selected sites. This was carried out in accordance with a schedule which would permit completion of the installation of all poles by February 7, 1964. As each set of poles was erected the two flags were immediately flown thereon, without publicity or ceremony. In the meantime the list of 15 locations for the two flags had increased to 17 by reason of the Governor's addition of sites at two cemeteries, which had been mentioned but not specifically included at the time of the original list.

During the course of the year, some flagpoles at locations not selected for dual flags were removed, such as at the Governor's residence which is a block or so from the administration building where the two flags were already flying. The removal of flagpoles drew some adverse press comment. In general, the sites for the dual flags were selected to provide for such display in each major population area plus special locations such as the locks and governmental administration buildings.

In November 1963 the Governor considered flying the dual flags at the four high schools. This question was discussed informally with the Canal Zone Civic Council leaders and with the senior officials of the Panama Canal Company and Canal Zone Government. The civic councils felt strongly that such dual displays at the schools would lead to major flag incidents. Senior agency officials generally agreed with the civic councils. This position was consistent with the informal opinion received from school officials in 1962 when the question of flags at schools was first considered by the Governor. The original decision not to fly the dual flags outside the schools, and therefore no flag, under the agreement, was reaffirmed by the Governor in December 1963.

By the end of December 1963, 11 of the dual flag installations were in operation, with 5 more scheduled for January and early February 1964, and the final site set for new Gorgas Hospital when construction would be completed later in 1964.

During the Christmas holidays it was decided by the Governor that full implementation of the agreement with Panama would be put into effect on January 2, 1964, at which time the Panamanian flag would be flown wherever the U.S. flag was flown by civilian authorities. This meant that no U.S. flags would be flown outside the schools and at about four other locations where single U.S. flags were still flying on December 31.

On December 30, 1963, the following press release was issued by the Governor:

"On and after January 2, 1964, the Panamanian flag will be flown together with the flag of the United States on civilian land areas in the Canal Zone where the U.S. flag is flown by civilian authorities.

"This action implements the understanding made public in a joint communique issued by the two Governments earlier this year which stated that 'the flag of the Republic of Panama will be flown together with the flag of the United States of America on land in the Canal Zone where the flag of the United States of America is flown by civilian authorities. Private organizations and persons in the zone are free to display flags at will over their places of residence or business.'

"For some time the Panama Canal has been erecting dual flagpoles at selected sites. Work has been completed and the two flags are now flying at 11 of the sites. Dual flagpoles will be erected at five additional sites between now and the early part of February. One further location at which the two flags will fly will be the new Gorgas Hospital addition when it is completed later this year.

"The 11 locations where the two flags are now flying are Shaler Plaza, Thatcher Ferry Bridge, the administration building in Balboa and also at Cristobal, Miraflores and Gatun Locks, Coco Solo and Corozal Hospitals, Palo Seco, Margarita and Coco Solo. The five remaining locations in addition to the new Gorgas Hospital addition are Gamboa-Santa Cruz, Rainbow City, Paraiso, Mount Hope Cemetery and Corozal Cemetery. Locations at which the U.S. flag has currently been flown alone and at which no flags will be flown on or after January 2, 1964, are the schools; the Ancon District Court Building, the Industrial Division, Cristobal; a site in Gamboa which will be replaced by the site for the two flags; and the present Gorgas Hospital.

"In accordance with law and customs requiring the U.S. flag to be displayed in or near schools, the U.S. flag will continue to be displayed in classrooms or elsewhere within the schools as at present. The Panamanian flag will continue to be displayed with the U.S. flag in all Latin American schools and in certain other schools as appropriate, following present practice."

Schools reopened on Thursday, January 2, 1964, after the Christmas holiday. The U.S. flag which formerly had been raised in front of each school on school days was no longer flown, in accordance with the commitment to Panama to fly two or none.

During the first few days of the new school period students at Balboa High School began to generate feeling in protest against the discontinuance of the U.S. flag outside the school. A U.S. flag is displayed in every classroom but the outside flag became an object of current significance. By Monday, January 6, it was known by school officials and some parents and others that some of the students intended to go to school early on Tuesday, January 7, and to raise the U.S. flag on the outside pole at Balboa High School. On Friday, January 3, a petition to President Johnson protesting the discontinuance of the U.S. flag outside the Balboa High School was circulated at the school and signed by 400 to 500 students.

Balboa High School has an enrollment of 1,851. Of these, 1,777 are U.S. citizens; 927, or 50.1 percent, of the students at Balboa High School are children of military or civilian personnel of the U.S. Armed Forces. Six hundred and thirty-nine or 34.5 percent are children of employees of the Canal Zone Government and Panama Canal Company, 136 or 7.3 percent are children of American businessmen and other non-Government personnel in Panama and the Canal Zone, 75 or 4.1 percent are children of U.S. citizen employees of the U.S. Embassy, AID, USIS, and the Federal Aviation Agency, 74 or 4 percent are non-United States citizen tuition students, principally Panamanians.

By 6:45 a.m. on Tuesday, January 7, about 25 students had gathered on the lawn in front of the high school with a flag. The halyards were locked on the pole. Attempts were made to climb the pole but efforts to get the flag aloft were at first not succesful. By 7:25 some 200 to 300 students, mostly observers, were present and a group of 50 to 80 were around the pole itself. The few actually working at it finally worked the halyards loose so that despite the lock the flag was raised at 7:25. School officials were present, and a couple of policemen were in the area. A dozen or so adults, presumably parents, were on the sidelines.

Classes started at 7:45 and nearly all students attended. Absenteeism during the day was nearly normal. A dozen or so adults and students remained in the area across the street from the campus. At 8:20 the acting superintendent of schools, the principal of the high school, and the civil affairs director within whose Bureau the schools operate, lowered the flag, which was taken to the principal's office.

The first class period was over at 8:38 a.m., and at 8:40 six college students and one high school student put up another small flag. About 150 students were on the school steps or lawn and they pledged allegiance to the flag. A number of adults were in the area. School officials were present. No police were in the immediate area. No effort to prevent the students' action was taken because of a policy decision approved by the Governor that an incident involving physically preventing these American students from raising the American flag outside their school and pledging allegiance should be avoided, in the expectation that the protest demonstration would have achieved its purpose and the flag could be lowered quietly later. No laws were broken and it was considered that the demonstration by the students did not constitute a flying of the flag by "civilian authorities."

It was understood that the active ringleader group of students intended to require authorities to use force if an effort were made to prevent the raising of the flag, or to take it down once up, or to remove the flagpole. School officials urged students to return to classes which nearly all did. Photographers, professional and others, were present at all actions described.

During the morning a small group of students kept watch from just off the campus. Between classes large numbers appeared to see what had happened, there having been rumors that the authorities intended to remove the pole or halyard. At noon the students substituted a larger flag on the pole. After school about 100 students, with adults, remained around the area until late evening to prevent action to remove the flag or pole. About 25 remained on watch all night and were furnished food and blankets by adult sympathizers.

At 6 p.m. on Tuesday the flag was lowered by six high school boys. At 7:30 a.m. on Wednesday it was again raised. The situation was about the same on Wednesday. In the afternoon some 200 students marched around the flag with placards demanding that the flag stay up. Ringleaders told school officials that students would continue in classes so long as the flag was up. It was understood that if the flag were taken down the fire alarm would be used to signal a student rush to prevent the action. The principal put out written bulletins assuring that there was no intention to remove the flagpole, and cautioning against any improper use of the fire alarm system.

On the Atlantic side similar action was taken on Wednesday by large numbers of students at Cristobal High School with substantial parental support. Groups went to several elementary schools also and put up flags, on both the Atlantic and Pacific sides.

On Wednesday, January 8, the Governor issued a statement appealing to the public for cooperation. He reviewed the background of the dual flag program and said:

"I believe that it is unnecessary for me to dwell at length on the responsibilities of U.S. citizens to abide by the official commitments of their Government. I would, however, like to emphasize that we have a particular responsibility here in the Canal Zone where our actions are subject to direct view by citizens of other countries.

"I request the cooperation of all U.S. citizens at this time in honoring our country's commitments and in showing our good faith by our own actions. We must set the example and some recent actions have not been good in view of an international commitment of the United States.

"At the same time, I will say that the list of official locations at which the two flags are to be flown is not final and absolute. Should the various communities desire dual flag displays at other locations, it is possible that we can make appropriate additions in consonance with our international commitment. In this regard, I would look to the civic councils for advice as to the wishes of the communities."

On Thursday morning, January 9, the Governor pretaped and film-recorded an address to the public. This statement was presented by Canal Zone radio and television at 6:15 p.m. It reviewed the discussions with Panama during the preceding 2 years with particular reference to the flag issue. The Governor explained the commitment to Panama, the selection of the sites for dual flags, and the issue as to flags at the schools. He stated that "the flag agreement is a valid commitment of our Government. We Americans in the zone have an obligation as citizens to support that commitment regardless of our personal beliefs. I hope that we Americans will conduct ourselves with reason, and in an emotional situation successfully avoid emotionalism."

Following the tragic events of Thursday, evening, January 9, and thereafter, which are not within the scope of this summary, the dual flags were directed to be flown outside the Canal Zone schools by Secretary of the Army Vance. The following announcement was made on January 11, 1964:

"After consultation with Governor Fleming, Secretary Vance announced tonight that the Canal Zone Government will continue to fly the United States flag outside public schools in the Canal Zone and that in accordance with the existing agreement between the Republic of Panama and the United States, the Panamanian flag will be flown alongside the U.S. flag at these locations."

Accordingly, poles were erected and the dual flags were flown from 17 public schools in the Canal Zone beginning January 15, 1964.

As of January 19, 1964, the Panamanian flag is being flown or is scheduled to be flown by civilian authorities in the Canal Zone where the U.S. flag is flown, at 30 locations, identified in the attached list which also states the date upon which the two flags were first flown together at each location.

SUMMARY—DUAL FLAG INSTALLATIONS IN CANAL ZONE

Location and date dual flags first flown:

Shaler Triangle, September 21, 1960.

Thatcher Ferry Bridge, October 12, 1962.

Administration Building, Balboa Heights, October 29, 1962.

Administration Building, Cristobal, November 1, 1962.

Miraflores locks, October 24, 1963.

Gatun locks, November 9, 1963.

Coco Solo Hospital, November 15, 1963.

Corozal Hospital, November 30, 1963.

Palo Seco Hospital, December 4, 1963.

Margarita Townsite, December 18, 1963.

Balboa High School, January 15, 1964.

Canal Zone College, January 15, 1964.

Balboa Elementary School, January 15, 1964.

Ancon Elementary School, January 15, 1964.

Diablo Elementary School, January 15, 1964.

Diablo Junior High School, January 15, 1964.

Los Rios Elementary School, January 15, 1964.

Pedro Miguel Elementary School, January 15, 1964.

Paraiso Elementary School, January 15, 1964.

Paraiso Junior-Senior High School, January 15, 1964.

Gamboa Elementary School, January 15, 1964.

Santa Cruz Elementary School, January 15, 1964.

Cristobal Junior-Senior High School, January 15, 1964.

Coco Solo Elementary School, January 15, 1964.

Rainbow City Junior-Senior High School, January 15, 1964.

Margarita Elementary School, January 15, 1964.

Gatun Elementary School, January 15, 1964.

Mount Hope Cemetery, scheduled for January 31, 1964.

Corozal Cemetery, scheduled for February 7, 1964.

New Gorgas Hospital, scheduled for later in 1964.

FEBRUARY 6, 1964.

Hon. FREDERICK G. DUTTON,
Assistant Secretary of State for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of January 30, 1964, and its enclosed summary background on flying the Panamanian flag in the Canal Zone territory. This summary, with the single exception of the indentation of one paragraph, seems to be identical with the summary published in the Panama Canal Spillway of January 27.

As you know, I have dealt at length with the unauthorized display of the Panama flag in the Canal Zone in addresses to the Congress and have made some pointed observations thereon.

The special representative of the Department of State sent to the isthmus following the November 3, 1959, attempted mob invasion of the Canal Zone, which I had predicted on the floor of the Congress, was Under Secretary of State Livingston Merchant, who is not specifically named in the summary and who at no time defined the term, "titular sovereignty."

After he made his November 24, 1959, statement I wrote him a critical letter challenging his authority. In reply, he stated that the indicated action did not originate with him and that he was acting under instructions. It is unfortunate that he and his superiors did not seem to realize that the Panama Canal is neither a filling station nor a Safeway Store but, indeed, one of the great agencies for the betterment and protection of the free world.

The specific information that I wish to have may be covered in the following questions:

(a) What is the name of the official in the Department of State who originated the proposal to fly the Panama flag in the Canal Zone as visual evidence of "titular sovereignty"?

(b) What are the names of the officials who approved the instructions to Under Secretary Merchant?

(c) Was the enclosure to your letter prepared in the Department of State or in the Panama Canal Organization?

(d) What is the Department of State's definition of the term, "titular sovereignty"?

(e) Is it anything more than the reversionary clause in a deed which conveys full perpetual title to property with a provision that if the grantee fails to use the property for the purposes for which it was conveyed, as for instance, in charitable and educational transactions, there is reversion of title to the grantor?

(f) Why is it not made clear to the Panamanian Government and the world at large exactly what the Department of State means when using the term, "titular sovereignty"?

(g) It is the contention of the Department that the United States, in the building, operation and maintenance of the canal, has by omission or commission been guilty of acts which have the effect of nullifying the grant of sovereignty in perpetuity accorded by the 1903 treaty?

In these general connections permit me to quote the statement by former President Theodore Roosevelt on December 2, 1918, the year after John Reed's declaration in Petrograd for internationalizing the Panama Canal:

"The Panama Canal must not be internationalized. It is our canal; we built it, we fortified it, and we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike but in time of war our interest at once becomes dominant." (Daily CONGRESSIONAL RECORD, Feb. 4, 1964, p. A501.)

In order that I may advise the Congress in the premises, full information is desired and an early reply is respectfully requested.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF STATE,
Washington, February 18, 1964.

Hon. DANIEL J. FLOOD,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FLOOD: Thank you for your letter of February 6, 1964, regarding certain aspects of U.S. relations with the Republic of Panama. The answers to your specific questions follow:

(a–b) Deputy Under Secretary of State Merchant, in making the statement to which you refer, was speaking in the name of and with the full authority of the Secretary of State. In this connection, you will recall that President Eisenhower, in announcing that the Panamanian flag would be flown in the Canal Zone, stated at a news conference on December 2, 1959, that this action would constitute visual evidence of the titular sovereignty of the Republic of Panama in the Canal Zone.

(c) The enclosure to my letter of January 30, 1964, on the flag issue was prepared in the Office of the Governor of the Canal Zone and was subsequently reprinted in the Panama Canal publication "Spillway" as an accurate account of the events of January 9–12 in Panama.

(d) Regarding a definition of titular sovereignty in the Canal Zone, the Department of State has always relied on statements by Mr. William Howard Taft, in view of his preeminence as a jurist and his intimate knowledge of matters pertaining to the Canal Zone. These statements read as follows:

" 'The truth is that while we have all the attributes of sovereignty necessary in the construction, maintenance, and protection of the canal, the very form in which these attributes are conferred in the treaty [of 1903] seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama, and as we have conceded to us complete judicial and police power and control over the zone and the two ports at the end of the canal, I can see no reason for creating a resentment on the part of the people of the isthmus by quarreling over that which is dear to them but which to us is of no real moment whatever.' From letter signed William H. Taft, Secretary of War, and addressed to the President under date of January 12, 1905. Printed in Hearings before the Committee on Interoceanic Canals of the U.S. Senate, in the matter of the Senate resolution adopted January 9, 1906, providing for an investigation of matters relating to the Panama Canal, etc., Senate document 401, 59th Congress, 2d session, pages 2392, 2393, 2399 (vol. III); volume 32, Senate documents (1907, 59th Cong., 2d sess.), 2392, 2393, 2399.

"Article III of the treaty [the Hay-Bunau Varilla Convention for the Construction of a Ship Canal, signed November 28, 1903] provides as follows:

" 'The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.'

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the powers which it would have if it were sovereign. This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panamanian Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is like what Governor Allen, of Ohio, once characterized as a 'barren ideality,' but to the Spanish or Latin mind poetic and sentimental, enjoying the intellectual refinements, and dwelling much more on names and forms it is by no means unimportant." From statement by William Howard Taft, as Secretary of War, before Committee on Interoceanic Canals on April 18, 1906. Hearings, Wednesday, April 18, 1906, Senate Committee on Interoceanic Canals, 59th Congress, 2d session, ibid., 2315, 2526–2527.

(e) The nature of a right granted by treaty depends upon the particular treaty language according to practice of international law. For this reason private law relating to real property is to be differentiated from applicable treaties.

(f) The statements of Mr. William Howard Taft quoted under item (d) above are widely known.

(g) So far as the matter of sovereign rights is concerned, the United States has built, operates, and maintains the canal in exercise of the rights, power, and authority granted by the several treaties between the United States and the Republic of Panama, and with special reference to the grant contained in articles II and III of the 1903 convention whereby the United States is entitled to exercise such rights, power, and authority which it "would possess and exercise if it were the sovereign of the territory within which said lands and waters are located."

If I can be of further assistance to you in this matter, please do not hesitate to call upon me.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

MARCH 13, 1964.

Hon. DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: The Department of State letter of February 18, 1964, over the signature of Assistant Secretary Frederick G. Dutton, is not adequately responsive in replies to my questions nor, may I say, fully candid. Quoting Mr. Taft in one connection and ignoring his true meanings and interpretations as expressed in other statements constitutes "special pleading." Because of this, I shall elaborate, primarily on the question of "titular sovereignty."

In an address at New Orleans on February 9, 1909, when the Panama Canal was under construction, President-elect Taft included the following statement in his remarks:

"Because under the treaty with Panama we are entitled to exercise all the sovereignty and all the rights of sovereignty that we would exercise if we were sovereign, and Panama is excluded from exercising any rights to the contrary of those conceded to us. Now that may be a ticklish argument, but I do not care whether it is or not. We are there. We have the right to govern that strip and we are going to govern it. And without that right to govern the strip, without the power to police it, and without the power to make the laws in that strip bend, all of them, to the construction of the canal, we would not have been within 2 or 3 or 4 years, hardly, of where we are in the construction." (See my address, "Panama Canal: Object of Irresponsible Political Extortion," CONGRESSIONAL RECORD, July 23, 1958.)

On another occasion, November 16, 1910, when attending a banquet given by the President of Panama in the capital of that country, President Taft made this significant pronouncement:

"We are here to construct, maintain, operate, and defend a world canal, which runs through the heart of your country, and you have given us the necessary sovereignty and jurisdiction over the part of your country occupied by that canal to enable us to do this effectively." (Source: Canal Record, vol. IV (Nov. 23, 1910), p. 100.)

These words were not mere offhand remarks by an exhilarated banquet speaker but a deliberately phrased declaration by the President of the United States addressed to Panamanian officials with great candor and for the purpose of avoiding misunderstanding It reflected the policy of our Government under which the Canal Zone was acquired, the Panama Canal constructed, and has been subsequently maintained, operated, sanitated and protected.

Again in 1930, when Chief Justice of the United States, Mr. Taft discussed the theory of "titular sovereignty" in an opinion of the Supreme Court delivered by him in *Luckenbach S.S. Co.* v. *United States,* 280 U.S. 173; 50 Supreme Court 148: "Whether the grant in the treaty amounts to a complete cession of territory and dominion to the United States, or is so limited that it leaves at least titular sovereignty in the Republic of Panama, is a question which has been the subject of diverging opinions and is much discussed in the briefs." The opinion stated that for the purposes of this case the construction of the treaty in that regard need not be examined as an original question. This opinion was in nowise in derogation of the views of President Taft as hereinbefore set forth.

That the grant of full sovereignty over the Canal Zone to the United States was the intent and understanding of responsible Panamanian officials in 1903 as well as those of the United States is completely established.

Years later, when describing his 1903 treaty negotiations as Minister of Panama to the United States, Bunau-Varilla stated:

"After mature thought I recognized that if I enumerated in succession the various attributes of sovereignty granted, I ran the risk of seeing in the (U.S.) Senate, some other attributes asked for. To cut short any possible debate I decided to grant a concession of sovereignty en bloc." (Earl Harding, "The Untold Story of Panama," 1959, p. 39.)

Subsequent to the ratification of the 1903 treaty, Minister of Government Tomas Arias of Panama, a member of the revolutionary junta that brought about Panamanian independence, addressed the following statement on May 25, 1904, to Gov. George W. Davis of the Canal Zone:

"The Government of the Republic of Panama considers that upon the exchange of ratifications of the treaty for opening an interoceanic canal across the Isthmus of Panama its jurisdiction ceased over the zone." (See my address, "Panama Canal—Latest Development," CONGRESSIONAL RECORD, June 9, 1958.)

In addition to understanding what was in the minds of United States and Panamanian officials at the time, it is important to realize that the formula for exclusive U.S. sovereignty in perpetuity was not accidental, or the result of the machinations of secret agents as claimed by some partisan writers, but was based upon the January 18, 1902, recommendation of the Isthmian Canal Commission, of which Rear Adm. John G. Walker, one of the ablest officers of his era, was president. I quote a pertinent part:

"The grant [of the Canal Zone] must be not for a term of years, but in perpetuity, and a strip of territory from ocean to ocean of sufficient width must be placed under the control of the United States. In this strip the United States must have the right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary." (Source: S. Doc. No. 123, 57th Cong., p. 9.)

It was the realistic philosophy of this recommendation, made after prolonged study of conditions on the Isthmus, that was embodied in the 1902 Spooner Act authorizing acquisition of the Canal Zone and that found expression in provisions in the 1903 treaty for sovereignty in perpetuity and a Canal Zone width of 10 miles rather than 10 kilometers as was to be provided under the Hay-Herran Treaty with Colombia. These were important, in fact, indispensable conditions under which the United States was willing to build the Isthmian Canal at Panama instead of Nicaragua. It was only after the United States became fully committed to build the canal at Panama under the 1903 treaty and after the 1904 declaration of Minister of Government Tomas Arias quoted above that Panama raised the question of Panamanian sovereignty, which was promptly denied by Secretary Hay.

Regardless of the many clamorous statements of advocates on the sovereignty question, these two observations are pertinent:

1. That any so-called "titular sovereignty" of Panama over the Canal Zone would be entirely naked or barren; that Panama would derive no present sovereign rights, powers, privileges, or other perquisites whatever except as authorized under treaty; that in respect to the difference between private law relating to real property and international law, the basic commonsense interpretations are the same; and that "titular sovereignty" would be wholly latent or reversionary in character, analogus to the case of a private conveyance of real estate for a particular purpose and thus forever binding unless the grantee fails to use the property for the intended purpose, in which case the title would revert to the grantor.

2. That Panama, as far as can be ascertained, has never at any time contended that it possessed "titular sovereignty" but absolute sovereignty, not withstanding the positive provisions of the 1903 treaty to the contrary.

It seems very strange, indeed, that contemporary Department of State officials ignore the interpretations on the sovereignty issue given by Mr. Taft as President-elect, President and Chief Justice and as practiced by him as Secretary of War, and also the historic statements of Secretaries Tomas Arias, Hay, and Hughes.

From the time the United States occupied the Canal Zone in 1904, the Congress has passed all legislation necessary for the construction, maintenance, operation, sanitation, and protection of the Panama Canal. This, together with minor enactments by the Isthmian Canal Commission, 1904–14, form an extensive Canal Zone Code covering all the vital features of legislation required for the government of the Canal Zone and the construction, maintenance and operation of the canal. As was foreseen by both Panamanian and United States officials at the outset, the great achievements incident to construction of the Panama Canal simply could not have been accomplished except with complete U.S. sovereignty over the zone. To argue differently is to contend against the overwhelming logic of the practical, realistic conditions required for the success of the canal enterprise; and any other interpretation, as repeatedly sown by events, brings nothing but chaos and bloodshed. If the United States is to do the job that it is obligated to do it must have the adequate authority provided in the 1903 treaty; and nothing less. This policy is not one of colonialism or oppression but one of commonsense and absolute necessity, and is fully understood by informed Panamanians as well as by thoughtful U.S. citizens conversant with isthmian history. The fate of this great enterprise, which means so much to the entire world, must not yield to the radical demands emanating from the pressure of Panamanian political campaigns or the manifest policies of the world revolutionary movement.

The January 1964 mob assaults on the Canal Zone enabled the entire world to see the dangerous confusion occasioned by the invalid display of the Panama flag in the zone. As recognized by all who understand isthmian conditions, it was inevitable that Panamanians would regard such display as evidence not of "titular sovereignty" but of controlling sovereignty being vested in Panama—the insistence on which was vastly augmented by the display of Panamanian flags in the zone. Thus, the executive policy of uncertainty, vacillation and weakness, which such display symbolizes, has made the Canal Zone another Cyprus.

It is respectfully submitted that if the administrative officials of the United States had been forthright in dealing with the flag issue and related questions during recent years we would not have had the series of mob violence and fatalities at Panama. Long experience has shown that firmness, in upholding our just and necessary rights on the isthmus, is best for Panama as well as for the United States. Moreover firmness will give a far better image of our country to the world at large.

In this connection it should ever be borne in mind that recognition of any present-day Panamanian claims of sovereignty over the Canal Zone and canal will inevitably end in the complete liquidation of U.S. authority over them and communistic revolutionary power will soon fill the vacuum thus created; witness Cuba and other Communist takeovers. If Soviet control over Cuba could be established and maintained 90 miles off the United States, it can certainly gain control over the Panama Canal if and when our Nation is divested of its authority and control over the Canal Zone and canal. With such loss, all Caribbean, Central and South American countries will inevitably pass into the Soviet orbit. The only alternative would be a successful nuclear war to destroy Soviet power. Our present policies at Panama are inviting this dreadful situation.

In view of the foregoing and the absolute necessity to clear up immediately the present dangerous confusions over "titular sovereignty" and to stop needless conjectures on the subject, I reiterate my previous question: Why does the Department of State not prepare and promptly issue a public statement setting forth in clear, understandable terms the definition of "titular sovereignty" as a reversionary interest on the part of Panama in the Canal Zone, which can become vital only in the sole event of the United States abandoning the Panama Canal or failing to meet its treaty obligations for its perpetual maintenance, operation, sanitation, and protection, with payment of annuities in perpetuity to Panama?

An early reply is respectfully requested.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF STATE,
Washington, April 17, 1964.

DEAR CONGRESSMAN FLOOD: The Secretary has asked me to answer your letter of March 13, 1964, in further reference particularly to the matter of "titular sovereignty" and Mr. William Howard Taft's statements with reference to the rights granted to the United States by the Republic of Panama under the 1903 convention.

In your letter you state that Mr. Dutton's reply of February 18, 1964, to your previous letter of February 6, 1964, was "not adequately responsive in replies to my questions nor, may I say, fully candid." You also stated that we quoted Mr. Taft "in one connection" and ignored "his true meanings and interpretations as expressed in other statements" and that this constituted "special pleading." Let me assure you that the Department is anxious to be fully responsive.

In President-elect Taft's statement at New Orleans on February 9, 1909, which you quote, Mr. Taft carefully stated that "under the treaty with Panama we are entitled to exercise all the sovereignty and all the rights of sovereignty that we would exercise if we were sovereign, and Panama is excluded from exercising any rights to the contrary of those conceded to us." This statement by Mr. Taft treated of the matter of which country has the right to "exercise" sovereignty or sovereign rights, as distinguished from which country is the "sovereign" or holds territorial "sovereignty" with respect to the Canal Zone. The Department of State agrees fully with Mr. Taft; he differentiated quite correctly between "sovereignty" and the exercise of sovereignty or sovereign rights as if sovereign. In this context of the right to "exercise" sovereign rights, he spoke downstream. More and more, a reservoir project necessarily involves the moving or wiping out of old towns, the relocating of highways and railroads, even of cemeteries.

Every river project has had its opposition, frequently bitter and vocal. Federal laws on land acquisition have been steadily liberalized to assure those evicted a fair market value and their moving expenses. But no money can assuage the wrench of giving up a homestead dating back generations in the family, and trying to start life anew elsewhere. Opponents of the dams sought engineering alternatives—small dams scattered over the upper parts of the watershed, even "flow ways" in which man abandoned the bottomlands to let the floods roll. But there was no satisfactory alternative to big dams for checking major flooding.

Here in the Kansas-Missouri area, once the big main stem dams of the Upper Missouri basin were substantially completed, Tuttle Creek Reservoir became the acrid battleground. At a host of public meetings the charges and counterclaims were hotly debated. In the early 1950's, the $80 million project was started, then stopped, then restarted. The issue unseated a Congressman and was aired all the way to the White House. In the end, as it had to be, the reservoir was built.

Now the tumult has softened and, with the keystone of the Kaw Basin flood program in place, others are following along smoothly. Wilson and Milford Reservoirs are nearly finished and Perry and Glen Elder are getting started. The levees are finished at the Kansas Citys, Manhattan, Salina and Abilene. They are well along at Topeka and soon construction will start at Lawrence. There is money in the Federal budget for Clinton, near Lawrence, the first of four more small dams indicated by a restudy of the 1961 flood disaster.

In the Arkansas River basin of southeastern Kansas, along the Neosho, Verdigris, and the Cottonwood, the dams are building, too: Fall River, Toronto, Council Grove, John Redmond, Elk City and more to come.

So also in the two-State Marais des Cygnes-Osage Valley, with Pomme de Terre finished in Missouri and Pomona in Kansas, Stockton Dam starting, the Ottawa levees ready and the biggest of all in this area, Kaysinger Bluff near Warsaw, just around the corner. Its 55,600-acre lake, nearly as large as the Lake of the Ozarks, will prove a powerful lever to the whole economy of west, central Missouri. But its value as a giant resort and recreation center should not obscure the considerable benefits in flood control in the other half of the State, along the lower Osage and on the Missouri itself below Jefferson City.

Planning is virtually completed on Kaysinger. The push for initial construction money this year may or may not succeed. With so many river projects under way, the administration is reluctant to launch another in the $143-million class until the pace moderates.

But Kaysinger will be started, this year or next, because the essential theory of the multipurpose reservoir now is accepted. The bargain in varied benefits it offers is just too good to pass up, whatever the cost and the attendant discomforts of locating it.

The task is far from ended. Full protection against the ultimate flood requires some measure of control on every troublesome tributary, and there are many worthy projects yet on the boards.

Snags still lurk below the surface of the river program. The strange misunderstanding that blocked dredging and completion of the Missouri navigation channel below Kansas City now is ended. In another 2 years or so barges loaded to the full 9-foot depth should push already record tonnages to the far higher levels of other rivers in the inland waterways system.

Someone, however, always wants to change the rules in the middle of the game. One bill now before Congress would revise the whole planning approach, creating a water council of Cabinet officials and subsidized Federal-State basin commissions. It would surely upset the existing agencies which already are getting the job done. Another proposal would push local cost contributions to prohibitive levels. If approved by Congress, it would destroy such still-unauthorized programs as the $278 million Grand River plan in northwest Missouri and the Chariton River project east of it by requiring multimillion-dollar donations far beyond the means of rural communities. Projects already under way or authorized would not be subject to such requirements.

Area river interests fret over such scares, and the occasional local squabbles, but they are buoyed by the conviction that this awesome undertaking at last is rolling inexorably ahead. At a current rate of some $75 million a year, the funds pour into this area and the dirt keeps flying. The benefits, largely unseen, pile up quietly in the floods that never happen or the low-flow pollution threat that is washed away by opening the dam gates upstream.

Questions and quarrels still roll other regions, but there is no trouble right here in River City. Kansas Citians and their neighbors have learned what floods can do—and what flood protection and its related rewards are worth.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FLOOD, for 30 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. O'NEILL, for 10 minutes, today.

Mr. THOMPSON of Texas, for 30 minutes, today; and to revise and extend his remarks and include an address.

Mr. FRELINGHUYSEN, for 1 hour, on tomorrow, Wednesday, May 6, on the subject of antipoverty legislation and the jurisdiction of the House Committee on Education and Labor.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. HARRISON) and to include extraneous matter:)

Mr. DOLE.

Mr. FINDLEY.

(The following Members (at the request of Mr. ROSTENKOWSKI) and to include extraneous matter:)

Mr. RIVERS of South Carolina.

Mr. CELLER.

Mr. MULTER.

Mr. EVINS.

ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 6, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2028. A letter from the secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, transmitting the report of the Board of Visitors to the U.S. Naval Academy, 1964; to the Committee on Armed Services.

2029. A letter from the Comptroller General of the United States, transmitting a report of a review of payments to Army and Air Force Reserve officers on annual active duty training for days on which no training or necessary travel was performed, Department of Defense; to the Committee on Government Operations.

2030. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Government Printing Office for the fiscal year ended June 30, 1963; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 10322. A bill to extend the provisions of the act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396) to provide improved opportunity for promotion for certain officers in the naval service; without amendment (Rept. No. 1375). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 710. Resolution for consideration of H.R. 10945, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1376). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 711. Resolution for consideration of S. 2, an act to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research; without amendment (Rept. No. 1377). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DONOHUE:

H.R. 11135. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.R. 11136. A bill to amend title 38, United States Code, to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance; to the Committee on Veterans' Affairs.

By Mr. FARBSTEIN:

H.R. 11137. A bill to amend title I of the National Housing Act to provide Federal Housing Administration insurance of loans made for the purchase of dwelling units in cooperative housing projects, and for other purposes; to the Committee on Banking and Currency.

H.R. 11138. A bill to amend title I of the Housing Act of 1949 to require the inclusion of housing designed for low- and middle-income groups when rental or cooperative housing is constructed in the redevelopment of an urban renewal area; to the Committee on Banking and Currency.

H.R. 11139. A bill to amend the U.S. Housing Act of 1937 to provide that a tenant of a low-rent public housing project shall be permitted to continue to occupy such project (with appropriate rent adjustments) even though his income increases beyond the applicable limits; to the Committee on Banking and Currency.

H.R. 11140. A bill to amend title I of the Housing Act of 1949 to require that any rental or cooperative housing constructed in the redevelopment of an urban renewal area shall be designed for low- and middle-income groups; to the Committee on Banking and Currency.

H.R. 11141. A bill to amend section 213 of the National Housing Act to provide that mortgages covering middle-income consumer cooperative housing projects may be insured thereunder up to the full amount of the replacement cost of such projects; to the Committee on Banking and Currency.

H.R. 11142. A bill to amend the U.S. Housing Act of 1937 to make it clear that low-rent public housing includes stores and other necessary or desirable nondwelling facilities; to the Committee on Banking and Currency.

H.R. 11143. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $800 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 11144. A bill to amend title 28 of the United States Code, so as to provide for the appointment of one additional district judge for the northern district of Ohio; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11145. A bill to provide for the establishment of a mint of the United States in the State of Illinois; to the Committee on Public Works.

By Mr. SECREST:

H.R. 11146. A bill to amend the Capper-Volstead Act, with respect to the control of unfair practices affecting associations of producers of agricultural products and members thereof; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 11147. A bill to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others; to the Committee on Post Office and Civil Service.

H.R. 11148. A bill to broaden the investment powers of Federal savings and loan associations, and for other purposes; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relating to a national Natural Disaster Insurance Act; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to the withdrawal of certain lands in Death Valley from mining entry; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to importing beef and veal; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAGAN of Georgia:

H.R. 11149. A bill for the relief of Georgios Minakakis; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11150. A bill for the relief of Mrs. Vanda Paolina, her minor daughter Carla Paolina, and her mother-in-law Mrs. Italia Paolina; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 11151. A bill for the relief of Ruben Gutierrez Sitson; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 1020. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

883. The SPEAKER presented a petition of Richard W. Dickenson, county counsel, county of San Joaquin, Stockton, Calif., urging adoption of Senate bill 1275, regarding Federal-State conflict over water rights, which was referred to the Committee on Interior and Insular Affairs.

* * *

SENATE

TUESDAY, MAY 5, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God, our Father, whom we seek in all our need, we come praying that through all the mystery and perplexity of life, Thou wilt keep our hearts with Thee. Show us Thy will in all the maze of paths our uncertain feet may take.

May we know Thee in the common life that entangles us. May we never lose a sense of Thy presence in the thorny questions, national and international, which confront us.

May we face these baffling days in the triumphant confidence that no weapon that has been formed can prevail against Thy eternal purpose, and that Thou, our God, will not fail or be discouraged until on a cross, deep rooted in Thine own heart, Thou dost lift a willful world to the radiance of Thy love and light.

We ask it in the ever blessed name of the One who is the Light of the World. Amen.

THE JOURNAL

On request of Mr. INOUYE, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 4, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 627) to promote State commercial fishery research and development projects, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 7651. An act to provide authority to protect heads of foreign states and other officials;

H.R. 8078. An act to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.;

H.R. 8373. An act to clarify the application of certain annuity increase legislation;

H.R. 9689. An act declaring a portion of Bayou Black and Bayou Terrebonne, La., nonnavigable waterways of the United States;

H.R. 9720. An act authorizing a study of dust control measures at Long Island, Port Isabel, Tex.;

H.R. 10053. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 10483. An act to authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma;

H.J. Res. 733. Joint resolution to designate the powerhouse on Clear Creek at the head of Whiskeytown Reservoir, in the State of California, as Judge Francis Carr Powerhouse; and

H.J. Res. 950. Joint resolution granting the consent of Congress to an amendment to the compact between the State of Ohio and the Commonwealth of Pennsylvania relating to Pymatuning Lake.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 45) expressing the sense of the Congress that the Administrator of the Saint Lawrence Seaway Corporation should cooperate with other governmental authorities in the United States and with Canadian authorities to reduce oil pollution, in which it requested the concurrence of the Senate.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H.R. 7651. An act to provide authority to protect heads of foreign states and other officials; and

H.J. Res. 950. Joint resolution granting the consent of Congress to an amendment to the compact between the State of Ohio and the Commonwealth of Pennsylvania relating to Pymatuning Lake; to the Committee on the Judiciary.

H.R. 8078. An act to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.; and

H.R. 9720. An act authorizing a study of dust control measures at Long Island, Port Isabel, Tex.; to the Committee on Public Works.

H.R. 8373. An act to clarify the application of certain annuity increase legislation; to the Committee on Post Office and Civil Service.

H.R. 9689. An act declaring a portion of Bayou Black and Bayou Terrebonne, La., nonnavigable waterways of the United States; and

H.R. 10053. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies; to the Committee on Commerce.

H.R. 10483. An act to authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma; and

H.J. Res. 733. Joint resolution to designate the powerhouse on Clear Creek at the head of Whiskeytown Reservoir, in the State of California, as Judge Francis Carr Powerhouse; to the Committee on Interior and Insular Affairs.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 45) expressing the sense of the Congress that the Administrator of the Saint Lawrence Seaway Corporation should cooperate with other governmental authorities in the United States and with Canadian authorities to reduce oil pollution, was referred to the Committee on Commerce, as follows:

Whereas oil pollution of navigable waters has seriously impaired the commercial and recreational value of many areas; and

Whereas such pollution has caused serious injury to wildlife, even to the point of threatening some species of waterfowl with extinction; and

Whereas the policy of the United States, as expressed by the Oil Pollution Acts of 1924 and 1961, and many other enactments, is to employ every feasible means to reduce the menace of oil pollution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Administrator of the Saint Lawrence Seaway Corporation should seek to enter into and carry out cooperative arrangements with other governmental authorities in the United States, and with Canadian authorities, to require that vessels passing through the Saint Lawrence Seaway be equipped with such fittings, keep such records, and comply with such rules or regulations as may be feasible to reduce oil pollution of the Saint Lawrence Seaway and adjacent waters, and navigable waters of the United States through which such vessels may subsequently pass.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent that, at the conclusion of a quorum call, there be a morning hour, under the usual circumstances, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 193 Leg.]

Aiken
Allott
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Goldwater
Gore
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Alaska [Mr. GRUENING], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is absent on official business to attend the Kennedy roundtable agreement negotiations at Geneva.

The PRESIDING OFFICER (Mr. WALTERS in the chair). A quorum is present.

Morning business is in order.

Mr. MANSFIELD. Mr. President, is there an order for morning business?

The PRESIDING OFFICER. There is an order for morning business.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to take up the nominations on the Executive Calendar under "New Reports."

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. If there be no reports of committees, the nominations on the Executive Calendar, under "New Reports," will be stated.

TEMPORARY ALASKA CLAIMS COMMISSION

The Chief Clerk proceeded to read sundry nominations to the Temporary Alaska Claims Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Expenditures, I submit a report on Federal stockpile inventories as of February 1964. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, FEBRUARY 1964

INTRODUCTION

This is the 51st in a series of monthly reports on Federal stockpile inventories. It is for the month of February 1964.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the Departments of Agriculture, Defense, Health, Education, and Welfare, and Interior, and the General Services Administration.

The cost value of materials in inventories covered in this report, as of February 1, 1964, totaled $13,839,271,236, and as of February 29, 1964, they totaled $13,664,227,228, a net decrease of $175,044,008 during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, 3, 4, and 5, but the cost value figures are summarized by major category, as follows:

Summary of cost value of stockpile inventories by major category

Major category	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month
Strategic and critical materials:			
National stockpile [1]	$5,745,501,600	$5,737,864,200	−$7,637,400
Defense Production Act	1,480,852,400	1,479,097,500	−1,754,900
Supplemental—Barter	1,356,779,689	1,359,304,909	+2,525,220
Total, strategic and critical materials [1]	8,583,133,689	8,576,266,609	−6,867,080
Agricultural commodities:			
Price-support inventory	4,820,644,910	4,651,250,647	−169,394,263
Inventory transferred from national stockpile [1]	112,236,173	110,319,277	−1,916,896
Total, agricultural commodities [1]	4,932,881,083	4,761,569,924	−171,311,159
Civil defense supplies and equipment:			
Civil defense stockpile, Department of Defense	11,877,626	11,874,512	−3,114
Civil defense medical stockpile, Department of Health, Education, and Welfare	194,673,360	195,182,396	+509,036
Total, civil defense supplies and equipment	206,550,986	207,056,908	+505,922
Machine tools:			
Defense Production Act	2,208,600	2,187,200	−21,400
National Industrial Reserve Act	90,171,700	89,981,200	−190,500
Total, machine tools	92,380,300	92,168,400	−211,900
Helium	24,325,178	27,165,387	+2,840,209
Total, all inventories	13,839,271,236	13,664,227,228	−175,044,008

[1] Cotton inventory valued at $128,409,100 withdrawn from the national stockpile and transferred to Commodity Credit Corporation for disposal, pursuant to Public Law 87-548, during August 1962.

Detailed tables in this report show each commodity, by the major categories summarized above, in terms of quantity and cost value as of the beginning and end of the month. Net change figures reflect acquisitions, disposals, and accounting and other adjustments during the month.

The cost value figures represent generally the original acquisition cost of the commodities delivered to permanent storage locations, together with certain packaging, processing, upgrading, et cetera, costs as carried in agency inventory accounts. Quantities are stated in the designated stockpile unit of measure.

Appendix A to this report, beginning on page 19, includes program descriptions and statutory citations pertinent to each stockpile inventory within the major categories.

The stockpile inventories covered by the report are tabulated in detail as follows:

Table 1: Strategic and critical materials inventories (all grades), February 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month).

Table 2: Agricultural commodities inventories, February 1964 (showing by commodity net changes during the month in terms of cost value and quantity).

Table 3: Civil defense supplies and equipment inventories, February 1964 (showing by item net changes during the month in terms of cost value and quantity).

Table 4: Machine tools inventories, February 1964 (showing by item net changes during the month in terms of cost value and quantity).

Table 5: Helium inventories, February 1964 (showing by item net changes during the month in terms of cost value and quantity).

New stockpile objectives

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives for 19 materials.

Appendix B, beginning on page 21, contains excerpts from the Office of Emergency Planning statement setting forth the new policy with respect to objectives for strategic and critical materials.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Aluminum, metal:									
National stockpile	$487,680,600	$487,680,600		Short ton	1,128,898	1,128,989			
Defense Production Act	428,916,100	428,160,300	−$755,800	do	850,570	849,082	−1,488		
Total	916,596,700	915,840,900	−755,800	do	1,979,559	1,978,071	−1,488	[2] 450,000	1,528,071
Aluminum oxide, abrasive grain:									
Supplemental—barter	15,412,589	15,669,229	+256,640	Short dry ton	50,162	50,397	+235	(3)	50,397
Aluminum oxide, fused, crude:									
National stockpile	21,735,100	21,735,100		do	200,093	200,093			
Supplemental—barter	22,747,400	22,747,400		do	178,266	178,266			
Total	44,482,500	44,482,500		do	378,359	378,359		200,000	178,359
Antimony:									
National stockpile	20,488,000	20,488,000		Short ton	30,301	30,276	−25		
Supplemental—barter	12,905,282	13,026,670	+121,388	do	21,979	22,078	+99		
Total	33,393,282	33,514,670	+121,388	do	52,280	52,354	+74	70,000	(4)
Asbestos, amosite:									
National stockpile	2,637,600	2,637,600		do	11,703	11,705			
Supplemental—barter	7,585,946	8,104,443	+518,497	do	30,683	32,184	+1,501		
Total	10,223,546	10,742,043	+518,497	do	42,388	43,889	+1,501	45,000	(4)
Asbestos, chrysotile:									
National stockpile	3,356,200	3,356,200		Short dry ton	6,224	6,224			
Defense Production Act	2,102,600	2,102,600		do	2,348	2,348			
Supplemental—barter	4,475,065	4,727,329	+252,264	do	6,645	7,049	+404		
Total	9,933,865	10,186,129	+252,264	do	15,217	15,621	+404	11,000	4,621
Asbestos, crocidolite:									
National stockpile	702,100	702,100		Short ton	1,567	1,567			
Supplemental—barter	8,282,083	8,832,386	+550,303	do	31,611	33,606	+1,995		
Total	8,984,183	9,534,486	+550,303	do	33,178	35,173	+1,995	(3)	35,173
Bauxite, metal grade, Jamaica type:									
National stockpile	13,925,000	13,925,000		Long dry ton	879,740	879,740			
Defense Production Act	18,168,000	18,168,000		do	1,370,077	1,370,077			
Supplemental—barter	89,399,100	89,402,800	+3,700	do	5,780,590	5,780,590			
Total	121,492,100	121,495,800	+3,700	do	8,030,407	8,030,407		2,600,000	5,430,407

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Bauxite, metal grade, Surinam type:									
National stockpile	$78,552,500	$78,552,500		Long dry ton	4,962,706	4,962,706			
Supplemental—barter	45,280,400	45,280,400		do	2,927,260	2,927,260			
Total	123,832,900	123,832,900		do	7,889,966	7,889,966		6,400,000	1,489,966
Bauxite, refractory grade:									
National stockpile	11,347,800	11,347,800		Long calcined ton.	299,279	299,279		137,000	162,279
Beryl:									
National stockpile	9,768,400	9,768,400		Short ton	23,230	23,230			
Defense Production Act	1,425,800	1,425,800		do	2,543	2,543			
Supplemental—barter	22,761,530	22,847,715	+$86,185	do	11,387	11,652	+265		
Total	33,955,730	34,041,915	+86,185	do	37,160	37,425	+265	[2] 28,000	9,425
Beryllium metal:									
Supplemental—barter	18,457,095	18,480,200	+23,105	do	153	153		(3)	153
Bismuth:									
National stockpile	2,674,300	2,674,300		Pound	1,342,402	1,342,402			
Defense Production Act	52,400	52,400		do	22,901	22,901			
Supplemental—barter	5,540,200	5,540,200		do	2,506,493	2,506,493			
Total	8,266,900	8,266,900		do	3,871,796	3,871,796		3,000,000	871,796
Cadmium:									
National stockpile	15,965,800	16,748,600	−217,200	do	8,132,807	8,012,934	−119,873		
Supplemental—barter	12,327,600	12,327,600		do	7,448,989	7,448,989			
Total	28,293,400	28,076,200	−217,200	do	15,581,796	15,461,923	−119,873	[2] 5,100,000	10,361,923
Castor oil:									
National stockpile	49,934,200	49,655,000	−279,200	do	195,823,934	194,708,114	−1,115,820	[2] 22,000,000	172,708,114
Celestite:									
National stockpile	1,412,300	1,412,300		Short dry ton	28,816	28,816			
Supplemental—barter	356,089	386,932	+30,843	do	9,015	9,012	−3		
Total	1,768,389	1,799,232	+30,843	do	37,831	37,828	−3	22,000	15,828
Chromite, chemical grade:									
National stockpile	12,288,000	12,288,000		do	559,452	559,452			
Supplemental—barter	21,879,400	21,896,300	+16,900	do	699,647	699,644	−3		
Total	34,167,400	34,184,300	+16,900	do	1,259,099	1,259,096	−3	475,000	784,096
Chromite, metallurgical grade:									
National stockpile	264,565,500	264,565,500		do	3,795,292	3,795,292			
Defense Production Act	35,879,900	35,879,900		do	985,646	985,646			
Supplemental—barter	224,197,600	224,197,600		do	1,543,110	1,543,110			
Total	524,643,000	524,643,000		do	6,324,048	6,324,048		[2] 2,970,000	3,354,048
Chromite, refractory grade:									
National stockpile	25,149,300	25,149,300		do	1,047,159	1,047,159			
Supplemental—barter	5,039,000	5,039,000		do	179,775	179,775			
Total	30,188,300	30,188,300		do	1,226,934	1,226,934		1,300,000	(4)
Cobalt:									
National stockpile	169,205,200	169,205,200		Pound	76,067,613	76,067,613			
Defense Production Act	52,075,300	52,075,300		do	25,066,651	25,066,651			
Supplemental—barter	2,169,000	2,169,000		do	1,065,398	1,065,398			
Total	223,449,500	223,449,500		do	102,199,662	102,199,662		19,000,000	85,199,662
Coconut oil:									
National stockpile	7,015,400	6,899,300	−116,100	do	46,286,368	45,520,236	−766,132	(3)	45,520,236
Colemanite:									
Supplemental—barter	2,636,400	2,636,400		Long dry ton	67,636	67,636		(3)	67,636
Columbium:									
National stockpile	23,919,200	23,644,100	−275,100	Pound	7,507,959	7,278,288	−229,671		
Defense Production Act	50,238,900	50,238,900		do	8,222,684	7,966,341	−256,343		
Supplemental—barter	799,100	799,100		do	388,877	371,426	−17,451		
Total	74,957,200	74,682,100	−275,100	do	16,119,520	15,616,055	−503,465	1,900,000	13,716,055
Copper:									
National stockpile	523,264,500	523,447,800	+183,300	Short ton	1,008,251	1,008,091	−160		
Defense Production Act	56,491,400	56,025,900	−465,500	do	101,131	100,350	−781		
Supplemental—barter	8,255,300	8,252,100	−3,200	do	12,382	12,382			
Total	588,011,200	587,725,800	−285,400	do	1,121,764	1,120,823	−941	[2] 775,000	345,823
Cordage fibers, abca:									
National stockpile	37,035,300	37,034,500	−800	Pound	146,935,286	146,934,136	−1,150	150,000,000	(4)
Cordage fibers, sisal:									
National stockpile	41,870,900	41,867,000	−3,900	do	309,598,347	309,561,908	−36,439	320,000,000	(4)
Corundum:									
National stockpile	393,100	393,100		Short ton	2,008	2,008		2,000	8
Cryolite:									
Defense Production Act	6,309,500	6,199,400	−110,100	do	22,849	22,450	−399	(3)	22,450
Diamond dies:									
National stockpile	522,400	523,000	+600	Piece	17,140	17,300	+190	25,000	(4)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Diamond, industrial, crushing bort:									
National stockpile	$61,609,500	$61,609,500		Carat	31,113,411	31,113,411			
Supplemental—barter	15,890,500	15,800,500		do	5,550,579	5,550,579			
Total	7,410,000	77,410,000		do	36,663,990	36,663,990		30,000,000	6,663,990
Diamond, industrial, stones:									
National stockpile	100,501,500	100,501,500		do	9,315,183	9,315,183			
Supplemental—barter	186,341,500	186,341,500		do	15,425,827	15,425,827			
Total	286,843,000	286,843,000		do	24,741,010	24,741,010		18,000,000	6,741,010
Diamond tools:									
National stockpile	1,015,400	1,015,400		Piece	64,178	64,178		(3)	64,178
Feathers and down:									
National stockpile	36,687,200	36,369,900	−$317,300	Pound	8,855,902	8,779,301	−76,601	[3] 3,000,000	5,799,301
Fluorspar, acid grade:									
National stockpile	26,167,500	26,167,500		Short dry ton	463,049	463,049			
Defense Production Act	1,394,400	1,394,400		do	19,700	19,700			
Supplemental—barter	33,530,700	33,530,700		do	673,232	673,232			
Total	61,092,600	61,092,600		do	1,155,981	1,155,981		[3] 540,000	615,981
Fluorspar, metallurgical grade:									
National stockpile	17,332,400	17,332,400		do	369,443	369,443			
Supplemental—barter	1,508,100	1,508,100		do	42,800	42,800			
Total	18,840,500	18,840,500		do	412,243	412,243		[3] 850,000	(4)
Graphite, natural, Ceylon, amorphous lump:									
National stockpile	937,900	937,900		do	4,455	4,455			
Supplemental—barter	341.200	341,200		do	1,428	1,428			
Total	1,279,100	1,279,100		do	5,883	5,883		3,600	2,283
Graphite, natural, Madagascar, crystalline:									
National stockpile	6,974,660	6,946,200	−28,400	do	33,836	33,698	−138		
Supplemental—barter	232,000	236,300	+4,300	do	1,907	1,908	+1		
Total	7,106,600	7,183,500	−24,100	do	35,743	35,606	−137	17,200	18,406
Graphite, natural, other, crystalline:									
National stockpile	1,896,300	1,896,300		do	5,487	5,487		2,100	3,387
Hyoscine:									
National stockpile	30,600	30,600		Ounce	2,100	2,100		2,100	(4)
Iodine:									
National stockpile	4,082,000	4,082,000		Pound	2,977,648	2,970,811	−6,837		
Supplemental—barter	1,066,000	1,066,000		do	994,920	983,470	−11,450		
Total	5,148,000	5,148,000		do	3,972,568	3,954,281	−18,287	4,300,000	(4)
Iridium:									
National stockpile	2,525,800	2,525,800		Troy ounce	13,937	13,937		4,000	9,937
Jewel bearings:									
National stockpile	4,137,600	4,154,900	+17,300	Piece	51,727,565	51,845,565	+118,000	57,500,000	(4)
Kyanite-mullite:									
National stockpile	773,200	773,200		Short dry ton	8,943	8,943		4,800	4,143
Lead:									
National stockpile	319,298,100	319,298,100		Short ton	1,050,370	1,050,370			
Defense Production Act	612,700	224,800	−387,900	do	1,601	588	−1,013		
Supplemental—barter	78,398,600	78,398,600		do	327,998	327,998			
Total	398,309,400	397,921,500	−387,900	do	1,379,969	1,378,956	−1,013	[3] 0	1,378,956
Magnesium:									
National stockpile	128,117,000	127,944,500	−172,500	do	176,477	176,239	−238	[3] 145,000	31,239
Manganese, battery grade, natural ore:									
National stockpile	21,025,500	21,025,500		do	144,485	144,485			
Supplemental—barter	13,621,900	13,621,900		do	137,671	137,671			
Total	3 ,647,400	34,647,400		do	282,156	282,156		50,000	232,156
Manganese, battery grade, synthetic dioxide:									
National stockpile	3,095,500	3,095,500		Short dry ton	21,272	21,272			
Defense Production Act	2,524,700	2,524,700		do	3,779	3,779			
Total	5,620,200	5,620,200		do	25,051	25,051		20,000	5,051
Manganese, chemical grade, type A:									
National stockpile	2,133,300	2,133,300		do	29,307	29,307			
Supplemental—barter	7,922,100	7,922,100		do	117,607	117,607			
Total	10,055,400	10,055,400		do	146,914	146,914		30,000	116,914
Manganese, chemical grade, type B:									
National stockpile	132.600	132,600		do	1.822	1,822			
Supplemental—barter	6,669.800	6,669,800		do	99.016	99,016			
Total	6,802,400	6,802,400		do	100,838	100,838		53,000	47,838

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Manganese, metallurgical grade:									
National stockpile	$248,240,300	$248,240,300		Short dry ton	5,851,264	5,851,264			
Defense Production Act	176,474,800	176,474,800		do	3,056,691	3,056,691			
Supplemental—barter	241,824,760	242,353,367	+$528,607	do	3,671,854	3,673,846	+1,992		
Total	666,539,860	667,068,467	+528,607	do	12,579,809	12,581,801	+1,992	6,800,000	5,781,801
Mercury:									
National stockpile	21,164,900	22,051,700	[5] +886,800	Flask	132,525	139,525	[5] +7,000		
Supplemental—barter	3,446,200	3,446,200		do	16,000	16,000			
Total	24,611,100	25,497,900	+886,800	do	148,525	155,525	+7,000	[2] 200,000	(4)
Mica, muscovite block:									
National stockpile	27,602,200	27,602,200		Pound	11,617,756	11,621,325	+3,569		
Defense Production Act	40,746,400	40,746,400		do	6,446,722	6,446,722			
Supplemental—barter	5,639,010	5,762,174	+123,164	do	1,683,305	1,718,476	+35,171		
Total	73,987,610	74,110,774	+123,164	do	19,747,783	19,786,523	+38,740	8,300,000	11,486,523
Mica, muscovite film:									
National stockpile	9,058,100	9,058,100		do	1,724,327	1,720,758	−3,569		
Defense Production Act	633,300	633,300		do	102,681	102,681			
Supplemental—barter	1,105,010	1,122,402	+17,392	do	113,060	114,825	+1,765		
Total	10,796,410	10,813,802	+17,392	do	1,940,068	1,938,264	−1,804	1,300,000	638,264
Mica, muscovite splittings:									
National stockpile	40,598,300	40,498,300		do	40,159,938	40,159,938			
Supplemental—barter	6,225,800	6,225,800		do	4,826,257	4,826,257			
Total	46,824,100	46,824,100		do	44,986,195	44,986,195		21,200,000	23,786,195
Mica, phlogopite block:									
National stockpile	303,600	303,600		do	223,239	223,239		17,000	206,239
Mica, phlogopite splittings:									
National stockpile	2,580,500	2,580,500		do	3,079,062	3,079,062			
Supplemental—barter	2,400,100	2,418,600	+18,500	do	1,986,903	1,986,902	−1		
Total	4,980,600	4,999,100	+18,500	do	5,065,965	5,065,964	−1	1,700,000	3,365,964
Molybdenum:									
National stockpile	83,679,000	83,679,000		do	79,043,336	79,043,336		[2] 68,000,000	11,043,336
Nickel:									
National stockpile	181,941,300	181,919,200	−22,100	Short ton	167,079	167,045	−34		
Defense Production Act	100,344,300	100,344,300		do	52,489	52,489			
Total	282,285,600	282,263,500	−22,100	do	219,568	219,534	−34	[2] 50,000	169,534
Opium:									
National stockpile	13,661,700	13,661,700		Pound	195,757	195,757		[3] 141,280	50,477
Palladium:									
National stockpile	2,079,000	2,079,000		Troy ounce	89,811	89,811			
Supplemental—barter	12,170,200	12,170,200		do	648,124	648,124			
Total	14,249,200	14,249,200		do	737,935	737,935		340,000	397,935
Palm oil:									
National stockpile	3,714,900	3,560,200	−154,700	Pound	20,641,287	19,781,167	−860,120	(3)	19,781,167
Platinum:									
National stockpile	56,879,900	56,879,900		Troy ounce	716,343	716,343			
Supplemental—barter	4,024,500	4,024,500		do	49,999	49,999			
Total	60,904,400	60,904,400		do	766,342	766,342		165,000	601,342
Pyrethrum:									
National stockpile	415,100	415,100		Pound	67,065	67,065		66,000	1,065
Quartz crystals:									
National stockpile	68,013,700	68,013,700		do	5,513,775	5,513,775			
Supplemental—barter	3,519,200	3,519,200		do	232,352	232,352			
Total	71,532,900	71,532,900		do	5,746,127	5,746,127		650,000	5,096,127
Quinidine:									
National stockpile	1,889,900	1,889,900		Ounce	1,638,428	1,638,428		1,600,000	38,428
Quinine:									
National stockpile	3,402,500	3,402,500		do	5,379,732	5,379,732		(3)	5,379,732
Rare earths:									
National stockpile	7,134,900	7,134,900		Short dry ton	10,042	10,042			
Supplemental—barter	5,818,009	5,826,900	+8,891	do	6,163	5,874	−289		
Total	12,952,909	12,961,800	+8,891	do	16,205	15,916	−289	5,700	10,216
Rare earths residue:									
Defense Production Act	657,800	657,800		Pound	6,085,311	6,085,311		(3)	6,085,311
Rhodium:									
National stockpile	78,200	78,200		Troy ounce	618	618		(3)	618
Rubber:									
National stockpile	733,044,800	728,231,500	−4,813,300	Long ton	948,243	941,915	−6,328	750,000	191,915
Ruthenium:									
Supplemental—barter	559,500	559,500		Troy ounce	15,001	15,001		(3)	15,001

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), February 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Rutile:									
National stockpile	$2,070,100	$2,070,100		Short dry ton	18,599	18,599			
Defense Production Act	2,725,100	2,725,100		do	17,410	17,410			
Supplemental—barter	1,061,300	1,061,300		do	11,632	11,632			
Total	5,856,500	5,856,500		do	47,641	47,641		65,000	(4)
Sapphire and ruby:									
National stockpile	190,000	190,000		Carat	16,187,500	16,187,500		18,000,000	(4)
Selenium:									
National stockpile	757,100	757,100		Pound	97,100	97,100			
Supplemental—barter	1,515,831	1,515,794	−$37	do	272,502	272,502			
Total	2,272,931	2,272,894	−37	do	369,602	369,602		400,000	(4)
Shellac:									
National stockpile	8,430,100	8,413,700	−16,400	do	16,815,131	16,782,495	−32,636	[2] 8,300,000	8,482,495
Silicon carbide, crude:									
National stockpile	11,394,500	11,394,500		Short ton	64,697	64,697			
Supplemental—barter	26,803,600	26,803,600		do	131,805	131,805			
Total	38,198,100	38,198,100		do	196,502	196,502		100,000	96,502
Silk noils and waste:									
National stockpile	1,272,100	1,272,100		Pound	1,005,344	1,005,344		970,000	35,344
Silk, raw:									
National stockpile	486,600	486,600		do	113,515	113,515		120,000	(4)
Sperm oil:									
National stockpile	4,775,400	4,775,400		do	23,442,158	23,442,158		[2] 23,400,000	42,158
Talc, steatite block and lump:									
National stockpile	496,800	496,800		Short ton	1,274	1,274		300	974
Talc, steatite ground:									
National stockpile	231,200	231,200		do	3,901	3,901		(3)	3,901
Tantalum:									
National stockpile	10,992,700	11,267,800	+275,100	Pound	3,445,451	3,446,919	+1,468		
Defense Production Act	9,734,400	9,734,400		do	1,530,567	1,536,023	+5,456		
Supplemental—barter	21,100	21,100		do	8,036	8,036			
Total	20,748,200	21,023,300	+275,100	do	4,984,054	4,990,978	+6,924	2,420,000	2,570,978
Thorium:									
Defense Production Act	42,000	42,000		do	848,354	848,354			
Supplemental—barter	17,965,490	17,933,268	−32,222	do	8,620,525	8,602,375	−18,150		
Total	18,007,490	17,975,268	−32,222	do	9,468,879	9,450,729	−18,150	(3)	9,450,729
Tin:									
National stockpile	798,371,900	795,932,800	−2,439,100	Long ton	328,342	327,355	−987		
Supplemental—barter	16,404,000	16,404,000		do	7,505	7,505			
Total	814,775,900	812,336,800	−2,439,100	do	335,847	334,860	−987	[2] 200,000	134,860
Titanium:									
Defense Production Act	176,098,200	176,062,600	−35,600	Short ton	22.371	22,366	−5		
Supplemental—barter	32,097,700	32,097,700		do	9,021	9,021			
Total	208,195,900	208,160,300	−35,600	do	31,392	31,387	−5	(3)	31,387
Tungsten:									
National stockpile	369,128,200	369,128.200		Pound	120,071,339	120,071,094	−245		
Defense Production Act	317,204,400	317,204.400		do	77,787,101	77,787,101			
Supplemental—barter	18,651.400	18,651.400		do	5,774,827	5,774,827			
Total	704,984,000	704,984,000		do	203,633,267	203,633,022	−245	50,000,000	153,633,022
Vanadium:									
National stockpile	31,567,900	31,567,900		do	15,730,893	15,730,893		2,000,000	13,730,893
Vegetable tannin extract, chestnut:									
National stockpile	11,890,900	11,835,100	−55,800	Long ton	42,620	42,420	−200	30,000	12,420
Vegetable tannin extract, quebracho:									
National stockpile	49,070,700	49,008,700	−62,000	do	198,327	198,076	−251	180,000	18,076
Vegetable tannin extract, wattle:									
National stockpile	9,826,900	9,826,900		do	38,962	38,962		39,000	(4)
Zinc:									
National stockpile	364,345,900	364,319,300	−26,600	Short ton	1,256,845	1,256,776	−69		
Supplemental—barter	79,588,400	79,588,400		do	323,896	323,896			
Total	443,934,300	443,907,700	−26,600	do	1,580,741	1,580,672	−69	[2] 0	1,580,672
Zirconium ore, baddeleyite:									
National stockpile	710,600	710,600		Short dry ton	16,533	16,533		(3)	16,533
Zirconium ore, zircon:									
National stockpile	127,000	127,000		do	2,152	2,152		(3)	2,152
Total:									
National stockpile	5,745,501,600	5,737,864,200	−7,627,400						
Defense Production Act	1,480,852,400	1,479,097,500	−1,754,900						
Supplemental—barter	1,356,779,689	1,359,304,909	+2,525,220						
Total, strategic and critical materials	8,583,133,689	8,576,266,609	−6,867,080						

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[1] Maximum objectives for strategic and critical materials are determined pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). The Office of Emergency Planning is currently in the process of revising stockpile objectives. (See app. B, p. 10050.)

[2] New objective. (See app. B, p. 10050.)

[3] No present objective.

[4] Not in excess of maximum objective.

[5] Represents transfer of surplus material from the Atomic Energy Commission, pursuant to the provisions of 50 U.S.C. 98(e)(a).

Source: Compiled from report submitted by the General Services Administration and the Department of Agriculture.

TABLE 2.—*Agricultural commodities inventories, February 1964 (showing by commodity net changes during the month in terms of cost value and quantity)*

Commodity	Cost value			Quantity			
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month
Price-support inventory:							
Basic commodities:							
Corn	$1,016,907,227	$983,429,239	−$33,477,988	Bushel	825,324,743	798,137,165	−27,187,578
Cotton, extra-long staple	9,810,963	9,810,740	−223	Bale	37,068	37,068	
Cotton, upland	920,604,996	888,762,150	−40,842,846	do	5,623,901	5,374,922	−248,979
Peanuts, farmers' stock	10,289	11,662	+1,373	Pound	87,969	101,904	+13,935
Peanuts, shelled	10,351,279	11,353,708	+1,002,429	do	61,390,163	67,928,733	+6,538,570
Rice, milled	225,135	137,448	−87,687	Hundredweight	23,615	14,805	−8,810
Rice, rough	7,899,895	7,441,728	−458,167	do	1,484,591	1,400,577	−84,014
Wheat	1,901,173,623	1,840,918,476	−60,255,147	Bushel	947,038,282	915,950.871	−31,087,411
Bulgur	174,732	172,909	−1,823	Pound	3,181,444	3,147,600	−33,844
Total, basic commodities	3,876,158,139	3,742,038,060	−134,120,079				
Designated nonbasic commodities:							
Barley	34,423,085	31,103,423	−3,319,662	Bushel	38,487,536	34,214.476	−4,273,060
Grain sorghum	630,930,219	618,668,008	−12,262,211	do	566,166,341	553,337,409	−12,828,932
Milk and butterfat:							
Butter	105,629,393	101,066,100	−4,563,293	Pound	181,916,133	174,029,187	−7,886,946
Butter oil	60,219,343	52,073,709	−8,145,634	do	77,345,353	67,256,889	−10,088,464
Cheese	15,101,581	11,835,345	−3,266,236	do	39,555,044	30,832,331	−8,722,713
Ghee	2,154,697	3,330,075	+1,175,378	do	2,773.631	4,292,093	+1,518,462
Milk, dried	73,455,488	69,584,421	−3,871,067	do	500,417,124	473,238,343	−27,178,781
Oats	11,237,280	11,217,472	−19,808	Bushel	18,701.761	18,667,334	−34,427
Rye	845,840	841,441	−4,399	do	825,026	820,719	−4,307
Total, designated nonbasic commodities	933,996,926	899,719,994	−34,276,932				
Other nonbasic commodities:							
Beans, dry, edible	636,328	320,515	−315,813	Hundredweight	80,446	44,074	−36,372
Cottonseed oil, refined, other		55,696	+55,696	Pound		578,660	+578,660
Cottonseed oil, refined, salad oil [1]	338,844	195,775	−143,069	do	1,970,917	1,141,443	−829,474
Flaxseed	8,298,988	8,133,688	−165,300	Bushel	2,823,053	2,766,938	−56,115
Soybeans	483,682	239,360	−244.322	do	218,502	108,780	−109,722
Vegetable oil products	732,003	547,559	−184,444	Pound	4,498,467	3,459,378	−1,039,089
Total, other nonbasic commodities	10,489,845	9,492,593	−997,252				
Total, price support inventory	4,820,644,910	4,651,250,647	−169,394,263				
Inventory transferred from national stockpile: [2]							
Cotton, Egyptian	88,657,945	86,741,049	−1,916,896	Bale	104,943	102,674	−2,269
Cotton, American-Egyptian	23,578,228	23,578,228		do	46,878	46,878	
Total, inventory transferred from national stockpile	112,236,173	110,319,277	−1,916,896	do	151,821	149,552	−2,269
Total, agricultural commodities	4,932,881,083	4,761,569,924	−171,311,159				

[1] Reported as "cottonseed oil, refined," prior to February 1964.

[2] Transferred from General Services Administration pursuant to Public Law 85-96 and Public Law 87-548. (See app. A, p. 10049.)

Source: Compiled from reports submitted by the Department of Agriculture.

TABLE 3.—*Civil defense supplies and equipment inventories, February 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month
Civil defense stockpile, Department of Defense:							
Engineering equipment (engine generators, pumps, chlorinators, purifiers, pipe, and fittings).	$10,075,570	$10,072,456	−$3,114	10 mile units	45	45	
Chemical and biological equipment	1,802,056	1,802,056		(1)			
Total	11,877,626	11,874,512	−3,114				
Civil defense medical stockpile, Department of Health, Education, and Welfare:							
Medical bulk stocks, and associated items at civil defense mobilization warehouses.	141,086,585	141,576,248	+489,663	(1)			
Medical bulk stock at manufacturer locations	5,327,314	5,324,343	−2,971	(1)			
Civil defense emergency hospitals	37,322,911	37,345,255	+22,344	Each	1,930	1,930	
Replenishment units (functional assemblies other than hospitals).	12,136	12,136		(1)			
Supply additions (for civil defense emergency hospitals).	10,924,414	10,924,414		(1)			
Total	194,673,360	195.182,396	+509.036				
Total, civil defense supplies and equipment	206,550,986	207,056,908	+505,922				

[1] Composite group of many different items.

Source: Compiled from reports submitted by the Department of Defense and the Department of Health, Education, and Welfare.

TABLE 4.—*Machine tools inventories, February 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month
Defense Production Act:							
In storage	$21,400		−$21,400	Tool	7		−7
On lease	2,144,300	$2,144,300		do	103	103	
On loan	42,900	42,900		do	7	7	
Total	2,208,600	2,187,200	−21,400	do	117	110	−7
National Industrial Reserve Act:							
In storage	77,918,100	77,643,900	−274,200	do	6,917	6,909	−8
On lease	27,500	27,500		do	1	1	
On loan to other agencies	2,820,600	2,914,800	+94,200	do	328	338	+10
On loan to school programs	9,405,500	9,395,000	−10,500	do	2,219	2,218	−1
Total	90,171,700	89,981,200	−190,500	do	9,465	9,466	+1
Total, machine tools	92,380,300	92,168,400	−211,900	do	9,582	9,576	−6

Source: Compiled from reports submitted by the General Services Administration.

TABLE 5.—*Helium inventories, February 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month	Unit of measure	Beginning of month, Feb. 1, 1964	End of month, Feb. 29, 1964	Net change during month
Helium:							
Stored aboveground	$253,604	$216,266	−$37,338	Cubic foot	22,400,000	19,300,000	−3,100,000
Stored underground	24,071,574	26,949,121	+2,877,547	do	2,410,800,000	2,673,000,000	+262,200,000
Total, helium	24,325,178	27,165,387	+2,840,209	do	2,433,200,000	2,692,300,000	+259,100,000

Source: Compiled from reports submitted by the Department of the Interior.

APPENDIX A—PROGRAM DESCRIPTIONS AND STATUTORY CITATIONS

STRATEGIC AND CRITICAL MATERIALS

National stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. The General Services Administration is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Emergency Planning. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OEP. In addition, the General Services Administration is responsible for disposing of those strategic and critical materials which OEP determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Emergency Planning and published in the Federal Register for December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Emergency Planning.

Supplemental—barter

As a result of a delegation of authority from OEP (32A C.F.R., ch. I, DMO V–4) the General Services Administration is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

AGRICULTURAL COMMODITIES

The price-support program

Price-support operations are carried out under the charter powers (15 U.S.C. 714) of the Commodity Credit Corporation, Department of Agriculture, in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958 and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1966. Price support for other nonbasic agricultural commodities is discretionary except that, whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producers' commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse and the Corporation looks only to the pledged or mortgage collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Inventory transferred from national stockpile

This inventory, all cotton, was transferred to Commodity Credit Corporation at no cost from the national stockpile pursuant to Public Law 85-96 and Public Law 87-548. The proceeds from sales, less costs incurred by CCC, are covered into the Treasury as miscellaneous recipts; therefore, such proceeds and costs are not recorded in the operating accounts. The cost value as shown for this cotton has been computed on the basis of average per bale cost of each type of cotton when purchased by CCC for the national stockpile.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

Civil defense stockpile

The Department of Defense conducts this stockpiling program pursuant to section 201 (h) of Public Law 920, 81st Congress, as amended. The program is designed to provide some of the most essential materials to minimize the effects upon the civilian population which would be caused by an attack upon the United States. Supplies and equipment normally unavailable, or lacking in quantity needed to cope with such conditions, are stockpiled at strategic locations in a nationwide warehouse system consisting of general storage facilities.

Civil defense medical stockpile

The Department of Health, Education, and Welfare conducts the stockpiling program for medical supplies and equipment pursuant to section 201(h) of Public Law 920, 81st Congress, as delegated by the President following the intent of Reorganization Plan No. 1, 1958. The Department of Health, Education, and Welfare plans and directs the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services. The medical stockpile includes a program designed to preposition assembled emergency hospitals and other medical supplies and equipment into communities throughout the Nation.

MACHINE TOOLS

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration has acquired machine tools in furtherance of expansion of productive capacity, in accordance with programs certified by the Director of the Office of Emergency Planning.

National industrial equipment reserve

Under general policies established and directives issued by the Secretary of Defense, the General Services Administration is responsible for care, maintenance, utilization, transfer, leasing, lending to nonprofit schools, disposal, transportation, repair, restoration, and renovation of national industrial reserve equipment transferred to GSA under the National Industrial Reserve Act of 1948 (50 U.S.C. 451-462).

HELIUM

The helium conservation program is conducted by the Department of the Interior pursuant to the Helium Act, approved September 13, 1960 (Public Law 86-777; 74 Stat. 918; 50 U.S.C. 167) and subsequent appropriations acts which have established fiscal limitations and provided borrowing authority for the program. Among other things, the Helium Act authorizes the Secretary of the Interior to produce helium in Government plants, to acquire helium from private plants, to sell helium to meet current demands, and to store for future use helium that is so produced or acquired in excess of that required to meet current demands. Sales of helium by the Secretary of the Interior shall be at prices established by him which shall be adequate to liquidate the costs of the program within 25 years, except that this period may be extended by the Secretary for not more than 10 years for funds borrowed for purposes other than the acquisition and construction of helium plants and facilities.

This report covers helium that is produced in Government plants and acquired from private plants. Helium in excess of current demands is stored in the Cliffside gasfield near Amarillo, Tex. The unit of measure is cubic foot at 14.7 pounds per square inch absolute pressure and 70° F.

APPENDIX B—NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives for 19 materials: aluminum, beryl, cadmium, castor oil, chromite (metallurgical grade), copper, feathers and down, fluorspar (acid grade), fluorspar (metallurgical grade), lead, magnesium, mercury, molybdenum, nickel, opium, shellac, sperm oil, tin, and zinc.

The following excerpts from OEP statements dated July 11 and 19, 1963, and February 28, 1964, set forth the new policy with respect to objectives for strategic and critical materials:

"The Office of Emergency Planning is now conducting supply-requirements studies for all stockpile materials which will reflect current military, industrial, and other essential needs in the event of a conventional war emergency. On the basis of recently completed supply-requirements studies for the foregoing materials, the new stockpile objectives were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the Office of Emergency Planning and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy to establish a single objective for each stockpile material. They have been determined on the basis of criteria heretofore used in establishing maximum objectives, and reflect the approximate calculated emergency deficits for the materials for conventional war and do not have any arbitrary adjustments for possible increased requirements for other types of emergency.

"Heretofore, there was a 'basic objective' and a 'maximum objective' for each material. The basic objectives assumed some continued reliance on foreign sources of supply in an emergency. The former maximum objectives completely discounted foreign sources of supply beyond North America and comparable accessible areas.

"Previously, maximum objectives could not be less than 6 months' normal usage of the material by industry in the United States in periods of active demand. The 6-month rule has been eliminated in establishing the new calculated conventional war objectives.

"The Office of Emergency Planning also announced that the present Defense Mobilization Order V-7, dealing with general policies for strategic and critical materials stockpiling, was now being revised to reflect these new policies. When finally prepared and approved, the new order will be published in the Federal Register.

"New conventional war objectives for the remaining stockpile materials are being developed as rapidly as new supply-requirements data become available. They will be released as they are approved.

"The Office of Emergency Planning is also making studies to determine stockpile needs to meet the requirements of general nuclear war and reconstruction. Stockpile objectives for nuclear war have not previously been developed. Some commodity objectives may be higher and others may be lower than the objectives established for conventional war.

"After the nuclear war supply-requirements studies are completed, stockpile objectives will be based upon calculated deficits for either conventional war or nuclear war, whichever need is larger.

"The Office of Emergency Planning stressed that any long-range disposal programs undertaken prior to the development of objectives based on nuclear war assumptions would provide against disposing of quantities which might be needed to meet essential requirements in the event of nuclear attack. While the disposal of surplus materials can produce many problems which have not heretofore arisen, every effort will be made to see that the interests of producers, processors, and consumers, and the international interests of the United States are carefully considered, both in the development and carrying out of disposal programs. Before decisions are made regarding the adoption of a long-range disposal program for a particular item in the stockpile, there will be appropriate consultations with industry in order to obtain the advice of interested parties."

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of Federal stockpile inventories as of February 29, 1964, totaled $13,664,227,228. This was a net decrease of $175,044,008 as compared with the February 1 total of $13,839,271,236.

Net changes during the month are summarized by major categories as follows:

Major category	Cost value, February 1964	
	Net change during month	Total, end of month
Strategic and critical materials	−$6,867,080	$8,576,266,609
Agricultural commodities	−171,311,159	4,761,569.924
Civil defense supplies and equipment	+505,922	207,056,908
Machine tools	−211,900	92,168,400
Helium	+2,840,209	27,165,387
Total	−175,044,008	13,664,227,228

These figures are from the February 1964 report on Federal stockpile inventories compiled from official agency data by the Joint Committee on Reduction of Nonessential Federal Expenditures, showing detail with respect to quantity and cost value of each commodity in the inventories covered.

STRATEGIC AND CRITICAL MATERIALS

So-called strategic and critical materials are stored by the Government in (1) the national stockpile, (2) the Defense Production Act inventory, and (3) the supplemental-barter stockpile.

Overall, there are now 93 materials stockpiled in the strategic and critical inventories. Maximum objectives—in terms of volume—are presently fixed for 76 of these 93 materials. Of the 76 materials having maximum objectives, 60 were stockpiled in excess of their objectives as of February 29, 1964.

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. This report contains pertinent agency explanation and reflects the new objectives for 19 materials—7 of which appear in the February report for the first time.

Increases in cost value were reported in 19 of the materials stockpiled in all strategic and critical inventories, decreases were reported in 24 materials, and 50 materials remained unchanged during February.

National stockpile

The cost value of materials in the national stockpile as of February 29, 1964, totaled $5,737,864,200 This was a net decrease of $7,637,400 during the month. The largest decreases were $4,813,300 in rubber and $2,439,100 in tin.

Defense Production Act inventory

The cost value of materials in the Defense Production Act inventory as of February 29, 1964, totaled $1,479,097,500. This was a net decrease of $1,754,900. The larger decreases were in aluminum, copper, and lead.

Supplemental-barter

The cost value of materials in the supplemental-barter stockpile as of February 29, 1964, totaled $1,359,304,909. This was a net increase of $2,525,220. The largest increases were in asbestos and manganese.

OTHER STOCKPILE INVENTORIES

Among the other categories of stockpiled materials covered by the report, the largest is $4.8 billion in agricultural commodities. Major decreases in agricultural commodities during February were reported for wheat, cotton, and corn.

Inventories of civil defense supplies and equipment showed increases in medical stocks; the machine tools inventories showed a net decrease; and the helium inventories showed a net increase during February.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of March 1964. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, MARCH 1964 AND FEBRUARY 1964, AND PAY, FEBRUARY 1964 AND JANUARY 1964

PERSONNEL AND PAY SUMMARY

Information in monthly personnel reports for March 1964 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In March numbered—	In February numbered—	Increase (+) or decrease (−)	In February was—	In January was—	Increase (+) or decrease (−)
Total [1, 2]	2,470,045	2,468,430	+1,615	$1,261,566	$1,418,920	−$157,354
Agencies exclusive of Department of Defense	1,432,755	1,430,229	+2,526	731,183	822,765	−91,582
Department of Defense [2]	1,037,290	1,038,201	−911	530,383	596,155	−65,772
Inside the United States	2,302,942	2,300,684	+2,258			
Outside the United States	167,103	167,746	−643			
Industrial employment	553,702	553,296	+406			
Foreign nationals	152,282	154,664	−2,382	27,201	[3] 28,497	−1,296

[1] Exclusive of foreign nationals shown in the last line of this summary.

[2] The Department of Defense has advised the Committee that for security reasons personnel information for "classified activities" is omitted, beginning with the report for March 1964. Comparative figures in this report have been adjusted accordingly.

[3] Revised on basis of later information.

Table I, below, breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during March 1964, and comparison with February 1964, and pay for February 1964, and comparison with January 1964*

Department or agency	Personnel				Pay (in thousands)			
	March	February	Increase	Decrease	February	January	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	96,536	96,671		135	$48,237	$56,723		$8,486
Commerce	31,066	31,071		5	19,307	21,862		2,555
Health, Education, and Welfare	82,562	82,397	165		42,126	46,771		4,645
Interior	62,068	[1] 61,358	710		33,846	39,395		5,549
Justice	31,881	31,649	232		20,277	23,200		2,923
Labor	9,283	9,270	13		5,645	6,456		811
Post Office	587,491	587,160	331		275,613	311,345		35,732
State [2, 3]	42,116	42,074	42		21,407	23,642		2,235
Treasury	90,475	90,542		67	51,241	56,009		4,768
Executive Office of the President:								
White House Office	353	360		7	249	275		26
Bureau of the Budget	487	481	6		421	493		72
Council of Economic Advisers	45	48		3	37	52		15
Executive Mansion and Grounds	78	78			44	48		4
National Aeronautics and Space Council	26	27		1	25	29		4
National Security Council	41	41			35	40		5
Office of Emergency Planning	351	339	12		327	369		42
Office of Science and Technology	85	64	21		36	41		5
Office of the Special Representative for Trade Negotiations	27	30		3	24	27		3
President's Commission on Registration and Voting Participation [4]		4		4	3	3		
President's Commission on the Assassination of President Kennedy	20	20			24	18	$6	
President's Committee on Consumer Interests [5]	6	[1] 1	5		(6)			
President's Committee on Equal Opportunity in Housing	6	6			4	4		
Independent agencies:								
Advisory Commission on Intergovernmental Relations	30	28	2		23	25		2
American Battle Monuments Commission	427	412	15		90	92		2
Atomic Energy Commission	7,256	7,262		6	5,334	6,079		745
Board of Governors of the Federal Reserve System	616	619		3	405	460		55
Civil Aeronautics Board	839	838	1		636	726		90
Civil Service Commission	3,943	3,960		17	2,211	2,666		455
Civil War Centennial Commission	5	5			4	[1] 5		1
Commission of Fine Arts	6	6			5	6		1
Commission on Civil Rights	72	72			40	44		4
Delaware River Basin Commission	2	2			2	3		1
Export-Import Bank of Washington	294	293	1		199	227		28
Farm Credit Administration	238	238			169	195		26
Federal Aviation Agency	45,212	45,324		112	31,714	36,221		4,507
Federal Coal Mine Safety Board of Review	7	7			4	5		1
Federal Communications Commission	1,471	1,463	8		1,008	1,148		140
Federal Deposit Insurance Corporation	1,287	1,242	45		806	911		105
Federal Home Loan Bank Board	1,236	1,239		3	854	955		101
Federal Maritime Commission	237	237			176	203		27
Federal Mediation and Conciliation Service	407	401	6		351	398		47
Federal Power Commission	1,063	1,073		10	755	884		129
Federal Radiation Council	4	4			4	4		
Federal Trade Commission	1,148	1,146	2		812	1,002		190
Foreign Claims Settlement Commission	197	184	13		94	103		9
General Accounting Office	4,333	4,360		27	2,832	3,268		436
General Services Administration	33,817	33,402	415		15,820	17,741		1,921
Government Printing Office	7,327	7,307	20		3,962	4,513		551
Housing and Home Finance Agency	13,801	13,833		32	8,452	9,645		1,193
Indians Claims Commission	21	21			22	24		2
Interstate Commerce Commission	2,383	2,383			1,625	1,865		240

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during March 1964, and comparison with February 1964, and pay for February 1964, and comparison with January 1964*—Continued

Department or agency	Personnel				Pay (in thousands)			
	March	February	Increase	Decrease	February	January	Increase	Decrease
Independent agencies—Continued								
National Aeronautics and Space Administration	31,039	30,575	464	----------	$23,653	$25,467	----------	$1,814
National Capital Housing Authority	437	425	12	----------	197	228	----------	31
National Capital Planning Commission	58	59	----------	1	41	48	----------	7
National Capital Transportation Agency	53	57	----------	4	48	53	----------	5
National Gallery of Art	315	313	2	----------	132	150	----------	18
National Labor Relations Board	1,993	1,986	7	----------	1,389	1,586	----------	197
National Mediation Board	143	138	5	----------	123	143	----------	20
National Science Foundation	1,072	1,037	35	----------	674	807	----------	133
Panama Canal	14,918	14,974	----------	56	8,277	5,606	$2,671	----------
President's Committee on Equal Employment Opportunity	57	54	3	----------	35	39	----------	4
Railroad Retirement Board	1,861	1,886	----------	25	1,047	1,206	----------	159
Renegotiation Board	212	212	----------	----------	178	201	----------	23
St. Lawrence Seaway Development Corporation	157	161	----------	4	92	102	----------	10
Securities and Exchange Commission	1,370	1,376	----------	6	940	1,076	----------	136
Selective Service System	7,044	6,955	89	----------	2,134	2,432	----------	298
Small Business Administration	3,299	3,306	----------	7	2,133	2,472	----------	339
Smithsonian Institution	1,496	1,497	----------	1	763	900	----------	137
Soldiers' Home	1,071	1,063	8	----------	366	374	----------	8
Subversive Activities Control Board	27	27	----------	----------	23	25	----------	2
Tariff Commission	275	276	----------	1	201	223	----------	22
Tax Court of the United States	156	155	1	----------	128	140	----------	12
Tennessee Valley Authority	16,524	16,102	422	----------	9,408	10,787	----------	1,379
U.S. Arms Control and Disarmament Agency	167	171	----------	4	152	148	4	----------
U.S. Information Agency	11,966	12,056	----------	90	5,395	5,746	----------	351
Veterans' Administration	173,277	173,228	49	----------	76,034	86,445	----------	10,411
Virgin Islands Corporation	1,086	1,088	----------	2	283	141	142	----------
Total, excluding Department of Defense	1,432,755	1,430,229	3,162	636	731,183	822,765	2,823	94,405
Net change, excluding Department of Defense	----------	----------	2,526		----------	----------	91,582	
Department of Defense:								
Office of the Secretary of Defense	2,056	2,115	----------	59	1,656	1,982	----------	326
Department of the Army	368,138	368,511	----------	373	182,872	200,583	----------	17,711
Department of the Navy	334,067	334,551	----------	484	180,171	204,121	----------	23,950
Department of the Air Force	298,942	299,020	----------	78	147,847	170,402	----------	22,555
Defense Atomic Support Agency	1,976	1,973	3	----------	946	1,081	----------	135
Defense Communications Agency	816	791	25	----------	522	545	----------	23
Defense Supply Agency	29,721	29,667	54	----------	15,239	16,141	----------	902
Office of Civil Defense	1,043	1,043	----------	----------	846	975	----------	129
U.S. Court of Military Appeals	40	40	----------	----------	33	37	----------	4
Interdepartmental activities	8	8	----------	----------	4	6	----------	2
International military activities	59	58	1	----------	39	45	----------	6
Armed Forces information and education activities	424	424	----------	----------	208	237	----------	29
Total, Department of Defense [7]	1,037,290	1,038,201	83	994	530,383	596,155	----------	65,772
Net decrease, Department of Defense	----------	----------	911		----------	----------	65,772	
Grand total, including Department of Defense [7] [8] [9]	2,470,045	2,468,430	3,245	1,630	1,261,566	1,418,920	2,823	160,177
Net change, including Department of Defense	----------	----------	1,615		----------	----------	157,354	

[1] Revised on basis of later information.

[2] March figure includes 16,406 employees of the Agency for International Development, as compared with 16,522 in February and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The March figure includes 4,275 of these trust fund employees and the February figure includes 4,330.

[3] March figure includes 1,100 employees of the Peace Corps as compared with 1,063 in February and their pay.

[4] Agency abolished Mar. 30, 1964, pursuant to Executive Order 11134, dated Dec. 20, 1963.

[5] New agency, created pursuant to Executive Order 11136, dated Jan. 3, 1964.

[6] Less than $500.

[7] The Department of Defense has advised the committee that for security reasons personnel information for "classified activities" is omitted, beginning with the report for March 1964. Comparative figures in this report have been adjusted accordingly.

[8] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

[9] March figure includes 134 employees in the Interior Department employed under the Public Works Acceleration Act (Public Law 87-658). No employment was reported under this act for the month of February.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during March 1964, and comparison with February 1964*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	95,362	95,479	--------	117
Commerce	30,418	30,430	--------	12
Health, Education, and Welfare	81,900	81,743	157	--------
Interior	61,433	[1] 60,729	704	--------
Justice	31,530	31,296	234	--------
Labor	9,203	9,190	13	--------
Post Office	585,914	585,591	323	--------
State [2] [3]	10,770	10,685	85	--------
Treasury	89,823	89,804	--------	71
Executive Office of the President:				
White House Office	353	360	--------	7
Bureau of the Budget	487	481	6	--------
Council of Economic Advisers	45	48	--------	3
Executive Mansion and Grounds	78	78	--------	--------
National Aeronautics and Space Council	26	27	--------	1
National Security Council	41	41	--------	--------
Office of Emergency Planning	351	339	12	--------
Office of Science and Technology	85	64	21	--------
Office of the Special Representative for Trade Negotiations	27	30	--------	3
President's Commission on Registration and Voting Participation [4]	--------	4	--------	4
President's Commission on the Assassination of President Kennedy	20	20	--------	--------
President's Committee on Consumer Interests [5]	6	[1] 1	5	--------
President's Committee on Equal Opportunity in Housing	6	6	--------	--------
Independent agencies:				
Advisory Commission on Intergovernmental Relations	30	28	2	--------
American Battle Monuments Commission	7	7	--------	--------
Atomic Energy Commission	7,220	7,226	--------	6
Board of Governors of the Federal Reserve System	616	619	--------	3
Civil Aeronautics Board	839	838	1	--------
Civil Service Commission	3,939	3,956	--------	17
Independent agencies—Continued				
Civil War Centennial Commission	5	5	--------	--------
Commission of Fine Arts	6	6	--------	--------
Commission on Civil Rights	72	72	--------	--------
Delaware River Basin Commission	2	2	--------	--------
Export-Import Bank of Washington	294	293	1	--------
Farm Credit Administration	238	238	--------	--------
Federal Aviation Agency	44,118	44,228	--------	110
Federal Coal Mine Safety Board of Review	7	7	--------	--------
Federal Communications Commission	1,469	1,461	8	--------
Federal Deposit Insurance Corporation	1,285	1,240	45	--------
Federal Home Loan Bank Board	1,236	1,239	--------	3
Federal Maritime Commission	237	237	--------	--------
Federal Mediation and Conciliation Service	407	401	6	--------
Federal Power Commission	1,063	1,073	--------	10
Federal Radiation Council	4	4	--------	--------
Federal Trade Commission	1,148	1,146	2	--------
Foreign Claims Settlement Commission	160	147	13	--------
General Accounting Office	4,252	4,278	--------	26
General Services Administration	33,791	33,377	414	--------
Government Printing Office	7,327	7,307	20	--------
Housing and Home Finance Agency	13,601	13,634	--------	33
Indian Claims Commission	21	21	--------	--------
Interstate Commerce Commission	2,383	2,383	--------	--------
National Aeronautics and Space Administration	31,024	30,560	464	--------
National Capital Housing Authority	437	425	12	--------
National Capital Planning Commission	58	59	--------	1
National Capital Transportation Agency	53	57	--------	4
National Gallery of Art	315	313	2	--------
National Labor Relations Board	1,960	1,953	7	--------
National Mediation Board	143	138	5	--------
National Science Foundation	1,059	1,023	36	--------
Panama Canal	167	159	8	--------
President's Committee on Equal Employment Opportunity	57	54	3	--------
Railroad Retirement Board	1,861	1,886	--------	25

See footnotes at end of table.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during March 1964, and comparison with February 1964*—Continued

Department or agency	March	February	Increase	Decrease
Independent agencies—Continued				
Renegotiation Board	212	212		
St. Lawrence Seaway Development Corporation	157	161		4
Securities and Exchange Commission	1,370	1,376		6
Selective Service System	6,894	6,805	89	
Small Business Administration	3,244	3,250		6
Smithsonian Institution	1,479	1,480		1
Soldier's Home	1,071	1,063	8	
Subversive Activities Control Board	27	27		
Tariff Commission	275	276		1
Tax Court of the United States	156	155	1	
Tennessee Valley Authority	16,523	16,101	422	
U.S. Arms Control and Disarmament Agency	167	171		4
U.S. Information Agency	3,412	3,399	13	
Veterans' Administration	172,287	172,233	54	
Total, excluding Department of Defense	1,368,063	1,365,345	3,196	478
Net increase, excluding Department of Defense			2,718	
Department of Defense:				
Office of the Secretary of Defense	2,004	2,063		59
Department of the Army	317,169	317,201		50
Department of the Navy	310,273	310,750		477
Department of the Air Force	271,417	271,371	46	
Defense Atomic Support Agency	1,976	1,973	3	
Defense Communications Agency	767	745	22	
Defense Supply Agency	29,721	29,667	54	
Office of Civil Defense	1,043	1,043		
U.S. Court of Military Appeals	40	40		
Interdepartmental activities	8	8		
International military activities	37	36	1	
Armed Forces information and education activities	424	424		
Total, Department of Defense [6]	934,879	935,339	126	586
Net decrease, Department of Defense			460	
Grand total, including Department of Defense [5]	2,302,942	2,300,684	3,322	1,064
Net increase, including Department of Defense			2,258	

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[1] Revised on basis of later information.

[2] March figure includes 2,868 employees of the Agency for International Development as compared with 2,844 in February.

[3] March figure includes 707 employees of the Peace Corps as compared with 672 in February.

[4] Agency abolished Mar. 30, 1964, pursuant to Executive Order 11134, dated Dec. 20, 1963.

[5] New agency, created pursuant to Executive Order 11136, dated Jan. 3, 1964.

[6] The Department of Defense has advised the committee that for security reasons personnel information for "classified activities" is omitted, beginning with the report for March 1964. Comparative figures in this report have been adjusted accordingly.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during March 1964, and comparison with February 1964*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,174	1,192		18
Commerce	648	641	7	
Health, Education, and Welfare	662	654	8	
Interior	635	629	6	
Justice	351	353		2
Labor	80	80		
Post Office	1,577	1,569	8	
State [1,2]	31,346	31,389		43
Treasury	652	648	4	
Independent agencies:				
American Battle Monuments Commission	420	405	15	
Atomic Energy Commission	36	36		
Civil Service Commission	4	4		
Federal Aviation Agency	1,094	1,096		2
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
Foreign Claims Settlement Commission	37	37		
General Accounting Office	81	82		1
General Services Administration	26	25	1	
Housing and Home Finance Agency	200	199	1	
National Aeronautics and Space Administration	15	15		
National Labor Relations Board	33	33		
National Science Foundation	13	14		1
Panama Canal	14,751	14,815		64
Independent agencies—Continued				
Selective Service System	150	150		
Small Business Administration	55	56		1
Smithsonian Institution	17	17		
Tennessee Valley Authority	1	1		
U.S. Information Agency	8,554	8,657		103
Veterans' Administration	990	995		5
Virgin Islands Corporation	1,086	1,088		2
Total, excluding Department of Defense	64,692	64,884	50	242
Net decrease, excluding Department of Defense			192	
Department of Defense:				
Office of the Secretary of Defense	52	52		
Department of the Army	50,969	51,292		323
Department of the Navy	23,794	23,801		7
Department of the Air Force	27,525	27,649		124
Defense Communications Agency	49	46	3	
International military activities	22	22		
Total, Department of Defense	102,411	102,862	3	454
Net decrease, Department of Defense			451	
Grand total, including Department of Defense	167,103	167,746	53	696
Net decrease, including Department of Defense			643	

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[1] March figure includes 13,538 employees of the Agency for International Development as compared with 13,678 in February. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The March figure includes 4,275 of these trust fund employees and the February figure includes 4,330.

[2] March figure includes 393 employees of the Peace Corps as compared with 391 in February.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during March 1964, and comparison with February 1964*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,894	3,899		5
Commerce	5,728	5,724	4	
Interior	8,874	8,737	137	
Post Office	266	268		2
Treasury	5,343	5,333	10	
Independent agencies:				
Atomic Energy Commission	271	270	1	
Federal Aviation Agency	2,736	2,831		95
General Services Administration	1,916	1,920		4
Government Printing Office	7,327	7,307	20	
National Aeronautics and Space Administration	31,039	30,575	464	
Panama Canal	7,395	7,388	7	
St. Lawrence Seaway Development Corporation	156	157		1
Tennessee Valley Authority	13,286	12,878	408	
Virgin Islands Corporation	1,086	1,088		2
Total, excluding Department of Defense	89,317	88,375	1,051	109
Net increase, excluding Department of Defense			942	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 136,502	[2] 136,524		22
Outside the United States	[1] 4,703	[2] 4,734		31
Department of the Navy:				
Inside the United States	189,666	190,144		478
Outside the United States	1,268	[2] 1,269		1
Department of the Air Force:				
Inside the United States	129,542	129,529	13	
Outside the United States	1,019	1,023		4
Defense Supply Agency:				
Inside the United States	1,685	1,698		13
Total, Department of Defense	464,385	464,921	13	549
Net decrease, Department of Defense			536	
Grand total, including Department of Defense	553,702	553,296	1,064	658
Net increase, including Department of Defense			406	

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[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of March 1964 and comparison with February 1964*

Country	Total		Army		Navy		Air Force	
	March	February	March	February	March	February	March	February
Canada	9	9					9	9
Crete	86	84					86	84
England	2,898	2,931			120	122	2,778	2,809
France	18,569	19,241	15,089	15,620	9	10	3,471	3,611
Germany	75,720	76,761	64,239	64,900	82	83	11,399	11,778
Greece	300	297			34	33	266	264
Japan	47,373	48,026	16,110	16,524	13,658	13,845	17,605	17,657
Korea	6,131	6,141	6,131	6,141				
Morocco	690	695			690	[1] 694		1
Netherlands	54	53					54	53
Thailand	25						25	
Trinidad	427	426			427	426		
Total	152,282	154,664	101,569	103,185	15,020	15,213	35,693	36,266

[1] Revised on basis of later information.

FOREIGN NATIONALS

Table V segregates and accounts for certain categories of personal services rendered to the U.S. Government overseas, which cannot be regarded as ordinary direct employment.

This personal service is rendered to U.S. agencies overseas under agreements with the foreign governments. In most cases the employment is indirect. The foreign governments hire the employees. The U.S. military agencies in most cases administer or direct the activity.

Personnel hired and used under such circumstances cannot be properly considered in the same category as regular employment, but they are used and should be counted for what they are.

For this reason the Joint Committee on Reduction of Nonessential Federal Expenditures counts employees of this type along with, but separate from, regular U.S. employment overseas.

STATEMENT BY SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of March totaling 2,470,045 as compared with 2,468,430 in February. This was a net increase of 1,615, including a net increase of 134 in temporary employment under the public works acceleration program authorized by Public Law 87–658.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1964, which began July 1, 1963, follows:

Month	Employment	Increase	Decrease
July 1963	2,518,857	9,149	
August	2,515,033		3,824
September	2,492,170		22,863
October	2,494,175	2,005	
November	2,493,379		796
December	2,487,856		5,523
January 1964	2,473,546		14,310
February	2,468,430		5,116
March	2,470,045	1,615	

Total Federal employment in civilian agencies for the month of March was 1,432,755, an increase of 2,526 as compared with the February total of 1,430,229. Total civilian employment in the military agencies in March was 1,037,290, a decrease of 911 as compared with 1,038,201 in February. (Totals have been adjusted to exclude Defense Department figures for classified activities, beginning with February.)

Civilian agencies reporting larger increases were Interior Department with 710, National Aeronautics and Space Administration with 464, Tennessee Valley Authority with 422, and General Services Administration with 415.

In the Department of Defense the largest decreases in civilian employment were reported by the Department of the Navy with 484 and the Department of the Army with 373.

Inside the United States civilian employment increased 2,258 and outside the United States civilian employment decreased 643. Industrial employment by Federal agencies in March totaled 553,702, an increase of 406.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,470,045 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 152,282 foreign nationals working for U.S. agencies overseas during March who were not counted in the usual personnel reports. The number in February was 154,664. A breakdown of this employment for March follows:

Country	Total	Army	Navy	Air Force
Canada	9			9
Crete	86			86
England	2,898		120	2,778
France	18,569	15,089	9	3,471
Germany	75,720	64,239	82	11,399
Greece	300		34	266
Japan	47,373	16,110	13,658	17,605
Korea	6,131	6,131		
Morocco	690		690	
Netherlands	54			54
Thailand	25			25
Trinidad	427		427	
Total	152,282	101,569	15,020	35,693

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING (for himself and Mr. JAVITS):

S. 2806. A bill to amend the Internal Revenue Code of 1954, to provide for the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of Virginia (for himself and Mr. ROBERTSON):

S. 2807. A bill to fix the boundary of Shenandoah National Park in the Commonwealth of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

S. 2808. A bill for the relief of Mother Estella Mary de San José (née Matilde Gandarillas Sigler); to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 2809. A bill to amend section 37 of the Mineral Lands Leasing Act of February 25, 1920, relating to disposition only as provided in such act of deposits of coal, phosphate, sodium, potassium, oil, oil shale, and gas in lands valuable for such minerals, except as to valid claims pursuant to laws under which initiated and existing at the date of the passage of such act, which claims may be perfected under such laws; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON INTERAGENCY COORDINATION IN ENVIRONMENTAL HAZARDS (PESTICIDES), PART I (INCLUDING EXHIBITS)

Mr. KENNEDY (for Mr. RIBICOFF) submitted the following concurrent resolution (S. Con. Res. 83); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Government Operations two thousand additional copies of its hearings on "Interagency Coordination in Environmental Hazards (Pesticides), Part I (Including Exhibits)".

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A COMPILATION ENTITLED "THE WAR ON POVERTY, THE ECONOMIC OPPORTUNITY ACT OF 1964"

Mr. McNAMARA. Mr. President, I submit, for appropriate reference, a resolution authorizing the printing as a Senate document the committee print entitled "The War on Poverty, the Economic Opportunity Act of 1964, a Compilation of Materials Relevant to S. 2642," of the 88th Congress, 2d session.

This resolution would authorize the printing of this document as a Senate document and provide the Committee on Labor and Public Welfare with 9,000 additional copies. The original printing was delivered to the Committee on Labor and Public Welfare on March 24 of this year. The committee received 8,000 copies, of which there are less than 300 remaining.

The requests for this document which are on file already far exceed the number available. For this reason, we are urgently in need of additional copies.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 322) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed as a Senate document the committee print entitled "The War on Poverty, the Economic Opportunity Act of 1964, a Compilation of Materials Relevant to S. 2642", of the Eighty-eighth Congress, second session; and that there be printed nine thousand additional copies of such document for the use of the Committee on Labor and Public Welfare.

DEDUCTION FROM GROSS INCOME OF CERTAIN TEACHERS' EDUCATIONAL EXPENSES

Mr. KEATING. Mr. President, in behalf of my able and distinguished colleague from New York [Mr. Javits] and myself, I introduce, for appropriate reference, a bill to provide for the deduction of teachers' educational expenses.

Under existing law, a deduction is allowed for ordinary and necessary expenses paid or incurred in carrying on any trade or business. Over the years, the standards applied to determine whether certain trade or business expenses qualify for the deduction, and the rules and regulations pertaining to verification of such expenses, have developed primarily in the context of profitmaking commercial and professional enterprise. Little or no regard has been paid to the development of a sound and consistent body of principles to govern the ordinary and necessary expenses incurred by the members of this country's most important public profession, our Nation's teachers.

As in many other professions, a teacher's education today does not end with receiving the bachelor's degree and a certificate or license to teach. An ever-expanding body of human knowledge, coupled with revolutionary progress in the techniques of teaching, requires every teacher, if he is to serve his country and community best, to continue his education beyond the first degree. At the very least, he will often be called upon by school authorities to attend refresher courses in the evenings or during summer recess. More often, he may be required to matriculate for an advanced degree in education or in his substantive field of teaching interest in order to retain his position within the system and to bring greater skill to bear upon his central task of classroom teaching. And regardless of any requirements which may be imposed by school authorities, every teacher has a duty to his students and to himself to achieve greater teaching competence and mastery in his chosen field.

No physician or attorney or accountant today could afford to neglect his continuing education in the subject matter of his profession. Were he to do so, his clients would soon take their business elsewhere. Schoolchildren, however, rarely have such freedom of choice.

The Nation's educational system can be only as good as the teacher's education and his skills make it. Yet it is probably true of no other profession that the need for continuing education outpaces the financial ability to pursue it without personal and family hardship.

The bill that is being introduced today would establish standards for the allowance of a deduction for teachers' educational expenses. Basically, it would permit teachers to deduct whatever ordinary and necessary expenses are paid or incurred for education that is appropriate and directly related to their teaching employment, or that is required of them by school authorities, in order to maintain or improve their skills. Classroom teachers are only one category among a number of educational personnel categories that would be covered. Educators serving in administrative, guidance, library, and other capacities in the modern school would also be entitled to deductions if the educational activities they pursue are appropriate.

The bill contains no formal requirements for proof and verification of educational expenses incurred by teachers. Within the statutory definitions as to who may be eligible for the deduction and the type of educational activities that would qualify, the Secretary of the Treasury would be free to promulgate rules and regulations to carry out the intent of Congress as in other areas of the tax law. The provisions of this bill are also intended not to rule out the possibility of a teacher's qualifying for a deduction of other expenses under existing sections of the Internal Revenue Code.

Mr. President, it is my hope that this measure will receive favorable consideration by the Committee on Finance both as a legitimate solution to the need for equitable tax relief and as a matter of sound educational policy.

I ask unanimous consent, Mr. President, that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection the bill will be printed in the Record, as requested by the Senator from New York.

The bill (S. 2806) to amend the Internal Revenue Code of 1954, to provide for the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and for other purposes, introduced by Mr. Keating (for himself and Mr. Javits), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to deduction for trade or business expenses) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Educational and Related Expenses of Teachers.—

"(1) In general.—The deduction allowed by subsection (a) shall include the ordinary and necessary expenses (including related expenses described in subsection (a)(2)) paid or incurred by a teacher during the taxable year for his education.

"(2) Nothing in this subsection shall be construed to deny to a taxpayer any deduction otherwise available to him under this section.

"(3) Definitions.—For purposes of this subsection—

"(A) the term 'teacher' means an individual employed by a school for not less than 6 months during his taxable year as a classroom teacher, or as a supervisor, administrator, or adviser or in any other professional capacity related to the instructional program (including but not limited to guidance counselors and librarians);

"(B) the term 'school' means an educational organization described in section 503 (b) (2); and

"(C) the term 'education' includes any course, travel, or other educational activity which is undertaken by a taxpayer after becoming employed as a teacher and which—

"(i) is required by the teacher's employer to meet the express requirements of his employment as a teacher; or

"(ii) is within the area of employment (including the subject area, grade level, or other area) in which the teacher performs his duties as such, or is directly related to such area; or

"(iii) is directly related to maintaining or improving the teaching, administrative, or other skills of the teacher, including but not limited to courses in education, psychology, sociology, anthropology, English, the language of the students involved where English is a second language, guidance, administration, library, science, and audiovisual techniques; or

"(iv) is allowed by the institution of higher education at or by which it is offered or made available as a credit toward an advanced degree in the area in which the teacher is employed.

Such term does not include any course, travel, or other activity if it is undertaken primarily for the purpose of qualifying for a type of employment which is different from that in which the teacher is engaged at the time it is undertaken."

Sec. 2. Paragraph (2) of section 62 of the Internal Revenue Code of 1954 (relating to definition of adjusted gross income) is amended by adding at the end thereof the following new subparagraph:

"(e) Educational Expenses of Teachers.—The deduction allowed by section 162 for the educational (and related) expenses of a teacher."

Sec. 3. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

MULTIPLE USE OF SURFACE OF THE SAME TRACTS OF PUBLIC LANDS—ADDITIONAL COSPONSOR OF BILL

Mr. CANNON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Utah [Mr. Bennett] may be added as an additional cosponsor of Senate bill 2765, to amend the act relating to the multiple use of the surface of the same tracts of the public lands in order to provide that certain varieties of sand and gravel shall be considered as valuable mineral deposits under the mining laws of the United States, which was introduced by me on April 23, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF EUGENE A. GORDON TO BE U.S. DISTRICT JUDGE, MIDDLE DISTRICT OF NORTH CAROLINA

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 13, 1964, at 9:15 a.m., in room 2228, New Senate Office Building, on the nomination of Eugene A. Gordon, of North Carolina, to be U.S. district judge, middle district of North Carolina, vice L. Richardson Preyer, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. Johnston], the Senator from Nebraska [Mr. Hruska], and myself, as chairman.

AUTHORIZATION FOR SECRETARY OF COMMERCE TO ACCEPT GIFTS AND BEQUESTS FOR THE PURPOSES OF THE DEPARTMENT OF COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 964, Senate bill 2049.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, on page 2, after line 15, to insert a new section, as follows:

Sec. 4. (a) The following provisions of law are repealed:

(1) Section 11 of the Act entitled "An Act to establish the National Bureau of Standards" approved March 3, 1901, as amended (15 U.S.C. 278a);

(2) Section 7 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883g);

(3) Subsection (g) of section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126 (g)).

(b) All gifts and bequests received under the provisions of law repealed by subsection (a) of this section and all funds held on the date of enactment of this Act in the United States Merchant Marine Academy general gift fund, established by subsection (g) of section 216 of the Merchant Marine Act, 1936, shall be transferred to the fund authorized by this Act and shall be administered in accordance with the provisions of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of Commerce. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary of Commerce. Property accepted pursuant to this provision, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

Sec. 2. For the purpose of Federal income, estate, and gift taxes, property accepted under section 1 shall be considered as a gift or bequest to or for the use of the United States.

Sec. 3. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund authorized herein. Income accruing from such securities, and from any other property accepted pursuant to section 1, shall be deposited to the credit of the fund authorized herein, and shall be disbursed upon order of the Secretary of Commerce.

Sec. 4. (a) The following provisions of law are repealed:

(1) Section 11 of the Act entitled "An Act to establish the National Bureau of Standards" approved March 3, 1901, as amended (15 U.S.C. 278a);

(2) Section 7 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883g);

(3) Subsection (g) of section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126 (g)).

(b) All gifts and bequests received under the provisions of law repealed by subsection (a) of this section and all funds held on the date of enactment of this Act in the United States Merchant Marine Academy general gift fund, established by subsection (g) of section 216 of the Merchant Marine Act, 1936, shall be transferred to the fund authorized by this Act and shall be administered in accordance with the provisions of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may have printed in the Record at this point an excerpt from the report.

There being no objection, the extract from the report (No. 1019) was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The bill (S. 2049) provides that the Secretary of Commerce may accept, hold, administer, and utilize gifts and bequests of property for the purpose of aiding or facilitating the work of the Department of Commerce. Any gifts received under the authority of the bill would be deposited in a separate fund in the Treasury and disbursed upon the order of the Secretary of Commerce. Upon request of the Secretary of Commerce, the Secretary of the Treasury may invest any moneys so deposited in securities of the United States or securities guaranteed by the United States. Any gift or bequest accepted under the bill would be considered as a gift or bequest to, or for the use of, the United States. In addition, funds derived from the sale of any real or personal property received as a gift or bequest would be deposited in the separate fund.

REASON FOR THE BILL

At present the Secretary of Commerce is authorized to receive gifts only for the use of the National Bureau of Standards, the Coast and Geodetic Survey, and the Merchant Marine Academy.

Recently the Department has been offered as a gift a number of travel movie films which it desired to accept for showing abroad to stimulate interest on the part of foreign viewers in visiting the United States. It was determined that this gift could not be accepted without authorizing legislation even though the films offered would have been of great use to the Department in its Visit U.S.A. program.

The Department requested enactment of departmentwide legislation to meet this specific need and to obviate the necessity of seeking further specific legislation in the event a similar situation arises with respect to other bureaus of the Department. The Department in the draft submitted by it did not recommend that the existing gift authorities to the National Bureau of Standards, Coast and Geodetic Survey, and the Merchant Marine Academy be repealed. The committee has adopted amendments recommended by the General Accounting Office repealing these three existing authorities in order to eliminate any possibility of confusion as to the legislation controlling with respect to gifts made to any one of these three bureaus. The Department of Commerce has advised that they would not object to these amendments.

TWO MYTHS BEHIND CIVIL RIGHTS BILL OPPOSITION

Mr. JAVITS. Mr. President, southern opponents of the bipartisan civil rights bill repeatedly try to shift attention from the social order in their States, which in many cases is built upon denying the Federal constitutional rights of Negroes, by regaling the Senate with horror stories about conditions in the North in general and in New York City in particular. These attempts occasionally become so misleading that they must and should be answered. Two such cases have arisen repeatedly in debate in recent weeks.

Opponents of the bill have, in the course of their lengthy discussions of title VII, the equal employment opportunity title of the bill, referred to U.S. Bureau of the Census statistics which indicate that unemployment rates are higher for nonwhites in some Northern States which already have FEP laws than in some Southern States, which do not and in which discriminatory hiring policies are pursued. What they conveniently fail to point out is the difference in computing the unemployment statistics for States which have basically agricultural economies as compared with States which have basically industrial economies. Sharecroppers and other farmworkers in Southern States are included among the employed in the Census Bureau statistics even though they often work only 1 or 2 days a week and are often living at a bare subsistence level.

I have asked the Census Bureau to confirm this and have received from the Bureau a letter quoting from a forthcoming report entitled "Farm Population, Series Census-ERS (P-27), No. 34." This report will be released jointly by the Economic Research Service of the Department of Agriculture and the Bureau of the Census. The Bureau's letter quotes from the report as follows:

> Unemployment rates are typically about twice as high in the nonfarm population as in the farm group. The general explanation offered is that the large proportion of self-employed persons among farm people results in a low formal unemployment even

during periods of economic difficulty. Also farmers who combine part-time farming with off-farm work are still technically employed (through their farming) if they lose their nonfarm job.

The relevant and revealing statistics are those which show the median income of whites and nonwhites in the several States and the estimated lifetime earnings matched against the years of school completed for whites and nonwhites in the several States. As the Senators in charge of title VII of the bill—Senators CASE and CLARK—have shown, the statistics which correctly measure the real difference between the economic opportunities for Negroes in the Southern and Northern States do support our contention that fair employment practice laws are helpful in assuring equality of earning opportunity. The figures show that the discrepancy between the median earnings of white workers and those of nonwhite workers has been increasing in recent years and that this difference is much more pronounced in the South than in other parts of the country. They also show that, while in the Nation as a whole the lifetime earnings of nonwhites are 40 percent of those of whites, in the South they are 32 percent.

Another favorite diversion of the bill's opponents consists of alluding to crime rates in major northern cities, with special emphasis on New York City. The facts are carefully ignored in these flights of rhetoric, which usually dwell on the general proposition that everyone in New York City fears to venture forth on the streets at night.

No one deprecates crime more than I do, or the failure of citizens to assist the police in apprehending criminals, as in the recent Genovese case, which has been cited, for example. But that should not obscure the fact that the Federal Bureau of Investigation crime statistics indicate clearly that the streets of New York City are actually safer than those of a number of southern cities, including Atlanta and Savannah, in Georgia, from which some of the severest criticism on this issue has been directed toward us.

I would not cite these figures—for I am proud of every part of our country—except for what has been stated in this debate about crime in certain cities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent for 2 additional minutes.

According to the FBI's latest uniform crime reports, issued in July 1963, and covering calendar year 1962, New York City's crime rate for serious offenses, including murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny of $50 and over, and auto theft, per 100,000 inhabitants was 1,509.7. What the southern Senators fail to note is that the crime rate was higher in the following 18 southern metropolitan areas, which constitute more than a fourth of the southern metropolitan areas for which statistics are collected.

I ask unanimous consent that they be listed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Amarillo, Tex., 1,751.1; Atlanta, Ga., 1,796.3; Baton Rouge, La., 1,654; Charleston, S.C., 1,891.2; Charlotte, N.C., 1,592.9; Corpus Christi, Tex., 1,920.6; Fort Lauderdale, Hollywood, Fla., 1,778.6; Galveston-Texas City, Tex., 1,529.5; Greenville, S.C., 1,639.1; Houston, Tex., 1,637.2; Jacksonville, Fla., 1,584.7; Laredo, Tex., 1,645.7; Lubbock, Tex., 1,713.9; Miami, Fla., 2,322.2; Pensacola, Fla., 1,631.5; Richmond, Va., 1,593; San Antonio, Tex., 1,579.2; Savannah, Ga., 1,513.4.

Mr. JAVITS. The point is not that New York City's crime rate is satisfactory. The point is that New York City's crime rate is irrelevant to its efforts to eliminate racial discrimination. These efforts certainly do not put it at any disadvantage on this score as compared with many southern cities, and it is about time that the Southern opponents of the civil rights bill began to talk about reality.

As the filibuster proceeds, it becomes even more critical that each argument asserted in opposition to the bill, in an apparent effort to justify the filibuster, should be nailed to the facts. I believe that the more dedicated we are to this policy, the sooner we will obtain a decided and overwhelming national consensus that the bill must be passed and the filibuster ended by cloture, the time for all reasonable debate now clearly drawing to a close.

U.S. CHAMBER OF COMMERCE DECLARATION ON EAST-WEST TRADE

Mr. JAVITS. Mr. President, the U.S. Chamber of Commerce, at its 52d annual meeting on April 29, issued several policy declarations on issues of national importance. Among the most important of these is the chamber's policy declaration on "Trade With the U.S.S.R. and Its European Satellites."

In the declaration the chamber takes the position that the United States should "undertake a prompt reexamination and reevaluation of the present system of [U.S.] export controls with the objective of strengthening some controls and of eliminating others which are not necessary to the security of the United States and which result in discrimination harmful to its competitive position." It also calls for the coordination of the policies of the United States and that of other free world nations with regard to Communist bloc trade.

I congratulate the chamber of commerce for its constructive contribution to public debate on this vital question to this Nation. Its declaration comes at a time when U.S. policy designed to curb free world trade with the Soviet bloc is undergoing great strains. It is evident that our allies no longer accept our point of view which requires that in addition to no trade in strategic goods, nonstrategic trade be kept to a minimum.

Just last Thursday, April 30, the New York Times carried a story that NATO's embargo on sales of strategic products to Soviet bloc countries is to be further liberalized, although only moderately. A few days before that President Johnson indicated that the administration is willing to consider proposals for expanded trade with Communist countries. Britain and the U.S.S.R. are reportedly nearing agreement on a new major trade deal including longer term credits. The French are about to conclude the sale of 15 to 20 locomotives to Cuba.

I believe that the time has come for a full scale review of U.S. policies dealing with Soviet bloc trade in nonstrategic goods. This review is long overdue and must take place with the active participation of the Congress and responsible private organizations. Without public understanding and support the changes initiated by the executive branch in the administration of laws dealing with United States-Soviet bloc trade, these changes will be untenable.

While on the basis of concessions outlined in my October 3, 1963, speech on the subject, I am in favor of a reasonable increase of United States-Soviet trade in nonstrategic goods. I firmly believe that before we enter into expanded trade with the European Soviet bloc we, in the Congress, must reexamine our entire trade policy toward the Communist bloc and make a judgment as to under what conditions and under what agreement should such increased trade take place.

I ask unanimous consent that the chamber of commerce policy declaration on East-West trade, along with a thorough analysis of the background and issues involved in East-West trade prepared by the chamber, a New York Times editorial of April 27 on this same issue, along with several news articles on recent developments in this field, may be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICY DECLARATION ON TRADE WITH THE U.S.S.R. AND ITS EUROPEAN SATELLITES

(Approved by vote of the delegates at the policy luncheon, 52d annual meeting of the national chamber, on April 29, 1964)

With respect to export trade with the U.S.S.R. and its European satellites, the U.S. Government should adopt programs, consistent with the national interest, which have the following objectives:

1. In coordination with other free world countries, to improve agreed and enforcible trade policies and measures which will effectively inhibit and prevent the buildup of Communist warmaking potential. These policies and measures should prevent sales that increase the capacity of the Soviet Bloc to disrupt free world economic and military security, or provide long-term credits.

2. To undertake a prompt reexamination and reevaluation of the present system of export controls with the objective of strengthening some controls and of eliminating others which are not necessary for the security of the United States and which result in discriminations harmful to its competitive position.

COMMUNIST BLOC TRADE

(Approved on April 29, 1964)

The United States should take all suitable measures, including contingency planning, through its own foreign economic policy and in concert with other free world nations, to minimize disruption by the Communist bloc of the normal flow of trade and its use of trade as a political weapon, particularly with respect to the developing free world economies.

EAST-WEST TRADE

Background and status

Although East-West trade has been extensively debated and explored during the past decade (since Stalin's death in 1953) the issue has been forced into sharp focus by developments in the last 4 months. Proposals by the Soviets for cash purchases of large quantities of wheat to meet serious crop failures in Russia and East Europe have highlighted the prospect of East-West trade on a broader scale. These developments, beginning in mid-September appeared to take the administration, Congress, and many segments of American business by surprise.

At about the same time, at a White House Conference on Export Expansion (September 17–18), business leaders in foreign commerce were invited to assist the administration in considering added means to expand U.S. exports and help correct the persistent balance-of-payments deficit. Significantly, 4 of the 11 committees organized at this Conference to explore independently various facets of the foreign trade problem, suggested that clarification of the East-West trade issue would be particularly helpful. This reflects a widespread opinion that U.S. policies and practices in trade with the Communist bloc have notably lacked definition with resulting inconsistency of administration. A divergence in the economic policies pursued by the United States and other members of the Atlantic Alliance vis-a-vis the Sino-Soviet bloc further complicates the problem.

An unavoidable fact is that the issue of engaging in commerce with an avowed enemy is fraught with moral, emotional, and political factors which cannot be discussed in purely economic terms. During recent years the United States has depended less and less on the Sino-Soviet bloc as a source of supplies. Even before the cold war, trade between the United States and Russia had been minor except for the period during World War II. Most of the goods the U.S.S.R. wants, outside of the bloc trading area, have been obtained from West Europe. Even under most favorable conditions no dramatic expansion of United States-Soviet trade should be expected. On the other hand, should the United States cut off all trade with the Soviet bloc, the impact in terms of the East-West contest might be minimal.

Although the United States has been less tempted by trade overtures from the Soviet bloc, it should be noted that other nations of the West derive considerable short-term advantages from such trade. In contrast to the U.S. "hard line" policy, the West Europe countries appear to rationalize their expanding trade with the bloc using the argument "a fat Russian is not a belligerent Russian." On the other hand, under their totalitarian system, there is a strong likelihood that a larger portion of such trade would go to the biceps rather than the belly of Communist society.

Under present conditions of somewhat relaxed tensions, indications are that East-West trade will probably retain the current patterns and tempo of growth. The problem confronting the United States might be stated as how to realize the economic advantages of such trade and at the same time to minimize the disruptive impact of Communist tactics and bilateralism within a stable, open, and multilateral framework of world commerce. The ability of the Soviets to influence the trade climate around the world, is out of all proportion to the size of its trade performance, and stems from the basic condition of the Communist economy—a state of permanent mobilization. It is a conspicuous fact that economically the Western World is not organized to wage the intense, drawn-out contest with communism which lies ahead. In spite of the West's possession of overwhelming superiority in material and industrial resources, it lacks unity of policies on trade matters in commercial dealings with the Soviet bloc.

The key to an effective strategy is the coordination of economic policies toward the Communist bloc. As a replacement of the present patchwork of individual and often contradictory national policies, consideration might be given to the following courses:

1. Coordination of security measures in East-West trade, including establishment of more realistic and effective multilateral controls on the export of strategic goods and on extension of export credits which help to build the bloc's military and industrial power base.

2. Formulation of a set of common ground rules designed to expose and remove:

(a) The distortions and inequalities which arise in commercial relations between free market economies on the one hand, and the closed, ultra protectionist Communist economies on the other hand; and

(b) The disruptions and dislocations which increasingly accompany the massive intervention of total State monopolies in world markets.

The great trading nations of the West which are at the core of world trade have the responsibility and the means to compel adequate observance of established norms of commercial behavior.

3. Immunization of the more vulnerable free world economies against the danger of selective trade and aid penetration aimed at building politically motivated dependence on bloc markets and supplies. This effort must be multilaterally coordinated. The necessary framework must be provided to utilize the existing large potential of private industry, and in general enlist the productive capacity, the trading experience and the plurality of means available in the free economic systems of the industrialized West.

4. Coordination of contingency planning designed to muster maximum economic leverage against the bloc with a view to implanting restraints in its general foreign policy and in specific East-West encounters. What is contemplated here is not a trade rupture but a state of allied readiness to face emergencies and exploit opportunities. Rather than continue the monotonous pattern of reaction to Soviet initiatives, our economic and industrial superiority should be employed to shape events in support of Western objectives. In particular, economic tools should be utilized for dealing in a flexible manner with individual countries within the bloc.

Evolution of United States-Soviet trade policy

America's normal policies of progressively expanding mutually beneficial commercial relations with all countries has conspicuously excluded the Soviet bloc. This restrictive trade policy with Communist nations currently in force did not spring up overnight. It is often overlooked, however, that the United States has maintained trade relations with the Soviets even prior to official recognition in 1933.

Hard learned lessons in commercial dealings with the Soviets over the years has resulted in a certain degree of wariness on the part of the U.S. Government. Fluctuating zigs and zags of Communist strategy have revealed their use of trade as an important political weapon in complete disregard of the basic concepts of the free-enterprise system. In spite of periodic lulls in the cold war, engineered by the Soviets, which often are popularly welcomed by war-weary segments of the free world, there has developed in America a deeply ingrained skepticism toward any normal relations with the Soviet bloc. Political support for trade restrictions has therefore been consistently strong in the United States cutting across party lines and economic groups.

United States-Soviet trade prior to World War II was small although relatively more active. But even though most-favored-nation treatment was provided Russia, the United States found repugnant disruptive state-trading methods employed by its Communist form of government. At its zenith, in 1936–38, this prewar trade amounted to only 1.6 percent of all U.S. exports of merchandise. (Significantly, the volume of U.S. exports to Russia jumped to 24.3 percent during World War II, in support of the war effort.)

After World War II

Immediately following V–J Day, the Soviet leaders dramatically publicized their world conquest goal by territorial expansion, utilizing all facets of political, military, and economic forces to achieve their objectives. The United States responded by establishing a system of security controls over trade, denying export of strategic goods to U.S.S.R. and her European satellites. The objective was to make this control effective rather than symbolic.

These controls were tightened further as a result of Communist invasion of Korea. All former commercial treaties and tariff concessions (including most-favored-nation treatment) to the Sino-Soviet bloc were revoked—making all Communist goods dutiable under the high rates prescribed in the Tariff Act of 1930. Strong bipartisan support was provided for this course of action.

Present U.S. policy on trade with Soviet bloc

A policy of selective restriction, rather than total embargo on trade with the Sino-Soviet bloc has been pursued in recent years. Flexibility in trade policy permits distinction between gradations of aggressive mindedness among countries in the Sino-Soviet bloc which may be exploited to the U.S. advantage in the contest between East and West. Some arguments in favor of this selective and flexible policy are that it:

1. Helps advertise to world the significant difference in the warlike policies of the two Communist powers, Russia and China.

2. Provides a lever for reprisals in the face of threatened actions by individual Communist countries.

3. Keeps lanes of trade open to less militant bloc countries, demonstrating U.S. willingness to work toward eventual normalization of trade relations.

4. Supports the free enterprise principle that interference in operation of private international trade must be held to minimum, consistent with national security requirements.

5. Provides some relief for pressures to keep people of bloc countries isolated by opening and maintaining relations with the people, culture, and ideas of the free world.

Growing trade between the Sino-Soviet bloc and U.S. allies, including Japan, points up the urgent desirability of achieving a higher degree of unity of policies and practices among free world nations on trade relations with Communist countries. The extent and nature of this East-West trade is summarized below.

Current anticipated action by the United States

In comments at a press conference concluding the 2-day White House Conference on Export Expansion, Wednesday, September 18, the Secretary of Commerce was asked to comment on the recommendations of several committees at the Conference that the Government reappraise its trade policies with the Soviet bloc.

The Secretary, in response, emphasized that the Government had come to no decision on this point and that he thought the Government "would take into consideration very seriously what has been suggested by the Conference, and take a look at its trade policies with the Soviet bloc."

He added, "Keep in mind very specifically, that, under no condition can we consider strategic items or anything of that character. We are only talking about normal trade."

It has been indicated that the State Department and the Senate Foreign Relations Committee will also reexamine the U.S. policy on trade with the Soviet bloc.

Background of chamber policy on East-West trade

In 1953, the national chamber's membership adopted a policy on East-West trade, which read as follows:

"The chamber supports collective measures on the part of the United States and allied nations of the free world to prevent Communist bloc countries from receiving strategic items which would contribute to their war potential.

"The Western World hopes for the ultimate freedom of captive countries of East Europe. Commerce, as a peaceful means of maintaining relationships with such countries, could be singularly effective in penetrating their isolation.

"Severance of all trade relations with those countries, however, would in some cases be more harmful to the free world than to the countries behind the Iron Curtain. The West obtains from the East commodities vital to its own defense and of value to its economic stability. The criterion of such trade must be one of net advantage. Full consideration must also be given to the alternatives and their implication.

"Absolute embargo of the Soviet bloc would be cited by the Kremlin and Communist elements in other areas and thus serve as a powerful propaganda weapon."

In 1956, the policy was revised to read as follows:

"The chamber supports collective measures on the part of the United States and allied nations of the free world to prevent Communist bloc countries from receiving strategic items which would contribute to their war potential.

"Severance of all trade relations, however, would in some cases be more harmful to the free world than to the countries behind the Iron Curtain. The criterion of such trade must be one of net advantage to the free world."

When the policy was subject to renewal in 1959 (under a 3-year duration rule then in effect), on recommendation of the Foreign Commerce Committee the policy was allowed to expire. The primary reason was that the intent of the first paragraph had been substantially achieved through the enactment of the so-called Battle Act (the Mutual Defense Assistance Control Act of 1951) and that the policy served no further useful purpose.

The current 1963–64 "Chamber Policy Declarations on World Affairs" contains the following statement:

"Communist bloc trade: The United States should take all suitable measures. through its own foreign economic policy and in concert with other free world nations, to minimize disruption by the Communist bloc of the normal flow of trade."

Following approval by the President, on October 9, 1963, for the sale of wheat to the U.S.S.R., the chamber issued the following press release:

"WASHINGTON, October 11.—Edwin P. Neilan, president of the Chamber of Commerce of the United States and president and chairman of the Bank of Delaware, Wilmington, today issued the following statement:

"'The action of President Kennedy and Secretary of Commerce Luther Hodges in approving the sale of wheat to the Soviet Union through private commercial channels at the world price for cash or short-term credit is commendable. It will benefit the U.S. economy particularly in the area of reducing our balance-of-payments deficit and by providing an outlet for surplus wheat which is costing taxpayers enormous sums in storage charges.'

"It seems to be an opportune time to explore the possibility of broadened, liberalized trade with the Soviet Union in other nonstrategic goods under the same conditions as the wheat sale. Good two-way trade cements peaceful relations."

Conditions limiting potential United States-Soviet trade

Potentially, trade between two of the largest countries in the world would appear to be extensive. Highlighted here are significant conditions preventing development of extensive or normal trade.

1. Russia has been intentionally sheltered from contact with the free world. She is relatively self-sufficient in basic raw materials.
2. Russia operates on rigidly controlled, planned economy. Priority given to industrialization. Consumer goods production and marketing have been restricted. Even recent higher goals have been deferred.
3. Normal market forces do not operate. Foreign trade is subservient to overall economic and political plans.
4. Adequate protection is not provided for patents, trademarks, and copyrights.
5. State controlled mechanism for trading is complicated, strange, and obstructive for U.S. traders.
6. Commercial and market data is difficult or impossible to obtain (costing, prices, trade plans, investment criteria, other business factors).
7. Demands for long-term credit are difficult if not impossible to meet.
8. Shifting trade policies and uncertain long-range planning undermine required confidence and reliability for traders.
9. Trade has been arbitrarily concentrated by Soviets with Communist bloc countries.
10. Export-import controls severely restrict trade. Most of the items desired by Soviets are classified as having strategic significance, thus are prohibited.
11. In absence of trade agreements and "most-favored-nation treatment," Soviet goods are subject to high tariffs, making them noncompetitive in U.S. markets.
12. Nonsettlement of various claims between United States and Russia stemming from czarist regime and World War II has prevented extension of long-term credits. Treasury Department advises Soviets are still in default:

(a) From World War I, $621.4 million as of December 31, 1962.

(b) From World War II (lend-lease), $306.5 million as of June 20, 1963.

13. Detailed knowledge of Soviet markets and proficiency in operating under Soviet trading system would have not been developed by U.S. traders.
14. Hostile public opinion in the United States inhibits extensive trade.

Soviet pressures for more trade with United States

In recent years the Kremlin has stepped up its overtures for expanded trade with the United States and the free world. As demonstrated by the behavior of Mr. Mikoyan during his visit to the United States in 1958, the theme of profitable trade remains the key element in any political offensive against the West. Sweeping offers of trade cannot help but appear attractive, particularly when put forward vigorously during periods of unemployment and economic difficulties, such as persistent balance-of-payments deficits. They serve to stimulate dissatisfaction with Western policies which appear to inhibit the promotion of trade and to encourage sympathy for the view that those who are for unrestricted trade are for peace.

Proposals from Mr. Khrushchev to President Eisenhower for expanded trade between the United States and Russia included lists of commodities which could be traded. In the absence of any gesture or proposal for resolving related issues blocking United States-Soviet trade, such as settlement of Soviet debts to the United States, no progress was made on Khrushchev's overtures at that time.

Khrushchev's shopping list from the United States

Whole plants, manufacturing equipment, and/or patents and U.S. technical assistance for synthetic textile fibers, plastics, fertilizers, construction materials, textile plants, shoes, foods, packaging materials and equipment, TV, other consumer goods, and production equipment for consumer products such as sorting and weighing machinery.

Also pumps and compressors, mining equipment and machinery, construction equipment and materials handling equipment, hoists, nonferrous metals, piping for gas ducts in cities, chemical products mostly for agriculture—i.e., fertilizers and herbicides—and medical equipment and medicines.

Soviets want to sell to the United States

Minerals and metals—manganese, chrome ores, ferroalloys, platinum, palladium, asbestos, potassium salts, cheap iron ores; timber, cellulose, paper foods; some chemical products, mostly raw materials mined in U.S.S.R.; more furs.

Probable Soviet financing capability

Soviets can pay in gold up to a indeterminate point. Their annual gold production is estimated at around $300 million. Soviets have been paying out about $200 million in gold a year to meet free world obligations. Critical requirement for large purchases of wheat from the West in 1963 and 1964 has accelerated the loss of gold considerably.

Further trade expansion would necessitate either withdrawals from gold reserves (estimated anywhere from $2 to $12 billion); or arrangements for credits from Western traders. Many West Europeans have been extending credit to Soviets for terms up to 5 years. Strong pressures are being exerted by the Soviets as well as Western business to extend terms of credit to 8 or 10 years, especially for capital equipment.

RECENT TRENDS IN EAST-WEST TRADE

The percentage of total Sino-Soviet bloc exports compared to total exports for all countries in the world increased from 2.7 percent in 1950 to 3.9 percent in 1960. A similar comparison of total imports shows the Sino-Soviet bloc percentage increased from 2.9 percent to 3.6 percent over the same 10-year period.[1]

The trend in free world trade with the Sino-Soviet bloc is as follows (in millions of U.S. dollars).[2]

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[1] Source: IMF, International Financial Statistics, June 1961.

[2] Source: 15th Report to Congress, Mutual Defense Assistance Control Act of 1951 and International Trade Analysis Division, BIC.

	Exports to bloc				Imports from bloc			
	1959	1960	1961	1962	1959	1960	1961	1962
Sino-Soviet bloc	3,691	4,420	4,512	4,669	3,729	4,276	4,518	4,763
U.S.S.R.	1,149	1,542	1,834	1,770	1,237	1,395	1,870	1,754
European satellites	1,853	2,170	4,384	4,406	1,774	2,103	2,373	4,072
Red China	670	688	742	661	693	754	638	657

Trade between the United States and Sino-Soviet bloc

[In thousands of U.S. dollars]

	Exports to bloc (including reexports)				Imports from bloc			
	1959	1960	1961	1962	1959	1960	1961	1962
Sino-Soviet bloc total	89,272	193,853	133,331	125,140	88,154	83,850	84,641	82,380
U.S.S.R.	7,398	38,440	42,662	15,253	28,611	22,629	23,228	16,180
European satellites	81,871	155,413	90,662	109,883	52,325	58,307	57,841	62,719
Red China	3	----------	7	4	200	235	447	242

Source: BIC Oversea Business Reports 63-115, August 1963.

THE PROS AND CONS OF EAST-WEST TRADE

A review of the highly controversial issue of East-West trade among Americans reveals a great number of arguments for and against a more relaxed trade policy for the United States. Although many of these arguments are speculative and their validity must be questioned, the following is a summary of the pros and cons most frequently and recently used in the public debate on this question:

Arguments for expanded East-West trade

1. Current U.S. policy is negative and prevents normal trade. This "head-in-sand policy" is ineffective because Soviets get the goods they need by trading with other free world countries. Accordingly, the United States is losing out on good markets. Prospect is that United States could sell more than it buys, thus improving balance of payments. "One-nation blockade of communism won't work."

2. Western allies are continually improving their economic position in heavy competition with the United States and with the added advantage of increasing East-West trade. Examples:

(a) Japan-China trade is growing. New trade agreements for 1964 were recently signed.

(b) British trade with China continues brisk, with an 18-man trade delegation in Peiping during September–October 1963. Recent trade included Comet jets, Viscount turboprops, and nuclear radiation testing equipment.

(c) Soviet trade with Brazil increased 30 percent in 1963 over 1962.

(d) Indications are that the EEC will extend trade offer to Soviets involving 25-percent reduction in common-market tariffs.

3. Trade will make the Soviet bloc more dependent on the United States.

4. Improved commercial relations could upgrade Communist living standards and possibly contribute to an era of good feeling. This era of relaxed tensions is already begun as shown by the test ban treaty, the discontinuance of jamming Voice of America broadcasts, and the U.S. agreement to sell wheat to Soviets.

5. United States would gain economically by importing such strategic items as manganese, palladium, platinum-type ores, and chrome ores.

6. Purchases of large quantities of goods from United States and other nations may make it necessary for Soviets to sell more gold on world markets.

7. Inconsistency of restrictive U.S. trade policy versus liberal trade policies of its allies leads to disunity among free nations of the world.

8. Risk of Communist warlike moves may be diminished if trade relations were established and may pave way for long-range adjustment of other problems. Trade is a harbinger of peace, a sign of civilized cooperation among peoples of the world.

9. Failure to lift trade restrictions to meet Communist trade challenge may result in lost prestige for the United States in the world.

10. Restrictive U.S. trade policy will weld Soviet bloc countries closer together, isolating people behind Iron Curtain from beneficial contact with free world.

11. Restrictions or embargoes on trade can only slow up, not prevent, development of bloc military power.

Arguments against expanded East-West trade

1. As champion of the free world it is not only proper but essential that the United States exercise leadership in long-range contest with communism by following "hard line."

2. In the cold war, initiated by the Reds, no holds are barred as demonstrated by Communist use of economic, political, propaganda, and military forces. Soviets are not reluctant to use trade as political weapon. They can arbitrarily upset world markets by dumping and making sudden changes in trade practices.

3. Trade in food and nonstrategic goods releases more Russians to concentrate on weapons to "bury us." Thus any trade strengthens the enemy.

4. Basic Soviet policies obstruct free, fair, and mutually beneficial trade. Their complicated, monolithic state trading system assures maxim benefit to the Soviet economy, placing private traders of free world at a disadvantage particularly with respect to economic stability of their respective countries.

5. Dependable protection for patents, trademarks, and copyrights has not been provided by Soviets. On the contrary, in flagrant disregard of established conventions, Soviets have exploited technological developments reflected in a variety of products of the West, by copying, producing, and trading such articles in competition with the free world.

6. Soviet traders show little interest in consumer goods—they want industrial products of the West, which are included in the present restricted lists.

7. Russia has not settled U.S. claims stemming from World War I and World War II even though United States has reduced these very large debts to fractional balances due.

8. Indicative of Soviet trading strategy is current effort to weaken or destroy the GATT system, aimed at imposing state controls on free world trading systems.

9. Flow of business and economic data between Soviets and free world is largely a one-way street. Withholding or secretive control of market data from Russia places Western traders at distinct disadvantage.

10. Trade and credit policies including bilateral barter deals can be and are used by Soviets to penetrate less developed countries—threatening their growth and independence.

11. Increasing trade with Soviets invites danger of becoming unduly dependent on bloc supplies and markets.

12. Settlement of commercial disputes may be difficult and protracted.

13. Relaxing United States-Soviet trade policy would represent a major foreign policy switch with serious political and economic repercussions both internally and externally. Examples:

(a) Politically strong minority groups in the United States would oppose.

(b) Deeply ingrained opposition developed over long period among Americans cannot be ignored.

(c) Revision of current restrictions would involve congressional action with explosive results.

(d) Confusion and dissipation of Allies, particularly among the less developed countries, carefully helped through expensive foreign aid programs, may prove disastrous.

14. It is not illogical to assume that substantial increase in U.S. trade with Soviets would be at expense of exports from industrialized nations in West Europe as well as Japan to the Soviet bloc.

15. The quantity and types of commodities which United States can advantageously import from Soviet bloc are relatively small and would not significantly strengthen U.S. economy. Thus expectation of bonanza in trading based upon relaxing U.S. restrictions may be unrealistic.

U.S. EXPORT RESTRICTIONS

The principal U.S. laws and multilateral arrangements governing control of exports from the United States to the Sino-Soviet bloc countries are as follows:

A. The Export Control Act of 1949

The Export Control Act of 1949 is the basic statute providing for export restrictions. It was originally enacted as an emergency measure to control exports of domestically strategic goods in short supply, and threats of inflation created by abnormal foreign demand of U.S. products. An important relationship between exports, foreign policy, and national security is clearly recognized by the act. The last amendment, Public Law 87-515, extended the life of this act to June 30, 1965.

Legislative Background

Last year's extension of this basic law engendered acrimonious debate in Congress over the criteria for granting or denying license to export "strategic" goods and data to Communist-dominated nations. Both the Senate and the House expressed intent to tighten administration of controls under this act. The extension legislation injected two new criteria into the law requiring denial of licenses to any export which would (1) make a "significant contribution" to the economic as well as military potential of such nation, and (2) prove detrimental to the welfare as well as the national security of the United States.

The two legislative bodies, in fact, argued bitterly over the degree of application of these two new criteria, the House insisting that license should be denied unless the export was determined not to have the effect of either criterion, the Senate arguing that the license should be denied only if the export was found to have the undesirable effects. The Senate version was adopted by final vote in both Houses.

Export Controls of the Department of Commerce

The export control regulations, administered by the Office of Export Control of the Department of Commerce, are contained in the Comprehensive Export Schedule, published annually by the Bureau of International Commerce (BIC) of the Department of Commerce.

Changes in these regulations are published regularly by BIC in current export bulletins. These publications set forth applicable requirements for the exportation of any given commodity to a specific destination. Quarterly reports submitted by the Secretary of Commerce to the President and to the Congress under the Export Control Act statistically review the activities of the Department of Commerce in carrying out the export control program, and summarize major policy changes.

Exports to all destinations, except Canada, are controlled either through the issuance of a validated export license or the establishment of a general license permitting such shipments.

A validated export license is a formal document issued to an exporter by the Department of Commerce which authorizes exportation within specific limitations as to destination, type of commodity and end use. Validated licenses are required for shipments to virtually all destinations for commodities identified in the Positive List of Controlled Commodities. This list is maintained on a current basis in the comprehensive export schedule.

Export controls are maintained by the Department of Commerce for short-supply reasons or for security reasons. Both export control policies are designed to reflect established U.S. foreign policy and international economic commitments.

The objective of security controls is to exercise necessary vigilance over exports from the standpoint of their significance to the national security. These controls are designed to prevent or restrict the exportation to the Soviet bloc of strategic commodities which are held to contribute to Soviet war potential. Shipments of all commodities to Communist China, North Korea, and Communist-controlled areas of Vietnam are embargoed. Shipments to other Soviet bloc destinations, except Poland, are either denied or restricted, with the exception of certain nonstrategic commodities which may be shipped to the European Soviet bloc under General License GLSA.

Since October 20, 1960, validated export licenses have been required for all U.S. exports to Cuba, except for medicines, medicinal supplies, and foodstuffs which are neither subsidized nor obtained directly or indirectly from Commodity Credit Corporation stocks.

Since August 29, 1957, in accordance with the U.S. Government's policy of facilitating exports of agricultural commodities and industrial equipment for the benefit of the Polish people and to assist in strengthening Poland's civilian economy, many commodities not on the positive list may be shipped to Poland under general license. However, shipments of positive list commodities and of a group of nonpositive list commodities of potential but not direct strategic value continue to require validated licenses .

In order to prevent unauthorized transshipment abroad of commodities of U.S. origin, the Department of Commerce regulates the movement of such commodities after they leave the United States. These "destination control" regulations prohibit the reexportation of "strategic" items from the country of ultimate destination unless prior written authorization from the Office of Export Control is obtained. The export control regulations also prohibit vessels, aircraft, or other carriers from delivering goods of U.S. origin to unauthorized destinations.

In addition to security controls, export controls for short-supply reasons are designed to protect the domestic economy of the United States from an excessive drain of scarce materials and to reduce the inflationary impact of abnormal demand. Such controls have been exercised through such means as quotas fixed by the Secretary of Commerce. At the present time there are no short-supply control.

Shipping Controls

Department of Commerce Transportation Order T-1 prohibits any U.S. registered vessel or aircraft authority to carry items (1) listed on the Positive List of Controlled Commodities, (2)arms, ammunition, and implements of war, or (3) fissionable material, to any Soviet-bloc destination, Hong Kong, or Macao without a validated license issued by the Department of Commerce or by another appropriate licensing agency, or without the express permission of the Under Secretary of Commerce for Transportation. This order includes shipments from foreign ports as well as from the United States. To implement further the U.S. Governments' support of the U.N. position that no military or paramilitary assistance should be sent to the Congo except through the United Nations, Transportation Order T-1 was amended on March 29, 1961, to prohibit U.S.-registered carriers from transporting certain specified military and paramilitary items to destinations in the Congo except by special authority or license granted by the Department of Commerce.

Department of Commerce Transportation Order T-2 prohibits the transportation of any commodities directly or indirectly to Communist China, North Korea, or areas under their control, by U.S.-registered vessels or aircraft. It also prohibits American ships and aircraft from calling at any point in Communist China, North Korea, or areas under their control.

American petroleum companies at certain foreign ports must obtain a Treasury Department authorization to bunker any vessel bound for a Communist Far Eastern port, or Macao, or which is carrying goods destined for Communist China or North Korea. Similar restrictions apply to the bunkering by these companies of vessels returning from Communist Far Eastern ports or Macao.

The primary shipping restrictions with Cuba are briefly as follows: U.S.-flag ships are prohibited from calling at Cuban ports, foreign-flag ships are prohibited from carrying arms and implements of war to Cuban ports, and no foreign-flag ship calling at Cuban ports may carry any commodities to any destination which are financed by U.S. AID program funds. Also foreign-flag ships which call at Cuban ports en route to or from other destinations may not be serviced at any U.S. port.

B. Trade control through multilateral cooperation

The United States was an original member of the Consultative Group and its operating agency, the Coordinating Committee (Cocom). This informal, and voluntary organization was formed in November 1949, for the purpose of developing a multilateral approach for the control of trade in strategic materials with the Soviet bloc. The organization is based in Paris. Original members were United Kingdom, France, Italy, the Netherlands, Belgium, Luxembourg, and the United States.

Membership in the group was expanded to include Norway, Denmark, Canada, and West Germany. Subsequently Portugal, Greece, Turkey, and Japan joined, bringing the current total membership to 15.

The Consultative Group is composed of representatives of participating countries at the ministerial level. The permanent working organization of the group is the Coordinating Committee (Cocom). The Group's function in relating to Cocom is to review the recommendations and activities of Cocom, to consider general policy matters and issues of policy arising in Cocom, to dispose of unresolved matters referred to it by Cocom, and to set the general frame of reference for future Cocom activities.

Cocom began functioning as the permanent working committee of the Consultative Group in January 1950. It considers and recommends specific control measures and their application and enforcement to the governments of the participating countries. Cocom has a permanent Chairman and a secretariat which operates under the direction of the Chairman. The Chairman's nomination is approved by the Consultative Group.

Technically, Cocom is only one of two committees under the Consultative Group. The other one is Chincom (China Committee) which was established under a separate Chairman in September 1952, with the adherence of Japan to the Consultative Group, as a forum for consideration of matters relating to special controls applied to Communist China and North Korea. All Consultative Group members participate in both Cocom and Chincom.

With the abandonment of special controls over exports to Communist China and related areas in 1957, a separate chairmanship of Chincom was discontinued. The Chairman of Cocom now heads both Committees. Meeting as Cocom, the Committee deals with international lists and enforcement matters having to do with the control system applicable to the Sino-Soviet bloc as a whole, as well as with cases of proposed exceptional shipments to the European bloc. Meeting as Chincom, the Committee handles control questions which specifically concern Communist China, North Korea, and North Vietnam.

The Consultative Group-Cocom-Chincom organization has no formal treaty or charter governing its operation and is not a part of any other international organization.

When the Battle Act became law (October 26, 1951) discussions in Cocom had resulted in the steady increase of controls, and the cooperating countries had adopted controls which included most of the items on the U.S. security lists.

In addition, progress was made in coordinating export licensing and customs procedures for the regulation of exports, and the foundation was laid for controlling the movement of strategic trade through free ports.

During 1953 and 1954 pressures for reappraisal and revision of the multilaterally agreed control lists became widespread and intense in many free world countries. A major revision of the Cocom embargo lists was made in 1954, the net effect of which was to narrow the scope of the controls in conformity with the "tighter and more selective" concept.

Another step in the same direction was taken in Cocom in 1958. During the 1958 list review the consultative group directed Cocom to keep the international lists up to date by annual review. They have kept the strategic lists up to date in terms of reflecting current conditions. While these reviews have resulted in the deletion of certain items which do not warrant continued embargo, the general size and scope of the lists have remained the same and items involving important advances in technology have been added. The current Cocom annual review has been underway in Paris since November 1963.

Cocom discussions have also made possible common procedures which supplement the exporting country's controls with additional controls in the importing country or country of transit—controls which prevent unauthorized diversion of embargoed commodities.

C. The Battle Act (Mutual Defense Assistance Control Act of 1951)

This act, administered by State Department, is an integral part of the U.S. security trade-control program and represents a statement of U.S. economic defense policy. It leaves no doubt as to the intent of requiring friendly countries receiving American aid to support U.S. policies governing the export of both military and nonmilitary materials to nations which are "hostile" toward the United States. The U.S.S.R. and all countries "under its domination" are specifically included in the hostile category.

Under the terms of the act, two lists are maintained by the State Department:

(1) The A list consists of arms and implements of war, including atomic energy materials.

(2) The B list consists of nonmilitary items which nevertheless have strategic significance and might affect the security of the United States.

Aid from the United States to any country must automatically be terminated if it is found that such country is exporting any A list items to nations deemed to be threatening the security of the United States. Likewise, U.S. aid will be terminated to any country for similarly exporting B list items, unless the President determines that unusual circumstances require an exception in this latter requirement in any particular case.

Assistance From Cocom

The principle means of obtaining cooperation in the Battle Act embargo program by the major trading countries is through the multilateral Consultative Group and its permanent Coordinating Committee (Cocom) organization described above.

By providing a forum in which trade control questions can be cooperatively explored and in which decisions can be reached that will apply uniformly in all participating countries, the national interest of the United States is supported. While U.S. export licensing actions on non-Cocom items are more restrictive than those taken by cooperating countries, there has been a large measure of agreement on the part of allied and friendly nations with the basic export control policies of the United States.

D. The Mutual Security Act of 1954 (as amended) (Sec. 414 68 Stat. 848)

The State Department by delegation of the President is authorized under this act to control both export and import of traffic in arms, ammunition and implements of war, including related technical data, by any party other than a U.S. Government agency. Authority is also provided to designate what items shall be made subject to this control, and to require persons who have any dealings with regulated articles to register and comply with the control regulations. Penalties to compel compliance with this law range to $25,000 fine and/or 2 years' imprisonment.

Proposed Changes in Legislation

Pertinent changes to the Foreign Assistance Act of 1963 as reported out by the Senate Committee on Foreign Relations (Report No. 558) October 22, 1963, which relate to trade restrictions are as follows:

The Trade Expansion Act of 1962 is amended to authorize the President to extend most-favored-nation treatment to any Communist country or area when he determines that such action is important to the U.S. national interest and would promote the independence of that country or area from domination or control by international communism and reports this determination to Congress. The purpose of this amendment is to enable the President to extend most-favored-nation treatment to imports from Poland and Yugoslavia.

Tighter restrictions are imposed with respect to countries whose ships and aircraft engage in trade with Cuba.

E. The Atomic Energy Act of 1954

This act, which vests in the Atomic Energy Commission control over all items and materials relating to atomic energy, empowers the Commission to control such items by licensing exports and imports on the broad discretionary basis of determining in each case whether the issuance of a license will constitute an unreasonable risk to the common defense and security, or to the health and safety of the public.

The Commission is also given power to establish such advisory boards as it may desire to consult, in policy and administrative matters including the administration of its controls over the exportation of materials and facilities. Generally, penalties for violations of this act, besides sanctions such as the revocation of licenses and permits, are $5,000 fine and/or 2 years imprisonment (increased to $20,000 and/or 20 years if the offense was committed with intent to injure the United States or to secure an advantage for any foreign nation).

F. The Trading With the Enemy Act of 1917

This act confers on the President virtually unlimited power to regulate, "through any agency that he may designate, or otherwise," all transactions in foreign exchange or with any foreign country or foreign national, during periods when the country is at war or during which the President has declared a state of national emergency. Regulatory power under this section has been vested in the Secretary of the Treasury and the requisite finding of a national emergency has remained in force since December 16, 1950. Penalties for violating any regulations or licensing provisions authorized by this statute range to $10,000 fine and/or 10 years' imprisonment.

Financial and Transaction Controls

The Treasury Department has issued two sets of regulations under this law which relate to export controls.

The Foreign Assets Control Regulations in effect since 1950, amount to a total economic embargo of Communist China and North Korea by prohibiting except by license all financial or commercial transactions with those countries or their nationals by persons subject to the jurisdiction of the United States. However, the control of exports from the United States to these areas is actually exercised by the Department of Commerce under its export control regulations, since the Treasury Department Foreign Assets Control Regulations contain a general license permitting any export directly to those areas which is licensed by the Department of Commerce. Treasury has no significant role in the control of exports from the territory of the United States to Communist China and North Korea.

Since the inception of the Foreign Assets Control Regulations the only licensed exports from the United States to Communist China and North Korea have been publications, human remains for burial, and the personal effects of nationals of those countries returning to their homeland.

The Transaction Controls Regulations prohibit Americans, including foreign subsidiaries of U.S. firms, from participating in the purchase or sale of certain important commodities for ultimate shipment from any country outside the United States to the countries of the Soviet bloc. The regulations also cover any attempts to commit these prohibited acts.

G. The Johnson Act (18 U.S.C. 955)

This 1934 act prohibits certain financial transactions by U.S. citizens involving foreign governments (such as the U.S.S.R.) which are in default in the payment of their obligations to the United States. These prohibited transactions include the making of loans to, and the purchase or sale of bonds, securities, or other obligations of a foreign government which is within the statutory restriction. The nonsettlement of U.S. claims on the U.S.S.R. stemming from World War I and lend-lease claims following World War II, places the U.S.S.R. in the prohibited country category. In view of the resulting financial restrictions on United States-Soviet trade through the Johnson Act, and its possible applicability to the sale of wheat to the U.S.S.R. as approved by President Kennedy on October 9, 1963, a new interpretative opinion was rendered by the Attorney General.

The Attorney General concluded that the sale of wheat to the U.S.S.R. by American private dealers for U.S. dollars or gold, either cash on delivery or normal commercial terms was not prohibited by the Johnson Act.

II.—THE AGRICULTURAL ACT OF 1961 (SEC. a(c))

This section states the policy of Congress to "(c) expand foreign trade in agricultural commodities with friendly nations, as defined in section 107 of Public Law 480, 83d Congress, as amended (7 U.S.C. 1707), and in no manner either subsidize the export, sell, or make available any subsidized agricultural commodity to any nations other than such friendly nations and thus make full use of our agricultural abundance."

In the Attorney General's opinion (dated Oct. 9, 1963) this policy declaration "does not have the legal effect of prohibiting commercial sales of subsidized agricultural commodities to bloc countries at world market prices for U.S. dollars, gold, or convertible currencies. Declarations of policy in legislation, like preambles, and other introductory material, do not alter specific operative provisions of law." Also, "This rule is particularly relevant where, as here, the declaration of policy was not contemporaneous with the enactment of any of the basic pertinent statutes: The Export Control Act, the Agricultural Act of 1949, and the Commodity Credit Corporation Chart Act."

[From the New York Times, Apr. 27, 1964]

New Look at Soviet Trade

President Johnson's indication that his administration is willing to consider proposals for expanded trade with Communist countries is another straw indicating a changing Washington atmosphere on this important and sensitive issue. Secretary of Commerce Hodges has made plain several times recently his own feeling that a new look is required at the highly restrictive policies this country now follows on trade with Eastern Europe and the Soviet Union. Several business groups, including the policy committee of the U.S. Chamber of Commerce, have spoken up in favor of easing the existing curbs.

At least two major factors underlie this long overdue shift of sentiment. One is the evident failure of the embargo policy to achieve its objective. When the United States and its allies decided almost a generation ago to restrict exports to the Communist bloc, the aim was to cripple seriously the growth of Soviet military and industrial power. This goal has not been attained in any substantial manner. In recent years, moreover, the diminution of cold war tensions has resulted in a sharp rise of Communist bloc trade with Western Europe and Japan. The one clear result of the uniquely restrictive American policy in this field has been to isolate this country's business community from one of the most rapidly growing areas of international trade. The wisdom of this course when the United States has been going through severe balance-of-payments problems has come increasingly under question.

In the face of this situation, some have urged that we increase our pressure on Japan and the nations of Western Europe to make their trade policies as restrictive as those we follow. But years of experience have demonstrated that this effort is not only fruitless but destructive of Western unity. It encourages discord and friction between the United States and its allies. The alternative, and wiser, course for this country is to reexamine its entire trade policy toward the Communist world in the light of present world conditions and present national needs. Such a reexamination, we believe, must conclude that a substantial liberalization of American policy in this area will serve the Nation's political and economic interests far better than does the obsolete existing attitude.

[From the New York Times, Apr. 19, 1964]

U.S. ASSAYS STAND IN RED BLOC TRADE—BUT JOHNSON GIVES NO SIGNS OF EARLY POLICY CHANGE

(By Max Frankel)

WASHINGTON, April 18.—President Johnson and his aids took a new look this week at the complex issues of Western trade with Communist nations. There were no signs of pending policy changes despite Mr. Johnson's new expressions of interest in generally better relations with the Soviet Union.

At a news conference today, the President said he planned to review his entire foreign policy in a very general statement to an Associated Press luncheon in New York Monday.

He will deal particularly with the Soviet Union, Communist China, Cuba, Vietnam, and Asia, Latin America, and the responsibilities of political candidates on the issues of war and peace, he said.

President Johnson termed "totally inaccurate" and premature a report that he would announce plans for a 45-percent reduction in the production of fissionable materials for nuclear weapons. Other sources here have said he was seriously considering a reduction beyond the 25 percent announced 3 months ago.

Mr. Johnson gave no details about his conversation yesterday with the Soviet Ambassador, Anatoly F. Dobrynin. He described it as a work meeting covering many subjects and said he hoped it would be helpful.

Everyone hopes for an easing of tensions, the President added at another point, so that there can be disarmament and diversion of resources now committed to the military.

More trade with Communist countries and fewer U.S. restrictions on such trade have been periodically recommended in some quarters as one way to improve East-West relations.

The subject was taken up in some detail last Thursday at an expanded meeting of the National Security Council. The President called together high officials from the Departments of State, Defense, Commerce, and Agriculture to determine what long-range planning was needed to establish more purposeful guidelines to govern trade with Communist countries.

Two considerations are said to have prompted this review.

One is the mounting disagreement about East-West trade among the Western allies.

The second is a growing feeling in the administration that there should be three principal trade policies toward the now-divided Communist world: continuation of the total embargo on trade with Communist China, Cuba, North Korea, and North Vietnam; selective controls and opposition to long-term credits in trade with the Soviet Union and promotion of trade with those Eastern European Communist nations that wish to reduce their dependency on the Soviet Union.

[From the Washington Post, Apr. 19, 1964]

ALLIED UNITY FAVORED IN RED TRADING

(By Stephen S. Rosenfeld)

A strong call for allied unity on trade with Communist countries is made in a report released today by the Center for Strategic Studies of Georgetown University.

The report suggests that the United States apply bargaining leverage to bring about a unified strategy in East-West trade.

It says that a unified economic high command in NATO or an affiliated institution should be established to administer that strategy and it proposes that the United States, Australia, and Canada immediately form a united trading organization to deal with Soviet grain buying.

Its position is that considerations of economic strategy should govern trade with the East, not just considerations of financial profit or no considerations at all.

Most of the 103-page report, called "East-West Trade—Its Strategic Implication," is an analytical summary of the many congressional documents on the subject since 1959.

The report was prepared by center staff members Samuel F. Clabaugh, a retired Army colonel, and Richard V. Allen, a Soviet affairs specialist. Clabaugh testified last year for the defeated Mundt bill that would have blocked Federal credit guarantees for wheat sold to Russia.

In a long general introduction, Clabaugh and Allen say the basic fact of East-West trade is that the Western Allies lack a concerted policy, an intention of formulating one and an instrumentality for putting one into effect.

The report reviews three possible strategies for East-West trade—blockade, limited controls and promotion of trade.

It dismisses blockade as ineffective without full alliance agreement and as adversely affecting the U.S. foreign trade position.

"Limited trade controls," the report says, "are difficult and expensive to administer and, as in the case of total boycott, they impose a penalty on the United States without comparable damage to the Communist countries."

Expansion of nonstrategic trade, would be a policy that rejects all economic countermeasures, says the report. Anyway, "it would appear to be sufficiently repugnant to the American people to be politically impossible."

The report plumps instead for an American effort to enforce a "united strategy" on its European Allies, stating that Washington has stressed defense factors but "has exerted little or no pressure on its Allies."

[From the New York Times, Apr. 30, 1964]

NATO WILL RELAX EMBARGO SLIGHTLY

(By Drew Middleton)

PARIS, April 29.—The North Atlantic alliance's embargo on sales of strategic products to Soviet bloc countries is to be liberalized moderately, authoritative sources disclosed tonight. The changes are not to be dramatic, it was emphasized. They do not reflect any significant alteration in political attitudes, but rather NATO's continuous review of the embargo lists. At the moment the consensus is that the moderate liberalization will not contribute to a stronger military position in any Communist bloc state or to the strength of the Moscow-led alliance as a whole. Some experts thought the changes disclosed some slight accommodation to economic pressures, particularly those for new markets, from nations in the alliance.

Assertions in London that the modifications in the strategic list represent a modest victory for British diplomacy are not, however, shared in informed circles in the rest of NATO.

The British have long maintained that as mercantile people they must seek trade wherever it is to be found and that gains the West may make by restricting sales of strategic goods are largely illusory.

Other members of the alliance, led by the United States, have argued vehemently against this position.

Their position seemed to be undercut last weekend when President Johnson said he would welcome all proposals for more trade with Communist countries.

One of the changes in the list involves the specifications on the types of oscilloscopes that may be sold to the Communist bloc. A wider market for these devices, which show visually the changes in an electric current, would clearly assist electronic industries in Western European countries.

The sale of boron, the element from which borax is extracted, also is to be liberalized, except in case of specially treated boron. Borax, a crystalline salt, has many industrial uses, among them the hardening of steel. British interests control the bulk of its production.

There also is a possibility that the embargo on the sale of cobalt will be liberalized.

Experts from 15 NATO governments and Japan have been reviewing the lists. The review will be concluded early next week. After the results have been communicated to governments concerned, the new lists will be published June 15.

The lists will bind the countries that belong to the Coordinating Committee for Export Controls—the 15 members of NATO and Japan.

FURTHER REVISIONS POSSIBLE

The revised list, sources emphasized, reflects only current thinking. Studies in the next year may require further liberalization or tightening.

Economic intelligence available to Western governments provides a surprisingly detailed picture of what items are essential to Communist military programs.

The products under consideration and the whole system of review are not directly concerned with continuing disputes in the North Atlantic Council over the wisdom of relaxing trade-credit restrictions on Communist-bloc countries.

The six members of the European Economic Community—France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg—have set credit limit at 5 years. This position is supported by the United States.

Britain has never subscribed to this limitation. The constant fear of Common Market and U.S. experts is that the British Government will raise the credit limit to 10 or more years, thus starting a race for expanded trade in Eastern Europe on easier credit terms.

President Johnson's statement had encouraged those NATO governments that secretly share the British view that there should be a relaxation of the embargo and a general move to lift credit restrictions.

The situation among the NATO governments at the moment is that everyone is waiting for someone else to break the present credit barriers.

The West Germans, who do most trade with Eastern Europe, and the French, who are eager to do more, are scrutinizing every move in London in hope that a British action will give the rest of Western Europe a green light.

[From the Washington Post, Apr. 22, 1964]

BRITAIN, SOVIET NEAR ACCORD ON TRADE-BOOSTING DEALS

(By Arthur L. Gavshon)

LONDON, April 21.—Despite the sudden illness of the top Soviet negotiator, Britain and Russia neared agreement tonight on a series of big deals that will hoist their trade to record levels.

Talks have been taking place at three levels and British authorities gave this picture:

A new 5-year pact, due to be signed Thursday, sets the framework for increased quotas of consumer goods each will supply.

The Russians are negotiating a package deal directly with a group of private firms for the purchase of whole chemical, fertilizer, and synthetic fiber plants for their agricultural program. The British Government already has undertaken to guarantee the transaction for about $280 million worth of long-term credits.

Soviet aviation and shipping specialists have begun investigating prospects of buying flying equipment and ships from the British. A Russian civil aviation mission that includes Premier Khrushchev's son, Sergei, is touring the country. British shipbuilders have sent salesmen to Moscow.

As officials put finishing touches to the trade agreement, the chief Soviet negotiator became ill. Nikolai S. Patolichev, 56, Minister for Foreign Trade, was to meet with members of the government and with leading businessmen when he was stricken.

British and Soviet physicians attended him in his downtown hotel. Later a Soviet Embassy spokesman reported "there is no cause for anxiety." But he did not say what was wrong with Patolichev.

The Soviet negotiator, due to fly home Friday after a 10-day visit, canceled meetings with the president of the Board of Trade, Edward Heath; Foreign Secretary R. A. Butler, and Prime Minister Douglas-Home.

In the 5 years since 1959, the volume of British-Soviet trade has climbed from $272 million to $432 million. Value of that trade is bound to increase still more in the coming 5 years if negotiations for the purchase of British plants succeed.

As a measure of the scale of possible new business, Patolichev is known to have indicated informally to British ministers that Russia would like to negotiate an additional $560 million worth of new long-term credits. This would be over and above any nongovernmental credit arrangements which British firms might negotiate with London bankers.

The United States, West Germany, and other allied powers have objected to Britain's policy of granting long-term credits to Russia on grounds these might stave off the collapse of Premier Khrushchev's economic program.

But the British have countered with the argument that they have to export or bust and that anyway it's better for world peace to have a contented, well-fed Soviet society.

The team of Soviet aircraft designers and aviation specialists, now visiting key British aircraft, electronics, and airframe industries, foreshadows big advances in air cooperation between the two countries.

Among the likeliest results: permission for British airliners to fly to Asia by way of Moscow; Soviet purchase of British blind-landing equipment which authorities claim to be the best in the world; technical exchanges on supersonic jet airliner development.

[From the Wall Street Journal, May 1, 1964]

FRANCE IS SET TO SELL LOCOMOTIVES TO CUBA; MOVE WOULD WORSEN U.S.-FRENCH RELATIONS

(By Philip Geyelin)

WASHINGTON.—After an abrupt rebuff from Britain this week on the trading-with-Cuba issue, the United States seems headed for the same sort of row with France.

Word has reached here that the French have all but nailed down a sale of locomotives to Fidel Castro. By some estimates, the transaction involves 15 to 20 locomotives for Cuba's creaking rail network. Although few details are available, the assumption is that the transaction involves credit guarantees from the French Government to facilitate the financing.

What makes the French locomotive negotiations especially galling to U.S. diplomats is that a similar transaction involving British locomotive manufacturers appears to have fallen through or at least seems likely to be delayed, a circumstance that some officials credit to heavy U.S. diplomatic pressure. Now it appears the French have moved in to supplant the British in supplying Mr. Castro's vitally needed locomotives.

If the sale goes through as expected, it is certain to aggravate already blistered Franco-American relations.

The United States, campaigning hard against any Western trade ties with Cuba, has centered its argument on capital goods, and on locomotives in particular. The intensity of State Department and White House thinking on the subject is reflected in a speech last week by Under Secretary of State George Ball, cleared in advance by the White House, designed to set forth in detail U.S. policy on Cuba and the trade issue.

Mr. Ball noted that the United States strongly opposed the British sale of 450 buses to Cuba, saying that without them the "efficiency of the Cuban economy and the level of Cuban morale would be further impaired." Sales of locomotives to Cuba, Mr. Ball continued, "would have an even greater impact."

And he added:

"Movement of sugar to Cuban ports is almost entirely by rail, and the motive power of the Cuban railroad system is presently in a critical state of disrepair. In a late 1963 description of the 'desperate state' of the railroad system, a Cuban official organ estimated that only one-quarter as many locomotives were then in operating condition as in 1959.

"To replace even a part of this equipment would be a very big boon to the Cuban economy."

REBUFF FROM BRITAIN

The fact that France, rather than Britain, seems likely to sell locomotives to Cuba isn't likely to ease U.S. anger at the British, who are considered the pacesetters in burgeoning Western trade with Cuba.

Whatever may have happened to the British locomotive deal, Britain's Foreign Secretary, R. A. Butler, made it clear while visting here this week that his country intends to cling to its policy of selling whatever it can to Mr. Castro.

The British Government's argument advanced by Mr. Butler, in what were said to be heated exchanges with President Johnson and Secretary Rusk earlier this week, is that Britain lives by world trade; therefore, it cannot stand in the path of any commercial dealings by its businessmen, apart from the sale of strategic military goods to the Reds, which all the allies have agreed to forgo.

The British definitely don't classify buses or locomotives as "strategic." They also argue that economic warfare historically has little impact in undermining hostile governments. On the contrary, the British reason that trading helps soften up the Communist enemy. Fat Communists, the British are fond of repeating, are easier to get along with than lean ones.

The United States emphatically disagrees. In last week's speech Mr. Ball argued, in effect, that fat Cuban Communists would be a terrible example for other Latins who might be vulnerable to Red takeover and that a prosperous Cuba would also be better able to conduct costly subversion elsewhere in the hemisphere. "Economic denial," he declared, wasn't only the key weapon for the United States in containing the Cuban threat, but the only feasible one available.

CREDIT GUARANTEES ATTACKED

The United States concedes it may be difficult for some governments to interfere with private commercial transactions; it has accordingly centered its fire on government-furnished credit guarantees on trade with Cuba. In some recent exchanges with allies, the United States has bluntly termed this "foreign aid," and warned that the U.S. public opinion will react violently if it continues. In one such conversation recently, a high-ranking administration official told allied diplomats, including the British and the French:

"A government decision to guarantee credits to assist the Cuban acquisition of needed equipment appears as a political act in favor of the Castro government—whether or not it was so intended." Such an act, he added, "has the effect of defeating the principal instrument short of war available against a regime that seriously menaces free governments in the Western Hemisphere."

The United States has repeatedly warned the Allies in the past month or so that the Cuban trade problem, if not promptly resolved, can do serious harm to the spirit of the Western Alliance.

ALLIANCE BLOWUP COULD RESULT

This theme, it was learned, was stressed by President Johnson in his talk earlier this week with Mr. Butler, without visible success. Officials, who characterized this aspect of the Butler visit as "stormy" and "unsatisfactory," are saying a major alliance blowup may result if the anticipated French locomotive sale goes through. The hope had been that U.S. entreaties might encourage the allies to hold the line, rather than risk the ire of the U.S. Government and the U.S. public.

But even after this U.S. drive had reached its roughest point, there was word that a British concern, Steel & Co., was closing a sale to Castro of huge cranes for dockside use. The French locomotives promise to add further fuel to the fire. Worse, from the standpoint of U.S. strategy, it may serve to uncork a bigger flow of allied sales to Cuba.

"Other governments have made it clear that if one government breaks the line, they will be forced by the pressure of their own commercial interests to follow suit," a high U.S. official says.

So far, the outbreak of Western trade with Cuba has been relatively slight, by comparison with the volume of trade between Europe and Cuba before Castro. But Mr. Castro is reckoned to have as much as $100 million in foreign exchange piled up from last year's sugar revenue, which was inflated by high world sugar prices.

HISTORIC GATT TRADE TALKS BEGIN

Mr. JAVITS. Mr. President, May 4, 1964, may go down in history as one of the most important dates in the long struggle toward the economic integration of the free world and the expansion of world trade. May 4 marked the formal opening of trade negotiations under the Trade Expansion Act of 1962, when ministerial representatives of 62 GATT nations met in Geneva. Following their 2-day meeting actual negotiations will be turned over to the technicians who will work out the details and problems over the next 18 months or more.

The scope of the forthcoming talks is evident when they are compared to the most recent round of negotiations which were concluded in 1962. To obtain suitable concessions on less than 20 percent of its trade with negotiating partners, required that the United States be involved in 2 years of negotiations. The average concession was about 8 percent. During the coming talks, the United States is seeking a 50-percent reciprocal reduction in duties on all but a handful of the U.S. tariff schedule items. About 80 percent of the world's $150 billion annual trade volume may be affected.

Politically, the negotiations are also of great significance. Successful trade talks could substantially reduce the chances of Western Europe splitting into two rival trade blocks—the EEC and the seven-country European Free Trade Association and would provide a unique opportunity to create closer trade ties between the developing nations of Latin America, Asia, and Africa, and the industrialized nations of the free world.

The success of the forthcoming talks depends to a large extent on the extent to which the United States and the EEC—two of the world's principal trading groups—are able and willing to settle their differences over such key issues as the "disparities" question—a question involving the existence of a wide gap between the tariffs of two countries on a given industrial product—trade in agricultural products and nontariff barriers to trade. An issue of equal importance to all GATT countries is whether or not to extend tariff preferences to developing nations and whether or not to extend tariff concessions agreed on to countries which abstain from the tariff cutting talks.

The outcome of the forthcoming talks is of direct economic consequence to the United States. Last year, U.S. exports totaled $21.9 billion, representing an increase of $1.4 billion over 1962. Of this increase, $560 million was due to the rise in the sale of agricultural products. In 1963 exports to the EEC alone totaled $3.9 billion or nearly one-fifth of our total exports. Close to one-third of these exports were in agricultural products. Should the forthcoming negotiations fully succeed, the benefit to the U.S. in terms of our balance of payments, employment and income would be substantial.

At these negotiations the United States should seek the attainment of the following objectives:

First. The substantial reduction of tariffs on industrial and agricultural products.

Second. The lowering of nontariff barriers to trade within the framework of an international convention to set uniform standards under GATT auspices.

Third. A full reappraisal of the most-favored-nation principle which binds all members of GATT to extend to all GATT members concessions made to any one of them.

Fourth. The resolution within the GATT framework of issues related to the deteriorating terms of trade of developing nations through such measures as the granting of tariff preferences for manufactured and semimanufactured products, commodity price stabilization through commodity agreements and the expanded use of the IMF's compensatory financing scheme, and the tying of U.S. concessions to industrialized nations to concessions granted by these countries to the products of developing nations.

Fifth. The negotiation of a code of trade practices to govern the trade of GATT nations with the Soviet bloc's state trading enterprises.

The fulfillment of these five basic objectives would constitute, in my view, a successful Kennedy round and would represent a major step forward toward an economically stronger and healthier community of free nations.

Despite the obvious lack of enthusiasm of France for the forthcoming negotiations we should press for the most comprehensive negotiations attainable. The stakes are much too high for the free world to allow us to be dismayed by the intransigence of one nation.

I ask unanimous consent that an article and an editorial from the New York Times dated May 3 and May 4, respectively, and an article dated May 1 from the Wall Street Journal, which suggest the implications and complexities of the forthcoming GATT trade negotiations, may be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 3, 1964]

KENNEDY ROUND AIMS AT A GIANT STEP TO FREER TRADE—TARIFF PARLEY OPENS MONDAY FOR 70 NATIONS

(By Richard E. Mooney)

GENEVA, May 2.—The Kennedy round of tariff negotiations will begin formally Monday. But actually, they began long ago.

The beginning may have been when Europeans first started talking about uniting their continent, some years back. It may have been when unity began, with the creation of the European Common Market in 1958.

By late 1961, when the Kennedy administration was shaping its plans for the Trade Expansion Act of 1962, the negotiations were as good as underway.

Because the United States is the only country that legislates its tariff negotiators' authority in advance, the enactment of new U.S. authority virtually preordains a new negotiation. The legislation also has the effect of setting the limits on the deal that can be worked out.

In short, the world's mightiest industrial power calls the dance. Some countries welcome this. Others do not.

The broad objective of the Kennedy planners in drafting the most liberal negotiating authority that the country has ever known was to sponsor a giant step toward generally freer trade.

Their specific objective was to lay grounds for negotiating a substantial reduction in the common tariff around the Common Market countries—West Germany, France, Italy, Belgium, the Netherlands and Luxembourg. The aim was to assure that this new and stronger market would be open, not closed, to the products of the United States and the rest of the world.

Most other industrial countries—the world's substantial traders—supported this U.S. view from the start. The Common Market, particularly France and the bloc's Executive Commission in Brussels, has been less enthusiastic.

Even a Dutch official, than whom there are no more dedicated freetraders, has observed that substantial reductions in the common tariff are difficult at this very time that the Community is struggling hard to develop its unity internally.

UNDERWAY A YEAR

Actual and specific negotiating within the framework of the 1962 Kennedy legislation has been underway now for more than a year. These negotiations have been labeled "preliminary," though they have been just as important as anything to follow.

The trade ministers of 70-odd countries will gather in downtown Geneva Monday afternoon to proclaim their belief in trade liberalization and maybe, but only maybe, to do something about it.

The pact that brings them together is the 17-year-old General Agreement on Tariffs and Trade (GATT). Christian A. Herter, who is President Johnson's Special Representative for Trade Negotiations, will head the U.S. delegation, accompanied by his chief on-the-spot negotiator, W. Michael Blumenthal.

The dimensions of the Kennedy round are greater than anything like it before. It will—barring unexpected failure—result in the greatest trade liberalization ever.

CAUTION URGED

But, beware. It will surely not result in so much liberalization as has been talked about. When all is negotiated and done, the world will not have been stripped of its trade barriers.

Cutting tariffs in half—as the Kennedy legislation authorizes—is difficult in itself, and will not be fully achieved.

Reducing trade barriers other than tariffs can be even harder. Some are even hard to detect. Italy, for instance, has just put a curb on imports of foreign automobiles—in the good name of fighting inflation—by shortening the period in which payment must be made.

The aforementioned three items—tariffs, nontariff restrictions, and agricultural products—are three of the four main items on the Kennedy-round agenda. The fourth is a special concession by industrial countries for underdeveloped countries.

To add to the drama of the days immediately ahead, the United Nations' 3-month conference on how to improve the trading opportunities of the world's underdeveloped countries is underway at this very moment here in Geneva. The U.N. conferees and the Kennedy-round conferees are very much aware of each others' presence.

As indicated above, the bargaining actually began last year, some time in advance of a meeting that the trade ministers held here last May. All of these preliminary negotiations have been dedicated to drawing up automatic rules—the general rule that tariffs be cut by 50 percent, for instance, a special rule for cases where tariffs in key countries are disproportionately high, and other supplementary rules.

The idea was to avoid the item-by-item horse trading of the past. In theory the rules drawn up in advance would be applied, and tariffs would be cut accordingly. Exceptions would be limited and subject to further bargaining.

The hitch is that, in more that 12 months of working at it, the negotiators have been unable to come to any but the most general agreements. The detail, by and large, has not been settled, and in the field of agriculture not even general agreement has been reached.

The ministers' meeting last May set the date for the meeting that is coming up now. The ministers presumed a year ago that the rules would have been written by now and they, the bargainers, could proceed to apply them and strike their bargains on exceptions.

This, more than anything else, is why the coming meeting is being held. It is not the beginning of anything. It is, rather, a milestone in a historic negotiation that has proved to be more difficult than its designers ever expected.

[From the New York Times, May 4, 1964]

THE KENNEDY ROUND OPENS

Reciprocal tariff-cutting negotiations traditionally are long-drawn-out affairs. The Kennedy round, the most ambitious yet attempted, is no exception. Its formal opening in Geneva today comes 19 months after passage of the late President's Trade Expansion Act. It will be another year to 18 months, at a minimum, before agreement can be reached.

As an opening meeting, today's session comes both too late and too soon. Discussion of the key issues has been underway since a preparatory meeting a year ago. But the United States and the Common Market are not yet ready for detailed bargaining. It will be September before Washington has prepared its list of exceptions to the projected 50-percent, across-the-board tariff cut for industry; and ground rules for agriculture and for industrial tariff disparities, 8 months overdue, have yet to be concluded.

Nevertheless, there has been progress. The once-angry issue of tariff disparities has been narrowed substantially. The United States has agreed that the Common Market may reduce by only 25 percent those of its industrial duties that are half or less of various high American tariffs. Washington is merely trying to limit the number of these items and to assure their selection by an automatic rule. Both this country and the Europeans now recognize that very small quantities of American exports would be affected.

The U.S. industries protected by high tariffs generally export little because they are noncompetitive. They would not benefit much, it suddenly was realized, even if the Common Market fully matched the 50-percent tariff cut the United States is offering. Third countries that are major exporters of these products, such as Sweden, Switzerland, and Austria, have the real problem. Their negotiations with the Common Market are the chief reason for delay now.

On agriculture, in contrast, the United States and the Common Market remain at dead center. Neither side is willing to compromise on its negotiating proposals until Europe's uniform grain price is set. The level of that price will determine Europe's output and the market that will remain for American and Commonwealth farmers.

Germany's five partners have proposed a moderate price, about midway between the high German and the low French prices. But that would mean a 10-percent cut in the price German wheatgrowers would receive. Chancellor Erhard, facing an election next year, has been unwilling to challenge the German farm bloc.

Neither this issue nor that of tariff disparities will be negotiated formally in Geneva this week. The hope is that private bilateral talks among the Ministers will produce some pointers on how to move ahead. But the real test may come when Dr. Erhard visits President Johnson in June. Germany, it is now clear, holds the key.

[From the Wall Street Journal, May 1, 1964]

FOCUS ON TARIFFS—WORLD TRADE BARGAINING OPENS MONDAY; CHANCE FOR SUCCESS IMPROVES—LENGTHY GATT PARLEY COULD CUT INDUSTRIAL TARIFFS 50 PERCENT; FARM ISSUES ARE TOUGHER—THE BIG QUESTION: DE GAULLE

(By Ray Vicker)

GENEVA.—America may cut its tariffs in half, transforming itself from a medium- to a low-tariff country, in the round of trade negotiations opening here Monday.

It may bind its farmers in world price-setting commodity agreements, with grains, dairy products, and meat heading the list.

It may help create new foreign aid devices for fostering the economic well-being of underdeveloped nations.

These are some of the stakes in the trade negotiations being launched by economics ministers and other cabinet-level officials next week under the sponsorship of the General Agreement on Tariffs and Trade, the free world agency concerned with lowering trade barriers. About 80 percent of the world's $150 billion annual foreign trade could be affected. So far 40 of the 62 nations belonging to GATT have indicated an intention to participate in the negotiations.

The odds are considerably better than 50–50 that the tariff talks will succeed, though the negotiations promise to be difficult, with periodic crises threatening the collapse of bargaining. That is the opinion in chancelleries and ministries across Europe, from Rome to Copenhagen and from London to Vienna.

A WORKING HYPOTHESIS

It is generally accepted that next week ministers here will recommend adoption of a 50-percent across-the-board tariff reduction as "a working hypothesis." Actual negotiations will determine how this recommendation is to be carried out, with bargaining expected to last for 12 to 18 months. No official negotiations are scheduled next week.

However, preliminary negotiations have been underway for a year. After discounting bargaining bombast, it appears that a formula for handling tariff cuts on industrial products may be almost in sight. Even difficult agricultural negotiations are creeping forward.

"We already have made considerable progress," says W. Michael Blumenthal, chief negotiator for the United States. He is a man whom Europeans suspect of exuding pessimism at various times in the past as a ploy, the way a company industrial relations man might "talk poor mouth" before bargaining with a trade union.

"We see some light," says Jean Rey, a commissioner, and "foreign minister," of the Commission of the European Economic Community, or Common Market.

UNITED STATES, EEC PACE SETTERS

Because the United States and EEC are the free world's largest traders, the United States and the Six are negotiations pace setters. EEC is negotiating as one unit for its six members: France, West Germany, Italy, Belgium, Holland, and Luxembourg. But the coming negotiations are far more than just a United States-EEC exercise.

What would a successful round mean to U.S. tariffs? After reductions, roughly 70 percent of U.S. tariffs would have duties of less than 10 percent; 90 percent of U.S. tariffs would be below 20 percent; and only 2 percent of U.S. tariffs would have rates of 30 percent or more. In effect, the United States would swing from a medium tariff country to one with low tariffs. This should stimulate a higher inflow of imports, from British cashmere sweaters to Italian office equipment, and from Swiss power generating equipment to Japanese cameras.

Many American industries would face much more intensive import competition, forcing greater efficiency at home. U.S. consumers would have more goods for selection. As an example, the duty on $1,000 worth of Swedish modern furniture would drop from roughly $140 to about $70, while the duty on a $100 Italian-made man's suit would fall to $12.50 from $25.

U.S. exports, which hit an annual volume of $21 billion last year, should be stimulated, too, as overseas tariffs decline. This might create more domestic jobs.

POLITICAL EFFECTS

Politically successful tariff talks could reduce chances of Western Europe splitting into two rival trade blocs: EEC and the seven-country European Free Trade Association, composed of the United Kingdom, Denmark, Sweden, Norway, Switzerland, Portugal, and Austria, with Finland as an associate. Each bloc is eliminating internal tariffs, creating snug groupings which could be protectionist if external walls are not lowered, too.

The coming talks also are viewed as an opportunity to attach African, Asian, and Latin American underdeveloped countries closer to the West through trade deals favoring poor nations. One little publicized section of the negotiations is concerned with just that.

The coming round of trade negotiations is commonly referred to as the "Kennedy Round" because it was made possible by the U.S. Trade Expansion Act, passed under the Kennedy administration in 1962. The talks have four goals: Reducing industrial products tariffs by 50 percent across the board; reducing or eliminating nontariff trade barriers; reducing trade barriers to agricultural products so that net effects may be comparable to the trade stimulus of the industrial products tariff reductions (the United States is pressing especially hard for this); and stimulating trade of underdeveloped countries.

Preliminary negotiations focused most attention on industrial products. Problems developed when EEC raised the question of "disparities," or cases in which one country's tariff on a particular item is much higher than another nation's tariff on the same item. The United States has numerous such peaks, or "Matterhorns," as EEC negotiators call them.

EEC proposes that when a tariff rate of one country is double that of another, and when the difference is at at least 10 percentage points between the two rates, a disparity should be recognized. Then, the high tariff would be cut twice as much as the lower one; if the high tariff is cut 50 percent the low one would drop only 25 percent.

The United States agrees extra-high tariffs should be cut more than comparable low ones, but wants to set criteria to limit the number of disparity claims. Compromises seem possible on this question.

Some misunderstanding and pessimism have developed because of EEC's apparently rigid stand on disparities. It appears that the EEC Council of Ministers, the Common Market's "board of directors," have not given Common Market negotiators authority to make any compromises.

RETURN WITH COMPROMISE?

"But don't be misled," says one EEC source. "We never intended to tip our negotiating hand through discussions in the Council of Ministers, discussions which become public information for opposing negotiators. The Council won't send negotiators to Geneva to make compromises. It will work the other way around. Negotiators will return to Brussels with a compromise, and then the Council will act on it."

The hardest issue of all in the negotiations promises to be agriculture. The United States says it won't make any industrial tariff cuts unless farm trade barriers are lowered too. And this applies particularly to farm protectionist barriers of the Common Market.

EEC wants to freeze all world agricultural price-support plans at present levels, and seems reluctant to lower any farm trade barriers. "But we are flexible," says Sicco Mansholdt, Vice President of the Commission of EEC, and the Common Market's top farm expert. Sitting in his Brussels office at the head of a meeting table, he adds: "Our proposal is a formula for starting negotiations, a framework for discussion. We are willing to consider what else should be done to reach agreement.

COMMODITY AGREEMENTS

Key negotiators hope farm products may be included in commodity agreements which would set farm prices at levels that would discourage surplus production. Such agreements may establish export trade limits for each major national producer of grains, dairy products, and meat, and may define amounts which may be accepted by major importing countries. (More detailed reports on the agricultural negotiation prospects and the disparities issue appear below.)

Opinion in Western Europe is that all technical problems in the Kennedy round can be surmounted by the negotiators, provided there is a political will to do so. Some people consider that the big question hanging over the negotiations is the attitude of French President de Gaulle. Will he throw a wrench into the Kennedy round as he did with Britain's bid to join the Common Market?

No one expects General de Gaulle to further the talks if they seem likely to dim his dreams of new world political glory for France. But if he torpedoes the Kennedy round, there's evidence that the reaction against him from within Western Europe and from Latin America, Africa, and Asia could be so strong as to smash those dreams altogether. This could prompt him to move carefully, perhaps even to help push the Kennedy round forward, at least at first.

CANADA'S ANTIDUMPING REGULATIONS

Mr. JAVITS. Mr. President, I have from time to time emphasized the great importance of the forthcoming round of trade negotiations under GATT which has come to be known as the Kennedy round. In particular, I have underlined the great importance of seizing the opportunity which these negotiations present in dealing with and resolving not only conventional problems of tariff barriers, but also—and sometimes even as, or more important—problems of nontariff barriers to trade. American exporters and foreign exporters to the United States have rightly emphasized that tariff reduction by itself is not sufficient and that other restrictions on trade have to be removed or rationalized if we are to enjoy the full benefits to the free world of trade expansion.

I have been dismayed to read from time to time in the public press, articles which undoubtedly emanate from official Government sources which indicate that the whole issue of nontariff barriers to trade has been assigned low priority by the U.S. Government in the forthcoming negotiations. Certainly the range of the problems in this area is wide and complex. This is not a conventional element of past trade negotiations. Because dealing with nontariff barriers to trade is new and challenging is not a reason for neglecting it. On the contrary, if we are to launch any real attack toward liberalizing trade we must apply ingenuity and intelligence to this range of problems.

A recent editorial in the American Metal Market demonstrates how the existence of a nontariff restriction to international trade—in this case, foreign antidumping laws and regulations—can affect not only American exports but have a direct bearing on pricing problems and domestic business decisions of American industry. The case in point is aluminum and the particular nontariff barriers in the Canadian antidumping law.

The aluminum industry is international in scope and the trade and tariff policies pursued by any one country can have repercussions on the aluminum industries throughout the world. On the whole, the United States affords a relatively open and accessible market to foreign aluminum producers whereas U.S. exports are faced with a variety of restrictions and impediments abroad, including high tariffs, special taxes, and severe antidumping regulations. In the case of our neighbor and close friend among nations, Canada—which is second only to the United States in the production of aluminum—antidumping regulations make any imports virtully impossible, whereas the Canadian industry has unencumbered access to the U.S. market. While technically legal under GATT, the Canadian antidumping regulations are in spirit running contrary to the GATT antidumping principles since they call for the application of antidumping duties against imports without the requirement of a finding that these imports are causing material injury to the domestic industry.

The problem of dumping is not unique to Canada. The whole question of antidumping policy has been a very active one in recent months and is bound to become even more active as competition internationally becomes keener. Surely this is an element of international trade policy that demands urgent consideration and treatment if we are to have an equitable international trading system and if the gains from freer trade are to be durable.

The most effective solution, it seems to me, is to negotiate an international convention on dumping among the major trading countries of the world. Such a convention would provide uniform standards and criteria and would offer means for consultation and adjudication of disputes. Enlightened leaders of American business have expressed themselves in support of such a convention, as have a number of European industrialists and statesmen. I am glad to note that during the past few days both Treasury officials and Governor Herter, the President's special representative for trade negotiations, stated publicly that consideration is now being given by the executive branch to an international conference to set worldwide antidumping standards.

Since the problem of dumping is to a very large extent one that confronts the industrialized countries, the Organization for Economic Cooperation and Development—OECD—would provide a very suitable framework for the negotiation of such a convention. Such negotiations would make a contribution not only to a sane and sensible solution and treatment of the problem of dumping in international trade, but would have other important advantages as well. The very act of negotiation and of the establishment of a system of consultation would make an important contribution to closer collaboration among the Atlantic countries. It is by dealing jointly with such practical problems on an Atlantic level that we can build the greater cohesion of the Atlantic community.

I ask unanimous consent that the editorial from the American Metal Market dated February 4, 1964, referred to above, along with a policy declaration on antidumping measures, approved by the 52d annual meeting of the U.S. Chamber of Commerce on April 29, may be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial and the policy declaration were ordered to be printed in the RECORD, as follows:

[From American Metal Market, Feb. 4, 1964]

ALUMINUM AND ALCOA

The feeling of puzzlement, widely shared in the light metal industry following the recent abortive move to increase primary aluminum prices, is quite understandable. In rapid succession, Reynolds Metals and Kaiser Aluminum, supported by Aluminium, Ltd., announced plans to raise the price by a cent per pound; the proposed advance was called off when Aluminum Co. of America announced its opposition (for the second time in a month and a half) but coupled its announcement with further adjustment in prices of its mill products. All in all, it was a curious and—for the aluminum industry—an unprecedented affair.

In its brief statement of continued opposition to an ingot price increase at this time, Alcoa threw no new light on the situation. The company reiterated its belief that prices of fabricated products should be improved further before considering an increase in basic metal price. This added no new insight.

As further justification, Alcoa noted that Canadian and world prices were unchanged. At this point, it may be noted that the published world price, equivalent to the U.S. price, was not only unchanged but was reported as still soft in a few areas. As for Canada, however, Aluminium, Ltd., already had announced willingness to match the proposed increase in U.S. prices prior to the Alcoa announcement (adding to the puzzlement of observers). Moreover, Alcan's own domestic price (in Canadian currency) was high enough to be the equivalent of the proposed new U.S. price and would thus preclude bargain purchases at the border by U.S. consumers.

Without an increase in outside prices, Alcoa commented, "foreign producers could sell at their low price in the U.S. without violating our antidumping laws while, at the same time, because of the higher price in this country, American producers could not effectively compete lawfully in the foreign market." Apparently the key word in this statement was "effectively."

Norwegian, French, and Japanese aluminum has been sold in the U.S. market (the first two over long periods of time) at less than the domestic price without apparently contravening our antidumping laws.

And U.S. producers at times have sold domestically produced ingot in export markets at less than the American quotation without bringing down upon their heads legal sanctions, although such threats have been muttered by some foreign governments.

Nevertheless, it should be noted that in Canada the antidumping statutes are so stringent that it is virtually impossible for an outside producer to sell ingot in that market. These statutes require that for such a product as aluminum, the foreign seller quote the Canadian domestic selling price plus the import duty, clearly making the foreign product quite uncompetitive.

On the other hand, Canada is permitted to compete in the U.S. market at the U.S. price and to absorb the import duty for the customer. Even though Canada offers only a very limited opportunity as a market for U.S. aluminum ingot, it is not an equitable trading situation, and obviously is a source of some unhappiness, as reflected in the Alcoa statement.

Unquestionably, Alcoa continues to have logical reasons for opposing an ingot price increase in the United States and the company's recent price actions speak more eloquently than words. Some of these will be discussed tomorrow.

POLICY DECLARATION ON ANTIDUMPING MEASURES

(Approved by vote of the delegates at the policy luncheon, 52d annual meeting of the Chamber of Commerce of the United States, on April 29, 1964)

The U.S. antidumping statute is a law intended to prevent injurious dumping of merchandise from abroad. There is need for more clearly defining the term "dumping" as an unfair trading practice, and in this context the meaning of "fair value" and "injury." Every effort should be made to establish uniform antidumping laws and regulations among trading nations. Care should be taken, however, not to amend the U.S. law in a manner which would subject it to unduly protectionist interpretation or implementation which would impair the healthy expansion of trade or invite damaging retaliation by other countries.

CIVIL RIGHTS ACT OF 1963—ABUSE OF THE FRANKING PRIVILEGE

Mr. BAYH. Mr. President, I should like to speak on a matter of personal privilege. It is a serious matter. I speak with all respect. I invite the attention of the Senate to the action of a Member of the other body that I can only personally describe as being reprehensible.

Today, we in Indiana, both Republicans and Democrats, are going to the polls in a fundamental exercise of the democratic process. A large majority of the Democrats feel a real obligation to assist the President of the United States, Lyndon Johnson, since he is the man who can best represent our party.

Despite the feeling of most of the people in Indiana that this is the main issue of the current election, there are those who are trying to cloud and distort this issue.

For example, a Member of the other body to whom I have referred, has been flooding the State of Indiana with a grossly inaccurate and misleading commentary on the civil rights bill now being debated by Members of the Senate.

To make matters worse, the Member has been sending this commentary to thousands—literally thousands—of my constituents under his personal frank. As far as I am concerned, this is a clear abuse of the intent and purpose of the congressional franking privilege that we enjoy.

Yesterday's edition of the Evansville Press, Evansville, Ind., describes this situation and clearly indicates the intent of this widespread mailing at the taxpayers' expense to people other than this Member's own constituents.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By John V. Wilson)

WASHINGTON, May 4.—On the eve of Indiana's presidential primary, a southern lobby is flooding the State with a critical "analysis" of the civil rights bill at taxpayers' expense.

The literature, mailed out under the frank of Representative JOE D. WAGGONNER, JR., Democrat, of Louisiana, giving it free postage, has turned up in Indianapolis and Evansville, among other places.

Described as a "public document," the reprint of a full page of the Shreveport, La., Times, was prepared by the Coordinating Committee for Fundamental American Freedoms, a well-financed southern lobbying group.

Post Office Department attorneys approved the postage-free mailing of "thousands" of the reprints by WAGGONNER.

This use of the congressional franking privilege drew strong protests from Indiana Senators BIRCH BAYH and VANCE HARTKE and Representative WINFIELD K. DENTON, Democrat, of Evansville.

BAYH branded the reprint as "pure trash" and charged that "this type of practice completely contradicts the purpose behind the franking privilege."

DENTON declared "it is an abuse that has been practiced before" and which "causes people to criticize the franking privilege of Congressmen."

HARTKE said the reprint is "very definitely leading to the confusion in the State of Indiana." He added that it is "unfortunate it's being done in this manner to look as though it has the approval of the entire Congress."

The reprint, the size of a newspaper page, gives southern arguments against the civil rights bill in question-and-answer form.

WAGGONNER'S administrative assistant, David Kent, told the Evansville Press the reprint is being mailed "in the thousands."

Kent said he did not know the exact number since WAGGONNER "is not doing that portion."

The reprint was traced to the Fundamental American Freedoms group which operates out of the Carroll Arms Hotel near the Capitol.

Kent said the organization took the minority report of six southern Democrats on the House Judiciary Committee and rearranged the material as questions and answers. It was printed in the Shreveport newspaper February 16.

Later, Kent said, the newspaper article was printed in the CONGRESSIONAL RECORD, making it "in effect a Government document."

On March 2, Kent said, WAGGONNER sent a reprint to Post Office Department General Counsel Louis J. Doyle and asked for permission to mail it out under his frank.

On March 11, Doyle said an assistant counsel replied that it would be an "appropriate enclosure."

On April 28, Kent said, "to be triply sure," WAGGONNER had the reprint published again in the CONGRESSIONAL RECORD.

House rules give congressional free mailing privileges for any part of the CONGRESSIONAL RECORD, other public documents printed by order of Congress and official correspondence.

Kent was asked if the widespread mailing in Indiana was intended to help Alabama Gov. George Wallace, who is opposing Gov. Matthew E. Welsh in the presidential primary for the State's 51 votes in the Democratic national convention.

"I wouldn't want to comment on that," he replied. "It was designed to stir up resentment over the civil rights bill and give the other side of the story." Wallace said he was "not aware" of the Waggonner mailing but added, "Like any politician, I'll take any help I can get."

When he inserted it in the CONGRESSIONAL RECORD, WAGGONNER said he was doing it "so that it will have the distribution that the liberal-controlled press of the Nation will not give it."

Noting that WAGGONNER comes from Louisiana and the reprints are going to Indiana, BAYH said a "frank is a personal right an individual has to communicate with his constituents."

"Just because we disagree with someone, we don't want to gag them," he added, "but patently and obviously distorting the facts makes me lose all patience."

A Culver, Ind., woman, who received one of the reprints, wrote HARTKE that "it is a vicious piece of propaganda."

She said she and her husband are "disturbed because we fear that it and similar statements which distort the truth may influence uninformed people."

Mr. BAYH. Mr. President, the intent of this effort was obviously to drum up support through means of half-truths and outright inaccuracies for a candidate in Indiana's presidential primary. In other words, a Member of Congress was using his frank to support a man who is running for President in my State.

I have said often, and I repeat, that on the issue of civil rights, as on any great issue, I encourage full and free debate in this Chamber or anywhere else. I defend the right of any man to express his views on this or any issue—whether they agree with or are contrary to my views.

But I cannot, in good conscience, remain silent when an attempt is made at the taxpayers' expense to mislead the people of Indiana, or any other State, by distortion and misrepresentation of the civil rights bill in order to win votes for a candidate.

The document that this Member has sent to Indiana by the thousands, under his personal frank, purports to explain the civil rights bill. It purports to explain, for example, that freedom of speech and freedom of press would be denied by the civil rights bill in matters pertaining to discrimination or segregation.

As the reference for this charge, the document being mailed to my constituents points to sections 202 and 203 of the civil rights bill. These sections say that people will be entitled to be free from discrimination or segregation on the ground of race, color, religion, or national origin if such discrimination or segregation supposedly is required by State or local law. Further, it protects people from threats and intimidation if they attempt to exercise rights secured by this bill. Now, let me ask, Is this an abridgment of free speech or a free press? One of our great Supreme Court Justices once said that it is no abridgment of free speech to deny a person the right to yell "fire" in a crowded theater. Thus, it is hardly an abridgment of free speech to prevent people from attempting to curse, threaten, intimidate, or coerce an individual when they act in accordance with the law. In fact, nearly all localities have laws against this sort of behavior in any situation. It would be a sorry place in which to live that did not protect all its citizens against intimidation and coercion of this kind.

This is only one example of misrepresentation in the material which is being sent into my State.

Other obvious distortions need to be refuted as follows:

The civil rights bill does not permit the Federal Government to dictate to schools or teachers what they must teach, nor does it permit the Federal Government to interfere with the operations of schools, or with the job or seniority rights of teachers.

The civil rights bill does not permit the Federal Government to transfer students among schools to create a racial balance in classrooms or schools.

The civil rights bill does not permit the Federal Government to tell any homeowner, or apartment owner, or real estate dealer to whom he may sell, rent, or lease.

The civil rights bill does not permit the Federal Government to tell a bank, savings and loan company, or any other financial institution to whom it may or may not make a loan.

The civil rights bill does not permit the Federal Government to interfere with the day-to-day operations of a business or a labor union; nor does the bill require unions or employers to establish or maintain a quota from any particular minority group; nor does the bill permit any interference with the job or seniority rights of union or nonunion employees.

The civil rights bill does not permit the Federal Government to tell farmers that they must have quotas in their hiring policy.

The civil rights bill does not permit the Federal Government to tell any private club or organization whom they must serve or who can be a member. It does not interfere with or destroy the private property rights of individual businessmen. It does not tell lawyers, doctors, bankers or other professional men whom they must serve.

This commentary being sent to my State is filled with just that sort of intentional distortion—and is filled with many others which if time permitted I could read to the Senate.

Let us set the record straight. The authority granted to the Federal Government by the civil rights bill would fall far short of the authority already granted to the government of the State of Indiana by bills enacted by this State's general assembly.

Indiana is one of 32 States in the Nation with a public accommodations law more stringent and far reaching than a comparable section in the proposed civil rights bill. Indiana is one of 25 States in the Union with a fair employment provision more far reaching than that proposed in the civil rights bill.

I believe that it is this sort of action by a member of any body—particularly a Member of Congress—that lowers the prestige of the National Legislature in the eyes of the people.

Today, we are under attack from all sides. I believe it is imperative not only upon Senators, but all Members of Congress to take the necessary steps to protect and prevent abuse of certain privileges which we enjoy. I should like to ask Senators to join me in a search of their consciences to see if this type of use of the frank is not open to legitimate criticism and if it would not be wise to enact legislation designed to prohibit this kind of misuse of the frank.

LAW DAY U.S.A.

Mr. DOUGLAS. Mr. President, I wish to commend the Younger Lawyers Committee of the Federal Bar Association for its participation in the observance of Law Day U.S.A. on May 1, 1964.

It sponsored a program which brought this year's Law Day theme, "Observe the Law—Key to Order, Justice, Freedom," to 29 high schools in the Washington, D.C., suburban area.

The program utilized a unique approach by which the attorney speaker addressed individual classroom groups in an informal press conference style. This provided an opportunity for direct student participation. A variety of topics, such as legal rights of an accused person, and a comparison of American and Soviet legal systems, were discussed.

These presentations convincingly demonstrated to the students the importance of our legal heritage. The 70 volunteers who participated in the program are all younger attorneys working in various agencies of the Federal Government or in private practice.

As a Senator from Illinois, I am pleased that both Scott Hodes, national chairman of the Younger Lawyers Committee, and Julian Block, chairman of the committee's Law Day program, are former Chicagoans. I know that all Senators will agree with me when I say that these younger lawyers are to be commended for their efforts.

CIVIL RIGHTS ACT OF 1963—ALLEGED POLICE BRUTALITY

Mr. RUSSELL. Mr. President, there has come to my attention an able editorial dealing with the great responsibilities of police officers published by the Marple Community Record of Broomall, Havertown, and Newtown Square, Pa., on Thursday, April 30, 1964.

The editorial is entitled "Police Brutality?" On other occasions, I have stated on the floor of the Senate that it was expecting the impossible of the officers of the law to cope with widespread campaigns of civil disobedience and the violation of local laws without using such force as is necessary for self-protection and to effect the arrest of the offenders. This editorial deals with the difficulties being encountered by our law enforcement officers today in a realistic and factual manner. This editorial is in the best traditions of American life and is in sharp contrast with the criticisms of those who live in ivy-covered towers and who do not have firsthand knowledge of the very serious incidents which are occurring in many communities. These people seem to take the position that any police officer is a fair game for any group who may wish to demonstrate on the streets by blocking traffic or by preventing entrance into places where legal business is transacted.

The majority of our law enforcement officers in this country are good men whose primary aim is to preserve law and order in the communities where they work. In the very difficult task of coping with mass campaigns of civil disobedience and disruption of community life, they are entitled to the support of all good citizens.

Mr. President, I ask unanimous consent to insert the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Marple Record, Apr. 30, 1964]

POLICE BRUTALITY?

We are, all of us, creatures of God. It behooves us to get along with each other as best as we can during our short stay on earth.

The Record feels it must depart from its generally local pattern of editorial voice, however, to argue about a term.

The term is "police brutality." The charge is made that this term is evident in the Chester, Pa., integration demonstrations, and we think it's about time someone took the side of "sweet reason."

Too often the police are getting the short end of the stick in the parade of alleged "peaceful integration demonstrations." The men who enforce our laws are booed, hissed, spat upon, defamed, taunted, and dared. Don't tell us it's not that way—we've been at these demonstrations, too. There seems to be something that maddens a young American(?) these days about a uniform, so that he has to bark his defiance and show that he's a libertarian of justice while all the police officers are, after all, "cops."

It's not enough that the men of the law are, for the most part, underpaid, overworked, and expected to risk their lives to carry out their duty and uphold the law as a matter of course. Now they're expected to be ambassadors of good will when someone is maliciously defying the law.

Yes, of course, we know there are the exceptions, the power-mad bozos who get behind a badge and become little Hitlers of power, but these are few indeed, and we are most fortunate that such men are not to be found in the constabularies of this area.

But in some 15 years of reporting on a number of daily and weekly sheets, we've come across a variety of police officers—and we can truthfully say most of them were decent, family-raising human beings.

They have the same hopes and fears and emotions as you and I have. And a good portion of them are considerably more active in community affairs, particularly in youth activities, than you and I because these are the men who run up against the seamy side of a community. Often they can see gaps of adult responsibility, and so they fill these gaps by coaching in athletic contests for youth, helping build athletic fields, teaching boys the law, and so on.

We can tick off countless police in the Marple-Newton-Haverford area who fit this category. Offhand we can't name one who would deliberately club a peaceful demonstrator, just for the joy of one-sided combat.

That's why the term "police brutality" riles us a bit. It shows up in mass picketing by unions, too. It's against the law to mass picket. You can stay off the job and carry a sign and yell "scab" at the folks who choose to cross the line all you want, but you cannot stop those people from crossing that line by throwing 2,000 union members at a gate. Still it happens.

When police move to break up such an act, we always hear the howls of "police brutality."

Now we don't know about you, but we got a hunch that many of the Chester police, and those volunteers from other communities, have been pushed to the limit lately. All the things we said at the outset of this article have been happening to them, from the booing to the dares—and worse. We understand the rock throwing in the Chester vicinity hasn't begun to get wide newspaper coverage, for "big city" newspapers apparently prefer to sympathize with the lawbreaking mobs rather than wholeheartedly supporting the police in their efforts to maintain law and order. We equip our police with sidearms, blackjacks, and billy clubs and order them to go out and see that our laws are upheld—then, when riotous groups attack them or refuse to obey them, the police have no alternative than to use force. At this point, the sobsisters take over and decry the "police brutality."

Frankly, we believe that any and all means, without exception, should be taken by police in order to uphold law and order and in order for them to fulfill their oath of being "protectors of the law-abiding community."

We think it's about time someone stood up for the Chester police. The police are trying to do their job and uphold the law. They deserve better than a careless phrase. And this same defense applies to police departments in other communities, throughout the country, as well.

THE CIVIL RIGHTS ACT OF 1963—PRESIDENT SEEKS HELP OF SOUTHERN BAPTISTS

Mr. RUSSELL. Mr. President, some days ago, the President of the United States was visited by a large delegation of Southern Baptist leaders. The President, in speaking to them, urged them to support the so-called civil rights bill.

It is undoubtedly true, Mr. President, that many men of the cloth do support the bill, without regard to its impact on our system of government.

It is gratifying to note that some clergymen recognize what the bill presents: a political rather than a moral issue.

An editorial published in the Alabama Baptist for April 2, 1964, written by one of those who was present when President Johnson made his address to the Southern Baptists, has stated very succinctly the relationship of the Baptist Church to political activities in this editorial, entitled "President Seeks Southern Baptist Convention Help." I ask unanimous consent to have it printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

President Seeks Southern Baptist Convention Help

A Christian Life Commission seminar, composed of about 150 Southern Baptists, met in Washington, D.C., recently. President Lyndon Johnson appeared before this group to bring, what was thought to be, greetings. He used the opportunity to make a strong political appeal for the pulpits in America, especially those of Southern Baptists, to be turned into political rostrums to promote his proposed civil rights bill. He used phrases to describe the kind of approach he wanted the preachers to make, which would be inappropriate to be used in sermons. He told them, "to take up cudgels" to fight for the civil rights measure. He further talked about power structures and other terms which are far from the approach of the gospel to sin.

He asked the preachers to help him answer what he called half-truths and to answer the critics of this bill with truths and action. He made a direct appeal for Southern Baptist leaders to lead their congregations into the civil rights fold.

A news report stated that the Baptists hearing him responded with a warm applause. We cannot believe this was a response of agreement, but a politeness toward the President of the United States.

President Johnson evidently does not understand the position of Southern Baptists relative to making their pulpits political rostrums. We believe our members should be taught the scriptural expectation of God relative to man's citizenship and then go out and perform their duties in this area as individuals. We believe the pulpit should instruct members of the church in their duties as citizens, but the formation of power structures and the specifics in politics should be left to the individual.

Those who are seeking to get this bill passed are appealing to the churches by calling it a moral issue, but any kind of issue which involves politics does not always fall under morality, but this problem is specifically social and political.

We have no instances of Jesus' resorting to law to advance his kingdom. He was obedient to the state, but there is no instance where he shared in political activities. The worst thing we could do is to turn our pulpits into political rostrums to advance the ideas of one man, or group of men.

If a person believes in an all-powerful centralized Federal Government or in outright socialism, then we could see how he would pull for this bill. Gradually the country has slipped into Federal control through taxing the people and then giving it back to the States with Federal strings tied to it. We feel that this bill is one of the most critical challenges we have ever faced as far as the freedom of the individual is concerned. If this bill is passed, powers will be given the Attorney General in Washington which will be akin to the police state. Federal inspectors will be investigating nearly every area of our lives where any Federal funds are involved directly or indirectly. To be specific, if a farmer has financial dealings with the Farm Credit Administration, or any other Federal agency, he will be subject to the penalties prescribed in this bill. Anyone who borrows money from a bank insured by the Federal Deposit Insurance Corporation would fall under this bill.

The bill will forbid anyone from selling or renting his home freely to anyone. The right to private business and control would be destroyed in our public accommodations, like hotels and restaurants, and man would no longer have a right to choose his customers or associates in many areas of activity.

The Hill-Burton Act specifically states that anyone can borrow or receive grants from this fund, but the hospitals must provide equal facilities for whites and Negroes. The grant feature of this bill has already been ruled by the Federal court as unconstitutional, relative to the equal facilities, and this civil rights bill would make the same decision apply to any institution borrowing money in good faith from the Government. In other words, the very fact that a private college has borrowed in good faith money from the Hill-Burton funds does not mean a thing, if this law is passed, the Federal Government could enter in and control the school and its faculty. For instance, any teacher who taught in these schools anthropological history contrary to what the Federal Government thinks is true, the course could be cut out and the teacher fired. This is thought control pure and simple.

To sum up some of these things, it would mean that the Federal Government would control hiring, firing, promoting, demoting, payment of employees, and also give the Government power to destroy the seniority systems in our labor unions.

In fact, this is a sweeping bill which apparently was shielded from the people so they would not know the facts in it.

This bill would set up Federal courts and inspectors to punish any offenders whereby the individual would not have the privilege of a trial by jury.

The most objectionable features do not center around segregation and integration but around our basic freedoms and freedom of choice. It would make the Attorney General a dictator in large segments of our lives.

These are some of the things the President is asking the pulpits in America to defend and promote. All of us know that many socialistic policies have entered into our way of life, but if this bill is passed it will outsocialize the Socialists. We recommend that all of our Southern Baptist people write, wire, or call, the President of the United States and give him their honest views concerning what he is asking. We feel that our pulpits should be left free to proclaim the message of salvation and as centers of worship.

We do not know of any religious body which would benefit under a totalitarian government except those religions which are themselves totalitarian. Democratically operated religious bodies would lose greatly under any type of political authoritarianism. The civil rights bill must be in desperate straits for the President to call upon the pulpits of America to support his political and legislative programs in the name of morality and freedom for all. The Negro and white citizen will fall under these regulations, and it will be just as oppressive to one group as it is to the other.

ADDRESS BY SENATOR THURMOND OF SOUTH CAROLINA TO WALTER F. GEORGE SCHOOL OF LAW, MERCER UNIVERSITY, MACON, GA.

Mr. RUSSELL. Mr. President, on May 1, the distinguished Senator from South Carolina [Mr. Thurmond] was the speaker for the Annual Law Day ceremonies at the Walter F. George School of Law at Mercer University, in Macon, Ga.

The Senator delivered a very eloquent and thought-provoking address on the rule of law and the means by which the proper rules of law for the guidance of our lives are promulgated.

This address is well worth reading by anyone who is interested in the law as a vocation, as a legislator, or as a good citizen, and I ask unanimous consent that it may be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Senator Strom Thurmond, Democrat, of South Carolina, for the Annual Law Day at the Walter F. George School of Law, Mercer University, Macon, Ga., May 1, 1964

It is indeed a pleasure for me to be here with you today. I have many pleasant ties over the years with the State of Georgia and its citizens, not the least of which is my beneficial and gratifying association with your two distinguished Senators and great Americans, Senators Dick Russell and Herman Talmadge and the late Senator Walter George for whom this school is so appropriately named. The people of Georgia deserve congratulations on their splendid choice of Senators, for through their choice they have shared with the Nation the products of the best leadership abilities. Your Senators have made significant contributions to the Nation of which you can be confidently proud, and they stand stanchly for the rule of law, about which I shall address you today. In fact, Georgia has earned a well-deserved reputation for providing our Nation with outstanding leaders in the Congress including, as well as your distinguished Senators, the able dean of the House of Representatives, Congressman CARL VINSON of this district.

I am especially pleased to be able to speak to you on this Law Day, for I feel quite strongly, particularly at this time, about the necessity of a fuller understanding of, and dedication to, the principle of the rule of law.

The designation of "Law Day" on a national basis is a signal tribute to the success of our governmental system. There are few nations, indeed, where the "rule of law" has historically been such an established fact of life as to be in sufficient danger of being taken for granted by the majority of the society, that special attention to its function is felt necessary and desirable.

The extent to which such a special observance is justified, however, depends on the extent to which our society is brought to a deep and meaningful understanding of the rule of law in a civilized society. If we do no more than acknowledge the idea that the rule of law protects the traffic offender from the wrath of a judge who has burnt toast and weak coffee for breakfast, "Law Day," though it may be perpetuated, will serve no more useful purpose than does Halloween. If Law Day is to be of real significance, we must cultivate an understanding of the rule of law, including its values, its roots—and even its limitations.

Of all the essentials of domestic tranquillity, none is more essential than the rule of law. It is the prevalence of a rule of law that enables men in shaping their own destiny to predict with a reasonable degree of certainty the consequences of their conduct of relations with their fellow men. It is the rule of law that permits the peace of mind which comes from a sure knowledge that one has protection from the trespasses of other men. It is through the concept of the rule of law that men can realize and enjoy that impartiality of treatment which is so essential to human dignity.

For all the values which attach to the prevalence of the rule of law, it was by no means a concept simply and quickly conceived, nor easily implemented. As a fundamental prerequisite, a rule of law must have the support of society. The founder of international law, Grotius, concluded that society is "the source of law properly so called." In so concluding, he was not merely acknowledging the difficulty of enforcing a particular law which does not have the support of a large majority of society, such as that experienced by our own Nation with the 18th amendment; rather, he was confirming a particular conception of the nature of man which was originally that of the stoics, and later common to all Christians.

This concept attributes to man the power of reason by which he can achieve the society necessary for his existence.

It is through this power of reason that man forms fundamental ideas as to what is just and what is unjust; and in time, these fundamental ideas become beliefs, in the sense that although they can neither be proved nor disproved, they become, through the process of reason, reality.

Not every collection of human beings is susceptible to a rule of law. It is only when there is a community of beliefs that it becomes possible. This does not mean that all men must agree on all particulars, but it does mean that they must have common beliefs as to fundamentals of fairness and justice. Political differences may be settled peacefully and orderly, but only if there is agreement on the ground rules as to the methods by which such differences are to be resolved Thus have the Western societies, through reason, reached a community of beliefs that the Judaic-Christian teachings of morality and relations between men are just and have consequently incorporated them into their prevailing rule of law.

The prerequisite of a community of beliefs, in order that a rule of law prevail, by its very nature imposes certain limitations on the application of the rule of law. The degree of community of beliefs in any society depends on the diversity of its various heritages. Our own governmental system, inaugurated in the Constitution, seeks to minimize this inherent limitation by resort to the device of federalism. At the national level of government, where there was the narrowest scope of community of beliefs due to the diversities of heritages across the Nation, there was structured a rule of law which encompassed the most fundamental beliefs. The rule of law of broader scope, consistent with the wider community of beliefs within their boundaries, was wisely left structured within the several States.

In the process of erosion of the device of federalism which accompanies centralization of power in the National Government, the rule of law in our land will continue to be dissipated to the extent that it is sought to be applied in excess of the existing community of beliefs. It requires little insight to perceive that the powers exercised by the National Government have so far exceeded the community of beliefs in the Nation as to at least partially substitute the caprice of men for the rule of law.

Even more pertinent today than when uttered is the 1958 statement of the Chief Justices of the Supreme Courts of the States, in which they stated: "It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast."

Even to the casual observer in 1964, it is not just the decisions of the Supreme Court that raise such doubts, although such decisions have by no means forfeited their title as the principal purveyors of doubt.

There is another primary limitation on the rule of law, which pertains to the breadth of its applicability. By its very nature, the rule of law is limited to legal, as contrasted to political, questions. The relations of man to man, and of individuals to society, are of such a nature as to be subject to a rule of law. There are other questions which must be resolved by society which are not by their nature adaptable to resolution by any rule of law. Among these political questions is the determination of what individuals shall be empowered to make and administer the law, although this is but an example. The line between legal and political questions is obviously often hard to define, but as a general rule, any question which involves policy, as distinguished from law, does not lend itself to resolution by a rule of law.

The series of decisions on legislative reapportionment are graphic evidence of our failure to make a distinction between legal questions, to which the rule of law is applicable, and political questions, the solutions to which do not by nature lend themselves to resolution by application of fixed rules such as those embodied in the rule of law.

Commonsense dictates that legislative districting is a matter which by its very nature does not lend itself to solution by application of any general rule, due to the infinite number of variables and diversities of circumstances involved in each particular case. Attempted judicial adjudication of such issues must, therefore, necessarily involve nothing more than a resort to rhetoric as a shield for the judgment in each case of the individual or individuals who decide it; rather than any application of a rule of law. By such excesses is the status of laws degraded and the concept of a rule of law defamed.

This is, of course, but one of the innumerable indications in contemporary times of the deterioration of the rule of law.

In no area is the breakdown more evident than in the controversial field misnamed "civil rights."

A few short years ago, there was initiated an organized campaign of something which the participants called "sit-ins." They began primarily as passive breaches of the law, a low-key campaign of civil disobedience. Although these demonstrations were intended to, and did, show that an organized group was in deliberate contempt of the rule of law, there was not in these early activities of civil disobedience any dire threat to the continued prevalence of the rule of law in our Nation. Our society is not so fragile that it is unprepared or incapable to meet even a conspiratorial effort to break the law; and had the law been permitted to take its normal course, these early campaigns of civil disobedience would have been adequately dealt with by society through the exercise of routine police powers.

Unfortunately, however, there was added to these sit-ins an additional ingredient which converted what was essentially a problem of law enforcement into a fundamental threat to the very existence of the rule of law in this Nation. This added ingredient was the condonement, attempted justification, and even encouragement of such organized lawlessness by leading public figures, both in and out of Government. Because these campaigns of civil disobedience occurred initially in the Southern States; because the bloc votes of Negroes in some sections of the country made it politically expedient; and because many altruistically motivated individuals let their emotions, rather than reason based on facts, rule their actions, a larger portion of the voice of society was raised in support of the idea that an individual was justified in making an individual judgment on which laws he would obey and which he would defy. Thus, what was initially little more than a strain on law enforcement capabilities was converted into a serious threat to the rule of law as an institution. This attempted justification of civil disobedience and departure from the rule of law seriously undermined the attempts at law enforcement and encouraged even more audacious organized attacks of civil disobedience. The misguided departures from support of the rule of law, whether motivated by political expediency, misguided altruism, emotion, or just plain animosity toward the South, have borne bitter fruits, not only in the South, but across the entire Nation. If one were inclined to be vindictive against such departures from the rule of law, he could rejoice in the fact that the chickens have come home to roost. Less we be tempted to indulge our own emotions, however, let us recall that we have nothing to gain, but indeed, have much to lose from the deterioration of the rule of law anywhere in our Nation.

There is small comfort, therefore, in seeing the double standard revealed in those who earlier condoned and encouraged lawless activities by their labeling as "civil wrongs" the same activities they had earlier viewed as "civil rights" when they occurred in someone else's backyard.

Unfortunately, these are by no means the only indication that understanding of and respect for the rule of law is rapidly deteriorating in these United States. It would be hard to find a more glaring departure from the rule of law than that evidenced by the so-called "civil rights" bill which has already passed the House of Representatives and which is now being debated in the U.S. Senate. I will mention briefly only two of the many stark conflicts with the rule of law encompassed in this drastic piece of legislation.

The very antithesis of the rule of law are vagueness and discretion. The so-called "civil rights" bill is impregnated with both vagueness and discretion.

Under this legislative proposal, all persons would be forbidden from engaging, under threat of severe penalty, in what the bill calls "discrimination." The legislative proposal, however, does not even make an attempt to define this crime of discrimination. On the contrary, the determination of what constitutes this crime of "discrimination" is left to the discretion of an appointed commission, initially, and, ultimately, to the discretion of the Federal judiciary. When I used the word "discretion," let there be no misunderstanding; "discretion," so granted, includes the power to make a choice based on reason, but it also includes the power to decide on the basis of whim, or caprice, or emotion, or without any foundation whatsoever. This is the rule of man; it is the antithesis of the rule of law.

The so-called "civil rights" bill would vest the power in the bureaucracy of the National Government to grant or withhold funds from any recipient in order to prevent discrimination in the programs financed by such funds. This is a discretionary power of unimaginable import. It is an arbitrary power exceeding in magnitude possibly even the imagination of Lord Acton, who so wisely pointed out that "power corrupts; absolute power corrupts absolutely."

It is evident, therefore, that the deterioration of the rule of law has pervaded even the Halls of the highest legislative body in the land.

Until recent years, it would have been sufficient in any discussion of the concept of the rule of law to confine the consideration to its application in a society of any given nation-state. Today, the rule of law, as a concept, is being discussed and advanced in a new and different context. No contemporary contemplation of the rule of law would be complete without reference to its applicability on an international basis.

We have, of course, a body of rules, customs and general practices between nations that is referred to as "international law." By and large, it is of a nebulous character and is founded primarily on reciprocity and convenience. That it is "law" in the sense that nations generally abide by these rules on the relatively minor subjects covered thereby, and that the citizens of different nations customarily conduct their affairs with each other in accordance therewith for the sake of convenience, we all readily acknowledge—with gratitude for the benefits of this degree of cooperation between nations and their citizens. To the extent that a rule of law is constituted by a system of jurisprudence, however, there is no international rule of law which prevails today, nor, when we examine the requirements for an international rule of law, is there likely to be any such in the foreseeable future. Indeed, the expression of hope for "peace through an international rule of law" in our present world surely either belittles the stature of the rule of law or advertises the existing lack of reality in viewing world conditions.

In the first place, those differences between nations which give rise to frictions of the order which do, or might, precipitate war are almost invariably political in nature, rather than legal. Our own Constitution and structure of Government take this circumstance into consideration and provide accordingly. All domestic matters within the cognizance of the National Government, under the terms of the Constitution, are governed by laws enacted by the Congress. Foreign relations, however, involve political, rather than legal, questions and are conducted not by rules of law, but by policy, which is determined primarily by the executive, rather than the legislative, branch of the Government.

Even were all other factors permissive to the institution of an international rule of law, the political nature of the differences between States would preclude any securing of peace with freedom through this means. The political nature of almost all differences between nations is not the only factor which removes the hope for "peace through an international rule of law" from the realm of practicality, however.

There still remains unsatisfied the prerequisite for the community of beliefs fundamental to any rule of law. Quite obviously, any international rule of law, to be worth the effort, must be generally applicable. This means, in effect, that all powers who cannot be coerced without great damage to the remainder of the world, must agree and consent to the rule of law. Since any attempted coercion of the Communist countries would defeat the purposes of "peace through an international rule of law," the only remaining alternative would be for the Communist powers to concur in the beliefs on which the rule of law is founded. This precludes, for now and the foreseeable future, the institution of an international rule of law.

There is a vast gulf between Communist thinking and philosophy and that of the Western World which absolutely negates any community of beliefs. Through the process of reason, civilized societies accepted the Judaic-Christian teachings as fundamentally just. Not so the Communists. To understand the depth of difference on this one point, consider the negotiations on the wording to the Preamble of the Declaration of Human Rights included in the United Nations Charter. The American proposal was drawn from the Declaration of Independence, in the words: "All men are created equal," to which the Communists vigorously objected, and, incidentally, carried their point. The section, as adopted, uses the words, "All men are born equal."

The gulf is more fundamental than even this illustration would indicate, however. The rule of law which is utilized in traditional Western civilization is founded on a community of beliefs arrived at by the process of reason. The very existence of a community of beliefs is predicated, as Grotius concluded, on the concept of the nature of man which attributes to man the power of reason by which he can achieve the society necessary to his existence. It is at this fundamental level at which the breach between Communists and non-Communists appears, for the Communists deny the power of man to reason and thereby to develop concepts. This is not mere abstract theory of the Communists—it is a guide to their actions and thought which finds implementation, particularly, in their political orientation and structure.

This fundamental chasm as to the very nature of man absolutely precludes the community of beliefs essential to the applicability of the rule of law.

Not only are the Communists incapable of abiding by an international rule of law within their own areas of control, but indeed, they are intent on destroying the rule of law in the nations where it does apply, particularly in the United States.

As an example, the Communists have spared no efforts to infiltrate and influence the so-called "civil rights" movements in the United States, and, thereby, to intensify the campaigns of civil disobedience.

In testimony before the House Appropriations Committee released only last week, Federal Bureau of Investigation Director J. Edgar Hoover stated:

"Turning to the subject of Communist interest in Negro activities, the approximate 20 million Negroes in the United States today constitute the largest and most important racial target of the Communist Party, U.S.A. The infiltration, exploitation, and control of the Negro population has long been a party goal and is one of its principal goals today.

"The number of Communist Party recruits which may be attracted from the large Negro racial group in this Nation is not the important thing. The old Communist principle still holds: 'Communism must be built with non-Communist hands.' We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important. It can be the means through which large masses are caused to lose perspective on the issues involved, and, without realizing it, succumb to the party's propaganda lures."

How can we seriously believe that the Communists would adhere to an international rule of law when they so slavishly and dedicatedly follow an ideology which demands that they devote their lives and resources, not only to eradication of the rule of law in their own lands, but also that they devote a material part of their efforts to destroying the rule of law wherever it does exist, especially in our own country?

The existing, and the even greater deserved, faith in the rule of law in Western civilized nations can be destroyed by claims that there is ground for hope for peace through an international rule of law, for such claims can only lead to frustration and failure because, above all, of the absence of the prerequisite community of beliefs. There is no easy road to peace in a world where communism exists, except it be a peace without freedom; and to this, we can never submit.

In our Nation, the rule of law is one of the foundation stones of liberty. It is not just a theoretical principle to which we can pay verbal homage 1 day a year and continue to enjoy. It is a practical working device of society, the abandonment of which must invariably be paid for in liberties lost. It cannot prevail in the absence of active support from society.

Many forces of evil seek to undermine and hasten the deterioration of the rule of law. If you value the rule of law, in your own society, and desire to enjoy its manifold benefits, keep ever in mind that "for evil to triumph, it is only necessary that good men do nothing."

PULITZER PRIZE FOR GANNETT GROUP OF NEWSPAPERS

Mr. KEATING. Mr. President, a notable "first" in the annals of responsible journalism has been scored by the Gannett group of newspapers in winning a Pulitzer Prize in the form of a special citation for, and I quote:

> A distinguished example of the use of a newspaper group's resources to complement the work of its individual newspapers.

The outstanding series, consisting of some 85 stories by 34 editors and reporters, was called "The Road to Integration" and illustrated both the problems and opportunities inherent in paving the way for equality and human rights.

Mr. President, I want to salute the Gannett group, its capable publisher, Paul Miller, and the diligent and resourceful reporting staff that has put together this important roundup of the struggle for civil rights. This is the fourth estate at its readable, influential, and enlightening best. The cause of dignity and freedom can have no support more effective and vital.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. JAVITS. Mr. President, I join my colleague and congratulate him on his very fine statement with relation to the winning of the Pulitzer Prize by the Gannett group of newspapers. I point out that the Senator has the additional honor of having Mrs. Gannett, the widow of the former publisher, reside in his own home town of Rochester.

A TRIBUTE TO RUMANIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, each year, on May 10, we in the free world honor the anniversary of Rumanian independence; for on this day in 1877, the Rumanian people rose against their Turkish overlords to establish a free and sovereign nation. Guaranteed independence by the Treaty of San Stefan on March 3, 1878, and recognized internationally by the Treaty of Berlin on July 13 of that same year, Rumania became a member of the community of nations.

During the intervening years, the people of Rumania have undergone many hardships. The advent of World Wars I and II resulted in invasion and devastating occupation. With the Russian troops came a group of Communist-trained Rumanian nationals who, within 2 years following the surrender of Nazi Germany, succeeded in overthrowing the constitutional monarchy and establishing a Communist regime, built on terror, fear, and anarchy. This despotic government proceeded, then, to strangle the economy and national heritage of the Rumanian nation in its compliance with the dictates emanating from Moscow.

In recent years, though, there have been rapidly changing conditions occurring in Rumania, leading to outright defiance of Soviet policy. The Rumanians have closed down Russian bookstores and the Russian language is no longer compulsory in schools. By refusing to support the Soviet Union in its polemic dispute with Red China and by vetoing the Soviet plan to establish a central planning agency for all the satellites, the Rumanian Government has begun to turn more westward. Trade with the Western nations, once totaling only 20 percent, has grown to 35 percent.

These and other manifestations bring us to the hope that soon, the Rumanian people may be free again to choose their own leaders, to express themselves openly in public, to be proud of their homeland. Until these rights are enjoyed once more, we in the United States must continue to recognize the historic occasion of Rumanian independence, so that the spirit of freedom which still exists in the hearts of the enslaved Rumanian people will persist and triumph in its struggle against communism.

I am proud to take this occasion to offer my hopes and prayers for the ultimate freedom of Rumania and the full and independent blossoming of the manifold skills and talents of the people of Rumania.

REPRESENTATIVE ZABLOCKI CALLS FOR CHRISTIAN SPIRIT TOWARD CONSTITUTIONAL RIGHTS OF MINORITIES

Mr. PROXMIRE. Mr. President, all Senators have been receiving very heavy mail on the civil rights bill, pro and con.

We have all been impressed by the fact that many of those who have written letters have been honestly misled as to what the bill contains. Some of the letters have been vehement, violent, and abusive.

The senior member of the Wisconsin Democratic delegation in the House of Representatives, CLEM ZABLOCKI, has written to his constituents, in the wake of the showing of Governor Wallace in Wisconsin, what I think is one of the finest, most thoughtful, and forthright replies to people who have written these strenuously abusive letters.

It is such an impressive reply that I would like to quote briefly from what Representative ZABLOCKI has to say:

> It is shocking that individuals who consider themselves Christians, who express reverence for the principles of our Founding Fathers and Lincoln, who purport to cherish the Constitution and the Bill of Rights, and who proclaim the "Pledge of Allegiance," can be so un-Christian in spirit, so contemptuous of our national heritage, as to oppose the effective extension of constitutional rights to Negroes and other minorities in places where their rights are now denied. These individuals are failing to heed the Biblical injunction to "Love thy neighbor as thyself."

The editor of the Milwaukee Journal thought so highly of Representative ZABLOCKI's letter that he has written an editorial commending him on his reply.

Mr. President, I ask unanimous consent that this editorial from the Milwaukee Journal entitled "It Is Shocking," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT IS SHOCKING

> In a recent letter to his constituents, Representative ZABLOCKI, Democrat of Wisconsin, blames a lot of the support that Governor Wallace of Alabama got in Wisconsin on the fact that many persons "honestly had been misled" about the civil rights bill. He blames their opposition to the bill which passed the House of Representatives on "lies and distortions" spread by Wallace and others.
>
> There was opposition to the bill in the Congressman's own Fourth District. And ZABLOCKI says that his mail has been heavy and is about 50–50 pro and con. But he is dismayed at the tone of some of the letters in opposition to the bill and his own support of it. He faces the matter head on and says this:
>
> "It is shocking that individuals who consider themselves Christians, who express reverence for the principles of our Founding Fathers and Lincoln, who purport to cherish the Constitution and the Bill of Rights, and who proclaim the 'Pledge of Allegiance,' can be so un-Christian in spirit, so contemptuous of our national heritage, as to oppose the effective extension of constitutional rights to Negroes and other minorities in places where their rights are now denied. These individuals are failing to heed the Biblical injunction to 'Love thy neighbor as thyself'."
>
> To ZABLOCKI this is a moral issue. And he gives not an inch on it. His district has a right to be proud of him.

The **PRESIDING OFFICER.** Is there further morning business? If there is no further morning business, morning business is closed.

Mr. TALMADGE. Mr. President, do I correctly understand that the morning business is concluded?

The **PRESIDING OFFICER.** Morning business has been concluded.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 194 Leg.]

Aiken
Allott
Bartlett
Bayh
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Hart
Hartke
Hayden
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Russell
Saltonstall
Scott
Simpson
Smith
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

The **PRESIDING OFFICER.** A quorum is present.

CIVIL RIGHTS ACT OF 1963

The **PRESIDING OFFICER.** The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE. Mr. President——

The **PRESIDING OFFICER.** The Senator from Georgia is recognized.

Mr. PELL, Mr. COOPER, and other Senators addressed the Chair.

Mr. TALMADGE. Mr. President, I ask unanimous consent that at this time I may yield to various Senators, to permit them to make insertions in the RECORD, to engage in colloquies, to propound interrogatories, or to make such other remarks as they may see fit to make, but without causing me to lose any right whatsoever to the floor, or without having my subsequent remarks considered as a second speech by me on House bill 7152.

The PRESIDING OFFICER. Without objection——

Mr. JAVITS. Mr. President, reserving the right to object—although I shall not object—I merely make the point, which several of us have made quite consistently, that we assume that such insertions will be of reasonable length, and will not constitute lengthy intercessions.

Mr. TALMADGE. I thank the Senator from New York.

Mr. President, is there objection to my request?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, with that understanding, I yield first to the distinguished Senator from Rhode Island [Mr. Pell].

RHODE ISLAND INDEPENDENCE DAY

Mr. PELL. Mr. President, yesterday, May 4, was Rhode Island Independence Day; and a commemorative ceremony of that day was held in Statuary Hall, before the statue of Rhode Island's founder, Roger Williams.

From the days when Roger Williams pursued freedom of worship in the Massachusetts Bay Colony, and, not finding it there, found it in the wilderness that became Rhode Island, through the time of the Rhode Island Act of Independence of May 4, 1776, which cast off the shackles of British tyranny and oppression, to our own era of the defense of free institutions, Rhode Islanders have always cherished freedom and have fought for it.

The Rhode Island Act of Independence, passed on May 4, 1776, antedated by 2 months the Resolution of Independence adopted by the Continental Congress in Philadelphia. It also antedated the Virginia Bill of Rights. Thus, Rhode Island can justly claim to be the oldest independent State in the United States.

The qualities of courage and fierce independence that animated the Rhode Islanders of Revolutionary times were their heritage from Roger Williams. After his battle with the authorities in the Massachusetts Bay Colony for freedom of conscience had resulted in his expulsion, Williams, his wife Mary, their child whom they had christened "Freeborne," and five others who chose to share their exile, came to a place, chosen by Williams, which he had named Providence. There, on land given to them by a friendly Narragansett chief, they built a house, planted a crop, and began to lay the foundations for an authentic American commonwealth. Into its conception went the ideals of freedom which Roger Williams had for so long fervently preached. It was built in the likeness of the America that was to be, and of the Rhode Island that was one day to declare its independence.

Providence and the settlement that grew up around it became a refuge for the religiously scrupulous individuals known to history as dissenters. But though in its law the new settlement was lenient in matters of conscience, it required diligence of its citizens. As a result of their industry, their leader's shrewd bargaining with the Dutch and his friendly relations with the Indians, the new colony prospered, and was eyed enviously by neighboring Massachusetts. Williams forestalled any acquisitive zeal by Massachusetts when he went to England and secured from the king a charter for his colony.

Throughout his life, Roger Williams fought for freedom, for tolerance, and for the right to dissent. The chronicle of his many activities is too long to detail here. His death in 1683 is recorded in the town records of Providence. At the end of the page on which the entry was made is to be found the following:

> The Venerable Remains of Mr. Roger Williams, the Father of Providence, the Founder of the Coloney and of Liberty of Conscience.

Founded by those to whom freedom of conscience was more precious than life itself, Rhode Island was necessarily to be found in the lead when it came to declaring independence from Great Britain. Rhode Islanders then, now, and in the future will always be found in the vanguard of the fighters for freedom.

COMPENSATION TO SENECA INDIANS FOR LOSS OF LANDS USED FOR KINZUA DAM PROJECT

Mr. PELL. Mr. President, on March 30, 1964, the Senate passed, by voice vote, H.R. 1794, a bill to provide compensation to the Seneca Indians for the loss of their tribal lands which are to be used for the construction of the Kinzua Dam project. The Senate version, as amended, reduced the amount of compensation from the House's figure of $20.15 million to $9.1 million. Most of the money cut would have gone to a rehabilitation program for the Senecas.

Our history, unfortunately, is replete with instances in which the Indians have come out on the short end in their dealings with the Federal Government. This may well be another chapter in that book. When the Government steps in and radically alters a way of life, through its activities, substantial effort should be made to construct a new and productive way of life. A well-grounded rehabilitation and education program for the Senecas would be such an effort. It may cost dollars and cents; but it will be a small measure, when we equate it with the loss of farming, hunting and fishing, recreational and gardening lands, and homesites. I am hopeful that the Senate-House conferees will reach a more equitable solution to the problem at hand.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield for a colloquy between the Senator from New York and the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from Rhode Island for his interest in this matter. The Kinzua Dam project is located in the State of New York; and the Seneca Indians are constituents of my colleague's [Mr. Keating] and mine, and, of course, both of us are very much interested in the bill which my colleague and I joined in sponsoring in the Senate.

So I thank the Senator from Rhode Island for his interest in these Indians.

Mr. PELL. I thank the Senator from New York. I suppose my interest in the Indians of New York stems in part from the fact that many years ago one of my ancestors was an Indian, a member of the Siwanoy Tribe, in the area now known as New York.

PRESIDENT JOHNSON'S SUPPORT OF THE CIVIL RIGHTS BILL

Mr. PELL. Mr. President, we are now engaged in a great debate on one of the most pressing moral issues this country has ever faced. The resolution of this debate on civil rights lies with the determination of men of good will and sound wisdom to do that which is necessary and right. It is a time for leadership and bipartisan cooperation. I believe we in Congress are cooperating in the very best traditions of nonpartisanship. And as the press is pointing out, President Johnson is lending the full weight and prestige of his office to this important task.

I ask unanimous consent that an article by Hedrick Smith, which appeared in the April 18 issue of the New York Times, entitled "Johnson Pleads for Civil Rights" be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, Apr. 18, 1964]

Johnson Pleads for Civil Rights—Tells Editors Nation Faces Tormented Ease Until Measure Is Passed

(By Hedrick Smith)

Washington, April 17.—President Johnson told newspaper editors today that "our Nation will live in tormented ease" until the civil rights bill now before the Senate is written into law.

"The question is no longer will it be passed, but when, when, when will it be passed," Mr. Johnson said.

The President spoke at a White House reception for several hundred editors and their wives attending the annual convention of the American Society of Newspaper Editors. His speech was very serious, almost like a sermon.

Preaching the need for action on his poverty program and medical care legislation as well as the civil rights bill, Mr. Johnson told the editors:

"We must either love each other or we must die."

AN ITCH FOR HOOKY

The speech was the highlight of a lively day at the White House during which the President acted as if touched by spring fever and confessed that he had the schoolboy's itch to play hooky.

Four times the President stole into the blooming rose garden at the rear of the White House to address visiting groups and enjoy the bright, near 90° weather.

He told the Commission on Heart Disease, Cancer, and Stroke that "on beautiful days like this, the President and schoolboys have a hard time staying indoors."

After his talk, the President took his visitors and some reporters on a short tour of the rose garden, admiring the brilliant red and yellow tulips blossoming beneath rows of white crabapple trees.

Pointing to the grape hyacinths along the edge of the flower beds, he said he was reminded of the bluebonnets growing in Texas.

"Mrs. Johnson loves those bluebonnets," he said, smiling, "but she gets mad at me because my sheep always eat them.'

Earlier, the President played host to a group of 150 bearded Montanans dressed in western clothes. The visitors wore lapel pins saying "Big Sky Country" to advertise their State's centennial. Mr. Johnson told them he was pleased they could come to see him at "your White House."

The President even began his address to the newspaper editors in a joking mood. Poking fun at his own campaign to save electricity, he told the editors they were going into the White House soon, "so you can pick up your candles in a box over there."

JUSTICE, OPPORTUNITY, PEACE

Then the President turned solemn.

"We intend to seek justice because that is what the Nation needs," Mr. Johnson said. "We intend to create hope because that is what the Nation needs. We intend to build opportunity because that is what the Nation deserves. We intend to pursue peace relentlessly because that is what the world demands."

President Johnson called upon the newspaper editors, as community leaders and molders of opinion, to join him in an "adventure of leadership by example." He added:

"Somehow, we must ignite a fire in the breast of this land, a flaming spirit of adventure that soars beyond the ordinary and the contended, and really demands greatness from our society, and demands achievement in our Government."

The President preached a gospel of compassion and concern for the needy in the midst of a bountiful society, and responsibility toward future generations.

"Believe me, God is not mocked," he said. "We reap as we sow. Our God is still a jealous God—jealous for the last of the little ones who went unfed while the rich sat down to eat and rose up to play.

"And unless my administration profits the present and provides the foundations for a better life for all humanity, not just now but for generations to come, I shall have failed."

The President continued:

"If there is judgment in history, it rests on us, according to our generosity or our disdain. These are the stakes: to make a world in which all of God's children can live, or to go into the dark. For today, under the shadows of atomic power, it is not rhetoric but it is truth to say that we must either love each other or we must die."

After the speech, delivered in the rose garden, the President and Mrs. Johnson held a reception inside the White House for the editors and their wives and took them on a tour of the Executive Mansion.

ANNIVERSARY OF THE ADOPTION OF THE POLISH CONSTITUTION

Mr. PELL. Mr. President, Sunday, May 3, marked the anniversary of one of the most inspiring events in Polish history—the adoption of the May 3 constitution in 1791.

This meaningful document contains the following words:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale and on a lasting foundation.

As citizens of the United States, we join with the more than 7 million Americans who are of Polish origin in celebrating this event. We are remined of the traditional bonds existing between our two countries—bonds strengthened by the principles of individual freedom expressed by the Polish Constitution and by our own, adopted just 2 years earlier in 1789.

We are reminded also of the tragedies which have overtaken the Polish nation since that time: the immense hardships of partition, the ravages of war, the repressions of Communist domination.

But we are reminded, too, of the value and perseverance of Polish ideals. This May marks the 600th anniversary of the founding of the University of Krakow, one of the oldest institutions of higher learning in Europe; and the 20th anniversary of the courage of Polish soldiers, who as gallant allies of our own forces, liberated the famous abbey of Monte Cassino during the bitterly fought Italian campaign of World War II.

The "lasting foundation" described in the Polish Constitution remains with us. As we commemorate its adoption, let us remember the spirit it exemplifies, and the deeply significant connotations it holds forth to all free men, and to their ultimate triumph.

MORALITY OF AMERICAN YOUTH TODAY

Mr. PELL. Mr. President, on April 6, there appeared an editorial in the New York Post entitled "Fathers and Sons (and Daughters)" relating to the recent comments of President Johnson on the morality of American youth today. It is an excellent editorial, and one which points out an important fact—that the youth of today do face problems whose solutions will not be found by a "do as I tell you" attitude. We as adults, must join with our young people to develop constructive programs and increased opportunities so that they will be prepared to meet these challenging years and serve themselves and their country in the best possible fashion.

I ask unanimous consent that the Post editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Fathers and Sons (and Daughters)

President Johnson's comments on the alleged loosening of morals among the young were notably free of middle-aged self-righteousness.

He thought the moral behavior of his daughters' generation an improvement over his own, the President, who is in his midfifties, said. Had he conducted himself as well when he was a teenager, he would have spared his parents a good deal of grief, he indicated.

These remarks were gracious and temperate. Adults are never more prone to cant and double-standard judgments than when they get onto the subject of the younger generation—especially its morals.

These are, of course, outbursts of antisocial behavior among young people that appall the community. The affair at Southampton last summer was a case in point. So was the recent outbreak of student rowdyism at the Commodore.

The youngsters involved in these escapades came from middle- and upper-class families. The parents must carry a large share of the responsibility. If they were doing their job at home, their children would find more meaningful ways of asserting and testing their identities, of getting "kicks," than vandalism and debauchery.

But too often when parents are lecturing on the subject of moral standards, they are in the equivocal position of appearing to tell their children: "Don't do as we do; do as we tell you." Faced with such hypocrisy it is little wonder the kids ignore and defy the community of adults.

The diagnosis is substantially different when it comes to the antisocial behavior of young people in the slums. Here society much more than the parent carries the major responsibility.

The President recognized this when he brought up his war on poverty program in connection with the alleged collapse of morality among young people. Youth joblessness, the President said, which was very high, contributed to situations among young people "that are not too pleasing."

There are young people, says Sargent Shriver, the President's poverty aid, who are prisoners of poverty. Their parents never graduated from grade school, rarely held a job. The youngsters are doomed to the same fate unless society opens up some "escape hatches" for them.

We cannot help feeling that if the national magazines were to devote to HARYOU's program for redeeming the youth of Harlem the space they are giving to adolescent immorality, the future of American civilization would be better served.

REPLY OF ATTORNEY GENERAL KENNEDY TO QUESTIONS RELATED TO CIVIL RIGHTS ASKED BY SENATOR COOPER

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky with the same understanding under which I have previously yielded to Senators

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. I thank the Senator from Georgia.

Mr. President, several days ago I had printed in the Record a letter which I had written to the Attorney General of the United States. In my letter I asked for his comments on several questions that I addressed to him relating to titles III, IV, and VI of the pending bill. The Attorney General responded quickly, and I believe in a very informative and frank way. I ask unanimous consent that the letter of the Attorney General dated April 29 be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Attorney General,
Washington, D.C., April 29, 1964.

Hon. John Sherman Cooper,
U.S. Senate, Washington, D.C.

Dear Senator Cooper: This is in reply to your letter of April 21, 1964, asking a number of questions relating to H.R. 7152. For convenience, I shall repeat your question and follow it with my answer.

TITLE VI

1. Question. Title VI, section 602, provides in part that "each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract

other than a contract of insurance or guaranty." Would you list the kinds of "contracts of insurance or guaranty" which would be exempted under section 602 from the coverage of section 601?

Answer. Section 602 would not apply to any contracts of insurance or guaranty. Among the kinds of insurance and guaranty which are excluded from section 602 by the quoted language are insurance of bank deposits by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation; Federal crop insurance; national service life insurance; Federal employees group life insurance; and FHA and VA mortgage insurance and guaranties.

2. Question. Does the term "recipient" on line 16 of section 602 apply to private individuals, or does "recipient" include only Federal departments or agencies, States, or subdivision of States?

Answer. "Recipient" means generally the person or entity to whom a Federal grant or loan is made, or with whom a Federal assistance contract is entered into. It includes a State or local agency which receives and administers funds; it is in the course of such administration that discrimination most often occurs, if at all, and it is to discrimination by such State and local agencies that title VI is basically directed. A private person or organization may also be the recipient of a Federal grant or loan, as in the case of a Hill-Burton grant to a hospital. I am not aware of any situation in which a Federal department or agency would be the recipient of a Federal grant, loan, or assistance contract.

3. Question. Would section 602 cover an employer who receives funds under a Federal program, and who discriminates in his employment practices?

Answer. Generally, no. Title VI is limited in application to instances of discrimination against the beneficiaries of Federal assistance programs, as the language of section 601 clearly indicates. Where, however, employees are the intended beneficiaries of a program, title VI would apply. Thus, for example, creation of job opportunities is one of the major purposes of the accelerated public works program. Hence construction employees would be deemed beneficiaries of such a program, and section 602 would require the administering agency to take action to prohibit racial discrimination against them in such a program. On the other hand, the Agricultural Adjustment Act and acreage allotment payments under it is a commodity program having nothing to do with farm employment. Farm employees are not beneficiaries of that program, and section 602 would not authorize any action to require recipients of acreage allotments to refrain from racial discrimination in employment. See CONGRESSIONAL RECORD, March 30, 1964, page 6545 for further discussion of this point.

4. Question. Would section 602 apply to individuals who contract directly with a Federal agency? Would it apply to a corporation which contracts directly with a Federal agency?

Answer. Title VI does not apply to procurement contracts, or to other business contracts which do not involve financial assistance by the United States. It does apply to grant and loan agreements, and to certain other contracts involving financial assistance (for example, those research "contracts" which are essentially grants in nature). In those cases in which title VI is applicable, section 602 would apply to a person or corporation who accepts a direct grant, loan or assistance contract from the Federal Government. But, as indicated, the fact that the title applied would not authorize any action, except with respect to discrimination against beneficiaries of the particular program involved.

5. Question. Would title VI of the present bill supersede those arrangements which have been established under Executive Order No. 10925, March 6, 1961 (President's Committee on Equal Employment Opportunity)?

Answer. No.

6. Are there any Federal agencies which now have regulations which prohibit discrimination in their programs or activities covered by title VI? If so, which agencies, what are the regulations, and to what programs are these regulations directed?

A. Yes. The following are some examples of the actions which have been taken to preclude discrimination in Federal grant and loan programs:

(a) Executive Order No. 11114, 28 Federal Register 6485, June 23, 1963, prohibits discrimination in employment on construction financed in whole or in part by Federal grants or loans.

(b) Executive Order No. 11063, November 21, 1962, 27 Federal Register, 11527, prohibits discrimination in residential housing provided in whole or in part, by Federal grants or loans, and in residential housing under federally assisted urban renewal projects.

(c) Applicants for grants under the Federal Airport Act are required to furnish an assurance that neither the applicant nor any other person occupying space or facilities at the airport "will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of any of the facilities provided for the public on the airport."

(d) The Department of Health, Education, and Welfare has refused to enter into contracts for teaching institutes under the National Defense Education Act with segregated institutions. See CONGRESSIONAL RECORD April 7, 1964, page 7102.

7. Question. Would persons who receive payments under various agricultural support and marketing programs be "recipients" under title VI? If so, what type of discrimination by these "recipients" under title VI would be grounds for cutting off their participation in a program? Would it include employment practices?

Answer. Farmers who receive Federal grants, loans, or assistance contracts would be "recipients" within the meaning of title VI. Title VI would protect such farmers, themselves, from being denied the benefits of such programs, or otherwise discriminated against under them, on grounds of race, color, or national origin. But, since such programs are basically commodity programs, and since individual farmers are the ultimate beneficiaries of such programs, title VI would not authorize imposition of any requirements on individual farmers participating in these programs. And, more particularly, it would not authorize imposition of any requirements with respect to farm employment, since farm employees are not beneficiaries of the programs referred to.

8. Question. Title VI would apparently enable such Federal department or agency to establish its own rules and regulations for cutting off Federal funds. How is it intended that a consistent set of regulations prohibiting discrimination in Federal financial assistance programs shall be established throughout all departments and agencies? What procedure is provided by title VI to secure consistent regulations pursuant to, and the uniform application of, title VI in each and every Federal financial assistance program?

Answer. Section 602 provides that each agency's rules and regulations must be approved by the President. The validity of such rules and regulations will be subject to judicial consideration in any judicial review proceeding. Any cutoff of funds must be reported to the appropriate congressional committees.

9. Question. Would you provide several examples of the kinds of discrimination in the administration of Federal financial assistance programs which have occurred? I would appreciate specific details and examples in this instance.

Answer. A number of examples, with supporting evidence, are set forth in the CONGRESSIONAL RECORD, March 30, 1964, page 6543 (Mr. HUMPHREY); April 7, 1964, pages 7054–7058 (Senator PASTORE); April 7, 1964, pages 7100–7103 (Senator JAVITS); CONGRESSIONAL RECORD, volume 109, part 18, page 23531 (Senator JAVITS). Among them are the following:

Under the Hill-Burton Act, between 1946 and December 31, 1962, grants totaling $36,775,994 were made to 89 racially segregated facilities. Of these, $4,080,308 went to 13 all-Negro facilities; the remainder went to all-white facilities.

Large grants have been made for construction and operation of racially segregated public schools in federally impacted areas, under Public Laws 815 and 879. For example, for fiscal year 1962 the following grants were made for construction and operation of public schools in impacted areas in five Southern States: Alabama, $6,948,061; Georgia, $6,200,863; Mississippi, $2,161,945; South Carolina, $4,331,576; Virginia, $15,639,603; total for the five States, $35,282,048. Yet for the school year 1962–63 Alabama, Mississippi, and South Carolina had no Negroes and whites together in any type of school. Georgia had only 44 Negroes in integrated schools, and only about one-half of 1 percent of Virginia's Negro children were in desegregated schools. Substantial Federal funds go to segregated schools in other States.

There is substantial evidence of exclusion of Negroes from training for higher skilled and better paid jobs under federally supported vocational training programs.

10. Question. Is it intended that the act of a Federal agency under title VI in cutting off funds in a program will take place only if discrimination within that particular program has occurred? Or would it be possible to cut off funds for a particular program to influence of termination of discriminatory practices to a State which is not covered by the particular program?

Answer. Funds could be cut off only under the particular program within which there is discrimination and only to the particular recipient who is doing the discriminating in this program. Section 602 makes this clear and express by providing, (1) that each agency responsible for a particular program of assistance adopt generally applicable rules, regulations, or orders with respect to discrimination in "such program," i.e., the particular program committed to its administration; and (2) that assistance may be terminated by such agency only for a violation of such a rule, regulation, or order, i.e., one relating to its own program and adopted with Presidential approval; and (3) that assistance may be terminated under a program only as to the particular recipient who is expressly found to have violated such rule, regulation, or order, i.e., to the person who is discriminating under a program in violation of a rule, regulation, or order applicable to that program. It would therefore not be possible to cut off funds under one program because of discrimination in another program, and assistance could be terminated only to the person or local agency which was discriminating. If only a single county in a State were discriminating, only that county could be cut off; there could be no cutoff to an entire State since the State had not violated any rule or regulation. It thus is clear from the present language of section 602 that any cutoff of funds must be limited to the particular situation in which discrimination has occurred, to the particular recipient who is discriminating, and to the particular program in which the discrimination exists. See House Report No. 914, part 2, pages 25–6; CONGRESSIONAL RECORD, April 7, 1964, page 7059 (Senators RIBICOFF and PASTORE).

11. Question. Would this title authorize the termination of school lunch programs to influence the desegregation of public schools within the State?

Answer. It would authorize termination of school lunch payments to segregated schools. However, in view of the availability of suits under title IV of H.R. 7152 as a means of achieving desegregation, it is not expected that such termination would occur. The intention is very clear that "fund cutoff is the last resort to be used if all else fails to achieve the real objective—the elimination of discrimination in the use and receipt of Federal funds." CONGRESSIONAL RECORD April 7, 1964 (Senator PASTORE).

12. Question. Under title VI, could such programs as the Federal-State highway program, and similar State aid programs, be terminated for the purpose of persuading or coercing the State or its subdivisions to end discrimination in public schools, public accommodations, or public facilities, etc.?

Answer. No. The reasons why this could not be done are explained above.

TITLE IV, SECTION 401(C)

Question. Would a privately endowed college which received 51 percent of its money each year from Federal grants qualify as a public college—operated predominantly through the use of Government funds? What is the test which would bring a private school within this section?

Answer. The intention by the "wholly or predominantly" phrase, is to include schools and colleges which are "private" in name only—i.e., to reach attempted evasions of the 14th amendment. If a school or college is genuinely "private" in origin and character, the fact that it received substantial Federal grants (for research, language institutes, text books, school lunches, etc.) would not bring it within section 401(c). It should be noted that title IV does not create new legal obligations; it merely authorizes suits by the Attorney General in those situations where private persons now have a right of action under the 14th amendment.

TITLE III

1. Question. Considering that H.R. 7152 would provide the Attorney General with authority to intervene in actions brought by individuals under titles I, II, and III(301), would section 302 provide the Attorney General with authority to intervene in cases arising under title VII?

Answer. No. Cases arising under title VII would be based on rights created by statute. Section 302 is limited to cases involving denials of the right to equal protection of the law under the Constitution. Intervention in cases brought under titles I and III could be possible because denials of the right to vote or of use of governmental facilities because of race, etc., is a denial of equal protection of the laws in violation of the Constitution. But, there would, under section 302, be no general right to intervene in cases brought by individuals under title II, except in instances in which there was sufficient State involvement in the conduct alleged to also violate the Constitution's equal protection clause.

2. Question. To what type of action, other than those specifically authorized in H.R. 7152, would section 302 be applicable? Would section 302 embrace cases brought by individuals against State officials, or individuals against individuals, claiming the denial of equal protection of the law?

Answer. Section 302 would allow intervention in cases commenced in Federal court seeking relief from a denial of equal protection of the laws only where such denial was on account of race, color, religion or national origin. Such a suit would be based on the 14th amendment and would normally be brought against a State official. It could be brought against a private individual only if sufficient "State action" were involved to constitute a constitutional violation.

3. Question. Would title III, section 302, permit the Attorney General to intervene in cases involving alleged denial of the first, fifth, and sixth amendments to the Constitution?

Answer. No.

4. Question. In what respect does section 302 differ from the old title III of the original civil rights bill of 1957?

Answer. Part III of H.R. 6127 (85th Cong., 1st sess.) as passed by the House, would have authorized suits by the Attorney General for injunctive relief from any actions which would give rise to a cause of action under 42 U.S.C. 1985; it would have authorized the Attorney General to initiate law suits to vindicate a very broad range of Federal rights, including, according to the testimony of then Attorney General Brownell, the right to be free from unlawful searches and seizures, the rights included within the broad concept of due process of law and rights of free speech, press, and religion. Section 302 differs from that provision in the following respects, inter alia: (1) it confers only a right of intervention, and not a right to initiate litigation; (2) it extends only to denials of constitutional rights, and not to denials of the additional statutory rights created by 42 U.S.C. 1985; (3) it extends only to denials of equal protection of the law on account of race, color, religion or national origin, and not to such denials on account of other considerations; and (4) it does not extend to denials of privileges and immunities. In short it is a much narrower provision.

I trust the foregoing will prove helpful in your further consideration of H.R. 7152.

Sincerely yours,

ROBERT KENNEDY,
The Attorney General.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE. Mr. President, I am amazed that the time and efforts of the U.S. Senate should have to be taken up in lengthy debate over whether a citizen of this country should have a jury trial when his liberty and property may be at stake.

It seems to me that this is so basic a right that there should be no question about how the issue should be resolved.

Ours is a government of laws and not of men.

In our free society, when a man is accused of a crime, he is presumed to be innocent until found guilty by fellow members of his community.

He has the constitutional right to a speedy and public trial.

He has the right to be confronted by his accusers.

He has the right to cross-examine those who testify against him.

Before he can be adjudged guilty as accused, evidence proving his guilt beyond a reasonable doubt must be presented.

He has the right, Mr. President, to have this evidence evaluated by 12 of his fellow citizens.

He has the right to a trial by a jury of his peers, and this, after all, is the most important of all the protections an accused person has in the administration of justice in our great Nation.

Mr. President, the bill is supposed to be a civil rights bill to protect the rights of all 190 million American citizens. It is a source of utter amazement to me how Senators and others can stand on the floor of the Senate and seriously argue in favor of a bill which in 5 of its 11 titles would deny the right of trial by jury to our citizens. I contend that that would restrict the rights of American citizens and would not enlarge or protect any rights.

Mr. President, the Constitution, in the third clause, section 2 of article III, provides:

> The trial of all crimes except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committted; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The sixth amendment further provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The fifth amendment requires that:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

The eighth amendment provides:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Why is it so important, Mr. President, that in our society, American citizens be so well protected in our courts?

The answer is simple. It is because we are a free people.

It is because when a person is accused of a crime, his liberty and property, and indeed, his very life, may be taken from him.

It is because that under our Constitution, no American citizen may be deprived of his life, liberty, or property without due process of law, which is the bedrock for all of the freedoms that we hold dear in our country.

It is because, as the great Daniel Webster declared:

> Whatever government is not a government of laws is a despotism, let it be called what it may.

It is because our system of government was devised to place the authority of law over the authority of men, and not men over law.

Let us look to the wisdom of Thomas Jefferson for insight into this problem with which we are now confronted. It will be recalled that when Jefferson wrote the Declaration of Independence, one of the grievances he made against England was the fact that King George deprived citizens of the Colonies of a right to a trial by jury.

What would Mr. Jefferson say today if he were to witness the jailing of men without first affording them the benefit of a trial by jury? I think we know what he would say.

Shortly after the adoption of the Constitution, it became evident that certain protections of the rights and liberties of our people had not been included.

The right to a trial by jury, as I already have pointed out, was guaranteed in article III of the Constitution, but further protection from possible judicial tyranny was required, so the Bill of Rights, the first 10 amendments, were proposed and adopted. And as we have seen, included in the Bill of Rights were the fifth, sixth, and eighth amendments providing for safeguards against judicial abuse in the courts of our land.

Adoption of the constitutional guarantee to a trial by jury was not without opposition.

Then, as it is true today, there were those who opposed this principle. Just as some people are saying today, there were those who contended then that judges could be trusted not to abuse their authority.

If it were not for Thomas Jefferson, perhaps today the right to a trial by jury would not be included in our Constitution.

He brought this controversy clearly into focus. He argued that democratic government which failed to guarantee jury trials could not endure. He declared that the people should be "introduced into every department of government," and he included the courts, when he wrote that "this is the only way to insure a long-continued and honest administration of its powers."

This great Virginian added, and I quote:

> They [the people] are not qualified to judge questions of law, but they are very capable of judging questions of fact. In the form of juries, therefore, they determine all matters of fact, leaving to the permanent judges, to decide the law resulting from those facts.
>
> But we all know that permanent judges acquire an esprit de corps; that being known, they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative power; that it is better to leave a cause to the decision of cross and pile (head or tails), than to that of a judge biased to one side; and the opinion of 12 honest jurymen gives still a better hope of right than cross and pile does.
>
> It is in the power, therefore, of the juries, if they think permanent judges are under any bias whatever, in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise power, they have been the firmest bulwarks of English liberty.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from North Carolina for such questions as he may see fit to ask.

Mr. ERVIN. I ask the Senator from Georgia if he does not agree with the observations made by a distinguished U.S. circuit judge, Judge Caldwell, some years ago when he said that if the Congress of the United States continued to authorize equitable proceedings in Federal courts in which the right by trial by jury did not exist, it would have a tendency to destroy the confidence of the American people in the administration of justice in the courts of the United States?

Mr. TALMADGE. I fully agree with that statement.

Mr. ERVIN. Does the Senator from Georgia agree with the observation of Judge Caldwell to the effect that the right of trial by jury should be cherished and enlarged, rather than diminished, because it gave the people of the country an opportunity to participate in the administration of justice?

Mr. TALMADGE. I agree fully. The right of trial by jury is the greatest civil right that any one of the 190 million American citizens possesses. It is inconceivable to me that there should be enacted a so-called civil rights bill in which five titles further deny the right of trial by jury to all citizens of our country.

Mr. ERVIN. Does the Senator from Georgia agree with the further observation of Judge Caldwell to the effect that if Congress continued to enlarge the jurisdiction of the Federal courts by enlarging the jurisdiction of equity, the ultimate result would be that the administration of justice would be in the hands of one professional class in America; namely, the lawyers, rather than in the hands of the people generally?

Mr. TALMADGE. That is entirely correct. It would be restricted more than to lawyers alone. It would be restricted to judges; and they are appointed for life and can be removed from office only by impeachment.

Mr. ERVIN. Does the Senator from Georgia agree with the Senator from North Carolina that virtually all judges are selected from a single professional class; namely, the lawyers of the country?

Mr. TALMADGE. That is true.

Mr. ERVIN. Does the Senator from Georgia agree with the Senator from North Carolina that if the bill were passed in the form in which it was presented by its proponents—that is, without amendment—it would result in everyone, except those covered by voting rights cases and those covered by public accommodations cases, being placed in a situation in which there would be not only no indictment by a grand jury, no trial before a petit jury, no constitutional venue fixing the place of trial, where the witnesses would be readily available, no limitation of punishment, and no protection against not only double jeopardy, but triple jeopardy?

Mr. TALMADGE. The Senator is correct. The application of such provisions in the bill is intolerable in any enlightened country where justice is supposed to be supreme.

Mr. ERVIN. Does the Senator from Georgia agree with the Senator from North Carolina that section 1, title 18, of the United States Code, provides that every criminal act which is punishable either by death or by imprisonment in excess of 1 year in a Federal prison is a felony under Federal law?

Mr. TALMADGE. That is correct.

Mr. ERVIN. Does not the Senator from Georgia know that the Supreme Court of the United States held in the Green case that a man can be imprisoned for as much as 3 years when he is brought before a judge on a criminal contempt charge, without a jury, and that one of the lower Federal courts has held that a person tried on a criminal contempt charge by a judge, without a jury, can be imprisoned for as much as 4 years?

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that the present Federal laws governing proceedings in criminal contempt cases prosecuted by the Government of the United States represent a disgrace to any system of justice which purports to be created for the purpose of administration of justice rather than compelling people to bend to the will of the Government?

Mr. TALMADGE. The Senator is correct. In my judgment, it is in clear violation of the provisions of the Constitution, which provides for mandatory jury trial in all criminal cases. It has reached the point where subterfuge is practiced, because the courts say it is not a crime. Yet, as the Senator has pointed out, the judge is the accuser, the judge is the prosecutor, the judge is the grand jury, the judge is the trial jury, the judge is the judge, and then the judge sentences. So every vestige of the operation of law is vested only in the hands and mind and bosom of a judge, and he can take whatever action he sees fit to circumvent the Constitution.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that the Supreme Court of the United States has been guilty of some inconsistency in saying that criminal contempt is not a crime, in that in the Gompers case the Court expressly held that criminal contempt was a crime against the Government and was subject to the statute of limitations prescribed by the act of Congress for criminal charges?

Mr. TALMADGE. It has been many years since I read that decision, but my recollection is that it held as the able Senator from North Carolina has said.

Mr. ERVIN. Does not the Senator from Georgia recall that in that case one of the great labor leaders, and one of the most patriotic labor leaders this country has ever known; namely, Samuel Gompers, was prosecuted on a criminal contempt charge in the courts merely because he truthfully said, in violation of the injunction issued by the district judge, that there was no compulsion on people to purchase ranges manufactured by the particular corporation against which there was a labor dispute?

Mr. TALMADGE. That is my recollection of the situation.

Mr. ERVIN. Does not the Senator from Georgia recall that in that case the Supreme Court held that criminal contempt as a crime was barred by the statute of limitations?

Mr. TALMADGE. That is my understanding.

Mr. ERVIN. Can the Senator from Georgia understand how any man who loves the legal system of our country—based upon the theory that rules of procedure should apply alike to all litigants, regardless of whether they be the U.S. Government, a private corporation or a private individual—could support a bill of this nature?

Mr. TALMADGE. It is inconceivable to me how anyone who loves the system of justice devised by our Constitution could support such a bill.

Mr. ERVIN. Does the Senator from Georgia agree with the Senator from North Carolina that in cases such as those covered by title VI, in which a public official, a local official, or a State denies a citizen or an inhabitant of the United States the right to participate in a program, which right has been granted by Federal law, he would be guilty of a crime under title XVIII, section 242, of the United States Code?

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. Does the Senator from Georgia understand how anyone could support such a bill, which would authorize unlimited punishment, a denial of the right of venue where witnesses are available, and the denial of protection against double jeopardy, in proceedings for criminal contempt against State or local officials arising under title VI of the bill, when the statute fixes punishment in similar cases at not over a year's imprisonment, or a fine of $1,000, or both, and allows a trial by jury?

Mr. TALMADGE. Such an action would be inconceivable to me.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that the bill is iniquitous from a legal standpoint, in that it is a device, in the first place, to deny the right of trial by jury, by authorizing equity proceedings, and also by virtue of the fact that it would be enforced by criminal contempt procedures as well as by civil contempt procedure?

Mr. TALMADGE. I fully agree with the able Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that the excuse made, that it is necessary to have a law like this in criminal contempt cases, in order to enable the court to enforce its judgment, is wholly without any foundation whatever in truth?

Mr. TALMADGE. I agree fully with the able Senator from North Carolina.

Mr. ERVIN. Does not the amendment which the Senator from Georgia submitted provide expressly that it would make no change in existing law with respect to civil contempt proceedings, and that civil contempt proceedings are designed to enable the court to enforce the bill and are effective for that purpose?

Mr. TALMADGE. The Senator is entirely correct. I should like to add that it makes no change in criminal contempt cases provided that the offense is committed in the presence of the judge, or within the vicinity of the judge, or if it affects the service of a writ of judicial process.

Mr. ERVIN. Is the Senator from Georgia cognizant of the fact that the able and distinguished Senator from Kentucky [Mr. COOPER] has submitted an amendment in the nature of a perfecting amendment to the amendment originally offered by the Senator from Georgia, which would authorize the right of trial by jury in so-called civil rights cases, except where a State or local official was involved?

Mr. TALMADGE. I am familiar with the amendment which the Senator from Kentucky has proposed. It is now lying on the table. I hope the Senator will not call it up, because it would be inconceivable to me to segregate certain classes of American citizens and to provide that one class of American citizens shall enjoy their constitutional rights, but if someone happened to be the trustee of a school, or holds office of any nature, he would be denied the constitutional rights enjoyed by every other American citizen.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that there is really no substantial basis for supposing that all local officials possess a superior knowledge of law and equity over private individuals?

Mr. TALMADGE. The situation in my State—and I am sure it is true in North Carolina, and perhaps elsewhere—is that many citizens hold such offices at great personal and financial sacrifice. The offices are usually held by substantial citizens in the community, business, or on the farm. By virtue of their character, their civic mindedness, their devotion, and their patriotism, they are usually induced to hold this kind of office, but this does not mean they have great knowledge of the law.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that many citizens occupy such offices as membership on school boards, membership on county boards of education, membership on boards of county commissioners, membership on boards of city commissioners and the like, on which they serve either without compensation or compensation which is too insignificant to be considered?

Mr. TALMADGE. That is quite true. They serve at great personal sacrifice. They must neglect their business, their duties, their farms, and spend their own money. Many of them lose business. It is my opinion that if we denied those citizens the constitutional rights which are extended to all other citizens, it would be difficult if not impossible to induce citizens to serve in those capacities.

Mr. ERVIN. I ask the Senator from Georgia if he does not agree with the Senator from North Carolina that it is difficult to understand how any man who has veneration for those who fought the Revolution and made this country free, could support a bill which would deny to any American, regardless of his status as a public official, or a private individual, such a basic civil right as the right of trial by jury, in any instance.

Mr. TALMADGE. I agree fully with the Senator from North Carolina. It is inconceivable to me how any Senator could take the view that some citizens should have preferential rights, or that some citizen should have lesser rights in the eyes of the law. To me, the Constitution treats all citizens alike. They stand equal before the law. If any citizen should be deprived of any right to which he contends he is entitled, he has an equal right to go into any American court and enforce his rights under the Constitution. As the able Senator from North Carolina knows, the Supreme Court and the Federal courts as presently constituted have been quick, indeed, to grant any rights, whether real or fancied.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina in the proposition that under existing acts of Congress, any person charged with criminal contempt, where the alleged contemptuous act or omission constitutes a crime, either under Federal or State law, automatically has the right to a trial by jury, except in cases brought in the name of the United States?

Mr. TALMADGE. The Senator is correct. Under that condition, he could be jailed for criminal contempt and then indicted for a crime, and be made to serve two sentences for the same offense.

Mr. ERVIN. If he were also charged with civil contempt, he could be made to serve three sentences.

Mr. TALMADGE. The Senator is correct. He could be jailed and sentenced three times for the same offense.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that it is an absolute disgrace, and inconsistent with a sound system of justice, to allow the United States a special procedural advantage over all other litigants in U.S. courts?

Mr. TALMADGE. It is inconceivable to me that a government over 190 million citizens, which spends in excess of $100 billion a year, should be entitled to procedural and judicial advantage over its most humble citizen.

To my mind, the more powerful the litigant, the more entitled the citizen should be to the constitutional protection which our forefathers provided. When the Government of the United States comes into court with all of its gigantic judicial, legal, and financial resources, it is inconceivable to me that the defendant in the case should be denied a jury trial. I believe the stronger the potential plaintiff, the greater the guarantee of justice to the defendant should be.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that under the existing Federal act, Congress makes an exception in cases prosecuted by the United States, and thereby deprives a person charged with criminal contempt in such cases of the right to a trial at a place where witnesses are readily available and the advantage of the protection of limited punishment?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. And does not the Senator from Georgia share the suspicion of the Senator from North Carolina that one of the motives which prompt the proponents of this bill to provide in virtually all of the sections that the action shall be prosecuted by the Attorney General in the name of the United States is for the purpose of robbing people of a right to a trial by jury which they would otherwise have; for the purpose of robbing them of the benefit of limited punishment, which they would otherwise have; and for the purpose of robbing them of the protection which they would have in respect to a venue which insures the availability of witnesses?

Mr. TALMADGE. The able Senator has correctly stated the situation, in my opinion.

Mr. ERVIN. Does not the Senator from Georgia recall from reading the book of Ecclesiastes in the Old Testament that the writer of that book said: "There is nothing new under the sun"?

Mr. TALMADGE. That is a correct statement.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that that statement is true in regard to the provisions of this bill which undertake to deny people the right of a trial by jury by expanding the power of equity to a point far beyond the ancient limits of equity?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. Does not the Senator from Georgia recall from history that when the British Parliament passed the Stamp Act and other revenue acts applicable to the Colonies, they took jurisdiction to try cases involving violations of those acts away from the criminal courts of the Colonies and vested that power in the court of admiralty because the court of admiralty provided no right to a trial by jury, as is the case in equity trials in Federal courts?

Mr. TALMADGE. That is entirely correct. Thomas Jefferson cited that as one of the reasons for the insurrection. And it was perhaps the foremost reason for writing the Declaration of Independence.

Mr. ERVIN. Does not the Senator from Georgia recall that between the passage of those laws and the writing of the Declaration of Independence, two gatherings of representatives of the Colonies, were held and that those two gatherings of representatives of the Colonies denounced the action of the British Parliament in denying the Colonies the right of a trial by jury? They asserted that every person who was a subject of England was entitled to the privilege of a trial by jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. Does not the Senator from Georgia view with more or less consternation the fact that a right for which the American colonies went to war in 1776 is a right which the proponents of this bill spurn now in the year of our Lord 1964?

Mr. TALMADGE. The Senator is entirely correct. It is utterly inconceivable to me that anyone should take that view.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that the most efficacious way to insure that governmental tyranny can be practiced upon the people of America is to deny the right to a trial by jury to American citizens who are involved in a contest between the Federal Government and local officials or individual citizens?

Mr. TALMADGE. I agree entirely. I think the right of a trial by jury is the greatest civil right that all Americans possess. It ought to be more zealously defended than any other right we possess.

Mr. ERVIN. I thank the Senator.

Mr. TALMADGE. I thank the able Senator from North Carolina for his contribution. I regard him as the most able constitutional lawyer in the Senate. In my judgment, his questions have pointed out, to a great degree, the weaknesses of the bill.

Mr. President, with the same understanding with which I yielded previously, I yield first to the distinguished Senator from New Mexico.

PRESENTATION OF LANGLEY MEDAL TO ALAN B. SHEPARD, JR., MAY 5, 1964

Mr. ANDERSON. Mr. President, it was my pleasure to participate this morning at the Smithsonian Institution in the presentation of the Langley Medal to Comdr. Alan B. Shepard, Jr., who is in Washington with his wife and three daughters.

I ask unanimous consent that the remarks I made on that occasion be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

> One of the fascinations of history lies in the way it brings together remote and unrelated achievements and people to establish important milestones in our developing society. This ceremony is a good example.
>
> Prof. Samuel Pierpont Langley was the third Secretary of the Smithsonian Institution and one of the pioneer experimenters in the science of flight. He called it aerodromics. His contributions to this science were great—and lasting.
>
> In 1908, 2 years after the death of Professor Langley, Dr. Alexander Graham Bell, a Regent of the Smithsonian, and himself an experimenter in manmade flight, proposed that a Langley Medal be established and awarded to encourage aviation. The Regents promptly established the medal "to be awarded for specially meritorious investigations in connection with the science of aerodromics and its application to aviation."
>
> The Langley Medal was first awarded to Orville and Wilbur Wright on February 10, 1910.
>
> At about the time of this award to the Wright brothers, a young professor of physics at Clark University, Robert H. Goddard, was experimenting with, dreaming of, and writing about rockets as a means of propulsion for flight.
>
> In 1916 he sent a paper to the Smithsonian entitled a "Method of Reaching Extreme Altitudes" and requested financial assistance for his experiments. He was not disappointed and the Smithsonian takes pride in having aided this great scientist in his early work with rockets.
>
> On March 16, 1926, Dr. Goddard successfully launched the world's first liquid-fuel rocket—from his aunt's farm in Massachusetts.
>
> His continued experiments attracted the attention of Charles A. Lindbergh who was helpful in securing additional and substantial financing from Daniel Guggenheim. This permitted Dr. Goddard to transfer his experiments to my home State, New Mexico. There he laid the foundation of the science of modern rocketry which has made possible our space exploration program of today.
>
> When Dr. Goddard launched the first liquid-fuel rocket in 1926, Alan B. Shepard, Jr., was growing up in a little town in the neighboring State of New Hampshire. I imagine that like most 3-year-olds of that time, his only rocket interest was in the 4th of July variety.
>
> Later, he was appointed to the U.S. Naval Academy and graduated with the class of 1944.
>
> Alan Shepard served his country with distinction as a naval officer during World War II in the Pacific Theater. He earned his naval aviator's wings in 1947 and became an outstanding jet test pilot and instructor.
>
> He volunteered for our country's space flight program, was chosen as one of our seven original astronauts, and became the first to fly in space.
>
> On his third anniversary of his historic space flight, Commander Shepard comes to the Smithsonian Institution to receive its highest award—the Langley Medal.
>
> This is most appropriate, for here—within a few steps of this distinguished gathering—are displayed: The original flying models of Professor Langley's aircraft; a section of the tetrahedral man-carrying kite of Alexander Graham Bell; the original Wright brothers aeroplane of 1903; three original Goddard rockets, including the world's first liquid-fuel rocket; Lindbergh's *Spirit of St. Louis;* a replica of the mighty Jupiter rocket which boosted Alan Shepard into space; and *Freedom 7,* the spacecraft in which he made his historic flight.
>
> The award of the Langley Medal recognizes the outstanding achievements of a great American and marks a significant milestone in history.
>
> I have the privilege of now introducing the Chancellor of the Board of Regents, the distinguished Chief Justice of the United States, the Honorable Earl Warren.

DEATH OF HOWARD ZAHNISER

Mr. ANDERSON. Mr. President, it is my sad obligation to announce to the Senate that Howard Zahniser, known to all of us as the seemingly tireless advocate of a wilderness preservation system, succumbed last night to heart ailments which he has had for several years.

I expect to pay tribute to this great conservationist later in Senate remarks. He was a pioneer who dedicated himself entirely to the wilderness movement. At this time I wish only to advise the Senators of his death. Nearly all of us knew Howard Zahniser personally, and whether they agreed with him or opposed his objectives, everyone respected his unusual zeal and regarded him with affection as Mr. Wilderness.

I thank the Senator from Georgia for his courtesy in yielding to me.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE. Mr. President, with the same understanding as before, I yield to the distinguished Senator from Ohio [Mr. LAUSCHE].

Mr. JAVITS. Mr. President, before the Senator from Georgia yields, will he yield to me?

Mr. TALMADGE. Certainly, if the Senator from Ohio would permit me to yield to the Senator from New York for some questions.

Mr. JAVITS. I intend to ask the Senator from Georgia a number of questions about constitutional questions involved. But if it will not suit the Senator's convenience, I will wait until later.

Mr. TALMADGE. I had promised to yield to the Senator from Ohio. My time is entirely in his hands. If the Senator from Ohio desires to proceed now, I wish to comply with my promise that I would yield. If he desires to wait, I will yield to the Senator from New York.

Mr. JAVITS. I gather that the Senator from Ohio desires to proceed, but may I ask the Senator to state for the RECORD about how much time he will require?

Mr. LAUSCHE. I think it will require about half an hour.

Mr. JAVITS. I thank the Senator.

Mr. TALMADGE. I yield to the Senator from Ohio under the conditions previously stated.

JURY TRIAL AMENDMENT

Mr. LAUSCHE. Mr. President, I desire to direct my remarks to the issue that is immediately before the Senate; namely, whether language should be included in the pending bill which would guarantee a trial by jury to an accused in criminal contempt cases.

I understand that the amendment offered by the Senator from Kentucky does not deal with civil contempt, but only criminal contempt, and that his language provides that whenever a criminal contempt proceeding is instituted, the aggrieved party shall have the right of a trial by jury if he so desires.

In approaching this issue, I wish to discuss a number of Federal statutes dealing with contempt trials under specific conditions. I shall also attempt to discuss what is supposed to be the difference between a criminal and a civil contempt proceeding.

I have obtained the language from four statutes dealing with trials in contempt cases. The first is the Clayton Act. The second is the Norris-La Guardia Act. The third is the Landrum-Griffin Act, which, of course, is an amendment of the Taft-Hartley Act. Fourth is the Civil Rights Act of 1957.

The Clayton Act was passed by Congress with the intention of prohibiting the formation of combinations purposed to fix prices and to engage in monopolies. In that act, injunctive relief is allowed. Manifestly, if injunctive relief is allowed, Congress must proceed to declare how the trial shall be had in the event proceedings are brought against an accused for insulting the court.

I now read from section 21 of the Clayton Act:

> Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided.

Section 22 of the Clayton Act provides, in paragraph 2:

> In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event a court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; * * *.

That is the end of the quotation, but not the end of the statute.

In that instance, Congress, in attempting to determine how a trial shall be held for a violation of the Clayton Act, specifically recognized the time-honored concept of the American people that trial by jury is one of the fundamental virtues of our Government. In that instance, Congress undoubtedly remembered how, at Runnymede, the English people demanded of King John that he cause to be set forth in writing certain inviolable rights of the citizenry of England. One of those rights was that when charged with crime, the citizen shall have a right to trial by jury, the jury to be made up of members constituting peers of the accused.

Thus, in a sincere approach to this problem, one might well ask, Why, with respect to the Clayton Act, in certain circumstances, did Congress grant the right of trial by jury, but now is it urged that the right of trial by jury shall not be granted to an accused under the civil rights bill? I cannot give a sound reason. In my judgment, the proponents of the bill cannot, on the basis of reason, demonstrate that under the Clayton Act a jury trial must be allowed, but that under the civil rights bill it shall be denied in criminal contempt proceedings.

Let us turn now to the next important act that was passed by Congress on this subject, namely, the Norris-La Guardia Act. This act was passed in 1932. It relates to injunctive proceedings against unions. The act itself is narrow in outlining the circumstances under which injunctive relief may be granted against a union. But within those narrow limits, a trial judge has the right to command unions not to perpetrate certain acts. Again, Congress had to decide, if an injunction was issued, and the union leaders disobeyed the injunction, how the accused should be tried. I shall now read section 11 of the Norris-La Guardia Act:

> In all cases arising under this act in which a person shall be charged with contempt in a court of the United States—

Mark you, Mr. President, that the Norris-La Guardia Act does not speak of criminal contempt, but speaks of "contempt"—civil and criminal contempt. I shall reread:

> In all cases arising under this act in which a person shall be charged with contempt in a court of the United States (as herein defined), the accused shall enjoy the right to speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided,* That this right shall not apply to contempt committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court * * *.

So we have another situation important to the people of the country—a statute which allows the issuance of an injunction against a union, a statute which envisions the possible violation of the injunction by a union leader. Congress again said that there shall be the right of trial by jury.

In the Norris-La Guardia Act, the right of trial by jury was given not only to the defendant who was charged with criminal contempt, but also to the defendant charged with civil contempt. I shall later discuss the difference between civil and criminal contempt.

I again put the question: Upon what character of reasoning can Congress, made up of honest and intelligent men and women, hold that the labor leader who insults and contemns shall have a jury trial, but that the U.S. citizen who violates the Civil Rights Act in an injunctive proceeding shall not have a jury trial? How can that question be answered reasonably? How can it be answered on the basis of conscience? Are we to admit that we are moved by political considerations? Are we to admit that because the power of the vote has greater effect upon us than the power of the conscience, therefore, in the one instance, the right of trial by jury shall be granted, but in the next instance it shall be denied?

Again I ask, on what basis can one rationalize it? How can it be said that a citizen of the United States who violates the proposed Civil Rights Act shall not have a trial by jury, but a labor leader who violates the Norris-La Guardia Act shall have a trial by jury, when the violation is either civil contempt or criminal contempt?

I have had some experience in trying to be guided by principles of law. From the first day when I entered law school, there was impressed upon my mind the fact that in the administration of the law there must be equality of treatment for all individuals; and I submit that these differences between the two modes of trial cannot be reconciled. Under the Norris-La Guardia Act, in a prosecution for criminal contempt, before a jury, the accused was presumed to be innocent, and the case against him had to be established beyond a reasonable doubt, and the 12 jurors had to reach a unanimous verdict. But under the proposed Civil Rights Act, one man could make the decision and could be the sole judge of the facts.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield, to permit the Senator from Ohio and the Senator from North Carolina to engage in a colloquy.

The PRESIDING OFFICER (Mr. NELSON in the chair). Is there objection? Without objection, it is so ordered.

Mr. LAUSCHE. Very well.

Mr. ERVIN. Does not the Senator from Ohio agree with me that those who founded this country intended to establish a government of laws, rather than a government of men?

Mr. LAUSCHE. Yes. Over the portico of the Supreme Court Building is the motto "Equal Justice Under Law." But, Mr. President, equal justice under law does not mean that one group of citizens shall be treated differently from another group of citizens; such treatment is the very antithesis of equal justice under law.

Mr. ERVIN. I ask the Senator from Ohio whether he agrees with me that in a system which makes any pretense of being a government of laws, all persons must be given both the same substantive rights and the same procedural rights.

Mr. LAUSCHE. I agree.

Mr. ERVIN. I thank the Senator from Ohio.

Mr. LAUSCHE. The mode of trial is a significant aspect of the administration of our criminal laws. Trial by jury is entirely different from trial by a commissariat in Red Russia. When our Constitution was written and when the plans for it were being made, the language used was that a jury shall be composed of members who will be the peers of the accused.

Now I wish to refer to the Landrum-Griffin Act, which deals with labor. I read section 608 of the Landrum-Griffin Act:

> No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary—

Meaning the Secretary of Labor—

> or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of a jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing jury trials in criminal prosecutions in the district courts of the United States.

That is the third instance in which the Congress of the United States, having in mind the sacred principles which guided the writing of our Constitution, provided that no man shall be punished—in this instance, for violating the Landrum-Griffin Act, in a contempt proceeding criminal in character—unless his conviction has been declared by a jury.

So how can those who are the proponents of no trial by jury explain the fact that in the Landrum-Griffin Act, Congress required that in contempt proceedings of a criminal character there shall be a trial by jury, whereas in the pending civil rights bill it is provided that in a civil rights action there shall not be a trial by jury? The difference cannot be explained. I have tried to explain it to myself; I have tried to reconcile that difference; but I was unable to do so. I could have done so by being dishonest with myself, but I could not do so by responding to my reasoning and by being honest with myself.

Mr. ERVIN. Mr. President, will the Senator yield, under the same conditions as before, to permit me to ask a question?

Mr. TALMADGE. Mr. President, I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Very well.

Mr. ERVIN. I ask the Senator from Ohio whether he agrees with me that the arguments of those who would deny the right of trial by jury in this case; namely, the argument that some juries might acquit someone, and might be in error in that connection—can be used in regard to any case of trial by jury.

Mr. LAUSCHE. In reply, let me say that some citizens and some public officials feel that the Supreme Court of the United States in certain cases has not rendered judgment the way they want it rendered. My query is: Shall those who are not satisfied with the Supreme Court's decisions be given the right not to go before that Court, but to go before a court of their own choosing? Of course, the answer is in the negative.

Mr. ERVIN. Does the Senator from Ohio also agree with me that, although some juries sometimes make mistakes, sometimes Senators and Members of the House of Representatives and other human beings, in discharging any sort of function, either public or private, also make mistakes?

Mr. LAUSCHE. Of course; all of us are fallible.

The Civil Rights Act of 1957, as I understand, provides that if there is to be a monetary penalty and imprisonment under certain circumstances, a jury trial shall be allowed.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. LAUSCHE. I yield.

Mr. TALMADGE. The Senator is entirely correct. When the bill was before the Senate in 1957, the identical amendment that the Senator from Georgia has submitted to the pending bill, and which, with the perfecting amendment submitted by the Senator from Kentucky [Mr. MORTON] and the substitute amendment offered by the majority leader, the Senator from Montana [Mr. MANSFIELD], and the minority leader, the Senator from Illinois [Mr. DIRKSEN], is the pending business of the Senate, was adopted by the Senate by a vote of 51 to 42. The amendment contained an all-inclusive jury trial provision which referred to all cases of criminal contempt except those in which the contempt was committed in the presence of the judge or in his immediate vicinity or affected the service of the court's process or summons.

The bill went to the House with that amendment. The House modified the bill to provide that if the sentence were in excess of 45 days' imprisonment or a fine in excess of $300, the defendant would be entitled to a jury trial. The Civil Rights Act of 1957, with that provision, is on the statute books today. The Senator from Ohio has correctly stated it.

Mr. LAUSCHE. Yes. I have a memorandum showing that if the punishment is more than a fine of $300 or imprisonment for more than 30 days, there must be a trial by jury; otherwise not.

Mr. TALMADGE. Forty-five days is my recollection.

Mr. LAUSCHE. The provision in respect to 45 days was a compromise which was not rooted in reason. As the bill left the Senate, it provided for a jury trial in criminal contempt proceedings. The bill was changed in conference.

Mr. President, it would be interesting to check the RECORD name for name and ascertain how Senators who today argue that there shall be no jury trial provision added to the bill voted on the Landrum-Griffin bill and said in relation to that bill that there should be a provision for a jury trial. It would be rather fascinating to see how, with respect to the civil rights bill, the argument is made now that the honored principle of a right to a jury trial by one's peers is proposed to be cast to the winds in the civil rights bill but remain inviolate in the Landrum-Griffin labor bill.

I should like to ingratiate myself with persons who desire a civil rights bill. I shall vote for a civil rights bill. But there is something more important than ingratiating one's self with the voters. Over and above ingratiation is the need for one to be true to himself. There is the need to be consistent. There is the need to be equal in one's consideration and treatment of his fellow citizens. If the Congress of the United States wishes to say that political expediency, by changing principles to suit the occasion, is the course to follow, I wonder what will become of the words of George Washington in his Farewell Address, when he said that morality must be the basis of the continued life of our country.

I say to the Senate respectfully that we cannot reconcile treating the little barber with one yardstick of justice and the labor unions with another. If the barber is not entitled to a jury trial, how can we give the right of a jury trial to the labor leader? If we give the right to the labor leader, how can we deny it to the barber under the Civil Rights Act? Those who try to answer those questions will lie in bed interminably trying to figure out how the question can be answered, and they will not be able to answer the question, except on one ground—if they disregard reason.

Mr. President, I have used more time than I intended to use. To Senators who wish to read the most complete and accurate analysis of the difference between civil contempt and criminal contempt, I recommend a reading of the Gompers-Buck Stove and Range Co. case, which appears in 221 U.S. 418. In that case a judge of the district court sentenced Samuel Gompers to jail for violating an injunction. The sentence was rather severe. Gompers and other defendants were found guilty of contempt and sentenced to imprisonment for 12, 9, and 6 months, respectively. The proceeding from which I am now reading was one in which an effort was made to reverse the judgment. The Supreme Court of the United States finally reversed the judgment. I intended to read the entire case, but to do so would take too long. I shall try to summarize the difference between civil and criminal contempt. Civil contempt proceedings are instituted solely for the purpose of providing the remedy for the injured party. The remedy is relief to the injured person.

In criminal contempt, the proceedings are instituted normally by the Government. The relief sought is not a remedy for the benefit of the aggrieved party, but vindication of the honor and the dignity of the court. There are a number of tests by which a determination can be made as to whether a proceeding is criminal or civil. The opinion of the Court states:

> Contempts are neither wholly civil nor altogether criminal. And "it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both."

That last quoted statement was made in the case of *Bessette* v. *W. B. Conkey Co.*, 194 U.S. 324, 329. Continuing to read from the opinion:

> But in either event, and whether the proceedings be civil or criminal, there must be an allegation that in contempt of court the defendant has disobeyed the order, and a prayer that he be attached and punished therefor. It is not the fact of punishment but rather its character and purpose that often serve to distinguish between the two classes of cases. If it is for civil contempt the punishment is remedial, and for the benefit of the complainant.

It is not for the benefit of the Government. It is in a controversy between the defendant and the aggrieved or injured party in the contempt proceedings.

> But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court. It is true that punishment by imprisonment can be remedial, as well as punitive, and many civil contempt proceedings have resulted not only in the imposition of a fine, payable by the complainant, but also in committing the defendant to prison. But imprisonment for civil contempt is ordered where the defendant has refused to do an affirmative act required by the provisions of an order which, either in form or substance, was mandatory in its character. Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he had refused to do.

I submit to the proponents of the bill that remedy by civil contempt instituted by the Government would bring to the complainant every relief that he needs in order to achieve a performance of the mandatory injunction. The court directs A to perform an act. A refuses to perform it. Civil contempt proceedings are instituted. The court declares to A, "You will either obey my order or go to jail until you do obey it." What greater relief do the proponents of nonjury trial want? They can get everything they need under the civil contempt proceedings, because the amendment of the Senator from Kentucky is applicable only to criminal contempts.

But that does not satisfy them. They want to go one step further and say that in criminal contempt, where there is no relief to be brought to the aggrieved party, but only a vindication of the honor of the judge, and the fine can be for a definite sentence and a definite mandatory amount, without the ability of the defendant to exculpate himself, there shall be no jury trial.

I cannot see it. What more could the injured party hope to attain? What more do the proponents of the nonjury provision think they will get in criminal contempt proceedings that they cannot get in civil contempt proceedings?

It has already been stated on the floor of the Senate that one of the tests of civil contempt is that the accused person has in his hands the key with which to open the jail door. The judge says to him, "You will remain in jail until you perform the act." The key is the performance of the act. If a hotel or inn or restaurant or place of entertainment discriminates on the basis of color and the operator is put in jail until he stops discriminating, have not the proponents achieved that which they want?

For example, in the matter of civil contempt, if a defendant should refuse to pay alimony or to surrender property ordered to be turned over to a receiver, or to make a conveyance required by a decree of specific performance, he could be committed until he complied with the order. When the order is once complied with, the remedy of civil contempt is achieved. It is final.

Another test: The fact that the purpose of the punishment could be examined with a view to determining whether civil or criminal contempt is involved is recognized in certain cases. While it is true that the fine imposed is not made payable to the opposite party, compliance with the order relieves the defendant from payment, and in that event there is no final judgment of either fine or imprisonment.

Based upon the study that I have made of cases and the best way to determine whether an action is in criminal or civil contempt, this question should be put: What is the purpose of the proceeding? Is it primarily to afford civil relief to the injured party? If it is, it is civil contempt. If the primary relief sought is to maintain the dignity and honor of the court, and the fine is fixed without the ability of the defendant to release himself by final compliance with the order, the proceeding is one for criminal contempt.

There is another difference. Proceedings for civil contempt are between original parties and are instituted and tried as a part of the main cause. On the other hand, proceedings at law for criminal contempt are between the public and the defendant, and are not a part of the original cause.

If it is a proceeding between the public and the defendant, the mighty United States on the one hand, and the little citizen on the other, it is proposed to have Congress say that in a criminal contempt proceeding there shall be no jury trial.

I have already stated that I will vote for the civil rights bill. I will vote to provide for every citizen full enjoyment of his constitutional rights—no more, no less. But I will not cast aside my reasoning power or stultify my conscience by saying that, while we granted the right of jury trial in the Clayton Act, in the Norris-La Guardia Act, and in the Landrum-Griffin Act, we will not grant it in the Civil Rights Act.

In the Gompers case, the court ruled that the defendants were to be relieved of that sentence. It did not specifically deal with whether a jury trial was allowable, but Samuel Gompers, a Mr. Morrison, and a third person were all freed by the Supreme Court of the United States.

Many Senators have served as judges on the bench. They have witnessed trial by jury. They have also sat as chancellors in equity. I sat on the bench. To me, there was no impact of greater sensitivity, wholesomeness, and cleanliness than the fact that the defendant, regardless of how rich or how poor, how strong or how weak he might be, in actions at law had the right to be judged by his peers.

I do not believe that the people of our country are prepared to throw that principle overboard. It is too deeply rooted in our system of government. It has been in existence for many years. It has been deeply embedded in the Anglo-Saxon method of trial. It will be used in our courts as long as we can boast that the goddess of justice is blind, knows not the richness nor the weakness nor the strength nor the poorness of the litigant before it, and will remain so as long as Members of Congress act consistently.

Why do we grant labor leaders the right to a trial by jury and refuse it to little John Galvioni on St. Clair Avenue, who might violate the civil rights law? We cannot answer it. It cannot be answered.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio [Mr. LAUSCHE] for a colloquy with the Senator from Mississippi [Mr. STENNIS].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator from Georgia yield to me for a brief comment?

Mr. TALMADGE. I yield, under the conditions previously stated.

Mr. STENNIS. I thank the Senator from Ohio [Mr. LAUSCHE] for the best, clearest, and finest analysis I have ever heard of the distinction between civil contempt and criminal contempt.

I also thank him for pointing out the way the court has taken occasion to protect itself and to carry out its orders, its dignity, and its power, under the provisions in the bill of the jury trial amendment which apply only to true criminal contempt.

I thank the Senator from Ohio for his eloquent contribution.

Mr. LAUSCHE. Can the Senator from Mississippi point out any instance in which the court, under civil contempt proceedings, would not be able to achieve the objective of the law?

Mr. STENNIS. That is one of the best points which the distinguished Senator from Ohio has made clear as crystal. Of course, the court has the whole power of the Government behind it; and in Federal cases it will have the Attorney General of the United States behind it. It will have the Federal Treasury behind it. There is no way to avoid its mandate being carried out.

Mr. LAUSCHE. Mr. President, on the basis of what I have stated, I shall vote for the amendment offered by the Senator from Kentucky—that is, to provide jury trials in criminal contempt proceedings brought by the Government, just as jury trials are allowed under, A, the Clayton Act; B, the Norris-La Guardia Act; and, C, the Landrum-Griffin Act.

Mr. TALMADGE. Mr. President, the distinguished Senator from Ohio has had a long and outstanding record as a lawyer, as a judge, as a mayor of the city of Cleveland, and as Governor of the great State of Ohio some five or six times. He is now serving his second term in the Senate. During all that period of outstanding service, I do not believe he has rendered a higher duty to his constituents and to the people of America than the able, forceful, logical, eloquent plea which he has made on the floor of the Senate today for trial by jury.

I congratulate the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I do not wish to make it appear as though I drew these thoughts out of my mind through recent studies.

For 10 years I taught the subject of equity. The principles which I have discussed I have repeated year after year in the past. So, today, I am not saying anything new which I did not say 25 years ago on the subject.

Mr. JAVITS. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am glad to yield to the Senator from New York, with the same understanding as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from Georgia for yielding to me. I prefer to address my questions to the author of the basic amendment which is pending before the Senate, as they deal with some fundamental points of law as well as with the other amendments which have been offered to it.

I listened with great interest to the Senator's reference to the sixth amendment to the Constitution, which relates to the right of a defendant to a trial by jury in a criminal case. I ask the Senator whether it is his contention, his fundamental argument, that a defendant in a criminal contempt case has a constitutional right to a jury trial?

Mr. TALMADGE. The Supreme Court has not so held; but, as the able Senator from New York knows, it is an equitable matter, it is a court-devised law, which the judges themselves handle; and, in my judgment, it is an escape valve for what the Founding Fathers of our Constitution meant by article III of the Constitution of the United States, and by the sixth amendment of the Constitution of the United States. If the Senator's forefathers and mine thought that a jury trial was sufficiently important to every citizen litigating about an article worth $20 or more, a citizen who is about to be placed in jail for 4 years should be entitled to the same constitutional protection.

Mr. JAVITS. I understand. The Senator does not contend—as of course he could not—that the Constitution grants a person charged with criminal contempt the constitutional right to a trial by jury. Has the Senator any comment to make upon the fact that in the Barnett case there was attached to the majority opinion an analysis of the laws of the individual States, including the State of New York and the State of Georgia? Can the Senator tell us what laws of the State of Georgia entitle a defendant in a criminal contempt case to a trial by jury?

Mr. TALMADGE. The laws of the State of Georgia as well as the laws of the 49 other States are not a matter for either the Senator from New York or the Senator from Georgia to discuss, because we do not handle them, except through the respective State legislatures. We are discussing Federal laws over which we have jurisdiction as U.S. Senators.

I point out to the Senator from New York that in the Barnett case, which was a 5-to-4 decision, four Justices, including Chief Justice Warren, Justice Goldberg, Justice Black, and Justice Douglas, stated in their dissenting opinions that criminal contempt was a subject for jury trial under the Constitution of the United States.

Mr. JAVITS. May I ask the Senator to comment on the following statement from the dissenting opinion of Justice Goldberg, which is found on page 29 of the decision in the Barnett case:

> If a criminal contempt (or any other violation of law) is punishable only by a trivial penalty, then the Constitution does not require trial by jury.

Does that contradict what the Senator has just stated?

Mr. TALMADGE. I think I read that. But the general purport of that decision was that criminal contempt was a matter of a constitutional trial by jury. That was the view of Justice Frankfurter in the Green case in 1948, and it has been the view of Congress in the matters that were cited by the distinguished Senator from Ohio in his comments a few minutes ago on four separate cases.

Mr. JAVITS. I invite the attention of the Senator to the footnote on page 14 of the majority opinion in the Barnett case:

> In view of the impending contempt hearing, effective administration of justice requires that this dictum be added: Some members of the court are of the view that, without regard to the seriousness of the offense, punishment by summary trial without a jury would be constitutionally limited to that penalty provided for petty offenses.

I asked the Senator whether, in his argument in favor of this amendment, he has or has not given any weight to the fact that the court, even in the majority opinion in the Barnett case, indicates a disposition to confine the power of the courts to punishment for petty offenses.

Mr. TALMADGE. I read that footnote. I should say that the use of the word "might" also implies the use of the words, "might not."

Mr. JAVITS. I ask the Senator whether he does not contemplate in his amendment that an individual charged with violating an order of the court may be imprisoned without a jury trial if the charge pertains to that paragraph of the Senator's amendment which relates to "civil contempt." I also ask whether the Senator does not consider it wrong to have any imprisonment without a jury trial.

Mr. TALMADGE. I drafted the amendment for the consideration of the Senate. As the Senator knows, the amendment offered by the Senator from Georgia would limit criminal contempt cases to a trial by jury unless the contempt were committed in the presence of the court, or in the immediate vicinity of the court, or unless it related to the service of process or summons, and that is in accordance with the views of the Senator from Georgia pertaining to the constitutional right of a trial by jury. The Senator from Georgia feels that if one is to be punished, he should be entitled to a jury trial.

Mr. JAVITS. Would the Senator regard it as punishment if a man were to be put in jail and held there until he complied with the court's order?

Mr. TALMADGE. That is, of course, civil contempt. The amendment of the Senator from Georgia does not address itself to civil contempt.

Mr. JAVITS. I beg the Senator's pardon, but I would like to read to the Senator a section from his own amendment.

The amendment of the Senator from Georgia, which is amendment No. 513, provides in line 24, page 2, to line 6, page 3, as follows:

> " 'Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power or detention.'

I ask the Senator, if it is not true that under his amendment, a man could be sent to jail by a judge, without a jury?

Mr. TALMADGE. Certainly, for civil contempt. I told the Senator that a moment ago.

Mr. JAVITS. Does the Senator believe that there is an effective remedy in a situation in which a registrar unlawfully refuses to register a voter in spite of a court order directing the registrar to register the voter—if the election for which the voter sought to register is held, and he is unable to vote?

Mr. TALMADGE. Certainly there is.

Mr. JAVITS. In what way?

Mr. TALMADGE. I point out also that there are six criminal statutes which guarantee the right to vote, and which make it a criminal offense, without the establishment of criminal contempt.

Mr. JAVITS. That is the fundamental argument of the Senator against the bill. It does not relate to the particular situation under discussion—that if the bill is passed and the order is violated, the particular situation which I have described is irremediable. The only thing that can be done is to punish the man.

Mr. TALMADGE. If the court issues an order, he has the power to detain the defendant until he complies with the order. The defendant has the keys to the jail in his own pocket. He can release himself when he complies with the order of the court. But what we are discussing is a situation in which a judge makes up his mind to punish a defendant. In some instances, defendants have been put in jail for criminal contempt for 4 years without a jury trial.

The Senator from Georgia does not believe that that comports with the liberty expressed in our Constitution, in our courts, or in the traditions of America.

Mr. JAVITS. Is it not a fact that a defendant could be jailed for 4 years if he did not comply with an order of the court in a civil contempt case?

Mr. TALMADGE. Of course. But he could release himself from contempt in a civil contempt case, as the Senator knows.

Mr. JAVITS. Where a registrar has been charged with violating an order of the court pertaining to registering a person to vote, is it not possible for the defendant to purge himself of contempt after the election has been held; and would that not end the matter?

Mr. TALMADGE. The remedy provided in such a situation is the use of the six criminal laws already on the statute books.

Mr. JAVITS. The Senator is arguing that he does not want this bill passed at all, really?

Mr. TALMADGE. There are already six criminal statutes on the books. The Senator from Georgia is saying that the Federal Government should enforce the statutes which are already on the statute books relating to civil rights.

Mr. JAVITS. Does the Senator feel that the amount of punishment which is specified in the Mansfield-Dirksen substitute amendment does or does not represent the limitations which we normally, as lawyers, consider punishment for a petty offense?

Mr. TALMADGE. No. I do not believe that the constitutional right of a trial by jury ought to be weighed in terms of a difference of 1 cent, or 1 second.

As the Senator knows, under the Mansfield-Dirksen substitute, if a judge put a man in jail for 30 days and 1 second, he would be entitled to a jury trial. But if he put him in jail for 30 days, he would not be entitled to a jury trial.

As the Senator knows, under the Mansfield-Dirksen substitute, if the fine were $300, he would not be entitled to a jury trial. But if the fine were $300.01, he would be entitled to a jury trial.

I do not think we can weigh justice on any such basis as that. I point out further that under that substitute, a judge would have to pretry the case. First, he would have to make up his mind whether he would hold a hearing for criminal contempt. Then, when he made up his mind that he was going to hold a hearing for criminal contempt, before he even proceeded to the hearing he would have to say, "What am I going to do with this defendant?"

He would have to make a determination as to the guilt or innocence of the defendant. Third, he would have to make a determination as to the sentence he was going to impose. When he did that, he would have decided whether he was entitled to a jury trial.

Mr. JAVITS. Mr. President, I was rather surprised to hear the Senator start his answer to my question by making the point that there was a constitutional right to a trial by jury in criminal contempt cases. It is my understanding that the Senator from Georgia did not contend that to be the case.

Mr. TALMADGE. The Court has so held by a 5-to-4 decision, as the Senator knows. But it does not comport with the idea of justice of the Senator from Georgia that a man can be put in jail as punishment for what a judge considers to be a crime, for 4 years, without a trial by jury, while any citizen is entitled to a trial by jury if he is litigating about any commodity worth more than $20.

Mr. JAVITS. But it does comport with the Senator from Georgia's idea of justice to keep a man in jail for 4 years if he does not comply with an order of the court, if it is civil contempt, without a trial by jury.

Mr. TALMADGE. That is the purpose of the amendment. It would give the court equity powers to enforce its decrees. But the Senator from Georgia does not think we ought to add to that civil remedy the power to let the same judge also punish the crime.

Mr. JAVITS. The amendment of the Senator from Georgia, as I understand it—and I am sure the Senator will correct me if I am in error—covers the whole ambit of the Federal Code with respect to orders of courts which may be violated and a violation would constitute a criminal contempt. Can the Senator tell us why, in drafting his amendment, he did not confine it to the civil rights bill which the Senate is trying to pass?

Mr. TALMADGE. Because I believe that all who are charged with criminal contempts, in all courts, in all matters, are entitled to jury trials.

Mr. JAVITS. In short, the Senator would make a broad scale revision of Federal law in the bill, would he not, affecting every branch of law, other than those which are specifically affected by the Clayton Act, the Landrum-Griffin Act, the Norris-La Guardia Act, and the Civil Rights Act of 1957?

Mr. TALMADGE. That is correct. I want to have justice under the law and in accordance with what I think our forefathers intended in the Constitution; namely, that no person shall be tried for a crime except by a jury of his peers.

Mr. JAVITS. Does the Senator feel, as a lawyer, that a court ought to have, in and of itself, without recourse to any other body, including a jury, the power to invoke some minimal deterrent or punishment when the violation of an order is irremediable by a civil contempt proceeding?

Mr. TALMADGE. Congress did not think so in the four statutes just enumerated by the Senator from New York; neither does the Senator from Georgia. The Senator from Georgia believes equity powers can be enforced by the court under civil contempt. The Senator from Georgia points out, further, than in one or two of the statutes mentioned by the Senator from New York, even one accused of civil contempt is entitled to trial by jury. I believe that is true of the Clayton Act and, of the Norris-La Guardia Act, also.

Mr. JAVITS. But Congress has not changed, unless it would do so pursuant to the Senator's amendment, the whole range of Federal law which is affected by court orders and other actions that have been specifically mentioned.

Mr. TALMADGE. I would hope the Senate would do what it did in 1957, when it passed the identical amendment, paragraph by paragraph, page by page, line for line.

At that time, Senator Lyndon B. Johnson, who is now President of the United States, made the concluding address in favor of the amendment. One of the powerful, eloquent pleas made for it at that time was by the late President Kennedy, who was then a Senator from Massachusetts. The amendment was cosponsored, I point out, by the present majority leader of this body, the distinguished Senator from Montana [Mr. MANSFIELD].

The Senator from Georgia thinks he is in good company when he adopts the views of those outstanding citizens; and I would hope that the Senator from New York would finally find his way to the mourners' bench.

Mr. JAVITS. The Senator from New York feels he is in pretty good company with the law of the land, which sets forth, even in civil rights matters, what a court can do in criminal contempt cases. A court can impose a minimal penalty which is well within the confines or limitations of punishment for a petty offense, and at the same time keep within its own hands, as it should and must, the power to sustain the elementary dignity of the court and preserve the effectiveness of its order. It must have some modest deterrent power where there is no other remedy. It seems to me this is the fulcrum of difference between us as to these cases, in that a person like myself feels that such minimal deterrent power is absolutely essential to the judiciary. Apparently there are those who are making all kinds of rationalizations as to why this provision should not be in the law, why it is unconstitutional, and so forth, notwithstanding the repeated decisions of the Supreme Court, notwithstanding the fact that the law is on the statute books. There is a lingering feeling in their hearts—this is just my own judgment—that perhaps violators do not really have to perform, because they may not have to pay any penalty if they do not.

I should like to make clear to the junior Senator from Georgia what I made clear to his senior colleague [Mr. RUSSELL] the other day. I am not casting a single aspersion on any Southern jury. I am trying to define what I think is American jurisprudence in this case, in order to insure, better than we would otherwise, that orders of courts shall be complied with by individuals.

I point out in answer to the statement made by the Senator from Ohio [Mr. LAUSCHE] that some of the most arrogant violators of court orders have been officers of States, including Governors of States, as is shown by the Barnett case.

Mr. TALMADGE. The Senator from Georgia does not feel that judges, and judges alone, are possessed of all wisdom and of all justice. He believes that a jury of 12 peers are probably as judicial-minded as are some judges, and are sometimes possessed of more justice.

The Senator from Georgia thought that that matter was settled by Magna Carta at Runnymede, by the Declaration of Independence, and by the Constitution. He regrets that the Senator from New York does not feel likewise.

The Senator from New York has referred to his position in voting on the jury trial provision. Would he state how he voted on the jury trial provision in the Landrum-Griffin Act?

Mr. JAVITS. Unfortunately, the Senator from New York cannot remember that particular situation, how it came up, what the amendment was, or anything else about it.

Mr. TALMADGE. The Senator from Georgia, as he recalls, voted for it when it was before the Senate. The Senate at that time, as I recall, approved it. It was finally agreed to by the House and in conference. Is that not correct?

Mr. JAVITS. The Senator from New York would have to refresh himself on how he voted on the particular provision and the circumstances of it in the Landrum-Griffin Act. He will be glad to do so and supply the information for the RECORD, perhaps even while the Senator from Georgia has the floor.

Mr. TALMADGE. The Senator from New York was boasting of his consistency on the 1957 Civil Rights Act. I was wondering if he maintained the same consistency on all matters.

Mr. JAVITS. I never boast about my consistency. I do not recall having boasted about it with respect to the 1957 act. I do not recall making any such statement.

Mr. TALMADGE. The Senator from New York may not admit his boast, but he stated that he was in good company, when he was not in the company of the late President of the United States, John F. Kennedy, when he was a Senator from Massachusetts; the present President of the United States, Lyndon B. Johnson, when he was a Senator from Texas; the present majority leader, the distinguished Senator from Montana [Mr. MANSFIELD]; and the junior Senator from Georgia, when all of us voted for a jury trial provision in criminal contempt cases in 1957.

I considered that statement a boast on the part of the Senator. But if he does not consider it so, I shall be happy to withdraw it.

Mr. JAVITS. The Senator could hardly consider it a boast. It does not define itself either as a boast or a boast of consistency, which is what the Senator from Georgia charged. I respectfully submit that I was in good company with a majority of the Senate and the House, which is very important to me.

Despite the kindly feeling which we had for President Kennedy, and recalling the terrible tragedy which befell him, and considering the respect which we owe the President of the United States, I often found myself in disagreement with them, and I still feel, in deep, good conscience, that I was right. I do not say they were wrong; I simply feel that I was right.

But this is not a boast, or consistency, or anything else. It is only human nature. It is what we are trying to argue here. All I was doing was giving the facts with respect to my situation in connection with the vote in 1957. I shall be more than happy to obtain the facts on my situation in respect to the Landrum-Griffin Act.

The essence of my argument is that whenever Congress has provided for jury trials in criminal contempt cases it has been on a highly selective basis, when it was thought that the social, political, or economic situation of the country dictated it. But aside from specialized cases that occur, there is no general provision for jury trial for criminal contempt. That is true in all States of the Nation. I am quite sure it is true of the State of Georgia, in the main.

It is true in the law of the United States; and the Senator from Georgia and I are arguing whether a specific exception should be made in the case of this particular proposed statute. He and I differ deeply on that point, and we have submitted our arguments in connection with it; but I hope that, as lawyers, we can agree that this situation must be judged on its merits; that nothing in the Constitution requires a jury trial in criminal contempt cases; and that, therefore, no one would be deprived of an inalienable constitutional right if the bill limited the right of trial by jury to cases of this sort in which the punishment would exceed that for a petty offense. The Senator from Georgia and I have argued that point—and to good effect, I believe.

However, when some persons attempt to proceed on the basis of a mistaken idea about the existence of a constitutional right of jury trial in criminal contempt cases, and say, "This part of the bill will sweep aside all the legal practice of all the States; but all persons must acknowledge that there is a basic constitutional right to have a trial by jury in criminal contempt cases," I respectfully submit that is no argument, and it is not convincing.

Mr. TALMADGE. Mr. President, in a few moments I shall refer to some distinguished authorities, and I shall cite their views on this question. I hope the Senator from New York will remain in the Chamber and will hear me cite them. The next authority I shall cite will be Justice Felix Frankfurter, whom I consider an outstanding authority. The Senator from New York is entitled to his views, of course; but I hope he will yet repent.

Mr. ERVIN. Mr. President——

Mr. TALMADGE. At this time, I yield to the Senator from North Carolina.

Mr. ERVIN. Does the Senator from Georgia agree with me that the able and distinguished senior Senator from New York [Mr. JAVITS] did not show even the slightest disposition to agree that a defendant in such a case should be granted the right of trial by jury if he was to be subjected to punishment by a fine of more than $300 or by imprisonment for more than 45 days, until the Senator from Georgia submitted his trial-by-jury amendment, whereupon Senators who disagreed with the Senator from Georgia became afraid that his trial-by-jury amendment would be adopted, so they offered this powder-puff amendment as a substitute, for the purpose of attempting to defeat a sensible, sound, and just amendment?

Mr. TALMADGE. Of course I do not know what was in the mind of the Senator from New York; but I hope he will be persuaded by the logic, the justice, and the eloquence of some of the authorities who believe that all persons in the United States who are being tried for crime ought to have a jury trial.

Mr. ERVIN. Does the Senator from Georgia agree with me that the pending bill was passed by the House of Representatives without the inclusion of a jury-trial provision in any title except titles I and II?

Mr. TALMADGE. That is correct; and they related to an additional procedure, in which the judge would have to establish three conditions before he could proceed with the trial.

Mr. ERVIN. Does the Senator from Georgia also agree with me that except for titles I and II the pending bill does not contain a jury-trial provision or any limitation upon such punishment, and that none was proposed by the proponents of the bill until after the Senator from Georgia had submitted his amendment, whereupon there developed among certain groups of persons in this country an awareness that, after all, there should be the right of trial by jury?

Mr. TALMADGE. That is entirely correct. As the bill came to the Senate from the House of Representatives, if a Federal judge wished to have a man put in jail for 5 years, 10 years, 15 years, or for life, following his conviction in such a case, without a trial by jury, that could be done—as the able Senator from North Carolina knows.

Mr. ERVIN. Does not the Senator from Georgia agree with me that we might reasonably infer that the offering of the Dirksen-Mansfield substitute amendment did not represent a change of heart, but merely represented a change of strategy?

Mr. TALMADGE. I hope it represents more than a change of strategy—although, of course, it was a change of strategy. I hope that, also, if we can talk long enough about the evils of this bill, we shall be able to prevail upon even some of the most wayward to repent, so that we could begin to see some faint ray of light in terms of justice in America.

Mr. ERVIN. Does the Senator from Georgia also agree with me that the substitute amendment offered by the minority leader and the majority leader is, after all, only a sort of powderpuff amendment which has been offered in an effort to hide some of the hideousness of the various provisions of the pending bill, as they would forbid the right of trial by jury?

Mr. TALMADGE. That is correct.

The procedure under the bill, as it now stands, would be that one who was accused of the commission of such a crime would be scheduled for trial before a judge; but before the trial began, the judge would first decide in his own mind the guilt or innocence of the accused; and then the judge would decide in his own mind the sentence he wished to impose upon the defendant; and only after he had arrived at both of those decisions—in advance—would the judge then proceed to call the defendant before him and try the case. Such a proposal is a monstrous one.

Mr. ERVIN. Does the Senator from Georgia also agree with me that the right of trial by jury is a fundamental right, and that it should not hinge on the question of whether a judge fines a defendant $300 or $300 plus 1 cent?

Mr. TALMADGE. That is correct. I do not think that right can be weighed in such a scale of values or can be determined on the basis of matters pertaining to time, whether measured in hours or minutes or seconds.

Mr. ERVIN. As regards the right of trial by jury in criminal proceedings, does not the Senator from Georgia also agree with me that it is an affront to justice to attempt to provide that persons merely charged with violation of an injunction should be denied the right which is freely accorded to rapists, burglars, counterfeiters, smugglers, and even persons charged with treason against their country?

Mr. TALMADGE. The Senator from North Carolina is entirely correct.

Mr. ERVIN. Can the Senator from Georgia find any justification, in his thinking, for denying to persons involved in the matters covered by the pending bill the right which the Constitution of the United States and the constitutions of all the States in the Union freely give to persons who are charged with such heinous crimes as first-degree murder?

Mr. TALMADGE. I cannot understand it.

Mr. ERVIN. Yet is not that the position of those who disagree with the Senator from Georgia and me, in our devotion to the right of trial by jury?

Mr. TALMADGE. The Senator from North Carolina has correctly summarized the situation.

Mr. ERVIN. Does not the Senator from Georgia also agree with me that the proponents of the Dirksen-Mansfield amendment say they are opposed to both segregation and discrimination?

Mr. TALMADGE. They say that; yes.

Mr. ERVIN. I ask the Senator from Georgia whether he agrees with me that the present Dirksen-Mansfield substitute would segregate all the litigants who might be involved in criminal proceedings under the civil rights bill from all other litigants in all other cases in the Federal courts.

Mr. TALMADGE. That is correct.

Mr. ERVIN. Therefore, instead of being a bill against segregation, the bill is actually a bill for segregation, for the purpose of denying litigants in criminal contempt proceedings in civil rights cases a right which belongs to all other litigants in the United States, is it not?

Mr. TALMADGE. That is correct.

Mr. ERVIN. Does not the Senator from Georgia also agree with me that even if the bill were amended as it is proposed to be amended by means of the Dirksen-Mansfield amendment, the bill would still segregate the litigants in criminal contempt proceedings in civil rights cases from all other litigants in the Federal courts, and that then the bill would discriminate against one particular group of litigants by denying them such fundamental constitutional rights as the right of trial by jury, the right of limited punishment, the right to have venue fixed—so as to assure them that the witnesses they wished to call would be available to them, and also the right to be confronted by their accusers, and the right of protection against double jeopardy or triple jeopardy?

Mr. TALMADGE. That is entirely correct.

Mr. ERVIN. So, although the bill is alleged to have been brought before us for the purpose of ending segregation and discrimination, yet we find, do we not, that, in actual practice, the bill would segregate and discriminate in the instances the Senator from Georgia and I have discussed?

Mr. TALMADGE. That is correct.

Mr. President, I thank the Senator from North Carolina for his helpful interrogatories.

Mr. STENNIS. Mr. President, while the Senator from Georgia is developing the subject of the judge and his powers and practices with reference to jury trials, will he yield to me for a few questions on one point?

Mr. TALMADGE. I am delighted to yield to my able friend, the distinguished Senator from Mississippi.

Mr. STENNIS. The Senator from Georgia has stated that the judge in effect would have to try a man and find him guilty before he decides whether or not he would give the defendant the benefit of a trial by jury.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. How would the judge proceed to try the defendant the first time? Would he give him the benefit of counsel? Would he have to?

Mr. TALMADGE. That is a question about which the judge alone would have to make up his mind. I assume that he would go to his office, and before he would decide to try the particular individual involved, he would be required to make three decisions: First, he would have to decide whether he would proceed to try the accused for criminal contempt. After making that decision, he would then have to determine whether or not he would find the man guilty. Having made the second decision, he must then make a third decision as to what his sentence would be. Then after making those three decisions, he could order a trial to determine whether or not the defendant was really guilty in the first place.

Mr. STENNIS. But on the vital question as to whether or not a defendant might be guilty the bill would not require a hearing of any kind.

Mr. TALMADGE. None whatever.

Mr. STENNIS. The bill would not give the defendant the benefit of procedures to summon witnesses in his own behalf. The bill would not give the defendant notice of the time and place of trial. The bill would not give the defendant the benefit of counsel. Is that not true?

Mr. TALMADGE. That is quite true. I am reminded of a saying that has been attributed to Andrew Jackson. I do not know whether it is true or not, but Andrew Jackson is supposed to have stated to one of his generals following the battle of New Orleans, or about that time, "Take this man out and give him a fair trial and hang him."

That is what the judge would have to do in the present instance.

Mr. STENNIS. Are not all of the steps that have been enumerated contrary to all the basic fundamental principles of American justice in relation to trial by jury?

Mr. TALMADGE. It would be completely repugnant to every principle of American jurisprudence.

Mr. STENNIS. Mr. President, will the Senator yield for another question?

Mr. TALMADGE. I am delighted to yield.

Mr. STENNIS. Suppose the judge were more liberal than we have described him to be, and suppose he held a hearing and let the defendant be represented and summon the witnesses he desired. Supposing, further, that after a hearing the judge should decide that the punishment should be greater than the amount set forth in the amendment, which is a fine not to exceed $300 or imprisonment for not more than 45 days. Then he would have to call in a jury and try the man on the question of his guilt or innocence, would he not?

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. If the judge should reach such a decision, would not word go out through the corridors, the courtroom, the highways and byways of the county and district so that everyone would know that the judge had already found the man guilty?

Mr. TALMADGE. That is entirely true.

Mr. STENNIS. As a practical question.

Mr. TALMADGE. It would be a most prejudicial type of trial, because the word would quickly be spread that the judge had thought that the defendant was guilty.

Mr. STENNIS. Whatever course the judge might take, does that not illustrate the monstrosity of the proposal when it comes to determining the guilt or innocence of a man according to American standards of justice and right?

Mr. TALMADGE. The Senator is entirely correct.

Mr. STENNIS. Such procedure would have no place under our system of jurisprudence.

Mr. TALMADGE. In the opinion of the Senator from Georgia, it has no place whatever.

I thank my able friend, the Senator from Mississippi, for his contribution and helpful questions.

Mr. President, under the same conditions heretofore stated, I yield to the distinguished Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. I thank my friend from Georgia for his great courtesy and kindness.

PRESIDENT JOHNSON RIGHTLY SUPPORTS PUBLIC WORKS TO CREATE JOBS AND DIMINISH UNEMPLOYMENT

Mr. GRUENING. Mr. President, last night here in Washington, D.C., President Lyndon B. Johnson told a group of labor leaders that if private enterprise, aided by the tax cut, failed to bring about full employment, the Federal Government would step up its programs of public works.

The President pledged, in essence, that the Government will step up its programs of public works if the private sector cannot employ all of the Nation's workers after it has tax relief and other helps.

This pledge is welcome. This pledge is needed. I will do everything in my power to help our President keep it.

The most recent economic indicator prepared by the Joint Economic Committee of the Congress vividly shows that this Nation is not close to achieving full employment. Our seasonally adjusted civilian labor force has 5.4 percent unemployed. The number in human beings is 3,953,000. The unadjusted figure which includes unemployed and part-time workers is 5.9 percent and the human figure exceeds 4 million.

If one looks at private housing starts figures, including farms, he finds that private housing starts in March declined over the February figure from 1.7 to 1.6 million. Similarly, applications for financing new housing starts which have been received by the Federal Housing Administration and the Veterans' Administration declined in March.

Such decreases do not cut back unemployment statistics, and they are unhealthy economic indicators.

On March 2, 1964, I spoke at length on the problem of unemployment confronting our affluent Nation. I said our bounding affluence still does not extend to what President Franklin Delano Roosevelt, a generation ago in a memorable inaugural address, referred to as "a third of the Nation, ill clad, ill fed, ill housed." Undoubtedly the fraction of one-third can be reduced to one-fifth or less, but for those who are in that depressed segment of our society, their plight is no less real, poignant, and unhappy. At that time I placed in the Congressional Record an article appearing in Harper's magazine entitled "Let Us Begin: An Invitation to Action on Poverty" which had been written by one of our foremost economists.

Author John Kenneth Galbraith noted that the recent tax cut legislation, whatever its benefits, would not materially diminish unemployment—which is synonymous with poverty. Dr. Galbraith shares my belief that the tax cut may actually increase unemployment by stimulating industry through its generous corporation tax cuts and other benefits to build more modern and up-to-date plants with improved automation, which, of course, means fewer jobs.

Mr. Galbraith supports the expenditure of funds on the public sector.

President Johnson in his historic and welcome speech last night said:

> The time has come for labor and Government and business to agree that we are going to achieve—and keep—full employment; and if all that we do with the help of the private sector cannot employ all our people, the Government will have to do for people what private enterprise fails to do—we will step up our programs of public works.

As we know, Congress 2 years ago did approve the Accelerated Public Works Act authorizing $900 million for the program. Subsequently, nearly the full amount was appropriated. But the sum was inadequate and this particular domestic aid program ran dry 12 months ago.

Over a year ago, in March 1963 I introduced a bill to provide an equivalent for accelerated public works of what would be appropriated and authorized for the foreign aid program. That would have amounted to $3.5 billion. I repeat that the accelerated public works is a kind of partial domestic aid program, seeking to do in part for our unemployed what we are doing, and have been doing for 17 years, to the tune of over $100 billion for the unemployed and needy in foreign lands. No action has been taken on this bill. Last July, the movement to restore the domestic aid program got further support when the distinguished chairman of the Public Works Committee, the Senator from Michigan [Mr. McNamara] who is present in the Chamber, introduced a bill calling for $1.5 billion for this purpose.

The fact is that even after the funds ran out a year ago—the inadequate $900 million appropriated—some $700 million worth of projects were presented and approved by the appropriate State and Federal agencies and are ready to go, and project applications still pour in from the States at the rate of $15 to $20 million each month. These are grant-in-aid programs administered by the Department of Health, Education, and Welfare and the Community Facilities Administration.

That program to fight poverty could go into action immediately upon the necessary authorization and appropriation of more money for accelerated public works. It should be done. Action is overdue. The appropriation should never have been allowed to lapse.

If we are going to win this national war against poverty, it will have to be by a major campaign, not by a piddling, chintzy, token gesture or two, with transfer of funds already appropriated, with "make-do" of existing facilities. That will not put people to work now. And the "now" is imperative. We need precisely the same kind of enthusiasm and demands for congressional action in authorizing and appropriating for public works that our Presidents and Secretaries of State have for the last 17 years devoted to promoting our foreign aid program.

Accelerated public works, with adequate appropriation, would cut a large swath in unemployment. In addition, we should have special and additional legislation to raise the social security allotments, the hospital care bill—erroneously labeled "medicare"—and above all, special education—vocational education to train the young Negroes and whites, the school dropouts—who have insufficient education to hold jobs.

President Johnson has courageously embarked on an all-out war against poverty. His Appalachia program, his support of legislation designed to help senior citizens meet the cost of hospital care, his unswerving support of civil rights legislation are positive indicators in this national campaign. And now he sees the need for public works.

I have long felt, and repeatedly so stated on the floor of the Senate, that diminishing unemployment at home was our Nation's most pressing problem, and should have first priority. I have been convinced that the private sector could not do it. I am glad to see that President Johnson is arriving at that point of view.

I ask unanimous consent that the full text of a news article appearing in the New York Times of Tuesday, May 5, 1964, be printed in the Record at this point. It is entitled "President Looks to Public Works."

There being no objection, the article was ordered to be printed in the Record, as follows:

President Looks to Public Works—Pledges To Step Up Spending if Business, With Tax Cut, Can't Find Jobs for All

(By Edwin L. Dale, Jr.)

Washington, May 4.—President Johnson told a group of labor leaders tonight that if private enterprise, aided by the tax cut, failed to bring about full employment, "we will step up our programs of public works."

The President devoted most of the speech to his familiar appeal to labor for restraint in wage demands to prevent another round of inflation.

But he also gave a strong commitment to full employment. Citing the case of Western Europe, where there is practically no unemployment, the President said, "We, too, must catch up with modern history."

CITES LEGISLATIVE REQUESTS

"The time has come," he continued, "for labor and Government and business to agree that we are going to achieve—and keep—full employment."

After noting the major legislative action he has asked of Congress, the President said:

"And if all that we do with the help of the private sector cannot employ all our people, the Government will have to do for people what private enterprise fails to do—we will step up our programs of public works."

This was the first pledge of its kind that the President has given.

The basic theory behind the tax cut is that an expanding private economy will gradually bring about full employment without the need for expanded Government spending.

This is still the Government's hope and its basic position, but the President's statement tonight left no doubt that he would increase spending if the goal of full employment remained elusive.

In his appeal to the union leaders for restraint in their wage demands, the President said:

"I do not believe business or labor want a renewed wage-price spiral any more than Barry Goldwater wants to run on the same ticket with Nelson Rockefeller."

DEFENDS GUIDEPOSTS

The President again defended the administration's guideposts, which call for wage increases no larger than the average rise in worker productivity throughout the economy. Over the last 5 years the rise in productivity has averaged 3.2 percent a year.

"You must remember," Mr. Johnson said, "and we must never forget that the economy cannot absorb big cost increases and big price increases without endangering our progress."

He said that in recent years both business and labor had exercized "good judgment and patriotism unexcelled in our history." But he added:

"As demand increases and unemployment falls, managers will be tempted to raise prices—in spite of already high profits and continuing excess capacity—and unions will be tempted to force wages up faster than productivity—in spite of already high wages and continuing excessive unemployment."

He warned that a renewal of the wage-price spiral would jeopardize the competitive gains made by the United States in world markets in recent years.

And he added, "The case for tightening credit and boosting interest rates would become stronger—and the result could well be a slowdown in the rate of economic expansion."

TEODORO MOSCOSO

Mr. GRUENING. Mr. President, it is a source of regret to me, and I believe to all those who have followed his able and dedicated public service in the Federal Government, that Teodoro Moscoso—"Ted" as he is known by his wide circle of friends—is resigning from his post on the Inter-American Coordinating Committee for the Alliance for Progress and returning to Puerto Rico.

Since the early days of the Alliance for Progress until recently Ted Moscoso has been the AID Administrator for Latin America. Those who know the difficulties which he faced, the complexity of the multiple problems involved, the existence of feudalism and oligarchic control existing below our border in many countries, the great contrast between the wealth of the few and the desperate poverty of the many, the instability of many of the governments concerned, the nullifying population explosion, can only admire the extent to which Ted Moscoso was able to advance the program and to leave that post with a record of substantial achievement and progress.

But his difficulties were by no means only in that field. Perhaps his greatest handicaps were in the domestic setup. Here he was subject to the diversity of participants in the Alliance program. He did not have exclusive authority to make the decisions which he should have had. Half a dozen cooks from the State Department, the AID Administration, and the White House were participating in the broth when he attempted, following the principles laid down by President Kennedy, to exact reciprocal action from the recipient countries. When he sought to insist that land reform, adequate taxation, anti-inflation measures and other necessary preliminaries and concomitants to a successful AID program were to be established in the recipient countries, he found himself often undercut or overruled. The White House itself was guilty of making some of these administrative decisions. That is one of the principal reasons why the Alianza's program has not been more successful.

That situation is now prospectively changed by the fact that President Johnson has wisely concentrated the entire Latin American program, both on the diplomatic level and on the aid level, in the one person of Thomas C. Mann, a highly knowledgeable, experienced Latin American expert. As President Johnson stated henceforth the administration will speak with one voice in Latin American affairs. Undoubtedly President Johnson has profited by seeing what happened to Ted Moscoso, and to the program when half a dozen individuals try to run it.

But as Ted Moscoso leaves Federal service, he may look back with great satisfaction on what he has accomplished, whatever have been the failures, and they are many, in this program to date. They were not of his making. He will now take on another challenging assignment which, to be sure, he will share with other members of the Puerto Rican Commission to make recommendations to determine and define the political status of Puerto Rico. He is, of course, eminently qualified for this assignment. I wish him all success.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United Sates to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ELLENDER. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the able Senator from Louisiana.

Mr. ELLENDER. I ask only one question. It has often been said by Senators on the floor that the substitute amendment being considered is somewhat similar to the one adopted in 1957. Is it not true that the amendment adopted in conference in 1957, and then by the Senate, applied only to voting referees, whereas the substitute amendment we are now considering would apply to a host of citizens throughout the country?

Mr. TALMADGE. The Senator is entirely correct. The bill pending before the Senate, with its 55 pages and 11 titles—it is really 11 bills—covers every phase of private human conduct from the cradle to the grave. It would be impossible to think of any activity in private or public life that would not be covered by the bill, with all of its vast multiplicity of aspects. Yet, as the Senator knows, the effect of it is to deny trial by jury in 5 of its 11 titles.

I am grateful to the able Senator from Louisiana for bringing up that point, in order that it may be clearly understood.

As Jefferson pointed out, juries do indeed make mistakes, but so do judges, and I agree with him that it is much easier for 1 man to be wrong than for 12. When the jury trial provision was included in the Constitution, Jefferson had the pleasure of seeing his arguments prevail.

However, in the recent history of our country, the American people have come to know the meaning of government by injunction.

To the derogation of the Constitution and the rights of our citizens, when the Federal Government moves against a person by the injunctive process or through proceedings for criminal contempt of court, he is virtually shorn of the protections required by criminal law. As it was pointed out in the House Judiciary Committee report on the so-called civil rights bill, these protections either do not exist at all in government by injunction or they exist in a less adequate form.

The controversy over the right to a trial by jury in criminal contempt of court cases is one which has troubled us for a long time. Some of the best legal minds in the United States have grappled with this matter and many of them, in all their wisdom, have spoken very strongly in favor of this right.

Let me recall for the Senate the brilliant thinking of Felix Frankfurter, former Justice of the U.S. Supreme Court and one of the most highly respected men ever to sit upon that bench.

The Senate will remember that it is Felix Frankfurter who is credited with drafting the Norris-LaGuardia Act of 1932 which guaranteed jury trials in contempt cases arising from labor disputes.

Mr. President, labor knows the meaning of government by injunction. Labor knows what it is to be high handedly brought before a Federal judge on a criminal contempt of court charge to be tried and punished without benefit of a jury. In the early and very difficult days of the labor movement, workers felt the wrath many times of government by injunction and contempt proceedings.

So numerous were the evils of government by injunction with reference to labor disputes, the Congress was compelled to correct the situation with the Norris-La Guardia Act, particularly in providing for trial by jury.

This important provision is now embodied in the language of section 3692 of title 18 of the Code of the United States which reads as follows:

> In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

In pressing for the adoption of the Norris-La Guardia Act, Senator Norris, of Nebraska, had this to say on the matter of trial by jury:

> I agree, that any man charged with contempt in any court of the United States * * * in any case, no matter what it is, ought to have a jury trial. It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials, knows they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray, I am confirmed in my opinion that after all, our jury system is one in which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts.

In a book published prior to the Norris-La Guardia Act, Justice Frankfurter traced the history of the labor movement in this country and called attention to repeated abuses of injunctive power which resulted in many contempt charges being tried without a jury. A summation of the views of Justice Frankfurter on the right of trial by jury can be found in these words. He wrote:

> The grievances aroused by summary prosecutions for contempt and their legislative appeasement long antedate labor injunctions. But the incidence of hardship has, in our day, fallen heaviest upon labor, because of the widespread threat of summary punishment conveyed by every labor injunction.
>
> The heart of the problem is the power, for all practical purposes, of a single judge to issue orders, to interpret them, to declare disobedience and then to sentence.

The wisdom and great truth of the words of Justice Frankfurter, and indeed his warning, have as much meaning today as when he wrote them. He declared the injunction "employs the most powerful resources of the law on one side of a bitter social struggle."

At the time, of course, the social struggle to which Justice Frankfurter referred involved the labor problem. But, his words are meaningful today in the context of another great social struggle in which all of us are engaged. By injunction and criminal contempt proceedings, the full might of the Federal Government embodied in a single judge does indeed balance the scales of law heavily on one side in the current struggle.

Justice Frankfurter pointed out that the broad power of the injunction can reach out and bring under its punitive arm even those persons who were not originally the direct object of the injunction. Even persons who are strangers to the injunction suit may be hauled before the court and charged with criminal contempt of the injunction.

They may be tried before the judge without a jury and fined or sent to jail or both, on his ruling and his judgment of the evidence in the case alone.

With reference to our legal history, Justice Frankfurter was of the opinion that—and I quote from his words:

> Trial by jury in contempt proceedings is an innovation in modern practice, but is a return to what is old in the history of English law.

Justice Frankfurter further held the opinion, and so stated it, that has been expressed time and again in the course of this debate, on whether or not a person accused of criminal contempt should be given a trial by a jury. Declared Justice Frankfurter:

> Since a charge of criminal contempt is essentially an accusation of crime, all the constitutional safeguards available to the accused in a criminal trial should be extended to prosecutions for such contempt.

If a charge of criminal contempt is a crime, as I contend that it is indeed, the issues seem to me to be clear cut. A person charged with criminal contempt is entitled to be tried before a jury of his peers before being deprived of his liberty and property. That is the heart of the matter.

In the words of Supreme Court Justice Arthur Goldberg, in a dissenting opinion in the Ross Barnett contempt case, it was said:

> There is no justification, either in the history or policy of criminal contempt or in the history or policy of the Constitution, for treating criminal contempt differently from other "crimes" or "criminal prosecutions." If a criminal contempt (or any other violation of law) is punishable only by a trivial penalty, then the Constitution does not require trial by jury. If a violation of law is punishable by a nontrivial penalty, then the Constitution does require trial by jury whether the violation is labeled criminal contempt or anything else.

Mr. President, inasmuch as the views of Mr. Justice Goldberg on this matter have such a direct bearing on the issues now at hand, I wish to refer to them in further detail and particularly to quote from the section of his opinion which is headed, "The Nature of Criminal Contempt in the Policy of Trial by Jury":

> I wish to make it clear that I am not here concerned with, nor do I question, the power of the courts to compel compliance with their lawful orders by the imposition of conditional punishment—commonly referred to as civil contempt. In such cases, it may be said that "the defendant carries the keys to freedom in his willingness to comply with the court's directives." Nor am I here concerned with the imposition of the trivial punishments traditionally deemed sufficient for maintaining order in the courtroom. (Cf. *Ungar* v. *Sarafite*, 376 U.S.) I am concerned solely with the imposition, without trial by jury, of fixed nontrivial punishments after compliance with the court's order has been secured.
>
> Thus limited, criminal contempts are not essentially different from other "crimes" or "criminal prosecutions."
>
> In each case punishment is imposed for a past violation of a mandate of a coordinate organ of government; criminal contempt involves punishment for violation of an order of a court; "crime" involves punishment for violation of a statute enacted by a legislature.
>
> I can see no greater need for certain and prompt punishment of the former than of the latter.
>
> It may be true that a judge can dispose of a charge of criminal contempt, or any other criminal charge, more expeditiously and more cheaply than a jury.
>
> But such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy. (*Green* v. *United States*, supra, at 216.)
>
> Nor are criminal contempts substantially different from other crimes when measured by the "tests traditionally applied to determine whether (a given sanction) is penal or regulatory in character * * *." (*Kennedy* v. *Mendoza-Martinez*, 372 U.S. 144, 168.) In the Mendoza-Martinez case, the tests were enumerated in the following terms: "Whether the sanction involves an affirmative disability or restraint, whether it has historically been regarded as a punishment, whether it comes into play only on a finding of scienter, whether its operation will promote the traditional aims of punishment-retribution and deterrence, whether the behavior to which it applies is already a crime, whether an alternative purpose to which it may rationally be connected is assignable for it, and whether it appears excessive in relation to the alternative purpose assigned." (Idem. at 168–169.)
>
> Criminal contempt, when punished by a nontrivial penalty, certainly 'involves an affirmative disability or restraint' under any reasonable definition of these terms. The sanction imposed for criminal contempt has always been 'regarded as a punishment' designed to deter future defiance of the court's authority and to vindicate its dignity.
>
> No "alternative purpose" has been suggested to justify its existence. Scienter is generally required to support a charge of criminal contempt. And the behavior to which a charge of criminal contempt applies is generally "already a crime."
>
> In my view, therefore, there is no justification, either in the history or policy of criminal contempt or in the history or policy of the Constitution, for treating criminal

contempt differently from other "crimes" or "criminal prosecutions." If a criminal contempt (or any other violation of law) is punishable only by a trivial penalty, then the Constitution does not require trial by jury. If a violation of law is punishable by a nontrivial penalty, then the Constitution does require trial by jury whether the violation is labeled criminal contempt or anything else.

In another dissenting opinion in the Barnett case delivered by Mr. Justice Black, it was stated that proceeding under criminal contempt "means that one person has concentrated in himself the power to charge a man with a crime, prosecute himself for it, conduct his trial and then find him guilty."

I now read further from Mr. Justice Black's opinion in the Barnett case:

> I do not agree that any such inherent power exists. Certainly, no language in the Constitution permits it; in fact, it is expressly forbidden by the two constitutional commands for trial by jury. And, of course, the idea that persons charged with criminal offenses such as criminal contempt are not charged with crimes is a judicial fiction. As I said in Green, I think that this doctrine that a judge has inherent power to make himself prosecutor, judge, and jury seriously encroaches upon the constitutional right to trial by jury and should be repudiated.
>
> In Green, the Court affirmed a 3-year sentence imposed for criminal contempt. But now in note 11 of its opinion in the present case, the Court has inserted an ambiguous statement which intimates that if a sentence of sufficient severity had already been imposed on these defendants, a majority of the Court would now overrule Green in part, by holding that if a criminal contempt charge is tried without allowing the defendant a jury trial, punishment is constitutionally limited to that customarily meted out for petty offenses. I welcome this as a halting but hopeful step in the direction of ultimate judicial obedience to the doubly proclaimed constitutional command that all people charged with a crime, including those charged with criminal contempt must be given a trial with all the safeguards of the Bill of Rights, including indictment by grand jury and trial by jury.

Mr. President, it is unconscionable that under the American system of jurisprudence a man could be brought before the bar of justice and dealt with in an unjust manner without benefit of trial by jury.

But, this can, and has, happened. As Mr. Justice Black pointed out, the judge trying a criminal contempt case is a man who wears many hats.

> By issuing the injunction which was allegedly violated, he in effect made the law which the man is accused of breaking.
>
> He serves as prosecutor in a trial that is conducted under his direction.
>
> He decides what evidence shall be presented and what evidence will not be admitted.
>
> And, finally, he is judge of the case and determines its disposition.
>
> If the accused is found to be guilty, he sets the penalty.
>
> He sets the penalty which can deprive the citizen of his liberty and his property.

The trial judge in such a proceeding as this is indeed the monarch of all he surveys.

Mr. President, it is argued that juries either will not convict or else they are prone to make mistakes. This, of course, is an attack upon our entire jury system.

While this system may not be perfect, I submit that it is the best one that has been devised to serve as the guardian of the liberties of the people in our courts. Trial by jury was not established as a quick and easy way to convict persons accused of crimes.

Trial by ordeal, however, was much faster and much simpler, but I do not think anyone in this country wishes to return to the dark days when men were tortured into admitting their guilt or when the mystical art of magic determined a person's guilt or innocence.

In short, Mr. President, no argument can be made against my amendment for a trial by jury in criminal contempt cases that is not also an argument against trial by jury for any crime.

Mr. President, to look with disdain and distrust upon the jury system is to look with disdain and distrust upon the people.

There can be no compromise with so fundamental a principle as the right to a trial by jury. In attempting to play around with numbers in terms of the length of time a person may be deprived of his liberty or the amount of money that may be taken from him is mere subterfuge.

It all comes out the same, and amounts to nothing less than a deprivation of the right to a trial by jury.

Either our citizens are to be free and completely guaranteed this right or they are not.

In this matter now before us, there is no in between.

Mr. President, in 1957, the Senate of the United States, by a vote of 51 to 42 passed a jury trial amendment, and I find it difficult to understand why this issue should become controversial at this time.

It has been extremely interesting and enlightening to me to read the debate during the summer of 1957 over the jury trial amendment, which was identical to the one which I have offered. Many splendid addresses were made in this Chamber in support of the right of every American to a trial by a jury of his peers.

Joining in the cosponsoring of the 1957 amendment were Lyndon B. Johnson, now the President of the United States and then the Senator from Texas, and John F. Kennedy, our late President and formerly the Senator from Massachusetts. Both Mr. Johnson and Mr. Kennedy made outstanding speeches urging the adoption of the 1957 amendment.

I would like at this time to read from the remarks of then Senator Johnson:

> Mr. JOHNSON of Texas. Mr. President, sometimes in the course of debate we use loose language But it is not speaking loosely to say that the Senate is approaching a truly historic vote.
>
> By adopting this amendment, we can strengthen and preserve two important rights. One is the right to a trial by jury. The other is the right of all Americans to serve on juries, regardless of race, creed, or color.
>
> But the adoption of this amendment means something even more important. It means the strengthening of the basic purpose of this bill, which is to provide strong guarantees for the right to vote.
>
> I believe we all recognize the fact that in this bill we are stepping into a new field of law enforcement. I am aware of the legal arguments that this is a traditional exercise of the powers of equity.
>
> Those arguments will not be very impressive to our people. No lawyer—no matter how learned—will ever convince them that it is traditional to bring Federal judges directly into the voting cases.
>
> As the bill now stands, it is an effort to convert criminal acts into civil offenses so that they may be punished criminally without a jury trial.
>
> In my opinion, our people will accept the necessity for bringing the Federal courts into the election picture. They realize that there is a question of speed involved if the right to vote is to be effective.
>
> But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.
>
> If we were to insist upon criminal contempt proceedings without a jury trial, we would be inviting the very violations we seek to avoid. In my opinion, we could make no greater mistake.
>
> This amendment has been carefully drawn. It leaves the Federal courts with full power to enforce compliance with legitimate court orders. It does not touch, in any manner, the coercive authority the judiciary properly should have.
>
> It says only that a man cannot be branded as a criminal, in the sight of his fellow man, without a trial by jury.
>
> North, South, East, or West, our people will respond to laws that are enacted fairly after reasonable consideration. Those who will not respond can be handled under the ordinary proceedings of criminal contempt.
>
> Mr. President, I believe in the right to vote. I believe in strengthening that right. I believe further that most of our people share my belief or are at least willing to accept it.
>
> And I reject—absolutely reject—the contention that we must concentrate on threats in advance of violation.

Mr. STENNIS. Mr. President, will the Senator from Georgia yield for a question on the subject of jury trials?

Mr. TALMADGE. I am delighted to yield.

Mr. STENNIS. Does the Senator from Georgia agree with the excellent exposition of the subject this morning by the Senator from Ohio [Mr. LAUSCHE], who stated that the amendment of the Senator from Georgia leaves intact and in full force and effect all the powers that any judge could have to require a defendant to carry out the mandate of the court—this is, to obey the court? Whatever the judgment of the court is, must not the defendant fulfill it, under the Talmadge amendment? Must he not obey the order of the court, or else be subject to imprisonment without trial by jury?

Mr. TALMADGE. The Senator is exactly correct. Under the amendment I have proposed, there would be no change whatever in the civil contempt power of the Federal judiciary. As the able Senator from Mississippi knows, he having been an outstanding judge himself, in civil contempt a defendant, in each and every instance, carries the key to the jail in his own pocket. Whenever he complies with the order of the court, he will automatically be released. So it is he himself who determines whether he shall be detained.

But criminal contempt is a horse of a different color, because in criminal contempt the judge makes the law; the judge is the accuser; the judge is the prosecutor; the judge is the jury; the judge determines the sentence. Every aspect of the entire judicial system vests exclusively in the bosom of the court.

The Senator from Georgia says that judges ought not to have that power, particularly when the Constitution, in two separate places, provides that no one shall be tried for a crime except by a jury of his own peers.

In the seventh amendment, as the able Senator knows, in order to nail down that right positively and conclusively, the Founding Fathers provided that even in civil matters, if the object of the litigation is of a value of $20 or more, a person shall be entitled to a trial by a jury of his peers.

Historically in Anglo-Saxon jurisprudence, antedating Runnymede, King John, and Magna Charta, in 1215, and then in the Declaration of Independence, and finally in the Constitution, every aspect of our entire judicial system has been designed to protect the most sacred right of all mankind, the right of trial by a jury of one's peers.

Mr. STENNIS. The Senator from Georgia has made it clear again that his amendment, the Talmadge amendment, would not in any way affect or limit in any particular the method by which a judge could force a defendant to obey an order of the court. If a person violated an order of a court, he could be put in jail until he complied fully with the order, could he not?

Mr. TALMADGE. The Senator is entirely correct.

Mr. STENNIS. Coming to the next point, is it not true that those who framed the bill we are considering—I do not say it was the proponents of the bill or those who will vote for it, but those who framed it—were skillful lawyers? Did they not deliberately draft the bill in such a way as, in effect, to create a new series of crimes that circumvent or dodge or go around the constitutional provision for trial by jury, which the Senator has emphasized? Have they not, even with respect to criminal charges against anyone involved in civil rights proceedings, provided that a person shall not have the right of trial by jury? Is not that as clear as crystal?

Mr. TALMADGE. That is correct.

Mr. STENNIS. The Senator from Georgia is trying to prevent that from happening, is he not? He is seeking to prevent a circumvention of the right of trial by jury. Is not that one of the purposes of his amendment?

Mr. TALMADGE. That is entirely correct.

Mr. STENNIS. It is not intended to defeat any right that anyone has, actual or imaginary. The amendment protects the rights of an individual, does it not?

Mr. TALMADGE. That is correct. It is designed as a protection for all Americans—190 million of them—of all colors, all religions, and in all geographical areas. It is designed to protect the most sacred right of all time—the right of trial by jury.

Mr. STENNIS. So a bill that purports to protect the rights of all people violates, in criminal cases, the right of trial by jury.

Mr. TALMADGE. In five separate titles of the bill.

Mr. STENNIS. Does not the Senator as a lawyer, and also as a Senator, consider trial by jury as one of the most essential and most sacred rights that anyone could have?

Mr. TALMADGE. The Senator is entirely correct.

Mr. STENNIS. All of us have that right, regardless of nationality, color, religion, experience, or other background. We provide it in the same generous measure even to a confirmed or habitual criminal.

Mr. TALMADGE. That is entirely correct. That is one of the reasons why I have designated the bill as an anticivil rights bill. It is a bill to regulate the lives of 190 million Americans in every area of private human conduct, and to deny them the right of jury trial at the same time.

Mr. STENNIS. Does not the Senator from Georgia agree that this subject is still greatly misunderstood, and that in spite of the clearness of the Constitution on the right of trial by jury in criminal matters, there has nevertheless grown up, originally within a small sphere of activity, a wide area of contempt proceedings?

Mr. TALMADGE. That is quite true.

Mr. STENNIS. It has grown to such a scale in our law that it cannot now be said as a fact that everyone under these proceedings is entitled to the constitutional right of trial by jury.

Even in the Barnett case the Supreme Court of the United States has just rendered a decision—although it was a split decision, decided by the narrowest possible margin, a margin of only one vote—has it not?

Mr. TALMADGE. That is correct. I began my speech by quoting Thomas Jefferson; then I quoted Felix Frankfurter; then I quoted Associate Justice Black; then I quoted Associate Justice Goldberg; recently I have been quoting from the President of the United States, Lyndon B. Johnson; and the next able witness I expect to "call to the stand" will be the late, lamented John F. Kennedy—all of whom hold views identical with those shared at this moment by the able Senator from Mississippi [Mr. STENNIS] and the Senator from Georgia—namely, that any American accused of crime is entitled to a trial by a jury of his peers.

Mr. STENNIS. The Senator from Georgia is making a very able, excellent, and most informative speech, and I am sorry to have interrupted him. I thank him for yielding to me.

Mr. TALMADGE. I thank the Senator from Mississippi for helping to illustrate this fundamental issue, which is vital to all Americans, whatever may be their views, wherever they may live, whatever may be their religion, and whatever may be their views of the various aspects of civil rights. After all, the greatest right of each American is the right to be tried by a jury of his peers; and if that right is taken away, the people of the United States will not be safe in their homes; they will not be assured of the possession of their property; they will not be assured of their liberty; they will no longer be safe in any respect.

Mr. STENNIS. Mr. President, will the Senator from Georgia yield for a further question?

Mr. TALMADGE. I yield.

Mr. STENNIS. The Senator from Georgia knows from his own experience, does he not, in the course of his own life—first, when he was reared in the Governor's mansion, and, later, when he came into contact with various groups of the people of America—that the person who sometimes is referred to as "the average fellow" or "the little fellow" has, in the right of trial by jury, his greatest protection and shield if someone is perchance inclined to proceed against him because of spite or because of a desire unjustly to run him out of business or unjustly to deprive him of his liberty?

Mr. TALMADGE. Certainly that is true. Because of the right of trial by jury, no American can unjustly be deprived of his home or his constitutional rights or his liberty—or, as in the case of the pending bill, deprived of all those things by a judge who might be inclined, because of a tendency to be tyrannical, to attempt to deprive him unjustly of his liberty and of his other rights.

Mr. STENNIS. Is not the constitutional requirement that before one can be convicted of a crime, the charge must be proved before a jury of his peers, the greatest protection that all Americans have?

Mr. TALMADGE. Yes. The right of trial by jury is a sort of safety valve. It is true that juries may not always be correct in their verdicts; but if I had to choose between a decision by a judge—just one man—who could be impeached only by the Senate of the United States, and a decision or verdict by 12 jurors, I would choose the decision by the 12 jurors; I would choose the latter, every time.

Mr. STENNIS. I agree with the Senator from Georgia.

Does he not agree that before an American can be convicted of a crime, the prosecutor must first appear before a grand jury and must make his allegations and produce his proof; and the grand jury, when sitting behind closed doors, must then weigh the evidence and, if it so decides, must then return an indictment?

Mr. TALMADGE. Yes.

Mr. STENNIS. And then the prosecutor must go into open court and must prove the charges beyond a reasonable doubt, and must obtain a unanimous verdict of the 12 members of the jury which has been duly impaneled?

Mr. TALMADGE. That is correct.

Mr. STENNIS. Is not that the greatest protection the "little man" in America has?

Mr. TALMADGE. Yes. It is the greatest protection of all Americans, wherever they may live, or whoever they may be.

Mr. STENNIS. It is the basic protection of the American people from their own Government, is it not?

Mr. **TALMADGE**. Yes, and especially from officials or judges who may be corrupt. That is the very point the Senator from Mississippi and I have been discussing.

Mr. **STENNIS**. Mr. President, will the Senator from Georgia yield for a further question?

Mr. **TALMADGE**. Certainly.

Mr. **STENNIS**. Would the provision of the pending bill which would deprive Americans of the right of trial by jury last 5 minutes on this floor if it were a part of any bill except a so-called "civil rights" bill?

Mr. **TALMADGE**. I believe it certainly would not.

This morning, the Senator from Ohio documented four specific cases—the Clayton Act, the Norris-La Guardia Act, the Landrum-Griffin Act, and the Civil Rights Act of 1957. Each of them provides for a trial by jury in all criminal contempt cases; and, as I recall, two of those statutes provide for trial by jury even in civil contempt cases.

Mr. **STENNIS**. I thank the Senator from Georgia for his very able presentation.

Mr. **TALMADGE**. I thank the Senator from Mississippi for his eloquent and most helpful contributions.

Mr. President, to carry one step further the eloquent argument the Senator from Mississippi has submitted, I point out what the bill would provide, if it were left in its present form, with 5 of its 11 titles depriving all American citizens of the right of trial by jury.

As the Senator from Mississippi knows, the bill is mislabeled a "civil rights bill," whereas it is really a bill which would regulate every aspect of the lives of all American citizens, from the cradle to the grave. It would regulate where they sleep—except in their own homes; it would regulate where both employers and employees, members of labor unions, would work; and it would regulate where they would eat—except in their own homes. Those are the most intimate aspects of the lives of all American citizens. Yet the bill would provide the Federal Government with police power in all those areas, and would deprive all American citizens of the right of trial by jury in such cases.

The result would be that the power and the might of the Government of the United States, with more than $100 billion spent in resources, and with the vast power of the Department of Justice, with all of its thousands of lawyers, statisticians, and attorneys, scattered throughout the Nation, and with the vast array of Federal judges, who have been appointed for life, and were recommended by the Department of Justice for those appointments—all that power of the Federal Government would be arrayed against some little citizen in, perhaps, New York, Georgia, or California, who might have a net worth of perhaps $200 or $2,000. The Federal Government would tell them what he had to do; and the mere threat of a lawsuit by the Government would either bankrupt him or would cause him to knuckle under or would put him out of business; and if he were put out of business, he and his wife would then be unemployed, and any employees he might have had would have been thrown out of employment, and perhaps would be destitute and would be walking the streets, seeking employment; and at the same time the defendant would be deprived—by means of the pending bill—of the right of trial by jury when he was charged in a suit brought by his own Government.

Mr. **STENNIS**. I thank the Senator from Georgia for his able presentation.

Mr. **TALMADGE**. I thank the Senator from Mississippi.

Mr. President, I have been quoting the eloquent, powerful, logical, erudite, persuasive, and dynamic speech made on the floor of Senate in 1957 by Lyndon B. Johnson—then a Senator from the State of Texas and majority leader of the Senate, and at the present time President of the United States—when he was discussing the right of trial by jury in such cases.

He also said:

> That is not the way to resolve an issue; it is only the way to create new issues.
>
> Mr. President, I am not going to engage, tonight, in a lengthy argument on the merits of this amendment. There are on this floor able Senators who have explored every aspect thoroughly. The hour is late, and many Senators are prepared to vote.
>
> But, before the rollcall is had in the Senate tonight, I should like to call the roll of the great men of the past. I do so only because I believe it will indicate the strength of the jury trial tradition among our people.
>
> It was Thomas Jefferson who said:
>
> "They [the juries] have been the firmest bulwark of English liberties."
>
> It was Alexander Hamilton who said:
>
> "The more the operation of the institution [trial by jury] has fallen under my observation, the more reason I have discovered for holding it in high estimation."
>
> It was the late Senator Walsh, of Montana, who said:
>
> "There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the system as we now know it."
>
> It was the late Senator George Norris, of Nebraska, who said:
>
> "A procedure which violates this fundamental right of trial by jury in criminal cases, even though it be a case of contempt, violates every sense of common justice, of human freedom, and of personal liberty."
>
> Mr. President, these quotations could be continued into the evening, but it would be pointless to do so. The tradition of trial by jury is deep within the heart of our liberty-loving people.
>
> Repeal that right, and our laws will become ineffective, except to incite disobedience. Recognize that right, and we shall have one of the strongest and most effective laws in our history.
>
> Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body. All I know is that tonight we in the Senate must do our duty as we see it.
>
> Mr. President, when the roll is called, I hope this amendment will be adopted by a substantial vote.
>
> Mr. President, I yield back the remainder of the time under my control, on the condition that the minority leader will do likewise.

Mr. President, that concludes the speech by President Johnson on the jury trial amendment in 1957. At that point the roll was called and 51 Senators voted in the affirmative, 42 Senators voted in the negative, and the amendment was agreed to. The amendment was the same as the one which was offered by the Senator from Georgia and other Senators, and is now at the desk without a change in a single word, sentence or paragraph. The amendment is as vital now as it was then—even more so, because the bill which the Senate is asked to pass now is 100 times as encompassing with respect to the lives and liberties of the American people as was the act of 1957 when it was passed by the Senate.

I wish to repeat a few words of the President:

> But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.
>
> If we were to insist upon criminal contempt proceedings without a jury trial, we would be inviting the very violations we seek to avoid. In my opinion, we could make no greater mistake.

I hope that the Senate will heed the words of President Johnson.

Mr. President, I turn now to the words of our late, lamented President Kennedy in the speech that he made on the floor of the Senate on the same issue in 1957, when he was then a Senator from the State of Massachusetts. He stated:

> Mr. President, I rise to speak briefly on the pending issue before the Senate: Whether in cases where there has been a violation or a deprivation of voting rights and where criminal contempt is involved, a jury trial should be required.
>
> My position on the issue of preserving and strengthening the rights of all citizens is a matter of public record. Since I have been in Congress I have unceasingly supported legislation extending and enlarging civil rights. I have repeatedly made efforts to amend rule XXII to provide for a reasonable limitation on debate—a position, I regret to say, which has not been shared in the past by many of my colleagues across the aisle.
>
> There is, I dare say, no Member of this body who seriously contests the right of every citizen to express himself on public issues through the exercise of the franchise. The critical question for us now is how best to protect this inviolable right without sacrificing the rights of other citizens to full and equitable treatment by public authorities who take the initiative in supporting voting rights. One group in this debate suggests that by interposing a jury trial, efforts to protect voting rights will be effectively nullified, while the other side maintains that without a jury trial serious injury to other citizens may follow.
>
> My position on the measure, taken as a whole, is abundantly clear but I believe that in dealing with the specific question under consideration here we must be careful not to distort its intrinsic importance and forget our central purpose in enacting this legislation.
>
> Although I did not agree with the unusual procedure of placing the bill before the Senate without prior consideration by committee because of the dangerous precedent this set, I did indicate firmly my commitment to an early discharge from the Judiciary Committee. I shared the view of those who voted to place the bill directly on the calendar that the bill must be considered before the adjournment of this session of Congress. I voted to call the bill from the calendar and resisted efforts to return the bill to committee. My vote was cast against the deletion

of title III, which provided additional and substantial guarantees of existing civil rights. I am still concerned by the efforts of some States to prevent victims of intolerance from seeking representation by private agencies and public authority. Such forms of interposition might effectively have been barred under title III.

In short, I favor the proposed legislation because it represents a major and long-overdue step forward in assuring all of our citizens equal rights under the Constitution. I only regret that a majority of my colleagues did not share my view that the retention of the major elements of title III was desirable.

Nevertheless, we have before us a good bill and a strong bill, for which no friend of civil rights need apologize. There remains but one element of this bill which properly detains us by its discussion. If this issue is resolved reasonably, I am confident that we shall have an effective measure in which we can all conscientiously join. I refer, of course, to the jury-trial question.

I speak not as a lawyer, but as one interested in seeing to it that there is adequate protection for the voting rights of all citizens. I have followed in detail and with consuming interest the arguments of my colleagues in this body who are trained in the law. Moreover, I have consulted privately with a number of lawyers for whose competence I have the greatest respect, including several who have been notably identified with the fight for the extension of civil liberties. Each of them has given close study to this legislation and pending amendments. All of my studies and inquiries lead me to the conclusion that there is not a serious legal or constitutional problem raised by requiring a jury trial in criminal contempt cases. And I believe, too, there can be no doubt in the minds of anyone, North or South, that this country is determined that every qualified voter shall be enfranchised. What we must decide here is whether or not the requirement of a jury trial in criminal contempt cases poses a real obstacle to the guarantee of voting privileges, particularly in the South. I do not believe it does.

I have concluded, Mr. President, that the pending amendment, strengthened as it has been by the change suggested by the very able and distinguished Senator from Idaho [Mr. CHURCH] not only provides adequate means to protect voting rights of citizens but will yield considerable collateral benefits.

My reasons for holding this view can be briefly stated:

First, I am confident that the major protection afforded by this bill to citizens who desire to exercise the franchise will be accorded them by the civil contempt power of Federal judges. The major deprivations of voting rights have occurred in those cases where registrars and other public officials have refused to perform positive acts such as registering Negro voters. In these cases the civil remedy, I believe, is adequate, for few public officials will risk the penalties involved in flagrant violation of a court order. It is true that there are other situations, such as the intimidation of registered voters, which present a bar to the free exercise of the franchise. While these in general are not as appropriate for civil contempt proceedings as an order to perform an affirmative act, they nevertheless can be dealt with under the civil contempt power of the courts.

Second, even where it is necessary to resort to criminal contempt proceedings, I am confident that southern juries, presented with convincing evidence of restriction and ever mindful of the watching eyes of the Nation—and indeed the world—will convict those who dare to interfere with orderly legal processes.

I do not count myself among those who are cynical about the capacity of citizens in any section of the country to rise to the challenge of one of the highest responsibilities of freemen—the preservation of law and a just social order.

If I wish to avoid cynicism, so also do I want to avoid the attitude of easy optimism. In this connection, I refer again to the most important action we have taken in adopting the amendment offered by the distinguished Senator from Idaho. The adoption of this amendment holds for me a double significance: not only does it insure that trials will be conducted before juries composed of talesmen selected from all citizens in the judicial district, but it enlarges the civil rights of citizens who may have heretofore been excluded from jury service under State laws.

Third, in passing this amendment we shall not have taken an irrevocable step. Our southern colleagues and many authorities in the North have expressed concern about the dangers inherent in the indiscriminate use of the criminal contempt power. We have accepted their arguments in good faith and acknowledged their expressed desire to approach our common problems reasonably and within the framework of the law. Reciprocally, we have every reason to expect that the provision of jury trials will not be used as a device to hamstring legitimate efforts to secure the voting rights of citizens. If, however, this confidence is misplaced, the option always remains for Congress in the future to reverse its action if time shows that the jury trial in criminal contempt cases is being abused. Rather, the weight of history and tradition falls in favor of a citizen having a trial by jury when he faces prison as a result of a crime. Though I do not anticipate the need to reverse the provisions of this amendment, if adopted, and though many of my northern colleagues and I freely extend our friendship and understanding with the acknowledgment that all is not perfect in many sections of the country, we do ask in return the good faith, acceptance, and implementation of the fundamental principle upon which the Nation rests—freedom and equality of all citizens before the law,

After observing the course of debate during the past days, I am persuaded that if the O'Mahoney amendment is not accepted, the passage of the bill will be delayed for weeks and possibly indefinitely. Is this rigid insistence on a matter of procedural importance a good risk when weighed against the further exacerbation of feeling in the South and further contamination of the environment in which the rights must be enforced? I consider it a mistake to insist dogmatically on the purity of the original act at peril to its large objectives. If there were real question that, by taking this action, we were betraying fundamental principles of law or significantly enfeebling the strength of this legislation, then I could not accept the O'Mahoney amendment. However, this fear is not confirmed by outstanding liberal attorneys whom I have consulted.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum which is the result of a telephone conversation with Prof. Mark De Wolfe Howe, professor of law, Harvard Law School. That conversation was held last night. He urged support of the O'Mahoney amendment, and he is one of the outstanding constitutional lawyers and foremost advocates of civil liberties in the Nation.

I also ask unanimous consent to have printed at this point in the RECORD an excerpt from a letter from Prof. Paul A. Freund of Harvard Law School, a noted liberal and student of constitutional law. In the letter he states that inclusion of the O'Mahoney amendment will not result in a lessening of the principle involved, but, rather, that inclusion of the O'Mahoney amendment can well make the results of the bill much more satisfactory.

There being no objection, the memorandum and the excerpt from the letter were ordered to be printed in the RECORD, as follows:

"ABSTRACT OF TELEPHONE CONVERSATION WITH PROF. MARK DE WOLFE HOWE, PROFESSOR OF LAW, HARVARD LAW SCHOOL, JULY 31, 1957

"On the jury trial issue, I feel you should support the O'Mahoney amendments. The intrinsic legal argument on this matter does not cut too deeply; the issue has aroused more legal fuss than it deserves, and is certainly not a question which permits of too much dogmatic stubbornness. I do think there is some merit in the jury trial position. From the standpoint of enforcement and getting acceptance in the South, a good deal is gained by the amendment. Certainly the O'Mahoney amendment constitutes no betrayal of principle or of fundamental justice."

"EXCERPT FROM LETTERS TO SENATOR JOHN F. KENNEDY FROM PROF. PAUL A. FREUND, HARVARD LAW SCHOOL, JULY 26, 1957

"The upshot is that there would be some sacrifice of effectiveness in limiting the power of the judge alone to cases of civil contempt. Against this loss must be weighed the value of a more receptive sentiment on the part of the original opponents of the bill, a sentiment which presumably would filter down to the press and populace of the South. In the long run that state of mind may be more important than the partial sacrifice of legal procedures involved in the compromise. This is a matter of judgment on which your own wisdom will yield a better answer than any I might venture. I can only say that to accept the jury trial for criminal contempt would not in my view constitute a betrayal of principle."

Mr. KENNEDY. Mr. President, I have also received the opinion of a former dean of the Harvard Law School supporting the merit and validity of the O'Mahoney amendment.

Finally, Mr. President, this debate, in the main, has been far more than an argument over legalities. It represents, in my opinion, a turning point in American social and political thought. It represents a confrontation of problems which have plagued us too long. It represents an almost universal acknowledgement that we cannot continue to command the respect of peoples everywhere, not to mention our own self-respect, while we ignore the fact that many of our citizens do not possess basic constitutional rights. However late, we have at last come to the point of a great decision. It is this fact which overshadows our deliberations. To this overarching achievement, history will bear witness.

Mr. President, let me repeat, Mr. Kennedy declared that where criminal contempt was involved, a jury trial should be required, that the weight of history and tradition falls in favor of the citizen being granted a trial by jury when he faces prison as a result of his crime.

I have gone into the history of the country in some detail, and have referred to the many great men this country has produced to try to outline why a jury trial should be required in all criminal contempt cases.

In the final analysis, criminal contempt is a judge-made crime. The judge is the prosecutor who brings the charges, he hears the evidence, he determines what evidence shall be admitted and what evidence shall be believed, he determines whether the accused is guilty or innocent, and finally he makes the determination of sentence.

In other words, every vestige, every part and particle of the judicial procedure, from beginning to end, is vested in the bosom of the court—one man, and one man alone. There is no grand jury. There is no warrant. There is no bill of indictment. There are no votes in a grand jury. After hearing competent evidence, the accused does not even, necessarily, have the right to face and cross-examine his accusers.

The judge, after instituting his own action, and handling every part of the judicial procedure, makes the decision.

Yet, cases have been cited on the floor of the Senate in which persons have been sent to prison for as long as 4 years. That, in my judgment, is completely at variance with the third article of the Constitution of the United States, which provides for a trial by jury of one's peers in all criminal cases. It is, in my judgment, at complete variance with the sixth amendment of the Constitution of the United States, which provides in all criminal trials that one shall be entitled to a trial by jury of one's peers. It is at complete variance with the seventh amendment of the Constitution of the United States, which provides that even in civil matters, if the value of the controversy at issue exceeds $20, every American citizen is entitled to a jury trial.

In addition to the constitutional provisions, I have quoted from Thomas Jefferson and from Felix Frankfurter, former Justice of the Supreme Court, who recently retired, and I believe is recognized by all Americans as one of the outstanding jurists our country has ever produced.

Mr. President, logic, history, liberty and justice, all demand that one accused of a crime, whether it be a legislative crime or a judge-made crime, shall have the right of trial by jury of one's peers.

I hope that the Senate will so vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The legislative clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 195 Leg.]

Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Douglas
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. McCLELLAN obtained the floor.

Mr. McCLELLAN. Mr. President, several Senators have asked me to yield to them for different purposes. They are not now in the Chamber. I ask unanimous consent that during the course of my remarks I may yield to Senators, upon their request, for questions, comments, and insertions in the RECORD, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Is amendment No. 560, known as the Morton amendment, the pending question?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. For how many hours does the rule of germaneness remain in effect after the Senate has convened?

The PRESIDING OFFICER. The rule of germaneness remains in effect for 3 hours after the unfinished business has been laid before the Senate.

Mr. McCLELLAN. Has the unfinished business been laid before the Senate; and if so, has the period of germaneness expired? Is it now necessary to be germane in all the remarks I may make?

The PRESIDING OFFICER. The 3 hours under the rule of germaneness have expired.

Mr. McCLELLAN. I intend to be germane; but sometimes in the course of his remarks one wanders into other delightful avenues of comment. I might stray a little, here and there; but generally, I intend to speak germanely to the pending question, although not entirely to the Morton amendment, which I support. I expect to speak about the general subject of jury trials in contempt cases. That is the real issue raised by the Talmadge amendment, by the Dirksen-Mansfield amendment, and also by the Morton amendment. Although I may deal with some overall, general, basic issue, my remarks will be directed primarily to the issue of jury trials in contempt cases.

Mr. President, if it had been generally supposed by the Founding Fathers that the Federal Constitution would ever be so construed as not to guarantee the right to trial by jury in a criminal prosecution, or even in a civil case, there is no doubt that the Constitution would never have been ratified. I do not believe the people would have surrendered that power to the Federal Government or the Central Government.

I do not believe that the people of that generation or their ancestors, who were fresh from areas of oppression, where what we term today as civil rights, human rights, and rights of local autonomy, and the like, had been denied, would ever have consented to or ratified a constitution that would have placed the power of accusation, prosecution, judgment, and infliction of punishment in any one man or any one court, whether the court was composed of one man or several men. I do not believe they would ever have delegated such power to the Central Government.

The very fact that even in civil suits, in cases where no greater money value than $20.01 was involved in the issue, they insisted upon jury trial and provided for it, meant that they did not have in mind denying a jury trial under the great Constitution that they constructed and submitted to the several States for ratification.

I do not believe they would ever have consented, and I am sure they did not intend, to permit a judge to become both an accuser, a prosecutor, an adjudicator, and a sentencer, and thus be able to deprive a man of his liberty, by incarcerating him in a jail or penitentiary. It is simply inconceivable that the Founding Fathers would have had such an intention. Such an intention by them cannot be rationalized on any basis, for it does not comport with logic or justice or intelligence or fairness or equality of treatment, regardless of how one might attempt to evaluate it or appraise it.

On the other hand, if the Founding Fathers had intended to do exactly the opposite of what they actually did—in other words, if they had intended to provide in the Constitution that a judge could do what the pending bill would undertake to authorize judges and courts to do, it would have been understandable if the Founding Fathers had then provided that a citizen would not be entitled to a jury trial in a civil case unless the amount involved was perhaps several thousand dollars. But I am sure the Founding Fathers did not intend to provide that the right of trial by jury would not be enjoyed by American citizens involved in civil suits which involved more than $20; and I am equally sure that by no implication, positive expression, or stretch of the imagination could it be held that they intended to provide in the Constitution that so long as the judge's sentence would not exceed a fine of $300 or a sentence of 45 days in jail, the defendant could be tried without a jury. I am sure the Founding Fathers had no such intention. Certainly the Constitution contains no such provision.

Therefore, Mr. President, it is clear that Congress would make a grievous error if it were to enact the pending bill in its present form, and if it did not adopt, as part of the bill, either the original Talmadge amendment or the amendment proposed by the Senator from Kentucky [Mr. MORTON]. The Morton amendment would make sure that under the provisions of the bill, if it were enacted into law, in all cases of criminal contempt arising out of enforcement of the provisions of the bill, upon request of the person accused of the contempt, he would be entitled to a jury trial.

As a matter of historical fact, the failure to incorporate in the original Constitution itself a provision guaranteeing that "a jury trial shall be preserved as usual in civil cases" raised an objection to the Constitution which was "pressed with an urgency and zeal well nigh preventing the ratification of the Constitution."

In that connection, I cite Story's "Commentaries on the Constitution," **section 1763.**

Because of the fear that that part of the Constitution was not sufficiently specific, and because it did not satisfy those who believed in the right of jury trial, considerable objection was raised and considerable debate ensued. As a result, the Constitution in its present form, as regards the right of jury trial, was finally agreed upon, and of course later was ratified. The same zeal and urgency later culminated in the drafting and adoption of the seventh amendment.

Thus, Mr. President, insofar as it was then within the power of the Founding Fathers to do so, and insofar as they had sufficient intellectual capacity, sufficient learning, and sufficient command of words, those who drafted the Constitution made its language so plain and so explicit that I do not understand how today there could be any doubt that the Constitution clearly provides that every citizen shall have the right of trial by jury; I do not understand how there could be any argument on that point, or how any argument of that sort would carry any weight. To the contrary, I believe there is no doubt about what the Constitution provides and what the framers of the Constitution intended to have it provide and intended its effect to be.

If there is anyone who would challenge the fact that a favorite weapon of tyrants throughout all recorded history has been the denial of trial by jury, let him read the Magna Carta and our own Declaration of Independence.

Mr. President, deprivation of the right of trial by jury was one of the favorite tools of tyrants in the lands from which our forefathers fled. They came to America to be rid of such tyranny; and fought the Revolutionary War to guarantee themselves and their posterity freedom forever from such tyranny. They wrote the Constitution in order to guarantee—and I believe they did guarantee it—that such tyranny could never occur in our Nation, and that every American who was a defendant in a criminal action would—regardless of whether he was subjected to a fine or was subjected to imprisonment—have the right of trial by a jury, thus preventing the possibility that any judge in the courts of our Nation could ever possess the power to engage in the sort of tyrannical conduct which had been imposed on the ancestors of the Founding Fathers; for it is clear that those who wrote the Constitution and who founded our Government preferred to live in this new land, where they could establish a new way of life and a new system of government in which individual rights would be respected, preserved, protected, and insured against any efforts by one who might wish to become a tyrant.

There in the Declaration of Independence and the Magna Carta we see enshrined the sacred right of trial by jury, a right which the champions of freedom of those days were willing to fight and die for if need be. But we need not look back into ancient history for proof of the significance of this sacred right. We have but to recall the history of modern-day tyrannies under Hitler, Mussolini, Stalin, Khrushchev, and others for vivid examples of what happens to rights such as this in the hands of tyrants.

I do not believe any of us foresees or contemplates that we would ever have a leader, despot, or ruler in our country such as Hitler, Mussolini, Stalin, Khrushchev, and others—certainly not so long as we keep our present form of government—who would commit such atrocities as those whom I have mentioned committed with respect to the infliction of punishment upon human beings. We do not believe that such atrocities would ever occur. But we invite things of that nature to happen when we begin to tamper with the fundamentals of our liberty and the safeguards of our liberty. If in the proposed legislation we weaken the right of trial by jury in the present instance so as to appease or placate a minority group or race of our people in this country, and if in order to try to throw a chill of fear into people so that they will not insist upon or fight for their rights, or what they conceive to be their rights as American citizens, and so that they will no longer contend for or continue to insist upon a preservation of the basic principles enshrined in our Constitution, the Declaration of Independence, and the Magna Carta, and for the purpose of temporary expediency or to serve a political purpose, when we know it is wrong, when we take such action, we merely invite repetition in some other situation in which someone might feel that a popular law should be passed.

That is the only reason for the present measure being before the Congress. There is such deep conviction about the proposed legislation and about what its consequences would be, and such deep conviction about the opposition to it, that it is designed—and this is one of the purposes of denying a jury trial—to put the power into the hands of a court to act arbitrarily, firmly, positively, quickly, and summarily to compel obedience to any order that the court might choose to make. If we are going to the extreme to try to force the will of those who advocate that type of proposed legislation upon those who honestly and with deep conviction oppose it, we shall set a precedent. Some other measure will come along that may be unpopular and that we would have the power to pass anyhow. Perhaps wisely or unwisely we might pass it, and the proponents of that measure would point to the present bill as a precedent and say, "We took away a jury trial in that instance, although it may have caused some miscarriages of justice. We will do so again, because enforcement becomes more important than following the constitutional procedures."

So in the next bill a provision comparable to the provisions in the present bill would be included, and then we would go further and further, and ultimately our jury system would be wrecked.

It would be tragic if we did so, and if the courts of the land should uphold such action as being constitutional.

I have said on the floor of the Senate—and I repeat the statement—that since the present debate started and since the present issue was raised, the Senate and the House of Representatives are now presented with the challenge of whether it will rise above political expediency—and it is expediency for the moment—and the purpose of concentrating power to enforce a measure against the deep convictions of people who may feel that the bill is going too far. In my judgment it would be tragic to go that far. It should not be done.

The Supreme Court having divided 5 to 4 on the question of the constitutionality of the right to trial by jury in contempt cases, and the dissenting opinions having, it seems to me, presented unanswerable and unchallengeable arguments in support of the position of preserving jury trials that the Constitution intended, it seems to me that the argument is unanswerable. We are now confronted with a challenge to the Senate and to the House of Representatives that might be stated as follows: Will the Congress now acquiesce in these faulty decisions—these decisions of expediency—and in effect ratify and confirm what the Supreme Court has done in this narrowly divided opinion, or shall we say that the end sought does not justify the crucifixion of the Constitution, and that it does not justify the abrogation of the rights stated in the Constitution, because every citizen accused of crime has the right to be tried by a jury of his peers and not by the judge who accuses him or the judge who prosecutes him, but by his neighbors and by citizens who have the responsibility in their capacities as jurors to enforce the law and to help preserve law and order in the community in which they live.

I hope we shall never depart from that system, but this is a departure from it. I hope the Senate and the entire Congress of the United States will rise above the emotions of the hour, the pressures of the day, and reach for higher ground, something on which we can stand from now to the beginning of eternity, instead of something that is faulty, that will falter and will some day cause us to stumble and fall into the horrible pit of irreverence for law, disregard of the rights of the people, concentrating power in one man, when the Constitution states that such power must rest in the jury of the peers of an accused.

When the Founding Fathers of this Nation drafted our Constitution, they expressly provided in article III thereof that:

> The trial of all crimes—

"All crimes" means all crimes, I assume, Mr. President—

> except in cases of impeachment, shall be by jury—

There is no equivocation there; no double talk. In my judgment, there is actually no room for difference of opinion as to what it says and what it means—

> and such trial shall be held in the State where said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Mr. President, suppose one paragraph of a bill that was before the Senate provided "notwithstanding any crime committed hereunder, any criminal contempt committed hereunder may be tried either in the State where the offense is alleged to have occurred or in an adjoining State." Would anyone contend that is constitutional? One would have just as good a case for it, because the language is "in the State where said crimes shall have been committed." Article III provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

It made only one exception. It is proposed in the pending bill to make another exception which the Constitution does not make.

Suppose there were another provision in the bill stating that such a crime might be prosecuted in the State where the crime was alleged to have occurred or in an adjoining State. There would be no more violence done to the plain provisions of the Constitution—there would be less violence done, but certainly no more—than is done by denying a jury trial and permitting courts of law to imprison a person for 45 days and fine him for $300.

I ask Senators, What is the difference in principle? I do not believe any Senator can, on this floor or anywhere else, point out how one proposition is constitutional and the other is not constitutional. The question is that simple.

If the Constitution does not mean what it says, then we have no fundamental law, and the Constitution is merely a historic document that we are ready to discard and abandon and proceed from now on on the basis of whatever law the Congress may enact, without any anchorage, without any guidelines, without any fundamentals upon which our liberties rest. Whatever the Congress wants to do, whatever it enacts as a law, becomes a law, the Constitution to the contrary notwithstanding.

I do not know how one could rationalize that the Constitution does not mean what it says. It will have to be rationalized in some way to get around it, or we must ignore it and pass a bill anyway.

But their concern—speaking of the concern of our forefathers—for the urgent need to guarantee and protect this most sacred right was such that they were not content to rely on this provision alone.

Notwithstanding that the provision was emphatic, and not subject to this interpretation, they did not rely upon it alone. It was only upon assurance that this and other basic rights would be given adequate protection by the adoption of a Bill of Rights that the ratification of the Constitution was insured.

In other words, had not the Bill of Rights been submitted at the same time, all historians agree it is highly probable that the Constitution would not have been adopted.

In the very first meeting of the Congress, what we now know as the Bill of Rights was a first order of business, and included among other amendments were the fifth, sixth, and seventh amendments, all of which provide guarantees with respect to the right of trial by jury.

Why? Why did they so often have at least a lingering suspicion that some day this Government, our people, the Congress, might become lax in their respect and reverence for the Constitution, for what it says, what it does, what it was intended to do, to protect the rights of the people? Were they concerned at that time? Evidently they were. They wanted to take every precaution that was humanly possible for them to take in a basic document of law—the Constitution itself—to insure that certain rights would not be destroyed, that they would not be abolished, that they would be preserved and vitalized as long as the Constitution survived.

Mr. President, that is what should happen as long as the Constitution survives. We are not going to pass a resolution in the Senate, of course, abrogating the Constitution in so many words, but we are whittling away at it, either by legislation or by court decision, causing it to lose its potency, its efficacy, and its protective effect.

In the fifth amendment, it has been provided:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

The sixth amendment expressly provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Mr. President, I have great respect for the ability and capacity of the framers of the Constitution who used language which conveyed their intent, which conveyed their viewpoint, and which declared that the principles of rights and governments were not susceptible to willy-nilly interpretations.

There can be no mistake about what they wrote. In both instances where I have mentioned them, the Constitution stated "all." It made only one exception; namely, in impeachment cases. Even in impeachment cases, they cannot be tried by the accuser. The House of Representatives makes the accusation. It votes impeachment, and in a sense it votes to indict, but the House cannot try the case. It is judged in the Senate, where it comes from the House for trial.

But it is proposed to violate the Constitution by allowing the same judge—the same authority that accuses—to become the judge, the jury, and the adjudicator of the issue.

Yes, Mr. President, the Constitution stated "all," and it meant all. We may not respect it, we may undertake to circumvent it, but we cannot erase that word "all" by anything we do. We cannot take it out of the Constitution. A resolution could be agreed on to strike the word "all" from the Constitution, but it would have no effect on it.

But if we should undertake in the bill, which we would be doing, to write in an exception, we could not take out the word "all." Everyone knows that. But if we should undertake to write in an exception, where would our authority be, by legislation, to write into the Constitution an exception, and provide that it should not apply in criminal contempt cases arising out of the proposed legislation? We have no authority to do that. We may attempt it. Someone may hold that we have authority to do that. But there are principles which endure, no matter what a court says. We may have to be governed by what the court says, but as a matter of right or wrong, our Founding Fathers said "all," and every court in the land can declare that "all" does not mean all, if it wishes to do so—and the Congress can declare that "all" does not mean all, if it wishes to do so. But "all" means all in the English language. Yet we propose to change it.

Mr. President, we shall be doing great violence to principles that are the greatest source and protector of the human rights and the liberties a people can be blessed with beyond anything ever achieved before in the history of human society and human governments. We should not tamper with them. Instead of trying to circumvent with indifference or willful purpose what the Constitution provides, instead of applying our energies to finding some subterfuge, some way to get around the truth and what the Constitution declares to be the truth, we should be resisting with all our power and might the attempt by anyone to subvert the Constitution and distort its meaning to grant the courts a power they were not granted.

The sixth amendment provides that a citizen shall be entitled to a trial by jury in the State or district wherein the crime has been committed. A provision could be incorporated in the bill which would be just as constitutional, that either a citizen be tried in the district court where the crime was committed, or in an adjoining district, or in a district designated by the highest Court of the land, or by someone else. Would the Senate change that?

It has been stated that perhaps in some States or localities a jury would not always render a fair verdict. I do not believe that applies to any one section of the country. Human nature is about the same everywhere. Probably justice miscarries as often in one State as it does in another. I am not sure that one section of this country—especially the one that is being attacked and assaulted, in a sense, by the proposed legislation—is more corrupt and more susceptible to prejudicial influence in a trial of criminal cases than any other section of the country. No one has so established it. I have seen jury trials outside the South where obviously, to the layman at least, and to some lawyers who follow the subject closely, justice has miscarried. No one will contend that in every such case and in every such instance, in every trial by jury in any State, or in any community, justice is always done.

There are frailties of the human mind. People are so constituted that they may hear the same testimony, and see the same presentation, and yet arrive at honest differences of opinion. Yet, there is no one race or section of the country that can claim that it is more honest, or that its people have more integrity than the people of any other section of the country.

Would one be willing to write into the bill a change in the Constitution with regard to where these cases will be tried?

Shall we say, "Although the Constitution says you are entitled to be tried by a fair and impartial jury, you cannot be tried by a jury if your punishment is to be only 45 days in jail and a $300 fine."

Are we willing to change the rest of it and say that if the court, who is the accuser and the prosecutor, had any reason to think that some influence might be brought to bear that would prejudice justice, according to his viewpoint, the judge could transfer the trial to an adjoining district, or even to another State? All of that would be in violation of the Constitution. It is not authorized. That power is not delegated to the Congress of the United States, or to the Central Government itself. That power is reserved to the people of this Nation.

Yet it is proposed to usurp the power. It is proposed to exercise it. If we usurp that power, when the next bill comes along, we shall say, "We have had some experience in that field. We find it is difficult to obtain a conviction here, or to get a conviction there. Therefore, we shall say that the case may be tried in an adjoining district, or in another State." If we can violate the Constitution and get by with it, it can become a habit.

Are we not willing to stop, to look, and to listen, to see the yellow light flashing, and come to a conscious realization of what we are about to do?

Trial by jury is mentioned in the sixth amendment. Let us see what is in the seventh amendment. The seventh amendment provides:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

The jury in a civil case is the judge of the facts. Their judgment is based on the facts in the case, and cannot be reviewed, except as to whether the facts are sufficient to warrant a finding of guilt. It does not have to be by a preponderance of the evidence. The law says, "Beyond any reasonable doubt." It requires that guilt must be found beyond any reasonable doubt.

When the jury finds guilt based on the word of 1 witness as against 100—the preponderance of the evidence may be overwhelming even as to the facts being different—and says, "That convinces us beyond a reasonable doubt of the guilt," its decision cannot be examined beyond that. Yet, it is proposed to do that.

The framers of our Constitution felt deeply about the integrity of the jury and the wisdom of the jury system. Yet, it is proposed to tamper with it.

Are we smarter today than were the Founding Fathers who drafted the Constitution, and, in effect, constructed the great pillars of this Government? Are we wiser concerning fundamental law? If we are smarter, the way to do it is by amending the Constitution. We do not legitimately amend the Constitution by legislation. We may do it illegitimately, and the baby may obtain sanction in the courts, but it is still illegitimate. I do not care what kind of sanction it is given.

Even in common law, where money is the only thing at issue, our Founding Fathers thought the jury system was sacred and indispensable to the processes and to the adjudication of justice as between the contentions of men. Are we smarter today? Can we have 1 judge who knows more about justice, who knows more about how to analyze facts, who knows more about how to render justice between the State and the individual, than do 12 men sitting on a jury?

We are denying the defendant that right. We must give him a jury trial if we are to follow the Constitution. I do not know how long it will be followed if we adopt this practice, but we must give him the right to a trial by jury if he is sued for $20.01.

I do not know how those who would construe the word "all" to mean "nothing" would construe that provision. I do not know how they would construe the right of an individual to a jury trial if the amount sued for is more than $20. But if we follow the Constitution, we would have to give the man a trial by jury, if he wanted it, if the amount were $20.01, or $20.05.

But if we charge him with criminal contempt, we will give the judge the right to send him to jail for 45 days. Compare one's liberty for 45 days with the amount of $20.01. Which is the most precious? Which is the most valuable to a citizen of the country?

Yet, we are going to tamper with it. We will take the word "all" out of the Constitution. We will make exceptions. If we make an exception in this one bill, there will be another bill in which we will make another exception. And here we go.

Talk about stability and integrity of government. We hear of disrespect for law, and that does prevail in some areas and among some individuals. But when we—who have the highest responsibility, and, who are clothed with authority and the duty to enact legislation—display disrespect for that fundamental document, we invite disrespect from the remaining citizens of the country for the law of the land.

If Congress can flout the law, if the courts can construe "all" to mean "not all," then the citizen can say he does not like the law and will not observe it. He can say, "Congress does not pay any attention to the Constitution when it enacts laws. If Congress can disregard and disrespect the Constitution and the laws, why cannot I?"

Mr. President, we are playing with danger. We are exposing the country to danger by the proposed legislation.

Placed in this context of history, it is no less than appalling that in the year 1964 Congress should be considering the enactment of legislation which would deny to American citizens the most sacred right of trial by jury. Is it necessary to have this provision in the bill in order to enforce the law, if it becomes law? Are not the other processes for trial by jury adequate? What is the reason for this provision? Why the departure? The reason is not sufficient, in whatever terms it may be expressed.

In an effort to conceal from the American people this assault upon one of their sacred rights and liberties, the proponents of the so-called Civil Rights Act of 1963 have sought to becloud the issue under a semantic barrage. They assert the existence of a distinction where there is no difference. They attempt to distinguish between a prosecution for a crime and a prosecution for criminal contempt.

If one is entitled to a trial for criminal contempt, it is proposed that a judge shall try the accused, not a jury. But a jury trial is recognized, because it is provided that if the punishment amounts to more than 45 days in jail, the accused ought to have a jury trial. But the Constitution makes no such distinction. That is not provided in the Constitution. What is proposed is far beyond the purview of the Constitution.

Mr. STENNIS. Mr. President, will the Senator yield for a question about jury trials?

Mr. McCLELLAN. I yield for a question or a comment.

Mr. STENNIS. Has not the Senator from Arkansas found that, after all, the subject of jury trial as it pertains to matters that arise from contempt proceedings is greatly misunderstood, even among Members of the Senate, many of whom are confused about the civil contempt and criminal contempt concepts? That question is preliminary to a question about the amendment which the Senator said he is supporting. Does not the amendment leave the judge with full power to require the one against whom he is proceeding to obey the mandate or requirements of his decree, under threat of a civil contempt proceeding that could put the accused in jail until he complied?

Mr. McCLELLAN. It would not interfere with that power. The judge would still have summary power of jurisdiction to enforce his orders as he had directed them to be carried out.

Mr. STENNIS. That is an essential and effective part of the power he needs to insure the carrying out of his decree.

Mr. McCLELLAN. I do not believe the court would be at all hampered in its ability to enforce its orders. But this proposal actually resolves into a threat, an attempt to coerce and intimidate the citizen.

Mr. STENNIS. The Senator is correct.

Mr. McCLELLAN. It flashes a 45-day jail sentence in his face immediately. He is told, "You may not have a trial by jury. You must submit." He is under subjection to whatever sentence one man imposes, up to 45 days in jail.

Mr. STENNIS. Under the proposal as it is now written, and which it is sought to amend, instead of a judge having power to put a man in jail, if necessary, until he obeys the instructions and rulings of the court, the judge would have additional power, if he saw fit, really to prosecute the person for the crime.

Mr. McCLELLAN. That is true.

Mr. STENNIS. And to deny the accused a trial by jury.

Mr. McCLELLAN. That is true. He could accuse him, charge him, deny him a trial by jury. The man who made the charge, the one who accused him, would try him.

Mr. STENNIS. There is a proviso in another pending amendment, known as the Mansfield-Dirksen amendment, that if the punishment were more than $300 or 30 days in jail, the court would have to grant a trial by jury on a charge of criminal contempt.

Mr. McCLELLAN. The bill itself provides for 45 days, does it not?

Mr. STENNIS. That is true in two of the titles; but the amendment applies to all the titles. My question is: If there were to be a determination by the judge as to whether he would afford a person a jury trial, would he not in effect have to find guilt before he decided to grant a jury trial? Is not that the practical operation?

Mr. McCLELLAN. The practical operation would be that the person would never get a jury trial, because the judge would arbitrarily sentence him to jail for 45 days, and he would never get a jury trial. In theory, any action a judge might take other than to sentence up to 45 days or less, or 30 days or less, would be tantamount to a decision and a judgment of guilt. Otherwise, there would be no occasion to call for a jury, because the judge would have decided in his own mind that the accused was guilty and ought to be sentenced to more than 45 days in jail. Otherwise, there would be no occasion under the statute as proposed to submit to a jury any case in which he did not think the accused was guilty and should have greater punishment than is prescribed in the bill, which the judge could impose.

Mr. STENNIS. So it would soon become known among the public, and the jurors particularly, that the judge had considered the matter and had found the accused guilty; otherwise he would not be calling in a jury. Is not that the practical way in which the proposal would work?

Mr. McCLELLAN. The jury will know that the judge thought the accused was guilty and ought to have punishment in excess of 45 days in jail, or of 30 days, as the case might be.

Can the Senator from Mississippi tell me that the accused would receive an impartial trial? That would be a new name for it. Could it be an impartial trial if the judge were able in a criminal case to tell a jury, before it weighed the evidence and deliberated, "I have already determined that the defendant is guilty." That would be tantamount to the judge saying, "I have weighed and assessed the evidence or the facts, and I have determined that the accused is guilty and should have punishment in excess of what I as a court may impose upon him."

Mr. STENNIS. The jury, in order to acquit, would have to come into open court and bring to the judge a verdict of "Not guilty," which would, in effect, be saying to the judge, face to face, "You are wrong in your conclusion. We reverse you." In effect, that would be what the jury would be saying.

Mr. McCLELLAN. Certainly the jury would then be saying that. The jury would be saying, in effect, to the judge, "You were wrong in the first place, for this man is innocent, and therefore he should not be punished in any way at all."

I do not know how intimidating the prior decision of the judge would be or how much influence it would have on the jury, although certainly it would not be calculated to result in having the defendant receive a fair trial. Therefore, if the defendant did receive a fair trial, he would receive it despite those handicaps, not because of them; he would receive a fair trial because of the integrity, wisdom, and courage of the jury, not because of what the judge might do.

Mr. STENNIS. In the proceeding in which the judge decided whether he would permit the defendant to have a jury trial, would the defendant have the right to produce witnesses in his behalf or to have counsel present, or even to have a hearing on that question in open court?

Mr. McCLELLAN. Of course the Constitution provides that all persons charged with crime are entitled to all those rights. On the other hand, if Congress were determined to abolish this provision of the Constitution, I suppose it could be argued, by implication, that Congress intended to have many or most of the other provisions of the Constitution abolished. If a statute which violated the Constitution were enacted, and if thereby a court were given a power which Congress had no authority to place in the court—in other words, a power that had been expressly reserved to the people; namely, the right of trial by jury—I do not know what the court would think about the other rights of the American people.

Mr. STENNIS. In connection with due process of law and the rights of defendants, is it not unheard of for a judge to determine in advance whether a defendant was guilty or innocent, and at that time—before the trial—to decide what punishment he would impose on the defendant? Under all our laws, the punishment is determined only after all the evidence is heard and evaluated, is it not?

Mr. McCLELLAN. Certainly that is in accordance with the procedures and practice under our laws and Constitution.

Mr. STENNIS. But this provision of the pending bill would reverse that procedure, would it not?

Mr. McCLELLAN. Yes, and thus the provision would abrogate the rights of American citizens under the Constitution.

Mr. STENNIS. Certainly that provision would violate the spirit of many letters of the Constitution, would it not?

Mr. McCLELLAN. Suffice it to say that it would violate the letter of the Constitution. I do not know what the meaning of the constitutional words "all cases" is, if they do not mean "every case."

Mr. SPARKMAN. Mr. President, will the Senator from Arkansas yield briefly to me?

Mr. McCLELLAN. I yield.

Mr. SPARKMAN. My questions will be quite simple. They relate to procedure; and I shall ask these questions quite seriously.

First, suppose a judge called in a jury. In that case, would the jury have a right to decide whether the defendant was guilty and, if so, what his punishment would be?

Mr. McCLELLAN. The Senator from Alabama is asking what the situation would be after the judge had already found the defendant guilty; in effect, that would be the situation, after the judge had decided that the defendant should be punished by a fine of more than $300 or imprisonment for more than 45 days. Then the judge would call in a jury. So at that point he would say, in effect, to the jury, "I have found the defendant guilty, and I have decided that he should be sentenced to more than 45 days in jail or should be fined more than $300. Now I submit the case to you."

Mr. SPARKMAN. What would the court do then?

Mr. McCLELLAN. I should like to have the proponents of the bill state how they think the judge would handle such a case.

Mr. SPARKMAN. I am curious to know about that.

Mr. McCLELLAN. I think the Senator from Alabama will have to remain curious about it, for I do not think the answer will be provided by any proponent of the bill.

Mr. SPARKMAN. Next, I should like to ask the Senator from New York, a question, if I may do so.

Mr. McCLELLAN. I yield for that purpose.

Mr. SPARKMAN. Suppose the judge decided that he would find the defendant guilty of contempt, but that the punishment should be less than $300 or less than 45 days in jail. In that case, would not the judge be bound to charge the jury as follows: "Gentlemen of the jury, I have considered the facts in the case, and I have decided that the defendant is guilty." In effect, the judge would thus take that position, even though he would not use those exact words, would he not?

Mr. McCLELLAN. Of course that would be the implication of the action of the judge in submitting the case to the jury.

Mr. SPARKMAN. Perhaps the Senator from New York can answer that question.

Mr. McCLELLAN. I hope so; I invite the Senator from New York to help us untangle this problem.

Mr. JAVITS. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. JAVITS. Of course, in our zeal, there are some things we should not overlook. We are discussing the conduct of Federal judges, including southern Federal judges. I say, with all respect, that Senators who have been speaking have been saying about Federal judges some of the things that the Senator from Georgia [Mr. RUSSELL] accused me of saying, the other day, about juries in the Southern States. I do not believe that any Senator wishes to imply that a judge of a Federal district court would proceed in the face of the U.S. Constitution. However, if a judge tried to do that, certainly the higher courts would correct him.

Mr. SPARKMAN. But by means of this bill, Congress would be flying in the face of due process of law.

Mr. JAVITS. Of course we have already argued that question; and now we are talking about the procedure of the judges. I do not think that, in our zeal, we should make statements which could be considered as being unfair or improper ones, insofar as certain persons are concerned.

In the first place, following the presentation of the evidence to the jury, the judge would instruct the jury, as I understand, that in order to convict the defendant, the jury would have to find the defendant guilty of willful violation of the court's order; and, following the presentation of the evidence to the jury, I assume that the judge would define criminal contempt committed outside the presence of the court.

Mr. McCLELLAN. Will the Senator from New York state the authority for that? He said he assumed that would be done.

Mr. JAVITS. A requirement of due process of law is that in order for a person to be convicted of a charge which, if sustained, would carry with it punishment by fine or imprisonment, it would first be necessary to prove contempt. I can produce some of the cases in that connection. I have before me the decision in the Barnett case.

Mr. McCLELLAN. But the Barnett case was not tried under the provisions of the pending bill, the statute now proposed.

Mr. JAVITS. But the amendment which is the pending question would provide jury trials in all criminal contempt cases; and the leading and most recent case in connection with contempt is that of United States against Barnett. So, in order to ascertain the rule, it is necessary to refer to that case.

First, as I understand, the judge would have to instruct the jury that, in order to convict the defendant, it would be necessary for the jury to find that there had been a willful violation of the court's order. The jury's finding would depend upon the evidence which had been adduced. If the jury found the defendant guilty, the punishment imposed could, under the Dirksen-Mansfield substitute amendment, be a fine of more than $300 or incarceration in jail for more than 30 days.

However, it is clear that under the Barnett case it would be necessary for the jury to find that there had been a willful violation of the court's order.

Mr. McCLELLAN. But if the judge decided in advance that the defendant should be subjected to a fine of more than $300 or to imprisonment for more than 45 days, would not the judge have to reach that decision before he could submit the case to the jury, which thereafter might reach a verdict that the defendant had been guilty of a willful violation of the court's order?

Mr. JAVITS. I believe he would.

Mr. McCLELLAN. Following the point further, how would the court ever get the case to the jury? The court would be entitled to submit the case to a jury under this statute only if the punishment were to be 45 days or longer. Therefore, the judge would be required in his own mind to judge the defendant guilty before he could ever send the case to the jury.

Mr. JAVITS. I have seen many cases—and I assume the Senator himself has tried cases——

Mr. McCLELLAN. Once or twice.

Mr. JAVITS. I have seen many cases in which the judge might have assumed in his own mind that the defendant was guilty and yet a jury acquitted the defendant.

Mr. McCLELLAN. In the jurisdictions in which I have practiced, if a judge made that assumption and so indicated to the jury, it would be reversible error.

Mr. JAVITS. That is the point I was about to make. If the judge let it show through, for that reason alone the appellate courts would reverse the conviction.

Mr. McCLELLAN. I do not see how the judge could get the case to the jury without his view showing through. If the members of the jury would know what the statement was, I am sure the attorney for the defense would know.

Mr. JAVITS. Nonetheless, the jury could find the man innocent; and that has happened on many occasions.

May I proceed now on the point of due process?

Mr. McCLELLAN. The jury could also find the defendant guilty; and it would not be reversible error under the proposed legislation for a judge to have let it be known by his actions that he had adjudged the man guilty of the charge before he submitted the case to the jury.

Mr. JAVITS. I believe that would be reversible error.

Mr. McCLELLAN. I do not see how the judge could keep it from the jury.

Mr. JAVITS. The judge might not be able to keep it from them by implication, but if he showed it in his charge, it would be reversible error.

Mr. McCLELLAN. If a judge should so conduct himself in the trial of a criminal case that by implication he would indicate to a jury his view with respect to the guilt or innocence of a defendant, would it not be reversible error?

Mr. JAVITS. The courts have decided that question time and time again. I believe it would be just as true here, but again that would not be an inference to be drawn from the terms of the statute, but from the conduct of the judge.

Mr. McCLELLAN. I believe the conduct of the judge in submitting the case to the jury must inevitably carry with it the conviction or the idea that the judge was finding the defendant guilty. If the judge should consider the case is a serious one, and that the defendant ought to be punished to a greater extent than the judge had authority to sentence him, the inference is that the case was given to a jury because the defendant was guilty and deserved a greater punishment than the court could inflict.

Mr. JAVITS. Obviously I cannot persuade the Senator if he does not wish to be persuaded.

Mr. McCLELLAN. I wish to be persuaded by something that I can depend upon and rely upon and accept. We could argue the question at quite some length. Probably we would both wind up with the same opinion still. But I cannot let the RECORD stand as showing that the proposed legislation would not be a departure from the regular procedures of the adjudication of guilt and innocence. In my judgment it would be a very grave departure, and one that would do irreparable injury.

Mr. JAVITS. In my judgment, a jury would be no more impressed with that possibility than it might be with an indictment by a grand jury. Many defendants are found innocent after indictment by a grand jury. A defendant would have all the constitutional protections in a trial on a charge of criminal contempt either by the judge himself without a jury or before a jury.

The Senator from Mississippi—and I do not believe that he has checked the facts on the point—made some rather broad statements earlier in his discussion with the Senator from Georgia [Mr. TALMADGE].

Mr. McCLELLAN. I do not know what he said. I may not be able to discuss that point with the Senator. If the Senator wishes to comment on that point, however, I shall yield to him for that purpose.

Mr. JAVITS. I shall comment; but, as I have said, it is a question of fact and law.

Mr. McCLELLAN. The Senator is not present, but he will have opportunity to answer the statement, I presume.

Mr. JAVITS. I shall make the statement without reference to the statement of the Senator from Mississippi. Some question was raised about due process of law in a criminal contempt case. I should like to read into the RECORD, if I may, rule 42(b) of the Rules of Criminal Procedure, which expressly provides with respect to criminal contempt as follows:

> A criminal contempt, except as provided in subdivision (a) of this rule—

Which is a contempt committed in the presence of the court and, as lawyers, we understand entirely the power of the court to impose summary punishment in that case; but we are talking now about a criminal contempt outside the presence of the court. The rule provides—

> (b) Disposition upon notice and hearing: A criminal contempt except as provided in subdivision (a) of this rule shall be prosecuted on notice. The notice shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. The notice shall be given orally by the judge in open court in the presence of the defendant or, on application of the U.S. attorney or of an attorney appointed by the court for that purpose, by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides. He is entitled to admission to bail as provided in these rules. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from

> presiding at the trial or hearing except with the defendant's consent. Upon a verdict or finding of guilt the court shall enter an order fixing the punishment.

I should like also to cite two decisions of the Supreme Court. A defendant in a criminal contempt case is presumed to be innocent. His guilt must be proved beyond a reasonable doubt; and he cannot be compelled to testify against himself. The applicable citations are *Gompers* v. *Bucks Stove & Range Co.*, 221 U.S. 418, and *Michaelson* v. *United States*, 266 U.S. 42.

Mr. President, as to notice, a reasonable opportunity to be heard to meet the charges against him, the right to counsel, the right to present his own witnesses, and the right to cross-examine others, I refer to the case of *Cooke* v. *United States*, 267 U.S. 517. I state these affirmative facts only because I do not believe that we would wish to have the RECORD show that we are advocating, no matter what happens to this amendment, some license for star chamber proceedings contrary to the practices of our courts or Anglo-Saxon jurisprudence or the protection of our Constitution which would apply to any such defendant, whether he were tried without a jury or not.

It is only fair that these facts be placed upon the RECORD. I thank the Senator from Arkansas.

Mr. McCLELLAN. I do not necessarily agree with the interpretation of the Senator from New York as to the facts. The Senator is making a departure from the Constitution, which provides that a man is entitled to trial by jury. This refers to all criminal prosecutions. I do not know how it could be interpreted otherwise. The word "all" must be diluted. It does not mean "all" if the bill is constitutional. That is all there is to it. "All" means "all," or it does not mean "all"; and if we can pass a bill that states that it does not mean "all," in my judgment we dilute the Constitution.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. SPARKMAN. The Senator has referred to the word "all." He will recall that in two other provisions of the Constitution relating to trial by jury the word "all" is used. In the first provision the statement is made that, "all criminal cases shall be tried by jury." In another instance the Constitution uses the word "all."

I should like to refer to rule 42(b) of the Federal Rules of Civil Procedure, which was read by the distinguished Senator from New York. As I understand, that is a rule which was enunciated by the court. I ask the Senator from Arkansas, who is a good constitutional lawyer and a long standing member of the Committee on the Judiciary, whether that rule does not have the force of law. Does it?

Mr. McCLELLAN. It does not.

Mr. SPARKMAN. I refer particularly to the provision of the rule which states that a defendant may have a trial by jury only in cases in which Congress so provides. Is it not true that they are running completely in the face of the Constitution, which provides that one charged with a crime is entitled to a trial by jury?

Mr. McCLELLAN. That is the point. That is the crux of the issue. The Constitution provides—and I shall read it again:

> The trial of all crimes—

That is one instance in which the phrase is used. Criminal contempt would not be called criminal contempt if the act were not a crime. The sixth amendment to the Constitution states, "in all criminal prosecutions."

Mr. SPARKMAN. I invite the attention of the Senator from New York to what I am about to say. Does the Senator from Arkansas remember that Justice Black in the Barnett case wrote one of the strongest dissenting opinions and referred to a rule as "judge-made law?"

Mr. McCLELLAN. There is too much of that in this country today.

Mr. SPARKMAN. Mr. Justice Black referred to it as "judge-made law." Could rule 42 be called judge-made law?

Mr. McCLELLAN. That is correct.

Mr. SPARKMAN. The Senator will recall that Justice Black said it was time we were getting around to making sure that we would not have the same man make the accusation, indict the person—in practical effect—bring him to trial, prosecute him, try him, and then sentence him. Does not the Senator from Arkansas feel that is exactly what would happen in the type of cases he is talking about?

Mr. McCLELLAN. I am sure that that is exactly what would happen.

I say to my friend that "all" means "all." I am reminded of a story I once heard about the Supreme Court of Arkansas many years ago. The constitution of Arkansas provided that each circuit should have a judge—I repeat, a judge. A case involving a serious personal injury, in which a little child had lost both his arms in an accident, went to the supreme court. The case was reversed. The court had recently held that "a judge" meant one or more judges, whatever was necessary to do the work of the court. The lawyer, who was campaigning at that time for office, and was talking about the case, said:

> If "a judge" means one or more judges, as interpreted by the supreme court, then "an ass" means one or more asses, and we have five of them on the supreme court.

When strained interpretations are placed on a statute or on the Constitution of the United States, we encounter serious problems. It does not stop in one instance. The process continues. That is where we are headed if we do what is proposed to be done.

Again, with respect to the provisions of the Constitution I have cited, when placed in the context of past history, no one can see how it can be interpreted to mean that "all" does not mean "all," or that we can legislate away the right of constitutional guarantees to one charged with crime.

The fallacy of this attempt at distinction is clearly and forcefully exposed in an editorial which appeared in the Washington Evening Star on April 26. I think we should bear in mind that this publication editorially supports the general objectives of the bill. It believes that a civil rights law somewhat on this order is needed, but it draws the line on the very sacred right of the individual who is accused of crime. The editorial stated in part as follows:

> Once a man has been accused of a crime—and a charge of criminal contempt is a criminal charge—his constitutional right to a jury trial ought not to be traded off by politicians for the sake of votes in the Senate, or to avoid a filibuster, or to dodge a tough decision on invoking cloture, or for any other reason.

I have quoted a supporter of the civil rights cause, one of the leading newspapers in the Nation. I would not say it is the most important or the most powerful, but it ranks very high among the newspapers of this country, and it supports civil rights legislation. But it sees the danger, and it is honest enough and courageous enough to say something about it and try to do something about it and point out the error that is about to be committed, as it sees it, and as I see it, by the proposed action to abrogate the right of trial by jury.

Justice Black, in his dissenting opinion in the recent case against Governor Barnett, said that the denial of a jury trial in a contempt proceeding means that a judge "has concentrated in himself the power to charge a man with a crime, prosecute him for it, conduct his trial, and then find him guilty."

So, when those of us who are opposing the bill, who are battling here with whatever power and strength we have, to persuade our colleagues not to travel this path of error, use these terms and make these statements, we are supported by those who have been regarded, and who are, I am sure, in the proper sense of the word, as great liberals of our times. Justice Black said:

> It is high time * * * to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury.

He did not say it was constitutional. To the contrary, he said it was a judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury.

Not only is it appalling that anyone would propose to trample upon the most sacred right of trial by jury in a criminal proceeding in this year of 1964, but it is equally appalling—it is astounding, in fact—that anyone should suggest that this right be compromised in the fashion suggested in the substitute amendment which is now being considered.

There is no difference in principle between putting a man in jail for 45 days and putting him in jail for 30 days. One punishment is only two-thirds as severe as the other, but the principle is the same. If it is wrong for a trial court to put a man in jail for 45 days, without having a jury trial, it is just as wrong in principle for him to put a man in jail for 30 days.

So this amendment is nothing. I could not vote for either proposal. I do not think there is much virtue in the proposed substitute amendment.

Justice Black stated in his dissenting opinion that it is high time that we wipe out, root and branch, the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury.

When the distinguished Senator from New York [Mr. JAVITS], raised some question about the position of those who are opposed to this bill and the position of those who are opposed to this bill and the position of those who are advocating a trial by jury, he suggested in effect that, by implication, we were reflecting on judges. If we are reflecting on judges, the Constitution itself reflected on them first. And we are only quoting the Constitution. The Constitution did not reflect on judges. Neither has anything which I have said reflected on judges. I have merely pointed out what our forefathers recognized when they drafted the Constitution. They repeatedly said that one charged with a crime is entitled to a trial by jury. They recognized the fallibility of man. They recognized human nature. They knew that all men, of course, would not be corrupt. They knew that all judges would not be corrupt. They knew that it would also be true that all men and all judges down through the vista of time would not be honest. They knew that some of them would stray from the straight and narrow with respect to their duties. They recognized that some would become prejudiced. They recognized that occasionally one would perhaps become arrogant, despotic, or tyrannical.

It was because of the experience and the history of the human race that they felt it necessary to provide in the Constitution—the basic law of the land—a protection for the right of one who is accused of crime to be tried by a jury.

If anything that any Senator has said in the course of this debate—in opposition to the bill, and in support of the amendments that would provide for a jury trial—could possibly be construed or interpreted as reflecting on judges, I suggest that the Constitution—if we weigh it in the same light—reflected upon judges because it provided for a jury trial.

Of course, it did not reflect on judges. It did not reflect any more on judges than it reflected on Members of the Congress or anyone else, when under the Constitution limited powers were delegated from the people to the Central Government.

That was not a reflection upon the people in government. It was not that they could not be trusted with power. It was merely that the people of the States did not feel that they could entrust the Central Government with all power. The purpose was to insure a system of government that would reach the highest plane of efficiency, integrity, and justice that it is possible for the human intellect to conceive, to construct, and to maintain.

It is no reflecton upon honest persons to enact a law declaring thievery a crime. It might be said that to enact a law declaring thievery to be a crime is a reflection upon all the citizens of the country. But it is no such thing. It is merely for the protection of society. It may single out those who violate the law, who commit thievery, particularly those who are caught at it; but even he who was caught in his thievery would still be entitled to a jury trial.

It is appalling to think that anyone, in the year 1964, should propose to remove the sacred right of trial by jury.

Again, I turn to the editorial which was published in the Washington Evening Star on Sunday, April 26, 1964, which discusses the suggested compromise in the following language:

> The Senate is beginning to talk in terms of compromise in the matter of a jury trial for anyone accused of criminal contempt of court under the pending civil rights bill. The suggested compromise is at least an improvement over the comparable provision in the bill which passed the House. Nevertheless, we are against it.
>
> We are against it because the issue, or the right, involved here is too fundamental to our liberties to be the victim of a political deal, which is what this compromise really comes down to.

Mr. President, I digress to say that I hope the amendment will not be compromised. I hope Senators will vote for it in one way or the other. To the extent that a judge could sentence a person to only 30 days in jail, instead of 45 days, I suppose would prove in some instances a little advantageous to the one who was accused and who was tried summarily and sentenced. But the principle, as I stated earlier, remains the same.

The Star editorial continues:

> Once a man has been accused of a crime—and a charge of criminal contempt is a criminal charge—his constitutional right to a jury trial ought not to be traded off by politicians for the sake of votes in the Senate, or to avoid a filibuster, or to dodge a tough decision on invoking cloture, or for any other reason.
>
> The proposed Senate compromise is a compromise only in the sense that it quibbles with the House penalties for criminal contempt. Under the House bill there could be a jury trial if the penalty exceeded a $300 fine or 45 days in jail. Under the Senate compromise the fine remains the same, but the maximum jail sentence drops to 30 days. What nonsense.

Mr. President, "nonsense" is a pretty mild term. It is more than nonsense; it is a travesty on justice. If such a compromise were to be adopted, the right of every accused person to a jury trial would be made to depend upon the penalty assessed, and he would have to wait until that penalty was assessed before he would have any standing under the so-called Civil Rights Act of 1964 to a jury trial. I do not know how it can be said that the penalty is more than a $300 fine or more than 45 days in jail without finding the person guilty. I do not see how it can be determined that a person should be punished to any degree before guilt has been assessed.

The Dirksen amendment provides:

> In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both.

The accused would not receive any fine or imprisonment, or any punishment at all, until there was a judgment of conviction. There could not be a further proceeding to punish until there had been a conviction—

> upon conviction, shall be punished by fine or imprisonment or both.

Punishment is not reached until there has been conviction. The assessment of punishment is not made at the beginning of the trial of an accused. It is necessary to wait until there has been a verdict or a judgment of guilt. So upon conviction, the judge proceeds to punish.

> *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of 6 months.

There is a limitation upon the punishment. It cannot exceed 6 months under any circumstances. Then:

> *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed 30 days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases.

So a person actually could not have a jury trial until the court had determined that the sentence should be greater:

> That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed 30 days.

The bill provides that the cumulative imprisonment shall not exceed 45 days. I continue to read from the Dirksen-Mansfield amendment:

> If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases.

As long ago as 1888, the Supreme Court of the United States in the case of *Callan* v. *Wilson* (127 U.S. 540), declared that:

> The guarantee of an impartial jury to the accused in a criminal prosecution * * * secures to him the right to enjoy that mode of trial from the first moment, and in whatever court, he is put on trial for the offense charged.

The Court in that case held, and rightly so, that the question of a jury trial is not one of discretion in a trial court, but is a right, a right that is reserved to all citizens of the United States by the Constitution itself.

I continue to read from the Court's opinion:

> To accord to the accused a right to be tried by a jury, in an appellate court, after he has been once fully tried otherwise than by a jury, in the court of original jurisdiction, and sentenced to pay a fine or be imprisoned for not paying it, does not satisfy the requirements of the Constitution.

Mr. President, that right attends the accused from the very minute he is first accused; from the very minute the indictment against him, charging him with the commission of a crime, is returned—from the very minute he is first accused, not after the case had been concluded and a verdict had been reached and an appeal had been taken to a higher court. Instead, this constitutional right attends him from the very first minute the charge against him is made.

If the Court was correct in so interpreting the Constitution—and I believe the court was correct—then the language of the pending bill and the language of the amendment which would give to a court discretion to determine whether a jury trial would be allowed the accused do not satisfy that requirement of the Constitution.

Mr. President, when the so-called Civil Rights Act of 1964 came to the Senate, there were loud and vigorous assertions by various of its proponents that it should be enacted into law without a single change in respect to any of its provisions or even in respect to the change of a single comma. I do not know what the outcome of this controversial issue in the Senate will be—whether the Senate will pass the bill without any changes in the version which was passed by the House, or whether the Senate will adopt certain amendments to the bill, or whether there will be a widespread awakening to the dangers the bill involves—an awakening sufficient to persuade its proponents either to vote against it or to withdraw it. The last two possibilities may be remote; but, Mr. President, however remote they may be, I cling to the hope that ultimately a majority of the Members of the Senate will have the courage to resist the pressures brought to bear on them by those who are undertaking to coerce and to intimidate, in the attempt to secure the passage of the bill, and I hope all Senators will make full use of the wisdom that is available to them, with the result that the Senate will not pass the bill, for the bill would bring more trouble, more sorrow, more sadness, and would start us on the road to tampering with the Constitution and to denying to citizens of the United States rights which have been guaranteed to American citizens from the day when constitutional government was first established in our country.

So, Mr. President, although I do not know what the final outcome will be, nevertheless, even though there are those who protest and even denounce this series of debates, which they term "a filibuster," and use other derisive terms about it, I say that if ultimately we accomplish only the assuring of trial by jury, this long debate will have been worth all the efforts involved.

However, that is only the minimum which should be accomplished. In addition, we should bring about the defeat of the bill. But even if we continue the debate for weeks or months longer, in our efforts to point out the dangers which lurk in the pending bill, and if ultimately we finally succeed only in assuring the right of jury trial for all those who may be charged with criminal contempt, and if we succeed in nothing more, our efforts, both physical and intellectual, and our long struggles in this battle will have been justified, even with only that reward, although certainly our efforts should be rewarded by complete triumph and total victory.

The proponents of the bill began by insisting that the Senate pass the bill exactly in the form in which it was passed by the House, without the addition of even one Senate amendment. I do not know what their attitude is at this time, although there is some indication that they may be willing to accept some amendments.

First of all, I hope the amendment which will assure the right of jury trial will be adopted.

Thereafter, we can take up other amendments.

If we have sufficient time—if the proponents do not use the weapon of cloture, in an attempt to "cut our throats" and silence us in this debate, not only will we win our struggle to have jury trials assured, but we will also win, for the American people, protections in other areas of the Constitution—protections now proposed to be jeopardized by the provisions of the bill, protections which would be destroyed if the bill were to be enacted.

So, Mr. President, now that the public is becoming generally aware that the pending bill contains this vicious provision which would deny the basic and fundamental right of trial by jury in criminal proceedings, the proponents do not dare to stand on their original position; and I am convinced that if the American people were equally informed on the travesties which are contained in this so-called Civil Rights Act against other equally sacred rights of American citizens, the proponents of its passage would be equally embarrassed and disturbed about other aspects of the bill.

The amendment proposed by the Senator from Georgia [Mr. TALMADGE]—for himself and Senators ERVIN, ROBERTSON, THURMOND and STENNIS—provides as follows:

> SEC. 1105. In any proceeding for criminal contempt arising under any title of this act, the accused, upon demand therefor, shall be entitled to a trial before a jury—

That is exactly what the Constitution provides, and that is what it means—

> which shall conform as near as may be to the practice in other criminal cases, except that this provision shall not (1) apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court, or (2) be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

For the life of me, I cannot see why anyone opposes that amendment. What is there about the objectives of the measure that requires, with compelling necessity, the abandonment of our jury system?

The point raises a question mark if nothing else. Why? We have not heard an answer to that question—at least, not a satisfactory answer.

Someone has suggested that in certain sections of the country, juries would not be inclined to convict. I believe that juries in one section of the country are about the same as those in other sections. One might find a bad jury in North Dakota, Arkansas, Pennsylvania, New York, Massachusetts, or somewhere else. But on the average, juries are about as good in one State as in another. They will follow their oaths and be obedient to and perform their duties about as faithfully in one place or in one section of the country as in another. I would not speak disparagingly of any section of the country or of the citizens of any community by saying that they would not measure up, at least on an average, to what other citizens of other communities throughout the Nation would do with respect to the discharge of their duties as jurors.

The adoption of either the amendment offered by the Senator from Georgia [Mr. TALMADGE] or that offered by the Senator from Kentucky [Mr. MORTON], with which I see nothing especially wrong, would do no more than to insure the constitutional right to trial by jury which our Founding Fathers intended should be the constitutionally guaranteed right of every American citizen, but its enactment is desperately needed to prevent the destruction of this sacred and fundamental right by the so-called Civil Rights Act of 1964.

If the bill is passed in its present form, without making provision for the right of trial by jury, we would take away in a so-called civil rights bill—one which has the title of "civil rights bill," is popularly known as a civil rights bill, and by its very terms is declared to be the Civil Rights Act of 1963—the constitutional rights and guarantees that have been vouchsafed to citizens from the day the Constitution was adopted.

Mr. President, we ought not to do that in the name of civil rights. I assert that to take away the right to trial by jury is to commit a civil wrong. If we should enact the proposed legislation, in my judgment, we would commit a great wrong. To call the bill a civil wrong would not fully describe its possible consequences.

How can this Congress under the pretext of enacting a so-called Civil Rights Act perpetrate an assault upon a basic and fundamental right which is held sacred everywhere but in the totalitarian societies?

Mr. President, we ought not to move in that direction. At times I have thought that certain of our courts have been too lenient with some who have been convicted of crime. I have thought that in some decisions the Supreme Court of the United States has gone, as one of its able Associate Justices has described it, on a quest for error, searching for either an imaginary or at least a minor technicality upon which to hang an excuse for a reversal.

We are now going in the other direction. We are going in the direction of putting the fate and the liberty of individuals who may be charged with criminal contempt into the hands of one man, subjecting them not to the judgment of a jury of their peers, but subjecting—not only exposing—them to the will and whim of their accusers, with whom we would vest the power to accuse, to prosecute, to try, and to assess judgment and punishment.

And while we are reflecting upon that question, how can the Congress justify the appropriation of billions of taxpayer dollars for the benefit of those same totalitarian societies whose tyrannical rulers accord no rights to any of their subjects, and at the same time propose to withhold from American citizens under the provisions of the so-called Civil Rights Act, moneys which were taken from them originally in the form of taxes?

Mr. President, these proposals would deny the right of trial by jury, and would penalize a section of our society, or a group of our citizens, and discriminate against them by withholding certain Federal aid or assistance or benefits because perhaps one person had committed what would be called discrimination under the pending bill. The aid and benefits that Congress had provided by law, and that the people had been taxed to support, could be withheld from a whole community or a whole group within the category affected.

The history, development, and vital importance of trial by jury in the Anglo-American system have received considerable attention in this body during the past 2 weeks or so. I think it is a good thing that that is so. There is a tendency among us—and I mean not merely among Senators or Members of Congress, but among all the American people—to take for granted some of the fundamental rights and liberties which the Constitution guarantees.

We are prone to do that. We take it for granted that those guarantees will not be violated; that Congress will not enact legislation that will contravene the letter or spirit of the Constitution. Yet, while many citizens may take it for granted, we, the Members of Congress, have the responsibility and duty to safeguard, protect, and preserve what the citizens take for granted is their protection in the Constitution, if the Constitution is properly interpreted as meaning exactly what it says.

That is the situation with respect to trial by jury. All we have to do is take the Constitution at its word—not improvise on it, not detract from it, but add to it; merely take it at its word.

It provides for trial by jury in the cases I have referred to.

If we undertake to interpret the Constitution as it is written, no doubt this Government will endure for ages to come; but if we begin to detract from it, subtract from it, improvise on it, add to it, by giving additional powers, by interpreting the Constitution as vesting powers in the Central Government that were not granted to it by the framers of the Constitution, powers which were withheld from the Central Government by the Constitution and reserved to the States and the people, there will come a time when this Nation will not be able to endure. There will come a time when our Government will not provide the protections the Constitution guarantees. It will fail to do so when we violate the meaning of the Constitution and distort its purpose and weaken its efficacy to the point where it will no longer provide protection and serve as a guideline and an anchor.

When we do that, this country will be in danger. We can do it by detracting from the Constitution, by subtracting from it the power and force that are contained in it and that were intended to be there.

When we either add to or subtract from it, we do a violent thing that can only result in adverse, and possibly irreparable, consequences.

The right to trial by jury, as everyone must know, predates the Constitution of the United States by hundreds of years, both in England and in the United States.

In his volume entitled, "An Almanac of Liberty," Mr. Justice Douglas notes that in December 1641, the Massachusetts Colony adopted "The Body of Liberties"—a code of laws to govern their affairs.

I think Mr. Justice Douglas belongs with Mr. Justice Black. They are regarded as two of the most liberal judges, using the term "liberal" in its common acceptation today, who have ever served on that High Court.

These men were Puritans and their laws reflected their severity and their faith. For example, blasphemy was a capital offense; civil courts had the authority to enforce "the peace, ordinances and rules of Christ" in every church; foreigners "professing the true Christian religion" and fleeing from persecution were made welcome; churches could be established by those who were "orthodox in judgment" and who organized them in a "Christian way with due observation of the rules of Christ revealed in his Word."

Justice Douglas notes further, however, that the "Body of Liberties" also contained many seeds of the civil liberties which today distinguish us from the totalitarian systems. Among the list of 12 of these civil liberties is found the right to trial by jury, recognized even in those early days—back in 1641, in the colony of Massachusetts—as a very fundamental right.

It is my hope that the great liberals of the Senate will arrive at the conclusion with regard to this legislation that they, too, should follow the leadership and the conclusions of Justice Douglas, Justice Black, and others, that the idea that a man can be tried for criminal contempt without a jury is a man-invented theory, that it is not a constitutional grant or authority, but that it is man invented, man executed, and that it should be taken out of our judicial system, root and branch, as Justice Black expressed it.

Another instance of the importance to the Founding Fathers of trial by jury, cited by Justice Douglas, is recounted by him as follows:

On November 1, 1765, the Stamp Act became effective. It imposed a duty on most of the documents used in judicial proceedings and in commercial transactions. Newspapers, pamphlets, and books were included. So were deeds, bills of lading, invoices, and the like. The act gave admiralty courts jurisdiction to try those who violated the act. There was no jury in admiralty courts. The case was heard and decided by a judge. The judges who would try the American colonists would be judges serving at the pleasure of the King.

The purpose of the Stamp Act was to raise money to help defray the cost of stationing British troops here. When the proposal was first made, a storm of protest arose in the Colonies. That protest continued to mount. Opposition to the act swelled into vast proportions, even to the point that resistance to the law became so great that it was actually never enforced. The act was finally repealed in 1766, approximately a year after it had gone into effect. It did not last long because of the public sentiment against it.

From this opposition, three principles of a fighting faith emerged: First, there should be no taxation without representation; second, taxes on the privilege of publishing are as obnoxious as censorship itself; and, third, and this is the one that is involved here—trial by jury is "the inherent and valuable right" of the citizen.

What is proposed to be tampered with in the proposed legislation is the inherent and valuable right of citizens to trial by jury.

In 1774, the First Continental Congress, meeting in Philadelphia, passed a resolution, on October 15, protesting encroachments by the Crown on the liberties of the people. After reciting numerous grievances, this resolution stated:

> That the respective Colonies are entitled to the common law of England and, more especially, to the great and inestimable privilege of being tried by their peers of the vicinity according to the course of that law.

One of the basic, fundamental rights of man is the right to a fair and impartial trial at the bar of justice.

It is obvious that this right, stated in similar language, is found in the sixth amendment to the Constitution, which provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Again, I return to the proposition that if Congress can legitimately and constitutionally abrogate by a legislative act the constitutional provision that:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.

It can also go further, because this language is all in the same sentence of that provision of the Constitution. The same Congress, or the one that succeeds it, or the next, can legitimately and constitutionally deny the accused the right to trial in the "State and district wherein the crime shall have been committed."

If Congress can remove one part of that provision from the Constitution by a legislative act, it can take out the remaining part, or any other part. That is what we are tampering with.

Justice Douglas points out that among the events which led to the inclusion of this language in the October resolution of the First Continental Congress was the fact that in cases of murder and other capital offenses, the Governor of Massachusetts, under repressive measures enacted by the King and Parliament, was granted power to have the trial in another colony or in Great Britain, if he concluded that "an indifferent trial" could not be had in Massachusetts. In addition, the selection of jurors was taken from the people and their courts, and given to sheriffs appointed by the Governor.

Our forefathers experienced the abridgments of human rights and the liberties of citizens and the encroachments upon justice in the early history of our country, when it was under the rule of the mother country. What happened then could logically follow what is proposed to be done by the bill. First, there could be the denial of a jury trial. Second, a judge could determine that the case ought to be tried elsewhere. That was done in the early days of Massachusetts. In addition, the court was granted the power to hold the trial in another colony, or even to have it moved to Great Britain, if he concluded that "an indifferent trial" could not be had in Massachusetts.

What would be the difference in adding another provision to the bill, providing that the judge who does the accusing, the prosecuting, the trying, the assessing of guilt, and the infliction of punishment, if for some reason he decided his tyranny would not be tolerated in a particular community, shall have the power to transfer the trial to an adjoining district or even to another State? That is known to have been done in the past. It was done in the early history of the country. But Congress could just as logically and legally and constitutionally provide that the venue of a trial may be set in another area or another district than where the crime was committed, as it could deny a jury trial.

The courts in those days went even further. If we wanted to violate the Constitution, we could do so by legislation such as is proposed to be enacted. We could say that if the case were to be tried by a jury, we would let the court select the jury and not let the defense have any right of peremptory challenges. The court would select the jury which would try the case. If Congress can deny one right by statute, by the enactment of a law that contravenes the Constitution, it can deny, or abrogate any other right that the Constitution presently guarantees.

Justice Douglas relates that the community reaction to the efforts of the King to control juries was violent. I do not know that some day there will not be demonstrations on the part of those who today are not demonstrating—perhaps by great masses of people—if we start to deny the right of jury trial; if we deny to those accused of crime the right to a fair trial before an impartial jury.

The jurors summoned refused to act. One group said that if they served, they would betray "the just and sacred rights of our native lands," which were "purchased solely with the toil, the blood, and treasure" of their ancestors.

What would the situation be if we passed the bill and a judge undertook to prosecute and try for criminal contempt one whom he accused, if the jailer said, "I will not turn the key. The law is unconstitutional." Suppose, further, that the citizens of the community supported the jailer.

One might say that would be, in a measure, insurrection, in addition to contempt. But, Madam President (Mrs. NEUBERGER in the chair), I say that in a sense they would have just as much right to refuse to carry out an unconstitutional order—in fact, they would have more right—than the judge would have to issue the order or to adjudge the guilt, when the Constitution clearly vests that power in an impartial jury, if the defendant requests a jury trial. Whereas the pending bill would attempt to deny by statute that constitutional right, I say that one who would question such action by a court and possibly would decline to comply with the court's order, in connection with the court's effort to enforce such proceedings, would certainly be within his constitutional rights, although the court might have statutory power—but not constitutional power—to sentence him for contempt. But of course we know the invalidity of a statutory power when it is in conflict with the Constitution.

But when a citizen knew he had the constitutional right of trial by jury, if a judge attempted to violate that right, that citizen and all others who found themselves in such a situation would quickly lose their respect for the courts and for law and order and for judicial attempts to usurp that constitutional power and to accuse unjustly and to convict a person of the commission of a crime.

Madam President, the right of trial by jury was purchased by the blood that was shed by our ancestors during the Revolutionary War; and if a majority of the Senate proceeded to betray that victory, they would do so at the price of suffering; it could not be escaped. If this constitutional right were tampered with, there would ultimately be a day of reckoning. Some Senators may not realize that now; they may think conditions would smooth out. But that would be wishful thinking and a vain hope. Instead, trouble and chaos would be invited and provoked, if the Constitution were disregarded and if attempts to whittle it away were successful.

We are told that the people congregated at the courthouses, making it impossible for trials to be held. When the sheriffs of the Governor ordered them to give way, they refused, saying they recognized no courts except their own.

In Boston, the legislation impeached judges who undertook to act under the new laws. In Worcester, 5,000 people formed a double file and made the judges, lawyers and sheriffs walk bareheaded down it, swearing they would not hold court under these laws. In Great Barrington, the citizens filled the courthouse, leaving no room for judges or jurors. Popular feeling ran so high that no judge, jury, or sheriff dared enforce a law against the general bent of the people.

Madam President, I cite these historic instances to refresh the recollection of my distinguished colleagues with respect to the very great importance of trial by jury to our ancestors—to the people who laid the foundations of this great Nation of ours.

They thought so much of this principle that they were willing to risk the peril of imprisonment for standing for it and for fighting for it. They risked their lives for it, and many of them died for this sacred right.

In Parliament, the American jury system was criticized as follows:

> To these men offenders know how to apply; and when any riot happens between the military power and the people of the town, the jury, being taken principally out of that town, the power of life and death of the offender is lodged in those who are offended.

That is exactly what some are attempting to do; they are attempting to lodge the power to incarcerate our citizens in the hands of a judge who would be the accuser and who would also say he was offended by the act of the defendant.

Mr. Justice Douglas then summarized the vital importance of our jury system in a democracy as follows:

> A jury reflects the attitudes and mores of the community from which it is drawn. It lives only for the day and does justice according to its lights. The group of 12, who are drawn to hear a case, makes the decision and melts away. It is not present the next day to be criticized. It is the one governmental agency that has no ambition. It is as human as the people who make it up. It is sometimes the victim of passion. But it also takes the sharp edges off a law and uses conscience to ameliorate a hardship. Since it is of and from the community, it gives the law an acceptance which verdicts of judges could not do.

Those who wish the bill enacted and enforced fail to recognize the great truth which I have uttered. I repeat those words of Mr. Justice Douglas:

> Since it is of and from the community, it gives the law an acceptance which verdicts of judges could not do.

If we should try to enforce the provisions of the bill by the power of judges, denying the right of a jury trial to an accused, we would invite the opposite of respect for law. We would hinder the acceptance of the law as being desirable and workable. We would place an obstruction in the path of justice. I hope that we shall not do so; but if we do, there will be a day of reckoning, and a recompense will be exacted.

At another point in his book, Justice Douglas calls attention to the Quebec letter, in which the Continental Congress appealed to the people of Quebec to send delegates to a meeting of the Congress called for May 10, 1775.

I am quoting Mr. Justice Douglas, not necessarily because I think he is a supreme authority in the field. As I have said, he and Mr. Justice Black are two of the great liberals of our time. They are two of the greatest liberals who ever served on that Court. If they have such a deep conviction about the right of jury trial, and that that right ought not to be abrogated, I suggest that the great liberals of this body should be moved to stop, look, and listen before they go all the way in the denial of the right of a trial by jury. I, who may be regarded as a conservative, am not alone in making the argument. I have at least distinguished support and authority from the ranks of those who are termed liberals in this political age.

The letter, to which I have referred, the full title of which was a "Letter to the People of Quebec," was approved by Congress on October 26, 1774. Justice Douglas observes that this letter, more than any other document, shows the civil rights which the Founding Fathers prized the most and which they felt were being denied to them by royal authority.

"The first great right," the letter says, is representative government, making people "ruled by laws, which they themselves approve, not by edicts of men over whom they have no control."

The "next great right" is trial by jury—the guarantee that life, liberty, and property will not be taken without a fair, public trial before a jury from the neighborhood.

Who are we in this body today to judge and say that our Founding Fathers were not correct, and that they attached too much importance to the right of a trial by jury? I, for one, am unwilling to sing in that chorus. We have every evidence that they were right then, and that the principles which they enunciated and the guarantees which they incorporated in the organic law of the land are correct, and that they will continue to sustain us in the future as they have in the past.

After citing other rights, including habeas corpus and the right of free ownership of land, Justice Douglas concludes that:

> These were "the invaluable rights"—the rights "without which a people cannot be free and happy," the rights in jeopardy when the "legislative, executive, and judging powers are all moved by the nods of a minister." These were the rights in the forefront of events leading to the Declaration of Independence.

They were sacred then; they should be inviolate now.

Madam President, as we all know, trial by jury was introduced in the English colonies in America at a very early date. In the struggle with the mother country during those momentous days which preceded the American Revolution, the jury served as a bulwark against the arbitrary actions of colonial governors. Confidence in the jury was reflected in the postrevolutionary constitutions of the States and, later, in the Federal Constitution. Hamilton said that—

> The friends and adversaries of the plan of the Convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury.

The institution of our jury system has served well as a defense against the oppression of the kings, and Hamilton suggested that it would serve as well as a "barrier to the tyranny of popular magistrates in a popular government."

Madam President, I have many more prepared remarks on the subject. The trouble is that I cannot speak from prepared remarks without, as I proceed from sentence to sentence, getting an inspiration of the depths and the seriousness of the issue that is before the Senate.

Will the Congress join with the bare majority of the Supreme Court in abrogating the right of trial by jury? The decision that we shall make will be momentous. The Supreme Court was divided 5 to 4 in its most recent decision on the issue, with some of the greatest liberals the country has ever known taking the position that this great right of trial by jury, this invaluable right, this right which is sacred to liberty, ought to be preserved, and that no court should usurp it. Shall we by our vote on the amendments say that we shall go with the bare majority of the Supreme Court and destroy, detract from, weaken, and dilute what the Constitution states with respect to the right of men who are accused of crime to trial by jury?

Madam President, I do not know what others may do, but I will not go down that road. I will not travel that course.

There may be further debate on this issue. If so, and if occasion arises, I shall be prepared to discuss it at some length. I have just barely initiated the subject today, from my viewpoint. As I said earlier, and as I say again, I do not know what the final outcome of the legislative battle is going to be, but I say, for the eternal record, that if those of us who are opposing the bill shall win a triumphant victory—we may not do so—but if in the long weeks of debate up to now, and in the long weeks of debate that may follow, we succeed in bringing to those who may be accused of violating provisions of this iniquitous bill the right to trial by jury, we shall not have fought in vain. We shall at least have preserved one of the great fundamentals of American liberty.

Madam President, I am prepared to yield the floor, if other Senators wish to discuss matters in their own right. I am willing to do whatever they prefer. I was going to ask for a quorum call, but I defer to the wishes of my colleagues.

Mr. THURMOND. Madam President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield for a question. I wish to accommodate whatever the will of Senators in charge of the leadership is.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. McCLELLAN. I yield.

Mr. THURMOND. I take this opportunity to commend the able Senator from Arkansas for a magnificent and eloquent address. I hope every Member of the Senate will take occasion to read the outstanding address which he has delivered on the floor of the Senate today.

I congratulate him, too, for the wonderful service he has rendered to our Nation in the debate on the so-called civil rights program. He has made some of the finest addresses that have been made by Senators opposing the so-called civil rights bill. I express to him my sincere appreciation for the great services he is rendering our country.

Mr. McCLELLAN. Madam President, I thank my distinguished friend. He is very generous. He is highly complimentary. I only fear that he has exaggerated. I wish I might qualify for the great distinction and qualities he has conferred upon me. I thank him. I do not know of anyone, however, who has done more than the distinguished Senator from South Carolina. I sometimes wish I could match the ability, power, energy, and strength that he has demonstrated in this battle. Anyway, I join with him in a determination to continue the effort to enlighten the American people and to persuade our colleagues to vote correctly on this measure.

Mr. THURMOND. I thank the able Senator for his kind remarks.

SENATE RULES

During the delivery of Mr. McCLELLAN's speech,

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I have asked unanimous consent to yield without losing my right to the floor. I assume I may yield with that understanding.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, may I ask how long the Senator from Wyoming will take?

Mr. SIMPSON. About 15 minutes.

Mr. President, I rise today to commend the Senate of the United States and the rules under which it is governed. Because of our rules, which have been under severe attack by the critics, we are now preparing to take a very important vote on a fundamental right which has been cherished, protected, and preserved by our form of government. Had it not been for full and free debate which is assured to the Senate by our rules, the Democrat administration and the bipartisan leadership supporting this bill would have forced and compelled the Senate of the United States to vote and no doubt accept a bill which was hurriedly adopted by the House of Representatives. That bill, which has received the full endorsement of the administration and a bipartisan group of Senators, denies to American citizens a fundamental civil right that has been respected and protected by our form of government since the inception of this great Republic.

I am grateful that the Senate, as an institution, has stood up to the abuses it has received through the liberal press, radio, and television. Many of our Members have spoken at length in an attempt to point out the shortcomings of this so-called civil rights bill. They have been ridiculed, abused, and mocked. Not only by the liberal news media of the Nation, but by fellow Members of the Senate and so-called responsible officials of this administration. I commend the Senators for carrying on a fight to guarantee to all Americans a "civil right" that has been guaranteed to us by the Constitution of the United States. Had it not been for their gallant efforts, this right to a jury trial for criminal contempt would have been denied under the provisions of H.R. 7152.

Now that we are preparing to vote on the jury trial amendments, I feel that every Senator owes it to himself, to his State and to the Nation to commend the few Senators who have waged the battle to preserve the fundamental principle of the jury trial. It is because of a select few that the shortcomings of this bill have been pointed out.

It is because of their perseverance and their determination that the bipartisan leadership and the Democrat administration finally yielded so that we may vote to adopt amendments which will continue the right to a trial by jury in criminal contempt cases. Too many of us in the Senate have shirked our responsibility and refused to carry out the duties that we, as Senators, pledged to carry out when we were sworn into office. We are guilty of the same charges that have been made of the Members of the House of Representatives when they, in great haste, passed this most important bill, but gave little consideration to its constitutional grounds because they knew "the Senate will take care of the matter."

Many Senators have also refused to face up to their responsibilities and have turned to the Southern Members in hopes that they will be successful in their attempt to correct and clarify this bill. We are here to represent all American citizens and it would be a great injustice to our people, to our form of Government and to freedom itself, if we were to destroy the fundamental right of trial by jury in criminal contempt cases.

The Senate will soon be voting on a series of amendments which will be helpful in perfecting and improving H.R. 7152. I am hopeful that the Senate will not put a price tag on the fundamental right of trial by jury in criminal contempt cases. The distinguished Senator from Georgia [Mr. TALMADGE] has proposed an amendment which would guarantee to all citizens the right to a trial by jury in a criminal contempt proceeding. This amendment is similar to the amendment which my fellow Wyomingite, the late distinguished Senator Joseph O'Mahoney, proposed in 1957, which was accepted by a majority vote of the Senate. Among those voting for this amendment in 1957 were the late President John F. Kennedy, the present President Lyndon B. Johnson, the Senator from Montana [Mr. MANSFIELD], and the majority of the then Senate of the United States.

Mr. President, I now associate myself with this amendment and am hopeful that the Senate will also, once again, support and vote for it. In brief, the Talmadge amendment would, in the case of a natural person, prohibit a fine in excess of $1,000 or imprisonment of more than 6 months. It would not apply to contempts committed in the presence of or near the court. It would permit civil contempts to be tried without a jury, but it would give the accused the right of a jury trial in criminal contempt proceedings as guaranteed to us by the Constitution of the United States.

The Dirksen-Mansfield amendment, which has been proposed as a substitute for the Talmadge amendment, would provide that in criminal contempt proceedings, the accused may be tried with or without a jury at the discretion of the judge. In the event a criminal contempt proceeding is tried before a judge without a jury, the fine shall not exceed $300 and the imprisonment cannot exceed 30 days.

The Dirksen-Mansfield amendment puts a price tag on the fundamental right of a jury trial in criminal contempt cases. It would require that the presiding judge determine the severity of the sentence for the alleged offense prior to hearing the facts. This is basically and inherently wrong.

Let us review the historical significance of the right to a jury trial in the United States. Trial by jury has evolved into a right flowing to the individual from the Constitution of the United States, and the constitutions of the States. At the time that our Constitution was adopted, there seemed to be no controversial conflict involved in the establishment of a trial by jury in criminal cases. Article III, section 2, provides:

> The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State the Trial shall be at such Place or Places as the Congress may by Law have directed.

While this provision was not objectionable, there was some discussion of the need to provide for jury trial in civil cases. The colonists appreciated the fact that even in civil matters the protection of a civil jury would be needed against extensions of power, but they hesitated to include this protection for civil cases in the Constitution itself because of differing State regulations. It was the fundamental importance which all Americans attach to the right of trial by jury that led them later to include further guarantees of its use in criminal cases by the sixth amendment, and in civil cases by the seventh amendment. We are all aware that the Bill of Rights, the first 10 amendments, had to be adopted before many of the States would ratify the Constitution. Three of the 10 amendments concern jury trials. The fifth amendment concerns grand juries. The sixth amendment provides:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and/or district wherein the crime shall have been committed.

The seventh amendment provides:

> In suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise reexamined in any court of the United States, than according to the rules of common law.

Trial by jury, although originating in England, was adopted in America as a means of insuring local protection from a remote and tyrannical administration. Deeply rooted in the American concept of government, it has withstood the attacks of the executive in wartime and of the mob in peacetime. The right to trial by jury in criminal and civil cases has occasionally been ignored, neglected, or abused in moments of political, religious, economic or racial stress. But more moderate elements have always reappeared to affirm the spirit of the basic right. I am hopeful that once again we shall rise to the support of this fundamental principle and save it from those who attempt to abuse, if not deny, this right.

Contempt of court can mean:

> Unbecoming conduct within the courtroom or so near thereto as to amount to an obstruction of the administration of justice.

This type of conduct is that which can be said to threaten the existence of the judicial system itself, and it is generally conceded that action there must be swift and punishment certain. The misconduct must be corrected almost at the instance of its occurrence, if the dignity and integrity of the court is to be maintained.

Civil contempt of court does not require a jury trial because it is used for obtaining compliance with a court order. Civil contempt proceedings are used only against a person who has been directed by a court to do an act or to refrain from doing an act. There is no punishment involved. The court's action is coercive only to obtain compliance. The contempt disappears when compliance is obtained. The accused in a civil contempt proceeding, at all times, holds the key to his release and to the dismissal of his fine. Since the freedom of the accused depends, at all times, wholly upon himself in the case of civil contempt, there is no need for a jury trial to safeguard his rights.

Criminal contempt is a completely different matter, in that this proceeding lies as a remedy for willful disobedience of a mandate or an injunction of a court. It is a proceeding which compels compliance with the court order. The purpose of criminal contempt is a public purpose to vindicate the dignity of the court which has been flouted by the willful and intentional act of the defendant.

The determining issue in criminal contempt cases is the state of mind, the intent of the defendant in the proceeding. The state of mind of the defendant is an issue which our system of law requires the jury to determine if the defendant asserts his right to a trial by jury in a criminal case.

Providing a jury trial for criminal contempt does not hinder the court in any way from using all available means to effect compliance. Provision for such jury trial means only that the court may not punish until the jury of the defendant's peers have found him deserving of punishment.

Judge Joseph Story, writing at a time when the adoption of the Constitution was still in the memory of men then living, speaking of trial by jury, said:

> It seems hardly necessary in this place to expatiate upon the antiquity or importance of the trial by jury in criminal cases. It was from very early times insisted on by our ancestors in the parent country, as the great bulwark of their civil and political liberties, and watched with an unceasing jealousy and solicitude. The right constitutes one of the fundamental articles of Magna Carta, in which it is declared, "no man shall be arrested, nor imprisoned, nor banished, nor deprived of life, etc., but by the judgment of his peers, or by the law of the land."

> The judgment of his peers here alluded to, and commonly called, in the quaint language of former times, a trial per pais, or trial by the country, is the trial by a jury, who called the peers of the party accused, being of the like condition and equality in the State. When our more immediate ancestors removed to America, they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law which had fenced round and interposed barriers on every side against the approaches of arbitrary power. It is now incorporated into all our State constitutions as a fundamental right, and the Constitution of the United States would have been justly obnoxious to the most conclusive objection if it had not recognized and confirmed it in the most solemn terms.

Since the determination of whether or not a person is guilty of criminal contempt depends upon the intent of the accused's mind, I feel that it is imperative he be given a right to a trial by jury. This permits men and women, his peers, to judge his state of mind. All men have equal rights regardless of the gravity of their offenses. A person's constitutional rights should not be determined by the severity of his alleged offense. Every man should receive the full and unabridged protection which is guaranteed to him by the Constitution of the United States. Whenever the Federal Government attempts to usurp that right, the very freedoms upon which this country has been based will start to crumble and our Government, as we have known it, will be destroyed.

There seems to be a concerted effort by many citizens in our Government to destroy the very concept of our judicial system. Our body of law provides that in criminal cases it must be proved beyond a reasonable doubt that a person has violated a statute before the accused can be adjudged guilty. Under the concepts of this bill, H.R. 7152, enforcement proceedings are not by criminal law but by injunction. Thus, it is much easier for a person to be found at fault under the provisions of this bill than it would be under criminal proceedings if they were to be followed. Consequently, the dignity and the innocence of man, which is presumed under our criminal law, is being destroyed by the constant chiseling away of those concepts. The idea that a man could be thrown in jail or fined, at the discretion of one man, for violating a court order is repugnant to the concepts of American government. We are now standing at the crossroads. It is imperative that, once again, we stand up for the rights of all American citizens. We are engaged in a great debate in an attempt to bring about "civil rights" for all American citizens. We should not act in the name of civil rights if we are, in fact, going to destroy the rights of American citizens.

It is my hope that the Senate will give full and complete protection to the right of a trial by jury in criminal contempt of court cases.

I thank the Senator from Arkansas for yielding to me for the purpose of making this statement.

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield to me for a brief statement?

Mr. McCLELLAN. I yield for that purpose. I do so with the same provision as heretofore, that I do not lose my rights to the floor.

Mr. STENNIS. Mr. President, I know the deep concern which the Senator from Wyoming has for the subject matter of this bill and for the principles that are represented here. I know that he has reached his conclusions on the major points of the bill with great concern for our Nation, and with great concern for discharging his duty in the Senate.

I commend the Senator heartily for his statement. I appreciate it very much as a fellow Senator.

Mr. SIMPSON. I thank the Senator.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Wyoming. I am very glad to have yielded to him. I thank him for his contribution to this debate. His contribution involves one of the most vital issues before Congress.

VOLUNTARY SYSTEM OF CONTROLLING ADVERTISING OF CIGARETTES

During the delivery of Mr. McCLELLAN's speech,

Mr. JORDAN of North Carolina. Mr. President, recently the leading tobacco companies announced that they are in the process of setting up a system of controls to govern the advertising of cigarettes.

This is a purely voluntary action on the part of the major cigarette manufacturing companies, and rigid rules will be enforced by a special administrator.

The announcement of the new advertising code met with widespread approval throughout the Nation, and the people of North Carolina learned of the action with great interest since we are the leading tobacco producing and manufacturing State in the Nation.

I ask unanimous consent that the text of a statement I prepared for release to the press today concerning this matter be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> WASHINGTON.—We in North Carolina were especially interested in the announcement that the major tobacco companies of the United States have agreed to set up a voluntary system of controlling the advertising of cigarettes.
>
> More than any other State in the Nation, North Carolina is vitally interested in and affected by what happens to the tobacco industry.
>
> Some very serious problems were created several months ago when the Public Health Service released its now famous smoking report.
>
> Since that time there has been considerable uncertainty as to the ultimate effect the report will have on all segments of the tobacco industry.
>
> Recently the Federal Trade Commission completed hearings on a proposal that would require the labeling of cigarettes as harmful.
>
> Of course, such action by the FTC would be most drastic and in my opinion is completely uncalled for on the basis of what is known at this time. A great deal of vague and unproved information has been spread about tobacco in recent years, and it would be a mistake to take punitive action against the entire industry until more data is available.
>
> Under the code, a special administrator would be appointed and he would exercise complete control over all cigarette advertising by tobacco companies.
>
> For the most part, the code would take some of the glamour out of cigarette advertising and would eliminate the strong pitch advertisements now made to college students and other young people.
>
> Of course, the ultimate solution to the tobacco problem must be found through accelerated research and renewed efforts on the part of farmers to produce desirable qualities of tobacco. But the action taken by the tobacco manufacturers is certainly a positive, constructive, and highly commendable step.
>
> I have never thought that it would be wise for the FTC to take any action that would require the labeling of tobacco as harmful, and certainly the decision by the manufacturers to set up a voluntary code removes any necessity whatsoever for FTC action. I am most hopeful that the FTC will abandon any plans it might have had in view of the new code.

POLISH CONSTITUTION DAY—MAY 3, 1964

During the delivery of Mr. McCLELLAN's speech,

Mr. KENNEDY. Mr. President, Sunday, May 3, was celebrated by several million Americans of Polish ancestry and many others around the world as the anniversary of Poland's most illustrious attempt at freedom and as a symbolic remembrance of those patriots who made such great sacrifices for their country.

The anniversary of May 3 is one of the brightest events in Polish history—the adoption of the May 3 Constitution of 1791. This remarkable document was the result of 20 years of eruption against ignorance, oppression, and feudalism. In 11 brilliant articles, it bespoke the determination of Poles to rid themselves of the vestiges of medievalism and foreign occupation. Led by outstanding men, much like the group of patriots who founded America, Poles wrote into the May 3 Constitution the most advanced thinking in Eastern Europe. The determination shown in 1791 has served ever since as an inspiration to Poles. Whenever they speak of freedom for their country, it is the spirit of 1791 which glows in their eyes.

The Polish people have shown stunning courage and fidelity to their nation's honor despite various partitions and numerous repressions. The ranks of Polish patriots have produced able leaders like Kosciuszko and Pilsudski, whose sacred goal was the emancipation of their fellow countrymen. Through the darkest hours of the Polish nation there have always been voices crying out for freedom, rallying, and leading the people on.

Along with this encouraging remembrance of the May 3 Constitution, Poles are also symbolically celebrating the 600th anniversary of the University of Krakow, where many of Poland's greatest men have studied. They are also remembering the infamous Soviet-Nazi attack on Poland in 1939, the stirring victory of the free Polish Army in the Italian campaign of 1944, and the Warsaw battle against the Nazi army, also in 1944. These are important events for the Polish people.

Though often the social and cultural leader of Europe, Poland has for the last 3 centuries been unable to enjoy the political freedom which the people ardently desire. At the time of my visit to Poland in 1962, however, I saw firsthand that faith and freedom are not dead in Poland today. My own conviction is that the words of the Polish national anthem still have great relevance to us all: "As long as you live, Poland lives."

As long as we continue to meet together, as long as we here in America continue to maintain our strength, and give our assistance in the cause of freedom around the world, the Iron Curtain will be but a temporary drape and not a permanent partition.

TITLE OIL SHALE ON UNPATENTED MINING CLAIMS

During the delivery of Mr. McClellan's speech,

Mr. ALLOTT. Mr. President, I have long favored the development of an oil shale industry in this country, not only for the many economic benefits to be derived, but also because of the unquestionable importance of a viable oil shale industry to the defense posture of this country.

There have been many reports summarizing this country's energy requirements and supplies, which in my opinion have adequately demonstrated the desirability of the early development of an oil shale industry. These reports, such as "Resources for the Future," are unanimous in the conclusions that if we are to meet our growing energy requirements new sources must be developed, and in my opinion oil shale presents the most apparent available source. It is, therefore, in the national interest for the Congress to foster a favorable climate in which a vigorous and commercial oil shale industry can develop. To that end, Congress has the affirmative duty to remove barriers and impediments to the early development of an oil shale industry through the legislative process.

The bill I am introducing today—which is cosponsored by the Senator from Utah [Mr. Bennett], the Senator from Wyoming [Mr. Simpson], and the Senator from Colorado [Mr. Dominick]—is in furtherance of our affirmative duty. Its purpose is to clarify the status of certain lands containing oil shale, and to correct what I consider to be gross inequities by amending the Mineral Lands Leasing Act of 1920. Its underlying principle may best be expressed by this phrase:

> All citizens similarly situated are entitled to be treated equally and fairly by their Government.

Prior to the enactment of the Mineral Lands Leasing Act of 1920, oil shale lands in the public domain were subject to disposition under the mininig laws. The familiar expression "staking out a claim" may not be technically correct in all respects, but it is colorfully descriptive of how mining claims were located under the mining laws. Without going into specifics, the location of a mining claim involved the discovery of a mineral deposit, the marking of the corners, the posting of a notice, and the recording of the notice of location in the county records. In order to prevent the relocation of his claim by another, the claimant had to perform certain annual assessment work. In order to perfect his claim and apply for a patent, the claimant was required to complete $500 worth of improvement, have an approved survey performed, comply with certain regulations and procedures, and pay the prescribed fee.

The enactment of the Mineral Lands Leasing Act created considerable confusion. Under its terms, it removed oil shale lands from disposition under the mining laws. Section 37, however, acknowledged the existence of oil shale claims and provided that valid claims existent on the date of enactment and, "thereafter maintained in compliance with the laws under which initiated" could be perfected under such laws. This amounted to the recognition of the continued application of the mining laws to such claims. The controversy revolved around the question of whether the claimant must perform $100 in assessment work on the claim each year, or be subjected to the cancellation of his claim on the instance of the Secretary.

During 1929 and 1930, the Department of the Interior instituted actions to cancel many of the oil shale placer claims which were valid and existent on the effective date of the Mineral Lands Leasing Act. Some of the claims were challenged for failure to perform annual assessment work, while in others the charge was abandonment. The basis for the distinction between the charges affecting different claims was never clear, if indeed there was a reason for such a distinction. In the 1935 Supreme Court decision of *Ickes* v. *Virginia-Colorado Development Corporation*, 295 U.S. 639, the Department's theory that oil shale claims could be canceled where assessment work was delinquent and had not been resumed was struck down. It appears that considerable reliance was placed in the 1935 decision by both the Department and the claimants, and that from 1935 to 1958 many placer claims were patented. I am informed that since 1935 some 124 of the oil shale placer mining claims which had been previously declared null and void by the Secretary were subsequently patented. I understand that of the 106 patents issued between 1949 and 1958, approximately 60 of such patents were for claims that had previously been declared null and void by the Secretary for failure to perform annual assessment work. However, since 1958, applications for patent have been rejected by the Department of the Interior based upon its 1930 holdings that such claims were null and void, irrespective of the Supreme Court decision I have just mentioned.

The recent Union Oil Co. of California et al., departmental decision has the effect of overruling the 1935 decision of the Supreme Court, where the Court said that the decision of the Department in canceling these claims went beyond the authority conferred by law—295 U.S. at 647. Although I can appreciate the great difficulty of the problem the Department has been attempting to solve by determining which of the oil shale-bearing lands of the public domain are subject to disposition under the Mineral Lands Leasing Act, and which lands are subject to disposition under the mining laws; nevertheless, I believe that the interests of justice, and our affirmative duty to create a favorable climate for the early development of a viable oil shale industry demand that we take legislative steps to expeditiously resolve the title problems of these unpatented mining claims.

Accordingly, this bill is offered in that spirit. It provides that the Secretary may not cancel any valid claim existing on February 25, 1920, on the grounds of failure to do annual assessment work, or for the reason that an economically or commercially feasible method of extraction and production of shale oil from oil shale does not now exist, or did not exist at any previous time, or may not exist at the time when the application for patent is made. As Senators know, a commercially and economically feasible method of extraction does not now exist. The other day I announced from the floor of the Senate the signing of an agreement between the United States and the Colorado School of Mines, whereby the school of mines was to engage in research for two pioneering companies in this field—Socony Mobil and Humble Oil Co.—in a $5 million project to develop such a process.

By way of clarification, in this agreement there is a provision that any other corporation, or any other individual, might participate in this program, and in the research program, by putting up a proportionate share of the expenses. To place such a burden on the patentability of an oil shale claim would not only be unreasonable but unjustifiable.

As I said earlier, the purpose of my bill is to clear up the status of these unpatented mining claims judiciously and expeditiously. In keeping with what I consider to be good legislative practice, my bill provides for a cutoff date after which the Secretary of the Interior would have clear authority to cancel any of these claims on the grounds of abandonment. After July 1, 1966, the claimant would be required to prove that he had not in fact abandoned his claim. It provides further:

> The owner or owners of any such oil shale placer claims may make application for patent pursuant to the laws under which such claims were initiated, and, if such application be made on or before July 1, 1966, neither failure to perform annual assessment work, abandonment, nor the lack of any economically or commercially feasible method of extraction and production of shale oil from oil shale shall constitute a basis for the Secretary of the Interior to deny issuance of patent.

I believe that if this bill becomes law and is administered in the spirit in which it is offered it will expeditiously and fairly settle the question of these unpatented mining claims and will aid in the creation of a favorable climate in which the oil shale industry can develop.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point, and that it be allowed to lie over on the desk for a period of 1 week so that those Senators who so desire may join me in sponsoring this bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from Colorado.

The bill (S. 2809) to amend section 37 of the Mineral Lands Leasing Act of February 25, 1920, relating to disposition only as provided in such act of deposits of coal, phosphate, sodium, potassium, oil, oil shale, and gas in lands valuable for such minerals, except as to valid claims pursuant to laws under which initiated and existing at the date of the passage of such act, which claims may be perfected under such laws, introduced by Mr. ALLOTT, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37 of the Mineral Lands Leasing Act of February 25, 1920 (30 U.S.C. 193), as amended, is hereby amended to read as follows:

"SEC. 37. That the deposits of coal, phosphate, sodium, potassium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled 'Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming,' approved August 1, 1912 (37 Stat. 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery. With respect to any valid oil shale placer claims existent on February 25, 1920, neither failure to perform annual assessment work nor the lack of any economically or commercially feasible method of extraction and production of shale oil from oil shale shall constitute a basis for the Secretary of the Interior to hold such claims invalid. The owner or owners of any such oil shale placer claims may make application for patent pursuant to the laws under which such claims were initiated, and, if such application be made on or before July 1, 1966, neither failure to perform annual assessment work, abandonment, nor the lack of any economically or commercially feasible method of extraction and production of shale oil from oil shale shall constitute a basis for the Secretary of the Interior to deny issuance of patent; *Provided, however,* that with respect to any such claim for which application for patent shall not have been made on or before July 1, 1966, such claim may be cancelled by the Secretary of the Interior on the basis of abandonment by appropriate proceedings after such date and the owner or owners of any such claim shall have the burden of proving that abandonment of such claim has not occurred."

Mr. ALLOTT. Mr. President, in conclusion, I deem this bill to be an absolute necessity. If all the people in the United States who have had an interest in this area at one time or another, and whose statuses are basically on a par, are to have their rights equitably taken care of, this bill is essential to that end.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

AMENDMENT NO. 573

Mr. HRUSKA obtained the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HRUSKA. I ask unanimous consent that I may yield briefly to the Senator from Kentucky [Mr. COOPER] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Madam President, I send to the desk an amendment which I intend to propose to the amendment of the Senator from Georgia [Mr. TALMADGE], No. 513. I ask that it be printed and lie on the table, and I also ask unanimous consent that it be printed in the body of the RECORD, along with an explanation.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment submitted by Mr. COOPER is as follows:

AMENDMENT No. 573

On page 2, beginning with line 1, strike out all through line 9 on page 3.

On page 3, between lines 9 and 10, insert double quotes and the following: "Title XI—Jury Trials of Criminal Contempts".

On page 3, line 10, immediately before "In", strike out the single quote and insert in lieu thereof "SEC. 1101.".

On page 3, line 10, beginning with "for willful", strike out all through "Columbia" on line 13, and insert in lieu thereof the following: "arising under Section 302 of this Act, or under title II, V, VI, or VII of this Act".

On page 3, line 16, immediately after "cases", insert a semicolon and the following: "and in any proceeding for criminal contempt arising under Section 301 of this Act, or under title I or IV of this Act, the court, in its discretion, may grant a trial by a jury to the accused".

On page 3, line 17, strike out the single quote before "This".

On page 3, line 22, strike out the single quote before "Nor".

On page 4, line 4, strike out the single quote.

On page 4, line 5, strike out "1103." and insert in lieu thereof "1102.".

On page 4, line 7, strike out "repealed." and in lieu thereof insert the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: '*Provided further,* That in any such proceeding for criminal contempt, the court, in its discretion, may grant a trial by a jury to the accused.' ".

The explanation submitted by Mr. COOPER is as follows:

If the Cooper amendment (No. 573) to the Talmadge amendment (No. 513) now pending were adopted, the Talmadge amendment as modified would read:

"On page 54, between lines 7 and 8, insert the following new title:

" 'TITLE XI—JURY TRIALS OF CRIMINAL CONTEMPTS

" 'SEC. 1101. In any proceeding for criminal contempt arising under section 302 of this Act, or under title II, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases; and in any proceeding for criminal contempt arising under section 301 of this Act, or under title I or IV of this Act, the court, in its discretion, may grant a trial by a jury to the accused.

" 'This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

" 'Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

" 'SEC. 1102. Section 151 of part V of the Civil Rights Act of 1957 (71 Stat. 638; 42 U.S.C. 1995) is hereby amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: "*Provided further,* That in any such proceeding for criminal contempt, the court, in its discretion, may grant a trial by a jury to the accused." '

"On lines 15, 16, and 17 of page 11, strike out subsection (c) of section 205.

"On line 8 of page 54, change the designation of title XI to title XII.

"On lines 9, 14, 22, and 24 of page 54, change the designations of section 1101, 1102, 1103, and 1104, to sections 1201, 1202, 1203, and 1204, respectively."

AMENDMENT NO. 574

Mr. COOPER. Madam President, I also ask unanimous consent that there be printed in the body of the RECORD an amendment which I intend to offer to the amendment of the Senator from Georgia [Mr. TALMADGE], No. 513, if the amendment of the Senator from Kentucky [Mr. MORTON], No. 560, is adopted. The amendment would accomplish the same result as the amendment I just sent to the desk. Its language would be applicable if the Talmadge amendment is modified by adoption of the Morton amendment now pending. I do not offer it now, I merely ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the desk; and, without objection, will be printed in the RECORD.

The amendment submitted by Mr. COOPER is as follows:

AMENDMENT No. 574

Immediately before the period at the end of the first sentence of section 1101, insert a comma and the following: "except that if the proceeding is for a criminal contempt alleged to have been committed under section 301 of this Act, or under title I or IV of this Act, the accused shall be entitled to a trial by jury only in the discretion of the court".

Strike out the double quotes at the end of section 1102 and immediately after section 1102 insert the following:

"SEC. 1103. Section 151 of part V of the Civil Rights Act of 1957 (71 Stat. 638; 42 U.S.C. 1995), as amended by section 1102, is further amended by inserting at the end of the first paragraph thereof the following: 'The term "entitled", as used in the second proviso to the preceding sentence, shall mean having a right given only in the discretion of the court.'"

DEATH OF FORMER REPRESENTATIVE HOWARD BUFFETT, OF NEBRASKA

Mr. HRUSKA. Madam President, I ask unanimous consent that I may yield to the Senator from Nebraska [Mr. CURTIS] under the previous conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Madam President, death has taken still another prominent Nebraskan, Howard Buffett.

It was my privilege to have served with him during the four terms he represented Nebraska's Second Congressional District in the House of Representatives. During that period, beginning in 1942, I was present on many occasions when Howard Buffett spoke out on important issues as his conscience dictated and without regard to taking a popular position.

Howard Buffett was widely known as a conservative leader, his written expression of the conservative point of view commanding nationwide attention.

In addition to serving on the Omaha school board, his participation in Omaha civic projects covered a broad range of activities, far too numerous to list.

Howard Buffett was a political stalwart. He was a conservative. He knew the reasons for the faith that was in him. He was steadfast. The apostles of big government have mortgaged the country's future for generations in attempting to prove that the political principles adhered to by Howard Buffett and others were wrong, but they have totally failed.

Howard Buffett was an outstanding citizen of his city, our State, and our country. His character was above reproach and his sincere Christian faith was an inspiration to all who knew him.

When Mr. Buffett announced in 1952 that he would not be a candidate for the Senate, the Omaha World-Herald said, editorially:

> We are not here discussing whether Mr. Buffett is generally right or wrong or in-between, but are only noting the rather obvious fact that he calls 'em the way he sees 'em—and always in accordance with what he considers the welfare of the Republic.

I ask unanimous consent that there be included as a part of my remarks a recent editorial from the Omaha World-Herald, relating to former Representative Howard Buffett.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald. May 1, 1964]

HOWARD BUFFETT

> The qualities that set the late Howard Buffett apart were outspokenness and a blazing integrity.
>
> Omaha's four-term Congressman might well have gone on to higher political office if he had been willing to use soft soap, trim his views, or simply remain noncommittal on touchy issues.
>
> But it wasn't in the man. He was ever true to his own conscience. If the right course meant splitting with his political party or standing alone on the House floor, as he once did when President Truman seized the railroads, Howard Buffett pursued what he believed to be the right course.
>
> Mr. Buffett was a warm, ebullient, friendly man with a lively sense of humor. But no friend ever dared ask Howard Buffett to bend his principles, and no political enemy ever nailed him with contradictions in his record or his public statements.
>
> He was a national leader of the conservative movement in America, and his pen and his voice spoke sharply and well. He had faith in his country and its free institutions. He defended them with all that was in him. We who write for this page admired Howard Buffett, and he was our friend. We shall miss him.

Mr. HRUSKA. Madam President, I join in the sentiments just expressed by my colleague, and associate myself with the remarks that he has made in regard to the late Howard Buffett.

I was the immediate successor to Howard Buffett in the House of Representatives in 1953, having known him for years, particularly as a member of the board of education in Omaha and also for many years as a Member of the House of Representatives, where he served during all those years with my colleague.

I came to know him as a courageous man, one who yielded to no one when persuaded his cause was right. He was a competent man. He was an articulate man. In losing him, we lose a highly valued citizen and one who was devoutly dedicated to the service of his country.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HRUSKA. Madam President, I rise in support of the Morton amendment. In essence, it seeks to narrow the effect of the Talmadge amendment by restricting its application to criminal contempt cases which would arise in the process of enforcing the pending civil rights bill.

Those who oppose the Morton amendment urge that the provisions of the bill will be ineffective if there is a requirement that all criminal contempt actions be referred to a jury. They hold that this amendment will permit the infringement of certain rights to go without redress unless the judge is uninhibited by a jury to impose criminal sanctions.

On the other side, those who favor adoption of the Morton amendment hold that actions involving criminal offenses, including those offenses which result from criminal contempt, should properly be heard only by a jury before punishment is set by the judge.

Against this background, some areas of agreement can be found. As recently as April 6 of this year, the Supreme Court in its decision in United States against Barnett held that there is no constitutional requirement that all criminal contempt actions be tried by a jury. However, the power of Congress to provide a requirement that there be jury trials in criminal contempt actions is unquestioned. Thus, the debate clearly involves an area in which this body can work its will.

There is also agreement that an underlying condition for any valid and effective legislation is general public acceptance. Without general public acceptance, the law will not be meaningful or helpful no matter how expertly the enforcing machinery is assembled.

No one can seriously doubt that this legislation will stir emotions and generate tensions to a great degree. In fact, it already has. Every effort must be made to insure that it is fair and just as well as constitutional to assure its being effective. Every effort must be exerted to insure that it is consistent with our tradition of concern for the rights of every man. In an ardor to remedy one wrong, great care must be exercised to avoid working another wrong elsewhere.

At the outset, it is important that the distinction between civil contempt and criminal contempt be noted. A civil contempt proceeding is generally regarded as a remedial device adopted for the purpose of inducing the defendant to obey the court's order which can still be executed. A proceeding for criminal contempt, on the other hand, is invoked for having defied an order which can no longer be executed. In civil contempt the defendant is said to "carry the keys to the jail in his pocket" a graphic way of saying that he remains in confinement until such time as he chooses to obey the court's decree. A criminal contempt order is accompanied by a fixed sentence either of imprisonment or a fine.

The applicability of civil or criminal contempt is determined by the circumstances. Where there is a refusal to carry out a court's order while it is still timely to do so, whether it be performing an act or refraining from it, civil contempt is appropriate. The defendant can purge himself by compliance. Thus, civil contempt looks to compliance with, or abstention from, a continuing course of conduct.

Criminal contempt entails a punishment for a past failure to perform an act or refrain from acting in a manner ordered by the court. It presupposes that the time for effective action has passed and looks only to punishing the defendant for defiance of the court's command. As time is no longer a consideration, all that remains is preservation of the authority of the court.

Action for contempt, whether it be civil or criminal, as generally understood concerns only the judge. He hears the plea from which the order arises, determines the course of conduct which the defendant must follow, orders action or restraint, and later punishes, if he finds that his order is not carried out. The unilateral nature of civil contempt is necessary and proper to insure that the court's order will be carried out when left unchecked, the course of conduct would result in continuing injury. Thus, the supporters of the Morton amendment have not urged that civil contempt proceedings be altered or modified in any way.

However, criminal contempt cannot be justified by this argument. The time for action has passed in this event. No additional injury will result from the further lapse of time. In his dissent in the Barnett case Mr. Justice Black described the position of the judge in a criminal contempt proceeding as follows:

> This means that one person has concentrated in himself the power to charge a man with a crime, prosecute him for it, conduct his trial, and then find him guilty.

A trial of this character does violence to the spirit, if not the letter, of our Constitution.

Our constitutional heritage has made us sensitive to the need for adequate protection of the individual charged with a crime. The star chamber concept was one grievance cited by our Founding Fathers at the time of the Revolution. To chip away at the fundamental principle that every man charged with a crime should be tried by a jury of his peers by allowing the practice of criminal contempt proceedings without a jury trial, would be equally grievous. Those who espouse this course contend that the jury system is not equal to the task. This is not true. It is the very antithesis of our legal system.

This distrust in our system of law is now reflected in the growing tendency toward Government by injunction. While the increasing complexity of our society has increasingly involved the Federal Government in our daily lives, the abandonment of our traditional legal procedures in recent years has been most disturbing. The House report on H.R. 7152 carries a list of 45 Federal statutes in which the Federal Government is authorized to proceed against citizens by injunction. These statutes range from antitrust actions to welfare plans. There are also a multitude of administrative agencies which seek injunctions after administrative hearings which are informal in character.

Several bills in addition to H.R. 7152 are pending in the Congress which seek to expand the practice of Government by injunction. An example is H.R. 594 authorizing the Federal Trade Commission, upon complaint that an unfair trade practice is being committed, to issue a temporary cease-and-desist order which compels the summary discontinuance of the practice pending completion of the proceeding before the Commission. The practical effect is that of a permanent injunction and final disposition of the case because an FTC proceeding could continue for years and often does.

In our desire to enforce Government policy, we must be on guard to avoid acts of expediency which commonly shows little regard for individual rights and even less zeal for their protection.

The time is long overdue to halt this trend away from traditional guarantees of individual liberty. This civil rights bill seeks effectively to protect the rights of all persons. Let us insure that the rights of all Americans are in fact protected. Again, as Justice Black pointed out in Green against United States, expedition is not a valid argument by which to justify an infringement on constitutional rights:

> Such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values, justice occupied at least as high position as economy.

The proposed legislation, which will thrust the courts into delicate areas of social contact and property rights as well as human rights will surely give rise to a substantial amount of litigation. In the attempts to enforce the mandates of the law, there will arise difficult questions that will demand the greatest understanding on the part of the court. The problems will have no easy solutions.

Emotions will be stirred, not only those of the man on the street but also those of the administrators of the law's provisions and those of the man on the bench. This Senator urges that in an area as sensitive as this, more than anywhere else there must be total severance of the responsibility for enforcing the law from the burden of finding a failure to comply with the order of enforcement.

In that regard the Senate Judiciary Committee has had under active consideration proposals amending section 144 of title 28 relating to affidavits of bias and prejudice in civil proceedings. The problem has been that the judges against whom the affidavits are filed customarily pass on their merits, understandably giving rise to the feeling that total objectivity is lacking in the determinations. It is with gratification that I note the Judicial Conference of the United States approved the bill to divorce such procedures. The parallel is obvious. The Morton amendment obviates the distasteful problems for the court as well as its defendant in the instances of proceeding for general contempt which could arise under the terms of the proposed civil rights bill.

In 1957, this Senator voted against the O'Mahoney-Church-Kefauver amendment. It proposed to engraft provisions similar to the Talmadge amendment to all criminal contempt actions in Federal courts. The O'Mahoney amendment was subject to the same objection as the Talmadge amendment, without the restricting provisions of the Morton amendment. It might have resulted in utter chaos by invading many other legislative areas in which the procedures have been effective and have not proved overly harsh. Thus, the use of jury trials in criminal contempt proceedings would have been expanded into areas in which no need has been indicated. If the pending amendment was similarly broad and nonselective, my vote would be the same. However, the Morton amendment restricts the requirement for jury trials to only those criminal contempt cases which will arise under this bill.

By way of summary, Madam President, it is essential to underscore exactly what the Morton amendment proposes to do. It does not apply to contempts committed in the presence of, or close to, the court as to jeopardize its ability to maintain order and function properly. Second, it does not apply to civil contempts wherein the defendant's capacity to execute the orders of the court still exists. But when the time for execution has passed and it is no longer possible to secure the compliance with the order, and it becomes a question simply as to whether the defendant has defied it, this matter should be decided by a jury if the prospect of punishment confronts him. The Morton amendment accords this right and in that manner preserves the greatest tradition of our legal system.

For these reasons, I support the pending amendment, and urge all Senators to do likewise.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HRUSKA. Madam President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and (at 6 o'clock and 38 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Wednesday, May 6, 1964, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 5 (legislative day of March 30), 1964:

TEMPORARY ALASKA CLAIMS COMMISSION

Maurice Oaksmith, of Alaska, to be a member of the Temporary Alaska Claims Commission.

Ray Ward, of Virginia, to be a member of the Temporary Alaska Claims Commission.

W. C. Arnold, of Alaska, to be a member of the Temporary Alaska Claims Commission.

EXTENSIONS OF REMARKS

The Appalachia Program

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 5, 1964

Mr. EVINS. Mr. Speaker, the Appalachia program, proposed by President Johnson should have the highest priority for speedy approval.

In this connection, I ask unanimous consent that my newsletter, dated May 4, last, be reprinted in the RECORD.

The newsletter, concerning the Appalachia program, follows:

CAPITOL COMMENTS

(By JOE L. EVINS, Member of Congress, Fourth District of Tennessee)

THE APPALACHIA PROGRAM

The House is giving legislation for Appalachian regional development recommended by President Lyndon B. Johnson the highest priority. The President this week sent a letter to Speaker JOHN W. MCCORMACK of the House urging speedy action.

Congress is now fully engaged in consideration of this great development undertaking—one of the highlights of the President's program. Hearings on the proposed Economic Opportunity Act of 1964—the program designed to eliminate pockets of poverty throughout the country—already are well advanced. The overall attack on depressed areas and the Appalachia development program together set a new high mark for American internal improvement efforts involving cooperative Federal-State-local action.

A NEW START FOR 10-STATE REGION THAT INCLUDES PART OF TENNESSEE

The Appalachia program is a broad-scale long-range, comprehensive plan for economic growth and development of a mountain area that straddles 10 States, embraces 340 counties, and includes more than 165,000 square miles, with more than 15 million American citizens in residence. Included in the developmental area under this program are 49 of Tennessee's 95 counties containing nearly 1,600,000 of the State's more than 3.5 million inhabitants. Some 15 of these counties are in our great Fourth Congressional District of Tennessee.

There are many aspects of this regional program attacking problems of the area, and these include the following:

Highways: A developmental highway system of 2,350 miles to provide access to isolated areas and encourage the growth of new industry and other economic activity.

Water resources: Accelerated water facilities development, with emphasis on flood control, industrial and recreational impoundments, and sewage treatment and construction.

Agriculture: Pasture improvement program to convert marginal farmlands to pasture for increased livestock production; also, an expanded Farmers Home Administration program to assist small farmers.

Mineral resources: Expanded programs to promote new use of coal, improve mining practices, and stimulate land restoration following mining operation.

Forest resources: Assistance programs for improved timber production, management, manufacturing, and marketing.

Aid to small business: An expanded Small Business Administration loan and local development program.

Community development: Expanded area redevelopment program and stepped-up human resources programs, with emphasis on education and training, as provided in the Economic Opportunity Act legislation.

For a continuing and sustained attack on the complex problems of the region, this legislation provides for creation of a Federal-State regional commission to guide all levels of Government and private agencies in this work. Achievement of these legislative goals would make it appropriate to call the 88th Congress the development Congress.

In sum, this program will make possible "an active beginning to end an old problem in Appalachia" as President Johnson said in his letter to Speaker MCCORMACK. The cost of the entire program for the first year—$262 million—is included in the President's 1965 budget which was submitted in January to the Congress. Work continues until these goals are achieved.

Rumanian Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 5, 1964

Mr. MULTER. Mr. Speaker, another of the important independence days of those many oppressed nations behind the Iron Curtain is being celebrated this Sunday, May 10. This is Rumanian Independence Day, the most important national holiday for all free Rumanians. It is sad indeed that the Rumanian people themselves cannot celebrate their own national independence day. That is one of the penalties of living under communism. While we here freely express our admiration for Rumania's independence, Rumanians themselves must not celebrate. Their recognition is limited to a silent word in their own hearts and clandestine listening to the celebrations in free countries over the radio.

Rumania enjoyed many centuries of independent growth, it was for two centuries a Roman province. From this came the modern name of Rumania, and the romance language which Rumanians speak.

In the middle of the last century the forces began shaping which led to the pronouncement of Rumanian independence on May 10, 1877. The people were sick of many years of cruel invasion and oppressions, first from one side then from the other. During the years when our Nation was engaged in a great civil war, Rumanian leaders were fighting to free their country from Russian-Turkish domination and an archaic feudal land sytem.

Much progress was made by autonomous Rumania under King Alexandru Cuza between 1859 and 1866. On that memorable day in 1877, the Rumanian people demanded and got their rightful independence. It was duly recognized by all the great powers in 1888 in reward for Rumania's gallant fight against the Ottoman empire.

This is the event which rightly holds an important place in Rumanian loyalties. It inaugurated the greatest period of progress in Rumanian history, which was drastically altered in World War II, and shattered completely when the Communists came to power in 1947. Today the very event which founded Rumania as a nation, and the great courage of Rumania's leaders of 1877, are denied to the people by the Communists. It is well to remember Rumanian Independence Day here, to add our voices to the great outcry demanding Rumania's freedom. In this way we can encourage Rumanian-Americans as well as the Rumanian people to carry on the struggle against tyranny with a view to making it over again an independent nation.

Ed Ball: Angel of Mercy for Crippled Children

EXTENSION OF REMARKS
OF
HON. L. MENDEL RIVERS
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 5, 1964

Mr. RIVERS of South Carolina. Mr. Speaker, an angel of mercy for thousands of crippled children in America is an energetic, hard-driving executive with the Nemours Foundation.

The Honorable Edward Ball, secretary-treasurer of the foundation, is considered a moving force behind the humanitarian work this charitable foundation performs for crippled children.

His deep interest in the unfortunate, his unflagging energy, and his tremendous executive skills have meant in so many cases that a child may walk again; may even be cured.

His work is arduous; his schedule imposes demands a lesser man would succumb under. However, his faithful efforts have paid off handsomely for the crippled child.

Mr. Speaker, since the Nemours Foundation opened in 1940, it has provided more than half a million patient-days for crippled children. These unfortunate children, whose parents may be poor or wealthy, but for some reason or another could not obtain the medical skill needed, are treated at the Nemours Foundation crippled children's hospital—known as the Alfred I. du Pont Institute—at Wilmington, Del. Here extensive facilities are provided for treating crippled children.

Though a close personal friend of the late Mr. Du Pont and considered his right-hand man, Ed Ball has achieved no small success in business in his own right. The holder of many titles in the Du Pont

Estate's individual banks, he is president of the St. Joe Paper Co. in Florida. Additionally, Ed Ball serves as chairman of the Florida East Coast Railway and the National Board & Paper Mills of Waterford, Ireland, with which the Du Pont Estate holds a working arrangement.

Mr. Speaker, Ed Ball can truly be called one of the more determined capitalists in the present-day United States—a title he does not disdain.

The humanitarian projects spearheaded today by Ed Ball were originally launched by the late Mr. Du Pont. When he died in April 1935, he left a will which created a charitable, valuable, and lasting aid to crippled children in America.

His will, in part, read:

> It has been my firm conviction throughout life that it is the duty of everyone in this world to do what is within his power to alleviate human suffering.
>
> My trustees shall cause to be incorporated a corporation for charitable purposes, to be designated and known as the Nemours Foundation * * * and my said trustees are hereby directed to pay over, at convenient intervals, the net income of my said estate * * * for the purpose of maintaining Nemours as a charitable institution for the care and treatment of crippled children, but not incurables.

Mr. Speaker, what was begun by Mr. Du Pont is being carried on today by Ed Ball.

During the first year of the program, the Nemours Foundation paid for 3,872 patient-day's care for children approved by the Florida State Crippled Children's Commission. At the end of 5 years, the figure had grown to 69,922 patient-day's care, and by July 1, 1962, it had become 89,367 patient-day's care. It is noteworthy that in this period the State of Florida has increased its own budget for the Florida State Crippled Children's Commission to between six and seven times the amount provided in 1948.

Another corollary program that covers 17 States, 15 of which are in the South, has been in the process of expansion by the Nemours Foundation during the past 10 years.

Its purpose is to share the knowledge of the specialists on the institute's staff with the authorities in the States concerned with crippled children. The program takes the form of continuing seminars organized by the institute.

These seminars, sharing the knowledge of the specialists on the Du Pont Institute staff as they do, have brought a substantial advance to the cause of crippled children. They have been attended by State officials, doctors, and all types of professional and lay people, all working with the special groups in the States they represent.

The staff and personnel at the institute have grown until they now number well over 100, including the necessary doctors and specialists, and during the years the hospital has been in operation, it has performed several thousand corrective operations.

I am certain you recognize this has meant new hope to crippled children through advanced methods of medical treatment.

Thus, the earnings of the estate of Alfred I. du Pont are being devoted to humanitarian purposes. After making provisions for his family, he directed the remainder be set up as the Nemours Foundation to support the institute and a future program for old people.

And, as the annuities are fulfilled, 100 percent of the earnings of the estate will go to the foundation. This means, Mr. Ball says, 100 percent of the estate's earnings of such substantial enterprises as the Florida National Group of Banks, the St. Joe Paper Co., and the Florida East Coast Railway will eventually go to the Nemours Foundation for the care and treatment of crippled children and old people.

His wishes are being carried on today by his faithful and devoted trustee—Ed Ball.

The Greatest Asset We Have in This Country Is Our People

EXTENSION OF REMARKS

OF

HON. ROBERT DOLE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1964

Mr. DOLE. Mr. Speaker, on April 16, in Lima, Peru, an outstanding Kansan and a great American was fatally injured when he accidently fell from his ninth-floor apartment. Harlan S. Parkinson, formerly of Scott City, Kans., age 30, was not an ordinary man but an exceptionally bright, resourceful, and capable person whose ability was reflected in everything he did. As reported in the Hutchinson News, "Harlan Parkinson was a young man who began carving his niche in life early." An honor student in economics and philosophy during his 4 years at Kansas University, Parkinson graduated in 1955, having been president of his senior class, a member of Omicron Delta Kappa, national honorary scholastic society, and a member of Sachem, the senior men's honorary society. From 1955 to 1957 his outstanding service in the Army was recognized by his having been chosen "Trainee of the Month" and selected for duty in the Army Intelligence Corps at Heidelberg, Germany. On release from the Army in 1957, he entered Michigan Law School where he was a Campbell fellowship finalist and fifth in his class in moot court argument. In 1961, after a brief law practice in Denver, Colo., he was employed by Great Plains Wheat, Inc., in charge of the association's market expansion program in South America with headquarters in Lima, Peru. It was here Parkinson's leadership reached full expression. The Scott City News Chronicle wrote:

> Known as El Gringo Bueno throughout Peru and Chile for his monumental work in establishing school lunch programs for the poverty-stricken areas of these countries, Harlan had been decorated in 1962 by the Peruvian Government with "the Knight of Corrian Order"—the highest award Peru can confer on a foreign citizen—and last year was awarded the Bernardo O'Higgins Grand Order of Merit by the Chilean Government for his service to the people of Chile.
>
> An initial project in Peru soon after his arrival was the establishment of the community of La Morada, which was started with the moving of 30 families from the slums of Lima, to more than 400 miles away to the slopes of the Andes. When aid from the Peruvian Government was denied, Harlan appealed to the people of his hometown, Scott City, to help the destitute Peruvians. They responded by "adopting" La Morada, and the local Lions Club headed up a people-to-people project to furnish them necessary supplies.
>
> The needs of these people were met soon when a crate full of clothing, tools, and medical supplies arrived in La Morada, and the goods were distributed by Harlan and his wife, the former Alise Battha, of Buffalo, N.Y., whose father was former Secretary of Agriculture in Hungary.

The High Plains Journal, Dodge City, Kans., said this of Parkinson's work in South America:

> Harlan Parkinson, in charge of the wheat organizations' program for U.S. wheat in South America, was one of the most effective workers the American wheat producers had.
>
> It is not often that a person on a job of this kind can gain the national respect of the countries in which he is working. Harlan Parkinson did just that, however; he caught the humanitarian spirit of the wheat farmers for whom he was working, and combined his job of wheat promotion with that humanitarian outlook.

In a eulogy prepared by a Catholic priest, a friend of Harlan's, it was said:

> Harlan: you strode in and out of our lives with those great giant steps of yours, never staying long enough for us to see anything but pieces of you; a piece of your impulsive generosity, your incredible humor, your love for people and charm over children, your inscrutable moods, your restless search for something beyond conformity.
>
> And the pieces were beautiful: temporarily held together in pain, loneliness, in longings that reached far beyond your own happiness to that of your fellow man lost in a reeling world.
>
> Your keen mind and rare sensitivity brought complexities in you we could never fully comprehend, but will never cease to love.

Perhaps the meaning of Harlan Parkinson was best expressed when his friend and mentor, Clifford R. Hope, Garden City, former U.S. Congressman and immediate past president of Great Plains Wheat, Inc., stated:

> It is hard to realize Harlan Parkinson is gone. There are few men of his age who have done as much or whose lives held more promise for the future. His brilliant mind and engaging personality was matched by an intense interest in people.
>
> As a representative of Great Plains Wheat in South America he worked hard at market development. But people, to him, were more than customers for wheat. He saw them as human beings in need of both help and understanding.
>
> He projected an image of our country which will be long remembered, not only by presidents and premiers but by thousands of the poor and weak. To them he was the good American who helped them to help themselves.

Harlan Parkinson was a living example of how international good will can be established without spending of hoards of money but by dedication and genuine application of hard work in a spirit of unselfish concern for others. It is sadly ironic when an accident must take this sort from our midst. It is even more tragic when it must deny expression to one who had so much to give and when it must extinguish a source of hope for a better world. For one who knew, admired and respected Harlan Parkinson, it is difficult to accept his loss. If his absence can teach anything, it is in the words of his father, "My family was an average Kansas family. The children grew up in the church. The greatest asset we have in this country is our people."

To Mrs. Parkinson and her 3-year-old daughter, Madeline, and the Parkinson family, I extend my deepest sympathy.

New Myths and Old Realities in Poverty

EXTENSION OF REMARKS

OF

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1964

Mr. FINDLEY. Mr. Speaker, a few weeks ago the chairman of the Senate Foreign Relations Committee made a speech on foreign policy in which he referred to what he chose to call old myths and new realities. I refer to that speech not with any intent of analyzing it, but only for the purpose of pointing out that myth and reality and jingoism are by no means confined to foreign policy. These same factors of myth and jingoism as contrasted to reality and fact occupy an inordinate portion of the stage in our domestic national affairs.

During the past several years, there has been a great deal of official and unofficial declaiming that the United States is failing its economic and social obligations—that it has not provided full employment, that it has not sustained economic growth, and indeed that it is in imminent danger of falling into the class of a second-rate power. All of this is pure mythology. Yet, even after the Soviet Union publicly acknowledged its inability to provide the basic need of bread for its own people—and looked to the United States to fill the gap—the oft-repeated myth of American failure and retrogression keeps emanating from the White House and echoing across the countryside.

The echoes do not stop at the shoreline. When the President speaks, the world listens. When he declares over and over again that one-fifth of America is poverty stricken he is blackening America in the eyes of the world. To people in underdeveloped countries, poverty has a far different meaning than the definition President Johnson gives it. To most of the world's population, an annual income of $3,000 would be regarded as kingly.

How can we hope to motivate the underdeveloped countries to follow our own free enterprise system when our President says that one-fifth the population of free enterprise America lives in poverty?

In reaching eagerly for November votes by exaggerating economic conditions in the United States, the President is unjustly and unwisely damaging the word "America."

With respect to unemployment, we are plagued and confused by the same tendency toward sloganism and mythology. We neglect reality—a simple fact that is too often lost sight of; too often minimized.

That simple fact is this: The American system has created and sustained the highest level of attainment and the highest standard of living any society has ever achieved in the history of the world. And it has reached this pinnacle in a society which accords to the individual the maximum in freedom—economically, politically, and socially. It is an accomplishment of which all Americans should be proud. It is an accomplishment which we should not jeopardize with dubious and ill-conceived experimentations based on precepts foreign to our own.

At this moment there are 70 million Americans gainfully employed in the United States. These Americans earn more, possess more, and live better than any other people on earth, and we should not forget it. We should bury the myth of economic failure in America.

THE POVERTY PROGRAM

Probably the outstanding recent example of the confusion of myth with reality is the war on poverty recently declared by the President. Every American citizen should read this proposal for himself.

He should not accept the limited descriptions of this package which have appeared in the press, most of which were personal declarations of virtue on the part of those who advocate this program.

This war on poverty began with the crashing of cymbals and the blaring of horns. The proclamation, however, was somewhat delayed by the "blowing of tops" as, in the infighting, departmental officials stoutly resisted the preempting of their established domains by the war's commander in chief.

No sooner had the battle within the administration been stayed than this hastily contrived poverty package was hurriedly messaged to Congress and unveiled to the public—all 7 titles and 47 pages of it. It was introduced as H.R. 10440 and labeled the Landrum-Powell poverty package. Rarely has a political affinity been so rapidly created; seldom was a package so sectionally enwrapped. Some people have even gone so far as to suggest there might be something political in this poverty pact which binds together widely separated stars of the Democratic galaxy.

Almost before the ink was dry on H.R. 10440, an ad hoc subcommittee was appointed and public hearings announced. Here again the administration with much fanfare and even more ado brought forth poverty's commander in chief, the Cabinet officers, and the lesser lights, all to declaim against poverty, all to endorse H.R. 10440. Yes, they were all against poverty. No, they were not too familiar with the contents of the bill. Yes, they felt their administrative efforts against poverty needed to be coordinated. No, their present programs against poverty were not being badly administered. No, the existing programs should not be placed under the poverty czar. And yes, oh yes, politics was the thing furtherest from their minds.

But dawned the next day—into the office of every Democratic Congressman was delivered a "poverty kit," complete with prewritten speeches, prepackaged press releases—with appropriate blanks for inserting the Congressman's name—and digests of various sorts, all proclaiming the merit of the poverty package. And the source of these poverty kits, delivered before many Congressmen had read the bill? Why the Democratic National Committee, of course. But alas, a misdelivery. One of these packages was somehow given to, of all things, a Republican Congressman. Thus, the pragmatic basis of this brave new political project was revealed to the world.

THE ELEMENTS OF THE POVERTY PACKAGE

Like most packages which are politically giftwrapped, the poverty bill contains something for everyone; from Harlem to Georgia, from farmer to factory hand, from 17 to 70. Like most gimmicks of this type, it is based on that time-honored political promise, "something for nothing."

TITLE I

Title I of this well publicized tabloid deals with so-called youth programs. Young males age 16 to 22 who are unemployed and who are found unfit for the draft, will be sent to distant work camps where, according to the sponsors of this bill, they will be employed on conservation projects and get vocational training. There are so many obvious questions relating to this proposal, that its predecessor proposal under the late President Kennedy has long lain dormant in the House Rules Committee.

TITLE II

Title II of this proposal authorizes the establishment of so-called community action programs. These programs, for which the Federal Government could defray the full cost, can be carried out either by public or nonprofit private agencies in such fields as health, education, job training, and vocational rehabilitation. These programs carry no provision for participation of established State and local governments, and leave the way clear for the Federal Government, by direct intervention, to support, direct, and finance various types of activities which neither the State nor the community may approve.

In almost every respect they duplicate or overlap programs already in operation at the Federal and/or State level.

TITLE III

Title III of this bill is concerned with poverty in the rural areas where it is proposed first, to make gifts of up to $1,500 cash to poor farm families; second, to make loans of up to $2,500 to the same group to enable them to buy seed, livestock, machinery, or to start a farm business; third, and get this—to make loans to nonprofit corporations to buy up rural property, develop it, and sell it back at a discount to selected farmers in family size plots.

Bureaucrats would call the signals, and taxpayers would cover the losses in this

L.B.J.-style land reform. One guess where the idea originated.

The remaining titles of the bill provide loans for the establishment of new businesses designed to employ the unemployed and members of low-income families; provide funds for experimental projects to help unemployed fathers obtain employment.

Finally, the bill authorizes the commander in chief to set up the volunteers for America—a Domestic Peace Corps to embark on community action programs, to consult with Indians, migrant workers, and similar groups.

Mr. Speaker, the press agents and the tub thumpers who are pushing this political poverty cart would have the world believe that poverty is their own private discovery; that the U.S. Congress, the State governments, the local governments, and all past American Presidents have gone through life blissfully unaware that the problem of poverty ever existed and have not turned a hand to meet its challenge.

Nowhere is mention made of the fact that existing Federal programs which deal with poverty carry appropriations in the amount of almost $9 billion annually. And this $9 billion does not, lest we become confused, include any expenditures made for social security benefits or for unemployment compensation. If these were included, the total would be about $40 billion per year.

Now when one is exposed to the description of all the things this poverty package is designed to accomplish, one quite naturally regards it as a big project—a truly Texan undertaking. And for a Texan undertaking one would also expect a Texas budget. But no, it is all going to be done on a Rhode Island budget—less than $1 billion. Now there is some real mythology.

This Landrum-Powell poverty package proceeds on the theory that every American family which does not have a cash income of more than $3,000 per year is poverty stricken. This works out to about 35 million Americans so situated. Now if you take the $965 million that the poverty plotters say will do the job, that divides out to $27.57 for each poverty stricken person per year. Who is kidding whom?

This proposal speaks solely about the first year only. During the parade of administration witnesses, various questions were asked about the probable costs of this program for the second year, or the third year, or any year beyond. On most other questions they were brimful of information. Here the questions were met with the syntax of silence, the candor of clams.

When the hearings on this so-called poverty bill were announced, May 1 was announced as the deadline for bringing it to the floor for action.

In a frantic effort to meet this deadline, testimony of witnesses was discouraged, afternoon and evening sessions were held, and at the conclusion of the public hearings, it was announced that the Poverty Subcommittee would meet the second day at 10 a.m. to approve the bill and the full committee would meet at 10:30 the very same day to give it final committee blessing and send it to the House.

But something happened. The Democrats who for a period of 3 weeks had sung the public praise of this bill suddenly found themselves in disagreement. Apparently some of them actually read what was in it. The Johnson poverty express had jumped the tracks.

The Committee on Agriculture, concerned over strange provisions of title III, initiated its own hearings.

Those of us on the Education and Labor Committee are advised that the Republicans are to be locked out of further deliberations until the Democrats have worked out a compromise and close ranks. Best available information indicates the compromise will be presented to the Republicans on a take-it-or-leave-it basis.

In all the wordy discussions of this so-called poverty package, there is no reference to responsibility, no encouragement for effort, no directive for determination. But what about those millions of Americans who are making their own way, who are working willingly at whatever tasks may come to hand to stay solvent and move ahead? They will be called upon to pay for this purely political proposal, and they are entitled to know what the cost of this program will be to them this year, next year, and every year thereafter.

We, in America, have always prided ourselves on the fact that this is the land of opportunity. That those with the will to achieve can achieve.

We have always aided and nurtured the oppressed and the downtrodden. But we have never, and we should never, deprive any man of need—indeed the obligation—to achieve by his own efforts. A program which makes idleness attractive will beget idleness.

A program which preempts local responsibility will destroy local responsibility. A program which undermines community and State governments will supplant community and State governments.

The concept of the all-pervading, all-powerful Central Government must be resisted by each of us in the name of survival, for if this power is not contained, neither we nor the free institutions we have created will survive.

If President Johnson really wants to do something new and effective in the area of combating poverty, he might well turn on the White House lights and look carefully and critically at the $40 billion now being spent to combat poverty.

If these United States are actually as poverty stricken as the President is telling the world, the $40 billion antipoverty effort now underway is missing its target, but good.

Instead of establishing a new layer of the same old programs, past and present, let us find out what is wrong with the expensive programs already in motion and redirect them.

Surely the President can do better than to offer a war on poverty so thin it will not even pay a respectable sales tax on the programs already in being, so transparent politically that it was promoted directly by the Democratic National Committee, and so harmful internationally that it projects to the world a false image of America as a place of economic squalor.

The clear political motivation was clearly reflected in the May 1 issue of the Wall Street Journal, which quoted an unnamed Democratic member of the Education and Labor Committee as saying:

> We want a Lyndon Johnson bill.

Let us be realistic. This is presidential election year, and the President wants a poverty program he can call his own. There is a way to satisfy the President's political appetite and still be merciful to America's long-suffering taxpayers.

It is easy.

All we need to do is pass a bill imprinting the "L.B.J. brand" on all existing Federal programs which are aimed at meeting some aspect of poverty.

Here are the major items:

The public works acceleration program would become the Johnson public works acceleration program to combat poverty. It is already budgeted at $214.2 million.

The cooperative extension—Smith-Lever Act—would become the Johnson cooperative extension program to combat poverty. Is is already budgeted at $39.8 million.

The agricultural research—Hatch Act—program would become the Johnson agricultural research program to combat poverty. It is already budgeted at $39.8 million.

The Farmer Cooperative Service would become the Johnson Farmer Cooperative Service To Combat Poverty. It is already budgeted at $1.1 million.

The Economic Research Service would become the Johnson Economic Research Service To Combat Poverty. It is already budgeted at $6.3 million.

The special milk program would become the Johnson special milk program to combat poverty. It is already budgeted at $99.8 million.

The school lunch program would become the Johnson school lunch program to combat poverty. It is already budgeted at $374.5 million.

The food stamp plan would become the Johnson food stamp plan to combat poverty. It is already budgeted at $51.1 million.

The direct distribution program—surplus foods—would become the Johnson direct distribution program to combat poverty. It is already budgeted at $204.4 million.

The Farmers Home Administration rural housing grants and loans program would become the Johnson rural housing grants and loans programs to combat poverty. It is already budgeted at $23.1 million.

The rural renewal loan program would become the Johnson rural renewal loans program to combat poverty. It is already budgeted at $2.1 million.

The rural areas development coordination program would become the Johnson rural areas development coordination program to combat poverty. It is already budgeted at $100,000.

The Farmers Home Administration direct loan program would become the

Johnson direct loan program to combat poverty. It is already budgeted at $327.5 million.

The rental housing for elderly program would become the Johnson rental housing for elderly program to combat poverty. It is already budgeted at $5 million.

The Area Redevelopment Administration program would become the Johnson Area Redevelopment Administration program to combat poverty. It is already budgeted at $222.5 million.

The vocational education program would become the Johnson vocational education program to combat poverty. It is already budgeted at $190.4 million.

The National Defense Education Act student loan program would become the Johnson National Defense Education Act student loan program to combat poverty. It is already budgeted at $135 million.

The National Defense Education Act school equipment program would become the Johnson National Defense Education Act school equipment program to combat poverty. It is already budgeted at $62 million.

The National Defense Education Act guidance program would become the Johnson National Defense Education Act guidance program to combat poverty. It is already budgeted at $24.7 million.

The National Defense Education Act area vocational-technical program would become the Johnson National Defense Education Act area vocational-technical program to combat poverty. It is already budgeted at $15 million.

The cooperative research and demonstration program would become the Johnson cooperative research and demonstration program to combat poverty. It is already budgeted at $17 million.

The education of handicapped children program would become the Johnson education of handicapped children program to combat poverty. It is already budgeted at $16.5 million.

The vocational rehabilitation grants to States program would become the Johnson vocational rehabilitation grants to States program to combat poverty. It is already budgeted at $100.1 million.

The vocational rehabilitation research and training program would become the Johnson vocational rehabilitation research and training program to combat poverty. It is already budgeted at $40.6 million.

The chronic diseases and health of the aged program would become the Johnson chronic diseases and health of the aged program to combat poverty. It is already budgeted at $53.7 million.

The communicable diseases program would become the Johnson communicable diseases program to combat poverty. It is already budgeted at $30 million.

The community health practice program would become the Johnson community health practice program to combat poverty. It is already budgeted at $22.6 million.

The hospital construction program would become the Johnson hospital construction program to combat poverty. It is already budgeted at $270 million.

The environmental engineering and sanitation program would become the Johnson environmental engineering and sanitation program to combat poverty. It is already budgeted at $9.2 million.

The Indian health activities program would become the Johnson Indian health activities program to combat poverty. It is already budgeted at $62.2 million.

The public assistance grants to States program would become the Johnson public assistance grants to States program to combat poverty. It is already budgeted at $2,739.4 million.

The public assistance administration, services and training program would become the Johnson public assistance administration, services and training program to combat poverty. It is already budgeted at $262.6 million.

The Bureau of Family Services program would become the Johnson Bureau of Family Services program to combat poverty. It is already budgeted at $5.9 million.

The maternal and child welfare program would become the Johnson maternal and child welfare program to combat poverty. It is already budgeted at $131.8 million.

The Office of Aging program would become the Johnson Office of Aging program to combat poverty. It is already budgeted at $600,000.

The cooperative research for social security program would become the Johnson cooperative research for social security program to combat poverty. It is already budgeted at $1.8 million.

The Indian education and welfare program would become the Johnson Indian education and welfare program to combat poverty. It is already budgeted at $96.9 million.

The Indian resources management program would become the Johnson Indian resources management program to combat poverty. It is already budgeted at $40.7 million.

The Indian construction and irrigation program would become the Johnson Indian construction and irrigation program to combat poverty. It is already budgeted at $51.1 million.

The manpower training and development program would become the Johnson manpower training and development program to combat poverty. It is already budgeted at $411 million.

The area redevelopment training program would become the Johnson area redevelopment training program to combat poverty. It is already budgeted at $9 million.

The apprentice training program would become the Johnson apprentice training program to combat poverty. It is already budgeted at $5.5 million.

The unemployment insurance service and U.S. Employment Service would become the Johnson unemployment insurance service and U.S. Employment Service program to combat poverty. It is already budgeted at $13.4 million.

The low-income housing demonstration programs would become the Johnson low-income housing demonstration programs to combat poverty. It is already budgeted at $5 million.

The public facility loans program would become the Johnson public facility loans program to combat poverty. It is already budgeted at $110 million.

The urban renewal grants program would become the Johnson urban renewal grants program to combat poverty. It is already budgeted at $1,320.3 million.

The housing for elderly loan fund program would become the Johnson housing for elderly loan fund program to combat poverty. It is already budgeted at $100 million.

The low-rent public housing grants program would become the Johnson low-rent public housing grants program to combat poverty. It is already budgeted at $230.6 million.

The low-rent public housing development loans program would become the Johnson low-rent public housing development loans program to combat poverty. It is already budgeted at $399 million.

The business loans program would become the Johnson business loans program to combat poverty. It is already budgeted at $197.1 million.

The investment and development company assistance; debenture purchase and loans program would become the Johnson investment and development company assistance; debenture purchase and loans program to combat poverty. It is already budgeted at $105.3 million.

All this comes to the grand total of $8,738,600,000 already budgeted for fiscal 1965.

Simply by changing the names the President could proudly refer to his $8.7 billion program to combat poverty. If the dollar total is an accurate measure of the political sex appeal of a program, then this name-change approach should yield the President more than eight times the votes next November, compared with the vote-pulling power of his billion-dollar package now before the Education and Labor Committee.

If $8.7 billion does not sound fancy enough, we could rename the social security, unemployment compensation, and other similar programs. This would bring the new total to $40 billion.

This indeed would be a Texas-size program to combat poverty, and the beauty of it is the only extra burden of all this—beyond the amounts already budgeted—would be the trifling cost of routing the name-change bill through Congress.

Facts About Antitrust Myths

EXTENSION OF REMARKS
OF

HON. EMANUEL CELLER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 5, 1964

Mr. CELLER. Mr. Speaker, in each of the last 2 years anti-antitrust articles have appeared in Fortune magazine. Whether we will be favored with another article in the same vein this year, I do not know. After considering the articles at some length I have concluded that an extended comment, at least as to the latter of those two articles, should be made. To echo one whose years and attainments exceed mine, I have not been chairman of the Antitrust Subcommittee of the

House Committee on the Judiciary these many years merely to preside at the liquidation of our valuable antitrust laws.

On reading the article by Professors Bork and Bowman in the December 1963 issue of Fortune, I could only conclude that the Yale Law School of the Thurman Arnold era had gone downhill rapidly. Out of their compound of errors of fact and logic Fortune has found that they have demonstrated that "antitrust has been perverted from preserving competition to preserving competitors from their more efficient rivals." Fortune suggests, therefore, that businessmen urge legislative redress.

Last year Fortune published an article mounting an extreme attack upon the antitrust laws and antitrust policy. In a complementary editorial of much more moderation, Fortune invited debate. The debate in Fortune thus far appears to have been on one side.

One wonders whether the editors of Fortune realize that the authors of the article they so warmly espouse appear to endorse an expanding area of per se violation rules. Is this what Fortune and business desire?

I can certainly agree with the authors' appreciation of the value of per se rules in price-fixing cases. Their general support for competition is also welcome. From there on the area of my disagreement with the writers far exceeds the area of agreement.

Professors Bork and Bowman say that "practices conventionally labeled 'exclusionary'—notably, price discrimination, vertical mergers, exclusive dealing contracts, and the like—appeared to be either competitive tactics equally available to all firms or means of maximizing the returns from a market position already had." This is like saying that the rich man and the poor man are equally free to go to the Riviera or to sleep on a park bench.

The authors pose the example of firm X, which already has 10 percent of a market, signing up on full requirements contracts an additional 10 percent. They suggest that this is meaningless because if this 20 percent entered into such arrangement because of X's greater market acceptance, X's market share would have been enlarged anyway. To this one might answer that greater market acceptance might have taken X only up to 10 percent of the market or a little beyond, and that to obtain the 20 percent it might have been thought necessary to obtain exclusive contracts.

The authors suggest, as another possible reason, that X might have offered an extra inducement. But, they say such extra inducement was available to its competitors. Here again the well-heeled and less well-heeled are deemed to be equally well situated.

They admit the possibility of full line forcing and the imposition of higher costs upon a competitor, but this possibility is summarily disposed of as unlikely or rare. Regarding the use of reciprocity to bring about exclusionary practices, the professors are silent.

From this prefatory rationale we are led to the myth theory of exclusionary practices. The authors aver that "a moment's thought indicates moreover, that the notion of exclusionary practices is not merely theoretically weak but is, for such a widely accepted idea, remarkably lacking in factual support. Has anybody ever seen a firm gain a monopoly or anything like one through the use of requirements contracts? Or through price discrimination? One may begin to suspect that antitrust is less a science than an elaborate mythology, that it has operated for years on hearsay and legends rather than on reality."

The myth theory of antitrust has, in recent years, been advanced on a number of fronts. Thus, under the myth theory, corporations and businessmen plead nolo contendere not because they have violated the antitrust laws, but just because they want the Government to go away. Under the myth theory of antitrust every case lost by the Antitrust Division is proof that it is attempting to enforce the antitrust laws improperly, while the great preponderance of antitrust cases in which the Government obtains a judgment is proof of nothing.

But it has remained for two Yale professors to bring the myth theory to exclusionary practices, going back as far as the 1911 Standard Oil case. I regard such charge as extremely serious. I have, therefore, in an appendix to this article, collected a number of instances of exclusionary practices. There are many more such examples. From these examples one may judge whether it has been the influence of Bullfinch's "Mythology" that has shaped antitrust.

Bork and Bowman made a direct attack upon the incipiency theory of attacking the poison before it has taken effect. They say that "the difficulty with stopping a trend toward a more concentrated condition at a very early stage is that the existence of the trend is prima facie evidence that greater concentration is socially desirable." Under this theory one might rationalize that a trend toward juvenile delinquency is desirable.

One might agree that at the incipiency stage one may be uncertain as to what may happen in the future, but prima facie certainty of the desirability of a final result, because there is a trend toward it, is not supported by experience.

But, say the professors, such trend indicates there are economies of scale which make larger size more efficient. I submit that this is an arrant non sequitur:

First. It is just as likely that a merger trend may be to eliminate competitors or price cutters, to stabilize an industry, to acquire captive outlets, or to obtain capital gains benefits;

Second. As I have noted in an article, in the December 1963 issue of the Antitrust Bulletin, large size is not an assurance of efficiency. Some of our large companies have been notoriously lazy and inefficient. In others, their very size mitigates against optimum efficiency. What is one to think of a company which, in order to become more efficient, needs to acquire other companies?

In the General Electric Co. case—see appendix—the Court pointed out that the dominating position of that company gave it the power of setting the standard of efficiency of incandescent lamps for the entire industry and thus determine what should be their length of life.

Does integration of the small into the large insure efficiency? The independent retailer, prior to his merger, may have bought all or most of his needs from other manufacturers. This may have been because he preferred their prices, their service, their styles, or their quality. Does it make for efficiency or inure to the benefit of the public if he becomes a captive to a manufacturer who wants to make sure his product comprises most of the wares of the retail outlet?

This is not an academic problem. The Government has brought a number of antitrust cases against gasoline companies which prevented their dealers from purchasing auxiliary supplies from other companies. It is worth pointing out that Bethlehem Steel Co., prevented from acquiring Youngstown Steel Co. because of an antimerger suit, has announced plans of building a new modern plant.

Professors Bork and Bowman object to testimony that competitors have been, or are likely to be, injured by a merger or other antitrust action. They argue that it is with competition, not competitors, with which the antirust laws are concerned. They do not suggest what better proof of adverse effect on competition may be available than adverse effect on competitors. Seemingly, in the wonderful world of Nod, in which the professors dwell, there may be competition without competitors.

It would be unusual if a conspiracy to restrain trade or to monopolize, was not aimed at particular competitors. In the abstract the antitrust laws may generally be concerned with competition; in the concrete they can hardly avoid being indifferent to what happens to competitors. The two concerns will often coincide. And in the case of mergers, since the test is probability of substantially lessening of competition or tendency to monopolize, it would ordinarily take more than an isolated instance of injury to a competitor to come within that test, but once a number of competitors are injured, the likelihood of a substantial lessening of competition becomes more real.

The professors argue, seemingly, that it should make no difference how the inefficient businessman is eliminated, whether because of natural forces, merger, or because of unfair tactics. As to the latter, they would use the myth theory. As to a merger, they would say that mergers are part of the natural business process—Adam Smith said this was also true of price fixing. The presence of even an inefficient competitor as a brake on monopolistic pricing is not thought worthy of mention. And since inefficiency may be a reflection of poor management, the inefficient competitor of today may be the efficient competitor of tomorrow—not so if it has been merged.

Seemingly, moreover, a merged company is ipso facto considered to be less efficient than the merging company. To the writers to be of small size or unintegrated is to be inefficient. Actually often the contrary is true. A reason not infrequently given for acquiring a smaller company is to acquire its know-how which the larger company was unable to match.

As to the attitude of Congress, I would call the attention of the authors to the legislative history of the Celler-Kefauver Act which made it clear that the Congress was concerned over the growth of oligopoly through the merger route. I ought to know; I was coauthor of that act.

The writers return to their inefficiency theme by asserting that the antitrust laws are being used to subsidize the inefficient. Except for the alleged case of the Brown Shoe merger—which I shall come to later—they give no example of such subsidization. I might point out that law enforcement generally "subsidizes" those protected by its enforcement. It does so on the theory that there are recognized wrongs and recognized rights. The fact that the law may protect the embezzler, as well as the saint, from the thug may disturb the professors. I do not want a system of law under which a man's right to the protection of the law may depend upon someone's estimation of whether he is good or bad.

A final word on this question of efficiency. One might well shudder at the legal battles which might ensue over an issue as to comparative efficiency.

Professors Bork and Bowman charge that the Government's attack on conglomerate mergers is merely an attack upon the competitive advantage of enhanced efficiency. They say, "any law that makes the creation of efficiency the touchstone of illegality can only tend to impoverish us as a nation." This argument assumes many things. It assumes that the greater advertising power arising from greater capital resources is a mark of efficiency which will inure to the benefit of the consumer in better products and cheaper products. It assumes that a company operating as a part of an integrated complex, will be operated efficiently. It assumes that such merger will encourage other independent companies to become more efficient rather than to become more interested in merging into larger companies. It assumes that the likelihood of a substantial lessening of competition or tendency to monopolize—the requirements of the Merger Act—is more apt to promote efficiency and to be more beneficial to the public than the absence of such likelihood.

I note that, ironically enough, in the Brown Shoe Company case, Brown argued in the Supreme Court that examples of unsuccessful integrated shoe companies demonstrated that vertical integration in the shoe industry had no significance.

In the General Electric case referred to in the appendix, the Court noted, with respect to that large integrated company:

> Only when General Electric was caught in a draft of competition to satisfy the demand of the market created by an independent manufacturer of the three way lamp base did it activate itself to produce a similar type base of which its policy had heretofore discouraged the manufacture.

The authors say that the Supreme Court "has with increasing frequency taken extreme anticompetitive positions." To those of us who have had antitrust policy and antitrust enforcement at heart, this is an incredible statement. It will, I wager, create equal amazement among businessmen and the antitrust bar. It has been the Supreme Court which, time and time again, has upheld and promoted antitrust policy and antitrust enforcement when others have faltered badly.

Congress and such antitrust stalwarts as the late Senator Kefauver are taken to task as foes of the free market and as proponents of less competition. Since I am not mentioned by name I shall merely note a few facts. The Civil Investigative Demand Act of 1962 is not referred to by the authors, nor is a pending bill, introduced by this writer, to strengthen section 5 of the Clayton Act. Since the writers have mentioned the quality stabilization bill, I might note that I know Senator Kefauver was opposed to it, and I have been one of its most active opponents.

I consider the authors' generalized remarks about the personnel of the Antitrust Division and the Federal Trade Commission grossly inaccurate and grossly unfair. I have known many of them, some have been members of my staff. In most instances their balance of perspective is in sharp contrast to the absence of such balance evidenced in the authors' article.

Professors Bork and Bowman reserve their heaviest artillery for the Brown Shoe Co. case. To hear them tell it, the Department of Justice was wrong in bringing the case, the district court was wrong in its adjudication of violation, and the nine justices of the Supreme Court, who also found the law violated, were woefully in error. On reading what the professors have to say about that case, I find it hard to believe that they were familiar with the Brown Shoe record.

In that merger case, Brown Shoe Co. acquired the Kinney Shoe Co. Let us see what Professors Bork and Bowman say the facts were and compare what they say with the actual facts.

BORK AND BOWMAN

Brown was first primarily, a shoe manufacturer and Kinney was primarily a retailer; second, Brown had 4 percent and Kinney had 0.5 percent of the Nation's shoe output; third, Kinney had 1.2 percent of total national retail shoe sales by dollar volume and together they had 2.3 percent of total retail shoe outlets.

Say Messrs. Bork and Bowman:

Fourth:

> With over 800 shoe manufacturers, the industry was as close to pure competition as is possible outside a classroom model.

Fifth, the Court said the share of the market foreclosed when taken together with the trend toward vertical integration and Brown's avowed policy of forcing its own shoes upon its retail subsidiaries spelled out illegality. The trend was seen in the fact that a number of manufacturers had acquired retailing chains. Thirteen largest shoe manufacturers operated 21 percent of the census shoestores. Accepting that figure for the moment, it is impossible to see any harm to competition, since there would be room for over 60 manufacturers of equal size to integrate to the same extent; sixth, moreover, census shoe stores do not include such key outlets as department and clothing stores; seventh, even if there was complete integration, any new manufacturer could find or create outlets any time he chose. The Court's cited trend toward vertical integration was thus impossible to visualize as a threat to competition.

Eighth:

> Brown's avowed policy of forcing its own shoes upon its retail subsidiaries turn out, upon inspection of the Court's footnotes, to spring from the testimony of its president that Brown's motive in making the deal was to get distribution in a range of prices it was not covering, and also, as Kinney moved into stores in higher income neighborhoods and needed to upgrade and add new lines * * * it would give us an opportunity, we hoped, to be able to sell them in that category.

Say the authors:

> The empirical evidence of coercion was no more impressive than this "avowal."

At the time of the merger, Kinney bought no shoes from Brown; 2 years later Brown was supplying 7.9 percent of Kinney's needs. Brown's sales to others had gone as high as 35 percent and in one case 50 percent of requirements. So, say Bork and Bowman:

> The "trend toward vertical integration" and the "avowed policy of forcing its own shoes upon its retail subsidiaries" was thus almost entirely imaginary.

Ninth. Even if accepted at face value, since Kinney supplied about 20 percent of its retail requirements, less than 1 percent, in fact less than one-tenth of 1 percent of the Nation's total retail sales had been foreclosed by the merger. The Court reached an incredible result on the vertical aspect of the case.

Tenth. The holding of the Court on the horizontal aspects was based on similar reasoning. The Court found creation of market shares as low as 5 percent in any city illegal because of fear of monopoly. Twenty firms in an industry is not oligopoly.

Eleventh. In view of ease of entry into shoe retailing, Supreme Court's fear of oligopoly is simply incomprehensible.

Twelfth. The Court was clearly wrong in suggesting that the merger was bad because Kinney's ability to get shoes cheaper from Brown would give it an advantage over other retailers.

Thirteenth. The Court's statement that the merger statute was designed to protect competition but not competitors is utterly inconsistent with its further statement that Congress desired to promote competition through the protection of "viable, small, locally owned businesses."

Fourteenth. The Brown Shoe-Kinney merger did not even remotely threaten competition.

THE FACTS

First. Although primarily a manufacturer, Brown was one of the largest shoe retailers in the country. It controlled over 1,320 retail outlets. Kinney was the

12th largest shoe manufacturer in terms of sales. It was the eighth largest in terms of assets.

Second, Brown was the third largest shoe manufacturer by dollar volume, and the fourth largest by volume of production. It produced over 25 million pairs of shoes.

Third and ninth. Kinney operated the largest family-style shoe store chain in the United States. It was a rapidly growing chain, with about 352 stores at the time of the merger, over 400 in 270 cities at the time of the trial, and over 500 when the case reached the Supreme Court. Its retail stores had sales of over $42 million annually. Among shoe sellers, either retailers or manufacturers, or both, it was the eighth largest.

Kinney sold 6.4 million pairs of shoes in 1955, which it purchased from outside sources. This exceeded the production of any of over 95 percent of the shoe manufacturers. A market of such size is one of great desirability for many shoe manufacturers. The record showed that in 1955 there were 66 suppliers of Kinney, each of whose sales to Kinney exceeded $50,000, and only 3 of which were large companies. At least each of five of Kinney's suppliers relied upon Kinney to purchase more than 40 percent of the company's total production in 1955.

Since Kinney did not sell high-priced shoes, it is obvious that even on a nationwide scale its market percentage of the type of shoes it sold was well above 1.2 percent, and as Justice Harlan noted:

> In terms of available markets for independent shoe manufacturers, the percentage of Kinney's purchases must have been substantially larger.

What the professors omitted also was the fact that in 27 cities, Kinney accounted for over 20 percent of all shoe sales; in 58 cities, over 15 percent; in 74 cities, over 13 percent.

I might suggest that even 5 percent of a market might mean the difference between a small manufacturer being able to sell in a particular city or having no outlet there.

It is a matter of common knowledge that at the retail level the most significant economic fact in recent years has been the growth of shopping centers. In such centers chain shoestores are common; independent stores, rare. Kinney had stores in 115 shopping centers in 1958. Kinney has been going into shopping centers, often as the sole store there, a situation not infrequently brought about by Kinney:

> I checked the particular shopping center in Washington, you referred to; your information is correct, that we have a shoe-exclusive there.
>
> We have a number of these exclusives, and try our darndest to get them in every shopping center we are interested in. (Letter of vice president of Kinney.)

One can hardly ignore, as the writers have, the significance of such markets and effect of a Brown-Kinney merger upon their availability to other manufacturers.

Fourth. Of the 800 plus shoe manufacturers in this country, the top four produced approximately 23 percent of the Nation's shoes. The five companies which were 45th to 50th in size, produced 1.4 percent of the industry's production. The fifth largest company produced substantially less than one-half the production of the smallest of the top four.

In terms of value of shipments, the top four had about 30 percent, the next four 6 percent, and the largest 20 companies 45 percent. In 1957 Brown's production of shoes was over 20 times as much as any company among 97 percent of the industry.

The four largest companies had total assets of over one-third of the total assets of all the other companies in the industry. In 1955 the total assets of 916 shoe companies were roughly equivalent to the total assets of 11 companies. The top 4 companies had 171 plants between them, the next 6 had a combined total of only 41, more than half of which were operated by 2 companies.

Now, what about the trend? There has been a constant decrease in the number of shoe manufacturers despite an increase in total production. In 1947, there were 1,077 manufacturers; in 1954, 970; in 1958, 872. During this same period there was a concomitant decrease in the number of operating shoe plants, but the number operated by the largest four increased by 35 percent—largely through acquisition of other shoe manufacturers. While the position of the smaller manufacturers was deteriorating, the top four from 1947 to 1954 increased their percentage of the value of total shipments by 2 percent.

In 1945 the difference between the volume of sales for the largest shoe firm and the 18th largest was about $139 million. In 1956 the disparity between the volume of the largest and the 11th was over $245 million.

The fact of the matter is that the business is very unevenly distributed. As the trial court commented:

> A few large firms * * * control sizable segments of the business with the balance decided among hundreds of others having minute segments.

Fifth. The authors omit to say that in 1956 six large firms operated 18 percent of the Nation's shoestores.

There was a definite vertical merger trend in the industry. In 1945 the largest company had no retail outlets; by 1956 it had acquired 130. The second largest had 80 retail outlets in 1945, and 526 by 1956. Only a merger suit halted it in that upward progression. Brown had no retail outlets of its own in 1951, but had acquired 845 by 1956. Two of the top six manufacturers had gone from 301 to 842, and 536 to 947 respectively, from 1945 to 1956. Between 1950 and 1956, 9 independent shoestore chains, operating about 1,300 retail stores, became subsidiaries-at-large shoe companies. The record shows other attempts at vertical mergers by the shoe companies. Brown, in the 4 years prior to its merger with Kinney, had been acquiring retail stores on a large scale.

In addition, the large shoe manufacturers were expanding their franchise system by which they controlled many more shoestores.

Moreover, between 1950 and 1956, 7 companies, with 25 shoe plants, were acquired by the 10 companies which operated 20 percent of all shoe manufacturing plants.

The president of Brown noted that "General, Brown, and International acquired the larger companies." It may be noted that when an integrated manufacturer acquires an independent manufacturer, as testified in the Brown Shoe Company case, an independent retailer may find his sources of supply drying up, since small manufacturers vary widely in the type and quality of shoe they make.

To talk of room for 60 integrated shoe companies of equal size in the context of an industry, marked by inequality of size, hardly measures up to responsible argument.

Sixth. There was no evidence that clothing stores represent an important shoe market. As to department stores, the evidence showed that, commonly, shoe selling in department stores was on a leasing arrangement. And the big manufacturers were very prominent lessees. Thus, Brown, in 1951, acquired Wohl Shoe Co., the Nation's largest operator of leased shoe departments. Wohl had 250 outlets in department stores.

Seventh and eleventh. That even though the industry might be wholly integrated "any new manufacturers could create or find new outlets anytime he chose," is poppycock. The case is replete with proof that affiliated stores favored their manufacturer affiliate, and that the independent manufacturer found it hard put to obtain any business from the captive stores. There was evidence, moreover, that since large shoe chains have many of their own brand names, they concentrate on manufacturers who will manufacture makeup shoes for them rather than shoe manufacturers who would prefer to promote their identity and independence through their own brand names.

If it were so easy to create new outlets, it is surprising that the major manufacturers were so eager to use mergers as a means to secure such outlets. One wonders also why so many shoe manufacturers have departed from the scene.

I have already mentioned the situation of the shopping-center shoe market.

A manufacturer cannot live on the business of one store. He has to have access to a number of them. Moreover, the manufacture and the retailing of shoes do not involve the same skills and know-how. The able manufacturer may be a poor retailer, and the cost and risk for a small manufacturer to go into retailing in competition with the existing giants is a real one.

Eighth. Even if Brown's alleged forcing policy rested upon its president's letter and upon the portion of Kinney's purchases Brown took over after merger, these would seem to be ample proof of the existence of such policy. But there was other evidence omitted by the professors.

The same president, in another memorandum, stated:

> One of our principal objectives in acquiring retail stores is to protect and guarantee distribution of our products in areas where

> independent retailers could not give our brands adequate distribution because of their affiliations with other branded manufacturers.

Justice Harlan noted that—

> The result of Brown's earlier acquisition of two retail chains, was in each instance a substantial increase in their Brown shoe purchases.

For instance, Wohl's purchases from Brown jumped from 12.8 percent before merger to over 33 percent after merger.

There was evidence that when other manufacturers acquired retail stores, such outlets curtailed their purchases from other manufacturers and took more from their parent. Thus, an independent manufacturer testified:

> Question. Have you ever suffered any loss of business as a result of acquisition from any other corporation?
>
> Answer. Yes, sir.
>
> Question. Can you state an example of this?
>
> Answer. Well, Bon Marche in Pensacola, Fla., is an account; we had an order of 427 pairs on hand when that was acquired by International Shoe Co. and the order was canceled and we since have sold them nothing.

Brown entered into contracts with a number of its franchised dealers which provided:

> I will (1) concentrate my business within the grades and price lines of shoes covered by Brown Shoe Co. franchises, and will have no lines conflicting with the Brown Shoe Co. brands.

There was considerable other proof of forcing by Brown.

Tenth. There was proof that Brown and Kinney were in active competition with one another.

On the retail level the acquisition of Kinney moved Brown into second place in the number of owned and operated stores, and, including other stores controlled by Brown, gave the latter about 7.2 percent of the total. By May 1958, Brown with Kenney controlled about 1,840 retail shoe outlets.

The combination of Brown and Kinney gave the former control of over 40 percent of shoe sales in two cities, in five over 30 percent, and in seven from 25 to 30 percent. In 32 cities the combined share of Brown and Kinney sales exceeded 20 percent, and this was true of children's shoes in 31 cities. These figures, moreover, did not include sales of Brown shoes in these cities by retailers not controlled by Brown. Such sales significantly enlarged the extent of the local market occupied by Brown and Kinney shoe sales.

Twelfth. The proof shows that in some instances integrated companies charged less to their retailing subsidiaries than to their nonaffiliated retail customers.

The possible ability of Kinney to get shoes cheaper from Brown might not come from increased efficiency at all. It might be a matter of bookkeeping. In the long run Kinney might lose out by not having the benefit of a number of competitive manufacturers bidding for its trade. It might lose other retailing advantages which would offset lower prices from Brown.

Thirteenth and fourteenth. These points I have already answered. I find it utterly incomprehensible for anyone to say of the Brown Shoe merger that it did not even remotely threaten competition.

CONCLUSION

To me the basic flaw in the professors' thinking is apparent in the complete absence in their article of an awareness of an important aspect of our antitrust laws. On the basis of experience, these laws assume that all too often monopoly or oligopoly power will not be exercised to promote efficiency and low prices, but will be used either inefficiently or to maximize profits by high prices. I have noted some such examples in the appendix to this article. Moreover, such power has consequences in terms of choice of employment, deterrent to new entrees in the field, and political power that involve grave social and economic considerations.

I certainly would not want to eliminate big business from the American scene. A large-scale landscape without some mountain peaks would be dull indeed. They can add much to the welfare of all of us. But I think there is room for, and desirable that there be, enterprises of moderate and small size. I believe that the latter have survived, and have been of great benefit to our competitive system, largely through the policy and enforcement of our antitrust laws.

To the professors I would say: When you use a shotgun, make sure the target is there.

APPENDIX

A. ILLUSTRATIONS OF EXCLUSIONARY PRACTICES

First. *Glass Containers—Hartford-Empire Co.* (323 U.S. 386): A footnote to the Fortune article advises that Professor Bowman was with the Antitrust Division during most of the years 1938 to 1946. It was during that period that the Division brought a landmark antitrust case, known as the Hartford-Empire case. That case involved glass container and glassmaking machinery industries. There was a far-reaching conspiracy between leading glass makers and Hartford-Empire, a patent holding company, to restrict production, restrict entry, and competition. The case abounded in exclusionary practices. But, perhaps the best way to combat a myth is with actual documents.

Thus the secretary of Hartford-Empire wrote in 1928:

> (3) We began our commercial expansion in 1917 when our first feeders were put in production. It was at once apparent that if we put out these machines broadcast, without restriction, we would disorganize the whole industry * * *. In fact, our first group of licensees said so expressly and urged us to take measures to prevent such a result.
>
> (4) Consequently, we adopted the policy which we have followed ever since of restricted licensing. That is to say:
>
> (a) We licensed the machines only to selected manufacturers of the better type, refusing many licensees whom we thought would be price cutters, and
>
> (b) We restricted their fields of manufacture, in each case, to certain specific articles, with the idea of preventing too much competition.
>
> (c) In order to retain more complete control of the situation, we retained title to the machines, and simply leased them for a definite period of years, usually 8 or 10 years, with the privilege of renewal of a smaller additional term.
>
> * * * * *
>
> (6) * * * We felt it to be to our best interests, as well as for the best interest of the whole industry that we should use our influence to steady the industry as much as possible, with a long-distance view toward its general prosperity. The men at the head of our concern took this long-distance view deliberately and have ever since maintained it.

Some 7 years after the Standard Oil case Hartford purchased the Hitchcock patent—exhibit 1852:

> (a) Because of the probable value to us of the Hitchcock rights in suppressing other feeders, particularly that of Tucker & Reeves; (b) to prevent Hitchcock's rights from being acquired by our competitors, and (c) because of the probability that any drawback feeder we might use would infringe the Hitchcock claims.
>
> * * * * *
>
> Corning's patent counsel, V. M. Dorsey, reported to Corning in October 1920 (Ex. 677): "the whole bulb situation would be strengthened if a monopoly could be gotten into one hand, of the flowing field, with right to take bulb licenses from the owner of such monopoly, and that unless the Hartford-Fairmont Co. succeeded in doing this, as they expected to do, there would be a purely competitive field * * *."

In 1921 an officer of Hartford warned his board of directors—exhibit 1889—that—

> The Howard feeder was sufficiently good to upset trade conditions in general, inasmuch as this feeder when operated by the small glass concerns would permit the small concerns to continue to exist and at the same time quote prices which would be detrimental to the general trade.

Hartford met this threat by acquiring control of Howard.

The general manager of Owens-Illinois, the largest glass container manufacturer, in a conversation with an officer of Hartford, said—exhibit 26:

> There should be in the glass industry some concern like Owens in a sufficiently strong position practically to force a stable price policy upon all important producers; that if Owens, by the plan as above suggested, had the free use of its own suction feed and the free use of the gob feed it could then go to any other producer who threatened to cut prices and unstabilize the market, and inform him that such a policy was detrimental, but that if the outsider persisted in doing so Owens has a sufficient margin, by reason of its free use of both devices, so that if necessary it could come out on top in a price war and still make money.

According to a contemporaneous memorandum by Carter of Owens, in November 1923, two leading executives of Owens believed—exhibit 611:

> The advantage of having the feeder field under some patent control is so great, from a business standpoint, that this company would rather see such control in the hands of Hartford than to have the field open.

And the Court found from the evidence that the purposes of the 1924 agreement between Owens and Hartford were:

> (1) Stabilize the prices of glassware.
>
> (2) Restrict its production.

> (3) Exclude outsiders from the glassware industry (exhibit 23).
>
> (4) Exclude users of bottles from the glassware industry (exhibit 55).
>
> (5) Effect a monopoly of all patents relating to glassmaking machinery and the issuance of licenses thereunder.
>
> (6) Eliminate competition of other manufacturers of glassmaking machinery.
>
> (7) Allot the control of the licensing of suction to Owens and the control of the licensing of gob feeding to Hartford and Owens.
>
> (8) Avoid competition in glassware by the adoption of a restricted licensing policy by Hartford.

Owens was given veto power over Hartford's licensing others.

Among the competitors the conspirators tried to put out of business was T.R. & B. Hartford and Owens finally bought out T.R. & B. and the latter's licensees were compelled by Hartford to submit to numerous added restrictions to their licenses.

In 1930 an officer of Hartford explained:

> In taking out patents, we have three main purposes:
>
> (a) To cover the actual machines which we are putting out, and prevent duplication of them. * * *
>
> (b) To block the development of machines which might be constructed by others for the same purpose as our machines, using alternative means. * * *
>
> (c) To secure patents on possible improvements of competing machines, so as to "fence in" those and prevent their reaching an improved stage (exhibit 388).
>
> * * * * *
>
> We now have a number of applications which were filed to definitely forestall the development of competing machines by others (exhibit 388).
>
> * * * * *
>
> The district court found (U.F. 194, R. 7319) that in the 3 years 1927, 1928, and 1929, Hartford filed a total of 112 applications for the purpose of "fencing in" and "blocking off." During the same 3 years, it filed only 88 applications for the purpose of obtaining "direct patent protection," that is, for the purpose of affording patent protection to its own commercial machines (exhibit 388).

In 1933, while patent litigation was going on, Safford of Hartford noted:

> To Hartford's smaller licensees a breaking down of Hartford's licensing system meant freedom from royalties and ware restrictions, which they considered burdensome. To Hartford's larger licensees the amount of royalties paid meant less.
>
> Their chief worry was the unsettled industry which would inevitably result from a breaking down of Hartford's system of limited and restricted licenses. This system had offered very substantial protection in times past to certain restricted fields, and had prevented numerous manufacturers from competing on a par with Hartford's licensees (exhibit 1772 * * *).

Automatic glassmaking machinery consisted primarily of a feeder, a former, and a lehr. Hartford was early in the feeder field but later decided to go into the forming field as well. In connection with the acquisition of a company having former machinery patent applications, an officer of Hartford wrote:

> If some kind of control of forming machines can be obtained, it will * * * practically put us into a position where any bottle manufacturer will be forced to come to us for his equipment (exhibit 295).

The Lynch Corp. was an important factor in the forming field. In 1933 negotiations for a deal between Hartford and Lynch were had in which it was noted that:

> (1) All parties agree that it is desirable to corner the forming machine business.
>
> (2) The Lynch Corp. is willing to cooperate if they can get a reasonable break assuring them of a future volume of business (exhibit H-6048).

An official of Hartford wrote of this plan:

> Reasons for the plan are as follows:
>
> (1) It will prevent extra capacity being put into the glass industry.
>
> (2) Lynch being unwilling to furnish formers it will take away from them [nonlicensees] the incentive to build feeders.
>
> (3) It will also have the effect of taking from other persons the incentive to build feeders that might be used with Lynch machines.
>
> * * * * *
>
> (6) The former patent situation will be considerably stabilized.
>
> Reasons against the plan:
>
> (1) It is very definitely an extension of our feeder monopoly by means of our patent control as opposed to the commercial situation.
>
> * * * * *
>
> We are trying to bolster up a feeder situation, not as strong as we should like, with a spurious forming machine situation (exhibit 320).

Several nonlicensees felt compelled to accept Hartford feeder licenses, in part because they desired to secure Lynch forming machines. They, in common with other Hartford feeder licensees who signed "Former Licenses," could not thereafter use any but Hartford feeders with the Lynch forming machines without subjecting themselves to the payment of the same royalties to Hartford for the use of forming machines that they would have to pay for the feeder and forming machine licenses together.

The district court found that one of the purposes and effects of the forming machine agreement was to cause nonlicensees of Hartford's feeders to accept such feeder licenses and thereby to bolster Hartford's monopoly of feeders. It found that the agreement also had the purpose and effect of giving Hartford complete control over the distribution and use of all narrow-neck forming machines and substantially all efficient fully automatic wide-mouth forming machines and of preventing new capital and additional concerns from entering the glassware industry.

In December 1920 Hartford granted the Thatcher Mills Co. exclusive rights to make milk bottles under certain patents, and some 20 years later it still had such rights. A rebate arrangement as to other patented machinery protected its discriminatory position. In 1927 an officer of Hartford noted that "the milk situation is such that it is practically, to all intents and purposes, equivalent to an exclusive license."

> Furthermore, every manufacturer initially licensed to produce milk bottles on Hartford feeders after 1923, except Owens, Liberty, and Winslow (* * * [later] acquired by Owens), was restricted to a specified quota of bottles or was limited in the area in which they could be sold.
>
> On August 2, 1932, W. E. Levis of Owens wrote to R. H. Levis (Ex. 783 * * *): "With the plans we now have, there is certain to be a curtailment of the promiscuous manufacture of milk bottles on nonlicensed feeders, which will result in our company's and the Thatcher Co.'s securing a greater proportion of the available milk bottle business. This should stabilize the price and increase the earnings of the Thatcher Co."

When Thatcher acquired price-cutter Peerless, an officer of Hartford wrote to an officer of Corning in 1934:

> The purchase of the Peerless plant was an advantage to the industry and did relieve us of a troublesome situation.
>
> * * * * *
>
> (5) We have not been legally prohibited from licensing single feeders for milk bottles to anybody we saw fit, but during all these years we have protected Thatcher and Berney Bond and Buck by refusing to grant additional licenses for milks. This action on our part has stabilized the price situation and has been worth hundreds of thousands of dollars to Thatcher. It would have been a very simple thing for us to decentralize the production of milks throughout the country (exhibit 246).

In 1932 Hartford informed Ball, of fruit-jar fame, that—

> Hartford was continually declining new business in the belief that an association with your company would be more beneficial to us than to take our fruit-jar rights and license a number of concerns. The easiest thing we could do would be to license Kerr, Brockway, Underwood [Knox], Monaca, and five or six more concerns in the East and South, as well as on the coast * * *.
>
> On the other hand, it seems rather a pity to disrupt the existing general fruit-jar situation which, barring a few soft points, is pretty well in hand and affords a reasonable margin of profit (exhibit 181).

In 1933, Brockway asked Hartford for the right to manufacture fruit jars, but "Hartford was absolutely obdurate, the explanation being made that fruit jars were being reserved for Ball Bros." Thereafter, in 1933, Brockway sold out to Ball. Ball was not anxious to have Owens as an active competitor in the fruit jar field, so a side agreement was entered into between Owens and Hartford restricting the former's production of fruit jars.

> In 1930 H. K. Smith wrote of "Hartford's present and long established policy of endeavoring to limit competition between its licensees within reasonable bounds." (Ex. 392).

Exclusionary tactics included fraud upon the Patent Office. Thus, in 1924, patent counsel for Owens in a letter to patent counsel for Hartford stated:

> That in his opinion, if we should prove by court testimony what happened at the Hitchcock demonstration at Fairmont, there would be no chance whatever of making an ironclad monopoly on feeders, and that personally, he believed that under such conditions, the Owens Co. could work a plunger feeder, and get away with it, without being held as infringers. He stated, on the other hand, that if we did not disclose the secrets of the Charnel house, he thought we might close up everybody between us (exhibit H-5847).

The "secrets of the Charnel house" were kept secret until the Government instituted its antitrust suit.

Second. Motion pictures: The Schine Theatres case is a classic example of exclusionary practices. Schine was the largest theater circuit, not affiliated with a major producer, in the United States. In 1942 it had approximately 148 motion picture theaters in 76 towns. In 60 of such towns Schine had all the theaters. The late thirties and forties were the hayday of the motion-picture industry. There were eight major distributors of motion pictures in the United States. Large numbers of pictures were produced and distributed by them. It was customary for exhibitors to negotiate with the various distributors for a season's product.

The Schine case had many witnesses and many documents. For the most part the witnesses were former or current exhibitor competitors of Schine who, because of the conspiracy between Schine and the distributors, had either taken it on the chin or were taking it on the chin. The two professors would have us believe that this was because of the exhibitors' inefficiency and that the Government was attempting to subsidize competitors by bringing the suit.

Let us see what the case disclosed:

Schine used the buying power of its theaters in the towns where it had a monopoly as a lever to have the distributors deny pictures to its competitors in competitive towns, whether the competitor had better theaters or not, to impose unreasonable clearances upon them, and to subject them to other substantial discriminations.

Schine obtained franchises from the distributors on their product, covering a number of years. Thus, in 1936, Schine made a 3-year agreement with Fox and, as a result, the Fox product was committed in all the towns in which Schine then operated. Later this agreement was amended to include subsequently acquired theaters by Schine. In 1938 another 3-year agreement was made with Fox.

Schine obtained selective contracts with distributors whereby it could tie up a year's product and play only those pictures it desired to play. It leased closed theaters and renewed leases on closed theaters, paying substantial sums therefor to keep competitors out of towns in which Schine operated. In some instances, where competition started, it would keep such theaters open until a competitor was driven out and then close them again.

In a number of instances it was able to price-cut admission prices, in order to eliminate competition, by obtaining film license contracts with distributors from which minimum admission-price limitations had been deleted, while its competitors' contracts contained such limitations. Schine used a hatchetman to threaten competitors and in at least one instance tried to get his competitor's landlord to break his lease or to lease to Schine effective after the expiration of the competitor's lease.

To look at a number of specific examples:

First. In Amsterdam, N.Y., a competitor asked Warner for a second run. Schine asked Warner not to sell to the competitor, and although Warner's branch manager favored such sale, Warner declined to sell to Schine's competitor. This was so even though the competitor was the only second-run theater in the city.

Second. In Auburn, N.Y., a competitor of Schine, deprived of first runs by Schine, was unable to obtain second runs during a 3-year period when no Schine theater there played second runs.

Third. In Medina, Ohio, a new theater in opposition to Schine's old 300-seat theater, was able to obtain only Columbia product, and one-half the product from two of the eight distributors. As a result Schine got an interest in the new theater without paying therefore, and closed the 300-seat theater.

Fourth. In Corning, some distributors permitted Schine's theater to charge a lower admission price on an earlier run than Schine's competitor was required to charge for a later run.

Fifth. In Lexington, Ky., Schine's "subsidized" price warfare against a competitor was done on a large scale. Inability to get products, and discriminatory terms, led Schine's competition to leave the field, and Schine had all the six motion-picture theaters in the city.

Sixth. In Van Wert, Ohio, Schine's competitor, when it found most of its first-run taken away, tried to run on a second-run policy. With respect to Universal Pictures, we find that the Albany office of Universal wrote to the company's eastern sales manager:

> In Van Wert, Dave Miller (district manager) advises that upon Mr. Grainger's (general sales manager) suggestion, he took away the first run from the opposition and sold him a second run. Lynch claims that he does not want a second-run policy to prevail at the second run opposition and has promises from other major companies that they will not sell second run. Wants Dave Miller to reinstate first run at opposition as they will give up the pictures for this town. (Lynch was an official of Schine.)

There also, Fox licensed second run to a Schine competitor for the 1936–37 season on a 90-day clearance after Schine's theaters, but in the following year Fox licensed second run to a Schine theater there on a clearance which read "after Schine Van Wert. Sixty days on third run."

Seventh. In Rochester, N.Y., a competitor of Schine had two neighborhood theaters, the Madison and the Monroe. Schine acquired the Dixie in August 1932 and relinquished the Webster, the first time, in December 1933. When Schine acquired the Dixie the Madison lost its clearance over the Dixie, although the Dixie is a much smaller theater; whereas when the Webster was dropped by Schine it ceased to enjoy the clearance it had previously held over the larger Madison and Monroe. Schine paid less for films for prior runs than his competitor was charged for later runs, and even though the competitor offered even higher prices for an earlier run, with the exception of a second run from one distributor, he could not buy an earlier run at any price.

Eighth. Schine, the efficient monopolizer, in 1933 wrote to Metro relative to six towns:

> If there are any other opposition towns where you believe you can sell a second run, I would appreciate it if you would take the matter up with me first before selling.

Ninth. In Corbin, Ky., Schine had two theaters. When a new, superior theater was built in Corbin, its operator was unable to get either first-run or second-run pictures from the distributors. Between the fall of 1938 and the spring of 1940, when Schine was threatened with competition in Corbin, Schine had tied up all the first- and second-run product of all major distributors except Columbia second run. This amount of product was more than the operation of their two theaters in Corbin could use.

After the new theater opened Schine reduced its balcony admission prices at one of its theaters. Fox assisted Schine in this reduction by omitting from its license to Schine any minimum admission prices. After the operator of the new theater sold out to Schine, the latter raised its admission prices and closed one of the theaters.

Third. *United States* v. *General Electric Co.*, 82 F. Supp. 753 (1949): This opinion of more than 150 pages contains a wide ranging survey of exclusionary practices. To illustrate:

> The evidence discloses that the relationship between Corning and General Electric generated a condition whereby Corning preferred Westinghouse and General Electric's B licensees' business and that its other and independent customers were required to pay prices in excess of those with which Westinghouse and General Electric's licensees were favored.
>
> * * * * *
>
> The evidence is convincing that the relationship between Corning and General Electric inspired the negotiations between Corning and Hartford-Empire in order to protect the field in which Corning and General Electric had agreed they would operate and it also appears that Hartford-Empire in its dealings with Corning and other glass-producing interests always reserved the rights within Corning's field.
>
> * * * * *
>
> Corning negotiated with Hartford-Empire and Libbey and with Kimble to divide their glass production in such a manner that the electrical glass field would be strictly the domain of Corning and through it to General Electric. * * *
>
> * * * * *
>
> It is my understanding that we have for many years adhered closely to the policy of declining to sell incandescent lamp parts or materials (with the single exception of bases) to domestic manufacturers who are not licensed under the incandescent lamp patents of the General Electric Co. This has been true of unpatented as well as patented parts and materials (exhibit 239–G).
>
> * * * * *
>
> It is apparent that when either General Electric or Westinghouse could not secure public business on the basis of the lowest bid, their purpose was to exclude competition through the activities of their sales representatives in having bids thrown out and readvertised after new specifications drawn encompassing terms favorable only to them had been adopted.

Fourth. Medicine: In the early days of prepaid medical care, the American Medical Association and local medical societies tried to stop such plans. Their tactics included expelling doctors from medical societies or refusing to admit them to such societies, if they worked for such plans or if they were willing to be reimbursed for their bills through such insurance plans. Consultation was denied to such doctors as were hospital privileges needed to take care of their patients. A case of this sort involving the Group Health Association in the District of Columbia reached the Supreme Court (317 U.S. 519).

Fifth. The press: Not until an antitrust suit was brought were the bylaws of the Associated Press, which prevented competitors of existing members of AP from obtaining AP service, altered (326 U.S. 1 (1945)).

Sixth. Titanium: Letter of president of one of the companies in titanium cartel:

> May I call the proposed combination, for simplicity, a cartel? The whole purpose of the cartel is to obtain a monopoly of patents, so that no one can manufacture it excepting the members of the cartel, and so can raise the prices by reason of such monopoly to a point that would give us much more profit on our present tonnage, but also prevent a growth in tonnage that would interfere with their greater profits in lithopene. *United States* v. *National Lead Co.*, 66 U.S.P.Q. 141, 150 (S.D.N.Y., 1945).

SENATE

WEDNESDAY, MAY 6, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend J. Bruce Weaver, pastor, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

Almighty God, sovereign Lord of the nations, Redeemer of time, of history and of man, allow Thy holy presence to be felt today in this Chamber of the Senate of the United States of America.

We heartily thank Thee that Thou hast given us many reasons to believe that our beloved country has a place of favor and of grace within the mighty scope of Thy sovereign will for mankind. Thou hast not abandoned us to the consequences of our persistent follies and instead hast raised us to a place of privilege and responsibility unprecedented in the memory of man. Even as we thank Thee for these evidences of Thy favor we hasten to pray that we have read them correctly and that we may appreciate them fully.

Mindful of the rich heritage Thou hast bestowed upon us, the standards of moral and ethical leadership Thou dost require of us, and of the many frightening opportunities we have for losing the one and betraying the other, we beseech Thy special guidance for these Thy servants, the Senators of the United States. Guide their deliberations to prompt and wise decisions. In their endeavors to discharge the vast and complex burden of the public trust vested in them by reason of their election by the people, may they never lose sight of the higher sovereignty by which they are called and to which they are ultimately answerable. May every word spoken here this day and every action contemplated or taken be informed by the very highest understanding of Thy will for us that can be brought to bear upon the present troublesome and troubling questions.

Above all else, we pray that Thou wilt renew the vision of our Nation, multiply its witness to the abiding value of freedom held in trust to Thee. May our usefulness to Thee remain undiminished by anything we do, or fail to do, this day.

In our Redeemer's name we pray. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 5, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On April 29, 1964:

S. 2394. An act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

On April 30, 1964:

S. 1565. An act to amend the act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406, 407), with respect to the sale of Indian timber;

S. 1931. An act to provide that the United States shall hold certain land in trust for the members of the Alamo Band of Puertocito Navajo Indians;

S. 2111. An act to fix the beneficial ownership of the Colorado River Indian Reservation located in the States of Arizona and California; and

S. 2279. An act to authorize the transfer of the Piegan unit of the Blackfeet Indian irrigation project, Montana, to the landowners within the unit.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Stewart J. Hyland, to be postmaster at Lakehurst, N.J., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 1005. An act to amend paragraph (2) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations;

S. 1193. An act to amend section 309(e) of the Communications Act of 1934, as amended, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register;

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (alias John Mihai);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Dr. Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business today, the Senate stand in recess until 10 a.m. tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of a quorum call, there be a morning hour, under the usual circumstances, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 196 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cotton
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Goldwater
Gruening
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee

McGovern
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saltonstall
Scott
Simpson
Smith
Symington
Talmadge
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Louisiana [Mr. LONG], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from New Hampshire [Mr. MCINTYRE] is absent because of a death in the family.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] is absent on official business to attend the Kennedy round trade agreement negotiations at Geneva.

The Senator from Nebraska [Mr. CURTIS] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Orderly Liquidation of Certain Stocks of Agricultural Commodities

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, for the year 1963 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Construction at Naval Air Station, Dallas, Tex.

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the alterations to barracks, Naval Air Station, Dallas, Tex.; to the Committee on Armed Services.

Elimination of Requirement for Notice of Shareholders Meeting by Certified or Registered Mail

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to eliminate the requirement for notice of shareholders meeting by certified or registered mail (with accompanying papers); to the Committee on Banking and Currency.

Report on Reconstruction Finance Corporation Liquidation Fund

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Reconstruction Finance Corporation Liquidation Fund, for the quarterly period ended March 31, 1964 (with an accompanying report); to the Committee on Banking and Currency.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Reports on Petitions To Accord First Preference Status to Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on petitions to accord first preference status to certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 67

"Joint resolution relating to a National Natural Disaster Insurance Act

"Whereas large areas of the State of Alaska have recently suffered earthquake damage so extensive that neither the areas affected nor the State can possibly repair it without assistance; and

"Whereas extensive damage in any State of the Union is of vital concern to the United States as a whole; and

"Whereas natural disasters will inevitably continue to occur from time to time throughout the United States, placing severe or intolerable burdens upon the areas affected; and

"Whereas it is difficult and costly, if not impossible to obtain insurance against many forms of natural disaster, and there is no Federal program in existence to compensate individuals for the loss of their homes and businesses; and

"Whereas it is as desirable and appropriate for the United States to render assistance to a State, as it is for a State to assist localities within a State, and as important to the well-being of its people: Be it

"*Resolved,* That for the benefit of the citizens of our great Nation who in the future may be stricken by disaster, we the people of Alaska, through our legislature, our Governor, and our congressional delegation, respectfully urge the Congress to enact a national Natural Disaster Insurance Act providing for the establishment of a fund for the direct compensation of citizens whose homes, property, or businesses are damaged or destroyed by natural disasters; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Edward A. McDermott, Director, Office of Emergency Planning; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Douglas Dillon, Secretary of the Treasury; the Honorable Henry M. Jackson, chairman, Senate Committee on Interior and Insular Affairs; and the Honorable Wayne N. Aspinall, chairman, House Committee on Interior and Insular Affairs.

"Passed by the senate April 7, 1964.

"FRANK PERATROVICH,
"*President of the Senate.*

"Attest:

"EVELYN K. STEVENSON,
"*Secretary of the Senate.*

"Passed by the house April 10, 1964.

"BRUCE KENDALL,
"*Speaker of the House.*

"Attest:

"PATRICIA R. SLACK,
"*Chief Clerk of the House.*
"WILLIAM O. EGAN,
"*Governor of Alaska.*"

PETITION

A resolution adopted by the City Council of the City of Rochester, N.Y., urging the posthumous award of the Congressional Medal of Honor to the late John F. Kennedy; to the Committee on Armed Services.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Marion A. Clawson, of Indiana, and David Gordon Gault, of Texas, to be members of the Federal Farm Credit Board, Farm Credit Administration.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT (for himself and Mr. DODD):

S. 2810. A bill to amend the Wool Products Labeling Act of 1939 in order to exempt headwear from the provisions of such act; to the Committee on Commerce.

By Mr. MUNDT:

S. 2811. A bill to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe; to the Committee on Interior and Insular Affairs.

RESOLUTION

COMMENDATION OF, AND WAIVER OF RETIREMENT FOR, J. EDGAR HOOVER, DIRECTOR OF THE FBI

Mr. SCOTT. Mr. President, 40 years ago this coming Sunday, Mr. J. Edgar Hoover became Director of the Federal Bureau of Investigation. During those four eventful decades he has been both architect and builder of a Federal investigative and law enforcement agency whose mission has become the protection not only of our security but, in a very real sense, of our freedom as well.

Though many in our free society achieve high position, both in and out of Government, few achieve the unique distinction of becoming irreplaceable. I believe that all of us would agree that Mr. Hoover has come very close. Indeed, it is even difficult to think about the FBI without J. Edgar Hoover.

Although he will reach the compulsory Federal retirement age of 70 on January first of next year, I believe that J. Edgar Hoover should stay at the helm of the FBI as long as he is able to handle that job as well as he is now handling it.

It is for this reason that I am submitting a resolution which will not only commend Mr. Hoover for his years of dedicated service, but will also urge the President to waive the mandatory age requirement for retirement.

The PRESIDING OFFICER (Mr. HART in the chair). The resolution will be received and appropriately referred.

The resolution (S. Res. 323) was referred to the Committee on Post Office and Civil Service, as follows:

Whereas J. Edgar Hoover, as Director of the Federal Bureau of Investigation since May 10, 1924, has compiled one of the most outstanding records of public service in our Nation's history; and

Whereas, throughout his 40 years in office, J. Edgar Hoover has displayed unique courage, moral determination, and consistently sound personal foresight in recognizing and meeting the threat of those who would destroy American freedoms; and

Whereas J. Edgar Hoover and his Federal Bureau of Investigation associates have waged a fearless and unrelenting battle against America's criminal and subversive underworld while fully observing and protecting the rights and privileges guaranteed all American citizens; and

Whereas, under the direction of J. Edgar Hoover, the Federal Bureau of Investigation has brought new standards of efficiency, integrity, and impartiality to the entire law enforcement profession; and

Whereas J. Edgar Hoover has truly earned the admiration, esteem, and respect of his fellow Americans: Now, therefore, be it

Resolved, That on this fortieth anniversary of his appointment as Director of the Federal Bureau of Investigation, the Senate of the United States offers its congratulations and its deep gratitude to J. Edgar Hoover for his years of devoted service, and urges the President of the United States to waive the mandatory Federal retirement age of seventy in the case of J. Edgar Hoover so that he may continue his dedicated service to our Nation.

DEDUCTION FROM GROSS INCOME OF CERTAIN TEACHERS' EDUCATIONAL EXPENSES—ADDITIONAL COSPONSORS OF BILL

Mr. HARTKE. Mr. President, on March 6 I introduced a bill to amend the Internal Revenue Code to provide specific rules for the deduction from gross income by teachers of the expenses of education, including certain travel, pursued in their professional capacity. Senator LONG of Missouri, joined me in the introduction of that bill, and by later request the names of Senators BREWSTER, BURDICK, and MCCARTHY were added. I now request, Mr. President, that the names of Mr. YOUNG of Ohio, Mr. RANDOLPH, and Mr. CANNON be added also as cosponsors at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SIMPSON:

Statement by him before the U.S. Tariff Commission; and article entitled "Why Food Prices Keep On Rising," published in the U.S. News & World Report of April 20, 1964.

THE RULE OF LAW AND ITS RELATION TO WORLD PEACE—ADDRESS BY SENATOR SYMINGTON

Mr. LONG of Missouri. Mr. President, last Friday my colleague, the distinguished senior Senator from Missouri, STUART SYMINGTON, delivered an address before the Kansas City Bar Association. His theme was "The Rule of Law and Its Relation to World Peace."

Senator SYMINGTON's speech was lauded by all members of the Kansas City bar in attendance at the Law Day banquet. As this outstanding address will be of interest to my colleagues here in the Senate, I ask unanimous consent that Senator SYMINGTON's remarks be printed in full in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE RULE OF LAW AND ITS RELATION TO WORLD PEACE

(By Senator STUART SYMINGTON)

When Law Day was first proclaimed in 1958, a major purpose was declared to be the awakening of both the legal profession and the public to the promise and potential of a world ruled by law.

This group needs no such awakening, because for many years Kansas City has been one of the most internationally minded of all communities. It is for that reason I take pleasure in talking to you on this subject tonight.

Recently I found the following quotation: "I hope I am overwary; but if I am not, there is even now, something of ill-omen amongst us. I mean the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgment of courts; and the worse than savage mobs for the executive ministers of justice."

It is ironical if these words have any relevance to America in 1964, because they were spoken to Americans in 1838, by a rising young Congressman, Abraham Lincoln.

They do have a relevance, both to what is going on in this country, and what is going on in every country, all over the world.

Today I would discuss briefly the latter, what is going on in the world situation, especially as the rule of law seems such an obvious solution for many of our major international ills.

Under this rule the United States has brought more freedom and security to more human beings than any other system in history; and it is becoming steadily more clear that this rule could both control and minimize any resort to violence in the settling of international disputes.

These assumptions are now generally accepted among reasonable men—especially among members of the bar, whose constant association with the law intensifies their respect for its wholesome powers.

We know of course that the world is not altogether lawless.

Certain age-old laws, such as diplomatic immunity, the rules of recognition, are almost universally agreed to and abided by. They provide some comfortable certainty in the formal conduct of foreign affairs.

Then there are international agreements in the fields of trade, transport, and communications. These agreements insure the reliability of international commerce and travel.

Recent decades have witnessed an amazing proliferation of international organizations, each with its own agreed-upon objectives and established rules of procedure.

It is also true that, since World War II, there has been a great increase in the number and variety of commissions, panels, and courts for the judicial settlement of international disputes.

Each of these agreements and institutions serves to ease the relations between states. Each, therefore, deserves special credit for its contribution to an orderly world.

Despite such developments, one is obliged to admit that force, rather than law, is still the controlling factor in the fate of humanity; with those laws and treaties which are respected operating in essentially noncontroversial areas.

Except for the settlement of minor disputes, the services of the various judicial tribunals are rarely used.

Most of the international organizations are either regional in scope, or technical in function; and the United Nations, for all its indispensable worth as a forum for international discussions, administration of important humanitarian missions, and recent success in effective police action, possesses neither any true lawmaking power nor reliable enforcement capacity.

I do not downgrade the achievements of these organizations; far from it. In one sense, their mere existence is remarkable; and the world is a far better place to live in because of them.

But if we are looking at the rule of law as it is related to world peace, we can only admit today that the present relationship is a distant one.

In those areas where national sovereignties and political ideologies clash—in those very areas, therefore, where the peace is most likely to be disrupted—law is meager, to the point where the rules of law have a decidedly marginal influence. All history, including the most recent, demonstrates that when vital national interests collide, the law of the jungle is the law which still prevails.

In some ways it is comforting to note the frequent conflicts since World War II which have not escalated into all-out war; some 30, I understand. In reality, however, this was not due to law, rather to the world's determination to prevent such a catastrophe; and as we work our heads and hearts out to maintain peace with honor, the importance of this effort becomes more clear.

Law offers such a clear improvement over the present pattern of frustration and danger, however, that its lack of influence, from the standpoint of logic, is almost incomprehensible; a failure that is no fault of the many promoters of international law, brilliant and dedicated people.

It would seem that the fault lies rather with the shape of the world, a world which for nearly 50 years has been split right down the middle by two totally different ideologies. We are no more willing to sacrifice our basic interests than the Communists are willing to recognize them. Hence it would appear that we have reached an irreconcilable impasse, beyond which the rule of law cannot go.

Recently, however, certain developments have begun to blur the clarity of this picture of division. They are still subsidiary to the major schism, but three in particular could affect significantly our efforts to further this aim.

I refer (1) to the achievements of science; (2) to the power shifts behind the Iron Curtain; and (3) to the rise to political consciousness, along with desire for both national and personal dignity, that is now so characteristic of the former colonial regions of Asia, Africa, and Latin America.

As to the first, the steady onrush of science has been both a blessing and a curse to international understanding.

In its positive aspects, current instantaneous communications and rapid transportation have contributed immensely to the growth of world trade. They have also subjected the policies and actions of all nations to the scrutiny of global public opinion.

But while scientific progress has removed traditional barriers between nations, it has now given us also the power to destroy all nations, along with civilization itself.

The grave dangers of this nuclear age do not make the quest for international understanding any easier; but they do make it more urgent; and a silver lining may be that the very possibility of nuclear destruction could shock an otherwise reluctant world into actions which otherwise would never have been taken on purely reasonable grounds.

It is a fact for thought that, throughout history, progress has been the offspring of tragedy and terror. The first truly international organization—the Holy Alliance of 1815—rose not from the pleas of philosophers, but from the blood of the Napoleonic wars.

In similar fashion, the League of Nations bloomed only to wither after World War I. The United Nations took root in the ashes of World War II; and the limited nuclear test-ban treaty of 1963 gained immeasurable impetus from the Cuban nuclear confrontation in 1962.

Now that every man, woman and child is in reality equally vulnerable, the search for some practical form of world stability has become a far more serious enterprise. As has been well said, war no longer consists of "the thin red line of our sons"; and without succumbing to false optimism, it does appear that this realization has now also permeated behind the Iron Curtain.

Closely connected to these developments are the fascinating, and very possibly significant, shifts now taking place among the Communist countries, the second development I would dwell on briefly this evening.

Much of what transpires behind that famous curtain can only be mystery; but we do know that the Communist world is no longer a single herd, blindly following one leader. The former extreme concentration of power in Moscow has now given way to a plurality of political centers within the bloc—characterized by the word "polycentrism."

In Eastern Europe, the satellites remain satellites, largely ensnared in the Soviet web of influence; but beginning to shape their own internal and economic institutions along more nationalistic lines. Some have begun to ease restraints on contacts with non-Communist countries and their citizens. All are looking increasingly to the West for expanded trade.

Of at least as much importance, the Soviet Union and the Communist Chinese are engaged in fundamental differences as to how this world should be run; and there are differences between them and other nations behind the curtain, having to do with influences in those countries, with national and personal rivalries, and with territorial disputes.

No one can measure accurately the true depth of differences behind all the verbal denunciations. But it is a fact that the Russians are going out of their way—India, Cuba, Africa, and elsewhere—to undercut Chinese influence; and have withdrawn their technicians, arms, and economic aid from Red China.

It is also a fact that Chou En-lai's recent intense promotion of the colored races as against the white, along with vitriolic denunciation of Khrushchev's policies, is but further development of Mao's policies as long ago as 1928, by which time he had started promoting the concept of world struggle based on color.

For all of this, it remains very doubtful that the Communist bloc will actually split asunder. At present the differences are over means more than ends; and we have no indication whatever that any of the Communist centers of power have abandoned their plans for eventual world domination. Chinese pressure could even make the Soviets more aggressive, in their effort to disprove the current Chinese charge of softness.

For us, however, the significant question is whether any of these developments could conceivably make the promotion and progress of international law a more credible venture.

I believe that possibility exists.

Bearing always in mind that the Soviet empire rests on a string of broken promises, history shows that even the most hostile of powers can be relied upon to abide by laws when they become convinced said laws operate in their own interests. If, therefore, the pressure of future events forces the Soviets to identify vital interests more with the West than with the East, certain agreements which were heretofore actually unthinkable may become at least possible.

On one hand, Russia is becoming more and more susceptible to the attraction of Europe. As my friend, Dr. Brzezinski, director of the Research Institute on Communist Affairs at Columbia University, recently pointed out, "By narrowing the technical, economic, and cultural gap between Europe and Russia, the Soviet leaders have created for the first time the possibility of a relationship that is equal and honorable to both."

Even more important, in terms of planetary peace, are certain small indications that the Soviets share with the United States an interest in preventing a mutually destructive thermonuclear exchange.

The partial test-ban treaty may be one such indication; and the adoption of the "hotline" recognized a mutual interest with the West in averting the outbreak of war through accident or miscalculation.

Also the ban on bombs in orbit, recently adopted by the United Nations, was jointly formulated by the United States and the Soviet Union.

It is much too soon to judge the long-term value of such agreements. With recollections of Soviet treachery in the Cuban missile crisis still fresh in our minds, we clearly cannot afford to stake the future of the free world on Soviet good faith.

There is the possibility, however, that in certain fields, and under certain circumstances, the Soviets can be led by their own interests to negotiate meaningful agreements which could be in the overall interests of world peace.

So much for trends within, and between, the major power blocs in today's world, and their implication for the desired world rule of law.

The third significant development would appear to be the rise to political consciousness of the nonpowers.

For them, foolishly perhaps, but understandably, the rivalry between the two major blocs has little innate interest.

As President Kennedy so aptly pointed out, whereas "To us the major issue is the fight against communism, to them the fight is against poverty and disease and illiteracy and ignorance."

In the long run, their success or failure in winning these battles against mankind's ancient enemies may prove of more importance than any of the more sophisticated considerations presently dividing the major powers.

To varying extents, but without exception, these new nations are in the process of revolt against real or imagined economic exploitation, political subjugation, and racial discrimination.

The Chinese Communists are exploiting this latter grievance to the utmost, as reports from Zanzibar and elsewhere so clearly demonstrate—a development with ominous overtones.

We ourselves, however, are by no means powerless to influence the course of events.

And here, may I suggest, is one of the most fertile fields for extending the rule of law.

Obviously, so long as racial discrimination is tolerated in our own system, we will have little success in persuading the nonwhite two-thirds of the world's population that their fortune interests parallel our own.

We are making progress in that respect, however—and the problem is at present not primarily a racial one.

The primary problem is to convince these struggling millions that their desires for a decent standard of material welfare, for personal security and individual dignity, can only be realized in a system which enthrones the rule of law.

The Communists can offer these new nations a certain degree of stability; perhaps even some temporary improvement in their present impoverished living standards. This they can only achieve, however, through complete subjection of the individual to the state.

With every means at our disposal, public and private, we must work to convince the new nations that the Communist system is not only economically inefficient, but also inherently destructive of all individual rights and liberties they hope to obtain.

If we can persuade them of these truths, which we take to be self-evident, we will have made a truly lasting contribution to world peace.

Law, after all, is a contagious commodity. If we could but persuade each of these nations to adhere to the rule of law in just a few aspects of society, and then assist them in devising workable systems, the legal approach might well become a habit; and surely the combined talent of this Nation's lawyers, with all their legendary and demonstrated powers of persuasion, could meet this challenge.

In summary, and as I see it after some 24 years of analyzing power balances, culminating in the balances that are now characteristic of this nuclear-space age, plans for a world under the rule of law are far from any dream of starry-eyed idealists.

In the most practical possible way, law is our one best hope for a just and permanent peace. Arms can provide no true security; and law is the only credible, the only tested, the only realistic alternative.

In the immediate present, and into the foreseeable future, we must maintain our arms—to prevent any one-sided destruction, and to strengthen our diplomatic efforts. As long as the Communist world celebrates this day with a parade of military might, we have no choice.

At the same time, however, we can increase our alertness to any shifts in the world arena which may provide new openings for the advancement of legal agreements and controls.

It was the distinguished Learned Hand who said, "The spirit of liberty is the spirit which seeks to understand the minds of other men and women."

In that spirit, let us continue our efforts to replace force with the rule of law as the controlling factor in the fate of humanity.

And if there is merit in this line of thought, world leadership is passing even more into the hands of the profession represented by those of you who are here tonight.

That is well, because of all people, it is you who realize the supreme importance of constant dedicated devotion to world peace with honor and justice; a devotion which, in the words of our late President "will light our country and all who serve it—and the glow from that fire can truly light the world."

THE GOVERNMENT'S ROLE IN CONSUMER PROTECTION—ADDRESS BY WILLIAM H. ORRICK, JR., ASSISTANT ATTORNEY GENERAL

Mr. LONG of Missouri. Mr. President, recently Mr. William H. Orrick, Jr., the distinguished Assistant Attorney General in charge of the Antitrust Division of the U.S. Department of Justice, made a talk to the conference of the "Government's Role in Consumer Protection," Toledo, Ohio, Friday, April 24, 1964.

Mr. Orrick's statement, another in a long series by important administration officials, points out very vividly the high prices which consumers could look forward to paying if we were to pass the so-called quality stabilization bills—S. 774 and H.R. 3669.

As Senators know, these bills are nothing but a somewhat camouflaged version of the old fair trade bills which have been rejected so often. I hope we will not be so ill-advised as to support a wolf in sheep's clothing. To cast additional light on this subject, I request unanimous consent that Mr. Orrick's very fine statement be placed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT'S ROLE IN CONSUMER PROTECTION

(By William H. Orrick, Jr., Assistant Attorney General, in charge of the Antitrust Division, U.S. Department of Justice)

You have asked me to discuss the Government's role in consumer protection as viewed from the executive-judicial perspective. That is a tall order indeed, for one could give an entire law school course on the protections courts alone have fashioned for consumers. For example, until Judge Cardozo's landmark decision in the 1916 *McPherson* v. *Buick Motor Co.* case,[1] a consumer had no right to sue a motorcar manufacturer for an injury arising out of a defect in his automobile. Until that time he could sue only the dealer who sold him the automobile. It is reasonable to suppose that the imposition of that direct liability on the manufacturer had its effect in terms of the care with which automobiles were thereafter designed and manufactured.

There are many, many more examples of protections afforded to the consumer by the courts under the law of negligence, breach of warranty and other doctrines familiar to contract and tort lawyers, but I shall restrict my remarks here this afternoon to the role which the antitrust laws have in protecting consumers.

Those laws, which I am sworn to enforce, are designed to protect the functioning of our particular economic system of free enterprise. All antitrust enforcement is ultimately directed to the benefit of each individual man, woman, and child in this Nation. These laws have a direct and obvious impact on the consumer in terms of the ultimate price that he must pay for goods and services. A study completed late late year showed that the Antitrust Division had 70 enforcement matters pending in food alone, 23 of which were cases. Bread and milk, which absorb over 10 billion consumer dollars a year, were the subject of about half of these matters. Less obviously and directly, but perhaps of greater importance to the consumer, the antitrust laws prevent interference with our system of economic democracy in which consumers vote by their expenditures how this Nation's resources are to be allocated.

Competition, and more particularly price competition, is the premise on which our economic system is founded. I am sure that all elements of our society—labor, management, consumer, government—would agree. Yet too often I see the Sherman Act criticized as an "antiquated"[2] horse-and-buggy[3] statute, passed in an earlier century, which somehow needs rethinking and updating.

I don't agree with these criticisms. It is no more antiquated than the freedoms of speech, press, religion, and assembly which date back to the adoption of the 1st amendment in the 18th century. These freedoms remain today, April 24, 1964, fundamental in our system of ordered liberty. So it is with the Sherman Act in the sphere of economic liberty. Were the act merely a particularized prohibition of specific abuses which have since disappeared, the charge of obsolescence would be warranted. But the Sherman Act is more than that. Its sweeping language makes illegal "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States." It is truly been called a charter of freedom.[4] As head of the Antitrust Division I have occasion to "rethink" the Sherman Act almost daily. My rethinking has only reinforced my belief in the prime importance of competition to our system and the wisdom of the Sherman Act's protection of competition. Competition is as basic as the wheel, but as modern as the missile.

Any economic system has to apportion the production of goods and services to the various sectors of the economy on some basis. The techniques within our own system for achieving this allocation are numerous. Some of them doubtless are not wholly consistent with an idealized free enterprise system but experience has proved them necessary in certain limited situations. Among these are Government ownership, as with our own Post Office, Government competition with private enterprise, as in certan areas involving the production of defense material, and various types of regulation and licensing. The Tennessee Valley Authority and the Communications Satellite Corp. are still other techniques.

But in most sectors of our economy it is competition on which we depend to maintain a proper allocation of goods and services in the market. In general, as demand for a product or a service increases, suppliers of that product or service tend to increase the price. As an increasing price makes that particular activity more profitable, new capacity will enter the market, either through new companies or through expansion of existing companies. While there are imperfections in the free market mechanism, I am satisfied that this is the best system. In this connection, I might note that current Russian problems with agriculture and fertilizer production certainly suggest that, even apart from the sacrifice of liberty that goes with their system, they have not solved technical and economic problems as well as we have.

Do not misunderstand me. I do not say that our own system of private enterprise is also the best possible system for all other places and times. Indeed, as just indicated, we ourselves depart from it in a variety of special circumstances. The problems of underdeveloped countries are not the same as those of the United States. Our friends in Western Europe have great democracies although their embrace of the free enterprise ethic is perhaps less comprehensive than our own. For this country, however, I think that competition as the market regulator will achieve the best possible results.

Since competition occupies so basic a position in our system it is natural that any attempt to tamper with it produces ill effects which ripple through the entire economy. If there is overcapacity in an industry, for example, competition would ordinarily force the price down. When, however, there is an agreement which keeps prices artificially high, the normal market response continues to produce even more capacity. The problem becomes increasingly acute until the stress produced by the overcapacity finally forces prices to fall drastically.[5]

Not only may additional capacity be attracted to the industry in which the prices are kept high, but a price conspiracy may provoke foreign competition. Indeed, elimination of tariff protection was widely supported as a trust-busting technique at the time the Sherman Act was passed.

Perhaps the most fundamental impact of prices kept high by agreement is that products so priced are simply beyond the reach of the budgets of some consumers. Some companies may agree not to compete in price on the ground that the public is well-enough served by their continued competition in areas of quality, service and innovation. But if I have only $5 to buy a widget and there are no $5 widgets available, it is not much solace that for $10 I can buy a sterling silver widget, or a widget that can be turned on and off by remote control, or a miniaturized widget. I don't have $10 and so must do without any widget.

The impact of antitrust violations, even in nonconsumer goods, is ultimately felt by consumers. In the Philadelphia Electric cases, for example, involving in large part price fixing on major electrical equipment purchased only by public utilities, the conspiracy had an impact in dollars and cents terms on individuals. To the extent that the cost of that equipment was put into the base on which State commissions set the rates which the utilities charged, the base and therefore the rates were higher than they otherwise would have been. In such cases, consumers had to pay higher electric bills.

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[1] 217 N.Y. 382, 111 N.E. 1050 (1916).

[2] Time, p. 24, Apr. 24, 1964.

[3] The Wall Street Journal, p. 18, Feb. 11, 1964.

[4] *Appalachian Coals, Inc.* v. *United States,* 288 U.S. 344, 359 (1933).

[5] In American Metal Market, annual copper supplement, p. 5, Sept. 16, 1963, it was said, following the sentencing for price fixing of certain companies in the brass industry, *United States* v. *Anaconda American Brass Co.* (D. Conn. Cr. 10–725):

"Long before the Hartford sentence was pronounced, the industry had learned another lesson.

"The lesson simply is that if prices seem high enough, and productive costs look attractive in relation, the marketplace will automatically attract additional supplies. The rugged laws of economics are such that nothing fails like success. In an economy of abundant capital, successful industries attract investment, capacity expends, prices fall and expansion is forced to a halt awaiting a further growth of consumption."

This served to confirm the conclusion in Report of the Federal Trade Commission on the Copper Industry, p. 249 (1947): "Past efforts to stabilize prices upward have, in fact, produced not stability, but wide fluctuations in price which have been disastrous to the industry as a whole. The stronger and more comprehensive the controls have been while they lasted, the more severe have been the effects on the industry when they broke down. Their failure constitutes an indictment of cartels, and monopoly."

I do not agree that unrealistic price levels set by collusion are justifiable as a spur to research and development. In many cases the results are precisely to the contrary. If a good profit is being made with the current product, the companies involved may have little incentive to upset their economic applecart by developing new products.

Thus, any agreements or other activities which tamper with competitive factors, particularly prices, jeopardize the proper functioning of our economic system. Not only does such activity put products out of the financial reach of some consumers, but by disrupting the ability of the market mechanism to reflect the true needs of an expanding economy, it deranges the proper allocation of goods and services within this economy. In short, when businessmen act to tamper with the market by agreement they throw sand in its mechanism. As Attorney General Kennedy has so aptly put it, this is nothing more nor less than "economic racketeering."

Since that free market mechanism depends upon competition, and particularly price competition, we in the Antitrust Division are distressed over the persistence of price collusion in our economy. Unfortunately, there is nothing new in this. As long ago as 1776, Adam Smith, the classical spokesman for free enterprise, said: "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices."[6]

More recently, in testimony before the Federal Trade Commission, a businessman said: "I could go on and on and on—but I want to say that when any two businessmen get together, whether it is a chain institute meeting or a Bible class meeting, if they happen to belong to the same industry, just as soon as the prayers have been said, they start talking about the conditions in the industry, and it is bound definitely to gravitate, that talk, to the price structure in the industry. What else is there to talk about?"[7]

We are equally concerned over the tendency among certain businessmen to disparage price competition. Associations of pharmacists have openly claimed, incorrectly,[8] a right to fix the price of prescription drugs. Other associations promulgate codes of conduct which make price competition unethical. Concerns which compete in price are frequently given the label chiselers by their competitors. But even unilateral refusals to compete in price or to sell to retailers who compete in price may very well be as corrosive of our economic and ultimately our political liberties as actual illegal agreements. When the affairs of an industry are so conducted, the kind of competitive incentive necessary for product improvement and greater efficiency is missing and the self-regulatory character of the market is disrupted. The industry stagnates. Direct Government intervention by Congress becomes a political possibility. In short, the entrepreneur or company which engages in price competition is in the great American tradition. It is his detractors who are literally the chiselers, for they chisel away at the economic underpinnings of our personal liberties.

The Antitrust Division of the Department of Justice enforces the law to some extent by announcement of its enforcement intentions. Last week for example, in a speech to the American Bar Association, I discussed some of our current thoughts on a program to combat overconcentration. In similar fashion, I consider that I am enforcing the antitrust laws by addressing these remarks to you here today, for I am taking this occasion to stress the Attorney General's particular concern over collusion which results in higher consumer prices, including illegal resale price fixing and abuses of the so-called fair trade laws. His concern reflects the President's own concern with the welfare of consumers which led him to appoint Mrs. Esther Peterson as the first Special Assistant to the President for Consumer Affairs. Through our activities in this field the Antitrust Division makes its contribution to the administration's war against poverty.

This special concern over competitive consumer prices has of course been a matter which has for long engaged a good part of the energies of the Antitrust Division. It has recently produced several significant cases. Among those cases are the following:

On December 27 of last year, a complaint was filed against a major producer of cosmetics, Max Factor & Co., in which it was charged that Max Factor had agreed with retail sellers of its products that those sellers would sell only at prices fixed by Max Factor, with the alleged result that "retail prices of Max Factor cosmetics have been maintained at noncompetitive levels."[9]

On March 10 of this year, a civil action was filed against four major manufacturers of swimwear, Jantzen, Catalina, Cole of California, and Rose Marie Reid. That complaint charges that defendants agreed among themselves on the date on which they would permit retailers to reduce the price of swimwear to the public, and that they exchanged information with respect to retailers who would not abide by defendants' wishes in this matter. Apart from this alleged meddling with the business judgment of the retailers who had purchased and paid for defendants' swimwear, this activity is alleged to have resulted in the prices of swimwear being "fixed, maintained and stabilized at high and artificial levels."[10]

Twenty days later, on March 30, a civil action was filed against the O. M. Scott & Sons Co., a seller of lawn care products. That complaint alleges that Scott has entered into resale price-fixing agreements in States where those agreements are not lawful, which has allegedly had the result of "forcing consumers * * * to pay noncompetitive prices for lawn care products manufactured by defendant O. M. Scott."[11]

The flying public may be interested in two related complaints which we filed on April 2 against major producers of light aircraft, the Piper Aircraft Corp.[12] and the Beech Aircraft Corp.[13] Among other things, both of these companies are alleged to have entered into arrangements preventing their distributors from selling airplanes in territories assigned to another distributor, with the effect of maintaining prices of their airplanes to consumers "at arbitrary and noncompetitive levels." A suit filed against the Bay West Paper Co. on April 1 charged the same type of offense.[14]

In addition to those cases which have been filed in the past 4 months, three other cases, all charging unlawful agreements by members of druggists' associations to enforce so-called fair trade prices, have recently been settled by consent decrees prohibiting those practices.[15]

The significance of the cases which I have just discussed is emphasized by the relief which is demanded in them. As you may know, two Federal statutes provide an exemption from the antitrust laws for resale price fixing on branded articles in certain limited situations.[16] The Department is seeking to enjoin the defendants who have misused this limited fair trade exemption from thereafter fair trading any of their products as the only effective way to prevent recurrence of the violation.[17] Thus, in the Max Factor complaint, the Department seeks to have defendant "enjoined from applying or seeking to apply any State fair trade laws against any person buying or selling Max Factor cosmetics." Similar relief is requested in the Swimwear complaint.[18] In addition, there the Department is asking that "each defendant be enjoined from preticketing its swimwear with a retail price" and "from suggesting any price to be charged by any retailer for swimwear." In the Beech and Piper cases, each prayer requests that defendant "be enjoined from suggesting or otherwise disseminating retail or resale prices * * * to its distributors, dealers, or other purchasers for resale."

Thus we have been and will continue to be taking action against those concerns which illegally fix consumer prices and thereby abuse the narrow fair trade exemption. We shall also seek to prevent defendants from thereafter engaging in any resale price maintenance activities, where appropriate to prevent a recurrence of the violation. I wish to emphasize one further point. The *Swimwear* civil case, which I have previously mentioned, was preceded by a criminal indictment against those same four companies for agreeing on the date at which they would permit their dealers to set swimwear prices independently.[19] All four companies have pleaded nolo contendere, which is the equivalent of guilty for the purposes of that case, and last Monday were fined a total of $68,000. It has been clear to every responsible antitrust practitioner and every company which sought responsible legal advice ever since at least 1940, that any agreement "formed for the purpose and with the effect of raising, depressing, fixing, pegging, or stabilizing the price of a commodity[20] is a criminal violation of the antitrust laws. Nor, as the Supreme Court reminded us in *Simpson* v. *Union Oil Co.*,[21] decided last Monday, can there be any possible question that resale price maintenance not carried on within the narrow confines of the fair trade exemption[22] is a criminal antitrust violation, as is a horizontal agreement to enforce so-called fair trade prices. This has been established Department policy since at least July 18, 1951, when the Department issued the following release:[23]

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[6] "Wealth of Nations," Mod. Lib. ed. 1937, p. 128.

[7] In the Matter of Chain Institute Inc., FTC Docket No. 4878. quoted in Jacobs, "Statistical, Standardization, and Research Activities." 6 A.B.A. Antitrust Sec. Rep. 80 at 80–81 (1955).

[8] *Utah Pharmaceutical Assn.* v. *United States*, 371 U.S. 24 (1962) affirming 201 F. Supp. 29 (D. Utah 1962); *Northern California Pharmaceutical Assn.*, 306 F. 2d 379 (9th Cir. 1962); cert. den. 371 U.S. 862 (1962) (a criminal case).

[9] *United States* v. *Max Factor & Co.* (W.D. Mo. Civ. No. 14757–1).

[10] *United States* v. *Jantzen Inc.* (D. Ore. Civ. No. 64–111).

[11] *United States* v. *O. M. Scott & Sons Co.* (D.D.C. Civ. No. 760–64).

[12] *United States* v. *Piper Aircraft Corp.* (M.D. Pa. Civ. No. 8447).

[13] *United States* v. *Beech Aircraft Corp.* (D. Kan. Civ. No. W 31 29).

[14] *United States* v. *Bay West Paper Co.* (E.D. Wis. Civ. No. 64–C–86).

[15] *United States* v. *Nassau-Suffolk Pharmaceutical Society, Inc.*, (E.D. N.Y. Civ. Nos. 63 C 1206 and 1207), entered Dec. 9, 1963; *United States* v. *Hawaii Retail Druggists Assn.* (D. Hawaii Civ. No. 2064), entered Nov. 19, 1963.

[16] Miller-Tydings and Maguire Acts, found, respectively, in provisos to 15 U.S.C. 1 and in 15 U.S.C. 45(a) (2)-(6).

[17] See e.g., *International Salt* v. *United States*, 332 U.S. 392.

[18] In a consent decree entered Dec. 30, 1963, *United States* v. *Roehr Products Co.* (D. Conn. Civ. No. 9370), defendants are precluded from "fair training" for 3 years after entry of the judgment. See also consent decree entered Mar. 15, 1962, *United States* v. *Band-It Co.* (D. Colo. Civ. No. 7796).

[19] *United States* v. *Jantzen, Inc.* (D. Ore. Cr. 64–25).

"Those who are engaged in programs or schemes of the following type, involving commodities which flow in interstate commerce, should know that they may be subject to criminal prosecution: Agreements among competing retailers to maintain and adhere to specified minimum prices; agreements to coerce and induce wholesalers or manufacturers, through threat of boycott or other reprisals, to refrain from selling to price-cutting retailers; agreements to coerce or induce manufacturers or wholesalers to enter into so-called fair trade contracts; agreements to coerce or force retailers to sign such contracts; agreements on the prices or margins of profits which should be set forth in such contracts and on methods to require producers or wholesalers to specify certain prices or markups in such contracts."

Indeed, in the last 20 years, the Department of Justice has instituted case after case where State fair trade laws have been used to cloak illegal price fixing. These cases variously involved agreements among competing manufacturers,[24] wholesalers,[25] retailers,[26] and among manufacturers competing with others at different levels of distributions.[27]

In view of these demonstrated abuses of existing fair trade laws, I unqualifiedly oppose the so-called quality stabilization bill[28] which would legalize resale price fixing on a nationwide scale. As President Johnson said in his message on consumer interests of February 5, 1964: "Freedom of choice for consumers from our storehouse of goods, at the lowest possible prices, is the very cornerstone of American consumer policy. I believe strongly in this principle. Therefore, I oppose legislation which limits price competition, whether under the label of 'quality stabilization' or any other name."

I was not merely using a figure of speech when I said, in my testimony before a special Senate subcommittee: "The bill might more aptly be named 'The Consumer High Price Act'."

In conclusion, I desire to emphasize in the strongest terms what I have already said—that price competition is the foundation of our economic system, that price competition is in the finest tradition of the American way of doing things, and that we are a freer people today because price competition has been at the core of our economic system. As our recent cases clearly indicate, the Department will vigorously attack illegal agreements influencing consumer prices, whether horizontal or vertical, and whether by large companies or small. A climate in which price competition is disparaged, even if not pursuant to an illegal agreement, is an unhealthy climate for this country. I leave you with the words of Senator Sherman, who had this to say of those who take into their own hands the regulation of the economy for their private gain:[29] "If we will not endure a king as a political power, we should not endure a king over the production, transportation and sale of any of the necessaries of life. If we would not submit to an emperor, we should not submit to an autocrat of trade, with power to prevent competition and to fix the price of any commodity."

AMERICAN GOOD GOVERNMENT SOCIETY AWARDS TO SENATOR DIRKSEN AND SENATOR LAUSCHE

Mr. DIRKSEN. Mr. President, on Thursday, April 30, the American Good Government Society at its annual dinner honored two Members of the U.S. Senate with their annual Good Government Awards. One was the minority leader, the Honorable Everett McKinley Dirksen, of Illinois; and the other was the Honorable Frank J. Lausche, of the State of Ohio.

The Senate majority leader, the Honorable Mike Mansfield, of Montana, was selected to present the award to the minority leader; and his remarks on that occasion, together with the response of the minority leader should, I believe, be presented for the Congressional Record.

I ask unanimous consent that both of these statements be made a part of my remarks.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Remarks of Senator Mike Mansfield, Democrat, of Montana, Before the American Good Government Society, Sheraton Park Hotel, Washington, D.C., April 30, 1964

Ladies and gentlemen, may I, first, compliment the American Good Government Society on its wise procedure. By selecting two recipients of the George Washington Award—a Republican and a Democrat—the society underscores a reality of American life, sometimes overlooked in an election year. Neither political party has a monopoly on ability for public service or on dedicated patriotism. We can never have too much of these attributes in the Government of the United States.

Having said that, I should also like to compliment the society on its perspicacious choice of the Republican recipient for this year's award. In my judgment, you have managed, without the aid of a New Hampshire primary or an Illinois or California primary, to select the outstanding exponent of Republicanism in the Nation today. Everett McKinley Dirksen is a great American and a great leader and he is as solidly Republican as his middle name.

I have known Senator Dirksen for many years. I have known him as a personal friend as well as a legislative colleague. The Senate is one of the great institutions of the Nation. But the Senate functions, on occasion, in bizarre and almost incomprehensible ways, as you have undoubtedly noticed in connection with the current debate on civil rights. I am frank to admit that one of the strangest aberrations in Senate behavior is that the institution can get along without a majority leader, but it cannot possibly function without a minority leader. Moreover, he must be a minority leader of exceptional tact, forbearance, and cooperativeness, a minority leader willing to put the basic operation of the Senate above all considerations of party.

May I say that I accepted the designation of majority leader, 3 years ago, secure in the knowledge that there would be a minority leader with these characteristics. I knew that I could depend on Senator Dirksen to make the Senate work.

I have known Senator Dirksen, too, as the leader of the Republican opposition. It does not denigrate from Senator Dirksen, the friend and colleague, to note that Senator Dirksen, the Republican opponent, is a thorn in my side. He fights for his Republican beliefs with the tenacity of the lion, with the greatest oratorical skills in the Senate and with an immense wit and parliamentary dexterity. On only one occasion in recent times has he found himself flabbergasted in a partisan sense. That was when President Johnson, without warning, usurped the Republican claim to an exclusive concern for parsimony in Government by turning out the lights in the White House. For once Senator Dirksen was speechless. But his equanimity was promptly restored when a spendthrift Democratic-controlled Senate burned the lights longer in the Capitol in order to accommodate what is euphemistically called a prolonged debate on civil rights.

I have known Senator Dirksen, finally, beyond personal friendship, legislative kinship, and partisan rivalry as a great American. I have known him not only as a man who responds to the needs of his constituency and to the needs of his party. I have known him, as a man who, at the same time, has the wisdom and the integrity, the compassionate humanity, and the courage to look to the needs of the entire Nation in this generation and in the generations yet to come.

When the issues transcend party or region, and involve the fundamental precepts of the American Constitution—as they do in civil rights—when they touch upon the survival of the Nation and its future—as they did in the nuclear test ban treaty—in short, at the decisive moments, the Senator from Illinois is a tower of national strength. On those occasions, there is no partisanship, no sectionalism in Senator Dirksen. There is only a profound reason and a dedicated patriotism enshrined in a man of deeply human experience.

The late President Kennedy met regularly each week with the Democratic leadership of the Congress and President Johnson does the same. But when the great national issues arose, Mr. Kennedy met with Everett McKinley Dirksen and Mr. Johnson does the same. That is indicative of the caliber of the man and the trust which all who know him repose in him.

Acceptance Speech by the Honorable Everett McKinley Dirksen of the Good Government Award by the American Good Government Society, April 30, 1964

Mr. Chairman, and my friend and colleague, Senator Mansfield, I am grateful for the honor which you bestow upon me tonight and can only humbly hope that in modest measure I may through my public service have merited this expression of trust and esteem.

The award after all symbolizes service to my constituency, my country, and to mankind. Service is the essence of one's labors and efforts in the public domain.

I am signally and doubly honored that the distinguished majority leader of the U.S. Senate should be present tonight to make the award. Nothing could compliment me more than that he should take time from his busy schedule and share in this ceremony.

The very nature and title of the award at once raises a question as to what constitutes good government. On this occasion one may very appropriately say that in our own land at least that government is good; it cherishes and practices a strict respect for the Constitution which brought this very Government into being; it through its officers and agents maintains a wholesome and respectful regard for the people from whom government derives its powers; it exhibits courtesy and good manners in all of its dealings with the people at home and the nations abroad; it is not moved to hasty and ill-advised action by the emotions of any given moment; it in the language of the ancient law shows restraint and does not follow a multitude to do evil; it charts a course calculated to be beneficial now and in the future to all of its citizens; it exalts the dignity of man and the dignity of human personality; it observes the golden rule in all of its dealings with other governments in the family of nations; it stands firm for right and for equal justice under the law; it is ever mindful that the blessings of liberty spring from the everlasting covenant between the instant generation and those generations who have gone before and those who will come after our day and time. This is indeed a kingsized order in an unstable and feverish world.

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[20] *United States* v. *Socony-Vacuum Oil Co.* 310 U.S. 150 at 223 (1940).

[21] No. 87, 1963 term, decided Apr. 20, 1964.

[22] *Dr. Miles Medical Co.* v. *John D. Park & Sons Co.* 220 U.S. 373 (1911).

[23] 2 C.C.H. Trade Reg. Rep. Par. 6160.10.

[24] E.g., *United States* v. *Maryland State Licensed Beverage Assn., Inc., et al.* (Cr. 23212, 1955; Civ. 9122, 1956; D. Md.).

[25] E.g., *United States* v. *National Wholesale Druggists Assn.* (Cr. 618–C, D. N.J. 1942).

[26] E.g., *United States* v. *Utah Pharmaceutical Assn.* (Civ. C, 30–31 D. Utah 1961).

[27] E.g., *United States* v. *McKesson & Robbins, Inc.* (Civ. 76–50, SDNY 1952).

[28] S. 774; H.R. 3669.

[29] 21 Congressional Record 2457.

All too often we take our Constitution and its vast and rewarding benefits for granted. It is the oldest written Constitution in this entire world. It is the product of a benign destiny and of inspired man. Its durability is the very rock of our salvation. Its flexibility has carried us through every storm in the life of the Republic. Its wisdom is a thing of magic and without it and without those dedicated people who gave it force and flesh in other days who shall say what our destiny might have been. Good government calls for devotion to the Constitution.

The arrogance of power and authority so easily besets many persons in high places and how easy it is for an attitude of mind to develop which treats the very people who are this Government and who are the fountainhead of all power as if they were the servants and not masters in the house of government.

Courtesy and good manners are the plant food which nurture trust and confidence on the part of the people and ever fortifies the hope that good government among us shall never perish.

Organized emotion can become a potent force in shaping public policy whether in the foreign or domestic domain. Too often this force takes account only of the interest of the group for whom benefits are sought and not the whole national interest. More and more good government for all of the people requires that group pressures be resisted and group demands be very closely screened. An unreasoning multitude can charge down first one extreme path and then another and this can lead to evil results. This is not the road to good, sound, durable government. It can be achieved only by a dispassionate consideration of the well-being of all of the people.

In the whole American scheme the dignity of man and the divinity of human personality are the very foundation stones of our destiny as a free people.

In some quarters these attributes are regarded with cynical amusement, yet without a proper regard for this exaulted station of man how can there be good government in its best sense and how can we effectively employ our resources, talents and ideals in the cause of a free world?

Liberty is being extinguished or fenced in in so many areas of the world and all too often the schemes to impair human freedom are successful, for in exchange for their liberties people are lured by a mess of material pottage.

The real shining hallmark of good government is a decent and wholesome respect for the people's liberties and to truly serve the cause of good government means a constant and dedicated effort to preserve freedom.

So as one surveys the nations of the world and the state of mankind, as one contemplates the intranquility and friction, as one assesses the relentless assault upon man's freedom, as one takes thought of the fears which abound in so many people as they behold their own governments, one must conclude that perhaps good government is an exception rather than the rule.

What then is the last best hope of good government here and elsewhere? The answer is simple indeed. It lies in the hearts, the minds, and the souls of men who have been summoned either to appointive or elective office to give to government at every level durable purposes, attainable ideals, wholesome administration and devoted effort.

Whether men serve by appointment or by election to public office, it is they who finally determine whether government is good, sound, just, and prudent. If they succumb to the lures of public office, if they are venal and self-centered, if they are cynical, if they are cowardly in the face of challenge, if principle means nothing, then indeed are the hopes for good government rendered to ashes.

The individual is still the foundation stone of good government and the hope of social, political and economic progress.

SMALL BUSINESS AND THE ROBINSON-PATMAN ACT

Mr. PROUTY. Mr. President, yesterday, I received from Mr. George Burger, vice president of the National Federation of Independent Business a thought-provoking letter. Mr. Burger, a personal friend of many Members of this body, writes his endorsement of Senate Resolution 30, a resolution supported and cosponsored by many Members of the Senate.

Mr. Burger also provokes thoughts with respect to the relationship between the operation of the Robinson-Patman Act and the small businesses of this Nation.

From time to time, it is well for us to reexamine the climate in which our laws are working, and their effectiveness under changing conditions in our economy. Mr. Burger has written to President Johnson about this matter and has sent to me a copy of that letter, together with a copy of his release at the time the letter was made public.

I ask unanimous consent that copies of those two letters and a copy of the release be included in the Record as part of my remarks.

There being no objection, the letters and release were ordered to be printed in the Record, as follows:

National Federation of
Independent Business,
San Mateo, Calif., April 23, 1964.

Hon. Winston Prouty,
Senate Office Building,
Washington, D.C.

My Dear Senator: You and I know that where the greatest segment of small business rests in our economy is in the distribution field, and recent figures from the Department of Commerce show in excess of 4½ million small businesses.

The problem that is facing small business in distribution is not decreasing, but is increasing. We make this statement due to the continual reports we are receiving from our nationwide membership, all independent business and professional men, all individual members in the 50 States, numbering 195,295. We believe it resolves itself in need for action by the Senate, and particularly the Rules Committee in reporting out your bill, Senate Resolution 30, which would provide legislative authority for the present Senate Small Business Committee.

We know that 54 Senators have declared in support of the resolution, all bipartisan action.

Granting this authority to the present SSBC—this would give them the power (after drastic study and investigation of the problems facing independents in the distribution field) to report out to the floor of the Senate remedial legislation.

We base this on recent reports furnished by the Federal Trade Commission and the Antitrust Division of the Department of Justice—they, realizing the problem in dual distribution but at the same time offering no practical solution to the problem.

You will note our action as per the attached release, and for the overall good of small business it is my hope that you will be able to place the entire communication in the Appendix of the Record, and with any appropriate remarks. Doing this will alert your colleagues to the seriousness of this situation.

Sincerely,

George J. Burger,
Vice President.

News Release of National Federation of Independent Business

George J. Burger, vice president, National Federation of Independent Business, today called on President Johnson for his determination on the course of future action under the Robinson-Patman Act as it affects small business nationwide, both at the production and distribution levels.

He stated: "The time has come that demand be made for a thorough congressional investigation of the enforcement by the Federal Trade Commission of the Robinson-Patman Act."

He further stated: "We further believe on completion of such investigation, should any deficiency on the part of the Federal Trade Commission in the enforcement of the Robinson-Patman Act be disclosed, that enforcement of the Robinson-Patman Act should be turned over to the Department of Justice to administer as it would appear from the record of that Department they have been more active in the enforcement of the antitrust laws."

Burger charged this drastic action is necessary as the result of worsening conditions facing the Nation's 4,500,000 small businesses through unfair competition presently draining the lifeblood of all small business.

The full text of Mr. Burger's letter is as follows:

April 21, 1964.

Re Robinson-Patman Act.
Hon. Lyndon B. Johnson,
President of the United States,
White House, Washington, D.C.

Dear Mr. President: It is not my intention to intrude on your very, very busy day, but due to worsening conditions facing small business nationwide as a result of unfair competitive conditions, speaking for our approximately 200,000 individual members comprising independent business and professional men in the 50 States, it is imperative that this subject matter be brought to your personal attention.

We are referring to the Robinson-Patman Act and the results of its enforcement during its 28-year existence—1936–64.

When that legislation was enacted into law it was hailed by small business nationwide as their "Magna Carta" and they felt that their "day in court" had arrived. Now after its 28-year existence we find small business facing an even more perilous position than at the time the act became law.

One of the first major actions of the Federal Trade Commission under the new law took place through issuance of the cease-and-desist order against U.S. Rubber Company et al., 1939, which order, in part, was one of the first major cases instituted by the Commission, outlawing the override commission arrangement existing between major rubber and major oil companies. However, there has been a question, and a serious question, as to when that order was ever vigorously enforced by the Commission, and lack of enforcement of that order is believed to be the main contributing reason for the Robinson-Patman Act being looked upon as a "dead letter" law.

Then you will note, as per the attached, from the Akron Beacon Journal of August 1, 1954, the Commission's further action on the subject of override commissions in its cases filed against the three other majors making up the big four in the rubber industry.

Now 14 years later, 1964, we find those same cases still pending before the Commission, with millions of dollars having been paid in override commissions, and further elimination of small business nationwide over that 14-year period (and, Mr. President, there is no indication it will not be another 14 years before these cases are finally decided).

In view of this we believe:

1. The time has come that demand be made for a thorough congressional investigation of the enforcement by the Federal Trade Commission of the Robinson-Patman Act; and

2. We further believe on completion of such investigation, should any deficiency on the part of the Federal Trade Commission in the enforcement of the Robinson-Patman Act be disclosed, that enforcement of the Robinson-Patman Act should be turned over to the Department of Justice to administer as it would appear from the record of that Department they have been more active in the enforcement of the antitrust laws.

Mr. President, this is a very vital subject, and continual destruction of small business, both at the production and distribution levels, only results in greater and greater unemployment—which you are trying to correct.

May small business look to you for help on this subject matter?

Sincerely,

George J. Burger,
Vice President.

U.S. CORPORATIONS LOCATING ABROAD

Mr. PROUTY. Mr. President, there is a tendency today, in some quarters, to view with alarm the growing numbers of U.S. corporations which are locating in foreign countries. Yet, if one stops to reflect for a moment, it becomes evident that, instead of being a detriment, it very well may be a boon.

Americans have been traditionally successful in the international business arena. There is hardly anywhere on earth where at least one American trademark has not penetrated. We have spent millions building the American label as a symbol of reliability; and, although we have succeeded with our products, we ourselves are known as "ugly Americans."

In today's intensely competitive world it is no longer enough simply to sell our products; we are engaged in a never-ending struggle to sell ourselves. Few people will disagree that it is one thing to sell a commodity, but quite another to sell an image.

An American corporation which is using its overseas locations, as well as its public relations staff, to impart a favorable image of America and Americans is Pan American World Airways.

Mr. President, I ask unanimous consent that an article entitled "Making Friends Overseas," by L. L. L. Golden, which appeared in the April 11 edition of Saturday Review, be made a part of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Making Overseas Friends

Time was when an American corporation abroad could do its specific job, remain aloof from the host country, make a fair profit, and all would be well. It is far different today, for the American corporation overseas is more than a privately owned company tending to its own knitting. Both the corporation and its personnel now must not only show a concern for the people and institutions of their host country but also try to make a contribution to that country's general welfare.

The better managed U.S. corporations know this. They run their enterprises with a constant consideration of local interests. This means more than employing indigenous personnel. It means more than scrupulous obedience to all laws and customs of the host country. The American corporation, besides making a profit, must convince the oversea country that it is interested in the advancement and attuned to the aspirations of the local nationals.

The responsibility of American corporate management is greater overseas than at home in one crucial respect. Abroad, a corporation represents the United States as well as its own stockholders. This country's reputation depends heavily on the manner in which American businesses are run and the extent to which they show awareness of the desires and needs of the countries in which they operate.

One example of an alert and responsible American corporation is Pan American World Airways, whose routes cover 72,000 miles on 6 continents and in a total of 86 lands. Its assumption of the obligations of American business abroad is modern, vigorous, and realistic.

Of Pan American's 7,000 employees overseas, only 300 (4 percent) are U.S. citizens. In many of its bases, in fact, there is only one American citizen; in Lisbon, there is none. While local laws in many countries require employment of nationals, Pan Am's policy goes far beyond any such governmental regulations. Furthermore, because the company's American staff overseas consists mainly of people who have selected long-term assignments abroad as a career, they have a chance to become skilled at working in foreign countries.

Those directly charged with public relations responsibilities overseas are almost without exception trained journalists of the countries in which they are stationed—former war correspondents, ex-editors of American-language newspapers, or those who have worked abroad long enough to grasp the background of the country in which they serve Pan Am now. Most of the company's overseas public relations men (of which there are 39 in Europe, South America, and the Orient) have been at their current posts for at least 10 years.

Pan Am has also made an unusual contribution through the Intercontinental Hotel Corp. (started in 1946, following a suggestion of President Roosevelt to Pan Am's Juan Trippe). By the end of this year it will have 27 hotels in operation, and the eventual goal is more than 70, none in the United States. In every case, the hotel strives to be a local enterprise. Pan Am acts as a junior partner with local government, industry, financial institutions, or leading citizens.

In January 1961 Pan Am set up its worldwide marketing service to provide information for those seeking trade in countries where the airline operates. It is welcomed by nations overseas that seek American buyers and sellers and is of great value to Americans seeking buyers abroad.

But the airline's most interesting and useful development is its technical assistance program. Since 1955 Pan Am has joined with oversea countries to set up brand-new airlines or has worked to develop existing ones that are, or may become, direct competitors.

The Turkish Airlines project began after the Turkish Government asked the U.S. Government to help modernize its airlines. Pan Am was chosen. Contracts between Pan Am and Turkish Airlines were written with Pan Am reimbursed for the costs by the International Cooperation Administration (now the Agency for International Development). Pan Am provided a team of 25 technicians as advisers. They included representatives of every department: project director, operations manager, chief pilot, check and training pilots, maintenance manager, maintenance technicians, communications supervisors, traffic and sales manager and representatives, supply manager, financial manager, and others essential to the successful operation of an airline. The technical assistance team had two functions: (1) to establish modern operations and management procedures; (2) to train Turkish substitutes for the Pan Am group. Begun in March 1955, the project was completed in August 1960.

In Pakistan, Pan Am's technical assistance program operated from April 1955 until December 1962. Here a Pan Am team of 25 specialists worked with Pakistan International Air Lines as advisers. PIA now operates its own jet fleet on a completely self-sufficient basis, established in minimum time and at minimum risk. Today PIA competes with Pan Am.

The Afghanistan project, started in March 1957, is still in progress. Here the job was to establish an airline, Ariana Afghan Airlines, from scratch. Pan Am's latest project, in Iran, began this past February. A new airline wholly owned by the Iranian Government succeeded two privately owned airlines that needed modern operating procedures. At Iran's request to the U.S. Government (passed, in turn, to Pan Am), limited technical assistance has been started and will be expanded later. In addition, plans are being drawn by Pan Am to set up new airlines in three African countries.

Helping nations set up airlines, providing skilled men and experience, training ground and air crews—all this is a long way from the old days when an American corporation "minded its own business" abroad. In the long run, what Pan Am is doing abroad will help not only nations overseas, but itself and U.S. foreign policy. Public relations here performs its most significant function.

L. L. L. Golden.

WOOL IMPORTS

Mr. PASTORE. Mr. President, in this morning's Washington Post appears an editorial under the caption "Something for Wool?" It is rather critical of the wool manufacturers and those concerned with the woolen textile industry for their attempts to convince our Government that it should institute quotas with respect to the importation of woolen products.

The regrettable thing about the editorial is, first, that it is most unfair.

Second, it is not well informed at all. It develops the point that, because this country reached a multilateral agreement with a number of nations on cotton, this became the inducement for those who were interested in wool to ask for quantitative limitations with regard to wool imports.

The fact of the matter is that in May 1961 President Kennedy issued a seven-point program. In that seven-point program he talked about all textile commodities and products. He did not confine himself strictly to cotton. The only reason why we did not develop the woolen agreement at that time was that it involved particularly Great Britain, France, Italy, and Japan, rather than the 18 or 19 nations that were exporting large quantities of cotton products.

The point I make this morning is that the fact remains that when we had our discussions with the President the proportion of importations as against American consumption was rather small in percentage. A year ago the percentage was 17 percent. It is now up to 22 percent, and it is rising constantly. Everyone of us should be concerned. President Kennedy declared the textile industry to be of vital peacetime importance. The Congress declared its policy of encouraging wool production as a measure of national security and the Office of Civil and Defense Mobilization declared it an essential part of our mobilization base. I agree with President Kennedy—and I am sure it is the reasoning of President Johnson—that the status of the textile industry has a direct effect on our total economy.

The serious question that confronts the industry is how far imports will go before we make our woolen industry extinct. I am interested in what this problem means to American jobs. The fact is that within the last 10 years almost one-third of American jobs in the textile industry have been lost. Whereas there were 1¼ million workers in the American textile industry 10 years ago, today there are no more than 890,000, which means we have lost more than 350,000 American jobs.

During that period of time more than 1,000 American mills have shut down. This is a serious problem.

The one point I want to emphasize this morning is this. The question is asked, What effect this is going to have on the Kennedy round? Great Britain has an agreement with Japan on a limitation of woolen imports. Italy has an agreement with Japan on woolen imports. All we are asking is that the United States do exactly the same thing.

The argument that is developed in this newspaper is that the Japanese Government is against this agreement, that the British Government is against this agreement, that the Italian Government is against this agreement—my answer to that is that Great Britain and Italy already have agreements with Japan, and we are asking them to do with us what they have done among themselves. And if that is asking only what is fair—and surely it is—then I say this whole article is grossly unfair.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SALTONSTALL. I simply add to what the Senator from Rhode Island has said that these other countries have had bilateral agreements among themselves, and they refuse to let us have a bilateral or unilateral agreement with them. And that is all we are asking.

Mr. PASTORE. They have closed the door in our faces. They know what the problem is in America. They really do not care. We have tried to convince our Government that unless something is done and done quickly, the textile industry in this country will become extinct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I ask unanimous consent that I may be allowed 3 additional minutes. Many Senators are interested in this very important subject. I hope that the Senate will grant us this indulgence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator from Rhode Island. For years I have served with him on the Special Subcommittee, of the Committee on Commerce, on Problems of the Textile Industry. Under the able leadership of the Senator from Rhode Island, much has been accomplished. I commend him for everything that he has done. I associate myself with every word that he has said this morning. The Senator has hit the nail exactly on the head.

Mr. PASTORE. I yield to the Senator from Maine.

Mr. MUSKIE. Does the Senator think it appropriate to point out at this juncture in his remarks that the industry representatives of these very countries are interested themselves, and increasingly interested in limitations upon imports into the United States? They, too, see a threat to themselves of imports into their countries from low-wage countries.

Mr. PASTORE. Is it really protectionism when it develops that the imports amounted to 22 percent of the entire American consumption? And it keeps going up, up, and up, and our mills are closing down, down, and down. Our jobs are being lost every day. Great Britain has an agreement with Japan. Italy has an agreement with Japan. All we are saying is, "What is wrong with them having an agreement with us?" If they want to protect their own industries and work out quantitative limitations, what is wrong with the United States doing the same thing. And why does this embarrass the Kennedy round?

As a matter of fact, why must we always give, and give, and give, and all the while lose American jobs? I am not saying we ought to shut imports completely off. But I am saying that at some point there ought to be some sense of reason exercised. The imports have now reached 22 percent.

When Mr. Kennedy was the President of the United States, he said at our meeting in the Cabinet Room that we could live with 17 percent. And the industry was living with it at 17 percent. But now it is 22 percent. Next year it will perhaps be 30 percent. And the year after next, perhaps it will be 40 percent. And after that, we will not have enough mills, we will not have enough spindles in this country to make uniforms to put on the backs of our boys—God forbid—in the case of an emergency. That is how bad it has become.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SIMPSON. I associate myself with the remarks of the distinguished Senator from Rhode Island. I compliment him on the very remarkable fashion in which he has championed the cause of the textile industry. The textile industry has a terrific impact on the wool industry in the West, and in the State of Wyoming. It is the second largest industry.

What the Senator from Rhode Island has to say on the subject is in keeping with what the Senator from Wyoming feels. I assure the Senator from Rhode Island that the woolgrowers of the West appreciate his championing of their cause.

Mr. MORSE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I ask unanimous consent that I may have an additional 3 minutes. I hope the Senators will indulge me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I say "amen" to everything the Senator from Rhode Island has said. Our record has been that of giving, giving, and giving, hundreds of millions of dollars' worth of foreign aid to these countries. And this is the way they show their appreciation. And this is the way they will keep right on showing their appreciation.

I think we not only must protect the American industry, but I think we have to protect the American taxpayers from these countries. They will keep their hands out for more giving. Therefore, I will not only support the Senator from Rhode Island on this matter, but I will give the Senator an opportunity to vote for my amendment to cut foreign aid to these countries.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. ELLENDER. Mr. President, during debate in the Senate on the recently adopted cotton bill the proponents claimed that if cotton prices for domestic use were the same as world prices, then, and only then, would domestic cotton mills be able to compete successfully with foreign mills. I would like to know why they cannot.

Mr. PASTORE. The Senator is talking about cotton. I am talking about wool.

Mr. ELLENDER. I understand that. But the same principle applies.

Mr. PASTORE. It does not. The reason that we supported the cotton bill was the unfairness of some of our practices. We were selling raw cotton to Japan 8 cents a pound cheaper than the man who manufactures cotton goods in America had to pay for the same cotton. Then Japan would make a shirt and send it back to the United States and compete in our market with that man who had to produce his goods in the United States and pay 8 cents a pound more for the same cotton. That was absolutely unfair. That is the reason that I voted for it. It was the price differential. It was an injustice to the American manufacturer.

Mr. ELLENDER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. ELLENDER. Mr. President, it is true that the editorial refers to wool. I am wondering what else we can do for woolgrowers and woolen textile mills. At the present time domestic wool prices are fully competitive with world prices. Raw wool is sold in a completely free market, with a direct payment made to woolgrowers. Raw wool prices are not price supported in the sense that there is a floor under them, and still domestic woolen mills claim that they cannot compete with foreign mills.

I said at the time of the debate on the cotton that price alone was not the answer to competition with foreign mills. We have poured millions of dollars of aid into foreign contries to build up their economies. They have built the most modern and efficient textile mills in the world. In addition, their labor costs are only a fraction of ours. But, our domestic mills sell in one of the best markets in the world, where the standard of living is higher than in any other nation of the world. It would appear to me that the domestic cotton mills could pay a higher price for the raw product, and then through a quota system such as they have in effect, more or less, control the amount of textiles that come in. The wool people should attempt to inaugurate the same method. I wonder what else we can do to assist the woolgrowers, as well as the cotton textile mills.

Mr. PASTORE. It is very, very, very simple. All we want these countries to do is to agree that there is a limit to exports to our country—a limit beyond which they cannot go without destroying American industry. We are now allowing them to send woolen products into our country to the extent of 22 percent of American consumption. We are ready and willing to give them a part of the American market. We are not against that. But can we give them all of the American market? Only at our peril. And if we do that, what do we do with the woolen mills in the North and in the South?

What do we do in the case of an emergency when it comes to putting uniforms on the backs of American soldiers? What do we do in the case of an emergency when it comes to manufacturing a blanket to put over them to keep them warm? Do we go to Japan, or do we go to Italy to get these items? Indeed—could we go?

American strength must be in American industry. Let us keep the American industry where it belongs—in America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I ask unanimous consent that I may be allowed an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. GOLDWATER. I compliment the Senator from Rhode Island on his courageous stand on this matter. As a past retailer of the fabric he is talking about, I can verify everything the Senator has said. Woolen goods can be imported from other countries at a greatly reduced price.

I also point out to my colleagues that the cattle industry in this country is endangered in the same manner. Twelve percent of the meat which was eaten in this country last year came from abroad. Our own cattle industry in the West and in the South is suffering.

I join with the Senator from Rhode Island in demanding that this administration and Congress do something—not necessarily in the way of a tariff or in the way of protection, but in a way that the other countries can understand, and in a way that will be generous to a point, and after that, if we have to take action in order to keep our industries alive, we should do it.

Mr. PASTORE. All we are asking is that Great Britain do with us what she has done with Japan. All we are asking is that Italy do with us what she has done with Japan. All we are asking Japan to do is to do what she has done with Great Britain and with Italy.

Mr. GOLDWATER. I agree.

Mr. PASTORE. What is so wrong about that? And what is so un-American about that?

Mr. MAGNUSON. Mr. President, the Senator has served as the chairman of a very able committee which inquired into the textile problems. I could add fish, cattle, lumber, and several other items to those which the Senator has mentioned.

I am not pointing my finger at anyone when I say that our negotiators at the international meetings do not seem to view very carefully the long hearings and the conclusions which have been reached by the committee on the subject of textiles, or on the subjects of lumber, fish, and cattle.

It seems to me that if they reviewed those hearings they would be in a better position to negotiate, having the opinions and conclusions of the people who live with those problems, who go before the people, and who represent the people in Washington. Their knowledge is based on long hearings and intimate acquaintanceship with the problems. The negotiators would be better equipped to go into international conferences.

Mr. PASTORE. In the United States, the most blessed land in the world, one-sixth of the population lives on a substandard diet.

One-fifth of our population lives in poverty. Between 4 and 5 million people are out of work. All I am saying is that these negotiators should be careful, and that they need not always play the role of Santa Claus in the negotiations. There is no reason why they cannot, in a hardheaded, businesslike way, reach agreements. Let us be compassionate of heart; but in our compassion, let us not destroy American industry, or American jobs. What we are doing is exporting American jobs by the thousands. The time has come to stop it.

Mr. ELLENDER. Mr. President, I was rather surprised to hear the statement of the Senator from Rhode Island. For many years I have been making the point that we have used our tax dollars to assist the countries of the Western World, to put them on their feet. I have not had the time to look over the debates with respect to the recent cotton bill. However, it was stated on the floor of the Senate that if we would make it possible for our cotton textile mills to buy cotton at the same rate at which we sell it abroad, they would be able to compete with the mills abroad.

I disagreed with that argument. I stated, and I repeat now, that the production our mills complained about 2 months ago was competition, not between us and the producers abroad, but among the textile producing mills in this country. We have made possible the production of more and more cotton on the domestic level, so as to make it available at a cheaper rate.

I express the hope that I was mistaken in the arguments that I advanced against the passage of the recent cotton bill. With the wages we are paying, I do not see how we can compete; and it may be necessary, if the present situation continues, to do something about tariffs and quotas, if we are to succeed.

Mr. KENNEDY subsequently said: Mr. President, earlier in the day we heard a very fine statement by the distinguished Senator from Rhode Island [Mr. PASTORE].

On behalf of the people of the Commonwealth of Massachusetts, I want to express my great appreciation to the Senator from Rhode Island for the extraordinary amount of attention and the great experience and understanding which he has given to the problems of the textile industry.

I come from a State where, traditionally, wool textiles have been one of the most important industries. Unfortunately, we have seen this industry's continuing decline over the last 20 years, due in no small part to increasing textile imports, especially woolen imports, into this country. This decline has created serious economic conditions in many industrial cities and towns in Massachusetts.

The position which has been taken by the distinguished senior Senator from Rhode Island [Mr. PASTORE], by many of my colleagues in the Senate and in the House, and by members of both industry and labor is a reasonable and responsible one. It is a position that recognizes the importance of expanded trade and at the same time the necessity for orderly marketing to preserve economic stability in certain industries.

I speak as one who believes in the importance of expanded trade for the industries of Massachusetts, but I speak as well in support of the position of the Senator from Rhode Island, that with respect to wool, realistic import controls are essential.

I believe this is in the interest, not only of New England, but also of the regions of the South and of the West. I believe that this is in the interest of the Nation as a whole. We in New England are most fortunate to have such an able spokesman as Senator PASTORE to present this issue which so vitally affects the lives and the well-being of the people of our area.

Mr. THURMOND subsequently said: Mr. President, I share the concern which has been expressed by the Members of this body with reference to the woolen import situation. As a member of the special subcommittee to study the textile industry of the Senate Committee on Commerce, I have had the pleasure of serving under the able chairmanship of the distinguished senior Senator from Rhode Island [Mr. PASTORE]. His zeal in seeking solutions to the many and varied problems affecting all segments of our domestic textile industry is worthy of commendation.

In this regard, I think that the editorial which appeared in the Washington Post this morning entitled "Something for Wool" casts an unfavorable reflection upon the Senator from Rhode Island [Mr. PASTORE], and in doing so, upon the entire woolen textile industry. The editorial does not mention him by name, but it is very clear that it is referring to him.

The Special Subcommittee To Study the Textile Industry was established during the 2d session of the 85th Congress, and during that period of time, has made numerous recommendations based on intensive study. The latest report of the subcommittee, issued on July 18, 1963, concerns itself primarily with the recent trends and the current situation in woolens and worsteds. One has but to read this report to recognize the inaccuracies and unfairness of the Washington Post editorial which appeared in this morning's paper. The domestic market for wool textile products increased about 27 percent from 1958 through 1962. Domestic production rose only 15 percent during this same period, however. At the same time, total imports of wool textile products increased by more than 146 percent. This trend toward increased imports is continuing daily.

In 1958, wool textile imports accounted for about 10 percent of domestic production. By 1962, the ratio of imports to domestic production had climbed to 21.8 percent, and imports accounted for about 18 percent of domestic consumption.

There have been further steady increases in these ratios up to the present time.

The picture in employment, or perhaps I should say unemployment, varies in almost direct proportion with the increase of imports. Since 1947, the employment of production workers in the woolen and worsted industry had declined well over 60 percent. In 1963 alone, 11 woolen and worsted mills were liquidated, displacing 2,200 workers.

In view of these revealing statistics, the position taken and the recommendations made by the special subcommittee and its chairman, should be followed. No logical argument can be advanced in opposition to efforts by representatives of the U.S. Government and of the industry involved to work out meaningful agreements by which these ever-increasing imports can be curbed.

FARM BUREAU DEMOCRACY?

Mrs. NEUBERGER. Mr. President, nearly 3 months ago the Senate Committee on Agriculture, on which I am proud to serve, received some very startling and unusual testimony from the president of the Webster County, Nebr., Farm Bureau. Briefly, this testimony which we heard on February 11 stated that the wheat bill, which was to later pass the Senate and become law, was good legislation and that the American Farm Bureau Federation, the Nebraska Farm Bureau Federation and Mr. Charles Shuman did not represent their grassroots members in opposing this program.

Mr. Shuman and the Farm Bureau have told congressional committees, Senators, and Representatives that the policies and positions which they bring before us represent and reflect the thinking of their grassroots farmer members.

Now, however, it has been called to my attention that this entire Farm Bureau county organization is about to be expelled from membership because they opposed the program and policies developed—not at the grassroots as it should be—but by the Nebraska Farm Bureau Federation and the American Farm Bureau Federation.

I will not belabor the point. The facts speak for themselves and I am inserting in the RECORD two resolutions recently adopted by the Nebraska Farm Bureau Federation for the purpose of expelling the Webster County Farm Bureau. I respectfully urge all my colleagues to review these resolutions and see for themselves that this organization apparently takes a dim view of that basic democratic principle of freedom of dissent.

I ask unanimous consent that these resolutions be inserted in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1

Resolved by the board of directors of the Nebraska Farm Bureau Federation at a regular meeting of such board duly held, at which a quorum is present, That the following members of the Nebraska Farm Bureau Federation should be expelled:

Webster County Farm Bureau, a federated member; Alfred Schutte, an active member (including all other persons holding membership by reason of the membership of Alfred Schutte); Bryce Ohmstede, an active member (including all other persons holding membership by reason of the membership of Bryce Ohmstede).

The grounds for the expulsion of such members are:

1. As to Webster County Farm Bureau, that such organization, through its officers, Alfred Schutte, president, Bryce Ohmstede, vice president, and Frances Ohmstede, public relations director, has openly and continuously opposed principles, policies, and programs of this federation, and has violated agreements between such federated member, and this federation, arising by reason of the constitution and by laws of this federation, and by reason of the uniform agreement between this federation and the Webster County Farm Bureau.

2. As to Alfred Schutte, that he, individually and as president of Webster County Farm Bureau, has openly and continuously opposed principles, policies, and programs of this federation, and as president of Webster County Farm Bureau, has contributed to and participated in the violation by such federated member of agreements between the Webster County Farm Bureau and this federation, as hereinbefore set forth.

3. As to Bryce Ohmstede, that he individually and as vice president of Webster County Farm Bureau, and Frances Ohmstede, his wife, a member of this organization by virtue of the membership of Bryce Ohmstede, individually and as public relations director of Webster County Farm Bureau, have contributed to and participated in the violation by such federated member of agreements between the Webster County Farm Bureau and this federation, as hereinbefore set forth.

The general nature of the facts contributing the grounds for expulsion above stated are:

A. Webster County Farm Bureau: By applying for membership in the Nebraska Farm Bureau Federation, Webster County Farm Bureau accepted and agreed to abide by the constitution and bylaws of the State organization. (Art. IV, sec. 1, NFBF constitution.) The constitution of the Nebraska Farm Bureau Federation, in article II thereof, provides that among the objects and purposes of the organization is the advancement of the interests of agriculture "through organized effort" and the carrying on of varying programs for the accomplishment of such purpose. The constitution of the Webster County Farm Bureau provides for the advancement and improvement through organized effort of the interests of agriculture. Other provisions of article II of the constitution of the Webster County Farm Bureau require the county organization to affiliate with the Nebraska Farm Bureau Federation and the American Farm Bureau Federation; and to cooperate with the Nebraska Farm Bureau Federation and American Farm Bureau Federation. The uniform agreement between the Nebraska Farm Bureau Federation and the Webster County Farm Bureau requires the parties to act jointly, and to coordinate their activities. The Webster County Farm Bureau recognizes the general jurisdiction of the Nebraska Farm Bureau Federation in matters involving State policies, legislation, programs and public relations, and through the Nebraska Farm Bureau Federation the jurisdiction of the American Farm Bureau Federation in all matters involving national questions in the same areas. (Uniform agreement, par. 2.) The uniform agreement provides that when policies and programs shall be adopted by the Nebraska Farm Bureau Federation at any annual or special meeting of voting delegates, the parties agree that the executive officers of the respective organizations and all committees and persons in the employ of such organizations shall be authorized and directed to cooperate to the end that such policies may be maintained and such programs developed. (Uniform agreement, par. 4.) The uniform agreement provides that any declaration of policy adopted by the voting delegates of the State organization involving, among other things, commercial activities, and the public relations of each organization in State and national matters, shall be and become the policy of both parties. (Uniform agreement, par. 7.)

Webster County Farm Bureau, through its officers hereinbefore named, and otherwise, has openly and continuously since before the year 1962:

1. Opposed the programs and policies of the Nebraska Farm Bureau Federation and the American Farm Bureau Federation, in violation of agreements between Webster County Farm Bureau and Nebraska Farm Bureau Federation, as hereinbefore referred to, in that:

(a) Webster County Farm Bureau has opposed the policies and programs of the Nebraska Farm Bureau Federation and the American Farm Bureau Federation, duly adopted, particularly with respect to Government control over, and Government programs for, agriculture.

(b) Webster County Farm Bureau has, by such opposition, failed to cooperate with the Nebraska Farm Bureau Federation, and to act jointly in coordination with the Nebraska Farm Bureau Federation, in the advancement and improvement, through organized effort, of the interests of agriculture, pursuant to the policies adopted by the Nebraska Farm Bureau Federation.

(c) In the course of openly and continuously opposing the policies and programs of the Nebraska Farm Bureau Federation and the American Farm Bureau Federation, Webster County Farm Bureau, through its officers above named and otherwise, has frequently secured the publication of material tending to discredit the Nebraska Farm Bureau Federation and the American Farm Bureau Federation. Such publicity has been secured by statements to press representatives, press releases, letters to newspapers and other periodicals intended for publication, which letters were in fact published, and otherwise. Among other things, the Webster County Farm Bureau, through its officers above named, has accused the Nebraska Farm Bureau Federation of being similar to the Communist Party; has accused the Nebraska Farm Bureau Federation of preventing Farm Bureau members from exercising their freedom of speech and their right to be represented; has, by implication at least, accused the Nebraska Farm Bureau Federation of distributing hate sheets; has stated that a pattern of fear and distrust has prevailed at Nebraska Farm Bureau Federation conventions; and has accused the Farm Bureau organization of being "undemocratic" and "a machine."

B. Alfred Schutte: Alfred Schutte, individually and as president of Webster County Farm Bureau, has contributed to, and participated in, the opposition of the Webster County Farm Bureau to the policies and programs of the Nebraska Farm Bureau Federation, the violation of the agreements between the Webster County Farm Bureau and the Nebraska Farm Bureau Federation, and the publication of statements derogatory of the Nebraska Farm Bureau Federation and the American Farm Bureau Federation, as above set forth.

C. Bryce Ohmstede and Frances Ohmstede: Bryce Ohmstede and Frances Ohmstede, individually and as vice president, and public relations director, respectively, of Webster County Farm Bureau, have contributed to, and participated in, the opposition of the Webster County Farm Bureau to the policies and programs of the Nebraska Farm Bureau Federation, the violation of the agreements between the Webster County Farm Bureau and the Nebraska Farm Bureau Federation, and the publication of statements derogatory of the Nebraska Farm Bureau Federation and the American Farm Bureau Federation, as above set forth.

Resolved by the board of directors of the Nebraska Farm Bureau Federation, That this board having adopted a resolution for the expulsion of: Webster County Farm Bureau, a federated member; Alfred Schutte, an active member (including all other persons holding membership by reason of the membership of Alfred Schutte); and Bryce Ohmstede, an active member (including all other persons holding membership by reason of the membership of Bryce Ohmstede), which resolution for expulsion was adopted at this meeting, and prior to the adoption of this resolution, this board of directors does hereby appoint the following persons as a committee to conduct a hearing upon the questions of such expulsion, pursuant to paragraph (3) of policy resolution VII adopted by the voting delegates of the Nebraska Farm Bureau Federation. The members of such committee shall be:

Roland Nelson, vice president, Nebraska Farm Bureau Federation, Saunders County Farm Bureau.

Donald Bartling, Washington County Farm Bureau.

Wendell Gangwish, Hall County Farm Bureau.

Robert Kleeb, Custer County Farm Bureau.

John Klinker, Douglas County Farm Bureau.

Allen Peterson, Kimball County Farm Bureau.

Bernard Sullivan, Lancaster County Farm Bureau; and be it further

Resolved, That the secretary of the Nebraska Farm Bureau Federation is hereby directed to forward a copy of the resolution for the expulsion of the members above named, and a copy of this resolution, to the Webster County Farm Bureau, Alfred Schutte, and Bryce Ohmstede, by registered mail, return receipt requested, at the addresses of such members as shown on the records of the Nebraska Farm Bureau Federation; and be it further

Resolved, That the committee above appointed is hereby authorized, empowered, and directed to do all things necessary for the conduct of a hearing upon the question of the expulsion of the members above named, pursuant to the requirements of policy resolution VII, adopted by the voting delegates of the Nebraska Farm Bureau Federation.

NO SAFE CIGARETTE, SAYS SCIENTIST

Mrs. NEUBERGER. Mr. President, the recently announced code setting up standards for cigarette advertising has created a favorable impression on the public. Even though the standards are to be self-imposed, the reading and viewing public will be quick to call attention to any deviation.

The tobacco industry is making an all-out effort to curb the adverse effects on cigarette sales of the Surgeon General's report which showed a positive link between smoking and cancer. The question is, Is it possible to make a really safe cigarette? Dr. Ernest Wynder of the famed Sloan-Kettering Institute for Cancer Research says:

> No. It is unrealistic that you can have an entirely safe cigarette product on the market, but less hazardous cigarettes are a matter of reality.

Dr. Wynder believes that the 1964 smoker of filtered cigarettes is exposed to approximately 50 percent less tar and nicotine than the smoker of cigarettes without filter tips of 10 years ago.

It behooves the Government, which subsidizes the growing of tobacco, to step up its research in determining if it is possible to produce a less harmful tobacco.

OREGON BOARD OF HEALTH ON SMOKING

Mrs. NEUBERGER. Mr. President, it is rewarding to see how many political divisions of government are taking action following the Surgeon General's "Report on Smoking and Health."

The Oregon State Board of Health is one of those out in the forefront in this area, and they recently adopted a resolution which states that "since the board is vested with the responsibility of protecting the health of the citizens of Oregon and since a preponderance of clinical and scientific evidence indicates adverse relationship between cigarette smoking and chronic bronchitis, emphysema, asthma, and cancer, the Oregon State Board of Health is going on record as favoring and cooperating with an educational campaign presenting smoking and health facts to the people of Oregon."

Furthermore, the Oregon Medical Association through its house of delegates has branded cigarette smoking as dangerous and has urged the adoption of a State cigarette tax.

SMOKELESS ATHLETES: STRIKE ZONES AND END ZONES

Mrs. NEUBERGER. Mr. President, the athlete is one of the most publicized hero figures in America. Names of such star athletes as Arnold Palmer, Y. A. Tittle, Willie Mays, and Bill Russell are familiar in almost every household. Nor is it only male athletes who receive this attention, for who can forget the inspired performances of Wilma Rudolph, Babe Zaharias, and Maureen Connolly. I raise this point because the use by tobacco companies of such idolized public figures, who have so much appeal to youth, for the purpose of advertising cigarettes has always seemed to be particularly irresponsible to many of us concerned with the health hazards of smoking.

While the new cigarette advertising code is certainly no cure-all for some of the less desirable aspects of cigarette promotion, one of the more encouraging things about the code is the announced discontinuance of cigarette testimonials by athletes. Two articles have appeared in newspapers which touch on this topic. The one by the very respected veteran sports columnist of the Christian Science Monitor also raises the question of whether or not the tobacco industry, in light of their implied intentions in their code, can or should continue to sponsor sporting events on the television and radio. The article from the Washington Post, by Dave Brady, discusses the comments on smoking by footballer John Unitas, with whom I shared the program at the National Conference on Smoking and Youth.

I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1964]

Unitas Urges Youngsters To Shun Smoking

(By Dave Brady)

A Colt from Louisville yesterday lectured on the evils of one of Kentucky's pleasure products, tobacco.

He wore one of those plastic-covered identification badges like the others at the National Conference on Smoking and Youth at the 4-H Center in Chevy Chase, Md. It read, "Johnny Unitas."

The Baltimore quarterback from Louisville University got a much bigger write-in vote than that other prominent crusader against tobacco, Senator MAURINE B. NEUBERGER, Democrat, of Oregon.

The youngsters from as far as the Virgin Islands sought their answers about health from the comely Senator, but sought autographs from the articulate Colt who has the unhealthiest position in professional football.

* * * * *

The delegates learned that Unitas has put his money considerations where his mouth is. He told them he has refused thousands of dollars rather than give testimonials for tobacco and alcoholic beverage ads.

He recalled that he smoked when he was 9 years old, just because the leader of the gang did.

That is why Unitas is opposed to other athletes endorsing tobacco ads—because kids look up to them as leaders. He thinks the National Football League should take a stand.

While still a youngster, Unitas asked himself why he was smoking. He didn't enjoy it. All he was getting was "two nicotine-stained fingers." He wanted to be an athlete of some consequence.

He heard that smoking stunts growth and he wanted to be "large enough to play pro football. I had to have the will not to smoke any more," he recalled.

"We parents can't make you stop smoking. It's strictly up to you," said the father of four.

Pointing up how careful an athlete has to be about his public posture, Unitas recalled a picture taken of him after the 1959 championship game.

He had a bottle of Nehi ginger ale in his hand. He received nearly a thousand letters from clergymen, physicians, scout leaders, parents, and others who took him to task for suggesting to the youth of America that their heroes drink alcoholic beverages.

"The Colts had the picture blown up so that the Nehi label could be read and offered it for wide distribution, but the damage had been done."

[From the Christian Science Monitor, Apr. 29, 1964]

Relief Sighted in Cigarette Code

(By Ed Rumill)

Now that the Nation's cigarette manufacturers have stepped boldly forward with a new and tough code which, if enforced, most certainly will much improve the moral standard of advertising, here is one small voice expressing the hope that the makers of alcoholic beverages will have the courage, initiative, and good taste to do the same thing.

As readers of this page are aware, we have long protested the boring succession of tobacco and beer commercials hurled at viewing and listening audiences during the Nation's sports events, especially when it's a known fact that a large percentage of those watching television or listening to the radio are under 21 years of age. The moral obligation is obvious. How can our major sports preach high moral standards on the field of play, yet accept tobacco and beer sponsorships for radio and TV coverage?

While there are many people who pooh-pooh this contention as being unharmful and unimportant, mail coming regularly to this office proves that a great many others are aware of the dangers of pouring this sort of advertising into the ears of young people, to say nothing of the influence it may also have on their parents. Still, the pro clubs have turned a deaf ear, claiming that only occasionally do they hear a protest from the direction of the public.

CODE AIMED DIRECTLY AT SPORTS

The clubs also contend that their first obligation is to the man who comes to the park and buys tickets, and why bother with a crying public who follows the team only by radio and TV? This is a ridiculous attitude, since the listening and viewing fan of today is very apt to be the paying customer of tomorrow.

However, if the clubs are going to sit idly by and be more influenced by sponsorship checks than moral codes, the cigarettemakers are not. Inspired, no doubt, by the recent U.S. Surgeon General's report that smoking constitutes a hazard to health, the Tobacco Institute has submitted a code directly aimed at the sports field and which now awaits clearance by the Department of Justice for compliance with antitrust laws.

The code is specifically aimed at testimonials from athletes, celebrities, or anyone "who might have special appeal to persons under 21." It goes on to say: "Cigarette advertising shall not depict as a smoker any person well known as being, or having been, an athlete. Cigarette smoking shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation. Testimonials from athletes or celebrities in the entertainment world, or testimonials from other persons who, in the judgment of the administrator, would have special appeal to the persons under 21 years of age, shall not be used in cigarette advertising."

There is more, covering a territory far beyond the world of sports, but these are the facts of the code immediately affecting spectator events.

A $100,000 FINE COULD BE INVOLVED

The administrator mentioned in the code is a vital figure, as it will be his duty to enforce the rules and penalize offenders. And incidentally a fine of a fat $100,000 could be involved for a violation.

And so now we await the reaction of the baseball majors. How will this affect sponsorship contracts that were accepted and signed months ago? Will the National and American League clubs have to give the money back, or will they fight back?

Although occasional voices have been raised in the public and press against tobacco and beer commercials, this is the first time the ball clubs have really been face to face with one loud enough to threaten this questionable indifference on sponsorships. Now, for the first time, the clubs will have to answer a protest with teeth in it.

There is one angle to the sponsorship of sports events that has always puzzled us. It is this: Is it possible that the only major companies interested in televising and broadcasting the day-by-day action in pro baseball, football, and other games of national interest, are those working with tobacco and alcoholic beverages?

Baseball is our national sport, or claims to be. It has prestige and a tremendous fan following. Why, then, can't it be choosy in accepting sponsorships? Surely it must have a choice.

Well, let's wait and see what happens; but it will be more than a bit refreshing to a lot of us if those boring and definitely harmful tobacco commercials disappear forever from the air.

ADDRESS BY HON. JAMES A. FARLEY AT ANNUAL LAW DAY OBSERVANCES AT THE UNIVERSITY OF GEORGIA

Mr. RUSSELL. Mr. President, the annual Law Day observances at the University of Georgia School of Law, on May 2, 1964, were honored by the presence of James A. Farley. As everyone knows, Mr. Farley is a distinguished American statesman and a master in the field of political science and lawmaking, as well as an outstanding businessman.

He delivered a most thoughtful and provocative address on this occasion. The address was in the nature of an exposition of the workings of our great machinery of Government, with particular emphasis on the important role played by political considerations.

I believe that all Members of the Senate agree that Mr. Farley is a recognized authority in this field. As he put it himself, "I am a politician—and I am proud of it."

There is a great deal of wisdom and merit in Mr. Farley's remarks. Anything he says is newsworthy. I respectfully commend to Senators and readers of the CONGRESSIONAL RECORD this outstanding address. I ask unanimous consent that it may be printed in the RECORD at this point, as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The Expanding Pattern of American Law

(Address by Hon. James A. Farley, chairman of the board, the Coca-Cola Export Corp., at Annual Law Day, University of Georgia School of Law, Athens, Ga., May 2, 1964)

It seems to me entirely appropriate that one day a year be set aside as Law Day, to remind us that if every day weren't a day of law, modern society could not exist. I have a deep respect for the law; and I find it particularly gratifying to be invited to address a group of young men and women who have faith enough in it to devote their lives to its study and practice.

It may seem presumptuous for me to discuss the nature and philosophy of law, because my slender means as a youth did not permit me to study it formally. But, in modest qualification, I have had over 50 years of experience in and around lawmakers, who are sometimes—and with understandable irreverence—called politicians. I am a politician—and I am proud of it.

Times have changed in America. There was a time when a young man of character was expected to explain why he was in politics. Now—as in the magnificent ancient Athens, from which this very city takes its name—a youth of character really owes an explanation of what he is doing outside of politics.

The reason for this seems crystal clear to me.

Science has unlocked many of the forces of nature, and the machines have harnessed these energies. It follows that as the machines have harnessed nature, the law—and the law alone—can harness the machine.

That is the essential challenge of our times. As certainly as the law followed the pioneers and brought order to the wilderness, the law must follow science and bring order to the vast new fields it has opened. I concede without the law, these great advances would be the worst calamities ever inflicted upon man—and many wise men fear that day is upon us.

I do not share the fears of the prophets of doom. I believe that a tractor is a substitute for a horse—and neither is a substitute for a man. I do not believe it to be in the nature of man's destiny—that he freed the horse from harness—in order to handcuff himself to a tractor. Indeed, I think it almost an insult to Providence to assume that these great revelations were given in order that man might destroy himself. Great is the power of the atomic bomb—and wonderful are the calculations of the electric computers—but the machine has not been invented which contains the main ingredients of the law: conscience, courage, and imagination.

To you young people, I most earnestly say: Leap to the challenge, hurl yourself into the fray, and, of course, you will win.

Why? Because law is as necessary to a community as its daily bread. I do not speak in an oratorical sense. I am speaking in plain everyday horsesense. In plainest words—even a poor court is better than the best of dueling grounds and as our country had to abolish dueling between individuals, it will be your great task to stop duels between nations in the form of wars.

And as certainly as law succeeded in lifting the burden of sorrow and the great loss of distinguished men—Decatur and Hamilton to mention two—in the form of dueling, it will be your holy destiny to lift from all mankind the scourge of war. Have no doubt of this—you will succeed. God, the right, and all humanity are on your side. To those whose hearts are too faint to look ahead to our country's destiny, let them look behind at its historical record.

No man could have foreseen our present magnificent Midwest on the day President Jefferson urged Congress to effect the Louisiana Purchase. It was a lonely expanse of swamps and forests, great empty plains, and huge barrier mountains. But sing out the litany of some of the American cities which now blossom there: Denver, St. Louis, Chicago, Minneapolis, Memphis, New Orleans, and Des Moines.

To me these are something more than cities, mere points on the map. They are acts of faith of the American people. I see them as evidence of God's will as manifested through the strength, purpose, and character of the American Republic. Millions of buildings, of every shape and kind, abound but whatever their construction they rest upon the same foundation—the sanctity of American law. To keep that sanctity is the first duty—not only of every lawyer and judge—but of every American citizen. It is not enough that every litigant receive a fair and open hearing in our halls of justice. It is important also that every citizen believe that justice is obtainable from the bar and bench.

Thus, any judge or any lawyer who fails to live up to the high standards of ethics expected of him does more than violate the code of his profession or even the laws of the land. He has committed the spiritual crime of undermining the faith of the American people in their courts and in their Government. In plainest terms, I believe that a great part of the majesty of the law is the trust and faith that we common people have in it; and the fact that such faith and trust is seldom abused by the bar and bench is no reason for them to relax the zealous guard they have maintained over the administration of American justice.

It follows that if such majesty attends the administration of the laws, it is the first duty of every citizen in a free society to take part in their making.

In ancient Athens, a man who took no part in making of the laws was scorned. The great Pericles himself said, "A man who has no public business had no business at all." I will go one step further: what was an ideal in ancient Athens is a necessity in modern America. Indeed, such is the weight and scope of modern laws, that I believe that a citizen who takes no part in their making has given up a considerable part of his freedom.

This is why. During my more than 50 years in American politics certain patterns emerged. It occurred to me that American politics was much like the sea, which constantly rebalances itself. Hurricanes raise mighty waves, but the sea is so delicate that even the tiniest breeze also causes a ripple. I noticed that the great American political leaders were much like skilled ship captains. Firstly, they had as much respect for the will of the American people as a good captain has for the sea. A good politician—like a good captain—knows that the very force which sustains him can also sink him. He must judge the ripples because they may herald tomorrow's storm. He must distinguish between the deep currents and the temporary surface storms. Like the everyday work of the sea captain he must understand both his crew and his ship—both the strengths and the weaknesses.

But if he had only these he would be a mere officeseeker dedicating his life to his personal vanity. To have the elements of a great leader his ship must have a purpose and a destination—and I want to assure you young men and women that it is as true for American politics as it is for the navigators of the seas—that no man and no ship can reach his destination unless he raises his eyes above the horizon and gazes upon the stars. One more thing I would add: We are all part of the crew of the American ship of state—and few sailors ever had a fate different from the ship upon which they served.

In different language, the late Chief Justice Vinson described the relation of the American citizen to the American ship of state. Every American is permitted many loyalties, he said, all of which he may express freely, but among his loyalties there is but one which must stand supreme—his loyalty to the United States of America.

What does this mean? It means to me what I believe to be a second great pattern of American politics. I am frank to say I was in politics for 20 years before it dawned on me, and it came in the nature of an important discovery. The discovery is no more nor less than this: that the Congress and the State legislature are places which settle disputes just as much as do the courts, but they do it in a different manner. Ordinarily they do not decide for one interest against another; they balance them.

Those who shirk their civic duty by sneering at politics are prone to call this process "logrolling." I am content to accept this definition. I have rolled many a political log, secure in the knowledge that if someone didn't roll the logs there wouldn't be any lumber even to build a stadium for these grandstand quarterbacks.

Thus, I count it as a vital part of government that a Senator from Arizona, for example, is likely to look with favor upon a new lighthouse in Maine, provided the Senator from Maine views with sympathy an irrigation project in Arizona. Now, if the gentleman from your great State were to remain silent and inactive while this was going on, I am afraid that Georgia might well be the loser thereby. I am happy to report, however, that from my long experience in the Nation's Capital this is a department in which your representatives are far from placid.

Name calling is part of American politics, but I never heard anybody—Republican or Democrat—call my old friends DICK RUSSELL, CARL VINSON, and HERMAN TALMADGE amateurs.

In any event, as certainly as the world's commercial markets are the trading places for money and goods, a Congress or a legislature is a market and trading place for ideas and social forces. Like all marketplaces, it is a hurly-burly place of activity. And precisely as a specialist stands at his post on the stock exchange, a Congressman and a Senator trades for his State on the floor of Congress. There is this simple exception: Back home, the politician is accused of straddling a fence when, in fact, the poor fellow is out rolling logs or sawing wood for the benefit of the very people who are criticizing him.

The fact is that the interests of his State are close to the heart of every Congressman and Senator, because deep inside of it is the desire to be reelected. That's what amused me most when I was chairman of the Democratic National Committee. The opposition newspapers bitterly called me a political boss when, as a matter of fact, I was spending most of my time trying to find out what my bosses—96 members of the national committee representing their bosses, 25 million Democrats—expected me to do, in in order to keep the job. That was my third discovery; everybody may think you're the man at the top of the pyramid, when as a matter of fact, you're the fellow at the bottom of the pile, because you have to take the responsibility for a lot of things over which you have no control.

I worried about this at first, but I was fortified by a story told to me at the time. It appears that the late George Eastman went hunting big game in Africa with a camera. He was taking motion pictures of a large lion, when the lion suddenly charged him. Mr. Eastman was unarmed, and just as the lion was about to pounce upon him his native gunbearer shot the lion in the nick of time. Mr. Eastman took pictures right up to the final spring of the lion with his huge jaws open. When he showed the pictures to Mr. Owen D. Young, Mr. Young remarked: "You must have been frightened to death, George." "No more than usual," said Mr. Eastman dryly, "where the heck are you anyhow if you can't trust your own organization."

In a more serious sense, our own organization isn't our businesses nor our political parties. It is the United States itself.

At the very first Cabinet meeting of which I was a member, the economic organization of our country had broken down. The very first act of President Franklin D. Roosevelt was to declare a bank holiday.

In a very real sense, the country had to call on its greatest asset—the faith of the American people in their Government. With the economic world crashing about us, everyone knew that the means of solution could only be in one thing: the honor of the U.S. Government and the marshaling of its strength by its President.

At that time, the Office of the President of the United States assumed new proportions. This wide expansion was not a reaching for power. It was born of national necessity, not out of soaring personal ambitions.

That necessity has not contracted. On the contrary, it has grown greater and greater. This is due to the fact, first pointed out by President Andrew Jackson, that the President and the Vice President are the only offices filled by the election of the American people as a whole. Thus, the President is the sole spokesman for the entire Nation.

This is particularly true in foreign affairs. In the critical international field, it is now recognized that party lines cease at the American shoreline. Thus, at the time of the

Berlin crisis, many Democrats, including myself, wired President Eisenhower that they unconditionally backed the President.

No one was more vigorous in such support than the then majority leader of the Senate, Lyndon B. Johnson. Lyndon Johnson not only stopped party politics from crossing our shoreline; in his complete devotion to his country he abolished the aisle in the Senate. His mighty support gave President Eisenhower a doubly reinforced position in those difficult days. More particularly, the Communist leadership was given to understand by the action of Lyndon Johnson that President Eisenhower spoke for a unified nation.

While I do not venture to suggest how an ex-President of the United States should conduct himself, I cannot refrain from mentioning that I believe that President Eisenhower could perform the greatest of public services by declaring that foreign policy should not be an issue of this campaign. Such a statement would be consistent with the ex-President's selfless record; it would present the same unified front which proved effective in President Eisenhower's effective meeting of the Communist challenge. Surely, the pressure points now are not less important than they were then. The world is engaged in a great moral struggle in which geography is merely a backdrop. In short, it seems to me that if President Johnson is given the same support in foreign policy that he marshaled for President Eisenhower the Nation will be strengthened immeasurably thereby.

Indeed, on a lesser basis, I am unable to see how the Republican Party can seriously urge that foreign policy is an issue, since it has taken a major part in its formation.

Historically, Senator Vandenberg, of Michigan, led the bipartisan pattern just as Majority Leader Lyndon B. Johnson carried it out so successfully. Both Republican and Democratic Presidents have made available to the candidates of the opposite party the fullest information. This is clear proof that both recognize that the continuity of the Republic is over and above that of any man of any party.

Further, that foreign policy is a spurious issue is indicated clearly by the fact that a leading Republican candidate, Henry Cabot Lodge, is acting as American Ambassador to South Vietnam. Further, he served in such capacity at the instance of Mr. Johnson's predecessor, President Kennedy. Now it is perfectly obvious to all Americans that if Ambassador Lodge were not in favor of the foreign policy of Presidents Kennedy and Johnson he would long ago have resigned. This course of action is as settled in American history as the North Star in the heavens.

But I am not so sure it is equally obvious to the world leaders of communism. They have shown in the past that they do not understand that party loyalty in these United States is all but insignificant as against loyalty to the U.S. Government itself.

It is for this reason that I have ventured to suggest that a statement by President Eisenhower—that the present American foreign policy is the settled policy of the American people—would immeasurably reinforce the forces of freedom. I go so far as to hope that our living ex-Presidents—Mr. Truman and Mr. Hoover—might join in such statement. Speaking only for myself, I should feel an intense surge of pride, if, as a demonstration of our national strength and unity, both major parties should adopt identical foreign policy planks in their platforms.

In closing, I believe I am not by nature an envious person, but I cannot refrain from stating frankly that I am deeply envious of your generation. You will witness and help form a new world of such magnitude as to make our present times and ways as antiquated as the hand plow. It is not only because the last 30 years have seen more progress than in the previous 3,000. Man has done more than make new discoveries. He has discovered the methods of making much greater ones.

New and miraculous worlds will open before you. New and tremendous scientific laws will be unveiled. But for all of the new discoveries that are coming, there is one old law whose strength and majesty can never be altered or repealed. That is the law of the Sermon on the Mount. That is the law which the law of our land seeks to accomplish. That is the reason we meet here today on Law Day: to manifest our trust in the law—as citizens—because this is the foundation of our trust in God—as a nation.

SENIOR CITIZENS MONTH

Mr. KEATING. Mr. President, May has been designated by the President as Senior Citizens Month in recognition of the ever-increasing role that Americans age 65 and over play in the life of our country.

This segment of our population is growing at a rapid rate. Advances in medical standards have made it possible for men and women to live and work productively beyond the stage of life at which they cease active work.

As a member of the Special Committee on the Aging, I am well aware of the benefits, as well as the problems, of the increasing number of senior citizens among us. They have much to offer society and the community and must have the opportunity to do so. Thus, the theme of Senior Citizens Month is "Opportunities for Older Americans." This group needs the chance to offer their talents and abilities to society without fear of financial destitution after retirement. I have introduced proposed legislation to remove the arbitrary earnings limitation presently imposed on social security recipients and have sponsored a bill to provide hospital insurance under social security and low cost health insurance to Americans over 65.

Senior Citizens Month is an appropriate time to renew our dedication to these causes and to salute the growing number of older Americans who contribute so much to our society.

SERMON BY BISHOP BRYAN J. McENTEGART AT DEDICATION OF VATICAN PAVILION AT WORLD'S FAIR

Mr. KEATING. Mr. President, I was privileged to attend the recent dedication of the Vatican Pavilion at the World's Fair. His Eminence Paul Cardinal Marella, the papal legate, blessed and dedicated the pavilion and officially unveiled the inspiring and world famous Pièta of Michelangelo. He was accompanied by Francis Cardinal Spellman, of New York, and His Excellency Egidio Vagnuzzi, apostolic delegate to the United States, and Bishop Bryan J. McEntegart, of Brooklyn.

In a ceremony that was profound and meaningful, the great masterpiece was revealed. The pavilion itself provided a jewellike setting for the unforgettable masterpiece, the sculpture of Mary holding the body of Jesus in her arms after his removal from the cross.

True to its overall theme that "The Church Is Christ Living in the World," the pavilion shows the church in three aspects: the church long, the church sanctifying, and the church teaching.

A brief but meaningful sermon put into century-long perspective the works and mission of the church, from the earliest days of the Christian martyrs to modern medical and educational efforts.

Mr. President, this mission and the role of the Vatican Pavilion were aptly described in the impressive sermon of Bishop Bryan J. McEntegart. I ask unanimous consent that the sermon be printed in the Record following my remarks.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

SERMON BY BISHOP BRYAN J. McENTEGART

One of the early public pronouncements of our divine Saviour was His Sermon on the Mount. It is recorded for us in the fifth chapter of St. Matthew's Gospel and, from it, I am about to read verses 14 to 16:

"You are the light of the world. A city set upon a mountain cannot be hidden. Neither do men light a lamp and put it under the bushel, but upon the lampstand, so as to give light to all in the house. Even so, let your light shine before men, in order that they may see your good works and give glory to your Father in heaven."

Today's events remind me that about a century ago, the little children of France delivered to us in America a beautiful Statue of Liberty. It occupies a prominent place at the gateway to our great city and country. It has helped to make a watchword in our land. To our minds, liberty and America have become almost synonymous. We hope it shall be so forever.

Just 5 days ago, on its way to the world's fair, Michelangelo's famed statue, the Pieta, sailed past the Statue of Liberty. This masterpiece, loaned to us through the kindness of two holy fathers, and unveiled today, might well be called the Statue of Peace. Michelangelo has depicted Our Lady, the Queen of Peace holding in her arms the Prince of Peace, who himself came into this world, suffered and died to bring peace to men of good will.

Since the central theme of the New York World's Fair is "Peace Through Mutual Understanding," how appropriate and fitting it is that we, at the Vatican Pavilion, should display the "Pieta of Peace."

Truly, this day, April 19, 1964, is a memorable day for us as we gather in this beautiful chapel, neath the glistening cross of the Vatican Pavilion to welcome warmly him who comes to us as the worthy legate of His Holiness, Pope Paul VI. Your Eminence, Cardinal Marella, we, the people of the United States, open our arms and our hearts to receive you. In extending our warm welcome to you, we are, in reality, greeting His Holiness, Pope Paul VI.

We are most happy that you have been sent directly from Vatican City to unveil, here in America, Michelangelo's beautiful statue of Christ and His loving Mother, and to implore the blessings of God upon the Vatican Pavilion. From the depths of our hearts, we feel a sense of loyalty and gratitude to His Holiness, Pope Paul VI, and we seek to give expression to these feelings.

Pope John XXIII, of happy memory, first gave permission for Michelangelo's masterpiece to leave St. Peter's Basilica, in Rome, to spend two summers in the Vatican Pavilion. It was his intent that all Americans, even the poorest, might not be denied the opportunity of seeking this glorious statue of Christ and the Blessed Virgin Mary. The greatness of this day was further insured when our present Holy Father, Pope Paul VI, gloriously reigning, kindly consented to endorse all the permissions granted by his worthy predecessor.

More than 2 full years have been spent in planning and preparation that we of the church might, to the very best advantage, "let our light shine before men." The finest minds in architecture and design have been devoted to prepare a fitting setting for the Pieta. Experts in the field of exhibit have pooled their talents and have given unstintingly of their time in order that we might help men to see the good works of the church and to give glory to their Father in Heaven.

In the mass, just a few moments ago, His Eminence, Cardinal Marella, turned toward the congregation saying: "Pax Vobis"—"Peace be with you." Peace, we know, is God's greatest blessing. That is why His Eminence prays that our Vatican Pavilion and its entire exhibit, so minutely planned, may make its due contribution to world peace by helping all men to come closer to the ideal of "mutual understanding."

The story is told that when the famed Michelangelo had completed another of his famed sculptures, the great statue of Moses, he stood back momentarily to admire the finished work. Overwhelmed by the power and realism of the image before him, he flung down his mallet and cried out to the statue, "Speak."

Literally, through this finished pavilion, the church speaks. For, the Catholic church, more than all other exhibitors at this tremendous fair, is anxious to "let its light shine before men."

This Vatican Pavilion must demonstrate what the Church has done in the past, what she is currently doing, and what the Church plans to do in the future. Hopefully, by the brilliance of her light, she may lead men closer to God and bring God closer to men.

It is to man who, in countless thousands will come to this fair and to this particular pavilion, that our Pieta and our entire exhibit must speak. If, in this Vatican Pavilion, by showing the works of Christ's church, we help to broaden and to deepen mutual understanding among men, then truly His church shall have made a valuable contribution toward world peace.

Down through the centuries, the Catholic church has steadily sought man's advancement in every field of endeavor—in philosophy, in the arts, in music, in culture, in the field of education, in charity, in hospital work, in the care of the aged, the lepers, the orphans, and the helpless. It is a simple statement of historical fact that, long before municipalities, states, and nations addressed themselves to the care of human needs, the Mother Church of Christendom, ever interested in mutual understanding among men, had prepared the way for subsequent developments in the field of social welfare.

Men of good will recognize that both God and country are faithfully served by the Catholic school in their neighborhood. Our exhibit will point out that, under the supervision of Holy Mother Church, over 22 million students are educated every day in more than 150,000 schools throughout the world. They are taught by nearly a million and a quarter religious teachers, whose services are entirely contributed. Who can possibly compute the magnitude of this contribution to the betterment of mutual understanding?

The Vatican Pavilion will present brief scenes of hospital work in various sectors of the world. These vignettes will seem very familiar to all of us who have experienced the qualified and dedicated services of our hospital sisters. Similar Catholic institutes of God's mercy dot the entire globe, from Manhattan Island to the Island of Molokai. In the United States alone, close to 1,000 Catholic hospitals care for more than 12 million persons each year without regard to color, race, or religion.

Does not this represent an immense contribution to mutual understanding?

It shall not be our purpose to overwhelm with statistics the millions of visitors who will come to our Vatican Pavilion. Rather, we shall show them glimpses of what the church has accomplished in the past—what she is doing today in health, education, and welfare, and what, with her spirit renewed through the Ecumenical Council, she plans to do in the future.

Then we shall welcome all of our visitors, non-Catholic as well as Catholic, to this lovely little chapel, to pray for peace which can come only from God through the efforts of men and nations blessed with mutual understanding.

If, at this New York World's Fair, the message of every other exhibitor is important, our message here at the Vatican Pavilion transcends all the rest: "Seeing it—and heeding it—men, we prayerfully hope, will come closer to God and closer to true peace."

BE KIND TO SENATOR MORSE DAY

Mr. MORSE. Mr. President, some of the letters I received in my mail this morning have made me think this must be "Be Kind to Senator MORSE Day." The Washington correspondent of one of America's large newspapers has written me the following brief letter:

MAY 2, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Here is one reporter who is appreciative of your efforts to bring some light and knowledge both on and off the Senate floor, and whose good wishes you have in your continuing efforts to point up the sins of omission and commission that passes for journalism these days.

I have read the letter into the RECORD rather than merely having it printed in the RECORD, because I would not want to embarrass its writer. However, I did wish to place the contents of the letter in the RECORD.

CRITICISM OF METROPOLITAN POLICE DEPARTMENT

Mr. MORSE. Mr. President, I also received this morning a letter from a Washington, D.C., police officer. I have received quite a few already and have also conferred with a good many members of the department. In due course of time, I shall place other letters in the RECORD. But I wish to read this one now:

APRIL 30, 1964.

DEAR SENATOR MORSE: As a member of the Metropolitan Police Department I am writing to commend you on the investigation of the department. In my 13 years on the force it has been nothing but favoritism all the way. In the precinct I serve in no colored officer is allowed to serve in a scout car even if it means putting an inefficient man in the car.

We put out tickets only to find them fixed when we return to the station. This is mainly left up to the captain and he will accommodate anyone along this line.

A close record of these tickets is kept on a daily basis as one man is responsible for keeping this file.

Despite the fact that crime is on the increase we are currently collecting for the Police Boys Club. This involved placing eight or nine men on special duty when crime is most prevalent in the evening. These men come in about 3 p.m. and play cards in the police station before going out to collect. This collection will last until about June this year.

Hoping this will provide your investigators with additional information.

I hesitate to give you my name as I have only a few years before I can retire. I think you can understand this.

Thank you,

POLICE OFFICER,
Northwest Precinct.

Mr. President, I have a good deal of similar evidence. It all bears out the position I have taken that Chief Murray ought to have been fired long ago.

CIVIL RIGHTS—PUBLIC ACCOMMODATIONS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter I have received from J. Bleeker, of Coatesville, Pa., on the civil rights bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COATESVILLE, PA.,
April 28, 1964.

EDITOR, THE PHILADELPHIA INQUIRER:

DEAR SIR: Our representatives in the Federal Congress who press for civil rights legislation, have missed the basic, the fundamental criterion for "Mrs. Murphy's boardinghouse." That criterion is: Any place of service which must have a formal governmental license, cannot justifiably refuse service to any qualified person, but if Mrs. Murphy is not required to have such license, her place is social, and as a personal right she can limit her service to those who please her and each other. That criterion can be clearly and explicitly worded, and each place for service can be sharply classified thereunder.

Each person has the right to limit his personal contacts, but to do so he may have to provide his own transportation, places of lodging and eating, etc., which then is his problem.

Another fundamental: Where service is provided by government, e.g., public schools, no person accepting such service can justifiably demand segregation, but if for any reason whatsoever he wishes to avoid service at the nearest place available, he can go to any other place available but has no right to demand free transportation.

J. BLEEKER.

MANAGEMENT OF DEPARTMENT OF DEFENSE

Mr. BEALL. Mr. President, I have before me a copy of the April–June 1964 issue of the Civil Service Journal, a publication issued quarterly to Federal managers by the U.S. Civil Service Commission. The lead article in this issue is "Managing the Department of Defense." It is written by Secretary of Defense McNamara and is, I believe, the first byline article written for publication by the Secretary since he was appointed. Because of the importance of assuring the efficient and economical administration of Government programs, I think it is especially appropriate for the Civil Service Journal to bring Mr. McNamara's active management approach to the attention of the people in Government who have management responsibilities. Further, because of the broad interest that the Department of Defense must have for our daily life and our very survival, I suggest that this insight into the personality and management beliefs of the Secretary should be widely read.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANAGING THE DEPARTMENT OF DEFENSE

(By Robert S. McNamara, Secretary of Defense)

When the President first asked that I accept appointment as the Secretary of Defense in his Cabinet, my immediate reaction was to question my own competency. I had very little experience in the Government—no experience at the level to which the President proposed to appoint me. Even my limited exposure to the workings of the Pentagon as an officer in the headquarters of the then Army Air Force during World War II was some 15 years behind me.

What was the climate in the Pentagon? What kind of a job was being the Secretary of Defense? Could I—or for that matter could anyone—truly manage the Department of Defense?

I expressed my doubts to the President and seriously questioned whether he would be wise in making the appointment.

The President said he was not aware of any school for Cabinet officers.

It was after this that I called upon my predecessor, the Honorable Thomas S. Gates, Jr. Mr. Gates briefed me thoroughly on his own experience as Secretary of Defense. I learned that he first came into office as Under Secretary of the Navy in the Defense Department in 1953, just after a committee headed by Nelson Rockefeller had examined the powers of the Secretary of Defense and reported to Congress, as follows:

"The Secretary of Defense has by statute full and complete authority over the Department of Defense, all its agencies, subdivisions and personnel subject only to the President. There are no separately administered preserves in the Department of Defense. The Secretaries of the military departments, the Joint Chiefs of Staff, all officers and other personnel are under the Secretary of Defense. His power extends to all affairs and activities of the Department of Defense."

Counsel for the Rockefeller committee observed: "It remains only to sweep away the annoying challenges to that authority from time to time."

During his 6 years as Under Secretary and Secretary of the Navy, and thereafter during his 2 years as Deputy Secretary and Secretary of Defense, Mr. Gates had worked to establish the sort of control that Congress had authorized.

But just what did this control really involve? We have some 3,700,000 people in the Department of Defense—2,700,000 in uniform and 1 million civilian employees—located all over the world. The Department spends over $50 billion a year—over half of the Federal Government budget. Its inventory of real property and equipment is worth over $150 billion. Its major installations—some 600 of them in the United States alone—are in reality municipalities with all of the housing, the utilities systems, maintenance and transportation requirements, policing needs, and schools and hospitals typical of our small cities. The Department operates, for support of its forces, airlines, shipping lines, a communication system, supply distribution systems, and maintenance establishments, each of which represents a major management task in its own right. It procures annually over 4 million different items of equipment and supplies.

The sheer magnitude of the task as it unfolded made me question again whether I or anyone could really manage the Department.

On reflection, it became clear that either of two broad philosophies of management could be followed by a Secretary of Defense. He could play an essentially passive role—a judicial role. In this role the Secretary would make the decisions required of him by law by approving recommendations made to him. On the other hand, the Secretary of Defense could play an active role providing aggressive leadership—questioning, suggesting alternatives, proposing objectives, and stimulating progress. This active role represents my own philosophy of management. In talking with Mr. Gates and thinking about his experiences, I became convinced that there was room for and need of this kind of management philosophy in the Department of Defense.

In my preparation I read a report published the previous month by Senator HENRY JACKSON'S subcommittee. It recommended more vigorous implementation of the broad powers already vested in the Secretary of Defense. I knew full well that this view was not unanimously shared either in or out of the Pentagon.

The creation of the Department of Defense resulted from the clear recognition that separate land, sea, and air warfare is gone forever. The National Security Act of 1947 and its various amendments, down through the Department of Defense Reorganization Act of 1958, established the Department and the basis for its operations. Changes in the overall organization and in the character and disposition of our military forces have taken place on an evolutionary basis in response to congressional action represented by this legislation. In essence, the three Military Departments (the Army, the Navy (including the Marines), and the Air Force) have been preserved as separate organizational entities to train, supply, and support the land, sea, and air forces. The forces for the most part, however, are assigned to unified and specified combatant commands, the commanders of which by law exercise full operational command of the forces assigned to them.

The function of these commands was to carry out wartime strategic missions assigned to them by the President through the Secretary of Defense and the Joint Chiefs of Staff. The ultimate responsibility rests with the President. Immediate command of the forces is in the hands of the unified and specified commanders subject to the instructions issued by the President. I, as Secretary of Defense, act as agent for the President.

As I saw it, the changes which had been made since 1947 had recognized two highly significant facts. First, it is clear that our international political problems and our military problems are now indivisible. On the one hand we have global commitments growing out of our position of world leadership. On the other, the vast strides made in communications and means of transportation have shrunk both the time and distance factors which influence our relationships throughout the world. The need is for a capability to react quickly with both strength and restraint. The importance of any action which the United States may take anywhere in the world is so great that it must be carefully considered and decided upon at the highest levels of our Government. Second, it is equally clear that the role of the Joint Chiefs of Staff has significantly changed. No longer is their influence greatest as chiefs of their respective services. Rather, as members of the Joint Chiefs of Staff in the command channel from the President to the unified and specified commanders, their greatest influence is in the strategic dispositions and employment of our combined forces deployed throughout the world.

Each of these changes was fundamental to the relationships of the leadership in the Department of Defense. Each necessitated a rethinking of old concepts and a new approach to traditional ways of doing things.

The President's charge to me was a two-pronged one—to determine what forces were required and to procure and support them as economically as possible. As I have described, this had to be done in an atmosphere of necessary change already in process. The decisions required were and are numerous, complex, and of the greatest importance. But the mechanism of decision making left something to be desired from my viewpoint—the viewpoint of active managership.

We had to begin with a thorough reexamination and analysis of the contingencies we might face worldwide. I considered that we were too slow to develop the alternatives and the decisions as to the numbers and types of forces we really needed.

Our problems of choice among alternatives in strategy and in weapons systems have been complicated enormously by the bewildering array of entirely workable alternative courses which our technology can support. We believe the Nation can afford whatever investment in national security is necessary. The difficult question is "What is required?" It is far more difficult to build a defense program on this kind of foundation than it is to set a budget ceiling and then squeeze into it whatever programs you can. However difficult, this is exactly what we set out to do.

We first took a major step forward in the development of our planning, programing, and budget process.

To be really meaningful the defense program must be looked at in its entirety with each of its elements considered in light of the total program. This can only be done at the Department of Defense level. For example, the size of the Polaris force cannot be determined in terms of the Navy shipbuilding program or even the entire Navy program, but can be validly judged only in relation to all of the other elements of the Strategic Retaliatory Forces—the B-52's, the Atlas, the Titan, and the Minuteman ICBM's. Similarly, the requirement for Air Force tactical fighters cannot be determined independently of the requirement for Army ground forces.

To make such a review a reality, a 5-year program was devised presenting the proposed force structure and cost projections in terms of the principal missions of the Defense Department.

In our approach we show just what we are planning to spend on each mission, such as for the strategic retaliatory forces, continental air and missile defenses, general purpose forces (primarily for limited wars), research and development, etc. These categories are further broken down into individual systems and projects. For each mission, you can see how many planes we plan to have, how much investment is involved, what the expected operating costs are, how many personnel are involved. In each case, competing programs and systems are judged on the basis of their contribution to the mission to be accomplished and to the defense effort as a whole. Balance within a given program and within the entire effort is sought, always with a single overriding objective—the defense of the Nation.

The judgment inherent in this balancing of programs and systems can no longer be intuitive or rely on past experience alone. The range of choice is too broad; the number and type of alternatives too great.

In the selection of weapons systems, in the design of forces, and in determination of the level of the national defense effort, therefore, we are making greater use of a technique called systems analysis. Perhaps it is best described as "quantitative commonsense."

Systems analysis takes a complex problem and sorts out the tangle of factors. It aims to assist the decision maker by furnishing him with quantitative estimates of the effectiveness and costs of each of the alternative courses which he could choose. Confronting a multiplicity of options we have turned to analytical techniques to assist us in our choice.

These were two of the primary management tools we put to work—a mission-oriented planning and programing process to assist in defining and balancing the total effort, and systems analysis to assist in the selection of specific weapons systems and courses of action from among potential alternatives. But management tools and techniques are only that—they assist, but only assist, in the decision making process.

I am sure that no significant military problem will ever be wholly susceptible to purely quantitative analysis. But every piece of the total problem that can be quantitatively analyzed removes one more piece of uncertainty from our process of making a choice. There are many factors which cannot be adequately quantified and which, therefore, must be supplemented with judgment seasoned by experience. Furthermore, experience is necessary to determine the relevant questions with which to proceed with any analysis.

I would not, if I could, attempt to substitute analytical techniques for judgment based upon experience. The very development and use of those techniques have placed an even greater premium on that experience and judgment, as issues have been clarified and basic problems exposed to dispassionate examination. The better the factual basis for reflective judgment, the better the judgment is likely to be. The need to provide that factual basis is the reason for emphasizing the analytical technique.

There has been some intimation, I know, that I have usurped the decision making prerogatives of our military leaders. I think they would be the first to say that this is not so. To the contrary, I have encouraged the Joint Chiefs of Staff to express themselves openly and free of the restraints of their service connections in the interest of the soundest possible defense program for the country. My effort has been to provide to our military leaders and my civilian associates, through every scientific, technical, and management tool available, the best factual basis for judgment which can be produced. But then, that very judgment born of experience must be brought into play.

On many major issues, backgrounds of varied experience lead to different judgments and conclusions as to the best course of action. I am gratified that this is the case. Too often has honest difference been resolved by compromise in the interest of unanimity with the result that the strongest elements favoring each position are lost in the process.

The accumulation of individual and collective judgments, however, cannot be substituted for decision. It can only facilitate it, if the philosophy of active management is to be followed. In some cases service interests are involved inevitably. The judgments brought to bear reflect experiences characteristic of the historic viewpoints of particular services. These cases are rare, fortunately, but when they occur they are fraught with controversy. In such circumstances the decision must be mine. Obviously, a decision, made in these circumstances cannot satisfy every differing viewpoint—it cannot please every protagonist—but it must be made. I am charged by law with the decision making responsibility—and I have no hesitancy in making the required decisions, always, of course, subject to the approval of the President.

We must encourage honest differences in views in our deliberations. The exposing of differences and examination of the argumentation supporting these differing views provide the insight necessary for wise decisions—and the times demand the wisest decisions which can be made. It goes without saying, perhaps, that once a decision has been made we all must close ranks and support it.

My constant association with the Joint Chiefs of Staff and my frequent contacts with our senior commanders have served to heighten my admiration for them and their staffs—our military colleagues. Their dedication and ability are unquestioned. The perception and insight with which they approach questions of the gravest magnitude should be as great a source of satisfaction to every American as it is to me.

In my weekly discussions of major issues with the Joint Chiefs of Staff we are frank and candid in our expressions of views. The views of each of us, I know, are influenced by these discussions. Our direct contact is growing closer than that contact has ever been before between the Joint Chiefs of Staff and a Secretary of Defense. Before submitting my views to the Congress on any major issue, before making my annual program and budget presentation to the President and to Congress, and, in fact, before I submit a memorandum to the President on an important matter, I solicit, welcome, and consider the views of the Joint Chiefs of Staff. This is as it should be.

I should add that it is not uncommon to find adherents and opponents of a particular view both among my military advisers and my civilian advisers. Rarely, if ever, is there a division of views along military and civilian lines in the Defense Department—there is a consideration of views and judgments and a decision in the interest of the defense of the Nation.

We have had an immense buildup in the military strength of this country in the past 2½ years, but every major decision affecting it was born of controversy within the Defense Department—controversy in the sense of honest difference in views, that is.

During that period, we increased the number of warheads in our strategic nuclear alert forces by 100 percent. We increased the number of combat-ready Army divisions by 45 percent. We increased the number of tactical fighter wings by 30 percent; we increased the expenditures for new Navy ship construction to modernize the fleet by 100 percent. We increased by over 300 percent the size of the forces trained to counter the campaigns of subversion and covert aggression and guerrilla operations which the Communists are emphasizing. Note that the increases are widely different in size. Each of the decisions involved in achieving these increases was the subject of careful analytical evaluation and equally careful and soul-searching judgment—differences of opinion were encouraged to sharpen our focus on issues and help in reaching decisions.

I am convinced that the defense program has moved ahead. I think we can appraise our progress in terms of the immediate combat readiness and size of the forces we now have. I am fully aware that the application of my management philosophy—that of active management at the top—has caused some wrenching strains in the Department as new thought patterns have been substituted for old. I am convinced, nevertheless, that the strains have been worth it and that the Department has taken on the vital outlook which I believed it should in the interest of the best defense for the Nation.

It has been suggested in some quarters that I am unwilling to decentralize decisionmaking authority. Nothing could be further from the truth. I strongly believe in the pyramid nature of decisionmaking and that, within that frame, decisionmaking should be pushed to the lowest level in the organization that has the ability and information available to apply approved policy. The defense effort is entirely too big, too complex, and too geographically dispersed for its operations to be managed from a single control point. Our effort has been to create a framework of policy within which meaningful decentralization of operations can be accomplished. However, before we can effectively decentralize we must develop an organizational structure which will permit us to proceed to true decentralized decisionmaking rather than to management anarchy.

Too often responsibility and authority have been so fragmented by overlapping and diffused organizational arrangements within the Department as to make it virtually impossible to pinpoint responsibility. In such situations decentralization of decisionmaking authority is unwise if not impossible. As a matter of fact, in these circumstances decisions must be made at higher levels in the Department—often at the very top—because no one else has the clear authority to make them. The organization itself must be so structured as to clearly define the lines of authority and responsibility. We completed the development of the Defense Communications Agency which already had been set up and established additional departmentwide agencies such as the Defense Supply Agency and the Defense Intelligence Agency to accomplish exactly those purposes. This has permitted us to begin the decentralization of decisionmaking that we want.

Before I finish my tour of duty in the Department of Defense, I hope we will have established an approach to the job—a philosophy of management and a foundation of military security—that my successors will be able to build upon and strengthen. I think each large organization goes through a period of evaluation when the patterns of the future are formed, when the intellectual framework for decisions is established, when the administrative techniques are sharpened, when the organization structure takes shape. I believe that the Department of Defense is in such a period today.

We have expressed a management philosophy and developed a management concept which we are following, and from which we are trying to establish procedures. We believe the Department, the Congress, and the country will benefit from this effort as we pursue the basic objective—the defense of the Nation.

U.S. NEWS & WORLD REPORT CRIED "WEE-WEE" ALL THE WAY TO ITS IOU PORK BARREL

Mr. METCALF. Mr. President, all of us in Congress are indebted to U.S. News & World Report for its discourse about hog meat.

The magazine, in its March 16 issue, discussed two proposed Federal dams in Montana—Knowles and Libby.

Both would be multipurpose and would produce large amounts of power, control floods, require expensive railroad relocation, inundate several small communities, and require relocation of several hundred persons. No private power company or combine has proposed to construct either. The dams are thus similar, although Libby would cost about $80 million more than Knowles.

But, according to the magazine, Knowles is a "pork" project. Libby is in the "aid without pork," "sound development" category.

Why are virtue and nobility inferred as to Libby while Knowles, according to

U.S. News & World Report, is "a symbol of the revolt against the dam builders"?

Mr. President, the difference is that Knowles is within the service area of the Montana Power Co. Libby is not. Montana Power Co. does not like competition, which might lead to reduction of its exorbitant rates. It and its sister IOU's—investor owned utilities—oppose Knowles, but do not oppose Libby. So a vast, expensive, national propaganda campaign was mounted by the IOU's—led by the Montana Power Co.—to create a false image of Knowles.

Last fall the Montana Power Co. selected U.S. News & World Report as the national magazine in which to run advertisements which cost approximately $5,000 per insertion. U.S. News carried one of the Montana Power Co. ads on November 4, 1963, another on April 13, 1964. One can put tongue in jowl and say that this advertising income is not pork; that it is merely a remarkable coincidence that the news article about the noble Libby and heinous Knowles appeared during the period between Montana Power's advertising in the magazine.

On March 23, U.S. News & World Report carried another 2-page, four-color ad sponsored by more than 300 IOU's—investor-owned utilities. That one brought the magazine about $20,000.

Mr. President, on April 7 I placed in the CONGRESSIONAL RECORD copies of letters which a number of persons had written to the magazine, pointing out inaccuracies in the March 16 article about Knowles Dam. U.S. News & World Report does not print letters to the editor. Those who wrote letters received from the magazine a standard reply.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the April 21 letter which was received by Mrs. S. Rae Logan of Charlo, Mont., her April 24 reply, and her March 14 letter to the magazine.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. NEWS & WORLD REPORT,
Washington, April 21, 1964.

MRS. S. RAE LOGAN,
Democratic National Committeewoman.

DEAR MRS. LOGAN: We have read with interest your comments on the article, "Where Money From Washington Is Being Turned Down," which appeared in U.S. News & World Report of March 16.

The article was the result of careful research and writing by an experienced and reliable member of the staff. In preparing the article, this editor spent considerable time in the areas that were discussed. He talked with both supporters and opponents of the Knowles Dam and other projects covered in the article.

Consulted, also, were officials in Washington, including Members of Congress from the area, and hearings before committees of the House and Senate were studied. The research was thorough and complete.

We believe the material gathered through this exhaustive process was presented factually, objectively, and as comprehensively as possible within the limitations of space.

Because the subject is controversial, our readers have reacted, as would be expected, in accordance with their personal viewpoints. The result is that we have had a large number of letters of commendation as well as critical letters such as yours.

We are always glad to have the views of our readers, and it was thoughtful of you to take the time to send us yours.

Sincerely yours,
CARSON F. LYMAN,
Managing Editor.

APRIL 24, 1964.

MR. CARSON F. LYMAN,
Managing Editor,
U.S. News & World Report.

DEAR MR. LYMAN: It was considerate of you to take time to reply to my letter commenting on the article, "Where Money From Washington Is Being Turned Down." However, your letter was far from convincing.

Though you state that your "experienced and reliable" staff member "talked with both supporters and opponents of the Knowles Dam," I have yet to learn of any of the supporters with whom he talked. Certainly not with any of the officers of the Committee for Paradise Knowles, of which I have been executive secretary since 1958, nor with officers of the large farm, labor, and REA membership organizations which support it. I have verified this by personal contact and telephone.

You state that he contacted Members of Congress. But he did not do Senator METCALF, chief proponent in the Senate, nor Congressman OLSEN in whose district it would be built, the courtesy of talking with them. Yet you state, "The research was thorough and complete."

You quoted two opponents, Governor Babcock and Senator JORDAN. But you did not mention the fact that two other Governors, whose States are damaged by floods for lack of upstream storage, support Knowles. Nor did you mention that both Montana's Senators and the Congressman most directly involved also support it. Yet you insist the article was presented objectively. Not according to my standards of objectivity.

I should be interested in learning the names of the supporters with whom your staff member talked, here in the area, and in Congress. Senator METCALF, I am sure, would also be interested.

Furthermore, I know at firsthand, that some of the statements in the article were erroneous, not factual. I stick by the conclusion of my letter of March 14 that you were "doing a one-sided propaganda job for the private utilities, not a fair job of reporting the facts." To judge by the attached copies of material from the CONGRESSIONAL RECORD, Senator METCALF agrees.

Very truly yours,
——— ———.

MARCH 14, 1964.

MR. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

SIR: Many of the alleged facts in the private power propaganda article in your issue of March 16, are erroneous. They are, furthermore, identical with errors in testimony given by witnesses for Montana Power Co. and its front organizations at congressional hearings on Knowles Dam.

"It would inundate a fertile valley of 60,000 acres," is sheer nonsense. Your source supplied you with photographs of the best sections. Actually only 9,000 of the total 60,000 acres are irrigated, and some of that is so gravelly it takes five times as much water as land in other parts of the project. I know at firsthand. We pay exactly the same amount for 1 acre-foot as people in the Moiese do for 5. The other 50,000 acres are largely rocky canyon or dry sagebrush.

Additional land adjacent to the present Bison Range, which the Fish and Wildlife Administration says is suitable for replacement for the land to be flooded, has been included in the project cost.

Access to timber will not be lost.

The purpose of the Indian treaty, which you allege would be violated, was to protect the Indians and provide them with the means of earning a livelihood. The reservation no longer does this. Many Indians have been forced to leave to find work. A recent newspaper headline called the reservation of Montana "cesspools of unemployment." Senator METCALF has proposed that payment for the Indians' powersites be made in a block of power with which they could set up their own industries, or attract private industry to provide employment for members of the tribes now living on welfare. Actually this would carry out the spirit and purpose of the treaty, whereas maintenance of the status quo would not.

The grazing lands in the reservoir area belonging to the tribes are now rented by seven Indian stockmen's associations with a total listed membership of 35, most of whom are related by blood or marriage to members of the tribal council. They pay around $3,700 annual rental. Thus the approximately 4,000 other members of the tribes get less than $1 in annual benefits from the grazing lands.

You make no mention of the fact that the original purpose of Knowles is flood control. Even with the storage provided by the proposed Canadian dams and Libby, an additional 8.3 million acre-feet of flood control storage will be needed. The Clark Fork-Flathead is the third worst flooder of the Columbia Basin. Corps of Engineers studies show that 4 million acre-feet of required storage must be on this tributary. Knowles will furnish 3 million. It is the most feasible site. The small, single purpose dams Montana Power would like to build—a fact you fail to mention—would preclude forever the construction of a storage control reservoir on this reach of the river.

Without flood control storage, potential flood damage will increase from $38 million annually in 1957 to $51 million in 1980, as the flood plain of the lower Columbia becomes more thickly settled.

The flood of 1948 destroyed the city of Vanport completely. Damage throughout the basin was over $110 million; 582,000 acres of land were inundated; 120,000 people had to be evacuated from their homes; 38 people were drowned. Failure to provide flood control storage is courting similar disasters.

Now as to Governors. Why single out Babcock who opposes Knowles, but omit mention of Governors Rosellino, Democrat, of Washington, and Hatfield, Republican, of Oregon, who support it? (See their statements in the Senate and House hearings on Knowles.) Is this fair reporting; or is it propaganda with a purpose?

In Montana, Babcock's administration is unpopular with so many people for so many reasons—prominent among them is his stand on Knowles—that a grassroots movement to dump him in favor of Dr. Roland Renne, for 20 years president of Montana State College, a draft supported by Republicans and Democrats alike, is sweeping the State.

The Senate has approved Knowles three times; the House has rejected it only once. The lopsided vote you attributed solely to Knowles was affected by many other issues. You will doubtless hear from Montana's delegation in Congress, who are more familiar with parliamentary maneuver, on this aspect of your story. Doris Fleeson attributed part of the opposition to a desire to punish freshman Representative ARNOLD OLSEN for his activity in the Democratic study group which is trying to bring about reform of congressional procedures, a far cry from opposition to a dam near the Continental Divide.

Finally, you quote Senator JORDAN of Idaho in opposition to Knowles, but you do not mention that Majority Leader MANSFIELD and Senator METCALF of Montana, in whose State Knowles will be built, favor the project, as did the late Senator Murray, chairman of the Senate Interior Committee. Nor do you mention that it has been proposed by the Corps of Engineers, after very thorough study, as a multipurpose project, economically feasible even if built after the Canadian dams; that it has been approved by the Secretaries of Army and Interior, by the Bureau of the Budget, by the President.

Though your magazine does not have a letter's column, as do other news weeklies, in which readers can express their dissent, do you not owe a duty to the public to let them know you were doing a one-sided propaganda job for the private utilities, not a fair job of reporting facts?

Very truly yours,

FRANCES D. LOGAN,
Democratic National Committeewoman for Montana.

AMERICAN INDIANS NEED JOBS, EDUCATION, AND OPPORTUNITY

Mr. MUNDT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, at the conclusion of these remarks, a most significant human interest story written by Gordon Hanson and published by the Rapid City Daily Journal of South Dakota, which Mr. Hanson serves as its west river editor. It is entitled, "Life Is Rough for Big Crows."

This report of the life of a family of American Indians on one of America's federally supported and operated Indian reservations should be read by every thoughtful and public spirited American citizen who, being unaware of the manner in which this great country has treated its Indians from whom we took this land by force and trickery, may feel that the U.S.A. can smugly contemplate or criticize the present day colonial or aggressive policies of other nations. Such, unfortunately, is not the case. We have failed to practice at home the high ideals which we preach abroad.

This is one of the reasons why I have submitted an amendment to the civil rights bill, now pending in the Senate, which would at least protect the American Indian from losing some of the new opportunities which are gradually emerging for him as he seeks employment and training in nonreservation pursuits. I hope every Senator will support this amendment, because it at least safeguards the progress being made and prevents the civil rights bill from becoming a device for even more serious discrimination against and discouragement for America's oldest, and least fortunate minority—the American Indian.

I hope many Americans reading this article will also call upon the administration to place high on the agenda of any war on poverty which it may implement, the urgent problem of relieving the prevailing poverty and the utterly un-American living conditions existing on the many Indian reservations upon which our Government located the Indians against their will and where productive economic opportunity is many times entirely nonexistent. Surely we owe our greatest American debt to the Indians from whom we wrested this land; yet of all the minority groups in the United States, they are the ones for whom we have done the least to protect and promote full rights of citizenship, education, and employment.

In my home State of South Dakota, which has the third or fourth largest Indian population in the country, we have organized a group calling themselves "Share South Dakota." In brief, "Share South Dakota" calls upon our fellow citizens both within and outside the State to share their blessings and possessions with our American Indians almost precisely in the manner that CARE calls upon Americans generally to share their largess with unfortunate people in foreign lands. It is a sad commentary upon our American collective conscience, however, that while so many Americans support CARE in a salutary effort to assist backward people in far-off foreign lands, so very few Americans feel compelled to share their food, clothing, finances, or job opportunities with our own American Indians here at home. With regard to the American Indian, the old axiom, "charity begins at home," seems to carry no significance.

However, I am happy to report that in South Dakota there are many who do contribute to "Share South Dakota." I hope that other Americans in other States will also give support to better the living conditions, the health, and the educational and job opportunities for our American Indians. Anyone interested in doing so may send his contributions to "Share South Dakota," in care of the American State Bank, Yankton, S. Dak., or through the office of Representative BEN REIFEL, in Washington, D.C. Representative REIFEL is president of "Share South Dakota."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIFE IS ROUGH FOR BIG CROWS

(By Gordon Hanson)

PINE RIDGE, S. DAK.—The scrub board leaning in the corner is like the house and the land—worn and tired.

Nineteen people live in the 4-room dwelling, and the stubborn prairie wind has defeated the sandy soil around the unpainted building, leaving it standing on a lonely little knoll circled by a barren moat.

The floors are bare, there are no cupboards, nor food on the table; the family takes turns eating off the few dishes, and the silverware is shared.

WATER IS CARRIED

The click of a light switch has never been heard in the home, the doorless toilet is outside, and water is carried from a well a half mile away.

This is the home of Mr. and Mrs. James Big Crow, located on the largest Indian Reservation in the world: Pine Ridge, located in South Dakota.

Mrs. Big Crow is the woman who about 2 weeks ago gave birth to her 24th child. Nineteen are still living.

A massive drive is underway in Rapid City—125 miles away—to aid the Big Crow family.

Sometime in the near future the household goods, food, clothing, a mobile home and station wagon—given by Rapid City Citizens—will be taken to the Big Crows.

ARE PROUD

The Big Crows are Sioux and they are proud.

The father, 45 years old, is a quiet, husky man with graying temples. Mrs. Big Crow, 40, is a sensitive, compelling woman.

Together they have given their children a love that has endured over the years.

But they need help, and so this writer and Mr. and Mrs. Francis (Bud) Stewart, of Rapid City, who are spearheading the drive for the Big Crows, drove to Pine Ridge to see firsthand what is needed.

Big Crow is employed by a white rancher who lives about 8 miles away. He has lived near his present home all his life, except for 3 years when he worked at the reservation's Holy Rosary Mission in the dairy department—then the mission sold most of its cows.

FINISHES ROOM

When his wife gave birth to their last child, in Rapid City, Big Crow put finishing touches on one of the rooms. He had installed a linoleum rug, put some sheetrock over the tattered tar paper exterior, and built several new window casings.

"He was trying to do so much for her," Mrs. Stewart commented later.

Big Crow's tools were a borrowed hammer, square, saw and carpenter's level.

"I've got an awfully good man," Mrs. Big Crow said from her single bed—the only one with springs in it—where she has been since returning from the hospital.

TWO OTHER BEDS

There are only two other beds in the home, both built of wood and latticed with wooden slats. Five of the younger children sleep in them, and the rest on the floor.

The beds are also used to sit on, for there is only one chair in the house.

"Does the roof leak?" Stewart asked, eyeing the outside roof where many shingles had been swept away by the ever-present wind.

"Only in one place," Big Crow said.

And later Stewart remarked to his wife: "They're in desperate need of water."

PUMP IS BROKEN

There is a well south of the house, but the pump is broken.

Clothes are washed on a scrubboard almost smooth with wear. The family shares a single washbasin, and water is carried by hand from a neighbor's place, for there is no car to transport it.

There are no closets for clothing, but on the floor in the bedroom sits a pair of brightly polished white shoes belonging to one of the teenage girls.

The prairie wind tosses sand through cracks in the wall in the summer, and snow in the winter.

A tiny basketball hoop, with a 6-inch radius, is nailed to an outside wall. It is the only visible sign of recreation for the children.

"Well," said Mrs. Stewart later, "We saw for ourselves that what Mrs. Big Crow said at the hospital was true."

And Stewart added: "I expected to find an atmosphere of futility, but he (Big Crow) seemed to have the attitude: 'I'll do anything I can for my family, no matter what it takes.' He had a smile in his eyes, and he seems to face the future with optimism."

SEEM HEALTHY

The Big Crow children all seem healthy and bright. Some are shy, some smiling, some barefoot and all with little traces of need.

Government commodities help feed the family, but during the summer when the children are all home, there are no commodities.

The bulk of their diet is potatoes and rice. The hot, sandy soil rebukes a garden.

But on the Pine Ridge Reservation, the Big Crows are exceptional only because of their large family.

HOPE HAS DIMMED

There are countless homes where there are but earthen floors, where the father is unemployed and dependent upon the Government, where conditions put a tight lid on socioeconomic progress, where morality is wanting, and where hope has dimmed.

On these rolling, sometimes barren plains, live 8,500 Sioux Indians.

Many are obliged to withstand the subzero winter temperatures in self-made log huts and tents.

To them the click of a light switch, the flush of a toilet, would be of another world.

These are things difficult to fathom when, after supper and the sun sets, there is no television to turn to; no radio or stereo, no movies, no family circle chatting about a lighted table. Only darkness and the night.

ARE GOOD THINGS

There are good things on the reservation too, such as the new low-rent housing project, or $1 million recently spent in school construction.

But these stand amidst lack of job opportunities and skills, and an occasional undercurrent of defeatism.

There is one small consolation, and Bud Stewart said it:

"When we were made aware, here in Rapid City, of the Big Crow problem, we took care of it. And we'd like the Nation to know that we took care of it.

"There is so much more to do."

FOCUS ON THE FUTURE

Mr. JAVITS. Mr. President, few have the courage to predict America's economic progress by 1980, and the circle of such men who can make such a prediction with some degree of authority is even smaller. Leo Cherne, executive director of the Research Institute of America, is one of America's leaders who has both the courage and the authority, and what he has to say about America's economic future is exciting, encouraging, and realistic.

I ask unanimous consent to print in the RECORD the address by Leo Cherne, entitled "Opportunities for Progress," delivered at the 52d annual meeting of the U.S. Chamber of Commerce, in Washington, D.C., April 27, 1964.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

OPPORTUNITIES FOR PROGRESS

(By Leo Cherne)

In 30 years I think I have learned several things that are useful in looking at the future. First of all, a look at the future based upon today's problems is the most misleading. There is no one in this room who does not recall the conviction during the great depression that America had reached the point of ultimate expansion. The mature economy, it was called.

Even more vivid in my mind was the expectation that World War II would be followed by acute reconversion dislocation involving a minimum of 8 million unemployed. Both expectations were entirely logical. But they were wrong.

Another thing I have learned about the future is that few responsible projections are high enough. A major automobile manufacturer guessing wildly about the future in connection with his exhibition at the 1939 World's Fair reached the startling expectation that by 1980 there would be 38 million automobiles. The actual total in 1960 was over 61 million.

This does not mean there will not be problems. Every great advance of society produced problems or, more accurately, every great advance of society was brought into being because of problems. But it is much easier to think of the difficulties introduced by automation than it is of the enormous opportunities set into motion by it. It is so much easier to understand today's racial tensions than to see the vast economic consequences that will flow from the amelioration of these tensions. In a real sense, the problem always seems clearer because it is present and the opportunity always seems more visionary because inevitably it always contains a large element of the unknown.

Let me illustrate: We now know that man will set foot on the moon; we do not really know when. Nor do we really know all the problems to be solved before he does; though we know that they will be solved. But these are relative knowns and unknowns, and relatively unimportant. The dynamic unknown begins only at the moment when man does set foot on the moon. It is what he will find there. It is what, in fact, his getting there will do to us, to our purposes, our knowledge, and future desires and dreams—that is the true unpredictable. With that fact in mind, let us take a look at the good part of 1980 that is already with us.

Seven of every ten Americans who will make up 1980's population have already been born and, barring world upheaval or war, will be the heart of America's existence in 1980. Virtually all of 1980's workers are already alive. The majority of them have already had all the formal education they will ever get, though a part of them will be reeducated, whether they know it or not. Similarly, though the homes built in 1980 will be very different from today's, the majority of Americans then will be living in homes that already exist now. The newest 1980 schools will be designed around TV, around electronic printers, around microfilmed libraries, will employ instruments of education that will make today's programed instruction seem like McGuffey's Reader. But, and it is an enormous but, the majority of 1980 children will be learning, as ours do today, in school buildings a generation old. The new factory of 1980 will be computerized, automated, air conditioned, landscaped, relocated, but the majority of workers will be employed in plants already built today, many of them operating machines and equipment now already in place. Thus, barring catastrophic events, there is much that can be said with reasonable probability of the America of 1980.

I will use some figures, some projections, not because they have the weight of gospel but because they are the probabilities which have been assembled by the best resources available today. To the extent that these figures lie, they will do so not in the totals and averages they reflect but in the remarkably wide diversity hidden by the averages. Especially for the enterprising businessman, the world's true professional in innovation, the averages tell less than the meaningful truth because they do not describe how far ahead of those averages the leading edge of 1980 will be for individual businessmen and particular companies effectively making the most of the opportunities for progress.

By the end of the next 15 years, there will be over 50 million more Americans waiting to be served, fed, and satisfied by enterprise. For a shorthand look at what that means, we have heard so much about the economic miracle of Western Germany. We know that Western Germany now rivals the United States itself in the race for total world trade. Yet the amount by which our population will increase in the next 15 years, the addition alone, will be larger than the total population, and with more purchasing power, than all of Western Germany today.

As this gigantic human force increases, even more important will be its changed shape, its changed character, its changed needs. The great growth will be in the numbers of the young—and the old. In the important age group from 35 to 55, the numbers will remain virtually static. In fact during the several years immediately ahead the numbers will actually decline. For much of American business this is the age group which has done most of the buying. For all business, this is the age group by which virtually all of managing is performed.

Let me look briefly at the older population. Next year, 35 million Americans will be over 55 and half of that group over 65. In 1980, 45 million Americans will be over 55 and more than half of that total over 65. Their needs are radically different from those of the balance of the community. They will be more and more separate from the balance of the community. The family living and market patterns of Americans have already established a hunger among those over 55 to do more than merely survive. They already express in a thousand separate ways the hunger for travel, for comfort, for increased vigor, for greater ease, more service, and just as importantly, they have the wherewithal to pay for this, and will have still more of it in the future as increasing numbers become eligible for social security, as an ever larger number retire with private pension benefits, as medical aid and life extension are increasingly available, and as warmth and comfort and the shrinking of distance add to the comforts available to those who are retired, but very much alive.

I cannot overstress the separate communities of the elderly. They are increasingly a fact. They will increasingly become distinct markets with special needs in services, in medical care, food, recreation, and offering new merchandising challenges.

Let me quickly sketch another result of the changing distribution of our population, and of the new technology—data processing, automation, the miracle of the farm with less labor and the factory with less labor—of goods and foods which require so much less muscle to make or prepare. These exert their pressures on two groups in America to remain out of the work force. The old and still vigorous are likely to be pressed to leave the field a little earlier, the young and ambitious will be pushed and persuaded and subsidized to enlarge the years and content of their education. There is an increasing probability that the young will remain longer in school. There is the absolute certainty that there will be more and more on-the-job training, that in fact more and more education generally will either occur within business or be provided by enterprise.

One more fact rounds out this part of the forecast. Fifteen years from now, there will be 62 million families in place of the 48 million today. And the dramatic fact is that almost 9 percent of those who are heads of households will be under 25 years old, almost double the 5 percent in that category today. In this one fact alone there is more business opportunity, more change ahead than most businessmen have been accustomed to think of in their entire business careers.

More people take more space. The pressure of population will introduce many new needs. Some are certain, some are probable. Among the probabilities are the increased interest in travel to places where there is relatively more space. Among the certainties are the pressures which will flow from reduced privacy. The day of the paper-thin walls in new apartment houses is about over. Just as the crowd will increasingly be a fact of American life, so too will the individual's pressing wish for moments of private life and enjoyment.

Let me at this point venture a guess that individualism will see something of a rebirth under the very pressure of the mass. I frankly don't think I am guessing very hard. Largely unnoticed today is the fact that even as mass distribution has grown, as mammoth markets for indistinguishable commodities have been enlarged—and they still continue to be—there is the simultaneous growth of substantial markets for unique and different things—for various elites within the community. There already has been the simultaneous growth of mass television reception and the mushrooming multiplicity of paperback book titles published. Cornflakes are eaten by an ever greater number of families—and simultaneously the hunger for exotic foods increases. If rock-and-roll seems inescapable, there has been the simultaneous growth of serious recordings, demands for obscure musical selections.

In other words, the vastness of the major markets is a fact which can be safely projected into the future, but some of the most substantial opportunities will exist in the separate markets, the particular and special choices, the less general tastes. I am describing a remarkable America which can accurately be called "glutton and gourmet," "conformist and eccentric," "infantile and mature," "energetic and sedentary," "raucous and quiet," "faceless and possessing 200 million remarkably different faces."

The contradictory nature of these parallel developments will also be visible in the Nation's obvious physical needs. The limits of our cities will be stretched still further. By 1980 the suburbs will not have disappeared, but they will be distant indeed. Boston, New York, Philadelphia, and Baltimore will not have merged, but the discontinuity will be far less perceptible. And yet the most dramatic changes will not involve the further invasion of the outskirts. They will be reflected in the profound changes in the centers of our cities. The rebuilding of America's central cities will provide and set into motion enormous opportunities for business. It is already clear that marketing, in its move to the suburbs, has not, as we thought it would, destroyed the marketing center in the heart of the city. Instead, it is adding to it and changing it, and it is a change that will be even more profound as 50 million Americans are added and crowded even closer into the areas of concentrated American population.

It has become commonplace to concentrate on the acute transportation problems introduced by this trend—the growing portion of leisure time spent bumper to bumper, the faltering network of commutation. It is in part these difficulties which have already given birth to the multiplying market centers. Within the next 15 years there will be even greater opportunity for whatever either eases travel or makes it less necessary, whatever eases purchasing or makes it more immediate. An increasing portion of America's consumption demands will be satisfied in the neighborhood and in the home. An increasing portion will be satisfied around the clock, at the consumer's beck and call, only as distant as his television set, telephone, and front doorbell.

I have only scratched the surface of the opportunities, implications, and possibilities set in motion just by the fact of population growth and age distribution change. I have talked mostly in numbers. Let me now talk briefly of need. Need is not a new thing. It is human and therefore as old as the human race. The ability to satisfy need, however, is not only new, it is uniquely American. The monetary expression of our ability to satisfy our needs fluctuates from year to year. There are recessions, there are booms, the line is not straight, nor are its curves as predictable as any of us would want. But the general direction is constant and its predictability all but certain. In the miracle called America, or with the emphasis that immigrants used to give it by calling it "America, America," what lies ahead is so fantastic that I almost hesitate to spread it before your eyes.

In constant 1960 dollars our gross national product, which will hit $620 billion this year, will in 1980 all but have doubled to the uncountable total of $1,160 billion, more than four times as large as the total that America produced, created, destroyed, shot off, transported, and flew to five continents at the very peak of America's war effort in 1944.

Let me try to translate this into specifics. Personal consumption spending in the United States will just about double from this moment to the week in April when the U.S. chamber convenes in 1980. Seven hundred and forty-five billion dollars will be spent—after taxes and savings—spent by 245 million Americans for the things you make, the services you provide, the ideas you conceive, the needs you satisfy and the appetites you create.

It is all but impossible at this point to do other than sense the appetite for culture, leisure, personal growth and fulfillment that will be set into motion when 66 percent of American families enjoy a real income of over $7,500, as they will in 1980. One of every four American families will have incomes of over $15,000. Today only 1 in every 18 American families enjoys that wealth. Median family incomes will grow from $6,000 to $9,850 by 1980 and it is this fact, in our opinion at the Research Institute, which will begin to reverse a trend of recent years and bring about a gradual shift toward an increasing percentage spent on durables—autos, appliances, furniture, boats, light planes, television, recorders, private motion picture equipment which requires no processing and is played back instantly on the home television set.

But in looking at our spending patterns, the truly revolutionary fact is this: By 1975, America will be the first nation in human history to spend a larger total on services than the total spent for nondurables, and if there is any error in this projection, it is that this shift will occur sooner rather than later.

What kind of services? We know only the general outlines: whatever makes life easier more comfortable, more fashionable, more interesting, more changeable, more like his neighbors—and always just a little different. Convenience, culture, entertainment, leisure, education, growth and health, I would guess, are the cornerstones of the $320 billion worth of services that business will provide. And if these are to be properly understood, they must be taken not as separate entities but as much as possible as overlapping services. Education which is entertaining and easy, leisure which is easy, entertaining and convenient, food which is healthful, interesting, convenient and educational, health which is effortless, entertaining, and fashionable.

Now let me mention theree great challenges confronting American business during the next 15 years. First and by far of the greatest importance is our limited resource of water. All of the problems in the next 15 years could look like nothing against nature's own—water. This is one that will not wait. Water is as yet the one commodity for which we have found no substitute. Next year the United States will use 360 billion gallons of water a day. This is 65 percent of all the natural water available, water gathered on the surface and pumped from underground. This 3 to 5 ratio of use to availability is slightly over the safe or prudent margin.

The economy of the society I have projected tells us that by 1980 water consumption will reach 500 billion gallons a day, about 100 percent of all the natural water there is. This means that by 1980, 200 billion gallons of nonnatural water will have to be in use in the United States each day, with provisions for much more still in process.

But the only other water sources available are either contaminated or salty. The reclamation of both are already being tested, but on an expensive experimental basis. At this moment, desalting looks like the better bet. Desalination costs are beginning to break the $1 per thousand gallons critical cost barrier. The aim is for 50 cents per thousand cost and, if possible, less. When that point is reached, and it isn't far off now, desalted water will supplement natural water for many uses. The decisive facts are heat and capital. Lack of enough cheap heat was the main roadblock in the past. But that will be broken when nuclear power is efficiently put to work. Capital investment will still be high, especially initial costs. And the breakthroughs, both their nature and where they will occur, are unpredictable. An important breakthrough may, in fact, come from someone in this room. There is the opportunity.

There is a psychological opportunity as well. If the problem of using contaminated water is solved, it will be solved by businessmen. Decontamination costs are already lower than those involved in desalting, but psychological resistance is much greater because of the sewage image. The skills and imagination of business must, sooner or later, be directed to reversing this image.

If water is our major industrial problem, it is unfortunately not the only one. Closely linked to it is the growing colossus of waste, the fantastic quantity of pollution, the erosion of our resources, the contamination of our rivers and water edges. But there are other problems of waste, like nothing we have ever experienced before, that flow just from the sheer volume of things to be replaced and thrown away—created by the fantastic wealth of Americans. Even now, just the problem of abandoned automobiles, of finding ways to dispose of the less destructible refuse is one which more and more communities find formidable. America produces more in junk than other far larger nations produce in goods. And space is not infinite. The answers will be profitable for those who come up with them.

Our third major challenge and vast opportunity lies, in fact, in space. I venture to guess that space will become among the most meaningful words in the generation ahead. But I am talking of three kinds of space.

There is outer space, toward which the rocket, the missile, toward which Gemini aims. This, so far as we know now, is virtually unlimited. There is exterior space, the street, the road, the neighborhood, the yard, the house. This is becoming ever more limited, more precious, more jealously guarded, more anxiously sought. And then there is interior space, the still almost uncharted area of man's inner being—his aspirations, his emotions, his purpose, his ambitions, his emotional disturbances and illnesses. The greatest consequence that will flow from the cure of cancer will not be the lengthening of age, nor in the mitigation of pain and decay, great as they are. As we conquer each of the physical ailments which have plagued man since his beginnings, there will be put into ever greater focus his emotional ailments and the hunger for the answers to these.

But if I leave no other thought that may take root and grow with some of you, let me just repeat that the opportunities for those who will provide the answers to space will be vast. Outer space, exterior space, interior space. If the phrase "population explosion" means anything, this is the next great challenge confronting man. On the moon or at Cape Kennedy, on the block or in the living room, on Lincoln Highway or the library, on the lake, river or island, whether it be Long Island, the Virgin Islands, the Fiji Islands, or the larger islands of man's imagination and private thought.

For these are the greatest opportunities which confront American business, the opportunities which will flow from the changed character of capitalism's service to the community. We made very little of something that happened 4 weeks ago. A man who only 7 years ago said that he would bury us stood in a city which he almost buried, the city of Budapest, and made the most extraordinary confession. He all but explicitly said capitalism works and is superior to socialism. He redefined communism. Socialism's highest function, he said, is to provide better goulash, a a little more to eat, better clothes. And this was the highest aspiration he could offer for the Socialist economy at a time when our capitalist structure had long ago surpassed the objective of meeting the simple physical needs of life.

In the years ahead, capitalism's main challenge and its greatest opportunities will not lie in the mere satisfaction of the physical needs of man, great as those opportunities will be—great and growing. The challenges and opportunity will be in the providing of service, hardly dreamed of, in life preservation and extension, and life enrichment, in convenience and leisure and growth and the multiplication of choices men may make with the time at their disposal. Capitalism will, as it has in the past, be making the total use of science, of knowledge, of education and technology, in the interests, not of an elite but of all the people. And it is precisely this potency of capitalism that will bring about the rebirth of America's involvement in the challenges of underdevelopment in much of the rest of the world.

At this moment, as we come to the painful end of illusions in a mixed-up and misunderstood area called foreign aid, we are at the beginning of the time when American participation in the development of less privileged nations will increase by leaps and bounds. Among other things, we have begun to see the start of an international work force. In this case, we were not the pioneers, though we provided the cash and much of the investment, that made that pioneering possible, in Western Europe. Just within the last few years Italy's unemployment has become an integral part of Germany's economic miracle. Greek underutilization of its manpower has provided a reservoir for Western Europe's hunger for workers. A new labor mobility has not only been part and parcel of the European economic miracle but has even produced Swedish interest in America's seasonal automobile unemployment.

This is the minimal beginning of the new growth in foreign development. In this country lies the answer, and only here, to much of the ills insoluble by the rest of the world. We have learned that our good intentions and our money will not solve them. But we have yet to apply our energy, our knowledge, our talent and manpower and our money, together with good intentions, on both sides toward the solution.

It's a curious thing that rock 'n' roll appears in a bar in Saigon or a dancehall in Moscow within a month after its invention in the United States. That is how fast ideas travel now—even rock 'n' roll is an idea. But if we or our neighbors bemoan the spread of its contagion, we are at the point where something like the same mobility will be possible for our better talents and our people.

More will happen in the next 15 years, more change will occur, more growth will take place, more inventions added, more distance covered, more needs satisfied, more goods made, shipped, sold, junked in the next 15 years than in the entire civilization called Rome, or that period of several hundred of Europe's most creative years called the Renaissance. More in your next 15 years than in all of America's hundred which followed the Revolution and including the Civil War.

Is it any wonder then that I have failed in the effort to describe the opportunities, the responsibility I undertook today? But I hope I have not failed to convey one thing: The sum total of all this challenge, of all the difficulties, the many separate agonies, the dislocations, the sum total of all the vast opportunity which lies waiting in these next immediate years will be met, made the most of, or missed by a handful of men, most of whom are represented in this room.

That doubling of gross national product, that proliferation of personal consumption, comfort and education, that solution to the problems of water waste and space, all of that will be performed by one thing which is scheduled not to grow during the 15 years ahead. It's unfortunate, but irresistibly true: By the ironic circumstance of the depression's effect on our birth rates 30 years ago, by the additional effect of the war on our birth rates during the 1940's and 1950's.

Our total population will grow and change, as I said when I started. But the men who will make the decisions, who will manage this vast undertaking, the men and women between the ages of 35 and 55, will remain virtually unchanged in number and sharply reduced as a percentage of our community during this decade and a half. In fact, there will be fewer people in 1975 available to manage and grasp these opportunities—almost a million less in 1975 than there will be next year in 1965.

Management is not only the most urgent calling, but it is perhaps the most critically short resource facing us in the years immediately ahead. Even as we increase skills and learn to absorb the talents of those outside the ages normally looked to in decisionmaking, even as the younger and especially the elite of the older are pressed to fill the void, the remorseless fact is that even that won't substantially reduce the need to increase the skill, the effective use of time of the shrinking group between 35 and 55.

Here is your greatest challenge and, to the extent you succeed at it, your greatest chance of making the most of the opportunity. This, in fact, will be the heart of the continuing struggle between the United States and the Soviet Union, just as it is between the Soviet Union and Red China. Which of us will best manage the problems we face, the challenges we confront, the opportunities within grasp? It's a rhetorical question. There is no contest. Khrushchev told us that in Budapest. The real contest is between what we might do and will do. Between what can be and what will be. The contest will be among you. This, in fact, is at the very heart of both management and enterprise. Not all of you will succeed. Not all of you will grow. But the sum total of you will make of America a miracle fulfilled.

FORCE FOR PEACE

Mr. JAVITS. Mr. President, the pragmatic approach of the United Nations to a world order in which war as a method of solving international differences will ultimately be outlawed is exemplified in part by the development of emergency U.N. force for peacekeeping purposes. In the presence of a crisis that threatens to lead to war, this ad hoc military force has repeatedly proved its value. In this connection, however, it is essential that the U.N. have dependable revenue for carrying out its security powers and duties. The present difficult financial situation has come about because the U.S.S.R., quite negating by this that it is truly a "great power," and other Communist countries, the Arab States, France, and some other nations have declined to pay their fair share of costs for the duly authorized U.N. peacekeeping forces—notwithstanding that the World Court has found these U.N. assessments perfectly legal. We do not expect the U.N. to perform miracles, but we should be doing everything in our power to obtain the highest degree of cooperation among the nations for this vital U.N. effort.

I ask unanimous consent to have printed in the RECORD the article by Richard N. Gardner, Deputy Assistant Secretary of State for International Organization Affairs, entitled "Needed: A Standby U.N. Force," which appeared in the New York Times Sunday magazine, April 26.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED: A STANDBY U.N. FORCE—IN CYPRUS, THE U.N. HAS BEEN CALLED UPON FOR THE FOURTH TIME ON A LARGE SCALE TO KEEP PEACE BY MILITARY MEANS—HERE IS THE CASE FOR INSTITUTIONALIZING THAT CAPACITY

(By Richard N. Gardner)

(NOTE.—Richard N. Gardner, formerly a professor of law at Columbia, has served as Deputy Assistant Secretary of State for International Organization Affairs since 1961.)

In the pale light of dawn in Nicosia one day last month a ceremony took place which had few precedents but which seems destined to be often repeated. British and Canadian troops—shortly to be joined by Finnish, Swedish, and Irish soldiers—donned blue berets, blue scarves and blue United Nations emblems, and acknowledged the command of an Indian lieutenant general. UNFICYP—the United Nations Force in Cyprus—was formally inaugurated.

It was the 11th time the United Nations had been called on to establish military forces or military observers in a world trouble spot—and the fourth time on a substantial scale. On this occasion the U.N. force was sent in to help prevent a war between Greece and Turkey which could tear apart the eastern flank of NATO and gravely endanger world peace. It was a dramatic illustration of the capacity of the United Nations to perform the primary role laid down in its Charter—"to maintain international peace and security."

Yet those concerned with U.N. peacekeeping could not view the Cyprus operation with unmixed satisfaction. The Security Council had decided to establish the Cyprus force on March 4. But it took 2 weeks to get the first Canadian troops to the island and more than 3 weeks to inaugurate the United Nations Force; a delay which could have been fatal had British troops not already been on the spot. What is more, only a hastily improvised scheme of voluntary contributions prevented the operation from dying at the outset from financial anemia.

U.S. Ambassador to the U.N., Adlai Stevenson, put the matter bluntly in a speech at Princeton. "Cyprus," he said, "has vividly exposed the frailties of the existing machinery." His prescription: not a world standing army of overwhelming strength but a standby United Nations peace force composed of national military units.

What would be the purpose of such a standby force? How would it operate? What would be its strengths—and limitations?

The case for strengthening the U.N.'s peacekeeping capacity grows inexorably out of the facts of life in the nuclear age. It has long-term and short-term aspects which should be clearly distinguished.

The long-term aspect was summed up by President Kennedy when he presented the U.S. plan for general and complete disarmament to the U.N. General Assembly in September 1961: "To destroy arms * * * is not enough. We must create even as we destroy—creating worldwide law and law enforcement even as we outlaw worldwide war and weapons."

Many times since then U.S. representatives have hammered at the point that nations will never be willing to eliminate or even radically reduce their arms until they have some substitute means of protecting their territorial integrity and vital interests. The U.S. draft outline of a disarmament treaty envisages the buildup, by the end of the disarmament process, of a U.N. Peace Force with "sufficient armed forces and armaments so that no state could challenge it."

But in the short term the nature of U.N. peacekeeping operations will obviously be more modest than that envisaged for the full-blown force in the final stages of disarmament. The peacekeeping machinery for the present period will not substitute for national armaments and will not be capable of dealing with aggression by any of the great powers. Threats to the peace of this magnitude will have to be deterred or resisted by the power of the United States and its treaty allies. But in other situations the U.N. peacekeeping machinery will help the great powers—and others as well—to contain their conflicts and stabilize their relationships.

Our experience in the Middle East, the Congo, and now Cyprus has demonstrated that in disputes between small states, or in areas where the withdrawal of a colonial regime has left a power vacuum, the establishment of a U.N. peacekeeping "presence" can help to insulate a potentially dangerous situation from the great power confrontation and the cold war. Indeed, the interposition of U.N. forces may be the only alternative to large-scale violence that is acceptable to the parties and to the community of nations as a whole.

In the 19 years of its existence the United Nations has made important progress in developing this peacekeeping capacity—but in ways not fully anticipated at the San Francisco Conference. The framers of the charter placed primary emphasis on article 43 under which all members were supposed to make agreements with the Security Council to make available to the Council on its call specified types of forces and facilities. But article 43 became a dead letter when it proved impossible to reach agreement with the Soviet Union on how to apply it. Instead, the U.N. has called on members to supply forces as needed, with much of the responsibility for directing them resting on the Secretary General.

The framers of the charter also placed primary reliance for the initiation of peacekeeping operations on the Security Council. Contrary to a widely held view, the Council has by no means proved wholly impotent for this purpose. It launched the U.N. peace forces in both Cyprus and the Congo with the concurrence of the Soviet Union and the other permanent members.

The dissolution of the wartime alliance in the early postwar years, however, did point up the need for a way to facilitate U.N. peacekeeping action when the Security Council was paralyzed by a great power veto. The uniting for peace resolution, passed in 1950, therefore provided for the calling of an emergency special session of the General Assembly at 24 hours' notice upon the vote of any seven members of the Security Council or at the request of a majority of the members of the General Assembly, in the event that the Council was unable to act owing to a lack of unanimity of the permanent members.

Under this resolution the General Assembly can make recommendations to members for collective measures, including, if necessary, the use of armed forces. This was the instrument for the establishment of the United Nations Emergency Force in the Middle East in the midst of the Suez crisis of 1956.

In addition to the Middle East, Congo and Cyprus operations, the United Nations conducted a military action in Korea in which the United States, aided by other members, assumed the principal responsibility for resisting Communist aggression. And there have been lesser operations in which U.N. observers or truce supervisors have attempted to bring peace to troubled areas.

All in all, some 54 countries have voluntarily supplied personnel for these operations at the request of the Secretary General pursuant to resolutions of the Security Council or General Assembly. At the height of the Congo operation there were 20,000 U.N. troops from 21 different members.

Despite this impressive record, there is a growing consensus that new measures are now required to give the U.N. a peacekeeping capacity equal to current needs. Some have proposed the creation of a standing United Nations force. Such a force may eventually be required. But its creation at this time is neither practical nor necessary.

The members of the United Nations are not prepared to give the United Nations a blank check to use their armed forces in unspecified future operations. Nor are they prepared to give the U.N. the funds to maintain such forces in continued readiness pending their use. Moreover—and this is frequently overlooked—a standing United Nations force would have to be extremely large and expensive to provide the flexibility needed to meet the different kinds of peacekeeping emergencies which might arise.

Past experience illustrates these differences. In Korea a nation had to be defended against outside Communist aggression. In the Congo a police force was needed to preserve the unity of a country and protect it against the dangers of foreign intervention. In the Middle East and Kashmir the need was for soldiers and observers to patrol borders and armistice lines. In Cyprus a force was required to prevent a civil war between two hostile communities. These different kinds of operations on different continents required soldiers with different weaponry, different political sponsorship, different racial composition, different language training, and other different specifications tailored to the necessities of each case.

For all these reasons, there is a growing consensus that the next step for the United Nations should not be a standing army but a flexible callup system. For such a system to work successfully requires action in four main areas:

1. Advance preparation of military forces: U.N. members, as Secretary General U Thant suggested last year in a speech to Harvard alumni, should earmark military units which they might be prepared to make available on request by the United Nations. Earmarking would be voluntary and, unlike a standing army, the earmarked units would be financed and controlled by their own governments and made available to the U.N. Denmark, Norway, Sweden, Finland, Canada and the Netherlands have already offered to earmark units for U.N. use under such arrangements.

The earmarked units should be given the advance training necessary to prepare them for United Nations service. This would include not only training in languages but also political indoctrination in the special problems which military units have to face in the service of the U.N. Those who put on the blue helmets of the United Nations are soldiers without enemies frequently under a mandate which calls more for the skills of the policeman or diplomat than for the skills of the traditional military officer.

The United Nations itself requires a permanent military staff to organize the earmarking and training of national military units, to distill the lessons of peacekeeping experience, to provide military advice to the Secretary General and to prepare contingency plans and standard procedures for a variety of future military operations. Maj. Gen. Indar Jit Rikhye of India, Military Adviser to the Secretary General, heads a small military staff unit which can be developed to perform these important functions.

2. Finance: In some peacekeeping operations—as in West New Guinea and Yemen—the parties to the dispute will share the costs themselves. In others—as in Cyprus—the costs will be met by countries supplying troops and by voluntary contributions. But for other operations—particularly large ones like the Congo, which cost at its peak over $100 million a year—there may be no alternative to compulsory assessments by the General Assembly.

The question of financing future peacekeeping operations will soon be up for discussion at the U.N. before a working group of 21 countries. In the weeks ahead the group will try to agree on a special scale of assessments under which the developed countries would undertake to pay a somewhat greater share than they pay toward the regular budget, with proportionate reductions for the less developed countries. Obviously agreement on a special scale would require agreement also on an acceptable decisionmaking process for peacekeeping operations. Application of such a scale to a particular operation would require, in the case of the United States, specific action by the Congress.

The principal obstacle to financing future peacekeeping operations is not the working out of a special scale of assessments but the refusal of the Communist bloc and France to pay peacekeeping assessments duly levied by the General Assembly. The peacekeeping capacity of the U.N. cannot be developed successfully if members can disregard with impunity their peacekeeping assessments and exercise a financial veto in the face of peacekeeping decisions by the political organs. Hopefully, defaulting members can still be induced to pay up. If they do not, the law of the charter must be applied—it deprives defaulters of their vote in the General Assembly—not only to preserve the peacekeeping capacity of the organization but also to maintain its constitutional integrity.

3. Decisionmaking procedure: Secretary of State Dean Rusk said in his Hammarskjold lecture at Columbia University early this year that there are two extreme views of how decisions on peacekeeping should be taken in the United Nations.

At one extreme is the Soviet view that nothing should be done without the consent at every step of all the permanent members of the Security Council. At the other extreme is the view of some countries that nothing should matter except the votes that can be mustered in the General Assembly—and that what a majority wants done must be done, regardless of which States make up the majority.

Almost everyone agrees that acceptance of the first view would condemn the United Nations to frustration and paralysis. There is also a growing consensus that the second view also violates commonsense in a United Nations which has grown from 51 to 113 members and which may grow to 125 or 130 in the next decade before it levels off. The United States and other U.N. members have begun discussions to find some middle ground which maintains the U.N.'s peacekeeping capacity while assuring that decisions on peacekeeping operations are supported by a sufficient number of the large and middle powers who bear the principal burden of implementing them.

4. Pacific settlement of disputes: Improved arrangements for the peaceful settlement of disputes and for the implementation of peaceful change are indispensable if peacekeeping by the United Nations is to be fully effective. The burden on the U.N. fire department will be intolerable unless the organization develops a system of fire prevention to stop some of the conflagrations from breaking out at all. And United Nations

peace forces will never be able to extricate themselves from areas beset by political controversy unless some acceptable form of political settlement is eventually worked out.

In the United Nations today there is growing agreement on this point. It was no accident that the same Security Council resolution which established the United Nations Cyprus force also called for the appointment of a mediator to try to work out a political settlement.

The problem of peaceful settlement and peaceful change is not wholly one of procedure. It is basically a question of the will of U.N. members to live up to their charter obligations to refrain from the threat or use of force and to settle their disputes by peaceful means. But that will can be strengthened by improving the resources of the U.N. for aiding peaceful settlement.

This can be done in a number of ways: increasing use by the Secretary General of senior aids or distinguished persons outside the U.N. in troubleshooting missions; more frequent deployment of U.N. observers to find facts and monitor troubled situations; greater resort to the International Court of Justice in advisory as well as adversary proceedings; enlarged and better organized U.N. programs to deal with the economic and social causes of instability and conflict; and establishment of the United Nations Institute voted at the last General Assembly to train nationals of member states for U.N. service and to conduct research for the improvement of U.N. peacekeeping and nation-building operations.

This program for the development of an effective United Nations peacekeeping system is hardly utopian. It is no more than is necessary—perhaps not as much as will prove necessary—to reduce the risk of international violence in the nuclear age to tolerable proportions. Yet its implementation is by no means free from difficulty.

The central problem is the response of the Soviet Union. The record here is far from encouraging. In recent years, the Soviet Union has rejected in both principle and practice the independent character of the international Secretariat which is essential to effective peacekeeping; it has attacked as illegal the U.N. peacekeeping actions in the Congo and the Middle East; and it has refused so far to pay its assessed share of these operations.

Moreover, in the Geneva disarmament negotiations, Soviet spokesmen have attacked the emphasis placed by Western delegations on the inseparable relationship between peacekeeping and disarmament. In their disarmament plans the Soviets paid lip service to peacekeeping but proposed a U.N. peace force operating under the Security Council (where they have a veto) and controlled by a military troika (where they would have another veto).

This record of Soviet opposition is discouraging—but it is no excuse for hopelessness or despair. We must not get ourselves in the habit of thinking that nothing can be done to strengthen the U.N. as a peacekeeping agency without the cooperation of the Soviet Union. The whole history of the United Nations—in Korea, the Congo, the Middle East, and elsewhere—proves that the contrary is the case.

Moreover, even the position of the Soviet Union may not be frozen for all time. The past year has seen some hopeful developments in Soviet foreign policy. For various reasons the Soviet Union has come to acknowledge, and in certain cases to act upon, the fact that despite national and ideological conflicts nations may share common interests in survival and welfare. Soviet foreign policy ultimately reflects Soviet national interest—and the real long-term interest of the Soviet Union as well as of other countries would be served by a stronger United Nations which can help the great powers disengage from dangerous confrontations and prevent brushfire conflicts between small states from triggering a nuclear war.

President Johnson put the matter simply last month in his statement to American labor leaders: "The world has changed and so has the method of dealing with disruptions of the peace * * * general war is impossible and some alternatives are essential."

One of these alternatives is the speedy development of an effective United Nations peacekeeping system. The building of such a system is a high priority task for the United States and other United Nations members in the month ahead.

STUDY OF THE SICKNESS CALLED APATHY

Mr. JAVITS. Mr. President, as the pages of the Congressional Record during the past few weeks will bear out, it has been a frequent practice of the opponents of the civil rights bill to latch on to every news item which they believe reflects on New York City. Indeed, if there has been any sneering in this Chamber, it has been directed at New York City—which, incidentally, has never been afraid to acknowledge its problems and generally has faced up to them.

For example, one item which has turned up in this civil rights debate has to do with a shocking incident which occurred in Kew Gardens, in Queens County, N.Y., on the night of March 13. A young woman was stabbed to death, and it developed that 38 of her neighbors had seen her stabbed or heard her cries and not one of them called the police or tried to save her life. I have joined those who have not only deplored this apathy, but called it shocking, and requiring our searching attention.

The incident, of course, has no relevance to the civil rights debate. But nevertheless, it has been cited in the debate at least twice, possibly in an effort to disparage New York City, or to perhaps indicate that only in a big city like New York could such a thing happen.

In view of this, I would like to commend to my colleagues a penetrating article by A. M. Rosenthal, metropolitan editor of the New York Times, in last Sunday's New York Times magazine. This article, "Study of the Sickness Called Apathy," deplores the "metropolitan masochism" and "sadistic search for a target" which followed the publication of that story. It makes the point that there are various forms of apathy, that some forms of apathy exist in villages and towns and other forms of apathy exist in great cities. And Mr. Rosenthal pointedly adds:

> The self-protective shells in which we live are determined not only by the difference between big cities and small. They are determined by economics and social class, by caste and by color, and by religion and by politics.

The apathy displayed by the incident in Kew Gardens, tragically deplorable as it was, cannot be oversimplified and written off as some big city problem. Apathy is a sickness which afflicts many aspects of our society in many ways. I am reminded, for example, of a moving book, entitled "A Time To Speak," just published in the past 2 weeks. It was written by Charles Morgan, Jr., a courageous Birmingham, Ala., lawyer and it concerns the church bombing which killed four Negro Sunday schoolchildren. Mr. Morgan writes that this bombing was "a storm warning of the death in life that awaits any community where the good people remain silent in the face of hatred, lawlessness, intolerance, and bigotry."

In short, the question of apathy is a complex subject; it is reflected in various ways in North and South, and in both large and small towns. I urge my colleagues to read this searching article by A. M. Rosenthal in the New York Times Sunday magazine of May 3. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Study of the Sickness Called Apathy

(By A. M. Rosenthal)

It happens from time to time in New York that the life of the city is frozen by an instant of shock. In that instant the people of the city are seized by the paralyzing realization that they are one, that each man is in some way a mirror of every other man. They stare at each other—or, really, into themselves—and a look quite like a flush of embarrassment passes over the face of the city. Then the instant passes and the beat resumes and the people turn away and try to explain what they have seen, or try to deny it.

The last 35 minutes of the young life of Miss Catherine Genovese became such a shock in the life of the city. But at the time she died, stabbed again and again by a marauder in her quiet, dark, but entirely respectable, street in Kew Gardens, New York hardly took note.

It was not until 2 weeks later that Catherine Genovese, known as Kitty, returned in death to cry the city awake. Even then it was not her life or her dying that froze the city, but the witnessing of her murder—the choking fact that 38 of her neighbors had seen her stabbed or heard her cries, and that not one of them, during that hideous half hour, had lifted the telephone from the safety of his own apartment to call the police and try to save her life. When it was over and Miss Genovese was dead and the murderer gone, one man did call—not from his own apartment but from a neighbor's, and only after he had called a friend and asked her what to do.

The day that the story of the witnessing of the death of Miss Genovese appeared in this newspaper became that frozen instant. "Thirty-eight," people said over and over. "Thirty-eight."

It was as if the number itself had some special meaning, and in a way, of course, it did. One person or two or even three or four witnessing a murder passively would have been the unnoticed symptom of the disease in the city's body and again would have passed unnoticed. But 38—it was like a man with a running low fever suddenly beginning to cough blood; his friends could no longer ignore his illness, nor could he turn away from himself.

At first there was, briefly, the reaction of shared guilt. Even people who were sure that they certainly would have acted differently felt it somehow. "Dear God, what have we come to?" a woman said that day. "We," not "they."

For in that instant of shock, the mirror showed quite clearly what was wrong, that the face of mankind was spotted with the disease of apathy—all mankind. But this was too frightening a thought to live with and soon the beholders began to set boundaries for the illness, to search frantically for causes that were external and to look for the carrier.

There was a rash of metropolitan masochism. "What the devil do you expect in a town, a jungle, like this?" Sociologists and psychiatrists reached for the warm comfort of jargon—"alienation of the individual from the group," "megalopolitan societies," "the disaster syndrome."

People who came from small towns said it could never happen back home. New Yorkers, ashamed, agreed. Nobody seemed to stop to ask whether there were not perhaps various forms of apathy and that some that exist in villages and towns do not exist in great cities.

Guilt turned into masochism and masochism, as it often does, became a sadistic search for a target. Quite soon, the target became the police.

There is no doubt whatsoever that the police in New York have failed, to put it politely, to instill a feeling of total confidence in the population. There are great areas in this city—fine parks as well as slums—where no person in his right mind would wander of an evening or an early morning. There is no central emergency point to receive calls for help. And a small river of letters from citizens to this newspaper testifies to the fact that patrols are often late in answering calls and that policemen on desk duty often give the bitter edge of their tongues to citizens calling for succor.

There is no doubt of these things. But to blame the police for apathy is a bit like blaming the seawall for springing leaks. The police of this city are more efficient, more restrained and more responsive to public demands than any other the writer has encountered in a decade of traveling the world. Their faults are either mechanical or a reflection of a city where almost every act of police self-protection is assumed to be an act of police brutality, and where a nightclub comedian can, as one did the other night, stand on a stage for an hour and a half and vilify the police as brutes, thieves, homosexuals, illiterates and "Gestapo agents" while the audience howls in laughter as it drinks Scotch from bootleg bottles hidden under the tables.

There are two tragedies in the story of Catherine Genovese. One is the fact that her life was taken from her, that she died in pain and horror at the age of 28. The other is that in dying she gave every human being—not just species New Yorker—an opportunity to examine some truths about the nature of apathy and that this has not been done.

Austin Street, where Catherine Genovese lived, is in a section of Queens known as Kew Gardens. There are two apartment buildings and the rest of the street consists of one-family homes—red-brick, stucco or wood-frame. There are Jews, Catholics, and Protestants, a scattering of foreign accents, middle-class incomes.

On the night of March 13, about 3 a.m., Catherine Genovese was returning to her home. She worked late as manager of a bar in Hollis, another part of Queens. She parked her car (a red Fiat) and started to walk to her death.

Lurking near the parking lot was a man. Miss Genovese saw him in the shadows, turned and walked toward a police callbox. The man pursued her, stabbed her. She screamed, "Oh my God, he stabbed me. Please help me. Please help me."

Somebody threw open a window and a man called out: "Let that girl alone." Other lights turned on, other windows were raised. The attacker got into a car and drove away. A bus passed.

The attacker drove back, got out, searched out Miss Genovese in the back of an apartment building where she had crawled for safety, stabbed her again, drove away again.

The first attack came at 3:15. The first call to the police came at 3:50. Police arrived within 2 minutes, they say. Miss Genovese was dead.

That night and the next morning the police combed the neighborhood looking for witnesses. They found them, 38.

Two weeks later, when this newspaper heard of the story, a reporter went knocking, door to door, asking "Why, why?"

Through half-opened doors, they told him. Most of them were neither defiant nor terribly embarrassed nor particularly ashamed. The underlying attitude, or explanation, seemed to be fear of involvement—any kind of involvement.

"I don't want my husband to get involved," a housewife said.

"We thought it was a lovers' quarrel," said another woman. "I went back to bed."

"I was tired," said a man.

"I don't know," said another man.

"I don't know," said still another.

"I don't know," said others.

On March 19, police arrested a 29-year-old business-machine operator named Winston Moseley and charged him with the murder of Catherine Genovese. He has confessed to killing two other women, for one of whose murders police say they have a confession from another man.

Not much is said or heard or thought in the city about Winston Moseley. In this drama, as far as the city is concerned, he appeared briefly, acted his piece, exited into the wings.

A week after the first story appeared, a reporter went back to Austin Street. Now the witnesses no longer wanted to talk. They were harried, annoyed; they thought they should keep their mouths shut. "I've done enough talking," one witness said. "Oh, it's you again," said a woman witness and slammed the door.

The neighbors of the witnesses are willing to talk. Their sympathy is for the silent witnesses and the embarrassment in which they now live.

Max Heilbrunn, who runs a coffeehouse on Austin Street, talked about all the newspaper publicity and said his neighbors felt they were being picked on. "It isn't a bad neighborhood," he said.

And this from Frank Facciola, the owner of the neighborhood barbershop: "I resent the way these newspaper and television people have hurt us. We have wonderful people here. What happened could have happened anyplace. There is no question in my mind that people here now would rush out to help anyone being attacked on the street."

Then he said: "The same thing [failure to call the police] happens in other sections every day. Why make such a fuss when it happens in Kew Gardens? We are trying to forget it happened here."

A Frenchwoman in the neighborhood said: "Let's forget the whole thing. It is a quiet neighborhood, good to live in. What happened, happened."

Each individual, obviously, approaches the story of Catherine Genovese, reacts to it, and veers away from it against the background of his own life and experience, and his own fears and shortcomings and rationalization.

It seems to this writer that what happened in the apartments and houses on Austin Street was a symptom of a terrible reality in the human condition—that only under certain situations and only in response to certain reflexes or certain beliefs will a man step out of his shell toward his brother.

To say this is not to excuse, but to try to understand and in so doing perhaps eventually to extend the reflexes and beliefs and situations to include more people. To ignore it is to perpetuate myths that lead nowhere. Of these the two most futile philosophically are that apathy is a response to official ineptitude ("The cops never come on time anyway"), or that apathy is a condition only of metropolitan life.

Certainly police procedures must be improved—although in the story of Miss Genovese all indications were that, once called into action, the police machine behaved perfectly.

As far as is known, not one witness has said that he remained silent because he had had any unpleasant experience with the police. It is a pointless point; there are men who will jump into a river to rescue a drowner; there are others who will tell themselves that a police launch will be cruising by or that, if it does not, it should.

Nobody can say why the 38 did not lift the phone while Miss Genovese was being attacked, since they cannot say themselves. It can be assumed, however, that their apathy was indeed of a big-city variety. It is almost a matter of psychological survival, if one is surrounded and pressed by millions of people, to prevent them from constantly impinging on you and the only way to do this is to ignore them as often as possible.

Indifference to one's neighbor and his troubles is a continued reflex of life in New York as it is in other big cities. In every major city in which I have lived—in Tokyo and Warsaw, Vienna and Bombay—I have seen, over and over again, people walk away from accident victims. I have walked away myself.

Out-of-towners, and sometimes New Yorkers themselves, like to think that there is something special about New York's metropolitan apathy. It is special in that there are more people here than anyplace else in the country—and therefore more people to turn away from each other.

For decades, New York turned away from the truth that is Harlem or Bedford-Stuyvesant in Brooklyn. Everybody knew that in the Negro ghettos, men, women, and children lived in filth and degradation. But the city, as a city, turned away with the metropolitan brand of apathy. This, most simply, consists of drowning the person-to-person responsibility in a wave of impersonal social action.

Committees were organized, speeches made, budgets passed to "do something" about Harlem or Bedford-Stuyvesant—to do something about the communities. This dulled the reality, and still does, that the communities consist of individual people who ache and suffer in the loss of their individual prides. Housewives who contributed to the NAACP saw nothing wrong in going down to the daily shape-up of domestic workers in the Bronx and selecting a maid for the day after looking over the coffle to see which "girl" among the Negro matrons present looked huskiest.

Now there is an acute awareness of the problems of the Negroes in New York. But again, it is an impersonal awareness, and more and more it is tinged with irritation at the thought that the integration movement will impinge on the daily personal life of the city.

Nor are Negroes in the city immune from apathy—toward one another or toward whites. They are apathetic toward one another's right to believe and act as they please; one man's concept of proper action is labeled with the group epithet "Uncle Tom." And, until the recent upsurge of the integration movement, there was less action taken within the Negro community to improve conditions in Harlem than there was in the all-white sections of the East Side. It has become fashionable to sneer at "white liberals"—fashionable even among Negroes who for years did nothing for brothers even of their own color.

In their own sense of being wronged, some Negroes of New York have become totally apathetic to the sensitivities of all other groups. In a night club in Harlem the other night, an aspiring Negro politician, a most decent man, talked as how the Jewish shopkeepers exploited the Negroes, how he wished Negroes could "save a dollar like the Jews," totally apathetic toward the fact that Jews at the table might be as hurt as he would be if they talked in clichés of the happy-go-lucky Stepin Fetchit Negro. When a Jew protested the Negro was stunned—because he was convinced he hated anti-Semitism. He did in the abstract.

Since the Genovese case New Yorkers have sought explanations of their apathy toward individuals. Fear, some say—fear of involvement, fear of reprisal from goons, fear of becoming mixed up with the police. This, it seems to this writer, is simply rationalization.

The self-protective shells in which we live are determined not only by the difference between big cities and small. They are determined by economics and social class, by caste and by color, and by religion, and by politics.

If I were to see a beggar starving to death in rags on the streets of Paris or New York or London I would be moved to take some kind of action. But many times I have seen starving men lying like broken dolls in the streets of Calcutta or Madras and have done nothing.

I think I would have called the police to save Miss Genovese but I know that I did not save a beggar in Calcutta. Was my failing really so much smaller than that of the people who watched from their windows on Austin Street? And what was the apathy of the people of Austin Street compared, let's say, with the apathy of non-Nazi Germans toward Jews?

Geography is a factor of apathy. Indians reacted to Portuguese imprisoning Goans, but not to Russians killing Hungarians.

Color is a factor. Ghanaians reacted toward Frenchmen killing Algerians, not toward Congolese killing white missionaries.

Strangeness is a factor. Americans react to the extermination of Jews but not to the extermination of Watusis.

There are national as well as individual apathies, all inhibiting the ability to react. The "mind-your-own-business" attitude is despised among individuals, and clucked at by sociologists, but glorified as pragmatic national policy among nations.

Only in scattered moments, and then in in halting embarrassment, does the United States, the most involved nation in the world, get down to hard cases about the nature of governments with which it deals, and how they treat their subject citizens. People who believe that a free government should react to oppression of people in the mass by other governments are regarded as fanatics or romantics by the same diplomats who would react in horror to the oppression of one single individual in Washington. Between apathy, regarded as a moral disease, and national policy, the line is often hard to find.

There are, it seems to me, only two logical ways to look at the story of the murder of Catherine Genovese. One is the way of the neighbor on Austin Street—"Let's forget the whole thing."

The other is to recognize that the bell tolls even on each man's individual island, to recognize that every man must fear the witness in himself who whispers to close the window.

THE INDIANA PRIMARY ELECTION

Mr. JAVITS. Mr. President, I wish to say a few words about the implications of the vote for Governor Wallace in the Indiana primary election. Efforts no doubt will be made to derive from the result of that primary election some conclusions in connection with the pending civil rights bill.

First, I believe that Senators are not vote-counting comptometers, but that, instead, Senators will vote their convictions. That has been the course of our history. Abraham Lincoln experienced a similar situation when he was much reviled and abused for trying to help the country; but he proved to be the savior of the country.

Therefore, I do not believe the result of the Indiana primary election will have any significant effect on the situation in the Senate.

Furthermore, this is the moment of truth for the people of the United States, as well as for the Members of the Senate. I believe that the people of Indiana, the people of Wisconsin, and—2 weeks hence—the people of Maryland understand very clearly that this is probably the only time when they will be able to declare themselves either pro or con on the basic, fundamental issue in connection with civil rights legislation in the Congress of the United States.

The PRESIDING OFFICER (Mr. HART in the chair). Under the morning-hour limitation, the time available to the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, in view of the fact that our country freely and emphatically expresses itself on issues, when the margin of victory is 2 to 1, as it was in Indiana, and when the issue has been declared to be the civil rights bill now before the Senate, I believe that, particularly in a conservative State such as Indiana, that is a very good result in connection with the civil rights issue. I point out that the decided victory by the minority leader of the House of Representatives, Representative HALLECK, over his opponent in Indiana was by an even greater margin, and he has every right to be proud of his connection with the action taken by the House of Representatives in passing the civil rights bill.

So I hope the people of the United States will understand that when the point of determining the issue is reached—and in the Senate it has now been reached—and when, as in Indiana, the issue is determined by a 2-to-1 margin, certainly that constitutes a very strong mandate, and certainly that mandate should be considered to be as of much importance—in fact, of more importance—and to receive as much attention—in fact, more attention—than is accorded the vote received by Governor Wallace—approximately 30 percent.

Even here in the Senate, Mr. President, a two-thirds vote will apply cloture, will thus break a filibuster, and will thus bring the Senate to a vote on the issue before it. These primary results indicate an even larger margin in favor of civil rights.

So I conclude by stating, first, that we are here to do our duty by the Nation, and it is my deep conviction—and, I believe, that of a great majority of American people—that our duty requires us to vote to pass the bill seasonably, at a time when it will help in terms of justice, order, and tranquillity in the country; second, that a vote of more than 2 to 1 on such an issue is decisive in the country, particularly when the sides are as clearly chosen as they are in this situation; third, that the moment of truth has arrived.

PROSPECTIVE ABSENCE OF SENATOR McCLELLAN AT TIME OF VOTE ON MORTON AMENDMENT

Mr. McCLELLAN. Mr. President, I understand there is some probability that today the Senate will vote on the amendments No. 560, proposed by the Senator from Kentucky [Mr. MORTON], on behalf of himself and certain other Senators, to the Talmadge amendments (No. 513).

On yesterday, I announced my support of these amendments. However, today I find that I have a commitment to speak tonight at a college in Arkansas; and in order to keep that appointment, which is of long standing, I shall have to leave Washington before it is likely that the vote on this amendment will be taken.

However, Mr. President, the majority leadership has very cooperatively assured me that they will grant me a live pair. Under those circumstances, therefore, I shall go to Arkansas, to keep my speaking engagement there, because a live pair would preclude any adverse consequence as a result of my absence; the result would be as if I were here and were voting, along with the Senator who was paired with me. In other words, my absence would not, therefore, adversely affect the result from my viewpoint and from the viewpoint of those I represent. Therefore, I feel at liberty to leave.

But before I leave, I express the hope that the Morton amendments will be adopted by the Senate, because—as I tried to state yesterday, in the course of some discussion of this issue—I believe adoption of the Morton amendments vital to the preservation of constitutional government in the United States and of the right of trial by jury, which is one of the most sacred rights guaranteed to the American people in the Constitution; and that provision is plain, understandable, and uncontradictable.

Therefore, Mr. President, I repeat that it is my sincere hope that the Morton amendments will be adopted.

TOTAL APATHY OF BYSTANDERS TO THE COMMISSION OF CRIMES IN NEW YORK CITY

Mr. RUSSELL. Mr. President, I cannot refrain from expressing my increasing concern over the attitude being manifested in one of our great metropolitan centers toward crimes of violence which are viewed by great numbers of citizens who take the role of mere spectators, as if murder and rape were some kinds of sporting event. These people are apparently indifferent to the most vicious crimes committed in their presence without anyone undertaking to protect the victims. They pay no attention whatever to the cries and screams and appeals for help that females who are being beaten, raped, and stabbed may make.

I find today in the New York Journal-American an article which reads in part as follows:

> ### Girl Attacked, Cries Ignored
>
> (By Donald R. Flynn)
>
> Any one of 40 persons could have helped a naked girl as she screamed and fought off a man who had attacked her.
>
> None did.
>
> A Bronx patrolman, bitter and disgusted, said today that 20 persons saw the tiny 18-year-old girl fighting the rapist.
>
> Another 20 just outside the building where the girl was attacked yesterday at 559 E. Tremont Avenue, Bronx, heard her scream.
>
> "Help me, help me, he raped me."
>
> Patrolman Norman Brown of the Bathgate Avenue Precinct, one of the policemen who arrested the rape suspect said:
>
> "None of the jerks helped her."

I ask unanimous consent that there be printed in the RECORD all of that article; also an article—from the New York Times of today—entitled "Passersby Ignore Assault on Girl—40 Are Drawn by Screams, but No One Interferes"; and also an article—from the New York Post of Tuesday, May 5—which states "Bronx Crowd Deaf to Cries of Beaten Girl"—at 4 o'clock in the afternoon—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Journal-American of May 5, 1964]

Girl Attacked, Cries Ignored

(By Donald R. Flynn)

Any one of 40 persons could have helped a naked girl as she screamed and fought off a man who had attacked her.

None did.

A Bronx patrolman, bitter and disgusted, said today that 20 persons saw the tiny 18-year-old girl fighting the rapist.

Another 20 just outside the building where the girl was attacked yesterday, at 559 East Tremont Avenue, Bronx, heard her scream.

"Help me, help me, he raped me."

Patrolman Norman Brown of the Bathgate Avenue precinct, one of the policemen who arrested the rape suspect, said:

"None of the jerks helped her."

LIKE OTHER CASE

"It's a Bronx Kitty Genovese case," a detective said, wondering at the crowd of onlookers who saw the 5-foot tall, 90-pound brunet tumbling down the staircase of the two-story building to the street floor, followed by her attacker who kicked and beat her, pounded her head against the stairway and tried to force her back upstairs.

In the Kitty Genovese murder, 38 persons had a grandstand view of the scene in which the killer stalked his victim down a Kew Gardens, Queens, street, stabbed her repeatedly and escaped.

Despite her screams, not one person called the police.

ALL ARE SILENT

The New York Journal-American today canvassed the Bronx neighborhood of the latest case, stopping at the beauty parlor in the same building, the camera shop and barbershop next door, the restaurant at the corner—nowhere was there anyone who would admit to having been part of that ghoulish crowd that watched yesterday.

"I didn't want to get involved," police quoted one witness as saying.

Nobody helped, until two patrolmen heard her screams and arrested salesman George Coughlin, 26, married and the father of two children, whom the hysterical girl named as her attacker.

The girl, a telephone operator for the Health More of Chicago Corp., a vacuum cleaner distributor with offices on the second floor at 559 East Tremont, said Coughlin attacked her without warning.

She said he walked into the office at 3:40 p.m. and hit her. She fainted, she told police.

Coughlin allegedly then tore off her clothes and assaulted her, holding her captive with his belt around her neck.

She awakened to find him menacing her with a razor blade and warning her that he would kill her if she told of the attack, she told police.

The girl squirmed away and ran into the hallway, with Coughlin in pursuit, she said.

He grabbed her, knocked her down, kicked her, grabbed her hair and beat her head against the floor, she said.

Again, she broke free and dashed toward the stairs.

She said she either fell or was pushed down the stairway, landing in a heap on the first floor before a door to the busy street.

But her screams went unanswered as Coughlin raced down the steps after her and threw his coat around her, she told police.

The salesman was trying to get her to go back up the stairs when Patrolmen Norman Brown and Edmond Woods dashed in.

Coughlin, of 2839 Decatur Avenue, Bronx, denied the attack.

SCRATCH ON FACE

He told police he found the girl nude on the floor of the office and put his coat around her.

A scratch on his face he said came when she instinctively lashed out at him in hysteria.

But the girl insisted he was the attacker, and police booked Coughlin on moral charge, criminal assault, felonious assault, and violation of the Sullivan law.

He was arraigned in Bronx criminal court today.

[From the New York (N.Y.) Times, May 6, 1964]

Passersby Ignore Assault on Girl—40 Are Drawn by Screams but No One Interferes

A crowd of 40 persons ignored the screams of an 18-year-old officeworker as she tried to escape from a rapist, a patrolman charged yesterday.

The incident took place in broad daylight, shortly after 4 p.m. on Monday, on one of the busiest streets in the Bronx.

It recalled the fatal stabbing of Miss Catherine Genovese on March 13 in Kew Gardens, Queens. Detectives found later that 38 persons had seen the attack on Miss Genovese, which took place over a 35-minute period, without going to her aid or calling the police.

In disclosing a second example of indifference in the face of violence, the patrolman, Norman Brown, said in Bronx criminal court: "Forty people could have helped that girl, but none of those jerks helped her."

Only the chance arrival of Mr. Brown and another patrolman, Edmond Woods, halted the attack. They were on their way on foot from the Bathgate Avenue Station House, a block and a half away, to their posts when they heard the screams.

Pushing through the crowd the patrolmen saw the victim—who stands only 5 feet tall and weighs 90 pounds—lying in the doorway of a two-story commercial building at 559 East Tremont Avenue, a block and a half from Third Avenue.

The policemen saw the girl's assailant bent over her, trying to drag her up the stairs. They seized him.

The girl was naked except for a jacket that the man had wrapped around her. Her eyes were blackened, her mouth was bleeding, and there were livid bruises on her neck.

The man the policemen seized was George Coughlin, 26 years old, of 2839 Decatur Avenue, the Bronx, who is married and the father of two children. Yesterday he was ordered held in $7,500 bail by Judge Irving I. Schreckinger in Bronx criminal court on charges of rape, assault, and violation of the Sullivan law. A hearing was scheduled for Monday.

As the police reconstructed the attack, Coughlin, a salesman for Filter Queen of Crotona Park, Inc., a vacuum cleaner concern, visited the concern's office in the Tremont Avenue building to pick up a commission check. A spokesman for the company said he had worked part time for about 6 weeks, selling vacuum cleaners door-to-door.

He allegedly entered the office at about 3:40 p.m., finding the switchboard operator alone. She told the police he struck her and she fainted. Coughlin then tore off her clothes, she said, tightened his belt around her neck and raped her.

When she regained consciousness, she said, he held a razor at her throat and warned her he would kill her if she told the police of the attack.

The girl finally broke away and half ran, half fell, down the stairway to the street doorway, screaming, "Help me, help me. He raped me."

Coughlin pursued her down the stairs, the police said. At the doorway, clearly visible from the street, they added, he seized the woman, who screamed repeatedly.

A crowd gathered quickly, but no one moved to interfere, as he began to pull her up the stairs. It was then that the two patrolmen arrived.

The police quoted Coughlin as denying the charge. He said he had found the girl naked and unconscious when he entered the office.

[From the New York (N.Y.) Post, May 5, 1964]

Bronx Crowd Deaf to Cries of Beaten Girl

(By Kenneth Gross)

A dozen men watched as an 18-year-old Bronx switchboard operator fought a desperate and unsuccessful battle to flee from a rapist, police said today.

"There were a dozen men standing there," the girl told police. "I pleaded with them, 'Help me, help me,' but they just stood there."

After allegedly being raped under the threat of a razor blade, then beaten and kicked by her assailant, the girl fell naked and screaming down a staircase from the second-floor office at 559 East Tremont Avenue.

Other witnesses watched later in the vestibule of the building as the attacker tried to drag the girl back upstairs. Two passing policemen finally came to her aid.

Daniel Coughlin, 26, father of two, was being arraigned today in Bronx criminal court on four counts of sodomy, rape, felonious assault, and violation of the Sullivan law.

Coughlin, the girl's accused attacker, has denied all four charges.

THE GENOVESE CASE

Police compared the case to the March 13 stabbing of Kitty Genovese in Queens in which 37 neighbors heard her screams but did nothing to help her.

A study of witnesses' testimony in yesterday's case was to begin today. It was learned that many of those who at first said they heard the cries for help later changed their story and said they had heard and seen nothing.

It was 3:40 p.m. when Coughlin, a vacuum cleaner salesman, arrived to collect a commission check at the Bronx office of his distribution firm, the Health More of Chicago Corp.

The 5-foot, 90-pound switchboard operator in the office said Coughlin found her there alone.

She said he punched her in the head and then forced her to commit an indecent act, during which she fainted.

Coughlin then stripped her and raped her, she said, and when she came to he threatened her with a razor blade.

"He told me not to tell or he'd kill me."

Near hysteria, the girl tried to escape by running out of the office and down the stairs. But Coughlin blocked her way and knocked her down, kicking her and beating her head against the floor, she said.

She said she finally managed to struggle free, but in doing so she fell down a single flight of stairs to the first-floor landing. She saw the building's front door standing open.

Coughlin raced downstairs after her, and wrapped his jacket around her body and then, she said, tried to force her back upstairs.

"I called to the crowd," she said later. "But they didn't move either."

Patrolmen Norman Brown and Edmond Woods were passing by, noticed the crowd and came to the girl's aid. She was treated at Fordham Hospital for bruises of the face, head, neck and thigh and released.

Coughlin, who said he had found the girl naked in the office and was "trying to help her," called his wife later at their home at 2839 Decatur Avenue, the Bronx, and said: "I'm in a little trouble."

Mr. RUSSELL. Mr. President, it is utterly appalling to me to find that large numbers of citizens in our Republic, where a citizen's arrest is recognized, and where men have at least a moral responsibility to undertake to intervene in such cases, would stand by as if attending some kind of show, and watch the commission of terrible crimes of that nature without even lifting a hand to help the victim or to remonstrate with the criminal.

Something is wrong with the system of public education as well as with the moral atmosphere of any community where such a state of affairs can exist.

The PRESIDING OFFICER. Is there further morning business?

INDIANA ELECTION

Mr. HUMPHREY. Mr. President, I rise to comment on some of the elections that took place yesterday. Everyone has his own interpretation of those elections. My understanding of what I have heard not only gives me some amusement but also some concern as to the factual bases of these analyses.

One leading newspaper has published a story that tells us that the Governor of Alabama ran very strong in Indiana voting, and another newspaper has a headline story that tells us that he suffered a stinging defeat.

I suppose headlines really mean very little, because they are primarily designed to attract attention. But I think it is worth noting that in the State of Wisconsin the Governor of Alabama received 34 percent of the Democratic vote. As one who has been in Wisconsin elections and received well over 45 percent of the votes, and received the dubious honor of having a smashing defeat attributed to him, I would say that 34 percent was not too much of a vote. I never could quite understand how the Governor of Alabama came out with a victory. But times do change. Ours is a changing world. One must adjust himself to changes.

In the State of Indiana the Governor of Alabama received approximately 30 percent of the vote, which is about 4 percent less than he got in Wisconsin. Yet there are those who interpret that result as a singular victory.

I wish to say for Governor Wallace that he knows how to wage a psychological battle; he sets the standards of what he calls victory and then certain interpreters of the election results run along like trained seals and mouth what the Governor has said. The Governor said that if he got 20 percent of the vote, he would consider that he had a victory. That may be the way one might win in some States, but one never won that way in any State in which I have ever lived. If a candidate should get 20 percent of the vote in my State, he would not even be considered a nuisance, much less a candidate. Generally 50 percent of the votes plus one is required to win an election victory in my State. There have been some tight squeakers out our way. The present Governor won by 91 votes out of a million votes cast. We called it a victory, though not a smashing victory.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. With 3,634 of the 4,416 precincts reporting, Governor Welsh, of Indiana, received 307,566 votes; Governor Wallace, of Alabama, received 134,107 votes.

That is substantially a 2-to-1 defeat, with most of the precincts having reported. Therefore one could not really interpret that result as a victory.

The Washington Senators ended at the bottom of the line in the last year's American League baseball season. They were in what is called the cellar. There were a great many complaints about the Washington Senators. I think they have a good team, and they have a much better one this year since they now have a man by the name of Moose Skowron who comes from Austin, Minn. He is bringing the team new life and new power. But many of the critics were very unkind to the Washington Senators. But at least the statements were factual. They said, "When you are in the cellar and you win less than one-third of the games or about-one third of the games, you have had a bad season."

The Washington Senators got 2 percent more victories last year, ending up in the bottom of the league—in the cellar—than the percentage of votes Governor Wallace received in Indiana.

So, Mr. President, I only wish to put the election in proper perspective. I think that Governor Welsh, of Indiana, is to be commended. I also wish to say that the people of Indiana are to be commended.

Second, I note that Mr. Taft ran in Ohio. He ran in the Republican primary against a man by the name of Mr. Brown, who is the Secretary of State. Mr. Taft supported the civil rights bill, and was accused of being a liberal. That was a very serious accusation for Mr. Taft.

Mr. Taft, despite the accusation, so far has received 542,164 votes, 11,444 out of 13,311 precincts reporting.

Mr. Brown, who was the Secretary of State—and I believe that is an elective office in the State of Ohio—received 146,798 votes. So Mr. Taft—"a liberal"—received 542,000 votes; his opponent, who fought the bill and called the bill all the names that it has been called in the ads and in the brochures, received 146,000 votes.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ELLENDER. Does the Senator know how Mr. Brown stood on the civil rights bill?

Mr. HUMPHREY. Yes. Mr. Brown campaigned openly against the civil rights bill.

Mr. ELLENDER. In the campaign against Mr. Taft?

Mr. HUMPHREY. He campaigned openly against the civil rights bill. Mr. Taft campaigned openly for it. Mr. Taft voted for it and said it was a good bill. Because he did so, some folks said that he was a liberal. I wish to exonerate Mr. Taft of any such dubious honor. He is not a liberal at all. He is a Republican, a conservative, and a fine man. Of course, he will be defeated by the Senator from Ohio [Mr. Young], who has a fine record of public service.

Then I would also suggest to the——

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may have an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Finally, I note that a great American who is not running, and who had pulled out of the race, and who had announced that he was not a candidate, and who had asked all those who had initially intended to support him not to vote for him—Mr. John Glenn—received 184,000 votes. He was not even in the running. He got more votes than Mr. Brown—who campaigned against the civil rights bill—received. Mr. Brown was in the running and he campaigned vigorously throughout the State against the civil rights bill. I realize that I am treading on some rather sensitive areas here because the Senator from Ohio and others are present in the Chamber. I speak only of the facts and give the statistical evidence.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, since a senatorial election is being held on the floor of the Senate, I merely wish to say a word for Mr. Taft, and to be sure a demurrer has been entered. We think he will win.

Mr. HUMPHREY. The Senator from New York is entitled to his opinion.

Mr. ERVIN. Mr. President, will my good friend from Minnesota yield to me so that I may pay him a compliment?

Mr. HUMPHREY. If the Senator will permit me to have some additional time to yield to the Senator from North Carolina, I shall be delighted to yield.

The PRESIDING OFFICER. How much time does the Senator desire?

Mr. HUMPHREY. I think the Senator ought to have as much time as he desires. Mr. President, I ask unanimous consent that I may have 2 minutes to start with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I do not wish to do a thing except to pay a compliment to my friend from Minnesota. As I have listened to his eloquence I have been reminded of another man who had the capacity to make eloquent statements; namely, William Shakespeare. If my memory serves me correctly, William Shakespeare on one occasion in one of his plays said:

> The lady doth protest too much, me thinks.

Mr. HUMPHREY. Mr. President, the Senator from North Carolina has quoted my thought about the entire debate on the civil rights bill: "Me thinks some of my southern colleagues protest too much—and me thinks the public is catching on, too."

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Wyoming.

Mr. SIMPSON. I, too, wish to compliment the Senator from Minnesota on his keen analysis of the election. I, too, have been disturbed. I have been disturbed because of the fact that a Member of the Senate is running for high office in our land. I should like to know his formula, because the elections in which he has engaged end in a great majority for him all the time. I am sure that the people will take him out of the Senate and put him where he belongs next November.

Mr. HUMPHREY. Mr. President, there are so many possibilities in the Senate for high offices in Government, I should like the Senator from Wyoming to be a little bit more specific. I believe I know to whom he refers. Will the Senator state the name of the Senator to whom he refers?

Mr. SIMPSON. I am happy to do so. I refer to Senator BARRY GOLDWATER, a conservative.

Mr. HUMPHREY. I am delighted that the Senator From Wyoming has spoken those fine words about our illustrious colleague from Arizona. The Senator from Arizona is a fine gentleman and deserves all the compliments he can get now, because he will get so few votes in November.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I think I have held the floor about as long as any Senator should have it.

Mr. RUSSELL. Mr. President, we are truly living in a bipartisan age. The senior Senator from New York takes the floor and derives satisfaction from what he calls the great victory of Democratic Governor Welsh, of Indiana. The Senator from Minnesota, the assistant Democratic leader, takes the floor and extols the great victory of the Republican senatorial candidate for the Senate in the State of Ohio. That is something to remember.

Mr. President, I am not privy to the plans of Governor Wallace, of Alabama. I knew nothing about his entering into the primaries in any State. He has not sought my advice, and I have not proffered it. But I must say with this effort to brush aside the showing that Governor Wallace has made in some of the primaries reveals to me a matter of deep concern. Someone is whistling his way through a cemetery.

Here is a man from a State that the great metropolitan press has sought to make a symbol of backwardness. Likewise by the coloration of the news by the media of communication in this country, it has sought to paint him as a despicable bigot of the first water. Yet he enters the primary in a State where he has no friends or acquaintances, where he has only the the views he represents, and he polls a truly amazing vote. There is no discounting that fact. It stands clear for all to see.

In the State of Wisconsin, for example, I noted that although Wallace was far from home, though he was opposed by both leading Republicans and Democrats, though the clergy was preaching that it was a mortal sin to vote for him, and the press denounced him daily, Wallace polled the same percentage as did the Senator from Minnesota when he was a candidate in Wisconsin in 1960. The Senator from Minnesota was a neighbor and had connections across the State, and had supporters and an organization. Yet this man from the outside ran about as well in the State of Wisconsin as did the Senator from Minnesota. I do not recall that in the West Virginia primary, the Senator admitted that he had suffered a defeat in Wisconsin in 1960.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield, if I have time.

Mr. HUMPHREY. With all due respect, there was a difference between 1964 and 1960. I lost at that time against a "champ." It is no disgrace to be defeated by a champion. But the percentage the Senator gives is a little off.

Mr. RUSSELL. The difference was a little over 1 percent.

Mr. HUMPHREY. No; about a 100,000-vote difference in my favor.

Mr. RUSSELL. I have in my hand the vote showing the result in the primaries in Wisconsin on April 5, 1960. It shows that President Kennedy got 42 percent of the vote and the Senator from Minnesota got 31.2 percent. This was about 1.2 percent more than Governor Wallace received. Vice President Nixon received, in the Republican primary, 341,463 votes or 28.6 percent by the total.

Mr. HUMPHREY. The Senator is always an honorable man.

Mr. RUSSELL. I try to be.

Mr. HUMPHREY. I know the Senator from Georgia wants to be accurate. And the figures quoted by the Senator from Georgia are misleading. Senator Humphrey received about 44 percent of the Democratic primary vote. I do not mind having the figures stated again, because I am proud that the Senator from Minnesota polled about 44 percent of the total Democratic vote and the Senator from Minnesota received over 30 percent of the total vote Republican and Democratic—in Wisconisin. I am proud of that. If the Senator from Minnesota had to be defeated, he was proud to be defeated by one of the greatest Presidents that ever graced this country.

Mr. RUSSELL. The Senator can derive such consolation from his defeat at that time as he wishes. I concede that the late President Kennedy was a great statesman and a magnificent campaigner, but I do say the difference is small as between what the Senator from Minnesota received and what Wallace received running against a Governor "standing in" for President Johnson and against great odds.

Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Wallace had been painted as a racist and as a bigot and preachers had said it would be a mortal sin for people to vote for him. It was under different conditions than those under which the Senator from Minnesota entered the primary in 1960. The odds were overwhelmingly against Wallace. Governor Wallace got more votes than his opponents expected him to get. Republican leaders were going over to the Democratic Party advising the Democrats to vote against this man. He was painted in hostile colors and faced hostile audiences. Yet he made a respectable showing. I have been utterly amazed at the strength which he has displayed.

It gives me hope that there is an awareness on the part of the American people as to what politicians are trying to do with their form of government and the way it is being twisted by this bill, in which the injunctive power would be used rather than juries, which would put in the hands of the Attorney General more power than any President has had in the history of this country. We read long newspaper columns about the leaders on both sides meeting with the Attorney General to get help in the legislative branch in order to be able to legislate and get votes and to impose gag rule on the Senate.

Although the votes for Governor Wallace may be disparaged as being very small, when we consider the difficulties with which this man has contended, they manifest the fact that there is an awareness at the grassroots that all is not well in Washington and that this bill is not what it purports to be and will have an adverse effect on our system of government and the American way of life, if enacted.

The PRESIDING OFFICER. The Chair feels compelled to state that the agreement under which there is to be a morning hour provides that it shall conclude at the end of 1 hour. The end of the 1 hour has been reached. The leadership is permitted to yield to Senators after that hour.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from North Carolina.

Mr. ERVIN. I paid the Senator from Minnesota a compliment. I want to give him some consolation which he can lay to his heart to assuage any discomfort he may have received from the defeat. The poet Edwin Markham said:

> Defeat may serve as well as victory
> To shake the soul and let the glory out.

For the first time since the debate started, the Senator and I have reached one kind of agreement. He says he thinks the talking we have been doing on the floor of the Senate has reached the people and has produced some effect. I think it has. I think it has had a truly educational effect upon my good friend from Minnesota. When the debate started, he said: "We must pass the bill without undotting a single 'i' or uncrossing a single 't' or offering any amendments." But, if I understand rightly, the Senator from Minnesota has reached that standard of educational excellence where he concedes that there should be amendments to the bill. So, as a result of the education arising from our personal endeavors, I have confidence that perhaps other Members of the Senate who may be entertaining wrong views on the pending measure, and the people at large in the country, will also receive more education, and that we can eventually convince Senators that perhaps, after all, this is a bad bill and ought to be amended considerably.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may be recognized briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I am very pleased when my friend from North Carolina is pleased with me. I am also very pleased when he feels that through his efforts he has been able to educate me. And I would be less than honest if I did not say that there is no Senator for whom I have higher regard than the Senator from North Carolina. He is a great lawyer, a great Senator, and a great citizen. But I say for those who fight this battle against the civil rights bill that it is regrettable they did not have as effective a spokesman out in Indiana as the distinguished Senator from North Carolina, and also the Senator from Georgia. They would have possibly been able to make better progress.

I daresay that no matter how we try to trim the election results down, describe them, memorize them, or scrutinize them, it does not represent a victory for the forces who are opposed to civil rights. And no matter how we try to interpret it, the fact of the matter is that it is a defeat for those who oppose the issue of civil rights.

The New York Times has a headline—to show how these things have been interpreted—that reads as follows: "Wallace Strong in Indiana Voting—Turnout Is Heavy—Stassen Running Well—In Battle with Goldwater, He Gets More Support Than Had Been Expected."

I say on behalf of Mr. Stassen—who is an honorable man, who has served with distinction in many important offices—that I doubt that many people are going to claim that Mr. Stassen had a victory in Indiana. But if we are to claim a victory for Wallace, I believe that in a bipartisan action, we should claim a victory for Stassen. But, even Mr. Stassen will not claim this. Mr. Stassen put up a fight with little or no resources. But, be that as it may, we shall have to decide that issue in the Senate. And I am sure it will be decided.

I say to my good friend from North Carolina that the Senator from Minnesota always tries to be reasonable. I recognize that there is a tremendous amount of support in this body for the Mansfield-Dirksen proposal, which represents the considered judgment of two of the most able men to ever serve in the U.S. Senate. Because I am a man of reason, because I have heard the pleading of the able, distinguished Senator, lawyer, and judge from North Carolina, because I have such respect for the majority and minority leaders, and because I do want to see legislation, and not merely an argument, I shall vote for the Mansfield-Dirksen amendment. And I call upon all of my colleagues to join in that great effort.

Now that the Senator from North Carolina feels that the Senator from Minnesota has been convinced, I plead with him to join those of us who have been convinced. The teacher should surely with the pupil. I hope the teacher will not repudiate that which he has tried to give to the pupil.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ERVIN. The Senator has not learned the lesson fully. He has only learned the A, B, and C's. When he goes a little further into this jury trial subject, then he will support the Talmadge amendment—if not the Talmadge amendment, then the amendment offered by the distinguished Senator from Kentucky [Mr. MORTON]. If the Senator from Minnesota learns his lesson perfectly, he will vote for the Talmadge amendment. But if he does not learn it perfectly, he will vote for the Morton amendment. If he does not advance any further in this field, he may vote for the Mansfield-Dirksen amendment.

Mr. HUMPHREY. I appreciate that the Senator from North Carolina still feels that there is some hope for the Senator from Minnesota. That is a word of encouragement to me.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HARTKE. The primary was in Indiana.

Mr. HUMPHREY. The Senator is correct.

Mr. HARTKE. There was a primary in Indiana in 1960, too. I do not think much of the primaries which we have in Indiana, with respect to selecting candidates for the office of President. It is the nearest thing to doing nothing that I know of. Not all of the candidates are involved. After all is said and done, they are bound on the first ballot only. I would like to see the primary law repealed.

In 1960, when President Kennedy was a candidate, two unknowns received about 20 percent of the vote. One was Mr. Lar Daley, and one was a plumber, Mr. Latham.

I have stated before that I thought the primary would not do anything except provide ammunition for many people, and for the press. I think that is fine; but that is not going to make much difference in Indiana. It certainly is not going to affect my vote or the vote of my colleague [Mr. BAYH].

Lyndon B. Johnson is going to receive the votes of the delegates at the national convention, and that is all that is important.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ELLENDER. I join in what the distinguished Senator from Georgia has said. If it were not for the issues involved in Indiana, I do not believe Governor Wallace would have gotten enough ballots to wad a shotgun shell. The issues were the civil rights bill, the demonstrations, the civil and criminal disobedience which have disturbed the Nation. Without question, the vote indicated that many people all over the Nation are reacting to the excessive demands of these groups. There is no question in my mind but that the people from the grassroots of the Nation are just beginning to learn the implications involved in the pending bill.

I am informed that in Ohio, the Congressman at Large, a Mr. Kennedy, is leading Mr. Sweeney. I am informed Mr. Kennedy was openly against this bill. I know that 2 years ago, he was openly against submitting to the unjustified demands of pressure groups.

I am anxiously waiting to see what will happen in the State of Maryland. I had occasion to visit that great State over the past 2 weeks. If I am to judge from the conversations which I had with people from that great State, there is no question in my own mind that Wallace will fare very well. They, too, like the people of Wisconsin and Indiana, are opposed to the pending bill and are fed up with racial agitation.

I read last week, as many Senators did, about the forces that were opposing Governor Wallace in Indiana. All the preachers, priests, and other clergy were parading and demonstrating against Wallace. They were saying that he was an evil man, that they should not vote for him, and that he was a racist. I say this to point out the opposition which Wallace had to overcome, in addition to the press campaign against him. He was unknown to the people of Indiana, except as a press-created racist. That he did overcome these great forces and received this impressive vote is testimony to the fact that he campaigned on the issue of the civil rights bill and its constitutional ramifications.

But I predicted some time ago, and I predict again, that within the next 3 or 4 years, the shoe will be on the other foot. When Senators go out to campaign, it will not be popular to endorse force bills such as the one which is now before us and labeled "civil rights." I have been in the Senate for 28 years and every year we have been confronted with these so-called civil rights bills. They are not civil rights bills, in my judgment, but attempts to make social changes by unconstitutional measures.

I have just been informed by the Senator from Indiana [Mr. HARTKE] that Mr. Kennedy, candidate for Congress in Ohio, who was leading in the election last night, died some time this morning. I am very sad about that. The reason I rose to speak about that election was the fact that there is no question that the issue there involved the civil rights bill. This same concern is the reason for a practically unknown man from the South being able to go from Wisconsin into Indiana, and now into Maryland, and get what I call a tremendous vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I yield to the Senator from New York.

THE PRIMARY ELECTION IN INDIANA

Mr. JAVITS. Mr. President, I spoke on this subject earlier today. I merely wish to add to what I have said, a point which came to my mind as I heard the debate develop further on the question of the implications of Governor Wallace's vote in Indiana.

It was considered to be a very clever maneuver by Governor Wallace to expose his candidacy to a kind of plebiscite, which, like the mail that was coming in to us at one time very heavily against civil rights and against the proposed legislation now before the Senate, from people who chose to write, was taken by some people as some evidence of public sentiment. I now offer the hope that voters may be informed, particularly those who, for reasons which are sufficient to them, do not care to vote, that as long as this subject has been exposed in this way, and as long as the results are being interpreted as having some influence on what people believe, in the coming primary election in Maryland—and I have no intention of telling people what they should do there—they may wish to come out and express themselves on this issue. If Governor Wallace wishes to interpret the vote as an indication in the way that he does, the great majority of the voters should bear in mind the deduction which is being made from the primary elections, and should express themselves in the most decisive way possible, just as, apparently, the minority is doing at this time.

Mr. HUMPHREY. Mr. President, before the morning hour is concluded, I wish to make one further comment on the subject of the primary election in Indiana. The point which has been brought to my attention deals with the discussion between the Senator from Louisiana and the Senator from Indiana. I read from a news ticker account which has just been handed to me:

> In a three-way race for the Democratic Congressman at Large nomination, Robert E. Sweeney, of Cleveland, outdistanced State Senator Charles J. Carney, Youngstown labor official, and Richard D. Kennedy, of Cleveland, a civil rights foe.

I thought the RECORD should be complete in this connection. I want to point out, however, that these races—important as they may be—should not divert the Nation's attention from the civil rights fight on the Senate floor. For it is here that the ultimate decision must be made.

Mr. ELLENDER. The information I obtained about Mr. Richard Kennedy was obtained by me from the Washington Post this morning. I realized that the tabulation had not been completed.

THE SENECA INDIANS

Mr. JAVITS. Mr. President, H.R. 1794, a bill to provide compensation and rehabilitation funds to the Seneca Nation of Indians which will be displaced from their homes on the Allegany Indian Reservation because of the construction of the Kinzua Dam in Warren County, Pa., is presently pending before a Senate-House conference. The bill was unanimously reported by the House Interior and Insular Affairs Committee on February 5, 1964, and on February 7 was passed by the House of Representatives. The bill was reported by the Senate Interior Committee on March 26 and was passed by the Senate on March 30.

It has been my feeling from the time of the 85th Congress when the appropriation of funds for the Kinzua Dam was first discussed, that the Congress owed a deep sense of moral responsibility to assist the Seneca Nation in its relocation and to fulfill in every way the obligations which the United States undertook to the Senecas through the Treaty of 1794. On April 2, I expressed my views on the provisions of the bill—and so have other Senators—with the hope that it would provide a useful point of reference for the conferees. I believe that I speak for all who have supported H.R. 1794 in the hope that a prompt and equitable solution will be reached by the conferees.

I ask unanimous consent to have printed in the RECORD an editorial from the New York Times dated May 4, 1964, concerning the Seneca Indian compensation bill.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial dealing with the Seneca Indians.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAST CALL FOR THE SENECAS

Zero hour for the Seneca Indians comes on October 1. The 700 members of the tribe in western New York must abandon their homes by that date to make room for an Army Corps of Engineers' dam and reservoir. Thus ends a chapter—again unhappily—in the story of the U.S. Government's treatment of the American Indian.

The only thing that can be done now for the Senecas is reparations and rehabilitation. A House-Senate conference is scheduled in the next few days to decide the sum to be paid the Senecas for trying to begin new lives elsewhere. The House, spurred by Congressman JAMES A. HALEY, of Florida, and others, seeks a fund of about $17 million for relocation, housing, industrial, and educational programs. The Senate committee's proposal of about $9 million is parsimonious by comparison.

Two things are needed: speed and generosity. It will be a miracle, even if the fund is approved, for these families to pick up and resettle in less than a half-year's time. The only way Congress now can honor the original 1794 treaty made by the Government, and backed by George Washington, is to see that the Senecas are treated fairly and with dignity. The remaining Indian tribes in this country can well regard the nature of this settlement as a measure of the esteem in which their fellow citizens hold them as our first Americans, not our last DP's.

THE 1964 NATIONAL AMERICAN MOTHER OF THE YEAR

Mr. MUNDT. Mr. President, I have the happy honor and high privilege to announce to the Senate that according to an Associated Press announcement just appearing on the news ticker in the Senate lobby the South Dakota Mother of the Year, Mrs. L. M. Stavig, of Sioux Falls, S. Dak., has been awarded the high distinction of being chosen the American Mother of the Year.

Mrs. Stavig is a close friend of mine. Her husband is the President of Augustana College of Sioux Falls, S. Dak. She is the mother of a wonderful family of four able and talented sons who have distinguished themselves in their own right. She is a community and religious leader, a speaker, a singer, and one of the most attractive and popular hostesses in the State of South Dakota.

On one occasion I had the opportunity of recommending her husband, Mr. Lawrence Stavig, for appointment as a member of the UNESCO Citizens Committee, on which he served with honor and distinction. It is indeed a rare privilege, speaking as the senior Senator from South Dakota, to announce that from this great State, in typical rural America, we have had the honor of sending to New York the record of this distinguished lady, who has been chosen, from a panel of 50 of the Nation's outstanding women, as the American Mother of the Year.

All South Dakotans are standing a little taller today as a result of this new and significant honor coming to a citizen of our State.

LEGAL EFFECT OF PENDING CIVIL RIGHTS BILL ON PENNSYLVANIA'S CIVIL RIGHTS LAWS

Mr. SCOTT. Mr. President, the office of the Attorney General of the Commonwealth of Pennsylvania has prepared, at my request, a brief memorandum which compares the provisions of H.R. 7152, the civil rights bill, with existing Pennsylvania law and assesses the legal effect of H.R. 7152 on Pennsylvania's civil rights statutes.

I ask unanimous consent that this informative memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

EFFECT OF H.R. 7152 ON PENNSYLVANIA'S CIVIL RIGHTS LAWS

Pennsylvania law provides comprehensive safeguards against discrimination in housing, public accommodations, employment, membership in labor organizations, and educational opportunities by reason of race, color, religious creed, ancestry, age, or racial origin.

The coverage under the Pennsylvania act is much broader with respect to accommodations than that provided by title II of the Federal act. The Pennsylvania act applies to all places which are open to, accept, or solicit the patronage of the general public. It is, therefore, anticipated that the proposed provisions of title II will rarely be invoked in Pennsylvania except in those instances where an aggrieved party exercises his right to bring suit in his own name and where the act of discrimination is against a party operating in more than one State and against whom similar complaints have been filed with the Federal Commission in other States.

Title VII which deals with equal employment opportunities limits coverage to respondents in interstate commerce with at least 25 employees or members. The Pennsylvania act applies to all persons with 12 or more employees. The Federal act extends protection from discrimination in employment on account of sex. This is the only area of said act not covered by the Pennsylvania statute.

The proposed Federal Civil Rights Act very clearly spells out that where adequate State laws exist, offering protections equal to those in the Federal act, they will remain in effect and that passage of the Federal act does not mean that the Federal Government intends to preempt the field of civil rights and take it over from the States.

Thus, section 708, entitled "Effect on State Laws," provides that no person is exempt under a State fair employment practice law by reason of the enactment of title VII of H.R. 7152; also, that where a State or local government has an effective agency to prohibit employment discrimination, the Federal Commission "shall seek written agreement with the State or local agency, under which the (Federal) Commission shall refrain from bringing a civil action."

Section 1102 specifically states that nothing contained in any title of the Federal act shall be construed as indicating the intention by Congress to preempt the field "in which any such title operates to the exclusion of State laws on the same subject matter."

Section 12(b) of the Pennsylvania Human Relations Act similarly provides, although not in language as explicit as just set forth, that the State of Pennsylvania does not intend to preempt the field of civil rights as against local governments within Pennsylvania. Pursuant to that section, the Pennsylvania Commission has consummated written agreements with each of the commissions in the three cities having effective civil rights laws—Philadelphia, Pittsburgh and Erie.

Sections 708 and 1102 of the proposed Federal act fully protect the right of the Pennsylvania Human Relations Commission to continue its efforts, as heretofore, to eliminate discrimination in employment and places of public accommodations. These provisions leave no doubt that Congress does not intend to preempt the field of civil rights; and that Congress rather intends that there be a close working relationship between the Pennsylvania and Federal Commissions.

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, H.R. 7152.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 560) offered by the Senator from Kentucky [Mr. MORTON], for himself and certain other Senators, to amend amendments (No. 513) offered by the Senator from Georgia [Mr. TALMADGE], for himself and certain other Senators, relating to jury trials in criminal contempt cases.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 197 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is present.

The question is on agreeing to the amendments (No. 560) proposed by the Senator from Kentucky [Mr. MORTON], for himself and certain other Senators, to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and certain other Senators, relating to jury trials in criminal contempt cases.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. PROXMIRE. Mr. President——

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield now to the distinguished Senator from Wisconsin [Mr. PROXMIRE] without losing my right to the floor or without having any subsequent remarks I may make counted as a second speech by me on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAMAGE TO DAIRY FARMERS FROM PESTICIDE RULING

Mr. PROXMIRE. I thank the Senator from North Carolina for yielding to me.

Mr. President, there is no question that when the problem of the use of pesticides develops, considerations of public health must be paramount.

Nevertheless, and through no fault of their own, a very large number of dairy farmers have recently suffered a most serious financial loss because a pesticide which had been recommended to them by the Department of Agriculture has only recently been found to leave a very important residue, even though in extremely small, almost microscopic, amounts; and with no biological significance. Under the circumstances, these milk producers have been forbidden to sell the milk they produce. That order leaves a number of dairy farmers in a severe financial strait.

There is a precedent, on the basis of what happened some years ago in the situation in regard to the production of cranberries; and in the recent past there have been other, similar developments.

At any rate, the secretary of the National Milk Producers Federation—which is the largest organization of its sort in the country, and represents the largest number of dairy farmers—has written to the Secretary of Agriculture a letter in which it is proposed that the Secretary consider a program of indemnification of these farmers.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., April 30, 1964.

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As you are aware, recent refinements in chemical analysis by the Food and Drug Administration now make possible the identification in milk of minute traces of pesticide residues heretofore unidentifiable.

One of the results of this improved analytical procedure has been the loss of a market by a number of dairy farmers whose product was found to have residues resulting from heptachlor—an insecticide which until April 27 was recommended by the Department of Agriculture for treatment of alfalfa. It should be noted that the residues found in this milk are of such low levels that they have no biological significance.

Through no fault of their own, the dairy farmers involved have been caught in a trap of scientific precision; have lost their markets; and face serious financial loss. The National Milk Producers Federation urges that the Department of Agriculture take immediate steps to indemnify these and other milk producers in a similar predicament. Precedent for such action was set in 1960 when similar payments were made to cranberry growers from funds available under section 32 of Public Law 320.

The National Milk Producers Federation for many years has closely cooperated with the Department of Agriculture and the Food and Drug Administration to reduce and eliminate the incidence of pesticide residues in milk. Through its member associations it has distributed tens of thousands of barn chart recommendations to producers. It has set up a special committee to work with local and State health authorities, departments of agriculture, and Food and Drug authorities. It is enlisting the assistance of all dairy cooperatives in setting up screening devices to detect pesticides in cattle feed.

The federation believes, however, that it is grossly unfair that dairy farmers whose milk was acceptable only a few weeks ago now be penalized by financial loss through no fault of their own. We, therefore, urge you to initiate an indemnity program for the dairy farmers involved.

Sincerely,

E. M. NORTON,
Secretary.

Mr. PROXMIRE. I thank the Senator from North Carolina for his courtesy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced the House had passed the bill (S. 1988) to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1880. An act for the relief of Mrs. Lucine Broussalian;

H.R. 2737. An act for the relief of Pedro Aguinaldo;

H.R. 5309. An act for the relief of Russell D. Harris;

H.R. 5501. An act for the relief of Wieslawa Marianna Borezon;

H.R. 6197. An act to revive and reenact as amended the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944;

H.R. 8879. An act for the relief of Maryellen Boone;

H.R. 9833. An act granting a renewal of patent No. D-162,975, relating to a medal of the American Legion;

H.R. 9834. An act granting a renewal of patent No. D-161,955, relating to a plaque of the American Legion; and

H.R. 9934. An act to authorize the construction of a dam on the St. Louis River, Minnesota.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1880. An act for the relief of Mrs. Lucine Broussalian;

H.R. 2737. An act for the relief of Pedro Aguinaldo;

H.R. 5309. An act for the relief of Russell D. Harris;

H.R. 5501. An act for the relief of Wieslawa Marianna Borezon;

H.R. 8879. An act for the relief of Maryellen Boone;

H.R. 9833. An act granting a renewal of patent No. D-162,975, relating to a medal of the American Legion;

H.R. 9834. An act granting a renewal of patent No. D-161,955, relating to a plaque of the American Legion; to the Committee on the Judiciary.

H.R. 6197. An act to revive and reenact as amended the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944; and

H.R. 9934. An act to authorize the construction of a dam on the St. Louis River, Minn.; to the Committee on Public Works.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accomodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ERVIN. Mr. President, I rise to urge that the Senate adopt the Talmadge amendment, which would allow the right of trial by jury, and would correct the most disgraceful procedure known to the Federal law—that is, the procedure which exists in criminal contempt cases.

In urging adoption of the Talmadge amendment, I seek to secure for the American people one of the most important and one of the most precious of all of the civil rights which Americans may have.

In order to present the necessity for adoption of a jury trial amendment which not only will grant the right of trial by jury, but also will provide the benefit of limited punishment, I feel it necessary to discuss some of the provisions of the bill in general, and particularly the provisions of the bill which undertake to confer upon the occupant of the office of Attorney General, whoever he may be, the most far-reaching discretionary powers ever conferred upon any executive officer of this Government since the foundation of the Republic.

Diligent efforts are made by the proponents of the bill to present it in the guise of a meritorious and moderate bill. But it is, in truth, as drastic and indefensible a legislative proposal as was ever submitted to any legislative body in this country. It can be correctly described as the most monstrous blueprint for governmental tyranny presented to any American Congress since the day on which George Washington took the oath of office as first President of the United States.

When all is said, it is not surprising that that is so. The bill is presented to Congress at a time when never-ending agitation on racial subjects by both designing and sincere men impairs our national sanity and diminishes to a substantial degree the capacity of our public men to see the United States steady and to see it whole.

As an indication of the effect of constant agitation about questions of race upon the national sanity, we see every day evidences of the fact that some ministers of the Gospel have reached the point at which they now apparently have more faith in the coercive power of manmade law than they do in the persuasive power of the Gospel.

Within the past 48 hours representatives of one of the largest denominations in the United States adopted a resolution in which it is declared, in substance, that American citizens have a right to distinguish between the laws they deem just and the laws they deem unjust, and to violate laws falling into the second category. As one who realizes the necessity of having a government of laws, I was astounded beyond measure by such formal action being taken by a religious denomination which I have always held in the highest esteem. With all due deference to that denomination, I am compelled to say that their position represents the stuff of which anarchy is made. No American citizen has a right to divide the laws of his country or the laws of his State into the laws that he deems just and the laws that he deems unjust and to violate those which he deems to be unjust.

Several weeks ago I had a discussion on the subject with a young minister who confessed to me that he believed in what is popularly called the civil disobedience doctrine. In the next breath he urged me to vote for the bill. He said that the passage of the bill was necessary to confer equality on all the citizens of our country.

I could not refrain from saying to him that I thought there was something essentially strange in his position endorsing civil disobedience and his demand for the enactment of this particular bill into law. I said that those who believe in civil disobedience say that they have a right, which rises about all manmade law, to separate the laws they deem just from the laws they deem unjust, and to violate the laws that they deem to be unjust. I said, "Since you have this view, and since you believe in equality of right, I am astounded to hear you advocate the enactment of the bill into law, because if you really believe in equality, you believe that those who think the provisions of the bill are unjust have a right, equal to your right, to disobey the bill if it should be enacted into law."

If there is any right which no respectable citizen who has any veneration whatsoever for the rule of law should desire, it is the right deliberately to violate the laws which he may deem to be unjust.

The bill is based upon a strange thesis. The thesis is that the best way and the only way to promote the civil rights of some Americans is to rob all Americans of civil rights equally precious, and to reduce the supposedly sovereign States to meaningless zeros on the Nation's map. The drastic provisions of the bill ignore the primary lesson taught by all history, that is, that no man is fit to be trusted with unlimited governmental power. If the bill should be enacted by Congress and successfully run the constitutional gantlet, it would vest in a single fallible human being, namely, the temporary occupant of the office of Attorney General, powers which have no counterpart in American history, and which are repugnant to the basic concepts underlying and supporting the American constitutional and legal systems.

What I have just said is true for these reasons:

First, the bill is deliberately designed to expand the procedure for the enforcement or vindication of the civil rights of private persons at public expense, first devised by the Civil Rights Act of 1957, and to confer upon the Attorney General the despotic power to grant or withhold the supposed benefits of the new procedure at his uncontrolled discretion.

In consequence, the bill offends the basic American concept that ours is a government of laws, rather than a government of men, and that courts are created to administer equal and exact justice according to certain and uniform laws applying alike to all men in like situations.

Second, the bill is wholly incompatible with the constitutional doctrine of the sovereignty and indestructibility of States.

Even apart from this consideration, the bill is inimical to proper Federal-State relations, because it proposes to place in the hands of the Attorney General a legal club by which he can browbeat State and local officials and private persons into submission to his will, and thus assume control of what are essentially State or local governmental matters, or private matters.

Third, the bill is deliberately designed to confer upon the Attorney General the autocratic and despotic power to rob State and local officials and other Americans involved in civil rights disputes of these basic and invaluable safeguards created by the Founding Fathers and Congress to protect all Americans from bureaucratic and judicial tyranny: namely, the constitutional right of indictment by grand jury, the constitutional right of trial by petit jury, the statutory right of trial by jury in indirect contempt cases, and the statutory right to the benefit of limited punishment in indirect contempt cases. The bill undertakes to destroy these rights by a perversion of the powers of equity.

Fourth, the bill is deliberately designed to empower the Attorney General to establish government by injunction in the place of government by law in the civil rights field.

Fifth, the provisions of the bill are so worded as to empower the Attorney General to institute and prosecute, at public expense, lawsuits as numberless as the sand, for the avowed benefit of any alien, citizen, or private corporation within the territorial jurisdiction of any of the 50 States.

The bill is deliberately designed to expand the new procedure devised by the Civil Rights Act of 1957 for the enforcement or vindication of the civil rights of private persons, at public expense, and to confer upon the Attorney General the despotic power to grant or withhold the supposed benefits of the new procedure at his uncontrolled discretion.

In consequence, the bill offends the basic American concepts that ours is a government of laws rather than a government of men and that courts are created to administer equal and exact justice according to certain and uniform laws applying alike to all men in like situations.

Our ancestors appraised at its full value the everlasting truth embodied in Daniel Webster's assertion that "whatever government is not a government of laws is a despotism, let it be called what it may."

Consequently, they based the governmental and legal systems of America upon these fundamental concepts:

First, that our Government should be a government by law, and not a government by men—a government in which laws should have authority over men, not men over laws.

Second, that our courts should administer equal and exact justice according to certain and uniform laws applying in like manner to all men in like situations.

The bill specifies in substance that the Attorney General may institute suits for the United States, or in the name of the United States, to enforce or vindicate alleged civil rights of private citizens.

The first title of the bill, which appears on pages 2 through 5, amends the Civil Rights Acts of 1957 and 1960, which expressly provide that the Attorney General may institute for the United States or in the name of the United States certain actions or proceedings to enforce voting rights.

Title II, which begins on page 6 and ends on page 11, purports to deal with places of public accommodation and specifies in section 204, subsection (a), on page 9, that the Attorney General may institute such actions for preventive relief on behalf of private individuals "for or in the name of the United States."

Title III, which begins on page 11, and ends on page 13, bears the heading, "Desegregation of Public Facilities." Under this title, the Attorney General is authorized to institute for or in the name of the United States, civil actions in any appropriate district court of the United States for the supposed benefit of private citizens.

Section 302 of this title, which appears on page 13 of the bill, authorizes the Attorney General to intervene "for or in the name of the United States" in any civil action commenced in any court of the United States where the party seeking relief alleges that he has been denied the equal protection of the laws on account of race, color, religion, or national origin.

I will not pause at this time to point out in detail that this is the widest conceivable power which could be vested in the Attorney General. By the simple device of procuring individuals to institute actions against the State or local officials upon the allegation that he has been denied the equal protection of the laws on account of his race, color, religion, or national origin, the Attorney General can intervene and, in effect, assume supervision of all the acts of an official nature between any State official, or any official of any local subdivision of any State, and any private citizen or inhabitant of that State.

In discussing section 302 of title III, I have pointed out that the Attorney General can intervene and take charge of any suit brought by any individual, or—since the equal protection of the laws includes not only individuals, but also corporations—any corporation in any court of the United States, in which the original plaintiff seeks relief upon a complaint alleged a denial of the equal protection of the laws on account of race, color, religion, or national origin.

The breadth of this is indicated by the fact that every one of the 185 million Americans belongs to some race, or has some national origin. And virtually all of the 185 million Americans profess some religion. So, under this single section, the Attorney General can sue "for or in the name of the United States" for any one or more of 185 million Americans if they make the mere allegation that they have suffered a denial of the equal protection of the laws on account of their race, color, national origin, or religion.

Such suits can be brought against any person who exercises any function on behalf of a State, or a subdivision of a State. They can be brought in any case in which any of these 185 million people are willing to allege that they have been treated unfairly by a representative of the State, or a representative of the local government in any official action. When one realizes that everyone from the Governor of a State down to the local dogcatcher, is a State official within the purview of the 14th amendment, he realizes the great number of persons—thousands and thousands—against whom suits can be prosecuted by the Attorney General under this section.

The fact that the subject occupies 240 pages of exceedingly small type in volume 16-A of Corpus Juris Secundum indicates in a very graphic manner the multitude of different kinds of civil actions which can be based upon an allegation of a denial of the equal protection of the laws.

The absurdity of section 302 in its virtually unlimited scope in the field of relations between States and their subdivisions, and the inhabitants of those States and subdivisions, is indicated by the fact that it would even permit the Attorney General to intervene in a case brought to procure the issuance of a fishing license, if such license had been denied to the plaintiff in the case by the State fishing commission or by a warden acting under the jurisdiction of the State fishing commission.

Title IV of the bill, which begins on page 13 and runs through page 18, undertakes to deal with the subject of desegregation of public education. Under paragraph (2), subsection (a) of section 407 of this title, which appears on pages 17 and 18 of the bill, the Attorney General would be given the power to institute "for or in the name of the United States a civil action in any appropriate district court of the United States" for the benefit of private persons in any school district in the United States where there has been a "failure of the school board to achieve desegregation."

Under title V of the bill, which begins on page 19 and ends on page 25, and which undertakes to extend the life of the U.S. Commission on Civil Rights and to expand its powers, proceedings can be had in the district courts of the United States or in similar courts in the territories or possessions of the United States or in the District Court of the United States for the District of Columbia, to punish any person for contempt.

While this title does not so specify, it necessarily implies that such proceedings are brought in the district court by the Attorney General for the supposed benefit of the United States.

Title VI, which begins on page 25 and ends on page 27, is addressed to the subject of nondiscrimination in federally assisted programs.

While this section does not specifically so provide, it clearly appears that the Federal departments and agencies, acting through the Attorney General, are empowered to defend any actions which may be brought by States, subdivisions of States, charitable corporations, and individuals under the provisions of section 603 on page 27.

Title VII of the bill, which begins on page 27 and ends on page 50, undertakes to deal with the subject of equal employment opportunity. Under subsection (b) of section 707, which appears on page 40, the commission to be created by this title is authorized to bring civil actions to enforce its adjudications in respect of employment practices in every business and in every manufacturing plant situated anywhere in the United States or in its territories or possessions having 25 employees.

As I have pointed out, under titles I, II, III, and IV of the bill, the Attorney General would be given the power in express terms to bring suits for or in the name of the United States to enforce the supposed civil rights of private individuals.

As I have further pointed out, titles V, VI, and VII make express provisions for the bringing of civil actions or proceedings in cases of alleged contempts against the Civil Rights Commission, in cases of alleged discrimination in federally assisted programs, and in cases involving employment practices covered by the bill.

While the bill is silent on this specific point, it necessarily implies that the civil actions and proceedings under these titles are likewise to be brought by the Attorney General and that they are to be deemed, in law, as civil actions and proceedings brought for or in the name of the United States.

These provisions in respect to civil actions and proceedings are inserted in the bill to do two things: First, to expand the new procedure for the enforcement or vindication of certain supposed civil rights of private persons at the expense of the taxpayers; and second, to confer upon one fallible human being—namely, the temporary occupant of the office of Attorney General, whoever he may be—the despotic power to grant the benefit of the new procedure to some persons and withhold it from others.

The proposed provisions are not to be operative at all unless the Attorney General, acting with or without reason, so wills. This is not government by law; it is government by the caprice of the Attorney General.

It is to be noted, moreover, that the new and expanded procedure to be authorized by the bill is to be used for and against such persons only as the Attorney General may select. This being true, the bill is utterly repugnant to the fundamental concept that courts are created to administer equal and exact justice in compliance with certain uniform laws applying in like manner to all men in like situations.

There is always the danger that discretionary governmental power may permit the public officer in whom it is reposed to rule arbitrarily without the restraint of law. As a consequence, no legislative body should ever enact any statute conferring discretionary governmental power upon any public officer unless such statute satisfies the only valid test of the advisability of legislation of this nature. The test is the evil a bad public officer may do under the proposed law rather than the good that a good public officer may do under it. This bill cannot satisfy that test. If it were enacted, it would vest in the temporary occupant of the office of Attorney General, regardless of his character or qualifications, the absolute power to act or refrain from acting at his discretion.

Thus, the proposed law would constitute a political weapon of the first magnitude. Any Attorney General, who happened to be a pragmatic politician, could pervert the avowed purposes of this measure and use it to curry favor with some groups or to browbeat into submission to his will State officials or private individuals covered by it. This is a despotic power which no good Attorney General ought to want, and no bad Attorney General ought to have.

The matter I am discussing affords a very important reason why the bill ought to have been referred to the Committee on the Judiciary or to some other committee of Congress having legislative power in the broad domain covered by the bill. I have heard it suggested or stated that the present Attorney General of the United States did not ask for the vast power which the bill would give him under the provisions of section 302 of title III, on page 13. The Senate Committee on the Judiciary or other proper legislative committee could have ascertained the truth of that suggestion or statement by inquiry of the Attorney General of the United States.

In my judgment, one of the most serious defects in the bill is the vast power of a discretionary nature which would be vested in the Attorney General. He would be permitted by the provisions of the bill to exercise or refuse to exercise this power at his uncontrolled caprice. He would be without the guidance of any legal principle whatever to indicate to him when he should exercise such power and when he should refrain from exercising it.

I repeat the assertion that I made earlier: It has never been proposed previously in the history of this Nation, so far as I can ascertain by diligent research, that any such vast and uncontrolled powers of a discretionary nature be reposed in any public official whomsoever.

In closing this phase of my remarks, I wish to comment briefly on the circumstances that would permit the Attorney General to intervene in civil actions under section 302 of title III for the supposed benefit of full-grown and mentally competent Americans, without their consent, or even against their will.

Moreover, he would be permitted by this section to take charge of the civil actions and—according to the express wording of the section—he could obtain for the United States "the same relief" as if the United States had instituted the actions.

Under this section of the bill, no private individual, of the 185 million Americans, would even be permitted to manage his own lawsuit or to control his own lawsuit, instituted by him under the provisions of this section, if the Attorney General decided he wanted to intervene in the civil action and take charge of it.

It seems to me that American citizens would be denied one of their most precious civil rights if there were vested in the Attorney General of the United States the discretionary power, at his own caprice and his own whim, to intervene in a citizen's lawsuit and to take the control of the suit away from the citizen. If an American has any civil right which ought to be honored by all, under all conditions, it is his civil right to maintain his own lawsuit in his own way in a court of justice, without interference by the Attorney General or by any other public official, either Federal or State.

I reiterate my statement that the pending bill is wholly incompatible with the constitutional doctrine of the sovereignty and indestructibility of the

States. The finest nutshell analysis ever made of the Constitution of the United States is the one which was made by Chief Justice Salmon P. Chase in the celebrated case of Texas against White, which is reported in 7 Wall. 700. In just a moment, I shall quote the words of Chief Justice Chase in stating his definition of the purpose of the Constitution.

However, even apart from the constitutional principle, this bill is inimical to proper Federal-State relations, because it proposes to place in the hands of the Attorney General a legal club by which he could browbeat into submission to his will State and local officials and thus could assume control of what are essentially State or local governmental matters.

The men who composed the Constitutional Convention of 1787 comprehended in full measure the everlasting political truth that no man or set of men can be safely trusted with governmental power of an unlimited nature. In consequence, they were determined, above all other things, to establish a government of laws, not of men. To prevent the exercise of arbitrary power by the Federal Government, they inserted in the Constitution of the United States the doctrine of the separation of governmental powers.

Mr. President, why did they do that? The answer to the question is crystal clear: They had studied all of the governments of the past; they had studied the great political philosophers of the ages; they had studied the history of man's long and bitter struggle for the right of self-government and for the right to be free from governmental tyranny; and, as a result of their studies, they had come to the conclusion that the great English political philosopher, Thomas Hobbes, spoke an everlasting truth when he said:

> Freedom is government divided into small fragments.

It was that conviction of the Founding Fathers which prompted them to insert in the Constitution of the United States the doctrine of the separation of governmental powers. They knew that when all of the powers of government are vested in one man or in one body of men or in one government, such government is a tyranny, no matter what its name may be.

In separating the powers of government, they acted in a twofold way. They delegated to the Federal Government the powers necessary to enable it to discharge its limited functions as the Central Government, and left to the States all other powers. It was this use of the doctrine of separation of powers which permitted Chief Justice Salmon P. Chase to make his famous nutshell analysis of the purpose of the Constitution of the United States. In the famous case to which I have alluded, he said:

> Not only, therefore, can there be no loss of separate and independent autonomy to the States through their Union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government.
>
> The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

I say in all seriousness and in all solemnity that if the so-called civil rights bill, H.R. 7152, is enacted by the Congress and runs the gantlet of the Constitution, then the States of the Union have ceased to be either sovereign or indestructible. The bill would do more in one fell swoop than any other single congressional act in the history of our Nation to destroy the system of government created by the Constitution, which divided the powers of government between the Federal Government on the one hand, and the States on the other.

A moment ago I stated that the Founding Fathers utilized the doctrine of the separation of governmental powers in a twofold way. I have discussed the first utilization of that doctrine, which consisted of the division of the powers of government between the Federal Government and the States.

In their other utilization of the doctrine of separation of powers, the members of the Convention of 1787 vested the power to make laws in the Congress, the power to execute the laws in the President, and the power to interpret the laws in the Supreme Court of the United States and such inferior courts as the Congress might establish. Moreover, they declared in essence that the legislative, executive, and judicial powers of the Federal Government should forever remain separate and distinct from each other.

Title VI of the bill manifests a contempt for the provisions of the Constitution which distribute the powers of the Federal Government among the Congress, the President, and the Federal courts. Title VI expressly provides that all departments and all agencies of the executive branch of the Federal Government shall be converted into legislative bodies. Under this title each department or agency would have the power to adopt any kind of regulation it sees fit to prevent what is called discrimination in the activities and programs of the Federal Government which it administers and in which the Federal Government renders financial assistance. I do not think there is a single Senator who really comprehends the unprecedented sweep of title VI or who can even tell us the number of executive departments and agencies which would have such legislative power under this title, if this title be valid.

I respectfully submit that the provisions of title VI which undertake to convert executive departments and executive agencies of the Federal Government into legislative bodies are inconsistent with article I of the Constitution, which expressly provides that all the legislative power vested in the United States by the Constitution belongs to the Congress.

As the Supreme Court so well declared in the opinion by Mr. Associate Justice Black in the steel seizure case, all the legislative power of the Federal Government is vested in the Congress of the United States at all times, and no other public official or department or agency can exercise this legislative power. The Supreme Court of the United States has declared in a multitude of cases that there are four tests for determining whether an act of Congress undertakes to delegate the legislative power of Congress to the President or to an executive department or agency.

The first of these tests is, Does the act of Congress leave the question of whether or not there is to be a regulation to the determination of the President or to the determination of the executive department or agency in question? If so, the act of Congress constitutes an unconstitutional delegation of its legislative power to the President or to the executive department or the executive agency, as the case may be.

The second test is, Does the act of Congress undertake to leave it to the President or the executive department or the executive agency to determine the persons who are to be covered by the regulation and the persons who are to be excluded from the coverage of the regulation?

If so, the act of Congress constitutes an unconstitutional attempt on the part of Congress to delegate to the President or to the executive departments or to the executive agencies its legislative power.

The third test is, Does the act of Congress purport to leave it to the President or the executive department or the executive agency to determine what acts or what omissions are to be denounced as illegal by the regulations to be issued by the President, the executive department, or the executive agency? If so, the act of Congress represents an unconstitutional attempt to delegate the legislative power of the Congress to the President or the executive department or the executive agency, as the case may be.

The fourth test may be stated simply in these words: Does the act of Congress provide that the punishment which is to be imposed for a violation of the regulation is to be determined by the regulation itself? If so, the act of Congress constitutes an unconstitutional attempt on the part of Congress to delegate its legislative power, under article I of the Constitution, to the President or the executive department or the executive agency, as the case may be.

I respectfully submit that title VI of the bill constitutes an unconstitutional attempt by Congress to delegate to many executive departments and agencies—whose names cannot even be enumerated by any Member of Congress without prior study—legislative power which belongs to Congress alone.

The accuracy of this statement is made apparent by the mere reading of section 602 of title VI, which appears on page 26. It leaves to each of these Federal departments and agencies undefined power to take such action to prevent or punish alleged discrimination which they deem proper. And it even provides that, in addition to terminating Federal participation in a program or activity, or refusing to continue Federal assistance to a program or activity, the department or agency may use "any other means authorized by law."

In view of the activities of Federal departments and agencies in imposing upon persons dealing with them conditions not authorized by Congress, and in many cases conditions which Congress has expressly refused by its vote to authorize, such departments and agencies can compel States, subdivisions of States, charitable organizations, and individuals to enter into coerced contracts, relinquishing rights which they possess under the Constitution and laws of the United States, and rights which they possess under the constitutions and laws of the respective States, as a condition precedent to being permitted to participate in federally assisted activities and programs.

It has been stated on the floor of the Senate by advocates of the bill that by the words of section 602, on page 26—"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity"—the housing authorities cannot coerce participants in the housing program to surrender to the housing authorities the ultimate power to determine to whom they may hereafter sell their property or to whom they may hereafter rent their property.

This claim is based upon the exception contained in line 4 in respect to contracts of insurance and guaranty. I deny the validity of this argument.

I base my assertion upon the fact that under the provisions of this section, the housing authorities can resort "to any other means authorized by law." Under section 602 of title VI, the Federal housing authorities can compel every person and every corporation seeking to participate in any way in any Federal housing program to execute contracts in advance as a condition precedent to being permitted to participate in such program, whereby they relinquish to the Federal housing authorities the ultimate power to determine to whom they may thereafter sell their property, or to whom they may therafter rent their property.

I have been informed that the able and distinguished Senator from Kentucky [Mr. COOPER], who is present in the Chamber, introduced into the CONGRESSIONAL RECORD some days ago a letter from the Department of Justice which stated in substance that the Department of Agriculture cannot control the hiring practices of farmers who grow crops which enjoy the benefit of price supports in conformity with the agricultural laws of the United States.

I challenge the validity of any such observation or assurance which may have been given by the Department of Justice or any other person to any Member of the Senate.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. COOPER. The Senator commented on the letter which I had printed in the RECORD yesterday. It will be found in the CONGRESSIONAL RECORD of May 5. I wrote a letter several days ago to the Attorney General, asking for his comment on a number of questions regarding title VI, title IV, and section 302 of title III.

I addressed 12 questions to the Attorney General regarding his interpretation of title VI. Two problems have arisen in my mind in respect to title VI. The first is that if this power is to be given, Congress should, at the least, write criteria into this section which would provide guidelines for the various agencies. I propose to offer an amendment which would prescribe criteria for title VI.

Another problem which I have not yet resolved in my own mind—and perhaps the comments of the Senator will be helpful—is that under our legal system, when there are offenses under the criminal system of the United States which arise under the civil system, the right claimed, or the offense named, is spelled out. Then there is a proceeding to determine a definition, which is spelled out.

If there is an offense under the criminal system, or a denial under the civil system, there is an enforcement spelled out which is against the individual who refuses to comply.

One thing has troubled me about this section. That concerns whether we have ever imposed a sanction like this in our system, not against a specific individual, but against a group of individuals—some of whom may be the offenders, and some of whom may not be. I have not yet completed all the work that I hope to do upon the question. I have been very much interested to find out if in our system of government, and under our legal system, a sanction like this has ever been imposed. Frankly, I do not know.

Mr. ERVIN. I think it is quite clear under many of the decisions of the Supreme Court of the United States that if title VI undertook to prescribe a criminal sanction for a violation of title VI, then that title would be adjudged unconstitutional under the due process clause, because of the vagueness of the terms employed. I have been concerned about the question which the Senator from Kentucky referred to in his observation, as to whether or not the rule which requires preciseness in stating a criminal statute applies when a sanction of a civil nature is imposed, rather than one of a criminal nature. I think it is a very serious question under title VI.

Mr. COOPER. I hope that there will be some discussion on the question I have raised, as to whether under our system the Government has ever imposed a sanction of this nature. There may have been such. I do not know of any.

Mr. ERVIN. I do not know of any that have been imposed in this kind of case. The vagueness of the language raises the question as to whether the due process clause would invalidate a sanction under this title because of the vagueness in which the section is couched. However, it is clear that the Federal Government certainly furnishes financial assistance to all farm programs.

Mr. President, I thank the able and distinguished Senator from Kentucky.

I return now to my discussion of title VI of the bill, in connection with my observations that this title commingles the legislative powers of Congress with the executive powers of the Federal departments and agencies.

I allude to my understanding of the assurances given to the able and distinguished Senator from Kentucky [Mr. COOPER] by the Department of Justice with respect to the coverage of farmers participating in price-supported agricultural programs under this title. Section 601 provides:

> No person in the United States shall, on the ground of race, color, or national origin—

And I leave out some words which are not germane—

> be subjected to discrimination under any program or activity receiving Federal financial assistance.

"Discrimination," as used in this context, is not defined; and the only way in which we can understand what it means is by referring to the dictionary meaning of the term and by reference to decisions which have construed the meaning of the word.

"Discrimination" simply means treating one person differently from another.

Section 602 would vest in the Department of Agriculture the power to adopt any regulation it thought appropriate to enforce the terms of section 601, from which I have read.

Therefore, the Department of Agriculture would have the power, insfoar as title VI can give it power, to establish regulations, and set up what we call an FEPC system for all growers of tobacco and growers of other crops which have the benefit of Federal financial assistance through the agricultural price support programs.

The Department of Agriculture, under these regulations, could specify that no person employed by the growers of such crops shall be "subjected to discrimination" in any agricultural program receiving Federal financial assistance, which would cover the price support program.

The Department of Agriculture could set up a system of regulations under which it could arrogate to itself the power to determine whom a farmer could employ, and the power to set the rate of compensation of various employees of a farmer participating in any of the agricultural programs having price support benefits.

Someone might say, in reply to my argument, that it is inconceivable that the Department of Agriculture would go to such lengths as this. My reply is that if it is not desirable for the Department of Agriculture to have the power to adopt regulations to control the hiring practices of farmers growing crops under price support programs, the bill should so provide.

I have one further observation to make with respect to the commingling of the legislative powers of Congress and the Executive powers of the President in title VI.

Under our social security program every housewife who has a domestic servant is required by the Social Security Act to pay the social security taxes upon the wages of such domestic servant. The social security system is supported in a substantial measure, insofar as its administration is concerned, by the Federal Government.

The Department of Health, Education, and Welfare, which has the duty of administering the social security system, could undoubtedly adopt regulations under section 602 of title VI, if it should be enacted, and be sustained by the courts, to control the hiring practices of every housewife in America who participates in the social security program by paying social security on the wages of her domestic servants. To those who say it is not conceivable that the Department of Health, Education, and Welfare would adopt such regulations, I reply, Why give it the power to do so?

I repeat an observation I made on the floor of the Senate some time ago in respect to title VI, which undertakes to delegate to executive departments and agencies the legislative power of Congress: If Congress wishes to have action taken in this field and to have States, local subdivisions of States, and charitable corporations, such as public and private hospitals, and private individuals participating in the Federal programs deprived of the benefits of their contracts with the Federal Government, or denied the right to participate in Federal programs, Congress ought to have enough patience and take enough leisure to write out and place upon the pages of the lawbooks exactly what Congress has in mind.

Title VI does not set forth what Congress has in mind. It does not specify what the offenses are. It does not specify what the punishment shall be for violations of regulations. It leaves all those matters to the discretion of the administrators of 25, 30, 40, or 50 different Federal departments or agencies administering 165 or more different programs which receive Federal financial assistance.

Several days ago, I stated on the floor of the Senate that ancient history tells us of the old Roman Emperor Caligula, who liked to apprehend Romans for violations of his laws. He wrote out the laws in small letters and hung them high on the wall, in the hope that the people could not read them and would violate his laws on account of their ignorance of the provisions of the laws. We are accustomed to say that that was absurd conduct for any lawmaker, ancient, or modern; but Caligula would merit praise rather than censure as compared with the Senate, if the Senate were to enact title VI in its present form and content. Caligula was far fairer to the Romans of his day when he wrote his laws in small letters and hung them high on the wall, where he hoped they could not be read, than the Senate would be to Americans if the Senate should concur in the House action in passing title VI. I say that because if a man had a long ladder and a powerful magnifying glass in Caligula's day, he could have climbed the wall and read the laws written by Caligula. But he could not do that under title VI, because the proposed laws are to be devised by the minds of administrators of Federal departments and agencies.

So far as the provisions of those regulations are concerned at the present moment and at the time the bill may be passed by the Senate, the minds of those administrators are totally empty insofar as there has been any conception by them of the kind of regulations they would make under title VI. I say that it would be an abdication of its proper function, as well as a cruel injustice to the American people, if Congress were to pass a law when no Member of Congress can possibly tell the American people what the law is that Congress is passing. Yet that is precisely what the proponents of the bill ask Congress to do in respect to title VI.

A few moments ago I stated that the Founding Fathers believed the everlasting truth spoken by Thomas Hobbes, who said:

> Freedom is government divided into small fragments.

The Founding Fathers, because of that conviction, divided the powers of government, between the Federal Government and the States, in the first instance; and among the different branches of the Government, in the second instance. The two governments, the Federal Government and the State government, exist within the same territorial limits. It is obviously indispensable to the proper functioning of both of them that each exercise its powers in such a manner as not to interfere with free and full exercise of the powers of the other. History makes it crystal clear that the Constitution of the United States would never have been ratified by the requisite number of States if the States had not been assured that the Constitution would be so amended as to embrace the principle enunciated by the 10th amendment. The 10th amendment declares:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It would be well if those who advocate the unprecedented proposals set forth in the bill would pause and ponder these words of a great Justice of the Supreme Court of the United States:

> Every journey to a forbidden end begins with the first step, and the danger of such a step by the Federal Government in the direction of taking over the powers of the States is that the end of the journey may find the States so despoiled of their powers, or—what may amount to the same thing—so relieved of the responsibilities which possession of the powers necessarily enjoins as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified.

That is one of the dangers of the bill. In addition to robbing all the American people of some of their basic economic, legal, personal, and property rights, the bill undertakes to transfer from the States and from the people, to a centralized Federal Government, located on the banks of the Potomac River, in Washington, D.C., powers which were reserved by the Founding Fathers to the States or to the people of the States. The pending bill would transfer from the States and from the people, to departments and agencies belonging to the executive branch of the Federal Government, powers which can be exercised wisely only by local government or by the people of the United States.

The pending bill cannot be reconciled with a due regard for sound Federal-State relations. The bill is aimed in large measure at State and local officials, such as members of election boards and members of school boards who render essential governmental services, at State or local levels, out of a sense of public duty for little or no compensation.

The bill also is aimed in large measure at private property located entirely within the borders of a State, and subject, under our constitutional system, to regulation by the State alone, or, in the absence of State regulation, by the property owner, alone.

The bill also is aimed in large measure at transfer to the Federal Government of a power it never has had under the Constitution of the United States, and a power which has been denied it many times by the Supreme Court of the United States and by lower Federal courts; namely, the power to regulate the rendition of personal services within the borders of a State.

The provisions of the bill requiring them to render personal services to others against their will impose upon the operators of places of public accommodation and upon the employees of those who operate places of public accommodation, involuntary servitude, in violation of the 13th amendment to the Constitution of the United States.

It is rather strange to observe that the proponents of the bill insist upon the enactment of a law which would be inconsistent with the clause of the 13th amendment which prohibits slavery and involuntary servitude, except as a punishment for crime, in every place under the American flag. They assert that they are attempting to legislate for the benefit of members of the Negro race, which race was relieved from slavery—as it should have been—by this very amendment.

The Supreme Court of the United States has correctly held, in many cases, that a person is subjected to involuntary servitude, in violation of the 13th amendment to the Constitution of the United States, whenever he is compelled to render personal services to another person, against his will. Yet the pending bill would say to the operator of a restaurant or a cafeteria or a soda fountain, "You must prepare and serve meals to all persons, including persons to whom you do not wish to render that service"; and it would say to the operator of a hotel or the operator of a motel, or even the owner of a private residence who rents more than five rooms, "You must make up your beds for the benefit of all persons, and you must let them sleep in your bed, regardless of whether you wish to do so or not."

A decision by the Supreme Court of the State of Washington sheds much light upon this aspect of the bill. Similarly, a decision by the Supreme Court of Florida also sheds much light upon this aspect of the bill.

A lower court in the State of Washington issued an injunction which required members of the Teamsters' Union to unload freight for the benefit of the operator of a place of public accommodation; and a lower court in the State of Florida issued an injunction which required longshoremen to unload goods for a designated individual.

In each of those cases the supreme court of the State modified the injunctions, and stated in express language that when a court issues an injunction which requires a man to render a personal service to another, against his will, the injunction imposes upon the defendant involuntary servitude, in violation of the 13th amendment, which declares that slavery and involuntary servitude, except as a punishment for crime, are prohibited in every place under the American flag.

Mr. President, if H.R. 7152 should be enacted by Congress and survive the test of constitutionality, it would vest in the Attorney General, whoever he might be, tremendous power in the civil rights field.

The argument that any occupant of the Office of Attorney General could be safely trusted to wield this tremendous power wisely ignores the first fact of governmental life; that is, that power corrupts and tremendous power corrupts tremendously.

Federal officers have been notorious in all periods of our history for encroaching on the governmental domain of the States. Indeed, they have been justly charged on occasion with being thieves of jurisdiction.

If the pending bill should become law, it would furnish the Federal Government with ready means for usurping the functions and power of State and local governments in vital areas of our life.

By resorting to civil actions and proceedings under the bill, the Attorney General could virtually convert the Federal district courts into administrative branches of the executive department of the Federal Government for the management of elections, schools, and similar activities of a local nature.

Moreover, the notion that the occupant of the Office of Attorney General could not exert the tremendous power embodied in the bill without first obtaining a decree from a Federal court is utter nonsense.

If the occupant of this Office should happen to be a pragmatic politician, or a so-called civil rights zealot, or a person susceptible to coercion by pressure groups, he could employ the bill as an intimidating club, and thereby control or demoralize State and local government in such vital areas as elections, public education, public facilities, and the like.

Here is how the Attorney General could operate in the case of a State or local election official who denies registration to an applicant for voting rights on the ground that he does not possess the qualifications prescribed by State law "for electors of the most numerous branch of the State legislature," or a State or local school official who declines a parental request for the assignment of a schoolchild to a particular school on the ground that the requested assignment is not calculated to promote the educational interest of the child.

The Attorney General, acting through a subordinate, could politely threaten the State or local official in this manner: "If you don't register this man or assign this child to that school, I'll bring an action or proceeding under the bill in which all the legal and financial might of the Federal Government will be arrayed against you and in which you will be denied such basic safeguards as the right of trial by jury."

The State or local official could do one of three things. He could submit to the threat, and thus permit a Federal officer to dictate how the functions of a State or local office are to be discharged. He could relinquish his State or local office, and thus escape further harassment and hazard. And, finally, he could stand up and fight for his convictions, even to the point of defending a lawsuit in a Federal district court, which might sit in a place far removed from his home. If he should pursue the last course and win, he could conceivably bankrupt himself in defraying the cost of his successful defense. If he should pursue the last course and lose, he could conceivably wind up with a virtually unlimited fine or a virtually unlimited jail sentence simply because his convictions as to how the duties of his State or local office ought to be performed might differ from those of the Attorney General and a one-man Federal court.

Congress would commit an unspeakable folly if it should enact a bill whose provisions are susceptible to such grave abuses in the field of Federal-State relations.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield for a question.

Mr. LONG of Louisiana. When a man is faced with a prospect of being locked up in jail for a period of 30 days, would not the Senator say—whether it is called a criminal or civil offense—that the man is being denied his liberty and is being treated as though he were a criminal?

Mr. ERVIN. There is no question about that. And under all the provisions of this bill in its present form, except title I and title II, a person could be locked up, not for just 30 days, but until his punishment is deemed to be so severe that a court can find that it represents cruel and unusual punishment under the eighth amendment to the Constitution. In other words, the courts have held that under the decisions of the court which are applicable to all the provisions of this bill except titles I and II, a person may be subjected to virtually unlimited punishment. Other than the eighth amendment prohibition against cruel and unusual punishment there is no limitation on his punishment, and the courts have held that he may be sent to jail after a trial by a judge without a jury for as long as 4 years. I have this case before me.

Mr. LONG of Louisiana. Is it not also correct that in the absence of the jury trial amendment, it would be possible under this bill for the judge to exercise the function of the accuser, the judge, and the jury?

Mr. ERVIN. That is undoubtedly correct. He would be the accuser, he would be the prosecutor, he would be the judge, he would be the jury, and if he exercised his unusual power of punishment, we might say he would almost be the executioner.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. ERVIN. I am glad to yield.

Mr. LONG of Louisiana. Is it not likely that in some of these cases where the judge would be acting as the judge and the jury, the judge himself might be acting under such circumstances that he would have an interest in the matter—being the man who issued the original order, the man who had some knowledge of the facts that the bill set out. The judge, for a number of reasons, might actually be disqualified to sit as a juror. He might be a man who could have been challenged for cause, for a half dozen different reasons, if he were on the jury panel.

Mr. ERVIN. There is no question about that. That is a very important question. Under the Dirksen-Mansfield amendment, the man would be denied the right of a trial by jury unless the judge sentenced him to more than 30 days imprisonment, or fined him more than $300.

If the judge who issues the citation requiring the accused to appear before him and show cause why he should not be adjudged guilty of criminal contempt is the same judge who tried the case on its merits, it is reasonable to assume that in all probability he has already formed an opinion as to the guilt of the accused. Under this assumption, it would be a travesty upon justice for the judge to try the accused unless the judge exercises his discretionary power and grants him a jury trial.

Mr. LONG of Louisiana. Might it not be true in some cases that the judge could occupy a position that would be almost that of a party litigant, in that he had had the man before him, had heard the facts, and had issued the order? He had said, "Either you do this, or refrain from doing this." When the judge hauled him back into court he said, "I remember you. You came in here 2 weeks ago. I told you not to do this. Now it looks as if you have done it. What have you to say for yourself?" Does that not pretty much put the judge in the position of being almost a party litigant?

Mr. ERVIN. As some great observer said:

> Judges do not divest themselves of their humanity when they put on black robes and ascend the bench. They still remain human beings, and they are subject more or less to the same passions which other human beings are subject to.

When a judge issues an order for a man to do a specific act or to refrain from a specific omission, and the man violates the order, it is an act of human instinct for the judge to feel some irritation toward that man. It is putting a human being in a rather bad way to say after his order is disobeyed, that he is to be the judge who is going to issue the show cause order to bring the person in for a hearing on contempt, and then he is to be the accuser and the prosecutor, and also the judge and jury. That is normally the way that these things happen. Normally the judge who issues the order to the man who is the subject of the hearing is the judge who tries the contempt case without a jury.

Mr. LONG of Louisiana. I thank the Senator.

Mr. ERVIN. Before the debate is over, I trust I shall have an opportunity to go very fully into the matter of the jury trial in contempt proceedings. Incidentally, I trust I shall have an opportunity to read to the Senate one of the finest speeches that was ever made on the subject. That was a speech that was made by the then Senator Lyndon B. Johnson, on August 1, 1957, when the Senate, moved by the eloquence of the then Senator Lyndon B. Johnson, adopted an amendment to the Civil Rights Act of 1957 in the identical words of the Talmadge amendment.

Mr. President, the Constitution and Congress have established these basic safeguards to protect all Americans from bureaucratic and judicial tyranny: The constitutional right of indictment by grand jury; the constitutional right of trial by petit jury; the constitutional right to confront and cross-examine adverse witnesses; the statutory right of trial by jury in indirect contempt cases where the alleged contemptuous act constitutes a crime under Federal or State law; and the statutory right of the benefit of limited punishments in indirect contempt cases of the same nature.

If one is to understand the laws and institutions of today, he must know the events of yesterday which gave them birth. For this reason, we deem it necessary to consider the origins of relevant constitutional and legal safeguards.

The founders of our Government were wise men. They knew that tyranny uses the forms of law to crush those who oppose her will. They knew that the right of trial by jury is the best security of the people against governmental oppression. They knew that the surest test of the credibility of a witness is his confrontation and cross-examination by the adverse party.

They knew the history of the long struggle of the English people to secure and preserve such basic legal safeguards as the right of trial by jury and the right to confront and cross-examine adverse witnesses.

They knew the history of the repeated efforts of tyrannical kings and subservient parliaments to deprive the English people of the benefits of such legal safeguards.

They knew the history of the court of star chamber and rightly deduced from it "that the rights and liberties of the people will not long survive in any country where the administration of the law is committed exclusively to a caste endowed with boundless discretion and a long term of office, no matter how learned, able, and honest its members may be"—U.S. Circuit Judge Henry C. Caldwell in the American Federationist for May 1910.

They knew the history of Chief Justice Jeffreys and his bloody assizes and rightly inferred from it that tyranny on the bench is as objectionable as tyranny on the throne.

They knew that in 1765 the British Parliament, at the instigation of King George III and his ministers, enacted the Stamp Act and other measures whereby they deprived American colonists of the right of trial by jury in cases arising under the revenue laws by a device astoundingly similar to that invoked by the bill, namely, by extending beyond its ancient limits, the jurisdiction of the courts of admiralty" in which trial by jury was not available.

They knew that the Stamp Act Congress, which was attended by delegates from nine of the Thirteen Colonies, forthwith met in New York and adopted the Colonial Declaration of Rights of October 19, 1765, condemning this action of Parliament on the ground "that trial by jury is the inherent and invaluable right of every British subject in these Colonies."

They knew that in 1764 and 1768 the British Parliament, at the urging of King George III and his ministers, enacted the Sugar Act and the statute known as 8 George III, chapter 22, whereby they deprived American colonists of the right of trial by jury in cases arising under the laws relating to trade and revenue by a repetition of the device resembling that invoked by the bill, namely, "by extending beyond their ancient limits the powers of the courts of admiralty" in which trial by jury was not available.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator aware of the fact that modern-day students of British history—and I have in mind Englishmen themselves—look upon the Members of Parliament who enacted such laws as being unworthy statesmen, who were responsible for a war that never should have happened, from the British point of view?

Mr. ERVIN. The Senator is correct. One of the great English statesmen who took that attitude, and who even protested against these laws in British Parliament, was Edmund Burke, who was one of the greatest statesmen the English Government has ever known.

Mr. LONG of Louisiana. Is the Senator further aware of the fact that the leaders of the British Parliament who were responsible for such outrages were later found to have been corruptionists and, in some cases, unworthy of public trust, and the kind of men who, from the point of view of history, the English people today feel were, unfortunately, the leaders of their country at that point in the history of England?

Mr. ERVIN. I do not know anything about their record with respect to corruption, but in my judgment, no person who believes in the right of the individual to be free from governmental tyranny would countenance the denial of the right of trial by jury to any man who is subject to being fined or imprisoned.

Mr. LONG of Louisiana. Is the Senator aware of the fact that many outstanding people from that day forward have had great sympathy and respect for the American colonists and their revolt against these types of outrages?

Mr. ERVIN. There is no question that the American colonists who revolted against the denial of trial by jury in the revenue cases arising out of the acts of Parliament deserve the same credit as did the barons who compelled King John to grant the Magna Carta at Runnymede in 1215.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from Kentucky.

Mr. MORTON. Is it true that in 1957 the Senate adopted the so-called O'Mahoney amendment, which established the right of trial by jury for criminal contempt proceedings?

Mr. ERVIN. The Senator is correct.

Mr. MORTON. In 1959 the so-called Landrum-Griffin-Kennedy bill was passed, with an amendment, which was accepted by the late President, then a Member of this body, and which added jury trials to that bill. Is that correct?

Mr. ERVIN. The Senator is correct. I am proud to say that I am the one who drew the jury trial amendment which was adopted as a part of the Landrum-Griffin bill.

Mr. MORTON. Yes.

Mr. ERVIN. I am also proud of the fact that all Senators supported my amendment. There was no opposition to it.

Mr. MORTON. The Senator from North Carolina, able constitutional lawyer that he is, presented that amendment, and it was adopted unanimously by the Senate. Is the Senator aware—and I feel sure he is—that for the past 2 or 3 months there has been on the calendar a bill, which was reported by the Committee on Commerce, dealing with the public accommodations section of the pending bill?

Mr. ERVIN. I had overlooked that point. I ask unanimous consent that the Senator from Kentucky [Mr. MORTON] be permitted to read the jury trial amendment in the public accommodations bill reported by the Commerce Committee, without my losing my right to the floor, and without any subsequent remarks by me being counted as a second speech on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORTON. Title II of the bill which was sent to the Senate on June 19, 1963, was introduced as a separate bill in the Senate and referred to the Committee on Commerce. This is the public accommodations section. The Committee on Commerce held hearings for some time on this measure, met for some time in executive session, and reported a bill which has been on the calendar for at least 15 weeks.

It is interesting to note that in executive session, the Committee on Commerce, which reported S. 1732 with only four negative votes—included section 8, which appears on page 18 of the bill, printed in italics, showing that it was a committee amendment. Subsection (a) of section 8 places a limit on the punishment for criminal contempt. The limit is that the fine shall not exceed the sum of $1,000, and the imprisonment shall not exceed the term of 60 days. So the committee placed a top limit on punishment.

Subparagraph (b) of section 8 provides:

> In all cases of criminal contempt arising under any order of any court issued pursuant to this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to practice in other criminal cases.

Subparagraph (c) provides that which is also contained in the amendment of the junior Senator from Georgia [Mr. TALMADGE]:

> This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

Subparagraph (d) provides:

> Nothing in this section or in any other provision of law shall be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

In other words, it contains practically the same language and certainly the same intent as the Talmadge amendment as proposed to be amended by my amendment.

The point I wish to make is that that language was not written 5 or 7 years ago; it was written in 1964, about 2 months ago, in the Committee on Commerce. As I recall, the bill was reported with only four dissenting votes. Mine was one of the dissenting votes. The distinguished senior Senator from New Hampshire [Mr. COTTON] cast a dissenting vote. The distinguished junior Senator from South Carolina [Mr. THURMOND], as I recall, cast a dissenting vote; and the distinguished senior Senator from Ohio [Mr. LAUSCHE] cast a dissenting vote. But every other member of the Committee on Commerce voted to report the bill.

I well recall the debate in committee when this language was included. If my memory serves me correctly, it was placed in the bill almost unanimously. I am sure it had the support of the chairman of the committee, the distinguished Senator from Washington [Mr. MAGNUSON], and of the distinguished senior Senator from Rhode Island [Mr. PASTORE], the distinguished senior Senator from Oklahoma [Mr. MONRONEY], the distinguished senior Senator from Texas [Mr. YARBOROUGH], the distinguished junior Senator from California [Mr. ENGLE], the distinguished senior Senator from Alaska [Mr. BARTLETT], the distinguished senior Senator from Indiana [Mr. HARTKE].

I wish to remind Senators of the action taken by the Committee on Commerce, of which I am proud to be a member. The action of the committee with respect to this language was practically unanimous. I invite attention to that action today. Some of us may have changed our minds between 1957 and 1959, but this vote in the Commerce Committee was taken this year, 1964.

Mr. ERVIN. That is understandable. There is a valid distinction between the O'Mahoney amendment and the Talmadge amendment as proposed to be amended by the perfecting amendment of the junior Senator from Kentucky; the Talmadge amendment in its present form, without the Senator's perfecting amendment; the O'Mahoney amendment would change the law across the board. In other words, the O'Mahoney amendment undertook to give the right to trial by jury in all criminal contempt proceedings regardless of whether they arose under the Civil Rights Act of 1957 or any other Federal statutes. Some 30 other statutes were affected.

While I favored the O'Mahoney amendment and would like to see the Talmadge amendment adopted in its original form, it is quite understandable to me why Senators might be reluctant to vote for a law applicable completely across the board, when we are considering a bill dealing with certain specific subjects.

The perfecting amendment of the junior Senator from Kentucky would remove any reluctance to vote on the part of Senators who believe in the right of trial by jury in these particular cases. It would remove any reluctance they might have to vote for a jury trial amendment that would be effective across the board and be applicable to 30 or 35 areas of legislation on which we are really not focusing attention at this time. The amendment of the junior Senator from Kentucky is a worthy amendment. It is absolutely consistent with the amendment that was made in the public accommodations bill reported by the Committee on Commerce this year, to which the Senator has called our attention. Also, it is in perfect harmony with the amendment which I offered to the Landrum-Griffin bill in 1959, and which was unanimously adopted by the Senate.

Mr. MORTON. That is a point I wanted to make. My amendment to the Talmadge amendment brings that amendment into exact step, into exact sympathy, into exact consonance with the amendment offered by the senior Senator from North Carolina, which was unanimously agreed to when the late President Kennedy was the junior Senator from Massachusetts and was in charge of the bill on the floor of the Senate. It was also supported by President Johnson, when he was the majority leader of this body.

Mr. ERVIN. The Talmadge amendment as proposed to be amended by the perfecting amendment of the junior Senator from Kentucky is an even better amendment than the one I offered to the Landrum-Griffin bill.

Mr. MORTON. Nothing is better than the amendment offered by the Senator from North Carolina.

Mr. ERVIN. The amendment of the junior Senator from Kentucky would allow Congress to fix the limits of punishment. It sets a limitation of punishment consistent with the limitation of punishment in the original Clayton Act of 1914. In that respect, it is superior to the amendment I offered to the Landrum-Griffin Act.

Mr. MORTON. I thank the Senator from North Carolina.

Mr. ERVIN. The Senator from Kentucky has raised some crucial points.

It is interesting to go back and consider the O'Mahoney amendment. I hold in my hand a copy of the O'Mahoney amendment in the form in which it was finally submitted to the Senate by its original author, Senator O'Mahoney, who represented Wyoming so brilliantly in the Senate for many years.

In its final form, the O'Mahoney amendment was cosponsored by the late distinguished Senator from Tennessee, Mr. Kefauver; the distinguished Senator from Idaho [Mr. CHURCH], the distinguished Senators from Washington [Mr. MAGNUSON and Mr. JACKSON]; the distinguished Senator from Montana [Mr. MANSFIELD], now the majority leader; the distinguished senior Senator from Montana, since deceased, Mr. Murray; the distinguished Senator from Nevada [Mr. BIBLE]; the late former junior Senator from Massachusetts, Mr. Kennedy, who subsequently became President of the United States; the distinguished senior Senator from Rhode Island [Mr. PASTORE], the distinguished senior Senator from Ohio [Mr. LAUSCHE], the distinguished Senator from Nevada, since deceased, Mr. Malone; and the distinguished Senator from North Dakota [Mr. YOUNG].

Incidentally, in speaking in favor of the adoption of that amendment, the late John Fitzgerald Kennedy made these observations:

> I do not count myself among those who are cynical about the capacity of citizens in any section of the country to rise to the challenge of one of the highest responsibilities of free men—the preservation of law and a just social order.

The late President Kennedy, speaking then as the junior Senator from Massachusetts, further stated in his argument in favor of the adoption of the O'Mahoney amendment:

> Even where it is necessary to resort to criminal contempt proceedings, I am confident that southern juries, presented with convincing evidence of restriction and ever mindful of the watchful eyes of the Nation—and indeed the world—will convict those who dare to interfere with orderly processes.

And, further on in the course of the speech, President Kennedy, then speaking as the junior Senator from Massachusetts, said:

> All of my studies and inquiries lead me to the conclusion that there is not a serious legal or constitutional problem raised by requiring a jury trial in criminal contempt cases.

Mr. President, just before I yielded to the able and distinguished Senator from Louisiana [Mr. LONG] for some questions, I was stating what the founders of our Government knew when they drafted and ratified the Constitution of the United States. I had just finished stating before I yielded that they knew that in 1764 and 1768 the British Parliament, at the urging of King George III and his ministers, enacted the Sugar Act and the statute known as "8 George III," chapter 22, whereby they deprived American colonists of the right of trial by jury in cases arising under the laws relating to trade and revenue by repetition of the device resembling that invoked by this bill; namely, "by extending beyond their ancient limits the powers of the courts of admiralty" in which trial by jury was not available.

They knew that the First Continental Congress adopted the Declaration of October 14, 1774, denouncing this action of the British Parliament on the ground that American colonists were "entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law."

They knew that the Declaration of Independence assigned the fact that American colonists had been deprived "in many cases of the benefits of trial by jury" as one of the "injuries and usurpations" requiring the American colonies to dissolve their political bands with England.

They knew "that tranquillity was not to be always anticipated in a republic"; "that strife would rise between classes and sections, and even civil war might come"; and "that in such times judges themselves might not be safely trusted in criminal cases, especially in prosecutions for political offenses, where the whole power of the Executive is arrayed against the accused party."

That quotation is from the argument of Jeremiah S. Black, one of the greatest lawyers who ever lived on the North American Continent. He made that statement in his wonderful argument in Ex parte Milligan, 4 Wallace 1, 64.

The founders of our Government knew that the best part of the inheritance of America from England was the right of trial by jury both in criminal cases and in suits at common law. For these reasons, the founders of our Government enshrined these guarantees in the Constitution:

That "the trial of all crimes, except in cases of impeachment, shall be by jury" article III, section 2.

That "no person shall be held to answer for a capital, or otherwise infamous offense, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger," amendment V.

That "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense," amendment VI.

That "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved," amendment VII.

At the time of the ratification of the Constitution, courts of equity existed in the several States, either in conjunction with, or independent of, the courts of law. The basis of the jurisdiction then exercised by courts of equity, which historically function without juries, was the protection of private rights of property.

In stating that courts of equity historically function without juries, we do not overlook the circumstance that the chancellor or judge of such a court has discretionary authority to call an advisory jury to his aid. An advisory jury is not a jury, however, in the real sense of the term because the chancellor or judge is at liberty to reject its verdict and act solely on his own findings.

In some of the cases cognizable by them at the time of the ratification of the Constitution, courts of equity used restraining orders and temporary and permanent injunctions. The role of the restraining order and the temporary injunction was to preserve the status quo in respect to property in dispute until the conflicting claims to it could be determined in a trial on the merits, and the role of the permanent injunction was to secure the enjoyment of the property by the person adjudged its owner in the trial on the merits. Restraining orders and injunctions did not issue to inhibit criminal acts except in cases where such acts threatened irreparable injury to property rights.

Courts of equity punished disobedience to restraining orders and injunctions by fines or imprisonment in proceedings for contempt conducted by chancellors or judges without juries.

It seems appropriate to note at this point changes occurring in the field of equity since the ratification of the Constitution. Since that time many States have extended the right of trial by jury to issues of fact arising in actions of an equitable nature.

I rejoice to say that my own State of North Carolina is one of the States which have extended the right of trial by jury to issues of fact arising in actions of an equitable nature and have consolidated law and equity in a single civil action to facilitate the administration of justice.

As the extension of the right of trial by jury to issues of fact in actions of an equitable nature has not been done on the Federal level, actions of an equitable nature are still triable on the merits by judges without juries in district courts of the United States.

Beginning with the Interstate Commerce Commission Act of 1887, Congress has adopted 28 statutes creating new public rights and corresponding new public wrongs. The new public rights are enforcible by injunctive process as rights of the United States in its capacity as a sovereign nation in actions brought by the United States or specified Federal officials or agencies. The new public wrongs are punishable in the manner prescribed by law for other crimes. A painstaking analysis makes it obvious that each of the 28 statutes is clearly distinguishable from this bill. In consequence, we refrain from further comment upon them.

The injunctive process is susceptible to abuse. This is particularly true when its use is extended beyond its ancient limits to the field occupied by criminal law. Some of the objections to the use of the injunctive process in this field are well stated by a legal writer in these words:

> The objections to "criminal equity" are that it deprives defendant of his jury trial; that it deprives him of the protection of the higher burden of proof required in criminal prosecutions; that after imprisonment and fine for violation of an equity injunction, defendant may be subjected under the criminal law to punishment for the same acts; that it substitutes for the definite penalties fixed by the legislature whatever punishment for contempt a particular judge may see fit to exact; that it is often no more than an attempt to overcome by circumvention the supposed shortcomings of jurors; and that it may result, or induce the public to believe that it results, in the arbitrary exercise of power or in government by injunction. (43 C.J.S., Injunctions, sec. 150).

Happily, the use of the injunctive process was confined in large measure to "its ancient limits" during the first century of our national existence.

Unhappily, however, its susceptibility to abuse was clearly revealed at the end of that period when courts of equity acting on the allegations of employers that such action was necessary to protect their property rights from irreparable injury, converted the extraordinary writ of injunction to ordinary and wholesale use to defeat the efforts of labor to secure fair wages and reasonable working conditions.

The most shameful story in the judicial annals of America was written during the ensuing years when courts of equity robbed labor of its right to trial by jury, its right to freedom of the press, and its right to freedom of speech by substituting government by injunction for government by law.

Space and time preclude a review of the numerous episodes in this shameful story. Consequently we must content ourselves with calling attention to only one of them—the one recorded in the case of *Gompers* v. *The United States* (233 U.S. 604).

In that case Samuel Gompers, one of the wisest and most patriotic labor leaders of America of all time, was charged with contempt of court because of his alleged disobedience to an injunction issued by a Federal court of the District of Columbia on the application of Bucks Stove & Range Co., which undertook to defeat by the injunctive process the demands of its striking employees for better working conditions.

A Federal judge sitting without a jury adjudged Gompers guilty of contempt and sentenced him to jail for disobedience of the injunction because he had truthfully stated orally and in print that no law compelled his hearers and readers to buy a stove manufactured by Bucks Stove & Range Co.

Gompers managed to escape actual service of the jail sentence merely because the Supreme Court held on his appeal that the contempt proceedings had not been initiated within 3 years after the violations alleged, and in consequence the trial judge had lost his power to punish Gompers for contempt under the 3-year statute of limitations.

The abuse of the injunctive and contempt processes in industrial controversies prompted Congress to enact in 1914 as a section of the Clayton Act a statutory provision extending the right of trial by jury under certain circumstances to respondents in proceedings to punish violations of injunctions as indirect contempts of court. An indirect contempt is one committed outside the presence of the court.

This statutory provision is now embodied in somewhat altered phraseology in sections 402 and 3691 of title 18 of the United States Code.

So that the Record may be complete in regard to these provisions of the Clayton Act, I wish to read sections 402 and 3691 of title 18 of the United States Code:

SECTION 402—CONTEMPTS CONSTITUTING CRIMES

> Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.
>
> Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.
>
> This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law. (June 25, 1948, ch. 645, 62 Stat. 701; May 24, 1949, ch. 139, ss. 8(c), 63 Stat. 90.)

SECTION 3691—JURY TRIAL OF CRIMINAL CONTEMPTS

> Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.
>
> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. (June 25, 1948, ch. 645, 62 Stat. 844.)

I have previously read quotations from the various titles of the pending bill to the Senate. These quotations specify expressly in some cases, and by implication in other cases, that the civil actions to be brought by the Attorney General and the civil actions to be brought by the Equal Employment Opportunity Commission and the contempt proceedings to be brought by the Civil Rights Commission under the bill or prosecuted in the name of or on behalf of the United States. These provisions would rob all litigants involved in criminal contempt proceedings in civil rights cases arising under all of the titles of this bill, except title I and title II, of their right to a trial by jury, of the benefit of limited punishment specified in the Clayton Act, of the protection of the double jeopardy clause in the Constitution, and of the venue provided by the Constitution for the trial of criminal cases in the districts where the witnesses are readily available.

Mr. President, I ask unanimous consent that I may yield to the able and distinguished majority leader, the Senator from Montana [Mr. Mansfield], without losing any of my rights to the floor, and without having my subsequent remarks counted as a second speech upon the pending business; and also with the understanding that the remarks of the able and distinguished majority leader will either precede or follow my remarks, depending upon which place in the Record is more convenient for the Public Printer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina be permitted to resume his seat during the progress of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[Mr. MANSFIELD addressed the Senate. His remarks will appear following Mr. Ervin's speech.]

Mr. ERVIN. If the argument that the Congress ought not to grant the right of trial by jury by statute at this time because such right has not existed in the past is valid, then the argument is equally valid that Congress ought not to pass this so-called civil rights bill at this time because we have never had a law like it since the foundation of the Republic.

It is true that the Supreme Court has held that a person charged with criminal contempt does not have a constitutional right of trial by jury under the Federal Constitution, but the court has so held in recent years with a very uneasy judicial conscience.

In 1923, Felix Frankfurter was a professor of law in the Harvard Law School. At that time he wrote an article on contempt proceedings which was published in the Harvard Law Review. In that article published in the Harvard Law Review, Felix Frankfurter made it crystal clear that the supposed English precedents upon which the Supreme Court of the United States and the courts of the various States had relied to deny the right of trial by jury in criminal contempt cases were misunderstood. He demonstrated in that article in the Harvard Law Review that there was no basis in English precedent for the denial of the right of trial by jury in criminal contempt cases.

After Professor Frankfurter became a member of the Supreme Court of the United States, he adopted what I consider to be the sound judicial policy in ordinary circumstances that the Supreme Court of the United States ought not to overrule previous decisions, even though it finds those decisions to be without the support of solid precedents or solid reason, if those precedents have been adhered to time and time again over a long period of time.

He wrote a concurring opinion in the Green case, which was handed down in 1958, in which he manifested what I conceive to be his desire to see Congress take just action in this field. After pointing out the state of the precedents on this subject with respect to the lack of a constitutional right of trial by jury in criminal contempt cases, Justice Frankfurter made a statement which is reported in the case of *Green* v. *United States*, 356 U.S. Supreme Court Reports, at page 193. I contend that the words of Mr. Justice Frankfurter which I shall quote were an expression of an opinion on his part that Congress ought to do the right thing about the right of trial by jury in criminal contempt proceedings.

He said this:

> Congress has seen fit from time to time to qualify the power of summary punishment for contempt that it gave to the Federal courts in 1789 by requiring in explicitly defined situations that a jury be associated with a court in determining whether there has been a contempt. (See, e.g., 18 U.S.C. 3691.)

I interpolate at this point to say that that is a portion of the Clayton Act.

Justice Frankfurter continued:

> It is for Congress to extend this participation of the jury whenever it sees fit to do so to other instances of the exercise of the power to punish for contempt.

I respectfully submit that Justice Frankfurter, who had investigated this subject and set out the results of his investigation in an article in the Harvard Law Review in 1923, was suggesting to the Congress, by the observations in his concurring opinion in United States against Green in 1958, that Congress ought to do something about it and grant the right to trial by jury.

Further, I wish to say in reply to my friend from Montana, that the law of the States on this subject is wholly immaterial and irrelevant to any possible action which Congress might take. We are not State legislators; we are Federal legislators. It should be our purpose to see that laws of the United States are just. We have nothing whatever to do with the laws of the States.

For that reason I cannot go along with the able and distinguished majority leader in the thought that we ought to do this by a constitutional amendment which would change all of the laws of all the States of the Union, along with the Federal law. I think the thing for us to do is to exercise the power which we have under the Constitution—and we undoubtedly have the power under the Constitution to enact a statute allowing trial by jury in criminal contempt proceedings.

I will tell Senators why I object to the Dirksen-Mansfield substitute. I do not like any kind of judicial tyranny. I believe it is judicial tyranny to allow a judge to try a man without a jury and sentence him to imprisonment. It does not make any difference whether the imprisonment is short or long, or whether the punishment by fine is a big or little fine. To me, judicial tyranny is not bettered by placing powder on the hideous face of tyranny.

In my judgment, it is tyrannical to allow a judge to try a man for criminal contempt without a jury, and then sentence him to imprisonment or a fine which is the same kind of punishment that a man prosecuted for a crime would suffer; because the Constitution gives the latter the absolute right of trial by jury.

I will tell Senators why a trial by a judge without a jury is tyrannical in a criminal contempt case. There is a provision in our Constitution that no man shall be placed twice in jeopardy for the same offense. Although the Supreme Court has held in cases like the Gompers case that a criminal contempt is an offense against the United States, and has said in some cases that it is a crime, it has held that there is no right of trial by jury.

The argument that it is necessary to leave the trial of criminal contempt cases to a judge without a jury to enable the court to enforce its judgments is totally without foundation. I say that because a judge does not use criminal contempt procedure to enforce his judgment. A judge uses civil contempt procedure to enforce his judgment. The civil contempt procedure is adequate to carry into effect the judgment of the court, because the judge can put the man in jail until he complies with the judgment, even if it is for as much as a year, or he can fine him conditionally and provide that the fine shall become void or cease to accumulate when the defendant complies with the judgment.

As the Supreme Court has held in a multitude of cases, and especially in the positive statement read to the Senate yesterday by the Senator from Ohio, the object of a criminal contempt proceeding is to punish a man, just as the object of a criminal law is to punish a man.

Virtually all of the matters covered by titles I, III, IV, and VI insofar as title VI relates to actions of State or local officials, constitute crimes against the United States under the statute embodied in section 242 of title 18 of the United States Code.

In addition, conspiracies to commit the acts denounced by titles I, III, IV, and by title VI insofar as title VI relates to actions of State or local officials constitute crimes under title 18, section 241 of the United States Code, and section 371 of title 18 of the United States Code.

So a State or local official involved in one of such cases can be tried and punished one time for civil contempt by a judge without a jury; he can be tried and punished a second time for criminal contempt; and then he can be tried and punished a third time for a crime arising out of the same contemptuous act or omission. Despite the fact that the Constitution provides that no man shall be put in jeopardy twice for the same offense, there is a practice in Federal criminal contempt cases, not covered by the Clayton Act and the Norris-La Guardia Act, which permits a man to be punished three times for the same act or omission.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. The senior Senator from Rhode Island subscribes to the argument that has been developed here that possibly in our jurisprudence we have gone a bit too far in allowing judges to punish individuals who are accused of wilfully disobeying an order of the court. The words "criminal contempt" and "civil contempt" are words of art. There is no statutory provision which defines what "civil contempt" is or what "criminal contempt" is, but these are words of art that have been developed over the course of Anglo-Saxon jurisprudence. When a person can purge himself by either doing or not doing something the court has ordered, it is understood to be "civil contempt."

And yet when a person disobeys an order of the court and it can be shown that he has done so willfully, that is a characterization that we have said over the years is criminal contempt. But we are now beginning to use the words "criminal contempt" synonymously with crimes as defined under the Constitution.

The sixth amendment provides that any person who is charged with a crime is entitled to a trial by jury. The question arises as to whether criminal contempt is a crime within the definition of the sixth amendment. The able Senator from North Carolina argues ably that to his way of thinking it is a crime and that it falls within the characterization——

Mr. ERVIN. I dislike to interrupt he Senator. But I have not argued anything of the kind. I have argued that the Supreme Court has said that certain things, such as those involved in the statute of limitations in the Gompers case, are crimes, but that they are not crimes in a technical sense.

I do not claim that there is any constitutional right to a trial by jury. But I say that the Senate ought to provide that a man should have a trial by jury in a case in which he is punished as a criminal for a violation of criminal law, even though the law may say technically that it is not a crime.

Mr. PASTORE. That is true. But if there is a deficiency, it has been with us for a very long time. It is not being invented for the civil rights bill. The Senator will admit that.

Mr. ERVIN. In reply to the Senator from Rhode Island, let me say that there are two statutes upon the books—sections 402 and 3691 of the United States Code—which give the right of a trial by jury in every case in which the alleged contemptuous act was a crime either under the Federal or the State laws, except in cases prosecuted by the United States.

If we were to leave out the provision in this bill concerning the Attorney General prosecuting these suits, we would have a right of a trial by jury for all county and State officials covered by the bill.

Mr. PASTORE. I realize that.

Mr. ERVIN. In 1932, Congress passed the Norris-La Guardia Act, which provided that everyone involved in a contempt action arising from a labor dispute would have a right of a trial by jury.

Mr. PASTORE. I realize that.

Mr. ERVIN. In 1959, in the Senate Chamber, during the consideration of the Labor-Management Reporting and Disclosure Act, I offered an amendment to provide the right of a trial by jury to everyone who was charged with criminal contempt under that act. My good friend from Rhode Island, as well as all of the other Members of the Senate, voted for it.

Mr. PASTORE. That is correct. I am not denying it. I am saying again today that I think this is something that must be rectified. The question before us is, To which extent shall we go?

Since we voted in 1957, the Barnett case has been decided. That case has been used as a guide by the distinguished majority and minority leaders to determine what their concept should be. The distinguished Senator from North Carolina goes further than that. He says it should be a matter of inherent right that the individual has the right to a trial by jury, that it should not be left to the discretion of the court, without any limitation.

I do not think we ought to leave the impression that we are taking away an inherent constitutional right from people. We ought to understand that if we are to begin enacting laws which would subject people to willful violation of certain court orders, we ought to give them in some measure a guarantee of a trial by jury. We ought to make abundantly clear for the RECORD that what we are doing is granting something, rather than taking something away. The argument that I have been hearing in the Chamber is that we have been violating the Constitution. I do not think we have been violating the Constitution at all. Perhaps it has been too inherent. Punishment by the court for criminal contempt is our heritage from the common law. Perhaps it ought to be curtailed. But I do not think we ought to leave the impression that we have been denying to people their constitutional rights. As my distinguished friend from North Carolina develops his argument, he leaves a vacuum in his rationale. If we are to argue for the constitutional right to a trial by jury in criminal contempt cases, what difference does it make if the act was committed in the presence of a judge, if the man is to be tried by a jury? Why do we go so far as to say, "But if the offense is committed in the presence of a judge, he has a right to say it is willful and try the offender without a jury." If we are going go so far, why not go all the way? Why make an exception?

Mr. ERVIN. Mr. President, I reiterate to my good friend from Rhode Island that I have never taken the position that there is a constitutional right to a trial by jury in criminal contempt cases. I have taken the position that the procedure in criminal contempt proceedings is unjust in that it denies the accused the right of trial by jury, in that it substitutes unlimited punishment for the limited punishment prescribed by Congress in the Clayton Act, and in that it denies the accused the right to protection against triple jeopardy. It denies him the right to a venue where the witnesses are available. I have said that that is a gross injustice. It has existed from the beginning of the country, and Congress should have corrected it long ago. I rejoiced at the fact that my good friend from Rhode Island voted twice to correct it. When the Talmadge amendment—now before the Senate—was proposed by Senator O'Mahoney, my good friend voted for it on August 1, 1957.

Mr. PASTORE. That is correct.

Mr. ERVIN. And again he voted for my amendment to the Landrum-Griffin bill. Having twice acted in a righteous and just manner, I implore him to persevere in that manner.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. If the Senator will recall, late one evening, I had a colloquy with the distinguished Senator from New York. With full modesty, I say in the Senate Chamber today that I think that colloquy actually tipped the scale. That colloquy brought a President-to-be of the United States—who was a Member of the Senate at that time—into the discussion. The amendment was fully discussed. We felt that in the granting of one right, we should not deprive a man of another.

I shall vote for a jury trial amendment here. But I shall vote for the Dirksen-Mansfield amendment. It not only satisfies the argument made by the Court in the Barnett case, but it also achieves what we are trying to accomplish here. But it is true that perhaps the Senator from North Carolina has not argued that this is a constitutional violation. But I have heard it argued here day in and day out. Yesterday afternoon I heard an argument about the word "all." For 4 hours, we talked about "all"—not the detergent. We talked about "all." We talked about the "all" that is in the sixth amendment to the Constitution.

It was argued that "all" means criminal contempt, and that criminal contempt comes under the Constitution.

I quite agree with the distinguished Senator that when it comes to a willful violation of a court order, where the judge has unlimited power to put a person in jail for 10 years if he so desires, there ought to be some distinction. The RECORD should be left abundantly clear that this is not an injustice that is being created in civil rights legislation. This is an injustice which, if it has existed at all, has existed historically in American jurisprudence. We ought to do something about it; and the Senator from Rhode Island believes we are doing so when we vote for the Dirksen-Mansfield amendment.

Mr. ERVIN. Mr. President, the Senator from Rhode Island says he favors trial by jury in criminal contempt cases. When he says that, and tells me he will vote for the Mansfield-Dirksen amendment, which provides that a man may be sent to jail and fined without benefit of a trial by jury, provided certain limits are not exceeded, he reminds me of the man who was indicted for first degree murder because he took his pistol and shot another man through the head.

There is a principle of law which applies to all rational men; namely, that a man is presumed to intend the natural consequences of his act. That applies to Senators.

When the Senator tells me that he will vote for the Mansfield-Dirksen amendment, he reminds me, as I have said, of the man who was indicted for murder in the first degree. He said he did not intend to kill the deceased, but was merely trying to cure his headache. The Senator says, in effect, "I am in favor of not doing complete justice, but just a little justice; I am in favor of a little bit of tyranny, and therefore I will vote for the Mansfield-Dirksen amendment."

Mr. PASTORE. The Senator knows that under the Constitution any crime merits indictment and trial by jury. There is no provision in the Talmadge amendment for trial by jury in all cases. What I am saying is that we are arguing this question bit by bit. We do not carry our arguments to their logical conclusion.

Mr. ERVIN. Mr. President, my friend from Rhode Island would cut tyranny off a little bit at a time. It reminds me of the man who wanted his dog to have a short tail. He cut off the tail a little bit at a time, so it would not hurt the dog so much. I prefer cutting it all off at one time.

I agree with the Senator from Rhode Island that the words "civil contempt" and the words "criminal contempt" have become words of art. The objectives of the two kinds of contempt are just as wide apart as the gulf that yawns between Lazarus in Abraham's bosom and Dives in Hell. Civil contempt proceedings are designed to compel a man to comply with a court's order. Criminal contempt proceedings are designed to punish a man for not complying with a court's order. The objectives of the two are as different as daylight is from darkness. The objective of a criminal contempt procedure is identical with the objective of a criminal statute, which provides for sending a man to jail or subjecting him to a fine because he has violated a criminal law.

As one judge has said, the only difference between contempt and a crime is that one is the disobedience of an order of the court and the other is the disobedience of a statute.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Ohio.

Mr. LAUSCHE. The matter of willfulness has nothing to do with whether an act constitutes civil or criminal contempt. The true test is the purpose of the proceeding: Is it to bring aid to the aggrieved party? If that is its purpose, it is civil contempt. If the purpose of the proceeding is not to bring aid to the aggrieved party, but to vindicate the honor and dignity of the court, the proceeding is criminal in character. That is clearly set forth in the Gompers case.

A number of tests are applied, but the final test is to ask the question, "Is the proceeding intended to benefit the injured party?" If it is, it is a proceeding between individuals, and is civil contempt. On the other hand, if the proceeding does not contemplate benefiting the injured party, but envisions vindicating the dignity, honor, and integrity of the court, it is criminal in character.

What is forgotten is that the court can achieve the execution of the mandated act by filing civil contempt proceedings, by saying, "You have been ordered to obey this order, Mr. A. You have failed to obey it. I therefore sentence you to jail until you carry into execution the decree of this court."

Mr. PASTORE. All right.

Mr. LAUSCHE. That is civil contempt. All that the proponents of the civil rights bill wish to achieve could be achieved through a civil contempt proceeding without the need of adopting the punitive process of penalizing a man by imprisonment for a definite period, or even fining the defendant by way of a dollar fine.

On this subject I do not yield to any man with respect to the correctness of what I say, because I have had wide experience with the subject. I taught the subject of equity for 10 years. I sat on the equity bench. I know the difference between civil and criminal contempt.

I wish to repeat in substance what I said yesterday. How can we, as Members of the Senate, reconcile giving the right of trial by jury in the Clayton Antitrust Act, in the Norris-La Guardia Act—trial by jury is available in those acts both in civil and criminal contempt—and in the Landrum-Griffin Act, enacted in 1959?

Some Senators who are Members of the Senate today and who are opposed to the right of trial by jury voted for the Landrum-Griffin Act in 1959.

However, let us remember that in each of those acts labor leaders were the ones who would be brought before the court. With almost unanimity it was said, "Give them the right of trial by jury."

The substance of the wrong in a civil rights action is contempt. The substance of the wrong under the Clayton Act, the Norris-La Guardia Act, and in the Landrum-Griffin Act is contempt.

In essence, they are all alike. For the labor leaders the Senate has said, "You shall have the right of trial by jury." Yet, offenders under the civil rights bill would be told, "You shall not have the right of trial by jury." What does the inscription over the portico of the Supreme Court mean when it says, "Equal Justice Under Law"? Are those idle pronouncements of a free people? How can anyone in good conscience and reason say that to one class of citizens the inviolable and sacred right of trial by jury shall be available, but to another class it shall not be available?

Now an attempt is being made to establish some sort of split approach. The approach that was finally adopted in 1959 is neither fish nor fowl. It is not rooted in reason. It is an escape from the responsibility of performing a duty.

That is all I can say on this subject. I favor a civil rights bill. Let us remember that the right of trial by jury in the Anglo-Saxon system of jurisprudence has stood the assaults of the ages. But we may start whittling it away. We may start converting what are criminal proceedings into proceedings in equity, in order to avoid the right of trial by jury. Or we may adopt the proposed mongrel definition: That is, if the imprisonment is for 45 days or if there is a fine, there shall be a right of trial by jury; if it is less than that, there shall not be a right of trial by jury. What type of definition is that? Senators should search their minds and try to understand what the definition of the term is. Does it mean punishment? Or does it have substance?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I do not have the floor.

Mr. PASTORE. Will the Senator yield on the point he has just raised?

Mr. LAUSCHE. I have listened to the Senator from Rhode Island argue for 2 months on these different questions. I have spoken only twice. I have not used much time.

Mr. ERVIN. Mr. President, I will yield to the Senator from Rhode Island after the Senator from Ohio has finished.

At this point, I should like to say "Amen" to everything the Senator from Ohio has said.

Mr. LAUSCHE. I do not care whether the Senator from North Carolina says "Amen" or not. I do not care what the Senator from Rhode Island wishes to argue. I have only one purpose to serve. I must be true to myself.

Mr. PASTORE. How does the Senator from Ohio feel we are all motivated? We have just as much responsibility, just as much conscience. Each of us has just as much love for America as has any other Member of this body. If any one Senator wishes to put a halo over his head he should pause for reflection.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. LAUSCHE. I could accept those words with great grace, favor, and belief if the deeds of the past conformed to the spirit of the words spoken.

But when Senators have voted for jury trials in cases in which labor leaders are involved, and refuse to vote for jury trials in the same manner in cases in which other American citizens are involved, I cannot accept fully the words spoken.

I shall vote for the jury trial amendment sponsored by the junior Senator from Kentucky [Mr. MORTON]. I shall subsequently vote for the jury trial amendment sponsored by the senior Senator from Kentucky [Mr. COOPER], if that point is reached. I shall vote for the amendment sponsored by the Senator from Georgia [Mr. TALMADGE].

Whether I shall eventually subscribe to the mongrel approach of the definition of a jury trial, I am unable to say. Probably I shall, because it would be better than getting nothing.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, I yield to the Senator from Rhode Island with the same understanding that I have heretofore had: That I shall not lose my right to the floor, and that my resumption shall not be counted as a second speech.

Mr. PASTORE. I absolutely agree with and subscribe to the logic used by the Senator from Ohio when he says we must treat everyone in the same way. No one can quarrel with that statement.

I should like to have the attention of Senators. I am talking to them. I stood patiently and listened to everything they had to say, both kind and unkind. What I shall say will be very kind.

I believe there is a misconception as to what the modified amendment would actually do. All the amendment would do would be to recognize an inherent power that has been exercised by the judiciary under our Anglo-Saxon system of jurisprudence, year in and year out, from time immemorial.

But realizing that there might be situations in which a judge could capriciously impose a severe sentence, because of the Barnett case, we have not said, that if the sentence is 45 days or 30 days, there shall not be a jury trial, and if the fine is more than $300 there shall be a jury trial. That is not the measure at all. I would hope that Senators would read the amendment.

The amendment merely provides the limitation when a judge does not grant a jury trial—and he would have a right to do it, and he would have a right not to do it, as he has the right under existing law—so when a person is brought before him on any petition or complaint, if there has been a willful disobedience of the court, if the court decides to adjudicate the person summarily in contempt after hearing all the facts without a jury trial, then the judge may not impose a sentence in excess of $300 or impose a jail term in excess of 30 days. That is a limitation upon a judge in the event there is not a trial by jury. That is all the amendment provides.

If it is proposed to slice this proposal thin and to make a distinction between criminal contempt and civil contempt, I ask the Senator from Ohio, What difference does it make whether it is criminal contempt or civil contempt? The defendant could go to jail anyway.

Mr. LAUSCHE. No.

Mr. PASTORE. The judge would have the right to send a man to jail.

If it be argued that the sentence is for civil contempt—and it is, because the judge wants an order of the court obeyed and carried out as between two litigants—does it not fundamentally mean that an order of the court is a serious thing and must be obeyed? Is it not just as important to give to the court the right to sentence for willful disobedience and hold a defendant in contempt? If the court were not given that authority, no one would obey an order of the court. All defendants would happily be in willful disobedience. That is why we have given contempt prerogatives to our judiciary. That has been from time immemorial. That is a right that has belonged to the courts all along.

If the Senator from Ohio wishes to argue that we have stepped aside from that; that we have provided for jury trials in the Landrum-Griffin Act, in certain civil rights acts, and in certain antitrust acts, the argument is logical, and I quite agree that perhaps we ought to be consistent.

But it does not follow that it is wrong to send a man to jail for criminal contempt without a jury trial. The man may go to jail anyway.

Mr. ERVIN. Mr. President, the answer to the question of the Senator from Rhode Island is simple. If a man goes to jail in a civil contempt proceeding, in effect he is getting the key to the jail house door. He has that key in his pocket. He can open the jail house door and walk out any time he decides to comply with the judgment of the court.

But if he is sentenced to jail for criminal contempt, he cannot get out until his sentence has been served.

The Senator from Rhode Island has turned the Dirksen amendment around. The Dirksen amendment provides that a man cannot get a right of trial by jury until he has first been tried, convicted, and sentenced; and he does not have a right of trial by jury in that case unless he has been fined more than $300 or sentenced to imprisonment for more than 30 days. That is what the amendment provides.

Mr. PASTORE. No; it does not provide that.

Mr. ERVIN. That is exactly what it provides.

Mr. PASTORE. Why not read the amendment into the RECORD? The amendment ought to be read.

Mr. ERVIN. I shall read it.

Mr. PASTORE. It does not so provide at all.

Mr. ERVIN. I now read the amendment:

> In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both—

Mr. President, it is worse than I thought it was.

Mr. PASTORE. No; it is not. Let the Senator from North Carolina continue reading the amendment.

Mr. ERVIN. Very well:

> *Provided, however*——

Mr. PASTORE. *"Provided, however"*——

Mr. ERVIN (continuing):

> *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury——

Mr. PASTORE. That is correct.

Mr. ERVIN. Yes.

Mr. PASTORE. And the next proviso——

Mr. ERVIN. I shall read it:

> *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury——

Mr. PASTORE. "Without a jury"—and then?

Mr. ERVIN. I ask the Senator to wait long enough to let me read the amendment.

Mr. PASTORE. All right; go ahead.

Mr. ERVIN. I continue to read:

> the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days.

Mr. PASTORE. That is correct; and that is exactly what I said.

Mr. ERVIN. I say to the Senator from Rhode Island that notwithstanding his eloquence, what the amendment states in plain English is that a judge can try a man without a jury.

Mr. PASTORE. That is correct.

Mr. ERVIN. And the defendant can never get a jury trial as a matter of right unless the judge sentences him to prison for more than 30 days or fines him more than $300.

Mr. PASTORE. That is not what the amendment provides. It provides that the judge has a right to try a man without a jury; but if he does so, he cannot send the man to jail for more than 30 days or cannot fine him more than $300.

There would be only one trial. If, in the beginning, the judge decided to give the defendant a trial by jury, he could then proceed to break the ceiling of 30 days' imprisonment or a fine of $300; but if the judge decided, in the beginning, not to give him a trial by jury, the judge would be limited to the stated limitation on the amount of the fine and the stated limitation on the length of the jail term.

Mr. ERVIN. Mr. President, I have read the Dirksen-Mansfield amendment; and it provides that a judge may try a man without a jury, and fine him up to $300 or can send him to jail for as long as 30 days—and then to jail he goes; and he can get a jury trial only if the judge fines him more than $300 or sentences him to jail for more than 30 days.

That is what the amendment provides: The defendant would have to be tried twice; and, as I have said, he could not get a jury trial unless he had first been tried and convicted and had been subjected to a fine of more than $300 or to imprisonment for more than 30 days. That is as plain as the nose on my face.

Mr. President, I have just gotten into the preamble of the speech I intended to make on the subject of the right of trial by jury. I would dislike to lose the floor without having an opportunity to complete my speech and without having an understanding that when I resume it, my remarks on that occasion will not be counted a second speech by me.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield briefly?

Mr. ERVIN. I yield.

Mr. MANSFIELD. I ask unanimous consent that when the Senator from North Carolina again obtains the floor and proceeds to speak, his remarks on that occasion will not be counted as a second speech by him.

Mr. ERVIN. Either today or at a subsequent time?

Mr. MANSFIELD. Any day.

Mr. ERVIN. Very well.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. I thank the majority leader, and I thank the Chair.

JURY TRIAL IN CASES OF CRIMINAL CONTEMPT

During the delivery of Mr. ERVIN's speech,

Mr. MANSFIELD. Mr. President, during the past 2 weeks, it has been repeatedly stated that the amendment offered by the distinguished minority leader and myself trades away an existing constitutional right to a jury trial in cases of criminal contempt. This is not only a misstatement of settled constitutional law but an inaccurate description of the Dirksen amendment. Because of this apparent drift from the path of accuracy, and as a cosponsor of the amendment, I shall attempt to set the record straight.

In the first instance, there is no constitutional right to a jury trial in criminal contempt cases, nor has the Constitution ever been so interpreted by the Supreme Court. To the contrary, constitutional history of the alleged conflict of criminal contempt proceedings and the right to a trial by jury demonstrate clearly that criminal contempt was excluded from the constitutional mandate of a trial by jury. In an apparent recognition of the fact is that there is no such constitutional right, the provisions of the Talmadge amendment except acts committed in the presence of the judge. This exception alone demonstrates the contradiction of the argument that the right to a jury trial in criminal contempt is guaranteed by the Constitution, for if such a right existed as a matter of constitutional dictate, it could not be dispensed with because of the severity of the particular act. The classification of the act—that the contempt is in the presence of the court or not, that the contempt was direct or not—assists in describing the severity of the act but does not define a generic difference under the Constitution. True, those acts committed in the presence of the court are customarily disposed of in a truly summary fashion without the due process safeguards of notice and hearing; in fact, the judge usually pronounces a sentence immediately after the act. Constitutionally, a criminal contempt is a criminal contempt, and the severity of the act but affects the punishment. However, the exclusion of those acts in the presence of the court by the terms of the Talmadge amendment, as well as the provisions of 18 U.S.C. 402 and 3691, which provide for a jury trial in cases brought by private litigants, limit our discussion to those willful acts of disobedience to court orders in cases brought by the United States.

The recent case of United States versus Barnett, decided but 3 weeks ago in the Supreme Court, reiterated the longstanding constitutional basis for its interpretation and in reviewing this history the Court said:

> The statements of this Court in a long and unbroken line of decisions involving contempts ranging from misbehavior in court to disobedience of court orders establish beyond peradventure that criminal contempts are not subject to jury trial as a matter of constitutional right.

In an apparent recognition of the fact that a decision of the Supreme Court settles the constitutional question, the opponents of the Dirksen amendment have questioned the weight to be placed on the Barnett decision because it was decided over the dissent of four Justices of that Court. They must admit, however, that the Court was not determining a question of first instance but was reaffirming the unbroken line of decisions in the criminal contempt-right to a jury trial field since the founding of the Republic. Thus the attack on the decision's constitutional validity, because of the dissent, loses whatever thrust it may have had if the decision was not a reaffirmation of such longstanding and uninterrupted precedent. Like a bill that is passed by this body by a 50-to-49 vote, the law is as strong, valid, and enforceable as those decided or passed under the umbrella of unanimity. Regardless of the vote, the opponents must admit that the past and present interpretation of the Constitution is that there is no constitutional right to a jury trial in criminal contempt cases in the Federal courts. Admittedly, there is no constitutional prohibition on the granting of such a privilege of a jury trial—and it would be a privilege if we can grant it or take it away by statute—in criminal contempt cases. Thus the issue should be characterized, presented, and debated in such a context; namely, whether it is desirable to grant statutorily such a privilege as a matter of legislative policy.

With this background let us begin by reflecting for a moment on what a citation for criminal contempt involves. When a suit is brought by the United States in executing its responsibilities under a panorama of statutes ranging from the antitrust laws, the Atomic Energy Act, the Clayton Act, Fair Labor Standards Act, Longshoremen and Harbor Workers Act, Securities Act, the Securities and Exchange Act, National Housing Act, the Flammable Fabrics Act, or under the various statutory authorizations in connection with the Interstate Commerce Commission, the Federal Power Commission, the Federal Maritime Commission, Federal Trade Commission, and a host of other acts, the court in each case would consider the complaints on their merits, and issue an order after due notice, hearing, argument, and consideration. If this order were objected to as invalid by force of the Constitution, by force of a misapplication of the law, or because the basis of the order was not founded upon fact, it could be appealed through the court of appeals to the Supreme Court. If the court order could withstand these appellate filterings and attacks and still be found just, fair, and valid, the party subject to the order would then be under compulsion to comply. If he then failed to abide by the order, he would be directed to show cause why he should not be cited for criminal contempt; thus he would be afforded additional notice and hearing prior to any final citation for contempt. This is the nature of the act we are discussing. This is the nature and a typical history of the alleged summary procedure of trying a man for criminal contempt. This is the background necessary to reach the question of whether the then recalcitrant litigant should be afforded a jury trial as a matter of right, regardless of the punishment to be inflicted. In this context, let us investigate how the various States have treated this question of handling similar criminal contempts in their State courts.

I have in my possession a statement describing how a number of States handle this problem, but I shall not list them or include them in the RECORD. I shall content myself by stating that it is interesting to analyze how the States treat this question of granting a jury trial in cases of criminal contempt for violations of State court orders. Looking at the State law in those States of the proponents of the Talmadge amendment and the Morton amendment who have spoken on this issue during this debate, it can be said, without exception, that each and every one of those States gives the judge the right to try criminal contempt without a jury. In my own State of Montana, the judge has been granted this right statutorily.

Thus, a partial survey of the States' attitude toward the right to a jury trial in State court criminal contempt is far different from the position advocated for the Federal judiciary. The attitude of the various States is that the judiciary must have the power to fully and finally adjudicate the disputes of the litigants that come before it, and that, in the judiciary's execution of this responsibility, its orders must not be willfully and contemptuously violated, and if such is done the judiciary should have the power to punish without the assistance of a jury. The cases and statutes state a definite policy that this power to punish without a jury is a necessary power of the courts, and to take such away would dilute the power of the State judiciary.

It was with this background of the States' attitude, as well as with this history of the constitutionality of criminal contempt without a jury and the recent Barnett case, that the distinguished minority leader and myself offered our modification to the Talmadge amendment. In addition, some basic and fundamental problems were presented by the Talmadge amendment.

First, since the Talmadge amendment would apply to all criminal contempt proceedings for violation of an order of "any court of the United States or any court of the District of Columbia," the amendment plainly covers the Supreme Court of the United States and the 11 Federal courts of appeals. Thus, in all criminal contempt proceedings in those courts for violation of their own orders—except where the contempt was committed in or near the presence of the court—a jury trial would be required.

The Supreme Court customarily issues, each year, various kinds of stay or injunctive orders, for the purpose of preserving its jurisdiction pending a decision in a case. If such an order is violated, criminal contempt proceedings can be instituted by the Court to punish the violator. Up to now, it has not been necessary to provide a jury trial, for 18 U.S.C. 402 and 18 U.S.C. 3691 apply only to contempts of orders of "any district court of the United States or any court of the District of Columbia." Such a basic change in the judiciary—as providing for jury trial in these instances in the Supreme Court and the Court of Appeals—we consider unwise and unnecessary.

Second, we concluded that in limiting the historical power of the judiciary, it should be done in this bill only in those cases which would arise under it. We did not consider it best to alter the policy in antitrust suits and the legion of other statutes under which the Government bring suits unless the full ramifications of its effect in each statute could be analyzed. For example, in antitrust suits, complicated economic problems of fact are involved in determining whether an antitrust injunction has been violated; and the present approach appears to be the wiser course in such cases—that is, leave such determination to the judge alone.

The pending perfecting amendment to the Talmadge amendment, offered by Senator MORTON and others, would limit the scope of the Talmadge amendment to just the civil rights cases; thus this perfecting amendment would satisfy this latter mentioned feature of the Talmadge amendment, but would leave its other deficiences unaffected.

Third, we concluded that the Dirksen amendment should apply to all the sections of the civil rights bill. This added a further limitation to the judicial power in these cases, but was considered appropriate, in light of the recent Barnett case, where the court intimated that some upper limit of punishment should be established on this inherent power to try a criminal contempt without a jury. The distinguished minority leader and I considered the 30-day $300 limitation a reasonable and balanced upper limit in cases of this nature. An equitable balance between the dilution of the power of the judiciary and the right of the individual is thought to have been accomplished thereby. An interesting statistic to note is that no person has been imprisoned or fined under the Civil Rights Acts of 1957 or 1960 for criminal contempt. The power is rarely used; but the fact that the power is available may well have encouraged some to comply with a validly entered court order.

Thus, it must be said that the Dirksen amendment restricts the heretofore unlimited power of the judiciary in criminal contempt cases, but not as far as to dilute unduly the power of the Federal judiciary; this amendment preserves for the court the power to enforce its own orders, vindicate its own dignity, and protect itself from insult, without the assistance of a jury, as well as recognizes the cherished institution of trial by jury.

Speaking for myself, Mr. President, I think the right to a trial by jury is the bulwark of our society, and the proposed amendment protects that right by setting a limit on the heretofore almost unlimited power of the judiciary to punish for contempt without a jury. I propose to the opponents of the Dirksen amendment that if a further limitation is desired on the power of the judiciary to cite for criminal contempt, with its concomitant dilution of the power of the judiciary, let us make it applicable to all the courts of the land, Federal and State, and thus effectuate it by an amendment to the Constitution. If the opponents of the Dirksen amendment sincerely feel that the individual liberties of our citizens will be abused by permitting such criminal contempt proceedings, and desire to protect further the rights of the individual, let these rights be protected also in the State courts, as well, for—as the heretofore discussion of the State law discloses—the right to a jury trial in criminal contempt is almost nonexistent. If the balance attempted to be struck by the Dirksen amendment is unfair, it certainly does not stop at the boundary of the Federal jurisdiction.

In conclusion, Mr. President, I hope the opponents of the pending amendment will meet the issue on these grounds.

Mr. President, I thank the distinguished Senator from North Carolina for being so gracious and cooperative in yielding.

Mr. DIRKSEN. Mr. President, will the Senator from Montana yield briefly to me?

Mr. MANSFIELD. Yes.

Mr. DIRKSEN. Before that, let me ask whether the distinguished Senator from North Carolina [Mr. ERVIN] will permit me to interrogate the Senator from Montana or to make an observation?

Mr. ERVIN. Mr. President, I shall be glad to do so, under the understanding arrived at only a moment ago.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Very well; I yield.

Mr. DIRKSEN. Mr. President, I think the distinguished majority leader has rendered a distinct and signal service, to both the Senate and the country, by the statement he has just now made. He has stripped this matter of all extraneous ramifications, and has gone directly to the question of punishment for criminal contempt, either with or without a jury.

It is a superb and scholarly statement, and is based upon all the essential authorities, including the unbroken line of decisions rendered by the highest tribunal in our land. At a later time, when the substitute amendment is considered, I shall probably have some additional remarks to make. I believe the majority leader has summarized the question and put it into such understandable language that there can be no controversy about it that I can see. I congratulate him for clarifying the whole issue on which Senators expect to vote this afternoon.

Mr. JAVITS. Mr. President, will the Senator from North Carolina yield, so that I may ask the Senator from Montana a question?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the Senator from New York under the conditions previously stated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. A point was raised in the course of the debate on the Mansfield-Dirksen substitute that there might be some invasion of the right of due process to which a defendant is entitled in any case, even without a jury. I should like to ask the Senator, since he is the author of the amendment, to state for the record his understanding of the fact that the Rules of Criminal Procedure, particularly rule 42(b), would apply in any proceeding, even without a jury, so that the charges made would be known to the defendant; the defendant would have a right to counsel, and to be confronted by the witnesses against him and for him, and all of the procedures which our law guarantees to prevent tyranny and imposition other than the fact that the jury would actually determine the case.

Mr. MANSFIELD. No, there would be no loss of privileges and practices which are now in effect.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I yield to the Senator from Rhode Island under the same conditions I have yielded previously.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. What the Senator from Montana is saying is that criminal contempt as such is not a statutory crime or a common law crime, but is merely willful disobedience of the order of the court.

Mr. MANSFIELD. The Senator is correct.

Mr. PASTORE. Today, under existing law, a court has every right to punish any individual who willfully disobeys an order of that court.

Mr. MANSFIELD. The Senator is correct.

Mr. PASTORE. The modifying amendment, if it becomes law, would provide that in cases in which a judge exercises his right to punish an individual without granting the privilege of a trial by jury, he may not impose a fine in excess of $300 or a jail sentence in excess of 30 days.

Mr. MANSFIELD. Not in the aggregate.

Mr. PASTORE. Not in the aggregate.

Mr. MANSFIELD. Yes.

Mr. PASTORE. He may exceed that only in the event he exercises his discretion by granting a trial by jury.

Mr. MANSFIELD. The Senator is correct.

Mr. PASTORE. Then he may impose a penalty in excess of that stated. In other words, the modifying amendment would merely limit the punishment that a judge could impose for criminal contempt in the event that he should decide to adjudicate the case without a jury.

Mr. MANSFIELD. The Senator is correct.

Mr. ERVIN. Mr. President, it always grieves me when I see a righteous man backslide. I am much distressed by the position which my good friend, the majority leader, has taken. When, in 1957, the O'Mahoney amendment was before the Senate, the Senator from Montana, as a righteous man, lived up to the cause of righteousness, and when the roll was called on the question of whether the Senate should adopt the O'Mahoney amendment—which was in exactly the same words as the Talmadge amendment—the Senator from Montana stood up like a righteous man and said, "Yea." I am grieved to see him backslide so far from the support of justice to the support of judicial tyranny.

As the Senator from Montana has said, it is true that the Supreme Court of the United States has held that there is no constitutional right to a trial by jury in a criminal contempt proceeding. I do not think that argument has any validity. If it had any validity, the Senator from Montana would have to join me in voting against the pending so-called civil rights bill, because we have not had a civil rights bill of this nature, and if it is wrong to change the law in criminal contempt cases because it has been with us since the foundation of the Republic, it is equally wrong to change the law in other respects.

ANSWER TO READER'S DIGEST ARTICLE ON FEDERAL URBAN RENEWAL PROGRAM

During the delivery of Mr. ERVIN'S speech,

Mr. MUSKIE. Mr. President, recently my attention was called to an article appearing in the March issue of the Reader's Digest which was highly critical of the Federal urban renewal program. As a member of the Senate Subcommittee on Housing, I felt that I had a definite responsibility to check into this article and ascertain all of the facts. I felt that if the article were based on fact, then the subcommittee had the responsibility to recommend amendments to the existing law to bring about needed reforms. On the other hand, I felt that if the article were not based on fact, then it was imperative that the record be set straight.

I recently communicated with Mr. William L. Slayton, Commissioner of the Urban Renewal Administration, and asked for a detailed report covering the salient points raised in the Digest's article. I have now received that report, which pinpoints certain misleading and inaccurate statements in the article.

Let us look at some of these misstatements. The article states "charges of graft, favoritism, waste, arbitrary use of power have risen to a roar." There is no evidence to support such a statement, and the testimony of the General Accounting Office is in direct contrast to it. Again, the article states that the Housing Agency "is asking Congress this year for authority to spend $3 billion more for urban renewal." Obviously, no effort was made to check this statement against the facts. As is well known, the administration has asked for $1.4 billion in authorization for the next 2 years. Again, the article charges that cities rarely pay their share of an urban renewal project in cash. A routine check of the facts discloses that cities have paid or will pay more than 35 percent of the total local share of net project cost in the form of cash. This has amounted to more than $319 million in cash.

Mr. President, the opponents of urban renewal appear to be mounting an all-out offensive on this program, their actions geared to coincide with congressional action on the Housing Act of 1964. No one will object to a consideration of this legislation on its merits, and in an effort to set the record straight, I ask that the text of Commissioner Slayton's report be inserted at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TEXT OF REPORT

ALLEGATION

"Many big projects have been carried out competently, but in a shockingly large number costs have skyrocketed. Charges of graft, favoritism, waste, arbitrary use of power have risen to a roar."

URA reply

The General Accounting Office and the chairman of the Independent Offices Subcommitteee of the House Committee on Appropriations, Representative ALBERT THOMAS, of Texas, who have policed, audited, and reviewed urban renewal operations in detail virtually since the program started in 1949, do not agree.

Representative THOMAS made the following statement at the conclusion of the hearings for the fiscal 1963 budget:

"It has been fantastic to me, the amount of money and the amount of different pieces of property involved. I think there are around 60,000 or 65,000 pieces of property that have been bought. I have not heard of any public scandal. It is fantastic."

On November 20, 1963, during an exhaustive hearing on urban renewal conducted by the House Banking Committee's Subcommittee on Housing, Chairman ALBERT RAINS asked the following of Louis W. Hunter, Assistant Director of the GAO:

Mr. RAINS. "In all your investigations have you found any evidence of corruption or crookedness or stealing in this program at either the local or regional level of any type?"

Mr. HUNTER. "No we have not, Mr. Chairman."

At the conclusion of Mr. Hunter's testimony Mr. RAINS again asked: "In your investigation up to now, Mr. Hunter, in a program of this kind, which is a vast program, I want to ask this question: By and large has this program been administered in keeping with the law?"

Mr. HUNTER. "From the work we have done I think we could not say otherwise."

ALLEGATION

"The U.S. Housing and Home Finance Agency, having swallowed up $4 billion already, is asking Congress this year for authority to spend $3 billion more for urban renewal.

URA reply

The $3 billion figure is wrong. The request is for $1.4 billion for the next 2 years.

This would provide approximately the same rate of approvals as the level of the past 3 years.

ALLEGATION

Erieview

The Digest article is critical of an urban renewal project called Erieview in Cleveland, Ohio. The gist of its complaint is that the Urban Renewal Administration approved the demolition of a number of sound commercial buildings in this downtown project area. The article alleges that city building inspectors had previously certified as sound most of the buildings which Cleveland officials later reclassified as substandard in order to make the project eligible for an urban renewal grant of $33 million. It charges further that a party of Government employees from Urban Renewal's regional office in Chicago briefly toured the Erieview site, did not look inside the buildings, and endorsed the city's reclassification.

URA reply

The statement that "most of the 118 buildings in the Erieview area had been judged sound by Cleveland housing inspectors" is untrue.

The Erieview project involves an area in downtown Cleveland which the city decided was blighted and obsolete. Accordingly, the city drew up a plan for redevelopment of the area which required the demolition of a number of buildings that were plainly substandard. Still others had to be removed in order to carry out the plan; most of them were obsolete and exerted a blighting influence on the surrounding area; some constituted hazards to health and safety; some had to be taken to widen streets and relieve traffic congestion; and some had to be taken down to provide enough land to attract sound, new development.

The General Accounting Office, while critical of the determination made to demolish some of the structures in the Erieview project, agrees that the demolition of structurally standard buildings is justified in renewing an area. This was stated by Bernard Sacks, supervisory accountant of the GAO Civil Accounting and Auditing Division, to the Housing Subcommittee of the House Banking and Currency Committee, in the course of hearings involving Erieview. Mr. Sacks said: "We have never in any of our reports suggested that standard buildings should never be torn down. We recognize that in many instances, because of the location of buildings, or because of their relationship to the proposed reuse of the land, it may be necessary to tear down structurally standard buildings."

The bond issue to raise funds to pay the city's share of urban renewal project cost was approved 2 to 1 in a referendum. And, after a series of public hearings attended by more than 500 persons and lasting for 12 hours, the Erieview plan was adopted by a unanimous vote of Cleveland's 33-member city council.

The project was also challenged in the courts, but unsuccessfully. The court of common pleas of Cuyahoga County said: "The engineers of the past did a good job of planning for a little city, then of small consequence. But is a large part of the downtown area of the great metropolis of Cleveland to lie moribund in the cocoon which was woven for it when a village more than a century ago?"

And the Ohio Court of Appeals said: "The extensive evidence here shows that the legislative body of the city had before it a great mass of factual data upon which it makes its legislative judgment that the area in question is, in fact, a blighted area, deteriorated and deteriorating, and, as a consequence, detrimental to public health, safety, and welfare. Thus, we conclude from all the documentary evidence above described and all other evidence contained in the record, that the findings of the trial court must be sustained."

As to the visit of employees from the regional office to Cleveland to inspect the buildings: The facts are, officials of the regional office made three trips to Cleveland in connection with the project during which, among other things, they made sample inspections inside the buildings.

ALLEGATION

Columbia Plaza

The gist of the complaint in the Digest article is that a firm of contractors had bought more than half of a 9-acre tract for private redevelopment when the Redevelopment Land Agency of the District of Columbia decided to redevelop the area with the aid of Federal funds. The article says that the Redevelopment Land Agency selected another group of developers even though the original firm by then owned 90 percent of the area. The article also charges that the "deal brazenly ignored the law's requirements as to what kind of property can be taken over by urban renewal," and that a "backstage" operation was involved.

URA reply

The fact is that the firm of contractors referred to in the Digest article had tried for more than 11 years to acquire all of the land in the area needed for redevelopment. A stalemate had been reached and the Board of Commissioners of the District of Columbia concluded that renewal assistance was necessary. It adopted an urban renewal plan for the area and received a Federal urban renewal grant reservation of $958,276. The contractors, who had been unable to acquire all of the needed land, were given an opportunity to redevelop the area. They did not choose to do so, so another redeveloper was chosen and the contractors referred to in the article became minority stockholders in the selected firm of redevelopers.

All of this was done in the full light of citywide publicity. The redevelopment plan was approved after two public hearings. At both hearings the project received substantial support from a broad range of citizens.

ALLEGATION

Point 1

"The program is prodigal in its spending of taxpayers' money." The Digest article is critical of the operation of the program under which the Federal Government pays two-thirds of the net cost of a project and the locality pays the remaining third in cash or grants-in-aid (such as streets, schools, or other public improvements in or serving a project area).

The article also charges that cities rarely pay their share of local costs for urban renewal in cash.

URA reply

The Federal urban renewal statute specified the two-thirds Federal, one-third local sharing of the cost of urban renewal. In enacting this formula Congress confirmed the findings of many congressional committee investigations—that slums were a national problem and that the afflicted communities should not, and could not be expected to bear the entire cost of eliminating them. Furthermore, the law provides that cities may pay their share of renewal costs with either cash or noncash grants-in-aid.

Noncash grants-in-aid may cover public facilities, such as schools, streets, utilities, parks, and similar improvements that are essential to sound urban renewal and are a necessary part of the cost of the project. Therefore, the law properly provides that communities should be given credit for the cost of providing necessary public facilities serving project areas.

This is not so. Cities have paid or have obligated themselves to pay more than $319 million of their share in cash—the total amounting to more than 35 percent of the total local share of net costs. This includes virtually all projects that reached the execution stage as of June 30, 1963.

ALLEGATION

Point 2

"The program operates like Robin Hood in reverse. It approves the taking of property by police power from ordinary citizens and selling it by advance arrangement to other, often wealthy, private citizens at prices frequently as low as 30 percent of acquisition cost.

"For example: In Washington, D.C., the city's Redevelopment Agency paid the D.C. Transit System, of which O. Roy Chalk is president, $1,266,605 for some property, then later leased it back to his Chalk House West, Inc., for 99 years at a bargain rental of $43,221 a year."

URA reply

Urban renewal land is acquired in the same way that land is acquired by highway, military, school, and other public agencies—through purchase or eminent domain. Land is purchased at fair market value, on the basis of two separate, independent appraisals. In most cases land is acquired by negotiation, rather than condemnation. If property owners think the offered price is too low, the case may be settled in court.

Cleared land is always sold to redevelopers at fair value for its new uses. The selling price must be competitive with land elsewhere in the community. The cost of the acquired land is almost always higher than its selling price because the acquired land usually contains buildings and other facilities that must be cleared before new construction can begin.

This results in a deficit that is met partly by the Federal Government, partly by the locality. This is the "subsidy." It is the cost of eliminating slum and blight. Not a penny of this money goes to the redeveloper.

The cleared land Mr. Chalk leased was only a portion of the land and improvements originally acquired from his company, D.C. Transit. Furthermore, Mr. Chalk was awarded this portion in open competition as to design, and without knowledge of his identity as a bidder until after the award was made by a disinterested panel. The Digest article failed to mention that the property acquired from D.C. Transit included improvements—a major car barn and a storage yard—that had to be paid for. The property that was leased consisted of cleared land and was limited in its development by the renewal plan.

The values for both acquisition and disposition were determined on the basis of appraisals by outside professional appraisers.

The Digest article also failed to mention that in order to obtain the best possible residential development the Redevelopment Land Agency announced in advance the fair value of the land and held a public competition based on the quality of the redevelopment proposals. Eighteen separate proposals were received. They were identified only by number (not by name) and turned over to a panel of distinguished architects.

This panel, by a vote of 4 to 1, selected the entry submitted by Mr. Chalk. Only after it had submitted its report did the panel learn the identity of the sponsor and the architect who had prepared the plan. Although the annual rental that will be paid for this parcel is $43,221, based on fair, independent appraisals, the imputed capital value that will be deposited to the project's account for this parcel is $720,335. The difference between that amount and the acquisition cost represents the cost of acquiring and clearing the existing buildings, as well as the restrictions on the new use of the land.

In addition, the Digest article does not mention that the annual District of Columbia tax on the land and improvements before renewal was $6,891, while after renewal it will be about $98,000.

ALLEGATION

Point 3

The Digest article charges that the urban renewal program "forces poor but independent homeowners into subsidized public housing."

The article charges that urban renewal "in practice seems to displace, most often, poor Negroes."

It charges that in Alexandria, Va., the Durant Civic Association "is struggling desperately to prevent destruction of a neighborhood of neat, clean, older houses, owned and well kept by thrifty Negroes whose families have lived there for as long as 100 years." It implies that A. Melvin Miller, an FHA attorney, is leading the fight against the urban renewal project.

URA reply

This accusation is untrue. Most of the 157,000 families relocated to date were living in substandard housing, much of it unfit for human habitation, before urban renewal. Each family must be provided with an opportunity to rent or buy standard housing within its means. Approximately 80 percent of these families have been relocated into decent, safe, and sanitary housing. Only about 6 percent are known to have relocated, despite offers of assistance from the city, into substandard housing. The remainder are families which could not be traced or moved out of the city. No one is forced into public housing or any other kind of housing. About 22 percent of the 157,000 families moved to public housing.

About two-thirds of all of the families removed by urban renewal are Negroes since, because of low incomes and discrimination, they constitute a disproportionate number of those who live in slum and blighted areas. A great majority of them now live in better houses than they had before.

Under date of March 4, 1964, Mr. Miller sent a letter to Reader's Digest denying that the Durant Civic Association and he have been opposed to the project. He said the quotation attributed to him was taken out of context and its true meaning distorted. Mr. Miller added that the statement attributed to him in the Digest article was in opposition to particular sites which were being recommended for public housing. They were not part of the urban renewal project.

ALLEGATION

Point 4

"Urban renewal ruins thousands of small business enterprises, many of which could survive and even flourish under programs to rehabilitate rather than raze their areas." A study by Brown University is cited as showing that 40 percent of the shops in urban renewal areas in Providence, R.I., had to go out of business.

URA reply

The majority of businessmen displaced by urban renewal benefit from the move. They are aided by (1) fair value, subject to court determination, for business property acquired in renewal areas; (2) Federal payments up to $25,000 for moving costs; (3) low-interest loans from the Small Business Administration for reestablishing in new locations.

The Digest article ignores the part of the Brown University study that states that the reasons for the failure of some of the relocated businesses to reopen were many and varied. Some small businessmen were going to close their shops anyway because they could not earn even a poor living in a slum area; others had better job offers.

The Brown study also states that nearly 60 percent of the businesses that relocated successfully had the same or higher income after moving. More than half (54 percent) moved into a newer building than they had been occupying, 62 percent said their new quarters were in better condition, and nearly 65 percent reported larger space.

Reports to the Federal Government and other studies of business relocation have consistently shown a substantially lower percentage of businesses failing to relocate successfully than the Brown University study. The 187 cities with active relocation programs as of September 1963 showed a loss rate of about 29.5 percent. A study by the University of Connecticut of 21 urban renewal projects in 14 cities reported an even lower loss rate of 25.6 percent.

ALLEGATION

Point 5

"The program encourages landgrabbing and hasty starts on ill-conceived projects, often followed by long periods of stagnation. About 20 percent of all projects are abandoned.

"Boston, for instance, now has 19 urban renewal projects involving $227,960,000."

The article quotes the State auditor of Massachusetts as saying that the principal result of the Boston Redevelopment Authority's operations has been the establishment of many parking lots on valuable land, which have been rented to private operators "at a fraction of their value." Also, that land owned by the authority is not subject to real estate taxes, and that the delay in construction has cost the city thousands of dollars in taxes.

The article states that during the period of the audit (late 1957 to early 1963) "approximately $1,675,000 was paid to various contractors for maintenance and major repairs to property scheduled for demolition." It added that the auditor was unable to find a single case in which the work was done under contract resulting from competitive bidding.

URA reply

Actually, the program is designed to prevent hasty starts on ill-conceived projects. Detailed surveys are required before a project can be undertaken.

The record on abandonments shows that ill-conceived projects are not undertaken. They are abandoned as soon as planning surveys show they are not feasible.

The projects described as "abandoned" are those where surveys resulted in a determination that the project should not be undertaken. No project has been abandoned after land acquisition began.

By mid-1963, for those projects that had been approved for execution, 21,970 acres of land had been acquired, redevelopers had been selected for nearly 58 percent of the land acquired, and another 15 percent was ready for sale. Of the land for which redevelopers had been selected, 84 percent had redevelopment under contract, underway, or completed.

The Digest figures are inaccurate. The 19 urban renewal projects in Boston involve a total of $120,710,664 in Federal capital grants.

Some of the cleared land has been used for parking—but the chief result has been a reduction—not an increase—in the number of parking spaces in the three areas where land has been cleared. The Boston Redevelopment Authority has a policy of allowing parking lot operators to continue in business until the land is actually needed for redevelopment. They are being charged either the same rental they were paying before the authority bought the land, or, if they had owned the land, a fair rental based on two independent appraisals of the property.

The delays encountered in the early days of the program have been eliminated. Nearly $7.4 million in construction has been completed in Boston's New York Streets project; more than $11.5 million has been completed in the West End project and another $11 million has been started; and $47 million in new construction has been started in Government Center.

During an even longer period (July 1955 to February 1963) repairs on these projects totaled less than $487,000. The remaining expenditures consisted of wages for janitors, watchmen, etc. ($457,081.88); fuel, light, power, and steam ($529,982.57); insurance ($224,797.75); and water and sewerage charges ($72,252.84).

These costs were paid from rents collected during the period. It is necessary to maintain these buildings in a decent, safe, and sanitary condition during the period when people and businesses are being relocated.

As for the bids, more than 99 percent of the repair and maintenance work orders involved less than $500. Most of them were emergency jobs. For these reasons, bid taking would have been impractical.

ALLEGATION

Point 6

"Urban renewal programs often enrich slum owners. A slum landlord can split single apartments in two and then, because of crowding aggravated by demolitions elsewhere, charge huge rents. Finally he sells out to urban renewal, and since slums pay high returns per square foot of space, he receives a handsome price. He takes his bonanza, pays a 25-percent capital gains tax, buys another slum, and waits for urban renewal to buy him out again—ad nauseam."

URA reply

These same enriched slum owners are referred to elsewhere in the Digest article as poor but independent home owners. Actually, genuine slumlords are among the most vigorous opponents of urban renewal, since it deprives them of their lucrative operations. Under urban renewal they receive only fair value for their properties. The handsome price can be no more than fair value, and this price is frequently determined by a jury.

In some 700 projects more than a quarter of a million substandard housing units have been or soon will be eliminated. In addition, the workable programs for community improvement require housing and other codes as well as more effective code enforcement. Since 1955 (when the workable program began) to July 1963 the number of communities with housing codes jumped from 56 to 736.

ALLEGATION

Point 7

"Once a program is started, no one is free from condemnation on whim. If but one small structure in a block of five buildings can be declared substandard, all houses or businesses in that block can be condemned for urban renewal."

URA reply

The Urban Renewal Administration's requirements on this point are quite specific and are not subject to whim. Local renewal agencies must provide evidence that acquisition of properties is necessary to accomplish the renewal of the area.

ALLEGATION

Point 8

The Digest article attributes to the U.S. Chamber of Commerce a statement that the administration asked 2,400 city mayors to use their influence for passage of legislation to create a Department of Urban Affairs.

URA reply

The U.S. Conference of Mayors and the American Municipal Association, national organizations representing mayors and other public officials, advocated the establishment of a Department of Urban Affairs for years before President Kennedy recommended such a Department. It was not necessary to influence them, as the U.S. Chamber of Commerce charges—they were calling for it. Furthermore most local chambers of commerce are active supporters of urban renewal in the localities where the program operates despite the opposition to this program by the national body.

Mr. MUSKIE. Mr. President, I think that there are several things which must be kept in mind in any consideration of the Federal urban renewal program. First of all, the program operates on the basis of local initiative. The statute itself and the legislative history make this clear. Thus, for example, the Federal law specifically requires approval by the local governing body of the community before an application for a survey and planning advance can be filed with the URA. This, of course, is the first step in the urban renewal process. The law further requires approval by the local governing body of the community of the project urban renewal plan. Often, the locality itself must provide some cash to help defray its local share of net project cost. This requires action by the governing body of the locality.

I believe it is proper that this program be based on local initiative, and I would vigorously oppose any amendment to change this.

But along with local initiative must go local responsibility. Thus, a locality may evolve a completely feasible and economically sound urban renewal plan for its project area, but the plan may be one on which reasonable men may nevertheless disagree. For example, the locality may after long and deliberate consideration decide to acquire a structurally sound building in the area so that the objectives of the project area plan may be fully accomplished. I am sure that there are reasonable men who will argue the validity of such an action and the merits of the expenditure involved. But in such a case, it seems to me that so long as the legal and administrative criteria of the Federal program are met and so long as the action proposed is consistent with State and local law, the decision must be a local one and should not come out of Washington.

I think that we must also keep in mind that the urban renewal program, like any other, is not perfect. I am sure that mistakes have been made in the past, and I am also sure that mistakes will be made in the future. The real test is whether the program and those charged with its administration have learned from their past experiences. In my experience, I have found the Urban Renewal Administration always willing to sit down and discuss problems in a completely objective manner. Its Commissioner and his staff have been most willing to consider alternative courses of action. For example, during the recently concluded subcommittee hearings on the Housing and Community Development Act of 1964, I asked Mr. Slayton if he felt the program by its very nature was not geared more toward the larger community than the smaller one, like many of those in my home State. As it happened, the URA had been considering this problem, and subsequent to the hearing we discussed this matter further. I know that concerted efforts are now well under way in trying to simplify procedures to facilitate the full participation of smaller communities. In attempting to meet problems of this type head-on, I think that Commissioner Slayton and his staff should be commended.

Mr. President, in closing let me say for the record that if there are weaknesses in the Federal urban renewal program, let us correct them, but let us be sure that any corrective actions are based on facts.

PROMOTION OF STATE COMMERCIAL FISHERY RESEARCH AND DEVELOPMENT PROJECTS

During the delivery of Mr. ERVIN's speech,

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Alaska [Mr. BARTLETT] without losing my right to the floor and without having my subsequent remarks counted as a second speech on the business now pending before the Senate, and with the understanding that his statements and actions shall appear in the RECORD either before or after my remarks, as may best serve the convenience of the Public Printer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I appreciate the courtesy of the Senator from North Carolina in asking unanimous consent that I might present to the Senate two important bills.

Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to the bill (S. 627) to promote State commercial fishery research and development projects, and for other purposes.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 627) to promote State commercial fishery research and development projects, and for other purposes, which were on page 1, line 4, strike out "1963"." and insert "1964".", on page 3, strike out lines 12 through 24, inclusive, and insert:

(b) In adidtion to the amounts authorized in subsection (a) of this section there is authorized to be appropriated for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, $400,000 in each such year, and for the next three succeeding fiscal years, $650,000 in each such year, which shall be made available to the States in such amounts as the Secretary may determine appropriate for the purposes of this Act: *Provided,* That the Secretary shall give a preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future: *Provided further,* That the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels. Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) In addition to the funds authorized in subsection (a) and (b), there is authorized to be appropriated $100,000 for the fiscal year beginning after the date of enactment of this Act and for each succeeding fiscal year during the term of this Act, which shall be made available to the States in such amounts as the Secretary may determine for developing a new commercial fishery therein.

On page 4, line 19, strike out "10 per centum" and insert "6 per centum"; on page 6, line 2, after "priation" insert "made available under section 4(a) of this Act"; on page 7, line 14, strike out "133a–15)" and insert "133z–15)", and on page 8, after line 3, insert:

SEC. 9. Amend section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121) as amended (16 U.S.C. 742c), by adding a new subsection to read as follows:

"(e) The Secretary is authorized under such terms and conditions and pursuant to regulations prescribed by him to use the funds appropriated under this section to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto: *Provided,* That any loans made under this subsection shall only be repaid from the net profits of the operations of such chartered vessels, which profits shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels. The funds authorized herein shall not be available for such loans after June 30, 1966."

Mr. SALTONSTALL. Mr. President, as one who was originally in favor of the bill when it came before the Senate, would the Senator from Alaska explain briefly what the amendments are?

Mr. BARTLETT. Mr. President, the bill S. 627 and the bill S. 1988, the amendments to which I shall ask the Chair to lay before the Senate in a few moments, have been cleared, according to my understanding, for consideration by the majority leader, the Senator from Montana [Mr. MANSFIELD], and the minority leader, the Senator from Illinois [Mr. DIRKSEN].

In reference to the bill S. 627, the House committee, and subsequently the House of Representatives, made certain minor changes pertaining to the discretionary fund available to the Secretary of the Interior, and reduced from 10 to 6 percent the maximum amount that might be had by any State under the annual appropriation which is authorized under the terms of the act. The total authorization of $28,250,000 over a 5-year period remained unchanged by the House.

Mr. SALTONSTALL. In other words, it would leave more to the discretion of the Secretary of the Interior or the Department officials the decision as to where the money should go for research, cutting down the allotments to States from 10 percent to 6 percent.

Mr. BARTLETT. The maximum will be 6 percent. The formula applies in the House version as it did in the Senate version, but some States could possibly get less than it would have under the Senate version, which allowed up to 10 percent. My recollection is that Massachusetts ranks about as high as any other State under the formula now before the Senate. The same would have been true under the original formula.

There is also one additional provision concerning the bill, I am very happy to relate. The House added an amendment to the Fish and Wildlife Act of 1956 authorizing the Secretary of the Interior to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction and repair of vessels lost or destroyed by the earthquake on March 27, 1964.

The earthquake resulted in destruction by waves, tidal waves, and seismic waves which occurred in Alaska. Under that program an already appropriated amount of $7 million is available. It is not contemplated that that sum will be necessary in its entirety for such loans, but the proposal will enable the Department of the Interior to move promptly to place those fishermen in a situation in which they may take advantage of the fishing season, which is almost here.

Mr. SALTONSTALL. In other words, it would take $7 million from the appropriation.

Mr. BARTLETT. No.

Mr. SALTONSTALL. Would it be an additional amount?

Mr. BARTLETT. Yes. The provision refers to existing legislation. Money has already been appropriated, and some part of it would be used for the purpose stated.

Mr. SALTONSTALL. I see.

Mr. BARTLETT. Mr. President, I move that the Senate concur in the House amendments to the bill S. 627.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

PROHIBITION OF FISHING IN CERTAIN TERRITORIAL WATERS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1988) to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States, which were, on page 1, line 7, strike out "Rico" and insert "Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters"; on page 1, line 9, after "provided" insert "in this Act or as expressly provided"; on page 2, line 1, after "However," insert "sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so," on page 2, lines 1 and 2, strike out "issue a license authorizing" and insert "authorize"; on page 2, line 3, after "fishing" insert "for designated species"; on page 2, line 4, after "States" insert "or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters"; on page 2, lines 5 and 6, strike out "and to land its catch in a United States port,"; on page 2, line 7, strike out "Secretary" and insert "Secretaries of State and"; on page 2, line 9, strike out "Commonwealth or" and insert "Commonwealth,"; on page 2, line 9, after "territory" insert ", or possession"; on page 2, line 9, after "affected." insert "The authorization in this section may be granted only after a finding by the Secretary of the Interior that the country of registry, documentation, or licensing extends substantially the same fishing privileges for a fishery to vessels of the United States. Notwithstanding any other provision of law, the Secretary of State, with the concurrence of the Secretaries of the Treasury and of the Interior, may permit a vessel, other than a vessel of the United States, owned or operated by an international organization of which the United States is a member, to engage in fishery research within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or for resources of the Continental Shelf which appertain to the United States and to land its catch in a port of the United States in accordance with such conditions as the Secretary may prescribe whenever they determine such action is in the national interest."; on page 2, line 18, after "seizure," insert "summary and"; on page 2, line 19, strike out "cargo" and insert "vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores"; on page 2, line 20, strike out "cargo" and insert "vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores"; on page 2, line 22, after "forfeitures" where it appears the first time, insert "shall"; on page 3, lines 2, 3, and 4, strike out "United States Coast Guard, the United States Department of the Interior, and the United States Bureau of Customs." and insert "Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating."; on page 3, line 10, strike out "purposes," and insert "purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission."; on page 4, line 20, strike out "jurisdiction," and insert "jurisdiction pursuant to the provisions of subsection (g) of this section,"; on page 5, strike out lines 17 through 19, inclusive, and insert:

SEC. 4. The Secretaries of the Treasury and Interior are authorized jointly or severally to issue such regulations as they determine are necessary to carry out the provisions of this Act.

SEC. 5. (a) As used in this Act, the term "Continental Shelf fishery resource" includes the living organisms belonging to sedentary species; that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

(b) The Secretary of the Interior in consultation with the Secretary of State is authorized to publish in the Federal Register a list of the species of living organisms covered by the provisions of subsection (a) of this section.

(c) As used in this Act, the term "fisheries" means the taking, planting, or cultivation of fish, mollusks, crustaceans, or other forms of marine animal or plant life by any vessel or vessels; and the term "fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life.

(d) As used in this Act, the term "Continental Shelf" refers (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

And to amend the title so as to read: "An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels."

Mr. SALTONSTALL. Mr. President, will the Senator briefly explain the amendments with respect to which he will move that the Senate concur?

Mr. BARTLETT. Mr. President, the bill (S. 1988) now under discussion would prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States.

The bill, which passed the Senate last year, provided for the first time penalties for foreign fishing vessels that come within our territorial waters and fish illegally. Heretofore—and until the bill becomes law—a Soviet vessel, for example, could come within our territorial waters and fish if its operators chose to do so. All that could be done by the Federal authorities would be to warn fishing craft to move outside the 3-mile limit. When the bill becomes law, there will be penalties—penalties by way of fine or imprisonment or both, seizure of the boat, seizure of the gear, and seizure of the cargo. Let me say to my friend from Massachusetts that, to the best of my knowledge, every other fishing nation in the world now has such legislation. We have been tardy in acting, and it is high time that we acted.

Mr. SALTONSTALL. The amendments are purely technical?

Mr. BARTLETT. The amendments added by the House are technical in nature.

Mr. SALTONSTALL. I thank the Senator.

Mr. BARTLETT. Mr. President, I move that the Senate concur in the House amendments to the bill, S. 1988.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield to my colleague from Alaska.

Mr. GRUENING. I highly commend my colleague for his leadership and vision in sponsoring the proposed legislation which has now been passed by the House, and will shortly become law. The proposed legislation is designed to protect a vital American interest against illegal fishing and poaching in our waters by foreigners who, in the case of Alaska, have often violated ordinary conservation practices to which our people have voluntarily and willingly agreed to in the interest of conserving our fishery resources. In recent years we have seen fishermen from Japan and Russia invading our waters, taking our fish, and disturbing our crab traps—often within the 3-mile limit.

The proposed legislation should put an end to those practices.

A necessary concomitant is that the poachers must be caught and apprehended in order that they may be taken to court and tried for violation of the act. I am confident that the measure will have a very salutary effect. I am hopeful that before long our 3-mile limit will be set at 12 miles so that we may have that additional protection. It is a protection which has been sought unilaterally and obtained by other nations, whereas the United States is awaiting the assent of a sufficient number of nations to make the proposal an internationally accepted agreement. I believe we should have acted before now.

I hope also that our Continental Shelf may be reserved for our crustacea, which I think is also very necessary for the preservation of that succulent creature, the Alaska king crab, a product developed by initiative and enterprise of Alaskans.

In closing let me say that my colleague [Mr. BARTLETT], has written an important chapter in the history of Alaska by his sponsorship of the proposed legislation, and now its successful enactment.

Mr. BARTLETT. I am grateful to my colleague for his remarks.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BARTLETT. With the permission of the Senator from North Carolina [Mr. ERVIN], I yield to the Senator from Massachusetts to make remarks in connection with this same subject. The rights of the Senator from North Carolina will be fully protected by reason of the fact that the matter to which the Senator from Massachusetts wishes to address himself is on the same subject.

Mr. ERVIN. In other words, if the Senator from Massachusetts wishes to comment on the bill, I think the unanimous-consent agreement is wide enough to cover the comment, but if he wishes to make an insertion, I think I must make a request.

Mr. President, I ask unanimous consent that either the Senator from Alaska may yield to the Senator from Massachusetts for any observations on the bill under the unanimous-consent agreement heretofore made, or that I may yield to the Senator from Massachusetts with the same understanding I had with the Senator from Alaska in yielding to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this is a good day for the fishing industry, and particularly for those hardy fishermen in my State who give so much of their time and their energies to bringing in the catch and contributing to our economy. It is a good day because we now have before us two fishing bills for final approval: One, designed to stimulate fish research and development projects and to help rehabilitate a part of the fishing industry; and the other to provide strong enforcement provisions to prevent foreign encroachment within our territorial waters.

I am proud of the record of these bills, because I cosponsored them, and worked earnestly with my colleagues in the Senate and in the House toward their success. I express appreciation to my colleague from Massachusetts and our colleagues from the State of Alaska for having provided the leadership in connection with the bills.

I am particularly pleased, because these bills are a part of a good legislative program directed to assisting a very essential American industry which seriously needs Federal support and guidance in meeting its economic future.

S. 627 will provide aid to the States on a matching basis in proportion to its commercial fishery activity. For Massachusetts, one of the largest fish producing States, this could mean approximately $1.5 million over a 5-year period to underwrite its research projects and to encourage new breakthroughs in the harvesting and manufacturing of fish resources.

I know I do not have to tell this body that fishing is one of our oldest and most revered industries. And today, in spite of its age, this industry has a modern responsibility: To provide an increasing amount of protein-rich sea products to a burgeoning population. However, the present disturbing fact is that some 50 percent of the fish consumed in this country comes from foreign countries which have long been busy at research and development, which have large government subsidies and modern fleets, and which take advantage of modest labor costs. We have helped these fish imports by a liberal tariff policy. Now, we are beginning to realize that it is our domestic industry which needs the help, and that it is necessary to take positive action.

I am hopeful that this research and development program and the rehabilitation programs, spurred on by the allocation of Federal funds, will give a new enthusiasm to the fishing industry. I hope it will show us the way to modern methods of harvesting and processing fish so that we can meet the Russians and other foreign fishing fleets with equal strength and efficiency in the competitive arena.

The second bill, S. 1988, would provide strong enforcement powers to prevent foreign trawler fleets from invading our territorial waters. Under the present law, the Coast Guard can only force trespassers back out into international waters. Now with this legislation, foreign fish "poachers" can get up to $10,000 in fines and a year in jail, plus the forfeiture of their catch and equipment. This may be an effective deterrent to trespassing close to our shores, and certainly it is a good first step toward the protection of our coastal resources, but we must not lose sight of what the Russians and other fleets are doing to exploit our traditionally American resources beyond the 3-mile territorial limits. Mr. Donald F. McKernan, Director of the Bureau of Commercial Fisheries, gave a vivid description of these foreign operations before the House Committee on Commerce:

> These fleets are highly self-sufficient, consisting of large numbers of fishing vessels employing the most modern methods of finding and catching fish. Accompanying factory ships process the catches of the fishing vessels; tank vessels supply fuel, water, and food to the fleet; passenger vessels replace the crews on station; repair vessels make emergency repairs at sea; the cargo vessels transport the processed fishery products to home ports of the nations conducting the fishing operations. Fishermen of the United States have difficulty competing with these large-scale, subsidized operations on the high seas and are in danger of being forced off fishing grounds they have traditionally considered to be their own.

Of increased concern to the people of my State is the dual role of Russian fishing trawlers which aside from their fishing, are rigged with the latest electronic detection equipment, are said to have reserve naval officers aboard, and patrol about in armadas off Cape Cod and Nantucket. The presence of these fleets is always unnerving, and every year they become a greater nuisance. The opportunities they have to monitor coastal activity are obviously extensive.

This bill will indeed be a deterrent to these Russian fleets, and an affirmative step forward in showing our strength against unwarranted interference along our shores.

Mr. President, I look forward to the passage of these bills and the benefits they will bring to my State and the Nation, but I would be very remiss if I did not emphasize their importance to our wonderful friends and citizens from Alaska. This State's recent calamity has hit directly at its fishing fleet. S. 627 seeks to restore and redevelop what was lost, and to provide emergency funds for carrying on the industry in the interim period of rehabilitation. S. 1988 will be especially encouraging to the great fishing State of Alaska, because like Massachusetts—it has experienced substantial poaching by foreign vessels along its coast.

In conclusion, however, I would like to say something about that part of the legislative program which is still to come, and which is even more vital to the long-range protection and improvement of the fishing industry. A most important bill is S. 1006 which would provide subsidies for the new construction of fishing vessels in a manner similar to our construction subsidies for the American merchant marine. A substantial part of our American fishing fleet is getting too old to be effective in competing with the modern, foreign fleets. These fleets with huge processing and packaging facilities aboard, are built in foreign yards at one-third the cost of American construction, are subsidized by foreign governments, and are operated under wage scales far below the American standard. At the same time, American shipowners are precluded by law from obtaining their ships from low-cost foreign shipyards. This means, whether we like it or not, that if we are going to have modern ships, and if we want to protect and preserve our shipbuilding industry, we must resort to an enlightened and realistic subsidy program. The fishing industry, frankly, will dwindle away in time, if such a program is not enacted, for its life depends squarely on the efficiency and numbers of its ships.

In fact, Mr. President, I can say many parts of our American merchant marine are suffering from the same problem of foreign low cost competition in construction and operation. And with a declining merchant marine, we have a declining shipbuilding industry. Massachusetts is a State which historically has depended in part upon the operation and building of ships for its economic growth. I am very hopeful that in our legislative activities during the reminder of the session, we can obtain the best possible support for the construction and rehabilitation of fishing vessels and other merchant ships, which in turn will benefit American shipyards and American workers.

Mr. PELL. Mr. President, will the Senator yield?

Mr. BARTLETT. Mr. President, will the Senator from North Carolina permit me to yield to the Senator from Rhode Island under the same conditions?

Mr. ERVIN. I yield under the same conditions.

Mr. PELL. I wish to congratulate the Senator from Alaska and to associate myself with the remarks of the Senator from Massachusetts. Passage of the bill will have a very real effect upon our fishermen. If there ever was an industry which needed help at this juncture, it is that industry. I congratulate the Senator from Alaska [Mr. Bartlett] for handling the bill through to its passage at this time.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. BARTLETT. Mr. President, will the Senator from North Carolina permit me to yield to my colleague from Alaska under the same conditions?

Mr. ERVIN. Mr. President, I yield under the same conditions.

Mr. GRUENING. In commenting on the very excellent work of my esteemed colleague in this area, I raise the question whether the enforcement facilities of our Coast Guard are sufficient in size, type, speed, and number to assure that this legislation will be enforced. I wonder whether my colleague has any views on that subject.

Mr. BARTLETT. I have very decided and definite views. I think they are inadequate. I think it is high time to start an aggressive program of building up the Coast Guard. The Coast Guard has presented such a program to the Congress. For the first time the two legislative committees concerned, the Merchant Marine and Fisheries Committee of the House of Representatives and the Commerce Committee of the Senate, have provided an authorization this year.

I was dismayed, I must add, that an insufficient appropriation was provided for the Coast Guard by the other body. I hope the amount will be increased by the Senate, because the Coast Guard is in desperate need of money for more ships.

Mr. GRUENING. I completely share the view of my colleague. Those of us who have seen the Coast Guard in action for many years in Alaska know that it is an excellent agency, manned by competent and dedicated men. The failure lies not in their hands, but in those of the Congress, which, as my colleague has so rightly said, has not appropriated sufficiently to provide ships of the required size and speed to enforce the regulations and to protect our shores against various types of invasion, somewhat piratical at times, from which we have suffered.

I hope very much, now that the bills will become law, that our Coast Guard services will be implemented with the necessary appropriations.

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed at this point in the Record a statement by me in connection with this legislation.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Bartlett

I am extremely pleased to note the House action on the bills, S. 627 and S. 1988. These bills represent to me two major legislative accomplishments, both directed at encouraging the development and protection of our fishery resources.

Each bill will certainly rank high among the major legislative measures passed by Congress in the past decade. Ten years ago, Congress enacted the significant Saltonstall-Kennedy Act. The Fish and Wildlife Act of 1956 was also important as was the vessel construction subsidy bill passed in 1960. The two bills, S. 1988 and S. 627, will stand tall with these other legislative measures all designed to promote the U.S. fisheries.

The first bill, S. 627, was cosponsored by 30 Senators and was supported by all administrative agencies. It passed the Senate last summer and the House Committee on Merchant Marine and Fisheries has held exhaustive hearings on this legislation. The bill was supported in the House as it was in the Senate by all segments of the fishing industry, and by fishery representatives from all of our States. I do not recall introducing any legislation in the past that received such wide support. In particular I would like to acknowledge the outstanding work of David H. Hart, chairman of the Atlantic States Marine Fisheries Commission and other members of the Atlantic, Gulf, and Pacific Fisheries Commission.

The House amendments, in my opinion, are constructive and should be accepted. First, the House made clear the importance of having funds available in the secretary's discretionary fund for the purpose of meeting the needs during a resources disaster and meeting the needs for the development of new commercial fisheries. Separate amounts were therefore authorized. The House reduced the ceiling on the State allocation formula from 10 to 6 percent. The effect of this will be to reduce the funds available to certain States while increasing the allocation to other States which also need encouragement and development.

As a direct result of the resources disaster on the Great Lakes, the House added a provision which will permit the fishery problem on the Great Lakes to be met by a combination of State action and State and Federal coordinated programs.

The most important provision added in the House relating directly to the recent earthquake in Alaska is found in section 9 of the bill. This will permit Alaska fishermen to borrow money for chartering fishing vessels with repayment of the loan to be made from net profits after deducting out-of-pocket expenses and salary. I supported this amendment and I sincerely hope this will go part way in meeting our emergency in Alaska.

The second bill, S. 1988, like S. 627 is important to all sections of the country. This bill was passed last fall shortly after we experienced in Alaska a series of intrusions by foreign fishing vessels within our territorial waters. To our dismay, we found that there were no penalty provisions and no means by which the Coast Guard, or other interested departments or agencies, could prosecute these foreign violators. Shortly thereafter I introduced S. 1988.

After the bill passed the Senate, the House Merchant Marine and Fisheries Committee took up the legislation. Again extensive hearings were held. A commendable record was made with the bill receiving support from all agencies of Government including the Departments of State, Treasury, and Interior. After the hearings were closed, the House made several valuable contributions in the way of amendments to the bill. Again, I think these amendments should be accepted by the Senate. Some of the amendments are clarifying in nature, others are more substantive. I was particularly pleased to note that the House retained provisions regarding resources of the Continental Shelf and added protective provisions for any waters that come within our jurisdiction in respect to fisheries in the future. I believe the reciprocal provisions in regard to licensing foreign vessels is desirable. This will give the protection we need on a fishery-for-fishery basis.

I would like only to add that I think the House Merchant Marine and Fisheries Committee and particularly the chairman, Herbert C. Bonner, are to be congratulated and congratulated again on their splendid work in respect to these two bills. They have been handled with great care and deliberation. Much time and effort have been spent on the bills and it is a credit to the fishing industry and to every American fisherman that they have such an outstanding committee in the House. The House amendments to these Senate bills are thoughtful, constructive, and should be accepted.

Mr. BARTLETT. Mr. President, before concluding, with the indulgence of the Senator from North Carolina [Mr. Ervin], I thank the present Presiding Officer, the Senator from Massachusetts [Mr. Kennedy] for the help, encouragement, active assistance, and leadership which he has demonstrated in connection with this legislation.

I wish my remarks also to apply to the Senator from Rhode Island [Mr. Pell], who recently spoke, and to all other Members of Congress who have made this dedicated and now almost successful effort.

I ask unanimous consent that the senior Senator from Washington [Mr. Magnuson], chairman of the Commerce Committee, be permitted to have printed in the Record a statement in connection with the bills which have been passed. It was his intention, naturally, because he has been so active in these movements, to be present in the Chamber at this time and to participate in these discussions and, in fact, to do that which I am now doing; but he was unexpectedly called to a most important conference. So I ask unanimous consent that he be permitted to place a statement in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Magnuson

I join my colleagues in expressing support for S. 627 and S. 1988. Both of these bills originated in the Senate. I joined the senior Senator from Alaska in introducing the legislation. The Senate Commerce Committee held hearings early last year on these bills and took prompt and favorable action. I am pleased to note that the House has done likewise and has in fact made several contributions in the way of amendments.

The fishing industry in the United States is a depressed industry. This was pointed out repeatedly in the hearings held on both legislative proposals. I believe that both S. 627 and S. 1988 offer a constructive step in the right direction of restoring health to a sick industry.

S. 627 would allocate to Washington State approximately $1½ million for fishery research and development over the next 5 years. This money can well be used. We have accomplished much but more is to be done.

S. 1988 also has special significance for Washington State fishermen since it provides penalties for foreign fishing vessels caught engaging in the fisheries within our territorial waters or taking Continental Shelf fishery resources, such as crab, which will belong to the United States upon the ratification of the International Convention on the Continental Shelf. We have seen off Alaska and near our own coast within the last few years enormous armadas and flotillas of foreign fishing vessels. On numerous occasions these vessels have been cited by the U.S. Navy and our own Coast Guard to be operating within our territorial waters. We have had no penalties. The purpose of this bill, S. 1988, is to provide the penalties and the enforcement machinery to protect the integrity of our own fishing waters.

Within the past 10 years, Congress has passed several measures which have benefited our fisheries. I refer now specifically to the Saltonstall-Kennedy Act and the Fish and Wildlife Act of 1956. It is my opinion that these measures that have just been passed rank with the most important fish legislation that Congress has enacted in recent years.

McNAMARA'S WAR IN SOUTH VIETNAM

During the delivery of Mr. Ervin's speech,

Mr. MORSE. Mr. President, will the Senator from North Carolina yield briefly to me, with the understanding that he will not thereby lose his rights to the floor, with the further understanding that my remarks will be printed elsewhere in the Record, and with the still further understanding that the remarks he may make following my remarks will not count as a second speech by him.

Mr. ERVIN. If I can obtain unanimous consent to that effect, I shall be glad to yield to the Senator from Oregon.

The **PRESIDING OFFICER** (Mr. Kennedy in the chair). Without objection, it is so ordered.

Mr. ERVIN. Very well, I yield.

Mr. MORSE. Mr. President, I wish to speak for several minutes, to comment on the progress of McNamara's war and to address an inquiry to our Ambassador at the United Nations, Adlai Stevenson.

Mr. President, I speak now of McNamara's war. As we know, he associates himself with that label; and he has also announced to the press, as I have previously stated, that it is an American war, and that our country is at war in South Vietnam. Mr. President, we certainly are; in reality, the American flag behind the Vice President's chair in this Chamber now is in war in South Vietnam, and American boys are dying there, although our Government has no justification whatever for having American boys die there, in such a war, in the absence of a declaration of war; and we are still waiting for the administration to ask Congress for a declaration of war.

I have just returned to the Senate from a visit to many people of the country. During that trip I made numerous speeches on McNamara's war. I wish the Senate to know that I am satisfied that the mothers and the fathers of the American boys who are dying in South Vietnam do not intend to bury them without making a protest; and the tenor of that protest will be intensified week by week and month by month as the United States continues to conduct an unjustifiable unilateral military operation in South Vietnam.

Furthermore, more of our boys are dying there. Let us not forget there are all sorts of causes for crashes of military airplanes in a battle zone. Yesterday, we lost 10 more American boys; and I ask the administration: "How many more are you going to kill before you send to Congress a proposed declaration of war and attempt to legalize the unconstitutional war in South Vietnam?"

Mr. President, we have an Ambassador at the United Nations; his name is Adlai Stevenson. He has definite responsibilities. He represents the United States at the United Nations, and he is supposed to represent our country in carrying out our obligations under the Charter of the United Nations.

Some 10 days or so ago, I discussed the illegality of this war, insofar as international war is concerned; and I traced some of the international law principles involved in this matter, together with the Geneva Accords of 1954, and the various articles of the United Nations Charter under which there cannot possibly be justification for the present unilateral U.S. military action in South Vietnam. I now ask our Ambassador to the United Nations: "What about it? Do you justify this unilateral military action by the United States in South Vietnam, Mr. Ambassador, as being consistent with your obligations and duties as U.S. Ambassador to the United Nations, charged with the responsibility of helping enforce the Charter of the United Nations?"

I should like to hear from our Ambassador to the United Nations; but I am not interested in any rationalization that, being our Ambassador to the United Nations, he must carry out the instructions of his Government. That is true, so long as he remains the Ambassador. But if our Ambassador to the United Nations does not agree that American unilateral military action in South Vietnam can be reconciled with the Charter of the United Nations, let him say so, for the Adlai Stevenson for whom I campaigned in 1952 would never have hesitated to state what he thought was right; and when I think of all the casualties that American boys are suffering in South Vietnam, I am sure he would agree that the casualty of a job loss would be insignificant, compared with the obligation to stand for what is right. If he thinks our policy in South Vietnam is right, he should say so; and some of us will have something to say about that, because I am satisfied that, under international law, our policy in South Vietnam, in conducting McNamara's war, is not justified and cannot be justified; and I am still waiting for the State Department or for McNamara himself to attempt to justify it under international law.

I close by saying that I would that our Ambassador to the United Nations, Mr. Stevenson, was recommending that our Government lay before the United Nations a complaint against alleged violators of the Geneva accords, and would ask the United Nations to take jurisdiction over that complaint. That would result in this issue being determined juridically, once and for all, for I believe we now have reached the point where it is necessary for the United Nations to speak up.

Therefore, I address this inquiry to the Ambasador of the United States to the United Nations—and then I address the same inquiry to the Secretary General of the United Nations, Mr. U Thant. I say to the Secretary General, "Mr. Secretary General, what is your position as chief officer of the United Nations charged with the responsibility of carrying out the obligations of the Charter of the United Nations to preserve the peace, when peace is threatened anywhere in the world?"

I have not seen an official copy of the statement by the Secretary General of the United Nations which appeared several days ago in the press; but the press account was to the effect that the solution of the problem in South Vietnam was a political solution, not a military solution. If I correctly interpret that language, I certainly agree that a military solution will never be reached. If by "a political solution," the Secretary General of the United Nations means that we should proceed diplomatically and under the rule of law encompassed in the United Nations Treaty, I would find myself in agreement; but I would say to him, "Mr. Secretary General, why are you not insisting that that course of action be followed?" A responsibility rests squarely on the shoulders of Mr. Stevenson, the Ambassador of the United States to the United Nations; and a responsibility also rests squarely on the shoulders of Mr. U Thant, the Secretary General of the United Nations to try to bring under its jurisdiction a breach of the peace that is costing hundreds of lives every week.

The time has come for international representatives of the United Nations, one representing the United States and the other representing all the members of the United Nations as the Secretary General thereof, to speak up and to speak out as to what part, if any, they think the United Nations should play in bringing to an end the war in South Vietnam and establishing a peacekeeping corps in South Vietnam aimed at bringing about peace—not the United States aim of intensifying a war and increasing the danger of a threatening war spreading throughout Asia and possibly spreading throughout the world.

I shall wait, Mr. President, for comment by the U.S. Ambassador to the United Nations, Mr. Adlai Stevenson, and for comment by the Secretary General, Mr. U Thant.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. ELLENDER. It is my understanding that one of the reasons why the question was not brought before the United Nations was that we could not find how many people were in agreement with the course that we were taking in South Vietnam. Is the Senator familiar with that?

Mr. MORSE. The Senator from Louisiana is undoubtedly correct.

That is one of the reports. I do not know what the facts are, but, of course, I believe that the fact that the United States has not taken the case to the United Nations raises the suspicious presumption, at least, that we are afraid to take it to the United Nations because we are afraid of what the decision of the United Nations would be. As a former delegate to the United Nations, I wish to say that, in my judgment, we would lose in the United Nations, and the United States would deserve to lose in the United Nations, because the United States is following a course of action outside international law to the discredit of our glorious history of the past.

My considered judgment is that the United Nations is not in sympathy with what is being done by us in South Vietnam.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I believe I have the floor.

Mr. NELSON. Will the Senator from North Carolina yield to me so that I may make a brief observation?

Mr. ERVIN. Mr. President, I shall be glad to yield to the Senator from Wisconsin with the understanding that I do not thereby lose my right to the floor or have my rights affected in any way, and with the understanding that my subsequent remarks will not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I should like to express a bit of a difference with the Senator from Oregon, for whom I have great admiration, both as a Senator representing the great State of Oregon and as a native of my own home State. I am also a great admirer of Ambassador Adlai Stevenson. I think that if the test of all appointed executive officials were to be followed as suggested by the Senator from Oregon, none of them would remain in office more than a week. I suggest to the Senator from Oregon that the President of the United States is responsible for the day-to-day conduct of the foreign policy of the United States. If Secretary of State Dean Rusk, for whom I have great admiration, or any other Secretary of State, were to resign on every occasion when he did not agree with the President 100 percent, we would have a new Secretary of State once a week. If the U.S. Ambassador to the United Nations were to resign every time he was not 100 percent in agreement with the President of the United States, we would have a new U.N. Ambassador once a week. And if every U.S. Senator were to resign every time he was not in 100 percent agreement with the majority of the people in his constituency, we would have a new U.S. Senate once a week. And, may I add, there might be some benefits to that.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon for observations or questions without my right to the floor being affected or having any subsequent remarks that I might make counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I say to my good friend the Senator from Wisconsin that there are issues and issues. When a man occupies the position of U.S. Ambassador to the United Nations, he has obligations to the United Nations which transcend by far his obligations to his own country. When American boys are dying in South Vietnam in a war that many of us recognize to be illegal, we have the right to find out from our Ambassador in the United Nations whether he agrees that they ought to be dying in South Vietnam, and if he thinks that they are being killed unjustifiably. He is not worth his salt as an Ambassador at the United Nations if he continues to keep that post and does not speak out in an endeavor to save the lives of those boys.

The question is of such importance that Adlai Stevenson ought to say publicly exactly what his position on the issue is, instead of permitting to remain afloat rumors as to what his private opinion may be. I wish to know what Adlai Stevenson's public opinion is in regard to McNamara's war in South Vietnam.

TRANSACTIONS IN SECURITIES IN ACCOUNTS OR COMMODITIES BY A BROKER-DEALER REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION

During the delivery of Mr. Ervin's Speech,

Mr. ROBERTSON. Mr. President, will the Senator yield to me with the understanding that he will not lose his right to the floor?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the able and distinguished junior Senator from Virginia [Mr. Robertson] without losing my right to the floor in any respect or without having any subsequent remarks that I might make counted as a second speech on the question now pending before the Senate, and with the further understanding that the remarks of the Senator from Virginia will appear after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, on April 10 I obtained unanimous consent to have printed in the Record a number of amendments to S. 750, as reported to the Committee on Banking and Currency by the Subcommittee on Production and Stabilization. One of these amendments would have excepted from the provisions of that bill transactions in securities in accounts or commodities by a broker-dealer registered with the Securities and Exchange Commission.

I have now received a letter from the Chairman of the Securities and Exchange Commission giving the comments of the Commission with respect to this proposal. For the benefit of members of the Committee on Banking and Currency, the Members of the Senate, and all those who would be affected by the bill, I ask unanimous consent to have printed in the Record at this point the letter from the Securities and Exchange Commission dated May 1, 1964.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Securities and Exchange Commission,
Washington, D.C., May 1, 1964.

Re S. 750, 88th Congress, 2d session.

Hon. A. Willis Robertson,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

Dear Senator Robertson: This is in reply to your letter of April 18 with respect to the proposal of Senator Javits that transactions in securities in accounts by a broker or dealer registered with the Commission should be exempted from S. 750 which, generally speaking, requires the disclosure of finance charges in connection with the extensions of credit.

We understand from your letter that the basis for this proposed exemption is that rates charged by brokers and dealers are subject to regulation by the Commission.

In most instances, the extension of credit by brokers and dealers in connection with securities transactions is limited to transactions in securities on national securities exchanges by reason of the provisions of section 7(b)(2) of the Securities Exchange Act and the regulations of the Board of Governors of the Federal Reserve System thereunder.

With respect to interest charges for securities traded on exchanges, Senator Javits is correct in saying that the Commission has authority to require changes in exchange rules fixing reasonable rates of interest, and to this degree may regulate such charges. It is doubtful, however, whether this authority extends to transactions in commodities accounts since the Commission's jurisdiction in general relates to securities transactions and not commodities transactions. The latter are regulated under the Commodities Exchange Act, but we do not know whether interest charges are or may be regulated under that statute. This would be a matter for determination by the Department of Agriculture.

The New York Stock Exchange presently regulates interest charges on margin accounts indirectly by informally fixing minimum charges upon the theory that charging of interest at rates below these minimums is equivalent to a rebate of commissions. We understand that the informal minimum fixed by the exchange is one-half of 1 percent above the call money rate. As will be noticed, the exchange does not fix any maximum interest rate, and we have made no study of the actual rates charged. It would appear, however, that competitive factors in the securities industry would normally keep these fairly close to the minimum.

I believe that the Commission would have authority to require the disclosure of interest rates charged on margin accounts, if this were deemed necessary to prevent deceptive practices in the securities markets, but we have not found it necessary to do this. Generally speaking, we receive few, if any, complaints concerning the interest charged on margin accounts.

We would have no objection if the Committee chose to adopt Senator JAVITS' amendment, although, as pointed out above, it is doubtful if we have any jurisdiction with respect to interest rates on commodities transactions.

Sincerely yours,

WILLIAM L. CARY,
Chairman.

Mr. ROBERTSON. I thank the distinguished Senator from North Carolina.

DISARMAMENT IS NOW PROFITABLE

During the delivery of Mr. ERVIN's speech,

Mr. THURMOND. Mr. President, the distinguished and capable news columnist, Miss Edith Kermit Roosevelt, has written two very impressive and interesting columns which I am pleased to call to the attention of my colleagues. One which appeared in a number of newspapers around the country, including the Sunday Bulletin, of Philadelphia, on April 26, 1964, is entitled "Disarmament Is Now Profitable: 'Pugwash Lobby' Set Line Luring Business Support." The other is entitled "A New Foreign Policy," and was published on May 3, 1964.

I ask unanimous consent, Mr. President, that both of these columns be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DISARMAMENT IS NOW PROFITABLE—"PUGWASH LOBBY" SET LINE LURING BUSINESS SUPPORT

(By Edith K. Roosevelt)

WASHINGTON.—Prospects for fatter contracts for military producers are being dangled as bait to win business support for disarmament. This extraordinary twist has been given the disarmament program in order to enlist support by the present-day version of the munitions makers.

Ground Support Equipment, a trade publication for arms producers published in the Washington area, in its October–November 1963 issue, makes disarmament sound financially attractive. A full-page editorial declares reassuringly:

"Arms control does not mean disarmament * * * it is a new dimension in defense * * * it could mean an increase—not a decrease—in total defense spending."

The page is signed by Charles W. Covey, recently named vice president and editorial director of the magazine published by Compass Publications, Inc., Arlington, Va.

NEW APPROACH

Hitherto, arms control and disarmament were considered practically the same. Here the implication is that they are wholly different. This approach, in more direct English, points out that while disarmament eliminates weaponry, the facilities required for arms control would require even more costly equipment.

Ground Support Equipment carries a tempting list of past and current Government contracts for inspection systems and other disarmament technology. This was prepared by the U.S. Disarmament Agency staff.

To stress where profits lie, Arthur Barber, the Pentagon's deputy for arms control, is quoted as saying in a supporting article that "disarmament will not play a significant role in American industry, unless it is considered an integral element of corporate plans and operations."

The lure for the defense industry is plain: Reconvert your industry and you'll get contracts. No wonder Communist leaders boast that Western capitalists will conduct their own burial.

The offer of greater profits—if we abandon our paramount military posture—can be directly traced to policy-setting secret or semisecret international conferences. The line is laid down in the proceedings of the Pugwash Conferences. At these Conferences, the problem of business "opposition" to disarmament was taken up. A solution was found in the arms control proposition that would become more costly to the American public. Tax reduction is first to be dangled before American eyes under the long-range program.

MORE PROFITS

On December 3, 1960, at the sixth "Pugwash Conference" in Moscow, a Russian delegate, Prof. M. I. Rubinshtein, declared that American business might actually reap increased profits were this country to disarm. Rubinshtein, who is attached to the Institute of World Economics and International Relations in the Soviet capital, urged the "diversion" of our military-industrial complex into a war on poverty to do away with slums within 15 years and for expansion of peaceful industries.

In discussion with American delegates, he emphasized that a cut in taxes due to disarmament * * * should involve above all the taxes collected from the broad masses of the population" to stimulate "demand for the mass produced goods of popular consumption."

WORK OF LOBBY

Topmost figures in the United States who are now implementing this policy need not know the sources of the recommendations made to them. There are many channels available to the Pugwash lobby as they seek to divert the military-industrial complex by exerting pressure on the executive branch of Government and the Congress.

After all, it was Pugwash participant Dr. Harrison Brown and the late Trevor Gardner who developed the concept of the Disarmament Agency. Dr. Brown is a member of the panel of the Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics. Gardner was chairman of the board of Hycon Manufacturing Co. as well as a member of the Disarmament Agency's general advisory committee.

The same issue of "Ground Support Equipment" published a statement by Hycon President Kenneth E. Hunter that "data gained by military participation will aid in the development of arms control packages."

A CLEVER MOVE

What is extraordinarily significant is that this potentially fatal line, which makes cancellation of weaponry seemingly profitable, has made the jump from "peace" propaganda into industrial circles. This is a reflection of the behind-the-scenes activities taking place.

Some of the tactics used in inducing business support for disarmament are revealed in a report entitled "Behavioral Scientists and the Peace," submitted at the 10th Pugwash Conference, September 3 to 7, 1962, in London. After taking the position that our military-industrial complex "might oppose" disarmament on the grounds that it is an economic threat, the Pugwash report stated:

"A disarmament program must prepare for such reactions by creating new roles for those who have specialized in arms and fostering parallel vested interests in disarmament."

One of the Pugwash participants signing this report, a Dr. Charles E. Osgood, was simultaneously engaged in doing a $21,435 research project on "A Survey of Psychological Research on Peace and War" on a grant from the Department of Health, Education, and Welfare. He was later appointed to the Disarmament Agency's social science advisory board.

Obviously, researchers such as Dr. Osgood see no need for patriotism to place a limit upon the highly popularized view: "What is good for General Motors is good for the country."

Khrushchev agrees with them.

STRAY SHOT

Congressman Sludgepump's trouble is that people won't believe he is a serious presidential candidate even when he says he's not.

A NEW FOREIGN POLICY

(By Edith Kermit Roosevelt)

WASHINGTON.—Springtime made me meditate. The renewed life about me made me think how different the State Department might be.

An election year could provide some presidential candidate with the opportunity to present a serious, detailed program for a new foreign policy. In the past few years we have allowed Communist nuclear blackmail to maneuver us into a position of taking unilateral initiatives. A new approach must be found to the fatal alternatives in which we are now trapped. At present the choice seems between a nuclear world war III or current policy consisting of step-by-step concessions that can only result in surrender to communism in one form or another. We are witnessing what is actually a campaign by Washington with the conclusions predetermined. The word flexibility was first employed. But on closer inspection it did not mean flexibility but acceptance of Red demands such as recognition of Red China, unlimited trade with the Communists, and all the rest of it. Now the word "myths" is being applied to policies identified with the free world. This would be no alternative policy. It is outright capitulation.

A positive foreign policy that assured American security would have to envision the overthrow of communism and the liberation of the Red-dominated nations. The pursuit of a coordinated drive to halt Communist expansion and secondly to roll it back would have to embrace economic, political, and military means. The lesser or even greater part of this would have to be through third forces, not directly linked to us, what is called a "gray" operation. The semiofficial, gray approach is being used more and more by the administration in its domestic activities. This has nothing to do with Nehru or Tito's so-called neutralist third force. After all, this is a psychological war that is being waged against us primarily through the creation and use by the Communists of fronts. Why can't we sit innocently back while exploiting a few fronts ourselves?

All around the world such potential action awaits only the hint that the Washington government would be friendly to them and not actually hostile. The spirit of anti-Communist elements abroad must not be sapped by broadcasts everywhere that American customs officers are busy seizing the equipment of Cubans seeking only to emancipate their country. Similarly, we should never allow ourselves to be maneuvered into the present self-defeating situation when the whole world is witnessing the pressure of the United States being imposed to bring about the collapse of a well-led military coup in Laos against the Communists.

The first principle of a dynamic foreign policy should be that of the late Gen. George Patton—to keep the enemy always off balance. This requires that we have diplomats who think in terms of seizing the initiative instead of sitting back and waiting to respond to the initiatives of the enemy. Economically, it would involve the use of trade and aid in accordance with the so-called carrot and stick principle. Rewards would go toward those countries cooperating in this mutually beneficial policy. Punishments to those who did not. The futility inherent in the old line "no strings attached" should be recognized. An obligation should be made part of any deal in which we engage.

A valuable suggestion made by the House Committee on Foreign Affairs was that the executive branch of Government should press for the formation of a unified trade policy with our allies. But this should be designed to restrict the flow of Western goods to the Soviet bloc which strengthen its industrial and military capacity. It should marshal the economic resources of the West in support of Western aims. Possibly the North Atlantic Treaty Organization could implement such a policy. Our vast stockpiles could be put to effective use by upsetting Communist world markets.

Paramount, on the political side, is the enabling of freedom fighters, possibly volunteer detachments abroad, to organize without visible links to the United States. The training would include agitation and propaganda, methods of penetrating military forces, labor unions and religious and cultural groups. We would make such training also available to our own people. These tactics could be applied in areas under Communist influence and in the less developed countries. This approach to foreign policy has already the implied backing of those Congressmen who have introduced or supported bills to set up a Freedom Commission and a Freedom Academy. The concept of developing a rounded knowledge of psychological warfare is embodied in the bills H.R. 4 and S. 414 to aid in achieving these objectives.

The guerrilla warfare tactics which have proved so effective wherever the Communists have been on the offensive, in Cuba or in China, should certainly be adopted by ourselves. Otherwise the program of counterinsurgency pressed with such vigor by John F. Kennedy as President would make no sense.

So-called unconventional warfare methods could be used to back governments friendly to the United States. Military assistance, military advisers, and volunteers can play an indispensable role.

The effectiveness of these tactics depends on the proper staffing of the State Department. Only the Congress and the American people can see to that.

COMMUNISM AND THE NEGRO

During the delivery of Mr. ERVIN's speech,

Mr. THURMOND. Mr. President, on April 27, 1964, I placed in the CONGRESSIONAL RECORD a few articles quoting FBI Director J. Edgar Hoover and others on the infiltration of Negro civil rights groups by Communists. This material appears on pages 9184 to 9185. Since that time, my attention has been called to some additional articles which I feel merit the attention of the Congress, which has the responsibility and the authority to launch a detailed investigation of this entire matter, especially in view of the fact that the Senate is now considering legislation which has been inspired and promoted in large measure by Communist influences.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks the following articles: "The Voice of Authority" an editorial published in the Greenville News of Greenville, S.C., on April 27, 1964; "Reds and Civil Equality Movement," by Richard Wilson in the Evening Star, of Washington, D.C., on April 29, 1964; "Attack From Within," a column by Holmes Alexander from the News and Courier of Charleston, S.C., of April 27, 1964; "King Admits 'Reds Here and There,'" a UPI story published in the Nashville Banner, of Nashville, Tenn., on April 24, 1964; "Cambridge Negroes Get Paper Labeled 'Red,'" a news story from the Evening Star of May 4, 1964; an editorial from the Gamecock of the University of South Carolina of May 1, 1964, entitled "Communism and the Negro"; and an article entitled "Commies Laud Stall-in Effort," written by Jack Lotto, and which appeared in the Jackson, Miss., Daily News in May 1964.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News, Apr. 27, 1964]

THE VOICE OF AUTHORITY

FBI Director J. Edgar Hoover's testimony before a House subcommittee that Communists are involved in the civil rights movement is confirmation of what many southerners and others have been saying for some time.

But Mr. Hoover's words will be listened to with more sympathy because of his reputation as head of the Nation's crime and subversion fighting force.

He cannot be charged, as have the others, with prejudice in the matter or with seeking to protect himself or to justify a position. He is simply a public servant putting at the disposal of Congress the information his organization has gathered through its undercover contacts within the Communist Party.

His sober warnings are something the country has long needed. It is easy to discount in some quarters such charges when made by a Ross Barnett or George Wallace whose own irresponsible actions make them unqualified to speak with sincerity or impartiality on the subject. Mr. Hoover's words will be listened to with a respect that few others could command.

Not surprisingly, the FBI Chief's testimony has been angrily denounced by Martin Luther King as a smear. This civil rights activist knows only too well how rapidly public opinion would swing against him if it were proved that his group, or any of the myriad of other racial organizations, were strongly influenced by Communists.

And yet Dr. King himself provides at least partial confirmation of Mr. Hoover's contention. He declared that one Communist was discovered in the Southern Christian Leadership Conference and was forced to resign.

The public is entitled to know, we think, just who this man was, how much influence he wielded in the SCLC and for how long. It is also entitled to ask itself whether this is the full extent of Red infiltration.

A recent article by newspaper columnist Joseph Alsop throws some light on this subject. Alsop, it should be noted, is a liberal, a friend of the civil rights movement and no witch hunter. But he baldly states that "agents" of the Communist Party "are beginning to infiltrate certain sectors of the Negro civil rights movement."

Mr. Alsop mentions Dr. King specifically in his article. While praising Dr. King highly, he concludes with obvious sadness that "he has accepted and is almost certainly still accepting Communist collaboration and even Communist advice."

Mr. Alsop mentions one man by name, Jack O'Dell, whom he describes as a known Communist and who held positions in the SCLC until the late spring of 1963. He says that Dr. King finally dropped O'Dell "when he was warned by U.S. Government officials that O'Dell was the genuine Communist article."

But this is not the end of the matter, according to Mr. Alsop. Without mentioning names, he discusses another "even more important associate" of Dr. King's "who is known to be a key figure in the covert apparatus of the Communist Party."

After again receiving official Government warning, Dr. King dropped this man "but a second-hand connection nonetheless continues," Mr. Alsop insists.

The Alsop column appeared in print several days before Mr. Hoover's testimony was made public. To date we have seen no denial or angry countercharge such as followed the FBI Director's statement from Martin Luther King.

The matter is one of grave seriousness. These charges have been made before, in more sweeping and intemperate form, by other men. They have been largely ignored.

When they are made by one of our highest Government officials, and by a reporter who is friendly to the groups in question, they deserve serious attention by the public and Federal agencies.

We need more, and more detailed, information. If Mr. Hoover or anyone else can supply it, we hope they will do so immediately before the infiltration of these enormously powerful oganizations becomes total.

[From the Washington Evening Star, Apr. 29, 1964]

REDS AND CIVIL EQUALITY MOVEMENT—NEGRO LEADERS SHOULD SEE REVOLUTION DOESN'T BECOME VEHICLE OF DISORDER

(By Richard Wilson)

About a year ago it was pointed out here that there was reason to be concerned about Communist exploitation of the civil equality movement. This brought some complaints from Negro leaders, who thought that to connect Communist-inspired activities with their movement was only for the purpose of disparaging and defeating their just cause.

Negro leaders, however, might have learned from leaders of labor. The latter discovered long ago that they could neither operate their unions nor win general public acceptance so long as it appeared that the labor movement was being extensively used by Communist-oriented groups.

Today, it is much more evident than a year ago that Communist influence does exist in the equality movement, and this fact is more seriously evaluated by responsible Government officials. Lying back of this new recognition is something of a paradox. The Attorney General, Mr. Kennedy, has been both an ardent antagonist of Communist penetration and an ardent protagonist of equal rights for Negroes.

One ardency collided with the other. A condition arose in which the Federal Bureau of Investigation was convinced of the importance of Communist penetration, and the Attorney General was not. This contrast became most evident when the Attorney General conferred with certain leaders in the Negro movement whom he was seeking to recognize and persuade. What he heard from them shocked him, and it was only after the fact that he checked with the FBI to find that several with whom he had conferred had definite Communist associations.

FBI records also contained material showing that one of the most active leaders of the equality movement was being advised constantly by a man known to the FBI as a Communist, that this man wrote speeches for the leader and consulted with him in advance of civil rights demonstrations.

A new militancy has lately been noted in the equality movement. Some new groups have been formed which seem more inclined to violence or overt mass acts which might lead to violence. As a result of this some observers who a year ago would have scoffed at charges of Communist influence now are raising warnings about it. At the same time the attitude of the Attorney General more nearly corresponds to the attitude of FBI Director Hoover a year ago.

Mr. Hoover has spoken publicly. He said that it is known that Communist influence exists in the North and can be the means through which large masses are caused to lose perspective and, without realizing it, succumb to the party's propaganda.

What has been surprising is that the established Negro leaders whose motivations are above doubt would have taken such a passive attitude in this matter. Labor leaders once tried to sweep penetration of their unions under the rug until they discovered that it was they or the Communists who were going to control certain unions. Then there was a continuous drive against Communist penetration lasting for a decade and now the union movement as a whole is relatively free of Communist penetration and domination.

Something like this will probably have to happen in the civil equality movement, and it may be harder to do because emotions are more deeply involved. More than this, the nature of civil rights demonstrations keeps them constantly on the razor's edge of disaster, and this is all the more reason why Negro leaders should guarantee that a moral revolution does not become the vehicle for the kind of political disorder exploited by Communist activists.

Some officials have been late in correctly evaluating the risk. It is now more than ever essential that prudence and restraint be exercised. As so often happens, emotional extremism merely plays into the hands of those who would take no action at all to correct the ugly injustice to which the Nation had become accustomed.

In the end, however, the President, the Attorney General, the FBI Director, can merely exhort. It will be up to the responsible Negro leaders to clean their own house.

[From the Charleston (S.C.) News and Courier, Apr. 27, 1964]

ATTACK FROM WITHIN

(By Holmes Alexander)

WASHINGTON.—Never invaded by a foreign power since the War of 1812, the United States will be fighting the war of communism on its own soil this summer.

It is the better part of objectivity for a newsman to be leery about connecting Communists with every untoward activity, but he has an equal responsibility to shout "Red" when he sees it.

This country should be warned, and should be braced, for a Negro insurrection which is nothing less than a Communist invasion of American cities.

For the first time in a century, a rebel force will threaten people north of Gettysburg, where the Confederate armies were fought to a standstill in the bloody summer of 1863. But this is a rebel force under command of a foreign power.

We have had books and movies about grossly incredible treachery within the Joint Chiefs of Staffs. Reviewers, readers, and viewers have swallowed these yarns with relish. But the completely probable and reportable buildup of a Communist plot to defy our laws, terrorize our people and to light the fuse of revolution too often gets the brushoff, the horselaugh or the tone-down treatment. What has happened all over the world, we believe, can't happen here.

But stop and listen to the sizzling fuse.

Released for publication today (April 27) is a report that has been 4 years in the making by a joint committee of the Louisiana Legislature. It is signed by five State senators, five representatives, the staff director, and the committee counsel. Jack N. Rogers, the chief counsel, a Baton Rouge attorney, has sat down with me to detail the cracking of the case, its documentation, its survival against Communist suppression attempts in the State and Federal courts.

This report is not "McCarthyism," not a witch hunt, not a Red scare. It puts known Communists, those fingered by the FBI and by accredited witnesses, right in the agitation center of the Negro disturbance.

It links the Fair Play for Cuba Committee, a Castro front, by common membership to the Southern Christian Leadership Conference, the Student Non-Violent Coordinating Committee and the Southern Conference Educational Fund.

It ties Martin Luther King to Communist leaders like James Dombrowski, Benjamin Smith and Bruce Waltzer, all three under indictment for multiple violations of the Louisiana anti-Communist statutes.

Among numerous other documented exhibits it reproduces a photograph, taken in September 1962 of Dr. King at a meeting with Anne Braden, Carl Braden, and Dombrowski, all identified Communists.

It traces the Communist-led race riots, which began in the South and moved to the North, through a maze of names like Bayard Rustin and King which reappeared last summer in the march on Washington.

The same names and same organizations are now breaking back into the news as Red-led Negroes prepare to sabotage the traffic in 50 American cities, waste water, etc. The Louisiana report makes this summary:

"The infiltration of the Communist Party into the so-called civil rights movement through the Southern Conference Educational Fund is shocking and highly dangerous to this State and the Nation.

"Evidence before us is quite conclusive, that the civil rights movement has been grossly and solidly infiltrated by the Communist Party.

"Martin Luther King has closely connected his organization, the Southern Christian Leadership Conference, with the Southern Conference Educational Fund and the Communist personalities * * * King has cynically betrayed his responsibilities as a Christian minister and a political leader.

"The Student Non-Violent Coordinating Committee, from all the evidence before us, is substantially under the Communist Party.

"We urge those who have fallen into the trap * * * to honestly evaluate the solid evidence reproduced in this report and to repudiate the false leadership of the Communists."

The Louisiana report is a read-and-heed scenario of things to come.

[From the Nashville Banner, Apr. 24, 1964]

KING ADMITS "REDS HERE AND THERE"

SAN FRANCISCO.—Dr. Martin Luther King has accused FBI Director J. Edgar Hoover of helping southern racists and right-wing extremists smear the civil rights movement with Communist charges.

The Negro leader told a news conference Thursday that Communists may have drifted into the civil rights movement "here and there," but that they do not make policy decisions.

The Negro leader and advocate of nonviolence also:

Criticized the stall-in protest at the opening of the World's Fair in New York as "a tactical error at this time." He said demonstrations should take place only after the failure of good-faith negotiations.

Predicted that there will be civil rights demonstrations at both the Democratic National Convention in Atlantic City and the Republican National Convention in San Francisco this summer. However, he said he did not know what the size or the nature of the demonstrations would be.

King, referring to Hoover's testimony before a House appropriations subcommittee that Communists are exercising influence in the movement and seeking to exploit its leaders, said the FBI Director "has allowed himself to aid and abet the fallacious claims of southern racists and extreme right-wing elements."

He said his group investigates any leaders about whom it hears Communist charges and has caused the resignation of one.

But King said the more significant truth is the amazing lack of success that communism has had in winning Negroes, considering their desperate plight.

He said it is difficult to accept the word of the FBI on communistic infiltration in the civil rights movement when it has been so completely ineffectual in protecting the Negro from brutality in the Deep South.

King said it would be encouraging if Hoover and the FBI were as diligent in apprehending those "responsible for bombing churches and killing little children, as they are in seeking out alleged Communist infiltration in the civil rights movement."

An Associated Press story on August 8, 1963, pointed out that Bayard Rustin, arrested during Wednesday's World's Fair disturbances, and a former member of the Young Communist League, at one time served as secretary to Martin Luther King.

Part of the Associated Press dispatch on Rustin follows:

"'While leading one of the first freedom rides in the civil rights movement, I (Rustin) was arrested 12 times between New York and the South Carolina State line. I served time in North Carolina along with five of the youths who accompanied me on the ride.'

"Rustin said he was a religious objector during World War II and that this eventually brought on a prison term—'28 months in the Federal jail in Lewisburg, Pa.,' he said.

"Rustin stated that he has worked for Randolph for 30 years and that 'Mr. Randolph knows everything about my past.'

"Rustin spoke with pride about his civil rights fights that extend back as far as 1942, when he was field director of the Congress of Racial Equality.

"'I was secretary to Rev. Dr. Martin Luther King, Jr., from 1955 through 1960,' he said. 'I helped him organize the Southern Christian Leadership Conference.'

"'I have also been involved in many African rights fights,' he added, 'but most of all I enjoyed my work in attempting to ban the nuclear bomb.'

"He was one of five Americans who went to Russia under the sponsorship of a pacifist group, the Non-Violent Action Committee Against Nuclear Weapons."

[From the Washington Evening Star, May 4, 1964]

CAMBRIDGE NEGROES GET PAPER LABELED RED—RECEIPT OF NATIONAL GUARDIAN DEFENDED BY MRS. RICHARDSON

(By Brian Kelly)

A weekly newspaper branded as Communist propaganda by congressional investigators is being distributed through the Cambridge, Md., headquarters of Mrs. Gloria Richardson, leader of the Negro civil rights movement there.

The weekly National Guardian was described in 1956 and again in 1961 by the House Un-American Activities Committee as a publication that has "manifested itself from the beginning as a virtual official propaganda arm of Soviet Russia."

In reply to an inquiry, Mrs. Richardson said she was unaware of the charge, but even if the newspaper should be communistic she said she would permit it to remain on display.

"I would accept all points of view in my office," she said. Her followers are intelligent enough to evaluate Communist propaganda for what it is, she said, and they should be familiar with it in order to combat communism.

WELCOMES ALL VIEWS

The Negro civil rights leader said she also would welcome literature from the John Birch Society, or pamphlets supporting Alabama Governor Wallace's campaign in the Presidential primaries. "We want to know what these people are saying," she declared.

Mrs. Richardson added, however, that she would not tolerate a known Communist as a worker for the Cambridge Non-Violent Action Committee which she heads.

She said stories in the Guardian about civil rights are of chief interest to her and her followers. These accounts have been accurate, she added.

Mrs. Richardson also disclosed that she attended a testimonial dinner given by the Guardian last winter for Fred Shuttlesworth, whom she identified as leader of the Birmingham movement.

Mrs. Richardson said she sat at the head table at the dinner in a New York hotel at which Mr. Shuttlesworth and the leader of a Japanese peace movement spoke.

The National Guardian, she said, arrived unsolicited in the mail about 3 months ago. With it was a letter from the publishers explaining that they had obtained a grant enabling them to distribute the newsweekly to civil rights groups throughout the country.

Fifty copies of the weekly now arrive at her office regularly. They are placed on a display stand for any of her workers or visitors to read or take home free, she said, although normally, it sells on newsstands for 20 cents a copy.

"We put them up there in case anybody wants to read any articles in them," she said. No attempt is made to distribute the publication outside of her office, she added.

In a 1956 report, the Un-American Activities Committee called the Guardian an evident propaganda arm; "although it denies having any affiliation with the Communist Party."

SPONSOR ACCUSED

The same report said the weekly was established in 1947 by the American Labor Party, which itself has been accused of having Communist ties. The Guardian's circulation was more than 29,000 in 1961, the committee reported.

The 1956 report declared, "in the pages of the National Guardian everything emanating from the Kremlin is humane, civilized and progressive, while the United States reeks with racial discrimination, exploitation of labor, corruption, war hysteria and whatever else good citizens should detest."

In 1955, Cedric Belfrade, the Guardian's editor and founder, was deported to his native England by the United States Government on grounds that he had been a member of the Communist Party, the committee noted in 1961.

James Aronson, its present editor, and general manager Russ Nixon have invoked the 5th amendment before Senate and House committees respectively concerning any possible ties of theirs.

Recent issues of the Guardian have carried dispatches from Red correspondent Wilfred Burchett, who writes with the dateline, "Inside Liberated Zone of South Vietnam"—or the area held by guerrilla forces of the Communist Viet Cong.

The monthly Review, a second publication available in Mrs. Richardson's office, is coedited by Leo Huberman, who has testified before the HUAC. He is a "Marxist and Socialist" but not a Communist, according to his testimony.

The Review describes itself on the front cover as "an independent Socialist magazine." While it normally sells for 50 cents, visitors may have it free, Mrs. Richardson said.

[From the Gamecock, May 1, 1964]

COMMUNISM AND THE NEGRO

Attorney General Robert F. Kennedy and FBI Director J. Edgar Hoover are in direct contradiction over the question of Communist influence in the Negro movement.

In a response which the Attorney General made to the Commerce Committee when he was queried about Communist influence in the black man's movements and demonstrations, he described Communist infiltration efforts as being remarkably unsuccessful, and whitewashed Martin Luther King and other Negro leaders of connections with Communists.

Hoover, in his January 29 testimony before the House Appropriations subcommittee, said, "Communist influence does exist in the Negro movement, and could play an important role in swaying masses without their realizing it."

He also added that the Communist Party tries to expand its influence among Negroes, and particularly has sought ways and means to exploit the militant forces of the Negro civil rights movement. The party, Hoover said, tries to use what are often legitimate Negro complaints and grievances for the advancement of Communist objectives.

The FBI chief also stated that the number of Negro recruits who might be attracted to party membership is not the important thing. He cited the old Communist principle: "Communism must be built with non-Communist hands."

A confidant of the Attorney General has revealed in a recent column that the infiltration of the Negro movements is a very serious matter. He reported further "that the subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. Yet he has accepted and is almost certainly still accepting Communist collaboration and even Communist advice."

Who is catering to the favor of the electorate and who actually knows the ropes?

[From the Jackson (Miss.) Daily News, May 1, 1964]

COMMIES LAUD STALL-IN EFFORT

(By Jack Lotto)

The Communist Party this week hailed as a success the World's Fair stall-in which flopped, and warned it could be a prelude to citywide and national stoppages.

James E. Jackson, a member of the ruling national committee of the Communist Party and director of the party's Negro agitation program, said there can be "no principled objection to supporting the stall-in."

Most civil rights and Negro groups opposed the stall-in called by a minority of ultramilitants.

Jackson, playing the uninvited role of champion of Negro rights, sounded the warning of stoppages in factories, cities, and ultimate nationwide chaos unless Negroes get full and immediate civil rights and job opportunities.

In a statement spread across the entire front page of the Worker, official Communist Party publication, Jackson declared:

"The stoppage of traffic before the main entrances to the World's Fair in New York is in the same family of tactics with work stoppages in factories. * * * Negro leaders, moving under the creative inspiration of mighty masses in motion, and adding new chapters to their book of strategy and tactics. * * * new methods are employed.

"The traffic-stopping demonstration for civil rights enacted in New York on World's Fair Day, unlimbered a form in the nonviolent struggle which can become a city-stopper in Birmingham or Washington on another day.

"We believe it is possible to secure economic, political, and social justice to the Negro people short of bringing all the wheels of the country to a halt. But if that should be what it would take to secure to the Negro people their rightful share in the democracy, that is what will be."

In enunciating the "strategy of chaos," Jackson declared there will be "no abatement in the militancy or scope of the struggle" for civil rights. It will, he warned, rise to embrace "ever higher revolutionary actions," which will, he asserted, attract increasingly wider popular support among whites.

He said Negroes want the support and cooperation of white Americans in the civil rights struggle but "not permission" to fight for these rights.

Jackson insisted those who militantly conduct such demonstrations as sit-ins or stall-ins do not injure the civil rights movement, but do it a great service.

The Communists, of course, for many years have tried to create Negro-white animosity and exploit for their own purposes the civil rights problem.

They have tried without much success to recruit large numbers of Negroes into their ranks with intensive and extensive agitation and propaganda.

RECOGNIZED REDS

There were some Communists and known pro-Reds active in the current demonstrations. One of the vocal leaders of the World's Fair stall-in has also been heading Harlem rent strike activities in New York City. He has been identified under oath as a member of the Communist Party. He took the fifth amendment when questioned in 1960 by a congressional committee.

Another leader—active in pro-Communist pacifist affairs for years—was identified by FBI Director J. Edgar Hoover as an invited guest at the closed convention of the Communist Party in 1958.

Mr. Hoover in congressional testimony released a few days ago told a House Appropriations Subcommittee, "Communist influence does exist in the Negro movement."

Hoover said the Reds try to use what are often legitimate Negro complaints for the advancement of Communist objectives.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments (No. 560) offered by the Senator from Kentucky [Mr. MORTON], on behalf of himself and certain other Senators, to the amendments (No. 513) offered by the Senator from Georgia [Mr. TALMADGE], on behalf of himself and certain other Senators.

Mr. MORTON. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Kentucky yield—with the understanding that he will not thereby lose his right to the floor, and that all his other rights in that connection will be protected—so that I may suggest the absence of a quorum?

Mr. MORTON. With that understanding, and for that purpose, I shall yield.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MORTON. Very well; I yield.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 198 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Goldwater
Gore
Gruening
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. MORTON. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MORTON. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington for an insertion, with the understanding that I will not lose the floor.

The ACTING PRESIDENT pro temport. Without objection it is so ordered.

ROBERT A. LOVETT GIVEN 1964 SYLVANUS THAYER AWARD

Mr. JACKSON. Mr. President, in recognition of his exceptionally meritorious service to his country in war and peace, Robert A. Lovett was given the 1964 Sylvanus Thayer Award by the U.S. Military Academy's Association of Graduates. The award was presented on May 2 at West Point, where the Corps of Cadets conducted a brigade review in honor of Mr. Lovett.

No American is more worthy of this award, which comes from the officers with whom Mr. Lovett worked for so many years. I commend to my colleagues and to the American people the wise and important words spoken by Mr. Lovett in receiving this honor.

I ask unanimous consent to have printed in the Record at this point the special order on the occasion of the receipt of the Sylvanus Thayer Award by the Honorable Robert A. Lovett, together with the text of his address at West Point, May 2, 1964.

There being no objection, the statement and address were ordered to be printed in the Record as follows:

Brigade Headquarters,
U.S. Corps of Cadets,
West Point, N.Y., May 1, 1964.

Special Order No. 10

1. The U.S. Corps of Cadets wishes to acknowledge its high esteem and admiration for the Honorable Robert A. Lovett who today receives the Sylvanus Thayer Award in recognition of his exceptionally meritorious service to his country in war and peace over the past half century.

2. With unsurpassing devotion to the national interest he served as a naval officer during World War I, as Assistant Secretary of War for Air in World War II, as Under Secretary of State and an architect of the Marshall Plan, as Deputy Secretary of Defense, as Secretary of Defense during the war in Korea, as a personal adviser to the late President John F. Kennedy, and as a participant in national and international policymaking.

3. He has discharged these public trusts with great distinction and complete fidelity to the West Point ideals of duty, honor, country. We have no higher accolade with which to honor a fellow American than this.

4. Among Mr. Lovett's awards are the Navy Cross for combat flights over Europe during World War I, the Distinguished Service Medal for services in World War II, and the Presidential Medal of Freedom awarded him last year.

5. It is with great pride that the Corps of Cadets offers its salute to the Honorable Robert A. Lovett in the review on the plain today.

Richard A. Chilcoat,
Cadet Captain,
Brigade Commander.

Address of Hon. Robert A. Lovett at U.S. Military Academy, West Point, N.Y., May 2, 1964, Upon the Receipt of the Sylvanus Thayer Award

General Lampert, General Groves, graduates of West Point, gentlemen of the Corps of Cadets, ladies and gentlemen, few events in my life have given me as great pleasure and certainly none is more deeply appreciated than the award of the Sylvanus Thayer Medal. I thank you most sincerely for it. I am keenly aware of the honor thus done me by the Association of Graduates. I am most grateful to all of you for your generous thought of me, and I am profoundly touched by today's events and your heartwarming courtesies.

I must confess my enjoyment is heightened by knowing the honor comes from a group with whom I have been closely associated in my several periods of government service. My first experience with West Point graduates occurred some 47 years ago in France in World War I. Since then I have observed graduates of this Academy as they met the crucial tests of three wars. I have seen them in battle, worked with them in the field and at the conference table, and I have sat with them as participants in the councils of peace. Against such a background, measurements can be made with some assurance, and I must say to you that I have never met a group of men more dedicated to the service of their country, more dependable and faithful to their trust, or more competent and capable of discharging the responsibilities vested in them. And to these characteristics, I must add generosity of spirit—a quality of which I am the fortunate beneficiary today as I have been in other circumstances in the past.

In three tours of duty in Washington, I came to know many of these fine officers in a manner made possible only by shared problems and frustrations, heavy responsibilities and endless hours of working together. I acquired for the code and discipline which molded them a feeling of esteem and respect and, for the men themselves, a trust and friendship for which I will be grateful until the day I die. For these very personal reasons I am especially moved by today's ceremonies.

In this center of military education which, under Sylvanus Thayer, became the fountainhead of American technology, I would like to take note of the increasing tempo of the revolution now taking place in military professionalism and, with your indulgence, make a few observation on it.

I will be as brief as possible, partly because I recognize that boring you excessively would be a poor return for your kindnesses to me; and partly because every time I get ready to sound off about something, a few lines of a light-hearted prayer by an unknown author pop into my head. The prayer is entitled, with chilling aptness, "Prayer for those growing old"; and the lines are "Keep me from the fatal habit of thinking I must say something on every subject. Release me from craving to straighten out everyone's affairs. With my vast store of wisdom and experience, it seems a pity not to use it all, but Thou knowest, Lord, that I want a few friends at the end."

I have been trying for years to think of some nice and uncritical things to say about growing older. I can only think of three: First, is the judgment attributed to Maurice Chevalier who, when asked on his 70th birthday, how it felt to be that old, replied with Gallic realism, "It is better than the alternative." Secondly, and seriously, there is the advantage of seeing matters in better perspective. Many things a younger generation takes for granted actually represent major achievements frequently running contrary to previously accepted doctrine. For example, it seemed unlikely that an army could be ready at one and the same time for nuclear war, as well as conventional war of all types—yet, this is exactly what Army units are being trained for. I would have predicted that the lengthy assignment of U.S. troops to stations in foreign countries would create more problems than it would resolve—and I would have been wrong. I compare your current curriculum with mine in college and wonder whether I ever would have graduated in these days. In short, the sense of values grows more acute with time, and I conclude from a clearer perspective, that the current achievements of the Army and of yours should be a matter of pride to everyone—and not taken for granted.

And thirdly, with the accumulation of experience over the years, it is easier both to identify and to evaluate change. The thoughtless person is apt automatically to identify change with progress. Yet, we all know that what is new or different is not always for the better. Change—and relatively rapid change at that—is inevitable. Since it is the first law of nature, we must reckon with it but in doing so it is essential that we see not only the gains to be made but also the price to be paid. If we do that, we frequently reduce the price by preserving more of the things that are worth preserving. High among the latter, I put the great traditions of West Point. And I include in the list, mutual confidence and respect between civilian officials and military officers which have proved to be essential to real progress under our system of government.

The military profession is currently experiencing so rapid a change it can fairly be called a revolution—particularly since it has some internecine characteristics. Some unsung modern Thayers have seen the wider horizons which must now concern the professional military officer with the result that the Army curriculum already reflects increased emphasis on nonmilitary areas of study and on postgraduate work. This is, of course, a response to the dilemma which confronts all professional men; namely, that there is "much too much they need to know and too little time in which to learn it." Dr. Vannevar Bush, of Massachusetts Institute of Technology, says "the doctor, the architect, or the chemist cannot possibly know all he needs to know for his professional work. Hence, he needs to know how he can find out. More important, he needs to be able—genuinely, honestly, and generously—to collaborate with those who know more than he on diverse aspects of problems as they arise."

In the difficult professional career on which you have already embarked, you will never be finished with learning. Indeed, it seems clear that demands on you in the future will be more varied, responsibilities heavier, and the need for breadth of training and experience greater because decisionmaking today involves the use of a wider diversity of special skills and knowledge than ever before. Much of the decisionmaking is in fields where there is no tested, actual experience. Much of it is a question of assessing economic, social, political, and ideological considerations.

In the cold war, the devising of proper action depends on the contribution of many types of experts—not just one. The military professional is a most important contributor to the discussions of our problems for a reason not always recognized by the Government and the public he serves. The professional career officer, owing to his skills and his commitments, accepts a higher degree of responsibility than other citizens and voluntarily gives up certain of the privileges of a private citizen. You serve in an ancient profession with special disciplines because, as Lt. Gen. Sir John Hackett has said, "the function of the profession of arms is the ordered application of force to the resolution of a social problem."

This fact places you in a unique category of public servants and in a most select rank of profession. Because of the nature of your duties and responsibilities, you are, in effect, trustees and custodians of the armed power of the American people. You are, therefore, in a fiduciary relationship by reason of having this awesome power entrusted to you. No greater evidence of confidence and faith could be reposed in you. No greater compliment could be paid you.

Military advice is only one—although, on occasion, the most necessary—type of guidance needed today and the decisionmaking process involves a system of checks and balances in the executive branch deliberately designed to keep any one economic or social group or any one governmental department from becoming dominant. Therefore, every judgment made at the decisive level requires a weighing of several often conflicting and competing factors.

For these reasons, the ability of the military expert to give wise advice—and to get it listened to by policymaking officials—depends in great measure on his possessing knowledge in key nonmilitary fields and in seeing issues in broad perspective. For example, the military expert should be able to spot instantly the phony or slanted economic theory or financial policy advanced in arguments. He must, of course, be adequately prepared to look askance at any exaggerated claims—whether for a weapon or a course of action—even when made in the exalted name of "scientific methods." It might, in such cases, be useful to remember the rather sly question, attributed to some doubting disciples, as to whether scientific methods applied to horse breeding to improve transportation could ever have produced the modern automobile engine. After all, human will, creativeness, and talent must be given credit for something by somebody.

Furthermore, the military officer should be ready to identify and evaluate the impact of the swings in politico social emotions and fashions which are so frequently the affliction of our national security and foreign policy. It is these factors which so largely influence us and produce those weird reversals and grotesque lurches that give us a policy often referred to as "crisis oriented" but which can, I think, be more accurately described as the "Yo-yo system"—that is, you throw it away one minute and snatch it back the next.

In short, the military career officer must be highly skilled in his own profession, but he cannot afford to become trapped in narrow professionalism. Nor, indeed, can his country permit him to do so.

General Eisenhower—a most distinguished predecessor in the Thayer Award—in his farewell message as President made a statement strangely overlooked by most commentators—who pounced so eagerly on his reference to the dangers of a "military-industrial complex"—yet neglected advice of equal or greater weight. He wisely—and also pointedly—said "in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

The noted British writer, C. P. Snow, himself an eminent scientist, similarly warned against the danger of a scientific overlord—against a scientist in a position of isolated power.

What is true of the scientist is true of the military expert. It is not the unwarranted power of the scientist or of the military officer or of any other expert that is now cause for our concern. Isolation is what creates the real problem—that is, power insulated from competing skills or the claims of other groups for recognition of possible alternative courses of action. Consequently, if "knowledge is power," as the old axiom tells us, then insulated knowledge fails to meet fully our needs in the making of public policy.

I believe the time has come for a new Thayer-like breakout from the relatively narrow concept of the military profession and rigid doctrines held by my generation into studies of wider scope. In particular, we must develop a faster response to the technological and scientific revolution with its resulting impact on strategy and doctrine. I am convinced that this extension of proper military concern can best be built on the firm foundation of the military sciences and of the discipline and high standards of character based on the great traditions of this magnificent Military Academy and those of its sister services. For the virtues nourished here are your priceless inheritance from the Long Gray Line and must remain one of the few unchanging values in a radically changing world.

I submit, gentlemen, that only an expanding mind can deal with a world of expanding complexities; and that broadening your horizons will not diminish the value of your special military skills but will, on the contrary, enhance their validity and usefulness in those great councils of Government where, as servants of the Republic, you will sit as keepers of the faith and guardians of the peace.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MORTON. Mr. President, with the understanding that I shall not lose the floor—and I want to reach a vote on my amendment—I yield to the Senator from New York [Mr. JAVITS].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I should like to make one point about the debate. Senators who are opposing the Morton amendment and the Talmadge amendment are being referred to as illiberal, and charged with wanting to deny people the right of jury trial. I have made the point time and time again that Congress has looked after the matter very fairly by permitting the court to make its own mandate in contempt cases, aside from the 1957 Civil Rights Act, which is essential to the preservation of the courts. And the maximum penalty which the court may impose without a jury is now fixed, by the Supreme Court decision in the Barnett case, at what is adjudged the penalty for a petty offense. Therefore we have an automatic system of law which is fair and just.

For that reason I should like to quote from the colloquy between the Senator from Alabama [Mr. HILL], who is in the Chamber, and the Senator from Mississippi [Mr. EASTLAND], who is also in the Chamber, as shown in the RECORD of April 30. The Senator from Alabama read to the Senator from Mississippi with great approval from the minority opinion of Justice Black in the case of Green against United States on the question of whether in criminal contempt cases there should be a trial by jury. The Senator from Mississippi, who is very much for the Talmadge amendment, said with respect to this, in very fine support of Justice Black, as appears on page 9653 of the RECORD:

> Mr. EASTLAND. I agree. The reasoning is self-evident. It is bound to be correct. It is logical, and there is righteousness in every single line that is stated.

I recall the colloquy I had with the Senator from Mississippi back in 1962 when he placed in the RECORD a table of the decisions of Justices of the U.S. Supreme Court. I read from the CONGRESSIONAL RECORD, volume 108, part 6, page 7604. He said this:

> If the decision of the individual judge was in favor of the position advocated by the Communist Party, or the Communist sympathizer involved in the particular case, it was scored as pro, meaning pro-Communist. If the judges' decision was contrary to this position, he was scored as con—or contrary.

When one looks at the table, he will find that Judge Black in his dissenting opinion in the Green case was scored as "pro." Yet, while in 1962 this was said to be a pro-Communist opinion, in 1964 it is considered right, and every single line is approved by the Senator. It is a bit amusing, but that is not the point I wish to bring out. I am not trying to bring that to the attention of the Senate. The point is a very fundamental one. The point is that the scheme of jurisprudence is in balance, if we let it alone subject to the terms set down by the

Supreme Court, or even if we pass the Dirksen amendment, which is offered as enacting the Supreme Court's terms. So it is that kind of decision which the Senate should take.

It has an important bearing upon the Senate's decision on this debate. I hope that both the Morton and the Talmadge amendments will be rejected.

Mr. MORTON. I yield briefly now to the junior Senator from Iowa [Mr. MILLER] under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I am a cosponsor of the pending perfecting amendment. I joined in this amendment because I believe it offers the opportunity in the Senate to change the law in a desirable respect. There is no question of constitutionality involved. The question has already been handled by the Supreme Court. If Senators are content with the constitutionality of the Supreme Court decision, they will not want to modify the bill at all on this point.

The House-passed bill, so far as the jury trial amendment is concerned, agrees with the Constitution as interpreted by the Supreme Court. That does not necessarily mean that the U.S. Senate should agree with it. There are different ways and powers to change it. We have power to modify that opinion to provide for a jury trial if a judge in a criminal contempt sentences a man to 30 days in jail. We can amend it to 15 days. We can amend it to 1 day. This proposal provides that if a judge decides to penalize a person for criminal contempt by putting him in jail at all, that person shall have a right to trial by jury.

I have said previously that I do not want to see something happen that is going to defeat the purposes of the bill. I am persuaded that the deterrents of civil contempt, which can take the form of unlimited detention, will accomplish the task.

It seems to me that the argument about irremediable wrongs which has been advanced by the opponents to this amendment——

Mr. HUMPHREY. Mr. President, let us have order in the Chamber.

The ACTING PRESIDENT pro tempore. The Senator from Iowa will suspend until there is order.

Mr. MILLER. If indeed there is to be an irremediable wrong, perhaps as a theory, a judge ought to have some power of punishment. That does not necessarily mean that the judge must have the power of incarceration. Perhaps a fine is enough. But I am not persuaded that there will be very many irremediable wrongs. I think the argument is greatly overdone. Granted that if a person who seeks to vote goes to the polls 5 minutes before they close and he is stopped from voting, there would be perhaps an irremediable wrong. But if that person goes to the polls at an earlier time in the day and is stopped from voting, I rather fancy that a district judge with the power of civil contempt could work pretty fast. In the April 26 issue of the Sunday Star, the lead editorial, entitled, "Contempt" lays the whole problem out in an excellent manner. It emphasizes what I am afraid has not been emphasized enough—that people are not making a distinction between civil and criminal contempt.

Mr. President, I ask unanimous consent that the article published in the Sunday Star on April 26, 1964, entitled, "Contempt," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONTEMPT

The Senate is beginning to talk in terms of "compromise" in the matter of a jury trial for anyone accused of criminal contempt of court under the pending civil rights bill. The suggested compromise is at least an improvement over the comparable provision in the bill which passed the House. Nevertheless, we are against it.

We are against it because the issue, or the right, involved here is too fundamental to our liberties to be the victim of a political deal, which is what this compromise really comes down to. Once a man has been accused of a crime—and a charge of criminal contempt is a criminal charge—his constitutional right to a jury trial ought not to be traded off by politicians for the sake of votes in the Senate, or to avoid a filibuster, or to dodge a tough decision on invoking cloture, or for any other reason.

The proposed Senate compromise is a compromise only in the sense that it quibbles with the House penalties for criminal contempt. Under the House bill there could be a jury trial if the penalty exceeded a $300 fine or 45 days in jail. Under the Senate compromise the fine remains the same, but the maximum jail sentence drops to 30 days. What nonsense.

The civil righters argue that southern juries (why only southern juries?) would not convict a white man of criminal contempt. Possibly this is true. But it is also true of other crimes. What about the two hung juries in the Medgar Evers murder case? Do these failures to convict justify a third trial of Byron De La Beckwith without a jury? We don't think so.

This argument is one which overlooks a very important point. It is a point which cannot be stressed too strongly—the difference between civil contempt and criminal contempt.

If anyone refuses to obey a lawful court order, issued pursuant to the civil rights bill, which we hope will be passed, he can be sent to jail for civil contempt by a judge without a jury. And he can be kept in jail until he complies with the order. It might be 30 days or 45 days, or it might be 10 years. The justification for this is that judges must have the means to obtain obedience to their lawful orders. There is no question here of juries. And we think there is little doubt that a civil rights bill can and will be enforced through civil contempt proceedings. For the only way a man in a civil proceeding can get out of jail, if he refuses to obey an order, is to do what the judge told him to do. This will be a very effective sanction.

Criminal contempt is something else. It is a fiction which judges have invented to enable them, without a jury, to punish someone for what they consider to be a past violation of one of their orders. Unless this country wants to invite judicial tyranny, no judge should have such power.

Justice Black, in the recent criminal contempt case against Governor Barnett, said the denial of a jury trial means that a judge "has concentrated in himself the power to charge a man with a crime, prosecute him for it, conduct his trial, and then find him guilty." He added, and we wholeheartedly agree: "It is high time * * * to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury."

No one could put it better. We hope the Senate, instead of winding up with a cheap "compromise" because it is afraid of some voters, will insist upon jury trials in all cases of criminal—as distinguished from civil—contempt.

Mr. MILLER. Mr. President, this amendment is designed to provide a jury in all cases of criminal contempt, so that judges will know that if they exercise unduly arbitrary discretion in trying to punish for what they consider to be a violation of their orders, the person in order to be punished by incarceration must be furnished a trial by jury. But at the same time, the amendment makes it clear that this does not affect the unlimited power in civil contempt.

I think it is a good amendment.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MORTON. I yield.

Mr. MORSE. On July 23, 1957, and on July 26, 1957, I discussed at length my position on the jury trial issue.

I ask unanimous consent that certain excerpts which I shall select from those two speeches be inserted in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 23, 1957]

CIVIL RIGHTS AND CIVIL REMEDIES

(Excerpts from remarks by Senator MORSE)

THE COURTS—DEFENDERS OF LIBERTY AND CONSTITUTIONAL RIGHTS

Neither have I been moved in the slightest by comments during the debate which would seek to leave the impression that we cannot trust the courts. As a lawyer I am deeply convinced that the preservation of human liberties and civil rights are more dependent upon the courts functioning under the Constitution, with the checks upon the courts provided by the Constitution, than upon any other kind of procedure.

Therefore, not one word shall I utter in this historic debate, which will be read by my descendants, which will in the slightest degree imply that the senior Senator from Oregon does not have complete faith in the great Anglo-Saxon system of jurisprudence, written indelibly and emblazoned in the Constitution for the protection of the very rights in defense of which I raise my voice today.

As a Legislature we owe it to the courts to give them the legislative implementation necessary to carry out the administration and effectuation of those rights.

Part III, I respectfully submit, goes a long way toward accomplishing it. Yet the proposal is to strike out the heart of part III. If we strike it out—again I say this most respectfully—we strike at the Supreme Court of the United States, in effect. We help those who would use the argument that Congress, as indicated by the action it took on part III, was not ready for the legal carrying out, by judicial processes, of the decision of the Supreme Court on the school problem.

I wish to stress that point, Mr. President, on the floor of the Senate, as I have in the cloakrooms, because there have been those among my colleagues who do not share my view on the importance of retaining part III. They are overlooking the fact that if they succeed in striking part III, they will set back the day when the schools of America will be nonsegregated. Until they are nonsegregated, we cannot say to the rest of the world that first-class citizenship prevails in America; any more than we can say to the rest of the world, that first-class citizenship prevails in America unless we bring an end to the denial of civil rights in other fields of behavior in our body politic, and until we end the discriminations which cannot be reconciled with the 14th and 15th amendments.

The great guardian of the Constitution, the legal interpreter of the Constitution, is the Supreme Court, which is coordinate and coequal with Congress and the executive branch of the Government.

In my judgment, we have no right to follow a course of action in the Senate which can possibly be subject to the historic interpretation that this Congress was not ready and willing to provide procedural implementation to carry out the Supreme Court decision on the segregation issue.

This is no time to substitute legal forms for substantive legal rights. This is no time for legislative sleight of hand which seems to give a needed civil right protection in one hand only to snatch it away with an emasculating dilatory procedural tactic. This is no time to offer the colored people of America a plausible fine sounding slogan called "The right to vote," only to find it an empty shell with its original germinal yolk removed and inert distilled water substituted.

Let us never forget that the basic cause of our civil rights problem is to be found in the hearts and attitudes of people, spelled out in their prejudices. Likewise, let us never forget that one of the great strengths of our system of government by law is to be found in the protections which our constitutional forefathers wrote into the Constitution to protect not only minority groups from the prejudices of the majority, but to protect the majority itself from its own prejudices. This maxim that we bespeak so frequently about our Government being a Government of laws and not of men would soon become meaningless if there had not been built into the foundations of our constitutional system great procedural checks that frequently have protected the majority from self-destruction so far as maintaining the precious rights of self-government is concerned.

It does not follow that under our system of representative government, under all circumstances and in respect to all issues, the will of the majority is to prevail. Theoretically, after all procedural checks with their time-consuming guarantees for sober reflection and public discussion have been carried out, a majority of the American people acting through the constitutional amendment procedure, could deny under the Constitution equality of rights to some one or more minority groups based upon race, color, or creed. But, as I have already pointed out, each one of us knows that to argue the probability of such a constitutional amendment would be pure fantasy. Thus, we are confronted in this historic debate with the situation on the one hand where there is common agreement that the American people would never adopt a constitutional amendment legalizing the beliefs of anti-civil rights by way of constitutional amendment.

On the other hand, we are confronted with the fact that equality of constitutional civil rights is being denied to millions of our fellow Americans and proposals are being made in this debate to weaken and circumvent the arm of the Federal Government that has the constitutional duty, to enforce the protection of those civil rights.

I realize that it is easy for those of us in the legislative branch of the Government to victimize ourselves by yielding to the temptation of assuming that civil rights are for legislative determination; but they are not. In a very real sense, Congress does not and cannot through legislation create civil rights as that term should be used in its constitutional sense. Those rights as now existing, as I have previously implied. Can change only by constitutional amendment. I say respectfully that those among us who would deny those rights by massive resistance on the part of the people of a community should not be aided and abetted by attempted legislative escape exits, but should be asked to propose constitutional amendments calling upon the American people as a whole, through the amendment procedures of the Constitution, to sanctify legally their racial biases and desires for legal discrimination based upon race, color, or creed.

We all know what would happen to any such proposal for constitutional amendment. Yet at the heart of the great civil rights issue involved in this historic debate is the fallacious assumption on the part of many that the determination of an individual's civil rights under our constitutional representative form of government falls within the purview and jurisdiction of the Congress. I deny it.

We can enact legislation setting up fair and reasonable and constitutional procedures for administering through governmental processes civil rights, but we cannot by legislation deny equality of civil rights; neither, in my opinion, should we attempt to legislate procedures which would permit groups of citizens to take the law into their own hands by rendering verdicts or official judgments that can, through the form of considering the violation of a court decree in a civil rights case by a given individual, circumvent or deny those rights in substance and fact.

COMPARISON WITH LABOR INJUNCTIONS

They argue with vigor and some initial persuasiveness that the bill would revive the shameful abuses of the injunctive power which led to the enactment of, first, certain provisions of the Clayton Act in 1914 and thereafter to the Norris-La Guardia Act in 1932.

Our colleagues cite to us the arguments of great liberals such as Norris, Walsh, and Borah. They are names to conjure with.

The labor injunction, and the history of its abuse are subjects with which I can claim some familiarity. As dean of the University of Oregon Law School, I taught a course in administrative law and legislation which included an analysis of the law of labor injunctions. A major part of my experience as a lawyer and arbitrator concerned labor controversies. My work in the Senate as a member of the Committee on Labor and Public Welfare has included active participation in the committee's consideration of both the Taft-Hartley Act and the 1949 proposals for its revision. Chief among the controversies involving both measures were the employment and procedures of injunctions.

The opponents argue that the labor injunction and the present proposals are analogous, and that the abuses of the former can be renewed if we enact the injunction provisions of the pending bill.

Mr. President, argument by analogy is a useful tool. It is a favorite device of the legal advocate. Analogies, however, are no better than the similarities of the things compared. Is employment of the injunction in a labor dispute analogous to its possible use in a case involving denial of the rights of citizenship by official action or by the conspiracy of private persons?

In the first place, a labor dispute involves opposing parties in interest to an economic controversy. An employer and a union, in a strike or boycott situation, have competing interests—usually economic, but sometimes a step removed from direct economic interest, such as in a dispute over the justification for dismissals or promotions of individuals. These, too, are economic, even if once removed.

Is that the case in a civil-rights controversy? First, let us consider denial by a local official of the right to remain registered to vote. Are the competing interests similar to those in a labor dispute? Clearly, the interests of the local official are not the same as those of an employer or employees. The local government official, if he is honest, does not have any economic stake in the problem.

What is the economic interest of a local official in the removal of Negroes from a jury list? He has none. What is the economic interest of a sheriff who refuses to protect a Negro prisoner or the sanctity of the deliberations of a jury? He has none.

Can it be said that a conspiracy of private citizens presents a different set of rights or interests? Search as I might for a distinction, I cannot imagine what substantial interest, let alone direct economic interest, such conspirators could have.

A civil rights case is not a private suit between private individuals. Rather, it is a proceeding to determine the rights of individuals and groups under the Constitution and the laws enacted for the enforcement of the major amendments. It is, in effect, a proceeding in which the public—yes, the Republic—has a vital interest.

In such cases, as in many other fields of public interest, the Federal Government is at least a party in interest, and can appropriately be the plaintiff. What of the defendants? They have no direct economic stake in the outcome. They may be public officials whose conduct is called into question. They may be groups who are alleged to attempt some denial of constitutional guarantees or legislation in aid of the 14th amendment. They are alleged interlopers in the constitutional process—not individuals whose own rights are directly involved, for what right can a man have in denying another his constitutional due? This is not to say that he does not have rights as a defendant. I only contend that his stake is quite different from that of a conventional defendant in a conventional court proceeding.

So it would follow that the consequences of a temporary restraining order or a preliminary injunction—which can only prevent change from the status quo—are not the same in a labor dispute and in an action of an official who would depart from existing situations and practices which threaten the civil rights of an individual.

Let me point out that the permanent injunction will be had, if at all, only after a full trial on the merits. The interest of the official or alleged conspirators in being right as a matter of law can finally be vindicated in a trial on the merits.

The crucial difference between the subjects covered by the bill and the labor injunction is that the temporary restraining orders and temporary injunctions are, in fact and experience, dispositive of the contest between the employer and the union.

Mr. President, I consider the point I have just made to be of vital significance in connection with the important distinction between an injunction in a labor-dispute case and an injunction in a civil-rights case.

The organizational picketing campaign, strike, or boycott is an economic weapon of last resort. When they are denied the union, the union loses much of its leverage, particularly in the organizational campaign or the first phases of bargaining by a newly recognized union. It was in these situations that the injunction was most abused before 1932. In the strike and boycott situation, the time element can be a crucial factor.

Frankfurter and Greene, in the classic work on the subject "The Labor Injunction," emphasize this fact in their final chapter, under the heading "Conclusions," pages 200–201, as follows:

"The preliminary proceedings, in other words, make the issue of final relief a practical nullity. Undoubtedly, the law is here confronted with a very perplexing situation. Where the plaintiff on the surface presents a meritorious case, he should not be exposed to the peril of irreparable damage before the court can make available to him its slower, though much more scrutinizing, processes of factfinding. This form of relief presents no difficulty when the temporary suspension of defendant's activities results in no very great damage to him, at least no damage that cannot be adequately compensated by money, security for which is provided by plaintiff's bond. In labor cases, however, complicating factors enter. The injunction cannot preserve the so-called status quo; the situation does not remain in equilibrium awaiting judgment upon full knowledge. The suspension of activities affects only the strikers; the employer resumes his efforts to defeat the strike, and resumes them free from the interdicted interferences. Moreover, the suspension of strike activities, even temporarily, may defeat the strike for practical purposes and foredoom its resumption, even if the injunction is later lifted."

Mr. President, I stress the point that in the entire field of labor relations it is elementary that time is of the essence. But the timing of court orders is not of the essence in these civil rights-injunction cases—for reasons which I shall point out soon.

However, as the history of the labor-injunction fight shows, what was happening was that the temporary injunction—ex parte in many, many instances—ended the strike. It amounted, in fact, to a decree in favor of the employer, without a trial on the merits. That is what disturbed great liberals who have been cited during this historic debate—great liberals of past decades, the imprint of whose records greatly influences still the Members of the Senate, and, Mr. President, will continue to do so for the life of the Senate.

I respectfully submit that the argument by analogy that is being used by those who would strike part III from the bill and by those who argue that a jury trial provision should be written into the bill in respect to civil rights cases is an argument by false analogy. The fact situations are substantially different. As I have pointed out, a labor case is between private parties. A civil rights case might be described as one between an alleged offending Government official or conspirators and the Constitution of the United States. So there is quite a difference.

Second, Mr. President, the labor-injunction cases in most instances are dispositive; they dispose of the case, to all intents and purposes. In case after case, they broke the back of the union. The hearing was ex parte. Was there a trial on the merits, Mr. President? There was none in the usual case.

But, under Part III and Part IV of the pending bill, trial on the merits is assured. In the case of a trial on the merits, time is not of the essence. If it is believed the lower court is wrong on the law, we "go upstairs," as we lawyers say, to an appellate court, and finally to the constitutional citadel itself across the plaza, on the facade of which, as I have said, is emblazoned the great hope and ideal of freemen, "Equal Justice Under Law"—which means, Mr. President, in part, equality of constitutional rights. Who should determine the existence or denial of those rights? The courts. So, as a constitutional liberal, Mr. President, whose political philosophy has unquestionably been greatly influenced by the great liberals of a prior age whose names have been mentioned in this debate, I wish to say that to quote them on labor injunction does not justify the inference that they would insist on jury trials in the field of civil rights.

I should like to hear Borah, La Follette; Norris, and Hiram Johnson. I should like to see that galaxy of great constitutional liberals, whose names have been used in this debate in connection with labor injunctions, walk on the floor of the Senate and discuss the procedure which should be followed in protecting the constitutional rights of all men and women in this country under the 14th and the 15th amendments.

I do not purport to prophesy what the exact tenor of their speeches would be, Mr. President, but I do purport to say it is presumptuous to assert they would argue for jury trial in civil rights cases. I do not know of, and I have yet to find, a quotation or a citation in any of the statements or writings by any of those Senators, that is a statement, as we lawyers say, "on the nose" with respect to the issue now before the Senate; but I do know from their writings that they were great constitutionalists.

I completely agree, for the reasons I have set forth, with their position on the question of trial by jury in private actions between unions and employers, in injunction cases where preliminary orders were dispositive of the cases; where ex parte proceedings were the rule and not the exception and the temporary or preliminary orders were breaking the back of the free labor movement in America.

I said earlier in my speech, Mr. President, that I have great confidence and faith in the judicial process, and I now write indelibly into the CONGRESSIONAL RECORD this sentence: I am perfectly willing to have the courts of America, with final appeal to the Supreme Court, determine the constitutional rights of American citizens in civil rights cases. I happen to believe, that only through the exercise of such judicial process can there be a complete guaranty that constitutional rights will be protected.

Note, Mr. President, that Greene and Frankfurter, in their great book "The Labor Injunction," not only emphasize the time factor, but declare it to be the special consideration in labor disputes differentiating them from other controversies.

Objective evidence supports the conclusion that temporary restraining orders and preliminary injunctions are dispositive in labor disputes. Frankfurter and Greene reported: "Most of the decrees are never appealed." State Court Injunctions, 81st Congress, second session, Document No. 7, dealing with recent experience on the labor injunction field, shows that this pattern remains. It should be borne in mind that only final trial court orders are appealable, and most labor injunctions do not reach that stage. Even when they do, the effect of reversal or modification is slight in this special area.

The time element may be important in some civil rights cases for the purpose of maintaining the status quo by temporary restraining order and preliminary injunction. But, the final, permanent result is of far greater import in civil rights cases, at least as compared with labor cases.

Take the example of an attempt to prevent registered Negroes from voting. If a court order is issued to prevent removal, they could vote under challenge, and the final effect of their votes would be determined by the final outcome of a trial on the merits or an appeal. An expedited procedure is provided by rule 65 of the Federal Rules of Civil Procedure.

It may be asked: If the time considerations are different in a labor dispute and a civil rights case, what is the need of an injunction?

All I have argued to this point is that a preliminary injunction in a labor dispute can effectively determine the outcome, and hence renders ineffective later proceedings.

In a civil rights case, a permanent injunction after a full trial is the determining court action. The decree is remedial and far more effective than damages or court sentence of an offender, for the latter do not change the wrong committed and prevent its renewal.

Preliminary injunctions and temporary restraining orders in a civil rights suit are needed to insure that the defendants will not frustrate a final decree by being permitted to accomplish their illegal purpose before a full trial is possible.

As I shall demonstrate in a moment, the limitations upon injunctive relief before a full trial on the merits are stringent. Such effective safeguards were not observed during the heyday of the labor injunction for a variety of factors. To that aspect of the injunctive issue I now turn.

PROCEDURAL ABUSES IN LABOR INJUNCTIONS

Frankfurter and Greene described not only the history of the abuses of the labor injunction, but also the attempts to remedy the situation. So they observe, "In the earlier phases of the movement, labor evinced little understanding of how much turns on rules of procedure."

I say good naturedly, by way of digression, Mr. President, that is a great lesson, and it needs to be repeated many times in the legislative process as well as in the field to which Frankfurter and Greene applied it. So much turns on rules of procedure.

The great Edwin Witte, of the University of Wisconsin, emphasizes this aspect of the problem in State Court Injunctions, already cited:

"The 'abuses' which were altogether too prevalent in the use of injunctions in labor controversies at that time appear clearly from the provisions of the Norris-La Guardia Act. That act was passed by large majorities in both Houses of the Congress, commanding strong support in both parties, and was approved by President Hoover.

"As appears clearly from the reports of the congressional committees and from the debates in Congress, that act was not designed to prevent the issuance of injunctions in labor cases by the Federal courts, but to prevent abuses which enabled employers unfairly, to aline the courts on their side in disputes with unions and operated to weaken the confidence of workers in the judiciary and the Government of the United States generally.

"It did this by two different methods: (1) It imposed procedural restrictions which litigants had to observe to get injunctions in the Federal courts in labor cases; and (2) it restricted the substantive content of the injunctions which the Federal courts might issue in such cases.

"Among the procedural restrictions, the one which was most extensively commented upon and which received almost unanimous approval was that designed to end the abuse of ex parte injunctive orders in labor cases. Ex parte orders were very unfair because most labor disputes are of short duration and it is impossible to preserve the status quo in such disputes. The great majority of injunctive orders in labor cases in the Federal (and also in the State) courts were issued without according the defendants any hearing or opportunity to present their side of the case. In most labor cases, the ex parte order was the last action taken by the court, the matter never coming to any sort of hearing. Most hearings held, moreover, were only arguments of counsel based upon the pleadings. Permanent injunctions issued after hearing witnesses in court, with cross-examination by the adverse party, were very unusual. To correct this serious abuse, the Norris-La Guardia Act requires that in all cases in which temporary restraining orders are issued they shall become void within 5 days, unless continued after trial in court within such period. It further required that even ex parte orders must be based upon the testimony of witnesses presented in a hearing in court. It also included provisions to expedite appeals from injunctive orders in labor cases."

After the past 2 weeks of debate, let alone my 13 years in the Senate, it will come as no news to my colleagues that I repeatedly emphasize the importance of procedure in the protection of basic rights.

So we see that a major reason for the abuses of the labor injunction was the lack of procedural due process, consisting mainly of ex parte orders, the duration of ex parte orders, the failure of judges to require probative evidence, the failure of judges to require a strong showing of irreparable damage if the injunction were to be denied. To Witte's description should be added the general and shotgun nature of court orders and the failure to make precise findings of fact.

Underlying these defects was the dispositive effect of injunctions in the labor field.

The ease with which Federal judges issued labor injunctions is also intimately related to the history of equity doctrine in that special field. In summary, showings of the factual elements prerequisite to an injunction—which did exist in a set of general maxims—were not required because the equity law on strikes and boycotts had erected a series of presumptions which were sufficient in the minds of judges to be tantamount to fact.

Even the great Oliver Wendell Holmes of an early day conceded the assumed validity of certain equity presumptions on the strike and boycott. So, in *Plant* v. *Woods* (176 Mass. 492 (1900)) he said, of a threatened strike and boycott for a closed shop, "I agree that the conduct of the defendants is actionable unless justified. *May* v. *Wood* (172 Mass. 11, 14), and cases cited. I agree that the presence or absence of justification may depend upon the object of their conduct, that is, upon the motive with which they acted."

In other words, even as great a judge as Oliver Wendell Holmes endorsed assumptions which placed upon defendant unions the burden of showing justification for their conduct. This is a major explanation for the fact that before 1932 judges were not exacting in requiring facts which would justify an injunction. The common attitudes of an earlier judicial day, based upon the development of this one branch of law—labor law—substituted assumptions and presumptions for a recital and at least prima facie proof of facts.

This, then, is at least one explanation for the failure of the courts to require strict compliance with the procedural requirements of the Clayton Act limitations on labor injunctions.

It is an explanation of the fact that in no other field of American law has there been widespread and repeated abuse of the injunctive power.

PROCEDURAL PROTECTION AGAINST INJUNCTION IN FEDERAL COURTS

Aside from the present Federal rules, which I shall discuss in a moment, the best insurance we have today is the widespread revulsion against labor injunction abuse. That abuse has not spread to other fields; the reform in that field is itself a protection against its spread to other areas, especially the area of civil rights.

The prejudices and presumptions which led to abuse of the labor injunction are absent in the field of civil rights. So far as the South is concerned, the Federal judiciary—without exception white—if anything would share the subjective feelings of the dominant white groups. In fairness to Federal judges in the South, it should be said that, with but one or two exceptions, they have been impeccable in their application of the Supreme Court's school desegregation decision and other similar cases.

But we certainly know that they will not go overboard in the opposite direction. That is doubly assured by the Senate's confirmation power for Federal judges and the still undisputed prerogative of Senators to declare nominees to Federal office in their States personally obnoxious. Even in the early flush of the New Deal, Franklin Roosevelt was unsuccessful in attempting to change that practice.

THE FEDERAL RULES OF CIVIL PROCEDURE

The principal protection against abuse of the injunctive power is to be found in the Federal Rules of Civil Procedure, primarily rule 65, aided by rule 52.

* * * * *

Mr. President, rule 52 requires that a court must set forth with definiteness and particularity the findings upon which an order is based. This rule makes a judge think through what he is doing, with the knowledge that the findings may be scrutinized on appeal. As I shall shortly show, even a preliminary order is subject to collateral review in certain cases.

What are some of the major protections afforded by rule 65? They are:

First. Absolute requirement of notice as a prerequisite to a preliminary injunction. No ex parte hearing is involved. There is no such problem as the great liberals deplored at the time of the fight against labor injunctions, to which I have already alluded.

In summarizing the cases, the most authoritative commentary, Moore's Federal Practice, observes "'Notice' implies a hearing"—(vol. 7, p. 1637). And "Notice implies an opportunity to be heard. Hearing requires trial of an issue or issues of fact. Trial of an issue of fact necessitates opportunity to present evidence and not by only one side of the controversy." *Sims* v. *Greene*, 161 Fed. 87, 88–89 (C.A. 3, 1947). In that case, the court also cited the "findings" requirement of rule 52 as a further basis for requiring a "hearing" and trial of facts in cases heard without a jury.

What is the next protection of rule 65?

Second. Requirement of notice before issuance of a temporary restraining order unless showing of "immediate or irreparable damage" can be shown would result before notice served and hearing had.

Third. Temporary restraining order not to exceed 10 days; can be extended only for good cause shown or by consent of defendant.

Fourth. Expedited procedure for hearing.

Fifth. Specificity of injunction orders.

Sixth. Injunctions and orders binding only on those with actual notice.

Thus I say that rule 65 makes clear that preliminary injunctions and temporary restraining orders are extraordinary remedies and difficult to obtain. Rule 65 derives from rule 73 of the Supreme Court's Equity Rules of 1911. It was incorporated into the Clayton Act of 1914. I believe I have shown why it was not effective before passage of the Norris-La Guardia Act.

A review of the cases shows that the Federal courts have been exacting in requiring conformity with the rule. Indeed, in Sims against Greene, already cited, the court of appeals did not permit the district court to avoid some of the requirements of preliminary injunctions by repeated extensions of temporary orders. The last few decades of administration of the rule should remove apprehensions that temporary restraining orders and preliminary injunctions will be easy to obtain and that the notice, hearing, duration, and expedition provisions will not be vigorously enforced.

In the course of this debate, fear arguments have been raised on the floor of the Senate, to the effect that the passage of the pending bill would bring back the abuses of Government by injunction, such as prevailed in a previous era in connection with labor disputes, and the ex parte, temporary orders of courts which broke the backs of labor unions.

Mr. President, I respectfully say that the proponents of that argument either are not aware of rule 65 of the Federal Rules of Civil Procedure, supplemented by rule 52, or they are ignoring the protections, which I have just enumerated, which in our day, in my opinion, make it impossible that there should be any return to the past abuse of labor injunctions in private actions.

* * * * *

When reference is made in congressional debate to Norris, La Follette, Borah, Hiram Johnson, and the other great liberals who made the historic record which they made at the time of the so-called labor-injunction fights, no mention is made of rule 65 or rule 52. So I call the argument which is advanced a scarecrow argument. I call it a fear argument. I call it an argument which has no relation to facts of today in the injunctive field.

The argument makes good copy. It sounds plausible. The average layman is not a lawyer. He is not aware of the Federal court rules.

That is one of the difficulties in a debate such as this, when the issue is so charged with political connotations, when emotions run high, when feelings are deep, and even when a little partisanship creeps in. Arguments are made which tend to leave the impression in the minds of many that the two fact situations referred to in the argument are analogous. I repeat that the argument by analogy which is being used in this debate, seeking to relate the civil rights situation to the labor situation of years gone by, is an argument based upon a false analogy, and is an argument which does not take into account, for example, the protections of rule 65, supplemented by rule 53, of the Rules of Federal Procedure which are binding upon the courts.

Let me make perfectly clear that if a given lower court does not follow those rules, it is subject to reversal. Let me repeat that there must be a trial on the merits. We are not talking about an ex parte hearing. Probative evidence must be offered.

Let us never forget even for a moment in the debate that when we are talking about a civil right, we are talking about a constitutional right. We in the Senate cannot determine it. As I shall point out later, a jury cannot determine it. We in the Senate can neither give nor take away a constitutional right. A jury can neither give nor take away a constitutional right. A jury can deny a civil right in a given case by an acquittal. However, the acquittal does not destroy the constitutional right. The acquittal puts the defendant in the position where he goes free, even though he has followed a course of action which has denied someone else the enjoyment of a constitutional right. That is being lost sight of in the jury trial debate. That is why I said earlier in my speech that the citadel of the protection of civil rights is not to be found in the Senate; it is not to be found in the jury box; it is not to be found even in the White House. It is to be found, in the last analysis, in final appeal in the temple of justice, a stone's throw away from where the Senate convenes, the Supreme Court of the United States.

That is all involved in the amendment to strike part III. I wish I had the ability so to phrase this thesis that all would understand. Of one thing I am sure, and that is that there cannot be any answer to the fact that it is not for the Senate, it is not for the jury, it is not for the White House to either give or take away a constitutional right.

Constitutional rights are embedded in the organic law, for the Supreme Court to enunciate under the law, until the people, with the precious check upon the Supreme Court, decide to change a constitutional right or grant a new one by amendment.

Thus I point out that in the case of permanent injunctions, full trial is required.

In summary, I conclude that the analogy between labor injunctions and civil rights injunctions is without substance because:

First, in labor cases the time element is crucial and often dispositive, while that is not true of civil rights cases;

Second, the defendant in labor cases has a direct economic interest and in civil rights cases does not;

Third, the equity history which led to injunctive abuses was peculiar to the labor field.

Finally, the present protections of the law in matters of procedure are sufficient, are vigorously enforced, and there is no reason to believe that they will not continue to be scrupulously observed.

* * * * *

THE JURY TRIAL ISSUE

The arguments in favor of requiring jury trial are based in part upon the suggestion that injunctions and restraining orders are subject to judicial abuse, and hence it is dangerous to permit contempt trials without juries.

To the extent that the injunction argument is unsound, this part of the jury trial argument is also unsound.

Further, restraining orders and preliminary injunctions are subject to collateral attack in contempt proceedings for the purpose of securing compliance. ("Civil contempt, which is remedial in nature, falls with the reversal of the injunctions." 7 Moore, Federal Practices 1616, citing *U.S.* v. *UMW*, 330 U.S. 258, 294 (1947).)

With the problem thus narrowed, let us turn to the law and policy of the jury trial issue.

There is no claim made that in trials for contempt of court decrees there is any constitutional right to a trial by jury either as a matter of explicit constitutional provision or due process.

Let us get that behind us immediately.

I repeat that statement: There is no claim I have heard made during the debate that in trials for contempt of court decrees there is any constitutional right to a trial by jury either as a matter of explicit constitutional provision or of due process.

Yet a reading of some of the articles in the newspapers leaves the impression that those of us who are opposing the jury trial amendment are seeking to deny a constitutional right to parties involved in a civil rights case.

Such simply is not the fact, because there is no constitutional right to a jury trial in a case involving proceedings for contempt of a court's decree.

Mr. Justice Cardozo held in *Palko* v. *Connecticut* (302 U.S. 319 (1937)):

"The right to trial by jury and the immunity from prosecution except as the result of an indictment may have value and importance. Even so, they are not of the very essence of a scheme of ordered liberty. To abolish them is not to violate a 'principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.' *Snyder* v. *Massahcusetts*, supra, page 105; *Brown* v. *Mississippi*, supra, page 285; *Hebert* v. *Louisiana* (272 U.S. 312, 316). Few would be so narrow or provincial as to maintain that a fair and enlightened system of justice would be impossible without them."

That statement by the great Cardozo in my judgment, goes to the heart of this controversy. Are we dealing with a slogan "trial by jury" or a reality? I submit that the trial-by-jury argument is a slogan born of old battles and past conditions which are not relevant today.

On a somewhat similar issue, I wrote, in 1931, when surely I did not anticipate this debate:

"It will be noted from table 43 that 176 judges believe that the indictment method is superior to the information system because, in their opinion, political influence and control are not so dominant. Many judges—especially those in indictment States—fear that it is dangerous to give one man, the prosecutor, practically complete power in the initiating of criminal prosecutions. Probably these judges are influenced by the historical traditions behind the grand jury system. Undoubtedly, in the times when the masses suffered from the tyrannies of an absolute monarchy, the accusing jury was truly a bulwark of liberty and a protection for innocent. But today, under representative government, the argument that the people have much to fear from the information system, because it gives the prosecutor too much power, no longer holds good, and is highly tinged with emotional connotations." (A Survey of the Grand Jury System, Wayne L. Morse, X Oregon Law Review, 263–264 (1931)).

Is this not also the case with trial by petit jury? I submit that it is. Let us read what Blackstone had to say:

"And it will hold much stronger in criminal cases, since, in time of difficulty and danger, more is to be apprehended from the violence and partiality of judges appointed by the Crown, in suits between the King and the subject, than in disputes between one individual and another to settle the metes and boundaries of private property. Our law, therefore, wisely placed this strong and twofold barrier, of a presentment and a trial by jury, between the liberties of the people and the prerogative of the Crown."

Note, however, that Blackstone refers to "suits between the King and the subject" and contests "between the liberties of the people and the prerogatives of the Crown."

The prerogatives of the Crown involved far different issues from those involved in the action of the executive in seeking enforcement of the laws in its representative capacity. The King of Blackstone's commentaries was concerned over his own purse and prerogatives as an individual, at a time of contest not only with citizens, but with Parliament. The Executive power of the United States has no such personal interests and stake in our constitutional system. The Executive serves for a fixed term and is subject to checks and balances unknown in Blackstone's day.

The jury trial argument belongs to another day, another time, a wholly different set of problems. For the King was attempting to use the Court of Chancery and Star Chamber to force his will. The view took form on the basis of cases from which there was no effective appeal.

How different is the situation today. The appointing President is elected to a fixed term. The judge is subject to Senate confirmation, impeachment, and review in the court of appeals and the Supreme Court of the United States. He is subject to the limitations of rules 65 and 52 of the Federal Code of Civil Procedure, which I have already discussed.

The Supreme Court observed in *Michaelson* v. *U.S. ex rel. Chicago, St. P., M. and O. Ry. Co.* (266 U.S. 42 (1924)):

"In criminal contempts, as in criminal cases, the presumption of innocence obtains. Proof of guilt must be beyond reasonable doubt and the defendant may not be compelled to be a witness against himself." (P. 66.)

The protections against abuse are, indeed, our whole constitutional system. Those who insist that liberty is unsafe without trial by jury, cite Hamilton in The Federalist in support. With all due regard, I must observe that Hamilton's excellent commentary discusses the utility, not the necessity, of trial by jury. So he says:

"The excellence of trial by jury in civil cases appears to depend on circumstances foreign to the preservation of liberty." (The Federalist, No. 83, p. 544, Modern Library Edition.)

The utility of jury trial in 18th century England, when there were more than 100 capital offenses, the advantages of jury trial under a despotic king with special judges and special courts, in the 17th century, are a far different thing from 20th century America operating under a constitutional system of checks and balances.

A form of trial by jury was used, but did not moderate the savagery of the French Revolution's reign of terror. We must recognize that juries, too are subject to passion, prejudice, and community pressure. It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that in the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

"The defense appealed for a verdict that would 'give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions'."

It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there.

The selection of Federal juries is a pertinent factor. I cannot improve on the summary by the Senator from Illinois [Mr. Douglas] in the Congressional Record of June 10, 1957:

"Mr. Douglas. The Knox report—and the famous Federal judge, John C. Knox, was chairman of that committee—points out that in many districts the practice of making up a jury was substantially as follows: A jury commissioner, and a clerk of the court, are appointed, one from each party. I may say in that connection that in the past, and, to a large extent at the present time, the South is largely a one-party area. There is usually only one clerk and one jury commissioner.

"These men, according to the Knox report, write to so-called 'keymen' in the various counties and ask these keymen to suggest jurors. It is a little mysterious as to who these keymen are who are chosen to nominate jurors.

"Sometimes they are businessmen, and sometimes they are local political leaders. In any event, they tend, certainly in the South, to be white citizens. If there are any Negroes who are designated as 'keymen' and who, therefore, are given the power to make nominations, it would be most interesting to have that fact established for the record. However, my information is that in practice they are almost exclusively white southern businessmen and white southern political and professional leaders. These are the men who make up the original lists.

"The list is then sent to the jury commissioner in the Federal court for that district. Then these commissioners make their selections, in some cases by turning a wheel, and in other cases by picking the names. Very few Negroes, I think—certainly a very small proportion of Negroes—find their way onto the lists. Still fewer are selected for jury duty. Therefore, Mr. President, the juries which will try these contempt cases, if the amendment is adopted, will be carefully winnowed, and the Negroes of the South will have very little representation on them."

Mr. President, in making those remarks I think the distinguished Senator from Illinois [Mr. Douglas] pointed out a factual situation which those of us who wish to protect civil rights in the United States dare not ignore during this debate, because certainly we should not go through the process of making an empty gesture. Certainly we should not provide the Negroes of this country with merely the label of civil rights. Instead, we must provide them with a procedure which will enable the courts of the United States—which are the guardians of the constitutional rights of the citizens—to guarantee in practice to every citizen, regardless of color, his constitutional rights. As I said at the beginning of my speech, that is the issue, and I refuse to retreat from it; I refuse to qualify it; I refuse to modify it. I insist, Mr. President, that pursuant to my duty under the oath of office I took when I became a Member of this body, I must oppose these amendments, which in my judgment will, in effect, continue to deny to the colored people of America their full civil rights, which already are long overdue.

The jury system is subject to abuses peculiar to it. In this case, the very situation of local passion and the method of jury selection intensify the many drawbacks which the jury is recognized to have as an institution.

A cliche of lawyers is that "prejudice of the 13th juror." The currency of that characterization is reported by a great lawyer and judge, Jerome Frank, in his book "Courts on Trial." He also recalls Balzac's definition of a "jury" as "12 men to decide who has the better lawyer."

As a lawyer, I would not say that juries are without their value. I want to make clear that I defend the jury system in cases of controversies between individuals, in damage suits, and in other private controversies within the limits of publicly declared policy. But to enshrine the institution of the jury as the indispensable handmaiden of justice, the palladium of human rights, or the watchdog against tyranny is to indulge in legal fantasy.

If our judicial system is to be preserved, a strong case exists for the maintenance of the contempt powers of the courts, in order to enable them to protect their own authority to enforce the laws from any attempt by legislation, no matter how plausibly phrased, to weaken our court system through a jury-trial procedure, when it is known that sometimes, under some circumstances, some juries are inclined to subordinate constitutional rights to local social, economic, and political attitudes and biases.

My learned friend the junior Senator from Wyoming, Mr. O'Mahoney proposes an amendment to grant jury trial in criminal contempt cases arising under the proposed act. I always hesitate to disagree with him on questions of law. But I must take issue with the speech he made on last Tuesday, July 16, in behalf of his proposal.

A central contention underlying his proposal is that the bill in its present form would "take away" the right of a trial by jury. He contends that because acts similar to those covered by the bill are crimes, the addition of civil remedies removes the existing right of trial by jury where contempt proceedings are instituted for violation, not of the law, but of the decrees of Federal courts.

The answer to this, I have already given: Many statutes provide for both criminal and civil enforcement of the rights declared.

His answer to this is that the statutes cited, under which there is injunctive relief enforcible by contempt, apply, not to natural persons, but only to corporations. He cites the antitrust laws as an example. In this connection, I refer to the CONGRESSIONAL RECORD for July 16, 1957. Yet the Goldman case he cites on the same page was a criminal contempt proceeding against individuals in an antitrust case. That case, *U.S.* v. *Goldman* (277 U.S. 229), only stands for the procedural proposition that a criminal contempt proceeding under the antitrust laws is generally subject to the Criminal Code. It did not involve the jury-trial issue.

Mr. President, I am sure that was an oversight on the part of my friend, the Senator from Wyoming; but it is a serious one, because much of his case is based upon it. I wish he were in the Chamber at this time, because I love him so. If he were present now, I would have a little fun with him.

No, Mr. President; the law does not say that the statutes apply only to corporations. The cases clearly show that the statutes apply to natural persons as well.

The junior Senator from Wyoming also cited the case of *United States ex rel. Chicago Ry.* v. *Michaelson* for the proposition that "the provision for trial by jury * * * is mandatory." The Senator from Wyoming pointed out that it was mandatory, but he failed to point out that it was in that case only because of the statute—not that it was mandatory as a matter of right. Mr. President, that is very important. So again I lay down the proposition that trial by jury in criminal contempt cases under the antitrust laws does not exist as a matter of right. In the Michaelson case, there was a statute which required it. That is entirely different from a proposition that, someway, somehow, in this bill those of us who are supporting the court procedure by way of injunction are denying a basic right of jury trial.

The Michaelson case was a private injunction suit in which contempt proceedings were brought upon relation of the plaintiff railroad. The statute—the Clayton Act—provides that in private suits, criminal contempt proceedings shall be tried with a jury on the defendant's demand, if the defendant's action also constitutes a crime under Federal or State law. The question decided by the Court was whether such a legislative provision impaired the inherent rights of the inferior Federal courts. The Supreme Court held it did not.

Mr. President, let me state the matter in somewhat different words: In that case, there was a statute requiring a jury trial in certain kinds of criminal contempt cases; and the issue before the Court was whether that statutory requirement in any way impaired the inherent right of the lower Federal courts to protect themselves. The Court held that it did not. That is the only sense in which the jury trial issue was involved. That case had nothing whatsoever to do with the broader, more general proposition of whether the right of jury trial is a mandatory right. I repeat that it is not a mandatory right in that particular line of cases, in the absence of a statute requiring it.

There is not, and never has been, a right of trial by jury in contempt proceedings, either civil or criminal. Civil contempt is action by the court to require compliance, and it may be purged by compliance.

Criminal contempt is in aid or vindication of the court's authority as a court to punish willful disobedience. To interpose a jury between the court and the defendant would be to deprive the courts of their historic power to preserve their own integrity. If a defendant believes a decree to be wrong, his remedy is appeal—not to take the law into his own hands. If he believes the act of Congress, on which the decree is based, is wrong, he has the right to appeal to a three-judge court to consider the constitutional issue. These are powerful and adequate safeguards.

I respectfully submit that those who propose trial by jury in either civil or criminal contempt proceedings to which the United States is a party ask for what has not been. They ask for a procedure that can only serve to hamper enforcement of the proposed measure or defeat it altogether.

[From the CONGRESSIONAL RECORD, July 26, 1957]

CIVIL RIGHTS ACT OF 1957

(Excerpts from remarks by Senator MORSE)

JUSTICE AND JURIES

Mr. MORSE. Mr. President, I turn now to the pending measure, the civil rights bill.

The debate on civil rights has taken a very strange turn, indeed. After observing decades of real deprivation of equality before the law fastened upon Negro Americans, the Senate has become diverted by an unreal controversy over trial by jury.

What has happened to the basic issue? In effect, the lack of equality suffered by our Negro population has been conceded. As a result, the very substance of what the pending bill concerns has been pushed into the background, and the attention of the country and the Senate has been shifted to a subsidiary issue. The issue of jury trial in contempt cases has been allowed to usurp the stage, while the denial of the rights of citizenship is all but ignored.

On the one hand, we have the rights of millions of citizens. On the other, we have the asserted right, a claimed inviolable right, of a handful.

What, after all, are we talking about? There is, apparently, no quarrel with the proposal to add to the bill a civil proceeding to protect voting rights—at least, no quarrel on the part of those who seek to remedy the basic injustices to which the bill is directed.

But it is claimed that the change of form from criminal proceedings to civil proceedings should not be permitted to deny defendants the right to a trial by jury, which would be theirs under existing law.

Let us consider the defendants' trial under part IV. It is not claimed that there should be a jury in the underlying case in which the issue of deprivation of civil rights is tried. The trial-by-jury issue relates only to instances in which defendants refuse or fail to obey a court order remedying the denial of voting rights or other civil rights.

Mr. President, if, in the course of this debate, I say only one thing that anyone will remember, I sincerely hope this will be remembered: The determination of civil rights is for the courts, not for a jury, to make. The determination of a civil right raises a constitutional question which cannot be settled by a jury. A question as to whether a civil right is being denied cannot be determined by a jury.

Of course, the Senate could establish a procedure for a jury trial in regard to this matter. But no jury can grant or can take away a civil right from a freeman or freewoman in the United States; and the determination of whether a civil right exists or does not exist falls within the province of the courts. That is the basic issue in this fight; and the constitutional fathers provided in the Constitution all the protection the American people could possibly want—the protection of a constitutional amendment.

Mr. President, I repeat what I said the other day: A dramatic proposal was made, namely, a proposal for a referendum on civil rights. But I was not fooled by it. The proponent of that proposal knows that one of the protections written into the Constitution of the United States is in the form of a referendum. I refer to the procedure for the adoption of a constitutional amendment. Why does not he try to use it? My difference with my good friends from the South is not a personal difference; it is a professional difference. Let my good friends from the South who think that, someway, somehow, we are seeking to deny the South its rights, offer proposed constitutional amendments which will write segregation into the Constitution of the United States, or will write into the Constitution a single one of the discriminatory practices now existing in the South and in some places in the North, thus denying fellow Americans their constitutional rights under the 14th and 15th amendments.

There is the referendum procedure, Mr. President. The constitutional fathers, with their farsightedness, provided it. But it is not proposed here, and all of us know why it is not proposed. It is not proposed because it would not be possible to get very far with such a constitutional amendment; in fact, I doubt that it would be possible to get very far with it even in the South. But considering the country as a whole, a constitutional amendment proposed in an effort to constitutionalize a single one of his discriminatory practices would not get anywhere. But that is the referendum procedure which should be followed by those who think these discriminatory practices should be authorized by the Constitution.

I wish to stress that point because it seems to me that throughout the debate too little stress has been placed upon what the Senate is dealing with. The Senate is dealing with a constitutional question. It is not for the Senate to determine what is or is not a constitutional right. It is not for a jury to determine what is or is not a constitutional right. It is for the courts to determine that question. Let me say to some of my "wayward" liberal friends—and I speak of them most respectfully, and I use that term only in quotation marks, for descriptive purposes—that the test of liberalism on this issue is not whether one stands for a jury trial. That does not meet the test of liberalism, either, although even as late as this morning I discovered that some labor organizations have become convinced that liberals ought to stand for a jury trial.

Mr. President, let me say to the labor organizations of America, or to any one of them which will so contend, that here is one liberal who will not go along with that position, just as I did not go along with some other liberal organizations, not so many days ago, when they wanted me to follow a procedural course of action in connection with the handling of this bill in the Senate. I said then that that was no test of liberalism, because I was being asked to sacrifice what I consider to be procedural safeguards for orderly legislative process in the Senate of the United States.

So I say now to my liberal friends in some of the labor organizations that have tried to put on the heat this morning: "I think you are dead wrong; and when I think you are dead wrong, I am, as in the past, going to vote against you."

I have no intention of following the advice of these labor organizations—I care not from what quarter or from what labor organizations it comes—because on the merits I consider them wrong on this issue, for I think it is the duty of the liberals, in this historic debate, to protect that great, precious citadel and safeguard of free men in their constitutional rights, namely, the judicial branch of government, coequal and coordinate with the legislative branch. In my judgment, the adoption of the trial-by-jury amendment would result in weakening the right and duty and obligation of the courts of America to protect constitutional rights, for reasons I shall set forth in this speech before I finish.

Mr. Kefauver and Mr. Humphrey addressed the Chair.

The Presiding Officer (Mr. Monroney in the chair). Does the Senator from Oregon yield; and if so, to whom?

Mr. Morse. I yield first to my friend the Senator from Tennessee.

Mr. Kefauver. I appreciate my friend's yielding to me. It is very seldom I have a different point of view from that of the Senator from Oregon, but he has made the point that he does not think the matter of a jury trial has any great importance in injunction cases affecting labor, as I understood the statement.

Mr. Morse. No; I did not say affecting labor. I said affecting constitutional rights.

Mr. Kefauver. Does the Senator agree with the position taken by Senator Norris and Representative La Guardia and Congress at the time it enacted the Norris-La Guardia Act?

Mr. Morse. For reasons set forth in great detail the other afternoon in a speech I made in the Senate, in my judgment their position bears no analogy to the instant case at all. If the Senator from Tennessee is arguing by way of analogy, I answered the argument in great detail the other day by saying the old method of using an argument by way of analogy is a very effective tool; but in any argument by analogy one ought to use two cases that are comparable. For the reasons I set forth, I do not think there is any comparability between the issue of labor injunction, which involves private economic contests between private parties, and the present issue, which involves the inherent power of a court to protect the constitutional rights of every man and woman in this country, irrespective of the color of his skin.

Mr. Kefauver. Mr. President, will the Senator yield for another question?

Mr. Morse. Yes; I yield.

Mr. Kefauver. I know that in my own State the members of organized labor endeavored to have passed by the Tennessee Legislature—and it came up for consideration—a bill granting a jury trial for violators of injunctions of courts in labor cases.

To the extent I could, I assisted their efforts in the Legislature of the State of Tennessee.

Mr. Morse. I would do the same thing if it involved a corporation.

Mr. Kefauver. I felt that was in furtherance of the general principle of jury trial as contained in the Norris-La Guardia Act.

Mr. Morse. That act involved no constitutional right.

Mr. Kefauver. Several thoughtful members of organized labor with whom I have talked recently feel, inasmuch as in the Taft-Hartley law—for which the Senator from Oregon and other Senators now present, including the Senator from Illinois [Mr. Douglas] and the Senator from Minnesota [Mr. Humphrey], did not vote, and for which I did not vote, brings the National Labor Relations Board into the picture in cases that go to the court of appeals, there are no provisions for jury trial, that the Norris-La Guardia jury trial provision is substantially meaningless insofar as concerns protecting the rights of labor to a jury trial for violation of an injunction. Has not that point been made?

Mr. Morse. Oh, yes; and the Senator from Oregon, in reply, has tried to point out that such cases involve contests over economic rights and interests, and not contests over basic constitutional rights.

Mr. Kefauver. If it was worthwhile and if it was good public policy to grant members of labor a jury trial with reference to an alleged violation of an injunction in labor disputes, and if we could rewrite the law so as to restore to labor the right they had before the passage of the Taft-Hartley law, would not the Senator feel that was a step in the right direction? Would not that give some protection to members of organized labor against decisions that have been imposed upon them by dictatorial orders of district judges in many cases?

Mr. Morse. I have no quarrel, in so-called private litigation, with granting of jury trial to determine the facts in regard to economic interests; but I object to argument by false analogy that would confer a right to trial by jury in a case which involves the question whether a defendant is carrying out the court's instruction when the constitutional rights of a free man or a free woman are involved. In regard to such cases, no jury ought to have jurisdiction; only a court should, and the necessary check is provided. What is the check? There is the check of going from the district court to the appellate court and thereafter to the Supreme Court. As the Senator from Tennessee well knows, the practice has been to hold the case in abeyance until the appellate procedure has been concluded. Then, if the Supreme Court goes wrong, so far as the American people are concerned, we have the constitutional amendment procedure.

What I wish to point out is that in the Legislature, the Congress, some are seeking to infringe upon the inherent judicial power of the Supreme Court, in the last analysis, which has been written indelibly into the Constitution. That fact has been lost sight of, I respectfully say, in the false analogy argument which has been used in support of jury trial. I will say to the Senator from Tennessee that I develop it further in my speech.

Mr. Kefauver. I should like to ask the Senator a final question. As a student and teacher of constitutional law, the Senator from Oregon, of course, knows that when a person is being tried for criminal contempt, the case does take on many aspects of a criminal trial, in which he would be entitled to a jury. He can be sentenced for a definite length of time. He is presumed to be innocent until proved guilty. He cannot be required to testify against himself.

Mr. Morse. That is true in contempt cases, now, except for the jury.

Mr. Kefauver. So where the case involves punishment, as distinguished from an effort to secure compliance, what objection has the Senator to granting a jury trial?

Mr. Morse. Because it is an infringement on the necessary prerogatives of the court.

Mr. Kefauver. Is it not a matter for the determination of the court as to whether the court will proceed in civil contempt, in order to secure compliance, as distinguished from wanting to punish somebody for an act he has done?

Mr. Morse. That is correct.

Mr. Kefauver. Is not that a decision for the court to make?

Mr. Morse. Yes.

Mr. Kefauver. Then how does it infringe upon the prerogative of the court?

Mr. Morse. Because Congress will be saying to the court, "You must follow this mandated procedure." When we do that we in effect—mark my language—take away the complete authority of the court to determine constitutional rights.

Mr. Kefauver. Would not the Senator agree that when we leave it to the court to determine which procedure it will follow, whether it will be for civil contempt, in which a defendant does not have a jury trial, or criminal contempt, in which event the defendant may have a jury trial, the court will follow the procedure based upon its decision whether it wants compliance or whether it wants to punish a defendant for violation of a court order? Does not the Senator feel that the dignity and the sanctity of the court is being fully safeguarded by such a procedure?

Mr. Morse. As the Senator knows, really both civil and criminal contempt can be tried in the same proceeding.

My next answer to the Senator is that: I do not want my constitutional rights, or the rights of the Senator from Tennessee, or the rights of any other one of our 170 million people, determined by a discretionary alternative. I want my constitutional rights determined and backstopped on the basis of judicial action, not on the basis of the possible caprice of a jury.

Mr. Kefauver. Why was the Senator in favor or the jury-trial provision in the Norris-La Guardia Act?

Mr. Morse. As I pointed out, it was because that act involved not a constitutional right, but a dispute over relative economic interests as between private parties.

Mr. Humphrey and Mr. Douglas addressed the Chair.

Mr. Morse. I yield to the Senator from Minnesota [Mr. Humphrey] and then I shall yield to the Senator from Illinois [Mr. Douglas].

Mr. Humphrey. Is it not true that the main purpose of the Norris-La Guardia Act was to abolish the use of injunctions as a means of the so-called adjudication, if we can use such a word, of labor disputes?

Mr. Morse. Of economic issues.

Mr. Humphrey. Of economic issues.

Mr. Morse. Yes.

Mr. Humphrey. Furthermore, the policy which had been declared was the policy of collective bargaining. Therefore, when the injunctive process was to be used it was to be couched in such terms and in such protective procedures that it would forward the national objective of collective bargaining.

Mr. Morse. The Senator is correct.

Mr. Humphrey. In this instance, as to the right to vote, which is a right at least supposedly guaranteed by the 15th amendment to the Constitution, whatever procedures are to be advocated should be procedures which enhance the right and privilege declared in the Constitution of the United States.

Mr. MORSE. I share that opinion.

Mr. HUMPHREY. I have one further observation, if the distinguished Senator from Oregon will yield further.

Mr. MORSE. I yield.

Mr. HUMPHREY. It appears to me that the argument which is being used by our esteemed colleague from Tennessee is an argument which begs the question entirely, because, as the Senator from Oregon has so brilliantly, so concisely, and so purposefully pointed out, article III, section 1, of the Constitution leaves no doubt whatsoever where the judicial power rests. The judicial power does not rest with the Congress.

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

Then we come to section 2, which says:

"The judicial power"—

And I underscore those words—

"The judicial power shall extend to all cases in law and equity."

If the judicial power is to be in the court, then the court must have the power to protect its judicial power, and that is exactly what it is able to do and what it is privileged to do under a long history of constitutional law.

Mr. MORSE. That is the position I am taking.

Mr. HUMPHREY. Exactly. What the opponents of this measure are proposing is not to take us back to the Constitution, but rather to add to, supplement, and change what has been the historic process in the courts of the United States.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I say, most respectfully, they have pulled the so-called oratorical wool over people's eyes. They are trying to fuzz up the picture and make it appear that when one stands against jury trial in criminal contempt cases, such as we are talking about here, where a constitutional right is involved, somehow or other he is attempting to deny what is laid down in a long period of American history. The truth is that those who are trying to rewrite history, the opponents of the position taken by the Senator from Oregon, are trying to rewrite the pages of history.

Mr. KEFAUVER. Since my name was mentioned, Mr. President, I ask the Senator to yield to me.

Mr. MORSE. I think the Senator from Illinois [Mr. DOUGLAS] will permit that courtesy.

Mr. KEFAUVER. I should like to ask the Senator from Minnesota a question. The Senator from Minnesota cited the Constitution as saying that all judicial power was vested in the Supreme Court.

Mr. HUMPHREY. That is right.

Mr. KEFAUVER. That meant the courts, and the Senator mentioned that since the jury was not mentioned, it was not a part of our judicial system. As the Senator well knows, the circuit courts, the district courts, and many features of the court system, including trial by jury, are necessary parts of our judicial system, even though they may not be mentioned in the Constitution, where only the Supreme Court and inferior courts are mentioned.

I hope the Senator does not mean by his statement that he wishes to take us back to conditions before Runnymede and abolish trial by jury as a part of our judicial system.

Mr. HUMPHREY. I assure the Senator from Tennessee that I do not wish to take him back to conditions before Runnymede, or even to take him back to the situation before this debate started. I desire to refer him to the history of common law cases, and equity cases. The Senator from Tennessee is a great student of the law and knows much more about this subject than I do. The Senator knows that in cases of equity a jury trial is not exactly the pattern. The Senator from Tennessee knows that better than the Senator from Minnesota. Why does the Senator try to put on foggy glasses and miss the issue?

I say to Senators that the jury trial issue has been blossomed up as a sort of cloud or fog over the entire legislative process on this bill. The Senator from Tennessee knows better than the Senator from Minnesota that when a crime is committed the defendant is entitled to a jury trial, but the Senator must know that in this instance we are merely attempting to protect the integrity of the courts.

(Several Senators rose.)

Mr. KEFAUVER. May I say to my distinguished Senator friends——

Mr. HUMPHREY. Thou art surrounded.

Mr. KEFAUVER. I believe that on this issue I surpass them in liberality. I am not only for a jury trial under the Norris-La Guardia Act, in order to prevent arbitrary actions of judges—and we have noted such in some courts, against labor unions—but I am also in favor of a jury trial for the violation of any injunction where the person is involved in a criminal violation of the injunction and is liable to be punished for a violation of the injunction, as distinguished from forcing compliance with the injunction, whether it be labor legislation, antitrust legislation, under the civil rights bill, or whatever it may be. I think that is sound procedure.

So far as I am concerned, I should like to see the present statute amended so as to restore the right which labor lost by the enactment of the Taft-Hartley law and so as to provide for a jury trial in criminal contempt cases for violation of an injunction. I think that is the direction in which we ought to be moving.

I am sorry my friends here are trying to protect what the Taft-Hartley law has done to the Norris-La Guardia Act.

Mr. MORSE. Mr. President, exercising my floor rights, if I still have them, I wish to say to my good friend, the Senator from Tennessee, that as he knows, I love him. I even love him when he makes such a mistake as he is now making.

Mr. KEFAUVER. I might say, greater love hath no man.

Mr. MORSE. I apparently cannot get the Senator from Tennessee to consider my point that he is arguing by false analogy throughout this discussion. The Senator says he thinks he surpasses us in liberality. I say to the Senator that in my judgment, respectfully stated, there is nothing liberal about proposing to turn over to a jury the determination of constitutional rights. In effect, that is what the Senator is proposing to do. Determination of constitutional rights is a subject in the province of the court, not of a jury.

I do not propose, as a liberal, to give that right to any jury. I repeat that there is nothing comparable between the Norris-La Guardia Act and the question as to whether or not a constitutional right, in the form of a civil right of any American, is being denied. If such a right is being denied, that is not a jury question, but is a court question, with all the appellate procedure which is available.

The patience of the Senator from Illinois [Mr. DOUGLAS] has been so great that I now yield to him.

Mr. DOUGLAS. Mr. President, first, I wish to congratulate the Senator from Oregon for the very brilliant legal, procedural, and constitutional argument he has been making. Our good friend, the Senator from Tennessee, is stating that because the Senator from Oregon and others of us favored the jury-trial provision in the Norris-La Guardia Act, we are therefore grossly inconsistent in opposing a jury-trial provision under part IV of the civil-rights bill.

The Senator from Illinois, as Senators all know, is not a lawyer, and, therefore, he is not acquainted with the full legal subtleties which lawyers on this floor use in discussing this question.

I had always thought that the aim of any system of law or any system of procedure was to obtain the maximum amount of justice. I had never thought that procedure was an end in itself, or that the formal rules of law were ends in themselves. They are merely means to obtain justice.

What was the situation which we faced in 1932? It was a situation in which the Federal courts of the land were almost entirely composed of judges of a highly reactionary stamp, recruited almost entirely from the ranks of successful corporation lawyers, because the Republican Party had been in power, with the exception of 16 years, ever since the Civil War. So the judges issued injunction after injunction restraining the legitimate activities of labor unions. They not only restrained peaceful picketing and the primary boycott, but in connection with the so-called yellow-dog contract they issued a series of sweeping injunctions. Under the yellow-dog contract, workmen would agree not to join a union or talk with a union official. Those laws were held to be constitutional by the U.S. Supreme Court. Many employing groups went one step further. They sought and obtained injunctions from Federal courts——

Mr. MORSE. Ex parte.

Mr. DOUGLAS. Ex parte. They sought such injunctions restraining union officials from talking to or approaching those who had signed the yellow-dog contracts. Then, if the union officials did approach them, they could be subjected to punishment for contempt.

In those circumstances many of us felt—and the Senator from Illinois felt at the time—that a great degree of justice would be obtained by submitting such cases to juries. It was that principle, rather than any distinction between economic rights and constitutional rights, which swayed many of us.

What is the present situation? The present situation is one in which, although we welcome the decision in the Clinton case, it is quite obvious that southern juries, selected primarily from jury lists which largely exclude Negroes, will tend to have some color bias to begin with.

Second, if they do not have a color bias, they are aware of the fact that, at the termination of their service, they must go back into the communities from which they came and be exposed to all the social, economic, and at times physical pressures which may be brought to bear. So under those circumstances it would be extremely difficult to obtain any deserved enforcement.

On the other hand, Federal judges are not prejudiced against the white citizens of the South, because they themselves are white southerners. They are southern born, southern educated, southern trained, and appointed from the South. Their nominations are confirmed by the Senate. No one who is unsatisfactory to southern Senators can be confirmed as a Federal judge. In one case the son of a former Senator is a district judge. In another case, in South Carolina, a district judge is the father of the present governor. The brother of the distinguished senior Senator from Georgia [Mr. RUSSELL], was once a district judge, and then a circuit judge. We cannot accuse those men of being prejudiced against the white South. However, they have life tenure, and they have sworn to obey the law. Therefore they tend to have a greater respect for the law than would be true of a group of citizens assembled. Furthermore, by reason of the fact that they enjoy life tenure, they are somewhat insulated from the passions and prejudices of the community.

I interject these remarks because, in addition to the very able constitutional argument the Senator from Oregon is making, of which I heartily approve, I think we should keep our eye on the goal of justice as well as on the means of procedure.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. In a moment. I wish to make a brief comment on what my friend from Illinois has said.

I did not realize, when I started my speech today, that so much would be said about the question of labor injunctions. However, inasmuch as the question has been raised, I think my liberal friends would at least enjoy, if they would not be a little amused by, an argument which I had this morning with some of my labor friends, who pointed out to me that I had been one of the leading exponents in the Senate, at the very beginning of the Taft-Hartley law fight, of the position against the oppressive injunctive proceedings which are possible under the Taft-Hartley law.

I replied that I not only thought I had had such a record, but that I was very proud of it, but that that has nothing to do with the issue before the Senate, in connection with civil rights.

I do not happen to believe that in private actions between labor unions and an employer we ought even to go as far as we go in the Taft-Hartley Act, in giving to courts the power to break the economic backs of unions. But I point out again that we are dealing with economic interests, and not constitutional interests.

Everything the Senator from Illinois has said in regard to the history of the Norris-La Guardia Act is true, and I am glad he has placed it in the RECORD. But so far as the senior Senator from Oregon is concerned, the proper distinction between the different types of injunction in labor disputes is the distinction between the determination of economic interests, on the one hand, and, on the other, the determination of constitutional rights, which I think must be left with the courts. That is the thesis of my argument, and it is on the basis of that thesis that I intend to take my stand on the jury trial issue.

I shall proceed, if I may, and present my further arguments on this subject.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. MORSE. In a moment.

Many of my arguments have already been alluded to in the very interesting colloquy which I have had with my great friend, the Senator from Tennessee.

I yield to the Senator from Tennessee.

Mr. KEFAUVER. I appreciate the kindness of the Senator in yielding to me again.

The Senator from Illinois [Mr. DOUGLAS] has pointed out and reemphasized the position of the Senator from Oregon, that we are dealing here with the protection of constitutional rights, and that the Senator does not feel that that is a matter for a jury to pass upon, but rather it is a matter for the courts.

Has not the Senator from Illinois heard, as I have heard many times, the Senator from Oregon make long dissertations and forceful, eloquent, persuasive speeches on the theory that our constitutional rights are only as secure as the procedures which we have to protect them?

Mr. MORSE. I think I should interject that the Senator's colleague has just pointed out to me that the first descriptive phrase used by the Senator from Tennessee with regard to my speeches was to the effect that they were long. [Laughter.]

Mr. KEFAUVER. If I used that word, I did not intend to do so, because, judging the Senator's speeches on the basis of the importance of what he has to say, he makes short speeches. They may be considered lengthy by some, but they are full of worthwhile thoughts. The burden of many speeches which the Senator has been making—and I am sure the Senator from Illinois will agree—has been that there is not much use in having basic constitutional rights unless we have adequate procedures to protect them. The Senator has made the argument that the procedures of the Senate are important in the protection of constitutional rights—at any rate, of rights—and that the procedures of the Senate should be preserved.

Of course the jury system is a procedure for the securing of our basic constitutional rights. How can the Senator from Oregon be so indifferent to a procedure in one instance, and feel it is so important in the preservation of constitutional rights in another instance?

Mr. DOUGLAS. Is that question being asked of me?

Mr. KEFAUVER. I will address it first to the Senator from Illinois.

Mr. DOUGLAS. I never pass judgment on my fellows, but I may say that of course the Senator from Oregon has always emphasized procedural rights, and I believe he has performed a very valuable service in emphasizing them. The Senator from Illinois has said that to his mind the securing of justice, however defined, is the primary objective, and that procedure is an instrument with which to obtain justice. In this instance I am very happy that the Senator from Oregon is marshaling his eloquent arguments to indicate clearly that the procedure which we favor is best designed to obtain justice. I may say that if he had marshaled equally eloquent arguments on the other side of the question, I would not have been much impressed by them. [Laughter.]

Mr. MORSE. Mr. President, I should like to answer both Senators. I will say that I am demonstrating again my dedication and devotion to sound procedures, just as I did when I suggested that the bill should first go to the Committee on the Judiciary, with instructions. Now I argue along the same line when I say that we ought to protect the constitutional procedural powers of the courts. Because we are dealing with a constitutional right, I do not intend to support a procedure which, in my judgment, invades and weakens what I consider to be an important procedural power of the courts.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from New York.

Mr. JAVITS. I join my colleague in his outstanding and able legal analysis of the situation. I may say to him that I sat for more than an hour the other evening and listened to his speech, which included arguments on the jury trial proposal. I thought it was an outstanding, erudite speech, well worthy of the highest standards of a law school dean, the distinguished position my colleague occupied before he came to the Senate.

Mr. MORSE. I should like to interrupt the Senator to say that I always feel stronger when the Senator from New York is on my side. I appreciate very much his kind remarks.

Mr. JAVITS. I thank my colleague. I hope we may be on the same side very often. I, too, am not very happy when I am not on the same side with him.

It seems to me we should carefully consider the analogy which is being drawn, even though it is taken out of context, because it it nevertheless a part of the process which has been referred to as pulling the wool over the people's eyes. It is being said that a man could be sent to jail, deprived of his rights, and so forth, without benefit of a jury trial. It should also be pointed out that a man could go to jail even under the amendment that has been offered. Therefore I believe we should make a distinction between a private right in the case of a situation that arises under the Norris-La Guardia Act and a broadly based right of sovereignty. We should point out that there was a reason why the amendment which sought to eliminate the United States as a party in the section which gives a jury trial was defeated. The reason was based on broad public policy. We are following the same broad public policy now, because we are protecting a broadly based right which we do not wish to entrust into the hands of a particular jury, as we are willing to entrust so many private rights, even the liberty of an individual.

Mr. MORSE. I believe that is a very sound statement.

Mr. JAVITS. It must be remembered that it is a crime and a contempt that we are talking about. I favor the amendment which the Senator from Oregon sponsors, to place a limitation on the punishment. I favor it also because it would largely dispose of the argument that is presently being made that a man could be sentenced to rot in jail, as if he had committed some heinous crime. It also pinpoints the fact that we are only trying to make it possible for the court to enforce its own mandate, and that if an individual commits a crime, he is separately triable on that charge. I deeply appreciate the Senator's explanation and statement.

Mr. MORSE. I agree with the Senator's statement on the subject. I feel very much stronger to know that he will support my amendment.

Mr. JAVITS. I shall do so, and I hope that many other Senators on this side of the aisle will also support it.

Mr. MORSE. I should now like to make a statement on a point I covered earlier in my remarks. I have just received a note that my early remarks about the position of some labor unions is being interpreted by some as a statement that all labor unions of the country are in favor of jury trials. I am sure the RECORD will show that I did not say that, and that that is not a fair interpretation of what I said. What I did point out was that a group representing some labor unions came to me this morning and tried to get me to support a jury trial amendment. I explained to them that I would not support such an amendment because I did not join in their point of view. I know of no labor movement throughout the country supporting a jury trial amendment. That may be the case, but, if so, I do not know about it. I know that certain labor union representatives spoke to me this morning and tried to have me associate myself with their views on the jury trial amendment, but I refused.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. I should like to join the Senator from New York in commending the Senator from Oregon for proposing that the bill contain maximum penalties of not too severe a nature. I believe it is a very constructive suggestion. I shall support such an amendment and shall work for its adoption.

Mr. MORSE. Mr. President, in fairness to the Senator from Indiana, with whom I am happy to cooperate, I shall complete my formal statement, and then submit to questioning. I shall then yield the floor so that the Senator from Indiana may proceed with a speech which he had scheduled for some time.

DEFIANCE OF COURT DECREES

In a law-abiding society failures and refusals to abide by court decrees are rare. They are rare because the lawful and orderly fashion of challenging the judgments and orders of Federal district courts, or any trial courts, is to appeal. Such an appeal can be based on the law, the factual record, or both.

It has yet to be contended on this record that appellate courts will be anything but fair and judicial in reviewing judgments and orders.

What then is the issue? The issue is how alleged failures to comply with orders not appealed are to be tried. If we assume that defendants in these cases will be law abiding in the main, we are concerned with but a handful of cases. Indeed, if the history of our legal system is any guide, such cases will be the rare exception.

Or are we being told implicitly that there will be massive resistance to Federal court judgment and orders and that defendants will in the main take the law into their own hands? If this is the argument, what is our response? Are we being asked, in effect, to cripple or hobble the Federal district courts in the administration of this bill? Is the implicit argument that there will be hundreds of contempt actions because most defendants will defy the courts? And are we being told, in effect, that because we can expect dozens or hundreds of contempt cases, we are dealing with a major problem.

Let the opponents of the bill lay their cards on the table. Are they implying that mass disregard to court orders lies ahead in the administration of this bill?

Let us assume for a moment there will be mass contempt of court. How are we to respond? Are we to say, by adopting this amendment, that juries chosen on an unrepresentative basis are to be interposed between the courts and their orders on one hand and defendants bound by those orders on the other? If we are dealing with threatened mass contempt, do we not owe it to the orderly administration of justice to maintain its traditional defense—the contempt power?

On the other hand, if contempts are expected to be few and isolated, what is the clamor to impose limitations on contempt cases to which the United States is a party that do not now exist under the law and have not heretofore been imposed?

We are told that trial by jury is an inviolable right. But the courts have held otherwise and the statutes are to the contrary, as I pointed out in my speech on Tuesday.

There is no constitutional right to trial by jury in contempt cases. There is no due process requirement of trial by jury in contempt cases. The contempt power is the power of courts to require compliance with decrees and to punish for willful refusal to comply. Why? The right exists so that the courts will not be flouted and that individuals will not take the law into their own hands.

WHAT IS CRIMINAL CONTEMPT?

It has been contended that the law since 1914 requires jury trial in all cases of criminal contempt. That is not so. The Clayton Act provisions requiring jury trial for criminal contempts apply only to those cases in which the violation of the court decree is also a violation of a criminal statute of the United States or a State. The elements of a criminal contempt are willful disobedience and punishment which cannot be avoided by later compliance. The factor, under the Clayton Act, which has been applied to all classes of criminal contempt, and not merely violations of antitrust law decrees, requiring jury trial, is that the violation of the decree is also an act which violates a criminal statute. The mere fact that the underlying case may be similar to a criminal case does not make it a certainty that criminal contempts invoke the violation of the similar criminal statute.

VIOLATION OF COURT ORDER NOT NECESSARILY AN INDEPENDENT CRIME

For example, a remedial decree may require a vote registrar to report back to the court at fixed intervals what he is doing to comply. If he willfully fails to report as directed, he would violate the decree—but not the statute prohibiting officials to discriminate in the registering of voters. Or the decree may order the official to post and publish notices as to new registry procedures. A willful refusal to follow the order could be punished as criminal contempt and yet not be a violation of a criminal statute.

A lawful order to remedy discrimination can have requirements very different from the prohibitions of a criminal statute on the same subject. So it is not accurate to say that in civil proceedings in the field in which there is also a criminal statute, trial for contempt is essentially the same as trial for violation of the criminal statute.

Even beyond that, the purpose of the trials is different. Sentence for violation of the statute is punishment for the transgression of law. Punishment for willful contempt of a court order is in vindication of the court's authority to require compliance or orders presumptively valid.

PROCEDURES ON APPEAL

In most cases, the order of a lower court is stayed until an appeal can be filed and consummated. Only pressing requirements for action cause courts to deny applications for a stay. But if a court in its sound discretion does deny a stay, is that any reason for giving special treatment to defendants who do what they please in violation of the order? Assuredly not.

There has been a good deal of sloganizing on the right to a trial by jury, but the slogans do not bear up under legal analysis.

HOW WELL DO JURIES DEFEND LIBERTY?

There have been stirring defenses of the jury as a shield against despotism. As I said earlier in this debate, juries have their utility. But have they in fact and in deed proven to be a guardian always against tyranny?

Take an example from our own history. No laws ever enacted have earned the just opprobrium of our people equal to the revulsion to the Alien and Sedition Acts. The Alien Act never resulted in a prosecution, although it drove outspoken aliens out of the country.

But the Sedition Act of 1798 resulted in 10 cases of prosecution, with a possible 11th, which is not thoroughly documented.

The Sedition Act was directed against a free press and free speech under the guise of condemning seditious libel. The act was used by the Federalists in power to silence opposition newspapers and political opponents. Most of the defendants were newspaper publishers, writers, or pamphleteers who were critical of President John Adams. One defendant was a Representative from Vermont, Matthew Lyon. Another defendant was Anthony Haswell, editor of a newspaper, who published an advertisement to raise funds for Lyon's fine, and who said some strong things about Lyon's conviction and the unfair treatment he was receiving as a prisoner.

All 10 defendants were tried by juries which, under the Sedition Act, had the authority to decide both the law and the facts. A reading of the contemporary accounts of the trials—see Wharton, State Trials of the United States—some based on shorthand reports, clearly show how the defendants were prevented from presenting their defense adequately. The kangaroo-court methods were obvious and shocking.

What did the juries do in all 10 cases? They convicted the defendants.[1]—Anderson—The Enforcement of the Alien and Sedition Laws, Report of the American Historical Association, 1912. In one case the jury deliberated 1 hour—Wharton, page 336. In the Virginia trial of Callender the jury brought in the guilty verdict after 2 hours.

The Sedition Act is acknowledged to have been the most tyrannical in our history, both in substance and in application. In all the cases tried under it, the jury system failed utterly to function as the guardian of freemen's liberties. I do not recount this history to impugn the jury system. I merely cite it to show that the jury system does not have the celestial virtues claimed for it in this debate.

The jury system was abused in these cases. Federal marshals, who summoned juries, selected Federalist sympathizers for seats on the juries. The juries in these cases were not fully representative, just as jury panels are not truly representative of communities where they are based on voters' lists, which are unrepresentative or are based upon discrimination because of the color of the skin.

The Sedition Act cases do not show that juries will always convict. We know that is not so. They do show that juries are not proof against passion and prejudice—political, sentimental, or otherwise. That there are juries, such as that in Clinton, which can be dispassionate, I do not doubt.

All I claim about this issue is the following:

First. Jury trial does not have the virtues claimed for it;

Second. There is not a constitutional requirement for jury trial in contempt cases;

Third. There is not a due process requirement of trial by jury;

Fourth. Criminal contempt does not necessarily involve violation of criminal statutes;

Fifth. If there is to be massive resistance to court decrees in civil rights cases, we should not hobble the courts as they have never been hobbled before;

Sixth. If, as is usual, criminal contempt cases under this law will be rare, the dispute over trial by jury has been disproportionate to the issue and has unfortunately obscured the underlying purpose of the proposed legislation—namely, additional and effective civil proceedings to protect the rights of millions of citizens.

I believe, and I speak most respectfully, that the advocates of jury trial in this debate have misplaced their zeal. Some have permitted themselves to be distracted by an issue with apparent appeal, but little substance. Let us return to our task—the insurance of basic rights to a people who have yet to be permitted to get past the waiting room of citizenship.

Let us remember throughout the rest of the debate on this issue that, after all, it is for the courts to determine the issue as to whether a constitutional civil right is being denied any American, irrespective of the color of his or her skin.

Mr. MORSE. Mr. President, I shall stand on the position I took in 1957 in opposition to trial by jury in civil rights contempt cases. I shall vote against all the so-called jury amendments that are pending for a vote in connection with the pending civil rights bill.

I point out, as I did in 1957, that all of the discussion we heard then—which was repeated again this year—in regard to the Norris-La Guardia Act dealt with a fact situation that involved ex parte hearings. That is what the problem involved. We have had no problems about ex parte hearings in connection with civil rights contempt cases. It is true that the Norris-La Guardia Act was broad in its scope in that it applied to all injunctions but the evil that gave rise to the Norris-La Guardia Act was the arbitrary capricious conduct of obviously antilabor judges in issuing injunctions ex parte in strike cases. As I pointed out in 1957, these ex parte injunctions broke the back of strike after strike and also broke the backs of unions.

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[1] The law expired automatically in 2 years and no appeals were taken.

Furthermore, let us not forget that labor dispute cases involve private litigation between employers and unions. In private litigation, the right to a jury trial has a long historic background and origin in the common law. However, a civil rights case involves in a very real sense a conflict with the U.S. Government in the main which has a duty to protect the civil rights and constitutional rights of all of our citizens without discrimination based on race.

In a civil rights case the Government cannot justify turning the basic civil rights and constitutional rights of a citizen over to a jury to determine or protest. It is up to the courts as I said in 1957 to protect the constitutional rights of Negroes as well as all other citizens from deliberate miscarriages of justice by juries which may refuse to render verdicts based upon the evidence. Citizens including Negro citizens should not be placed at the mercy of jury bias and racial prejudice when it comes to a protection of their constitutional rights.

I discussed this jury problem at some length in one of my 1957 speeches and I shall insert that discussion in the RECORD as a part of this speech.

Also, let us never forget that once a jury acquits a defendant in a criminal contempt case he cannot be tried again on the same charge because of the doctrine of double jeopardy. An ugly reality is that in civil rights cases bias, prejudice, bigotry, unfairness on the part of juries exercised against the rights of Negroes can and often due color the actions of juries.

On the other hand if a judge acts arbitrarily and capriciously his sentence imposed for contempt can be appealed and the civil rights of the Negro thereby protected.

Thus I emphasize that the defendant is entitled to an appeal in case any judge acts arbitrarily or capriciously. We are dealing with basic constitutional rights when we deal with civil rights cases. In my judgment those rights should be determined by a court, and not by a jury. It is for the courts to protect the constitutional rights of defendants, and not juries.

Adequate protection is afforded to any defendant under the procedure laid down by the Supreme Court in the Barnett case. The Barnett case gave me some concern. I would be less than honest if I did not say so. I spent some hours analyzing it. But as one listened to the debate here in the Senate, one would think that the dissenting opinion in the Barnett case was the controlling opinion. It was not. The majority of the court did not sustain the position taken by the judges in the dissent. It ruled that Barnett was not entitled to a jury trial as a matter of constitutional law.

If we are to protect the civil rights of the Negroes of this country, we must leave the protection of constitutional rights to the courts, and not to the juries, as envisioned in any of the amendments.

Thus Mr. Justice Clark in the majority opinion stated:

> Finally, it is urged that those charged with criminal contempt have a constitutional right to a jury trial. This claim has been made and rejected here again and again. Only 5 years ago we held a full review of the issue in *Green* v. *United States*, 356 U.S. 165 (1958). We held then that "the statements of this Court in a long and unbroken line of decisions involving contempts ranging from misbehavior in court to disobedience of court orders establish beyond peradventure that criminal contempts are not subject to jury trial or a matter of constitutional right."

It has been argued in this debate that many liberals of the past have urged jury trials in contempt cases. I discussed the same claim in one of my 1957 speeches on this same subject and I have inserted excerpts from that speech in this speech. But just now let me say that the liberalism of Mr. Justice Holmes is good enough for me. In the Barnett case, Mr. Justice Clark, who wrote the majority opinion, quoted Mr. Justice Holmes in the U.S. against Shipp (1906) as follows:

> The first question, naturally, is that of the jurisdiction of this Court. The jurisdiction to punish for a contempt is not denied as a general abstract proposition, as, of course, it could not be with success.

In Gompers against United States (1914), Justice Holmes again wrote:

> The inquiry was directed solely with a view to punishment for past acts, not to secure obedience for the future; and to avoid repetition it will be understood that all that we have to say concerns proceedings of this sort only, and further, only proceedings for such contempt not committed in the presence of the court. * * *
>
> It is urged in the first place that contempts cannot be crimes because, although punishable by imprisonment and therefore, if crimes, infamous, they are not within the protection of the Constitution and the amendments giving a right to trial by jury. * * * It does not follow that contempts of the class under consideration are not crimes, or rather * * * offenses, because trial by jury as it has been gradually worked out and fought out has been thought not to extend to them as a matter of constitutional right.

For the foregoing reasons I shall vote as I did in 1957 against the jury trial amendments which are being offered to the pending civil rights bill.

Mr. MORTON. Mr. President, I shall not explain my amendment at this late hour. I think it is understood. A vote for this amendment, if it should carry, would not preclude a Senator from voting for the Dirksen-Mansfield substitute, on which the yeas and nays have been ordered, and which will ultimately be before this body.

I believe that Senators who favor the Dirksen-Mansfield approach would want to vote for this amendment, in case their proposal did not carry, because it brings the Talmadge amendment into closer agreement with what they are trying to do. It confines the matter of a jury trial in criminal contempt matters to the titles of this bill.

The Talmadge amendment is similar to the O'Mahoney amendment of 1957. It goes across the board. The Senate adopted the O'Mahoney amendment. It was stricken in conference. It adopted the Ervin amendment, I believe unanimously, when the late President Kennedy, then the Senator in charge of the Landrum-Griffin bill, accepted the Ervin amendment, and the then majority leader—now President of the United States—spoke for it. The amendment is almost identical with the language included in S. 1732, which was reported from the Commerce Committee about 2½ months ago. It has been on the Senate Calendar.

This is a bill which deals only with title II of the act which is before us. Title II was referred, in a separate bill, to the Commerce Committee. It was reported with only four dissenting votes. It was amended in the Commerce Committee under the leadership of the distinguished chairman of that committee, the senior Senator from Washington [Mr. MAGNUSON], with the help of the senior Senator from Rhode Island [Mr. PASTORE] and others, to include language that is practically word for word that which will be in effect if my amendment to the Talmadge amendment is adopted.

I say to Senators who do not want to amend the House bill at all, that it is perfectly logical to vote for this amendment. This brings the Talmadge amendment closer to the language of the House bill. It does not in any way preclude a vote on the Dirksen-Mansfield substitute.

For these reasons, I believe that this amendment is deserving of support. I shall not detain the Senate longer. Senators have been most patient. I hope the amendment will be adopted.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. MORTON] to the amendment offered by the Senator from Georgia [Mr. TALMADGE]. The yeas and nays have been ordered. The Clerk will call the roll.

Mr. DIRKSEN. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I can readily agree that the Morton proposal is infinitely better than the Talmadge proposal. But notwithstanding that fact, I hope that the Senate will reject it. I do so for two reasons.

The first reason is that if one dare assume that there will be a civil rights bill before we are through—and I earnestly hope there will be—I do not want to see it encumbered by something that may be rejected by the House.

In 1957—and I must correct my colleague—there was no conference between the House and the Senate on the 1957 bill.

On the 1st of August 1957, the O'Mahoney-Kefauver-Church proposal was adopted, which was an across-the-board amendment to title XVIII of the United States Code. It went infinitely further, and, in fact, is substantially like the Talmadge amendment which is now pending. In that form, the bill went to the House. It did not go to conference.

What happened on the floor of the House was that a motion was made to concur with an amendment, which is precisely what is in the 1957 law today, namely, that there can be a jury trial in a criminal contempt proceeding only when the judge exceeds a $300 or 45-day penalty.

Shall we try to resell to the House the very thing it rejected on the floor in 1957?

I want a civil rights bill. I know that the House is rather uneasy, and sometimes a little vexed about it. I do not mean by that remark to imply that we have no legislative prerogatives. But I say that before we can finish a bill there must be concurrence by the House of Representatives. If the Senate modifies the bill to the extent now proposed, I am not at all sure what will happen in conference or what the future will be.

That is the first reason. The second reason is that I do not want to see the court's contempt weapon diluted, if possible, because it has worked exceedingly well under the 1957 Act. I thought that in 7 years there had been two cases of criminal contempt. The Senator from New York [Mr. Keating] elicited from the Department of Justice that in 7 years there have not been any. My distinguished friend from Vermont indicates one.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. KEATING. My understanding is that there has not been any case in which there has been a jury trial. I do not know how many others there have been.

Mr. DIRKSEN. That is the record for 7 years. We have gone through the trouble here, first, to make the fine aggregate, so that under no circumstances can the judge impose more than $300, and we have made the sentence cumulative, so that under no circumstances can the judge give more than 30 days.

Just a word, Mr. President, about the matter of diluting the contempt proceeding. In 1933, when I was a freshman Member of the House of Representatives, the House had a Member, impeccably dressed, gray haired, from the State of Pennsylvania, who was one of the great constitutional lawyers of our time. His name was James Montgomery Beck. He served four terms in the House. He probably appeared before the U.S. Supreme Court as many times as any lawyer in the land. I cultivated his acquaintance. He wrote a book, and one day in the front row of the House he said, "Dirksen, I have inscribed a copy of my book, and I am giving it to you right now." It had a fetching title. The title was "Neither Purse Nor Sword." It sounded cryptic to me, until I read the book.

The point that this great lawyer was making was that, first, to the President or Executive we have entrusted the power of the sword as the Commander in Chief; to the Congress, the Constitution entrusted the power of the purse, because it clearly points out that no money can be taken from the Treasury except in pursuance of an appropriation by law.

That left the judiciary with no sword and no purse. What does it have? It has only one weapon, and that is the weapon of contempt procedure, if it cannot obtain compliance with a court order. It is no wonder that the great historian Fiske, in his great book on the critical issues of that time, said if it had not been for the Federal court system, we could not have made the Constitution practical and could not have made it work.

This power has not been abused. Do we propose now to dilute it? Do we propose, as the distinguished Senator from Oregon has observed, to commit some of these great issues into the hands of the jury, when, properly speaking, they belong in the hands of a competent person in a robe, who has life tenure, and whose business it is to see that justice and equity are dispensed and that the constitutional rights of our citizens are preserved?

If we want to go that far, we may dilute the one weapon that the Federal court system has, and that is the weapon of contempt procedure.

Nowhere has it ever been demonstrated that that power has been abused, when from 1957 there has been no jury case under the provision which the House by amendment put into the act, and which the Senate accepted before that bill went to the White House for signature by President Eisenhower.

I hope, therefore, that the pending amendment will be voted down. I hope the amendment of my very affable and genial friend from Kentucky [Mr. Cooper] will be voted down when it is offered.

The substitute is offered in good faith. We have improved on the 1957 act. I do not believe we can go farther afield without working some mischief in this field and denuding the court of the only weapon it has.

Therefore, Mr. President, Jim Beck was right: "Neither purse nor sword."

However, the court does have the power of punishing for contempt, with which to bring order out of chaos and obtain compliance with its order.

If anyone can demonstrate that there have been any abuses, I shall apologize and retract everything I have said. No one can demonstrate that within the past 7 emotional years, during which the 1956 act has been on the books, and since the 1960 act has been on the books, there have been any abuses. I believe we can very well let it stand precisely where it is, and ultimately embrace the substitute which the majority leader and I, in the utmost good faith, have offered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment (No. 560) offered by the Senator from Kentucky [Mr. Morton] for himself and certain other Senators, to the amendments (No. 513) proposed by the Senator from Georgia [Mr. Talmadge], for himself and certain other Senators, relative to jury trials in criminal contempt cases.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). I have agreed to give a pair to the junior Senator from Nebraska [Mr. Curtis]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Hence, I withhold my vote.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the Senator from California [Mr. Engle]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the senior Senator from Arkansas [Mr. McClellan]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. MORTON. Mr. President, I ask for the regular order.

The ACTING PRESIDENT pro tempore. On this vote——

Mr. HUMPHREY. Mr. President, I should like to inquire if I am recorded.

The ACTING PRESIDENT pro tempore. The regular order has been called for.

Mr. HUMPHREY. Am I recorded on this vote?

Mr. TALMADGE. Mr. President, I demand the regular order.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia withhold that request?

The ACTING PRESIDENT pro tempore. The regular order has been called for.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call for the regular order be temporarily withheld. A pledge has been made, and we should like to have an opportunity to honor that pledge.

Mr. RUSSELL. Mr. President, I demand the regular order.

The ACTING PRESIDENT pro tempore. The Chair cannot hear the Senator from Georgia.

Mr. HUMPHREY (after having voted in the negative). On this vote I have a pair with the junior Senator from Arkansas [Mr. Fulbright]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. RUSSELL. Mr. President, I ask for the regular order.

The ACTING PRESIDENT pro tempore. The regular order has been called for.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. Fulbright] is absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that the Senator from Arkansas [Mr. McClellan] and the Senator from Utah [Mr. Moss] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. Moss] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Carlson] is absent on official business to attend the Kennedy round trade agreement negotiations at Geneva.

The Senator from Nebraska [Mr. Curtis] is necessarily absent and his pair has been previously announced.

The result was announced—yeas 45, nays 45, as follows:

[No. 199 Leg.]

YEAS—45

Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon

Cooper
Cotton
Dominick
Eastland
Edmondson
Ellender
Ervin
Goldwater
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, Idaho
Jordan, N.C.
Lausche
Long, La.
Mechem
Metcalf
Miller
Morton
Mundt
Pearson
Robertson
Russell
Saltonstall
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—45

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Church
Clark
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Inouye
Jackson
Javits
Keating
Kennedy
Kuchel
Long, Mo.
McCarthy
McGee
McGovern
McIntyre
McNamara
Monroney
Morse
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smith
Symington
Williams, N.J.
Young, Ohio

NOT VOTING—10

Carlson
Curtis
Dirksen
Engle
Fulbright
Humphrey
Magnuson
Mansfield
McClellan
Moss

The ACTING PRESIDENT pro tempore. The vote being 45 yeas and 45 nays, the Morton amendments to the Talmadge amendments are rejected.

Several Senators. No, no, no.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to reconsider.

Mr. RUSSELL. Mr. President, I demand a recapitulation of the vote.

The ACTING PRESIDENT pro tempore. The Senator is entitled to have that done, and there will be a recapitulation. The clerk will call the names for the recapitulation.

The legislative clerk recapitulated the vote.

Mr. MOSS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. MOSS. I vote "nay."

Mr. RUSSELL. Mr. President, I make the point of order that under the rule no Senator may vote following the recapitulation.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is correct. The Senator from Utah may not vote. His vote may not be taken following the recapitulation.

Mr. MOSS. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. MOSS. I am in the Chamber. I have not voted. I ask to cast my vote.

The ACTING PRESIDENT pro tempore. The result of the vote has been announced. No Senator may vote after the announcement of the vote.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry: Is it in order to ask unanimous consent that the vote of the Senator from Utah be recorded?

The ACTING PRESIDENT pro tempore. The Chair cannot entertain such a request.

Mr. MANSFIELD. Mr. President, what is the recapitulation?

The ACTING PRESIDENT pro tempore. On the recapitulation, the "yeas" are 45; the "nays" are 45; and the Morton amendments to the Talmadge amendments are rejected.

Mr. MANSFIELD. Mr. President, I move that the vote by which the Morton amendments to the Talmadge amendments were rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

Mr. HICKENLOOPER and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected. The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll; and Mr. Aiken voted in the affirmative when his name was called.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Chair must require order in the Chamber. The Chair observes that the Senate is not in order. If order is not immediately obtained, the Chair will ask the Sergeant at Arms to clear the floor of the attachés.

Mr. DIRKSEN. Mr. President, what is the pending question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the amendments of the Senator from Kentucky to the amendments of the Senator from Georgia [Mr. Talmadge] were rejected.

The clerk will continue the call of the roll.

Mr. AIKEN. Mr. President, I have already voted.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for a parliamentary inquiry.

Mr. RUSSELL. I had not heard any Senator vote. My inquiry is as follows: If the motion to lay on the table is rejected, will the business then before the Senate be on agreeing to the motion to reconsider the vote on the Morton amendments to the Talmadge amendments?

The ACTING PRESIDENT pro tempore. That is correct.

On the question of agreeing to the motion to lay on the table the motion to reconsider, the yeas and nays have been ordered; and the clerk will continue the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. ANDERSON (when his name was called). On this vote, I have a pair with the Senator from Arkansas [Mr. Fulbright]. If the Senator from Arkansas were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The ACTING PRESIDENT pro tempore. The Senate must be in order. If there is not at once order in the Chamber, the attachés will have to leave the Chamber. The Senate will be in order.

The Senate is not in order. The Senate must be in order. It is now impossible to hear the responses made by Senators as their names are called on this vote.

Mr. DIRKSEN. Mr. President, is it now in order to propound a parliamentary inquiry?

The ACTING PRESIDENT pro tempore. The rollcall has been begun, and a parliamentary inquiry is not now in order.

The clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. DIRKSEN (when his name was called). On this vote, I have a pair with the distinguished Senator from Nebraska [Mr. Curtis]. If the Senator from Nebraska were present and voting, he would vote "nay." If I were at liberty to vote. I would vote "yea." Therefore I withhold my vote.

Mr. MAGNUSON (when his name was called). On this vote, I have a pair with the Senator from California [Mr. Engle]. If the Senator from California were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the Senator from Arkansas [Mr. McClellan]. If the Senator from Arkansas were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

The vote was recapitulated.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. Fulbright] is absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that the Senator from Arkansas [Mr. McClellan] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Carlson] is absent on official business to attend the Kennedy round trade agreement negotiations at Geneva.

The Senator from Nebraska [Mr. Curtis] is necessarily absent and his pair has been previously announced.

The result was announced—yeas 44, nays 47, as follows:

[No. 200 Leg.]

YEAS—44

Aiken
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Church
Clark
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Keating
Kennedy
Kuchel
Long, Mo.
McCarthy
McGee
McGovern
McIntyre
McNamara
Monroney
Morse
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smith
Symington
Williams, N.J.
Young, Ohio

NAYS—47

Allott
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Dominick
Eastland
Edmondson

Ellender
Ervin
Goldwater
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Mechem
Metcalf
Miller
Morton
Moss
Mundt
Pearson
Robertson
Russell
Saltonstall
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—9

Anderson
Carlson
Curtis
Dirksen
Engle
Fulbright
Magnuson
Mansfield
McClellan

So the motion to lay on the table was rejected.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DIRKSEN. A motion to reconsider is a debatable motion, is it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DIRKSEN. So any Senator who wishes to discuss the motion to reconsider is at liberty to do so upon recognition?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DIRKSEN. Will the Chair clarify the question that is before the Senate?

The ACTING PRESIDENT pro tempore. The Chair will attempt to clarify any question.

Mr. DIRKSEN. Mr. President, will the Chair state to the Senate the significance of a "yea" vote or "nay" vote on the motion to reconsider?

The ACTING PRESIDENT pro tempore. Senators who are in favor of the motion will vote "yea"——

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Senators who are opposed to the motion will vote "nay."

The clerk will call the roll for a quorum. The Senator from Mississippi has suggested the absence of a quorum.

Mr. DIRKSEN. Mr. President, the Senator from Mississippi does not have the floor. The Senator from Illinois has the floor. I have not yielded.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is correct, but the Chair will recognize any Senator for debate. The Chair will not cut off debate or recognition.

Mr. EASTLAND. Mr. President, I ask unanimous consent to withdraw my suggestion.

The ACTING PRESIDENT pro tempore. The Senator has withdrawn his suggestion of the absence of a quorum. The clerk will call the roll on the motion to reconsider the vote by which the amendments offered by the Senator from Kentucky [Mr. MORTON] to the Talmadge amendments was rejected.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I suggest, in the interest of order, that the Chamber be cleared.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Sergeant at Arms will see that the Chamber is cleared. All those who are not entitled to the privilege of the floor will immediately leave the Chamber.

Mr. LONG of Louisiana. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. LONG of Louisiana. The rules of the Senate provide that certain persons, including clerks, are entitled to the privilege of the floor. I should like to know whether the Chair is saying that those who are entitled to the privilege of the floor should leave.

The ACTING PRESIDENT pro tempore. The Chair is stating that those who are not required to be on the floor will leave the floor, in order to maintain order in the Chamber.

The Senate is still not in order. The clerk will suspend the call of the roll while the Senate comes to order.

The legislative clerk resumed the call of the roll.

Mr. ANDERSON (when his name was called). On this vote I have a pair with the Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would "nay." Therefore, I withhold my vote.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the Senator from California [Mr. ENGLE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Arkansas [Mr. McCLELLAN]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

Mr. DIRKSEN (after having voted in the negative). Mr. President, I have voted to support the vote in rejecting the amendment, instead of announcing a pair. I was not sure whether I was under further obligation to the distinguished Senator from Nebraska [Mr. CURTIS] or not. I gave him a pair on two votes. I wish to do the proper thing. I think now I had better reinstate the pair.

If I were at liberty to vote, I would vote "nay." If the Senator from Nebraska [Mr. CURTIS] were present and voting, he would vote "yea." I withdraw my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Arkansas [Mr. McCLELLAN] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] is absent on official business to attend the Kennedy round trade agreement negotiations at Geneva.

The Senator from Nebraska [Mr. CURTIS] is necessarily absent and his pair has been previously announced.

The result was announced—yeas 46, nays 45, as follows:

[No. 201 Leg.]

YEAS—46

Allott
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W, Va.
Cannon
Cooper
Cotton
Dominick
Eastland
Edmondson
Ellender
Ervin
Goldwater
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Mechem
Metcalf
Miller
Morton
Mundt
Pearson
Robertson
Russell
Saltonstall
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—45

Aiken
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Church
Clark
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Keating
Kennedy
Kuchel
Long, Mo.
McCarthy
McGee
McGovern
McIntyre
McNamara
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Promire
Randolph
Ribicoff
Scott
Smith
Symington
Williams, N.J.
Young, Ohio

NOT VOTING—9

Anderson
Carlson
Curtis
Dirksen
Engle
Fulbright
Magnuson
Mansfield
McClellan

So the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the amendments, of the Senator from Kentucky [Mr. MORTON] to the Talmadge amendments.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. In other words, the Senate has returned to where it started, on the Morton amendments?

The ACTING PRESIDENT pro tempore. These are the same amendments that were previously voted on.

The legislative clerk proceeded to call the roll.

Mr. ANDERSON (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. DIRKSEN (when his name was called). Mr. President, much as it distresses me, I am still constrained to give to the distinguished Senator from Nebraska [Mr. CURTIS] a pair. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MAGNUSON (when his name was called). Inasmuch as this is the same amendment that I sponsored in the Commerce Committee, I continue my pair with the Senator from California [Mr. ENGLE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Arkansas [Mr. MCCLELLAN]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Arkansas [Mr. MCCLELLAN] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] is absent on official business to attend the Kennedy round trade agreement negotiations at Geneva.

The Senator from Nebraska [Mr. CURTIS] is necessarily absent and his pair has been previously announced.

The result was announced—yeas 45, nays 46, as follows:

[No. 202 Leg.]

YEAS—45

Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Dominick
Eastland
Edmondson
Ellender
Ervin
Goldwater
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Mechem
Metcalf
Miller
Morton
Mundt
Pearson
Robertson
Russell
Saltonstall
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—46

Aiken
Allott
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Church
Clark
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Keating
Kennedy
Kuchel
Long, Mo.
McCarthy
McGee
McGovern
McIntyre
McNamara
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smith
Symington
Williams, N.J.
Young, Ohio

NOT VOTING—9

Anderson
Carlson
Curtis
Dirksen
Engle
Fulbright
Magnuson
Mansfield
McClellan

So Mr. MORTON's amendments to the amendments of Mr. TALMADGE were rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote.

The ACTING PRESIDENT pro tempore. The motion is not in order.

Mr. COOPER. Mr. President, I call up my amendment No. 573.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that the amendment be not read, but printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 2, beginning with line 1, strike out all through line 9 on page 3.

On page 3, between lines 9 and 10, insert double quotation marks and the following:

"TITLE XI—JURY TRIALS OF CRIMINAL CONTEMPTS"

On page 3, line 10, immediately before "In", strike out the single quotation mark and insert in lieu thereof "SEC. 1101.".

On page 3, line 10, beginning with "for wilful", strike out all through "Columbia" on line 13, and insert in lieu thereof the following: "arising under section 302 of this Act, or under title II, V, VI, or VII of this Act".

On page 3, line 16, immediately after "cases", insert a semicolon and the following: "and in any proceeding for criminal contempt arising under section 301 of this Act, or under title I or IV of this Act, the court, in its discretion, may grant a trial by a jury to the accused".

On page 3, line 17, strike out the single quotation mark before "This".

On page 3, line 22, strike out the single quotation mark before "Nor".

On page 4, line 4, strike out the single quotation mark.

On page 4, line 5, strike out "1103." and insert in lieu thereof "1102.".

On page 4, line 7, strike out "repealed." and in lieu thereof insert the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: '*Provided further*, That in any such proceeding for criminal contempt, the court, in its discretion, may grant a trial by a jury to the accused.' "

Mr. COOPER. Mr. President, my explanation of the amendment will be as short as is possible. I hope very much that Senators will listen to my explanation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MAGNUSON. I merely wish to ask the acting majority leader, for the benefit of several Senators who have inquired, what the program will be for the remainder of the evening. Considering the fact that the Senator from Kentucky has said he would make a brief explanation, the Senate could probably vote on his amendment. Perhaps there will be other speakers.

Mr. HUMPHREY. The Senator from Kentucky has indicated that he would take a very short period of time, probably less than 15 minutes.

Mr. COOPER. At most, I hope 15 minutes.

Mr. HUMPHREY. I do not know how much time the opposition will take. It is the intention of the leadership to have the Senate remain in session until the debate on the amendment offered by the Senator from Kentucky is concluded and a vote has been had. I am hopeful that that can be done in not too long a time from now.

After that, I would suggest that the Senator from Washington make another inquiry. It is my understanding that the Senate will not reach the point of voting on the Dirksen-Mansfield substitute, unless there is a change of heart—and I hope there will be.

Mr. RUSSELL. I do not know whether the Senator from Minnesota had me in mind, even though he was looking at me when he made his remarks. However, I can tell him that it will be impossible to vote on the Mansfield-Dirksen substitute until after the President has returned from his charge and attack on poverty in some of the Southeastern States. Some Members of Congress are likewise interested in fighting poverty. At least, they wish to be present when the engagement is had. They will not be present tomorrow, and not until late on Friday. Therefore, it will be impossible to vote before Saturday. I have never thought that Saturday was a very good day for a vote. For that reason I believe it very unlikely that there will be a vote on the Dirksen-Mansfield substitute until after the Members of Congress who have gone forth to do battle on poverty have returned to Washington.

Mr. HUMPHREY. It would be within the realm of possibility if there were not extended debate, to vote on the Cooper amendment, and on the substitute also.

Mr. RUSSELL. I do not preclude a vote on the amendment offered by the Senator from Kentucky.

Mr. HUMPHREY. I was thinking of this evening.

Mr. RUSSELL. It is highly likely the the Senate will vote on the Cooper amendment. I was referring specifically to the substitute proposed by the Senator from Illinois and the Senator from Montana. I hope I have placed the names in correct order. I try to alternate. I do not know which Senator is the leading spirit in connection with the amendment. One time I will call it the Dirksen-Mansfield amendment; on another occasion, I refer to it as the Mansfield-Dirksen amendment.

I think it is highly unlikely that there will be a vote on the substitute amendment in the next day or two.

Mr. HUMPHREY. I hope Senators will listen to the explanation by the Senator from Kentucky [Mr. COOPER]. I would hope that his remarks and whatever statements may be made in opposition could be kept within reasonable limits; that a spirit of compassion, comity, and amity may overwhelm us; and that we may be able to keep reasonable hours tonight. Otherwise, we could be here for quite a long time.

Mr. DIRKSEN. Mr. President, does the Senator from Kentucky ask for the yeas and nays on his amendment?

Mr. COOPER. Yes; I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky wish to have his amendments considered en bloc? There are several amendments.

Mr. COOPER. I have asked for the consideration of only one amendment, amendment No. 573.

The ACTING PRESIDENT pro tempore. The Senator's amendment contains several parts.

Mr. COOPER. Yes; it refers to several titles.

The ACTING PRESIDENT pro tempore. Without objection, they will be considered en bloc. The Senator from Kentucky asks for the yeas and nays on his amendment.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. COOPER. Do I correctly understand that the amendment now before the Senate is my amendment No. 573?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. COOPER. I shall not take too much of the time of the Senate to explain this amendment. The Senate has just refused to adopt the amendment of my colleague from Kentucky [Mr. MORTON].

Mr. President, may I have order in the Senate?

The ACTING PRESIDENT pro tempore. The Chair is attempting to obtain order for the Senator from Kentucky. The Senate will be in order.

The Senator from Kentucky may proceed.

Mr. COOPER. I thank the Chair. I appreciate his efforts to obtain order.

The Senate has just refused by a very narrow margin to adopt the amendment of my distinguished colleague from Kentucky [Mr. MORTON] to the amendment of the Senator from Georgia [Mr. TALMADGE], although he made a strong fight for his amendment. I was glad to support it. But now we are back to the consideration of the amendment offered by the Senator from Georgia [Mr. TALMADGE] and other Senators. This amendment is quite broad in its scope.

The Talmadge amendment would extend to every civil proceeding brought in a Federal court. It would not be possible, under his amendment, for any court to enforce its decrees by criminal contempt proceedings without a jury, although there are certain acts of the Congress which provide the courts this authority.

Under existing law, there is no right to a jury trial for criminal contempt in a case in which the United States is a party. It should be remembered that emergencies arise throughout the country from time to time which demand the injunctive action of the courts; the shutting down of a defense plant is a good example. Under the Talmadge amendment, a court would not have power to enforce its orders by criminal contempt proceedings.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. COOPER. I yield.

Mr. TALMADGE. Would not such an action come within the provisions of the Norris-La Guardia Act? It would require a jury trial not only in a criminal contempt case, but also in a civil contempt case.

Mr. COOPER. Not at all. The Norris-La Guardia Act, the Clayton Act, and the other acts to which reference has been made today carry their own special provisions for jury trials in criminal contempt proceedings. However, section 3691 of title 18 of the code provides that when the United States is a party to an action, there is no right of jury trial in criminal contempt proceedings.

During the war, and after the war, when important cases were coming before the courts, cases which could have adversely affected the war effort, the courts were forced to use injunctive methods, and were able to enforce their orders without a trial by jury. I cite as an example the case of the United States against the United Mine Workers of America, which arose in 1946.

I cite this kind of situation to make it clear to the Senate that the amendment proposed by the Senator from Georgia would cover all civil proceedings which arise in Federal courts.

I thought the amendment of my colleague from Kentucky [Mr. MORTON] was a rational one because it reduced the scope of the Talmadge amendment, and made it apply only to the civil rights bill, which is pending before the Senate. The Morton amendment would have provided a trial by jury in cases of criminal contempt arising under the civil rights bill, and the civil rights bill alone.

My amendment is similar to the Morton amendment in two respects: It would limit the amendment offered by the Senator from Georgia [Mr. TALMADGE] to the civil rights bill. Second, it would provide a jury trial in criminal contempt cases arising under several titles of the bill—for example, title II, the public accommodations section; title VII, the Equal Employment Opportunities section; and title VI, the Federal assistance section. It would not provide a jury trial as a matter of right to a party in proceedings under three sections: title I; section 301 of title III; and title IV.

Questions have been asked today, including those of the distinguished Senator from Ohio [Mr. LAUSCHE], which I shall be required to answer in explaining the rationale of my amendment.

Of course, it would be simpler to say that a jury trial shall be provided in any proceeding that arises under any title in the bill. That is easily understood.

It is also simpler, as provided in the Mansfield-Dirksen amendment to say that in every case the judge shall have the right to fine or imprison someone up to a maximum of 30 days and $300 without giving the accused a jury trial.

But I believe my amendment follows the practice of the Congress, in deciding which situations, once the factors involved have been considered, dictate that a trial by jury shall be provided as a matter of right in criminal contempt proceedings.

My amendment represents views which I expressed in the debate several weeks ago, and which I hold as a result of my study and my convictions.

I believe that my amendment is in accord with the latest decision of the Supreme Court—U.S. against Barnett—in which the question of providing jury trials in criminal contempt cases was directly considered. It has been conceded throughout the debate that there is no constitutional right of trial by jury in either civil contempt or criminal contempt proceedings. It is correct that Congress has the power to provide a jury trial if it so desires. But the most recent case decided by the Supreme Court on the subject, the case of United States against Barnett, the Court firmly held—even though it was a 5-to-4 decision—that there is no constitutional right to a trial by jury in a criminal contempt proceeding.

Even in his dissenting opinion, Mr. Justice Goldberg said that a court could impose a penalty without a jury trial if the offense was trivial; and if the punishment given was no more than that given in cases involving a "petty offense." The Court, in a footnote to its majority opinion, noted that a minority of the Court believed that in cases in which the penalty was more than that given for a "petty offense" that a jury trial should be provided.

So, essentially, with respect to titles I, III, and IV, my amendment conforms to the Court's decision. It provides that there shall not be a right of trial by jury for criminal contempt cases, but that the court in its discretion can provide a trial by jury, if it believes that its penalty would be more severe than the penalty given in cases involving "petty offenses." Lower Federal courts would certainly be on notice that under section 1 of title 18, of the United States Code, a "petty offense" is clearly defined as one in which the penalty shall not be more than a 6 months' sentence or a $500 fine. This is certainly a clear guideline for the court's action in determining a punishment in criminal contempt proceedings without jury trial.

Mr. ERVIN. Mr. President, will the Senator from Kentucky yield, to permit me to ask several questions, for the purpose of clarifying in my own mind the meaning of the amendment of the Senator from Kentucky?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Kentucky yield to the Senator from North Carolina?

Mr. COOPER. I am glad to yield.

Mr. ERVIN. I understand that the amendment of the Senator from Kentucky would give an absolute right of trial by jury in criminal contempt cases arising under titles II, VI, and VII of the bill.

Mr. COOPER. That is correct.

Mr. ERVIN. And also under section 302 of title III.

Mr. COOPER. The Senator is correct.

Mr. ERVIN. And the amendment also would make the right of trial by jury discretionary, under titles I and IV and under section 301, subsection (a), of title III; is that correct?

Mr. COOPER. That is correct; in the court's discretion.

Mr. ERVIN. What would the distinguished Senator's amendment do with respect to the question of punishment?

Mr. COOPER. It would be left to the court. With respect to the three titles, as to which there would be no absolute right of trial by jury—title I, section 301 of title III, and title IV, the court would have to determine within the limitations of section 1 of title 18 whether it could try the contempt and impose a penalty, or whether it should refer the case to a jury.

Mr. ERVIN. Under the amendment would there be any kind of limitation on the punishment?

Mr. COOPER. No; there is no mention of a statutory limitation in my amendment because I think the opinion of the Supreme Court in the case of United States against Barnett and particularly in footnote 12 of that opinion lays down adequate guidelines. A sensible court would certainly consider that opinion, when it determined whether it should try the case or refer it to a jury. I think my amendment is in accord with the opinion of the Supreme Court.

Mr. LAUSCHE. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I am glad to yield.

Mr. LAUSCHE. The parts of the bill under which no jury trial would be allowed, and which were identified by the Senator as being included within certain titles of the bill, deal with prosecutions brought by the Government, do they not?

Mr. COOPER. If the bill should pass as introduced, that would be the case, because in titles I, III, and IV, the Attorney General would be given the power to sue in the name of the United States. But I do not base my amendment on that fact.

Mr. LAUSCHE. And in the Barnett case the Court held that if the Government of the United States is the complainant, the decision can be made by the court, and no jury trial will be allowed; is that correct?

Mr. COOPER. The court was not required to make that holding; but it is a fact that, under the code, when the United States is a party, it is provided under section 3691 of title 18 of the code that there shall not be a right of trial by jury in contempt proceedings.

Mr. LAUSCHE. Very well.

Mr. TALMADGE. Mr. President, at this point will the Senator from Kentucky yield to me, for a question?

Mr. COOPER. I yield.

Mr. TALMADGE. Why should the U.S. Government have preferential right over any other litigant or plaintiff—that is, that right to deny the defendant the right of trial by jury? It seems to me that when one has arrayed against him the power and might—financial, legal, and otherwise—of the U.S. Government, his rights should be protected more greatly than in other circumstances.

Mr. COOPER. I think it is unnecessary to debate that issue; for it is not concerned with my amendment. But I assume the reason is the dominant public interest involved when the United States becomes a party to the proceeding.

I know the difficult question that can be presented. It was presented by the distinguished Senator from Ohio [Mr. LAUSCHE] today. And that question is: Why do you make a distinction? Why would you accord the right of trial by jury in criminal contempt cases to persons in proceedings under titles II, VII, and VI, and under section 302 of title III, but not accord an absolute right of trial by jury in actions under titles I, III, and IV?

My answer is that the making of such distinctions, in order to secure constitutional rights, is nothing new.

The history of the action of Congress in providing for trials by jury in criminal contempt cases under some acts of Congress and not in others indicates the reasonable answers; namely, that each case simply rests on the judgment of Congress, based on all the factors involved. I make a distinction between the three titles in which jury trial would not be provided as a matter of right and the other titles, for several reasons. Title II is a new title. It provides for the first time in statutory form, insofar as Congress is concerned, the right of access to places of public accommodation. It deals with a new situation. The same is true with respect to the equal employment opportunities title. Congress is defining, in statutory form, for the first time, these rights of access to public accommodations and of employment without discrimination.

The rights in these titles are based on the commerce clause. Congress does not state, and it is not claimed, that they are constitutional rights. As the bill bases them on the commerce clause, Congress would simply declare that they come within the scope of interstate commerce, and that Congress has decided to assure these rights, as a matter of public policy and as a matter of decency. I agree these rights should be assured.

But voting rights, the right to attend a desegregated public school, and the right to enjoy the use of public facilities, present a different question.

The voting right is a constitutional right, protected by the 15th amendment. The right to attend a desegregated school and the right to use public facilities are constitutional rights because they have been declared so by the Supreme Court of the United States under the 14th amendment. In such situations adverse parties to those proceedings are denying constitutional rights. In my mind it is an entirely different case from a case involving parties, as unfair as they may be, who are denying claims which have not been declared by Congress as constitutional rights.

There is a second distinction: Who would be the parties to whom the court's orders would be directed in proceedings arising under the bill? Under titles II and VII, the public accommodations section and the equal employment opportunity section, the controversies would be between private individuals. But under titles I, III, and IV the action would be brought almost always against public officials. In the case of voting rights, the action would ordinarily be brought against either a voting registrar, or a public official obstructing the voting right.

In the case of school desegregation the action would be against school boards, or other public officials who are obstructing a constitutional right—the right to attend a desegregated school.

In the case of public facilities, the action would be against the officials of the county or town who have the duty to open public facilities to all persons, or other officials of the State or community who are obstructing that right.

I respectfully say to the Senate that there is a great duty on the part of public officials to obey the law and to obey the Constitution. There should be a greater knowledge and understanding of the law on their part.

If I may but cite one case which vividly shows this distinction it would be the case of *U.S.* v. *Screws*, 325 U.S. 91, at page 129, where Justice Rutledge, in his excellent concurring opinion, had this to say:

> Generally, State officials know something of the individual's basic legal rights. If they do not, they should, for they assume that duty when they assume their office. Ignorance of the law is no excuse for men in general. It is less an excuse for men whose special duty is to apply it, and therefore to know and observe it. If their knowledge is not comprehensive, State officials know or should know when they pass the limits of their authority, so far at any rate that their action exceeds honest error of judgment and amounts to abuse of their office and its function. When they enter such a domain in dealing with the citizen's rights, they should do so at their peril, whether that right be created by State or Federal law. For their sworn oath and their first duty are to uphold the Constitution.

I believe that Justice Rutledge sums up quite clearly the basic distinction which is involved here.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. COOPER. I yield.

Mr. TALMADGE. Is it the Senator's contention that the members of a school board in Kentucky, Georgia, or elsewhere, have greater knowledge of law than any other citizen?

Mr. COOPER. Not always.

Mr. TALMADGE. In my area of the country the people virtually have to draft citizens to serve. Citizens serve in a spirit of patriotism.

Mr. COOPER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. TALMADGE. The members of such boards serve in a spirit of patriotism, with no salary, or virtually none. The service costs them money out of their pockets to attend meetings of the board. Why should those citizens be both segregated and discriminated against, as they would be under the amendment, and be permitted fewer rights than other American citizens?

Mr. COOPER. Because, as public officials, they are sworn to obey and to defend the law, and the Constitution of the United States. When public officials do not obey their sworn duty, but violate and deny to citizens their constitutional rights, and obstruct the courts in actions in which citizens seek to secure their constitutional rights, I say that they are more to be condemned than the average citizen.

If I may take but another moment, I should like to quote from an opinion of the Supreme Court of the United States in the case of *Cooper* v. *Aaron*, 358 U.S. 1—a case which, the distinguished Senator will remember, grew out of the Little Rock situation. The Court said—

> Whoever, by virtue of the public position under a State government * * * denies or takes away the equal protection of the laws, violates the constitutional inhibition; and he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. That must be so or the constitutional prohibition has no meaning. No State legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. TALMADGE. Does the Senator think that the members of school boards, registrars and others who may be involved in the provisions of the amendment ought to have fewer rights than traitors, murderers, rapists, and all others who are guaranteed the right of trial by jury under the Constitution?

Mr. COOPER. You are referring to an entirely different situation when you refer to rapists or murders. The defendants in such cases would be tried under the criminal statutes, and, of course, they would be given a right to trial by jury. The Senator knows—and he knows I have great respect for him—that we have argued these questions for 2 or 3 weeks. The Senator knows, and I am sure he agrees, that it is the holding of the courts to this day that there is no constitutional right of trial by jury in criminal contempt proceedings. What I have said is that the Congress, in those instances where a right of trial by jury is provided in criminal contempt proceedings, has had to do it on a statutory basis. It has had to weigh all the factors and then decide that it wanted to provide a trial by jury in contempt proceedings which might arise under a particular act. I have offered an amendment which would still provide trial by jury to individuals under three titles of the bill where the cause for litigation is the result of acts by private citizens. For example—in employment cases and public accommodation cases—where no constitutional right is involved, the right of trial by jury would still be provided. I am saying that when the Constitution and the Supreme Court have declared certain rights to be constitutional rights, they merit our special consideration. Under those three titles, titles I, IV, and section 301 of title III, where the parties to the proceedings would chiefly be public officials who are sworn to defend the Constitution, I do not believe that such aspects deserve any special privilege.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. COOPER. I yield.

Mr. TALMADGE. I point out to the Senator how broad the scope of the bill is. I refer to page 11, title III, section 301(a):

> SEC. 301. (a) Whenever the Attorney General receives a complaint signed by an individual to the effect that he is being deprived of or threatened with the loss of his rights to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to or full and complete utilization of any public facility—

And so on.

That means that any crank or nut or anyone else in the United States could write a letter to the Attorney General of the United States, and the Attorney General could file suit in the name of the United States against a man who might be accused—a State official or a county official, as he sees fit—haul him into Federal court, and, under the provisions of the amendment which the Senator has offered, the defendant would be deprived of the right of trial by jury in a criminal contempt case.

Mr. COOPER. They would not be deprived of a right. There is no such right to trial by jury in criminal contempt cases as the law now stands.

Mr. TALMADGE. The amendment which I have offered—and the amendment of the Senator from Kentucky is a perfecting amendment to it—would grant citizens that right.

The Senator has said that they now have no such right. I agree with him. But we do not have the proposed legislation now, either. The Attorney General cannot file suits at will against anyone in the name of the U.S. Government. That is a broad and almost inconceivable power. To deny the various local, county, and State officials, school board members and registrars throughout America the right of trial by jury when we grant such power, which is enormous and grave, is inconceivable to me.

As the Senator knows, we give the right of trial by jury to every knave, every felon, every traitor, every rapist, and every murderer in America. I cannot understand the logic of the Senator's amendment that would subject school board members, little registrars, and little people in every area of America to suits by the Attorney General in the name of the U.S. Government and deny them the right of trial by jury.

Mr. COOPER. There is no change whatever in the law.

Mr. TALMADGE. But the law is being implemented and broadened.

Mr. COOPER. I believe that 2 or 3 illustrations will indicate my point as to why I believe the provision would be correct:

First, with regard to voting rights, a right to vote is provided in the 15th amendment to the Constitution. If after all these years there is any place in this country left where the right to vote is being denied by officials, I wish to see that right, which is provided by the Constitution, given to every citizen of the United States. Today an individual and the Attorney General can bring a suit to secure a voting right. If the Attorney General brings the suit, and there is a hearing before the court—and it is only before the court—the court can issue his orders, once the injunction is violated. So there is no change.

Mr. TALMADGE. Except that the Senator's amendment would make a change in the Civil Rights Act of 1957, which finally wound up by being a puny, mongrelized version of a constitutional right for jury trial, depending on how long the man could be put in jail or what the fine might be in dollars. The Senator's amendment would take even that puny, token right of trial by jury away from the defendant.

Mr. COOPER. Yes, but it would be within the discretion of the court to afford a jury trial.

Mr. TALMADGE. But it would not be mandatory.

Mr. COOPER. I come now to the question of school desegregation. I know many persons do not agree with the Supreme Court's decision, in Brown against Board of Education but the Court held in 1954 that children had a constitutional right under the 14th amendment to attend desegregated schools. The Senator from Minnesota [Mr. HUMPHREY] cited one case where this right has been denied. That case, originating in New Orleans, has been in the courts for 9 years and still has not been finally decided. The parties to that proceeding had their case tried. It was appealed to the court of appeals. It went to the Supreme Court. It has been back to the Supreme Court. Yet officials are obstructing the constitutional rights of citizens, and they are obstructing the course. They want another trial, and they have been in the courts for 9 years.

Mr. TALMADGE. The Senator knows that there are 6 criminal statutes on the books protecting the right to vote, and 9 civil statutes, making a total of 15. If they are obstructing that right, their remedy is a criminal prosecution under criminal statutes.

Mr. COOPER. I have heard that argument before. My friend knows my respect for him——

Mr. TALMADGE. It is mutual.

Mr. COOPER. Those existing statutes do not reach the kind of thing that is being done. These officials do not care how many criminal indictments are brought against them.

Mr. TALMADGE. Has a criminal indictment been brought?

Mr. COOPER. No.

Mr. TALMADGE. That answers itself.

Mr. COOPER. As long as these officials can obstruct desegregation of the schools, they are satisfied.

I will cite another case, which arose in Memphis, Tenn. It is the case of Watson against the City of Memphis, a case where the Supreme Court established the right of citizens to use public facilities without discrimination. That case has been in the courts for about 4 years. A man merely wants to walk into the park, but the officials are obstructing his constitutional right to do so.

I do not have to recall the case in Arkansas, and also the recent case in Mississippi, which finally culminated in the Barnett decision, wherein the district court had granted relief, the court of appeals affirmed it, and finally the Supreme Court of the United States affirmed it.

After all that, and after the courts had acted, the officials and the Governor of the State himself, took steps to obstruct the orders of the court for the purpose of denying a constitutional right which had been determined by the Supreme Court of the United States.

My point in referring to these three titles, and in not providing a jury trial as a matter of right, is that, as I have said, I believe there is a greater obligation upon the part of public officials to obey the law.

The Senator is a great constitutional lawyer. He knows the Constitution much better than I do. He knows that under article VI, section 3, of the Constitution officials are sworn to defend and obey the Constitution and the laws enacted pursuant thereto.

My amendment, by not providing to those officials the right of trial by jury in criminal contempt cases, does not take anything away from them. They do not enjoy that right now. The judge who tries the case, who knows the difficult situation better than anyone else, is under the admonition of the court in the Barnett case that there is a point beyond which he may not go, that he cannot impose too severe a penalty, and that in that case he would have to submit the case to trial by jury.

My amendment provides that right. Further, as we know, after the court cites a party for criminal contempt, he still enjoys all the protection of due process which he would have in other cases.

Senators who support the Dirksen-Mansfield amendment are also making a judgment of policy. They are not claiming any constitutional basis for that amendment. It is a judgment of policy. What they are saying is that they believe that in every case under this act there should not be an absolute right of trial by jury, but in every case the court without a jury should have the right to punish up to a $300 fine or 30 days in jail. A $300 fine for some criminals might not amount to much, but a day in jail for a man who is a decent, honest citizen places a blot on him that he can never wipe out.

Also, I say to my friends who say there ought to be a jury trial in every case involving criminal contempt, that they are not being entirely consistent. They assert that there should be a jury trial in every case of criminal contempt because it is a crime. It is a crime, of course, because it is defined as a crime; but the infamy of criminal contempt is the punishment—the imprisonment or the fine. But if their position is absolutely consistent I could say that in civil contempt a man could be put in jail for months, for as much as a year. That is just about as detrimental to him and as infamous as it would be if he were put in jail for 30 days under the Dirksen-Mansfield amendment.

I offered my amendment, first, because, as I have said, it more nearly accords with the decision in the case of the United States against Barnett where the Court did not set a 30- or 60-day limit, but merely said there shall be no punishment more than that given for a "petty offense" in cases tried without a jury. A petty offense in section 1 of title 18, United States Code, is defined as one for which punishment shall not exceed 6 months or $500. That is what the Court said. The second reason is that in every case Congress makes a judgment as to the circumstances under which it will afford a jury trial in a criminal contempt proceeding.

I have felt that, under those titles where the proceedings would be between individuals, and where no constitutional right was involved, there should be a trial by jury. But under title I, title IV, and section 301 of title III where a constitutional right is being denied, and where the chief parties in the proceeding are public officials who have had their day in court, but who still resist and refuse to obey the court orders, I believe the judge should be given, as he has been given throughout the centuries, the same kind of deterrent power to secure compliance with his orders and to be able to protect and enforce the constitutional rights of all our citizens.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. LAUSCHE. Would the Senator's amendment make mandatory the right of a trial by jury in any of the provisions of the bill?

Mr. COOPER. Yes.

Mr. LAUSCHE. In which instance?

Mr. COOPER. If the party claims it, under the public accommodations section, title II; under the employment section, title VII; under the Federal assistance section, title VI; and under section 302 of title III, which relates to public facilities. The last-mentioned section is so broad in its scope that I find it difficult to know exactly what behavior this section will reach.

Mr. LAUSCHE. Under certain provisions, if the accused asks for a jury trial, he is entitled to it as a matter of right, without any discretion in the court to deny it?

Mr. COOPER. That is correct.

Mr. LAUSCHE. The other important phase of the Senator's amendment is that whenever the U.S. Government is the complainant, and the respondent is a public, governmental official, there will be no right of a trial by jury as a matter of right. But the court may grant it if it so desires.

Mr. COOPER. That is correct, except that I refer to three titles. It does not make any difference whether the United States is a party or not. That is another question. There is a section of the code which provides that if the United States is a party, there is no right of trial by jury. But even if Congress should strike out that part of titles I, III, and IV—which would give the Attorney General the right to intervene and thus take out the United States as a party, my amendment would still apply.

Mr. LAUSCHE. In the Senator's opinion, does the amendment go beyond, or not as far as, the Dirksen-Mansfield amendment in providing the right of a trial by jury to a person who is charged with criminal contempt?

Mr. COOPER. In the titles that I have mentioned, title II, title VI, and title VII, and a part of title III, it would go beyond the Mansfield-Dirksen substitute in providing to parties an absolute right to a trial by jury in proceedings under those sections. It would not change the other titles as to existing law.

Mr. LAUSCHE. I thank the Senator.

Mr. TALMADGE. Mr. President, I shall be very brief. First, I hold the Senator from Kentucky in very high esteem, as he knows. I served with the Senator on the Committee on Agriculture and Forestry, and on the Subcommittee on Watershed Projects.

I have great respect for the ability of the Senator. The amendment which he proposes strikes me as being very unusual, indeed. In the first place, it is being offered to a bill the purpose of which is to eliminate discrimination and segregation. The amendment of the Senator from Kentucky would institute both segregation and discrimination. It proposes to segregate certain classes of American citizens. It provides that some classes of American citizens are entitled to a jury trial, and some are not. It discriminates against certain classes of American citizens. It provides that some are entitled to a jury trial in criminal contempt cases, and that some are not. I cannot understand the logic of it.

The Senator has argued that if the United States is a party to a suit, the defendant ought not to have the right to a jury trial in criminal contempt cases. To my mind, that is all the more reason why a defendant should be entitled to a jury trial in criminal contempt cases.

If A sues B in any county or in any State in the country, the odds are constantly equal, unless it is some giant corporation with tremendous resources which is suing some small individual with limited assets. But when the United States of America files a suit in the name of the United States, 190 million are arrayed against one. The resources of an expenditure in excess of $100 billion a year are arrayed against those of one individual. The Justice Department, with its myriad of lawyers, is arrayed against one individual. That, to my mind, is all the more reason why a defendant should be entitled to a jury trial than under ordinary circumstances. The scales are uneven at the very outset. Then we propose to raise the might and the power of the Government of the United States against one small individual.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. COOPER. The Senator was very kind when I had the floor. I do not wish to interrupt him but I must clarify that point. I did not argue as a basis for support of the amendment that it was because the United States was a party. I do not care whether the United States is a party to the suit under title I, title III, or title IV at all.

My argument was not based upon the fact that the United States may be a party. I do not care whether it is a party or not—my argument is that titles I, III, and IV involve the constitutional rights of citizens which we are trying to secure. Second, under these titles, the proceedings would be for the most part against officials who are obstructing the law. Otherwise there would be no necessity for criminal contempt proceedings against them.

Mr. TALMADGE. The Senator has made his point very clear. But I point out that some of the officials involved are officials in name only. The school trustee in the average county in America is rendering a patriotic service in the performance of his duty. He makes his living otherwise. He may be employed on the lake; he may plow; he may mine coal; he may operate a service station, but as a patriotic duty also, sometimes he serves on the school board. Sometimes he is elected by the citizens. Sometimes he is elected by the grand jury. The situation varies in different sections of the State, and in different States. But the Senator's amendment would deny to citizens, small and humble though they may be, the right of a trial by jury, when the power, the might, the finances, and the legal resources of the United States are arrayed against them.

I point out further that the Senator's amendment, on page 2, section 1103, is even more restrictive than the puny, mongrelized amendment which was agreed to in 1957 on the voting provisions. In 1957, the Senate passed the same identical amendment that I have at the desk; namely, the right of a jury trial in all criminal contempt cases, unless the contempt were committed in the presence of the court or the immediate presence of the court, or in the service of the summons or process.

It passed the Senate at that time by a vote of 51 to 42, if my memory serves me correctly. It was supported by the President of the United States, then Senator Lyndon B. Johnson, who made the concluding address. It was supported by John F. Kennedy, who was one of the cosponsors. It was cosponsored by the Democratic majority leader, the Senator from Montana [Mr. MANSFIELD].

After passing the Senate, it went to the House, and the House placed a condition on it. The condition was that if a man were fined in excess of $300 or imprisoned in excess of 45 days, he would be entitled to a jury trial, but not otherwise. That puny, little, mongrelized jury trial provision that was agreed to by Congress would be wiped out by the Senator's amendment.

It is utterly inconceivable to me that a Federal judge could put me in jail for 30 days without a jury trial in a criminal contempt case, and could not put me in jail for 30 days and one second without a jury trial. It is utterly inconceivable to me that a Federal judge could fine me $300 without a jury trial, but could not fine me $300.01 without a jury trial.

I do not believe that the scales of the Constitution on the jury trial provision can be weighed in values of 1 cent or 1 second.

I do not believe that Congress ought to put the same valuation on it.

I hope the Senate will reject the amendment offered by the Senator from Kentucky and will approve the amendment I have offered.

Mr. DIRKSEN. Mr. President, I concur fully in the conclusion of the distinguished Senator from Georgia, but for entirely different reasons.

I earnestly hope that the amendment offered by the distinguished Senator from Kentucky [Mr. COOPER] will be voted down. With that I am content to rest the argument.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 203 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. COOPER] to the amendments offered by the Senator from Georgia [Mr. TALMADGE] for himself and other Senators. The yeas and nays have been ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DIRKSEN. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. COOPER], Amendment No. 573, to the amendments of the Senator from Georgia [Mr. TALMADGE] for himself and other Senators.

Mr. COOPER. Mr. President, my amendment would provide a jury trial as a matter of right in every title except in three particular titles. With regard to title I, section 301 of title III and title IV, it would not provide a jury trial as matter of right, but would leave that question to the discretion of the court. The distinction is that in those titles constitutional rights are involved. The proceedings are chiefly against public officials, who are obstructing constitutional rights. But even then it would not take away from them any existing right which they have today under law.

Further, my amendment is in close accord with the decision of the Supreme Court in the case of the United States against Barnett. I support the civil rights bill in substance, and I believe my amendment is in accord with our system of law.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The question is on agreeing to the amendment of the Senator from Kentucky [Mr. COOPER] to the amendments offered by the Senator from Georgia [Mr. TALMADGE], for himself and certain other Senators.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Virginia [Mr. ROBERTSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Virginia [Mr. ROBERTSON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] is absent on official business to attend the Kennedy round trade agreement negotiations at Geneva.

The Senator from Nebraska [Mr. CURTIS] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

If present and voting the Senator from Arizona [Mr. GOLDWATER] would vote "yea."

The result was announced—yeas 19, nays 74, as follows:

[No. 204 Leg.]

YEAS—19

Bennett
Boggs
Cooper
Cotton
Dominick
Gore
Hickenlooper
Hruska
Jordan, Idaho
Lausche
Mechem
Metcalf
Miller
Morton
Mundt
Pearson
Simpson
Williams, Del.
Young, N. Dak.

NAYS—74

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Dirksen
Dodd
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hayden
Hill
Holland
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Keating
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore

Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—7

Carlson
Curtis
Engle
Fulbright
Goldwater
McClellan
Robertson

So Mr. COOPER's amendment to the Talmadge amendments was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the Cooper amendment to the Talmadge amendments was rejected.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSIDERATION OF THE CIVIL RIGHTS BILL IN THE HOUSE OF REPRESENTATIVES

Mr. CASE. Mr. President, time and again the statement has been made that the proposed legislation before the Senate did not receive adequate consideration in the House. This is just not so and is demonstrated, I believe, in a statistical statement prepared at the direction of Representative WILLIAM M. MCCULLOCH, Republican manager of the bill in the House, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS BILLS INTRODUCED IN THE 88TH CONGRESS, DECEMBER 6, 1963 (BY MONTH AND PARTY ALLEGIANCE)

January: 24 Democratic bills by 10 Members; 31 Republican bills by 24 Members. (McCulloch bill, H.R. 3139, introduced January 31, 1963.)

February: 5 Democratic bills by 4 Members; 14 Republican bills by 14 Members.

March: 2 Democratic bills by 2 Members; 3 Republican bills by 3 Members.

April: 7 Democratic bills by 4 Members; 1 Republican bill by 1 Member. (First administration bills introduced by Mr. CELLER on April 4—H.R. 5455 and H.R. 5456—to extend Civil Rights Commission 4 years and to extend voting rights protection.)

May: 19 Democratic bills by 6 Members; 1 Republican bill by 1 Member.

June: 24 Democratic bills by 20 Members; 35 Republican bills by 32 Members. (Lindsay bill, H.R. 6720, introduced on June 3.) (Administration bill, H.R. 7152, introduced by Mr. CELLER on June 20.)

July: Four Democratic bills by four Members; two Republican bills by two Members.

TOTALS

Total number of bills introduced:

Democrats, 85; number of Members, 37.

Republicans, 87; number of Members 49.

Total bills introduced up to first administration bills on April 4:

Democrats, 31; number of Members, 14.

Republicans, 87; number of Members, 40.

Total number of bills introduced up to second administration bill on June 20:

Democrats, 63; number of Members, 24.

Republicans, 83; number of Members, 46.

SUMMARY OF ACTIVITIES ON CIVIL RIGHTS LEGISLATION BY HOUSE JUDICIARY AND RULES COMMITTEES

Judiciary Committee:

Subcommittee hearings began May 8, concluded August 2, 1963. Met 22 days.

Subcommittee began consideration in executive session August 14, concluded October 2, 1963. Met 17 days.

Bill ordered reported by full committee, October 29, 1963.

Bill reported November 20, 1963.

Report printed November 21, 1963 (H. Rept. 914).

Total days elapse between May 8, and November 20: 195 days.

Total pages of printed hearings before Judiciary Subcommittee, 2,649.

Number of congressional witnesses who testified on civil rights legislation or presented statements:

	Statement	*Testified*
Republicans in support of civil rights	18	13
Democrats in support of civil rights	16	10
Democrats against civil rights	9	6
Republicans against civil rights	0	0
Government witnesses	--	16
Private witnesses	--	56
Total testifying	--	101
Total testifying and prepared statements	--	144

Rules Committee:

Received bill and printed report, November 21–December 9, 18 days.

Less 4 days, President's death.

Less 4 days, recess, November 28–December 1.

Less 1 day, Sunday, December 8.

Total, 9 days.

Remainder, 9 days.

(But, additional views (H. Rept. No. 914, pt. 2) not printed until December 4.)

WORK OF THE PORTSMOUTH NAVAL SHIPYARD

Mr. COTTON. Mr. President, Portsmouth, N.H., Naval Shipyard has completed construction of the Polaris submarine *John Adams*, and its recently completed sea trials have been rated "outstanding."

A recent article in the Portsmouth Periscope, official publication of the Portsmouth Naval Shipyard, states that the successful trials, without delays due to ship, machinery, or equipment breakdowns, are a testimonial to good workmanship and sound testing and inspection during the building period.

I wholeheartedly agree with this statement, and would add that this is the type of work we can always expect from the Portsmouth Naval Shipyard in peacetime and on which we may some day have to rely for our very survival.

Another article in the May 1 edition of the Periscope contains a letter from Rear Adm. William B. Sieglaff, Commandant of the 1st Naval District, commending Rear Adm. Charles J. Palmer, Portsmouth Shipyard commander, on his presentation to Secretary of Defense McNamara citing cost cutting and production increasing programs instituted at Portsmouth.

I believe that these two articles point out the high caliber craftsmanship available at Portsmouth, the efforts of employees to cooperate with management, and in drafting programs of their own, to reduce costs of production and turn out the best submarines built anywhere.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

"BIG JOHN'S" SEA TRIALS ARE RATED OUTSTANDING

Sea trials just completed by the Polaris firing submarine *John Adams* (SSB(N)620) have been rated outstanding. Three times last month *Big John* went to sea and the trials have been collectively outstanding as testified by the fact that they have been completed in record time. The submarine returned to Portsmouth last Friday.

Big John steamed about 1,300 miles, of which about 1,000 miles were submerged, during the trials. There were no delays due to ship, machinery, or equipment breakdowns—a testimonial to good workmanship and sound testing and inspection during the building period.

Dockside tests in preparation for underway tests and the builder's trials at sea involve ship operation wherein crew performance becomes a major factor in the total system performance. Crew performance during this period can be described in one word—outstanding.

The 620 was under the command of the blue crew prospective commanding officer, Comdr. Lando W. Zech, Jr., for extensive testing prior to the submarine's acceptance trials this month under the eyes of the Navy Board of Inspection and Survey. The gold crew, under prospective commanding officer, Comdr. Paul J. Early, participated with the blue crew in these operations.

On the first builder's trial, *John Adams* performed a satisfactory test of its main propulsion. The submarine also performed a test of the Polaris fire control and launching capability in record time. On board for this trial were Vice Adm. Hyman G. Rickover, Assistant Chief of the Bureau of Ships for Nuclear Propulsion, and Read Adm. Charles J. Palmer, shipyard commander.

On the second builder's trial, *Big John* established another record time performance in the testing of the inertial navigation installation.

The third builder's trial, just completed, readies the 620 for acceptance trials with main propulsion, Polaris system, and all ship's machinery, hull, and other equipment in a "go" condition.

The *John Adams* will be placed in commission May 12, the product of an outstanding ship's force-shipyard-contractor team effort. Soon thereafter, the FBM submarine will proceed to Cape Kennedy, Fla., for the final examination of her missile system before joining the fleet to play its role in the Fleet Ballistic Missile Deterrent Force. At Cape Kennedy *Big John* will fire a number of missiles for the ultimate test of system reliability and crew readiness.

The shipyard takes justifiable pride in the part it has played in building a really fine ship and is proud of the officers and men who man her.

SHIPYARD EMPLOYEES, MANAGEMENT EFFORTS TO CUT COSTS, INCREASE PRODUCTIVITY LAUDED BY "COMONE"

Rear Adm. Charles J. Palmer, shipyard commander, announces that he has received the following letter from Rear Adm. William B. Sieglaff, commandant of the First Naval District:

"The commandant was impressed with your presentation to the Secretary of Defense and the Secretary of the Navy on April 17, 1964. Your facts and figures indicated clearly a complete understanding of the problems confronting the shipyard as well as the steps being taken to correct deficiencies.

"Your performance is most commendable. Please extend to your assistants and employees the appreciation of the commandant of the First Naval District as well as the Navy for their efforts to cut costs and increase productivity. We are proud of Portsmouth Naval Shipyard and believe it can compete with the best."

REDUCTION OF MILITARY EXPENSES

Mrs. SMITH. Mr. President, Mr. Harold M. Karkos, of Wilton, Maine, a very highly regarded and respected citizen of Maine, has written a very pointed and pertinent letter to the Secretary of Defense. I ask unanimous consent that it be printed in the body of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO MR. MCNAMARA

DEAR MR. EDITOR: We in Maine are in sympathy with your long-overdue (nationally) campaign to cut unnecessary expenses, but we ask you to tell the whole story. What you say about submarine bids is true, but why continue to fool the public by not telling them some of the background as well.

For example, why not tell the public that private yards do bid lower, but that Navy yards have to correct their faults on some occasions. Why not tell the public that a private yard will bid say $28 million on a sub but that the final bill comes to $51 million because of the changes in specifications which result in a cost-plus basis as in the instance above.

Why not tell the people who have to foot the bill that a Connecticut firm constructed a new submarine at above the bid price (low of course), which then had to be taken to Quincy for the addition of a new midsection. Give all the details, Mr. McNamara, please.

Also why not tell the public why the costs are high in Navy yards. Why are there 5 or 6 surface craft officers in a Navy shipyard that's building submarines, helping to supervise, say, an office that has 11 civilians? Why are two boys from Texas sent to a New England shipyard, as officers to help build a submarine?

We don't pretend to know the construction of a submarine, or how naval contracts are handled, but we do ask that persons in responsible positions such as yours give all the facts when informing the public.

HAROLD M. KARKOS.

TEACHER OF THE YEAR

Mr. MONRONEY. Mr. President, for the second time in 13 years, Oklahoma has been honored by having one of her teachers selected as National Teacher of the Year. This year, Mrs. Lawana Trout, of Sand Springs, Okla., who teaches English and counsels with girl students at Charles Page High School, is the winner of this award.

President Johnson on Monday presented her with her citation and lapel pin. The award is sponsored by Look magazine in cooperation with the U.S. Office of Education and the Council of Chief, State School Officers.

Our 1964 winner is not only a good teacher. She is the wife of a teacher, Verdine Trout, who is a former Oklahoma Teacher of The Year now studying for his doctorate, and the mother of a 4-year-old son, Robert Edwin.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the essay on her teaching philosophy which Mrs. Trout submitted after her nomination by Oklahoma State School Superintendent, Dr. Oliver J. Hodge. I also ask unanimous consent to have inserted the press release issued by the Teacher of the Year sponsors, which names the nine other teachers honored, from other parts of the country.

There being no objection, the essay and press release were ordered to be printed in the RECORD, as follows:

MY LABORATORY OF LIFE

(By Mrs. Lawana Trout, 1964 National Teacher of the Year)

I touch the face of humanity each day in my classrooms, for I teach the ambitious and the indolent, the brilliant and the slow, the mature and the immature. I gaze at a quiet classroom, heads bent, minds intent on the lesson. I catch the enthusiasm of the eager search of a bright-eyed young scholar for an answer to his question. I study the prospective dropout, the disinterested clockwatcher, and the bitter delinquent, master of wise cracks and rebellion. I contemplate the endless quest of my young philosophers in their determination to know the core of life. I listen to a 16-year-old lay his soul bare before me in a few moments of counseling. These daily teaching scenes emphasize that no human endeavor requires more wisdom, more humility, more labor, or more dedication than teaching. Teaching is my profession, my way of life, my opportunity to live richly and deeply, my fulfillment of that which is useful, beautiful, and true.

As one member of the great teaching force, I feel a strong loyalty and devotion to the principles of my profession. I respect the educational heritage my predecessors have left me and I am determined to advance their noble struggle for excellence in every phase of education. I am always grateful for the innumerable teachers who have shared their ideas, their experience, and their wisdom with me. All that I know about teaching is a composite result of their efforts. My teachers and the pioneers of education have passed a responsibility to me which I must never forget or neglect. My concern for my fellow teachers is deep and sincere. I understand the financial frustrations of the "angry young men." It is a joy to watch the inexperienced ones gain confidence as their first year unfolds. I sympathize with their anxieties and doubts about facing their first classes, and I am eager to share my materials or ideas at their request. It is a thrill to observe a wise teacher mold his classroom procedures, and I visit actual teaching situations any time I have the opportunity. I am a strong advocate of inservice training programs and improvements in teacher preparation.

As a teacher, I have an important image to paint for the public as well as for my students. An ugly act or thoughtless word from me means a disfiguration of the image of my profession. I accept the fact that to the public I am "the school," and I am "education." Therefore, it is absolutely imperative that I remain loyal to my fellow teachers, that I keep informed on all educational matters, and that I have the unflinching courage to present the cause of education in a firm, intelligent manner, free from personal prejudice and emotional bias. Although I can never shirk community responsibilities, I must enter each one with the knowledge that I am Lawana Trout, teacher.

In accepting the responsibility to teach, I am aware that I need to grow constantly in knowledge and experience. I know that learning will not occur for my students unless I am able to transform my wisdom into a challenging stimulus for their imagination. I am convinced that knowing what to teach must be supported by knowing how to teach. In my profession, no single preparation or study is permanent or adequate. If I am to be a competent teacher, I must be constantly alert to the changing methods of teaching, the shifting emphasis in parts of the curriculum, the new discoveries and theories in understanding the learning process, and the advances in subject matter. It is imperative that I view the broad sequential scope of education rather than only a limited vision of my own subject area.

I need to be informed in order to evaluate fairly the new and to criticize justly the traditional. From the overwhelming mass of gimmicks, aids, mechanical equipment, and supplementary materials on the educational market, I must be able to select only those that will contribute to the progress of learning in my classroom. It is my obligation to investigate the tremendous number of suggestions, motivational devices, the variety of literary selections, and the often advertised "do it yourself" teaching plans, to glean only those that will fit the purposes I establish for my students. Wise discrimination in these broad educational areas is impossible without constant growth and study.

I also want my students to grow and develop. I have learned the value of enriching my teaching through having students listen to records, attend lectures, theatrical productions, and prepare bulletin boards and attractive displays. We make trips to art museums, college libraries, and other cultural and educational places. We often gather at school or in homes to listen to records of plays, to discuss books, and to have fellowship. I feel that these activities should not be limited to the bright students. Often my "low" ones respond more completely than any others, and I know they may need these opportunities. They do not suffer from physical poverty, but from mental poverty because of the lack of cultural and inspirational emphasis in the home. These types of enrichment demand personal giving of time, money, and effort, but my investment has unending, unlimited, and unknown returns.

My teaching philosophy has no meaning until it reaches the stage of a face-to-face relationship between me and a particular student. Like the chameleon, I attempt to change my technique to meet each student's needs at a particular moment. For some I give security through my discipline, for others I provide the guidance that will develop their strength until they have self-discipline. To one I am a counseling mother, to another I am the substitute for the friends she does not have.

Maintaining my dignity is a necessity for all, but my sternness should be tempered with understanding. As a counselor, I am the absorbent blank on which they express their hurts, their fears, their regrets for the past, and their visions for the future. Although I may inwardly cringe at the pitiful and often ugly facts placed before me, I must accept them as a part of the problem I am to help the child solve. I may mentally rebel at the violation of all rules of decency and honor apparent in the teenager talking with me, but I must search for the cause of this delinquency and the therapeutic action that may possibly alter his behavior.

Being a counselor, I realize that no problem is too insignificant to warrant my full attention for I cannot measure the seriousness of a student's distress by my adult viewpoint. I know that adults are pressed with burdens and decisions, but teenagers worry about getting to the water fountain, about a seemingly unimportant hallway conversation, or about which outfit to wear to school. At the same time they are deeply concerned about local and national affairs, and their voices must be considered as more than teenage prattle. As a counselor, I am a source of information including facts on occupations, dating, and marriage. It is also vitally necessary that I have my finger on the pulse of the student body, to be aware of their changing moods and attitudes; otherwise, I cannot make wise decisions regarding their behavior.

There is no greater challenge than the one which I face each hour I walk into my English classrooms. The responsibility to teach, to understand, to stimulate, and to evaluate is tremendous. I constantly strive to create a learning atmosphere. I stress and demand tolerance for ideas and opinions, critical thinking, and performance commensurate with his ability from each student. Through discussions, illustrative materials, and frequent student self-evaluation, I encourage the development of independence and individuality, being cautious to guide but not to dominate. It is my desire to make each child conscious of his individuality and to help him recognize it as a precious possession to be developed rather than something to be molded to conformity. Through carefully structured composition assignments, class evaluations and analysis of human behavior, and discussions of literary selections, I hope to give each student the opportunity better to know and understand his personality, his background, and his behavior.

Another important phase of my teaching atmosphere is my treatment of my subject, the English language. I hope to awaken my students' response to it as their heritage, their personal mother tongue. I view it as one great body of knowledge with correlating parts of composition, grammar, language history, and literature, each having equal emphasis and importance. Whether I am planning a lesson or several lessons, I attempt to define student and teacher goals. My classes view literature from several perspectives. First, we attempt to understand the work as a unit within itself, following this analysis with a look at the work placed in the period which produced it. We also note its relationship to art, music, architecture, and other contemporary humanities. Finally we examine it for any application and contrast to the teenager's current world and his individual self. Realizing that my leadership will be ineffective without organization, I work to relate each unit into the total sequential English program. To me, English knowledge and skills are not peculiar to my subject, and I want to correlate reading, writing, speaking, and study skills with other subjects.

Although I usually have more work planned than I can possibly accomplish each hour, I try to be alert to taking advantage of those unexpected momentary "teaching situations." I cannot separate my subject matter from my thoughts of my students, for their needs dictate my choice of subject, my method of presentation, and my difficulty level. I must find time for each student, for I realize that although I have many to teach, they have only one English teacher during my year.

In time I expect my students to forget many of the facts that I present to them each day. My hope is that the influence of our shared ideas and experiences will not fade. In this grasping materialistic society, it is my duty to teach them that the ownership of things must not rule their lives. I shall do all in my power to show them that ignorance is a prison with invisible chains, that learning means sacrifice, but without it they can never be free. I hope to prove to them that in spite of the cruelty, pain, and hunger throughout the world, they must have an uncrushable faith that man be noble and good. As long as I bear the name of teacher, I must leave an indelible impression of these truths in my classroom—my laboratory of life.

Oklahoma English Teacher Honored in White House Ceremony—President Johnson Presents National Teacher of the Year Award

Washington, D.C., May 4, 1964.—An ex-farm girl who still helps her father at harvesttime by driving a tractor or a combine today was presented with the National Teacher of the Year Award by President Lyndon B. Johnson at a noontime ceremony at the White House.

The winner is Mrs. Lawana Trout, an English teacher and student counselor at Charles Page High School in Sand Springs, Okla.

The National Teacher of the Year Award is sponsored annually by Look magazine in cooperation with the U.S. Office of Education and the Council of Chief State School Officers. It goes each year to the teacher who is judged as best representing the highest standards of the teaching profession in every State and community and the winner symbolizes good teachers everywhere.

The purpose of the national awards program is to encourage all teachers to aspire to greatness in their chosen profession and to interest more young people in pursuing teaching careers.

Mrs. Trout was selected as National Teacher of the Year from among a group of distinguished teachers whose names were submitted in response to invitations extended by Francis Keppel, U.S. Commissioner of Education, to the chief State school officers in all 50 States.

An article on the National Teacher of the Year and on the nine teachers named to the honor roll appears in the May 19 issue of Look (on newsstands May 5). In the article Mrs. Trout is described as a teacher who, using the Socratic method, asks her students a lot of questions. "She gets us going, and then you think about the idea all day," says one of her pupils.

About her official role as student counselor, Mrs. Trout is quoted in the Look article as saying, "I won't make decisions for them. I want answers to come from them." Her satisfaction in counseling, as in teaching, comes from the feeling "they've shared something with me and I've shared something with them. It's unique between us, whether it be knowledge, experience, or happiness."

Lawana Trout, nee Hooper, grew up on a wheat farm in Hastings, Okla., some 200 miles southwest of Sand Springs. She and her husband, Verdine Trout, have a 4-year-old son, Robert Edwin. Verdine Trout, who is also a teacher and a former Oklahoma Teacher of the Year, is now studying for his doctorate at Oklahoma State University to become a college biology instructor.

Mrs. Trout has a bachelor of science degree from the University of Oklahoma and a master of teaching arts degree from the University of Tulsa. In 1963, she was named Sand Springs Teacher of the Year and Oklahoma Teacher of the Year. She has been elected to membership in Delta Kappa Gamma (honor society for women teachers) and is a member of the Council on the Improvement of English Teaching in Oklahoma.

At the White House ceremony, Mrs. Trout received the National Teacher of the Year Award in the form of a gold lapel pin, handcrafted by Cartier's, and a framed award certificate. Also attending the ceremony was her husband and Oklahoma's Superintendent of Public Instruction, Oliver Hodge.

The nine teachers who were named to the National Teacher of the Year honor roll are: Mrs. Letha Dickinson, fifth-grade teacher at Lincoln School, Riverton, Wyo.; William E. Dunwiddie, teacher of social problems, Neenah High School, Neenah, Wis.; Harold R. Frazier, mathematics instructor, William Hall High School, West Hartford, Conn.; Foster Green, mathematics instructor, Prescott Senior High School, Prescott, Ariz.; Mrs. Elsie L. Guthrie, teacher and head of English Department, Memphis High School, Memphis, Tex.; Mrs. Mary A. Mace, third-grade teacher, Brennen Elementary School, Columbia, S.C.; Thomas R. Manley, biology instructor, Selinsgrove High School, Selinsgrove, Pa.; John W. Ragle, English instructor, Springfield High School, Springfield, Vt.; Madalen Sauber, special-education-class teacher, W. K. Dwyer Elementary School, Anaconda, Mont.

COOPERATIVE EFFORTS IN RURAL DEVELOPMENT

Mr. McINTYRE. Mr. President, the importance of cooperative efforts in rural development cannot be emphasized enough today as we seek to keep pace with a swiftly changing world.

True to the New England tradition of community response rising to meet the occasion, the rural areas development committees have proved to be a dynamic force in meeting the problems which plague our rural areas. The RAD committees are a real tribute to New Hampshire's commitment to progress and renewal in these areas. It is through local efforts such as these that New Hampshire will continue to have a bright future in recreation, land use, natural resource industries, and progressive agriculture.

Mr. President, I ask unanimous consent that an article appearing in the Christian Science Monitor entitled "Rural Development—Cooperation in New Hampshire" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rural Development: Cooperation in New Hampshire

(By Helen Henley)

Concord, N.H.—Rural areas development (RAD) in northern New England is part of an expanding national effort. But New Hampshire citizens bring a special heritage to their self-assigned labors.

As one of the Thirteen Original States, New Hampshire based its beginnings in citizens' acceptance of the fact that survival depended on their helping each other. The wilderness surrounding them brought problems against which citizens necessarily joined forces.

Today's New Hampshirites face problems of a different nature, but some of them have decided that these problems call for the same old-fashioned kind of cooperation. Ways to assist local leaders in harnessing this cooperation into effective working plans were pioneered by the U.S. Department of Agriculture in the 1950's.

GROWTH SKETCHED

Pilot programs then included only a few counties throughout the country. Now 2,000 counties are participating in the RAD program. Five departments of the Federal Government help to coordinate operations.

But the work of the RAD committees in each area is initiated and carried forward by volunteer citizens.

Like Americans in many other areas, three New Hampshire counties 2 years ago took the first step toward joining in rural areas development.

Committees were formed in Grafton, Carroll, and Coos—three northernmost counties of the State. Together they comprise what is sometimes called the north country.

Eight of New Hampshire's ten counties now have RAD committees.

WORKERS CONGRATULATED

Reports submitted here recently of 300 State and county committee members show that when citizens get together to improve their communities they make no little plans.

Secretary of Agriculture Orville L. Freeman, who addressed the meeting, appreciatively congratulated all the New Hampshire RAD workers for their "magnificent pioneering."

RAD committees usually begin their work by preparing a preliminary overall economic development program, which analyzes the most urgent problems in their immediate area and proposes steps toward solving them.

The problems differ, of course, in different areas but all over the country certain ones peculiar to this era keep recurring.

Here are a few of them: Diminishing number of farms; lack of industries to provide jobs; lack of training to prepare youth for jobs available; inadequate educational systems; water problems ranging from short supplies to pollution; transportation difficulties; the constant threat that spreading urbanization or lack of proper planning will allow destruction of valuable natural resources and scenic areas.

Although citizens individually provide the initiative, once they have formulated the purpose and plan, an imposing array of technical talent stands to assist them.

County agents and others on Extension Service staffs play key roles.

TECHNICIANS ASSIST

Soil Conservation Service, Farmers Home Administration, Rural Electric Administration, the Forest Service, and other departments of Federal, State, and county governments offer services of their specialists.

The projects which RAD committees initiate may find financial support from any number of agencies, either public or private. That support may come in the form of grants or loans, or on the basis of matching funds. The citizens themselves work wholly on a volunteer basis.

"RAD is a thinking and planning program," explained Mary Louise Hancock, director of the State planning projects in New Hampshire. "It is a basic step toward the doing process."

Secretary Freeman described RAD as an effort to accomplish necessary adjustments "with a minimum of hardship on people."

Because they share many common problems, Grafton, Carroll, and Coos Counties formed a tricounty RAD committee to act jointly on matters of mutual concern.

FUNDS GRANTED

One of the mutual concerns in the north country has been a surplus of poor hardwoods. These no longer find a market since—as one committee member pointed out—it is no longer generally needed as firewood for cook stoves.

Their tricounty committee proposed a feasibility study to determine whether new uses could be found for these hardwoods—not only to dispose of them at a proper price but also to provide new job opportunities. It was announced at the meeting that on March 30 the Area Redevelopment Administration granted $48,000 for this study.

AWARD OF LANGLEY MEDAL TO ALAN BARTLETT SHEPARD, JR.

Mr. McINTYRE. Mr. President, yesterday the Smithsonian Institution presented its highest award—the Langley Medal—to Alan Bartlett Shepard, Jr., for "specially meritorious investigations in connection with the science of aerodromics and its application to aviation."

I was particularly pleased to learn of this great honor since Commander Shepard was born in East Derry, N.H., where he attended primary school before graduating from the Pinkerton Academy. All New Hampshire is extremely proud of his outstanding contributions in the field of space exploration and the advancement of scientific knowledge.

It was exactly 3 years ago that Astronaut Shepard piloted the Mercury-Redstone 3 *Freedom 7* spacecraft on the first manned space flight of the United States. What more fitting tribute could be paid to this pioneer in space than the awarding of this prized medal which was first presented to the Wright brothers in 1910.

Mr. President, I am sure that all of my colleagues join with me in saluting Astronaut Shepard on this momentous occasion for his outstanding achievements in our space exploration program of today.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. For the information of Senators it is thought that it might be advisable at this time to make a statement as to what the program will be for the remainder of the week and the first part of next week.

Mr. President, is my understanding correct that the pending business is the Mansfield-Dirksen amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And that before any other business can be taken up, that amendment will have to be disposed of, unless in the meantime perfecting amendments are offered to the Talmadge amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I have discussed this matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the floor managers in charge of the bill, my distinguished colleague from Minnesota [Mr. HUMPHREY], and the distinguished Senator from California [Mr. KUCHEL].

It appears that the best we can look forward to in the way of a possible vote—and this implies no commitments and no understandings—is the possibility of a vote either late Monday or at a fairly early hour on Tuesday. We do not know whether or not this estimate has too much validity, but it is our best combined judgment at this time.

Our purpose in making this announcement is to put the Senate on notice as to what the situation may well be insofar as a vote on the Dirksen-Mansfield amendment is concerned.

I thank the Senator from Minnesota for yielding.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DIRKSEN. Mr. President, we know that from time to time Senators make commitments in advance. It is the desire of the leadership to accommodate them always insofar as possible. That is the reason for the statement by the majority leader. We shall know better perhaps on Monday, at which time a further announcement will be made.

So, I think we shall let the matter stand.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Has an order been entered for tomorrow?

The PRESIDING OFFICER. There is an order entered for tomorrow. The Senate will meet at 10 o'clock.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. I should like to know whether it is the intention of the leadership to have quorum calls Thursday, Friday, and Saturday, if the Senate is in session. Will there be quorum calls?

Mr. HUMPHREY. The Senate may be assured that there will be quorum calls. There will be business conducted in the Senate tomorrow, Thursday. The same will be true on Friday. I should like to withhold a definite commitment with respect to Saturday until I have had an opportunity to discuss the matter with the majority leader, the minority leader, the minority whip, and others who are vitally concerned about this legislation.

Senators should be prepared to be present. They should be available for quorum calls, and whatever business the Senate may transact tomorrow, Friday, and perhaps on Saturday; but there is some possibility that the Senate may not be in session Saturday.

Mr. DOUGLAS. So, if 51 Senators do not answer to their names, we shall once again have the humiliating experience of the Senate being compelled to adjourn because of the lack of a quorum.

Mr. HUMPHREY. I say most assuredly to my esteemed friend that there is no doubt in my mind that 51 Senators will be present. I ask that they be present. We have a duty here. We face a parliamentary situation which may not cause us much happiness at this time, but it is a real one.

The Senate could remain in session late tonight. But certain Senators wish to speak at some length on the substitute. They are within their rights in doing so. I do not quarrel with them on the exercise of that right.

We can do the same thing on Friday and Saturday. But I am of the opinion that in light of the circumstances, we would be better advised if we attempted to find ways and means to adjust our difficulties on the bill, which I am happy to say we are doing. Following the indication here by the majority leader, I would be less than honest if I said I was not unhappy. But that is why I am here. This is not what I would call a "happiness house." Occasionally it is a quorum of frustration. It is not a "happiness house." But I believe I have a happy suggestion to make at this moment.

Mr. MUNDT. Mr. President, will the Senator yield for a moment?

Mr. HUMPHREY. I was afraid I could be happy only for a moment.

Mr. MANSFIELD. I want to emphasize what the floor manager just said. I assure Senators that it was with deep regret that we made the announcement which we had to make. We made the announcement because our hands were tied. There was no other procedure we could follow under the circumstances.

Mr. McGOVERN. Mr. President——

Mr. HUMPHREY. Mr. President, I yield to the Senator from South Dakota.

SOUTH DAKOTA'S MOTHER OF THE YEAR—NATION'S MOTHER OF THE YEAR

Mr. McGOVERN. Mr. President, I join in the remarks of my senior colleague [Mr. MUNDT] in announcing today that South Dakota's Mother of the Year has been selected as the Nation's Mother of the Year.

I extend congratulations to Mrs. Stavig on the magnificent honor that she has brought to herself and to the people of South Dakota.

She is a remarkable woman in her own right. She is the wife of one of our outstanding educators, Dr. Stavig, of Augustani College. She is the mother of four very outstanding sons: Mr. Mark Stavig, who has just completed work at Oxford University, and who will continue his studies at Harvard University; David Stavig, an engineer with the Morrell Co. in Sioux Falls; Richard Stavig, who is an English professor at Kalamazoo; and Paul Stavig, a nationally respected Air Force doctor, stationed in Massachusetts.

Paul Stavig was one of several doctors consulted by the late President Kennedy and Mrs. Kennedy when their infant son was at the point of death a little over a year ago.

Mr. President, I ask unanimous consent that a letter in support of Mrs. Stavig's selection for this honor, which I sent to the committee on April 28, be printed at this point in the RECORD, together with a telegram which I have sent tonight to Mrs. Stavig.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

AMERICAN MOTHERS COMMITTEE,
Waldorf-Astoria Hotel,
New York, N.Y.

APRIL 28, 1964.

DEAR FRIENDS: May I join the chorus of praise for our South Dakota Mother of the Year, Mrs. L. M. Stavig, of Sioux Falls.

Mrs. Stavig has demonstrated in her own home and in the Sioux Falls community the quietly forceful qualities that have ennobled motherhood.

The Stavig home is a model of gracious order, warmth, and good will. Mrs. Stavig participates actively in the broad range of civic, social, and church activities in her hometown and across the State. An accomplished speaker, she has addressed countless groups in the Midwest. She is also an outstanding singer, has appeared as a soloist, and has directed choirs for children and adults to stimulate interest in the enjoyment of music.

The four Stavig sons are perhaps the best testimony to our splendid Mother of the Year. Paul is a nationally respected Air Force medical doctor, stationed in Massachusetts. Richard, who has a doctor's degree, is an English teacher at Kalamazoo College in Michigan. David is an engineer with the Morrell Co. in Sioux Falls. Mark has returned from Oxford to continue his research at Harvard University.

While giving unselfishly of her time and energy to community events, Mrs. Stavig has built an inspirational home life for her family.

There just couldn't be a finer Mother of the Year in the United States than Mrs. L. M. Stavig, proudly claimed by South Dakota. I urge your careful consideration to her selection as National Mother of the Year.

Sincerely,

GEORGE MCGOVERN.

Congratulations on the magnificent honor that you have brought to yourself and to the people of South Dakota. We are thrilled and proud to share this happy recognition with you. The selection committee could not have made a more fitting choice. All of us who know you and your remarkable family fully understand why you were chosen as the Nation's Mother of the Year.

May providence continue to bless you with many more years of satisfying service to your family, community, State, and Nation.

GEORGE and ELEANOR MCGOVERN.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. MUNDT, by unanimous consent, introduced an additional bill (S. 2812) for the relief of Joanne Irene Taylor, which was read twice by its title, and referred to the Committee on the Judiciary.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, in order that we might be like Cinderella and transfer this forum of frustration into a house of happiness, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and (at 8 o'clock and 36 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, May 7, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate May 6 (legislative day of March 30), 1964:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Leonard L. Sells, of Virginia, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1969.

IN THE COAST GUARD

Rear Adm. William D. Shields, USCG, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 6 (legislative day of March 30), 1964:

POSTMASTER

Stewart J. Hyland to be postmaster at Lakehurst, in the State of New Jersey.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 6, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 4: 1: *I beseech you that ye walk worthy of the vocation wherewith ye are called.*

O Thou God of all might and mercy, who alone canst supply our temporal needs and satisfy our eternal longings, we are again unburdening ourselves humbly and reverently to Thy listening ear and understanding heart.

Thou knowest how feeble we are in faith, how fickle in fidelity and how listlessly and hesitatingly we often enter upon the duties and responsibilities of a new day.

Grant that we may cultivate our faculties of effort and enthusiasm and lay hold of the great moral and spiritual resources more eagerly and hopefully when life presses hard upon us with its many difficult problems and heavy burdens.

Inspire us with the blessed assurance that a better day is dawning when the sinister and evil forces, which are rampant and blaspheming Thy holy name, shall be supplanted by truth and righteousness.

We offer our prayer through the mediation of our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2049. An act to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

TRIBUTE TO HOWARD ZAHNISER, WILDERNESS ADVOCATE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I wish to take but a moment to note with sadness the passing of a friend, who was known to most of the Members of the House, Howard Zahniser. I had known Howard, affectionately called "Zahnie" by all who knew him well, for approximately 11 years. At his death he was the executive director, editor, and moving spirit of the Wilderness Society, a national, nonprofit, conservation organization with approximately 27,000 members from all States of the Union as well as some foreign countries.

Of Howard Zahniser I think it can be truly said that he was a dedicated servant of the public, even though he was not in the employ of a Government agency. He always stood for that which he thought was in the public good and even though he and I had our differences of opinion I think we always understood each other and respected those opinions.

As so frequently happens, Howard did not live to see the fulfillment of one of his prime projects: The legislative establishment of a National Wilderness Preservation System. However, he knew that his main battle had been won and when he and I talked just last Thursday he spoke with great feeling and utmost concern lest some outside disruptive forces might upset the conciliatory attitude pointing toward compromise legislation that was in evidence in the hearings conducted throughout last week by the Subcommittee on Public Lands of our Interior and Insular Affairs Committee.

We will miss Howard Zahniser; we will miss his guidance and we will miss his fellowship; but, if we do all work together now and ignore those who have other axes to grind, we can, I trust, agree on legislation for the preservation of some of our wilderness areas, in a manner that will be in the national interest without forsaking regional and local interests, as a lasting memorial to the work of Howard Zahniser. To his widow and family I offer the solace that his life was well spent and that, like the wonders of nature that he strove to preserve, the good that he did will endure.

PROHIBIT COMMERCIAL BILLBOARD VESSELS FROM OPERATING ON NEW YORK CITY AREA RIVERS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I have today introduced a measure to prohibit commercial billboard vessels from operating on the Federal waterways of the Hudson, Harlem, and East Rivers in the New York City area.

I hope my colleagues from New York City and New Jersey will join with me to preserve the area's most lovely natural resource, its rivers, from determined desecration by garish advertising scows. New Yorkers look out on some of the world's most busy and beautiful rivers. Now these rivers are threatened with desecration from huge floating billboards.

Millions of Americans have fought for years to keep billboards out of national parks, to keep them from obstructing views from our major highways, and we should be able to keep them from beautiful waterways adjoining residential areas.

For the past several weeks a garish billboard barge has been towed close to shore on the Federal waterways adjoining residential areas. Such barges are a disgrace to the taste of the advertising profession, an affront to human beings and a desecration of our rivers.

Advertising is a vitally important part of our economy. But we do not exist to serve advertising. Advertising exists to serve all of us. When it seeks to destroy our natural resources, then it is time to regulate the advertising.

Mr. Speaker, I hope the New York City administration and city council and my colleagues from the area will join with me in the effort to regulate this kind of advertising on the Federal waterways.

POLISH CONSTITUTION ANNIVERSARY

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, this is the time when each year it has become the custom of the House to pay tribute to the brave people of Poland, who a quarter of a century ago fought valiantly to preserve their free and democratic nation against the double invasion by Hitler's Nazis and the Soviet Union's Red armies. It is a date memorable in the long history of Poland for many reasons.

The specific event we celebrate is the May 3 anniversary of the Polish Constitution of 1791—the first constitution of any Old World nation that included the guarantees of free speech, free press, and democratic institutions we have in our own heritage. The final 18th century partition of Poland by ruthless imperialistic neighbors—the partition that quenched free Poland's life as a separate nation until her revival in 1919—came soon after. But the doctrines expressed in the 1791 Constitution lived on, a witness to Poland's key role in the thousand-year development of Western culture.

The month of May is a war month in the history of Europe—a time when armies have marched. Just 25 years ago, World War II was made inevitable as Hitler and the old tyrant Stalin sent their armies to confront each other on Poland's line of demarcation. And just 20 years ago, after 5 long years of savage battle, when Hitler's invaders were reeling backward, the Polish patriots rose against the Nazis in Warsaw, and were slain by the thousands while Red armies paused and regrouped before driving forward in a new offensive. It was too late then for them to aid in the Warsaw rising.

Polish divisions fought in the Battle of Monte-Cassino that was raging in Italy at the time of the Warsaw rising. The Polish people are still too big a mouthful for any foreign invader. But they are not yet free. Their religion is persecuted, their lives as freemen are disrupted, and they are subjected to the continual pressure of a threat that the Red armies will return to ravage them. The measure of semiautonomy they have gained, the small measure of semi-independence they hold from the Soviet tyranny, is simply evidence that their spirit has not been broken and that the desire of full freedom still burns bright.

Let us remember Poland when we speak of the right of all men everywhere to freedom and the natural guarantees of mankind—life, liberty, and the pursuit of happiness.

ILLINOIS BOURBON

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, we in Illinois are the proud producers of America's finest bourbon—a whisky distinctly American, a product which has won worldwide acclaim with connoisseurs of the world's finest food and drink.

I will not repeat the historical background of the origin of the word "bourbon," for my colleagues from other States have already dwelt on this.

Suffice it to say that we, in Illinois, have the finest natural resources, the most progressive of producers and the most intense interest in preserving to America the proper and undenied recognition that bourbon belongs to America.

Although I was speaking in Colorado on Monday, May 4, and not present to vote, I was very pleased that Senate Concurrent Resolution 19, designating "Bourbon whiskey" as a distinctive product of the United States, passed the House.

THE 40TH ANNIVERSARY OF J. EDGAR HOOVER AS DIRECTOR OF THE FBI

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Mr. Speaker, Sunday, May 10, will mark the 40th anniversary of Mr. J. Edgar Hoover as Director of the Federal Bureau of Investigation.

Mr. Speaker, last week the gentleman from Louisiana [Mr. Willis] introduced a resolution commending Mr. Hoover on this long period of outstanding service. The gentleman from Louisiana [Mr. Willis] checked the matter with me. He had planned to ask to have the resolution considered at that particular time. I asked the gentleman from Louisiana [Mr. Willis] if he would place it over until this week so that more Members of the House would know about it and I am sure would like to be here and participate in this commemoration of Mr. Hoover's service.

Mr. Speaker, I hope the resolution can be brought up tomorrow.

I want to bring this matter to the attention of the Members of the House, so, each Member of the House who desires to do so will be able to extend his remarks and participate therein.

But, Mr. Speaker, in case the resolution cannot be called up tomorrow, then I ask unanimous consent that after all scheduled business of the House has been completed on tomorrow and all previous special orders have been completed, that I be permitted to address the House for 1 hour, the purpose of which will be to commemorate Mr. Hoover's long years of service. However, if we do handle the resolution then, of course, I will not take that time. However, I make that unanimous-consent request at this time.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BIG BROTHER GOVERNMENT AT WORK

Mr. BOB WILSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I would like to call to the attention of my colleagues an example of big brother government at work in my home area of San Diego.

A large naval repair facility is being phased out. The employees are naturally not pleased. Some of them have come up with a bumper sticker which reads "Phase Out McNamara." I regret that security police yesterday tore these stickers off the workers' cars, and threatened to bar any cars carrying these stickers from the naval facility.

Our Constitution guarantees individuals the rights of redress of grievances against their Government. I feel this arbitrary, highhanded action by the security police is an infringement on the civil rights of individuals who work at the plant. Secretary of Defense McNamara is not a candidate for any office, hence there is no conflict with the Hatch Act or any other Federal regulation.

We do not intend to tolerate Government censorship of free citizens action. I have wired the commanding officer of the establishment in protest of this action. It is time American citizens spoke out and made their feelings known on these and other issues which face our country. I feel that Federal workers in San Diego have a full and just right to protest what they believe is an unwarranted action by their Government. To deprive them of this right by police action is not in accord with the Constitution.

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday night to file a report on two bills, the deficiency appropriation bill and the agricultural appropriation bill for 1965.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HORAN reserved all points of order on both bills.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 120]

Andrews, Ala.
Ashley
Ashmore
Avery
Baring
Bass
Bates
Bennett, Mich.
Blatnik
Bonner
Brademas
Buckley
Burleson
Burton, Calif.
Chelf
Colmer
Cramer
Davis, Tenn.
Denton
Diggs
Dorn
Dowdy
Edmondson
Elliott
Feighan
Finnegan
Fisher
Forrester
Fulton, Tenn.
Garmatz
Gibbons
Gill
Grant
Hagan, Ga.
Halpern
Harvey, Mich.
Hawkins
Herlong
Hoffman
Huddleston
Jensen
Johnson, Pa.
Jones, Ala.
Kee
King, Calif.
Kirwan
Lankford
Libonati
Lloyd
Mailliard
Martin, Calif.
Mathias
May
Meader
Miller, Calif.
Miller, N.Y.
Mills
Montoya
Morris
Morrison
Norblad
Olsen, Mont.
Passman
Pilcher
Pool
Powell
Rains
Roberts, Ala.
Scott
Selden
Senner
Sheppard
Taft
Teague, Tex.
Udall
Ullman
Vanik
White
Whitten
Wickersham
Wilson, Ind.
Winstead

The SPEAKER. On this rollcall, 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

STATE, JUSTICE, COMMERCE, AND JUDICIARY, 1965 APPROPRIATIONS

Mr. ROONEY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the distinguished gentleman from Ohio [Mr. Bow] and myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11134, with Mr. Fascell in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from New York [Mr. Rooney] will be recognized for 1 hour and the gentleman from Ohio [Mr. Bow] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York [Mr. Rooney].

Mr. ROONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill contains proposed appropriations in the coming fiscal year, to wit, fiscal year 1965, for the Departments of State, Justice, and Commerce, the judiciary, and related agencies.

The pending bill would appropriate the amount $1,702,627,800. This amount compares with budget estimates submitted for 1965, as amended, and 1964 supplemental requests, in the amount $1,957,764,700, which would mean a reduction in the budget estimates in the amount $255,136,900.

The amount carried in the bill now pending before the Committee of the Whole for its consideration is $135,839,200 below the total amount appropriated to date for these agencies in the present fiscal year.

I should point out, however, that a large part of this reduction I have referred to is due to the fact that the new authorization bill for the Area Redevelopment Administration has not as yet been enacted into law. The amount provided also includes $450,000 for a number of supplemental requests in the current fiscal year 1964 which totaled $42,675,000.

I should also point out that in a few instances some of the additional permanent positions requested have been allowed, but these increases are offset by other decreases, with the result that the number of permanent positions provided in the accompanying bill for fiscal year 1965 is the same number as the number of authorized positions for the present fiscal year, just under 96,000 permanent positions.

In this connection I should commend the Secretary of State, the Honorable Dean Rusk, for the fact that this year he came before the committee for the second time without a request for a single additional position in the regular annual "Salaries and Expense" item. I should also commend the distinguished Attorney General, Hon. Robert F. Kennedy, for his appearance before the committee during the course of which he requested 50 less permanent positions than he has in the current fiscal year. If we could get the Department of Commerce to approach their budget on the same basis as the Departments of State and Justice we would have an even better bill here today than we have for you.

This is a good bill, Mr. Chairman, and the fact it is a good bill is due to the courtesy and cooperation I have received from the learned members of the subcommittee, as well as from the clerk of this subcommittee, Mr. Jay B. Howe, who is seated alongside of me. This is the 16th annual supply bill for these agencies that Mr. Howe and I have worked together on, of which 14 bear my name. I could not have succeeded in the reduction of Government expenditures proposed in the pending bill were it not for the cooperation of the members of the subcommittee, the distinguished gentleman from Florida [Mr. Sikes], the distinguished gentleman from West Virginia [Mr. Slack], the distinguished gentleman from Iowa [Mr. Smith], the distinguished gentleman from Ohio [Mr. Bow], the distinguished gentleman from California [Mr. Lipscomb], and the distinguished gentleman from Michigan [Mr. Cederberg]. I am sincerely indebted to each of them for their cooperation in bringing this bill to the floor for consideration.

The following table summarizes the amounts recommended in the bill in comparison with the corresponding budget estimates and the 1964 appropriations:

Department or agency	Appropriations, 1964	Budget estimates, 1965, as amended, and 1964 supplementals	Recommended in the bill	Bill compared with—	
				Appropriations, 1964	Budget estimates, 1965 (including 1964 supplementals)
Department of State	$341,070,000	$401,712,000	$343,837,000	+$2,767,000	−$57,875,000
Department of Justice	343,899,000	367,887,000	364,036,000	+20,137,000	−3,851,000
Department of Commerce	804,500,100	911,969,000	730,086,000	−74,414,100	−181,883,000
Bureau of Public Roads (trust fund)	(3,249,150,000)	(3,650,000,000)	(3,648,000,000)	(+398,850,000)	(−2,000,000)
The judiciary	65,927,900	70,762,700	68,830,800	+2,902,900	−1,931,900
Related agencies	283,070,000	205,434,000	195,838,000	−87,232,000	−9,596,000
Total	1,838,467,000	1,957,764,700	1,702,627,800	−135,839,200	−255,136,900
Consisting of—					
Related to 1964 supplemental appropriations		42,675,000	450,000	+450,000	−42,225,000
Related to 1965 appropriations	1,838,467,000	1,915,089,700	1,702,177,800	−136,289,200	−212,911,900

I shall first refer to the Department of State. The total amount recommended for the Department of State is $343,837,000, which would be a reduction of $57,875,000 below the total amount of the budget requests. However, four supplemental budget estimates for fiscal year 1964 are included in these figures. The total requested in the four supplemental estimates was $42,400,000, of which the committee allowed $400,000.

The largest item of appropriation for the Department of State is entitled "Salaries and Expenses." In connection with this there is an increase over the amount provided in the present fiscal year a large part of which is due to some substantial amounts required to improve their communications facilities. The committee felt their facilities needed improvement and that the Department should go ahead with such improvement.

The second item in this bill is entitled "Representation Allowances," that the distinguished gentleman from Iowa [Mr. Gross] and I discuss annually. I can assure the distinguished gentleman from Iowa that there is only enough of an increase in this item in the pending bill, to wit, $20,000, to keep them all in good spirits.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I am glad to yield to my distinguished friend from Iowa.

Mr. GROSS. This is the item that the gentleman is pleased to call the tools of the trade; is that it?

Mr. ROONEY of New York. This year it is called good spirits.

Mr. GROSS. Will the gentleman just project this a little bit further? How much would he say there is in toto in this bill for the representation allowances, tools of the trade, for this and other departments?

Mr. ROONEY of New York. In the pending bill there is no increase in any one item for the purpose of entertainment except in this instance and, as I say, this is to keep them all in good spirits. This amount, the $20,000 increase, compares with a total decrease of $143,150 in the amounts requested throughout the bill for entertainment and representation allowances.

Mr. GROSS. I will have to say to the gentleman, as he has said to witnesses before his committee, that that has not quite answered the question. The question was, How much is in the bill in toto? if he can give me some estimate, for representation allowances; in other words, the booze fund.

Mr. ROONEY of New York. I had assumed the gentleman was thoroughly familiar with this subject, knowing how assiduously he peruses the printed hearings. I did not propose to take the time to go into detail, but in this instance, does the gentleman want the amounts of the 1964 appropriations, the 1965 requests, or the committee allowances?

Mr. GROSS. Just what you are appropriating in your bill for this purpose.

Mr. ROONEY of New York. Very well. In the item that we are talking about, "Representation allowances" for the Department of State, the amount is $993,000. There is $75,000 here in the contingency fund. There is $18,000 in the item, "Mutual educational and cultural exchange activities." There is $10,000 in "International activities," Department of Commerce. There is $3,500 for the Travel Service. There is $110,000 for the NSIA to use overseas all over the world. There is $11,750 in connection with the item, "Special international exhibits." Have I sufficiently answered the gentleman's question?

Mr. GROSS. If the gentleman has listed them all, he has sufficiently answered my question.

The next question would be, Does the gentleman think the $10,000 for entertainment, or whatever it is, to Mr. Herter will help resolve the chicken war over in Geneva?

Mr. ROONEY of New York. I think the gentleman will find a discussion of his chicken war in the printed committee hearings. We had the distinguished gentleman from Massachusetts, the former Governor of that Commonwealth, the former Secretary of State, before the committee. We trimmed the operation down a bit. The State Department wanted to move 142 people over to Geneva for this parley. They wanted to take the wives and dependents along with them and have the Government pay to take along their automobiles so they could ride throughout the beautiful Swiss countryside. So we trimmed down this ambitious operation.

Mr. GROSS. I want to compliment the gentleman. The hearings very well bear him out in that respect. May I say to the gentleman that if he had given Mr. Christian Herter all the automobile hire he wanted for himself and others, I think they would still be coming out at the small end of the horn insofar as the settlement of trade relations is concerned. I want to compliment the gentleman.

Mr. ROONEY of New York. I am an optimist in this regard. I do not think this Nation can afford to ignore such trade negotiations. I think it is best that we be properly represented there. I think our people should have sufficient tools of the trade, and I do not refer only to representation allowances, to carry on, and maybe something might be worked out for our best interests.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from New York.

Mr. LINDSAY. I just want to ask the gentleman whether the so-called booze allowance is used only for bourbon; we would not want to send anything over there except our national drink; would we?

Mr. ROONEY of New York. I find that in most of our embassies whisky and soda is the popular drink.

Mr. LINDSAY. But bourbon is the national drink of the United States.

Mr. ROONEY of New York. Evidently, the gentleman is not a continental traveler if he does not know that scotch whisky and soda is the popular drink.

Mr. LINDSAY. How could a U.S. embassy serve anything other than our national drink—bourbon?

Mr. ROONEY of New York. Well, we also serve tomato juice and fruit drinks.

Mr. LINDSAY. All kidding aside, Mr. Chairman, I feel that our embassy personnel are entitled to everything they get by way of representation allowances, including the "booze allowance." Too often our embassy people must dip into their own pockets to cover their requirements. They are deserving of all support.

Mr. ROONEY of New York. The next item is entitled "Acquisition, Operation, and Maintenance of Buildings Abroad." For this we have provided $22,125,000 of which $4 million is contained in the special foreign currency program.

We have substantially reduced this item and deleted entirely the amount of $2,050,000 requested for two projects in Paris, France; $2 million of which was to buy a lot upon which to build a new office annex. I think it would take about 40 or 45 minutes to drive from the Place de la Concorde where the present Embassy office building is to get to the site of the proposed office annex during the day when traffic is very heavy in Paris.

The committee has also deleted the request for $50,000 for plans to initiate the alteration, improvement, and renovation of the property on the Rue du Faubourg St. Honore in Paris, known as the Rothschild mansion. This piece of property as it stands is worth at least $3 million in American money. If allowed to go ahead, with the present thinking of the foreign building office and the Department of State, our Ambassador in Paris would have a $5 million residence. We did not think we should do this, particularly at the present time.

The next item to which I shall refer is entitled "Mutual Educational and Cultural Exchange Activities." There the committee has allowed $44,125,000. Included in this is an additional $1.5 million in connection with a treaty made not too long ago with Japan. This treaty resulted in our being requested to appropriate $25 million worth of our Japanese yen, to remain available until expended.

The committee looked this over carefully and decided to appropriate the equivalent of the interest that could be generated from $25 million worth of yen, at 6 percent or $1.5 million.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman.

Mr. BOW. Just so that this may be clear for the record. What the gentleman is saying is that we are making payments of that amount, but we are not paying interest on this $25 million. Actually, we are making a payment which would be equal to the interest rate; is that not correct?

Mr. ROONEY of New York. That is absolutely correct.

Mr. BOW. We are paying no interest on $25 million.

Mr. ROONEY of New York. No, we merely arrived at the $1.5 million figure by computing the interest at 6 percent on $25 million.

Mr. BOW. In other words, that is what we would have been paying.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Iowa.

Mr. GROSS. I was astounded to read in the hearings that any American official, and I have forgotten which one it was, would say that this was a good settlement—this settlement of the $1,800 million obligation owed to us by the Japanese for $490 million of which $25 million was earmarked for cultural purposes. Then they have the colossal gall to come before a committee of the Congress and say that this was a debt settlement.

Mr. ROONEY of New York. It is very seldom that the distinguished gentleman from Iowa and I agree, but in this instance I am in accord with the gentleman's statement that this was not a good settlement. I think we should have obtained a better settlement, but I would not want to press for a better settlement to the extent of disrupting the amicable relations presently existing between the Japanese people and the American people and their Governments.

Mr. GROSS. I cannot agree with the gentleman in his latter premise. I think it was wrong to earmark $25 million in view of the fact that we only got $490 million out of the $1,800 million operation. I think it is wrong. I think it is wrong in this bill to make any kind of settlement such as that.

Mr. ROONEY of New York. One of the usual difficulties is that every time our diplomats make a settlement on anything with another nation, our cultural people have to get into the act and earmark so much of the settlement for all these alleged cultural programs which are not of great benefit to the American taxpayers.

Mr. GROSS. I thoroughly agree with the gentleman.

Mr. ROONEY of New York. Coming to the Department of Justice, you will find that the bill contains $364,036,000 for that highly important branch of Government.

Mr. HALL. Mr. Chairman, will the gentleman yield, before he takes up the items for the Department of Justice, for an inquiry?

Mr. ROONEY of New York. I yield to the gentleman from Missouri.

Mr. HALL. I should like to inquire as to whether there is anything in the appropriation bill which would limit our contributions to the United Nations. I believe that would be under the contributions to international organizations.

Mr. ROONEY of New York. That is provided in basic law.

Mr. HALL. Is there anything which would limit our contributions to the U.N. Special Fund and to the U.N. Technical Assistance Fund, the Middle East Refugee Relief, and so on, to the 32.06 percent which is generally applicable?

Mr. ROONEY of New York. The gentleman is referring to items which are not in this bill but which I assume will be in the foreign aid bill. Those items, to which the gentleman refers have nothing to do with the pending bill.

Mr. HALL. The bill has nothing to do with that?

Mr. ROONEY of New York. There is nothing here, insofar as international organizations are concerned, not authorized by law.

Mr. HALL. Would the gentleman advise us as to what the contributions to international organizations of more than $87 million consist of, in general?

Mr. ROONEY of New York. Those are very succinctly set forth at pages 4 and 5 of the committee report. Has the gentleman read the committee report?

Mr. HALL. Yes; I have.

Mr. ROONEY of New York. Then the gentleman will find each organization listed, by name, and the amount of contribution; the total being $87,168,000.

Mr. HALL. If the gentleman will yield further, the first item is for the United Nations and specialized agencies, under which is the item for the United Nations, the item for UNESCO, and so forth.

Mr. ROONEY of New York. The gentleman is reading correctly.

Mr. HALL. My query is whether or not there are any contributions to the Special Fund or to the Technical Assistance Fund above the 32.06 percent.

Mr. ROONEY of New York. The answer, as I said a while ago, is "No." The gentleman will not find the Special Fund listed in these items.

Mr. HALL. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield briefly before he proceeds to the next department's items?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Are there any funds available under the terms of the bill to be spent for getting summer jobs for foreign students?

Mr. ROONEY of New York. We were requested to supply such funds, but we have taken them out of the bill.

Mr. GROSS. I thank the gentleman.

Mr. ROONEY of New York. We do not have that sort of thing for American students.

Mr. GROSS. That is exactly correct.

Mr. ROONEY of New York. Considering that we go to the expense of bringing the foreign students here, pay for their travel, keep them, and give them an education, why should we also and at the same time run a Federal agency to get them summer jobs?

Mr. GROSS. Again I agree with the gentleman.

Mr. ROONEY of New York. I am for our American students first.

Mr. GROSS. Are there any funds for travel expenses for exchange lecturers, if the gentleman recalls?

Mr. ROONEY of New York. Yes; there are some. That would be under the educational exchange activities. This program has been going on for years.

Mr. GROSS. I understand that, but I believe that some of this stuff ought to stop.

Mr. ROONEY of New York. Well, they want to bring their dependents with them and to enlarge the taxpayers' expenditure further and further. The committee balked at doing this.

Mr. GROSS. I understand.

Mr. ROONEY of New York. The House has approved the committee action in this regard on previous occasions.

Mr. GROSS. I commend the committee for going as far as it did, but I believe we ought to stop some of this spending. It makes quite a bit of interesting reading, to learn about these exchange lecturers.

Mr. ROONEY of New York. I am gratified to learn that the distinguished gentleman from Iowa approves this bill and its provisions.

Mr. GROSS. Oh, no; I did not say that.

Mr. ROONEY of New York. If I may continue, I shall now refer to the items for the Department of Justice.

As I started to say, the bill contains $364,036,000 for the very important Department of Justice, which would be an increase of $20,137,000 over the amounts appropriated for the current fiscal year and a reduction of $3,851,000 compared to the total budget requests.

The various activities include the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, and others.

You will find the Antitrust Division listed as a separate item. The committee has recommended an appropriation of the full amount requested for antitrust activities. The increase is in the amount of $254,000 over the appropriation for the current fiscal year. This $254,000 is merely to provide for mandatory or statutory items such as pay act increases and within grade promotions.

Now we get to the Federal Bureau of Investigation. This is the 14th year, as I said a while ago, that this bill has borne my name—in all these years there has not been a 5-cent reduction in the requests for the Federal Bureau of Investigation. The Honorable J. Edgar Hoover, the Director of this organization, is one of the finest, if not the finest, administrators in the Federal Government. I should like to take this occasion to remind us all of the fact that he took over as Director of the Federal Bureau of Investigation on May 10, 1924. Accordingly, Mr. Hoover will celebrate his 40th anniversary as Director of the agency this coming Sunday and I know we all extend him our compliments and wish him further successes in his position for many years to come.

With regard to the Immigration and Naturalization Service, the committee recommends the sum of $71.1 million. At this point I should like to say that that organization has the greatest Commissioner it has ever had in the course of its existence. Today we find the morale of the people in the Immigration and Naturalization Service who work on immigration and nationality matters and the border patrol down on the Mexican border in the best shape it has ever been.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from New York [Mr. CELLER], the chairman of the Committee on the Judiciary.

Mr. CELLER. I would say that Ray Farrell, to who you made reference, is a truly dedicated servant who has done yeoman service in immigration and nationality matters. He has rendered fine work as head of the Immigration and Naturalization Service, and too much praise cannot be heaped upon him because of this.

Mr. ROONEY of New York. I thank the distinguished gentleman for his contribution.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. I would like to join the gentleman in his praise of the Commissioner, Mr. Farrell. He is a first-class public servant. I should like to add, however, that the good job Commissioner Farrell is doing was made possible by the really extraordinary job that was done by Joseph Swing, who was his predecessor.

Mr. ROONEY of New York. He is a fine gentleman also.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. I wish to add my word to what has been said about Ray Farrell. I think all of us in Illinois and all of the Members from Illinois, both Republican and Democrat, think he is one of the greatest public servants America has ever had.

Mr. ROONEY of New York. I thank the gentleman for his statement.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. I, too, would like to raise my voice to compliment the present Commissioner of Immigration and Naturalization, Ray Farrell. Not only is he a very fine public servant, but his staff in the city of New York is an excellent organization and a very courteous organization to Members of Congress who have occasion to inquire of them and seek their aid and assistance.

Mr. ROONEY of New York. I thank the gentleman for his statement.

Now to get to the Department of Commerce. Let me say that the revised budget request for that department totaled $911,969,000. The committee included in the bill $730,086,000, a reduction of $181,883,000 in the total request and $74,414,100 below the appropriation for the current fiscal year. The largest decrease, however, $148,735,000, is in the Area Redevelopment Administration and is due to the fact that legislation authorizing additional appropriations has not yet been enacted by the Congress.

The bill also includes $3,648 million for the Bureau of Public Roads, which is derived from the highway trust fund. There is not much that the committee can do with regard to money expended out of this trust fund which is generated as the result of the collection of Federal gasoline and excise taxes and is then committed in advance of the time that it gets to the committee, for the highway construction program.

I should like to refer to the fact that in the Bureau of the Census the committee considered a $210,000 supplemental request for the item "Salaries and expenses" for the fiscal year 1964 contained in House Document No. 174 to provide for the collection of additional information on footwear imports. Inasmuch as there is every indication that this bill will not become law before July 1 and that a supplemental appropriation would not become available early enough for the Bureau of the Census to proceed during the present fiscal year which expires on June 30, the supplemental request was not approved.

However, the committee has included $135,000, the full amount of the request by the Department of Commerce, in the item "Salaries and expenses" to carry out this footwear imports research during fiscal year 1965.

The House of Representatives has already passed the bill making appropriations for the fiscal year 1965 for the Treasury and Post Office Departments and included therein, as passed by the House, was the full amount, $88,000, requested by the Bureau of Customs for their activities in connection with this research program.

We have presently on the floor with us the distinguished gentleman and my longtime friend and colleague from Virginia, the Honorable J. VAUGHAN GARY, who is chairman of the Subcommittee on Appropriations, which makes appropriations for the Departments of Treasury and Post Office. I should like to ask the gentleman from Virginia [Mr. GARY] if it is not the fact, as I have recited, that there is included in the amount for the Bureau of Customs, Department of the Treasury, already passed by this House, $88,000 to specifically carry out the activities of the Bureau of Customs in connection with this footwear research in fiscal year 1965.

Mr. GARY. Mr. Chairman, I will say to my distinguished friend from New York that that is correct. This is a joint enterprise between the Department of Commerce and the Bureau of Customs. They have agreed on a distribution of the amount to be appropriated between the two in order that each may bear its proper share of this appropriation. The purpose of the project is to get more accurate figures as a basis upon which those who are negotiating these trade agreements can operate. In our committee we have not only allowed the amount but we actually visited New York to discuss the problems of the Bureau of Customs with them and we viewed this activity while we were there.

We were convinced that it was a proper activity and allowed the full amount that they require for the fiscal year 1965.

Mr. ROONEY of New York. Mr. Chairman, I thank the gentleman. I now yield to the distinguished gentleman from Massachusetts [Mr. BURKE].

Mr. BURKE. Mr. Chairman, I would like to inquire of the distinguished gentleman from New York if he feels that these sums are sufficient to carry out the recommendations of the late beloved John F. Kennedy in conducting this research?

Mr. ROONEY of New York. If I were to answer that question honestly I would have to say that we may have included too much in this bill for that purpose. The gentleman realizes that they asked for $210,000 in the fiscal year 1964. This bill carries $223,000 for customs and commerce.

Mr. BURKE. I realize how prudent is the gentleman from New York. I want to point out to the gentleman that we are appreciative of the amount that he has in this bill. Also, we wish to thank the distinguished chairman of the Subcommittee for Post Office and Treasury for the amount included there. We feel that this is sufficient from the information we have received from the Department of Commerce and the Bureau of Customs. We thank each of these gentlemen.

Mr. ROONEY of New York. Mr. Chairman, permit me to tell the gentleman from Massachusetts where we get our information. We received the figure from the Bureau of Census for $135,000, which they say they need, for their part of this research. From the Bureau of Customs we have a figure of $88,000 which they say they need. We did not just take these figures out of the air.

Mr. BURKE. Mr. Chairman, I appreciate that and I compliment the gentleman for the fine job he is doing. I know that the footwear people of America are thankful to him and to the 235 Members of the House who signed the petition asking for these sums.

Mr. Chairman, I say again that we thank him, as do the employees in the footwear industry of America, as well as the gentleman from Virginia [Mr. GARY].

Mr. ROONEY of New York. Mr. Chairman, I am now hoping and praying that with the expenditure of this $223,000 the American taxpayer will benefit, and that the research will produce something which will be of consequence both to the taxpayer and to the shoe industry.

Mr. GARY. Mr. Chairman, will the gentleman yield further?

Mr. ROONEY of New York. I yield further to the distinguished gentleman from Virginia.

Mr. GARY. Mr. Chairman, may I say that this gathering of more accurate statistics not only relates to the shoe industry but relates to many other industries in the United States. Our committee was convinced, and certainly hope, that the expenditure of the funds will inure to the benefit of practically all the taxpayers of the United States rather than to any particular industry.

Mr. ROONEY of New York. I am in thorough agreement with the distinguished gentleman from Virginia in his allowance of $88,000 for the imported shoe research program.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I am a little surprised that the citizen from Massachusetts, Mr. Herter, is not more interested in the shoe industry and in a great many other industries that are being deflated by virtue of foreign imports.

Mr. ROONEY of New York. I suspect that he really is.

Mr. GROSS. Well, I question that.

Mr. GARY. Mr. Chairman, will the gentleman yield to me?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Virginia.

Mr. GARY. I want to say that the purpose of collecting the statistics is to give Mr. Herter more accurate information upon which to conduct his negotiations. I believe they will be of great help to Mr. Herter and his entire program, as well as the industries affected.

Mr. ROONEY of New York. Of course, as I understand it, this information will also be gathered for the benefit of the Tariff Commission.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from New Hampshire.

Mr. WYMAN. I would like to express my appreciation, on behalf of the congressional district it is my privilege to represent, of the gentleman's efforts along this line. As the gentleman knows, the largest single employer in my district is the shoe industry.

I thank the gentleman from New York for all that he has done to give us this survey of statistics on imports. The gentleman has done a very fine job and we are all most appreciative. I hope that out of it will come some benefit.

Mr. ROONEY of New York. I might remark to my distinguished friend, the gentleman from New Hampshire, that this is the first observation I have had of the distinguished gentleman's interest in Government spending.

Mr. WYMAN. If the gentleman will yield further, I am very interested in Government spending, but on the conservative side.

Mr. ROONEY of New York. Well, on the minus side.

Mr. WYMAN. That is right in the sense that I believe that unless we are confronted with a national emergency the Government should not spend more than it receives in revenues, particularly with a national debt of $315 billion. I think Congress should make such a policy mandatory.

The shoe statistical study should help to protect this important domestic industry against the floods of cheap foreign imports by furnishing a firm foundation for relief by executive action through quota limitations. It will help to prove to the doubting Thomases that a huge domestic industry and tens of thousands of American jobs are at stake.

Mr. ROONEY of New York. Mr. Chairman, continuing, we now come to an item in the Department of Commerce budget entitled "U.S. Travel Service." The committee has allowed $3 million for their activities in fiscal year 1965 which represents a decrease of $950,000 in the amount of the budget request.

Mr. Chairman, I might say in passing, in connection with this outfit, that in all my years of experience this has been about the worst-run agency I have ever come across in Government. This is the outfit, without any authority in law, that went out and bought ladies' bracelets and men's cuff links to give away free of charge to representatives of travel agencies, and so forth. This is the agency that I pointed out a year ago or even 2 years ago which was making illegal contracts with Madison Avenue advertising firms. Since I made these statements with regard to this agency, the Comptroller General's office has found that the purchase of the cuff links and bracelets was strictly illegal and that its contracts running into millions of dollars with Madison Avenue advertising concerns, privately negotiated, were illegal.

Now, gentlemen, I think that the action of the committee in reducing this request—since there is no proof that this agency, even with the past expenditure of funds, has succeeded in increasing foreign travel to the United States—was proper. As far as I can see, the increases in travel since it has been in existence would have happened anyhow in the normal course of the annual increases in travel, both out of the United States and into the United States.

Mr. Chairman, in connection with the items for the National Bureau of Standards I should like to point out that the committee has stated that none of the funds requested for the so-called civilian industrial technology program has been approved. The direct request for such funds was denied by the Congress last year and any and all attempts to obtain such funds by reorganization, diffusion, or attempted confusion must now be clearly unsuccessful.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Ohio.

Mr. BOW. As the gentleman knows, I am in complete agreement with this language of the report. So that we may make the record clear, this means none of these funds are to be used for any of those that are set up in the civilian technology part last year except the completion of the textile industry?

Mr. ROONEY of New York. That is correct. The new fire research program of last year would be out. Nearly every fire insurance company in America and in that industry has complained about the Government getting into this business. The same refers to the building construction industry as well.

Mr. BOW. To the building construction industry?

Mr. ROONEY of New York. That is correct.

Mr. BOW. I thank the gentleman.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Texas.

Mr. FOREMAN. As I understand it, for the U.S. Travel Service the 1964 appropriation was $2.6 million. Recommended in the bill was $3 million. Is this the agency the gentleman was referring to?

Mr. ROONEY of New York. It is. It will now have a new Director.

Mr. FOREMAN. I believe the gentleman stated he did not think we had any increased foreign travel since we had this agency?

Mr. ROONEY of New York. We are hoping that maybe with a new Director and these additional moneys the result may be successful.

Mr. FOREMAN. I thank the gentleman.

Mr. ROONEY of New York. Mr. Chairman, I do not know what else I need to explain in connection with the pending bill. It is a long bill and it refers to many agencies stretched across the Government. The Federal judiciary from the Supreme Court down to the district courts, the referees in bankruptcy, and their expenses, are included. Also included are the U.S. Information Agency, the U.S. Arms Control and Disarmament Agency, the Tariff Commission, the Subversive Activities Control Board, the Small Business Administration, the Federal Maritime Commission, the Foreign Claims Settlement Commission, the Commission on Civil Rights, and the American Battle Monuments Commission.

Mr. Chairman, if there are no further questions, this concludes my remarks.

Mr. BOW. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. Lipscomb].

Mr. LIPSCOMB. Mr. Chairman, the chairman of the subcommittee, the gentleman from New York [Mr. Rooney], has covered this bill very adequately. As is generally the case in appropriation measures, there are differences of opinion on this particular bill.

There are some items I would personally have liked to see reduced even more, and there are some items that perhaps we could have raised, which would have been helpful in accomplishing its purposes.

I want to assure my colleagues in the House that the gentleman from New York [Mr. Rooney], chairman of the subcommittee, lets very little escape his attention. The same applies to the ranking minority member, the gentleman from Ohio [Mr. Bow].

Mr. Chairman, as so ably explained by the distinguished chairman of the subcommittee, the gentleman from New York [Mr. Rooney], the total amount in the Departments of State, Justice, and Commerce, the judiciary, and related agencies appropriation bill for fiscal year 1965, exclusive of the Bureau of Public Roads Trust Fund, is $1,702,627,800. This amount is $255,136,900 below the total amount of the budget estimates. However, a large part of this reduction in the amount of $148,325,000 is due to the fact that no added authorization exists for the Rural Redevelopment Administration and new legislation has not been enacted into law.

The amount provided in this bill for fiscal year 1965 is $135,839,200 below the total appropriated to date for the current fiscal year.

The President requested a total of $42,675,000 for fiscal year 1964 supplemental items of which only $450,000 is approved by the committee.

The principal supplemental items requested by the President and disapproved by the committee included $25 million request for education and cultural exchange with Japan; $12 million request for preservation of ancient Nubian monuments; and $5 million request for State Department communications.

As is generally the case in appropriation bills, there are differences of opinion in regard to various items and amounts contained in the overall bill. This bill is no exception. There are items I would like to see reduced or even eliminated. There are items that additional amounts could well be used to advantage. However, after numerous days and hours of hearings, listening to scores of witnesses, the bill before the House today represents the considered judgment of the subcommittee. From my experience as a member of the subcommittee I can assure you that my colleague from New York [Mr. Rooney], the chairman of the subcommittee, lets very little escape his attention and I can say the same for the distinguished ranking minority member of the committee, the gentleman from Ohio [Mr. Bow].

With a few exceptions, principally the amount recommended for the Arms Control and Disarmament Agency and the continued and expanding of requests for international organization, I am in support of this bill, H.R. 11134.

Mr. Chairman, time does not permit a detailed analysis of the bill item by item. The report accompanying the bill covers the items very well. There are some comments I would like to make on a few matters of concern to me.

However, before proceeding to these matters, I would like to commend the Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, who will, on May 10, observe his 40th anniversary of his elevation to his post, and his associates for the fine manner in which they perform their responsibilities in administering this great Bureau. If every agency presented its budget justifications and documented the background to support its requests as effectively and efficiently as Mr. Hoover and his associates, there would be fewer questions raised as to the quality and accuracy of the various budget requests before us today. The committee's confidence in the Federal Bureau of Investigation is reflected by the fact that we have again recommended the full FBI budget request in the amount of $150,445,000.

DEPARTMENT OF STATE

Mr. Chairman, the total amount recommended in this bill for the Department of State is $343,837,000. This amount is an increase of $2,767,000 over the total for this Department in the current fiscal year and is a reduction of $57,875,000 below the proposed budget estimates.

This reduction is both reasonable and necessary. Reasonable in a sense that it will not harm any operation or function which the Department of State is performing, and necessary in the sense that it is our committee and this body as a whole which have the responsibility of imposing certain curbs necessary to prevent unnecessary spending and growth which would otherwise take place in such a large and bureaucratic organization.

It is not enough to look at the total dollars being proposed in this bill for the Department of State, but rather how these dollars will be used in the interest of the people and as intended by Congress when it appropriated the funds. Based on some past performances of our Department of State, the funds, even with the reduction recommended, may be excessive, if past performance and results are any criteria.

It would be irresponsible on our part, however, to reduce this budget to an unreasonably low figure because of present policies and administrative actions.

We need a strong State Department, particularly nowadays in these troubled times. There are within the agency fine, competent, dedicated Federal servants who deserve our wholehearted support. The answer is not a simple one which says we can cut so many dollars in order to produce an effective, coordinated Department of State geared for efficient operation for the formulation and execution of the foreign policy of the United States.

It is apparent, in my opinion, that the Department of State needs a complete reorganization of the whole machinery from top to bottom. The apparent layer upon layer of officials, the numerous committees, the interrelation with other agencies such as the Defense Department, the Agency for International Development, the U.S. Information Agency, Central Intelligence Agency, the Department of Commerce, the Department of Health, Education, and Welfare, and so forth, create at best a completely unwieldly situation. The wonder is that any policy can be implemented at all.

Mr. Chairman, I would like to cite some examples in our foreign policy that are being practiced by our State Department which prompted these remarks.

A few weeks ago the Committee on Foreign Affairs of this House released the hearings entitled "Winning the Cold War: the U.S. Ideological Offensive." In part 7 there is a report, submitted by the Department of State, which gives an accounting of what has happened in the cold war for the past 3 years. The general conclusion cited by the Department of State is:

> Overall, there appear to have been larger gains than losses for the free world. The major U.S. confrontations with the Soviet Union have turned out favorably.

The report then goes on to cite the major United States-Soviet confrontations which occurred during this period which they interpret as being failures to the Soviet bloc and therefore victories for our side. These victories consist of:

> 1. The confrontation in 1961: "with Soviet and East German efforts to reduce or eliminate the Western Allies' position in Berlin."

In this area the State Department concludes that:

> Access to Berlin was maintained, the Soviets did not sign a peace treaty with East Germany, and the allied military presence remained intact. The principal change was the building of the wall between East and West Berlin, a practical aid to the security of the East German regime but a public admission of failure for Ulbricht and the whole Communist camp.

Mr. Chairman, since we are in Berlin by right and are living up to the agreements of the treaty, to say that merely maintaining this position is a victory really stretches the imagination. This is the type of response and behavior which should be commonplace in our foreign affairs. To go on, however, and say that the wall is a victory for us is flagrant distortion—it points up the impotence of our State Department policy in allowing this to happen which is a direct affront to our position and to our allies, the West German people.

Second. The second Communist failure, or our victory, was the Soviet failure in their effort to undermine the functioning of the United Nations Secretary General by the "troika" proposal. Again, the "troika" concept was completely contrary to the existing U.N. agreement and we merely defended the status quo. However, I wonder if there were any concessions made in order to achieve this end.

Third. The third Communist failure and U.S. victory was the removal of: "Offensive missiles in Cuba in October 1962."

It is admitted that this was a good and proper move on our part. I do believe, however, that it cannot be accepted as a substantial victory because on one hand we allowed this to happen and on the other we now have a Communist state existing 90 miles from our shores which was not there before.

As a clear indication of our State Department orientation to such matters as this, there is a statement in the report relative to the Cuban situation as follows:

> Although Cuba has become a Communist state, it is well to remember that the Communists, far from playing a major part in the success of the Castro revolution, were as surprised as we by the turn of events in that country in the period 1959.

There are times, I am sure, when each of us has difficulty in finding words to express a particular situation. After the statement I just quoted, I am afraid I am in that position.

Fourth. The fourth Soviet failure, and again I presume U.S. victory, was the nuclear test ban treaty agreement. The State Department reasoning is:

> The United States succeeded in bringing Moscow to accept terms that it had turned down when we offered them previously.

This is certainly a true statement, as far as it goes, but like many things emanating from the State Department it does not go far enough. A review of the negotiations shows that we altered our position far more significantly than the Soviets and that the major risks involved in this agreement are being assumed by the United States, not the Soviet Union.

The above four "victories" are what our State Department summarizes as their major successes of the past 3 years. If these represent "major victories," and we have had only four, even of this kind, you can readily see why our foreign affairs have deteriorated.

Mr. Chairman, these are only a few examples to illustrate the fallacious reasoning which our State Department is utilizing in U.S. foreign policy. I believe the above illustrations are sufficient to illustrate the gravity of the situation.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The upward trend in contributions to 32 international organizations is continuing for fiscal year 1965.

The total contained in the bill for contributions to international organizations to meet obligations not otherwise provided for is $87,168,000.

This amount represents a decrease from the current fiscal year, estimated at $99,679,000, only because it does not include appropriations for the United Nations Congo operation and the working capital fund as was the case last year.

Increased appropriations were requested in effect for the United Nations, and for all but one of the U.N. specialized agencies. This includes the United Nations Educational, Scientific, and Cultural Organizations, the International Civil Aviation Organization, the World Health Organization, the International Labor Organization, and the International Tele-Communication Union, and for the Governmental Maritime Consultative Organization.

There are also increased requests for a good share of the inter-American regional and other international organizations for which appropriations are contained in this section of the bill.

The Appropriations Committee report on this bill for fiscal year 1963, 2 years ago, stated that the cost of U.S. membership in international organizations had nearly doubled in the previous 5 years and stated that efforts must be made to hold the annual budget in line.

Last year for the fiscal year 1964 budget the committee report again carried an expression of concern over the increasing cost of our membership in international organizations and called for renewed efforts.

In this year's report you will find the following language:

> Except for isolated instances, the requests for the various organizations are larger than for the current fiscal year. The committee has repeatedly admonished the responsible officials of the Department of State to make every effort to see that our annual contributions to these organizations are held to a minimum. The results to date have been most discouraging.

Despite claims by State Department spokesmen to the effect that an economy move was underway, when the details of the budget were actually discussed during the hearings most of the items came up as proposals for an increase in the U.S. contributions.

Mr. Chairman, I feel quite sure that the fact that the Appropriations Committee has called for a tightening down on expenditures in this area has had helpful effects. But I am also completely convinced that a lot more should and could be done.

In the area of international organizations, potential exists for expenditures to really get out of hand and our representatives must get used to speaking more forcefully and effectively in behalf of the U.S. taxpayer. Our representatives must cease pushing for new, expanded activities by these international organizations. We should also have a halt in what seems to have been involved all too often over the years and that is the tendency to commit the United States in advance. In such cases the committee is presented with claims that, if the appropriations are not granted, we would be backing down on our word, that our prestige would suffer, and so forth. For the Appropriations Committee to be presented with such situations makes a mockery of the appropriations process.

The overall financial situation in the United Nations continues to be open to serious question. At the end of 1963, the United Nations had a net deficit of $130.7 million, as compared with a net deficit of $72.4 million at the end of 1962, representing an increase of approximately $58 million for the year. This, however, excludes unpaid balances on United Nations bonds, the United States loan for the United Nations building, and credits due on transfer of League of Nations assets, which it is estimated amount to over $190 million additional debt.

The United Nations general fund was in arrears to the tune of $20.8 million as of December 31, 1963, as compared with arrears of $17.8 million the year previously.

Included in the U.N. deficit is the continuing indebtedness to the United States for supplies and services the United Nations received from the U.S. Department of Defense. These supplies and services were rendered mainly for the United Nations Congo operation, and include a small amount for the United Nations Emergency Force in its Middle East peacekeeping operations.

As of December 31, 1963, the amount owing the United States by the United Nations in connection with its peacekeeping operations was $33,304,000, which included amounts billed to the U.N. but unpaid, unbilled amounts, and estimated amounts being or to be performed by the Department of Defense for the United Nations. While a $7.3 million repayment was made by the U.N. in January of this year, these debts have been owing for a long time and it is time they are completely paid up.

It is difficult to know at this point whether or to what extent supplies and services are being furnished to the United Nations by the Department of Defense relating to the Cyprus situation which would further increase the size of the tab picked up by the American taxpayer, but it is a matter that must be watched closely.

We have no new information, according to testimony presented at the hearings, concerning the use and control of the jeeps in Cuba supplied by the Pan American Health Organization. Lack of information concerning activities to which we contribute, lack of control, and related problems such as the need for improved coordinating and direction of our overall effort in the area of international organizations continues to be one of the serious shortcomings. There is no reason why our Nation should contribute the lion's share year after year and not assume a commensurate role in directing policy and operations.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. Chairman, there is included in this bill the sum of $11 million for the U.S. Arms Control and Disarmament Agency. This is a substantial increase of $3,500,000 over the current fiscal year funds. The increase is primarily for outside contract research.

In my opinion this substantial increase is too large and the amount could well be reduced. A reduction would not harm the program and the Agency's growth would develop in a more stabilized manner. On the surface an $11 million total request does not appear too unreasonable, though a 46-percent increase in 1 year certainly is significant and unusual.

This is not the complete picture of our Government's arms control and disarmament activity as many people believe. There is significantly more activity being performed outside of the Arms Control and Disarmament Agency that must be weighed in when we consider their budget requests. Specifically requested for fiscal year 1965 in the arms control and disarmament field for outside contracts are the following:

Arms Control and Disarmament Agency	$7,400,000
Atomic Energy Commission	500,000
Department of Defense	660,000
National Aeronautics and Space Administration	140,000
U.S. Information Agency—total amount not available, but probably upward of	200,000

This totals close to $9 million. In addition, there is Project Vela, for which funds for 1965 include $2,500,000 for the Atomic Energy Commission and $60,900,000 for the Department of Defense. The admitted grand total therefore is over $72 million for arms control and disarmament requested for fiscal year 1965.

And that is not all. The above figures were supplied to the committee as a result of questioning, but they do not appear to be complete. Specifically, in the Department of Defense 1965 fiscal year budget it is known that in addition to the $660,000 mentioned above there is at least $3 million more for Project Cloud Gap which is an Arms Control and Disarmament Agency test program. While on the subject of the Department of Defense I should like to point out an inconsistency. During the Department of Defense hearings the question was asked of that agency as to how much contract activity they have in this field. They responded $3 million for Project Cloud Gap and $275,000 for other studies. You can see none of these figures can be correlated with the figures supplied by the Arms Control and Disarmament Agency.

In addition, there is $203,000 included in the Department of State 1965 budget for the 18 Nation Disarmament Conference in Geneva. There are also activities in the arms control and disarmament area going on in the Department of Commerce, the Department of Labor, and the Department of Health, Education, and Welfare.

It should be borne in mind that these figures mentioned are the outside contracts for research and besides this there is work being done in-house in the various agencies and bureaus.

In order to complete the fiscal picture I believe it is necessary to quickly summarize the amounts of funds already committed in this same contracts area. The report of the Arms Control and Disarmament Agency submitted to the Bureau of the Budget as of March 15, 1964, shows the following: These dollars, I should point out, reflect programs that were completed, initiated, or active during the period June 1 to November 1963. We can assume, therefore, that it is not complete as of this date and the figures are probably now much higher.

Arms Control and Disarmament Agency	$3,400,000
Department of Defense	614,000
Joint Arms Control and Disarmament Agency and Department of Defense	1,442,000
Atomic Energy Commission	17,399,000
Department of Commerce—no dollars available	----------
U.S. Information Agency	194,000
Department of Labor—no dollars available	----------
Project Vela: Department of Defense, $52,000,000; Atomic Energy Commission, $6,100,000	58,100,000

The above figures add up to over $81 million. Therefore, if you consider the fiscal year 1965 requests and those funds already committed there is over $150 million allocated to arms control and disarmament activities, not counting the in-house effort of these departments and agencies.

In view of the above extensive effort, which in itself is questionable, the increased request of the Arms Control and Disarmament Agency does not appear to be warranted. My position is also being influenced by the apparent lack of forthrightness on the presentation in some of these figures.

As I have stated before on the subject of appropriations, dollars themselves are not the whole criteria for how well or effectively a particular agency or department performs or can perform. It is true this Agency is new, but nevertheless they hold a most vital position in our Government due to the nature of their assignment. They have used the recent test ban agreement as the epitome of their success in their field of arms control and disarmament. Among us are those who favored this test ban and those who opposed it, but I believe this agreement was entered into with the United States taking most, if not all, the risks—that it was we who moved the farthest from our original starting position. Only history will be able to say finally whether or not this was a truly significant achievement by this Agency. I prefer to hold reservations about its classification. Another aspect that disturbs me about this agreement is that it was virtually fait accompli before it was introduced in the Senate. There were a few who opposed it, but a climate had been developed and nurtured by this Agency so that the legislative branch practically had no choice. Whether the particular instance is considered favorable or unfavorable, Congress cannot allow itself to be put in this untenable position.

It should also be particularly noted that during the course of the Defense Department hearings we had a witness from the Joint Chiefs of Staff who was asked if there has been any influence by the Disarmament Agency on the Department of Defense. His answer is as follows:

> Well, I do not think they are having any influence yet. The Joint Chiefs are keeping fairly close track on the activities of the Disarmament Agency. One of the things that has worried us in the past and one of the things we have discussed with Mr. Foster is that a lot of proposals come over and we have maybe 12 or 24 hours to comment on very complicated problems. As a matter of fact, I was going to say most, but quite a sizable portion of the proposals they have sent over have not been looked on with very much favor by the Joint Chiefs.
>
> Disarmament is a very, very complicated subject and one you have to watch very carefully. It seems to us that we are making too many proposals. This is my personal opinion, now, that we are making a lot of proposals. We are trying to make progress and giving away a little bit too much, possibly.
>
> (Discussion off the record.)

This statement further supports the prudent position of going a bit slower and is one more reason, therefore, for reducing the proposed budget as indicated.

For example, their request included a proposal for new language in the bill to permit $4,000 for "official reception and representation expenses" which was not approved by the subcommittee and is not included in the bill.

Besides the growth of their contract research, the Agency is coming up with the usual frills which all agencies seem to require in order to expand with prestige.

From July 1, 1963, to January 31, 1964, the Arms Control and Disarmament Agency authorized 127 speaking trips by Agency personnel throughout the Nation. Twenty-three were at a cost to the taxpayer for travel expense of $3,138.71 and 84 were engagements at no travel cost; however, salaries were paid by the taxpayer. For an agency which people like to call a small program, it seems a good share of the time was spent on the road by some of their personnel, for the 7-month period reported in the hearings. I would suggest my colleagues take a look at the list of speaking dates which appear on pages 860–863 of the hearings.

When questioned by the gentleman from New York [Mr. ROONEY] about the reasoning for spending taxpayers' money in this fashion, Mr. Foster, Director of the Agency, replied:

> Mr. Chairman, that is consistent with one of the four functions with which our Agency is charged; namely, of disseminating information about arms control.

The gentleman from New York [Mr. ROONEY] replied:

> Not this way. That is not my understanding. This is about the most expensive list I have seen in any of the agencies in this entire bill as we went through the budget. Do you agree with me, Mr. Bow?

The gentleman from Ohio [Mr. Bow] answered:

> Yes, sir.

A close reading of the hearing would lead you to the conclusion that the total request of $11 million could be reduced without harm to the program.

In view of what has been pointed out, I question the need for an additional total increase of $3,500,000 which is proposed in the bill before the House.

It is my hope the subcommittee will follow the activities and growth of this Agency.

U.S. INFORMATION AGENCY

Mr. Chairman, during the U.S. Information Agency hearings on their Information Service Center budget request, the question was raised as to the alleged necessity for an increase from $90,000 to $195,000 in the coming year for their program entitled "Book Development."

Mr. Reed Harris, Director, Information Service Center, replied as follows:

> Mr. HARRIS. That is a program under which we can have books written to our own specifications, books that would not otherwise be put out, especially those books that have strong anti-Communist content, and follow other themes that are particularly useful for our purposes. Under the book development program, we control the thing from the very idea down to the final edited manuscript.

As an example of USIA accomplishment in this type of activity, Mr. Harris called to the attention of the subcommittee a book he had with him on the study of worldwide Communist tactics. USIA paid $14,952 to have it written, edited, and prepared. According to Mr. Harris, this book was developed at USIA instigation. The book was prepared, according to Mr. Harris, by an:

> Organization, as you know, sir, was an organization, I suppose we would call it a Socialist-type organization, that appealed to the leftwing people overseas whom the Communists have been approaching and who have led the fight among the Socialists against the Communists.

Mr. Harris also expressed pleasure with the book on the basis that the book also seems to have come to the attention of people in this country, and has been selected by some for distribution in the United States.

To me this was new information, that the USIA contracted to have books written, edited, and prepared and then turned the publishing rights over to private publishers to sell and distribute in the United States. When I inquired as to how many books the USIA had which were financed by the USIA and are now being put out by American publishers for sale in the United States, Mr. Harris replied:

> Sir, that is a slightly difficult question because the books which are developed this way, which we intend primarily for oversea use, are also put out independently by the publishers with whom we have dealings in the United States.

Mr. Louis A. Fanget, Chief, Publications Division, expanded this statement as follows:

> Mr. FANGET. Sir, it is our intent to have all the books published by the American publisher for sale commercially not only in the United States but we hope overseas so that the book has the credibility we want it to have. It is likely in every case the book will be published commercially. However, the copies we would get for use in the program would vary from book to book depending on the support. For example, we have a program where we support book titles on America Today, where we get 4,000 copies for use in the program, and the publisher publishes 5,000 more copies for use in this country. Every book we support is published commercially.

Mr. Chairman, with just a review of these few statements serious questions are raised.

When a Government agency such as the USIA finds that:

> There are great advantages in having certain few books prepared for very special specifications because they can get to these foreign people more effectively.

When it is their full intent to have the books published by the American publisher for sale commercially in the United States.

When the USIA must subsidize publishers to get:

> A slant that would directly support the foreign policy of the United States in the opinion of the people who have selected these topics.

When the USIA must follow this practice so:

> Tailorings permit the insertion of material that is particularly effective in getting support.

When USIA believes the fact that their interest in certain of these books should not become a matter of general public information because it would harm the books' credibility overseas, yet it is USIA's intent to have all the books published by the American publisher for sale commercially in the United States.

Then, Mr. Chairman, USIA, in my opinion, is exceeding the bounds of their authority and directly making an effort to propagandize the American people.

If the American taxpayers are reading books they themselves subsidize with their tax dollars—books which are written, edited, and prepared with the proper "slant" to U.S. Information Agency specifications—the taxpayer is entitled to know he is reading Government subsidized material developed specifically for USIA's oversea mission.

The Government, the USIA, and, in fact, the publisher should so designate this fact. In my opinion, the U.S. Information Agency should call a halt to this practice and concentrate on their prime target overseas and not U.S. citizens.

The Honorable Robert J. Manning, Assistant Secretary of Public Affairs, in an address which he made before the National Editorial Association on March 13 of this year, set forth a policy that should be basic. He stated:

> The separation of journalism and government is as basic and as advisable as separation of church and state. Government intrusion into the functioning of journalism—whether by censorship, by regulatory controls, by economic penetration, or political manipulation—would represent serious jeopardy to our political system.

The U.S. Information Agency should heed these remarks.

This practice assumes even greater significance and gravity when you also consider the actions of other agencies and departments which parallel these efforts. As already cited on the floor of the House, the Department of Defense controlling news illustrated by the TFX memo of Assistant Secretary of Defense A. Sylvester—the deletions from the appropriations hearings for "political" security reasons—the use of previously classified security information to defend a particular partisan position—the publishing of books from materials originally financed by the Arms Control and Disarmament Agency, but not so identified—the publishing of a pamphlet by the ARA supporting the ARA position, again without the source being identified. These are just a few examples but I believe they serve to show the scope of the practice and the exceedingly dangerous condition it represents to this legislative body and the American people as a whole.

Mr. Chairman, it is my opinion that no part of this appropriation which we are considering today in this bill should be used for the development of books or any other similar material for the USIA worldwide programs which would also be distributed by sale or otherwise within the continental United States.

Mr. Chairman, the questions and objections which I have raised are made to generate concern by all of us in the problems we are facing in the conduct of our affairs and to point up, in my opinion, the questionable policies being pursued by the agencies included in this bill.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Texas.

Mr. FOREMAN. I wish to commend the gentleman on his very good summary of this bill and to join him in many of his remarks.

Mr. Chairman, there are many good and commendable features in this appropriations bill, H.R. 11134. Among those are such efficiently administered departments as the International Boundary and Water Commission, United States and Mexico, the Federal Bureau of Investigation, and others. I commend the committee upon bringing us a bill that is $135,839,200 less than in fiscal year 1964. This is a good step in the right direction.

However, it is indeed difficult for me to support such increases that are included in this bill such as: $3,500,000 increase for Arms Control and Disarmament activities; $400,000 increase for the very badly administered U.S. Travel Service, which department, the chairman of the subcommittee has stated, has served no useful purpose in increasing foreign travelers within our country; $11,670,000 increase for the State Department, $10 million of which is an increase for salaries and expenses in this very loosely run Department. Further, this bill includes $73,500,000 in new appropriations for the Area Redevelopment Administration, an agency that has, in instance after instance, put folks out of work and business, and has actually helped to create new pockets of poverty rather than eliminating poverty. These kinds of increases and appropriations are not in our overall best interests, and for these reasons I cannot, in good conscience, support this kind of spending program.

Mr. LIPSCOMB. I thank the gentleman from Texas.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I would like to state that the gentleman from California who now has the floor is the most conscientious and best informed member of the House Committee on Appropriations. His review of this bill and the points which were just outlined in his remarks today should be heeded by every Member of the House. I commend him on his usual very fine presentation.

Mr. LIPSCOMB. I thank the gentleman for his comments.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from California.

Mr. GUBSER. I, too, would like to commend the gentleman for his usual fine and scholarly work in gathering information. It is a great service for this information to be available to not only the House but to the American public.

I would like to ask if during the course of the hearings any information was brought out which shows that the State Department or the USIA follows the practice of distributing commercially made American films in foreign countries or perhaps in some form subsidizes the distribution of certain select commercially made films in foreign countries. Was there any information revealed along those lines?

Mr. LIPSCOMB. There is a program which is called the Informational Media Guarantee Fund program whereby commercial distributors within the United States distribute films in foreign countries. Because of the lack of foreign exchange the Informational Media Guarantee Fund makes up a certain monetary difference.

Mr. GUBSER. I received a letter from a constituent this morning which made the claim that the film "Seven Days in May" is being distributed in India partially at the expense of the U.S. Government and that one of the leading actors in this film, Mr. Kirk Douglas, is touring India partially at Government expense. I have inquired of the State Department regarding this, and naturally have not had a chance to receive an answer as yet. But I might gratuitously offer the thought that if this is the case, I seriously question if such a film, which does not place our military men in a very fine light, is a proper type of film for distribution in countries like India by the U.S. Government.

Mr. LIPSCOMB. I thank the gentleman from California for his comment. I believe the matter the gentleman has brought to the attention of the House is worth following through on because I have found most anything can happen within this agency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from West Virginia.

Mr. HECHLER. I was just reading the hearings and I simply wish to compliment and commend the gentleman from California for calling attention to the great tourist potential of the State of West Virginia when he referred to it as "the Switzerland of America." I want to thank the gentleman for the good advertising which he gave to West Virginia.

Mr. LIPSCOMB. I thank the gentleman for his statement. I might tell the gentleman that I obtained that quote from a Government-subsidized pamphlet that was being put out without any attribution to the Department of Commerce, or the Area Redevelopment Administration.

Mr. HECHLER. Of course, the gentleman's statement was a 2-day wonder in the newspapers of West Virginia and it was a great boost to our morale. I hope that tourists from many States will visit West Virginia as a result. We appreciate the gentleman's calling attention to it.

Mr. LIPSCOMB. I wish you luck. Thank you.

Mr. LAIRD. Mr. Chairman, will the gentleman yield to me?

Mr. LIPSCOMB. I yield to the gentleman from Wisconsin.

Mr. LAIRD. The gentleman from California [Mr. GUBSER] raised a question about the film "Seven Days in May." I have seen this film, and it is a very fine film. Is there any way we can insure that the exported copies of this film are clearly identified as "fictional"? There have been serious questions raised by individuals seeing this film under the promotion and suggestion of the USIA. It has been misleading, I think, for many foreigners because it has not been clearly labeled. Is there any method by which we could control or help in this problem?

Mr. LIPSCOMB. I truthfully know of no method whereby we can control it if it is being distributed by private distributors. I should think they would make an effort themselves, if they are interested in the welfare of America, so to label it. If the Federal Government in any way is subsidizing or moving this film around overseas under any of their programs, I think they would be obligated to point out that the film is fictional.

Mr. ROONEY of New York. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from West Virginia [Mr. SLACK].

Mr. SLACK. Mr. Chairman, the appropriations bill before the House today presents a splendid opportunity to bring forward certain conclusions which I have reached during service as a member of the Committee on Appropriations and the subcommittee chaired by the distinguished gentleman from New York [Mr. ROONEY].

These major appropriation bills provide the backbone of the work in each congressional session. They are the end product of an enormous amount of the dedicated activity by interested persons on both sides of the aisle.

Very often, as in the case of the bill before us today, there is no great drama involved, and there is no point from which large newspaper headlines can be written. The measure comes to the House simply as a bill of particulars created out of the consensus of the committee members who conducted intensive explorations during hearings which lasted several months. It represents the designated cost of continuing authorized functions of certain Federal agencies for another year.

The proposals contained in a bill of this kind represent nothing more nor less than the same factors each of us must consider individually when we calculate our personal and family expenditures for a particular year. The very absence of headline attention, however, tends to obscure the most important aspect of a bill of this kind.

I refer to the determined effort to provide continuing scrutiny of budget requests, to establish controlled and realistic expenditures as a way of life, without weakening the capacity of the agencies to perform their rightful functions.

One of the great strengths of our system of government is the element of continuity of operational standards which arise out of a necessity for the agencies to justify before the Appropriations Subcommittee the manner in which Federal funds are to be used.

A line must always be drawn between the amount of funds an agency must have to perform successfully and those larger totals which are perhaps not necessary at this time, or are not adequately justified from the standpoint of the taxpayer's interest in sound fiscal practices.

It is frequently a judgment question, and the judgment must be exercised on the basis of past experience. This is true because most funds are requested for continuing programs, but the programs are not always administered by the same men with the same depth of experience and range of convictions. Continuity of purpose and practice must, therefore, be established by those who accept the responsibility of recommending to the Congress the amounts to be appropriated.

The bill before us is an excellent example of a product which has emerged after long and careful consideration in a committee guided by proven experience. In this instance, the experience of Chairman JOHN ROONEY, whose knowledge of the actual needs of agencies and their limitations, provides us with adequate assurance that this is a sound and practical approach to the fiscal requirements of these agencies for the next year.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I have a few questions of the gentleman from New York [Mr. ROONEY]. Do I understand that this Government tossed $82,000 into a mountain-climbing expedition, the excuse being that the funds were available and ought to be spent? Does the gentleman recall that?

Mr. ROONEY of New York. Mr. Chairman, the gentleman has read the printed hearings correctly. Of course, they never asked the committee for the money for this particular purpose but they did use funds for such purpose in their educational exchange activity.

Mr. GROSS. Mr. Chairman, I want to compliment the gentleman and the members of his committee for the job they did in this regard. They served notice in the hearings that they did not look kindly upon expenditures for this purpose; is that not correct?

Mr. ROONEY of New York. Mr. Chairman, I beg the gentleman's pardon; what was his question?

Mr. GROSS. I say that the committee made it plain that the members of the committee and of the Congress did not look favorably upon the use of money for this purpose for the reasons given.

Mr. ROONEY of New York. That is absolutely correct.

Mr. GROSS. I cannot help asking how much was spent on Secretary of the Interior Udall's mountain climbing of Mount Fuji in Japan.

Mr. ROONEY of New York. It is quite a feat to climb Fuji. Has the gentleman ever attempted it?

Mr. GROSS. No. Has the gentleman from New York ever attempted it?

Mr. ROONEY of New York. I just looked at it. To me it looks like a big beautiful ball of vanilla ice cream.

Mr. GROSS. I have never seen it. If my memory serves me correctly, an Australian or a New Zealand mountain climber was on the Interior Department payroll a year or so ago as some kind of teacher of mountain climbing.

Mr. Chairman, I want to ask the gentleman if we have had any more Tom Two Feathers?

Mr. ROONEY of New York. That was Tom Two Arrows.

Mr. GROSS. Well, Two Arrows.

Mr. ROONEY of New York. And then he had an alias, as I recall—what was that? Does the gentleman from Iowa recall? I think we discussed Tom about 10 years ago.

Mr. GROSS. No, it has been more recent than 10 years ago. But I do notice that the Government has had on the payroll a Jazzy Cole or a Cozy Cole revue, or something of that kind.

Mr. ROONEY of New York. Would that be Cozy Cole?

Mr. GROSS. I do not know who he is. I do not believe he was identified.

Mr. ROONEY of New York. I must confess that I am not as thoroughly conversant with these theatrical performers as is the distinguished gentleman from Iowa.

Mr. GROSS. I am relying upon the gentleman's hearings to some extent.

And, then, I suppose Martha Graham's dancers have been taken out of circulation, have they not? They are no longer parading them around the world at a cost of thousands of dollars? That comedian that got us into trouble over in the Far East—I have forgotten his name——

Mr. ROONEY of New York. Please do not mention his name. He has been hit over the head often enough.

Mr. GROSS. And, somewhere—I guess it was in your hearings—I read or heard that the reception for Jose Limon—is that the way you pronounce it?

Mr. ROONEY of New York. I believe it is.

Mr. GROSS. Cost some 10 or 12 diplomatic posts more than $2,000 for receptions for his entertainment when he was sent about the world.

Mr. ROONEY of New York. Well, they want to keep the dancers in a fluid state.

Mr. GROSS. Now I want to go back to the business of lecturers on the Federal payroll, if I may, for just a minute. I believe the hearings relating to this are found on page 1065—but before I do that is the gentleman from New York and his committee still having problems with Foreign Service officers who are brought back to Washington and who are unassigned? I know he has been working on this problem for several years.

Mr. ROONEY of New York. Yes; and we have discussed it here a number of times and previously reported that we found they had as many as 40 or 50 high-cost Foreign Service officers on a definite day who were being paid at rates for duty overseas but back here in Washington at the State Department and USIA. Sad to relate, this situation has not been entirely cured, for it is only within the last few days I learned that they categorized these idle, unassigned Foreign Service officers who are brought back to the State Department in Washington. They are known officially as the "loose pack".

Mr. GROSS. Did I understand the gentleman to say "loose pack"?

Mr. ROONEY of New York. Loose as can be.

Mr. GROSS. Well, I am afraid that is a part of the State Department operations in all too many cases.

Mr. ROONEY of New York. Well, they have too many in the loose pack and we are doing the best we can to rectify the situation.

Mr. GROSS. I thank the gentleman. I hope he stays with this problem, no matter by what name it is called. I do not know how many pages there are here—I have not counted them, but there must be 15 pages in fine print—of lecturers that we are apparently paying salaries and transporting all over the world. I understand there were 876 of them in 1963 and the committee made a whopping cut to 862 for fiscal year 1965. I would be glad to be corrected if I am wrong. For instance, there was someone from the Juilliard School of Music in New York. She is lecturing on piano at the University of Chile. Then, there is an assistant professor of business administration from the University of California. He is lecturing on marketing in France. I hope that he tells them that we do not like what is going on over in the Common Market. I hope he can lend something to the settlement of the chicken war.

Then, there is a lecturer from Washington, D.C., who is over at the University of Leiden in the Netherlands lecturing on Soviet law.

There is another lecturer, a professor of Greek at Bryn Mawr College in Pennsylvania, who is over at the University of Oxford lecturing on the Greek tragedy.

There is a professor of poultry science at Purdue University who is in the United Kingdom lecturing on population dynamics and genetics. I do not know what a professor of poultry science has to do with population dynamics and genetics. Maybe that, too, is related to chickens.

There is a professor from the University of Illinois lecturing in Russia on agricultural economics. Whether he has been helping them get their wheat from us or just what his mission, I do not know.

Then there is a member of the staff of the Housing and Home Finance Agency who is over in Australia lecturing on urban renewal. I suppose he can give the Australians a nice hand on that. I only hope we are not called on to put up the money for Australia's urban renewal.

Here is an assistant conductor of a little orchestra society in New York over in the Republic of China lecturing on music. There are scores of others, too numerous to mention, including India and Japan which has apparently been saturated with American lecturers. I hope the committee will take a long and hard look at this expenditure. The failure to cut much deeper in many items of this bill will cause me to vote against it.

Mr. BOW. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding to me. I take this time to ask the gentleman from New York [Mr. ROONEY], about the controversy surrounding the administration's request for $12 million for the rescue of the ancient temples at Abu Simbel that are doomed to drowning once the flooding from Aswan Dam is complete. As I understand it, the administration asked for $12 million as the U.S. share of the $36 million United Nations fund to rescue these ancient temples from destruction.

I am wondering what consideration led the distinguished committee to deny the administration's request?

Mr. ROONEY of New York. I think the gentleman from New York should be very readily able to ascertain the answer to that himself. This item was denied and such denial was approved without objection by the full committee. The full committee consists of 50 members.

I should not talk too much about these temples. Suffice it to say that we had allegedly cultured people up here who did not know whether Abu Simbel was an early Egyptian ruler or a place.

The committee evidently just does not think that we should spend $12 million of valuable currency which we receive at face value. The British, according to the New York Times of Monday, May 4, made their contribution to the temples at Abu Simbel, but in the following manner.

The New York Times of that date said:

> The problem arose after the death of Sir Robert Greg, the former British Commissioner for the Egyptian Public Debt, at his home in Cairo in 1953. He left about $188,000 to be shared by the Fitzwilliam Museum in Cambridge and the National Art Collections Fund. But for 10 years the Egyptian Government refused to release the funds.
>
> After protracted argument, the governments reached an agreement. Last week the Foreign Office (British) sent out checks for £33,515 17s. 6d. each for the Fitzwilliam Museum and the NACF.
>
> Then it informed President Nasser that he could regard the money as Britain's official contribution toward saving the Abu Simbel temples from the advancing waters of the Aswan Dam.

Let me say to the gentleman from New York that this is another instance where the British are far smarter than we are. I think their pledge was in the amount of nearly a quarter of a million dollars. They settled it for $188,000 in wooden money while we are fools enough to offer to contribute $12 million, one-third of the total cost.

Mr. LINDSAY. Was the $12 million supposed to be funded out of counterpart funds?

Mr. ROONEY of New York. The proposal was to fund them out of the proceeds of Public Law 480 sales of agricultural commodities.

Mr. LINDSAY. Was the committee unanimous in the decision not to recommend the appropriation?

Mr. ROONEY of New York. There was no action except in favor of taking it out completely in the full committee.

Mr. LINDSAY. The subcommittee had approved this amount?

Mr. ROONEY of New York. It had not approved it.

Mr. LINDSAY. What was the testimony in support of the appropriation?

Mr. ROONEY of New York. If the gentleman will refer to the printed Department of State hearings, he will find that the committee went into the matter in some detail, starting at page 1236 of the Department of State hearings. There is a list at page 1243 in which the gentleman may be interested, as well as one on page 1249. It occurs to the present speaker that the United States is being asked to contribute an inordinate amount, to wit, $12 million, as compared with $210,000 for the United Kingdom, which the British Foreign Office has just settled for wooden money to the tune of $188,000. France has agreed to contribute only $1 million toward saving these temples. I am not too concerned that these temples might be inundated by the waters created as the result of Khrushchev building the Aswan Dam, and I think the people in my district feel the same way.

Mr. LINDSAY. Did the testimony indicate that in the absence of this $12 million the temples would not be saved, or is there still some hope that they will be rescued from flooding in the absence of this appropriation?

Mr. ROONEY of New York. Of course, Mr. Nasser can proceed to move at any time to save his temples. How does the gentleman from New York [Mr. LINDSAY] feel about this requested appropriation?

Mr. LINDSAY. I regard these temples as a worldwide heritage. I think they ought to be saved. It is neither an Egyptian nor a national matter. It is international.

Mr. ROONEY of New York. Does the gentleman think they ought to be saved with American taxpayers' money?

Mr. LINDSAY. I would agree with the gentleman that it should not be the United States obligation to save them. We should only carry a fair share.

Mr. ROONEY of New York. May I remind the distinguished gentleman from New York that this is the very project that the late Aly Khan, the great international playboy, was concerned with. This is the project on which he was supposed to travel all over the world and collect funds to save these temples. I might say to the gentleman that I have some highly cultured people, Egyptologists, if you please, who feel that this project ab initio should have been carried out by private subscription and not with the Government's, the taxpayers', money.

Mr. LINDSAY. The question I was leading up to was, Would some sum short of $12 million be an appropriate share on the part of the United States?

Mr. ROONEY of New York. I think it would only disrupt the arrangement. I think the way to handle the matter is to take the action suggested by the committee and leave it to Mr. Nasser.

Mr. LINDSAY. I thank the gentleman.

Mr. BOW. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I am glad the gentleman and his committee struck the $12 million out of this bill, and for the added reason that our share of $12 million was what UNESCO said we must put into it, according to your hearings. Why should UNESCO tell us what we have to put into a deal of this kind or any other deal?

Mr. ROONEY of New York. I am afraid the fault lies with the educational and cultural people in the Department of State. This proposal was made before the present Assistant Secretary of State for Educational and Cultural Affairs took his office. The fault lies with the State Department originally going into these sort of agreements and committing us beforehand to unusual and lopsided sums such as the one we are talking about here.

Mr. GROSS. That is right.

Mr. ROONEY of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise to defend a great American, a distinguished former Member of this House, a former Governor of the Commonwealth of Massachusetts, and former Secretary of State of the United States and the President's Special Representative for Trade Negotiations, the Honorable Christian A. Herter. The gentleman from Iowa referred to the poultry war—the chicken war. I should like to report to the gentleman from Iowa, if he does not already know so, that it is shown at page 921 of the printed hearings that Chris Herter retaliated against the French and Germans by recommending to the President increases in the tariffs on four different items—brandy, buses, starches, and one other item which escapes me at the moment. He recommended that on these four items we should set up tariff restrictions to the amount of $26 million which would offset the amount that these countries who opposed us in the so-called poultry war gained by refusing us the opportunity to sell our chickens.

Mr. GROSS. That is only the hope of Christian Herter according to your hearings, that we are going to get this offset. He does not promise us anything or assure us of anything.

Mr. ROONEY of New York. I consider Christian Herter's remarks insofar as action on these items is concerned to mean that it is a fait accompli and that we were going to collect the $26 million in taxes as a result.

Mr. GROSS. The gentleman from New York in the hearings indicated his doubt that Herter is going to get this offset. Moreover, Herter raised the tariff on the highest priced brandy, as I understand it, that France makes. How many people are going to pay that price for a bottle of French brandy in this country?

Mr. ROONEY of New York. I think that is the problem. But if I know the American public, they are going to cut down on their after-dinner brandy. If this tariff is put on brandy, it will be an offset against the chicken loss.

Mr. BOW. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. KYL].

Mr. KYL. Mr. Chairman, I would like to address one question to the distinguished gentleman from New York in the interest of the legislative history. The gentleman from California spoke about the USIA bookwriting process and the subsequent profit arrangement for the distribution of these books. Does the gentleman from New York who so ably chairs this committee think this bookwriting process is wise in the first instance; or that it is legal?

Mr. ROONEY of New York. I think that is a matter for the General Accounting Office to decide. I expect they will soon decide this. It is my understanding that the basic law does not permit the U.S. Information Agency to conduct any propaganda activities aimed at the American public.

With that in mind, the gentleman can readily ascertain my mentality with regard to this situation.

Mr. KYL. I thank the gentleman.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Generally, I have spoken on this bill prior to this time during debate in previous years, but the bill has been so well covered that I shall have little more to say about it. I believe the gentleman from New York [Mr. ROONEY] has done an excellent job in explaining the bill. The gentleman from California [Mr. LIPSCOMB] covered many important matters in the bill.

I rise simply to say that I support the bill in its entirety as it comes to the floor. I believe it is a good bill. A great deal of work has been done on it. There are some compromises in some places, where I believe further cuts could have been made, and perhaps there are some places where we have cut a little deep. But, of course, all of this can be worked out.

The gentleman from Iowa was concerned about lecturers who have been going around the world speaking at various colleges throughout the world. I would invite the attention of the committee to the volume of testimony on the Department of Justice, page 331, on which there is a listing of colleges of the United States which also have lecturers on their campuses. This is a listing of Communists who have been speaking on the campuses of colleges of the United States. It would seem to me to be of interest to the Members to take a look at this to learn of the colleges in this country which are permitting known and leading Communists to come to speak to the student bodies.

I am as much concerned, and perhaps more so, about this as I am about lecturers who have gone abroad to speak on some of the ridiculous things the gentleman from Iowa pointed out.

I believe the gentleman from New York overlooked one important aspect of the bill. We have seen a new definition arise, I believe, on a question involving the Department of Justice. That is shown on page 247 of the hearings. It relates to the Bureau of Prisons.

As Members know, we have spent a lot of money to build a new prison in the State of Illinois, at Marion. This is supposed to be a top security prison, to take the place of Alcatraz.

The gentleman from New York, in his usual prodding manner, asked about escapes there. He asked, about Marion, "How many escapes did you have?"

It was very interesting that we were told there had been no escapes at the Marion prison, but I ask Members to listen to what was said by the witness:

> We have not had more, I think, than perhaps 5 or 6 walkaways; no escapes, Mr. Chairman.

Mr. ROONEY then said:

> In other words, if they walk away, it is not an escape. Is that the idea?

So we have a new definition. If the prisoners in that great total security prison merely walk away—and they have had some do so—that is not an escape but just a walkaway.

The gentleman from New York brought that out clearly in regard to the question of escapes from this total security prison.

On the question of the monuments, I believe the gentleman has been more than fair in his discussion of the matter. I would say, in defense of the committee, that some of us on it were quite strongly opposed to the monuments and to the spending of $12 million for the purpose requested. I know the feeling of the gentleman from New York about this. Others of us were even stronger in our feelings about this matter, feeling that many other countries are paying only a small amount—the rich oil countries, the Arab countries Mr. Nasser is now going into—and that they can certainly pay a great deal more for the preservation of these monuments than we should be called upon to pay.

I should like to point out that though the counterpart funds are generated under Public Law 480, they cost us dollars just the same. I believe that too many people at times are led to believe that counterpart funds are a Mickey Mouse sort of money and that they do not mean anything. They do. Believe me when I say that when we get counterpart funds we pay 100 cents on the dollar. They are important. We can use them for the operation of our embassies abroad. I do not believe that we should be lulled into the idea that many people have, that merely because we have counterpart funds available we should use them for any purpose which might come along, in this manner. I believe that other countries should be contributing more.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. BOW. I would be delighted to yield to the gentleman from New York.

Mr. ROONEY of New York. Would my good friend, the gentleman from Ohio, agree with me that if we had a more sensible agreement made by the Department of State in this particular instance with the United Arab Republic, we could sell these Egyptian pounds generated by the Public Law 480 program for American dollars?

Mr. BOW. The gentleman is correct, and I brought this out in the hearings, as the record will show. I asked why we could not sell these pounds to people who might be interested in preserving them, even if we did this at some discount. Let private investors come in who would be interested in preserving these monuments. When you think of the great sums of money that museums have available to them in America, this occurs to you. I am a member of the Board of Regents of the Smithsonian Institution, and I am very interested in this work. I know there are many groups in this country who can raise great amounts of money in the private sector for things of this nature. Why do we have to come to the Federal Government for all of these things when we recognize that we have a $315 billion deficit and at the end of this year we will have a further deficit and will have gone further into debt? If you got $12 million, of course, you would have to borrow more money to get the funds out of the Treasury.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I would be happy to yield to the gentleman from Illinois.

Mr. MICHEL. I want to commend the gentleman from Ohio for pointing up the issue here very clearly, as he has. I might allude to the sale of surplus grain under the Public Law 480 program in generating local currencies in these various countries, because next week when the agriculture appropriation bill comes onto the floor of this House, Members will be called upon to appropriate several hundreds of millions of dollars to replenish the funds of the Commodity Credit Corporation because of those sales that were made from local currencies which in effect we cannot use for any other purpose other than some function such as this might be, if it could be done.

I want to ask the gentleman one question: Since this was a $12 million item request, was there any thought given at all to a token contribution of something less than that $12 million?

Mr. BOW. No, because just as in other things they said that this is supposed to be the amount of money we are to pay. I do not think we should get into that system of making token contributions. When we deny it, we serve notice on the State Department that we do not approve of it and it is too much. Let them go back and renegotiate with the other countries. If we give a token sum to them, it is just getting the camel's nose under the tent. We should not allow that and should wait until they come back with a proper agreement.

If I have one more minute, I would like to say what the gentleman from New York said; namely, that this was done before the present Assistant Secretary for Cultural Affairs, Mr. Battle, was in office, is so. I would like to observe that Mr. Battle, as the Assistant Secretary for Cultural Affairs, is doing one of the best jobs in the 14 years that I have been serving on this committee that I have ever seen done in this field. He is trying to straighten out that division and is doing an excellent job and, given a little more time, there will be some more improvement.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from New York.

Mr. LINDSAY. First I would like to agree completely with what the distinguished gentleman has said about Mr. Battle. He is a first-class public servant and is doing a very fine job.

Correct me if I am wrong in this: Do I understand that the United Nations set aside a total of $36 million for the preservation of the temples? That was my understanding of it.

Mr. BOW. This is correct.

Mr. LINDSAY. Having done that, is not the United States rightfully called upon to contribute some share of the $36 million? That share could be less than $12 million and it could be less than $10 million or less than $5 million, but would not the United States in all good faith have to support the United Nations in making some contribution?

Mr. BOW. I think the gentleman will agree with me that the United Nations having done this, in the contributions we make to the United Nations, we already have American taxpayers contributing to this. We are being called on now for this additional amount. I do not think that we should have any token appropriation but should have an understanding as to what it will be and then make it.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield to me?

Mr. BOW. I yield to the distinguished chairman of the subcommittee.

Mr. ROONEY of New York. Apropos of my earlier remarks that I had conversed with people on whose judgment I would rely and became convinced that this should be entirely a matter of private subscription, I would like to join right now with the distinguished gentleman from New York [Mr. LINDSAY] in starting a drive for private subscriptions to save the temples at Abu Sinbel. I will be the first to contribute $50 toward the gentleman's collection.

Mr. HARVEY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. Mr. Chairman, I rise on this occasion to compliment the action of the committee with regard to this item. I want to say, though, with regard to Public Law 480, as one who helped to sponsor the original bill, that in my judgment the original intent, to a very large degree, has been perverted. In its original state the bill had a pretty good motive. We were looking forward to the eventual reduction and if possible elimination of surpluses so that we could be rid of this very expensive program. In the beginning the Department of State opposed it. Suddenly they concluded that this was about the best cold war weapons anybody could think of and they immediately embraced it. Today they are running the show. They want us to continue to generate surpluses so that they can continue to use them all over the world as a boondoggle program. I do not approve the way they have used these funds in many instances. Of course I think it has done some good. I believe everybody would concur in that opinion.

But we have run into so many instances where there is really not too much justification for the way they have permitted these surpluses to be traded for foreign currencies which are frozen in tremendous quantities abroad.

Egypt is an example. I think the record will show that we have nearly $100 million frozen in Egypt. The gentleman from New York [Mr. ROONEY] said that eventually we could use it to pay our embassy expenses, and I suppose we could, but that is going to take a long, long time, to use that much money in this fashion.

In India, for example, we have in excess of $300 million which has been accumulated and which has been frozen in the currency of that country, and apparently we cannot retrieve that. To me that is just the same as lost.

Mr. Chairman, I commend the committee particularly on their effort to try to use some device to unfreeze these funds. I agree with their program wholeheartedly and I hope that they will be able finally to bring it to a successful conclusion.

Mr. Chairman, I want to set the record straight so far as the Committee on Agriculture is concerned. We feel that to a large extent the purpose that we had in mind originally in enacting this law has been, as I stated earlier, perverted.

Mr. BOW. Mr. Chairman, I thank the gentleman from Indiana and reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, this appropriation bill represents hundreds of hours of work both in the preparation of the budget requests and in the screening of the requests by the subcommittee. These hearings are not glamorous and in fact get to be a sort of grind; but these long days of hearings are absolutely necessary in the attempt to find ways to reduce spending without eliminating necessary or valuable services. The report which is available to all Members is so well detailed that further comments on each item is unnecessary.

The resulting bill is not a perfect bill and I am sure improvements can always be made to these bills but this unanimously recommended bill is, generally speaking, a good bill. I am glad that as a member of the subcommittee which developed this bill, I can urge my colleagues to support it.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the appropriation contained in this bill for the Center for Cultural and Technical Interchange Between East and West.

The East-West Center, as it is generally called, was created to achieve a national interest under the Mutual Security Act of 1960. Its primary objective is the promotion of better relations through mutual understanding between the United States and the nations of Asia and the Pacific.

In May of 1961, President Johnson, then Vice President, dedicated the site of the Center on the University of Hawaii campus with these words:

> The purpose * * * is to bring together proud and honorable cultures whose strengths are drawn from antiquity and to fuse a new strength for freedom that will last through eternity.

Hawaii was chosen as the site for the Center because there peoples of many backgrounds, many of whom are of Asian and Pacific races, live in harmony despite their cultural differences.

Among our national leaders who had the foresight to recognize the need for such an institution in Hawaii and who may in every sense be termed "fathers of the East-West Center" are our President, Lyndon B. Johnson; Governor—formerly delegate—John A. Burns, and the able chairman of the subcommittee which reported this bill, Congressman JOHN J. ROONEY.

In making appropriations for any project the question should be whether or not the intended objectives are being achieved. The question here then is "Is the goal of promoting better relations through mutual understanding between the United States and the nations of Asia and the Pacific, as enunciated by its founders being achieved?" There is impressive evidence that it is. The East-West Center has even been called a modern miracle in education by educators and writers who have reviewed it. In an article entitled "E-W Center: Educational Miracle," published in the March 21, 1964, issue of the Saturday Review of Literature, Norman Cousins, the president and editor of that publication, observed that:

> The Center is both a headquarters for cultural interchange and a generating agency for new ideas and approaches in a world fumbling for ways to accommodate its diversity and pluralism.
>
> The East-West Center at Honolulu is not quite a world university but it is the closest thing to it that exists. It deserves to be encouraged, supported and enlarged.

Although the Center has been in actual operation only a little over 3 years, it has made a tremendous impact.

As of the beginning of 1964, 129 men and women representing 28 countries have studied public administration, a most vital area of developing nations—37 Americans have studied administration in the light of the problems of Asian and Pacific countries so that they can be more effective later in work overseas.

The study of agriculture—soil science, horticulture, and agricultural economics—has been undertaken by 112 persons from 20 countries. In addition, writings on plant and food quarantine and coffee inspection had been translated into Japanese, Visayan, and Ilocano.

One hundred and eighty-nine students have participated in the 1-year teacher interchange program and in the teaching of English as a second language. Thirty-two of the technical program participants took part in training courses in education subjects. These people will return to their respective nations as school administrators, curriculum directors, principals, and university instructors. Their influence will be felt throughout their countries. The new methods, materials, and insights gained at the Center will be spread to many distant lands.

In the scientific fields, 20 grantees majored in civil, electrical or general engineering, including grantees from China, 6; India, 4; and Japan, 3. The range was extensive in other fields, such as in chemistry, 14 students, 2 specialists; botany, 12 students; biochemistry, 2 specialists; genetic, 3 specialists; microbiology, 10 students; physics, 2 specialists; zoology, 13 students; and in meteorology and in seismology, 1 specialist each. A conference on tsunamis was attended by 39 delegates from 7 countries, and a bibliography and other tsunami data were translated into English from Japanese. Another major conference, one on Asian-Pacific Science Information Centers, was cosponsored in Hong Kong with 26 delegates from 13 countries.

Other areas of study included philosophy, history, drama, music, the social sciences, and public health.

If the future program of the Center is soundly planned by its administrators and officials and adequately supported by Congress, within the next 10 years the effective leadership—political, scientific, and technical—of Asia and the Pacific areas will have received its training there.

Mr. Chairman, the East-West Center in Hawaii is fast proving to be one of the greatest investments in peace that the United States has ever made. Certainly a project which has proven itself as worthy and effective as the East-West Center deserves the support of Congress, even to the extent of expanding its program.

Mr. HECHLER. Mr. Chairman, I rise to commend the gentleman from New York [Mr. Rooney] for the outstanding job which he and his committee always accomplish with the State, Justice, Commerce bill.

I trust that sufficient funds may be included to enable the weather station at Parkersburg, W. Va., to operate on an 8-hour day basis. This station is responsible for weather predictions and information over a wide area of West Virginia and Ohio. Being on the Ohio River, the weather station can also be helpful in connection with flood warnings and predictions. For the farmers, businessmen, river traders, and many people in a great, expanding area, it is not unreasonable to hope that morning weather service at Parkersburg may be extended to an 8-hour day basis.

Mr. GILL. Mr. Speaker, I am very pleased to note the consideration given by the appropriations committee and by the gentleman from New York [Mr. Rooney] subcommittee to the Center for Cultural and Technical Interchange Between East and West. The appropriation of $5,300,000 for the Center for fiscal year 1965 is an act of confidence of the committee and by the House in the worth of the Center as an institution designed to promote mutual understanding between the peoples of the Pacific region. While the appropriation represents an amount substantially less than the sum requested in the budget, and while I believe it should be increased closer to the original request, a readjustment of the Center's planned level of operations will allow it to continue its valuable work.

I am particularly pleased to note that the committee has indicated its confidence in the Center even though the institution has not been without its problems; and these problems have been real. Unclear administrative relationships and lack of communication have been substantial stumbling blocks to a clear understanding of the Center. Its responsibilities have been blurred and its administrations unstable and uncertain. These problems are not necessarily the fault of any particular individual or group, but stem from the growing pains of a youthful organization. In spite of these handicaps, the Center has continued to move ahead and demonstrate its potential contributions in the promotion of mutual understanding and international cooperation.

Fortunately, the recognition of these problems by the committee and by the Department of State has given to the Center the opportunity it needs for remedial action and subsequent growth. First of all, the State Department, with the attention of Assistant Secretary Battle, has given the Center the interest, guidance, and support it has previously lacked from the Federal Government. The sincerity of this interest in the Center has been demonstrated with the appointment of a full-time special assistant for East-West Center Affairs. In the second place, the congressional committees that deal with the Center have had the opportunity, denied them at the inception, to examine the Center with some care. In the third place, the release of the recently completed study of the Center by the U.S. Advisory Commission on International Educational and Cultural Affairs should provide the guidelines for a hopefully harmonious administrative relatonship between the Center, the University of Hawaii, the State and Federal Governments.

The time has arrived for the quiet and uninterrupted development and growth of the Center. The confidence in the ability of the Center to achieve this development and growth is reflected in the recommendation by the committee and approval by the House of the funds needed to continue the Center's programs at a level higher than that approved for fiscal year 1964. I hope that all of those who are concerned with the success of the Center will now give it the time to develop. There is no sense in continually pulling up a plant just to see whether it is growing.

Mr. ROONEY of New York. Mr. Chairman, I have no further requests for time.

Mr. BOW. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Page 3, line 17:

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131), $993,000.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, there is altogether too much for entertainment and liquor allowances in this bill. For the State Department alone, as I see the line items set forth, there is more than $1 million. Mr. Chairman, I am not going to offer an amendment. I have offered them in the past. And it has been an exercise in futility to try to cut this spending for liquor. I am not going to offer an amendment to reduce the $993,000 for this purpose as found on page 3 of the bill and the $75,000 for the same purpose for "International conferences and contingencies" to be found on page 6 of the bill. There are numerous other entertainment allowances in the bill.

I say again, as I have found in the past, it is merely an exercise in futility to offer amendments to strike out or reduce these liquor funds. I protest it and want the record to show my protest of the huge amounts to be spent for this purpose as found in this bill.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that the gentleman from Washington [Mr. Stinson] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. STINSON. Mr. Chairman, H.R. 11134 calls for over a million dollars for "representation." Representation is just a fancy name for entertainment.

With all the poverty we have in this country, I cannot justify voting for this lavish liquor spending by the State Department. If they consume a little less alcohol at the State Department, perhaps we would not be having so many problems around the world.

Mr. MATTHEWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to congratulate the distinguished chairman of this committee and the other members of the committee for the excellent work they have done on this bill.

I take this time to call the attention of the Committee to a statement that was made on January 28 this year by Mr. Burke Marshall, Assistant Attorney General of the Civil Rights Division in the Department of Justice, who appeared before the committee to justify his budget and made a statement that I put in the Record on April 29.

Now, Mr. Chairman, this statement allegedly inferred that there were two counties in my congressional district in Florida where Negroes may have been denied their voting rights because of discrimination by voting registrars or through intimidation by private individuals or public officials. The two counties that he mentioned were Flagler County and Union County.

The citizens of these two counties naturally are concerned about this misstatement of fact. That is one reason, Mr. Chairman, why I do not have too much confidence in the Civil Rights Commission. I believe this Commission is guilty of making a conclusion before it makes an investigation.

Mr. Chairman, it just so happens that the secretary of state of Florida can make available to Mr. Marshall or to the Civil Rights Commission the voting facts about the State of Florida. They do not need any money to get these facts. In Florida our citizens do not have to pay a poll tax in order to vote. There are no literacy tests in Florida.

This last year we had hundreds of thousands, of course, of our citizens to qualify to vote and included in that number were 240,000 colored citizens qualified to vote in Florida.

In these two counties I just mentioned, in Flagler County, let us take that one county as an example, there were 293 Democrats, colored Democrats, who were registered and only 1 colored Republican.

Now, it just may be that Mr. Marshall and the Civil Rights Commission were getting a little mixed up with the fact that there was just one Republican who was qualified. But, that is not unusual in southern counties in our areas not to have too many Republicans qualify.

Mr. Chairman, Flagler County is a small county insofar as the number of people is concerned. It is one of the great counties of Florida, with a beautiful coastline and it is a county of industrious, good people. We have wonderful Irish potatoes grown there. The murmuring pine trees invite a visitor and give industry to the community.

In this small county, 1,820 white Democrats were registered as of April 4, 1964, and 293 colored Democrats.

Please keep in mind that it is a small county.

In the other county, Union County, permit me to point out, there was also only one colored Republican in that county who was registered. But in this small county only 2,251 white Democrats were registered and there were 127 colored Democrats who were registered.

So, Mr. Chairman, I take this time to say to this great committee that next year I believe I can save it a little money if it wants to check on whether or not any voters are being discriminated against in my Eighth Congressional District in Florida. For just a 5-cent postage stamp we can get that information.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Florida.

Mr. SIKES. My distinguished colleague from Florida is making a very valuable contribution. However, there is one point in which he leaves the issue a little cloudy insofar as I am concerned. He brought up the question of Republicans qualifying. I am not sure whether he is talking about the scarcity of Republicans qualifying or qualified Republicans in Florida.

Mr. MATTHEWS. The gentleman's point is very well taken.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Iowa.

Mr. GROSS. I trust the gentleman has read the hearings with respect to requests for funds for the Civil Rights Commission wherein he will find they have 55 attorneys over there. They spent more than $100,000 on travel in the last fiscal year, as I recall it. I think he will be surprised if he has not read the hearings to note how few cases they have brought to a conclusion out of the total number.

Mr. MATTHEWS. I thank the gentleman for his contribution.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed five hundred and one, including one armored vehicle, for replacement only) and hire of passenger motor vehicles; firearms and ammunition; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $150,445,000: *Provided,* That the compensation of the Director of the Bureau shall be $22,000 per annum so long as the position is held by the present incumbent.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in reading the hearings on the questioning of Mr. Hoover about the Communist influence in civil rights agitation organizations, I notice the reply of Mr. Hoover was given off the record.

All of us know that there is, as has been verified by Mr. Hoover, a very serious Communist infiltration in these organizations, such as CORE, the National Student Non-Violent Coordinating Committee, and numerous other similar outfits. We know that W. E. B. duBois, a longtime leader of the NAACP, was an old Communist. We know that Phillip Randolph belongs to numerous Communist-front organizations. We know that Bayard Rustin, who led the notorious march on Washington, has been a known Communist, and a convicted sex pervert.

Martin Luther King attended the Highlander Folk School in Monteagle, Tenn., a notorious Communist establishment.

Mr. Chairman, nearly every time a so-called civil rights demonstration occurs, there are Communists or Communist sympathizers leading the parade.

Just the other day, on March 30, a white man was arrested in Jackson, Miss., in a Negro section of town, for being drunk and disorderly and for resisting arrest. This man's name was Richard A. Jewett. He said he was a graduate of one of the large engineering colleges in the East. He volunteered to the Jackson City police that he was a Communist, a member of the Communist Party.

When this CORE organization, with whom he was employed on salary, made their usual spurious complaint to the Justice Department that Jewett had been a victim of police brutality, the FBI came down and Jewett admitted to the FBI, also, that he was a Communist. Yet this man is on the payroll of CORE, and he is going throughout the South stirring up trouble between the white and the colored people.

I just wanted to ask the chairman of the committee if, in this off-the-record conversation, Mr. Hoover gave any details regarding Communist activities in this movement.

Mr. ROONEY of New York. I should say to the gentleman that I must respect the distinguished Director of the Federal Bureau of Investigation and follow the record in this regard. He went into the subject of Communist activities with the members of the committee in minute detail. But beyond that I cannot answer the distinguished gentleman from Mississippi.

Mr. WILLIAMS. I think that if the Justice Department spent half the time and money trying to ferret out the Communists that are at work trying to destroy this country as they do in harassing the people of the Southern States, there would be much less trouble in this country.

Mr. ROONEY of New York. Perhaps if my friend from Mississippi had heard the testimony of Mr. J. Edgar Hoover, I am sure he would agree with the members of the subcommittee and myself when I say he has been a splendid Director and is doing a fine job. The gentleman from Mississippi need have no fear so far as the internal security of this country is concerned.

Mr. WILLIAMS. I quite agree with the gentleman that Mr. Hoover has done a magnificent job. I have nothing but praise for Mr. Hoover. I would remind you, however, that Mr. Hoover is in an agency of the Justice Department, and thus must act in accordance with policies laid down by the Attorney General. It could be that the Attorney General wants this information withheld from the public.

The Clerk read as follows:

INTER-AMERICAN HIGHWAY

For necessary expenses for construction of the Inter-American Highway, in accordance with the provisions of section 212 of title 23 of the United States Code, to remain available until expended, $4,000,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to ask someone if this is the item, the Inter-American Highway, on which the U.S. contribution was supposed to have ended several years ago? Are they back here again asking for $4 million for this highway?

Mr. ROONEY of New York. I must say the gentleman is correct. We felt this road would have been completed long before now. But there has been an additional authorization and as construction proceeds they have run into some difficulties in the construction of the highway.

Mr. GROSS. Can this be said to be the last payment out of the American taxpayer's pockets for this road or is it going to go on interminably?

Mr. ROONEY of New York. I cannot say that this will be the last payment, I must say to my distinguished friend from Iowa. There are additional moneys authorized.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. BOW. I must confess on previous bills, I have made the statement on this floor that this was the last amount. I have had witnesses tell me "This is the last amount that will be appropriated for this purpose." But this seems to be endless. I asked again—Is this to be the end? And I have received some assurance that it was. I will say to the gentleman, this is like so many other things that we find here in Washington where we think that some day we will come to the end of it, but I do not think anybody on this floor can give you the assurance today as to when we will see the end of this program.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROONEY of New York. Now the gentleman from Iowa will, I am sure, understand after hearing what the distinguished gentleman from Ohio has just said, why I could not answer categorically that this would be the last payment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SMITH of Iowa. I think it should be pointed out, however, that since this road construction started and since the original authorization was made and the original statements were made that there have been added to this system some additional specifications and additional mileage and so forth.

Mr. GROSS. I thank the gentleman. I still hope this is the last drag out of our pockets. But I am beginning to believe this will go on in perpetuity.

Mr. ROONEY of New York. We can give the distinguished gentleman from Iowa no assurance whatever in this regard, because additional contract authority is outstanding. When that is exercised, the committee will have nothing to do but to pay the amount of money contracted for.

Mr. GROSS. I thank the gentleman, and I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $304,600.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask the gentleman if by any chance there are any funds in the bill for the purchase of the parking lot the Supreme Court wants to acquire east of the Supreme Court Building itself?

Mr. ROONEY of New York. The answer is definitely no.

Mr. GROSS. I thank the gentleman, because I know that is not authorized.

While I have the floor, and in order to avoid obtaining recognition again almost immediately, I note the fact that the next item in the bill is for an $8,100 automobile for the Chief Justice of the Supreme Court. Is the price of automobiles going up? What is happening in the field of Cadillacs and Lincoln Continentals?

Mr. ROONEY of New York. I should explain to the distinguished gentleman from Iowa that the Chief Justice's car was formerly one of those Cadillac $500-a-year rental cars. As an examination of the printed testimony will disclose, we were utterly surprised to learn that General Motors has upped the annual rental fee from $500 to $1,000 on the Chief Justice's car.

Included in the $8,100, in addition to this $1,000, are the wages for the chauffeur, the money for gas and oil, the money for repairs, and so forth. In other words, it is for the complete cost of the operation of the limousine for the Chief Justice.

Mr. GROSS. I say to the gentleman that I have always been mystified by this business of General Motors or any other automobile company leasing automobiles to certain Members of Congress and others in the executive branch for $500 a year. Can the gentleman from New York lease a Cadillac for $500 a year? How is that done?

Mr. ROONEY of New York. I cannot. I do not know exactly how it is done, but I never heard of it being done until Eisenhower became President. This is one of the few things I give President Eisenhower credit for, because it saved the taxpayers a lot of money, as a result of being able to get a car for the $500-a-year rental fee.

Mr. GROSS. I cannot help but wonder what the consideration is, as between the $500 a year for the use of a Cadillac and the $6,000 or more price tag to others. What happened? Who is making up the difference between the going price of say $7,000 for a Cadillac and the $500 a year?

Mr. ROONEY of New York. I believe it is commonly known that General Motors and the other car manufacturers let certain high Government officials have these automobiles at such rentals as an advertising gesture.

Mr. GROSS. They are getting to be so common around here in official circles that I believe they have lost some of their advertising value.

Mr. ROONEY of New York. I say to the distinguished gentleman from Iowa that it has not gotten to the point where either of us would be able to get one for $500 a year. I had to buy my automobile.

Mr. GROSS. Since the gentleman injected a little politics into this discussion——

Mr. ROONEY of New York. Oh, I never inject politics.

Mr. GROSS. The gentleman referred to this procedure as taking place under the Eisenhower administration.

Mr. ROONEY of New York. If I were to inject politics, I should say that the gentleman whose automobile we are discussing is a distinguished member of the gentleman's party. He is the Chief Justice of the United States.

Mr. GROSS. I appreciate your remarks concerning the Chief Justice of the Supreme Court, but let me proceed. This intrigues me because Eisenhower had a Secretary of Defense who said, as the gentleman will remember, that what was good for General Motors was good for the country. The Democrats raised all kinds of hell over that when the statement was made. Yet I see this galaxy of Cadillacs on both sides of the Capitol and some are operated by the most outspoken critics of that statement. Now, apparently, what is good for General Motors is also good for some Members of Congress, including Democrats. Is that not about right?

Mr. ROONEY of New York. Is the gentleman referring to the Ford automobile known as a Galaxie?

Mr. GROSS. No. I am referring to all of these Cadillacs we see around here and the fact that the Democrats claimed they did not like them when Wilson made his remark.

Mr. ROONEY of New York. I well remember back before we had Dwight D. Eisenhower as President and when the late distinguished Speaker Sam Rayburn, of Texas, was deposed as Speaker and became majority leader in the 80th Congress. It became incumbent upon all of us Democratic Members of the House—and I am proud to say with the assistance of certain Republican Members who also chipped in $100 apiece—to buy him a Cadillac automobile such as he had when Speaker.

Mr. GROSS. The point I want to make, if the gentleman will let me is that I just cannot understand how those Democrats who were so critical of "Engine Charley" Wilson's statement can now stoop to ride around in a General Motors product and one costing $8,000. I do not get this.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Arms control and disarmament activities

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (75 Stat. 631; 77 Stat. 341), $11,000,000.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 53, line 20, strike out the figure "$11,000,000" and insert "$7,500,000".

Mr. GROSS. Mr. Chairman, I am sure that every Member of the House wants peace and wants arms control. But I say to you that to boost this superduper agency to $11 million a year is beyond reason. What peace we have in this world is going to be maintained not by disarming, but by maintaining the forces we have in being and their ability to deliver nuclear warheads anywhere in the world. This is what preserves the peace of the world and not the existence of the Arms Control and Disarmament Agency.

Mr. Chairman, my amendment would cut $3½ million from this appropriation. It would reduce it to the expenditure of the past year. I think it ought to be cut much further to $1 million or $2 million. I am perfectly willing to maintain an organization with sufficient personnel versed in arms control and disarmament matters to carry on conversations and conferences, but I know of no reason why we should expend this kind of money on this kind of an agency. Under the law the Arms Control and Disarmament Agency even has the authority to construct laboratories to carry on research even though billions are already being spent by the Government for this purpose. If you will read the hearings you will also find that the payroll of this organization is one of the fattest in Government in terms of high salaries.

You will also note, if you read the hearings, that it employs consultants and contract firms all over the map in addition to the direct hire personnel. Let me add that I am not convinced that the present head of the Disarmament Agency, Mr. William C. Foster, is one on whom I would want to rely in this matter.

Mr. Chairman, I would like to read to the House a statement that Mr. Foster made on June 13, 1950. He was then Deputy Director of the Economic Cooperation Administration and testified on behalf of the foreign aid appropriations bill before the Senate Appropriations Committee. Listen to what he said on June 13, 1950:

> I am happy to tell the Appropriations Committee that, in my judgment the trend of events in South Korea is more favorable than it has been at any time since the liberation of that country in 1945. The reasons for optimism are military, political and economic. It is my considered opinion that in the face of great difficulty the Government of the Republic of Korea is now steadily gaining strength in each of these three sections.

He goes on to say that:

> A rigorous training program has built up a well-disciplined army of 100,000 soldiers; one that is prepared to meet any challenge by North Korean forces; and one that has cleaned out the guerrilla bands in South Korea in one area after another.

Two weeks later American blood was being spilled all over the rice paddies and mountains in South Korea. This is the man who is today the head of the Arms Control and Disarmament Agency, the Government official who knew no more about what was about to take place in Korea than the man in the moon.

Mr. Chairman, I am not willing to turn over the disarmament of this country and the creation of an international army to this man in the light of the statement he so freely made before a committee of Congress. Mr. Chairman, there is no reason in the world why we cannot save $3½ million here and now. The cut ought to be deeper than that, but this is a first step and a reasonable compromise.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment. I think the issue here is very simple. In this very Congress last year this House and the Congress authorized $20 million to be expended over a period of 2 years for an arms control and disarmament program. The amount of $7.5 million was approved last year for such purpose. The $11 million in the bill is still $1.5 million short of the total authorization approved here in the House of Representatives for the activities of this agency.

The issue in effect is, if we are spending $47 billion on a defense program what is wrong with spending $11 million to investigate what avenues there might be to peace and arms control?

The gentleman in charge of this agency is one of the most respected in Government; a good Republican, if you please, the Honorable William C. Foster. He is a former Under Secretary of Commerce, a former Under Secretary of Defense, a fine, distinguished gentleman, who, I am sure, will carry on this agency with sageness and with safety.

Mr. Chairman, I ask that the pending amendment offered by the gentleman from Iowa be voted down.

Mr. STINSON. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman briefly for a question.

Mr. STINSON. Can the gentleman from New York name a situation in which a major power disarmed and did not find itself in an armed conflict?

Mr. ROONEY of New York. I am not an expert on this subject, I will say to the distinguished gentleman. I do know that this agency had something to do with the nuclear test ban treaty. I believe that was a step toward peace. Perhaps the gentleman does not agree with me in this regard, but I am one who believes that.

Mr. STINSON. Will the gentleman yield further?

Mr. ROONEY of New York. I yield further to the gentleman.

Mr. STINSON. I would like to remind the gentleman that any time a major nation disarms it finds itself in a weakened position and then invites attack from an aggressor. If we remain stronger than the Communists we do not have to fear attack.

Mr. ROONEY of New York. The gentleman should understand that this Agency studies the matter of arms control and disarmament by way of research contracts. The final decision is up not only to the Pentagon and the Defense Department, but is up to the President of the United States and everyone else concerned. This Agency is not the Agency that is going to disarm us. It may merely make recommendations. We do not propose to disarm until and unless it is the right and safe thing to do.

Mr. STINSON. Will the gentleman yield further?

Mr. ROONEY of New York. I yield further to the gentleman.

Mr. STINSON. Which agency then is going to disarm our country and invite attack by some foreign aggressor?

Mr. ROONEY of New York. I believe the Congress of the United States will have a great deal to say about that. The gentleman voted, I assume, for the appropriation of $47 billion in support of the defense budget not too may weeks ago, did he not?

Mr. STINSON. But that was not for disarmament.

Mr. ROONEY of New York. This is $11 million to investigate the situation in case the situation were such that we were to proceed toward arms control and disarmament and how this would affect the economy and employment here in the United States.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa, a member of the committee.

Mr. SMITH of Iowa. I am sure the chairman will agree too that this Agency also studies the harm that can come from disarmament proposals as well as the benefits?

Mr. ROONEY of New York. Exactly, exactly. The Agency is not headed toward disarmament. This is an agency which by way of research contracts studies the consequences of disarmament.

Mr. STINSON. Mr. Chairman, will the gentleman yield further?

Mr. ROONEY of New York. I yield further to the gentleman, but the gentleman is monopolizing a good bit of the time here, I will say to the gentleman.

Mr. STINSON. Can the gentleman from New York tell me of a study that this organization has made where it recommended against disarmament? If so, none of these have been called to my attention.

Mr. ROONEY of New York. I do not believe they have made any such recommendations as yet.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from California.

Mr. HOSMER. I would like to get my own time on this amendment and I hope the gentleman from New York will not move for a vote on it before I can speak to it.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. STINSON. I object.

Mr. HOSMER. Mr. Chairman, I object.

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment to reduce the Disarmament Agency funds. I believe disarmament should be a bipartisan policy. Disarmament and arms control rank equally with U.S. foreign policy and U.S. defense. These are major national security programs which should be handled across party lines and by cooperation and agreement.

Mr. Chairman, there is no doubt that when the United States spends $47 billion for defense, we should at least spend $11 million for planning for arms reduction by agreement with inspection, to see that we live in a safer world.

Mr. Chairman, as I am sure the members of the committee know, I am one of the representatives of the city of Pittsburgh, Pa. Our city is probably one of the prime targets in the country. We do not like to live under the fear that we have various missiles and other types of nuclear weapons trained at us. I am sure that citizens of countries all over the world share our feelings in Pittsburgh. We must work for mutual agreements for arms control with adequate inspection.

I believe it would be a fine world if we could come to the universal point of view where we could in all the cities of the world know that we by inspection are safe in our homes, in our jobs, and with our families. Killing instead of agreements for universal security, is unthinkable. Lying in wait to destroy another man and his family is a ghastly policy. Bigger armaments cause bigger fears, which combine to make bigger dangers for all peoples.

My second point is this: I served for 14 years on the Committee on Foreign Affairs of the House, and was on that committee during the year 1950. I was one of those who Friday before the Sunday of the North Korean attack, with several other members of the committee attended a special briefing session that was deeply serious and unofficial, held in the House Foreign Affairs Committee Room. We asked for and heard General LeMay, of the Air Force, also the head of the Central Intelligence Agency, an admiral assigned from the Navy, among others. Unbelievably, my special point was I was worried about Korea. There were many other serious trouble spots discussed around the world. We were reassured by various people that we would be able to hold South Korea. Previously I had objected to reducing our U.S. troops and support, so I was deeply concerned. From North Korea there had been feints and attacks. We did not know whether they were preludes to big, or just little, isolated attacks that came from the north at the time. But many of us including myself, gave South Korea strong support.

There was no one in this country, there was nobody on this House floor or the floor of the other body who knew that an attack very definitely was coming. So to lay responsibility at the feet of one man, Mr. William Foster, who has been a fine public servant, is a little less than giving full responsibility where it should lie. There is no doubt South Korea had, and now has, a fine patriotic army, and we should be proud of their standing with us, for which I am deeply grateful. There is no doubt that William Foster was right in his statement just before the North Korean attack that South Korea was strong, and getting stronger—that is one of the reasons for the quick, hard, and swift attack, in my opinion.

I do rise in defense of William Foster, Administrator of the Arms Control and Disarmament Agency, because I have known him as a long time Republican and stanch patriot with devoted public service. I have known his family, I have known him in business, and I have known him as an attorney. I have known William Foster in my service on the House Foreign Affairs Committee in the various capacities in which he has served our U.S. Government. I have followed closely the work of the Disarmament Agency, both in this country and at the sessions in Geneva. My considered opinion favors continuance of the good bipartisan work on arms control and disarmament.

In my estimation, this country would be wrong, if it simply emphasizes armament, more armament. We are piling up armament and nuclear weapons so that we not only scare everybody abroad, but we also scare ourselves. How much overkill do we need in this country? Ten, 15, 20 times, and we do not feel secure. Therefore I think we need a better balance in work for disarmament and arms control with adequate inspection. Therefore I recommend defeat of the amendment. The course of arms races, bigger and bigger armaments, bigger and bigger taxes, bigger and bigger burdens on every family in the United States and throughout the world, is sheer folly. A good defense does not need to continue to the point of such folly. Many of these same people on this House floor who advocate bigger and bigger useless armaments and oppose arms control, are the same people who beat their breasts and loudly call for U.S. budget reduction and isolation policies.

Let us be sensible citizens of a peaceful world. Let us work for arms reduction, disarmament, and support this good work.

The **CHAIRMAN**. The Chair recognizes the gentleman from Illinois [Mr. O'Hara].

Mr. **O'HARA** of Illinois. Mr. Chairman, I always wonder when some colleague of mine votes for $47 billion for war and then quarrels with himself when the vote is on $11 million to search for the path to peace. Why should the lure to bring on the destruction of all mankind be of such irresistible force as to close the mind of any human being to even a fleeting hope?

Dr. Foster appeared before the Committee on Foreign Affairs, of which I am a member, and he made a most favorable impression. Other witnesses of the highest standing and international prestige said there never would have been an arms ban treaty if it had not been for Dr. Foster and the Agency he so ably directs. I must accept their evaluation, and on this testimony and that information it would appear clear and plain that Dr. Foster and his Agency have made one of the largest contributions to the United States in the security of the present and the future in the history of our great Republic.

I did not know that Dr. Foster was a Republican. The matter of his politics never entered my mind. But I saw in Dr. Foster a great and dedicated public servant, the goal of whose efforts is the peace for which I and most American men and women pray, and, as a Democrat, now that I know his politics, I give credit to the Republican Party for producing such an outstanding American.

Politics, Mr. Chairman, always should end at the waterline. Republican hearts and Democratic hearts alike are atuned to the love of peace on earth, good will among men and nations. Even while we vote billions to keep our Nation strong and to assure our security under any and all circumstances, we shall continue courageously in the quest for peace and the hope that someday there will be no more wars nor rumors of wars.

Mr. Chairman, I hope the amendment will be crushingly defeated.

The **CHAIRMAN**. The Chair recognizes the gentleman from California [Mr. Hosmer].

Mr. **HOSMER**. Mr. Chairman, we are being told anyone who is for this amendment is against peace. Actually, if you want to cut this appropriation down to the $7.5 million that the Agency has spent this year, you are supposed to be a warmonger, I guess, even if you are only against giving it $3½ million more to be wasted because the Disarmament Agency is doing a very poor job and just giving it more money will not improve things. The charter of this Agency should be amended before it gets another cent of money. We should not waste time or money on its activities until this is done because they can, in fact, bungle around and make war more likely, not less likely. This Congress should pass amendments which will bar the Agency from building up a giant in-house, in-bred research organization; it should be barred from permitting its director to engage in international negotiations; it should be barred from propagandizing the citizens of the United States with their own tax money; it should be taken out from under the wings of the State Department; it should be made to report its activities to Congress and its proposals to reduce the armaments of this country; and it should stop the frightful escalation of its own expenditures. There is legislation now pigeonhold by the Foreign Affairs Committee that would do all this.

Why do I say this Agency is doing a bad job? Because in the Moscow treaty last year it took a part in surrendering the one weapon in our peace arsenal which is, or was, the most powerful and had the best chance to give the world some peace. That was our dogged instance at the conference tables and before the so-called court of world opinion that the U.S.S.R. should lower the Iron Curtain and permit the inspection of its territory necessary to make sure it is not cheating in secret against other countries. Until that is permitted, no treaty is worth the paper it is written on. Now, with the Disarmament Agency's participation, that principle is gone with the wind. We gave it up in order to get the Russians to consent to the treaty of Moscow. We gave up the chance to achieve binding agreements. They gave up nothing and all this was done with the advice and consent of the Disarmament Agency. That is why I say it is doing a poor job. That is why I say it is bungling, and that it is more likely taking us away from peace in the world than toward it, and leading us into much trouble in the future.

The second thing evidencing its bungling is this dramatic exhibition of so-called unilateral interlocking arms control which was put on a couple or three

Mondays ago. At 1 o'clock on a Monday afternoon Khrushchev makes a statement saying he is going to cut fissionable materials production, then at 2 o'clock Johnson makes a statement saying he is going to do so, too—unilateral statements, interlocking in time and subject matter—tacit agreements, secretly negotiated, and publicly announced. These are agreements not subject to the Senate's advice and consent, yet they are solemnly binding on the United States by our President's word. What is Khrushchev's word worth? Do you trust him enough to trust him with your life? Your children's lives?

How good a deal did Johnson make with Khrushchev? It turns out he is cutting U.S. plutonium production 20 percent and by the man's own words Khrushchev is cutting U.S.S.R. production 0 percent. It turns out we are going to cut our uranium production 40 percent in return for whatever ambiguous amount Khrushchev calls a "substantial" cut in his own production. It also turns out the whole deal is not to be policed by anybody. We are to trust Mr. Khrushchev to keep the deal; we are to trust his unknown successor to do likewise.

That is the kind of deals the U.S. Disarmament Agency is letting us get into. Yet, anyone who wants to give them less money to do it is charged with being a warmonger. How topsy-turvy can this debate get? If you want to put up $3.5 million more than you did last year, I say you are not voting for peace, you are voting to throw your money and the U.S. taxpayers' money away on something that could be very dangerous. The Gross amendment should be adopted and no bill to amend the Disarmament Agency Charter, H.R. 10311, should be passed before we pull any more booboos. The Agency is supposed to keep us from losing our shirts to the Russians, not help us to do so.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Holifield].

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to this amendment to cut the disarmament appropriation from $11 million back to what it was last year.

I am not going to try in the few minutes I have here to answer the charges that my friend and colleague from California [Mr. Hosmer] has made. I just want to say that I disagree thoroughly with him.

I want to go back to what the gentleman from New York [Mr. Rooney] said. If we can spend $47 to $50 billion annually in preparation for war, certainly we can spend $10 or $11 million annually to explore the possibilities, the approaches, and the methods and the dangers that may be involved in any type of disarmament or any type of a lessening of tension between the two great nuclear powers of the world.

I have sat on the Joint Committee on Atomic Energy for 18 years, and I have had as much to do with the building up of the nuclear strength of the United States as any man in this House. I voted for every dollar of defense appropriations, and I voted for every dollar that we have authorized in the Committee on Atomic Energy. So nobody can say to me that I am muddleheaded on the problem of nuclear power in war, because I have supported the strength of the United States and intend to continue to support it. But I am also going to support any kind of effort we can make to pursue some logical method of lessening the likelihood of nuclear war. I say that these cuts—I could go into this at some length—in the production of plutonium and uranium 235 were not made as a quid pro quo with the Russians for doing likewise. We did this on the basis of our own judgment that we had adequate nuclear strength in the world and that there was no use in going ahead and continuing to multiply that strength ad infinitum.

The administration was proceeding on the principle that there was a limit to the kind of destruction that you want to turn loose in this world. We do have an adequate inventory of nuclear weapons within the scope of the arrangement that has been made and within the scope of the continued production that will continue to be made, notwithstanding the cuts that have been planned, to maintain this Nation strong.

In the meantime, I say with all the sincerity at my command, we must study and plan for the day when we will not need to use these nuclear weapons and, if possible, we must find the path to peace. That path is obscure at this time. It is a devious and complicated maze. We must find our way by studying every possible avenue of approach.

We are fortunate to have a great and wise citizen, Mr. William Foster, as the guiding administrator of this young Agency. Notwithstanding the criticism we have heard today, Mr. Foster is worthy of confidence and support.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. Rooney].

Mr. ROONEY of New York. Mr. Chairman and members of the Committee of the Whole, may I say that the arguments advanced by my distinguished friend, the gentleman from California [Mr. Hosmer] remind me of his "bananas on Pike's Peak." Perhaps many of my colleagues may not know what we are talking about, but the gentleman who coined the expression "bananas on Pike's Peak" was the distinguished gentleman from California [Mr. Hosmer]—and I say that, of course, affectionately. But, Mr. Chairman, I am surprised at the gentleman from California being so expertly uninformed or misinformed on this subject, that he should criticise a man of the stature of Bill Foster, a distinguished member of his own party.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. HOSMER. I thought I made it clear that the President's Arms Control and Disarmament Agency is doing a poor job—and he was doing a poor job because——

Mr. ROONEY of New York. The gentleman is criticising Bill Foster who is the head of this Agency. It was Bill Foster who came before this committee and requested the funds recommended in this bill. Among his other achievements as the result of research contracts gone into by this Agency which has not been in existence so long, we now have the so-called "hot line" agreement and the limited nuclear test ban agreement. We also now have a U.N. resolution calling upon all nations to refrain from placing weapons of mass destruction in orbit. I say if we did nothing else but achieve these three things, it is well worth while spending the small sum of $11 million when compared with spending $47 billion for defense.

Mr. Chairman, I ask for the defeat of the pending amendment.

Mr. GROSS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Gross moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, I want to get one or two things clear. It is said I laid at the door of William C. Foster the responsibility for the war in Korea. I did no such thing. I said he did not exercise good judgment when he went before the Appropriations Committee of the other body in 1950 asking foreign aid funds for South Korea, asserting that Government to be strong and having enough trained troops to meet any threat from North Korea. Only 2 weeks later the war was on in Korea, resulting in 35,000 Americans killed and another 100,000 wounded. I say his judgment was not good. I repeat it. Then politics was injected into the debate when it was stated that Foster is a Republican. I do not know whether he is or not. He certainly has gone to his reward with the Democrats. Maybe he wears the label—I do not know. But he is your boy now.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. GROSS. No, I do not yield at this minute. I did not use your name. I will yield to you if I have the time.

Now, Mr. Chairman, it is said this $11 million is only a small percent of the defense budget. This is a timeworn argument. Any item of spending can be broken down into small units—any item of Federal spending that you want to choose—where compared with other spending.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. LIPSCOMB. All through the debate on this particular item it has been mentioned that if we can spend $47 billion on defense we can spend $11 million on arms control and disarmament. The Agency's records, which are contained in the hearings both on this bill and in the Department of Defense bill, show that the requests for outside contracts only on disarmament and arms control for fiscal year 1965 are estimated at approximately $75 million for the agencies of Government doing work in this area. I referred to this in my remarks during the general debate. This $11 million is just for the Arms Control and Disarmament Agency, and could easily be reduced the $3.5 million the gentleman recommends, without any harm to the program.

Mr. GROSS. Members have made emotional speeches about buying peace through disarmament. I have voted for every dollar that was asked for the Military Establishment. Yet we do not have peace in the world today, even though we are spending $50 billion a year in the Defense Department.

Everyone knows that we are not going to disarm in the foreseeable future, so why should we continue this fiction? Why should we continue this Agency at the rate of $11 million a year? I say again that with an annual expenditure of $1 million or $2 million this Government could maintain an organization capable of discussing arms control and disarmament with the Russians or anyone else. For many years just as much was accomplished in this field with an expenditure of $1 million or less each year.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. HOSMER. What is often overlooked is that if we are to have peace we must have tools to arrive at it, not merely an agency for which we vote some funds, which we call a disarmament agency, and then go away to say, "What good boys we are."

It takes good, hard, solid work to attain peace.

One of the most important tools there is, in the work toward peace of the world, is the force which the United States did at one time have to force the lowering of the Iron Curtain and to force inspection and detection procedures behind the Iron Curtain, so that there could be some assurance to the world that preparations were not being made surreptitiously to disturb the peace of the world.

That has been given up. That has been surrendered. That has been entirely eliminated by this Disarmament Agency which we are asked to reward by allowing the $11 million.

Mr. GROSS. Someone mentioned the test ban treaty. I ask the gentleman from California if, before this superduper agency came into being, we did not have a moratorium on testing?

Mr. HOSMER. That was the very treaty that gave up this principal part in our arsenal of peace, which we should be sorry about losing.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending pro forma amendment.

I must take advantage of this time, since my distinguished friend from Iowa refused to yield to me for a question. I did want to point out to him that Bill Foster was not our boy. Bill Foster was Under Secretary of Defense in what administration? In the Eisenhower Republican administration. He was no more our boy than is Christian Herter, who I trust is presently doing a fine job at Geneva on our tariff negotiations.

What about Henry Cabot Lodge, in Vietnam?

Are these our boys? No. They are distinguished Americans who are doing a job for the American people. I wish we had more of the Henry Cabot Lodges, Christian Herters, and Bill Fosters.

Who was Bill Foster? Was he a Republican, asked the gentleman from Iowa? Bill Foster had to be a Republican, did he not, to be the president of Olin Mathieson Chemical Corp.? That does not sound like a Democratic concern to me.

I do not know whose campaign they contribute to. I would be surprised if it were in the Democratic area.

The point is—and you cannot get away from it, I say to my distinguished friend not too far from Pike's Peak—the issue is whether we are going to spend $47 billion for defense and not spend $11 million to study how we can control arms. Is it not worthwhile to study and research the subject of controlling arms all over the world at a cost of $11 million?

Mr. Chairman, I ask for a vote rejecting the pending amendment of the gentleman from Iowa.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa [Mr. Gross].

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 28, noes 69.

So the amendment was rejected.

The Clerk read as follows:

Sec. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. Gross. On page 61, after line 9, insert:

"Sec. 703. No part of any appropriation contained in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a National Service Corps or similar domestic Peace Corps type of program."

Mr. GROSS. Mr. Chairman, this is the amendment that has been included in every appropriation bill, with the possible exception of the legislative appropriation bill, thus far in this session. I believe it was in all appropriation bills last year, including this one. I would like to invite the chairman of the subcommittee, the gentleman from New York [Mr. Rooney], to accept the amendment this year.

Mr. ROONEY of New York Has the gentleman concluded?

Mr. GROSS. Will the gentleman accept the amendment?

Mr. ROONEY of New York. I am going to rise to oppose the amendment.

Mr. GROSS. Mr. Chairman, then I shall continue to point out that I now have an inquiry underway dealing with an organization which is apparently using some $84,000 of the taxpayers' funds allegedly in contravention of the amendment adopted to the Health, Education, and Welfare appropriation bill of last year, and it is exactly the same amendment as I have offered here. I hope to find out whether there has been a violation of this provision in the Health, Education, and Welfare bill as enacted last year.

I yield back the balance of my time.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

You might recall that I was foolish enough last year to not too vigorously oppose this amendment, which was then offered by the distinguished gentleman from Iowa [Mr. Gross]. Since then I have found out that this is a costly amendment to the taxpayers. There is not 15 cents in this bill in connection with the establishment of a National Service Corps or similar domestic Peace Corps type of program, none whatever. The gentleman from Iowa knows that as well as does the gentleman from New York. But the point is that the amendment was offered last year and was printed in every copy of every bill last year. I am told that this runs into thousands of dollars. So for that reason, and in the interest of economy, it is time to discontinue this useless amendment of the gentleman from Iowa. He has not saved the taxpayer 15 cents with it.

Mr. Chairman, I urge that the pending amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 42, noes 50.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed as tellers Mr. Gross and Mr. Rooney of New York.

The Committee again divided, and the tellers reported that there were—ayes 55, noes 64.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. ROONEY of New York. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Fascell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes, had directed him to report the bill back to the House with a recommendation that the bill do pass.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MICHEL moves to recommit the bill H.R. 11134 to the Committee on Appropriations.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 314, nays 40, answered "present" 1, not voting 76, as follows:

[Roll No. 121]

YEAS—314

Adair
Addabbo
Albert
Anderson
Andrews, N. Dak.
Arends
Aspinall
Auchincloss
Ayres
Baker
Baldwin
Barrett
Barry
Bates
Battin
Becker
Beckworth
Belcher
Bell
Berry
Betts
Blatnik
Boggs
Boland
Bolton, Frances P.
Bolton, Oliver P.
Bow
Brademas
Bray
Brock
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke
Burkhalter
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Cannon
Carey
Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Conte
Cooley
Corbett
Corman
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Derounian
Diggs
Dingell
Dole
Donohue
Downing
Dulski
Duncan
Dwyer
Edwards
Ellsworth
Evins
Fallon
Fascell
Findley
Fisher
Flood
Fogarty
Ford
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gary
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Goodling
Grabowski
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Hays
Healey
Hébert
Hechler
Henderson
Hoeven
Holifield
Holland
Horan
Hosmer
Hull
Hutchinson
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilgore
Kluczynski
Knox
Kornegay
Kunkel
Laird
Langen
Leggett
Lesinski
Lindsay
Lipscomb
Long, La.
Long, Md.
McClory
McCulloch
McDade
McDowell
McFall
McIntire
McLoskey
Macdonald
MacGregor
Madden
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
Milliken
Minish
Minshall
Monagan
Moorhead
Morgan
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olson, Minn.
O'Neill
Osmers
Ostertag
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pillion
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St. George
St Germain
St. Onge
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Senner
Short
Shriver
Sibal
Sickles
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Va.
Springer
Staebler
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Toll
Tollefson
Trimble
Tupper
Tuten
Van Deerlin
Vinson
Wallhauser
Watts
Weaver
Weltner
Westland
Whalley
Whitener
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.
Wright
Wydler
Wyman
Young
Younger
Zablocki
Shipley
Teague, Tex.
Udall
Ullman
Vanik
Watson
White
Whitten
Wickersham
Winstead

NAYS—40

Abbitt
Abernethy
Alger
Beermann
Bennett, Fla.
Bruce
Clancy
Collier
Derwinski
Devine
Everett
Flynt
Foreman
Fuqua
Gathings
Goodell
Gross
Haley
Hall
Johansen
Kilburn
King, N.Y.
Kyl
Latta
Lennon
McMillan
Matthews
Moore
Rivers, S.C.
Saylor
Sikes
Smith, Calif.
Snyder
Stinson
Tuck
Utt
Van Pelt
Waggonner
Wharton
Williams

ANSWERED "PRESENT"—1

Michel

NOT VOTING—76

Abele
Andrews, Ala.
Ashbrook
Ashley
Ashmore
Avery
Baring
Bass
Bennett, Mich.
Bolling
Bonner
Buckley
Burleson
Colmer
Cramer
Davis, Tenn.
Dorn
Dowdy
Edmondson
Elliott
Farbstein
Feighan
Finnegan
Fino
Forrester
Gallagher
Garmatz
Gill
Grant
Hagan, Ga.
Hanna
Harvey, Mich.
Hawkins
Herlong
Hoffman
Horton
Huddleston
Jensen
Johnson, Pa.
Jones, Ala.
Kee
King, Calif.
Kirwan
Landrum
Lankford
Libonati
Lloyd
Mailliard
Martin, Calif.
May
Meader
Miller, Calif.
Miller, N.Y.
Mills
Montoya
Morris
Morton
Norblad
Olsen, Mont.
Pepper
Pilcher
Powell
Rains
Scott
Selden
Sheppard

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Horton for, with Mr. Michel against.
Mr. Johnson of Pennsylvania for, with Mr. Hoffman against.
Mr. King of California for, with Mr. Winstead against.
Mr. Buckley for, with Mr. Colmer against.
Mr. Garmatz for, with Mr. Dorn against.
Mr. Kirwan for, with Mr. Whitten against.

Until further notice:

Mr. Montoya with Mr. Avery.
Mr. Feighan with Mr. Fino.
Mr. Gill with Mrs. May.
Mr. Edmondson with Mr. Morton.
Mr. Baring with Mr. Jensen.
Mr. Andrews of Alabama with Mr. Abele.
Mr. Davis of Tennessee with Mr. Cramer.
Mr. Rains with Mr. Norblad.
Mr. Miller of California with Mr. Martin of California.
Mr. Herlong with Mr. Ashbrook.
Mr. Teague of Texas with Mr. Mailliard.
Mr. Ullman with Mr. Harvey of Michigan.
Mr. Mills with Mr. Meader.
Mr. Farbstein with Mr. Miller of New York.
Mr. Sheppard with Mr. Bennett of Michigan.
Mr. Shipley with Mrs. Kee.
Mr. Libonati with Mr. Lankford.
Mr. Jones of Alabama with Mr. Bass.
Mr. Elliott with Mr. Dowdy.
Mr. Gallagher with Mr. Grant.
Mr. Selden with Mr. Udall.
Mr. White with Mr. Hawkins.
Mr. Wickersham with Mr. Vanik.
Mr. Forrester with Mr. Hanna.
Mr. Huddleston with Mr. Olsen of Montana.
Mr. Pepper with Mr. Finnegan.
Mr. Hagan of Georgia with Mr. Scott.
Mr. Morris with Mr. Powell.
Mr. Landrum with Mr. Bonner.

Mr. MICHEL. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. HORTON]. Had he been present, he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from New York?

There was no objection.

SOUTH DAKOTA WOMAN NAMED "NATIONAL MOTHER OF THE YEAR"

Mr. REIFEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. REIFEL. Mr. Speaker, next Sunday, May 10, is Mother's Day. This year

Mother's Day will have an extra special meaning for us in South Dakota. We are extremely proud of the fact that South Dakota's "Mother of the Year," Mrs. L. M. Stavig, has been named today as "National American Mother of the Year."

It is not only a great honor for Mrs. Stavig, but also a compliment to the State of South Dakota and the fine people who make the State their home.

Mrs. Stavig is the wife of the president of Augustana College in Sioux Falls, S.D., and has been active in church and civic affairs. She was national chairman of the Literature Committee of the Women's Missionary Federation of the Evangelical Lutheran Church from 1936 to 1942 and was national vice president of the federation from 1942 to 1946.

She has lent her talents to music groups and the Association of University Women throughout all of her adult life. She is a lecturer, a writer, a book reviewer and counts among her host of friends thousands of students, many of them from foreign countries.

Mrs. Stavig is the mother of four sons, all of whom have been successful in various professional fields. Two of her sons have followed in the family tradition and are successful college faculty members, another is serving his country as a hospital commander at Otis Air Force Base, Mass., and the fourth is an industrial engineer for the John Morrell & Co., in Sioux Falls.

All the sons attended Augustana College, of which their father, Dr. Lawrence M. Stavig, has been president since 1943. I am sure that Mrs. Stavig would be the first to admit that much of the credit for her great achievements belongs to her outstanding husband.

I am sure that the Nation joins all South Dakota and the many friends of Mrs. Stavig in extending sincere congratulations to this fine woman and outstanding mother.

FINO URGES INCREASE IN SOCIAL SECURITY BENEFITS

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I am proud to introduce today a measure providing for a 10-percent across-the-board increase in social security benefits. This bill is designed to give our senior citizens a share in the United States' increased national wealth, to lift them out of the morass of actual poverty or off the narrow edge of dreary subsistence living. An increase in benefits is overdue. We should act today, at a time when the whole Nation has focused attention on President Johnson's war on poverty.

Poverty hurts not only those who are poor: it hurts every one of us who have seen poverty in any of its manifestations; it hurts this country which has prided itself for so many years on generosity, largeness of spirit, and sympathy for the oppressed. We are all aware today that one-fifth of this Nation does not share in the general abundance. We have begun the fight to eliminate poverty, to end this evil which throws a dark shadow over all of us. President Johnson's Economic Opportunity Act of 1964, with its companion measures, will do much to lift the poor out of hopeless misery. But we must not forget other segments of the population who will not be directly benefited by results of the war on poverty.

The aged make up a great proportion of the poor. Families headed by persons aged 65 or over make up one-third of all families below the poverty line; but the frequency of these aged families in the population is only one in seven. We must ask ourselves the reason for this high incidence of poverty among a group which has given so much to our country and deserves at least a comfortable old age in return.

A few statistics, Mr. Speaker, will help pinpoint the causes of this poverty. Social security payments are practically the sole source of cash income for almost one-fifth of aged couples and one-third of the unmarried aged, those who are widowed, divorced, or who have never married. The average monthly payment for a retired worker is little more than $76 a month, or $912 a year. Married couples living on social security alone received an average income of $129 a month, or $1,548 a year. Thirty percent of all aged couples, or 3 families out of every 10, had incomes less than $2,000 a year. And economists have taken $3,000 as a figure denoting the poverty line.

Cold statistics do not tell the whole story. They do not describe the lives of these social security beneficiaries who are trying to live on less than $80 a month per person with constantly rising expenses. Statistics cannot convey any impression of the constant fear of illness and unforeseen emergencies which could make it impossible to save enough out of the monthly benefit check to buy enough food.

Nearly two-fifths of the persons who are receiving old-age assistance already have social security benefits. Three-fifths of all new applications for old-age assistance are from individuals who have social security protection. They have found that social security cannot give them the bare necessities of life. This is a picture of poverty, a clear portrait of inadequate benefits under social security.

Obviously my bill will not solve all the financial problems which beset the aged. No increase in social security could do that, because social security is not designed to serve as a fund for unexpected emergency expenses. But a 10-percent across-the-board increase in benefits would at least allow the aged, the widows, and the disabled to buy the necessities of life, to eat enough food, and enjoy a few of the small luxuries which the rest of us take for granted.

The increase in social security benefits would not only help the aged but it would pour more funds into the economy in the same way that the tax cut did. The extra money each month would be spent. Furthermore, a portion of the one and a half million people over 65 might be able to retire if benefits were raised. Too many today want to retire, but do not feel that they can afford the loss of steady wages. The jobs released by more retirement would be available to the unemployed.

A 10-percent increase in benefits is not only a moral duty, but a logical correction of an inequity. It has been an established principle, both in original concept and in operation to maintain the purchasing power of social security benefits. Benefits have not been increased since 1958: during that time, the consumer price index has risen by over 6 percent. It is obvious that benefits still paid in 1964 dollars but at a 1958 rate will not buy as much as it once did. The aged, who cannot rely on wage increases or greater profit margins, are left far behind in the growing prosperity.

Not only has the cost of living increased since 1958 but the general standard of living has gone up. American families are better off than ever before. We are able to spend more on education, recreation, and the other benefits of a material civilization. But the aged, who helped to bring about this prosperity, do not share in its blessings. Their budgets do not include sums for recreation, entertainment, and travel. Too many of the aged must rely on old-age assistance, medical assistance for the aged, and the charity of those who love them. This is not right, when a 10-percent increase in benefits will do much to relieve their financial difficulties.

An increase in the general level of benefits would almost immediately reach almost 80 percent of the retired aged population. It is not difficult to imagine the increased spending this would engender; and let me emphasize once again that this spending would not be for luxuries, but for the necessities of life. We can no longer feel complacent about our social security system when so many elder citizens need outside assistance, or are forced to live a cheerless existence on their small monthly payments.

A general 10-percent increase in benefits would help some who do not need the increase. But prosperous elder citizens do not make up a large proportion of the total, and there appears no justifiable alternative to a general rise in benefits.

An increase in benefits, Mr. Speaker, will not perfect the social security system. I have introduced other legislation designed to modernize the social security system and rid it of the anomalies and inequities which make it unfair in operation. I would reduce the retirement age, thus providing further jobs for those who need them desperately and releasing older workers who would benefit from a few more years of leisure time. I would remove the penalty for earnings after retirement age is reached and give benefits to dependent children over 18 until their schooling is finished. I would allow Federal employees to enter the social security system, if they wished.

Finally, Mr. Speaker, let me reiterate the purpose behind an increase in social security benefits. The aged form too great a portion of the poor; they also must gain new hope from the war on poverty. Increased benefits will give them this hope, and lessen their financial burdens. I hope that the Ways and Means Committee will give this legislation serious, immediate, and favorable consideration.

WAR ON POVERTY TO CONVERT THIS REPUBLIC INTO A SOCIALIST WELFARE STATE

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, President Johnson's announced war on proverty appears to be the final step in converting this Republic into a Socialist welfare state. It is an admission that the Democratic Party since 1933 has been unable to attain the goals of economic growth through the free enterprise system, which is the American way of life. President Johnson is very adept at dealing with opposites. He appears on national television with a glowing report of prosperity and great economic gains, and, with only a change of scenery, he reappears from the wings of the theater with a devastating presentation of abject poverty.

You can rest assured that the European press, both in the free countries and the Communist countries, is picking up only the story of "America, the land of poverty," and is using it to prove that the capitalistic system is a failure and that Marxism is the only answer to the fulfillment of happiness.

The President returned from a 2-day trip to Appalachia where great unemployment and much poverty does in fact exist. He announced that he was amazed at the crowds that came out to great him. He apparently did not realize that he was regarded as Santa Claus with a pack on his back, overflowing with taxpayers' money to be given away for the asking. The President's economic adviser, Walter Heller, says that poverty is a national disgrace. Poverty is not a disgrace. It is a misfortune, but it cannot be resolved by a national dole. The only disgrace is that our Government has been unable to create a favorable climate in which business can have confidence in Government and can expand.

Examining some of the legislation passed by Congress, it appears that we have done much to curtail economic growth and create unemployment. Among these is the refusal to grant a tax deduction for salaries paid to domestic help and caretakers. A million jobs would be immediately available to the lowest economic segment of unskilled labor, without any capital investment, if such a deduction were permitted. Minimum wage has created unemployment for those persons unskilled and unable to perform work at the minimum wage, even though they would like to work for less but are forced to go on welfare. Our uncontrolled imports from low-wage countries have caused widespread unemployment. For example, pig iron is coming into America from East Germany at $35 a ton, as against $70 a ton for American-produced pig iron. Imported fabricated steel from modern mills, built with our foreign aid money, is also causing unemployment in our steel centers.

The welfare state is not a Utopia. It is a condition bordering upon slavery, and can only be maintained by external force. As proof of this, I suggest you examine the welfare state which exists in your State penitentiaries where the unfortunate inmates are supplied with food, clothing, lodging, medical care, and free burials. The only thing that is lacking is liberty. There are bars on the windows and a 24-hour guard—not to keep the people out of this Utopia, but to keep them in.

A number of European Socialists, among them Gunnar Myrdal of Sweden, are most welcome guests in Washington, to advise the Supreme Court on sociological decisions which have nothing to do with our Constitution, and to advise the administration on how to eliminate poverty through socialism. No one in America knew there were 30 million Americans living in poverty until there foreigners told us so.

Nothing can destroy initiative and self-reliance more quickly than a government dole. The more you do for people, the less they will do for themselves. Poverty and indolence expand proportionately with the expansion of welfare programs. This is evident in the fact that, last year, total welfare in the United States exceeded $43 billion, and there is more poverty today than there was 30 years ago when less than a quarter of that amount was being spent on welfare.

The President has presented to Congress a package bill which creates an Office of Economic Opportunity in the Executive Office. The Director would have wide discretionary authority in administering the act, and allocating the $962.5 million to be appropriated for the first year. There are no matching requirements for the State and local agencies. The OEO would be a super-duper Federal bureaucracy, superimposed upon the now existing 42 Federal programs that have a direct application to poverty, even though these 42 programs would remain under the existing agencies rather than under the new one, and there is no authority for the Director to coordinate these programs under the new OEO.

To open this assault on poverty, its Director, Sargent Shriver—now General Shriver—arrived at Capitol Hill in a chauffeur-driven 1964 Cadillac. Concurrently, the President demanded a $7,500 a year increase for Congressmen together with other salary increases amounting to $500 million. If my fellow men are living in poverty, I cannot support these salary increases.

You will note that the $962.5 million to be appropriated for poverty, is only a 2½-percent increase in total welfare spending, and would not be a drop in the bucket. The objectives of the poverty bill can best be achieved by Government's encouragement of local initiative and by the long-range improvement of Government-business relationships aimed at stimulating general economic growth—rather than by welfare types of approaches which have been tried in the past and proved unsuccessful.

We are advised by the planners that the Puritan ethic of working for a living "by the sweat of our brow," is as outdated as they say the Bible is. I will not accept the belief that a system of moral principles should be abandoned for materialism.

I would like to close with a message to Congress written by a former President over a century and a quarter ago, when this Republic was faced with the same problems:

> WASHINGTON, D.C.,
> *September 4, 1837.*
>
> *To the Congress of the United States:*
>
> All communities are apt to look to government for too much. Even in our own country, where its powers and duties are strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent Constitution and the people who approved it with calm and sagacious deliberation acted at the time on a sounder principle. They wisely judged that the less government interferes with private pursuits the better for the general prosperity. * * *
>
> It is not its (the Government's) legitimate object to make men rich or to repair by direct grants of money * * * losses not incurred in the public service. * * * Its real duty—that duty the performance of which makes a good government the most precious of human blessings—is to enact and enforce a system of general laws * * * and to leave every citizen and every interest to reap under its benign protection the rewards of virtue, industry, and prudence.
>
> MARTIN VAN BUREN.

CIVIL RIGHTS

Mr. ALGER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, recently the Dallas Morning News printed a series of 10 editorials on the civil rights bill. These articles were written by Ken Thompson, one of the editorial writers on the News. Because they present some well expressed views on a very vital matter, I include them in the RECORD for the convenience of all the Members.

Before the final decision is made on the so-called "civil rights" bill now being debated by the other body, we should try to take a sober and thoughtful look at the legislation and what it may do to the rights of all the people. It is unfortunate that such a basic issue as the rights of the people as guaranteed by the Constitution should be so charged with emotionalism; that it should be used for political reason; and prostituted by some for financial gain or some other motive not consistent with American principles.

The editorials from the Dallas Morning News presents such a sober and thoughtful study and I commend them to all who are interested in really preserving the rights of our people and the

integrity of the Constitution. The editorials follow:

TEN EDITORIALS ON CIVIL RIGHTS

I

For the next several days the News will present a series of editorials on the civil rights bill, which has been called the most important piece of legislation ever to be considered by the Congress. It has passed the House and faces lengthy debate in the Senate. Each section of the bill will be analyzed editorially. The series represents weeks of digging and research, including a penetrating study of legal cases and court decisions back to 1875 pertinent to provisions of the bill.

We hope readers will find our conclusions logical and fair; certainly they are sincere and are expressed with the best of intent.

Our opinion of the bill is quite critical. We think that if our readers will take the time necessary to study this analysis, they will understand why we have formed this opinion. We further believe that they will probably reach the same conclusions, for to understand this bill is to oppose it.

Our opposition, like that of many other major dailies, is based upon many factors. If we were required to single out one overriding fault, we would have to express it with an old adage: "The road to hell is paved with good intentions."

We question neither the motives nor the goals of the bill's supporters, but the methods they have chosen to achieve them. In a free and intelligent society the ends do not justify the means. We are convinced that many who support this measure today as a means to achieve "civil rights" will live to see it invade their own liberties tomorrow. Someday we fear they will regret what they are now doing.

From the beginning the measure has been shrouded in propaganda. It repeatedly was called a compromise or watered-down version of the original, though it is, in fact, much broader and more radical.

It was hurried through the House without an opportunity for full discussion, debate or amendment. Its sponsors adopted a policy of making no concessions because they felt that the Senate, in its long deliberation on the matter, would be able to catch their errors.

That is a poor way to legislate. In the Senate, supporters of the bill have tried to cut off debate and send the measure, unaltered, to the President—signed, sealed, and delivered as quickly as possible.

Is speedy justice a virtue? Apparently that is what some of the bill's sponsors believe, for they have urged haste at every turn, using the excuse that necessity and expediency demand it.

As Representative JOHN DOWDY of Texas has wisely noted: "Necessity is the plea for every infringement on human liberty. It is the argument of tyrants and the creed of slaves."

If passed, this bill will represent a concession to pressure groups, rather than a reflection of faith in our own people and institutions.

Its passage may not mark the destruction of a free society or the burial of constitutional principles, but it surely will be an invitation for an insatiable assault upon what remains of them.

This is perhaps the most far-reaching bill that Congress has ever considered seriously. It will insure broad extension of Federal power over States, local government, businesses, unions, and individual citizens. Most people have the impression that this bill would affect only the other guy—a handful of fat cats who own segregated theaters or hotels, or crooked politicians who won't count all the votes. Don't kid yourself.

This bill will affect virtually every person in America who owns a home or business, belongs to a union, works for the Government, offers goods or services to the public, borrows money from the bank, sends his children to school, votes in elections or receives any kind of assistance from the Government—whether it's an unemployment check, a farm subsidy, social security, or even an indirect guarantee of a loan or mortgage.

Like an iceberg, 10 percent of this bill is on the surface and 90 percent below. If the 10 percent is "'civil rights,'' the 90 percent is a brazen grab at Federal power and an invasion of rights and liberties most of us take for granted.

The centralized Government and authoritarian control this bill could make possible is the same kind of government and control that has produced slavery and oppresssion in the past.

Civil rights leaders who advocate this solution to their problems should take note of this, and pay heed to the advice of a young Congressman from Ohio, JOHN ASHBROOK, who remarked a few weeks ago that "there is no intolerance and injustice which can match that of an all-powerful government in the hands of men bent on imposing their will on a free people."

II

The right to vote is basic to our society. Yet, that right is not absolute. Children and convicts, for example, are not permitted to vote. A resident of one State cannot vote for officials of other States. In all States a minimum term of residence is required to qualify as a voter. These limitations—and others—are set by the individual States, as the Constitution of the United States prescribes.

Title I of the civil rights bill now before the Senate deals with voting rights and broadens the power of the courts and the Federal Government to prosecute those accused of denying them.

It also lays down rules on the use of literacy tests as a requirement for voting, establishes a sixth grade education as sufficient qualification for registering and would give Federal officials the authority to standardize other qualifications for voters throughout the United States.

Supposedly, the first section of the civil rights bill will apply only to Federal elections or to elections of Federal officials. And yet it would affect State and local elections in the 46 of our 50 States which hold State and Federal elections on the same day.

Even if this were not true, the bill would constitute a violation of constitutional intent. The Constitution clearly and carefully specifies that the power to set qualifications for voting in all elections—including Federal elections—rests with the States, not with the Federal Government.

Article I, section 4 of the Constitution states: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof."

Article I, section 2 specifies: "Electors (voters) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." In other words, those qualified to vote for State legislative candidates are qualified to vote in Federal elections, and whatever qualifications are required by each State for the first type of voters must be required for the latter type.

When Congress passed the 24th amendment, abolishing the poll tax, it acknowledged that the proper way to alter the authority of States to set election qualifications is by amending the Constitution. It is, in fact, the only way.

A major criticism of the civil rights bill is that it changes by legislative fiat parts of the Constitution that can be altered only by the amendment process. In their haste, civil rights advocates are taking the low road.

The Supreme Court, in a series of decisions stretching from 1884 to 1959, repeatedly has declared that the States possess the right and authority to set voting requirements, and that this right and authority cannot be usurped by the Federal Government short of a constitutional amendment.

The Supreme Court has also uniformly upheld that States have the constitutional right to use and require literacy tests for voting, yet this bill would virtually abolish them.

Perhaps the most pertinent criticism of this portion of the bill is that there is already abundant law on the books to deal with vote fraud, intimidation, and chicanery. There was sufficient law on the books even before the 1958 and 1960 Civil Rights Acts were passed.

The real purpose behind this section is not to protect voting rights, but to transfer the authority for setting voter qualifications from the State to the Federal level. Once this transfer of power is granted, it will not be long before the Federal Government will control and standardize every aspect of voting in the United States—age limits, residence requirements, precinct convention rules, primary filing fees and the rest.

And once that happens, the States will have lost one more of the prerogatives granted to them by the drafters of the Federal Constitution.

III

"It is part of a man's civil rights that he be at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice, or malice."

This statement was recorded years ago by an eminent jurist, Thomas M. Cooley, chief justice of the Michigan Supreme Court, professor of law, history, and political science at the University of Michigan. Cooley also served 4 years as chairman of the Interstate Commerce Commission.

Ironically, the interstate commerce clause of the Constitution is one of the two principal props on which supporters of the civil rights bill justify the provisions of title II, dealing with "public accommodations."

This section would compel most private businesses to serve all comers, with a threat of fines and jail sentences for all who refuse to serve customers on the basis of race, religion, color, or national origin.

The commerce clause gave Congress the power "to regulate commerce among the several States." But the purpose of this bill is not to regulate commerce; it is to prohibit discrimination.

It may be argued that the clause has been misapplied before, but two wrongs—or rather four—do not make a right. Twisting of the purpose of this clause began a long time ago: First to regulate carriers in which goods were hauled, then the goods themselves and later the conditions under which they were manufactured. Now the civil rights bill would use the clause to impose a requirement to serve.

The only time this requirement to serve has been imposed before has been in the area of public utilities, which usually have been granted exclusive, monopoly franchises and are placed in a special category before the law.

Since their customers are guaranteed—and have nowhere else to go for service—the Government has rightly imposed a requirement to serve. No parallel can be drawn here to justify imposing this requirement on all other private, competitive businesses.

The second prop on which title II rests is the 14th amendment, which prohibits the States from denying citizens "equal protection of the laws."

The 14th obviously refers to State-enforced discrimination, but this bill proposes to deal strictly with private acts of discrimination. Wherever State governments require private businesses to discriminate or segregate, there is room for Federal action. But that is not the issue here.

Sponsors of this portion of the bill make no distinction between private acts of discrimination and State action. They assume, in fact, that the two are the same. Such an assumption can lead only to the conclusion that private acts and private property, in reality, no longer exist.

The Supreme Court repeatedly has held that the 14th amendment applies only to discrimination enforced or required by a State. The Court consistently has said that private acts of discrimination cannot be punished. In an opinion frequently cited, the Court declared that the 14th amendment "creates no shield against merely private conduct, however discriminatory or wrongful."

When Congress passed a force bill in 1875 almost identical to the public accommodations section of the current civil rights bill, the Supreme Court declared it unconstitutional, ruling that "no countenance of authority for the passage of the law in question can be found in either the 13th or 14th amendment."

It is possible to defend the right of a man to discriminate privately without defending discrimination itself. Part of everyone's freedom is his right to choose or be prejudiced.

The man who buys union-made products only, or buys Fords instead of Chevrolets, discriminates—and probably imposes a more direct burden on interstate commerce when he does so.

When prejudice is made a crime, how much longer will it be before it is also a crime to hold unorthodox political or religious views? After the Government makes it compulsory for a businessman to sell to certain groups, will it next compel him to buy from them?

Representative JOHN ASHBROOK, Republican, of Ohio, notes that supporters of the civil rights bill have argued that the Government must protect human rights to the point even of abolishing property rights, if necessary.

"History," ASHBROOK reminds, "indicates that there have never been human rights in any society or government which did not have respect for property rights." The Congressman summed up his own opposition to this section of the bill by quoting from a 1950 circuit court ruling which brings the whole issue into proper focus: "We had supposed," said the court, "that it was elementary law that a trader could buy from whom he pleased and sell to whom he pleased, and that his selection of seller and buyer was wholly his own concern."

IV

Not long ago, Attorney General Robert Kennedy told the House Judiciary Committee that the proposed civil rights bill contained provisions which would grant more power than he needed or wanted, and more than any Attorney General should safely have. "One result," he said, "might be that State and local authorities would abdicate their law-enforcement responsibilities. This, in turn, if it is to be faced squarely, would require creation of a national police force."

One of the portions he may have had in mind is title III of the civil rights bill, which deals with desegregation of public facilities and would grant the Attorney General vast new powers.

An idea of the extent of those powers, the scale of Federal intervention involved and the size of that national police force which may be necessary was suggested by a proposed amendment to the bill offered a few weeks ago in the House. The amendment specified that the President would be empowered to appoint 500 additional Federal district judges to handle the anticipated increase in civil rights cases and to spend $100 million for the erection of jails, prisons, and compounds to hold those found guilty of violating the act.

Among the vast new powers granted to the Attorney General in this section of the act is the authority to initiate suits, even though no complaint may have been registered, in any matter he believes to involve the denial of rights or equal protection of the laws.

Similar powers were sought when Congress considered civil rights legislation in 1957 and 1960. In both instances, they were rejected.

In effect, the Attorney General could drum up all the business his office could handle and shop around the country for judges to try his cases. "This section of the bill," says Senator ELLENDER, Democrat, of Louisiana, "is tantamount to giving official recognition to the NAACP as a legal-aid society of the Federal Government, while at the same time relieving it of any of the hardships litigants in court cases normally bear."

In civil rights cases, the Justice Department would handle the plaintiff's case or pay the expense, while the defendant would be left to his own resources. This, in itself, is judicial discrimination of the worst kind.

But that's not the least of the hardships to be borne by the accused. While under other provisions of the bill jury trials would not be guaranteed, under this section they are specifically denied.

One of the bill's supporters, Representative GILBERT, explained that jury trials are unnecessary because title III involves the enforcement of "existing constitutional rights." Representative CELLER added that jury trials had been authorized for other parts of the bill "as a matter of grace, not a matter of right."

Thus, in their quest to secure what is called a "civil" right, supporters of this bill are willing to ignore or deny other "existing constitutional rights"—which, in case Representative GILBERT has forgotten, the guarantee of a trial by jury also happens to be.

Only limit on the Attorney General's power to bring suits under this provision is that he must make certain findings and certifications first. But this requirement would amount to virtually nothing.

A report prepared by the House Judiciary Committee's majority which endorsed the bill let the cat out of the bag by stating: "It is not intended that determination on which the Attorney General's certification is based should be reviewable."

In other words, the basis for his findings—the only limit imposed on him by the bill—is not to be made public, is not subject to review and might as well not exist, for all practical purposes.

On the basis of unknown, unnamed, and perhaps nonexistent complaints, the full power of the Attorney General's legal facilities can be unleashed on a defendant who may never know the identity of his accuser or the nature of the accusation.

Talk about discrimination. In the hands of an unscrupulous Attorney General such powers would be dictatorial. This, even proponents of the bill concede, though they quickly assure that there is nothing to fear. Such powers, they insist, will only be used in a worthwhile cause.

These assurances are not sufficient. Liberty is too precious to take the slightest gamble that a tyrant will never be in a position to wield powers given to a benevolent ruler. If history has taught us one lesson, it has demonstrated over and over again that powers granted have been powers used.

V

Benjamin Disraeli once remarked that he hated definitions, and Samuel Johnson declared almost a century earlier: "It is one of the maxims of the civil law that definitions are hazardous." Though they may be both hated and hazardous, definitions are often a necessity. Surely when we are dealing with a law which would affect most of our citizens, the essential terms of that law should be defined.

This is one of the major faults of the civil rights bill. Though the bill, if it becomes law, will make "discrimination" a crime, there is not a single adequate explanation or definition of the word "discrimination" in the bill.

Every person accused of committing a crime in this country has the constitutional right to know the nature of the accusations brought against him. And every citizen has the right to know what the law considers to be a crime, so as to avoid committing one.

Nowhere in the bill is this problem of definitions more severe than in title IV, which deals with desegregation of public education. This portion of the bill would speed up the process started by the Supreme Court 10 years ago when it handed down the historic *Brown* v. *Board of Education* ruling. Under the old "carrot and stick" theory of government, title IV of the bill (and to some extent title VI) would combine attractive inducements with a threat of penalties to "achieve desegregation" in our schools.

But what is "desegregation," at what level is it "achieved," and when is the process complete?

Does desegregation mean the ending of State-enforced segregation, a condition under which the doors of a public school are barred to every Negro? If this is the meaning, then the bill would be entirely consistent with the Supreme Court's 1954 decision.

But in that event, the bill would be unnecessary, since the Court held that laws already on the books are sufficient to prevent total, State-enforced segregation.

Does desegregation mean the ending of "de facto" segregation or the ending of racial "imbalance" by shuffling school districts and shuttling schoolchildren from one part of a city to another? If this is the case—and it appears to be—then the bill is devoid of legal, judicial, or commonsense precedent.

Both the aims and the emphasis of the so-called Negro revolution have changed radically in the past decade. Where civil rights advocates once asked for "equality before the law" and called for an end to State-enforced acts of discrimination, they are now demanding that the State discriminate in their favor by trampling on the rights of other citizens. Back in the old days when the Supreme Court was more interested in law than election returns and sociology, it declared that there must be some point on the road to equality at which the Negro "takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights, as a citizen or a man, are to be protected in the ordinary modes by which other men's rights are protected."

But even as recently as 1954 in its famous school decision, and in subsequent rulings, the Supreme Court has not told local school boards what they must do; it has told them what they must not do. There is an important difference.

The Court has merely said that public schools cannot segregate and that States cannot enforce segregation. It has not told the schools or the States to achieve anything, or to "balance" school enrollment by race. Laws which say it is a crime to libel an individual do not mean you have to say something nice about him.

Under this section of the bill, the Commissioner of Education would be authorized to spend whatever amount of money he chooses to "overcome special educational problems" which accompany desegregation.

The Attorney General could throw the full weight of the Justice Department behind any person in search of a free lawsuit. Even private schools would be affected if they or their students received any form of aid from the Federal Government. This part of the bill could, and probably will, result in interference by Federal officials in the hiring of teachers by local school boards.

Are these matters the sort of thing intended by those who wrote, passed, and ratified the 14th amendment, now used to justify this section of the bill? That question can be answered by citing a simple historical fact: Many of the States which ratified the 14th amendment had totally segregated schools.

VI

Civil rights leaders say that what Negroes need more than a seat at the front of the bus or at the counter of a segregated lunchroom is jobs. This is true, for stable and adequate employment is necessary for economic and social progress. Negroes suffer more than any other group from unemployment.

The supposedly all-encompassing civil rights bill now before the Senate, unfortunately, would do almost nothing to relieve this No. 1 problem of the Negro.

While one section of the bill deals with employment, the bill itself would not create a single bona fide job for members of a minority. As Representative ALBERT WATSON, Democrat, of South Carolina, remarked recently in the House: "The only jobs it will create will be those on the commissions established therein and the additional Federal marshals and judges necessary to enforce it."

Several sections of the bill—notably titles V and X—would create new jobs, in the form of new additions to an overstaffed Washington bureaucracy. Title V would extend the life of the U.S. Commission on Civil Rights for 4 years. Title X would establish a new Federal Community Relations Service to aid local communities in resolving their racial disputes.

Both sections are innocuous. Neither, as far as we can determine, is unconstitutional or would seriously impinge on the rights of some of our citizens while promoting the rights of others.

There are already 179 community-relations commissions working on racial problems at the local level of government in the United States. Is another really needed in Washington?

The proposed Federal commission is almost sure to foist more unwanted paperwork on businessmen and other private citizens, as well as the bureaucrats. It is doubtful whether services of this new agency would be any help to southern communities trying to solve the problems which uninvited outsiders have already intensified.

One of the few major achievements made by the Civil Rights Commission since its establishment almost 7 years ago was the drafting of a series of proposals sent to the late President Kennedy a year ago. The main item was a recommendation that the President cut off all Federal funds to any State or area where discrimination can be found.

President Kennedy rejected the proposal, saying "it would probably be unwise to give the President of the United States that kind of power." In spite of this rebuff, the Commission has been successful in convincing authors of the current civil rights bill to incorporate that kind of power into one of the 11 titles of the bill.

Another example of the Commission's work came to light last year, when one of its subordinate agencies in Utah sent out questionnaires to sororities and fraternities in that State demanding to know how they select and screen members.

This drew sharp protests from Congressmen who felt that prying into the affairs of strictly private social organizations was not part of the role assigned to the Commission when it was set up in 1957. Commission officials insisted they had the right to do this kind of thing—and plenty more.

Just what other things the Commission—and the Community Relations Service—will do in the next 4 years is anybody's guess. But Representative WILLIAM TUCK, Democrat, of Virginia, predicts that they could "turn loose on the people of the Nation a swarm of investigators, detectives, hawkshaws, and inspectors with unlimited authority to inaugurate inquiries, to harass the people, to issue subpenas, to bring miscreants before Federal judges and have them enjoined, fined, and imprisoned and otherwise to intimidate, bullrag, and torment an already-aggravated citizenry."

Mr. TUCK's fears may be exaggerated, but they sound familiar. As the Chicago Tribune has noted editorially, another group of aggravated citizens once charged that their ruler had "erected a multitude of new offices, and sent hither swarms of officers to harass our people." The ruler was George III, the grievances were listed in the Declaration of Independence and, who knows, Jefferson, Adams, Hancock, Franklin, and the other signers might feel the same way about the civil rights bill if they were alive today.

VII

There are so many unconstitutional and unprecedented parts of the civil rights bill that it is hard to single out one or even a few that could be called the worst sections. Certainly title VI of the bill—which would give the President and members of his executive branch in Washington the power to cut off funds for any project financed directly or indirectly by the Federal Government in any areas where they believe discrimination exists—is among the worst. One of the bill's supporters, Representative ROLAND LIBONATI, Democrat, of Illinois, admitted: "This is the enforcement section of the whole bill."

The Chicago Tribune terms it a $100 billion blackjack to club the American people into submission. It is quite possible that if every other section of the civil rights bill were eliminated and this section retained as is, supporters of the entire bill could still achieve all they are after.

Authors of this section believe that the States and individual citizens will wipe out the last vestiges of public and private discrimination, rather than lose their cut of the $100 billion Federal pie. And in this section they have given the President the power to withhold any and all funds spent "by way of grant, contract, loan insurance, guarantee, or otherwise," by the Federal Government. That word "otherwise" pretty well covers the field.

The purpose is not simply to insure that Federal programs are nondiscriminatory. It is to use the power of the purse—via programs which have nothing to do with civil rights—to compel social reform.

States, regions, communities, businessmen, homeowners, and other individual citizens could lose grants or contracts, be blacklisted, have their credit withdrawn or their loans called if a Washington bureaucrat decides they have discriminated. The decision would be unconditional; there would be no hearing or other opportunity for defense against the charge. Don't Federal agencies already have enough arbitrary power without this?

If a Defense Department official decides that General Motors is "discriminating" because it hasn't hired or promoted a certain quota of Negroes, GM could find all its Government contracts canceled. If a school district doesn't balance its minority students to the satisfaction of someone else in Washington, its Federal free lunch or milk funds could be stopped. If another official decides that Mississippi registrars are denying Negroes the right to vote, unemployment or social security checks for everybody in Mississippi—Negroes as well as whites—could be withheld.

Millions of Americans have more than $100 billion worth of mortgages on their homes which are linked to some Federal program. On November 20, 1962, the late President Kennedy issued an Executive order prohibiting "discrimination" in the sale or rent of about 30 percent of all mortgaged homes.

But if title VI of this bill becomes law, the same prohibition will cover almost every mortgaged home in America. A man's home, if it ever was, will no longer be his castle.

The idea behind title VI is credited by some to Attorney General Robert Kennedy who speculated, in a London speech, about the possibility of withdrawing Government funds as a club to use on Southern States. When the Civil Rights Commission recommended the same thing in the spring of 1963, President Kennedy flatly rejected the idea. He pointed out that it would penalize the innocent along with the guilty, the many for the unlawful or undesirable conduct of the few; that it would be a severe violation of due process.

"I don't have the power to cut off aid in a general way, as proposed by the Civil Rights Commission," he said, "and I would think it would probably be unwise to give the President of the United States that kind of power." A few months later he made a 180° turn, decided that what he had called "unwise" in April was "essential" in June and asked Congress to give him "that kind of power." President Johnson seems to want "that kind of power" too.

If Congress gives it to him by approving title VI of the civil rights bill, the only satisfaction we will have will be the knowledge that an age-old dispute has been settled once and for all. The same people who have denied over and over again that Federal aid equals Federal control will have demonstrated for all eternity that "he who pays the piper calls the tune."

VIII

Fifteen years ago, on March 9, 1949, Lyndon B. Johnson rose in the Senate to speak against the Fair Employment Practices Commission section of a civil rights bill.

"To my way of thinking," he said, "it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee. I do not think the proposed law is workable * * * I am convinced it would do everything but what its sponsors intend."

Senator Johnson concluded his remarks on the FEPC proposal by saying: "I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again."

Everyone, of course, has a right to change his mind, and many things can be altered over the period of 15 years. But it is ironic that the man who hoped the Senate would never have to consider FEPC again is today urging the Senate to approve it.

Title VII of the civil rights bill, a revival of the old FEPC plan—would establish an Equal Employment Commission with powers to police employment and membership practices of private businesses, unions, and employment agencies. The Federal Government, which is already a silent partner in American business—taking more than half of all corporate profits—is going to assume a larger role.

Though there is no constitutional authority to justify it, no precedent, no Federal money or contracts involved, the power to dictate hiring, firing, and promotion policies of businesses, labor unions, and even employment agencies is asked.

The Commission's agents could invade private business property, rummage through the records, question employers and employees, and conduct investigations. It will be authorized to do these things even if no complaints are made alleging discrimination.

Competence and experience no longer will be the keys to employment. Race will become the primary criterion. With virtually unlimited powers, the Commission could require businesses to go out and recruit workers of a certain race if those businesses have what Washington considers to be an "imbalance" in employment. And this won't affect just wage earners. The Commission could decide that every fair-sized bank or corporation in the country must hire at least one Negro vice president.

Under title VII, the Government could presume that an employer or a union is "discriminating" if the percentage of minority workers or members fails to match up to the Commission's standards or quotas, irrespective of any other facts involved.

Yet, nowhere in title VII—or any other part of the bill, for that matter—are any standards or definitions given for judging what "discrimination" is. No quotas are set. And no proof or evidence is required of the Commission before it can accuse an employer, a union, or an agency of bias.

At best, businessmen and union leaders will have a difficult time knowing what is expected of them. At worst, they could be summoned to court, tried without a jury and fined or imprisoned. Even if acquitted, the accused will have to bear legal and court expenses. In fact, it is entirely possible that a malicious group of persons could make repeated charges of discrimination against a guiltless employer for the sole purpose of tying him up in endless and costly litigation.

With respect to unions, no matter how careful and spotless their records, they will be affected whenever the companies which employ their members are accused of discrimination.

If an employer is ordered to hire, say, 100 Negro workers, the union which supplies his labor must supply only members of that race—though union members of other races may have more seniority or better qualifications.

But, all things considered, labor gets off, under title VII, with a relatively light sentence. Drafters of this section, for example, might have tried to stamp out discrimination against job applicants who don't want to belong to a union. One might think that would be a logical part of any "equal employment" law. Instead, civil rights proponents have limited their concern to race—a concern which could lead to preferential hiring and promotion practices for minorities.

We're reminded of the famous line from George Orwell's "1984" to the effect that everybody is equal, but some are more equal than others.

IX

A major fault of the civil rights bill now before the Senate is that some of its provisions, which appear to be innocent reforms of minor problems, would open a wedge for considerable mischief or could be used for purposes which even the strongest supporters of this bill do not advocate.

This is the main defect of both title VIII and title IX—probably the least understood sections of the bill. They might be called the bill's "sleeper" provisions.

Title VIII would direct the Secretary of Commerce and the Census Bureau to conduct voting surveys "in such geographic areas as may be recommended by the Commission on Civil Rights." There is no doubt at all what "geographic areas" would be the targets of title VIII: the Southern States, and the Southern States alone.

When an attempt was made in the House to amend the bill so that it would cover all areas of the country, outlawing vote frauds in Chicago as well as Birmingham, northern liberals complained that this would be an invasion of their States' rights and promptly voted down the amendment. In their desire to end discrimination, civil rights advocates have become highly discriminating themselves.

The purpose of the voting surveys? It is to invoke a punitive provision of the 14th amendment which has never been used since its ratification in 1868. Section 2 of the 14th amendment says that when the right to vote for Federal and some State officers is abridged or denied, the number of seats in Congress held by the offending State or States shall be reduced in proportion to the number of citizens disfranchised.

Taking a hypothetical case, let's say there are 1,500,000 Negroes in Texas eligible to vote in a certain year. Suppose a Census Bureau survey shows that only 250,000 of them are registered. The Civil Rights Commission might conclude that the rest were disfranchised and decide that Texas should lose three seats in Congress, since the number of Negroes not registered would about equal the population of three average congressional districts. This sort of thing probably won't happen, but it could.

Aside from making the point that the Census Bureau is not and should not be a civil rights agency—though this part of the bill would make it one—the major argument against title VIII is that the size of each State's congressional delegation, as the 14th amendment itself explains, is based on the total population of each State, not the number of people who vote or register to vote. This includes children, convicts, and others who are legally ineligible to vote.

In States where one party is dominant and election results are foregone conclusions, fewer people are interested in casting a ballot. Should those States be penalized by losing representation in Congress? Since the people in those States would still be required to pay taxes, they would be justified to revive the rallying cry of the American Revolution—"taxation without representation," which our forefathers called "tyranny."

Title IX of the bill is equally discriminating, though it would touch virtually every part of the Nation. It would give civil rights defendants special permission—not granted to any other litigant—to have their cases removed from State courts to a Federal court of appeals even after those cases have been taken to a Federal court but returned to a State court by a Federal judge.

This, in effect, would strip the Federal district judiciary of the right to decide whether a case belongs in State or Federal court. It would also strip States and local governments virtually of all of their power to deal with the unlawful aspects of civil rights demonstrations. Representative WILLIAM TUCK, Democrat, of Virginia, says: "It leaves the States and the local law enforcement authorities of the States absolutely without any police power."

Purpose of this section obviously is to permit sit-inners, lay-downers and other such demonstrators almost unlimited legal delay so that no effective action can be taken against them in the interest of law and order.

It is doubly discriminatory, in that it gives civil rights litigants a privilege enjoyed by no other group and attempts to slow down the judicial process for them where, in almost every other respect, the bill calls for judicial haste.

According to the Chicago Tribune, this section of the bill "constitutes a license for virtually unlimited civil disorder and makes racial agitators a privileged class before the law. It turns communities over to street mobs."

X

The Dallas News today concludes its editorial series analyzing the civil rights bill now before the U.S. Senate. The analysis has covered every portion of the bill except title XI—a catchall section designed to square the bill with other Federal laws, court decisions and State ordinances, and to appropriate funds for its enforcement.

Only criticism of this section is that it would authorize an open-end appropriation, giving enforcers of the law a blank check to spend whatever funds they desire, rather than a limited, specified amount.

In this series, we have pointed out many of the bill's faults and shortcomings. Objections fall logically into three categories:

Parts of the bill—notably titles II and VII (public accommodations and FEPC)—are clearly unconstitutional. They deal with discrimination by individual citizens in their own affairs and on their private property. There is no need, no precedent, no justification for the Federal Government to become involved in this area or to attempt to control this type of discrimination.

Other parts of the bill—on voting, schools, public facilities, etc.—are aimed at discrimination which is wrong in an area where the Government has a legitimate excuse to act. But in most cases, the remedy is worse than the illness, for it would dangerously increase the powers of the Federal Government and its executive branch. It would upset our vital system of checks and balances and violate rights which are every bit as important as "civil rights."

The remainder of the bill, while not unconstitutional and partially justified, is, for the most part, unnecessary, costly, and would encourage meddling in private affairs by Federal agencies which are already overstaffed.

Other specific faults pinpointed in the series include: Definitions are not supplied and grants of power are vague or without limit; States would be stripped of their enforcement powers; the courts would be clogged; the President and the Attorney General would be given powers never before contemplated; minorities would be given rights and privileges enjoyed by no one else, while property rights, the guarantee of a trial by jury and other basic liberties were destroyed; due process would be denied, punishing the innocent along with the guilty.

A basic pillar in American liberty is the proposition that a citizen is presumed to be innocent of any charge, until he is proved guilty. But there are places in this bill where the innocent are presumed to be guilty—and must prove themselves innocent, at their own expense.

For these and many other reasons, this newspaper strongly opposes the civil rights bill and trusts it will be defeated, or at the very least that the worst sections will be eliminated before passage by Congress.

We question neither the motives nor the goals of the bill's supporters. We do question legislation which would require 90 percent of the population to accommodate itself to the desires of 10 percent. If this were based on sound constitutional methods, perhaps it could be justified. But as we have noted, it is not.

This bill attempts to do by force what can be achieved only by voluntary compliance and good will. It is doubtful whether its provisions could ever be fully enforced. It follows demands of sit-downers and chain-iners who have said, in effect, they will not obey laws or customs of which they disapprove. Appeasement of these people can only breed more disrespect for our laws—a civil rights law included.

Too many people seem to hold the view that for every human desire and for every problem we must always turn to the Federal Government for a remedy. As Representative JOHN ASHBROOK, Republican, of Ohio, has noted: "No society has ever done more for the downtrodden than has America. No society can ever look more proudly at its humanitarian record." That record, we hasten to add, was achieved principally by the voluntary actions of our free and independent citizens, not by a series of decrees from Washington.

Individuals of every race have only one sure road to social acceptance, economic well-being, and success. That road is paved with hard work, honesty, frugality, and perseverance.

It is a hard road, but it is one we must all travel. Neither the Supreme Court nor Congress nor the President can make it smoother by passing a decision, a law, or a decree which promises instant success.

The News has been deluged with calls from people who are concerned about what they can do, as individuals, to oppose the bill.

Let your two Senators hear. JOHN TOWER is already opposed, but will welcome expressions. The liberal RALPH YARBOROUGH so far has been vague.

RESIDUAL FUEL IMPORT RESTRICTIONS SHOULD BE REMOVED

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, the State of Florida has no natural fuel sources, and for that reason most of our industry is dependent on residual fuel oil. It is this oil which is used to supply heat needed by the phosphate industry, and to prepare the concentrated orange juice which winds up on breakfast tables throughout the country. It is also residual oil which generates electricity used throughout the State of Florida. For this reason, I have been quite concerned over ill effects of the Government imposed restrictions on imports of residual fuel oil.

I was pleased to note early in March that Secretary Udall had increased allowable imports for the fuel year which began on April 1 by 63,000 barrels a day, and I was hopeful that this might do away with some of the problems in form of price premiums and lack of competition that Florida and other east coast consumers have faced as a result of the program.

Unfortunately, this has not been the case. I have been advised by the president of the Florida Power & Light Co., one of the largest consumers in the State, that this increase offers slight if any relief from the burdensome penalties on utility customers brought about by the oil import program. For that reason, I still feel something more must be done and that the ultimate solution would be, of course, complete removal of controls.

There are some who argue that this action would have a damaging effect upon domestic oil producers. It has been contended that imports of residual heating oil sold at "cutrate prices" were usurping the market for domestic residual and thereby lessening markets for domestic crude oil.

But this allegation overlooks the fact that refiners of domestic crude oil do not find it attractive to produce heavy fuel oil and have steadily taken measures to reduce the amount of this product per each barrel of crude oil refined. As a result of this action by domestic refiners, increasing supplies of imported residual fuel oil have been required to meet east coast demand.

According to statistics released by the Bureau of Mines of the Department of the Interior it is interesting to note that during the period from 1953 to 1956 before mandatory import controls were imposed, the price of residual fuel oil increased 62 cents a barrel. During the same period of increasing prices, the amount of residual oil produced from each barrel of crude oil in U.S. refineries decreased from 17.6 to 14.7 percent.

The Bureau of Mines further reports that in 1957, primarily as a result of the Suez Canal crisis, the price of residual oil jumped 35 cents per barrel over the preceding year. This increase still had no effect on U.S. production and did nothing to change the pattern of decreasing yield of residual oil from U.S. refineries.

During the period between 1959 and 1961, when mandatory import controls were in effect, the price of residual increased from $2.33 to $2.65 a barrel. As in the past though, this increase did not change the trend of decreasing domestic refinery residual yield which in 1959 was 11.9 percent per barrel, and in 1961 was 10.6 percent. From these statistics it is obvious that even during periods of increasing residual fuel oil prices, refinery yields of residual became ever less. This is clearcut proof to me that domestic refiners of crude oil find it more attractive to constantly improve their operations so that each barrel of crude oil refined will yield a greater percentage of high value lighter petroleum products and less and less of the heavy fuel oil. Even with the benefit of a 44.7-percent increase in price during the 4-year period from 1953 to 1957, this decline in residual yield continued. It is also obvious to me that if the price of residual fuel oil was increased through drastic restriction on imports there is no evidence that domestic refiners would increase their yield of residual. Instead, I feel certain that the fuel demands of those consumers dependent on this product would go unmet until eventually they could be satisfied by nuclear sources.

I must conclude, therefore, that heavy fuel oil stands clearly apart from other petroleum products and any attempt to justify import restrictions on residual fuel oil on the same grounds used to justify restrictions on imports of crude oil as being essential to the national security is simply not realistic.

I have just received a letter on this same subject by Gen. E. A. Evans, managing director of the Oil Users Association, Miami, Fla. He maintains that the facts do not support the contention:

> That imports of residual heating oil, by usurping the market for domestic residual, force a corresponding decrease in the production and marketing of domestic crude.

This conclusion was reached after considerable research which indicates the following:

> 1. Price: Domestic crude versus residual fuel: Residual fuel oil has historically sold for substantially less than the price of domestic crude oil. For example, the average price of a barrel of crude oil at the well in 1963 was $2.89. This does not include cost of transportation to the refinery. The average cargo price of residual fuel in 1963 at the gulf was $2.04. As indicated below, by comparison in 1953, the average price of crude oil was $2.68, and residual fuel was $1.70.

[Amount per barrel]

	Crude oil, average price of production at well	Residual fuel, gulf coast cargo (Platt's low)	Residual fuel under crude oil
1953	$2.68	$1.70	$0.98
1954	2.78	1.85	.93
1955	2.77	2.01	.76
1956	2.79	2.14	.65
1957	3.09	2.65	.44
1958	3.01	2.20	.81
1959	2.90	2.00	.90
1960	2.88	2.17	.71
1961	2.89	2.22	.67
1962	2.90	2.05	.85
1963 (preliminary)	2.89	2.04	.85

> Clearly it is the price relationship and not the influence of heavy fuel imports that has encouraged domestic refiners to minimize the production of residual fuel oil.
>
> 2. Domestic refinery yields: Domestic refiners have thus historically reduced their yield of heavy fuel oils and concurrently increased the yields of the more valuable lightend products. This trend was much in evidence long before the import control program came into being, as indicated by the following data published by the Bureau of Mines.

Domestic refinery yield of residual fuel

[In percent]

	District I (eastern seaboard)	Total, United States
1948	24.8	23.5
1955	18.3	15.3
1958	15.0	12.9
1960	12.5	11.2
1962	11.9	9.5
1963 (preliminary)	9.2	8.6

> 3. Demand and imports: It is true that overall domestic demand for residual fuel has remained fairly stable over a number of years and that imports have continued to increase. However, upward of 90 percent of imports have been on the east coast, as indicated below, where demand for residual fuel has continued to rise. By contrast, demand in districts II–V has continued to decline.

[In thousands of barrels per day]

	Residual fuel domestic demand			Residual fuel imports		
	District I	Districts II to V	Total, United States	District I	Districts II to V	Total, United States
1955	818	708	1,526	417		417
1958	855	600	1,455	492	7	499
1960	909	620	1,529	579	58	637
1962	945	550	1,495	651	73	724
1963 (preliminary)	943	543	1,486	699	56	755

> It has been necessary to increase imports to meet the growing deficit between declining domestic avails and increasing consumer requirements on the east coast.
>
> 4. The effect of a cut in imports: If imports of residual fuel were to be reduced, domestic refiners would not increase their crude runs or alter yields significantly to produce more residual fuel domestically because the price of residual fuel would not increase materially. The price of residual fuel oil is limited by competition from other energy fuels. Any increase in price would result in substitution of competitive fuels for residual fuel. Consequently, a tightening of controls on residual fuel oil imports would not materially benefit the domestic petroleum industry from the standpoint of creating additional demand for domestic crude oil. I do not believe it is your intention to advocate the reduction of domestic crude prices to a level that would enable refiners to produce additional residual fuel to displace that which is now imported.
>
> The Department of Interior is basically in agreement with the views expressed herein as indicated in its 1960 edition of Mineral Facts and Problems, page 618:
>
> "Residual fuel oil has been imported in increasing quantities into the east coast region of this country. This imported fuel is obtained mainly from Caribbean refineries and competes, strictly on a price basis, with other fuels for heavy industrial and utility consumption along the seaboard.
>
> "If imports of residual fuel oil were stopped, domestic refiners would not attempt to supply additional fuel oil equal to imports. Many fuel oil consumers are able and quite often do use substitute fuels when price makes this action advantageous."

Mr. Speaker, Gen. E. A. Evans is managing director of the Oil Users Association. He has an outstanding military and civilian career and is highly respected in our State of Florida.

The Oil Users Association is a nonprofit corporation which exists for the purpose of carrying on activities that promote an adequate supply of fuel oil and heating oils at reasonable prices. It is national in scope, representing the interests of consumers in all parts of the Nation. Its membership consists of organizations such as manufacturing industries and utilities, which are large users of energy-producing fuels.

I fully concur with the findings and conclusions of General Evans in the following statement he recently made in a letter to my distinguished colleague the Honorable WALTER ROGERS of Texas:

> From the standpoint of national security, I believe some form of restriction is necessary on crude oil imports into the area east of the Rockies. However, I am unequivocally opposed to restrictions on imports of residual fuel oil. The overwhelming weight of evidence clearly indicates that controls on residual fuel imports on the east coast cannot be justified from the standpoint of national security. These restrictions on fuel oil imports represent an unwarranted and dangerous governmental interference with consumer choice of fuels. Furthermore, these restrictions seriously impair the ability of fuel oil marketers to compete in the energy market because of uncertainties as to the increase in industry quota and its allocation among eligible importers.

INCREASED FEDERAL CONTROL SEEN IN FOOD STAMP PLAN

Mr. ALGER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, although the House, earlier this month approved the food stamp plan, I believe it is imperative to do whatever is possible to keep the American people aware of some of the hidden dangers to our freedoms contained in the bill. Final action on the bill is still pending in the other body so that it is not yet too late for those interested in the preservation of constitutional, limited government to express their views.

I am not sure that the transfer of power to the Secretary of Agriculture was made sufficiently clear when the food stamp bill, H.R. 10222, was before the House. In rereading the measure, I find that in no less than 11 instances there is reference to power granted to the Secretary. We begin giving him authority in section 3 where it is stated:

> The term "food" means any food or food product for human consumption except alcoholic beverages, tobacco, soft drinks, luxury foods, and luxury frozen foods as determined by the Secretary.

Further on in the bill it is stated:

> The Secretary is authorized to formulate and administer a food stamp program.

Still further:

> In areas where a food stamp program is in effect, there shall be no distribution of foods to households under the authority of any other law except during emergency situations caused by a natural disaster as determined by the Secretary.

In the same section it is stated:

> The Secretary shall issue such regulations, not inconsistent with this act, as he deems necessary or appropriate.

So it goes in section after section: "The Secretary is authorized, as the Secretary determines, in the opinion of the Secretary."

Thus, we rely upon the judgment of a single individual, policy is determined by a man, not by law. I hold this is wrong and inconsistent with our form of government, a republic within a democracy. In too many instances we are substituting government by men for government by law.

True, it may not seem too great a danger to our freedoms when we give the Secretary of Agriculture such discretionary powers in this one bill, but I would like to remind my colleagues of the tremendous transfer of power we have given to the executive branch in measure after measure since 1960. I would like to remind you, too, how powerful an individual may become when he has within his hands the authority to control the food supply for individuals.

Many of you remember the days of the old machine politics and the wardheeling politicians who delivered huge blocks of votes in every election by the simple device of the careful distribution of baskets of food and buckets of coal. Now we are making it possible to engage in that kind of politics on a national scale. In my opinion that is a serious threat to the freedoms of our people.

While we were assured in debate that there would be no curtailment of local and State control in the enactment of the food stamp plan, the very nature of the legislation gives the Federal Administrator of the program, the Secretary of Agriculture, unusual control and direction of State and local action. In the minority views, the Republican members of the Agricultural Committee were deeply concerned with the usurpation of local and State authority. In the report of the minority it was stated:

> The establishment of a nationwide food stamp plan is not needed; it would be extremely expensive and inefficient; it would destroy the rights and usurp the responsibilities of local and State governments; it would aggravate the problems of commodities now held in surplus stocks by the Government; it would add hundreds of new employees in the Department of Agriculture; it would give the Secretary of Agriculture new broad and sweeping powers; it would be adverse to the needy people it is designed to help; and it would be of little benefit to U.S. farmers.

Lest you think that States rights and local responsibilities are adequately protected, allow me to point to the language in section 6 of the bill:

> Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program.

Nowhere in the bill does it make clear that the retail stores participating in the plan shall be approved by a State or local agency. There is every reason to believe that the Federal Government, through the Secretary of Agriculture, will determine which stores are to participate and will be able to veto the inclusion of any retail or wholesale distributors out of favor with the administration. Think what an opening this gives for political bribery. Think of the avenues of corruption such power vested in the hands of one man opens.

Again, in section 10 of the bill, we find a definite threat to State and local authority. Here it is stated:

> If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this act, or with the regulations issued pursuant to this act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no further issuance of coupons in the political subdivisions where such failure has occurred until such time as satisfactory action has been taken.

Mr. Speaker, we just cannot go on delegating such dictatorial powers to individuals without putting into jeopardy representative government. Whenever Congress gives up any of its legislative power, its control of programs for which it alone is responsible, we weaken the the whole theory of the separation of powers and put into motion the machinery for dictatorship.

As usual, when these demands for broad delegation of power are sent to

Congress, those of us who dare criticize are charged with being "against people," or "not caring for the poor," or "advocates of hunger." The social planners are adept at slogans and tags and they are never in better form than when attacking any who raise questions concerning their theories or welfare state programs. Such attacks will not deter many of us from pointing out the threat to the freedom of the people in programs such as the food stamp plan.

I would like to repeat what I have said many times on this floor, that under our Constitution, in a government of freemen, in a system of private enterprise, it is not the function of the Federal Government to feed, clothe, house, provide jobs, medical care, or other necessities for the people. Cradle-to-the-grave security, which is the ultimate aim of the social planners, may be purchased only at the price of liberty. It is my firm conviction that the overwhelming majority of the American people still adhere to the basic principles upon which this Nation was founded, that liberty is our most cherished possession. We can best help the poor, the unfortunate, and those who because of illness or infirmity cannot provide for themselves by strengthening and expanding our economy, unleashing the full potential of the capitalist system so there will be more jobs at better wages for all those who are willing and able to work.

SOIL STEWARDSHIP WEEK

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, I should like to draw the attention of the House of Representatives to the fact that this week is being observed throughout the United States as Soil Stewardship Week. This soil stewardship observance is sponsored by the 3,000 local soil and water conservation districts, their national association, and cooperating church groups.

The theme of this year's observance is centered on the responsibility of the individual—"To Each Among Us a Share." This message is being preached this week from the church pulpits across the land. I should like to quote from material assembled for this observance about the brotherhood of stewards:

> The challenge of this land soars to magnificent proportions. Its dimensions begin with the vastness of a nation, looking outward to a hemisphere, and ultimately encompass the globe. At stake is the well-being of mankind, for all men depend on the productivity and uses of the land, not only for the food of existence but for nourishment of the spirit. Here is more than the place where we live. Here also is the space and setting for our future growth, which may be limitless or limited, in proportion to the quality of each one's concern for the land.
>
> By any standard of measurement, the land is big; but it is not endless. So it is with the companion resources—the water, grass, and forests; the game, fish, and wildlife—which are influenced and supported by the land. Together they constitute a treasury of indispensable value, entrusted to us by God for our use and for which we must accept responsibility.
>
> It is a responsibility which steadily grows larger and more exacting. Pressing against the limited resources on all sides are the mounting demands of an increasing population and the spreading requirements of our more complex society. More people want more uses more often from the resources at hand. And every indication is that the trend will continue.

Mr. Speaker, this is the kind of message being preached this week by ministers of all faiths across our Nation. I think it appropriate that the House of Representatives commend the sponsors of Soil Stewardship Week—the local soil and water conservation districts of America. The men and women who serve without pay on the governing bodies of these local units of State government merit our praise for the leadership they are giving in our home communities.

They are performing a meritorious, patriotic service. On this occasion I congratulate them for focusing attention of each man's responsibility for looking to the future in protecting and developing our soil and water resources.

ARMY MOVES TO PROTECT INDIVIDUAL RIGHTS OF MILITARY PERSONNEL

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, on August 28, 1963, I spoke out on the floor of the House with respect to one of my constituents who had been acquitted in an Army court-martial after which an administrative board, on the exact same evidence, doled out an undesirable discharge and broke the man from sergeant to private. I told my colleagues of my shock at this action. I also spoke at some length about the work which Senator SAM J. ERVIN's Subcommittee on Constitutional Rights was doing to correct the injustices in this area.

Mr. Speaker, I recall stating that, if possible, the reforms to reduce the spheres of injustice should proceed from the military. I am happy to say that the Army has already taken corrective action and deserves commendation.

The board decision on the case involving my constituent also was pleasing to review. Ray C. Jackson is now back on active duty and his rank of sergeant has been restored. I again extend my appreciation to Mr. Lawrence Speiser, director, Washington office of the Civil Liberties Union, for obtaining counsel for Sergeant Jackson, and to Robert J. Muth, of the law firm of Covington & Burling, for the hard work and the outstanding manner in which he presented Sergeant Jackson's case to the review board.

Mr. Speaker, under unanimous consent, I include at this point a letter from the Headquarters, Department of the Army, indicating that a directive has gone to all commanders down to and including battalion level to prevent a recurrence of the Jackson case. The letter follows:

> APRIL 28, 1964.
>
> Hon. ROBERT H. MICHEL,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. MICHEL: Your letter of April 16, 1964, to the Judge Advocate General expressing interest in the undesirable discharge by board action of Sgt. Ray C. Jackson has been forwarded to this office for reply.
>
> You are correct that the Army has taken action to see to it that personnel are not discharged with less than honorable discharge based on facts which have been the basis for a court-martial in which the individual concerned was acquitted. On February 11, 1964, as a result of the Sergeant Jackson case, the Chief of Staff of the Army forwarded the following directive to all commanders down to and including the battalion level.
>
> "Department of Army records indicate some instances where officers and enlisted men have been separated from the service administratively as a result of board action based on evidence which was the same as that used previously when the individual concerned had been acquitted by court-martial or had been recommended for retention by an earlier board under the same general allegations. Although administrative board action is not legally objectionable following acquittal by court-martial and does not—within the meaning of article 44, Uniform Code of Military Justice—place the individual twice in jeopardy, the entire administrative discharge system has been endangered as a result of these few cases.
>
> "In view of the aforementioned situation, commanders who are convening authorities for board hearings for the administrative discharge of enlisted men or for the elimination of officers should consider carefully the history of a case prior to convening the appropriate board. When an individual has been acquitted by a court-martial or recommended for retention by a board, another board should not be convened unless new evidence or subsequent conduct by the individual concerned indicates that this action is appropriate. To initiate new proceedings with the same evidence as used in a previous court-martial or board hearing may in some instances result in a reversal of the discharge and possible restoration of full rights to the individual by the Army Board for Correction of Military Records."
>
> It is expected that the foregoing should assist in preventing a recurrence of the Jackson case.
>
> I trust this information will be of assistance to you.
>
> Sincerely,
>
> JOHN R. MCLEAN,
> *Colonel, G.S, Acting Director of Military Personnel.*

EXTENDING TERRITORIAL WATERS AND FISHERY JURISDICTION BEYOND THE TRADITIONAL 3-MILE LIMIT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL. Mr. Speaker, in recent years we have seen several nations take unilateral action to extend territorial waters and fishery jurisdiction beyond the traditional 3-mile limit recognized by the United States. Last year the Canadian Prime Minister, Mr. Pearson, announced the intention of his government of asserting Canadian jurisdiction over fisheries in a 12-mile zone along the Canadian coast. He indicated that this zone would be measured from straight baselines and that certain bodies of water such as the Bay of Fundy and the Gulf of St. Lawrence on the east coast, and Hecate Strait, Queen Charlotte Sound, and Dixon Entrance on the west coast, would be declared internal waters.

The Prime Minister stated that Canada would respect existing treaty rights of foreign nationals in the waters which would come under Canadian jurisdiction. This statement is of particular importance to the fishermen of the State of Massachusetts and the other States in New England. Our fishermen have been guaranteed certain fishing rights along the east coast of Canada by the 1818 "Convention Respecting Fisheries, Boundary, and the Restoration of Slaves." In addition, Mr. Pearson stated that historic fisheries by foreign nationals would be taken into account. Certainly our New England fishermen have established historic fisheries along the east coast of Canada as well as in the Bay of Fundy and the Gulf of St. Lawrence.

In May of last year the late President John F. Kennedy and Prime Minister Pearson agreed that fishing jurisdiction was a proper subject for negotiation. It is my understanding that several meetings have been held with the Canadians but, as yet, no agreement has been reached and the problem of Canada's extension of fishery jurisdiction has not been solved. When opening the current session of the Canadian Parliament the Prime Minister stated that he would submit a measure to establish a 12-mile limit of Canadian fishery jurisdiction. The Canadian Minister of Fisheries, Mr. Robichaud, has stated that the fishery jurisdiction would be extended in May of 1964. I know of no changes of the schedule for Canada's unilateral extension of fishery jurisdiction.

Recent statements emanating from Canada have contained vague references to respecting historic fishing rights, but these rights have not been clearly defined. If it is the intention of the Government of Canada to permit unrestricted fishing by U.S. vessels in all areas outside of a 3-mile zone along the entire coast, the Prime Minister should make a clear statement to this effect and there would be no further need for negotiations. If the Government of Canada intends to restrict fishing by our vessels, I am gravely concerned over the economic problems which will develop in many New England fishing ports.

I am certain that my colleagues in this House are aware of the importance of the fishing industry to the economy of the State of Massachusetts. Many cities, such as Boston, Gloucester, and New Bedford, depend to a high degree upon the fishing industry to maintain the employment of local residents and the economic well being of the community. The fishing fleets of these cities, along with Canadian fishermen, have harvested the rich fishery resources off Canada since colonial times. Any restrictions by Canada that would limit the availability of these resources to U.S. fishermen must be considered as unacceptable by this Government.

Other nations have unilaterally extended territorial waters and areas of fishery jurisdiction and the Executive has consistently protested such actions. The U.S. Government has not recognized any of these attempts to drive our fishing vessels off the high seas. It is interesting to note that many of these nations, including Canada, which wish to force our vessels off of rich fishing grounds, export to the United States substantial quantities of the very fish our fishermen are not permitted to harvest.

In the first session of this Congress, the gentleman from the State of Washington [Mr. Pelly] introduced a bill, H.R. 7815, which would place an embargo on fishery products from countries that harass American fishermen operating in waters which the United States considers the high seas. If this measure is enacted all coastal nations would clearly understand that the United States will not docilely accept interference with our legal fishing activities by nations, which through unilateral acts, seek to drive our fleets from the high seas.

I am in complete agreement with the provisions of Mr. Pelly's measure. I believe that every Member of this House should be concerned about the actions taken by some nations which will result in a decline of this country's position as one of the world's leading fishery nations. It is my hope that the Ways and Means Committee will hold hearings on H.R. 7815 in the very near future.

TENTH ANNIVERSARY OF THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, on Monday evening many members of the Senate and House were present at the closing dinner celebrating the 10th anniversary of the American Israel Public Affairs Committee.

On that occasion we heard addresses by His Excellency Avraham Harman, Ambassador of Israel; Senator Hugh Scott, of Pennsylvania; the distinguished chairman of the House Committee on Foreign Affairs, Representative Thomas E. Morgan; and by the chairman of the American Israel Public Affairs Committee, Rabbi Philip S. Bernstein, of Rochester, N.Y.

As the conference came to a close, President Lyndon B. Johnson sent this message to the committee:

> Please extend to your membership and to the Members of Congress present this evening my warm wishes on the 10th anniversary of the American Israel Public Affairs Committee.
>
> Your work has helped in bringing about better relationships in the world community. You have also been forceful proponents of a worldwide effort to reach the roots of human poverty and social unrest through a sound program of foreign assistance. These efforts, as well as your role in achieving better understanding between the United States and Israel, deserve our gratitude and will surely bear further fruit in the coming decade.

Dr. Morgan delivered a most significant statement at the dinner on the constructive role that Congress can play in the determination of our foreign policy and on the importance of our foreign assistance program—and on the need to write conditions in that program in order to make certain that our economic aid truly serves the cause of peace. Dr. Morgan's speech was impressive and I would like to share it with the Members of this body. I am, therefore, inserting it into the Record:

Speech by Hon. Thomas E. Morgan, Chairman, Committee on Foreign Affairs, To Be Delivered at the 10th Anniversary Dinner of the American Israel Public Affairs Committee, Mayflower Hotel, Washington, D.C., May 4, 1964

I note that this is the 10th anniversary of your committee. I am glad to join in this celebration, for the year of 1964 is an anniversary for me, too.

It marks my 20th anniversary in Congress. I was first elected in 1944. In 1946, I was privileged to become a member of the House Committee on Foreign Affairs.

The committee meets in an ancient room, more than a century old, whose thick walls and high ceiling have echoed, over the generations, many words of debate about foreign policy. Much of American history has been written on the huge oval table which dominates this Chamber.

The history of many other countries has also been written in this room. For America has played a constructive role helping many peoples around the world into freedom. We have raised their aspirations and we have equipped them with the resources to help break the chains of military, colonial, and economic servitudes.

And in this Foreign Affairs Committee room, we have helped to write a little of the contemporary history of the Jewish people. From this vantage point, we have been able to watch with deep sympathy the struggle of the Jewish people to establish the State of Israel, and the unfinished struggle to win peace for its people.

We in Congress were more than spectators. We were fortunate to have a part in this historic undertaking. For Congress does have a good deal to say and to do about foreign policy. It is true that the foreign policy of our Nation is conducted by the executive branch. It is so provided in our Constitution. But foreign policy is more than bilateral diplomatic exchange between ambassadors and Secretaries of State. Foreign policy is a complex of relations, having to do with trade, alliances, foreign assistance, conventions, and treaties. Many of these issues are resolved by legislation. Congress has a continuing role to play, laying down the rules, voting appropriations and articulating policies which reflect the views of the American people.

In addition to that, it is the task of Congress to initiate programs, in order to strengthen the prestige, influence and power of our country in the conduct of our foreign policy.

Sometimes, Congress can and should anticipate—speak and act in advance of the executive branch, which may be diffident because of the restraints imposed by diplomacy. Sometimes it is necessary to reassure the Executive and to put the world on notice that a given policy will have the support of the American people. The story of Israel is an apt example.

I believe that congressional support for restoration of the State of Israel reflected the judgment of the American people. Here, as in other chapters of our history, the people were moved by moral conviction. And they were ahead of the diplomats, who are traditionally and understandably inhibited by the cross purposes of convenience.

So it was in December 1945, a few months after the war ended, that both Houses adopted a resolution favoring the opening of Palestine to Jewish immigration and the upbuilding of Palestine as the Jewish national home.

Now we all know that the mere adoption of a resolution by Congress does not automatically change the course of history. When the State of Israel was established and swiftly recognized in 1948, it was due to an aroused public opinion, brilliant diplomacy by inspired Jewish leadership, and countless acts of dauntless heroism by valiant, young Israelis-to-be.

Israel's problems came before our House Committee on Foreign Affairs in 1951. In its first 3 years, Israel had opened its doors to the survivors of Hitler's terror and had absorbed almost 600,000 refugees. But the people of Israel, eager to provide sanctuary for every Jew in need, could not carry the burden by themselves. In 1951, Israel formally requested inclusion in our foreign aid program. Here, once again, was a situation where public opinion had to override diplomatic caution. Many Members of Congress joined in sponsoring bills authorizing a grant to Israel. The testimony that was presented to our committee was eloquent. Moreover, it was pointed out to us that as Israel absorbed these refugees, it was actually relieving the United States of a major share of the cost of maintaining them in the displaced persons camps of Germany, Austria, and Italy.

There was some opposition from those who feared that if we helped Israel, the Arab States which had not requested our aid would accuse us of partisanship.

But the proposed legislation did include a $50 million grant for the Arab refugees displaced by the Arab war against Israel in 1948. Our committee felt that it was equitable to provide a similar amount for the Jewish refugees.

This was the beginning of U.S. grant aid to Israel.

There was pessimistic prophecy that Israel could not survive because of the terrible handicaps and obstacles it faced. It was devoid of resources. It was overwhelmed by refugees who lacked good health, skill, and productivity. It was besieged on all sides by enemies refusing to make peace. Such a state, it was gloomily predicted, would soon be eroded into bankruptcy by economic attrition and Arab blockade, if it were not, in fact, liquidated by military attack.

In retrospect, United States aid to Israel has proved to be a spectacular success story. Over the years, our aid has been generous but few have begrudged it. The program is invariably cited as a demonstration that foreign aid can be very effective if the people know how to use it, if they have a competent government moved by a sense of national purpose and a high appreciation of the overriding need to deal justly with all the people of the country.

Over the years, the Arab States have also come to value U.S. aid and they, too, have benefited by it. There was a time when critics would argue that aid to Israel on a per capita basis far exceeded aid to the Arabs. That kind of invidious comparison was never valid because aid must be allocated not on a per capita basis but on the basis of the recipient government's capacity to absorb it effectively.

The United States has given generous aid to the Arab League States even though they are in a state of war against Israel. At the same time, however, we have registered our opposition to that war. Our committee has made it clear that we do not wish to become implicated as an accessory.

In 1960, we believed the United Nations and our Department of State had failed to act strongly to halt the illegal blockade of the Suez Canal. An amendment to the foreign aid bill was adopted, declaring that the purposes of foreign aid are negated and the peace of the world is endangered when nations which receive assistance from us wage economic warfare against other nations we assist. We condemned boycotts, blockades and the restriction of the use of international waterways.

That amendment was approved in the House. It was attacked, but it won approval in the Senate where it was supported by both the late President Kennedy and President Lyndon B. Johnson.

In 1961, Congress wrote into the foreign aid bill a statement recognizing the right of all private persons to travel and to pursue their lawful activities without discrimination as to race or religion, an allusion to the refusal of Arab countries to admit American Jews.

It is not necessary for me to recount here the events which have resulted in all the nations of the Middle East being caught up in a spiraling arms race. Massive military aid by the Soviet Union to some of the Arab countries is a matter of concern to the United States as well as to Israel and all other peace-loving countries and it has forced Israel to devote much of her resources to a buildup of defensive strength.

Many Members of Congress have raised a logical question. Is it right to extend economic aid which enables a country to free other resources for the purchase of Soviet equipment designed for the purpose of waging war against one of our friends and allies?

We are often told that we should not be disturbed by this situation—that our aid is economic and that when we furnish economic aid, such as surplus foods, we are not thereby contributing to an arms race. I have never been impressed by this argument. On the Hill, we like to keep our bookkeeping simple. There is no real difference between economic and military aid. They complement each other. It is less than frank to pretend that our economic aid does not bolster the military prowess of the recipient country. That is why, parenthetically, so many of us in Congress feel that it is wrong to separate military and economic aid. Both must serve the overriding purpose—the national interest of the United States. Accordingly, we have some misgivings about economic aid to a nation which shops in Moscow for arms. Many Members became alarmed over a situation in which we have been, however, unwittingly, subsidizing a wasteful and dangerous arms race.

This audience does not need a review of Israel's dynamic growth. As a result of her progress, aid to Israel is declining, although Israel will continue to receive surplus foods and some loans.

But let me assure you that we will watch this program carefully for we will not wish to terminate a successful program prematurely. Nor will we cut aid to Israel if it endangers Israel's existence or encourages those who threaten it. It is to our own interest to help Israel preserve her freedom and independence.

For we are fully aware that Israel's needs for aid reflect the unfortunate fact that Israel must divert so much of its resources for security, because of the continued animosity of her neighbors and the concentration of Soviet weapons on her frontiers.

In this situation, there are two possible alternatives; either halt the arms race or act firmly to prevent an arms imbalance.

Last year, Congress tried the first alternative. The House Committee on Foreign Affairs proposed an amendment to the foreign aid bill which bars assistance to any country which the President determines is engaging in or preparing for aggressive military efforts directed against the United States or any country receiving assistance from us. Congressman FARBSTEIN, the author of that amendment, is present here tonight.

This amendment was approved in the House. Despite some opposition a very large majority of the Senate agreed to the language as we wrote it. The legislation names no names. It is up to the administration to make the determination as to whether the provision applies to any particular country.

That was alternative 1. If that alternative cannot be carried out, then manifestly, the administration should consider the second alternative—make certain that Israel has the arms to defend herself.

Of course, the real solution is a peace settlement. But this can be obtained only by negotiations, and regrettably the Arab States still refuse to meet with Israel. Some day—we hope soon—they will reverse their position and recognize Israel—in the best interests of all the peoples of the Near East.

Some people have criticized us because we write conditions into our foreign aid program. We believe that the conditions that we have written into the law should strengthen rather than weaken the hands of the administration in seeking to attain our foreign policy objectives. The United States has the right to be discriminating in the allocation of our assistance. We are under no obligation to extend aid to countries which threaten the peace, which deprive their people of freedom, and which weaken the free world.

I believe that Congress supports foreign aid primarily because it is in the national interest. Foreign aid helps to strengthen the United States. It helps to strengthen other nations which are allied with us in the defense of principles in which we believe. Aid must be consistent with our own security. And it must also be faithful to our ideals.

The defense of our society rests in the first instance on the depth and abiding loyalty of every American to freedom. Without that faith, our morale is weakened. Without that conviction, our alliances are undermined.

It may sound trite and old fashioned to say it, but morality continues to govern our relations with each other—whether they be the relations of each American with his neighbor, whether they be the relations of our Nation with other nations.

And so we in Congress must continue to crystallize our views, define our objectives, and raise our voices about what we think is right and what we think is wrong.

The RECORD shows clearly that Congress has never hesitated to take the initiative on foreign policy issues in the past. I believe that it will continue to take the initiative whenever the peace is threatened.

PERSECUTION OF PERSONS IN SOVIET UNION BECAUSE OF RELIGION

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, a few weeks ago I introduced a resolution which proposes to express the sense of the House that persecution of any persons because of their religion by the Soviet Union be condemned, and that the Soviet Union in the name of decency and humanity cease executing persons for alleged economic offenses, and fully permit the free exercise of religion and the pursuit of culture by Jews and all others within its borders. Response from my colleagues was extremely gratifying and many joined me in introduction of identical or similar resolutions, all of which were referred to the Committee on Foreign Affairs. In accordance with standard procedure, the committee asked the Department of State for its comments, and a reply was received a short time ago.

In its report, the Department of State recognized the humanitarian and religious motives which inspired the resolutions, but expressed the view that inasmuch as Soviet officials have previously reacted most unfavorably to outside criticism of its internal interests, particularly by foreign government organs or official representatives, the adoption of such resolution might have an adverse effect on the present situation.

While recommending against adoption of the resolution, the Department gave its opinion as follows:

> All things considered, the Department believes that appeals by private organizations and individuals to the Soviet authorities is the procedure most likely to bring about a change in Soviet policies affecting the situation of Soviet Jews. Such appeals may heighten Soviet sensitivity on this subject and may encourage a decrease in Soviet activity against these unfortunate people.
>
> Since the fate of Soviet Jewry is of concern to the world community, serious thought might be given to a united appeal of private organizations representing worldwide Jewry and, if possible, other religious groups.

My purpose in reading these paragraphs into the RECORD is to bring these comments to the attention of the various national Jewish organizations for their consideration and possible action in behalf of this cause. It may well be such organizations would also entertain the idea of inaugurating a campaign to enlist the support and initiation of appeals from similar organizations in other countries, as well as organized groups of other religious faiths.

AMENDMENT TO LAND-WATER CONSERVATION BILL

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, this morning I presented to the Rules Committee an amendment which I will propose to the land and water conservation fund bill (H.R. 3846) when it reaches the floor of the House. I hope and believe that my amendment will give the private forest industry the assurance it seeks in connection with land acquisition under this bill and will permit that industry to lend its support to the enactment of H.R. 3846.

For the information of other Members interested in this matter, I am inserting at this point the statement explaining the amendment which I delivered to the Rules Committee this morning:

STATEMENT OF HON. HAROLD D. COOLEY ON H.R. 3846 BEFORE THE HOUSE RULES COMMITTEE, MAY 6, 1964

1. Chairman ASPINALL was courteous enough to notify me when he set hearings last year on H.R. 3846.

2. I felt that the bill was in competent hands and we have not, until very recently, taken any notice of, or action with respect to, the bill, as a committee.

3. I did not then—and I do not now—raise any question as to jurisdiction. The bill was properly referred to, and belongs in, his committee.

4. About 4 weeks ago a group of North Carolina lumbermen came to see me on Sunday afternoon at my home. They expressed their fears about those provisions of the bill which would permit the Forest Service, which is part of the Department of Agriculture, to engage in a very substantial program of land acquisition, particularly in the southern and eastern part of the United States, without any legislative review of their proposed purchase program. Frankly, these lumbermen were fearful that a land-buying program not carefully scrutinized by the Congress might result in Federal acquisition of some of the forest lands on which they must rely for their raw materials.

5. After ascertaining that Chairman ASPINALL had no objection to the Committee on Agriculture looking into the role of the Forest Service under the terms of the bill, I asked Congressman GRANT, chairman of our Forests Subcommittee, to arrange a meeting with the Forest Industries Council, representing the commercial forest industry, and the Forest Service.

6. At this meeting it was brought out that appropriations of as much as $200 million may be made available to the Forest Service, under this bill, over a 10-year period for the acquisition of additional land. It was estimated that this might permit the purchase of as much as 4 million acres of now private land and that probably 85 percent of such purchases would be in the southern and eastern part of the United States.

7. At Mr. GRANT's meeting it was also brought out that the Forest Service would be able to acquire this land without any further legislative authorization and that under the Weeks law, such purchases would not be confined to existing national forests. The National Park Service would have to secure new legislative authorization except with respect to certain specific areas where it is now authorized to buy land. The Fish and Wildlife Service would have to secure legislative authorization for all its land acquisition. But the Forest Service would be able to buy land in any areas falling within the purview of this bill without any additional legislative authorization.

8. It was also brought out before Mr. GRANT's subcommittee that the present provisions of the bill will not permit the Forest Service to use any of the funds for recreational development—although development of existing areas, not purchase of additional land, is the urgent need in the western part of the country.

9. As the result of Mr. GRANT's meeting, I have worked out an amendment to H.R. 3846 which will (1) permit the Forest Service to use part of the funds available to it under the bill for the development of either existing or newly acquired areas and (2) require new legislative authorization for the purchase of any land under the national forest part of this program.

10. The amendment would appear on page 36, line 7. At the end of the paragraph headed "National Forest System," strike out the period and insert a colon and the following:

"*Provided, however*, That funds appropriated or allotted pursuant to this Act for use within the national forest system may be used for acquisition only as hereafter authorized by law and for recreational development."

11. Under this proposed amendment, the Forest Service would not be able to rely on any existing authority for the acquisition of land with funds made available under H.R. 3846, but would have to come before the Agriculture Committee of the House and the Agriculture and Forestry Committee of the Senate, lay out its proposed program in a public hearing, and secure the enactment of an authorizing law before acquiring any new lands.

12. I believe that this amendment will give the owners of private forest lands, and those who rely on them as a source of timber and pulp, full protection against any arbitrary use or misuse by the Forest Service of the funds available under H.R. 3846.

13. I do not believe that my amendment will handicap in any way the Forest Service in carrying out its responsibilities and its program under H.R. 3846. It has nothing to fear in appearing before the Committee on Agriculture and laying out its plans for recreational development under this bill.

14. The Committee on Agriculture is now, and always has been, friendly to the programs and objectives of the Forest Service. Furthermore, it has been the legislative leader in seeking to develop the recreational values of the national forests and to make all of their resources available to all of the people.

(a) In 1951 I sent our Forests Subcommittee across the country to study recreational possibilities of the national forests and assist in their development.

(b) As a result of this subcommittee activity there was a renewed interest in public use of our national forests, and a bill was developed by our committee to remove from national forest areas many old and unused mining claims which were blocking recreational development. This matter was carried to a most successful conclusion by Chairman ASPINALL's committee.

(c) More than 10 years ago our Forests Subcommittee advanced the proposal for charging small fees to the users of national forest recreation areas to help finance recreational development, a principle which is now embodied in H.R. 3846.

(d) Four years ago the Committee on Agriculture unanimously reported and secured the passage of what is known as the Multiple Use Act which, for the first time, made recreation one of the basic purposes for the establishment, development, and administration of our national forests.

15. I hope that my amendment will meet the approval of everyone who is interested in this bill. I feel sure that it will allay the fears of those who depend on privately owned forests for their living, and will remove their objections to the bill. I believe that most of the recreation and conservation groups which are so strongly interested in this bill will find the amendment acceptable, particularly if (as I hope) it will remove a substantial body of opposition to the bill's enactment. I am sure that the Forest Service will find it easy to live with.

16. But whether the amendment meets the approval of anyone else or not, I am for it. I do not think it is good government to turn any executive agency loose on a $20 million-a-year land acquisition program without any specific legislative review or authority for its purchases.

17. The Weeks law, which was enacted in 1911, and on which the Forest Service would

rely for its acquisition authority, is completely inappropriate for a large-scale land buying program such as is contemplated by H.R. 3846.

18. It is true that the funds could not be spent until they had been appropriated and that the Appropriations Committee could require such detailed justification as it might deem proper. But I submit that the Appropriations Committee does not have the long background of experience and knowledge in this field and the constant contact with the entire forest industry that the legislative committee has. I cannot believe that the recreational program of the Forest Service will be hurt by open hearings before the Committee on Agriculture before it carries out that program.

19. I support the bill. I think it will be a better bill and have a better chance of enactment with my amendment. I ask for an open rule so that I may offer my amendment on the floor.

THE HEALTH AND SAFETY OF THE PRESIDENT OF THE UNITED STATES

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Speaker, I rise today without reference to party labels. Americans want Lyndon Johnson in the White House until January 20, 1965.

Mr. Speaker, the President of the United States has been reported careening, in reckless fashion, at 80 miles per hour on Texas highways. At other times he apparently has been driving with a glass of beer in his hand.

With complete disregard for his own safety, he dashes into crowds, opens the gates of the White House, and defies the advice of the Secret Service agents charged with his safety.

The health and safety of the President is of extreme importance to every American. Obviously, the President of the United States cannot live in isolation. Certain risks are inevitable. We all realize and accept that. But the President does not have to multiply those risks by arrogant disregard of the most elementary precautions. It is not the life of Lyndon Johnson alone for which he bears responsibility, it is the security and welfare of our beloved land.

Mr. Speaker, we have no Vice President. The President has refused to push any proposal to select a Vice President now and the Congress has failed to act on its own.

What a sorry state this Nation would be in if another tragedy struck the White House within a few months of the first. And such a crisis would be compounded if it happened as a result of our President virtually drag racing in Texas. The people of the United States do not want their President taking undue risks. They do not want him tearing along any highway, endangering other citizens and setting a horrible example for our young people. In New York State a license would be revoked for driving with beer in your hand. What kind of madness is this for the President of the United States? Does not the President realize that he is not indestructible? There are all sorts of irresponsible thrill seekers around. There are Communists, Fascists, people who just do not know right from wrong. There are more Oswalds in our midst. Why bait them, lure them, and provoke them with idiotic, childish behavior?

I urge the President to calm down and accept the limitation of his office. No more forcing oncoming cars off the highway to astound the ladies of the press.

Slow down, Mr. Johnson. You are our President. We need you. We do not have any Presidents to spare.

MANAGED NEWS

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, by now the American people have become almost accustomed to this administration's policy of "managed" news. But when our network television commentators join in this deception, one might well ask what has happened to journalistic objectivity which for decades has been the great virtue of the American press?

I refer, Mr. Speaker, to the so-called coverage by the Columbia Broadcasting System last night of the Indiana primary election. Hardly had the first votes been cast when pollster, Lou Harris, who you will recall served as President Kennedy's right-hand man in the 1960 campaign, immediately began to propagandize the airwaves with absurd comments that the heavy vote for Governor Wallace came from "heavy Republican crossover."

Later on in the evening, Democrat Harris, even had the gall to say that 11 percent of Governor Wallace's total vote came from Republicans who "crossed over."

Mr. Speaker, neither Mr. Harris, nor anyone else in these United States knows at this moment, how many if any Republicans crossed over to vote in the Democratic primary. Apparently this was based on pure speculation because the Republican vote was a little less than the pollsters predicted, and the Democrat vote a little heavier. Is that any wonder, considering the tremendous surge of national publicity surrounding the Democrat contest, and the lack of any real Republican contest since the Goldwater victory was a foregone conclusion?

Mr. Speaker, these same unfounded charges were made in the Wisconsin primary. But you recall at that time, administration Democrats said it would not happen again because, to use their words, "It is very difficult to cross over in Indiana." Governor Welsh himself said that his poll workers would challenge any Republican who tried to vote, by forcing them to sign an affidavit. Now, Mr. Speaker, if Mr. Harris and CBS, and all others who adopted the Harris line, would like, for a change, to be objective in their reporting, all they need do is conduct a survey to determine how many affidavits were signed in Indiana yesterday. I challenge CBS to do so, and I predict their 11-percent figure, so freely tossed about the national airwaves last night, will be found to be an absurb figure, without any basis in fact. Already, we learned this morning that some of the heaviest Wallace votes came from the industrial sections around Gary which are traditionally Democrat.

Mr. Speaker, I am sick and tired of the public airwaves being used to spread the propaganda of a former Democrat pollster who finds a sinister Republican plot behind every Democrat disaster. No one can blame Governor Welsh for coming up with any excuse possible to explain the Wallace vote. After all when the Governor's own party predicts he will not do very well because of his own unpopularity, it might be expected that he would look for a different scapegoat. But the press has a greater responsibility. Network television failed in that responsibility in Wisconsin. It failed in Indiana. It is time for a public outcry for fair play.

THE AUSTIN TELEVISION CASE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, it seems to me that there are some important questions raised by the Austin television case which require the attention of Congress if we are to properly perform our duties in the regulation of the communications media. I suggest, therefore, that the Interstate and Foreign Commerce Committee, of which I am a member, and which has jurisdiction over communications legislation and regulation, take a good hard look at the questions raised by the situation in Austin.

Months ago the Federal Communications Commission sought to examine the option entered between Capital Cable, of Austin, Tex., and the Johnson family's television station at Austin. Capital Cable ignored two requests and complied only when the FCC issued what was in effect a subpena. Then it became apparent that, despite repeated disclaimers, the relationship gives the L.B.J. Co.—now called Texas Broadcasting Corp.—actual control of Capital Cable even if it has not yet exercised its option to buy half of the Capital Cable stock.

Is control of the sole television station, coupled with control of the Capital Cable Co. with its preferred status, in the public interest?

Is the control, now evident and apparently approved by the FCC, contrary to claims previously made that control is not involved?

What are the rules of the game under which such operations as these are to be permitted to operate?

These are just some of the questions which cause me to suggest that the whole subject is worthy of a study by a committee of the House. In my opinion, the questions raised are no less serious than were involved in investigations previously conducted by the committee.

TAX REFORM—DEPRECIATION

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland]. may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, on April 30, 1964, I introduced H.R. 11098 under the provisions of which a taxpayer may designate the period over which his property is to be depreciated for income tax purposes. It is high time that the Government allowed taxpayers to make this decision themselves.

BUSINESS AND ACCOUNTING DECISION

A depreciation period is essentially a business and accounting decision. It is a decision that should be made by businessmen and their accountants and counsel. This matter of depreciation has plagued both the Internal Revenue Service and the taxpayer for a long time. It is a source of irritation, annoyance, and misunderstanding. The present law allows depreciation deductions only over the "useful life of an asset." But it is the IRS that decides what the length of the useful life is. As a country lawyer, I prepared many income tax returns and, in my opinion, it is time that the taxpayer was allowed to make his own business decisions. In addition, it is vitally important that all possible sources of misunderstanding, friction, and uncertainty be removed from our tax laws.

SIMPLIFIED TAX RETURNS—NEEDED REFORM

This is a first step, and an important one, on the long road toward simplifying tax returns and making it possible for the average taxpayer to pay his taxes without the threat and fear of endless wrangling and litigation with his own Government.

NO REVENUE LOSS TO THE UNITED STATES

I wish to emphasize that, under the provisions of my bill, no tax revenue will be lost to the Government. In fact, by stimulating business, it would undoubtedly generate billions in new tax revenue over the long run. It would encourage the development of our country's technology and economy and would save the taxpayer countless headaches. At the same time, it will reduce the workload of the Internal Revenue Service.

URBAN RENEWAL—FACT AND FICTION

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Kyl] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. KYL. Mr. Speaker, the Reader's Digest recently published an article critical of urban renewal which stated, among other things, that "The program is prodigal in its spending of taxpayers' money" and that cities rarely pay their share of local costs for urban renewal. Under the present arrangement the Federal Government pays two-thirds of the net cost of a project and the locality pays the remaining third in cash or grants-in-aid such as streets, schools, or other public improvements in or serving a project area.

In what he claimed was a factual reply, William L. Slayton, Urban Renewal Commissioner, insisted that:

> Cities have paid more than $319 million of their share in cash—the total amounting to more than 35 percent of the total local share of net costs.

This $319 figure was challenged by a number of Members of Congress, including me, and it turned out, as I predicted, that this $319 figure was indeed in error. So, Commissioner Slayton has now reduced this by $71 million down to $248 million, still without any substantiating facts, and has taken the added precaution of revising his remarks to read as follows:

> Cities have paid or have obligated themselves to pay more than $319 million of their share in cash—the total amounting to more than 35 percent of the total local share of net costs.

In this matter, as in other statements in his Reader's Digest articles, our colleague, the gentleman from Texas [Mr. Dowdy] was right and Mr. Slayton was wrong. Commissioner Slayton, however, goes his own way, at the taxpayers' expense, of course, issuing denials and explanations for the headlines which have little or no truth in them.

I shall include as part of my remarks an article from the Washington World magazine of April 13, 1964, which will undoubtedly elicit another "factual reply" from Commissioner William L. Slayton.

The New Yorker magazine some time ago published a cartoon showing one dispossessed family under the following caption: "Why, if it hadn't been for urban renewal, we'd still be living in a crowded, filthy slum."

The St. Louis Globe-Democrat published an equally compelling cartoon under the caption "Headache Ball" which depicted, quite accurately, low-income groups being crushed as the result of graft-ridden urban renewal programs.

These two cartoons and accompanying text have been brought to the attention of the Congress by the Committee for Progress Through Private Enterprise, and I am pleased to include the comments of this private enterprise committee as part of my remarks, and commend them to Commissioner Slayton, the Housing Administrator, and President Johnson.

TWO STUDIES BARE WEAKNESSES IN RENEWAL AND PUBLIC HOUSING

(By Ed Lanouette)

Two groups—one private, one governmental— have taken a long, hard look at the Nation's urban renewal and public housing programs and have found more than a few disturbing cracks in their multi-billion-dollar fabric.

The U.S. Chamber of Commerce has made public an 87-page report based on a yearlong study of 1,300 projects which have received Federal subsidies in 679 U.S. communities.

The General Accounting Office, an independent agency designed by Congress to help spot and check governmental waste and inefficiency, has unveiled a 160-page compendium "for improving Government operations," 12 pages of which are devoted to weaknesses unearthed in the course of examining federally aided slum clearance, low-rent housing, and urban renewal projects.

The general tenor of the chamber's findings is that Federal subsidization for urban renewal and public housing has tended to flow most readily to those communities "most adept at the art of getting Federal money," and not necessarily to the localities in greatest need.

The Housing and Home Finance Agency claims that the chamber report contains figures twisted to reflect its own point of view and that the conclusions reached simply "are not true."

In a preamble to its report, the chamber concedes that "men of good will have differed for years over Federal subsidy programs." These differences are not so much over the need for such programs as they are over the Federal role in subsidizing what are patently local operations.

Chief among the chamber's conclusions are:

Federal funds for urban renewal and public housing tend to aggregate in communities where relatively speaking, housing is good and family incomes are high. Conversely, those areas most in need of subsidy funds tend to get the least.

If every community in the United States came knocking on the doors in Washington for its "fair share" of the subsidy pot (figured by the chamber at $10,774 per substandard housing unit, or $7,169 per under-$4,000-income family) the cost to the taxpayers would be a staggering $109 billion. Since this has not happened, "only" $8.6 billion had been spent or committed by the Federal Government in the 50 States and the District of Columbia as of June 30, 1962.

The less the individual States and communities put into housing and renewal projects, the more generous becomes the Federal Government in the matter of subsidies.

For every $7.50 the Federal Government gives away, it costs about $1 in overhead charges for administrative salaries and expenses. This overhead figure does not take into account such "indirect" costs as the price of collecting taxes and selling bonds or the actual, physical disbursement of subsidy payments. Nor does it include the administrative costs of the local housing and renewal agencies in charge of a particular project.

The chamber concludes that it costs a lot to give away a lot.

There has been a decline in this cost-benefit ratio in recent years, the chamber report admits.

Another point brought out in the report is that the elimination of substandard housing has little bearing on whether Government handouts are available.

Thus, in the decade ending in 1960, the amount of substandard housing was halved both in communities receiving subsidies and in those which did not.

The tenor of the chamber's study is that there "are very great" inequities in the Federal public housing and urban renewal program as it now stands. The best course for the future lies in the area of more effective utilization of local talent and resources, it maintains.

To do this, the chamber believes, direct Federal subsidies to individual projects should be sharply curtailed, the money going instead to the States "in amounts based on factors associated with the degree of housing problems" in those States.

Such a policy, the chamber says in effect, would cut down not only the high overhead, but also would distribute funds more equitably throughout the Nation.

The detection of flaws as they relate to individual projects has long been the purview of the fiscal detectives within the General Accounting Office in Washington.

Under the eye of Comptroller General Joseph Campbell, report after report has turned up instances of bureaucratic mismanagement contributing materially to the wastage of millions of taxpayers' dollars—not to mention instances of actual corruption, collusion, flagrant profiteering, and other forms of home-grown knavery.

Along these lines, Representative John Dowdy, Democrat, of Texas, has been particularly vocal in his denunciations of the Government's urban renewal program. A case in point is his recent article in the Reader's Digest lashing out at renewal projects in Cleveland and Washington.

But, even though the recent GAO compilation of grievances carries none of the fire and brimstone of the Dowdy article, it raises numerous questions of an unsettling nature.

The compilation states, for instance, that:

"HHFA repeatedly recertified cities' programs for eliminating and preventing slums and blight, although no appreciable progress had been made in correcting program deficiencies."

There is a need for uniform standards with which to evaluate housing codes and ordinances among U.S. cities and communities.

Federal financial assistance should not continue to be poured into cities not making "reasonable progress" toward correcting deficiencies within their own slum-clearance programs.

"HHFA's procedures and practices were not adequate to provide reasonable assurance that cities could provide decent, safe, and sanitary housing for displaced families."

There is a need to set up clearly defined policies, responsibilities and criteria to govern the eligibility of areas slated for large-scale demolition.

One of the most glaring instances in this connection, was the 96-acre Erieview urban renewal project No. 1, in Cleveland. Says GAO: "The Urban Renewal Administration approved Federal grants of over $10 million and Federal loans of over $33 million for large-scale demolition * * * without making an adequate examination of the structural condition of the buildings in the project area to verify that the extent of clearance proposed by the city was warranted."

According to the accountants' report, URA's approval of the project was based on an HHFA evaluation that 71 percent of the existing buildings were "substandard," even though HHFA inspectors had never even set foot inside the condemned buildings.

In the section dealing with low-rent housing activities, GAO, on the basis of fiscal 1963 findings, recommends that:

Limitations be placed on local housing authority expenditures. Too many "activities," according to GAO, had to do with travel expenses to attend conferences, meetings, and other professional get-togethers.

Guidelines be drawn to establish just who is eligible to occupy low-rent premises. In several instances, GAO found families "with relatively high incomes were occupying units in low-rent housing."

"Incentives" for remaining in a low-rent project be removed. GAO found, for example, one $11,000-a-year family happily ensconced in a four-bedroom unit costing the maximum allowable—$61.50 a month. Such a bargain, observes the GAO, is hardly conducive to effective utilization of a project by those who most need it.

Consideration be given to a would-be tenant's total assets before he is allowed to move into low-rent quarters. This loophole has somehow remained unplugged since the Housing Act was passed in 1937. GAO feels it only fair that such "hidden" wealth also be considered.

There is growing sentiment in Congress, as Dowdy has written, "to take a full, hard look at the entire Federal urban renewal program, which, to date, has fallen far short of its goals."

COMMITTEE FOR PROGRESS THROUGH PRIVATE ENTERPRISE

In the District of Columbia $100 million has been spent and no place to live. A judge of the court of general sessions heard the complaint of the Corporation Counsel on a housing code violation for overcrowding but continued the case for 1 year when it was demonstrated that no low-rent housing was available anywhere. (The tenant was paying his own rent and the place was clean and not substandard.)

In Washington, $100 million has been spent for urban renewal to remove slums, only to create conditions that make more slums.

The District Commissioners made public a report in 1962 showing a shortage of 8,000 low-rent and public housing units.

Honorable Congressman, my constitution says that part of your duty is to "exercise exclusive legislation in all cases whatsoever" in the District of Columbia. When you passed the Redevelopment Act for the District, did you mean that the Redevelopment Land Agency should spend $100 million and not provide one unit of low-rent, or for that matter, middle-income housing to house people displaced by the bulldozing of thousands of homes?

When your committee reports on urban renewal stated that the purpose of the Redevelopment Act was "to provide low-rent housing," did you mean rents running from $160 to $350 per month and housing units costing as much as $75,000 per unit?

If this isn't what you intended, we think you will want to consider carefully the recommendations of the House District Committee, after 4 years of study, before making a commitment to support S. 628 without amendments.

We doubt that you would vote to put every person in your home community or district in hazard of having his home or business taken, regardless of how new or excellent its condition, with no right of appeal to anyone. The Comptroller General and the Legislative Reference Service of the Library of Congress say that S. 628 without amendments would permit this in the Nation's Capital.

We hope you will give the same consideration to this District problem in the Nation's Capital which you would give to any proposal which would threaten your own home or your own business.

At the present time, over 8,000 persons are on the waiting list for public housing units in the Nation's Capital. Many of these people are now crowded into housing which can only be described as slums, and many of these persons were displaced from the $100 million Southwest urban renewal project of Washington. Chet Huntley, on September 26, 1963, on the NBC television network, on a program entitled "The Negro in Washington" said:

> In the last 5 years 13,000 low-income Negro families have been displaced by renewal, and very few have found decent homes. Urban renewal for the Negro is really Negro removal, because in every urban renewal project in America there has been almost total displacement of lower income Negro families. All urban renewal does is to redistribute the slum, so that Negro families who were living in slum conditions once they've been cleared out, simply move to either an existing slum in another part of the city or create a new slum in a fringe area. So urban renewal, while it solves one problem, creates another problem in another section of the city.

This is a sad commentary on a Federal program that was designed to provide decent, safe, and sanitary housing for the slum dwellers, and Mr. Slayton, while he has denied a great many things has never successfully denied that his program has failed in its major purpose, to get the slum dweller out of the slums.

Robert C. Weaver, the Housing Administrator, said in 1955:

> Southwest Washington is being cleared only at the price of creating the need for additional clearance in Northwest Washington.

He was right, and, in his position as Housing Administrator, he should do something about it. He and URA Commissioner Slayton should, first of all, search their consciences, and end the "Negro removal" aspects of the Federal urban renewal program.

I said on October 8 last year, and I reiterate now that I do not think the people of Iowa should be taxed to support such urban renewal-Negro removal programs in the Nation's Capital, or anywhere else in the Nation.

If the special interests backing these programs, and growing wealthy on them at the expense of the taxpayers, want to take homes from low-income Negro families, and other minority group families, then they should not have access to Federal funds and eminent domain powers for such a purpose. I do not think the Republican members of the Congress should continue to support such an inhuman program, and I do not think the American people will support such a program when they know the true facts about it.

I am proud of the fact that I have joined with my distinguished colleague, the gentleman from New Jersey [Mr. Widnall], ranking minority member of the House Special Housing Subcommittee, and a number of other subcommittee members, in introducing a Republican housing bill which will correct the conditions which I have spoken of today.

Housing Administrator Weaver and URA Commissioner Slayton must be required by the Congress to meet the housing needs of low- and middle-income families, and if they continue to fail to do so then the Congress must adopt the Republican housing bill. Other actions which must be considered is cutting off funds for luxury apartments and prime office space, or replacing these officials with officials who will carry out the plain intent of the Congress.

Right under the brim of the President's hat, so to speak, the Federal and local urban renewal program has completely failed to provide housing for the low- and middle-income families of Washington.

THE 175TH ANNIVERSARY OF POLAND'S CONSTITUTION

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. McDade] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. McDADE. Mr. Speaker, Sunday, the 3d of May, was the 173d anniversary of the adoption of Poland's Constitution.

It is always a moving thing to see the birth of a new nation. All over the world today there are people who have existed as small ethnic groups for centuries, but who are today emerging as small and weak nations in the great roster of nations of the world. We see their delegates at the United Nations Assembly in New York each year, first hesitant, then gradually speaking out when they learn that their voices, as nations, are ones which the world wishes to hear.

So shall it always be when we look back in joy to the birth of Poland in the modern world as a shining example of freedom, of dignity, of honor. It is a birthday which shines brilliantly in an era of oppression, or degradation, of slavery. It is indeed a birthday that came in the same generation as the birthday of a nation a quarter of a world away, the United States of America.

But in reality, a new nation was not born 173 years ago. Poland and her people were great in Europe when savagery roamed the continent. But a new freedom for Poland was born on that memorable day. On a continent where kingship had dominated the lives of all the people, where absolute sovereignty had made a mockery of the rights of man, where the dignity of mankind as the creation of God was being trampled underfoot, Poland asserted that "all power in civil society should be derived from the will of the people." It is an echo of the same thought in our own Declaration of Independence, when Americans stood up against the tyranny of a distant king and asserted that the King did not give them their rights and their lives, but that all men "are endowed by their Creator with certain unalienable rights."

This is not only a celebration for the people of Poland and for those of Polish descent in America. It is also a celebration for all of us who love freedom. "No man is an island entire of itself; every man is a piece of the continent, a part of the main." And what is true of a man is true of a nation. None of us is an island unto himself. We cannot enjoy freedom in a world of slavery. Nor can slavery long persist in a world of the free.

So, on May 3 we commemorate not some obscure happening on the distant shores of Europe. We commemorate on that day the emergence of a new nation of freedom in the middle of a continent of brooding oppression.

It was a freedom that was wonderful, and it was a freedom that struck terror into the hearts of the masters of slaves on that whole continent. The attack on that freedom was furious, and it was prolonged—but it was an attack that wasted itself against strong mountains, against a people who would never again accept anything less than full freedom.

When the evil of Nazi panzer armies swept across the plains of Europe, the Polish people dug in against the armored might of Hitler and against the cruel stab in the back of Stalin. Against tanks they had only horses; against mechanized infantry they had only courage; against a sky full of planes they had only their fists. But they died along the roads of Poland, in the fields of Poland, and they burned in the cities of Poland before they would kneel to a tyrant.

We will never forget the terrible betrayal of Poland by that evil man Stalin. When the Soviet armies were within sight of Warsaw in their sweep across the north of Europe as the Second World War came to an end, the Poles were willing to rise in that beautiful city—to destroy the Nazis in Warsaw as Stalin attacked along the front. He sent the message to them to rise, and when they rose in armed rebellion, he let his army sit in the distance until the Nazis could destroy every living soul in Warsaw who had raised brave hands against them. In the annals of betrayal, that act of Stalin will be remembered, and his name will be mentioned with the dark deeds of Judas, of Alcibides, whose names are legend in the history of betrayals.

This same evil Stalin took the cream of the young manhood in Poland and murdered them in the Katyn Forest. Then, like Satan, he sat back to brood in contentment over the souls he had enslaved in his own private hell.

But he did not know the Poles. He did not, indeed, know his own Communist friends. From the blood of martyrs a new generation of Poles has sprung up, and they are no less courageous than the men who had died for freedom in ages past. Poland has become sand between the teeth of the Communist lords of Europe.

And Stalin himself has become the refuse even of communism. He was scarcely dead and enshrined in the tomb of Lenin when his own comrades cast him out of the shrine, as a man unfit to be honored, as a man who was only a murderous monster with bloody hands. He has grown despised, while Poland has grown honored. He has grown mean, while Poland has grown in greatness. Upon his grave is cast the venom and hatred even of his own people, while upon the soil of Poland which he desecrated there shines the first rays of a new sun to give new growth, new enrichment, new freedom.

> If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were.

Much more than a clod of freedom was washed away by Stalin in Poland. But the land that was eroded is now being painfully brought back to that nation. Whatever we can do to help that freedom, we must do, because our own freedom is inextricably bound up on the freedom of all the world. When we celebrate the anniversary of the Constitution of Poland, we celebrate no small thing. We celebrate a breathless moment in the history of mankind, and that history will never be the same because of the greatness of that moment. Our voices here celebrating that freedom will be a ringing voice in Warsaw, in Gdynia, in Czestohowa, and will ring out over the fields of Poland. We will do all that we can to see that that freedom will not die.

> Any man's death diminishes me, because I am involved in mankind, and therefore never send to know for whom the bell tolls; it tolls for thee.

This is a death we cannot abide.

In this, the highest deliberative body of this great Nation, we are taking time to commemorate the 173d anniversary of the Constitution of Poland. This memorial will not go unnoticed in all the lands of Europe. If Poland has taken its own steps to bring freedom back to its blessed land, this message will be as food for these people, and they will find new strength to take new steps. It will not be long, Mr. Speaker, before America turns her head in her great march of freedom to find Poland once more marching proudly by her side.

APPALACHIA AND THE CATTLE INDUSTRY

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. LANGEN. Mr. Speaker, the Federal fuzzy thinkers are at it again. Incredible as it seems, the administration wants to spend $22 million next year and additional millions in future years to put new grazing land into cattle production at the very moment when our own cattle raisers are losing money due to a surplus of beef and unwarranted imports from foreign nations.

I am referring to the Appalachian Regional Development Act of 1964, now being considered by the Committee on Public Works, which calls for pasture improvement on 9.5 million acres over a 5-year period, with the Federal Government paying up to 80 percent of the cost. It is ridiculous to think we can help Appalachia by developing grazing land to raise cattle when the cattle industry is already suffering from the glut of imports.

This latest proposal is one more example of the inconsistent policies being followed by the Government in dealing with livestock problems. Our Government is engaged in an unsuccessful beef buying program to raise falling prices, and now recommends we increase production on new acres. They tell us that our own cattlemen are the cause of falling prices due to overproduction and now they tell us there is room for expansion on almost 10 million acres, at Government expense.

The Department of Agriculture and the administration have refused to endorse legislation to curb imports, which are the real cause of falling prices. The only agreements we have seen with the principal sources of these imports, Australia, New Zealand, and Ireland, merely guarantee the continuance of excessively high levels of foreign meats coming to our shores.

No effort has been made to solve the import problem, but here we go with another program that will again set up competition with our established livestock producers in Minnesota and elsewhere across the Nation.

Let us solve the current problems facing our cattle producers and quit thinking up ideas to make the situation worse.

BUSINESS GROUP FOR LATIN AMERICA IN SUPPORT OF ALLIANCE FOR PROGRESS FUNDS

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Barry] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. BARRY. Mr. Speaker, today I received a statement from the Business Group for Latin America in support of the request for 1965 funds for the Alliance for Progress. This knowledgeable group was organized some months ago under the chairmanship of Mr. David Rockefeller, president of the Chase Manhattan Bank, in order to provide a channel through which businessmen with active interests and long experience in Latin America could communicate with Government officials. The group has met frequently with the President and officials of various executive departments on the subject of Latin American development. Their observations are based upon firsthand knowledge of the problems faced by Latin America today and I would like, therefore, to bring their recommendations to the immediate attention of this House:

A Statement by the Business Group for Latin America on the Fiscal 1965 Appropriation for the Alliance for Progress

The Business Group for Latin America believes that the full amount requested for support of the Alliance for Progress in the President's aid message should be approved by the Congress. The Alliance is developing into an increasingly effective program for hemispheric cooperation, and we believe it deserves the wholehearted support of the United States.

Events during the past year underline the importance of the Alliance. Genuine progress was achieved in a number of the nations, including Colombia, Mexico, Peru, Venezuela and the Central American group. The Alliance made an important contribution to development in these countries. Several other nations—including Argentina, Brazil, and Chile—are in the midst of deep-seated changes which could profoundly affect their future course of development. The Alliance could help shape developments in these and other nations along lines which would contribute to their growth and stability. For example, U.S. aid in Brazil's northeast has helped build support for the Alliance concept throughout the country.

The President's request for $550 million in new obligational authority for the Alliance for Progress is necessary to support an increase in expenditures from $325 million in fiscal 1964 to an estimated $405 million for fiscal 1965. We believe such an increase is necessary to enable the Alliance to continue working toward its broad objectives, which we believe to be in the best interests of both Latin America and the United States.

While we are directing this statement primarily toward the Alliance for Progress, since our group was organized to deal specifically with Latin America, we should also like to express our general support for the full foreign aid request. We believe foreign aid makes a constructive contribution to the less developed areas. While we have not discussed programs for other areas in detail, there is a general consensus that the funds requested are needed to continue U.S. support of the economic development process.

MEMBERSHIP LIST—BUSINESS GROUP FOR LATIN AMERICA

Chairman: Mr. David Rockefeller,[1] president, the Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York City.

Vice chairmen: Mr. Fred C. Foy,[1] chairman, Koppers Co., Inc., Pittsburgh, Pa., Mr. John R. White,[1] vice president, Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York City.

Members: Mr. William Barlow,[1] president, Vision, Inc., 635 Madison Avenue, New York City; Mr. Roger M. Blough, chairman, U.S. Steel Corp., 71 Broadway, New York City; Mr. Charles M. Brinckerhoff, president, the Anaconda Co., 25 Broadway, New York City; Mr. Emilio G. Collado, vice president, Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York City, (serves on committee as vice chairman of Research and Policy Committee for International Studies, Committee for Economic Development, 711 Fifth Avenue, New York City); Mr. John T. Connor,[1] president, Merck & Co., 126 East Lincoln Avenue, Rahway, N.J.; Mr. Lammont du Pont Copeland, president, E. I. du Pont de Nemours & Co., Wilmington, Del.; Mr. Henry Ford II, chairman, Ford Motor Co., 3000 Schaefer Road, Dearborn, Mich.; Mr. John F. Gallagher,[1] vice president, Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

Mr. Harold S. Geneen, president, International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y.; Mr. James H. Goss, vice president and group executive, General Electric Co., 570 Lexington Avenue, New York City; Mr. Ralph Gow, president, the Norton Co., Worcester, Mass.; Mr. J. Peter Grace, Jr., president, W. R. Grace & Co., Inc., 7 Hanover Square, New York City; Mr. W. P. Gullander, president, National Association of Manufacturers, 2 East 48th Street, New York City.; Mr. Edgar Kaiser, president, Kaiser Industries Corp., Kaiser Center, 300 Lakeside Drive, Oakland, Calif.

Mr. J. Ward Keener, president, B. F. Goodrich Co., Akron, Ohio; Mr. Donald M. Kendall, president, Pepsi-Cola Co., 500 Park Avenue, New York City; Mr. Robert J. Kleberg, Jr., King Ranch, Kingsville, Tex.; Mr. Augustus G. Long, chairman, Texaco, Inc., 135 East 42d Street, New York City; Mr. S. Maurice McAshan, Jr.,[1] president, Anderson, Clayton & Co., Houston, Tex.

Mr. George S. Moore,[1] president, First National City Bank, 399 Park Avenue, New York City; Mr. John D. J. Moore,[1] vice president, W. R. Grace & Co., 7 Hanover Square, New York City; Mr. Charles G. Mortimer, chairman, General Foods Corp., 250 North Street, White Plains, N.Y.; Mr. Henry T. Mudd, president, Cyprus Mines Corp., 1200 Pacific Mutual Building, Los Angeles, Calif.; Mr. Norman T. Ness, Anderson, Clayton & Co., P.O. Box 2538, Houston, Tex., on committee as director of Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

Mr. Rawleigh Warner, Jr., executive vice president, Socony Mobil Oil Co., 150 East 42d Street, New York City; Mr. Robert M. Norris, president, National Foreign Trade Council, 10 Rockefeller Plaza, New York, N.Y.; Mr. H. Bruce Palmer, president, National Industrial Conference Board, 845 Third Avenue, New York City; Mr. Robert W. Purcell, chairman, International Basic Economy Corp., 30 Rockefeller Plaza, New York; Mr. Henry B. Sargent,[1] president, American & Foreign Power Co., Inc., 2 Rector Street, New York City; Mr. James H. Stebbins, consultant, W. R. Grace & Co., 3 Hanover Square, New York City; Mr. Thomas E. Sunderland,[1] president, United Fruit Co., 30 St. James Avenue, Boston, Mass.; Mr. A. Thomas Taylor,[1] president, International Packers, Ltd., 135 South LaSalle Street, Chicago, Ill.; Mr. Edwin Thomas, chairman, Goodyear Tire & Rubber Co., Akron, Ohio; Mr. Juan Trippe, president, Pan American Airways System, 135 East 42d Street, New York City; Mr. Arthur K. Watson, president, IBM World Trade Corp., 821 United Nations Plaza, New York City; Mr. Philip Young, president, United States Council of the International Chamber of Commerce, Inc., 103 Park Avenue, New York City; and Mr. William S. Youngman, Jr., chairman, American International Underwriters Corp., 102 Maiden Lane, New York City.

SOME FACTS ON IDA

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Thompson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, a few weeks ago an organization that calls itself the Citizens Foreign Aid Committee distributed a letter entitled "IDA Rises Again." The letter purported to set forth certain facts concerning S. 2214 which will soon be before us. In the interest of setting the record straight, I herewith present the nine statements made by the committee and the replies prepared by the Department of the Treasury:

The following paragraphs respond point by point to the corresponding numbered points in the CFAC paper:

1. "It is back door giveaway without congressional control."

Every dollar provided by the United States to IDA has been authorized by the Congress, considered by the House and Senate Appropriations Committees, and appropriated by the Congress. Specifically, in the House, IDA funds have been considered annually by Representative Passman's Appropriation Subcommittee on Foreign Operations as part of each year's foreign aid appropriation. These same procedures will apply to the additional funds now being considered, so that congressional review is full and complete. S. 2214 requires that appropriation action must be taken by the Congress before any funds to be provided under this authorization—or non-interest-bearing notes in lieu of these funds—can be turned over to IDA. Furthermore, the U.S. Governor and the U.S. Executive Director of IDA have been and will be available at any time for consultation with congressional committees. There is thus absolutely no basis on which to characterize U.S. participation in IDA as "backdoor giveaway without congressional control."

2. "The World Bank has $813 million in reserve funds which the Congress intends should be made available to IDA without the need of U.S. appropriations."

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[1] Steering committee.

With respect to the use of future net earnings of the IBRD in IDA's operations, Secretary Dillon stated:

"During the past year we have been urging that each year a portion of the Bank's net income be granted to IDA. I now understand that the Bank's management intends to propose that, beginning with fiscal year 1964, a substantial portion of its earnings be granted to IDA. We will fully support a proposal to transfer a large share of the Bank's earnings to IDA and I am confident such a grant will be made."

A few days after Secretary Dillon's statement, the President of the World Bank announced his intention to propose a transfer out of 1964 Bank net earnings to IDA.

A transfer to IDA of some portion of the World Bank's future net income will certainly be helpful in alleviating the serious shortage of capital available to developing countries on terms their balance of payments can afford. It would, however, be a mistake to conclude that the need for the proposed governmental contributions would be eliminated by such a transfer. Indeed, the needs of the developing countries for this kind of capital are far greater than present availabilities—even taking into account the proposed increase in IDA's resources through governmental contributions and a transfer of World Bank earnings.

As for transferring accumulations of past earnings—of the $813 million of World Bank reserves, $271 million constitutes a special reserve which cannot legally be made available to IDA. The balance of $558 million in the Bank's supplemental reserve was built up from accumulated earnings of past years and is in the nature of an earned surplus that is used in the Bank's regular operations. Bank bonds have been sold to the public with the amount of the supplemental reserve clearly set forth in the prospectus. Reduction in this reserve could be considered a breach of faith with the Bank's bondholders which would seriously affect the Bank's ability in the future to mobilize private capital for development through further bond sales. Thus, only future net income can be considered as a possible source of IBRD financial support to IDA.

3. "Congressman McClory advises that important facts regarding endorsement of S. 2214 have not been disclosed to the Congress."

The proposed increase in IDA resources has had extensive congressional review. In addition, IDA's operations are examined each year by the Appropriations Committees. The Senate Foreign Relations Committee has conducted 2 days of hearings on the proposal, and the Banking and Currency Committee, 4 days. I do not know of any important facts regarding endorsement of S. 2214 which have not been disclosed to the Congress. If any additional information is requested, I will be glad to furnish it.

4. "More than half of IDA loans have gone to India. India paid $40 million into IDA and drew out $300 million. Pakistan paid $10 million into IDA and drew out $90 million."

International lending to India has been carried out under an international consortium of which IDA is an important member. By emphasizing lending on the Indian subcontinent, IDA provides an important supplement to our very substantial bilateral investment in Indian and Pakistani development. By using these funds—of which others contribute more than we do—the burden on our own bilateral assistance program is reduced.

With a population of 450 million, the assistance India has received from IDA is relatively small on a per capita basis compared to what has been made available to other countries. Of course, it is to be expected that IDA's developing members, including India and Pakistan, will normally borrow more from the Association than they contribute—indeed, the Association was formed with this in mind. As Secretary Dillon stated:

"Nobody expects that they (the developing countries) can provide all the funds they need for their own development, or else there would not be any foreign aid programs, there would not be any IDA, and there would not be any problem with development in the world. The problem is that they are not able to do this, so it is perfectly understandable that India requires more in the form of assistance than she can put up and pay for herself.

5. "IDA loans to seven countries at no rate of interest totaling $300 million have been reloaned at interest rates varying from 3½ to 12 percent per annum."

IDA funds are frequently relent by the borrowing government to public or private borrowers within the country at interest rates and maturities determined in relation to local banking practices. Governments receive IDA credits repayable over a long term and at low interest rates. This is appropriate because the balance-of-payments positions of IDA's borrowers do not permit them to borrow the needed funds on commercial or World Bank terms. Domestic borrowers, on the other hand, have no balance-of-payments problems and do not need these very favorable terms. In fact, to grant them these terms might give them an unfair advantage over their competitors. Relending to them is therefore done at rates determined in the light of prevailing local interest levels and of the character of the project itself.

For example, in Taiwan, where IDA funds have been relent at 12 percent, the prevailing central bank discount rate at the time was over 16 percent, and private loan rates were at still higher rates. Any lower rate could have had seriously disturbing effects on the local banking system.

This arrangement on relending conforms to the practice endorsed by the U.S. Congress for our own AID program.

6. "Communist member nations of IDA are eligible for loans."

Only members are eligible to borrow from IDA. No Sino-Soviet bloc countries are members of IDA. While Yugoslavia is a member, it has never received an IDA credit and none is being considered. Secretary Dillon stated that "we would not expect the IDA management to propose a loan to any country that might fall under Communist control, and I can give you categoric assurance that if any such suggestion were ever made it would be most strongly and vigorously opposed by the United States."

7. "It is inconsistent for the Congress with one hand to reduce foreign aid and on the other hand to increase foreign aid through IDA."

The administration has always taken IDA lending into account in the formulation of annual AID requests.

In urging the Congress to authorize U.S. participation in IDA in his foreign aid message, President Johnson stated that "* * * to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs."

As Secretary Rusk stated:

"He (Secretary Dillon) has also made clear that IDA has been taken fully into account in formulating our bilateral aid program, a point which I also wish to emphasize.

"Last week the President submitted to the Congress a tight, realistic budgetary request for U.S. foreign assistance for fiscal year 1965, a request which involved an appropriation of $3.4 billion.

"This request was formulated on the assumption that IDA resources would be replenished. We assumed that IDA would be in a position to make additional commitments in fiscal year 1965 on the basis of the agreement reached among its industrialized members.

"Should the IDA not be in a position to do so—and it will not be unless Senate bill 2214 is acted upon favorably in the near future—the request for funds under the Foreign Assistance Act for fiscal year 1965 would clearly be inadequate. It is doubtful that the other contributors who would be released from their pledges by our failure to act, would be prepared to increase their bilateral programs comparably."

Certainly the Congress has had U.S. participation in IDA in mind when acting on AID appropriations in the past, and we have every reason to expect it to do the same in the future.

It should be kept in mind that every dollar that we put into IDA calls forth $1.40 from other industrialized countries, so that to the extent we increase our contribution to IDA on this basis, we increase the share of the common aid effort borne by others.

8. "Yugoslavia, a member of IDA and eligible for interest free loans, is now negotiating with Cuba for loans at 6 or 6½ percent."

In response to a specific question on this point on March 24, subsequent to the date cited in the CFAC letter, Secretary Rusk informed the House Banking and Currency Committee as follows:

"A review of the information available to the Department of State confirms that Yugoslavia has not extended loans to Cuba nor is there any evidence that loan negotiations are currently in progress."

9. "These transactions (IDA loans) are not actually loans. They are grants in disguise."

IDA credits are made with a specific schedule of amortization. The funds must be repaid in convertible currencies and are formal obligations of the borrowing governments. While there is no question that, with their low interest charge and long amortization period, IDA credits are "aid," they are clearly repayable aid. IDA fully expects that repayment in full will be made, and that its experience will be the same as the World Bank's, which has no defaults on its loans, even though the terms of repayment are much harder than IDA's.

THE SOLID WASTE DISPOSAL ACT OF 1964

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Lesinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LESINSKI. Mr. Speaker, 2 miles out in Boston Bay lies an island which any passer-by will agree properly deserves its name: Spectacle Island. Completely covering the 50-acre strip of land comprising the island, and stacked to a height of 30 feet, is a 40-year accumulation of Boston's solid waste discards, variously referred to as rubbish or refuse.

Spectacle Island, in its way, points up a growing problem of American cities: What to do with the stuff our people throw away or otherwise dispose of. It is more than just a problem that needs some future attention. In many metropolitan areas the amount of land and other facilities for solid waste disposal is in desperately short supply right now. Most of our major cities, their surrounding suburbs, and the smaller municipalities are in danger of smothering themselves under a nauseating blanket of decaying garbage, broken bottles, rusty tin cans, abandoned automobiles, old barrels, paper cartons, dead animals, and all the other unwanted residue of our proliferating 20th century life.

And the end is not in sight.

Our population of 190 million is expected to reach 235 million by 1975, and between 300 and 350 million by the year 2000. Urban areas are absorbing this increase. As a matter of fact, by 1970 three out of four people will be living on only 10 percent of our land area. And the solid waste matter they discard daily at home, office, shop, plant, farm, and market will mount proportionately, if not faster.

Let me tell you what solid wastes consist of, in the event your experience is mainly limited to your own trash cans or what you see behind the shopping center. According to the American Public Works Association, it is garbage, rubbish, ashes, special wastes, and industrial wastes.

Garbage consists of putrescible wastes from the preparation, cooking and serving of foods; wastes from produce markets.

Rubbish consists of paper, cartons, boxes, barrels, excelsior, wood and cloth products, rubber, leather and synthetics, garden debris, metals, metallic and plastic products, stones, dirt, masonry, ceramic and glass products.

Ashes consist of residue, including cinders and fly ash, from burning solid fuels for cooking and heating, and from incineration of refuse.

Special wastes consist of street refuse, lumber, masonry, plaster, piping, conduits, roofing, insulation, and excavated dirt and stone—all the products of building demolition and construction; also dead cats, dogs, rodents, fish, birds, cattle, horses, and zoo specimens; abandoned vehicles, stoves and refrigerators, furniture, tree trunks, stumps, and driftwood; screenings, scum, grease, and grit from sewage treatment works; anatomical and pathological wastes from hospitals, clinics and medical centers; and let us not forget Christmas trees, rubber tires, and cemetery floral pieces.

Industrial wastes come from slaughter houses, canneries, quick-freeze industries, lumber yards, metal fabricating plants, plastics manufacturing plants, and a host of other industrial activities too numerous to mention here.

Now that is quite a conglomeration.

Lest you think I exaggerate, I can report that Los Angeles County in one recent 12-month period collected 366,711 dead animals from its roads and highways alone. These included 147,000 chickens, nearly 93,000 dogs, close to 86,000 cats, over 16,000 rabbits, 300 goats, some 36 horses, and from its coastal communities, 56 seals. These and other examples of the waste collection and disposal problems of our cities are amply documented by Mr. Mitchell Gordon, in a book entitled "Sick Cities," published by the MacMillan Co.

So much for community solid wastes. But I have not yet mentioned one of the major contributors to our national solid waste problem—agricultural wastes.

Depending upon one's definition, there are several kinds of agricultural wastes: First, livestock manure from 211 million head of cattle, sheep, and swine, 365 million egg-laying chickens, and 2 billion fryers; second, crop residues from 313 million acres of harvested land; third, dead animals from floods, blizzards, droughts, and spells of excessive heat.

But the agricultural waste that creates the greatest problem today is livestock manure. It is estimated that wastes from swine, chicken and cattle alone are equivalent to 10 times the wastes from the human population of the United States and 100 times greater than the wastes from the rural human population. Besides the odor nuisance and fly-breeding problems, untreated manure is a health hazard to both animal and man if improperly used.

As you might infer at this point, refuse collection, storage and disposal is big business. The Sanitation Department of New York City spends more than $100 million a year and employs over 14,000 persons. The Detroit Division of Sanitation, in the department of public works, spent approximately $14.5 million for collection and $3.5 million for disposal of refuse in 1961.

Current practice of municipalities today is to dispose of their solid wastes by burying it—the landfill method—burning it—incineration—or throwing it onto open dumps. But the land around most of our metropolitan centers is being consumed by the urban expansion into suburbia and the rural fringe; besides, in some parts of the country, buried wastes are contaminating the ground water which supplies the neighboring communities with their drinking water, while open dumps are unsightly, produce noxious smoke, and harbor insect life and rodents that threaten the health of our people.

Let me explain.

Typhoid fever, cholera, summer diarrhea, dysentery, tuberculosis, anthrax, and ophthalmia—severe eye inflammation—as well as intestinal worms, can be transmitted to humans by flies that breed in dumps.

In addition, plague, rat-borne typhus fever, leptospirosis—a severe form of yellow jaundice; food poisoning, rickettsialpox—which resembles chicken pox—lymphocytic choriomeningitis—an acute virus disease involving the lining of the brain—and rabies can be transmitted by rats and mice, while malaria, yellow fever, dengue—or breakbone—fever, encephalitis, and filariasis can be transmitted by mosquitoes. Garbage and refuse dumps attract and sustain these disease carriers.

In addition to disease transmitted by insects and rodents, air pollution is becoming a more serious problem. Open dumps, where burning is used to reduce the volume of solid wastes, characteristically produce large quantities of smoke and odors. Improperly designed and operated municipal incinerators also contribute significantly to objectionable atmospheric pollution. Added to these sources are backyard trash burners, onsite incinerators, and on-site burning of bulky refuse.

One scientist reported last year in the Journal of the Air Pollution Control Association that burning dumps cause air pollution problems in about 25 percent of the urban communities of the country. He said they are the most frequently reported cause of local air pollution problems.

Other studies have reported contamination of ground and surface drinking water sources by seepage from open dumps or supposedly sanitary landfills. The selection of satisfactory new disposal sites is particularly trying in areas where such land is rapidly being used up for domestic and industrial purposes, and for highways.

Many fires and home accidents are caused by poor refuse handling practices. Discarded items that are not properly stored for collection are also particularly attractive to children. Unsanitary and unsafe conditions in yards and family refuse storage areas have resulted in literally thousands of accidents, ranging from minor to severe.

In one tragic case in recent times, the improper storage of waste paper and cartons in a wooden stairwell led to a fire which destroyed Our Lady of Angels grade school in Chicago. The lives of 95 children were lost in this holocaust, which occurred December 1, 1958.

While the accident aspect of the problem is in a sense minor, it illustrates the manner in which the problem is growing. If we bury our solid wastes we run the chance of polluting drinking water supplies, and we also soon run out of convenient burial plots. If we throw it on open dumps, we create air pollution and odor nuisances; if we burn it in incinerators, we pollute the air, we must still dispose of the ashes, and we must build expensive incinerators to handle the growing pile of garbage, rubbish, carcasses, and the rest. It looks as though we cannot go up, down, or out without creating problems.

Recurrent crises in solid waste management have grown progressively more acute, with the result that urban officials everywhere are looking to research for solutions. But management of solid wastes—a $3-billion-a-year enterprise—has received a neglible amount of study. Whereas $100 million a year would not be an unusual outlay in an industry of this magnitude, according to Dr. J. E. McKee, professor of environmental health engineering at California Institute of Technology, the total amount of research in solid wastes management is limited to that supported by $200,000 in grants from the U.S. Public Health Service and the studies that other Government agencies, universities, private enterprise, and professional associations sponsor. This is but one-fiftieth of the amount spent each year for research on liquid wastes.

The Public Health Service, in its report, "Solid Waste Handling in Metropolitan Areas," says that today, in 1964, total refuse production in the United States is over 150 million tons a year, or 4½ pounds per person per day. By 1980, we will be producing 260 million tons a day, at a per capita rate of 5½ pounds per day. How and where are all of these leavings of our society, these dregs, going to be stored, collected, and disposed of satisfactorily?

Last December, in Chicago, I had the pleasure and honor of speaking before the first National Conference on Solid Waste Research. The conference was sponsored by the Environmental Sciences and Engineering Study Section of the Public Health Service, in cooperation with the American Public Works Association. It was an extremely illuminating and heartening experience to see the wealth of research talent represented at the conference.

I learned that the present capacity and methods of treatment of solid wastes leave quite a little to be desired. The ideal solution would be to convert wastes into useful and marketable forms, by processes which will be swift, inoffensive, silent, economical, and invisible. Short of this ideal, the professors, private engineers, government officials, and industry representatives attending the conference discussed possible methods of compacting bales of refuse for burial under conditions which would produce no disease carriers or ground water pollution. They talked about techniques for incineration which would restrain fly ash and foul-smelling fumes and reduce the volume of the solid wastes by 90 percent. They are looking for rapid methods of processing organic wastes to marketable forms. And they hope for better methods of disposing of residue and junk. The current reluctance of scrap dealers and auto wreckers to accept old tires, jalopies, refrigerators, and stoves underlines this point.

Because collection and transportation costs amount to about 85 percent of the budget for handling solid wastes, there is a temptation to hope for effective new methods of waste disposal in the household. But at the conference we learned that garbage grinders, for example, handle only a fraction of the total refuse, and household incinerators are inadequate to prevent atmospheric nuisances.

The conference was told of several pilot models of waste processing equipment, including a million-dollar machine which pulverizes automobiles in a matter of seconds and separates metals, rubber, glass, and fibers mechanically.

A pilot plant in California was described which separates conventional mixed refuse and processes it into baled paper, charcoal briquets, bales of iron scrap, gaseous fuel, compost, and brick tile.

Other speakers posed such questions as: by what means can city officials, with an annual turnover of 20 percent, pick up essential technical knowledge from city engineers? One speaker said that he had yet to meet a city official who knew the difference between a sanitary landfill and an open dump. How should a solid waste management district be set up? How can public acceptance of the necessary costs of waste management be improved? As far as the average householder is concerned, if his trash is picked up and carted away once or twice a week he bothers no more about it. What data, laws, and tax systems are best suited to the purpose of waste management? Only four States have laws prohibiting open dumps.

The conference expressed considerable optimism about composting of solid wastes—which was the subject of my talk. The major reservation appears to be that, at present, there is no demonstrated market for compost as a soil conditioner, since it is less favored than chemical fertilizers and is relatively bulky. However, its possibilities in a soil conservation program and in specialized gardening, with emphasis on its capacity for retaining moisture, were described by two visitors from abroad: Dr. Weststrate, of the Netherlands, and Dr. Tietjen, of Germany.

Of course, composting is but one method of waste utilization. Some speakers held the view that there are enough potential resources in solid wastes that—through conversion—they could create industries not yet born. Meantime, however, the technology has not reached the point where the cost of solid waste disposal can be offset by the profits realized from conversion and utilization. At our present state of technology we can do little more—through pilot plant demonstrations of conversion—than partially offset the costs of waste disposal. More research and development must be conducted before we can hope to advance beyond this point.

The conference ended on a note of agreement for research in solid waste management involving joint enterprises by various professional disciplines, many diverse agencies of Government and industry, and several combinations of governmental jurisdiction.

This conference left a profound impression on me and, since I am acquainted with the solid waste disposal situation in the Detroit metropolitan area—which is no less pressing than in many other large metropolitan areas—I felt compelled to take action. Accordingly, on April 10 of this year, I introduced into the House of Representatives a bill known as the Solid Waste Disposal Act of 1964, or H.R. 10807. The purpose of the bill is to provide research, technical, and financial assistance relating to the disposal of solid wastes.

Section 2 of the bill "Findings and Purpose"—summarizes the solid waste disposal problem in this country and assigns responsibility for its management as follows: First, storage, collection, processing, and disposal of solid wastes are primarily the responsibility of local governments; second, statewide activities for prevention and control of public health hazards and nuisances incident to solid waste handling are the responsibility of State government; third, Federal assistance is essential for the support of research, demonstrations, and technical assistance to devise and encourage practical and economical methods of solid waste handling.

The purposes of the act are fourfold: First, to initiate and accelerate a national research program for improved and economic methods of solid waste collection, handling, and disposal; second, to provide technical and financial assistance to State, metropolitan, urban, and local governments in the planning, development, and conduct of improved solid waste disposal programs; third, to provide financial assistance on a matching basis to assist in establishing demonstration projects for improved methods of solid waste handling and disposal; and, fourth, to provide for the training of professional and technical personnel.

With respect to this last point—training—it was Professor McKee who, at the Chicago Conference, said:

> The number of eminent engineers and scientists associated in any way with solid-waste problems is pitifully small in relation to those engaged in wastewater disposal.
>
> To be sure—

He continued—

> there are several competent engineers in the larger cities who devote a great deal of their time to solid wastes but they are far outnumbered and outglamoured by their colleagues in the wastewater field.

Section 3—"Research, Investigations, Training, and Other Activities"—provides for construction, operation, and maintenance of no less than five demonstration plants for the production of compost for municipal refuse, each employing a different process, and an unspecified number of research demonstration plants or facilities for the disposal of municipal refuse. The composting plants shall be designed to demonstrate the reliability, engineering, operating, agricultural, horticultural, and economic potentials of composting. The research demonstration plants shall be designed to facilitate study of advanced types of processes or practices, including but not limited to sanitary landfills, incineration, grinding and disposal to sewers, and salvage.

Section 3 also authorizes the Surgeon General of the Public Health Service to conduct intramural research, investigations, experiments, training, demonstrations, and surveys relating to new and improved methods of storage, collection, processing, and disposal of solid wastes. The Service is also authorized to aid and support State and local governments, and other public and nonprofit private agencies and institutions in conducting such research.

Section 5—"Matching Grants to States"—provides authorization for the appropriation of $2 million to the Public Health Service each year for the next 3 years, beginning July 1, 1964, for making payments to States for inventorying existing solid waste management practices, to survey the need for improvements in handling and disposal practices, and to develop State programs for improving these practices. Allotments shall be made on the basis of population, extent of the solid waste problems, and financial need. No participating State shall receive less than $25,000.

Section 6—"Advisory Group"—gives the Surgeon General authority to appoint a Solid Waste Advisory Committee.

Section 7—"Administration"—places administration of the act under the Surgeon General, under the supervision and direction, in turn, of the Secretary of Health, Education, and Welfare.

Section 9—"Appropriations"—authorizes the appropriation of an additional $7.5 million for construction of the demonstration composting plants and the demonstration research plants. It also authorizes appropriation of sums not to exceed $7 million a year for administration of all other aspects of the act.

Total appropriations for the 3-year period covered by the act are $35 million.

Mr. Speaker, this is not a large sum compared with many other items in our national budget, and it will be well spent to protect our people from the health hazards represented by our coast-to-coast and border-to-border solid waste disposal problem. What an opportunity we have here to mobilize the Nation's research talent in allaying and bringing under control the creeping mountain of waste materials and organic matter which is a breeding ground for disease-carrying insects and rodents, which is depriving our communities of taxable properties, and which at the same time contains potentially valuable resources for agricultural and industrial purposes.

The storage, collection, and disposal of solid wastes is one of the major economic problems of urban areas. As the American Public Works Association pointed out 2 years ago:

> The annual outlay for refuse collection and disposal services * * * is exceeded only by expenditures for schools and roads.

The American Public Works Association is one of numerous national organizations which have gone on record as favoring a positive Federal technical program to provide a technological base for solving our solid waste problem. Others include the Association of State and Territorial Health Officers, the Conference of State Sanitary Engineers, and the American Municipal Association.

If we can provide a national nucleus for action against air pollution, water pollution, and radiological health problems—as we have done—certainly we can do the same for a problem as significant in all respects: our solid waste collection, storage, and disposal problem.

Industrial engineers have applied operational analysis and systems engineering effectively to the problems of production, storage, transportation, and disposal of commercial products. Through research, many of these same procedures can be applied to the handling of refuse.

The American public has demonstrated that it is willing to pay for convenience and gadgetry, as witnessed by the home garbage grinder. It would not be difficult to prove that the combined disposal of garbage with other trash is more economical than the amortizing and operation of a garbage grinder in the home; but what housewife is willing to give up her grinder or the convenience and improved sanitation it provides.

Similarly, research through engineering studies could possibly prove that the segregation and separate collection of garbage, tin cans, and other trash—particularly if the cans are salvaged and the garbage is fed to hogs—is more economical than twice-weekly collection of all refuse from one container. But the householder much prefers the convenience of combined collection and detests the nuisance of segregating solid wastes.

The public is definitely willing to pay more for service that is demonstrably better. Only research and development can tell us what kind of service that will be.

Property owners are rightfully apprehensive about unsightly collection trucks and crews, curbside pickup, noisy collection—especially at night or early morning—or the proximity of incinerators, sanitary landfills, and transfer stations. The public would like to sweep the solid waste problem under the rug or behind the door, but recognizing that these alternatives are not available our people want convenience and cleanliness.

Why do we not give it to them.

A good farmer puts back into the soil what he takes out. This is important in order to keep proper humus and mineral content of the soil. This proposal would be in the right direction to accomplish this for city wastes would go a long way toward not only rebuilding our depleted top soils but also to give further nutrients to all our soils.

LET'S STOP BEATING OUR MILITARY

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, let us stop beating our military personnel. We demand and expect great personal sacrifices from these patriotic and loyal men and women yet we offer little rewards. The marvel is that these people continue to perform the remarkable services for their country that is typical of our armed services.

I am now in the process of collecting data and material in connection with the salaries and other benefits now accruing to members of the armed services, and I intend in the very near future to introduce legislation for a new military pay raise. The last pay raise act passed in 1963 was in my opinion inadequate to meet the needs of our military men and women.

Military personnel are faced with a rising cost of living wherever they are stationed throughout the world, yet this factor is hardly taken into account by those who determine what their pay scale and other benefits should be. The shocking fact is that not only have we failed to maintain the military pay scale at realistic level in light of the cost of living and the comparable pay scale in the private sector of our economy, we have also systematically over the years cut down on the services that used to be offered to military personnel.

Since World War II there has been a gradual chipping away of servicemen's benefits. Government paid insurance, social security credit, accrual of leave time, and the GI bill are just some of the benefits that have been curtailed. Each loss of benefit has amounted to a pay cut. It is incredible that at a time when the national economy is in the midst of an unprecedented boom period, with wages of most civilian employees and corporate profits going up, with the cost of living going up, the standard of living for military personnel seems to be going down.

To compound the injustices that have been visited upon our servicemen the General Accounting Office has released a report critical of military commissaries and recommending a cutback in this program. This report of the GAO is misleading and foolish. It constitutes a false economy move, reminiscent of the action taken in the waning days of the Eisenhower administration when an order was issued prohibiting military dependents' travel allowance to and from oversea bases. This order was issued in a feeble effort to counteract our unfavorable balance-of-trade position.

To investigate the effects of this order, I personally went to Western Germany and visited with our military people as well as other Government employees. I made an amazing discovery; namely, that the prohibition, the cutback, applied only to our defenseless servicemen and their dependents. It did not apply to diplomatic and State Department employees, tourists and other civilians were in no way affected, no other Federal employees were affected. The result was that during that period of time we suffered the highest percentage of military separations and the lowest percentage of reenlistments that we have felt in our recent history. That was a false economy.

Since that time I have traveled to other military bases overseas. I have billeted with our troops. I have visited with the highest and the lowest. And, I have come to this conclusion: We make great demands for sacrifices from our servicemen, but all they get in return is the sound of the whistle when the gravy train goes by, and the whine of the bullets as they fight to defend that gravy train. When it is wartime and we are threatened they are "our boys" in the service and nothing is too good for them. But after the wars are fought and won they are men, and are supposed to take care of themselves and their families and what amounts to pittances and handouts.

I serve notice at this time that I will fight any attempt to curtail military commissary privileges and any other move to falsely economize at the expense of our military personnel.

ADDRESS BY WALTER P. REUTHER

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, many of our colleagues had the pleasure of attending the AFL–CIO Industrial Union Department's congressional dinner last month.

Special awards were presented to the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. McCULLOCH] for their activities in behalf of the civil rights bill in the House. Others who participated in the program included the majority whip of the Senate, Senator HUBERT H. HUMPHREY and the Senate minority whip, Senator THOMAS H. KUCHEL.

IUD President Walter P. Ruether delivered the major address of the evening, an inspiring statement of the broad scope of labor's interests and responsibilities in the changing world in which we live. Under unanimous consent I insert the text of Mr. Reuther's remarks at this point in the body of the RECORD:

ADDRESS OF WALTER P. REUTHER, PRESIDENT, INDUSTRIAL UNION DEPARTMENT, AFL–CIO, AT IUD CONGRESSIONAL DINNER, STATLER-HILTON HOTEL, WASHINGTON, D.C.

Jack Conway, reverend clergy, our many distinguished guests from the executive and legislative branches of the Government, my colleagues in the IUD, and friends, first, I should like to extend to each of our guests here tonight our very heartiest welcome. We appreciate the opportunity of breaking bread with you and having an opportunity to visit with you.

It has been said that the genius of a free society is its capability of achieving unity and diversity, and I think the composition of this group tonight is living proof of that genius. I should like to share with you, those of you from both Houses of the Congress and those of you from the executive branches of the Government, some of the thoughts that we in the American labor movement have in this very difficult period in which we live.

We've said many times on other occasions that we believe the labor movement is important because it's about people; it's about their problems and their needs and their hopes and their aspirations; and it's about the practical job of men and women joining together to try to bring to practical fulfillment their dreams of a better tomorrow. And while we do what we can at the bargaining table to improve the lot of our membership, we have worked in the knowledge that the labor movement cannot solve the problem of American wage earners and their families if we try to find answers to those problems in a vacuum, that we can really solve our problems only as we work together with men and women of good will in the total community in trying to find answers to the problems of all the people. And we can truly make progress only as we share in the general progress that the whole of our society makes together.

It is in that spirit that we have tried to formulate our collective bargaining programs and it's in that spirit that we act together as citizens to urge upon the Government, both the executive and the legislative branches, those programs and policies that we think reflect the needs of all the people of our great country.

Now we share in the view that this is the time of testing, that what is being tested is really the commitment that we have as a people and as a nation to the core values of our free society. And those core values as we understand it is our common belief in the worth and the dignity of each human person. We share the view that you cannot test our commitment to these values by carefully cultivated cliches or by pious platitudes about the virtues of democracy, that the only real test of our commitment is what we do in a practical way to square our performance with our promise in the practical job of giving meaning and substance and purpose to these values in terms of the lives of people.

As we all know, Mr. Khrushchev has boasted that in due time his system will bury us and we believe he's counting more upon our failures than upon his successes. I believe, having spent some time with him in the give-and-take of a rough-and-tumble debate, that as a Marxist he believes that our kind of free society—being composed in his mind of competing and conflicting and irreconcilable economic pressure groups—is incapable of achieving a sense of national common purpose in the absence of the threat of total war. He understands, as we do, that when we were faced with the challenge of war, when we were driven by common fears and common hatreds, we were equal to a total effort as a free society. Mr. Khrushchev does not believe that we can achieve the same sense of common motivation because we share common hopes and a common faith. Therefore, he feels we cannot achieve a comparable effort to deal with the challenge of peace.

We live in a troubled world in which the realities necessitate that we be strong on the military front. But the real contest in the world between our system of freedom and all other social systems (that would destroy human freedom) is the contest that cannot be won no matter how big we make the H-bomb, no matter how strong we may be militarily. In the long pull, this contest can be won only as we demonstrate that our social system can best harness man's creative genius in the field of science and technology and can devise the economic and social instruments necessary to relate the abundance of automation to the basic needs of the human community. That's the contest, and while we need to spend billions of dollars to be strong on a military front, that is but the negative aspect of the total effort that we must make if freedom is to prevail over the forces of tyranny.

In this contest we will be judged in America not by the fact that we have the most productive economy, nor by the fact that we perhaps have greater material resources than any other people in the world. The real measurement of the worth and the quality of any society is not what it has but what it does with what it has. The real measurement is its capability of taking material wealth and equating that material wealth with human values, of taking technical progress and reflecting that in human progress. And when you measure what we have to work with in terms of our productive power, in terms of our technological development, in terms of all the economic and material resources that we have at our command, when you measure that based upon what we are doing with what we have, every American who has dared to think about the problem must in all good conscience come to the conclusion that there are serious deficits in the quality of American society. I should like to talk briefly about some of those deficits that disturb us very deeply in the American labor movement.

We are the richest country in the world and yet in the year of 1964 there are between 30 and 50 million Americans, depending upon what yardstick you measure poverty with, who live in the subbasements of the social structure of our great country. These are the unemployed and the underprivileged * * * they are the "have-not" peoples of America and they are denied and disadvantaged and discriminated against. This must be made a matter of the highest priority, and we salute President Johnson for the courage and the vision he has put into his proposal for all-out war on human poverty. We hope that Congress will act upon that program but we are under no illusions. This is but the first historic step in the long road that we must travel together before we will have abolished poverty in all of its ugly forms in our country.

I was in Africa last December where I had the privilege of representing our Government at the independence celebration in Kenya. I went to Ghana and Tanganyika. In Tanganyika I met in the villages with many people whose total income for the whole year was $50. There you see ugly, naked poverty, but the poverty you find in Africa is not nearly as destructive of human values as the poverty you find in Washington, New York, Detroit, and Chicago, because in Africa people live in a community where the overall average is around $50 or $55 per capita income per year. They are poor economically, but they are not poor spiritually, because they belong to their community. They have a sense of participating and a sense of worth and value in the social context in which they live. But poverty in America not only robs you materially, it robs you of a sense of worth, a sense of dignity, because you are shut out, you are isolated from the mainstream of society and you are denied a sense of belonging and a sense of purpose. That's why poverty in America is much more destructive of the values that we believe in than poverty any place in the world. And this is why we need to do something about it.

We in the labor movement believe that what we need to do in this country is to make up our minds that there is much work to be done and then work out a list of national priorities in which we put first things first. I should like on behalf of my colleagues to suggest to our congressional friends and our friends from the executive branch of Government some of these priorities.

What I am going to say is not new but I'm going to try to reemphasize our deep feeling and commitment with respect to these matters.

The top priority is what we do about our youth, because no nation has a future if it continues to neglect its most precious resource, the human potential, the potential for maximum growth on the part of our young people. Yet, we live in the richest country in the world in which we know that millions of our children are being denied the kind of education that is essential to facilitate their maximum growth and development. When you read that tragic report that Secretary Wirtz had something to do with in his shop—putting it together—the manpower report, and we learn that 50 percent of all our young people are being rejected by the draft boards some for physical reasons but mostly because they lack an adequate education. Measure the discrepancy in one State in the North where 3 percent are rejected against 67 percent in the South. The young people are not different. The only thing that's different is the kind of education and the kind of opportunities that they are getting.

We in the labor movement believe that every American child regardless of race or creed or color should have the kind of education that will facilitate maximum growth and development. The right to limit that should be only as God gave each child the capacity to grow. That right should not be limited by an overcrowded schoolroom and an underpaid schoolteacher. Yet, this is where we are.

Now, no one who sits down objectively and tries to understand or evaluate the dimensions of our educational needs can really believe that those needs can be met within the limited resources of either the State or the local community, and therefore we believe Federal aid to education at every level is essential if we are to overcome this tragic deficit in education.

There is a second item that I would like to emphasize. It has been said that the two measurements of whether a society is good, whether it is worthy, and whether it is moral, is what it does for its children and what it does for its older people in the autumn of their lives. We are neglecting our old people, we are denying them that measure of economic security and human dignity that every human being ought to have as a matter of right when he is too old to work and too young to die, during the autumn of his life, and yet we are still debating about whether or not we ought to include medical care in our social security system.

The Wall Street Journal had a story yesterday to the effect that the insurance companies are now recomputing how many older citizens are covered by their insurance programs. We know that there are millions of Americans who are denied the kind of medical care they need because when their medical needs are the greatest their income is the lowest. Good, high-quality medical care comes high. So we believe this ought to be high on our agenda.

Look around the world * * * you will find that we and Canada are the only two highly industralized nations in the world on either side of the Iron Curtain that have not provided a rational and responsible way of meeting the medical needs of our aged citizens.

And we've got this third question: The question of equal opportunity and first-class citizenship. Negro Americans have waited a hundred years and they are growing impatient. We in the labor movement have not achieved perfection and we have to work hard inside the labor movement to end discrimination wherever it may still exist, but while we are doing that we're going to work as citizens in this great democracy of ours to see that America does its homework. We believe civil rights transcends partisan politics. We believe that civil rights relates to a great moral issue which bears upon the relationship of man to man, within the framework of a free society.

One of the things that we're going to be privileged to do tonight is to honor two of our friends who worked with great dedication and devotion and with great human compassion to make possible the passage of the civil rights bill by the House. I refer to those great stalwarts, Congressman CELLER and Congressman McCULLOCH. They gave us a fine and noble demonstration of bipartisan leadership that puts principle above party, that puts the country ahead of any political advantage. Later in the evening we will hear from our two good friends from the Senate, Senator KUCHEL and Senator HUMPHREY. I am confident that working together over in the Senate they will repeat what Congressmen CELLER and McCULLOCH did in the House of Representatives.

We are confident that the Senate will enact that bill essentially as the House passed it, but let us be under no illusions that the civil rights bill will solve the civil rights problem. It's not the end of the road that we must travel, it's but the beginning of a new phase. It will give us new tools but we must use those tools in every State, in every community. The real challenge before us is to find a way to take that great national coalition of conscience which is now working together—labor and the churches and the civil rights groups and fraternal organizations and civic groups—and mobilize the people in a great army of conscience. For when we get these new tools, men of good will will need to join together to use these tools in communities all over this country and only as men of good will of every race and creed and color and political persuasion can join together and search for answers in the light of reason, in the spirit of brotherhood, can we met the problem. If men of good will fail, then the vacuum created by our failure will be filled by the apostles of hatred. They will search for answers in the dark of night, and reason will yield to riots in the streets and brotherhood will yield to bitterness and bloodshed and we will tear asunder the fabric of our free society.

Therefore, let us work to get the bill through the Senate, but let us work that much harder later to use the tools that the bill will give us all over this country.

Let us also not delude ourselves into believing that we can solve the civil rights problem in a vacuum, or that we can solve the question of education in a vacuum, or any one of these other serious, economic or social problems. We will find the answers to these problems, we in the labor movement believe, only as we achieve full employment, only as we learn better how to harness the great unused economic potential of this country, and relate the abundance of automation to the needs of all the people.

In the last 10 years we have wasted 25.5 million man-years of potential economic production because of chronic and continuing unemployment and because we had idle workers and idle productive capacity. We've got what we're told is a boom in the automobile industry. We're chewing up millions of tons of steel and yet the steel industry is still operating at 75 percent of its capacity. In 1960 it got below 50 percent and we had more idle steel capacity in America than the Soviet Union had in the total steel capacity.

So what we've got to do is get America's economic potential mobilized and relate that abundance to unmet basic needs. Because we had idle workers and idle capacity and because we failed to achieve adequate economic growth, we lost in the last 10 years more than $700 billion in our gross national product. That $700 billion is both the margin of economic progress in terms of civil rights and housing and education and social security and all the other things we need to do. It is also the margin of survival, I believe, in the contest between freedom and tyranny.

We in the labor movement believe that the basic problem is that we have not fully comprehended the dimensions of the technological revolution which is changing the world in which we live. We need 80,000 new jobs every week, but we are not creating those new jobs. There are less full-time jobs in the private, profitmaking sector of our economy today than there were 10 years ago. This is why we are in trouble. Look at what's happening in manufacturing. If you compare 1953 with 1962, production went up 28 percent with 12 percent fewer manufacturing workers. If you look at the automotive industry, and compare 1947 with 1962, in 1962, 54,000 fewer workers made 4,300,000 more complicated cars and trucks than were made in 1947. This is happening right across our total economy.

We place the major reliance in our free society upon our free economic system, we in the labor movement. This is the only free labor movement in the whole world that is committed to a free enterprise economic system. There is no other labor movement in the whole free world—in the Scandinavian countries, in France, in England or Germany or Italy—that is committed to the free enterprise system. While we are committed to it, this does not mean we don't recognize some of its practical limitations. Therefore, we say we are for giving the private sector of the economy every possible assistance, every possible encouragement, to create as many new jobs as possible, but after that effort has been made and there remains a serious deficit in employment, it is then the responsibility of the Government to take steps and to pursue programs and policies essential to meet the deficit which the private sector has failed to fill. This is really the crux of where we are.

Only an economic moron believes that the blind forces of the marketplace are adequate to cope with the revolutionary tide of technology, and therefore we need to think in terms of how does a free society supplement—not eliminate, not curtail, but supplement—the job-creating process which the private sector of our economy is unable to meet.

Now in 1946 our friends in Congress enacted what we know to be called the Employment Act of 1946. It commits this country to policies and programs to achieve and maintain maximum production, employment, and purchasing power. As I told our friends last year, that act—and it's still true—is as good as new, because it's never been used. Our urgent cry is for the Congress to get this law out of the mothballs and to put some money and muscle behind it so that we can effectively implement its purposes, because we are in deep trouble. The tax bill was an important step in the right direction. An enactment of President Johnson's poverty program is another step in the right direction. We would like to urge an accelerated and expanded public works program of at least $2 billion. There is a large shelf of local projects waiting for that money on a matching basis. This program will put 400,000 people to work directly and between 300,000 and 400,000 people to work indirectly in the industries where the materials and the supplies will be manufactured.

We ought to expand the housing program. Do you realize how far we've slipped in the wrong direction? In 1949 Senator Taft, Mr. Republican himself, proposed a housing bill for public housing of 135,000 public housing units a year. Our population is much greater. The need is much more pressing. Yet this last year we built less than 30,000 public housing units. That's how far we've come in lowering our sights.

Unemployment has exceeded 5 percent of the labor force for 74 consecutive months. That's an understatement, because that doesn't count the partially employed and those people who got lost in the work force because they became discouraged after wearing out their shoe leather and their thin tires.

We ask a simple question: Why is it that for 74 consecutive months we have in excess of 5 percent unemployment? In Great Brittain they have 2.5 percent; in Sweden they have 1.5 percent; in France they have 1.9 percent, in West Germany they have 1 percent. They don't have any economic magic that we don't have. Why is it that they consistently have done better than we have done? Is it because they are superior men? The answer is "No." It's because they have understood some things that we have not understood.

First, I think that they have understood the purpose and the role of fiscal policy. They have, I think, shed some ancient myths and embraced some new realities in terms of fiscal policy. They have understood that a balanced economy is more important than a balanced budget. They have recognized that a deficit in jobs is more serious than a deficit in the budget. They have understood the sequence of fiscal priorities. They have understood that your first balance is the job budget, then you balance the family budget, and out of a balanced job budget and the balanced family budget, you ultimately can get a balanced Federal budget. If you attempt to reverse this process, you are on an impossible economic treadmill. This is why we have recessions and mass unemployment.

One of the great tragedies of this country is that we have been hypnotized and paralyzed by fear words of "fiscal irresponsibility," when, as a matter of fact, everybody knows that the size of the budget is a relative—not an absolute—thing. The important question is: "How big is the budget measured by the size of our gross national product?" In 1948, the Federal budget was a much higher percentage of our gross national product than today. What we have done is to progressively starve the public sector. We spend a smaller percentage of our gross national product for the things that relate to the people's general needs than does any other modern democracy in the world. And this is why we are in trouble in education, housing, and these other areas.

There's one other thing they've done in these countries, and they have done it under conservative governments: Mr. Adenauer did it in Germany; Mr. de Gaulle did it in France; Mr. Macmillan, when he led the Tory government in Great Britain, did it; and our labor friends who are in the governments of Sweden and Norway and Denmark, do it. They have all understood and recognized one simple fact, and that is you can't drive a high-octane, jet-propelled, automated economy down the highway of the future by using the rearview mirrors of the windshield. You've got to know where you're going. You've got to know what's going to happen tomorrow and 5 years from now. You've got to project some priorities, and you've got to begin to develop a rational and responsible system by which you allocate natural resources to meet those priorities. If you rely upon the blind forces of the marketplace, you are expecting the marketplace forces to perform functions beyond their capabilities.

The conservative governments of Europe have understood that. They are no less committed to freedom than we are, but freedom also requires a measure of economic realism and social responsibility.

The other thing they have done—and this includes Macmillan and Adenauer and De Gaulle as well as Tage Erlander, the Prime Minister of Sweden, and the Prime Ministers of the other Scandinavian countries who have labor governments—conservative and labor governments alike in all of the democratic nations of Europe—have recognized that public planning for people can be made compatible with private planning for profits. Yet, we haven't understood that very simple truth, and "planing" is still a scare word. General Motors does their planning and they do it well; that's why they made $3.5 billion last year. You can't make that much unless you plan it. If we can plan privately and make profits, why can't we have a measure of democratic, rational, responsible public planning for people and make one compatible with other other. We can, and this country had better catch up.

We pride ourselves in America in being pragmatic. We pride ourselves in being nondoctrinaire, and yet we are the most rigid, doctrinaire people in the world in the areas of these ancient myths. That's why we get in trouble.

I say these things because we feel deeply about these problems. We go to the bargaining table * * * 90 percent of the problems of the bargaining table are the result of the fact that union after union goes there representing two workers, but there's only one job. You can't find the kind of magic to solve that problem. Therefore, this is a problem, this whole question of full employment. It is one that we feel is at the crux of all these other related problems.

I conclude by saying these are the priorities that we hope Congress will give attention to and that the executive branch of Government will give increased attention to. I say these things with a deep personal conviction, in the great capability of our free system, in our free institutions and free men. I believe that we in our free system are equal to the challenge that we face in the world, but only if we mobilize our full human and material potential, not if we go on wasting 25.5 million man-hours of valued economic production.

I quote the words of Woodrow Wilson, because he said these in a time of great stress in the world. Back in 1910 he said these words, and I quote: "We live in an age disturbed, confused, afraid of its own force. It is our duty to find ourselves."

And I share the view, as one American, that each of us has a high responsibility. It doesn't matter what political party you may belong to or support. This transcends party. Each of us has a high responsibility to help America find itself, to help America achieve what I consider to be a matter of great urgency:

First, a greater sense of national urgency, so that we can get on with the job; and secondly, a stronger sense of national unity; and finally, and perhaps most important of all, a deeper sense of national purpose.

What is the purpose of a free society? It is not economic activity, it is not the creation of greater and greater material wealth, it is not breaking through new frontiers of technological progress * * * these are but tools related to the central purpose of human society, to the enrichment of human life, to build a world community in which every human being can live his life and can achieve in his own way, within his own capabilities, the maximum sense of self-fulfillment. Thank you.

THE ANTIPOVERTY BILL

The **SPEAKER** pro tempore (Mr. Albert). Under previous order of the House, the gentleman from New Jersey [Mr. Frelinghuysen] is recognized for 1 hour.

Mr. FRELINGHUYSEN. Mr. Speaker, I have asked for this opportunity to address the House for a variety of reasons. I would like to say at the outset that I have notified all 19 Democratic members of the House Committee on Education and Labor, as well as the Republican members of that committee that it is my intention to discuss the antipoverty legislation now before the committee. I regret to see that there is no member of the majority party from our committee here today. It may be that they are still in a huddle with the would-be director of the Office of Economic Opportunity, Mr. Sargent Shriver.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield.

Mr. WIDNALL. Is not that the czar, Czar Shriver?

Mr. FRELINGHUYSEN. He is known as the "Poverty Czar," I will say to the gentleman from New Jersey.

About an hour and a half ago—it is now 10 past 4—over the Associated Press ticker there came out a news account, which is the way we Republicans are obliged to hear of developments in our own committee—which indicated that the Democrats on our committee were continuing to ignore our pleas to participate in what they are doing in connection with antipoverty legislation. The Democrats were reported, I might say, Mr. Speaker, near agreement on an antipoverty bill. They have been in strong disagreement for over a week now. It was that fact which led me a week ago to say that the President's poverty program was headed for oblivion as soon as the Democrats could find a way to bury it. Perhaps it is not headed for oblivion. Perhaps the services now being conducted in the committee room are not in the nature of a burial service. But in any event substantial changes are being developed.

I say they are being developed. I do not know. But the press accounts appear to be reliable and we have no better source of information. According to this press account, Mr. Shriver, the would-be poverty czar, who was not included in the Democratic caucuses last week—I am not sure why that should be—has been in consultation with the committee today. According to the account he has apparently slowed down the Democratic efforts to write an allocation formula into the poverty bill that would fix each State's share of the $962 million proposed for the first year's expenditure.

In other words, Mr. Speaker, if this news account is accurate, Mr. Shriver is acting like a czar before he is given the authority which he is requesting of Congress.

Mr. Speaker, it was my suggestion that we have an allocation of any funds to be made available to the 50 States on the basis of population, unemployment, and per capita income. That suggestion was ridiculed by Mr. Shriver before our committee last week as a "wooden" arrangement, one that would require utilizing the machinery of the States.

Mr. Speaker, I am not sure how many others agree with Mr. Shriver that the States should be deliberately bypassed, but it is evident that there are at least some Democrats on the committee who feel as I do that there should at least be some allocation of funds to each of the 50 States, if all of the States are to provide the money.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Minnesota.

Mr. QUIE. This is the unfortunate part of the activities of the other party. Through this action they prevent the Republicans on the committee from presenting views and proposals in regard to the bill which they feel would be wise. This is what the gentleman has just been talking about.

Another suggestion that I have made is that we make a change in the selective service law so that the preinduction examination into selective service can be given at the age of 16.

Mr. Speaker, I have just received a letter from Albion College at Albion, Mich., from Dr. Charles L. Swan, Ph. D., a professor of sociology, who agrees with me and sets out the reasons why this would be effective and how it would help the States and local communities and counties to understand who needs help and be alerted to the needs of youth.

Mr. Speaker, I ask unanimous consent to include Dr. Swan's letter at this point in the Record.

The **SPEAKER** pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The letter referred to follows:

Albion College,
Albion, Mich., May 2, 1964.

Hon. Albert H. Quie,
Representative from Minnesota, the Congress of the United States, Washington, D.C.

Dear Mr. Quie: On page 8581 of the Congressional Record for April 21 I have read your suggestion that preinduction examinations be given to all young men at age 16. May I congratulate you on presenting this idea to the House of Representatives.

As you indicate, this will alert the young men themselves to their deficiencies. Where these can be corrected, they can do so.

Much more important, however, is the fact that this system will alert the local communities to the need to do something, when it appears that a high percentage of their boys are unfit to pass the induction examinations both mental and physical.

In this period of our history, when many people are so tragically quick to resist any pressure of the Federal Government to improve their local standards, your suggestion will meet with the weary cry, "Federal control." I hope you will answer this cry effectively.

Actually, the communities who are failing to give proper preparation and care to their children, are pouring their inadequate people into the great cities where problems are mounting tragically. The Census Bureau will tell you how many rural youth, South Carolina youth, small town youth are migrating to our cities and industries.

The failure to train these people for a highly competitive modern setting is America's most serious and preventable tragedy today.

Through your program of preinduction examinations at 16, local communities, counties, States, and the Nation will be alerted to the needs of our youth.

Sir, I cannot think of a more important first step toward up-grading American education than your suggestion of preinduction examination at 16.

Again, my thanks as a citizen in a position to know the facts.

Very sincerely yours,

CHARLES L. SWAN, Ph. D.,
Professor of Sociology.

Mr. QUIE. Mr. Speaker, the only way in which adequate legislation can be enacted is to work it out on a bipartisan basis. This is much to be preferred to the action which the Democrats are now taking. Evidently, we are going to have a one-package deal and we will either have to take it or leave it.

Mr. FRELINGHUYSEN. I thank the gentleman for his contribution. I, too, feel that maybe we will be obliged either to take or leave a package which the Democrats may be able to pull together, after over a week of private discussions. This seems to me to be distorting what is the appropriate and normal legislative procedure.

Mr. Speaker, I see no reason why the Democrats should lock Republicans out from consideration of legislation now pending before the Committee on Education and Labor; when before this time, I might say in a very immediate sense up until last week, we were under pressure every day from the acting chairman of the ad hoc Committee on Poverty to dispose of the witnesses so we could come to a decision by May 1. We are now into the 6th of May and we are not even going to meet as a committee until the 12th of May. So, something has caused their schedule to go awry. It is my suggestion—and perhaps I am wrong—that it is disagreement among Democrats, it is opposition to the President's recommendation among Democrats, which has delayed us up to this point.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois [Mr. PUCINSKI], a member of the Committee on Education and Labor, and I am glad to see that he is present.

Mr. PUCINSKI. Is my distinguished colleague and the ranking minority member on the committee aware of any meetings that the committee has held where the Republicans have been refused permission to sit in on them?

I am not aware of any meeting which the committee has held. We adjourned until May 11 and the majority has been caucusing as well as the minority. The gentleman has written a bill in consultation with his own Republican colleagues.

Where has the committee failed to meet? We are going to meet on the 11th to start reading this bill and marking it up. Is not that a fact?

Mr. FRELINGHUYSEN. I know of no facts. All I know is what I have read in the Wall Street Journal, which may or may not be fact. According to the Wall Street Journal—I will include the whole article in the RECORD—the full committee is to meet tomorrow in executive session. It was intended by the Democrats that the bill should be marked up starting tomorrow. We have had no such information, and we do not know whether it is true. If the Democrats are not able to reach an agreement before tomorrow, I assume we will not meet until next week. I am not informed as to what the next day's plans of our committee are.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I would hope the gentleman is going to be a source of information on a good many things going on in the committee which we are not informed on. I yield to the gentleman.

Mr. PUCINSKI. The gentleman is the ranking minority member of the committee, and certainly would rely on his own knowledge of activities rather than what he might read in a newspaper article, no matter how true it may be. The gentleman knows tomorrow is Thursday. It is our regular day for a meeting of the committee. If a quorum is present, the committee is going to meet to transact business. We agreed at the conclusion of the hearings that we would adjourn the poverty discussion until the 11th of May to give both sides a chance to resolve whatever differences there may be among the respective sides.

Mr. FRELINGHUYSEN. I decline to yield further. The gentleman's statement is totally inaccurate. I was there when the chairman of the full committee adjourned the hearings of the ad hoc subcommittee a week ago Tuesday. At that time he said the ad hoc committee would meet last Thursday, April 30, at 10 o'clock. At 11:30 he said the full committee would meet continuously until a satisfactory antipoverty bill is developed. I learned through the press that there was no meeting scheduled until May 11 or 12. I called the chairman himself and asked, "Mr. Chairman, what is going on?" He, at that time, informed me that there had been so many differences and so many amendments offered by the Democrats that he decided at that time to suspend further meetings of the committee. This is what I am regretting, this is what I am curious about, and this is what I would like to have some information on.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I hope the gentleman will agree that my statement of the facts is correct.

Mr. PUCINSKI. The gentleman has stated the situation correctly and properly. It is true that when we began to study this bill it developed that there were a great many differences. I myself have serious reservations about certain parts of the bill, and I think it is in the best interests of all concerned for both sides to caucus to resolve the differences within our own party—that is the way you resolve differences—and then meet with our distinguished minority friends and see if we can agree on a bill.

I do not see where there is anything improper or incorrect about this procedure.

Mr. FRELINGHUYSEN. I would like to make one comment. I say that what is being done is a very abnormal procedure. Usually when a chairman concludes hearings and announces there are going to be marking up sessions, he is able to stick to his guns and have Democrats and Republicans sit down and discuss all of the proposals that either side might make, and he can expect to reach agreement at some point. I say it was very unusual for the majority to be unsure of their own proposals and to be so divided that they do not trust the Republicans to sit in with them until they resolve their difficulties and have it on a "take-it-or-leave-it" basis. Since my statement last week the President of the United States choler has been raised because I said that the bill the President had recommended was heading for oblivion. It certainly is going to receive substantial changes both as a result of Democratic suggestions and as a result of Republican suggestions.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. AYRES. The gentleman from Illinois left the impression that the Republicans had caucused prior to the introduction of the bill of the gentleman from New Jersey.

I think the record should show that we Republicans were not caucusing in any effort to come up with something that would make it difficult for the majority to consider their bill. The gentleman from New Jersey introduced his bill. He will recall the morning he announced he was going to introduce it that there was considerable discussion within the committee on the proposal of the gentleman from New Jersey.

I think it most unfortunate that the gentleman who is going to head this program, Mr. Shriver, should meet with only the Democrats, when he made such a strong point when he first appeared before the committee that this was a bipartisan approach and that he did not wish politics to be injected into the measure. It would have been most helpful if some of us in the minority, who have attended the hearings faithfully, who have participated in the discussions, and who have very deep feelings on some of the provisions, had been advised that the gentleman who is going to be in charge was meeting with the majority party to try to get them to agree on a provision that they could just hand to us and, probably hopefully, that they could ram through without our being given any opportunity to discuss the new proposal.

I commend the gentleman from New Jersey for raising this very important question. In the 14 years I have been here there have been causes on both sides but never in the history of either of the two committees on which I have served, whether we were in the majority or the minority, did the majority call in the top people who were going to administer a piece of legislation without conconsulting the minority.

Mr. FRELINGHUYSEN. I thank the gentleman for his comments. As I said, that seems to be a most unusual procedure. I share his regret that the present Director of the Peace Corps and would-be director of the Office of Economic Opportunity should be one of those responsible for injecting an unnecessary and unwise degree of partisanship into what should be a bipartisan meeting of the committee members.

Mr. GOODELL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. GOODELL. I think we can all agree here that poverty and measures to fight poverty are not a partisan matter. I think we ought to give the sequence of events as they happened.

The Powell-Landrum bill on poverty was sent up here. We started hearings on it. There were 6 weeks of hearings scheduled with no Republican witnesses allowed. After great insistence on the part of the Republicans we were allotted 3 days. We were not to hear all the witnesses that we felt the committee should hear. We had the last 3 days prior to the return of Mr. Shriver to the committee. During this whole 6-week period of hearings we got the impression from the gentleman from New York [Mr. POWELL], the gentleman from Georgia [Mr. LANDRUM], and the Democrats generally, no one could criticize this sacred cow called a poverty bill, and that anybody that criticized any elements of this bill was being partisan.

Subsequently, after 6 weeks of hearings it develops that the Democrats themselves have something like 38 amendments to the original Powell-Landrum bill. Obviously in the 6-week period some very serious deficiencies in the original proposal came to light. I think we can honestly say the original Powell-Landrum bill disintegrated right before our eyes, and they have had to try to patch it up and put it back together again in some form.

The normal procedure—and I have never seen this procedure violated before—is to get together and start marking up a bill. Our ranking member, the gentleman from New Jersey [Mr. FRELINGHUYSEN], introduced a piece of legislation which was not promoted as a Republican substitute and was not promoted as a Republican bill. The gentleman from New Jersey [Mr. FRELINGHUYSEN] introduced a bill to emphasize some of the weaknesses of the Powell-Landrum bill as it came before us. It is an eminently more acceptable approach. I think both Democrats and Republicans on our committee would agree to this. We wanted it in writing so that we could refer to it as we were marking up the Powell-Landrum bill. Now when we finished with our hearings cut off, so that the Republicans could not have all the witnesses they wanted and supposedly to have this legislation out by the first of May; what happens? The Democrats caucus and decide that they are going to mark up the bill for a week or 10 days or until they can get the patchwork together in a way that they think they can now support. This, to me, is an unheard-of legislative procedure which injects total partisanship into an issue where it does not belong at all. I think what we have now is the Democrats putting together what might be called the L.P.J. bill—the Landrum-Powell-Johnson bill. This is going to be a substitute for the original Landrum-Powell bill and we will come up next week presumably with a situation where the Democrats say: "Here it is, you take our partisan approach to it or vote against it."

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman. Yes, I have a number of questions to ask the gentleman myself; so I feel this is a welcome opportunity to yield to the gentleman and have him talk at this time.

Mr. PUCINSKI. The statement made by my colleague whom I respect very highly, the distinguished gentleman from from New York, is somewhat incongruous. On the one hand he is complaining that he is locked out of the committee. On the other hand, he makes the flat assertion that 38 amendments have been adopted. I do not know of any such procedure. The gentleman will have to make up his mind one way or the other.

Mr. FRELINGHUYSEN. Mr. Speaker, I think the gentleman from New York is being misquoted, inadvertently, I am sure. We have no idea what the Democrats have been doing in committee, I will say to the gentleman from Illinois; because we are not privy.

Mr. PUCINSKI. What is the basis of your claim?

Mr. FRELINGHUYSEN. Well, the news reports indicate that there are something in the order of 38 amendments being offered by Democratic members. The chairman of the full committee informed me directly in one of my rare communications with him that there were 23 amendments the first day there was a caucus of Democrats on the 30th of April. I do not know whether the gentleman from Illinois is trying to deny this or not. But surely there is no argument that there are very substantial numbers and types of amendments being offered by Democrats. If not, what is taking you so long to come up with an improved bill?

Mr. PUCINSKI. Again, as I say, the gentleman is stating the situation correctly. We said from the very first day we began that we were going to hold hearings on this bill. It seems to me this is the very essence of the legislative process. We are not going to take a bill written by some agency and put a rubber stamp on it. We Democrats want to take a look at this bill and offer our own suggestions and changes and then we are going to sit down with you on the 11th of May and ask you for your suggestions and changes. What is so incongruous about that?

Mr. FRELINGHUYSEN. The gentleman is giving me some mild reassurance. But until very recently too many on the majority side, in my own opinion, had been acting like rubber stamps.

Mr. PUCINSKI. Can you name them?

Mr. FRELINGHUYSEN. They have been acting like rubberstamps, asking one question after another on the proposition before us. It would also seem to me, as a result of this unusual procedure which the majority is now following, that they expect us to be rubber stamps or carbon copies until you report a bill out where you can muster whatever you can muster in the way of support on your own side. This strikes me as a very unwise and deliberately provocative course. This kind of partisanship should not enter into our deliberations. We should not have the problem of reaching a sound, constructive, bipartisan compromise, if that is possible, obstructed as a result of this deliberate, uncalled for, and agonizing delay.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. GROSS. I have been very much interested in hearing this discussion. But I think you on the House Labor and Education Committee have yet to learn a few lessons about how Democrats can operate in this session of the Congress. The bill to take care of congressional poverty—in other words, the bill increasing the pay of Congressmen—was a new bill delivered to the members of the committee on last Wednesday afternoon, a week ago.

On Thursday morning the bill was called up in the committee. The committee convened at 10:35 a.m. and immediately adopted a motion—a "gag rule" is what it amounted to—and did not hear a single witness. We heard no witnesses, after last October 15, on the pay bill. Without hearing any witnesses, at 11:20 a.m., 45 minutes later, the bill was voted out of the committee.

I sympathize with the gentleman, but I wonder if it is going to be the procedure of the Democrat majority the remainder of this session of Congress to ride roughshod over the minority in all committees of the House.

Mr. FRELINGHUYSEN. I thank the gentleman from Iowa for his warning. It may not happen, but it is possible that when the skids are greased we may see action without deliberation at all.

Because of this we held our press conference to express our concern about this inexplicable termination of hearings and refusal to allow Republicans to participate in what we had expected to be the next step; namely, an executive session to consider antipoverty legislation.

There still has been no reason given for this delay, except that the Democrats were so divided among themselves about their own amendments that they needed time to get their house in order. I sympathize with them, but I am not certain that this is the best way to get sound legislation, over a long period of time.

Perhaps I should yield no further until I make a few remarks, and then I shall be glad to yield to Members who may have comments to make.

As the gentleman from New York has already said, the Committee on Education and Labor started on March 17 to hold hearings on the Powell-Landrum bill, H.R. 10440.

We have been proceeding, with the interruption of the Easter recess, literally night and day since that time, 5 days a week, starting at 9 a.m. instead of 10 a.m., and on several occasions continuing until 8 p.m. We have been going at this forced-draft rate for some reason unknown to us, except that we had to meet a deadline of May 1.

In the course of this rush we were obliged to refuse the requests of witnesses to appear. Some who had been offered an opportunity to testify did not have that opportunity. They were simply stricken from the witness list. A number of others who sought the opportunity were not given it. I expressed my regret over this, and the Republicans were given 3 days in which to produce some witnesses on our side or some witnesses who had asked for our assistance, not necessarily representing our point of view; because we differ among ourselves as to what should be done with respect to methods of alleviating poverty.

Last April 30, when I heard that the committee was not going to meet the next day, as scheduled; I wrote immediately to the chairman of the full committee, requesting that hearings be resumed and that additional witnesses be allowed to be heard to fill out the quite voluminous record, and to allow testimony pro and con on the major alternative program I had introduced, H.R. 11050.

I suppose it should come as no surprise to me, but I had no acknowledgment of that letter from the chairman, except through the usual medium by which I learn what the committee and the chairman are planning to do—I mean, through the press. Of course there would be no further hearings, I learned from the press. So far as I knew, we were not going to meet again until May 12, until I read in the press this morning that we were to meet tomorrow to mark up the bill. I tend to believe the press reports; because I have no other information on which to rely.

In any event, that 12 days recess was provided with virtually no notice. It was done 24 hours after the chairman had said that we would meet in 48 hours to work on the bill and to work continuously until we developed a satisfactory compromise.

There is virtually no explanation as to why there should have been such a delay. It was this abrupt decision, Mr. Speaker, which prompted the Republicans on the Committee on Education and Labor to hold a press conference last Thursday, April 30. It was on account of this press conference which that same day brought down upon us the unmitigated wrath of the President of the United States.

Why should the President be vexed with Republicans, Mr. Speaker? What have we done that we should be accused of blind opposition for opposition's sake? Why should our suggestions for developing sound legislation be criticized even before we have introduced bills of our own? What, in short, has derailed the President's well-publicized, if less well-considered, program of total war on poverty? And what are his objectives for eventual action by Congress? No one knows as well as a Member of Congress the danger of predicting the fate of legislation. Perhaps my prediction, which was an offhand one, last week regarding the President's poverty package aroused Mr. Johnson's wrath. Perhaps I should have been more circumspect. Perhaps I should not have predicted that his recommendations are headed for oblivion as fast as Democrats could figure a way to bury them. My statement, I must confess, Mr. Speaker, may have been inspired in part by wishful thinking. For 6 weeks now I have heard testimony on Mr. Johnson's suggestions, and during that time I have become increasingly convinced that such a hodgepodge should not be authorized. I am sure we should not set up a poverty czar with virtually no restrictions on the way in which he might decide to distribute close to $1 billion in taxpayers' money. This $1 billion would be available for just the first year, I should point out.

I am convinced we should not enact a program which has no price tax of any kind on it for the second year or subsequently.

Mr. Speaker, it cannot be questioned that the cost would be tremendous since the Federal Government would be assuming vast new responsibilities; but surely President Johnson's reactions could not have been based on my doubts about his suggestions. He was talking to the Democratic ladies meeting here in convention last week; so I did not have the privilege of hearing his pep talk myself. I was forced to rely on that usually reliable source, the press, for what he had to say. Mr. Johnson appeared angry that I stated what we all here already knew—his bill is in trouble and faces major changes. The changes in prospect, Mr. Speaker, as has been indicated, are being proposed by Democrats as well as Republicans.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. I thank the gentleman for yielding, and I want to commend him for bringing to the attention of the House and the Nation the problem being encountered by the Congress with regard to this significant legislation. I say significant legislation because I assume that all Members of Congress both in this Congress and prior Congresses have been concerned with the plight of the underprivileged, the poor or the impoverished or whatever we want to call them. I certainly think it is a reflection on every past Congress and every other Congress, for that matter, to assume that only a particular few or a particular party in the Congress are concerned with the plight of the poor. As I understand the legislation which has been introduced—and I have given a great deal of study to it, although I do not happen to serve on the committee—it seems to me past Congresses have done a pretty good job of providing ways and means through which in our system of government the poor can be helped and the unemployed can be assisted. I note in the first session of this Congress we provided or implemented the Manpower Retraining Act and also provided an opportunity for improvement with regard to vocational training and other measures that we have taken which have really not been given an opportunity to be tried yet. This is not to mention the tax cut which the Congress provided and which is supposed to enable our private enterprise system to absorb a great many of the unemployed and improve conditions in business.

There seems to be a great overlap and there seems to be a great plea, which is in derogation of existing legislation. I certainly commend the gentleman in his efforts, and I think it is reprehensible that this should be a partisan measure and an election year campaign gimmick with the poor being the victims of this sort of tactics. I cannot help but feel that we must apply pressures, however we can, and this is one of the ways in which we can, in order to bring recognition to the majority party and to the Executive that all of the Members of the Congress are interested in these problems and we want open, free, and fair opportunity to have our views expressed and have them considered. I think that the gentleman is bringing to public attention something extremely significant which the public must know and understand.

If the tactic is to be pursued that the majority party seems to be pursuing, then it should be brought plainly and clearly to the American people that the plight of the poor is being played for whatever political value it has and not because of the impoverishment in which they find themselves. Many of these conditions could be overcome if we had less Government and fewer Government programs; if we had more freedom of opportunity for business to meet the needs of the unemployed and their problems in an expanding economy. And that is only possible, it seems to me, through programs which encourage our private initiative and our private enterprise system.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for his expression of concern. I would like to say that I am sure all of us Republicans on the committee deplore the partisanship which has erupted, both in the committee and outside, with respect to the suitability of antipoverty legislation. It is not an easy subject on which to legislate, and it is being made no easier because of the potential political value that may be contained therein.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I should like to state as a fact that the gentleman from New Jersey [Mr. Frelinghuysen] has rendered a great service to the American people in taking the time this afternoon to try to bring to the attention of the American people the viewpoint of others who are just as deeply concerned with poverty in the United States as is the administration. This is not a partisan matter.

As a matter of objectivity we all want the same thing. As long as I have been in political life, and before that, I have known, just as has the gentleman from New Jersey [Mr. Frelinghuysen] that we have sought to help those in the low-income area, those who are in circumstances of economic underdevelopment, and those in this country who are the underprivileged. The difference is one of approach. I know what the gentleman is trying to get at and what I and the rest of us would like to get at, and that is that we should have the ability to bring before the American people what is in this bill and what is being offered by way of an alternative, by way of a progressive approach, rather than the same old rehash of the rehabilitation approach that we tried back in the early thirties.

What we want is a new program that will mean something to those people who are in the low-income stratum, and who have been underprivileged.

We have tried to take this attitude in the committee. I am now referring to the Banking and Currency Committee. We offered a new program on housing, to bring such program to the needy and not the greedy in America. We have offered something by way of help to the low-income people in the blighted and depressed areas. Over and over again through the years we have watched the upping of the contribution for those who are the classes and not the masses in urban renewal, with the emphasis on commercial redevelopment to a point where it became ridiculous—as when they are talking about having redevelopment in New York City to provide a new home for the New York Stock Exchange. And this is being done when the Johnson administration is talking about the emphasis on a war on poverty.

I understand this as a person in politics, that anybody who gets up and speaks against a slogan like that is considered automatically a man without a heart, without humanitarianism, without any concern for the people who are the underprivileged. But they are not. They are just Americans who have not had a chance in certain areas. But this has been played upon, like strings on a fiddle, for years, for political purposes. The benefits of what they have done have gone to the privileged. In urban renewal we have seen it go to the greedy and not the needy. We have seen it go for Negro removal as against urban renewal. Some day the American people will wake up.

Mr. Speaker, that is why I think the gentleman from New Jersey [Mr. Frelinghuysen] deserves a great deal of credit with reference to this poverty package that is before his committee. And it should not be before his committee but it should be divided up among the various committees of the Congress that have jurisdiction in the field of agriculture, in Banking and Currency where we have housing and urban renewal and other items that go into this package, and where people in those fields have had experience, have had a chance to make examinations, have an expertise in the field, and who could report back from their experience.

Mind you, Mr. Speaker, this is not a partisan approach in making this suggestion, because every committee in the House is in the control of the majority party and certainly from their leadership down they can control the end result, if they want to.

We should have an honest approach, not just the same old Civilian Conservation Corps all over again, or other old, rehashed, unsuccessful programs. We should not have this program coming out of the Committee on Education and Labor after caucuses behind closed doors as the gentleman from New Jersey has discussed, but coming through all of the committees that have normal jurisdiction over the areas which are now going to be concentrated under Sargent Shriver.

I thank the gentleman from New Jersey for his great contribution in this matter.

Mr. FRELINGHUYSEN. I thank the gentleman for his comments. I did say at the outset of the hearings in March and I expressed the hope that the Powell-Landrum bill could be broken up into segments and that the proposals affecting the Committee on Banking and Currency would go to that committee and that the proposals affecting the Committee on Ways and Means would go to that committee. Also, that the small business recommendations would go to the Committee on Small Business. That has not been done. If we do not do that, I fail to see how we are going to have an honest and fair appraisal of the matter because we have not had the benefit of the judgment and the expertise in these various fields to be able to evaluate these suggestions and place them in perspective.

The gentleman from New Jersey [Mr. Widnall] came before our committee and gave very pointed testimony to that effect. Of course, the gentleman from Missouri [Mr. Curtis], a distinguished member of the Committee on Ways and Means, also testified before our committee.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Missouri.

Mr. CURTIS. I want to thank the gentleman from New Jersey and join in the remarks of the gentleman from New Jersey [Mr. Widnall] who serves with me on the Joint Economic Committee where we have been trying to grapple with the underlying economic causes in this war on poverty since we have served on that committee.

Indeed I did appear before the Committee on Education and Labor to urge one basic thing: That we carefully review the programs which we presently have in order that we do not create redundancy and also to be sure that we do not interfere with those programs.

It was my judgment, and still is my judgment, that the Committee on Education and Labor appropriately had referred to it this basic bill. But it has been my suggestion that the work of the Committee on Education and Labor be coordinated with the Committee on Ways and Means, for example, which has jurisdiction over the bulk of our Federal-State welfare programs, based as they are on social security tax and on taxation, and not just the OASDI which is the old social security program and the disability program, but old-age assistance and aid to dependent children, aid to the blind, as well as unemployment insurance.

Indeed, I pointed out how well this approach had worked in the Manpower Training Act, in contrast to the report that has been given here on the floor of the House, and which I have seen developing in the past several months of a very narrow, almost vicious partisan approach on the part of President Johnson and the leaders in the Democratic Party in the House of Representatives. In this program they seem determined apparently to make a very narrow political issue out of poverty, in contrast to the approach in the Manpower Training Act, an act which is a credit to the gentleman from Pennsylvania [Mr. Holland], chairman of that subcommittee, a Democrat, and to the credit of the Democratic members of the Committee on Education and Labor at that time in the way they handled the Manpower Training Act. They tried to sit down with Republicans, knowing that we are all concerned about this. I received a very fine reception as a member of the Committee on Ways and Means when I came to testify before the Committee on Education and Labor to call attention to how the Manpower Training Act impinged or worked into the field of unemployment insurance. We were to work together at that time to be certain that it would not damage but went in the same direction.

Some very good work was done by the gentleman in the well and by the gentleman from New York who sits besides me, the gentleman from New York [Mr. Goodell] and Democrats on the Committee on Education and Labor working with the Committee on Ways and Means. That, in my judgment, is the way to move forward on these social problems. There are going to be plenty of areas where we can differ on a partisan basis and, indeed, there should be a partisan basis if there is a fundamental difference of opinion on how to approach them. But you do not go out in the very beginning to make, what is very obvious to me now, one of the lowest political campaigns I have seen looming up for the Presidency in 1964.

President Johnson can stop this kind of approach and go back to the kind of approach we have had in so many instances, both on international as well as domestic affairs, to working with the Congress, and not making a partisan issue before it starts, hoping through demagogery, I suppose, to collect some votes.

I feel very strongly about it. This is the last area that we should have the leadership of a great political party deliberately trying to make partisan capital out of it when there has been so much effort and cooperation and attempts to cooperate on our side of the aisle.

What we are concerned about is to improve this legislation, and to continue this battle which has been going on against poverty ever since this country was founded.

I want to thank the gentleman for bringing this matter to the floor of the House, and in yielding to me to make these observations.

Mr. FRELINGHUYSEN. I remember with some nostalgia the very real cooperation which Democrats and Republicans did show on substantial legislation before our committeee. As the gentleman from Missouri has pointed out, there was real cooperation with respect to manpower development and training legislation. In my opinion, no one would argue that the Republicans have not made a substantial contribution to the improvement of the bill. The same thing was true as to the National Defense Education Act. In many areas we have insisted on cooperating, even though we had different political affiliations. It is because we deplore that, the lack of that atmosphere, both in the committee and outside, that we held our press conference last week. We were not seeking to criticize the partisanship that exists. We were lending a helping hand to our Democratic friends when the President of the United States in fact declared war. That is understandable in an election year and perhaps a rank and file Member of Congress should feel flattered that he should be excoriated by a Democratic President.

What concerns me, of course, is that the President should be so uncommonly sensitive to criticism. Of course, I am a member of the loyal opposition, but why should my views upset him? If his suggestions are sound, why worry about it? If his support is united, what reason does he have for concern? Cannot his own recommendations stand up against evaluation?

Perhaps it is significant, Mr. Speaker, that Mr. Sargent Shriver, who would be commander-in-chief, as he is designated of this so-called war on poverty, shows the same undue sensitivity to criticism, when 48 hours earlier Mr. Shriver had rejected my suggestion that any Federal funds that might be made available be distributed through the States. However, now Democrats are at least considering this over Mr. Shriver's objection, as a reasonable way to make Federal money available to the 50 States in which presumably poverty exists. I can understand that Mr. Shriver may be unhappy that he may not be made a czar by the Congress. Perhaps he realizes that the President's package is vulnerable to criticism, but both Mr. Johnson and Mr. Shriver should be aware of the growing skepticism and doubt being expressed by Republicans and Democrats on Capitol Hill.

Mr. GOODELL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. GOODELL. I did not intend to address myself again to this subject, but having listened to the gentleman from Missouri, and having worked with him as other Members did on the manpower retraining bill, and hearing him express his disappointment as to the developments that have come about on this poverty bill, I had to speak again.

Let me just document for a minute the partisan approach that was taken. The chairman of our committee started out the first day with Mr. Shriver testifying, and he recognized Democrats consecutively down the line to question Mr. Shriver, violating the tradition of the House to rotate between Republicans and Democrats. They invoked stringently the 5-minute rule against Republicans in the questioning while letting Democrats go for 20 to 25 minutes. We called this the lopsided gap. They have taken arrogant positions from the beginning. They say, "You have to vote for this package whatever we put in it." They have not wanted to sit down and talk with us and confer about any constructive changes that should be made.

Now when we have finished the hearings they go in and wipe us out. This is the kind of contrast we have. They do not want constructive legislation here, they want poverty politics. That is what they are doing. It is a very sad thing.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. PELLY. I think the gentleman from New Jersey is doing a real service in pointing up the confusion and difficulty that exist with regard to writing a poverty program. It simply reminds me of Humpty Dumpty, as far as the President is concerned that all the king's horses and all the king's men are having a little trouble putting the Powell-Landrum bill together again.

Mr. Speaker, speaking of poverty, and an antipoverty bill, the whole problem is not one of people who live in slums. For example, in my own State of Washington, unfortunately, we have a large group of citizens who are needy and are not in the slum category at all. We have retired people who are in need because the State has failed to follow the intent of Congress under the Kerr-Mills Act. As a result, there are all kinds of elderly who need hospital and medical assistance who cannot qualify under the State administered program.

What is needed, in any all-out war on poverty, it seems to me, is Federal legislation to assure that needy low-income citizens 65 years and older can obtain this medical attention even though they have an equity in a home or life insurance or a modest savings account. Under today's cost of living, a married couple should qualify under a State Kerr-Mills program even though they are on maximum social security or have incomes of $200 a month or less.

I think Congress should set up new standards to insure that Federal funds take care of the needy senior citizens who are not paupers or on welfare, such as in our State.

Right now, considering inflation and the increased cost of living, Mr. Speaker, social security benefits should be liberalized. The dollar buys less than half of what it did when many of those who are now retired were paying into the fund.

In short, Mr. Speaker, I believe Congress is overlooking a class of citizens who are poor because of inflation and I believe that the retired older citizens should be considered first before any new fancy schemes are developed to eliminate slums and other antipoverty objectives.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from North Dakota.

Mr. SHORT. I thank the gentleman for yielding.

As has been indicated here, if this bill has been conceived and presented with the intention of arousing the concern of Republicans and perhaps being able to twist this concern into unobjective opposition to the poverty program, I think those who conceived this idea succeeded better than they realize.

Those of us on the Committee on Agriculture, those of us who are interested in agriculture, were somewhat amazed when we read title III of this piece of legislation, because Democratic members of the Committee on Agriculture as well as Republicans recognized that here was a proposal that could be instrumental if not completely successful in wrecking one of the best poverty programs that the U.S. Government has ever had for farmers. I refer to the Farmers Home Administration, which was conceived back in the thirties as the Farm Security Administration, although subsequently, while its purposes have not changed, its name has been changed. It has, I think, been one of the most effective programs the Government has ever conceived for bringing real assistance to the low-income farmers or farmers without any income, because the Farmers Home Administration has dealt with the bottom level of people in agriculture in supplying their credit needs. The Farmers Home Administration can make loans to farmers who have nothing but a good reputation.

To prove that this has been an appropriate approach, the record of this Federal agency is a rather amazing one, in that the record of repayments is, I believe, in excess of 98 percent. This is an amazing record when we stop to think that this agency was dealing with an element in agriculture that was not eligible for credit from other Federal agencies or private lending agencies because they did not have any security to offer. They had nothing, as I said a minute ago, except a good recommendation that would prompt a county advisory committee to recommend them for financial assistance.

The program has been eminently successful. Now it is proposed in this bill in title III, and I understand the gentleman's bill, introduced by him, is a substitute and eliminates title III, if I am not mistaken?

Mr. FRELINGHUYSEN. There is no reference to title III in my alternative program, I will say to the gentleman.

Mr. SHORT. Well, whatever the gentleman has done to title III, I would make this observation, almost any change that could be made to title III which was in the original bill would be an improvement. I think this would be subscribed to by the Democrats and Republicans alike, who are familiar with the operations of the Farmers Home Administration because this bill would put this agency that has been conducting a legitimate lending business to the poor people in agriculture, into the welfare business beyond any question of doubt. I would just like to observe, if the gentleman will permit me a minute or 2 more, to say that the real way to eliminate poverty in agriculture is to provide better and broader opportunities for people who are in agriculture. I think one of the best ways that this could be done would be for this administration to be a little bit more objective in dealing with the adverse effect of the importation of a lot of agricultural products that can just as well be produced here in the United States, and which are presently being produced in foreign countries. Probably two of the most obvious and spectacular products are beef and sugar. We import over one-third of our sugar supply from countries all over the world. In 1963 we imported about 11 percent of our beef supply. If some modest restrictions on imports could be provided, I would say to the gentleman that this could be more effective in providing jobs for people in agriculture and intending to eliminate poverty in agriculture than anything that is suggested to be done in this bill which is before us and in this section which the gentleman has very appropriately eliminated in his substitute bill.

Mr. FRELINGHUYSEN. I thank the gentleman. I think the gentleman's testimony shows the wisdom of having members of the House Committee on Agriculture deal directly with recommendations to change our agricultural laws.

I have two questions to ask the gentleman, if he is able to answer them. It is my understanding there is not a member of the House Committee on Agriculture who favors the provisions of title III of the Powell-Landrum bill. Does the gentleman have any knowledge as to how members of his committee feel with respect to that title?

Mr. SHORT. I cannot speak for all the members of the majority party. But I believe it can be said that all the members of the minority party certainly have strong reservations to this section of the bill. I know that some of the members of the majority party express some real reservations about the merit of this section of the bill.

Mr. FRELINGHUYSEN. I wonder if the gentleman saw the article in today's Wall Street Journal to which I refer and which said:

> Labor Committee leaders have gladly ceded to the House Agriculture Committee the task of revamping other administration proposals for assisting impoverished farmers.

It goes on to say:

> Mr. Shriver has been working closely with Representative Poage, of Texas, who heads the Agriculture Subcommittee on Farm Credit.

I ask the gentleman if he knows whether there has been that kind of cooperation and interest between members of our committee and members of his committee? If there has been, I might say it is information which is not relayed to me as ranking Republican. Perhaps that is normal procedure for our committee. But I would think we need to get an understanding and appreciation from members of other committees. We would do so, and we would have done so before now if we are to develop sound legislation.

Mr. SHORT. I would say to the gentleman, I am just as much in the dark as he is in regard to any hearings or any consideration of this title that are going to take place before the appropriate subcommittee of our Committee on Agriculture. I would be very happy to see this done. Along the line of what the gentleman from New Jersey [Mr. Widnall] said just a little bit ago, it would be most appropriate for some of the appropriate committees to deal with some of the sections of this bill.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that two articles from the Wall Street Journal, and a Washington Farm Letter of May 1, 1964, be included in the Record at the conclusion of my remarks.

The SPEAKER pro tempore (Mr. Matsunaga). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. BELL. I thank the gentleman for his discussion of the war on poverty and the introduction of his bill. I believe what is so important about the bill of the gentleman from New Jersey [Mr. Frelinghuysen] is the fact that he has brought home the importance of States responsibilities, something the antipoverty bill itself has not felt proper to clarify. The bill clearly indicates that from the Federal Government the States take their responsibility, and so on down the line, whereas the poverty proposal of the administration bypasses completely the responsibility of States.

I wanted to ask the gentleman whether he feels that the bill has been adequately studied and that we are ready at this time to write up the bill?

Mr. FRELINGHUYSEN. I would say that of course we have not adequately studied the problems which poverty presents, not the suitability of the various ways in which we might lend further Federal assistance to alleviate the varied problems of poverty.

Mr. BELL. Does the gentleman feel that we have adequately studied the importance of using some of the ongoing programs presently in existence, such as vocational manpower development, and gearing those into the poverty program, or strengthening them, rather than adding such programs as the Youth Corps and many others?

Mr. FRELINGHUYSEN. I would believe that would truly be a suitable part of improving what we are presently dodoing to aid our less fortunate citizens.

As I pointed out, last week I introduced an antipoverty bill of my own, H.R. 11050. A description of its major provisions can be found on pages 9322 and 9323 of the Congressional Record. It is a substantial program proposing a 3-year, $1.5 billion expenditure.

I noticed in last night's Washington Evening Star, Mr. Speaker, a brief editorial entitled "Last With Least," which I ask unanimous consent to have printed at this point in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LAST WITH LEAST

> General MacArthur once wrote that the surest way to lose a war was to fight it on a too-little and too-late basis. It grieves us to say so, but this seems to be what has happened to the Republicans in the war on poverty.
>
> The GOP, in the person of Representative Frelinguysen of New Jersey, has come up with a program in opposition to that advanced by President Johnson and his Democratic colleagues. There may be more rhetoric than real anti-poverty ammunition in the program of the Democrats. But they got there first, with the most.
>
> Our advice to the Republicans is to leave this particular issue to the opposition. They can't possibly out-Lyndon Lyndon.

Mr. FRELINGHUYSEN. The point of the editorial was that Republicans had come up with a program—namely, my bill—which was too little and too late. They pointed out:

> There may be more rhetoric than real antipoverty ammunition in the program of the Democrats. But they got there first, with the most.
>
> Our advice to the Republicans is to leave this particular issue to the opposition. They can't possibly out-Lyndon Lyndon.

I am not quite certain what the editorial writer had in mind, except to suggest, as many have before him, that Republicans can never outpromise Democrats. My bill is not an attempt to do that. Mr. Shriver pointed out that it would involve the expenditure of more money, but, needless to say, the more money would be made available over a period of 3 years. There would be a ceiling for each of the 3 years, instead of a lids-off approach the second and third years, as the administration bill would provide.

No one likes poverty, but this does not excuse us from examining the propriety of the ways in which it should be fought. This is a responsibility which all of us legislators face. This is not a problem just for Republicans, nor just for Democrats. We are not simply declaring a war on poverty. We are considering ways in which we may improve the weapons by which that war is being fought.

My own growing skepticism of the President's program is no secret. What surprises me—and I must confess, what disappoints me—is that our President should equate skepticism and healthy criticism with "blind opposition." Surely such reasoning also makes Democrats who seek to strengthen the President's suggestions "blind opponents." They too have doubts about the wisdom of specific suggestions of Mr. Johnson.

This is serious business, Mr. Speaker. The President's denunciation was based on reports of a press conference where Republicans were seeking to help, not hinder. We were proposing, not opposing. Most importantly, we were stressing the importance of a bipartisan approach if sound legislation is to be developed. We were extending an olive branch when the President declared war on us. We were urging an end to the narrow and self-defeating partisanship which has been developing within our committee.

This partisanship is being encouraged, unfortunately, by the President himself.

BREWSTER

Ours was a family quarrel, within a single committee of the House. President Johnson was overly hasty in assuming that Republicans expression of concern represented a major split between the two parties.

At our press conference the Republicans were asking why we should have been locked out of our own committee. We were asking why the Democrats were suddenly opposing the prompt action which they had previously demanded. We were curious about the sudden collapse in the momentum for immediate action, momentum which supposedly had been building up for the bill.

We Republicans were pleading for an immediate resumption of normal committee activity. We were urging action. We were opposing the Democrats decision to delay action. Furthermore, contrary to Mr. Johnson's assumption, we were seeking to restore bipartisanship. We were hoping to control the political bickering which Mr. Shriver, among others, had touched off.

It is ironic, Mr. Speaker, that Mr. Johnson should have described me as a "blind opponent." Only 2 days before Mr. Shriver, the President's commander in chief in this so-called poverty war, welcomed me as a new recruit in that contest.

As I pointed out last week, Mr. Speaker, I have introduced an antipoverty bill of my own. The bill is H.R. 11050. A description of its major provisions can be found on pages 9322 and 9323 of the CONGRESSIONAL RECORD. It is a substantial program, proposing a 3-year, $1.5 billion expenditure.

OUT-LYNDON LYNDON?

Admittedly my bill differs in major respects from the President's program. It would establish no new Federal agency and no new poverty czar. It would rely on States to determine how poverty should be fought within their borders, rather than deliberately bypassing both State and local governments. In these and other ways my bill is a decidedly different alternative.

But can such initiative, and the Republicans desire to sit down with their fellow Democrats on the committee to discuss their differences, fairly be construed as blind opposition? I hope not, Mr. Speaker. This would indicate that the executive branch is demanding automatic and absolute compliance with its suggestions. That Congress has a real responsibility in these matters is a fact which is recognized by Democrats and Republicans alike.

If Congress is to act responsibly, it cannot accept recommendations blindly. It must consider each proposal on its merits, accepting some, modifying others and quite possibly rejecting still others. That process, I am glad to say, is still going on with respect to the antipoverty program. It is proceeding in an unorthodox manner, with no participation at the moment by Republicans.

The Democrats are the ones which forced the slowing down of the legislative process. The President may not like this. He may be impatient for immediate results. So too, we Republicans may not like the way the Democrats have locked us out of our own committee. We recognize, however, that even a belated look, by rump sessions of the committee, is better than action on a far-reaching program without any examination of its provisions.

If this House is to do its job in a responsible manner, this bill should be scrutinized line by line when it emerges from our committee. To make this job easier, Members would do well to familiarize themselves now with the sweeping provisions of the Powell-Landrum bill as it came to our committee.

You have heard reference, undoubtedly, to the creation of a new Office of Economic Opportunity, headed by a poverty czar. Our committee is told by the heir apparent—or, perhaps we should say the pretender—to this new Federal dynasty, Mr. Sargent Shriver, that his will be a coordinating function. This raises more questions than it answers.

It may indeed be true that our multibillion dollar programs in urban renewal, low-income housing, area redevelopment, and farm home loans are in need of coordination. So, too, it may be that our vast Federal efforts in vocational education, vocational rehabilitation, aid to dependent persons, and manpower retraining are uncoordinated. But if existing programs need improvement, why not improve them instead of setting up new ones? If more money is needed, why not make it available to existing agencies?

Of course, as we all know, the President has both the responsibility and the authority to coordinate Federal programs without any new act of Congress. Else, why have a President? The fact of this bill is this: It bestows upon the poverty czar new authority to operate new Federal programs. And it gives him vast and undefined powers with which to operate them. It also gives our Cabinet officers their marching orders to follow along under the direction of the czar.

Please examine this bill. The most cursory reading shows that it creates a whole new Federal bureaucracy which may well duplicate the very things that are supposedly being done by existing agencies. It establishes new programs parallel to the old ones.

What are these new programs and how are they new?

Examine the so-called community action authority in title II of the Powell-Landrum bill. In the first year the poverty czar would dole out $315 million to public and private community action groups to fight poverty. He would decide which community plans were to be approved, and he would determine the criteria to be met for approval.

MODERN PLUMBING—ROYAL FLUSH FOR INDUSTRY

What if funds went to a private agency or group of agencies in a city and the city officials objected? Under this bill it would make no difference. What about State government? Under this incredible provision, the State would not originate plans, and would have no power to alter plans submitted by localities or by private groups. Even the Governor of a State would have only the power to "comment"—and his comment could be ignored.

Do you wonder that some of us have raised objections to this bill? Are you surprised that even the Democratic members of our committee have been in a closed-door, knock-down, drag-out fight over amendments to President Johnson's proposal?

The Democrats will come up with numerous amendments; we know this already. They probably will adopt my bill's approach—earlier derided by Mr. Shriver—which allocates definite amounts of funds to each State. They may require some greater degree of control by State and local governments. The Democratic members of our committee—which includes some very able men and women—cannot themselves swallow the whole pill prescribed by the Shriver boys. But mark this down for future reference: Their final version will retain a Federal poverty czar heading a new Federal bureaucracy. It will not provide for State plans, nor will it authorize State administration of programs developed by the States to meet their own needs. And State responsibility is the heart of my alternative bill.

The community action programs contemplated in the Powell-Landrum bill cover such fields, among others, as health, education, welfare, manpower retraining, vocational rehabilitation, and housing. What is so new about that—other than the fantastic delegation of power to a new Federal agency? In the next fiscal year, aside from social security and unemployment compensation, the Federal Government will spend over $8 billion in these fields. Mr. Shriver and his adherents have tried to act as though these huge expenditures do not exist.

For example, our committee has not been told what, if anything, is required to make our $140 million a year program in vocational rehabilitation more effective. Similarly, we have not been told that the $190 million we shall spend on vocational education, or the $411 million we shall spend for manpower retraining, or more than $400 million for community health, is either insufficient, or that these programs are badly administered. The astounding thing is that the committee has not even examined the effectiveness of these and similar Federal programs in the course of these hearings.

All these existing programs, incidentally, involve a high degree of State participation and State and local administration. Apparently the missing ingredient in them is a poverty czar with unlimited authority to handle Federal money and Federal power.

What of other provisions of this bill? Title III is a revolutionary farm proposal. It has been developed somewhat along the lines of the Farmers Home Administration, except that it has a unique land reform feature and, once again, all authority is placed in the new Director, not in the Secretary of Agriculture.

I do not pretend to be able to judge the merits of this new farm bill, but it surely is a radical proposal. It should be considered in the Agriculture Committee. However, I have heard that not a single member of that committee looks with favor upon the farm program in the Powell-Landrum bill. The point is that this bill will come before the House without the expert scrutiny of appropriate committees.

Title IV, in its entirety, deals with business incentives, and thus falls under the purview of the Banking and Currency Committee. It charts new or extended authority for the Small Business Administration. It authorizes the poverty czar to carry out new programs which should be placed—if adopted at all—under the Small Business Administration. Aside from one appearance by the Small Business Administrator, in which he attempted at great length but with little success to point out anything new in title IV in the way of authorization, our committee has not examined this proposal. Indeed, it is not equipped by experience to do so.

These remarks should give you some appreciation of the implications of this so-called war on poverty. I trust it will provide background for my concern over the procedure by which these proposals will come to the House floor. I hope that each of you will make it your business, also, to consider the substance of this bill and its many extraordinary features.

[From the Wall Street Journal, May 6, 1964]

Worldwide

An antipoverty measure was worked out by House Labor Committee Democrats.

The package embraces most of the Johnson administration proposals, enlarging on a few and eliminating certain assistance to farmers and companies that agree to hire the jobless. The administration's price tag—$962 million for the first year—would be preserved, as would broad authority for implementing the program under the new Office of Economic Opportunity to be headed by Sargent Shriver. GOP committee members were alerted to be ready for a vote on the draft tomorrow.

Most of the funds would be divided among the State's according to a formula, somewhat thwarting Shriver's desire for a free hand in deciding where the money would do the most good.

[From the Wall Street Journal, May 6, 1964]

Antipoverty Bill Prepared by Democrats in House, Using Most of Johnson's Plans

(By Joseph W. Sullivan)

Washington.—Democratic leaders on the House Labor Committee have worked out an antipoverty package that embraces most of the Johnson administration's proposals, enlarging on a few while dropping certain assistance to farmers and companies that agree to hire the jobless.

The administration's price tag—$962 million for the first year—is preserved: So is the broad authority for implementing the program that Antipoverty Boss Sargent Shriver wants for his new Federal Office of Economic Opportunity. Most of the funds would be divided among the States according to a set formula, however, somewhat thwarting Mr. Shriver's desire for a free hand to decide where the money will do the most good.

Labor Committee Chairman Powell, Democrat, of New York, said he hopes to put finishing touches on the measure at a closed-door caucus of Democratic panel members this morning. He alerted Republican committee leaders, who have been excluded from the Democratic drafting sessions, to stand ready for a vote on the measure at a full committee meeting tomorrow.

EXPECT GOP TO BALK

Insertion of a formula for distributing assistance meets one major GOP objection to the administration's proposals. But most Republican panel members will probably balk at the decision to keep most of the responsibility for running the program in Washington, rather than placing it with the States. Retention of such controversial ventures as a Federal job corps for training dead-end youths, and a Federal corps of volunteer service workers, also lessens chances of GOP support.

Democratic strategists sanguinely predict they will get all the votes they need from Democratic ranks: Democrats outnumber Republicans on the labor panel, 19 to 12. But they don't hide the fact that there is still dissension among Democrats on one major point: The question of Federal aid to church-supported schools and welfare projects. Representative Carey, Democrat of New York, and other Roman Catholic panel members want to put parochial schools on an equal footing with public schools in qualifying for Federal aid to help slow learners and slow children hold their own in school.

Under the administration's proposal, only public schools would qualify for help, in such projects as remedial reading classes, after-hour study halls and orientation sessions for youngsters entering school from impoverished homes. Mr. Powell said the Democrats have put off the divisive parochial school question in their deliberations so far. A decision to bring them into the program, as now seems likely, could arouse the opposition of key southern Democrats who want to preserve the walls of church-state separation.

EXTEND BENEFITS

Two of the committee's major additions to the administration plan involve an extension to women of the benefits available to men. Thus, girls who drop out of school could qualify for job corps instruction along with boys. Similarly, an administration plan for assigning unemployed fathers to special work-training projects would be opened to widows and mothers deserted by their husbands. Payments for the work take the place of welfare checks. To facilitate participation by mothers with young children, outlays for special nursery schools also are contemplated.

Another Democratic strategy is to attach to the antipoverty measure a separate bill providing Federal aid for adult literacy training. This bill, calling for outlays of $10 million yearly, has been languishing in the House Rules Committee.

Extra spending for these projects would be offset by the deletion of proposals for helping small farmers get more land and fostering new industries to absorb the hard-core unemployed, those out of work for months at a time.

Big-city Democrats, who largely control the Labor Committee, never warmed to the administration's farmland-acquisition plan. The proposal for Federal loans to set up new businesses, labeled a potential "boondoggle" by Chairman Powell, would have extended long-term credit of up to $10,000 to an employer for every jobless worker he took on.

Labor Committee leaders have gladly ceded to the House Agriculture Committee the task of revamping other administration proposals for assisting impoverished farmers. Mr. Shriver has been working closely with Representative Poage, Democrat, of Texas, who heads an Agricultural subcommittee on farm credit, to save provisions offering grants of $1,500 and loans of $2,500 to a farmer to improve his present tract. The deleted proposal for helping such farmers acquire more land called for large-scale purchases by Government-backed corporations, which would divide the land into family-sized farm units and resell it at a discount.

COMMUNITY ACTION PROJECTS

The committee's allocation formula would apply mainly to funds distributed for community action projects such as extra schooling for slum children, improved health services and budget counseling for poor families. Under the proposed formula, 65 percent of the $315 million allotted for such community endeavors would be divided among the States according to their population, level of unemployment and public-assistance burdens. Another 15 percent of the funds would be reserved for research work into the causes of poverty, for training social workers and for experimental projects. That would leave $62.5 million, or 20 percent of the total available to the Office of Economic Opportunity to use as it sees fit.

On another front, Under Secretary of Commerce Franklin D. Roosevelt, Jr., carried the administration's separate request for $228 million to start rehabilitating Appalachia before the House Public Works Committee and got a mixed reception. Both Democratic and Republican panel leaders praised the joint Federal-State enterprise but questioned some of the remedial measures proposed.

[From the Wall Street Journal]

GOP Critic of Johnson's Drive on Poverty Offers Plan With Lower Federal Outlays

Washington.—The most persistent Republican critic of the Johnson administration's plan for fighting poverty offered a counterproposal providing for reduced Federal outlays and greater State participation.

The alternate plan, written by Representative Frelinghuysen of New Jersey, was unveiled as the House Labor Committee ended 5 weeks of hearings on the antipoverty package. Mr. Frelinghuysen, senior GOP member of the committee, has badgered nearly every spokesman favoring the administration program. He contends it duplicates existing Federal assistance efforts and places too much power in the hands of a proposed new Federal Office of Economic Opportunity, to be headed by Peace Corps Director Sargent Shriver.

The alternative course will give Republican panel members firmer footing for jabbing at the administration bill in rough committee bargaining sessions due to begin tomorrow. Mr. Frelinghuysen's bill could also provide the basis for a compromise if Democratic leaders detect a need for GOP backing to achieve a war-on-poverty victory in the House. Other leading Republicans on the committee endorsed the outlines of the Frelinghuysen plan, although they quibbled with some of its details.

But Democratic strategists think they command enough support within their own ranks to wage the antipoverty fight alone; as long as this support holds up, the more election-year opposition from Republicans the better, they reason.

PANEL DEMOCRATS BACK WHITE HOUSE

All 19 Democrats on the 31-member Labor Committee, including such conservative lawmakers as Representative Landrum of Georgia and Representative Scott of North Carolina, have hailed the administration's undertaking. Mr. Landrum, whom the White House chose to sponsor its proposals, says he is making considerable headway toward persuading other southerners that the $962 million budgeted for the first year of the plan is a frugal sum.

Chairman Powell, Democrat, of New York, said he intends to maneuver the bill through his committee by the end of the week. Other committee leaders doubt he will be able to hold to this schedule. An anticipated imbroglio over the question of Federal aid to church-supported schools; extreme wariness among big-city Democrats to ward a request for grants and loans to impoverished farmers, and heavy Republican harassing all along the way will probably delay final committee action at least until next week, they figure.

Mr. Powell relayed doubts to the White House yesterday about the farm provisions and certain other sections of the bill. He predicted the committee would make some changes in the administration's draft proposals, but said the measure's major thrust will be preserved. Plans for establishing a job corps to educate and train "dead-end" youths, a work-study system for needy college students and special work and training projects for welfare recipients have all been well received by committee Democrats.

So has the administration's "community action" plan for helping cities improve slum schools and health services. But artful White House drafting has failed to avert a revival of the church-state dispute that has mired school-aid measures in the House for more than a decade. Roman Catholic panel members, led by Representative Carey, Democrat, of New York, will insist on broadening the administration bill to put parochial schools on an equal footing with the public schools. He may withhold support from this section unless he is heeded.

As the Labor Committee antipoverty hearings ended, President Johnson sent Congress his $228 million package of first-year aid to Appalachia. The total was raised $10 million yesterday by inclusion of a coal mining area restoration effort. Also, Ohio was added to the program; it currently covers areas in 10 States.

RULES COMMITTEE HURDLE LURKS

The biggest hurdle for the antipoverty measure will probably be the legislation-clearing House Rules Committee, where both religious and racial snares abound. If Democratic leaders decide to spurn Republican advice, as seems likely, the only way they can muster an 8-to-7 Rules Committee majority is to get the votes of two Democrats, Reps. Delaney of New York and Elliott of Alabama. Mr. Delaney, a Catholic, could balk if parochial schools aren't aided. Mr. Elliott, a racial moderate with liberal leanings, is reserving judgment on the program until after he weathers a bitter primary contest back home.

Republicans on the labor panel have been fanning the flames of discord. They have suggested, among other things, that the job corps is designed primarily to benefit Negroes and have repeatedly demanded "clarification" of the church-state question. The chief purpose of these tactics is to preserve a Republican voice in shaping the final product by driving a wedge into the opposition's ranks.

Mr. Frelinghuysen's proposals will probably become their rallying point. He envisions Federal outlays of $1.5 billion over 3 years for antipoverty efforts. His bill embraces most of the same remedial steps called for by the administration but scuttles the job corps as a duplication of Federal retraining efforts already underway.

Where the two proposals veer apart is in their division of responsibilities between the Federal Government and the States for administering the program. The Office of Economic Opportunity proposed by President Johnson would deal directly with city governments or private welfare agencies, largely bypassing the States. The Office would also coordinate existing Federal welfare programs. By contrast, Mr. Frelinghuysen would require State governments both to participate financially and to assume a management role in the antipoverty campaign. The States would be required to put up one-third of the costs after 1 year and one-half after 2 years. State agencies would administer the program, drawing funds from the Department of Health, Education, and Welfare in Washington under an allocation formula based on State population, per capita income, and unemployment. The Office of Economic Opportunity wouldn't exist.

The GOP proposal would grant special project assistance to private as well as public schools. The administration bill encourages communities to assist both public and private school children but in a public facility.

Washington Farmletter,
National Press Building,
Washington, D.C., May 1, 1964.

Letter No. 1078.

Dear Sir: The administration's antipoverty bill, known as the Economic Opportunity Act of 1964, is in for some trouble on the farm side. This became apparent after House Agriculture Committee delved into it Monday.

Grants and loans to low-income farmers to enlarge their small farms as a means of improving their income was chief target of Members of both parties. Lots of questions about practicability were raised.

It was a House Agriculture Committee discussion on title III, the farm part of the bill which is before House Education and Labor Committee. Its sponsor, Representative Landrum, Democrat, of Georgia, didn't show up for the session.

Howard Bertsch, Administrator of Farmers Home Administration, explained the title III provisions which would apply to about 400,000 with substandard income ($3,000 or less per family) who can't get FHA loans because they have no debtpaying ability. They'd get grants up to $1,500 to help buy more land, and loans up to $2,500 to get going.

Loans to help establish nonagricultural enterprises might also be made in other cases to supplement meager farm earnings.

About 45,000 families would be helped from initial funds provided. Loans and grants would go to State and local nonprofit corporations to purchase land and resell to low income farmers. Land would be bought at the going rate and sold to farmers at "normal" rate they can afford.

Credit would be provided to organize and fund co-ops for low-income farmers or strengthen existing ones—to help farmers make a go of it.

Total budgeted for title III is $50 million, divided this way: Grants, $22.2 million; loans and grants to finance land purchase, $15 million; loans to co-ops, $10 million; administration and supervision, $2.8 million; added FHA personnel required, 350.

The questioning brought out that USDA is thinking of 80 acres as the average size of land acquired. It was acknowledged that by time the farm was equipped the total cost might be $26,000. Here was where questions of practicability were chiefly raised—on this and on co-ops for "poverty people," with references to experiences in the 1930's.

House Agriculture Committee discussion showed strong backing for FHA loans that are guaranteed to private investors. Bertsch said losses have been less than 1 percent. About 15,000 such loans a year have been made in the last few years. Entire $200 million for insured loans is in use now.

Upshot is that administration poverty program will likely have to be amended as to title III to win substantial support of farm members.

ADDRESS OF HON. JOHN J. ROONEY TO THE POLISH AMERICAN CONGRESS, DOWNSTATE NEW YORK DIVISION, SUNDAY AFTERNOON, MAY 3, 1964, MANHATTAN CENTER, NEW YORK, N.Y.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Rooney] is recognized for 20 minutes.

Mr. ROONEY of New York. Mr. Speaker, on Sunday afternoon last at Manhattan Center in New York City I had the privilege of addressing the Polish American Congress, Downstate New York Division. This was a mass meeting to celebrate the anniversary of the May 3, 1791 Polish Constitution.

My remarks follow:

Address by the Honorable John J. Rooney, Member of U.S. House of Representatives, Before the Polish Constitution Day Celebration at Manhattan Center, New York, N.Y., Sunday, May 3, 1964

Mr. Chairman, my respected friend, Frank Wazeter, reverend fathers, my longtime friend and former colleague, Judge Thad Machrowicz, of Detroit, distinguished guests, ladies and gentleman, I am delighted to be with you. Not only because there are so many of my old friends here, but also because there are too few occasions such as this when we can pause to honor the wisdom of the past, and remember man's continuing effort to erect barriers of freedom and knowledge against the undermining tides of tyranny and ignorance.

One hundred and seventy-three years ago, Poland adopted on May 3, 1791, a liberal constitution similar in many respects to the American Constitution written just 4 years earlier.

Unlike out own Constitution, the Polish one of May 3 was never tested by time. Shortly after its adoption, Poland was overwhelmed and partitioned by the three neighboring empires: Russia, Austria, and Prussia.

The Polish Constitution of May 3 is the oldest written constitution in Europe and one of the world's greatest documents in the name of freedom and equality. The spirit of the 3d of May Constitution, which drew its substance and strength from the great legislative past of Poland, astounded the world with its moral greatness, its political genius, and its practicality.

It is to Poland's lasting credit that she has lighted the torch of freedom and human rights throughout her history, by the example of her political development and the progress she achieved in jurisprudence.

Surrounded by powerful neighbors, Poland was a republic with a relatively good system of national representation in conformity with her advanced political development.

Poland had a senate and a house of representatives as early as the 14th century. She had her local assemblies where representatives were chosen. Even in that early period, the Polish Government presented the closest prototype of the American Government—their representative government was founded on the principle that the right to govern rests primarily with the people and that the people are entitled to a voice in government.

Poland extended freedom and religious tolerance to all within her boundaries—and for the full autonomy she allowed them, Poland has been called an America of the Middle Ages—a political prototype of the United States.

I was most fortunate when about 16 months ago I traveled through Poland and I want to share with you a few of the impressions and reactions that I gathered from the land of your fathers.

One fact struck me above all else. Although the Constitution of Poland was written long, long ago—173 years ago today—the love of freedom expressed in that profound document still lives and still thrives in the hearts of the great Polish people. Whoever goes to Poland comes away refreshed by the fact that the love of liberty has not been stifled by the brutal hands of two centuries and many oppressors.

I want to tell you that I also saw in Poland a country that is walking a narrow line. That line—and let's call it "The Shadow Line" from the title of one of the many books by that great Polish writer Joseph Conrad—is high above dangerous waters. The Polish people collectively are like the daredevil balanced above Niagara, one slip and they are finished. On one side is an excess of communism which they hate and despise, and on the other is the powerful attraction of democracy and freedom for which the Poles have a natural affinity.

The balance is very delicate and it will require all the patience and control of the Polish people to keep from falling off this "shadow line." Fortunately, Poles have had 1,000 years of history and experience in walking on most difficult and dangerous lines.

Their history as a Christian nation began in 966. We owe Poland a great debt for standing firm as the easternmost representatives of Western Christianity against the tides of oppression and ignorance that have long threatened our civilization with darkness, just as they threaten it today.

Again and again throughout that history Poland has battled for our culture against barbarism. In 1920 Poles stopped the Red tide that threatened to sweep across an exhausted Europe. And in 1964 Poland is keeping alive the spirit of independence despite the temporary imposition of a foreign form of government.

One of the bulwarks of Polish freedom today and the guarantee for its future is the care and concern Poles feel for the education of their children. I visited several schools in Poland and came away convinced that the power of free thought that produced a Copernicus 600 years ago continues today, and with growing success rejects the communism that was forced on it less than 20 years ago.

Incidentally, I saw with my own eyes and with a feeling of gratification the contribution being made by the American people to assure that Polish children have sound bodies in which sound minds can flourish. Among others, I visited Public School No. 68 in Warsaw, during a lunch period, and saw bright-eyed but hungry children being nourished by American surplus foods. And let me tell you this—no amount of Communist propaganda has been sufficient to hide from these children and their parents that the source of their hot lunches is the United States. They even make a joke about it. They say, "Who is the greatest magician in the world?" The answer is "Khrushchev." "Why?" "Because he plants wheat in Siberia and harvests it in the United States."

During my visit to this Warsaw school the children greeted me with Polish songs and gifts of flowers. The older children showed me pridefully their library, which contained a number of books clearly marked as being American. And both the children and everyone else I met seemed well informed about what is going on in the United States. They were particularly pleased when they learned that a Member of the American Congress had taken the trouble to travel so far to express interest in them and their problems. But believe me, anyone who has tasted Polish hospitality knows that I was not speaking lightly when I said that it was no trouble at all.

I especially treasured the opportunity of meeting with many Polish intellectuals and leaders of thought. It is a characteristic of the Polish people that they have always entertained a special respect for intellectual leadership and they are entitled to our praise for that trait.

I was distressed—but also much encouraged—when I learned recently of the manifesto issued by 34 leading Polish writers and professors. I was distressed that it should be necessary for them to protest that their freedom of expression had been restricted at the most elementary level you can think of—by the simple act of restricting the supply of paper available for printing what they write.

At the same time it was a great thing to find 34 leading Polish thinkers and writers uniting in protest against this kind of restriction. It was a risky step even for such leaders to take in a Communist-governed country and I am hopeful that none of them will suffer for it—and in fact the most recent news is that the Warsaw authorities have begun to yield to the arguments that have thus been brought to bear. Like everything behind the Iron Curtain, the outcome is still unsettled but with our help and your help, we pray this latest protest for freedom will be successful.

I also visited the great city of Krakow, where Copernicus studied at the Jagiellonian University, which this year observes the 600th anniversary of its existence. There I inspected a structure which more than anything else will demonstrate to the people of Poland the continuous friendship and admiration of the American people. That structure is the American Hospital for Children, being built basically from the proceeds of the sale of American surplus commodities. For generations to come this children's hospital will speak of our friendship and of the concern shared mutually by Poles and by Americans, that the suffering of children be ended through the power of science.

And I wish to report to you that there are growing numbers of men in Congress who join me in voting for such measures as freer trade with Poland, the building of this children's hospital, and the continued provision of surplus food, because they realize that Poland is walking that "shadow line" high above the water. And they realize that you don't help her get safely across by shouting names, or shaking the rope, or yelling slogans, or blowing smoke in her eyes. There is no greater condemnation of communism, no greater exposure of its true nature than the fact that men continually risk their lives to break down the barriers that imprison them in Communist dominated countries, and then knock on our doors for admittance.

All over the world in neutral nations, in uncommitted nations, and in captive nations, men are more impressed by what they see than by what they are fed through propaganda. The vision of refugees fleeing communism and coming here as immigrants is the kind of evidence that cannot be denied. Finding that hundreds of thousands of Polish refugees came to this country is proof to the whole world that people who know both sides best are irresistibly attracted to ours.

Let us salute the Poles, the Italians, the Irish, the Germans, the Greeks, and other immigrants coming from all over the world for their important continuing and meaningful contribution to the growth and greatness of the United States.

Poles were among the first settlers to arrive on the North American Continent helping settle Jamestown in 1608. Americans of Polish descent since then have always been in the first line of defense of the United States, be it in the War of Independence or in the two World Wars.

In the everyday life of this country their contribution to our culture, to our industrial power, and to our efforts to resist Communist encroachment is becoming both more significant and better known.

One recognition of this fact came with the designation as Postmaster General of a most distinguished American of Polish ancestry, the first time a representative of Polish-American citizens has ever been named a Cabinet member.

Polish names are beginning to appear with more frequency among the leadership echelon of every part of American life, from the world of commerce to the world of culture. Certainly, America needs men of talent to maintain its leadership and a thousand years of Polish history prove that Poles have more than their share of talent.

During my travels through Poland I was somewhat puzzled to find Poles coming up to me and whispering in Polish. It was always the same phrase and after awhile I memorized it.

"Jeszcze Polska nie zginela."

I called my good Polish friend with whom I was traveling and he told me that these words are the words of the Polish national song which have eternal meaning to every Pole and to every American of Polish descent. So, I end my remarks and ask you to join me in saying "Jeszcze Polska nie zginela."

In conclusion, let us hope that the Polish people will soon have a chance to live again under a constitution of their own choosing, and let us support President Johnson's efforts to bring this closer.

Mr. Speaker, at this point I include a copy of the program of the proceedings on this occasion, as well as an English translation of the resolution unanimously adopted Sunday afternoon by the Downstate New York Division of the Polish-American Congress:

PROGRAM—COMMEMORATIVE EXERCISES OBSERVING THE 173D ANNIVERSARY OF ADOPTION OF THE POLISH CONSTITUTION OF THE 3D OF MAY

Opening: Francis J. Proch, executive vice president of Polish-American Congress.

Massing of colors.

Singing of national anthems: "The Star-Spangled Banner" and "Jeszcze Polska nie zginela"; schoolchildren.

Invocation: Rev. Gothard A. Krzysteczko, pastor of St. Stanislaus Kostka Roman Catholic Church, Brooklyn, N.Y.

Retirement of colors.

Polish melodies: Schoolchildren, accompanied by Ted Maksymowicz and his orchestra.

Introductory remarks: Hon. Francis J. Wazeter, president of Polish-American Congress.

Reading of proclamations.

Address: Hon. KENNETH B. KEATING, U.S. Senator from New York.

Appeal: Edward Witanowski.

Representative chorus of Polish Singers Alliance of America, "Maki," Boga Rodzica and Pod wieza Dzwonow, under the direction of Walter Legawiec.

Address: Hon. JOHN J. ROONEY, U.S. Congressman, 14th District, New York.

Soloist: Liliana Zamczynska of Warsaw Opera, "Jako od wichru," by St. Moniuszko and "Kalina" by J. Komorowski.

Reading of resolution: W. Borzecki, managing editor of Nowy Swiat.

Address: Hon. Thaddeus M. Machrowicz, U.S. district judge, Detroit, Mich.

Polish folk dances under the direction of Jan Gromada, Henryk Jaworowski, and Frania Wesolowska.

Concluding remarks.

Entire assemblage: "Boze cos Polske."

RESOLUTION OF THE DOWNSTATE NEW YORK DIVISION OF THE POLISH-AMERICAN CONGRESS

Unanimously adopted at the mass meeting to celebrate the anniversary of May 3d Polish Constitution, arranged by the Polish-American Congress, New York downstate division, and with the cooperation of the New Jersey division, held Sunday, May 3, 1964, at Manhattan Center in New York City.

Today we celebrate the 173d anniversary of the May 3d Polish Constitution. Taking part in this patriotic manifestation, we honor this everlasting monument of the spirit of the Polish nation.

Today we are more aware of the tremendous value of this legislative act. The aim of this act was to introduce in Poland basic social changes and reforms, not through violence and bloodshed, as for instance it was done in France during the big revolution, but through voluntary agreement between the Government and the governed.

The May 3 Constitution—said one of the most noted Polish poets, our genius, Adam Mickiewicz—was, is and will remain the act of real freedom, covering all social classes, the act guaranteeing full civil rights and privileges.

During the long years of captivity, this anniversary was celebrated in Poland secretly only. During the period of independence, that was won in fight, this day was celebrated in Poland as the most solemn national holiday.

The constant stream of reports from Poland about the persecution and oppression of the Roman Catholic Church, was confirmed in America a few weeks ago by His Excellency Jan Krol, Archbishop of Philadelphia. We demand the restoration to the Polish nation the full freedom of faith and religion.

In solidarity with the leading intellectuals in Poland, we demand the full freedom of the culture, the abolishment of censorship of thought, speech and written word, also the abolishment of all curtailments, for instance the refusal of allotment of newsprint for inconvenient publications.

We cannot forget the tragedy of those sons and daughters of the Polish nation, who are still deprived of freedom and who still remain in the Soviet prisons and labor camps. We demand the prompt liberation of all Poles unlawfully imprisoned in Soviet Russia.

The May 3 constitution is cherished as a document created centuries ago by Poland on the basis of full cooperation with the Western Christian culture.

The aims and ideals of this constitution enabled the Polish nation to remain alive through the years of captivity and now they are for the Polish nation the beacon on the thorny road leading to real freedom.

In the presence of our distinguished guests of honor: U.S. Senator KENNETH KEATING, Congressman JOHN J. ROONEY, and Federal Judge Tadeusz Machrowicz, we Americans of Polish extraction, together with all Poles scattered throughout the whole free world, renew our solemn pledge, that we will continue all our efforts to regain for Poland full freedom and independence, within her historic boundaries: In the east according to the Riga Pact, in the west on the Oder Neisse line.

So help us God.

WLADYSLAW BORZECKI,
Chairman.
STEFAN KRUK,
WLADYSLAW MARTH,
FRANCISZEK J. PROCH,
The Resolution Committee.

LAW DAY, 1964

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, May 1, 1964, marked the Nation's seventh celebration of Law Day since it was first proclaimed by President Eisenhower in 1958. In appropriate ceremonies all over the Nation the virtues of the rule of law and the need to extend its acceptance and practice were solemnized.

In his initial Law Day statement, President Eisenhower quoted the eloquent words of Burke to define the "rule of law" and its significance to us in everyday life. Let us listen again to these stirring words:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter—but the King of England cannot enter; all his forces dare not cross the threshold of that ruined tenement.

Nowhere in the world is this remarkable tribute more apposite than in the United States. Nowhere in the world is greater reliance placed on law as an instrument for the solution of the myriad problems that confront modern man than in the United States. This result pertains, thanks be to God, because the law is the law. To the skeptics who dismiss out of hand any "law without a policeman behind it," let them ponder the following:

> When a judgment is entered against the United States in the court of claims, no superior sovereign compels Congress to vote an appropriation. The judgment is paid because that is the law; but the law is not the articulate voice of a superior sovereign. When, in the Youngstown case, the Supreme Court ordered the Secretary of Commerce to return the steel mills which the President had ordered him to seize, the Court had no regiments at its command. But despite the fact that the Supreme Court sitting in Washington had no * * * force at its command vis-a-vis the Government * * * the steel mills were returned.

Our system of law works because we the people want it to work; because we believe in it; because we know that it has preserved freedom and peace in our country.

It is appropriate to pause and reflect on the beneficent contributions law has made to the development of our Nation. Similarly, we should reflect upon the enormous debt of gratitude owed our courts for their faithful and courageous dedication to the rule of law. The courts—our halls of justice—make the law a living reality in the lives of our people.

If we are to promote and preserve our legal system, the protection of our freedom and security, we must work at it unceasingly. Fortunately, we are assisted in this task by organizations such as the American Bar Association which have done yeoman service in increasing public understanding of what the law means in their personal lives, and in their relations with public authority.

Two global combats in a generation, and the possibility of a clash of arms more murderous and sweeping than the last two, underscore the fact that the rule of law offers the best hope for an enduring peace. Senator Robert A. Taft saw the necessity for the universal rule of law in 1947, when he declared:

> I do not see how we can hope to secure permanent peace in the world except by establishing law between nations and equal justice under law.

This has become the most significant task confronting the Nation today. The work of the American Bar Association and other organizations and individuals in supplanting force in international relations by the rule of law is tremendously encouraging. The world cries out for theirs and every person's assistance, offering the rewards of which Daniel Webster so eloquently spoke:

> Justice is the great concern of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its lofty dome still higher in the skies, connects himself, in name and frame and character with that which is and must be as durable as the frame of human society.

In commemoration of Law Day 1964, I am pleased to join with Americans everywhere in reaffirming my devotion to, and respect for, our laws and all who labor for their sake. I join with them in dedicating myself to making the goal of peace through law a living reality.

ANTIPOVERTY LEGISLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. ROOSEVELT] is recognized for 10 minutes.

Mr. ROOSEVELT. Mr. Speaker, I have listened to a great many special orders in my time, but I believe I have never before heard one which I would describe as "a large crying towel" more than this one I heard today.

I wish to assure my friends on the other side of the aisle that there is nothing unusual in what has taken place today. In fact, I would hope that they would be rather laudatory as to what happened. In the first place, what they are complaining about is that the majority party, being the majority party and having the responsibility which my good friends on the other side keep reminding us of, have tried to be sure our position is as sound as possible. Therefore, we have taken the time to meet in a caucus in view of the testimony before the committee to see whether or not we are in error in the majority party's position at any time. There is nothing at all to prevent the minority party from taking the time to do the same thing. It is entirely up to them. My friends well know the date has been set, May 11, when the committee will meet, at which time we may approach this problem in a nonpartisan spirit. I can assure them that as far as this Member is concerned, any relevant, good suggestion which they may have will receive the greatest consideration from me, as I think some of my friends will probably agree has been the procedure in the past.

At the same time I want to say that if the gentleman is talking about partisanship, I would have to say this directly to the gentleman from New Jersey, I think the record of the hearings will show if there was partisanship engendered at any point, it was largely because of the kind of questioning he proceeded to do of the witnesses who appeared before the committee. He had that right, of course, and I would not want to deny him that right, but I do want to say the record is clear all the way through an effort was being made and was made on the floor today.

Let me give you one little example of it. This is called by my friends on the other side the Powell-Landrum bill. Why do you call it that? You know why and so do I.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ROOSEVELT. Not at the moment.

The reason is you hope somehow to embarrass either the gentleman from New York [Mr. POWELL] or the gentleman from Georgia [Mr. LANDRUM] when you know that this is the Landrum bill—the Landrum bill pure and simple. This is the kind of thing, of course, that we have had a good deal of. It is all a part of the game of politics, and I am not complaining about it, but I am saying it is too bad we have to see this crying towel brought out, because if there is partisanship, it is on both sides. I would hope beginning on May 11 we might get together and examine the provisions of the bill which will be before us at that time and I am sure the majority on our side will be happy to receive and look at any suggestions which the minority may have.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. Yes. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. With respect to the nomenclature of the President's poverty package, I really do not know what to call it. The chairman of the committee introduced the legislation, so I would think it would be entirely appropriate to call it by his name.

Mr. ROOSEVELT. So did I introduce it. Why do you not put my name on it?

Mr. FRELINGHUYSEN. Because you are not the chairman of the committee.

Mr. ROOSEVELT. But if you are going to pick one out, why not be all inclusive?

Mr. FRELINGHUYSEN. Certainly no Republican suggested the inclusion of the names would be embarrassing to either of the gentlemen. I would take it for granted that they would be pleased to have their names on a bill of this character. I see no reason why we should be accused of partisanship because of that.

I would like to ask a few more questions.

The gentleman suggested that perhaps the majority might be in error if they did not proceed to review the testimony and make some modifications in the legislation. Well, may I ask why it was not until the very last moment that there was a change in the plan to meet on May 1? Why did we suddenly have second thoughts about this program unless it was that weaknesses had been detected which we were calling attention to and which you consider a partisan matter? It is what I would hope would simply be termed as having been done in a questioning way—perhaps skeptical or critical—but why should it be called partisanship?

Mr. ROOSEVELT. The gentleman is making a speech. Let me answer your question frankly. This bill had testimony on it that went on for a great many weeks. It was obvious that there would be certain questions which would come up to the majority. As far as I am concerned, it is the normal process, and I am sure there are plenty of Members senior to me who would testify that there is nothing unusual at any stage during a hearing to take a little time out for the majority to merge its forces and under its responsibility of leadership to make sure it felt it was on the right track and to get questions answered by the people from the administration who had originally made their proposal. To try to make out of what is in essence really a proper exercise of responsibility and to try to turn this into a crying towel process and make a bizarre and unusual thing out of it is wrong. We are certainly denying nothing to the minority because they can do exactly the same thing. If you want Mr. Shriver to sit down with you, why do you not ask him to do it? He would be delighted to. We have asked him, and all I can say to the gentleman is, all he is doing is reemphasizing what I said a few moments ago.

That is, he is trying to create a situation which does not exist. Why? Because in all honesty you very well know you cannot fight poverty. So what you want to try to do is to put us in a position where we seem to be making a partisan issue out of something which we agree completely is not a partisan issue. I do not think anybody in this House wants to be, in the long run, labeled as a person who is not against poverty. And you are going to have a chance to vote on it, and you are going to have a chance to say whether you will vote on the bill and how you will vote on the various amendments which you certainly will be free to offer. And I think that the record will speak for itself.

Mr. GOODELL. Mr. Speaker, if the gentleman will yield, I want to go on record right now that I am against poverty.

Mr. ROOSEVELT. Good; I am delighted to hear it.

Mr. GOODELL. Mr. Speaker, the gentleman just said that no one in the House wants to go on record against poverty.

Mr. ROOSEVELT. That is right. And you are a little embarrassed, because maybe you look that way as a result of the questions that were asked in the committee hearings.

Mr. GOODELL. Mr. Speaker, may I say to the gentleman that as we started out with the hearings, and the gentleman will have to agree with this, the chairman recognized Democrats consecutively down the line and ignored Republicans until a very vehement protest was made. And subsequently we went along with a lopsided gavel in the hearings. There is no denying that. It is in the record of the hearings.

Mr. ROOSEVELT. The gentleman may protest as much as he pleases, but I do not have to agree with him, and I do not.

Mr. GOODELL. Mr. Speaker, the Republicans were given 3 days to call witnesses when the Democrats had had 6 weeks. And the gentleman cannot deny that we had witnesses who were factual witnesses. We called the best, the highest authorities in the administration on the collection of facts and the data that was available and the studies that were available. We were trying to present a record of what poverty really is. You can call it a crying towel if you wish. I do not care for labels one way or the other. But the gentleman has admitted, and I think he cannot deny, that the Democrats are now making substantial changes in the original Powell-Landrum bill and that they are going to present to us a new bill.

Mr. ROOSEVELT. Mr. Speaker, I refuse to yield further.

May I say to the gentleman, that of course I hope there will be substantial changes, and I expect they will be suggested by the majority where substantial changes are justified. That is all that we are doing. We are trying to make sure that the majority stands for the best possible bill that we can come up with. The gentleman does not have to agree with that, because he will get his opportunity in committee and on the floor, as a previous gentleman has said, to agree on methods. We will stand by the methods that we are proud to stand by as the best way to get to poverty and eliminate it and the Republicans can come up with other methods if they want to do so. But when you do so I think the record will show where partisanship in this matter really lies.

Mr. GOODELL. You are going to force us into partisanship, which is what made me so angry, because we had a very good bipartisan setup in the committee.

Mr. ROOSEVELT. May I simply say that the record will speak for itself, and I hope that the distinguished Speaker, who I see is present, will care to pass on whether or not what he has heard today is an unusual circumstance or something far different than is normally practiced.

Mr. Speaker, as far as I am concerned, I want to conclude by saying that I am delighted that my colleagues on the Democratic side have taken the time to try to perfect the best bill that we can stand by. We will then be in a position to confer with my minority friends on May 11. We will be able to consider it in committee in the normal way, and if you have good suggestions, of course, you will get support on our side. If you do not, we will vote against you. If you want to call that partisanship you are entitled to call it that. But I have already heard a great deal today, for instance, about the Civilian Conservation Corps, how terrible it was. I think that is partisanship. I happen to believe that the CCC did a tremendous lot for the United States as far as reconstituting something of this kind. And if it is justified I think it would be one of the best ways to get at poverty.

I would not be embarrassed by it.

I was happy to hear another Member on the other side say that on the agricultural end of it, he was afraid that one of the original New Deal measures having to do something about poverty in agriculture was to be praised.

So, I hope that he would agree that we have been trying, very carefully, to make sure that what he was objecting to was not in the bill and that we, the Democrats, could not be accused of sabotage. In other words, we have been exercising the duties of leadership, and as far as I am concerned I am proud when Democrats do that.

THE WAR ON POVERTY BILL

The **SPEAKER** pro tempore (Mr. MATSUNAGA). Under previous order of the House the gentleman from Illinois [Mr. PUCINSKI] is recognized for 10 minutes.

Mr. PUCINSKI. Mr. Speaker, I have taken this time today to comment very briefly on the colloquy that preceded our deliberations here earlier this afternoon and I am delighted that my colleagues and the ranking minority member of the Committee on Education and Labor is in the Chamber.

Mr. Speaker, I shall be very happy to yield to the gentleman from New Jersey [Mr. FRELINGHUYSEN] if he has any questions. But I must say, if I may first make this statement and then I will yield, and I assure the gentleman I will yield to him, I must say that the charges of my colleague are like Alice in Wonderland. They get curiouser and curiouser.

First, of all, we hear these charges about partisanship. Press conferences are being held and press releases are being distributed charging partisanship to the majority because it is trying to do a good job on the poverty bill.

Mr. Speaker, President Lyndon Johnson deserves the greatest credit and the greatest tribute of the American people for bringing forth a bill which proposes a joint effort; to finally tie together all of the dispersed activities dealing with poverty into one unified program so that this country can be the first country in the world to make a serious dent toward eliminating poverty. That is all that the President proposed.

Mr. Speaker, that program has been under fire from the very time it came before the Committee on Education and Labor.

Mr. Speaker, the gentleman from New Jersey [Mr. FRELINGHUYSEN] says today that this is a partisan measure. He has accused the committee of not giving him adequate time. The fact of the matter is that we did give the minority members an opportunity to bring in their witnesses. We set aside 3 whole days for witnesses selected by the minority members of the committee. Let the record speak for itself. What was the frequency of attendance of the minority membership when those 3 days of hearings occurred? We were lucky if we had three or four members of the committee from the minority side at any one time when these very important witnesses that were assembled by the minority were called before the committee.

Finally, we have a right to ask whether or not the ranking minority member really wants a bill. We want a bill. We Democrats have agreed that because there are things that have to be studied in this bill, we have postponed further committee meetings until the 11th of May. We Democrats are now caucusing and meeting with the agency heads to get their version and views and opinions. We are trying to perfect a bill so that for the first time in the history of any nation, an honest-to-goodness concerted effort will be made to deal with this problem of poverty.

Mr. Speaker, this bill which we are presently considering will go down in history as one of the most important legislative matters ever presented to the American people. Yet, what does the ranking minority member say on the floor today? He said, "I think this bill ought to go back to the respective committees, it ought to go back to Agriculture and it ought to go back to this and it ought to go back to that committee."

This in itself would lead any prudent person to ask, Does the gentleman really want an antipoverty bill or does he want to carry on the charade of partisan acquisitions and politics?

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. Yes; I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I would like to reiterate that I do not want this bill. I think it is bad. I think it has been inadequately considered. I hope the Democrats are going to improve it.

Mr. PUCINSKI. I respect my colleague's views.

Mr. FRELINGHUYSEN. I would like to ask the gentleman a question: Is it not most unusual procedure, even partisanship, for the majority party to spend 2 weeks of what presumably is precious time in trying to modify a bill which has been submitted to them by their own administration? Is there any reason why the Republicans should not participate in improving that bill? Is your position so weak that you do not trust our point of view? What is the reason for this unusual procedure, if it is not partisanship?

Mr. PUCINSKI. I will be delighted to answer the gentleman. The gentleman has his right to oppose this bill. He has offered his own bill. This Congress will make the decision as to which bill will serve the best interests of the country.

In response to the gentleman's other question, our procedures today are no different than the procedures used by the minority when day after day we of the majority have waited for the minority members to come to the committee room, because the minority members were caucusing in their own minority room to agree on their position.

The gentleman cannot deny that on any number of occasions, the majority has sat in the committee room at a meeting scheduled, for instance, at 10 o'clock, waiting for the gentleman and his colleagues while they were caucusing in their own room in order to get together on their position. We did not accuse you of partisan politics, we did not accuse you of stalling the legislation. We felt this was your right, and we went along with it.

Will the gentleman deny that?

Mr. FRELINGHUYSEN. I will say to the gentleman that the two situations are not analogous at all. No one is suggesting that the Democrats should not caucus and that the Republicans should not caucus. But why should we be excluded from the deliberations that are going on when there has been a firm decision by the majority to proceed continuously starting on the 1st of May? Why was that change of plan?

Mr. PUCINSKI. My very distinguished colleague from New Jersey, for whom I have a high respect, insists on torturing the truth. The fact of the matter is we have not had a meeting of the full committee and the gentleman has not been excluded from any meeting.

Mr. FRELINGHUYSEN. I would request that my remarks be repeated. I do not think I said there was a meeting. I did not claim there had been a meeting of the committee. The majority met. We are complaining of the irregularity of the committee procedure and the fact they are proceeding abnormally.

Mr. PUCINSKI. The gentleman wants this bill sent to all of the standing committees. My colleagues cannot have it both ways. Just which way does he want to kill the bill? My colleague will have to decide which way he wants to do it.

Mr. FRELINGHUYSEN. I will be glad to say that the appropriate committee should have the part of this package which will not fall normally within the Committee on Education and

Labor, so that it could be parceled out and considered by the various committees. We are not getting that under present conditions. With all the outsiders that the majority are getting in, we are not getting that kind of a look at the proposal that we should, and we should discuss this in executive session.

Mr. PUCINSKI. My colleague will have to make up his mind. I respect his privilege. If he suggests that the bill be taken apart and sent to respective committees, we may or may not accept his suggestion. Obviously we will not. But he has the right to make the suggestion, and I respect his right. The fact of the matter is that the gentleman cannot say in one breath that we ought to tear this bill apart and send it to respective committees, and then stand up here for 1 hour denouncing the Democrats and the majority party for being partisan and for denying him the right to sit in on the process of perfecting the legislation. The gentleman just does not make sense.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. There is no partisanship in my saying that appropriate committees should consider particular parts of the package that do not fall within the jurisdiction of the Committee on Education and Labor. That is not a partisan suggestion. I am saying it was ignored. I made that statement last March, that I regret we are not going to have the contribution of those committees to get an evaluation of this matter. I think the present proposals are ridiculous, and if they are to remain in the bill I think they are unwise.

Mr. PUCINSKI. The gentleman will have an opportunity to make these observations to the full committee on the 11th of May. I say, Mr. Speaker, when the final vote on this bill comes, when the Congress has had its full chance to work its will in the subcommittee, in the full committee, and in the deliberations on the floor of the House, I have every reason to believe that the gentleman will be with this bill on final passage because certainly neither the gentleman nor any one else can say that we do not have an excellent bill. Thank God, President Johnson had the courage to present this proposal to the American people to deal once and for all with this matter of chronic poverty. We have this great dilemma in America today: 78 million people employed, the largest number of Americans employed in the history of this country, yet we have this chronic 4.5 million unemployed people. There is no more expensive item in the taxpayers' budget than unemployed Americans.

These are people who have not been able to find work simply because they are not prepared to get work. We are concerned over the fact that second- and third-generation Americans are still on the relief rolls. President Johnson's antipoverty proposal envisions a program to help people become employable, to help them join the economic stream of the country, to help them retain their dignity as American workers and not rely on the public dole. I say when all this debate is finished the gentleman is going to be with us on final passage of this legislation.

AVAILABILITY OF CLASSIFIED INFORMATION ON FOREIGN AID

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MORGAN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MORGAN. Mr. Speaker, as in past years, I want again to invite all Members of the House to come to the Foreign Affairs Committee room on the gallery floor of the Capitol, room H-322, and look over the classified volumes of information concerning the foreign aid program.

The State and Defense Departments have supplied the committee this year with three volumes containing information which they regard as secret or confidential. Some of this information pertains to military matters which involve the national security. Other material is classified because it contains frank comments and evaluations by U.S. ambassadors and other officials of personalities and conditions in the countries in which our aid programs operate. The committee would be denied access to these evaluations and comments if they were to be made public.

In addition, the amounts programed for individual countries for the coming fiscal year are regarded as classified in order to avoid disappointment and ill will should the executive find that it is not able to make available to the countries the amounts originally programed.

The classification of these volumes is not intended to prevent any Member of the House from having the information they contain if he is willing to respect their classification.

The volumes will also be available at the committee table during the consideration of the foreign aid bill.

I believe that the best way to "sell" the foreign aid program is to provide complete information about it, and I hope that every Member of the House will come up and examine this material.

COMMITTEE ON RULES

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file sundry reports.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BARING (at the request of Mr. ALBERT), for today, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SMITH of California, for 60 minutes, tomorrow, May 7, 1964.

Mr. ROONEY of New York, for 20 minutes, today; and to revise and extend his remarks.

Mr. HALPERN (at the request of Mr. HARRISON), for 10 minutes, today.

Mr. BROMWELL (at the request of Mr. HARRISON), for 15 minutes, on May 7.

Mr. MATHIAS (at the request of Mr. HARRISON), for 1 hour on May 14.

Mr. ROOSEVELT, for 10 minutes, today.

Mr. PUCINSKI, for 10 minutes, today.

Mr. RANDALL (at the request of Mr. PATTEN), for 15 minutes, on Thursday, May 7.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. GARY and to include a speech by Representative BONNER, of North Carolina.

Mr. STAEBLER and to include extraneous matter.

Mr. DANIELS.

Mr. MONAGAN.

Mr. ROONEY of New York during the consideration of H.R. 11134 in the Committee of the Whole and to include tables and extraneous matter.

(The following Members (at the request of Mr. HARRISON) and to include extraneous matter:)

Mr. BARRY.

Mr. MCLOSKEY.

Mr. GLENN.

Mr. HOSMER.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. FASCELL.

Mr. HÉBERT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2049. An act to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (alias John Mihal);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Dr. Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1005. An act to amend paragraph (2) of subsection 309 (c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations; and

S. 1193. An act to amend section 309(e) of the Communications Act of 1934, as amended, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.) the House adjourned until tomorrow, Thursday, May 7, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2031. A letter from the Assistant Secretary of Agriculture, transmitting the annual report by the Secretary in response to section 201(b), Public Law 540, 84th Congress, relating to the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities; to the Committee on Agriculture.

2032. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations) relative to an additional project to be undertaken with respect to certain projects for the Naval and Marine Corps Reserve, to be located at the Naval Air Station, Dallas, Tex., pursuant to Public Law 88–174; to the Committee on Armed Services.

2033. A letter from the Secretary of the Treasury, transmitting a report to the Congress covering the progress made in liquidating the assets of the former Reconstruction Finance Corporation for the quarterly period ended March 31, 1964, pursuant to 67 Stat. 230, and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

2034. A letter from the Acting Postmaster General, transmitting a copy of the cost ascertainment report for the fiscal year 1963, pursuant to 39 U.S.C. 2331; to the Committee on Post Office and Civil Service.

2035. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions which this Service has approved according the beneficiaries of such petitions first preference classification, pursuant to the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2036. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 23, 1963, submitting a report, together with accompanying papers and an illustration, on an interim report on Lexington Harbor, Mich., authorized by the River and Harbor Act approved March 2, 1945 (H. Doc. No. 301); to the Committee on Public Works and ordered to be printed with one illustration.

2037. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 24, 1963, submitting a report, together with accompanying papers and illustrations, on a review of the reports on the Chartiers Creek Basin, Pa., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 10, 1956, and July 31, 1957 (H. Doc. No. 302); to the Committee on Public Works and ordered to be printed with three illustrations.

2038. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 4, 1963, submitting a report, together with accompanying papers and an illustration, on an interim survey of the Indian Bend Wash, Gila River Basin, Ariz., authorized by the Flood Control Act approved June 28, 1938 (H. Doc. No. 303); to the Committee on Public Works and ordered to be printed with one illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. H.R. 7588. A bill to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes; without amendment (Rept. No. 1378). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 8954. A bill to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes; without amendment (Rept. No. 1379). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 10319. A bill to amend title 10, United States Code, to authorize increased fees for the sale of U.S. Naval Oceanographic Office publications; without amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 10320. A bill to amend section 1485 of title 10, United States Code, relating to the transportation of remains of deceased dependents of members of the Armed Forces, and for other purposes; without amendment (Rept. No. 1381). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 10774. A bill to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile; without amendment (Rept. No. 1382). Referred to the Committee on the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 1020. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; without amendment (Rept. No. 1383). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 1835. A bill to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court; with amendment (Rept. No. 1384). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 715. Resolution for consideration of H.R. 10041, a bill to improve the public health through revising, consolidating, and improving the hospital and other medical facilities provisions of the Public Health Service Act; without amendment (Rept. No. 1385). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 11152. A bill to amend title II of the Social Security Act to provide that an insured individual 50 years of age or older shall be eligible for old-age insurance benefits if he loses his job (and cannot obtain another one that is comparable) by reason of automation, relocation, reduction, or other causes beyond his control; to the Committee on Ways and Means.

H.R. 11153. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 11154. A bill relating to the status of volunteer fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 11155. A bill to amend title II of the Social Security Act to permit payment of child's insurance benefits after attainment of age 18 in the case of a child attending school; to the Committee on Ways and Means.

By Mr. LINDSAY:

H.R. 11156. A bill to amend the U.S. Housing Act of 1937 to eliminate the provision which presently limits to 15 percent the portion of the total authorized annual contributions contracts which may be entered into low-rent public housing units in any one State; to the Committee on Banking and Currency.

By Mr. MARSH:

H.R. 11157. A bill to fix the boundary of Shenandoah National Park in the Commonwealth of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'NEILL:

H.R. 11158. A bill to aid in the protection of the rights of vessels of the United States engaged in the fisheries and related activities in international waters, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN of New York:

H.R. 11159. A bill to prohibit vessels operating on certain interstate waters within New York City and the State of New Jersey from carrying certain outdoor advertising; to the Committee on Interstate and Foreign Commerce.

By Mr. TUPPER:

H.R. 11160. A bill to authorize the Secretary of the Interior to initiate a program for the conservation, development, and enhancement of the Nation's anadromous fish in cooperation with the several States; to the Committee on Merchant Marine and Fisheries.

By Mr. ROYBAL:

H.R. 11161. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. JENNINGS:

H.R. 11162. A bill granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 11163. A bill granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky; to the Committee on Interior and Insular Affairs.

By Mr. GALLAGHER:

H. Res. 712. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

H. Res. 713. Resolution expressing the sense of the House of Representatives with respect to the continuation of recent efforts on the part of the President to secure a universal condemnation of anti-Semitism; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Res. 714. Resolution expressing the sense of the House of Representatives with respect to the continuation of recent efforts on the part of the President to secure a universal condemnation of anti-Semitism; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 11164. A bill for the relief of Mrs. Dora Fabro; to the Committee on the Judiciary.

H.R. 11165. A bill for the relief of Miss Alicia Concepcion Zea; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 11166. A bill for the relief of Konstantinos Bakas; to the Committee on the Judiciary.

By Mr. CAHILL:

H.R. 11167. A bill for the relief of Edward G. Morhauser; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 11168. A bill for the relief of Moritz Lednitzer; to the Committee on the Judiciary.

H.R. 11169. A bill for the relief of Si Chul Kim; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11170. A bill for the relief of Marjorie and George Denich; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 11171. A bill for the relief of Miss Laurinda Moutinho; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 11172. A bill for the relief of the survivors of Maj. Robert A. Munford; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 11173. A bill for the relief of Esperanza Usana Bernabe; to the Committee on the Judiciary.

By Mr. TUCK:

H.R. 11174. A bill for the relief of R. Gordon Finney, Jr.; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 1021. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

884. By Mr. ROYBAL: Petition of Mrs. Mildred D. Pollinger of Los Angeles, Calif., and others, urging support of an amendment to the Social Security Act to lower the retirement age, with full benefits, to 55 and 50 for men and women, respectively; to the Committee on Ways and Means.

885. By the SPEAKER: Petition of Wilmer J. Patlow, city clerk, city of Rochester, Rochester, N.Y. relative to the posthumous award of the Congressional Medal of Honor to the late President Kennedy; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

Loyalty Day and Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. MONAGAN. Mr. Speaker, on Sunday, May 3, it was my very great privilege to serve as honorary chairman of the 1964 Loyalty Day parade and ceremonies conducted by the Department of Connecticut, Veterans of Foreign Wars, in Willimantic, Conn.

It has been estimated that 100,000 witnessed the parade in which about 25,000 participated. Here was a manifestation of loyalty—to our Nation—which provided something more than a counterbalance to the weakening thunder of the May Day of communism.

I was reminded, as I witnessed the ceremonies in Willimantic, Conn., that May 3 was also the 173d anniversary of the adoption of Poland's Constitution, which brought to the European Continent an entirely new concept of human dignity.

With us in Willimantic, in reviewing stand and in the ranks of the parade, were many hundreds of men and women of Polish descent, who were, I am certain, not unmindful of the concurrence of Polish Constitution Day. These were men and women who have been elected or appointed to responsible positions, and who have served with valor and with dignity in the Armed Forces of the United States.

I have been informed that Americans of Polish descent now number approximately 15 million, and these, of course, represent several generations.

Not by choice, but by force, the Polish nation, which in 1966 will observe its 1,000th anniversary, finds itself again under Communist rule. These are brave people. They are religious people. They are freedom-loving people whose history is abundant with records of courage and steadfastness in battle against tyranny and oppression.

The Constitution adopted by the Polish Parliament in 1791 provided:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale and on a lasting foundation.

It is not extraordinary that we Americans, being of many ethnic backgrounds, join in the celebration and recognition of Polish Constitution Day, for the Polish Constitution, adopted in 1791, followed many of the principles established 2 years earlier when the U.S. Constitution was adopted.

The spirit of liberty still prevails in Poland. Despite years of oppression, there are some signs that there may emerge modest opportunities for greater freedom. As acting chairman of the Captive Nations Subcommittee, and as a member of the Foreign Affairs Committee, I can report that in current hearings on recent developments in the Soviet bloc, we have had an opportunity to examine conditions in Poland, in human rights, agriculture, industry, the arts, sciences, trade, theater, literature, and other fields. Our findings have been intensely interesting to us, and I recommend to my colleagues that they familiarize themselves with the printed hearings which now are available, because they demonstrate that the Polish love of liberty and the desire for individual freedom is still strong.

May the day not be far distant when this freedom is fully restored to the great Polish nation.

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. DANIELS. Mr. Speaker, on May 3, 1791, the Polish people enacted into law their highest aspiration for a free and democratic nation. This was the famous Polish Constitution. It was the result of a century of Polish decline and chaos. The partition of 1772 especially shocked Poland and made the people aware of how seriously threatened they were by the dynamic states on Poland's borders.

The intellectual ferment arising from this new realization and dismay produced some of the greatest men in Poland's history in arts, letters, and politics. By their supreme efforts and tremendous courage they adopted the May 3 Constitution despite the dark threats of the partitioning powers, Prussia, Russia, and Austria.

It is a measure of the success of the new constitution that in 1793 Russia and Prussia, thoroughly frightened by the renewed unity and vigor of the Polish people, once again partitioned Poland, seizing two-thirds of its remaining territory. Even this, however, was not enough to defeat the new Polish Commonwealth, so powerful was the Constitution of May 3. Only when the partitioning powers crushed the pitifully small but magnificent army of Tadeusz Kosciuszko, and divided the remaining area of Poland between them, thus obliterating Poland for a hundred years, did the people finally admit the death of the new constitution.

But the spirit of 1791, as dear to Poles as the spirit of 1776 is to Americans, survives even today. It is sure that the indomitable spirit of Poland is still resisting the Communist ideological offensive. Poland has suffered long enough. It deserves our strongest support. We must realize that our words here are no substitute for freedom in Poland. Let us strive to make all Poles as free as the Poles of the United States.

Theodore "Ted" Bleier Physical Fitness Leader of 1963

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. FASCELL. Mr. Speaker, in April, America's 12 top physical fitness leaders for 1963 were honored as guests of the U.S. Junior Chamber of Commerce and Standard Packaging Corp.

The Jaycees have long been known as young men of action, dedicated to the community and national betterment, and it is fitting that this fine group should be sponsored by them.

The climax of their visit came with a tour of the White House and a visit with President Lyndon B. Johnson, followed by the awards luncheon.

The program, inaugurated at the suggestion of the President's Council on Physical Fitness, was designed to spotlight the fitness contributions of those of all ages and from all walks of life. The 12 leaders were selected from among candidates in hundreds of communities and 46 States.

I was particularly pleased and proud that from all the candidates, a good friend of mine, Ted Bleier, was among the 12 persons selected for this honor.

Ted Bleier believes that fitness training must begin in the formative years, especially since an appalling number of young Americans are found physically unfit for military service and better than 50 percent of our youth cannot pass tests for minimum standards of performance.

Ted, who is 57 years old and supervisor in Dade County public schools, was instrumental in developing a complete program of health and physical education used daily by 200,000 young people, while always stressing the "how" and "why" of fitness.

His vigorous program for Miami boys and girls in grades 5 through 12 exceeds the minimum standards suggested by the President's Council for Physical Fitness, and in 2 years of testing yielded returns well above the national average published by that organization. In 1961, 79 percent of the Miami youth passed the AAHPER test, while in 1962, 85 percent climbed the heights of fitness.

Testing plays an important role in Ted Bleier's program. Boys and girls needing special development exercises are identified by exams when they enroll in school. Analysis of test results, kept on permanent file, are combined with individualized programs of fitness building activities, including "homework" in some instances. The programs are followed up with retesting, making certain the student is brought up to the average or better. Certificate awards are available to those who exceed their original test findings.

One of the causes for which the late President John F. Kennedy was most acclaimed was his backing of a renewed interest in physical fitness. President Kennedy said:

> The strength of our democracy is no greater than the collective well-being of our people.

My heartiest congratulations to Ted Blier. We, in Dade County, are indeed fortunate to have such a man directing the physical education of our youth.

The other 11 men honored in Washington were:

Henry Boucher, 42, of Fairbanks, Alaska, a pioneer of baseball in the "last frontier."

Robert Kiphuth, 72, New Haven, Conn., noted Yale swimming coach for more than a half century.

Wes Santee, 31, Lawrence, Kans., former distance running great who now sells fitness to midwestern youth.

Ernest Jokl, M.D., 56, Lexington, Ky., perhaps the world's greatest expert in sports medicine.

Frank J. Manley, 60, Flint, Mich., who opened Flint school doors for nighttime and weekend recreation activities attracting 70,000 weekly.

Edward W. Bradley, 34, Miltown, N.J., who not only innovated the first comprehensive physical fitness program in this city's schools but set up extracurricular activity for young and old alike.

Bill Bowerman, 52, Eugene, Oreg., coach of the NCAA championship Oregon track team and responsible for introducing "jogging" as the secret of keeping fit.

Leland Brissie, 52, Greenville, S.C., former big-leaguer devoting his life to developing healthy boys through baseball.

Roland Carlson, 45, El Campo, Tex., a county juvenile officer who has taken boys off the street and put them in the boxing ring—cutting delinquency 78 percent.

Stephen Bindas, 38, Hastings, Nebr., physical educator and State AAHPER president who has brought national recognition to his city and school system for a communitywide fitness program involving more than 5,000 youngsters.

Alph Stamphill, 48, Muskogee, Okla., physical educator who directed and coordinated the pilot physical fitness program which has served as a national model for the President's Council on Physical Fitness.

Who Took the Ore From Oroville?

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. HOSMER. Mr. Speaker, not many days ago California's Gov. Pat Brown was in Washington with his hand out. One of the relief lines he passed through was the one which ladles out Federal money for flood control works by States. I say more power to him. As long as other Governors are getting it, why should not California's? Besides, in the case of the Oroville project, Uncle Sam agreed in writing to pay for 22 percent of the project's cost. But both the General Accounting Office and the Congress are being a little difficult about it. In the unlikely event that anyone would take the time to read my statement about it submitted to the Appropriations Committee, my colleagues have kindly and unanimously consented that it be here reproduced as follows:

STATEMENT TO HOUSE PUBLIC WORKS APPROPRIATIONS SUBCOMMITTEE ON OROVILLE DAM, BY REPRESENTATIVE CRAIG HOSMER

Mr. Chairman, I am asking this committee to come up with the money being asked for the United States to perform its contract solemnly entered into in good faith with the State of California to pay for part of the flood control costs involved in the Oroville Dam unit of the Feather River project.

This contract was 4 years in the making—negotiations commenced in July 1957—the contract was signed March 8, 1962. The Government's flood control contribution on this joint Federal-State partnership project was fixed at 22 percent of the project's cost, less power features, but not to exceed $85 million. This is working out at around $66 million.

If this contract were a can, it would be a can of worms—and mostly hypothetical ones at that. This is because it deals with a number of fictions in the heavily financed public works business, two of the most imaginative of which are: First, ascertainment of hypothetical costs of so-called flood control benefits of a project and, second, establishment of a hypothetical interest rate for the project. A sufficiently imaginative civil servant can hypothesize on these subjects and such related fancies as fish and wildlife benefits, recreational benefits and like until he has created a "bestseller" illusion around almost any scheme for spending taxpayers money at some location along a supposedly navigable stream.

It is safe to say that, except for such exercises in creative environment, business down at the Corps of Army Engineers and the Bureau of Reclamation would be pretty slack. A high fraction of the dams, water and power works, irrigation canals and such, either built or building, would never stand up under less unrealistic scrutiny.

All this is being said to emphasize this point: neither flood control allocations nor project interest rates are part of the real world. They are part of a euphoric wonderland in which all proposed projects on all rivers, streams, and creeks are beautiful. They are component of the cosmetic kit guaranteed to evoke a continuous stream of "yeas" from Congress as the projects parade past for authorization and funding murmuring "Mr. Legislator, oh, you doll, am I not the prettiest of them all?"

What has happened in connection with this Oroville affair is that somebody is getting things out of focus between the dream world and the real world. Somebody has forgotten that flood-control allocations and project-interest rates are intended only to sweeten the semantics of waterpower projectmanship. They are not intended for crude and profane use such as contract busting. It is not sporting to do so. The "I can get it for you wholesale" approach to flood control, exhibited by the GAO's recent report on Oroville, is particularly offensive in this regard. It uses up 47 pages twisting and distorting these semantics in a disgusting manner—using to sour what was created to sweeten.

The people who wrote the Oroville contract took 4 years to get the formless, substanceless matters of flood-control allocation and interest rate into form and substance in the contract. They created the illusion of accomplishing the impossible. They made a thing of an unthing and put it on paper. Now GAO has the temerity to say they were wrong. That all this could have been done another way, a way in which the Government would put up only $52.35 million instead of $66 million as its share of the project. I say that this is boorish and unworthy.

What is, in fact, "by gosh and by guess" can never be anything but that and cannot have degree or dimension. Yet that is exactly what GAO seeks to do. It says the contract negotiators erred by slightly over 20 percent on the upside in converting the unthing to a thing.

It is my respectful recommendation to the members of this committee that this kind of foolishness be relegated to the same pigeonhole it reserves for speculation over the number of angels which can gather on a pinpoint. Further, that the obligation of the Government, established by the Oroville contract, be honored by appropriation of the necessary sums.

L. Mendel Rivers: "Mr. Charleston"

EXTENSION OF REMARKS

OF

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. HÉBERT. Mr. Speaker, last week I had the privilege of attending ceremonies in Charleston, S.C., at the dedication of the gigantic drydock No. 5.

It is possible to place three submarines side by side in this huge repair facility which is located, as you know, in the district represented by our colleague, the gentleman from South Carolina, L. MENDEL RIVERS. Those of us who have visited Charleston know the high regard and respect in which our colleague is held and there is a reason, for everywhere you look in Charleston, MENDEL RIVERS has had something to do with the facility or activity being there.

I was particularly grateful that we were accompanied by our "classmate" of the 77th Congress, the gentleman from Florida, BOB SIKES. He made the principal address and had many views to express with which I hasten to associate myself, and for that reason bring to your attention the address of the gentleman from Florida [MR. SIKES]:

ADDRESS OF HON. ROBERT L. F. SIKES, OF FLORIDA, AT THE DEDICATION OF DRYDOCK NO. 5, CHARLESTON, S.C.

Officially, I am here for the dedication of drydock No. 5 at the Charleston Navy Yard. Unofficially, I am here to talk about one of the men who brought drydock No. 5 to Charleston and with it much of the magnificent picture of military and naval development which we see here. That man is your distinguished Congressman, MENDEL RIVERS. Now, let me hasten to acknowledge the presence here of South Carolina's great Senator, STROM THURMOND. He is one of the truly outstanding Members of the Senate, and my warm personal friend of long standing. He does great things for South Carolina and the Nation. And he is one of that little group of Senators who are making a last ditch fight to save constitutional government in the United States. If the civil rights bill now being debated there should pass, it would set aside the Constitution, establish a police-state government, and turn our Nation upside down. So, I give full credit to STROM THURMOND, but I shall talk principally about MENDEL RIVERS.

It is a frequently repeated statement in Washington that without MENDEL RIVERS, Charleston long ago would have dried up and floated away to sea. Now, it is possible that is somewhat of an exaggeration. I know Charleston is well founded and that Charleston did endure for some centuries before MENDEL's time, but not as well. So, rather, I am concerned with another side of the story of MENDEL's influence on Charleston. It is my candid belief that the more important fact is if MENDEL brings any more military establishments to Charleston, the whole thing will sink from sight through sheer weight of military installations. So, if I appear at times to seek to divert some activities to my own First Florida District, it is only that I have Charleston's well-being at heart. I don't want you to sink from sight through having too many military activities in the environs of Charleston.

In a more serious vein, let me assure you that you are indeed fortunate in having as your Representative in Congress one of the ablest, one of the most distinctive and distinguished, and one of the most persuasive of Congressmen. In the 24 years that I have known him and worked with him and enjoyed his friendship, I have come to know him possibly better than any other of his colleagues. Particularly have I been proud of his courage. It is a time when courage is singularly needed. Unless there are men—in greater numbers than we now have in Washington—who have the courage of their convictions, constitutional government as we have known it in America may disappear.

I congratulate you upon the fact that year after year you have returned MENDEL to his duties in Washington without opposition. You have freed him to work for you. You have supported his efforts, and you have been bountifully repaid. In him you have a great American.

Through the efforts of MENDEL RIVERS, more than for any other reason the Polaris program came to Charleston some 4 or 5 years ago, and signaled the dawn of a new era in Charleston's historical role as a defender of the Nation's peace. The unique weapons system combining the Polaris missile and the nuclear submarine has given this Nation a deterrent to war unparalleled in our history.

Charleston is playing a major role in the support and use of this deterrent. This is only natural since the defense of our Nation is historically entwined with the origin and development of Charleston and the Carolina low country.

One has only to examine the evidence to recognize Charleston's significant and important role in the defense of our country. The preservation of the historical reminders of the past, and thereby the memories of the contributions made by our ancestors to our Nation's heritage, has been exceedingly well accomplished in your lovely city.

Therefore, it is with full knowledge of your origin and contribution to our way of life that I say again, the assignment of Charleston's role in the support of the Polaris program was no accident or freak of history. Rather, it was an assignment which recognized both past accomplishment and potential for the future to make even greater contributions to the defense of our Nation.

I think it is most important that we understand the full significance of Charleston as a home port for Polaris submarines—that we relate this dedication of drydock No. 5 to the bigger picture of Charleston as the only base in the world for the complete and self-contained support of a major part of such a mighty deterrent force as the Polaris fleet, and as the hub of Polaris system support for the entire world.

I underscore those words "only" and "complete," and "self-contained." No other city in our Nation, and no other nation in the world, has such an all-inclusive support base.

Other Polaris support facilities at Guam in the Pacific, at Rota in Spain, and at Holy Loch in Scotland, will supplement and complement the Polaris system; but here at Charleston is the heart of the Polaris system.

Here, the Fleet Ballistic Missile Training Center has complete facilities to train the crews while they are ashore, as the "Blue" and "Gold" crews alternate.

The weapons annex of the naval ammunition depot has the capability to store, overhaul, calibrate and maintain the missiles. The shipping and receiving building now under construction will have the capability of rapidly shipping out all items of supply, large or small, including shipment by air, as appropriate.

Piers have been widened and strengthened. and the utilities capacity has been greatly enlarged, to meet the increased requirements generated by Polaris.

This naval shipyard provides complete facilities for fabricating some of the exotic and often unique components of the weapon and its delivery vehicle.

The tender and floating drydock to be ultimately berthed here will supply the mobile link between this permanent base and submarines on station.

From the standpoint of hardware, then, here in Charleston is the most complete and most sophisticated support for the most sophisticated weapon system.

There is still another advantage here in Charleston. The pleasant climate here permits year-round operations without the difficulties or delays occasioned by the climate in other areas. Other than Florida, I can't think of a better place.

From the standpoint of "people"—and I feel strongly that hardware is only as good as the people who operate it—this base is equally complete and self-contained. Barracks have been added for the Polaris crews, and housing is being added for their families. We hope that housing will soon be adequate for these highly skilled and dedicated Polaris crews.

Again, from the "people" standpoint, I commend the good citizens of this Greater Charleston area who have made the Polaris crews feel so welcome and at home. Here, too, this Charleston base is complete, for your southern hospitality is not surpassed anywhere in the world.

This, then, is the bigger picture of Charleston as the only, complete, self-contained base of its kind in the world, into which we now fit today's dedication of drydock No. 5.

Now, may I turn to a broader scene. There have been significant changes in recent months. There is a new President at the helm of the Ship of State; a strong President who is wise in the ways of government and wise in the ways of Congress. And, because of this fact, there is closer cooperation between the Congress and the Chief Executive. There is in part a new look—a new flavor in Government. I think there is a better balance in Government in that the Chief Executive has a more intimate knowledge of the place which business and industry occupy in the American economy.

This has generated a new degree of confidence which offers a reassuring look toward the future, and it would be difficult indeed not to envision a strong economy through the months ahead. Across the water things have brightened a little, or possibly they simply have grown more difficult for the Communists. Brazil is the most notable case for encouragement. Victories should be due in Vietnam where vigorous reorganization of the government forces has been in progress. A step has been taken toward disarmament and it appears that much of the Communist world is orienting itself a little more toward the capitalist viewpoint. However, all is not sweetness and light. There are irritants which continue to defy solution, particularly Cuba and Laos. And on tomorrow there may be another senseless shooting down of an American plane, or the takeover of another bit of territory.

For that reason, I can tell you with satisfaction that we continue to have an effective and positive counterforce to communism. We have the strongest peacetime military organization in our history—Army, Navy, and Air—and we are not the only ones who know it. The Communist dictators know as much about our military power as we do, and I am certain they respect military power more than they respect the arguments and the pleas, as the case sometimes appears to be, which our diplomats advance at the conference table.

In recent days there has been criticism from some areas that military costs outweigh civilian appropriations, and that deemphasis of commercial and cultural pursuits have resulted. I would remind you that never have commercial and cultural pursuits flourished as now, and never have Federal appropriations for these activities been higher. It is difficult to see them as being neglected. I see little choice in the world we live in but to continue to maintain the position of military superiority we now enjoy lest we find ourselves without commercial and cultural advantages as well.

It is not the military which is seeking the enactment of police-state bills in Congress, or which is asking that more and more power be delegated to the executive branch of Government, or which is usurping the legislative prerogative of Congress through court edicts and decisions. The American people want security in a troubled world. It is like a shotgun behind a farmhouse door. Prowlers respect it. Those who would depend upon logic and the United Nations for our protection are indulging in wishful thinking.

I came here to talk about the Polaris; about drydock No. 5; and about the great work of your Congressman and your entire congressional delegation. I have wandered far afield. Now, I cannot leave you without commenting on one other aspect of this project and of the Polaris program which is deserving of recognition. The strength, potential, and ability of this Nation and its people to rise to a critical occasion has never been more vividly portrayed than by the example which has been and is being written in the history of the development of the Polaris system.

This development has been characterized by the rapid and effective adaptation of new technology to serve our defense needs.

The rapidity with which this weapons system has been developed is nothing short of phenomenal, and I think we should take great pride in its accomplishment. For it is further proof of our people's innate ability to keep this Nation strong and to direct its power to the preservation of peace and the ultimate development of mankind.

But in the accomplishment of modern miracles of technology, let us not lose sight of the broader miracle of the American way of life which makes these things possible. While we build within the framework of the Constitution, there are other architects in our Nation who would rewrite that Constitution and turn this Nation upside down. And if they succeed, through the neglect and indifference and preoccupation of the American people, we shall lose the broader miracle of the American way of life and with it the incentive for accomplishments such as we celebrate today. So let us keep our eyes on the far horizons. Let us look toward those things that are good for this Nation and all of its people. Let us not allow ourselves to be blinded to our real goals; let us not lose the glory of America by heeding the shrill cries of small men who see not the stately edifice of freedom but only the small imperfections in its structure. Let us forge ahead as a united people lest we be divided and destroyed by those who would recast the image of America in strange new patterns. Here in America there is room for all. Let us keep it that way, not let it become ruin for all. In that sense and for the greater glory of America I proudly join you here today for the dedication of this important naval facility.

Why Food Prices Continue To Rise

EXTENSION OF REMARKS

OF

HON. MILWARD L. SIMPSON

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Wednesday, May 6, 1964

Mr. SIMPSON. Mr. President, on Tuesday, April 28, 1964, I appeared before the U.S. Tariff Commission to once again present the case for the livestockmen of Wyoming and the Nation.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of my statement along with an article from the U.S. News & World Report of April 20, 1964, entitled "Why Food Prices Keep on Rising."

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR MILWARD L. SIMPSON ON BEEF IMPORTS BEFORE PUBLIC HEARINGS OF THE U.S. TARIFF COMMISSION, APRIL 29, 1964

Mr. Chairman and Commissioners, I appreciate the opportunity to appear before this Commission to testify in behalf of the State of Wyoming and its livestock industry. I have appeared before this Commission twice before in recent months urging that you strike from the preliminary negotiation list the commodities of beef, beef products, lamb, mutton, wool, and wool products. I hope that the Commission will find it advisable to recommend to the President and his special assistant, Christian Herter, that these commodities be eliminated from the negotiation list. The situation has not improved in the slightest and a reduction in tariffs would bring further injury to the livestock industry. In fact, it has worsened.

Today, I come to you in an effort to demonstrate the need of the Wyoming cattlemen and the cattlemen of the Nation for legislation to curb the excessive beef imports which are flooding our domestic markets.

With the permission of the Commission, I would like to relate, at this time, the significance of the cattle industry to the State of Wyoming and the importance of the vitality and growth of that industry to our local economy. Wyoming is a State of some 97,000 square miles and approximately 350,000 people. Unlike the lush, fertile lands of some States, our grasslands would have little use were they not used for raising cattle and sheep.

Income in Wyoming is derived from three major sources; oil and gas production, agriculture, and tourists, in that order. Agriculture contributes nearly one-fourth of our income and of that figure, livestock and livestock products contribute 85 percent.

There are some 9,700 farms and ranches in Wyoming with an average value of land and buildings per unit of over $72,000. Those farms and ranches employ over 12,000 workers, 9 percent of our total labor force. Many of our small towns are absolutely dependent on the economic welfare of the surrounding agricultural lands.

Cattle and calves in the 50 States in 1963 were valued by USDA (as they stood on the farm) at $14.7 billion; in 1964 at $13.5 billion or a drop of nearly $1.2 billion—a drop of 8 percent.

In Wyoming the drop was even more significant. Despite an increase in cattle numbers of nearly 10 percent on Wyoming farms and ranches from 1963 to 1964 the USDA estimates that there was a drop in total value of some 10.2 percent, $20 million. These figures may strike you as unimportant, but to put that $20 million drop in Wyoming cattle values into perspective for you, let me point out that $20 million is more than it costs to finance the entire operation of the State government of Wyoming for 1 year.

Wyoming ranks 32d in cattle production in the Nation but that production amounts to 61 percent of our agricultural income. Because of the drop in values in the past year, 31 other States are also feeling the squeeze. Many of them, however, have an industrial base which Wyoming does not have.

Wyoming is an arid State, high in altitude, with a short growing season. Its grasslands can be put to economic use only by producing livestock. You cannot think about retraining our cowboys or rechanneling our energies and our efforts. The resources and grasslands in Wyoming are dedicated to the production of livestock. If that use of our lands becomes unprofitable, the whole economic structure of our State is weakened, if not destroyed.

The ranchers in Wyoming and all across the Nation find themselves in a precarious position due to the excessive imports which are being shipped into this country. The Foreign Agriculture Service Division of the Department of Agriculture has informed me that beef and veal imports by product weight for 1962 were up 41 percent over the imports of 1961. The imports for 1963 are up 60 percent over the 1961 base. This is alarming enough, but, when we consider the further fact that imports in the last 10 years have increased by 383 percent, we know that imports are having a direct and significant effect upon the local market. This dramatically emphasizes that corrective action should be taken if we are to preserve and protect the livestock industry of America.

The livestock industry in this country has made a tremendous growth in the last several years. It provides food and fiber for civilians and military alike. In 1948, cattle numbered a little over 77 million head, whereas in January of 1963 we had over 103 million head. In 1940, we Americans consumed 8.23 billion pounds, carcass weight, and in 1962 we consumed 17.3 billion pounds. The per capita consumption of beef has increased from the 1940 level of 54.9 pounds to an estimated 95 pounds in 1963. While the consumption of beef has made a significant increase and the health of our Nation has consequently improved, it is interesting to note that the consumption of imported beef has skyrocketed, in comparison to our total consumption of meat products. If we compare the year's consumption in 1960 with the year's consumption in 1962, we find that total consumption increased 4.3 percent, but that the consumption of imported meat increased 81.8 percent. This is significant, because every time someone takes a bite of foreign beef, one less bite of American beef is consumed. Consequently, the entire Nation's economy is affected.

We must not forget the tremendous impact the farming community has upon the Nation's economy. Too often, Congress and men in the administration look at statistics, and say that since such a very small proportion of our people are farmers, we do not need to be concerned about them. That is not the truth. When we consider the farming community as composed of not only the farmers, but also the people who service the farmers, make the farm equipment, the automobiles, and all the other related consumer goods, we can see that the farmer has a tremendous effect upon the Nation's economy.

Agriculture is an important customer for the output of the nonfarm industries. Farmers spend $27 to $28 billion a year for goods and services to produce crop and livestock and $15 billion a year for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other products and services. Farming employs 6.5 million workers—more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry. The assets of agriculture total $216 billion, "equal to more than two-thirds of the value of current assets of all corporations in the United States and nearly three-fifths of the market value of all the corporation stocks in the New York Stock Exchange." The value of agriculture's production assets represents about $23,000 for each farm employee. It is important to realize that while the number of farmers and farmworkers has steadily decreased, farmers total expenditures continue to increase.

Since livestock and livestock products account for more than 55 percent of the total cash receipts from all farm marketings, it is apparent that any condition that would tend to lower farm income from the production of livestock, cattle, and calves in particular, would adversely affect the farmers' financial ability to purchase goods and services produced by the nonfarm industries.

A recent Wall Street Journal article pointed out that, during 1963, farm income dropped 3 percent while the general consumer income increased 5 percent. The 1964 picture is even worse. The present estimate of the Department of Agriculture is a further 5-percent drop in farm income this year. Their pessimism seems well grounded in view of what is in store. If we have another drop in farm income as is estimated, it will push farm earnings to the lowest level in 5 years. What are the causes? One of the principal causes and the greatest single factor in the disappointing 1963 farm income cut was the heavy reduction in cattle prices and one of the chief reasons for the cut in cattle prices was the increase in imports from foreign countries.

With over 11 percent of our consumed beef, or about 1½ billion pounds, coming from foreign lands it is easy to see that, in a free market such as our livestock market is, beef imports do have a direct relationship to the prices obtained by American cattlemen.

Recently, the cattle markets slid better than $5 per hundredweght, and as a result of this catastrophe the feeder markets also declined from $3 to $6 per hundredweight. One of the reasons for this drop in price was that beef imports sold here in the States 5 to 10 cents a pound cheaper than beef can be produced and marketed by our American livestock industry.

It is interesting to note that in comparing production costs we find that, conservatively speaking, one-third of the production cost of a calf represents investment in land here in America while in Australia the cost of production chargeable to land runs as low as 11 cents per head per year. In many of our States, the State real estate taxes on grazing land are higher than the total cost of production per animal unit in Australia.

A substantial portion of the imported beef is of the manufacturing or processing quality. In fact, about 40 percent of the processing beef consumed in America is imported. It is argued by some that the imported processing beef does not affect the price of our cattle. This is a fallacious argument. The Department of Agriculture has often reported that beef is often its own worse competitor; consequently, when cow or processing beef, 40 percent of which is imported, competes with fed beef for the consumers' dollar, cow prices have a direct effect on fat-cattle prices and vice versa. To wit, if our American people are eating frankfurters and bologna, made from cheap processing imported beef, they will not be buying our domestically raised beef and our prices will be driven down.

I believe that the current levels of imports are having an extremely adverse economic impact on our cattle industry. Legislation is needed which will curb these excessive beef imports. I feel that we should establish a quota equal to a 5-year average of 1958 through 1962. This will permit the importing of a sufficient quantity of beef to meet the processing needs that we do have and yet it will not inhibit the growth and development of our domestic livestock industry which is so essential for a strong economy.

This administration knows that the cattleman is being hurt by the excessive beef imports and it also knows that it has the responsibility of protecting the cattle industry. But it is more interested in things other than the cattlemen and the livestock industry. Consequently, great smokescreens have been set up in an attempt to divert the attention of the cattlemen. After months and months of denying that there was a problem with beef imports, the administration finally admitted that it was a problem and started to negotiate with the importing countries. Agreements were made with those countries but, unfortunately, the restrictions established in that agreement brought little relief, if any, to our livestock industry. However, the agreements did provide New Zealand, Australia, and Ireland a built-in market.

Several of the Federal agencies started buying beef in an attempt to keep the price from declining further. This short-term activity by the agencies does not solve the problem nor does it bring any substantial relief to the livestock industry. It appears to be merely an attempt by this administration to lessen some of the public pressures which have been building up in opposition to the present policies. More recently, this administration and Members of Congress have attempted to divert the attention of the public and the cattlemen from the fact that imports are destroying the domestic livestock markets. An attempt is being made to blame the chainstores for the financial losses of the cattlemen. I do not believe that they are the real cause of the recent decline in the cattle market. I am not, at this time, in a position to defend the chainstores from all the accusations but neither am I in a position to condemn them as members of this administration are doing.

I am quite disturbed at the results this investigation is presently having. It appears that the charges and allegations leveled at the chainstores have weakened the belief in the consumers' minds that beef represents a good value. Nothing could be further from the truth or more damaging to the best interests of the cattlemen and the industry. If this confidence is further weakened the nonbeef products will be in greater demand at the expense of beef and beef products. This would add further injury to the already plagued beef industry.

Mr. Chairman and members of the Commission, the grasslands of Wyoming are good for producing livestock and cannot be used for other purposes. Land is a natural resource and if we are denied the opportunity to profitably utilize our resources, we will have been denied our existence. I have urged many times, on the Senate floor that action be taken which would bring relief to the livestock industry. Unfortunately, my pleas have been ignored by this administration which has refused to assist such a small voting segment of our populace. I beg you, gentlemen of the Tariff Commission, to recommend to the Senate Finance Committee that legislation now before it be enacted.

[From the U.S. News & World Report, Apr. 20, 1964]

WHY FOOD PRICES KEEP ON RISING

(Congress is up in arms over food prices. There's strong feeling that middlemen prosper while farmers and housewives get the short end of the deal. A full-dress investigation is demanded. Clue to the mystery, found in official figures: Processing today's foods requires lots of labor. The cost of that labor is in a steady rise.)

The price the housewives pay for food keeps on creeping higher and higher.

At the same time, however, the price the farmer gets for his products often is moving lower—with farm income in a decline.

Why? How can that be?

In an election year, politicians are looking for answers to a problem that affects two important voting groups: Consumers and farmers.

President Johnson is asking Congress for a full-dress investigation of food marketing, with emphasis on the growing concentration of the grocery businesses in the hands of relatively few large grocery chains.

Congress, by all indications, is eager to respond to the White House request.

When all the facts are in—based upon official studies and testimony—the investigators are going to learn what is already known.

Facts reveal that the rise in food prices and the increase in "spread" between what a farmer gets and what the housewife pays for food are due largely to higher costs of labor.

When today's housewife goes shopping, she expects service. She wants food neatly packaged and ready to serve, or to pop into the pot or oven if possible.

Says an executive of Winn-Dixie, a large grocery chain in the Southeast: "I am sure you know from observation at home that your wife does not want food that she has to peel, chop, wash, or trim before she uses it."

This kind of processing, say chainstore officials, requires labor and lots of it. The cost of that labor, official figures show, has been in a sharp rise.

In 1947, the average hourly wage of foodstore employees was $1.03. By 1963, it had gone up to $2.17.

As to the spread between live-cattle prices and meat-counter prices—now a hot topic of debate in Congress—the Winn-Dixie executive has this to say:

"A 1,000-pound live steer will weigh 600 pounds when dressed. When we buy that 600-pound carcass in Des Moines, we take off 30 pounds of excess fat before it leaves the packinghouse. By the time we finally finish trimming and boning, we get down to 450 pounds of cuts that go across the retail meat counter."

Concludes the Winn-Dixie official: "Every piece of beef goes to the housewife ready to put on the stove or in the broiler. Her taste for better meat has raised prices at retail."

HANDLING COSTS: UP

Along the way from the farm to the supermarket, there are costs of processing and transportation—also rising.

There likewise is a margin of profit for the supermarkets and for other businesses in the food industry. That profit margin is found to be low when compared to profits in nonfood industries.

Latest available figures show that profits of retail food chains, after taxes, are 1.2 cents for each dollar of sales. The figure for wholesale food distributors is seven-tenths of a cent; for meatpackers, six-tenths of a cent. The baking and canning industries show the best profit margin, at 2.7 cents.

By comparison, profits of all U.S. manufacturers, in 1963 were 4.7 cents on each dollar of sales.

Profits in the food industry are found to be stable, not rising. Retail food chains, for example, had profits of 1 cent per dollar of sales in 1953, compared to the 1.2 cents in 1963. All this is shown in the following table:

Profit margins in the food business

[Earnings after taxes: cents per dollar of sales]

	10 years ago (1953)	Now (1963)[1]
Retail food chains	1.0	1.2
Wholesale food distributors	1.0	[2] .7
Baking	3.5	2.7
Meatpacking	.8	.6
Canning	2.3	[2] 2.7
Dairy products	2.3	2.6
Manufacturers of food and related products	2.0	2.4
All manufacturers (for comparison)	4.3	4.7

[1] Estimated.

[2] 1962, latest available.

Source: 1953, official data; 1963, official figures on manufacturing, others estimated by U.S.N. & W.R. Economic Unit based on data from First National City Bank of New York and from company reports.

Then why the big debate?

One reason for the excitement over food prices is that a growing number of Congressmen appear to feel that both the farmer and the housewife are getting the short end of the deal.

CITY CONGRESSMEN BACK FARMERS

Urban Congressmen are joining farm-State Congressmen in calling for a sweeping investigation of food prices.

On April 8, Representative JAMES ROOSEVELT, Democrat, of California, told a House subcommittee that more and more Congressmen from urban and suburban areas are becoming interested in taking a close look at increases in prices from farm to market. Mr. ROOSEVELT represents an urban district, in Los Angeles.

As shown in the following table, prices paid to farmers for meat, milk, poultry, eggs, and other food products have dropped in the past 10 years:

The stir over food costs: Farm prices drop—Housewives pay more [1]

[Percent change in last 10 years: 1953–63]

Bread, other wheat products:	
Farmer: Down	2.2
Housewife: Up	21.8
Milk, other dairy products:	
Farmer: Down	5.2
Housewife: Up	7.3
Poultry and eggs:	
Farmer: Down	34.7
Housewife: Up	25.3
Meat products:	
Farmer: Down	15.2
Housewife: Up	5.8
Shortening, other fats and oils:	
Farmer: Down	25.0
Housewife: Up	1.3
All food products:	
Farmer: Down	5.3
Housewife: Up	9.7

[1] All told, in 1963, consumers paid $67,000,000,000 for food produced on the farm. Of that, farmers got $21,300,000,000—less than ⅓. The remaining $45,700,000,000 was added along the line between the farmer and the housewife.

Source: House Agriculture Committee.

In the same 10 years, prices paid by housewives for these products have gone up, with the exceptions of prices on poultry and eggs.

For all food products in 1963, prices received by farmers were down by 5.3 percent from 1953. By contrast, prices paid by housewives rose by 9.7 percent in the 10-year period.

These figures are taken from a report released on April 5 by the House Agriculture Committee. This report is seen as helping to set the stage for a full-dress investigation of the food industry. It shows year-by-year trends in farm and food prices beginning in 1947.

CHOOSY HOUSEWIVES

In releasing the report, Representative HAROLD D. COOLEY, Democrat, of North Carolina, chairman of the House Agriculture Committee, said:

"The housewife's preference for processed, precooked, and fancy-packaged foods accounts for a large part of the costs added to food between the farm gate and the retail counter. These costs also have been increased by a very substantial improvement in the wages of workers in processing industries and in the merchandising of food. Without begrudging in any way fair wages for those who handle food, it must be noted that the farmers who produce the food have not enjoyed any improvement in their real hourly income in the 16-year period covered by this study."

FARM WAGES: UNCHANGED

The committee study found that, while the average hourly wage in food-marketing firms rose from $1.03 in 1947 to $2.17 in 1963, hourly wages on the farm were the same in 1963 as in 1947—$1.01.

The farm-wage figure does not include return to farmers on investment in land, buildings, machinery, and so on.

The average investment per farmer is $43,679. When return on this net investment is included, the average farmer still earns less than the average employee in food marketing. The farmer gets $68.66 for a week's work, compared to $86.80 that the employee in food marketing gets for a 40-hour week, and without investing anything in his job.

It is generally agreed that the long decline in prices of beef cattle, more than any other factor, has brought pressure for an investigation of the farm-to-market basket price spread.

On April 8, Senator ALBERT GORE, Democrat of Tennessee, said: "Something is wrong when livestock values drop by something like 25 percent over a period of about 15 months, without any appreciable drop in the prices paid for meat by housewives."

The price drop for cattle on the hoof has been from around $29 down to $21 to $22 for choice grade.

Official figures of the U.S. Department of Agriculture show that, in 1963, the average retail value of a pound of beef dropped by 1.4 cents, while the farmer's share of that price dropped by 65 cents.

Yet, on the day of Senator GORE's statement, a chainstore association made public a report showing that 33 of 46 chainstores in a recent survey had lost money on beef sales.

The study was made for the National Association of Food Chains to which most of the Nation's corporate chainstores belong. The period covered was December 1963, and January 1964.

Many chainstore officials hold that official Government figures on meat—and other foods—do not give a completely accurate reflection of retail prices because they are based on price samples that are collected from Tuesday through Thursday. Thus, say chainstore men, the effect of weekend special prices is missed.

In a letter to all Congressmen, Clarence G. Adamy, executive vice president of the National Association of Food Chains, said:

"NAFC surveyed its membership recently and found that the typical food chain held 33 beef specials in 1962 and 41 beef specials in 1963, a significant increase. Since 70 percent of the shopping is done on weekends when special prices are in effect, this means that the vast majority of the beef which was moved into consumption last year moved at 'special' rather than 'regular' prices."

Many Government economists concede that price samples collected from grocery stores do not give enough weight to the weekend specials. The Bureau of Labor Statistics is reported to be working out new methods that will reflect the weekend bargains.

CONCENTRATION OF POWER?

Against this background, President Johnson has asked Congress to set up a bipartisan commission and empower it to make a full investigation of the food industry.

There is growing concern in the administration that the retail food business has become concentrated in the hands of relatively few large chains.

When the President first called for the investigation, in his farm message on January 31, he stated:

"We know that $1 out of every $2 spent for groceries goes to fewer than 100 corporate, voluntary, or cooperative chains. Our information about how this greatly increased concentration of power is affecting farmers, handlers, and consumers is inadequate."

On April 1, the President sent Congress a proposed bill to set up the investigation. Congress appeared to be in a mood to act quickly on the White House request.

The Peruvian Army's Industrial Training Centers—A "Success" in Foreign Aid

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. BARRY. Mr. Speaker, in answer to many of the critics of the AID military assistance program who would cut its funds or abandon the entire military assistance endeavor, I would like to remind them of some of the accomplishments of this area through the example of a program in Peru. The activities of military assistance are often misconstrued as contributing solely to building bigger armies to fight more devastating wars. Military assistance goes beyond guns, tanks, and uniforms as exemplified by the unique Peruvian Army Industrial Training Center. Here skilled workers are trained for industry that presently lacks this commodity. Here the promise of a better life and fulfilling career is offered to people who may never have known such opportunity.

In order to teach needed skills and to develop new careers for its young men, many of whom are migrating from the highlands, where life is hard and land scarce, to the urban, coastal areas, the Peruvian Army began experimenting in 1963 with 3-month training programs.

This project received its impetus from the efforts of the U.S. Army mission in Peru to assist in training specialists for the Peruvian Army engineering units then receiving aid under the military assistance program. Robert L. Spence, the present AID industrial education adviser, took part in this earlier program and in the planning and initial phases of the present project before his retirement as a master sergeant stationed with the Lima army mission.

The pilot project center at Chorrillos near Lima is run by a Peruvian Army lieutenant colonel, Enrique Falcon. The Peruvian Army provides $150,000 per year which covers the wages of the 10 civilian craftsmen teachers and local necessities. AID contributes $250,000 for technical help and the necessary equipment and tools—all American made.

Army recruits, near the end of their compulsory tour of duty, are selected by their unit commanders for the training program. Their first job was to rebuild the crumbling old military school which houses the school and to construct the necessary furniture and equipment. Now, they not only receive training in such widely varied technical subjects as electricity, plumbing, carpentry, welding and metalwork, painting, masonry, and heavy equipment operation, but also rigorous orientation in the principles of leadership, labor unions, rights under labor laws, and community development which gives them background to participate fully in community and national affairs. Each graduate has a specific job awaiting him with an employer if he cares to take it. Currently, about half do, while the rest return to their native districts better equipped for life than before.

Plans are underway to expand present facilities, so that by 1965 all 8,000 to 10,000 men annually leaving the army will have some training. Enrollment should increase at Chorrillos from 225 to 450 students per 3-month cycle and the number of trade courses offered more than double, from 7 to 15. Four military districts have or will soon have their own training center which can better coordinate local needs with training programs. Eventually courses in 36 crafts including agricultural skills are anticipated.

Thus, Peru with the help of AID has found one feasible way which is practically unique in the world to train skilled and semiskilled labor. The program is an undeniable success. Certainly to one 19-year-old native of the Andean highlands who recently completed the program, it has. He said:

> I'm happy because now I feel like a useful man. I'll leave the army with a profession, knowing that I haven't been wasting my time.

J. Edgar Hoover

EXTENSION OF REMARKS

OF

HON. MILTON W. GLENN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. GLENN. Mr. Speaker, our colleague, the gentleman from Louisiana [Mr. WILLIS], recently introduced a resolution in the House offering congratulations and gratitude to J. Edgar Hoover on the 40th anniversary of his appointment as Director of the Federal Bureau of Investigation. The 40th anniversary date of his appointment is May 10, 1964, and the thoughtful resolution of our colleague thanks him for his years of devoted service and expresses the hope that he will continue in his present office for many years to come.

I would like to join in this resolution honoring this great man.

Just as Chief Justice John Marshall is credited with adding flesh to the skeleton of the Constitution of our new Nation during his 34 year incumbency in the Supreme Court, so we can also say of J. Edgar Hoover that he organized and developed the FBI to a new concept of law enforcement. He brought forth and matured an organization the like of which has no comparison in history, either here or abroad. Down through the years, and particularly in the early years, it was sorely needed to combat crime, anarchy, and even the sought-after destruction of our Government and our way of life. Yet at all times in his fight against crime the rights and privileges guaranteed by the Constitution were protected and watched over.

One can imagine what this man went through in the strife-torn and formative days of the twenties—the pressures, the emergencies, and the heart-rendering decisions which he had to make. If his concept of law and order was to prevail, then his actions became inevitable and he did not shrink from them. But J. Edgar Hoover was a strong man, his sense of duty unshakable. It would have been only too easy for him to procrastinate, to drift, and to indulge in wishful thinking. It must have been a tremendous temptation to "leave well enough alone," but he saw the future of this great country threatened by nationwide crime syndicates and Communist infiltration, and he did not cease his struggle toward developing an organization which could meet every and any emergency that sought to destroy our system of government by law and our national respect for law and order.

It is indeed fitting, therefore, that we honor this great man and the organization which he heads, and it gives me great pleasure to note in passing that when Mr. Hoover was appointed Acting Director by Attorney General Harlan F. Stone on May 10, 1924, under President Calvin Coolidge that his private secretary then and now is Miss Helen Gandy, a native of Cumberland County, a graduate of Bridgeton High School in my Second District of New Jersey, and the descendant of a fine old south Jersey family. I extend to her my congratulation on her lifetime devotion and service to our Nation as the secretary to Mr. Hoover.

J. Edgar Hoover has served under 6 Presidents and 13 Attorneys General, which is in itself a record in Federal service, and I am happy to know that the present reports are that President Johnson is not going to let this public servant retire come next January 1, but intends to waive the retirement rule to allow Mr. Hoover to remain on the job. This is one light that President Johnson is not going to put out.

Detroit To Host Biennial National Japanese American Citizens League Convention

EXTENSION OF REMARKS

OF

HON. NEIL STAEBLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. STAEBLER. Mr. Speaker, under leave to extend my remarks, may I call the attention of my colleagues in both the House and the Senate to the 18th Biennial National Convention of the Japanese American Citizens League, more popularly known as the JACL, which will be held in Detroit, appropriately enough through Independence Day week, with headquarters in the historic Sheraton-Cadillac Hotel.

From July 1 to 4, more than 1,500 delegates, representing members, and chapters in 32 States, will gather to implement their timely convention theme, "Human Dignity—Our Challenge," as they strive—in the words of their national motto—"To Become Better Americans in a Greater America."

At the same time, they will pay honor to several distinguished Americans who 20 years ago, when Americans of Japanese ancestry were "suspect" citizens, devoted themselves to helping those of Japanese ancestry gain dignity and opportunity as full fledged and "accepted" Americans.

JACL BACKGROUND

JACL, as most Members of Congress are aware, is the only national organization of Americans of Japanese ancestry. All of its members are native-born or naturalized citizens of the United States;

most, but not all, are also of Japanese ancestry.

Organized nationally in 1930 in Seattle, as former Congressman Walter Judd declared on this floor on August 2, 1955, in paying tribute to the 25th anniversary of the founding of JACL:

> Seldom can the history of a people be identified with a single organization. But uniquely and unmistakably, the annals of persons of Japanese ancestry on the United States mainland during their most crucial and tumultuous quarter century, when their destiny in this country was secured for all time to come, is the story of JACL.
>
> Indeed, had it not been for JACL, with its skillful use of the tools of democracy, it is doubtful that those of Japanese origin in this land would enjoy the healthy and promising status that is theirs today as integrated and loyal Americans.
>
> JACL's record belies the fact that Americans of Japanese ancestry are among the fewest in numbers and the youngest in average age of all our many nationality groups; that they are only one generation removed from the emigrants of an Asian land whose culture, language, and heritage are quite different from that of most Americans who trace their origins to Europe; and that they were persecuted and prosecuted as perhaps no other racial minority in our Nation's experience . . .
>
> To have accomplished so much, for any people, in such a short time, and against such odds of prejudice and discrimination, is not only a tribute to the leadership and membership of JACL but also to the system of government and the democratic processes which gave opportunity and incentive for such progress in human relations.

Today, as all of us recognize, JACL is in the forefront of those national organizations that are seeking meaningful and comprehensive civil rights legislation for all Americans, as well as liberalized immigration opportunities for all peoples of earth.

Having personally experienced both the deprivation of civil rights and exclusionary immigration laws, Americans of Japanese ancestry understand that only in extending social justice and equality in opportunities to all our citizens does the vaunted birthright of every American become truly secure.

DETROIT AND JAPANESE AMERICANS

Early in World War II, in what dean of the Yale University School of Law Eugene Rostow described as "Our worst wartime mistake" and which President Truman's Committee on Civil Rights in its historic 1947 report condemned as "The most striking mass interference since slavery with the right to physical freedom," some 110,000 human beings, more than two-thirds of whom were native-born citizens, without trial or hearing, were evacuated from their homes and associations on the west coast and confined in what euphemistically were called "relocation centers" in the interior wastelands of the West and Midwest.

Their only crime, in the words of the U.S. Supreme Court, was their affinity with the Japanese enemy, an accident of birth.

Some 20 years ago, our Government decided that screened, loyal citizens of Japanese ancestry might be allowed to leave the campus and seek normal lives outside the Western Defense Command. At the same time that thousands of Americans of Japanese ancestry were volunteering from behind the barbed wire fences of their camps to fight, and as many did to die, in the Armed Forces of our country in all theaters of war, several thousand evacuees hopefully resettled in the State of Michigan, and particularly around Detroit.

So much is known about the gallantry of Americans of Japanese ancestry against both the German and Japanese enemies that it needs no recounting here; suffice it to say that on June 11, 1963, more than 25 of our colleagues from all sections of the country, under special orders, paid more than 2 hours of tribute to the famed 442d Regimental Combat Team of Japanese Americans, the most decorated military unit in size and length of service in American military history and to Japanese American troops who served under double jeopardy in military intelligence in the Pacific War.

Not so much is known about the Japanese Americans who left the camps in which our Government had interned them to help the war effort in such industrial areas as Detroit. But, let the record show that these civilian Japanese Americans, too, made their contribution to victory in World War II, working loyally and conscientiously to make America truly the arsenal of democracy.

Notwithstanding rumors and allegations to the contrary, the official records of the Federal Bureau of Investigation and the intelligence sections of both the Army and Navy reveal that not a single American citizen or a resident alien of Japanese ancestry committed an act of espionage or sabotage before, during, or after World War II in spite of extreme provocations.

In 1946, 18 years ago, in the wake of wartime relocatees to the Motor Capital, the local chapter was organized to bring some degree of stability to these Japanese Americans who had come to Detroit to begin new lives and new jobs among strange-to-them and unique circumstances. In the succeeding years, the Detroit chapter developed a three-pronged program: First, attempting to fulfill the needs of a displaced people; second, beginning the process of orientation-integration to a new community; and third, attempting to show its maturity by contributing more to the cultural, social, and political life of the larger community.

Today, the Detroit JACL chapter is a recognized civic organization that not only cooperates in the various activities of the community but also adds to the cultural makeup of the city. It is an organization that has truly contributed to the betterment of Detroit and of the State of Michigan, introducing to this Midwest metropolis a new citizenry, dedicated to the proposition that, in the eloquence of President Franklin Roosevelt, "Americanism is a matter of the mind and the heart; Americanism is not, and never was, a matter of race or ancestry."

At the same time, JACL has brought to Detroit an awareness that the next great epoch in civilization may be determined around the Pacific basin, where more than two-thirds of the world's people reside. Its members remind us that in spite of a bitter war, the United States and Japan today are partners in the Pacific, in mutual security as well as in economic relations.

CONVENTION PROGRAM

Detroit is proud that it will host the second national JACL convention held in mid-America, the first time since Chicago hosted a national convention in 1950, for our city has many special attractions that are not available elsewhere.

Two years ago, in 1962, the 17th biennial national convention was held in Seattle, Wash. In 1966, the 19th biennial national convention will be held in San Diego, Calif.

And, it seems particularly appropriate that so much of the convention will be devoted to the great moral issue of our times, the right of all our citizens, everywhere in the land, without regard to race, color, creed, or national origin, to enjoy the constitutional guarantees, the human dignity, and the equal opportunities that are the proud boast and the hopeful promise of our national life.

The 18th biennial national convention actually begins on June 30, when the national officers and the chairman of the various district councils meet as the national board.

The convention proper begins when the national council, made up of delegates from 88 chapters, begin their deliberations on July 1. That evening, as a feature of the opening ceremonies, the finals of the National JACL oratorical contest will be held. The subject for the orations, as well as for the National JACL essay contest, is "JACL and Civil Rights."

The national council sessions will be recessed for an outing at Pine Knob, the former Edsel Ford estate, the afternoon of July 2.

At the official convention luncheon on July 3, various organizational awards will be made to deserving members.

That evening, the testimonial banquet will be held, at which time five distinguished Americans who were especially helpful to those of Japanese ancestry during the resettlement period 20 years ago will be honored. All are still leaders in the current civil rights fight.

They are Dr. Clarence Pickett, then executive secretary of the American Friends Service Committee; Norman Thomas, crusading Socialist and humanitarian; Roger Baldwin, then the national director of the American Civil Liberties Union; Rev. John Thomas, then the head of the American Baptist Home Mission work among Japanese Americans; and Mrs. Ruth Kingman, the executive director of the Pacific Coast Committee on American Principles and Fair Play. Each will be cited for outstanding contributions in helping Americans of Japanese ancestry regain their dignity as human beings and to secure equal rights under law.

The convention banquet will feature Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, as the guest speaker. JACL properly will honor him for his years of effective leadership in the common cause of equality and dignity.

At the banquet, too, the JACL'er of the biennium and the Nisei—Japanese American—of the biennium will be announced.

The Nisei of the biennium 1960–62, for having done the most to bring credit upon those of Japanese ancestry, was internationally known architect, Minoru Yamasaki, a resident of Detroit. He is the master architect of Wayne State University, as well as for many famous buildings in Detroit and throughout the United States and the free world.

Two years earlier, the Nisei of the biennium 1958–60 was our former colleague, then Congressman, now Senator Daniel K. Inouye, of Hawaii, the first American of Japanese ancestry to be elected to the U.S. Congress. Another Nisei of the biennium was Hershey Miyamura, of Gallup, N. Mex., the only living Japanese American Medal of Honor winner, who earned our Nation's highest decoration for valor in Korea.

The traditional Sayonara Ball concludes the convention proper, although the newly elected national officers and the new national board will meet in final sessions to implement the convention mandates on July 5.

NATIONAL BOARD MEMBERS

Members of the National JACL board, the executive branch of the organization, are a typical cross section of America, attesting to the integration of those of Japanese ancestry into the life of the Nation at large.

National president is K. Patrick Okura, of Omaha, Nebr., the State mental health planning executive of the Nebraska Psychiatric Institute.

National first vice president is Jerry J. Enomoto, of Tracy, Calif., the associate superintendent in charge of reception-guidance, Deuel Vocational Institution, California Department of Corrections.

National second vice president is Takeshi Kubota, of Seattle, Wash., a landscape architect specializing in oriental gardens.

National third vice president is William M. Marutani, of Philadelphia, Pa., an attorney at law who doubles as the National JACL legal counsel, member of the distinguished MacCoy, Evans & Lewis law firm.

National treasurer is Kumeo Yoshinari, of Chicago, Ill., production manager of Turtle Wax Co.

Secretary to the board is Dr. David M. Miura, of Long Beach, Calif., a dentist.

National 1,000 Club chairman is William M. Matsumoto, of Sacramento, Calif., assistant district manager, West Coast Life Insurance Co.

Chairman, Pacific Northwest district council, is Dr. John Kanda, of Sumner, Wash., a physician.

Chairman, northern California-western Nevada district council, is John Yasumoto, of San Francisco, Calif., a mechanical engineer with the South San Francisco Plant, Bethlehem Steel Co.

Chairman, central California district council, is Dr. Frank Nishio, of Fresno, Calif., an optometrist.

Chairman, Pacific Southwest district council, Masaki Hironaka, of San Diego, Calif., assistant superintendent, U.S. Post Office, Pacific Beach Station.

Chairman, intermountain district council, is Kiyoshi Sakota, of Rexburg, Idaho, a farmer.

Chairman, mountain-plains district council, is Mrs. Lily Y. Okura, of Omaha, Nebr., administrator of the Meyer Therapy Center for Children, Omaha.

Chairman, Midwest district council, is Dr. James Takao, of Cincinnati, Ohio, a dentist.

Chairman, eastern district council, is Kaz Horita, of Norristown, Pa., a chemical engineer with the Container Corp. of America.

Living past national presidents are Frank F. Chuman, of Los Angeles, Calif., an attorney at law; Shigeo Wakamatsu, of Chicago, Ill., a chemist with Lever Bros., Hammond, Ind., plant; Dr. Roy M. Nishikawa, of Los Angeles, Calif., an optometrist; George J. Inagaki, of Los Angeles, Calif., a real estate and marketing management consultant; Hito Okada, Salt Lake City, Utah, a general insurance broker; Saburo Kido, Los Angeles, Calif., publisher, New Japanese-American News; and Dr. Thomas T. Yatabe, Chicago, Ill., a dentist.

National director is Masao W. Satow, with headquarters in San Francisco. Jack Mayeda, also of San Francisco, is the northern California regional director. Isaac Matsushige, of Los Angeles, is the Pacific Southwest regional director, Mrs. Esther Hagiwara supervises the Midwest regional office in Chicago, Harry Honda, of Los Angeles, is the editor of the official weekly membership publication, the Pacific Citizen.

National convention chairman is Frank Watanabe, supervisory engineer for Kelsey Hayes, of Detroit. President of the Detroit JACL chapter is James N. Shimoura, owner of the Oriental Provision Co., wholesale food distributors.

Miss Marilyn Nagano, a student at Wayne State University, will reign as the National JACL Queen. She will be attended by Miss Sarah Shirane and Miss Shirley Kinoshita.

SUCCESSFUL CONVENTION

I know that I speak for my colleagues in both the House and the Senate in wishing success to the 18th Biennial National JACL Convention, for its theme is the basic moral issue of the day: "Human Dignity—Our Challenge."

If the delegates to the Detroit convention will be guided by the spirit of the Japanese American Creed, which was authored by Mike Masaoka, whom many of us know as the able spokesman for the JACL here in the Nation's Capital, they cannot but do honor to their organization and to their country, the United States of America.

That creed, incidentally, was first read into the Congressional Record in May 1941, and reads as follows:

> I am proud that I am an American citizen of Japanese ancestry, for my very background makes me appreciate more fully the wonderful advantages of this Nation. I believe in her institutions, ideals, and traditions; I glory in her heritage; I boast of her history; I trust in her future. She has granted me liberties and opportunities such as no individual enjoys in this world today. She has given me an education befitting kings. She has entrusted me with the responsibilities of the franchise.
>
> She has permitted me to build a home, to earn a livelihood, to worship, think, speak, and act as I please—as a free man equal to every other man.
>
> Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices, but I shall do it in the American way: Aboveboard, in the open, through courts of law, by education, by proving myself to be worthy of equal treatment and consideration. I am firm in my belief that American sportsmanship and attitude of fairplay will judge citizenship and patriotism on the basis of action and achievement, and not on the basis of physical characteristics.
>
> Because I believe in America, and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places; to support her Constitution; to obey her laws; to respect her flag; to defend her against all enemies, foreign or domestic; to actively assume my duties and obligations as a citizen, cheerfully and without any reservations whatsoever, in the hope that I may become a better American in a greater America.

Address by Hon. Herbert C. Bonner, of North Carolina, at Dedication of the Herbert C. Bonner Bridge, Oregon Inlet, N.C.

EXTENSION OF REMARKS

OF

HON. J. VAUGHAN GARY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. GARY. Mr. Speaker, great things are happening along the Middle Atlantic coast. In Virginia a magnificent 17-mile bridge-tunnel complex has just been opened. It is one of the engineering wonders of the world and connects the Norfolk area with the Eastern Shore of Virginia, offering north and south travelers an inspiring trip across the mouth of the Chesapeake Bay.

In North Carolina it was my privilege to be present last weekend at the dedication of the new Herbert C. Bonner Bridge across Oregon Inlet. Named for one of our most distinguished colleagues here in the House of Representatives, the bridge represents another great engineering achievement and offers an avenue to the Outer Banks of North Carolina that will benefit the people there and the visitors attracted by the great recreational opportunities of the area.

Many jokes are told in our area of the rivalry between Virginia and North Carolina. I prefer, however, to view each of our great States as partners in progress. I was delighted, therefore, to be on hand to hear the forward-looking address of Congressman Bonner at the dedication of the bridge which bears his name.

The outstanding Representative of the First District of North Carolina congratulated all who played a part in the development of the bridge—in his words "those who dared to have a vision." Congressman BONNER is also a man of great vision and I commend to you his remarks which I am inserting at this point in the RECORD:

REMARKS OF CONGRESSMAN HERBERT C. BONNER, FIRST DISTRICT OF NORTH CAROLINA, AT DEDICATION OF THE HERBERT C. BONNER BRIDGE ACROSS OREGON INLET, N.C., MAY 2, 1964

Secretary of Commerce Hodges, Governor Sanford, Mr. Wirth, Mr. Fearing, members of the Southern Albemarle Association, honored guests, ladies and gentlemen, I am humbly grateful for the generous esteem of the people and the State it has been my privilege to serve for so many years in the Congress of the United States. And I am proud of this tribute you are bestowing on me in the naming of this beautiful new bridge.

Its dedication here today marks the final fruition of the hopes, the dreams, and the untiring efforts of many persons over many years—of those who dared to have a vision.

Luther Hodges was one who had the vision that now has come to pass. He envisioned the Outer Banks as a vast recreational resource, joined by highways and bridges, that one day would bring pleasure and relaxation to tens of thousands of our citizens.

This great bridge was initiated and authorized during his administration as Governor of North Carolina, and he shall always be remembered for his part in unlocking the rich potential of this area.

The first effort was carried forward by Gov. Terry Sanford, who also has earned our lasting gratitude. The bridge, erected during his tenure in the State House, will not only stimulate the economic growth of the Outer Banks, but open up one of the world's finest playgrounds for people from everywhere.

This proud span is a symbol of the progess of our American civilization from the log stockade on a nameless and hostile shore to the freest, most prospering society in all history.

It crosses the restless waters of an inlet that was an early gateway to the new world, a world that held for humankind the promise of a better life. And this bridge today holds a promise for us, the promise of a future that can be as great as we make it.

This whole region has been opened up and we can prosper and enjoy a fuller, more satisfying life. We can secure for our children what many of us were deprived in opportunity and educational advantage. There are no limits to the future.

Now that the scene of our earliest beginnings as a nation is fully accessible, many thousands of visitors from our own country and abroad will come here to tread this hallowed ground where the American tradition has its roots.

There are few, if any, places in this great country where the durability of the American ideal can be sensed more strongly than on the Outer Banks of North Carolina where family names trace back to the Elizabethan settlers. Indeed, the idiom of that ancient day is even now readily identifiable in the descendants.

Many of our friends here today and their forebears have been in the forefront of the surge of history that buoyed this Nation to its present greatness.

They braved the North Atlantic in cockleshell boats to establish the first colonies in the new world. They unfurled the St. Andrew's cross as one of the early symbols of freedom and equality in the wild and primitive land that ultimately was to become the last best hope of humanity.

The colonists fought the unrelenting ravages of nature and the hostile savages. They defended the coast against the enemies of freedom. They scratched a bare sustenance from the earth and wrested it from the cruel and untamed sea.

Seafaring people, they encountered Blackbeard and other notorious pirates who terrorized the coast in the early 18th century. They participated bravely and effectively in the Revolution.

Highly independent people, they have enjoyed the freedom of their relative isolation, and yet have always played their part as this country has moved forward.

The inhabitants of these Outer Banks of North Carolina settled in one of the most unique geological regions in the world, where a slender barrier of low-lying, sandy islands give protection from the sea to a broad complex of sounds, estuaries, and flowing rivers. Nature's grand design provided the perfect habitat for waterfowl, upland game, and marine life of all kinds in a bounty whose full limits are yet to be revealed.

In the day of the settler, the Outer Banks were crowned by virgin stands of timber and profuse vegetation. The location in the temperate climate of the 37th parallel was enhanced by proximity to the warm waters of the northward flowing Gulf Stream. Thus, our ancestors were blessed with abundant sources for food and shelter and by their isolation were protected against the hostile incursions that beset those more exposed to conquest and pillage.

As time went on and civilization flourished on the nearby mainland, the Outer Bankers found new markets for fish and game and new employment opportunities as pilots guiding vessels through the tricky currents and shoals of the ever-shifting inlets.

In the course of history the men of Roanoke Island, the Outer Banks, and contiguous areas took a key part in manning America's merchant ships on sealanes all over the world. They fought aboard her ships of war. Afloat and ashore, they established an enviable record in the U.S. Coast Guard.

Portsmouth Island became a thriving port. Fishing and netting enabled the villages along the barrier islands to prosper.

But even as God created the Garden of Eden and gave it to the race of man, He has never provided man with insurance against his own profligacy.

And so it was, as the American civilization advanced and expanded on our continent the generations of man here, as elsewhere, upset the delicate balance of nature on the Outer Banks. Continued cutting of the fine stands of pine and cedar for shelter, boat-building and heating unsettled the natural stability of the dunes. Stock grazing destroyed the protective cover of grasses and low-growing shrubs.

As nature's own erosion control was stripped from the land it increasingly suffered from the violence of the northeast storms and from the vicious hurricanes that have from time to time battered our coast.

Just as overfishing and the development of petroleum products brought an end to the once flourishing whaling off the coast, the development of road systems on the mainland adversely affected the marketing of seafood caught by the outer bankers until in recent years the construction of new roads and bridges began to connect the banks with North Carolina's magnificent highway system.

By 1930 the inexhaustible land of this great country was beginning to fill up. Exploitation of natural resources had progressed to the point where there was wide appreciation of the need for conservation measures to preserve our forestlands, our fisheries, and our wildlife. The population had grown from less than 4 million persons in 1790, the first year of the Republic, to over 123 million in 1930.

As the economic progress of the United States was buoyed upward and Americans earned the highest wages and family incomes in history, we witnessed the advent of shorter workweeks and longer vacations for the great bulk of our population. These developments increased the need for conservation and brought new demands for recreational opportunities.

By the early 1930's officials of the Department of the Interior were becoming alarmed at the small amount of coastline in public ownership or potentially available to be set aside for future generations. Historic landmarks were being destroyed, and commercial encroachment was spoiling areas of unique natural beauty. It was during this time that a Department of the Interior survey was conducted to determine coastal areas that had recreational, scientific, and historical potentialities that should be preserved and developed in the national interest.

The Outer Banks, having great significance in the field of history, was also recognized for its importance from the standpoint of geology and biology, as well as an unrivaled scenic attraction. At about that time the Outer Banks were literally fighting for survival. Lack of the protective cover of vegetation, combined with the ravages of tides, winds, and storms, had swept and eroded these barrier islands to the point that their continued existence was in jeopardy.

The Works Projects Administration and Civilian Conservation Corps, agencies born of the great depression, embarked on sand fixation and beach erosion control projects extending from the Virginia line to Ocracoke Inlet.

The prospect of creating the Nation's first national seashore park in the Cape Hatteras area was dawning.

Interest in the conservation of natural resources and the preservation of national historic sites had begun with the building of the Wright Memorial at Kill Devil Hills to commemorate the first successful step in man's conquest of the air, the designation of Fort Raleigh as a national historic site at the scene of the first English colony in America, and the establishment of the Pea Island Game Refuge.

I remember well the early efforts of my dear friend Congressman Lindsay C. Warren and other men of vision such as Frank Stick, Bruce Etheridge, Victor Meekins, Ben Dixon McNeil, Theodore Meekins, former Governors Ehringhaus and Scott, and a number of others who visualized the potentialities of a national seashore on the Outer Banks with manifold benefits flowing to the people of the area, to the State of North Carolina, and to the Nation as a whole.

It has been said that, "Men of great genius and heart sow the seeds of a new degree of progress in the world, but they bear fruit only after many years."

It was not an easy road we traveled to achieve the dream. Lindsay Warren introduced the bills authorizing the Wright Memorial, the Fort Raleigh National Historic Site, and the National Seashore. He labored vigorously for their passage, and his efforts were crowned with success. But the authorizations expired and the work remained undone.

Conrad Wirth, Director of the National Park Service, a tried and true friend to whom this area is greatly indebted, worked stanchly and persistently with me to keep our prospects alive, and finally the authorizations were reinstituted by the Congress.

The National Seashore project has had its ups and downs—its discouragements and its frustrations. Now, through the generosity of many individuals, the understanding of the people who live here, and the cooperative efforts of the State of North Carolina and the Federal Government, the Cape Hatteras National Seashore is a reality.

Since the park was established in 1953 its forecast potentialities have already been proven.

Figures for 1955 show 284,500 visitors. The number has steadily increased each year, reaching 873,300 in 1963.

Increasing interest in the recreational possibilities in this unique and beautiful portion of North Carolina and of the Nation, coupled with a growing interest among Americans in the history that has forged our heritage, strained the former ferry system across Oregon Inlet to the limit.

As the park developed and the North Carolina State Highway Commission contributed to its success by building and maintaining roads within the area, the early necessity of bridging Oregon Inlet became apparent.

Since the State of North Carolina had built and was maintaining the roads within the park, and would contribute substantially with the Bureau of Public Roads in the Federal-Aid highway program, it seemed only fair and reasonable that the Department of the Interior should also contribute to the construction of the new bridge, which would mean so much to the park. Accordingly, I introduced legislation in 1961 which would provide for a contribution of $1 million by the Department of the Interior.

The great success of the Cape Hatteras National Seashore Recreational Area gave impetus to full cooperation in Washington in support of the authorizing legislation. Scarcely more than a year after introduction of the legislation it had become law, in October 1962. And in November 1963 this 2½ mile, toll-free bridge opened for traffic, providing a major new step forward in the progress of this area and the Nation. Great credit is due those who designed and built the bridge. A major engineering achievement, it has been characterized as "of such beautiful design that it is sheer poetry in concrete and steel."

The faithful old ferries are now retired. It was due to the initiative and enterprise of a native son—Tobey Tillett—the ferry pioneer, that the first regular link to Hatteras Island was established. He must be smiling down on us today from the Great Beyond at the spectacle of this magnificent span.

Where it used to take from 30 minutes to an hour to cross by ferry—not counting frequently long waiting periods—the crossing can now be made in a few minutes, without waiting, and 24 hours a day.

I know that there were some who had sincere misgivings about the effects that establishment of the park might have on the special way of life of the citizens of the outer banks. There have been, and undoubtedly still are, some who fear the effects of improved access from the mainland by means of this new bridge. I certainly respect those views.

But let us examine where we stand and what the future can bring.

First of all, the creation of the park and the efforts which the Federal Government alone could provide have gone far toward staying the destructive forces of nature by restoring long lost vegetation and stabilizing the shifting dunes. Modern roads now join us together so that we can progress not piecemeal, but as an economic whole that benefits everybody.

Bridges span Croatan and Roanoke Sounds to connect historic Roanoke Island with the mainland and the Outer Banks. Yet these developments have been wisely handled in the creation of the park and the historic sites of Fort Raleigh and Kill Devil Hills so as to keep to a minimum the disruption of the lives of the people who live here. On the contrary, the National Park Service program has limited the boundaries of the recreational and historic areas so as to leave plenty of room for the expansion of the local communities.

Just as the sun rises out of the Atlantic, we are seeing the dawning of a bright new day full of great promise for the happiness and prosperity of those who live and work here.

The growing demand and need for recreation by all Americans will be the means of improvement of the lives, education and economy of our people here, without destroying the beauty and privacy which we have held so dear.

Whereas this area has been enjoyed for many, many years by the privileged few who could afford private hunting lodges and clubs and made little contribution to our economy, it may now and will be enjoyed by thousands of people from all over our Nation who constitute our new American society of the privileged many. Now the great body of our people may share these great natural assets with you and create new wealth for our citizens.

Yes, there will be change. It is change for which we must prepare. We must prepare wisely for the inevitable influx of visitors who will want improved facilities of all kinds—more and better hotels and motels, modern restaurants, expanded recreational facilities, improved transportation.

Much is already being done. Your progress is evident, for example, in sound zoning which encourages orderly community development of business districts and residential sections, protected from haphazard expansion that too often cheapens and despoils an area. You, in cooperation with the accelerated public works program of the late President Kennedy and President Johnson, have put in a modern water system with all that it means in comfort, convenience, and safeguarding of health, not to mention fire protection.

You who live here have built your own way of life around the sea. You know the many moods of the sea—sometimes sparkling—sometimes placid—sometimes cruel and violent—sometimes generous in its yield—sometimes niggardly.

The progress now coming to this area, as symbolized and abetted by this bridge, will improve this life by the sea. Greater accessibility to vacationers will make sports fishing an increasingly larger contributor to our economy.

Improved transportation will be a boon to the commercial fishing industry by greatly improving access to markets. As a result, I feel that there are vast, virtually untapped commercial fishery resources which may now be economically and profitably exploited.

With this improved transportation facility and the existence of the Cape Hatteras National Seashore Recreational Area, I can see the prospect of this becoming more nearly a year-round attraction to people of many pursuits.

Finally, while this bridge is bringing people in from the outside to share the natural and historic treasures we have here, it will at the same time be providing the means for bringing our own permanent population closer together and improving the means by which we may in turn have access to the other great recreation areas of North Carolina and the United States as a whole.

There is a saying that goes something like this: "From those to whom much has been given, much is expected."

The efforts which have brought into being these works of great potential have been inspired by the confidence of our people over the years.

The future is in your hands.

Remarks of Hon. Frank M. Clark, Democrat, of Pennsylvania, Before the Second International Road Federation Pacific Regional Conference, Tokyo

EXTENSION OF REMARKS

OF

HON. ROBERT T. McLOSKEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1964

Mr. McLOSKEY. Mr. Speaker, together with three other members of the House Public Works Committee, it was my distinct privilege and honor to represent the United States at the Second International Road Federation Pacific Regional Conference at Tokyo, Japan.

This international Conference was held between the dates of April 16 and 26 and was attended by almost 900 delegates representing 34 nations.

The gentleman from Pennsylvania, the Honorable FRANK M. CLARK, Democrat, was one of the featured speakers at the opening session, and did a magnificent job in expressing the point of view of the U.S. Government, as seen through the eyes of a member of a committee of Congress charged with the responsibility of shaping our Nation's road programs.

I take this opportunity to place in the RECORD the speech delivered by our distinguished colleague:

REMARKS BY THE HONORABLE FRANK M. CLARK, DEMOCRAT, OF PENNSYLVANIA, MEMBER OF THE COMMITTEE ON PUBLIC WORKS, HOUSE OF REPRESENTATIVES, U.S. CONGRESS, AT THE SECOND INTERNATIONAL ROAD FEDERATION PACIFIC REGIONAL CONFERENCE, TOKYO

It is a genuine pleasure to address this distinguished group, convened here from the four corners of the world to discuss highways and highway transport. We who are so closely involved with road problems in the United States sometimes tend toward myopia; we are so engrossed with trying to meet the ever-mounting traffic requirements within our own borders that we fail to give due recognition to the struggles going on in other countries to solve the same problems.

We sometimes forget, in fact, that the 3.5 million miles of roads and streets in the United States are actually part of a global transportation network that is no stronger than its weakest link. I believe the world and regional meetings sponsored by the International Road Federation are valuable in strengthening this concept of a global transportation system, geared to present and future needs. It is only through the interchange of ideas, face to face, among the highway experts of the world, that we make progress toward solving our mutual problems.

So I appreciate this opportunity to make a small contribution to this Conference from the point of view of a U.S. Congressman who has responsibilities for the progress and conduct of the highway program in my country. As most of you know, the core of our present program is the National System of Interstate Highways, a 41,000-mile network of modern, limited access highways, crisscrossing our country from coast to coast and border to border. Work on the Interstate System began in earnest in 1956 and we expect to have it completed in 1972.

As of now we have about 17,000 miles of this system open to traffic and another 5,000 miles are under construction. This progress has been accomplished since 1956 when Congress authorized the expansion and acceleration of the various Federal-State highway programs. During the same period work has been completed on more than 166,000 miles of highways not on the Interstate System.

Capital expenditures for roads in the United States this year will exceed $8 billion for the first time in history. This compares with about $7.83 billion in 1963—and $4.3 billion in 1955. The portion contributed by the Federal Government has risen from some $700 million in 1955 to the neighborhood of $3.6 billion in 1964.

These figures give some indication of the progress we are making toward providing a road network attuned to the needs of a dynamically expanding population and one that is gravitating more and more toward our urban centers. The Congress has given us reasonable assurance that roadbuilding activity in the United States will continue at the same high level for the next 8 years. But there is presently no assurance for the years after 1972.

For that reason a great deal of expert thinking, in and out of Congress, is being directed to the question: "After 1972, What?" Such thinking is by no means premature. The Federal-Aid Highway Act of 1956, which set the present program in motion, had its roots in studies dating back to 1938—and a lot of discussions even before then.

The concern is of two kinds. First, there is the concern about the severe effect on the economy if the current level of highway activity were sharply curtailed.

By 1972 there will have been a steady flow of Federal interstate money for 15 years averaging $2.5 billion a year. In terms of employment alone, the U.S. Bureau of Public Roads calculates that highway construction by all levels of government will provide jobs for 870,000 workers this year. Contractors will employ 370,000 of these on road and bridge construction and another 500,000 workers will be employed off the site in the production of materials and equipment and other indirect employment resulting from the highway program. Obviously then, to cut off or sharply reduce the program after 1972 would cause tremendous economic dislocations.

Of even greater importance, though, is the need to plan for the future transportation requirements of our citizens. Today, we have 82 million motor vehicles on our roads and streets and this number will rise to more than 110 million in 1972. I spoke earlier of the increasing urbanization of our population. And at the risk of boring this audience with statistics, let me cite another one or two. While the total mileage of roads and streets in the United States rose only eight-tenths of 1 percent from 1956 to 1962, the municipal mileage increased an average of 3 percent a year throughout the period.

These were some of the considerations that led my colleague, Representative GEORGE M. FALLON, chairman of the House Subcommittee on Public Roads, to come to grips with the problem. He has introduced in the Congress a bill providing for a comprehensive survey of highway needs after 1972. The study will be made by the Secretary of Commerce with the cooperation of the 50 State highway departments. A report will be made to the Congress in 1967 so that planning can begin early for the post-1972 program.

The U.S. Bureau of Public Roads, an agency of the Department of Commerce, is already at work on the study and the head on the Bureau, Federal Highway Administrator Rex M. Whitton, has said:

"The underlying problem, as I see it, will be to forecast our long-range transportation needs, which means, first, forecasting future growth and changes of our population and economy, both in size and nature.

"We will have to examine the possibilities of change in transportation itself, through both technology and public desires, and considering both mass and individual transport of persons and goods."

The areas of investigation are many. The study will consider whether the Interstate System—now limited by law to 41,000 miles—should be expanded; whether the present 90 percent Federal contribution to the cost should be continued after 1972 or reduced; whether new and special provision should be made for urban roads and streets; what to do about some 2,300 miles of toll roads incorporated into a system otherwise free of tolls.

These are some of the questions that the study will seek to answer. So today, and in the months and years ahead, we're approaching another crossroads in the long history of the Federal aid highway program in the United States. This program is the product of a unique Federal-State partnership which began in 1916 and we hope will continue for many years to come.

I am confident that the highway administrators will accurately define the problems as they will exist after 1972. Then it will be up to the legislators to provide sound and equitable financing to see the program through. Those of us who are responsible for this aspect of the program no longer look upon transportation as a national problem but one having global significance.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 7, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Jeremiah 17: 7: *Blessed is the man that trusteth in the Lord.*

Almighty God, grant that daily, in the sacred attitude and atmosphere of these brief moments of prayer, we may learn and cultivate the secret of a life that is calm and courageous, faithful and steadfast.

Lift and lead us by the Holy Spirit out of those fears and anxieties, which so frequently haunt us and cause us to tremble, into new and abiding experiences of joy and peace.

May our President, our Speaker, and all the Members of the Congress be men and women who are channels of Thy grace, bringing faith where there is doubt, hope where there is despair, and bearing clear and commanding testimony, by their character and conduct, to their trust in God.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Bradley, one of its clerks, announced that the Senate had agreed to the amendments of the House to bills of the Senate of the following titles:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States.

THE 40TH ANNIVERSARY OF APPOINTMENT OF J. EDGAR HOOVER AS DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. WILLIS. Mr. Speaker, I offer a resolution (H. Res. 706), offering congratulations on the 40th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas J. Edgar Hoover, in his position as Director of the Federal Bureau of Investigation since May 10, 1924, has compiled one of the most remarkable records of service to God and country in our Nation's history; and

Whereas, throughout his tenure in office, J. Edgar Hoover has consistently displayed strong moral determination and great personal foresight in recognizing the threat and meeting the challenge of deadly enemies of American freedom, including the Soviet-trained and Soviet-directed leadership of the Communist Party, U.S.A.; and

Whereas, under J. Edgar Hoover's brilliant administration, the Federal Bureau of Investigation has waged a fearless and unrelenting battle against America's criminal and subversive underworlds while, at the same time, fully observing and protecting the rights and privileges guaranteed inhabitants of our country by the Constitution and laws of the United States; and

Whereas J. Edgar Hoover and his Federal Bureau of Investigation associates have brought new standards of efficiency, integrity, and impartiality to the law enforcement profession and have truly earned the admiration and respect of all right-thinking citizens: Now, therefore, be it

Resolved, That on this fortieth anniversary of his appointment as Director of the Federal Bureau of Investigation, the House of Representatives offers its congratulations and its gratitude to J. Edgar Hoover for his years of devoted service and expresses the hope that he will continue in his present office for many years to come.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. WILLIS. Mr. Speaker, I know there are many Members who wish an opportunity to speak and pay personal tribute to J. Edgar Hoover before voting "aye" on the resolution, introduced by me on behalf of the Committee on Un-American Activities, commending him on the occasion of his 40th anniversary as Director of the FBI. I would like to say just a few words, and will ask unanimous consent for Members who seek to do so, to extend their remarks in the RECORD. The greatness of our country, I think, lies to a great extent on the fact that in every area of life and human endeavor it has made constant progress. Our people are always trying to improve things, and they usually succeed. We should not be ashamed to admit that in the past, in many areas, things have not been as good as they are today. This is true of law enforcement which is so vital to a nation based on the rule of law. In the past, some of our law enforcement agencies have been amateurish and inefficient.

Mr. Hoover has made many contributions to our country, but one of the most important, I believe, has been his efforts and his success in professionalizing law enforcement. I believe he has probably done more than any other man in the country to see that on all levels of our government, in all parts of our Nation, we have the best possible law enforcement agencies. He has not only made the FBI a world-admired institution, but he has helped immeasurably to improve all law enforcement agencies in this country.

Under his direction, the FBI National Academy was established in 1935. Since that time, it has trained over 4,500 selected law enforcement officers from all over the country. In addition, under his direction, the FBI has organized thousands of police training schools on the local level. In these schools, law and the respect for the rights of the accused are stressed, along with rules of evidence and other matters essential to justice.

A major difficulty our law enforcement agencies face today, in the light of vastly improved transportation facilities, is the greatly increased mobility of criminal elements. The FBI's Identification Division has greatly assisted in offsetting this advantage for lawbreakers by keeping local law enforcement agencies informed of the movement of criminals from other parts of the country into their areas. The FBI Crime Laboratory has given impetus to the utilization of the latest and most advanced methods of scientific crime detection throughout the country.

Mr. Hoover has worked unceasingly to professionalize the identification and control of subversive activities, along with the more usual forms of crime. For many years, we have seen in our press and in the courts tributes to the professionalism of FBI agents in this field. The Bureau runs highly specialized schools and conducts special courses on espionage and countersubversion for its agents. During World War II, it was responsible for intelligence operations in certain foreign countries. We all know that in this area of law enforcement and national security, the FBI is up against a particularly crafty and ruthless foe. Yet, its agent-training in this, as in other areas, has always stressed the absolute necessity of operating in conformity with the law and in recognizing and fully protecting the rights of the individual.

Mr. Hoover has insisted, in both the criminal and subversive fields, in keeping the FBI a fact-gathering agency. He has, in addition, done everything possible to oppose vigilantism and irresponsible activity on the part of individuals and organizations in their efforts to fight communism within our country.

Most important of all, perhaps, has been the fact that when Mr. Hoover has been offered greater power, he has turned it down. He has constantly opposed the conversion of the FBI into a national police force, insisting that crime should be solved locally. It has always been his desire to keep the American people free of the image, the power—and let us face it, the fear—that go hand-in-hand with the creation of super Federal police power.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I will be glad to yield to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I certainly support the resolution.

In 1924, I moved to California from Illinois; however something more significant occurred in that same year. On May 10, 1924, following the reorganization of the U.S. Department of Justice, Mr. John Edgar Hoover was appointed Director of the Federal Bureau of Investigation. Sunday is the 40th anniversary of Mr. Hoover's dedicated public service.

Forty years of service to the Nation in furthering the cause of law and order has rightfully earned for him the distinction of the outstanding law enforcement officer of our time.

From 1935 until late 1942, I was an agent in the Federal Bureau of Investigation and therefore am well aware of Director Hoover's ability and even more, the esteem in which he is held by employees that are or have been affiliated with the FBI. By his exceptional stamina and keen mind the Director has personally been responsible for building the FBI into an organization known and respected throughout the world. Leadership such as that displayed by Mr. Hoover for these many years should not pass unnoticed. It should not be unheralded and left as a forgotten and disregarded fragment of history.

The youngsters of today should learn of Mr. Hoover in order that they may emulate his ideas, devotion, and relentless struggle against those who would subvert our American ideals of freedom and democracy.

I am proud to proclaim my past as an agent with the FBI. Having served under this exceptional man is an experience I will never forget. It was the greatest period of my life. My present association with a distinguished individual of Mr. Hoover's caliber is another milestone that brings forth praise in my heart. I wish I were capable of expressing those elegant phrases reserved only for occasions like this.

This is indeed a memorable date and all Americans should wait a time with patience to acclaim the innumerable contributions made to this, the greatest country in the world, by a truly great American, who in 40 years of sustained dedication has been an inspiration for all Americans. For your unswerving loyalty, and dedication to duty I hope that all citizens will join me in expressing our humble congratulations to Mr. John Edgar Hoover, on his 40th anniversary as Director of the FBI.

Mr. WILLIS. Mr. Speaker, I yield to my fine friend, the distinguished Speaker of the House, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I am very happy that this resolution is before the House today and that it will be, I am sure, unanimously adopted.

I first met J. Edgar Hoover in the early part of 1929 some few months after I was first elected to Congress and assumed my seat. That was in December of 1928, filling an unexpired vacancy and continuing on for the next Congress.

J. Edgar Hoover impressed me profoundly at that time as a great American and as a great leader. He had deep spiritual feelings, a great knowledge of history, and an intense love of our country. During the years there developed between us a profound feeling of respect and friendship; and my feeling of friendship and respect for him as an individual and as an American is as close and as strong as it could be for any other human being.

In 1934 this House established a Special Investigating Committee To Investigate Communism, Nazism, Fascism, and Bigotry. The then Speaker of the House appointed me chairman of that special investigating committee. We made our report on February 15, 1935. That is over 29 years ago. If any Member would get a copy of the report he could read it in 10 minutes.

I was never a believer, as chairman of the committee, in long reports. I believed in making them short and to the point. And he would read a report that any such committee could make today.

At that time the members of my committee and I were rather generally laughed and scoffed at because the people then did not realize the evil intent and purposes of communism. My committee was the first committee to make a finding that communism was an international conspiracy. That was 29 years ago.

My committee recommended what is now the Smith law, introduced by our distinguished friend from Virginia, HOWARD SMITH, and in the passing of which I played an important part. I introduced such a bill in three or four Congresses. It took us about 5 years to get it passed.

My committee recommended the original Foreign Agents Registration Act. I introduced the bill and it passed. We also recommended a bill that was passed giving to the individual service secretaries—Army, Navy, and Air Force—the power by regulation to control Communist activities in Navy yards, Army installations, and Air Force installations.

At that time under the law the Communists could go in and distribute their literature and carry on their work in trying to subvert our people and to reach the men and women going to and from work. They could not go into the places of employment where these people were working, but they had free access to the yards and camps and installation.

Mr. Speaker, my committee recommended a bill giving the Secretaries the power by regulation to control that type of activity. I can assure my friends—most of you were not here in those days—that they were bitterly fought and they did not gain passage easily.

Mr. Speaker, the one man who supported my committee and the one man who gave inestimable support to the committee of which I was chairman was J. Edgar Hoover. He saw the evil mind, intent, and purpose of the Communists as far back as that time. So did I. He saw their destructiveness. He saw their missionary mind for destructiveness. We have got to have missionary minds on the part of those who believe in the way of life in which we believe for constructive purposes and through affirmative action.

Mr. Speaker, J. Edgar Hoover was the one man who stepped in and helped my committee. We could not obtain much in the way of appropriations at that time for carrying on the committee's work. In those days we were only allocated $30,000. We had to rely upon a lot of free help and assistance. J. Edgar Hoover and the FBI, subject to attack in those days, but not today, gave invaluable assistance to the select committee of which I was chairman.

Mr. Speaker, I am so glad to see so many of the years that have gone by in which others have recognized the evil intent and purpose of the Communists, and that they have been awakened. J. Edgar Hoover and I were years ahead of them.

So, Mr. Speaker, I pay tribute to this great man. He is not only a great American, but he is a man of God, he is a man with deep faith, a man whose love of God is animated by his every action and whose love of country is also animated by every thought and action on his part. Today we honor a man who richly deserves the expressions contained in this resolution. I sincerely hope that J. Edgar Hoover, as the resolution says, will continue in his present job for countless of years to come. I express to my colleagues of the House my pride in the fact that on both sides of the aisle throughout the years there has been recognized the great mind and the loyal and the wonderful mind of this man. Whenever he was under attack years ago, both Democrats and Republicans in the House rose to his support, meaning the attacks that were made upon him from time to time in the atmosphere which existed some years ago, but which have not taken place now for some few years in the past.

But, Mr. Speaker, it was in this body that both sides unanimously always rose to the defense of this great man because we knew the leadership he was giving to our country as the head of the Federal Bureau of Investigation was not only in the national interest of our country but in the best interest of our people.

Mr. Speaker, I congratulate J. Edgar Hoover and I hope God will bless him and confer upon him for countless years to come the abundance of His choicest blessings.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Indiana, the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, as minority leader, the matter of bringing up this resolution was called to my attention and I was asked what I thought about it. I said, "Not only do I approve it, but I shall wholeheartedly support it."

Mr. Speaker, I said that because in my opinion J. Edgar Hoover, as much, if not more than any American in my time, has earned and deserves the respect, the confidence, the admiration; yes, and the love of all of the people of our country.

Through the long years of his service to the Government, he has demonstrated a dedication to his assignment that has been an inspiration to all who know of his work.

Under Mr. Hoover's leadership Federal Bureau of Investigation personnel have maintained the highest standards of competence and loyalty.

Beyond that, Director Hoover's many contributions to our national life, through personal appearances and writings, have helped immeasurably to develop in the character of American youth the high ideals for which he has always stood.

He is truly a great man, a man of unquestioned integrity, with complete objectivity, devoted to the welfare and the protection of our country and its way of life.

So at this point may I just say I applaud the Speaker for his very eloquent remarks, and I am happy to join with him in expressing for those of us on our side of the aisle our great admiration for J. Edgar Hoover.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I congratulate the distinguished gentleman from Louisiana for bringing this resolution before the House. Forty years in the public service is a long time, but it is the quality even more than the quantity of the service of J. Edgar Hoover that makes him one of the great public servants in the history of our country.

I join the Speaker, the distinguished minority leader, and the distinguished author of the resolution in the hope that this great American will be with us for many, many years to come. He has been a bulwark of strength against sedition, a guardian of the rights of law-abiding citizens against crime, and an inspiration to our youth to cherish the highest ideals of our country. I honor him and respect as I have honored and respected few men in the history of public service in this country.

Mr. WILLIS. Mr. Speaker, I am delighted to yield to the distinguished whip of the House, the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, I should like to subscribe to the remarks which have been made by the distinguished gentleman from Louisiana, chairman of the House Committee on Un-American Activities, and the remarks made by our distinguished Speaker, the distinguished minority leader, and the distinguished majority leader in commending and congratulating one of the great Americans as he celebrates his 40th anniversary in the public service.

The resolution itself expresses more ably than any of us can the devotion of our country of this great man.

His work in behalf of our national security in exposing the Communist threat; his unceasing battle against crime all over the country, his work in reference to juvenile delinquency, his great interest in the young people of our country, his dedication to intelligent police research all have made for him a place in history unequaled by any similar official in the history of mankind.

I might say further it has been my experience in recent months to be very closely associated with Mr. Hoover in the work of the Commission appointed by the President to investigate the assassination of our great and beloved President Kennedy. This has given me an opportunity to see how thorough and how objective this man and his associates are. It has not been surprising to me, Mr. Speaker, because I knew of his efficiency over the years, but it has been gratifying and it has given me renewed confidence and trust in this agency of our Government.

I might say also that his work in crime prevention continues at a high rate of efficiency. Only last week an agent of the Federal Bureau of Investigation apprehended one of the most wanted criminals in the United States in my district, and in the process rescued and saved the life of a child 8 years of age.

Mr. Speaker, I am glad that the Congress is passing this resolution. It is fitting, it is proper, and it is well deserved.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Speaker, it gives me great pleasure to join with my colleagues in the House in commending J. Edgar Hoover on the occasion of his 40th anniversary as Director of the FBI.

As a special agent, I had the distinct privilege and honor of serving under Mr. Hoover for nearly 5 years in the early 1940's. Therefore, I feel I am speaking from firsthand knowledge when I say I consider him to be the most dedicated American today—one who has always conducted himself and his organization in an honorable manner these many years.

Throughout his remarkable career, Mr. Hoover's activities have always been guided by the words contained in the FBI motto—"Fidelity, Bravery, and Integrity." As a member of the FBI team, I learned that these attributes greatly influenced him in his daily dealings with both the criminal and his own agents.

His unselfish attitude and devotion to duty are well known in Government circles. Not a bureaucrat, he has let it be known that his office door is always open to any FBI employee who has a personal problem, regardless of the type of position such an employee may hold. These attributes are appreciated by the men and women who make up the FBI and help explain the deep affection and loyalty they have for this man.

Early in his career, Mr. Hoover had the foresight to see how essential it was for law enforcement agencies to cooperate with one another in combating crime. It was through his endeavors that the present cost-free cooperative services that the FBI renders to State and local authorities came about. He was responsible for ushering in a new concept in law enforcement in the United States, through the example set by his special agents and their scientific approach to the solution of crimes.

The FBI Laboratory is one of the results of his untiring efforts to improve law enforcement. It is here that hundreds of examinations are conducted daily for various law enforcement agencies throughout the country. There is also the FBI Identification Division which receives over 23,000 fingerprint cards daily. In addition, in 1963, the FBI conducted nearly 4,000 local and regional police training schools for local police officers.

Certainly every loyal American owes a deep debt of gratitude to this man for his long and faithful service to the people of the United States. Under his guidance the FBI has grown into an organization highly respected by the American public. It is an organization where employment and advancement have always been based on ability and competence, never on color of skin or political preference.

It is my sincere hope and desire that Mr. Hoover remain at the FBI helm for a great many more years. I also trust that the American public will show their gratitude to this unselfish servant by continuing to support his many endeavors to improve law enforcement in our country.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Iowa [Mr. Jensen].

Mr. JENSEN. Mr. Speaker, I join wholeheartedly in all the things that have been said today and in the past in behalf of this great and good American, J. Edgar Hoover.

I remember well in 1951 when a bill was sent to Congress which provided that every top agency head receive a raise in salary, but to my great surprise the name of J. Edgar Hoover did not appear on that list.

I rose and said:

> Mr. Speaker, I notice the name of J. Edgar Hoover does not appear on this list of agency heads to receive a salary increase. I shall not write an amendment, I shall simply offer an amendment by voice. I ask unanimous consent that the name of J. Edgar Hoover be included in this list of agency heads to receive an increase in salary.

Speaker Rayburn rose and said, "All in favor of the Jensen amendment will say aye." A great voice rose in the Chamber shouting "aye." Then he asked for the contrary vote—not a single no vote was voiced. Hence the bill was passed by the House. It went to the Senate, was passed unanimously there.

I knew why J. Edgar Hoover's name was left off that list. Simply because he had incurred the displeasure of a high Government official. J. Edgar Hoover has been criticized by every radical in the United States. But it has not fazed him one iota nor has it hindered one iota his great work for every patriotic American, for the American people know that J. Edgar Hoover is one of the most dedicated and one of the most patriotic Americans living today. We honor him, we respect him. May he and his kind live on and on, doing good for all the good people of America and for every law-abiding citizen in this wide world.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. Edmondson].

Mr. EDMONDSON. Mr. Speaker, it is both a privilege and a pleasure to join in this well-earned tribute to a great American and a great public servant—J. Edgar Hoover. I will always treasure my own experience under his able leadership in the FBI.

In his 40 years as Director of the Federal Bureau of Investigation, J. Edgar Hoover has won the respect and admiration of both his fellow countrymen and law enforcement agencies throughout the world.

Under his leadership, the FBI has become world famous as an efficient, tireless, incorruptible, and dedicated organization.

More than any other Federal agency, the FBI has stood guard over our Nation's internal security, safeguarding our great institutions from subversion, espionage, sabotage, and enemy dangers of all kinds.

No single American has done more than J. Edgar Hoover to improve the quality of law enforcement and police work at the State and local level. The National Police Academy has been J. Edgar Hoover's effective training center for many years, and thousands of officers have improved their skills at this academy.

It is indeed fitting that we adopt this resolution today, and it is a privilege to join in its support.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. Rivers].

Mr. RIVERS of South Carolina. Mr. Speaker, I congratulate the distinguished gentleman from Louisiana for the introduction of this resolution. I wish to associate myself with that illustrious group, including our great Speaker, who have paid tribute to J. Edgar Hoover, the incomparable American.

As an attorney in the Department of Justice before coming to Congress, I got to know Edgar Hoover and his organization, and there I admired him. He has given his life to his country.

The Bible says that nobody can do more than to give his life for his country.

The poet says that he who saves his country saves all things and all things saved will bless him, but he who loses his country, loses all things and all things lost will curse him. Edgar Hoover has helped save America. God bless Edgar Hoover.

Mr. WILLIS. Mr. Speaker, I yield to a distinguished member of the House Committee on Un-American Activities, the gentleman from Missouri [Mr. Ichord].

Mr. ICHORD. Mr. Speaker, I join the distinguished chairman of the House Committee on Un-American Activities in his very meritorious resolution.

On this 40th anniversary of Mr. J. Edgar Hoover's direction of the Federal Bureau of Investigation it is a sincere and real pleasure to offer my humble congratulatory message to one of the exceptional public officials in the entire history of the United States of America. Congratulations to Mr. Hoover on a tremendous job very well done.

Today the FBI reflects a character molded by a master hand—an agency of highest standards and great magnitude—and for this the American people can thank the one and only J. Edgar Hoover. He assumed control of the FBI practically in its infancy and has developed through intense effort and devotion to duty the most competent, the most efficient, the most effective law-enforcement agency in the world. Probably, Mr. Hoover has done more than anyone else to protect the internal security of the United States. He has made many, many significant contributions in exposing Communist activities and propaganda. J. Edgar Hoover is eminently qualified as an authority on communism. The books he has authored are outstanding and revealing compilations of Communist ideology and strategy and definitely have served a purpose in educating the American people to the dangers and threats of subversive activities in our Nation.

Mr. Hoover has dedicated his life to the service and protection of America and the American way of life. He has put away selfish and mercenary motivations in the line of duty and has become a legendary figure depicting skill in a specialized profession, superlative objectivity in preserving the freedoms of which we Americans are so proud, and unqualified success in arresting the cancer of communism which has threatened us for so long.

Mr. Hoover has made manifest to the world that America is truly the "land of the free and the home of the brave." The J. Edgar Hoover trademark is indeed a hallmark.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. Everett].

Mr. EVERETT. Mr. Speaker, I want to concur in everything that has been said here today relative to the outstanding record of the Federal Bureau of Investigation.

I want to congratulate Mr. Hoover on his 40th anniversary with the FBI. Truly he is one of our great citizens of this Nation. He is outstanding in every respect and his contribution to all of us is certainly appreciated.

I have long admired Mr. Hoover and the FBI for the wonderful work they have done throughout the years in making our Nation a better place in which to live.

I have the privilege of representing the Eighth Congressional District of Tennessee. Two weeks ago tomorrow little Dennis Clyde Burke, who is only 8 years old, was playing with his friends and got on his bicycle to go get his glove to try out for the Little League in his hometown of Humboldt, Tenn. It so happened that Joseph Francis Bryan, Jr., a former mental patient, was driving through Humboldt and offered little Dennis 50 cents if he would show him where the high school was.

Soon the parents of little Dennis, Mr. and Mrs. Richard Burke, became alarmed when he had not returned home. They immediately notified the chief of police, Joe Ridings, who began the search right away, along with the sheriff of the county, R. O. Pybas. They began to question various individuals as to who had last seen little Dennis. His bicycle was found and also Mr. and Mrs. Earl Stephenson recalled seeing a white car pull into their driveway.

Due to the quick thinking of Mayor Dan Scott, Chief Joe Ridings, and Sheriff R. O. Pybas, Mr. Warren Hearn, who heads the FBI office at Dyersburg, who was a classmate of mine at Murray State College at Murray, Ky., was called into the case. Through meticulous investigation, with the full cooperation of the police department of Humboldt and the sheriff's office of Gibson County, and all law enforcement officers of West Tennessee, it was soon ascertained that a white Cadillac with Kentucky license plates had been seen in town and through the fine work of the FBI it was soon learned that the car had been stolen at the Keeneland Race Track near Lexington, Ky.

For 90 hours this family and the entire citizenship of our congressional district were practically in a nightmare. It is said that the darkest part of the night comes just before dawn. More information had been gathered about mentally deranged Joseph Bryan and at 2:45 Tuesday afternoon, April 28, an FBI agent was off duty driving down the street in New Orleans when he happened to see this white Cadillac and immediately remembered the description that had been given to all FBI offices over the Nation. Hailing down another agent who happened to be driving by, Bryan was captured and they found little Dennis safe.

With lightning speed news was flashed back to Humboldt that little Dennis was safe. From all reports it was one of the greatest days in the history of Humboldt, Tenn.

As I have stated before, we have always admired and respected the FBI but here is a concrete example of the efficiency, the devotion to duty and ability to get a job done in capturing this mentally deranged kidnaper.

Since his arrest through the FBI and local law-enforcement officers, in the short 10 days three bodies have been found of youths who have been killed by this same individual who kidnaped little Dennis.

We in our district and the Nation thank God for the FBI and for the magnificent and excellent work that has been done by Mr. Hoover in building such a great organization.

There follows a copy of a letter that I received this morning to Mr. Hoover from the Honorable Dan Scott, mayor of Humboldt, Tenn.; a splendid editorial from the Nashville Banner, Friday afternoon, May 1; an article that appeared this morning in the Washington Post; an editorial that appeared in the Evening Independent of St. Petersburg, Fla., on May 1; a press release issued yesterday by Mr. Hoover as to how for 6 straight days a party of FBI men had scoured southwestern West Virginia and finally located the body of David Wulff of Willingboro, N.J., who had been killed by Joseph Frances Bryan, Jr.

In conclusion, Mr. Speaker, let me say that we appreciate Mr. Hoover more than ever and we wish him every good wish on his 40th anniversary with such a great organization. He is certainly one of the great men of our Nation.

MAY 4, 1964.

Mr. J. EDGAR HOOVER,
Federal Bureau of Investigation,
Washington, D.C.

DEAR SIR: The Humboldt city officials, police department, Gibson County Sheriff's Department, and all the citizens wish to congratulate the following agents: Warren W. Hearn, Joseph A. Canale, Norman Casey, John Darks, Cornelius Shea, Eugene Douglas, George W. Hymers, and Donald P. McDermott; and all the other departments of the Federal Bureau of Investigation who worked with the local law enforcement people so successfully in apprehending Joseph A. Bryan, Jr., and recovering Dennis Clyde Burke before any harm came to him.

I have never had the pleasure in working with a finer, more efficient group of men than those who represented your department on this case. Words cannot express our appreciation for the help we received from the Bureau of Investigation and the above named.

Yours very respectfully,
DAN J. SCOTT,
Mayor, City of Humboldt, Tenn.

GOOD WORK, FBI

Thanks to a tireless Federal Bureau of Investigation, a Tennessee child—8-year-old Dennis Burke of Humboldt—is safely home from a kidnaping ordeal; his abductor is in custody, and more light is being shed on the trail of murder of which the latter is a prime suspect.

That is law enforcement in its essential dimensions for public safety—the job for which the FBI exists, against interstate offenses, whether the criminal is high in IQ or a psychopath.

Joseph Francis Bryan, Jr., was on the agency's published list of the "10 most wanted" men. He was back in circulation by release in January from the Nevada State Penitentiary after serving a term for auto theft and burglary—the technicality being that he thus had "paid his debt to society." By present investigation his name is linked as top suspect in two murder cases, one in South Carolina and the other in Florida, both victims being little boys.

Young Dennis Burke was extremely fortunate; he was rescued alive and unharmed. An FBI agent at New Orleans spotted Bryan's car, recognized it by the description nationally circulated, and with a companion's help captured him. Humboldt's rejoicing at that good news of family reunion, where there had been heartbreaking anxiety, was shared by all of Tennessee.

Taking and keeping criminals out of circulation is the business of all law enforcement—and the FBI is its major instrument where Federal law, for public security, is concerned. The job does not end with solution of crime, detection, and apprehension of the criminal. The responsibility entailed beyond that includes trial, conviction of the guilty, and penalty according to the enormity of the crime; with reasonable assurance that psychopaths are not thereupon freed to go their way, unattended, for repeat performances.

Certainly it can be said that one whose record is of child molestation, and who gets his kicks out of "tying up little boys" to "listen to their screaming," can't safely be at large.

How many murders does it take to impress that fact on all society, and particularly those responsible—at any level—for law enforcement?

There are laws on the statute books, State and Federal, to protect from crime. Trained, alert, courageous execution of them is the attendant essential.

[From the Washington (D.C.) Post, May 7, 1964]

THIRD BOY'S BODY LINKED TO ACCUSED KIDNAPER

HILLSVILLE, VA., May 6.—FBI agents retracing the trail of accused kidnaper Joseph Francis Bryan, Jr., today found the body of an 8-year-old New Jersey boy, the third victim linked to Bryan.

Agents said they discovered the body of David Wulff of Willingboro, N.J., about 400 yards northwest of U.S. Route 52 near this small Virginia town on the mountainous western border near the North Carolina line.

The Wulff boy disappeared on his way to school April 1.

The 25-year-old Bryan, one of the FBI's 10 most wanted criminals before his capture in New Orleans last week, also is suspected in the kidnap-slaying of 10-year-old David Robison of Mount Pleasant, S.C., and 7-year-old Lewis Wilson, Jr., of St. Petersburg, Fla.

The Robison boy's body was found in a mangrove swamp near Hallandale, Fla., March 31, and the skeleton of the Wilson child was discovered last week in a rattlesnake-infested field near Venice, 75 miles south of St. Petersburg along Florida's west coast.

Bryan, a former mental patient, once told authorities he liked to see "small boys tied up and screaming."

Bryan had another child, 8-year-old Dennis Burke of Humboldt, Tenn., in his custody at the time of his arrest, but the Burke child had not been harmed.

The boy, who was in Bryan's hands for 3 days, described Bryan as a "nice man" who treated him to the best of meals and motels during their travels together.

The FBI found the bodies of both the Wulff boy and the Wilson child by following a trail of gasoline purchases that Bryan made with a stolen credit card.

Bryan has been indicted on kidnap charges in South Carolina in connection with the Robison case. If found guilty he could be put to death.

Bryan was captured last week by two off-duty FBI agents who recognized him at a New Orleans shopping center and wrestled him into submission.

[From the St. Petersburg (Fla.) Evening Independent, May 1, 1964]

A CRIME SOLVED

Discovery yesterday of the body of 7-year-old Lewis (Hackie) Wilson Jr., writes a heartbreaking end to the month-long ordeal of his family.

They have the deep sympathy of their neighbors in St. Petersburg and, indeed, of people throughout the United States who last night and this morning have heard or read of this shocking tragedy.

In their sorrow, the family must find at least a measure of consolation in the memory of the many hundreds of hours voluntarily contributed by the senior Wilson's colleagues in the St. Petersburg Fire Department and by many other St. Petersburg citizens in the search for young Wilson after his disappearance on March 23. No effort was spared to find him alive.

In the tragic circumstances as they developed, the people of the United States also must accord unstinted praise to the men of the Federal Bureau of Investigation for discovery of the body and the apparent solution of the crime.

The almost story-book solution started with the arrest in New Orleans of a man wanted for the kidnaping and death of a 10-year-old boy whose body was found near Hallandale, Fla., on March 31.

Through the suspect's use of a stolen gasoline credit card, the FBI was able to place him in St. Petersburg on the day of the Wilson boy's disappearance, and then to trace his movements south to Venice and to the very area where a consequent search turned up the young boy's remains.

Nothing can undo the tragedy that has occurred, but the certainty of apprehension and punishment may help to prevent its recurrence.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., May 6, 1964.

FBI Director J. Edgar Hoover announced that FBI agents this afternoon located the body of 8-year-old David Wulff of Willingboro, N.J., in mountainous terrain 6 miles north of Hillsville, Va., near U.S. Highway 52.

Mr. Hoover said that after FBI agents apprehended "10 Most Wanted Fugitive" Joseph Francis Bryan, Jr., 25, at New Orleans on April 28, 1964, and recovered safely a 8-year-old Tennessee boy a check by the FBI of his travels, through credit card purchases, led to the location of the body. The Wulff boy disappeared en route to school on the afternoon of April 1, 1964.

For 6 straight days a search party of FBI men has scoured the Virginia-West Virginia line from Maryland to the North Carolina border. The body was located 400 yards northwest of U.S. Highway 52, roughly 21 miles south of Wytheville, Va.

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter, editorials, an article, and a press release.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. RICH].

Mr. RICH. Mr. Speaker, John Edgar Hoover was born in the District of Columbia, the son of Dickinson N. Hoover, an official of the Geodetic Survey, and Annie Marie Scheitlin Hoover, the grandniece of the then Swiss consul-general in the United States. Young Hoover was an industrious and intelligent student, and became the debating champion and the valedictorian of the class of 1913 at Central High School. When his mother was widowed in 1921, Hoover assumed the responsibility of his own and his beloved mother's support. He became a clerk in the Library of Congress, and enrolled in the evening division of the George Washington Law School. There his great energy won him the nickname "Speed." His energies have never flagged to this very day. It seems unlikely to most of those who know him that they ever will.

He had no thought of investigative work when he entered the Justice Department as a clerk in July of 1917. His ambition then was to become a Government attorney. It is doubtful if he had even heard of the Bureau of Investigation prior to becoming a Justice Department employee. In those days few people even within the Government knew of the Bureau of Investigation, and of those who did some managed to confuse it with the Treasury Department's Secret Service.

Attorney General T. W. Gregory assigned the new clerk to the recently formed War Division of the Department. After the United States entered the First World War, the War Division worked with Army and Navy intelligence agencies in preparing evidence leading to the deportation of suspected and avowed anarchists. In a short time, Hoover knew more about handling the investigative side of cases of this kind than anyone else in the Department. His great aptitude and his tireless devotion to his work came to the attention of the Attorney General, and a promotion to special assistant to the Attorney General soon followed.

His assignment now brought him into close contact with the Department's Bureau of Investigation, headed by the late A. Bruce Bielaski. Hoover became more and more interested in the functions and responsibilities of what was then a comparatively unspecialized and unimportant bureau. In August of 1919, Attorney General Gregory had his Special Assistant Hoover organize in the Bureau of Investigation a General Intelligence Division, and Hoover was made its administrative chief.

By this time, Hoover had become extensively involved in investigations. He had personally directed raids on the headquarters of alien agitators, acting in such cases under the authority granted the Department by wartime statutes. Only 3 months after the General Intelligence Division had been established, he directed the important case which led to the arrest and deportation of Emma Goldman and Alexander Berkman. Soon afterward he handled the deportation cases of the revolutionists Ludwig Martens and Gregory Weinstein.

He was appointed Assistant Director of the Bureau of Investigation in 1921. By this time the functions of the Bureau were returning to their peacetime characteristics, and included the investigation of antitrust violations, bankruptcy frauds, bribery of Federal officers, frauds involving the public lands, and white slavery. Occasionally the Bureau was called upon to investigate a murder on an Indian reservation, a train holdup, or a ship-scuttling conspiracy.

In the next few years, Hoover fought a desperate, behind-the-scenes battle to maintain the integrity of the Bureau of Investigation. Yet he was not in charge, and he was forced to see politics dictating appointments and policies. But his objections to these conditions were not unnoticed, and when Attorney General Harlan Fiske Stone succeeded Harry M. Daugherty early in 1924, Hoover was made Acting Director of the Bureau. He was given full authority to reorganize and to "clean house" as he saw fit. He began his duties on May 10, 1924, a date whose 40th anniversary we observe with pride this year.

Hoover proceeded to rid the Bureau of unfit agents, and to establish new standards for appointment. Emphasis was placed on an applicant's character and legal education. Promotions were to be granted solely on the basis of efficiency. He reorganized the field offices and set up a field inspection system. Less than 2 months after his appointment as Acting Director, he obtained the cooperation of the International Association of Chiefs of Police in establishing in the Bureau the nucleus of today's huge clearinghouse for fingerprints, the Identification Division.

During the next few years the Bureau gained favorable attention for its capture of Martin Durkin, the first criminal to murder an agent of the Bureau, for the solution of the murders of many Osage Indians, and for several other cases of national prominence. Then came the Lindbergh Kidnaping Act which gave the Bureau investigative jurisdiction in interstate kidnapings and extortion cases. A few months later came a series of Federal anticrime statutes passed under public pressure after the slaying of an agent of the Bureau and three police officers in Kansas City's Union Station. These statutes greatly expanded the scope of the Bureau's activities, and gave Federal agents the right to make arrests and to carry arms.

Hoover's agents now launched an intensive campaign against gangs of kidnapers, bandits, and assorted desperadoes. Pretty Boy Floyd, John Dillinger, Baby Face Nelson, Fred and Ma Barker, and many others who elected to fight it out with the FBI concluded their criminal careers in the morgue. The Bureau's Caffrey, Cowley, Hollis, and Baum died in the line of duty.

A personal challenge to Hoover came from Alvin Karpis, the leader of a hoodlum gang which had collected $300,000 in ransom from the Urschel and Hamm families. The Director of the FBI personally led raids which captured Karpis, Harry Campbell, and their accomplices.

Those were the fateful, exciting, and dangerous early days of the Federal Bureau of Investigation and its courageous and efficient Director. The Bureau's recent history in war and peace is perhaps more familiar to us. Statistics cannot describe the qualities of mind and heart which go into the achievements of the Federal Bureau of Investigation. Those qualities are shared by the agents and employees of the Bureau with their great chief. All law-abiding and patriotic Americans can enthusiastically agree with the statement of congratulation made to Mr. Hoover last year by President Kennedy:

> Yours is the most unusual and distinguished record in the history of Government service.

With that statement all Americans agree as we wish the chief the best of everything.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Louisiana, the chairman of the Committee on Un-American Activities, for yielding to me. I congratulate him and his committee for bringing this resolution to the House. I concur in all the fine things which have been said about J. Edgar Hoover and the great organization which he heads, the finest police force this world has ever known.

Mr. Speaker, I rise to lend my voice and my approval to House Resolution 706 in paying tribute to a unique character in all American history. The records of John Edgar Hoover and the Federal Bureau of Investigation are one and the same. It is a record of 40 years of hot war against the forces of evil, be they alien or domestic, which would tear down the ideals of American life, and drag us into the slime of subversion and crime. In that war there has been neither truce nor parley. The successive engagements of the conflict are matters of well-known history. Sooner or later the enemy has met face to face with the vigor and incorruptibility of the force which Mr. Hoover commands, and gone down in shame and confusion.

Through these four decades of service and usefulness to the Nation, both Mr. Hoover and the FBI have moved with modesty and self-effacement. It is almost as though they constituted a righteous and disinterested force brooding over the destiny of our people and careful of their fate. Few of us can claim more than passing acquaintance with Mr. Hoover; none of us can claim intimacy. Yet we have all been aware that the agents of evil more constantly in the shadow of his surveillance, that eventually the night descends upon them, and afterward their deeds are made manifest.

The cadre which Mr. Hoover has recruited to implement the grave duties of his agency is cast in his own image and character. Mr. Hoover does not ask for quantity—he asks only for quality. I count it a privilege to have had some contact with a number of the members of his force, particularly with Inspector Edward C. Kemper, Jr., who along with many others is included in this tribute to Mr. Hoover.

No small part of the service of Mr. Hoover to the Nation is found in the public papers and documents which he has left as a heritage to our young people. His keen analysis of the specious arguments and delusions of the forces leading toward evil, and his firm espousal of the right, will remain an inspiration to coming generations long after his labors have moved into the past. May our Government always succeed in enlisting the services of like conscientious and devoted public servants.

Mr. POFF. Mr. Speaker, it has been said, and rightly so, that J. Edgar Hoover has "professionalized" the FBI. Equally as important, he has humanized every program which over the years has fallen within the domain of his jurisdiction.

Humanity, its welfare and progress, as well as its freedom, should always be the first concern of a public servant. Prison reform and juvenile delinquency rehabilitation have been only two of the many human endeavors to which Mr. Hoover has devoted his personal and professional life. His every public pronouncement has been carefully constructed to promote in the American citizen, old and young, allegiance to high moral principles and love of country. History books will name him as one of America's purest patriots. I am proud that I am a member of the committee which reported the pending resolution, and I trust that its passage will be by unanimous vote.

Mr. FOREMAN. Mr. Speaker, I am pleased, indeed, to join my colleagues today in paying tribute to one of America's most outstanding citizens, J. Edgar Hoover, Director of the Federal Bureau of Investigation. He has, undoubtedly, done more to help protect our great country against the vicious conspiracy of communism than any other individual. America needs more men of the character and caliber of J. Edgar Hoover. He is a great American, a leader, and a gentleman. I support this resolution without reservation.

Mr. POOL. Mr. Speaker, as a member of the House Committee on Un-American Activities, I would like to join with Chairman EDWIN WILLIS in extending congratulations to Director J. Edgar Hoover of the Federal Bureau of Investigation on his 40th anniversary as head of an organization which has earned universal respect under his aegis.

Director Hoover has imposed standards for agents which call forth the best of men and the best in men. He has forged an organization which has given all Americans reason for pride and for quiet confidence in the strength of our Nation. He has recognized his responsibility to alert us to social and moral trends which he sees doing direct injury to our national community. He has remained apolitical, and in so doing has earned the respect of all the administrations during which he has served. He has served the Nation in a vital way during some perilous moments, and he deserves the thanks of every citizen who shares in the benefits of life in the United States in the mid-20th century.

J. Edgar Hoover has devoted his life to safeguarding ours. Thank you, Director Hoover.

Mr. HÉBERT. Mr. Speaker, in Louisiana, we have a French Creole word, "lagniappe," which is used to describe a gift. Originally, it meant a small present given to customers by tradesmen, such as a sack of candy for the children. Gradually, its meaning expanded to include a special gift—one which was over and above the reasonably expected. In its larger sense, lagniappe is an apt description of the gifts John Edgar Hoover has been bestowing on the Nation throughout his long and distinguished career as a dedicated public servant. Never content to merely do what was expected of him, Mr. Hoover has been most generous in sharing his vast store of merit, talent, and worth with all of us, asking nothing in return but the privilege of continued service to his country.

As he marks his 40th anniversary as Director of the Federal Bureau of Investigation this month, I am reminded of some lines by John Dryden which, in my estimation, characterize Mr. Hoover:

> There's a proud modesty in merit; averse from asking, and resolved to pay 10 times the gifts it asks.

We can be grateful that in 1924 Attorney General Harlan F. Stone quickly recognized Mr. Hoover's qualities of force, fearlessness, and independence, and that he gave him the job of revitalizing a thoroughly discredited Bureau of Investigation. The results of this foresight are history; the benefits are legion. This Nation has gained far more from Mr. Hoover's gifted leadership than it can ever repay. Yet, John Edgar Hoover's only wish is that he be permitted to continue to help in the struggle to make our future brighter. He realizes it will remain an uphill fight, for evolution was never free of struggle; however, he also knows that there is no more important duty than a steady loyalty to one's best convictions.

There are three kinds of people in the world, the wills, the won'ts, and the can'ts. The first accomplish everything; the second oppose everything; the third fail in everything. The splendid ability of John Edgar Hoover leaves no doubt about his classification, and it is a pleasure to salute him for his many distinctive contributions to this Nation.

Mr. CEDERBERG. Mr. Speaker, I join my colleagues in paying tribute to J. Edgar Hoover, who has been a guiding force for 40 years in behalf of law and order in our Nation. His great leadership has inspired millions to more dedicated patriotism. His dedicated efforts in opposition to communism and its sinister influences merits our deepest appreciation.

I trust that he will enjoy continued good health and continue many more years as Director of the FBI.

Mr. LIPSCOMB. Mr. Speaker, it is a privilege to support this resolution. Rarely in the history of our country has there come upon the public scene a figure whose towering strength of character and deep devotion to principle have so strongly influenced the moral fiber of our Nation. I rise today to add my voice to the thousands of Californians in my constituency in hailing the achievements of John Edgar Hoover, who today celebrates the 40th anniversary of his elevation to the position of Director of the Federal Bureau of Investigation.

A native Washingtonian, he assumed the position of Director of the Bureau of Investigation in the Department of Justice on May 10, 1924. He received his appointment from the then Attorney General Harlan F. Stone, who later became Chief Justice of the United States. Mr. Hoover had entered the Department of Justice in 1917 after obtaining a law degree from the George Washington University through attendance at evening classes while employed during the day as a clerk in the Library of Congress.

Immediately upon assuming his duties, he began an intensive reorganization of the then Bureau of Investigation, inaugurating rigid personnel requirements for all employees, placing them on a purely merit basis. He established a system of training which today serves as a model for law enforcement agencies throughout the world and has led to a rapid development of professional standards in this field. Under his guidance, a modern crime laboratory has been formed and made available to police departments throughout the land, fingerprint records are correlated for their benefit, police executives are trained, and criminal statistics maintained.

While all this was being accomplished, Mr. Hoover and the FBI have provided our country with unfailing protection against a wide variety of lawbreakers including kidnapers, bank robbers, extortionists, and elements of subversion. We all remember the reign of terror which prevailed in our Nation during the era of the gangster and kidnaper until Mr. Hoover and his men were given the power by Congress to act against them. We can also recall the swift action that was taken by the FBI under Mr. Hoover's direction to confine those who threatened our internal security at the outbreak of World War II, with the result that it was possible for him to say at the end of that grim period in our history that no act of foreign-directed sabotage had been accomplished in America during the conflict. His fight against the forces of communism had been equally unrelenting. His influence through his two superb books "Masters of Deceit" and "A Study of Communism" has brought our people to a greater awareness of the nature of this godless menace.

Most of all, Mr. Hoover has provided a shining example for the youth of our Nation of the everlasting values embodied in the motto of the FBI, "Fidelity, Bravery, Integrity." John Edgar Hoover, more than anyone I know, reflects true fidelity to the cause of our country, true bravery in adhering to principle and, through his unbiased administration of the FBI for the benefit of all Americans, he has demonstrated true integrity.

I pay tribute to one of the greatest public servants of our time and extend to him my heartiest congratulations on the 40th anniversary of his appointment.

Mr. JOHANSEN. Mr. Speaker, we honor ourselves by honoring John Edgar Hoover who next Sunday marks his 40th anniversary as Director of the Federal Bureau of Investigation.

Both as a personal friend of many years, and on behalf of the citizens of Michigan and my own constituents in the Third District, I am happy to join in this tribute to a great citizen and public servant.

Mr. Hoover's outstanding record of skillful, courageous, and patriotic service is equaled only by the inspiring example of integrity and personal dedication which he has provided.

In a world that too often today tends to emphasize and dramatize materialism and expediency, he stands as the symbol and substance of worthier values. His influence in this respect has always been outstanding so far as the young people of our Nation are concerned.

The Federal Bureau of Investigation in its efficiency, record of accomplishment in behalf of national security, and demonstrated respect for the rights of individual citizens, is a reflection of his wise, dynamic, and dedicated leadership.

Mr. Hoover's most enduring tribute is the overwhelming confidence that the American people have in him and in the Federal Bureau of Investigation.

It is a matter of profound gratification that the President of the United States has indicated his intention to waive the mandatory retirement of Mr. Hoover which otherwise would become effective next January 1. I know I speak for the citizens of my State and district in expressing the hope that Mr. Hoover will continue for many more years as Director of the FBI.

In their behalf, I extend to J. Edgar Hoover warmest congratulations and best wishes.

Reflecting the sentiment of the citizens of my State is an editorial which appeared in the April 7 issue of the Flint Journal. Under permission to extend and revise my remarks, I include this editorial:

UNITED STATES CAN ILL AFFORD TO FORCE RETIREMENT OF FBI DIRECTOR

It is difficult to think of the Federal Bureau of Investigation without thinking of J. Edgar Hoover, and vice versa. The names Hoover and FBI are synonymous.

The success of the FBI as this country's No. 1 deterrent to crime and subversion can be accurately traced to Hoover's assumption of command in 1924 and the leadership he has provided over 40 years.

Now his retirement is a subject of discussion in Washington. Unless action is taken to prevent it, he will have no choice but to step down when he reaches the compulsory retirement age of 70 next January 1.

This would be most regrettable in view of the public confidence and support of this man of integrity who has served so faithfully under eight Presidents while remaining above the strife of petty politics.

This also would be most ironical in view of the fact that so many others in positions of responsibility in our Government are well past 70. Just for starters, two Supreme Court Justices, 11 Senators and 25 Representatives are older than that. Five Congressmen have passed the 80-year-old mark.

Of course it is no secret that there are those throughout the country who have criticized Hoover and the FBI, either because their toes have been stepped on or because they don't like the tone of the Department's frequent reports on crime in the United States. They resent Hoover's straight-from-the-shoulder talk. He pulls no punches in presenting facts, and the truth usually hurts.

But the most organized pressure aimed at the FBI Director is Communist inspired.

Hoover stands as the most effective single deterrent against espionage, sabotage and other subversive activities that our country possesses. He personally stands as a symbol of our Government's vigilance in protecting this country from within against the enemies of freedom and democracy—both in the eyes of Americans and foreign agents.

Nothing would give greater aid and comfort to the Communists than the retirement of Hoover. He has been their No. 1 thorn in this country for four decades. They have worked for years to plant the idea in the heads of Americans that Hoover has organized the FBI into a "Fascist secret police force" whose aim it is to "destroy our democratic rights."

The Communists in our ranks, and those comparative few who have been misled by their crusade, have had little success in creating such an image. Despite their efforts, and those of Hoover's personal enemies, the man who 40 years ago took over an important department and built it into the most respected and effective law enforcement agency in the world, generally is looked upon by the public as a tower of strength whose FBI leadership is indispensable to our national safety and security.

There have been few public servants in our country's history quite like this FBI head. While compiling an enviable record as an administrator, law enforcement officer and protector of democracy, he has rejected one financially attractive offer after another from business and industry to enlist his services. He could have increased his salary many times over on numerous occasions.

Only a man of great dedication and devotion to duty could have demonstrated such restraint. His is a rare quality in this day of the fast buck.

Another mark of the man which has added to his prestige and stature is his ultimate scorn for self-glory. His service has exemplified the complete submergence of the man within the job.

Through the years he has withstood repeated attacks by those who stood to gain from his removal from office. He has put service above all else.

We hope that he will continue to think first of service, and listen to those who will urge him not to retire. And we hope that the Government will think first of the country's security and make it possible for him to remain on the job should he choose. We can ill afford to lose the services of such a dedicated crusader against crime and subversion at a time when the enemies of society and our form of government are so numerous and so active.

No man is indispensable. Some, however, are irreplaceable. J. Edgar Hoover is one of them.

Mr. RIEHLMAN. Few Americans have gained the eminence and the respect of their fellow citizens as has J. Edgar Hoover, Director of the Federal Bureau of Investigation.

This great fighter for freedom has been maligned and insulted by all the subversive groups in our country and abroad. In spite of those indignities, he has continued to lead the FBI brilliantly in its vigilant struggle against those elements which would destroy democracy.

Since he became Director, the FBI has been a model agency with never any hint of scandal or irregularities concerning it.

We all owe Mr. Hoover a debt of gratitude for his generous and untiring efforts to keep America free and to ferret out those people who would change our country into the pattern of a foreign ideology.

I offer him my warm congratulations on completing 40 years of service to his country.

I sincerely hope we will have him for many more years in his sensitive and responsible position.

Mr. BOW. John Edgar Hoover will be honored in American history long after many men of higher rank have been forgotten.

During his long tenure as Director of the Federal Bureau of Investigation, his name has become a symbol of honesty, courage, patriotism, and strength.

America is fortunate to have had the services of this outstanding man during some of the most trying years of our history. We are fortunate that he can and is willing to serve past the time when most men are willing to rest upon their laurels.

I cannot picture John Edgar Hoover in retirement. He is constantly alert and continually at work to perfect our defense against crime and subversion.

I consider it a high privilege to have been associated with Mr. Hoover and to make some contribution, however small, to the successful operation of his Bureau. It is a privilege to pay tribute to him on this important anniversary.

Mr. CLANCY. Mr. Speaker, as the 40th anniversary of the appointment of Mr. J. Edgar Hoover as Director of the Federal Bureau of Investigation nears, I wish to join in paying tribute to this unique public servant. His lengthy record of achievement is almost unrivaled in the annals of Government service.

Under his forceful leadership the FBI has become a law enforcement agency of unparalled caliber. Mr. Hoover has given instintingly of his time and energies in executing his heavy responsibilities, and has justly earned the respect and admiration in which he is held by his fellow Americans, as well as thousands of other citizens of the free world.

No doubt well-deserved praise will be heaped upon him from many quarters, and I wish to add my voice to those commending Mr. Hoover for his four decades of unselfish service at the helm of the FBI. During these many years he has, through his own personal conduct, set an inspiring example for the employees under his aegis. His integrity and courage have been reflected by the men and women of the FBI in the discharge of their vital responsibilities. We are very grateful for the work that the Bureau is doing in the Cincinnati district, and I can personally attest to the high quality of the personnel in our area.

As many of you know, Mr. Hoover, who was born in the Nation's Capital on January 1, 1895, will celebrate his 70th birthday next year. I strongly support the resolution urging the President to waive the mandatory Federal retirement age of 70 and hope our Nation will be fortunate enough to have the continued dedicated leadership of Mr. Hoover.

Mr. ANDERSON. Mr. Speaker, I am certainly very happy to be able to join with my colleagues in the House of Representatives in paying tribute to a great American, Mr. J. Edgar Hoover, upon his completion of 40 years of loyal and devoted public service. There are certainly many reasons why Mr. Hoover richly deserves the ecomiums of praise which are being accorded him today not only here in the House of Representatives but throughout the length and breadth of our land. However, there are two reasons in particular upon which I would like to dwell for just a few minutes.

As a former prosecuting attorney in my home county in Illinois I had occasion more than once to call on the men of the FBI to assist me in connection with criminal investigations being conducted by my office. On every such occasion I found the FBI agents to be well-trained, efficient, and most loyal and dedicated public servants. Thus, there can be no question but that in the law enforcement field thousands of local law enforcement officers will be forever indebted to Mr. Hoover and the men under him in the FBI for the cooperative efforts that they have made in fighting crime. I could detail many personal experiences showing that without the invaluable aid and assistance of the FBI and its laboratory, crimes would have gone unsolved and criminals remained unapprehended.

I am also grateful to Mr. Hoover for his shining example on another and quite different score. For many years the newspapers and periodicals of our country have carried Mr. Hoover's observations on the important place of religious faith and spiritual ideals in the life of our Nation. Particularly at this time in our history when a tide of humanistic secularism seems to be sweeping over America it has been immensely reassuring to find the towering figure of Mr. Hoover with all of his prestige and authority standing squarely behind the idea that only a Christian America can continue to survive the storms that are buffeting our world. His own exemplary conduct as a public official plus his unashamed attachment to a deeply held religious conviction have served to strengthen the hand of those who are seeking to reinculcate in American youth the importance of spiritual values.

In conclusion, Mr. Speaker, Mr. Hoover has been the epitome of what I think every person in Government service would like to become. He has earned respect and admiration for his unswerving devotion to duty and the modest, unassuming way in which he has gone about the discharge of his important duties. In some countries, an organization like the FBI would surely have become in time a national police force and hence an instrument of public terror and repression. Under Mr. Hoover we have had no reason to fear such a development, for he has always stood squarely on the side of those who believe in maintaining law enforcement as primarily a local function and responsibility.

Mr. Speaker, I know that I bespeak not only the sentiments of the residents of the 16th Congressional District whom I am privileged to represent in the Congress, but the sentiments of countless other Americans when I wish Mr. Hoover the continued blessings of a long and useful life. I hope that for many years yet he may be able to remain at the helm of his present post where he has served the cause of democracy and our country so well.

Mr. DAVIS of Tennessee. Mr. Speaker, nothing gives me more pleasure than to join my many colleagues in expressing appreciation for the dedicated service that Director J. Edgar Hoover has given his country.

I first met the Director when I was police commissioner in the city of Memphis, Tenn., and from that date I have counted him as a warm personal friend. He has brought to law enforcement in the Nation the highest possible degree of efficiency, removed the Federal investigation of law violations from politics, and by his superior integrity, loyalty to country, and ability has built a far-flung department of excellency.

Indeed, he has always possessed an uncanny vision and has developed procedures in law enforcement which have been followed by like agencies in the various subdivisions of our Government. With an engaging personality, an astute mind and unlimited energy, he has truly made for himself a remarkable record personally and an outstanding long list of achievements for his department.

That he may enjoy long and continued good health, enthusiasm, and dedication is my sincere wish.

Mr. HALEY. Mr. Speaker, it gives me great pleasure to join our colleagues in congratulating the Honorable J. Edgar Hoover on the occasion of the 40th anniversary of his service as Director of the Federal Bureau of Investigation. Not only is Mr. Hoover to be congratulated because of his long tenure of office, but certainly he is to be commended for the outstanding service he has rendered to the American people. I hope that we shall be the recipients of many more years of his distinguished service.

Under Mr. Hoover's leadership, the Federal Bureau of Investigation has stood as our Nation's bulwark against communism during these 40 years.

The Bureau is one of the few agencies of the Federal Government which has always enjoyed the respect and confidence of the American people. There have been times when the public has felt that corruption has prevailed in some operations of the Federal Government and when storm clouds have flown over other Federal departments and agencies, but the faith of the people of this Nation in the Federal Bureau of Investigation and its Chief has never been shaken nor has there ever been any question about the conduct of these people or this operation.

The Bureau, also, is one of the few agencies of the Federal Government that has found the Congress inclined to increase its budget and its authority when such increases were not sought by the Bureau. Mr. Hoover has upheld the position that the Bureau was a factfinding and a law enforcement agency and he has insisted that it should never be allowed to develop the powers which are known in a "police state."

Mr. Hoover has said that he had enough power to carry out the responsibilities of the Bureau—he has never sought to expand its programs and authority beyond that which was reasonable. The legislation that he has sought has been legislation which was necessary to provide adequate safeguards for the American people.

We have been fortunate, indeed, to have the distinguished service of such an able man for so many years.

Mr. ZABLOCKI. Mr. Speaker, I wish to associate myself with the remarks of my Speaker and those of the distinguished chairman of the House Committee on Un-American Activities and others made in tribute to the esteemed Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover.

His record of 40 years as the administrator of the FBI is unparalleled in the history of our Nation. Almost singlehanded, he molded the Bureau into the most efficient crime and subversion control agency in the world. At the same time, he has been keenly aware of his responsibilities in a democracy that guarantees freedom of action and freedom from fear for its citizens.

The dedication to duty and service to his country which have marked the life of J. Edgar Hoover justly has made him a hero to our youth and a model to us all. On this day, commemorating his 40 years as FBI Director, we join in paying tribute to his achievements. We hope that he will continue to enjoy the health and stamina to allow him to continue in his efforts for many years to come.

Mr. GROSS. Mr. Speaker, I am pleased to have this opportunity to join with the gentleman from Louisiana [Mr. WILLIS] and other Members of the House in support of House Resolution 706, extending congratulations and good wishes to Mr. J. Edgar Hoover on the 40th anniversary of his service as Director of the Federal Bureau of Investigation.

As the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT] has well said it is not alone the quantity of his service as represented by those 40 years—even more importantly it is the quality of service he has given this Nation.

Mr. Hoover's record as a public servant is unexcelled. It is truly a remarkable record and I wish to express my gratitude.

Mr. WHARTON. Mr. Speaker, it is indeed fitting that the House of Representatives, by resolution, has offered congratulations and best wishes to J. Edgar Hoover on the 40th anniversary of his appointment as Director of the Federal Bureau of Investigation. Few men of our time have contributed so much toward the maintenance of democracy and endeavored to improve law enforcement, and I am pleased to join in saluting Mr. Hoover.

His appointment in 1924 as head of a little known and newly formed Bureau, where he had served as deputy during the previous 3 years, marked the beginning of a transformation in Federal law enforcement that was destined to face problems previously unknown to civilization. Ranging from the ravages which organized crime created in the 1920's to the current dilemma posed in insuring the protection of our national security, the Bureau has become strong and resolute under the leadership of Mr. Hoover because he has succeeded in transforming his personal sense of justice into the characteristic hallmark of the agency he heads.

This achievement has long since been recognized both within and outside of the Government. Virtually every civic organization has named him for an honor and both the Congress and the Executive have saluted him. As recipient of the President's Distinguished Service Award in 1958, Mr. Hoover exemplifies both the vitality and devotion of governmental service, but I doubt that any tangible award will ever give him the satisfaction he must feel in realizing that he has made our justice a better brand through his efforts.

It is for these reasons that I am proud to extend the gratitude of all my constituents in the 28th District of New York to this great American and bid him every best wish for continued good health and success for many more years of distinguished service to our country.

Mr. TUCK. Mr. Speaker, I deem it a duty and a privilege to join many others across the land in their praise of that distinguished gentleman and public servant, Mr. J. Edgar Hoover, now closing out 40 years of outstanding leadership as the Director of the Federal Bureau of Investigation.

I commend him most highly as a Government official who has directed the operations of one of the most efficient departments in the Federal Government. During his long years in office, his service has been beyond blemish. As the head of a police agency that on many occasions naturally was subject to resentment on the part of those under investigation, not once has he conducted himself, or permitted the men under his direction to conduct themselves, in a manner that would invite public ridicule.

His department, in my opinion, is thoroughly and completely organized. Its operations are efficient, effective, and exemplary. As a member of the House Un-American Activities Committee, I have had closer than average acquaintance with these operations, and I can say sincerely that I am comforted by the knowledge that Mr. Hoover and the FBI are functioning.

While I praise this official as an able and dedicated department head, I also praise him for his human traits. I know of numerous occasions when children have been taken on tours of the FBI headquarters that Mr. Hoover has laid aside his busy daily routine to shake hands with them and discuss his activities. There is no better way to create respect for the Federal Government than through the eyes of children.

I cannot be too lavish in my congratulations. He is a man of patience and understanding. In my opinion, the United States has been fortunate during the last 40 years to have him as the Director of its most important policing agency. I hope he may continue as head of the Federal Bureau of Investigation for many years to come.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks in the RECORD and to include extraneous matter, on the resolution paying personal tribute to J. Edgar Hoover.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the resolution was agreed to unanimously.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BURKE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Abele
Andrews, Ala.
Ashmore
Avery
Baring
Barrett
Bass
Bennett, Mich.
Berry
Bolling
Bolton, Oliver P.
Brademas
Brock
Buckley
Burkhalter
Burleson
Celler
Chamberlain
Colmer
Cooley
Cramer
Curtis
Derounian
Diggs
Dorn
Dowdy
Elliott
Fallon
Farbstein
Feighan
Finnegan
Fino
Forrester
Fulton, Tenn.
Gallagher
Garmatz
Gill
Goodell
Grant
Gray
Griffin
Griffiths
Hagan, Ga.
Harsha
Harvey, Mich.
Hawkins
Hays
Henderson
Hoffman
Holland
Horton
Huddleston
Johnson, Pa.
Jones, Ala.
Kee
King, Calif.
Kirwan
Lindsay
Lloyd
Mailliard
Martin, Calif.
Mathias
May
Meader
Miller, Calif.
Miller, N.Y.
Minshall
Olsen, Mont.
Pilcher
Powell
Rains
Reid, Ill.
Rooney, N.Y.
Scott
Selden
Shriver
Sikes
Smith, Iowa
Stubblefield
Taft
Teague, Tex.
Thompson, La.
Udall
Watson
White
Whitten
Wickersham
Williams

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION, 1965

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, and on behalf of my colleague, the gentleman from Missouri [Mr. BOLLING], a member of that committee, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10945) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentlewoman from New York [Mrs. St. George] and now yield myself such time as I may consume.

Mr. Speaker, House Resolution 710 provides for consideration of H.R. 10945, to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. The resolution provides an open rule, waiving points of order, with 2 hours of general debate.

This year, pursuant to legislation enacted during the 1st session of the 88th Congress, the Joint Committee on Atomic Energy, for the first time, reviewed the authorization for all appropriations to the Atomic Energy Commission, including both construction and operating funds.

During 18 days, occupying 60 hours, the committee, in public and executive session, reviewed each Atomic Energy Commission program in considerable detail.

The review was conducted with the objective of assuring that the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare. It is believed that H.R. 10945 provides for a prudent authorization, sufficient to assure the continuation of essential activities in both the peaceful and military applications of atomic energy.

The bill would authorize appropriations for fiscal year 1965 in the amount of $2,636,577,000.

Mr. Speaker, I urge that House Resolution 710 be adopted.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this resolution (H. Res. 710) makes in order the consideration of the bill H.R. 10945, a bill to authorize appropriations to the Atomic Energy Commission. After general debate which shall be confined to the bill and not to exceed 2 hours, the bill shall be considered for amendment under the 5-minute rule.

Mr. Speaker, in hearings before the Committee on Rules, it was abundantly clear that this bill had been given lengthy and most careful consideration by the Joint Committee on Atomic Energy.

The total authorization is $2,636,577,000. Mr. Speaker, for those of us who are interested in economy and in preventing and eliminating waste, and I number myself among them, there is one thing in this bill which I think is of great interest and importance. I refer to that section of the bill, section 107, having to do with fission product contracts. This provision of the bill authorizes the Commission to enter into contracts for such periods of time as the Commission may deem necessary or desirable for the purpose of making available fission products from Commission reactors with or without charge for commercial application.

Mr. Speaker, I think that is a most progressive step. In the first place, it will prevent the waste of this material which does, I am reliably informed, deteriorate. It will also, for those who are interested in free enterprise, help in the development of some of the commercial uses to which this material can be put.

Mr. Speaker, I know of absolutely no objection to the consideration of the bill at this time, and yield back the balance of my time.

Mr. DELANEY. Mr. Speaker, I have no further requests for time. Therefore, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10945) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10945, with Mr. Burke in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. Holifield] will be recognized for 1 hour and the gentleman from California [Mr. Hosmer] will be recognized for 1 hour.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 20 minutes. For the benefit of Members, I should like to make a preliminary statement.

So far as I know, there is no controversy over this bill. The Rules Committee has graciously allowed us 2 hours for general debate. It is not the intention of the speaker to utilize a full hour unless it is necessary, and I understand from my colleague, the gentleman from California [Mr. Hosmer], that we may be able to shorten the time for debate. We know that some Members have engagements out of town and are anxious to get away.

However, I wish to say that I believe a bill of this importance and of this magnitude should be explained; therefore, I shall explain it section by section at this time.

Mr. Chairman, the bill before the House now, H.R. 10945, authorizes appropriations for the Atomic Energy Commission for fiscal year 1965.

This year, pursuant to legislation enacted during the last session of the Congress, the Joint Committee on Atomic Energy, for the first time, reviewed the entire AEC budget, including both operating and construction funds. In 60 hours of public and executive hearings over a period of 6 weeks, the committee considered each atomic energy program in considerable detail. We compiled a hearing record of better than 2,000 pages and issued a comprehensive report on this legislation.

This bill was reported by the Joint Committee without dissent. It represents the combined and agreed judgment of Members from both sides of the aisle and both Houses. It provides for a prudent authorization which we believe is essential to the conduct of vital activities in both the peaceful and military aspects of the atomic energy program.

The Members may be interested in figures comparing this year's AEC authorization with last year's bill. Well, that comparison cannot be made since this is the first year in which authorization of all appropriations is required. However, I can tell you that the ceiling on appropriations set by this bill is about $60 million less than the appropriation for fiscal year 1964. The Joint Committee, in this bill, recommends an approximate $28 million reduction below the authorization requested by the Atomic Energy Commission for fiscal year 1965. I believe these figures demonstrate that Congress is really "on top" of the budget for the national atomic energy program.

Section 101(a) of the bill authorizes approximately $2.3 billion for operating expenses under the AEC's 13 major programs. I would like to point out several highlights of the committee's action on this authorization:

First. In the civilian power program, the Commission requested $5 million for a 5-year cooperative program with Canada in the development of heavy water reactors. The Committee allowed an authorization of only $1 million. This is a 5-year program and it was the committee's view that the Congress should have an opportunity to pass on it each year.

Second. In the cooperative power reactor demonstration program, although no new authorization was requested, the committee, in its report, included strong words of guidance as to the future of the program. Although no power reactor is yet producing competitive electricity, substantial gains have been made in recent years. On this basis, the committee stated that:

> Further assistance in the cooperative power reactor demonstration program for light water moderated and cooled reactors of the types proposed by utilities in the past year cannot be further justified.

The committee called for a "shift in emphasis" toward reactors which show the promise of significantly increasing the Nation's energy resources—the so-called advanced converter and breeder reactors which produce almost as much, or more, fuel than they consume. This position was first expressed by the joint committee last year in its report on the fiscal year 1964 authorization bill.

Third. In the Euratom program, the committee recommends authorization of $3 million for the start of the second 5-year cooperative program with the European Atomic Energy Community. The first 5-year program has been very successful. Euratom matches the U.S. contribution and all U.S. dollars are spent here in the United States. There is a complete exchange of information between the researchers on both sides of the Atlantic.

Fourth. In the merchant ship reactors program, the committee recommended against authorization of a $13.5 million program for the development of a merchant ship reactor prototype. The request for this program was submitted in the form of an amendment after the completion of the committee's hearings. We felt that a program of this importance should be reviewed on the public record before being authorized. When the AEC is in a position to present the full details of the program in public hearings, the committee would be receptive to further consideration of this matter.

Fifth. In the SNAP program, which is aimed at the development of compact sources of nuclear energy in the space program and here on earth, the committee added $14.6 million for a flight test of the SNAP–10A reactor. I believe it would be appropriate to say a few words about the background of the committee's action here.

The development of the SNAP–10–A reactor has cost about $100 million over a 7-year period. Last year, just as it stood on the verge of its payoff demonstration—a flight test in outer space—the Department of Defense suddenly decided that there was no "urgent requirement" for the reactor.

Mr. Chairman, I have followed the atomic energy program and other research and development programs for over 20 years. It has become all too common for the user agency, at the critical point of demonstration, to declare that "no requirement" exists for the product of the research and development program. As a result, programs which cost hundreds of millions of dollars are canceled just as we are about to get a return on our investment. This is intolerable.

Accordingly, the committee recommends an authorization of $14.6 million for a SNAP–10A flight test. This test will be a "first in space" for the United States—a demonstration of the practical use of nuclear reactor systems for power in outer space.

To partially offset this increased cost, the committee has recommended a $10 million reduction in other advanced SNAP work. This work should be deferred as a matter of priority in order to help finance the SNAP–10A flight test.

Sixth. The committee rejected the Atomic Energy Commission's request for funds to develop an advanced Pluto reactor.

The Pluto project is aimed at the development of a nuclear reactor to power a supersonic military vehicle in the earth's atmosphere.

The Pluto development program has been highly successful, and the AEC is now in the final stages of preparing for a ground test of a prototype reactor—a reactor designed to meet all the necessary requirements to fly a vehicle at supersonic speeds.

The committee's hearings clearly developed the fact that the next logical step in the Pluto program is a flight test of the Pluto reactor. However, instead of requesting a flight test, the Air Force and AEC proposed the development of an advanced reactor. In fact, the Air Force, which has the responsibility for developing the flight test vehicle, has still not come up with a flight test plan.

The committee believes that the next logical step is a flight test and that any make-work activity in this program cannot be justified. Pluto funds were therefore cut by $1.5 million.

It is our hope that the Air Force, the Department of Defense and AEC can quickly prepare plans for a flight test. As we indicated in our report, we will reconsider the follow-on program if the committee is presented with a definite flight test plan.

The joint committee stands ready to support the advanced development of the Pluto project, but it is up to the AEC and DOD to make a responsible decision on future plans for the project, including plans for a flight test.

Seventh. In the physical research program, the committee recommends a reduction of $4 million below the AEC's request. In particular, the committee recommends a cut of $1.8 million in high energy physics. It is our view that a definitive and approved national policy on high energy physics must be established before further increases in this program are allowed. High energy physics has grown rapidly in the past few years—it will continue to grow in the future. It is therefore vital that we know where we are going in this field. The committee has therefore asked for a study of the high energy physics program to be made by the AEC and other Federal agencies and to be submitted to the President and the Congress.

High energy physics is vitally important to the future security and welfare of the country. It must receive firm direction and guidance.

Eight. Finally, in recent years, Members of the Congress have become increasingly concerned about the growth in the number of Federal research contracts at university campuses. This was a matter of special interest to the joint committee this year. We recommended a tightening-up of these "off-site" research contracts and enforced our recommendations with specific cuts in the high energy physics, chemistry and biology and medicine programs. We also recommended a substantial cut of $1.5 million in the training, education, and information program, which provides scholarships and other forms of academic assistance.

I believe this will give the Members some idea of the close scrutiny to which this program was subjected.

Thus far, I have discussed primarily the peaceful applications of atomic energy. It should be remembered that better than 60 percent of the appropriations authorized by this bill go into the military aspects of the atomic energy program. These funds are used for the development, production, and storage of atomic weapons and the production of weapons material. These funds also help to implement the test ban treaty safeguards in order to guarantee the security, strengths, and freedom of this Nation.

Section 101(b) of the bill provides an authorization of approximately $338 million for plant and capital equipment in the atomic energy program. The amount is $3 million less than requested by the AEC. Our principal cut in this area was in the special nuclear materials program. We believe that substantial savings can be realized, in part, as a result of the cutbacks in the production of weapons material announced by the President.

In section 102 of the bill, authorization for 8 prior-year projects amounting to $35,550,000 is rescinded. These projects have either been deferred or canceled and these rescissions will properly reflect their current status.

Sections 103, 104, and 105 of the bill provide certain limitations and conditions on the use of funds authorized by this bill.

Section 106 of the bill extends for 1 year, to June 30, 1965, the date for approving proposals under the third round of the cooperative power reactor demonstration program. Although the Commission's authority under this program is extended for 1 year, I believe it is important for me to emphasize the point I made earlier; namely, that further assistance for "established" light water reactors is not contemplated. Our effort will now be shifted toward the development of breeder reactors—reactor concepts which may give America an unlimited supply of energy to supplement our coal, oil, and gas resources.

Finally, section 107 of the bill provides the AEC with necessary contract authority to enter into arrangements with private industry for the construction and operation of an isotopes production and packaging plant. This facility will use the waste products from our production reactors and convert them into packaged isotopes which will be of value in many peaceful applications of atomic energy.

Mr. Chairman, I present this bill to the House, secure in the knowledge that it represents the best thinking and judgment of the Atomic Energy Commission and the Joint Committee on Atomic Energy.

In these days of large expenditures for research and development programs, I believe we have given this bill a prudent and thorough review.

Our authorization is intended to insure, in the words of the Atomic Energy Act of 1954, that:

> The development, use and control of atomic energy shall be directed so as to

> make the maximum contribution to the general welfare.

At the same time, we have attempted to insure, in the words of the same legislation, that the development of atomic energy shall be:

> Subject at all times to the paramount objective of making the maximum contribution to the common defense and security.

Mr. Chairman, I would like to reiterate that this bill was reported out by the joint committee without dissent. I urge its enactment in the form reported by the committee.

Mr. Chairman, I would be remiss if I did not express my sincere appreciation to my colleagues on the Joint Committee for their constant attendance at committee hearings and their earnest assistance in working out all of the many problems in this authorization bill. The gentleman from California [Mr. Hosmer] and his colleagues on the minority side of the committee cooperated fully in the consideration of the bill with the members on the majority side. This bill bears the imprint of the thinking of all the members and I trust that the other body will pass the bill without amendment.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. Westland].

Mr. WESTLAND. Mr. Chairman, I rise in support of H.R. 10945 to authorize appropriations for the Atomic Energy Commission.

The previous speakers have given the House some idea of the review to which this bill was subjected by the Joint Committee on Atomic Energy. We heard all the testimony; evaluated the evidence, and reasoned together in order to bring a good bill to the floor. This has been done and H.R. 10945 deserves your support.

Our whole approach in handling this bill was to assure that each program presented by the AEC was fully justified on the public record.

Viewed in this light, the committee's action in the maritime reactor program is completely justified and reasonable. On April 10, 1964, after the completion of our public hearings and, indeed after our executive deliberations on the bill, the AEC submitted a proposed amendment to authorize $13.5 million for a cooperative arrangement with industry in the construction of a prototype maritime reactor—the so-called 630–A.

Even the sketchy details furnished to us by the AEC at this late date, indicated that a rather complex program of work extending over the next 5 years was involved. To authorize such an extensive program, based upon the limited information available to the committee would have been inconsistent with our whole approach in handling this bill.

I am an ardent supporter of a modern merchant marine fleet and I believe my feelings in this regard are generally shared by most members of the committee. Indeed, in its report on the AEC authorization bill, the committee stated:

> In the committee's view, a cooperative arrangement with industry for the construction of a merchant ship prototype reactor is desirable.

However, a project of this magnitude must be carefully and responsibly considered. As the committee noted in its report, we would be receptive to considering such a project for authorization at future hearings when the details of any arrangements are more fully developed. I know that this is a good faith pledge by the committee.

Of this you can be sure—for any project or program authorized by this bill, the joint committee did everything possible to obtain a complete and thorough justification. I urge the enactment of H.R. 10945.

In closing, Mr. Chairman, I want to compliment the gentleman from California [Mr. Holifield], for his diligence in conducting the hearings on this legislation. The gentleman from California attended, I believe, every meeting and went through this very substantial document in a thorough manner. The rest of us attended as many meetings as we could. These were substantial.

Mr. Chairman, the committee has come up with a bill that every Member of the House can support in the forwarding of a good nuclear program, both for the military and in the peaceful uses of atomic energy.

I urge full support of this bill.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. Price].

Mr. PRICE. Mr. Chairman, I rise in support of H.R. 10945, the bill now before the House to authorize appropriations for the Atomic Energy Commission for fiscal year 1965.

I am delighted to support this bill because I believe it is a prudent, well-considered measure. The atomic energy program continues to be of great importance to the Nation.

The nuclear weapons and nuclear vessel propulsion systems developed in this program are the backbone of America's deterrent strength. The Rover and SNAP programs, involving the "marriage" of space and the atom are critically important to the national space program. The civilian power program is helping to reduce the cost of electric power and may ultimately guarantee an unlimited source of economic energy. And in a host of other fields the atom is at work in the preservation of food, the improvement of agricultural practices and the treatment of man's most feared diseases.

The cost of this program is modest in comparison to the multibillion-dollar research and development programs conducted elsewhere in the Federal Government. And the benefits are real, tangible and present.

This bill provides the means to carry out this worthwhile program.

I would like to highlight two specific parts of this bill. My good friend, the gentleman from California, has discussed the committee's action with respect to the SNAP program. As he noted, the committee added $14.6 million for the flight testing of the SNAP–10A reactor—a compact source of electric energy for use in space.

The case of SNAP 10–A illustrates something that I have discussed in past speeches—the so-called "requirements merry-go-round." The merry-go-round usually starts when the user agency, such as NASA or DOD states that it has an "urgent requirement" for a certain type of gadget. The research and development agency, such as AEC, gets started and pours its money and talent into the development of the gadget required by the user agency. Typically, the research and development work is successfully completed and then, when the project stands on the verge of its "payoff" the user agency suddenly declares that the "requirement" no longer exists.

I have been associated with research and development programs in the Government for more than 20 years and it is my experience that first-of-a-kind devices are not utilized until they are first demonstrated in their intended environments. In my view, as long as a prospective use exists for the product of a research and development program, the responsibile agency should support the project up through its demonstration.

If we keep canceling programs just short of their goals, then the American people will surely begin to question further expenditures for research and development. Moreover, if we had allowed the "requirements merry-go-round" to spin around endlessly, we would not now have a hydrogen bomb or a nuclear submarine.

By authorizing this flight test for SNAP–10A, the Congress will be taking a responsible action—an action which will clearly demonstrate the creative role which can be played by the modern Congress in the atomic age.

Finally, Mr. Chairman, I am pleased that the committee added $500,000 for the conduct of work by the Midwestern Universities Research Association—the MURA group. In total, this will allow $1 million for work by MURA in fiscal year 1965.

Much of our work in high energy physics research has been concentrated on the east and west coasts. It is important that the Nation be able to draw upon the talents and energies of the many brilliant scientists who live and work in the heartland region of America. The Midwest will be richer for this action by the Congress, as will the Nation.

Mr. Chairman, I wholeheartedly support this bill. It is in the spirit of President Johnson's admonition that the Nation must get a dollar's worth for a dollar spent. I urge the enactment of this bill.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I rise in support of H.R. 10945, the bill to authorize appropriations for fiscal year 1965 to the Atomic Energy Commission.

Before getting into the substance of my remarks, I would like to extend a tribute to the distinguished vice chairman of the Joint Committee, the gentleman from California. His patience, skill, and wisdom were of critical importance during the Joint Committee's consideration of this bill. The fact that a bill of this magnitude and complexity can be reported without dissent is a compliment to the leadership of this committee.

As my colleague has already pointed out, the Joint Committee for the first time this year reviewed the entire atomic energy budget, including both operating and construction funds. After participating in this extensive review, it is my conclusion that the Congress was wise last year in imposing the statutory requirement for prior authorization of all appropriations to the Atomic Energy Commission. I believe we have injected an added measure of political and fiscal responsibility into this important scientific program.

It should be pointed out that this bill does not deal with the matter of the promised test ban treaty safeguards insofar as their overall implementation is concerned. Neither does it deal with the wisdom or unwisdom of the cutbacks announced by the President in the production of fissionable materials. This bill merely provides the funds necessary to support production at the levels fixed. It is another forum in which the fixing of the levels should be discussed.

Last year, in discussing the AEC authorization bill on the floor of the House, I spent a considerable amount of time on the importance of nuclear energy as a means for enlarging the Nation's energy resources. I talked about the importance of developing advanced converter and breeder reactors that regenerate almost as much, or more, fuel than they consume.

I am pleased to report that this year's AEC authorization bill is a sharp departure in the direction which I, and others on the joint committee, have recommended. The $78 million authorization for the civilian power program provided in this bill will almost entirely be used for research and development on reactors which utilize nuclear fuel more efficiently. Our ultimate goal is the development of reactors that "breed"—reactors that will give us a virtually unlimited supply of energy.

This is a relatively modest research program, but a critically important one. As in most scientific endeavors, we will not reach the ultimate objective by "wishing" for it or expecting some miracle "breakthrough." We will have to take a number of distinct technical steps, each of which will help to take us down the path to our goal.

Do we get something back for our investment in the meantime? The answer is: Yes—definitely, yes. Even if the interim reactors do not "breed," that is, produce as much or more fuel as they consume—they produce nearly as much fuel as they use. The result is that we will constantly be expanding our Nation's energy resources as we move toward breeder reactors.

The investment is modest and I know of few expenditures which the Federal Government can make that will return a comparable dividend.

Should the investment be made now? Definitely yes. This growing industrial society of ours has an insatiable demand for electricity. Our requirements have doubled almost every decade. Unless our conventional fuel resources are supplemented, we may find that all our readily extractible coal and oil reserves will be depleted during the first few decades of the next century. We cannot wait until we are confronted with a shortage to begin research on new sources of energy. The time to invest and do research is now. The modest expenditures for the civilian power program can make a major contribution to the economic welfare of future generations of Americans.

Finally, I would like to highlight another area in which this bill represents true vision. The Joint Committee added $1 million above the AEC's request for the Plowshare program—a program for the peaceful uses of nuclear explosives.

During our hearings on the authorization bill, Plowshare scientists stated that progress in their program could be speeded up if a higher level of funding were provided. The committee evaluated their testimony and all the evidence and responded by increasing the Plowshare budget from $11 to $12 million.

Mr. Chairman, many studies are underway now concerning the future of the Panama Canal and possible alternate canal construction. I do not know what specific conclusions these studies will develop, but I do know that in the next decade or two, a sea-level transisthmian canal will be required. It is a necessity in order to accommodate the increased traffic and larger sized naval and commercial vessels of the future.

It may be possible, using nuclear explosives, to build a canal at less cost and within a shorter time period. Nuclear explosives may also make it possible to consider longer and more difficult canal routes.

However, if we are to be able to use Plowshare in such canal construction, the effort must be stepped up. This is the purpose of the increased authorization for this program—we hope it will accelerate the development of cleaner nuclear explosives and vital excavation technology.

I would be remiss if I did not mention one further point about this program. We know that large-scale nuclear excavation experiments must be conducted before we can prove the feasibility of using nuclear explosives for excavation. However, the executive branch is not sure about the extent to which it calculates. It has hamstrung itself by entering into the nuclear test ban treaty. They are studying the problem now.

Mr. Chairman, I would like to reiterate my support for this bill. It is worthy of the support and approval of the House and I urge its enactment.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES.]

Mr. BATES. Mr. Chairman, the bill before us now would authorize appropriations to the Atomic Energy Commission for fiscal year 1965 in the amount of approximately $2.6 billion.

I would like to discuss briefly two important aspects of this proposed legislation and then to say a few words of a general nature.

First, I would like to discuss the budget review process to which this bill was subjected. We may not all be atomic energy experts, but many of us have a background in business. As businessmen, we know that one of the factors to weigh in deciding about the worth of a proposal is the review it has been given. Now, what has happened on the long road traveled by this bill, from its inception to the present moment?

First, the various divisions in the AEC gathered together the budget estimates from the field offices. After reviewing these estimates, the total division request was approximately $3.3 billion.

The AEC then began its internal review and chopped about a half billion dollars from the divisional request—a cut of approximately 15 percent.

The bill then went to the Bureau of the Budget where another $340 million was cut, thus reducing the request another 12 percent. Finally, the review by the joint committee resulted in selectively cutting another $28.5 million. Thus, on its way to and through Congress, this bill was cut by better than 25 percent.

I believe we can all trust that this bill has been searchingly and thoroughly reviewed.

The second aspect of this authorization which I believe is significant is the purpose for which it is requested.

Broadly speaking, the AEC programs fall into two general categories: First, those which primarily contribute to the defense of the Nation; and second, those which further the peaceful uses of atomic energy.

It is important to keep in mind that 60 percent of the funds you are being asked to approve today fall into the first category—essentially the military aspects of the atomic energy program. Under this authorization we build, store, and test nuclear weapons; implement the test ban treaty safeguards and develop reactors for the propulsion of submarines and surface ships. The majority of the funds authorized here are to perpetuate the military strength of the United States.

The remaining funds—something over $900 million—is used for the advancement of the peaceful uses of atomic energy in such fields as civilian nuclear power, peaceful uses of nuclear explosives, and a host of other applications which are of direct importance in our everyday lives. In view of the expenditure involved, it seems to me that we are getting our money's worth out of this program.

In summary, Mr. Chairman, I believe this is a "tight" bill, but a well-balanced bill. The estimates in the bill appear to be proper and justified—the purpose of the bill is worthwhile. I join my colleagues in urging its enactment.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I would like to join my colleagues in endorsing H.R. 10945, the AEC authorization bill for fiscal year 1965.

In particular, I would like to join in the tribute to our distinguished vice-chairman who has done such a fine job in the handling of this very difficult legislation. We on the committee are proud of his leadership and the House may also be grateful for having such a knowledgeable and hard-working individual as the gentleman from California [Mr. Holifield]. I would like also to commend the ranking House Member of the committee the gentleman from California [Mr. Hosmer] for his diligence and effective work on the bill now before us.

In particular, I would like to talk about two programs in this bill which have not as yet been covered in detail by my colleagues.

The first is our uranium procurement program for which this bill would authorize $267,455,000 in fiscal year 1965. This is a decrease of more than $50 million from the level of expenditures in this program in fiscal year 1964. Of course, all of these funds are for the purpose of fulfilling previously existing long-term contracts.

In these days of decreasing requirements for nuclear material for weapons purposes, there may be a tendency to be critical of these expenditures. It is always easy to be critical if one has 20–20 hindsight.

However, if one looks back only a little more than a decade ago, the United States was really a have-not nation in terms of uranium supplies. We were almost completely dependent upon foreign sources, particularly those in the Belgian Congo and South Africa.

And now, only 10 years or so later, the United States can boast one of the largest developed uranium ore reserves in the world. We have succeeded in meeting the requirements of our military program and we have substantial amounts of uranium for future use in the civilian nuclear power industry. I doubt that any mineral in the world has been so successfully exploited in such a short period of time.

As chairman of the joint committee's Subcommittee on Raw Materials, I would like to pay tribute to the miners, the millers and those Government officials in the uranium procurement program who have done such an outstanding job.

Second, I would like to call attention to the authorization in this bill for the special nuclear materials program. The primary purpose of this program is the production of fissionable materials for nuclear weapons. Here again, a magnificent job has been done in the production of weapons material which is necessary to keep the Nation strong.

The authorization for this program in fiscal year 1965 is down about $75 million from the 1964 level of $475 million. In large part, these considerable savings are due to the production cutback announced by the President on January 8, 1964. Further savings will be realized as a result of the cutbacks more recently announced by the President on April 20.

The administration has carefully examined our production of enriched uranium and plutonium and determined that these cutbacks can be made safely without impairing, in any way, the national security.

These cuts are wise and I commend President Johnson for his forthright and decisive action in this area. He has taken the Nation another step on the path toward peace and security.

Mr. Chairman, H.R. 10945 is a good bill, and I urge its enactment by the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. Slack].

Mr. SLACK. Mr. Chairman, I had originally intended to offer an amendment to this bill. The amendment would write into the Authorization Act a specific prohibition against the Atomic Energy Commission engaging in further research and development work on advanced thermal reactors for the production of civilian nuclear power. It also would require that AEC devote its manpower and money to the more significant and meaningful task of developing fast breeder reactors.

Upon further consideration, I have decided not to offer the amendment presently, but to press for the adoption of legislation which I have introduced to accomplish this purpose. No purpose would be served in delaying consideration of the pending authorization bill. It represents months of work by the Joint Committee on Atomic Energy and the report which accompanied this bill clearly indicated that the joint committee is keeping a careful check on the program. I wish to commend the gentleman from California [Mr. Holifield] for his handling of this important legislation.

Another reason for not offering the amendment today is that the pending bill does not authorize any appropriation for building advanced thermal reactors. Further, I realize that it would be unfair to the Members of this body to ask them to make a judgment on a matter this important after only brief debate and discussion. Fundamental questions of emphasis for our nuclear research program are involved, and they demand the most careful and deliberate consideration.

However, the question of what type of civilian nuclear power program this Nation should have cannot be evaded long. I have introduced legislation which would write a prohibition against further research and development except on fast breeder reactors, or upon reactor concepts which the AEC determines will make a significant contribution to a workable breeder reactor.

I introduced this legislation, and I recommend it to the attention of this House, for several reasons.

First, as the Representative of a district which is a major producer of bituminous coal, I am alarmed at the rate at which civilian nuclear power, with the aid of massive Government subsidies, is becoming a significant supplier of commercial nuclear power. I do not believe it is right for the Government to spend untold hundreds of millions of dollars in promoting a commercial industrial enterprise which cannot help but injure existing industries.

Second, the more I studied the present program, the more convinced I became that the subsidized commercial nuclear powerplants currently being built and developed by the Government are not only unneeded, but, in the long run, they will work against the people of this Nation ever enjoying the full benefits of atomic power. This is because the so-called thermal converter reactors, the concepts of which are a product of long and expensive Government-financed research and the development of which is being subsidized on a vast scale by the Government, are wasteful of our Nation's nuclear resources. These relatively inefficient converter reactors use more nuclear fuel than they manufacture and every time one of these subsidized plants is built a large part of our nuclear reserves is committed to this one plant over its lifetime.

Dr. Frank Pittman, Director of Division of Reactor Development of the Atomic Energy Commission, alluded to the danger of depleting our uranium supplies in an address before the Atomic Industrial Forum in November of 1962. Dr. Pittman declared then:

> If a large fraction of the total uranium content of our uranium and thorium reserves can be utilized through breeder reactors, our nuclear reserves are enormous. If, on the other hand, only the energy of U^{235} can be utilized, the nuclear reserves of this country cannot have a significant impact upon the long-range energy picture.

There is no question but that, at some time in the future, this Nation will have to have the energy which is locked up in our nuclear resources. The Atomic Energy Commission, the Joint Committee on Atomic Energy, and independent nuclear experts are agreed that the key to efficient utilization of nuclear resources lies in the development of fast breeder reactors. These reactors, unlike these now receiving chief attention, will breed or manufacture more nuclear fuel than they consume. Thus, only the breeder reactors have the potential of realizing the maximum benefit from the atom.

Recently Kenneth D. Nichols, former General Manager of the AEC, made a public statement in which he called for a concentration of effort on fast breeder reactors. He opposed the construction of large prototype plants, in the 500,000-kilowatt range, embodying improvements in the reactor concepts now in use. This statement by Mr. Nichols confirms the argument I made when I introduced the legislation to which I referred.

Mr. Nichols, a highly regarded and respected figure in nuclear power circles, is reported to have said that the contribution of so-called advanced converter reactors to better utilization of nuclear fuels will not be on such a scale as to justify the taxpayers' money in the venture.

Also, he said that nuclear power economics are working against these advanced converter reactors, pointing out that plants presently being built are anticipating lower costs than were expected a few years ago.

I believe that Mr. Nichols is absolutely correct in calling upon AEC to abandon its plans to build four of these large advanced reactors and, instead, to look toward the development of the fast breeder reactors.

Mr. Nichols position is particularly noteworthy because he is still active in the nuclear field, serving as a consultant to Westinghouse, which has contracts to build several of the larger converter reactors which are soon expected to be in commercial operation. His opinion, on a matter of this importance, cannot be lightly dismissed.

Mr. Chairman, nuclear power for civilian use has developed at a rapid pace in recent years. Private utilities have announced their willingness to build the converter reactors without a subsidy of any kind to produce commercial power for sale to customers. Apparently, AEC wants to refine and improve this concept, using taxpayers funds. I submit, Mr. Chairman, that additional research designed to improve and refine this reactor concept should be done by private industry, which is already deriving the benefits of past Government research and subsidy and will benefit from further research and development work.

There is no shortage of coal and other fossil fuels from which to generate electric power now or in the foreseeable future. At some time in the future, perhaps several generations from now, nuclear power will be needed to supplement and complement power from conventional plants. The AEC should be looking ahead to this date and spending its funds and manpower on developing fast breeder reactors—which can multiply the life of our limited nuclear resources and meet the longterm energy requirements of the Nation.

Mr. Chairman, I yield back the remainder of my time.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for the complimentary phrases he used in regard to the committee's action. I assure him that the research work and the interest of the committee toward the fast breeder reactor is equally shared with him in this regard. We shall have this matter under constant consideration.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I rise in support of H.R. 10945, the authorization bill for the Atomic Energy Commission for fiscal year 1965.

It was my privilege to participate in the hearings and committee deliberations on this bill and I can say, unequivocally, that this bill has received the utmost thought and careful consideration. I wish to add my tribute to the distinguished vice chairman of this committee, the gentleman from California [Mr. HOLIFIELD], who labored so hard and long to assure that this bill would be sound. Mr. Chairman, he has achieved his objective. The AEC authorization bill is a good one and it is deserving of widespread support in the House. I also commend the distinguished gentleman from California [Mr. HOSMER], who has given the minority members of the committee real leadership in formulating what I believe is essentially a sound bill.

In the field of nuclear weapons, the joint committee has reaffirmed its continuing interest in assuring that the United States has a program second to none. We have recommended the authorization of all the funds requested by the AEC for the implementation of the test ban treaty safeguards. This authorization provides funds for the development, production, and storage of nuclear weapons; for nuclear weapons testing and for important special test detection activities.

The nuclear weapons program must receive all the resources necessary to maintain the strength and security of the Nation.

In the field of peacetime applications, the committee has recommended an authorization which will allow the civilian nuclear power program to move into the next phase of its objectives. Up to now, we have placed emphasis on the "first generation" of ordinary water-type reactors. Although such reactors are not yet competitive, important gains have been made and their future development can now be left largely up to private industry.

In this next phase, the AEC will be doing research and development on more advanced concepts which utilize nuclear fuel more efficiently—reactors on the road to the "breeder" which produces more fuel than it uses.

In the nuclear space program, $84 million is provided for the Rover nuclear rocket project. Rover may be the key to the space program which goes beyond the moon to the farthest reaches of the universe. And this bill provides approximately $77 million for the SNAP program which is aimed at the development of small nuclear-electric power sources for use in the space program, as well as in other applications.

Other parts of the bill provide funds for important programs aimed at studying the effects of radiation on man and his environment. The list of important activities covered by this bill is endless.

But I would like to say a special word about the physical research program. Physical research is basic research—we cannot predict its results; nor can we define its applications. Yet we know that it is vitally important to the future security and welfare of the Nation. One need only remember that just a few years after the discovery of the atomic nucleus, we were able to utilize this knowledge in building the atomic weapons that brought World War II to a close. The history of basic research is replete with other examples of the critically important dividends resulting from our investment in basic research.

Having stated the case for physical research, I would like to add a word of caution concerning the high-energy physics program. At the present time this program is growing steadily without any firm guidance. I share the conclusion expressed in our committee report that a long-range national policy on high-energy physics must be established by the executive branch.

I therefore believe the committee was correct in cutting the authorization for this program pending the submittal of a report to the Congress.

At the same time, I was pleased that the committee added $500,000 for the work of the Midwestern Universities Research Association. The funds for MURA—a total of $1 million—will permit increased competition in the design of future high-energy physics machines. It is desirable to evaluate several alternative designs before selecting the one best suited to achieving the objectives of the program. The work of the MURA group should help in this regard.

In a larger sense, the funds for MURA will help to provide new vitality for the growth of science in the Midwestern States. We have a storehouse of scientific talent in the Midwest and it is vital that we tap this reservoir of skill and knowledge.

In summary, I believe that the bill now before the House provides necessary funds for a worthwhile program. I support its enactment.

Mr. LAIRD. Mr. Chairman, will the gentleman yield to me at that point?

Mr. ANDERSON. I will be very pleased to yield to the distinguished gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. First I would like to commend the committee for giving consideration to the MURA team. This is a very highly skilled team of physicists from the midwestern universities group. This group, though, has had a very troubled history in this area. Back some 7 years ago the Atomic Energy Commission encouraged them to come up with a proposal for a high-energy type of reactor. They came up with this particular proposal and were told to take it back and take the road of high intensity. They recently submitted a program for a high-intensity reactor and have now been told by the scientific advisers to the President and by the Atomic Energy Commission that, no, now we want a high-energy one. It seems to me that the buck has been passed back and forth and the net result has been that the midwestern section of the United States has not moved forward as rapidly as they should. The responsibility for this, I think, is because of the kind of direction that we have had from the Atomic Energy Commission.

Does the gentleman care to comment on that?

Mr. ANDERSON. Well, the gentleman will recall that just a few minutes ago I made the remark that we felt there was some lack of guidance or guidelines in connection with the whole high-energy physics program here in the United States and we felt there had been some deficiencies in that regard in the executive branch.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. ANDERSON. Before we proceed to fund that program further, at least in some of the amounts that have been suggested, we ought to have some kind of a basic report from the executive branch laying down what the guidelines for this program will be in the future. I am sure the gentleman is familiar with the Ramsey report which suggested, I think, eventual expenditures of something in the nature of $1 billion for accelerators and the high energy physics program. Before we launch into anything that ambitious, I would agree with what I believe is the principal point the gentleman was making, that we ought to have some firmer direction and guidance from the executive branch. I would concur.

Mr. LAIRD. The problem here is as far as the high intensity proposal which was recommended in the Ramsey report, they recommended that we proceed with a high intensity proposal, but it took this midwestern universities research group about 5 years to plan this high intensity type reactor. Now the rules have been changed. We are going back and they have to reorient their whole line of thinking along the same lines they were following prior to the 5 years they put into this proposal. Now they are apparently being told to think in terms of a high energy type reactor.

Mr. ANDERSON. I think the gentleman has performed a very useful service here today in pointing out that past history. But I would stand by the statement I have previously made, that looking to the future, I am glad we have gone ahead and appropriated an additional half a million dollars so that rather than close this down, we may look to the day when the Middle West will participate in this kind of activity to the extent that we should, given some of the great universities in that area, and the number of Ph. D.'s and engineers and physicists that we graduate. I certainly think the Middle West should share with the East and the west coast in the high energy physics research program.

Mr. Chairman, I wholeheartedly support this authorization bill and urge the Members of the House to approve it.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may require to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Chairman, I rise in support of H.R. 10945, the fiscal year 1965 AEC authorization bill.

I am proud to support this bill because I know of the hard work that has gone into its preparation and review. It is a good bill with a worthwhile objective—the full exploitation of atomic energy for the security and welfare of the Nation.

The dividends resulting from the atomic energy program are almost too numerous to mention. We have produced the weapons that make the Nation strong; the reactors to feed our growing demand for electricity; the technology to preserve food, and a thousand other useful applications.

But of all the results of our program, I know of no more successful development than the nuclear submarine. Today, mated with the Polaris missile, the atomic submarine is the vital muscle of our national defense.

I am proud to say that the Joint Committee on Atomic Energy and the Congress were instrumental in this development. We lent the critically important support needed by Admiral Rickover, under whose firm guidance and direction this program has progressed.

But the modern Navy needs more than just submarines—it requires a modern surface fleet and this means a nuclear surface fleet.

Today we have three nuclear surface vessels—the carrier *Enterprise*, the cruiser *Long Beach*, and the destroyer *Bainbridge*. The performance of these nuclear surface vessels has been outstanding—they played a vital role during the Cuban crisis of 1962. And since that time, important technical strides have been made so that today we can produce reactor plants which last twice as long, and have twice the power of the reactor plants in the carrier *Enterprise*.

Today, it can be stated that the United States is preeminent in the field of nuclear surface vessel propulsion. This is a proud accomplishment.

Yet, despite these great achievements, the Department of Defense refuses to install nuclear power in the next aircraft carrier CVA-67. Last year, the Joint Committee held hearings on this subject and issued a comprehensive report.

Based on all the testimony presented to the committee, the extensive supporting data, and the views of every responsible naval official, the committee concluded that first, nuclear propulsion provides significant military advantages for surface warships; second, increased costs attributable to nuclear power are minor; third, the new aircraft carrier, CVA-67, should have nuclear power; fourth, all future firstline surface warships should have nuclear power; and, fifth, research and development programs for nuclear-powered surface warships should be continued.

The Secretary of Defense claims that a nuclear carrier would be too expensive. But he grossly exaggerates the increased costs. I would like to include in the RECORD a brief analysis of the costs of a conventional and a nuclear carrier which clearly makes this point.

Nuclear and conventional aircraft carrier cost estimates

I. CONSTRUCTION COST COMPARISON

A. Navy estimate:	*Millions*
Nuclear aircraft carrier (including 7 years' fuel)	$403
Conventional aircraft carrier (does not include 7 years' fuel)	277
Difference	126
Breakdown of excess $126,000,000 for nuclear ship:	
Purchase and installation of nuclear plant	81
Nuclear core (7 years of operation)	32
Ship arrangement which results in 100 percent more aviation fuel and 60 percent more ammunition carrying capacity	13
Total	126

B. Secretary of Defense overestimate of nuclear carrier costs:

The Secretary of Defense testified he would have to ask Congress for $163,000,000 more. The additional $37,000,000 ($163,000,000—$126,000,000) was attributed to the cost of an extra squadron of aircraft.

Nuclear and conventional aircraft carrier cost estimates—Continued

II. TOTAL OVERALL LIFETIME AIRCRAFT COST COMPARISON (25-YEAR LIFETIME)

A. Navy estimate (lifetime cost):	*Millions*
Nuclear carrier:	
Ship construction, operation, and maintenance	$862
Air group construction, operation, and maintenance	5,000
Total	5,362
Conventional carrier:	
Ship construction, operation, and maintenance	685
Air group construction, operation, and maintenance	5,000
Total	5,685
Nuclear carrier excess lifetime costs (3 percent)	[1]177

B. Secretary of Defense estimate (lifetime cost):

The Secretary of Defense added $308,000,000 to the lifetime costs because of the added squadron of aircraft. This figure nearly triples the Navy's estimated cost differential.

[1] This differential does not include the costs attributable to delivery of fuel by oiler to the conventional carrier. Therefore, if these costs were included, the differential would be less than 3 percent.

The simple fact is that a nuclear carrier with its complement of aircraft would cost about 3 percent more over its lifetime than a comparable conventional vessel.

If, because of this minor difference in cost, we build an obsolete conventional carrier, then I can only conclude that sharp pencils have replaced sharp thinking in the Pentagon.

There is still time for reason to prevail. We can still install nuclear power in the next aircraft carrier without any significant delay in the delivery date of the carrier.

I hope that this matter will be reconsidered in the Congress and the executive branch. The future of the modern Navy rides on this decision.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may require to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Chairman, the importance of the authorization appropriation request for the Atomic Energy Commission cannot be overstressed and I urge the approval of this authorization.

Los Alamos, N. Mex., is the atomic city of the Nation and has been the primary center for the development of the peaceful use of atomic energy, as well as for the further experimentation and development of nuclear energy for defensive and offensive purposes.

The United States is first in the production of an atomic weapons system and in the peaceful harnessing of the atom. We cannot afford to allow these programs to slow down.

Although this year there will be a definite reduction in the amount of fissionable uranium to be produced, the approximate cost of uranium and other raw materials necessary for the development of weapons, reactors, and medical research at Los Alamos is estimated to be $76,624,000. The emphasis of the nuclear development program has in the last few years turned to the peaceful implications and uses of this most powerful form of energy. The extent to which it can be applied in the production of power in areas that now lack adequate water or fuel supplies for the production of electrical power, for the exploration of space, for the construction of canals and dams, for the study of isotopes and atomic particles still unknown, and for its applications in the advancement of technology to lessen the physical burdens of mankind, is unlimited. The possibilities are limitless, but positive results do not just happen.

Millions of dollars and thousands of additional man-hours must go into further research if the promises of the peaceful application of atomic energy are to be fully realized. Most essential to the survival of man is the study of the effects of atomic radiation on man, on animals, on vegetation, on water, and on soil. To understand the true consequences of an atomic attack, or the effects of nuclear tests in the atmosphere, extensive research in the biological and medical sciences must be pursued. The cost of research for biology and medical activities is approximated at $6,451,000 for Los Alamos. This amount will enable a continuation of projects already in progress. As all scientific research is involved in the discovery of the unknown, there can only be a suggestion as to what will be found and what can be made applicable. As long as the general value of these activities is understood, the moneys to be authorized must be placed in proper perspective as the primary means for the conquering of cancer and other such destructive diseases.

We all know that the atomic reactor is the source of considerable scientific information. It is through the reactor that much of the research data on isotopes and nuclear particles is obtained. Los Alamos has the finest and most up-to-date reactor equipment, and it is essential that this be maintained. Reactors are extremely costly, and the research and development that goes into the production of one requires an authorized appropriation of $7,697,000. To operate the reactors it is necessary to authorize an appropriation of $32,335,000; for maintenance and new equipment, $2,781,000 is needed, and for construction, an additional $2,561,000 has been requested.

The most important responsibility of the Atomic Energy Commission at Los Alamos is in the area of weapons research and development. The authorization request totals $310,524,000 for fiscal year 1965. The position of the United States as the world's leader in the atomic weapons arsenal depends largely on the activities being carried out at this center. It is beyond the comprehension of most of us to understand the complex tests and extensive research being done, but it is not beyond our understanding to relate the success of these activities to the welfare and security of our Nation.

In order for us not to fall behind, but rather to go forward, the activities of weapons development must be continued. Our defense system must not be geared solely to an all-out nuclear war. None of us wants to contemplate the horrors of such an occurrence. Therefore, our attention must be turned to the performance of nuclear weapons in a limited war situation. The enormity of this task requires extensive expenditures and we must not be negligent in granting Los Alamos financial capability as requested in this authorization bill.

The justification for approving the authorization appropriation request by the Atomic Energy Commission is obvious to all of us who realize the tremendous expense of keeping our Nation in constant preparedness. Every day, experimentation is being conducted, and every day, the security and inviolability of our Nation is strengthened. With Los Alamos lies the atomic development of our Nation. Let us not slacken the rate of progress, but rather facilitate and increase it. I strongly urge that we approve the authorization request now under consideration in its entirety.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I rise in support of H.R. 10945. It is my firm opinion and view that the Atomic Energy Commission has made a reasonable request. The authorization is prudent, yet sufficient to assure the continuation of the essential activities of atomic energy applications for both peaceful and military uses. Surely we must provide for both.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, I asked for this time to direct a few questions to the chairman of the Joint Committee, the gentleman from California [Mr. HOLIFIELD]. First, I should like to thank him for the kind treatment he extended my colleague from the coal regions, the gentleman from West Virginia [Mr. SLACK]. This, of course, is in accordance with the fine attitude that he has always taken toward those of us who come from the coal fields. I should like to tell him that I am looking forward to appearing before that committee on hearings to be held later this month on the omnibus bill.

Mr. Chairman, I looked over the report which accompanies this bill and I found the names of several institutions in many parts of the country where you expect to expend money and certain items that are carefully itemized. I have listened very diligently but I have not heard nor can I find one word that was in discussion on the floor of the House several sessions ago, named Hanford. Are there any items in this bill or any expenditures for Hanford?

Mr. HOLIFIELD. There are some line items for construction of facilities at Hanford.

Mr. SAYLOR. In view of the President's recommendation, as I understand it——

Mr. HOLIFIELD. Mr. Chairman, I should also note that there is no additional authorization for construction of the new production reactor at Hanford.

Mr. SAYLOR. In view of the President's statement to the press a short time ago and a statement which I understand the Joint Committee on Atomic Energy concurred in, that we are going to cut back on the production of plutonium in this country, what can the gentleman tell us in the future of the project at Hanford?

Mr. HOLIFIELD. Mr. Chairman, in the announcement of the President of January 8 there was an announcement which would result in the shutting down of three of the older reactors that were anywhere from 15 to 20 years of age at Hanford. The shutting down of those reactors is made possible, however, by the fact that we will have the new production reactor which will not only produce plutonium but will also produce electricity which can be sold and which will, in effect, contribute to the amortization of the cost of that plant. This will, of course, make the plutonium that much cheaper.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. HOSMER. I believe it should be made perfectly clear that this bill in no way expresses the feeling of the committee about the cutback. This is in response to the level that has been fixed, the mechanical response, in terms of the amount of dollars needed to operate these activities.

There are other places to delve into that—the wisdom or lack of wisdom—of the production levels that have been fixed, but it is not in this bill.

Mr. SAYLOR. The only reason I ask this question is because I think the Members of the House and the public are entitled to know what we might expect to be done with the development that is going on at Hanford at the present time.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield further, the NPR, the reactor to which the gentleman refers, will be operated. There is no necessity for any authorization of funds for the construction of that reactor. That has already been taken care of by the Congress. The closing down of the older reactors comes about as a result of the basic authority in the act which gives to the President the right to set the level of plutonium production. The level of production that was set by the President was on the basis of our inventory and the estimate of future needs. This has allowed the closing down of three of the older reactors at Hanford, and one at Savannah River. Savings will result from the shutdown of these reactors.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SAYLOR. Might I ask this question of the chairman: If these reactors to which the chairman of the committee has referred are going to be shut down, will they be placed in a standby condition? Is this the anticipation?

Mr. HOLIFIELD. Yes; consideration will be given to placing them in a standby condition.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague, the gentleman from Washington [Mr. WESTLAND].

Mr. WESTLAND. The chairman of the committee has, of course, given a pretty good description of what is going on at Hanford. But, there is considerably more going on than that, I believe. As the gentleman indicated, three of the reactors, the older ones—I believe they are the oldest ones in existence and least modern—will be closed down. On the other hand, the NPR in which the gentleman is interested is probably one of the most efficient producers of plutonium and, therefore, will be continued in operation, we believe, for some time in the production of plutonium for Department of Defense requirements.

Now, the Atomic Energy Commission has gone to great lengths in trying to find private industrial groups to take over many of the facilities that are being closed down at Hanford, as a result of this cutback in production of plutonium and U^{235}.

There has been a great deal of interest evidenced by different companies in the use of production and research facilities which are already there. This, in my opinion at least, is all to the good. Instead of going through GSA procedures, let us say, of declaring all of these facilities surplus and getting 10 cents, if you got that, on the dollar for these facilities, solicitations have gone out to various segments of industry to determine their interest in taking over the facilities.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WESTLAND. Mr. Chairman, if the gentleman will yield further, bids have already gone out to industry. As I stated earlier, there has been a great deal of interest evidenced in these facilities.

Mr. Chairman, we from the State of Washington at least hope that industry will come in there and use these facilities and pay for them so that the Government will get back something on its investment. This will provide some jobs out there.

Mr. SAYLOR. Let me ask this question: If the President in his wisdom has determined that the time would arrive where the production of plutonium at Hanford, even in the new plant, is not needed, what would the gentleman anticipate the future of the Hanford plant would then be?

Mr. WESTLAND. It is practically impossible to answer that question. Even the Department of Defense will not go beyond 4 years in its firm estimates of requirements for plutonium. They have current estimates and it is on that basis that these three reactors at Hanford are proposed to be closed. I do not believe that the DOD is going to propose to the AEC to cut out everything in weapons production. Under the President's recommendation and under the suggestion of the AEC, the least efficient reactors have been scheduled to be put out of business.

Mr. SAYLOR. My question is, If the new reactor at Hanford produces more plutonium than is necessary for the Department of Defense, then should we reopen one of the old reactors and close down the new one?

Mr. WESTLAND. I think it would be silly to cut down or stop an efficiently producing reactor for the purpose of bringing in one that is old and less efficient in its production.

Mr. SAYLOR. It depends upon how efficient it is, and how much is produced?

Mr. WESTLAND. That is correct.

Mr. SAYLOR. One of the things that has caused trouble is overproduction of plutonium in this country.

Mr. WESTLAND. That is why they plan to cancel out three of these reactors before overproduction results.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. HOLIFIELD. The recent cutback by the President of April 20 did not refer to plutonium. It referred to U^{235}, which is a different element, as the gentleman knows, and of which we have an abundant supply. We do not have an overabundant supply of plutonium. However, if we do keep operating all of the plutonium plants I think probably there would be in the future a surplus of plutonium for weapons.

Mr. SAYLOR. I thank the gentleman.

Mr. HOSMER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Chairman, I would like to say a few words about a proposal to require the AEC, at its own expense, to transmit electric power for the operation of the Stanford accelerator by means of underground transmission lines. The facts can be set forth plainly and clearly. I believe that after the facts have been stated, calm reason and good judgment will lead reasonable men to reject this proposal.

BACKGROUND OF THE STANFORD LINEAR ACCELERATOR

First, I would like to say a word about the background of the Stanford project. The Stanford linear accelerator was authorized by Congress in 1961 at an estimated total cost of $114 million. The accelerator is now under construction on the campus of Stanford University at Palo Alto, Calif. When completed in 1966, it will be the highest energy linear accelerator in the world.

The Stanford accelerator will be a unique research facility which qualified scientists throughout the United States and the world will employ in their search for the most fundamental knowledge of nature's basic building blocks. We expect that this facility will contribute to man's understanding of the fundamental physical aspects of the universe. It should do much to enhance the scientific and technological stature of the United States.

Although its initial construction costs will be about $114 million, it is expected that $20 million a year will be spent in the operation of this facility. A staff of approximately 700 will be required to run it. I believe I have said enough to indicate that the very presence of this facility, from the standpoint of prestige and economic value, will be a major asset to this area of the Nation.

ELECTRIC ENERGY REQUIREMENTS

The Stanford accelerator will require large amounts of electrical energy, not only for the operation of the accelerator itself, but for many items of auxiliary equipment that are associated with the research to be conducted at the facility. In its initial stages, approximately 80,000 kilowatts of electric energy will be required. Ultimately, if it is used at its full design level, up to 300,000 kilowatts may be required.

In January 1963, the Pacific Gas & Electric Co. signed an agreement with the AEC to furnish electrical power for the construction and operation of the accelerator complex. Rates and terms were agreed to, all of which were conditioned on the utility's construction of an overhead transmission line which the company planned to build to the accelerator center. The estimated cost of this transmission line—a cost which would be picked up by the AEC in its rate payments—was $668,000. The lines were to consist of two 300-megawatt circuits which would provide all the power the accelerator might require, plus the insurance of a backup circuit if the power over one circuit was interrupted. I would like to stress again that the cost for constructing this transmission line, which will satisfy all of the foreseeable requirements for the accelerator complex, is $668,000.

Shortly after the agreement with P.G. & E. was signed in January 1963, a problem developed in the community. Great pressures were exerted on the AEC by local residents to get the AEC to consent to the idea of building underground transmission lines. Applications by P.G. & E. for the construction of overhead transmission lines were repeatedly delayed by the city of Woodside and the county of San Mateo. Finally, the community action took the form of a complete refusal to permit P.G. & E. to serve the project unless this was done by an underground transmission line, for which the AEC would have to bear the extra cost.

KEY FACTS IN THE DISPUTE

I would like to clearly set forth the basic facts involved in this dispute between the local residents of Woodside, Calif., and the Atomic Energy Commission:

First, it must be borne in mind that the best electrical service from the standpoint of the project's needs happens also to be the cheapest. Steel towers with two 300-megawatt circuits would cost about $668,000. This is not the prettiest installation—but it is the cheapest and the best.

Second. Over the past 5 months, the AEC has tried to negotiate a reasonable settlement of this problem with the local communities. AEC indicated that it would be willing to agree to a more attractive, although more expensive, single pole overhead transmission line. The AEC even agreed to an underground line and to make a reasonable contribution to the extra cost entailed if the local communities would also make a substantial contribution to the extra cost involved. The AEC made this offer despite the fact that such a line would be considerably less beneficial to the project than an overhead line, in terms of power and reliability.

Third. Now, what cost differentials are involved between overhead and underground transmission lines?

First, consider the orginally planned installation and twin 300-megawatt overhead transmission lines. As I have noted already, it would cost about $668,000. If placed underground, the same lines are estimated to cost $6,440,000.

There is a less adequate overhead installation with only a single 300-megawatt line which the AEC was willing to accept as a compromise. That would cost $992,000. An equivalent underground line would cost $3,644,000.

Finally, the AEC was willing to consider an underground line of 180 megawatts which might only satisfy the minimum needs of the project for the first few years of its operation. Such a line was estimated to cost $2,640,000. Nevertheless, the AEC was willing to contribute to the extra cost involved if others would also bear a substantial part of the additional cost. No such compromise was acceptable to the officials of the town of Woodside and San Mateo County.

Fourth. Now, let us talk for a moment about the so-called conservation issue involved in this dispute. The proposal for the construction of overhead transmission lines has been variously characterized as "debauchery of the landscape" and "desecration" of one of nature's last undisturbed areas.

I have traveled on several occasions in the area surrounding the Stanford campus. It is one of the loveliest areas of California and perhaps the Nation. One finds many beautiful homes placed on 3-acre minimum lots.

However, I also saw overhead transmission lines in the same area. As a matter of fact, I have been informed that between the date of its incorporation in 1957 and June 1963, 251 new wooden power poles were erected within the town of Woodside. From June 1963 to March 25, 1964, 26 additional poles were constructed. These new poles supplement 1,430 overhead power poles now within the city of Woodside. It is thus apparent that overhead transmission lines are no stranger to the residents of Woodside, Calif.

I would also like to call to the attention of the Members a letter from Dr. W. K. Panofsky, who is the director of the Stanford Linear Accelerator Center. Dr. Panofsky is himself deeply interested in conservation matters and states that he is a member of the Sierra Club—a prominent conservation organization in California. Nevertheless, Dr. Panofsky, in a recent letter to Senator KUCHEL, a copy of which was furnished to the Joint Committee, stated:

> I feel compelled to inform you that from the point of view of the disturbance of the landscape, the case made by the Woodside residents is a weak one; moreover, I cannot see how it can be considered a conservation issued at all. Under no circumstances can I see any justification in the actual situation for such terms as "debauchery of the landscape" "desecration," etc.

Finally, I would like to stress that the construction of overhead transmission lines to the Stanford project will involve the construction of only five additional poles through the city of Woodside. In short, Mr. Chairman, there really is no conservation issue here at all. The question is: "Is it worth a $2 to $5 million outlay by the Federal Government so that a few residents of a local community may enjoy an unhampered view of a horizon which is already cluttered with well over 1,500 electric energy transmission poles?"

Fifth. Finally, I would like to say a word about the precedent involved here. Keep in mind that there are no underground transmission lines in the town of Woodside or in the unincorporated areas of San Mateo County. There may be some underground distribution lines, but these are much less costly than underground transmission lines. As a matter of fact, transmission lines are generally placed underground only in large cities.

If the Federal Government were forced by these local jurisdictions to adopt practices which are much more costly than those conforming to community, regional, or even national standards, then I can foresee other communities attempting to force the Federal Government into the same posture. How will we justify the construction of overhead transmission lines to service future Federal facilities when the local residents near those facilities can point to Woodside and say, "See what you did for the people of Woodside—we demand at least equal treatment." I do not think that we are ready for this kind of a run on the Federal Treasury.

BACKGROUND OF JOINT COMMITTEE INTEREST

The Joint Committee on Atomic Energy has had a longstanding interest in the Stanford project. Indeed, at one point the committee held up authorization of the project so that its cost estimates could be refined and sharpened.

In connection with the present dispute, the committee held hearings on January 29, 1964, at which all of the interested parties were afforded an opportunity to testify. All the facts were brought out at this hearing. In addition, the members of the AEC, the city of Woodside, the county of San Mateo, and Stanford University were heard. Moreover, members of the Joint Committee have actually been out to the site to look into the situation firsthand. This hearing entitled "Stanford Accelerator Power Supply" has since been printed and is available.

In our view, the Atomic Energy Commission has been sympathetic and reasonable in its efforts to negotiate a fair settlement.

When faced with the adamant attitude of the local officials, the AEC could do nothing but act under the authority granted by the Atomic Energy Act of 1954, as supplemented by the AEC authorization and appropriation acts, to acquire a right-of-way by eminent domain so that the Government could build a transmission line to bring power to the accelerator. The AEC's authority under the Atomic Energy Act of 1954 to acquire a right-of-way by eminent domain is clear. Moreover, the intent underlying the authorization and appropriations acts which provide for the Stanford project, support the Commission's authority in this regard. Some local residents have questioned whether section 271 of the act limits the Commission's authority in this respect. I will simply say that section 271 was intended to apply to regulatory controls over the generation of electricity by nuclear power. It has nothing whatever to do with the present situation.

Mr. Chairman, I believe that I have set forth the facts as clearly as I can. I shall be opposed to this proposal and I believe that on the basis of the facts in this case, others should arrive at a like judgment.

Mr. LIBONATI. Mr. Chairman, H.R. 10945, authorizing the appropriation for the Atomic Energy Commission for 1965, provides the sum of $2,298,467,000 for operating expenses and $338,110,000 for plant and capital equipment. Also, $13,500,000 in a proposed amendment for a cooperative arrangement with industry in the construction of a 630A prototype merchant ship reactor; the total appropriation of $2,665,042,000.

The committee alerted its attention to the levels of the essential activities of the peaceful and military programs toward the development, use, and control of atomic energy for the maximum contribution to the general welfare of the Nation and in the public interest; also, in the common defense and security of our allies and ourselves.

The purchase of uranium concentrates was projected at 15,677 tons for 1965, a decrease of 14 percent. National operations producing 11,625 tons—purchases 1,247 tons from Canada and 2,805 tons from South Africa.

A strong support of reactor program in the research field toward accomplishing by corrective engineering design and other improvements that will enable their erection on general sites and also perfect a better approach to safety problems.

The committee cut $3 million in capital equipment applied as follows: $1 million markdown against capital equipment; $2 million against special equipment for curium separation and packaging. The suggestion of the President announcing a reduction in the production of plutonium and enriched uranium—necessitating the closing of four of the producing reactors.

A reduction in the weapon program of $11,157,000 and $22,153,000 decreases for plant and capital equipment are in conformity with the test ban treaty prescriptions and the Soviet Union's reduction in this field.

The support of studies in research in the chemistry, biology, medicine, and also the European and Canadian cooperative operations were confirmed in adequate appropriations.

The committee and its chairman, the gentleman from California [Mr. HOLIFIELD], are to be complimented on their forward thinking in providing appropriations for the special purposes that mean so much in the safety and security of our Nation, and the development of modern industry in the atomic field.

Mr. SAYLOR. Mr. Chairman, some weeks ago I introduced legislation dealing with the program for indemnity insurance which the Government, through the Atomic Energy Commission, offers to private utilities as only one form of subsidy to encourage the construction and operation of large commercial nuclear powerplants.

I am sure that some of my colleagues have dismissed this legislation as more or less a technical amendment to a highly involved complex problem. But I can assure them, and this House, that while the subject may be technical in nature it is nevertheless of great importance to those areas of the Nation which produce coal, and natural gas, large supplies of which go into the generation of electric power.

Stated in simple terms, what this bill does is to require that before a nuclear powerplant can qualify for this Government insurance subsidy it must receive an operation permit prior to August 1967, the expiration date of the insurance program as authorized by the Price-Anderson Act.

The Atomic Energy Commission insists that nuclear powerplants are completely safe and that the type of reactors which are presently being given subsidies are proven from the standpoint of reactor reliability and engineering feasibility. Yet, despite this claimed safety and proven nature of the reactors, the utilities planning these large, commercial nuclear facilities cannot obtain private indemnity of the amount required. Therefore, the Government is making the $500 million in insurance available at a cost far less than the companies are paying for an additional $60 million in coverage through private companies, the maximum that private underwriters will grant.

If there is no element of danger in these nuclear plants, if they are as safe and as good as the AEC claims they are and now ready to displace coal as the major fuel source for generating electric power, then the utilities should be able to obtain all the insurance coverage necessary from private sources, and not underwritten at what amounts to a subsidy from the taxpayers. But the builders of these plants, who like to brag in many instances that they are not subsidized, are insisting that they be assured of this subsidized Government insurance program coverage even though the plant will not go into operation until after the Price-Anderson Act expires.

This is not right. Nor is it fair to the coal industry, which through hard work and initiative on the part of labor and management has won an increasing share of the utility market in recent years for the Government to continue to subsidize these nuclear powerplants—not experimental plants, mind you, but commercial operations.

It has been reported that in trade papers the Jersey Central Power Co., which plans to build a 500,000-kilowatt nuclear plant on its system, has informed the AEC it wants assurances that it will qualify for the subsidized insurance before it undertakes the project, even though the plant will not be in operation before the present program expires. Jersey Central said it made the decision to build the nuclear plant strictly on economic grounds. It brags that it has not asked for a subsidy. The company meant, of course, that it was not asking for a direct Government subsidy. It does want the subsidized insurance and reportedly it is using a threat not to build this plant as pressure to obtain the insurance.

Jersey Central agrees with the claims about the complete safety of nuclear plants. Why then should the Government subsidize insurance on this commercial plant any more than it should subsidize insurance on a coal-fired plant? This is a commercial operation. It is being built because Jersey Central believes it will make more money for its shareholders than would a coal-fired plant. This decision was made in an atmosphere of free enterprise. No one can complain about the Jersey Central decision. The company can invest its stockholders' money as it thinks best. But it should be prepared to go all the way with free enterprise and to make arrangements for its own insurance through private sources. But no, this company wants the Government to subsidize its insurance.

Government-subsidized nuclear power is a direct threat to coal, Mr. Chairman. The AEC has spent $1.5 billion to date on the civilian nuclear power program. Nuclear power is the creation of the Government.

AEC brags that it has developed nuclear power to a point where it is more profitable for utilities in some cases to build nuclear plants.

Fine. But now that the technology has been developed, let the Government step aside. Let the utilities build the plants and pay the entire bill. Let them own their own nuclear fuel—and not get it free from the Government or at less than half the cost of owning it themselves. Let the manufacturers of reactors pay the full research and design cost and not take continued handouts from the Government. I am sure General Electric and Westinghouse can afford to pay their own way. Let the AEC stop buying back from these utilities the plutonium created by the burning of the Government-owned fuel for a stockpile which is already too large.

And finally, Mr. Chairman, let these utilities pay the entire cost of indemnity insurance. This is no job for the American taxpayers.

I urge my colleagues to study this matter carefully. This bill would put a little more free enterprise and less Government subsidy into the commercial nuclear power industry.

Mr. GONZALEZ. Mr. Chairman, I rise for the purpose of bringing before my colleagues certain questions pertinent to the operations of the Atomic Energy Commission. The activities of this agency have long been shrouded in secrecy. This is as it should be, in view of the need to preserve and protect our national security. But, these covers of secrecy have served also to obscure the control of the Congress over the AEC. The Joint Committee on Atomic Energy has served ably and has a commendable record. But, despite its efforts the average Member of this body has been unable to make independent judgments about the operations of the AEC.

My experience with the AEC in recent months have not been happy.

The Atomic Energy Commission operates a weapons plant at Medina, which is in my district. Last November, there was a tremendous explosion at that facility. Although claims were settled very quickly, it was only this week that I was given a personal briefing and told what had happened. Five months after the event I have enough information that I can tell people what happened, and what the chances may be for a repetition of this shattering experience.

On April 3, the AEC announced that it would close the Medina facility in 1966. My first knowledge of this announcement came when I was asked about it by a reporter.

More than 600 people are to be left without employment, and the economy of my district will lose a $4 million annual payroll. Yet, despite the dimensions of this event, I learned only this week—a month after the announcement—the details behind the closing of the facility. What I have learned causes me to rise and tell my colleagues that what the AEC plans to do is ill-advised at best and folly at worst.

The AEC says that it plans to consolidate in 1966 its weapons operations into two plants rather than the present four. Those at Medina and at Clarksville, Tenn., will be closed and their operations consolidated with plants at Amarillo, Tex., and Burlington, Iowa. The purpose of this move is to effect annual savings estimated at some $3 million.

The briefing given me by the AEC convinces me that the consolidation is based on swampy reasoning and had its foundations on shifting sand.

The AEC will not be saving any money by this move, and I question whether it will protect the national interests and security.

Addressing myself to the first point, I believe that I can demonstrate that the AEC is not going to effect any real savings at all by consolidating its weapons plants—in fact, that it may cost the Government money.

The AEC tells me that it has a $17,616,000 investment at Medina. Additionally, they have about $2,200,000 in Clarksville. Now, in order to effect an "estimated" savings of $3 million annually, they want to abandon investments totaling $19,816,000 and then invest another "estimated" $4,500,000 in the modification of Amarillo and Burlington in order to handle the increased load resulting from the consolidation.

So, in order to "save" that "estimated" $3 million we are asked to write off at least $23,316,000. Now, in order to justify these losses—assuming that the savings are going to be at what they are now estimated—will take about 8 years. Therefore, no real savings will take place until 8 years after the consolidation, or 1974.

But, the AEC does not know what its needs are going to be in 1974. It may have to invest even more money at that time, or it may want to reclaim and reopen Medina and Clarksville or some other plant at a cost far greater than the first $20 million investment that they now want to abandon.

Mr. Chairman, the data, which I have been able to acquire through a great deal of effort, cause me to believe that the joint committee should go into far greater detail in investigating the AEC claims of savings and economy. Even more, the committee should address itself to the question of whether this so-called economy move is in the best interests of national defense.

There are other questions, too, to which this committee and the joint committee should know the answers. For example, why has the AEC found it necessary to enter into negotiated contracts with just one company in certain phases of its work? In the present instance, why has one company been given the contract for all four AEC facilities which manufacture and handle high explosives? And why, for example, are other companies involved in similar agencywide management contracts?

We have no way of knowing whether contracting out is either less expensive or more efficient than doing the work in-house.

It is curious to note, Mr. Chairman, that some investments of the AEC cannot be defended "on the basis of economics." Sometimes, by their own admission, they need to invest large sums of money in order to make their operations a little more convenient.

The point here is that national security operations—especially operations involving our prime deterrent or nuclear weapons—economy is not an issue.

The AEC says to me on the one hand that economy dictates its proposal to consolidate its weapons operations. Aside from the fact that there are no economies that could be realized from their plans, they turn around and say to the Joint Committee that a $2 million investment at Lawrence Radiation Laboratories is justified on the grounds of convenience—economy has nothing to do with it. If economy is good for the gander, it must be good for the goose, but, evidently not in this case.

I doubt that any of our colleagues here are willing to cut corners when it comes to providing for our defense. Yet, the AEC is apparently willing to do so. They intend, willy-nilly, to consolidate weapons operations—who knows, how far they are to cut them?

Long experience dictates that we not only have enough capacity to take care of our present needs—it also dictates that we have excess capacity in order to take care of any emergencies.

By closing two plants, the AEC is going to put its eggs into two baskets. Thus, by halving the number of plants, they double the risk of loss of capacity through attack or through some other catastrophe.

It seems to me that the national interests would better be served by keeping the Clarksville and Medina facilities open, even on a reduced scale, if only to keep our emergency capabilities at an acceptable level.

In view of the fact that the AEC has so far justified its move on grounds of economy—and, that even these claims are grounded on a shaky foundation—I feel that the Joint Committee should thoroughly investigate the proposed consolidation. Further, I respectfully suggest the committee might discover some real economies by instituting a rigorous review of the present contractual arrangements between the AEC and its various managers.

Finally, I would hope that we will not be led by blind hopes of false economy into weakening our defense capabilities in any way.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954; as amended, the sum of $2,636,577,000 as follows:

(a) For "Operating expenses," $2,298,467,000: *Provided,* That in the total amount authorized by this subsection there is included the amount of $1,000,000, which is in addition to the amount of $5,000,000 previously authorized in section 110 of Public Law 86–457 for use in a cooperative program of research and development with the Government of Canada: *Provided further,* That in the total amount authorized by this subsection there is included the amount of $3,000,000 which is in addition to the sum of $22,500,000 previously authorized for carrying out the purposes of section 3 of Public Law 85–846, providing for cooperation with the European Atomic Energy Community.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; construction planning and design; and acquisition and fabrication of capital equipment not related to construction, $338,110,000 as follows:

(1) Special Nuclear Materials.—

Project 65–1–a, radio-surgery facility, Richland, Washington, $250,000.

Project 65–1–b, isotopes production plant, Richland, Washington, $9,000,000.

(2) Atomic Weapons.—

Project 65–2–a, materials processing facilities, Mound Laboratory, Miamisburg, Ohio, $565,000.

Project 65–2–b, analytical laboratory expansion, Rocky Flats, Colorado, $3,000,000.

Project 65–2–c, weapons production, development and test installations, $10,000,000.

Project 65–2–d, process facility addition, Savannah River, South Carolina, $3,700,000.

Project 65–2–e, high velocity test facility, Sandia Base, New Mexico, $1,350,000.

(3) Atomic Weapons.—

Project 65–3–a, environmental control facilities, Kansas City, Missouri, $1,000,000.

Project 65–3–b, utility and supporting services additions, Rocky Flats, Colorado, $2,245,000.

Project 65–3–c, supplemental water supply, Los Alamos Scientific Laboratory, New Mexico, $1,550,000.

Project 65–3–d, experimental physics facilities additions, Lawrence Radiation Laboratory, Livermore, California, $4,090,000.

Project 65–3–e, chemistry development facilities, Lawrence Radiation Laboratory, Livermore, California, $2,000,000.

Project 65–3–f, base support facilities, Nevada Test Site, Nevada, $620,000.

(4) Reactor Development.—

Project 65–4–a, zero power plutonium reactor, National Reactor Testing Station, Idaho, $3,000,000.

Project 65–4–b, power burst facility, National Reactor Testing Station, Idaho, $8,100,000.

Project 65–4–c, research and development test plants, Project Rover, Los Alamos, Scientific Laboratory, New Mexico and Nevada Test Site, Nevada, $3,000,000.

Project 65–4–d, modifications to reactors, $3,000,000.

(5) Physical Research.—

Project 65–5–a, Argonne advanced research reactor, Argonne National Laboratory, Illinois, $25,000,000.

Project 65–5–b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $1,650,000.

Project 65–5–c, electron linear accelerator, Argonne National Laboratory, Illinois, $875,000.

Project 65–5–d, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $1,700,000.

Project 65–5–e, accelerator improvements, Cambridge and Princeton accelerators, $1,350,000.

Project 65–5–f, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $850,000.

Project 65–5–g, transuranium research laboratory, Oak Ridge National Laboratory, Tennessee, $1,850,000.

(6) Physical Research.—

Project 65–6–a, lecture hall and cafeteria, Brookhaven National Laboratory, New York, $2,300,000.

Project 65–6–b, site utilities, Brookhaven National Laboratory, New York, $675,000.

Project 65–6–c, computer data processing building, Lawrence Radiation Laboratory, Berkeley, California, $2,400,000.

Project 65–6–d, heavy ion linear accelerator additions, Lawrence Radiation Laboratory, Berkeley, California, $525,000.

Project 65–6–e, high energy physics laboratory, California Institute of Technology, California, $2,000,000.

(7) Biology and Medicine.—

Project 65–7–a, co-carcinogenesis research laboratory, Oak Ridge National Laboratory, Tennessee, $2,070,000.

Project 65–7–b, atmospheric physics building, Richland, Washington, $373,000.

Project 65–7–c, biomedical and animal laboratory, Lawrence Radiation Laboratory, Livermore, California, $3,500,000.

(8) Community.—

Project 65–8–a, classroom addition, Cumbres Junior High School, Los Alamos, New Mexico, $340,000.

Project 65–8–b, classroom addition, White Rock Elementary School, Los Alamos, New Mexico, $260,000.

Project 65–8–c, water distribution system additions, phase III, White Rock, Los Alamos, New Mexico, $290,000.

Project 65–8–d, sewage disposal plant, White Rock, Los Alamos, New Mexico, $610,000.

(9) General Plant Projects.—$43,250,000.

(10) Construction Planning and Design.—$3,000,000.

(11) Capital Equipment.—Acquisition and fabrication of capital equipment not related to construction, $186,772,000.

Sec. 102. Project Rescissions.—(a) Public Law 85–590, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project 59–e–3, two accelerators, beam analyzing system and magnet, Pennsylvania State University, Pennsylvania, $950,000.

Project 59–e–12, research and engineering reactor, Argonne National Laboratory, design and engineering, $1,000,000.

(b) Public Law 86–50, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 60–e–7, nuclear test plant, Army Reactor Experimental Area (AREA), National Reactor Testing Station, Idaho, $5,000,000.

(c) Public Law 86–457, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 61–f–8, materials research laboratory, University of Illinois, $5,600,000.

(d) Public Law 87–315, as amended, is further amended by rescinding therefrom the authorization for a project, except for funds heretofore obligated, as follows:

Project 62–a–4, solvent purification installation, Savannah River, South Carolina, $500,000.

(e) Public Law 87–701, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project 63–e–3, organic reactor project, $20,000,000.

Project 63–j–3, two mobile irradiators, $700,000.

(f) Public Law 88–72, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 64–e–6, support facilities for advanced space power systems, National Reactor Testing Station, Idaho, $1,800,000.

Sec. 103. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (4), and (5), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (3), (6), (7), and (8), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b)(9) only if it is in accordance with the following:

(1) For community operations, the maximum currently estimated cost of any project shall be $100,000 and the maximum currently estimated cost of any building included in such project shall be $10,000.

(2) For all other programs, the maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000.

(3) The total cost of all projects undertaken under subsection 101(b)(9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 104. The Commission is authorized to use funds appropriated pursuant to this authorization, and other funds currently available to the Commission, for the purpose of performing construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 105. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 106. Cooperative Power Reactor Demonstration Program.—Section 111 of Public Law 85–162, as amended, is further amended by striking out the date "June 30, 1964" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1965".

Sec. 107. Fission Product Contracts.—(a) Without regard to section 3679 of the Revised Statutes, as amended, the Commission is authorized to enter into contracts for such periods of time as the Commission may deem necessary or desirable, for the purpose of making available fission products from Commission reactors, with or without charge for commercial application.

(b) Any contract entered into by the Commission pursuant to this section shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contract, and any appropriation presently or hereafter made available to the Commission shall be available for payment of such costs which may arise from termination as the contract may provide.

(c) Before the Commission enters into any arrangement or amendment thereto under the authority of this section, the basis for the proposed arrangement or amendment thereto which the Commission proposes to execute (with necessary background and explanatory data) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days: *Provided, however*, That the Joint Committee, after having received the basis for the proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Holifield: Page 9, line 20, strike out "maybe" and insert "may be".

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know so little about this subject that perhaps I will not properly phrase the questions I want to ask. But how does U^{235} stockpile? Does it deteriorate, and over what period of time?

Mr. HOLIFIELD. There is no deterioration of the U^{235}, which is extracted from the raw uranium ore. It has very little deterioration.

Mr. GROSS. There is very little deterioration in the stockpile you have?

Mr. HOLIFIELD. That is true, practically none.

Mr. GROSS. On page 9 of the bill, the provision providing authority to make efficient fissions available with or without charge for commercial uses, does that mean a substantial amount of money would be involved in the material that could be given to commercial producers or users?

Mr. HOLIFIELD. I will say to the gentleman that we have these concrete canyons, as they call them, out there, in which we place this waste material. It is very dangerous material. The amount that would be given would be very infinitesimal in regard to the full supply. It would be mostly for experimental use and for some limited commercial use. We hope in time to be able to develop these interests. A particular section here is to encourage private industry to take this material and try to find uses for it. They can use it for various things such as irradiating vegetables, foods, and things like that. There may be various uses for it that we do not at this time foresee.

Mr. GROSS. Do I correctly understand that this is waste material?

Mr. HOLIFIELD. It is waste material, absolutely. It is waste material we have accumulated during the separation of the bomb material from the uranium ore.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert) having assumed the chair, Mr. Burke, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10945) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEERMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 3, not voting 87, as follows:

[Roll No. 123]

YEAS—341

Abbitt
Abernethy
Adair
Addabbo
Albert
Alger
Anderson
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Auchincloss
Ayres
Baker
Baldwin
Barrett
Barry
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Boggs
Boland
Bolling
Bolton, Frances P.
Bonner
Bow
Bray
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Cannon
Carey
Casey

Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Conte
Corbett
Corman
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Denton
Derwinski
Devine
Dingell
Dole
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Fascell
Findley
Fisher
Flood
Flynt
Fogarty
Ford
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gary
Gathings
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Goodell
Goodling
Grabowski
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Harrison
Harvey, Ind.
Healey
Hébert
Hechler
Herlong
Hoeven
Holifield
Horan
Horton
Hosmer
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Mo.
Karsten
Kastenmeier
Keith
Keogh
Kilgore
King, N.Y.
Kirwan
Kluczynski
Knox
Kornegay
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Long, La.
Long, Md.
McClory
McCulloch
McDade
McDowell
McFall
McIntire
McLoskey
McMillan
Macdonald
MacGregor
Madden
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
Michel
Milliken
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Quillen
Randall
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St. George
St Germain
St. Onge
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Senner
Sheppard
Shipley
Short
Sibal
Sickles
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Va.
Snyder
Springer
Staebler
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex
Thomson, Wis.
Toll
Tollefson
Trimble
Tuck
Tupper
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Watts
Weaver
Weltner
Westland
Whalley
Wharton
Whitener
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.
Wright
Wydler
Wyman
Young
Younger
Zablocki

NAYS—3

O'Konski
Pillion
Siler

NOT VOTING—87

Abele
Andrews, Ala.
Ashley
Ashmore
Avery
Baring
Bass
Bennett, Mich.
Blatnik
Bolton, Oliver P.
Brademas
Brock
Brown, Ohio
Buckley
Burkhalter
Burleson
Colmer
Cooley
Cramer
Curtis
Davis, Tenn.
Dent
Derounian
Diggs
Dorn
Dowdy
Edwards
Farbstein
Feighan
Finnegan
Fino
Forrester
Fulton, Tenn.
Gallagher
Garmatz
Gill
Grant
Gray
Griffiths
Hagan, Ga.
Harsha
Harvey, Mich.
Hawkins
Hays
Henderson
Hoffman
Holland
Huddleston
Johnson, Pa.
Jones, Ala.
Karth
Kee
Kelly
Kilburn
King, Calif.
Lloyd
Mailliard
Martin, Calif.
Mathias
May
Meader
Miller, Calif.
Miller, N.Y.
Minshall
Moore
O'Brien, N.Y.
Pilcher
Pool
Rains
Reid, Ill.
Rooney, N.Y.
Scott
Selden
Shriver
Sikes
Smith, Iowa
Stubblefield
Taft
Tuten
Udall
Ullman
Watson
White
Whitten
Wickersham
Williams
Winstead

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Hoffman.
Mr. Miller of California with Mr. Brown of Ohio.
Mr. King of California with Mr. Minshall.
Mrs. Kelly with Mr. Abele.
Mr. Ashmore with Mr. Johnson of Pennsylvania.
Mr. Feighan with Mr. Harsha.
Mr. Gray with Mr. Shriver.
Mr. Hays with Mr. Cramer.
Mr. Sikes with Mr. Oliver P. Bolton.
Mr. Garmatz with Mr. Derounian.
Mr. Jones of Alabama with Mr. Martin of California.
Mr. Fulton of Tennessee with Mr. Harvey of Michigan.
Mr. Rooney of New York with Mr. Brock.
Mr. Buckley with Mrs. Reid of Illinois.
Mr. Andrews of Alabama with Mr. Mathias.
Mr. Whitten with Mr. Bennett of Michigan.
Mr. Winstead with Mr. Fino.
Mr. Colmer with Mr. Moore.
Mr. Williams wtih Mr. Meader.
Mr. O'Brien of New York with Mr. Curtis.
Mr. Rains with Mr. Mailliard.
Mr. Gill with Mr. Kilburn.
Mr. Holland with Mr. Taft.
Mr. Ashley with Mr. Avery.
Mr. Blatnik with Mr. Miller of New York.
Mr. Farbstein with Mr. Pool.
Mr. Gallagher with Mrs. Kee.
Mr. O'Brien of New York with Mr. Grant.
Mr. Davis of Tennessee with Mr. Pilcher.
Mr. Brademas with Mr. Burkhalter.
Mr. Finnegan with Mr. Diggs.
Mr. Dorn with Mr. Edwards.
Mr. Forrester with Mrs. Griffiths.
Mr. Hagan of Georgia with Mr. Karth.
Mr. Baring with Mr. Hawkins.
Mr. Henderson with Mr. Smith of Iowa.
Mr. Dowdy with Mr. Scott.
Mr. Huddleston with Mr. Udall.
Mr. Stubblefield with Mr. Tuten.
Mr. Selden with Mr. Ullman.
Mr. White with Mr. Wickersham.
Mr. Watson with Mr. Bass.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks during the debate on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from California?

There was no objection.

TO PROMOTE THE CONSERVATION OF THE NATION'S WILDLIFE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 793), to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and without objection, appoints the following conferees: Messrs. ROGERS of Texas, JOHNSON of California, DUNCAN, SAYLOR, and SKUBITZ.

There was no objection.

THE AMERICAN SPEECH AND HEARING ASSOCIATION

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. YOUNG. Mr. Speaker, in performing our duties as Members of Congress, on occasion we are made aware of examples of outstanding service to the Nation on the part of organizations of high purpose. The American Speech and Hearing Association is such an organization, and it has recently been my gratifying experience to become aware of the help extended by this group in an area of overwhelming need.

The American Speech and Hearing Association was founded in 1925 as a scientific and professional association and has a current membership of approximately 10,000. Its purpose is to encourage basic scientific study of the processes of individual human speech and hearing, promote investigation of speech and hearing disorders, and foster improvement of therapeutic procedures with such disorders; to stimulate exchange of information among persons thus engaged, and to disseminate such information. Among its creditable undertakings was the establishment in 1956 of the American Speech and Hearing Foundation as a charitable trust to advance scientific and educational endeavors in speech pathology and audiology.

Let us look for a moment at the magnitude of handicap and human need of this nature among both children and adults in the Nation. Within the total population of handicapped children in the United States, it has been noted that the largest group consists of children with speech and hearing problems, more than 3 million as of 1960. Percentage-wise, this represents approximately 5 percent of the total school-age population and about 1.3 percent of more than 21 million children under the age of 5 years.

Data on the prevalence of speech and hearing problems in adults are not as complete as are the data for the population of school-age children. A recent estimate places the incidence at 3 percent of the population over 19 years of age having speech problems and 2.1 percent having handicapped hearing problems. Thus, over 6½ million American adults are striving to meet the challenges of daily life and to surmount these handicaps. In my State, one of the finest and most modern facilities for this purpose is the Houston Speech and Hearing Center, a member agency of the national association, located in the Texas Medical Center and headed by Dr. Jack L. Bangs.

Mr. Speaker, it is highly fitting that we pause to take cognizance of the fine contributions being made by the American Speech and Hearing Association in this field of human handicap.

A TEMPTING TOOL FOR GOVERNMENT NEWS MANAGEMENT

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, 70 radio and television stations and 2 daily newspapers in the delta area of the United States are receiving over long-distance wires financed entirely by the taxpayers farm news written, edited, and distributed entirely by employees of the U.S. Department of Agriculture.

This is part of the fast-growing wire news dissemination apparatus originating in the Agricultural Marketing Service of USDA. This apparatus is a tempting tool for Government news management, and as such poses a serious threat to the press freedom guaranteed by the first amendment of the Constitution.

Last week—April 28 CONGRESSIONAL RECORD, pages 9387–9393—I reviewed the New Market News Service which was inaugurated last August without legislative authority by the USDA's AMS. Under it, anyone may tap directly into AMS's vast market and crop-reporting wire network simply by renting a teletype receiving machine and paying the long-distance toll charge to the nearest of the 200 AMS offices scattered from coast to coast.

Although few have signed up for the news service to date, AMS officials confidently predict tie-in customers receiving data on all commodities will soon dot the landscape.

This New Market News Service threatens the existence of a private news service known as PAM. It probably will put that service out of business, as PAM cannot compete with the heavily subsidized tie-in service AMS now make possible. When private competition disappears, farmers and the food industry generally will rely solely on Government sources for market information.

AMS is a respected Government service. It has commanded respect and rendered valuable service for many years. I am not suggesting that it be abolished. I am not urging that its official interoffice wire network be abolished. My one and only suggestion is that AMS be prohibited from competing with private enterprise in wire news dissemination.

One of the reasons AMS has held respect is that it has been kept on a competitive basis with private news-gathering and news-dissemination organizations. Up to now, AMS has not been permitted to destroy its private competition and thus gain a monopoly.

It is dangerous to deny even a respected institution of long standing the discipline and benefit of competition.

For example, if AMS should gain a monopoly position and at some future date slide from its present high standards, would corrective discipline be brought to bear—if at all—in time to prevent severe harm to farmers, as well as to the broad public interest?

Given a fair competitive situation, PAM and other privately operated services, will profit or fail on the integrity of their information. Governments, on the contrary, do not necessarily rise or fall on the integrity of their news releases and reports.

If a reporter is inaccurate, warped or slanted in his writing, he will lose his job. If a wire service—AP, UPI, PAM or otherwise—goes astray it will lose customers to its competitor.

But when USDA writers—there is a king-size difference between writers and reporters—feed copy into a Government leased wire network, they risk their jobs only when they get out of tune with their boss. Their boss, of course, has a far broader base of interest than simply news dissemination.

Government domination of news gathering and dissemination ends the discipline of competition, the essential for continued accuracy, quality, and integrity.

The Government wire apparatus that has developed in the delta area has significant—and ominous—differences from the New Market News Service.

The delta network feeds 70 radio and television stations and 2 daily newspapers, and in this system, at no point between the news source and the news desk of those mass media does the private reporter make an entry.

The assembly, evaluation, preparation, editing and wire delivery of the information is entirely at Government expense and entirely under Government control.

In the case of the New Market News Service the private tie-in customers pay for the long-distance connections. In the delta network, which combines weather and farm news, even the long-distance tolls which bring the wire service copy to the communities where the radio and television stations and the newspapers are located are paid by the U.S. taxpayers.

The delta system is unique, and it illustrates the quiet, unobtrusive and innocent manner in which a giant Government-dominated wire news network can develop.

The USDA's AMS wire network connects over 200 regional Government offices where market and crop information is gathered and transmitted.

At the Memphis AMS office, Government employees select from the AMS flow of copy the material considered to be of greatest interest to farmers in the delta region.

This region includes all of Arkansas, northern Mississippi, western Tennessee, southeast Missouri and northeast Louisiana.

Perforated teletype tapes of this material are then transmitted over a special local line from the AMS office to the Weather Bureau Office. There the tapes are fed by Government employees into the Weather Bureau wire network, consisting of 70 radio and television stations and two newspapers.

Government employees control the information and the network from stem to stern.

Government has no trouble retaining control, because it pays the entire cost of this news-gathering and news-dissemination network—including toll charges for private long-distance lines which are leased by the Government for the sole purpose of serving radio and television stations and newspapers.

The bulk of the farm news is ordinarily transmitted just before noon each day, but it is not confined to that period. It is fed intermittently with weather news anytime, day or night, although most copy of all kinds is handled between the hours of 9 a.m. to 5 p.m.

The only expense assumed by any of the 72 nonpaying "customers" is a $44-a-month fee to cover teletype receiving machine and local line rental, payable to American Telephone & Telegraph Co., plus the cost of paper and typewriter ribbons.

The rest of the service is provided entirely without charge by the U.S. Government. The Government-paid wires are open 24 hours a day.

Until April 1963 the information carried by the Weather Bureau wire network originating at Memphis was carefully limited to weather.

During the past year, however, the service has been enlarged to include AMS-prepared farm news, primarily crop and market news about cotton, fruits, vegetables, and livestock.

One step leads to another.

To the casual observer, the addition of farm news to the weather network perhaps seemed a logical use of idle time on the wires. Why not make the service to the radio and television stations and newspapers more complete and thus more valuable?

No doubt it has been favorably received by the media. And why not? It has the same siren-type appeal of other Federal-aid dollars—the irresistable lure of something for nothing. In fact, a survey of the media made in 1962 indicated a desire for an enlargement of the scope of the news carried by the Weather Bureau wires. Page 36 of the 1962 report of the survey made jointly by the

Commerce Department and the Agriculture Department contained this significant statement:

> Ninety percent of the radio and TV personnel interviewed on the Midsouth Weather Bureau network stated that they would like to receive and would use specified, timely market news reports in addition to the weather information which they are now getting over this network. They expressed an interest in market news information for cotton, livestock, dairy, poultry, grain, fruits, and vegetables. Many of the stations now depend largely on the national wire services for their market news information and the coverage provided is insufficient to meet their needs. Station personnel expressed a strong desire for additional, timely reports on products grown and marketed in their area in addition to market news reports that affect local market conditions. Every station wanted market information for noontime broadcast and some wanted information for early morning broadcast. Approximately 60 minutes of circuit time daily would provide the desired market news. The Midsouth Weather Bureau network can handle this additional traffic load if it is scheduled properly so that it will not interfere with transmission of the special agricultural weather reports.

On the surface it looked like a good deal, and the media grabbed for it, momentarily forgetting their deep concern for press freedom and their fear of Government news management.

If this step is accepted, what will be next? The taxpayer-hired wires still have some idle time, most of the night, in fact.

Why not feed in a digest of information put together by each of the Departments—State, Defense, Post Office, Justice and so on? Each is a major news source. Then why not let the White House publicity staff utilize whatever idle time remains? What better news source than the White House?

In time the Weather Bureau wires could be kept humming day and night feeding Government-prepared copy to the news desks of radio and television stations and the newspapers. In such circumstances, how long could the competitive privately financed and privately controlled Washington press corps stay in business?

The long-range threat to press freedom implicit in the news dissemination activities recently undertaken by the Department of Agriculture is not as ridiculous as it might at first seem.

These services are appealing because they are available to the media on a virtually no-cost basis. They look good if you do not look beyond the dollar sign.

To illustrate, a representative of a livestock association called recently to assure me that several of his members like the New Market News Service of USDA because it costs less than comparable private news service.

To them, it was simply a matter of dollars and cents. In that respect, they are like the farmers who voted last May in favor of the wheat certificate plan. Two-dollar wheat had strong appeal. Other farmers—a majority, fortunately—looked beyond the dollar sign, saw a threat to freedom in the Government-subsidized and Government-controlled scheme, and voted "No."

To those who are attracted by the price tag, I respectfully recommend a little review of history. Two chapters should be adequate: Peter Zenger's historic court battle against Government censorship in colonial days, and Dr. Goebbels' use of government propaganda to make possible Hitler's Nazi regime in Germany in the 1930's.

These chapters underscore the fundamental importance of news gathering and news distribution that is independent of government. Unhappily, the new wire news services provided by USDA will strengthen rather than weaken Government influence in this field.

They eliminate the reporter—the fellow who has a nose for news, digs in deep, verifies the facts, and writes them up without fear or favor. He has to be big enough to question and probe kings, presidents, secretaries, and Congressmen—strong enough to brush off bribes—tough enough to withstand pressure and threats—courageous enough to write the truth as he sees it—not slanted to official viewpoint, but crisp with clarity and bristling with integrity.

Government employees, by the very nature of their employment, cannot possibly be reporters in the great tradition of the free press. They are writers, not reporters. There is a big difference. It is as big as the difference between dictatorship and freedom.

In the new USDA wire services, Government employees control the copy from front to back. They do the preparation, the rewrite, the editing. They even feed the copy into the wire circuits. Absent is any screening, checking, probing, digging, and evaluation by persons independent of Government control.

What is wrong with all this?

No. 1: Government is not always a reliable source of information. Government is inclined to tell what appears to be good for Government—whether truthful or not. Arthur Sylvester, Under Secretary of Defense, declared last year that Government has the "inherent right to lie."

During the past year I have documented several instances in which Agriculture Secretary Freeman used exaggerations, half-truths and misleading data to sell a viewpoint. The most glaring examples occurred just before the House of Representatives voted a 2-year extension of the feed grains program in 1963.

No. 2: A Government wire service, even on the specialized and limited scale now authorized, is a tempting propaganda weapon. No law limits it to statistical and strictly market data.

In fact, USDA's publication AMS 510 announcing the New Market News Service announces on page 11:

> In addition, all circuits carry a variety of additional marketing information—as it is available—crops and livestock production, storage holdings, meat productions, and various USDA news releases of importance to marketers.

The phrase "news releases of importance to marketers" is broad enough to cover about anything. Government officials could use the wire service to propagandize farmers in future referendums.

No. 3: Government has shown it will abuse propaganda opportunities. Last year's prize example was the memorandum issued April 12, 1963 by the USDA's Deputy Administrator of ASCS, Ray Fitzgerald, in connection with the wheat referendum. In it, he informed State ASC committemen of the dependence of radio and TV stations on Federal licensing, an urged them to act aggressively to get the stations to carry USDA's viewpoint on the wheat referendum.

Government already does too much propagandizing of the American people.

No. 4: The new USDA wire services establishes the power of censorship. For example, AMS retains the right to discontinue the New Market News Service to any customer. The Weather Bureau controls the free long-distance wire service to radio and TV stations and newspapers. Government has the right to grant—or deny—these valuable services. This right is open to abuse and would enable vindictive Government officials to retaliate effectively against media which fail to cooperate.

MANAGED NEWS

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, yesterday, I called the House's attention to the slanted reporting of the Indiana primary election, occurring over the Columbia Broadcasting System Tuesday night, using as the basis for my challenge to CBS, the fact that the alleged 11 percent "crossover" of Republican votes was the pure hypothesis of CBS pollster, Lou Harris, formerly in the employ of both President Kennedy and the Democrat national committee. I further challenged CBS to survey Indiana, and count the number of affidavits which Indiana Governor Welsh flatly stated his poll workers would force any Republicans to sign who attempted to vote in the Democrat primary. I am advised by some of my friends in the Indiana delegation, that the Harris propaganda put out over the national airwaves about an alleged 11 percent Republican vote for Governor Wallace was an absurd statement which could not stand the light of investigation and counting of affidavits.

I regret to say, Mr. Speaker, that while CBS yesterday afternoon invited me to discuss this serious charge before their cameras in the Senate TV gallery, and indeed graciously allowed me some 5 minutes; they apparently felt the charge struck too close to home, and did not permit an airing of the charge on last night's CBS news. In fact, one might say they added insult to injury by repeating Harris' allegation of a crossover, this time using 10 percent instead of 11 percent, again stating it as a fact, without even acknowledging responsible Republican challenges as to its validity. At this rate it will be down to a credible figure, about a week from now.

May I add one further word, Mr. Speaker, and point out that the National Broadcasting Co. is no less blameless. For indeed Frank McGhee on the same night in question also used the 11-percent figure. I understand our major wire service also used the figures espoused by the former employee of the Democrat National Committee.

I suggest, Mr. Speaker, that Mr. Lou Harris is doing a far better "hatchet job" for the Democrat National Committee than he was ever able to accomplish while in their employ. What concerns me is that two of our greatest television networks are a party to such actions. I believe there should be national network responsibility for news commentary and documentaries, no less binding than the standards of fair play which already are applicable to individual station outlets. And I speak as one who has supported their freedom as one of the strongest backers of the Rogers bill, adopted by this House.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to inquire of the majority leader as to the program for the balance of this week and the program for next week if he can tell us at this time.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the minority leader, there is no further legislative business for this week.

The program for next week is as follows:

Monday is District day. There are no District bills to be considered.

On Monday, the deficiency appropriations bill, 1964, will be called up.

On Tuesday, the agriculture appropriation bill, 1965, will be called up for consideration.

For Wednesday and the balance of the week: S. 2214, amendment to International Development Association Act. This is under an open rule with 2 hours of general debate.

This is subject to the usual reservation that conference reports may be brought up at any time, and any further program may be announced later.

Mr. HALLECK. I thank the gentleman.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HAPPY BIRTHDAY, PRESIDENT TRUMAN

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, President Harry S. Truman will be 80 years old tomorrow, May 8. Once more it is my privilege and pleasure to pay tribute to a truly great American on the occasion of his birthday. Every Member of this House is honored as the elected Representative of one or more distinguished persons. It is my good fortune to number among my constituents our former President whose name and deeds will live on throughout history as one of the outstanding leaders of our century.

In Independence, Mo., no reminder is needed as his birthday approaches. The postmaster down to the newest clerk know because they struggle with the annual deluge of mail from well-wishers throughout the world and in every walk of life. His ability to appeal to people in every strata of society made Mr. Truman one of our truly great Presidents.

I recall my first effort here on the floor of the House in eulogy of my No. 1 constituent. It was in May 1959 on the occasion of his 75th birthday. During each of the last 5 years I have made remarks here in the House on the greatness of Harry Truman. For this reason it becomes increasingly difficult to say something that has not been said many times in the past. For that reason, I do not intend to dwell today in detail on his actions as President of the United States, but instead, to spend a few minutes in consideration of some of his special abilities and some of the characteristics that made up his personality.

First and foremost it is his ability to reach difficult decisions that earned for him a niche in the alltime hall of greatness. He had not been trained for the awe-inspiring job that was loaded on him in April 1945. He had to shoulder the duties and responsibilities of the heaviest and most powerful office in the world after only a little over 3 months as Vice President. Yet, from these very first days, there was not exhibited one second of weakness or one instance of uncertainty in our battle to win the war we were then waging. One of our leading newspapers called Mr. Truman's ability to reach difficult decisions, "a gift for being right on the big issues." Without any doubt, Mr. Truman is destined to live in the books as one of the strongest and most decisive of the American Presidents.

When Germany fell in May 1945 only a little over a month after he had become President, Mr. Truman was faced with a decision as to whether or not to use a new and terrible weapon against the remaining enemy—Japan. He did not shirk this responsibility. He faced squarely the fact that the loss of lives in these two enemy cities would be much less than the death toll required for victory and peace without the atomic bomb.

Another momentous decision came in 1950. It was an equal display of courage then when he placed American power behind the United Nations in Korea. This decision to arrest Communist aggression has been likened or compared to the famous decision by President Lincoln after the firing on Fort Sumter.

In each of the moments when President Truman took responsibility for American lives, he displayed the kind of moral courage that is even rarer than the physical courage that motivates a man to advance on the battlefield under fire. As a former soldier he was an expert in waging war but he always sought peace. He picked up the Charter of the United Nations where it had fallen from the stilled hands of his predecessor. He agreed to meet with Stalin. Very soon after the war he saw the threat to Greece and Turkey which resulted in the Truman doctrine and announced to the world that we would not stand by to watch our friends cut up without contributing our help. This concept was later broadened into the Marshall plan; the North Atlantic Treaty Organization; and the Berlin airlift. This same Truman doctrine ultimately resulted in technical assistance to the undeveloped nations now known as point 4.

If one word can summarize Mr. Truman's hopes and aspirations as President, it is "peace." It was certainly not the false peace of the appeasers. When the Presidential seal was changed and the head of the American eagle turned toward the talon holding the olive branch instead of toward the arrows of war, it is significant that the arrows of war are left on as a part of the seal to symbolize and emphasize that we had not laid aside our instruments of war which might tempt an enemy to attack us or to tempt an aggressor into believing we were afraid to defend ourselves.

President Truman's vision was also displayed on the domestic side by many acts of farsightedness that have earned him his place in history. He knew he had to brave the wrath of persons who disagreed with his policies—such humane things as the extension of low-cost housing; the extension of social security; and the admission of many displaced persons who had suffered for freedom's sake during World War II. He came out for selective service very shortly after the end of history's most terrible war. This he knew would be unpopular. The people were war weary. But he knew our enemies would seek to take advantage of our weariness. There were many angry people but all of those who disagreed never doubted his sincerity. Any of the decisions I have mentioned would have marked Harry Truman as a strong President. Taken together they have earned him an enviable place in history.

It is one thing to earn a niche in history but it is something else quite different to enjoy the lasting love and respect in the hearts of all mankind. As President, Mr. Truman proved he was more than the elected ear of his people. He was more than a Commander in Chief of the Armed Forces. He was even more than the leader of his party. Above all this, he was a human being, a very human being. This characteristic is best summed up by a member of the White House staff when he learned Mr. Truman would not seek reelection, saying "little people all over the world have lost their greatest friend."

What kind of a man, then, was he who came to be known as the greatest friend of little people? In an article written about Mr. Truman in 1949, it was said Mr. Truman is one of those men who lives rather than formulates a philosophy of life. Another commentator pointed out that Mr. Truman displays those virtues we are always trying to press upon our children such as patience, persistence, modesty, and loyalty. Those of us who have the pleasure and privilege to know Mr. Truman, recognize that if our 32d President has one dominant trait of character it is honesty. Honest with himself, honest with others, Harry Truman never pretended to be something he was not. It is this rare trait that endeared him to millions of people throughout the world.

As head of the most powerful Nation in the world, it would have been easy to project a false or exaggerated image. Even on election night in November 1944, radio listeners thought there might have been a mixup on the wire when with all ears tuned to Kansas City to hear from the running mate of President Roosevelt, all they heard was piano music. He, for one, had peace of mind to relax while he waited to learn whether he would be Vice President of the United States.

Another notable quality Mr. Truman always displays is his enthusiasm and love for life. His brisk stride on those regular early morning walks demonstrates this. The 1948 campaign, when he astounded the pollsters and nearly everyone else, showed him as a man who was really having a good time as he campaigned. As President he never lost this enthusiasm for life or his love for the little people. He was a man who never forgot the long road he had traveled from his birthplace at Lamar, Mo. to 1600 Pennsylvania Avenue. Even the White House staffers loved him because as one of them put it "he was human and reasonable, but never moody." They pointed out that instead of ringing for someone to bring him a book or a chair, he did most of these things for himself.

An unknown side of Mr. Truman's makeup came to light in a story told by Eric Sevareid in the Washington Star in February of this year. It displays Mr. Truman's respect for the dignity of the individual. The former President was lacking in sensitivity to criticism against himself, but he was never lacking in sensitivity about the feelings of other people. An incident recently brought to light recalls that when lecturing to a student audience a college boy stood up to ask the former President what he thought of the State's Governor, whom he described as "our local yokel." The use of this somewhat less than praiseworthy term caused Mr. Truman to scold the student for his lack of respect, not for the person holding the office, but for the high office occupied by that person—the chief executive of that State. The boy turned pale and it was obvious that he was very hurt and sank back into his seat. Mr. Truman immediately realized the detrimental effect that a public scolding by a former President of the United States could have on this young man's pride. He feared it might leave a scar on his emotional system and damage his self-respect, even to the point of affecting his entire future life. Knowing the power of a President to hurt the feelings of another human being, the former President, after the lecture, sought out the boy in an effort to reassure him. He requested the dean of the college to furnish him future reports on this young man's progress and now it is no secret that since that day Harry Truman followed this lad's career with the interest of a friend. Instead of leaving an emotional scar, Mr. Truman turned this incident into an opportunity to bolster the boy's pride, self-respect, and self-confidence by knowing that a former President was interested in his future. I am sure this story gives a new insight into the way of life of Harry Truman, and is a new addition to the storehouse of memories about the man from Missouri.

When Mr. Truman left the Presidency, he once again displayed those characteristics which made him such a lovable person. He left without regret but with anticipation for the active years that lay ahead. He did not leave office as a wealthy man. Yet, he refused lucrative offers which, had he accepted, he feared, might lessen the respect for that high office. He decided that he could use his knowledge best by writing a few books and some articles for newspapers and magazines. He has lectured repeatedly on government and history, in schools and colleges without honorarium.

His dream to establish the Truman Library is the best evidence of his determination to share the knowledge he gained as President. One of his greatest delights today is to guide his friends through the Truman Library in his home city of Independence. Opened in 1957, it houses 5 million documents from the Truman administration, and thousands of gifts and mementoes from Mr. Truman's years in the White House. In the auditorium of the library it is estimated that Mr. Truman has talked to 250,000 students since he left office. He likes to say these students ask better questions than reporters because they are really looking for information while reporters want only headlines.

In the library there is an exact replica of Mr. Truman's office in the White House and on the desk is the famous sign, "The Buck Stops Here."

As he guides his friends through this great library and points out the many things of interest connected with his administration, it makes an observer feel that this gentleman of 80 years is a kind of spectator in review of his own past. But he is a spectator who is always interested with an interest that never seems to lag.

After he left the White House, when on the train ride back to Independence, he said he was going to rest in his rocking chair and that he had brought some rocking chair oil so it wouldn't squeak. If Harry Truman has been sitting in a rocking chair, it must have mighty large wheels. He has really never "retired." You and I know he has traveled all over the world and was only recently a special emissary for President Johnson to the funeral of King Paul in Greece.

It is no secret to say that he has discontinued his famous morning walks, at least in his home town of Independence, Mo., but let us hasten very quickly to point out that the reason has nothing to do with our former President's age. He says it is because his many friends and neighbors stop him so many times to say "good morning" that it makes him late at the Truman Library. He still arises just a little after daybreak and reads the newspapers until Mrs. Truman has breakfast ready. He likes to arrive at the library ahead of his staff because he says this gives him a chance to read all of the mail before they screen out unpleasant letters.

Mr. Truman has lived a life that was full to the brim. He is contented with life and relishes every day of it. He says he feels fine now and enjoys to contemplate or assess his former years. When he returned to "civilian" life, as he called it, he said he expected to live to be 100. The way he put it is: "Old Annie Domini's been after me a long time, but I have outrun her so far." He is a little stouter now than he used to be, but his handshake is just as firm and that personality just as contagious. All the world joins together today in the hope and prayer that his expectations come true and he has at least 20 more birthdays. If our prayers are answered, everyone knows it will be just as difficult to keep Mr. Truman in a rocking chair at 100 as it has been for the first 80 years.

RUMANIAN INDEPENDENCE DAY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, the 10th day of May is the national holiday of the Rumanian people. All over the United States there will be Rumanian organizations commemorating this occasion. In my own city of Cleveland, people of Rumanian descent will gather at Carpatina Hall for celebrations.

The history of Rumania is a fascinating one, and its location on the border of such warring nations as Russia and Turkey made it a frequent victim of strife and a pawn in European power politics.

In 1878 at the Congress of Berlin, Rumanian independence was officially recognized by the great powers. Within 4 years of achieving freedom the people decided to raise their country to a kingdom. On May 10, 1881, Charles I was crowned by the will of his people, King of Rumania. A prosperous era began and lasted some 60 years, until the invasion by international communism.

On March 6, 1945, in violation of its solemn undertakings, the Soviet Union intervened in Rumanian affairs and installed the first of a series of puppet regimes which have been in control ever since. With the occupation by Soviet troops landowners were disposed and practically all banks, factories, and transportation facilities were nationalized. Individual freedom was systematically eliminated by Communist terror squads.

During all these years of enslavement, Rumanians have cherished and revered the 10th of May as their national holiday despite official Communist efforts to alter the anniversary to the 9th of May. Even though the Communist government hoists the flag on the 9th, Rumanians in their captive homeland celebrate the following day in their hearts. The 10th of May remains as the symbol of their permanency and preseverance through woes and hardships to restore freedom to their nation. Is it asking too much of Americans to set aside a few moments to salute the courage of these people? I join with all freedom-loving Americans in keeping alive the aspirations and dreams of a free Rumania under God.

FACTS AND FIGURES ON FARM INCOME

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HOEVEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HOEVEN. Mr. Speaker, last week the Department of Agriculture published two of its periodic publications dealing with farm prices and income which are most interesting and illuminating.

In its monthly publication "Agricultural Prices" the Department reported that the parity ratio as of April 15, 1964, was 75. This was the lowest monthly parity ratio since August 1939 and the lowest April 15 parity ratio in history. "Agricultural Prices" also reported that the parity index which measures farmers' living and production costs reached an alltime high on April 15. In describing the reasons for the drop in the parity ratio the Department said that beef cattle prices averaged $18.10 per hundredweight, down 50 cents from March and $2.40 from April 1963. Prices of steers and heifers at $19.70 per hundredweight were the lowest since April 1957.

In the "Farm Income Situation No. 194" the Department of Agriculture states:

> Realized net farm income this year may fall somewhat short of the $12.3 billion in 1963, but by less than the 5 percent or more that was forecast last fall. Although the prospects are for some decline in aggregate realized net farm income in 1964, farm numbers will continue to decline and income per farm will probably run about the same as the record $3,430 realized in 1963.

During the first quarter of 1964 farm operators' realized net income at the seasonally adjusted annual rate was $12 billion. This compares with the 1963 first quarter rate of $12.7 billion and for the entire year of 1963 of $12.3 billion. In other words, net income in the first quarter of 1964 is running at a rate of $300 million less than for the whole year 1963, and at a rate of $700 million less than the rate for the first quarter of 1963. If the total net income in 1964 is 5 percent less than it was in 1963, this would mean a drop of $610 million in 1964. The only way that the per-farm income is able to stay at approximately $3,400 a year is that the number of farms in the country continues to decline.

The "Farm Income Situation" also states:

> Cash receipts from farm marketings in 1964 may be down fractionally from the record high of $36.2 billion in 1963. Slightly lower farm prices probably will more than offset a larger volume of marketings. Government payments probably will be one-fourth higher than last year's total of $1.7 billion; payments under the newly enacted 1964 wheat and cotton legislation and an anticipated increase in payments under the 1964 feed grain program will account for the increase. Realized gross farm income may well equal or exceed the $41.1 billion record total reached in 1963.

Thus it can be seen that even with a 25-percent increase in the amount of Government payments, the farmer will end up with less money than he had in 1963. The "Farm Income Situation" goes on to estimate that:

> Cash receipts from farm marketings this year probably will be slightly lower than the estimated record high of $36.2 billion in 1963. Marketings of livestock and livestock products will be larger in volume than the 1963 record high, and prices will probably average below those in 1963. Crop marketings in 1964 may be about the same in volume as in 1963, while prices will most likely average lower. Receipts from crops will be augmented by increased payments to farmers for participation in the 1964 wheat, cotton, and feed grains programs.

The "Farm Income Situation" also points out that cattle and calf prices at the farm will probably average lower this year while marketings will be larger than in 1963.

In the Commodity Letter of the Wall Street Journal of May 5, 1964, the following statement appeared:

> Farm commodities head still lower in price despite the economy's continuing climb. While business generally pushes steadily higher, farm prices move in the opposite direction. Prices farmers received for their products at mid-April fell to 236 percent of the 1910–14 average, 6 points less than a year ago and the lowest for this season since 1957. Such basic farm products as beef cattle, poultry, wheat, eggs, cotton, and tobacco now bring lower prices than a year ago.
>
> A number of farm products may well slide further in price over the coming months. Wheat and cotton are expected to show price declines when the new farm law goes into effect July 1. Sugar prices soften as a result of a bumper beet crop. Some foreign farm commodities are likely to decline, too. Coffee prices are threatened by a possible boost in export quotas, which would swell shipments from Brazil's reserve stock.
>
> The cost of goods and services farmers buy keeps rising, cutting farm purchasing power to the lowest point since 1939.

The net impact on farmers is that the cost-price squeeze is now as bad as it was in the late depression years and that farm income in 1964, in spite of record high payments, is going to drop.

These are the facts and figures, Mr. Speaker, in spite of the glowing figures of farm prosperity being put out by the Johnson administration.

PROMOTION OF GALA FOR JOHNSON LEAVES TAINT OF PRESSURE

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. NELSEN. Mr. Speaker, increasing numbers of Federal employees have complained about the tactics that have been employed in the sale of $100 tickets for political fundraising affairs. This practice has been growing progressively more prevalent and brazen, and it threatens the entire Civil Service System.

There are almost daily reports of arm twisting, but politicians belittle them, and the Civil Service Commission does not stir on the ground that they have had no signed complaints and, therefore, no basis for action. It is understandable that no Federal employee would dare to sign a complaint because of the fear of losing his job, when he sees what happens to men who have dared to talk. Battle Hales was denied promotion, because he talked out of turn, in the eyes of Secretary Freeman. Jerry Jickis, who revealed to Congress questionable use of foreign aid funds in Cambodia, was fired. Otto Otepka, a State Department security officer, presented information to the Congress and has been in hot water ever since.

So it is easy to understand that a career employee would be most hesitant about signing a complaint.

I call to the attention of the Civil Service Commission that it has the authority as expressed in existing law to initiate its own investigation. This Commission was established by the Congress for the express purpose of protecting the integrity of our Civil Service System, and if improper political pressures are being used, as many are reporting, it is the Commission's duty to initiate action under the authority they now have.

For example, as I reported to the President last week, my own files contain a considerable amount of information which could be useful, and it is evident from such articles as the one by Jerry Kluttz in the Washington Post of May 28, that there is plenty of material if there were a will to act.

Perhaps the only course is that proposed by Senator WILLIAMS of Delaware, who called for a Justice Department investigation to determine whether laws are being violated, and to propose legislation if needed.

I ask that Mr. Kluttz' article be included at this point in my remarks.

The article follows:

[From the Washington Post, May 28, 1964]

PROMOTION OF GALA FOR JOHNSON LEAVES TAINT OF PRESSURE

(By Jerry Kluttz)

The Democratic gala is over but the political taint from it lingers on in Federal offices here.

There isn't much doubt that Tuesday night's $100 Democratic fundraising salute to President Johnson was actively promoted in Federal offices in violation of the spirit if not the letter of the law which makes it illegal to solicit political funds on Federal property.

In the past the State Department with its large body of professional Foreign Service personnel was bypassed by political fundraisers. But things have changed and scores of higher paid employees there were sent invitations to the gala at their offices.

The employees charge that the Protocol Office there not only distributed the invitations, and apparent violation of law, but also made calls to jog them into responding to them. This is the story of one of the employees:

"About 2 weeks ago a mysterious-looking letter was hand-delivered to my office in the State Department. * * * Inside was an invitation to the gala honoring President Johnson.

"Monday the Protocol Office called to ask if I were going to the gala. * * * On inquiring of some of my colleagues, I found that they, too, had received handwritten, hand-delivered invitations at their offices as well as solicitous calls from the Protocol Office. There was more than a little consternation in the minds of many of them.

"I'm at a loss to explain why the invitation was a matter of protocol * * * but the incident has begun to worry me. Lots of timid souls clearly attended the gala for fear that some of their colleagues, who are dependent on political patronage for their jobs, will record the fact and remind any and all who might be interested.

"This may be okay for Assistant Secretaries or even Deputy Assistant Secretaries but for those who are supposedly part of the Civil Service and Foreign Service this potential for alfresco blackmail is a serious business.

"I am sure the President wants a Civil Service and a Foreign Service which will give him, through his appointees, the best professional advice possible, without fear or favor. After all, one of the hardest problems of being President is making the bureaucracy work effectively for the program of his administration.

"Those who were in charge of issuing invitations didn't help the President. Somebody ought to tell him."

Representative NELSEN, Republican, of Minnesota, charged on the House floor that topgrade employees in Rural Electrification were asked to buy $100 tickets in their offices. Senator WILLIAMS, Republican, of Delaware, is sponsoring a resolution to direct the Attorney General to investigate the charges.

Employees in Small Business, Housing and Home Finance, Office of Emergency Planning and Post Office, among others, have called to say they were "invited" to attend the gala by either phone calls or personal contacts at their offices.

In most cases they say they were asked to attend cocktail parties which were held prior to the gala and given by agency heads. Those who attended the parties were expected to attend the gala.

A postal official commented yesterday that he had never seen employees "so eager to buy the $100 tickets" and he added that he had heard no one in the Department complain about the pressure.

"Pressure wasn't necessary to sell the tickets this year," he explained, "the employees bought them willingly because I suspect they feel that Mr. Johnson will be around for awhile."

A Commerce official said the "educational" approach was used to sell tickets to employees there. He simply said that employees in the top grades were given the "opportunity" to contribute to the party of his choice and he expressed the personal belief that those who could afford it should contribute to help sustain the two-party system. He also said no pressure was necessary to sell $100 tickets to the gala.

Complaints from employees who charged their arms were twisted to buy tickets were far fewer than last year. Two reasons were were cited for the slump in complaints. First, that employees were getting accustomed to the pressure, and secondly, tickets sold better this year as many business firms bought them.

A CAPTAIN'S LAST LETTERS FROM VIETNAM

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MICHEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MICHEL. Mr. Speaker, the May 1, 1964, issue of U.S. News & World Report carried the very illuminating story of one of our pilots, the late Edwin Gerald Shank, Jr., and his role in the fighting in South Vietnam. The fact that Captain Shank lost his life while piloting a T–28 raises a number of serious questions. The T–28 is really nothing more than an unarmed trainer.

I am aware, of course, that under the Geneva accord there can be only replacement of current implements of war and fears have been raised that the war might escalate if we replace these obsolete planes with up-dated jet fighters. Personally I think it absolutely absurd to be sending our highly skilled and trained airmen, soldiers, and sailors into any area of armed conflict without the very best and most advanced equipment available. It would seem to me very appropriate for the Armed Services Committee of the House to probe this matter thoroughly and give the American people an accounting of just what is going on in South Vietnam. It is quite obvious that even with Defense Secretary McNamara practically commuting from Washington to South Vietnam the real facts are being withheld from the American people. It is indeed unfortunate that we must get the true picture only from enterprising reporters on the scene, or from the publishing of excerpts of one Capt. Edwin Gerald Shank, Jr.'s, letters back home to his wife and children.

Captain Shank was born June 21, 1936, in the small farming community of Winamac, Ind., where he attended grade school, high school, and then went on to Notre Dame where he graduated in 1959. He became a Reserve officer and was called to active duty in the Air Force in August of 1959 and was later assigned to South Vietnam as a pilot of a T–28 trainer. Captain Shank is survived by his wife, a son, and three daughters. His last daughter he never saw. Captain Shank at 27 was killed while flying an air strike against the Communists on March 24, 1964, and I include the article appearing in U.S. News & World Report at this point in the RECORD:

"WE ARE LOSING, MORALE IS BAD—IF THEY WOULD GIVE US GOOD PLANES"

(Air Force Capt. "Jerry" Shank is dead—a combat casualty of the war in Vietnam. While he lived and fought "Jerry" Shank wrote to his wife and family in Indiana every chance he got—sometimes twice a day. Those letters make up a moving battle diary of a war in which more than 15,000 Americans are fighting and dying in combat against the Communists. Excerpts from his letters are presented here with the permission of his widow. All references, by name, to his Air Force companions have been eliminated to spare them any possible embarrassment).

November 14, 1963: We are using equipment and bombs from WW2 (meaning World War II) and it is not too reliable. This is an interesting place here. Everybody works together, officers and enlisted. We are out there lifting bombs and such. Every possible time we give the men a chance to ride. On a test hop or something like that—it gives them a little motivation. We cannot take them on missions, because we have to have our VNAF (Vietnamese Air Force) student pilot along.

We 23 Air Force run the whole T–28 war in the Mekong Delta. This will give you some idea of Uncle Sam's part in the war.

November 22, 1963: Been real busy with the armament job—really makes a day go fast. Got all kinds of problems—cannot get parts or books or charts describing the different bombs and systems. The Air Force has not used any of this equipment since Korea, and everybody seems to have lost the books. The main problem is personnel—no good officers or NCO's over here that really know their business. Most of them are out of SAC (Strategic Air Command) and have dealt only with nuclear weapons. This does not apply over here; what we need is someone from World War II. Some days it is like beating your head against a brick wall.

November 27, 1963: Sunday all hell broke loose with the Vietcong [Communist Vietcong guerrillas]. We had a big airborne operation against them—both choppers and parachutes. I woke up at 4:30 to fly my first night attack—darker than hell. * * * By 9 o'clock in the morning we had launched 12 sorties, which is a lot for our little operation. The Vietcongs got one chopper and one B–26 that day, but we (T–28's) hurt them bad. There is far more detail to this, but I do not want to put it in a letter.

I am up to 20 missions now and am real confident in myself. I do good work, I feel like a veteran and I feel like a different man. I think I am older.

I have changed my opinion about the Vietcong. They are not ornery little fellows. They are mean, vicious, well-trained veterans. They are killers and are out to win. Although this is called a "dirty little war" and it is far from the shores of old U.S.A., it is a big, mean war. We are getting beat. We are undermanned and undergunned. The United States may say they are in this, but they do not know we need help over here.

If the United States would really put combat people in here we could win and win fast. It seems to be the old story of a half-hearted effort.

December 4, 1963: I have debated for a week and a half now over telling you of Black Sunday—November 24, 1963, I am going to tell you and, if you do not want to hear about these things again, well, say so. You do have a right to know.

This was not a typical day. We flew 20 sorties. But the Vietcong hurt us bad. All in all that day, 23 airplanes were hit, 1 B–26 crew lost their lives, 3 choppers crashed. The Vietcong won.

What they had done was pull into the little village and commit their usual atrocities, then pull out. But all they had were small arms and rifles on them. So headquarters thought they would teach this little group of Vietcongs a lesson and sent this operation I spoke of in after them.

But the crafty little b——s withdrew from the town into foxholes and bunkers and hiding places they had been secretly building for a week. Also, they had many friends in there plus large antiaircraft guns and all sorts of machineguns. So when the first wave of troops went in, they thought it was just a routine chase of Vietcongs. But they soon ran against the Vietcong wall and we pilots soon discovered that they had more weapons than pistols and homemade guns. Shrewd plan—and they won.

We could have won but I could write a chapter on that. I hope you were able to follow that, Connie. A lot happened that day and it happened fast and furious. It's not a good thing to tell a wife, but she has to know—no one else will say it—no one else can or will, I guess. There are no heroes over here but there are a lot of fine men—America better not let us down. We can use help. We can win, but America must come over, for the Vietnamese will never hack it alone. We've either got to get in all the way, or get out. If we get out the Vietcong will be in Saigon the next day.

December 14, 1963: I do get a kick out of the Vietnamese people. They're poor, dirty, and unsanitary according to our standards, but they're happy and some are hard working.

December 16, 163: The Vietcongs [Communist guerrillas] sure gave them a rough time.

The Vietcong are kind of a Mafia. They terrorize and then they sell "insurance" so that the people will not be harmed again. They strike especially villages where Americans have been seen. They terrorize these villages and then blame it on Americans by saying, "If Americans hadn't come to your village, we would not have plundered and killed, so if you don't want it to happen again, pay us money and don't let Americans into your village."

So you see, they gain from this. First of all, they get money or food; secondly, they instill a dislike for Americans—dirty b——s. But I do like the Vietnamese I've met and talked to. They are friendly, happy, and childlike—good people.

December 21, 1963: We got a briefing today of the total result of that operation on November 24. I'll repeat it briefly.

The airpower got credit for 150 to 200 killed. No one can be sure of the amount, for the Vietcong carry off all their dead and wounded. They never let you know for sure how bad you hurt them.

Anyway there were approximately 700 Vietcongs dug in with three 50-caliber antiaircraft guns and three 30-caliber antiaircraft guns, plus many hundreds other machineguns. They were waiting for us, but we hurt them even though we lost. We lost because we had them trapped and they got away.

It's so mixed up over here—there are over 3,000 Air Force in Vietnam, yet there are only 50 combat crews (B–26 and T–28). What a ridiculous ratio. Also, the Army tried to show the Air Force is no good and vice versa. Ridiculous. Down at Soc Trang, Army and Air Force will die for each other, but up with the colonels and generals it's a big fight for power. And most of these idiots don't even have any idea of what it's like out in combat. * * * They're trying now to find out why we pick up so many hits. The dumb b----s. We get hit more now because the Vietcong have very fine weapons. There are Chinese over here now.

I think the next few months will tell. Either the Vietcong will quit or this will turn into another Korea. I hope it doesn't take the United States too long to realize this.

December 22, 1963: Flew another mission today. We escorted three trains across no man's land and then struck some Vietcongs. Our FAD (the guy in the L–19 who tells us where to hit) received three hits, but we got them. I'm credited with destroying a 50-caliber antiaircraft gun. Bombed him out of this world. I guess I'm a true killer. I have no sympathy and I'm good. I don't try to rationalize why I do it. No excuses. It's a target and I hit it with the best of my skill. It's a duel; only (I repeat) only the best man wins. You can't afford to be second.

December 30, 1963: Well, here goes. I got shot down yesterday. We were escorting a C–123 and I picked up three slugs in my airplane. One went into my fuel strainer and I lost all my fuel. I made it to a field called Pan Tho and landed safely. Me and the airplane are both okay, not a scratch except the three bullet holes. No sweat.

January 3, 1964: Down at Soc Trang, one of the airmen came up with the idea of putting chunks of charcoal in our napalm tanks. Napalm is a gasoline which is jelled into a mass about the consistency of honey. We carry two tanks of it, each weighing 500 pounds. When you drop it, it ignites and spreads fire about 200 to 300 feet. With charcoal in it, the charcoal is thrown about another 200 feet farther, like a burning baseball, and does further damage to Vietcong houses. We've had it at Soc Trang and it works real well.

Tomorrow three birds are going out with one-half of their load of straight napalm and the other half with charcoal napalm (Madame Nhu cocktails). A photo ship is going along to take pictures. If higher headquarters thinks it's all right, then they'll buy us the charcoal. So far we've been buying it ourselves or else "borrowing" it from the kitchen.

January 7, 1964: Morale's at a big low over here, especially among the combat crews. It's the same old stuff we got in MATS. No consideration for the crew.

Lost two guys today. One was a pretty good friend of mine. The only guess is—the airplane just came apart. B–26—third or fourth that have done that now. * * * Pretty bad day—just hard to find any good news to write. Can't even talk to anybody—nobody has anything to say. Just a blue day.

I don't know what the United States is doing. They tell you people we're just in a training situation and they try to run us as a training base. But we're at war. We are doing the flying and fighting. We are losing. Morale is very bad.

We asked if we couldn't fly an American flag over here. The answer was "No." They say the Vietcong will get pictures of it and make bad propaganda. Let them. Let them know America is in it.

If they'd only give us good American airplanes with the U.S. insignias on them and really tackle this war, we could possibly win. If we keep up like we are going, we will definitely lose. I'm not being pessimistic. It's so obvious. How our Government can lie to its own people—it's something you wouldn't think a democratic government could do. I wish I were a prominent citizen or knew someone who could bring this before the U.S. public. However, if it were brought before the average U.S. family, I'm sure all they'd do is shake their heads and say "tch-tch" and tune in another channel on the TV.

January 9, 1964. Had a good target today finally. Felt like I really dealt a blow to the Vietcong. On my second bomb I got a secondary explosion. This means after my bomb exploded there was another explosion. It was either an ammo dump or a fuel-storage area. Made a huge burning fireball. You really can't tell when you roll in on a pass what is in the huts and trees you are aiming at. Just lucky today, but I paid them back for shooting me down.

January 15, 1964. Another B–26 went in yesterday. Nobody made it out. A couple of guys I knew pretty well "bought the farm."

One of the new guys busted up a 28 (T–28) also yesterday. He thought he had napalm on but he had bombs. So at 50 feet above the ground he dropped a bomb. It almost blew him out of the sky. But he limped back to Bien Hoa and crashlanded. The airplane burned up, but he got out all right.

That news commentary you heard is absolutely correct—if we don't get in big, we will be pushed out. I am a little ashamed of my country. We can no longer save face over here, for we have no face to save.

We are more than ever fighting this war. The Vietnamese T–28's used to come down here to Soc Trang and fly missions. But lately, since we've been getting shot so much, they moved up north. I kid you not. First they didn't want to come to Soc Trang because their families couldn't come. Second, because they didn't get enough per diem [additional pay]. Third, because they didn't want to get shot at. There were a couple of more reasons, but I can't remember them. These are the people we're supposed to be helping. I don't understand it.

January 20, 1964: I have never been so lonely, unhappy, disappointed, frustrated in my whole life. None of these feelings are prevalent above the other. I guess I should say loneliness overshadows the others, but that's really not true.

I am over here to do the best job possible for my country—yet my country will do nothing for me or any of my buddies or even for itself. I love America. My country is the best, but it is soft and has no guts about it at all.

I'm sure nothing will be done over here until after the elections. Why? Because votes are more important than my life or any of my buddies' lives. What gets me the most is that they won't tell you people what we do over here. I'll bet you that anyone you talk to does not know that American pilots fight this war. We—me and my buddies—do everything. The Vietnamese students we have on board are airmen basics. The only reason they are on board is in case we crash there is one American adviser and one Vietnamese student. They're stupid, ignorant sacrificial lambs, and I have no use for them. In fact, I have been tempted to whip them within an inch of their life a few times. They're a menace to have on board.

January 26, 1964: I've done almost nothing all week. I needed the rest very badly. I actually think I was getting battle fatigue or whatever you call it. I've got 50 missions, almost all without any kind of a break, and it was telling on my nerves and temper. I feel real good today after all that sleep. I kinda hate to go to work tomorrow, for we start 2 weeks of combat again. But I'm rested for it now and am ready.

January 31, 1964: All you read in the paper is the poor leadership of the Vietnamese, but we are just as bad. Everyone over here seems to be unqualified for his job. Like me—I'm a multipilot, but I'm flying TAC fighters. We have no fighter pilots in our outfit. I'm not complaining, but, if the Air Force was serious, they would have sent over experienced fighter people. The same on up the line.

February 2, 1964: I'm getting to like Vietnam. Maybe I didn't say that right. I think it is a pretty country. These little villages in the delta are about as picturesque as you'll find. Tall palm trees, fields of rice, and all kinds of flowers. The people seem happy enough, if it wasn't for the terror of Vietcong raids.

February 6, 1964: We scrambled after a fort under attack. We hit and hit good, but it got dark so we headed up here for Bien Hoa. Pretty hot target and we both were hit. Coming in here to Bien Hoa they warned us that Vietcong were shooting at airplanes on final approach. Well, we made a tight, fast approach and held our lights (it was pitch black) until almost over the end of the runway. I forgot my landing gear and went skidding in a shower of sparks down the runway. Airplane's not hurt too bad. I'm not even scratched. My pride is terribly wounded. That was my 62d mission. I thought I had it "wired" after that much combat experience. Then I go and goof so badly.

February 17, 1964: All B–26's are grounded, so we are the only strike force left.

A B–26 crashed at Hurlburt last week. Another came with the wind just coming off. Finally the Air Force is worried about the airplanes—finally, after six of my friends have "augered in."

February 21, 1964: Tuesday evening ——— ——— got shot down. He fell in his airplane next to a Special Forces camp and got out without a scratch. The airplane burned completely up, though. [Another airman] was going in on his seventh strafing pass and never came out of it. Don't know what happened—whether he got shot or his controls shot out. That was two airplanes in 2 days. Kind of shook us up.

Not only that, the B–26's have been grounded since Monday because the wings came off one again at Hurlburt. So after the last crash the whole USAF fighter force is down to six airplanes. This should set an example of how much Uncle Sam cares. Six airplanes. Might as well be none.

Rumor now is that B–26's will fly again only with great restrictions. * * * I'm pretty well fed up. Poor B–26 jocks are really shook. That airplane is a killer.

February 24, 1964: We're down to five airplanes now, all of them at Soc Trang. We have actually got nine total, but four are out of commission because of damage. The B–26's aren't flying yet, but they've been more or less released. I don't know what United States is going to do, but whatever it is I'm sure it's wrong. Five airplanes can't fight the war—that's just ridiculous. Tell this to my dad. Let him know, too, how much the country is letting everyone down. * * * We fight and we die but no one cares. They've lied to my country about us.

February 29, 1964: We've got a new general in command now and he really sounds good. Sounds like a man who is out to fight and win. He's grounded the B–26's except for a few flights. But they have to level bomb, not dive bomb—no strain for the aircraft that way. He has ordered B–57's (bomber-jets) to replace them, and has asked for immediate delivery. He has also demanded they replace the T–28's with the AD–6. The AD–6 is a much more powerful single-engine dive bomber. It was designed for this type of work and has armor plating. We are pretty excited about all the new airplanes. We can really do good work with that kind of equipment.

March 13, 1964: McNamara (Secretary of Defense) was here, spent his usual line, and has gone back home to run the war with his screwed-up bunch of people. We call them "McNamara's band." I hope and pray that somehow this man does something right pretty soon.

Just one thing right will help immensely. He did send a representative over here. All he did was make the troops sore.

One of our complaints was that we can't understand the air controller, so he suggested that we learn Vietnamese. We said we didn't have that much time, so he suggested we stay here for 2 years. A brilliant man. He's lucky to be alive. Some of the guys honestly had to be held back from beating this idiot up. This man McNamara and his whole idiot band will cause me not to vote for Johnson no matter how much I like his policies.

McNamara is actually second in power to Johnson. But, as a military man, he finishes a definite and decided last—all the way last.

Rumors are fast and furious. Nothing yet on B–57's. Rumors that B–26's are all rigged up with extra fuel tanks for long overwater flights. B–26 should never fly again, even if rejuvenated. Also a rumor that B–26 pilots will get instruction in the A–1H—another single-engine dive bomber. All is still in the air—all rumors.

March 22, 1964: Been flying pretty heavy again. We've only got 20 pilots now and 11 airplanes. It keeps us pretty busy. Also got two more airplanes they're putting together in Saigon, so we'll soon be back up to 13 airplanes again. Hope these last for a while.

(That was Captain Shank's last letter. He was killed in combat 2 days later.)

REPRESENTATIVE GENE SNYDER PRAISED

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I like to call to the attention of the House a fine article which appeared in the Voice of St. Matthews, a weekly newspaper in St. Matthews, Ky. It commended our colleague, Representative Gene Snyder, for his outspoken courage in addressing himself to the issues of the days despite threats or possibilities of personal defeat at the polls. We need more men like Representative Gene Snyder.

The article follows:

Snyder Doesn't Fear Labor Brass This Year

It isn't surprising that the Louisville Central Labor Council has already announced its intentions to help defeat Third District Congressman Gene Snyder.

His conservative record, as are all conservative records, is repugnant to the labor union. The union fought the former first district magistrate tooth and toenail in his initial bid for the representative seat, and it can be expected to do so this year, and more so.

The fact that has been so hard for such extreme liberal partisans, as the council, to swallow is that Snyder, though just a country boy, has been more effective at his Washington post than most people dreamed he would be as a freshman Representative.

It can be said with some authority that Congress this year didn't just happen to drastically cut foreign aid appropriations. It took men like Snyder, who kept an ear open to their constituents, and who got their points across on the floor, to effect a reduced appropriation.

Liberals haven't liked this, for they still believe that there is such a thing as pie in the sky. Most people now are learning differently, and are leaning more to views similar to Snyder's.

Of course, Snyder isn't worried at all—that the local labor union has already announced against him. He got a large share of the membership vote 2 years ago, and he will do even better this time.

It is surprising that top labor officials still believe they can lead their members by the nose.

KLUCKHOHN BOOK CITES OTEPKA CASE

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, Frank Kluckhohn has written two new books, "The Inside on L.B.J." and "Lyndon's Legacy." They are just off the press. In the latter book, chapter 5 is devoted to the infamous Otepka case which has been one of the storm signals on the path of the New Frontier which should alert all Americans to the appeasing policies of the State Department and their appalling lack of proper security measures. Mr. Kluckhohn has done an excellent job on this part of "Lyndon's Legacy" and I include that chapter with these remarks:

"Lyndon's Legacy," Chapter 5—An End to Security—The Otepka Case

"For on his choice depends the safety and the health of the whole state." Shakespeare, "Hamlet"—I, iii, 17.

It was a foregone conclusion that with Adam Yarmolinsky—the great critic of Federal security against loyalty and security risks—actually in the Kennedy-Johnson inner circle, there would take place an effective smashing of security procedures in sensitive Federal departments and agencies. The effective smashing of the Security Office of the State Department might well be called Adam Yarmolinsky's "51st case."

The last hurrah for the State Department's security setup came immediately after the advent of the Kennedy administration, when the State Security Office ruled that now Assistant Secretary of State Harlan Cleveland should not be given even a temporary security clearance, and this ruling was upheld by the State Department's Acting Administrator of Security.

However, Secretary of State Dean Rusk personally waived security requirements for Cleveland. Rusk revealed this in a letter he wrote to a Congressman, and claimed that his personal clearance of Cleveland was "based on FBI reports"; but if this is so, the State Department's professional security officers certainly had drawn quite different conclusions from Rusk's.

Indeed, a Senate Internal Security Subcommittee report issued in the autumn of 1963 revealed that up to mid-1962—more than a year before—Dean Rusk had personally waived security checks for 150 new key State Department employees, most of them over the violent objections of State's Security Office. In fact, many others had been personally cleared by Rusk and were working in the State Department without the Security Office's even knowing about them.

After the State security office had refused clearance to Cleveland, the security division was reorganized, reportedly along the lines planned by William Wieland, "ex-president of the Fidel Castro Fan Club."

The first reorganization move of the Kennedy administration was to abolish the jobs of 23 of State's professional agents. They were given 30 days to show cause why their jobs should not be abolished. Other security men were given minor and meaningless jobs calculated to make them resign. Many key security professionals, who had memorized dozens of security files and who could be "troublesome" if they were accorded too much of "the treatment," were sent abroad to meaningless jobs. Some of these were given foreign assignments on security, which were so laughable, they could be compared to giving J. Edgar Hoover a job as a traffic cop.

One top security official who received a show cause notice was Otto Otepka, chief of all personnel security, whose "security risk" findings at State skyrocketed into headlines across the Nation in the summer and autumn of 1963, when Otepka revealed to the Senate Internal Security Subcommittee that Assistant Secretary of State Harlan Cleveland was trying to worm Alger Hiss and a number of other known security and loyalty risks back into the State Department. Otepka told the Senate subcommittee a lot more about the hanky-panky at State, too.

Otepka was no mere cog in the wheel in the State Department's security setup. He was the top man, the ranking Deputy Director of the Security Office, and was in charge of the entire personnel security organization of the U.S. State Department, both in Washington and in American embassies and consulates throughout the world.

Otepka was a hard-nosed security boss and, until the advent of the Kennedy administration, his security office of the State Department had been one of the most highly professional organizations in the Federal Government. It was Otepka's security organization, for instance, which—only a short time before Otepka received his pink slip from the Kennedy reorganizers—had fingered Foreign Service Officer Irving Scarbeck, who was subsequently convicted and imprisoned for giving American secrets to a female Soviet Polish spy in Warsaw. The Communist Mata Hari revealed in a U.S. court that the Soviet espionage apparatus had forced her to become Scarbeck's mistress in order to wean American secrets from him.

Otepka was absolutely nonpolitical, and had been drafted into the State Department in 1953 from the Civil Service Commission because he was regarded in Government circles as one of the finest, most dispassionate and most objective appraisers of personnel records in Federal career service. In the Federal Government since 1936, Otepka has the ability to realize that many people may have at least one skeleton in their family closets, but never to let this by itself disqualify an applicant for service, recognizing that in some cases, one can tell a workman by his chips. In fact, in 1958, Otepka was given the State Department's Meritorious Service Award for his outstanding work.

As chief of personnel security, it was Otepka's duty to investigate State Department mistakes about hailing Castro as a Robin Hood and letting Fidel establish a Communist bastion and a staging area for communizing all of Latin America, 90 miles from American shores. Of course this involved investigating William Wieland, who had been Chief of State's Office of Middle-American Affairs during the Eisenhower administration and who is a carryover onto the New Frontier. Otepka did a thorough investigation of Wieland and wrote a sizzling report on him, which has never been published; but it is known that Otepka said Wieland definitely should be dismissed.

Wieland had not been fired by the administration; in fact, the President was pleased with Mr. Wieland. This was brought to national attention at Kennedy's January 24, 1962, press conference when he informed the Nation that he had personally cleared Wieland for security (making it clear that he had acted on Dean Rusk's advice) and asserted that Wieland could perform his duties "without detriment to the interests of the United States."

Indeed, far from being dismissed, Wieland was, in fact, the senior officer (with two others, one of whom was reportedly J. Clayton Miller) who reportedly planned the Kennedy administration's "reorganization" of the State Department's security setup. Naturally, the State Department has denied that Wieland even had a hand in helping to smash State's security organization. Even putting aside Wieland's hideous pro-Communist record, it was a case of a man under investigation as a loyalty and security risk firing his chief investigator, Otto Otepka.

As soon as the State security office had been effectively smashed, the Foreign Service officer in charge, William Boswell, was one of those transferred overseas.

What security against loyalty and security risks now remains in the State Department? Even those few experts still in State's security office are so subjected to pressures from the top that there is no longer any effective security there. Actually, the New Frontiersmen and the Foreign Service are still policed, except that they now police themselves—politically, but certainly not for security and loyalty, most observers declare.

Self-policing of "security" is now standard procedure throughout much of the Federal Government under the Johnson administration. This chapter on State Department security is written only to give the public an idea of the situation throughout Washington and at our Government posts overseas.

This self-policing of security procedures extends even to our supersecret Government agencies which handle atomic and military secrets, as could be seen in the autumn of 1963, when two traitors were tabbed by the FBI for feeding top-secret Strategic Air Command (SAC) secrets to a ring of Soviet spies. Both men, John Butenko and Jack Conklin (Conklin died mysteriously in an auto crash before arrest) worked for International Electric Corp. on highly secret Air Force contracts and had been cleared by the Air Force Office of Special Investigation, which explained, "It is up to the individual plant to determine what type of clearance is required for an employee. The plant itself can give a lower clearance classification."

When the case broke it was discovered that Butenko, who held a top-secret security clearance, had Russian parents, a police record, and had been fired from the Navy in the middle of World War II on a medical discharge "because of constitutional traits which rendered him unfit for naval service." Conklin, who had a secret security clearance, had also been strangely discharged from the service in the middle of World War II, had a police record for cruelty to his child, was a habitual drunk, had been married five times, had beaten his fourth wife, and wife No. 5 never knew about wife No. 4.

The New York Journal-American's reporting of the case declared: "Is the Nation's internal security being jeopardized by inadequate screening of persons working on 'classified' Government defense contracts?" The answer is "Yes."

What happened to Otto Otepka is an excellent example of what now happens to anyone working for the Federal Government during the Johnson administration who raises questions about loyalty or security, or who knows too much.

During Otepka's decade of service as a State Department top security official, he had appraised the file of every State Department employee. Otepka was a highly competent professional security agent, as seen by his sleuthing and breaking of the Irving Scarbeck case. In some cases Otepka refused, after careful and impartial investigation, to clear State Department employees, among them Assistant Secretary of State Harlan Cleveland.

Otepka obviously was a danger to the administration, because of his detailed knowledge and prodigious memory of the pro-Communist records and activities of New Frontier appointees, as well as other appointees' "defects" in character. So Otepka was to be ditched, along with the 23 other State security officers. However, such a howl was raised in Congress, that Otepka was retained, but the New Frontiersmen officially abolished his job and he was demoted to the relatively minor job of evaluating security files. A concerted effort was then made to get rid of Otepka, and finally, when he had adamantly refused to resign, State Department VIP's tried to shunt him off to the National War College in May 1962. He refused to go, recognizing the move as another step in the plan to get rid of him.

In October 1962, the Senate Internal Security Subcommittee held hearings to investigate William Wieland, and subpenaed Otto Otepka for testimony; and what Otepka told the Senators blew the whistle on Wieland. Otepka also told the Senators that in the adverse report he had written on Wieland after his investigation, he had specified and documented "serious questions of the man's integrity," and had urged that Wieland's case "should be reviewed and adjudicated under the Foreign Service regulations of the Department of the State."

Early in 1963, as part of the Senate subcommittee's continuing interest in Wieland and in other controversial State Department security cases, the subcommittee scheduled hearings to delve into additional State Department cases. Otepka was subpenaed to testify in secret session.

Otepka testified for 6 days—and what he told the Senators nearly blew the ceiling out of the hearing room, with what one Senator on the subcommittee termed "political dynamite."

One Senate aid, emerging bug-eyed from the hearing room, grimly told the author: "The number of security risks whom Otepka turned down—only to have them 'cleared' by the top brass of the State Department—is greater than anyone in the Nation has realized."

It has been made public that Otepka declared the State Department to be riddled with men of questionable security backgrounds, many of them in the high echelons of the Department.

It is known that Otepka named Walt "The-Soviets-Are-Mellowing" Rostow (who sets all policy for the State Department and has set the pattern for the whole "Soviets-are-mellowing" policy throughout the administration); Harlan Cleveland; and William Wieland as being among the men whose backgrounds he considered "questionable."

Then the Senators called to these secret hearings several State Department officials to testify about the same cases which Otepka had discussed. These officials swore that the facts were absolutely opposite to what Otepka had described, and furthermore, they said, Otepka had never even brought these questionable cases to their attention.

The Senators recalled Otepka and ordered him, under oath, to document his previous testimony about the questionable security cases.

Otepka produced State Department memorandums and papers from State Department files, in what one Senator described as "ironclad documentation" of every word Otepka had previously uttered about the security cases involved, and in documented refutation of what the State Department officials had sworn about these same cases.

Furthermore, Otepka also proved that the State officials had lied under oath when they testified that they knew nothing about the cases and that Otepka had never brought the cases to their attention. Otepka produced papers about the cases, initialed and noted in reply to Otepka's bringing the cases to their attention—by the very same State Department officials who had sworn they knew nothing about them.

The personal cost to himself of Otepka's testimony can never be fully realized by the American public. After he gave his first testimony, and word of it reached the White House, Otepka was given the full treatment with ruthless efficiency, reportedly at the personal order of Bobby Kennedy.

On June 27, 1963, Otepka was called into the office of John J. Reilly, State's chief security officer, and a personal friend of Bobby Kennedy. Reilly told Otepka that his duties were being taken away from him. His new assignment was to update a handbook on security. As the two men walked back to Otepka's office, six security officers joined them, entered Otepka's office, seized all his records, the contents of his 14 safes, and started making arrangements to change the combinations. Otepka went out to keep a luncheon appointment, and when he returned, he found that he was barred from his office and given a cubbyhole in which to update his handbook. His secretary was taken away from him and he was to be allowed secretarial help only with the permission of Reilly.

His cubbyhole was "bugged;" his telephone was tapped and then taken away from him; the trash from his wastebasket and "burn bag" was collected and searched surreptitiously by Reilly, who had the little burn bag (which is used to destroy classified waste material) marked with a red *X* and brought to the State Department mailroom, where he sneaked it into his briefcase. Junior G-man Reilly then laboriously pasted together scraps of Otepka's torn papers, peered at reams of wornout typewriter ribbons, and devoted hours of the taxpayers' time and money to "git" Otepka. Otepka faced Reilly and asked him for an explanation of the whole thing, but Reilly refused to explain. Finally Bobby Kennedy dispatched FBI investigators to interrogate Otepka for hours on end.

But bravely Otepka struggled on. He refused to resign. He forced the security risks to fire the security officer.

The Senate subcommittee hearings were getting so hot, that Secretary of State Dean Rusk conferred personally and privately with President Kennedy about strategy in the matter of purging the patriot who had struggled to keep security risks out of the State Department. The decision was reached. On August 15, Abba Schwartz, the State Department's Administrator of Security—a political appointee who has had some experience in immigration cases, but who does not have a single day's training in security procedures or regulations—issued an order forbidding State Department employees to appear before the Senate Internal Security Subcommittee, or to have anything to do with the Senate subcommittee personnel. Reilly also gave the same order to his own personnel. The move was lashed in Congress as "an outrageous interference with the right of Congress to investigate, and an interference with the right of free speech."

On September 23, 1963, as soon as the Senate was sewed up to approve the testban treaty, the State Department held charges of "misconduct" against Otepka for allegedly improperly turning over State Department documents to J. G. Sourwine, chief counsel of the Senate Internal Security Subcommittee. Otepka was given 10 days to answer the charges, procured a 10-day extension, and was scheduled to be suspended without pay. Since the State Department could not charge Otepka with falsifying testimony before the Senate subcommittee—because he himself had refuted the perjured testimony of State Department officials—they charged him with "misconduct" in giving documents to Sourwine.

The fact is, however, that Otto Otepka had responded to the subpena of a duly constituted subcommittee of the U.S. Senate to substantiate charges he had made against alleged security risks in the State Department—in answering Senators' specific questions—by producing documented evidence carrying notes and initials of the selfsame State Department officials who had sworn they had never laid eyes on the documents. Otepka's act of refuting, chapter and verse, with documented evidence—under subpena of a Senate subcommitee—the perjury of the New Frontiersmen about security cases was alleged by the New Frontiersmen to be a violation of security.

The State Department, caught dead to rights in the act of lying to a Senate subcommittee, based its flimsy charges against Otepka on the basis that he violated a 1948 Executive order issued by Harry Truman—to bar congressional probes into the case of convicted Communist William Remington and into the Alger Hiss case—which says that files on Government employees are not to be given to Members of Congress, except through the President.

However, that same year, 1948, Congress passed a law, title V, section 52 of the United States Code, which reads:

"The rights of persons employed in the civil service of the United States * * * to furnish information to either House of Congress or to any committee or member thereof, shall not be denied or interfered with."

Furthermore, in 1958 a concurrent resolution was passed by both Houses of Congress which reads:

"Any person in Government service should put loyalty to highest moral principles and country above loyalty to persons, party or Government department."

Otepka cited the United States Code statute in his October 14 rebuttal of the charges against him, and furthermore he denied that he had ever furnished classified documents or other restricted information to any unauthorized person. Moreover, Otepka cited a Senate report as proof that Dean Rusk himself had shown classified loyalty documents to a Senator.

In the meantime, the Senate Internal Security Subcommittee, enraged by the total lack of cooperation and the gag order of the State Department, had been trying since early July to get Dean Rusk to testify about the case in secret session. Rusk had first pleaded that he was too busy about negotiations with Russia; then the Senators forced him into making several appointments to testify, all of which he broke. Finally, on October 2, the entire bipartisan Senate Judiciary Committee took the unprecedented step of dispatching a U.S. Senator to deliver a document by hand—a 10-page bill of particulars and statement of charges to Dean Rusk, who was having secret conferences in New York with Soviet officials. The committee dispatched Senator Thomas J. Dodd, vice chairman of its Senate Internal Security Subcommittee, with the document and a covering letter signed by Senator James O. Eastland, chairman of the committee.

The sizzling document charged the State Department with covering up laxity in State Department security operations; it charged perjury by the State Department officials who had testified in opposition to Otepka's documented evidence; and it demanded that Dean Rusk produce witnesses, including himself, to testify about the questionable security procedures and cases in the State Department.

At a press conference, President Kennedy was questioned by a reporter about the State Department gag order, about the whole Otepka scandal in which Otepka had named William Arthur Wieland, Walter W. Rostow, and many others, Kennedy completely evaded answering the questions about Rostow and Wieland and many others, and simply said that Rusk would appear before the Senators and clear up all those little difficulties.

The Senators finally got Rusk into the testimony chair and grilled him for hours in secret session. Unless Rusk performed some magicians' tricks, he must have had some pretty uncomfortable hours trying to answer the Senators' charges. At this writing Rusk's testimony has not been released, but not a few Americans are looking forward with interest to seeing it.

On October 3, the St. Louis Globe-Democrat revealed that it was beginning to appear that there is even more behind the effort to oust Otto Otepka "than was first suspected":

"Suspicion is strong in Washington that the plot against him goes even beyond the State Department—that the character moving in on Otepka is a more powerful figure in our Government than the Secretary of State—none other than the President's brother, Attorney General Bobby Kennedy.

"What's it all about?

"It's more because Mr. Otepka is a career man in Government service of unquestioned loyalty who thinks Congress is entitled to know what's going on, who wants real security measures carried out. In other words, Mr. Otepka has been a hard-line, anti-Communist State Department official—just like Miss Frances Knight, Director of the Passport Office, who has been in constant hot water with her superiors for the same reason.

"With Bobby Kennedy trying to move in Kennedy people to run things the administration way, Mr. Otepka drew the line at some characters he considered dubious.

"The flimsy charges about what he told the subcommittee are reported incidental to getting rid of the State Department security official who guarded the door."

Not incidentally, the three-ring-circus Valachi hearings were stage-managed by Bobby Kennedy at precisely the same time as the Otepka case broke into October's headlines. The Otepka case, of course, is of enormous significance to the future wellbeing of our national security; whereas, according to FBI Director J. Edgar Hoover (and as corroborated by Hoover's opposite number in the Canadian Government), every word uttered by Valachi has been known for years by U.S. law enforcement officers. Many observers asserted flatly that staging the Valachi hearings at that precise moment was an attempt by the Kennedy administration to distract public attention from the security risks scattered throughout the Kennedy administration—as then being enunciated by Otto Otepka.

On November 5, Otepka received his dismissal notice from the State Department. Senators immediately rose to Otepka's defense. Senator Strom Thurmond declared that Otepka was "railroaded with methods characteristic of a police state. Otepka should be reinstated, exonerated, and commended for his courage. The dismissal points to the pressing need for a full investigation of the State Department."

Thurmond denounced Otepka's dismissal as "a clear-cut case of retaliation against a Government witness for cooperating with a Senate committee." He declared that the State Department action is "an offense against the Congress," which may "constitute contempt of the Senate, which is punishable by imprisonment."

Thurmond declared that the "American public, newspapers, and private citizens have joined in demanding that the State Department, this bureaucratic nightmare, be cleaned out * * * the State Department is in bad need of a purge."

The Senator further declared, "It now appears that a purge of personnel is being attempted. Unfortunately, it is the very opposite of what the critics of the State Department have in mind, for it is, in effect, an attempted purge of patriots. * * * The State Department's attempted purge of patriots must not be tolerated, and this very attempt is further evidence that a thorough investigation of the State Department is in order."

The Charleston News and Courier pointed to the fact that the possibility of disloyalty in high echelons of the State Department is hardly to be written off: "In view of the fact that persons of proven disloyalty have held high posts in the State Department in years past, the subcommittee has a duty to dig deeply."

A sample of what one newspaper described as a case "which demonstrates honor as it now exists on the New Frontier" came to light in November. Three of the State Department officials whom the subcommittee had summoned to discuss Otepka's previous testimony and his whole case were: Elmer Hill, Chief of State's Technical Services Division; John Reilly, Otepka's boss, Deputy Assistant Secretary of State for Security, who is a personal friend of Bobby Kennedy, placed over Otepka when the New Frontier made its debut, and the man who set up the bugging of Otepka's cubbyhole, the tapping of Otepka's telephone, and the months-long harassment of Otepka—all reportedly at the personal order of Bobby Kennedy; and David Belisle, Reilly's special assistant.

The Senators asked the three men whether or not they knew anything at all about the bugging and telephone tapping. All three men swore under oath that they knew nothing about it. But in November, when the subcommittee's investigators informed the Senators that they had ironclad evidence that the bugging and tapping had been done, and that Hill and Reilly had actually set it up, Senator Thomas Dodd charged Hill and Reilly with perjury. Quick as a wink, all three men hastily dispatched letters of clarification to the subcommittee. Hill and Reilly admitted that they had not told the whole story under oath, and had, in fact, been the men who bugged and tapped Otepka's cubbyhole. On November 17, Reilly and Hill resigned from the State Department. Belisle pleaded that he had no firsthand knowledge of the shenanigans, but admitted that he knew about them, and that he had been out of the country when they took place. At this writing, Belisle is still ensconced in the State Department, and Bobby Kennedy has not yet given his friend Reilly a new job on the New Frontier.

At this writing, the Otepka affair bodes to be one of the bitterest clashes between the State Department and the Senate in American history, and M. Stanton Evans, editor of the Indianapolis News, has written an excellent prognosis of the case:

"The episode as a whole presents a rather unhappy picture of operating procedure in Foggy Bottom. We have, in order:

"1. State Department Official William Wieland covering up the true nature of Fidel Castro's 26 July Movement, helping steer the United States into diplomatic catastrophe in Cuba.

"2. State Department higher-ups covering up for Wieland, overriding sensible security practices to do so.

"3. State Department denial of the true facts of the security situation, in order to cover up for their previous coverup of Wieland.

"4. State Department reprisals against a man courageous enough to tell the truth about security procedures, in order to cover up for their general coverup in the security picture as a whole.

"In an interview with Williard Edwards of the Chicago Tribune, Otepka commented concerning coverup No. 3: 'This put their testimony in conflict with mine and with my official knowledge. Their testimony was untrue. Since they had used the subcommittee forum to make their statements, I felt entitled to rebut their statements and present the true facts. * * * I'm charged with violation of orders when all I did was defend myself.'

"Considering the Department's overall record in this field, it seems unlikely its campaign against Otepka is inspired by zeal for security. The Kennedy officials are obviously concerned to prevent Congress from knowing of their misfeasances—merely the latest flowering of Executive arrogance toward the legislature. The Senate Internal Security Subcommittee means to assert the rightful prerogatives of the lawmaking branch, and it is to be hoped the result will puncture the hubris of the foreign policy bureaucracy.

"There are yet other ramifications of the Otepka case, embracing Assistant Secretary of State Harlan Cleveland. According to testimony before the subcommittee, Cleveland has been bringing people of dubious security status into the State Department. Simultaneously, evidence has accumulated suggesting a sustained effort to dismantle the security office of the Department—a move described by former Security Chief John W. Hanes as either 'incompetence or a deliberate attempt to render the State Department's security section ineffective.' It was Otepka's difference with the New Frontier on these matters that allegedly brought on the vendetta against him. The subcommittee has also been examining this aspect of the controversy."

The lesson of the Otepka case is plain. The State Department security against penetration by Communists and against other security risks has been smashed and exists effectively no longer.

And the man most knowledgeable on the subject, the man who struggled hardest and the most bravely to keep security in the State Department, is a man hunted, then destroyed, by the security risks themselves.

Why? Because he did a good job, and because he answered the subpena of a duly constituted committee of the Senate and told what is going on in the State Department, revealing that the men around the President use strange means to get their strange friends into the State Department over the violent objections of men like Otto Otepka.

Another man ditched by the administration's effective smashing of security in the State Department is Elmer Hipsley, who had been in charge of worldwide physical security in State's Office of Security, as Otepka had been in charge of worldwide personnel security.

Hipsley had been responsible for the safekeeping of such vital items as secret documents, secret codes, and safes in U.S. embassies around the world. He was responsible for the personal safety of the Secretary of State wherever the Secretary traveled; and for the protection of all foreign officials visiting the United States.

Hipsley, big, red-haired and a tough ex-policeman, was—like Otepka and others—nonpolitical. In fact, he had entered State from the Secret Service. He is personally a quiet, though a fabulous, man. During the course of his work Hipsley has met the leaders of communism personally, and he understands and detests communism.

Hipsley was the Secret Service agent alone with Franklin D. Roosevelt when he died in Warm Springs, Ga., in 1945. Hipsley stood behind F.D.R. at Yalta, and knows firsthand what transpired at that disastrous conference. Hipsley was with President Harry Truman at Potsdam, and is believed to have handed Truman the message of the first atomic bomb explosion at Hiroshima.

Hipsley is respected by international security men ranging from Scotland Yard to Moscow and the Sûreté. In his work he has known many of the world's Communist leaders, including Stalin—who did a good deal of talking with F.D.R. at both Yalta and Teheran.

Although every patriotic American detests Khrushchev and the Communist slave system, many Americans were genuinely concerned about the possibility of war or similar disaster should harm befall the Soviet boss when he made his first unprecedented visit to this Nation in September 1959, and covered 6,000 miles from east coast to west and back. Elmer Hipsley was in complete charge of Khrushchev's safety from the time his plane set down at Andrews Air Force Base until his departure and, as Americans will recall, Nikita arrived, saw Eisenhower, and departed without an incident.

Security arrangements for a trip of this kind take not only highly professional skill but also most detailed planning, involving split-second timing. The problem was complicated by the fact that we have no national police force in the European sense of the word. While Hipsley had the support of the Secret Service, FBI, CIA, and other Federal agencies, he was largely dependent upon his own arrangements with local police forces, whether Khrushchev was traveling slowly through crowded cities or eating lunch in the middle of an Iowa wheat field.

Khrushchev, receiving hostile treatment from American crowds and protesting pickets, tried to gain sympathy by making a play involving security. Khrushchev complained that he was not being permitted to go to Disneyland, on the outskirts of sprawling Los Angeles, although it was his own security chief, General Zaharov, who had made that decision. After that play fizzled, Khrushchev claimed our security was so tight that he was not able to meet Americans freely. As he traveled north toward San Francisco, photographs showed Khrushchev visiting with some children at the Santa Barbara station platform where his train stopped. The Washington Daily News (a Scripps-Howard paper) printed this picture and captioned it, "Khrushchev after the Relaxation of Security." In the photo, standing with his arms almost circling Khrushchev, was the omnipresent Hipsley. Incidentally, the crowd in San Francisco belied press reports by being as hostile as crowds elsewhere.

Elmer Hipsley's finest protective job, however, was in connection with Khrushchev's historic visit to New York, along with all the satellite stooges from Europe and even Cuba, for the opening of the United Nations General Assembly in 1961.

Few in Washington thought that so many Communist masters of mass murder and bloody oppression could escape from New York unscathed or without some incident. There was Nasser of Egypt in an area of strong Jewish concentration. There was a racial minority in New York (and a large one throughout the Nation) from every satellite nation which has been raped and subjugated. There were, for example, Baltic and Polish peoples whose whole families had been executed or who were still in slave-labor camps. With luck, it was said in Washington, Red leaders might leave the United States alive; but without incident? Impossible.

"New York's finest"—her police force—received well-deserved credit for the fact that nothing happened. (Actually, so many New York police were assigned to guard Khrushchev on his first visit to New York that the city later sent a bill to the U.N. for $1 million in an attempt to recoup for the taxpayers' money they had expended. The U.N. never paid. By statute, the State Department—and that meant Elmer Hispley—was in charge of the safety of all these visitors when they were away from the U.N. building itself.

In a control room in the Waldorf-Astoria, although it was never revealed, sat Hispley with a top New York police official. An around-the-clock agent was assigned to every foreign visitor. When one of the visitors prepared to leave his quarters or office for another location, Hipsley's agent reported. So close was the coordination that sometimes the New York police officer and sometimes Hipsley himself cut in on the radio bands and set up police protection along the route of travel. When Castro, faking an incident, moved from midtown to a Harlem hotel, it was Hipsley who accompanied him on his midnight shift. When it was all over, and Khrushchev left, one of his last acts was to give Hipsley grudging thanks for his protection.

As for Castro, Hipsley had protected him on his first trip to the United States, too. When Fidel's security guards fell asleep, Castro slipped out onto the women-laden Washington streets to try his luck. It was Hipsley who saw to it that police cars discreetly trailed him—something unknown to the Cuban dictator to this day.

To Hipsley flowed police and other security agency reports of all kinds, including those about would-be killers moving in from Miami to get Castro, or of a man slipping in from Mexico to kill Khrushchev. And Hipsley's orders were to prevent that man from getting to his target—to take him "out of play." In addition, so-called "nut" reports run into thousands during such visits, since the mentally disturbed often react violently to certain visitors receiving top billing in the news. It has been Hipsley's job to separate the nut reports from genuine threats when the cards are down—a business he has spent a lifetime learning.

Some might ask, "Why stop assassins from killing Castro, or Khrushchev, or other world Communist leaders?" There is probably no one who knows and detests communism more than does Elmer Hipsley. But he is a "pro" at his job—and the United States cannot afford the game of having its official guests either assassinated or molested.

For a professional job well done, one might expect a decoration of Hipsley. No. He was given a pink slip, too, just like Otepka's. Then, when the fear of investigation and consequences developed, the group at State headed by J. Clayton Miller, the IPR man whom President Kennedy publicly "cleared" at Dean Rusk's request, officially minus Wieland, naturally, since Wieland was not officially involved—even though he sat in the same office—put through the reorganization plans for the Office of Security. Hipsley was taken from a worldwide anti-Communist operation to a small domestic operation with 20 men under him. Later he was sent to Switzerland, no less, as security officer. This was a long, long way from effective control of anything resembling worldwide physical security for the State Department.

BE FAIR, MR. BLATNIK

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Vermont [Mr. STAFFORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I take pleasure in placing the following editorial from the distinguished trade publication Engineering News-Record in the RECORD:

BE FAIR, MR. BLATNIK

The Highway Investigating Subcommittee headed by Representative JOHN D. BLATNIK, Democrat, of Minnesota, has announced plans to stage another round of hearings. This time the target will be alleged misdoings in Louisiana's Federal-aid roads.

It is now almost 4 years since the Blatnik subcommittee began its investigations. The first hearing dealt with the Skelly bypass near Tulsa, Okla. Subsequently, the subcommittee has probed highway affairs in other States.

The subcommittee's activity to date has had several effects. For one, the Bureau of Public Roads and the various State highway departments have been forced to tighten controls over materials, construction procedures, right-of-way takings and other phases of their work. In this respect, the investigations have been beneficial.

On the other hand, by focusing attention on the comparatively minor number of misdoings (as compared with the tremendous amount of work being done honestly and well) the subcommittee has provided ammunition for widespread, vicious attacks on the highway program in the national press and on national television. In this way, the subcommittee's actions have served to undermine public confidence in the highway program.

Also, these subcommittee hearings can be unnecessarily, cruelly damaging in their effect on individuals involved. In the Tulsa case, the Blatnik group—over the protests of at least one of its members at the time, Representative GORDON SCHERER, Republican, of Ohio—called before it the principals in the contracting firm of A. H. Layman & Sons. The Laymans were under a total of 21 indictments by an Oklahoma grand jury, so spokesman Andrew H. Layman, Jr., had no choice but to take the fifth amendment at a time when it was especially embarrassing and unpopular to do so. When later the Laymans finally came to trial in Oklahoma, the judge quickly quashed every charge against them. But by that time, barred from bidding on Federal-aid projects and suspect for its refusal to testify before the Blatnik committee, the Layman organization, which had been highly respected by engineers and contractors in Oklahoma, was no more.

The Blatnik subcommittee can perform a useful function. The function will be enhanced if it will avoid sensationalism, leave partisan politics to some other arena and place its findings in proper perspective.

J. EDGAR HOOVER

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. BROTZMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, I would like to add a word regarding Mr. J. Edgar Hoover and the FBI.

Just prior to being elected to this body I had the pleasure of serving as U.S. attorney for Colorado. In that capacity, I worked closely with Mr. Hoover, Mr. Scott Werner, the agent in charge in Colorado, and numerous agents in the Bureau.

These are dedicated, sincere, Americans and I commend J. Edgar Hoover who has given his life to the cause of law enforcement with justice.

I thank the gentleman from Louisiana for introducing this resolution.

MR. HOOVER AND HIS FBI

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. WYMAN. Mr. Speaker, I wish to join with his many friends throughout the United States and the world in congratulating the distinguished head of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, on his four decades of outstanding leadership.

Under Mr. Hoover's direction the FBI has become a vital, efficient, highly capable, and most effective nonpartisan Federal investigating agency. It is a great team—no gestapo, no storm troops, no pomp and circumstance, just dedicated, hardworking, loyal, and courageous Americans.

As attorney general of my State for nearly a decade and as president of the National Association of Attorneys General I have had good reason to know personally of the cooperation and helpfulness of Mr. Hoover in the common areas of interest and concern in law enforcement of the States and the Federal Government. This country could well use a little more of such cooperation these days.

The United States has good reason to be proud of J. Edgar Hoover and the FBI he has developed. We are each of us a little safer and the country a whole lot better off because of Mr. Hoover and his FBI.

BUFFALO EVENING NEWS EDITORIALIZES ON HEARINGS OF HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. PILLION] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. PILLION. Mr. Speaker, on April 29 and 30, 1964, the Committee on Un-American Activities, of the House of Representatives—HUAC—held hearings in the city of Buffalo. The purpose of these hearings is to investigate the un-American propaganda and agitational activities within the United States. The diffusion of subversive propaganda that is instigated from foreign countries which attack our constitutional Government and seek to overthrow our Government by force, violence or revolution, is also the subject of this committee's hearings.

The ultimate legislative objective is to enable the House of Representatives to appraise the administration and the efficacy of our present laws. The hearings also serve to develop facts upon which remedial legislation can be predicated.

Of greater import than the legislative purpose of these hearings is the exposure to the public of the sinister, underground operations of the Marx-Lenin Communist and Socialist world revolutionary destructionists.

To successfully defend this Nation and our freedoms, we must comprehend not only the theories of communism, but also know the tactics and methods by which these enemies carry on their subterranean war. The public is entitled to know not only the nature of the Communist activities, but also the identity of its directors, its membership and its supporters.

The hearings in Buffalo revealed that there has been an extensive network of Communist infiltration and subversive activities in the Buffalo area. The hearings also flushed out into the open hundreds of individuals who sought to disrupt the hearings of this congressional committee in accordance with the policies and directives of the Communist Party in the United States.

The Communist Party, U.S.A., recognizes that the worst enemies of communism are truth and exposure.

The Buffalo Evening News is one of the world's outstanding newspapers. It has the largest daily circulation of any New York State newspaper outside of New York City. Its circulation covers all of western New York, and extends into Canada and Pennsylvania.

The Buffalo Evening News gave full coverage to the hearings of the House Un-American Activities Committee, held in the city of Buffalo, on April 29 and 30, 1964. Its reporting was accurate, complete and in the best tradition of American journalism.

The management and the staff of the Buffalo Evening News are to be commended for performing a most valuable public service.

Mr. Speaker, I am pleased to insert, at this point in the Record, two editorials from the Buffalo Evening News. These editorials reflect the sound judgment and the high standards of patriotism and public service that has been characteristic of the editorial staff of the Buffalo Evening News, headed by its editor, Mr. Alfred Kirchhofer.

The editorials follow:

[From the Buffalo (N.Y.) Evening News, Apr. 30, 1964]

Prejudging the HCUA

Just the name of the House Committee on Un-American Activities seems enough to trigger a picket line response—an almost visceral reaction, especially on the part of students and others whose intellectual curiosity, one might think, would impel them to want to know more precisely what they are protesting against, or for, before they move to the emotional barricades.

Take yesterday's HCUA subcommittee hearing in Buffalo. Hardly anyone seemed to want to know what, exactly, the committee had come here to learn. That it was here was enough to cause its friends to cheer it as a mighty bulwark of patriotism, its foes to decry it as an enemy of civil liberties. Sides were taken, statements issued, ads published, pickets marched, throngs clamored for entry to the courtroom to demonstrate in person.

And all this took place before the committee had said what it was here for, before the first witness was summoned. Many of the committee's opponents, to be sure, have been campaigning for years for its abolition, feeling its very existence serves no legitimate legislative purpose and constitutes a threat to fundamental individual freedoms. That such groups would use the occasion of the committee's presence in Buffalo to reiterate their views is natural and should be respected.

When such opposition extends to prejudging this particular hearing, however, or when it involves an assumption that the committee is only here to pillory good citizens and engage in reckless character assassination, it discredits its own pretensions to intellectuality.

At the least, the committee was entitled to a withholding of judgment until it performed some act for which it could be rightly criticized. Its performance can be better judged when the hearings are concluded. But for our part, we see no reason to quarrel with its stated purpose. And we suggest that those who denounce the committee in general might be more persuasive if they directed their attentions to that stated purpose and indicated which part of it, if any, they feel is none of Congress—or the public's—proper business.

The HCUA subcommittee has come here, it says, because of significant changes in the structure of the U.S. Communist movement, which it has reason to believe had their inception here in Buffalo.

Specifically, it declares, its preliminary investigations indicate that "in this city, within recent years, there have sprung up two new Communist organizations known as the Workers World Party (an offshoot of the Trotskyite Socialist Workers Party) and the Progressive Labor Movement (a Peiping-oriented offshoot of the Communist Party).

The second group appears to be the one in which the HCUA is currently most interested. For, if it is correct, the Progressive Labor Movement as organized here in Buffalo by two functionaries expelled from the orthodox State Communist Party has grown into the principal apparatus of the ultramilitant Chinese Communist movement in America, with present headquarters in New York.

Most of the 50-odd students who visited Cuba last summer were members of this Buffalo-spawned group, the committee statement alleges, and "it is significant that while in Cuba the group visited the Red Chinese Embassy, but ignored the Soviet Embassy."

What useful information can be learned about these matters from hostile witnesses summoned to a public hearing is not yet clear. Nor should we ever be unmindful of the danger that individuals can be unfairly damaged by careless name dropping or unwarranted innuendoes in the course of such an inquiry.

But as to the stated purpose of this hearing the House committee thinks it is the business of Congress and the public to know everything that can be learned about the objectives, methods, and organizational structure of the U.S. Communist Party and its various offshoots. And so do we.

[From the Buffalo (N.Y.) Evening News, May 1, 1964]

HCUA: A Sizeup

The House Committee on Un-American Activities has come and gone, and with what results?

1. Its Buffalo hearing was certainly no witch hunt. It was conducted by Acting Chairman Joe R. Pool, Democrat, of Texas, with impeccable regard for proper congressional procedure and for the constitutional rights of all those summoned to testify. There was no abuse of hostile witnesses; on the contrary, all the abuse and disorder and indignity in the hearing itself came from those bent on discrediting the committee.

2. As a quest for new information, the public hearing aspect of the investigation probably told the HCUA nothing it did not already know. For everything it heard from its one friendly witness it presumably knew before, and from every other witness it drew the same fifth amendment blank.

3. As a means of alerting the community to the present nature of the Communist movement—its objectives, its structure and tactics, and its internal fissions—the committee performed a legitimate and useful service. Both in its statement of purpose and in the persistent relevance to that purpose of its line of questioning of the balky witnesses who had all been identified by at least one witness as belonging to the Communist movement, it gave thoughtful people in this community much to ponder.

4. As for serving a legitimate legislative purpose, this Buffalo hearing opened up at least one explicit new area which requires serious and immediate congressional attention. Our present Federal laws on internal security are replete with references to the Communist Party U.S.A. as part of a world conspiracy controlled from Moscow.

The question raised here is whether that premise still holds with respect to those Communists who have been expelled from the orthodox Moscow-directed party and have switched their primary allegiance to Peiping. The point is a particularly important one for Congress to inform itself about, for the splinter factions—especially those adhering to Mao in his struggle with Khrushchev—are generally more violent, radical, and overtly dangerous than the Moscow-disciplined party.

NEW ENGLAND AGRICULTURE THREATENED BY UNEQUAL GRAIN SHIPPING RATES

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, in the Congressional Record, volume 109, part 19, page 25434, I discussed the problem of feed grain rates to New England, and my State of New Hampshire. Expressing my concern for New England agriculture because of unequal rates for feed grains, I included correspondence addressed to the chairman, General Freight Traffic Committee, Eastern Railroads, New York City.

Last winter, as a result of the combined efforts of New England leaders, lower feed grain shipping rates were announced. Although the reduction in rates amounting to $2.20 a ton, was less than had been hoped for and was less than the situation and fairness required, this was at least a promised step in the right direction.

Now I have been advised that this announced relief has been rescinded and suspended. This disheartening development calls for immediate and concerted action. New England agriculture still constitutes an important part of our economy. In spite of shorter growing seasons and transportation problems, farmers in New England have succeeded in meeting these challenges. It is not fair, however, to ask them to do the impossible. The shipping rate differentials pose a direct threat of incalculable harm.

Typical of the outrage caused by the cancellation of the promised reductions are two telegrams that I received today which I include at this point in the Record.

May 6, 1964.

Hon. James C. Cleveland,
U.S. House of Representatives,
Washington, D.C.

We were advised today that the Chicago Board of Trade and the Buffalo Corn Exchange filed emergency proposals for amending the approved reduction in transit freight rates to New England Docket Bulletin No. 193.

The Traffic Executive Association of Eastern Railroads upon receipt of these amended proposals immediately cancelled the approved reductions that were to become effective July 1, 1964.

This is a serious blow to the New England agricultural industry efforts to secure rail freight rates on grain and grain products more nearly equal to those in effect in the Middle Atlantic and southeastern regions. Copies of this telegram are being sent to all New England senators and representatives as well as Governors and commissioners of agriculture.

We request you contact immediately Mr. R. C. Gill, chairman, Traffic Executive Association of Eastern Railroads, 1 Park Avenue, New York City, requesting emergency reconsideration.

J. E. Bressette, chairman, New England Grain and Grain Products Transportation Committee, 343 Winter Street, Waltham, Mass.

May 7, 1964.

Representative James C. Cleveland,
House Office Building,
Washington, D.C.

This association which represents some 130 members of the New England feed industry being vitally concerned with the future of New England agriculture is extremely disturbed with the decision of the Traffic Executives Association, Eastern Railroads to rescind Docket Bulletin TEA–ER 193. The New England market had counted heavily on these reduced rates to counteract point to point reductions in Pennsylvania and the Delmarva.

Docket Bulletin No. 195 mileage rates will afford these areas an even greater advantage because of their geographical location to Ohio and Michigan which are the normal supply origins on corn to the East. Without the relief provided in Bulletin 193 the New England feed, poultry, and dairy industry would be seriously damaged. Many years have been spent by the new England interests in procuring rate reductions to no avail. We must now turn to our leaders in State government. This message is being cabled to all New England senators, representatives, Governors, and commissioners of agriculture. We entreat that you immediately contact Mr. R. C. Gill, chairman, Traffic Executive Association, Eastern Railroads, 1 Park Avenue, New York, N.Y. to reconsider their action.

Roland C. Koelsch,
President, Boston Grain & Flour Exchange, Inc.

GREEK ORTHODOX CHURCH SUPPORTS CIVIL RIGHTS

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it has come to my attention that the Greek Orthodox Archdiocese of North and South America has recently issued a statement concerning their position on civil rights. The statement issued by the Standing Conference of Canonical Orthodox Bishops in the Americas on civil rights is eloquent.

On March 25, on the occasion of Greek Independence Day, I referred to Greece as a cradle of freedom and liberty. The following statement befits the proud tradition of freedom and liberty that for centuries the world has associated with the greatness and nobility of that country's proud heritage:

The Standing Conference of Canonical Orthodox Bishops in the Americas, in an official meeting on Friday, April 24, 1964, in New York City, gives praise to God for the majesty of His kingdom and the blessing of His mercies which so abundantly grace our land.

Throughout the ages the Orthodox Church has survived centuries of persecution which, even to this day continues to be imposed upon untold millions of Orthodox Christians in many lands. The Orthodox Church has borne the yoke of oppression and is wholly aware that persecution, prejudice and intolerance is the greatest sin that the free soul of man can bear. We therefore, extend and join with our fellow Christians and citizens everywhere in deploring all vestiges of segregation that deny to free men, the dignity of equal rights. We pray that the spirit of compassionate patience and understanding brotherhood will penetrate the hearts of all men and women whose leadership must guide the destiny of the great racial challenge facing America.

As children of God, made in His image, we urge that all men of all races exercise disciplined restraint in declaring their God-given beliefs and rights so that these blessings may be freely gained in a society which constitutionally and spiritually guarantees these rights.

The church deplores violence, but upholds the right of free men and women to act as the people of God in expressing their right to the God-given principles which no man can be denied because of color or creed. The power of love is the power of God, and as God is love, so love is the greatest power of His children on earth. We prayerfully beseech our fellow citizens, and especially the leaders of our Nation, to direct their actions with the power of love as their beacon of eternal hope, a hope which will not be denied in an America which gives to all men, the example of His word.

We pray that all men may transcend the limitations of human frailty, and as God-fearing Christians and dedicated Americans, transmit the spirit of prayer of our Lord and Saviour, Jesus Christ: "Thy Will Be Done on Earth as It Is in Heaven."

TREASURY DEPARTMENT STATEMENT ON RELATION OF CONTRIBUTIONS PLEDGED BY OTHER PROSPEROUS COUNTRIES TO IDA AND U.S. ASSISTANCE TO THOSE COUNTRIES

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REUSS. Mr. Speaker, there will shortly come before the House an opportunity to authorize continued U.S. participation in the International Development Association. The advantages to the United States of this step are many. Perhaps the most important immediate advantage is that our proposed contribution of $312 million will make available an additional $438 million already pledged by the other industrial—part I—member countries of IDA. The contributions of the other countries are just as much a pledge of their resources as any U.S. contributions are a commitment of our resources to the common development effort. They are in no sense a "double dipping" into or diversion of U.S. funds in the name of other countries.

However, some doubts have been expressed concerning the validity of the pledges made to IDA by the other advanced industrial countries. For example, a table of figures on page 7974 of the Congressional Record of April 15 compared the new pledges of these countries to IDA with the U.S. assistance to them in the past and at present. A statement prepared by the Treasury Department, analyzing this table and showing why the U.S. assistance totals in the table are misleading, follows:

Contributions of ILA Part I Countries and U.S. Assistance

(By Treasury Department)

1. The total of U.S. assistance to IDA part I countries from July 1, 1945, through June 30, 1963, is, of course, very large. But only about $1 million of assistance was extended during the period fiscal year 1961–63, which was the period during which payments to IDA began. The overwhelming bulk was extended during the Marshall plan period and the early 1950's. The fact that we provided large amounts of aid in the past to the Western European countries can surely not be a reason for not participating now in an increase of IDA's resources. Failure by us to participate with $312 million will mean that other countries will be released from pledges totaling $438 million. We would thus lose the opportunity to have those countries we helped in the past assume an increased share in the future of the burden of development assistance.

2. The figures in the table under consideration include $270.6 million of military assistance in the total of $654.5 million in fiscal year 1963. There is no reason to relate these national security expenditures in fiscal year 1963 to the amounts other countries are putting up through IDA, since U.S. military assistance is not made available in a form that would permit a recipient country to devote it to its IDA contribution. Moreover, the Church amendment to the Foreign Assistance Act has prohibited new military assistance commitments to those countries included as IDA part I countries after July 1, 1963. Eight of the IDA part I countries, pledging $313 million of the $438 million pledged to IDA by part I countries under the new proposal, are no longer receiving any military assistance at all. Payments to IDA under the present proposal are to be made during fiscal years 1966, 1967, and 1968; only

two countries, whose IDA contributions amount to only $48 million, or 11 percent of foreign contributions to IDA, will still be receiving military assistance during the fiscal year 1966–68 period, and deliveries to both these countries should be completed in fiscal year 1968.

3. The largest component of the figure cited in the table for so-called U.S. assistance to IDA part I countries in fiscal year 1963 is $368.2 million in Export-Import Bank loans. To include these figures in the table is misleading. Lending by the Export-Import Bank is for the purpose of financing exports of U.S. goods and services and is done on terms which enable the Bank to pay the U.S. Treasury for the cost of money borrowed from the Treasury, as well as an annual dividend from the Bank's earnings. Furthermore, only three part I countries received these Export-Import Bank credits—which are on hard terms—in fiscal year 1963.

4. The only other element of so-called U.S. assistance to IDA part I countries in fiscal year 1963 was $15.7 million for essentially humanitarian programs of food distribution, under Public Law 480, almost all of which was in two countries, Italy and Japan.

5. Only economic assistance under AID can reasonably be included to support the claim made by the April 15 table. But of such aid there was virtually none in 1963—less than $500,000—and as of early 1964 the pipeline for such aid was less than $63,000.

In summary, U.S. assistance to IDA part I member countries in fiscal year 1963 which is of any relevance to the size of their contribution to IDA resources is less than $500,000. There is no reasonable basis for including hard Export-Import Bank loans in the total of U.S. assistance to these countries nor military hardware or training funds provided for our national defense, nor food for peace contributions given for humanitarian reasons and largely through private voluntary nonprofit institutions.

WIDENING HORIZONS FOR FUTURE WATER SUPPLY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SISK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SISK. Mr. Speaker, on April 24 my home city of Fresno, Calif., was honored to be the host at a meeting of the Central Valley East Side Project Association which had as its guest and principal speaker, Commissioner of Reclamation Floyd E. Dominy. Commissioner Dominy's analysis and comment on present and future water problems of the West were so important and penetrating that I believe they are worthy of the attention of the members and of widespread study.

He spoke of matters now pending before the Congress—the proposed Auburn-Folsom south unit of the Central Valley project, and the Pacific Southwest water plan. And he analyzed urgent future developments—the East Side division of the Central Valley project. I would like to commend Commissioner Dominy on his personal share in widening our horizons for future water supply and to urge that his remarks be studied and I am requesting their inclusion in the RECORD, as follows:

WIDENING HORIZONS FOR FUTURE WATER SUPPLY

Every time I come into this Central Valley, I am impressed that you are operating under a cycle of amazing growth that must be almost as unnerving to you participants as a game of Russian roulette. Perhaps this simile is inappropriate. You are not using a bullet and a revolver; water is the unknown quantity in the game you play. But if and when your water supply reaches its final limits, the game of California expansion—two words which are almost synonymous—is over.

This self-defeating growth cycle runs something like this. You find water to expand agricultural production, to help support concurrent population growth. The expanding agriculture and its associated processing industries contribute to new growth in towns and cities, and this expansion helps attract new industries. All of this growth, based on a once-adequate water supply, results in a new influx of people. Agricultural development is pushed out to new lands and the water supply becomes inadequate. So once again, you seek new water supplies, to expand agriculture and support the new population, and the cycle goes on and on.

Here in the east side of the San Joaquin Valley we have seen a good demonstration of this California growth pattern. Back in 1880 there were only about 140,000 irrigated acres here on this side of the valley. And by the turn of the century, there were only some 100,000 residents here. Today, there are approximately 3 million irrigated acres on the east side. By 1960, the population had topped 1 million, with about 25 percent of the increase occurring since 1950.

Impressive as this growth has been, projections of the census figures indicate that this area may double in population in 20 years.

I came here today to discuss with you what can be done to meet the problem of these ever-widening horizons for water supply here on the west ocast. And I feel that I am meeting with farsighted friends, who are familiar with the problems and frustrations of water resource planning and development. California State officials and water-user organizations like yours have achieved an international reputation for long-range planning and followup action to remedy incipient water problems before they become distressingly acute.

The history of the development of the Central Valley project is a case in point.

We in the Bureau of Reclamation do not forget that this great project was originally conceived and planned as a California State water project. And if it hadn't been for the depression of the thirties, the State of California probably could have embarked on the construction of this project—just as you have recently made State water resource development history by embarking upon the $2 billion State water plan.

At any rate, the Bureau of Reclamation came into the Central Valley as a working partner in this development in the depression years of the late 1930's. This long-deferred development was welcome news to the residents of the valley, because the critically dry years of the late 1920's and the early 1930's, together with declining ground water levels, had served notice that the essentially local measures which had been used were inadequate and that a large-scale import water supply was required.

You know, perhaps better than I, the story of growth of the Central Valley project into one of the most extensive artificial water transport systems in the world. It is a hydrological accomplishment of such importance, that it annually attracts hundreds of engineers, economists, and natural resource administrators from all parts of the world. And the system is, very justifiably, the feature of a current exhibit at the New York World's Fair sponsored by the Department of the Interior with the Bureau of Reclamation as a major participant.

Frequently we in Reclamation are asked to give dates on when our projects were started and when they were completed. The request for a starting date is easy, but few of our projects will be completed in our lifetime. Most large multiple-purpose developments, like the Central Valley project, are designed for expansion, with additional units being proposed as the needs develop.

The first irrigation unit on the Central Valley project went into operation in 1940, and the Friant-Kern Canal began operating in 1949. The great transmountain diversion in northern California—the Trinity division—is now substantially completed, and construction is underway on the Sacramento River and the San Luis divisions.

The large proposed addition that is closest to your hearts, of course, is the east side division.

Some 20 years ago, when plans were being finalized for Friant-Kern Canal, it was evident that the east side of San Joaquin Valley would require additional water from a northern source. It was believed Millerton Lake would supply most of the supplemental needs for 20 years or more. Shortly after Friant-Kern Canal went into operation, the Bureau began receiving requests for additional water which could be supplied on a permanent basis. These requests continued to increase, reaching a total by about 1955 of nearly 1 million acre-feet of additional water. With such strong evidence of need for water, the east side division investigations were initiated. These planning studies are now well along and the feasibility report is being revised by the Bureau of Reclamation for reissue, formal review, and submittal to the Congress. We contemplate completing this feasibility report within the next few months.

The proposed facilities, when operated coordinately with the present features of the Central Valley project, would provide a water supply of about 1½ million acre-feet annually to the east side division. This supply would be used primarily for irrigation. Additional municipal and industrial requirements also would be served. The principal proposed facilities will comprise nearly 450 miles of canals, 5 dams and reservoirs of varying sizes, 10 pumping plants, a power transmission system, and provision for project drainage. This development is estimated to cost about $600 million, exclusive of distribution systems which will be required for at least some of the areas to be served.

For the first 60 miles, as most of you know, the proposed east side canal would have the same location as the proposed Folsom-South Canal. Preferably they would be constructed as one canal. Current legislation before the Congress for authorizing Auburn-Folsom-South unit provides for enlargement of the canal of the east side division. In a sense, therefore, the first unit of the east side division already is under consideration by the Congress.

The overall area under consideration in the east side division investigation embraces more than 5 million acres and includes essentially all of the east side of San Joaquin Valley from Mokelumne River and Folsom South service area on the north to the foothills south of Kern River. Although nearly all of the easterly San Joaquin Valley is included in the area of consideration, it does not follow that all of this vast acreage will need or desire water from the east side division. It is necessary to study the entire area, however, because of the interrelationship of existing water supplies.

We believe the east side division will need to import approximately 1½ million acre-feet of water to the east side within possibly 15 or 20 years after the project goes into operation. The project features proposed are planned for that purpose.

The requirements for imported supplemental water will increase after the initial east side importation by possibly another 2 million acre-feet or more. When our continuing service area studies are completed in approximately 3 years we will have a more refined estimate of the probable future requirements.

I would like to point out, however, that the initial facilities now being proposed are planned to provide for importation of future additional water, primarily by operation of the canal system over a greater portion of the year. Additional storage reservoirs will be required at that time, both along the canal and farther north in the areas of surplus water. Thus, not only the present but also the future needs of the east side San Joaquin Valley are being considered.

Our studies also have contemplated that a portion of the total east side San Joaquin Valley requirement would be met by the State of California. The State is moving ahead rapidly with its very important water project. The California aqueduct as planned included capacity for some service to lands in the San Joaquin Valley. Recently, contracts have been executed by the State with Kern County Water Agency and certain water districts for water service. A portion of the area covered by these contracting agencies lies within the east side of San Joaquin Valley. Therefore, part of the total east side requirements will be met from this imported supply. This will be evaluated in determining the future requirements for the east side division.

At the present time, the east side San Joaquin Valley is a modern, progressive, and highly developed area which affords its residents a relatively high standard of living. To maintain and expand this economy, however, additional water is required.

The substantial existing and increasing water needs of the area can be met only through importation of large quantities of additional supplies from surplus water sources outside the area. Problems of inadequate water quantities, poor water quality, and high water costs will increase as overdraft continues in the valley. The east side division will provide the potential for serving the estimated initial supplemental requirements and at least a large portion of the more distant future needs.

Over the past several years the Friant-Kern and Madera Canals have been real lifesavers for major areas of the San Joaquin Valley. We want to bring the Auburn-Folsom South unit along very soon to provide the same type of benefits for that area and follow at an early date with the east side division to complement both Madera-Friant-Kern and Folsom-South systems.

I wish to acknowledge personally all the assistance your association has given us in the east side division investigation. I urge you to continue and, if possible, to increase your outstanding efforts in support of this proposed project. Accomplishment of your goal—an authorized, constructed, and operating east side division—is primarily something that your association and the people of the San Joaquin Valley will have to spearhead. You are the ones most vitally affected by the proposed development, and you are the ones who can most effectively present your needs and your desires to the Congress. We will be happy to assist all that we can.

In considering the future water supply requirements of this area, it is necessary for us to look beyond the horizons of the valley itself. This has been demonstrated by the importations of water from the Trinity River watershed, and in other long-range planning for this area, both on State and Federal levels.

In fact, many parts of the arid and semiarid West are reaching the point in water resource development where only two courses of action appear to remain open: (1) Salvage and recovery of wasted water from existing supplies, and (2) the construction of large, complex projects serving a large regional area, and involving transbasin distribution and exchange of limited available water supplies.

This is the challenging situation now confronting the five-State Pacific Southwest, where acute water supply conditions are aggravated by a population increase every decade nearly equal to the area's 1940 population. Projections of population growth indicate that by 1990, about 25 million people will be living in this area, in contrast to only 4½ million in 1940. Population pressures of this kind—if not to the same degree of intensity—are stimulating long-range water resource planning throughout the West, and in more humid sections of the country as well.

The Pacific Southwest water plan was developed by the Bureau of Reclamation in this atmosphere of need to serve the portions of the five States involved. A preliminary report was issued in August 1963, and transmitted by the Secretary of the Interior for review and comment by the Governors of the States, interested local agencies, and other Federal agencies. On the basis of the many constructive suggestions received, the plan presented in the preliminary report was revised substantially and presented in the Secretary's report of January 1964.

This report recommends immediate authorization of the initial plan which requires all-out Federal, State, and local cooperation in a regional approach to meet the needs of the Pacific Southwest. Hydropower would be the paying partner in this multimillion-dollar development—similar to the financing program worked out for the Central Valley project.

The Central Valley is not included in the geographic area embraced within the Pacific Southwest, as defined in the project plan, but the proposed developments for the east side division and the Pacific Southwest plan are very definitely interrelated. For example, one of nine major features proposed for immediate development under the Pacific Southwest water plan is the enlargement of approximately 130 miles of the California State water project aqueduct—from Wheeler Ridge at the southern end of San Joaquin Valley to Cedar Springs Reservoir. This participation will reduce the ultimate financial requirements for the California State water plan, permitting the State to either reduce its planned investment or to expedite its construction program.

Two other major features of the initial plan which will be recommended for authorization upon expedited completion of the required feasibility studies are of direct interest to central and northern California. They are:

1. North coastal California reservoir storage projects to develop a firm annual yield of 1.2 million acre-feet. Reservoirs on the Trinity and South Fork Trinity Rivers were identified tentatively in the report. The report contemplates further detailed studies of all major north coastal streams and visualizes the possible development of a joint project for the Pacific Southwest, State of California, and Central Valley project.

2. Enlargement of the prospective east side division of the Central Valley project to transport the additional water southward along the east side of the San Joaquin Valley to connect with the proposed enlarged California aqueduct at Wheeler Ridge. Measures will be included which may be required for the protection and enhancement of the Sacramento-San Joaquin Delta as a result of the water plan.

Just as the financial keystone of the Central Valley project is power revenues, from Shasta and other hydroplants, the keystone of the Pacific Southwest water plan is the proposed Pacific Southwest development fund. Revenues would accrue to that fund from the proposed Bridge Canyon and Marble Canyon powerplants, and the fund also would receive the net revenues from the existing Hoover powerplant and the Parker-Davis powerplants after those Federal projects have met their existing financial obligations.

These revenues would assure repayment of the cost of projects proposed under the initial plan, would guarantee the availability for consumptive use of 7.5 million acre-feet of water a year in the lower Colorado, or its equivalent, regardless of anticipated future shortages, and would protect "areas of origin"—areas from which water may be exported—from any future damage.

This proposed protection to the areas of origin is particularly important to California since the north coastal streams are being considered as the source for 1.2 million acre-feet annually of imported water for the Pacific Southwest. These areas of origin would be afforded a guarantee that exportations would be subordinate to all existing and anticipated future needs to the extent of permitting retention of water in the watersheds of origin if future needs exceed present estimates. They also would be guaranteed that additional costs of future projects, caused by the preemption of lower cost water sources, which otherwise would benefit the areas of origin, or the State insofar as its water supply is diminished, would be offset by development fund revenues to the extent that costs would be no greater than if there had been no export under the plan. In addition, financial assistance would be provided from the development fund to assist in area of origin project development, if such assistance is not otherwise provided.

I have mentioned that facilities are proposed in the plan for conserving and conveying water from northern California to southern California to help meet the guarantee of a regional supply of the equivalent of 7.5 million acre-feet of water for consumptive use per annum in the lower Colorado River. These facilities will be recommended for authorization following completion of expedited feasibility studies.

The plan contemplates that the entire length—approximately 350 miles—of the proposed east side canal from the Hood-Clay pump channel to Kern River near Bakersfield would be enlarged for conveying the additional water for the Pacific Southwest area. In addition, a southerly extension of about 40 miles of canal would be required from Kern River to connect with the California aqueduct near Wheeler Ridge. The opportunity exists for worthwhile cost savings to both the east side division and the Pacific Southwest water plan through incorporation of the proposed enlargement. However, the need for additional water in the east side division is urgent, and this very important development should not be delayed pending completion of additional studies for the Pacific Southwest water plan. The additional investigations needed for final refinement of the proposed combined development, therefore, are a matter of the utmost urgency, both to avoid any delay to east side and for realization of the potential savings to the Pacific Southwest water plan.

The Pacific Southwest water plan also proposes the establishment of a regional water commission for overseeing and coordinating the required future planning and development program. The proposed initial plan as the first step of a comprehensive plan will meet only the most immediate and urgent demands for increased water supplies for the

Pacific Southwest. Further detailed planning will be necessary for works and programs beyond those recommended for authorization as part of the initial plan. Because of the numerous water development functions involved and the many interests affected, coordination of these long-range plans by a regional water commission is recommended.

The essence of the Pacific Southwest water plan comprises moving ahead immediately with the authorization of those water conservation projects for the areas that are sound, needed, and wanted; to expedite feasibility reports on conserving and conveying additional water from northern to southern California; and to establish the means whereby the long-range water needs of the area can be supplied.

The Pacific Southwest water plan provides a positive approach to a solution to meet the challenge of the existing and increasing water crisis in the Pacific Southwest. Through progressive united action of agencies at all levels of Government, the required water supplies will be obtained, thus permitting the Pacific Southwest area to keep pace with its needs and sustain its expanding dynamic economic growth.

There have been many comments on the plan, both in its original form and as revised to reflect the comments of the States. I must pay tribute today to your Governor, Pat Brown, and Hugo Fisher, head of the California Resources Agency, for their statesmanlike approach to the program.

Some Californians are taking the view that California must be guaranteed all of its water as allocated in the Supreme Court decision to the possible detriment of the other Lower Basin States, should there be years of shortage. This would hardly be acceptable to the other States and will surely result in a stalemate and inaction on any solution.

Mr. Fisher, on the other hand, has testified before Congress that this is not an equitable approach to the problem and has joined with Governor Brown in urging a regional development that will avoid squabbling over shortages by insuring a full 7,500,000 acre-feet annually to the Lower Basin States. This is the logical and reasonable approach and the course which Secretary Udall is seeking to follow by the Pacific Southwest water plan.

The Central Valley project in its initial and expanding stages contemplated development of local sources of supply as fully as possible prior to importing water from areas of surplus. All areas have benefited—for example, the San Joaquin Valley areas receiving the water—and the areas where the additional waters are conserved. In the latter case, benfits have resulted from project construction, power development, flood control, and additional fishery and recreational uses.

The Pacific Southwest water plan in a similar manner also contemplates optimum development of local supplies first—and then proposes importation of additional water from north coastal streams. Substantial associated benefits can accrue to these north coastal areas and to the Central Valley project including the east side division through this plan.

So in summary, we have considered briefly two prospective developments—east side division and Pacific Southwest water plan. These are both highly important to the areas included, to the States involved, and to the Nation as a whole. These projects as proposed are related physically, to some extent financially, and they certainly are related politically in obtaining their congressional authorizations and necessary appropriations of funds. Both widen the horizons for future water supply for this and other areas that vitally need such development.

In closing, I wish to state that the Bureau of Reclamation is fortunate to have the opportunity of cooperating on the proposed east side division with such an excellent group as your association. May I express to you my sincere wish that the east side division be authorized and constructed as early as possible. To that objective I pledge you all the assistance we can give.

THE AMICIS AWARDS DINNER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RODINO. Mr. Speaker, on April 29 in my hometown of Newark, N.J., months of hard and dedicated work culminated in a never-to-be-forgotten affair. For, on that night occurred the first awards dinner ever to be held in New Jersey for the purpose of giving recognition to outstanding Americans of Italian heritage.

The event was sponsored by AMICIS—Active Member Italian-American Community Interest—and honored five individuals in four categories who received awards donated by the Italian Tribune, a Newark weekly newspaper.

I know that the officers and members of AMICIS want to make this an annual affair. And from the glorious success of their inaugural efforts, I am confident that it will be so.

To my dear friend, Vincent Tuzzolo, president of AMICIS, must go the greatest credit for this success. For it was he who conceived of the idea and who coordinated all of the careful, detailed planning for the affair. He was ably assisted by his fellow officers, Orlando Nappi, vice president; Joseph Nappi, secretary; and Steve Parillo, treasurer, and by many AMICIS members.

From a wealth of outstanding candidates in the four categories, Louis Papera was named "New Jersey's Outstanding Italian-American Citizen"; Miss Rose Marchese, "Woman of the Year"; Peter Rizzolo, "Hall of Sports"; and Samuel Champi and Frank Cosentino, "Scholastic Awards."

Highlighting the moving ceremonies was the congratulatory message from President Johnson. I had been commissioned to deliver and read the President's words and looked forward to my task. Unfortunately, I was not able to leave Washington on that legislative day, so my district secretary, Anthony Suriano, read the message for me.

The President's message follows:

> There is nothing that cheers me more than to publicly applaud the achievement of good citizens.
>
> Tonight you have chosen to illuminate the work and the wisdom of five outstanding Italian-Americans: Louis Papera, Rose Marchese, Samuel F. Champi, Frank Charles Cosentino, and Pete Rizzolo.
>
> From an ancient culture which was old and brilliant long before this continent was known to man, Americans of Italian ancestry have brought to this land good things which have helped this Republic. This is a Nation of immigrants. Too often too many of our people forget that.
>
> The men and women you honor tonight have by their sacrifices and their energy made their community and their country a better place to live. There is no greater work our citizens can do.
>
> I salute the five honorees tonight. And in the doing, I give thanks for all the millions of Americans of Italian ancestry who have poured into the bloodstream of this country much of its courage, culture, and compassion.

Joining the President in sending letters and wires of congratulations were our beloved Speaker of the House, our colleague from New Jersey [Mr. MINISH] and Antoinette Torregrossa.

While neither my neighbor, the good gentleman from New Jersey [Mr. MINISH] nor I was able to be there, there was a host of dignitaries from all walks of life among the happy crowd that overfilled Biase's Restaurant, where the award dinner was held. These included our good friend and former colleague, the present mayor of Newark, Hugh J. Addonizio; the State senator from Essex County, C. Robert Sarcone; Mayor Ralph G. Conte of Bloomfield; New Jersey's ABC director, Joseph Lordi, who represented Governor Hughes; Newark City Council President Ralph A. Villani; Essex County Sheriff Le Roy J. D'Aloia; Newark's Chief Magistrate Nicholas Castellano; Newark Councilmen Joseph V. Melillo, Anthony Giuliano; and Montclair Police Director Angelo Furtunato.

Father Sebastian Chiego, pastor of the Church of the Assumption, Roselle Park, was the principal speaker. Father Gaetano Ruggiero, pastor of St. Lucy's, Newark, offered the invocation and benediction.

Fred J. Matullo, publisher of the Italian Tribune, who deserves much of the credit for the evening, was there, but deferred to his editor, John Sileo, for rendering the thanks to AMICIS for its sponsorship and to the hundreds who had contributed to the evening's success.

And I must add a final credit for insuring that what had been well planned was also well executed, as Judge Horace A. Bellfatto in his role as master of ceremonies kept the schedule of events moving smoothly and pleasantly.

It was fitting that the recipients covered a broad spectrum of the Italian-American community. Louis Papera, now 84, is a quiet, unassuming humanitarian and industrial leader, who made invaluable contributions to our Nation as a businessman and as a World War I appointee of President Wilson. Miss Rose Marchese is a saintly lady who has given her entire life to social work, delivering the sick and the needy from the depths of human degradation. Peter Rizzolo, in his prime, was one of the greatest all-round athletes our Nation has ever known. Cadets Champi and Cosentino are presently sophomores at the U.S. Military Academy at West Point, where each has distinguished himself in the classroom, on the athletic fields and as leaders of their classmates.

Too often we accept for granted the positive contributions made to our communities by our fellow citizens. And too often publicity is given to those few whose actions have brought dishonor upon their neighbors and communities. So it is especially heartwarming to see what I hope will be a precedent take place in my own community. We should never forget the good that men do for their fellow men. We should acclaim them publicly while they are still with us. This is what AMICIS has done. And our community is the better for its inspired event.

RUMANIAN INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Grabowski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, May 10 is Rumanian Independence Day.

The history of the Rumanian nation dates back to the first century A.D. when the land called Dacia was first settled by Roman legions. These first settlements were scattered during centuries of invasions by tribes from the east and the north. But the roots of a language and a culture which set Rumania apart from other nations of Eastern Europe persisted throughout these centuries and so well withstood alien influence that the Rumanian language today is in some respects closer to Latin than is Italian.

The last and greatest invasion came from the south. The Ottoman Turks subjugated the Rumanian regions of Walachia and Moldavia in the 14th century, and for 500 years they dominated the life of these communities, exacting tributes, imposing rulers, and carrying out reprisals when resistance to foreign domination arose. Turkish power began to wane in the 18th and 19th centuries. The reawakened forces of nationalism, the intervention of foreign powers, and the weakening of Turkish administration in the Balkans and Eastern Europe all contributed to the achievement of Rumanian independence in 1877. But that independence was precarious. As World War II drew to a close, Rumania was again invaded. The invaders remained to impose an alien system of government, to exact tribute from the Rumanian economy in order to bolster their own weakened economy, to reenslave the peasants who had been emancipated only in 1864, and to make Rumania part of a vast and harshly ruled empire.

The new master was, of course, the Soviet Union. The menace had long been present; the neighbor to the north and the east stood at last completely unmasked. Early in the 19th century during the Napoleonic wars Russia had occupied the Rumanian provinces for 6 years. Deportations, the requisition of labor, the carrying off of produce had aroused Rumanian fears and suspicions during these 6 years. The Russians withdrew in 1812 but designs and intrigue were not at an end. Posing as protectors of the Rumanians against the Turks, they actually aimed at territorial aggrandizement. Rumanian uprisings in 1848 were suppressed by joint Turkish and Russian military intervention. A new Russian occupation came during the Crimean War. In 1877 as the Rumanians declared their independence, they joined with Russia to contribute to a substantial Russian victory over the Turks. A loss of territory was the Rumanian reward. The Treaty of Berlin of 1878 recognized Rumanian independence, but the Russians had seized and held southern Bessarabia. The Rumanians regained Bessarabia following World War I, but a change in regime in Russia had not put an end to Russian territorial ambitions. Following the Soviet-Nazi Pact of 1939, the Soviet Union seized Bessarabia and northern Bukovina. Today these territories remain lost to Rumania and stand as symbols of the tyranny practiced by a supposedly benevolent neighbor.

On May 10, 1877, Rumania declared her independence. Today, Rumanians are not free to celebrate this occasion. But there is evidence that the spirit that led them to struggle for independence in the 19th century is very much alive. Today, Rumania is increasing her trade and contacts with the West. She is resisting Soviet economic plans to maintain her in the subservient position of a primarily agricultural nation and is rapidly building her own industry over Soviet opposition. She is pursuing an independent line in the Soviet-Chinese dispute and is seeking to reinforce her ties with Yugoslavia. True, the road to real independence remains long. But as we observe the occasion of Rumania's Declaration of Independence in 1877 and salute the courage of Rumanians of those years, we would also do well to notice and applaud the efforts of this people today to free themselves of the tutelage of a foreign oppressor. Surely, first steps will be followed by others. The tide of foreign domination must once more recede.

THE USEFULNESS OF KNOWLEDGE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. Downing] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWNING. Mr. Speaker, one of our major problems in this Nation has been the proper role of education in our modern society and the proper role of Government in education.

Clearly one of the most urgent questions in this important area is an answer to the question: How do we provide universal educational opportunities for an expanding population without minimizing our quality standards?

The first part of the answer has to be a definition of the problem, and one of this Nation's leading educators recently gave us a fundamental definition of the problem that should significantly shape our quest for the whole answer.

Dr. Julius A. Stratton, president of the Massachusetts Institute of Technology, formulated the definition in an address entitled, "Liberal Education and the Usefulness of Knowledge," at Charter Day exercises at the College of William and Mary at Williamsburg, Va. Many people who were present for Dr. Stratton's address have termed it most outstanding. I am sure my colleagues will agree, and I am most grateful that you have given me permission to insert it in the Record.

The address by Dr. Stratton follows:

Liberal Education and the Usefulness of Knowledge

(By Julius A. Stratton, president, the Massachusetts Institute of Technology)

Many of you here this morning—most of you, indeed—have the good fortune to claim Virginia as your home; and as Virginians you are rightfully proud of the name and traditions of William and Mary. Yet you should bear in mind that in a larger sense, William and Mary belongs to all Americans. For from this college over the years have come statesmen and diplomats, judges, writers and scientists—an extraordinary procession of great men who have given leadership to our country, and who have helped to shape our most fundamental ideas on freedom and justice.

I am deeply grateful for the privilege of having a part in your ceremony today, and for the honor you pay me. In return, I hope that I may speak for all those who, although neither Virginians nor alumni of William and Mary, wish your college well on its 271st anniversary.

It was in 1693 that their majesties the King and Queen of England, Scotland, France, and Ireland granted to their faithful subjects overseas the right "to found and establish a certain place of universal study." One of the greatest centuries in the annals of human progress was drawing to a close. It has been called the century of genius, a watershed of modern history marking a transformation from the old to the new in almost every aspect of life in the Western World.

The 17th century inherited the ideas of Copernicus and Galileo, and it bequeathed to our age the foundations and structure of modern science through the labors of such men as Harvey, Huygens, Boyle, Hooke, Leibnitz, and Newton. Metaphysics gave way to physics, to experiment, and to empirical and inductive processes of reasoning. Men began to reject the supernatural in a search for rational explanations. The center of intellectual interest and inquiry moved from classical studies and formal theology to the questions of how God had constructed our material universe and what laws He had devised for its operation.

The same century saw the establishment of the Royal Society in Britain and the most celebrated scientific academies on the Continent. Through these societies and in the spirit of the time, physics became allied with philosophy. Descartes, Pascal, and Leibnitz, for example, were philosophers as well as mathematicians. In due course the new concepts of science flowed over into the older domains of moral philosophy, ethics, and political theory, stirring new ideas on the organization of the state and the inherited rights of man.

Thus Hobbes, though a stanch Royalist, began to write of a social contract between the subjects and their prince. And John Locke, in his efforts to establish the title of your own King William to his throne through consent of the people, published in 1690 his "Two Treatises on Government," wherein he proclaimed in words foreshadowing the American Declaration of Independence that: "All men possess natural rights of life, liberty, and property; that for the protection of these rights people create governments; and that if a government fails to fulfill its task, the people may logically assert the equally natural right of revolution."

And so the founding of William and Mary coincided with the opening of the modern age. In 1693 the stage was set for the great enlightenment of the century to follow, with its "exaltation of reason, its faith in progress and the perfectibility of man, and its preoccupation with the natural rights of the individual."

Yet for all the obvious similarities in our modes of thought, despite all the basic principles we seem to hold in common, there remains an enormous gulf socially and intellectually separating the world of the Reverend James Blair from our own.

President Blair created this college—as your Dean Jones remarked in his own Charter Day address—as a "company of scholars free from control by royal or civil authority." Yet I suspect that the very idea of academic freedom within the college as we understand it today—the freedom to pursue knowledge for its own sake wherever it may lead, and the freedom to report openly upon the progress of the search—would have simply appalled him.

Education at the outset of the 18th century was still a privilege to be enjoyed only by a small elite. Another hundred years were to go by before a most illustrious graduate of William and Mary was to express in everlasting words the conviction that equality of opportunity in education is imperative for the survival of a successful democracy.

But it is in the accumulated store of knowledge that we differ most—then and now.

The first president and his six masters were men of great erudition. As we look back over the years, they appear to us as scholars of universal interests—a type that has almost disappeared from our contemporary academic scene—professors who lectured with equal authority on rhetoric, mathematics, moral philosophy, and the Hebrew tongue.

They were indeed erudite, but they were not, in fact, all giants. It profits nothing to gaze back with nostalgia upon an age when the learned might still aspire to embrace all knowledge, when the arts and sciences were easily woven into a single fabric, and the research professorship was yet to be devised.

Over the 270 years that have intervened since the founding of this college, not a great deal has been added to our understanding of the Greek and Latin texts. But the subject of mathematics referred to in the early curriculum was hardly more than elementary arithmetic, with perhaps a little Euclid thrown in. Newton and Leibnitz independently conceived the basic ideas of the calculus about 1665. The "Principia"—the most important contribution to science ever made by a single man—appeared only 6 years before the granting of your charter. The entire development of Newtonian mechanics, with its stupendous philosophical implications, lay ahead. Chemistry had emerged from alchemy but had still to await the discoveries of Cavendish, Priestley, and Lavoisier.

A new light was dawning on the horizon. But the progress of science was to gather momentum for another two centuries before the advent of the great, explosive, forward surge into the unknown which is both the glory and the peril of our time, and which differentiates our own generation from any that has gone before.

I have been speaking of men and ideas that prepared the way. Some 65 years after the founding of the college there came here a man who was in every respect a product of the enlightenment, and who expressed in his entire approach to science and learning a concept that I have taken as the central theme of my remarks to you today.

William Small, in whose memory you have dedicated your splendid new physical laboratory, was a member of this faculty from 1758 to 1764. He arrived as professor of natural philosophy and mathematics, but after the manner of the day his interests ranged far and wide. Indeed there was a year when he took over the chair of moral philosophy as well, and added metaphysics and natural history to his lectures in physics. In the annals of William and Mary he justly holds an honored place. He brought to Virginia the new viewpoint of science, and you remember him especially as the much beloved teacher of Thomas Jefferson.

But then, unhappily, he quarreled—rather bitterly—with the board of visitors over a principle of academic freedom and tenure, whereupon he departed for England, never to return.

Small settled in Birmingham. There he found himself again among kindred spirits, and for the brief 10 years that remained to him he lived out a fascinating and productive life.

You will remember that in the 18th century—and for a long time thereafter—the doors of Oxford and Cambridge were closed to members of the noncomformist sects. And so, in the midlands about Birmingham and Manchester, and in the north, the Quakers, the Presbyterians, and other dissenting groups began to form their own schools.

One of the most famous was the academy at Warrington; another, the Manchester New College.

Standards were high—so high indeed that many an Anglican family chose to send their sons to these academies rather than to the universities. But it was in the new pattern of their curriculums that they broke most radically with the traditional Oxford plan.

They were in many respects the precursors of contemporary American institutions. Without abandoning the Greek and Latin classics, they began for the first time to emphasize the importance of modern languages as well as the ancient. They introduced English literature and modern history—an extraordinary innovation for the time. Economics appeared, and the beginnings of modern political theory. And above all, they emphasized the physical sciences and their useful applications.

These dissenting academies were the first to attempt an education in the knowledge of their times. And from this intellectual environment came scientists, doctors, inventors, engineers—a new breed of men from whom stemmed in large measure the industrial revolution.

In Birmingham in the 1770's scientists and men of affairs mingled and conversed endlessly, and foremost among them was William Small.

He became an intimate friend of James Watt—the originator of the steam engine in its modern form—and of John Wilkinson, whose boring machine made the Watt engine a commercial success.

With Josiah Wedgwood, who made pottery, with Erasmus Darwin, the grandfather of Charles, with Joseph Priestley, the chemist, he founded the Lunar Society—a short-lived but celebrated dinner club, meeting on nights of the full moon so that members might make their way safely home. Discussion in this group must have been a heady experience. Conversation ranged from the latest work of Priestley on combustion, the experiments of Benjamin Franklin on electricity, the discovery by Dr. Withering—a member—of the action of digitalis on the heart, to the newly published works of Jeremy Bentham on government and Adam Smith on the "Wealth of Nations."

Here, if ever, was a productive union of science and industry, reflecting a passionate interest in science for its own sake, yet responding to a persistent belief that science has an ultimate purpose beyond the satisfaction of simply knowing—that the ultimate value of science is measured in service to man.

All the historical evidence shows that in these gatherings the influence of William Small was profound. He appears "in the deepest sense to have been the spirit that set the meetings in motion. He brought to Birmingham the sense of personal exchange which had meant so much to Jefferson: the sense that science and culture are matters which are learned in conversation rather than in formal teaching."

The legacy he left in Williamsburg was, I believe, an idea of the dignity and importance of useful knowledge. He impressed it upon the mind and character of his most brilliant student, Thomas Jefferson. And in Thomas Jefferson we have the most perfect exemplification of a union of thought and action, of the joining of principle and application.

The measure of a college is read in the lives of its graduates. And the graduates of William and Mary, in the trying, perilous early years of our country, turned their learning to good account in the service of the Nation.

There is one more chapter in the history of William and Mary which bears upon my presence here today.

In 1828 William Barton Rogers, a graduate of the college, succeeded his father as professor of chemistry and natural philosophy—the chair held some 60 years earlier by William Small.

I am sure that all of you know something of the story—how for 7 years Rogers served with distinction on your faculty; how his interest led from physics and chemistry into geology, economic geography, and paleontology; how in 1835 he moved from Williamsburg to the University of Charlottesville where in due course he was elected chairman of the faculty; and how finally he came to Boston to become the founder of the Massachusetts Institute of Technology.

In a very real sense Rogers was the intellectual and spiritual heir of William Small. Few men have foreseen with a more prophetic vision the developing role of science in the political and industrial as well as the intellectual life of the Nation.

It was here in Virginia that his ideas were conceived and began to take form. His concern for the relevance of knowledge was in the tradition of the early masters of the college.

The academic philosophy of MIT today is still guided by a plan of education designed by William Barton Rogers 100 years ago. And through it all is woven the influence of Small—of the men who conversed in the Lunar Society—of the Warrington Academy—of Franklin and Jefferson.

And so we have come full circle to the present. The world in which we now live is not even remotely comparable to that of Blair or Small or even Rogers. And education, no longer solely a privilege of the few, has assumed a dominant and ever-expanding role in our national development.

The change is reflected most dramatically in the colossal increase in the number who seek education and in an overburdening of all our existing resources. In part, of course, this is simply the consequence of our growing population, of a more affluent society, and of the rising aspirations of our people. But more fundamentally, this pressure of numbers arises from a new national need. At the root of the matter is the scientific and technological revolution of our age. This revolution, and all it implies, is transforming the basic process of society, the character of industry, the conduct of politics, and the whole scale of our affairs. It has advanced manyfold the requirements of the professions. Individual and national survival are now directly linked to the quality of education as well as to its universality.

One of the most urgent problems for our generation is how to provide this universality of opportunity in education that was the ideal of Jefferson, to meet the growing demands at every level, and yet to maintain the quality of our standards.

As one observes the current growth and expansion of our universities and our colleges, it is natural to feel a deep concern that the individual may be swallowed up in the anonymity of these vast complexes.

The roots of our American democracy, the strength of our form of society draw upon the individual—upon the diversity of his origins, the variety of his ideas and faiths and beliefs, and the freedom and abundance of opportunity to develop them and to express himself without constraint.

But the diversity of patterns in our historic plan of education—chaotic though it may at times appear—is designed precisely to respond and to encourage this same variety of needs, talents, and ambitions—to recognize that there are many roads to learning. We must at all costs preserve this diversity—and the freedom of choice and action which it allows—not only in the variety of our institutions, public and private, but within the universities and colleges themselves.

These thoughts about the role of the individual lead us directly to another problem arising out of the changing character of our colleges and universities. There is a deep concern on the part of many for the fate of liberal education itself.

Certainly all the forces of development appear to threaten it both as an ideal and as a reality. At the root of the matter, of course, is the tremendous accumulating store of new knowledge, the proliferation of new fields, of new principles, of factual information. The response of education to this great outpouring has in turn been a fragmentation into smaller areas of learning, an increasing emphasis upon early specialization, and the growing importance attached to graduate and postdoctoral study and to research.

Again, it is the new science that has been principally responsible; yet comparable forces of change and expansion are working in every field of scholarship, including the humanities. Much of the old unity is indeed gone forever, and no single man will ever again aspire to the command of all knowledge.

Yet I take a hopeful view. In the progress of modern science one can observe strongly countervailing forces working toward new unities. It is characteristic of the great new advances of recent years that they cut boldly across the traditional boundaries of specialization. Thus, for example, physics, chemistry, mathematics, biology, engineering, and management all enter into the effective outcome of any of our great new ventures into space. Modern medicine is progressing through focusing of many disciplines upon a single problem.

The importance of the individual component is giving way to the larger significance of the system, and it is this larger system—the total problem—that is forcing the synthesis of knowledge and bringing about the new unities.

I should like hopefully to believe that these unifying forces are real and not illusory, that they are the consequence of a deeper insight into the nature of things. As science proceeds, new factual knowledge will continue to be generated in appalling abundance. But as our understanding increases, many of the facts themselves become trivial, and we may put them aside in some storage system for retrieval when we need them.

Surely this constant search for synthesis, for new unities, must be the true road for science and the mission of the university of the future. Otherwise, higher learning will become little more than a jungle of facts and techniques.

At the heart of this whole matter there lies a deeper question. What in fact constitutes a liberal education in a lasting sense? What values do we wish to preserve?

Is a liberal education to be identified solely with the seven traditional arts? These indeed are a means, and indispensable to the well-educated man or woman. But they are not sufficient in themselves, and knowledge alone is not enough.

Liberal education is determined fundamentally not by subject matter but by an attitude towards knowledge and life, a way of approaching new problems, a tolerance and open-mindedness in the endeavor to understand the views of others. Courses not only in science, but also in engineering and other clearly professional fields, can in the hands of a gifted teacher contribute as much to the development of a liberal mind as lectures on Plato or Milton. And it is equally true that history and art and literature may and often are taught in a manner that is both narrow and confining to the spirit. The essence of the matter lies not so much in the content as in purpose.

The basic aim of liberal education is to help the student to learn how to learn, to discriminate between the significant and the trivial, to develop a sense of taste and style in all things, to establish with growing maturity clear and valid goals, and to gather fortitude for the task.

These are the precious values that we wish to conserve. They will not be gained easily by simply reading books. They are the product of the free and constant interchange of ideas between student and teacher, of the environment of a college, of a total experience.

The current and sometimes bitter tensions that have developed of late between the sciences and the humanities represent one special and critical aspect of this whole problem of liberal education. That conflict is by no means merely a child of our own age. In an interesting and very perceptive address at the Rockefeller Institute, Marjorie Nicolson reminds us of the 18th century quarrel of ancients and moderns. Out of that literary controversy came Swift's famous "Battle of the Books"—a satire in which the moderns undertook to displace Homer, Plato, Herodotus, and Livy from their high peak. It was, as Miss Nicolson says, the first skirmish in the long warfare between science and the humanities, anticipating C. P. Snow by some 200 years.

In our day the humanists are prepared to share the peak, and they ask only for "balance." But "balance," as Clark Kerr has remarked in his Godkin Lectures, has never been a static thing. The Renaissance, he points out, changed the balance of the 16th century, and science is changing the balance today.

It is indeed unfortunate that the cultivation or even survival of the old liberal arts should seem to be imperiled by the current prosperousness of science.

Yet I share with President Kerr the view that in this controversy the role of Federal funds and subsidies is greatly exaggerated. Despite the common belief, it has been my observation that the brightest students are influenced in their choice of fields by the prospect of new horizons and exciting ideas. It has been ideas and not simply money that have drawn students into nuclear physics, and I think that there is more than a little significance to the fact that lately the engineers have joined the humanists in lamenting their loss of a place in the sun. The cause of the humanities will not be advanced, nor will we arrive at a desirable balance merely by the expedient of a moratorium on science. And it is folly to imagine that the progress of knowledge can be contained by artificial limits. On the contrary, we must move positively and build upon strength in every field, endeavoring to infuse new life, new interests, and a new relevance in the whole wide spectrum of the arts.

And now upon this note of relevance, I return finally to my original theme—the importance of useful knowledge. We in the academic world are forever confronted with the age-old duality of purpose—the antithesis of knowledge for its own sake and knowledge as a means to a practical end. I am sure that to this audience I need make no plea for the importance of basic research as a national goal and as a function of the college and the university. Men and women will devote their lives to the search for knowledge as an end unto itself, and universities must encourage and protect and support them.

But a university is more than an individual. It is a social institution, and it must serve a larger purpose. The cultivation of learning for itself alone is a necessity but not a sufficient purpose. In his classical work on the "Aims of Education," Whitehead speaks of the evils of barren knowledge.

"The importance of knowledge lies in its use, in our active mastery of it—that is to say, it lies in wisdom. It is a convention to speak of mere knowledge, apart from wisdom, as of itself imparting a peculiar dignity to its possessor. I do not share," he says, "in this reverence for knowledge as such. It all depends on who has the knowledge and what he does with it."

Thus, the final measure of the search is in the service to mankind. And so I believe that a university must concern itself with the transfer of the products of pure scholarship to the satisfaction of human wants. The university should offer a haven to the student and scholar, but it cannot remain isolated and remote from the social and political environment of its time or from the community of which it is a part. In these views I find no inherent conflict, no irreconcilable break with the traditions of liberal education. For the purpose of liberal studies is to provide the kind of understanding by which we learn to judge and shape the conduct of our lives. From them we derive the values and principles that can help us to direct knowledge toward good as well as useful ends. These values must be developed and tested in the real context of the contemporary world.

I have taken William Small today as a symbol as much as a historic man—as one who represented the union in one spirit and mind of the desire to know, to understand, with the urge to apply his learning to useful purposes. He represents the tradition of William and Mary and of its graduates through the years—a tradition which you carry on today in his name.

ADMIRAL WANTED

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CAREY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CAREY. Mr. Speaker, the New York congressional delegation, with the support of city and State officials and leaders in business and labor has been earnestly seeking a fair share of ship repair and construction for the New York Naval Shipyard. Thus far our efforts have met with mute response from the Department of Defense.

The latest blow was the award of the aircraft carrier CVA 67 to the Newport News Shipbuilding Corp. That award was made with the speed of light following bid openings and I believe Congress should take a look at the circumstances of this award.

Bids were submitted by only two firms other than the successful bidder. One bidder had never before built an aircraft carrier and tendered an outlandish offer. The other had had some unpleasant experiences in building a previous carrier and did not even submit an offer.

Hence it appears that Newport News received this award practically by default and at its own figure which may or may not be competitive.

I believe that the Armed Services Committee would do well to inquire into the circumstances of such awards among the hundred leading defense contractors to determine if the intent of Congress in competitive bidding is being followed.

I would like to know personally what special attraction Newport has which has enabled it to achieve a position as a comfortably subsidized public shipyard under private ownership.

I mean in no way to impugn the management or skills of this shipyard.

I am forced to admire the success of this corporation in gaining a backlog of several hundred million dollars of Navy contracts when shipyards in my own area are being dismantled for lack of work.

Frankly, I am looking for the secret weapon that seems to be necessary to convince Defense officials that our 165-year-old shipyard can do an equally good job.

In short, what does Newport have that New York does not?

One thing we lack is a board of directors managing our shipyard and specifically a director who is the retired Chief of Naval Operations.

Without criticism or implication, I note that Adm. Arleigh Burke, who retired in 1961, is a director of Newport News Shipbuilding Corp.

From 1962 to 1963 defense contracts at Newport increased by $36 million. With the award of this new carrier its backlog reaches a new peacetime high.

I do not suggest for a minute that Admiral Burke's activity is in any way questionable and his board membership and Newport's increase may be nothing more than a pleasant coincidence.

Unquestionably, his years of valorous and splendid service to country has given Admiral Burke a capacity for management advice which is of value to defense contractors.

It is just plain good business sense to seek the services of such a man and the corporations which have done so have no cause to regret it.

To the prejudice of no one I note that Admiral Burke is a director of 4 among the Nation's 100 largest defense contractors.

Without comment or connotation I list the levels of defense contracts in those corporations for the years 1962 and 1963.

[In millions of dollars]

	1962	1963
Texaco, Inc.	108.0	120.5
Chrysler	181.5	186.2
Newport News Shipbuilding	185.0	221.0
Thiokol Chemical	178.2	238.6
Total	652.7	766.3

It is significant that the total gain among these corporations in the years cited is over $114 million.

I do not mean to lend any interpretation to these figures that would suggest any colorable activities on the part of Admiral Burke. It just seems too bad that there are not enough retired admirals to go around and that the New York Naval Shipyard and other naval shipyards are forced to operate without a board of directors or friends at court.

Before these shipyards are lost to our Nation forever I believe that the administration, Congress, and in particular the Committee on Armed Services, should take a hard look at the shift of work away from the yards, particularly through noncompetitive bidding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. King of California (at the request of Mr. Albert), from May 6 through the balance of the week, on account of official business.

Mr. Hagan of Georgia (at the request of Mr. Albert), for today, on account of official business.

Mr. Harsha for Thursday, May 7, 1964, on account of official business with the President in Ohio.

Mr. Oliver P. Bolton (at the request of Mr. McCulloch), for today, on account of official business attending the Appalachia Conference at Athens, Ohio.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Ichord (at the request of Mr. Delaney), for 30 minutes, on Monday, May 11.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Riehlman and to include a survey he has taken in his congressional district.

Mr. Philbin.

(The following Member (at the request of Mr. Beermann) and to include extraneous matter:)

Mr. Cunningham.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Grant.

Mr. Moorhead.

Mr. Sickles.

Mr. Daniels.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (alias John Mihai);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Dr. Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, May 11, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2039. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program to Ethiopia, showing that substantial quantities of equipment have been furnished in excess of the country's ability to effectively utilize and maintain the equipment; to the Committee on Government Operations.

2040. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program for Indonesia, showing that military assistance has been provided to the Government of Indonesia under Presidential determinations, without regard to the other requirements of the act, as authorized by section 614(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2311); to the Committee on Government Operations.

2041. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1965 in the amount of $800,000 for the General Services Administration and $100,000 for the Securities and Exchange Commission (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

2042. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to certain plans for works of improvement relating to the following watersheds: Lee-Phillips, Arkansas; Prairie Creek, Ind.; Little Choconut, Finch Hollow, and Trout Brook, N.Y.; Patterson, Brixius, Grey Creek, N.Y.; Dunn Swamp and Cedar Branch tributaries, North Carolina; and Lyon Swamp-White Oak Swamp, N.C., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2043. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to certain plans for works of improvement relating to the following watersheds: Buckeye, Arizona; Lower Bayou, Okla.; Upper Bayou, Okla.; Okmulgee Creek, Okla.; and Turkey Ridge Creek, S. Dak., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2044. A letter from the Secretary of the Air Force and the Secretary of Agriculture, transmitting a notice of the intention of the Department of the Air Force and the Department of Agriculture to interchange jurisdiction of military and national forest lands, as authorized by law, within the boundaries of the Black Hills National Forest, Wyo., pursuant to 70 Stat. 656; to the Committee on Agriculture.

2045. A leter from the Secretary of the Treasury, transmitting a draft of a proposed bill to eliminate the requirement for notice of shareholders meeting by certified or registered mail; to the Committee on Banking and Currency.

2046. A letter from the Comptroller General of the United States, transmitting a report on the review of the unnecessary costs incurred through leasing rather than purchasing of electronic data processing equipment at the Evanston, Ill., commodity office of the Agricultural Stabilization and Conservation Service, Department of Agriculture; to the Committee on Government Operations.

2047. A letter from the Administrator, Federal Aviation Agency, transmitting the Fifth Annual Report of the Federal Aviation Agency, covering fiscal year 1963, pursuant to section 313(e) of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

2048. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill to transfer certain functions of the Secretary of the Treasury, and for other purposes; to the Committee on the Judiciary.

2049. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of a proposed bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 11175. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

H.R. 11176. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. ASPINALL (by request):

H.R. 11177. A bill to provide for the restriction of certain areas in the Outer Continental Shelf (known as the Atlantic Missile Range) for defense purposes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 11178. A bill to clarify the definition of the words "initiation fees" as used in part II of the Internal Revenue Code; to the Committee on Ways and Means.

H.R. 11179. A bill to amend the District of Columbia Teachers' Leave Act of 1949 to remove certain limitations, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOLIFIELD (by request):

H.R. 11180. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. O'BRIEN of New York:

H.R. 11181. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11182. A bill to extend the judicial district of Hawaii to include American Samoa; to the Committee on the Judiciary.

By Mr. RYAN of Michigan:

H.R. 11183. A bill to amend the act of September 30, 1961, as it affects televising of professional football games in competition with certain interscholastic football games; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 11184. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. AYRES:

H.R. 11185. A bill to amend the Technical Amendments Act of 1958 to extend the period during which section 1306 of the Internal Revenue Code of 1954 (as enacted by such act) was effective; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 11186. A bill to incorporate the Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

H.J. Res. 1022. Joint resolution authorizing the establishment of a National Railroad Museum in the city of Oneonta, N.Y.; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 298. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

H. Con. Res. 299. Expressing the sense of Congress with respect to the persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 11187. A bill for the relief of Ioannis Vasiliou; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 11188. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Lt. Col. Harry L. Haverstick against the United States; to the Committee on the Judiciary.

H.R. 11189. A bill for the relief of Charlotte Beulah Norrthon; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 11190. A bill for the relief of Hamendra C. Parikh; to the Committee on the Judiciary.

H.R. 11191. A bill for the relief of Henry Ramon Lara, M.D.; to the Committee on the Judiciary.

H.R. 11192. A bill for the relief of Tsu Hsien Wong and his wife, Chin Lee Wong, and their child, Leonora Wong; to the Committee on the Judiciary.

H.R. 11193. A bill for the relief of Ilias Kiriakow and his wife, Maria Kiriakow, and their children, Xristin, Markos, and Emelia Kiriakow; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 11194. A bill for the relief of Antonio Forlini Santopietro and his wife, Annita Lombardi Santopietro, and their children, Giuseppina Forlini Santopietro, Rosa Forlini Santopietro, and Giovanni Forlini Santopietro; to the Committee on the Judiciary.

By Mr. ELLSWORTH:

H.R. 11195. A bill for the relief of Mrs. Eleni Bacola Ciacco, M.D.; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 11196. A bill for the relief of Alton G. Edwards; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 11197. A bill for the relief of Mrs. Huldah C. Pearson; to the Committee on the Judiciary.

H.R. 11198. A bill for the relief of Anderson G. Matsler, sergeant major, retired; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 11199. A bill for the relief of the estate of Donovan C. Moffett; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 11200. A bill for the relief of Mrs. Anisse Nichan Vizoyan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

886. By the SPEAKER: Petition of D. Richard Simeone, health officer-secretary, Board of Health, Cliffside Park, N.J., relative to their sincere appreciation of the valued services rendered by the late General Douglas MacArthur as a loyal soldier and a dedicated servant and patriot of our Nation; to the Committee on Armed Services.

SENATE

THURSDAY, MAY 7, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. John T. Tavlarides, dean, St. Sophia Greek Orthodox Cathedral, Washington, D.C., offered the following prayer:

Glory to Thee, O God Almighty, for Thou art the Father and our hope, Thou art the Son and our refuge, Thou art the Holy Spirit and our protection.

Surely Thou art our hope as You order our lives according to Your commandments, making our motivations pure and our decisions right ones, as You illuminate us with a watchful mind, a prudent reason, and a vigilant heart.

Surely Thou art our refuge as Your goodness and compassion and forgiveness are manifest in the sanctification of our souls, in the purification of our minds, and in the correction of our thoughts to do justice to all those entrusted to us and to make America a laboratory of salvation from want and hopelessness.

Surely Thou art our protection, as we wrestle with the vexations of our conscience and seek to elicit certainty and truth from the turbulence of our responsibilities in this august body of the senatorial dignity. Because our fallibility has treacherously betrayed us, we must fear to do our bidding and not Yours.

Hearken to our petitions and deliver us from evil and pain and surrender to hopelessness.

Grant peace to the world and to our spirit.

Increase the spiritual stability of the American people.

Enlighten us, Your servants in the U.S. Senate, to please You first and always. We pray for those who love us and for those who hate us, for those who take pity upon us and those who cause us to suffer, for those in concord with us and for those in disagreement with us. For all these and for ourselves we pray and say: Lord, have mercy; Lord, have mercy; Lord, have mercy. Amen.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 6, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 9280) for the relief of Donald J. Kent, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9280) for the relief of Donald J. Kent, was read twice by its title and referred to the Committee on the Judiciary.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be a morning hour, under the usual circumstances, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its work today, it stand in recess until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new reports on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the new report of nominations on the Executive Calendar will be stated.

FARM CREDIT ADMINISTRATION

The Chief Clerk proceeded to read sundry nominations in the Farm Credit Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. Mansfield, the Senate resumed the consideration of legislative business.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 205 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ervin
Fong
Gore
Gruening
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Kennedy
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Nelson
Neuberger
Pastore
Pearson
Pell
Ribicoff
Saltonstall
Scott
Smith
Sparkman
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Fulbright,] the Senator from Louisiana [Mr. Long], the Senator from West Virginia [Mr. Randolph], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], the Senator from Mississippi [Mr. Stennis], and the Senator from Tennessee [Mr. Walters] are absent on official business.

I also announce that the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Louisana [Mr. Ellender], the Senator from Indiana [Mr. Hartke], the Senator from North Carolina [Mr. Jordan], the Senator from Arkansas [Mr. McClellan], the Senator from Michigan [Mr. McNamara], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Kentucky [Mr. Cooper], the Senator from New York [Mr. Keating], the Senator from California [Mr. Kuchel], the Senator from New Mexico [Mr. Mechem], the Senator from Vermont [Mr. Prouty], and the Senator from Texas [Mr. Tower] are detained on official business.

The Senator from Arizona [Mr. Goldwater], the Senator from New York [Mr. Javits], and the Senator from Wyoming [Mr. Simpson] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate a communication and the following letters, which were referred as indicated:

Proposed Supplemental Appropriation, 1964, for Department of State (S. Doc. No. 71)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1964, in the amount of $41,400,000, for the Department of State (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Plans for Works of Improvement in Various States

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Lee-Phillips watershed, Arkansas, Prairie Creek, Ind., Little Choconut, Finch Hollow, and Trout Brook, N.Y., Patterson, Brixius, Grey Creek, N.Y., Dunn Swamp and Cedar Branch tributaries, North Carolina, and Lyon Swamp-White Oak Swamp, N.C. (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Notice of Intention of Interchange of Jurisdiction of Military and National Forest Lands

A letter from the Secretary of the Air Force and the Secretary of Agriculture, reporting, pursuant to law, on the notice of intention of those Departments to interchange jurisdiction of military and national forest lands (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Federal Aviation Agency

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for fiscal year 1963 (with an accompanying report); to the Committee on Commerce.

REPORT ON REVIEW OF THE MILITARY ASSISTANCE PROGRAM FOR INDONESIA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on a review of the military assistance program for Indonesia (with an accompanying report); to the Committee on Government Operations.

REPORT ON FURNISHING OF MILITARY ASSISTANCE TO ETHIOPIA IN EXCESS OF THE COUNTRY'S ABILITY TO EFFECTIVELY UTILIZE THE EQUIPMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the furnishing of military assistance to Ethiopia in excess of the country's ability to effectively utilize the equipment (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED THROUGH LEASING RATHER THAN PURCHASING CERTAIN ELECTRONIC DATA PROCESSING EQUIPMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred through leasing rather than purchasing electronic data processing equipment at the Evanston Commodity Office of the Agricultural Stabilization and Conservation Service, Department of Agriculture, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

TRANSFER OF CERTAIN FUNCTIONS OF SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to transfer certain functions of the Secretary of the Treasury, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Buckeye watershed, Arizona, Lower Bayou watershed, Oklahoma, Upper Bayou watershed, Oklahoma, Okmulgee Creek, Okla., and Turkey Ridge Creek, S. Dak (with accompanying papers); to the Committee on Public Works.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, from Charles Kessler, College Point, N.Y., relating to the Alaskan disaster; to the Committee on Appropriations.

A letter, in the nature of a petition, from Hilary J. Deason, secretary of the convention, Diocese of Washington, Mount St. Alban, Washington, D.C., relating to enactment of the civil rights bill; ordered to lie on the table.

WOMAN'S DEPARTMENT OF EL PASO CHAMBER OF COMMERCE URGES GUADALUPE NATIONAL PARK—RESOLUTION

Mr. YARBOROUGH. Mr. President, I am deeply gratified by the almost unanimous support being given to the creation of a Guadalupe Mountains National Park in west Texas. My bill, S. 2296, would preserve some 70,000 acres of this picturesque mountain range. Among the most recent of the many resolutions that have been passed endorsing the proposal is one from the Woman's Department of the El Paso Chamber of Commerce. I ask unanimous consent that it be printed in full at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF WOMAN'S DEPARTMENT, EL PASO CHAMBER OF COMMERCE

Whereas the proposed Guadalupe National Park is an area unique in history, geology, flora, and fauna; and

Whereas it is presently in an undisturbed, primitive, native state; and

Whereas it is one of the few surviving areas of its kind in this Nation; and

Whereas it is practical and possible at this time to preserve it for future generations; and

Whereas it is clearly in the national interest that this be done: Now, therefore,

The Woman's Department of the El Paso Chamber of Commerce does by this resolution endorse and commend the proposed Guadalupe National Park, and urge its incorporation within the national park system.

MRS. RICHARD G. MILLER,
Chairman-Director, Woman's Department of the El Paso Chamber of Commerce.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MECHEM, from the Committee on Agriculture and Forestry, with amendments:

S. 2370. A bill authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorized appropriations for that purpose (Rept. No. 1021).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 2813. A bill to amend title 18 of the United States Code so as to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency; to the Committee on the Judiciary.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. CURTIS:

S. 2814. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to private nonprofit libraries for the blind; to the Committee on Government Operations.

(See the remarks of Mr. CURTIS when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 2815. A bill for the relief of Mehdi Heravi; to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 2816. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. INOUYE:

S.J. Res. 175. Joint resolution to authorize the President to issue annually a proclamation designating the last week in June of each year as "National Environmental Health Week"; to the Committee on the Judiciary.

PROHIBITING UNAUTHORIZED USE OF THE GREAT SEAL OF THE UNITED STATES

Mr. HARTKE. Mr. President, some time ago it was brought to my attention that although the first legislation concerning the great seal of the United States dates from September 15, 1789, there has never been a statutory provision concerning reproduction of the design of the great seal for private purposes. Over the years the Department of State, in whose Secretary, custody of the great seal die and press are entrusted, has received hundreds of complaints and inquiries about commercial reproduction of this symbol of the U.S. Government.

Various organizations and individuals have reproduced the seal for their private purposes; and although the Department of State has sought to dissuade such private and unauthorized use, it has never had any statutory power to prevent these abuses. Facsimiles of the great seal have been used on letterheads, program cards, and newspaper advertisements. Its commercial use has been sought for reproduction in connection with merchandise such as jewelry and leather goods.

When this matter came to my attention, Mr. President, I made inquiry of the State Department, whose reply notes various instances of exploitation of the Federal coat of arms and states:

> Such instances of private exploitation or proposed exploitation of the coat of arms are becoming more numerous and more various.

And adds—

> The Department is convinced that the Government should begin to exercise suitable control over use of the coat of arms.

The letter, signed by Assistant Secretary of State Frederick G. Dutton, concludes:

> The coat of arms of the United States is unique in that it belongs not to any department, agency, or other unit of the Government, but to the Government as a whole. Accordingly, the Department feels that the Government needs legislation to control the use of the coat of arms for private purposes.

Therefore, Mr. President, I introduce—for appropriate reference, to accomplish this end—a bill to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency. I ask unanimous consent that the letter of Secretary Dutton, to which I have referred, be printed following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 2813) to amend title 18 of the United States Code so as to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter presented by Mr. Hartke is as follows:

April 13, 1964.

Dear Senator Hartke: Thank you for your letter of April 4, 1964, requesting comment on a suggestion for a law to regulate reproduction of the Great Seal of the United States for private purposes.

Legislation concerning the use of the original Great Seal of the United States dates from September 15, 1789. An act of Congress approved that day placed the Great Seal in the custody of the Secretary of State and provided that it should be affixed only to documents of certain kinds and then only on the authority of the President's signature. The relevant provisions of law today are title 4, sections 41 and 42, of the United States Code.

The device or design of the obverse of the Great Seal is the coat of arms of the United States. The coat of arms is an official emblem, mark of identification, and symbol of the authority of our Government. The Government displays the coat of arms on currency, stationery, publications, military uniforms, public monuments, public buildings, and other property that it issues, owns, or uses. The coat of arms today connotes Federal property, ownership, or authority, or some other direct relationship to the U.S. Government.

While the Great Seal die and press are in the custody of the Secretary of State, and their use is strictly guarded by law, there is not now and never has been any statutory provision controlling the reproduction of the seal design (the coat of arms) for private purposes.

The question of use of the coat of arms of the United States for private purposes is an old and recurring one. The Department has never objected to private reproduction of the device for purely educational, informative, or patriotic purposes, as in textbooks, in encyclopedias, or on monuments to war heroes. As a matter of longstanding policy, however, the Department, when asked its opinion, has tried to discourage the use of the coat of arms in advertising or in any other form of private commercial exploitation. One reason for this policy is that such use gives the public the false impression of Government participation in or endorsement of a private business undertaking. At the same time, the Department has for many years indicated that it is not authorized by law either to grant or to withhold permission to reproduce the device for private purposes. In other words, it cannot enforce its policy.

Regarding the need for legislation, the Department has noted, or has had brought to its attention, numerous instances of employment of the coat of arms in ways which it considers inappropriate. These instances, most of them in advertising matter, include use by a motel in North Carolina, a book publisher, an insurance company, a Washington restaurant, and firms manufacturing wall plaques, paperweights, ashtrays, phonograph records, greeting cards, and costume jewelry. Such instances of private exploitation or proposed exploitation of the coat of arms are becoming more numerous and more various. The Department's traditional endeavor to deal with the situation by means of moral suasion results in unfairness through disadvantage to those persons and firms that abide by the Department's request to desist. The Department is convinced that the Government should begin to exercise suitable control over use of the coat of arms.

In some areas the Government is now dealing effectively with a similar problem regarding the seals and emblems of Federal departments, agencies, and other organizational units, especially those pertaining to the armed services. It has been able to do so at this lower level because statutes authorize the formulation and enforcement of regulations controlling reproduction of these devices, including the seal of the Department of State. Some of this authority lies in title 18, section 701, of the United States Code. The Veterans' Administration and the Air Force, however, cite as the basis for the regulations they have issued regarding their devices simply the provisions of law that give the heads of those agencies authority generally to perform their duties (United States Code, title 38, sec. 210, and title 10, sec. 8012).

The coat of arms of the United States is unique in that it belongs not to any department, agency, or other unit of the Government, but to the Government as a whole. Accordingly, the Department feels that the Government needs legislation to control the use of the coat of arms for private purposes.

If I can be of further help to you at any time, please do not hesitate to call on me.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

AMENDMENT OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. CURTIS. Mr. President, there is a very fine institution in Lincoln, Nebr., which for many years has published books in braille, primarily religious publications, for individuals of all ages. The institution serves many denominations. Their braille publications, religious in nature, go all over the world.

I find upon checking the statute that all other libraries and educational institutions are eligible for consideration with regard to the distribution of surplus property. But the act is not sufficiently broad enough to cover an institution such as this.

Therefore, I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949 relating to surplus property.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2814) to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to private nonprofit libraries for the blind, introduced by Mr. Curtis, was received, read twice by its title, and referred to the Committee on Government Operations.

CIVIL RIGHTS—AMENDMENTS

Mr. MILLER submitted amendments (No. 575), intended to be proposed by him, to the amendment numbered 513 to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. PROUTY submitted an amendment (No. 576), intended to be proposed by him, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. SMATHERS submitted amendments (No. 577), intended to be proposed by him, to the amendment numbered 513 to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. SMATHERS submitted three amendments (Nos. 578, 579, and 580), intended to be proposed by him, to House bill 7152, supra, which were ordered to lie on the table and to be printed.

Mr. TOWER (for himself and Mr. Thurmond) submitted an amendment (No. 581), intended to be proposed by them, jointly, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

ESTABLISHMENT OF NATIONAL ECONOMIC CONVERSION COMMISSION—ADDITIONAL COSPONSOR OF BILL

Mr. McGOVERN. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from New Hampshire [Mr. McIntyre] be added to the bill (S. 2274) to establish a National Economic Conversion Commission, and for other purposes.

The PRESIDING OFFICER (Mr. Inouye in the chair.) Without objection, it is so ordered.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1964—ADDITIONAL COSPONSORS OF BILL

Under authority of the orders of the Senate of April 29 and May 4, 1964, the names of Mr. Bartlett, Mr. Bayh, Mr. Burdick, Mr. Dodd, Mr. Hart, Mr. Hartke, Mr. Humphrey, Mr. Inouye, Mr. Johnston, Mr. Kennedy, Mr. Magnuson, Mr. McCarthy, Mr. McGovern, Mr. McNamara, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nelson, Mrs. Neuberger, Mr. Pastore, Mr. Pell, Mr. Ribicoff, and Mr. Williams of New Jersey were added as additional cosponsors of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, introduced by Mr. Randolph (for himself and other Senators) on April 29, 1964.

A DANGEROUS SOLUTION

Mr. TALMADGE. Mr. President, one of the most iniquitous provisions of the so-called civil rights bill now pending before the Senate is the so-called fair employment practices section embodied in title VII of the bill.

If enacted, this legislation would make the Federal Government a senior partner in virtually every business in the country which employed 25 or more persons. Federal commissioners would be given the power to dictate to private businessmen whom they must hire, and the conditions of employment in almost every regard. Lost in the process would be the right of employers and employees and labor unions to decide employment matters in accordance with their own free will and according to the dictates and needs of those persons concerned.

Mr. President, there appeared in the May 4 issue of the Columbus, Ga., Enquirer an excellent editorial calling attention to the dangers of this so-called FEPC legislation. As stated by the Enquirer, title VII is not only a bad solution, but it is a dangerous proposal.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INEFFECTIVE—AND DANGEROUS

I

One of the most convincing arguments against the FEPC provision of the civil rights bill is the dismal failure of State FEPC laws in improving the job situation for Negroes.

Alabama Senator JOHN SPARKMAN, in speaking against the bill last week cited the unemployment rate for Negroes in those States with FEPC laws as compared with States that have no FEPC.

The figures are taken from the last census, but they are proportionately true today as well.

Highest nonwhite unemployment was in States with large Indian populations but few Negroes. North Dakota, 25.2 percent nonwhite unemployment, was the worst. Montana, 24.8; and South Dakota, 28.8; followed.

White unemployment in these States was sharply below nonwhite: North Dakota, 5.6; Montana, 6.8; and South Dakota, 4.1. Although these States do not have FEPC laws or commissions, States that do have them reported higher nonwhite unemployment than Southern States.

To list a few: California, 10 percent nonwhite unemployment; Illinois, 11.5; Maine, 17.8; Michigan, 16.3; Ohio, 11.9; and Washington State, 13.4.

For comparison, consider that Georgia in the same period had only 6.3 nonwhite unemployment; Alabama, 8.4; Florida, 6.7; Louisiana, 9.5; Mississippi, 7.1; South Carolina, 5.7.

These figures are taken from the CONGRESSIONAL RECORD of April 21, and were inserted by Senator SPARKMAN. They had earlier been put in the RECORD by Senator ALLEN ELLENDER, of Louisiana, and have not been challenged by proponents of the bill. They are taken from Federal statistics.

Senator JOHN STENNIS, of Mississippi, pointed out from the figures, that 24 of the 25 States with FEPC laws had higher nonwhite unemployment rates than his home State, which has the largest percentage of nonwhite population.

Equally impressive was the fact that the differential between white and nonwhite unemployment in Mississippi was smaller than in most of the FEPC States.

II

The arguments against the so-called fair employment section of the rights bill are too powerful to be ignored by even the most ardent supporter.

The section's objective is to insure by law that employers or unions will select their workers without considering race or color.

This is a sword that cuts many ways. Selection based partially on race w[illegible] common for many of the nationalities t[illegible] have blended into the melting pot of [illegible]ica. Indeed, white Anglo-Saxons do [illegible] have access to all areas of employment [illegible]ness.

And as has been often poin[illegible]out, the Train Porters Union, headed [illegible] crusading Philip Randolph, admits no whites to its ranks.

Admittedly, employers discriminate on the basis of race, but the Negro is not the only victim. The Indian suffers to an even greater degree.

But the presence of a problem, or transgression, does not necessarily indicate that a governmental solution is either possible or desirable.

FEPC laws on the State level have proven a sorry solution, and there is little reason to believe they would be more successful from the Federal level—unless the Government simply took over the hiring and firing policies of some firms by sheer force.

It might be done in the name of justice, with high and noble motives. But that is the way of dictators, who invariably advertise their actions for the public's good.

III

President Kennedy did not include the FEPC provision in his original bill.

It should be completely omitted. It is a bad solution for an admitted problem—but even worse, it is a dangerous solution.

Bare unemployment figures do not tell the full story of the Negro's economic conditions, of course, but he is as much the victim of the agricultural revolution, as his skin color, and the remarkable fact is that Southern States have been able to control their unemployment as well as they have, both for whites and nonwhites.

But the essential question raised by the FEPC section is not whether there is discrimination, but whether a law on the subject can be effective or proper—or worth the risk to the overall freedom of the Nation?

SLAYING OF INVESTIGATOR FOR NEW YORK CITY WELFARE DEPARTMENT

Mr. DOUGLAS. Mr. President, on April 10 Miss Eileen Johnston, daughter of Mr. and Mrs. J. M. Johnston, of Elgin, Ill., was stabbed to death in the Harlem section of New York City. Mrs. Douglas and I have received the following letter from Mrs. Johnston, addressed to my wife, which I should like to read into the RECORD:

MAY 1, 1964.

DEAR MRS. DOUGLAS: I am writing this to you in the hope the message may get to your husband, Senator DOUGLAS.

Our daughter, who was 28 years old and a case investigator for the New York City Welfare Department was slain in Harlem on April 10. She was with a group of fellow workers and apparently was stabbed because of her white face. The news breaking today seems to indicate other white people have been slain, too, by a young group of Negroes incited by Black Muslim groups.

We are heartbroken about our daughter because she was so anxious to help the civil rights cause, and she was such a wonderful person—such a waste. If the civil rights bill had been passed, these people might be alive today. How many more people must be slain before white people wake up to the fact that we are not going to have even a semblance of peace in our country. This summer will be tragic in New York City and Chicago if the civil rights bill is not passed soon.

I realize you agree and sympathize with us, Mrs. Douglas, but thought perhaps a personal tragedy might help the Senator in preparing a speech for the bill.

We blame our daughter's death on the extremists in both black and white groups. Somehow or other, the moderate reasoning man must be heard.

Sincerely yours,

(MRS. J. M.) BLANCHE H. JOHNSTON.

This letter is beyond and above all praise. It would have been very easy, and indeed natural, for Mr. and Mrs. Johnston to have yielded to anger and to a desire for vengeance. The guilty should, of course, be detected and punished to the full extent of the law. Let there be no mistake about that. But the Johnstons looked below the surface of the terrible crime to the deep social and psychological reasons why many Negroes have been filled and are filled with hatred of the white race. This has been created by many centuries of brutal wrongs which many whites have perpetrated upon the Negroes. And while it is undoubtedly true that the mere passage of the civil rights bill would not remove these deep feelings of anger and of wrongs, stretching over the centuries, it is nevertheless true that the passage of the civil rights bill will be some slight contribution toward healing the feelings of bitterness between the races which has grown up.

Medgar Evers and the four little Negro children of Birmingham were martyrs on the one side as Eileen Johnston has been on the other. Can we not learn from these human sacrifices? The nobility of Miss Johnston's parents should make us all better men and women.

DR. BENJAMIN SPOCK ON CHILDREN AND DISCRIMINATION

Mr. YOUNG of Ohio. Mr. President, Dr. Benjamin Spock, of Cleveland, Ohio, is universally recognized as one of the outstanding pediatricians in the world today. His contributions to medicine and to the welfare of millions of children living today and to generations yet unborn have been immense.

Dr. Spock has not limited his good work to the field of medicine. He has also devoted a great deal of his time and efforts to other problems affecting all Americans, and indeed all mankind. He has given of himself tirelessly to many worthwhile organizations and causes and today is in the forefront of those citizens active in the struggle for civil rights for all Americans.

On May 2, 1964, Dr. Spock spoke at the Lutheran Church of the Reformation, a few blocks from the Capitol, on discrimination and its effect on children. Surely, no man is more qualified to discuss and analyze this vitally important subject. His address was part of the civil rights program being conducted by religious leaders of all faiths. I commend it to my colleagues and ask unanimous consent that it be printed in the Record as a part of my remarks.

There being no objection, the address was ordered to be printed in the Record, as follows:

CHILDREN AND DISCRIMINATION

Children are affected by discrimination in different ways. Psychological studies have shown that the Negro child in America becomes convinced at an early age that he is inferior, because of the color of his skin. The belief will come partly from the treatment he receives from white children and adults, partly from what his parents must tell him directly, or indicate to him indirectly. What this really means is that the Negro child becomes prejudiced against himself, at the start of life, by accepting the white man's prejudice against him. At a later age period, experiments involving Negro and white students who take tests in each other's presence show that a Negro who actually scores just the same as a white student will characteristically rate his own performance as inferior. This unrealistic sense of inadequacy gets expressed, of course, in low expectations for himself in school and career. It also follows that each Negro comes to think less well of his family, his friends, his race, than they deserve. And he himself is similarly held in lowered esteem by them. So there is a vicious cycle in operation, which keeps the self-confidence of all members of the race depressed.

Human beings are strongly influenced by what others expect of them. This has been demonstrated in a variety of natural situations and also in experiments. When they feel that others expect them to behave well or to achieve highly, they tend to meet the challenge. If others expect them to be loafers or scoundrels—even though they are really high-principled—they let down their standards to some degree. It's bad enough, for instance, when the community expects further delinquent behavior from a youth of any color who has already served time in a training school, because this helps to discourage him and make him cynical ("What's the use of trying if that's what they think of me!"). But to a degree this is his own fault because he did get himself into trouble before. On the other hand, there are many white people who expect most Negro youths to be lawless because of their skins. This surely increases to some degree their temptation to misbehave, as it would increase the temptation of white youths. The reason the great majority of Negroes don't succumb is that they are actually brought up with such extra high standards of behavior that the liability is canceled out. A physician who takes care of both white and Negro children can easily see that conscientious Negro parents instill a greater obligation to lawfulness and politeness than white parents need to do. They must do this, they explain, because Negroes will be blamed first whenever there is trouble.

To me it seems remarkable that most Negro children grow up not only conscientious but unhostile—friendly. It speaks for the parents' maturity and their forgiveness toward white people that they haven't instilled a fierce hatred of the race which has deprived them and insulted them for so long. How do they manage to teach their children that God is in heaven and that human beings are generally trustworthy? I doubt if I could have done it, if I had had to prepare my sons for what Negro youths must face.

What I said about the effect of the community's expectation on whether a child will be law abiding has also been shown to be clearly true of schoolwork. If a teacher believes that a certain student—of whatever color—is stupid, even though he really has a satisfactory aptitude, his actual performance in that classroom will be poor. He will also appear stupid to a visitor to the class. He will have a dull look in his eye and an inattentive manner. He is not dull, and not even inattentive. He is reacting to the explicit or implicit scorn of the teacher with a resentment which he does not express openly because he is too polite. His restrained resentment takes the form of seeming to ignore the teacher and the teaching material. Experimental projects carried out by the Bank Street College of Education in New York have shown that some of the most withdrawn and indifferent Negro pupils can respond dramatically to teachers who like them, believe in them, and will go halfway to find their interests.

It is easy to see why racial discrimination undermines Negro children. But it's also true—though not as easily visible—that it is harmful to white children, too. When they are taught that Negroes are dirty or diseased or bad, they are really being taught that they must be afraid of them. This kind of fear also produces hate. Back in the olden days some parents tried to make their children behave by threatening that the policeman would get them, or the bogeyman. Then they came to realize that fearfulness in the child is too great a price to pay for obedience. In modern times most religious teachers have refused to instill the fear of hell fire or the fear of an angry God, sensing that these dreads will impair a child's character rather than strengthen it.

There are parents who don't teach a specific fear of Negroes but who show by their manner that they feel more uneasy, for instance, if they find their children playing with an unknown Negro child than with an unknown white child. In discussing the news of the day they may use a tense tone in mentioning the entrance of Negroes into a local school or residential district. These vague expressions of apprehension are as disturbing to children as specific fears, sometimes more so. Children have had less experience with the world, so their imaginations are less realistic, more morbid. A parent's reference to obscure danger may arouse fantastic alarms in a young child's mind. It has been learned, for example, what terrifying ideas they will formulate about a relatively simple operation like removal of tonsils and adenoids. We must go a step further and recognize that the mere fact that a white child's parents don't meet Negroes socially will give him a slight sense of strangeness and uneasiness, which most of us realize is still in us in adulthood when we try to overcome this social barrier.

We have plenty of evidence that children turn out most successful—occupationally, socially, academically, emotionally—if they can grow up feeling that there are no ordinary situations they can't cope with adequately, no people that they can't deal with agreeably. For their own sakes they should be able to feel this way about Negroes—as well as about white people of different backgrounds and manners.

Another harm to the white child in learning prejudice is that it gives him a scapegoat for his own inadequacies. When I hear an adult sneer at Jews or Catholics I feel embarrassed for him that he has revealed so publicly his uncertainty about his own worth and that he has to take such a childish and spiteful way to try to overcome it. The capable and confident person doesn't need to boost himself by trampling on others. It's healthier for children to grow up believing that they must prove their capabilities, rather than that they can claim superiorities that have no basis in reality.

Some honest parents say, "I don't particularly want to teach my child prejudice and I regret the damage that discrimination does to Negroes. But I'm still not for integration of schools because I fear its effect on my child's education."

This fear has been based primarily on the knowledge that Negro children on the average have lower scores on intelligence tests and show less academic aptitude than average white children. In actuality there are very bright Negro children, as well as average and dull ones—the same range as for white children. But there is a larger proportion of Negroes in the lower brackets and this is what brings the average down. There is no proof, however, that Negroes are innately less endowed with gray matter. Most psychologists believe that the intellectual and academic differences are explained by cultural deprivation of the Negro. I agree with this view. The study which particularly impressed me (regarding the power of environment to influence intelligence) showed that a group of white children, born illegitimately to mentally retarded mothers but adopted into above-average families, developed intelligence roughly similar to those of their adopting parents. The majority of Negroes are up against multiple cultural disadvantages: poor education, irregular and low-paying jobs, poverty, crowded living quarters, no tradition of reading books, little intellectual stimulation, no hope for betterment, the constant humiliation from the white world. Children from any background would be unable to develop superior intelligence if brought up in such an environment. Other groups in America's past have started from poverty and slums, but they were able to escape as soon as they learned American ways and developed capabilities. The Negro because of his skin is chained to a slippery incline. He must struggle excessively to climb upward, but if he or his children are not able to persevere they'll slide to the bottom again.

Actual studies of the effects of integration of schools, in Louisville and Washington, show academic improvement for the Negroes and no academic disadvantage for the white children. The improvement in the Negroes was anticipated, because a great majority of Negro schools in the past have been inferior—in equipment, in the level of training of their teachers, in the morale of teachers and pupils, as well as in the readiness of the pupils to learn. So integration provided better teaching and also new hope.

As to why the school progress of the white children was not slowed there are reasonable explanations:

Since the work of the Negro children improved, the difference between them and the white children was minimized.

Since the neighborhoods where Negroes of limited educational background live are usually nearest to neighborhoods where whites of limited educational backgrounds live, the Negro children who are less advanced scholastically will usually be integrated into nearby schools where the white children are also less advanced.

Even when children with widely different aptitudes do go to the same school, as is true, for instance, of the single high school in small cities, they will usually become separated into more advanced and less advanced classes.

In other words, the quicker children and the slower children—either Negro or white—will rarely be combined in the same classrooms. Of course, any classroom will have children with a moderate range of aptitudes. That's why, in many school systems, the class is divided into subgroups. Even when children of widely different aptitudes are combined in the same class it has been shown in experiments that a good teacher can move them all along at their different rates, provided there aren't too many in the class. This was the system in the little red schoolhouse of hallowed fame.

Residential integration is often opposed by conscientious parents in a neighborhood of private homes for fear that the supposed delinquency of Negro children may prove contagious to their own. This is the most unlikely danger of all. Negro parents have at least as high standards for their children's behavior as white parents of the same educational and economic level. The Negro children who are involved in delinquency are not those whose parents can afford to buy homes. They are predominantly from the lowest economic level and from broken families, as are the white children who become delinquent.

I am saying that the fears of white parents about school and residential integration are not justified by theory or experience. To those parents who say, "I still want to postpone it," there are several answers:

The social tensions and the harm to adults and children, white and Negro, which result from segregation are not stationary today—they are increasing steadily.

Because automation is eliminating the unskilled jobs upon which Negroes have had to depend, there is now chronic, demoralizing unemployment for them, which contrasts more and more glaringly with the mounting prosperity of the rest of the population.

These excessively disadvantaged Negroes are the least able to inspire in their children a conviction about the value of schooling. Their children are further alienated when their teachers are uninspired or prejudiced or antagonistic. They drop out of school in adolescence, find no work, lose hope, and get into trouble because there is no other way to spend their time or relieve their feelings.

The pools of demoralization and resentment, of crime and disease, which are enlarging in the inner cities were not created by the Negroes. They are the end result of the humiliation and the segregation which we have imposed on them. But it is clear that the Negroes will now tolerate them no longer. I think this is fortunate for all of us. But we must have the decency and the gumption to do our part.

We should support the groups in our communities which are working to open schools, residential areas, and jobs. We must be ready to communicate when racial issues arise, with our school and municipal officials. We should make our views known to local papers, banks, and real estate people. At this particular moment it is vital that we speak to our Senators about the urgency of the civil rights bill, or write to them.

The news shows clearly that those who are aroused to fear and antagonism at the prospect of integration are quick and vigorous in expressing their feelings. It is the people of good will who most often fail to speak up.

SECRETARY OF DEFENSE McNAMARA AND SOUTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, on another matter, I am glad to observe in this morning's press that Secretary of Defense, Robert S. McNamara, is going to South Vietnam next week to take another firsthand look at the war in South Vietnam, which has been costing so many American lives. It is reported that he will be accompanied by Army Chief of Staff, Gen. Earle Wheeler, and I am also glad of that.

Some months ago, I heard Secretary McNamara testify regarding the successes he claimed were being made in South Vietnam. However, the fact is that we have been supporting the Vietnamese in waging a purely defensive war.

Mr. President, you who lost an arm in offensive action against dictatorship aggression as a member of the Armed Forces of our country in Italy with the 5th Army, which engaged in one of the great offensives of World War II, know so well that no war can be won by purely defensive tactics.

According to the statement published in the New York Herald-Tribune, Secretary McNamara and General Wheeler will spend only 2 days in Vietnam—arriving one day and leaving on the evening of the following day.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. While we Americans should be glad they are going to be in Vietnam, it seems to me that our Defense Secretary would do well, instead of being taken on a guided tour in Saigon, conferring with the Chief of State of South Vietnam and with our Ambassador, to go out into the field and talk privately with the captains and lieutenants—better yet, with the sergeants and privates. They are the knowledgeable ones. They are the ones who fight and die in combat. Let the Secretary of Defense determine from them whether the Vietnamese really have the will to repel the invaders, whether they have the will to fight, instead of making the prediction, as was done some months ago, that the war would be over and successfully won by 1965, when supposedly our troops are to be withdrawn from Vietnam.

To date we have made no great gains in South Vietnam. At best we are merely holding our own—and just barely that. At times I have the impression that when in South Vietnam the Secretary of Defense and other top civilian and military officials are shown only what certain people want them to see and listen only to what they want them to hear.

I am glad the Secretary is going to South Vietnam but if he is going merely to indulge in a guided tour, and remain in Saigon to talk with the chief of state, our Ambassador, and a few other persons they wish him to see, nothing will be accomplished by such a trip. There must be some changes in the operation over there. For example, is it necessary for us to have so many generals and colonels in South Vietnam? It is reported to me that our command is so topheavy with high ranking officers that a popular refrain in Saigon goes as follows:

> Oh, dear, what can the matter be?
> Eighteen generals and no strategy.

I, for one, am not even suggesting that we should withdraw from Vietnam; but let us look into the matter thoroughly to determine what should be done, and whether we can instill in the Vietnamese the will to fight to keep their country free. I hope that Secretary McNamara's forthcoming trip will help toward that end.

PENETRATION OF NEGRO CIVIL RIGHTS GROUPS BY COMMUNISTS

Mr. THURMOND. Mr. President, on yesterday, May 6, 1964, I placed in the CONGRESSIONAL RECORD on pages 10184 to 10186 news articles with reference to the infiltration and penetration of Negro civil rights groups by Communists. Earlier on April 27, 1964, I placed some additional materials in the RECORD on this same subject. These articles can be found on pages 9184 to 9185.

Today there has come to my attention an excellent editorial from the Columbia Record of Columbia, S.C., dated May 5, 1964, and entitled "Communism and Dr. King."

Mr. President, the editorial reads as follows:

COMMUNISM AND DR. KING

The Reverend Martin Luther King, the most revered hero of the civil rights movement, has been on the back burner ever since the liberal columnist, Joseph Alsop, recently reported that King had become a tool of Communist collaboration.

A few days after the Alsop column was published in what some persons interpreted as an effort to cloak King with innocence, King failed to appear for a long-scheduled panel discussion before a convention of American editors.

The other leaders of the major civil rights organizations were there: Roy Wilkins of the NAACP, James Farmer of the Congress of Racial Equality (CORE), James Forman of the Student Non-Violent Coordinating Committee (SNICK), and Whitney Young of the Urban League. Dr. King, head of the Southern Christian Leadership Conference (SCLC), was absent, it was explained, because he was presiding over another meeting.

Not much has been heard from him since then in the public prints.

While there is competition among the civil rights organizations for financial support and memberships, none of the groups has dared attack King's image as the deliverer of the Negro cause. He has captured the imagination of white and Negro civil rights groups alike. The president of the student body of a State university in a neighboring State told us that the faculty almost unanimously and the students by a large majority were dedicated followers of Dr. King. The leader of the Southern civil disobedience program is largely responsible for the effective massive support of civil rights legislation by the clergy.

That King associated with Communists, attended Communist front meetings, and had suspect individuals in key positions in his organization was no secret. Facts had been disclosed, but they were revealed by conservative elements and therefore were ignored and disregarded. Alsop's column, plus King's disappearance from his customary high degree of public exposure, indicated Communist influence of surpassing significance. Whatever the crisis was, it was ill timed, because of the civil rights controversy in the Senate and the approaching national elections.

Both South Carolina U.S. Senators have warned of the subversive influence in the civil rights movement. Senator THURMOND has spoken on the subject time after time. Senator JOHNSTON said in a recent letter to constituents: "Communist elements are exploiting racial unrest in the New York area just as they have been exploiting racial tension elsewhere in the Nation. Northern papers in the past have ridiculed such charges coming from myself and other members of the Senate Internal Security Committee, but now FBI Director J. Edgar Hoover has issued strong testimony backing up our charges."

Testifying before the subcommittee of the Committee on Appropriations of the House of Representatives, Mr. Hoover said:

"The approximate 20 million Negroes in the United States today constitute the largest and most important racial target of the

Communist Party, U.S.A. The infiltration, exploitation, and control of the Negro population has long been a party goal and is one of the principal goals today.

"The Communist Party is attempting to use the Negro movement, as it does everything else, to promote its own interest rather than the welfare of those to whom it directs its agitation and propaganda.

"The party is continually searching for new avenues in order to expand its influence among Negroes. In particular, it has sought ways and means to exploit the militant forces of the Negro civil rights movement.

"The number of Communist Party recruits which may be attracted from the large Negro racial group in this Nation is not the important thing. The old Communist principle still holds: 'Communism must be built with non-Communist hands.'

"We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important. It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the party's propaganda lures."

From this point the FBI Director spoke off the record. What he said, we do not know, but it is a logical assumption that he got down to specifics. It is also a logical assumption that some of the specifics might have prompted the Alsop column.

Perhaps King's future statements, and their timing, will throw further light on his Communist associations and what future course he will pursue.

FOREIGN TRADE, FOREIGN RELATIONS, AND AMERICAN FARM INCOME

Mr. SYMINGTON. Mr. President, for some time many of us have been gravely concerned with the drop in farm income; and the serious ultimate effect this can only have on our economy.

Negotiations now going on in Geneva re the Trade Expansion Act in general, and beef import problems in particular, will have a decisive influence in the possible solution of this problem.

A recent editorial presented by radio station KCMO in Kansas City, Mo., is pertinent to the situation, particularly for the Midwest.

I ask unanimous consent that this editorial, entitled "Agriculture as the No. 1 Business in Mid-America," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AGRICULTURE IS THE NO. 1 BUSINESS IN MID-AMERICA

It's time to speak up. KCMO Broadcasting presents an editorial on agriculture as the No. 1 business in mid-America.

Agriculture contributes over $8 billion annually to the economy of Kansas and Missouri and through requirements for production materials and services it creates many jobs and industries. Economists claim that each dollar of farm income makes an additional $3 worth of activity in the economy and nearly 40 percent of the workers (or 2 out of every 5) here in mid-America are in farming and related industries.

Kansas Board of Agriculture surveys show that agriculture accounts for a third of the personal net income received in the State which is three times more than the next largest source of income. In addition, Kansas farmers spend a billion dollars of the gross farm income each year for supplies and services required in the business of operating farms. There are comparable figures in Missouri. Farming represents an investment of some $15 billion in the two States, nearly $50,000 per farm. Farmers pay well over a third of all real estate taxes assessed in the area.

Unfortunately, farm income has dropped sharply the last few years and stands to drop more this year and next. In fact, farm prices in relation to the cost of products which farm operators must buy showed a parity ratio of 76 percent at the first of this year—the lowest since 1939. Weak marketing programs and imports of meat and milk products have been important factors in the decline of net farm income.

It is imperative that we strengthen sales and marketing programs for farm commodities in this country and abroad. Farmers want the United States to follow intelligent and enlightened foreign trade policies, but the total cost of such policies shouldn't be loaded on their already overburdened backs.

It is important that we protect farm income which will in turn save jobs for people in related industries when unemployment and poverty confront so many Americans.

HOWARD HANNAH, OF MISSOURI

Mr. SYMINGTON. Mr. President, in Missouri for more than 40 years the one great Democratic gathering to which all Democrats look forward each year is the annual Jackson Day banquet in Greene County. Over the years a number of the distinguished Members of this body have been the featured speakers at these meetings.

As he had for the preceding 21 years, on Saturday night, March 14, Mr. Howard Hannah, of Springfield, was the general chairman of this banquet, at which our colleague, the senior Senator of Idaho [Mr. CHURCH] was the featured speaker.

All of us who were present that night agree that this year Howard Hannah had put on the greatest of all these banquets, which have been getting bigger and finer each year for the 22 years he had served as general chairman.

Then on Friday, April 10, his many friends were shocked by the tragic news that Howard Hannah had been killed in an automobile accident while on vacation in Florida.

In that so many of the present and former Members of this body have spoken at these annual banquets and had become acquainted with Howard Hannah, I believe Senators would be interested in reading the resolution adopted by the Missouri State Democratic Committee at its session on Monday, April 13, at Jefferson City. I ask unanimous consent that this resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

J. HOWARD HANNAH

The tragic death of J. Howard Hannah has brought a sense of great grief and profound loss to all who knew him.

Howard Hannah was truly "Mr. Democrat" of Missouri in the sense that his life was devoted to the work of the Democratic Party and the solution of its problems. He sought constantly to strengthen party activities by personal example, contributing his time, experience, talents and great leadership at all levels of party organization. He loved politics from the ward and township to the national conventions. He was truly a great student of practical party politics and served through many years as a source of strength for all party work in Greene County and southwest Missouri.

His work as general chairman of the Jackson Day Banquet in Greene County over a period of 22 years served as a foundation for maintaining party unity, solidarity and enthusiasm for the whole State. Few men have ever left a better monument of achievement to stand as a memory of his individual effort.

He gave his service and loyalty to his party unselfishly and asked nothing for himself.

Howard Hannah had many personal friends in all sections of the State. He valued his friends and maintained interest in their problems as if they were his own. Howard Hannah was an affectionate person with deep religious faith that gave him great strength of character.

We extend our sincere and deep sympathy to the family of J. Howard Hannah with whom we share an irreplaceable loss, and that the secretary of State Democratic Committee be instructed to send properly inscribed copies of this resolution to his wife.

Adopted: April 13, 1964, at Jefferson City, Mo.

JOHN M. MCILROY,
Chairman.

PROGRAM FOR THE DEDICATION OF THE GLORIA IN EXCELSIS TOWER, WASHINGTON NATIONAL CATHEDRAL

Mr. MONRONEY. Mr. President, today the Washington Cathedral dedicated its new Gloria in Excelsis Tower. This is the great central tower of the Washington Cathedral and marks another giant step toward completion of this edifice. Plans for the dedication have been made over the past year to make Ascension Day, May 7, 1964, the very special day in the history of Washington Cathedral and the Nation's Capital.

I would like to include the program in full arranged for the dedication and ask unanimous consent that it be printed in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

Participating in the day's activities and services will be national leaders in the Government, the church, the musical and dramatic arts. The Chief Justice of the United States will speak, and other distinguished Americans will join the ecclesiastical leaders to celebrate this day.

The tower itself has been 2 years in the building. Standing 301 feet tall, it is the highest structure in our Capital, on the highest point in Washington, Mount Saint Alban. To mark its dedication, Cathedral authorities are planning a day of five great out-of-door dedicatory services.

At 12:30 p.m. will come the high point of the program—the assembly of dedication of the tower, to be held on the Pilgrim steps. Here all branches of our Government will be represented, and the Honorable Earl Warren, Chief Justice of the United States, will speak. He will be introduced by Hon. Robert F. Kennedy, Attorney General. The procession for this service will be led by Scottish bagpipers and drummers and the flags of all 50 States. Representatives of many organizations which the cathedral serves will participate, as will representatives of other faiths.

At 4 p.m. there will be a festival evensong and dedication of the 10-bell ring. A procession of choirboys and clergy will move from the South Portal to the Pilgrim Steps. New music by Stanley Hollingsworth, Ned Rorem, and Leo Sowerby will be performed by the cathedral schools' glee clubs from a balcony high on the south facade, accompanied by wind instruments. From the tower belfry will ring out a peal of bells by a band of the world's leading change ringers. Flying in from Britain especially for the occasion will be members of the Ancient Society of College Youths, founded in 1637. They will take part in a ceremony in which the ropes of the bells will be passed over to boys of St. Albans School who have been trained to carry on the Old World tradition of "change ringing."

Another memorable part of this day will come at 8 p.m. in the evening when "the Gloria" from Bach's "B Minor Mass" will be heard from the south transept steps. It will be performed by the Cathedral Choral Society, the Howard University Choir, and the glee clubs of the cathedral schools, supported by the National Symphony Orchestra, with nationally known soloists participating. This music will form the prelude for the lighting of the tower as evening descends. A dramatic narration will accompany the tower lighting.

The schools and colleges on the Cathedral Close will also take part in the day's program. Beauvoir Elementary School will present a pageant, "The Life of St. Francis," in Bethlehem Chapel at 2 and again at 3 p.m. The Cathedral School for Girls and St. Albans School for Boys will perform Christopher Fry's "The Boy With the Cart" in the cathedral immediately following the 12:30 assembly. Throughout the afternoon there will be a student art exhibit at St. Albans School.

At 10:15 a.m. a festival morning prayer for all the schools on the Close will be held. A "Te Deum Laudamus" has been written for the occasion by John La Montaine

Appropriately, the whole day will begin at 7 a.m. with a Holy Eucharist for the Diocese of Washington. As prelude to the service will be a chorale for brass instruments specially written by Samuel Barber. Clergy and parishioners from many of the churches in the diocese will join together on Mount Saint Alban, led by the Right Reverend William F. Creighton, bishop of Washington, the Right Reverend Paul Moore, Jr., suffragan bishop, and the Very Reverend Francis B. Sayre, Jr., dean of Washington Cathedral.

Ambassadors and diplomatic representatives of many countries will be present, with the British Ambassador, His Excellency, Lord Harlech, welcoming his countrymen, the English bellringers. Justices of the Supreme Court, Senators, Congressmen, and representatives of the executive branch will be among the honored guests. Also present will be the retired bishop of Washington, the Right Reverend and Mrs. Angus Dun, the Reverend David G. Colwell, president, Council of Churches of Greater Washington, Rabbi Lewis A. Weintraub, the Right Reverend Monsignor John B. Roeder, chancellor of the Archdiocese of Washington, and His Excellency, Auxiliary Bishop-elect Spence.

The annual meeting of the National Cathedral Association will be held May 5, 6, and 7 when 78 regional chairmen and delegates from 40 Episcopal dioceses will attend. After a reception on May 5, they will have dinner with Dean Sayre and hear a concert by members of the Cathedral's College of Church Musicians. The following day there will be a discussion meeting in the morning with Mrs. Harold C. Kelleran, associate professor of Christian Education at the Virginia Theological Seminary, addressing the chairmen. That evening will feature the NCA annual dinner at the Sulgrave Club, at which Bishop Moore will speak.

MARINE UNDERWRITERS WIN AN E FOR EFFORTS ON TRADE

Mr. MAGNUSON. Mr. President, each of us is aware of the effort being made to increase U.S. exports.

However, I doubt if we realize how successful that effort has become or, for that matter, how organizations, as well as individual companies, have contributed toward its success.

Only Tuesday, I took part in a ceremony held in the office of the Honorable Dan Martin, Under Secretary of Commerce for Transportation. The President's E Award was being presented to the American Institute of Marine Underwriters.

An excellent description of the award ceremony was printed in the New York Times of Wednesday, May 6. I ask unanimous consent to have this article printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Marine Underwriters Win An E for Efforts on Trade

Washington, May 5.—The American Institute of Marine Underwriters was honored by the Department of Commerce today with the award of the Presidential E for its efforts to increase exports and help reduce the balance-of-payments deficit.

The award for distinguished contribution to the Nation's national export expansion program was presented by Senator Warren G. Magnuson, Democrat, of Washington, to Thomas M. Torrey, president, in the offices of Clarence D. Martin, Jr., Under Secretary of Commerce for Transportation.

As part of its export-promotion efforts during the last 4 years, the insurance group has organized a nationwide campaign to alert marine underwriters to the possibilities of supporting the Government program.

The group has established a regional committee in each of the 39 cities that have a regional export expansion council.

The institute, the national trade association of the American ocean marine insurance industry, representing 150 companies.

Mr. MAGNUSON. It was my pleasure to make the presentation to Thomas M. Torrey, president of the institute, with this commendation for what he and the institute membership had, with planning and foresight, accomplished and to say:

Since World War I the Congress has deemed a strong American marine insurance market essential to the national security of the United States. The industry has responded admirably to the challenge and is today a strong factor in the highly competitive international business of insuring ships and cargoes. The American merchant marine and the foreign trade of our country are more secure because of the availability, the capacity and the technical talents of the American marine insurance market.

When the Government in 1960 initiated the national export expansion program the American Institute of Marine Underwriters, the national trade association of the market, placed itself at the service of the Government. As in war so in peace, the marine underwriters assembled the full strength of their industry on behalf of their country's program to expand exports and to improve the balance of international payments.

The institute's organization of regional committees to parallel the work of the 39 field offices of the Department of Commerce and the 39 regional export expansion councils; the continuous membership of the institute's president on the National Export Expansion Council; and the publication and distribution of 44,000 copies of an "Exporter's Guide to Cargo Insurance" are typical of what has been accomplished.

The President's E Award focuses attention on the accomplishments of American industry, finance, and insurance, agriculture, labor, and transportation in export expansion. The American Institute of Marine Underwriters is most deserving of this award. And it gives me special pleasure on behalf of President Johnson and Secretary Hodges to present the award to Thomas M. Torrey, president of the institute.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 516, proposed by the Senator from Illinois [Mr. Dirksen], for himself, and the Senator from Montana [Mr. Mansfield], as a substitute for amendment No. 513, proposed by the Senator from Georgia [Mr. Talmadge], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. HOLLAND. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Iowa [Mr. Miller] who I understand wishes to present an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 575

Mr. MILLER. Mr. President, I thank the distinguished Senator from Florida [Mr. Holland] for yielding to me.

I submit and send to the desk a perfecting amendment to the pending Talmadge amendment and I ask that it be read.

The legislative clerk read as follows:

On page 2, beginning with line 1, strike out all through line 8 on page 3.

On page 3 strike out all of line 9 and insert in lieu thereof:

"TITLE XI—JURY TRIALS OF CRIMINAL CONTEMPTS"

On page 3, line 10, immediately before "In", strike out the single quote and insert in lieu thereof "Sec. 1101.".

On page 3, line 10, beginning with "for willful", strike out all through "District of Columbia" on line 13, and insert in lieu thereof: "arising under any title of this Act in which any imprisonment has been ordered by the court".

On page 3, line 17, strike out the single quote before "This".

On page 3, line 22, strike out the single quote before "Nor".

On page 3, lines 22 and 23, strike out "or in any other provision of law".

On page 4, line 4, strike out the single quote.

On page 4, line 5, strike out "1103" and insert in lieu thereof "1102.".

On page 4, line 7, strike out "repealed." and insert in lieu thereof the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: '*Provided further*, That in any such proceeding for criminal contempt in which any imprisonment has been ordered by the court, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases.' "

Mr. MILLER. Mr. President, I ask that the amendment which has just been read be ordered to lie on the table and be printed, be considered as read in order to make it eligible for consideration in the event a cloture motion should be presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Do I understand correctly that the Miller amendment which has just been offered has been made the pending question, or that it has just gone through the formality so that it may lie on the table and be available in the event of a cloture motion?

The PRESIDING OFFICER. The amendment has been ordered to lie on the table and be printed.

Mr. MILLER. I thank the Chair.

Mr. HOLLAND. Mr. President, will the Chair kindly restate his ruling. I did not hear it.

The PRESIDING OFFICER. The amendment has been ordered to lie on the table and be printed, in accordance with the request submitted.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. MILLER. If and when I call this amendment up, will it, as a perfecting amendment to the Talmadge amendment, take precedence over the substitute amendment?

The PRESIDING OFFICER. The Senator from Iowa is correct.

Mr. MILLER. I thank the Chair.

I should like to make just one observation. The amendment is similar to the Morton amendment, which was defeated on a tie vote yesterday. However, it makes it clear that there will be a right to trial by jury in the case of criminal contempt where incarceration is involved, but if only a monetary penalty is imposed by the court in criminal contempt cases, the right to a trial by jury will not be guaranteed.

Senators will recall that the Morton amendment would have guaranteed trial by jury in either case. The amendment which I am offering would apply only when incarceration was ordered by the court in a criminal contempt case.

I thank the Senator from Florida for yielding to me.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield to me so that I may suggest the absence of a quorum?

Mr. HOLLAND. I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 206 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McIntyre
Metcalf
Miller
Monroney
Morse
Morton
Moss
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Ribicoff
Saltonstall
Scott
Smith
Sparkman
Symington
Thurmond
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the rule of germaneness may be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina [Mr. JOHNSTON] without losing my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL CARE FOR THE AGED

Mr. JOHNSTON. Mr. President——

Mr. HOLLAND. I yield.

Mr. JOHNSTON I thank the Senator from Florida for his courtesy in yielding to me at this time.

Mr. President, in the debate on civil rights, many people across the Nation have expressed fear that the Congress has overlooked or will not be able to act upon a program to provide medical care for the aged under the social security program. The President has indicated that he has placed this type of legislation at the top of his list of "musts" during this Congress. I, for one, am ready to support legislation along the lines of the King-Anderson bill of the last Congress.

In this connection, I bring to the attention of the Senate an editorial entitled "King-Anderson Measure for Medical Care for Aged Is Soundly Based," in the Anderson Independent, and ask unanimous consent that the editorial be printed in the body of the RECORD with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KING-ANDERSON MEASURE FOR MEDICAL CARE FOR AGED IS SOUNDLY BASED

If private insurance companies could handle the medical care needs of older people, and if they were handling those needs—even, we think, if they seemed to be making progress toward handling them—we might not be so sold on the King-Anderson bill, which would finance medical care for the aged under the pay-as-you-work social security system.

But the private companies can't handle the problem. In fact, despite their claims, and despite the claims of the American Medical Association that there is no problem, the problem is getting worse as time goes on.

Take the matter of "guaranteed" health insurance. It sounded like a good idea when it was first broached a few years ago. It means, simply, that any aged person who applies can get health insurance, no examinations needed. Obviously, if you're over 65 and ill, that's the time you need insurance, and if you can't get it you're in trouble.

So the plan was tried. And it hasn't worked out. The Wall Street Journal, no friend editorially of King-Anderson, reports in its news columns that such insurance is becoming increasingly unprofitable. The rates have been boosted sharply. The companies are rechecking—"figure juggling," the Wall Street Journal called it—their claims that such policies covered more than 2 million persons or about 20 percent of all health insurance for those 65 and over.

One reason why the "figure juggling" is necessary—one reason why the guaranteed health insurance isn't profitable—is because of increases in hospital costs, which last year were about double the 1953 costs.

We're not blaming the companies for this. Nor the hospitals. Nor the doctors. Medical care is more scientific than it used to be, and more valuable—and more expensive. We're simply stating facts.

And one fact is that there are today about 17 million Americans aged 65 or over, and by 1970 statisticians calculate that there will be more than 20 million.

And another fact is that people 65 and over need about three times as much hospital care as younger people, but their income-earning days are for the most part finished.

And still one more fact is that the Kerr-Mills program for medical care for the indigent aged has barely got off the ground and isn't going very far when it does.

It is more than pointless, it is cruel to demand that people pauperize themselves in their old age to pay for the ills that flesh is heir to and cannot escape.

The issue has been debated long enough. It is time, now, to act.

DEATH OF R. M. JEFFERIES, FORMER GOVERNOR OF SOUTH CAROLINA

Mr. JOHNSTON. Mr. President, I bring to the attention of the Senate an editorial, from the Anderson Independent of April 22, 1964, concerning the passing of R. M. Jefferies, former Governor of South Carolina. Governor Jefferies was my personal friend over many years. He was one of the most devoted public servants that South Carolina has produced in this era, and certainly one of the most capable people of our time.

R. M. Jefferies helped to give birth to the South Carolina Public Service Authority in South Carolina, the yardstick of power rates in our State, which is more commonly known as "Santee-Cooper." He was a great friend of public power, and a leader in movements to uplift the incomes and education and working conditions of our people.

This editorial pays appropriate tribute to Mr. Jefferies; and I ask unanimous consent to have it printed in the body of the RECORD together with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

R. M. JEFFERIES DEVOTED HIS LIFE TO UPBUILDING OF SOUTH CAROLINA

The occasion was the unveiling of portraits February 11, 1958, in the senate chamber of the statehouse in Columbia, honoring two outstanding South Carolina leaders—Senator R. M. Jefferies and Senator Edgar A. Brown.

In response, Senator Jefferies said in part: "This occasion proves that one does not have to die to receive recognition. The usual order is for such exercises as those today to occur after death. A poet describes it:

" 'When he is hidden from the sun,
And grasses grow where he is laid,
Men mark the good a man has done,
And glorify the name he made.' "

Senator Jefferies went on to observe that "today I have witnessed a ceremony and heard words of praise about my record, which would be performed and uttered for only a few and then only after they have passed from the earthly scene."

The record was then—and is now—one to be praised.

Mr. Jefferies passed from the earthly scene Monday, leaving behind a record of achievement in State government that will stand as a monument to his devotion to happier and more prosperous living for the people of South Carolina.

In representing Colleton County from 1926 until retirement from the senate in 1958, Mr. Jefferies was regarded as a "low country" product. He was born, however, in the "up country" county of Union in Thicketty Creek section, now a part of Cherokee County.

He was one of few men to be elevated to the governorship from the senate. That occurred in March 1942. The late Burnet Maybank, while serving as Governor, ran for the U.S. Senate and was elected. He was succeeded by Lt. Gov. Emile Harley, who died in office after only a few months.

As president pro tempore of the State senate, Senator Jefferies thereupon became Governor, serving ably and well until January 1943, when—having run again for the State senate while Governor—he again became Colleton County senator.

Mr. Jefferies became the first man in the State's history to serve eight successive terms, the eighth election being in 1954.

He was the father of the $100 million Santee-Cooper State public electric power development.

"Perhaps," said Senator Rembert Dennis in the 1958 ceremonies, "and I believe it to be true, Governor Jefferies in self-evaluation of the achievements of his years of labor as a public servant, would modestly point to the successful development and operation of Santee-Cooper as the greatest accomplishment of his many services. Who can question that but for the genius of his legal and managerial leadership, the project surely would have failed."

On the same occasion, Senator Marion Gressette declared: "Senator Jefferies has been a leader in the development of rural electrification. As a result of what he has done, and is doing, 90 percent of the farm homes of this State now are electrified."

Upon retiring from the senate, Senator Jefferies became general manager of the South Carolina Public Service Authority (Santee-Cooper) and still held that vital position—staving off attacks of private power monopolies against the authority—at the time of his death.

His other lasting achievements in helping the upbuilding of South Carolina are many. Space prevents listing all of them, but he played leading roles in improving education, highways, and tax revisions—all to the benefit of the people.

For more than half century he devoted his life to public service and the Democratic Party and his leadership will be keenly missed.

During the 1958 ceremony, he said, "I shall continue to give the best that is in me" and promised, in words of the poet, "To strive, to seek, to find and not to yield."

He fulfilled that promise right up to the time he answered the great call and breathed his last.

Mr. JOHNSTON. I thank the Senator from Florida for his courtesy in yielding to me.

Mr. HOLLAND. I thank the Senator from South Carolina. I have been glad to yield to him.

UNIVERSITY PROFESSORS SUPPORT HARTKE EDUCATION BILL

Mr. HARTKE. Mr. President, will the Senator from Florida yield briefly to me, under the same conditions?

Mr. HOLLAND. Subject to the same understading, Mr. President, and if consent for that purpose is given, I yield to the Senator from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. I thank the Senator from Florida.

Mr. President, I believe Members of this body are by now well aware of the fact that my college student assistance bill, S. 2490, has been under consideration in recent weeks by the Education Subcommittee. Its four parts—scholarships, expanded National Defense Education Act loans, Federal guarantee of student loans, and work-study program—compromise a comprehensive package approach which has received unanimous acclaim and only minor critical comment from almost all of the responsible leaders of higher education and their organizations in the United States.

The hearings were concluded on April 25, and are presently in the process of printing. One of the letters submitted to the committee for inclusion in the hearing record, a copy of which was sent to me, is from the general secretary of the American Association of University Professors, William P. Fidler. In his cover letter to me, Mr. Fidler wrote:

> We think the basic proposals of the bill are excellent indeed, and we are glad to indicate our own support of it. We are grateful to you for its introduction.

The AAUP statement is fairly long, and exhibits a good deal of care in analyzing the provisions of the bill. I shall not ask that the full text be inserted in the RECORD; but I hope that when the hearing record is available, Members of the Senate will look carefully at this statement and the other testimony which detail the reasons for the bill's widespread support.

But I do wish, Mr. President, to note a few sentences from the submission of the university professors' professional organization, composed of men who are in the most direct daily contact with college students. Mr. Fidler states that two basic premises underlie the position of the association:

> The first is that no young man or woman who possesses the necessary qualifications and desire for higher education should be denied the opportunity of obtaining such an education solely because of financial reasons. In the opinion of the association, the Hartke bill will further this end significantly.
>
> The other basic underlying motivation for association support is that the need for financial aid to students is already critical. In any event, the important thing in the judgment of the association is that a start be made, in fairness to our young men and women who need assistance now, and for the full utilization of our intellectual resources.

Actually, the views of these men, who are so close to the scene, tend toward the belief that the Hartke bill is, if anything, too modest in its approach. On the expansion of National Defense Education Act loans, they say:

> Our one suggestion for change arises from the conviction that an even larger program is desirable, to the end that all qualified students in need of this kind of assistance may be able to obtain it.

On the scholarship program, they say:

> The association feels strongly that the need is of such magnitude and of such pressing importance as to warrant an initial program without further delay.

Of the Federal loan insurance program, they believe that "this program is worth undertaking"; and on the work-study program, their statement is that "the association believes that a program of this nature makes good sense."

Mr. President, I am happy to have the support for the Hartke bill of the Association of American University Professors as only one of a number of organizations favoring its enactment. In the future, I shall from time to time call the attention of the Senate to other important views of educational leaders on this bill, in order that Members may be informed before the bill comes to the floor of the Senate.

Mr. President, I thank the distinguished Senator from Florida for his courtesy and his kindness in yielding to me.

Mr. HOLLAND. I thank the Senator from Indiana.

EXECUTIVE SESSION—INTERSTATE COMMERCE COMMISSION

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield to me, if it is understood that he may do so without losing any of his rights?

Mr. HOLLAND. Mr. President, under the same conditions, I am happy to yield to the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination of Virginia Mae Brown to membership on the Interstate Commerce Commission, which nomination is now on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The **PRESIDING OFFICER.** The nomination for membership on the Interstate Commerce Commission will be stated.

The Chief Clerk read the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

Mr. MAGNUSON. Mr. President, a few weeks ago, the nomination of Virginia Mae Brown was sent to the Senate by the President. The Commerce Committee held a meeting at which it considered the nomination. The committee was very favorably impressed with the qualifications of the nominee, who has served in similar work in her native State of West Virginia.

I can best express the committee's opinion of the nominee by saying that insofar as her qualifications were concerned, the committee was unanimous.

The report states, first of all, that she has had legal training, and has served as attorney general of her State; second, she has had judicial experience, as executive secretary of the Judicial Council of West Virginia; third, she has had legislative experience over the past 10 years with the West Virginia Legislature; and, fourth, and most important, she has had a great deal of experience as State insurance commissioner and, more recently, in the West Virginia Public Service Commission, which is comparable, on the State level, with the Interstate Commerce Commission.

So we feel that she is more than qualified.

The nominee made an excellent impression before the committee.

Some individual views and a statement were filed by the Senator from Kentucky, the Senator from New Hampshire, and the Senator from Pennsylvania, on the general question of nominations for membership on the Interstate Commerce Commission; but I believe they also feel that Mrs. Brown, insofar as she personally is concerned, is eminently qualified to serve in the position to which she has been nominated.

Mr. MORTON. Mr. President, as the chairman of the committee has stated, I have no objection to the nomination, and I expect to vote for confirmation of the nomination, for Mrs. Brown is well qualified. However, I point out—and take this time to call this matter to the attention of both the Senate and the administration—that some of us are extremely unhappy about the geographic distribution of the membership of the Interstate Commerce Commission.

With the appointment of Mrs. Brown, the entire Middle West, the great heartland of America, will be without representation on this 11-member Commission; all of the States between Ohio and Idaho will then be without representation on the Commission.

After Mrs. Brown takes her place on the Commission, the geographic distribution of the Commission's membership, by States, will be as follows: Idaho, Virginia, Florida, California, Kentucky, Texas, Georgia, Ohio, Massachusetts, Maryland, and West Virginia.

It will be noted that West Virginia lies in the center of four States which presently are represented by members of the Commission. Those four States are Maryland, Ohio, Kentucky, and Virginia.

The South is well represented, with Virginia, Florida, and Texas.

New England is represented by Massachusetts.

But the great heartland of America, which generates approximately 35 or 40 percent of the long-haul national traffic, has no representation.

This is not a matter that concerns me because of regional parochialism; and I have no doubt that the members of the Commission, most of whom I know fairly well, are honest and conscientious, and try to work for the best interests of the Nation as a whole.

However, so many of the problems which come before the Commission are regional in character, that I believe the membership of the Commission should have adequate regional distribution. Certainly it is difficult for one to be objective if he has grown up in a particular region; such a person is bound to have sympathy for that region and its problems, because he is closer to them and is more familiar with them.

The problems of the Middle West really started the movement which led to the formation of the Interstate Commerce Commission. The Middle West felt—and it was a fact—that because of the rate structures, and so forth, it was being prejudiced; and that feeling led to the establishment by Congress of the Interstate Commerce Commission, as indeed an arm of Congress.

I repeat that I consider Mrs. Brown well qualified, and I shall vote in favor of confirmation of her nomination. However, I trust that when further vacancies on the Commission occur, definite thought will be given by the administration and by the President to establishing more equitable geographic distribution among the membership of the Commission.

In commenting on the pending nomination, in connection with which the administration has so definitely departed from the geographical distribution concept, I can only state that apparently in his eagerness to appoint a woman to a position of public service and responsibility, the President appointed the nominee, regardless of the effect on the geographic representation among the members of the Interstate Commerce Commission.

Mr. SCOTT. Mr. President, I shall support the confirmation of the nomination of Virginia Mae Brown, of West Virginia. I do not believe there is any question that she is qualified. I have joined in the statement, along with the Senator from Kentucky and the Senator from New Hampshire, indicating that the great Middle West deserves recognition by membership on the Commission. We have taken the step that we have for the purpose of making a legislative record, and in the hope that a future appointment may be designated for that great area.

I am not from the Middle West. To a degree I am speaking against interest. But I believe that States with a total population of about 50 million people are not represented on the Commission. Of the larger States, including New York, Pennsylvania, Illinois and California, only California is represented. Pennsylvania lost its member upon the failure to confirm the nomination of a very able incumbent, Mr. Donald P. McPherson, of Gettysburg, Pa. The area of Pennsylvania, New York, and New Jersey also has a cause and an economic interest which would justify its consideration. But the primary purpose at this time is to call the attention of the Senate and the executive department to the fact that there is now no representation from the Middle West on the Commission, and that statement is true for the first time in the 77-year history of the Commission.

Mr. CURTIS. Mr. President, all the information that has come to me in reference to Mrs. Virginia Mae Brown, as an individual, indicates that she is of high character and a very capable person. What I am about to say should be no reflection upon Mrs. Brown at all. But, Mr. President, the appointment is an affront to a great area of the United States. The vast area of the Middle West, including the corn-producing lands, the wheat lands of our country, and the areas in which hogs and cattle are raised, are without representation on the Commission.

Many of our small towns and cities in Nebraska and elsewhere have begun to develop a little industry. Others may or may not succeed. There is no one on the Interstate Commerce Commission who is familiar with the economic problems of that area.

Can it be imagined that an 11-member Commission dealing with transportation would exist without the great cities of Chicago, Omaha, Denver, Kansas City, Des Moines, and all the smaller cities and towns in those areas having a representative on the Commission whose daily life has put him in touch with the economic problems of the area?

Mr. President, I also point out that upon the backs of the shippers in the heartland of America rests the financial burden of keeping our transportation systems going. The people on the two coasts of our country and the gulf coast may have some opportunity to turn to oceangoing traffic. Either we shall have railroads and transcontinental buslines in our country or we shall not. If they are to be maintained by private enterprise, the great burden of the bill will fall on the heartland of America, an area that is far removed from the great markets on both coasts and far removed from foreign markets. Whether we are selling live cattle or meat or whether we are selling wheat or flour, the center of the country from which those products come is the farthest place from which to ship.

That statement applies also to things that we buy. The center of the country naturally must ship the farthest distance, and the people who live there must pay the greatest bill.

The distinguished Senator from Kentucky [Mr. MORTON] was correct when he said that it was because of the transportation problems and burdens of the great heartland of America that Congress created the Interstate Commerce Commission; and for three-quarters of a century that area has been represented. No one expects the decisions to be sectional or provincial, but this Commission deals with economic problems and facts. That area is entitled to representation on the Commission by individuals who live and work in the area, and whose friends and neighbors are involved in the commerce, industry, and agriculture of that area.

Mr. President, I expect that the nomination will be confirmed. I regret that the President of the United States has not seen fit to recall the nomination and reconsider the economic well-being of the country, rather than act by some rule of thumb, political reason, or other reason, in order to recognize a given area or to add to the number of women in Government. There are capable women in the Middle West who could serve in the capacity of Commissioner. I appealed to the chairman of the Committee on Commerce several weeks ago and asked if the nomination could not be returned in order to have the Executive reconsider it. If we were talking about a three-member Commission, it would be out of the question for some of the great areas of the country to feel that they had to have representation. If we were talking about a five-man Commission or a seven-man Commission there would still be areas that could not be represented. But we are speaking of an 11-man Commission and an area of the United States that is more dependent upon surface transportation than any other area; and yet it is denied representation on the Commission. Whether the act is an oversight, intentional, or political, is entirely beside the point. It is a mistake. It is an affront to a great people. It is damaging to our economy. It would promote an imbalance on the Commission.

While I have no hope for a "nay" vote on the approval of this nomination, and I feel that a yea-and-nay vote would be a waste of time of the Senate, I want the RECORD to show my opposition, that these facts have been called to the attention of those responsible, and that this nomination should not be before the Senate today.

Mr. MILLER. Mr. President, my colleagues from Kentucky, Pennsylvania, and Nebraska have covered this subject very well. On the points that they have covered, I thoroughly concur in what they have said.

There is another aspect, however, that affects me particularly, coming from the State of Iowa. This unfortunate situation would not have arisen had the President seen fit to reappoint Clyde Herring, Jr., to the Interstate Commerce Commission. Clyde Herring, Jr., is the son of a former Democratic U.S. Senator from Iowa. He is a former candidate on the Democratic ticket for Governor of my State. His credentials with the Democratic Party, certainly in Iowa, are second to none.

Probably the only thing in his background that has caused this unfortunate situation is the fact that he was appointed during the Eisenhower administration.

I think it only fair to point out that since I came to the Senate during this administration, there have been many comments to the fact that any Democrat who was appointed to one of the agencies or commissions during the Eisenhower administration would "get the ax" from this administration when his term expired.

This has happened in a number of cases. It is an unfortunate thing for such implications to arise, because the record of the failure to reappoint a number of Eisenhower Democratic appointees lays the foundation for the suspicion that there is too much politics involved in these appointments.

I am now in my fourth year in the Senate. I have heard not one word of criticism by a Republican or Democrat against Clyde Herring, Jr.'s performance on the Commission, and I have heard a good many statements of praise.

Moreover, Mr. Herring served his country in World War II. He was one of the first to go out of this country, to land in North Africa with our foot soldiers. He was a prisoner of war following a battle in North Africa. There are a good many veterans, both Republican and Democrat, in Iowa, who are unhappy about the failure of this administration, and Mr. Johnson in particular, to reappoint Mr. Herring.

Make no mistake about it—there is no oversight involved. I know, from personal conversations with some of Iowa's leading Democrats, that this matter was brought to the attention of the White House on a number of occasions.

Under the circumstances, it is most unfortunate that the President decided not to reappoint Clyde Herring, Jr., to the Interstate Commerce Commission.

Iowa has had a representative on this Commission for a number of years. Prior to Mr. Herring, Judge Mitchell, of Fort Dodge, served with distinction on the Interstate Commerce Commission. Naturally Iowa would like to see its representation continued. The failure to continue it, thus depriving the Middle West of representation on the Commission, only makes matters worse.

I agree that the credentials of Virginia Mae Brown, of West Virginia, appear to be good. I regret that, in the face of her credentials, I must say, in protest against the failure to reappoint Clyde Herring, Jr., to the Interstate Commerce Commission, that I shall not vote for confirmation of her nomination. Instead, I am going to absent myself from this Chamber in protest.

I trust that this administration will find a good post for Clyde Herring, Jr., because he has served well and faithfully, and deserves better treatment than he has received.

It may sound a little incredulous for a Republican from Iowa to say this about a Democrat from Iowa, but it has been my observation, through years of partisan and political activities, that Clyde Herring has been very well balanced. He is not an extremist. He has many friends on both sides of the political picture. This is a healthy state of affairs when it comes to a commission like the Interstate Commerce Commission. If people get the idea that it makes a difference as to how their cases are to be decided by the Interstate Commerce Commission, based on whether they have been active in one party or another, it is not good. That was not the intention when the Interstate Commerce Commission was created.

It is a sad day when we must see a foundation laid for the suspicion that extremists or partisan political considerations are to characterize the operations of this Commission.

I therefore absent myself from the Chamber.

Mr. BYRD of West Virginia. Mr. President, I rise in support of the nomination of Virginia Mae Brown to be an Interstate Commerce Commissioner.

I can appreciate the expressions that have been made by my colleagues, the Senator from Kentucky, the Senator from Pennsylvania, the Senator from Nebraska, and the Senator from Iowa. I understand that they have not opposed the nomination of Mrs. Brown as an individual, but, on the contrary, they have commended her. They have merely sought to emphasize the need for appointments to the Commission which will reflect an even and fair representation of all geographic regions of the country. I can understand the feeling of my colleagues who have spoken in this vein.

I do not agree that the name should be recalled or that the appointment constitutes an affront to any region of the country. I believe that Mrs. Brown will be conscious of the problems of the Midwest. By experience, training, and temperament she is qualified for this appointment.

Mrs. Virginia Mae Brown was born November 13, 1923. She was educated in the public schools of Putnam and Mason Counties, W. Va. She is a graduate of West Virginia University. She is a graduate of West Virginia University's College of Law, having graduated there in 1947.

She is a Presbyterian, a member of the American Bar Association, and a member of the West Virginia Bar Association. Mrs. Brown taught school for 2 years in Putnam County. She was appointed law clerk to the late Attorney General Ira J. Partlow. She was appointed executive secretary of the judicial council, the first woman to serve in this capacity in the United States. She was appointed assistant attorney general by John G. Fox, and reappointed by William Wallace Barron in January 1961. She was appointed to serve as assistant attorney general to Gov. W. W. Barron, the first and only woman to be appointed assistant attorney general in the State of West Virginia, and the first person to serve as an assistant attorney general assigned to the Governor's office. She was appointed insurance commissioner, May 17, 1961, for the term ending June 30, 1965, the first and only woman to be appointed insurance commissioner in the State of West Virginia, or in the United States. She served in this capacity until her appointment as a member of the public service commission on September 4, 1962, for the unexpired term ending May 31, 1963. I believe Mrs. Brown is the first and only woman to serve on the public service commission in the State of West Virginia.

I believe that Mrs. Brown is capable and highly qualified for the office to which she has been appointed by the President. I believe that she will discharge her duties in a competent manner, and that she will act responsibly, judiciously, and in an understanding and objective manner concerning matters affecting other regions of the country as well as her own.

I trust that the Senate will act quickly to confirm her nomination.

Mr. MORTON. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I point out that my colleague, the Senator from West Virginia [Mr. Randolph], cannot be present today because he is absent on official business, but he joins me in my remarks.

He appeared before the committee in support of Mrs. Brown's nomination. I am confident that were he in the Chamber today, he would speak as I have to commend her and to support confirmation of her nomination by the Senate.

Now I am glad to yield to the Senator from Kentucky.

Mr. MORTON. I wish to make it clear that the Republican members of the Commerce Committee would not suggest that the name of Mrs. Brown be recalled. We were all in agreement as to her qualifications. Our statement was not so much in the nature of an objection as it was to put up a danger signal to the administration so that in the future the geographic balance would be taken into account. We have no desire to delay confirmation of her nomination. We all expect to vote for it.

Mr. BYRD of West Virginia. I certainly did not mean to imply that the minority members of the Commerce Committee had requested that Mrs. Brown's name be recalled.

My reference was to the remarks made earlier today by the distinguished Senator from Nebraska [Mr. Curtis]. The distinguished Senator from Kentucky may not have been in the Chamber at the time the Senator from Nebraska was addressing the Senate. My remarks were in no way meant to reflect upon the remarks of the Senator from Kentucky, or upon the position of the minority members of the great Commerce Committee.

Mr. MORTON. I thank the Senator.

Mr. THURMOND. Mr. President, as a member of the Commerce Committee who participated in the hearings on this nomination, I assure the Senate that the committee was unanimous in its approval of Mrs. Brown's confirmation.

She impressed me as a very intelligent lady, a lady of high ideals and character. I believe that the President has made a wise choice in naming her to this Commission.

I am pleased that the President is appointing more women to important positions in public life. It is my opinion that Mrs. Brown will fulfill the duties of this office well, that her State will be proud of her, and that the President will be proud that he appointed her to this position.

The nomination of Mrs. Brown has been on the calendar for some time. I suggested earlier that it be brought up for action. I hope the Senate will promptly confirm her nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970?

The nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. RANDOLPH subsequently said, during the delivery of Mr. Thurmond's speech: Mr. President, I express appreciation to my esteemed colleague from South Carolina for granting me the privilege of adding these brief but sincere words of commendation in connection with the action taken earlier today on the nomination of Mrs. Virginia Mae Brown to be a member of the Interstate Commerce Commission.

At the time the nomination was considered, my distinguished and able colleague, the Senator from West Virginia [Mr. Byrd], was in the Chamber. He very thoughtfully expressed my sentiments of agreement with the nomination.

My absence at the time this matter was considered earlier today was occasioned because I was in Martinsburg, where several thousand West Virginians had the privilege of listening to very meaningful remarks by the President of the United States.

I ask unanimous consent that I may include with my remarks a letter which I addressed to the chairman of the Committee on Interstate and Foreign Commerce at the time Mrs. Virginia Mae Brown's nomination was pending. The letter was made a part of the record at the time the hearing on her nomination was heard.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. Warren Magnuson,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate.

Dear Mr. Chairman: It is a privilege to commend the President of the United States for his action in having nominated Mrs. Virginia Mae Brown, of West Virginia, to be a member of the Interstate Commerce Commission.

A biographical summary of Mrs. Brown's life and experiences doubtless will be read into the record of your committee. It shows clearly that the nominee is a citizen whose attainments, experiences, and character fit her admirably to be the first of her sex to serve as an ICC Commissioner.

It is my recommendation and hope that your committee will report favorably and promptly to the Senate on the Presidential nomination of Mrs. Brown. I would vote to confirm the nomination with confidence and with official and personal pleasure.

Be assured that I associate myself with the comments for the record by my Senate colleague, the Honorable Robert C. Byrd, and by Representative Ken Hechler of our West Virginia delegation in the House of Representatives.

Sincerely,

Jennings Randolph.

LEGISLATIVE SESSION

On motion of Mr. Byrd of West Virginia, the Senate resumed the consideration of legislative business.

THE DETERIORATING SITUATION IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, I am deeply concerned over the deteriorating situation in the Middle East today, where Western positions of strength are in jeopardy from the imperialistic designs of Egypt's President Nasser.

Nasser has 40,000 troops in Yemen supporting Yemeni republican forces. Both armies are Soviet equipped. Under a joint Egypt-Yemen command, these forces have made constant, unprovoked attacks across the Yemen border into the British-protected Federation of South Arabia and on the British fort of Aden. The Egypt-Yemen Command has provoked rebel tribes to raid principal land trade routes.

To prevent further attacks, the British have dispatched additional troops from England to Aden and have increased their forces along the Yemen-South Arabian border.

The purpose behind President Nasser's armed intervention in Yemen is quite clear. He admits he wants to force the British out of Aden and all parts of the Arab world. This would be one step toward control of oil in the Persian Gulf area.

With the British out of Aden, the Federation of South Arabia would collapse, and Saudi Arabia would be forced to come to terms with Nasser. Egypt's hold on Yemen would be cemented and Nasser's dream of an empire of Arab States under his control would be near reality.

Meanwhile, Nasser is pursuing his ultimate goal of driving Israel into the sea.

By rotating his troops in Yemen, he is employing a standard military technique called hardening. Soon he will have the battle-hardened army he has always wanted, supplied with Soviet arms, planes, and bombs. Just last Thursday, he told a neo-Nazi organization that war with Israel is unavoidable.

Mr. President, I am very much concerned that American foreign aid is permitting Nasser to divert other funds to purchase Soviet military supplies and to engage in this imperialistic war in Yemen. Egypt is receiving this aid despite strong protests from many alarmed Americans, and despite a mandate from Congress that no aid should go to a country that is preparing aggression against another country that receives our aid.

President Johnson just recently expressed his concern over the importance of maintaining peace and justice in the Middle East when he announced a firm stand in support of Israel's water development.

Now it is time for the Johnson administration to reexamine its whole Middle East policy.

I urge specifically that the United States cut off all aid to Egypt.

I further urge that the President consider the possibility of providing Israel with military defense equipment, as was done with the Hawk missile in 1962, to balance the advantage that Egypt now has from aid flowing from both the United States and the Soviet Union.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HOLLAND. Mr. President, on Saturday last, May 2, in my fifth major speech on the pending bill, I raised the question of whether the so-called Civil Rights Commission should be extended beyond the termination date now fixed by existing law which is not later than 60 days after September 30, 1964—or approximately 6 months from now. This question is presented in considering title V of the pending bill.

I showed how unfair the Commission has been to Florida, the State I represent in part, by charging in its 1963 report that "the right to vote is still denied to many citizens solely because of their race," which statement is simply untrue.

I showed how unfair the Assistant Attorney General, Mr. Burke Marshall, head of the so-called Civil Rights Division of the Department of Justice, had been to Florida by listing five Florida counties—Flagler, Gadsden, Lafayette, Liberty, and Union—"in which the denials of voting rights were found" in his testimony before the House Subcommittee on Appropriations in January of this year.

I showed how completely false this statement was, showed that the Department of Justice had made no formal investigation excepting for a preliminary records inspection in Union County and included in the RECORD a lengthy letter from Attorney General Marshall in which he exempted Flagler County from the list.

After expressing other objections to the methods of operations of the so-called Civil Rights Commission, which may be found in my remarks of May 2, I sent to the desk three amendments relating to the termination of the Commission. This relates to title V of the pending measure.

The first amendment would terminate the Commission on the date that it would be terminated under the existing law, 60 days after September 30 of this year.

The second amendment would terminate the Commission on January 31, 1968, the date provided for the filing of its "final" report by title V of the pending bill.

The third would terminate the Commission 60 days after it filed its "final" report.

The reason for my filing the amendments was that it is recognized by all Senators that the provisions of title V of the pending bill are not clear on the question of what the termination date of the Civil Rights Commission is.

I have called this matter to the attention of the acting majority leader, the Senator from Minnesota [Mr. HUMPHREY]. He recognized with me that the situation was left obscure by the wording in the bill. He advised me that he was checking with his legal assistants and with the Department of Justice on this point. I am not advised of what has been the result of the checking done by the distinguished Senator from Minnesota.

Because of the lateness of the hour last Saturday and because much of the time allotted me had been consumed in a rather lengthy colloquy with Senator HUMPHREY, the floor leader of the bill, and Senator DOUGLAS, of Illinois, and because Senator ELLENDER was waiting patiently to speak on the bill, I was not able to complete my prepared remarks.

I therefore requested and obtained unanimous consent to continue my remarks on title V of this bill which relates to the Civil Rights Commission at a later time. I now shall proceed to do so.

The Senate has previously graciously set aside the requirements of the germaneness rule of the Senate for the first 3 hours of the debate today. I say that because my remarks will not be addressed to the amendments offered by the Senator from Georgia [Mr. TALMADGE], or to the pending amendment offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], both of which relate to the jury trial question.

As I stated Saturday, I am strongly opposed to the extension of the life of the Civil Rights Commission because of some of its recommendations on other subjects which are included within its 1963 report. On page 125 of the printed report of the U.S. Commission on Civil Rights appears recommendation No. 3 which I feel is hopelessly out of accord with the basic principles of our system of justice. This recommendation reads as follows:

> That Congress amend section 1983 of title 42 of the United States Code to make any county government, city government, or other local government entity that employs officers who deprive persons of rights protected by that section, jointly liable with the officers to victims of such officers' misconduct.

If enacted into law, this recommendation would make a whole county government, city government, or other local governmental entity such as a school district, a water supply district, or any other local government whatever, jointly liable with any officer in the event such officer is guilty of misconduct depriving persons of civil rights protected by section 1983 of title 42 of the United States Code. This would mean literally that out of tax money raised from all citizens and property owners of the affected unit of government, money would have to be paid to discharge a judgment rendered against public officers of that unit who were guilty of misconduct against the individual who later secured the judgment; that is, misconduct violative of these particular civil rights mentioned in the section of the code to which reference has been made.

This principle of punishing the innocent along with the guilty is completely repugnant to my idea of the American system of justice and proposes the adoption of a system quite like to that which was followed by the Nazis at Lidici. By making such a recommendation, the Civil Rights Commission, in my opinion, has completely destroyed its ability to retain the confidence of the American public, and it should go out of existence just as speedily as possible.

On page 215 of the printed 1963 report of the Commission appears the following recommendation No. 4:

> That the President request the Secretary of Defense to discontinue ROTC programs at any college or university which does not accept all students without regard to race or color.

This recommendation, in effect, requests the President to disregard the specific provisions of the Morrill Act, as amended, which relate to the operation of ROTC programs at segregated institutions of learning. The applicable section of the Morrill Act reads as follows:

> 323. RACIAL DISCRIMINATION BY COLLEGES RESTRICTED.—No money shall be paid out under sections 321–326 and 328 of this title to any State or territory for the support or maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such college separately for white and colored students shall be held to be a compliance with the provisions of said sections if the funds received in such State or territory be equitably divided as hereinafter set forth. *Provided*, That in any State in which there has been one college established in pursuance of sections 301–305, 307, and 308 of this title, and also in which an educational institution of like character has been established, or may be hereafter established, and is on August 30, 1890, aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money prior to August 30, 1890, under said sections, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under sections 321–326 and 328 of this title between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of said sections and subject to their provisions, as much as it would have been if it had been included under sections 301–305, 307, and 308 of this title, and the fulfillment of the foregoing provisions shall be taken as a compliance

> with the provision in reference to separate colleges for white and colored students. (Aug. 30, 1890, ch. 841, sec. 1, 26 Stat. 417.)

Section 304 of the Morrill Act, which I have not quoted in full, includes military tactics among the subjects to be taught at such schools, which were originally primarily designed for the training of persons in the agricultural and mechanical arts.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Are we to understand that the Morrill Act, which makes available certain Federal funds to land-grant institutions, expressly recognizes and provides for the distribution of funds on a separate but equal basis where there is segregation in certain schools?

Mr. HOLLAND. The Senator is correct. That provision was included when it became evident, about 1890, that the Government was losing an opportunity to train some fine young colored people, by reason of the fact that funds for such activities as ROTC or military training in general under the provisions of the Morrill Act prior to that time could not go to institutions at which colored young men were in attendance in many of our States, including some States outside the South. Therefore, that amendment was specifically placed in the Morrill Act, and it has remained in the act ever since. It is in the act now. It has not been subjected to review in the Supreme Court, and has not been set aside by the Supreme Court.

Aside from that, I believe that one of the last things that should be done, after all these measures which deal with racial questions have been settled—and, of course, they have not been settled—would be to upset this provision. This is the only way that thousands of young colored men may have an opportunity to be trained in military skill and science. Furthermore, if the suggestions of the Civil Rights Commission were carried out exactly as made, it would also set aside ROTC units in white institutions in States where both white and colored institutions of higher learning prevail.

Reviewing these very unwise recommendations of the Civil Rights Commission last year, it seems to me that this is perhaps the most unwise recommendation of all. The Commission proposed, long before a settlement of the entire school desegregation question had been accomplished, to cut off a large part of the training of all colored youth in such schools, thereby depriving not only countless thousands of patriotic individuals, who are of good physical quality and high reputation, of the opportunity to obtain any military training, but also depriving the Government of the opportunity of having that portion of our youth militarily trained.

It seems to me that nothing could be more unfortunate than to have such a situation prevail. The thing that I objected to so strongly, in addition to the points I have just made, was that it was proposed to President Kennedy that he shortcut the provision for going to court, and that he, on his own initiative, should immediately make this sweeping change in our security system.

This is not the only such recommendation made last year by the Civil Rights Commission. There seems to be a feeling that they are sort of messianic, and that they do not have to respect the courts or Congress as being of any consideration. They seem to think it is perfectly all right to bypass both, and that it is quite all right to insist that the President bypass both. They do not confine that insistence to matters that do not relate to the intimate defense of our country, but they make the particular recommendation in a field which touches the security and defense of our country.

I cannot imagine a more unwise recommendation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Is it the opinion of the Senator that the President of the United States has the right and the power to regard an act of Congress—which was enacted by Congress, signed into law by a previous President, administered through the years by the President with the concurrence of Congress, appropriations being made under that law—as being unconstitutional in the absence of a court decision so declaring?

Mr. HOLLAND. I do not believe he has. Incidentally, our late beloved President Kennedy so ruled with regard to his own powers on a similar recommendation which was made by the Civil Rights Commission a year earlier, in 1962—and then repeated in the 1963 recommendations—for cutting off appropriations to States and other units of the government in fields other than the military field, because of the existence of segregation.

President Kennedy stated in writing that he felt he had no such power. Notwithstanding that, the Civil Rights Commission in their report to that same President in October of 1963, suggested to the President in the strongest terms possible that he at once terminate ROTC instruction where segregation was in effect.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. HOLLAND. I am glad to yield.

Mr. LONG of Louisiana. Did the Senator see the article in the Wall Street Journal yesterday which pointed out the extent to which all-Negro colleges have increased their standards in order to meet the competition of integrated colleges in order to attract some of the finest colored students to such colleges?

Mr. HOLLAND. I have heard about the article. I have not had an opportunity to read it. I am sure it is a fine treatment of the subject.

I know something about this subject. The Florida A. & M. University in Tallahassee has greatly increased the coverage of its instruction field, and has improved it to such an extent that to this day there is not a white student there. It has a full attendance of some 2,800 to 2,900 of our Negro youth, not exclusively from our State. I have previously said that Althea Gibson left New York in order to come there and obtain her education. She then became the leading woman tennis player, not only of this country, but of the world. They have improved their teaching not only in the scholastic field, but in the field of athletic instruction and musical instruction, to the extent that they attract in the aggregate hundreds of ambitious young Negro youths from other States than our own.

I am glad that is so. I am glad that the course which the Senator mentioned—as covered in the article in the Wall Street Journal—is being followed. That is the sensible way in which to meet the problems of inferior education in some quarters for Negro youth. I am delighted that it is being followed.

Mr. LONG of Louisiana. Is the Senator aware of the fact that large industrial concerns of America are sending representatives to all-Negro colleges, just as they send them to other outstanding universities, in order to recruit those students? They find them to be very useful, and very fine employees for their industries.

Mr. HOLLAND. I am aware of that fact. Not only are great corporations doing that, but I have mentioned heretofore the letter which I received several years ago from the dean of the Medical Department of the University of Southern California, in which he asked that I use my good offices with the officials at Meharry, a segregated Negro college in Nashville, Tenn., to have them send some of their best qualified young Negroes, who were seeking doctors' degrees and dentists' degrees, to the University of Southern California. The dean stated that while they were open legally, and he wanted some Negro youths to enroll as students, the Negro youths who had sought to enter the university could not compete with the best qualified students in the examinations, and though many of them passed the minimum requirements, they had not been able to be admitted. He wanted very much to have them enroll there. He wanted to have them as part of his student body.

I forwarded the letter to the President of Meharry, whom I happen to know, and I do not believe anything developed. I do not believe Meharry wanted to part with any of its best qualified students.

Mr. LONG of Louisiana. I ask if the situation in Florida is not similar to the situation in Louisiana. In Louisiana, any qualified colored student can go to Louisiana State University, or he can go to any of the so-called white State-supported colleges, or even Tulane University. Loyola has started accepting colored students. A qualified colored student can go to almost any college in the State of Louisiana—certainly any of the State-supported colleges. There is some resistance to the movement. It might require a court order, but that is easy enough to obtain, as hundreds can testify, because they are in the schools now.

But there also are available to him the all-colored colleges of the State. The overwhelming majority of the colored students prefer to go to the all-Negro colleges, where they receive education by Negro instructors.

I wonder whether the experience of the Senator from Florida is generally similar to that in Louisiana—namely, that the Negro colleges are reaching the point where, in one respect or another, particularly as regards athletics, but also in other respects—they find themselves competing with some of the white colleges, and in many respects exceed them. Is not that the sort of pride we would like the members of the Negro race to have?

Mr. HOLLAND. It certainly is. I think most of both the young Negroes and the older Negroes in my State want to retain their fine all-Negro schools; and I know they take pride in the fact that in our State there are approximately five Negro presidents of such schools or colleges—some of them public, and some of them private. On the other hand, we know that if there were no longer those all-colored schools, there would be no opportunities for such Negro presidents to serve.

The great majority of the Negro people of Florida are not in accord with the idea of mixing the races in the schools. In fact, although some years ago the courts entered orders which allowed qualified Negroes to enter the white schools, despite that fact, only a handful of them do so. Most of them prefer to go to the Florida Agricultural and Mechanical University, at Tallahassee, or to Negro professional schools outside our State.

The Senator from Louisiana knows that the Florida all-Negro Agricultural and Mechanical University, at Tallahassee, has for many years held the Negro college football championship and has also excelled in other types of competition; and no doubt the Senator knows that Bob Hayes, who won the sprint races in Europe, and who recently broke the world's record in sprint racing on indoor tracks, is a Florida boy and is a student at the Florida Agricultural and Mechanical University, at Tallahassee.

No doubt the Senator from Louisiana also knows that Willie Galimore and a number of other well-known Negroes are members of outstanding football teams. Our people are proud of that fact; and they were also much pleased when—only last year, or perhaps the year before—the coach of the Florida Agricultural and Mechanical University, at Tallahassee—an all-Negro university—was named "Coach of the Year" among the coaches of all schools in the Nation of comparable size. His name is Jake Gaither—a name well known in that area. Although he has been offered many fine positions at other schools, he prefers to remain there and to continue to coach that fine team, which is excelling in competition.

Mr. LONG of Louisiana. Equally fine work is being done at Louisiana Polytechnic Institute, at Ruston; and at Louisiana State University, at Baton Rouge; and also at Louisiana Agricultural and Mechanical College, at Baton Rouge. But I believe the Senator from Florida is also aware of the fact that the all-Negro Grambling College, at Grambling, La., had more of its outstanding players included in the regional and national groups than most of the others did.

Mr. HOLLAND. I am pleased to be able to say the same of Florida A. & M. University and the other fine Florida colleges. The athletic prowess developed at the Tallahassee Negro college is outstanding. The same is true of the fine all-Negro colleges in Louisiana to which the Senator from Louisiana has referred; and I know of one in North Carolina that is also excelling—excelling not only in athletics, but also in outstanding teachers, preachers, doctors, and others of its graduates who are rendering outstanding and very important service to members of their own race and to mankind in general, although most of them have, with pride, chosen to serve the members of their own race; and certainly they are adding to the increasingly high standard of living among the members of their race.

Mr. LONG of Louisiana. Is not the Senator from Florida also aware of the fact that many Negroes are beginning to make increasingly important contributions in the field of science and research, and that that important development was also mentioned in the Wall Street Journal article of yesterday?

Mr. HOLLAND. I thank the Senator from Louisiana for stating that fact, and I am glad to know of it. I have heard the Wall Street Journal article referred to by some Members of the Senate, and I understand the article has already been printed in the CONGRESSIONAL RECORD, even though I have not yet had a chance to read it.

I am sure the Senator from Louisiana will agree with me that the tendency to bypass Congress, bypass the courts, ignore laws which have been on the statute books since 1890, and ignore the all-Negro schools and colleges which have been most valuable and successful since 1890 in training many outstanding individuals, is most regrettable. Of course, that tendency is largely based on a messianic complex, coupled with the view that the laws and the traditions can be ignored. To me, that is an extremely foolish and undesirable attitude.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield again to me?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Florida yield again to the Senator from Louisiana?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Does not the Senator from Florida also agree with me that if all the Negro people in our States begin to count their blessings, instead of constantly looking at the hole in the doughnut, rather than the doughnut, they will see that hardly a college or university in America is not now open to qualified Negro students?

Furthermore, the Negroes now are free to choose between attending white universities and colleges and all-Negro universities and colleges; but most of them realize that the all-Negro universities and colleges pay much more attention to their particular problems and their needs, and in some cases shift the courses in order to make them more attractive to the colored students.

In view of the very great progress being made, certainly the Negroes should be proud of their achievements. It should be noted that today the Negroes are able to choose between attending white colleges and universities and attending all-Negro colleges and universities, and most of them choose to study among the members of their own race, and feel happier there and make better progress. That situation certainly should cause them to be proud and happy, and no doubt it will do so if they will consider the favorable side of the situation and the advantages they have, rather than spend so much of their time feeling that they are being persecuted.

The Senator from Florida has done as much as any man has in helping the members of the colored race in his State advance. Everyone in Florida knows that. I have tried to do likewise in my State. If attention is given to the very great progress being made, instead of to take an attitude that in 1964 an advance must be made at once to the year 2064, the colored people will be well aware of, and much pleased with, the very great progress and advancement being made, rather than have hard feelings, contempt, and hatred between the two fine races stirred up.

Mr. HOLLAND. I agree entirely with the Senator from Louisiana and I am happy to inform him—I am sure this is also true in his great State—that, in my opinion, the great majority of the sound, forward-thinking, decent colored people in Florida—and there are a great many of them in both Florida and Louisiana—feel not differently from the way the Senator from Louisiana and I have expressed ourselves. It is obvious that they do, because they continue to send their children to those schools and colleges.

For example, in my hometown we have a fine principal of the Negro school, which is attended by approximately 1,000 or 1,500 students, and there are perhaps 40 or 50 Negro teachers there. They are doing fine work, and none of them has wanted to enter the white school, or vice versa. If they are left alone by the agitators, I believe they will continue to progress in the way they have, and thus their progress will be definite, permanent, and sure. In recent years they have progressed very far, and they are continuing to make progress. They take pride in that.

When I was a member of the State senate, I took pleasure in handling—because I was asked to do so—the budget of Florida A. & M. College. I was asked to do that, because my broad interest in education was well known. Of course, I was happy to do so. I am happy now that I was able to do it. I am sure that the Senator from Louisiana would have done the same thing. He and I together fought for the anti-poll-tax amendment for years before some of our friends realized that the proposed amendment had merit. Now, of course, it is a part of the Federal Constitution.

We must be practical about these questions and take steps that are in the right direction as rapidly as they can be taken, but remembering always that coercion and compulsion will not bring the answers, and that the real solution will come from adjustments on the part of both races. They will then be found to be the only kind of adjustments that will be of permanent duration and will help to solve the problems.

I thank the Senator for his very helpful intervention.

Mr. HILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield, with the understanding previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The distinguished Senator spoke about the fact that the late lamented President John F. Kennedy, in reply to the recommendation of the Civil Rights Commission that he cut off Federal funds to schools, colleges, and universities, stated that he had no such power and no such authority under the law. Is it not also true that he went one step further and said that perhaps he should not have such power or authority?

Mr. HOLLAND. The Senator is correct. I remember that part of the statement. I believe the statement is contained in a later part of my prepared text. When I reach it, I shall be able to place it in the RECORD.

Mr. HILL. In his opening address to the Senate today, the Senator from Florida spoke about how he had brought to the attention of the Senate last Saturday, when he spoke, the misleading false statements, figures, and statistics that had been issued by the Civil Rights Commission. Is that not correct?

Mr. HOLLAND. That is correct. I did so at that time. Since that time I have had occasion to communicate with some of the communities involved, and I find that not only are they grateful to have us call attention to the fact that they have not been violating the law, but they are also very resentful both against the so-called Civil Rights Commission and the so-called Civil Rights Division of the Department of Justice for the mistreatment which those areas received at the hands of those two agencies.

Mr. HILL. The Senator, of course, recognizes that in the bill before the Senate, H.R. 7152, there is a provision for the Commission to collect and study information concerning developments in the field of civil rights. Is that not correct?

Mr. HOLLAND. That is correct.

Mr. HILL. Does not the Senator believe, in view of the experience in Florida and the experience the country has had with the Commission and its false and misleading statements, there might be all kinds of dangers in continuing the Civil Rights Commission and further authorizing it to collect and dispense information?

Mr. HOLLAND. I consider it to be an unsound organization that has rendered bad service. I think it will continue to render bad service. It has in my opinion what I referred to before as a messianic complex. It seems to feel that it is above all other institutions of government and that it has a mission to do, right now, all things that occur to it or to its members or to its staff that they think will correct racial problems. I hope the Commission will be discontinued. I have lying on the desk an amendment which would force the Commission's discontinuance this fall.

Mr. HILL. The Senator knows that in recent months there have been all kinds of civil disobedience. There have been kneel-ins, lie-ins, sit-ins, stand-ins, and many other acts of civil disobedience of all kinds and description.

Mr. HOLLAND. Yes.

Mr. HILL. In my State of Alabama demonstrators went into stores and lay down between counters and in the corridors, so no one could go down the corridors to look at any goods or make purchases. Civil disobedience has taken place in many areas, whether it be New York; Chester, Pa.; Princess Anne, Md.; San Francisco, Cleveland, or many other places. Is that not correct?

Mr. HOLLAND. Such disturbances have occurred. They all point up the fact that there is very bad leadership on the part of some of the high officials of radical groups that are trying to force a solution of these problems by coercive and compulsive methods. That cannot be done. We shall not arrive at a solution of the problems in that way.

Mr. HILL. The Senator is no doubt aware of what happened in San Francisco in the early part of March. He will recall that in the San Francisco Chronicle of March 7, there was a front page article in which it was stated:

> More than 1,000 singing, chanting pickets swarmed onto the sidewalks around the Sheraton-Palace Hotel last night. It was the biggest demonstration yet in the campaign of civil rights groups for the employment of more Negroes. Thirty minutes after the demonstration began, Superior Judge Walter Carpenti signed a temporary restraining order which limits the pickets to 100.

The Chronicle article continues:

> A spokesman for the Congress of Racial Equality said, however, that the pickets would ignore the injunction.

Because the pickets ignored that injunction, there was trouble in San Francisco for many hours.

Mr. President, the distinguished Senator from Virginia [Mr. ROBERTSON] would like to ask some questions for a few moments, since he must leave.

Mr. HOLLAND. Before I yield to the Senator from Virginia, I thank the Senator from Alabama. I well remember the incident in San Francisco in which demonstrators were trying to force themselves into employment in the General Motors Corp., in the San Francisco office, as if forcing themselves on the payroll were a good way to get into a business and gain the confidence of their employer.

I thank the Senator from Alabama. I am glad to yield to the Senator from Virginia, without my losing my rights to the floor.

Mr. ROBERTSON. The Senator from Virginia would not ask the Senator from Alabama to yield but for the fact that the Senator from Virginia must get another X-ray by the virtue of the fact that in this Chamber last week he wanted to enthusiastically support one side on the jury trial question. The shoulder separation was getting along very well, but the Senator from Virginia took his sling off and tried to demonstrate with the left and the right hand. Now the surgeon says that in order to put the collar bone back in place it must be forced open, a nail must be put in, and I must keep my arm in a sling for a month and a half. That is regrettable, but we are expendable. I have never considered myself to be otherwise. I am going to protest against any operation which would take me off the floor before consideration of the bill is finished.

First, I wish to express to the distinguished Senator from Florida my admiration for the wonderful primary fight he made recently in Florida. I was in that State a few weeks before the primary, addressing the wonderful bankers there, and I learned that his opponent was making the civil rights measure an issue in the campaign. Is that correct?

Mr. HOLLAND. Yes. I am sorry to say it became one of the major issues in the campaign. The people of Florida, in all 67 counties, seemed to believe that I was representing their convictions in the matter, because in every county I was fortunate enough to gain the big end of the result.

Mr. ROBERTSON. Not only did the Senator win in every county, but in the total vote, which was rather unprecedented—perhaps over 1 million, which is a big vote in a southern primary—the Senator won by better than 2 to 1.

Mr. HOLLAND. In my modesty, I must admit that I won by 2½ to 1.

Mr. ROBERTSON. I am not up for election this year, but if I were running solely on the civil rights issue in Virginia, I believe I could win by 4 to 1.

Mr. HOLLAND. It would be inconceivable to me that the good people of Virginia would want anyone in the place of the good Senator from Virginia. I believe he will be in the Senate as long as he wants to be. Even if he is unfortunate in results with his arm, I would rather have him on the floor with one arm than almost anybody else I know with both arms in good shape. We are glad to have him present today.

Mr. ROBERTSON. But conditions are changing. There will be 200,000 or 300,000 new voters in Virginia. One of the saddest political comments I have read, which is in the Bible, states: "Now there arose up a new king over Egypt which knew not Joseph."

One can lose contact, or one can advocate changes, and the people will leave him. But I will never change my views that we should fight to the last ditch for the preservation of States' rights and American constitutional liberty. Those fundamental principles are imperiled by the bill.

I realize that the Senator from Florida is now discussing something other than the pending question, which is the Mansfield-Dirksen substitute for an amendment offered by Senator TALMADGE, Senator ERVIN, Senator THURMOND, and myself, to provide for jury trials in all criminal contempt proceedings.

I was interested in reviewing a report of a very fine Senate committee, the Committee on Commerce, on the so-called Kennedy civil rights bill which was introduced last year. Now we have before us a House bill. We do not know the paternity of that bill. Neither do we know all its meanings.

But we did have last year what was called the Kennedy omnibus bill, in which it was pointed out that in 1883 the Supreme Court had turned down a bill providing that all "Mrs. Murphys" had to accommodate everyone who wished to sleep in Mrs. Murphy's home, whether she wanted them or not. That part was split off from the main bill and sent over to the Commerce Committee on the assumption that we now have a Supreme Court that does not feel it could be bound by the real meaning of the interstate commerce clause of the Constitution, and that if Congress and the pressure groups will strive hard enough, they can induce the Court to rule that if Mrs. Murphy entertains four persons overnight, she is not in interstate commerce, but if she entertains five, she is. If she entertains four by giving them only a bed, but gives one of them breakfast next morning, she would be in interstate commerce again.

That is the theory. I wish to read the names of members of the committee which reported the bill. It is a very distinguished committee.

The Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. LAUSCHE], the Senator from Texas [Mr. YARBOROUGH], the Senator from California [Mr. ENGLE], the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. HART], the Senator from Nevada [Mr. CANNON], the Senator from New Hampshire [Mr. COTTON], the Senator from Kentucky [Mr. MORTON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Vermont [Mr. PROUTY], and the Senator from Maryland [Mr. BEALL].

Members of that committee are among the finest of Senators. They did a commendable thing. The report shows that various Senators filed minority views, one by the Senator from Oklahoma [Mr. MONRONEY], one by the Senator from South Carolina [Mr. THURMOND], and one by the Senator from New Hampshire [Mr. COTTON]. But there was a unanimous report with respect to subsection 8(b) and 8(c). I read them to the Senate. The following language is found on page 7 of that report:

> Subsection 8(b): This subsection would provide that in all cases of criminal contempt arising under any court order issued pursuant to this act, the accused, on demand, be entitled to a trial by jury. This would be subject to the exclusion in subsection 8(c).
>
> Subsection 8(c): This subsection would exclude from jury trial contempts committed in the presence of the court, or so near thereto as to interfere directly with the administration of justice, and contempts arising from the disobedience of any officer of the court in respect to the writs, orders, or process of the court.

This wording was in the exact amendment on which the Senate voted last night.

Mr. HOLLAND. It certainly is the substance of it. It sounds exactly like the other one. I remember that the Senator from Washington made it clear that he had sponsored and supported this provision in the bill which the Senator has mentioned and that, therefore, he was taking a position in support of the amendment offered by the Senator from Kentucky [Mr. MORTON].

Mr. ROBERTSON. That is true. The Senator from Kentucky said it was the exact amendment that had been reported by the committee, but that the amendment applied only to "this act."

"This act," in this instance was title II, the accommodations section of the present House bill. But the question I wish to ask is this: After weeks of hearings before that fine committee, did not the committee unanimously report a jury trial amendment for title II?

Mr. HOLLAND. The Senator is correct. The pending bill that came over from the House differs materially from that provision of the bill considered by the Senate Commerce Committee. It differs in philosophy from the recommendations of that committee as to other titles.

Mr. ROBERTSON. That is true; but while the Senator has unanimous consent to speak on a nongermane section, we are really discussing the Mansfield-Dirksen substitute for a complete jury trial.

Mr. HOLLAND. The Senator is correct.

Mr. ROBERTSON. It is not inappropriate—because sooner of later we shall have to vote on the Mansfield-Dirksen substitute—to point out that the only committee which took up any part of the omnibus bill last year and acted on it, unanimously reported a jury trial amendment in conformity with the way all crimes are tried. Has it not been brought out repeatedly on the floor of the Senate, by both Senators from Florida [Mr. HOLLAND and Mr. SMATHERS], by the distinguished Senator from Alabama, the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Virginia [Mr. ROBERTSON], that undoubtedly the framers of the Constitution, when they provided that all crimes should entitle a man to a jury trial, intended also to include criminal contempt?

Mr. HOLLAND. The Senator has made his point very clearly, and so have his associates, the Senators whom he has just mentioned.

Mr. ROBERTSON. Is it not true that in the most recent Barnett case, the distinguished Chief Justice of the United States and three of his colleagues stated that it was a constitutional right

Mr. HOLLAND. The Senator is correct. It was a hairline decision—5 to 4—a decision by the five which was written by Mr. Justice Clark, which stated that Congress had authority to change its decision, and it all but recommended it. Before, all Supreme Court Justices had clearly stated their hostility to the handling of criminal contempt proceedings without a jury trial.

Mr. ROBERTSON. Is it not true that Congress, feeling that courts were hostile to the then relatively weak labor unions, felt that they should be protected from judges who had been proposed by the big corporations and who had been supporting them and had been friendly to them, felt that it should protect young unions from mistreatment by Government injunction and provide a trial by jury in contempt cases involving offenses not committed in the presence of a judge; and did not ask the Supreme Court to hold, whether it was a constitutional right or not, that Congress had the right to provide for a jury trial?

Mr. HOLLAND. The Senator is correct. The Norris-La Guardia Act, to which the Senator has referred, was enacted to make sure that members of labor unions who might knowingly or unknowingly violate provisions of injunctions would be entitled to jury trials in criminal contempt cases.

Mr. ROBERTSON. The distinguished Senator from Alabama pointed out 2 days ago that the Norris-La Guardia Act was followed by the addition of certain provisions in the Landrum-Griffin Act.

Mr. HOLLAND. The Senator is correct.

Mr. ROBERTSON. The question now is whether we are talking about a constitutional right, or what is right for Congress to do. Congress has the right either to guarantee trial by jury to those charged with criminal contempt, or to deny it.

Mr. HOLLAND. The Senator is correct. In my opinion, it is our duty to grant the right to a jury trial. I see no reason why a labor man on the picket line, who might be picked up for being in violation of a court injunction, should be entitled to greater respect and greater consideration in being granted a jury trial, than should the registration officer in my county, who happens to be a worthy woman, or members of my school board in my school district, two of whom are ladies, or any other official or citizen—let us say, for example, that irate fathers or mothers intervene, as did the 20,000 mothers and fathers who marched on City Hall in New York City a few days ago. I cannot see why they are not entitled to just as much consideration in being allowed a jury trial as is accorded under the Norris-La Guardia Act, to members of a labor union.

Mr. ROBERTSON. In the Green case, from which the junior Senator from Virginia quoted Justice Black, there was a strong minority opinion to the effect that jury trials were a constitutional right. When Governor Barnett's case was before the court of appeals, that court split 4 to 4. When it came to the Supreme Court, the Court split 5 to 4. I am not too sure that when it gets to the Supreme Court again, and the Court takes another look, that the majority of 5 will be on the constitutional side.

In the meantime, we cannot rely on it. The people of this Nation are looking to us not to expand government by injunction and make new crimes under titles II, VI, and VII of the bill, and then haul people before a hostile judge who will put them in jail without a jury trial. Is that not correct?

Mr. HOLLAND. The Senator is correct. I invite attention to the fact that the jury trial issue is still highly controversial. Only yesterday, in voting, in the Senate, there occurred a 45 to 45 tie vote.

I believe we are under a duty, in this group of 100 men and women, to settle this question once and for all by permitting a jury trial at the option of the person charged with the violation of a court injunction in a criminal proceeding. I hope that we shall be successful. I have every confidence that we shall be before we are through.

Mr. ROBERTSON. I have not given up the fight. The Parliamentarian has informed me that even if the Mansfield-Dirksen substitute is adopted, it will not preclude action on my amendment to provide jury trials in FEPC cases under title VII. Therefore that question is coming up again. By the same token, we will call on members of the great Commerce Committee to tell us why they thought jury trials were right last year, but that now they do not think so. They may have an explanation. They are entitled to make an explanation. They are entitled to change their minds. However, it will be interesting to know what the explanation is. It will be interesting to know how fully the people of this Nation accept that explanation.

I now ask my friend, with reference to the substitute, which we are told will be adopted, if it does not provide that a hostile judge, without a jury, in a case of criminal contempt not committed in his presence, could put a man in jail for 30 days.

Mr. HOLLAND. Up to 30 days. He could fine the man up to $300, too. He could do that and still be safe in the knowledge that no jury would have the right to pass on that man's case.

Mr. ROBERTSON. Can the distinguished lawyer, the Senator from Florida, who was a great lawyer in his State before he became Governor and Senator, and has certainly had an opportunity to further study the Constitution since he has come to the Senate, find any reference in the Constitution, in the debates when the States ratified the Constitution, or any discussion anywhere in Congress, or anywhere else, to the effect that being confined in jail for 30 days is not a criminal punishment?

Mr. HOLLAND. No.

Mr. ROBERTSON. Very well. Then how, I ask the Senator, can any Senator stand on the floor of the Senate and say that he will support putting a person in jail for 30 days by a hostile and prejudiced judge, but that he is not denying that person his constitutional right of trial by jury? Can the Senator answer that question?

Mr. HOLLAND. I hope no Senator will rise in his place and take that extremely difficult-to-understand position.

Mr. ROBERTSON. It astounds me that I should be told that when the vote comes, we are expected to ratify a most astounding proposal; namely, that being confined for 30 days by a hostile and prejudiced judge is not being committed for a crime, and that it does not violate constitutional rights; but if the judge goes beyond a certain point, the accused can demand the right of trial by jury. Is not the distinguished Senator astounded that sensible Members of the Senate should be asked to accept a proposal of that kind and be asked to call it protecting the right of trial by jury?

Mr. HOLLAND. The Senator from Florida cannot understand how anyone would do so, especially when by so doing he would be winking at the fact that this is probably the closest controversy the Supreme Court has had in a long time, the decision being 5 to 4 with the so-called liberal members of the Court on the side of the four who insisted that there shall be jury trials, and with five members of the Court, in a rather weak decision, issuing what amounts almost to an invitation to a legislative body to take action to get away from a situation which they have made for themselves. I hope that invitation will be accepted.

Mr. ROBERTSON. As the Senator from Virginia has said, there will be three votes on this question. No one need think that this issue will be swept under the carpet and forgotten. Senators will vote on the substitute. Should it be adopted, we shall call on the members of the great Commerce Committee to stand up and be counted where they were counted last year, for jury trials. Then we shall call on all Senators who do not relish the thought of prosecutions all over the Nation under title VII.

I was a prosecuting attorney during national prohibition. There would be a hundred prosecutions under title VII, for alleged discrimination in employment, for every bootlegger who was punished in prohibition days. We never could catch up with all of them and we had to abandon that law.

I recently received a letter from a very able constitutional lawyer, of Dalton, Ga. I am sure the distinguished Senator from Florida either knows him or knows of him. He is R. Carter Pittman. I am sure the Senator has heard of him.

Mr. HOLLAND. I have indeed.

Mr. ROBERTSON. He writes:

> Time has not permitted me to read all of the debates on the proposed civil rights bill, but I have read much, including portions of the debates in which you, Senator RUSSELL, Senator HILL, Senator SMATHERS and others—

Of course he should have included the senior Senator from Florida, except that I am sure he ran out of names, and that is why he did not include the name of the senior Senator from Florida, who has spoken as much as the junior Senator from Florida has spoken—

> and others commented on the provisions of the proposed act depriving people of the right of jury trials and setting up star chamber proceedings for those charged with contempt of contemptible decrees. That which I have read is impressive, but there is one point which I believe to be most significant which I have not read any discussion on. I will try to set it out briefly:
>
> As you recall, section 2 of article III provides: "The trial of all crimes, except in cases of impeachment, shall be by jury."
>
> The sixth amendment states: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed."
>
> The fifth amendment provides in part as follows: "Nor shall any person—be compelled in any criminal case to be a witness against himself."
>
> Thus, you observe that the privilege against self-incrimination may not be constitutionally claimed, as a right, by "any person" except in a "criminal case." The proponents of the Civil Rights Act insist that those charged with criminal contempt before a Federal judge are not entitled to a jury trial because a contempt proceeding is not a criminal case. If a proceeding to adjudge a person in contempt is not a criminal case, a Federal judge may order one charged with contempt to be put to the rack, thumbscrews, and his body lashed from head to foot in order to compel him to be a witness against himself.
>
> I am the author of the lead article in the June 1956 issue of the American Bar Association Journal (vol. 42, p. 509) entitled "The Fifth Amendment: Yesterday, Today, and Tomorrow," which tells how and why "in any criminal case" was put into the fifth amendment. My first published article was in the Virginia Law Review of May 1935 (vol. 21, p. 763) entitled "The Colonial and Constitutional History of the Privilege Against Self-Incrimination in America." That article was cited by the Supreme Court of the United States in numerous decisions prior to 1954. The latter article gives and documents historical reasons why the Federal privilege against self-incrimination, unlike the privilege preexisting in the several colonies and States, was limited to a "criminal case." Briefly, traitors prayed for the privilege to be granted to them before the Continental Congress and before State assemblies during the American Revolution. They were not demanding immunity as a right. The fifth amendment was amended on the floor of the first Congress by Congressman Lawrence, of New York, precisely in order that the Federal privilege should be confined to criminal cases.

He then quotes this article:

> In a most challenging piece of research, Mr. Pittman points out why the privilege against self-incrimination was by the Founding Fathers specifically limited to criminal cases, and that the extension of the privilege by the Supreme Court to civil cases, and latterly to congressional hearings, is historically without constitutional warrant. He points out that Congress, following the practice of Parliament which has never recognized the privilege in legislative investigations, can, as in the Immunity Act of 1954, deny the exercise of the privilege by an appropriate immunity statute proscribing the use, in both the Federal and State courts, of incriminating evidence obtained in congressional hearings.

On the editorial page, the editors said:

> The recent fifth amendment decisions of the U.S. Supreme Court make particularly startling reading of the article in this issue by R. Carter Pittman, bearing the above title. We commend it for your attention.

Mr. Pittman goes on to say that his article contains material pertinent to the present debates. He notes:

> This privilege against self-incrimination came up through our colonial history as a privilege against physical compulsion and against the moral compulsion that an oath to a revengeful God commands of a pious soul. It was insisted upon as a defensive weapon of society and society's patriots against laws and proceedings that did not

> have the sanction of public opinion. In all the cases that have made the formative history of this privilege and have lent to it its color, all that the accused asked for was a fair trial before a fair and impartial jury of his peers, to whom he should not be forced by the State or sovereignty to confess his guilt of the fact charged.

Later in the letter, Mr. Pittman said:

> A short article on the history of the words "in any criminal case" to be found in the fifth amendment may be found in a statement prepared by me and published in the hearings before a Subcommittee To Investigate the Administration of Internal Security of the Committee on the Judiciary, 85th Congress, 2d session, on Senate bill 2646, part 2, page 107. A copy of Dean Griswold's letter to me of June 16, 1954, and my letter to Senator EASTLAND about it are to be found on pages 356 and 357 of the same volume.

Mr. Pittman closes his letter, as follows:

> I am taking the privilege to send a copy of this letter to Senators RUSSELL, SMATHERS, and HILL who, with some others, participated in the debate on jury trials, and to Senator THURMOND, who may also find this material to be useful.

Is it not true that if we took the position that criminal contempt is not a crime, there would be nothing that would prevent a hostile judge from forcing an accused to testify against himself.

Mr. HOLLAND. It would seem to be a necessary conclusion.

Mr. ROBERTSON. In other words, either we must give him all of his constitutional rights, or we wipe them out. And when we wipe out a trial by jury, we wipe out the provision against self-incrimination. Even in congressional hearings, witnesses invoke the fifth amendment. Recently in a hearing before the Committee on Rules and Administration, one witness invoked the fifth amendment about 120 times in 1 day. At any rate, all the Constitution provided was that in a criminal case, a witness could take refuge in the fifth amendment.

Are we not proposing—if we enact this bill without changing it—to hold that they are not entitled to a jury trial because criminal contempt is not a crime? Also, are we not proposing to take away the protection which a man has under the fifth amendment to the Constitution?

Mr. HOLLAND. In that kind of proceeding, yes.

MR. ROBERTSON. Mr. President, I apologize for taking up so much of the Senator's time. But, knowing how well versed the Senator is in these problems and knowing how he has demonstrated, in the wonderful race which he made in his home State, that the people of the Nation are not for this bill, I wanted to make it clear that this is one phase of the bill that will be difficult to sell to any State in the Union. That is the provision which seeks to deny a man his rights under the fifth amendment, and to deny a man his rights to a jury trial in a criminal case.

I thank the Senator.

Mr. HOLLAND. I thank the Senator for his able and convincing remarks. I hope that when the Senator gets to the doctor, he will find that his exercises in the Chamber today, as he has been delivering this able talk, have corrected any troubles that appear imminent with reference to his shoulder. We shall need him here with both fists.

Mr. ROBERTSON. I thank the Senator. I will continue the debate even if I have but one arm. Fortunately, my voice has not been affected in my determination to keep up the fight.

Mr. HOLLAND. I thank the Senator; and I wish him good luck on his trip to the surgeon.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. The Senator from Alabama has considered the matter of misleading reports, statistics, alleged facts, and figures which have been issued by the Civil Rights Commission. We called attention to the fact that this bill, H.R. 7152, provides that the Commission is to give out facts, and collect so-called information.

Mr. HOLLAND. It directs the Commission to make investigations and reports.

Mr. HILL. The Senator is correct. The Senator has called attention to the sit-ins, the lie-ins, the stand-ins, and many other acts of civil disobedience. I have before me an article from the Wall Street Journal of today, Thursday, May 7, 1964. I should like to read from the article.

Mr. HOLLAND. I would be very happy to have the Senator do so. Mr. President, I ask unanimous consent that I may yield for that purpose, without losing my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The article in the Wall Street Journal of today, Thursday, May 7, 1964, is captioned "Negro Gang Forms in Harlem To Wage War Against Whites—Police Say Group, Trained in Battle Tactics, May Be Behind Four Recent Purposeless Killings."

I read from the article:

> Rising racial tension has led to the creation in New York's Harlem of a large and fanatical Negro gang to war on whites.
>
> Some estimates put the number of members of the extremist group at 400, mostly youths recruited from the Harlem streets. The gang is being organized and trained in karate and other commando combat tactics by a faction that defected early this year from the Black Muslims, an extreme "Negro supremacy" group.
>
> Worried law enforcement authorities have privately confirmed the existence of the antiwhite gang. Police suspect that members of the gang may be responsible for four apparently purposeless murders of whites in recent weeks. Police believe that one important aim of the gang, which calls itself the Blood Brothers, is to have an organized and trained force on hand to combat the police in any future racial disturbances or other street violence in Harlem.
>
> The Harlem ghetto, a community of nearly 400,000 in upper Manhattan, could become a hotspot this summer. The area has a high crime rate, and unemployment in Harlem is twice the rate of the city as a whole. The police stationed in Harlem, both white and Negro, are generally unliked by the Negro populace.

Knowing that we have a situation like that confronting us today, might it not well be that such misleading figures, statistics, and statements which have been given out by the Civil Rights Commission might inflame the people and cause some terrible, catastrophic situation?

Mr. HOLLAND. The Senator's suggestion is, of course, sound. Every effort that is made to make it appear that the Negroes generally are being very badly mistreated adds fuel to the flame. Generally the Negroes who are a part of this disturbance tend to bring about greater confusion of that kind.

I am glad the Senator brought that matter up. I do not believe that the leaders who are responsible for this type activity in Harlem and Cleveland—and the Senator will remember that the distinguished Senator from Ohio [Mr. LAUSCHE] called attention to the fact that a rifle club was being organized in south Cleveland—constitute more than an inconsequential percentage of the total number of Negroes—but that inconsequential percentage is most dangerous in its intemperate action to cause trouble and violence.

I believe that bad leadership is responsible mainly. We must look to the great majority of the Negroes, and what they are doing. I shall later read into the RECORD some very heartening things which have come to my attention in recent days. They indicate that there is a sound Negro leadership which may now be coming to the forefront in this dangerous situation which exists and we should hold up their hands and help them move ahead and develop higher standards of living, greater prosperity, and better educational opportunities for the people of their race.

Mr. HILL. But is not the article in the Wall Street Journal a warning signal?

Mr. HOLLAND. Yes; and it is a frightening thing.

Mr. HILL. Does not it show the wisdom of the position taken by the Senator from Florida and the wisdom of the amendment he has offered?

Mr. HOLLAND. The Commission not only has shown a decline in the caliber of its membership and its activities, but also has shown quite conclusively, in its reports, that its usefulness is over and that it should be discontinued entirely.

I thank the Senator from Alabama for his fine comments.

In view of the suggestions the Senator from Alabama has made, I believe this might be an appropriate time for me to make several statements in regard to the type of leadership I have seen among Negroes. In the campaign in my State to which reference was made by the Senator from Virginia [Mr. ROBERTSON], I had the active and open support of some of the finest Negro leaders in Florida. I am very happy to inform the Senator from Alabama of that fact. For instance, the Negro bishop of Florida endorsed my candidacy for reelection, and took a very active part in my behalf. I am happy to say that I have received widespread support of that kind; and I stress the friendly feeling among members of the Negro race in widespread areas in that part of the country toward the white citizens—a feeling that has been manifested in many, many ways and on many, many occasions—rather than the open conflict which has existed in other parts of the country—and exists today.

In this connection I wish to refer to the following letter:

Mutual Association of Colored People South, 197 Beale Street, Phone 527-3767, Post Office Box 3162,
Memphis, Tenn., April 15, 1964.
Regional Office,
937 North Lamar, Jackson, Miss.
Regional Office,
Macon, Ga.

Dr. M. L. Young, president; Clarence Griffin, vice president; Mary Jean Sparks, executive secretary; Clara Mae Cooper, secretary-treasurer; Prof. E. Garrett, council of education; Jessie Johnson, supervisor of women's department; T. R. Robinson, member of board of directors; Itell Moody, State superintendent of Mississippi, 708 15th Street, Columbus, Miss.

Negro Achievement and Education Bulwark Against Communism.

Attention Senator SPESSARD L. HOLLAND,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: We the members of the Mutual Association of Colored People South strongly opposed to the so-called civil rights legislation, and urgently request you to use every means at your disposal to defeat this federalization and the removal of the rights inherent in free enterprise. A more reasonable civil rights bill has not emerged as we all had hoped, so, once again, I strongly urge you to use every means at the disposal of your high office to defeat this bill.

We assure you that, we as southern Negroes will stand behind our southern Senators 100 percent.

Sincerely yours,
Rev. M. L. YOUNG, *President*.

MACPS—Unity, Loyalty, and Cooperation, we cover the South and Midwest, building good will, citizenship, charity, scholarship, youth, and race relations.

In further reference to the letter from Rev. M. L. Young, the president of the Mutual Association of Colored People South, I call particular attention, also, to the names of the officials of that organization, as listed in the letterhead, and also to the motto of the organization, as also listed there: "Negro Achievement and Education, Bulwark Against Communism."

I also call particular attention to the words set forth at the foot of the letter: "Building good will, citizenship, charity, scholarship, youth, race relations." Those are set forth as the objectives of the Mutual Association of Colored People South. I believe the Senator from Alabama will agree with me that the objectives of this organization are very fine and worthy.

Mr. HILL. Indeed I do.

Mr. HOLLAND. The Mutual Association of Colored People South was established in 1945. It has done, so I am told by the Senators from Mississippi and the Senators from Georgia, where as its letterhead shows it has branch offices, good work in their part of the country, too.

There has also come to my attention an article which was published under the headline "Negro Editor Opposes Rights Bill—Legislation Described as Unenforcible." The article was written by Martin Arundel, and was published on May 5 in the Orlando Sentinel, of Orlando, Fla. Martin Arundel is one of the editors of the Pittsburgh Courier, although he lives in New York. This article was published in a considerable number of newspapers—although, as I have indicated, the copy I hold in my hand was published in the Orlando Sentinel. The article reads as follows:

[From the Orlando (Fla.) Sentinel, May 5, 1964]

Negro Editor Opposes Rights Bill—Legislation Described as Unenforceable

(By Martin Arundel)

NEW YORK.—A prominent Negro editor and writer, who is a candidate for Congress on the New York State Conservative Party's ticket, sees no need for new civil rights legislation and contends the administration's bill "won't work and can't be enforced if passed."

George S. Schuyler, New York editor of the Pittsburgh Courier, one of the country's most influential Negro newspapers, expressed this view in an exclusive interview with NANA.

Schuyler expects the controversial and flamboyant ADAM CLAYTON POWELL, the Democratic incumbent in New York's 18th Congressional District (Harlem) to be his, Schuyler's, principal target during the campaign. If POWELL seeks reelection, he has indicated he will run on an extremist civil rights platform.

"I intend to make things uncomfortably interesting for ADAM," Schuyler said.

"There are enough civil rights laws on the books now to insure Negroes equality," Schuyler insisted. "One of the strongest is the 14th amendment to the Constitution. But none of them have ever been enforced. New laws would only further confuse the situation."

The 69-year-old veteran journalist, who has been on the inside of the Negro betterment movement for more than 40 years, charges that the present civil rights leaders are heading Negroes and other minorities "down a blind alley" with "demagogic demands they know will never be won."

"There is a lot of sentiment, perhaps unvoiced as yet, in the Negro community against extremist demands and militant demonstrations," Schuyler said.

He is convinced that Communists and fellow travelers wield strong influence over civil rights leaders. "I don't think Martin Luther King or Roy Wilkins are Communists or fellow travelers. But I'm pretty sure that the Commies have maneuvered them into positions where the Reds can squeeze them," Schuyler said.

(Martin Luther King heads the Southern Christian Leadership Conference and Roy Wilkins is executive secretary of the National Association for the Advancement of Colored People.)

Schuyler, a founder of the Conservative Party 2 years ago (its candidate for Governor polled more than 100,000 votes in New York in 1962) sees no contradiction in a Negro running for office as a conservative.

"A Negro runs as a conservative because he has a lot to conserve, a big stake in the American free enterprise system and individual freedom," he says. "The Negro no more wants to be oppressed and shackled by big bureaucratic government than the white man."

He continued: "My campaign's object will be to alert the Negro people that there is a more sensible solution to their problems than the demagogues offer."

Of his prospective opponent, POWELL, Schuyler said: "He's a demagog, a rank opportunist, a Powell-crat, not a Democrat. He's only interested in the good things in life power brings—ranches in Puerto Rico, flashy racing cars, Government-paid junkets to the fleshpots of Europe."

Schuyler concedes that he has practically no chance of being elected. "But POWELL, whom I rather like personally, will be in for a lot of embarrassing moments, if I can help it," he said.

Schuyler blames the present Negro leadership for the plight of Negroes. "The leadership has miserably failed in inspiring the Negro community to help itself," he charged. He believes that Negroes should organize their own businesses, banks, and other financial institutions on a much larger scale than presently exists as part of the solution to their economic problems.

Mr. President, there is much sound good sense in the release by Mr. Schuyler, who, I understand, is now running in the campaign against the incumbent Member of the House of Representatives for the 18th New York District, ADAM CLAYTON POWELL.

There are a great many fine Negro leaders; and it is quite clear that many of them do not agree with the extreme provisions of the pending bill—nor of the disturbing activities of some of the militant leaders of their race. I am glad the Senator from Alabama helped lay the framework for the making of that point.

We know that many Negroes have established fine businesses, including savings and loan associations. One of them is in Orlando, Fla. It is a Negro institution, and it is soundly managed by fine Negro men. They have made a great success of it. There is also a fine Negro insurance company in Jacksonville, Fla. It, too, has achieved great success. All the officials of both those organizations are Negroes, and they have established fine organizations.

Extremists among the Negro people, like the extremists among white people—and that means those on both sides of the issue, for there are extremists on the right side and extremists on the left—are making it extremely difficult for the moderate and decent people, who constitute the bulk of the Negro people as well as the bulk of the white people, to continue to move ahead in the regular orderly, though somewhat slower method, which has been in progress for a long time, and with which we are obtaining good results. I am glad to call attention to the fact that there is sound Negro leadership in the country. I hope the leaders will be more and more aggressive and will be able to obtain the attention of the majority of the Negro people, who are now so misled by so much false leadership, untruthful propaganda and bad advice.

Under the present trend of the decisions of the U.S. Supreme Court, it is quite possible that the quoted section of the Morrill Act might be invalidated by the Court if it came before the Court for a decision. This, however, is beside the question. The fact is that the existing law does provide for the division of Morrill funds between colleges for white students and colleges for colored students in States where such separate institutions are established and operated under State law. For the Civil Rights Commission to recommend that the President request the Secretary of Defense to discontinue ROTC programs at such separate colleges or universities which are specifically recognized by existing law and without submitting the matter for Court determination as to the constitutionality of such existing law, displays in my opinion a completely arrogant attitude. The Commission asks the President to request the Secretary of Defense to ignore existing law—that is, both the Federal law and State law—to bypass the courts and to, by his own act, determine that the existing law is unconstitutional and should not be recognized in the allocation of Federal funds even though the Congress in appropriating such funds had followed existing law. This attitude would place the executive department in complete domination of both the legislative and judicial departments and would make the executive department the sole arbiter of the constitutionality of legislation highly important to the security and defense of the Nation and to the training of thousands of young citizens, both black and white.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Alabama.

Mr. HILL. Is it not true that one of the greatest glories of our American system under the Constitution of the United States has been what we speak of as the check-and-balance system, so that none of the three branches of our Government has any complete authority?

Mr. HOLLAND. That is true.

Mr. HILL. Even with respect to Congress, which enacts legislation.

Mr. HOLLAND. Yes. I thought good citizens so recognized; but apparently the Civil Rights Commission, in their overly evangelistic activities, are not willing to recognize that such is the case.

Mr. HILL. Is it not true that that is only one illustration of the many cases in which the Commission seems to disregard entirely our whole constitutional system, its provisions, its concepts, and the practices under that system, which have been in operation ever since the Constitution was adopted?

Mr. HOLLAND. The Senator is correct.

I am sorry to see that occur in this particular case. This is a vital field. There are literally thousands of young white men and young Negroes who wish to be trained for the defense of their country and who do not desire to be caught in the event of a disaster, such as a war, without training and without capacity to serve to better advantage. They are going to schools throughout the Southland, as in other parts of the country, but in our part of the country they are, in the main, in segregated schools. They have been trained by the thousands, to the great advantage of our country. I dislike to see a body of this kind, such as the Civil Rights Commission, recommending strongly to the President that he ignore the courts, that he ignore the Congress, and that he ignore existing law, and by his own act stop the turning over of Federal funds duly appropriated by the Congress, where the power of the control of appropriation lies, so as to permit the ROTC activities to continue in that great part of the country in which more than 50 million of our people live. Most of them are highly patriotic people. They consist of citizens of both colors. They wish to serve their country to best advantage in the event that we should have an emergency.

Mr. HILL. Is it not true that with all the power in the hands of the Executive, he cannot take a single penny out of the Treasury of the United States unless the Congress of the United States, in its wisdom, appropriates the money from the Federal Treasury?

Mr. HOLLAND. The Constitution so provides. The Senator is correct.

Another recommendation of the Civil Rights Commission which completely bypasses the courts and the Congress is recommendation No. 6 on page 217 of the printed report of the Civil Rights Commission of October 1963, which reads as follows:

> That the President and the Secretary of the Department of Health, Education, and Welfare, in the granting of funds for the construction and operation of schools under the impacted area program, condition such grants upon the receipt of adequate assurances that all children in the district will be assigned to schools without regard to race.

This recommendation would not only seriously affect and perhaps destroy the defense impacted area system for schools as passed by the Congress and approved by the President from time to time, but would also recommend a policy which, if it was followed, would saddle great additional expense upon the Federal Government.

It does not seem to have occurred to the Civil Rights Commission to consider the effect upon the expenditures by the Federal Government that would be involved if the impacted area program should be terminated. The effect would be to increase the Federal obligation to the education of children about three times, as I shall show by the letter from the Department of Health, Education, and Welfare, which I shall shortly ask to have printed in the RECORD.

The defense impacted area appropriations for public schools, as made by the Federal Government under existing laws, do not pretend to pay the full cost of the education of those students which are brought into local public school systems by the fact that their families are stationed in those areas in defense posts or similar establishments.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. The Senator has touched on a point which I feel should be made thoroughly and completely clear, and that is that impacted areas within the respective States were caused by national defense, for national purposes. The Congress of the United States has appropriated money for the purpose, and various agencies of the Federal Government, in their wisdom, have located military installations in areas in which they can be most effective in the security of our country. As a result, a number of people have been concentrated in such areas who would not be there except for the activity of the Federal Government. Is that not correct?

Mr. HOLLAND. The Senator has well stated the fact. For example, the reason certain great activities are carried on at Cape Kennedy is the existence of the cape. Florida did not put the cape there. No human hand put it there. It happens to be the spot in which a great shooting gallery 8,000 miles down the South Atlantic and over into the Indian Ocean exists and it can be policed very easily from islands which screen it pretty well all the way down. There is no other place where such an activity could be as well conducted.

Mr. TALMADGE. The people of Florida had no voice in the selection of that site, did they?

Mr. HOLLAND. No. We were delighted to have it put there, but it was not put there as the result of any merit on our part.

Mr. TALMADGE. The decision was made at the Federal level.

Mr. HOLLAND. The decision was made at the Federal level because it was the one spot on the perimeter of our Nation where an activity of that kind could be most effectively based.

Mr. TALMADGE. And the expenditure of Federal money made the project possible?

Mr. HOLLAND. The Senator is correct.

Mr. TALMADGE. The expenditure and the installation, in turn, caused many thousands of people to go there to seek employment. That caused the impacted area for which the funds have been appropriated and made available for Florida schools?

Mr. HOLLAND. The Senator is correct. The letter to which I referred from the Department of Health, Education, and Welfare shows that the project added over 12,000 students to the public school system of the country of Brevard. The children come from the homes either of Air Force personnel at Patrick Air Force Base, those who serve NASA, or those who serve the contracting agencies which in turn serve NASA.

Mr. TALMADGE. If the funds to which we have referred were cut off, what would happen?

Mr. HOLLAND. There would be only two possibilities. Either the local communities and the State would find some way of carrying on—and carrying a burden which is certainly a national obligation——

Mr. TALMADGE. A burden not of the State's creation.

Mr. HOLLAND. Not of the State's or local community's creation. If the State could not provide the necessary facilities—and, frankly, in that particular location it could not, because the number of children coming in to the defense activities is so great—the Federal Government would have to establish separate schools. If it established separate schools, it would cost the Government, as I shall show later, a little over three times as much as it is costing the Government under the present program.

The present program does not cover the full cost of the education of the children, as the Senator from Georgia knows, but a great many people do not know it.

Mr. TALMADGE. It is only a small part of the cost.

Mr. HOLLAND. It is a contribution; that is all.

Mr. TALMADGE. The Senator has made that fact abundantly clear. It is well that it be done, because, as has already been pointed out, certain persons talk about that matter but do not realize the situation which exists and how expensive it would be to the Federal Government for it to undertake to operate a public school system of its own in the areas affected.

Mr. HOLLAND. They certainly have not realized the situation. It is rather astonishing that the Civil Rights Commission, with all the responsibility in this field, does not understand it. But as the facts show that Commission has deteriorated to the point where its usefulness is at an end.

Mr. TALMADGE. Will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. TALMADGE. The Civil Rights Commission to which the Senator refers is the same Commission that wanted to starve all the people of Mississippi to death, both Negro and white.

Mr. HOLLAND. It wanted to withdraw all Federal appropriations. It would have starved some people; there is no doubt about it.

Mr. TALMADGE. And President Kennedy, as the Senator recalls, twice on the same day very wisely stated that he did not have that authority, and he did not think any President ought to have such authority. Is that correct?

Mr. HOLLAND. That is correct. In a similar debate some months ago, the Senator brought that fact out. I thought so highly of it that, at a later point in my prepared remarks, I shall place that statement in the RECORD today, because I thought the Senator made a great contribution by bringing out that fact.

Mr. TALMADGE. I thank the Senator. I think it well to repeat the President Kennedy quotation at every opportunity on the floor of the Senate, because some Members of the Senate apparently have not yet fully learned what his views were in that regard.

Mr. HOLLAND. I agree with the Senator. Some of us realize that the late lamented President Kennedy was the mainspring behind legislation of this type, but that he himself was the first to declare, when this particular authority was suggested to him in connection with the civil rights issue, that he had no such authority and he thought if it were exercised the burden would probably fall more heavily upon the very people intended to be served by the civil rights legislation.

Mr. TALMADGE. He made that as a part of his statement. He said that the burden would fall most heavily on the people who could least bear the burden—the Negroes of the State, whom he intended to try to help.

Mr. HOLLAND. The late President made that point. He was correct in it because, as the Senator knows, in such programs as the distribution of surplus food and various types of employment in public works projects and the like, in his part of the country and in mine and in Mississippi, great numbers of members of the Negro race have a much greater stake in activities of that kind, which affect them personally.

Mr. TALMADGE. That is particularly true in such programs as aid to dependent children and old-age assistance, school lunch programs, and programs of that type. Both Florida and Georgia have tried to implement and assist such programs as much as possible.

Mr. HOLLAND. Yes. I think both States have taken every opportunity to bring as much help to these people as possible, by fully matching the Federal appropriations.

The fact remains that if such Federal activities were cut off, the people who would be most adversely affected would be the people who should not be adversely affected—the very people the zealous advocates of the ill-conceived measure say they want to help.

Mr. TALMADGE. So what the Government would be doing by cutting off such programs would be cutting off their noses to spite their faces.

Mr. HOLLAND. That is a good way to state it. I thank the Senator.

Mr. President, I became interested in the school impacted program because there are a dozen or so counties in my State that are very much affected by it, as the Senator knows, not only because of the Cape Kennedy activities, but also because of the location of defense bases which have become of greater and greater strategic importance as our troubles in the Caribbean have increased.

I continue with my prepared remarks in this very field.

I recently visited Brevard County, an area in the State of Florida which is affected heavily by this program, and I verified my understanding, as to the pupils who come directly from homes located on defense bases, that the Government pays only about one-half of the expense of their schooling and, as to students whose families do not actually live on the base, the Federal Government pays only about one-fourth of the expense—or a little over—of their schooling.

The Government program is divided into two classifications of students. As to those who live on Patrick Air Force Base for the payment of their education costs, the Government contributes about twice as much as it does if the parents live off the base. There are many workers at that base and at Cape Kennedy who do not live on the base itself.

On this subject I requested a letter from the Office of Education in the Department of Health, Education, and Welfare, said letter relating to the rates of payment and total funds paid under Public Law 874 to impacted areas in the State of Florida with detailed data for Brevard County, Fla., which is the county in which Patrick Air Force Base and the Kennedy guided missile bases are located and in which some 12,000 children are added to the public school load by the families who are in that area serving the Federal Government. Said letter is dated April 30 and is addressed to me from Mr. B. Alden Lillywhite, Acting Director, School Assistance in Federally Affected Areas. I read it into the RECORD at this point to emphasize the far-reaching, adverse financial effect upon the Federal Government which would be involved in carrying out the ill-advised recommendation of the Commission on Civil Rights in this field.

I do this because this is another illustration, and a very apt and powerful one, of the fact that persons who have become so zealous in trying to accomplish an objective which they think is good—and an objective which has many good features in it—have lost all touch with commonsense and with the practical result of some of their recommendations.

I read the letter:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., April 30, 1964.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: This letter is written in accordance with your telephone request today for information regarding the rates of payment and total funds paid under Public Law 874 to impacted areas in the State of Florida with detailed data for Brevard County.

Public Law 874 is one of the two impacted areas laws which have to do with the operating costs of the schools. The other has to do with facility construction and equipment. Public Law 874 covers the operations.

The letter continues:

As you know, Public Law 874 authorizes Federal payments for current operating expenses to eligible school districts in federally impacted areas. So far as is pertinent here the payment is made because the school district provides free public education for children who live on Federal property or children who live with a parent employed on Federal property which cannot be taxed for school purposes. Children who live on Federal property with a parent employed on Federal property are called A category children and those children who live in a taxable home with a parent employed on Federal property are called B category children.

The rate of payment per child is specified by formulas in the act. The Commissioner is required to compute a local contribution rate for each eligible applicant which is the rate of payment for each A category child.

That is, of the school district or the county, as contrasted with the State. The State, under our system, pays a little more than half. Its part is not affected at all. It continues to pay a little more than half of the cost of education of children in our State. The local part, in some districts, is a little more than half. In some districts, it is a little less than half.

Continuing quotation of the letter:

One-half this amount is paid for each B category child. Basically the payment formula provides that the local contribution rate is determined by computing the cost per child from local revenue sources in comparable communities in the same State in the second preceding year. However, the act provides that no school district need take a contribution rate which is lower than one-half the State average cost per child or one-half the national average per child, both in the second preceding year. Applicant districts select one of these three methods of payment whichever is the highest.

Under this formula the payment for each A category child is intended to be roughly equivalent to the local share of the cost of education.

Which in my State is generally about half the total cost of operating the schools—

This is done on the assumption that there is little or no local tax income available for the education of a child who lives on Federal property with a parent employed on Federal property. One-half this rate is paid for B category children under the assumption that part of the local tax that normally goes to support a child's education is available to the school district from taxes on the place where the family lives and the other part that normally comes from taxes on the place where the parent works is absent.

Data available in this Office indicates that in the 1962–63 school year the average per pupil cost for all school districts in the State of Florida was $346.84. The estimated State aid per child that year was approximately $170 per child and the local contribution rate paid for each A category child under Public Law 874 was $188.78 which is one-half of the national average cost per child. On this basis, the average cost per child from local funds in the State as a whole in the 1962–63 school year was $176.84 and the average payment that year by the Federal Government for each A category child was $188.78. During that year 17 school districts in the State of Florida received $7,461,410 for 66,352 federally connected children.

There is presented below data for Brevard County for the 1962–63 and 1963–64 school years. Data for the 1962–63 school year are final and for the current school year are estimates.

The current school year will not end until toward the end of May or the early part of June.

The total per pupil cost for all children in Brevard County last year was $357.77. State aid paid to the district amounted to $170.10 for each child in the district which left the balance of $187.67 to be made up from local funds. The local contribution rate paid for the 826 A category children was $188.78. The school district had 11,301 B category children for which the rate of payment was $94.39. It will be noted from the above that the local contribution rate paid last year was just about $1.11 higher for each A category child that the local taxpayers in Brevard County paid from local tax funds for each nonfederally connected child.

Public Law 874 provides under section 4(a) that if a school district has enough of an increase in any year in A and B category children to constitute 5 percent of the total non-Federal children the preceding year the school district can get paid for the children in that increase on a deficit basis rather than on the local contribution rate basis. In 1962–63 Brevard County had an increase of 2,287 A and B category children for which a rate of $298.70 per child was paid under section 4(a) of the act. Thus, the total entitlement to the school district after deducting $97,432 paid to the district as taxes on Federal property in Brevard County was $1,827,389. This amounted to an average payment of $125.52 for each A and B category child.

The data available for the 1963–64 school year for Brevard County indicates that the total cost per child will be $342.24; that the State aid is $171.05 per child and that the local contribution rate to be paid under Public Law 874 which again is one-half the national average cost per child is $199.95. It appears that the district will have about 1,625 A category pupils for which it will receive approximately $325,000 and 12,893 B category pupils for which it will receive approximately $1,290,000.

I pause to say that this year it appears that the total number of children from Federal officials' families and Federal employees' families will be around 14,000 rather than the 12,000 it was last year.

To conclude quotation of the letter:

In addition the school district will have an increase of around 3,087 A and B category children this year over last year for which the rate of payment under section 4 (a) will be $332 per child. The school district will receive approximately $1,024,000 for this group of children, making a total estimated entitlement for the year of approximately $2,640,000. This is an average payment of approximately $150 for each A and B category child.

I hope this information will be useful to you.

Sincerely yours,

B. ALDEN LILLYWHITE,
Acting Director, School Assistance in Federally Affected Areas.

Mr. President, I place this entire letter in the RECORD because it shows clearly that if we average the A and B category children, at least in that area, the Federal Government is paying a little less than one-third of the cost of operating the schools; and that if the Federal Government sought to replace local schools with schools of its own for such children, and to make them free schools—which they are now—the Federal Government would have to put up a little more than three times the amount it is putting up at the present time, indicating clearly the blindness of the Civil Rights Commission to any practical questions involved in this whole impacted area situation.

I do not have to remind the Senate that to have duplicate schools and a duplicate school system would be, in itself, a most deplorable situation. It would be subject to all kinds of criticism which I, for one, would not wish to see set up, because it would require additional construction as well as approximately three times as much operating expenditure per child for the Federal Government, for the federally impacted area children as the Federal Government is now paying.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield at that point?

Mr. HOLLAND. I am glad to yield.

Mr. TALMADGE. Is it not true that rather than increasing the number of schools and decentralizing them throughout the country, the opposite trend is in force and effect throughout the Nation—that is, one of consolidation?

Mr. HOLLAND. The Senator is correct.

Mr. TALMADGE. The purpose thereof, of course, is so that an adequate number of pupils—for instance, taking physics—may be provided with an adequate physics laboratory and a qualified teacher.

Mr. HOLLAND. The Senator is correct.

Mr. TALMADGE. The teacher will be paid well, and should know thoroughly the subject of physics. Also, of course, it is the purpose to have adequate recreational facilities and coaching staffs for athletic facilities, and so on. So if we start to break up schools and scatter them around the country, the schools would not be able to afford quality teachers, or to provide the laboratories, libraries, or school facilities needed; is that not correct?

Mr. HOLLAND. The Senator is correct.

I digress long enough to say that about 2 months ago, I had the honor of dedicating the new and very fine high school built at Eau Gallie, in Brevard County, in my State, which is the last word in modernization. Many of the children who attend that school come from homes whose parents are highly trained scientists, and the like; and the State of Florida wishes to give those children the very best education in the fields the Senator has suggested, the very best in laboratory facilities, equipment, and training. The high school in Eau Gallie is equipped to do just that.

If it were divided into two, there would either be a vastly greater expenditure involved, if it were necessary to split it, or, what is much more likely, there would be diminished opportunities for the children who would be in both schools.

Mr. TALMADGE. I recall reading an article recently, either in the press or in a national magazine, about an exceptional school in that area, with exceptional students. Advanced studies are provided in the classes, and the students are given free rein to progress as fast as their abilities permit them to do so.

Mr. HOLLAND. That is the very school that I have mentioned.

Mr. TALMADGE. I was fascinated and intrigued by that situation, because, unfortunately, in most schools, the curriculum is geared to the mean average. It is difficult for those who are of below average ability to keep up, and likewise those who are above average ability are retarded, because they do not have an opportunity to excel to their full ability.

I was impressed by what I read in the article, because I believe the modern trend in education is to divide the classes into groups according to those of superior ability, those of average ability, and those of less than average ability. In that way a group is achieved which is harmonious and congenial, and geared to the average load of that group, rather than forcing all students into one group, in which those who can excel and those who are retarded and those who are below average cannot keep up with the mean.

The trend throughout the country in education is toward placing students into groups like that, so that they can achieve their full capacity without affecting those who cannot keep up.

Mr. HOLLAND. The Senator is correct. I thank him for that contribution. The very school I have spoken about, the Eau Gallie High School, is the school to which he has referred. The State of Florida is trying to meet the challenge which is present there. These children come from superior homes. I use that word solely with reference to the——

Mr. TALMADGE. Mental capacity.

Mr. HOLLAND. The capacity of the parents to know a great deal about science and all the technical matters that we are dealing with in this age. The State is constructing a new institution of higher learning, just opposite Eau Gallie, in Cocoa, so that these children and also employees of the Federal Government, and, in many cases, employees of contracting firms which are servicing the Federal Government in these advanced scientific fields, can find the opportunity for advanced training in all the fields which are affected by the space effort.

To discourage an effort of this kind, which would be done by the course recommended by the Civil Rights Commission, would not only mean a great expenditure, but would also be destructive of opportunities which we are trying to give youngsters.

Mr. TALMADGE. Would not such a course be the converse of the Defense Education Act, which Congress enacted only a few years ago, in which we make available loans to outstanding students to further advance their skills and talents in vital areas, particularly in science?

Mr. HOLLAND. That would be exactly contrary. I am glad the Senator has called attention to that point.

I again call attention to the blindness of the Civil Rights Commission, as a group of zealots, thinking about only one objective, and attaching to it supreme importance. In doing so they overlook many practical and important things in making their recommendations. I believe their reports brand them as an outdated organization which has served too long and should be discontinued at the earliest practical time.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Kentucky.

Mr. MORTON. The Senator from Florida mentioned the high school at Eau Gallie. As a coincidence, 50 years ago this year, in 1914, I spent my first winter in Eau Gallie. I have spent many there in the ensuing years, until I had to go away to school and college. The educational facilities at that time and the opportunities were not anything like they are today. It was always necessary to keep up my school work with private tutoring. I visit Eau Gallie with a great deal of nostalgia from time to time. I have seen the high school building, even though I have not been in the school. The educational system of the great State of Florida has made great strides. Today I believe it has one of the leading educational systems in the entire Nation. When the Senator mentioned Eau Gallie, I could not help injecting these remarks, because I have great affection and deep roots in that part of Florida.

Mr. HOLLAND. I thank my distinguished friend. I have two comments to make. First, I would not want him to believe that I am taking the position that there is in every fine community of our State as fine a facility as exists in Eau Gallie, because that is not so. We have a good school system, but this is probably the outstanding school, because of the facts with which we are all familiar.

Second, I wonder if my distinguished friend was one of those fine, neatly dressed young cadets of the Kentucky Military Institute which used to come to Eau Gallie every winter, to get away from the snowy north and spend the winter season at Eau Gallie.

Mr. MORTON. No; I am sorry that I was not. My grandfather had a place at Eau Gallie, at the confluence of the Eau Gallie River—which we in Kentucky would call a creek—and the Indian River. At that point, on the north side, where the two streams come together, he purchased land in 1914. Until after his death we enjoyed our winters there. Of course, KMI left Eau Gallie, and is now on the west coast of Florida. We used to get down there by getting a car hitched to the KMI special whenever they went down there for their winter vacation.

Mr. HOLLAND. On every public occasion and at every fair that is held in Florida during the wintertime, those in charge always want to get the KMI battalion for their parades. It is a very fine, outstanding group. I believe they rather enjoy being recognized as perhaps the outstanding young military group that has ever spent its winters in Florida. I had hoped that I would find that the Senator from Kentucky had been one of those sturdy, upstanding young soldiers-in-training whom I enjoyed so much seeing in parades from time to time.

I know that KMI has now left Eau Gallie, because that area has become so congested, and has moved to the west coast. However, we still have them in the Florida parades, and I hope nothing will interfere with that custom.

Mr. MORTON. I am sure nothing will. The school officials whom I know are happy that they can spend their winters in Florida, and the rest of the year in Kentucky. Although I have not been able to go there, I have been asked on occasions to visit them. I have had the privilege of giving commencement day addresses at KMI. On those occasions I have always been able to mention Florida.

Mr. HOLLAND. I thank the Senator. I hope he will be able to keep it up.

It is quite apparent from the reading of Mr. Lillywhite's letter that in the event the Federal Government should condition its grants to the school system of Brevard County, Fla., upon the desegregation of public schools in that county to which many of the children from the families of the Federal employees in the impacted area are assigned, which would include probably every school in the county, and in the event the county refused to accept such condition and declined such grants, it would cost the Federal Government nearly three times and perhaps more than three times the amount which it now puts up for school operation within Brevard County to operate schools of its own for the more than 12,000 children who are affected.

Aside from the much larger expenditure which would be required of the Federal Government in such a case, duplicate school systems would be required and the whole situation would assume ludicrous proportions. Apparently, no practical view of this matter was acceptable to the Civil Rights Commission which followed the philosophy of desegregation at any cost.

Still another group of the 1963 recommendations of the Civil Rights Commission is found on page 143 of the printed report wherein they recommend in substance that the President immediately direct the Secretary of Health, Education, and Welfare to ignore the separate-but-equal provisions of the Hill-Burton Act affecting hospital facilities. That act provided in the following words for taking care of segregated hospital facilities—and I quote—"In cases where separate hospital facilities are provided for separate population groups, the plan makes equitable provision on the basis of needs for services and facilities of like quality for each such group" the nondiscrimination clauses of other portions of the act shall not apply. The Commission recognized that under this "separate but equal" provision, 14 States have planned separate hospital facilities and that 89 medical facilities have been financed in part for the exclusive use of either white or Negro persons. Notwithstanding that fact and the fact that such grants were being made under existing law passed by the Congress and approved by the President, the Civil Rights Commission nevertheless recommended that the President bypass the courts and the Congress by instructing the Surgeon General to refuse further grants on any segregated basis. While we know that since the date of the 1963 recommendations this same subject has been before the Supreme Court which has knocked out the "separate but equal" provision of the Hill-Burton Act, the fact remains that the recommendation of the Civil Rights Commission gave no recognition whatever to the possibility of either court or congressional action but simply recommended that the President ignore both the law and the Congress and proceed by direct action in accordance with its recommendations. The Civil Rights Commission seems to have felt that it was substituting in a convenient way for the Supreme Court of the United States because it uses in its report the following statement, and I call special attention to this. Apparently they feel that they were able to pinch-hit for the Supreme Court in this situation. The statement reads as follows:

> If the Supreme Court of the United States had decided the School Segregation cases of 1954, 8 years earlier, or if the Hill-Burton Act of 1946 had been enacted after 1954, it is unlikely that the act would authorize the use of Federal funds for racially separate medical facilities.

There could not be a clearer showing that the Civil Rights Commission not only knew perfectly well that the bill was what it was, but also that it knew that question should be passed on by the court. It contented itself with its recommendation for immediate action by the President, upon its recital that if the Hill-Burton Act had been enacted after 1954, instead of before, it was sure that

Congress would not have enacted it in the form in which it was enacted.

From that conclusion, the Commission moved ahead to recommend that both the Congress and the court be bypassed, as I have already stated, and that the President, by direct action through his Cabinet member, proceed to ignore the provisions of the Hill-Burton Act and decline to approve further grants to segregated hospital facilities under the specific wording of the act.

It seems rather clear, in view of this and the other quoted recommendations of the Civil Rights Commission, that it regards itself as above both the law, the courts, and the Congress, and as clothed with ample authority to recommend the direct correction, independent of all legal or procedural limitations, of all of the troubling problems in the civil rights field which it may discover. I think it is high time to do away with the existence and further functioning of this arrogant body.

Mr. President, last year, during the Senate debate on the then-proposed extension of the life of the Civil Rights Commission, I expressed my opinion of the lost stature of the Commission. On reading the statement I made at that time, I find that it covers so fully my opinion at the present time, that I shall repeat my remarks on that occasion—September 30, 1963—which were as follows:

> Mr. Holland. Mr. President, I had hoped that in the current extension of the Civil Rights Commission I would find it appropriate either to remain completely silent and vote against the extension or perhaps even to remain silent and vote for the extension, because some things done by the Civil Rights Commission in the several years of its existence have, I believe, been constructive.
>
> Unfortunately, developments in recent years and particularly yesterday, when the 1963 Civil Rights Commission report was made public, have been such that I cannot sit silently in my seat since I feel that I should state in the Record my feeling that the Civil Rights Commission has outlived any usefulness that it may have had. It has shown itself to be unfair and now imbued with almost an obsession that it is a messianic agency, so that it is suggesting things to be done which are not only completely unconstitutional but are thoroughly against existing law, against the best interests of our country, and against the bringing about of any real degree of national unity and understanding.
>
> First, I wish to say a word with reference to the current organization of the Civil Rights Commission. When the Civil Rights Commission was first named, there was some effort to make it representative of the best and most constructive thinking of all parts of the country. I well recall that I was approached and asked to make any suggestions which I considered appropriate with respect to highly representative and reputable citizens in the southern area of our country, so that there might be representation on the Civil Rights Commission from our part of the country which would command respect on the part of our citizens in general, whether white or colored. I was one of several Senators who made such recommendations. Two of the several fine citizens whom I recommended were appointed to the first Civil Rights Commission. They were former Gov. Doyle Carlton of my State of Florida and former Gov. John Battle of the Commonwealth of Virginia.
>
> Mr. Eastland. Mr. President, will the Senator yield?
>
> Mr. Holland. I am glad to yield to my friend from Mississippi.
>
> Mr. Eastland. They both had intelligence enough to get off the Commission when they saw the turn it was taking, did they not?
>
> Mr. Holland. That is an interpretation which might be given to their actions. Perhaps they were completely exhausted by their difficult efforts up to that time. I do not know the reasons why they left the Commission, but they declined to be considered for reappointment.
>
> Not only did I suggest the names of those two eminent citizens who were appointed, but also the senior Senator from Georgia [Mr. Russell], who made several suggestions as to appointees to be considered, included on his list both of those particularly eminent citizens of our area. They were appointed.
>
> I am sorry to say that no such policy has been continued as to the appointment of the current membership of the Civil Rights Commission.

That statement was made in October 1963; but it is still true in May 1964.

I read further from the statement:

> I believe the Commission has suffered because of the fact that in recent years there have not been on the Commission truly representative members who were citizens of the area of those States most affected, and who could be fully respected from one end of our Nation to the other.
>
> Mr. Talmadge. Mr. President, will the able Senator from Florida yield?
>
> Mr. Holland. I am glad to yield to my able friend.
>
> Mr. Talmadge. I concur in the statement made by the able senior Senator from Florida. It seems ridiculous to me to have a Commission allegedly acting as a factfinding body when only one point of view is represented on the Commission. I am sure the able Senator will recall some of the many extreme recommendations which the Civil Rights Commission has proposed, one of them being a recommendation, in the spring of this year, as I recall, to cut off all Federal funds going into the State of Mississippi—social security benefits, veterans' benefits, and all funds of any kind or character. Does the able Senator recall that recommendation?
>
> Mr. Holland. I recall it well, and with great sorrow.
>
> Mr. Talmadge. I should like to read a statement, and ask if my friend from Florida remembers the author of that statement.
>
> "I don't have any power to cut off the aid in the way proposed by the Civil Rights Commission and I would think that it would probably be unwise to give the President of the United States that kind of power."
>
> Does the Senator recognize that statement; and, if so, does he remember the author thereof?
>
> Mr. Holland. Yes. I well remember that when the recommendations reached the present President of the United States, President Kennedy, he reacted to the recommendation in the words just quoted by the distinguished Senator from Georgia.
>
> Mr. Talmadge. That particular statement was made by the President of the United States before the American Society of Newspaper Editors on April 19, 1963.
>
> I should like to read another statement and ask if the able Senator recognizes it; and, if so, if he remembers the author thereof:
>
> "Another difficulty is that in many instances the withholding of funds would serve to further disadvantage those that I know the Commission would want to aid. For example, hundreds of thousands of Negroes in Mississippi receive social security, veterans' welfare, school lunch, and other benefits from Federal programs. Any elimination or reduction of such programs obviously would fall alike on all within the State and in some programs perhaps even more heavily upon Negroes."
>
> Does the able Senator recall the author of that statement?
>
> Mr. Holland. Though my recollection is not so clear as in the other case, it is that the President of the United States made that statement, also.
>
> Mr. Talmadge. The Senator is entirely correct. That was the statement of the President in a letter dated April 19, 1963, to the Chairman of the Civil Rights Commission.
>
> I ask the able Senator if, notwithstanding those two statements by the President of the United States, this partisan group renewed the same recommendation in its report submitted yesterday?
>
> Mr. Holland. They did, I am sorry to say. While I shall not mention that particular recommendation, because I am trying to confine myself to recommendations which are relatively new, I am sad that this group saw fit to overlook the fact that that kind of action, if carried out, would put our Government in the same position the whole world complained of when a certain power destroyed the village of Lidice merely because someone there had affronted it.

Mr. TALMADGE. Mr. President, at this point will the able Senator from Florida yield?

The PRESIDING OFFICER (Mr. Muskie in the chair). Does the Senator from Florida yield to the Senator from Georgia?

Mr. HOLLAND. I am glad to yield.

Mr. TALMADGE. First, let me say that I am grateful that the Senator from Florida regards a colloquy which he and I had last year as worthy of repetition in connection with the current debate.

Would not the Senator from Florida characterize the starvation theory or the deprivation of funds theory or the deprivation of services theory, as incorporated in the bill, and as recommended by the Civil Rights Commission, to be on a par with the stall-in idea at the World's Fair?

Mr. HOLLAND. It is somewhat in the same field, but I believe it is worse.

Mr. TALMADGE. Yes, it is worse, because although stall-ins might create traffic hazards, with the result that innocent persons might be injured, yet the deprivation of funds idea could, if put into effect, cause many persons to starve to death, could it not?

Mr. HOLLAND. Yes, and many of the persons affected would not be prepared to withstand the adverse effects of such a procedure, whereas advance notice of the proposed stall-ins would come to the attention of many of the persons in the areas affected and therefore they could take steps to avoid them, even though the resulting traffic tieups would be most annoying and outrageous.

On the other hand, it is inconceivable that the Federal Government would embark upon a program such as the one now proposed, which could have such devastating effects on so many innocent women and children.

Mr. TALMADGE. Both are harebrained schemes, are they not?

Mr. HOLLAND. Certainly that is the case.

Mr. TALMADGE. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, I continue to read from my statement of October 1963:

That is a policy of punishment by association, in the sense of people living together in a great area being equally punished regardless of their guilt or innocence and regardless of their need. Aside from the un-American character of such action, it is blind for an agency established to give aid to an underprivileged group to suggest a course which is sure to bring greater disaster upon members of that underprivileged group than upon the public generally.

Mr. Talmadge. In effect, it would expel an entire State from the Union, would it not?

Mr. Holland. Yes.

Mr. Talmadge. That is, from the benefits, though not from the taxation.

Mr. Holland. It would, indeed. We have not witnessed anything like that since Reconstruction days, when Members of the Senate and of the House of Representatives, duly elected by their respective States—on the theory that there had not been any breaking up of the Union but that instead there had been a victory for preservation of the Union—were refused their seats. When newly elected Senators and Representatives came to Washington, they were not permitted to take their seats but, instead, there were enacted punitive measures called the Reconstruction acts, aimed against certain States, refusing to permit them to be heard in the councils of the Nation until they took several very distasteful courses, such as the reframing of their own constitutions, approval of the 14th amendment, and other steps which I shall not mention.

This is a following up or a renewal of the philosophy which prevailed in those days to such an extent that a Congress overrode, not once, but repeatedly, vetoes of the President, who at that time was trying to bring the Nation back together into unity.

Mr. Talmadge. I thank the able Senator. I agree with him wholeheartedly.

Mr. Holland. I thank the Senator for his intervention.

Mr. Russell. Mr. President, will the Senator yield?

Mr. Holland. I yield.

Mr. Russell. I have not heard the previous discussion. I just came into the Chamber. But I am sure the Senator will realize that despite all the trials and indignities that were heaped upon the South in the Reconstruction period, there was never any proposal for genocide such as is contained in the recommendation of the Civil Rights Commission—for starving the weak, the poor, and the indigent in a State, taking taxes from the people of a State but not permitting the return of one 5-cent piece of that money. Taxation without participation is worse than taxation without representation.

Dark as were the days of reconstruction even Thaddeus Stevens did not advocate total war on women and children. They did advocate shooting men who had served in the Confederate Army and Navy, but they did not propose a deliberate campaign designed to inflict hardship and suffering on all the women and children of both races in the South.

Compared to the vicious proposals of this Commission, Sumner and Stevens will appear in a more favorable light.

Mr. Holland. The Senator is correct. Even Thaddeus Stevens never proposed anything that went so far as this recommendation. I am very sure the people who made this as one of almost innumerable recommendations have not given serious thought to it, because I know there are some good people on the Civil Rights Commission, and I could not understand how they could ever come to the point that they would make such a heartless and inhuman recommendation of this unconstitutional character. It does not smack of anything that has happened heretofore in America, even in Reconstruction days.

I am glad my distinguished friends have called attention to this point.

Mr. Russell. The Senator would have to go back to the days of Attila and Tamerlane to find anything to equal this.

Mr. Holland. To go back to the Commission, not only has the Senator from Florida not been approached about any recommendations for appointment of members of the Commission, but he finds, in discussing the same matter with his friends generally who come from the South, and who are Members of the Senate, that none of them has had any request for such recommendations.

Aside from the violation of the normal rule in the Senate that when appointments are to be made that singularly apply to sections that certain Senators are trying to represent, their viewpoint is usually sought by the appointive power, the very standing of the Commission has suffered greatly by reason of the departure from the earlier rule which, I think, was one that involved both courtesy and wisdom. Referring to the men named to succeed the former Governor of Florida, Doyle Carlton, and the former Governor of Virginia, John Battle, two good men, I shall have nothing derogatory to say about these new members. But the appointment of a teacher from North Carolina, regarded as highly liberal in his point of view, was made without either one of the two Senators from North Carolina having been asked for his opinion on his appointment. I do not think that was a wise course.

I find, representing the Commonwealth of Virginia, a former dean of Howard University Law School, Spottswood Robinson, was appointed. I am sure, from what I have heard, that he was a resident of Virginia. I noticed the President announced yesterday that he was going to appoint him to the District Federal bench, indicating rather clearly that here in Washington is where his present active connection is, rather than in Virginia. But I am asking Senators to decide for themselves what kind of substitutions for former Governor Carlton and former Governor Battle these two appointees were.

The Civil Rights Commission has suffered in the eyes of reasonable and moderate thinking people. I may not be a reasonable person, but I believe I am moderate in this field, and that everything I have done through the years shows it.

The Commission has suffered irreparable damage in that great part of the Nation where over 50 million people live and which is so directly affected by the departure from the earlier rule and by the type and character of the new appointees.

Mr. President, I shall yield the floor shortly, but in order that all Senators may have the benefit of seeing an article in the nature of a legal brief on the question of the termination date of the Civil Rights Commission under the present wording of title V of the bill, I have obtained from Mr. John H. Simms, the Legislative Counsel, a written statement or brief which I shall place in the Record. Before I do so, however, I ask unanimous consent that there be printed in the Record the text only of the three amendments which I have offered. They have been read, printed, and are lying on the table. They are marked amendments numbered 563, 564, and 565. They all relate to the same question.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 563

On page 19, beginning with line 1, strike out all through line 17 of page 25 (title V).

Renumber the suceeding title and sections of the bill, and cross references thereto, accordingly.

Amendment No. 564

On page 24, between lines 11 and 12, insert the following material in double quotation marks:

"(c) The Commission shall cease to exist upon the submission of its final report and recommendations."

Amendment No. 565

On page 24, between lines 11 and 12, insert the following material in double quotation marks:

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist."

Mr. HOLLAND. Mr. Simms is a very able attorney. I asked him to check the present law and to check the proposed provision of title V of the pending civil rights bill very carefully and to give me a written memorandum, which he has done in the following words:

This memorandum is submitted pursuant to your request for my opinion whether the Commission on Civil Rights is made permanent under the provisions of H.R. 7152 as now pending in the Senate.

Mr. President, I made that request because I noted that in the report of the committee of the other body it was made clear that they were trying to make the Commission permanent, in fact the bill as reported by the House committee sought to do so, and yet I noted in the debates on the floor of the other body on this subject that an amendment was adopted which, by its terms, was intended to terminate the Commission in 1968 but without any specific words of termination other than the filing of a final report.

So my request was for him to check this whole matter carefully, and to give me this memorandum, which he did.

He continues in the memorandum:

Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c) has three subsections designated as (a), (b), and (c). Subsection (a) relates to the duties of the Commission; subsection (b) relates to the making of reports by the Commission and provides for the filing of a final report not later than September 30, 1964; and subsection (c) provides that the Commission shall cease to exist 60 days after the submission of its final report.

If we had before us only existing law, we would know that Congress in its last action on this matter, which was last year, provided that a final report should be filed by the Commission on September 30, 1964, this year, and that the Commission should cease to have existence 60 days after the submission of the final report. The final report could be made earlier than September 30, 1964, but that was the last date fixed by this section.

To continue with the memorandum:

Section 504(a) of H.R. 7152 as it was reported to the House on November 30, 1963, clearly gave the Commission permanent status. Section 504(a) rewrote the entire section 104 of the Civil Rights Act of 1957 into two subsections designated as (a) and (b). Subsection (a) related to the duties of the Commission and subsection (b) provided for the filing of an annual report not later than January 31 of each year. Subsection (c) of section 104 of the Civil Rights Act of 1957, which provides for the termination of

> the Commission 60 days after the submission of its final report was in effect repealed because it was not included in section 104 of the Civil Rights Act of 1957 as rewritten by section 504(a) of H.R. 7152 as reported to the House.
>
> Notwithstanding the fact that section 504 (a) of H.R. 7152 had the effect of repealing subsection (c) of section 104 of the Civil Rights Act of 1957, section 504(b) of H.R. 7152 as reported to the House specifically repealed subsection (c) of section 104. As a result, H.R. 7152 as reported to the House contained two provisions which had the effect of repealing subsection (c) of section 104 of the Civil Rights Act of 1957.

To digress, the confusion began with the fact that the bill as reported by the House committee to the House had two different repealers of subsection (c) of section 104 of the Civil Rights Act of 1957.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Does not this fact illustrate the lack of consideration this particular bill received in the House committee?

Mr. HOLLAND. Of course. Any Senator can confer with our own counsel and learn that this is regarded as hopeless carelessness. It is what has given rise to the question which disturbs me. I do not want the Civil Rights Commission at all, but if it is to continue, in the interest of decent draftsmanship, we ought to have more certainty about the provision for its life.

Mr. HILL. If the rules of the Senate had not been circumvented and the bill had gone to committee, as all other bills go to committee, as this bill should have gone, this matter would undoubtedly have been discovered by the committee and would have been adjusted.

Mr. HOLLAND. The committee would certainly have discovered it. I discovered it on the first reading. I am sure the able counsel of the Senate, much more skilled in matters of draftsmanship than any Senator, would have discovered it at first glance.

While the memorandum I am reading, signed by Mr. Simms, does not use the word "careless" it makes it quite clear that there was bad draftsmanship on this particular bill.

Mr. HILL. Does it not illustrate what kind of trouble we get into when the committee is circumvented and a bill does not receive committee consideration?

Mr. HOLLAND. It certainly does. To continue Mr. Simms' excellent brief:

> When H.R. 7152 was under consideration by the House on February 6, 1963, Mr. Rogers of Colorado offered (Congressional Record, Feb. 6, 1964, p. 2296) amendments to section 504 which were clearly designed to authorize the existence of the Commission for a period of 4 years and provided for the filing of a final report by the Commission not later than January 31, 1968. Mr. Rogers' amendment eliminated section 504(b) of H.R. 7152, the provision providing the specific repeal of subsection 104(c) of the Civil Rights Act of 1957, and clearly was intended to have the effect of restoring subsection 104(c). However, this intent was frustrated by the fact that subsection 104(c) had been twice repealed by the bill and Mr. Rogers' amendment did not eliminate the first provision having that effect.

While this is a technical matter, I think all Senators can quickly see the two provisions in the hastily drawn bill which would have eliminated section 104(c) and the amendment offered by the able Representative from Colorado [Mr. Rogers] which successfully attacked one of those provisions, but did not eliminate the other.

I continue to read from the memorandum:

> Consequently, the bill as now pending in the Senate provides for the filing of a final report by the Commission not later than January 31, 1968, but eliminates section 104(c) of the Civil Rights Act of 1957 which provides for the termination of the Commission 60 days after the filing of its final report.
>
> A careful examination of the legislative history of H.R. 7152 clearly indicates that it was the intention of the House to give the Commission continued existence only until 1968 and not to make it permanent. It also appears to have been the intention of the House to restore subsection (c) of section 104(c) of the Civil Rights Act of 1957. It is equally clear that this intention was frustrated.
>
> In view of the discussion above, it is my opinion that if H.R. 7152 is enacted without any change being made in section 504 of the bill as now pending in the Senate, a court, if properly advised as to the legislative history of section 504, should hold (1) that the Commission on Civil Rights is not made a permanent agency of the Government, and (2) ceases to exist either (a) on the date of making its final report, or (b) 60 days after such date.
>
> A court, if not properly advised as to the legislative history of section 504 of H.R. 7152, might hold that because of the elimination from section 104 of the Civil Rights Act of 1957 of subsection (c) specifically providing for the termination of the Commission, Congress had indicated an intent to make it permanent.
>
> Respectfully submitted.
>
> John H. Simms,
> *Legislative Counsel.*
>
> April 30, 1964.

Mr. President, I am glad to place this memorandum in full in the Record, because, regardless of what may be done or not done as to other amendments, it is very clear that the question of the life of the Commission is so unsettled by the provisions of the pending act that I am sure Senators would want to correct that manifest deficiency. I hope they correct it by putting the Commission out of business.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. HILL. I congratulate and strongly compliment the Senator from Florida on a very fine address. It has been most informative and enlightening, and most challenging.

Mr. HOLLAND. I thank the Senator. He employs his customary generosity.

Mr. HILL. I said to the Senator that I think it has been most challenging. It greatly challenges my ability to commend him for the very fine speech he has made this afternoon.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. I take this opportunity to commend the able Senator from Florida for the magnificent address he has made. It should be inspiring to all who stand for constitutional government, and I hope it will be read by every Senator.

Mr. HOLLAND. I am more than grateful to the distinguished Senator from South Carolina. I see that he still employs all the Chesterfieldian courtesy for which the gentlemen from his great State have been noted.

I thank the Senator very warmly for his comments.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 207 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Brewster
Burdick
Cannon
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Randolph
Ribicoff
Scott
Smathers
Smith
Sparkman
Symington
Thurmond
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. Muskie in the chair). A quorum is present.

AMENDMENT NO. 576

Mr. PROUTY. Mr. President, I send to the desk an amendment in the nature of a substitute for title VII of H.R. 7152, the civil rights bill, and ask unanimous consent that it be considered as read for the purpose of cloture, that it be printed in the Record and that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, it will be regarded as having been read, as requested by the Senator from Vermont.

The amendment submitted by Mr. Prouty, is as follows:

AMENDMENT No. 576

Beginning with line 21 on page 27, strike out over through line 25 on page 50 and insert in lieu thereof the following:

"TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

"Sec. 701. (a) Section 8(a) of the National Labor Relations Act is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following:

"'(6)(A) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin;

"'(B) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, or national origin;

"'(C) to fail or refuse to refer for employment, or otherwise in connection with referral for employment to discriminate against, any individual because of his race, color, religion, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, or national origin;

"'(D) to cause or attempt to cause any labor organization to discriminate against an individual in violation of section 8(b)(8);

"'(E) to discriminate against any individual because of race, color, religion, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training;

"'(F) to discriminate against any employee or applicant for employment because he has opposed any practice made an unfair labor practice by this paragraph (6), or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.'

"(b) Section 8(b) of such Act is amended by striking out the word 'and' at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following:

"'(8)(A) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, or national origin;

"'(B) to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, or

"'(C) to cause or attempt to cause an employer to discriminate against an individual in violation of section 8(a)(6);

"'(D) to fail or refuse to refer for employment, or otherwise in connection with referral for employment to discriminate against any individual because of his race, color, religion, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, or national origin;

"'(E) to discriminate against any individual because of race, color, religion, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training;

"'(F) to discriminate against any employee or applicant for employment because he has opposed any practice made an unfair labor practice by this paragraph (8), or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.'

"(c) Section 8 of such Act is further amended by adding at the end thereof a new subsection as follows:

"'(g) It shall be an unfair labor practice for an employment agency to fail or refuse to refer for employment, or otherwise in connection with referral for employment to discriminate against, any individual because of his race, color, religion, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, or national origin. As used in this subsection, the term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.'

"Sec. 702. Notwithstanding the provisions of the National Labor Relations Act, as amended—

"(1) The term 'employer' as used in sections 8(a)(6), 8(b)(8), and 8(g) of such Act means a person engaged in an industry affecting commerce, including a person subject to the Railway Labor Act, who has twenty-five or more employees, and any agent of such a person, but such term does not include (A) the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof, or (B) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the effective date prescribed in section 705, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers.

"(2) The term 'labor organization' as used in sections 8(a)(6) and 8(b)(8) of such Act means a labor organization engaged in an industry affecting commerce. A labor organization shall be deemed for such purpose to be engaged in an industry affecting commerce if the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organizations) is (A) one hundred or more during the first year after the effective date prescribed in section 705, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

"(i) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

"(ii) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

"(iii) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (i) or (ii); or

"(iv) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (i) or (ii) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

"(v) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding subparagraphs of this paragraph.

"(3) The term 'employee' as used in section 8(a)(6), 8(b)(8), and 8(g) of such Act includes an individual employed as a supervisor and an individual employed by an employer subject to the Railway Labor Act.

"(4) It shall not be an unfair labor practice under section 8(a)(6) of such Act—

"(A) for an employer to hire and employ, or for an employer, employment agency, or labor organization to refer for employment, employees of a particular religion, or national origin in those certain instances where religion, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, or

"(B) for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

"(5) Any unfair labor practice under section 8(a)(6), 8(b)(8), or 8(g) of such Act shall be deemed for the purposes of section 10(a) of such Act to be an unfair labor practice affecting commerce if it is committed by or against an employer engaged in an industry affecting commerce or a labor organization engaged in an industry affecting commerce, or against any employee, including an applicant for employment, of any employer engaged in an industry affecting commerce.

"(6) The National Labor Relations Board shall not assert jurisdiction over cases involving unfair labor practices under sections 8(a)(6), 8(b)(8), and 8(g) of such Act alleged to have been committed in any State unless the Board shall have determined, subsequent to the effective date prescribed by section 705, that the laws of such State do not provide (or are not enforced in a manner which provides) remedies substantially comparable to those provided by such Act for persons against whom acts constituting unfair labor practices under sections 8(a)(6), 8(b)(8), and 8(g) of such Act are committed. A determination made by the Board under this paragraph may thereafter be revoked by the Board whenever it determines that the reasons for such determination no longer exist. Any such determination, including a revocation thereof, shall become effective thirty days after the Board shall have transmitted to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a notice of the determination or revocation, together with a detailed statement of the Board's reasons therefor, unless within such thirty-day period each such Committee shall have adopted a resolution stating that it disapproves the determination or revocation.

"Sec. 703. During the pendency of any proceeding before the National Labor Relations Board involving an unfair labor practice referred to in section 8(a)(6), 8(b)(8), or 8(g) of the National Labor Relations Act, the Community Relations Service established under title X of this Act shall make its services available for the purpose of assisting the parties through mediation and conciliation in resolving their differences.

"Sec. 704. Nothing contained in this title, or in any amendment made by this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

"Sec. 705. This title shall become effective one year after the date of its enactment."

Mr. PROUTY. Mr. President, I want to make it perfectly clear that it is not my present intention to call up this amendment. However, a shadow now hangs over title VII. There is strong sentiment in some quarters for perfection and revision of its language. Other quarters want no change. In the event we reach an impasse on this provision of the omnibus bill we must be ready with alternatives. It is in the spirit of suggesting alternatives that I offer this amendment.

Most simply stated, my amendment would convert what are now listed as unlawful employment practices under title VII into unfair labor practices under the National Labor Relations Act, with administration of the title to be by the National Labor Relations Board.

This is not a novel proposition. Recently, two trial examiners operating under that act determined that certain racial discriminations by unions and/or management constituted unfair labor practices which could be remedied by the National Labor Relations Board. The Board itself opened the door for such determinations in the Miranda Fuel case when it held that:

> Section 8(b)(1)(A) of the act prohibits labor organizations, when acting in a statutory representative capacity, from taking action against any employee upon considerations or classifications which are irrelevant, invidious, or unfair.

What is more, this approach is not new to the Congress. In 1953 Senator Ives introduced an amendment to the National Labor Relations Act with the same objectives. It was cosponsored by 10 Senators, including Senator GOLDWATER and the then Senator John F. Kennedy, our late President. What greater testimonial could there be to the fairness and effectiveness of this approach than the support of two men with such diverse political philosophies?

I believe that this approach has much to be said for it. The amendment—

First, places problems of discrimination under the existing Federal law and within the jurisdiction of the existing Federal agency with extensive experience in such problems. No new Federal agency is necessary.

In 1963 a total of 14,466 unfair labor practice charges were filed with the Board by assorted parties: 72 percent or 6,840 of all charges filed against employers involved discrimination against employees. Of the charges against unions, 39 percent represented allegations of discrimination against employees.

Now, of course, most of these charges did not involve racial discrimination, they involved charges of discrimination in an employee's right to engage in union activities or refrain from so engaging.

The point is that the Board and the trial examiners have a long and valuable history in determining what constitutes the elements of discrimination, an ability and heritage no other Government agency can claim—a valuable perspective that no new agency could acquire within a reasonable time. The Board has a 17-year history of meeting the kind of questions this bill will create. It would be a shame to waste it.

Second, provides established safeguards for both the aggrieved party and the respondent.

The aggrieved party or his employer or his union or his attorney could file a charge with any one of the 28 regional offices of the Board. The regional office would cause an investigation of the allegations of the charge. If the regional director decided that the case was without merit, he could dismiss it, subject to an appeal to the General Counsel. If the regional director found it had merit he could issue a complaint and cause the matter to come up for a hearing before a trial examiner.

If the General Counsel dismisses the complaint because there is insufficient evidence to make out a violation the charging party has no recourse. If, however, the General Counsel issues a complaint then the General Counsel's Office assumes the responsibility for prosecuting the case. An indigent party need only bring his own case insofar as he must convince the General Counsel of the merits of his cause. If it is without merit the General Counsel will not issue a complaint and the case is closed.

Third, places a premium on voluntary settlement of disputes.

Section 201 of the act emphasizes the national policy toward cooperative conclusions of these problems. Of all unfair labor practice charges filed in 1963, 38.7 percent of the charges were withdrawn before a complaint issued; 29.8 percent of all charges were dismissed before a complaint issued; 23.5 percent of all cases were settled or adjusted; 2.3 percent were otherwise disposed of, and only 5.7 percent of all charges filed resulted in Board orders after litigation. Additionally, my amendment would expand the Community Relations Service to provide mediation and conciliation facilities for disputes arising under this title.

Fourth, provides for a speedy remedy for any aggrieved person.

The median lag time from the filing of a charge to the issuance of a complaint was 49 days in 1963, which included a 15-day period reserved to let the parties settle their differences voluntarily. I understand that the median time from the issuing of a complaint to the entry of an order by the Board ranges around 90 days, or a total median lag time of about 5 months.

Since the Board's order is not self-enforcing, but must be enforced by a court of appeals, the appeal time must be included. The median time interval for a case in the court of appeals is 7.3 months to final disposition. Hence, for this approach we are talking about a 1-year proposition.

Under title VII enforcement comes through the district courts where the dockets are inordinately crowded. The median timelag is almost 2½ years with close to 10 percent of all civil cases taking more than 3 years to settle. Add to that the time in the court of appeals, and the early cases will surely be appealed, and relief under title VII can be expected to take almost 3 years without reference to the time it takes the new Commission to make its investigation.

Fifth, eliminates the need for the recordkeeping requirements of title VII.

The Board has always operated on the proposition that the investigative powers granted it under NLRA, which, incidentally, are in some respects less potent than the powers to be granted the new Commission by title VII, were sufficient to make a full and fair determination of the question of discrimination.

Sixth, keeps the same 4-year period for phasing in the effective date of the provisions as is done by title VII.

Seventh, provides that the States with effective FEP laws shall have jurisdiction over cases arising there unless the NLRB determines that the State law is being administered inconsistent with the Federal act. The legislative branch could veto this administrative determination.

Again, let me state that this offering should not be construed as a request that all parties recede from their divergent thinking of title VII and meet at this common ground. My sole hope at this time is to ask interested parties to consider the potential of the approach and keep its availability in mind in case negotiations on title VII become bogged down.

WHAT THE FEDERAL GOVERNMENT PROPOSES TO DO TO HELP ALASKANS WHO LOST THEIR HOMES IN THE EARTHQUAKE

Mr. THURMOND obtained the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Alaska, under the same conditions under which I yielded to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. I thank the Senator from South Carolina for his customary courtesy.

Mr. President, the Alaskan citizen whose home was damaged or destroyed as a result of the March 27 earthquake and subsequent tidal waves has been awaiting news as to what action the Federal Government would take to relieve his distressing plight.

On May 6, following my request that the interest rate on new rural housing loans to Alaskans be lowered, Secretary Freeman responded affirmatively, by lowering the interest rate from 4 percent to 3 percent, effective immediately. The loans may be repaid over a period of up to 33 years.

I am pleased to have this opportunity to applaud the action of Secretary Freeman. It is a heartening and a positive step in what I trust will be continuing action in the important area of the interest rates charged on domestic loans.

Secretary Freeman has the authority to lower interest rates further. I hope he will; and I urge him to do so.

The Federal Government makes loans to the private sector of the foreign countries at three-fourths of 1 percent interest, and allows a 10-year moratorium on capital payments. Double standards ought to join other extinct animals. We must move ahead, and we must do at least as much for our own as we do for people of other lands.

Secretary Freeman's action of yesterday is commendable. So are other recent actions, following my requests, by the Administrator of the Small Business Administration, in liberalizing certain loan procedures. So, too, are the actions of the Administrator of the Housing and Home Finance Agency, Dr. Robert Weaver, and those of the Commissioner of the Federal Housing Administration, Mr. Philip N. Brownstein, in coming to the assistance of homeowners in Alaska who have FHA mortgages on homes which have been destroyed.

We are moving slowly in the right direction.

I ask unanimous consent that the text of press releases issued by the Department of Agriculture and the Housing and Home Finance Agency, concerning new loan procedures, be printed in the RECORD.

There being no objection, the releases were ordered to be printed in the RECORD, as follows:

INTEREST RATE LOWERED ON HOUSING AID TO ALASKA QUAKE VICTIMS

(Press release by U.S. Department of Agriculture, May 6, 1964)

Secretary of Agriculture Orville L. Freeman today announced a cut in the interest rate on new rural housing loans to Alaskans whose homes were damaged or destroyed by the March 27 earthquake.

The interest rate on loans made by the U.S. Department of Agriculture's Farmers Home Administration is being lowered from 4 to 3 percent, effective immediately. Loans may be repaid over a period up to 33 years.

The Department's move is being taken as a further step to soften the financial distress suffered by farm and other rural families in the earthquake-torn area.

On April 8, the Department announced that an additional $2 million in housing loan funds was being allocated to Alaskan families.

Alaskan farm families and rural residents in towns and small villages up to 2,500 population may use the Farmers Home Administration credit to build a new house or to repair a home damaged by the quake.

In addition to helping families obtain the housing, construction financed by these loans will provide employment to local residents while their regular job opportunities are being restored, according to Secretary Freeman. The Secretary also pointed out that the Farmers Home Administration has taken steps to insure that adequate funds are available for farm loans to assist eligible farmers in continuing their farming operations.

To be eligible for a Farmers Home Administration loan, an applicant must be unable to obtain the needed credit from other sources.

County offices in Alaska where Farmers Home Administration loan applications may be filed are at Palmer, Fairbanks, and Soldatna.

PRESS RELEASE BY HOUSING AND HOME FINANCE AGENCY, MAY 6, 1964

The Federal National Mortgage Association, the Small Business Administration, the Federal Housing Administration, and the Veterans' Administration announced today an agreement to assist Alaskan owners of homes destroyed or irreparably damaged as a result of the earthquake on March 27. It was stated that "the actions are aimed principally at disposing of the overhanging mortgage debt on the destroyed property not covered by earthquake insurance. This is essential in order to qualify the owners for a loan to rebuild."

Two Federal agencies holding mortgages on properties in Alaska have agreed to afford relief to borrowers. J. Stanley Baughman, President of Federal National Mortgage Association, and John S. Gleason, Jr., Administrator of Veterans' Administration, will accept payment of $1,000 in return for a release of the borrower from personal liability on the indebtedness covering the property destroyed. In order to enable the lender to recover any amount salvageable from the damaged property, the lender will also acquire title, ordinarily through a deed in lieu of foreclosure.

The Federal Housing Commissioner, Philip N. Brownstein, said that where an FHA insured loan is involved the lender can turn the property over to FHA for debentures. However, FHA will reduce the mortgage amount by the estimated cost of restoring the property.

Eugene Foley, Administrator of the Small Business Administration, agreed to make up to 30-year, 3-percent loans to finance new homes, physically equivalent to those that had been destroyed for owners who wished to rebuild. In addition, these SBA loans will include the $1,000 to settle the outstanding mortgage debt. SBA is prepared to offer the same terms to homeowners where private mortgage lenders make similar settlements on totally destroyed or irreparably damaged properties.

Senator CLINTON P. ANDERSON, Chairman of the Federal Reconstruction and Development Planning Commission for Alaska, stated: "I hope this action may lead to settlements of other mortgage claims on a favorable basis. If this is done, the families who lost their homes as a result of the earthquake can acquire new homes without unbearable financial burden."

Methods are also being formulated by the Federal agencies for helping homeowners whose properties were seriously damaged but are still repairable.

ILLUSTRATIVE EXAMPLE OF HOMES COMPLETELY DESTROYED OR IRREPARABLY DAMAGED

1. A homeowner who, prior to the earthquake, had a 30-year, 5¾-percent interest rate mortgage with an outstanding balance of $25,000: The monthly payments for interest and principal on this loan would be $146. Assuming that a new home comparable to the one destroyed could be built for $35,000 (including land) and that the homeowner would obtain from Small Business Administration a new $36,000, 30-year mortgage loan at a 3-percent interest rate, the monthly payment would be $152. The $36,000 new mortgage loan would finance the $35,000 new home plus $1,000 of the outstanding debt on the old mortgage.

2. A homeowner who, prior to the earthquake, had a 25-year, 7-percent interest rate mortgage with an outstanding balance of $25,000: The monthly payment for interest and principal on this loan would be $177. Assuming that a new home comparable to the one destroyed could be built for $35,000 (including land) and that the homeowner would obtain from Small Business Administration a new $36,000, 25-year mortgage loan at a 3-percent interest rate, the monthly payment would be $171. The $36,000 new mortgage loan would finance the $35,000 new home plus $1,000 of the outstanding debt on the old mortgage.

TENTH ANNIVERSARY OF FRANCE'S DISASTER IN SOUTHEAST ASIA—DIENBIENPHU: A LESSON FOR THE UNITED STATES

Mr. GRUENING. Mr. President, 10 years ago, Dienbienphu, in what was then known as Indochina, fell. That marked the end of an epoch in southeast Asia. It ended French dominion in that part of the world. The war to keep Indochina had cost France the lives of tens of thousands of her young men. It had cost a fortune, to which the United States had contributed.

Unfortunately, the United States picked up the tattered remains of France's banner. That was a tragic error; and it has now resulted in the sacrifice of the lives of several hundred young Americans. Unless President Johnson reverses the mistaken policy which he inherited, it will cost the lives of many more young Americans.

Mr. President, the United States of America is now waging war in South Vietnam—an undeclared war. Quite wrongly, our country is participating in a civil war there. The war there is not our war. It is a war which can be won or decided only by the Vietnamese people. It is a war which the United States cannot win. It is a war in which we should never have engaged.

I repeat what I have said before: All South Vietnam is not worth the life of one American boy.

Our SEATO allies have "run out" on us. Perhaps they are wiser than we. Nevertheless, we do not see any British boys on the firing line in the steaming jungles of South Vietnam. We do not see any French boys fighting there. We do not see any Australian boys being killed there. Neighboring Thailand has not sent a single Thai boy to the South Vietnamese front. We do not see any New Zealand boys being sacrificed there. Only a week ago the Pakistan Government made plain that—far from being willing to participate in the war—it would strengthen its relations with Red China.

I repeat, Mr. President, that all South Vietnam is not worth the life of one American boy. Far too many lives of our young men have already been sacrificed there.

Again I ask the following question of my colleagues: If your son were drafted into the U.S. military forces, and sent to South Vietnam, and if he lost his life in the fighting there, would you feel that he had died for his country?

For myself, I answer that question by saying that I would not feel that he would have died for his country. I would feel that he was being sacrificed in pursuit of a tragic folly, an inheritance of past mistakes.

Mr. President, many persons have forgotten, or are unaware of, the fate that befell France in that tropical southeast Asian trap. Our country is falling into the same trap. It is well that we be reminded of what happend to France, lest it happen to us; and it will happen to the United States if we do not have enough sense to call in the United Nations and to work with other nations for a negotiated peace.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Dienbienphu: Battle To Remember." The article was written by Bernard B. Fall, an historian who is an expert on that region of the world, and has written a definitive book about it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIENBIENPHU: BATTLE TO REMEMBER

(By Bernard B. Fall)

On May 7, 1954, the end of the battle for the jungle fortress of Dienbienphu marked the end of French military influence in Asia, just as the sieges of Port Arthur, Corregidor, and Singapore had, to a certain extent, broken the spell of Russian, American, and British hegemony in Asia. The Asians, after centuries of subjugation, had beaten the white man at his own game. And today, 10 years after Dienbienphu, Vietcong guerrillas in South Vietnam again challenge the West's ability to withstand a potent combination of political and military pressure in a totally alien environment.

On that day in May 1954 it had become apparent by 10 a.m. that Dienbienphu's position was hopeless. French artillery and mortars had been progressively silenced by murderously accurate Communist Vietminh artillery fire; and the monsoon rains had slowed down supply drops to a trickle and transformed the French trenches and dugouts into bottomless quagmires. The surviving officers and men, many of whom had lived for 54 days on a steady diet of instant coffee and cigarettes, were in a catatonic state of exhaustion.

As their commander, Brig. Gen. Christian de la Croix de Castries, reported the situation over the radiotelephone to Gen. René Cogny, his theater commander, 220 miles away in Hanoi in a high-pitched but curiously impersonal voice, the end obviously had come for the fortress. De Castries ticked off a long list of 800-man battalions which had been reduced to companies of 80 men and of companies that were reduced to the size of weak platoons. All he could hope for was to hold out until nightfall in order to give the surviving members of his command a chance to break out into the jungle under the cover of darkness, while he himself would stay with the more than 5,000 severely wounded (out of a total of 15,094 men inside the valley) and face the enemy.

By 3 p.m., however, it had become obvious that the fortress would not last until nightfall. Communist forces, in human-wave attacks, were swarming over the last remaining defenses. De Castries polled the surviving unit commanders within reach, and the consensus was that a breakout would only lead to a senseless piecemeal massacre in the jungle. The decision was made then to fight on to the end, as long as the ammunition lasted, and let individual units be overrun after destruction of their heavy weapons. That course of action was approved by the senior commander in Hanoi at about 5 p.m., but with the proviso that "Isabelle," the southernmost strongpoint closest to the jungle, and to friendly forces in Laos, should be given a chance to make a break for it.

Cogny's last conversation with De Castries dealt with the dramatic problem of what to do with the wounded piled up under incredible conditions in the various strongpoints and in the fortress' central hospital—originally built to contain 42 wounded. There had been suggestions that an orderly surrender should be arranged in order to save the wounded the added anguish of falling into enemy hands as isolated individuals. But Cogny was adamant on that point:

"Mon vieux, of course you have to finish the whole thing now. But what you have done until now surely is magnificent. Don't spoil it by hoisting the white flag. You are going to be submerged [by the enemy], but no surrender, no white flag."

"All right, mon general, I only wanted to preserve the wounded."

"Yes, I know. Well, do as best you can, leaving it to your (static: subordinate units?) to act for themselves. What you have done is too magnificent to do such a thing. You understand, mon vieux?

There was a silence. Then De Castries said his final words:

"Bien, mon general."

"Well, goodby, mon vieux," said Cogny. "I'll see you soon."

A few minutes later, De Castries' radio operator methodically smashed his set with the butt of his Colt .45, and thus the last word to come out of the main fortress, as it was being overrun, came at 5:30 p.m. from the radio operator of the 31st Combat Engineer Battalion, using his regulation code name:

"This is 'Yankee Metro.' We're blowing up everything around here. Au revoir."

Strongpoint "Isabelle" never had a chance. While the main defenses of Dienbienphu were being mopped up, strong Vietminh forces already had tightened their grip around the thousand legionnaires, Algerians, and Frenchmen preparing their breakout. At 9:40 p.m., a French surveillance aircraft reported to Hanoi that it saw the strongpoint's depots blowing up and that heavy artillery fire was visible close by. The breakout had been detected. At 1:50 a.m. on May 8, 1954, came the last message from the doomed garrison, relayed by the watchdog aircraft to Hanoi:

"Sortie failed—Stop—Can no longer communicate with you—Stop and end."

The great battle in the valley of Dienbienphu was over. Close to 10,000 captured troops were to begin the grim death march to the Vietminh prison camps 300 miles to the east. Few would survive. About 2,000 lay dead all over the battlefield in graves left unmarked to this day. Only 73 made good their escape from the various shattered strongpoints, to be rescued by the pro-French guerrilla units awaiting them in the Laotian jungle. Eight thousand miles away, in Geneva, the North Vietnamese and Red Chinese delegations attending the nine-power conference which was supposed to settle both the Korean and the Indochinese conflicts toasted the event in pink Chinese champagne.

What had happened at Dienbienphu was simply that a momentous gamble had been attempted by the French High Command and had backfired badly. The Indochina war, which had broken out in December, 1946, after Ho Chi Minh's Vietminh forces felt that France would not agree to Vietnam's eventual independence, had slowly bogged down into a hopeless seesaw.

Until Red China's victorious forces arrived on Vietnam's borders in December 1949, there had been at least a small hope that the French-supported Vietnamese Nationalist Government, headed by ex-Emperor Bao-Dai, could wean away from the Communist-led Vietminh the allegiance of much of Vietnam's population. But with the existence of a Red Chinese "sanctuary" for the Vietminh forces, that became militarily impossible. By October 1950, 23 regular Vietminh battalions, equipped with excellent American artillery coming from Chinese Nationalist stocks left on the mainland, smashed the French defense lines along the Chinese border and inflicted on France its biggest colonial defeat since Montcalm died before Quebec. Within a few weeks, the French position in North Vietnam had shrunk to a fortified perimeter around the Red River delta; a continuous belt of Communist-held territory stretched from the Chinese border to within 100 miles of Saigon. For all practical purposes the Indochina war was lost then and there.

What changed the aspect of the war for a time was the influx of American aid, which began with the onset of the Korean war. With communism now a menace at both ends of the Far Eastern arc, the Indochina war, from a colonial war, became a crusade—but a crusade without a real cause. Independence, given too grudgingly to the Vietnamese nationalist regime, remained the catchword of the adversary.

But, militarily at least, disaster had temporarily been averted. The key Red River delta was more or less held by the French—at least during the daytime, for at night the enemy was everywhere—and the rice-rich Mekong delta in South Vietnam, where anti-Communist Buddhist sects were fighting on the French side, was held more solidly by Western forces in 1953–54 than in 1963–64.

In Laos, the situation was just as grim then as it is now: the Laotian and French forces held the Mekong valley and the airfields of the Plain of Jars, and the enemy held the rest. Only Cambodia, then as now, was almost at peace: Prince Sihanouk—then King—had received independence from France in 1953 and galvanized his people into fighting against the guerrillas. They were so successful that, at the ensuing Geneva cease-fire conference, Cambodia did not have to surrender a province as a regroupment area for Communist forces.

This totally stalemated situation left the French with but one choice: to create a military situation of the kind that would permit cease-fire negotiations on a basis of equality with the enemy. To achieve this, the French commander-in-chief, General Henri Navarre, had to win a victory over the hard core of Communist regular divisions, whose continued existence posed a constant threat of invasion to the Laotian kingdom and to the vital Red River delta with its capital city of Hanoi and the thriving port of Haiphong. And to destroy those divisions and prevent their invasions into Laos, one had to, in American military parlance, "find 'em and fix 'em."

General Navarre felt that the way to achieve this was by offering the Communists a target sufficiently tempting for their regular divisions to pounce at, but sufficiently strong to resist the onslaught once it came. That was the rationale for the creation of Dienbienphu and for the battle that took place there.

There were other considerations also. Laos had signed a treaty with France in which the latter promised to defend it. Dienbienphu was to be the lock on the backdoor leading into Laos. Dienbienphu was also to be the test for a new theory of Navarre's. Rather than defend immobile lines, he wanted to create throughout Indochina "land-air bases" from which highly mobile units would sally forth and decimate the enemy in his own rear areas, just as the Vietminh guerrillas were doing in French rear areas. All that rode on Dienbienphu; the freedom of Laos, a senior commander's reputation, the survival of some of France's best troops and—above all—a last chance of coming out of that 8-year-long frustrating jungle war with something else than a total defeat.

But Navarre, an armor officer formed on the European battlefields, apparently (this was the judgment of the French Government committee which later investigated the disaster) had failed to realize that "there are no blocking positions in country lacking European-type roads." Since the Vietminh relied largely on human porters for their frontline units, they could easily bypass such bottlenecks as Dienbienphu or the Plain of Jars while bottling up the forces contained in those strongholds at little expense to themselves.

The results were evident: soon after French forces arrived at Dienbienphu on Nov. 20, 1953, two of General Vo Nguyen Giap's regular 10,000-man divisions blocked the Dienbienphu garrison, while a third bypassed Dienbienphu and smashed deeply into Laos. On Christmas Day, 1953, Indochina, for the first time in the 8-year war, was literally cut in two. The offensive stabs for which Dienbienphu had been specifically planned became little else but desperate sorties against an invisible enemy. By the time the battle started for good on March 13, 1954, the garrison already had suffered 1,037 casualties without any tangible result.

Inside the fortress, the charming tribal village by the Nam Yum had soon disappeared along with all the bushes and trees in the valley, to be used either as firewood or as construction materials for the bunkers. Even the residence of the French Governor was dismantled in order to make use of the bricks, for engineering materials were desperately short from the beginning.

Major André Sudrat, the chief engineer at Dienbienphu, was faced with a problem that he knew to be mathematically unsolvable: By normal military engineering standards, the materials necessary to protect a battalion against the fire of the 105-millimeter howitzers the Vietminh now possessed amounted to 2,550 tons, plus 500 tons of barbed wire. He estimated that to protect the 12 battalions there initially (5 others were parachuted in during the battle) he would need 36,000 tons of engineering materials—which would mean using all available transport aircraft for a period of 5 months.

When he was told that he was allocated a total of about 3,300 tons of airlifted materials, Sudrat simply shrugged his shoulders. "In that case, I'll fortify the command post, the signal center, and the X-ray room in the hospital; and let's hope that the Viet has no artillery."

As it turned out, the Vietminh had more than 200 artillery pieces, reinforced during the last week of the siege by Russian "Katyusha" multitube rocket launchers. Soon, the combination of monsoon rains, which set in around mid-April, and Vietminh artillery fire smashed to rubble the neatly arranged dugouts and trenches shown to eminent visitors and journalists during the early days of the siege. Essentially, the battle of Dienbienphu degenerated into a brutal artillery duel, which the enemy would have won sooner or later. The French guncrews and artillery pieces, working entirely in the open so as to allow the pieces all-around fields of fire, were destroyed one by one; replaced, they were destroyed once more, and at last fell silent.

The artillery duel became the great tragedy of the battle. Colonel Piroth, the jovial one-armed commander of the French artillery inside the fortress had guaranteed that his 24 105-millimeter howitzers could match anything the Communists had and that his battery of 4 155-millimeter heavy field howitzers would definitely muzzle whatever would not be destroyed by the lighter pieces and the fighter-bombers. As it turned out, the Vietminh artillery was so superbly camouflaged that to this day it is doubtful whether French counterbattery fire silenced more than a handful of the enemy's fieldpieces.

When on March 13, 1954, at 5:10 p.m., Communist artillery completely smothered strongpoint "Beatrice" without noticeable damage from French counterbattery fire, Piroth knew with deadly certitude that the fortress was doomed. And as deputy to General de Castries, he felt that he had contributed to the air of overconfidence and even cockiness—had not De Castries, in the manner of his ducal forebears, sent a written challenge to enemy commander Giap?—which had prevailed in the valley prior to the attack.

"I am responsible. I am responsible," he was heard to murmur as he went about his duties. During the night of March 14–15, he committed suicide by blowing himself up with a hand grenade, since he could not arm his pistol with one hand.

Originally, the fortress had been designed to protect its main airstrip against marauding Vietminh units, not to withstand the onslaught of four Communist divisions. There never was, as press maps of the time erroneously showed, a continuous battleline covering the whole valley. Four of the eight strongpoints were from 1 to 3 miles away from the center of the position. The interlocking fire of their artillery and mortars, supplemented by a squadron of 10 tanks (flown in piecemeal and reassembled on the spot), was to prevent them from being picked off one by one.

This also proved to be an illusion. Gen. Vo Nguyen Giap decided to take Dienbienphu by an extremely efficient mixture of 18th-century siege techniques (sinking TNT-laden mine shafts under French bunkers, for example) and modern artillery patterns plus human-wave attacks. The outlying posts which protected the key airfield were captured within the first few days of the battle. French losses proved so great that the reinforcements parachuted in after the airfield was destroyed for good on March 27 never sufficed to mount the counterattacks necessary to reconquer them.

From then onward the struggle for Dienbienphu became a battle of attrition. The only hope of the garrison lay in the breakthrough of a relief column from Laos or Hanoi (a hopeless concept in view of the terrain and distances involved) or in the destruction of the siege force through aerial bombardment of the most massive kind. For a time a U.S. Air Force strike was under consideration but the idea was dropped for about the same reasons that make a similar attack against North Vietnam today a rather risky affair.

Like Stalingrad, Dienbienphu slowly starved on its airlift tonnage. When the siege began, it had about 8 days' worth of supplies on hand and required 200 tons a day to maintain minimum levels. The sheer magnitude of preparing that mass of supplies for parachuting was solved only by superhuman feats of the airborne supply units on the outside—efforts more than matched by the heroism of the soldiers inside the valley, who had to crawl into the open, under fire, to collect the containers.

But as the position shrunk every day (it finally was the size of a ball park), the bulk of the supplies fell into Communist hands. Even De Castries' general's stars, dropped to him by General Cogny with a bottle of champagne, landed in enemy territory.

The airdrops were a harrowing experience in that narrow valley which permitted only straight approaches. Communist antiaircraft artillery played havoc among the lumbering transport planes as they slowly disgorged their loads. A few figures tell how murderous the air war around Dienbienphu was: Of a total of 420 aircraft available in all of Indochina then, 62 were lost in connection with Dienbienphu and 167 sustained hits. Some of the American civilian pilots who flew the run said that Vietminh flak was as dense as anything encountered during World War II over the Ruhr.

When the battle ended, the 82,926 parachutes expended in supplying the fortress covered the battlefield like freshly fallen snow. Or like a burial shroud.

The net effect of Dienbienphu on France's military posture in Indochina could not be measured in losses alone. It was to little avail to say that France had lost only 5 percent of its battle force; that the equipment losses had already been more than made good by American supplies funneled in while the battle was raging; and that even the manpower losses had been made up by reinforcements from France and new drafts of Vietnamese. Even the fact, which the unfortunate French commander in chief, Navarre, was to invoke later, that the attack on Dienbienphu cost the enemy close to 25,000 casualties and delayed his attack on the vital Red River delta by 4 months, held little water in the face of the wave of defeatism that not only swept French public opinion at home but also that of her allies.

Historically, Dienbienphu was, as one French senior officer masterfully understated it, never more than an "unfortunate accident." It proved little else but that an encircled force, no matter how valiant, will succumb if its support system fails. But as other revolutionary wars—from Algeria to the British defeats in Cyprus and Palestine—have conclusively shown, it does not take pitched "setpiece" battles to lose such wars. They can be lost just as conclusively through a series of very small engagements, such as those now fought in South Vietnam, if the local government and its population loses confidence in the eventual outcome of the contest and that was the case of both the French and of their Vietnamese allies after Dienbienphu.

But as the French themselves demonstrated in Algeria, where they never again allowed themselves to be maneuvered into such desperate military straits, revolutionary wars are fought for political objectives and big showdown battles are necessary neither for victory nor for defeat in that case. This now seems finally to have been understood in the South Vietnam war, as well, and Secretary of Defense McNamara may well have thought of Dienbienphu when he stated in his major Vietnam policy speech of March 26 that "we have learned that in Vietnam, political and economic progress are the sine qua non of military success. * * *" One may only hope that the lesson has been learned in time.

But on May 7, 1954, the struggle for Indochina was almost over for France. As a French colonel looked out over the battlefield from a slit trench near his command post, a small white flag, probably a handkerchief, appeared on top of a rifle hardly 50 feet away from him, followed by the flat-helmeted head of a Vietminh soldier.

"You're not going to shoot any more?" said the Vietminh in French.

"No, I'm not going to shoot any more," said the colonel.

"C'est fini?" said the Vietminh.

"Oui, c'est fini," said the colonel.

And all around them, as on some gruesome judgment day, soldiers, French and enemy alike, began to crawl out of their trenches and stand erect for the first time in 54 days, as firing ceased everywhere.

The sudden silence was deafening.

Mr. GRUENING. Mr. President, I also ask unanimous consent to have printed in the Record an article entitled "The Road From Dienbienphu—A Decade Later, No One Is Certain Where It Will End." The article was published on May 3 in the Washington Post and was written by its able staff reporter, Chalmers M. Roberts.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 3, 1964]

The Road From Dienbienphu—A Decade Later, No One Is Certain Where It Will End

(By Chalmers M. Roberts)

Ten years ago this week the French fortress of Dienbienphu in Indochina fell to the Communists in what was a resounding blow to American prestige.

The fortress, in what is now Communist North Vietnam, fell on May 7, shortly after the collapse of a massive effort by the late John Foster Dulles to save its besieged defenders by use of American Navy and Air Force planes.

Though Dulles went close to the brink and though President Eisenhower was prepared to ask Congress for a joint resolution authorizing such action, it never came off. As General Eisenhower has since indicated in his memoirs, it was chiefly British opposition that killed American military intervention.

Because the United States had come so close to intervention, because it had paid much of the cost of the French war effort and because President Eisenhower had applied the falling-dominoes thesis to Indochina, the French defeat rubbed off on this country.

But the domino thesis did not prove correct—or has not thus far, to be more precise. Indochina was divided into four nations, world attention turned elsewhere, and the United States survived the damage of the debacle at Dienbienphu.

We now know, however, that what occurred a decade ago was but one phase of the story. Today some 15,000 Americans in uniform are in South Vietnam, one of the four fragments of French Indochina. They may not be directly fighting the war but they, and the American Government, are deeply involved in it.

It is indeed something of an oddity that the United States is so involved in an area so far on the other side of the globe. Until 1940, few Americans had ever heard of Indochina and fewer still cared about it, the U.S. Government included. It was simply a far-off lotus land.

American involvement began in 1940, on about August 30, when the Vichy government of France (set up after Hitler had overrun Paris and Marshal Petain had organized a collaborating regime in that southern town) made its first deal with Japan. France recognized Japan's "preeminent position" in the Far East and granted the then aggressive Japanese certain rights in the north of Indochina.

That was 14 months before the attack on Pearl Harbor. Japan's entry into Indochina was part of a movement to the south which so misled American leaders that they could not believe that an attack on Hawaii might be in the Japanese mind.

When the French on the scene in Indochina stalled over implementing the accord with Vichy, the impatient Japanese, then the occupiers of much of the Chinese mainland, launched an attack from Kwangtung and Kwangsi across the border on the French forts at Lang-Son and Dong-Dang.

In the end the French gave in and the Japanese moved in. A widely quoted American newspaper editorial warning against U.S. involvement was captioned: "Who Wants To Die for Dear Old Dong-Dang?" The answer then in still isolationist America was clear: no one.

The Japanese held the country throughout the war. In early 1944, in discussing postwar arrangements, President Roosevelt told the British Ambassador, Lord Halifax, that he felt that Indochina should not go back to France but should be administered by an international trusteeship. To this and other anti-French talk by F.D.R. Churchill objected. He could not visualize "a civilized world without a flourishing and lively France"—without a French Empire as well as a British Empire.

Henry Wallace, then Vice President, has recorded that sometime later he, at F.D.R.'s request, personally told Chiang Kai-shek that F.D.R. was offering Chiang all of Indochina (what is now two Vietnams, Laos, and Cambodia) as an outright grant. In a display of wisdom, Chiang turned down the offer, saying rightly that the Indochinese were "not Chinese. They would not assimilate into the Chinese people."

At the wartime Teheran and Potsdam Conferences with Stalin, the West agreed that Indochina would be occupied by Chinese Nationalist troops down to the 16th parallel with British Commonwealth forces occupying the southern half of the peninsula. That was in fact done, but before long these forces withdrew as the French, who had first come in 1884, now returned to reassert authority in their old colony.

The French, however, found that Ho Chi Minh, then as now the Communist leader of Indochina, was already leading an insurrection. He had created a Democratic Republic of Vietnam and seized Hanoi in 1945. A founding member of the French Communist Party and an aid to Stalin's agent in China, Borodin, Ho led the 9-year war against the French. It ended soon after the capitulation of Dienbienphu.

By then Dulles' intervention talk had faded, and he was concentrating on creating what came to be SEATO, the Southeast Asia Treaty Organization, to protect the new status quo. The war formally ended with a division of the Vietnams at the 17th parallel, a product of the Geneva conference in July. The United States, like the new regime set up for South Vietnam, did not sign the Geneva accords, but it did agree not to try to overturn them by force.

Nearly 900,000 refugees from the North fled south, and a few from the South went north. But in the South, as recounted in Bernard Fall's excellent book, "The Two Vietnams," a small group of Ho's elite guerrillas quietly buried its well-greased weapons, hid its portable radio transmitters, and simply returned for the time being to the humdrum tasks of sowing and harvesting rice.

The Ngo Diem Dinh regime began in the South as the war halted. It ended 9 years later with his murder during a coup against his regime last November. Whatever his virtues or his vices, Diem's country was under massive Communist guerrilla attack at the time of his death. And American prestige once again was deeply involved, this time in a struggle to contain and destroy that internal cancer.

Slowly the United States "slid into the second Indochina war," as Fall put it, in the latter part of the Eisenhower administration and during the Kennedy years.

President Eisenhower had pronounced the falling dominoes theory, and President Kennedy agreed with it; the loss of Vietnam could or would lead to the loss of adjacent Laos and Cambodia, then Thailand and Malayia (now Malaysia) and finally Indonesia and Burma. President Johnson has not publicly said the same thing, but his policies are premised in the same way.

Since the massive inflow of American forces, that is, from January 1, 1961, to April 22 of this year, 129 Americans have been killed in Vietnam. However tragic each individual death has been, the total is less than the number—262—of persons killed during 1963 in automobile accidents in Metropolitan Washington.

Such, however, is part of the price of world power and of trying to use that power in a faraway place in a limited fashion.

Today in the United States there is a discordant chorus of voices on what this Nation should do. Senators MORSE and GRUENING say we should get out completely. Senator MANSFIELD says we should explore General de Gaulle's talk of neutralization. Richard Nixon and Senator GOLDWATER say the war should be carried to Communist North Vietnam.

Reports that Henry Cabot Lodge is about to resign as Ambassador to Vietnam, return home and denounce the administration's conduct of the war are denounced by administration officials as totally false. But Senate GOP leader DIRKSEN says he has heard "rumors" that Lodge, the Republican presidential front runner in the polls, "is unhappy about the policy over there and is coming back." He says, however, he has no proof of such "rumors."

Thus the Republicans, hungry for a sharp foreign policy issue against President Johnson, are themselves divided. Darkhorse Governor Scranton of Pennsylvania is against carrying the war to the north.

Does the bell toll in Vietnam for the United States? Is that faraway land important in the world conflict between communism and democracy? Is it any more or less important to the United States than it was a decade ago?

Central to the administration's argument of Vietnam's importance today is Secretary of State Rusk's contention that Red China must not be allowed to find that aggression pays. Yet neither Rusk nor anyone else in the administration has firmly and directly connected the war in South Vietnam with the regime in Peiping. It is said only that the Communist direction comes from Hanoi, the North Vietnamese capital, with some vague line of authority running from Hanoi to Peiping and, even vaguer, perhaps to Moscow. But nobody professes to be very clear about those connections.

Of itself, Vietnam in 1964 as in 1954 is of no real importance in a power sense to the United States. American power in Asia is essentially in the air and on the seas, sustained by bases from Japan to Taiwan and the Philippines to friendly ports and airfields in Australia.

Indeed, it can be argued that Saigon is no more important to us today than was "dear old Dong-Dang" nearly a quarter century ago. It can be urged that American power still would be present and massive in Asia whatever happened to South Vietnam if American support were withdrawn, that the dominoes would no more fall in that event than they did after the loss of North Vietnam to the Communists. It can be argued, too, that a Communist Vietnam would have considerable independence of Peiping and Moscow.

But, contrariwise, it can be and is argued that retreat from Saigon today is as impossible as retreat from West Berlin; that our presence in support of indigenous people, Vietnamese or West German, is an earnest sign of our determination to yield no more ground to aggressive communism.

It can be and is argued that a Communist takeover, even if a so-called neutralist regime in Saigon came first, would massively increase Red China's power and prestige in Asia. This would be to the detriment chiefly of the United States but also of the Soviet Union, whose more cautious approach, at least in words, the United States has been applauding.

No one wants to die for Saigon any more than for Dong-Dang. But that is not the issue; rather, it is this: Is it in the vital interest of the United States that, even at a cost of further American lives, this country continue to bolster the regime in Saigon against its Communist led and oriented foes?

And on that point, in this election year, neither party is fully agreed either among its leaders or with the opposition. That is the agony of uncertainty which troubles so many in the United States today.

AMALGAMATED CLOTHING WORKERS

Mr. KEATING. Mr. President, will the Senator from South Carolina yield briefly to me?

Mr. THURMOND. Mr. President, with the same understanding, I am glad to yield to the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. I thank the Senator from South Carolina for his courtesy.

Mr. President, this month, one of America's foremost industrial unions, the Amalgamated Clothing Workers, will be celebrating, at its national convention, its 50th birthday. Spawned of the sweatshop, the Amalgamated has, in its 50 years, shown extreme dedication to the cause of improving the lot of the working man, through the vehicle of collective bargaining.

Under the creative and inspiring leadership of Sidney Hillman and Jacob Potofsky, the Amalgamated has set an example of responsible collective bargaining for the settlement of labor disputes. It has found mutual cooperation and discussion to be a successful method of meeting the needs of its members—so successful that the union has gone 50 years without an industrywide strike.

Particularly notable is the duration of the 1911 arbitration agreement between Amalgamated's predecessor and the Hart Schaffner and Marx Co., of Chicago. To end an unusually costly strike of men's garment workers at the Hart Schaffner and Marx plant, in Chicago, in 1911, the union and the company agreed on a settlement providing for binding arbitration if the two primary parties were unable to work out a settlement. Thus, the union was fully a generation ahead of its time.

Ed Townsend, the labor editor of Business Week magazine, has paid tribute to this fine labor organization in an article in the American Legion magazine. I ask unanimous consent that his article, entitled "Fifty Years Without an Industrial Strike," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Legion Magazine, May 1964]

Fifty Years Without an Industrial Strike—Born of a Bloody Conflict, the Amalgamated Clothing Workers Set a Pattern for Labor Peace That Endured

(By Ed Townsend)

The Amalgamated Clothing Workers of America is 50 years old this year, and will officially celebrate its first half century as a labor union at its national convention in May. It was born in 1914 out of a bloody strike in 1910–11 in Chicago in which its leaders, then part of another union, joined with management in setting precedents for healthy labor-management relations from which we are still learning and still have more to learn.

Amalgamated, made up chiefly of workers in the men's clothing industry, was among the first "industrial unions" in the country. As such it has had the power to pull the whole industry out on strike, rather than just the workers having one particular skill, as in the "craft unions."

But though it has been mixed up in local labor turmoil (usually during organizing struggles) from New York's Mohawk Valley to the Deep South, Amalgamated has not pulled an industrywide strike since the day it was founded, 50 years ago, nor, except once in New York over 40 years ago, has it struck any of the major manufacturers in its field.

Together with the management of Hart Schaffner & Marx, Amalgamated in 1911 virtually invented successful arbitration as the solution to a deadlock between workers and employer—and both of them were thereby more than a generation ahead of their time.

On the record, the union has much more to boast about on its 50th anniversary. It cites (1) the establishment of commercial banks back in days when laboring men and women hardly felt welcome in most other banks; (2) construction of public housing; (3) resistance to Communist infiltration (perhaps because many of its early members were old European Socialists who were more sophisticated about communism than the Americans of a generation ago); and (4) militant action to keep racketeers out of their industry and their union.

But none of the pioneering of which Amalgamated can boast matches, in national importance, the industrial peace formula that its founders evolved with Hart Schaffner & Marx (still the biggest employer in the field) out of their violent conflict in 1910–11.

Big and brutal strikes—sheer tests of economic power—are an ineffectual and undesirable way of resolving disputes over work terms. They hurt labor, they hurt management, and they hurt that innocent bystander, the whole nation. We still have industrywide strike deadlocks and threats of them in many industries. But for 53 years Hart Schaffner & Marx and its employees have not lost a single day's work as a result of a contract dispute (perhaps the longest uninterrupted contract relationship in American industrial history)—and as their formula long ago spread to almost all major union contracts in the men's clothing field, it revolutionized company-worker relationships and replaced chaos with law, order, and justice. The formula has been well tested. Today's problem is to get others to follow it.

In the years before 1910, the men's and boys' garment industry in New York, Chicago, and other production centers had seen many spontaneous stoppages to protest sweatshop conditions. Working conditions were bad and earnings meager. Weekly wages of $7 for 60 hours of work were above average. The walkouts were quickly squelched. The workers' union, the United Garment Workers, with headquarters in the old Bible House in New York, gave them little support. It was principally interested in skilled workers—the industry's well-treated craftsmen—at the expense of unskilled workers, more than half of them women and young girls, largely European immigrants.

Discontent over the lack of support from the United Garment Workers built up steadily along with anger at and fear of the employers. UGW's leadership was sharply criticized. Its predominantly immigrant rank-and-file charged that their interests were being ignored. But, although vocal, the immigrant group lacked strong leadership that could pull it together.

But on September 22, 1910, a group of Hart Schaffner & Marx pantsmakers in Chicago—14 girls led by Bessie Abramowitz—walked out rather than accept an arbitrary cut in piece rates for pants seaming. (Miss Abramowitz later became Mrs. Sidney Hillman and is a vice president of Amalgamated today.)

The girls' walkout set off a slow-burning fuse in a keg of dynamite.

Emboldened by them, others quit the plant over the next 3 weeks. By mid-October, 8,000 Hart Schaffner & Marx workers were out. As word of the wildcat strike spread, nearly 40,000 garment workers laid down their shears and needles in other Chicago plants. Before long almost all of the city's clothing manufacturing was shut down by a general strike. A historic struggle had begun.

Pickets trudged through snow and fought icy winds off Lake Michigan as winter set in early. As before the United Garment Workers showed little sympathy for the strike. It tried to get workers back into the plants with only minor concessions. Strikers shouted down the proposals. UGW aid to them grew slimmer.

The strikers tightened their belts for a hard and angry battle without substantial labor help from outside Chicago. Local leaders emerged, notably Sidney Hillman, an immigrant from Lithuania, once a rabbinical student. Hillman and other strike leaders welded together a tight and strong organization.

They had important friends in the Midwest who closed ranks behind the strikers, including social workers like Jane Addams of Hull House and Ellen Gates Starr; attorneys Clarence Darrow and William O. Thompson and other public figures, and civic leaders like Mrs. Raymond Robins.

These friends were welcome in months of suffering and hardship. Companies tried to produce garments using strikebreakers with the support of the Chicago police against "rebellious" strikers. Countless strikers were clubbed down, a few were shot; two were killed. Thousands were arrested.

When the union needed $25,000 for bail Jane Addams got it for the strikers. She also permitted the union to hold strike strategy meetings in Hull House and Hillman lived there. He long afterward referred to Hull House as "my school" and said that he learned more there about humanity than anywhere else. A year or so ago, when Hull House was threatened by razing, the Amalgamated repaid a debt. It helped raise some $300,000 to preserve the historic building.

After the second striker was killed in disorders at the Hart Schaffner & Marx gates, a conscience-stricken Joseph Schaffner, one of the founders of the company and its president, intervened personally to seek peace with the union. As public and governmental pressures built up for a settlement, he placed two proposals before the strikers. Both were rejected. A third, strongly endorsed by strike leaders, was then accepted.

Schaffner acknowledged that many of the workers' complaints were warranted. Workers were exploited. Wages of the easily hired unskilled were indeed kept low so that scarcer skilled workers could be paid more and kept contented. The work pace and pressures were intense. And young women had to submit to indignities from foremen in order to keep jobs.

While Schaffner pledged that many of the more deplorable conditions would be relieved, he pointed out an economic reality. Cutthroat competition among garment manufacturers, mostly small plants, would serve as an effective brake against improvements. The strike leaders conceded this. They still hold to a policy of protecting contract employers against cutrate competition by organizing efforts and firm enforcement of standard contract terms.

The settlement, in January 1911, took less than a page as compared with today's inch-thick labor agreements. It made only three points: (1) All strikers would be taken back, (2) there would be no penalties or discrimination against any of them, (3) issues still in dispute would be submitted to binding arbitration.

The third provision was the all-important one.

It called for arbitration of disputes by a board whose decision both labor and management agreed to accept in advance.

Arbitration was not new—but it was still little known and rarely accepted. The extent of the proposed Hart Schaffner & Marx arbitration was unheard of then. It was shattering news for other employers.

Under the 1911 plan, the union and its counsel, and management and its counsel, would bargain together. If all went smoothly, well and good. But if they locked horns on a question where neither side would budge, a third neutral party—agreeable to both—would be called in, to act as chairman and have the controlling vote.

In coming to arbitration in 1911, Schaffner and union representatives accepted two premises that have become, in the 1960's, the basis of a new approach to collective bargaining generally:

(1) Many controversial matters can be handled best outside the tension and hot tempers of a labor-management negotiating room.

(2) More basically, industrial warfare of the kind that raged through Chicago must be ended—not just for the short duration of a labor contract but through the foreseeable future.

What they acknowledged then, many thoughtful people in management and labor are echoing now:

Large-scale strikes, such as the 116-day strike in basic steel in 1959 and the more recent east coast longshoring and New York newspaper strikes, seldom settle anything. The issues become lost in a massive power struggle. Positions polarize; collective bargaining collapses. In the end, Government or other outside aid is necessary to resolve the differences.

Also, big strikes are much too costly for everyone—employers, unions, wage earners and the public. When they elect to fight, unions are seldom able to hurt employers without hurting their own members more. Mechanization and automation make it easier for employers to keep plants operating with minimum supervisory and white-collar forces. On the other hand, established unions seldom can be broken. Strikes can go on indefinitely, as impasses, hurting both sides and offering promises of real gains to neither—meanwhile trying the ragged patience of the public.

They waste resources that could be put to better economic and social use to improve profits and jobs and for the security and welfare of workers.

And, most important, industrial warfare need not be inevitable in a live and dynamic society. Sharply opposed positions of free management and free labor can be adjusted peacefully, by voluntary means. Alternatives to industrial strife can and must be devised. Level heads are preferable to tough muscles.

Recognition of these things 53 years ago turned Hart Schaffner & Marx and its garment workers' union to binding arbitration on two levels: (1) "In-plant" arbitration of day-to-day grievances, and (2) major arbitration of any and all contract issues that could not be resolved in collective bargaining.

Recognition of the same things in 1959 and early 1960 turned the basic steel industry and United Steelworkers from a dangerous practice of deadline bargaining—negotiating with a strike threat just ahead—to a new and now twice successful policy of year-round consideration of mutual problems through a human relations committee.

It also has led to predictions—probably overoptimistic still—that the big strikes in America are nearing an end.

Outside the men's garment industry, there are still too few alternatives to strikes when bargaining deadlocks. Few employers and unions have been willing to go along with Hart Schaffner & Marx and the Amalgamated all the way in their labor peace plan. Arbitration is now almost universally accepted for settling routine grievances, but it still is only rarely used—voluntarily—as a way out of bargaining impasses.

Most employers and unions remain firmly opposed to submitting pay and other contract issues to binding decisions by arbitrators. They fear the consequences of judgments by "a relatively unsophisticated outsider" who can write an award and be done with it—without having to work with and live under the terms he orders. A bad arbitration decision in a contract case could have lasting damage on a company's economic structure, one of the country's leading industrialists warned earlier this year.

After 53 years, Hart Schaffner & Marx and the Amalgamated remain thoroughly satisfied with the machinery set up in 1911. As with any machinery, no matter how well tended, it has had some friction, whines, and groans through its years of service. But the machinery works for the garment manufacturer and union and they see no reason why it shouldn't work as well for other employers and unions willing to adopt such a mechanism—and to apply themselves to making it work smoothly and effectively.

Ordinarily, today, issues to be submitted to arbitrators are narrowly limited to interpretations of contract clauses. Hart Schaffner & Marx and the Amalgamated imposed no limits. They agreed to submit to the board all issues that might come up between them, including rates of pay, and to abide by the arbitrators' decision.

Initially, the plan worked reasonably well. No neutral board member was needed or appointed. The first arbitration award, 2 months after the plan went into effect, dealt with the issues involved in the 1910–11 strike. Sidney Hillman and Clarence Darrow, representing the union on the board at first, were able to work out "a just and reasonable" award with Hart Schaffner & Marx Attorney Carl Meyer and Prof. Earl Dean Howard of Northwestern University, representing the company.

The terms included a minimum wage of $5 a week for women and $7 for men; increases of 10 percent for tailors and 5 percent for cutters; a 54-hour workweek with time-and-a-half for overtime; shared work during the slack season; improved sanitary conditions; a regular dinner hour, and grievance machinery with the board of arbitration the final recourse. A half century ago those meager-sounding provisions were improvements for labor, but many workers were dissatisfied. They argued they should have had more. What they got, they complained, was hardly enough to make the long, hard strike worthwhile. Hillman's reply was persuasive. They had marched ahead, he said, toward full union recognition and effective grievance handling.

Over the first year, the fact that grievances could be aired and a measure of relief gained sold workers on the arbitration machinery. Some of the old fear of the boss and sense of insecurity disappeared.

Bearded and scholarly Jacob S. Potofsky, who is the general president of the Amalgamated Union today, says that the system established then is "a system of industrial democracy that has become a model for self-government in industry." Under the plan, he adds, "workers became responsible, self-respecting participants in solving the problems of their industry—all without recourse to industrial warfare."

Potofsky was 14 and a pantsmaker at Hart Schaffner & Marx at the time of the 1910 strike, one of many boys employed long hours in the company's plant complex in Chicago—then and now the largest single-plant clothing operation in the world. Frank Rosenblum, secretary-treasurer of the union today, also was employed in the plant. The two remember the strike well—and sadly.

Potofsky recalls that before the settlement, employees felt "a constant fear of being discharged without cause at all. The floor boss, as he was called, might not like a particular girl or man and out the worker went. We tried, all of us, to stay in the good graces of the floor boss."

The new grievance machinery and inplant arbitration changed that. Hillman and the company's Earl Dean Howard, a man of keen insight and deep human understanding, tackled many grievances on the spot, in the shops, for quick and direct settlements. This reassured the workers and kept all but the most serious and thorny problems out of the office of the board of arbitration.

This practice is now a cornerstone of constructive labor-management relations throughout industry.

In 1912, a dispute arose that split management and labor men on the arbitration board. For the first time, a neutral member was needed and the parties chose John E. Williams, a former coal miner and the widely known editor of the Streator (Ill.) Independent, a weekly newspaper. Management and labor today credit Williams for the human inspiration and guidance that guaranteed the success of the arbitration machinery in its first and critical tests.

Williams, who was then a bearded person in his early sixties, was "a man of Lincolnesque character, self-educated, deeply human, a sort of provincial philosopher," according to men in the Amalgamated who remember him warmly. He combined broad learning and lofty idealism, judicial temperament and practical statesmanship. And he had a background of experience as an arbitrator for the United Mine Workers and Illinois coal operators in routine grievance cases.

Not long ago, representatives of the company and the Amalgamated agreed that most of the success of the industrial peace plan was due to the "purposeful men" who were determined to make it work—Williams at the top of the list, Hillman, and Howard, then a succession of other competent men.

Inevitably, they speculated about what might have happened in the critical first years of the plan if, say, the irascible Clarence Darrow had been the neutral member instead of the quiet, statesmanlike and inventive Williams. They agreed that in 8 years of sometimes rough industry problems, the bargaining machinery might have gone off kilter and stopped. Williams kept it in fine balance.

In the most serious test, involving: (1) Union demands for a closed shop in which only union members would be hired and, (2) employer insistence on open hiring, Williams devised a system of preferential hiring that became common practice throughout industry. The employer would hire only union members when available but would be free to hire nonunion people in the busy season when there weren't enough union people to fill jobs.

After Williams, impartial chairmen included such outstanding arbitrators as Prof. Harry A. Millis of the University of Chicago and Dr. William N. Leiserson of Toledo University. They further developed and refined the arbitration process in the garment industry in the formative period into the mid-1920's.

As the plan spread into other branches of the Amalgamated's expanding jurisdiction, topflight arbitrators such as Dr. George Taylor and Prof. Nathan Feinsinger worked with industry-union boards and contributed to the lore and precedent in labor-management relations established under the Amalgamated plan.

Inevitably, there were setbacks. Some employers, mostly small ones, refused to accept arbitration—and still do. The Amalgamated has not tried to force them to accept the industrial peace plan for a good reason. The plan requires determination and good faith on both sides to make it work.

In New York, employers who had accepted the arbitration plan withdrew after 6 years, in the early 1920s, in a campaign for the right to set work standards without consulting the union and to introduce new methods and machinery at will. The Amalgamated struck in New York and won its fight. The arbitration clause was subsequently reinstated.

That was the last major contract strike for the Amalgamated, the end of its bitter and often bloody battles over contract terms.

The freedom from contract strife—perennial collective bargaining showdowns—enabled the Amalgamated to concentrate on expansion and growth.

But, of course, the Amalgamated did not exist in 1911. The leaders who settled the Chicago strike were still in the United Garment Workers, and their victory was won with virtually no help from their parent union. It propelled them to national prominence in the union. The locals in New York and Baltimore allied themselves with the Hillman-led Chicago workers as an opposition force within the UGW. At a national UGW convention in Nashville in December 1914, the UGW in-group denied recognition to many of Hillman's followers, whereat his whole force walked out and—as a majority—

declared themselves to be the true UGW. They held their own convention. The Amalgamated dates its formation to this December 1914 breakaway, though its members still claimed to be the true United Garment Workers. To avoid legal embarrassments aimed at them by the remnant of the parent union, they finally met again in 1915 and formed a new union with a new name, The Amalgamated Clothing Workers of America, to complete the divorce.

The older union has not been a major factor in the industry since. As compared with the Amalgamated's claimed 385,000 members in 601 locals, the UGW last reported 35,000 in 160 locals.

Hillman became the Amalgamated's first president, and Williams, a very close friend, had a profound influence in molding his mind and character.

It is hardly likely that the Amalgamated would exist in its present form—and with its present strength and prestige—if it had not had Hillman. He was magnetic, and inspired confidence. During the 1930s when he was closely associated with the New Deal administration of President Franklin D. Roosevelt, Hillman was frequently called a Socialist. He was never one.

In a union in which there was a good sprinkling of Socialists, many of them old Jewish and Italian intellectuals and other socialists from elsewhere in Europe, Hillman was a liberal but with a strong commitment to democratic traditions. Some of his early difficulties in extending the industrial peace program—or arbitration—arose from the fact that he was willing to recognize employer rights to a greater degree than old-line Socialists believed right. They were imbued with the idea of class struggle. Hillman attacked it.

The development of the Amalgamated into the union that it is today is particularly significant because of its roots. Through its efforts, not always consciously, immigrants were Americanized. Many of those with strong socialist leanings were turned toward democratic and capitalist ways.

There are signs of this throughout the Amalgamated's history. It fought the Communists in the 1930's when many other unions were unwisely making use of them—and in many instances naively being used instead by the infiltrating leftwing. There was a considerable political sophistication in the Amalgamated from its founding days. This was reflected in an unyielding conviction that communism and the American way of life were and must be incompatible.

In the 1920's, many unions established banks. The Amalgamated was one of them—and the only one that was successful. Of 123 labor banks set up across the country, only the 2 Amalgamated banks survive—1 in New York, the other in Chicago. The Amalgamated, interested in financial reforms that would benefit working men and women, hired professional bankers to run its institutions. Other unions wanted nothing to do with men trained in banking houses. By banking standards, the Amalgamated banks were conservative in loan policies and reserve positions. They survived all tests when other banks—commercial banks among them—failed.

At the same time, these Amalgamated banks opened savings opportunities and credit to working people and, through free enterprise and competitive means, forced lower interest rates in money markets.

When Hillman decided in the 1920's that action must be taken to "change New York's face" by wiping out at least some of its slums and ghettos, the union did not follow socialist or Old World patterns of pressing for public housing. It invested its own funds in cooperative apartments to be sold to its members and other workers—and through the Amalgamated Bank in New York loaned many of them the money to buy units. The projects were a social and an economic success.

Politically minded from the start, the union pinned its hopes on parties within the framework of the American political system. When other unions were calling for a Labor Party, the Amalgamated was allied with the Democrats. But its political strategists concede a bit ruefully that it has many Republicans in its membership and leadership, including at least a few followers of that party's most conservative wing.

Hillman and John L. Lewis of the United Mine Workers worked together in the early days of industrial unionism and the founding period of the old CIO—but Hillman broke with Lewis over tolerance toward Communists, a policy CIO unions later regretted. When Communists sought to infiltrate the Amalgamated, its politically alert old Socialists spotted and ousted them.

When racket lords tried to move in, the full efforts of the Amalgamated leadership were mobilized against them. When a union official was wounded by a racketeer, the Amalgamated staged a 1-day general stoppage of 40,000 workers in New York to protest "thuggism" and to pledge unity against the rackets. There were easier places to make illegal dollars; the rackets turned to them.

Amalgamated's record of 50 years of peaceful contract negotiations has been recognized officially in the U.S. Labor Department's new Hall of Fame. Better testimony perhaps came a few years ago from the late Meyer Kestnbaum, president of Hart Schaffner & Marx, when he said:

"This example, set by labor and management, is a lesson of peace for the entire world. * * * No other union has exerted an influence upon the industrial relations of our time equal to that of the Amalgamated. When America's social and economic history is written, the [1911 industrial peace plan] will be given even greater meaning than we now realize."

Kestnbaum knew he wasn't talking about a soft union. Negotiations over the years have at times crackled with anger and threats; bargaining committeemen of both sides have at times walked out of sessions with jaws clamped shut, faces white and eyes blazing. But it never came to a shutdown. He knew, too, that Amalgamated has fought rugged battles on picket lines in all parts of the country to extend its membership. Jacob Potofsky, who succeeded to the presidency of Amalgamated after Hillman's death in 1946, looks ahead to the start of the next 50 years with ambitions for more membership. But Kestnbaum knew, and Potofsky knows, that no problem exists with respect to developing new and peaceful approaches to collective bargaining.

That was taken care of when Potofsky was a boy unionist in knickerbockers back in 1911.

HUNGARIAN FREEDOM RESOLUTION

Mr. KEATING. Mr. President, the American Hungarian Federation of New York adopted, on March 15, a resolution pledging its efforts to continue the fight for freedom of Hungary and to press for full United Nations discussion of the Hungarian question.

The resolution and comments approved at the meeting paint a grim picture of life under Communist totalitarianism, and reaffirm the importance of the moral issue of freedom and independence for the Hungarian people.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution and the accompanying comments.

There being no objection, the resolution and the comments were ordered to be printed in the RECORD, as follows:

RESOLUTION

1. The federation pledges itself to support fully all action necessary to rebuff continued Communist aggression as experienced lately in Cuba;

2. Reaffirms its conviction that Europe is the decisive arena in the global contest between freedom and communism; and that consequently lasting peace will remain unattainable so long as Europe is partitioned and Soviet dictatorship remains in control of Central and Eastern Europe;

3. Denounces all attempts at the revival of the Yalta strategy as a repetition of a global fiasco and demands that American policy be based on the incontestable superiority of American military preparedness instead of appeasement resulting from the present precarious balance of power;

4. Appeals to the non-Communist governments of America and of Europe to support the liberation of the European captive nations with the same ardor as was displayed by the nations of Africa in recent years in favor of the emancipation of the African peoples from under colonialism;

5. Asks that the American delegation to the United Nations be instructed by our Government to request that the U.N. include in the next session's agenda of its General Assembly the Hungarian question. On December 20, 1962, the General Assembly requested the Secretary General, U Thant (resolution 1857, XVII) to take the initiative he deems helpful to solve the Hungarian question. The Secretary General may not delay any longer the submission of his report concerning the implementation of the U.N. resolutions calling for the withdrawal of Soviet troops, the maintenance of human rights and the holding of free elections under U.N. auspices in Hungary;

6. Aware of the moral issue raised by Communist aggression in Hungary, the federation asks our Government to differentiate sharply between the deserving peoples suffering behind the Iron Curtain and the Soviet-imposed governments oppressing them. No recognition or aid whatsoever should be granted to the latter. Gratitude in the future toward America or eventual dislike will largely depend in the captive countries on the observance of this simple rule.

COMMENTS

It is a Hungarian tradition all over the world to commemorate on March 15 the anniversary of the Hungarian revolution of 1848 which successfully restored Hungary's constitutional freedom and national independence. Disappointing international developments of last year, however, do not allow us to jubilate at present. The Hungarian question was dropped in the U.N. from the agenda of the General Assembly and the credentials of the Soviet-imposed Government of Hungary have been allowed to go unchallenged, thus doing neatly away both with the political and the moral issues. Eighteen years after the war's end, Hungary is still occupied by 80,000 Soviet troops. The double standard in the U.N. on colonialism permits the Soviet Union to ignore with impunity all the resolutions decreed by that highest international authority demanding the restoration of Hungary's independence and the freedom of her people.

Since the day, when Sir Leslie Munro was relieved of his duty as Special Representative on Hungary, protests against Soviet aggression in Hungary have been drowned in the U.N. in a conspiracy of silence. The handshaking ceremony in Budapest last summer displayed by Secretary General U Thant and the Soviet puppet, Janos Kadar, was interpreted behind the Iron Curtain as the

U.N.'s capitulation to Soviet arrogance. The example has been: "by stubborn defiance, a Communist fait accompli will gain 'the stamp of legality in the U.N.'"[1]

That decadent approach to the enslavement of Hungary was inaugurated last spring by our Department of State. The key Members of Congress were informed "that Hungary made concessions to the normal life of its people that warrant a shift in American policy toward that Communist nation." Certainly, the Hungarians are not a Communist nation, but a Communist-suppressed nation. Nevertheless, the entire machinery of Western appeasement was then set into high gear. It is undeniable that the worst excesses of Stalinist terror and persecution have been curbed in Hungary during the so-called thaw but the French Communist newspaper L'Humanité reminded rightly the free world that people who talk of liberalization "merely cherish illusions." The liberalization of Communist policy came as a result of internal and foreign pressures and not as a result of Communist kindness. Particularly in Hungary, it was fear of a recurrence of the people's revolt which helped to lessen the unnecessary, brutal terror of the Rákosi regime.

The passing of time, however, under Soviet domination will only deepen the Hungarian tragedy. For year by year, irretrievable losses in basic values are being suffered by the people, whereas the easing of life has remained superficial and retractable at an hour's notice. The backbone of the Hungarian nation, the independent peasantry, has been destroyed. During the period of relaxation the much heralded land reform has ended in forced collectivization of 95 percent of the entire farmland. The war on religion has been intensified, not by arrests, but by corruption which transforms gradually the churches into pliable instruments of the Communist Party. The despair of the Hungarian people caused by their growing political, economic, and spiritual subjugation, finds tragic expression in the deep decline of the population growth from 12 per 1,000 in 1954 to 4.4 in 1960 and 2.1 in 1962. This is the lowest level in all of Europe. The women in Hungary have become reluctant to bear children who would share the misery of their slave world.

The reexamination of our Government's attitude toward the Soviet Union, announced by President Kennedy on June 10, 1963, at the American University in Washington, D.C., did not bring any betterment to the free world. While seeking world hegemony "for peace," the renewal of the Yalta strategy by the two nuclear colossi would perpetuate the partition of Europe, unreciprocated on the part of the Soviet Union. Shockingly, the Soviets have overstepped the limits of their sphere of influence set at Yalta. It extends now into the Caribbean and has abolished de facto the Monroe Doctrine. The concurrent loss of American prestige has reduced our influence all over the globe. Before the year's end President Kennedy was assassinated by a disciple of the world revolutionary Communist concept, yet moral judgment is being passed more and more seldom on the nefarious Soviet conspiracy.

Seeking balance in face of the developing American-Soviet entente prognosticated also by Ambassador Stevenson, France decided to establish rapprochement with Communist China. France insists that at least one Continental European power be accepted as a partner of the United States and demands equal consideration with Great Britain. The nations of Western Europe—Germany among them—wish to be treated as subjects, not as objects of international policy. Their problems may not be decided in their absence; they will gladly participate as partners in an Atlantic alliance but reject the role of pawns in an Atlantic community. Developments in Africa and also in southeast Asia have demonstrated that democracy is no cureall and that money alone will not buy friends. Europe is keenly aware that the wartime great design was a global fiasco detrimental not only to Europe but also to American interests.

Mr. KEATING. Mr. President, again I thank the Senator from South Carolina for his courtesy.

Mr. THURMOND. I have been glad to yield.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. THURMOND. Mr. President, I have discussed in some detail the unconstitutionality of the public accommodations proposals embodied in Senate bill 1732 and in title II of House bill 7152. However, my previous remarks have been, by and large, limited to the 13th and 14th amendments and their relationship to these proposals. Of course, one of the primary constitutional bases advanced for these proposals is Congress' power to regulate interstate and foreign commerce.

There are probably several reasons why the commerce clause justification was originally advanced. One of the primary considerations was to avoid, insofar as is possible, the decision of the Supreme Court in 1883 in the civil rights cases. Probably another reason was to have the bill referred to a committee which would be more receptive to the entreaties of the proponents of the proposed legislation. It must not be overlooked, however, that the commerce power is not the only constitutional basis being relied upon for these public accommodations proposals. The approach being taken is one of placing reliance upon every conceivable provision of the Constitution which could possibly offer a basis for these proposals. I presume that the theory is as follows: Even if all of these various sections of the Constitution would fail, individually, constitutionally to fail to justify a public accommodations proposal, a combination of them all will surely do so. This is the type of specious reasoning relied upon by the chief proponents of these measures.

Nevertheless, I assume that the primary constitutional basis for S. 1732 and title II of H.R. 7152 is still the commerce clause of the Constitution. This is found in article I, section 8, clause 3 of the body of the Constitution and reads as follows:

> The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It has been said that this is the most important grant of peacetime power contained in the Constitution. The commerce clause of the Constitution has a twofold purpose: One is a specific grant of power to the Congress and the second is the limitation which it places over the exercise of power by the States. In order to fully comprehend the scope of the commerce clause and the extent of its intended object, it is necessary to have recourse to the history surrounding its inclusion in the Constitution.

In the Constitutional Convention of 1787, this proposed power was commonly referred to as the power to pass "navigation acts." Rivers were the highways of the day and formed the mainstream of commercial intercourse between the States. Until 150 years ago, "to ship" invariably meant to "send by ship." The traditional means of oppressing a group of people was to block the navigation of the river upon which they depended to supply them their needs. One provision of the Magna Carta stated:

> And the city of London shall have its ancient liberties and free customs, as well by land as by water: Furthermore, we will and grant that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs.

The commerce clause of the Constitution was a direct carryover from the recognition that in order to maintain personal and political liberty, the freedom of commercial intercourse had to be preserved.

The Articles of Confederation, proposed in 1778 and adopted in 1781, required unanimous consent of the States for the adoption of any regulation of shipping. As is well known, most of the seaboard States, during and immediately after the Revolution, adopted commercial regulations which served the selfish interests of the people of those particular States and restrained the commerce of neighboring States. The frictions and animosities resulting from the adoption of partial and separate regulations by the various States threatened to disrupt the union shortly after the Revolution. Those separate regulations resulted in the Mount Vernon Convention of 1785, at which delegates from Virginia met with delegates from Maryland in the home of George Washington. The navigation of the Potomac was the subject of that convention. An agreement was concluded there with respect to shipping on the Potomac, the boundaries between Virginia and Maryland, and several other matters. That agreement is still in effect today and is still enforceable in the courts.

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[1] The unresolved case of Soviet-occupied Hungary, p. 21.

In November 1785, a resolution was adopted in the Virginia House of Delegates proposing that as a method of preventing animosities which were bound to arise among the several States from the interference of partial and separate regulations, authority ought to be invested in the Continental Congress to forbid the individual States from imposing duties upon goods, wares, or merchandise imported by land or by water from any other State or from foreign countries. The third clause of that resolution provided:

> That no act of Congress, that may be authorized as hereby proposed, shall be entered into by less than two-thirds of the Confederate States, nor be in force longer than 13 years.

After the adoption of this resolution, it was decided that the matter might be better handled in a general conference of all the States and a motion to table the original resolution was carried in the house of delegates. The new resolution was adopted by the full Virginia General Assembly on January 21, 1786, appointing commissioners and inviting other States to appoint commissioners to meet in the fall of 1786 in Annapolis, Md. The resolution adopted, although broad in its scope, was concerned only with commercial matters. It empowered the commissioners "to take into consideration the trade of the United States; to examine the relative situations and trade of the said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States, such an act relative to this great object, as when unanimously ratified by them, will enable the United States in Congress effectually to provide for the same." The attendance at the Convention was disappointing, with only five States—Virginia, Pennsylvania, Delaware, New York, and New Jersey—represented. Consequently, it was decided that the delegates would report to their respective States the unanimously agreed upon suggestion that a general convention of all the States to be held to examine the defects in the existing system of government and formulate a plan to make it adequate to meet the exigencies of the Union. The Convention was scheduled to be held at Philadelphia on the second Monday in May 1787.

While most of the States acted rapidly to designate delegates to the Convention, some of the States were reluctant to act, on the grounds that, without the consent of the Continental Congress, the work on the Convention would be extra-legal, in that Congress alone could propose amendments to the Articles of Confederation. George Washington, in particular, was quite unwilling to attend an irregular convention. For this reason, the approval of the Continental Congress became of utmost importance. The approval of Congress was finally forthcoming, but only for the purpose of proposing amendments to the Articles of Confederation and reporting back to the Congress for their approval and then confirmation by the States.

From this it can be seen that the subject of commercial intercourse was the primary moving force behind the calling of the Constitutional Convention which brought forth our present Constitution.

The legislatures of all the States except Rhode Island appointed deputies to this Convention of 1787. Six of them did this before Congress passed the above resolve. Seventy-four men were appointed deputies; of these 19 declined or did not attend. Of the 55 who attended, 14 left before the Convention closed, and 3 more refused to sign the final draft; 38 signing, with the added signature of an absent deputy. Rhode Island, where localistic radicals were in control, ignored the whole proceeding.

Who were the 55 men who, in varying degrees, were the framers of our National Constitution? The knowledge concerning some of them is indefinite, but the following facts are substantially correct. All of them except eight were natives of the Colonies. Franklin, the oldest, was 81; Dayton, the youngest, was 26; 14 were 50 or over; 21 were less than 40. Twenty-five were college men. Eighteen had been officers in the Continental Army, of whom 10 were in the Society of the Cincinnati. One had been a British army officer before the Revolution. Thirty-four of them were lawyers, or men who had at least studied the law, some of them trained at the Middle Temple in London; of these six had been or were to be State attorneys general, five chief justices of the State supreme courts, four chancellors, three national judges, and five Justices of the Supreme Court of the United States, of whom one was to be the Chief Justice and another after a term as Associate Justice was to be rejected for the higher office by the Senate. Eight of the deputies were merchants or financiers; six of them were planters; while others were planters in addition to legal or other activities. There were three physicians and two former ministers of the Gospel, several college professors, and one present and one future college president. The fourth estate was represented by Benjamin Franklin.

These men were almost without exception acquainted with public affairs: 46 had been members of one or both of the houses of the colonial or State legislatures; 10 attended State constitutional conventions; 16 had been or were to be Governors or Presidents of States. In national affairs 42 were delegates to the Continental Congress, 8 were signers of the Declaration of Independence, 6 signers of the draft of the Articles of Confederation, 7 had attended the Annapolis Convention, and 3 had been executive officers under the Congress—13 were to be Congressmen, and 19 national Senators, 1 territorial governor, 4 members of the President's Cabinet. One had been a Minister abroad, and seven more were to be later. Two future Presidents of the United States took a prominent part in the proceedings of the convention, and one future Vice President. Two others were to be candidates for the highest office in the land, and these and one other candidate for the Vice Presidency. The positions which these men had occupied or were later to fill are indicative of the regard in which they were held by their fellow citizens, and of their character and worth.

The most important man in the Convention was George Washington. Incidentally, he was chairman of the Constitutional Convention. Indeed, his acceptance of the deputyship, made reluctantly and after long consideration, was the initial triumph of the movement and a foreshadowing of success, so great was his prestige. Madison and Randolph, his fellow deputies from Virginia, were very active in the work of the convention; and Wythe and Mason, older men, added the weight of their knowledge and experience as prominent participants in earlier affairs. Madison's great knowledge of political science, the fact that to him, more than to any other deputy, public life was a profession, and his grasp of the essential problems before the Convention and the means by which they could be solved, enabled him to become the principal architect of the Constitution.

Franklin was the seer of the convention. His great age and infirmities forbade very active participation, and he was probably responsible for little of the detailed results; but his very presence gave the gathering importance and dignity, and his advice must have been eagerly sought and carefully considered. He and Washington were the two great harmonizers. Washington presided over the formal sessions, taking little part in the debate, but in Committee of the Whole and in the private conferences which were such an important underpinning of the formal structure as it arose, he was in constant consultation with his colleagues. Also, as the character of the plan developed, there was a general recognition of the fact that he must be a leading man in the early operation of the new Government, and this of necessity influenced its shape.

It is not possible here to do more than mention the other most prominent men of the Convention. In the reflection of his later fame much influence has been attributed to Alexander Hamilton. This, however, was not the case. His ideas of central power were too extreme; he was hindered by the reactionary character of his two colleagues, and he was also absent during half of the Convention. His great services came later. In the ratification contest and the successful operation of the new Government, his work was masterly.

Gouverneur Morris, brilliant and cogent debater and firm believer in a national system, was responsible for the final, very apt wording of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, provided that I shall not lose my rights to the floor, and provided, further, that upon resumption of my speech it shall not count as another appearance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Is not the Senator from South Carolina speaking of that great American, Gouverneur Morris, who had so much to do with the creation of our American Government?

Mr. THURMOND. I am speaking of that same individual.

Mr. LONG of Louisiana. Would the Senator from South Carolina go so far as to say that Gouverneur Morris was one of those great Americans who perhaps have not been fully recognized for the courageous contributions that he made to the establishment of this Government?

Mr. THURMOND. I do not believe he has ever been sufficiently recognized for the great service he rendered this country.

Mr. LONG of Louisiana. Would it not be correct to say that Gouverneur Morris was a courageous man, a thoughtful man, and a great patriot, who made his contribution to his country as God gave him the light to see it, and who offered his life for the perpetuation of the kind of government that the Senator and I hold dear to our hearts today?

Mr. THURMOND. The Senator is correct. He was also a true believer in a national system; and, as I have stated, was responsible for the final wording of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Is the Senator familiar with the statue erected to the memory of John Witherspoon, near the corner of Connecticut Avenue and N Street, not too far from the Mayflower Hotel, who was the only man of the cloth who signed the Declaration of Independence?

Mr. THURMOND. I have heard of him, but I do not know a great deal about him.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that he said he would rather stand on the gallows with a noose around his neck, or have the knife of the guillotine fall upon his neck, than fail to subscribe to a code of honor and of freedom among men?

Mr. THURMOND. I am sure he felt that way. From what I have heard about him, he was that kind of man.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Are these not the same fundamental rights of freemen which brought this Nation into existence, and for which we are fighting now?

Mr. THURMOND. The Senator is eminently correct.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. If this country ever came to the point where the source of freedom for which American patriots gave their lives no longer had any meaning, can the Senator tell me whether we could continue to enjoy the same kind of democracy for which our forefathers fought and died?

Mr. THURMOND. If we continue centralizing all power in Washington and destroying the basic framework of the Constitution as it was conceived by those who wrote it, we shall not have the same kind of government. It will not guarantee as much freedom; it will not protect the individual liberties of the citizens of the Nation as was intended by the framework established by the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Does the Senator from South Carolina realize that the type of freedom for which our forefathers fought is always subject to challenge, that the type of liberty which our forefathers created in this country is always subject to being snuffed out by those who do not understand what decent men are striving for?

Mr. THURMOND. I believe that is true. The Senator has raised a very sensitive and vital point. This Government is the only government of its kind throughout history of which I have knowledge. It was designed to provide the greatest measure of freedom for its citizens.

It was designed to protect the individual rights of its citizens. When the 13 States, which were just as independent as France, Great Britain, Japan, or any other country was at that time, sent their representatives to the Constitutional Convention in 1787, to write the Constitution, they had in mind the establishment of a National Government of limited and restricted powers. They wrote the majority of those powers into article I, section 8 of the Constitution. Those powers related to national defense, interstate commerce, foreign affairs, the coining of money, post offices and post roads, and so on down the list, as they are enumerated.

Those were all the powers which the States through their representatives—deputies, they were called—at the Constitutional Convention were willing to give to the National Government. That is the power that the National Government has now, plus what is contained in the 24 amendments to the Constitution, which have been adopted since that time.

If one reads article I, section 8 of the Constitution, and the 24 amendments which have been adopted since the ratification of the Constitution—at least 9 States had to ratify the original Constitution—he will understand the power of the Federal Government.

The trouble is that too many people have not taken the time to study the framework of our Government, and to comprehend what our forefathers had in mind when they established the National Government. They intentionally and deliberately tried to set up a different framework of government than had ever existed. They did exactly that. No other government in the world is like our Government, or was established in the same manner. We hear people say that in France they do thus and so, that in Great Britain they do so and so, and that in some other country they do something else. Perhaps so. However, that is not what our forefathers intended. They wanted to establish a unique, different, new type of government, which they felt would guarantee the people the most freedom of any government in the world.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may address myself to this subject for 3 minutes, without prejudicing in any way the rights of the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, the junior Senator from Louisiana was a student at Louisiana State University when its debating team debated the brilliant debating team of Oxford University. We lost that debate. I was on the debating team the next year, and I nominated the Senator from Minnesota, the Democratic whip of the Senate [Mr. HUMPHREY], to debate the same gentlemen. The Senator from Minnesota took those Englishmen apart. He was the best debater Louisiana State University ever had. He was the best debater we had ever offered against my debating team, whether it came from England, France, or anywhere else.

This morning I saw on television the able Senator from Minnesota discuss the right of a man accused of a crime to stand trial before a jury of his peers.

I am sorry that I have not been able to persuade the Senator from Minnesota to my thinking with respect to the right of a man to be heard by his neighbors rather than to be tried before a judge appointed by the Attorney General. We could use him on our team.

The right of men to be heard in this body is very important. I stand here as a southerner who was gagged while fighting against what I considered as a monopoly in the communications field. On that occasion I was also fighting for the right of the people to have their case heard.

The Senator from South Carolina is speaking out in favor of the right of every man to have his case heard, not before the king or the king's appointee, but before his neighbors; to have them say whether he has done right or wrong. We will win this fight. We are right.

All the votes that mobs in the streets can deliver cannot overcome the courage of our forefathers who fought for the right of trial by jury; who fought for the right of a man to be heard, no matter what the expediency may be. The people of this country will eventually defeat anyone who would deny them their rights as citizens of the United States.

I respect the Senator from South Carolina as a man who would fight for the right of freedom, the right to be heard, the right to be tried before an impartial jury, not before a judge who would act as arresting officer, prosecution, judge, and sentencing authority.

The time must come when freedom will ring out and we shall go back to the historical freedoms, not something gained in the streets by mobs, but something that is fundamental to America—the right of every man to stand before a jury and to be tried for his crimes, rather than before a prejudiced judge who is the accuser in the first place.

I congratulate the Senator from South Carolina for standing against the same kind of tyranny that I oppose.

Mr. THURMOND. I commend the able Senator from Louisiana for the excellent statement he has made. His statement on the importance of trial by jury is very pertinent. I cannot imagine any right that anyone could have that is more precious than the right of trial by jury.

I was studying the Declaration of Independence, which incidentally was signed by John Witherspoon, the great man to whom the distinguished Senator has referred. The Declaration of Independence contains a provision on the right of trial by jury. In listing the grievances in the Declaration of Independence, the colonists listed as one of many grievances that they had been denied the right of trial by jury. That was one of the main reasons for their willingness to declare their independence from the mother country and to run the risk of losing their lives and their property and everything they had. They were doing it for the rights that they felt they were entitled to have, and which were being denied them by the King of England.

I commend the able Senator for his excellent statement.

Mr. President, I yield to the able and distinguished Senator from Florida on the same conditions as I yielded to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, first, I join in the commendation which has been extended to the able Senator from South Carolina and to the able Senator from Louisiana. I join in what they have had to say with respect to the right of people to preserve their liberties, as it was intended they should, under the Constitution, by having guaranteed to them the right of a trial by jury.

I ask the able Senator from South Carolina if it is not also true that in three places in the Constitution there is specific mention of the importance of the right of a trial by jury, first in the body of the Constitution, then in the sixth amendment, and again in the seventh amendment. Does not the Senator conclude from those facts that the Founding Fathers believed that the preservation of individual liberty and the right of a trial by jury were as important as any other right they could conceive of?

Mr. THURMOND. The able Senator is eminently correct. The original Constitution, before any amendments were adopted, article III, section 2, clause 3, reads as follows:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

It does not say that they may be by jury. It says that they shall be by jury. The Dirksen-Mansfield amendment provides that if the punishment is a fine of $300, or less, or imprisonment for 30 days or less, a man will not be given a jury trial. The Constitution makes no such exception. It provides that he shall have the right to a trial by jury.

The sixth amendment to the Constitution provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury

In order that there might be no question, after certain things had taken place, they wanted to reiterate this provision, and they did just that in the sixth amendment.

The seventh amendment provides:

> Where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

They were speaking, of course, about civil suits.

There are two provisions in the Constitution, article III, section 2, and the sixth amendment, which guarantee the right of trial by jury when a person is charged with crime. The seventh amendment provides for the right of a trial by jury if the value of the property is above $20.

It is as clear as crystal. How can anyone make any other interpretation?

Mr. SMATHERS. Does the Senator not agree that it seems to be the height of inconsistency for 1964 liberals, who profess to be greatly interested in the welfare, as well as the well-being, of each individual, to go against the philosophy and concepts of the founders of the Constitution? All the great liberals since that day, without exception, talked about the importance of preserving the right of a trial by jury to every citizen who might be charged with crime. Does the Senator not believe that it is a highly inconsistent position for them to be taking today, in proposing to take away from a large number of citizens the right of a trial by jury?

Mr. THURMOND. That is exactly what they are doing. In spite of the fact that the bill may be aimed at one section of the country, it would take away the rights and the freedom of all people.

Many years ago, I thought that a so-called liberal was a person who opposed Government regimentation, regulation, and control of the lives of people. Today, the so-called liberal is one who favors Government regulation and control of the lives of people. The person today who stands for the Constitution and who believes in constitutional government, the type government established by our forefathers, is conservative. I do not like to use the word conservative, but I would say that such a person would be a constitutionalist, one who believes in our Constitution.

If there is any question about whether the bill should be passed, all that is necessary is to read the document which is headed, "Constitution of the United States"; and it will be seen that if the bill is passed the Constitution will be violated in at least 10 different ways.

Mr. SMATHERS. Does the Senator not agree that the Founding Fathers, the writers of the Constitution, had faith in the people? They did not have faith in a monarchy; they did not have faith in an authoritarian system, as in the case of the judiciary, in which a man is appointed to the Federal bench and is there for life. He could be impeached in the Congress, but there has been only one example of that in our history that resulted in removal.

Were not the people who wrote the Constitution of the United States believers in the principle that the people, if given the right information, would do the right thing? The Constitution was so drafted as to put faith and power in people, rather than in high officials of government. Therefore, those who go against the Constitution today, the 1964 liberals, as I like to call them, actually are demonstrating their lack of faith in people. They do not want to retain the jury trial system under which people sit in judgment of their fellow men.

The so-called liberals want to eliminate that system, which was provided for in the Constitution. Why? Apparently, the 1964 liberals have no confidence in their fellow men. They have no confidence in the people, and they want to take away from the people the rights which the Constitution intended to give them and which are expressly provided in the Constitution.

Does not the Senator agree that the so-called present-day liberals, as they call themselves, are going in a diametrically opposite direction from that which the founders of the Constitution, and also other great liberals thought was the direction in which the country should move?

Mr. THURMOND. The Senator is exactly correct. Title I of the bill would permit Congress to set the qualifications for voting, although this power is reserved to the States under the Constitution.

That violates article I, section 2. It also violates the 10th amendment and the 17th amendment. That should be enough to cause them to want to go no further.

Mr. SMATHERS. Does the Senator agree that what that does is to take away from the local community and the local government the right to fix their own qualifications for voters, which was guaranteed to them in the Constitution, and that it therefore reflects a lack of confidence in local government and the people generally?

Mr. THURMOND. The Senator is correct. It seems to me that when they follow this course—as was well expressed by the able Senator from Florida [Mr. HOLLAND]—they lack confidence in people. Some have been so bold as to say, "We cannot afford to give the right of a jury trial in some sections of the country. The juries will not convict people."

Is it proposed to destroy a system of government because of the lack of faith in some juries in certain sections of the country? That would be the effect of it.

Mr. SMATHERS. Would not the Senator agree that in Germany, and throughout all the world, wherever we have seen democratic governments destroyed, it was because the power was taken away from the people and centralized into an authoritarian system led finally by a dictator or a monarchy, since people did not have confidence in their fellow men?

Mr. THURMOND. That is the way Democratic government is destroyed. People destroy their own liberty, when they elect representatives who do not have confidence in the people. This bill demonstrates a lack of confidence in the people of the United States. If the bill passes, it not only will destroy the delicate framework of checks and balances in our Constitution, but it will also set a precedent whereby in the future, other steps could be taken which would completely destroy this Government; and we would not even recognize it as the type of government which was established by our forefathers, by means of the Constitution.

Mr. SMATHERS. I commend the Senator from South Carolina for making this point, because in a number of instances in the pending bill—not in only one—those who wrote the bill have demonstrated, first of all, a lack of confidence in the people, by including provisions to curtail the right of trial by jury; second, they have proposed that there be granted to the Attorney General a power far greater than any power any preceding Attorneys General ever indicated they wanted or needed, and the bill would give the Attorney General power far in excess of any power any Attorney General should have.

Mr. THURMOND. Mr. President, if I may interrupt the Senator from Florida——

Mr. SMATHERS. Certainly.

Mr. THURMOND. I commend the Senator from Florida for making that point, for I am afraid it has not been sufficiently stressed. Regardless of who might be the Attorney General during the years ahead, the bill would grant him unprecedented power—great authority to file suits against property owners, against plain citizens and against State and local officials, even though the supposedly aggrieved person had not filed suit. Regardless of that, the Attorney General could file suit, and would thus become a plaintiff, at the expense of the taxpayers.

I had always supposed that the great Federal Government would serve as a referee in the case of suits between citizens. However, under this bill the Attorney General would assume the role of a litigant against a private citizen.

Furthermore, title I of the bill would permit the Attorney General to shop around, in an endeavor to locate a judge who would be likely to give what the Attorney General would regard as a favorable decision or ruling; and the bill would also grant the Attorney General the right to file suits concerning public accommodations, even before the owners of the accommodations had actually been accused.

Mr. SMATHERS. In other words, the Attorney General would be able to file suit in his own right, even before a person who might claim that wrong had been done him had filed suit, himself; is that correct?

Mr. THURMOND. Yes. That provision is in title II.

Mr. SMATHERS. Is it not also a fact that no previous Attorney General in the history of our country, from the time of its founding, has ever requested such power? Is not this the first time in our history that anyone has ever been so presumptuous, so to speak, as to request such power?

Mr. THURMOND. That is quite true; in the entire history of our country, no other Government official has ever requested such power. Certainly it is too much power for any man to have.

Mr. SMATHERS. Is it not also a fact that the bill contains a title which we call the genocide title?

Mr. THURMOND. Yes.

Furthermore, the bill also would give the Attorney General the power to sue State or local officials concerning public facilities, without first waiting for an individual to file suit. Title III would give that authority.

Furthermore, the bill would give the Attorney General the right to sue local school boards, even though no suit had been filed by any schoolchild or by the parent of a schoolchild or by any other person. That provision is included in title IV.

In other words, under the bill the Attorney General could, at any time, proceed on his own, without waiting for a complaint to be filed in court by either a schoolchild or the parent of a schoolchild or any other person; in any event, the Attorney General could himself bring suit in the name of the great Government of the United States. That is the most unprecedented power ever requested by any person, either public or private; and it is entirely too much power to be granted any individual—too much to be granted a President, and too much to be granted anyone else, if we are to preserve our liberty.

Mr. SMATHERS. Is it not also true that title VI of the bill—the title which would allow certain Federal Government agencies to cut off Federal funds to a State, locality, or county, when a complaint had been filed—would give the President of the United States power which no President of the United States has ever requested until the present time? In addition, is it not true that when the late President Kennedy was asked whether he thought any President should have that power, he replied that he did not think any President should have the power which title VI would give the President?

Mr. THURMOND. That is correct.

Mr. SMATHERS. Is it not also a fact that the proponents of the bill thereby attempt to destroy what the Senator from South Carolina has so eloquently and aptly referred to as the system of checks and balances; and would not the bill give the Attorney General power which no Attorney General has ever before requested or wanted; and would not the bill also give the President of the United States power which the late President Kennedy said no President ever should have; and is it not also true that the bill would destroy our great constitutional system of checks and balances—the system which always has been considered the bulwark of our constitutional system?

Mr. THURMOND. That is correct.

Furthermore, title VI would amend every Federal law—more than 100 of them—that deals with financing. It would require each Federal agency to issue, for itself, regulations defining discrimination and attempting to act to end discrimination because of race, color, or national origin; and title VI also provides:

> After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement, or (2) by any other means authorized by law.

In further commenting on title VI, I wish to state that among the Federal programs which would thus be affected would be the following: Loans by all Federal agencies, the Farm Credit Administration, the Federal land banks, the banks for cooperatives, the production and commodity credit agency, the Small Business Administration, the Federal National Mortgage Association, the school-lunch programs, the Hill-Burton hospital program, highway construction, child welfare services, social security, community health services, school fellowships and research, school and college construction, aid to blind and disabled persons, vocational education, agricultural experiment stations, the Federal Reserve System, the national banks, the Federal Civil Service, other Federal contracts, and all veterans' benefits.

All those agencies of the Government would be affected under title VI; and some bureaucrat would make the determination as to whether there was discrimination. But the word "discrimination" is not defined in the bill. Therefore, the head of the appropriate agency of the Government which was affected or involved in the particular case at hand would determine whether there was discrimination; then the head of that agency would have power, with the approval of the President, to cut off the funds going to any such program in any State in the Nation.

Mr. SMATHERS. And, thereby, would it not be possible for a President of the United States or for the head of a Federal Government agency actually to bring a State almost to its knees—because if a President of the United States was able to cut off all the funds, for example, for all the veterans' benefits or for the highway program or for some of the other programs which would come under the all-inclusive provision to which the Senator from South Carolina has referred, that could become the means of the greatest political whip ever known in this Nation—a whip by means of which a President of the United States could, on the recommendation of the head of some agency, take the position, "Well, that State did not vote for me; the people there do not seem to like me. So now I have an opportunity to punish them and bring them to their knees because they have demonstrated that they do not take the view that I take."

Therefore, would not this provision of the bill give a President of the United States who might be so inclined or so minded, the power—a power which no President ever has wanted, thus far—to punish such a State?

The title is punitive. If enacted into law, it could become almost the most dangerous title in the bill. I believe it would threaten the very basic provisions of our Constitution.

I commend the Senator.

Mr. THURMOND. If title VI should be enacted, the rest of the bill would not really be needed. That provision encompasses practically all the power in the whole bill. As the Senator has said, title VI contains such power that under its provisions a State could almost be brought to its knees. It is not right to give any Government agency the power of blackmail as it would be given under title VI, because a hammer could be held over the heads of all the people of a State, and all who might participate in a particular program in which discrimination is alleged to exist could be punished.

Mr. SMATHERS. I believe the record shows that, without question, when President Kennedy was asked about this particular power at a press conference sometime last year, he said that he did not think the President should have such power, and he did not want it. What I do not now understand is how Senators can stand on the floor of the Senate and claim that in order to hold up the bright and shining name of John F. Kennedy, the Senate should pass the bill. He said that, so far as the particular title about which we are now speaking is concerned, he did not think he ought to have the power, nor should any President have such power.

Mr. THURMOND. The Senator is correct. Our former President made that statement; no good man would want the power, and no bad man should have it.

Mr. SMATHERS. I thank the Senator. Once again I commend the Senator for the excellent speech he is making. I commend him for his statements throughout the entire debate. They have been logical and persuasive, and have been expressed in a manner which certainly would bring those who would take the time to hear or read them to the same conclusion which the Senator has stated. To pass the bill or any of its provisions as they are now drawn would do great violence to our constitutional system of government, and would threaten the very liberties of every citizen of the United States irrespective of that citizen's race, color, or creed.

Mr. THURMOND. Mr. President, I thank the Senator from Florida for his kind remarks. I congratulate him for the great zeal and interest with which he has approached the problem. He has rendered a great service in the speeches he has made in the Senate and in the penetrating questions which he has asked and, in the final analysis, the fight that he has made during all the consideration of the so-called civil rights bill.

Mr. SMATHERS. I thank the Senator.

Mr. THURMOND. Mr. President, as I said previously, Gouverneur Morris, brilliant and cogent debater and firm believer in a national system, was responsible for the final, very apt wording of the Constitution.

James Wilson, leader in law and political theory ably seconded Madison's efforts, especially in details. Roger Sherman, from small but progressive Connecticut, was a signer of the documents of the First Congress, the Declaration, the Articles of Confederation, and the Constitution; and Oliver Ellsworth was his lawyer colleague.

Gerry and King of Massachusetts were Harvard graduates, the one fluctuating in his attitude and the other a calm thinker and careful speaker, an advocate of an efficient system with due consideration of the rights of the States. William Paterson of New Jersey, John Dickinson of Delaware, and Luther Martin of Maryland, were prominent as small State leaders, bent upon the preservation of the equality of the States. Martin was from the beginning an opponent of anything other than amendment of the Articles of Confederation, and continued implacable. John Rutledge, Charles Pinckney, Charles Cotesworth Pinckney, and Pierce Butler, of South Carolina, saw the need of a completely new system, but were also eager to preserve the advantage of the lower South. Charles Pinckney, one of the youngest men in the Convention, was especially forceful in his advocacy of a workable American system for the Nation whose future growth he clearly envisioned.

The Convention was called for the second Monday in May 1787, which was the 14th, and Washington arrived at Philadelphia, prompt as always, on the day before, when, as he said in his diary, "the bells were chimed." There was, however, not the necessary quorum until the 25th, when 7 States were represented. Before the end of the month 10 States were present and voting. Maryland participated on June 2, but New Hampshire, the 12th State, was not on hand until July 23, and New York was not voting after July 10.

The meeting was held in Independence Hall, where the Congress had sat and where the Declaration of Independence was adopted and signed. Little time was wasted in organization. Washington was the unanimous choice for President. The voting was by the prevailing system of one State, one vote; and complete secrecy was ordered in accordance with the rule, often violated, of the Continental Congress.

Most of the credentials merely voiced the purpose of the assembly as given by the resolution of the Continental Congress to provide effectual means to remedy the defects of the Confederation; but the Delaware members were forbidden to amend the right of each State to one vote. On the other hand, South Carolina wished the central authority to be "entirely adequate to the actual situation and future good government." Delaware's warnings were preliminary notes of discord that later reached full development in the main theme.

Thus began the meetings of one of the greatest sessions of wise men in the history of the world. But these meetings were so secret that the President would not give any hint concerning them even in the intimacy of his private diary. There was a formal journal kept, but except for its list of motions and votes, it is the least important of the records which have come down to us. Far surpassing it and all other sources combined were the notes on the debates kept by Madison, notes that were not made public as a whole until 1840. Thus, he doubled the debt the Nation owes him for his work in the formation of the National Government, and later he added still further to the obligation by his energetic participation in the ratification contest and in the organization of the government. Various other members made notes that occasionally add to the knowledge derived from Madison, or throw light upon the position of members. None of these, however, cover the whole proceedings, the Yates notes being the most extensive next to Madison's.

There were meetings on 87 or 88 days of the 116 between May 25 and September 17, 1787, inclusive. Of these meetings we have more or less knowledge, but of the work under the surface, of the special committee meetings and of the private discussions, we have scarcely anything, and most of this through the unreliable form of later recollection. Yet it was here, in the give and take of informal gatherings, that much of the real work was done.

During the first 2 months of the Convention, substantially all references to the power to regulate commerce were as to the power to pass "navigation acts." As first proposed, it differed little from the procedures under the Articles of Confederation, as it required a two-thirds majority of the Congress to enact such a law.

There was considerable debate on the subject of whether navigation acts should have the approval of two-thirds of Congress, or only a simple majority. Many of the delegates feared the consequences of action by a simple majority of the Members of Congress. However, due to other complicating factors, a simple majority vote was approved, instead of a two-thirds majority.

Neither in the Constitutional Convention nor in any of the ratifying conventions was there anything said or even hinted at which indicated that the power to regulate commerce might be perverted into the power to regulate the use of purely private property at rest within the confines of any particular State.

For many years after the ratification of the Constitution, even up until 1900, the overwhelming majority of the cases which reached the Supreme Court under the commerce clause stemmed from State legislation regulating commerce. During this period of time the most important aspect of the clause was its negative effect on State legislation and regulation. The landmark case delineating the scope of the power of the commerce clause during this period is Gibbons against Ogden. Chief Justice John Marshall, speaking for the Court, asked, "What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution"—*Gibbons* v. *Ogden*, 9 Wheat. 1, 196–197, 1824.

The Constitution speaks of commerce among the several States, and the proceedings of the Constitutional Convention indicate that this was the preoccupation of the delegates to that Convention. It has long been recognized that this phrase was "not one which would probably have been selected to indicate the completely interior traffic of a State." For the genius and character of the Federal Government is "that its actions is to be applied to all external concerns which affect the States generally; but not those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government." (Ibid., p. 195.)

Although Chief Justice Marshall recognized and affirmed the existence of an area of commerce which was outside of the jurisdiction of the commerce clause, the decision in Gibbons against Ogden is generally considered to be one of the broadest interpretations of the clause ever handed down by the Supreme Court. However, it is necessary to recall the exact question which the Court was passing on in that case. The State of New York enacted legislation conferring upon certain individuals exclusive rights to navigate the waters of that State with steam-propelled vessels. A competitor from the State of New Jersey challenged this monopoly by sending a steam-propelled vessel into New York waters. The argument of the counsel for Ogden, who was an assignee of the original monopoly holders, was, in essence, that since the New Jersey carrier was engaged in carrying passengers only and not goods, he was not engaged in commerce in the sense of the word as used in the Constitution. This argument Chief Justice Marshall answered as follows:

> The subject to be regulated in commerce; * * * The counsel for appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce, undoubtedly, is traffic, but it is something more—it is intercourse" (Ibid., pp. 189, 192).

Mr. HILL. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Alabama, under the same conditions as before.

The PRESIDING OFFICER (Mr. BAYH in the chair.) Without objection, it is so ordered.

Mr. HILL. I heard the latter part of the colloquy between the Senator from South Carolina and the Senator from Florida [Mr. SMATHERS]. As I listened to that colloquy and the brilliant answers made by the Senator from South Carolina, I could not help recalling the words of the Declaration of Independence. I now read from the Declaration of Independence:

> He—

Meaning the British King—

> has erected a multitude of new offices—

I ask the distinguished Senator from South Carolina if this bill does not contemplate and would not encompass a "multitude of new offices"?

Mr. THURMOND. The able Senator from Alabama has pointed out a very important fact, overlooked by many persons in studying the so-called civil rights bill, that if it should be enacted, perhaps thousands of people would be employed by the Government to enforce its provisions. There are bound to be swarms of agents employed to go into every State in the Union to look into people's books, to see whom they have employed, the dates they were employed, or failed to be employed, to see when they were eligible for promotion, whether they were promoted, or demoted, or whether the practice of seniority was being followed. I am speaking now only of title VII, but a similar situation would exist in any other title in the bill, with regard to the employment of numerous government agents to enforce the provisions of the bill.

Mr. HILL. The Senator has used the word "swarms." The very next clause in the Declaration of Independence to the one I just quoted is as follows:

> and sent hither swarms of officers to harass people, and eat out their substance.

That is exactly what the Senator has just said the bill would do, the very thing our Founding Fathers protested against and set out as one of the compelling grievances which brought the Declaration of Independence into being, the War of the Revolution, and the independence of our country from the British Crown; is that not correct?

Mr. THURMOND. The Senator is eminently correct. The bill would certainly erect a "multitude of new offices." It would certainly cause swarms of officers to go out among the people in the Nation and harass them. I cannot imagine that any bill which has ever been passed by Congress could touch this bill in the way it would harass the people. It would "eat out their substance," because it would require a vast amount of money to enforce the provisions of the bill. It would require so many agents and employees that it would mean that much more social security, retirement, and fringe benefits. It would mean the expenditure of millions of dollars more which the taxpayers of this Nation would be forced to bear, for the purpose of being crucified—because the bill would bring tyranny to the citizens of this Nation.

Mr. HILL. Of course, the bill does not in any way conform to the program of economy we hear so much about, proclaiming so much concern for the economy, and how we must economize, balance the budget, and reduce Government personnel; is that not correct?

Mr. THURMOND. That is true. The bill would have the opposite effect from what we hear mentioned these days about economy. We hear a great deal about the need to practice economy. I believe that we could practice economy right now and not pass the bill. That would bring about considerable economy, because if the bill should be enacted it would cost the taxpayers many millions of dollars. The greatest and most important reason, however, why the bill should not be passed is to prevent the imposition of tyranny, because this bill, if enacted, would bring tyranny to the people of America. I can visualize, if the bill should be enacted, and its provisions enforced, the tyranny, the lack of freedom, and the unfortunate effect the bill would have on our system of government.

Mr. HILL. Another clause in the Declaration of Independence speaks of depriving the people in many cases of the benefits of a trial by jury. That is exactly what the distinguished Senator was saying about the bill a little earlier, on the floor of the Senate. He referred to the denial of a trial by jury; is that not correct?

Mr. THURMOND. The Senator is correct.

The distinguished Senator from Alabama is now reading from the Declaration of Independence wherein were set out the grievances of the colonists, wherein were listed the reasons why the colonists declared their independence. They had many reasons for doing so. They did not suddenly declare their independence. They had certain specific reasons for doing so, and they listed them in the Declaration of Independence. The Senator from Alabama mentions the denial of the right of trial by jury. That right was considered one of the most precious rights of the people. When the King of England denied the colonists that right, they felt that they were justified in listing it as one of the chief reasons for declaring their independence.

Mr. HILL. Another clause in the Declaration of Independence is:

> He has excited domestic insurrections amongst us—

Have there ever been so many sit-ins, kneel-ins, lie-ins, walk-ins, and other acts of civil disobedience, as there have been since the so-called civil rights bill was proposed in Congress?

Mr. THURMOND. Some persons say the bill should be enacted because it is necessary to end the demonstrations, the riots, and the violence.

Martin Luther King has stated that if the bill is passed the Negroes will still demonstrate. Other leaders in the Negro movement also declare that it will not stop demonstrations, that they will continue to demonstrate for enforcement of the law, or for some other reason.

Therefore, in my judgment, passage of the bill would not end the demonstrations and the trouble that we have had throughout the land.

Mr. MORTON. Mr. President, will the Senator from South Carolina yield, under the usual conditions?

Mr. THURMOND. I am glad to yield to the Senator from Kentucky [Mr. MORTON], under the same conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORTON. The Senator was speaking of the army of civil servants and others that might be required to enforce such a law, if it should be enacted. Is it not true that the various bureaucracies in this country seem to have a habit of building armies of civil servants for any program engaged in? Has not the Senator found that they continue to grow and grow?

Mr. THURMOND. I thoroughly agree with the Senator from Kentucky. I am heartily in accord with what he has said.

We have been adding one agency after another to an already unwieldy government. One reason why we are in debt to the extent of about $309 billion or more is that the National Government has gone into fields of jurisdiction in which it has no authority.

Last year, Congress was in session almost until Christmas day. About 2 weeks before Christmas, the Senate enacted legislation injecting itself into the field of art. Some of those who sponsored the bill stated that it was necessary to encourage art.

I looked in the Constitution and did not find the word "art" anywhere. I went back and looked in the Constitution again, and still did not find the word "art" in it.

Authority in the field of art has not been delegated by the Constitution to the Central Government, nor does it appear anywhere in any of the 24 amendments since the Constitution was ratified. The National Government—the Central Government, the Federal Government, this Union, this Government in Washington in which we serve as its legislative branch—has no authority to go into the field of art.

That is only one example about which the Senator is speaking, in establishing new agencies and going into various fields of activity where the Government has no authority. It is going deeper and deeper into debt, if it does not stop going into new fields of activity.

Mr. MORTON. Speaking of the vast bureaucratic army, I point out to the Senator that in 1960 there was a farm population of 15,600,000.

In 1963 it was down to 13,800,000. We are familiar with the problems which bring that about. Interestingly enough, the Department of Agriculture, in 1960, had 98,600 employees. They served a 15,600,000 farm population. Today the Department of Agriculture has 116,300 employees. That is an increase of more than 18 percent in the past 3 years, in face of a drop of about 10 percent in the farm population.

The further we go in studying these programs, the more we find that this seems to be par for the course. We continue to build. We add to those who take care of the problems even though the programs they take care of are decreasing. I do not know how many times the Senator will find agriculture mentioned in the Constitution.

Mr. THURMOND. The Senator is absolutely correct. We spend more and more money, evidently for the purpose of giving people jobs. I do not know what other reason there could possibly be. Certainly it is unnecessary. We have balanced the budget only six times in the past 34 years. No matter how capable and efficient a businessman might be, he could not stay in business if he could not operate on a better basis than that.

In 28 years out of 34 we have not balanced the budget. It is high time that we come to some sanity and begin to balance the budget, stop deficit spending, and get back to fundamentals. All we need do is follow the Constitution. We must stay out of fields of activity at the national level in which we have no authority to be. If we do that, we can balance the budget.

Bleeding hearts say, "The State governments will not carry out this program; therefore the Federal Government must do it."

That is no answer. If the power has not been delegated to the Federal Government, the way to do it is by a constitutional amendment. Let the people vote on it. Let the people decide whether they wish to go into another field of activity.

That is the only way it can be done constitutionally. That is the only way it can be done properly and legally. If the Constitution is amended, the Federal Government will have the right to go into further activities. However, in my judgment, the people will not go into many of these fields. The State government and the county and local governments can do things much cheaper than can the National Government.

There is only so much power. It is a question of where it will be reposed. Will it be kept at the State level, with the individual citizens, or shall we transfer it to Washington?

The so-called civil rights bills propose to take powers away from the State governments and bring them to Washington, at the national level. The so-called civil rights bills would take power away from the individual citizens and bring those powers to Washington. I do not believe the people of this Nation wish that to be done.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. MORTON. The Senator said there was only so much power. I point out that we did not have enough power last night.

Mr. THURMOND. The power last night was a little too much on the side of the so-called civil righters.

Mr. McGOVERN. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am pleased to yield to the Senator, under the same conditions under which I yielded to the Senator from Alabama and the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. The Senator from South Carolina is an advocate of a strong national defense. I agree with him that we ought to have a defense force fully adequate to meet the needs of the country. The Senator has also expressed his concern about the growing expenditures of the Federal Government.

Is not the Senator aware of the fact that the major part of the Federal budget is devoted to the military defense of the country, and that practically all of the Federal debt, to which he has alluded, is the result of our defense of the Nation and our interest in World War II, and again in the Korean war?

It is well to be concerned about the growing cost of operating the Federal Government; but does not the Senator agree that we should recognize the fact that most of the cost is centered on our military defense?

Mr. THURMOND. In reply I say that I favor a strong national defense.

Mr. McGOVERN. I agree with the Senator.

Mr. THURMOND. It is absolutely essential to our survival. However, the great increase in expenses since the end of World War II has not been along the line of defense. I have figures—I do not have them before me at the moment—which show that by far the greater percentage of increase in expenses took place in the domestic field, rather than in defense. I shall be pleased to show those figures to the Senator.

Mr. McGOVERN. I am sure the Senator will agree that well over half of the entire Federal budget of approximately $100 billion is devoted to defense purposes; therefore, it represents the major cost.

Mr. THURMOND. I agree that it represents the major cost, and is more than half of the budget. However, that is essential to our survival. That is different from going into the field of art, or, in the Department of Agriculture, studying the sex life of tadpoles, and things like that. Those things should be eliminated. There are too many nonessential and nondefense programs.

It is my judgment that we ought to cut down on such programs, and that we should never have gone into a great many fields in the first place. There is no authority for them. Furthermore, it is causing us to plunge into debt.

I always ask myself three questions before I vote on a bill. First, I ask myself whether it is constitutional. I try to decide if the Federal Government has the authority to go into that field. That is what I asked myself with reference to the Federal Government's entry into the field of art. I found no authority for it. I did not have to go any further. I therefore voted against it. If it is constitutional, I then ask myself whether it is wise; if it is wise, the next question is whether we can afford it. A great many things may be constitutional and wise, but the question is whether we can afford them.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. McGOVERN. I am sure the Senator does not find any reference in the Constitution to the maintenance of a strong Air Force. Yet I believe he agrees with me that that is a legitimate function under the general construction of the Constitution providing for the general defense. The Constitution also refers to promoting the general welfare. I do not believe we could expect the Founding Fathers to have spelled out the various developments that have taken place over the past 150 years. However, under the responsibilities that we have under the Constitution to promote the general welfare of the country, I am sure a good argument could be made that the encouragement of the arts, the encouragement of research, and the encouragement of education fall within that general scope.

I saw some statistics the other day, and I should like to call the Senator's attention to them. The statistics showed that 25 years ago we were devoting about 30 percent of our entire Federal budget to what could be described as welfare purposes. Today the proportion of the Federal budget devoted to those purposes is only about 7 percent. If we were to total up everything that we are spending in the Department of Health, Education, and Welfare, and add the functions of the Labor Department and the whole medical research field, which the Senator from Alabama has pushed with such vigor and effectiveness, the total would be only about 7 percent of the Federal tax dollar.

It seems to me that that is not an unreasonable proportion to devote to activities that make living more enjoyable and more satisfying for our people.

Mr. THURMOND. Of course the Constitution provides for national defense. The Senator mentioned the Air Force. I believe that under the constitutional provision for providing for defense, any facet of our defense which is essential would be authorized under that provision of the Constitution.

In my opinion we could eliminate a great many items of expense in foreign aid, in which we are helping Communist countries and neutralist countries. I do not believe we are acting wisely by helping to finance our enemies or in helping to finance countries which sit on the fence and will not say where they stand.

I realize that the Senator or others may take a different view of that. But there are many ways in which we could reduce expenses. We ought to do it. If we are not going to cut expenses, we ought to have the courage to pay taxes on a pay-as-you-go plan. I do not think it is right for this generation to live on the sustenance that belongs to the next generation. Whatever we spend over our income is placing a debt on the next generation, the children of tomorrow, their children, and their children's children. Not even two or three generations will be able to pay our debt.

We ought to have the courage to pay our own way through this world, and the Government should not be issuing bonds or notes that future generations will be responsible for.

Mr. McGOVERN. I thank the Senator for yielding. I am concerned about economy in Government. But I thought it was important for the RECORD to show that proportion of the budget that is going to these very purposes.

Mr. HILL. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield to the able and distinguished Senator from Alabama under the same conditions as I yielded before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The pending question before the Senate is that of the right to a trial by jury. To me, the foremost man in all the world today is Winston Churchill, of England.

Does the Senator agree with Mr. Churchill, as I do, when in his work, "English-Speaking Peoples," he declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

Could there be a finer summation of the tremendous importance of the vital part of the right of a trial by jury in a republic dedicated to the freedom and liberty of the people?

Mr. THURMOND. That is a very fine statement. I am pleased that the Senator has called attention to it.

Mr. HILL. I am sure the Senator would also agree with Mr. Blackstone, that great authority on English law, and the Anglo-Saxon procedures when he declared:

> The trial by jury ever has been, and I think ever will be looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases.
>
> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Does the Senator agree with that statement?

Mr. THURMOND. I certainly do. Mr. Blackstone is one of the greatest legal authorities that this world has produced. I think his statement would represent the thinking of the American people today. That was brought about under, and has been handed down from, Anglo-Saxon law.

Mr. HILL. I am sure the distinguished Senator would also agree with Lord Camden, one of the greatest English jurists, when he declared:

> Trial by jury is the foundation of the British Constitution; take that away, and the whole fabric will soon molder into dust.

Could there be a finer, more compelling, challenging statement as to the right of a trial by jury than that statement?

Mr. THURMOND. I cannot imagine one that expresses it in stronger terms than that. In our judicial machinery, if we destroy the right of trial by jury, we destroy the very heart of our system. We would be going back to the time when emperors, kings, potentates, and kaisers had the authority with the stroke of a pen to take a man's life without a trial by jury.

Mr. HILL. The Senator speaks about the right of a trial by jury going to the very heart of our free institutions. I am sure the Senator would agree with the French philosopher De Tocqueville, who he recalls made a visit to America, made a study of our Government, our way of life, and our free institutions and wrote a treatise on America which he called "Democracy in America."

Mr. THURMOND. I have quoted from it many times.

Mr. HILL. I am sure the Senator agrees with this quotation:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Does not that confirm wholeheartedly, with the greatest possible emphasis, what the Senator has said, that the very heart of our institutions of freedom, liberty, and justice for all our people is embodied in the right of a trial by jury?

Mr. THURMOND. It goes back to what Abraham Lincoln said about this Government, that it is a government of the people, by the people, and for the people. The right of a trial by jury goes back to the people, instead of letting some high Government official have the power to say whether a man shall lose his life, whether he shall lose his liberty, or whether he shall lose his property. The right of a trial by jury gives to his peers, his countrymen, the right to determine that themselves, in a government of the people. If we destroy the right of a trial by jury, we are taking a backward step, in my judgment, which we shall always regret. If we destroy this right in a small way, we are setting a precedent for going further at a later date. In other words, if the amendment offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD] is agreed to, and the punishment in a contempt case is 30 days or less, or $300 fine or less, a man will not get a trial by jury. What would prevent Congress the next time from passing a bill to extend it to 60 days, and the next time to 6 months, and subsequently to a year, 5 years, or 10 years? We are setting a precedent that can be very dangerous for all time in the future.

Mr. HILL. Was it not this thought of a government of the people, by the people, and for the people expressed by Abraham Lincoln that Thomas Jefferson no doubt had in mind when he declared, "Trust no man; bind all men by the chains of the Constitution."

Mr. THURMOND. That is correct. Thomas Jefferson said that we cannot trust any man with power. We must bind him down by the chains of the Constitution, no matter if a man's motives are good, and if his intentions are lawful. There are times when Jefferson felt, and I think his opinion that we cannot trust an individual with power is generally shared by the people who believe in our Republic. Power seems to go to men's heads.

It might seem that we could trust some. But we might not be able to trust their successors. Thomas Jefferson's idea was to nail things down, to have a Constitution, and to abide by that Constitution, regardless of who the officials were. Thomas Jefferson knew that sooner or later the people would suffer if they did not do so.

Mr. HILL. Is it not true that the right of a trial by jury is protected in three separate places in the Constitution of the United States?

Mr. THURMOND. The Senator is correct. In the original Constitution, in article III, section 2, clause 3, a trial by jury is provided. It provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

The sixth amendment provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

I stress the point that in that amendment the word "shall" is used.

The seventh amendment provides:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

Those provisions were included in the original Constitution and also in the Bill of Rights, the first 10 amendments to the Constitution. Two of those amendments provide the right of trial by jury. I believe that point should be emphasized in this debate.

When our forefathers decided to include the Bill of Rights in the Constitution—as demanded at the Constitutional Convention in Philadelphia; in fact, the Constitutional Convention never would have taken favorable action on the proposed Constitution except for the promise to include in the Constitution the Bill of Rights—the promise to include the Bill of Rights was made; and then George Washington, with his great influence and prestige, and James Madison and others of the outstanding men there induced those representatives of the States to favor the Constitution. But the absolute promise to include the Bill of Rights was essential in that connection; and that absolute promise was made. It is important, therefore, to stress the point that 2 of these 10 amendments provide for the right of trial by jury.

Yet, Mr. President, today there are those who espouse the so-called civil rights bill and are willing to vote to discard some of the very safeguards for which our forefathers fought, and which they set out clearly in the Declaration of Independence as the subjects of major grievances, and for which they made clear provision in the Constitution and in the Bill of Rights, and they have been adhered to in this country throughout the years since the ratification of the Constitution. However, today there are some who would attempt to do away with that right—on the theory that some juries might not do their duty. That is the flimsy claim which such persons advance. However, Mr. President, it is clear that if Congress ever were to take such action and ever were to pursue such a course, the Nation would be headed toward tyranny.

Mr. HILL. Mr. President, will the Senator from South Carolina yield again to me?

Mr. THURMOND. I yield.

Mr. HILL. Is it not also true that Charles Cotesworth Pinckney, one of the signers of the Declaration of Independence——

Mr. THURMOND. And he was a South Carolinian.

Mr. HILL. That is correct. Is it not true that after he had returned from the Constitutional Convention at Philadelphia, where the promise to include the Bill of Rights had definitely been made, he rose in the House of Representatives and said that at the Constitutional Convention it had been solemnly agreed that the Bill of Rights would be submitted and would be included as an integral part of the Constitution?

Mr. THURMOND. Yes, he said that; and that was the clear understanding at the Constitutional Convention. I cannot imagine a finer guarantee of human rights than the Bill of Rights, the first 10 amendments to the Constitution. The Bill of Rights guarantees freedom of the press, freedom of religion, the right of trial by jury, the right to petition the Government, the right to prevent the quartering of troops in one's home, and all the other rights which are safeguarded and preserved by the first 10 amendments to the Constitution.

I repeat that 2 of the first 10 amendments to the Constitution preserve and guarantee the right of trial by jury.

Mr. President, at this time I shall proceed with my address:

The conclusion in the case of Gibbons against Ogden, judging from the obvious purposes of the commerce clause as adduced from the Constitutional Convention, was correct. Nevertheless, this broad interpretation of the clause was directed toward the negative effect of the clause as a shield against State power and not as a basis for an affirmative congressional enactment.

Although the scope of the commerce clause as it was defined by Chief Justice Marshall in Gibbons against Ogden was determined to be vast, it was not until the latter half of the 19th century that Congress began to take affirmative action based on the clause. In the case of *Wabash, St. Louis and Pacific R.R. Co.* v. *Illinois* (118 U.S. 557, 1886), the Supreme Court held that a State could not regulate charges for the carriage, even within its own boundaries, of goods brought from without the State or destined for points outside of that State. Largely as a result of this Supreme Court decision, Congress enacted the original Interstate Commerce Act in the following year, 1887. The Interstate Commerce Act established a commission of five, and gave them authority to pass on the reasonableness of charges by the railroads for the transportation of goods or persons in interstate commerce. This was the first major enactment by Congress dealing with the means of transportation; and others, too numerous to mention, have since been enacted.

After Congress had this first taste of its affirmative regulatory powers under the commerce clause, other areas were soon entered.

A second area which Congress entered on the basis of the commerce clause was the regulation of the goods themselves which were to be transported in interstate commerce. The form of the regulations in this area vary, but the method most frequently resorted to is the prohibition of their transportation in interstate commerce. Legislation which falls into this general category includes the False Branding and Marketing Act, the Federal Explosives Act, the Food Drug, and Cosmetics Act, and Hazardous Substances Labeling Act, the Fur Products Labeling Act, the Meat Inspection Acts, the Poultry Products Inspection Act, and the Cotton and Grain Standards Acts. One act upon which the Attorney General during his testimony before the Senate Commerce Committee relied heavily was the act regulating the transportation and sale of oleomargarine. He indicated that he considered it to be a valid precedent for the enactment of S. 1732 or any similar so-called public accommodations proposal.

Section 347 of title 21 of the United States Code, a part of what is generally referred to as the Pure Food and Drug Act, contains the congressional regulations relating to oleomargarine. Paragraph (c) of section 347 concerns its sale in public eating places in these words:

> No person shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place unless a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

This statute varies substantially in both degree and scope from the provisions of S. 1732 and title II of H.R. 7152. It is only a partial, and by no means a complete, prohibition on the serving of colored oleomargarine or margarine. The individual proprietors of the numerous eating places covered, both large and small, are left free to continue their previous practices of serving or not serving colored oleomargarine, as the case may be. This statute does not create a right where before none existed, as S. 1732 and title II of H.R. 7152 attempt to do. It in no way affects the relationship between the proprietor and customer as these proposals would do. This statute could not be a valid precedent for these proposals unless it stated that colored oleomargarine or colored margarine had to be served in all eating establishments.

And yet, there is a more basic ground for distinguishing between this statute and any public accommodation bill. This statute falls into the category of regulation relating to the goods themselves, a category which has a long line of precedents for congressional enactments.

Another area of regulation under the provisions of the commerce clause which Congress has entered is the regulation of conditions under which goods which are destined for interstate commerce are manufactured or otherwise produced. Under this theory Congress has passed such acts as the Fair Labor Standards Act, the child labor laws, the Federal Coal Mine Safety Act, the minimum wage laws, and the National Labor Relations Act, among others. In none of these acts, however, is there to be found any precedent for the constitutionality of S. 1732 and title II of the House passed bill. They relate solely to the conditions under which goods are to be manufactured or sold, and not to whom they must be sold.

These are the three categories of commerce with which Congress had dealt primarily—first, the means of transportation; second, the goods subject to the transportation, and third, the conditions under which these goods are manufactured. In S. 1732 and title II of H.R. 7152, we find a distinctly new and radical category—regulation as to who must be served with these goods. This is a requirement to sell or to serve, and with but one exception has never before been successfully attempted by Congress.

The one exception to this time-honored rule is the public service corporation. They are, as the name indicated, dedicated to public service, and it is only natural that they be required to extend their services to all. These corporations operate in an area closely affecting the public interest and in most instances operate by virtue of a grant or franchise from a duly constituted governmental body. These are truly "public" concerns and should be required to serve all who need and are able to pay for their services. However, both of these proposals in question attempt to equate the corner drugstore, the family restaurant, or the five-bedroom boardinghouse with American Telephone & Telegraph. This is an extension of the commerce power which is absurd on its face.

The establishments which would bear the greatest burden upon the enactment of either of these proposals are the smaller establishments which have the least, if any, effect on interstate commerce. As a matter of fact, an establishment which decided to cater only to customers from within that particular State, and therefore, have absolutely no effect upon interstate commerce, would not be able to escape the harsh effects of such a measure. During the hearings before the Senate Commerce Committee on S. 1732, Senator YARBOROUGH asked this question of the Attorney General: "A Texan this past weekend again posed this question to me and said: 'If I take my motel and put up a sign over it, "Texans only; no out-of-State visitors accepted," would the law apply to me if it passed?' This is the question he had propounded there." The Attorney General replied that the bill would still apply to him, on the basis of some fancied and as yet undisclosed effect upon interstate commerce. Also, under the terms of the bill as it is drawn, its provisions would be applicable to the situation where the person demanding service or accommodations was from that particular State, and had not traveled out of that State. This is likewise defended on the grounds that there would be a "substantial effect" upon interstate commerce to refuse him.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. THURMOND. I shall be pleased to yield.

Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Arkansas with the understanding that I do not lose my rights to the floor and that upon my resuming it shall not constitute another appearance.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I further ask unanimous consent that the Senator from South Carolina may yield to me at any time during the remainder of his speech today without his losing his right to the floor, so I may propound questions to him and make comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. What the Senator has said about what occurred in the Commerce Committee with respect to a hypothetical question asked the Attorney General with respect to a man establishing a business in his own State and limiting accommodations to residents of his State only and offering to do business with them, to the exclusion of people from out of the State, is very interesting. The Attorney General still held that that would come within the commerce clause. I do not understand what the meaning of interstate commerce is if any such interpretation as that is valid and could be sustained. Could the Senator enlighten us upon what premise of logic or reasoning the Attorney General held that under such a situation the statute, if enacted, would apply?

Mr. THURMOND. I thoroughly agree with the Senator that it does not appear to be based on sound ground. The Attorney General gave that opinion, however, before the Commerce Committee on the so-called public accommodations bill before that committee, and that bill is similar to title II of the so-called civil rights bill now before the Senate.

Mr. McCLELLAN. If I am correct, the Constitution provides that Congress shall have power to regulate commerce with foreign nations and among the several States. I always understood the words "among the several States" to mean where there was a crossing of State lines, where there was an action or activity that involved two States, and not one.

Mr. THURMOND. That is correct.

Mr. McCLELLAN. I do not understand the new, alleged, modern, distorted interpretation that would hold the term "among several States" to mean among the citizens of one State.

Mr. THURMOND. Unless the Attorney General was proceeding on the theory that if there were a sign reading "Texans only; no out-of-State visitors accepted," he could not trust a man, and that he would slip such a person into the motel.

Mr. McCLELLAN. To stretch the commerce clause to apply to Mrs. Murphy's or Mr. Jones' boardinghouse, and to make a distinction between a house having five or six roomers, on the one hand, and one which had seven or eight on the other, would be employing the clause to accomplish an end that, in my judgment, the framers of the Constitution never intended. I do not think it can be so employed without actually discriminating. It would be discriminating, if one house offered accommodations for five or six people and another house offered accommodations for eight or nine people, to draw a distinction and say one constitutes interstate commerce and the other does not.

I know that there have been some statutes like that and court decisions sustaining them.

It seems to me that the very process of interpreting and applying the commerce clause of the Constitution in that fashion is a perversion of the intent of the Constitution as written and conceived by the Founding Fathers.

Mr. THURMOND. The Senator is eminently correct. What he is saying was borne out by the Supreme Court in 1883, when it held unconstitutional the so-called public accommodations bill passed then as a part of the Civil Rights Act of 1875. The Court threw that bill out and held it to be unconstitutional. The wording of that bill was very similar to the wording of title II of the so-called public accommodations title.

Someone has said, "That was way back in 1883. The present Court might do differently." It might. I would not be surprised at almost any decision the present Court would hand down. However, it would not be a sound decision, because in 1959 Howard Johnson refused to serve a man in nearby Virginia that was located on an interstate highway, built at least partially with interstate funds.

The circuit court of appeals, which is the next highest court to the Supreme Court of the United States, held that Howard Johnson did not have to serve anyone it did not wish to serve on its own private premises, and they held this opinion in spite of the fact that the restaurant was on an interstate highway and interstate funds had been used in the construction of the highway on which the restaurant was located.

So as late as 1959, 5 years ago, that decision confirms and ratifies the 1883 decision, so that if the court today takes a different view, it would have to upset the 1883 decision and the 1959 decision.

Mr. McCLELLAN. It would not only have to upset those decisions, but in my judgment it would have to wholly disregard the plain language and the intent, as our forefathers conceived it at the time they drafted the Constitution and at the time it was adopted.

Mr. THURMOND. The able Senator is absolutely correct. There is no question in my mind, and no question in the minds of lawyers, as to what was the intent of those who wrote the Constitution in referring to the commerce clause.

But now, in order to accomplish a goal—what the proponents consider to be a desired goal—they are willing to say, "Let us pass the bill and let the Court decide it."

The other day a Member of Congress said to me, "Let us pass it, and let the Court decide whether it is constitutional."

I reminded him that when he became a Member of Congress he held up his hand and took on oath to support the Constitution of the United States, just as a Supreme Court Justice does when he goes on the Court. So we cannot shirk our duty in that respect. It is our first duty, before we vote on a bill in the Senate, to decide whether a proposed bill is constitutional, before we go any further, and then to decide on the wisdom of a bill, or whether we can afford it from a financial standpoint if it involves funds.

Mr. McCLELLAN. I commend the Senator for the statement he has made. I do not believe that the sole responsibility, and the separate duty to determine whether proposed legislation or laws which may be enacted are constitutional, reposes exclusively in the courts. As the Senator has pointed out, those of us who serve in the legislative body take an oath of office to support and defend the Constitution of the United States. Therefore we cannot say—if we take a position that we are not going to be concerned about proposed legislation, as to whether it is constitutional—"Let the court decide." It seems to me we are personally abdicating the responsibility with which we are charged, that we are failing to do our duty if we do not ascertain in our own minds and out of our convictions whether proposed legislation is constitutional according to our lights before it is enacted or at the time of its enactment.

Mr. THURMOND. The able Senator from Arkansas took this same ground, and is absolutely consistent with the position he took a few years ago when a bill came before us which had been passed by the House of Representatives, known as H.R. 3. The able Senator and I, and other Senators, offered an amendment which would directly upset the Supreme Court decision in the Steve Nelson case. Steve Nelson was convicted in Pennsylvania of sedition, of violating the State law of Pennsylvania on sedition. The case went to the U.S. Supreme Court. The Supreme Court held that when the Federal Government passed a law on sedition, it preempted the entire field of sedition. Although the law that was passed contained verbiage which might lead one to come to a different conclusion, in spite of that fact, the Supreme Court made that finding. Several Senators desired to offset that decision and provide that where a State law existed on the subject, a Federal law on the same subject would not strike down a State law unless specific wording were written into the bill to that effect, or unless they could not both be reconciled standing together.

Mr. McCLELLAN. Unless there should be considerable conflict, or a declaration in the law.

Mr. THURMOND. The Senator is correct. Unless there is a declaration in the law, or unless the two cannot be reconciled. I commend the able Senator for his firm stand on that occasion. In my opinion, the measure should have passed. I remember the night it was voted on. It carried by one or two votes; but the next day maneuvering took place, and we lost. Some votes were changed, which I regretted very much, because I felt it was a vital bill which needed to be passed. I do not believe a Federal law should strike down a State law unless it is in one of the two situations to which the Senator has referred.

Again, I commend the able Senator from Arkansas on the consistent stand which he has taken during the time I have been in the Senate and had the great privilege of serving with him. There is not a Member of the Senate for whom I hold higher admiration, or who I believe is a more able lawyer than the distinguished Senator from Arkansas [Mr. McCLELLAN].

Mr. McCLELLAN. I thank the Senator from South Carolina for his kind remarks.

CORRECTION OF ARBITRARY MISINTERPRETATION OF STATUTORY ENACTMENTS BY THE BUREAU OF LAND MANAGEMENT

Mr. CANNON. Mr President will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Nevada with the understanding that I shall not lose my right to the floor and that it will not constitute another appearance; and with the further understanding that the remarks of the Senator from Nevada will come either prior to my address or subsequent thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. I thank the distinguished Senator from South Carolina for yielding to me.

Mr. President, last week I introduced legislation designed to correct what I felt was an arbitrary misinterpretation of statutory enactments by the Bureau of Land Management.

These bills are not the first which I have sponsored or cosponsored relating to this subject, but I hope they will be acted upon very rapidly since they are designed to remedy a situation which is acute, not only in Nevada, but in other Western States as well.

It is shocking to some people to learn that Nevada State officials can only rely on approximately 13 percent of the State's total acreage as a tax base, and, in turn, only have administrative authority of about one-eighth of the total State area. This means that many of our cities are totally surrounded by federally owned and controlled land. These communities cannot expand by the normal process of annexation but must depend upon the enactment of special legislation by Congress, authorizing the purchase of acreage contiguous to city boundaries. One such bill was enacted last year for Henderson, Nev.

The Nevada Municipal Association has indicated the nature of this problem and has urged that appropriate measures be adopted which would circumvent the now extended process which must be undertaken each time a city expands.

I ask unanimous consent that a resolution adopted by the association may be printd at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas vast areas of the State of Nevada are owned by the U.S. Government and, as a consequence thereof, federally owned lands are adjacent to the corporate limits of many cities of the State;

Whereas many of our cities do not have sufficient land within their corporate limits for public purposes: Now, therefore, be it

Resolved by the Nevada Municipal Association (at its annual session held in Las Vegas, Nev., on the 16th day of November 1963), That the Department of Interior of the United States be, and it hereby is, respectfully urged, upon the application of any city or town of the State of Nevada, to release to such city or town federally owned lands adjacent and contiguous to the corporate limits thereof for public purpose; be it further

Resolved, That a certified copy of this resolution be forwarded to the Secretary of Interior, Washington, D.C.

Mr. CANNON. Mr. President, this accelerated growth gives rise to other equally serious problems involving the Bureau of Land Management. To illustrate the rate of growth, I should like to point out that the 1960 census showed the Las Vegas population to be less than 65,000 and that current authenticated figures fix the population at 106,000. This represents an increase of about 40 percent in 4 years. The demands for facilities resulting from such growth is almost unfathomable.

It is not hard, therefore, to recognize that the demand for building materials is phenomenal. The bills introduced last week are aimed at improving the process whereby sand, gravel, and other building materials found almost wholly on public domain may be obtained to meet the needs of growth.

I personally believe that existing law is clear and that there should be no problems insofar as these materials are concerned. The Bureau of Land Management, however, has chosen to place completely unrealistic and most restrictive interpretations on the law, which serve no useful purpose in my mind, except to hamper the efforts of honest developers who are striving to provide the Nevada communities with the products they so desperately need.

I have been pleased to add the names of several Western Senators as cosponsors of these bills, which I am sure indicates the existence of similar problems in other States. Further, evidence that this is a common problem is indicated by a resolution adopted last spring by the Western Governors' conference. I ask unanimous consent to have a copy of that resolution printed in the RECORD at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

> That the western Governors' conference urges the Congress to enact legislation that will enable the Bureau of Land Management to dispose of public domain lands to governmental agencies and private individuals for industrial, agricultural, urban and suburban purposes; and that Congress provide for a comprehensive study of the land laws applicable to lands under the jurisdiction of the Bureau of Land Management toward the end that the Bureau of Land Management can more properly dispose of those lands deemed suitable for local governmental agencies, and provide individual development.

Mr. CANNON. Mr. President, these factors illustrate the need to realistically approach and deal with a problem which threatens to cripple the orderly expansion of western communities. As stated earlier, I believe that most of the problems could be eliminated by administrative action. The Bureau of Land Management, however, and its parent organization, the Department of the Interior, seem to be so firmly wedded to precedent as to preclude any remedy short of legislative action. Having erroneously interpreted congressional intent, they are either bound by the fear of admitting a mistake, or purposely determined to stand in the way of progress and development.

Another area which affects less people but is felt more potently by those it does involve, is the action by Bureau of Land Management against those who honestly seek to obtain and develop agricultural units on public land.

A recent poignant example has arisen in the Carson Valley in northwestern Nevada. One Alvin May filed a homestead application on a tract of land, moved his nine children into a small house which he and the family built on the land, and then proceeded to clear and plant the required acreage, in order that he could obtain a fee simple title. He has now been challenged by the Bureau of Land Management and given a brief period of time to show cause why he should not be evicted for failure to comply with regulations. These regulations, incidentally, were designed by the same agency which interprets and enforces them and are not found as such in the law enacted by Congress.

I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Nevada Appeal, which protests the plight of the May family and illustrates the ire which has been aroused by the bureaucratic actions of the Bureau of Land Management.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BUREAUCRATS AGAINST A NEVADA FAMILY

> The family of Alvin Matthey May today is fighting desperately to hold onto its homestead in the face of cruel and relentless pressure from bureaucrats.
>
> May came to his Nevada homestead 7 years ago with the promise that if he were to live on it, build a house and grow a profitable crop, the land would be his.
>
> The May family underwent deprivation to improve its 160-acre homestead. The father, mother and nine children turned near worthless grazing land into the beginnings of a productive farm.
>
> Unfortunately, Federal bureaucrats in the Department of Interior and U.S. Bureau of Land Management see things differently. These same agencies which promised May the land now seek to drive his family off it.
>
> When May went onto the land, neither Federal officials nor the 102-year-old homestead law made mention of an expensive irrigation system. Growing a profitable crop was a requirement dependent on the ingenuity and enterprise of the homesteader.
>
> Bureaucrats in Reno and Washington now declare that profitable crops are impossible in Nevada without irrigation systems. And, Secretary of Interior Stewart Udall has now written a regulation requiring Nevada homesteaders to install irrigation systems.
>
> We must ask if this situation is fair or equitable?
>
> If Udall's new regulation is allowed to stand, homesteading will become a privilege which only the rich can afford. For, irrigation systems come high.
>
> No one even remotely familiar with the homestead law would claim that it was the intention of Congress 102 years ago to limit homesteading to the affluent. Certainly, homesteading was an opportunity for the poor and the diligent to become landowners.
>
> The May family certainly fulfilled its part of the bargain in homesteading. May and his sons built a house, cleared almost 160 acres of land of sagebrush and scrub trees, cultivated and grew 20 acres worth of oats and barley, drilled a domestic well, applied for a water right and built a barn and garage.
>
> What did the bureaucrats do to fulfill their part?
>
> During the past 3 years, homesteaders in Nevada have been besieged with a cloudburst of changing regulations. They have been confronted with situations where written instructions for proving up for one homesteader differ drastically from those given the family on adjoining property.
>
> Specifically, Udall and his army of overpaid and underworked experts have succeeded only in keeping the land off the tax rolls, keeping it less productive and in persecuting a family for trying to take advantage of a law.
>
> Strangely, Udall charges the May family with lack of good faith because it did not install the expensive irrigation system.
>
> What greater faith can be shown than the suffering of a family which barehanded and with little in the way of resources, turns desert into productive land?

Mr. CANNON. Mr. President, I also ask unanimous consent to have printed in the RECORD a copy of a letter sent to me by the board of commissioners of Douglas County, in which the "May Homestead" is located.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DOUGLAS COUNTY, NEV.,
> *April 20, 1964.*
>
> Hon. HOWARD CANNON,
> *Senator from the State of Nevada,*
> *Washington, D.C.*
>
> DEAR SENATOR CANNON: On April 6, 1964, the Douglas County commissioners were presented with a petition on behalf of approximately 75 Carson Valley homesteaders. The petition severely criticized the Bureau of Land Management and the policies presently being followed by such Bureau through its Reno office, under which homesteaders who have been allowed to enter upon Government land in Carson Valley, build homes thereon, and spend from 3 to 5 years in actual cultivation of their homesteads have then been denied a patent for the same. Under the harsh policies now being followed by the Bureau of Land Management personnel in Reno, Nev., homestead entrymen are actually being deprived of their homesteads and the time, labor, and money which they have expended thereon in order to meet the requirements of our homestead laws has been set at naught.
>
> It is the unanimous feeling of the Douglas County commissioners that the U.S. homestead laws were intended to be liberally construed and that every effort should be made to help those Carson Valley homesteaders who are being deprived of valuable homestead rights which they have earned by the reason of their own labor and to which they are justly entitled. Accordingly, request is made that your office exert every effort to have the present arbitrary policies now in effect in the Bureau of Land Management replaced by policies which will give our homestead laws the meaning and effect originally intended by the Congress of the United States.
>
> Respectfully yours,
> MARVIN SETTELMEYER,
> *Chairman.*
> H. L. DRESSLER,
> *Member.*
> ROBERT PRUETT,
> *Member.*

Mr. CANNON. Let me point out, Mr. President, that the right to appeal written into the various public land laws has been reduced to a nullity, insofar as it provides a redress of wrongs done by the BLM.

In the more than 5 years that I have served in Washington, I have probably received more mail from constituents dealing with efforts to obtain desert-land under one of the public land laws than any other single subject. To date, however, there has not been one case which has come to my attention where a decision by the field office has been rejected either at the Bureau level or by the departmental solicitor. In one instance, a decision was overturned and the case remanded to the field, only to be rejected on other grounds which had been neatly suggested at the appellate level.

I expect that the fault does not lie totally with the Interior Department, in that legislation which is so devised as to allow interpretation which negates the intent of Congress is partly the fault of Congress. In 1919, the Pittman Act was adopted which authorized the Department of the Interior to issue permits to individuals to explore for water on Nevada lands "not known to be susceptible to successful irrigation at a reasonable cost from any known source of water supply"—43 U.S.C. 351. This act was intended to provide for the acquisition of land in Nevada by individuals for the development of family farms. Of the thousands of applications filed, however, only about 200 applicants have received the right of entry, and only 2 have ever obtained patent. The BLM has interpreted the law to the effect that where a source of water existed prior to the time of patent, an application was automatically rejected. I suspect that if two individuals filed applications simultaneously, but one completed drilling before the other and obtained water, the latter would automatically be precluded from obtaining title, since a known source of water would then be available. In other words, the very law enacted by Congress to put public land into private ownership has been so administered as to keep the land under public control and prohibit the agricultural expansion of the State.

The chairman of the House Committee on Interior and Insular Affairs, WAYNE N. ASPINALL, wrote President Kennedy in October 1962, of "the growing scarcity of land in the United States." In his reply the late President was prompted to "concur wholeheartedly—that the system warrants comprehensive review." Both men recognized the inadequacy of existing law as interpreted by officials in the Department of the Interior, and the President went on to say that "the standards of the past are not adequate to the challenges of the future."

Therefore, Mr. President, I submit that since the existing laws have been so arbitrarily administered as to thwart the intent of Congress, we need to move affirmatively to eliminate the errors that have been made, and to assure that they will not be followed in the future.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. THURMOND. Mr. President, the classic definition of what constitutes interstate commerce was discussed during the hearings by Mr. R. Carter Pittman. In his statement, Mr. Pittman quoted no less a scholar than Woodrow Wilson as follows:

> While Woodrow Wilson was president at Princeton, he delivered a series of lectures on "Constitutional Government in the United States" at Columbia in 1908. In one of his lectures Mr. Wilson discussed the true meaning of the commerce clause as contrasted with the meaning sought to be attributed to it at that day by those who wished to destroy all lines of demarcation between the fields of State and Federal legislation. It was his view that the commerce clause had to do only with the movement of merchandise from State to State, and that it has no application to merchandise or people before movement starts or after movement ends. In that connection he said:
>
> "If the Federal power does not end with the regulation of the actual movements of trade, it ends however, and the line between State and Federal jurisdiction is obliterated. But this is not universally seen or admitted. It is, therefore, one of the things upon which the conscience of the Nation must make test of itself, to see if it still retains that spirit of constitutional understanding which is the only ultimate prop and support of constitutional government."
>
> One sleeping in a motel or eating in a restaurant, for example, is at rest—not moving. He is neither navigating nor being navigated. To stretch the commerce clause far enough to make it applicable to one while sleeping or eating would reflect credit upon the ingenuity of a newly appointed Justice of the Supreme Court, seeking to please his sponsor.
>
> That which is happening today was happening, though in less degree, when Mr. Wilson lectured. In speaking of the congressional power, invoked by this bill, he said:
>
> "Its power is 'to regulate commerce between the States,' and the attempts now made during every session of Congress to carry the implications of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians are those set by the good sense and conservative temper of the country."
>
> In the same lecture, he cautioned against the destruction of divisions of power institutionalized in the Constitution, which in his times and in all ages have been necessary to preserve liberty. He did not speak of the "atomic age," of course, but he spoke of the fact that we had moved from ships to wagons, to buggies, to railroads, and were citing such progress to excuse our impatience with the delays necessary in a government designed to preserve liberty. He said:
>
> "We are intensely 'practical,' however, and insist that every obstacle, whether of law or fact, be swept out of the way. It is not the right temper for constitutional understandings. Too 'practical' a purpose may give us a government such as we never should have chosen had we made the choice more thoughtfully and deliberately. We cannot afford to belie our reputation for political sagacity and self-possession by any such hasty processes as those into which such a temper of mere impatience seems likely to hurry us."

The power of Congress to enact this type legislation under the commerce clause has been considered by the Supreme Court. In the Civil Rights cases of 1883, this was one of the arguments advanced to the Court as grounds for the constitutionality of the 1875 public accommodations bill. The preamble of the act of 1875 is very short and concise. It contains no recitals of great length, nor does it refer to any particular provision of the Constitution as authority for its passage. Therefore, in the brief filed for the United States before the Supreme Court, every possible argument was made. As early as the second paragraph of the brief, resort was had to the commerce clause:

> Inns are provided for the accommodation of travelers; for those passing from place to place. They are essential instrumentalities of commerce (especially as now carried on by "drummers"), which it was the province of the United States to regulate even prior to the recent amendments to the Constitution.

The Supreme Court rejected this contention summarily, in answer to its own rhetorical question as to whether Congress possessed the power to enact the law, the Court said: "Of course, no one will contend that the power to pass was contained in the Constitution before the adoption of the last three amendments." The last three amendments referred to were, of course, the 13th, 14th, and 15th. The commerce clause had been a part of the Constitution from the date of its ratification and therefore the Court was saying that the commerce clause did not empower Congress to enact the public accommodations act of 1875.

During the hearings on S. 1732, which were held before the Senate Commerce Committee, it was mentioned on several occasions that the common law duty imposed upon innkeepers would form a basis in common law for a public accommodations bill. It is true that the individual States of the United States, with only rare exceptions, follow the common law derived from English jurisprudence. However, Mr. President, there is no validity to the theory that this provides a basis in common law for any Federal public accommodations proposal. One of the most elementary and fundamental legal concepts is that there is no Federal common law.

This is a principle which is frequently overlooked. I have seen it overlooked by lawyers many times. I repeat, Mr. President, there is no Federal common law. This doctrine was laid down in the case of *Erie Railway Co.* v. *Tompkins*, 304 U.S. 64 (1938), in which case Justice Brandeis declared:

> There is no Federal general common law. Congress has no power to declare substantive rules of common law applicable in a State whether they be local in their nature or "general" be they commercial law or a part of the law of torts. And no clause in the Constitution purports to confer such a power on the Federal courts.

As a guide to our inquiry on the existence of congressional authority to pass a law of this nature, the statement of the Court in *Swift* v. *United States*—196 U.S. 375, 1905—must be borne in mind. "Commerce among the States is not a technical legal conception; but a practical one, drawn from the course of business." Thus an establishment is subject to regulation by Congress under the commerce clause only if it is truly engaged in interstate commerce. The relation to commerce of the subject or object to be regulated must be such that its regulation is indispensable for the effective regulation of interstate commerce. The effect upon interstate commerce must be more than accidental, secondary, remote or merely probable."—*Swift* v. *United States*, 196 U.S. at 397. Local activities may be regulated under the commerce power only where these local activities form an integral part of interstate commerce.

This very question presented itself in *Williams* v. *Howard Johnson's Restaurant* (U.S.C.A. 4th, 268 F. 2d 845, 1959). In that case the complainant contended that the failure of the restaurant to serve him constituted a burden on interstate commerce and was therefore unconstitutional. In answer to this contention, the Court said:

> We do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

Since the particular restaurant in question in this case was part of a national chain, this reasoning can be extended with even greater validity to all privately owned places of public accommodation.

The fact that a place of public accommodation numbers among its normal visitors some who come from out of State does not bring that establishment within the ambit of the commerce clause for purposes of regulation by Congress. In *Elizabeth Hospital, Inc.* v. *Richardson* (U.S.C.A. 8th, 269 F. 2d 167, 1959) the Court held that the treatment of some patients who were traveling in interstate commerce did not destroy the purely local character of the services furnished by the hospital, and said:

> We think that the plaintiff's operation of a hospital, to include rendition of hospital services to some persons who came from outside the State, is no more engaging in interstate commerce than was Dr. Raggall in rendering medical services to persons who likewise came from other States. The fact that some of the plaintiff's patients might travel in interstate commerce does not alter the local character of plaintiff's hospital. If the converse were true, every country store that obtains its goods from or serves customers residing outside the State would be selling in interstate commerce. Uniformly, the courts have held to the contrary.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. McCLELLAN. It seems to me that if this legislation which is sought to be enacted into law can be sustained as constitutional, doctors who have clients from other States, and lawyers who have clients from other States would under the same interpretation of the commerce clause be engaged in interstate commerce, and be subject to regulation.

Many lawyers, as we know—have some out-of-State clients who transact business with the clients by visiting, and consulting with them about their legal business, also by correspondence about litigation in which they have an interest. If a restaurant owner establishes a restaurant and he serves some out-of-State travelers who are coming through the State, and he is engaged in interstate commerce, I do not see why it could not be held that a lawyer who accepts the business of an out-of-State client is not also engaged in interstate commerce and that therefore, he ought to be regulated by Congress. Can the Senator draw any distinction or define the difference between those two situations?

Mr. THURMOND. The able Senator has given a concrete example which I think is unanswerable. I heartily agree with the Senator's opinion.

Mr. McCLELLAN. Everyone is engaged in interstate commerce. Everyone wears clothing, requires food, shelter, or something in the building in which they live must cross a State line.

Mr. THURMOND. It would be impossible to conceive of anything that does not cross a State line.

Mr. McCLELLAN. Every activity today would involve interstate commerce. If we stretch the commerce clause in a Mother Hubbard fashion to cover everything, I do not know where the process will end. This will not be the end of it, if we pass the bill, and the Supreme Court upholds it. This is a precedent for a further intrusion into the lives of people.

Mr. THURMOND. That is exactly what it is. That is exactly what some people want. They want to inject the Federal Government into every facet of people's lives. It would be unsound to pass the bill. It is clearly unconstitutional. There is no doubt about it. There are at least 10 ways in which it is unconstitutional.

Title I of the bill would permit Congress to set qualifications for voting, although this power is reserved to the States under the Constitution. This violates article I, section 2, the 10th amendment, and the 17th amendment.

Title II of the bill attempts to apply the provisions of the 14th amendment to private actions, although it is applicable only to State action. This violates the decision of the Court in the 1883 Civil Rights cases, and also the decision in Williams against Howard Johnson, decided in 1959. Titles I, II, III, VI, and VII deny the right of a trial by jury in a criminal prosecution. This violates article III, section 2 of the Constitution, and also the sixth amendment to the Constitution. Title II would deprive a person of property without due process of law. This violates the fifth amendment to the Constitution.

Title II would deprive a person of property without just compensation. This violates the fifth amendment to the Constitution.

Title VII would except the employment of atheists from coverage in the FEPC section. This violates the first amendment to the Constitution, concerning religion.

Titles II and VII would make it an offense to speak or write against the object sought to be accomplished by the bill. This violates the first amendment to the Constitution, that which provides for freedom of speech.

Title II seeks to regulate businesses which are solely local in character. This violates article I, section 8, of the commerce clause.

Title II would subject citizens to involuntary servitude by making them serve persons against their own choice. This is a violation of the 13th amendment, involving involuntary servitude.

Titles II, VI, and VII atttempt to delegate legislative powers to the Attorney General and other officials of the executive branch, such as trying to delegate power to some agent of the Government to define discrimination. The bill itself does not define discrimination. It delegates that power.

Another example under this delegation of power is the granting or denying of funds without legislative guidelines. This violates article I, section 1 which provides:

> All legislative powers * * * herein granted shall be vested in a Congress.

So titles II, VI, and VII attempt to delegate legislative powers in violation of the applicable provisions of the Constitution.

Mr. McCLELLAN. Does the Senator agree that title VI clearly delegates the power to legislate to the heads of agencies, with the approval of the President of the United States, whereas the Constitution vests that power solely in Congress? This is tantamount to attempting to delegate to the heads of agencies of Government the administering of Federal aid funds, the power to legislate regulations and conditions upon which those funds may be granted, or withdrawn, subject to the approval of the President. He has to approve it, just as he would have to approve any law which Congress passed.

We are giving authority here to the heads of the agencies who dispense Federal aid funds to circumvent Congress, to bypass Congress, and thus in effect legislate, by rules and regulations, the conditions upon which such funds shall be granted, or upon which they may be withheld.

Mr. THURMOND. Mr. President, the able Senator is eminently correct. Title VI would amend every Federal law dealing with financing, and also would authorize each Federal agency to issue, for itself, regulations defining discrimination on the basis of race, color, or national origin. Furthermore, the effect of title VI of the bill would be to amend over 100 laws.

Earlier in my remarks, Mr. President, the distinguished Senator from South Dakota [Mr. McGOVERN] asked a question about Federal Government finances and the cost of defense; and he suggested that the big item was the cost of defense.

I said to him that in recent years the big increase in the budget has not been due to the cost of national defense.

I sent to my office, to obtain some figures in regard to this point, and also to ascertain the source of the figures.

I do not think there is a more reliable source in regard to such figures than the able and distinguished Senator from Virginia [Mr. BYRD] who is known as an expert on the Nation's finances; and I think the citizens of this country and also Government officials feel that no expert on the subject is superior to the great, gallant, and able Senator from Virginia.

In an address which he delivered on Saturday, May 4, 1963, as a Law Day Doherty Lecture, at the University of Virginia, the Senator from Virginia said:

> The hard fact is—

And I particularly invite the attention of the able Senator from South Dakota [Mr. McGOVERN] to these words by the Senator from Virginia—

> that of the $20 billion increase in the cost of the Federal Government since the end of the Korean war in 1953, $17 billion has been for strictly domestic-civilian programs, projects, and purposes, and interest.

In other words, $17 billion of the $20 billion increase has not been for defense.

The Senator from Virginia also said:

> This $17 billion increase excludes the cost of military functions, foreign aid, and trust fund programs such as those for social security, highways, and the Federal National Mortgage Association. Federal spending for domestic-civilian purposes and interest in the coming year is estimated at $38.4 billion.

I felt that that quotation was pertinent to the colloquy between the distinguished Senator from South Dakota [Mr. McGOVERN] and myself, and I wished to obtain the exact figures on that point. I have been pleased to supply this information for the RECORD, and also for the benefit of the Senator from South Dakota.

Mr. McGOVERN. Mr. President, will the Senator from South Carolina yield to me, if it is agreed that he may do so without prejudice to any of his rights, including his right to the floor?

Mr. THURMOND. Yes, if I may do so on the same ground on which I previously have yielded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I thank the Senator from South Carolina for bringing this information to the attention of the Senate.

However, I believe he would agree that when he refers to the end of the Korean war period, he is referring to a period when our defense spending was at a very high level, for we were then engaged in a very important military conflict. Therefore, it is quite natural that since that time there has not been a major increase in military spending. Furthermore, in view of the fact that expenditures with which to meet some of the civilian needs of the country were postponed both during World War II and during the Korean conflict, it would be quite natural that expenditures for some of those programs would increase in the peacetime period.

I also wish to call attention to the long-term trend in spending on the Federal level. It is true that during the past 25 years there has been a very sharp increase in military spending as a proportion of our Federal expenditures and a very sharp decrease in the proportion of the Federal budget devoted to what the Senator from South Carolina described a while ago as welfare purposes.

A while ago I made an estimate, based on my recollection; and I think the Senator from South Carolina will find that it is correct; namely, that when we were attacked at Pearl Harbor, on December 7, 1941, we were then spending approximately 35 percent of our entire Federal budget on welfare purposes. Today, despite the increases to which the Senator from South Carolina has referred, we spend only approximately 7 percent of the entire Federal budget on those programs. I do not think that is an unreasonable proportion of the Federal tax dollar to devote to those programs, which increase our education and health programs and make life more satisfying and enjoyable for all our citizens.

Neither do I question the need for a very high level of spending for defense purposes, because I believe, as does the Senator from South Carolina, in a strong national defense.

I thank him for yielding to me.

Mr. THURMOND. Mr. President, in my judgment we must give priority to a strong national Defense Establishment, for our survival depends upon it.

I believe that we ought to trim other expenses to where they will come within the budget, and the budget should come within the expected income. If we are going to spend more than that, we ought to have the courage to increase taxes.

I do not believe it is right for this generation to be issuing the notes, mortgages and bonds of our Government and thus spend the substance that belongs to the next generation. That is what we are doing by issuing such obligations and spending more than we take in.

Mr. President, we were in the Korean war from 1950 to 1953. During that period there may have been some programs that the Senator feels were neglected. But I did not hear very much about things being neglected at that time. The income of the country has been large. We have the largest gross national product now that we have ever had. The gross national product is over $600 billion. The gross national product in Russia alone is only slightly over $200 billion. The entire Sino-Soviet bloc gross national product is something over $400 billion. In other words, the gross national product of the entire Sino-Soviet bloc—all the countries behind the Iron Curtain—is something over $400 billion. The gross national product of the United States is over $600 billion. We have the largest per capita income today that the country has ever had. Our people are the best fed, the best clothed, and the best housed people in the world. The people of this country have more conveniences and more luxuries than any other people in the world. This country owns 75 percent of all the automobiles in the world. It owns 75 percent of all the televisions in the world. It has over half the railroad mileage and improved highway mileage. We are the richest country in the world. If right now—in so-called peacetime, even though there is a cold war going on—when we have the largest per capita income, we cannot balance our budget, I do not know when we can ever expect to balance the budget.

That is one reason I voted against the tax cut. I do not believe that we, the generation that is now living, should benefit from a tax cut, and put a debt on the children that are coming on in future generations. Every generation ought to pay its own way, unless some extreme emergency makes it absolutely necessary that we spend more than we take in. Of course, such emergency demand might occur during a war. But at other times, we ought to pay as we go.

Mr. President, I wish there were an amendment in the Constitution of the United States similar to the amendment in the constitution of South Carolina, which requires the legislature to balance the budget and to keep it balanced. If the legislature spends more in 1 year than is taken in, the legislature must impose additional taxes to make up the amount the following year.

I believe that we are going too far in this regard. I do not believe that we can afford to weaken our national defense. Reductions must come in other ways.

My judgment is that the figures of the Senator from Virginia [Mr. BYRD] show clearly that since the Korean war ended, $17 billion of the $20 billion increase in the cost to the Federal Government has been for nondefense expenditures. It is my opinion that that amount is entirely out of proportion. I think there are many ways in which we can reduce the expenses of our Government, and I believe that we have a duty to do so. We have the responsibility to do it. We may continue to spend and spend, but some of these days we shall reach the end of our spending. How much longer can we go? We have been going in debt $5 to $10 billion a year, year after year. How much longer can this last? Five years, ten years? How long? I ask the question, How long? I think we ought to discontinue it immediately, balance the budget, and pay our way as we go through the world, and not put the debt on the young people who are coming on.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the Senator from Arkansas on the same basis on which I yielded to him previously.

Mr. McCLELLAN. Does not the Senator agree with me that one of the difficulties about balancing the budget is that we keep incurring new obligations, we pass new laws that call for additional spending, and therefore, instead of trying to cut expenses, we actually incur additional obligations that increase expenses? My thought has been that we should stop enacting new laws calling for new programs and new expenditures until the economy catches up with the current obligations that we must meet each year. If we do that, we can balance the budget. But we shall never balance the budget if we continue to pass new laws providing new programs and new services and incurring additional obligations, and keep the obligations ahead of the revenues that are anticipated and that can reasonably be expected each year.

I think the solution to balancing the budget is to hold the line on new proposed legislation. If we should do so, with the economy rising, and the gross national product increasing each year, our revenues then would meet the current obligations of the Government. But if we continue to enact new laws, increasing by $1 billion, $2 billion, or $3 billion a year obligations of the Government that it does not now have, we shall never be able to catch up and balance the budget. I believe that is our problem.

Mr. THURMOND. I concur in the statement of the Senator from Arkansas. We should discontinue passing new laws which create new responsibilities and cause us to continue to go into debt, as we are doing. If we pass the so-called civil rights bill, the law will require enforcement. Hundreds, and perhaps thousands, of people would be employed for its enforcement. I can visualize that millions of dollars more expense will be incurred by our Government in trying to enforce this unreasonable, impractical, unconstitutional and vicious piece of legislation that is calculated to bring tyranny to the people.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart entitled "Federal Expenditures—Fiscal Years 1954–65," which was furnished by the committee of which the Senator from Virginia [Mr. BYRD] is chairman.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Federal expenditures, fiscal years 1954–65, broken categorically to show national security, foreign aid, etc., and domestic-civilian

[In millions of dollars]

	Actual										Estimate	
	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
National security:												
Military functions	40,326	35,531	35,792	38,436	39,070	41,223	41,215	43,227	46,815	48,252	50,900	50,000
Atomic energy	1,895	1,857	1,651	1,990	2,268	2,541	2,623	2,713	2,806	2,758	2,800	2,735
Defense-related services [1]	1,136	1,015	670	582	709	387	244	104	92	24	197	44
Subtotal, national security	43,357	38,403	38,112	41,008	42,047	44,151	44,082	46,044	49,713	51,034	53,897	52,779
Foreign aid:												
Military assistance	3,629	2,292	2,611	2,352	2,187	2,340	1,609	1,449	1,390	1,721	1,400	1,200
Economic and other	1,511	1,960	1,613	1,683	1,910	3,403	1,477	2,126	2,372	2,041	1,897	1,705
Subtotal, foreign aid	5,140	4,252	4,224	4,035	4,097	5,743	3,086	3,575	3,762	3,762	3,297	2,905
International affairs	221	221	240	290	322	376	354	374	446	547	550	542
Total, other than domestic-civilian	48,718	42,876	42,576	45,333	46,466	50,271	47,522	49,993	53,921	55,343	57,744	56,226
Domestic-civilian:												
Space research and technology	90	74	71	76	89	145	401	744	1,257	2,552	4,400	4,990
Agriculture and agricultural resources	2,573	4,388	4,868	4,546	4,419	6,590	4,882	5,172	5,881	6,954	6,070	4.907
Natural resources	1,317	1,203	1,105	1,298	1,544	1,670	1,714	2,006	2,147	2,352	2,483	2,588
Commerce and transportation	1,219	1,225	1,892	1,313	1,631	2,017	1,963	2,573	2,774	2,843	3,151	3,069
Housing and community development	−628	136	−10	−118	30	970	122	320	349	−67	−191	−317
Health, labor, and welfare	2,122	2,165	2,462	2,632	3,059	3,877	3,690	4,244	4,538	4,789	5,533	5,832
Education	326	377	343	437	541	732	866	943	1,076	1,244	1.348	1.691
Veterans' benefits and services	4,341	4,522	4,801	4,870	5,184	5,287	5,266	5,414	5,403	5,186	5,362	5,081
Interest	6,470	6,438	6,846	7,307	7,689	7,671	9,266	9,050	9,198	9,980	10,701	11,101
General Government	1,226	1,166	1,576	1,738	1,284	1,466	1,542	1,709	1,875	1,979	2,238	2,238
Allowances for "attack on poverty," civilian pay and contingencies	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	250	1,094
Total, domestic-civilian	19,054	21,694	23,963	24,100	25,470	30,426	29,711	32,176	34,499	37,812	41,346	42,274
Grand total	67,772	64,570	66,539	69,433	71,936	80,697	77,233	82,169	88,420	93,155	99,090	98,500
Deduct interfund transactions	−235	−181	−315	−467	−567	−355	−694	−654	−633	−513	−685	−600
Total (excluding trust funds)	67,537	64,389	66,224	68,966	71,369	80,342	76,539	81,515	87,787	92,642	98,405	97,900

[1] Includes stockpile, defense production, civil defense, etc.

Source: Federal budget document, fiscal year 1965.

RESOLUTIONS OF CHURCHES ON THE CIVIL RIGHTS QUESTION

Mr. THURMOND. Mr. President, I am pleased to call to the attention of my colleagues two resolutions which have been sent to me from South Carolina and also a statement by one of the most distinguished ministers in the Southern Baptist Convention, Dr. Leslie W. Edwards, pastor of the Kilbourne Park Baptist Church in Columbia, S.C. All of these statements are concerned with the pending so-called civil rights legislation.

The first is a resolution approved by the Elko Baptist Church in Elko, S.C., the hometown of my late wife, Jean Crouch Thurmond. This resolution was proposed by Dr. Lang W. Anderson and Mr. Paul S. Green, Jr., and was approved by the church in conference on May 3, 1964. The other resolution likewise contains a strong expression of opposition to the pending legislation and was approved by the Civitan Club of Myrtle Beach, S.C., on May 5, 1964.

Mr. President, I ask unanimous consent that the two resolutions and the statement by Dr. Edwards be printed in the RECORD at the conclusion of my remarks.

There being no objection, the resolutions and statement were ordered to be printed in the RECORD, as follows:

RESOLUTION BY ELKO, S.C., BAPTIST CHURCH

We, the members of the Elko, S.C., Baptist Church, meeting in church business session on Sunday night, May 3, 1964, do hereby go on record in opposition to the so-called civil rights bill now being debated before the U.S. Senate because of the following reasons:

First, it completely nullifies and destroys our Constitution of the United States of America for which our forefathers toiled, sweated, bled, and died in order that we, their posterity, may live and enjoy the privileges of freedom and the pursuit of happiness.

Second, the forced integration of the white and Negro races will only lead to turmoil and strife where peace and harmony prevailed before the coming of the political and communistic intervention.

Third, we deplore and resent our President of the United States, Mr. Lyndon B. Johnson, in requesting some members of the Southern Baptist Convention who were meeting in Washington, D.C., to work for the passage of the illegal civil rights bill which will be our ultimate destruction if enacted.

Fourth, contrary to some misguided belief, we of the Christian faith believe in the fair treatment and the progress of all mankind, but not by the oppressive discrimination and unfair treatment of other groups as advocated by the Communists and the block-voting politicians.

Fifth, it is obvious as well as self-evident that the turmoil and strife being promulgated in our Nation by the Negro race was initiated, promoted, and financed by the Communists and by others who have been brainwashed and misguided, and that their primary objective is to destroy all human rights, personal, family, property, and religion.

We also go on record as vigorously opposing the lowering of racial barriers in all our Baptist institutions in the State of South Carolina.

Further, we go on record commending our two beloved U.S. Senators, STROM THURMOND and OLIN D. JOHNSTON, and Congressman ALBERT WATSON, for their untiring efforts in opposing the civil rights bill now pending in Congress. We are in complete agreement that the civil rights bill should be defeated.

Resolved, That a copy of this resolution be sent to our two Senators and our Congressman, and that a copy be sent for publication to the Williston Way, the Barnwell People's Sentinel, the Augusta Chronicle, the State, and the Columbia Record, and to the president of our South Carolina Baptist Convention.

(NOTE.—This was jointly submitted by Dr. Lang W. Anderson, M.D., and Paul S. Green, Jr., a mail carrier of the Williston Post Office, and submitted to the deacons who in turn submitted such to the church for approval.)

PROTECT FREEDOM'S FUTURE

(Resolution by Myrtle Beach (S.C.) Civitan Club)

Whereas the Myrtle Beach Civitan Club is dedicated to the building of good citizenship and to the protection of freedom's future; and

Whereas we are, therefore, gravely concerned and deeply disturbed over the proposed legislation now pending before the Congress and known as the civil rights bill; and

Whereas we are disturbed and concerned because the provisions of this proposed legislation would attempt to give lawful sanction for a totally powerful National Government and its officers and employees to intervene in practically all private affairs among men, and to control and adjust property uses and relationships in accordance with the judgment of governmental personnel; and

Whereas it is our opinion that such legislation would inevitably lead to encroachments upon the liberties and freedoms which all Americans hold dear; to destroy, in the name of civil rights, the rights, freedoms, and liberties of homeowners, businessmen, professional men, and all persons other than those who by the terms of this legislation would become the special favorites of the law, is to endanger the very fundamentals and undermine the foundations of the American way of life, which has meant, and can continue to mean, so much to every person, regardless of creed, color or origin, who has been, or will be, fortunate enough to live under the flag of this great Nation: Now, therefore, be it

Resolved by the Myrtle Beach Civitan Club, Myrtle Beach, S.C., That we do hereby go on record as being opposed to the enactment of the so-called civil rights bill of 1963 and that we urge the Congress to reject this proposed legislation; and be it further

Resolved, That copies of this resolution be sent the Senators and Representatives from South Carolina with the requests that they provide the appropriate committees and Members of Congress with copies thereof.

Adopted this 5th day of May 1964.

A REALISTIC APPROACH TO THE CIVIL RIGHTS QUESTION

(Statement by Dr. Leslie W. Edwards, Kilbourne Park Baptist Church, Columbia, S.C.)

The explosive civil rights question has become, perhaps, the most confused, emotional, and misunderstood problem facing our Nation in this age. Prejudice and emotionalism have supplanted reason and the Constitution in its consideration, and the issue has come to embrace far more than true civil rights. Underlying its discussion is the political desire for or fear of minority bloc voting, which is the possibility of a close election is a real factor. Self-righteousness on the part of those least concerned with the actual problem leads to "do-goodism," participation in demonstrations and disgraceful acts against the public safety and good by citizens of one part of the country in areas which they do not understand or care for.

The South has become the target of the rest of the country in criticism, condemnation, and punitive action. Yet it is in the South that minority groups have made the greatest progress in the whole world in the last 50 years, and that relationships have been warm and friendly between racial groups. Significantly most of the violence, rioting, and dissension has been in northern areas of the United States where technically the problam "legalistically" had been solved.

As an illustration, the recent events at the opening of the World's Fair, clearly reveal the discrimination in vogue against the South. The same actions which were condoned by antisoutherners when taking place in the South were condemned when applied in New York City. The necessity of policemen using their nightsticks in New York was condoned as being right in the face of resistance to arrest, where in the South such measures are emblazoned in headlines as "police brutality." Demonstraters are given the right to invade private businesses in the South, but when such action was taken at the World's Fair demonstraters were arrested for "invasion of private property." It is strange that the Army could be used to enforce the admission of one student to the University of Mississippi, while in Florida white citizens were abused and beaten with no action taken by the Federal Government on their behalf.

It is time that a moratorium be called for a real appraisal of the whole question. The present civil rights bill before the Senate is being considered in the light of prejudice, emotionalism, and political gain rather than with a reasonable understanding of the issues involved and the extreme danger to our country if this bill is passed. To do so, the area of civil rights must be defined and distinguished from social and cultural amalgamation. The guaranteed rights of the States must be considered and preserved if the Union is to endure. The rights of the majority should be considered and protected as well as the rights of minority groups.

The real area of civil rights is a rather limited one. It applies to the rights of a citizen guaranteed to him by his Government as the right to life, liberty, and the pursuit of happiness. In this area comes the right of the individual to equal protection of the law, freedom from enslavement, opportunity to participate (qualified by his ability and meeting of certain requirements) in his government. In this area is also the guarantee that a man shall be entitled to the security and use of his private property without seizure or hindrance. Further than these simple guarantees the Government cannot properly go if it deals constitutionally and legally with civil rights.

In other areas under fire, civil rights advocates are departing from the field of guaranteed rights and are invading the inalienable and moral rights of citizens. It must be remembered that no man is entitled to that which he does not merit or achieve by his ability, character, and industry. To give to, or take from, any group of citizens otherwise is to do violence to the age-old rule of earning by one's own efforts his place in society.

Inequities exist even in groups of the same ethnic origin. Some attain affluence, some do not. Some live in fine houses, some in hovels. Some become business leaders, some remain workers. Some are elected to political leadership, others are not. All of it is dependent upon merit, achievement and ability, and to attempt to erase these inequities by law would do violence to reality and to the system of free enterprise.

There is no suppression in the United States of any individual in his right to achieve respect and advancement. In the South, contrary to the charges of many outside its borders, men and women of minority groups have achieved success and respect by their worth and ability. George Washington Carver, Booker T. Washington, Mary McLeod Bethune, and many others are outstanding examples of this fact. In the North and West this same thing holds true. Men and women of minority groups have entered the professions, become business leaders, elected to governmental positions, acquired wealth and property, and have earned the respect of those about them by their worth, character, and industry.

Where there has been discrimination—North and South, East and West—it has been due to factors which legislation cannot solve, but which can and will be overcome by the evolution of education and attainment by merit. Job discrimination is due to economic, training, ability factors as well as, perhaps, the right of the employer to choose those whom he desires as employees. Voting rights are given only to qualified voters in all sections of the country, not simply to every person indiscriminately. Where voting discrimination does exist, and this is rare, local factors and abilities need consideration.

There are certain rights which are above and beyond legislation; which are inherently by nature, desire, tradition, and reality every man's and which will not be lightly surrendered.

There is, first, the right of each race to maintain its own integrity and purity. This is ingrained within each race from the beginning of time. The Jewish people were commanded to maintain their integrity and purity and were punished when they took alien wives. Other nations have found, to their sorrow, that amalgamation of races brings weakness and loss. Even now races, majority or minority, on the whole reject mixing of the races and tend to ostracize those who marry outside their own race. This is true of all nature, where there is resistance to mixing of the species.

There is, too, the right of any group to protect its own culture and cultural attainments. In this field comes education, church, and cultural institutions and groups. Minority groups differ from majority groups in attainment, cultural standards and aims, understandings. Such does not brand one, necessarily, as inferior or superior, only as different. The American Indian maintains his tribal culture; orientals are strict in their adherence to their culture; Jewish people cling to their traditions and practices; even among the white people there is a difference in culture between north, south, and west which each strives to maintain. It is damaging to each group to try to inject him into the culture and attainments of another more dominant and larger group, and is destructive to the life and pride of each one.

Again, there is the inherent right to the choice of associates and to the choice of associates for one's children. It is only natural that those of like tendencies, common interests, mutual outlook seek each other's company. All society is strongly segregated in such groups. Denominational church groups maintain their own grouping according to their doctrinal and organizational beliefs. Political parties remain separated according to their viewpoints and beliefs. Civic clubs, cultural societies, fraternal organizations remain separate from each other according to interest and congeniality. Individuals seek out their own particular little group for social activities in accordance with their common interests and congeniality.

The right to choose one's associates is basic and natural, and no legislation can alter or change this right. And the natural desire of parents to see that their children have the best associates and environment is natural and right. It is contrary to all that is inherent in parental responsibility and care for their children to force them to associate with those whose customs, culture, and interests are apart from their own background and heritage.

Another basic right of the individual is that of the use and enjoyment of his own property. That man who, through sheer ability, investment of his money, and hard work, creates for himself a business in all justice should have the right to conducting that business without Federal or other outside intervention. When he is told whom he can or cannot serve, whom he must employ or cannot employ, what he can or cannot do in his business, apart from conducting it in a legitimate way, it becomes seizure of private property and Federal control of the worst sort. He becomes no more than the manager of a business for an absentee landlord (the government) and the spirit of free enterprise is lost. Such becomes another step toward socialism and the control of all business by a socialistic government.

Nor can it be forgotten that an individual has the right, through community cooperation, to maintain the nature and value of his real property. His home represents a large investment and by all fairness he has a right to maintain the kind of community and the residents about him who will insure the value of that investment. When he is denied the right to choose his associates in his community by governmental interference, this becomes Federal seizure of property and forced depreciation of his earned wealth.

The present policy and program of the civil rights agitators of today will, if adopted, be a step toward the disintegration of our national strength and unity, and will bring this Nation closer to disaster. Nothing would please the Communists more than to have the present civil rights struggle result in the enactment of the proposed law before the Congress, for this would be another step toward their conquest of our country.

Mr. THURMOND. Mr. President, I also request unanimous consent that Arthur Krock's column "In the Nation," be printed in the RECORD at this point.

I am most pleased that the New York Times is finally realizing that there are certain dangers in the civil rights bill.

This is the position that I took months ago. I congratulate the Times and wish to comment, "Better late than never."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE 13TH AMENDMENT AND THE EQUAL RIGHTS BILL

(By Arthur Krock)

WASHINGTON, May 6.—Barbering is among the intimate personal services which, under title II of the pending equal rights bill, may not be refused to an applicant as an act of racial discrimination that can be established to the satisfaction of a judge; or—as a prospective revision provides—of a jury if the judge imposes a penalty more severe than that for petty misdemeanors. But before this and kindred compulsions have been legislated, students at two New Jersey colleges and elsewhere are picketing and using other pressures on local barbers to coerce them into compliance.

These events in current combination lend particular pertinence to a profound study of the constitutionality of legislation limiting freedom of choice in personal occupations that was published in the 1964 winter issue of the Cornell Law Quarterly. The conclusions of the author, Dr. Alfred Avins, are that the ban of the 13th amendment against involuntary servitude guarantees to "every person the right to refrain from working for any other person;" and that this guarantee covers "barbers, hotel clerks, shoe-shine men, sales clerks, waiters and waitresses just as much as * * * fieldhands, cotton-pickers and farm laborers."

The 13th amendment has been scrupulously bypassed by the drafters of the equal rights bill, who instead selected the 14th and the commerce clause of the Constitution as its legal foundations. The article by Dr. Avins, a professor of jurisprudence at Cambridge University in England—formerly of constitutional law at Chicago-Kent College—strongly suggests that the reason for this avoidance of the 13th is its sweeping and embarrassing conflict with the Federal compulsions of personal services in title II.

After a detailed tracing of the words "involuntary servitude" from their use in the Northwest Ordinance of 1787, through their incorporation into a number of State constitutions, and eventually in the 13th amendment, Dr. Avins' summation is that in approving the latter, Congress enacted liberty instead of enacting equality. And he applied this historical record as follows to the proposed limitations of Title II on freedom of choice in personal occupations:

"It is one of the compelling ironies of history to find that in 1964 Negroes are demanding laws to compel whites to serve them in the very same occupations which they themselves were freed from serving whites in 1863, and demanding this under the name of "freedom." Thus, a century ago, the Emancipation Proclamation decreed that Negro waiters and waitresses would no longer have to serve college students; now, a hundred years later, Negro college students are demanding laws to compel white waiters and waitresses to serve them.

THE SUPREME COURT'S DEFINITION

"A century after Negroes were freed from the involuntary servitude of cutting the hair of whites (we find) a demand from their descendants that whites be forced by law to cut their hair. The 13th amendment makes no distinction as to who enforces * * * labor * * *. As the Supreme Court has eloquently declared—

The plain intention (of the language of the 13th) was * * * to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit which is the essence of involuntary servitude.

In the surge of pressures inspired by political considerations and internal struggles for Negro leadership as well as by a fine ideal of egalitarianism, not very many of those involved are likely to read Dr. Avins' detached analysis of the constitutional issue. And those who read it are not likely to be impressed by its cold logic. Moreover, they have read the recent Supreme Court decisions on issues of racial discrimination as surely foreshadowing findings that the subsequent 14th amendment and/or the earlier commerce clause supervene the protections of freedom of choice in personal services asserted in the Court's still-standing constructions of the 13th.

But meanwhile Dr. Avins has impressively done as much as can be done in print to project into the debate on the equal rights bill a great constitutional issue it poses; and one which has been carefully avoided or strangely neglected.

Mr. THURMOND. Mr. President, I yield the floor.

AMENDMENT NO. 581

During the delivery of Mr. THURMOND's speech,

Mr. TOWER. Mr. President, will the Senator from South Carolina yield, with the understanding that he will not thereby lose his right to the floor or any of his other rights? I wish to submit an amendment to be printed.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield, for that purpose, to the Senator from Texas, with the understanding that I will not thereby lose my right to the floor, and also with the understanding that my subsequent remarks will not be counted as a second speech by me, and with the further understanding that the remarks of the Senator from Texas will be printed in the RECORD separately from my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, on behalf of myself and the Senator from South Carolina [Mr. THURMOND], I submit an amendment to title VII of House bill 7125. The amendment is designed to clarify not only the present wording of the bill, but also to make very clear an issue which has arisen in connection with the National Labor Relations Act.

My amendment provides that nothing in this act, or in any other statute of the United States, shall be construed to prevent an employer from permanently going out of business, in whole or in part, for any—and let me emphasize that word "any"—reason or to render permanently going out of business, for any reason, an unfair labor practice under the National Labor Relations Act or an unlawful employment practice under this Civil Rights Act.

This amendment is vitally needed, Mr. President, because as strange as it seems there has been doubt expressed in the bureaucracy about whether or not a man has a right to go out of business in this free Nation.

The point is clearly made by the National Labor Relations Board, which is at this moment asking the Supreme Court to rule that it can be an unfair labor practice to go out of business. The NLRB action is taken despite an opposite ruling by the Fourth U.S. Circuit Court of Appeals.

Since the National Labor Relations Board is a virtual bureaucratic twin of the Equal Employment Commission envisioned by title VII of the currently pending act, I feel it is quite obvious that such a Commission might be tempted to rule, like its twin, that it is an unfair practice to go out of business. The terminology of the bill would make it an unlawful employment practice to go out of business for some reason the bureaucrat does not like.

I am sure, Mr. President, that some will rise here to proclaim that "it just can't happen under this lucid and clear civil rights bill." But I am equally sure that when the National Labor Relations Act was adopted, no one had any idea that an employer had to continue risking his capital and his personal efforts in a business if, for any reason, he chose to go out of that business. Yet today that point has been pressed by the bureaucracy to the very Supreme Court chamber.

Mr. President, if we do, indeed, live under a genuine free enterprise system, then certainly the most fundamental right of an employer is, or should be, that he is free to quit.

I cannot say that I am particularly surprised at the action of the National Labor Relations Board in taking this position against free enterprise and individual rights. I have been dissatisfied with the National Labor Relations Board operations for many years during which that bureaucracy has gone far beyond the scope intended for it by the Congress.

As I said earlier, I see clear evidence that the Equal Employment Commission, under this Civil Rights Act's title VII, would be the same sort of operation as the National Labor Relations Board.

What particularly concerns me is that the Solicitor General's Office of the Department of Justice, representing the national administration, has joined in asking the Supreme Court to consider the National Labor Relations Board view that going out of business is unfair. If such a doctrine should be adopted by the Supreme Court—and many of us no longer are surprised at anything that Court does—the National Labor Relations Board and the soon to be born Equal Employment Opportunities Commission would become the ultimate arbiters of whether a man faced with an unprofitable business can be forced to stay in business until his capital and resources are exhausted and he himself goes bankrupt.

We must take notice, Mr. President, that under this view of the National Labor Relations Board and Justice Department, any complaint by a union or a rejected employee can be interpreted as the result of the employer's bias against unions or against the minority group to which the employee belongs.

My amendment would limit this excessive power now being sought by the bureaucracy and would rightfully leave the liberty of going out of business to the businessman, not transfer that decision to an executive board responsible through the voters to neither employee nor employer.

Now, Mr. President, this matter of a man not having a right to go out of business is pointed up by the case of Darlington Manufacturing Co. against the National Labor Relations Board. In this case, the National Labor Relations Board found that the company went out of business because of an antiunion bias and that this going out of business was an unfair labor practice. The National Labor Relations Board ordered the firm to pay all discharged employees until they got new jobs equal to the ones they lost. It later was suggested that the firm be required to reopen the closed plant.

Fortunately, the Fourth Circuit Court of Appeals ruled against the National Labor Relations Board and upheld the right of an American to quit business whenever he wants for any reason. My amendment seeks to reaffirm that right and to spell it out so that no court can have future doubt of legislative intent in this area.

The circuit court held that the fundamental purpose of the National Labor Relations Act is to preserve and protect the rights of both industry and labor as long as they are in the relationship of employer and employee, but the statute's scope does not exceed that province. It does not compel a person to become or remain an employee. It does not compel a person to become or remain an employer.

I point out to the Senate that if the reversal of that court of appeals view occurs, it will be possible not only for an executive bureau to order an employer to remain in business, but also to order a worker to remain at work.

Such a denial of individual liberties by a Government that is supposed to serve people, not enslave them, is inconceivable to me. Therefore, my proposed amendment.

The way for this Congress to preserve the liberty of this Nation is to jealously guard and preserve the liberty of individuals. One of the liberties of the free enterprise system is the right to risk capital and to withdraw capital.

It is unthinkable for Government to tell Americans that they must stay in business and lose money. If Government can force citizens into bankruptcy, it can force them into absolute dependency.

I note that this bill we consider here today is not entitled or intended to be the "Federal dependency bill of 1963." It is called a civil rights bill. It seeks to preserve individual liberties.

Let us then include among those precious liberties the right of a man to go out of business for any reason.

Mr. President, I ask unanimous consent that there may be printed at this point in my remarks the opinion of the circuit court as written by Judge Bryan:

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

FULL TEXT OF OPINION BY CIRCUIT JUDGE BRYAN

The National Labor Relation Board in these consolidated cases has made these pivotal decisions.[1]

1. Darlington Manufacturing Co. committed an unfair labor practice under the National Labor Relations Act, Section 8(a)(3)[2]—forbidding discrimination in regard to tenure of employment—by closing and liquidating its only plant, and discharging its employees, in 1956, because of the election of Textile Workers Union of America, AFL–CIO, as bargaining representative for the employees;

2. Darlington must pay all of such discharged employees their wages, less current net earnings, "until the discharged employees are able to obtain substantially equivalent employment" or until they are put on a preferential hiring list by Deering Milliken, Inc.; and

3. Deering Milliken, Inc. and its affiliates are liable for the payment of these wages on the ground that Darlington, with others, was such an affiliate of Milliken and together they constituted a single employer.

In petition No. 8790 Darlington and Milliken seek to vacate these Board orders. In No. 8861 the union, which was the charging party before the Board, prays that the orders be enlarged to require also the reopening of the Darlington plant with reinstatement of the employees, and that Roger Milliken, president of both Darlington and Milliken, notwithstanding the contrary decision of the Board, be held personally liable to satisfy the orders. In No. 8906 the Board seeks enforcement against Milliken of the Darlington liability.

As these actions have common issues they have been argued and considered together. We decline to enforce these orders of the Board against Darlington and Milliken.

CORPORATE STRUCTURE

Darlington, chartered under the laws of South Carolina, operated a print cloth mill there, manufacturing and selling cotton greige goods. It had no other plant. In 1937 Darlington went through a section 77B bankruptcy proceeding, 11 U.S.C. 207 (1937 ed.). Milliken, then known as Deering Milliken & Co., Inc., as one of the largest creditors, received in payment of its debt about 41 percent of Darlington's common stock. When Darlington was liquidated in 1956, as previously mentioned, there were outstanding 150,000 shares of common stock owned as follows:

	Percent
Deering Milliken & Co., Inc	41.4
Cotwool Manufacturing Corp	16.3
Roger Milliken and members of his immediate family	6.4
Directors and employees of Deering Milliken & Co	2.9
Outsiders of non-Milliken family or interests (about 100 stockholders living in South Carolina, 50 in New York, and more than 50 scattered over the United States	31.0
Total	100.0

In March 1956 the union commenced a campaign to organize the Darlington employees and to become their bargaining representative. An election conducted under the direction of the Board was called for September 6, 1956. The union won, 258 to 252.

On September 12 Darlington filed objection to the election. A conference was requested on the same day by the union to discuss a collective bargaining agreement. The request was refused by Darlington on the ground the election protest had not been decided and the union had not been certified.

Also on September 12, the board of directors met, with all of them present. Following a brief discussion of the business status of Darlington, they resolved to recommend to the stockholders the liquidation and dissolution of the corporation. A meeting of the stockholders to act upon the resolution was called for October 17. Employees of Darlington were at once told of the recommendation. While no new ones were accepted, the plant continued to fill the orders then on hand. The objection of Darlington to the election was overruled on October 8, and the union shortly certified as the bargaining representative.

With the stockholders on October 17 adopting the recommendation of the board of directors by a vote of 134,911 shares to 37,774, the officers proceeded with the liquidation. Discharge of employees occurred over a span of about 6 weeks; from 510 employees on October 13, the payroll dropped to 460 on October 20, to 345 on October 27 and to none when the plant closed on November 24. The machinery and equipment were sold at auction on December 12 and 13, 1956. Since that time Darlington has not operated any plant in South Carolina or elsewhere.[3]

Deering Milliken & Co., Inc.'s capital stock was owned in a majority amount by the members of the Milliken family. In addition they were the major (but by no means the only) shareholders in Darlington and in certain other textile corporations. The latter are the corporations referred to by the Board and in this opinion—somewhat imprecisely—as "affiliated corporations" of Milliken. Prior to 1960 Deering Milliken & Co., Inc., was not a manufactory. It was the exclusive sales representative of the producing corporations controlled by the Milliken family.

In June 1960 Deering Milliken & Co., Inc., was merged into the Cotwool Manufacturing Corp., and the latter's name then changed to Deering Milliken, Inc., herein known as Milliken. A majority of its stock was owned by the Milliken family. After the merger Milliken carried on the textile manufacturing formerly pursued by Cotwool.

FINDING OF BOARD

The finding of the Board—that the decision to close the mill was an unfair labor practice under section 8(a)(3)—was spelled out in this way:

"Darlington discriminated in regard to its employees' tenure of employment by closing its plant—thereby discharging the employees—and, because the plant closing was the direct result of the employees' selection of the charging union as their collective bargaining representative, Darlington's retaliation against the employees for the activities in behalf of the union discouraged the employees' continued membership in the union."

Abridged and as pertinent here the terms of section 8(a)(3) are these:

"It shall be an unfair labor practice for an employer—by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization."

In this determination the Board acknowledged, as the trial examiner had found, that there were economic considerations sufficient in themselves to support the decision by Darlington to terminate operations. However, both the examiner and the Board concluded that "the decision to close the mill was not a fact based on economic factors, and that, but for the union's election victory, that decision would not then have been made."

Upon this premise the Board declared all the closure discharges to be unlawful, justifying the usual remedy of reinstatement and reimbursement for loss of pay. But with the shutdown complete and permanent reinstatement not achievable, the relief was necessarily directed primarily to restitution of wages. The monetary redress was awarded by the Board as follows:

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[1] 139 NLRB 241, decided Oct. 18, 1962, 51 L.R.R.M. 1278.

[2] 29 U.S.C 158(a)(3).

[3] A concise history of the proceedings in this case appears in Judge Haynsworth's opinion for this court in *Deering Milliken, Inc.* v. *Johnston,* 295 F. 2d 865, L.R.R.M. 3162 (1961).

"We shall therefore order the respondent, Darlington, to provide backpay until the discharged employees are able to obtain substantially equivalent employment."

Further, the Board overruling the trial examiner found that "Darlington occupied a single-employer status with Deering Milliken and its affiliated corporations." On this basis Milliken and its affiliates were declared "liable for backpay to the same extent as we have heretofore directed with respect to Darlington" and were ordered to place the discharged employers on a preferred hiring list. Additionally, Milliken was commanded to offer employment to these discharged workers in its other mills in South Carolina or nearby States, without prejudice to their seniority and other privileges.

All of these orders were qualified by the proviso that if no work was available at the Milliken mills, then the accumulation of backpay would be tolled as and when the dischargees were put upon Milliken's preferential hiring list.

EMPLOYER'S PREROGATIVE

1. Our opinion is that the decision to close the plant was not an unfair labor practice. In this we accept the findings of fact made by the Board. While, as just observed, the evidence discloses substantial economic reasons warranting the determination to close the plant without reference to the entry of the union into the plant, we accede arguendo to the contention of the Board that these reasons were not acted upon. Even if they were, however, we shall assume, again arguendo, with the Board that if unionization also played a part in the resolve to close the plant, then the contribution of this factor may be considered as responsible for the cessation.

To go out of business in toto, or to discontinue it in part, permanently at any time, we think was Darlington's absolute prerogative. The fundamental purpose of the National Labor Relations Act is to preserve and protect the rights of both industry and labor as long as they are in the relationship of employer and employee. But the statute's scope does not exceed that province. It does not compel a person to become or remain an employee. It does not compel one to become or remain an employer. Either may withdraw from that status with immunity, so long as the obligations of any employment contract have been met. Such withdrawal, alone, and of itself, does not create any obligation of either the employer or the employee to the other under the act. Cf. Dissenting opinion of Board Member Rodgers in the present case. If a cessation of business is adopted to avoid labor relations, the proprietor pays the price of it; permanent dissolution of his business, in whole or in part. A statute authorizing an order forcing the continued pursuit of operations in these circumstances would be of doubtful validity. Consider the consequences of an attempt to punish as contempt a violation of such an order and its fatal infirmity is revealed; the proprietor would be jailed or otherwise penalized for not reopening a demised business or reinstating employees.

Of course, the right of discontinuance which we here uphold, means an actual, unfeigned and permanent end of operations—not a removal, nor subcontract, nor a change merely in the form of the corporate entity. No ruse or subterfuge is suggested here. Darlington's was an absolute desistence, not a temporary intermission as apparently was contemplated in *N.L.R.B.* v. *Norma Mining Corp.*, 206 F. 2d 38, 32 LRRM 2466 (4 Cir. 1953). There was no provisional lockout, the mill was not transplanted elsewhere, and its sale was concededly entire, bona fide and irrevocable. The trial examiner demonstrated beyond debate that Darlington was not a "runaway" plant—that is, a plant having another form—finding that disagreement with this finding was, or on substantial evidence could have been, expressed by the Board.[4]

DECISIONS REVIEWED

"There is no decided case," the Board candidly states, "directly dispositive of Darlington's claim that it had an absolute right to close its mill, irrespective of motive." While a number of the decisions on the point mention the presence of a legitimate economic reason in connection with the right to close, an analysis of them discloses that they do not declare the existence of such a reason to be indispensable to the validity of the closing. See e.g., *NLRB* v. *Preston Feed Corp.*, 309 F. 2d 346, 352, 51 LRRM 2362 (4 Cir. 1962); *NLRB* v. *New England Web, Inc.*, 309 F. 2d 696, 700, 51 LRRM 2426 (1 Cir. 1962); *NLRB* v. *Rapid Bindery, Inc.*, 293 F. 2d 170, 175, 48 LRRM 2658 (2 Cir. 1961); *Union Drawn Steel Co.* v. *NLRB*, 109 F. 2d 587, 592, 5 LRRM 753 (3 Cir. 1940). Nor are they precedents for the proposition that an owner or operator cannot go out of business at his option if the closure is intended to be, and is in truth, absolute and permanent. These authorities, we think support the view that if the termination is without intent to resume the business elsewhere—as a runaway—the power to close, even if spurred by unionization, is not precluded by the act.

The right is implicitly recognized in *Southport Petroleum Co.* v. *NLRB*, 315 U.S. 100, 106, 9 LRRM 411 (1942), with Justice Jackson saying, "Whether there was a bona fide discontinuance and a true change of ownership—which would terminate the duty of reinstatement * * *" was a question of fact determinable by the Board or the Court on contempt proceedings. Bona fides does not mean exclusively an economic ground, but as well that the termination was, as here, not merely a gesture but an actuality.

Lower courts have long given explicit sanction to the right of discontinuance. Over 20 years ago the Fifth Circuit said in *NLRB* v. *Tupelo Garment Co.*, 122 F. 2d 603, 606, 9 LRRM 443 (5 Cir. 1941):

"The stockholders of Tupelo Garment Co. (the employer) had the absolute right to dissolve their corporation and the Board was without authority to prevent this."

Recently, the Sixth Circuit put it this way in *NLRB* v. *R. C. Mahon Co.*, 269 F. 2d 44, 47, 44 LRRM 2479 (6 Cir. 1959):

"We find nothing in the National Labor Relations Act which forbids a company, in line with its plans for operation, to eliminate some division of its work. As held in *National Labor Relations Board* v. *Adkins Transfer Company, Inc.*, supra, [226 F. 2d 324, 36 LRRM 2709] an employer faced with the practical choice, either of paying enhanced wage rates demanded by a union or of discontinuing a department of its business, is entitled to discontinue."

Other courts have spoken in like manner and as emphatically, e.g., *NLRB* v. *New England Web, Inc.*, supra, 309 F. 2d 696, 700, 51 LRRM 2426; *Jays Foods, Inc.* v. *NLRB*, 292 F. 2d 317, 320, 48 LRRM 2715 (7 Cir. 1961); *NLRB* v. *New Madrid Mfg. Co.*, 215 F. 2d 908, 914, 34 LRRM 2844 (8 Cir. 1954); *NLRB* v. *Caroline Mills, Inc.*, 167 F. 2d 212, 214, 21 LRRM 2542 (5 Cir. 1948); *Atlas Underwear Co.* v. *NLRB*, 116 F. 2d 1020, 1023, 7 LRRM 460 (6 Cir. 1941).

To be sure, there are decisions adjudging the employer liable even upon an absolute disposition of all or a part of the business equipment; *NLRB* v. *Kelly & Picerne, Inc.*, 298 F. 2d 895, 49 LRRM 2663 (1 Cir. 1962); *NLRB* v. *Missouri Transit Co.*, 250 F. 2d 261, 41 LRRM 2253 (8 Cir. 1957); *NLRB* v. *Bank of America*, 130 F. 2d 624, 11 LRRM 546 (9 Cir.), cert. denied, 318 U.S. 7791, 12 LRRM 890 (1942). Upon examination, however, it will be observed that these cases did not involve the extinguishment altogether of the business and the end of further participation by the employer in his former sphere. The predominant element of the principle we maintain is that the business is no longer extant and the owner has forfeited the penalty for withdrawing; that is, he has forgone the privilege of further pursuit of his business.

SINGLE EMPLOYER

II. The doctrine of single employer, heretofore noted, was used by the Board to project Darlington's liability, as determined by the Board, upon Milliken. See *NLRB* v. *Gibraltar Industries, Inc.*, 307 F. 2d 428, 431, 51 LRRM 2029 (4 Cir. 1962), cert. denied, 372 U.S. 911, 52 LRRM 2471 (1963); *NLRB* v. *Deena Artware, Inc.*, 361 U.S. 398, 45 LRRM 2697 (1960). Our decision that Darlington is without liability, of course, bars such expansion of responsibility. Furthermore, even if Darlington was a division of Milliken, the transfer of Darlington's liability to Milliken upon the single employer principle is precluded because, as we have stated, a part, like the whole, of a business may be abolished when the extinction is consummated in circumstances like the present.

III. In its petition the union asked us to enlarge the Board's order to include Roger Milliken individually in the orders of restoration of wages entered by the Board. This prayer like the further prayer of the union that Darlington be required to reopen its plant is, obviously, denied by our acquittal of Darlington of liability.

The Board sustained the trial examiner in finding that Darlington had violated section 8(a) (1) in pre- and post-election statements and urging a repudiation of the union. Likewise section 8(a) (5)—wherein refusal to bargain is made an unfair practice—was found contravened by Darlington. Remedies for these offenses are not now available as Darlington is no longer alive.

Power to command an employer to stay in business indefinitely, or assess him with damages for permanently going out of business, is not a National Labor Relations Board prerogative. Assumed by the Board in these cases, it is denied here.

Enforcement of order denied.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator from South Carolina [Mr. THURMOND] be permitted to join me as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The amendment will be received and printed, and will remain at the desk; and, without objection, the name of the Senator from South Carolina [Mr. THURMOND] will be added as a cosponsor.

The amendment (No. 581) was received and ordered to be printed and lie on the table.

During the delivery of Mr. THURMOND'S speech,

Mr. SMATHERS. Mr. President, will the Senator from South Carolina yield to me without prejudicing his rights so that I may make a request?

Mr. THURMOND. I yield.

AMENDMENT NOS. 577, 578, 579, AND 580

Mr. SMATHERS. Mr. President, I submit and ask to have printed four amendments. One amendment relates to the so-called Talmadge-Ervin amendment, and the other amendments relate to the bill generally. I ask that the amendments be printed and lie on the table, and I ask unanimous consent that they may be printed at this point in the Record.

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[4] EDITOR'S NOTE.—In an order dated Dec. 9, 1963, the court deleted a sentence that had appeared at this point. The sentence read: "It is noteworthy that Darlington was the only Milliken related plant manufacturing printcloth, and since its liquidation none of the remaining mills has undertaken the manufacture of that kind of product."

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the Record.

Amendment No. 577, submitted by Mr. Smathers, is as follows:

Amendment No. 577 to Amendment No. 513

On page 2, beginning with line 1, strike out all through line 9 on page 3.

On page 3, between lines 9 and 10, insert the following:

"TITLE XI—CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY"

On page 3, line 10, immediately before "In", strike out the single quote and insert in lieu thereof "Sec. 1101."

On page 3, line 10, beginning with "for willful", strike out all through line 16, and insert in lieu thereof the following: "arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases."

On page 3, line 17, strike out the single quote before "This".

On page 3, line 19, immediately after "justice", insert the following: "or to place the integrity of the court in direct and immediate jeopardy".

On page 3, beginning with line 22, strike out all through line 4 on page 4.

On page 4, line 5, strike out "1103." and insert in lieu thereof "1102. (a)".

On page 4, strike out line 7 and insert in lieu thereof the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: '*Provided further,* That in any such proceeding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days.' "

On page 4, between lines 7 and 8, insert the following material in double quotes:

"(b) Section 151 of part V of such Act is hereby further amended by inserting, immediately after 'justice' in the second paragraph thereof, the following: 'or to place the integrity of the court in direct and immediate jeopardy,'."

Mr. SMATHERS. Mr. President, amendment No. 578 would strike title VI from the bill. This title relates to cutting off funds because of alleged discrimination.

Amendment No. 578

On page 25, beginning with line 18, strike out all through line 20, on page 27 (title VI).

Renumber the succeeding titles and sections of the bill, and cross-references thereto, accordingly.

Mr. SMATHERS. Mr. President, amendment No. 579 would strike from the bill all of title VII. This is the FEPC title in the bill.

Amendment No. 579

On page 27, beginning with line 21, strike out all through line 25, on page 50 (title VII).

Renumber the succeeding titles and sections of the bill, and cross-references thereto, accordingly.

Mr. SMATHERS. Mr. President, if I am unsuccessful in securing the adoption of my amendment to prevent discrimination in employed based on age, amendment No. 580 should, nevertheless, be adopted.

It would simply extend from June 30, 1964, to June 30, 1965, the deadline for the report and recommendation of the Department of Labor on measures to prevent age discrimination.

Amendment No. 580

On page 49, line 21, strike out "1964" and insert "1965".

DUANE ECKELBERG FAVORS H.R. 7152

During the delivery of Mr. Thurmond's speech,

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Virginia with the understanding that I shall not lose my rights to the floor, and that upon my resuming it will not constitute another appearance, and that the statement of the Senator from Virginia shall appear either before the beginning of my address or at the end of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, I have been requested by a constituent named Duane Eckelberg, whose address is Manassas Park, Va., to have the Congressional Record show that he favors the passage of H.R. 7152.

TRIBUTE TO SENATOR BEALL

During the delivery of Mr. Thurmond's speech,

Mr. DIRKSEN. Mr. President, in the Annapolis Evening Capital of May 4, 1964, there appeared an article by the distinguished columnist, Holmes Alexander. The article is very complimentary to our distinguished colleague the Senator from Maryland [Mr. Beall].

The article appeared under the caption "A Symbol in Maryland for God, Motherhood, and Tradition."

In Senator Beall's behalf, and in my own behalf, I ask unanimous consent that the article may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Symbol in Maryland for God, Motherhood, and Tradition

The power of prayer may save the Republicans a Senate seat that many figured they would lose.

Maryland Senator Glenn Beall, 70, a warm-hearted and appealing personality, a courteous gentleman, and for 35 years a faithful tender of public duties, does not put forth the modern image. Liberals don't see him as a crusader, conservatives don't see him as a fundamentalist, and he hasn't the patriarchal aura that goes with a Byrd of Virginia.

It was thought that after five terms in the House and two in the Senate, the Young Turks of his own party might easily pull old Glenn down, or that the political trend in Maryland would make him duck soup for almost any aspiring Democrat.

Not so, Beall now seems likely to be the beneficiary of a genuine folk movement which is far stronger than the drive for civil rights and for the abolition of poverty. It is the movement to restore prayers in public schools, where they were outlawed by Supreme Court decisions, and to prevent prayer from being driven into virtual hiding in home and church.

Against the Court's almost unbelievable argument that the Constitution decrees public paganism in America, there is a ground swell of protest which, for the past 2 years, has filled the files, the packing boxes and the floor space of congressional offices with hundreds of thousands of letters of indignation.

A sampling of these letters, still pouring in, might tempt a researcher to conclude that the country hasn't seen anything yet when it comes to extreme political emotion. The John Birch Society merely wants to impeach Chief Justice Warren. A lot of people, who feel their religion has been taken from them, write as if they'd like to hang him.

Senator Beall, no extremist himself, but deeply religious, did not wait to ride the ground swell. There are now close to 150 legislative measures introduced in the 88th Congress for the purpose of reversing the Supreme Court action. Beall got there long before the rush that many later joined. His resolution for a constitutional amendment to guarantee voluntary school prayers led all the rest. Within a few hours after the Court had ruled, on June 25, 1962, that New York State could not conduct school prayers, Beall had his resolution in the Senate hopper. When the Court, a year later in a similar decision, ruled in favor of a Maryland atheist and against the Maryland school boards, Beall had a home-State issue that had sought him out. Today, with the House Judiciary Committee taking testimony on how to reinstate school prayers, Beall stands to become a symbol in Maryland for God, motherhood, and 300 years of tradition.

By chance, the Senator's strongest opponents in the May primary and November elections are boxed into positions that are unfair to them, but of no fault whatever on the part of Beall. James Gleason, the chief Republican challenger, and excellent Senatorial timber, happens to be Catholic. Louis (God bless you all the time) Goldstein, a popular and colorful politico, is a Jewish tobacco farmer. Neither man is positioned, as is Beall, as an incumbent and an Episcopalian, to fight the Court and to press for freedom of worship.

Moreover, the ground swell against the Court rulings is one against overintellectualized liberalism, which has become the harassment of many plain people. Beall is for the civil rights bill, but is supporting several modifying amendments. He has opposed medicare, which he regards as socialism, and the wheat deal, which he regards as supporting communism. His position on public prayer is neither tortured with legalisms nor touched with demagoguery. The Nation was founded, he says, by religious freedom-seekers, and his mail, he says, tells him "we're still a Christian people."

A lot of Marylanders, and a lot of Americans everywhere, will think that Beall's campaign has turned into one for God and country.

TRIBUTE TO MRS. DOROTHY H. JACOBSON

During the delivery of Mr. Thurmond's speech,

Mrs. NEUBERGER. Mr. President, an event of especial interest to me is occurring today.

For the first time in the 102-year history of the Department of Agriculture a capable woman has been appointed Acting Secretary. Today, Mrs. Dorothy H. Jacobson is actually carrying out the duties of the Secretary, as those from the Secretary on down three echelons, who might be considered Acting Secretary, are all away on Department business.

The Secretary himself is traveling with the President looking over some poverty-stricken sections of our country; three other members of the Department are traveling on business of the rural area development program or are in Europe urging the Europeans to buy more of our American-produced beef.

Mrs. Jacobson is carrying on all the duties of the Secretary, and this is a tribute to her long devotion to Government and the Department of Agriculture in particular.

I salute her as well as those who saw her potential.

I ask unanimous consent to have printed in the Record, a release which states some of the activities which have taken place under Mrs. Jacobson.

There being no objection, the release was ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Washington, May 7, 1964.

Acting Secretary Jacobson Announces Sale of Commodities to Italy

Acting Secretary of Agriculture Dorothy H. Jacobson today announced the sale of 2,020,884 bushels of wheat, 3,306,900 pounds of refined cottonseed oil, and 8,818,400 pounds of nonfat dry milk to Italy for use in programs to feed needy children and for school lunches.

The $3 million sale was made under the Commodity Credit Corporation Charter Act. This authority provides for sales, at less than export prices, of agricultural commodities for specified purposes such as feeding needy children or starting and maintaining school lunch programs in foreign countries.

These commodities must be used exclusively for the stated purpose to assure that sales to Italy through normal commercial trade channels will not be displaced.

The prices of commodities sold to Italy were $1.10 per bushel for wheat, 13.125 cents per pound for cottonseed oil, and 6 cents per pound for nonfat dry milk. Delivery will be made at U.S. ports determined by CCC. Italy pays for ocean transportation, distribution within Italy, and related costs.

Information regarding the sale is available from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C.

TRIBUTE TO ADMIRAL RICKOVER

During the delivery of Mr. Thurmond's speech,

Mrs. NEUBERGER. Mr. President, the Portland Oregonian published a thoughtful editorial about Admiral Rickover. The comments of this writer on the customs and curriculum of the U.S. Naval Academy provide a stimulus to consideration of the manner in which tradition has been maintained at the Academy and suggest that perhaps a review of the kind of training needs to be considered in light of modern activity.

Quoting from the editorial:

> Admiral Rickover has done a lot for his country and his service, although his fellow wearers of wide stripes and scrambled eggs would be the last to concede this. Without him the United States might not today have its fleet of nuclear-powered Polaris submarines.

I ask unanimous consent that the editorial from the Oregonian of Tuesday, May 5, 1964, entitled, "Astringent Admiral," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Astringent Admiral

Sometimes we wonder how Hyman G. Rickover ever managed to be graduated from the U.S. Naval Academy in the first place, much less survive to be elevated to the exalted rank of vice admiral. He doesn't at all fit the Annapolis tradition that students of Mahan, Bowditch and the Watch Officer's Guide, having been cast in the same mold at the trade school on the Severn, are expected to grow up to look, sound and behave exactly like their predecessors in the starchily formal hierarchy of the U.S. Navy.

Admiral Rickover has done a lot for his country and his service, although his fellow wearers of wide stripes and scrambled eggs would be the last to concede this. Without him, the United States might not today have its fleet of nuclear-powered Polaris submarines. But had the matter been left to the admirals' clique, his letterhead long since would have read: "Capt. H. G. Rickover, U.S. Navy, retired." Happily for the rest of us he had many more friends in Congress than in the Pentagon, and since the official selection board which had passed him over for promotion was ordered to go back and take another look, the Navy brass has for the most part maintained a dignified silence each time the outspoken little admiral with the big hat has made headlines by stepping on official toes.

But now Admiral Rickover evidently has needled his shipmates beyond their endurance. He told Congress not long ago the Naval Academy should be abolished if it didn't get up to date as an educational institution. Specifically, he scored the antiquated teaching methods, the use of naval officers on the faculty rather than accredited educators, the overemphasis on sports, the time-wasting collateral duties given to student officers, and other nonacademic aspects of academy life he deems inappropriate for midshipmen being trained to serve in the space age rather than the age of fighting sail.

Already Adm. David L. McDonald, Chief of Naval Operations, and Vice Adm. John S. McCain, Commander of the Atlantic Fleet Amphibious Force, have touched off broadsides. And Rear Adm. Charles C. Kirkpatrick, regarding himself as personally under fire since he just completed a 17-month tour of duty as Academy Superintendent, declared Admiral Rickover's testimony to be "extravagant and exaggerated." One imagines that in their private comments these officers and gentlemen may have borrowed from the lexicon of the bosun's mate to express themselves more forcefully.

It seems strange that Navy—and for that matter the Army and the Air Force—have so much trouble absorbing the lessons of experience. It should be apparent to naval officers, of flag rank at least, that the nuclear subs Admiral Rickover fought for and obtained, despite the apathy and even opposition of his brass-bound superiors, have given the Navy much more prestige and power than it otherwise would have had. Might not Admiral Rickover's counsel concerning Annapolis also be worth careful consideration rather than automatic scorn?

Maybe the answer's there under our noses: That the U.S. Naval Academy's customs and curriculum are intended to encourage young naval officers to follow tradition blindly and to discourage independent thought. If so, that would explain why Admirals McDonald, McCain, and Kirkpatrick want to keep on training midshipmen to do the same old things in the same old ways. In these fast-changing times, that sounds like a recipe for defeat.

STATEMENT OF APPROVAL ON APPOINTMENT OF DAVID GORDON GAULT, OF TEXAS

During the delivery of Mr. Thurmond's speech,

Mr. YARBOROUGH. Mr. President, I desire to add my words of commendation to the confirmation of the President's appointment of David Gordon Gault, of Austin, Tex., to be a member of the Federal Farm Credit Board, Farm Credit Administration.

Mr. Gault has a long and notable record of success in farm organizations and farm administration, some official, and some semiofficial. I have known his family for many years. They have been very distinguished in the history of Texas, in both the law enforcement field and in Government administration.

Manny Gault was a longtime distinguished member of the Texas Rangers in the old frontier days. Mr. Manny Gault and Capt. Frank Hamer were the ones who planned the capture and successfully terminated the career of murder which was carried on in the Southwest by Bonnie Parker and Clyde Barrow, two of the old-fashioned-type gun pals.

Clyde Barrow gunned down people all over the Southwest until Manny Gault and Frank Hamer stopped his career of crime and murder.

That was just one of the distinguished acts performed by this family. The family has been distinguished for three generations of Texas history.

David Gordon Gault is very efficient in dairying organizations, farm organizations, and farm credit organizations, both of the governmental and semigovernmental variety.

I feel that this is a good appointment, one which will reflect credit both on the Board and on the appointing authority.

IMPORTS OF BEEF AND BEEF PRODUCTS

During the delivery of Mr. Thurmond's speech,

Mr. HRUSKA. Mr. President, will the Senator from South Carolina yield, if it is agreed that he may do so without losing his right to the floor or without losing any of his other rights or without prejudicing them in any way?

Mr. THURMOND. Mr. President, I ask unanimous consent that, without losing my right to the floor, or without having my subsequent remarks counted as a further speech by me, and with the further understanding that the remarks of the Senator from Nebraska will be printed in the RECORD separately from my remarks, I may yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Very well; I yield.

Mr. HRUSKA. Mr. President, I appreciate the customary and never-failing courtesy of the Senator from South Carolina.

Mr. THURMOND. I thank the Senator from Nebraska.

Mr. HRUSKA. Mr. President, on April 28, the U.S. Tariff Commission started public hearings in connection with its investigation of conditions of competition between imported and domestic beef products, instituted pursuant to a resolution adopted by the Senate Finance Committee.

This type of proceeding by the Tariff Commission is unique, in that it does not lead to any specific recommendations for action, or to any definite relief for the domestic industry, no matter what the facts may develop. In other words, it is more in the nature of a research project.

In my statement to the Commission, I did not attempt to argue the case of the domestic industry. I have done that before, particularly on the occasion of the hearings last December. On this occasion, rather, I attempted to point out the questions to which Congress expects the Commission to find answers.

I ask unanimous consent to have my statement to the Commission inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROMAN L. HRUSKA, OF NEBRASKA, TO THE U.S. TARIFF COMMISSION HEARING ON BEEF AND BEEF PRODUCTS, APRIL 28, 1964

Mr. Chairman, members of the Commission, your purpose, under the terms of the resolution by the Senate Finance Committee, is simply to make an investigation of the conditions of competition between domestic and imported beef and beef products or, in short, the competitive impact of the imports on our own industry and market.

I recognize that you will not, under the terms of this investigation, come out with recommendations for action, nor make any finding as to injury of the domestic industry. In that sense this proceeding is different from most of the types of cases handled by the Tariff Commission.

However, you are instructed by the resolution to give us answers to the basic questions involved in this competition between domestic and imported beef. It, therefore, seems appropriate to suggest to you just what the questions are that Congress wants answered. In my judgment, the principal questions are as follows:

First. What has been the effect of the extreme reduction since the war in the effective rate of duty on fresh, chilled, and frozen beef and veal imports?

It is recognized that the statutory tariff rate has been reduced from 6 cents to 3 cents a pound, exactly one-half, and that reduction is on the surface no greater than the tariff reduction on many other items. As an ad valorem equivalent or percentage of the value of the goods, however, the reduction in the beef tariff has been several times greater. According to Summaries of Tariff Information published by the Tariff Commission in 1948, the ad valorem equivalent of the beef tariff in 1939 was 55 percent. The present 3-cent rate is the equivalent of less than 10 percent ad valorem.

In other words, as the whole price level has gone up, the 3-cent rate has become unrealistically low. In terms of ad valorem equivalent, there has been a real cut in effective protection of about five-sixth of the old rate, a much greater reduction in tariff than has been imposed on most other products listed in our tariff schedules. As compared with other industries, it is clear that the beef industry has been unfairly dealt with in our tariff-cutting policies since the prewar period. The Commission should analyze the effect of this extreme reduction in tariff on the competitive conditions in the industry.

Second. What impact does the imported beef have on the size and output of our domestic cattle industry? Or, phrased another way, have not the imports displaced an equivalent production of domestic beef?

Last year, beef and veal imports in all forms amounted to 1,859 million pounds, carcass weight equivalent, or 10.7 percent of domestic production. We never imported such tremendous quantities prior to 1958; until that time imports amounted to only a few pounds of specialty items, plus some live cattle, aggregating usually only about 3 or 4 percent of our total beef production. If these imports were not available, could not the domestic industry provide the quantities needed to replace them, as we always did before 1958?

Third. Has the domestic industry created its own problems by overexpanding, as it has been accused of doing?

In my judgment, this accusation is unjust. The domestic beef industry has expanded through the years, but only in proportion to the growth of the market.

Specifically, we were told by the Department of Agriculture on the occasion of the announcement of the agreements with Australia and New Zealand that the market for beef expands as much as 3.7 percent per year. Domestic production has not expanded that fast. Domestic production amounted to 13,953 million pounds of beef in 1953 and 17,360 million pounds in 1963. During that decade, therefore, the increase was only about 2 percent per year.

Even if this comparison is made with the low year of the production cycle—1958—the annual increase is not excessive. In 1958 domestic production of beef was 14,516 million pounds; since then it has increased only 3.6 percent, compounded, per year.

Fourth. What impact does the imported beef have on our domestic market prices?

This point is particularly important because it has been argued that the imported beef fills a need for manufacturing beef which our own industry has been unable to fill. Therefore, it has been argued, by implication the imported beef is not in direct competition with domestic production and has little or no effect on domestic prices.

This argument is not valid, according to statistical studies conducted by the Department of Agriculture itself. According to these studies, increases in the supply of manufacturing beef have nearly as much effect on the fed steer market as do increases in the supply of steer beef, on a pound-for-pound basis. You are referred to a study by the Economic Research Service published in the November issue of the Livestock and Meat Situation, a publication of the Department of Agriculture.

These are the questions that your investigation should answer. Since the date when this investigation was ordered by the Finance Committee, frankly a good deal has happened in the way of public consideration of the beef import problem. It is possible that some decisions may be made by Congress with respect to beef imports before your investigation is concluded, or shortly thereafter.

Even so, your study and report may well be of value, because it seems to me that the cattle industry in this country is at a kind of crossroads. Always in the past it has been well understood by all concerned that our own cattle industry would be able substantially to supply our own beef requirements, except for a few specialties. Our industry is by far the largest in the world, our acres are practically unlimited, and our cattlemen have been able as needed to expand production, pioneer new methods, and generally keep ahead of the growing demand. The industry has grown as the country has grown.

Now, it appears that this basic premise is brought into question. That is, apparently there are those who think that some part of our market should be supplied from abroad—for some reason. The reason is not very clear. We are told in effect that the American cattle industry should no longer think in terms of the entire U.S. market. We are told in effect that we should recognize some claim of right by various foreign countries to a portion of that market.

We do not accept that preachment. We consider that, under any rational ordering of the international trade of the world, a market for the beef of Australia and other surplus countries would be provided by Asia, and Europe, or other areas that cannot economically produce their own beef supplies, not by the United States.

We have millions of bushels of surplus grains. We have millions of acres of good farmland which has been deliberately idled by Government policy.

That feed and pasture land could easily be used to meet substantially all our requirements for beef. No other country indulges in such an absurdity.

This manifest contradiction in our national policies must sooner or later be resolved by the adoption of some definite program of Government action. It is hoped that your study will make a contribution toward the solution of this absurdity.

Mr. HRUSKA. Mr. President, again I thank the Senator from South Carolina for his courtesy.

THE UNNATURAL DIVISION OF GERMANY

Mr. TOWER. Mr. President, I ask unanimous consent that there may be printed in the RECORD a speech by the Federal Chancellor of Germany, the Honorable Ludwig Erhard, in which he discusses with great perception the problems presented by the current, unnatural, division of Germany.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

BONN,
March 24, 1964.

IN FAVOR OF A PEACEFUL UNDERSTANDING WITH OUR EASTERN NEIGHBORS—NO RENUNCIATION OF TERRITORIES WHICH ARE THE NATIVE HOMES OF MANY GERMANS—PEACE AND JUSTICE ARE INDIVISIBLE—EXPRESSION OF GRATITUDE TO EXPELLEES

On March 22, 1964, Federal Chancellor, Prof. Dr. Ludwig Erhard held the following speech before the congress of representatives of expellees from East German territories:

"It is a great pleasure for me to be among you today. Demonstrations of this kind often have the reputation—which inimical propaganda diligently nourishes and exploits—of being avengers meetings. For the very purpose of countering this misrepresentation, I am not reluctant to stress my bond with the expellees by participating in this meeting today.

"The Federal Government is the custodian of the rights of all German citizens—yes, of all Germans, whether they are living here or behind the Iron Curtain. I do not consider it necessary to emphasize vociferously the rightful justification with which the Federal Government and the whole German nation speak up for inalienable human rights. What is important to me, and certainly to you also, is always to maintain and uphold these rights, whenever and wherever it is necessary. Our Western allies and the heads of their governments, with whom I am in personal contact, know my conviction and our mutual desire in this matter, just as well as our Eastern neighbors. The world knows that we, the Germans, desire nothing more than a life of freedom and peace. Even if the propaganda which issues from Eastern Europe does not want to acknowledge this, we will nonetheless not slacken in our efforts to seek a peaceful understanding specifically with our Eastern neighbors.

Recently, we took the first step in this direction by the exchange of commercial agencies with a number of east and southeast European states. Also cultural contacts can serve the purpose of strengthening mutual trust. I am aware that in view of the shameful deeds of the last war and of the outrages which were committed, it is not easy to reestablish a mutual trust among the peoples in the heart of Europe. But sooner or later a first step must be made in this direction. We will continue to make efforts in this direction and hope that our sincerity will be believed and accepted.

The foundation of our foreign policies with respect to our Eastern neighbors can only be the preservation of justice. We certainly do not make any claims upon foreign territories. But we do not renounce—and in view of our responsibility to the German people, to justice and to history, we cannot renounce territories which are the native homes of so many of our German brothers and sisters. Let us not forget that the world powers in 1945, i.e., in the hour of total victory, did not demand this renunciation from the Germans. And today, 19 years after the war, a time at which it is certainly not our fault that a peace treaty with Germany still has not been concluded, this renunciation can be unconditionally demanded so much the less. From the time of their establishment the Federal Government and the Federal Diet have always represented this same standpoint.

In my inaugural address on October 18 of last year, I expressed my view on this question very explicitly. Freedom and justies are indivisible. Justice cannot apply only to a certain group of people—it must apply to everyone. The expulsion of millions of Germans from their century old native homes has not created a new concept of justice. Justice can never be born of injustice.

But we do not want to tear open and irritate old wounds. Rather we want to make efforts to find a way of coming to an understanding with our Eastern neighbors also on the basis of justice, of peaceful negotiations and mutual respect. This is certainly not an easy way. On the contrary it is arduous and requires much patience and sacrifice. In the solution of the border problem in Western Europe, we have traveled this path successfully. Peace and freedom rule there. We are prepared to demonstrate the same conciliatory attitude also toward our Eastern neighbors.

With respect to the expulsion of over 12 million Germans, Stalin had two aims in mind: First of all to place a permanent wedge between Germany and her Eastern neighbors and to bind them to himself, by creating the fear of a German retaliation. Second of all, by cramming 12 million expropriated persons into war-devastated Germany, he hoped to create an explosive social situation, which, as he believed, would necessarily lead to an extreme radicalization of the masses within a short time. In this way, he hoped to make our country ripe for communism. These calculations did not materialize. On the contrary, by their thoughtfulness, their will to self-assertion, their industriousness and their willingness to make valuable contributions to the economic recovery and to the progress of our country, they have accomplished a task which will go down in history. With sincere gratitude I would like to make this clear at this moment.

According to statistics, the expellees have been economically incorporated to a large extent. I am well aware, however, that there is still much that must be done. The fact is that with the economic incorporation of the expellees, not all the problems have been solved. But even toward the solution of the questions which are still open, the expellees have made a concrete—indeed, a positive—contribution. Already in 1950, they declared in the Charter of the Expellees, in Stuttgart, that first of all they disclaim revenue and retribution, and that second of all they wanted a united Europe, in which the peoples would be able to live without fear and coercion. Instead of becoming guilty of the continuation of chaotic conditions after 1945, the German expellees became an element which worked toward the establishment of order and the reconstruction of our fatherland, and at the same time of all Europe. For this also, I want to express my gratitude to you.

Many generations to come will speak of the suffering which the expulsion of Germans entailed. They will also know of the great accomplishments, however, of which the Germans were capable—who without hope and without a future, had to create a new life. The greater joy—indeed, our most cherished desire—will be to experience that day on which the peoples will live together peacefully, as they did many centuries before. We desire a just order, in accordance with the will of the people, in Europe—an order which will restore to the people, on this and the other side of the border, that which we all desire: Peace and freedom for us and our neighbors.

I can well understand that you do not want to have your human nostalgia for your native homes regarded as a desire for revenge. This imputation would be contrary to natural human morality. I am that much more capable of valuing your efforts and that much more deeply obligated to you, because without despairing and relinguishing your right, you are nevertheless willing, in the interest of peace in the world and reconciliation, to seek for means and ways with us to open a peaceful path to a future in which the people will be united, without violating justice.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 6, 1964, he presented to the President of the United States the following enrolled bills:

S. 1005. An act to amend paragraph (2) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain broadcast operations; and

S. 1193. An act to amend section 309(e) of the Communications Act of 1934, as amended, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

RECESS TO 10 A.M. TOMORROW

Mr. McGOVERN. Mr. President, as previously ordered, I move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 20 minutes p.m.), the Senate took a recess, under the order previously entered, until tomorrow, Friday, May 8, 1964, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7 (legislative day of March 30), 1964:

INTERSTATE COMMERCE COMMISSION

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

FARM CREDIT ADMINISTRATION

The following-named persons to the office indicated:

Marion A. Clawson, of Indiana, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1970.

David Gordon Gault, of Texas, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1970.

EXTENSIONS OF REMARKS

Governor Wallace's Victories

EXTENSION OF REMARKS

OF

HON. GEORGE GRANT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. GRANT. Mr. Speaker, all Alabamians are proud today of the double-barreled victory won by our Governor in the Alabama and Indiana primaries on Tuesday. In Alabama, the people—by a tremendously large majority—believed that voting for the unpledged Wallace slate of electors was the only way to express their vehement disapproval of the vicious so-called civil rights bill now pending in the U.S. Senate. And, while those opposed to the unpledged slate were themselves against this legislation, it was felt by them that a vote for any other than the unpledged Wallace slate could be expected as a repudiation of our Governor in Wisconsin and in Indiana, as it had been freely stated and predicted in those States that Wallace did not represent the people of Alabama. Insofar as this is now concerned, they will have to "play a different tune" in Maryland.

The best that can be said of Governor Welsh of Indiana is that he is a very poor loser. The charge that "Wallace will say anything he thinks will get a vote" is an outright misstatement of the facts. Everything in the book was thrown at Wallace in Indiana—even two turncoats from Alabama were imported to vilify Wallace and to spread a hatemongering campaign. Their statements as to his approving of bombings and other crimes are absolutely false. He is in favor of law and order, of obedience to Federal as well as State laws.

Yes, the echoes of Tuesday's victory are reverberating across the Nation. In the U.S. Senate the leader of the forces for the enactment of this punitive legislation states that, "The vote in Indiana is a clear mandate for the passage of this measure." On the other hand, the valiant leader of the southern forces—Senator RUSSELL of Georgia—states that, "Wallace compiled a truly outstanding vote."

I stand with Senator RUSSELL's statement. In fact, I take pride in the fact that I had some part in the worthwhile endeavor of carrying the true message to other States. Several weeks ago, being unable to be in Alabama due to legislative matters, it was my pleasure to tape a recording in support of Governor Wallace's efforts. This message on tape was used in Alabama to assist in raising funds so that the Governor's campaign could be carried to other States and the message of truth about this vicious civil rights legislation could be told the people of other areas.

I firmly believe that people in many sections of this Nation have not had an opportunity to learn what the civil rights bill contains. They have been under the impression that it is just something that will apply to the Southern States, but—thanks to Governor Wallace's campaign in Wisconsin and Indiana and now in Maryland, they are learning the true facts of the matter.

Rumanian Independence Day

EXTENSION OF REMARKS
OF
HON. GLENN CUNNINGHAM
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 7, 1964

Mr. CUNNINGHAM. Mr. Speaker, Rumanians celebrate numerous occasions as their national holidays, but May 10, as a great turning point in their national history, has become their real national holiday. On that day in 1877 they proclaimed the birth of their independent kingdom by the union of the two historic provinces, Moldavia and Wallachia. Until then they had enjoyed autonomy, but on May 10 they attained complete independence, and this was recognized by the great powers of Europe. Their independence put an end not only to their subjection to alien rule, but ushered in a new era of national development and growth for them.

The modern history of the Rumanian people has followed a rather uneven course. In the middle of the 15th century Rumania was conquered by the Ottoman Turks, and for more than 400 years Rumanians suffered under the tyranny of ruthless Ottoman administrators. In the 19th century they succeeded in regaining their independence from the Turks only to find themselves face to face with Russian aggression. Nevertheless, these dauntless people managed to keep their independence through the course of interminable wars.

Unfortunately this has not been true since the end of the last war. Even before the conclusion of that war Soviet forces advanced into the country, occupied it, and then forced upon the Rumanian people Moscow-oriented Communist tyranny. That is the tragedy of this industrious and gifted people. For nearly two decades they have been enduring hardships and making sacrifices under the unbending rule of the Communist agents of the Kremlin. On the 87th anniversary of their Independence Day we pray and hope for their freedom from Communist totalitarianism.

Public Opinion Survey

EXTENSION OF REMARKS
OF
HON. R. WALTER RIEHLMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 7, 1964

Mr. RIEHLMAN. Mr. Speaker, I recently conducted two public opinion surveys in my congressional district, Onondaga County, N.Y.

One was a direct mail survey and the other was conducted through the Syracuse (N.Y.) Post-Standard.

Because the Post-Standard questionnaire is the largest survey, and since the replies from the two surveys are quite similar, I am inserting the Post-Standard tabulation along with the news story written by Luther F. Bliven. However, it shows the slight differences in the replies of the two surveys.

I hope my colleagues will have an opportunity to examine the opinions of many of my constituents in central New York.

The material follows:

RIEHLMAN SURVEY: POLLS PROBE CNY VIEWS
(By Luther F. Bliven)

Representative R. WALTER RIEHLMAN, Tully, knows now how a good cross section of the people of Syracuse and Onondaga County feel on major Federal issues and proposals.

They think:

1. U.S. prestige and influence are decreasing in relation to the power of the Soviet bloc.
2. Strong American forces should not be used to defeat Communist-led troops from North Vietnam.
3. There should be an absolute embargo on Cuban-bound vessels to prevent supplies and arms being shipped to Cuba.
4. Further reductions in foreign aid should be made.
5. Parents should be given tax deductions to cover college costs for their children.
6. The Federal Government is penetrating too far into State and private enterprise.
7. All agricultural subsidy payments to farmers should be gradually eliminated.
8. The Nation's foreign policy is not effective nor well administered.
9. The national domestic policy leaves a lot to be desired.
10. There should be a cutback in the U.S. effort to explore space.

HIGHLIGHTS

These are the highlights of the sentiment voiced by more than 2,100 persons who responded to a 45-point questionnaire, prepared by RIEHLMAN and published in the Post-Standard.

This published questionnaire supplemented a mail survey RIEHLMAN aids conducted among 1,500 persons selected at random in this area. In most cases the results were the same, but there were sharp differences in a few instances.

The replies to the two surveys were not commingled. Results have been announced previously from the mail survey.

RIEHLMAN and his staff members were astounded at the response the Congressman received from the questionnaire published in the Post-Standard. The questionnaire, a long one which dealt with issues that require considerable thought and which took considerable time to read, digest and fill out, sparked a lot of interest.

DIVERTED AIDS

RIEHLMAN had to divert some of his assistants from their regular duties to spend all their time sorting, tabulating and analyzing the replies he received from the Post-Standard questionnaire.

The questions as they originally appeared in the Post-Standard are reproduced here, with the "Yes" and "No" vote recorded by Post-Standard readers.

A surprisingly large number of persons, 1,756, reported they feel the prestige and influence of the United States are decreasing in relation to the power of the Soviet bloc. Only 383 disagreed.

As far as area residents are concerned, U.S. leaders better not toy with the idea of recognizing Red China. Post-Standard readers object, 1,859 to 257, to U.N. recognition of Red China.

And local people think Russia and others should start paying their share of U.N. operation costs. They favor such a policy by a vote of 2,088 to 62. And, by the same token, the readers voted 2,453 to 637 in favor of U.S. withdrawal of its financial support of the U.N. if the other countries don't pay up.

By a vote of 2,033 to 104, those responding to the questionnaire approved the $1 billion reduction in foreign aid by Congress last year, and favor, by a vote of 1,889 to 185, further reductions in foreign aid.

By a vote of 1,867 to 270, those responding to the Riehlman questionnaire registered the opinion the U.S. Government is assuming too many obligations of States and private enterprise. They disapprove raising the national minimum wage from $1.25 to $2 per hour by a vote of 1,584 to 524.

Only by a narrow margin, 988 to 928, are local residents who participated in the poll in favor of the civil rights legislation recently passed by the House of Representatives. And, by a whopping vote of 1.842 to 271, the people who answered the questionnaire believe sit-downs, marches, and civil disobedience do not help the civil rights movement.

MAIL SURVEY DIFFERS

There were several points of differences in the results of the mail survey conducted by Riehlman aids and the questionnaire published in the Post-Standard. In the mail survey those participating favored the proposed $400 million annual program of Federal aid to elementary and secondary schools for construction purposes by a margin of 61 percent "Yes" and 32 percent "No."

In the mail survey those participating favored the civil rights legislation recently approved by the House of Representatives by a margin of 61 percent "Yes," 26 percent

"No." In the questionnaire published in the Post-Standard the vote was 988 "Yes" and 928 "No," a much closer margin.

In the mail survey the vote in favor of Federal aid to colleges for construction of classrooms and other purposes was 51 percent in favor and 38 percent against. In the questionnaire published in the Post-Standard the vote was 1,186 "No," 866 "Yes."

Congressman R. Walter Riehlman public interest Post-Standard questionnaire

	Yes	No
I. INTERNATIONAL AFFAIRS		
1. Do you believe the prestige and influence of the United States is decreasing in relation to the power of the Soviet bloc?	1,756	383
2. Do you believe that "slipping prestige" of the United States has encouraged anti-U.S. activities in Panama, Zanzibar, Cyprus, southeast Asia, Ghana, and varied countries of Africa and South America?	1,765	352
3. Do you favor selling surplus farm products to Communist countries?	684	1,448
4. Do you favor U.S. policy of selling such products on credit?	111	2,012
5. Do you believe the United States should take firm and specific action to oppose the sale of vehicles and machinery to Cuba by Britain and France?	1,461	613
6. Do you favor economic aid or loans or credits to Russia or its satellites?	67	2,040
7. Do you favor using strong forces of American soldiers to defeat Communist-led troops from North Vietnam?	942	1,048
8. Do you favor U.N. recognition of Red China?	257	1,859
9. Do you favor absolute enforcement of U.N. regulations regarding payment of costs of U.N. operations by all members?	2,088	62
10. If yes, do you favor U.S. withdrawal of U.S. support if such payments are not made?	1,453	637
11. Do you favor absolute enforcement of an embargo on Cuban-bound vessels to prevent import of supplies as well as arms?	1,541	530
12. Do you believe Cuba constitutes a dangerous threat to the United States?	1,786	349
13. Did you favor the reductions of about $1,000,000,000 in foreign aid enacted by Congress last year?	2,033	104
14. Do you feel further reductions in foreign aid should be made?	1,889	185
15. Do you believe the United States should renegotiate the Panama Canal Zone Treaty?	867	1,168
16. Do you favor foreign aid loans, grants, or credits to so-called neutralist nations under Soviet influence, such as Yugoslavia, Ghana, Indonesia, Algeria?	265	1,851
II. MONEY		
1. Do you favor a balanced national budget?	2,018	111
2. Do you favor major reductions of U.S. programs (other than defense) to make a balanced budget possible?	1,887	216
3. Do you favor tax deductions for parents to cover college costs?	1,419	667
4. Do you favor the proposal to reestablish a strong citizen body similar to the Hoover Commission to analyze Government expenditures and recommend economical, businesslike procedures in all governmental departments?	1,899	211
5. Do you believe the U.S. Government is assuming too many obligations of States and private enterprise?	1,867	270
6. Do you feel socialism is a threat to our form of government?	1,754	432
7. Do you feel socialism in the United States is inevitable?	431	1,769
II. MONEY—continued		
8. Do you favor 6 percent pay raises for all U.S. governmental employees this year?	439	1,655
9. Do you favor substantially higher raises for Federal executive officials this year?	209	1,868
10. Do you favor the proposed $400,000,000 annual program of Federal aid to elementary and secondary schools for construction purposes?	898	1,191
11. Do you believe the national minimum wage should be raised from $1.25 per hour to $2 per hour for business engaged in interstate commerce?	524	1,584
12. Do you favor gradual elimination (4 to 7 years) of all agricultural subsidy payments to farmers?	1,880	174
III. MISCELLANEOUS		
1. Do you favor a compulsory medical assistance program for the aged supported by an increase in social security taxes?	685	1,418
2. Do you favor expanding and liberalizing the existing Kerr-Mills Act to provide unlimited hospital and medical care for the aged who show financial need?	1,389	649
3. Would you favor reducing the qualifying age of the Kerr-Mills Act from 65 to 62?	1,077	915
4. Do you favor Federal restrictions on cigarette advertising?	1,109	968
5. Do you favor increasing Federal excise taxes on cigarettes to discourage smoking?	1,077	1,025
6. Do you support proposals for a 35-hour workweek?	452	1,638
7. Do you favor proposals to double overtime pay as an encouragement to industry to hire more employees rather than pay higher overtime rates?	507	1,562
8. Did you favor the tax reduction recently enacted which averages about 14 percent?	1,288	770
9. Did you favor the civil rights legislation recently passed by the House?	988	928
10. Do you feel our foreign policy is effective and well administered?	186	1,862
11. Do you feel our domestic policies are sound, advantageous, and well administered?	378	1,511
12. Do you favor granting voting privileges to Americans at age 18?	676	1,443
13. Do you favor the reestablishment of a Federal civil work corps to employ youths otherwise unable to find employment?	1,437	619
14. Do you believe the Peace Corps has been effective?	1,350	538
15. Do you favor Federal aid to colleges for construction of classrooms, laboratories, libraries, etc.?	866	1,186
16. Do you believe the U.S. effort to explore space should be continued at its current pace and spending of about $5,000,000,000 a year?	758	1,297
17. Do you believe that sitdowns, marches, and civil disobedience help the civil rights movement?	271	1,842

Johnson's Cumberland Address

EXTENSION OF REMARKS

OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. SICKLES. Mr. Speaker, it was my pleasure to join with President Johnson this morning in his visit to western Maryland at the start of his Appalachian tour. We landed by helicopter at the Fort Hill High School Stadium, Cumberland, Md. We then proceeded to the office of the Department of Economic Security and in turn to the steps of city hall in Cumberland where the President addressed thousands of overjoyed and greatly inspired citizens of Maryland. I commend to my colleagues the text of President Johnson's remarks which follows:

REMARKS OF THE PRESIDENT AT CUMBERLAND, MD., MAY 7, 1964

For many years I have heard Maryland called the "Old Line State." Not until this week did I know that it got that name because of the courageous service of the Maryland line under fire during the American Revolution.

That Revolution is not over. We fight to finish in the 20th century what our fathers began in the 18th. And Maryland is once again in the front line. Your courage—your will to fight—are as needed now as they were then.

Ever since 1634, when the *Ark* and the *Dove* landed 200 settlers on your shores, Maryland has played a vital role in building America. Those pioneers were men with a cause. They had suffered from unjust government at home. They came to find justice in a new land. They came—heedless of hazard—seeking new opportunity.

Those who came later often differed in habits, in custom, in language, and in religion. But they all came seeking a society free of the prejudices, the injustice, the rigid barriers to advancement, which had disturbed their lives in the Old World.

They came looking for freedom and tolerance. They came looking for opportunity and abundance. They came looking to free the human spirit from the bonds of old societies which thought a man's birth and station more important than his ability and dedication.

They came looking for a government they did not have to fear—because it would be their own.

They faced grave difficulties and dangers on these untamed shores. The Piedmont was a wild frontier. But they knew that though the hazards were high, the rewards would be rich.

From this wilderness they carved clearings, and gave those clearing names which ring, even today, with their fears and toil—"Trouble Enough" "Scared From Home"—"All That's Left"—and "Discontent." One Maryland farmer call his place: "I Am Glad It Is No Worse."

But they never lost sight of the desires which had brought them across the Atlantic. In 1638, their representatives won the right to initiate legislation in the Maryland Assembly. This was a landmark in American history. No other colony had made a more dramatic effort to achieve self-government.

And Maryland also became a fountainhead of religious freedom. In 1937, Franklin Roosevelt wrote congratulating Maryland for "its noble service in the cause of religious toleration."

In that same letter he warned, "We must recognize the fundamental rights of man." He wrote that letter because he knew that this was a State which has always fought for the rights of man. And if that battle takes place on different fronts today than it did 300 years ago, Maryland must help to win it.

Because that same spirit still lives in Maryland today, I come here to ask your help in carrying forward the American Revolution.

In many ways today's battles are even more difficult.

Then the enemy was clear.

Today the enemies which menace our people are more complex. They will not yield simply to guns or force. They take the form of disease and poor schools—of untrained men and chronic unemployment—of exhausted mines and obsolete skills.

We are preparing to fight these enemies.

Our first objective is to free 30 million Americans from the prison of poverty. We do this for those who are poor. We do it also for those generations who will be condemned to poverty unless our generation provides a way out.

Franklin Roosevelt said: "It is not the pinch of suffering, the agony of uncertainty that the adults are now feeling that count the most—it is the heritage our children must anticipate. It is not just today that counts. Undernourishment, poor standards of living, and inadequate medical care will make themselves felt for 50 years to come."

Years of poverty in Appalachia are preparing a grim harvest for the years to come.

Here, in Appalachia, almost one family in three lives on an income of less than $3,000. In the rest of the country it's one in five.

Here, in Appalachia, the 1960 per capita income was a meager $1,400 a year. In the rest of the country it was $1,900.

Here, in Appalachia, employment went down 1.5 percent between 1950 and 1960. In the rest of the country it rose 15 percent.

Here, in Appalachia, only 32 out of every 100 people finish high school. Five out of 100 finish college. More than 2 million people have migrated to join the unskilled unemployed in other places.

But statistics alone do not tell the story. Figures do not describe the grim picture of despair and want.

I know what poverty means to people. I have been unemployed. I have shined shoes and worked on a highway crew for a dollar a day. This has taught me some of the meaning of poverty.

It means waiting in a surplus food line, rather than in a supermarket checkout line. It means going without running water, rather than worrying about whether you can afford a color television set. It means despairing of ever finding work, rather than wondering when you will take your vacation. It means coming home each night, empty-handed, to look at the expectant faces of children who lack the playthings of childhood. It means a lonely battle to maintain pride and self-respect in a family you cannot provide for—in a nation where so many seem to be doing so well.

Poverty not only strikes at the needs of the body. It attacks the spirit. It undermines human dignity.

No American can be at ease with himself and his conscience until this kind of poverty is wiped out. It is not enough for the fortunate among us to count their blessings. They should also mark, every day, what they and their country have done to extend those blessings to all.

It is not enough for the Government to propose programs. It is not enough for the Congress to pass laws. We will not win our war against poverty until the conscience of the entire Nation is aroused. We will not succeed until every citizen regards the sufferings of neighbors as a call to action. We will not overcome until every city and town mobilizes its resources to create the true American community, where all are equal in hope and expectation.

This can be done. And we are going to do it.

We won the first American Revolution because we were a people in arms. We mobilized every resource of a new and weak country. Each citizen had a role to play. In this way we defeated a great empire.

Today we are incomparably richer and stronger. We have the resources and the knowledge to win this war.

The battle will not be a spectacular one. It will consist of thousands of small efforts making up a vast national effort.

For example, this week we approved a new program to train 50 machine tool operators in Cumberland. Their new skills will be put to work in local industries. Fifty more men will have a chance for a decent wage and a productive job. They will leave the ranks of poverty.

In this way, with such small beginnings, do we move toward the great goal Franklin Roosevelt set before us when he said, "The great objective we are demanding for the sake of every man and woman and child in this country is a more abundant life."

This is still our objective today. We strive for this goal by attacking the causes of poverty, not by simply treating the symptoms. We are not trying to give people more relief, we are trying to give them more opportunity.

And this is what they want. They want education and training. They want a job and a wage which will let them provide for their family. Above all, they want their children to escape the poverty which has afflicted them.

They want, in short, to be part of a great nation. And that nation will never be truly great until they are part of it.

So I came here to Maryland—seedbed of American liberty—to call upon the pioneer spirit which made a free country. From these hills again goes forth a call to battle. This time it is a battle to open the gates of the great society to all who seek to enter.

Use of the Lie Detector by Agencies of the Federal Government

EXTENSION OF REMARKS

OF

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. DANIELS. Mr. Speaker, my colleague, Hon. CORNELIUS E. GALLAGHER—13th District, New Jersey—has made a very interesting and informative statement on the use of the polygraph—lie detector—by various agencies of the Federal Government, and I commend the reading of this report to my House colleagues:

STATEMENT ON THE USE OF THE POLYGRAPH BY VARIOUS FEDERAL AGENCIES BY THE HONORABLE CORNELIUS E. GALLAGHER, MEMBER OF CONGRESS, DEMOCRAT, OF NEW JERSEY, MEMBER OF THE HOUSE FOREIGN AFFAIRS COMMITTEE AND HOUSE GOVERNMENT OPERATIONS COMMITTEE

(Representative CORNELIUS E. GALLAGHER, Democrat, of New Jersey, 9 months ago instituted an investigation into the widespread use of the lie detector device by the Federal Government. On the basis of a preliminary report, the House Government Operations Committee this week opened hearings. It is the hope of Mr. GALLAGHER that the hearings will justify the introduction of legislation setting standards for the use of the machine, if it is found to be justified at all, and set up standards of qualifications for operators. Mr. GALLAGHER's investigation disclosed that there are no such Federal statutes presently existing in the Government.)

(By Representative CORNELIUS E. GALLAGHER, Democrat, of New Jersey)

Since the beginning of time, man's home, whether a cave, an igloo, or a Park Avenue penthouse, has been his castle. Common law and, in the United States, the Constitution have guarded the privacy of his home and his person, have protected him from unreasonable search and seizure.

Today man's castle, his traditional bastion of privacy, is in danger of becoming a fish bowl, no longer so well protected from prying eyes and ears, mostly electronic. Man's mind, the private vault of his ideas, opinions, and thoughts, is, more than ever before, under psychological and electronic assault.

We are fast becoming a nation of snoopers. Perhaps we have ourselves to blame, if through widespread dishonesty and thievery, a general breakdown of morality, we have compelled the investigative agencies of Government and industry to resort to spying techniques and electronic watchdogs.

There is something about a detection mirror in a supermarket or department store, put there to guard against shoplifting, that casts a shadow over our morality. Yet, certainly, industry and business which suffer tremendous losses annually through thievery have a right to protect their property.

The privacy of man's home and person is more frequently and more effectively being invaded through the use of instruments much more sophisticated than a simple detection mirror. Cash a check and your photograph is snapped; enter an apartment house elevator or corridor and you may be on closed circuit television; sit down at a lunch counter and you may end up on a network TV show (with your permission, of course); carry on a conversation in your bedroom and it may be recorded two blocks away; phone a Government agency and chances are your conversation, if you are talking to a high-level official, is being recorded.

A person today, who may suspect eavesdropping, won't talk about anything more important than the weather anywhere but along a lonely stretch of beach or some equally isolated spot. But even here there is the risk of conversation being picked up by ultrasensitive directional microphones that are known to be effective up to half a mile or more.

The techniques and gadgets that for so many years were associated with international cloak-and-dagger operators like Mata Hari are widely used today not only by the police and government investigators, but by respectable businessmen and untold numbers of private investigative agencies, some respectable, some not.

Recently, the Subcommittee on Foreign Operations and Government Information of the Government Operations Committee of the House of Representatives conducted at my request a preliminary investigation of the use of the polygraph—lie detector—by Government agencies. Its finding served to center attention on the widespread use of this instrument not only in Government and police circles, but in business and industry. The polygraph goes beyond invasion of the privacy of the home or person; it attempts to invade the privacy of man's mind, which certainly is his most privileged sanctuary.

The preliminary investigation revealed 19 agencies of the Federal Government had in use 525 polygraphs and a total of 23,122 individuals were subjected to lie detector tests during fiscal year 1963. It revealed no set of standards for the qualifications of polygraph operators and a variance as to the weight various agencies gave to the results obtained. In some instances persons authorized to operate polygraphs had no more than high school educations, although experts concede that operators and interviewers are the detectors, not the machines; and should, therefore, be highly trained, preferably as psychologists.

A hearing by the subcommittee revealed that in the opinion of many who work with the polygraph as many as 80 percent of the operators are not qualified. This to me is a matter of grave concern. The indiscriminate use of the lie detector by unqualified individuals is a serious invasion of privacy. Certain uses of the polygraph, for example in personnel screening, constitute an illegal search of the mind and an unlawful seizure of one's thoughts and are in violation of the fourth amendment of the Constitution.

The unreliability of the polygraph and the high percentage of operators who are either poorly qualified or unqualified is a matter of concern.

I am mindful that a polygraph test of all of the members of the police department of a large metropolitan city led to the resignations or early retirement of 30 members of the force. It later was revealed the tests were administered by an individual who had once been convicted of medical quackery. Incidents such as this convince me of the need for some type of control over use of the polygraph.

While the polygraph is not, by any means, an infallible instrument, the findings of an operator are frequently decisive. The entry on an individual's personnel or investigative record is usually permanent. The simple statement that he was subjected to a polygraph test can haunt him for a lifetime.

If we are concerned with an increasing tendency to invade the privacy of our homes through wire tap and other electronic instruments, let us be doubly concerned with the widespread use of techniques and instruments used to invade the privacy of man's mind.

The use of the polygraph to determine intent or tendency of an individual is a common and highly questionable practice. The real danger, of course, is the tendency to "trial by lie detector," wherein the sole judge may be an unreliable and unqualified operator.

Although interest in recent weeks has centered on the polygraph, the wiretap issue remains very much alive and is of equal concern as is the practice of "mail stops" which has come to public attention recently.

The privacy of home and person extends to communications between individuals. Post Office regulations permit "mail stops" for the purpose of recording the identity of persons sending mail to a designated individual. The Post Office Department admits it will place a "mail stop" on an individual's mail when requested by another Government agency. While it is not permitted under any circumstances to open and read mail, there remains some question whether this practice, too, is an invasion of privacy.

There is no Federal law that guarantees privacy of telephone conversations. In at least six States the use of the wiretap is legal. The Attorney General of the United States may authorize its use in cases involving national security.

Evidence gained through wiretap or similar devices is not admissible in Federal courts. The so-called "fruits of the poison tree" decision precludes even the admissibility of evidence that may have been gained indirectly through a wiretap. But a 1928 Supreme Court decision stated that to tap a telephone conversation was not a violation of the fourth amendment.

The fourth amendment protects "the right of the people to be secure in their persons, houses and papers, and effects against unreasonable search and seizure."

The Federal Communications Act provides, "No person not being authorized by the sender shall intercept any communications and divulge or publish the existence, contents, substance, purport, effects or meaning of such intercepted communication to any person."

The critical point here is that the act does not prohibit interception alone; it prohibits interception and disclosure.

I am sure we don't want to abandon or even lessen the guarantees of man's right to privacy. If anything, I favor bolstering those guarantees.

In my opinion, we have come to a point where we must determine whether the privacy to which an individual is entitled is adequately protected. Against the rights of the individual, however, we must weigh the protection of the community and the Nation's security. In seeking to protect the individual's privacy, we must guard against being zealous to the point of permitting the organized criminal to operate with less restraint and less chance of apprehension and conviction or of giving aid and comfort to our country's enemies.

The time has come, I believe, for an appropriate committee of the Congress to study the broad subject of invasion of privacy of the individual citizen. The purpose of such a study should be to determine what laws might be necessary to protect citizens from unauthorized and unwarranted invasions of privacy.

It should seek to develop and recommend intelligent and reasonable laws that would assure every citizen in this electronic age in which we live, the privacy guaranteed by the fourth amendment, recognizing that we must weigh the protection of the community and the security of the country against the rights of the individual.

Specifically, there is need for: Uniformity and classification of existing laws, Federal, and State, governing the use of wiretaps and voice recording devices; regulations governing the use of other detection equipment such as hidden cameras; laws establishing standards for operators of polygraphs, criteria for manufacture of such equipment, regulations governing the inclusion of test results in individuals' files, policies governing use of the polygraph by Government agencies; review of regulations that permit mail stops.

The protection of the community is, of course, paramount, but where secret use of detection devices may be warranted in police or government investigations, the determination as to their use should in each case be by competent authority. This would generally limit use of detection devices to major criminal cases and incidents where the national security is involved.

I don't believe we can outlaw the general use by private agencies or business of certain types of detection and surveillance devices such as the hidden camera or the supermarket mirror, but I do feel that law should require that where such instruments are in use, the public should be made aware.

Our Founding Fathers were wise enough to recognize the threats to individual privacy and considered the problem serious enough, even in those times, to establish constitutional guarantees to protect citizens.

Our responsibility now is to strengthen these guarantees to protect against invasions of privacy that go well beyond anything the founders of our Constitution could have envisioned.

Hon. Laurie Cormier—A Deserved Tribute

EXTENSION OF REMARKS
OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 7, 1964

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein my remarks and a news account of the testimonial dinner for my esteemed and beloved friend, Laurie J. Cormier, of Leominster, Mass., who is now Director of Civil Defense for Region 1, which embraces all of the New England States, New York, New Jersey, and Puerto Rico and consists of a total population of more than 30 million people.

This outstanding dinner was presided over by my dear friend, the incredible and incomparable Hon. J. Henry Goguen, highly esteemed Franco-American leader, who has held many high offices at every level of government in Massachusetts, and was addressed by His Excellency Endicott Peabody, esteemed and distinguished Governor of the Commonwealth, Hon. Francis M. Lanigan, the able, distinguished mayor of Leominster, Hon. William H. Tucker, able, distinguished Commissioner of the Interstate Commerce Commission, myself, and others. The dinner was attended by a large group of very distinguished officeholders and public figures too numerous to mention here and a host of friends, relatives, neighbors and well-wishers of Laurie Cormier.

My own speech, which I set forth here in part, covers much of Laurie's career, but I am afraid it was all too inadequate, in trying to encompass the wide sweep and high range of the positions held and the accomplishments achieved by this distinguished leader of city, State and Nation.

Mr. Chairman, Reverend Fathers, our beloved, honored friend, Laurie, and distinguished guests and friends.

I am greatly pleased and honored to be here tonight, and I am anxious to thank my dear friend of many years standing, Henry Goguen and his committee, for their kind invitation.

This is certainly a most unusual and richly deserved testimonial dinner. It does high and memorable honor to a valued friend and an extraordinary public servant, Laurie Cormier, and candidly I don't know anyone who deserves it more.

I cannot recall an occasion when I have heard so many fine things said of any man with which everyone completely agrees.

To strike a personal note, Laurie has been close to me for some years now, and I have had an excellent opportunity to evaluate him. He is a many-sided and most versatile individual. His life embraces many activities and many people. He is a devoted family man, blessed with a lovely wife and children, and these are indeed great blessings.

He is exceptionally well trained, well experienced across a wide spectrum of human affairs, a man of many deep and engaging interests.

A recognized leader of the bar, diligent and accomplished student of government, masterful, outstanding former chief magistrate of his native city, who in his tenure established a record of fidelity to principle, efficiency, economy, and accomplishment which will stand for many years to come, gifted Ambassador to foreign lands bringing his knowledge to other nations, and now head of region 1 of the vital civil defense functions of the Federal Government, which are so essential to our security, as a protective and possible curative shield for so many millions of our people, and, most assuredly, proud scion and gleaming example of his rich Franco-American heritage so fruitful for our country.

Indeed, there are so many other aspects to the life, the work, and the brilliant career of Laurie Cormier that I really could not enumerate them here tonight.

In sum total, however, they add up to three things, character, achievement, and profound regard for the fundamentals of our American way of life, our faith in the living God, and our determined struggles for human betterment at home and abroad.

Though still a young man, he has already built a tremendously impressive record of achievement and personal accomplishment with the bright promise of much more to come.

Beloved by Presidents, Governors, and officials of every rank, and above all by the people whom he serves so faithfully, Laurie Cormier has indeed set a lofty example of what a real, dedicated public servant can be and can do.

He has deservedly won the acclaim, confidence, and gratitude of the wonderful people of his great city, and of all those he has so faithfully served, and of our Presidents and the high officials of the Federal Government which he now serves, and will continue to serve, with such outstanding ability, distinction, and effectiveness.

Tonight he is surrounded by so very many of his family and friends, his beloved spiritual leaders, who mean so much to him, his distinguished fellow public officials and this great company so anxious to express their sense of appreciation, respect, and gratitude for his warm freindship and the fine things he has done and stood for.

This, then, is an opportunity which I eagerly embrace, not only to join in this richly merited tribute, but also to express my own personal thanks for his warm friendship, his generous, unstinted cooperation, which he has so willingly extended me in the performance of my public duties, and to express also my great pride in the brilliant attainments and impressive contributions of this splendid, brilliant, outstanding young American solon, so much loved and admired by all of us.

Laurie Cormier is destined for even greater achievements and greater contributions, and he will discharge the responsibilties of his new, exalted, most important post in the Federal Government in the same articulate, knowledgeable, capable and effective manner in which he has served to this very hour.

It is heartening for all of us to realize at this crucial time in world history and in the affairs of our own great Nation, when our freedoms are being challenged and tested as never before, when we have so many serious problems, demanding early solution, when we are besieged on all sides, not only by dangerous subversion, but by a host of dangerous tendencies and developments in our own country, and in our own body politic, that we have a man of the high caliber of Laurie Cormier giving his talents and abilities, wisdom, and experience so unselfishly to our country.

For it is in the faith, and in the courage, and in the strength of purpose, the determination, and the unswerving loyalty and devotion, high patriotism and Americanism of men like Laurie Cormier that the answers to these great problems will finally be found, and, believe me, my friends, if we remain firm, loyal, and united behind our beliefs and our principles, in our reliance on devine providence, and in our resolution to preserve this free Government and all that it means to us, and strive with all our might to build a world organized on the rule of law and dedicated to peace, justice and human brotherhood, there will be no reason to fear for the future.

From a proud and grateful heart, I extend to Laurie Cormier, and his lovely wife, Muriel, and wonderful family, my heartiest congratulations upon this happy and most delightful occasion, and wish for them many happy, successful years together.

May the good Lord shower His choicest blessings upon them for many years to come.

It has been a real honor and pleasure to be here.

[From the Leominster (Mass.) Enterprise, May 4, 1964]

AT HIS TESTIMONIAL—FORMER MAYOR CORMIER LAUNCHES DRIVE HERE FOR KENNEDY LIBRARY

Former Mayor Laurie J. Cormier last night launched a citywide fundraising drive for the John F. Kennedy Memorial Library when he donated a purse given to him at a testimonial in his honor attended by about 500 dignitaries and friends in City Hall auditorium.

Mr. Cormier was praised for his service to Leominster and the American Government by Gov. Endicott C. Peabody and Congressman PHILIP J. PHILBIN, presented a testimonial purse, a desk clock and writing set and a written citation.

He announced that he will add his personal contribution to the testimonial purse in the name of Leominster and participate in the drive to honor the late President Kennedy as "the greatest man of the century" and "one of the greatest Presidents in the history of the United States."

DISTINGUISHED SERVICE

Mayor of Leominster for 8 years and a member of the city government for 21 years, Mr. Cormier was praised by Governor Peabody for having "rendered such distinguished service" to the community as he noted that the program honored him not for the position he held but "for the job he has done" and for being the "personification of the great American dream."

Representative PHILBIN in an address which will be entered in the CONGRESSIONAL RECORD cited former Mayor Cormier for his service to the city, county, State and country.

He called the former mayor, now regional civil defense director "an extraordinary public servant * * * a recognized public leader * * * a diligent and accomplished student of government * * * a masterful chief magistrate with a record of accomplishment which will stand for many years to come * * * a gifted ambassador of our country * * * a gleaming example of his Franco-American heritage * * * destined for even greater achievement and contribution in his new Federal post."

EARNED THE TRIBUTE

Judge Richard Comerford, of the Leominster District Court and a long-time friend, said that Mr. Cormier "earned the tribute" by "his long labors in solving the problems of this city" and expressed confidence that he will provide in his new position "the same excellent public service."

The Right Reverend Monsignor Arthur J. Gravel, the honored guest's pastor, commended him for his service to the church and his family.

Greetings to Mr. Cormier were extended by Commissioner William H. Tucker of the Interstate Commerce Commission, from John McNally and others of the White House staff, Richard McGuire, treasurer of the Democratic National Committee; Edward McDermott, Director of Emergency Planning; and other friends in the Federal Government in Washington, D.C.

A bouquet of roses was presented to Mrs. Cormier by Mrs. Comerford. Presentation of the gift desk set, citation and purse was by Miss Clarisse Mercier for the Franco-American Asociations of Leominster and the guests at the program.

SECRET REVEALED

Visibly affected emotionally, Mr. Cormier expressed his gratitude to the assemblage and attributed his success to the philosophy that the sort of good government is for officials to be honest with themselves and all with whom they work and serve.

He then launched the Leominster campaign for the Kennedy Memorial Library in the name of the city and assemblage by donating the purse to the fund.

J. Henry Goguen, former commissioner of public safety and former secretary of state, was master of ceremonies and introduced the guests and speakers.

Others seated at the head table were Mayors M. Francis Lanigan of Leominster, who extended the city's greetings, George J. Bourque of Fitchburg and Cyrille Landry of Gardner, State Senator Joseph D. Ward of Fitchburg, State Representative Robert Mahan of Leominster, Judge Thomas Dooling of Fitchburg.

Worcester County Sheriff Joseph Smith, Gen. Otis Whitney, judge of the Concord District Court and former State insurance and public safety commissioner; Maj. Gen. Benjamin F. Evans, commanding general, Fort Devens; Louis M. Janelle, U.S. Attorney for New Hampshire; Worcester County District Attorney William T. Buckley, County Commissioner Francis Cassidy, Governor's Councilor Walter Kelly and Robert Cormier, general chairman.

A large delegation of other dignitaries was in the audience, termed by Representative PHILBIN one of the largest gatherings of dignitaries to honor a man.

Poverty War Needs Five-Front Attack

EXTENSION OF REMARKS

OF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. MOORHEAD. Mr. Speaker, under leave to extend my remarks, I include the testimony I presented on May 1, 1964, to the Ad Hoc Subcommittee on the Poverty War Program:

A FIVE-FRONT WAR AGAINST POVERTY

(Statement of Representative WILLIAM S. MOORHEAD, Democrat, of Pennsylvania, on H.R. 10440, Economic Opportunity Act of 1964, before the Ad Hoc Subcommittee on the Poverty War Program, May 1, 1964)

Mr. Chairman, Pittsburgh wants to enlist for the duration in the war against poverty.

Pittsburgh is one of the few large cities which is classified as a distressed area and Pittsburgh has been so classified for a longer period than any other city. Because of this we have more than our share of poverty.

But even in Pittsburgh it is difficult for most people—secure in their jobs, with families and the comforts of life—to understand the problems of those faced with poverty.

The poor are hidden by curtains of loneliness and isolation—curtains symbolized by the hills that shield the valleys of misery, the dirt roads that discourage fast-moving cars, and the ugliness that keeps most of us out of the slums. But they are there—people of flesh and blood.

The solution to these problems is beyond the jurisdiction of this committee and beyond the jurisdiction of any single department or agency in the executive branch. Similarly, at the local level the war against poverty will cut across jurisdictional lines. In the field of community development, with the Pittsburgh renaissance, Pittsburgh has demonstrated the importance of civic patriotism and a talent for bringing together business, labor, and Government to work cooperatively for community betterment.

I think this talent to cooperate across jurisdictional lines will make Pittsburgh an ideal frontline soldier in the war against poverty.

We are ready to start now.

Certainly the time for action is now. As Walter Lippmann put it recently: "For a long period—since the end of World War II—the American people at great cost have had to assume the leadership of the free world to hold the line against Communist power. It has cost not only over half the Federal budget but it has cost the time, energy, and emotional concern of our people for 20 years. The result is that we have had to neglect the development of this vast country. And the result of this is seen in the condition of our schools, in the condition of our cities, in the backwardness of our transportation system and in a lot of other things. We must now turn our attention to our own affairs."

H.R. 10440, now pending before this committee, is a good beginning. Aptly, it is named the Economic Opportunity Act of 1964 because this puts the proposition in a positive way. We intend a war against poverty not just in the sense of relief or a welfare program, but in the creation of opportunity in this country for some 35 million persons who can afford neither adequate food nor adequate clothing, nor adequate housing.

H.R. 10440 is titled "A Bill To Mobilize the Human and Financial Resources of the Nation To Combat Poverty in the United States." But the bill must not stand alone.

The war must be fought on at least five fronts if we are to succeed in accomplishing its broad objectives. It will involve a five-front war, with legislation pending not only before this, but also before other committees of the Congress.

First let us dispose of one myth, the poor are not poor because they want to be. Some there may be who find that our free enterprise system is not sufficiently challenging and who prefer to eke out a bare subsistent existence. However, the overwhelming majority are those who, because of various disadvantages, find the challenge of the free enterprise system to be excessive.

If we look at these groups and their particular disadvantages, we will know how to fight the five-front war against poverty.

Some programs are underway or under consideration for these groups. With this legislation in perspective, let us see how it all fits into the entire picture.

I think of five major groups who have unusual barriers against full participation in our economy. First, the young and undereducated. Their unemployment rate is double that for the population generally. We have some programs such as aid to education and the Vocational Educational Act for the young, but something radically new is needed because our entire educational system is based on the assumption that it would take place in a middle-class community where a great deal of the process of education is carried on at home. In the case of a young person whose parents are poor and uneducated and who lives in rural or urban slums, the basic assumption is false. The Housing and Community Development Act of 1964 will help to eradicate slums and improve the environment in which our young people are growing up; but other programs directed specifically toward this problem are needed.

The second group are the middle aged who are either untrained or whose skills have been shot out from under them either by automation or other technical change. The Manpower Retraining and Development Act is a possible answer to the problems of this group.

The third group are our older citizens and particularly those whose life savings have been, or may be, wiped out by disastrous illness. The Hospital Insurance Act of 1964 now pending before the Ways and Means Committee is this administration's answer to the particular needs of this group.

The fourth category of people are those whose lot is inextricably linked to a geographical area which is economically depressed. One answer to this group is the extension of the Area Redevelopment Act which has been reported by my Committee on Banking and Currency and is now pending in the Rules Committee.

We must also have Federal aid for the development of mass transportation facilities in urban centers.

Another answer to a major geographical area poverty problem is the President's Appalachian program.

The fifth major category are citizens of minority groups subjected to discrimination. One answer to this group is the Civil Rights Act and particularly title VII thereof passed by the House of Representatives and now being debated in the other body.

The common thread running through each of the five foregoing categories is that each one of them has one or more handicaps which make it more difficult for them to participate fully in the free enterprise system.

Worst of all, these handicaps tend to be handed on from parents to the children.

The uneducated father tends to be poor and live in a slum, bringing up his children in a home environment which does not contribute to the educational process. At the same time and to our shame, the schools in such a neighborhood tend to be well below average and, thus, the vicious cycle repeats itself.

The new and exciting thing about this legislation is that, with its emphasis on young people, it recognizes that the greatest challenge is to break these patterns of poverty which occur generation after generation.

I believe it was this objective that the President had in mind when in his poverty message he said, "the years of high school and college age are the most critical stage of a young person's life. If they are not helped then, many will be condemned to a life of poverty which they, in turn, will pass on to their children." That is the real meaning of the President's recommendation for the creation of a Job Corps, a work-training program and work-study program.

These proposals are excellent and I certainly urge the committee to support them.

However, I also urge the committee to consider, at least on a pilot project basis, a program of special assistance to primary schools located in our poorest neighborhoods. It is in these schools that Johnny learns or does not learn to read. Because Johnny receives less reading assistance at home, these schools should be above average, and yet we all know too well that they are usually at the bottom of the educational ladder. The 6-year-old today who is not learning properly how to read will have dropped out of high school 10 years from now and will be a candidate for the job corps for which future Congresses will be called upon to appropriate money.

I call your attention to an article in the May 1964, issue of Harper's magazine. It is entitled "Give Slum Children a Chance: A Radical Proposal." This article is taken from a book to be published by Random House called "Crisis in Black and White." The author is Mr. Charles E. Silberman. Mr. Silberman is a member of the board of editors of Fortune magazine and a lecturer in economics at Columbia University. Mr. Silberman points out:

"The root of the problem, educationally, is that the slum child does not learn to read properly in the first two grades. Whether because of this reading disability alone, or because of difficulty in handling abstract concepts that stem from independent causes, the slum child falls further and further behind after the third grade; the gap widens, and his IQ actually declines. His failure to read properly affects a lot more than his school work. It has a profound impact on how he regards himself and consequently on how he regards school. Poor reading skill at the start is the major cause of school dropouts and subsequent unemployment."

Mr. Silberman says:

"Nothing less than a radical reorganization of American elementary education is necessary, therefore, if the schools are to begin to discharge their obligation to teach the Negro and white slum youngsters. To reverse the effects of a starved environment the schools must begin admitting children at the age of 3 or 4, instead of at 5 or 6. The nursery school holds the key to the future—but a very different kind of nursery school from the one most Americans are familiar with."

I recommend that the members of this committee give careful consideration to Mr. Silberman's proposals. In fact, I believe that a highly profitable study could be made of the pilot programs upon which Mr. Silberman bases his proposals.

If we can prevent the problem from developing, we can cut down or eliminate the Job Corps in the future and know with reasonable assurance that we have broken the pattern of poverty.

It seems to me that the war on poverty program which Mr. Sargent Shriver has put together for the President and unfolded before Congress, reflects realistic, workable, and indeed conservative economic principles.

The United States has been hailed for our generosity to people in need in all parts of the world. The American people have given generously of their resources as a matter of responsibility. This same sense of responsibility makes a demand upon the national conscience that cannot be ignored.

Our response to this problem of poverty amidst plenty must come from the heart. It must spring from conviction. It must be intelligent. It must be comprehensive. America should not settle for less.

SENATE

FRIDAY, MAY 8, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Logan Cummings, pastor, First Baptist Church, Columbus, Tex., offered the following prayer:

Our Father in heaven, we are grateful that in Jesus Christ our daily needs are fulfilled. That He is our strength, our purity, and our wisdom, we are grateful. We pray Thy wisdom, Thy strength, Thy purity of motives, and Thy leadership, this day, upon the Senate, as it has the awesome responsibility of leading a great people. We thank Thee for this Nation, and we humbly ask that her people may ever compose the land of the free. Grant us, Father, that in our desire to love the one, we may not despise the other; that in our desire to help the one, we not harm the other; and that we may be fair and just to all, as Thou art merciful and kind to all.

In Jesus' name. Amen.

THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 7, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had insisted upon its amendments to the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rogers of Texas, Mr. Johnson of California, Mr. Duncan, Mr. Saylor, and Mr. Skubitz were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10945. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 11134. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 10945. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

H.R. 11134. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, as on previous days, there be a morning hour, under the stipulations and rules previously laid down, with statements limited to 3 minutes.

The ACTING PRESIDENT pro tempore. With that understanding, and without objection, it is so ordered.

ORDER FOR RECESS TO MONDAY, AT 10 A.M.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until Monday, at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 208 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Brewster
Cannon
Carlson
Case
Cotton
Curtis
Dirksen
Dodd
Douglas
Ellender
Fong
Gruening
Hart
Hayden
Hickenlooper
Holland
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Smith
Sparkman
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Oregon [Mr. Morse], the Senator from West Virginia [Mr. Randolph], the Senator from Georgia [Mr. Russell], the Senator from Florida [Mr. Smathers], and the Senator from Mississippi [Mr. Stennis] are absent on official business.

I also announce that the Senator from Virginia [Mr. Byrd], the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from North Carolina [Mr. Ervin], the Senator from Indiana [Mr. Hartke], the Senator from Alabama [Mr. Hill], the Senator from Wyoming [Mr. McGee], the Senator from Texas [Mr. Yarborough], are necessarily absent.

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

Mr. KUCHEL. I announce that the Senators from Delaware [Mr. Boggs and Mr. Williams], the Senator from Arizona [Mr. Goldwater], the Senator from New Mexico [Mr. Mechem], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Kentucky [Mr. Cooper], the Senator from Colorado [Mr. Dominick], and the Senator from Nebraska [Mr. Hruska] are absent on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Provision of War Risk and Certain Marine and Liability Insurance to the American Public

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war-risk insurance and certain marine and liability insurance for the American public, as of March 31, 1964 (with an accompanying report); to the Committee on Commerce.

Report on Review of Constitution of Consulate General Office Building and Official Residence, Tangier, Morocco

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of construction of Consulate General Office Building and official residence, Tangier, Morocco, Office of Foreign Buildings, Department of State, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

Guaranty and Insurance of Loans to Indians and Indian Organizations

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for guaranty and insurance of loans to Indians and Indian organizations (with accompanying papers); to the Committee on Interior and Insular Affairs.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (by request):

S. 2817. A bill to provide for the administration of the Coast Guard Band; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. MILLER:

S. 2818. A bill to provide compensation for the loss of the leasehold interest of the Farmer's Grain Co. of Carlisle, Iowa, in certain lands by reason of the construction of the Red Rock Reservoir project;

S. 2819. A bill to provide compensation for loss of the leasehold interest of John H. McKlveen, Joseph L. McKlveen, G. M. Henderson, and S. L. Henderson, a partnership doing business as McKlveen Lumber Co., by reason of the construction of the Red Rock Reservoir project; and

S. 2820. A bill to provide compensation for the loss of the leasehold interest of the Vanderzyl Bros. Fuel Co. in certain lands by reason of the construction of the Red Rock Reservoir project; to the Committee on the Judiciary.

RESOLUTIONS

WELCOMING FORMER PRESIDENT TRUMAN TO THE SENATE CHAMBER ON THE OCCASION OF HIS 80TH BIRTHDAY

Mr. HUMPHREY (for the entire membership of the Senate) submitted an original resolution (S. Res. 324) welcoming former President Truman to the Senate Chamber on the occasion of his 80th birthday, which was considered and agreed to.

(See the remarks of Mr. Humphrey when he submitted the above resolution, which appear under a separate heading.)

CONTINUATION OF J. EDGAR HOOVER IN HIS PRESENT OFFICE AS DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION

Mr. HAYDEN (for himself, Mr. Mansfield, and Mr. Dirksen) submitted a resolution (S. Res. 325) favoring continuation of J. Edgar Hoover in his present office as Director of Federal Bureau of Investigation, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Hayden, which appears under a separate heading.)

ADMINISTRATION OF THE COAST GUARD BAND

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for the administration of the Coast Guard Band. I ask unanimous consent that the letter from the Secretary of the Treasury requesting the proposed legislation be printed in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 2817) to provide for the administration of the Coast Guard Band, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. Magnuson is as follows:

The Secretary of the Treasury,
Washington, April 10, 1964.

The Honorable Carl Hayden,
President pro tempore of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill, "To provide for the administration of the Coast Guard Band."

The Coast Guard Band is the only official musical organization representative of the Coast Guard. It is stationed at the Coast Guard Academy in New London, Conn., where it has become an increasingly valuable asset, both to the Academy and to the Coast Guard itself. Through the years its activities have grown steadily in scope and importance. The proposed bill would recognize the band's value to the Coast Guard by giving it statutory recognition similar to that in effect for the bands of other Armed Forces (10 U.S.C. 3536, 6221, 6222, 6969; 37 U.S.C. 207, 242). This statutory authorization would contribute to the prestige of the band and to its permanency and stability within the organizational structure of the Coast Guard.

The proposed legislation would also statutorily authorize the position of director of the band and provide for his appointment. The director is the direct supervisor of over 40 enlisted personnel and has the responsibility for the control and safeguarding of Government property of considerable value. The bill would provide that the director serve in a grade not below lieutenant (junior grade), and not above lieutenant commander. The proposed grade level would be consistent with his responsibilities, and would add to his effectiveness and to the prestige of the band.

Increased costs under the bill would amount to less than $2,500 per year.

There is enclosed a comparative type showing the changes in existing law that would be made by the proposed bill.

It would be appreciated if you would lay this proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

Douglas Dillon.

FEDERAL PESTICIDE CONTROL ACT OF 1964—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 30, 1964, the names of Mr. Gruening and Mr. Hartke were added as additional cosponsors of the bill (S. 2792) to amend the Federal Insecticide, Fungicide, and Rodenticide Act in order to provide for more effective regulation under such act, and to provide for certain control of waste disposal in connection with the manufacture, formulation, or other processing of economic poisons, introduced by Mr. Ribicoff (for himself and other Senators) on April 30, 1964.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 8, 1964, he presented to the President of the United States the following enrolled bills:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

VISIT TO THE SENATE BY FORMER PRESIDENT OF THE UNITED STATES HARRY S. TRUMAN

Mr. HUMPHREY. Mr. President, we are extremely fortunate today to have in our midst a former U.S. Senator and a great and distinguished former President of the United States, whom we always address affectionately as "Mr. President." It is not my purpose at this moment to say anything further.

Mr. HAYDEN. Mr. President, I should like to recite a little history. One day, at about the time the Senate was to meet, Vice President Wallace stated to me, "I am going to put you on a committee" to investigate Government expenditures.

I said to the Vice President, "I am no lawyer. I do not like to conduct investigations. You get a lawyer."

The Vice President said, "I am going to put you on the committee."

The next day, I found that a Senator named Harry Truman had been made the chairman of the committee. I went to him and said, "Harry, I am not going to serve on your damn committee." [Laughter.] "You find a good, able lawyer. I will resign and you can get the Vice President to appoint him."

In a short time, he came to me and he said that Carl Hatch, of New Mexico, then a Senator, and later great judge, was his choice. I resigned. I did not belong to the Truman committee. Under the chairmanship of Harry Truman many millions of dollars were saved to the American taxpayers and its chairman attained a national reputation which was helpful to him in future years.

Mr. PELL. Mr. President, this is indeed an historic day. I join other Senators in welcoming a remarkably great and distinguished American to the Senate Chamber, and this great American being the historian that he is, it is particularly appropriate that he should once again make a bit of history.

In this connection, and for the information of Senators, I should like to read Senate Resolution 78, which was submitted by me and cosponsored by the senior Senator from Washington [Mr. Magnuson], the senior Senator from Minnesota [Mr. Humphrey], and the senior Senator from Kentucky [Mr. Cooper], and approved by the Senate last October 1. The resolution (S. Res. 78) is as follows:

Whereas, pursuant to rule XXXIII of the Standing Rules of the Senate, former Presidents of the United States are accorded the privilege of the floor while the Senate is in session; and

Whereas it would seem particularly beneficial for the Senate to know the views of former Chief Executives who by experience are uniquely qualified to comment on grave national problems: Now, therefore, be it

Resolved, That rule XIX of the Standing Rules of the Senate be amended by adding at the end thereof the following:

"8. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements."

Mr. TRUMAN. Mr. President——

The ACTING PRESIDENT pro tempore. Mr. President. [Applause, Senators rising.]

Mr. TRUMAN. Thank you very much. I am so overcome that I cannot take advantage of this rule right now. It is one of the greatest things that has ever happened to me in my whole lifetime.

It is unique. It is something that has never been done before. And between you, and me, and the gate post, since I profit by it, I think it is a good rule. [Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, I am especially delighted on this historic occasion that we are welcoming home one of our own—Harry Truman. We look upon him, not so much as a former President of the United States—and he was a great President; not so much as a Missourian—and he was and is a great Missourian; but we look upon him primarily from a selfish point of view as a Member of this body who has made many contributions to the welfare of his State, his country, and the world.

Just as Mr. Truman was brief, I shall be brief.

Mr. President, we are delighted that the Pell resolution is in effect, so that you could in a sense break the ice and address this body. We were sorry that your remarks were so brief. We know that you could tell us much that would be of assistance and counsel to us. But we are happy to see you looking so hale and hearty.

We hope this is only the first of many visits. Welcome home. [Applause.]

The ACTING PRESIDENT pro tempore. Mr. President——

Mr. TRUMAN. Mr. President, I want to thank everyone. I thank the majority leader for what he had to say.

This is the first time I ever achieved the ambition which I had when I was in the Senate. I removed the leader of the majority from his seat. [Applause, Senators rising.]

Mr. DIRKSEN. Mr. President, one day recently, I could hardly believe my eyes when I read a statement in the newspaper by our very distinguished former President, entreating all candidates and those engaged in matters political to be charitable, to be compassionate, and to be forbearing. It brought to mind an experience which I had.

Because of an eye difficulty, I quit the House of Representatives, effective in January of 1949. It has been the custom, I suppose, for a Member who either quits or is defeated, to pack his bags and shake the dust of the Capital City from his feet as quickly as possible. However, I called up Matt Connelly in the White House. I said to him, "I am not going back home until I say goodby to my neighbor, the President, who comes from the adjoining State."

Matt Connelly said, "The President is busy."

I said, "That is quite all right. If I cannot see him this week I will see him next week or the following week; but I shall wait."

Matt Connelly said, "Wait a minute; how about next Tuesday at 11 o'clock?"

So the next Tuesday at 11 o'clock I found myself in the office of the distinguished former President, enjoying what allegedly started out as a 5-minute visit, and lasted for an hour and 30 minutes.

The President said, "Why did you quit? We need you here. You have been a valuable member of the legislative branch."

My ears were fairly ringing with flattery. How good it made me feel. Then by some inexorable force a few years later, I found myself in a political campaign with the distinguished then majority leader of the Senate as my opposite number. In the course of the campaign, our distinguished former President came to the St. Louis Auditorium to make a speech. The place was filled. He had the benefit of all the networks, radio, and television. It was probably the only night in the campaign that I was not on the hustings myself, and I was indeed interested to find out what my distinguished neighbor was going to say, because only 2 years before he had told me that I was "the indispensable man."

So I listened.

Mr. President, on occasion I have managed to monger and to fashion words to suit a particular purpose, if I felt a rising tide of anger and really wished to dispose of an adversary. I did not even find it necessary to look into a thesaurus for the words I wished to find. But that night I was completely outdone and undone. For never have I received such an excoriation. Never have I received such a castigation. Never have I been laid so low in the political lists as by my distinguished friend from Missouri.

So, I contemplated his words of entreaty and supplication of only 2 years ago when he had told me that in politics there must be compassion, there must be charity, there must be selectivity in the words that we employ.

I am so glad. [Embracing former President Truman.]

Mr. SYMINGTON. Mr. President, on behalf of the people of the great State of Missouri, for myself and my distinguished colleague, I express our deepest appreciation to the Senate for the gracious courtesy that it has shown to one of our former colleagues—the No. 1 citizen of our State, who now has reached his 80th birthday.

I served with him for many years in the executive branch, and I am confident that he is already considered and will be more so in the future, one of the greatest Presidents in the history of the United States.

Mr. HUMPHREY. Mr. President, I am sure that this is a day that everyone will long remember.

It is, as the Senator from Rhode Island [Mr. PELL] has stated, an historic occasion, not only because we welcome back to the Senate a great U.S. Senator, a great citizen and a great President of the United States, but also because on this occasion, for the first time, a former President has been with us as a participating Member of the U.S. Senate.

It makes this body more noble, and more honorable. It makes our membership in this body all the more significant.

President Harry Truman made history and helped make America even greater. In terms of the history of today and the history of tomorrow, he has helped many of us who are Members of this body. He is not only a great partisan, when he needs to be partisan, but, above all, he is a great citizen, on all occasions.

He is much loved by the American people. He is greatly loved and respected by freedom-loving people throughout the entire world.

As a young man seeking public office, and a candidate for the U.S. Senate in 1948, the turning point in my campaign, and I believe one of the most significant developments in the campaign for reelection on the part of the President of the United States, was on the occasion of his visit to the capital of our State, St. Paul, where some 15,000 people jammed the auditorium to hear a great address by a fine and great man.

Mr. President, we do not need to take time here to recite the many accomplishments of this fine man's administration and his life work. All I can say is that I hope and pray that at the age of 80 I can be so young, so vital, so vigorous, so happy, and so filled with the love of life as is the distinguished gentleman who honors us by his presence today.

I believe we have almost forgotten to wish him a happy birthday. Therefore, I rise for the purpose of asking my colleagues to join me in wishing a distinguished citizen of the United States, a citizen of the world, and former President of the United States, a happy birthday on his 80th birthday anniversary. [Great and prolonged applause, Senators rising.]

Mr. DIRKSEN. Mr. President, I should like now to complete my story.

It was some time after this incident that Mayor Daley was having a party—I always embrace the invitation to attend all of Mayor Daley's parties—in honor of our distinguished friend. It was the first time I had an opportunity to tell him about our White House visit of a few years ago, and about the campaign.

I embraced him and he said, "Oh, EVERETT, you know how it is in this political business."

A moment later, he said, "What have you in that glass?"

I said, "Milk."

He said, "Is it good?"

I said, "It is."

He said, "Then I shall join you in having some."

Mr. AIKEN. Mr. President, I am not rising to congratulate anyone on having another birthday anniversary. I certainly would not know how to congratulate one upon whom birthdays make such a negligible impression as my ex-colleague, Harry Truman.

As a Member of the Senate, he set some examples which I believe all Members of the Senate could well follow.

I remember one of them very clearly and that was that he was always at work before breakfast, just as the majority leader, Senator MANSFIELD, is today.

He made decisions without equivocation. When he left the Senate and went to the executive branch, he never forgot what the congressional branch of the Government was for. One of the most difficult things I had to learn after he went downtown was to learn to say, "Mr. President." It did not come very easy. However, after a while, I mastered it. All the time that he was in the executive branch, he remained a regular fellow, a human being, and thought as a human being.

Last night, while watching television, I heard a reporter ask the former President what in his opinion the Senate was going to do. When he said, "Don't worry about the Senate; it will do the right thing when the time comes," I knew that he was still one of us.

Mr. ELLENDER. Mr. President, I am one of the few survivors of the days when our good and illustrious friend from Missouri sat with us in the Senate. I am proud to be able to wish him a happy 80th birthday.

President Truman never lost his sense of touch with his friends—in fact with the people—after he became President. He remained a human being, always ready and willing to extend a helping hand. He respected the views of others, even if he disagreed. He was not arrogant. He was a man of great courage. He never straddled or ducked an issue. His opponents knew where he stood.

For quite some time after I came to the Senate, I always brought with me from Louisiana some wild ducks and geese, oysters and shrimp, and other goodies. I often cooked some of those delicacies and shared them with my colleagues, including Harry. I also very often sent some ducks and geese to the White House, especially when my good friend was President.

On one occasion I killed a goose in Cameron Parish, in my State. It was a very fine, fat goose. It was a Canadian ringneck. After I shot it, I picked it up and discovered that it had an aluminum band on one of its feet. I wondered where the goose had been banded and where it came from. In any event, I brought the goose to Washington. After preparing it for the oven, I sent it to the White House to my good friend, President Truman.

In the meantime, I sent the band that had been put on the goose's foot to the Department of the Interior, to find out where the goose came from and where it had been banded.

After sending the goose to the White House, I became ill. The President telephoned me at my apartment to find out how I was getting along. He thanked me for sending him that goose. I had, in the meantime, received the information from the Department of the Interior as to where the goose had come from. In the conversation that ensued with the President over the telephone, I said to him, "You said that the goose was big and fat. Do you know where it came from?"

He said, "I don't know. I suppose from Canada."

I said, "No; it came from a U.S. preserve in Missouri."

Mr. SCOTT. Mr. President, in 1948 I had the somewhat dubious distinction of being the national chairman of my party. [Laughter and applause.] When I last saw the President at Independence Hall in Philadelphia, I came up behind him and said, "Mr. President, I wish to speak to you as an admirer, because I believe that, as national chairman, I contributed somewhat to your victory." [Laughter.]

While we all have known and loved President Truman and recognize him as an effective and great partisan at times, when he stirred us two ways, we love him particularly because as a great patriot he was so effective in stirring all Americans in only one direction under his leadership; and as each day moves into history, the conviction grows more and more upon us that we did indeed live under a very great President.

Happy birthday to you, Mr. President. [Applause.]

Mr. SALTONSTALL. Mr. President, as I told our distinguished guest this morning, I had a unique privilege. No other Member of the Senate had it. One day, when there were long speeches in progress in the Senate, and I was one of the few Senators on the floor, I received a message from the President, on a pink slip, on which he had written, "Governor"—he always called me that—"I have a Missouri soldier boy in my office. I would like to have you come up and take my seat."

He had always been honorable, and I said, "How long will I have to sit here?"

He said, "I will be back in an hour."

He was back in an hour.

On the desk he had an apple. That was the only time I ever remember seeing an apple right back of Charlie Watkins' head. I said, "Mr. President, what happens if I eat the apple while you are gone?"

He said, "You will take the consequences if you do."

However, he was back in an hour.

As I told him this morning, I was the last person who sat in that chair before he became President. He returned to the chair and adjourned the Senate, and within an hour afterward he was the President of the United States.

I shall always remember that as a unique privilege.

I join other Senators in wishing him a very happy birthday. I am sure he is only 21, and he has many more years to go. [Applause.]

Mr. ROBERTSON. Mr. President, a great American poet, Longfellow, wrote about footprints on the sands of time. I have the honor of sitting at a desk which bears the imprint of one of the truly great Senators who ever served in this body. The last one to sit at this desk was a former Senator from Missouri, Harry S. Truman.

I am reminded of the Hebrew prophet, Hezekiah, who, when called upon to rule over Israel, said, "For 7 days I sat where they sat."

For 12 years it has been my privilege, my high honor, and my inspiration to sit at the desk where the great Harry S. Truman of Missouri sat.

I extend to him felicitation and warmest greetings of friendship. [Applause.]

Mr. ANDERSON. Mr. President, it is refreshing to hear the comments of Senators who served with President Truman in the Senate. It may also be proper to hear a word from some of those who served under him in the executive branch of the Government. I am happy to testify, with the Senator from Missouri [Mr. SYMINGTON], that President Truman was a great leader in the executive branch as well.

One day we hope the true story of many things that happened can be told. Someday I hope it will be proper to recite the burden that was on this man's shoulders when he faced the decision of what should be done with the atomic bomb.

I can testify, from sitting in those Cabinet meetings that I never saw a man face a problem and come to its solution more courageously than did the President of the United States. I can truly say to him happy birthday, because he has really earned it.

Mr. GRUENING. Mr. President, our able majority whip [Mr. HUMPHREY] has correctly pointed out what is increasingly recognized; namely, that President Truman not only has written important history but has himself as President made history, and in doing so has made the United States greater.

I should like to recall one historic episode which distinctly demonstrates that. After Harry Truman became President, following the death of President Roosevelt in April of 1945, he sent an invitation to the Governors of the States and Territories to visit him. I took advantage of that invitation to fly down from Alaska and call upon him when he was visiting a former senatorial colleague in the State of Washington. That was in May 1945. I informed him that the Territorial Legislature of Alaska, which had met earlier that year, had in compliance with my request made in my message to it, passed a bill to provide for a referendum to enable the people of Alaska to decide at the forthcoming territorial election in the fall of 1946 whether they wanted or did not want statehood. I asked President Truman whether it would be possible for him, in his first state of the Union message, which he would deliver the following January, to give a "plug" for Alaska statehood. He said he would, and he did.

In his state of the Union message in January 1946, he told the Congress that the Legislature of Alaska had enacted that referendum measure, and that if the following October, the people of Alaska voted that they wanted statehood, he hoped Congress should grant it. Of course he included Hawaii, as well. That was the beginning of our really active campaign for statehood for Alaska and for Hawaii also.

The first hearing in the U.S. Senate on the question of Alaska statehood was held by the distinguished senior Senator from New Mexico [Mr. ANDERSON], who has since been an ardent supporter of both Alaska and Hawaii statehood. That was one of the first battles in the campaign that resulted, in 1958, in securing statehood for Alaska and thereby in the extension of the frontiers of democracy to America's farthest North and farthest West in the case of Alaska, and to its farthest South, in the case of Hawaii.

That was a demonstration of how a President could not only make history, but also make the United States greater, physically, morally, spiritually, and in every other way.

The people of Alaska—and I am sure the people of Hawaii, as well—will always be deeply grateful to President Truman. He was the first President to espouse statehood for those two Pacific areas, which brought the 49th and 50th States into the Union. [Applause.]

Mr. MAGNUSON. Mr. President, I, too, have some unique memories of my association with Harry Truman. I hope he has not lost some of his personal skills, as well as his political skills. I merely wish to add to the RECORD, publicly, my wish to an old, dear, valued friend: Harry, a very happy birthday. [Applause.]

Mr. PASTORE. Mr. President, it was 1948, and former President Truman was drawing toward the close of his campaign. He had visited the State of Massachusetts; and he was carrying his campaign into the State of Rhode Island.

In 1948, I was the Governor of Rhode Island. It was my delightful privilege as host and fellow-candidate to meet the then President Truman at the Massachusetts-Rhode Island border. We met the distinguished President in an open car and were driving toward the city of Providence. The whole countryside seemed to be a welcoming committee.

I shall never forget one incident as long as I live. A humble Portuguese farmer was toiling at his farm by the side of the road. He was bent at his task. As the Presidential car passed by, the farmer rose to his full height, took off his hat, and held it over his heart out of respect for the President of the United States. That gesture symbolized the respect and the reverence that the entire free world has for Harry S. Truman.

In that one campaign day of 1948 I saw Harry Truman's confidence in the

American people—and their confidence in him. His deeds of courage and compassion served and saved the world.

At the birth of the United Nations, President Truman declared "What a great day this can be in history." I say that this birthday will one day be proclaimed a great day in American and world history.

In my humble opinion, Harry S. Truman is one of the greatest Presidents the United States has ever had. He symbolizes in the truest form the highest office of our land. I know of no other man who had the power and the courage to express his convictions so forthrightly.

On this 80th birthday, I join my colleagues in saying to Harry S. Truman: Ad multos annos. [Applause.]

Mr. HICKENLOOPER. Mr. President, I believe there is only one Senator on this side of the aisle who served with Harry S. Truman when he was a Senator, and that is the Senator from Vermont [Mr. AIKEN]. There are three other Senators on this side of the aisle who had the privilege and distinction of serving with him for a short time when he was Vice President and graced the chair of the presiding officer.

I assure Senators that I have no anecdotes to recite, but regardless of the fact that there are only a few of us present who had the privilege of service in the Senate with Harry Truman, we all appreciate the courage, determination, and fidelity to principles which were so ably demonstrated by Vice President Truman and then by President Truman.

Our respect for him is tremendous. While our agreement with him politically usually was not so harmonious, that fact did not affect our personal respect, our admiration, and our affection for him.

As one who has had the opportunity of such service during that period of time, I join other Senators who are welcoming a great American, a great President, and a great man back home to the Senate of the United States. [Applause.]

Mr. SPARKMAN. Mr. President, I join my colleagues in wishing a happy birthday to a former Senate colleague, former President Truman. I did not have the opportunity to serve in the Senate with the former President when he was a Member of this body, but I was serving in the House of Representatives at the time. I knew him quite well. I remember his legislative accomplishments. I do not know whether President Truman remembers it or not, but he may recall the Transportation Act of 1940. I even remember the number of the bill—S. 2009. He was instrumental in having it passed. It did a great job of assisting the transportation industry so far as some areas of the United States were concerned.

I remember another incident. One day I was coming over to the Senate and met the Senator from Missouri in the corridor. He stopped me and said, "I have just submitted a resolution."

Parenthetically, this was shortly after or while we were getting our machinery moving for the prosecution of World War II. He said, "In the past, there has always been an investigation after the war was over. I have decided that we ought to keep up with what is going on as it happens. Then we will know what investigating ought to be done by us."

Out of that resolution came the great Truman Committee, to which the distinguished senior Senator from Arizona [Mr. HAYDEN] referred, which did so effective a job of investigating by Congress.

I have enjoyed many delightful experiences with the former President of the United States. I remember the convention in Chicago in 1944. Senator Truman and his family were at that time staying at the Morrison Hotel. My family and I were staying at the Sherman Hotel. I was walking down the street one day and met the Senator on the sidewalk.

By the way, I had gone to the convention to try to help to nominate Sam Rayburn for Vice President. But things took a turn that made that impossible.

I said to Senator Truman, "Why not say that you are willing to accept the nomination? You can have it merely by letting it be known that you will accept it."

I remember his reply. He said, "I am perfectly satisfied with the job I have of serving in the Senate."

President Truman, I take great delight in having the privilege of being in the Senate today as you celebrate your 80th birthday.

I wish him a very happy birthday and many more to come after it, with each one happier than those before.

Let me add one word: Through the years, he has had great help. Mr. President, on behalf of Mrs. Sparkman and myself, I extend greetings to Mrs. Truman. [Applause.]

Mr. JOHNSTON. Mr. President, I believe I would be derelict in the fulfillment of my duty if I did not speak today on behalf of one of the greatest Presidents our country has ever had. I am one of the few Senators in this body today who served with Harry S. Truman in the Senate.

Well do I remember the occasion when he was first nominated. It happened that I was on the national executive committee, from South Carolina. Today we should thank Bob Hannegan, chairman of the national committee, for bringing to our attention at that time what should be done. It then seemed as if the convention would be stampeded to renominate Henry A. Wallace. We called a quick session of the executive committee, and some 25 members attended. We decided that the only thing that could be done to save the situation was to have a quick adjournment. We had a presiding officer who was working with us at that time; so each one of us went back to our respective delegations, and told them there would be a quick adjournment. When it was taken, of course it was a quick one; when the motion was put, all of us quickly said, "aye"; and then many of the delegations left.

The next day it happened that there was a candidate from South Carolina; but he withdrew from the race; and the convention nominated Harry S. Truman. That was one of the greatest things, I believe, ever to happen to our Nation to be able to elect someone with the "guts" Harry Truman has to guide us through the troublous days we were then in, during the war.

Today, our people are beginning to think more and more of Harry S. Truman, every day that passes; and I predict that he will be recorded in history as one of the greatest Presidents the United States has ever had.

May he have many, many more birthdays to come. [Applause.]

Mr. CARLSON. Mr. President, in representing Kansas here today, I wish to extend greetings and best wishes on this happy occasion, the 80th birthday anniversary of our most distinguished neighbor from the State of Missouri.

Our distinguished guest today and I have many mutual friends; and from time to time we have the pleasure of meeting together in Kansas City. It is always a distinct pleasure and honor to meet with our distinguished former President.

As I shook hands with him today, I recalled many of our mutual friends. There have been many occasions on which we have appeared on the same platform and been able to visit together with many of our friends.

Mr. President, our distinguished guest has on many occasions spoken kindly of me in connection with my service as Governor of Kansas, my service in the House of Representatives, and my service in the Senate.

Mrs. Carlson and I have always appreciated the fact that my service in the House of Representatives, beginning in the 74th Congress, began at the same time when his service in the Senate began.

On this occasion, I am happy to extend to him congratulations and best wishes. [Applause.]

Mr. DODD. Mr. President, I join my colleagues in wishing a very happy birthday to former President Truman.

As one of the newer Members of the Senate—I am in my first term—I particularly wish to extend to him my very best wishes.

I wish to do so for another reason, too. I suppose everyone who serves in political life remembers the highlights of his experience. A highlight for me was in 1948, at the Democratic national convention in Philadelphia, when I was privileged to second Harry Truman's nomination to be President of the United States.

That was a difficult political year for President Truman.

The leftwing was against him. The rightwing was against him. The press was against him. The moneyed interests were against him. The politicians gave him up for lost.

No one was for him, except the American people. He proved something that year that everyone of us should always remember.

He proved that if you speak your mind boldly and frankly, people will listen to you no matter what the odds are.

He proved that if you tell the truth, people will believe you.

He proved that if you fight for what you believe in, people will support you.

History will say that in the middle of the 20th century, when a great world war in defense of human freedom had to be successfully concluded around the globe; when an international organization to organize the world for peace had to be established; when a war-ravaged world had to be put back on its feet; when the free world had to be mobilized for defense against Communist aggression; when the pledges made to the United Nations at San Francisco had to be redeemed in Korea to preserve peace and freedom in the world—when all of these terrible burdens were placed upon our country—a man named Harry Truman came forward and did the job.

We all thank God for that. He will be remembered for many things and will be known to history as "the people's President." May he be with us for many, many years to come. [Applause.]

Mr. CURTIS. Mr. President, I shall not take time to try to add to or repeat the many fine and well-deserved things that have been said about our distinguished former President, Mr. Truman. But in behalf of the people of Nebraska, the State that adjoins Missouri, I wish to say, for them, happy birthday and all good wishes to you and yours. [Applause.]

Mr. LONG of Missouri. Mr. President, this morning many statements have been made in recalling happy associations with our former President, both on a national basis and on an international basis. Many of us in Missouri think of many campaigns and many happy incidents in those years. We remember that his campaign for election to be President of the United States was a hot one. We remember the many strong supporters he had in Missouri. One of them was a distinguished citizen of my county, who lives only a few miles from my home.

Throughout his life, Harry Truman has been a great inspiration to the boys and girls and the men and women of our State and of our country. He has been an enthusiastic citizen. Truly, he is the number one citizen of Missouri.

I am happy to be privileged this morning to take part in this tribute to our great Missourian, and to wish him a happy birthday. [Applause.]

Mr. MONRONEY. Mr. President, I join my colleagues on both sides of the aisle in wishing former President Truman a very happy birthday.

We recall the courage with which he faced the most difficult decisions placed on any President of the United States in modern history, in his determination to end the war, in his determination to establish the United Nations, and in his determination to preserve the United Nations, by ordering the troops into Korea, at the time of that crisis.

I shall never forget the great feeling he had for all the people of the Nation—for the farmers, the workers, the professional people, the older people, and the children. They thronged by the thousands around his train as he traveled in the campaign, in Oklahoma and throughout the Middle West. Despite the fact that the newspapers gave him no hope of winning in that campaign, the people had faith in him. They even remained to applaud and to cheer long after his train pulled out. They gave their sincere tributes to the man who represented their interests, and who had the courage and the industry to fight their battles. They honored the President whose courage and devotion were to make the future more secure for them and for their country.

I am so glad that our former President can return to the scene of his early triumphs and enjoy the living affection that we all have for both him and Mrs. Truman.

Mr. MUNDT. Mr. President, with other Senators who served in the Congress at the time our distinguished visitor was a Member of the Senate, and who have spoken today, I wish to associate myself in the expression of the words of felicitation in connection with the 80th birthday of our distinguished friend and former President.

Mr. Harry S. Truman came to the Presidency at a difficult time in our history. I suppose no other Vice President has ever ascended to the Presidency under more difficult or dangerous conditions. He made the decisions, exercised the leadership, and took the steps which brought us to a successful conclusion of that war.

I have always thought that among the major decisions of former President Truman, and one which really has had a great impact upon humanity and which certainly saved hundreds, thousands, and perhaps tens of thousands of American lives, was the one which he made—and it was a very difficult one—to drop the atomic bomb on Hiroshima, because that was the first use of such an horrendous weapon. No man could look with complacency upon a decision which involved the use of such a weapon. But when a country is in a war, it is confronted with the necessity of using the weapons required for victory. I am sure that dropping the bomb on Japan saved the lives of many Americans and hastened the end of the war.

Mr. President, much has been said today about how our distinguished visitor has had one success after another. Indeed he has. But I have always felt that it is not exactly a test of a man's character, because one can become a cheerful winner. I have never found much difficulty in accepting successes when they have come along. Everyone is perfectly willing to accept them. I like to see how a man responds when he loses one now and then and to, in part, evaluate his personality and character by that criterion.

I recall an occasion upon which our distinguished visitor lost one. It was back in the difficult days when there was a great argument about a piece of proposed legislation which I introduced in the House of Representatives. It was known as the Mundt-Nixon bill. It finally passed the House of Representatives. It took a long time to get through. By the time it got through I had left the House and was in the Senate and Pat McCarran, from Nevada, whom I am sure our distinguished visitor remembers well, incorporated the Mundt-Nixon bill as the first 17 sections of a piece of proposed legislation which became known as the Internal Security Act. Harry Truman did not like the Mundt-Nixon provisions of the bill, and when he did not like a bill, he vetoed it. As every legislator who introduces measures likes the bills he introduces, I liked the bill which I had introduced and which Dick Nixon had coauthored. I fought hard and long for it. It was a measure in which I, as a new Member and full of enthusiasm in the Senate, had a great part. We tried to override the veto, and ultimately did. It remains the law of the land today as our basic anti-Communist legislation and the authority for the operation of our Subversive Activities Control Commission.

Mr. President, you sit here in the midst of what some news writers today call a filibuster. But at that time there was really a great and impassioned filibuster. You had valiant friends who stood with you in the Senate. We went around the clock and around the clock, which is the sure and certain way to stop filibusters if the Senate wishes to stop them. We may, in time, reach that status in the civil rights debate and if a determined effort is made to break a filibuster should it develop, I believe it will succeed. We stopped that filibuster in September of 1950 by holding the Senate in continuous session against the so-called Mundt-Nixon bill, though it was a determined and well-organized filibuster. Anyway, we won.

I thought, "I better duck that fellow in the White House. He will jump on this junior Senator the first opportunity he gets. He will not like it." After all a Democratic Congress had overridden the veto of a Democratic President on a bill sponsored and authored by two Republicans and I am told this had never before occurred in American history.

However, I found then that Harry Truman was as much of a pro in defeat as he was in victory. It made no difference to him in our personal relationships. He was as cheerful, friendly, and gracious afterward as before. So, Harry Truman, I salute you on your birthday. I salute you as a cheerful winner and as a cheerful loser on the few occasions when you lost one. [Applause.]

Mr. JAVITS. Mr. President, it is only fitting, as one representing the Empire State, to say a word of greeting on behalf of my State to our most beloved and distinguished ex-President, and to wish him a very happy birthday.

In paying tribute to one of the most mettlesome Democrats—with a large "D"—who has ever sat in the White House, I speak of him not as a partisan, but as a bipartisan, for that has been my personal experience with our beloved ex-President.

When I was a new Representative in the House of Representatives I recall being summoned to the White House to talk with the President about the problems of postwar Germany, into which I had inquired as a member of the Investigation Subcommittee of the House Foreign Affairs Committee. That was only a year or two after the end of the war. The President at that time, knowing full well how I would feel on the subject, was already undertaking a policy which would seem, on the part of the United States, to be favorable to Germany, reversing the alleged policy to turn Germany into a pasture. The President sought and elicited from me what I knew and what I had learned. He then communicated to me, though I was a very new Representative, his own views upon that critical subject. I found in him a great depth of compassion and human understanding. I agreed with the policy which he proposed to adopt, a policy of reconciliation and a policy of kneading Germany deeply into the fabric of all Europe as the best way in which to control at one and the same time its creativity and the tragic use of its power which had been demonstrated in World War II.

I wish to pay him a tribute for his compassion and understanding upon that occasion in taking the time to talk to a new Representative, not even of his party, who he knew felt deeply upon the subject. When he coupled that policy decision with the historic act of making the United States the first great power to recognize Israel upon her declaration of independence, as a counterpart to the policy which he proposed to adopt on Germany, he demonstrated in his deeds the compassion and deep understanding which I drew from his words.

Mr. President, I would also like to cite the fact that he inaugurated the desegregation of our Armed Forces. On this side, we are proud of former President Eisenhower's inaugurating the same policy in the District of Columbia. Both men were architects of great changes so urgently needed in our country.

So, for these great acts, I join other Senators in expressing warm affection for President Truman and in saluting one of the first citizens of our land on his 80th birthday anniversary, and I wish him and Mrs. Truman a long life of happiness. [Applause.]

Mr. HART. Mr. President, I know that the people of the State of Michigan would wish me to express their birthday good wishes to former President Harry S. Truman, and I do so with pride.

His life speaks eloquently of the opportunities this free country holds for its citizens, and of the strength of a free society.

I hope that he will have many more birthdays and that each of them will be happy.

Mr. MOSS. Mr. President, I join with all of my colleagues and with all Americans and with all of the peoples of the free world in extending heartfelt greetings and best wishes to our dear friend and courageous leader, Harry S. Truman on this, his 80th birthday. How wonderful it is to have him with us today. How delighted we are to see him in robust health, with his marvelous sense of humor intact, with his decisive mind at its keenest and with his friendliness and great humaneness evident among us. This is an emotional moment to welcome back to this historic Senate Chamber, one of its most distinguished former occupants, yet Mr. Truman will have nothing sentimental. His salty and humorous talk will keep us all in smiles and will dispel any trace of sentimentality or pretentiousness. Although Harry Truman will live in American history as one of our very great Presidents who discharged his duties with the greatest of courage and decisiveness in times of extreme peril to our Republic and to the free world, we will remember him as a man of humility, friendliness, and peppery dedication to cause in which he believed.

All of us wish to say "God bless you, Mr. President—now and for years to come."

Mr. HUMPHREY. Mr. President, our honored visitor today has other duties. He has a full day planned. I know he is extremely grateful for the visit that we have enjoyed together, with fellowship of friends and fellow countrymen.

Before he departs from the Senate Chamber, I should like to make note of the fact that we have also been honored by the presence of one of the truly great Americans of our time, the Speaker of the House of Representatives, JOHN McCORMACK, who has come to express his greetings to the former President, colleague, and friend, Harry S. Truman.

Mr. President, on behalf of the entire Senate, I am privileged to offer a Senate resolution which has been cleared with both the minority and majority. I read it because it has been sketched rather hastily. I have explained to our President, that much of what has happened today has been in the spirit of good fellowship and spontaneity. We laid no elaborate plans.

Mr. President, the resolution (S. Res. 324) reads as follows:

> Whereas the distinguished former Senator from Missouri, Vice President, and President of the United States, Harry S. Truman, has reached the age of 80 years; and
>
> Whereas this great American has been the first former President to address this body; and
>
> Whereas many of his colleagues have joined together in wishing him "happy birthday" and many more years of health and happiness: Therefore be it
>
> *Resolved*, That we welcome our distinguished colleague to the Senate Chamber on this historic occasion, we urge him to return soon again, and to enjoy this happy and historic day to the fullest.

Mr. President, I ask for the immediate consideration of the resolution.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be immediately considered; without objection, the resolution is unanimously agreed to. [Applause, Senators rising.]

Mr. HUMPHREY. Mr. President, I thank the Chair.

Mr. TRUMAN. Thank you. If I have many more happy birthdays, I shall never have another one like this.

(Mr. Truman left the Senate Chamber.)

TRIBUTE TO J. EDGAR HOOVER

Mr. HAYDEN. Mr. President, 40 years ago today, a young friend of mine came to me with exciting news—he had just been appointed Director of the Bureau of Investigation. Today the whole world knows that organization as the Federal Bureau of Investigation and that man as John Edgar Hoover.

Then, as now, Mr. Hoover was a man of action. His new position presented many problems, and he set about immediately to correct them. One of them concerned the chaotic conditions of criminal identification work in this country. We had discussed this situation many times, and as a former sheriff in Arizona, I knew the urgent need for a workable system of handling fingerprint records of criminals on a national basis. Some 800,000 fingerprint records were being held by the Department of Justice, but there were no funds available to establish an identification service.

The young Director asked my help in getting Congress to provide the needed funds. I consider my part in pushing through a bill to appropriate $56,320 for the establishment of a fingerprint identification service one of my finest contributions to the advancement of law enforcement. The FBI fingerprint identification service was started less than 2 months after J. Edgar Hoover was named Director. It has grown from 800,000 sets of fingerprints then to more than 170,500,000 today. Thanks to Mr. Hoover's foresight and continued interest in fingerprint identification, over 1,500 fugitives from justice are identified from their fingerprints each month by the FBI. In addition, numerous missing persons, amnesia victims, unknown deceased and disaster victims are identified.

Fingerprint identification service is but one of the many contributions which J. Edgar Hoover has made to law enforcement and mankind. Books could and should be written about his dreams which he nurtured to reality in the form of the FBI National Academy and the FBI Laboratory. Other contributions could be named, but none has meant as much to law enforcement as the FBI Identification Division, the FBI Laboratory, and the FBI National Academy.

J. Edgar Hoover is a man of his time, and his time has spanned some four decades during which there have been events so important and startling as to test the ability of historians to keep pace. But Mr. Hoover has done far more than keep pace—he has constantly thought ahead and warned against impending pitfalls, weaknesses, and various threats. His was one of the first voices to warn against the menace of international communism. He has conducted an unceasing fight against this evil. Crime of all type has been attacked with equal zeal.

This Nation owes J. Edgar Hoover a debt which it can never hope to pay. I can think of no more dedicated public servant. No one will ever know how many opportunities this man has turned down which would have brought him a fortune. He has sought neither glory nor wealth—he has sought only perfection in the job which the American people have continually called on him to perform. We all know he has not attained perfection—none do. But he and the FBI which he directs have come as close to it as anyone or any organization probably ever will.

I have seen the FBI grow in stature and competence under Mr. Hoover's leadership. I have also seen it avoid growth in size wherever possible. This, too, is a tribute to J. Edgar Hoover, for rare indeed are the men who do not seek to expand their power and influence. Mr. Hoover, thank God, has consistently rejected efforts to give the FBI more power than it needed or should have.

I hope all freedom-loving and honest Americans will join in honoring J. Edgar Hoover on his 40th anniversary as Director of the FBI. Would that they might also unite with law enforcement in a cooperative effort against crime as he so frequently has urged. What better way to demonstrate respect for this dedicated man—my friend, J. Edgar Hoover.

Mr. MANSFIELD. Mr. President, I wish to join my distinguished colleague, the President pro tempore of the Senate, in his remarks about the fine record of the Director of the Federal Bureau of Investigation, J. Edgar Hoover.

All of us are aware of our indebtedness to Mr. Hoover for the fine work which he has performed through the years. We are delighted that he is not on the verge of retiring, but will continue in his capacity—we hope for many years to come.

Mr. HAYDEN. Mr. President, on behalf of the majority leader [Mr. MANSFIELD], the minority leader [Mr. DIRKSEN], and myself, I ask unanimous consent for the present consideration of a resolution to congratulate J. Edgar Hoover on his 40 years of service.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 325), as follows:

S. RES. 325

Whereas J. Edgar Hoover, in his position as Director of the Federal Bureau of Investigation since May 10, 1924, has compiled one of the most remarkable records of service to God and country in our Nation's history; and

Whereas throughout his tenure in office, J. Edgar Hoover has consistently displayed strong moral determination and great personal foresight in recognizing the threat and meeting the challenge of deadly enemies of American freedom, including the Soviet-trained and Soviet-directed leadership of the Communist Party, U.S.A.; and

Whereas under J. Edgar Hoover's brilliant administration, the Federal Bureau of Investigation has waged a fearless and unrelenting battle against America's criminal and subversive underworlds while, at the same time, fully observing and protecting the rights and privileges guaranteed inhabitants of our country by the Constitution and laws of the United States; and

Whereas J. Edgar Hoover and his Federal Bureau of Investigation associates have brought new standards of efficiency, integrity, and impartiality to the law enforcement profession and have truly earned the admiration and respect of all right-thinking citizens: Now, therefore, be it

Resolved, That on this fortieth anniversary of his appointment as Director of the Federal Bureau of Investigation, the Senate offers its congratulations and its gratitude to J. Edgar Hoover for his years of devoted service and expresses the hope that he will continue in his present office for many years to come.

Mr. MUNDT. Mr. President, I congratulate the distinguished Senator from Arizona, the President pro tempore of the Senate, the majority leader, the minority leader, and all who were associated with introducing and supporting this very fine resolution in the interests of a better America.

It is highly appropriate that this be acted on today, on the 40th anniversary of J. Edgar Hoover's ascendancy to the office of Director of the Federal Bureau of Investigation.

J. Edgar Hoover has become today an American legend—a legend of impeccable integrity, high moral standards, and unselfish devotion to duty. He is known around the world, and his name is respected by all those who believe in freedom under law, in high standards of professional ethics, in the dignity of the human individual. A modest man, he has given his entire life for the ideals of public service, building a distinguished organization whose name is honored wherever men cherish fidelity, bravery, and integrity.

This man's contribution cannot be measured in terms of dollars and cents, in the number of cases solved, in any list of criminals and spies apprehended. These areas of his career are well known by people generally. They are handled in the regular appropriation reports, the reports from the Department of Justice, and in the headlines where it is pointed out that such noted criminals as John Dillinger, and Harry Gold, and Communist spies have been brought to justice by J. Edgar Hoover.

But the true measure of this man's legacy, whose continuation in office we recommend and make possible today by the passage of this resolution, is reflected in the peace of mind in every American home at this very hour—that as American families, fathers, mothers, and little children, gather around the dinner table or sit in their living rooms, they have a greater security because J. Edgar Hoover is on the job.

These words have been a ringing trumpet cry of these 40 years—J. Edgar Hoover is on the job. For millions of our citizens, this is a living and important fact, the feeling that as they slept, as they carried on their daily tasks, as they worshipped in church and their children went to school, that J. Edgar Hoover and his men were watching the ramparts of our national security. This has meant a great deal to me, and I know, to every patriotic American. We say, with grateful heart, thank you, Mr. Hoover. We want you on the job for many more years.

That is why Americans trust Mr. Hoover—and so honor and respect him. In many countries—in virtually all ages of history—the law enforcement officer has been feared—feared because of the secret arrest, brutality, and Gestapo tactics. It is a tribute to our democratic society, and the genius of a man like Mr. Hoover, that he has raised law enforcement to such a highly respected and honored position.

In Mr. Hoover, we find a brilliant example of a man whose whole life is dedicated to making more secure our rights, lives, and property, who regards himself not as the overseer of the people, but their servant. No organization ever in the world's history has worked more untiringly, unselfishly, and unheralded as the protector of those cherished liberties which mean so much to us.

Here is the real reason we honor Mr. Hoover and his associates today—for what they have contributed to you and me, to our relatives and friends, to Americans everywhere—that deep and abiding confidence that goes to a man who is doing a good job, whom you trust without limit because you know he is working for the best interests of freedom and America. These 40 years have certainly been signal achievements in the history of that long struggle of man for increased rights within the structure of an industrial state. They are a living testimonial of how the liberty of every person can be protected by the fair, honest, and efficient enforcement of the law.

As a Member of the House of Representatives and as a U.S. Senator, I have had frequent and close personal association with Mr. Hoover.

I have been a member of investigating committees in either the Senate or the House for practically the entire 25 years that I have served in Congress, starting back in the tumultuous days when Martin Dies, of Texas, headed the investigating committee which was seeking to eliminate and eradicate communism in this country. In fact, I have now been a member of investigating committees of the House and Senate longer than any other Member in the history of the Congress. We worked closely with the Federal Bureau of Investigation, and especially with J. Edgar Hoover on all matters involving the internal security of this country. I find him a man of keen intellect, deep vision and great fairness. He is an expert administrator, a brilliant judge of men, a leader who engenders great devotion and enthusiasm among his employees. The scimitars of history have tested this man in action—and have not found him wanting.

Yet he is a very human man. He likes to talk about flowers and work in the garden. He is an expert on azaleas and can often be found in the late summer evenings—after his return home from a busy day at the office—working in his rose beds. His interests are diversified—and he can speak with authority on many topics. Justice Holmes has been quoted as saying: "It is required of a man that he share the action and passion of his time at peril of being judged not to have lived." By this definition Mr. Hoover has lived well, for he has shared the trials and hopes of his fellow citizens and has been a prophet of wisdom for others to follow.

I make special reference, of course, to the field of communism. In Mr. Hoover, we have a man who started wrestling with the dangers of this atheistic enemy when most Americans were not even aware of the menace. His was a most sterling and strident voice calling attention even in the last few months to the fact that the dangers of communism are ever with us and that they threaten us in America today, and that we are confronted with internal danger as well as an external threat. As a young special assistant to the Attorney General of the United States, he was assigned in 1919 to prepare legal briefs on the founding of the Communist Party in this country.

Here is what he wrote—and I ask, what would you want to change in these words today:

> These doctrines threaten the happiness of the community, the safety of every individual, and the continuance of every home and fireside. They would destroy the peace of the country and thrust it into a condition of anarchy and lawlessness and immorality that passes imagination.

Through all these years since 1919, Mr. Hoover has been a determined enemy of communism. Where others saw only vaguely, he caught the full vision of the danger; where others temporized or vacillated, he unhesitantly took his position of defiance; where others tried to justify this new "ism" as a "new kind of democracy," he called a spade a spade.

Mr. Hoover's pioneer efforts in this field have been highly significant in forming American public opinion toward communism. He has helped direct our thinking, and through the work of the FBI, the facts of the Communist situation in the United States have been revealed.

The real contribution of Mr. Hoover in this field, however, has been his insistence—and very rightly—that we must fight this enemy within the democratic structure of our Government. As Americans, we hate communism; yet, our opposition must be expressed through the democratic processes of law and order. His voice has been a call for sanity, intelligence, and fairness. Never must we allow our fight against communism to degenerate into hysteria, unreasoned fear, and vigilante action. These are contrary to our American sense of fair play and injurious to our constitutional form of government. He believes that a freedom-loving America is strong enough, through law and order, to overcome this enemy.

In these few words, I have tried to highlight the man whose anniversary we salute today. His contributions have been many. As a nation, we are fortunate that he has guided the destinies of the FBI.

Again let me say, here is a man of whom America is proud. We wish him continued strength in a career of public service which is far from complete.

J. Edgar Hoover spoke out when it was unpopular in America to talk about communism. When one was criticized and hammered over the head and accused of being un-American for doing so, he spoke calmly, and courageously, and kept America's eyes directed to the fact that there was an invidious Communist conspiracy eating at the innards of America. It is well that we pay tribute to him on the 40th anniversary of his service. It is extremely salutary to have the resolution which is about to pass the Senate. It should be adopted unanimously.

Among many other things, J. Edgar Hoover did something of great importance in a government which has grown so large that we now have more than 2 million civil servants, operated under the direction of those who head the Federal agencies and divisions in Washington. J. Edgar Hoover has been able to develop an esprit de corps among his employees and associates in the FBI which sometimes is sadly lacking in a bureaucracy. He has developed an enthusiasm among his associates and their workers which should stand as a lode star for every bureau and division of the Government in America.

If we could ever get that same sense of devotion to duty, that energy, that enthusiasm, that drive, that devotion to duty, that esprit de corps manifested by the members of the FBI under the leadership of J. Edgar Hoover—if these qualities could be paralleled and duplicated in every single governmental agency and activity in Washington, we could easily save over $1 billion a year and still accomplish twice as much as Government is able to do at present.

So I salute a great American whose leadership has inspired his associates, and I commend to the Senate unanimous adoption of this constructive resolution assuring the continuing service of FBI Director J. Edgar Hoover.

Mr. HAYDEN. Mr. President, I move the adoption of the resolution.

Mr. CARLSON. Mr. President, I wish to commend the distinguished Senator from Arizona, the President pro tempore of the Senate, for submitting this resolution honoring a great American citizen and a great leader, and truly one who has helped keep America strong during this 40-year period.

I wish to associate myself with the remarks just made by the distinguished Senator from South Dakota [Mr. MUNDT]. Quite often, I believe, we forget that J. Edgar Hoover is not only an officer of the law, highly respected as a citizen and a leader in the field of law enforcement, but also a man of deep religious conviction. He is a man of faith.

It has been a pleasure and a privilege for me to have observed some of the actions he has taken in regard to the youth of our Nation, in which he always stressed his faith in God, and his continued devotion and dedication to the preservation of the fundamental ideals which are basic to this great Nation of ours.

So, today, I, too, not only wish to support the resolution, but wish to extend congratulations to J. Edgar Hoover for 40 years of outstanding work. I pray that he may continue to serve for many years to come.

Mr. LONG of Missouri. Mr. President, I commend the Senator from Arizona for submitting this resolution. I wish to join in the many fine things which have been said by Senators in regard to Mr. Hoover.

I had an unusual experience, in 1955, when he and I together received the 33d degree in Scottish Rite Masonry.

At that time, he was the orator of our class, and I felt particularly honored and highly delighted—and this was before I came to the Senate—to have the privilege of meeting Mr. Hoover personally under those conditions.

I join the Senator from Arizona in urging adoption of this resolution.

Mr. DIRKSEN. Mr. President, I esteem it most fitting that both branches of the Congress should take cognizance of the 40th anniversary of his service to the people of this Nation by J. Edgar Hoover, Director of the Federal Bureau of Investigation. Truly he has contributed to the security and tranquillity of this country as no other person has done and for this two score years of service he so eminently merits the accolade implied in the resolution approved by the House and also by the Senate.

I believe it will be conceded that the FBI is truly our principal defense against infiltration, sabotage and espionage by Communist forces. The thoroughgoing way in which Mr. Hoover set out 40 years ago to contribute to our internal security and to render service to the law enforcement agencies at every level of government is a shining hallmark of his service.

Forty years ago when he first undertook the direction of this agency it was but a very modest, unheralded adjunct of the Department of Justice but today it is an agency with nearly 14,000 employees and an annual budget of $127 million.

It has been my privilege over the years while a member of the Appropriation Committee of both the House and the Senate to note the thoroughgoing report which Mr. Hoover makes to the Congress every year on the work of his agency, the convictions obtained in FBI cases, the number of fugitives apprehended, the number of criminals brought to justice, the number of stolen automobiles in interstate transportation which are recovered, the number of robberies, burglaries, and larcenies of banks and other financial institutions where the FBI has been instrumental in bringing the culprits to the bar of justice and many other activities within the jurisdiction of Mr. Hoover's agency.

Not the least of its achievements has been the number of fines, savings, and recoveries which have been effected as a result of FBI work, and it is interesting to note that these exceed $200 million per year. When compared with the annual appropriation for this agency it becomes apparent at once that not only does it bring a feeling of security to our country but that it actually pays its way and more. Truly it has become a great American institution upon which the Government and the people rely and so today a salute to its outstanding Director, J. Edgar Hoover.

The PRESIDING OFFICER (Mr. McINTYRE in the chair.) The question is on agreeing to the resolution.

The resolution (S. Res. 325) was unanimously agreed to.

The preamble was agreed to.

ADDITIONAL WATERS FOR THE GREAT LAKES

Mr. HART. Mr. President, those of us privileged to represent the people of the Great Lakes area—whether on the United States or the Canadian side—have been increasingly troubled by the low levels of the waters of the lakes. The maintenance of this great inland water resource is of importance not only to the adjacent States but also to the citizens of both countries.

It matters little whether the cause of the problem is lack of precipitation, the dredging of the channels, or the cyclic rise and fall of the levels. The fact is, that over very extended periods of time neither of us, we in the United States and our Canadian neighbors, has sufficient water for commerce, pleasure boating, water supplies, sewage disposal, recreation development, wildlife, and the many demands today's civilization imposes on our water resource.

For some months I have sought the means to tackle this problem. I recognize that it will not be cured overnight. I acknowledge that any effective proposal will be costly. But let us begin.

On April 15, 1964, I addressed a letter to our Secretary of State, Dean Rusk. I asked that he explore with Canada the possibility that both Governments request the International Joint Commission to examine into and report, as soon as possible, on the feasibility and economic advantages to both countries of diverting additional water into the Great Lakes Basin in order to raise the levels.

The reply from the Department of State, dated April 30, 1964, informs me that the American Embassy at Ottawa has brought my proposal to the attention of the Canadian Department of External Affairs.

Enclosed with the reply from the Department of State is a copy of a press release issued by the International Joint Commission on April 17, 1964. The Commission refers to the low water levels and flows throughout the Great Lakes-St. Lawrence River system.

Mr. President, this problem has given concern to our colleagues in the Canadian Parliament. Proceedings of the House of Commons of April 14 and April 28, 1964, as reported in the Hansard, reflect this concern. The Canadian Minister of Transportation is quoted on page 2698 as saying:

> The Minister of Public Works (Mr. Deschatelets) and I and our officials have been considering this matter and we are going to do anything we can to alleviate the situation by dredging. But the water just is not there. This is something that I am afraid can only be cured by more water.

The Minister of Transportation goes on to make the significant point that—

> Perhaps steps no one would have once contemplated even a very few years ago will have to be studied.

An article released by the Royal Bank of Canada, of Montreal, reprinted in the Roscommon, Mich., North Woods Call of April 15, 1964, has this to say:

> It seems ridiculous to think of Montreal harbor having to move somewhere else, but the prospect was mentioned by Jacques Simard at a conference of the Community Planning Association in October 1963. The majestic St. Lawrence can one day become feeble and sick, incapable of meeting navigation requirements, hydraulic power needs, and the mass of industrial and domestic demands of a corner of the continent in full economic development.
>
> In this drainage basin, we have two nations, eight States, and two Provinces—

Said Andre Gagnon, chairman of Cadres Professionals Inc.—

> grouping myriad cities and enterprises for whom it is a question of life or death * * * we have hardly 40 years left to find new sources of water.

The views of the Canadians are especially important because it seems inevitable that any waters diverted into the Great Lakes of necessity will come from Canada.

We are in the basin together. We share the same problems. We should jointly seek answers that will benefit both of us.

Underscoring the urgency of the Great Lakes water level problem is the opinion expressed by the former Chairman of the U.S. section of the International Joint Commission, Mr. Teno Roncalio. In his letter of April 28, 1964, to the President of the United States, Mr. Roncalio states:

> I believe it my duty to inform you that in my opinion the most important problem for the two nations within the jurisdiction of this Commission today is the growing shortage of water in the Great Lakes; and the growing pollution problem of the fresh waters of both nations.

Mr. President, I ask unanimous consent that my letter of April 15 to Dean Rusk, the reply from the Department of State dated April 30, the copy of the press release from the International Joint Commission dated April 17, excerpts from the debate in the Canadian House of Commons for April 14 and 28, 1964, and Mr. Roncalio's letter of April 28 to the President may be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 15, 1964.

Hon. Dean Rusk,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: As I am sure you know, the waters of the Great Lakes are of vital importance not only to the people of the States adjacent to the Great Lakes, but to the people of the entire United States. Any substantial reduction in either quality or quantity of these waters is a direct threat to the future well-being of the Nation.

The lowering of the water levels of Lakes Huron and Michigan to the lowest levels ever recorded has adverse effects on the Nation's commerce, welfare, economy, navigational channels, water supplies, sewage disposal facilities, recreational developments, wildlife, and many other elements vital to our way of life and indeed to our continued existence.

It is, of course, a matter of record that the levels of the Great Lakes rise and fall in cycles of high and low water and over a period of time regain their normal levels—only to fall or rise again.

The natural regimen of the lake levels has been altered through deepening the navigation channels connecting the Great Lakes to take advantage of the St. Lawrence Seaway which was constructed through the combined efforts of the United States and Canada.

Portions of the Great Lakes form the boundary between the United States and Canada; our two countries share the benefits and the problems of this great water basin. We are in it together, and neither can operate it alone. In my opinion, we should not undertake to do unilaterally what affects us both.

Accordingly, and in view of the above, I hereby request that you explore with Canada the possibility that both Governments might request the International Joint Commission to examine into and report, as soon as possible, on the feasibility and economic advantages of diverting additional water into the Great Lakes basin in order to raise the levels thereof.

Specifically, I would hope the Commission would be requested:

1. To examine into and report whether it would be feasible and economically advantageous to bring new supplies of water into the Great Lakes Basin, and if so, from what source or sources and to what governing levels.
2. To make an estimate of the costs of diverting the said water to such levels.
3. To make an economic appraisal of the value of the two countries, jointly and separately, of diverting the said water to such levels.
4. To access the merits of the various alternative proposals.
5. In making such report, to bear in mind the benefits which the raising of the lake levels would have in terms of power, commerce, industry, agriculture, conservation, recreation, and other beneficial uses.

I have no doubt that such an undertaking would have the overwhelming support of the Members of Congress from the Great Lakes area and of the people whom they represent. The situation has reached critical proportions.

Sincerely,

Philip A. Hart.

Department of State,
Washington, April 30, 1964.

Hon. Philip A. Hart,
U.S. Senate.

Dear Senator Hart: Thank you for your letter to Secretary Rusk dated April 15, 1964, in which you request that the Department of State explore with Canada the possibility that the Governments of the United States and Canada request the International Joint Commission to study the feasibility and economic advantages of diverting additional water into the Great Lakes Basin.

The Department has initiated consultation with other interested agencies of the Federal Government with a view to obtaining an administration position on your proposal.

The American Embassy at Ottawa has brought your proposal to the attention of the Canadian Department of External Affairs indicating that publicity for your proposal was planned for April 29.

On April 17, 1964, the U.S. section of the International Joint Commission issued a press release, two copies of which are enclosed for your information, in which reference was made to the low water levels and flows in the St. Lawrence River and to the benefits resulting from the hydroelectric power installations constructed in the St. Lawrence River.

You may be assured that the Department will do all that it can to assist you and will keep you informed about developments in connection with your proposal.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

International Joint Commission Press Release

At the semiannual meeting of the International Joint Commission, United States and Canada, held in Washington, April 7–10, 1964, the Commission received and considered the report of its International St. Lawrence River Board of Control, relating to current and prospective levels and flows in the international section of the St. Lawrence River.

Due to abnormally low precipitation in the Great Lakes-St. Lawrence Basin in recent years, the levels and flows throughout the system have inevitably been below average and in fact on some occasions have dropped below the record lows of the last 100 years.

Through the operation of the regulating works erected in the St. Lawrence, substantial improvements over natural conditions have been obtained both in Lake Ontario and downstream as far as Montreal Harbor, through the cooperation of users with the Commission's Board of Control.

As the prospects for this year are not encouraging and supplies in the upper lakes are below normal, the International Joint Commission and its Board of Control will direct their efforts to alleviate the effects of low water conditions to the maximum extent possible.

Under the Commission's Order of Approval of 1952 and 1956, the St. Lawrence structures are to be operated to maintain Lake Ontario levels from 6.6 foot unregulated range to a regulated 4-foot range from elevations 246.77 to 242.77, during the navigation season with due regard for other requirements both upstream and downstream.

The prescribed range of stage has been maintained with resultant improvement of conditions both upstream and downstream. In 1963, despite the fact that the water supplies in the area were the lowest in more than a hundred years of record, Lake Ontario levels were maintained within the prescribed range and above the stage that would otherwise have resulted. In the last 4 months of the year, for example, the lake was from 1.2 to 1.8 feet higher and outflows were from 6,000 to 21,000 cubic feet per second greater than would have resulted had there been no regulation. This has been accomplished by retaining water during high-flow periods and releasing it during the low-flow period. The above operation benefited all the users, both upstream and downstream.

The Commission considers that acceptable results have been achieved despite extraordinary adverse conditions. It feels however, that all affected interests should be forewarned that notwithstanding the fact that all regulatory works will continue to be operated in accordance with the Order of Approval, a continuation of the existing drought could result in water supply conditions worse than experienced last year.

APRIL 17, 1964.

[From the Hansard, Apr. 14, 1964]

SHIPPING: STATEMENT BY MINISTER ON GREAT LAKES WATER LEVELS

Hon. ARTHUR LAING (Minister of Northern Affairs and National Resources): I should like to lay on the table a report dealing with the matter raised by a number of members in the house namely the water level of the Great Lakes. Since the statement I have prepared is of considerable length, and since I believe it would valueless unless read, I ask permission to have it printed in Hansard. I should like at the same time to table two copies of the 1961 report of the International Joint Commission entitled "Water Levels of Lake Ontario" which deals with the water levels of the Great Lakes system.

A number of honorable members have asked what plans are being made for the relief of this problem. I must tell them we are aware of the plan in respect to the so-called grand canal in connection with which it is proposed to generate power from three rivers in northern Quebec and to use as a storage basin Abitibi Lake, thence to have the water flow south to the Great Lakes system. It is the opinion of the appropriate branch of my department that any cost efficiency study of this plan should be preceded by a conference between the Provinces of Quebec and Ontario, who are the owners of the resources.

May I have permission to table these documents?

Mr. SPEAKER. Does the house give permission?

Mr. STANLEY KNOWLES (Winnipeg North Centre). As to the request that this statement be included in Hansard without being read, I should like to suggest it be included as an appendix. It seems to me that putting into the pages of Hansard statements which are not read is a questionable practice.

Mr. SPEAKER. Does the house consent to this statement being printed as an appendix to today's Hansard?

Some HONORABLE MEMBERS. Agreed.

(EDITOR'S NOTE.—For text of document above referred to, see app. B.)

[Later.] On the orders of the day:

Mr. HEBER E. SMITH (Simcoe North). Mr. Speaker, flowing from the statement of the Minister of Northern Affairs—or perhaps, more accurately, not flowing from his statement—I have a question for the Minister of Public Works. In view of the exceedingly low water levels in the Great Lakes, are any plans being made for emergency dredging in those harbors where shipping is being seriously affected?

Mr. SPEAKER. This is a question for the order paper.

Mr. D. R. MITCHELL (Sudbury). Mr. Speaker, I have a question for the Minister of Northern Affairs and National Resources. Is the Minister aware that private sources are prepared to make a survey of the Grand Canal project and, if so, is his department ready to give all necessary assistance to this survey?

Mr. SPEAKER. This is also a question for the order paper.

[From the Hansard, Apr. 14, 1964]

APPENDIX B

GREAT LAKES—REPORT ON LOW WATER LEVELS

Several honorable members have recently expressed concern respecting the low water levels currently prevailing throughout the Great Lakes Basin and I can now make a statement concerning this matter. On page 1,647 of Hansard I provided the honorable member for Leeds with the water levels at Kingston, Ontario, and Prescott, Ontario, and the outflows of Lake Ontario since 1938. I am tabling today two reports of the International Joint Commission dated December 1958, and April 5, 1961. The first report summarizes all available information on the comparison of Lake Ontario water levels including the effects of precipitation, evaporation, winds and barometric pressure changes, ice retardation and crustal movement, diversions into and out of the Great Lakes Basin and operation of the outlet control of Lake Ontario and Lake Superior. The second report deals with methods of regulation and includes the text of orders of approval for the construction and operation of the St. Lawrence power project.

As honorable members will realize the principal cause of current low water levels is the abnormal low precipitation which was about 3 inches below normal during 1962, and 5 inches below normal in 1963 over the Great Lakes Basin. In addition above normal temperatures have caused higher than usual evaporation. Due to the enormous storage capacity of the Great Lakes levels change very slowly and while the normal seasonal rise will produce some improvement for the present, below normal levels will obtain generally during the balance of this year. Honorable members will recall that some 12 years ago the situation was quite the opposite with much damage resulting along the shoreline during the high water levels. These cycles have persisted over the period of water level records on the lakes and there is no evidence to show a long term rise or fall in the average water level.

In view of the concern which has been expressed in this house and the complexity of the problem and profusion of available reports and data, I have asked the water resources branch of my department to prepare a report summarizing the studies on the fluctuation of the levels of all the Great Lakes as well as the effect of regulatory measures both in operation and proposed.

[From the Hansard, Apr. 14, 1964]

SHIPPING—REPORTED U.S. ACTION TO CONTROL LAKE HURON WATER LEVELS

Mr. DEPUTY SPEAKER. The first question is from the honorable member for Lambton West.

Mr. WALTER F. FOY (Lambton West). Mr. Speaker, the reason I asked the Minister of Transport a question this afternoon was because the harbors along the shores of Lake Huron are becoming useless. This year I understand the drop in the level of water has reached the point where the water level is approximately 3 feet below average. My riding, like others in the Lake Huron area, is suffering a great deal because of this. For example, Grand Bend has a number of fishing companies which produced about $750,000, 5 years ago, quite a large amount for a small area. This is now reduced to about $500,000 per year. The harbor has been dredged each year, but if the harbor has no water all the dredging that can be done is not going to help the fishing boats in and out of the harbor. What they need is water.

Following along the Lake Huron shore of my riding I come to Port Franks, Perch Creek, and Point Edward where there is a great deal of commercial fishing which is very important to these areas. Business that requires river dockage suffers at the port of Sarnia. I believe the port of Sarnia is classified as part of the seaway and if the water levels of the lake continue to go down that very busy port of Sarnia will be in real trouble unless something is done. This is the reason I asked the Minister of Transport this question this afternoon.

Honorable J. W. PICKERSGILL (Minister of Transport). Mr. Speaker, the question raised by the honorable member for Lambton West has to do with a matter that was decided in principle some years ago. According to the information available to me, at the time the dredging was started in the St. Clair River—I recall the very beginnings of that because I was minister of citizenship and immigration at the time and it affected the Indian reserve on Walpole Island—the U.S. Government also proposed that they should make a study of the possibility of putting some kind of barrier in the river just below the Blue Water Bridge in order to maintain the levels as much as could be done in that way without interference with navigation, and to offset any possible effect that dredging might have.

However, this was not the kind of thing that could be done very effectively without a good deal of model testing and experimentation. The Government of Canada agreed in principle to having this matter considered. The information I have is that agreement was given in 1962 by the previous administration, and I think very wisely, and that this experimentation is now going on. I sincerely hope, as I am sure all honorable members do, that it may be successful and that some definitive action may be taken as the result of it.

I am afraid, however, that however valuable this may be as a long term measure it is not going to have very much effect, and in fact cannot possibly have any effect at all, in the present season. We are faced with a very grave problem indeed not only in Lake Huron and Georgian Bay, and a great deal of concern has been expressed to me in this regard by many honorable members and by many outside the house through considerable correpondence. I think the honorable member for Lambton West is quite right in saying that the problem cannot really be cured by dredging.

The Minister of Public Works (Mr. Deschatelets) and I and our officials have been considering this matter and we are going to do anything we can to alleviate the situation by dredging. But the water just is not there. This is something that I am afraid can only be cured by more water.

Mr. Deputy Speaker. Order. I am sorry to interrupt the Minister but his time has expired. The honorable member for Parry Sound-Muskoka.

SHIPPING—EXPERIMENTS BY U.S. CORPS OF ENGINEERS

Mr. G. H. Aiken (Parry Sound-Muskoka). Mr. Speaker, my question is along similar lines and perhaps the Minister will have an opportunity to complete the second installment of his reply.

Mr. Pickersgill. Part 2.

Mr. Aiken. I have a somewhat similar question to that of the honorable member who just spoke. The low water levels on the Great Lakes and the Georgian Bay have been causing concern for about a year now. In 1963 it was generally felt that the problem was one of a natural cycle. It was to explain to those of us who made inquiries and it was said that it would soon right itself.

However, when the ice went out in 1964 it became obvious that this was not just a low cycle. There was no restoration of the water level and, at the moment, it is not just a problem for many places along the lakes: It is a disaster. I saw pictures published in the Parry Sound North Star and in the Globe and Mail this morning which indicate how disastrous this situation is.

As the Minister has just stated, members representing constituencies, particularly along Georgia Bay and Lake Huron, have been very concerned. The Government, if I may be fair, I believe has accepted the advice it received that this was a cycle and there was not much that could be done about it. While this is undoubtedly a factor, and while undoubtedly there is low precipitation, many of us fear that underlying this may be something more fundamental, that there may be not just a short term problem but a major one such as the drainage away of water.

In asking the numerous questions that have been asked, we are not trying to attach blame. We are merely attempting to get the Government to undertake some active measures to have the situation rectified. Several indicators show that the lack of precipitation is not the whole answer. Over the weekend, I verified this. For example, the Muskoka lakes and most of the smaller inland lakes have normal water levels now. Lake Nipissing, according to an answer I received yesterday, has water 1 foot higher than it was last year or the year before. We are not suggesting that any of these lakes should be lowered because that would merely be extending the problem into other lakes.

We do feel that the studies that are being undertaken by the U.S. Corps of Engineers now indicate there is a problem to be met. We are hoping that some long-term measures will be seriously considered so that we will not find the situation is a permanent one. My question is really to determine whether the Government has now been persuaded that some action is necessary and that some research will have to be done. If the Minister of Transport would make a statement along those lines, then I am sure we would all like to hear that statement.

Hon. J. W. Pickersgill (Minister of Transport): I could not agree more with what the honorable gentleman has just said. I do not pose as an expert, myself, but I do not believe, although there has been a serious lack of precipitation in the last 2 or 3 years, that is the whole answer to the problem. I did not bring the figures with me, but I have been looking at them. It is quite apparent that there has been, over 2 or 3 years, a lack of precipitation. There may be something cyclical about these things. However, it is a little questionable whether our records extend back in a really accurate way long enough to be sure about that. There is not any doubt that the rate at which water is being used at the present time, particularly in highly settled areas like the old part of Ontario, and the gradual denuding of forest cover, have contributed to what may be a long-term situation. Since this situation has been partly created by man, perhaps it will need man to do something to offset it.

I would be hopeful that the ARDA program would have some effect in helping in the conservation of water. We are going to have to look quite seriously at this. With respect to some of the streams that were diverted into Lake Superior, the diversions were started about a generation ago, and perhaps steps no one would have once contemplated even a very few years ago will have to be studied.

I do not think there is any possibility of doing too much research into this problem. More and more we come to realize, not only all over this continent but throughout the world that water, which seems in many respects to be the cheapest commodity of all, is the most precious resource we have.

Speaking for myself, and I think for those of my colleagues who have a special responsibility in this matter, I will endeavor to see that everything is done that can be done to study the long-term problem. Certainly we intend to do everything possible to alleviate—and I am afraid it can only be to alleviate—the immediate situation which is a cause of very great concern—perhaps of greater concern in Georgian Bay than anywhere else—but of great concern to the whole of the lakes region.

International Joint Commission,
Washington, D.C., April 28, 1964.

Hon. Lyndon B. Johnson,
President, the United States of America,
The White House,
Washington, D.C.

My Dear Mr. President: In completing a nearly 3-year tenure as Chairman of this Commission, I believe it my duty to inform you that in my opinion the most important problem for the two nations within the jurisdiction of this Commission today is the growing shortage of water in the Great Lakes; and the growing pollution problem of the fresh waters of both nations. I believe the saline water program, for which you have been a supporter for so many years, is of continuing vital interest to both nations in order to alleviate the demand for fresh water now put upon the Great Lakes and other waters which constitute our national boundaries. I believe the time has come when the leaders of the two nations should encourage the reversing of rivers in order to contribute to the storage capabilities of the Great Lakes instead of continuing tapping water from these Great Lakes.

Senator Hart, of Michigan, is vitally concerned in this matter, and has asked my assistance, which I gave in one conference at his office. The other Great Lakes State Senators are very much concerned; I know the Premiers of the Provinces of Ontario and Quebec are also concerned; I recommend any board or group you name to inquire into this should contain a representative from the Province of Quebec, only because these waters ultimately make up the waters affecting the levels of the Montreal Harbor downstream in the St. Lawrence several hundred miles from the source of origin.

I believe this is in essence the most important single factor in the dockets of the International Joint Commission which would affect your future.

I hope very much that you will take the time and trouble to announce a study into the Great Lakes levels, or to show some cooperation with Canada, and particularly with the Senators of the seven or eight States affected.

Respectfully yours,

Teno Roncalio.

Mr. HART. Mr. President, preservation and development of the water resource of the Great Lakes Basin will determine in major degree the long-term future of the peoples and institutions of this region.

For those of us permitted to represent the Great Lakes region, there is no responsibility more serious, development of no program more important than in this area of Great Lakes water levels and flow.

Executive departments and agencies concerned with water resources development must share this conviction and assign high priority to its resolution. That it demands the best and most imaginative thinking of all of us goes without saying. The long-term judgment of history will answer whether we respond adequately and in time.

Too little, too late, on this will mean forfeiting the economic strength and life of the whole basin and harming irreparably both of our nations and peoples.

AMERICAN CATTLEMEN SUFFER AS MEAT IMPORTS CLIMB

Mr. MILLER. Mr. President, today's Wall Street Journal published an interesting article entitled "Reeling Ranchers—Many Cattlemen Suffer as Meat Imports Climb, Domestic Herds Grow." This article was written by Roger W. Benedict and in typical journalistic fashion reports the situation in depth.

I ask unanimous consent that this article may be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Iowa?

The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MILLER. Mr. President, one of the points made in the article is that there is a cleavage of opinion between Secretary of Agriculture and the livestock industry over the reason for the depressed livestock market. Apparently the Secretary of Agriculture and his people persist in trying to minimize the importance of the increased imports.

For example, the Secretary is quoted as claiming that the increase in cow herds is one of the main factors. This may be true to some extent, but it fails to recognize the reason why the cow herds have increased.

The article forcefully points out what one of the ranchers spokesmen had to say:

> Due to low-cost imported meat, packers can't afford to bid for cows and bulls culled from American herds.
>
> That means that the animals go back to the range to produce more calves, or into feedlots to add to the surplus of cattle on feed.

This is true. This is also true in my State of Iowa, where feedlots contain far more cows being fattened today than ever before. I am told, on reliable authority, that the number of cows which produce offsprings in the ranch country has greatly increased in the past 2 years.

By pointing out the cow herd increase as the main reason, the Secretary still forgets that the reason the cow herds have increased so much has been the impact of increased imports of meat into the United States.

Another point indicated in the article is that the Department of Agriculture is dead set against any quotas being placed on meat imports. We know this to be true. It is true with respect to the President of the United States. I regret that this is so, but it is, for it accounted for the defeat of the Hruska amendment during debate on the cotton-wheat bill.

Now it is said that no quotas are necessary because Australia and New Zealand are planning to voluntarily cut back their imports to this country this year.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. MILLER. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. HART. Mr. President, under the arrangement agreed upon, I am glad to yield 2 additional minutes to the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I thank the Senator from Michigan.

What is not pointed out is that while Australia and New Zealand may voluntarily cut back their exports to us this year, the voluntary action is not being shared by other meat-exporting countries. The record during the first 2 months of this year indicates that countries such as Costa Rica, Argentina, Brazil, and Canada, and others, have greatly increased their exports to the United States.

If this trend continues, the situation will become worse. In any event, we are in the position that action must be forthcoming. Unless it is forthcoming rather soon, we shall find ourselves in another depression in the livestock country. If we do have that kind of situation, all of the poverty program which is being talked about today will not take care of the increased unemployment due to a depression in the basic industry of agriculture.

We ought to know by now that we cannot have a healthy industrial economy without a healthy agricultural economy. That is where the purchasing power is generated.

I commend the article to my colleagues and the readers of the CONGRESSIONAL RECORD and all who are interested in keeping on top of current problems, because it is a timely and important article.

EXHIBIT 1

[From the Wall Street Journal, May 8, 1964]

REELING RANCHERS: MANY CATTLEMEN SUFFER AS MEAT IMPORTS CLIMB, DOMESTIC HERDS GROW—DEMAND FOR IMPORT QUOTAS RISES AS PRICES SLUMP; BUT BEEF EATERS GET BARGAINS—TOO MUCH STRESS ON STEAK?

(By Roger W. Benedict)

Beef-eating Americans are feasting on the lowest-priced steaks and roasts in 6 years, but the meat counter bargains are only prompting howls of anguish back on the ranch.

Contrary to Government predictions that beef prices would rise about 10 percent this spring and offer some relief to profit-squeezed cattlemen, packers now are paying an average of $20.50 a hundredweight—$2.25 below last year and the lowest level in 7 years. What's more, heavy meat imports and growing domestic cattle herds make it unlikely that the heralded price pickup will develop anytime soon, if at all.

While good news to consumers, the prospect of continuing beef bargains spells only more financial troubles for beleaguered cattlemen. Some already have been forced out of business and others figure to fall by the wayside if prices don't improve. "I'm liquidating the cattle now in our pens, and when they're gone I'll be closing down if prices haven't improved," asserts Sid E. Moller, president of Union Feed Yards, Blythe, Calif. No small operator, Mr. Moller last year fattened some 100,000 cattle for Los Angeles slaughterhouses. He figures that for him to remain in business, prices would have to rise about $4 a hundredweight.

BESEECHING CONGRESS

To help ease themselves out of the red, Mr. Moller and other cattlemen are discarding their long aversion to Federal aid and are asking Congress for a lift. Almost universally, they blame low-cost imported beef for their problems, and they're demanding that Uncle Sam slap mandatory quotas on such imports. Specifically, the rangemen want future imports held to 7.5 percent of average domestic slaughter over the last 5 years; this would mean import limitations of around 800 million pounds annually, a stiff 265-percent cutback from 1963's record 1.1 billion pounds. The cattlemen have taken their case to the U.S. Tariff Commission and its findings are expected to be turned over to the Senate Finance Committee for action in June.

But there's far from unanimous agreement on the reason why cattle prices have skidded more than 33 percent in the past 18 months. Agriculture Department officials argue imports are only a minor factor in the price decline, and the agency is dead set against imposition of import quotas on foreign beef. It maintains the quotas are unneeded, too, because Australia and New Zealand, the biggest shippers of foreign beef to the United States, already have voluntarily agreed to cut back shipments to the United States this year by 27 percent.

Instead, Agriculture Secretary Freeman attributes the weak cattle market to growing domestic herds. On January 1 U.S. ranches and feedlots were bulging with a record 106.2 million cattle, a gain of 2.6 percent from the year before. The herd may well grow again this year, despite a climbing slaughter rate at packinghouses, because ranchers and feeders have said they expect this spring's calf crop to be about a million head bigger than last year's record.

The Agriculture Department calculates that heavy domestic supplies of beef accounted for $3 of the $3.70 drop in cattle prices in 1963. Increased supplies of poultry and pork brought on 20 cents of the drop and rising beef imports were responsible for the rest of the decline, the farm agency says.

A PACKER'S ARGUMENT

Some meatpackers side with the Agriculture Department on the question of imports. Marvin T. Gibson, senior vice president of International Packers, Ltd., Chicago, charges imports have climbed because "U.S. cattlemen have abandoned the hot dog and hamburger market" in favor of the high priced steak and roast market. He says the supply of better grade beef has doubled in the last 10 years while that of cheaper grades has failed to meet demand. "The imports that have been reviled and maligned by cattlemen's associations and subjected to strong attack by the Congressmen who stand for elections in November have just filled the gap" needed to keep the lower grades of meat in the same supply as 1954, he declares.

But cattlemen generally remain unconvinced and they are determined to put a lid on the imports. They are pressuring President Johnson—a part-time rancher himself—to reject the Agriculture Department view and throw his support behind the quotas. The cattlemen's bid could eventually pose a sticky political problem for the President since the Republican Party's Agriculture Committee and possible GOP presidential rival, GOLDWATER, have come out for the quotas.

In a "what comes first—the chicken or the egg" sort of argument, the ranchers take issue with the Agriculture Department's position on meat imports. Ralph W. Cellon, a Gainesville, Fla., cattle raiser, concedes the growing U.S. herds are a problem but says imports are much to blame. "Due to low-cost imported meat, packers can't afford to bid for cows and bulls culled from American herds," he reasons. "That means these animals go back to the range to produce more calves or into feedlots to add to the surplus of cattle on feed." He says a year ago packers were buying about 600 culls from Florida herds each week "but now they're not buying any."

FROM CROPS TO CATTLE

Further, ranchers say some of these culled animals that would normally go to market are being bought by farmers turning to cattle because of Government planting restrictions on crops. "In Oklahoma alone, about 12 million acres of cropland, mostly cotton and wheat acreage, have been converted to cattle pasture over the last 25 years," says William F. Brannan, Marietta, Okla., rancher and president of the Oklahoma Cattlemen's Association. "About half of the record 4 million cattle in the State on January 1 were on small farms with fewer than 100 heads each."

Until recently the brunt of the low cattle prices fell on the commercial lots and Corn Belt farms which fatten range animals for market. But now those who raise young steers and sell them later for fattening are being hard hit. Prices of these so-called feeder cattle now stand at an average of $19.75 a hundredweight, down 14 percent from a month ago and 24 percent from a year ago.

"Nearly all feeders, whether farmers or commercial lots, lost money in 1963, and even with the prospect of reduced imports, this year could be as bad," says Erwin Dubbert, a Laurens, Iowa, farmer and president of the National Livestock Feeders Association. "Some cattle producers are at the point they can't get any more bank credit."

"Losses to cattlemen in Colorado in the last 13 months have totaled about $40 million," claims Robert Johnson, Fowler, Colo., banker and rancher.

Caught by the price nose dive are thousands of investors, including numerous movie stars and oil companies, who were lured into the cattle business by the prospect of capital gains. "Our customers averaged losses of $30 to $50 a head in mid-1963, and even with lower prices being paid for replacement cattle off the range, they're still losing $10 to $15 a head on animals in the lots now," reports Earl Brookover, operator of a feedlot at Garden City, Kans.

Rather than absorb such losses, some ranchers are simply going out of business. George E. Light, Jr., a Cotulla, Tex., rancher whose family has been raising cattle for 146 years, recently completed liquidating his half interest in a 10,000-head herd he owned in partnership with his son. "If you want to stay in agriculture," he grumbles, "you'd better go to some other country to raise cattle, or else grow something here you can get a subsidy on." Ranchers complain they can't compete on an equal basis with the low expenses for foreign beef producers who often get subsidies from their governments and frequently enjoy lower taxes.

Rancher Cushman S. Radebaugh in Orlando, Fla., says, "It costs us a minimum of about $50 to raise an 8-month-old calf, while an Australian rancher can raise a 2-year-old steer for $6.50. Taxes and land costs are big problems. I've been chased out of two ranching locations in the past 9 years, first by a missile base and then by a housing development. Similar conditions are steadily raising the cost of farmland all over the country."

Such cost disparity is also influencing a few ranchers to compete with foreign beef producers on their own grounds. N. V. Bunker, Jr., a Lake Village, Ark., rancher, reports he's shopping for a cattle ranch in Central America. "I was told in Guatemala that you can raise a 2-year-old steer there for $5.25. There's just no place in the United States where you can approach that kind of cost," he says. Mr. Bunker has cut his Arkansas herd to 200 head from 2,000 over the last 2 years and switched 5,000 acres of pasture into soybeans.

"Due to subsidies paid U.S. farmers and exporters, a rancher in Mexico can buy U.S.-grown grain sorghum for as much as 90 cents a bushel under the prices I pay," complains Doyle McAdams, Huntsville, Tex., rancher. "Then the Mexicans turn around and sell their meat in Texas at prices under those for U.S. beef." Agriculture Department figures show that U.S. exports of sorghum to Mexico last year were about 24 times the total 2 years earlier.

Despite the fact that most cattlemen regard a rigid control of imports as the answer to many of their headaches, some are worried about inviting the Federal Government to come to their rescue. "A little bit of Government interference is like being a little bit pregnant," says Winthrop Rockefeller, who breeds bulls at Morrilton, Ark., and operates an Oklahoma feedlot. "I'd hate to see a temporary crisis bring about permanent Government interference in the cattle business." Mr. Rockefeller, brother of New York Gov. Nelson Rockefeller, is a Republican candidate for Governor of Arkansas.

KANSAS FARMERS INVEST $4 BILLION ANNUALLY IN MACHINERY AND SUPPLIES

Mr. PEARSON. Mr. President, too often the attention of the Senate regarding American agriculture is devoted to difficult farm legislation and agricultural problems. Indeed, there is another and brighter picture to contemplate.

In the May 5 edition of the Kansas City Times, Ray Morgan, the Kansas City Star's Kansas correspondent, and a talented and knowledgeable reporter, notes that Kansas farmers have been pumping a record $4 billion annually into the State economy for machinery and supplies during the past 6 years.

Citing Mr. Roy Freeland, the competent secretary of the Kansas State Board of Agriculture, this article spells out in detail the contribution that Kansas agriculture is making to the economy of our State and the Nation.

At a time when we are most concerned about our gross national product and its relation to unemployment, the great contribution that Kansas agriculture is making should not be overlooked.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the aforementioned article, entitled "Farm Spending High in Kansas."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARM SPENDING HIGH IN KANSAS—AGRICULTURAL INDUSTRY PUTS $4 BILLION A YEAR INTO ECONOMY

(By Ray Morgan)

TOPEKA.—Kansas farmers, with incomes at record highs, have been pumping a record $4 billion annually into the State economy for machinery and supplies the last 6 years, statistics of the Kansas State Board of Agriculture show.

Roy Freeland, secretary of the board, in his annual report, said the period since 1958 has shown a remarkable growth and expansion in Kansas agriculture and forecasts a vigorous, longtime trend in the economy of the State.

BOOST TO INDUSTRY

"During the period, farmers of this, one of the six leading farm States in the Nation, have exceeded production and income records of any previous period," Freeland said. "With farm-related industry inspired to a like expansion, the virility of the mightiest total agricultural industry Kansas has yet known is being transfused into the economic veins of the State.

"In each of the years, Kansas farm production exceeded that of any year prior to 1958. New highs in production and average yields were set for most of the crops grown in Kansas. The job was done by the smallest number of farmers in the history of the State."

Freeland said that while income from farming during this period was at record highs, nearly a billion dollars a year was spent by farmers for farm machinery and equipment, petroleum, tires, fertilizers, chemicals, prepared feeds, fencing materials, seeds and other items.

WORTH IS MULTIPLIED

"As each dollar of this farm income is spent, an additional $3 worth of activity is generated in the Kansas economy with the result that the entire agricultural industry of Kansas, fourth-ranking State in the Nation in acres devoted to farming, produces more than $4 billion in income to Kansas each year," Freeland said.

Freeland said products from the farm add $400 million to the Kansas economy from meat packing, $200 million from flour milling, $55 million for dairy manufacturing, $25 million for feed milling, $6½ million for alfalfa dehydrating and additional millions for countless other types of businesses affected.

"Kansas cattle numbers reached an all-time high of more than 5 million head, and cattle on feed were at record highs, the number in commercial feed lots up more than 50 percent," Freeland said.

"Milk production per cow, pigs per litter, eggs per hen and the hatch of turkey poults reached new peaks in Kansas.

GREATEST WHEAT PRODUCTION

"Wheat yields reached new highs in the Wheat State. Phenomenal sorghum crops in the last 6 years have nearly tripled previous records. Soybean production reached proportions more than doube any year before 1958. New production and yield records were set for corn, rye, barley, hay and a multitude of other Kansas crops."

Freeland said in the period Kansas farmers invested a billion dollars in machinery and equipment, including nearly 175,000 tractors, 124,000 motor trucks and 71,400 combines. He said this is an indication of faith in the continuing growth of agriculture in the State.

FIFTIETH ANNIVERSARY OF 4-H CLUBS OF KANSAS

Mr. PEARSON. Mr. President, this year, the 4-H clubs of Kansas are celebrating their 50th anniversary.

Throughout this half century of operation, these clubs have been providing boys and girls with practical training which will prove useful to them all their lives.

The story of Kansas 4-H clubs is also the story of the national growth of 4-H. My State of Kansas has contributed solid support to the organization of 4-H clubs in other areas of our Nation. Through a sense of responsibility and a desire for accomplishment, our Kansas 4-H members have become State and National leaders in many fields.

At this point, Mr. President, I wish to extend my personal congratulations to the Kansas 4-H organization and I ask unanimous consent to have printed at this point in the RECORD an article entitled "Take a Time Trip in 4-H" which appeared in the May 1964 Kansas 4-H Journal, and which vividly describes the development of the Kansas 4-H program from 1914 through 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAKE A TIME TRIP IN 4-H

(NOTE.—With the Smith-Lever Act in 1914 came county extension agents as we know them today to serve Kansas. And with their assistance, the 4-H program was developed. This article summarizes the evolution of Kansas 4-H Club work from the first corn and home culture clubs a few years after the turn of the century to the more complex program of today.)

Travel back in time. It's not too long after 1900 with World War I still in the future. There's some talk in the community about corn clubs. High-quality seed corn was being offered to boys who would plant it, care for it, and make an exhibit of the crop at the next Farmer's Institute.

The idea of corn clubs caught hold in spite of a lack of organization. The clubs consisted of a few young people interested in a common thing—corn in the beginning with other projects soon entering the scene. Beef, pig, poultry, garden, sewing, canning, and breadmaking clubs received sponsorship by a local adult group such as civic clubs or businesses.

Tom Cahill organized 4-H work in Leavenworth County. He had first conceived of allowing credits for work done at home by his rural school students. Boys received credits, just as in arithmetic, for feeding horses or cows; girls took credits for sewing, mending, baking.

When he became acquainted with the 4-H program, Cahill spent two summers, employed by the Farm Bureau, to set up 4-H Clubs in his county. His mode of transportation was a one-cylinder motorcycle.

PRIOR TO WORLD WAR I

In the Nation's Capital, legislatures were becoming more aware of the need to improve rural living. The Smith-Lever Act of 1914 provides for taking information on agriculture and home economics to every community in the State through the extension service of the land-grant university. The emphasized method of relating the information has been by practical demonstrations.

The initial Cooperative Extension Service resulted from the efforts of the State land-grant college and the Secretary of Agriculture. This cooperative technique was later extended to the county level where county extension agents worked with the rural people. During the war, the new agents encouraged increased food production.

Here in Kansas in 1914, Otis Hall was appointed State leader of boys and girls club work as an extension of the rural service project at Kansas State College.

The opening gunshots of World War I placed the founding clubs of the State in the midst of the war effort. Garden and canning clubs formed with slogans of "Can to can the Kaiser" and "Eat more potatoes—ship the wheat."

The years between 1920 and 1930 have been immortalized as the roaring twenties. While prohibition, short skirts, and tinkling piano music characterized some of society, in the midwestern wheat State, the 4-H program was struggling to its feet.

COMMUNITY CLUB STARTED

The year 1922 was a star year. The community club, a federation of various project clubs in a community, was formed. Such a group was advantageous because leadership was centralized, leaders could be obtained more easily, and members, leaders, and parents maintained a higher interest.

A club complying with certain objectives was known as a standard club. Requirements included five members in each project with a leader, a constitution and officers, six regular meetings per year, a team giving one demonstration, and a 60-percent project completion.

Members who excelled were invited to join the All-State Club. Eligibility was determined by being named a State champion, completing 3 years in the same project, 4 years of club work, or winning a State demonstration team contest or judging team competition.

Around 1920 the Capper clubs were popular in Kansas. Loans were made to members for purchase of livestock. When 4-H clubs came in strong, Senator Capper gave his full support to them.

At Camp Steeleway, in Washington County, 71 boys from 4 counties participated in one of the first camps. The girls camped at Turkey Creek in Pratt County that year.

By 1925, the Extension Division was furnishing a camp manager to assist county agents in arranging and organizing camps. The camps provided instruction in project work, the 4-H program, handicraft, nature, health, and leader training.

Previous to 1923, pig club and baking club members had been making trips to Kansas State College for Farm and Home Week presentations in the agriculture and home economics departments.

FIRST ROUNDUP

At the first roundup in 1923, the knicker-wearing boys were provided cots in the gymnasium. Girls in middies, pleated skirts, and bobbed hair were housed on the second floor of the cafeteria.

The first roundups were in early May but the date was later changed to the first week of June to avoid conflicts with school sessions.

In Allen County Dorothy Mayfield was president of a baking club in 1925. When roundup came shortly after the club was organized, she and another member were chosen delegates, paying their own way.

The trip to Manhattan, with other club members from the county, was a long one and ended with a drenching rain. A Ford touring car, a speed wagon, and the Farm Bureau's Ford roadster carried the party of 21.

When Dorothy returned to her baking club with glowing accounts of the activities at roundup, the girls decided that they would attend in full force the next year.

To earn money, they sold hot waffles at the local store. When a wrestling match was held in the village, they prepared hamburgers and coffee for sale.

Mothers of the baking club girls were shooed from their kitchens as their daughters practiced baking for a $10 highest record prize at the county fair. The girls captured first, second, and third places, which earned them a large part of the needed funds.

By 1930, the organizational pattern for community clubs was set. Project work was still the principal reason for the clubs, but emphasis was being placed on the member, not his project.

RAPID EXPANSION

Expansion was rapid to all 105 counties. On the State level, leaders conference began in 1936 with a purpose and program similar (considering the 4-H program at that time) to the present event.

Model club meetings appeared in 1935 as a means of improving local club meetings. Two years later spring festivals (4-H Days) were held. Competition drew members in one-act plays, choruses, and bands.

World War II dealt 4-H work a heavy blow. Extension agents, leaders, and older members were drafted. Kansas 4-H membership dropped from 22,500 to 17,000.

The 4-H'ers who stayed home were effective in fighting, though not on the battlefront. They collected scrap iron, aluminum, paper, rubber, fat, rags—and expanded food production.

Liberty ship *Otis E. Hall* was named when Kansas 4-H'ers sold $2 million worth of war bonds to finance the ship's construction.

Following the war, 4-H turned from defense-oriented objectives. The family farm was becoming larger and more highly mechanized. The 4-H program expanded to include new projects and activities. Leadership and membership were at a high level of quality. Additional award programs provided incentive to project work.

ROCK SPRINGS RANCH

In 1945, a 348-acre dairy farm near Junction City was purchased. Most of the $22,500 cost of Rock Springs Ranch was raised through the efforts of Kansas 4-H Club members. The mortgage was burned in 1946, and the first camps were held that summer. Temporary facilities included Army tents for housing and the dining room.

The title to the ranch was held by the Kansas State University Endowment Association until 1955, when it was transferred to the Kansas 4-H Foundation. The ranch has been developed as a leadership training center. Through contributions many major improvements have become a part of the ranch.

Armin Samuelson, Shawnee County, was the first IFYE delegate when he visited Sweden in 1948. One hundred and thirty-four delegates from 64 Kansas counties have lived with farm families in 46 countries. And in return, 267 young men and women from 63 countries have lived with 700 host families in all Kansas counties.

The Kansas 4-H Foundation was established in 1952; its sole purpose to assist the Kansas Extension Service in promoting State 4-H Club work. Financial support is provided by private sources. An 11-member board of trustees directs the foundation's program.

Work by the foundation is centered around a 5-point program which includes: aid local volunteer 4-H leaders; enlarge membership in 4-H Club work; encourage parents to give their children the advantages of 4-H; help provide 4-H facilities; and assist with the IFYE program.

The Kansas 4-H Journal was given to the foundation by Mr. and Mrs. Frank Pettit of Topeka in 1956. Some 200 registered saddle mares have been received as gifts to the foundation. The mares were placed on loan to club members, and the colts raised provide the basis for the 4-H colt project. (This program has been discontinued.)

A CHANGING SOCIETY

Enrollment in Kansas 4-H Clubs reached 32,000 last year. The 4-H program has grown in size and scope to meet the needs of a changing society. Projects no longer have to relate directly to rural life as urban clubs have become numerous. Self-improvement is as important in project work as learning about farm and home.

The face of Kansas 4-H has changed in 50 years. The shift has been from corn clubs to community clubs, from a few projects to many. More changes are coming about all the time. Clubs are becoming more popular among suburban and urban families (some work in this area is still in the experimental stage). Work with small groups of boys or girls, near the same age, is being done in some counties. These small groups may be formed as satellites of the community club.

Tom Cahill would no longer travel about on his motorcycle but much more likely drive a new model car or make his visits by telephone. Corn club members competed for trips to the agricultural college; today's 4-H'ers compete for scholarships to attend college. Dorothy Mayfield's baking project would be just one part of a foods project which encompasses many factors in food preparation.

Kansas has been instrumental in the promotion of 4-H nationwide. The writing of the 4-H pledge has been credited to the State's first 4-H leader. Kansas has been in the forefront of the development of such features as: junior leadership, model meetings, IFYE, personal development, tractor, and reading. Each year, outstanding 4-H'ers win many regional and national honors for their 4-H work.

One thing has remained unchanged in the first half century of the Cooperative Extension Service. That is the service rendered by Kansas 4-H'ers. No other youth group has played as great a part in helping Kansas grow. As 4-H'ers applied better rural living practices, Kansas, as an agricultural State, advanced.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, H.R. 7152.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 516, proposed by the Senator from Illinois [Mr. DIRKSEN], for himself, and the Senator from Montana [Mr. MANSFIELD], as a substitute for amendment No. 513, proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. MILLER. Do I correctly understand that the pending question is the Dirksen-Mansfield substitute amendment?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. MILLER. If the Senator from Iowa were to call up his perfecting amendment to the Talmadge amendment, would his amendment take precedence over the Dirksen-Mansfield substitute?

The **PRESIDING OFFICER.** It would take precedence over the Dirksen-Mansfield substitute.

Mr. MILLER. I thank the Chair.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

A FELLOWSHIP OF CONCERN

Mr. HUMPHREY. Mr. President, yesterday the Senator from California [Mr. Kuchel] and I were privileged to meet with a number of clergymen representing the Presbyterian Church. We received a letter from them signed by more than 400 of these Presbyterian ministers, educators, and laymen, calling on every Senator to vote for the civil rights bill.

The spokesman, for the group, Dr. John Randolph Taylor, who is chairman of the Presbyterian organization known as A Fellowship of Concern, stated that "the voice of filibuster has for too long been regarded as the most authentic southern voice. It is not. The South's most authentic voice is the voice of conscience and of faith."

Dr. Taylor, in presenting the letter, signed by 435 southern Presbyterian ministers, educators, and laymen, stated that the signers "favor the passage of a strong and effective civil rights bill" and that "the rights and responsibilities of citizenship should extend throughout all our States, so that none of our fellow citizens needs to bear the shame and indignity of second-class citizenship, actual or implied."

The letter prophesies that "if this bill is debilitated, deferred, or defeated, the resulting crisis in the South and in the Nation will be tragic."

The statement applauded "President Johnson's challenge to southern churchmen to support the civil rights bill and to encourage its effective translation into the customs of community life as soon as it is passed."

Mr. President, I must say that of all the presentations that have been made to the senior Senator from Minnesota in respect to the civil rights measure, none was more moving and meaningful than the presentation of the letter to which I have referred in these remarks. I compare this occasion only with the March on Washington of August 1963, which presented a beautiful image and revealed a magnificent story of America. I compare it also with the interreligious ceremonies that took place on April 28, 1964, at McDonough Gymnasium, Georgetown University. These three moving and exciting demonstrations of dedication to the cause of human rights and civil rights legislation will live in my memory, and I believe in the memory of this Nation for years to come.

The press release that came with the presentation as of yesterday notes that there are 435 signers, most of whom are members of A Fellowship of Concern, including a former moderator of the General Assembly of the Presbyterian Church of the United States; a president of a theological seminary; professors of universities, colleges, and theological seminaries; pastors of churches; physicians, businessmen, military personnel, and housewives. They represent 15 Southern States and the District of Columbia. One hundred and sixty-five of the signers are ministers in the Presbyterian Church in the United States.

I also am happy to note that one of the signers as was revealed to us yesterday by the clergyman who made this presentation, is a nephew of the distinguished senior Senator from Georgia [Mr. Russell]. He is a Presbyterian minister by the name of William D. Russell, and is from Decatur, Ga.

I make these observations because it is my view, not from any particular attitude of the Senator from Minnesota, but from what I read in letters that come to my office, and hear from citizens who pay us a visit, that all through this Nation, north, south, east, and west, there are numerous citizens who are in full support of what we are endeavoring to do by the passage of the civil rights bill.

Mr. President, I ask unanimous consent to have printed at this point in the Record the letter addressed to the Members of the Senate of the United States, dated May 7, 1964, together with the names of the signatories, their occupations, and their addresses.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C.,
May 7, 1964.

To the Members of the Senate of the United States:

We, the undersigned, are southerners. Before that we are Americans, and beyond all else we are members and ministers of the church of Jesus Christ.

We want to express our deep interest and committed concern for the dignity of every person, whatever his race, color, or class. We testify to our own participation and involvement in the struggle of our Negro brothers to affirm their humanity. We stand with them in their quest for freedom, justice, and the inalienable rights with which they have been endowed by their Creator.

To this end, we want you to know that we favor the passage of a strong and effective civil rights bill. We are concerned that the writ of national law should obey the writ of God's law. We believe that the rights and responsibilities of citizenship should extend throughout all our States, so that none of our fellow citizens needs to bear the shame and indignity of second-class citizenship, actual or implied.

We applaud President Lyndon B. Johnson's challenge to southern churchmen to support the civil rights bill and to encourage its effective translation into the customs of community life as soon as it is passed. We applaud the House of Representatives for its passage of this bill without crippling amendments. We applaud that large group of Senators who have taken their stand in support of the bill and are striving now to see that it becomes law.

Contrary to the argument of some Members of the Senate, there is genuine support for the civil rights bill in the communities of the South. The voice of filibuster has for too long been regarded as the most authentic southern voice. It is not. The South's most authentic voice is the voice of conscience and of faith. For the sake of our Southland which has been misrepresented, for the sake of our beloved country and every citizen within it, for the sake of the Gospel we believe and proclaim, and for the sake of our own integrity, we feel that we must speak.

We, therefore, urge you to vote for the civil rights bill. We prophesy that if this bill is debilitated, deferred, or defeated, the resulting crisis in the South and in the Nation will be tragic. We affirm our confidence that this bill will have the effect of righting cultural and civic wrongs too long extended and ignored. We hope that a new birth of freedom may become a possibility in this Nation as we work together to implement this legislation to the benefit of all our people—northern and southern, Negro and white.

We pledge you our prayers in this cause and our faithfulness in its fulfillment.

The following have signed this letter:

George L. Abernethy, professor, Davidson, N.C.; James S. Ackerman, professor, minister, Tuscaloosa, Ala.; Robert B. Albritton, minister, Charlottesville, Va.; John K. Alexander, minister, Corpus Christi, Texas; Joseph S. Allen, librarian, Bethesda, Md.; Mathews F. Allen, Jr., minister, Richmond, Va.; Wallace M. Alston, Jr., minister, Wadesboro, N.C.; Frank P. Anderson, minister, St. Petersburg, Fla.; Olof Anderson, Jr., minister, Louisville, Ky.; Anne B. Appenzellar, Austin, Tex.; Harold F. Apple, Jr., Austin, Tex.; James Appleby, professor, minister, Richmond, Va.

Annabel Bailey, Austin, Tex.; Mrs. Radford B. Bailey, Tarboro, N.C.; Warner M. Bailey, student, Austin, Tex.; Ada Glass Baker, Christian educator, Winchester, Va.; Elmer C. Banks, Harrisonburg, Va.; Mrs. S. R. Sloan Barclay, housewife, Towson Md.; Jack H. Barker, Clarksville, Tenn.; Vance Barron, minister, Chapel Hill, N.C.; William S. Bason, Austin, Tex.; Wilma F. Batts, Clarksville, Tenn.; H. Hoover Bear, minister, Fayetteville, N.C.; Mrs. H. Hoover Bear, housewife, Fayetteville, N.C.; James E Bear, professor, minister, Richmond, Va.; Margaret W. Bear, housewife, Richmond, Va.; Richard Bell, minister, Harrisonburg, Va.; Perry H. Biddle, Jr., minister, Memphis, Tenn.; Henry Emerson Biggs, Front Royal, Va.; Irving E. Birdseye, minister, Greensboro, N.C.; Dallas A. Blanchard, Fort Deposit, Ala.; Hubert L. Black, minister, Baltimore, Md.; Patricia Bohen, Richmond, Va.; William Jerry Boney, minister, Richmond, Va.; Charles E. Book, minister, Metairie, La.; Bruce M. Borthwick, student, Washington, D.C.; Doris Esch Borthwick, historian, Washington, D.C.; Lawrence W. Bottoms, minister, Atlanta, Ga.; S. Don Boulcke, Austin, Tex.; James E. Bowden, Decatur, Ga.; M. N. Boyd, Alice, Tex.; Elizabeth R. Branch, Spencer, W. Va.; W. W. Branch, Jr., Spencer, W. Va.; Bob Breilian, Austin, Tex.; B. Blake Breitenhirt, Jr., minister, Homestead, Fla.; Henry M. Brimm, librarian, Richmond, Va.; Glenda Briscoe, Christian educator, East Point, Ga.; Aubrey N. Brown, Jr., editor, minister, Richmond, Va.; Everett

K. Brown, minister, Goldsboro, N.C.; Malcolm Brownlee, Jr., student, Richmond, Va.; Leslie Bullock, professor, minister, Laurinburg, N.C.; Robert H. Bullock, minister, San Antonio, Tex.; David H. Burr, minister, Winston-Salem, N.C.

Frank H. Caldwell, seminary president, minister, Louisville, Ky.; Malcolm P. Calhoun, minister, Richmond, Va.; Milton Stover Carothers, minister, Covington, Va.; Alice N. Carter, teacher, Harrisonburg, Va.; Hugh B. Carter, Jr., minister, Alexandria, Va.; George Chapman, Clarksville, Tenn.; Douglas C. Chase, minister, Lexington, Va.; George A. Chauncey, minister, Danville, Ky.; Roberta Clay, teacher; Conway, Ark.; Thomas R. Cleveland, missionary to Republic of Congo, Washington, D.C.; Mrs. Thomas R. Cleveland, missionary to Republic of Congo, Washington, D.C.; Mrs. Henry C. Collins, Montgomery, Ala.; Robert R. Collins, minister, Mexico, Mo.; Mrs. Morgan Cone, Memphis, Tenn.; George M. Conn, Jr., minister, Johnson City, Tenn.; Elaine E. Cook, housewife, Stuttgart, Ark.; Thomas C., Cook, Jr., minister, Stuttgart, Ark.; W. Norman Cook, minister, Richmond, Va.; George M. Cooley, minister, Nashville, Tenn.; P. G. Cosby, III, minister, Lynchburg, Va.; Mrs. P. G. Cosby, III, housewife, Lynchburg, Va.; Roy R. Craig, Jr., Austin, Tex.; Mary Louise Crane, Christian educator, Richmond, Va.; John W. Craven, minister, Lynchburg, Va.; Charlotte A. Crawley, social service worker, Harrisonburg, Va.; Cecil G. Culverhouse, minister, Fulton, Mo.; Ruby Ethel Cundiff, retired professor, Harrisonburg, Va.; Stuart D. Currie, Austin, Tex.; Elinor Curry, Christian educator, Richmond, Va.; Tom A. Cutting, Jr., minister, Matthews, N.C.

John B. Danhof, student, Austin, Tex.; Brandon M. Daniel, Greenville, N.C.; Lee G. Davy, Kingport, Tenn.; David E. Denton, doctor, Clarksville, Tenn.; Ludwig R. Dewitz, professor, minister, Decatur, Ga.; Daniel D. Dickenson, Jr., minister, Berryville, Va. Margaret B. Dickenson, housewife, Berryville, Va.; Albert E. Dimmock, minister, Raleigh, N.C.; Betty Brooke Dobbins, Henderson, Ky.; Warner DuBose, Jr., minister, Norfolk, Va.; Paul B. Dyck, teacher, Blacksburg, Va.; Dorothy L. Dysard, editorial work, Richmond, Va.

David C. Eaton, Austin, Tex.; Glenn S. Edgerton, Jr., student, Richmond, Va.; David Elliott, Clarksville, Tenn.; John E. Ensign, minister, Mechanicsville, Va.; John B. Evans, minister, Auburn, Ala.; Jack W. Ewart, minister, Dunedin, Fla.; Lucille W. Ewell, housewife, Harrisonburg, Va.

James Curtis Fahl, minister, Rockville, Md.; Archie B. Faires, minister, Monroe, La.; Mrs. Archie B. Faires, housewife, Monroe, La.; Martha P. Farmer, housewife, Greenville, Ala.; Thomas H. Farmer, minister, Greenville, Ala.; Louise H. Farrior, editor, Richmond, Va.; Franklin Finsthwait, Alexandria, Va.; Marian Fisk, Christian educator, Richmond, Va.; George H. Fitzgerald, minister, Roanoke, Va.; Robert E. Ford, Miami, Fla.; Kenneth J. Foreman, professor, minister, Richmond, Va.; Lee J. Freeman, Austin, Tex.; John A. Fulton, judge, Louisville, Ky.; Frances Furlow, editor, Atlanta, Ga.

James H. Gailey, Jr., professor, minister, Decatur, Ga.; Cleona H. Gaither, Coles Point, Va.; Beryl N. Gallaway, housewife, Montgomery, Ala.; E. N. Gallaway, Major, U.S. Air Force, Montgomery, Ala.; Connolly Gamble, Jr., professor, minister, Richmond, Va.; Elizabeth Gaston, housewife, Richmond, Va.; James D. Gault, school administrator, Charlotte, N.C.; Ruth R. Gault, housewife, Charlotte, N.C.; H. Leslie Giles, Harrisonburg, Va.; Katherine A. Gingrich, Campus Christian Life worker, Austin, Tex.; Eleanor Godfrey, Christian educator, Columbia, Mo.; William R. Goodman, Jr., minister, McDowell, Va.; John B. Graham, physician, Chapel Hill, N.C.; Edgar M. Grider, minister, Atlanta, Ga.; Eugene M. Grier, minister, Brownwood, Tex.; Edna K. Guild, housewife, farm manager, Gallatin, Tenn.

Clifford C. Hall, electronics design engineer, Washington, D.C.; T. Hartley Hall IV, minister, Lenoir, N.C.; Walter F. Hall, minister, Clearwater, Fla.; Hugh F. Halverstadt, minister, Union Springs, Ala.; R. B. Hardie, Jr., minister, Little Rock, Ark.; Kathryn Harris, Clarksville, Tenn.; Mrs. Warren T. Harris, Henderson, Ky.; Charles W. Harwell, minister, Baton Rouge, La.; Mrs. W. T. Hassell, housewife, Staunton, Va.; Sam B. Hay, college president, minister, Tuscaloosa, Ala.; Nancy Lee Head, secretary, Washington, D.C.; Jack W. Heintzleman, minister, Mebane, N.C.; Rachel Henderlite, Christian educator, Richmond, Va.; T. Chalmers Henderson, minister, Arkadelphia, Ark.; John R. Hendrick, minister, San Antonio, Tex.; Amanda L. Hess, guidance counselor, Washington, D.C.; James C. Hicks, Jr., student, Gainesville, Fla.; F. Wellford Hobbie, minister, Staunton, Va.; Mrs. Joan E. Hodgkins, Austin, Tex..; David R. Holt, minister, Waynesboro, Va.; Stephen G. Honaker, Winston-Salem, N.C.; Samuel R. Hope, minister, High Point, N.C.; Samuel L. Horst, professor, Harrisonburg, Va.; George F. Houck, minister, Winston-Salem, N.C.; Samuel M. Houck, minister, Miami, Fla.; Billy S. Howell, Jr., minister, Olivia, N.C.; Martha W. Hudson, Clarksville, Tenn.; Robert L. Hueston, certified public accountant, Harrisonburg, Va.; Wade P. Huie, Jr., professor, minister, Decatur, Ga.; Mrs. Joseph L. Hunter, Asheville, N.C.

Nanine Iddings, retired teacher, Asheville, N.C.; John M. Irvine, Jr., minister, Winchester, Va.; Ella D. Jenkins, housewife, Harrisonburg, Va.; Gwen S. Johnson, Austin, Tex.; W. Walter Johnson, professor, minister, Austin, Tex.; Mrs. W. Walter Johnson, housewife, Austin, Tex.; Camille Jones, artist, Richmond, Va.; Adeline C. Junkin, housewife, Springfield, Va.

Mrs. Edward Katz, librarian-clerk, Williamsburg, Va.; J. Robert Keever, Jr., minister, Tuscaloosa, Ala.; Alan Keith-Lucas, professor, Chapel Hill, N.C.; Balmer H. Kelly, professor, minister, Richmond, Va.; William Bean Kennedy, professor, minister, Richmond, Va.; Hardin W. King, minister, Huntington, W. Va.; Gail King, Henderson, Ky.; Leo King, Jr., Henderson, Ky.; Victor King, businessman, Sanford, N.C.; Charles E. Kip, Chapel Hill, N.C.; Albert J. Kissling, minister, Jacksonville, Fla.; E. G. Kloppe, Austin, Tex.; William N. Knox, Nashville, Tenn.; Mrs. William N. Knox, Nashville, Tenn.; Gustav Kopkin, Jr., Austin, Tex.; John H. Krall, professor, Harrisonburg, Va.

Mary Frances Lacey, Memphis, Tenn.; Hecht S. Lackey, Henderson, Ky.; Rebecca Lackey, Henderson, Ky.; L. H. Lancaster, Jr., missionary to Japan, minister, Richmond, Va.; Virginia Barksdale Lancaster, missionary to Japan, Richmond, Va.; Joseph C. Landwehr, St. Louis, Mo.; Flora L. Landwehr, St. Louis, Mo.; George Lang, minister, Tuscaloosa, Ala.; John A. Lapp, professor, Harrisonburg, Va.; Harry G. Lefry, professor, Harrisonburg, Va.; Janice Faye Leftwich, Clarksville, Tenn.; Mary Lewis, Gainesville, Fla.; Susan L. Lewman, secretary, Richmond, Va.; James G. Leyburn, professor, Lexington, Va.; Philip N. Libby, Jr., minister, Chatham, Va.; Gerhard D. Ling, Austin, Tex.; Sara Little, professor, Richmond, Va.; Thomas W. Loegh, professor Harrisonburg, Va.; Mrs. Laura Logan, missionary teacher, Nashville, Tenn.; Ellen Logan, Nashville, Tenn.; William M. Logan, Austin, Tex.; Elizabeth R. Lollar, board of women's work, Atlanta, Ga.; Betsy Low, student, Richmond, Va.; Frank H. Lowney, journalist, Washington, D.C.; Marvin G. Lutz, minister, Richmond, Va.; Olof Halvard Lyon, minister, Montgomery, W. Va.

James L. McAllister, Jr., professor, minister, Staunton, Va.; James L. McCall, minister, Comanche, Tex.; Mrs. James L. McCall, housewife, Comanche, Tex.; Neely McCarter, professor, minister, Decatur, Ga.; Hugh W. McClure, III, minister, Newport News, Va.; Louise W. McComb, Memphis, Tenn.; W. H. McCord, merchant, Nashville, Tenn.; Scott McCormick, Jr., minister, Radford, Va.; James P. McCrary, minister, Oklahoma City, Okla.; Marion W. McCurdy, physician, San Antonio, Tex.; Mrs. Marion W. McCurdy, housewife, San Antonio, Tex.; Douglas McEldowney, Bluemont, Va.; Frances S. McEldowney, Bluemont, Va.; Walter H. McEldowney, Bluemont, Va.; Mary Jean McFadgen, Richmond, Va.; D. P. McGeachy, III, minister, Gainesville, Ga.; Rodney McGinnis, Austin, Tex.; John S. McMullen, minister, Columbia, Mo.; Arthur T. McNeill, Arlington, Va.; R. J. McRostie, commander, U.S. Navy, U.S.S. *Cambria*; John H. McVay, minister, Pageland, S.C.; Elizabeth McWhorter, Christian educator, Richmond, Va.; Charles R. MacDonald, minister, Hopewell, Va.; John R. MacKinnon, minister, Corpus Christi, Tex.; J. Pendleton Maddex, Jr., Chapel Hill, N.C.; Mrs. Janet Majors, Harrisonburg, Va.; W. F. Mansell, Jr., student, Austin, Tex.; Sandy C. Marks, former dental missionary to Republic of Congo, Silver Spring, Md.; Charlotte O. Marshall, Clarksville, Tenn.; Laura S. Massie, Lexington, Ky.; James L. Mays, professor, minister, Richmond, Va.; Robert C. Mers, Beaumont, Tex.; E. Thomas Miller, Chapel Hill, N.C.; Harold Miller, professor, Harrisonburg, Va.; Lola Miller, Christian educator, Richmond, Va.; Patrick D. Miller, Jr., minister, Travelers Rest, S.C.; Mrs. Patrick D. Miller, Jr., housewife, Travelers Rest, S.C.; Robert D. Miller, minister, Tuskegee, Ala.; Harold W. Mitchell, laborer, Harrisonburg, Va.; Henry Pope Mobley, minister, Louisville, Ky.; Jean Moling, Christian educator, Richmond, Va.; Mrs. John White Moore, housewife, Mooresville, N.C.; Mrs. Mable C. Morley, Decatur, Ga.; Mrs. Milton Morrison, Houston, Tex.; P. E. Moyers, business executive, Harrisonburg, Va.; David E. Mullen, minister, Ahoskie, N.C.; A. T. Murphy, Jr., minister, Auburn, Ala.; J. J. Murray, minister, Lexington, Va.; James N. Murray, minister, Higginsville, Mo.

Szabi S. Nagy, Amarillo, Tex.; Ann G. Nash, housewife, Martinsburg, W. Va.; David William Nash, minister, Martinsburg, W. Va.; Margaret P. Neel, Huntington, W. Va.; Elizabeth Nelson, nurse, Victoria, Va.; H. C. Nelson, Jr., engineer, Victoria, Va.; Helen W. Neville, housewife, Petersburg, W. Va.; Lamar F. Neville, minister, Petersburg, W. Va.; Leone Ingman Newkirk, Bluff City, Tenn.; Meigs A. Newkirk, minister, Bluff City, Tenn.; Richard L. Newkirk, minister, Hancock, Md.; Elizabeth P. Newton, housewife, Clarksville, Tenn.; William E. Newton, minister, Clarksville, Tenn.; Keith F. Nickle, minister, Port Arthur, Tex.; Helen Noyes, Nashville, Tenn.

George M. Ogilvie, minister, Elkins, W. Va.; Douglas W. Oldenburg, minister, Lynchburg, Va.; Kenneth B. Orr, minister Roanoke, Va.; Julian S. Orrell, minister, Berryville, Va.; Mrs. Lillian M. Oser, secretary, Washington, D.C.; Betty Overstreet, Austin, Tex.; Mildred Owen, Richmond, Va.

John S. Pancake, professor, University of Alabama; Mrs. John S. Pancake, housewife, University of Alabama; Charles E. Parrish, minister, Rock Hill, S.C.; Willie Mae Patton, Charlotte, N.C.; James A. Payne, Jr., minister, Charlottesville, Va.; Sallie Willson Peake, housewife, Richmond, Va.; J. G. Peck, minister, Enterprise, Ala.; Frederick James Pellenn, Jr., Gainesville, Fla.; Roland P. Perdue, III, minister, Athens, Ga.; Francis M. Perrin, minister, Huntsville, Ala.; Kenneth G. Phifer, professor, Louisville Ky.; Mrs. J. D. Phillips, Sr., Laurinburg, N.C.; Frances F. Phillips, housewife, Chapel Hill, N.C.; Robert D. Phillips, psychiatrist, Chapel Hill, N.C.; William E. Phipps, professor, Elkins, W. Va.; Martha Ann S. Phipps, housewife, Elkins, W. Va.; J. Ronald Pierce, Victoria, Va.; Robert C. Pooley, Jr., minister, Rome, Ga.; Fred W. Poos, entomologist, Arlington, Va.;

Charles Pratt, minister, Ft. Thomas, Ky.; Harold S. Pryor, Clarksville, Tenn.

Roland W. Rainwater, minister, Columbia, Tenn.; William M. Ramsay, minister, Richmond, Va.; Mrs. William M. Ramsey, housewife, Richmond, Va.; Harmon B. Ramsey, minister, Richmond, Va.; Florence Clark Raynal, housewife, Sanford, N.C.; H. Middleton Raynal, minister, Sanford, N.C.; Riddick Revelle, insurance salesman, Fayetteville, N.C.; Elon W. Rhodes, barber, Harrisonburg, Va.; Betsy Rice, Christian educator, Richmond, Va.; J. Sherrard Rice, minister, Columbia, S.C.; Bruce L. Robertson, minister, Jacksonville, Fla.; Clyde O. Robinson, Jr., minister, Raleigh, N.C.; Isabel Rogers, professor, Richmond, Va.; Holmes Rolston, editor, minister, Richmond, Va.; Paul L. Romig, veterinarian, Laurel, Md.; Elizabeth W. Rose, housewife, Rocky Mount, N.C.; Richard F. Rouquie, minister, Montgomery, Ala.; William D. Russell, minister, Decatur, Ga.; Ann M. Rutherford, student, Charlottesville, Va.; Florence I. Ryan, social worker, Asheville, N.C.

Anne-Marie Salgat, Austin, Tex.; Mrs. Sarah Sampson, Harrisonburg, Va.; Mrs. Marvin Sautter, Austin, Tex.; Janet Kelly Savage, Hague, Va.; Joe W. Savage, Coles Point, Va.; Betty J. Schaufele, Christian educator, Richmond, Va.; Ruth Douglas See, Christian educator, Richmond, Va.; William R. Sengel, minister, Alexandria, Va.; Lester C. Shank, Harrisonburg, Va.; W. W. Shaver III, real estate, Wynne, Ark.; Albert E. Simmons, minister, Atlanta, Ga.; Harry E. Smith, minister, Chapel Hill, N.C.; William Kyle Smith, professor, minister, Annapolis, Md.; William S. Smith, minister, Lubbock, Tex.; James H. Smylie, professor, minister, Richmond Va.; Mary F. Smythe, retired missionary, Charleston, S.C.; James O. Speed, Jr., minister, Richmond, Va.; John B. Spragens, seminary dean, minister, Austin, Tex.; Eduard N. Spring, Decatur, Ga.; Dorothea B. Staples, housewife, Richmond, Va.; Ernest W. Staples, Jr., credit manager, Richmond, Va.; Mamie B. Steinek, housewife, Charlotte, N.C.; Charles V. Stephenson, physicist, professor, Nashville, Tenn.; Jack L. Stevenson, minister, Hampton, Va.; Paul D. Stewart, Huntington, W. Va.; Elizabeth H. Stokes, Clarksville, Tenn.; Joseph T. Stukes, professor, Greenwood, S.C.; Joe T. Sudduth, minister, Louisville, Ky.; A. F. Swearingen, minister, Corpus Christi, Tex.; Charles S. Sydnor, Jr., minister, Hazard, Ky.

Arline J. Taylor, housewife, Washington, D.C.; Betsy D. Taylor, Greensboro, N.C.; Charlotte W. Taylor, Harrisonburg, Va.; Edouard H. Taylor, minister, Harrisonburg, Va.; John R. Taylor, Greensboro, N.C.; John Randolph Taylor, minister, Washington, D.C.; Ray D. Teroy, minister, El Dorado, Ark.; Helen S. Thomas, housewife, Baltimore, Md.; Mrs. Peggy Thomas, Harrisonburg, Va.; Phillip C. Thomas, Clarksville, Tenn.; Ernest Trice Thompson, professor, minister, Richmond, Va.; Ernest T. Thompson, Jr., minister, Charlotte, N.C.; Mrs. Ernest T. Thompson, Jr., housewife, Charlotte, N.C.; Madge Thompson, Richmond, Va.; James S. Tippins, minister, Chapel Hill, N.C.; William Newton Todd, minister, Lynchburg, Va.; Miss Jean Toliver, Harrisonburg, Va.; Elizabeth T. Trolan, Roanoke, Va.; W. A. Trolan, Jr., Roanoke, Va.; Grayson L. Tucker, Jr., minister, Louisville, Ky.

Rafael E. Ubico, mechanical engineer, Alexandria, Va.; Ralph L. Underwood, minister, Williamson, W. Va.

David L. Vaughan, librarian, Lexington, N.C.; Mrs. David L. Vaughan, housewife, Lexington, N.C.; E. Douglas Vaughan, Jr., minister, Donalds, S.C.

George L. Walker, Jr., Richmond, Va.; Helen S. Walker, Richmond, Va.; Ellen B. Wallace, Nashville, Tenn.; Naomi Wallin, bookkeeper, Columbia, Mo.; Betty E. Wallingford, housewife, Houston, Tex.; Harry W. Wallingford, businessman, Houston, Tex.; Harold E. Wallof, Jr., minister, Staunton, Va.; Edith J. Walsh, Bd. of Women Work, Atlanta, Ga.; Taft O. Wardy, Harrisonburg, Va.; John M. Watkins, minister, Lexington, Va.; Patricia B. Watson, Berryville, Va.; Russell D. Weatherman, Clarksville, Tenn.; Laurence K. Wells, Townsville, N.C.; James A. Wharton, Austin, Tex.; Clarence P. Wheeler, Coles Point, Va.; Judith N. C. Wheeler, Coles Point, Va.; Samuel S. Wiley, minister, Tarboro, N.C.; D. D. Wilkinson, minister, Gadsden, Ala.; Allison F. Williams, minister, Atlanta, Ga.; John F. Williams, Austin, Tex.; Kay Williamson, Clarksville, Tenn.; John C. Wilson, minister, Radford, Va.; John K. Wilson, physician, Greensboro, N.C.; Nancy D. Wilson, housewife, Greensboro, N.C.; William L. Wilson, minister, Richmond, Va.; Albert C. Winn, professor, minister, Louisville, Ky.; E. D. Witherspoon, minister, Belmont, N.C.; James T. Womack, Jr., minister, Columbia, S.C.; Frank L. Wright, Austin, Tex.; Rachael Wylie, Christian educator, Rock Hill, S.C.

H. Davis Yeuell, minister, Richmond, Va.; Allen Yoder, Harrisonburg, Va.; James William Young, Jr., minister, Louisville, Ky.

Louis Zbinden, Jr., minister, Fort Defiance, Va.; Charles E. Zunkel, minister, Harrisonburg, Va.

Kenneth J. Foreman, Jr., missionary to Korea, minister, Korea; Mrs. Frank Y. Friedman, Jr., Nashville, Tenn.; W. D. Gray, minister, Nashville, Tenn.; Charles O. Handley, Jr., zoologist, Falls Church, Va.; Iracy Handley, housewife, Falls Church, Va.; Marie Hartman, manager analyst, Washington, D.C.; Sam B. Hay, Jr., farmer, Covington, Ga.; George S. Heyer, minister, Austin, Tex.; Martha Ann Hibbitts, Nashville, Tenn.; Sara Chambers Hibbitts, Nashville, Tenn.; Dean G. McKee, professor, minister, Decatur, Ga.; Perre Coleman MacFarland, Nashville, Tenn.; Katherine W. Marks, former missionary to Republic of Congro, Silver Spring, Md.

Robert H. Miller, scientist, Riverdale, Md.; John P. Minter, minister, Sherman, Tex.; Kay Procter, Board of World Missions, Nashville, Tenn.; Buie Seawell, minister, Childersburg, Ala.; Stewart L. Sharpless, astronomer, Washington, D.C.; Betty Jo Taylor, Board of World Missions, Nashville, Tenn.; Joseph R. Woody, former missionary to Brazil, minister, Nashville, Tenn.; Maudine W. Woody, former missionary to Brazil, Nashville, Tenn.

I attest to the fact that all of these individuals have signed the original letter, and I have the signatures in my possession.

Yours sincerely,

JOHN RANDOLPH TAYLOR,
Chairman, A Fellowship of Concern, an Organization of Southern Presbyterians.

Mr. HUMPHREY. Mr. President, this document is attested to in the following words:

> I attest to the fact that all of these individuals have signed the original letter, and I have the signatures in my possession.
>
> Yours sincerely,
>
> JOHN RANDOLPH TAYLOR,
> *Chairman, A Fellowship of Concern, an Organization of Southern Presbyterians.*

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a breakdown of the signers according to States.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Breakdown of signers according to States

Alabama	21
Arkansas	7
District of Columbia	14
Florida	11
Georgia	22
Kentucky	19
Louisiana	4
Maryland	11
Missouri	8
North Carolina	55
Oklahoma	1
South Carolina	10
Tennessee	44
Texas	50
Virginia	142
West Virginia	14
U.S.S. *Cambria*	1
Korea	1
Total, of which 165 are ministers and the remainder laymen	435

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a description of the organization known as A Fellowship of Concern be printed at this point in the RECORD.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

A FELLOWSHIP OF CONCERN

We covenant together to form a fellowship of concern, made up of churchmen who share a desire to see the Presbyterian Church in the United States more relevantly related in program and service to the critical issues of the 20th century.

Our purpose is:

To interpret the reformed doctrine of the sovereignty of God and the Lordship of Christ in its authentic and historic application to all of life.

To seek for our church a more vital role in the struggle for social justice and the search for Christian unity.

To take appropriate action in our own particular churches and beyond to bear Christian witness in the face of contemporary issues.

To help the church to assert moral leadership in the changing patterns of racial and cultural revolution.

To support those who have been put under extreme pressure because of their faithfulness to the church's social witness.

To support and strengthen as much as possible the courts of the church, their institutions and agencies and those in places of delegated responsibility who are giving guidance along the lines set forth in this covenant.

Membership shall be open to members of the Presbyterian Church in the United States and shall include both laymen and ministers.

Membership shall be established by voluntary expression of concern and willingness to cooperate with the fellowship in implementing it. Expression may be made:

By signed statement of interest and commitment; and

By payment of $25 to be used to relieve economic problems of persons under pressure because of their social witness. The only other use of these funds shall be to meet essential administrative expenses.

Mr. HUMPHREY. Mr. President, I would note for this part of the RECORD that the clergymen making this presentation yesterday termed the document, "The New Southern Manifesto." I use their words. It is a most descriptive analysis.

ARCHAIC ELECTION MACHINERY IN DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, I call upon the appropriate committees of Congress, which are, of course, the Senate and House Committees on the District of Columbia, to investigate the incredible situation that prevails relating to voting in the District of Columbia. In the Nation's Capital, it has still not been possible, as of this date, to count the ballots in the primary election held on Tuesday of this week.

I have received innumerable reports of how citizens stood in line for 6 or 7 hours, waiting to cast their ballots; of how there was but one entrance, one voting booth, and one ballot box in a precinct. If the center of democracy, the District of Columbia, does not know how to permit voting, something is wrong with the entire Government of the United States. The District of Columbia is under the jurisdiction of the Federal Government. Yet while thousands of people sought to exercise the ballot, many of them were denied that privilege merely because of the lateness of the hour by the time they could have voted, or because voters became weary after standing in line for hours, waiting to get their ballots.

I know of no other community in America that conducts an election in such a crude, primitive, unorganized, disorganized, and incredible manner as the District of Columbia. I hope that the Commissioners of the District will look into the situation immediately.

I ask most respectfully, as a Senator of the United States and as a member of the Subcommittee on District of Columbia Appropriations, that the committees having legislative jurisdiction look into this matter at once. I say this because when the general election comes in November, when by constitutional amendment the residents of the District of Columbia will be entitled to vote for President and Vice President, if the situation has not been improved, literally thousands of people will be denied the opportunity to vote, even though they have a legal right to do so.

It is unthinkable that this modern city does not know how to operate an election process. The ballots are still being counted as if they had come from the bush country. I know of no country in the world that has so primitive an election process as has the District of Columbia. I raise my voice in protest and ask that something be done to correct the condition at once. Otherwise, citizens who, by the constitutional amendment process, have been given the right to vote in the District of Columbia will be denied that right by being denied the exercise of that right.

CAPITOL HORTICULTURE

Mr. HUMPHREY. Mr. President, only yesterday I discussed with the distinguished minority leader [Mr. Dirksen], who is the outstanding horticulturist of the Senate, the subject which I shall discuss. About a year ago I ventured into a strange and uncertain territory by suggesting that some flowers ought to be planted around the Capitol. At that time, the minority leader proceeded to lecture me on my lack of knowledge and understanding about bushes, shrubs, flowers, and other forms of foliage.

Mr. President, before speaking today, I consulted with the distinguished Senator from Illinois [Mr. Dirksen], lest once again I suffer a verbal spanking by him. We reached agreement—through scientific testing and observation—that the last frost date in this area was April 21. It is now Friday, May 8.

At the White House, the gardens are filled with beautiful flowers. In all the parks in this city we find beautiful flowers. In Lafayette Park, we find beautiful flowers. At the Humphreys' house, there are beautiful flowers. [Laughter.] At all the other houses in this city, there are beautiful flowers.

This is the Nation's Capital, the center of representative government. Yet when we leave the door to this Chamber, walk down the stairs, and turn toward the side of the building, we find the so-called flower pits, which look as if someone had hauled in a load of clay, but did not know what to do with it, so dropped it there. This is a minor item; but I have some esthetic sense. There are times when I become somewhat bored by the proceedings in the Senate; at times they become exasperating—and other descriptive phrases could be used.

When those times come, I like to walk from these marble halls and out of the rather stuffy atmosphere of this Chamber, and venture into the great out of doors, and enjoy the perfumed outdoor air. Of course, I regret to say, one's enjoyment of the outdoor air is somewhat diminished by the amount of gasoline fumes; but I suppose we must expect that to happen these days.

But, Mr. President, when we walk down the steps of this building, what do we see? We see concrete. It is true that we also see a few azalea bushes—put there perhaps a number of years ago; but they do not have to be cared for by gardeners; they are perennials.

Not long ago a number of nurseries in this country offered free flowers to be used in the Nation's Capital; and the Government of the Netherlands offered to send tulip bulbs to be used in the Nation's Capital. We find beautiful tulips growing at the White House; I saw them there Tuesday morning. I have noticed that when the President becomes a little weary, he often walks in the rose gardens at the White House; and when he observes the members of the press corps looking a little peaked and seeming to lack somewhat in physical fitness, he walks with them in the White House gardens.

All of us notice that in this city the homeowners are proud of their trees, shrubs, bushes, flowers, and gardens.

So, Mr. President, I rise in protest against the inadequacy of care of the Capitol Grounds. I do not know who is responsible for that situation; but whoever is, should be reprimanded, and I say this with all respect and kindness. They should get busy with their hoes and rakes, and should beautify the flower pits there.

I am surprised that the press of the District of Columbia are not more interested in the appearance of the Capitol Grounds, and also in the appearance of all the other areas in this city.

When I was mayor of Minneapolis, we used to have a full week in which we gave attention to such matters; and at that time we asked the homeowners to clean up and improve their properties and gardens and yards, and help make the entire city more beautiful.

The Nation's Capital, the city of Washington, D.C., needs civic pride. Instead of constantly reporting on foreign policies and great international issues, why do not the press of this city take at least 1 hour a day or a week to remind the local citizenry and the local government officials and the Senate and the House of Representatives and the executive branch of the Federal Government that this is the capital of the free world, and it is supposed to be the most beautiful city in the world.

Certainly the beauty of this city should not be confined to expensive buildings. So long as there is sufficient money, another beautiful building can be erected, of course; but surely many of the housewives who reside in the District of Columbia will be able to give their husbands directions about how to plant bulbs and bushes.

Mr. President, this is my annual message. I was going to wait until Monday to deliver it; but often on Mondays I find that I feel a little dyspeptic, and discouraged—although, with the prospect of having Saturday off, I hope to feel much happier on the coming Monday.

So, Mr. President, I plead with my colleagues for bipartisan support of the effort to improve the esthetic qualities of this great city.

Mr. SCOTT. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. Inouye in the chair). Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. HUMPHREY. I yield.

Mr. SCOTT. I thank the Senator from Minnesota for yielding to me.

I am not sure when the Senator from Minnesota began his remarks, but I am sure I shall be in agreement with whatever he is pleading for. He has a new idea every day, and most of them are good; and I try to be accommodating.

I hope the Senator from Minnesota will not be so eupeptic on Monday that he will become more trusting of the methods of this body, but, instead, will retain his usual skepticism and air of suspicion about the wasting of time, and will continue his fine efforts in seeking to obtain a vote on the pending bill.

Inasmuch as the Senator from Minnesota spoke of gardens, let me ask this question: Does he not feel that the President is quite busy, these days, cultivating his garden?

Mr. HUMPHREY. If the gardens around the Capitol will grow as well as the political gardens the President is cultivating, there will be bushes, shrubs, trees, and flowers, until the Capitol Grounds will be a panorama of beauty.

Mr. SCOTT. Yes, I was about to observe that the President is using something that makes his gardens grow.

Mr. HUMPHREY. And he is helped by his former colleagues in both Houses of Congress. We wish to keep this subject bipartisan.

Mr. SCOTT. I am in favor of flowers, too, so long as my wife will tend to our common garden.

Mr. HUMPHREY. Again I join the Senator from Pennsylvania.

Mr. SCOTT. But I do not want the Senator from Minnesota to become subversive—to suggest that it is the duty of the husband to use the hoe and the rake and to assume tasks which we know the ladies are very happy to do for themselves. We hope the ladies will continue to do them, so that the tired husbands will be able to enjoy the lovely flowers which are the fruition of the labors of their wives—although guided, of course, by a certain amount of advice, but no expenditure of any effort, on the part of the husbands.

Mr. HUMPHREY. The Senator from Pennsylvania has paraphrased much more eloquently and succinctly the thought I previously expressed.

Mr. SCOTT. Do I correctly understand that in the annual address the Senator from Minnesota has just now delivered, he has stated that he is opposed to Easter egg rolling on the White House lawn—on the ground that that would litter the place?

Mr. HUMPHREY. I am in favor of every good tradition—Easter egg rolling, and defeat of the Republicans every 2 years in the congressional elections, and every 4 years in the Presidential elections.

Mr. SCOTT. I am sure the Senator from Minnesota shares the view of the entire Senate that all of us are thankful for J. Edgar Hoover, beagles, and motherhood.

Mr. HUMPHREY. Yes; I support all three.

Mr. SCOTT. I do not mean to be facetious, because yesterday I submitted a resolution expressing appreciation of the fine services rendered by J. Edgar Hoover. He is a good man, and he is doing a fine job.

Mr. HUMPHREY. I share the Senator's view.

Mr. SCOTT. I have mentioned J. Edgar Hoover in connection with my reference to beagles and motherhood because I wished to refer to three subjects on which I was sure all Senators would be certain to agree.

Mr. HUMPHREY. The Senator from Pennsylvania has voiced the opinion of all Senators.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I commend the Senator for his remarks regarding the relative barrenness of the grounds around the Capitol. I fully agree with him that some wonderful landscaping could be done. The Senator mentioned the flowering beauties in the parks, grounds, and private homes. I delight in driving through the city of Washington every spring—but especially this spring—and seeing the flowering shrubs.

I happen to live in an area that has a great many trees in it. The tree which is rather rampant is dogwood, both white and pink. There is some red bud, and a great many azaleas are scattered throughout the area. It is a perfect delight to drive through that area.

Last Sunday my wife and I had the pleasure of driving out to Berryville to the home of Senator BYRD of Virginia and Mrs. Byrd. We gloried in the landscape all the way out, and particularly from the highway up to the home of Senator and Mrs. Byrd we delighted in seeing the wonderful beauty of the dogwood and other flowering trees and shrubs.

In my hometown the garden club has recently completed a program of planting dogwood. The people sold and had planted about 3,000 dogwood trees around homes in the city. It has been a very good start. The season has already passed. But a little earlier there was a most wonderful display of beauty throughout that area. There is no reason why there should not be such beauty on the Capitol Grounds. The thought occurred to me that dogwood, both white and pink, mixed with redbud and azaleas, would make a wonderful and attractive sight around the Capitol.

Mr. HUMPHREY. The Senator is correct. I thank him very much for his observation.

Mr. SPARKMAN. The Senator has mentioned the gift of bulbs from Holland. The Senator has visited Holland.

Mr. HUMPHREY. Yes.

Mr. SPARKMAN. The Senator has seen those magnificent fields, gardens, yards, and beds of tulips growing and blooming in all their beauty.

Mr. HUMPHREY. The sight is marvelous. I believe this great Capitol area, which is the seat of government in our great National Capital, ought to be so landscaped.

Mr. SPARKMAN. As the Senator has said, Washington is not only the Capital of the United States, but essentially it is the capital of the free world. The city is often referred to as perhaps the most beautiful city in the world. Its beauty could certainly be enhanced if our Capitol Grounds were properly landscaped.

Mr. HUMPHREY. I thank the Senator very much.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MAGNUSON. Who is in charge of the landscaping?

Mr. HUMPHREY. I am not quite sure.

Mr. MAGNUSON. Is it the Architect of the Capitol?

Mr. HUMPHREY. I believe it must be.

Mr. SPARKMAN. Would it be the Committee on Rules and Administration?

Mr. HUMPHREY. I am sure that it is not the Committee on Rules and Administration. However, the Committee on Rules and Administration has had a bit of work to do.

Mr. SPARKMAN. I referred to the Committee on Rules and Administration only because the chairman of that committee is present in the Chamber.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. I yield to my dear friend the Senator from North Carolina, where the flowers are beautiful and the people are magnificent.

Mr. JORDAN of North Carolina. The Senator is correct. I left North Carolina last night, and I found what the Senator said to be the case everywhere I went. But if the proposal becomes a fact and is brought into being, would the Senator see that the program is not referred to the Committee on Rules and Administration? We have all the flower planting and all the hoeing that we can do right now.

Mr. HUMPHREY. I believe that the proposal should be referred to the committee of which the distinguished Senator from Washington [Mr. MAGNUSON] is chairman. Though the Senator is in charge of a very busy committee, he is a real "can do" man, and he gets things done.

Mr. JORDAN of North Carolina. The Senator is correct. In addition, he does not have a wife to look after. He can look after a flower garden very easily.

Mr. SPARKMAN. Mr. President, before the Senator from Minnesota yields the floor, since I like flowers, and do not wish to get away from them, the thought occurs to me that many parts of our city are beautiful today with flowers. Why should we be shut up here for so long a time? Why should we not be allowed to get out and enjoy them?

Mr. HUMPHREY. I thank the Senator for that observation, because as soon as the Senator and his distinguished colleagues will permit the Senate to vote on the civil rights bill, Senators will be able not only to get out and look at the flowers, but also will be able to help the gardener plant them. At the rate the proposed legislation is progressing, Senators will have to wear snowshoes when they get out; and I do not wish that to happen.

Mr. SPARKMAN. I am speaking about today only.

Mr. HUMPHREY. We shall be out in plenty of time today. All Senators are on notice that tomorrow, Saturday, there will be no session. That arrangement was made in a spirit of comity, amity, and fellowship, so that when Senators return on Monday and Tuesday, the Senate can finish voting on the jury trial amendments and proceed forthwith, in the regular order, on the bill. I know that Senators wish to see that happen. I believe we are now reaching the point at which amendments can be taken up one by one.

Mr. SPARKMAN. May I add that, as a part of that comity, the Senator knows that I have agreed that there would be no more live quorums today.

Mr. HUMPHREY. The Senator is correct.

Mr. SPARKMAN. That arrangement was made so that Senators could get away early and enjoy the flowers about which we have been speaking.

Mr. HUMPHREY. The Senator impresses me. I am a slow learner, but I have caught on.

INADEQUACY OF VOTING FACILITIES IN THE DISTRICT OF COLUMBIA

Mr. SPARKMAN. The Senator from Minnesota made reference to the voting jam in the District of Columbia. That is a serious problem. If a person has ever been caught in a voting jam, he knows how serious it is. On Tuesday of this week I flew home in order to vote. I left here at 8:10 in the morning, and at 8:35 I was in my hometown of Huntsville, Ala. That was our local time. There is a difference of 2 hours. I went to the polls. I thought, on my way to the polls, "Suppose there is a long line waiting. I may not make my return plane."

The plane on which I intended to return to Washington was scheduled to leave at 9:50. Fortunately, I made the plane. I did not find a long line at the polls. But I have seen times when there was a long line. I know how frustrating it is. I join the Senator in expressing the hope that the situation will be straightened out before the general election.

I wish to inject a little note. I can hardly keep from saying that if that situation had happened in Macon County, Ala., for example, or in some similar place, the Civil Rights Commission would have been criticizing the election officials of the area on the ground that an opportunity was not given to the people to vote. I condemn such delay wherever it occurs if it is the result of carelessnes or lack of planning. I believe that is the problem in the District of Columbia.

I am happy to say that the legal right to vote is protected in the District of Columbia. The Constitution was amended to make it possible for the citizens of the District of Columbia to vote in the national elections for President and Vice President. But I agree with the President that even though a citizen may have the legal right to vote, if the machinery is so confused that he cannot exercise that right, there is a violation of a basic civil right.

The Senator from Minnesota has been critical of other areas in which there has been, for all practical purposes, a denial of the right to vote through the fault of some official or through some procedure. I likewise rise to be critical in this area where, I may say, the privilege of voting and the right to vote is supposed to be fully protected. If the Civil Rights Commission does not look into it, I appoint myself as a committee of one to make a personal protest.

Certainly the Civil Rights Commission, as the Senator has suggested, ought to look into it.

TEODORO MOSCOSO AND THE ALLIANCE FOR PROGRESS

Mr. HUMPHREY. Mr. President, it was with great regret that I read in the New York Times of Tuesday, May 5, the news of the resignation of Ambassador Teodoro Moscoso as the U.S. Representative to the Inter-American Committee for the Alliance for Progress. It is with great regret that we witness the departure from the Government of a man who, with President Kennedy, deserves the greatest credit for launching the Alliance for Progress program during its difficult first 2½ years of operation.

When President Kennedy picked Ambassador Moscoso as the first U.S. Coordinator of the Alliance for Progress in the autumn of 1961, he chose a man who had already made a distinguished record in Puerto Rico as the administrator of Operation Bootstrap, the long-range economic development program that is now recognized throughout the world as a model to be copied for rapid economic and social development of a less developed area.

In addition to his experience in Puerto Rico, "Ted" Moscoso, as he is known by his many friends, brought to the job a profound understanding of the political, social, and economic forces at work in contemporary Latin America, a wide acquaintance with progressive leaders in the hemisphere and an inspiring vision of what the Alliance for Progress could and should represent. He realized that the Alliance for Progress must be a political and ideological program, as well as a plan for economic and social development. He realized the Alliance must have a mystique all its own, must develop a following. The Alliance must have symbols. "Ted" Moscoso himself became in the last 3 years one of the chief symbols of what the Alliance for Progress meant. He combined idealism with courage, a vision of the future with solid experience in the past.

During the first 2½ years of the Alliance for Progress, "Ted" Moscoso held a job probably as difficult as almost any in Washington. And he had to face the staggering programs of launching this ambitious hemispheric program before the machinery of the U.S. Government had been altered to reflect the priority consideration for Latin America which President Kennedy gave it in launching the Alliance for Progress. Although held responsible by his critics for any actions in the hemisphere—many of which were far beyond the control of any U.S. official because they were internal Latin American problems—the U.S. Coordinator's position did not always carry authority commensurate with the responsibilities of its holder. Centralization of authority for hemispheric affairs had not yet been accomplished. It is a real tribute to "Ted" Moscoso's patience, tenacity, and resourcefulness that he accomplished so much in so short a time in Washington despite the many obstacles confronting him.

It was part of the greatness of "Ted" Moscoso's vision to recognize that in addition to economic development, the development of constitutional government is equally important to the development of the type of free societies that we hope to see in Latin America. Having witnessed the evils of military dictatorship throughout the Caribbean during the 1950's, he shared the aversion of his distinguished colleague and friend, Romulo Betancourt, to military juntas, to unconstitutional governments.

"Ted" Moscoso returns to Puerto Rico with the respect and admiration of all those in the hemisphere who truly believe in the Alliance for Progress program. It has been my privilege to work closely with him during these past 3 years; to share in his vision of the Alliance for Progress. He has our gratitude, our thanks, and our best wishes for success as he returns to Puerto Rico where he will participate in the public life of that remarkable island.

Mr. President, I ask unanimous consent that an editorial which appeared in the May 5 Washington Post entitled "Moscoso Resigns" and an article which appeared in the New York Times of Tuesday, May 5, entitled "Moscoso Resigns His Latin AID Job," be printed at this point in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1964]

MOSCOSO RESIGNS

The resignation of Teodoro Moscoso as Washington's representative on the Inter-American Committee for the Alliance for Progress is a twin loss. It deprives the administration of one of its most sympathetic and sophisticated advisers on Latin affairs and it deprives the alliance of one of its most dedicated administrators and advocates.

In 3 years of office in Washington, Mr. Moscoso identified himself deeply with President Kennedy's original intent to make the Alliance the major means of adjusting Americans, North and South, to the forces of change. He began this service as coordinator of the Alliance. Under the Johnson administration he was moved to the Inter-American Committee, which was given the responsibility but not the authority of involving the Latin members of the Alliance in its basic decisions. It was evident that his ideas were no longer at the hub of American policy.

We wish Mr. Moscoso a well-earned, but short, rest upon his return to private life. It is typical of this big-hearted man that he has already agreed to serve on the Commission studying U.S. relations with his own Puerto Rico. He should not be allowed to stay long out of the mainstream of hemispheric affairs.

[From the New York Times, May 5, 1964]

MOSCOSO RESIGNS HIS LATIN AID JOB—WILL RETURN TO PRIVATE LIFE IN PUERTO RICO

(By Tad Szulc)

WASHINGTON, May 4.—Teodoro Moscoso has resigned as U.S. representative on the Inter-American Committee for the Alliance for Progress, it became known today.

Mr. Moscoso, who for 2 years personified Alliance goals, is returning to private life in Puerto Rico. He will also serve, however, as a member of the Puerto Rican-United States Commission charged with studying the island's status.

He cabled his resignation to President Johnson last week from Paris, where he is on a private visit. Earlier last week he accepted an appointment by Gov. Luis Muñoz-Marín, of Puerto Rico, to the Staus Commission.

It is understood that Mr. Moscoso has felt for some time that he was no longer able to contribute adequately to the Alliance, which he had helped to set in motion.

His departure is viewed as ending an era in which the United States, leading the 10-year cooperative program inaugurated by President Kennedy in 1961, sought to encourage social and political reform in Latin America.

Under the Johnson administration the Alliance, in the eyes of Latin Americans, has lost much of the content that had so much appeal. They view it as gradually turning into a standard program of economic assistance on a highly selective basis.

Mr. Moscoso was the last top-level member of the Kennedy team for Latin America to remain in the Johnson administration. He had agreed to stay long enough to see the newly created Inter-American Committee, designed to coordinate Alliance programs, take shape.

His resignation comes at a time of growing disillusionment in Latin America and among Latin American officials of the Alliance in Washington over present conduct of the program by the United States.

The consensus in those quarters is that the Alliance as conceived by President Kennedy no longer exists, and that Washington seems to have returned to its unilateral approach to problems of the hemisphere.

Mr. Moscoso, who has served as Ambassador to Venezuela, was for more than 2 years the U.S. coordinator for the Alliance, and was its tireless advocate. He was shifted early this year to be the representative to the new Inter-American Committee.

The move was a part of President Johnson's reorganization of the Latin American policy command. Thomas C. Mann was given the posts of Assistant Secretary of State for Inter-American Affairs and U.S. coordinator of the Alliance.

Mr. Moscoso is vacationing in Paris and could not be reached for comment. It was understood that he planned to return to the management of his family's pharmaceutical company in Puerto Rico.

Governor Muñoz-Marín announced in San Juan last night Mr. Moscoso's appointment as one of the six Puerto Rican members of the Commission. Under a congressional resolution it has the task of formulating proposals for an improvement in the present status of Puerto Rico as a "free associated state" in relation to the United States.

It is believed that Mr. Moscoso will submit his resignation before the Alliance Committee holds its second meeting, scheduled for July 10 in Mexico City.

The first meetings were held here in March when the committee was organized, with Carlos Sanz de Santamaria of Colombia as its chairman. At that time President Johnson spoke before the Organization of American States, pledging continuing U.S. support for the Alliance.

However, some Latin American and U.S. officials—and some Members of Congress—consider that the attitude of the United States has changed markedly.

The first inconsistency, these critics say, appeared almost simultaneously with his speech to the Organization of American States praising the new multinational character of the Alliance. Mr. Johnson sent his foreign-aid message to Congress, singling out Colombia and Chile as two of six countries in the world in which two-thirds of U.S. development lending would be earmarked in the fiscal year 1965.

Alliance officials then expressed the view that if the United States selects two Latin American countries beforehand for the bulk of aid under the Alliance, the functions of the new committee are made almost academic.

As an example of what Latin American officials call Washington's attitude in bypassing Alliance machinery, they cited the dispatch of an economic mission to Panama to study Panamanian economic development needs. This was done immediately after the resumption of diplomatic relations last month.

The step was taken, Latin officials said, without any reference to the 7-year Panamanian economic development plan that the Alliance's committee of nine had just reviewed.

But the major Latin American criticism, heard here and apparent in editorial comments in the Latin press, deals with the charge that the Johnson administration has completely deemphasized the Alliance and its political character in favor of what the new team calls the pragmatic approach.

This "pragmatism," which in the view of many observers includes a passive U.S. attitude toward military takeovers in Latin America, has come under public criticism by such congressional leaders as Senator HUBERT H. HUMPHREY, of Minnesota, the majority whip.

Mr. SPARKMAN. Mr. President, will the Senator yield in that connection?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. I have known Ted Moscoso for a long time. I know of the fine work that he did in Puerto Rico. Puerto Rico, for a long period of time, was in a very poor economic condition.

Mr. HUMPHREY. I believe it was called the island of hopelessness.

Mr. SPARKMAN. That is true. It is quite descriptive. It had a very low economy.

I remember on one occasion, about the time that Governor Senor Muñoz-Marín took office; he came to Washington and talked with me regarding housing for Puerto Rico.

It was always a problem when we enacted housing legislation to develop a program that could really be put to good use in Puerto Rico. Finally, there was developed the do-it-yourself or self-help program in housing. "Ted" Moscoso was put in charge of the program, as the Senator stated. I believe the Government agency was called the Puerto Rican Reconstruction Administration. It had to do with the economic development of the island. In the so-called self-help program, the Government would give to a person who was willing—this was in the rural areas; I am not sure that it pertained to the urban areas—to move out on a piece of land, to grow crops, and to build a house, a certain amount of brick, cement, and other things that were required, and let him build a house.

There were thousands of good houses which were suitable for that area. They were built by those people with only a small amount of subsidization by the Government. An overall housing program was developed. "Ted" Moscoso did a wonderful job in Puerto Rico. I think it was the outstanding work he did there which came to the attention of President Kennedy and caused the President to bring him into the Alliance for Progress program. He was first named as Ambassador to Venezuela, until the Alliance for Progress program was underway, and then he was put in charge of that.

I know that he worked hard to get the program going. There were many obstacles. There are still obstacles, but he labored long and faithfully to overcome those obstacles. I think he did a good job, and that we ought to be grateful for the job that he did.

Personally, I regretted seeing him leave. I know that he will be missed. We have a man in charge of Latin American affairs, Assistant Secretary Mann, who has general supervision over all of this work. I know that he believes very strongly in the Alliance for Progress program. I hope that he will be able to find someone who will carry it on with the same zeal and dedication that characterized Ted Moscoso.

Mr. HUMPHREY. Mr. President, I am sure that Mr. Moscoso will be pleased to read the words of the able and distinguished Senator from Alabama, who is one of our outstanding Senators, and one of the outstanding members of the Committee on Foreign Relations.

I, too, feel that Mr. Moscoso will be sorely missed. Mr. Moscoso served not only as the Director or Coordinator of the Alliance for Progress Program, but more recently as the American representative on the Inter-American Committee, established in a recent conference in São Paulo, Brazil. The Coordinating Committee is to coordinate all the activities of the Alliance for Progress program.

We must make sure that whoever replaces Mr. Moscoso is a man of stature in this Government, or a man who has a close working relationship with the Alliance for Progress program. The Coordinating Committee will undoubtedly determine the success or failure of the Alliance for Progress program. We need a man of unusual capacity and ability to serve on that particular committee.

We shall miss Mr. Moscoso, but that loss can be repaired somewhat if a man of equal competence or similar competence is obtained, possibly from the ranks of the Alliance for Progress program, possibly someone new.

Mr. SPARKMAN. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. It would be quite appropriate at this time to say that while we hear a great deal of moaning and groaning regarding the breakdown of the Alliance for Progress program, and the Latin American program generally, as a matter of fact, a great deal has been done under the program.

If someone is interested in the program it ought to be studied country by country, rather than examined in the overall. If we look at the program in the overall, someone always picks out the bad examples and uses them as being typical. Of course, if one picks out the bad examples in Latin America, the program can be made to look very bad. When we entered into the Bogatá Agreement, and later into the Punta del Este Charter, it was fully understood that this was to be a mutual program, that there had to be coordination and cooperation between the particular country and the United States, that there were certain things they had to do before we would be willing to come in. Some countries have not done them. Other countries have, and in those countries there has been remarkable progress made in the Alliance for Progress program; does not the Senator agree?

Mr. HUMPHREY. I do indeed. I feel that it is wrong merely to condemn a program and say that it has failed, as some people have said it has. On the contrary, where the criteria have been met, where the standards outlined in the Punta del Este Charter have been fulfilled—standards in terms of administration reform, legislative proposals, land reform, and tax revision—the Alliance for Progress has been a sensational success. It has made unbelievable progress in some areas. I hope that we shall not, for 1 minute, relax our determination in this country to make the program a real success, a living monument, so to speak, to the vision of the late President Kennedy and those who helped design the program.

Mr. SPARKMAN. A great deal of that program has been carried on by private enterprise.

Mr. HUMPHREY. Very much so.

Mr. SPARKMAN. The Senator has been in Central and South America on various occasions. I know that he has visited projects—in fact, our trails crossed at one time when we both visited housing projects in South American countries. The Senator knows the great amount of housing which has been built down there, some of it subsidized housing under government plans, but most of it private enterprise housing. The Senator knows that several countries have been working on rather vigorous systems of savings and loan associations, similar to our own, and that personnel from private enterprise representing savings and loan associations in this country have gone down there and given a year of their time to help such associations get started. The Senator knows something about this subject, because he has looked carefully into the establishment of credit unions in South America.

Mr. HUMPHREY. The Senator is correct.

Mr. SPARKMAN. Credit unions are being established in the mountains among the Indians who have practically no income, yet are developing the habit of thrift, to save a little something out of the little they derive. Does not the Senator, as a result of his visits to Latin America, having studied the projects, believe that we should feel encouraged by what is being done?

Mr. HUMPHREY. I do. Not only do I feel that we should be encouraged, but I look upon it as an incentive to continue our efforts.

I noticed that President Johnson has given another note of reassurance to the Western Hemisphere, and Latin America in particular, by requesting, this coming Monday, that the ambassadors and chiefs of missions in the Latin American countries return to Washington once again so that there can be better coordination of our efforts, so that they can receive from the President, from the Secretary of State, and from his special assistant the Assistant Secretary of State for Latin America, Mr. Mann, the kind of instruction, direction, and inspiration that will give the Alliance for Progress even greater strength.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SPARKMAN. Mr. President, when I last spoke on the right to trial by jury—on May 1—I pointed out the overwhelming significance of the clear language in our Constitution attempting to assure this most valuable right to the American people in 1787 for generations to come. To illustrate the true intent of our Founding Fathers, I traced, step by step at the Constitutional Convention of 1787, the background of these words in our Constitution. The history that I pointed out leaves no room for doubt that the framers of the Constitution intended that all crimes be covered by the right to trial by jury, and that all prosecutions be subject to a speedy trial by an impartial jury with the right of counsel and other rights afforded the defendant.

Today, I wish to go further into history on this point, and I wish also to point out how the whole pattern of the instant civil rights bill was apparently designed to circumvent this treasured and vital part of our form of government.

Last Friday—May 1—the Senator from Georgia [Mr. TALMADGE] and I were discussing a definition of the word "crime." Since that time, I have done some research on definitions, and I find that they are quite appropriate to our considerations at this time.

Black's Law Dictionary states the following:

> According to Blackstone, the word "crime" denotes such offenses as are of a deeper and more atrocious dye, while smaller faults and omissions of less consequence are called "misdemeanors." But the better use appears to be to make "crime" a term of broad and general import. In this sense, "offense" or "public offense" should be used as synonymous with it.
>
> The distinction between a crime and a tort or civil injury is that the former is a breach and violation of the public right and of duties due to the whole community considered as such, and in its social and aggregate capacity; whereas the latter is an infringement of privation of the civil rights of individuals.
>
> A crime, as opposed to a civil injury, is the violation of a right, considered in reference to the evil tendency of such violation as regards the community at large.

This definition should leave little doubt that the use of the words "all crimes" in our Constitution should include criminal contempts as offenses against judge-made law which has its roots in basic or legislative-made law.

Black's Law Dictionary states that a violation of the public right is a crime. If a judge issues an order or a decree, he must do so in the public right, or he has no reason to act. Therefore, a violation of the order is a violation of the public right and is, therefore, within Black's definition of a crime.

Turning to a less legal source than Black, but an appropriate one for general usage, we find that Funk and Wagnall's New Practical Standard Dictionary, vol. I, defines "crime" as "an act that subjects the doer to legal punishment." This definition is practically the same as the definition I gave last Friday extemporaneously in my colloquy with the Senator from Georgia. The simplicity of this definition is outstanding and it points up the difficulty that the Supreme Court has drawn itself into in the Green and the Barnett cases, and in others as well, by holding by narrow margins that this definition is not true and that criminal contempts are not crimes to which the Bill of Rights and the Constitution apply and guarantee a jury trial.

Therefore, it seems all the more mandatory that Congress should fulfill its legislative duties to the people and by law assure jury trial rights to criminal contempt cases.

Last Friday I went back to the Constitutional Convention of 1787 to give historical meaning to the constitutional guarantee of jury trial rights. In doing so, I pointed out that the people at large clamored for these rights and were alarmed at the omission of civil jury trial rights in the Constitution. This demand brought forth the seventh amendment assuring juries in civil suits at common law involving more than $20, and so great was the popular demand that the fifth and sixth amendments were included in the Bill of Rights, giving further and more specific assurances to the people as to jury and other trial rights in criminal cases.

Let us now go a step or two back further in American history.

In the Declaration of Independence, penned by the immortal Thomas Jefferson, we find the following listed among the grievances of the Colonies against the King:

> For depriving us, in many cases, of the benefits of trial by jury;
>
> For transporting us beyond seas to be tried for pretended offenses.

Jefferson spoke the feelings of the people. His declaration became the declaration of the people. In it, in unmistakable terms indelible as they were with meaning at the birth of a nation, were the words, "trial by jury."

Why is it that in our attempts to be legally or technically letter perfect with the doctrine of stare decisis, we as a people, through our judicial structure, are drawn so far afield of the real meaning and purposes of the founders of our Nation? As an elected representative of the people, I feel it my bounden duty to support legislation that will restore full jury trial rights in all criminal cases, including criminal contempts, and thus bring us more in line with the words written so carefully and correctly by the great Thomas Jefferson for our posterity.

Let us go back a little further beyond the Declaration of Independence. In Jefferson's writings we find several notations about the insidious practice of the British governors and other authorities of deliberately increasing maritime and equity jurisdiction over individuals. Inasmuch as by custom, both maritime and equity proceedings did not use juries, this was a convenient way to avoid jury trial rights, just as H.R. 7152 is an attempt to accomplish an unaccomplishable end of regulating social customs and in so doing to circumvent the social and time hallowed instrument of democracy and the greatest of all civil rights, trial by jury.

Mr. Justice Black in his dissent in the Green case took note of Thomas Jefferson's protest of the loss of jury rights through expansion of maritime and other proceedings several years prior to the Declaration of Independence.

Let us go back to the First Continental Congress in 1774. On October 14 that Congress adopted a declaration as follows:

> Whereas * * * the British Parliament * * * established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty * * * for the trial of causes merely arising within the body of a county.
>
> * * * * *
>
> And it has lately been resolved in Parliament, that by force of a statute, made in the 35th year of the reign of King Henry VIII, colonists may be transported to England and tried there upon accusations for treasons, and misprisons, or concealments of treasons committed in the Colonies, and by a late statute, such trials have been directed in cases therein mentioned.
>
> * * * * *
>
> That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following rights:
>
> * * * * *
>
> *Resolved,* N.C.D. 5. That the respective Colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.
>
> * * * * *
>
> *Resolved* N.C.D., That the following acts of Parliament are infringements and violations of the rights of the Colonists; and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American Colonies, viz:
>
> The several acts of 4 Geo. 3, ch. 15 and ch. 34; 5 Geo. 3, ch. 25; 6 Geo. 3, ch. 52; 7 Geo. 3, ch. 41 and ch. 46; 8 Geo. 3, ch. 22, which impose duties for the purpose of raising a revenue in America, extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.
>
> Also the 12 Geo. 3 ch. 24 entitled "An act for the better securing his Majesty's dockyards, magazines, ships, ammunition, and stores," which declares a new offense in America, and deprives the American subject of a constitutional trial by a jury of the vicinage, by authorizing the trial of any person, charged with the committing any offense described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm. I Library of Congress, Journals of the Continental Congress, 63–73 (1940).

The quotation given above from the very first Continental Congress shows clearly that jury trials were a very important part of the reaction that was experienced by our forefathers against British oppression.

Despite these historical facts, we are again faced with the same issue today, the loss of jury trial rights. In the instant case, it is in a so-called civil rights bill designed to foster forced integration affecting the property rights of approximately 168 million people for the doubtful benefit of a minority race numbering approximately 20 million. The whole issue is out of step with the purpose and meaning of the founding of our Nation.

There have been some statements on the Senate floor that might indicate that trial by jury in contempt proceedings impairs the judge in the proper performance of and the dignity of his position. On the contrary, a sound long-ranged analysis of the basic philosophy and issues involved leads us to the contrary conclusion.. I was impressed with the chapter entitled "Trial by Jury in the United States as a Political Institution," in De Tocqueville's book "Democracy in America." It bears directly on this subject. I quote from that book:

> I am so entirely convinced that the jury is preeminently a political institution that I still consider it in this light when it is applied in civil causes. Laws are always unstable unless they are founded upon the customs of a nation: customs are the only durable and resisting power in a people. When the jury is reserved for criminal offenses, the people witness only its occasional action in particular cases; they become accustomed to do without it in the ordinary course of life, and it is considered as an instrument, but not as the only instrument, of obtaining justice.
>
> When, on the contrary, the jury acts also on civil causes, its application is constantly visible, it affects all the interests of the community, everyone cooperates in its work; it thus penetrates into all the usages of life.
>
> The jury contributes powerfully to form the judgment and to increase the natural intelligence of a people; and this, in my opinion, is its greatest advantage. It may be regarded as a gratuitous public school, ever open, in which every juror learns his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even the passions of the parties. I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use that they have made of the jury in civil causes.
>
> I do not know whether the jury is useful to those who have lawsuits, but I am certain it is highly beneficial to those who judge them, and I look upon it as one of the most efficacious means for the education of the people which society can employ.
>
> What I have said applies to all nations, but the remark I am about to make is peculiar to the Americans and to democratic communities. I have already observed that in democracies the members of the legal profession and the judicial magistrates constitute the only aristocratic body which can moderate the movements of the people. This aristocracy is invested with no physical power, it exercises its conservative influence upon the minds of men, and the most abundant source of its authority is the institution of the civil jury. In criminal causes, when society is contending against a single man, the jury is apt to look upon the judge as the passive instrument of social power and to mistrust his advice. Moreover, criminal causes turn entirely upon simple facts which commonsense can readily appreciate; upon this ground the judge and the jury are equal. Such is not the case, however, in civil causes; then the judge appears as a disinterested arbiter between the conflicting passions of the parties. The jurors look up to him with confidence and listen to him with respect for, in this instance, his intellect entirely governs theirs. It is the judge who sums up the various arguments which have wearied their memory, and who guides them through the devious course of the proceedings, he points their attention to the exact question of fact that they are called upon to decide and tells them how to answer the question of law. His influence over them is almost unlimited.
>
> If I am called upon to explain why I am but little moved by the arguments derived from the ignorance of jurors in civil causes, I reply that in these proceedings whenever the question to be solved is not a mere question of fact, the jury has only the semblance of a judicial body. The jury only sanctions the decision of the judge; they sanction this decision by the authority of society which they represent, and he by that of reason and of law.
>
> The jury, then, which seems to restrict the rights of the judiciary, does in reality consolidate its power, and in no country are the judges so powerful as where the people share their privileges. It is especially by means of the jury in civil causes that the American magistrates inbue even the lower classes of society with the spirit of their profession. Thus the jury, which is the most energetic means of making the people rule is also the most efficacious means of teaching it how to rule well.

Mr. President, I have quoted quite fully from one of the great analysts of American government, one of the great writers whose work, after he had studied our system of government, became a standard for all students of government since that time. It seems to me that the emphasis that Alexis de Tocqueville placed upon the part that the right of trial by jury plays in our system of government and among our people is not to be overlooked or to be regarded slightly.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield.

Mr. ERVIN. Does not the Senator from Alabama believe that De Tocqueville made a wonderful observation when he stated, in substance, that the distinctive thing about American and English jurisprudence is the right of trial by jury?

Mr. SPARKMAN. Yes; he makes that very clear. He also makes a nice distinction when he defines the position of the judge and the position of the jury in civil and criminal cases, especially in civil cases. I thought that that was an exceptionally fine treatment of that subject.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that one of the great benefits which the United States derives from the right of trial by jury is that the entire citizenry of the country, acting as jurors, is enabled to participate in the administration of justice, rather than to have the administration of justice confined to what may be called a particular class; namely, lawyers?

Mr. SPARKMAN. I agree that that is so. I was interested in De Tocqueville's comment about the jury system being somewhat like a school, which jurors attend and where they learn to participate in government. Certainly it is better to have decisions made—and jurors make decisions—based on facts that are presented to them as people imbued with commonsense, and not by those who restrict themselves to the practice of their profession or to the relatively few people who sit as judges under their black robes.

Mr. ERVIN. Has the Senator from Alabama heard it stated or intimated by persons who would deny the right of trial by jury to those accused of criminal contempt in civil rights cases that they take that position because they fear that juries might, on occasion, acquit such accused persons?

Mr. SPARKMAN. I have seen references to that by some columnists, and perhaps it has been implied by some statements which have been made.

Mr. ERVIN. Does the Senator from Alabama agree with me that the same argument could be made in an attempt to deny the right of trial by jury to a man charged with committing murder?

Mr. SPARKMAN. Certainly.

I remember when Negroes were first chosen for jury duty in my home town. At the time, I was practicing law there. I had some wonderment as to just what would happen when Negroes were used on mixed juries. I was present when the first such jury was impaneled; at the time, I was sitting in the courtroom. I remember very well the judge who then presided. I watched the process of striking the prospective jurors—as that term is used there—in the first case. The practice there is to have 100 prospective jurors called for service during any particular week; and the judge divides them into panels, with perhaps two dozen on each panel. Out of each panel of two dozen, one dozen are to be drawn, to serve on the jury. The first 12 called are used, unless some are subjected to striking for reason, in which case additional jurors are called.

In the first panel, there were two Negroes. I watched the "striking" of the prospective jurors. The person being tried was a Negro. I found it quite significant when I observed that the Negro's attorney "struck" the two prospective Negro jurors who were on the panel. That was done by the Negro defendant's counsel; apparently he and his client did not want those two Negroes to serve as jurors, to try the case of that Negro.

By the way, there was no difficulty whatever in having Negroes serve on juries; and that was 30 years or more ago. Of course, Negroes have been used on juries ever since that time, in the trial of all kinds of cases. After all, the duty of a juror is to consider the evidence that is presented, together with the instructions given by the judge. The jurors may request instructions from the judge as to the application of the law; and then the jurors reach their decision. I have never known our juries to have difficulty reaching their decisions.

By the way, De Tocqueville also made the point that not only will a good decision be reached by a jury—although not necessarily the decision which any particular person might want—but also that with 12 jurors, good and true, a decision will be obtained. He says the use of the jury is an accommodation to the judge, and that one man, the judge, should not be called upon to make decisions as to the facts; that a much better judgment in regard to the facts is likely to be obtained by using the 12 members of a jury. I think that is a sound and logical position to take.

Mr. ERVIN. Mr. President, if I may, I should like to make an observation, without causing the Senator from Alabama to have his rights to the floor or any other rights adversely affected in any way.

The PRESIDING OFFICER (Mr. McNamara in the chair). Without objection, it is so ordered.

Mr. ERVIN. I have had the privilege of spending approximately 25 years of my life in courtrooms. As a trial lawyer, I have tried hundreds and hundreds and hundreds of cases before juries. Except in the instances in which the jurors decided the cases against my clients, I thought their verdicts were exceedingly good ones. Of course, when they decided the cases against my clients, I did not praise their verdicts. That was understandable because some wise man said, several centuries ago:

> No man e'er felt the halter draw,
> With good opinion of the law.

I have made this unanimous-consent request primarily for the purpose of having an opportunity to state for 7 years I was honored to serve my State in the capacity of a superior court judge. In that capacity, I held court in about 50 of the 100 counties of North Carolina. Since North Carolina provides the right of trial by jury in respect to the issues of fact in all civil cases, regardless of whether they involve equitable or legal elements, and in all criminal cases whatsoever, I spent most of my time presiding over jury trials.

I would say that for an average of 42 weeks a year I held jury trials throughout North Carolina. Under our system, the judges rotate; they spend a relatively small portion of their time holding courts in their own counties or their own judicial districts.

I hesitate to state how many jury trials I presided over—but I would say they would run into several thousands—involving cases of prime importance in both the criminal field and the civil field. In almost every instance I knew nothing about the case except what was disclosed to me by the evidence produced in the courtroom, before the jury and before me, as the presiding judge.

During that entire period of 7 years, I do not recall setting aside any jury verdict in a criminal case. I took this action because I was convinced that in virtually every one of those criminal cases the jury returned a correct verdict. I had no interest in the cases; and, as I have said, I knew nothing about them until their nature was disclosed by the evidence presented before me in the courtroom.

In those 7 years, I set aside only two verdicts in civil cases, because I believed that in virtually all those cases the juries either reached undoubtedly correct verdicts or the evidence was of such nature that the juries could reasonably have reached decisions in favor of either one party or the other.

As a result of my experience as a trial lawyer, and also as a result of my experience as a trial judge in a court of general jurisdiction, covering a period of 7 years, I am convinced that the most just way to have the rights and responsibilities of Americans determined in respect to questions of fact is through the instrumentality of trial by jury.

I must confess that during the debate on this question, many things have perplexed me. I do not think we could find a single Member of Congress who would take the position—even if the Constitution so permitted—that a man should be tried for murder otherwise than by a jury; or that a man should be tried for burglary, otherwise than by a jury; or that a man should be tried for theft, otherwise than by a jury; or that a man should be tried even for treason against his country, otherwise than by a jury.

I am perplexed beyond measure, and confess that I am totally incapable of understanding, how any Member of the Congress who would stand and fight to the death for the preservation of the right of trial by jury in cases such as those I have enumerated would take the position, in the face of this Nation, that anyone under any circumstances should be sent to prison or fined as a punishment after trial by a judge rather than after a trial by a jury.

There is no objection that can be urged against trial by jury in a civil rights proceeding that cannot be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is surprising that any American would take such a position.

In the Declaration of Independence, Thomas Jefferson stated that one of the reasons why the 13 Colonies should sever the bands which connected them with the mother country, England, was the fact that the British Parliament, at the urging of King George III and his ministers, had denied the colonists the right of trial by jury in criminal cases.

The writer of the Book of Ecclesiastes has said: "There is no new thing under the sun."

That statement is corroborated by the bill. The bill undertakes to deprive Americans, many of whom have bared their breasts to the bullets of the enemy on the battlefield, of the right of trial by jury in a certain class of cases called civil rights cases. In most cases they are wrongly so called. The bill undertakes to do so through circumvention of the processes of law, by assigning to Federal courts of equity, where a jury trial on the merits is denied, jurisdiction which courts of equity never have had both in respect to supposed wrongs newly declared by Congress and in respect to ancient wrongs which always have been left to the processes of the criminal law for punishment.

We are witnessing in the year 1964 an effort by the proponents of the bill to expand the jurisdiction of the courts of equity so as to circumvent the right of trial by jury. Our forefathers witnessed during the years preceding the Revolution the virtually identical step taken by the British Parliament, at the urging of King George III and his Ministers, to divert and pervert the powers of the

Court of Admiralty, where no jury was allowed, to keep American colonists from having the right of trial by jury. History repeats itself, and it teaches on every page the lesson that a nation which does not profit by the mistakes of the past is doomed to repeat the mistakes of the past. The proponents of the bill are attempting to repeat today the mistake of the British Parliament which in large measure provoked the American Revolution. I thank the Senator from Alabama for yielding. I also thank the Senate for acceding to my unanimous-consent request that I might make those observations without the Senator from Alabama losing his right to the floor.

Mr. SPARKMAN. I thank the Senator from North Carolina. His remarks have been very pertinent.

Earlier in my talk I quoted Thomas Jefferson's language in the Declaration of Independence relating to the denial of the right of trial by jury and the expansion of the maritime courts in order to get around the right of trial by jury. I should like to comment with reference to jury trials that I learned very early never to quarrel with a jury decision. My reaction was very much like that of the Senator from North Carolina. If the decision went against me, I said, "Well, at least we had a jury. We had 12 of our peers to hear the evidence and to decide the issues."

Therefore, I learned not to quarrel with the decision of the jury. I have seen many jury decisions favor my clients when I really feared that the decisions would go the other way. On the other hand, decisions have gone against me when I thought they would be for me. But I respected jury decisions and I believe the people respect jury decisions.

De Tocqueville, in his treatment of the subject, has brought out the fact that this is an institution that runs throughout the idea of U.S. justice. It is really an Anglo-Saxon idea that has come down through the ages, which the Georges tried to subvert, divert, and revert. But, as a result, they lost the American Colonies, and the American colonists sat up their own governing documents in which they made no mistake by eliminating the right of trial by jury in all crimes, in all criminal prosecutions, and in all civil cases involving more than $20.

Mr. ERVIN. I should like to make the confession at this point that when I was able to view in perspective, rather than through the partisan eyes of an advocate, some of the verdicts in cases which I lost, I reluctantly came to the conclusion that the jury had often been right and I had often been wrong in our disagreements in respect to the factual issues.

I should like to say this about the right of trial by jury: One of the great members of the fourth estate in the United States in our generation is a native of North Carolina—Gerald W. Johnson. He stated in his writing several years ago that he did not understand why the advocates of civil rights bills sought to prevent persons charged with violations of alleged civil rights from being granted the right of trial by jury. He said that the denial of jury trials would make martyrs of men sent to jail in trials by judges without juries, but that no men would ever be made martyrs because they were sent to jail on the basis of verdicts of conviction returned by juries.

Those who advocate the denial of jury trials in cases in this area of our national life do a great disservice to law. They destroy to a large measure the confidence of the people of the country in the legal system which was created to do equal justice to all. They do this by urging that Congress provide for inequality of right by granting the right of trial by jury to some men and by denying the right of trial by jury to others. If it does their will, Congress will give the lie to our boast that our courts are established to administer equal justice under law.

Mr. SPARKMAN. They would create something which most certainly will come back to haunt them. I speak with reference to minorities. When I say, "minorities," I do not refer specifically to racial minorities. I mean minorities of any group. How about the labor unions that built up their strength in this country? How did the laboring man ever manage to organize to protect himself? The Norris-La Guardia Act denied the right of injunctive relief. In other words, a single judge could say, "You must do this, and must not do that."

Mr. ERVIN. Did not the Congress also assist them in getting protection against tyrannical injunctions and the abuse of equity jurisdiction by passing the Clayton Act?

Mr. SPARKMAN. The Clayton Act came before the Norris-La Guardia Act.

Mr. ERVIN. And did not every Member of the Senate in 1959 vote for an amendment which I offered to the Labor-Management Reporting and Disclosure Act granting the right of trial by jury to all persons charged with criminal contempts under the provisions of that act?

Mr. SPARKMAN. Is that not in recognition of the very thing I have said, that it is the right of a person who may find himself in a minority organization—and I do not mean by that, a minority race at all, but in any minority set up—and who will need that right to a trial by jury some day, which Congress seeks to deny?

Mr. ERVIN. That is correct.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. JORDAN of North Carolina. I commend the Senator on his address. My colleague and I had the pleasure of flying down to North Carolina yesterday afternoon when the President was visiting our State. There were many people present.

Our constituents inquired as to the debate which has been in progress in the Senate Chamber for so many days. They want to know what we are talking about.

Several people—not lawyers, nor judges, but good, plain people, the type which makes up our population—asked, "Why should anyone be against having a jury? How else could we do it?" They had been so accustomed to having a jury trial granted to anyone who has committed a wrong, that they said, "How can this be done?" I said, "They are trying to pass a law under which a person cannot have a jury." They said, "You do not mean that people who would be elected to the Senate would do a thing like that?" Thay could not understand how anyone could support a law that would deprive anyone of a jury trial. It has become a part of our everyday life and system.

It is hard to understand or believe that a man could be pulled into court by anyone, and that the court would become the accuser, the prosecutor, the judge, and the jury. They do not understand that; and neither do I.

Mr. SPARKMAN. The one man indicts, arraigns, prosecutes, judges, and sentences. One man does it all. No wonder people generally do not understand that.

When the distinguished senior Senator from North Carolina returns to the Chamber, I shall invite his attention to this matter and ask him to comment on it. Unfortunately, a strong feeling has circulated over the country that in the pending amendment—which is the Mansfield-Dirksen substitute for the Talmadge amendment—a guarantee is given of the right of a trial by jury, when it is anything but that.

Mr. JORDAN of North Carolina. The sentence would be reduced from 45 to 30 days. That is about all it means.

Mr. SPARKMAN. It does that in only one title; namely, the voting title, title I.

Mr. JORDAN of North Carolina. That is correct.

Mr. SPARKMAN. But in all the rest of the bill, there is no word about the right of a trial by jury. It is silent on it. It does not provide that there shall be or that there shall not be. It rests upon the Supreme Court.

My thought is that the Supreme Court, by a slender margin of one vote, certified to the fifth circuit court—which had divided evenly, 4 and 4—that within reasonable bounds a person could be tried for criminal contempt without a jury. But Justice Clark, in delivering the decision, said, in effect, that the circuit court should take note that no fine, no sentence, or no criminal penalty would be approved by the Supreme Court if it were more than what might be applied in trivial cases. I believe those were almost the exact words that were used.

Mr. JORDAN of North Carolina. That is a rather broad term, is it not?

Mr. SPARKMAN. Yes.

Mr. JORDAN of North Carolina. What is trivial to one person might not be trivial to another, and vice versa.

Mr. SPARKMAN. Yes. But even that decision was based on a 9-to-8 vote, when we consider the vote of the circuit court which was 4 to 4, and the vote of the Supreme Court, which was 5 to 4. When it is considered on that basis, it is a decision that will sustain only the penalty called for in a trivial case.

So far as I am concerned, I would rather have the bill remain as it is than to have the Mansfield-Dirksen amendment in it. That is my offhand opinion.

I intend to invite the attention of the distinguished senior Senator from North Carolina to this subject. As the Senator knows, the senior Senator from North Carolina was a distinguished trial judge, and appeals court judge in the State of North Carolina. He is a man whose constitutional ability is recognized by all Senators.

I would rather risk the Supreme Court getting on the right track. It got off, but it seems to realize more and more that it is off. It threw in this warning: "Nothing more than a penalty in a trivial case."

The thing that has been noticeable to me—and I have stated this before in the Chamber—is that the four judges who said, in effect, that a man was entitled to a trial by jury in criminal contempt cases were Chief Justice Earl Warren, Justice Black, Justice Douglas, and Justice Goldberg. They are the four Justices who are usually regarded as the liberals of the Supreme Court.

The thing that I cannot understand is that the so-called liberals in the Senate are fighting against the effective right of a trial by jury.

Again, all through the years, it has been the liberals who have fought to obtain the right of trial by jury. In that connection, I should like to read the words of one of the greatest Senators of all time, who served in this body when I was a Member of the House of Representatives. When he was speaking, I used to like to come over and stand in the back of the Chamber and listen to him. Ofttimes, his was a lone voice, but it did not deter him one bit. He spoke on. I refer to the great liberal, the Senator from Nebraska, George W. Norris. Senator Norris was the sponsor in the Senate of the Norris-La Guardia Act, to which I referred a few moments ago. On March 18, 1932, while that bill was under consideration, Senator Norris said this:

> I agree that any man charged with contempt in any court of the United States, in any case, no matter what it is, ought to have a jury trial.

That was a liberal speaking. He knew what this might mean to liberals who might be in the minority. He knew what it meant to the workingman, for whom he was speaking. It was the Norris-La Guardia Act which liberated the working man and made it possible for labor unions to organize without the injunctive whip, and the whip of criminal contempt imposed by judges.

He said that any man, in any case, in any court of the United States, no matter what the case was, should have the right to trial by jury.

A question was put to me by the senior Senator from North Carolina about having heard that juries will not convict. This is what Senator Norris said:

> It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits in court and heard jury trials knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished, and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray, I am confirmed in my opinion that after all our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of fact.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. Let me say to the Senator from Louisiana that I was just quoting from a great liberal in the Senate—back in the years when the Senator from Louisiana's distinguished father served in the Senate as well—Senator George W. Norris of Nebraska. In his opinion any person in the United States, in any case, in any court, no matter what the case was, was entitled to have a trial by jury.

Now, I am glad to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. I note that the distinguished Presiding Officer at this moment is one of our great American war heroes, who fought with a division which perhaps suffered more casualties and sustained more injuries in any battle fought in World War II than any other division which served under the American flag in any war. Perhaps it has meaning to him, because it has to me. I ask the Senator from Alabama if the following incident does not somewhat parallel his own experience: In a courtroom trial at a military base on which I happened to be stationed as a young officer during World War II, a captain had the idea that a young sailor was guilty of a grievous offense; and he named the officers to preside at the court-martial. He thought that they would find the sailor guilty. The court-martial was conducted, and when the officers had concluded their duties, they turned the young man free.

The captain was so infuriated that he wrote a letter condemning the officers who had held the court-martial, because they had not found the man guilty; and he had it put into the record of those officers, in their brochures. Of course, the whole effect was that when it reached the Bureau of Personnel, they did not condemn the officers but condemned the man who wrote the letter.

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. The captain had proved himself to be unworthy. The idea was that the man should have a fair trial and an opportunity to be acquitted of any charges made against him. The Senator can imagine how unfair it would have been, had that captain been the accuser, judge, and prosecutor. What chance would that poor sailor have had?

Mr. SPARKMAN. The Senator is absolutely right. I served for a short period in the military in World War I, and then I served in the Reserve, as a Reserve officer, for 37 years thereafter. I am still a Reserve officer, although retired from active participation. I had always heard it said that if one is guilty, he does not wish a court-martial, but if one is innocent he would wish a court-martial. I do not know. I was never court-martialed. But the Senator makes a point. Even though military justice involves a different kind of justice from that administered in ordinary trials in day-by-day modern courts, yet there is an analogy between a board of officers sifting and weighing the evidence, and a jury of 12 men, or whatever number might be provided for a jury, sifting the evidence present, to determine whether a man is guilty or not.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. I should like to ask the Senator if it is not correct that in such situations, where a jury had been trusted to do its duty, even though skeptics of the jury system would have to concede that juries have done their duty, they have sometimes leaned over backward to do their duty, painful though it may have been.

Mr. SPARKMAN. The Senator is correct. I hope the time will never come—I do not believe it will—when I shall find myself condemning the great system upon which justice has been built in America—that is, the right to a trial by jury.

At this moment, let me go one step further. I have quoted Senator Norris. I wish to quote Senator Thomas J. Walsh, of Montana, the home State of our majority leader. He was appointed Attorney General by President Roosevelt, but Senator Walsh died shortly before taking office as Attorney General.

He was appointed Attorney General by President Franklin D. Roosevelt when he came into office. However, Senator Walsh died before he took office as Attorney General. He was one of the great legal minds. He uncovered the Teapot Dome scandal and investigated it. I said a little earlier that two great acts of Congress guaranteed the right of trial by jury in specific cases. One of them was the Clayton Act. The Senator is familiar with that act, because he has done a great deal of work in connection with it. The other is the Norris-La Guardia Act. The Clayton Act excluded labor unions from certain parts of it because of the injunctive proceedings that had been engaged in. The Norris-La Guardia Act positively provided that labor organizations should not be subject to the control of a judge, without a jury.

It was in connection with the Norris-La Guardia Act that I quoted from Senator Norris. Now, I wish to quote from Senator Walsh, in connection with the Clayton Act. This was during the administration of Woodrow Wilson. Senator Walsh said:

> There is not an argument that can be advanced or thought of in opposition to a trial by jury in contempt cases that is not equally an argument against the jury system as we now know it.

I believe he was right. In other words, if we condemn the right of trial by jury in any case, we are attacking the jury system generally.

I should like to quote from one of the greatest legal minds who ever served in the U.S. Senate. I mean of all times—and I am not forgetting Webster and Calhoun. It was Senator Reed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Is it not true that one of the black chapters in the history of American justice was the era during which American labor unions were dealt with by the iron fist of prejudiced judges?

Mr. SPARKMAN. Yes; that was why the liberals rose up and passed those acts. The present liberals are the sons of those liberals. They are the second generation of liberals. They are deliberately trying to deny to the American people the right of trial by jury and to make them subject again to biased and prejudiced judges.

I suggest that there may be such judges. I am not indicting the Federal judges, because I believe that by and large they are fine, fair-minded men. But we do know that exceptions pop up. The exceptions became rather numerous back in the days when it was found necessary to enact statutes by Congress in order to take this matter out of the hands of judges.

Mr. LONG of Louisiana. Is it not correct to say that the Attorney General, who is the ramrod behind some of these legislative proposals, would have the power, under the bill, if it should become an act, more or less to shift judges around, in some respects, to gerrymander these cases into the courts of judges sympathetic to his position in the matter?

Mr. SPARKMAN. Yes; that is provided in the bill.

Mr. LONG of Louisiana. He could choose his own judges, in other words.

Mr. SPARKMAN. Yes; to a large extent.

I invite the Senator's attention to this statement by Senator Reed. I do not know whether he remembers Senator Reed. I know that he knows of him. He was one of the great legal minds, and a fine debater in the Senate. He said:

> The legislative branch of the Government may make grievous errors. The Executive may even undertake the exercise of tyrannical power. But so long as the temple of justice stands open, so long as the courts have the courage to declare the rights of citizens as they are preserved in the law, and so long as a man has a right to be tried by a jury of his peers, no nation will ever be really enslaved.

Does not the Senator believe that to be a perfect statement in favor of the preservation of the right to trial by jury?

Mr. LONG of Louisiana. Is the Senator familiar with the fact that article I, section 9, of the Constitution states that Congress shall pass no ex post facto laws and issue no bills of attainder?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Can the Senator tell us what a bill of attainder is?

Mr. SPARKMAN. It goes back to English times, when the blood became tainted, figuratively speaking. It was when a person was found guilty of some crime or some offense against the Crown. In such a case not only was he banished from the realm, or put under some severe penalty, but even his land and estates and titles were taken away from him and from his family.

Mr. LONG of Louisiana. Was not a bill of attainder a sort of resolution which could be passed by Parliament, directing that a man be locked up and his property be seized?

Mr. SPARKMAN. It became that. I went back to the very origin of bills of attainder. The Senator is correct.

Mr. LONG of Louisiana. In other words, Parliament would pass a bill of attainder under which a person could be seized and locked up and his property taken away from him. Is that correct?

Mr. SPARKMAN. Yes; and his family was penalized also. His estates and titles were taken away from him.

Mr. LONG of Louisiana. Would it be fair to say that millions of Americans do not know what a bill of attainder is simply because they have had no contact with it?

Mr. SPARKMAN. The Senator is correct. We have not had any experience with bills of attainder because our forefathers banished them. Our forefathers wrote that provision into the Constitution, and also provided for the right of trial by jury in all criminal prosecutions. It provided that there should be a trial by jury in all criminal prosecutions, and in all civil cases where the amount involved was $20 or more.

Mr. LONG of Louisiana. Is it not correct to say that under our form of Federal Government Congress cannot send for someone and put him in jail, and that the President does not have the power to arrest someone and throw him in jail—except, possibly, a serviceman? Likewise, a judge should not have that power, either. Is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. Would it not be correct to say that under the pending bill, without the Talmadge amendment, a judge would have the power to send a man to jail, without benefit of trial by jury?

Mr. SPARKMAN. He would, under the Supreme Court decision, or if the Mansfield-Dirksen amendment were agreed to, rather than the Talmadge amendment. I made this point a few minutes ago. Title I has a trial-by-jury provision. That provision was adopted by the Senate in 1957. It applies to title I. It applies to voting rights cases. However, all the other titles are silent on the right of trial by jury.

I made this point shortly before the Senator came into the Chamber. I should like to restate it, and invite his attention to it. I am in favor of the Talmadge amendment. I voted for the Morton amendment. I intend, if there is an opportunity to vote, to vote for the Talmadge amendment, because it restates the constitutional guarantee of the right of trial by jury. If the Talmadge amendment is not reached, but, instead, the vote comes on the Dirksen-Mansfield amendment, I have already said that I would rather have the bill remain as it is than to have the Mansfield-Dirksen amendment tacked onto it.

Unfortunately, the feeling has arisen over the country—we can read it in the newspapers or hear it on the radio and television—that the Mansfield-Dirksen amendment provides for the right of trial by jury. The Mansfield-Dirksen amendment does not provide for the right of trial by jury. It is a denial of the right of trial by jury. It is true that it places a limit on the sentence a judge can impose.

It should be remembered that, except for the Constitution, the law is silent today on the right of trial by jury, except in the specific cases to which I referred, such as the Clayton Act, the Norris-La Guardia Act, and the Voting Privileges Act. Instead, there is a Supreme Court decision on which to stand. It is true that the Supreme Court, by the narrow margin of a single vote—that is, by a vote of 5 to 4 in a case certified to the Supreme Court by the Circuit Court of Appeals for the Fifth Circuit, which had divided 4 to 4—held that a criminal contempt penalty could be imposed without a trial by jury. But the Supreme Court issued the warning that it would not approve any penalty that was greater than the penalty that would be assessed in a trivial case. I do not know what that means.

But remember, 17 judges voted on this question, 8 in the circuit court and 9 in the Supreme Court. Of the 17 judges who voted, the division was 9 to 8. Even the majority in the Supreme Court issued the warning: "Do not let the penalty be more than such as would lie in a trivial case."

I said I had rather take my chances with the Supreme Court. Justice Black, in a strong dissenting opinion, referred to the warning. Perhaps it means that the Supreme Court is beginning to see what would happen as a result of denying the right of trial by jury. Perhaps eventually the Supreme Court will get back on the track and act according to the Constitution, which provides that in all criminal cases a person shall be entitled to the right of trial by jury.

Mr. LONG of Louisiana. Was there not a classic case in the South? A southern Governor was doing his duty as he construed it under the laws and the Constitution. He was accused by the U.S. Government of violating a court order. When the citizens heard that the U.S. Army was on its way, they undertook to hold hands together against the advance of the Federal troops. So the sympathy of the people was on one side, and Federal guns and troops were on the other. Was not that a classic case of a man being denied the right of trial by jury, because of the fear that if he had been tried by a jury, he might have gone free?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Is it not correct to say that freedom as well as tyranny are on trial at this moment in the Senate Chamber?

Mr. SPARKMAN. The Senator is correct. I am sure he remembers the statement of Coke, who said that it were better that 99 guilty went free than that 1 innocent should be convicted. That has always been the rule of justice in this country, handed down from medieval times. But the pending bill would depart from that principle. It would provide, in effect, that it were better that 99 innocent should be convicted than that 1 guilty should go free. In other words, the bill seeks to deny the right of trial by jury because of the fear that one person might go free.

Mr. LONG of Louisiana. Is it not fair to say that we are not discussing the power of the U.S. Government to work its will; we are not talking about the power of the Government to send in the 1st Marine Division or the 82d Airborne Division to put the Federal bootstamp on the necks of people. We are not talking about the Federal power to send in troops to arrest a Governor and place him in jail. We are talking about the right to punish a man for a crime without giving him a fair trial by a jury of his peers.

Mr. SPARKMAN. The Senator is correct. I had not intended to debate the question of the right to send in Federal troops. But I remember that in 1957—I am sure some persons had already known it—it was generally discovered that there were still on the books the Reconstruction statutes giving the President the right to use U.S. troops to enforce court orders. Does the Senator from Louisiana remember that the Senate voted unanimously to repeal that law; that the Senate voted to take away that right? But, as I say, it is not my purpose to debate that issue at this time. I am now debating the right of trial by jury, in which I believe so strongly. I cannot see how any person who reads the Constitution could vote to deny the right of trial by jury. In my opinion, a vote for the Dirksen-Mansfield amendment could be construed as doing so.

Mr. LONG of Louisiana. Has it ever occurred to the Senator from Alabama that the right of every American, when accused of crime, to be tried before a jury of his peers lacks but one vote in the Senate? It also lacks one single vote in the Supreme Court of the United States.

Does not that make it appropriate that we stand and fight for the freedom for which our forefathers shed their blood?

Mr. SPARKMAN. The Senator is absolutely correct. One vote is lacking——

Mr. LONG of Louisiana. In the Supreme Court and in the Senate.

Mr. SPARKMAN. The Senate has refused to assert the constitutional guarantee of the right of trial by jury in all criminal cases and in all prosecutions, as the Constitution provides.

In my opinion, it was never contemplated by the writers of the Constitution that judges should be able to issue bench warrants at will or merely to say, "Bailiff, arrest that man and bring him here; he is in contempt of court," and then hand down an order peremptorily. I do not believe that was ever contemplated. The Constitution provides that no person shall be held liable for a criminal penalty—I am not attempting to quote the language of the Constitution word for word—except on a prosecution by indictment or presentment. Article III of the Constitution provides that the prosecution shall be only upon indictment or presentment. By whom? By another part of our great judicial system, the grand jury.

In a speech I made a week ago today, I sought to trace the development of the jury system. In my study, I came to the conclusion—and I believe I am correct—that the grand jury preceded the petit jury. Actually, the same movement probably produced both, but produced them at different times.

In early times, two men might perhaps enter into a dispute or a fight and be tried by ordeal. We recall the old trial by ordeal. But a time came when the people got away from the idea of a trial by ordeal and devised more civilized methods of procedure. There was a system by which the contestants would each call a number of witnesses. The one who called more witnesses than the other won the case. That procedure later developed into a kind of jury system. It grew into what became the grand jury. The people considered the case and decided whether the person ought to be tried.

At some time within the next century came the petit jury. I am not certain as to the dates, but I believe I am reasonably correct in saying that the beginnings of the grand jury preceded Magna Carta; that the petit jury came shortly afterward; and that the decision that was exacted from King John at Runnymede by the barons of England, which was called Magna Carta, represented an acknowledgment by the King of the existence of some kind of jury system. It guaranteed to the people that they should always have the right of trial by jury.

One of the petitions that the colonists made to the British Parliament was that the people of America have the benefit of the common law of England, of which the jury system was a part.

Mr. LONG of Louisiana. Does the Senator from Alabama recall the hot summer, or perhaps early fall, when some of the liberal Members of this body fought to the best of their ability to try to prevent us from overriding President Truman's veto of a bill for the control of persons accused of being traitors?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Does the Senator from Alabama also recall how hard those Senators fought to try to prevent Communists from being required to make themselves known, by registering, in this country?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Does the Senator from Alabama also recall that one sincere Senator—now departed—spoke so long and with such zeal and earnestness against that bill, which would have permitted control of the Communist menace, that finally he collapsed from exhaustion, and had to be carried on a stretcher from the Chamber then in use by the Senate—the old Senate Chamber, of such great historic importance?

Mr. SPARKMAN. Yes. Those were trying times.

Mr. LONG of Louisiana. Does the Senator from Alabama also recall with what zeal some Senators fought to protect the right of any American citizen, even though he might be a traitor, to have his rights protected and to be assured, as a citizen of the United States, that in no respect would his rights of citizenship be impinged upon, and that in no respect would his constitutional guarantees be undermined?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield further to me?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator from Alabama yield further to the Senator from Louisiana?

Mr. SPARKMAN. I yield for a question.

Mr. LONG of Louisiana. Does not the Senator from Alabama find it very curious that Senators who would take that position would not be willing to take a similar position in defense of loyal American citizens who have never before been accused of crime?

Mr. SPARKMAN. Yes. That is a strange thing about the line of thought of many Senators who favor the pending bill. It seems to me that is true of most of the so-called liberals. Of course, I do not like the use of the labels "liberal," or "insurgent," and so forth; I have never paid much attention to labels. I have tried to represent as best I could the people of Alabama, and I have never paid attention to whether they were called, by some, liberal or conservative. Nevertheless, certainly the very essence of liberalism is tolerance; but it seems to me that some who are called liberals are, at times, far from tolerant.

It seems to me that attempts to take away from American citizens the things guaranteed to them by the Bills of Rights and by the Constitution of the United States—and required as a result of the demand of the people, before they would vote to ratify the Constitution—protections such as the right of trial by jury—demonstrate a lack of tolerance.

Mr. LONG of Louisiana. Is it not also strange that if a man is accused of the crime of murder or the crime of rape or the crime of arson or the crime of treason, or even the crime of assassination of the President of the United States, that he is entitled to have his case tried before a jury chosen from the citizens in his community? However, when he commits the "supercrime" of "discrimination" he is to be denied a trial by jury. Is not this incongruous?

Mr. SPARKMAN. Indeed so. Not only that, but even then the jury is not allowed to try him until a grand jury, also composed of his peers, has returned an indictment.

Mr. LONG of Louisiana. Is it also passing strange that "discrimination" is to be held to be "the supercrime"?

After all, a boy discriminates when he asks a girl for a date.

A girl discriminates when she chooses her dates.

A man discriminates when he asks a woman to become his wife.

A woman discriminates when she accepts a man as her husband.

Are all such acts of "discrimination" to be declared to be "supercrime"?

Mr. SPARKMAN. That is a fair question.

Furthermore, I now read from the Constitution—in particular, from the fifth amendment:

> No person shall be held to answer for a capital—

"Capital" means one for which life can be taken—

> or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy—

And so forth. That reference is to the grand jury.

Now listen to the constitutional provision—the sixth amendment—which relates to petit juries:

> In all criminal prosecutions—

This part of the Constitution does not say "in some" or "in capital cases", or "in cases of infamous crime"; instead, it says:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

What has happened? What are those who call themselves "liberals" trying to do with the Constitution? They are trying to tear both of those constitutional amendments to pieces. Yet both of those amendments are vital parts of the Bill of Rights, which was insisted upon by those who remembered the star chamber proceedings in England and the proceedings before biased and prejudiced judges and by means of writs which would result in having the trial held at a place far removed from the place where the defendant lived, with the result that the trial would be held at a place far from where his witnesses lived, and he would be tried in a place far removed. They protested against all such procedures.

When there was insistence that these provisions be included originally in the Constitution, some argued that those rights were already assured in each of the States. Actually, those who wrote the Constitution first proposed a provision of this sort which related only to criminal cases outside the States—for example, on an island or in an insular position or a territory, and so forth. According to Madison, that proposal was made because there was general recognition that all the States already provided by law that their citizens would have all these guarantees.

Nevertheless, when the people were called upon to vote to ratify the proposed Constitution, they replied, "Oh, no; we insist that those guarantees be clearly set forth in the fundamental charter of the land"; and they insisted that those provisions be included in the Bill of Rights.

Furthermore, it is important to note that of the first 10 amendments to the Constitution, which constitute the Bill of Rights, 3 of the 10 deal with the right of trial by jury.

Mr. LONG of Louisiana. Is it not correct that the fifth amendment, part of the Bill of Rights, provides, in part:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land of naval forces, or in the Militia, when in actual service in time of War—

And so forth?

Mr. SPARKMAN. Yes, "except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger."

Mr. LONG of Louisiana. Does the Senator from Alabama recall an incident which occurred when Andrew Jackson was chasing the Indians in the Midwest, during the War of 1812: A young man, when in the heat of battle, let fear get the better of him, and fled. He was captured by Jackson's troops. Jackson's attitude was that no man who showed cowardice in the face of the enemy should be permitted to live, but should be shot. A court-martial—perhaps a summary court-martial—tried that young man, and decided to show him mercy; but Andrew Jackson thought that was a no good verdict, and had the young man shot, anyway.

I believe it happened in the State of Alabama.

Mr. SPARKMAN. I believe the action took place near Horseshoe Bend. Andy Jackson marched his army from Nashville down through my hometown and through eastern Alabama. He defeated the Creeks at Horseshoe Bend, and then went on down first to Mobile and then over to Pensacola. He then learned that the enemy was headed for New Orleans. He marched the small band of men he had left over to New Orleans. While he went back up North to get more troops, the enemy came down the Natchez Trace and fought the battle of New Orleans on January 12, 1915.

Mr. LONG of Louisiana. In fairness to old Andy Jackson, would it not be fair to say, as Stalin said about his trips in World War II, that it took a brave man to retreat without authorization in Andy Jackson's army?

Mr. SPARKMAN. The Senator is correct. Yet the action caused a great deal of criticism, even though what occurred was in the service of the United States at a time of war.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield further——

Mr. SPARKMAN. Before I yield, I should like to tell the Senator a story. One of the greatest of generals—I almost said Civil War; I still call it that, though I believe most people like to call it the War Between the States—was Nathan Bedford Forrest.

General Forrest was not what might be called an educated person, but he was a great general. If anyone doubts that, I commend to his reading a book that will tell about the pursuit of Straight with the Indiana forces from about Florence, Ala., across Alabama, and over to Rome, Ga., where Forrest took out after him. He got so close to him that quite often there was skirmishing. Then he pressed him and pressed him and gave him no rest. He ran him to death. Finally, I believe the whole force was destroyed before he reached his destination, which was in Georgia.

Nathan Bedford Forrest was a great general. I do not vouch for the authenticity of the story. I wish to make that clear. But the story goes that at one time a young man who was accused of committing a serious offense was brought before General Forrest, and the request was made that the general convene a court-martial. I presume the general was requested to order a summary court-martial to try the man. The story is to the effect that General Forrest said, "Oh, he ain't fittin' to be tried. We'll take him out and shoot him."

That is the kind of justice that sometimes resulted. I suppose we are being a little severe in comparing that type of justice with what judges administer. But we do know that back in the early part of the 20th century—the first 25 or 30 years—biased and prejudiced judges throughout the United States made it virtually impossible for laboring men to organize in order to protect their own interests. For that reason the Clayton Act, and the Norris-La Guardia Act, except labor unions from their application. The bad use of the injunctive process was responsible.

Mr. LONG of Louisiana. Mr. President, I should like to ask the Senator a question: Is it not correct that the type of tyrannical activities pursued by some of the commanding generals to whom reference has been made, including a great man like Andy Jackson, caused the Congress to say, "That will never do. We establish a court of military justice with some civilians on it to see to it that a man who is tried by the military authorities, even in wartime, will have his constitutional rights zealously protected."

Mr. SPARKMAN. The Senator is correct. Congress did it. One of our former colleagues in the Senate is a member of that court—former Senator Ferguson. When I served in the House of Representatives for a period of several years, I sat between a Representative from Louisiana and a Representative from Texas on the old Military Affairs Committee. Paul Kilday, a former Representative from Texas, is a member of that court. It was organized by Congress for the very reason which the Senator has pointed out. It was a three-man court authorized to review any case that an offender might bring for review.

Mr. LONG of Louisiana. Would it not be fair to say that the three-man review court tries to see that a serviceman receives something of the type of justice that would have been accorded him if he had had the right of jury trial?

Mr. SPARKMAN. The Senator is correct. That is the purpose.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. It seems to this Senator that the proponents' purpose in seeking to deny a man a jury trial when he is accused of the crime of "discrimination" is based upon the theory that a southern jury would be prejudiced in favor of the defendant. But before going to this extreme, would it not be more reasonable to require that the judge first make a finding, subject to review, that a fair trial could not be held and that an appropriate jury could not be recruited?

Mr. SPARKMAN. The Senator has made a very fine suggestion. That suggestion has been made that a jury might not be willing to convict in a case in which discrimination was claimed. Does the Senator remember that that point was brought out both by Senator Norris in his argument, and also by Senator Walsh in his argument? I should like to read again the statement of Senator Walsh, because it is very brief:

> There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury system as we know it.

I thought he referred definitely to the other point. Senator Norris did. He said:

> It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried law suits in court and heard jury trials knows that juries do make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished. And when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray, I am confirmed in my opinion that, after all, our jury system is one which the American people who believe in liberty and justice will not dare to surrender.

A great liberal spoke those words.

I wish the liberals who today are trying to deny to the American people the right of trial by jury would go back and read the statements of some of the great liberals in earlier days, such as Senator Norris, Senator Walsh, Representative La Guardia, and others of that kind.

I ask Senators to read the statements of the liberals on the Supreme Court. I wish I had before me the dissenting opinion of Mr. Justice Black in the Barnett case, or even his opinion in the Green case. Justice Black wrote the principal dissenting opinion in the Green case, but it is too long to read at this time. There are some pertinent points in it. At the beginning of the opinion he said:

> The power of the judge to inflict punishment for criminal contempt by means of the summary proceeding stands as an anomaly in the law.

How right he was. That was in the Green case. I believe Green was accused of being a Communist. The judge was speaking out and saying that he should not have been tried for criminal contempt by a judge, but was entitled to a jury trial.

Think of the difference between the procedure as laid down in the Constitution, and what actually takes place when a judge brings a person before him for contempt of court. The Senator, I am sure, has been in court and seen a judge hold somebody in contempt of court. The Senator knows how summarily it is done.

Let us see how it compares with the pattern of the administration of justice which is laid down in the Constitution. This is what is provided in the sixth amendment:

> In all criminal prosecutions—

I like to emphasize that "all." It does not say "in the worst ones," or "in some of them," or "in those where the judge think he ought to be imprisoned for more than 30 days, or fined more than $300." It does not say that at all. It provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.

I assure the Senator that the defendant gets a speedy trial. Ordinarily it is a public trial. The occasions when I have seen it done, it appeared that the judge wanted to show his power to hold someone in contempt. So the defendant gets a speedy trial. Usually, he gets a trial right away, without deliberation. The Constitution says that he shall have the right to a speedy and public trial. That is the only thing he gets out of the guarantee in the Constitution. And he gets that because the judge in most cases is angry at the time. Reading further:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State—

He does not get any jury at all, much less an impartial jury. He is entitled to have both a jury and an impartial jury. I take it that is meant to be a jury which is selected in the way petit juries are normally selected.

Continuing to read:

> by an impartial jury of the State and district wherein the crime shall have been committed—

Not only does he not have a jury from that area, but even the judge may not be from that area. I have known of judges from Minnesota holding court in the State of Alabama. I seem to recall that they sent a circuit court judge from some northern area to sit with the circuit court in New Orleans. I am not sure that that is correct. But they can be shifted around.

Under the provision that is sought to be forced upon us, a person is not given a jury. He is not given an impartial jury. He is not given a jury from the area. He may not even have a judge from the area from which he comes. Reading further:

> which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation—

The Senator knows what happens. The judge yanks him up and says, "I am going to find you in contempt of court because you have not done what I have told you to do." That is all there is to it. There is nothing in writing. The Senator knows how careful we are about having presentations or indictments expressly set forth word for word what the offense is. But not so in criminal contempt cases. The amendment provides:

> and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him.

The only witness in this case is the man who charged him, the man who indicted him, the man who prosecuted him, the man who testified against him, and the man who decided in advance that the defendant was guilty, the man who imposed the sentence without any jury being interposed.

Mr. LONG of Louisiana. Is it not correct that in many instances, a judge will be the accuser, the prosecutor, the witness, the jury, and the judge, as well as the jailer?

Mr. SPARKMAN. Yes. I have not given as yet all of the rights secured to a citizen under the Constitution. Listen to this: "to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor."

He does not have a single witness there when the judge finds him in contempt. The judge calls him up to the bench and says, "I find you in contempt of court, and I assess such and such a penalty." I have seen that done. And the Senator from Louisiana has seen it done. He is entitled "to have the assistance of counsel for his defense."

I suppose he will have a counsel in court. The chances are that if that counsel rose and started to argue with the judge, the judge would say, "You had better be careful, or I will find you in contempt." Judges can be just that arbitrary. And that is the kind of system that the so-called liberals of the Senate are trying to impose upon the American people. It is hard to believe that the Senate will accept that type of thing.

Mr. LONG of Louisiana. The Senator raised an interesting point. Is it not true that, based on what is being proposed, the poor accused might be dragged before a prejudiced judge, and, as the Senator suggested, the judge might not only have the defendant dragged in, but if the lawyer tried to defend the man's right to a jury trial, the judge might put the lawyer in jail with the poor defendant.

Mr. SPARKMAN. Yes. I have known of cases in which that occurred. I will not say I was in the courtroom when it was done. But I have read of cases in which both the defendant and his lawyer were found in contempt of court in a single proceeding. I do not like to say this, because I have very high regard for judges and officials generally. But this has occurred when the judge had a fit of anger.

Mr. LONG of Louisiana. Has the Senator ever heard a lawyer say facetiously, "If I cannot get you off, I'll go to jail with you"?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Will not lawyers face the prospect of not only having a man denied justice, but of having to go to jail with him?

Mr. SPARKMAN. Yes. I think the Senator has heard the judge in the trial of a case say to the defendant: "If you do this, or do that, I will find you in contempt of court." And if the lawyer speaks up, the judge says, "I will find you in contempt of court, too."

I have known it to happen. That is not strictly applicable here. These are cases in which the judge would sit without a jury. The judge merely finds the defendant guilty of contempt of court. The defendant is permitted to come before the judge and say something. I am not sure that he is even guaranteed the right of a public trial. I will not say that he is not, but it is entirely possible that the judge could call a defendant in the chamber and hear his case, and probably ask him if he had a statement to make. By that time, the poor defendant would be frightened to death and could not say anything if he wanted to. But even if he had a statement to make, the judge would not listen to it.

I have always thought it strange and ironic that when a person is found guilty of an offense calling for capital punishment, the judge asks the defendant to stand up. He then asks him if he has anything to say as to why the sentence should not be passed upon him. I have often thought, "What in the world could the poor fellow say?" He cannot say anything. Many who might be called up for criminal contempt would not have anything to say. They could not say it, if they did have.

I believe it represents the ravaging of the Constitution of the United States. I say in all earnestness and seriousness that I am surprised that many Senators who call themselves liberals can sit around and pay no attention to such an argument. They seem not to be concerned with the fact that someday they may represent a minority cause. I have found myself with the minority on many occasions. As I stated earlier, in colloquy with the senior Senator from North Carolina, during the years that I practiced law, I soon learned never to quarrel with the verdict of a jury. It may not have been what I felt it should have been. I have won jury verdicts when I really expected to lose them after the case was closed. I have also lost jury verdicts when I fully expected to get favorable verdicts, and when I felt bad over not getting them. But I never quarrel with the verdict of a jury because, as I have stated, I submitted the case to the judgment of 12 men. In civil cases I could have waived that privilege for my client, had I wished to do so, but I always preferred 12 men on a jury to a 1-man judge. And I did. I believe it was the feeling on the part of the American people, and the fear of possible Government tyranny which rested upon the early citizens of the United States, which caused them to insist that the Bill of Rights—which, after all, is the basic civil rights of the people of the country—be written into the Constitution in the first session of the Congress in 1789.

My attention has been called to an editorial in the Nashville, Tenn., Banner of yesterday. I believe it might be well to read it. This editorial is entitled "For America to Remember." That is its first title. The second title is "When Jury Right Falls, It Topples for All."

The editorial, which I believe is well worth listening to, reads:

> Representative government, protective of individual rights, and responsible to the people whose sovereign rights these are—is a pearl of great price, and not to be lightly discarded or swapped for a bauble in the political bargain basement. It shocks, therefore, to see the Senate rejecting—by any margin—a provision of law which would simply preserve against emasculation in the sovereign, sacred, and constitutional right to a trial by jury in cases growing out of the so-called "civil rights" measure.
>
> By the margin of one vote, that provision was defeated yesterday, in the initial test—this time on the amendment proposed by Kentucky Senator THRUSTON B. MORTON.
>
> What does that signify? What did the rejection represent?
>
> There is no question but that an American constituency alert to a perilous loss entailed has, by the millions, expressed its protest to Congress—particularly to the Senate as the deliberative point of showdown. It has in substance instructed that, regardless of any fragmentary obsession with "civil rights" as such, in that body, the basic right to this principle of justice, shall not be taken away.
>
> That is no narrow point, related only to threats under the measure in contemplation, or exclusive to it; for the erosion proposed by those who would forbid jury trial in these cases could and would extend ultimately to all cases in common law. When a right is usurped, and a bedrock principle crumbles under assault, it is usurped and is crumbled for all.
>
> The Constitution three times spells out the protective point now subjected to reckless challenge Yet in the face of that, it would be to all intents and purposes—by legislative enactment—repealed. If submitted to the people as a constitutional amendment, such an erosion would be flatly rejected. Yet 46 Senators yesterday sanctioned such repeal without benefit of consultation of the people whose Constitution it is—and whose basic right thus would be obliterated.
>
> They are not strengthening "civil rights" that way; they are weakening them at the foundation—the whole structure of them, in the total area of their application; for the minority no less than the majority, and irrespective of race, or creed, or color.
>
> One thing is positive beyond dispute: This assault on the jury trial principle does not enhance the prospect of the package deal's enactment. Those not blind to the threat of its emasculation certainly will not consent to a measure doubly dangerous without this restrainer; a legal safeguard against bureaucratic caprice in its enforcement.
>
> By the narrowest of margins, one vote, imperative amendment yesterday failed. A substantial segment of the U.S. Senate drove it within an eyelash of passage. That underscores one fact, of which even the "liberals" must now be well aware:
>
> Without the jury right provision clearly included, in a form and language to give it full protective meanings, the civil rights measure may well be rejected in toto.

Mr. President, I believe the editorial is well stated, both for those who advocate civil rights legislation and those who are opposed to the so-called civil rights bill.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I am glad to yield for a question.

Mr. JORDAN of North Carolina. Our laws, to a great extent—particularly this section—came from Magna Carta, did they not?

Mr. SPARKMAN. The Senator is correct. That is the first time it was put down in written form and guaranteed by the sovereign.

Mr. JORDAN of North Carolina. Guaranteed by the sovereign. Prior to that time, was not this agreement reached for the masses rather than the court itself?

Mr. SPARKMAN. The Senator is correct.

Mr. JORDAN of North Carolina. The peers and the royal family did not need a jury, because they were judge, jury, and the whole business anyway?

Mr. SPARKMAN. The Senator is correct. The sovereign appointed the judges, so that they were under his control; and he controlled them.

Mr. JORDAN of North Carolina. King John controlled them.

Mr. SPARKMAN. Yes. It was the barons who did this. Ordinarily we think of barons as being the lords of the manor. We think of them as being high up in the order of people. They were representing not only themselves, but their vassals who were under them in the feudal system which existed in England at that time.

Mr. JORDAN of North Carolina. They had seen the injustice which had existed prior to that time in the courts, if they could be called courts. A person could be called up and condemned and executed, or dealt with in any way the king wanted to deal with him.

Mr. SPARKMAN. Yes. Sometimes we seem to think that it was the great mass of people, the underlings, who asked for these rights. Actually, it was the barons. Of course, in those days, the barons ruled the feudal territories under them. The vassals were under the barons, as a part of the feudal state. If the king wanted to take possession of a particular area, or some feudal estate, he went after the baron. He could arrange to have the baron tried not where the judge sat, but perhaps a hundred miles away, in a strange territory. The judge would pass any sentence he wanted to pass.

It was the barons who made the demands on King John. I often thought of this point. England has had only one King John. I had thought that probably it was because of the manner in which he administered justice. I do not know. He may have been no worse than any of the others who had gone before him. However, it was during his reign that the barons insisted on wresting from him the Magna Carta, which guaranteed for all time the right of trial by jury to every man.

Mr. JORDAN of North Carolina. Is not the right of trial by jury the best guarantee that a man has? Is that not the greatest protection that the poorest man in the United States has?

Mr. SPARKMAN. Yes; the poorer the man, the more he is in the minority and the more he needs the protection of the right of trial by jury.

Mr. JORDAN of North Carolina. If anyone is in absolute need of the right of trial by jury, it is the minority, because the majority can almost always get into power and impose its wishes upon the minority.

Mr. SPARKMAN. Yes. The one thing I never understood in connection with these matters is that minorities always argue about the rights they want or demand. In this case we see the right of trial by jury actually being taken away from them. A great many people insist that the majority ought to rule. I should think that an outstanding doctrine of the minority would be that often a majority can be the most ruthless tyrant in the world.

Mr. JORDAN of North Carolina. Majorities have been such on occasion.

Mr. SPARKMAN. They have.

Mr. JORDAN of North Carolina. That has been true in the past.

Mr. SPARKMAN. Yes. I have never cared for the word "filibuster." If a civil rights bill comes before the Senate, and the debate on it starts, it is called a filibuster. It was quite noticeable when the bill first came up. The proponents took practically all of the first week in explaining the bill. No one ever said anything about a filibuster at that time. However, the first time a Southern Senator spoke, out came the headlines: "Filibuster Is Under Way."

The great filibusterers in the Senate down through the years have been the liberals. They have fought against the ruthlessness of majorities. I quoted from what Senator Norris said. He was one of the great—if extended debate is filibuster—filibusterers in the Senate. The same is true of Senator Bob La Follette, Sr., also. I remember when he was in the Senate. He was one of the great filibusterers of all time. I could mention others. I believe the record for filibustering in the Senate is held by the distinguished senior Senator from Oregon [Mr. MORSE]. He certainly is a great liberal. However, he thought he was speaking against something that a ruthless majority was trying to impose on the country. Practically all the blue ribbons—if we were to give ribbons, as we do at a horse show—would go to liberals for setting filibustering records.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield for a question.

Mr. SCOTT. Is the Senator trying to make the point that he is not filibustering?

Mr. SPARKMAN. I have not paid any attention to it. I do not call it a filibuster. I am trying to call attention to this subject. I have done a great deal of work and much research on the subject of the right of trial by jury down through the ages. I am trying to show that it is a basic right which Senators, most of whom call themselves liberals, are trying to take away from the people of the United States, even though it is guaranteed in the Constitution.

Mr. SCOTT. Mr. President, will the Senator yield for a further question?

Mr. SPARKMAN. I yield.

Mr. SCOTT. Would the Senator disagree with what seems to be the general opinion of the press and public; namely, that what is going on in the Senate is not debate or the transaction of the usual order of business, with bills being taken up every day, but a filibuster?

Mr. SPARKMAN. The Senate voted on Wednesday. It was agreed yesterday—the Senator from Pennsylvania heard the majority leader and minority leader come to an agreement—that there would be no voting before next Monday. It was agreed today that there would be no session tomorrow.

I was prepared to speak today, and I wished to speak on the right of trial by jury, because I think it is a very serious matter. I agreed that there would be no live quorum calls today. I agreed that the first quorum call after the conclusion of morning business should be called off and not turned into a live quorum.

I do not know why southern Senators should take on the onus of the filibuster when all the arrangements were made by the leadership. I may say to the Senator from Pennsylvania that the majority leader came to me and asked me how long I wished to speak, and said that the session would be concluded when I was through speaking. I am not speaking under compulsion at this time.

Mr. SCOTT. No one has suggested that the Senator is doing anything other than engaging in a voluntary exercise of his talents, and articulating his views at respectable length, which is certainly his absolute right and privilege.

But if occasionally Senators have a few hours off for purely physical needs, or the opportunity every now and then to rest up for the next bout, is it not true that our opportunity to vote is still restricted to an occasional amendment? Does not the Senator from Alabama agree with me that the time is not yet in sight when the Senate will be able to vote on the bill itself? Does not the Senator from Alabama feel that he himself and some of his colleagues might find themselves in accord with the view of the Senator from Pennsylvania that we are killing time when we ought to continue with the rest of the public business?

Mr. SPARKMAN. I agree to this extent: It is most unfortunate that the other business of the Senate is being held up. I am a member of two legislative committees. We have had difficulty in completing hearings on important proposed legislation. I am sure the Senator from Pennsylvania has had the same experience.

But what are we confronted with? We are confronted with a situation in which 11 bills are tied together in an omnibus bill and brought before us without the benefit of committee examination. I am sure the Senator from Pennsylvania will admit that as a result of the careful analysis of the various sections of the bill on the Senate floor, almost all Senators are now in agreement that there ought to be amendments.

I hear—I do not know anything officially about it; I am not privy to the information—that the top leaders among the proponents of the bill have been holding conferences on a bipartisan basis to reach an agreement whereby a new package can be proposed. I know nothing about that officially; it is only talk, and what I read in the newspapers. I understand that there will be a new package. Something has happened.

When the Senate began to consider the bill, it was confronted with the proposal that the Senate must take the bill exactly as it came from the House; that we must not change a single period or comma. The bill was not to be changed. Now no one is talking in that manner. Everyone is now talking about a suitable, satisfactory amendment. But the Senator from Pennsylvania knows that even though there is talk about a new package, no package has been submitted yet.

So far as I know, not many amendments have been submitted. The Senator from Illinois [Mr. DIRKSEN], the minority leader, has submitted 11 amendments, as I recall, to the FEPC section. He and the majority leader [Mr. MANSFIELD] have submitted the misnamed right-of-trial-by-jury amendment.

Mr. SCOTT. I thank the Senator from Alabama and hopefully wish him early relief from his labors.

Mr. SPARKMAN. I have a good bit yet to say that I should like to have Senators study in connection with the vital question of the right of trial by jury. However, it is my understanding that when I complete my speaking, the Senate will take a recess until Monday morning at 10 o'clock. If the Senator from Pennsylvania is in a hurry to get out in the sunshine, I can assure him that we have said that we will not ask for any quorum calls.

Mr. SCOTT. There are days when I do not know whether the sun is shining or the rain is falling. It would be a pleasure to see the sweet light of day from time to time.

Mr. SPARKMAN. If the Senator gets out over the city, he will see some of the flowers about which the Senator from Minnesota [Mr. HUMPHREY] was speaking.

Mr. SCOTT. I should like to be able to cultivate my own garden.

Mr. SPARKMAN. It would be interesting to know whether the Senator's garden is a flower garden or a vegetable garden. My own is a vegetable garden.

Mr. SCOTT. The Senator's garden is the Commonwealth of Pennsylvania. That is what I would like to be cultivating.

Mr. SPARKMAN. I forgot; the Senator is running this year. I hope he will have a pleasant weekend.

Mr. SCOTT. I thank the Senator from Alabama.

Mr. SPARKMAN. I will wish the Senator from Pennsylvania good health at all times. I suppose, since he has now crossed the aisle, I should not go beyond that.

Mr. SCOTT. The Senator from Pennsylvania appreciates any good wishes from across the aisle, and would be glad to have the Senator from Alabama continue on that subject if he wishes to endorse the activities of the Senator from Pennsylvania.

Mr. SPARKMAN. I could continue on it, because I admire the Senator from Pennsylvania, and he knows it. He knows I have admired him over the years I have served with him, first in the House, and now in the Senate. But I have not always been able to get from him a satisfactory answer to the question as to how he happens to be a Republican, having been born and reared in the Commonwealth of Virginia.

Mr. SCOTT. If the Senator from Alabama will further yield, the junior Senator from Pennsylvania happens to be the only Member of the Senate who was born in the Commonwealth of Virginia; and the Senator can win some bets on that.

Mr. SPARKMAN. I know that is true. Both Senators from Virginia [Mr. BYRD and Mr. ROBERTSON] were born in West Virginia, and in the same town, and I believe in the same block.

Mr. SCOTT. I further assure the Senator from Alabama that I was born a New Dealer, a New Frontiersman, or something of that sort. I remained a New Dealer until about the age of 3, when I learned to dress myself. I was born into a Democratic family. While I have never registered or voted as a Democrat, I was subject to Democratic influences until I learned to read and write.

Mr. SPARKMAN. That old gag is always good for a laugh.

Mr. SCOTT. I thank the Senator.

Mr. SPARKMAN. But I say to the Senator from Pennsylvania, before he leaves the Chamber, that I remember his record in the House. I always considered him a New Dealer over there. I have often said that until he became chairman of the Republican National Committee, he had an outstanding New Deal record. One can see him reverting to form quite often, even now. I think I know where the urge must be. It must be pretty difficult, sometimes, to decide just how to vote. The Senator seems to be pulled between Scylla and Charybdis, each one playing the most noteworthy tunes to entice him in its direction.

I often observe him as he votes. Sometimes I notice he does not vote on the first rollcall.

Mr. SCOTT. Neither does the Senator from Alabama.

Mr. SPARKMAN. I look over at him and wonder how old HUGH is finally going to vote.

Mr. SCOTT. If the Senator from Alabama would permit me to conclude——

Mr. SPARKMAN. I think he is a wonderful gentleman.

Mr. SCOTT. I agree with the Senator.

Mr. SPARKMAN. I am glad to have him as a friend.

Mr. SCOTT. The Senator from Alabama is a wonderful gentleman. I am glad he has brought out the fact that when Senators on his side of the aisle are right, I agree with them.

I am a Member of the Senate by virtue of the approval of a substantial number of members of both political parties. I am very glad to have the support of Democrats as well as Republicans, because my views are found to be moderate, I hope reasonable, and, up to now, at least, acceptable. Therefore, I make no apologies for agreeing with either one party or the other when I think either is right.

I sometimes wait for the second call of the roll, as does the Senator from Alabama, because the Senator from Pennsylvania is a man who, he hopes, is of seasoned judgment and reasonable disposition, and has such curiosity that he often likes to know what motivates some of the other Senators in casting their votes. He finds this very helpful in the exercise of such sagacity as he possesses to enable him to formulate a reasoned opinion.

Mr. SPARKMAN. I assure the Senator from Pennsylvania that I did not intend by my statement to be at all critical. Surely every Senator must weigh the many and various issues and facts that come before him. But I cannot help feeling that the last statement the Senator from Pennsylvania made is a fine statement. It bears out my view that the Senator veers far toward the New Deal.

Mr. SCOTT. As Alexander Pope said:

> Be not the first by whom the new are tried,
> Nor yet the last to lay the old aside.

Mr. SPARKMAN. That is pretty much the philosophy by which Senators should guide themselves.

I hope the Senator from Pennsylvania has a very pleasant weekend.

Mr. SCOTT. I thank the Senator.

Mr. SPARKMAN. Mr. President, before I began the colloquy with the Senator from Pennsylvania, the Senator from North Carolina [Mr. JORDAN] was asking me about Magna Carta.

I have here a brief quotation in which he may be interested. We find in Magna Carta the basic rules in regard to due process of law; so I shall quote from one of the editions or versions of Magna Carta. The one I shall quote from is the issue of the year 1225. Magna Carta was actually signed in 1215; but, as in the case of many other documents, amendments were made from time to time. So we find in the issue of 1225, the statement that the king promised that—

> Nullus liber homo—

Those Latin words mean "no free man"—

> No free man shall be taken or imprisoned or deprived of his freehold or his liberties or free customs, or outlawed or exiled, or in any manner destroyed, nor shall we come upon him or send against him, except by a legal judgment of his peers or by the law of the land.

That is the guarantee that none of those things will be done.

Mr. JORDAN of North Carolina. Magna Carta specifies that a man's property or his person shall be safe unless he is tried by law, and that any act brought against him must be brought by a jury of his peers, of the locality in which he lives.

Mr. SPARKMAN. Yes, and in accordance with the law of the land—per legum terrae.

Mr. JORDAN of North Carolina. In drawing up our basic laws, our forefathers took the best of Magna Carta, and added to it, to make the laws we have today, the chief of which is that in all cases there is to be the right of trial by jury. In fact, during the debate, many Senators have referred to the provision, in the Bill of Rights, that "all crimes" shall be tried by jury.

Mr. SPARKMAN. The other provision is as to "all criminal prosecutions"; those words appear in two different amendments to the Constitution.

Mr. JORDAN of North Carolina. In fact, if I spend enough time on the floor of the Senate listening to these legal debates, I may be able to pass the bar examination and become a lawyer, myself.

Mr. SPARKMAN. After all, the law is built on logic in the relations among men.

Mr. JORDAN of North Carolina. Of course, I was only joking about being able to become a lawyer; but I do know enough about the law to know that if the right of trial by jury were taken from any citizen, he would thus be denied the greatest protection and safety that any man anywhere in the world possesses.

Mr. SPARKMAN. Yes, that would be a denial of the basic civil right secured by the Constitution of the United States.

Mr. President, a short time ago I referred to the fact that in the Barnett case the Supreme Court arrived at its decision by means of a margin of only one vote. Actually, if we consider at one and the same time both that decision and the decision of the circuit court which certified the question to the Supreme Court, we find that both of them, when considered together, were decided by a margin of only one vote.

Inasmuch as the Supreme Court by a margin of only one vote in the Barnett case denied that criminal contempts are protected by the Constitution, it is interesting to refer to the situation half a century ago, and to consider the reasoning of the Court along this line at that time.

In 1911, the Court wrestled with this problem, in the case of *Gompers* v. *Bucks Stove and Range Co.*, 221 U.S. 418.

Let me say that in that case, Samuel Gompers was appealing the decision of the lower court. He was a great labor leader; he was really the founder of the American Federation of Labor, although of course its growth began in the 1870's and 1880's, and it progressed gradually; but Samuel Gompers remained the head of the labor movement, for many, many years. Apparently he had appealed that case. The Court stated:

> It is not the fact of punishment but rather its character and purpose that often serve to distinguish between the two classes of cases.

In other words, the Court was making a distinction between civil contempt and criminal contempt.

Then the Court said:

> If it is for civil contempt the punishment is remedial, and for the benefit of the complainant.

By the way, the point has been made that a person put under civil contempt can always purge himself by either doing what the court said he should do or by promising not to do what the court said should not be done.

Then, in the opinion in that case, the Court said:

> But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court. It is true that punishment by imprisonment may be remedial, as well as punitive, and many civil contempt proceedings have resulted not only in the imposition of a fine, payable to the complainant, but

> also in committing the defendant to prison. But imprisonment for civil contempt is ordered where the defendant has refused to do an affirmative act required by the provisions of an order which, either in form or substance, was mandatory in its character. Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he had refused to do. The decree in such cases is that the defendant stand committed unless and until he performs the affirmative act required by the court's order.
>
> For example: If a defendant should refuse to pay alimony, or to surrender property ordered to be turned over to a receiver, or to make a conveyance required by a decree for specific performance, he could be committed until he complied with the order. Unless these were special elements of contumacy, the refusal to pay or to comply with the order is treated as being rather in resistance to the opposite party than in contempt of the court. The order for imprisonment in this class of cases, therefore, is not to vindicate the authority of the law, but is remedial and is intended to coerce the defendant to do the thing required by the order for the benefit of the complainant. If imprisoned, as aptly said in *In re Nevitt* (117 Fed. Rep. 451), "he carries the keys of his prison in his own pocket." He can end the sentence and discharge himself at any moment by doing what he had previously refused to do.
>
> On the other hand, if the defendant does that which he has been commanded not to do, the disobedience is a thing accomplished. Imprisonment cannot undo or remedy what has been done nor afford any compensation for the pecuniary injury caused by the disobedience. If the sentence is limited to imprisonment for a definite period, the defendant is furnished no key, and he cannot shorten the term by promising not to repeat the offense. Such imprisonment operates, not as a remedy coercive in its nature, but solely as punishment for the completed act of disobedience.
>
> It is true that either form of imprisonment has also an incidental effect. For if the case is civil and the punishment is purely remedial, there is also a vindication of the court's authority. On the other hand, if the proceeding is for criminal contempt and the imprisonment is solely punitive to vindicate the authority of the law, the complainant may also derive some incidental benefit from the fact that such punishment tends to prevent a repetition of the disobedience. But such indirect consequences will not change imprisonment which is merely coercive and remedial, into that which is solely punitive in character, or vice versa.

The quotation I have read is an illustration of the thin lines of distinction that can be drawn to justify legal conclusions. The simple definition in Black's Law Dictionary that I gave at the outset of my remarks that a crime is a breach of a public right and the Funk and Wagnall's dictionary definition that a crime is an act that subjects the doer to legal punishment are much easier to follow than the definition of the Supreme Court in its desire to stand by the doctrine of stare decisis.

Congress can and should clarify the matter. In this regard, we should take note of the fact that Mr. Justice Frankfurter has urged this course of action. In my previous remarks, I referred to the artice that he wrote in 1924 in volume 37 of the Harvard Law Review along this line, together with Dean James M. Landis. Also, I quoted from his concurring opinion in the *Green* case—356 U.S. 165 at page 193—in which he recognized the majority holding of the Court, but stated that Congress should act to assure criminal contempt jury trials. It is obvious that Justice Frankfurter feels that a defendant in criminal contempt should be given all the constitutional safeguards available to the accused in a criminal contempt. He stated:

> The heart of the problem is the power for all practical purposes, of a single judge to issue orders, to interpret them, to declare disobedience, and then to sentence. The restraining order and the preliminary injunction invoked in labor disputes reveal the most crucial points of legal maladjustment. Temporary injunctive relief without notice, or, if upon notice, relying upon dubious affidavits, serves the important function of staying defendant's conduct regardless of the ultimate justification of such restraint. The preliminary proceedings, in other words, make the issue of final relief a practical nullity. In labor cases, complicating factors enter. The injunction cannot preserve the so-called status quo; the situation does not remain in equilibrium awaiting judgment upon full knowledge. The suspension of activities affects only the strikers; the employer resumes his efforts to defeat the strike, and resumes them free from the interdicted interferences. Moreover, the suspension of strike activities, even temporarily, may defeat the strike for practical purposes and foredoom its resumption, even if the injunction is later lifted. Choice is not between irreparable damage to one side and compensable damage to the other. The law's conundrum is which side should bear the risk of unavoidable, irreparable damage. Improvident denial of the injunction may be irreparable to the defendant. For this situation the ordinary mechanics of the provisional injunction proceedings are plainly inadequate. Judicial error is too costly to either side of a labor dispute to permit perfunctory determination of the crucial issues; even in the first instance it must be searching. The necessity of finding the facts quickly from sources vague, embittered, and partisan, colored at the start by the passionate intensities of a labor controversy, calls at best for rare judicial qualities. It becomes an impossible assignment when judges rely solely upon the complaint and the affidavits of interested or professional witnesses, confrontation, and cross-examination.
>
> But the treacherous difficulties presented by an application for an injunction are not confined to the ascertainment of fact; the legal doctrines that must be applied are even more illusory and ambiguous. Even where the rules of law in a particular jurisdiction can be stated, as we have tried to state them, with a show of precision and definiteness of contour, the unknowns and the variables in the equation—intent, motive, malice, justification—make its application in a given case a discipline in clarity and detachment requiring time and anxious thought. With such issues of fact and of law, demanding insight into human behavior and nicety of juristic reasoning, we now confront a single judge to whom they are usually unfamiliar, and we ask him to decide forthwith, allowing him less opportunity for consideration than would be available if the question were one concerning the negotiability of a new form of commercial paper. We ease his difficulty and his conscience by telling him that his decision is only tentative.
>
> Since the charge of criminal contempt is essentially an accusation of crime, all the constitutional safeguards available to the accused in a criminal trial should be extended to prosecutions for such contempt.

It is important to consider the words quoted above that "All the constitutional safeguards available to the accused in a criminal trial should be extended to prosecutions for such contempt." In the instant bill we have a proposal that is pregnant with injunctive powers. It can lead to government by injunction. Government by injunction is tyranny insofar as jury trial rights are concerned. Unless Congress extends jury trial rights to all criminal contempts made possible by the bill we will have one of the greatest departures in our history not only from the letter of the Constitution but from the spirit of the Bill of Rights as well. That in itself would not assure jury trial rights as far as they should be assured in the bill, however, nor would it make it a desirable bill. There are many places in the bill where issues are to be determined and there are not provisions for adequate judicial proceedings with jury trial rights.

JURY TRIALS AND TITLE VI

Let us take title VI, for example, and see whether jury trial rights apply to this most important and extremely broad title, designed as it is through threatened financial intimidation to bring the South to its knees.

The essence of this title is to hold a club over the heads of all recipients of Federal financial assistance with the threat that all funds will be cut off or will not be issued unless there is forced racial integration in the operation of the various programs and activities. The technical and elusive term used is "discrimination." The millions of people who are involved in these programs have certain rights in their relations with the Federal Government to whom they may have paid part of the funds that may be withheld. One of the basic rights and a great civil right to all citizens is the right to understand just what the government wants, with clarity and without any fear of intimidation. For the Federal Government to say to a citizen, be he a wealthy large contractor, or be he a poverty-stricken recipient of social security, that he cannot "discriminate" or that he cannot "subject" any person to discrimination because if he does so the powerful Federal Government will take action against him, is completely devoid of the constitutional guarantees embodied in the spirit of the Bill of Rights and in the jury provisions in the Constitution.

The word "discrimination" and the term "or be subjected to discrimination" as used in title VI, lines 23 and 24 of the bill, are about as vague in advising an American citizen just what he should do to avoid the consequences of Federal action as any proposal I have seen in Congress.

How does this compare with the fifth, sixth, and seventh amendments, and with the whole spirit of the Bill of Rights? It appears more in line with the tactics of the rulers of Nazi Germany than with the traditional American way of dealing with our citizens in keeping with the spirit of the Bill of Rights.

How does this sort of threat compare with the words of James Wilson of Philadelphia on October 6, 1787, when he pleaded with his fellow citizens to ratify the Constitution and to forget their fears of an overbearing or tyrannical Federal Government? I quote his own words:

> Congress is a faithful representation of the people; and the oppression of government is effectually barred, by declaring that in all criminal cases the trial by jury shall be preserved.

James Wilson could not say this about title VI. The people of those days were afraid that a government would be established that would deal with them harshly perhaps by force and intimidation. They were afraid of just what is being proposed in title VI—a loose and undefined procedure to accomplish a definite result and permit a government of men and by men rather than a government by rule of law.

I expect that James Wilson might have been heckled off the platform in Philadelphia on that day in October 177 years ago, if he had tried to advocate the arbitrary and ill-advised procedures of title VI, devoid as it is of jury trial rights, and filled as it is with the very thing which, he said, the then newly proposed Constitution guarded against; namely, "the oppression of government."

Mr. THURMOND. Mr. President, will the Senator from Alabama yield under the same conditions as before, except that this interjection shall come at this point?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may do so, subject to the usual conditions.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

Mr. THURMOND. I ask the able and distinguished Senator if the bill is not skillfully drafted with the patent, deliberate intent to destroy every effective constitutional limitation upon the extension of Federal executive power over individuals and the States.

Mr. SPARKMAN. In some respects, I believe it is skillfully drawn. There are places in which I believe it is loosely drawn, and badly drawn. The Senator and I have discussed on the floor of the Senate before, the use of the term "discrimination," without defining it, or describing it, or giving it any guidelines or standards.

This, I believe, is an illustration of loose draftsmanship. Had the bill gone to a Senate committee, it would have been drafted differently.

Mr. THURMOND. I agree with the statement of the Senator from Alabama, and when I used the words "skillfully drafted"——

Mr. SPARKMAN. I realize the Senator means in order to bring about these ends.

Mr. THURMOND. I mean, to accomplish these ends; that is, drawn up in such a way that it was designed to deceive, because in a great many places in the bill, it is vague. In fact, lawyers themselves must study each section very carefully in order to reach a decision as to just what a certain provision might mean.

I ask the distinguished Senator, Would not the Federal controls created by the bill apply to discrimination on the basis of race, color, religion, sex, or national origin; and would they not set a precedent for expansion of Federal dictation into almost every phase of business and individual relationship?

Mr. SPARKMAN. The Senator is correct. I believe it represents a dangerous extension of Federal powers into areas not intended under the Constitution.

Mr. THURMOND. The distinguished Senator from Alabama was speaking of title VI in the bill. Title VI is a vicious title of the bill. It is one of the worst provisions in the bill.

Mr. SPARKMAN. It is one which the late President Kennedy said he did not believe should be included in the bill. He said that no President should have the power to do such things, and that he did not believe the President should be given that power.

Mr. THURMOND. He thought it was too much power for a President to have.

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. If title VI in the bill were enacted, we would almost have an FEPC and almost have everything else in the bill, because of its broad range.

Mr. SPARKMAN. Even beyond that, there is another title which would establish an FEPC.

Mr. THURMOND. The Senator is correct. That is in title VII, in addition.

Mr. SPARKMAN. By itself.

Mr. THURMOND. Is it not true that title VI would amend every Federal law—and there are more than 100 of them—that deals with financing, which would require each Federal agency to issue regulations defining for itself discrimination in race, color, religion, or national origin?

Mr. SPARKMAN. If title VI should be enacted into law, it would amend every law, because it starts by providing:

> Notwithstanding any inconsistent provision of any other law—

In other words, it sweeps everything aside and takes precedence.

Incidentally, the Senator knows that the bill was introduced and then referred to a subcommittee, that the subcommittee redrafted the bill, and then the Attorney General appeared before the full committee and testified against several provisions in the bill; but in the course of that testimony he gave a list of the various activities which would be affected. That information will be found on page 2775 of part IV of the hearings before the Committee on the Judiciary in the House of Representatives.

Mr. THURMOND. Is it not true that except for effective limitations, each agency is permitted to set up its own controls, sanctions, and penalties, including the termination of or refusal to grant or continue assistance, and any other means authorized by law?

Mr. SPARKMAN. I believe that one of the most objectionable things about the bill is that it would permit an agency to do these things. In other words, any agency which comes within the scope of the bill—and it is so wide that I cannot think of an agency that does not come within its scope—could not only make its own rules and regulations and set up certain patterns, but also make decisions.

In the last quotation I read, reference was made to a man being ruled by men rather than by law. We have always boasted of the fact that ours was a government of laws, not of men.

The bill would permit agencies and men to make decisions. No court procedure is involved. There is no regulation providing that a law would prevail. No standard is set. It is one of the worst provisions in the bill.

Mr. THURMOND. Therefore, an individual—a man or a woman—women also, inasmuch as we seem to be getting a great many women in Government now—would determine what discrimination is.

Mr. SPARKMAN. Yes.

Mr. THURMOND. The individual would determine what constitutes discrimination. What he decides is discrimination might have an altogether different interpretation placed on it by the head of another agency. Is that correct?

Mr. SPARKMAN. Yes. That is violative of the constitutional provision to the effect that Congress——

Mr. THURMOND. The delegation of power?

Mr. SPARKMAN. Congress shall enact the laws. It does not have the authority to delegate powers.

Mr. THURMOND. Is it not true that among the Federal programs affected by the bill would be loans of all Federal agencies, the Federal Credit Administration, Federal loan banks, banks of cooperatives, the Commodity Credit Corporation, SBA, FNMA, the school lunch programs, Hill-Burton hospitals, highway construction, child welfare services, social security, community health services, school fellowships and research, school and college construction, aid to the blind and disabled, vocational education, agricultural experiment stations, the Federal Reserve System, national banks, Federal civil service, Federal contracts, and veterans' benefits?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. In other words, it is a comprehensive piece of proposed legislation, which would place unprecedented power in the hands of Government agencies, to determine whether an agency shall recommend that funds be cut off to the people of any State or any program in that State; and, if the President approved it, the funds would be cut off. Is that correct?

Mr. SPARKMAN. The Senator is correct. By the way, the Senator, in reading his list, did not exhaust all the means available.

Mr. THURMOND. No.

Mr. SPARKMAN. In the hearings to which I was referring a little while ago, there is a list. It starts at page 2775 and goes through to page 2779. Five pages in the hearings list the agencies that would be affected.

Mr. THURMOND. I mentioned the programs with which we are familiar. They are the so-called sensitive programs.

Mr. SPARKMAN. Yes. I believe it is generally accepted, and I believe it is admitted by some of the proponents of the bill, that those provisions need amendment. Under the vague provisions of the bill, perhaps because of the violation by a single individual or a single unit of government—perhaps even by a county—benefits could be cut off, and there is no telling to what extent benefits could be cut off. For instance, let us say that a county chairman of a county board of commissioners, with the members of the board, decided they did not like the way things were being done, or that it was charged they did not do things the way they were told to do them, and someone said, "We will penalize you. We will deny you all funds going to your activity."

What would happen to the school lunch program in the county schools? The county commissioners have put matching funds into the program. Suppose those aid funds were taken away. If that were done, the county commissioners would not be penalized. The ones that would be penalized would be the hungry people, the poor people. We all know that in such a case, the burden would fall upon the Negroes, more than it would on other people. At least it would fall upon the minority groups.

We know, from unemployment figures, even in FEPC States, that that is true. Some people believe that an FEPC law would cure everything. It has been demonstrated by figures in the CONGRESSIONAL RECORD on various occasions that the rate of unemployment is higher for the nonwhites in FEPC States than it is in the Southern States. The Senator is familiar with the figures to which I have referred. He has used them himself.

Mr. THURMOND. Is it not true that in the State of Illinois, where there is an FEPC law, the nonwhite unemployment was 11½ percent, and in Massachusetts——

Mr. SPARKMAN. Can the Senator give the white unemployment figure? It seems to me that a comparison should be made between the two.

Mr. THURMOND. The white unemployment rate was 3.8 percent.

Mr. SPARKMAN. There is the spread.

Mr. THURMOND. The nonwhite was 11.5.

Mr. SPARKMAN. Yes.

Mr. THURMOND. That is a difference of 8 percent. That is in Illinois.

Mr. SPARKMAN. Yes.

Mr. THURMOND. An FEPC law is in effect in Illinois.

Mr. SPARKMAN. That is the significant point.

Mr. THURMOND. Let us take another State. Let us take the State of Massachusetts, which also has an FEPC law. The white unemployment was 4.1, and the nonwhite, 7.8. That is more than 3.5 percent, or almost 4 percent.

Mr. SPARKMAN. Yes.

Mr. THURMOND. Michigan, white, 6 percent; nonwhite, 16.3 percent.

Mr. SPARKMAN. That is a spread of more than 10 percent. Let us take a Southern State. Let us take Mississippi or South Carolina. I have not even looked at those figures.

Mr. THURMOND. We shall take both States. Mississippi, white, 4.5 percent; nonwhite, 7.1 percent. That is a difference of 2½ percent.

Mr. SPARKMAN. Yes; as against more than 10 percent for an FEPC State.

Mr. THURMOND. The nonwhites in Mississippi have less unemployment than the nonwhites in Illinois.

Mr. SPARKMAN. There is a great deal of difference there, as between an FEPC State and a non-FEPC State.

Mr. THURMOND. Let us take South Carolina, my home State. The white unemployment rate was 3.4 percent, and the nonwhite unemployment rate was 5.1 percent.

Mr. SPARKMAN. That is about 1½ percent.

Mr. THURMOND. One and one-half percent or less.

Mr. SPARKMAN. Yes.

Mr. THURMOND. The difference between the unemployment of whites and nonwhites in my State is about 1½ percent or less, compared with 10 percent in Michigan, which has an FEPC law.

Mr. SPARKMAN. Yet the claim is made that the purpose of FEPC legislation is to provide the Negro a better chance for employment. Is not that correct?

Mr. THURMOND. That is the claim that is made. If we pass an FEPC law, it is said that it will give all the nonwhites jobs. But everywhere that an FEPC law has been tried, as in Michigan and Illinois, that has not been so. Let us consider another State which has an FEPC law.

Mr. SPARKMAN. My recollection is that 25 States have FEPC laws—24 of the 25 have an unfavorable record as compared with States that do not have FEPC laws.

Mr. THURMOND. In California, white unemployment is 5.8 percent; nonwhite unemployment is 10 percent. In other words, the unemployment among nonwhites is almost double that among whites.

Mr. SPARKMAN. Yes.

Mr. THURMOND. California has an FEPC law.

Mr. SPARKMAN. Yes.

Mr. THURMOND. In Connecticut, white unemployment is 4.4 percent; nonwhite, 8.9 percent. That is more than double. The figures for the various States run almost consistently in that fashion. In States which have FEPC laws, unemployment among nonwhites—and they are chiefly Negroes—is about double what it is in States that do not have FEPC laws. That is one thing that the Negro people of the country ought to understand. They should know that FEPC laws have not helped the minority groups, as they have been led to believe.

Mr. SPARKMAN. Something else should be said. Under the terms of the bill, States that have FEPC laws would not come under the proposed law even though they have not been successful in providing Negroes with employment. Those States would be excluded from the operation of the proposed law.

Mr. THURMOND. If the bill is to be passed, it ought to apply to all States alike. There ought not to be any discrimination. It would be discrimination to pass an FEPC law that was applicable to certain States, but not to others.

Mr. SPARKMAN. That is correct. That kind of discrimination is found throughout the bill. There are many places in which certain provisions pertain to some States, but not to others.

Mr. THURMOND. As I recall, both Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] are strong supporters of the so-called civil rights bill, including the FEPC provision. The senior Senator from Minnesota is the floor leader for the bill. Let us consider his State. In Minnesota, white unemployment is 5 percent; nonwhite unemployment is 12.8 percent.

Mr. SPARKMAN. Two and one-half times as much.

Mr. THURMOND. In other words, unemployment in Minnesota, as the Senator from Alabama says, is about two and a half times as much among nonwhites as it is among whites. The spread is 7.8 percent in Minnesota. If an FEPC bill is to be passed, and it would not work any better than it has worked in the home State of the senior Senator from Minnesota, I am sure he would not favor such a bill.

Let us consider Missouri. White unemployment is 3.7 percent; nonwhite unemployment is 8.6 percent, or more than double. That ratio is almost uniform throughout the States.

Mr. SPARKMAN. In every State but one, and I cannot say which one that is. It is my understanding that 24 of the 25 States having FEPC laws have a record that is worse than that of the States that do not have FEPC laws. That is a telling record; it is quite significant.

Mr. THURMOND. It is important that the people of the Nation understand the implications of the bill, because it has been played up as a civil rights bill. Civil rights is a good thing. People believe in civil rights. I believe in civil rights. I am sure the able Senator from Alabama believes in civil rights. But the finest civil rights I know of are the first 10 amendments to the Constitution.

Mr. SPARKMAN. I have been speaking for several hours on the subject of basic civil rights for the people of the United States and, I should say, for Anglo-Saxon people generally throughout the world, and also for a great many other people who believe in the right of trial by jury, I am not through yet.

One of the strong objections to the bill is that it does not provide for trial by jury. When we began to point that out, the leadership submitted an amendment which purports to guarantee the right of trial by jury, but which actually amounts to a denial of the right of trial by jury. I have said several times this afternoon that it seems to me that if the bill is to be passed, it would be much better without the Mansfield-Dirksen amendment than it would be with that amendment. There may be a glimmer of hope that the Supreme Court will eventually recognize, at long last, the right of trial by jury. It came close to doing so in the Barnett case.

Mr. THURMOND. Would we not be setting another precedent, similar to the precedent set in the 1957 Civil Rights Act, if we should adopt such an amendment as the Dirksen-Mansfield amendment?

Mr. SPARKMAN. Yes; that proposal is almost the same as the one in the Civil

Rights Act of 1957. As I recall, it would reduce the period of sentence from 45 days to 30 days; but the maximum fine would remain the same—$300.

Mr. THURMOND. Five titles of the bill deny the right of trial by jury, namely, title I, title II, title III, title IV, and title V. In the first two titles, the punishment is specified to be the same as the punishment under the 1957 Civil Rights Act.

Mr. SPARKMAN. That is correct.

Mr. THURMOND. That is, if a man were found guilty of criminal contempt, and if the punishment were not more than 45 days or a $300 fine, he would not get a jury trial.

Mr. SPARKMAN. That is correct.

Mr. THURMOND. I should like to inquire of the able Senator whether most of the punishment that would be meted out in the courts would be 45 days or less, or a fine of $300 or less?

Mr. SPARKMAN. Certainly. It would give a judge the assurance that he was going to put his man in jail.

Mr. THURMOND. Would not the judge have to determine the guilt of a man before he even tried the case?

Mr. SPARKMAN. Yes; he would have to predetermine it.

Mr. THURMOND. Would he not have to predetermine guilt before he tried the case? He would have to impose a heavy punishment in order to provide a jury trial, or a fine of $300 or less to deny a jury trial?

Mr. SPARKMAN. The Senator is correct. I wish to revert to a statement the Senator made a few minutes ago, so as to be sure that he and I are in agreement concerning it.

The Senator named certain titles under which a person would be denied the right of trial by jury. My recollection is that title I is the only title that specifically does not provide for the right of trial by jury. It does so by adopting a provision of the 1957 Civil Rights Act. The other titles provide for injunctive relief, but are silent about a jury. They do not guarantee a jury trial. However, it is my contention that under the Constitution the right to a jury trial would exist anyway.

Mr. THURMOND. I invite the attention of the Senator to page 11 of the bill. The last paragraph of section 205, paragraph (c), reads:

> Proceedings for contempt arising under the provisions of this title shall be subject to the provisions of section 151 of the Civil Rights Act of 1957 (71 Stat. 638).

The punishment for a violation of title II would be the same as it is under title I.

Mr. SPARKMAN. Yes; I stand corrected. I thought that provision was applicable only to title I, but it is applicable also to title II. Is it applicable to any other title?

Mr. THURMOND. I invite the Senator's attention to page 12, line 9, in title III of the bill:

> The Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section.

The effect of that section would be that there would be no jury trial at all, even though the punishment be 45 days in jail or less, or the fine be $300 or less.

Mr. SPARKMAN. I would not interpret it that way.

Mr. THURMOND. Even though the punishment were to be 45 days or less in jail or a fine of $300 or less, this provision would allow the judge entire discretion in determining that.

Mr. SPARKMAN. Yes; and I would interpret that, as the Senator from South Carolina does, as meaning that that shall be subject to the constitutional right of trial by jury, if there is criminal contempt.

Mr. THURMOND. But this provision would permit the judge to determine that.

Mr. SPARKMAN. I would not interpret it in that way.

Mr. THURMOND. And the fourth and the fifth are similar.

Mr. SPARKMAN. At any rate, I would not interpret that as denying the right of trial by jury. Under that provision, I think that would still be a constitutional question.

It is true that in the Barnett case the Court decided that the defendant was not entitled to a trial by jury.

Mr. THURMOND. I thank the Senator from Alabama for yielding. I commend him for his splendid address on this important piece of proposed legislation.

Mr. SPARKMAN. I thank the Senator from South Carolina, and I appreciate his participation.

Mr. President, where in title VI are the protections of the individual? Where is the spirit of the fifth amendment requiring specific charges and grand jury proceedings followed by a speedy and impartial jury trial under the sixth amendment carried out in title VI? Where in title VI is there an attempt to assure an individual that his property rights will not be abridged or his contracts impaired without due process of law, as required in the fifth amendment?

Mr. President, I yield the floor.

A RETURN TO APPEASEMENT

Mr. THURMOND. Mr. President, Mr. Andrew J. Biemiller, director of the department of legislation for the American Federation of Labor and Congress of Industrial Organizations, has called to my attention an excellent editorial statement by Mr. George Meany entitled "A Return to Appeasement." This editorial presents a very eloquent and logical assessment of the enemy which we face in the so-called cold war, Mr. President, and I am pleased to, therefore, commend this editorial to the attention of all Members of the Congress.

I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

A RETURN TO APPEASEMENT?

(By George Meany)

Senator FULBRIGHT, chairman of the Senate Foreign Relations Committee, in a speech before the U.S. Senate on March 25, 1964, maintained that our country's foreign policy is based largely on cherished myths rather than objective facts. On this assumption, he wants the United States to start thinking some unthinkable thoughts—particularly about our relations with the Soviet Union, its European satellites, Communist China, South Vietnam, Cuba, and Panama. The Senator made no concrete proposals for replacing any of the present Washington policies, but inferentially indicated the new course he would have our Nation pursue, especially in its relations with the Communist countries. He significantly omitted consideration of the German question—the pivotal problem in East-West relations.

In his hot pursuit of flexibility and realism, Senator FULBRIGHT found that "the character of the cold war has * * * been profoundly altered" because of the "radical change in relations between and within the Communist world." To him, the idea that "every Communist state is an unmitigated evil and relentless enemy of the free world" is a myth. He insists that "we must distinguish between communism as an ideology and the power and policy of the Soviet state." To the Senator, "it is not communism as a doctrine, or communism as it is practiced within the Soviet Union or in any other country, that threatens us." He recognizes that the Soviet Union is "still a most formidable adversary," but believes that it has ceased to be totally and implacably hostile to the West. It "has shown a new willingness to enter mutually advantageous arrangements with the West."

According to FULBRIGHT, this profound alteration dates from the Cuban missile crisis of October 1962 when Khrushchev became convinced that aggression and adventure involve unacceptable risks for him and his entire system. But the Senator fails to prove that the Soviet rulers have given up all adventurism and plans for future aggression as a result of the Caribbean confrontation. Moscow's ratification of the limited test ban treaty is no evidence of a profound and peaceful transformation. The late President Kennedy warned against such illusions when he pleaded for ratification of the limited test ban treaty: "This treaty is not the millennium. It will not resolve all conflicts, or cause the Communists to forgo their ambitions, or eliminate the dangers of war. It will not reduce our needs for arms or allies or programs of assistance to others." There is no guarantee against Soviet aggression in the Soviet-American agreement for cuts in the production of nuclear materials—stockpiled for years in large quantities. This agreement has no provisions for inspection or verification of any kind. President Johnson appropriately emphasized that, "This is not disarmament."

It is important to note that on January 17, 1964, Khrushchev assured Castro that, "Communism is being constructed not only within the confines of the Soviet Union; we are doing everything to make communism victorious over the entire earth." One month later, Khrushchev reaffirmed before the Central Committee of the Soviet Communist Party that he has not ceased to be totally implacably hostile to the West and that: "The policy of American imperialism is that of gendarme-like repression of peoples and of the struggle against all that is new and revolutionary." In the current disarmament talks, Moscow has been most inflexible in its opposition to all effective international inspection and control. At the celebration of his 70th birthday in April, Khrushchev reiterated his Berlin ultimatum.

These are not myths but facts—the reality of the current world situation. Yet the Senator complains that: "We are predisposed to regard any conflict as a clash between conflicting interests. It has become one of the 'self-evident' truths of the postwar era that just as the President resides in Washington and the Pope in Rome, the devil resides immutably in Moscow." Surely Senator FULBRIGHT knows that it was not the President of the United States who ordered the construction of the shameful wall which divides Berlin. It was not the Pope's "divisions" that drenched the streets of Budapest with the blood of the workers and students who wanted nothing more than to live in peace and freedom. Only a devil could perpetrate these and other terrible crimes. And this "devil resides immutably in Moscow." In 1964, as in 1939, appeasement of dictators bent on world domination cannot lead to peace, regardless of the profoundest wishful thinking.

The basic differences dividing our country and its allies from the U.S.S.R. and Communist China involve two ways of life. The overriding issue of our times is between Communist tyranny and democracy, imperfect as it may be. The Communists aim to dominate the world and remold it on the Leninist-Soviet pattern; the Western Powers do not seek to dominate the world and remold it on any particular pattern of democracy. Though all Communist regimes agree that our democracy and its institutions must be destroyed and replaced with a totalitarian dictatorship, they are not always able to avoid disagreements among themselves over personalities, leadership, or methods of burying us. The extent to which a Communist state is a threat to human freedom and peace depends on its size, resources, economic and military capacities. Consequently, though all such states are unmitigated evils, they are not equally dangerous.

The totalitarian dogmas and deeds on the Soviet domestic front are integrally bound up with and reflected in the unswerving Soviet foreign policy for fomenting, financing, and directing so-called wars of liberation in Latin America, Africa, and Asia and class war in the free world as a whole. Thus Khrushchev's principal mouthpiece, Pravda, underscored on December 6, 1963, that: "The CPSU and the Soviet people consider it their international duty to give all-round political and economic support and, if necessary, the help of arms, too, to the national liberation struggles of the peoples." But who is to decide what is a national liberation struggle? The Soviet Government, of course. And who is to decide when a people's democracy is truly democratic, for the people? The Soviet Government, of course. This is the most sacred of Kremlin dogmas. To forget this is to forget reality.

According to the Senator, "The monster myth of the cold war is that the Communist bloc is a monolith composed of governments which are not really governments at all but organized conspiracies." It is a terrible truth and not a monstrous myth that all these governments come into power through Communist subversive conspiracy or through imposition by the Soviet armies. They are foreign-imposed regimes. Moscow created the myth about their monolithic unity in order to mislead the Western World into believing that they have popular support. Hence, when the Senator fails to distinguish between the peoples of these countries and the regimes which oppress them, he, in effect, accepts this Communist myth as reality. Let none forget the East German revolt of June 17, 1953, the turbulence in Poland, unrest in Czechoslovakia, and the revolution in Hungary.

From the very moment that the Chinese Communists seized power, it was clear that Red China could never be just another satellite. The serious rift with Peiping, the divisions in world communism, the severe agricultural crisis, and other serious economic difficulties within the U.S.S.R. have forced Moscow to be less rigid in its relations with its European satellites. But it is no myth that Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania are still occupied by the Soviet Army. In Hungary, the Soviet army of occupation totals 40,000. These foreign troops are not helping Hungary evolve toward a free and open society. And in that most liberal of all Soviet satellites, Poland, and the Gomulka regime has been stepping up its repressive measures against those seeking the advancement of freedom. Yet on the basis of the Senator's flexible approach, our Government would support the dictatorial regimes rather than the forces fighting for freedom.

There have been important changes within the Communist countries and in the relations between the Communist powers. These changes were made in order to preserve and consolidate the corroding dictatorships. But not a single one of these foreign-imposed regimes is evolving toward a free and open society or discontinuing support of the worldwide triumph of Communist tyranny. To the extent that any of these changes have improved conditions for the people, they have come in response to popular pressure and struggle and not as a result of preferred or flexible treatment of the dictatorial regimes by any Western country.

Senator FULBRIGHT in his talk specifically proposed that our country accept the continued existence of the Castro regime as a distasteful nuisance, but not as an intolerable danger so long as the nations of the hemisphere are prepared to meet their obligations of collective defense under the Rio Treaty. While emphasizing that Castro is no threat to the United States, the Senator recognized that Cuban communism does pose a grave threat to other Latin American countries. His failure to realize that any dangerous threat to our Latin American neighbors is a threat to us can only encourage and strengthen the subversive Castroite forces financed and trained by Moscow who are continuing their conspiracy designed to destroy the democratic institutions and leaders in Latin America. It is significant that Castro lost no time in welcoming the Senator's notion of reality and flexibility in regard to his totalitarian regime.

Mr. FULBRIGHT seems to have missed the most important lesson of the postwar era. Soviet aggression and expansion westward have been deterred by Western unity and strength and not by the liberalization of any Communist regime. When Khrushchev's Russia and Mao's China become peaceful and democratic, like the German Federal Republic and Japan have become, then and then only should our Government help them overcome their difficulties. The fact that Moscow has joined us in conducting scientific projects in the snowy wastes of the Antarctic is no proof of its having become truly peaceful.

After the Fulbright address, Secretary of State Rusk hastened to remind the Nation that Soviet ground and nuclear forces are at the ready on the doorsteps of Western Europe and that, "in the absence of assured arrangements for the mutual reduction of arms, it would be foolhardy to dismantle the military strength of NATO." The Soviet Government has yet to negotiate seriously on such vital problems as disarmament and self-determination for the German people. However, even in the face of these unpleasant realities, the Senator insists that, in a perverse way, we have grown rather attached to the cold war and prefer military rockets to public schools and moon flights to urban renewal.

It is high time to put aside all myths and face the realities confronting our country. The strongest and most aggressive military power in Europe is a Communist power—the U.S.S.R. This is no myth. The strongest and most aggressive military power in Asia is a Communist power—Mao's China. This is reality. The strongest and most aggressive military force in Latin America today is a Communist power—that "distasteful nuisance"—Castro's Cuba. This is far more than a "distasteful nuisance." The divisions in the Communist camp will serve to strengthen the free world only if we exploit them in the cause of peace and freedom. On the other hand, the divisions and illusions in the Western camp, if continued, will invite new Communist aggressions. At this moment in history, the paramount task of the free world is to assure superior strength and restore its unity of policy and action.

FREEDOM OR CONFORMITY, THE PRESENT ISSUE IN BANKING

Mr. THURMOND. Mr. President, I have had occasion to read an address delivered by the Honorable James J. Saxon, Comptroller of the Currency, before the commercial bankers' forum at DePaul University in Chicago, Ill., on May 6, 1964. I am not fully familiar with all of the details of the controversies which may exist in the banking industry with regard to Federal regulation, but I am fully familiar with the overall issue in this country of freedom versus conformity. I can, therefore, endorse wholeheartedly the emphasis which Mr. Saxon has placed in this address on the importance of leaving to private industry, whether this be in the banking field or elsewhere, as much initiative as possible in all areas where there is not an overriding need in the public interest for Federal regulation.

Mr. Saxon's address merits the attention of the Members of the Congress. I, therefore, ask unanimous consent that this address be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM OR CONFORMITY: THE PRESENT ISSUE IN BANKING

(Remarks of James J. Saxon, Comptroller of the Currency, before the Commercial Bankers Forum, DePaul University, Chicago, Ill., May 6, 1964)

It is a curious habit of critics to attack individuals or institutions merely because they disapprove of their policies. And it is also a common human failing to be attracted by formal arrangements of neat simplicity. We are plentifully supplied with such observers of the current banking scene.

One of the most notorious of these critics, who affirms it to be his public obligation to speak out openly about the defects of government, apparently feels that open discussion is a privilege closely confined to those who share his own views. This myopia is prevalent among the zealous if not among the wise.

It is never difficult to state issues so that they seem to call for a single obvious answer. But one should always be deeply distrustful of the easy answer—it is likely to produce the uneasy solution. In banking today we have an arch example of such superficial thought which finds valor in conformity and virtue in singleness of expression.

We are asked to believe that the banking industry and the public generally would be better off if no banking agency ever introduced any change of policy unless all the others agreed, and if all Federal powers over banking were consolidated into a single agency so that no differences could ever arise in the future. The present system of dispersed powers is described as a troika, presumably so that it might have the most unfavorable connotation, but there is no indication how disunity or disagreement within a single board or commission is to be treated.

We could characterize the proposed consolidation of powers as creating a monolithic regulatory system. But such appeals to the plausible and the emotions only add to the confusion and uncertainty. They leave the vague impression that something is drastically wrong, and that there is only one solution.

As with many simple solutions, the proposal to consolidate the bank regulatory agencies is founded on a half-truth. It is true that serious questions may be raised concerning the wisdom of assigning any bank regulatory powers to the central bank. The objectives of bank regulation and monetary policy sometimes conflict. Monetary policy is carried out through the banking system, and where the monetary authorities have bank regulatory powers there is always the risk that they will use those powers to effectuate monetary policy in a manner detrimental to the effective functioning of the banking system. This risk is most apparent in such matters as interest rate regulation and the standards for bank lending and investing. If banks are needlessly hampered in their capacity to compete, they will fail to perform with full effectiveness the task of allocating to their best uses the resources which are entrusted to them.

On the other hand, there are vital reasons for separating Federal powers over national banks from Federal powers over State banks. This division of authority is deeply rooted in the traditions of our dual banking system. To combine these Federal powers within a single agency would be to strike at the foundations of truly independent banking systems at the National and State levels.

It is an accepted view among political theorists that the dispersion of power is an essential safeguard to the preservation of individual liberty. Greater uniformity of policy may be achieved if all powers are centralized. But this can only be done by sacrificing individual freedom of expression.

If the dual banking system is preserved, differences of policy may indeed occur. These differences may reflect genuinely divergent views, or they may represent merely a lag of adaptation to changing conditions. The benefits of greater scope for innovation and initiative, however, and the advantages of decentralizing power, far outweigh any harm which may come from differences of policy.

There is something deeply disturbing about the call for conformity which has been the response of some to the recent changes in banking policy. In the concern over policy differences, the substance of the issues has been lost from sight.

Some have been content to ask for coordination, but this is a term which has different meanings to different people. To some it suggests that proposals on which there might be disagreement should be avoided. To others it suggests the retention of the status quo wherever differences cannot be reconciled. If coordination followed this course, it is clear that the most reluctant, the most fearful, and the least imaginative would always control the pace of change.

Each bank regulatory agency has been assigned certain discretionary powers under the law. It is the duty and responsibility of each of those agencies individually to exercise these discretionary powers according to its best judgment as to where the public interest lies. It should not be surprising that in a changing world there may be differences of opinion as to what constitutes the public interest. The tragedy to be feared is not that these differences will arise, but that they may be submerged in the interest of surface harmony and at the expense of the public good.

It is said that the differences among the regulatory agencies have led to the confusion of bankers. But it must be understood that such differences have related almost entirely to the permissive use by individual banks of the new powers granted to them. To be sure, some of the recent rulings have been challenged. And it is also true that some banks have hesitated to exercise the discretionary powers which have been disputed. It is not true, however, that doubts should be avoided at all costs. Laws are subject to interpretation, and old laws must be applied to new situations. Change is not always tidy. What we should look at is the substance of the differences—and there we shall find some revealing facts.

Take for example the controversy over the authority of banks to underwrite revenue bonds. The real opposition there is not evident in the dispute over statutory powers. It is to be found, in part, in the deep distrust which some regulatory officials have of banker judgment. In part, it also reflects the fears of investment bankers concerning the new competition they face from commercial banks. Where does the public interest lie in this dispute? How can we justify depriving the hard-pressed States and municipalities of the lower borrowing costs which come from enlarged competition for the revenue bonds they offer?

The same general story holds true with respect to the recently expanded powers of banks to engage in leasing and factoring transactions, to operate collective investment funds, to accept corporate savings accounts, and to offer certain ancillary services relating to their banking operations such as insurance, data processing, and expanded mortgage financing and servicing.

The bank regulatory authorities have long held narrow views of the range of activities appropriate for banking institutions. In the gloom which prevailed during the great depression of the early thirties, and with the experience of bank failures not far behind, banking came under more severe regulation. The limitation of banking activities, however, did not limit the demand for the services which banks can perform, and a number of specialized institutions emerged to fill this gap. It is understandable that some of these specialized institutions have objected to added competition from commercial banks against which they have been protected for so many years. But what considerations should prevail in judging these disputes—the public interest or the private interest?

Are there any general standards by which we may appraise the conflicting contentions which are now being made concerning the present course of change in bank regulation? Is there any fundamental test by which the divergent views may be judged? In my opinion, there does exist an underlying principle of such basic significance in our society that it may serve as a unifying criterion.

In a democratic society public regulation is not undertaken for its own sake. We accept the exercise of public authority only where it is clear that this is the best means of achieving the public good. The presumption always favors individual freedom. Conformity to governmentally determined standards is asked only where there is an unmistakable showing that reliance may not properly be placed on the discretion of the individual.

How can we apply these basic concepts to the problems of bank regulation and the issues of today? First, we must ask ourselves the question: Why do we regulate banks when most other industries are free of such controls? We do so because banks cannot function properly unless they enjoy public confidence. Banks perform a vital function in the economy by providing a payments medium and by channeling savings and credit into productive uses. Unless there is public confidence in banks, savings would not be entrusted to them, nor could the check mechanism operate effectively. Bank regulation is thus designed to assure bank solvency and liquidity so that public confidence may be sustained.

When we view these purposes of bank regulation in the context of a social system which places fundamental and primary reliance upon individual initiative and private enterprise, it is apparent that public control of banking should be limited to the forms clearly essential to the preservation of bank solvency and liquidity. Unless it can be shown that public control is required for that purpose, the presumption must be that discretion should lie with the individual bank.

There is a unique reason why the scope for individual initiative is of particular importance in the case of banking. Commercial banks, through the savings placed with them and the powers they have to create credit, influence the allocation of a major portion of the Nation's productive resources. Our economic progress, the success of our efforts to relieve poverty and unemployment—the very strength of our economy—all are heavily dependent upon the attitudes, capabilities, and enterprise of bankers. Upon their power, their willingness to venture, their initiative in exploring the promise of the future, will rest in great degree our economic growth in the years ahead. We should not hamper their performance in discharging these vital tasks.

There is a temptation to be diverted from these most fundamental issues by the petty disputes among the regulatory agencies and narrowly centered private groups which have traditional positions to defend. We should never cease asking the question whether the restrictions now imposed upon banking initiative are necessary in order to achieve some overriding public purpose. If they are not, then under our free enterprise philosophy they should be abandoned.

PROMINENT NEGRO TELLS OF VIEWS

Mr. THURMOND. Mr. President, a number of constituents have called to my attention, and requested that I have printed in the CONGRESSIONAL RECORD, an article in which a Negro citizen expresses with candor his views on the pending so-called civil rights legislation, the current Negro demonstrations and riots, and the organizations which have been responsible for these agitational efforts. The article was written by Maj. Hughes A. Robinson, a retired Army officer, who now makes his home in Fort Valley, Ga. The article was originally published in the February 6, 1964, issue of the Albany, Ga., Herald and has been reprinted in the May 5, 1964, issue of the Times and Democrat of Orangeburg, S.C.

I ask unanimous consent, Mr. President, that this article be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMINENT NEGRO TELLS OF VIEWS

(EDITOR'S NOTE.—The following article, written by a Negro, appeared in the February 6 issue of the Albany (Ga.) Herald. Maj. Hughes Alonzo Robinson, a prominent Government and military figure who now makes his home in Fort Valley, Ga., is a retired Army officer, educator, and industrial executive. Feeling that his people were being led into unproductive paths by current agitators, he was moved to write the article.)

(By Maj. Hughes A. Robinson)

During December and January I visited the principal metropolitan areas of the eastern seaboard, including Boston, Providence, New Haven, Hartford, New York, Newark, Wilmington, Washington, Richmond, Charlotte, Charleston, Columbus, Savannah, Jacksonville, and Miami in addition to the principal cities of Georgia throughout the interior. My findings convince me more than ever that demonstrations sponsored by the Southern Leadership Conference (Dr. Martin King, Jr., head), the Congress of Racial Equality (James M. Farmer, national director), the Student Nonviolent Coordinating Committee (James Foreman, executive secretary, and John Lewis, chairman) are doing much more harm to the progress of the Negro people in the United States than they are doing good. They are making conditions 100 percent more difficult to change or compromise.

The Negroes have lost, due primarily to sit-in demonstrations, good will of the white citizen in every section of the country.

Many young Negroes have been encouraged by the racial elements who head up the organizations to demonstrate a hostile attitude toward many white people, even those of their employers. By reasons of their attitude in this regard, some 550,000 jobs have been given to others that usually are held by Negroes. This group being unqualified for other positions in any area of employment, it finds itself among the unemployed. Some have gone so far as to argue with employers about their rights which they know nothing about, and the type of privileges that do not exist.

The sit-in demonstrations are costing the Negroes approximately $1.5 billion annually at the present time. It is true that sit-in demonstrations won a few battles and the privileges of eating and sleeping in places denied them previously; however, privileges with no money to pay for them are worthless.

During the past 100 years the Negroes have been consumers, and not producers. They are not in position to hire one another. They failed to organize business as other racial groups, and used their money for good times—on pleasure and liquor. Now they place blame on white citizens for their failures and for their laziness.

Many of the leading politicians are under the erroneous impression that the professional agitators represent the majority of the Negroes in the United States. The contrary is true; they represent only about 5 percent of the Negroes, and this 5 percent, for the most part, are those with extreme views on racial matters, and usually leftwingers.

Demonstrators have greatly decreased the earning power of the Negroes in the United States, and they have provided no outlet for employment; they are responsible for those being out of work.

The integration leaders advance the view that the Negroes have been deprived of so much of their liberties in the past that the country now owes them a living. Yet many other racial groups have among them men and women who, say as recently as 25 years ago, were without money and without work and now control large industrial concerns employing millions of people. The Negro could have, with the money spent on pleasure alone accomplished just as much had he utilized his brains for advancement rather than spent all of his time agitating against the other racial groups for what the Negroes themselves failed to do.

The agitation about schools, hotels, motels, and public accommodations is a waste of time. You cannot legislate the mind and heart of men. Individualism must not be permitted to be destroyed by agitators.

If the agitators and demagogues really want to help the Negro people, let them stop their agitating against other racial groups and get the Negroes to improve their living habits, their sanitation, clean up their homes and backyards, reduce their habitual sex relations wherein excessive babies are born in families where there is insufficient financial arrangements provided for them, and sponsor a program to expose the exploitation of teachers in our elementary and secondary schools.

So long as there are these conditions, the Negro agitators cannot, in good conscience, agitate against any other matter whatsoever. The Negro agitators ignore entirely the basic need of the Negro people. I find thousands of young men right here in Georgia too lazy to work; they spend their time in activities that no man with ambition would spend as much as 1 minute. Thousands of young women have babies by different fathers, and bring them into the world for others to support. Until such time as this type of activity ceases, the integration leaders have sufficient work to do within their own race without going out agitating against another race. What the Negro needs is a different type of leadership than those now heading up such organizations as the Southern Leadership Conference, the Conference of Racial Equality, the Student Non-Violent Committee, the National Urban League, and the National Association for the Advancement of Colored People.

The endorsement of any potential candidate for high office by any one of the above named groups will almost make certain his defeat in 1964, regardless of the party label. The bloc votes of the Negro will drive other racial groups on the opposite side of the political fence, and no one will be so ignorant as to believe 90 percent of the population will lose in competition with 10 percent of the same population.

The campaign to register Negro voters is a waste of time; there should be campaigns to register voters, period. The registering of Negro voters send out immediately five new white voters to every Negro voter who has not previously registered. The integration leaders seem to be too ignorant to understand how politics works.

In general, the Negro people would be 150 percent better off if the Southern Christian Leadership Conference, the Congress of Racial Equality, the Student Non-Violent Coordinating Committee, the National Association for the Advancement of Colored People, and the Urban League ceased all activities within the United States and moved their leadership and their headquarters to some other countries whose racial elements also thrive on propaganda and agitation.

One thing is certain: These groups or organizations are certainly doing the American Negroes more harm than good. They are creating a potential wall between the whites and the blacks in all sections of the United States, and the ill will resulting therefrom is depriving the Negroes of jobs that they otherwise would hold.

It is my view that the Negroes in the United States would have been 70 percent further advanced had not any of the above organizations ever existed. A continuous flow of agitation throughout the year is bad and makes for resentment and suspicion. Confidence between members of one race is reduced and confusion results.

During my entire period of existence, I have never associated myself with any group that agitates against some other racial group, and yet I find myself holding positions of importance in the Federal Government, in State government, and in private interests for a long period of years. All employment and public accommodations and individual matters should be determined on merit alone. Under this philosophy every individual, regardless of race, has equal opportunity to advance. Without initiative and without preparations, the individual meets with keen competition.

The courts should not permit violence or delay or deceit of the law by the racial agitators. Without law and obedience to its rule, neither the city, nor the State, nor the Nation can long survive. The citizen's obligation to obey the law cannot be modified by an election or by his personal preference because the law exists to protect all and not just some minority group. Ultimatums by integration leaders and others have done much to destroy patriotic citizenship among the youth of the land. The demonstrations created a surge of antagonism against Negroes that is really appalling. There is now much resentment and bitterness among whites in all sections of the United States and there is much turmoil.

The cordial relationship which existed between the races in many areas has been destroyed by the racial elements with extreme views to the left. Demonstrations are usually in the form of intimidation. The competent are to be told to make room for the incompetent. They seek to replace the private enterprise system with a public enterprise system. This is anti-United States.

As the incentive of individuals is gradually destroyed, free enterprise will be abolished. This is not the road to happiness, but to the same disasters that befell autocracies in the past centuries. Free men of intelligence have risen before to quell the intolerance and tyrannies of minorities as well as majorities. They will in time do so again.

THE PRAYER AMENDMENT

Mr. THURMOND. Mr. President, I have received a very interesting letter from a young lady in my native town of Edgefield, S.C., who expresses her deep and sincere concern about the recent Supreme Court decisions against prayers and Bible reading in the schools. She has requested that I present to the Senate a letter from her expressing this concern, and I am most pleased to comply with this request. The young lady is Kathy Lynch of 301 Lynch Street, Edgefield, S.C. At present, she has nephritis and is having to stay at home for the rest of the school year.

I commend this young lady for her interest in this most important question which is now being considered by the House Judiciary Committee, and I concur wholeheartedly with the sentiments she has expressed. I ask unanimous consent that her letter of April 30, 1964, addressed to the Members of the Senate, be printed in the CONGRESSIONAL RECORD at the conclusion of these remarks with a newsletter which I have prepared for distribution on this same subject entitled "A Complete Wall or No Preference?" dated May 11, 1964, and an editorial by the Jefferson Standard Broadcasting Co., dated May 6, 1964, and entitled "The Prayer Amendment."

The PRESIDING OFFICER. Without objection, it is so ordered.

APRIL 30, 1964.

DEAR MEMBERS OF THE SENATE: I am an 11-year-old girl in the sixth grade. We have devotions in school every morning, and I hope we'll keep on having them. How do you think this country has been able to keep her freedom? It's because we've always had God by our side. The first thing we do in the morning when school starts is read the Bible and say a prayer; and when we go to the auditorium our principal reads from the Bible, and we all stand and say the Lord's Prayer. Have you ever read the last verse of the "Star-Spangled Banner"? It goes like this:

"O thus be it ever when freemen shall stand
Between their lov'd home and war's desolation;
Blest with vict'ry and peace, may the heav'n rescued land
Praise the pow'r that hath made and preserved us a nation!

"Then conquer we must,
When our cause it is just,
And this be our motto:
'In God is our trust'."

We'll be the citizens of tomorrow, and we'll really have to put our trust in God to keep this Nation free.

KATHY LYNCH.

A COMPLETE WALL OR NO PREFERENCE?

(Weekly newsletter by Senator STROM THURMOND, Democrat, of South Carolina, May 7, 1964)

Key supporters of the Supreme Court decisions against prayers in schools are trying to label all seeking to reverse these decisions as being enemies of the concept of religious freedom as set out in the first amendment to the Constitution. It is indeed ironical that some of the top Constitution stretchers in America are now posing as defenders of freedom and the U.S. Constitution.

This is the principal point being raised in the House Judiciary Committee hearings against proposed amendments to the Constitution to overrule the court decisions which rely on an erroneous interpretation of the first amendment. This is even the position of the Baptist Joint Committee on Public Affairs. This committee will present testimony against the proposed amendments, giving the impression that the committee speaks for 21 million Baptists.

Baptists and other denominations are justifiably proud of the role of their church in helping to get the provisions of the first amendment written into the Constitution. According, however, to the late Justice Story, the intent behind the framers of this great amendment was quite contrary to the recent Court interpretation. It is thus the Court and the secularists who brought these cases who are the enemies of the first amendment for perverting the true and original meaning of the amendment.

The distinguished constitutional law expert, Edward Corwin, has pointed out that the Ordinance of 1787, establishing the government for the Northwest Territory, was designed in part to promote religion and morality. Article 3 provided that "religion, morality, and knowledge, being necessary to good government and the happiness of mankind * * * shall forever be encouraged."

In his famous "Commentaries on the Constitution," Justice Story discusses at length the no preference doctrine under the first amendment as opposed to the wall of complete separation doctrine. Under the no preference doctrine, preference is given to religion over no religion, but no preference is to be given among religions. This interpretation was followed even as late as 1952 in the Supreme Court decision of *Zorach* v. *Clauson*. Here the Court made the point that "We are a religious people whose institutions presuppose a Supreme Being." Indeed, this is attested to by the public recognition accorded to the existence of God in public documents and ceremonies from the beginning of this country.

To follow the wall of complete separation doctrine to its logical conclusion, all public recognition of God must fall, such as: the national motto, the national anthem, the Pledge of Allegiance, tax-exempt status for religious organizations, baccalaureate services in schools, public observance of Christmas and Thanksgiving, chaplains in Congress, chaplains in the armed services, use of the Bible in ceremonies, etc.

Some of these recognitions of God are now being challenged in the courts by the same atheists who got prayers thrown out. Other recognitions have been eliminated on the basis of the Court decisions. Governor Wallace pointed out recently that the Court decisions permit smut literature to go through the mails but not recitation of the prayer "God is great, God is good."

According to recent Government policies, our country has been evidently far off base for so many years in giving a preference to religion over no religion, to victory in war over appeasement and accommodation, to patriotism and nationalism over internationalism, to freedom over socialism and centralization, and to the basic American right of trial by jury over star chamber proceedings where the judge sits as prosecutor, judge, and jury. Times do change, but fundamental and immutable principles never change in their value.

In view of the erroneous interpretation placed on the first amendment by the Court and the confusion resulting therefrom, the Congress must clarify the law and propose to amend the Constitution to make certain that we guarantee for all Americans freedom of religion rather than freedom from religion.

THE PRAYER AMENDMENT

(Editorial by Jefferson Standard Broadcasting Co., Charlotte, N.C., May 6, 1964)

The House Judiciary Committee is holding hearings on the proposed amendment to permit voluntary prayer and Bible reading in schools, and on other public property. A number of prominent clergymen have been speaking against such an amendment.

Their reasoning is this: that the Government must be strictly neutral between the different religious groups, and between believers and unbelievers. They feel that the Becker amendment, by legalizing voluntary religious observances, would destroy this neutrality by putting the Government on the side of religion. They insist that such action would be a step toward an establishment of religion, which is contrary to the first amendment.

Such men are sincere in this view, but we must disagree with it. At the same time, we concede that the Supreme Court could hardly have reached any other decision than in the cases it had last year, because those prayers were prescribed by the State.

It is not the Supreme Court decision that we object to, but the trend of radical thinking it began. It set a precedent that is being used by both the religious and the nonreligious to justify extreme views on both sides.

Some school boards, particularly in New York, have even forbidden the singing of the last stanza of "America" because it is written in the form of a prayer.

A history teacher in Los Angeles used the Court opinion as a precedent for a suit to take the words "under God" out of the Pledge of Allegiance. Other suits have been filed in Colorado to forbid Christmas and Easter programs in classrooms, and a ban on Thanksgiving observances would naturally follow.

To follow this trend, it would be logical to prohibit the singing of the last stanza of the national anthem, because it also invokes Divine protection. Also forbidden would be "God Bless America" and "America the Beautiful."

Other actions would abolish chaplains in the armed services, prayers at the opening of Congress and the Supreme Court itself, or any mention of the Deity in oaths or legal documents.

These are not wild imaginings. Active movements are underway to get all these prohibitions legalized. It has therefore become necessary to have a clarification of the Supreme Court opinion. Any amendment should be for that purpose only, not to put the Government on one side or the other.

But if we do not have such a clarification, and if the prohibitions now either in the courts or in the process of going there are carried through, the result will be to put the Government squarely on the side of the nonreligionists. And the Government must not give up its neutrality in either direction.

Otherwise, we may come to the day when Lincoln's Gettysburg address cannot be read in schools: "that this Nation, under God, may have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth."

THE COMMON MARKET CONFERENCE AT MANHATTAN, KANS.

Mr. CARLSON. Mr. President, on April 23, a Common Market Conference was held at Kansas State University, Manhattan, Kans. This important 2-day conference was attended by Ambassador Christian Herter, who had been selected by the President of the United States as chief trade negotiator for the Kennedy round meeting in Geneva.

There were also in attendance at this meeting representatives of the Common Market countries and others interested in international trade. It was my privilege to participate in the program and to introduce Ambassador Herter.

At the meeting, I stated that today American agriculture stands at the crossroads. We must decide on which way to go with respect to both domestic programs and foreign trade.

The subject of foreign trade is particularly appropriate at this time because of its bearing on world peace and the welfare of individuals in every part of the world.

The decisions we reached on international trade affect practically every home and almost every other facet of our economy.

I ask unanimous consent that my speech on that occasion be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR FRANK CARLSON, COMMON MARKET CONFERENCE, KANSAS STATE UNIVERSITY, MANHATTAN, KANS., APRIL 23, 1964

Mr. Chairman, I appreciate very much the privilege of attending and speaking at this Common Market Conference.

First, I want to commend Dr. James McCain, president of Kansas State University, for arranging this Conference dealing with the problems of international trade.

Second, I want to express my appreciation to those outstanding leaders in the international trade field who have kindly consented to participate in this program.

Today American agriculture stands at the crossroads. We must decide on which way to go with respect to both domestic programs and foreign trade.

The subject of foreign trade is particularly appropriate at this time, because of its bearing on world peace and the welfare of individuals in every part of the world.

The decisions that we reach on international trade affect practically every home and almost every other facet of our economy.

American farmers and ranchers, together with those who deal with them, are the most efficient producers in the world. They have developed a facility to put research findings and technological improvements into practice on a sound basis. Their chief problem is markets and an opportunity to adjust their productive enterprise to the everchanging market opportunities.

Of course, the big market is right here at home, but our farmers have the know-how and the resources to produce more than even this big market can absorb at profitable prices. The excess is available for the export market. In some instances we produce more than enough for both markets. Thus, we are much concerned with how to expand export outlets.

The importance of foreign trade for agricultural products can best be understood when we realize that we export approximately $6 billion worth of agricultural products. One out of every 5 acres harvested, 60 million acres, moves abroad annually. This value represents more than 15 percent of the total cash receipts from farm marketings.

Our exports provide a market for slightly more than one-half the production of wheat. This is most important to the State of Kansas, which grows approximately one-fourth of the winter wheat of this Nation.

Although our interest in foreign trade is mainly to expand the market for our agricultural production—farmers, like other citizens, are also interested in the general welfare of the country and how our foreign policies affect the general economic situation.

Important in our export trade is the balance of payments. The accumulated unfavorable balance aggregated nearly $25 billion since 1950. While there has been some improvement in our balance-of-payments position, it still approached a deficit of $3½ billion in 1963.

The severe imbalance has resulted in a buildup of dollar and gold reserves in foreign countries and strengthened the position of our important trading partners.

Also, it has caused a drain in our gold holdings—from $22.9 billion worth in 1957 to less than $16 billion in 1963.

All of the Common Market countries that we will be negotiating with in the Kennedy round of trade agreements have gold balances in their favor. The most acceptable method of solving our balance-of-payments position is to expand exports.

As a member of the Senate Finance Committee, I helped write the Trade Act of 1962, and during the discussions in the committee and in the debate on the floor of the Senate, I stated it was my opinion that we would not have too much difficulty in working out agreements for industrial products, but there was great danger that agriculture would be traded down the river.

After following the events since our Nation's approval of this program, my views have not changed.

In the Kennedy round in Geneva, the American farmers will be pitted against the politically potent farmers of Europe, and if we are not careful, the American farmers will lose a large part of their billion-dollar-plus sales in the Common Market.

If the United States can't make a deal with the Common Market on farm imports, American produce exports are sure to suffer. This is because of two reasons: The Common Market is building strong protective tariff walls around its farm output, and it is aiming at propping agricultural prices at levels that are almost certain to encourage increased production.

I would be less than frank if I did not state that I do not believe we will be able to reach any extensive agreements affecting competitive agricultural products until 1966. The reason is very simple. Germany and France will be holding elections in 1965, and the farmers' votes in these two countries are equally as important politically as they are in our own Nation.

In several continental countries the farmers hold the balance of political power. It is for this reason that governments in those countries are under special stress to be kind to their farmers at the expense of foreigners.

Under these circumstances, it is doubtful that anything more than a token deal will be worked out for farm products in the Kennedy round.

CHRISTIAN HERTER

It is an honor and privilege to present to this great audience a personal friend of mine who has been selected by the President of the United States as chief trade negotiator in the Kennedy round meeting in Geneva, beginning May 4.

His entire life has been one of public service, having served with great honor and distinction in his own State of Massachusetts as a member and speaker of the house of the Massachusetts Legislature. He has served as Governor of Massachusetts and was a Representative in Congress for several terms.

He began his international service as an attaché in the American Embassy in Berlin in 1916. He was Secretary to the Commission To Negotiate the Peace following World War I. He served as Assistant Secretary of Commerce to President Herbert Hoover, Executive Secretary to the European Relief Council. He was trustee of the World Peace Foundation and he has served with distinction and honor in many other areas in the international field. During President Eisenhower's administration, he served as Secretary of State.

We are fortunate to have him represent our Nation at the Geneva Conference. He is not unfamiliar with the problems of agriculture. At a recent meeting in Detroit he stated, and I quote:

"We cannot expect to move toward freer trade in industrial products if we at the same time leave agriculture stagnating in a morass of protectionism, or even sinking deeper into it."

I now give you Ambassador Christian Herter.

Mr. CARLSON. At this trade conference, one of the outstanding speeches was delivered by former Representative Clifford Hope, of Kansas. Representative Hope is recognized, nationally and internationally, as one of the truly outstanding authorities on agriculture and the value of international trade in this field.

I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REDUCING BARRIERS TO INTERNATIONAL TRADE

(A speech of Clifford R. Hope, Great Plains Wheat, Inc., at Common Market Conference, Kansas State University, Manhattan, Kans., Apr. 24, 1964)

There are few subjects receiving more attention today than international trade. On May 4, representatives of the 50 nations comprising the membership of GATT will meet in Geneva for the purpose of opening what has come to be called the Kennedy round of trade negotiations, a conference which some authorities predict may last until early 1966.

On March 23, another international meeting—the United Nations Conference on Trade and Development—began in Geneva. It is expected to continue until June 15. Representatives of 122 countries are in attendance. While all member countries of the United Nations are represented, the primary interest in this meeting comes from the Communist bloc and the developing nations. Unlike the GATT meeting, this one has no authority to take action on trade matters. It can only make recommendations to the United Nations. However, the Conference is important and may well influence future trade policies, especially as to East-West trade, and trade between the developing nations and those already industrialized.

We in the Plains States, as substantial participants in world trade, have a vital interest in these conferences and other international trade activities. Although the Common Market and our relationship to it has been well publicized in a superficial way, the issues involved are not too well understood. Kansas State University is rendering a valuable public service in sponsoring this Conference and making available the information which will be developed here.

You have noted on the program that the subject assigned to me is "Reducing Barriers to International Trade." The subject is a general one, but in view of the fact that this is a meeting to discuss the Common Market, I will relate what I have to say to that subject as far as possible. Also, my discussion will concern itself with the negotiations at the coming GATT meeting in Geneva.

Before touching on those matters, however, I think it might be entirely in order to discuss what this country has done during recent years in reducing its own trade barriers through generalized reciprocal trade agreements. The negotiations in connection with these agreements have in turn resulted in reductions of tariffs in many other countries as well. In recent years, these negotiations have been carried out largely through the GATT organization.

This program began with the enactment of the Reciprocal Trade Agreements Act of 1934. This act did not attempt to take from Congress its constitutional power "to lay and collect taxes, duties, imposts, and excises;" rather, it delegated to the executive the duty of determining rates and the applications of the same within rules and limitations fixed by Congress.

Previous to this legislation, the procedure had been for Congress to enact detailed legislation fixing tariff rates on hundreds and even thousands of separate articles. This system had whatever merit attaches to age and precedent. Such a bill was enacted by the first Congress in 1789 and by dozens of Congresses up to 1930. The Smoot-Hawley bill of that year was the last such measure.

The change came mainly because the country and the Congress came to the conclusion that the economic aspects of foreign trade were too important to be settled in the political logrolling atmosphere of a congressional session.

Although nominally a partisan issue, actual tariffmaking in those days usually resolved itself into local, regional, and industrial controversies as well. Members of Congress from highly protectionist States and districts eagerly sought places on the Ways and Means Committee of the House and the Finance Committee of the Senate. There were always committee members from the Western States to make sure that the claims of wool were properly presented. Sugar-producing States make sure they had representation when sugar rates came up, and States interested in textiles, copper, and steel—to mention only a few protection-minded industries—usually had members on the committee to see that their products were not overlooked.

As the country expanded economically, some of the disadvantages of this type of tariffmaking became apparent. As far back as 1916, Congress included a provision in the tariff bill of that year setting up an independent agency—the U.S. Tariff Commission. As originally created, the Commission was intended to develop and supply factual information to the President, Congress, and committees of Congress which deal with tariff matters. Subsequent legislation, particularly the tariff acts of 1922 and 1930, increased the powers of the Commission and gave it authority within limits to make adjustments in rates based on its investigations and findings, and subject to approval and proclamation by the President.

The Smoot-Hawley tariff bill was considered in Congress for 18 months and was the subject of bitter controversy. As is the case of all legislative tariffs, it was a combination of regional and local claims and demands meshed together into legislation through compromise and vote trading. Altogether, it was not an impressive legislative performance, but the fault was with the method as much as the purpose. This was recognized by the inclusion of provisions in the bill on the insistence of President Hoover strengthening the Tariff Commission and approving the principle of a flexible tariff based on the Commission's findings of fact.

The Reciprocal Trade Agreements Act of 1934, enacted at the urging of President Roosevelt and his Secretary of State Cordell Hull, was a temporary measure but was extended 11 times under both Democratic and Republican administrations. The last extension, that of 1958, expired on June 30, 1962. At that time, the negotiating authority in the original act and its extensions had been exhausted for all practical purposes. Furthermore, the establishment of the European Economic Community, which came into existence on January 1, 1958, had added a new and powerful element to the world economy. Other changes in the economic structure of the world and of our own country made it important to make a fresh start in the expansion of world trade.

The passage of the Trade Expansion Act of 1962 gave the President the needed authority to resume negotiations for trade expansion on a worldwide scale.

The extensive congressional hearings held on the Trade Expansion Act indicate that its passage was stimulated and inspired in part because of the success of the European Community and the hope that by working with this new and virile organization it would be possible to further reduce trade barriers on a worldwide scale. The hearings further indicate it was the hope and expectation that the United Kingdom and at least some others of the European Free Trade Association group would become members of the EEC. There has naturally been disappointment over the failure, or perhaps postponement, of this event, but it is realized that there is still room for much meaningful and constructive progress in the coming GATT negotiations.

I think it is only proper to say at this point that while the operations under the Trade Agreements Act and its extensions have had substantial and far-reaching effects in reducing trade barriers in this country and elsewhere, its operation and effect is subject to certain exceptions and limitations in the act itself, and its provisions are modified by other legislation.

To be specific, the act does not repeal such legislation as section 22 of the Agricultural Adjustment Act of 1933 as amended. This was designed to protect domestic agricultural programs from the effect of importations of certain commodities. It does not affect the Buy American Act requiring that with some exceptions, materials used in the construction of certain public works must be of American origin and manufacture.

The Jones-Costigan Sugar Act as amended and extended puts sugar outside the operation of the Trade Agreements Act. Limitations on imports of petroleum and its refined products have been put in effect on the ground that unlimited imports threaten national security. The recent agreements with Australia, New Zealand, and Ireland fixing limits on the importation of beef and mutton from those countries are an example of another type of trade limitation now in use under certain circumstances.

As already stated, the Trade Agreements Act itself contains limitations and exceptions which qualify its provisions. One such exception is the authority to include escape clauses in trade agreements permitting us to withdraw concessions upon a finding by the Tariff Commission and approval by the President that importations under the concession have caused or threaten injury to a domestic industry "producing like or directly competitive products." Another exception is the well-known peril-point provision.

It should be emphasized, however, that none of these limitations and exceptions can be imposed arbitrarily. Action can be taken only after exhaustive investigations, findings, and recommendations by the Tariff Commission and appropriate executive agencies, plus Presidential approval.

Trade barriers are frequently classified as tariff and nontariff. In this country they have mostly been tariffs. However, as I shall point out a little later, we have used nontariff barriers in certain circumstances. These have mostly been in the form of quotas.

Nontariff barriers are ordinarily intended to drastically reduce imports or even eliminate them altogether. The theory of tariffs is to equalize competition. They assume there will be some trading. Nontariff barriers are usually, although not always, associated with state trading, cartels, discrimination, and a closed economy. They are used primarily to prevent trading or to confine it to certain channels. Usually, they have been inaugurated out of what was considered necessity but have often been retained after the need has disappeared, such as those which were applied originally because of balance-of-payments problems. With improved economic conditions, we would expect them to be reduced or eliminated. This is one reason why we in this country have been disturbed by the action of the EEC countries in imposing variable levies, in many ways the most severe of all restrictions on the importation of certain agricultural commodities. To us, this appears to be regression.

In September 1963, the Economic Research Service of the U.S. Department of Agriculture, in cooperation with Foreign Agricultural Service, released a study entitled "Agricultural Protection by Nontariff Barriers." It covers various kinds of nontariff controls and includes the following:

1. Quantitative restrictions such as import quotas and embargoes.
2. Variable levies and gate price systems.
3. Conditional imports such as domestic mixing regulations and controls making imports conditional upon production, utilization, price, and other factors.
4. Monopolies such as trading by State agencies, quasi-Government agencies, or private institutions operating under Government authority to determine whether imports are to be allowed and conditions of entry.
5. Discriminatory advance deposits on imports.
6. Import discrimination and preferential treatment. These include discrimination as to source of supply, frequently against dollar areas and are closely linked with import licensing.
7. Import licensing which discriminates as to source of supply or is not granted automatically.
8. Bilateral agreements if they preclude free market access to countries not a party to such arrangements.

The report includes a study of 18 important agricultural countries. It covers the nontariff controls in effect in 1962 in each country and points out the proportion of agricultural production in each country benefiting from these controls.

The list is as follows:

	Percentage
United States	26
France	94
West Germany	93
Netherlands	79
Italy	63
Belgium	76
Greece	82
Austria	91
Denmark	87
Norway	97
Portugal	100
Sweden	(?)
Switzerland	94
United Kingdom	37
Canada	41
Australia	41
New Zealand	100
Japan	76

It will be observed that according to these figures the United States has the lowest proportion of benefited production with 26 percent and Portugal and New Zealand the highest with 100 percent. Among the European Economic Community countries listed are: France, 94 percent; West Germany, 93 percent; Netherlands, 79 percent; Belgium, 76 percent; and Italy, 63 percent. European Free Trade Association countries, in addition to Portugal, include United Kingdom, 37 percent (does not take into account the operation of the United Kingdom deficiency payment system); Austria, 91 percent; Norway, 97 percent; Denmark, 87 percent; Switzerland, 94 percent. Japan, one of the world's greatest trading nations and our best customer for agricultural products, has 76 percent coverage.

While this study covers only agricultural commodities, the situation is not greatly different with industrial and other nonagricultural imports.

A few examples of the latter are: excessive documentary requirements, valuation procedures and practices for levying duties, turnover taxes, border tax adjustments, dumping, sanitary and food and drug regulations, government purchasing regulations and practices, restrictions on advertising, domestic price controls, and restrictions on the internal sale, distribution and use of products.

The greatest difficulty as far as dealing with nontariff barriers is concerned is that they do not lend themselves to negotiations nearly as readily as fixed tariff rates. However, it is my understanding that the prearrangements for the Geneva sessions provide that nontariff barriers will be considered. That is good, but the problems of getting together on something like variable levies is going to be difficult.

The fact that the EEC ministers have not worked out a common grain price is unfortunate because it will be impossible to negotiate on that subject until this is done. Chances now seem remote that any arrangement can be made before the conferences begin on May 4.

As Dr. Krohn explained at a dinner last night, which some of you attended, the point at which common grain prices are fixed is of the utmost importance to us and other wheat exporters because it will determine whether prices will be so high as to induce increased production in France, every bushel of which will displace a bushel which might be imported. Also, the ratio of coarse grain prices to wheat prices is a matter of interest and importance because if the common grain prices are high, this ratio will well determine the nature of the expansion of grain production as between wheat and feed grains.

The disagreement over a common grain price finds West Germany on one side—the high side—and the other five countries on the other. At this stage of Common Market development, such action requires unanimous consent. Perhaps after the Conference begins it may be easier to make a determination in this matter. We are one of Germany's best customers for industrial products. In 1962, the last year for which I have been able to secure figures of our imports from that country, amounted to $1,078,833,000. This is a tremendous sum, and when the time comes to talk "turkey" in the negotiations, and come it will, our position should be strong and positive.

It is apparent that the most difficult problems in the GATT negotiations are concerned with agriculture. The highly industrialized countries with which we will be dealing have national agricultural programs, with price supports on some commodities which are higher than world prices. These prices cannot be maintained without restrictions of one kind or another on imports. Also, one of the facts of life which we must accept is that national agricultural programs usually have a higher political priority than the promotion of international trade.

But the great surge in production, both in industry and agriculture in the developed countries in recent years and including some of the developing countries as well, is a tremendous force, more so perhaps than has been realized. These expanding economies must have markets. We hear much today about East-West trade in nonstrategic goods, a subject on which there are wide differences of opinion. But whatever we think about it, we must face the fact that this trade exists and is expanding. It is simply another illustration of the fact goods are going to find markets.

Although foreign trade as a whole is not as important an item in our economy as is the case in some other countries, it is important. We need to expand imports to solve our balance-of-trade problem. And so long as we need to maintain large military forces in other countries, we are going to have a heavy drain on dollars. Also, because of the responsibilities which we have assumed toward many of the developing countries, we should be doing all we can to substitute trade for aid. It is not only good economically but it's good from the standpoint of friendship and morale.

More than any other U.S. industry, agriculture needs expanding markets. This year the production of 1 acre of cropland out of 5 will be exported. Agricultural exports for the marketing year July 1963–June 1964 are expected to be about $6 billion. This is over a fourth of our total exports.

There are few, if any, areas in this country with more at stake in the coming negotiations than that composed of Kansas and surrounding States. Wheat exports this marketing year are expected to equal 75 percent of our 1963 crop. This is above average but the amount has been increasing in recent years. During the previous 5-year period, an average of 47 percent of the wheat we produced went into export. Soybeans are in about the same position. Feed grains are another area which needs increasing export outlets.

The time for action is now here. Everyone admits that the negotiations at Geneva are going to be hard fought and difficult. Not all the problems will be solved. Some may have to await future sessions.

I earlier spent some time pointing out what this country has done in reducing trade barriers during the last 30 years. I am not acquainted with what others have done. Maybe some have done better, but I believe that presently we are among the lowest when it comes to trade barriers, including tariff and nontariff. What we have done has been carried out in such a way as to inflict a minimum of injury to any part of our economy and has been generally fair to other countries.

The fact we have been able to bring about these changes in our own policy should lead us to be optimistic about what can be done in Geneva. If it cannot be done one way, we can try others. If the negotiators at Geneva will use half the ingenuity and imagination in eliminating trade barriers especially of the nontariff variety that has been done in the past in building them up, much will be accomplished.

This Conference affords the greatest opportunity which the free world has had to eliminate trade barriers both tariff and nontariff. With the GATT organization supplying the machinery and experience, the job can be done if there is a willing spirit and a real desire for success on the part of the participants. And if reasonable success is achieved, this session may well go down in history as one of the great achievements of the present age.

RECESS TO MONDAY AT 10 A.M.

Mr. MUSKIE. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until Monday at 10 a.m.

The motion was agreed to; and (at 4 o'clock and 5 minutes p.m.) the Senate took a recess, under the order previously entered, to Monday, May 11, 1964, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

The House met at 12 o'clock noon.

The Reverend John C. Harper, St. John's Episcopal Church, Lafayette Square, Washington, D.C., offered the following prayer:

Almighty God, who hast called our Nation to a place of trust and responsibility throughout the world, we humbly thank Thee for all the ways in which Thou hast blessed and guided us unto this day. Take from us we pray Thee all pride and greed and injustice of any kind, and grant this Nation the spirit of unselfish service which alone can make us great.

Bless our country that it may be a blessing to the world; grant that our ideals and aspirations may be in accordance with Thy will, and help us see ourselves as others see us. Keep us from hypocrisy in feeling or action, from ever believing that this land and people can do without Thee in government or business or in education, from losing sight of our great spiritual heritage or for our great need of Thee at all times and under all conditions.

Grant us, O God, sound government and just laws, good education and a clean press, simplicity and justice in our relations with one another, and, above all, a spirit of service which will abolish pride of place and inequality of opportunity.

We pray in the name of Him who hast led us in the past and who still today is our Lord and God. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 7, 1964, was read and approved.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 124]

Abbitt
Alger
Andrews, Ala.
Andrews, N. Dak.
Ashley
Ashmore
Avery
Baker
Baring
Barrett
Bass
Blatnik
Bolling
Brademas
Bray
Brock
Broomfield
Brown, Ohio
Buckley
Burkhalter
Cahill
Cameron
Cannon
Casey
Celler
Clark
Cohelan
Collier
Colmer
Corbett
Cramer
Curtis
Davis, Tenn.
Dawson
Derounian
Diggs
Donohue
Dorn
Dulski
Dwyer
Edmondson
Edwards
Elliott
Everett
Fallon
Farbstein
Findley
Finnegan
Fino
Fogarty
Forrester
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gill
Grabowski
Grant
Green, Oreg.
Hagan, Ga.
Hall
Halpern
Harrison
Hays
Healey
Herlong
Hoffman
Huddleston
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karth
Kee
Kelly
Keogh
King, Calif.
Kluczynski
Kornegay
Laird
Leggett
Lesinski
Lindsay
Long, La.
Long, Md.
McCulloch
McDade
McDowell
Mathias
May
Meader
Miller, Calif.
Miller, N.Y.
Morrison
Morse
Morton
Multer
Nix
O'Brien, N.Y.
O'Neill
Osmers
Patten
Pepper
Philbin
Pillion
Pirnie
Pool
Powell
Pucinski
Rains
Randall
Reid, Ill.
Reifel
Riehlman
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Tex.
Roosevelt
Roudebush
Ryan, Mich.
St Germain
St. Onge
Scott
Selden
Senner
Sheppard
Shriver
Sibal
Sikes
Slack
Smith, Iowa
Staebler
Stephens
Stubblefield
Thompson, La.
Udall
Wallhauser
Watson
Whalley
Wickersham
Willis
Wilson, Bob
Wilson, Charles H.
Winstead
Wydler
Wyman
Zablocki

The SPEAKER. On this rollcall 272 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL PAY RAISE BILL

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, today on behalf of the Committee on the Post Office and Civil Service I have filed the report on the bill H.R. 11049 which is the new pay raise bill recommended by our committee. It has some changes from the bill that was debated on the floor of the House some weeks ago, H.R. 8986. I wish to point out the major differences.

First, the recommended salary increases for Members of Congress, Federal judges, and Cabinet and immediate sub-Cabinet officers are reduced from $10,000 to $7,500 and will be effective in January 1965, instead of retroactive to January of 1964.

Second, salary increases for postal and other career employees will be effective the first day of the first pay period beginning after the enactment of the bill instead of retroactive, but no salary increase—and I think this is interesting to Members of Congress particularly—to more than $22,000 will be effective until the first pay period beginning on or after January 1, 1965.

I very pointedly and directly invite the Members to search out the report and review it, because it will be an important subject of discussion here in the House very shortly. I understand our Chairman TOM MURRAY is asking the Committee on Rules for a rule as early as possible.

WHY NOT HARVARD?

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Speaker, the work camps in the Landrum-Powell-Johnson poverty bill—the L-P-J bill—would cost $4,700 per year for each enrollee, according to Mr. Shriver.

The camps, our poverty czar tells us, would provide healthy outdoor recreation and basic education for draft rejectees and juvenile delinquents. My question is: "For $4,700 per year, why send these young men to work camps? Why not Harvard?"

Harvard offers football, soccer, and bird watching for healthy, outdoor recreation. It offers a pretty good basic education, and it does not cost as much as Mr. Shriver's work camps.

Tuition, fees, board and room is only $2,701 per year at Harvard. During the 3 summer months, while not at Harvard, our draft rejectee could be paid $50 per week, or $600 for the summer. During the school year we could allow him another $100 per month for books and spending money. All this amounts to a mere $4,201 for the year, $499 less than the poverty camps.

But let us not be cheapskates—this is an election year. After all, why should not a boy at Harvard have a sports car? With $499 in each of the 4 years, he could buy a good, secondhand MG for $1,000, leaving $249 a year for gas, oil, registration, and dates with Radcliffe College girls.

This would cost the same as the work camps, and it should eliminate the recruitment problem which has bothered Mr. Shriver.

READ THE MINORITY REPORT ON THE SALARY BILL

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, apropos the remarks of the gentleman from Montana [Mr. OLSEN], I would like to advise the Members of the House that the minority report in opposition to the congressional salary grab bill will also be filed today. I would suggest to the Members of the House that they read the minority report as well as the majority report.

POVERTY AND POLITICS

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOREMAN. Mr. Speaker, we have heard so much about poverty in this country recently from the politicians who would propose to solve all our problems with new welfare doles, that it is apparent that a dangerous disservice is being done to our people, here and abroad. It is wrong to picture this country as a land of hunger and privation. To do so damages us throughout the world. There are some who are in need, of course, but the problems affecting them can be solved without discoloring the true picture which prevails in our land. Exaggerated statements about poverty—in election year conversations—only help to prove the lies that Russia and her satellites have been trying to spread about our great free country for the past 30 years.

No responsible American is for poverty. No responsible American disregards or ignores poverty wherever it may exist in this country. But the most responsible Americans understand that this, like any great historic evil, will never be solved by mere slogans, and still less, by all-but-open appeals to class and economic prejudice. It is sad enough that poverty exists at all. But it is tragic when the poor are turned into a political football.

The cruelest thing you can do to a man is to teach him to depend on charity and handouts as a way of life, for by so doing, you deprive him of his self-respect. Self-respect demands a producing job, a chance to make one's own way, a task to perform what the Nation's advancing economy requires. That is precisely the kind of job no government can ever provide, the kind of job created solely by personal enterprise.

Our new President declared in his Economic Report to Congress January 20, 1964, that 35 million Americans were in poverty today. His predecessor declared during the 1960 presidential campaign, just 3 years earlier, that 17 million Americans went to bed hungry every night on a substandard diet. Under this kind of administration, and at this rate, it should not be long before all Americans will be poverty stricken.

The administration is proposing the new "poverty package," H.R. 10440, at a total first year cost of $962.5 million and a projected cost in subsequent years that could easily run as high as $15 billion annually. Excluding social security benefits and other trust funds, 42 Federal programs now existing and aimed directly at eliminating the causes of poverty and its effects, will cost nearly $9 billion in fiscal 1965.

America's needy have not exactly been abandoned to the wolves for lo, these many years, although you could possibly lose sight of the facts amid the cries of "New and better deals." America, for most of its years, has waged a war on poverty. Whenever we have waged that war, in our factories, farms, shops, mines, oilfields, over the counters and under the free enterprise system, we have won the war. This war on poverty can only be won that way. When we work our way to wealth, we win that war. When government tries to spend its way to wealth, we lose that war.

It was American freedom, and that alone, which first made it possible for our country and the world to dream of a day when poverty might be abolished. It is American freedom, and that alone, which is the only really new idea, the only genuine "bold new program" in all history for the production of wealth for all. Socialism is the latest form of an age-old fraud, that something can be created out of nothing, that we can get wealth by merely wishing for it or claiming it as a "right," that government can plan a man's life for him better than he can. Socialism is a fraud because it creates poverty while constantly promising to abolish it, and so by a vicious circle maintains itself in power.

The answer to the problem of poverty lies not in emotional publicity but in reason, not in prejudice but in production, not in new Federal agencies but in less burdensome government which will permit a higher rate of growth.

The "best deal" for eliminating poverty is the creation of new jobs and employment opportunities through an expansion, encouragement and unleashing of our free enterprise economy, not by catchy political slogans, shopworn programs or more welfare handouts.

NEW YORK'S SHARE OF DEFENSE CONTRACTS GOES UP UNDER PRESIDENT JOHNSON

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, Members of the House are familiar with the fact that Members from the State of New York have frequently complained about our State's slippage in the percentage of defense contracts going to New York State in comparison with other States. So it is always a pleasant privilege to be able to inform the House of some good news. Official figures recently announced by the Department of Defense have confirmed two very significant historic facts.

First of all, during the first full quarter of the Johnson administration, the percentage share of defense contracts going to New York State has reached the highest figure since 1962, while at the same time the comparative advantage of California over New York State, something that has frequently been a matter of discussion and a matter of great concern to all New Yorkers, dropped to its lowest point since 1958.

Official Department of Defense figures show that New York's percentage share of defense dollars was 10.1 percent for the first quarter of 1964 as compared to 9.2 percent for the same quarter of 1963. At the same time California's share was only 18.7 percent as compared with 23.4 percent for the same period of last year. In other words, California's share of defense contracts was 2.55 times that of New York last year, but under the first quarter of the Johnson administration, California's share has declined to only 1.87 times that of New York.

Mr. Speaker, considering the efficient public relations staffs that they employ in some other bodies, it is interesting to note that although these figures have been public for several days, Members in another body have so far refused to announce that happy news, though they move so swiftly whenever there is bad news critical of the administration, to report.

Of course this gap between New York and California is still too great, but the trend has been clearly and significantly reversed. Now it is up to us to see that this shift continues, not only in the interest of New York but also for a balanced overall national defense effort.

I might also point out, Mr. Speaker, that the same trend can be seen, though less dramatically, in the figures for the first 9 months of fiscal 1964 compared with the same period of the preceding fiscal year. During the first 9 months of fiscal 1963, New York's share was 8.9 percent compared with 23.2 percent for California. In the corresponding period of the current fiscal year New York's share has increased to 9.2 percent while that of California declined to 21.4 percent.

POVERTY ATTACK SHOULD BEGIN ON INDIAN RESERVATIONS

Mrs. FRANCES P. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, according to an account in the New York Times, Secretary Udall recently said in an interview that the logical starting place in the attack on poverty would be the Nation's Indian reservations. Many of our 400,000 American Indians have been among the worst fed, worst clad, and worst housed group in the United States. It would seem logical to start an antipoverty campaign at a grassroots level such as our Indian reservations—not just in handouts—but by providing motivation to these underprivileged to improve themselves, and by teaching them the skills they need to do so.

In the case of the Seneca Indians of New York and Pennsylvania, the U.S. Government is taking their best land to build the Kinzua Dam. These people owed no man and never asked for Government aid. Yet in violation of our first treaty made in 1794 their land is being taken. Several months ago the House passed a bill (H.R. 1794) to authorize the payment of $20 million to the Senecas for the loss of their land, homes, barns, and so forth, and to give them a tolerable new start in life. When this matter reached the Senate, the authorization was cut to $9 million, apparently at the suggestion of the administration's Budget Bureau. House-Senate conferees are now meeting on H.R. 1794. It would seem that if the administration is really earnest in wanting to help our Indian population, they would get behind the House-passed bill to give the Senecas an adequate amount to partially compensate them and give them a tolerable new start in life. Their plight is a direct result of the U.S. Government breaking a treaty. It is not through any fault of their own.

As part of my remarks, I include the article from the New York Times relating to Secretary Udall's interview:

UDALL ASKS HELP FOR INDIAN POOR: WOULD START POVERTY ATTACK ON NATION'S RESERVATIONS

(By Donald Janson)

WASHINGTON, May 10.—Interior Secretary Stewart L. Udall said today that the logical starting place in President Johnson's attack on poverty would be the Nation's Indian reservations.

He said in an interview that he agreed with the suggestion by Senator HUBERT H. HUMPHREY yesterday that the antipoverty program begin with pilot projects on reservations.

Elaborating in an address to a national conference on Indian poverty, Mr. Udall said Mr. Johnson wanted Indians "in the very forefront" of the program because they were suffering more from poverty today than any other group.

Mr. Udall cited a long list of statistics showing the destitution in which many of the Nation's 400,000 reservation Indians live as a result of poor opportunities for education, jobs, health, and housing.

Under the pending antipoverty program, he said, the Nation would make "for the first time in our history" a major commitment to lift Indians to a position of opportunity long denied them.

One benefit to the Nation, Mr. Udall said, would be cultural contributions that Government paternalism toward the Indians had suppressed.

After many years of giving Indians a choice between absorption in the dominant society or isolation, he said, a period of greater understanding has begun.

The Secretary said cultural diversity should be welcomed as an antidote to conformity in American life.

"Our culture is impoverished if we fail to encourage our Indian citizens to make their full contribution," he said.

He warned that the attack on poverty could not be won in a year or a decade, however. He said it must be based on a program of providing new opportunity for "a whole generation of Americans."

Much would depend, he said, on how Indians help themselves in making wise use of whatever new assistance was made available.

The 4-day conference is being sponsored by the Council on Indian Affairs, a coordinating group for a dozen organizations that seek to serve Indians.

Some 200 Indians from throughout the country and scores of representatives from the sponsoring organizations are attending.

Indian leaders of workshops have outlined these needs for breaking the grip of poverty on reservations:

Low-interest loans for industrial development, and housing, and hospital projects. There are now more than $135 million in applications, they said, for loans from a revolving fund of the Bureau of Indian Affairs that is limited to $25 million.

More and better school and vocational facilities and training.

Youth job corps camps near reservations.

Sanitation facilities for the more primitive Indian villages.

The Indian leaders also called for clinics, perhaps traveling ones, to serve the health needs of widely scattered and isolated settlements.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 11, 1964.

The Honorable JOHN W. MCCORMACK,
Speaker of the U.S. House of Representatives.

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the Honorable HALE BOGGS, of the Committee on Ways and Means, has been designated as a member of the Joint Committee on Internal Revenue Taxation to fill the vacancy created by the death of the late Honorable Thomas J. O'Brien.

Sincerely yours,
WILBUR D. MILLS,
Chairman.

The SPEAKER. The Clerk will notify the Senate of the designation.

DEFICIENCY APPROPRIATION BILL, 1964

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11201) making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 30 minutes, and that the time be divided equally between the gentleman from Iowa [Mr. Jensen] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I doubt that I will object.

Does the gentleman think this will give the gentleman from New York [Mr. Rooney], ample opportunity to make ludicrous statements such as he did the other day with respect to the cost of amendments?

Mr. ROONEY of New York. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER. The Clerk will report the words objected to.

Mr. ROONEY of New York. Mr. Speaker, I demand that the gentleman from Iowa [Mr. Gross] be seated.

Mr. GROSS. Mr. Speaker, I ask unanimous consent to withdraw the word "ludicrous."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Speaker, I still reserve the right to object.

The SPEAKER. The gentleman still reserves the right to object.

Mr. GROSS. Mr. Speaker, I repeat the question I asked the gentleman from Texas; that is, if 30 minutes of general debate will permit time for the gentleman from New York [Mr. Rooney], to make loose statements such as he did the other day, with respect to the cost of amendments that may be offered to this or any other bill. It seems the gentleman felt offended last Wednesday when I offered a 56-word amendment to his appropriation bill. He claimed this 56-word amendment, which I offered to all the appropriation bills last year in the nature of a limitation of expenditures, had cost the taxpayers of this country thousands of dollars. I do not know where he gets his cost information. I do not know what kind of a pencil or process he uses to make his mathematical computations, and so I just wondered if the gentleman from Texas was allowing the gentleman from New York [Mr. Rooney], ample time to make loose statements of this kind.

Mr. MAHON. I would say that the gentleman from New York has asked for no time in general debate. Of course, this bill will be considered under the 5-minute rule, and I have no way of knowing what the gentleman from Iowa or the gentleman from New York may wish to say during this debate.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11201, with Mr. Ichord in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement previously obtained, the gentleman from Texas [Mr. Mahon] will be recognized for 15 minutes and the gentleman from Iowa [Mr. Jensen] will be recognized for 15 minutes. The Chair now recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is a deficiency appropriation bill. All the items contained in this bill have been carefully screened by subcommittees of the Committee on Appropriations. The bill is limited to deficiencies occasioned by new law or circumstances requiring expenditures over which the departments and agencies have little or no control or discretion. The antideficiency law was considerably strengthened in 1950 in such a way as to narrow the grounds on which the departments can legally spend their appropriations at an accelerated rate. The items in this bill, generally, meet the tests of the exceptions permitted by the law. We bring to you a unanimous report. Insofar as I know, there is no controversy as to the items.

We all realize that at times it has been said the Congress makes reductions in annual appropriation bills in order to make a good showing and thereafter in the succeeding year restores the funds and that most of the reductions made in the regular annual bills are, therefore, not valid. This criticism is generally without substance. I believe the amount reported here which could be called "restoration" is about 6 percent by way of restoration of reductions which were made in the previous session.

The class of budget requests for fiscal 1964, considered in this session and to which some criticism might be more appropriately directed, are the various supplementals. These are distinguishable from the deficiency type of item in that the departments are not entitled to accelerate the spending or otherwise anticipate approval of the requests. These items are, therefore, subject to a great deal of discretionary judgment by the committee and the Congress. Many of these supplementary propositions are to get an immediate start on programs for which continued provision is made in the next budget. They, therefore, have an intimate relationship and connection to it.

So, this year, supplemental items for 1964 have been disengaged and are being considered along with the fiscal 1965 budgets to which they relate. In the regular 1965 bills thus far adopted, including the pending agriculture bill scheduled for floor action tomorrow, the House has considered $543,010,700 in 1964 supplementals and disallowed all except $33,330,000—a cut of $510,180,700, or about 94 percent. About $145 million in 1964 supplementals are still pending and will be disposed of shortly.

The largest item in the bill before us today has to do with military pay. After the budget for the current fiscal year was approved and sent to the Congress, the Congress passed a pay increase for military personnel. Last year we did not put that money in the regular annual defense appropriation bill. We knew additional funds would be required. Therefore, there are funds in this bill for military pay resulting from the Uniformed Services Pay Act of 1963. This is an item which can be explained by the utilization of fifth grade arithmetic—so much increase for so many people comes to a certain figure.

The report, which is available to Members, shows that this bill carries a total of $1,264,913,689, a reduction of $42,467,100 below the estimate. Mr. Chairman, the reduction is small, but we must remember that these are instances qualifying as deficiencies under the limited exceptions to the rigid prohibitions against deficiency spending in the antideficiency law. Thus, as a practical matter, there is relatively little discretion that can be exercised. For example, slightly over $1.2 billion—about 96 percent of the bill total—is in the items for military pay costs including retired pay, public assistance matching grants, and veterans' compensation. This bill includes a number of items from various other departments and agencies of the Government; Agriculture, District of Columbia, independent offices, Interior, Labor, and so on.

These items are discussed somewhat in detail in the report. I believe that this action today is more or less routine. It is certainly mandatory if we are to meet our requirements and pay the legitimate bills of the Government.

I recommend the passage of the deficiency appropriation bill.

Mr. JENSEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, as I am sure almost every Member of Congress is aware, the Appropriations Subcommittee on Deficiencies was abolished early in this session of Congress. Each budget request for a supplemental or deficiency appropriation was sent to and considered by the regular subcommittee which had jurisdiction over the department or agency involved.

I think it would be well, Mr. Chairman, to read into the Record these facts that are set forth in the committee's report.

> In contrast to the bill usually reported in each session to supply supplemental and deficiency appropriations for the current year, the accompanying bill is limited to budget requests resting on circumstances meeting the exceptions to the prohibitions in the antideficiency statute against accelerated, or deficiency, spending rates. That, in essence, explains the nominal size of the reductions recommended. The bulk of the supplemental budget requests—those not resting on any permitted statutory exception and thus subject to greater discretionary judgment by the committee—are being considered in connection with the regular 1965 supply bills. In such bills, including for currentness the agriculture bill reported today, supplemental budget estimates of $543,510,700 have been reduced $510,180,700 (94 percent) by the House, allowing only $33,330,000. In addition, approximately $145 million of such supplemental estimates remain to be disposed of in bills not yet reported to the House.

> This bill provides appropriations to various departments and agencies totaling $1,264,913,689, a reduction of $42,467,100 from the requests; $1,162,800,000, or about 92 percent of the bill total is for military pay costs and public assistance matching grants. The table following summarizes by chapter the budget estimates and amounts recommended in the bill. Action on the various requests is discussed on a corresponding chapter basis.

Mr. Chairman, as the gentleman from Texas [Mr. Mahon] has explained to the Members of the Committee, this is purely a deficiency bill.

There are some items in this bill in addition to the mandatory military pay increases. For instance there are appropriations the purpose of which is to replenish funds used for forest firefighting. Mr. Chairman, several agencies of Government have had, in areas over which they have jurisdiction, some terrible, devastating forest fires during the past year. We, as a rule, appropriate a token sum in the general appropriation bills for forest firefighting, but rarely do we appropriate sufficient funds with which to pay the entire bill. Mr. Chairman, this Congress has always given such agencies that do have forests under their jurisdiction the authority to spend on a deficiency basis for this purpose, in fact, we insist that when a forest fire breaks out that they go in there and put out that fire just as quickly as possible. It costs a lot of money to fight fires. Hence, it is necessary to include in this bill the necessary funds to replenish the funds which have been spent, on a deficiency basis, for forest firefighting purposes.

Also, Mr. Chairman, in this bill are gratuity allowances which we allow to the widows of deceased Members of Congress. I know that every American as well as every Member of Congress is very much in favor of those items.

Mr. Chairman, in conclusion, I want to say that I am in complete agreement with the gentleman from Texas [Mr. Mahon] with regard to the items which are covered in this bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. JENSEN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I did not ask for any time and I am aware of the fact that I am imposing upon the time of the gentleman from Iowa. However, I do want to call the attention of the Members of the Committee to two items in this bill which are contained in the independent offices section.

The first item deals with the appropriation of $2,338,000 that originally had been requested by the General Services Administration to take care of Wage Board increases. The Administrator of the General Services Administration came back, following the hearings, and reported to the subcommittee that his agency would be able to absorb that cost.

Mr. Chairman, I believe the Administration deserves a word of praise on the floor of the House for finding a way within the agency to absorb a $2,388,000 mandatory Wage Board increase.

Mr. Chairman, I just wanted to call the attention of the Committee today and to others who read the Record that the General Services Administration was able to do that. As a result of this action on the part of the Administrator, we will not have to appropriate this large sum which originally had been requested.

Mr. JENSEN. I thank the gentleman from North Carolina for informing the House of that fact.

Mr. JONAS. If the gentleman will yield further, I would also like to call attention to another item that is disturbing. That is the item in the amount of $60 million which is discussed on page 10 of the report. That item represents an increase of $60 million in the limitation on expenditures from the loan guarantee revolving fund of the VA. The increase is required to enable the Veterans' Administration to discharge its obligations to take up defaulted mortgages. I mention this because it points up a situation that is becoming quite serious in this country. Not only is the Veterans' Administration involved in a heavy foreclosure situation, but the same thing applies to the Federal Housing Administration, which is having to acquire a substantial number of dwellings, the mortgages on which have gone in default.

Here in one single item we are having to authorize the VA to use an additional $60 million over and above the amount the VA estimated that it would need at the beginning of the year to pay off defaulted mortgages. That is a subject of considerable alarm to me, as I know it is to members of the subcommittee, and I thought it would be worth while to take a minute of the gentleman's time to explain the situation as well as the favorable one from the General Services Administration.

Mr. JENSEN. I thank the gentleman. I suggest that the gentleman extend his remarks in the Record and explain the reason why such defaults have taken place. Will the gentleman do that?

Mr. JONAS. I would if I could but, unfortunately, no one seems to know why we are having this heavy increase in mortgage defaults. I do know that there has been a heavy and alarming increase in recent years in the number of property acquisitions by the VA and FHA as a result of mortgage defaults. The subcommittee has expressed its concern to the agencies involved and we hope some appropriate steps can be taken to correct the situation before it gets out of hand.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Minnesota.

Mr. LANGEN. I thank the gentleman for his generosity in yielding to me. I want to call an item to his attention and to the attention of the entire Committee. Of very recent date, the Indian Claims Commission has granted an award to the Red Lake and Pembina Indians in Minnesota to the extent of some $2 million, this has been done in the very last days, so of course it was impossible for this Committee to give consideration to that item, as it is impossible to give it consideration today. It might well be an item for the other body to include later, and so in that way become a subject for conference committee consideration at a future date. I take this particular opportunity to call this matter to the gentleman's attention so that proper consideration might be made at that time. It has been in litigation since 1948. Of course, it is of consequence and significance to the Red Lake and Pembina Indians who have waited so patiently for this consideration all of these years.

Mr. JENSEN. I thank the gentleman. I am pleased he has brought this matter to the attention of the Members of the House.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest," $2,265.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to ask someone about the $2,265 to be found at this point in the bill, not because of the size of the item, but is this an interest payment or does it contribute to the interest payment on the stadium?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend, the gentleman from Kentucky.

Mr. NATCHER. I am glad to say to my friend from Iowa that this amount of $2,265 is the balance due on the interest payment for the fiscal year 1964 on the stadium. I know how the gentleman feels about the stadium and he is right about this project. I sincerely believe it is a white elephant and certainly should never have been placed on the taxpayers here in the District of Columbia. The stadium cost about $20,500,000. The interest has run in the neighborhood of $832,000. Two payments were borrowed from the Treasury by the Commissioners in the District, as provided for by law, with each payment totaling $415,800. The total sum then was $831,600, which was short $2,265. This is this amount that had to be borrowed to pay the interest on $20,500,000 worth of stadium bonds.

Mr. GROSS. I thank the gentleman for his excellent explanation of this item in the bill. Does he consider this to be setting any kind of precedent with respect to the taxpayers of the entire country contributing to the interest payments on this stadium, which supposedly was to be financed out of private funds; is that not correct?

Mr. NATCHER. The gentleman is absolutely correct. I concur with him that this is certainly not good procedure.

Mr. GROSS. Does the gentleman think this is setting a precedent that will haunt us with larger amounts in the future?

Mr. NATCHER. I do not think the interest payment will be larger as far as the bonds are concerned, but to a certain extent it might set a precedent. I say to the gentleman frankly that he is correct and further state to the Members of the House that this burden should not be carried by the taxpayers of the District of Columbia.

Mr. GROSS. I thoroughly agree with the gentleman. I regret that I do not have an amendment prepared to delete this item.

The Clerk read as follows:

CHAPTER VI

Department of Labor

Bureau of Employees' Compensation

Employees' compensation claims and expenses

For an additional amount for "Employees' compensation claims and expenses", $5,000,000.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was very disappointed to find that no funds were included in the deficiency appropriation for the needs of the Manpower Development and Training Act. I carefully read the report and I am, of course, aware of the reasons given for the failure to include funds for this purpose.

Mr. Chairman, I believe the House ought to be aware of some of the difficulties in this manpower program caused by a lack of funds.

About the middle of last month, Mr. Chairman, the training program commitments for approved projects equaled $103 million. Projects for an additional $35 million were approved, but unfunded for lack of funds. In excess of $25 million is required in the current fiscal year. The lack of a 1964 supplemental appropriation has also meant the virtual cessation of future program approvals since the middle of January.

Mr. Chairman, I will not offer an amendment at this time because I recognize the limited nature of the items contained in the bill before us today. I do want to call attention, however, to the needs of the manpower development and training program and express the earnest wish that the Committee on Appropriations will have an opportunity in the near future to consider the current needs of this important program.

The gentleman from Rhode Island [Mr. FOGARTY], who managed the bill including the 1965 appropriations for the Department of Labor, had included a proviso therein that fiscal year 1965 funds could be used in fiscal year 1964. However, it is now apparent that the bill providing 1965 Labor Department funds will not be approved before the end of fiscal year 1964 because of the legislative logjam in the other body. I strongly urge in the next few weeks the Committee on Appropriations seriously consider the needs of the manpower program for supplemental funds.

Mr. Chairman, I include in the RECORD at this point a summary of Manpower Development and Training Act needs:

By mid-April, training program commitments for approved projects equaled $103 million, projects for an additional $35 million were approved but unfunded for lack of available resources, and the States had reported an additional $103 million in specific program plans already under development.

The lack of a 1964 supplemental appropriation of $55 million has not only meant the virtual cessation of new program approvals since mid-January but none of the amendments enacted in December 1963 can be implemented until more funds are available. Loss of the supplemental resources also has a serious effect on new program capability to be realized from the 1965 appropriation.

This means that the entire Manpower Development and Training Act program, which was just reaching full stride in the middle of fiscal year 1964, will be brought to a full stop during the final quarter. Although approvals have been drastically curtailed during the past 2 months, development has been surprisingly well sustained on the hope, in the States and local communities, that additional funding would quickly become available. We can now expect new project development to fall off almost completely. In fact, many State employment services and vocational education agencies have already notified the Department that they will not develop additional training projects until funding becomes available. Thus, even when new funds become available as of July 1, the momentum of the program will have been lost and program development will virtually have to begin anew.

Approvable projects, those awaiting funding, can now be found in 42 States, the District of Columbia, and Puerto Rico. Thus, four out of every five jurisdictions eligible have projects ready to go but for lack of funds. In each of 11 States, the approvable projects involve more than $1 million: Alabama, California, Georgia, Illinois, Iowa, Massachusetts, Michigan, New York, Ohio, Oklahoma, and Tennessee.

In December 1963 Congress in its wisdom passed a series of amendments to the Manpower Development and Training Act. Lack of action in providing a supplemental appropriation now makes it impossible to implement these very amendments that would:

(a) Provide basic literacy and educational skills needed by many youths and adults before they can enter occupational preparation programs;

(b) Increase the number of eligible heads of families who could benefit from the training;

(c) Increase the training allowance making it possible for heads of families to remain in training programs that will prepare them for jobs rather than to seek welfare arrangements that would more adequately provide for their family's well-being.

(d) Provide for extending training with allowances to more youths—youths who now comprise a major segment of our unemployed—youths who without adequate preparation for the world of work will become the hard-core unemployed of the future.

Programs and projects mean people—the unemployed and disadvantaged citizens who need and want training for jobs that will make them self-supporting. For these people to see a training program evaporate—a program that emerged in their community because there would be jobs for those who were trained—a program advocated by their State agencies—is a traumatic experience for one who was clutching at a "last chance." Many of the unemployed who had been tested and selected for training in such programs will lose faith and turn to welfare programs that will be difficult to leave if the training program is made available much later when funds do become available.

Local and State officials having given much effort to the planning and development of projects that remain unfunded lose their zest for a program with such instability. It is only logical that they would adopt a "wait and see" attitude before moving ahead with new projects even though the potential for successful employment of available people exists.

Examples of unfunded projects follow this summary.

ALABAMA

Project No. 220 (statewide) which was approved at a review team meeting and is currently awaiting funding, is scheduled to train 3,530 persons at a cost of $4,124,000 (including fiscal 1964 costs of $2,471,000). The occupations in which training is to be provided include the following: Nurse aid, orderly, clerk-typist, clerk, general office, clerk-stenographer, all-round farm machinery operator, cook, hotel and restaurant, nurse, licensed practical, draftsman, presser. This project is designed to train persons lacking adequate educational attainment or work experience to compete for available jobs, particularly adults from rural areas. Testing and counseling services will be provided for trainees.

ARKANSAS

Project No. 233 is designed to train 62 farm machinery operators in the Blytheville area at an estimated fiscal 1964 cost of $17,000. Most of the trainees are expected to be men with less than 8 years of education and come from low-income farm families. While the trainees will have had some familiarity with farm equipment operations, they will not have had experience in handling more complex and costly equipment. The start of this 8-week course, originally scheduled for February 3, 1964, is being delayed by the lack of Manpower Development and Training Act funds.

Project No. 231 in the Little Rock-North Little Rock area is designed to train 20 automobile mechanics at an estimated cost of $41,000 (including fiscal 1964 costs of $27,500). Trainees for this project will be selected from male youths 16 to 22 years of age. Automobile dealers and oil companies have indicated a willingness to hire trainees completing the course. The start of this 52-week course, orginally scheduled for February 1964, has been delayed by the lack of Manpower Development and Training Act funds.

CALIFORNIA

Fourteen California projects, which have been approved at review meetings, are currently awaiting funding. Among these projects are the following:

Project No. 311 in the San Francisco-Oakland area is designed to train 500 disadvantaged youths in 10 occupations at a total cost of $851,500. Among these occupations are frameman, service station attendant, beauty operator, insurance rate clerk, duplicating-machine operator, stenographer, and licensed vocational nurse. To be selected for training, applicants must be at least 16 years of age, be unemployed or underemployed, and must have educational deficiencies or other serious difficulties in obtaining successful employment. Counseling and basic education as well as vocational training will be provided in this project. A number of local government and private organizations are cooperating with the Employment Service in this project.

Multioccupation project No. 308 is scheduled to train 500 persons in the San Francisco-Oakland area at a total cost of $985,000 (including fiscal 1964 costs of $607,000). The occupations in which training is to be provided include the following: auto-service-station-attendant helper, mechanical trades, office-machine serviceman (entry), duplicating-machine operator, general clerk, licensed vocational nurse, orderly, medical service, salesperson—general, beauty operator (entry), and groundkeeper (entry).

This project is designed to train and place in employment adult members of minority groups and other disadvantaged persons lacking work experience and having educational and other deficiences. A number of local government and private organizations are cooperating with the Employment Service in this project.

Project No. 317 is designed to train 25 stationary engineers in the Los Angeles-Long Beach area at an estimated cost of $92,600. The local union believes placement of these trainees is assured upon completion of training. Trainees completing this course are expected to receive from $2.50 to $2.91 per hour.

FLORIDA

Seven Florida projects which have been approved at review meetings are currently awaiting funding. Among these projects are the following:

Project No. 230 is designed to train 240 disadvantaged youths in the Tampa area in five occupations at an estimated cost of $198,600. The occupations in which training is to be provided include automobile mechanic, automobile-body repairman, automobile upholsterer, upholsterers II, and clerk, general office. This project is scheduled to train youths 16 to 21 years of age who lack job motivation and have substandard home and community environments. Extensive testing and counseling will be provided during a prevocational period. If necessary, trainees will receive remedial instruction to assist their preparation for occupational training.

Project No. 221 is designed to train 15 automobile-body repairmen in the Winter Park area at a cost of $27,200 (including fiscal 1964 costs of $19,000).

Project No. 221 in the Tampa area is scheduled to train 60 automobile parts salespersons at a cost of $49,300 (including fiscal 1964 costs of $30,300).

GEORGIA

Three Georgia projects, which have been approved at review meetings, are currently awaiting funding. Among these projects are the following:

Project No. 215, a statewide multioccupational youth training project, is designed to train 840 trainees in 22 occupations at a cost of $1,270,300 (including $635,400 in fiscal 1964 costs). Among the occupations for which training is to be provided are: auto-service-station mechanic, cashier (grocery checker), clerk-stenographer, electrical appliance serviceman, lithographic pressman, machine-tool operator, sheet metal fabricating machine operator, and tabulating-machine operator. Trainees will be selected from disadvantaged youths between 16–21 years of age who have an inadequate education, limited work experience, substandard home and community environments, and lack job motivation. Extensive testing and counseling will be furnished during a prevocational period, with basic education also provided to trainees where needed. Several community groups and organizations are cooperating with the Employment Service on this project.

Project No. 216, a statewide multioccupational training project, is designed to train 1,710 adults in 30 occupations at a cost of $3,171,000 (including fiscal 1964 costs of $1,912,000). Among the occupations for which training is to be provided are, air-conditioning mechanic (entry), farm machinery operator, auto mechanic (entry), clerk-stenographer, electrical appliance serviceman, machine tool operator, and welder (combination). Extensive testing and counseling, as well as basic education, will be provided for trainees where needed.

Project No. 217 is designed to train 80 general office clerks in a 33-week training course in Macon at an estimated cost of $161,800 (including fiscal 1964 costs of $78,500).

IOWA

Two Iowa projects, which have been approved at review team meetings, are currently awaiting funding. These are:

Project No. 221, a multioccupational youth project in the Des Moines area, is designed to train 200 youths in 12 occupations at a cost of $492,800 (including fiscal 1964 costs of $294,500). Among the occupations in which training is to be provided are appliance repairman, automobile-body repairman, stock clerk, service-station attendant, and cook. Trainees will be selected from youths 17 to 22 years of age, particularly those who are members of low-income families, have inadequate education, limited work experience, and insufficient job motivation. Extensive testing and counseling, as well as basic education, will be provided.

Project No. 218 is a statewide project designed to train 120 electronic computer mechanics for 50 weeks at a cost of $657,000 (including fiscal 1964 costs of $394,000).

MASSACHUSETTS

Eight Massachusetts projects, which have been approved at review team meetings, are currently awaiting funding. Among these projects are the following:

Project No. 267, a multioccupational project in the Boston area, is designed to train 1,305 adults in 14 occupations at a total cost of $1,454,900 (including fiscal 1964 costs of $1,030,300). Trainees for this project will be selected from the hard-core unemployed, with assistance provided by the Social Welfare Department in finding prospective trainees among welfare recipients. Extensive testing and counseling will be provided during a prevocational period. If necessary, trainees will receive remedial instruction to assist their preparation for occupational training.

Project No. 268 is designed to train 20 electrical appliance repairmen in a 41-week course in the Greenfield area, at a cost of about $47,125 (including fiscal 1964 costs of $29,845).

Project No. 270 in the Springfield-Holyoke-Chicopee area is designed to train 20 automobile mechanics (entry) in a 31-week course at a cost of $46,100 (including fiscal 1964 costs of $30,980).

MICHIGAN

Thirty-five Michigan projects, which have been approved at review team meetings, are currently awaiting funding. Among these are the following:

Project No. 247 is designed to train a total of 60 electrical appliance servicemen, furnace installer repairmen, radio and television repairmen, and refrigeration mechanics in the Marquette area in a 48-week course at a total project cost of $307,300 (including an estimated fiscal 1964 cost of $146,000).

Project No. 251, a youth project in the Grand Rapids area is scheduled to train 32 automobile mechanics in a 44-week course at a total project cost of $68,500 (including an estimated fiscal 1964 cost of $42,200).

Project No. 276 is designed to train 40 woodworking machine operators in the Muskegon area in a 20-week course at a total project cost of $47,900 (including an estimated fiscal 1964 cost of $29,400).

NEW JERSEY

As of April 28, 1964, some 17 projects that have been approved at review team meetings are currently awaiting funding.

These include three youth projects in the Newark area (New Jersey 270, 271, 272) designed to train 20 cabinetmakers, 20 automobile mechanics, and 20 machine-tool operators for a period of 27 weeks. The total estimated costs of these projects are $10,800 each (including fiscal 1964 costs of $830 each). The prospective trainees are high school dropouts who are members of minority groups, have substandard home and community environments, and lack adequate job motivation. Extensive testing and counseling will be provided during a 6-week prevocational period. The Newark Youth Center is cooperating with the employment service in the prevocational phase of these projects.

Project No. 244 in Salem is scheduled to train 17 machinists in a 52-week course at an estimated cost of about $70,000 (including fiscal 1964 costs of $30,000).

Project No. 246 is designed to train 30 engine-lathe operators in the Perth Amboy-New Brunswick area at an estimated cost of $66,200 (including fiscal 1964 costs of $37,000). The start of this 27-week project, originally scheduled for May 13, 1964, has been delayed by lack of Manpower Development and Training Act funds.

NEW YORK

As of April 29, 1964, some 19 projects approved at review team meetings are awaiting funding. Among these projects are the following:

Project No. 300 in the Rochester area is scheduled to train 1,000 disadvantaged youths at a total cost of $2,200,000 (including fiscal 1964 costs of $1,500,000). Training is to be provided in metal machining, automobile service, and a variety of other skilled, clerical, service, technical, and professional occupations. This project is designed to aid minority group youths with limited educational attainment, young persons from low-income families, individuals with serious emotional and personal problems, and other disadvantaged youths. Intensive counseling, testing and remedial training in grammar, spelling, reading, writing, and arithmetic will be among the services offered to the trainees.

Project No. 281 is designed to train 75 youths in the New York City area as electronics mechanics at an estimated cost of $110,000 (including fiscal 1964 costs of $80,000). This 36-week course, originally scheduled to start April 6, 1964, has been delayed by the lack of Manpower Development and Training Act funds.

Among the programs under development are two projects designed to train 4,000 youths and 2,000 adults. These projects will serve youths and adults with less than a high school education and lacking marketable skills. The principal objectives of the projects are: (1) to provide the participants with an introduction to broad fields of work and remedial training geared to individual needs in reading, writing, basic arithmetic, spelling, and other language skills; basic education will be oriented to several broad vocational objectives (2) to provide training in specific occupations at the entry level for each trainee as his particular needs and vocational potential are identified. The employment service will be aided by the board of education in identifying and resolving trainee motivational, attitudinal and vocational problems. Special testing, counseling and guidance services will be provided for trainees.

NORTH CAROLINA

Four North Carolina projects, which have been approved at review team meetings, are currently awaiting funding. These include the following:

Project No. 235, a statewide multioccupation project, is designed to train 3,500 adult trainees in 63 occupations at a total cost of $5,107,300 (including fiscal 1964 costs of $2,707,700).

Project No. 236, a statewide multioccupation project, which is scheduled to be conducted concurrently with project No. 235, is designed to train 1,500 youths in 63 occupations at a total cost of $2,119,000 (including fiscal 1964 costs of $1,354,000). Among the occupations in which training is to be provided in these two projects are: Air-conditioner mechanic, automobile mechanic, accounting clerk, bricklayer, cook, electrician, farm machinery operator, finisher—furniture, machine operator—general, nurse aid, plumber, radio and TV repairman. Trainees are to be drawn from the hard-core unemployed. Extensive testing, counseling, and basic education (where necessary) will be provided for trainees.

Project No. 231 is designed to train 20 automobile mechanic apprentices in the Charlotte area for 44 weeks at a total cost of $51,900 (including $19,000 in fiscal 1964 costs).

Project No. 233 is designed to train 15 construction equipment mechanics (entry) in the Wilson area for 48 weeks at a total cost of $51,530 (including fiscal 1964 costs of $58,370).

OKLAHOMA

The following two Oklahoma projects, approved at a review meeting, are currently awaiting funding.

Project No. 223, a statewide multioccupation training project, is designed to train 3,067 adults in 29 occupations at a total cost of $2,956,200 (including fiscal 1964 costs of $1,442,600).

Project No. 224, a statewide multioccupation youth training project, is scheduled to train 820 youths in 18 occupations at a total cost of $1,367,000 (including $675,200 in fiscal 1964 costs). Among the occupations in which training is to be provided in these projects are: automobile-service-station attendant, carpettufting machine operator, cook—institutional, draftsman, electronics assembler, farm mechanic, machine tool operator, nurse aid, stenographer (refresher), welder—combination. Trainees for these projects will be drawn from selective service rejectees, school dropouts, low-income groups, persons of low educational attainment, hard-core unemployed, and other disadvantaged groups. Extensive testing, counseling, and basic education, where needed, will be provided for trainees.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask a question about the Heart Institute funds. I find, according to the hearings on this bill, that apparently there will be $3,215,000 transferred out of the Heart Institute funds. Can this be correct, that the Heart Institute was overfunded to the extent that $3,125,000 can now be taken for Wage Board pay increases and so on and so forth?

Mr. MAHON. The gentleman from Iowa knows that the work of the National Heart Institute is very popular with the American people. We are sustaining great human and economic loss as the result of our inability to cope with the problems of diseases of the heart. To some extent I think the gentleman is correct that this has been overfunded, but I believe the better way to say it would be that the efforts toward achieving economy and reducing expenditures and reducing personnel in Government service wherever possible has brought about a situation wherein the use of all of the funds appropriated for the purpose is not required. I applaud the National Heart Institute for this move toward economy which certainly is in keeping with the temper of the times, and especially in keeping with the views of the gentleman from Iowa and myself, that we ought to achieve as many economies as possible in the administration of government.

Mr. GROSS. I agree with the gentleman in respect to almost everything he has said, and I believe the gentleman will agree with me that the Heart Institute has been overfunded, apparently, to the extent of $11.3 million. I would point out to the gentleman that when a health and welfare appropriation bill is before the House, anyone who attempts to reduce these funds meets with strong opposition. No one in the House, I am certain, wishes to shortchange the Heart Institute, Cancer Research, or any projects of a similar nature. It is enlightening, however, to note that the hearings on this deficiency appropriation bill indicate that the Heart Institute has apparently been overfunded to the extent of $11.3 million and to the extent that $3,125,000 can now be transferred out and used for other purposes.

That is the point I am making.

I am not opposed to the surplus funds being used in this fashion. On the other hand, I want the RECORD to show that there has been an overfunding, and apparently a serious overfunding, in the previous appropriations.

I note, also, that under the title of "Comparison of Estimated Unobligated Balance With Actual Unobligated Balance," as shown in the President's budget estimates with respect to NIH, the estimated unobligated balance for the 1963 budget was $25,403,000, whereas the 1965 budget shows that the actual unobligated balance was $94,746,000.

I believe it is time we came closer to the proper justifications in the passage of the regular appropriation bill dealing with the National Institutes of Health—with the Heart Institute, and with respect to some other expenditures in that area rather than build up a huge pipeline.

Mr. Chairman, during the hearings this year in connection with appropriations for the National Institutes of Health, the following colloquy took place between the gentleman from Wisconsin [Mr. LAIRD] and Mr. Kelly and the following table was made available for the hearing record at Mr. LAIRD's request:

Mr. KELLY. I feel we have no basis at this time to advise you that the unobligated balance of NIH will be less than that which is in the President's budget. When the March councils are completed, we will know.

For total NIH, I do not think we would have any basis for advising you we think the unobligated will be less.

Mr. LAIRD. What you are saying is you think you can come up with a third figure?

Mr. KELLY. The amount in the budget is an estimate and when the March councils are finished we will have actual figures which obviously will differ from the estimates that were prepared at the beginning of the year.

Mr. LAIRD. That goes back to my original question, there will be a third figure?

Mr. KELLY. Yes.

(The information requested by Mr. LAIRD follows:)

"Comparison of estimated unobligated balance with actual unobligated balance as shown in the President's budgets:

"1961–64

Fiscal year 1961:	
1961 column of the 1962 budget	$6,782,000
1961 column of the 1963 budget	13,790,000
Difference	+7,008,000
Fiscal year 1962:	
1962 column of the 1963 budget	$60,400,000
1962 column of the 1964 budget	71,458,000
Difference	+11,058,000
Fiscal year 1963:	
1963 column of the 1964 budget	25,403,000
1963 column of the 1965 budget	94,746,000
Difference	+69,343,000
Fiscal year 1964: 1964 column of the 1965 budget	22,500,000"

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 8, line 19:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

For additional amounts for appropriations of the Public Health Service as follows, to be derived by transfers from the appropriation for "National Health Institute", fiscal year 1964:

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON: On page 8, line 24, strike out "Health" and insert in lieu thereof "Heart".

Mr. MAHON. Mr. Chairman, the amendment is offered to correct a typographical error. The necessity for the amendment is obvious. The line should read: "the appropriation for 'National Heart Institute', fiscal year 1964:".

I ask that the amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ICHORD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11201) making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes, had directed him to report the bill back to the House with an amendment thereto, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that those speaking on the bill this afternoon may have permission to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMERICAN CITIZENSHIP AWARD TO SAM GAROFALO

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, the veterans of the 29th District of California, as well as veterans throughout southern California, are proud of Sam Garofalo, who has recently been selected to receive the American Citizenship Award, one of the highest awards the Veterans of Foreign Wars can give a civilian.

Sam Garofalo, a personal friend of many years standing, is one of those rare men whose list of civic contributions is overwhelming in the eyes of the average man. The community of Lincoln Heights in Los Angeles is fortunate, indeed, to have had the service and abilities of Sam Garofalo over the past years, and it is the hope of all that the community will continue to be thus endowed for many years to come.

The following article from the Lincoln Heights Bulletin-News outlines Mr. Garofalo's many accomplishments. I ask unanimous consent that the article be printed immediately following my remarks.

VFW Honors Sam Garofalo With Citizenship Award

Samuel Garofalo, well-known Lincoln Heights civic leader, will be honored Saturday, May 9, at the American Legion Hall, 3355 Eastern Avenue, for his nearly 40 years of service to the community.

Garofalo has been selected to receive one of the highest honors of the Los Angeles City Hall VFW Post, the American Citizenship Award.

A long list of dignitaries have been invited to the affair which will begin with a social hour from 6 to 7 p.m. They include Congressman George E. Brown, Jr., Councilman James Harvey Brown, Supervisor Ernest E. Debs, Assemblyman George E. Danielson, Mayor Samuel Yorty, Chief William Parker, Chief Engineer William Miller, Congressman Glenard P. Lipscomb, State Assemblyman Thomas Reese, Sheriff Peter Pitchess, and Lt. Gov. Glenn Anderson.

Lincoln High School's ROTC will present the colors, while John Moltoni leads the pledge of the flag. Supervisor Debs has been billed as the guest speaker. Carroll Cone will be the main speaker, with a closing statement by Frank Biamonte.

Garofalo's long list of civic responsibilities include: 1959–61, chairman of Lincoln Heights Red Cross and Community Chest drives; 1960, president of Kiwanis Club; organizer of a senior citizens club; founder of Coordinating Council; reorganization of the Sea Scout troop; spearheaded a Kiwanis membership drive that netted the highest membership the club had ever accomplished in its 15-year history.

In 1961, Garofalo served as president of the Coordinating Council; in 1962, he received the Merit Award of the Lincoln Heights Chamber of Commerce for outstanding community service; in 1963, he headed a successful campaign to bring the Highland Park Symphony Orchestra to the Heights.

Presently serving as a member of the board of directors of the chamber of commerce, Garofalo is an active member of Benevolent and Protective Order of Elks, Elks National Foundation, Garibaldina Society, California Erie Club, Kiwanis, Coordinating Council Hollywood Bowl Association, Los Angeles Philharmonic Association, East Area Welfare Planning Council, Lincoln Heights Investment Corp.

Garofalo was born in Augusta, Italy, in 1904 and arrived in the United States in 1906. He moved to Lincoln Heights from Erie, Pa., in 1923 and attended Southwestern University and USC. In 1936, he opened his own business in Lincoln Heights.

Garofalo was married in 1937 to Rose Genovese in South Pasadena. They have two children, James and Kathleen.

During World War II, he sold war bonds and entertained soldiers. In 1948, he became chairman and director of the local draft board and received a certificate of appreciation from President Truman for his services in that job.

Garofalo presently continues his accounting business in Lincoln Heights.

POVERTY PROGRAM

Mr. KILBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KILBURN. Mr. Speaker, I bring to the attention of my colleagues in the House an article from a very fine newspaper in my district, the St. Lawrence Plain Dealer, Canton, N.Y., quoting in full a letter to President Johnson from a farmer in Canton in regard to the "Poverty Program." It is entitled:

Canton Farmer Tells Lyndon To "Pay as You Go"

Merton Church, a farmer of the Pyrites Road, wrote a letter this week to President Lyndon Johnson—not that he has much hope of upsetting the White House "poverty program," but heartily opposing it.

Signing his letter, "Yours for the naked truth," Church wrote:

"Dear Mr. President: We see in the papers that you have been visiting poor corners of the Nation, at Huntington, W. Va.; Pittsburgh, Pa., and South Bend, Ind., where wealthy labor unions thrive and put out their hands for more.

"Here in northern New York, people live in small towns and are poor but proud. Some have worked and saved all through life and may have a few thousand dollars in the bank, not having put everything into big cars and boats and are trying to live off an income in the form of interest of perhaps, $1,000 to $2,000 a year. They can feed and clothe themselves, because they are frugal.

"Our great trouble is the terrible taxes left by stalling off the paying of the national debt, as you are doing and as the governments have been doing for the past 30 years. I argue: pay a lot more as you go, while men are earning big money.

"Don't throw everything at the man who has worked and saved a little money, or in a few years you will be left living with poverty. God will take His careful, honest people home and leave you politicians to skin one another."

ACADEMIC FREEDOM OR SPIRITUAL-INTELLECTUAL BLACKOUT?

Mr. PILLION. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PILLION. Mr. Speaker, the Committee on Un-American Activities, of the House of Representatives, held hearings in Buffalo, N.Y., on April 29 and 30, 1964.

One of the purposes of the investigations and hearings was to determine the extent of the infiltration of Communists in the State University of New York, at Buffalo, N.Y.—formerly known as the University of Buffalo.

The testimony produced at the hearings revealed a serious and increasing infiltration by Communists in both the faculty and the student body at this university.

The House Un-American Activities Committee subpenaed teachers and other persons accused of belonging to the Communist apparatus. These individuals were thus afforded every opportunity to deny or explain their pro-Communist identifications and activities. These subpenaed witnesses rejected immunity from criminal prosecution in return for a full disclosure of their Communist activities.

Instead, these witnesses acted in concert to disrupt and filibuster the hearings of this congressional committee. They resorted to the first and the fifth amendments of the Constitution. The fifth amendment protects witnesses against self-incrimination in criminal proceedings.

THE FACULTY

One witness who refused to testify was a teacher at the State University of New York, at Buffalo, N.Y. He was sent to the Buffalo area from New York City as a Communist organizer and colonizer. His specific assignment was to infiltrate labor unions in Buffalo's industrial plants.

This witness possessed a number of university and postgraduate degrees. He applied for employment as a laborer in four different plants. In each instance, his application deliberately omitted his university degrees in order to void suspicion and to gain employment for his Communist designs.

The uncontradicted evidence before the House Committee on Un-American Activities indicates a small but highly organized and dangerous group of pro-Communists on the faculty of the State University of New York, at Buffalo. There is no question but that the vast majority of faculty members are dedicated instructors and loyal Americans.

The State University of New York, at Buffalo, is supported by the taxpayers of New York State. The citizens of the State of New York, and particularly the citizens of the Buffalo community, are entitled to know how and why teachers with a long history of Communist or pro-Communist activities are employed on the faculty of this institution.

Is there a pipeline for the Communist Party into the faculty? Why are teachers with uncontradicted pro-Communist backgrounds retained on the faculty?

No Communist or pro-Communist can teach our youth objectively. The basic training and indoctrination of a Communist or pro-Communist, of necessity, conflicts with the spiritual, moral, ethical, economic, sociological and political principles and beliefs of our free society.

THE STUDENT AGITATORS

The hearings of the House Committee on Un-American Activities were picketed by a Communist organized and inspired group of students of the State University of New York, at Buffalo. This group was aided and abetted by a group of professional Communist agitators sent to Buffalo from New York City.

This group's objective was to disrupt and discredit the hearings. This relatively small group of students does not represent the loyal and patriotic attitude of the vast majority of students at the State University of New York, at Buffalo.

The Buffalo community is entitled to know how these Communist or pro-Communist student activists and agitators are admitted to the university.

Is there a Communist pipeline for admission to the university?

The Communist agitators at the university are victimizing the students and are exploiting their idealism, their enthusiasm, and their sense of social justice.

The demonstrations at the hearings were not spontaneous expressions of protest. These demonstrations, like other anti-American riots and disorders around the world, were Communist directed and executed with detail and precision.

STUDENT INVITED LECTURERS AT STATE UNIVERSITY OF NEW YORK, AT BUFFALO

The Communist Party of the Soviet dominates more than 100 Communist parties around the world. It is basic Communist strategy to subvert and control youth and student groups to create chaos and disorder.

In 1959, following the strategy laid out by Khrushchev's Communist Party in Moscow, the Communist Party, U.S.A., launched its campaign, not under this Communist label—but as Marx-Lenin Socialists, to exploit controversial issues such as "civil rights," "academic freedom," and "disarmament."

This campaign was named "Operation New Horizons." Its stated objectives are: First, "Mass development on the campus," and second, "Left-student developments."

In conformity with this worldwide strategy, laid out by the Communist Party of the Soviet and carried out in the United States by the Communist Party of the U.S.A., a Communist dominated student group of the State University of New York, at Buffalo, has invited a number of outstanding Communist agitators to deliver lectures at the university.

Last year, Burton White delivered a lecture at the university. Burton White is a prominent official in a number of organizations cited by Congress as Communist-front organizations. His sponsoring group includes seven of the highest ranking officials of the Communist Party, U.S.A. He is one of the cleverest and most effective lecturers and propagandists of the Communist Party, U.S.A. He is an expert at promoting hatred, civil strife, and disorder among university students.

On April 9, 1964, Langston Hughes delivered a lecture at the university following an invitation from the same student organization. Langston Hughes specializes in writing poetry intended to ridicule and vilify God, Jesus Christ, and all spiritual values. Langston Hughes has been identified by another Communist as a member of the Communist Party. He has been an active member of 38 Communist fronts cited as such by congressional committees. He received Communist training and indoctrination in Russia.

The Communist core in the State University of New York, at Buffalo, also connived to have an invitation extended to Dr. Herbert Aptheker to deliver a lecture. This lecture has been postponed, pending a court appeal on an action brought by a citizen to deny Aptheker the use of the public-supported university for Communist propaganda purposes.

Aptheker belongs to the "open and overt" class of Communists. He is one of the top "brains" and theoreticians of the party. He was director of its training and indoctrination school in New York City. He testified that he has been a card-carrying member of the Communist Party, U.S.A., since 1939. Aptheker is one of the principal speakers on the Communist lecture circut of universities and colleges.

Recently, Oswald Mosley, the English Fascist leader appeared at the university as a guest lecturer.

The explanation offered for the appearance of these lecturers is the right to "academic freedom." This explanation is a typical Communist fraud and perversion of a good cause.

Mosley is a pathetic, ineffective exponent of fascism. His pitiful party of a few hundred stragglers is no threat to anyone.

His invitation was deliberately arranged by Communists to furnish a spurious rationale and excuse for the appearance of highly articulate, master propagandists for the Communist cause.

"Academic freedom" is the freedom to search for the truth. It is not an unlimited right to convert the State University of New York, at Buffalo, into a forum for either Communist or Fascist propaganda. The teaching staff at our universities has always had not only complete freedom to teach the Communist doctrines in the political science, psychology, economic, and sociology classes, but also the duty to do so.

But, these teachings must be objective and not be allowed to be transformed into aiding the goal of the Soviet-led international Communist campaign to destroy our Government and the free world.

It is a dangerous error to confuse the teaching of fact and truth with the selling techniques of Madison Avenue. The propaganda techniques of Lenin and the Communist Party are far removed from a scientific inquiry into the falsity or truth of the economic and sociological principles offered by the Communist Party.

This student lecture program does not represent "academic freedom," if we define "academic freedom" as the search for truth. It is carrying us to a spiritual and intellectual blackout under totalitarian communism.

On May 2, 1964, the Buffalo Evening News printed a most commendable editorial on the subject of "Academic Freedom." This editorial most logically pointed out that those same witnesses at the hearings who pleaded the protection of "academic freedom" were the same persons who denied the right of the House Committee on Un-American Activities to present their testimony of Communist infiltrations and questioned their right of free and full inquiry.

This same editorial most wisely concluded that the public interest can be best served by a full disclosure of fact so that the American public can evaluate and judge the merits of this most critical threat to our society.

The editorial of the Buffalo Evening News follows:

Academic Freedom?

For some of those student pickets of the House Committee on Un-American Activities hearings, a couple of points to ponder:

How many who wanted these hearings suppressed were the same who had upheld, as "academic freedom," the right of all ideologies to be heard at UB?

For those who were so intellectually curious that they wanted to hear what Oswald Mosley would say for fascism and Herbert Aptheker for communism, would it have strained intellectual curiosity too far to let the House Committee on Un-American Activities come here unmolested and speak for itself too?

Had these pickets ever seen the House committee in action? Did they know, when they started picketing, what its mission here was? If not, their prejudging of it, their demand that it go away without being heard, was the anti-intellectual reverse of the position they had taken on Mosley and Aptheker.

And, speaking of Aptheker, he at least was prepared to come to BU as an open Communist and defend that position publicly. But what is one to make of a member of the academic profession—supposedly a society of free and mutually trusting scholars—who, when named in testimony as a secret Communist colonizer, neither denies nor affirms it but denounces the committee for asking the question and then claims every right the Constitution gives for refusing to answer?

Much is made in these matters of "academic freedom"—the very phrase, indeed, invoked by a UB instructor as one of many grounds for refusing to tell the House Committee on Un-American Activities whether he had certified to the State that he was not now a Communist or, if he had ever been, had communicated that fact to the State university.

But does academic freedom imply a right to be clandestinely what one will not avow openly? We think not. We believe rather that a proper and appropriate line on this question was drawn back in 1947, in the famous report of the Truman Commission on Civil Rights.

"One of the things which totalitarians of both left and right have in common," it said, "is a reluctance to come before the people honestly and say who they are, what they work for, and who supports them.

"We do not believe in a definition of civil rights which includes freedom to avoid all responsibility for one's opinions. This would be an unwise and disastrous weakening of the democratic process. If those people wish to influence the public in our national forum of opinion they should be free to do so, regardless of how distasteful their views are to us. But the public must be able to evaluate these views.

"The principle of disclosure is, we believe, the appropriate way to deal with those who would subvert our democracy by revolution or by encouraging disunity and destroying the civil rights of some groups. Our purpose is not to constrict anyone's freedom to speak; it is rather to enable the people better to judge the true motives of those who try to sway them."

Think about it, students.

REMEDIAL ACTION

The State University of New York, at Buffalo, is composed of more than 30 colleges and universities. It is known and documented that other colleges of the State university have also been similarly infiltrated by Communist cells.

In the pending Aptheker court appeal, the State university has taken an official legal position in support of the legality and the propriety of the proposed Aptheker lecture in Buffalo.

It is obvious that corrective action to cleanse our public colleges and universities from Communist propaganda, infiltrations, and subversion, will not be initiated by the educators and administrators of the State University of New York, at Buffalo.

There are two possible avenues of remedial action:

First, the citizens of the State of New York can call upon the Governor of this State to require all existing public agencies, commissions, and boards to investigate the extent of Communist infiltrations and influence in our State university. The Governor can order all appropriate officials to reexamine and revise the policies and rules of the State university to the extent necessary for the protection of the educational integrity of the State university.

A second, concurrent or alternative source of relief rests with the legislature of the State of New York.

The citizens of this State are free to ask their State senators and State assemblymen to create a joint legislative committee to investigate, develop facts, oversee educational operations, and recommend remedial legislation on the subject of Communist infiltrations and influences in our State colleges and universities.

THE PRESIDENT'S ADDRESS TO THE GEORGIA GENERAL ASSEMBLY

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANDRUM. Mr. Speaker, on Friday, May 8, the President of the United States concluded a tour through Appalachia with a visit to Georgia. Thousands of enthusiastic citizens greeted him on his arrival late Thursday evening at the Atlanta Municipal Airport and on Friday morning he addressed the members of the Georgia General Assembly at breakfast at the Dinkler Plaza Hotel. It was a great privilege for the Georgia delegation in Congress to be present for this occasion, along with the members of the State general assembly, and hear a magnificent address by President Johnson. Following this address President Johnson departed from the hotel for a visit to Gainesville and north Georgia and along the route from the hotel to the airport more than 500,000 enthusiastic Georgians greeted the President. In Gainesville more than 40,000 north Georgians assembled to give another warm and enthusiastic welcome to this great leader of our Nation.

The Atlanta Journal of Friday, May 8, carries the printed text of the President's message to the Georgia Legislature and also in that same issue publishes an editorial entitled "The President's Text." I ask unanimous consent that the text of this great speech as published in the Atlanta Journal and this editorial be printed at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

TEXT OF JOHNSON MESSAGE TO GEORGIA LEGISLATURE

Prepared remarks of the President at the legislative breakfast in Atlanta:

I am glad to be here as a President of the United States who feels at home in Georgia.

This day has been a long time coming. The second president of Texas was a son of Georgia—Mirabeau Bonaparte Lamar. It has taken Texas a hundred years to return the service.

Coming to Georgia is a homecoming for me. My grandfather, Jesse Johnson, was elected sheriff of Henry County, Ga. Later the people of McDonough elected him sheriff of the inferior court. Thus, the Johnson family got its start in politics.

I am sure you never imagined what you were starting.

In fact, had my family stayed in Georgia, who knows, I might be sitting in this legislature in my own right, instead of merely being an invited guest.

Mr. Johnson, married a Georgia girl of 18, Lucy Webb Barnett—who, of course was as beautiful as all Georgia girls are.

Although I've never noticed that I inherited any of that particular Georgia characteristic.

I speak to you today as an American and as the President of a united nation.

My office is not a trust for a single section or a single State. The people it serves occupy one continent. They are ruled by one Constitution.

As I am President of all the people, you are part of all the people.

I speak to you not as Georgians or southerners, although those are proud titles to be proudly borne.

Rather, I speak to you as men who helped shape the more spacious design of a larger destiny. There have been days of discord. But the liberty of our entire land has been consecrated with the lives and the labor, the dedication and the daring, of the sons of Georgia.

Powder, stripped from the warehouses of Savannah, shipped in a cargo of rice to the North, fired the muskets on Bunker Hill.

Some of those sounds heard round the world were Georgia sounds.

The story of our victories is washed with Georgia blood and the roll of our valiant is sown with Georgia names.

In this century, in two World Wars and in Korea, half a million Georgia men went to battle. More than 5,000 never returned.

The names of your heroes are known and honored, not alone in Georgia, but wherever children study and men celebrate the chronicles of their country.

Georgia has bound itself to the Union not only with the conquests of its brave but with the creations of its builders, not only with arms in the midst of turmoil but with achievements in the midst of tranquillity.

From Georgia land comes food for the people of Minnesota. From Georgia mills comes clothing for the shops of New York. From Georgia factories come planes to carry the soldiers of Europe and the goods of California. From Georgia quarries comes marble for the chief center of the Union itself, the Capitol of the United States.

Here, then, is the new South. This is the land Henry W. Grady, of Georgia, foresaw in 1886, when he came to New York and took as his text the words: "There is a South of union and freedom—that South, thank God, is living, breathing, growing every hour."

Not so many years ago those words seemed less a hopeful prophecy than a hallow promise. Old ways had crumbled—carrying with them that which was fine as well as that which was flawed—replaced by a blighted land and a bitter people.

Franklin Roosevelt sent me and others to survey that South. He sought to turn the conscience of the Nation to the cares of its neighbors.

Many of you are old enough to know what we found. Your families, your neighbors, your towns, were among the victims.

That South was a forgotten and forbidding land. Its mills were idle and its banks were shut. Misery was on the faces of its farmers and hunger scarred the faces of its children. What little wealth there was trickled north, leaving the South barren of its own bounty.

Can you remember now with me those days of darkness?

The average income was little over $300 per person. It was little more than half that of the North and West. Most people lived on farms. And white farm families not on relief averaged $390 a year. They spent $49 for the food they bought—$31 a year on clothes—$12 a year on medical care—$1 a year on recreation—$2 a year on education.

The wages of factoryworkers were 30 to 50 percent below the national average. Almost 10 percent of our children couldn't read or write. Less than 6 percent of 3 million farmhouses had piped water. Almost 2 million people were infected by malaria. Millions more suffered diseases of malnutrition and hunger.

Many thought the South had suffered its final defeat. They foresaw a migration of the young and the strong—leaving behind only the unskilled and the helpless to preside over deepening desolation.

These were the faint of heart.

I was not among them.

The people of Georgia were not among them.

Franklin Delano Roosevelt was not among them.

He came to Georgia and said: These conditions "can and must be righted, righted for the sake of the South and the sake of the Nation."

This Nation, under Franklin Roosevelt forged, in the bitterness of common disaster, a new compassion which ignored old barriers of suspicion and old boundaries of section.

The results are here, in the new South.

The average income in the South has increased six times since 1930, rising much faster than the national average. Malaria and pellagra are gone and hunger is going. The acreage yield of your farms has doubled, and the gross income per farm has risen eight times. Nearly every home has water and electricity, and every child can go to school. And, at the peaks of prosperity, the proportion of southern families with homefreezers and air conditioning is above the national average.

What Henry Grady foretold has come. We see a new South. We see a "South of union and freedom." We see a "South which is living, breathing, growing every hour."

But to those who live in the present, the conquests of the past are but a spur toward the future.

The South, along with all America, has many troubles. The words of the motto of Georgia give a guide to resolution of those troubles—Wisdom, justice, moderation.

The first of these is wisdom. It was in 1880 that Atticus Haygood, president of Emory College, said: "We in the South have no divine call to stand eternal guard by the grave of dead issues."

Today the South no longer stands alone, proud in isolation but poor in hope.

Many of the old issues are dead. The way you live is the way the Nation lives. Your hopes are the Nation's hopes. Your problems are the Nation's problems. You bear the mark of a southern heritage, but that which is southern is far less important than that which is American.

After years of ruinous and futile division, we have achieved rewarding and fruitful union. We are, today, one nation, one people, one America.

I would not be here, I would not be looking forward to November, were this not true. And I am looking forward to November.

So heed not those who come waving the tattered and discredited banners of the past—who seek to stir old hostilities and kindle old hatreds—who preach battle between neighbors and bitterness between States. That is the way back toward the anguish from which we came.

I will never feel that I have done justice to my high office until every section of this country is linked, in single purpose and joined devotion, to bring an end to injustice, and poverty, and the threat of conflict among nations.

Of course I do not want to go as far as the Georgia politician who shouted from the stump: "Fellow citizens, I know no North. I know no South. I know no East. I know no West." And a barefooted boy shouted from the gallery, "You'd better go and study geography."

The second quality is justice. A just society is that which meets the fair expectations of its people.

I am visiting people who expect much from us. I have talked with the poor of Appalachia—to those whose hunger of the body brings despair of the spirit—who live in homes empty of means with hearts empty of hope.

But I do not need to tell the people of the South what poverty means. It once blanketed this land.

I do not believe those who walked through the anguish of the Old South—who sit today secure in their affluence and safe in their power—will now turn from the sufferings of their neighbors.

For our country has the same duty today to help the few who are poor, as we did then to help the many who were poor.

I am going to tell the poor of Georgia—as I have told the poor of Pittsburgh and of West Virginia and of Chicago—that in State capitals, in small towns, in Washington itself—we are uniting our resources for a war which will end only when poverty itself has ended.

Justice also means justice among the races.

Racial problems have deep roots in southern soil. But they also trouble the passions of men on the shores of Maryland, in the slums of Philadelphia and in the streets of New York. We may well find racial peace in much of the South, before the end of racial strife in the cities of the North.

In your search for justice, you have a sure and faithful guide—the Constitution of the United States. Georgians helped write that Constitution. Georgians have fought, and Georgians have died, to protect that Constitution. It has nourished the fullness of your progress and the freedom of your people. I believe Georgia will join with the entire Nation to insure that every man enjoys all the rights secured him by that American Constitution.

For democratic order rests on faithfulness to law. Those who deny the protection of the Constitution to others, imperil the safety of their own liberties and the satisfaction of their own desires. We now move forward—under that Constitution—to give every man his right to work at a job, to elect his officials, to educate his children, and to full and equal participation in American society.

Because the Constitution requires it—and because justice demands it—we must protect the constitutional rights of all of our people.

For no one of us is fully free until all of us are fully free. And the rights of no single American are truly secure until the rights of all Americans are secure.

The third command of the Georgia motto is moderation.

America is now beginning the quest for a great society. The barriers to this quest are high.

We have farmers deprived of sustenance for their labor, and workers deprived of labor for their sustenance. Expanding population is crowding our cities, and expanding commerce is eroding our landscape. We carry the toilsome tasks of defense, while we pursue the complex cares of peace.

To meet such problems, in such a varied and ample land as ours, bold action requires broad agreement—and consensus requires moderation.

Those who call for extreme solutions can bring us only discord and disarray. They tell us to stand upon our rights, but they fail to tell us how to meet our responsibilities.

We can only meet our duty to our people in a partnership of moderation between State and Nation, between people and government. Then, and only then, will our rights—as States, as a country, as freemen serving a just God—only then will those rights be safe.

Not under the banner of extremists will we conquer, but under your banner—Georgia's banner—the banner of wisdom, justice, moderation.

Over my bed in the White House I keep a picture of the tiny house where I was born, the son of a tenant farmer. It reminds me every day of the people I come from and the people I serve.

It reminds me that a poor family once tilled the rich soil of Georgia. Their descendant now leads a nation great in strength and freedom.

My ancestors felt free to ask their fellow Georgians for the help of neighbors. In the same way I ask for your help and your prayers in a task shared by the people, sustained by the labor, and strengthened by the freedom, of all these firmly United States.

Two lines of our national anthem read:

Blest with victory and peace, may the
 Heaven-rescued land
Praise the power that hath made and
 preserved us a nation.

In His praise, and under His guidance, let us heal the last fading scars of old battles, let us match united wills to boundless means, so that, many years from now, men will say: It was at that time, in that place of free men, that the possibilities of our past turned toward the grandeur of our future.

THE PRESIDENT'S TEXT

"Not under the banner of the extremists will we conquer, but under your banner—Georgia's banner—the banner of wisdom, justice, moderation."

It was fitting that President Lyndon B. Johnson, the first southerner to sit in the White House in modern times, chose the old motto of the State of Georgia as his text before members of the Georgia General Assembly.

It was fitting also, we think, that he chose Georgia as that State in the Deep South from which to speak about this region's and this country's urgent requirement for fairplay in racial matters.

We have watched as some of our neighboring States infinitely increased their own distress by continuing to sow bad seeds of defiance and turmoil. We in Georgia have had good reason to be thankful that this State, once committed to that same bitter course, recovered political stability and maturity and turned to the future.

Georgia has made a new commitment to that old motto which the President cited Friday. It is still a motto rather than full reality. But, as has been proved in this year when others' regional hypocrisy has been exposed, we are not alone in having a long way to travel.

The important thing about Georgia is that it has rejected the temptation to be petulant, self-pitying and paranoiac in its relations with the rest of this country. It is meeting a great issue of the time without trying to hide; it has begun.

And when the President of the United States comes here, rediscovering and reconsidering his own personal links with the South of the past, he finds that this is a State still proud of its historic heritage if not of some more recent aberrations.

He finds, in fact, that some of Georgia's great men in the past chose a powerful text for our own time: "Wisdom, justice, moderation."

We are among those who appreciate the fact that the President did not think he had to be for one moment condescending toward Georgia, ignoring the civil rights issue because it might offend delicate sensibilities.

In his general approach to the subject, in fact, we believe he has reflected what most Georgians believe.

LARGEST STEAMPLANT IN THE WORLD—BENEFIT TO ALL

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the city of Anderson in my congressional district has been known for many years as the "Electric City." An abundance of electricity at reasonable rates is essential to the industrial growth and development of any community. The city of Anderson and Anderson County realized early the importance of electricity.

I congratulate the "Electric City" and the fabulous progress it has made over the years. It is now the largest city in my congressional district and in southwestern South Carolina.

Today I introduced a bill which would permit Duke Power Co. to build a retaining wall across the Savannah River and construct in Anderson County the largest steamplant in the world—a steamplant which would generate a fantastic amount of cheap electricity; electricity that could be used to create jobs, higher wages, and opportunity for youth; a steamplant which would pay to Anderson County $1 million in taxes annually; revenue which would be used for higher teachers' salaries, improved school facilities, better roads, libraries, and public improvements; new industry which would mean more beautiful churches, hospitals, and eleemosynary institutions. This plant is an ideal industry in itself. It will require no expenditure of money by Anderson County for sewer systems and waterlines. All Duke Power Co. is asking is for the opportunity of paying to Anderson County $1 million for the privilege of being there, $5½ million to the State of South Carolina annually, and $7½ million to the Federal Government. The Duke plant and retaining wall across the Savannah River would not take 1 single acre out of taxation. It would not flood 1 acre of land not already owned by Duke Power Co. This bill is almost identical to the bill which passed Congress in 1947 permitting the Duke Power Co. to build a dam across the Dan River between North Carolina and Virginia and to construct a steamplant. Not one single person opposed the Duke project on the Dan River. Of course no one opposed it. Why should they? It passed unanimously.

This Duke plant should have the same unanimous support and backing. I want Anderson County, in my congressional district, to have the honor of having the largest steamplant in the world. The Southland and the United States should have this mark of achievement and superiority over other nations of the world. Thus type of industry is the answer to poverty in the Appalachian region. The Duke plant would purchase $24 million worth of coal annually from the depressed coal areas of the Appalachian region. Our railroads would be aided through hauling 95 cars of coal daily to this plant. Men would be employed and through an abundance of cheap electricity, other industries would flourish and grow, creating even more jobs and higher wages at no cost whatever to the Federal Government.

Mr. Speaker, this plant would greatly benefit South Carolina and would benefit Georgia, as it would focus the attention of the industrial world on these two States. Mr. Speaker, let us move forward with jobs and opportunity, better schools, higher teachers' salaries, security for the aged, and opportunity for our young people through private enterprise. This bill should receive unanimous support and endorsement.

H.R. 11204

A bill to grant the consent of Congress for the construction of a dam across Savannah River between South Carolina and Georgia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to Duke Power Company, its successors and assigns, to construct, maintain, and operate a dam across Savannah River between Anderson County, South Carolina, and Elbert County, Georgia, near Middleton Shoals, and about two hundred ninety-seven miles above the mouth of said river, for the purpose of providing a pool for condenser water for a steam-electric plant. Construction on such dam shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of the Army, and when such plans have been approved by the Chief of Engineers and by the Secretary of the Army, there shall be no deviation from such plans either before or after completion of said dam unless the modification of such plans has previously been submitted to and approved by the Chief of Engineers and the Secretary of the Army. In approving the plans for said dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of the Army may deem necessary to protect the present and future interest of the United States. Nothing in this Act shall be construed to authorize the use of such dam to develop water power or generate hydroelectric energy. The grantee and its successors, shall hold and save the United States free from all claims arising from damage which may be sustained by the dam herein authorized, or damage sustained by the appurtenances of the said dam, by reason of the future construction and operation by the United States of Hartwell Reservoir or any other Federal project upstream or downstream from the dam herein authorized.

In order to make feasible the dam and steam-electric generating plant which Duke Power Company intends to construct, it is hereby expressly provided that, should such dam and plant be constructed, no existing or future unit at Hartwell Reservoir will be operated to pump water from below Hartwell Dam back to Hartwell Reservoir.

SEC. 2. The authority granted by this Act shall cease and be deemed null and void unless the actual construction of the dam hereby authorized is commenced within four years and completed within seven years from the date of approval of this Act.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

PRAYER AND BIBLE READING

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the following letter was sent to my distinguished, able, and revered colleague from New York, EMANUEL CELLER, chairman of the Committee on Judiciary:

DEAR CHAIRMAN CELLER: A few days ago I received a letter from a prominent clergyman in New York, who associated himself with some of the most eminent clergymen and prominent religious leaders in our Nation and in the world. Mr. Chairman, to me this was a shocking letter. The last paragraph of this letter is as follows:

"As spiritual leaders, our opposition to these proposals is based on a deep commitment to religious values. We believe that the spiritual communion with God, which is the purpose of prayer and Bible reading, cannot be achieved by their mechanical repetition in an atmosphere devoid of the religious spirit which only the home, the church, and the synagogue can supply. Because such cheapening of prayer and of the Bible is not helpful to religion but hurtful to it and because the various proposals to amend the Constitution would make such cheapening inevitable, we oppose them and strongly urge you to do the same."

Mr. Chairman, prayer and supplication to our Heavenly Father and to His Son, Jesus Christ, is not cheap anywhere or at any time. It was not cheapened when offered from the foxholes and battlefields of Europe during World War II, or the jungles of the South Pacific, or the frozen ridges of Korea. Prayer is not cheap today when offered in South Vietnam or in our outposts throughout the world.

Prayer was not cheap when Benjamin Franklin knelt in the Constitutional Convention in Philadelphia in 1787 and asked divine guidance upon that Convention and upon the Founding Fathers.

Mr. Chairman, prayer is not cheap when our revered and beloved Dr. Braskamp recites Scripture and opens the daily sessions of this House of Representatives with prayer. It was not cheap when the great Peter Marshall offered prayer in the Senate. It is not cheap today when the eminent Frederick B. Harris opens the sessions of the U.S. Senate with prayer. Prayer was not cheap when men like Dr. Abram Vereide, executive director of International Christian Leadership, knelt in my office, although a Government building, and asked divine guidance upon the Congress and upon my own personal deliberations.

My father was ordained as a Baptist minister at Pine Pleasant Baptist Church in Saluda County, S.C., within whispering distance of the burial place of Luther Rice, founder of George Washington University and one of the founders of the Southern Baptist Convention. My father and mother always opened the schools they taught with prayer and Bible reading.

I have visited many public schools and always considered it reverent when the students or the teachers read the Scriptures and offered prayer. It is always a moving experience for me when visiting schools, as I often do, to see young men and women lead their fellow classmates in the devotional period. This is nothing cheap. The entire student body is more reverent and more respectful during this period than any other. Recently I was thrilled to see a young man, 11 or 12 years old, dressed in his very best "Sunday suit," conduct the devotional period at a junior high school. He was well groomed, well trained, gracious and elegant in manner. His devotional was comparable to any I have heard anywhere. This is superb training for those ideals and Christian principles which made our Nation great.

Mr. Chairman, Mrs. Dorn and I have been blessed with five children, four of whom attend the public schools. I want them to have the privilege of listening to Bible reading and prayer in the schools on a voluntary basis.

Moses Waddell, that great Presbyterian minister and one of the first presidents of the University of Georgia, when he conducted his backwoods, log cabin school at Willington, S.C., always opened classes with prayer and Bible reading in the morning and closed with prayer in the afternoon. His students, being thoroughly familiar with the Bible, with Shakespeare, the classics, discipline, and hard work, were able to influence the very destiny of this Nation. Out of his school came John C. Calhoun, Vice President of the United States; William H. Crawford, who missed the Presidency by a few votes; Hugh S. Legare, Attorney General and Secretary of State; many Governors, U.S. Senators and Congressmen; and a host of prominent educators and ministers of the Gospel.

Mr. Chairman, I solicit earnestly your consideration of the resolution which I introduced to amend the Constitution to permit prayer and Bible reading in the public schools on a voluntary basis.

Mr. Chairman, Senator TALMADGE of Georgia is correct. The Supreme Court has already amended the Constitution with its decision against prayer and Bible reading in the schools. It is now necessary with my resolution to eliminate this Supreme Court amendment and restore freedom of religion, as intended in the first amendment to the Constitution.

I respectfully and sincerely urge that you and your great committee very earnestly and reverently consider the resolution I have introduced.

Sincerely,
Wm. Jennings Bryan Dorn,
Member of Congress.

THE 12TH ANNUAL GEORGE WASHINGTON DINNER OF THE AMERICAN GOOD GOVERNMENT SOCIETY

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, on April 30, I was one of many hundreds who attended the 12th annual George Washington Dinner of the American Good Government Society, which commemorated the 175th anniversary of the first inauguration of the first President of the United States. Our distinguished colleague, Mrs. Katharine St. George, delivered the George Washington address and Senators Dirksen and Lausche received the society's annual George Washington Awards. The presentation to Senator Dirksen was made by Senator Mansfield, of Montana, and that to Senator Lausche was made by Senator Saltonstall, of Massachusetts.

In her address, Mrs. St. George most effectively emphasized the philosophy of George Washington in a very dramatic fashion. It is my personal feeling that her remarks should be carefully read by all the Members and for this reason I place the complete text of her remarks into the Record at this point.

The George Washington Address by Katharine St. George, Member of Congress, Before the American Good Government Society, April 30, 1964, Washington, D.C.

George Washington's Farewell Address is one of the great historical documents of all time. It is a final testament left to the American people by their first President. The man who could have been king by hardly stretching out his hand. The man who believed in the Constitution and yet warned of those pitfalls that lay ahead.

The word "great" has been overworked to death. When we see the two-bit politicians to whom it is applied daily in the press, and the miserable speeches and documents that are so described, it seems almost an insult to apply it to this great document.

It might be well to apply the word "great" only to something or someone whose reputation has endured for at least 100 years, and if Madison Avenue can create an image that can survive that test, no one should quarrel about their handiwork.

Every year on Washington's birthday the "Farewell Address" is read in the Congress of the United States. It is hard to read, as the sentences are long and the punctuation different from the modern. It is also hard to read, because the art of reading aloud is no longer practiced, or taught, in the United States and therefore the modern Member of Congress has usually considerable difficulty in delivering these great rolling sentences with conviction and lucidity. For this reason, and many others, this great testament has rarely been put to use. Like civilization and Christianity, it has never been tried.

I would like to consider the address with you tonight. I would like you to think of the words of our first President as they apply to the present and how they may be applied to the future. Washington believed deeply in the Constitution and he says, among the very first matters: "that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained."

This is something that is increasingly hard to do and one reason is that the complexion of the country and its growth have made another sentence that comes shortly after this first useless today. It follows: "With slight shades of difference, you have the same religion, manners, habits, and political principles."

Of course this is not true today and we conveniently forget that a great many people from many lands do not believe in a written constitution and do not believe in a modern mechanized and urbanized state.

The British, for instance, have always held that a written constitution was too rigid and have never had one. But here Washington foresaw the difficulty and gave the answer: "The basis of our political systems is the right of the people to make and to alter their constitutions of government—but the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Not that you could change the Constitution every other minute, but that when the people by a vast majority demanded change, they could. They not only can, but do obtain these changes when they really demand them. We have seen it most recently in the 21st amendment which repealed prohibition. This fact is, of course, our salvation in a growing and changing world.

As we are gathered here tonight as a nonpartisan group to honor two Senators representing our two great political parties, we should note that our first President was most vehement in his warning against what he termed the "baneful effects of the spirit of party generally." He also says, and this is important to us today: "It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy."

'The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner, or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty."

Now we today have very little partisanship. As far as causes are concerned, we all believe in motherhood and the flag and the absolute rights and knowledge of the great teenage American boy or girl, and these are our sacred beliefs, be we Republicans or Democrats.

We have, however, become slaves to looks and personality. We are violent in our likes and dislikes of individual candidates. This is especially true of women, and remember, gentlemen, they have the predominant vote today. It has been well said that for every woman who makes a fool out of a man, there is another woman who makes a man out of a fool. But, ladies, the latter is a harder task, especially in the political field.

This cult for the ideal person for political office is a way to lead the kind of competition that Washington warns us of in my last quotation, and it is infinitely easier today with TV, radio, photography, et cetera, for an individual with a pleasing and dynamic personality to turn all this to his own elevation on the ruins of public liberty. I am afraid, my countrymen, that we are now quite a way down this road.

We of the legislative branch have no great reason to cheer over our efforts to sustain public liberty. As one who has been in the Congress 18 years I have seen with sorrow the erosion of our powers, our dignities, and our effectiveness. I do not blame this on the executive or the judicial branches. I blame it on the Congress itself. These rights and duties could never have been taken from us; we abdicated them.

Here again George Washington foresaw what might be, and spelled it out. He said: "It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism."

Today we are seeing Members of the House and Senate daily criticizing the manner in which both Houses conduct their business. Well, let us now come forward, with a will to do something ourselves, before it is done for us from above. We have the critics, let us have the builders also. This is indeed a case of "physician, heal thyself."

We have heard much about the first amendment of late, and of the Supreme Court's decision in the matter of prayer in our public schools. Those upholding the decision would have us believe that the Founding Fathers feared the influence of religion and merely granted a free exercise of it. I cannot read any such meaning into the amendment. It is simple; it does not need a Philadephia lawyer to interpret it. It says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

What the founders did not want was the establishment of an official church, such as existed in most of the world at that time. Certainly, up to the latest Court ruling, this seems to have been the general interpretation, and most of our States had prayers in the public schools.

On this question of religion, the address is emphatic. It says: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion * * * reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principles."

My fellow citizens, what we need today above all else is a return to these stern principles of morality, and indeed reason and experience prove that they will never exist without respect for and belief in spiritual values.

I will not reiterate at any length the well-known injunctions, to cherish public credit, and to eschew entangling alliances. It is probably too late now to consider either in an age when we are coming near to an era of printing-press money. One of your award recipients, the distinguished Senator from Ohio, said recently: "The requirement that there shall be 25 cents in gold for every Federal Reserve dollar issued is an anchor against printing-press money. If that requirement is removed there will be no limitation of any character except the judgment of Federal officials which changes like the winds."

As to alliances, ours today encircle the globe. We have made these engagements and, for better or worse, they must be kept. In the words of the address: So far as have already formed engagements, let them be fulfilled with perfect good faith.

Finally, let us here tonight, who are dedicated to "good government," think over this great testament left us by the true father of our country, not as an interesting historical document, but as a blueprint for a more perfect union and a more perfect Government. In the words of George Washington, the first and the greatest President of the United States, "Let us raise a standard to which the wise and honest can repair; the rest is in the hands of God."

After the address by Mrs. ST. GEORGE awards were presented, as I have indicated to Senators DIRKSEN and LAUSCHE. The scrolls presented to these outstanding leaders were as follows:

RESOLUTION OF TRIBUTE AND HONOR: EVERETT MCKINLEY DIRKSEN

Patriot and statesman, has given nearly a third of a century of service in the Congress of the United States—eight terms in the House of Representatives, and 14 years in the Senate, becoming minority floor leader in January 1959.

His remarkable range of interests, broad knowledge, profound intelligence, and capacity for hard work; his logic, his courage and vigor, joined with self-control and unbounded patience; and his persuasive eloquence—all of these combined—fit him not only for his high office, but make him the most formidable debater in the Senate. All together they make him a constructive force for sane and sound fiscal policies.

Senator DIRKSEN's intellect and imagination are servants to his commonsense. He sees through the most popular political shams; he knows that things made to last must be made slowly. His career is living proof that politics cannot be learned by the light of nature without an apprenticeship.

RESOLUTION OF TRIBUTE AND HONOR: FRANK J. LAUSCHE

Statesman and jurist, public administrator and conservationist, has served Ohio and the United States for more than 30 years—as local judge, as mayor of Cleveland, five terms as Governor of Ohio, and as U.S. Senator since 1957.

Throughout his public life, ability, character, and integrity have made him an exemplar of good government. His programs for reforesting idle lands, and lands reclaimed from surface mining, have beautified Ohio for years to come. In the Senate, as earlier, he has been a resolute champion of economy in Government, consistently opposing waste and reckless spending.

The son of a Slovenian immigrant, Senator LAUSCHE's statesmanlike success in politics—the most hazardous of all manly professions, yet the noblest career any man can choose—has shone with forthright commonsense. He is an unrelenting foe of lawlessness and disorder, of whom Ohio is justly proud. He is truly an American.

Mr. Speaker, in this day and age of growing concentration of power in the executive branch, the deliberate attack on the effectiveness and power of the legislative branch, any organization such as the American Good Government Society serves a great public cause, emphasizing the leadership and contribution to our national scene that is produced by legislative leaders such as Senators DIRKSEN and LAUSCHE, and our distinguished colleague, Mrs. KATHARINE ST. GEORGE.

THE POLISH PEOPLE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, the Polish Constitution reflects the advanced thinking of its people relating to their concept of liberty and the freedoms of the individual—God given and not by statutory law.

Although Poland is not satisfied under Soviet repression—her people are indifferent to the so-called philosophy of the Communist doctrine. But, on the other hand, are active in discussing the issues of the day in debates and lectures, lost causes are thoroughly discussed—the periodicals and newspapers, although censored, still in a veiled way, convey to the Polish mind the dreams of yesteryear.

In view of the present conditions in Poland relative to the indirect methods being promulgated to suppress the writings of the intellectuals and also the dissemination of information, I feel impelled to restate the comments descriptive of the attitudes of the Polish people in my remarks in the CONGRESSIONAL RECORD, volume 106, part 7, pages 9301–9302.

It can be honestly said that the Polish people love their liberties and hate the form of government that rules over their land, but her citizenry has schooled their minds to accept with relaxed emotions the Communist powers of control.

She is not frightened but is intellectually active—her people bubbling over in debate and discussions of ideas and clashes of the differences of opinion on all subjects of the day.

Poland is a Christian nation of Western ideology. Western culture of every variety finds fertile minds ready to accept all panaceas.

Western literature is there for the asking. Western plays by the score in every tongue are given strong patronage.

Artists of all talents known to culture of art are at work, inking, painting, drawing, and charting on boards or canvas their impressions of their subject. Architects evaluate with sour distaste the new designs born of infiltrated ideas.

Yet with all these disordered arrangements, unorganized programs, and distorted ideas, the Polish people are intensely a religious country of the Catholic faith. True, the intellectuals as nearly everywhere are for the most part free thinker and agnostics, but Poland is more solidly Catholic than any other nation. The church is a sole bulwark of continued opposition to the Soviet regime.

It is the strongest protagonist with such tremendous power that even the Soviets realize that it reflects the honest, patient, inflexible attitude of the millions of the faith.

The Russian military forces time and again in complete control at places where a million of the faithful were at prayers looked passively on in frustration; the throng of those unyielding dissenters in disregard of their masters without a moment's hesitancy continued saying aloud their prayers.

The soft chants were as a measured cadence for the troops to retire from the scene, defeated in whatever satanic purpose was intended.

So the people in a listless acceptance of these conditions go through the motions of living in a deft silent manner. In their eyes can be seen the sad stare of indecision. Yet much has been gained by this go along policy. The years of suffering at the hands of conquerors through the ages have taught the people how best to accept the alien rules for the governed.

Poland is a poor and somewhat backward country in some respects. But much has been accomplished in the rebuilding of its war-torn cities and its recaptured independence in an enslaved economy.

Their political tolerance has paid off with the vaulting into Communist leadership of Wladyslaw Gomulka, a plain workingman who lives a plain, simple life and has ruled his nation as a realist should rule.

In 1956 with the end of Stalinism policies, Gomulka and Khrushchev realized the Polish people could be better appeased if their political bonds were relaxed and a system sans secret police interference would change the grim attitude of the Polish people.

It is said that the Polish worker has no heart in his tasks and does them badly—partly due to communism and the cruel treatment suffered over the centuries by their conquerors in the past.

Communist discipline has achieved some regularity of order in the economy but the lack of incentive brings disgruntled apathy on the part of the worker.

There is fear that the regime will become harsher in its rule in order to bring about uniformity of productive action. There is a growing fear of their complete absorption by Russia.

The Poles are suffering in pathetic silence. It seems the soul of the brave patriot is dying. The sadness of the nation is like a malady of hopelessness.

It is to the credit of the United States that we have not forgotten the plight of Poland. Our good Government responding to the pleas of millions of Americans to give aid to Poland has resulted in extending assistance to Poland in the sum of nearly $600 million in the last 7 years.

Our food credits alone amounts to a $538.2 million deal—of surplus wheat. Also some $61 million in credits by the Export-Import Bank 1957–59 for machinery, material and equipment, agricultural commodities and polio vaccines. Certainly we have contributed much to the bolstering of the Polish economy.

Good relations with Poland have had a very salutary effect in accordance with reports from our tourists. Our good enjoyment of business factors with Poland has already paid off, she agreed in 1960 to pay $40 million in settlement for U.S. properties in Poland confiscated in World War II on installments of $2 million per year—January 1—to date paid the sum of $8 million.

The bursts of liberalism streaking out of Poland's aura of social, spiritual, and cultural activity, wherever and whenever possible, is the soul of Poland's masses speaking out—she may be captured but not a captive in chains. She lives to fight again to regain her freedom and independence.

We pray with other millions of Americans of Polish antecedents to see the day when this seething strength building up now noticed only within conservative limits of outward manifestation, will bring about the nationalization of a free Poland under its great freedoms enunciated in the sacred Constitution of May 3, 1791—only 3 years after the adoption of our own and so modeled after it with God given rights inherent in man.

Mr. Speaker, the celebration nationwide by millions of Polish Americans commemorating Polish Constitution Day calls to our attention the recent refusal of Poland's Communist Government to accede to the requests of many respected intellectuals for more cultural freedom.

The negative reaction in our Nation among college professors and academic groups, upon learning of this refusal, is indicative of a growing sentiment against the Department of State's policy in supporting Wladyslaw Gomulka's regime. Our economic concessions to Poland have been based on the fact that heretofore the United States has been solicitous of aiding the most independent of the Soviet satellites by extending economic concessions.

There prevails a mounting feeling of antagonism in the Congress as a result of Mr. Gomulka's refusal to grant the intellectual's plea to further improve relations with his government.

The intellectual groups are cognizant of the growing pressures to limit or curb their activities through government control of supplies such as a shortage of printing paper limiting the publication of books, periodicals, and newspapers.

Poland has enjoyed, in greater measure than the other satellites, spirited intellectual activity, but of late the Government has motivated measures to strengthen its control over its ideological activities. The intellectuals organized to stem this oppressive tide, or change in government thinking, and petitioned the authorities—Vincent Krasko, Chief of the Department of Culture of the Central Committee of the Communist Party—for more translation of Western publications, increase supplies for literary purposes, and a less stringent passport policy—all this to no avail.

A letter was transmitted to Premier Jozef Cyrankiewicz demanding the freedoms guaranteed by the Polish Constitution—such as the right to criticize, the freedom of discussion and access to reliable information for public consumption to form public opinion; all these factors necessary to insure progress and to protect the public interest. These demands for a change in cultural policy were presented by Antoni Slonimski, distinguished and popular poet, highly respected among his countrymen. The signers of the letter included artists, scholars, and authors of renown in Poland.

The Gomulka regime, during the last 7 years, has received benefits to its economy from the United States through the recommendations of our Presidents—Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson, and the State Department requesting the approval of the Congress because of its liberal doctrines of operative government—now in its hour of trial—beset by growing economic problems it adopts a policy of strict control over cultural pursuits—the only life spirited influence for greater liberties in promoting the advancement of its cultural and economic life.

The State Department must prevail upon the Government of Poland to desist from pressuring the measures to curb, control, or strangle the freedoms enjoyed by the cultural groups in the past, otherwise the reaction in the United States will lead to an abandonment of any future economic concessions by the Congress of the United States.

WHAT IS OUR FUTURE?

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, this morning the New York Herald Tribune carried an article which, if true, signifies a fantastic collapse of our foreign policy, especially in Europe, but in principle wherever the cold war is being waged. I ask unanimous consent to place this article in the RECORD at this point.

In view of the fundamental question raised of whether or not we have forgotten the captive people of Eastern Europe and are intent on coexistence with Khruschchev that we are willing to support him to keep captive people subjugated, I have sent a telegram to President Johnson at the White House asking that he personally clarify our foreign policy position on this fundamental issue.

Mr. Speaker, I ask leave to insert at this point a copy of my telegram to President Johnson.

Mr. Speaker, the growing unrest in Eastern Europe is a sign of the failure of communism. This unrest is sparked by captive citizens behind the Iron Curtain whose history, tradition, and religious culture make them pro-Western and anti-Communist. They are most certainly frustrated at the oppressive colonial policies of the Russian Communists in Eastern Europe, especially when they view the freedom and economic progress in nations in Western Europe. Since President Woodrow Wilson enumerated as one of his 14 points the principle of self-determination of peoples, this has been a cornerstone of U.S. foreign policy.

It justifies our support of the free Vietnamese. It justifies our support of the South Korean Government. It justifies our support of the Nationalist Government in Taiwan. It justifies our military presence in Europe.

Mr. Speaker, I will anxiously await a reply from the White House on this vital question I felt necessary to raise. Should the President declare that our policy continues to be that of supporting the aspirations of the captive peoples of communism in their desire for independence, I should then hope that the foreign policy official discussed in the New York Herald Tribune article be removed from the Foreign Service. Should the policy of accommodation with the Soviet Union transcend all other goals then I would ask for a complete reappraisal by the Congress, disclosure to the public, and a full discussion of our Nation's foreign policy goals.

The questions I raised are far too important, far too all embracing in their applications to be brushed aside. I will advise the House, Mr. Speaker, of further developments.

What Do We Do if Red Europe Ignites? It Is All Chillingly Reminiscent of Budapest 10 Years Ago

(By Seymour Freidin)

BONN.—A ferment in Eastern Europe, which can burst into conflagration sooner than is generally believed, has some key American foreign policy strategists locked in a fierce dialog.

The hot pursuit in Washington for a working accommodation with the Russians has lined these thinkers into a new set of hawks and doves. It also has produced some revolutionary remarks.

One such radical observation, bound to elicit angry reaction in Bonn, centered around the ramshackle Red regime in East Germany. If the sordid rule of Communist Proconsul Walter Ulbricht collapsed, went the question put to officials in Washington, what should the American Government do?

Under the circumstances—meaning the quest for so-called realistic arrangements with Moscow—we should help Soviet Premier Khrushchev. That was the grave, considered reply of an experienced foreign policy strategist.

His argument, which more or less broke up that day's meeting, was predicated on the administration's impatient quest for accommodation with the Soviet Union.

The unprecedented proposal to give aid to Mr. Khrushchev in a crisis did not get into further details. But the main outlines of this type of assessment cut across present-day official American thinking on all Eastern European nations.

The grisly imagery of revolt and savage Soviet repression nearly 10 years ago preoccupies these policy architects. They see the moldering Communist system in East Germany rotting before them, public demonstrations against the regimes in both Czechoslovakia and Bulgaria riddling the status quo and a revived intellectuals' revulsion menacing the "liberal" regime in Poland.

Thrust into their consciousness in all arguments is the remembrance of how 10 years ago many wise and seasoned men said flatly that Communist regimes could not possibly be upset. Communist parties were supposedly so entrenched that they could smash in hours any nonconformist activity.

The Polish upheaval of October 1956, followed by the spontaneous revolt in Hungary, proved those thinkers and planners were all wrong. They are charry of repeating anything absolute today. At the same time, the quest for arrangements with Premier Khrushchev dominates their ideas and clouds up much thought.

The street demonstrations in the heart of Prague about a week ago were a big development that the hawks seized upon to argue their point. They are not plumping for liberation, by the way. All they urge as a starter, is for us not to get any closer to arrangements with the Soviets than are restless officials and plain people in Eastern Europe.

Although the Czechoslovak regime made many arrests, the trouble is by no means over. The most highly advanced of all satellite states—and the most Stalinist—the Czech regime is dead broke, economically, and morally.

The students, young intellectuals, and young workers have taken up the cry, calling local security forces the "gestapo." It is all chillingly reminiscent of Budapest 10 years ago.

In retaliation, the regime charged that arrested demonstrators were hoodlums. But there were 3,500 on the streets at one time. The intellectuals boldly took another view. In Slovakia, they have just said they would support everything "new, humane, and progressive."

That lays it right on the line to the regime. A similar challenge, stemming from religious curbs, was flung down at the Bulgar regime. Churchgoers in the capital, Sofia, rioted when armed cops prevented them from going to a midnight Orthodox Easter Mass.

Church hierarchs there are quietly urging the faithful to keep coming. The Orthodox Church has traditionally been the center of much of the nation's national resistance behavior pattern. The intellectuals, smarting under on-again, off-again curbs, have taken up the demand for religious freedom. They see in this demand an expression of their own aspirations.

In East Germany, and in Poland, restlessness, though not so publicly dramatic, has the ruling regimes in a stew. Their worry is related to the nervous discussions in Washington, where a preelection policy decision will have lasting consequences.

The Honorable Lyndon B. Johnson,
President of the United States,
The White House,
Washington, D.C.:

Monday New York Herald Tribune article tells of foreign policy decision to aid Khrushchev should satellite governments of East Germany or any other Eastern European Communist country collapse due to internal revolt. Believe our foreign policy in these possible circumstances should be made clear. Would we support principle of self-determination of peoples or would we support Khrushchev's control of Eastern European nations? What is our paramount foreign policy objective—freedom for all peoples now under Communist rule or accommodation with the Soviet Union?

Respectfully,
Edward J. Derwinski,
Member of Congress,
Fourth District, Illinois.

RUMANIAN INDEPENDENCE DAY

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Wallhauser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WALLHAUSER. Mr. Speaker, it is my privilege to rise in tribute today to the people of Rumania who on the 10th of May commemorate the anniversary of their independence.

It is fitting that we Americans who live in a free and democratic society, should take note of this date, for there can be no open celebration of this historic occasion for the Rumanian people.

Rumania proclaimed her independence during the Russo-Turkish war and it was confirmed by the Congress of Berlin in 1878. Since that time, May 10 has symbolized the advent of the freedom the people worked so hard and so long to achieve.

The yoke of freedom was not secured, however, for it was lost following World War II, and for nearly 20 years Rumania has been a Soviet satellite. But her people have known freedom, have known its privileges and responsibilities, and still keep alive the fervent hope that they will once again be able to openly celebrate Rumanian Independence Day and enjoy the precious gift of liberty. We, Americans, join in that prayer.

DR. EDWARD J. HANNIE HONORED

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Willis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WILLIS. Mr. Speaker, like other Members of Congress, I am always very much pleased and gratified to learn of achievements of my constituents, particularly when they are also my personal friends. I am therefore happy to recognize the honor paid to Dr. Edward J. Hannie, Lafayette, La., dentist, who received a fellow in the Academy of General Dentistry in Chicago. He was one of 22 candidates in the United States and the first dentist from Louisiana to be so honored.

Dr. Hannie, a graduate of Cathedral High School in Lafayette, received a bachelor of science degree in pharmacy from Loyola University of New Orleans, and doctor of dental surgery from the University of Texas, and did graduate work at the University of Michigan. He is a past president of the Louisiana Society of Dentistry for Children and past vice president and secretary of the Third District Dental Society of Louisiana. He has also served as president of the Cathedral High School Alumni Association and of the Lafayette chapter of the Loyola University Alumni Association.

Dr. Hannie holds membership in the American Dental Association, the American Society of Dentistry for Children, the Royal Society of Health, of London, the Federation Dentaire Internationale, and the American Society of Clinical Hypnosis, of which he is a charter member. He has been named in "Who's Who in the South and Southwest."

In 1962 Dr. Hannie received a clinic award in Dallas, Tex., for his participation in the program of the 35th annual midwinter dental clinic.

THE U.S. MILITARY ESTABLISHMENT—PROPAGANDA TARGET OF COMMUNISM

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from Missouri [Mr. Ichord] is recognized for 30 minutes.

Mr. ICHORD. Mr. Speaker, from Valley Forge to Vietnam, America's professional military officer has brilliantly fulfilled the trying functions demanded of him by the disciplines of his trade. In war, where his life is the constant collateral on our country's liberty—frequently forfeited on demand in battle—he has impersonally conducted his craft in a manner befitting his professional vocation. In peace, he is ever mindful of his Republic and its foundations which rest upon the law and the Constitution. For almost 200 years, in war and peace, he has faithfully and selflessly served his principal, the American people, with the protective shield of his military excellence.

The Military Establishment's success in combat, its readiness in peace, have singularly contributed to the conditions which foster our growth in the economic, social, and spiritual avenues of national life. In return for his service, American industry and labor—and the taxpayer—place at his disposal the finest tools available. In addition, we also give him respect and confidence. Whether his fiscal requirements are $50 or $5 billion is not the issue, substantial as these downpayments on freedom may be. Significant only is the mutual trust existing between the American people and their professional agents in arms. Upon this shared faith, the security of the country depends.

Today this faith is being undermined. The Pentagon and high-ranking military officers are under critical attack, not only by the bullets of a military adversary, but by the poisoned pellets of propaganda from both the Soviet Union and its handmaiden, the Communist Party of the United States. And the Communists, I regret to say, are abetted by the crossfire of some neointellectuals, the self-appointed custodians of the national conscience.

Since the days of Lenin, the military establishments of all nations which have aborted the armed aggressions of the U.S.S.R. have invariably been singled out for special villification. The most vicious epithets, however, have been reserved for the military forces of the United States. Communist propaganda directed against our Armed Forces, especially their leadership and policies, are enriched with the choicest revilements.

Moreover, speeches and printed material now being produced by the Communists, here and abroad, play the constant refrain that the American military leadership is composed of two types: First, the irresponsible, saber-rattling warmongerers who are nothing but tools of the monopolists and Wall Street—forces which, according to the Communists, rule the United States; and, second, reckless and psychopathic generals who, because of their irrationality, are liable to trigger a devastating nuclear war without any justification.

The logical conclusion—assuming of course, that this was the truth—would be that no one should listen to our military leaders, that they should have no voice in formulating policies of the United States, that their recommendations should carry no weight with the people, or the Congress, or the White House.

This Communist propaganda attack is considered by party tacticians to be a surefire method for generating mass anxiety about nuclear war and also, of course, for undercutting the American people's support of, and confidence in, their military leaders.

Premier Khrushchev himself set the tone for one of the two prongs of this attack in a speech made in April 1958, in which he said:

> Millions of people are living in constant fear lest some accident or intentional provocation by a demented person should throw mankind into an atomic war.

Khrushchev's crude references to our military leadership were more pointed in July of that year, when in a letter to President Eisenhower, he called our military officers irresponsible and said of the commander of the 6th Fleet:

> If he were a citizen of a country which has prohibited military propaganda, he would have been arraigned before a court, or submitted to a medical checkup and placed in a madhouse, because such statements can be made only by a person out of his senses.

William Foster in a discussion article for the Communist Party's 17th National Convention in December 1959 wrote that the peace forces—meaning the Communist Party and its followers—had made tremendous strides toward the goal of disarmament, and were now making it a matter of virtual suicide for the saber-rattling imperialist to embark upon great atomic and hydrogen wars.

At the convention itself, the Communist Party adopted a main political resolution which stated:

> The proponents of the cold war are still powerful and strive to return to the bankrupt policy of positions of strength. * * * They are in control of the Pentagon, of the huge armament industries, and other giant financial trusts.

That this attack was to be a sustained offensive is evidenced by the subsequent writings of Gus Hall and others. In January 1961, for instance, the party's general secretary returned to this theme in a report to the national committee of the Communist Party:

> There is the threat of a terrible nuclear holocaust which big business and big brass are preparing. * * * The monopolists, the Pentagon, and their political henchmen are * * * jeopardizing the very existence of the American people.

Within the context of the current do-not-trust-the-Pentagon offensive, the party is employing one of its favorite weapons—the slogan. Sloganizing is adaptable to the creation of instant issues and broad, easy-to-grasp generalities unburdened by supporting documentation. Genuine political parties, of course, have always employed the political slogan. However, for the Communist Party, these concepts in capsule are instruments of subversion—not politics. Communist slogans directed at the U.S. military establishments are too numerous to list, but the following are typical:

First. Oppose A-bomb maniacs.

Second. For home and school, not bombs and battleships.

Typical of Communist themes is the following: "There are no two warring camps—there is one camp knocked together by the war-lord bankers and generals in Washington."

Gus Hall in his previously mentioned report to the party's national committee claimed that the "chief force for war" in the world was U.S. big business and big brass.

Herbert Aptheker, editor of Political Affairs, the Communist Party's monthly directive, has written that the decision by the military to bomb Nagasaki "seems to have been a kind of frightfulness reflective of militarism gone mad and of an anti-Sovietism reaching the point of utter fanaticism."

Since the advent of the A-bomb, Communist propaganda everywhere has risen in intensity against American military might by playing upon the awe and apprehension any normal person feels in contemplating such terrible and devastating power. Party agitators have repeatedly emphasized the sheer destructiveness of the bomb, taking particular care to relate that fact to the individual or humanity in general. These smithies of smear, utilizing innuendo and invective hammer hard at the iron bond of goodwill and trust existing between our people and their military cadre.

Considering the fact that the supreme objective of the Soviet-Sino bloc is to dominate this globe, it is natural that party operatives should devote much effort to undermining the U.S. military—which represents the major barrier to their goal. This is why the party's hate-the-Pentagon program is now being pursued so relentlessly.

We may assume that the doctors of propaganda in the Communist Party will continue their surgery upon the character of our generals and admirals, attributing to them either the most crass of motives or else mental derangement. The aim is to confuse and finally to disaffect the American people's support to the Military Establishment.

The effectiveness of the party's Pavlovian publicists should not be underrated. Unfortunately a few Americans have tended to accept some features of their current program. Meanwhile, the much abused officer corps is too busy carrying out its assigned task to defend itself in a one-way war of words which seeks to degrade its image. And just how does one defend himself from the charge that he is psychotic?

In his farewell address to the West Point Cadet Corps, the statesman-general, Douglas MacArthur, said:

> Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the Nation will be destroyed.

But he also pointed out:

> This does not mean that you are warmongers. On the contrary, the soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war.

It is time for the American people, when they are fed the party line about our military leaders, to start asking for facts, for bills of particulars. The U.S. Military Establishment as such, and the loyal officers which serve it, are professionally and personally, among this Nation's finest. Those who are consciously disloyal—and those who carelessly accept and disseminate the propaganda of the disloyal—should not be permitted to assassinate their character.

The military is this Nation's right arm. It is this country's best authority on what must be done in the vital military field—and in a time of grave danger—to preserve our freedom. I am not saying the military is infallible. I am not saying that the military is beyond criticism. As a member of the House Committee on Armed Services I realize that as well as any Member of this House. No governmental agency is beyond criticism. Constructive criticism is always helpful, but we cannot permit our military leaders to be undermined and weakened as the Communists are trying to do without undermining ourselves and our security, without strengthening the enemies of freedom, and without threatening our national existence. This, I am sure, none of us wants to do.

SENIOR CITIZENS GOLDEN RING COUNCIL OF NEW YORK

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, on two recent impressive occasions I have had the distinct pleasure of associating with the members of the Senior Citizens Golden Ring Council in New York City, a charter affiliate of the National Council of Senior Citizens.

This energetic and patriotic group is dedicated to the welfare of the Nation's elderly. Its goals are eminent: to promote well-being by providing companionship, recreation, higher education, and economic security.

On April 20, the organization met in New York to concentrate upon the problem of poverty in the United States. More than 2,000 persons met together to emphasize the unmet needs of our society.

Statistics make abundantly clear that although poverty is often an inherited feature, it is demonstrably prevalent amongst the Nation's elderly people. Their income is often drastically below the level which can be called adequate. They suffer from the constant fluctuations in our economic posture because they live on a fixed income, which does not reckon with the slow erosion of the dollar's value.

The average social security benefit for the retired elderly couple in New York is $29. The Community Council of Greater New York considers this way below a desired minimum.

The figures show that because of this extreme income squeeze, our elderly citizens constitute a bracket of the population which is least able to afford medical insurance. And yet, as we know, it is these people who need medical care most of all.

At the April 20 meeting, two of my esteemed colleagues from New York [Mr. Keogh and Mr. Farbstein] spoke admirably of the needs of our aged population and what we can do, with concerted action, to meet these needs.

The gathering met at the Commodore Hotel in New York and was sponsored by the citizens council. Attended by over 2,000 persons, the event was an enormous success.

Mr. Adolph Held, chairman, and Mr. Zalmen Lichtenstein, executive director, are to be roundly acclaimed for their tireless and expert work in making the Golden Ring Citizens Council the inspiring and effective group that it is.

At the meeting some remarkably candid literature was distributed. It tells a starkly realistic story of prevailing conditions and accentuates the need for positive action. I would like to call these tabulations to the attention of this House and ask unanimous consent to insert the material at this point in the Record:

Why Milk and Crackers—Welcome to the Senior Citizens Poverty "Banquet"

For most of the people in this room, our social security meal comes as no surprise.

But for those guests who might understandably feel this is skimpy fare for a banquet here's some food for thought:

The average retired elderly couple in New York needs a minimum budget of $62.15 a week. These are the impartial findings of the Budget Standard Service of the Community Council of Greater New York.

The average social security benefit for a retired couple is only $29 weekly, less than half of what the Community Council of Greater New York considers a bare minimum.

The Community Council budget allows a retired couple $19.21 weekly for food. This means $1.37 per day for meals for an elderly person. However, on a social security benefit, the retired person actually has only 65 cents per day for meals.

Figure it out. On this budget, would you have more than milk and crackers for lunch? Possibly. If you wanted to skip dinner.

The Community Council budget allows $1.69 per week for a couple for transportation. $3.43 is allowed for recreation, education, reading material and stationery. Even these paltry allowances are not available under social security.

These are the cold statistics underlying the heartbreak and despair of today's neglected senior citizens. No wonder most of the elderly must endure a bleak and boring existence in the so-called golden years of their lives.

The facts and figures illustrate the urgent need for health care through social security and for increased social security benefits and old age assistance.

As you join with us in this social security meal, we know you will appreciate more fully why millions of Americans are losing their patience with empty promises and endless delays—why action is needed now to meet the emergency facing our Nation's older citizens.

Index family of retired elderly couple

[Prices as of October 1963]

Item	Cost per—	
	Year	Week
Food	$999	$19.21
Housing	1,188	22.85
Rent and heat	868	16.70
Utilities	95	1.83
Housefurnishings	89	1.71
Household supplies	32	.61
Laundry service	104	2.00
Clothing and upkeep	192	3.69
Personal care	70	1.34
Medical care	287	5.51
Transportation (noncar owner)	88	1.69
Other goods and services	409	7.86
Reading material, recreation, tobacco, education, and stationery	178	3.43
Telephone	77	1.47
Gifts, contributions, and miscellaneous	154	2.96
Total cost of budget	3,232	62.15

Prepared by the Budget Standard Service of the Community Council of Greater New York.

CIVIL RIGHTS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Schwengel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, I was honored to have the invitation and to attend a dinner in Washington on April 22, at the Shoreham Hotel, sponsored by the Leadership Conference on Civil Rights. The purpose of the dinner was to honor Congressman William McCulloch, ranking Republican on the Judiciary Committee, and the chairman of the Judiciary Committee, Congressman Emanuel Celler, for their leadership in the House passage of the civil rights bill, which I supported.

Mr. Roscoe Drummond, distinguished syndicated columnist, wrote a penetrating and enlightening article on April 20 discussing the current civil rights picture as it affected Congress which was pertinent to the objectives of civil rights and to the dinner honoring our congressional colleagues, and I would like to insert it in the Record at this point:

Dirksen Responsibility: Political Implications of Civil Rights Voting

(By Roscoe Drummond)

Washington.—The Senate civil rights debate is reaching the moment of truth when crucial amendments will be voted up or down.

The central issue is not whether there shall be any changes in the version of the bill which passed the House so decisively. The central issue is whether the essential objectives are to be preserved from crippling amendments.

It is in this situation that Senator Everett Dirksen, the influential minority leader, tends to play a constructive and catalytic role.

There is no reason to assume that all proposed changes will weaken the bill. In order to discern the difference between the hurtful and the acceptable, it is important to keep the bill's essential objectives clearly in mind. They are:

To guarantee the right of all qualified citizens to vote in Federal elections.

To insure equal job opportunities whether discrimination is practiced by unions or employers.

To provide equal access to public accommodations.

To enable the Federal Government to offer equal protection of the law in order to attain these objectives.

Senator Dirksen has a long and unbroken record of supporting civil rights legislation. He has a double responsibility as the critical voting nears:

1. He has the duty as an individual Senator to support what he believes to be good for the Nation.

2. He has a duty as the minority leader of the Senate to support the dominant Republican doctrine as expressed by the dominant consensus of the party in Congress and of the national Republican leaders—Eisenhower, Lodge, Nixon, Goldwater, and Scranton. Four-fifths of the House Republicans voted for the bill.

The 1964 Republican presidential nominee cannot go to the country this fall as a supporter of a worthy and workable civil rights bill if the Republican Party in Congress has withheld its support of such a bill.

This is why Senator Dirksen has both a personal and a political responsibility of a very high order. He must be true to himself and true to his party. These responsibilities may not be incompatible.

The large contribution which the Republicans in the House made to shaping and passing the civil rights bill earlier this year came not predominantly from the eastern liberal Republicans but from the moderate-conservative Republicans from the Midwest.

Representative William M. McCulloch, of Ohio, with valiant backing from House Republican Leader Charles Halleck, of Indiana, was indispensable in producing from the House Judiciary Committee a strong and enactable bill. Representatives Robert P. Griffin, of Michigan, and Clarence J. Brown, of Ohio, did much to write and uphold the provisions of the Federal FEPC section. Representative Robert Taft, Jr., was one of the most effective advocates on the floor.

I am not minimizing the services of the Republican liberals in supporting civil rights under Presidents Eisenhower, Kennedy, and Johnson. I am simply pointing out that, in helping the Republican Party in the Senate to match its record in the House, Senator Dirksen will be retaining, not violating, his alinement with the moderate-conservative wing of the party.

No presidential nominee, Republican or Democrat, is going into the fall campaign as a supporter of the status quo of racial discrimination. Obviously there are political consequences which will follow from what happens in the Senate in the next few weeks. But the majority of neither party wants to stand for the perpetuation of the unresolved grievances which American Negro citizens have borne so long—in voting, in jobs, in public places.

FOUNDING OF THE KINGDOM OF RUMANIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. Derwinski] is recognized for 15 minutes.

Mr. DERWINSKI. Mr. Speaker, Sunday, May 10, was the traditional national holiday of Rumania, commemorating the independence of that land and the founding of the Kingdom of Rumania.

Like the other unfortunate captives of communism, the people of Rumania are not free to commemorate this great historical occasion, and find themselves living under political, economic, and intellectual suppression.

However, the Rumanian people throughout the free world continue to observe their nation's national holiday with persistent devotion and continue their active efforts and cooperation with organizations representing other captive lands to the ultimate goal of restoring freedom to all their homelands.

It is necessary for us, Mr. Speaker, to do more than merely note an occasion such as this. I believe it is necessary for us to insist that the principle of self-determination of peoples be restored as a foreign policy concept of the Government of the United States.

If we are to properly serve as the leader of the free world, it is necessary for us to coordinate the aspirations of people throughout the free world to see that a world of peace and freedom is actually achieved. There can be no peace until communism is suppressed and its captive lands freed to develop their national destiny in conformance with their traditions and unique national talents.

A great deal of propaganda is reaching the United States concerning the independent activities of the Rumanian Communist Government. All that the Communist dictators of Rumania are doing is bending with a minimum degree to the pressure demands of their public for an improved life. They have no intention, and cannot remove the religious, political, and economic suppression by which they control the people of Rumania.

In commemorating this day I urge the people of Rumania to remain steadfast in their struggle for freedom and also urge their compatriots scattered throughout the free world to work together for the silent people in their homeland to see that freedom is once again restored to Rumania.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LINDSAY (at the request of Mr. OSTERTAG), for today and tomorrow, on account of official business as U.S. delegate to the NATO Parliamentary Conference.

Mr. KING of California (at the request of Mr. ALBERT), for today, on account of official business (GATT).

Mr. RYAN of Michigan (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. HARSHA), for 15 minutes, today.

Mr. DERWINSKI (at the request of Mr. HARSHA), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. O'HARA of Michigan to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

Mr. GROSS to revise and extend his remarks and to include certain tables on H.R. 11201.

Mrs. KELLY.

Mr. ALGER.

Mr. DINGELL.

Mr. ZABLOCKI.

(The following Members (at the request of Mr. HARSHA) and to include extraneous matter:)

Mr. TAFT.

Mr. ROBISON.

(The following Members (at the request of Mr. PICKLE) and to include extraneous matter:)

Mr. HEALEY.

Mr. COOLEY.

Mr. REUSS.

Mr. FEIGHAN.

Mr. LIBONATI.

ADJOURNMENT

Mr. PICKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 43 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 12, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2050. A letter from the Comptroller General of the United States, transmitting a report on the review of the construction of a U.S. consulate general office building and official residence at Tangier, Morocco, by the Office of Foreign Buildings, Department of State; to the Committee on Government Operations.

2051. A letter from the Comptroller General of the United States, transmitting a report on a review showing that there was a loss of revenue resulting from inadequate rental rates for garages used by field station employees to house personally owned automobiles, Veterans' Administration; to the Committee on Government Operations.

2052. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations; and real property disposed of to public health and educational institutions, pursuant to the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2053. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for guarantee and insurance of loans to Indians and Indian organizations"; to the Committee on Interior and Insular Affairs.

2054. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to authorize the Secretary of the Interior to employ aliens in a scientific or technical capacity"; to the Committee on Interior and Insular Affairs.

2055. A letter from the Under Secretary of the Navy, transmitting a draft of a proposed bill entitled "A bill to amend provisions of law relating to the settlement of admiralty claims"; to the Committee on the Judiciary.

2056. A letter from the Secretary of Commerce, relative to providing war risk insurance and certain marine and liability insurance for the American public, and upon request for any department or agency of the United States, for the period as of March 31, 1964, pursuant to title XII of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of May 6, 1964, the following bills were reported on May 8, 1964:

Mr. CANNON: Committee on Appropriations. H.R. 11201. A bill making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes; without amendment (Rept. No. 1386). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 11202. A bill making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1387). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 11, 1964*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OLSEN of Montana: Committee on Post Office and Civil Service. H.R. 11049. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; without amendment (Rept. No. 1388). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORRIS: Committee on Interior and Insular Affairs. H.R. 7096. A bill to authorize the exchange of certain property at Independence National Historical Park, and for other purposes; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House on the State of the Union.

Mr. OLSEN of Montana: Committee on Post Office and Civil Service. H.R. 9425. A bill to amend title 13, United States Code, to authorize reimbursement of census enumerators for certain telephone tolls and charges; without amendment (Rept. No. 1390). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of May 6, 1964, the following bills were introduced on May 8, 1964:

By Mr. CANNON:

H.R. 11201. A bill making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes.

By Mr. WHITTEN:

H.R. 11202. A bill making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

[*Introduced and referred May 11, 1964*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 11203. A bill to authorize the Secretary of the Interior to employ aliens in a scientific or technical capacity; to the Committee on Interior and Insular Affairs.

By Mr. DORN:

H.R. 11204. A bill to grant the consent of Congress for the construction of a dam across Savannah River between South Carolina and Georgia; to the Committee on Public Works.

By Mr. FARBSTEIN:

H.R. 11205. A bill to amend the U.S. Housing Act of 1937 to remove the existing 15-percent limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one State; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 11206. A bill to provide a uniform period for daylight saving time; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 11207. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. MORRISON:

H.R. 11208. A bill to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others; to the Committee on Post Office and Civil Service.

By Mr. RYAN of New York:

H.R. 11209. A bill to provide for the establishment of a National Council on the Arts and a National Arts Foundation to assist in the growth and development of the arts in the United States; to the Committee on Education and Labor.

By Mr. ST. ONGE:

H.R. 11210. A bill to amend title 38 of the United States Code to provide that in determining income of a veteran for pension purposes certain amounts paid by him in connection with the last illness or death of his wife or child shall not be included; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of California:

H.R. 11211. A bill to amend section 3 of the Travel Expense Act of 1949, as amended, to provide authority for the payment of per diem for certain travel of employees of the Department of the Navy; to the Committee on Government Operations.

By Mr. UTT:

H. Res. 716. Resolution creating a select committee to conduct an investigation and study of the illegal handling of U.S. surplus food in South Vietnam and the United Nation's report on religious persecution in Saigon; to the Committee on Rules.

H. Res. 717. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 716; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to levee maintenance; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to take such action as may be necessary to revoke the directive of the Department of Defense ordering the closing of the Watertown Arsenal; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Mississippi, memorializing the President and the Congress of the United States, requesting the proposal of amendments to the Constitution of the United States whereby the U.S. Government will refrain from engaging in private enterprise except as provided by the Constitution and repealing the 16th amendment to the Constitution of the United States whereby Congress shall not have the power to levy taxes on personal incomes, estates and/or gifts; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 11212. A bill for the relief of Peter Pastor Edo; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 11213. A bill for the relief of Jose Bolamos; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 11214. A bill for the relief of Mrs. Myrtle Weir Prince; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 11215. A bill for the relief of Sydney Cecil Phillips; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 11216. A bill for the relief of Ralph S. DeSocio, Jr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

887. By the SPEAKER: Petition of Emil L. Knesnik, president, Yonkers Chamber of Commerce, Yonkers, N.Y., relative to the board of directors of the Yonkers Chamber of Commerce urging and requesting the Congress of the United States and appropriate committees of it, to deny the request to increase the percentage of the sugar market allocated to the beet sugar industry; to the Committee on Agriculture.

888. Also, petition of Joseph F. McChristal, city clerk, Revere, Mass., relative to requesting that the President and the Secretary of Defense review the decision to close the Charlestown Navy Yard; to the Committee on Armed Services.

889. Also, petition of Joseph F. McChristal, city clerk, Revere, Mass., requesting that the Secretary of Defense and the President review their decision to close the Watertown Arsenal so that the technical skills of the people employed at the arsenal will not be wasted and that the economy of the Greater Boston area be preserved; to the Committee on Armed Services.

* * *

SENATE

MONDAY, MAY 11, 1964

(*Legislative day of Monday, March 30, 1964*)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Father of our life, Fountain of our being: In the light of Thy countenance, our pathway is illumined with eternal splendor.

Without that light we walk in the darkness of a meaningless existence which at last is blown out like a candle's flame. Without Thee as guide our boasted progress but leads to the quagmires of oblivion. Without Thee our science but whets the sword to a sharper edge and would destroy us with our own wheels and wings. Without Thee commerce cannot save us for selfish trade but lifts the hunger of covetousness to a higher pitch. Without Thee even education cannot redeem us for we know now that the mere sharpening of the intellect, the massing and mastery of facts and figures may but fit men to be tenfold more skillful in the awful art of slaughter.

And so, we pray that our deliberations here may be begun, continued, and ended in Thee, as Thou dost shatter our delusions, shine through our blindness, and shame our foolish pride.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 8, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 8002 of the Internal Revenue Code of 1954, Mr. MILLS, chairman, Committee on Ways and Means, designated Mr. BOGGS of the Committee on Ways and Means as a member of the Joint Committee on Internal Revenue Taxation to fill the vacancy created by the death of Mr. O'Brien, of Illinois.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask that at the conclusion of the quorum call, there be the usual morning hour, under the usual circumstances.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the morning hour, statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO TUESDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 209 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Boggs
Burdick
Carlson
Case
Clark
Cooper
Curtis
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Smith
Sparkman
Stennis
Talmadge
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Louisiana [Mr. LONG], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Rhode Island [Mr. PELL] is absent to attend a funeral in the State.

Mr. KEATING. I announce that the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

The Senator from New Mexico [Mr. MECHEM] and the Senator from Texas [Mr. TOWER] are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Recognition of 50 Years of Cooperative Extension Service Work

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for recognition of 50 years of cooperative extension service work with the people of the United States (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report on Real and Personal Property Received by or Disposed of to Certain Public Health and Educational Institutions

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on real and personal property received by or disposed of to certain public health and educational institutions, for the quarter ended March 31, 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Loss of Revenue Resulting From Inadequate Rental Rates for Garages Used by Field Station Employees

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on loss of revenue resulting from inadequate rental rates for garages used by field station employees, Veterans' Administration, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Inadequate Rental Rates for Government-Owned Housing at the Brookhaven National Laboratory, Atomic Energy Commission

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate rental rates for Government-owned housing at the Brookhaven National Laboratory, Atomic Energy Commission, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

Authority To Employ Aliens in a Scientific or Technical Capacity

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to employ aliens in a scientific or technical capacity (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"House Concurrent Resolution 16 of the State of Mississippi

"Concurrent resolution requesting the Congress of the United States to propose to the people amendments to the Constitution of the United States whereby the U.S. Government will refrain from engaging in private enterprise except as provided by the Constitution and repealing the 16th amendment to the Constitution of the United States whereby Congress shall not have the power to levy taxes on personal incomes, estate and/or gifts

"*Be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein,* That we respectfully request the Congress of the United States to propose to the people an amendment as provided by article V of the Constitution an article providing as follows:

" 'Article —

" 'Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

" 'Sec. 2. The constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

" 'Sec. 3. The activities of the U.S. Government which violate the intent and purposes of this amendment shall, within a period of 3 years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

" 'Sec. 4. Three years after the ratification of this amendment, the 16th amendment to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts.'

"*Be it further resolved,* That a certified copy of this resolution be forwarded by the secretary of state to the President of the U.S. Senate, the Speaker of the House of Representatives, and to each Member of Congress from the State of Mississippi.

"Adopted by the house of representatives, March 25, 1964.

"Walter Sillers,
"*Speaker of the House of Representatives.*

"Adopted by the senate, April 28, 1964.

"Clarence Garth,
"*President of the Senate.*"

The petition of Terutake Oyadomari, chairman, Nishihara-Son Municipal Assembly, island of Okinawa, praying for a reversion of the government of that island to the mother state; to the Committee on Foreign Relations.

RESOLUTION OF MASSACHUSETTS SENATE RELATING TO THE CLOSING OF THE WATERTOWN ARSENAL

Mr. SALTONSTALL. Mr. President, on behalf of myself, and my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], I present a resolution adopted by the Senate of the State of

Massachusetts, relating to the closing of the Watertown Arsenal. I ask that the resolution be appropriately referred.

There being no objection, the resolution was referred to the Committee on Armed Services, and, under the rule, ordered to be printed in the RECORD, as follows:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE SUCH ACTION AS MAY BE NECESSARY TO REVOKE THE DIRECTIVE OF THE DEPARTMENT OF DEFENSE ORDERING THE CLOSING OF THE WATERTOWN ARSENAL

Whereas the proposed closing of the Watertown Arsenal and the resulting unemployment of thousands of skilled workers will seriously affect the economy of the Commonwealth; and

Whereas in this era of rapid industrial expansion with the attendant problems of location, in which industry is seriously concerned about the relative business climate of the various States and the available supply of skilled labor, it seems to be contrary to good judgment to close a governmental facility which has contributed so immeasurably in the past to the quality and effectiveness of the weapons which enabled the country to protect itself in time of war and to assure it of adequate defense at all times; and

Whereas the existence of the Watertown Arsenal, with its thousands of skilled workers will be of vital importance in maintaining the position of the United States in the tense years ahead: Therefore be it

Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to instruct the Department of Defense to revoke its directive ordering the closing of the Watertown Arsenal; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the Secretary of Defense, to the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

Senate, adopted, April 29, 1964.

THOMAS A. CHADWICK,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2821. A bill to amend section 8 of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 2822. A bill for the relief of Khachik H. Tatian; to the Committee on the Judiciary.

By Mr. McCLELLAN (by request):

S. 2823. A bill to amend section 408 of title 37, United States Code, to provide for reimbursement for the expenses of parking fees incurred by a member of a uniformed service in connection with transportation necessary for conducting official business of the United States; to the Committee on Government Operations.

(See the remarks of Mr. McCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING:

S. 2824. A bill to amend the Internal Revenue Code of 1954 to exempt schoolbuses from the manufacturers excise tax; to the Committee on Finance.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

S. 2825. A bill for the relief of Radomir Bojovic; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2826. A bill to grant the consent of Congress for the construction of a dam across Savannah River between South Carolina and Georgia; to the Committee on Public Works.

(See the remarks of Mr. THURMOND when he introduced the above bill, which appear under a separate heading.)

By Mr. KENNEDY:

S. 2827. A bill for the relief of Lillian Sheehan; and

S. 2828. A bill for the relief of Samuel L. McCoy; to the Committee on the Judiciary.

By Mr. NELSON:

S.J. Res. 176. Joint resolution to direct the Secretary of Commerce to make an investigation and study with respect to motor vehicle tire safety and to recommend certain standards for such tires; to the Committee on Commerce.

(See the remarks of Mr. NELSON when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

PRESENTATION OF DESK OF SENATOR JOHN F. KENNEDY TO THE JOHN FITZGERALD KENNEDY LIBRARY

Mr. McNAMARA (for himself and Mr. HART) submitted a resolution (S. Res. 326) to give the Senate desk occupied by Senator John F. Kennedy to the John Fitzgerald Kennedy Library, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. McNAMARA, which appears under a separate heading.)

FAVORING THE MOST EFFECTIVE EQUIPMENT FOR AMERICAN SERVICEMEN WHEREVER FIGHTING

Mr. TOWER submitted a resolution (S. Res. 327) favoring the most effective equipment, weapons and aircraft for American servicemen wherever fighting, which was referred to the Committee on Armed Services.

(See the above resolution printed in full when submitted by Mr. TOWER, which appears under a separate heading.)

AGRICULTURAL CONSERVATION PROGRAM

Mr. MANSFIELD. Mr. President, the agricultural conservation program is one example of a good program illustrating what can be done when people at the grassroots combine their efforts to conserve and improve our vital natural resources. I know of, and am proud of, the great work farmers in Montana have done through the agricultural conservation program to preserve our farm and rangeland.

The agricultural conservation program is an investment in the public interest to help insure the wise use and preservation of our basic, natural soil and water resources even as we use them. Each year through the agricultural conservation program, over a million farmers throughout the Nation voluntarily join with their Government to carry out soil, water, woodland, and wildlife conservation practices. Agricultural conservation program is the one great national program through which the public is able to share in soil and water conservation accomplishments. Through this program, the results of our research in the conservation field and the technical advice of many agencies, Federal and State, are actually placed in effect on the land. Much of this success is due to the contributions of the locally elected agricultural stabilization and conservation farmer committees who administer the program and the other public agencies that cooperate so wholeheartedly.

In Montana, farmers and ranchers received over $93,800,000 through the agricultural conservation program from 1936 through 1963 to establish permanent cover for soil protection, to improve cover on rangeland, to conserve and use wisely the scarce water, and to provide protection to land from wind and water erosion. It is important to remember that for each dollar contributed by the public, the Montana farmer, on whose farm the work was done, put up a matching dollar, or more. Thus, for every dollar invested, the public got a $2 return in the form of guaranteed land care and assurance of plentiful food in the future.

Under other provisions of law, it is necessary for at least 75 percent of the farm allotment for wheat to be seeded at least 1 year out of 3 to avoid losing part or all of the farm allotment. Similar provisions apply to other basic commodities.

This forces some operators to plant a crop when they would prefer to seed the ground to grass and stop or greatly reduce grain production. They cannot afford to forego the allotment entirely because it has value in the event the unit must be sold.

By amending the basic authority for this program, we can offer the small operators interested in both grain and a livestock operation a chance to advance conservation farming on their units. They may do so pursuant to the authority granted here, without losing the value of the grain allotment on the unit in the event the operating unit may change hands in the future.

This amendment will not cost taxpayers a red cent. It will aid conservation and it will reduce grain production somewhere it can be used. At the present time, land in soil bank and Great Plains program is regarded as planted for purposes.

A letter of recommendation recently received from the Montana Agricultural Stabilization and Conservation State Committee has prompted my distinguished colleague, Senator LEE METCALF, and I to have prepared for introduction legislation which would provide the necessary changes in the law to protect the preservation of a farmer's wheat history. The Montana Committee, Viola Herak, chairman, James Wood and Lloyd Barnard, have done an exceedingly fine job of administering the agricultural stabilization and conservation service program at the State level. The proposal submitted by the committee is another of their constructive efforts to help the farmers of the Treasure State.

Mr. President, on behalf of Senator METCALF and myself, we have sent to the desk a bill containing these recommendations. In view of the widespread interest in the matter of protecting wheat acreage, I ask that the bill lay on the table for additional cosponsors for 1 week.

The provisions of this legislation could affect some 8 million acres of cropland now on participating farms in Montana.

In conclusion, Mr. President, I ask unanimous consent to have the text of this bill and the letter of endorsement, dated April 28, 1964, from the Montana Agricultural Stabilization and Conservation State Committee printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from Montana.

The bill (S. 2821) to amend section 8 of the Soil Conservation and Domestic Allotment Act, as amended, introduced by Mr. MANSFIELD (for himself and Mr. METCALF), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding at the end of section 8 thereof the following new subsection:

"(h) Notwithstanding any other provision of law, the acreage of cropland, crop acreage, and allotment history applicable to land devoted to authorized uses under programs carried out pursuant to this section may be preserved for the period for which the program is in effect with respect to such land, and for an equal period thereafter as long as the use of the land achieved under the program is maintained, for the purpose of any Federal program under which such history is used as a basis for any allotment, or other limitation on the production of such crop, unless the history and allotment are surrendered."

The attached amendment adding paragraph (h) to section 8 of the Soil Conservation and Domestic Allotment Act provides authority for the preservation of cropland, crop acreage and allotment history in respect to land which is devoted to conservation use under programs carried out under section 8 which includes the agricultural conservation program. Observation indicates that some landholders continue to crop acreage for the purpose of maintaining cropland status and allotment history even though such land has been shifted to conservation use under the various programs provided by section 8. Some producers have indicated their desire to maintain this land in soil conservation uses provided their allotment history and crop history could be preserved for a reasonable time. The adoption of this amendment would permit the Secretary to authorize the preservation of this history whenever he determined it was desirable to do so.

The letter presented by Mr. MANSFIELD is as follows:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND
CONSERVATION SERVICE, MONTANA
STATE OFFICE,
Bozeman, Mont., April 28, 1964.

Hon. MIKE MANSFIELD,
Senate Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: For the past several years the State committee and our State office, both during and before our tenure of office, have received many recommendations and suggestions for a change in the current legislative provisions for the preservation of wheat history. Section 377 of the Agricultural Adjustment Act of 1938 as amended, now requires that an acreage equal to 75 percent or more of the farm acreage allotment be actually planted to wheat or considered devoted to wheat under a diversion program at least once every 3 years to avoid the loss of wheat history credit.

The legislative provision requiring the use of 75 percent of the allotment once every 3 years became effective with the 1959 crop of wheat. We have had numerous recommendations for changes from county ASC committees and from individuals since that time.

It has been suggested frequently that one of the lowest cost ways of getting acreage diverted from the production of wheat would be to guarantee a producer that his allotment will be retained for the farm without the necessity of planting wheat. In many instances farmers will participate in diversion programs but the extent to which they may participate does not enable them to meet the history requirement without also planting some wheat.

We would also like to point out that one of our most needed and used soil and water conserving practices under the agricultural conservation program is the seeding of grasses and legumes for soil protection or as needed land use adjustment measure. However, farmers and ranchers who do this in cooperation with the agricultural conservation program are required to leave the seeding for a minimum of 5 years or else refund in their ACP cost share. If they seed down a considerable acreage this may result in their not having enough land available under normal rotation to meet their summer fallow and wheat needs to protect their history.

We know that you also understand that in some dryland areas where moisture is variable, as much as 3 years may be required to get a stand of grass and legumes established. Thus, if a producer has planted land down to permanent cover, it may be necessary for him to plow it up before the stand is fully established in order to use the land to protect his wheat acreage.

Wheat farmers recognize the value of farm allotment and are reluctant to lose it even though they might desire to change to another type of agriculture. This tends to limit changes in types of farming.

In view of these and similar cogent reasons we recommend that section 377 of the Agricultural Adjustment Act of 1938 be amended to provide that where a farmer diverts acreage of wheat from production and plants permanent grasses or legumes on the area, he be given history credit so he is not forced to plow up permanent cover to protect his wheat history.

Sincerely yours,
J. VIOLA HERAK, *Chairman,*
JAMES WOOD, Jr., *Member,*
LLOYD BARNARD, *Member,*
Montana ASC State Committee.

REIMBURSEMENT FOR EXPENSES OF PARKING FEES BY MEMBERS OF ARMED SERVICES

Mr. McCLELLAN. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 408 of title 37 of the United States Code, to provide for reimbursement for the expenses of parking fees incurred by a member of the armed services in connection with transportation necessary for conducting official business of the United States.

This bill is being introduced at the request of the Under Secretary of the Navy. The Navy Department has informed the committee that the Bureau of the Budget has approved this proposal as being in accord with the administration's program.

The proposed legislation would authorize reimbursement of parking fees and charges required to be paid by uniformed personnel of Army, Navy, Air Force, and other service personnel in the same manner as such charges are paid by civilian employees of the Government.

Mr. President, I request unanimous consent that the letter addressed to the President pro tempore of the Senate, dated March 31, 1964, be printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2823) to amend section 408 of title 37, United States Code, to provide for reimbursement for the expenses of parking fees incurred by a member of a uniformed service in connection with transportation necessary for conducting official business of the United States, introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. MCCLELLAN is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., March 31, 1964.

Hon. CARL HAYDEN,
President pro tempore, U.S. Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is enclosed a draft of legislation "to amend section 408 of title 37, United States Code, to provide for reimbursement for the expenses of parking fees incurred by a member of a uniformed service in connection with transportation necessary for conducting official business of the United States."

This proposal is a part of the Department of Defense legislative program for the 88th Congress. The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this proposal for the consideration of the Congress. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to equalize treatment of members of the uniformed services and civilian employees with respect to payment of parking fees incurred while conducting official business.

Section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), provides that civilian officers and employees of the Federal Government when engaged in official business within or outside their designated post of duty may be allowed reimbursement for the actual cost of parking fees. There is no authority, however, to reimburse a member of a uniformed service for parking fees incurred while conducting official business in the areas surrounding his station. This results in disparity of treatment between civilian employees and uniformed service members who incur parking fees on official business. The proposed legislation would amend section 408 of title 37, United States Code, to authorize reimbursement for expenses of parking fees incurred by members of the uniformed services under such circumstances. Enactment of this proposal is recommended.

COST AND BUDGET DATA

Estimated additional costs to the Department of Defense for this proposal are as follows:

Army	$98,000
Navy and Marine Corps	105,000
Air Force	300,000
Total	503,000

Sincerely yours,

PAUL B. FAY, Jr.,
Acting Secretary of the Navy.

EXEMPTION OF SCHOOLBUSES FROM MANUFACTURERS' EXCISE TAX

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to exempt schoolbuses from the manufacturers' excise tax on motor vehicles.

The motor vehicle excise tax, which so far as it applies to schoolbuses brings in a negligible amount of Federal revenue, results in unfair discrimination against private enterprise schoolbus operators who serve school systems under contract or similar arrangement.

The reason is that buses sold to private operators are subject to the tax, while buses sold to school districts or other governmental bodies are not. The tax, therefore, creates unfair competitive conditions which operate gradually to eliminate private initiative from the field of school transportation in this country.

The private operators are, by and large, small businesses. They are a source of employment opportunity for thousands of drivers, as well as self-employment for the operator. They perform vital public services. We in Congress should take steps to insure their survival.

Exemption of schoolbuses from this particular excise tax, at little revenue cost to the Federal Government, would go far toward promoting this end, and I am hopeful it will receive approval.

Mr. President, I ask unanimous consent to have the text of this proposed legislation printed at the end of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2824) to amend the Internal Revenue Code of 1954 to exempt schoolbuses from the manufacturers excise tax, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4063 of the Internal Bureau Code of 1954 (relating to exemptions from the manufacturers excise tax on motor vehicles) is amended by adding at the end thereof the following subsection:

"(c) SCHOOLBUSES.—

"(1) EXEMPTION.—The tax imposed under section 4061(a)(1) shall not apply in the case of an automobile bus chassis or automobile bus body sold by the manufacturer, producer, or importer exclusively for use as the chassis or body of a schoolbus. The right to exemption under this subsection shall be evidenced in such manner as the Secretary or his delegate may prescribe by regulations.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) SCHOOLBUS.—The term 'schoolbus' means an automobile bus which is used (by the institution or institutions involved, or by any other person under a contractual or other arrangement with one or more such institutions) for the transportation to and from school of students of an educational institution or institutions.

"(B) EDUCATIONAL INSTITUTION.—The term 'educational institution' means an educational institution which (1) is a nonprofit educational organization (as defined in section 4221(d)(5)), or (2) is an agency or instrumentality of any government or any political subdivision thereof or is owned or operated by a government or any political subdivision thereof or by any agency or instrumentality of one or more governments or political subdivisions."

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to articles sold (by the manufacturer, producer, or importer thereof) on or after the date of the enactment of this Act.

GRANTING THE CONSENT OF CONGRESS FOR THE CONSTRUCTION OF A DAM ACROSS THE SAVANNAH RIVER BETWEEN SOUTH CAROLINA AND GEORGIA

Mr. THURMOND. Mr. President, I introduce a bill to grant the consent of Congress for the construction of a dam by the Duke Power Co. across the Savannah River between South Carolina and Georgia. This bill is similar to S. 1795 of the 87th Congress, and I ask unanimous consent that it be printed in the RECORD at this point and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2826) to grant the consent of Congress for the construction of a dam across Savannah River between South Carolina and Georgia, introduced by Mr. THURMOND, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to Duke Power Company, its successors and assigns, to construct, maintain, and operate a dam across Savannah River between Anderson County, South Carolina, and Elbert County, Georgia, near Middleton Shoals, and about two hundred ninety-seven miles above the mouth of said river, for the purpose of providing a pool for condenser water for a steam-electric plant: *Provided,* That work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of the Army, and when such plans have been approved by the Chief of Engineers and by the Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of said dam unless the modification of such plans has previously been submitted to and approved by the Chief of Engineers and the Secretary of the Army: *Provided further,* That this Act shall not be construed to authorize the use of such dam to develop waterpower or generate hydroelectric energy: *And provided further,* That the grantee, or its successors, shall hold and save the United States free from all claims arising from damage which may be sustained by the dam herein authorized, or damage sustained by the appurtenances of the said dam, by reason of the future construction and operation by the United States of Hartwell Reservoir or any other Federal project upstream or downstream from the dam herein authorized.

SEC. 2. In order to make feasible the dam and steam-electric generating plant which Duke Power Company intends to construct, it is hereby expressly provided that, should such dam and plant be constructed, no existing or future unit at Hartwell Reservoir will be operated to pump water from below Hartwell Dam back to Hartwell Reservoir.

SEC. 3. The authority granted by this Act shall cease and be deemed null and void unless the actual construction of the dam hereby authorized is commenced within four years and completed within seven years from the date of approval of this Act.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

SETTING TIRE STANDARDS TO SAVE LIVES ON THE HIGHWAY

Mr. NELSON. Mr. President, I introduce for appropriate reference a joint resolution to direct the Secretary of Commerce to make an investigation and study with respect to motor vehicle tire safety and to recommend certain standards for such tires.

Mr. President, each year thousands of Americans die or are permanently injured on our Nation's highways. Each year, countless American families suffer the tragic loss of a daughter, a son, a husband, or a wife. Each Fourth of July, each Thanksgiving, and each New Year's Eve, the National Safety Council undertakes the desolate task of morbidly predicting the number of Americans who will die in traffic accidents during the holiday.

To all of us, the steady increase in traffic accident deaths and injuries is a cause of grave concern. Traffic accidents claimed an average of 112 lives per day in 1962. During that same year, 1,500,000 persons were injured in traffic accidents. This is approximately 120 persons injured per day. Last year 43,400 persons died in motor vehicle accidents.

The National Safety Council reports that for the first 2 months of 1964 there was a 22-percent increase in fatal motor vehicle accidents over the first 2 months of 1963. These national traffic accident statistics, however cold and inhuman they may be, underline the alarming loss of life and property caused by motor vehicle accidents.

But the senseless tragedy for increasing automobile accidents is better illustrated by the number of young men who have given 2 or 3 years to the service of their country in the Armed Forces only to die during their service in foolish highway crashes.

The Department of Defense reports that 1,394 servicemen from all branches of the Armed Forces lost their lives in private automobile accidents in 1962. One hundred and fifty-six men died in Government vehicles. Overall, servicemen in private cars were involved in 11,606 automobile accidents in 1962.

The human tragedy of these accidents is overwhelming. But we cannot overlook their high cost to the Federal Government. The Defense Department lost 385,666 man-days because of accidents in 1962. Furthermore, the Department calculates that the overall average cost to the Government in 1962, calculating the costs of disability payments and widows pensions, of each automobile accident in 1962 was $5,456.

Fortunately, each branch of the armed services has excellent traffic safety programs designed to reduce the terrible loss of life and property caused by motor vehicle accidents. Rigid on-post automobile inspection requirements, and driver training courses attempt to instill safe driving habits.

But the story of the Armed Forces is minimal compared to the national story. Automobile and traffic safety has become a major national concern. Throughout the country, driver training courses in high schools, safe highway engineering studies, and strict traffic safety law enforcement efforts attest to the great concern, and the greater national loss, that occurs each year because of motor vehicle accidents.

In the past week I have been gathering material about the problems of automobile and traffic safety. We all know that traffic accidents have many causes. Some are preventable. Others, only the driver can prevent. Speeding, drunkenness, and driver fatigue are primary causes of accidents. But poorly constructed highways, bad weather and visibility, defective steering mechanisms, or worn brakes can also turn safety into tragedy for the most expert drivers.

But there is another major killer on our Nations' highways. Defective tires are a major cause of motor vehicle accidents. A recent New York Times editorial said that "traffic safety experts contend that high quality tires could do more to cut road mishaps than making teetotalers of all drivers."

Writing in Traffic Safety magazine, Maj. Singleton Sheaffer, then in charge of the Pennsylvania Turnpike State Police Patrol, called worn or defective tires "killers of the highways."

> Police are trained investigators—

He wrote—

> but too often this killer [tires] slips through the net of blame, masquerading under the names "too fast for conditions" or "lost control on curve" or "hazardous highway conditions." We need to strip off these disguises and identify the killer once and for all.

Turnpike and throughway studies of emergency road service calls show that about 20 percent are because of tire trouble; 5.1 percent of the 3,638 accidents on the New York Thruway in 1962 were caused by blowouts or skids. Indiana Turnpike officials say that poor tires rank second as a cause of highway accidents.

We know that bald, worn, overloaded, or shoddily made tires cause accidents. But, the unfortunate fact is, we do not know exactly what standards of safety and performance could be applied to tires to reduce these accidents.

We know that safe tires can save our lives, but we have no standards for judging how safe and durable a tire is.

Today, there are no standards of safety, quality, and performance for motor vehicle tires in the United States. There is no way that a person shopping for tires can tell whether the super deluxe tire he buys from one manufacturer is as good as the super deluxe tire sold by another manufacturer. A car owner may find that the tire he bought for $9.98 at the neighborhood hardware store will last longer than the premium brand he considered buying for $30, $40, or $60. This lack of standards or guidelines is even more disconcerting when a tire buyer considers recapped or retreaded tires.

On the 15th of January of this year, Senator HUBERT HUMPHREY's distinguished Subcommittee on Retailing, Distribution, and Marketing Practices issued a report on the automotive tire industry, recommending the introduction of a system of quality rating in the tire industry. I quote from this report:

> The currently used complex methods of naming different brands or lines of tires is misleading and confusing to the public. The FTC tire advertising guides proscribes misleading terminology in advertisements, yet it does not provide for an objective standard of quality rating to be applied tc tires. Such a standard is needed as the average buyer it not equipped to rate the quality of tires. A system whereby tires are rated according to Government standards of safety, endurance, general quality, and construction such as is done in the meat industry would let the consumer know exactly what he is buying. Your subcommittee recommends that a system of quality rating would be in the interest of safe transportation and should be enacted.

Further investigations have proved this point.

Several years ago Motor Vehicle Research of New Hampshire, an independent testing organization, issued a report based on tests of 25 brands of tires. I quote a citation of that report found in an excellent article by Beatrice B. Schalet in Minutes, the magazine of the Nationwide Mutual Insurance Co. for June 1963. The director of the New Hampshire study said:

> We have found that the inexpensive grades of most tires are stronger than most premium or first grades. The word premium when used in connection with tires is an excellent clue for tire buyers to realize that the word means only a premium price and not quality, performance or strength. We feel that the tire industry must grade tires by a method similar to throwing darts at name squares while the buying public foots the bill.

Mr. President, the Consumer's Bulletin annual for 1962–63 concludes that the "nomenclature of tires remains in confusion so far as the average ultimate consumer is concerned, and the brand name does not tell the consumer whether he is being offered a first-, second-, or third-line tire."

Beatrice Schalet, in her article in Minutes magazine, portrays the plight of the tire buyer most graphically.

While calling for a scale of consistent standards of safety and performance for automobile tires, she says:

> Until such standards are adopted, the consumer shopping for tires will be like a boatman adrift without a compass—lost in a sea of conflicting claims, confusing terms, and seemingly capricious prices.

I ask unanimous consent that Beatrice Schalet's article be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. The maze of different brand names and grades; the plethora of deluxe, premium, and super deluxe labels; and the conflicting implications of different prices have left the American tire user with little assurance that the tire he buys today may not cause his death tomorrow.

I do not wish to imply that the tire manufacturers and retailers in this country are deliberately selling shoddy or misrepresented products.

My point is that there are no adequate standards of tire safety and performance to guide the tire buyer. Furthermore, there is no adequate system of labeling tires to show what the different levels of safety and performance for different grades of tires might be. And my concern is not only over the befuddlement of the consumer, but over the possibly tragic consequences of his confusion.

Establishing standards of tire safety and performance is a vital part of our national effort to increase motor vehicle and traffic safety. Much attention has already been brought to bear on the urgent need for tire safety standards.

My own State of Wisconsin was among the first to outlaw regrooved tires on passenger vehicles. New York State prohibited regrooved tires and made driving on bald or excessively worn tires a punishable traffic offense.

The New York State Joint Legislative Committee on Motor Vehicle and Traffic Safety, under the leadership of State Senator Edward J. Speno, has sought to establish minimum standards of safety and performance for new and retreaded tires sold in New York State.

Moreover, I understand that one of the main items on the agenda of the Motor Vehicle Equipment Commission will be a study of standards of safety and performance for motor vehicle tires. This interstate commission was set up by the 28 States and the District of Columbia who are signatories of the motor vehicle equipment safety compact.

And finally, it is concern for the safety and well-being of the millions of automobile drivers in our country that has led the distinguished Congressman from Alabama, KENNETH A. ROBERTS, to introduce H.R. 10712, a bill providing that all tires sold or shipped in interstate commerce for use on motor vehicles shall meet certain safety standards prescribed by the Secretary of Commerce.

Mr. President, I have long been impressed by the standards of tire safety set by the Interstate Commerce Commission for interstate motor carriers. These standards are designed to insure that tires and other safety equipment on trucks and passenger buses are in safe working condition.

The Interstate Commerce Commission can prohibit the operation of motor carriers with worn, smooth, or otherwise dangerously defective tires. Furthermore the ICC prohibits interstate buses from using regrooved, recapped, or retreaded front tires.

I also find that the Department of Commerce long ago drew up standards for recapping and retreading automobile and truck tires.

In addition to these precedents, the National Bureau of Standards has drawn up specifications of safety, quality, and performance for new and retreaded tires purchased by the Federal Government. In a letter to me, Mr. A. V. Astin, Director of the National Bureau of Standards, has cited these Federal specifications prepared for the use of Government agencies. I ask unanimous consent that Mr. Astin's letter be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NELSON. The promulgation and enforcement of these tire standards for commercial motor vehicles by the Interstate Commerce Commission and the National Bureau of Standards testify to the critical role played by tires in motor vehicle and traffic safety.

Mr. President, the time has come for the Senate to move further into the field of motor vehicle safety. The distinguished Members of the Senate have acted courageously in this field in the past. The Senate has already passed two bills providing much needed protection to motorists in the United States. The first was H.R. 134, the automobile safety seat belt bill. The second was H.R. 2446, the bill setting standards of quality and safety for hydraulic brake fluids. I call on my distinguished colleagues to act courageously again in the interests of 94 million licensed American motorists.

The danger to life and property caused by defective or low grade automobile tires is clear, and the confusion of the tire market place is evident. Precedents for action have been established and we must now take another step toward insuring the safety and well being of motorists in the United States.

Mr. President, the joint resolution which I have introduced today directs the Secretary of Commerce to investigate and study the field of tire safety and make recommendations for establishing standards of safety and performance for tires. I ask that this joint resolution be printed in the RECORD at this point.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 176) to direct the Secretary of Commerce to make an investigation and study with respect to motor vehicle tire safety and to recommend certain standards for such times, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall (1) make a full and complete investigation and study of motor vehicle tire safety and performance capabilities and (2) prepare recommended minimum safety and performance standards for motor vehicle tires of all types which are made available to the public and a recommended system for grading and labeling such tires.

SEC. 2. In carrying out the provisions of this joint resolution, the Secretary of Commerce shall give consideration to the number of traffic accidents and fatalities caused by tire breakdowns, and shall consult with appropriate Federal, State, and local government agencies, the tire industry, the motor vehicle industry, consumers organizations, transportation and trucking companies, and organizations concerned with automobiles and highway safety, such as the American Automobile Association, the National Safety Council, and the American Association of Motor Vehicle Administrators.

SEC. 3. The Secretary of Commerce shall report the results of the investigation and study provided for in this joint resolution together with his recommendations, not later than January 1, 1965, or 180 days after the date of enactment of this joint resolution, whichever is later.

Mr. NELSON. Mr. President, it is my intention that a thorough study of the field of tire safety and standards by the Secretary of Commerce will bring some order out of the chaos of the tire market. This study will help the American public know what they are buying. And most important, this study will lay the foundation for a just and realistic scale of safety, performance, and labeling standards which can be applied to tires sold in interstate commerce.

It is my intention that in making his study the Secretary of Commerce should call on the invaluable experience and advice of both public and private persons concerned with tire safety and traffic safety. Federal, State, and local government agencies that work with traffic and motor vehicle safety problems could be of great help. Tire manufacturers, the automobile industry, consumers organizations, transportation and trucking companies, and other organizations concerned with traffic safety such as the American Automobile Association, the National Safety Council, and the American Association of Motor Vehicle Administrators could all make a realistic and balanced contribution to this study, and to the formulation of adequate standards of tire safety and performance.

If we are concerned with the safety and welfare of the people who drive on the highways of this Nation; if we are alarmed at the ever-increasing death toll reaped by our national highways, we must move further into the crucial field of motor vehicle and traffic safety. Though we begin with a study of the field of tire safety, and the establishment of standards of safety, performance, and labeling for motor vehicle tires, this is only a first step in a field of urgent national concern. If we do this now we can help save thousands of American lives.

The article and letter presented by Mr. NELSON are as follows:

EXHIBIT 1

THE TROUBLE WITH TIRES: SHOPPING FOR TIRES IS LIKE BEING ADRIFT WITHOUT A COMPASS—THERE ARE NO STANDARDS, NO LABELING REQUIREMENTS, NO GUIDELINES FOR THE CONSUMERS—ISN'T IT ABOUT TIME TO BRING SOME ORDER OUT OF THE CHAOS?

(By Beatrice B. Schalet)

Are your tires safe enough for vacation driving? Chances are you can't answer that question.

Despite clear indications that tire failure is a major cause of highway accidents; despite the fact that the life of everyone who drives or rides in a car may depend upon the strength and durability of tires—there is virtually no way for a driver to be certain that the tires on his car are capable of withstanding the stress of fast, nonstop, long-distance driving.

Are your tires new? They may be fine for normal driving but unsuitable for sustained turnpike speeds. Are they "first line" tires? The term has no precise definition. Did you pay a high price for them? The cost of a tire isn't a reliable measure of quality.

The simple fact is, there are no reliable, consistent standards for automobile tires. Until such standards are adopted and enforced, the consumer shopping for tires will be like a boatman adrift without a compass—lost in a sea of conflicting claims, confusing terms, and seemingly capricious prices.

This chaos in the marketplace is partly the consumer's fault, of course. Manufacturers produce products that can be sold at prices people are willing to pay, and it seems that car owners differ widely in what they think a tire is worth. Hence, the well-advertised $8.95 special and the prestigious, $60, foil-wrapped premium.

Unfortunately, the price paid for a tire often has no bearing on the use to which the tire is put. Both the bargain special and the premium may be subjected to the same kind of punishment on the highway, punishment that neither was designed to take.

No one knows how many accidents are caused by weak, defective, or worn tires, but enough evidence has been uncovered to convince a number of authorities that tire-caused accidents are much more frequent than the public realizes.

Alfred L. Moseley, chief investigator for Harvard University's research on fatal highway collisions, wrote in the Harvard Medical Alumni Bulletin: "There are many more collisions within this category (faulty tires) than anyone has heretofore suspected, simply because adequate investigation was not available."

To Maj. Singleton Sheaffer, under whose charge the Pennsylvania State Police patrol the turnpike, a worn or defective tire is a killer loose on the highways. "Police are trained investigators," he wrote in Traffic Safety magazine, "but too often this killer slips through the net of blame, masquerading under the names of 'too fast for conditions' or 'lost control on curve' or 'hazardous highway conditions.' We need to strip off these disguises and identify this killer once and for all."

Blowouts, slowouts, and skids definitely play a part in rising turnpike accident rates. Last year, the New York Thruway ranked tire failure highest in all vehicle-caused accidents. Officials of the Indiana and Pennsylvania turnpikes say tire failure is second only to driver fatigue as a cause of accidents. New Jersey reports that 9.2 percent of its turnpike accidents are directly traceable to defective tires, and Ohio lists 10 percent.

Tires wear fast on turnpikes, especially in hot weather. At 100°, wear is five times greater than at 40°. Several surveys of emergency road service calls indicate that about 20 percent are for tire trouble.

Is the public alert to the hazard of unsafe tires? Apparently not. In a tire safety check in Wichita, Kans., 4 in every 10 of the 36,284 vehicles checked had one or more defective tires.

Some State officials have recognized the hazard and taken steps to eliminate it. A few weeks ago, New York legislators enacted a law making it illegal for tires with less than 1⁄32-inch tread thickness to be on the highways. Other States may follow.

On the Pennsylvania Turnpike, tires are spot checked at entrance points and at other strategic locations. Drivers with questionable tires are warned, and cars with tires in bad condition are banned. Three years after this practice was started, fatal accidents due to poor tires had dropped from 26 percent of the total to less than 5 percent.

Suppose all these statistics convince you that your tires are unsafe. How do you go about replacing them with good, safe tires at a reasonable cost?

There's no simple answer. This writer asked a technician associated with one of the country's outstanding automotive research projects what advice he might give to a prospective tire buyer. "None," was the terse reply. "Even if he had the necessary technical knowledge, he couldn't use it merely by looking at a tire. He doesn't know what he's getting any more than he would if he were buying a mattress."

How about relying on price as a guide to quality? Five years ago, Motor Vehicle Research of New Hampshire (an independent testing agency) released a startling report. After extensive testing of 25 brands of tires, Director A. J. White told the press: "We have found that the inexpensive grades of most tires are stronger than most premium and first grades. The word premium when used in connection with tires is an excellent clue for tire buyers to realize that the word means only a premium price and not quality, performance, or strength. We feel the industry must grade tires by a method similar to throwing darts at name squares while the buying public foots the bill. Basically, a tire buyer will receive greater value in a third line tire than in most premium grades."

There are, of course, expensive blowout-proof tires on the market. A former safety officer for a major turnpike, having all-too-vivid memories of strewn wreckage and broken bodies, exchanges the tires on his new cars for these. "It's a cheap price to pay for peace of mind," he says. But this advice is of no help to people for whom the extra cost (about $200 a set) would be prohibitive.

When the question of statutory standards for tires came up in the New York State Legislature last year, Senator Edward Speno, chairman of the Joint Legislative Committee on Motor Vehicles and Traffic, found no precedent to guide him. "I was amazed," he said at the hearings, "when we found there is no regulation in the Nation * * * that says what the minimum standard should be for an automobile tire. The manufacturer can wrap some rubber around the rim and that is a tire."

The tire industry has no warmth for regulation. M. A. Wilson, testifying for the industry, said, "The position that we take here is that there is no one or numerous tests which in themselves would insure safety on the highway * * *. We would say that the tire industry only produces safe tires and that price alone is not a determining factor as to the satisfaction of the safety of the tire. * * * We test many tires, all brands and all varieties, and we have yet to find one that we would say was unsafe if used as intended."

But the bargain tires that are splashed across newspaper pages in come-on ads carry on their labels no limitations on their use. Their widely spaced cord (nylon notwithstanding) and thin tread could make them lethal on turnpikes.

If the manufacturer's grade cannot be relied upon and if price is no gage of quality, what can a tire buyer do? He can buy the same tires that gave him good service in the past, but even this is no guarantee. Last year's tires may since have had their quality cut for the sake of price advantage. The tire market is among the most sharply competitive.

This is clearly a situation where the consumer has been boxed in by the industry. He cannot buy knowledgeably, on a rational basis, but must rely on the good faith of his retailer—who may or may not know the facts.

Consumers who find the situation intolerable might consider starting a movement toward the establishment of standards and informative labeling. They'd have pretty good arguments to support their cause. Airplane tires, for example, for all civil and military aircraft, must meet standards laid down and regulated by the Federal Aviation Agency. Also, truck and bus tires receive a degree of regulation from the Interstate Commerce Commission.

Traffic fatalities reached a new high last year, claiming an average of 112 lives per day. With more and more cars crowding the roads, every possibility of cutting the toll merits exploration. A minimum standard for brake fluid was enacted into law last year. Why not standards for tires? After all, cars and superhighways both cross State lines, and this makes tire safety a national concern.

Would the President's Consumer Advisory Council be a good place to begin?

TIPS FOR TIRE CARE

Use correct air pressure. Too much air causes excessive wear on the middle of the tire tread; too little wears out the outer edges. Check air pressure when the tires are cool. It's a good idea to carry a good tire gage with you; many service station gages are inaccurate.

To help tires run cooler on long trips, increase air pressure about 4 pounds above the normal recommended cold starting pressure. On long trips, too, it helps to stop at reasonable intervals to let tires cool off.

If air pressure shows a decided drop, check for a leak. Change the tire or make repairs immediately.

Inspect tires regularly. Check tread depth (most good tires have five-sixteenths to six-sixteenths inches when new). Look for uneven wear, which may indicate wheels out of balance or incorrect air pressure. Cuts, bruises, and breaks are danger signals. If in doubt, ask the opinion of a trained mechanic.

Inspect valve cores and replace if worn or damaged. Make sure all tires have valve caps, and screw them on finger tight.

Avoid bumping curbs, driving over chuckholes or other obstructions, and riding the edge of the pavement.

Drive at moderate speeds. Avoid fast starts and stops. Don't speed over rough roads or around curves.

Rotate tires at regular intervals (most manufacturers recommend every 5,000 miles). The pattern should be: left front to left rear; left rear to right front; right front to right rear; right rear to spare; spare to left front.

EXHIBIT 2

U.S. DEPARTMENT OF COMMERCE,
NATIONAL BUREAU OF STANDARDS,
Washington, D.C., April 7, 1964.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In reply to your letter of April 1 concerning standards for new and retreaded automobile tires, the standards listed below contain quality and safety requirements:

1. Interim Federal specification ZZ–T–00381j, tires, pneumatic, vehicle, and portable equipment, dated July 13, 1959.

Paragraph 3 of this specification lists the requirements for tires used on highway vehicles. In particular, paragraphs 3.7 and 3.8 on pages 7 and 8 include a number of requirements which concern safety.

2. Federal specification ZZ–T–441a, tires, pneumatic: retreaded and repaired, dated January 19, 1960.

Paragraph 3 of this specification contains the requirements which must be met by retreaded or repaired tires.

3. Commercial standard CS108–43, treading automobile and truck tires, dated June 10, 1943.

General requirements for the inspection and processing of the tire during retreading are listed on pages 2 and 3.

The Federal specifications listed above were prepared for use by Federal agencies in purchasing new and retreaded tires. These specifications are based on test methods developed at the National Bureau of Standards, and our personnel participated in the preparation of the specifications. The General Services Administration is the cognizant agency for these specifications.

Commercial standard CS108–43 was developed by the industry and promulgated by the Department of Commerce. The use of this standard is entirely voluntary. The requirements of the standard are general and are primarily recommended practices. There is no commercial standard for new tires.

Tests of tires are conducted at the National Bureau of Standards at the request of other Government agencies.

Copies of the Federal specifications and the commercial standard are enclosed. I shall be pleased to supply any additional information you may wish in connection with your review of this matter.

Sincerely yours,

A. V. ASTIN,
Director.

PRESENTATION OF DESK OF SENATOR JOHN F. KENNEDY TO THE JOHN FITZGERALD KENNEDY LIBRARY

Mr. McNAMARA. Mr. President, I send a resolution to the desk and ask that it be appropriately referred.

All of us have noted with interest the plans for the John Fitzgerald Kennedy Memorial Library, to be located in Cambridge, Mass.

This library is to be the depository of documents and items relating to the life and career of the late President John F. Kennedy.

When completed the library will be a treasure trove for historians, as well as a memorial to the late President which undoubtedly will draw many thousands of visitors each year.

A major facet of the distinguished public service career of the late President was his years as a Member of the U.S. Senate. From 1953 until his resignation following his election to the Presidency in 1960 he was our friend and colleague, Senator John F. Kennedy.

These Senate years unquestionably will have an important place in the planning of the memorial library. These were the years when the young Senator from Massachusetts won the national reputation which led to his nomination and election as President.

It has come to my attention that upon his departure from the Senate to assume his Presidential duties President Kennedy purchased the chair he had occupied in this Senate Chamber as a remembrance of his 8 Senate years. This chair will be one of the objects placed in the memorial library in Cambridge.

It occurred to me it would be very appropriate for the Senate to complete this tableau by providing also the desk in the Senate Chamber last used by the late President as a Senator.

The resolution I have submitted today would permit the donation of the desk to the John Fitzgerald Kennedy Memorial Library.

I am informally advised that, while our Senate desks are unique and of historical significance, replacing a desk presents no serious problem.

I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 326) was referred to the Committee on Rules and Administration; and, under the rule, was ordered to be printed in the RECORD, as follows:

> Whereas the late John Fitzgerald Kennedy, the thirty-fifth President of the United States, was a distinguished Member of the United States Senate from 1953 until his election to the Presidency in 1960; and
>
> Whereas the John Fitzgerald Kennedy Memorial Library, to be located in Cambridge, Massachusetts, is to be the depository of articles, documents and other memorabilia relating to the life and career of the late President; and
>
> Whereas it would be most appropriate for the Senate career of our late President and colleague to be represented in the memorial library by some object of historic interest tangibly related to his Senate years: Now, therefore, be it
>
> *Resolved*, That the United States Senate donate to the John Fitzgerald Kennedy Memorial Library the desk in the Senate Chamber occupied by the late John Fitzgerald Kennedy at the time of his election to the Presidency, and that the Sergeant at Arms of the Senate is directed to make appropriate arrangements to carry out the purpose of this resolution.

FAVORING THE MOST EFFECTIVE EQUIPMENT FOR AMERICAN SERVICEMEN WHEREVER FIGHTING

Mr. TOWER. Mr. President, I submit, for consideration of the Senate, a resolution which will express the desire of Senators that our men fighting in Vietnam be provided not with obsolete weapons which are not intended for combat use, but that they be provided with the latest, most effective weapons.

Mr. President, I ask unanimous consent that this resolution be allowed to remain on the desk until the close of business on Friday for the benefit of additional cosponsors.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD, and held at the desk, as requested by the Senator from Texas.

The resolution (S. Res. 327), submitted by Mr. TOWER, was received, referred to the Committee on Armed Services, and, under the rule, ordered to be printed in the RECORD, as follows:

S. RES. 327

> The resolution, numbered as above, is being held for additional sponsors through the close of business Friday, May 15. It was introduced by Mr. TOWER (for himself):
>
> "Whereas American military servicemen are fighting and dying in the Republic of Vietnam; and
>
> "Whereas these Americans and their comrades in arms from the Republic of Vietnam are fighting to preserve freedom and liberty from the treachery and brutality of Communist aggressors; and
>
> "Whereas the United States does not regard its soldier sons as mere mercenaries fighting only for pay, but as dedicated and courageous protectors of liberty who are committed to battle to preserve and defend principles which Americans hold to be of the utmost importance; and
>
> "Whereas American servicemen go into battle knowing that they will not be betrayed in trust or in support by their Government or their fellow citizens for whom they offer their lives if need be: Now, therefore, be it
>
> "*Resolved*, That American servicemen fighting in the Republic of Vietnam, or at any other place, be provided promptly and in adequate numbers with the most effective weapons, equipment, and aircraft available in American military inventories."

CIVIL RIGHTS—AMENDMENTS (AMENDMENT NO. 582)

Mr. STENNIS submitted an amendment (No. 582) intended to be proposed by him to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. TOWER submitted an amendment (No. 583) intended to be proposed by him to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. ERVIN submitted an amendment (No. 584), intended to be proposed by him to amendment No. 513 to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. ERVIN also submitted 11 amendments (Nos. 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, and 595) intended to be proposed by him to House bill 7152, supra, which were ordered to lie on the table and to be printed.

TRANSPORTATION ACT OF 1964—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 2, 1964, the names of Mr. BARTLETT, Mr. BEALL, Mr. HARTKE, Mr. MCGEE, Mr. RANDOLPH, Mr. SCOTT, and Mr. SMATHERS were added as additional cosponsors of the bill (S. 2796) to provide for strengthening and improving the national transportation system, and for other purposes, introduced by Mr. MAGNUSON (for himself and Mr. COTTON) on May 2, 1964.

DEATH OF HOWARD ZAHNISER

Mr. ANDERSON. Mr. President, last Tuesday I rose with deep sadness to announce to the Senate the death of Howard Zahniser, a man known to many Members of the Congress as one of the leading conservationists of our time. To us who were associated with him in the cause of conservation, he was always "Zahnie." Although he suffered from a heart ailment, he never suffered from lack of energy or zeal for the public cause closest to his heart—the preservation of wilderness areas—a cause that had been so much a part of his life's work. At the time of his death, Dr. Zahniser was the executive director of the Wilderness Society and editor of the Living Wilderness.

Sometimes, frankly, I found myself in disagreement with Dr. Zahniser's views, but I never found myself in disagreement with the goal he was seeking. He was steadfast in his devotion to the concept of wilderness as a fundamental part of American culture and tradition. In the words of Harvey Broome, president of the Wilderness Society:

> To this objective he brought great powers of persuasion and conciliation; and the wilderness bill, when it is finally enacted, will be a monument to him and to his vision.

I concur in this judgment because no more spirited champion for this public service could be found than Howard Zahniser.

His family and the staff of the Wilderness Society for whom he was the guiding spirit have my deepest sympathy.

I ask unanimous consent that an editorial concerning Dr. Zahniser's contributions, which appeared in the Washington Post, be printed in the RECORD at this point. I also ask unanimous consent that a statement dealing with his many activities be printed at the conclusion of my remarks.

There being no objection, the editorial and statement were ordered to be printed in the RECORD, as follows:

HOWARD ZAHNISER

> In the death of Howard Zahniser the country has lost an authentic and sensitive exponent of the wilderness. Not only was he executive director of the Wilderness Society and editor of the Living Wilderness.

Not only was he a persistent advocate—in hearings, articles and speeches—of preservation of the wild beauty of America. Not only was he one of the authors of the wilderness bill which now seems to be making its weary way through Congress. He was also in love with the open spaces, the rivers and mountains, the wildlife, the music of nature, and the lure of the unspoiled world.

"Zahnie," as his friends called him, had spent most of his adult life in studying the wilderness and writing and talking about it. Because of his feeling for poetry and art as well as nature, he was good company on the trail. We surmise that he lived a very rewarding life despite the fact that many of his dreams have not yet come true.

One who knew him well has suggested that the wilderness bill, when it is enacted, will become his monument. But his concept of his mission in life was much broader than any single project or piece of legislation. In a recent editorial in the Living Wilderness he wrote: "The wilderness that has come to us from the eternity of the past we have the boldness to project into the eternity of the future." This is the broad and worthy aim for which he lived and worked. It is a concept that carries profound significance for the well-being of a civilization that is fast devouring the unspoiled beauty of the earth.

Essayist, Editor, Adviser

Dr. Zahniser was one of the organizers and early chairman of the Natural Resources Council of America and contributed to the council's book, America's Natural Resources. He served on the Advisory Committee on Conservation to the Secretary of the Interior, was a director of the Citizens' Committee on Natural Resources, a trustee and Washington representative of Trustees for Conservation, a contributor on conservation to the Encyclopaedia Britannica, and a member of the Cosmos Club and National Press Club, among many others. He was president of the Thoreau Society in 1957 and was an honorary vice president of the Sierra Club. He received his A.B. from Greenville College, Illinois, and was awarded the honorary degree of doctor of letters by Greenville in 1957.

At the time of his election to the staff of the Wilderness Society as executive secretary, in 1945, he was principal research writer of the Bureau of Plant Industry, Soils, and Agricultural Engineering in the U.S. Department of Agriculture's Research Administration and as head of that Bureau's Division of Information was directing its publication and research-reporting program. He was Chairman of the U.S. Department of Agriculture's Special Committee on Improvement of Publications.

From 1931 to 1942 he had served the Bureau of Biological Survey and its successor agency the U.S. Fish and Wildlife Service as an editor, writer, and broadcaster on wildlife research, administration, and conservation and was in charge of the agency's section of current and visual information.

From 1935 to 1959 he was an essayist and book editor of Nature magazine and since 1940 he was the Encyclopaedia Britannica's annual contributor on "Wildlife Conservation," and on "Wilderness Preservation."

He was also a freelance writer of articles and verse, including "America Grows Corn," in the Scientific Monthly for May 1948, "Happy Young Spring," in the Living Wilderness, spring 1952, etc. Book contributions include the chapter on "Parks and Wilderness" in America's Natural Resources (Ronald Press, New York, 1957), edited for the Natural Resources Council of America by Charles H. Callison; the chapter "Wilderness Forever" in Wilderness: America's Living Heritage (Sierra Club, San Francisco, 1961), edited by David Brower; foreword to "Planning for America's Wildlands," by Arthur H. Carhart, 1961; foreword to "Tomorrow's Wilderness," edited by Francois Leydet, 1963.

Dr. Zahniser was born February 25, 1906, at Franklin, Pa. His parents were the Reverend A. H. M. and Bertha Belle (Newton) Zahniser. He is survived by his wife, Alice Bernita (Hayden) Zahniser, at the home address, 6222 43d Avenue, Hyattsville, Md., and their four children—Rev. Alison Howard Mathias Zahniser, Asbury Theological Seminary, Wilmore, Ky.; Mrs. Esther Belle (H. Edward) Knox, 25 Cedar Street, Somerville, Mass.; Miss Karen Elizabeth Zahniser, Greenville College, Greenville, Ill.; and Edward DeFrance Zahniser, Greenville College, Greenville, Ill.; and also a grandson, James Howard Knox.

LIBERTY, SCIENCE, AND LAW—EDUCATION FOR NAVAL LEADERSHIP—ADDRESSES BY ADM. H. G. RICKOVER

Mr. AIKEN. Mr. President, Admiral Rickover made two outstanding speeches, one on April 16 to the U.S. Naval Academy midshipmen, and one on May 1, 1964, at the Philadelphia Bar Association's ceremonies in celebration of Law Day U.S.A.

I consider them to be good enough to be printed in the Record, and I ask unanimous consent to do so.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

Education for Naval Leadership

(Address to U.S. Naval Academy Midshipmen, Apr. 16, 1964, by H. G. Rickover)

Admiral Kirkpatrick was good enough to ask me to speak with you today. He thought you might be interested in my views on some aspects of the education of naval officers. I hope what I say will have pertinence to the problems you will face throughout your naval career.

First I will explain why education is indispensable to leadership. Then I will tell you what I consider to be weaknesses in the education of officers—weaknesses which are inimical to the development of the military leadership our Nation requires. Finally I will urge you as individuals to take specific steps which can assist you in developing your own potential for military leadership. I limit myself to the Navy because of my greater familiarity with the service in which I have been on active duty for 45 years.

Science and technology are rapidly and radically changing the world and forcing mankind to face up to two alternatives: Adopt new ways of thinking or risk extermination. I need not belabor this point; no thoughtful person can help but be aware of the grave problems confronting us and of the inadequacies of traditional ways of dealing with them. Some of the concepts that we have long been taught and accepted are no longer relevant; others are no longer adequate; still others have now become profoundly dangerous. As Magnus Pike has said:

"There have been many well-run societies and there have been well-run armies, too. The danger arises when big changes take place. When this happens a system designed for a particular purpose needs to be changed to meet the changed circumstances. If the system has become rigid, however, and people are not willing to change it, then it begins to impose itself on them."

We cannot cope with this new world if our minds are like attics stored with abandoned and useless furniture. What this new world demands of us is that we learn and that we think. Only those who have been taught to think with their own minds can discover and remedy their own deficiencies.

Our leading colleges recognize this problem and are upgrading their curriculums so as to prepare their graduates more adequately for coping with the increasingly complex problems they will face. I have been privileged to work with the engineering schools of Princeton, Yale, and Cornell, and to assist them in revising their programs. These colleges as well as many others have replaced descriptive and applied courses with subjects which develop understanding of basic principles. To quote Dean Elgin, of Princeton:

"Instruction in the engineering principles of heat and mass transfer, mechanics of solids and fluids, and of electromagnetic theory is replacing the teaching of the technologies of diesel engines, steam powerplants, the manufacture of gasoline or alcohol, and how to construct an alternating current motor."

The basic humanities have not been slighted to accomplish this. Leading engineering schools now require that a substantial portion of their courses be in the areas of history, languages, English and the like. Here, too, the emphasis is on principles, not on descriptive or applied subjects. A serious intellectual attitude is fostered and it is not surprising that those who most successfully meet this intellectual challenge are also the ones who succeed in the tasks they undertake after graduation. Let me quote from a recent report (Apr. 5, 1962), by Frederick R. Kappel, chairman of the board of the American Telephone & Telegraph Co., on a study made of the records of 17,000 college graduates in his company:

"The figures show that the single most reliable predictive indicator of a college graduate's success in the Bell System is his rank in his graduating class."

Like other colleges, the Naval Academy has been attempting to improve its curriculum. Some improvements have been made; others are currently being considered. Independent of these attempts, however, each of you should acquire an awareness of the importance of grasping the basic fundamentals of mathematics, science, engineering, and the humanities. There is evidence you are not doing this. I know some of you feel that because the Academy is a military institution it need not compete with other colleges on an intellectual level; that perhaps military leadership is not in any significant way dependent on intellectual development. Nothing could be further from the truth, as I hope to show you.

Let us examine closely and critically just what military leadership consists of in the changing world in which your naval careers will be spent. The significance of military leadership has reached unprecedented importance, not only because of the obvious military threat to our country but also because of the increasing role of the military in our foreign relations and in our national economy.

Certain attributes of military leadership have always been important to success in warfare; among these is knowledge. History warns us to recognize the importance of this attribute; it supplies us with many examples where failure to do so has led to defeat. One striking example of such a failure is the war of 1870 between France and Prussia. I quote from Michael Howard's book, "The Franco-Prussian War":

"In the summer of 1870 the Kingdom of Prussia and her German allies totally destroyed the military power of Imperial France. For nearly 80 years the defeated nation had given the law in military matters to Europe, whereas the victor, 10 years earlier, had been the least of the continent's major military powers. Within a month Prussia established a military preeminence and a political hegemony which made the unification of Germany under her leadership a matter of course, and which only an alliance embracing nearly every major power in the world was to wrest from her half a century later.

"The collapse at Sedan, like that of the Prussians at Jena, 64 years earlier, was the result not simply of faulty command but of a military system; and the military system of a nation is not an independent section of the social system but an aspect of it in its totality. The French had good reason to look on their disasters as a judgment. The social and economic developments of the past 50 years had brought about a military as well as an industrial revolution. The Prussians had kept abreast of it and France had not. Therein lay the basic cause of her defeat."

The consequences of error in today's world of nuclear warfare are far more ominous than they were in 1870. The destiny of our country and of all free peoples is now at stake. Today it is too dangerous to harbor illusions. An illusion may be defined as a belief that has lost contact with reality. Illusions are a form of excess baggage which prevent a man or a nation from facing squarely up to issues and solving problems properly. How we fare will be determined in large measure by the relative capabilities of enlightened leadership in all areas, including the military. By enlightened leadership I mean leadership that sets new standards for itself as dictated by the dynamic developments of the times; leadership that is not bound by tradition; that is not based on frozen concepts which may have been important yesterday, but are no longer very important today.

For example, during the 18th and 19th centuries armies marched shoulder to shoulder, three, four, or six ranks deep, and then slowly and mechanically fired volley after volley at each other at dueling distance until one side was demolished or broke, leaving the ground literally carpeted with countless dead. Our own Civil War had similar hand-to-hand combats where both sides stood their ground and many thousands died. That type of warfare, employing as it did simple tactics with simple weapons, demanded emphasis on sheer physical bravery. Leadership excelling in bravery could bring success in battles of this sort. Such leadership is no longer sufficient to meet the military challenges that face us today when you may never even see the enemy—he may be hundreds, even thousands of miles distant.

What then are the main characteristics of military leadership in today's world of guided and ballistic missiles, supersonic aircraft, high-powered sonar and radar, deep-diving nuclear submarines and other complex weapons? In such a world military power depends upon technology, and technology depends on educated brainpower. Therefore, today the keystone of military leadership clearly is an educated mind. Indeed, the motto of the Naval Academy itself is truly prophetic. For it says: "From Knowledge, Sea Power."

The educated man has knowledge that makes the world around him intelligible; his mind has been sharpened so that he can use it effectively; he is receptive to ideas; he thinks about them; he imparts something of himself to them, and comes forth with something new. Because he has broad general knowledge, the educated man is able to see things in perspective, as well as in relation to other things.

The uneducated man, who knows little about the forces which shape the world around him, lacks this ability to see things in true perspective and in their relation to other things. He is like a mirror; he does not absorb ideas, he merely reflects them. Each thing stands alone for him. He lacks the ability of the educated man to join different ideas and bring some sort of order into them. Ability to withdraw into himself and think things out independently is perhaps the educated man's most important attribute. This ability to withdraw into oneself and think things out is the most significant characteristic distinguishing man from animals. This characteristic is developed through education. The uneducated have it to a much less degree than the educated. It has been said that some people are a bit like a seal who sleeps for a minute and a half, wakes up, takes a quick look at his surroundings and goes back to sleep again. He either sleeps or he looks—he doesn't think about what he sees. He just reacts.

A good liberal education endows a man with the faculty of entering with comparative ease into any subject and of taking up with aptitude any science and profession. It enables him to draw his own conclusions from what he observes around him. It equips him with sufficient general knowledge to understand the world. It develops in him the ability to make rational decisions in difficult circumstances and to meet totally new and unexpected contingencies. Education has familiarized him with the ways in which other people at other times have solved problems similar to the ones he must deal with. Thus he is supported by the vast fund of wisdom collected in the past and throughout the whole world. This sort of education takes much time and effort. It isn't finished when formal schooling ends but goes on all through life.

Certainly these characteristics, acquired through education, are necessary qualities in a modern military leader. Not enough officers in the Navy, I feel, recognize the need for this type of education.

Many studies have sought to find a definition of "leader." To most people the answer is simple: A leader is an active, forceful, outgoing person, the kind others look up to; the type that gets elected class president or football captain—the "big man on campus."

But there is another point of view that holds that the true leader makes no effort to impress his personality on others; he has no obvious "following." But because of him—because of the quiet influence of his ideas or his example—other people change their thinking and act in new ways.

About all that can be said for sure about a leader is that his actions influence others. Qualities which contribute to this ability to exert such influence are above-average intelligence, originality and constructive imagination, practical knowledge, relative to the situation, speed and accuracy in thought and decision, intensity of application and industry.

One of England's great educators, Lord James, says more lucidly than I have seen anywhere else that no society needs the quality of leadership as much as a free democracy. Again and again he stresses that the single most important ability required of a leader in today's complex life is trained intelligence of a higher caliber.

Yet, James notes that this quality of high intelligence is "more commonly underrated than any other aspect of leadership." The popular conception of a naval leader emphasizes the more obvious and spectacular qualities of character—as bravery, stamina, dominance, and so forth; these may mask and even ridicule intelligence. High intelligence in naval leadership does not militate against these other qualities of character. Rather, implicit in high intelligence are all of these character qualities, but placed in proper perspective as dictated by the needs of the time. In essence, the intellectual element is always basic to a society. The other leadership qualities are essential, integral, indispensable, but they are not enough. When you have only the more obvious leadership to guide your action, you may lose early in the fight. The very nature of man requires that in the last analysis he be moved to action by ideas, not by codes.

Convinced as I am of the importance of intelligence and education to military leadership, I have in the past proposed certain changes at the Naval Academy. I have, for instance, recommended decreased emphasis in nonacademic areas like organized athletics and extracurricular activities. These too often tend to become ends in themselves and thereby detract from academic effort, which should receive foremost attention. The retort invariably is the old chestnut attributed to the Duke of Wellington: "The Battle of Waterloo was won on the playing fields of Eton." This implies that the qualities required for success in warfare are acquired on the playing field rather than in the classroom. If it ever was true of any wars, it is certainly not true of modern wars. There is no clear evidence that the duke ever made this statement. The headmaster at Eton, incidentally, believes the duke said something to the effect that he had learned the spirit of adventure by jumping over a ditch. The duke, you may be interested in knowing, liked to toboggan around the corridors on a tea tray drawn by a team of young women.

Athletics are, of course, essential to the physical fitness of young men. But not overorganized athletics. They become a drain on time and energy which should be devoted to the more important aspects of education. The time one has during his life for uninterrupted devotion to intellectual development is too brief even under the best of circumstances. Long ago a Greek physician sighed, "The life so short, the art so long to learn." I commend this sentiment to all of you. It is unwise to devote too much of your time to nonessentials, athletic department and alumni pressures notwithstanding.

It is not really the function of the Naval Academy to engage in large-scale competitive spectacles for the benefit of the public. Of course, it will be said that this sort of competition develops leadership. But for many years the Naval Academy did not, in fact, engage in such activities. Was its leadership, then, deficient in the years prior to the advent of organized intercollegiate contests? I doubt this. The American economic and industrial system is also based on competition, yet the better colleges from which business recruits its leaders are now deemphasizing organized athletics. Knowledge now doubles every 10 years, hence the demands on the intellectual qualities of leaders are therefore growing apace. Can we then afford to devote precious time—time that can never be regained—to anything that is not essential?

You know that much of the college athletics today is big business. Professional coaches are hired at considerable expense to win some sort of status for the college where they happen to be working that year. But do the methods used by most coaches really develop leadership in the student player? The coaches call the "shots"; they manipulate the players in accordance with schemes developed by professional staffs. If it is initiative, team spirit, and the like which is intended to be stressed, then it would seem logical to let the students call their own "shots." In this manner, individualism, originality of thought, pride in accomplishment would be inculcated in the player and not remain with the coldly calculating professional athletic organization.

Take the case of intramural sports. It so happens they were started here when I was a midshipman. The idea was good. It was to get as many midshipmen as possible to learn to play various games—to extend such an opportunity to more than varsity squads. The organization and schedules were left up to the midshipmen themselves. While important to the individuals involved, the outcome did not count for the company competition. Today, however, it seems that intramural sports are in danger of becoming overorganized, like varsity athletics. The important role they now have in intercompany competition may induce midshipmen to give them too much emphasis. Is the excess emphasis worth it? Does it really contribute to developing good officers?

Another problem in developing qualities of military leadership has to do with instilling a proper understanding of the relationship between authority and independent thought. This always has been a problem but it is particularly acute today.

To illustrate the danger of unquestioned acceptance of a rule by authority, take the case of the formula used by the British Admiralty in the last war to determine the number of escort vessels for a convoy. A longstanding rule required 3 escort vessels plus 1 additional escort for each 10 ships in the convoy. Thus a convoy of 20 ships would have 5 escorts and a convoy of 60 ships, 9 escorts. The theory behind this rule, whose origin had been lost in the mists of time, was that this number of escort vessels would make convoys of different size equally safe; that is, the same average percentage losses could be expected.

Because it presumably had its origin in "higher authority," the formula was never questioned until a group of civilians attached to the admiralty decided to examine the actual records of ships lost in convoys of different sizes. To their amazement they found the rule to be not valid—that in the previous 2 years, large convoys had suffered much fewer losses in relation to their size than small convoys. They also found that the number of ships sunk depended on the number of convoying vessels, not on the number of ships in the convoy. As a result the size of convoys was increased from a maximum of 60 ships to as high as 187, and fewer escort vessels were required. Had the policy of large convoys been adopted in 1942 instead of 1943, the merchant ship tonnage lost during this period might have been reduced by at least 20 percent. This is a good example showing that you should not take things for granted. Any formula followed unthinkingly may lead to disaster.

Take the traditional concept of morale. I often ask young officers which destroyer they would prefer to take to sea in war: The dirtiest one in the force, the one that had low morale, yet stood first in gunnery; or the smartest one, with high morale, but which stood last in gunnery. The answer almost invariably is the smart ship with the high morale. Now I admit this is a loaded question, because it is unlikely the dirty ship would have stood highest in gunnery. Yet in terms of my question, wasn't it the better ship? Isn't the real purpose of a naval ship to hit the enemy? Is morale an end in itself, or is it only a means to an end? Should we judge the value of a ship by its morale, or by its ability to sink an enemy?

Several years ago one of our large insurance companies decided to find out whether its highly organized employee morale program which included picnics, games, and so on was worth the cost and effort. They found that the employees who liked picnics and games at company expense went to them and were quite happy—but they didn't do any better work. The point I am trying to make is that we must question critically, we must never unthinkingly accept traditional rules and routines. Perhaps some efforts to build morale are overdone. Often they take the form of engaging ceaselessly in activities, so that little or no time is left for contemplation. Many of us would like to be just plain let alone; we may be quite capable of deciding all by ourselves what to do with our own time.

You should cultivate the habit of questioning the validity of all formulas and established traditions. There is some value even in the stalest truisms we memorized and recite; and since they are a convenient substitute for painful thinking, uneducated minds accept them as dogma and close themselves to new ideas that are necessary to keep in step with the times.

The military are not alone in becoming prisoners of outworn ideas. This is a characteristic of all elements of society. It happens in science too. Take the discovery of oxygen. Priestley, the Englishman, and Lavoisier, the Frenchman, were working on this problem at the same time. Priestley could not conceive there could possibly be any other gas but air. He saw the gas he was experimenting with as dephlogisticated air. But Lavoisier had long been convinced that something was wrong with the phlogistic theory. So he could see in Priestley's experiments a gas that Priestley himself had been unable to see. To the end of his life, some 30 years after the new gas had been discovered and used, Priestley was still unable to see it. Or take Einstein's theory. There were some who did not accept it until it was dramatically proved at Hiroshima.

Max Planck, whose quantum theory is a cornerstone of modern physics, sadly remarked that "a new * * * truth does not triumph by convincing its opponents and making them see the light, but rather because its opponents eventually die, and a new generation grows up that is familiar with it." So great is the power of self-deception, so difficult is it to leave the warm womb of effortless routine, that hardly anyone who listens to a statement like Planck's conceives that it could possibly apply to himself—though he can instantly visualize many others to whom it does apply.

I keep pointing out that education is fundamental to the development of leadership. I keep giving examples of practices which detract from this development. I have made recommendations for the improvement of education at the Academy. But I do not intend to discuss these today. Rather I will show you weaknesses that you yourselves can do something about. I believe I can best do this by telling you about my observations of a large number of midshipmen and naval officers.

Over the past 14 years, I have interviewed more than 3,300 naval officers and prospective naval officers. I have done this in order to be able to recommend those whom I considered had the requisite qualifications for duty involving operation of nuclear-powered ships. Over 1,000 of these have been midshipmen fresh from the Naval Academy and from civilian colleges. These interviews confirm my conviction that the Naval Academy midshipmen are not acquiring as good an education as do the midshipmen from civilian colleges. This conviction is supported by my observations of the remaining 2,300 officers who had varying amounts of experience in the Navy; most of these officers reflect the same shortcoming in education I saw in the young midshipmen.

Whenever one attempts to compare graduates of the Naval Academy with those from civilian colleges he is told that the need to develop leadership at the Academy gives it a unique mission requiring special time-consuming efforts. It is said that the Academy is a military institution preparing men dedicated to a loyal career in the service and, hence, cannot be like other colleges. It is also said that midshipmen are assigned military and administrative duties so that they may learn, by doing, to be followers and leaders; that regimentation is essential to the development of a fighting man, and therefore a necessary part of the experience of a midshipman.

These statements are not in accord with evidence at hand. Take Marine Corps officers. Would anyone say they are not as loyal, or do not have as high a sense of duty as the officers in any of our other services? But the majority come from civilian colleges, receiving 6 months' training when they are commissioned. Are they inferior officers because they have not experienced a Naval Academy type of life for 4 years?

Or take NROTC graduates. The Navy itself has testified to Congress that after 2 or 3 years there is no distinction; that the captain of a ship rarely knows whether his officer is Naval Academy or college NROTC. Evidently some of the time-consuming efforts devoted by midshipmen to nonacademic activities may not be necessary to the development of an effective officer.

The central deficiency in the education of Naval Academy midshipmen is that they do not learn principles, and therefore do not learn to reason from principles. The extent of this deficiency is perhaps best understood by those who have themselves been educated at the Academy and then at a civilian college of the first rank. The contrast is markedly in favor of the civilian college. That this weakness in Academy education exists is real enough. Where the difficulty lies is in conveying a comprehension of this weakness to those who need to know about it.

Suppose we consider a course in thermodynamics. The course description in the Naval Academy catalog compares favorably with that for a similar course in other colleges. We find the standard topics: The first law of thermodynamics, the second law, and so forth. But the evidence available to me is that midshipmen simply do not acquire a real understanding of the principles. It appears that they memorize the formulas, they learn how to do the standard problems, and they contrive to pass the course with more or less credit. But never having comprehended the fundamental principles involved, they take away precious little of enduring value. The appearance of education is there, but not the reality.

Midshipmen, of course, are seldom aware of this. When asked whether they are getting the education they need, the answer is generally in the affirmative. The reason, of course, is that most of them have no way of comparing their own education with education at one of our better colleges. Similarly, if you asked a Chinese coolie whether he liked rice he'd probably say "Yes." How could he answer otherwise? He doesn't know how well he likes rice until you give him a beefsteak.

Deficiencies in Naval Academy education show up clearly in our nuclear power schools. We find that the NROTC graduates, on the average, do better than Naval Academy graduates, the principal reason being that they have, as a group, a better educational foundation than have officers from the Academy. For example, in one nuclear power school group the top 11 students are all non-Academy graduates. These 11, again as a group, were B-minus students at college, yet they stand higher than 10 Academy graduates, 4 of whom stood in the top 100 of their class. These are unpleasant facts. But it is better that you know them now than that you keep on deluding yourselves about your educational development.

Let me read from a letter I received commenting on a young Naval Academy graduate enrolled at one of our nuclear power schools:

"This young officer was most enthusiastic about the rigorous nuclear power school curriculum. For the first time in his life he was enjoying a new-found revelation of his capabilities * * * he mentioned one mathematics exam [at the Naval Academy] that he outguessed to make an almost perfect mark—3.98. During a typical study period at night he would read a few pages of an assignment and then shine shoes, wash cap covers, or play cards. This officer is now studying approximately 6 hours each night and a major part of each weekend. He has discovered how much he can learn and understand by applying himself and this I think is the lasting value of the nuclear power school course. He will retain more or less of the detailed knowledge depending on his interests and continued application of the material; he will retain the principles and methods of approach a longer time. But most important, and fortunately for him, this young man has learned early in life what his academic capabilities are; this knowledge he will never lose."

This young man finally discovered how important education was to his professional development as a naval officer. This is not understood by most midshipmen. I am often told that in the past they had not applied themselves to academics because they had only recently considered duty in the nuclear power program—that they would be ready to start studying if accepted for this program. My message is addressed to all of you, not just to those who may desire duty in nuclear-powered ships. An intellectual approach cannot be decided upon overnight; it cannot be turned on and off like a faucet. It must grow out of continued and determined effort from the very beginning. Prolonged inattention to study and failure to develop oneself intellectually is a difficult habit to overcome; very few overcome it.

Many Academy graduates also believe that the academic phase of their education ends with graduation and that thereafter they merely apply in a routine manner what they learned at the Academy of the trade of naval officers. I seldom find an officer who devotes a significant amount of free time to continuing his general and professional studies. Perhaps there is too little reward or encouragement offered for this type of self-development. Most officers devote their energy to routine and perfunctory tasks associated with their jobs. Few maintain intellectual interests in science, engineering, history, languages, or similar academics. Without them, officers are really no more than technicians. They are stagnating intellectually. The fact that they are judged by their practical skills tends to mask this intellectual stagnation. This only reveals itself when real leadership and keen insight are needed to guide their decisions in dealing with the unforeseen problems that our rapidly changing times throw at them.

What impresses me in my interviews is the greater maturity of the NROTC students compared to Academy students. I attribute this to the fact that the generally superior academic education and the open life at civilian colleges tend to foster maturity. Or perhaps some practices at the Academy, such as hazing, tend to foster continuance of an adolescent attitude through and beyond the age when one should reach maturity. I am reminded of what the author and journalist Alan Pryce-Jones said recently about Oxford:

"We were treated as grownups at the age of 17. And there were superb libraries and memorable tutors in an ambience of learning."

Is it too much to expect that a youth of 17 be treated as an adult? In Biblical times a young man attained manhood at the age of 13. In medieval times when the child reached the age of about 7, he belonged to adult society. This may have been due to the fact that because of the very high child mortality little emotional investment was made in young children. The child was dressed like the grownup. When you look at medieval paintings you can see the similarity in clothes. For many centuries there was no dividing line between the games and pastimes of older children, and adults. Girls often married at 13 and boys at 14. For a long time the child, the adolescent, and the adult all sat at the feet of the same master and studied the same lessons.

Children were accorded adult treatment even in later times. Our own naval hero, Farragut, was made master of a prize at 10. Yet at the age of 22 I still had to get my company officer's signed approval to buy a pair of socks at the midshipmen's store.

Relative immaturity of midshipmen is often explained away by arguing that Anglo-Saxon youth ripen slowly in comparison with other people. Do not delude yourself on this point. Comprehensive studies show that it has no basis in fact. Therefore, the lack of maturity to which I referred is your own personal responsibility, not that of your ancestors.

I mentioned hazing as possibly contributing to immaturity. You may be interested in the origin of the type of hazing in vogue here. It began in England in the early 19th century when the growing industrial and business class sought better education for their sons. As there was then no public education in England, the few private schools became crowded. There were simply not enough teachers to do the teaching and maintain order, too. Because of this, and to save money, the maintenance of order was turned over to the older students who accomplished this by hazing. This is the origin of modern hazing which continues to this day, in symbolic form at our civilian colleges, in actual practice at the service academies.

The harm done by hazing is not its physical aspect. I am sure this is quite minor and hurts no one. The harm is done in a more subtle way and to both parties. The newly arrived midshipman is made to feel, not as an equal who has joined a goodly company whose older members assume the responsibility for his welfare, but as an inferior who must do things because they are ordered, whether there is any reason or not. The upperclassman acquires a false concept of the proper way to exercise authority. The plebes also waste much time carrying out the whims of their seniors, to the detriment of their studies.

Yet hazing is not something the authorities require or officially condone. For 40 years I have been hoping that some day there would be a Naval Academy class that upon becoming third classmen at the age of 18, would be mature enough to depart from boyish practices and adopt an adult, manly attitude toward their juniors. As the Apostle Paul said in his first letter to the Corinthians:

"When I was a child, I spake as a child, I understood as a child, I thought as a child; but when I became a man I put away childish things."

A misconception I find prevalent among midshipmen and younger officers is the feeling that during their years at the Academy and as young officers they are so far down the ladder that nothing they do can have real importance. This is exactly the opposite of the truth. Generally, the first 10 to 15 years of a man's career are the truly creative ones. Therefore, you cannot ever postpone doing the very best you know how. On the contrary, you must use your years at the Academy and as a young officer to work and study your very hardest. It is in these years that the foundations of your career are laid. Otherwise, you will find to your sorrow later in life that you have lost an opportunity which cannot be recovered.

Too often, midshipmen place the blame for their educational deficiencies on others. I am frequently told that the "atmosphere" in a particular company at the Academy is not conducive to study; or that no one teaches them about practical engineering on summer cruises. Yet, when confronted with the obvious question as to what initiative they themselves took to improve their lot in the face of these situations, the answer invariably is "None." This lack of initiative is a personal weakness characteristic of individuals who are content to follow passively and to bemoan that they are victims of their surroundings. The circumstances in which you find yourselves may be beyond your power. But your conduct in these circumstances is within your own power to control.

Blaming others for deficient conditions is of course not unique to midshipmen. It applies equally to many officers I interview for entry into the nuclear program. Many of these officers do not understand the true meaning of the word "responsibility." When questioned, they readily admit that the combat efficiency of their ship needs to be improved. Yet when asked what they are doing to improve matters, it seldom occurs to them that they have a personal responsibility. The fault, as they have analyzed it, lies in the inexperienced men assigned to them, in old or poor equipment, in not being motivated by their seniors, etc., but never in themselves. Yet these same officers usually have little knowledge of the fundamental or detailed technical aspects of the equipment for which they are responsible. They rarely study technical manuals or instruction books to overcome this ignorance. These weaknesses in the educational development of our naval officers can and should be corrected. The Navy cannot otherwise contribute its proper share to the military stature of our country. The question for each of you is: What can I do personally? No one can answer it for you. If you have listened to what I have said, it should be clear that each of you must find his own answer. "You yourself must set flame to the faggots which you have brought"—a statement, incidentally, by a playwright who was a naval officer. But I can perhaps help by posing some pertinent questions. I suggest you ponder these and like questions which will occur to you and decide your own positive courses of action.

Is broad and continuing intellectual development my foremost objective here at the Naval Academy? Or am I content merely to get by?

Am I striving to acquire a real understanding of the fundamentals of science, engineering, and the humanities? Or am I resorting to techniques whose purpose it is to get the best possible grade for the least effort?

Do I choose electives which are difficult and intellectually stimulating? Or do I choose easy ones which may improve my class standing, yet contribute little to further my educational development?

Am I taking advantage of every available opportunity to broaden my knowledge? Or am I devoting time to meaningless activities which have little relevance to my development as a human being and as a professional naval officer?

Am I developing the habit of independent thought and inquiry which requires me to question doctrinaire and traditional approaches to problems? Or do I blindly accept everything that is cloaked with the mantle of authority?

In attempting to answer these self-imposed questions you may discover that you are discontented with what you have accomplished. You may find that a strong effort on your part is needed to wrench your mind from intellectual stagnation. While positive corrective action in your environment may be difficult to acquire, remember it is your responsibility to do what you can to overcome such difficulties. Ignorance is a voluntary misfortune.

In conclusion I will quote a perceptive passage at the end of Darwin's "Origin of Species":

"Although I am fully convinced of the truth of the views given in this volume * * * I by no means expect to convince experienced naturalists whose minds are stocked with a multitude of facts all viewed, during a long course of years, from a point of view directly opposite to mine * * *. But I look with confidence to the future—to young and rising naturalists who will be able to view both sides of the question with impartiality."

My hope is a similar one. While I do not expect that my views will gain wide acceptance in the Navy today, I am hopeful that you of the younger generation will eventually learn to understand them and perhaps benefit from them. If what I have said disturbs you, bear in mind I did not come here to please you but to make you think.

Speakers often tell you that the future lies in your hands. By these words they do not mean that you are superior in capacity or in intelligence. Many of you appear to believe this as you graciously accept this platitudinous homage. Not at all. What they are attempting to convey to you is the hope that perhaps as many as a handful in the audience will be inspired to ponder their purpose in life and set themselves difficult goals.

The Spanish philosopher Ortega y Gasset once wrote a book around the thesis—to quote him—that "there is no doubt the most radical division it is possible to make of humanity is that which splits it into two classes of creatures: those who make great demands on themselves, piling up difficulties and duties; and those who demand nothing special of themselves, but for whom to live is to be every moment what they already are." I read this as a young man and it impressed me deeply. And all my life I have unconsciously judged people and institutions by whether or not they set themselves a standard; whether they measure themselves against a criterion that requires effort because they deem it worthy of effort.

The Navy can offer unlimited opportunity to anyone who is willing to study and work hard—to anyone who is willing to exercise his brain and who is not afraid to question outworn shibboleths. The Navy is also a place where an officer can, for a while, coast; where he can get by with a minimum of effort and with perfunctory work.

Take your choice. When the time comes for you to contemplate your life and you ask yourself, "What have I accomplished?" will you have something to show; will you have had an impact on your environment, or will you have become nothing but a statistic?

COMMENTS BY NAVAL ACADEMY FACULTY

The following comments were recently given to me by personnel at the Naval Academy. How well they represent the true feeling at the Academy I do not know. However, they are food for thought and should be read by the Board of Visitors.

First, here are some notes taken by one instructor during a discussion between a number of instructors and an academic official of the Academy. Questions were asked by the instructors and answers were given by the Academy official. Neither the questions nor the answers are direct quotes but represent the general tone of the discussion.

Question. Do you feel that Naval Academy midshipmen are properly motivated toward academics?

Answer. I don't know. I wasn't aware that this was a problem.

Question. Do you intend to meet with the midshipmen and company officers as you are now meeting with us?

Answer. Perhaps; although I really had not thought about it. I intend to teach a class and from that get a cross section "feeling" of the midshipman attitude.

Question. Do you feel that the Academy standards are high?

A. They seem high to me, perhaps too high, since academics is a small part in the making of a good naval officer. Other attributes are leadership, morale, and strength. After all, do we really need educated officers? What is the product we are after? The Navy must decide the answer to this.

Question. What should the Academy do about the academic curriculum?

Answer. Perhaps there should be more specialization to suit midshipmen rather than a blanket course, i.e., specializations in mechanical, aeronautical, and electrical engineering, business administration, liberal arts, and naval science. All degrees should be bachelor of science. Degrees, not certificates, should be given.

Question. What do you feel the Navy wants from the Academy?

Answer. I do not know. Does the Navy want educated officers? Perhaps their needs would be satisfied with a 100-hour hard core curriculum and a 60-hour specialty course.

Question. What do you think the future holds for the Naval Academy?

Answer. Perhaps graduate schooling—better faculty—smaller classes—new facilities—new rooms for faculty—research.

Question. In your opinion how much knowledge, in percentage of the 4-year overall exposure in courses taken, should a student demonstrate in order to obtain a degree at USNA? Should it be 80, 60, 40 percent * * *?

Answer. I do not know. If tests were given both at some well-recognized college I will call college "A" and the Naval Academy, the former would have the higher overall average.

Question. Both College "A" and the Naval Academy would give bachelor of science degrees in engineering but we know that the college "A" student has had the better education. Should both institutions be allowed to give the same degrees?

Answer. Yes.

During the above discussion the Academy official expressed additional views on this same subject. These views were essentially as follows:

"We could care less about how the academic community views our product.

"We must watch our A's and B's we give since they certify knowledge for entrance to PG schools.

"I consider that a C average, 2.0 may be too high a requirement for graduation and that perhaps 1.8 would be more satisfactory."

The instructors considered that they were being required to assign grades that were higher than what some students had actually earned. In answer, the Academy official stated, "I don't know why we control the percent of D's and F's other than during final course grades—perhaps we should keep our hands off." There is a strong feeling among Naval Academy instructors that the grading standards are low and that they should not be limited to giving only 8 to 10 percent D's and F's. The instructors also voiced a complaint at the meeting that pressure was being put on them to make the grades look good, whereas the midshipmen were not being given added motivation to spend more time studying, so as to be better prepared academically and to learn more.

Second, here are some more comments given me by personnel on Naval Academy:

"(a) Notwithstanding the difficulty or ease of the subject matter, the capability of the instructor, or the performance of the midshipmen, only a fixed low percent of the midshipmen are allowed to fail. This is due to the existing practice of administrative assignment of grades. Important grades, such as examination and final grades, are plotted and only the lower few percent (say 10 percent) will be assigned D's and F's. This practice often makes a C grade, the grade satisfactory for graduation, as low as 60 percent, sometimes lower. This method of grade assignment is generally known to the midshipmen. As a result, they know their best efforts are not needed.

"(b) One course given at the Naval Academy had a total of less than 2 percent failing students (F's). One instructor estimated a good college would have given 5 to 10 times as many F's based on the knowledge actually demonstrated by the midshipmen.

"(c) It would be interesting to give entire classes of midshipmen an examination in one or more of their courses with the exam being prepared by a top college, such as MIT, and graded to standards of that college.

"(d) Motivation of midshipmen toward academics is low. This is evidenced by frequent poor class preparation and also by too many midshipmen not paying attention to their work while in class."

LIBERTY, SCIENCE, AND LAW

(Speech by Vice Adm. H. G. Rickover, U.S. Navy, at the Philadelphia Bar Association's ceremonies in celebration of Law Day U.S.A. 1964, Independence Hall, Philadelphia, Pa., May 1, 1964)

I am honored to have been invited as your speaker on Law Day 1964—also surprised, for I lack the proper credentials. My concern with public affairs has indeed been intense and sustained throughout my adult life but I am neither a lawyer nor a legal philosopher. I can offer you but the thoughts of a lay citizen. I offer them hesitantly for it seems to me almost presumptuous to deliver a speech here where the echo still lingers of the great debates that led to the founding of our Nation.

Standing on this historic spot one has a sense of personal inadequacy. We are dwarfed, we 20th century Americans, by the events that occurred here nearly two centuries ago and by the men who brought them to pass. Today our immensely more populous Nation could not duplicate the array of talent assembled in the Continental Congresses and the Constitutional Convention. We no longer have men in public life who possess in equal measure the rare combination of qualities of the Founding Fathers: Their intellectual power and practical commonsense; independence of spirit and political wisdom; bold vision and prudent foresight; devotion to the common good and transcendent courage.

Recently I was asked to explain why this should be so. I have not yet found a satisfactory answer. It may be that we no longer look for such qualities in our leaders. Or, having done everything in our power to make it distasteful, we no longer attract men possessing such qualities to public service. The root cause may simply be that we are not as deeply concerned with freedom as was 18th century America; nor, for that matter, as interested in public affairs.

Noting the active participation in politics he encountered everywhere, De Tocqueville wrote that, "If an American were condemned to confine his activity to his own affairs, he would be robbed of one-half of his existence." That was in the 1830's. Today we make almost a virtue of disinterest in public issues; "not meddling in matters that do not concern us," we call it. And we meekly tolerate, even applaud, the preposterous claims frequently made by spokesmen for powerful special interest groups that anyone who examines the effects of their actions on the political or economic health of our society must be considered a controversial person, if not a traitor to our form of government. Criticism of our educational system has been termed "disloyalty to our way of life," criticism of the heathen pomp and outrageous cost of funerals communistic. This does not augur well for the survival of our free society.

A democracy remains viable only when it is actively supported and kept under constant critical scrutiny by the great body of its citizens. It has been rightly said: "the price of freedom is eternal vigilance," to which should be added: "and the courage to speak out when freedom is threatened."

Liberty is never established for once and for all. Each generation must defend it against new perils. These perils arise because men, being endowed with free will, continually alter the conditions of life. Countless decisions made in pursuit of private objectives may so transform society that institutional safeguards that once adequately protected human liberty become ineffective. Usually, public action alone will then restore their effectiveness. Unless we are alert, we may not perceive the effects of social change; unless we have civic courage, we may hesitate to call atttention to them, especially when this would displease powerfully organized special interests.

To hold on to our free society calls for continuing effort, intelligent, and informed effort. A citizen cannot meet his civic responsibilities unless he has a thoroughgoing knowledge of our political system. To acquire this knowledge he must do his own homework. It isn't safe to rely on the word of others. Not with public relations techniques perfected to a degree where the most blatantly undemocratic ideas and actions can be persuasively presented as being in perfect accord with the Constitution and the American way of life. Since slogans and cliches are among the most powerful public relations tools, the habit of mistrusting them ought to be assiduously cultivated by every responsible citizen. I don't believe it is going too far to say that educating oneself politically is as much a duty of democratic citizenship as is assumption of the burden of defense of the country in time of war. The right to be free is necessarily correlative with the obligation to preserve our free society against whatever dangers beset it.

The basic tenets of our political system are spelled out in the Declaration of Independence; the institutional mechanism giving them reality is the Constitution. Familiarity with these great documents, and with the Federalist which elucidates their meaning, is as essential to a strong democratic faith as familiarity with the Bible is to religious faith. We must know them well enough to be able to distinguish clearly between tenet and technique, principle and procedure. Preserving our free society means keeping techniques or procedures effective under changing circumstances of social life; it does not touch upon tenets or principles, for these remain constant so long as we are committed to a democratic form of government.

The distinction is often difficult to make. Knowing how our political system came into being will be helpful in case of doubt; so will immersing oneself in the thought processes of the Founding Fathers: What did they seek to accomplish? What prerequisites did they consider indispensable to a free society? What contemporary ideas influenced their thinking?

They were men of the enlightenment; an era when throughout the Western World political philosophers were mounting an attack on every custom and institution that shackles the mind of man or arbitrarily restrains his action—from superstition to class privilege, from tyranny by an established church to tyranny by an absolute monarch. The central problem agitating the thinkers of the age of reason was how to limit power so that men might be free. They saw more clearly than anyone before or since that it was civilization—life in civilized society—which created the problem. Savages lived in freedom, but as soon as men entered civilized society their social needs generated power which in the end suppressed their liberties.

Though separated by the Atlantic from the center of all this intellectual ferment, the Founding Fathers were extraordinarily receptive to the ideas then in the air. Unlike the philosophers who were debating power as an abstract problem, the founders were experienced politicians, active in public life. Their immense achievement was to have found a practical solution to the problem of how to reconcile civilization and human freedom.

They had the political genius to recognize that on this rich, empty, newly colonized American continent a new type of self-reliant man, a new type of basically egalitarian society was developing; that this offered a unique opportunity to establish here the utopia the philosophers were dreaming about: a country where all men would be free to manage their personal lives, where the law recognized no special privilege or handicap, where government would be the servant, not the master, of the people. With consummate skill they devised a political system combining maximum protection of individual liberty with adequate provision for the proper governance of a civilized society. Hamilton called the Constitution a happy mean between "the energy of government and the security of private rights."

It needs stressing, I think, that nothing in the Declaration of Independence, the Constitution or the Federalist could lead one to believe that the Founding Fathers feared government or wished it to be weak, though this is a claim one often hears these days. The statement that ours is "a government of laws, not men," for instance, means no more than that those who exercise the governing power are subject to the law; hence that arbitrariness—the kind of abuse of power Acton meant when he said that "all power corrupts"—was to have no chance of creeping into our system. But the founders made it amply clear that government was to have the power to carry out whatever the people deemed necessary. To paraphrase a passage in the Federalist: "As the people are the only legitimate fountain of power" from which the Constitution derives, it is they who decide when "it may be necessary to enlarge, diminish, or new-model the powers of government."

Our political system rests upon three fundamental precepts, having to do with the liberty of the citizen, the purpose of government, and the location of sovereignty in our society. You find these basic tenets stated in the Declaration of Independence:

First, all men are born equally "endowed by their Creator with certain unalienable Rights"; among these are "Life, Liberty, and the pursuit of Happiness." Three years after adoption of the Constitution the list of these inalienable rights was extended, by the first nine amendments, known as the Bill of Rights.

In our system inalienable rights are absolute. As Madison wrote, they are not lost because a man enters civil society. They are rights the Founders considered so intimate a part of the dignity of man that, were he forced to relinquish them, he would be diminished in his humanity. They are what makes the citizen a free man and because of this freedom, able to meet his civic responsibilities.

A man has many other rights, of course, which are not placed on so high a plane as his inalienable rights. It is these other rights Jay meant when he wrote in the Federalist that "nothing is more certain than the indispensable necessity of government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers."

Second, governments are instituted among men to secure the individual's inalienable rights. This is a uniquely American concept; perhaps our greatest contribution to preserving liberty in a civilized society. It goes beyond the injunctions in the Bill of Rights which categorically command that government shall or shall not do certain things, thus erecting a fence around the private realm of the citizen from which government is excluded; at any rate, into which government may enter only via the slow and cumbersome amending process. According to the Declaration of Independence the very purpose of government is to secure or safeguard the citizen's inalienable rights, presumably against anyone who infringes them. It make government the guardian of these rights.

Third, government derives its just powers from the consent of the governed. Madison restates the principle a number of times in the Federalist. Perhaps best known is his definition of our Government as one "which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior." Clearly, in our system of government sovereignty is vested in the people. Their relationship to men elected or appointed to public office is therefore that of principal to agent.

The French have a saying that "to govern is to foresee." Being highly gifted in the art of government, the founders of our Nation proved amazingly accurate forecasters. They anticipated for decades to come the problems the new Nation was to encounter. James Bryce, in one of his essays, examines the record and notes that up until the Civil War virtually every one of the difficulties foreseen by the Constitution builders had been overcome, the reason doubtless being that, having been anticipated, it was possible to arm against them.

The foresight of the founders could not, of course, extend beyond the time when our problems arose from causes familiar to them. By an accident of history, the Civil War coincides with the end of the era during which American society retained essentially the pattern familiar to the founders of our Nation; a pattern based on our possessing certain unique advantages vouchsafed few other nations: Immense, unclaimed wealth in land and other natural resources, which made for a high degree of economic equality and prevented division of society into master and servant classes. Anyone, by going west, could obtain free land and build himself a house; no one needed to remain a propertyless proletarian. (I leave out of consideration the special case of the plantation society of the South.) A scarce and largely homogeneous population, composed for the most part of independent farmers, artisans, and merchants, with the way open to any enterprising young man to become an entrepreneur himself.

A way of life, sufficiently simple and uncomplicated, that most men were able to pull their own weight, and differences among them of intelligence and competence did not manifest themselves conspicuously.

All this made for a high degree of de facto equality which naturally facilitated the operation of a system of government based on political equality. The slow and cumbersome democratic process could deal adequately with issues requiring public action because geographic distance from the world's trouble spots protected the Nation against foreign attack. De Tocqueville remarked that "America has no neighbors," and counted this one of the prime reasons for the success of American democracy. Distance provided a margin of time to work out social and political problems, besides relieving man and society of the burden of military preparedness. In truth the founders were right when they said that the land, the people and the political system were made for each other.

The industrial revolution, which reached our shores about midpoint of the last century, and the scientific revolution, whose full impact hit us about midpoint of the present century, wrought immense transformations in the pattern of American society. They greatly diminished, in many cases destroyed, the unique advantages we possessed in the past, advantages on which the founders had counted heavily to insure success of the new democratic experiment. They did not envisage the explosion in scientific and technical knowledge that came after their time, thus could not prepare our society to meet the consequences of this explosion.

Every thinking American is aware of the changes in our pattern of life. Free land is gone, we have an excess not a scarcity of people—as measured by available jobs—and for many it is becoming increasingly difficult to acquire the competencies for which there is demand in our complex industrial society. Only 1 in 10 now works for himself.

As long as they keep up their installment payments, most people have the use of many possessions, but few now possess the kind of property that, when fully owned, gives a man a sense of independence. The gap in wealth has grown. The richest 1 percent of the population now owns 28 percent of the total wealth of the Nation, while the poorest 10 percent own but 1 percent—a difference of 280 to 1. One-fourth to one-fifth of our people live in want and economic insecurity. No longer is there de facto economic equality. Moreover, as intelligence and education become more important, inequalities appear that are far harder to bridge than differences in wealth. Technology has conquered distance, and we are now faced with the ever-present danger of military aggression and permanently saddled with a huge and costly military establishment.

Directly or indirectly these transformations spring from the growth of scientific knowledge. I should like to devote the remainder of my remarks to consideration of certain prevalent attitudes toward science that seem to me dangerous to our free society.

Of itself science, being pure knowledge, does not endanger anyone or anything. It is when men utilize science—when they create technology—that potentialities for injury to human beings and to society as a whole arise. Today these are enormous—greater by far than at any previous time.

The possibility that misuse of science may cause untold harm hangs like the sword of Damocles above us. How can we maximize the benefits to be derived from science while guarding against harmful uses? I suggest we can do this best through the instrumentality of the law. And I would urge those trained in the law to accept, as a special civic responsibility the task of helping the American people find right solutions to this problem.

The problem is aggravated by the bureaucratization of American life, in itself an indirect result of science and technology. Our society is now dominated by huge public and private power conglomerates which interpose themselves between the American people and the men elected or appointed to public office, making it increasingly difficult for the popular will to assert itself whenever it goes counter to the interests of large organizations. Or, to put it more accurately, of the men who manage these organizations; the men who are their absolute rulers; who determine what is or what is not an organization "interest." Proposed legislation seeking to prevent misuse of science is nearly always held by them to be inimical to their organization "interests."

So great is bureaucratic power today that normally the interest of the sovereign people in getting protective laws enacted and enforced does not carry as much weight as the interest of organizations whose practices would be affected by these laws. Often something in the nature of a catastrophe which causes a public outcry will alone get action—the tragic case of the thalidomide babies comes to mind. One could cite numerous examples of delayed or emasculated legislation and of inadequate enforcement of existing laws. For instance, against sale of foods and drugs containing new miracle ingredients not properly tested for side effects; against dangerous pesticides and weed killers which poison fish—thus detroying fishery industries—or which upset the ecological balance of nature—thereby harming the land that nourishes us; against industrial pollution of air and water; against lumbering and mining practices that cause soil erosion, etc.

Popular demand is all too often drowned out by the public relations and lobbying activities of large and rich organizations. At times the public is brainwashed by superficially persuasive arguments and slogans, such as that the proposed law, by regulating how science may be utilized, would interfere with the freedom of the user and thus contravene basic tenets of our free society, or that modern technology demands the action the public would like to prevent by law—"you can't stop progress." These are specious arguments.

No axiom is more firmly established in our law than that one man's—or organization's—freedom to act ends where it harms another. To quote Chief Justice Charles Evans Hughes, "freedom of action would be a barren privilege, if it did not also connote freedom from injurious action by others." Only the self-centered, immature mind equates freedom with absence of all legal restraint; with the untrammeled right to pursue one's own objectives, regardless of the effect they may have on others—fellow citizens and society as a whole, people now living and generations to follow. "To be free," said Voltaire, "implies being subject to law alone"; it does not mean being subject to no law.

Let us also be clear that technology "demands" nothing of us; it is but a tool to be used by man. It is not an end in itself; merely a means to an end. The mere fact that men who rule large organizations now have at their disposal new technologies, and that these may serve their purposes, does not of itself give them the right to their use. Availability does not legitimize. Whether a new technology may be used and how it may be used depends on the principles that govern human conduct in our society. Technology has no bearing on these principles; it isn't concerned with principles at all. Technology is based on the laws of nature; it deals with physical properties, material processes; in other words, with things.

Principles have to do with the way we marshal our inner resources, discipline our actions, respond to the prompting of our conscience and to the categorical imperatives of the law; with the ordering of our personal lives and of our relations with fellow citizens, both in private and public life. Principles are based on the laws of God and man, they apply to human relationships, human thoughts and actions, in other words to people.

One other point should be made: Under our system, "inalienable" rights stand on a higher plane than other rights. The right to use science as one pleases is not inalienable, but certain human rights that may be put in jeopardy by new technologies are inalienable, notably the right to life. It may come as a shock to some people, but the Bill of Rights is not concerned with economic rights; it is concerned with rights pertaining to individual human beings, rights that are protective of human liberties. I wonder whether in a conflict between inalienable human rights and the right claimed by organizations to use certain new technologies, the citizen's inalienable right should not on principle prevail, simply because in our political system it is recognized as being a higher kind of right? This seems to me a point the law might elucidate more clearly.

We must never forget that our political system pivots on the autonomous individual. It seeks to organize society in such a manner that civilized life may proceed without diminishing the human beings who compose our society. The first commandment of our Kantian imperative: "Every man is to be respected as an absolute end in himself; and it is a crime against the dignity that belongs to him as a human being, to use him as a mere means for some external purpose."

Is there no recourse then against being compelled to go through life with an assigned number—as if one were the inmate of a prison—just because this facilitates the work of bureaucrats handling social security and income tax returns? Must the citizen's right to privacy in his personal life yield when a public or private bureaucracy finds it convenient to subject job applicants to lie detector tests? Quite apart from the dubious validity of these tests does anyone have the right to subject another human being to this indignity—as a routine employment practice? The theoretical right of the applicant to refuse the test means little when in fact his ability to earn a living may depend on submitting to it. Or consider the absurdity of maintaining that the technical advantage of straight-line highways must always outweigh considerations of tradition, esthetics, or the passionate desire of human beings that their community remain intact. We make a fetish of science and technology when we claim that they justify riding roughshod over man's inalienable right to life, liberty, and the pursuit of happiness.

It disturbs me that we are so easily pressured by purveyors of technology into permitting so-called technical progress to alter our lives, without attempting to control this development—almost as if technology were an irrepressible force of nature to which we must meekly submit.

Is there not something topsy-turvy about the constant exhortation to go out, be patriotic and buy, or the economy will collapse? Has our national purpose shrunk to the single objective of digging out our limited capital of nonrenewable natural wealth, turning it into goods that will quickly become obsolescent, so that more wealth can be dug out and more goods produced and so on ad infinitum until all our natural capital is gone? The implication is that technology dictates human behavior and we must obey its commands.

Let us reject the notion that man is no longer master of his own and his society's destiny. I suggest we put him back in the center of the stage and do some hard thinking about the kind of life science and technology are currently creating for us and how we may improve it. The chances for improvement are not good unless we find ways to limit the power of huge bureaucratic organizations—private and public. To our misfortune, the Founding Fathers left us no specific institutional safeguards against bureaucratic power. When they wrote our political charters, there were but 7 corporations in all of the 13 Colonies; there were no labor unions, professional associations, organized special interest groups, or even political parties. Government itself had no large bureaucratic agencies.

The founders of our Nation saw the problem of limiting power exclusively in terms of governmental power, as was only natural since monarchical absolutism was then at its apogee and everywhere men were ruled by autocrats who felt neither accountable to the people nor—in many cases—bound by the law. What the individual then needed was protection against arbitrary absolutist government. This was the concern of philosophical speculation abroad; it was the objective of the Constitution builders here. But the problem of limiting power is perennial and cumulative. No sooner is society organized to control one kind of power, than new ones appear, ranging themselves alongside the old power.

To prevent bureaucratic power from crushing the individual and rendering the democratic process ineffective is our task today. This we must do on our own; we can no longer just hang on to the coattails of the Founding Fathers. To guide us, we do, however, have their concept of a free society. On the evidence, it seems clear to me that they meant it to be a society so organized that citizens are equal before the law and in all other relations with government; that individuals possess, absolutely, certain specified rights deemed essential to their freedom; and that no one may legitimately rule others unless he has received a mandate from the governed and is accountable to his constituency for actions taken in their name.

As civilization becomes more complex, wrote Hughes, "the range of personal volition must be limited by law in the interest of liberty itself." With rare prescience, for he spoke in 1921, Hughes notes that "the discoveries of science constantly reveal new menaces with which only organized society can cope," and he reminds us that "the supreme aim and justification of the lawmaking of free men and women * * * should ever be found * * * in the purpose to secure the freedom of the individual—an ordered freedom, but still freedom—subject only to such restraint as a sound and tolerant judgment determines to be essential to the mutuality of liberty."

RUMANIA WILL AGAIN BE FREE

Mr. YOUNG of Ohio. Mr. President, it is fitting that today we commemorate the national holiday of the Rumanian people. Independence Day came to Rumania on May 10, 1877. May 10 stands as a symbol of a proud history and of freedom valiantly won.

Rumanian Independence Day 1964, however, is marked with mixed emotion. It is with pride that we note the fortitude and courage of the Rumanian people as reflected by their history. It is also a source of pride that here in America citizens of Rumanian extraction have contributed those noble qualities to our national life.

However, it is disheartening that this holiday cannot be celebrated within the boundaries of a nation whose history is so steeped in love of freedom. The Communist dictatorship imposed by the Soviet Union on the Rumanian people has ripped this day from the calendar just as it has torn freedom away from that once proud and happy land. Today in Rumania dissent is not tolerated; freedom does not exist.

The Communist dictatorship has tried to force the people to forget this day, and their proud history. There will be no singing of the national anthem today in Bucharest, but we know that love of freedom persists in Rumania. It is for us here to give voice to the thoughts and desires which Rumanians cannot express in their own homeland.

Rumanians have known oppression before in their long history. Theirs is a nation of a great history and noble tradition. Let the Communist dictators be reminded that Rumania lived under the tyranny of the Ottoman Turks for 400 years. Since the time of Peter the Great it has been invaded 10 times by power-hungry neighbors, including Russia. However, the Rumanian people finally won their freedom, and for six decades stood proud as a free nation. They will once again take their proper place among freedom-loving peoples and free nations. Freedom won after centuries of struggle and once enjoyed in happier days cannot remain suppressed.

We look forward with them to the day when they will be free. Our prayer is that on another May 10 in the not too distant future, Rumania will once again stand proud among the family of free nations.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. LAUSCHE. I should like to join in the expressions just made by my colleague about the Rumanian people, their fight for freedom, and their deep friendship to our common cause. I join in every thought expressed by the Senator in his statement.

Mr. YOUNG of Ohio. I thank my colleague.

REPORT OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

Mr. YOUNG of Ohio. Mr. President, I have had the honor of serving on the Board of Visitors to the U.S. Naval Academy for 1964. Our final report has now been submitted to the President. Because of the general interest in this subject I ask unanimous consent that the full text of this report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY, 1964

THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY, 1964

Appointed by the President

Mr. Thomas J. Deegan, Jr., chairman, Thomas J. Deegan Co., Inc., New York, N.Y. (term expires December 30, 1965).

Mr. David J. McDonald, president, United Steel Workers of America, Pittsburgh, Pa. (term expires December 30, 1966).

Dr. James M. Nabrit, Jr., president, Howard University, Washington, D.C. (term expires December 30, 1966).

Dr. Edgar F. Shannon, Jr., president, University of Virginia, Charlottesville, Va. (term expires December 30, 1964).

Mr. Stanley M. Stalford, chairman of the board, Fidelity Bank, Beverly Hills, Calif. (term expires December 30, 1965).

Mr. William H. Vanderbilt, president, Citizens' Research Foundation, former Governor of Rhode Island, Chestnut Hill, Mass. (term expires December 30, 1964).

Appointed by President pro tempore of the Senate (in lieu of the Vice President)

Senator J. GLENN BEALL of Maryland.

Senator A. S. MIKE MONRONEY, of Oklahoma.

Senator JOHN O. PASTORE, of Rhode Island.

Appointed by the Speaker of the House

Representative DANIEL J. FLOOD, 11th District of Pennsylvania.

Representative ELIZABETH KEE, Fifth District of West Virginia.

Representative WILLIAM E. MINSHALL, 23d District of Ohio.

Representative K. W. STINSON, Seventh District of Washington.

Ex officio members of the board [1]

Senator STEPHEN M. YOUNG, of Ohio (designee of Senator RICHARD B. RUSSELL).

Representative CLARENCE D. LONG, Second District of Maryland (designee of Congressman CARL VINSON).

ANNAPOLIS, MD.,
March 7, 1964.

The PRESIDENT OF THE UNITED STATES:

SIR: The Board of Visitors to the U.S. Naval Academy convened at Annapolis on Thursday, March 5, 1964, and continued its deliberations until Saturday, March 7. Mr. William H. Vanderbilt was elected Chairman. Comdr. Albert A. Folop served as secretary and Comdr. Frederick V. Martin and Dr. William S. Shields served as assistant secretaries.

The Board voted that the 1965 meeting of the Board of Visitors would be held during the period of April 29 through May 2.

The Board of Visitors is gratified at the substantial progress which has been made during the past year in a number of areas suggested by the Superintendent and endorsed by the Board at its last meeting.

Among these are the following:

1. The appointment of a civilian academic dean. Dr. A. Bernard Drought assumed his duties as academic dean last August. There is every indication that Dean Drought's selection has been a most happy one and that a great deal of benefit to the Academy has already resulted. Proposed organizational and curriculum changes which have evolved from close study and cooperation between the Superintendent, the faculty, and the new academic dean, and approved by the Academic Board of the Naval Academy, will, when put into effect, bring additional improvements.

2. The increase in salaries for civilian members of the faculty.

3. The approval by the Department of Defense of an increase in the number of civilian faculty by 52 in the coming fiscal year and an additional 28 in fiscal year 1966, thus bringing the total increase to 80 as recommended last year. This will mean a faculty of 320 civilians and 282 officers.

It is to be noted that it takes some time to find, interview, and engage civilians of the high caliber required for the faculty and, therefore, it may be several months before all the authorized billets are filled. Thus it is of vital importance that the authorization for 80 additional civilian faculty by fiscal year 1966 be continued even though there may still be some vacancies at that time. This increase in salaries and in numbers of civilian faculty, resulting in a reduction in the now heavy workload, will be of assistance in recruiting faculty members of outstanding ability and will improve the quality of teaching and research at the Academy.

4. The increase in the academic qualifications of the officer faculty from 15 percent holding master's degrees or above last year to 32 percent at present, and an anticipated further increase to 43 percent in the coming academic year is noted with enthusiastic approval. The Board urges that this policy be continued and that increased efforts be made to secure faculty, both civilian and military, with advanced degrees. We repeat for purpose of emphasis that in assigning officers with high academic qualifications to the faculty, great care should be given to selecting those officers with demonstrated teaching ability and outstanding qualities of personality and leadership.

5. We believe that the termination of inter-Service transfers has been an important and necessary step and that it has resulted in improved morale in the Brigade of Midshipmen.

6. The expansion of the summer cruise program as described in the Superintendent's statement is, we believe, of the utmost importance in the overall education and training of future naval officers. With the increased emphasis at the Academy on academics, it is only through an expanded summer cruise program that the necessary practical training with ships and weapons systems can be accomplished.

Modernization—Construction program

The Board of Visitors views with interest and approval the revised program for the modernization and construction of additional facilities at the Naval Academy. We are pleased at the expected completion of Bancroft Hall this year, though we deplore the fact that the authorization for the new science building has been put back another year and that the building cannot now be ready for use until 1968. We reiterate our statement of last year: "We have found existing conditions in many of the classrooms and faculty offices to be far below minimum standards in any first-class educational institution. We believe that the faculty and staff of the Academy have done an amazing job in carrying on their work in areas originally designed for use by approximately 800 midshipmen, whereas today the brigade consists of nearly 4,000. Most faculty members, whether officer or civilian, are crowded into large rooms, desks back to back, with absolutely no facilities for private study or consultation with students. We believe that this is a most pressing problem and of vital importance to the educational process at the Naval Academy. This problem can best be corrected by the construction of the new science building."

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[1] The chairman of the Committee on Armed Services of the Senate and the chairman of the Committee on Armed Services of the House of Representatives, or their designees, are, by law, ex officio members of the Board.

This required program, developed from the master plan recently submitted by the architect-engineer and which this Board endorses, is as follows:

Line item

Fiscal year 1965:	
Public works shops building	$897,000
Utilities rehabilitation and extension (first increment)	436,000
Land acquisition (17.3 acres of Naval Athletic Association property	165,000
Subtotal	1,498,000
Fiscal year 1966:	
Science building	13,900,000
Central heating plant	3,480,000
Laundry and dry cleaning plant	1,433,000
Subtotal	18,813,000
Fiscal year 1967:	
Utilities rehabilitation and extension (second increment)	2,100,000
Dorsey Creek Bridge	1,000,000
Subtotal	3,100,000
Fiscal year 1968:	
Academic facilities rehabilitation first increment)	$2,000,000
Administrative and support facilities rehabilitation	3,000,000
Utilities rehabilitation and extension (third increment)	2,300,000
Library rehabilitation	2,355,000
Subtotal	9,655,000
Fiscal year 1969:	
Auditorium	6,075,000
Academic facilities rehabilitation (second increment)	2,000,000
Subtotal	8,075,000
Grand total	41,141,000

Maintenance

We regret that the recommendations of the Board of Visitors in 1960, 1961, and 1963 have not been implemented with sufficient personnel and funds, and as a result the Naval Academy plant continues to deteriorate at an alarming rate. There now exists a backlog of $3,250,000 in deferred maintenance and alterations. Prompt completion of the modernization program will eliminate $2,100,000 of this backlog. The Public Works Department at the Academy is preparing a 5-year, long-range, maintenance program. The Board commends the initiative thus shown and hopes that once established this plan will be strictly adhered to. Once again, we cannot urge too strongly the early appropriation of funds necessary to overcome this backlog and to provide an adequate annual maintenance budget. The Naval Academy is, in effect, a national monument, visited annually by thousands of visitors from all over the United States and abroad. It is unthinkable that it should be allowed to deteriorate to the point where the lack of care is obvious.

Inadequacy of staffing

There is a serious shortage of staff in the administrative and academic departments. The company officers, who have the principal and closest contact with the midshipmen, are unable to do as thorough a job as they should because of the sheer weight of numbers. The company officer is the one to whom the midshipman, when he first arrives, and throughout his 4 years, looks for guidance, counsel, and help. The company officer should know every member of his company well in order to complete his mission successfully and so that each midshipman will receive the greatest benefit. He is to the midshipman the image of the naval officer. At the Naval Academy there are approximately 165 midshipmen to each company officer. At West Point the ratio is 1 officer to 100 cadets and at the Air Force Academy 2 officers for 100 cadets. The Board of Visitors strongly supports the request of the Superintendent for an additional allocation of 12 company officers, which would provide a ratio of 1 officer to 110 midshipmen.

Clerical staff in the academic departments is so small that in many instances members of the faculty are forced to do their own typing or run a mimeograph machine. This seems to us to be an expensive and wasteful use of time. An increase of 18 clerical staff is recommended. This would bring the ratio of clerical staff to faculty to 1 to 15, still far below that existing in comparable civilian institutions.

There is also a critical shortage of personnel in the Superintendent's office, and the dean's office. Personnel performing comparable functions relating to the dean's responsibilities at the three Academies are as follows:

	Students
Air Force (29)	2,500
Military (15)	2,500
Navy (4)	4,000

This kind of shortage is hampering the effectiveness and efficiency of both officers and civilian faculty members and is obviously false economy. Adequate staffing is an essential part of the success of the new academic program, and the administrative organization which the Superintendent is proposing to the Department of the Navy is also clearly required.

Midshipmen's financial status

There is at present a deficiency of about $200 a year in the spendable pay of midshipmen as compared with cadets at the Military and Air Force Academies. Though the base pay at all the Academies is the same ($111.15 a month), the charges made against this by the Navy are substantially higher. For example, the other Academies furnish bedding. The Navy pays for bedding on all ships and all naval stations throughout the world, but it requires the midshipmen to pay for their bedding. This would appear to be inexplicable discrimination by the Navy Department against its own future officers. It is recommended that this charge, which amounts to about $45 a year per midshipman, be borne by the Navy.

Recently, meetings have been held between the financial officers at the four Service Academies, looking toward a more uniform set of charges and allowances for midshipmen and cadets. Agreement has been reached by these officers and will be submitted for the approval of the Superintendents in the near future. As a part of this plan, it is proposed that midshipmen's and cadets' pay, now set by law at 50 percent of the base pay of ensigns and second lieutenants, be established as a separate pay grade. The Board of Visitors heartily endorses the creation of this separate pay grade as there is no relationship in fact between the expenses confronting the commissioned officer and the midshipment/cadet. It is sincerely hoped that agreement will be reached so that charges at all four Academies, and hence the spendable income of each midshipman and cadet, will be approximately equal.

Faculty

Research is essential to the quality of the faculty and to the vitality of the academic program. The Board, therefore, notes the scientific research being carried on under a $25,000 annual grant from the Office of Naval Research and emphasizes the importance of greatly increasing the participation of the faculty in research which is not directly related to fulfilling a requirement for an advanced degree. The need for space in which to conduct such research underlines the urgency of constructing without further delay the proposed new Science Building. Not only should funds and facilities for research be developed by the Academy itself, but faculty members should be urged and assisted to seek individual research grants or contracts from Government agencies, foundations, and industry.

We reiterate the recommendations of the 1963 report of the Board of Visitors that members of the civilian faculty be allowed the privilege of the midshipmen's store for the purpose of buying books.

Since the mission of the Naval Academy is to graduate well-educated junior officers capable of and dedicated to a career in the Naval Service, it is apparent that every effort must be made, during the entire 4 years of midshipman education and training, to encourage and strengthen motivation and incentive for such a career. Motivation stems from a variety of sources, but no single factor exercises so much influence in this area as the caliber and performance of the officers with whom the midshipmen have daily contact in Bancroft Hall and in the classroom. Only officers with superior service records and outstanding potential should be considered for assignment to the Naval Academy in any capacity. In addition, graduate study at least to the level of the master's degree in the field in which they as officers will teach should be the minimum academic qualification for assignment to the faculty. To achieve this high selectivity, the Naval Academy must retain a priority equal to that of any other activity in the Navy.

Generally speaking, such an assignment policy appears now to be in effect, but it could be immeasurably strengthened if Naval Academy duty were clearly identified as a prestige assignment for promotion purposes. It must be recognized throughout the Navy that it is the highest honor for an officer to be chosen for an assignment to the Naval Academy. The individual so selected must feel that he is being presented with a professionally rewarding opportunity. The best and quickest way to achieve these two objectives is to insure that officers assigned to the Naval Academy have the highest professional and educational competence. The service reputation and inevitable future success of these individuals will be the most convincing evidence of the prestige and professional worth of a Naval Academy assignment.

Curriculum

The Board commends the Naval Academy faculty and administration on the steps which they have taken to strengthen the academic program. The very fact that a curriculum study which contemplates substantial changes is in progress is a healthy sign of academic vitality. Of especial interest to the Board is the proposition that the curriculum is to be redesigned to place greater emphasis on developing the ability for critical thinking. While the current basic program of instruction for the midshipmen provides a broad introduction to a variety of liberal arts, engineering, and naval professional fields, it does not probe deeply enough into any single field to prepare a midshipman fully for graduate work. At present, it is only through carrying elective courses, beyond those of the 160-semester-hour basic curriculum, that a midshipman can achieve a major in any academic discipline. About one-third of the midshipmen now carry additional elective courses, but most of them will not achieve a major. The new plan is to insure that every midshipman's curriculum include an educational experience in depth that will develop critical thinking to a greater degree. The Board approves of the concept that the educational program be planned to take advantage of individual talents useful to the naval profession. Thus, the provision of a number of fields of concentration seems reasonable and desirable for the development of talents in some depth.

It is obvious that the Naval Academy cannot reduce its corps curriculum without eliminating or curtailing some discipline currently taught. The Board realizes that thoughtful consideration has been given to this problem by the faculty and staff of the Academy, taking into account the requirements of the graduates, the contributions of secondary school education, and the education provided naval officers subsequent to graduation from the Academy. Nevertheless, the Board observes with concern the proposal whereby a midshipman would lack the opportunity to continue during his first year at the Academy the language studies begun in high school, and is particularly disturbed by the plan to require only 1 year of language study at the Academy for midshipmen who present less than 2 years of secondary school foreign language. The Board is pleased to note that opportunities for foreign language study will not be so curtailed for midshipmen in nonengineering fields of concentration.

The Board would also recommend for the serious consideration of the Naval Academy that a need exists for greater emphasis on the fundamental concepts of constitutional and administrative law. The Board considers that the present curriculum revision provides a most timely opportunity to remedy this deficiency.

The Board is impressed with the significant advances being made at the Naval Academy as a result of the curricular and organizational studies begun under the direction of Admiral Kirkpatrick and continued so effectively by Admiral Minter. The continuity provided by Admiral Minter's experience of 2½ years as Commandant of Midshipmen and member of the Academic Board has facilitated the carrying forward of these important academic improvements.

We express our appreciation to Admiral Minter, the Superintendent; Captain Kinney, the Commandant; Captain McNitt, the academic aide; Dr. Drought, the academic dean; their staffs, and the faculty members, both officer and civilian, for their many courtesies and excellent cooperation. We extend our special thanks to Comdr. Albert A. Folop, Comdr. Frederick V. Martin, and Dr. W. S. Shields for their invaluable help.

A. A. Folop,
Commander, U.S. Navy,
Secretary to the Board of Visitors.
William H. Vanderbilt.
James M. Nabrit, Jr.
William E. Minshall.
A. S. Mike Monroney.
Edgar F. Shannon, Jr.
Clarence D. Long.
Daniel J. Flood.

Statement to the Board of Visitors Submitted by the Superintendent of the U.S. Naval Academy, March 5, 1964

Members of the Board:

It is a privilege to welcome you to the Naval Academy. We are looking forward with pleasure to the opportunity of discussing with you our current operations and our plans for the future, and to receive the benefit of your comments and advice.

The advancements which have been made since the Board of Visitors meeting of a year ago have been significant in a number of areas. I know that members of the Board who were here last year will be especially pleased to note the appointment of the academic dean, the improvement in qualifications, numbers and salaries of faculty, the termination of interservice transfers upon graduation, and the expansion of the summer cruise programs. Unfortunately, some of the important needs which we discussed last year remain with us. All members of the Board will be interested in the continuing efforts we are making to improve our program.

Improvements in procedures are made with one purpose in mind; namely, to enable us to do a better job of producing well prepared and dedicated officers for the naval service.

The motivation of young men for a naval career has always been a function of the Naval Academy. Life in Bancroft Hall, participation in the various activities of the brigade, experience on the cruises, and the many elements of tradition at the Academy combine to form a strong basis for dedication to a naval career.

A deep sense of responsibility must accompany dedication to the career. In the brigade organization, a carefully planned program for the development of responsibility is carried out under the direction of the commandant of midshipmen. The program begins with the assignment of individual tasks to the newly admitted midshipment and, through the progressive assignment of increasing responsibilities, culminates in the administration of the brigade of midshipmen of the first class.

The development of personal integrity and the highest sense of honor are essential for service as a commissioned officer. The public trusts imposed upon a naval officer, the command relationships within the Navy, and the proximity of life aboard ship render anything but truthfulness and honesty intolerable. Through precept, example, discussion and regulation the principles underlying the honor concept are made part of the life of the brigade.

A program of physical education throughout the 4 years and wide participation in varsity and intramural sports provide for the physical development of the midshipmen and contribute to the establishment of habits of healthful exercise and competitive spirit and teamwork that they will need in their naval careers.

CURRICULUM

The progress that has been made under the revised curriculum introduced in the fall of 1959 has been considerable. An extensive offering of elective courses has been developed by our faculty, and the midshipmen have subscribed in great numbers to these courses. The number of elective course enrollments this semester is double the number for the same period last year. The validation, or advanced placement, program has also steadily increased every year. In this year's entering class of 1,290, there were 386 midshipmen who were exempted from a total of 1,026 one-semester courses. One member of last year's entering class succeeded in validating a total of 50 semester hours. In the class of 1963 there were 105 graduates who attained majors in fields of concentration within patterns of elective courses established by the various academic departments. Approximately one-third of the brigade is currently participating in the validation and elective program; two-thirds adhere to the basic curriculum of 160 semester hours.

Experience in administering this program underlined the values of flexibility and development of individual talents. The flexibility introduced by the validation program made it possible for a midshipman to forge ahead rather than mark time in basic curriculum courses which he had already sufficiently mastered. By taking elective courses, he could develop his individual talents, in fields of use to him as a naval officer, beyond the opportunities provided in the basic curriculum. With enough electives, in a specific discipline or in related disciplines, he could gain an educational experience in depth which would provide him with valuable intellectual perspective. Furthermore, the young officer's usefulness to the Navy would be enhanced by his greater knowledge in a field of importance to the naval service. For those officers going into graduate study, it would be possible to complete all undergraduate prerequisites at the Naval Academy.

We have been conducting a thorough study of our curriculum since September, therefore, to determine how these advantages of flexibility, development of individual talents and experience in depth can be made available to all midshipmen. During the meeting of the Board of Visitors, the proposals which have been evolved to accomplish these aims will be discussed in greater detail, but the major features are the following. We plan to reduce the semester hour load, exclusive of summers, to a total of 136 to 140 semester hours. Within this basic workload, each midshipman will devote approximately 30 percent of his time to a field of concentration and 70 percent to a program consisting partly of prescribed courses and partly of electives. Three broad programs will be available: Engineering or engineering science; science or naval science; and social sciences and humanities. Within each of these programs there will be a number of options available to the midshipmen. It is planned that fields of concentration will be equally demanding, with at least one offered in each department, and selection by midshipmen to be made at the end of the first year. In the physical sciences and engineering laboratories, greater emphasis will be placed on analytical experiments, and laboratory periods will in some cases be lengthened. We believe that the proposed curriculum has significant advantages. We are making arrangements to review our plans with consultants from other colleges and universities and, ultimately, with a special committee to be appointed by the Secretary of the Navy. Meanwhile, we shall be much interested in the views and counsel of the members of the Board of Visitors.

In order to provide for exceptional students, especially those interested in research, we established last year the Trident scholars program. Admiral Kirkpatrick, then Superintendent of the Naval Academy, had discussed with Dean William C. DeVane the scholars of the house program at Yale and was so favorably impressed with it that he thought we should have something similar here and asked our Academic Council to study the matter and make recommendations to our Academic Board. A well-considered plan was evolved, and in the spring of 1963 those midshipmen standing in the top 10 percent of the second (junior) class were invited to submit projects for independent study and research to be carried on during first class year. Six were selected as Trident scholars. They are excused from formal course requirements, but they may enroll in or audit courses as they desire. Each scholar has a faculty adviser who is intimately concerned with the field in which the scholar is working and who meets frequently with the scholar. There is also a Trident scholars committee consisting of faculty members with special abilities and interests in research. The committee and the six Trident scholars have a dinner meeting once a month, on which occasion several of the scholars give reports on the progress of their research. Among the topics which our first Trident scholars have chosen to investigate are concepts of fire control using lasers for energy-beam weaponry, irradiation of transistors, and factors affecting submarine hull design. These midshipmen are having an unusually fine educational experience, which will be useful in their careers.

FACULTY

A number of significant achievements with regard to the faculty have marked this year as an outstanding one.

Dr. A. Bernard Drought came from the position of dean of engineering, Marquette University, to accept an appointment as academic dean (pro tem) at the Naval Academy. Dr. Drought has been making a thorough study of the Academy with a view to determining the organizational structure needed in order to establish the dean's position on a permanent basis, and he has been a constant consultant on curriculum changes which are under consideration. His contributions in both of these areas as well as in other academic matters have been invaluable.

The Department of Defense approved an increase of 52 members in our civilian faculty for the coming fiscal year, making a total allowance of 292 civilian faculty and 282 officer faculty. An additional 28, bringing the total increase in civilian faculty to the 80 requested by the Naval Academy, has been approved for fiscal year 1966. This authority to add needed instructional personnel is highly important to the success of our program, and of particular value to the staffing of curriculum changes we are preparing to make. Recruitment of new faculty members, conducted by academic departments, has been delayed to some extent by consideration of changes in curriculum. We are now proceeding apace, emphasizing in our recruitment, however, the qualifications of the prospective faculty members rather than just adding instructors for the sake of numbers alone.

In January, when Federal employees paid under the Classification Act received the second increment of their pay increase authorized by Congress in the fall of 1962, the civilian faculty benefited from a similar increase in accordance with Navy Department policy. This improvement in the civilian faculty salary schedule should prove helpful in our recruiting program.

During the last year, improvements in the academic qualifications of the officer faculty have been made. Last year only 15 percent of the officers were educated to the master's level or above. At this time, 32 percent have achieved advanced degrees, including four to the doctoral level and four others with all requirements completed except the doctoral dissertation. Advanced education beyond the baccalaureate but less than a master's degree is the level of achievement for 27 percent of the officers. A number of these officers will complete their work for a master's degree before the start of the next academic year. The remainder of the officer faculty have baccalaureate degrees in the field or allied fields in which they are teaching. Based upon our detachment of 103 officers this summer and their expected replacements, the following distribution is expected: 43 percent with master's degrees or above (including five Ph. D.'s); 32 percent with education beyond the baccalaureate but without the master's degree; 25 percent with bachelor's degree in the field of instruction. Comments received from academic departments point with enthusiasm to the greater motivation of midshipmen and higher quality of instruction resulting from the improved academic qualifications of our officer faculty.

SUMMER TRAINING PROGRAMS

With respect to summer training, the Naval Academy is greatly encouraged by the success of its efforts over the past 3 years to give reasonably comprehensive, operational training to the midshipmen of the three upper classes. With primary emphasis being properly placed on education during the academic year, the importance of training during the summer period cannot be overlooked. At the same time, in the face of the international situation and its resultant high tempo of fleet operations, it has been difficult to obtain the desired facilities for midshipmen training. With the full cooperation of fleet and training commands, however, our recent significant progress will culminate this summer in the realization of our goal of reasonably comprehensive, operational training. In brief, the class of 1965 will have a 2-month cruise with either the Submarine Force (Atlantic and Pacific), the 6th Fleet, or the 7th Fleet. The class of 1966 will have 1 month of aviation training at Pensacola and Jacksonville, Fla., plus 1 month of so-called splinter academic courses and tactical training in YP craft at the Naval Academy. The class of 1967 will cruise for 7 weeks in one of two midshipmen training squadrons; the Atlantic squadron will cruise in northern European waters and the Pacific squadron will cruise in eastern Pacific waters. To return to the class of 1965 for a moment, a total of 100 members of the class will accompany the class of 1967 in its training squadrons. The class of 1967 will also have 2 weeks of amphibious training at either Little Creek, Va., or Coronado, Calif.

In addition to, and instead of, these basic programs, 40 members of the class of 1965 will make exchange cruises with the navies of other nations, 3 members of the class of 1965 and 18 members of the class of 1967 will make the U.S. Coast Guard Academy's *Eagle* cruise to Europe, and a number of oarsmen and ocean sailors involved in either Olympic rowing trials or the Bermuda sailing race and Operation Sail for the World's Fair will make a special ASW hunter-killer group cruise. Other special cases will join in the ASW cruise.

In addition to the programs already named, voluntary programs for submarine training, scuba training, airborne jump training, plus training in survival, escape, and evasion will be made available to midshipmen. These programs will take part of the midshipmen's summer leave period and are strictly at the individual midshipman's request.

We are very pleased with the development of our summer training programs and feel that a serious deficiency in our overall program has now been effectively remedied.

ADMISSIONS

Of particular interest in the field of admissions are two measures designed to reduce differences in procedures and standards at the Military, Naval, and Air Force Academies.

One of these measures is an act of Congress amending title 10, United States Code, and relating to the nomination and selection of candidates. Under the new law, the authorized cadet strength is increased from 2,529 to 4,417 at the Military and Air Force Academies, bringing them up to the authorized strength of the Naval Academy. The law increases the number of authorized midshipmen from congressional sources from a level of 61 percent to a level of approximately 75 percent, by reducing the quotas for the Regular and Reserve Navy and Marine Corps candidates. In addition to standardizing the size and appointment procedures for the three academies, the law specifies that graduates shall have a period of obligated service of 5 years.

During the hearings leading up to the passage of the bill, congressional interest was expressed in greater uniformity in admission standards at the academies. As a result, the Assistant Secretary of Defense (Manpower) requested the Secretaries of the Army, Navy, and Air Force to "conduct a joint study of the mental and physical admission standards of the three service academies with the object of insuring the maximum feasible degree of uniformity." This study is in progress and will be completed by the end of this month.

LIBRARY

For the past 10 years the library budget for books and related materials has remained almost constant at $20,000 per year. For a student body of 4,000, at least $60,000 should be available for this purpose. When the Brigade Library was opened, a separate allocation was made for books and other materials. This year the total funding for all books and materials may amount to close to $28,000. Binding allocations during the 10-year period have risen from about $2,000 to $3,500 and may reach $4,500 this year.

The cost of library materials has been steadily increasing. During the past 10 years, depending on categories, these increases have ranged from 50 percent to more than 200 percent. At the same time, the needs of the Naval Academy have vastly increased by reason of the changes in curriculum and introduction of electives, many of which are in fields not previously covered in depth in the library. Moreover, the gradual increase in required collateral reading raises the problem of multiple copies and even of a reserved bookroom.

A library is neither built nor destroyed in a year, but we are now experiencing the cumulative effects of years of austerity. We clearly are in need of additional funds for books, periodicals, and other library materials.

INADEQUACY OF STAFFING

By any standard, the staffing of our dean's and commandant's organizations and the clerical support in the academic departments are inadequate. Many things we could be doing are not being done, and the abilities of senior people are being misused because of inadequate staff support.

The academic program is directed at the present time by a captain assisted by a commander assistant and a senior civilian faculty member who, in addition to advising the Superintendent on academic matters is also responsible for all of the admissions and registrar's functions. It has not been possible with this inadequate staffing to organize an effective academic counseling program or to carry out thorough studies relating to marking system effectiveness, midshipmen academic performance, and the adequacy of other features of the current academic program. It has not been possible to properly set up and manage a candidate advisory service, establish a proper faculty research program, or organize experimental efforts such as programed instruction and development of improved reading and study habits.

A plan has been submitted recommending a revision of the academic organization in accordance with the recommendations of the academic dean (pro tem). This plan, which calls for a modest strengthening of the staff and a rearrangement of the organization to effectively introduce a permanent academic dean is strongly recommended to the Board for its endorsement.

The Commandant's organization is seriously handicapped by the lack of sufficient staff in discharging its function of counseling midshipmen and carrying out the administration of the executive department. At both the Military and Air Force Academies, a much more favorable ratio of officers to cadets makes possible closer supervision and a more thorough counseling program. While a company officer at the Naval Academy is responsible for approximately 165 midshipmen, at the Air Force Academy each squadron of about 110 cadets has two air officers commanding, and at the Military Academy each tactical officer has supervision of a company of about 100 cadets. A request to increase the number of officers in the executive department is now under preparation, and the board's endorsement of this need is urgently sought.

Additional clerical help is very much needed in the academic departments, in the Commandant's office, and in the Superintendent's office, where officers and faculty members are obliged to carry out clerical and secretarial functions which take needed time and effort away from their professional tasks. The addition of 18 clerical and technical persons has been a matter of great urgency for several years, but there has been insufficient money allocated to establish these positions.

The increased staff support in these three areas is a matter of critical importance in properly carrying out the current program, and in making the advancement in the military and academic programs which are planned for the future.

MIDSHIPMEN'S FINANCIAL STATUS

The financial status of the midshipmen continues to be a problem of serious concern. Since 1955 the midshipmen's pay has been $111.15 a month. During that same period his required expenses have increased by 19 percent from 45 to 64 percent of his pay. With the same monthly pay, the increase was absorbed by reducing money available for personal use. This personal money is not a necessity in the sense that no midshipman would suffer physically or academically without it. However, social standards have been set for midshipmen which cannot be maintained on their pay. Currently, 85 percent of the midshipmen receive money from home. Further increases in required expenses coupled with a status pay will result in midshipmen needing an outside income in order to maintain the social standards expected of them.

The Naval Academy, along with other service academies, continues to submit proposals to increase the midshipmen's pay. Last year's military pay bill raised the pay of all members of the Armed Forces, except those with less than 2 years' service. Midshipmen pay is one-half of the base pay of an ensign with less than 2 years' service, consequently midshipmen received no pay raise. With emphasis being toward increasing officers' allowances relative to the cost-of-living increases in the future, the midshipmen's plight will continue to be overlooked.

In view of the foregoing, it is considered mandatory that midshipmen's pay be divorced from its present relationship to ensign's base pay and a separate midshipman/cadet pay group be established. In addition, their pay must be increased to provide them with sufficient funds that are commensurate with the rise in consumer prices over the past 9 years.

MAINTENANCE

After review of the "Report and Analysis of the Maintenance Requirements at the U.S. Naval Academy," submitted in March 1962, the Secretary of Defense approved an increase of 143 maintenance personnel in fiscal year 1965. With this increase of manpower and the corresponding funds, it will be possible to maintain the existing plant inventory at adequate standards of maintenance. The exact requirements for funds for fiscal year 1965 will be submitted in April. The effect of the modernization program on the backlog of essential maintenance and repair work will be considered to defer some items that will be corrected by the program.

The current backlog of maintenance, repair, and alteration work exceeds $3,250,000. Most of the work included therein is deferred maintenance, the postponement of which causes accelerated deterioration and an eventual repair cost approaching that of facility replacement. Prompt completion of the modernization program will eliminate $2,100,000 of this backlog. It is expected that approximately $300,000 will be required annually for facilities projects requiring special funding.

In recognition of the large backlog of maintenance at the Naval Academy, the Congress appropriated $1,400,000 in special maintenance funds for fiscal year 1962. These funds were used for classroom lighting, interior wiring, window replacement, roof repairs, interior painting, and utility-system repairs.

It is deemed vital that the modernization program be funded without delay, in order to reduce maintenance costs, and that maintenance funds be allotted to support staffing at the Secretary of Defense approved level.

FACILITIES

The $40,670,000 expansion and rehabilitation of Bancroft Hall which began in 1958 is 90 percent complete. In fiscal year 1964, $5,219,000 was appropriated for the final phase of the work, rehabilitation of wings 1 and 2, and exterior repairs to all of Bancroft Hall. It is anticipated that the project will be complete by March 1965, at which time Bancroft Hall will in all respects be modern and efficient. It will comfortably accommodate the 4,100 midshipmen enrollment. It is the goal of the modernization program to provide facilities for the entire Naval Academy similar to those of Bancroft Hall.

In January 1962 the Special Advisory Commission to the Chief of Naval Personnel (Moreell Commission) recommended a modernization program estimated to cost $68,370,000. In December 1962 the Secretary of Defense reduced the program in scope to $38,249,000 and placed it in the Department of Defense military construction program for accomplishment over the 4-year period of fiscal years 1964 through 1967.

Of the three projects for which $13,440,000 was requested in fiscal year 1964, the Congress funded only one: the fourth and final increment of Bancroft Hall rehabilitation for $5,219,000. The Science Building, which is the vital first step in the modernization program, was not funded in fiscal year 1964 as requested. It has tentatively been deferred until fiscal year 1966. It appears from the austere fiscal year 1965 funding that the 4-year program envisaged will be extended over a much longer period. Efforts to have the modernization program funded as a package by special congressional appropriation have not been successful. The need for elements of the program to compete annually with unlike items (weapons systems, etc.) in the Department of Defense budget make completion of the modernization as an integrated program doubtful.

In June 1963, a prominent architect and planning-consultant firm was retained to study the proposed modernization program and to develop a master plan for its execution. It is hoped that the master plan recommendations will be completed in time for a presentation by the architect to the Board of Visitors. Preliminary indications are that the recommended modernization program will cost $46 million and will extend over a 5-year period from fiscal year 1965 through 1969 and will contain the following projects:

Fiscal year 1965: Public works shops building, utilities systems rehabilitation (first increment), land acquisition from Naval Academy Athletic Association (17.3 acres).

Fiscal year 1966: Science building, central heating plant, laundry and dry cleaning plant.

Fiscal year 1967: Dorsey Creek Bridge, utilities systems rehabilitation (second increment).

Fiscal year 1968: Academic facilities rehabilitation (first increment, library rehabilitation, administrative and support facilities rehabilitation, utilities systems rehabilitation (third increment).

Fiscal year 1969: Auditorium, academic facilities rehabilitation (second increment).

The accomplishment of the modernization program, much of which is rehabilitation rather than new construction work, will provide facilities comparable to those of the U.S. Air Force Academy and other major universities. It will also virtually eliminate the present backlog of maintenance, repair, and alteration work and will appreciably reduce maintenance costs.

The Board will be pleased to know that the construction of the enlisted men's barracks, as recommended in its report of 1963, will commence in June 1964.

CONCLUSION

In conclusion I would like to commend to the especial attention of the Board the following items, which I consider to be the Naval Academy's most pressing needs: Accomplishment of the construction and rehabilitation of the modernization program; improvement of midshipmen's financial status; provision of adequate staffing; and adequate funds for maintenance.

C. S. Minter, Jr.,
Rear Admiral, U.S. Navy, Superintendent, U.S. Naval Academy.

RESOLUTION ON WILDCAT RESERVOIR

Mr. HARTKE. Mr. President, earlier this year, following the severe floods that struck the Ohio and Wabash and other Indiana river areas, I was in the official inspection party which visited several of the damaged areas by plane and helicopter. One of the projects in the area for which preliminary plans and surveys have been approved by the Corps of Engineers is the Wildcat Reservoir, which remains to secure final authorization and budget approval.

I have received a copy of a resolution concerning the Wildcat Reservoir project, which was passed by the Lafayette, Ind. Junior Chamber of Commerce recently. I ask unanimous consent that this resolution may be printed in the Congressional Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas preliminary plans and surveys for the Wildcat Reservoir to be located in Tippecanoe County, Ind., have been approved by the Corps of Army Engineers and such reservoir found to be feasible; and

Whereas said Wildcat Reservoir would be of tremendous economic value to the city of Lafayette as well as Tippecanoe County and the State of Indiana; and

Whereas it would be of great advantage to have said reservoir completed at the earliest possible time; and

Whereas said Wildcat Reservoir project now needs final authorization and budget appropriation by the Federal Government for work to begin: Now, therefore, be it

Resolved by the Lafayette Junior Chamber of Commerce, That the Honorable Senators Vance Hartke and Birch Bayh, and the Honorable Congressman, Charles Halleck, be, and they are hereby commended for their joint and singular efforts in moving said Wildcat Reservoir project to its present status; be it further

Resolved, That the Lafayette Junior Chamber of Commerce does hereby endorse the Wildcat Reservoir project, and that the said honorable Senators and Congressman be further urged, for the economic good of the city of Lafayette, the Greater Lafayette area, Tippecanoe County, and the State of Indiana, to exert their best efforts within the necessary departments of the Federal Government, as by them is possible, to obtain final authorization for said Wildcat Reservoir and to obtain the appropriation for said reservoir within the fiscal budget of the Federal Government now before the Congress; be it further

Resolved, That the secretary is hereby directed to forward certified copies of this resolution to U.S. Senator Vance Hartke, U.S. Senator Birch Bayh, and U.S. Congressman Charles Halleck for appropriate action by them.

Adopted and passed by the Lafayette Junior Chamber of Commerce, this 21st day of April 1964.

James S. Bockoff,
President.

Attest:

Richard A. Boehning,
Secretary.

THE GOLDEN CORN TASSEL

Mr. DOUGLAS. Mr. President, for a number of years I have sponsored legislation to make the golden corn tassel the national floral emblem of the United States.

I ask unanimous consent that an article which appeared in the Washington Post, Parade section, for April 26, be printed at this point in my remarks.

I am very happy that this article pays tribute to Miss Margo Cairns, who has been a strong sponsor of this legislation.

I also ask unanimous consent that a letter I have received from Lightfoot Talking Eagle in support of making the corn tassel the national floral emblem be printed in the Record.

There being no objection, the article and letter were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Apr. 26, 1964]

The Legal Maize: Lo, the Corn Tassel

(By Reid Beddow)

"Any normal person loves roses," observed Margo Cairns the other day. "But was the rose at Plymouth Rock? Was it at Jamestown? No."

Miss Cairns, a thorn to the rose growers of America, likes corn. For 9 years she has stalked Washington trying to persuade Congress to make the corn tassel our national floral emblem.

"The rose is the symbol of England," continued Miss Cairns. "It wilted here with the Liberty Bell. Scotland has the thistle, Ireland the shamrock, France the fleur-de-lis, and Canada the maple leaf.

"What could be a better symbol for us than the manna of the Indians, the maize of the colonists? Corn is as American as corn pone, cornbread, johnny cakes, flapjacks, and hushpuppies."

Congress has been arguing for 50 years over an official American flower. Traditionally, lawmakers have backed the flowers of their regions, including, among others, the Texas bluebonnet, the Colorado columbine and the rose. In some respects the debate is similar to the recurring one over the national bird in which the bald eagle holds its own, but with tailfeathers periodically picked by the supporters of the Pilgrims' turkey, a symbol first proposed by Benjamin Franklin.

In this session of Congress, Senator Paul Douglas, Democrat, of Illinois, and Representative John Kyl, Republican, of Iowa, nurture the cause of the corn tassel. Kyl, whose home State alone produced one-fifth of the 3.6 billion bushel U.S. corn crop in 1962, hopes to hold hearings on his resolution later this year before the House Administration Committee. Douglas' resolution is stymied in the Senate Judiciary Committee.

If either committee does hold a hearing, it is sure to turn into a floral Tower of Babel.

"Last time the House held a hearing," said Miss Cairns, "the caucus room was banked in roses. All the women had corsages, and the men had boutonnieres. Florists' money, of course. I walked in and attacked it all as commercially inspired. Then there were the carnation people and the marigold crowd * * * did you know that Burpee's marigolds originally came from Tibet?

"People think I wear a sunbonnet and a calico wrapper," said Miss Cairns, who conducts her tassel lobbying at her own expense from the Methodist Building, 110 Maryland Avenue NE. "I've never even lived on a farm."

Miss Cairns shucks corn-prone statistics faster than sweet corn is consumed at a picnic.

"The Pilgrims valued corn so highly they accepted it for taxes and made it legal currency. Thomas Jefferson used corn to finance the patriots' cause in the Revolution. In gratitude he ordered some 'cornstalk' columns placed in the Capitol. It was ground corn that fed the Continental Army at Valley Forge. Corn, grown in all the States, and corn products employ more Americans than any other crop."

To Miss Cairns, the corn tassel campaign is more than the selection of a mere emblem. "It is a way of giving thanks for America's bounty. Longfellow said in 'Hiawatha' that it was the 'gift of the great Spirit.' We should approach it with reverence."

And if Congress enacts floral emblem legislation naming the corn tassel, what will she do?

"Why, I will write a book on flowers. I love flowers."

Tamaqua, Pa.,
April 29, 1964.

Hon. Paul H. Douglas,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

Sir: "Whaah-umm-pee." The term "Whaa-umm-pee" is from the Aah-seh-ooh-guh language (language of earth and sky), the language of the ancients of ancients of the Americas, the bronze children of the Great Spirit, and means "the food from God that gives locomotion, action, or life to the mortal body."

In English we call it maize, corn, and American Indian corn.

We—the Princess Fleet Deer (my wife) and me—thank and glorify Poh-pah-toh-mee, the Great Spirit, the God-creator, and ruler of the universes of worlds and heavens, even the heaven of heavens, the God of the Americans, for having inspired Miss Margo Cairns to propose the corn tassel, the flower of whaah-umm-pee, as our national floral emblem.

Miss Cairns was truly inspired and called by the living God to make this her mission; for according to a prophecy of our ancient ones, whaah-umm-pee (native American Indian corn) must become the symbol or totem of our sacred land before the Spirit of Peace will take up its habitation on earth with humankind.

Whaah-umm-pee, American Indian corn, is the gift of God, the heavenly manna, given to the native American bronze children by the Great Spirit, the living God of the Americas. It is the basic food for the mortal body of all creatures, including man. It is more than mere physical food, for according to our ancient faith within whaam-umm-pee is found also food and nourishment for the spirit.

You may be interested in the following words sent to us by our Washington, D.C., friend who brought to our attention Miss Cairns' urging to have the corn tassel adopted by Congress as our national flower:

"The American Indian spiritual leader's garden of God is a field of beautiful corn (people) planted and nurtured with love, ever growing and producing to the glorification of the God of the universes of worlds and heavens, even the heaven of heavens; the God of the ancient Americans.

"May you and the Congress and the President hear and heed the voice of the Great Spirit and present to the living God from the people the great gift of a truly American Thanksgiving Day in 1964, by enacting legislation declaring the tassel of American Indian corn to be our national floral emblem and the golden eagle to be our national bird emblem.

"This would be a day of great rejoicing throughout the earth and in the heavens because of our glorification of the living God.

"May Swah-cha-hahl-whaah-umm-pee (the guardian of the corn fields) and Ooh-ta-sah'n-guh-nn-sa (spirit of the golden eagle) walk with you and your colleagues, and may the spirit of the living God become the host in the Halls of Congress."

Neh-Posh-Na-Wa-Tee
(Forever Peace),
Lightfoot Talking Eagle
(Ne-Saw-Sah),
A Son of the Sacred Land
of the Golden Eagle,

INDEPENDENCE OF LITHUANIA

Mr. KEATING. Mr. President, a meeting of Lithuanians and Americans of Lithuanian descent sponsored by the Lithuanian American Council of Greater New York was held at Webster Hall in New York to commemorate the 46th anniversary of the signing of the declaration of independence of Lithuania on February 16, 1918.

The resolution passed there contrasts the new independence of peoples in Africa and Asia, once ruled by Western states, with the continuing tyranny exercised over Lithuania and other Baltic States now under the Communist yoke. It calls on the United States to maintain its historic support for a free Lithuania.

Mr. President, I ask unanimous consent to have the text of the resolution printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Adopted by a Meeting of Lithuanians and Americans of Lithuanian Descent, Sponsored by the Lithuanian American Council of Greater New York on February 16, 1964, at Webster Hall in New York, N.Y., To Commemorate the 46th Anniversary of the Signing of the Declaration of Independence of Lithuania (on February 16, 1918)

Whereas Lithuania, land of centuries long independent statehood, has been invaded by Soviet military forces, occupied and annexed against the will of the Lithuanian people and in violation of the law of nations and Soviet international obligations; and

Whereas the Government of the United States has refused recognition of the illegal occupation of Lithuania and continues to oppose the Soviet attempts to obtain formal recognition of such illegal acts perpetrated in Lithuania and the other Baltic States; and

Whereas most of the former colonial countries in Africa and Asia have been freed by the Western Powers and are today sovereign and independent states admitted to the United Nations, yet the Baltic States remain subject to Soviet colonial rule, deprived of all human rights and basic freedoms: Therefore be it

Resolved, That we express our gratitude to the Government of the United States for nonrecognition of the status quo in Lithuania, and urge it to abstain from entering into any agreement with the U.S.S.R. which would imply the recognition of the present occupation and Soviet colonial rule in Lithuania; and be it also

Resolved, That we request the United States and all member nations of the United Nations to insist that the U.S.S.R. abide by the provisions of the Charter of the United Nations and restore the right of self-determination to the Lithuanian nation and withdraw all its armed forces, agents, and colonists from Lithuania; and be it further

Resolved, That we urge our own people to renew their dedication to the struggle for the ideals of freedom and to participate in the All-Lithuanian Congress to be held in June 1964, in Washington, D.C.; be it finally

Resolved, That this resolution be sent to the President of the United States, to the Secretary of State, to all delegations at the United Nations, U.S. Senators, Congressmen, and the press.

ALBERT OSLAPAS,
President of Lithuanian American Council of Greater New York.
MARIA ZUKAUSKAS,
Secretary.

DON H. FLANDERS—WINNER OF AMERICAN SUCCESS STORY AWARD

Mr. McCLELLAN. Mr. President, Mr. Don H. Flanders, a resident of Fort Smith, Ark., and the founder and president of Flanders Manufacturing Co., has been selected as a recipient of the Free Enterprise Awards Association's 12th Annual American Success Story Award as an example of the success possible under America's free enterprise democracy.

Mr. Flanders was a woodworking apprentice, cost accountant, and the holder of odd jobs early in his life. He was a lieutenant in the Navy and served as a gunnery officer in the Atlantic and the Pacific. He worked his way through college. Starting in 1954 with a small shop and a few workers, he overcame many obstacles in a highly competitive field to become a leading furniture manufacturer. His firm manufactures early American, traditional, and modern living room desks, and Yorktown solid maple bedroom furniture.

His company is continually expanding and now employs hundreds of craftsmen. The firm has 75,000 square feet of floor space, the most automated plant in the field, with two conveyorized finishing systems, nationwide warehouses, and showrooms. Mr. Flanders' 40 representatives sell to 5,000 retail stores with multimillion dollars in sales.

Mr. Flanders has been cited for his record as a devoted official of the Boy Scouts of America and civic leader who gives unstintingly of his time and resources to every community drive. He has also been cited for his company's laborsavings bonus payments to his employees. In addition to his position as president of his own firm, he is a director of the City National Bank in Fort Smith, Ark., and a president of the Southwestern Furniture Marketing Association.

Mr. President, Don Flanders is a splendid example of what a young man of imagination and enterprise can do in the United States of America. I am particularly proud that he is a resident of my State, and I know that the citizens of Fort Smith join me in expressing our pride and pleasure at Mr. Flanders' selection for this fine honor. Mr. Flanders is a credit to our State and a credit to our Nation.

CAPTAIN BROZ AWARDED 1963 KOLLIGIAN TROPHY

Mr. McGOVERN. Mr. President, on May 7, Capt. Charles W. Broz of Wagner, S. Dak., received the 1963 Koren Kolligian, Jr. Trophy, one of the Air Force's most respected awards, for safety in flight.

It was my privilege to be present with Captain Broz and his wife for this presentation at the Pentagon. Because of the unusual and heroic action of Captain Broz, I ask unanimous consent that the citation under which the trophy was received may be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

> The Koren Kolligian, Jr., Trophy was established in 1958 by Mr. and Mrs. Kolligian of Cambridge, Mass., in memory of their son, the late Koren Kolligian, Jr., who was declared missing on a T-33 flight off the Farallon Islands, Calif., on September 14, 1955.
>
> Capt. Charles W. Broz was selected for the 1963 award from among 22 nominees. Captain Broz demonstrated his skill by coping with an extreme emergency while flying a TF-102 at 30,000 feet and 150 miles from his base at Goose Bay, Labrador. During an attempt to retract the armament bay doors, an explosion occurred, air rushed in around the cockpit, the aircraft began to vibrate violently, and the right front windshield separated from the aircraft. The noise, vibrations, windblast, and extreme cold prevented communication between the pilots or with ground radar. After approximately 45 minutes and an unsuccessful attempt to penetrate the weather, Captain Broz made a formation penetration with another aircraft, broke out of the weather at an altitude of 500 feet, and successfully landed the aircraft, thus saving the life of his fellow pilot who was incapacitated. His achievement conforms to the highest traditions and standards established for the Koren Kolligian, Jr., Trophy.
>
> Captain Broz was born January 17, 1934, in Wagner, S. Dak. Upon completion of high school, he attended South Dakota State College at Brookings, S. Dak., and graduated in 1956 with a bachelor of science degree in agriculture. He was commissioned from the Reserve Officers' Training Corps at South Dakota State College in June of 1956, applied for pilot training, and was called to active duty April 9, 1957. He completed his pilot training in March of 1959, and during the next 3 years served as a fighter-interceptor pilot with the 94th Fighter Interceptor Squadron of the Air Defense Command at Selfridge Air Force Base, Mich. He attended the squadron officers' course at Maxwell Air Force Base, Ala., in mid-1962, and has since been assigned to the 59th Fighter Interceptor Squadron of the Air Defense Command at Goose Bay, Labrador.

TIME TO VOTE ON CIVIL RIGHTS ACT OF 1963

Mr. PROXMIRE. Mr. President, this is the 52d day of debate on the civil rights bill, H.R. 7152. It is time the Senate voted upon it. The President of the United States has proposed a massive program for Congress which must be passed before sine die adjournment this year. Some action must be taken on the civil rights bill and soon if Congress is to vote the President's program up or down.

Two days of debate on a bill is considered substantial debate. Five days of debate on a bill is considered a long debate. Ten to fifteen days debate on a bill is considered to be a very long debate, indeed.

But on this bill, Senators have talked for 52 days, an aggregate of hundreds and hundreds of hours. There have been two votes on two relatively minor perfecting amendments. Scores of amendments are still to be acted on, but they have not been brought to a vote.

Obviously, it is time the Senate got around to considering the bill on its merits and voting the amendments up or down, or every Senator will suffer from the general public recognition that the U.S. Senate cannot do what thousands of boards, commissions, and councils throughout America do every day: discuss their differences and then act, for or against, up or down.

Of course, the essence of successful proceedings conducted in the Senate must be based upon the good will, the spirit of compromise, and the atmosphere of friendliness prevailing among its Members.

But, Mr. President, the time has come when the debate has become ridiculous. The Senate must move.

So I say, let us move—let us vote. Let us get on with it. Let us act on the bill.

THE SALAD OIL SCANDAL

Mr. WILLIAMS of Delaware. Mr. President, in today's issue of the Wall Street Journal, there is published an article entitled, "State Study of Salad Oil Scandal Held Up by Federal Agency's Refusal To Give Data."

This article calls attention to the refusal of the Commodity Exchange Authority to make its records on salad oil trading available to the attorney general of New York.

In view of the fact that the Attorney General of the United States does not appear to be interested in prosecuting this case, I strongly recommend that the very least the Government can do is to cooperate with the State of New York in preparing its case.

The negligence of this Federal agency in not controlling the activities of Mr. DeAngelis and his Allied Crude and Vegetable Oil Refining Co. is indefensible.

Their failure now to cooperate with the attorney general of the State of New

York in prosecuting this case is even worse.

I ask unanimous consent to have printed in the Record the article to which I have referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

State Study of Salad Oil Scandal Held Up by Federal Agency's Refusal To Give Data

New York.—A State investigation into events in the commodities market before the $150 million salad oil scandal broke last November appears temporarily blocked, and for an unusual reason: A Federal agency refuses to disclose information sought by the New York attorney general.

State authorities have been questioning officials of the New York Produce Exchange about the activities of a number of large companies and brokers in buying and selling contracts for the future delivery of cottonseed oil.

The investigation seeks information on trading practices in the weeks preceding the bankruptcy of Allied Crude Vegetable Oil Refining Corp. last November 19. Allied went bankrupt after it failed to meet brokers' calls for more cash margin when prices of cottonseed oil and soybean oil contracts fell sharply. Its bankruptcy led to the failure of Ira Haupt & Co., a major brokerage firm, and several other companies.

Papers filed with the New York County Supreme Court disclose the investigation is proceeding under State laws that authorize the New York attorney general to prove possible "fraudulent practices" in securities markets. The attorney general's office refuses comment on the investigation.

FEDERAL REPORT SOUGHT

The New York attorney general's office has subpenaed a report furnished to the Produce Exchange on November 14, 5 days before Allied went bankrupt, that disclosed the names of all traders holding more than 100 contracts. This report, prepared by the Federal Commodity Exchange Authority, presumably would have shown that Allied or its agents were committed to buy 90 percent of all the cottonseed oil futures contracts on the exchange.

Prices on the Produce Exchange began to fall November 14 and continued to decline until Allied and Haupt were ruined because they couldn't cover their losses.

The Produce Exchange has moved in the New York court to quash the attorney general's subpena of the Federal report. The exchange told the court that it had sought permission from the Commodity Exchange Authority to release the report but the agency refused.

The exchange submitted to the court a letter from Alex C. Caldwell, CEA Administrator, who stated: "In view of the restrictive provisions of the [Commodity Exchange] act, it is essential that every possible action be taken to prevent the disclosure of confidential information either by this department or by any board of trade to which this department has furnished such information."

Papers filed with the court state that the New York attorney general is seeking information on the trading practices of the following companies prior to Allied's bankruptcy: Bunge Corp. and Continental Grain Co., large export concerns that dealt with Allied; Merrill Lynch, Pierce, Fenner & Smith, Inc., which handled some futures transactions for Bunge; Ira Haupt and the former J. R. Williston & Beane, Inc., which handled futures trading for Allied; the Chicago Board of Trade, where Allied had also bought large numbers of futures contracts, and Allied itself.

CIVIL SUIT POSITION

The produce exchange is also resisting the New York attorney general's investigation on the ground that its position in a related civil suit might be hurt.

In the civil suit, two former limited partners of Ira Haupt charge that the produce exchange, Merrill Lynch, and other unnamed parties conspired to fix the price of cottonseed oil futures contracts before the Haupt firm collapsed. The suit alleges that Haupt lost $11 million because of the alleged conspiracy, and seeks triple damages of $33 million under the antitrust laws.

The produce exchange and Merrill Lynch have denied the charges. In the attempt to quash the New York attorney general's subpena of the CEA report, a lawyer for the produce exchange contended to the court that the State investigation should avoid "any inquiry with respect to margin requirements from October 1, 1963, until the date of the bankruptcy of Allied" because it might prejudice the exchange's defense of the suit by the Haupt limited partners.

Finally, the produce exchange argued that the attorney general has no right to investigate its activities under the State law permitting inquiry into securities sales. On this basis, the exchange also is attempting to quash a subpena served on David L. Boyer, manager of the Produce Exchange Clearing Association.

In an affidavit, Mr. Boyer argued that neither he nor the clearing association "deal in any way with the public." However, "recognizing the quasi-public status of the association," Mr. Boyer offered to testify before the New York attorney general on limited aspects of events in the days preceding Allied's bankruptcy.

A New York County Supreme Court justice is scheduled to rule later this month on the motions to quash the attorney general's subpenas.

PULITZER PRIZE TO MERRIMAN SMITH

Mr. TALMADGE. Mr. President, last week the Pulitzer Prize Committee announced that a native of Georgia, Mr. Merriman Smith, whom most of us here know, has been selected as the winner of its annual prize for distinguished reporting.

Mr. Smith long has been identified internationally as the dean of White House correspondents, the reporter whose familiar "Thank you, Mr. President" has concluded every news conference with the Chief Executive for a number of years. I believe everyone here will agree that Mr. Smith's everyday handling of his job, which perhaps is one of the most important single reportorial assignments in the world, would have merited his selection as winner of the annual Pulitzer Prize. But among the stories he wrote last year was one which shocked the world. His consumate skill and insight in handling the tragic events which unfolded in Dallas, Tex., last November when a depraved assassin killed President Kennedy afforded newspaper readers throughout the world a graphic, detailed, and objective account of the tragedy and its aftermath.

Mr. Smith was born in Savannah and entered the newspaper business as a sportswriter on the Old Atlanta Georgian, which succumbed to the plague of journalistic mergers which has swept the Nation in recent years. In 1936, he joined the United Press and transferred to the Washington bureau of that news service 5 years later. He is the author of five books and has won many awards for reporting. Ironically, one of his first awards was for coverage of the death of another American President, Franklin D. Roosevelt.

I am also glad to note here that Mr. Smith is scheduled on June 7 to be the 90th commencement exercises speaker at Oglethorpe University in Atlanta, of which he is an alumnus, class of 1936.

I think it appropriate at this time, Mr. President, to point out that the Pulitzer award was in accord with two others in which Mr. Smith's coverage of the Dallas tragedy was recognized. One, a presidential medallion, was given him by President Johnson on the day that his Pulitzer prize was announced. The other was made by the 30 Club, an organization of former reporters for the Washington Times, the Washington Herald, the Washington Times-Herald, and International News Service, all of which have been swallowed by mergers.

I ask unanimous consent to include in the Record two articles concerning these additional and comparatively unheralded awards to a topflight reporter and writer for his excellent reporting of President Kennedy's assassination. The first is from the New York Times of May 5, 1964, and the other is from the April issue of Overset, official publication of the Chicago Press Club.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, May 5, 1964]

Correspondent Wins Johnson Award, Too

Washington, May 4.—Merriman Smith, who has covered five Presidents as White House reporter for United Press International, was congratulated today by President Johnson for winning a Pulitzer Prize.

"I've got an award for you, Smitty," Mr. Johnson said, and handed Mr. Smith a special bronze Presidential medallion. It is one of 36 bearing Mr. Johnson's profile and the Presidential seal that were struck after Mr. Johnson took office last November 22.

"It will give you some distinction and recognition but it couldn't be given with more sentiment," Mr. Johnson said. Then, turning to other newsmen gathered around his desk, the President added: "I'll buy one for you if you get a Pulitzer."

The medallions were struck at Mr. Johnson's request to hand out as personal mementos to friends and dignitaries. They cost about $3 each and were paid for out of Mr. Johnson's pocket.

[From Overset, April 1964]

Local CPC Members Spark Times-Herald Reunion

(By Hal Arbeen)

There's an unusual newspaper group which meets each spring in the Nation's Capital known as the T-Hirty Club that is more exclusive than the Gridiron and has more members than many chartered press clubs.

Although Washington-based, members occupy key news, publicity, advertising, and Government posts in Chicago and elsewhere throughout the world.

The T-Hirty Club wields more influence than it has affluence. The organization assesses neither dues nor initiation fees; it has no bank balance, and usually chalks up a small yearly operating deficit.

Membership eligibility is inflexible. Books were closed March 17, 1954. On that date the

Washington Times-Herald went out of business after exactly 60 years of publication.

The nucleus of the T-Hirty Club was born on that St. Patrick's Day when the paper's newly unemployed editorial workers met in a nearby saloon to mourn the passing of a great institution—and their jobs.

Soon thereafter, the old International News Service was absorbed by the United Press, and staffers were invited to be associate members.

OWNED BY GIANTS

The paper, and its predecessors, the Times and the Herald, were owned at various times over a half century by giants who cast long shadows over the newspaper business.

These included former President Herbert Hoover, William Randolph Hearst, Arthur Brisbane, Frank Munsey, Eleanor (Cissy) Patterson, and finally Col. Robert R. McCormick who sold the Times-Herald to the competing Washington Post.

Each year since, the faithful have assembled, usually in the National Press Club, to mourn the paper's passing at what probably will be the longest wake in history. Each year, several members of the Chicago Press Club have been at the wailing wall.

Somehow the T-Hirty Club limps along as a virtual dictatorship with perennial officers, no elections, no board of governors, and no standing committees.

FLYTHE IS PRESIDENT

Officers are: William P. Flythe, Jr., former city editor currently front-running Senator BARRY GOLDWATER's bid for the Presidency; Vernon Louviere, who covers the Hill and the White House for a group of western newspapers, and who is financial secretary of the NPC, and Neil Regeimbal of Chilton Publications, an NPC board member.

Each year at these March reunions, a top-flight newsman receives a 30 Club award, and this year an outstanding photographer was added to the awards.

This is where two Chicago Press Club members enter the picture. They are Avery McBee of Hill and Knowlton who provides what is known as the Ivory Typewriter Award through a client, the Royal McBee Corp. This year Bill Healy, news director for Encyclopaedia Britannica established the photographic award, a set of Encyclopaedia Britannica.

This year's reportorial award went to Merriman Smith of United Press International, the senior White House reporter, for his outstanding coverage of President Kennedy's assassination. Smitty is known throughout the world as the man who closes presidential news conferences with "thank you, Mr. President."

L.B.J. GIVES AWARDS

Felicitations have been sent to T-Hirty Club reunions by five occupants of the White House—Herbert Hoover, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy (whose wife, Jackie, was a Times-Herald staffer) and President Lyndon B. Johnson. As Senate majority leader, President Johnson, one year made the award presentations.

Eligible members of the T-Hirty Club in Chicago, including a number of Chicago Press Club members are, Thomas R. Furlong, Al Noderer, Ed Holland, Ray Brennan and his wife, the former Betty Nowell; Marty O'Connor, Tom Michelmore, Bill Strand, McBee, Healy, Hal Arbeen, and probably many more.

MORALS AND RESPECT FOR LAW AND ORDER

Mr. TALMADGE. Mr. President, it is my belief that we have good reason to ask "what is happening to America?" What is happening to the morals and respect for law and order of our people?

To what depths have we fallen when citizens of the United States stand idly by and observe the brutal murder of a young woman? This incident is by now well known. It is shocking to the conscience. As this young woman fought for her life, while others looked on, no one went to her assistance; no one summoned the police.

What are we coming to when American citizens, hurrying to go about their own business, turn deaf ears to a girl's screams for help after she had been criminally assaulted? As in the tragic murder case, again people passed her by.

We hear of such conduct among uncivilized peoples who live without any code of law, ethics, or moral behavior, but when such events as this take place on the streets of our great cities, we had best stop and examine what is happening to civilization in our country.

Mr. President, there appeared in the May 6 edition of the Atlanta Journal an excellent editorial which asked these questions, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORAL DISINTEGRATION?

Some years ago the New Yorker magazine carried a cartoon by Charles Addams showing an octopus attacking a well-dressed New Yorker in the street. The punch to the cartoon was the group of people standing idly by watching the one-sided battle with interest, but giving no aid to the unfortunate victim.

Such an attitude is no longer a joke. It has devolved into grim reality.

We have a story from New York about a teenage girl, naked, screaming to passers-by that she had been raped and asking for help. Her frantic pleas evoked no assistance. People paused and looked, and hurried on about their business.

A patrolman testified in court, "40 people could have helped the girl but none of the jerks helped her."

Only last month a 28-year-old woman was stabbed to death in New York. Her screams for help produced scattered shouts from neighbors telling her assailant to leave her alone. But nothing was done to protect her. No one even called the police.

Is this evidence of our moral disintegration? Were the people so frightened they wished to avoid physical violence? Did they regard it as strictly a private affair in which not to become involved? Or were they just callous? Was their attitude one of being glad they were not involved in the incident, so that they felt they had no interest in it?

These horrifying events are certainly examples of a lack of civic responsibility, and a complete absence of any feeling toward fellow human beings.

What transpired in New York, coupled with a national tendency to gang up on police when they try to enforce the law, is a grim omen of deterioration in our society.

True, it hasn't happened here * * * yet. We pray that it will not. But the fact that it has happened in these United States is cause for sober reflection on why it happened at all.

TEXAN J. FRANK DOBIE VISITS TEXAN LYNDON B. JOHNSON IN WHITE HOUSE

Mr. YARBOROUGH. Mr. President, J. Frank Dobie, Texas' foremost man of letters visited President Lyndon B. Johnson, Texas' foremost statesman, in the White House recently. J. Frank Dobie, former professor of English at the University of Texas, now a consultant in American culture of the Library of Congress, is a naturalist and folklorist, as well as Texas' literary giant. He has written in an earthy descriptive vein of his visit to the White House, of his sleeping in the Lincoln bed, of the very unusual Johnson family, of the fast pace of President Lyndon B. Johnson. It is an article of accurate contemporary history.

Mr. President, I ask unanimous consent that Mr. Dobie's article entitled "A White House Visit," as printed in the Washington Post for Sunday, May 10, 1964, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WHITE HOUSE VISIT: OLD TEXAS FRIEND TELLS OF WEEKEND WITH LBJ FAMILY

(By J. Frank Dobie)

The lives of a President of the United States and his family must be both public and private. The blend varies according to personality, political aptitude, particular circumstances, wisdom, social adaptation, the way of saying, "Thus far and no farther." The President's wife has a marked role in this blend.

Without presuming to an intimate acquaintance with either President Johnson or Mrs. Johnson, I have seen them at home in the White House. My views were enlarged and sharpened by my wife's being a guest at the same time. We have been at L.B.J. ranch barbecues, but this was something different.

The beginning was a dinner on March 25, 1964, in the home of the Marshall McNeils in Washington. I was not present. The only guests were President Lyndon B. Johnson and Mrs. Johnson, and Mr. and Mrs. Walker Stone. Stone has lived in Washington as reporter and editor of the Scripps-Howard newspapers since 1927 (editor in chief for more than a decade). Marshall McNeil has been associated with him in Washington nearly as long.

During the evening, as Walker Stone wrote me the next day, Marshall McNeil said that in honor of President Johnson's first attendance as President at a Gridiron dinner he was going to invite Frank Dobie from Texas. To quote Stone's letter: "Both Lyndon and Lady Bird welcomed the idea. They want you to stay in the White House. Lady Bird insisted that you bring Mrs. Dobie and be their first guests to occupy the Lincoln bedroom."

The Gridiron invitation, for the evening of April 25, was followed by a personal note from Mrs. Johnson, whom for some time I have addressed as "Miss Lady Bird." I wanted to hear the Gridiron's satiric skits on notables; I wanted to see friends and linger in the White House; but a dearth of vitality held me bound. After waiting several days, I declined both invitations. One morning later, before I had come down to breakfast, there was a long-distance call for me. Bertha Dobie offered to take the message. "No," a secretary in Washington spoke, "the President wishes to speak to J. Frank Dobie himself."

"We want you up here," he said.

"I can't get up before daylight and go at your rate," I said.

"You won't have to get up until you feel like it," he said. "You can lie there in Lincoln's bed all day if you want to."

At this point Miss Lady Bird's voice added persuasiveness.

When I announced to Bertha Dobie that we were going to Washington, she said, "If President Johnson can persuade you to this, there won't be a railroad strike." Before our arrival, he had coalesced the unions of railroad workers and railroad management.

I had written that we would arrive at the Dulles Airport about 4 p.m., April 24. Word came back that a car and driver would meet us. They did, with Marshall McNeil and Mrs. McNeil as welcomers. He said that the President had commandeered him to escort us.

Awaiting us at what is called the Diplomatic Entrance to the White House was Lynda Bird Johnson, whom we knew in Texas. The President and Mrs. Johnson were spending 14 hours that day visiting poverty-stricken areas in four States. Lynda Bird was hostess. A Secret Service man took our names. An elevator took us to the second floor, which is the private home of the President and his family. Their rooms are toward the west end of the wide and gracious hall. In the northwest corner are kitchen and dining room. The west end of the hall itself is used as a sitting space.

The Lincoln bedroom, at the east end of the hall, overlooks the main White House grounds to the south, the Washington Monument, and the Lincoln Monument.

Combined with it and a bathroom is a sitting room. For Abraham Lincoln it was a Cabinet room. As a plaque on the mantelpiece tells, Lincoln here signed the Emancipation Proclamation freeing 4 million slaves and prohibiting forever slavery in these United States.

My wife, Bertha, was assigned to the Queen's bedroom facing Pennsylvania Avenue, across the hall from the Lincoln bedroom. Wherever one looks in the White House one reads history in pictures, tables, chairs, almost all the belongings.

Lynda Bird is a mature, capable young lady for 20, the freshness and spontaneity of youth still unspoiled. Before dinner she introduced us to winsome Warrie Lynn Smith, of San Antonio, who was her roommate last fall at the University of Texas and who came to Washington with her. She introduced also her sister Luci before she left with four girl guests for a dance.

About 10 o'clock the next morning Lady Bird Johnson came to greet us. She arranged for a White House car to take Bertha to art galleries. Before she left, the President appeared. We talked for a brief while in the sitting end of the hall.

There have been times when I called him Lyndon. Now I said, "Out of deference to you and to your office I want to call you President Johnson or Mr. Johnson."

"As you choose," he replied.

I noticed later that President Truman addresses him as Mr. President.

As we talked we could look down on the rose garden in front of the President's office. "Come with me," he said. On our way into the office, I was introduced to several assistants. We went into the main receiving room and presently Gov. Edmund G. (Pat) Brown, of California, was ushered in. "You won't be in the way," the President had said to me quietly. "Stay with us."

Like all Governors of California and like millions of other Californians, Brown expressed a need for water. He said there was some talk of getting it from the Yukon River, but he hoped to get it from the Columbia River. I noticed that the President didn't promise him anything.

The next visitor was Walter Reuther, of AFL-CIO. After the President had introduced us, he conducted me into a side room in which hang portraits autographed to Lyndon Johnson from President Truman, Sam Rayburn and one or two other individuals.

You can tell what's in a man's mind by what he emphasizes. Framed in this room is the following sentence from Edmund Burke: "Those who would carry on the great public schemes must be proof against the most fatiguing delays, the most mortifying disappointments, the most shocking insults, and, worst of all, the presumptuous judgment of the ignorant upon their designs."

I understood from a phone talk that President Truman was a guest in Blair House and was to be at the Gridiron dinner that evening. He came to the office and not long after his arrival a press conference was called, the third for the week. I estimated between 60 and 70 reporters. Standing, they made a half circle in front of the President, with President Truman to his right and I to his left.

Lunch hour at the White House seems to be between 2:30 and 3 o'clock. Mr. Truman, Walker Stone, William P. Steven, editor of the Houston Chronicle, and I accompanied the President from the press conference. As we sat in the hall sipping refreshment before lunch, I saw a weariness in his posture and in his great frame. Yet his country, I believe, can trust him not to drive himself habitually. What appears to many people to be drive is merely using up energy.

Lyndon B. Johnson will be 56 years old in August. "No young man believes that he shall ever die." But at 56 no man, no matter how vigorous, can be wholly unaware of "the smell of mortality."

The telephone no doubt adds privacy to President Johnson's executive life. In his private office I noticed a small telephone switchboard with several knobs to punch by his side. A similar device was by his side in the hall sitting room. It was by his plate at luncheon. While others talk he can communicate through this telephone without interrupting the talk. Sitting by Mrs. Johnson across from Mr. Truman, I did not hear him ask somebody he had called, "What is going on in Laos?" Bertha Dobie, who sat at his right, did hear him.

He could not have heard Mr. Truman say: "Lyndon Johnson may be the greatest President since Lincoln." This opinion came out of remarks on the railroad achievement.

Personal contacts stimulate the putting of things together. My brief contacts with President Johnson as his guest confirm a deduction that has been growing from reading speeches made by him since the fatal day of last November and many reports on press conference utterances. He has grown in mellowness, in wisdom, and in compassion. In past years his egotism and ambition have often been subjects of remark. I think now that Walker Stone is right in saying that without a dominating egotism no man could be effective as President. So far as position goes, nothing higher remains for Lyndon Baines Johnson to seek. His ambition has never been merely to make more money. According to published reports, the Johnson family is now wealthy, largely through Mrs. Johnson's business acumen.

President Johnson's ambition is patently more and more not only for his country but for people, the human race itself.

The sense of compassion is developing in Lyndon B. Johnson. His concern for better living for the poor and training for the ignorant and the untrained comes out of humanity and not out of political opportunism.

Along with food, achievement, and other factors, relaxation is a strong nourisher of energy. I saw this in President Johnson on Sunday when Secretary of Defense McNamara and Mrs. McNamara came to the White House for a swim and then for lunch. The only other swimmers were President and Mrs. Johnson. Bertha and I sat on chairs by the pool, talking now and then with the swimmers. Any tenseness there may have been over Vietnam and the Pentagon-industry complex was gone. The air was as serene as the tulips blooming in the garden.

At lunch on Saturday Mrs. Johnson had said: "We are having hash well seasoned with jalapena because Lyndon likes it." She added that another meat would be passed for those not wishing hash. I myself am a hash man. This had plenty of juice as well as pepper. We seemed to have some of it in sandwich form for Sunday lunch.

For commonsense and seeing into things I had as soon converse with Lady Bird Johnson as with a President. During this century, in my time, only three wives of Presidents have made an impact upon the imagination and to an extent upon the thought of the country: Eleanor Roosevelt, Jacqueline Kennedy, Lady Bird Johnson. When, after the funeral of her husband, Mrs. John F. Kennedy absented herself from public life almost as totally as her husband had been taken from that life, millions of people wondered if another light would give out brightness. Lady Bird Johnson's brightness has come to be part of the natural illumination of the land.

Formal dress and formal occasion do not restrict her naturalness. In dignity she remains appealing. A kind of gaiety informs her seriousness She is always herself, never playing a part, only meeting, in a fitting way, the part to be taken. I have not heard her make a speech. One I read made in a poverty-stricken region of the Appalachian Mountains sounded just, humane, sympathetic.

"You must get very tired shaking hands with so many people," Bertha Dobie said to her.

"I feel," she replied, "that for each of them it is an experience. I try to make it as good as I can."

My last observation on life in the White House is that members of the family are affectionate toward one another as well as respectful of each one's individuality. A Negro cook advanced in years who has been with the Johnsons for many years and about whom I saw Lynda Bird encircle an arm is manifestly one who feels affection.

Politicians more interested in getting votes than in people themselves are not unknown. On Saturday morning while a constant line of people, said to number between 15,000 and 20,000 for the day, was passing from Pennsylvania Avenue into the White House grounds and then across one end of the White House on the first floor, the President, taking me with him, opened a door from the inside. There he could look upon maybe 200 startled men and women. The nearest began reaching for his hand.

He shook with three or four—maybe half a dozen, then held his hands up too high for grasping. I saw a Secret Service man at his side very uneasy. With a farewell word, President Johnson drew back and shut the door. His way, his look, his voice told me that this gesture was for something beyond votes. I suppose all observers who have been with him have noted his sincere liking for people.

We came away from the White House realizing more than ever that the friendliness and hospitality of the First Lady of the land and her husband are sincere.

ABOUT THE AUTHOR

J. Frank Dobie, now 75, is regarded as one of the great American storytellers of all time from that State of tall tales—Texas.

His first book was "Legends of Texas," published in 1921. His next, due out in the fall, is "Cow People." It is about the early Texans whom he says didn't brag. The bragging came later, says forthright, outspoken Dobie who used to look like Will Rogers in his younger days and now is often mistaken for the late Robert Frost or Carl Sandburg.

During his years of teaching a course in Southwestern literature at the University of Texas, there was standing room only in his classroom.

He dislikes being called a folklorist nor does he want to be called a spinner of tall tales, either.

"I am not a scientific historian," he says. "I present chronicles of what it was like in past years."

As one Texas editor describes Dobie:

"He's an old cowhand who gave up ridin' on the range for writin' on the range. When he has something to say, which he does about almost everything under the sun, it can be as sharp as a rattlesnake's bite or as staggering as a .45 slug—and very often both at the same time."

Dobie has an A.B. degree from Texas' Southwestern University, an M.A. from Columbia University and an honorary M.A. from Cambridge University where he was a visiting professor in American history during World War II.

Today, he and his wife Bertha live in Austin, Tex., near the campus of the University of Texas.

The Dobies and President and Mrs. Johnson have been friends for 20 years. The Johnsons' move to the White House has not changed the friendship. During his overnight stay in the Lincoln bedroom, Dobie expressed outspoken concern for the President's fast pace and heavy schedule.

TRIBUTE TO MR. AND MRS. SAM EIG

Mr. BEALL. Mr. President, last Thursday evening I attended a dinner at the Washingtonian Motel in Montgomery County honoring two of Maryland's outstanding citizens, Mr. and Mrs. Sam Eig.

These distinguished Marylanders have been outstanding civic leaders and have contributed much to the development of nearby Montgomery County. I would like to associate myself with the eloquent remarks of Mayor Theodore R. McKeldin and join him in paying tribute to these two distinguished Marylanders.

I ask unanimous consent that a copy of Mayor McKeldin's remarks be printed in the RECORD.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

MR. AND MRS. SAM EIG

(Remarks of Mayor Theodore R. McKeldin, testimonial dinner for Samuel and Esther Eig, Washingtonian Country Club, Gaithersburg, Md., May 7, 1964, 6:30 p.m.)

I have two reasons for feeling honored by being permitted to pay tribute to the man and woman who are our guests tonight.

The first reason you may call local in the sense that it appeals strongly to a Marylander. It is based on the contribution that the Eigs—I refuse to separate them in any aspect of their lives and work—have made to this State. It is, of course, largely attributable to the business genius of Sam Eig that he has added enormously to both economic and cultural values in this Commonwealth, but I will not concede that it was all his doing. If the little delicatessen in which he started has grown and blossomed into a huge business empire, some, and I think a great deal, of the credit belongs to the woman, a young girl then, who stood behind the counter serving customers in a way that brought them back again and again.

And if Sam Eig has won gratitude and praise from all sects and all factions for a philanthropy that was extended on no other qualification than human need, I am sure that it was due, in part, to the woman who stood by him constantly reminding him that there is more in life than money and greater values than power.

So I salute them together, as a pair—good citizens, good neighbors, good friends, who have brought to Maryland good gifts, some economic, but the larger and more valuable part cultural, riches of the mind and spirit that moth and rust do not corrupt nor thieves break through and steal.

But the second reason for rejoicing in this occasion is not local, not confined to Maryland and the District of Columbia, to Washington and Baltimore. It is not even confined to the Eigs themselves; it goes beyond them to the things that they symbolize. These are important, not to Maryland alone, but to the United States of America and, through it, to the world.

For this man and woman stand as living reputations of the cynicism and pessimism, the narrow mind and the closed heart that are too sadly characteristic of our time. Once upon a time the Eigs were technically aliens. Once upon a time the Eigs where poor, without money, without power, without influence, forced to make their way by their own efforts in a fiercely competitive society. Once upon a time they were the kind of people whom pride and prejudice would like to bar from our shores.

Think, then, what we should have lost if pride and prejudice had prevailed when they applied for admission. Those evil passions are not yet dominant, but they are still strong in our society; think, then, of what we may be losing now whenever they are allowed to prevail.

This is not a mere theoretical proposition suitable to a textbook on ethics, but remote from the daily lives of businessmen and housewives. It is an intensely practical matter, demanding immediate attention and prompt action, on pain of loss and peril to an extent that no one can compute. It is far indeed from being confined to our immigration policy. Ignorance, prejudice, and superstition are riding hard, riding with whip and spur, through many phases of our national life. Not in the faces of aliens alone are we slamming the door of opportunity. Many of the native born are being excluded as ruthlessly. It is estimated that already there are at least 4 or 5 million men who will never again be allowed a chance to support themselves by their own efforts. Their fate is either to starve or to eat the bitter bread of charity.

This is an appalling thing to say of a country now on a level of prosperity higher than any attained before. It is the more appalling when one digs down to the causes of the condition and finds what it is based upon fear—fear of armed enemies, fear of racial equality, fear of new ideas and, most potent of all, fear of the loss of profits. When you analyze them all these fears boil down to the oldest handicap under which man has struggled, fear of taking the next step. Take them one by one—fear of armed enemies may be abated by following the Biblical injunction, "agree with thine adversary quickly." Fear of racial equality has been proved baseless by a thousand tests, some scientific, some historical. Fear of new ideas is nothing but fear of progress. Fear of the loss of profits is based on the theory, exploded long ago, that the only way to make a dollar is to take it from somebody else—the medieval economics of the robber barons.

Yet while each of these fears is baseless in itself, each of them is solidly based on that other fear—the fear of going ahead, of facing the facts, which I have called fear of taking the next step. Centuries ago the church condemned it among the seven deadly sins under the name of sloth. Modern students of public affairs usually call it apathy, but under whatever name it means refusing to use the brains that God has given us to devise new solutions of new problems.

To take the illustration at hand, remember that the Eigs came from Russia. I shudder to think how many Americans, given that information, would say, "It is enough. If they are Russians, they are enemies, for all Russians are our enemies." That is sheer lunacy. The great men—novelists, scientists, musicians, philosophers—and the great ideas—mathematical, psychological, social and economic—that have come out of Russia to enrich the intellectual heritage of the whole world are far beyond computation.

What is true of Russia applies with equal force to any other great nation you may choose to name. Not one of them but has something of immense value to us, if we have wit enough to separate the gold from the ore; and if we are not intelligent enough to do that, whose fault is it? Certainly not that of the foreigners.

Yet many of the loudest voices in America are those of fellows who strut and bellow about the danger of "foreigners," and claim to be great patriots for so doing. In fact, they are robbing their own Nation of incalculable treasure that it might have.

This is even plainer when what they declaim against is not "foreign isms" but the danger of releasing that power of brain and character inherent in some of our own minorities. The pending civil rights legislation, for instance, is nearly always described as giving something to the Negroes, whereas it ought to be called an effort to get more out of the Negroes. By a policy of repression we have hitherto discarded most of the brain potential and a large part of the brawn potential of 10 percent of the population.

We can no longer afford that waste. But the only way to stop it is to make sure that the Negro minority shall have every opportunity to develop to the fullest extent every kind of talent with which it is endowed.

It is the fashion of American orators in referring to such people as we honor here tonight to say that this country gave the immigrant opportunity. It is a misuse of terms. We gave nothing. We invested opportunity in Sam and Esther Eig, and if you want to know how magnificent was the return on the investment all you have to do is look around you.

Surely, the lesson will not be lost upon us. Here is the symbol of what we may expect if we can summon the courage to take the next step, confident that in justice and even generosity to our fellowman there is far more gain to be hoped than loss to be feared. The immigrant who has made use of his opportunity as brilliantly as these two have done may well be as great an inspiration to us as Shakespeare said that Henry V was to his soldiers at Agincourt: "That every wretch, pining and pale before, beholding him, plucks comfort from his looks: a largess universal, like the sun, his liberal eye doth give to every one, thawing cold fear."

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

Mr. BEALL. Mr. President, Miss Betty Robertson, a senior at Westminster High School, recently wrote a guest editorial in the Carroll County Times. In her editorial, she advocates the restoration of prayer and Bible reading in the public schools.

I ask unanimous consent that the editorial, along with the news article about Betty, be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

BETTY ROBERTSON'S EDITORIAL "TO BE OR NOT TO BE" WINS AWARD FOR JOURNALISM

"To Be or Not To Be," an editorial which appeared in the Owl, publication of Westminster High School, has won for its author a National Award Gold Key by the Quill and Scroll, honorary society for high school journalists.

The editorial, written by Miss Betty Robertson, is reprinted on page 4A of this edition of the Times as a guest editorial.

Miss Robertson's outstanding piece deals with the Supreme Court decision banning the Bible and prayers from the classrooms of America.

TO ENTER NURSES' TRAINING

The award makes her eligible to apply for a $500 scholarship in journalism at a college offering the course as a major. She plans, however, to enter nurse's training after she graduates from high school in June.

Miss Robertson has already been accepted as a student nurse trainee in Virginia Baptist Hospital, Lynchburg, Va.

She received a pin for outstanding services rendered at the Carroll County General Hospital as a "Pinkie." She worked for 2 years as a volunteer at the hospital here.

Betty is the daughter of Mr. and Mrs. William Robertson, Route 6, Westminster. She is a member of the Emmanuel Baptist Church at Gamber and is active in all activities of the church.

OTHERS HONORED

Miss Robertson was one of nine Westminster High students who were recommended for membership in the Quill and Scroll society. Selection was based on work as writers on the high school paper, the Owl, plus scholastic standing.

Others named were Jennifer Clise and Nancy Kennedy, for essays written in connection with the Carroll County Times teenage writing contest. Both young ladies had their entries published in the Times in addition to receiving monetary awards and certificates for outstanding writing from Willow Farms Dairy and the Maryland-Delaware Press Association.

Sue Briscoe, Jo Farinholt, Carol Staub, Jane Uhrig, Beverly Myers, and Barbara Shipley were honored for high-quality writing in the school newspaper.

To Be or Not To Be

Not long ago a schoolday started out with the familiar "Our Father who art in Heaven, hallowed be Thy name." Today these words are no longer heard in the classroom. This sounds like something that would happen in Russia, but it is not in Russia this happened, but here in the United States.

What brought about this abolition of prayer? Numerous reasons contributed, but the clincher was Mrs. Murray and a Supreme Court leaning over backward to pacify the minority.

The United States was founded and dedicated to God. God was the mainstay of the lives of every American citizen. Since America is a melting pot, there are some atheists in the United States.

Previously the atheists went about life their own way without interfering with the basic beliefs this country was founded upon.

A democracy is rule by the majority of the people with the protection of the minorities. This is true enough, but protection of the minority has gone too far. One person in Maryland, Mrs. Murray, was able to cause abolition of the prayer and Bible reading in schools because she is an atheist and therefore her son should not be subjected to listening to the Bible.

Even though her son was allowed to leave the room during the service, Mrs. Murray felt her son was being discriminated against.

Whether or not prayer is needed every morning before school is up to the individual. The decision about prayer should be left to the majority. Today many schools do not allow prayer because of the repercussions that may result. The school is placed in a difficult position.

A bill has been introduced in Congress making prayer in public schools legal. An amendment of this type would bring back Bible reading and prayer in public schools.

Since our Congressmen are influenced greatly by letters from home, why not write and let yours know your viewpoints? He cannot be a service to us unless we let him know how we feel. If you favor this bill as I do, why not let someone know?

If our country was founded on a belief in God, we should keep it that way. If we do not have prayer, we are coming one step closer to communism.

Think for yourself. Is prayer in schools to be or not to be?

BETTY ROBERTSON,
Westminster High School Owl.

THE NEED FOR PROGRESS: AN ADDRESS ON THE CHALLENGE OF LOCAL GOVERNMENT BY SENATOR GAYLORD NELSON

Mr. HUMPHREY. Mr. President, the Senate is called upon daily to face the most serious national and international problems, which occupy the headlines of our newspapers. While facing these problems as we should, it is important not to forget the extremely serious challenges which confront our local governments back home.

It would be a serious mistake if we were to assume that the problems faced by local government were any less serious or less urgent than the problems with which we deal here in the Senate.

The distinguished Senator from Wisconsin [Mr. NELSON] has had a long and continuing interest in local government, through his 10 years' experience as a State senator and 4 years as Governor. He has continued to take an interest in this problem now that he is a U.S. Senator.

The Milwaukee Sentinel asked Senator NELSON to keynote a recent forum on the problems of local government, which brought together a distinguished, blue ribbon audience of the State's civic and political leaders. In his speech, Senator NELSON restated the crucial importance of local government to our way of life in America, and then made a hard-hitting analysis of the shortcomings of the present governmental structure.

The problems of local government are not limited to Wisconsin. Many of the issues which Senator NELSON discussed in this speech apply throughout our Nation. I ask unanimous consent that the Senator's speech, "The Need for Progress," be printed at this point in the RECORD.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

THE NEED FOR PROGRESS

(By Senator NELSON, Monday, May 4, 1964)

I cannot overemphasize how delighted I am to take part in this forum. The Milwaukee Sentinel deserves the highest praise for arranging such a vital discussion of one of our most serious and most neglected public problems. The officials and students of government who have taken the time to come here today deserve to be congratulated. None of you will earn any money or win any votes here today. You will have to find your reward in the belief that the public will be served by this free and untrammeled discussion.

Pleased as I am to take part, I can't avoid the feeling of a man who is settling down for the late, late show, who suddenly discovers that he has already seen the movie several times before.

I am willing to watch this old drama once again, because I realize that others may not have seen it as often as I have.

I also realize that many people have watched the action but have never gotten the message.

My great hope is that because the movie now has a new sponsor—an aggressive metropolitan newspaper looking for new worlds to conquer—that the show will play to a bigger audience this time and that someone will really get the message.

The Milwaukee Sentinel, in an excellent series of articles last fall on the need for local government reform, reported that my greatest disappointment as Governor was my inability to effect any major reform in local government.

That was a true report. Based on my 4 years' experience as Governor, I want to warn anyone here today who may be fired up with enthusiasm: You are about to bang your head against one of the thickest stone walls standing anywhere.

On January 18, 1961, before the Wisconsin Legislature, I made the broadest and most urgent plea I had ever made for sweeping, comprehensive governmental reform. As I recall, the Milwaukee Journal editorial commenting on that speech was entitled, "Governor Nelson Shoots the Works."

The blue ribbon committee on tax revision had just submitted its final report, and under brilliant, bipartisan leadership had put its finger squarely on the No. 1 problem in State and local government—the inequitable distribution of money collected by the State, combined with the inadequacy and the regressiveness of property taxes.

Secondly, a topflight, nonpartisan commission on constitutional revision, appointed by me, had also just reported, recommending a number of immediate reforms in our governmental structure and proposing continued, long-range study of the tougher problems.

The newspapers—at least those who can afford State capitol correspondents—had begun taking an interest in the problems of tax revision and governmental reform. The public was showing signs of becoming aroused.

So I shot the works. In that message, I called for a series of major changes at the State level which are indispensable to any broad reform in State and local government:

Four year terms for State officials.

Direct borrowing by the State, within reasonable limits.

Equitable reapportionment of legislative and congressional districts.

Creation of a continuing, nonpartisan reapportionment commission.

Reorganization of the State highway program under a single executive.

Uniform reporting of automobile accidents throughout the State.

Next, I recommended major changes in the structure of local government itself:

Repeal of the constitutional requirement that all counties have a uniform system of government.

Major reform of the system of untrained, part-time local health officers and establishment of more and more county health departments and county health commissions.

Broad extension of the county executive system, with veto power for the executive.

Easier annexation procedures.

Nonpartisan election of county officials.

State authority to take over zoning responsibilities in the crucial areas around major new highway interchanges.

You know the story. A few of these changes were accomplished, mostly in watered down fashion. The great majority were never even seriously considered by the legislature.

Even if every one of these reforms had been speedily enacted, we would not have solved the urgent problem of local government. But at least we would have been on our way, and the harsh truth is that the problems of local government have continued to snowball so rapidly in the 3 long years since then that, even if we had accomplished all these reforms, we might still be losing ground against the forces of rapid change.

I mention this recent history for one very important reason. When the Sentinel invited me to keynote this session, I had to decide exactly what my role, my responsibilities should be. It seemed obvious that I should not offer any program of specific reforms such as I did back in 1961.

Instead, I feel that I should speak from my experience as a legislator, Governor and now U.S. Senator and try to show in the broadest possible terms just what is wrong with local government and what must be done to correct it.

The problem of local government in Wisconsin is approaching the proportions of a scandal. If it really were a scandal—if some county treasurer would steal a million dollars or if a sheriff were found running a crime school, the newspapers and the public would go crazy with excitement and we might get some action.

But the real scandal is actually much more serious than any banner-line story such as that. Jay Sykes' series in the Sentinel estimated that the scandal is making off with not $1 million but $20 to $80 million a year. And the injustices and inequities resulting from poor or inadequate government are far more shocking, far more damaging to the public interest than any moral infractions by a single official.

The story of local government in Wisconsin, with of course many notable exceptions, is a story of wasted tax money, inadequate services, chaotic growth, and an almost complete failure to face the far more serious problems of the future.

We are stuck with a system of government which was developed over one century ago. Look back over that century and consider how times have changed. I don't see how anyone who does that can seriously contend that our system of local government is adequate for today.

But much more dramtically—look ahead not for a century but for a mere 10 years. If local government is inadequate today, what are we going to face 10 years from now?

Much of the problem, as you all know so well, is simply population—both population growth and population movement.

The simple truth is that the communities that are gaining people and the communities that are losing people are both throwing up their hands in despair over the problems that result.

By 1965, a majority of all the people in Wisconsin will live in seven counties—Milwaukee, Ozaukee, Racine, Kenosha, Waukesha, Washington, and Walworth.

The overwhelming majority of the people, 75 to 80 percent, will live in the southeastern section formed by drawing a line from Green Bay to Madison.

Our people are moving into these booming urban areas from farms and small towns all over Wisconsin. They are reducing the tax base and the work force and the leadership potential of the areas they leave behind, and they are putting a strain on the schools, the streets, the welfare services of the cities to which they go.

Furthermore, the people who already live in those urban areas are moving out to the suburbs, creating an insatiable demand for new schools, water and sewer mains, streets, parks and police protection in a day of very high costs.

These great population shifts are taking place at a time of revolutionary economic and social change. People are earning more money and have more leisure time than we ever dreamed was possible a few years ago. They are demanding a complete new way of life—huge homes on big lots, two high-powered cars and a boat, bigger families, a higher standard of education and of services. The whole pattern of retail trade is shifting to meet these changes. Grand old department stores which have stood solidly for three quarters of a century are fighting for their lives against gaudy discount stores on the outskirts. Whole business districts are moving. Even factories are heading for the green grass of the suburbs.

The whole system of providing governmental services and protecting public health and safety, which had remained basically unchanged for almost a century, has been suddenly rendered obsolete. Most of these changes—changes which alter the whole course of government in Wisconsin—have occurred in the brief 15 years since I was first elected to the legislature.

If you have to oversimplify the problems of local government, for discussion purposes, I believe you can cover most of the whole broad subject by discussing two general issues:

1. Boundary lines.
2. Finances.

There is no reason why the people of the State of Wisconsin cannot provide the kind of local government they want and need. The trouble is, the State of Wisconsin is carved up into a baffling patchwork of governmental units, few of which are able to cope with either their own problems or the problems they share with all the units of government around them.

This governmental patchwork was conceived more than a century ago to serve an almost completely rural society in a vast State with a tiny population. Actually, when you try to visualize the problems our people faced at that time, taming the wilderness and extending some form of government into the most remote, undeveloped, and isolated areas, you can see that they were bold and resourceful in the system they established. I only wish we would be as bold and resourceful today.

They created a State government; a network of 71 county governments, largely to serve as agents of the State on the local level; and they created town government as a kind of a weak, miniature model of State and county government. Cities and villages began to grow up and they were more or less superimposed on this statewide system, with great independence in managing their own affairs.

Throughout our history the pattern of government has continued to reflect our rural, agricultural origins. The town chairman is the key man in the rural area. The county board is heavily influenced by the town chairmen, and the legislature in turn is heavily influenced by the county boards. Cities have remained free to run their own affairs, but when they have sought to spread out, under the force of the changes I described earlier, they have run into bitter opposition.

The result has been a reckless waste of the taxpayers' money and near chaos in governmental services.

As the cities have burst their seams, the leaders in the outlying rural areas have blocked their normal expansion by creating rings of suburbs around them. In some cases, the towns themselves have sought to make believe that they are city-type governments.

Instead of grappling with how to extend water and sewer and police services to thousands of new families, instead of trying to adapt local institutions to urgent problems never dreamed of a generation ago, many of our local officials have staged a kind of "Keystone Cop" comedy, annexing one another's business districts, running corridors north to link up to a valuable industrial site, and suing one another over who is to supply the water.

Meanwhile, back on the farm, town and county government muddles along as if nothing has changed. We have 1,272 town governments today, ranging upward from one with a population of only 28. Even if they lose almost all their population, they go right on maintaining their tiny bureaucracy, and, what is far more important, they go on controlling 57,000 miles of highways. The Sentinel series to which I referred earlier told of one town with 37 miles of road which bought a $20,000 grader and a $5,000 truck.

The Sentinel series also told of the utter exasperation of trying to develop a modern State highway system in which all maintenance, even on State and Federal highways, is turned over to county boards, largely controlled by the rural towns.

The Sentinel series added up to a ringing indictment of the present system of town and county government. It documented the fantastic waste involved in this ancient and outmoded system.

But I do think two important points must be made:

1. The waste of money, bad as it is, is not as significant as the poor government, the sheer inability to supply vital services, and to plan for the future, which results from this system.

2. Bad as the problem is at the town and county level, the real problem of local government in Wisconsin is in its urban areas.

I would like to see reform in town and county government. But if it could be left completely unchanged without standing in the way of some immediate, dramatic solution to our urban problems, that would be a bargain.

It takes hard digging to discover what is lacking in town and county government. But anyone with an automobile cannot escape the brutal reality of urban problems.

I think the worst price we pay for urban disintegration is sheer ugliness. We have some beautiful cities and some magnificent rural areas. But drive the busy highways on the borders of our cities and see the tragedy of uncontrolled growth.

In this no man's land on the outskirts, where the pattern of life is urban and dynamic and the pattern of government is rural and lethargic, you find the billboard alleys, the honkytonks, the junkyards next to country mansions, and a form of ugliness which I am convinced pleases no one but which is spreading across the face of America.

Why must a city, which preserves its own sense of decency for 100 years, see its outskirts—which inevitably will become a part of the city—turned into a neon decorated slum?

Why can't we have orderly growth, responsible zoning, and careful planning, so that this era of pellmell progress does not destroy everything that has been left to us?

Of course we can't fight the cancerous spread of ugliness, we can't lay out streets and sewers and water mains, we can't control traffic, we can't protect public health or control crime or perform any other vital services, if our rapidly growing urban areas are going to be continually Balkanized into more and more competing and inadequate units of government.

To meet this mounting scandal we need some clear, long-term goals. Someone—either the legislature itself or some new blue-ribbon commission of citizens and public officials—must take a complete look at the chaos of local government, figure out just where we are headed, and develop some plans for our future.

Such a study—just like this conference today—should avoid bogging down in the petty details of change which seem to arouse such better antagonism. Before we start fighting over whether to abolish town assessors, we ought to decide what to do with the towns.

Such a study could dramatize anew just how crucial local government is. It is true that our National Government determines great and overriding issues, such as war and peace, depression and prosperity, but State and local government—and the two are inseparable—determines our way of life:

Our schools, our hospitals and institutions, our parks and playgrounds and libraries; our streets and our neighborhoods; our water supply; our police protection—the very character and beauty of our environment.

I think these specific things are wrong and need attention:

1. We simply have too many units of government.
2. Their existing boundary lines make very little sense. They are wasteful of money, they are confusing, and they lead to injustice and inequity.
3. At the same time that we have too many units of government, we also have many governmental problems which no unit of government is equipped to handle.
4. In many cases, the county might be the logical unit to take over these new responsibilities, but county government, by its very structure, cannot presently do the job.
5. We must make increasing use of cooperative, regional organizations, including regional planning commissions for big areas and smaller urban regional councils for more localized problems which disregard local boundaries.
6. We need sweeping reform of the system of financing local government.
7. The responsibility for all these changes rests with the State. The State must set new standards for local government. And reform of local government must go hand in hand with reform of State government.

The State has got to step in with new annexation laws, with new controls over platting of subdivisions, and with some genuine incentives to governmental consolidation and cooperation.

We have got to accept the fact that there is nothing sacred about the boundary lines of local government in Wisconsin. Rural towns have got to stop thinking of their adjoining city as something like the Soviet Union if not worse.

Community leaders, who champion States rights against what they see as an overcentralized, bureaucratic Federal Government, have got to stop thinking that the State government is the same kind of monster only a little smaller. They have got to abandon the notion that the only good government is a weak, hometown government which they can control. They have got to realize that if they really want to avoid the total federalizing of the country, which they seem to fear so desperately, then they have got to support strong State government and revitalized local government.

The financing of local government is a scandal all by itself. I urge you all to read, "Financing Metropolitan Municipalities in Wisconsin," published in the February 1964 issue of Land Economics magazine, by Prof. Harold Groves, of the University of Wisconsin, and Prof. John Riew, of Pennsylvania State University.

In cold statistics, this article tells the story: How Milwaukee County—a single city if I ever saw one—has been carved up into 19 independent municipal governments; how the city of Superior, possibly the only city in Wisconsin laid out with adequate room for future growth, is the only metropolitan area in the State to lose population; how the village of River Hills finances its services with a property tax base of almost $15,000 per person compared to $5,000 in Milwaukee, and with per capita income of $9,500 compared to $1,800 in Milwaukee.

The article tells anew the shocking truth which came out in the blue ribbon tax study, and which I tried so hard but so unsuccessfully to get across to the people of Wisconsin, and that is this: The State of Wisconsin, which gave the Nation the progressive income tax more than half a century ago, finances vital local government through a regressive system.

The more a community has, the more it gets. The less resources a community has in its struggle to provide services, the less it gets from the State.

North Bay Village is rich. Its residents pay $4 per $1,000 in property taxes. The town of Superior is poor. Its residents pay $42 per $1,000.

Rich River Hills receives $273 per person from the State in shared taxes. The poor village of Oliver, near Superior, receives $4.55.

The average incorparted suburb in Wisconsin has resources 82 percent above those of the average central city.

Meanwhile, the inner sections of many of these cities are rotting and no matter what is to be done with them, the cost is going to be high.

As the Groves article stated: "Whatever was the original rationale of shared taxes, it seems ironic that the income tax based on ability to pay should be used to aid progressively the units that are fiscally superior."

Speaking of the inequities among various communities in Wisconsin, the Groves article also said: "It is doubtful if any other State has so compounded them with an antiquated and perverse shared tax system."

The whole rationale for collecting money at the State level and returning it to the local level is that the State has superior powers of taxation and administration, and that the burden should be spread out as uniformly as possible over the State. The shared tax system, as it is operating today, is not carrying out the purposes for which it was designed and not serving the public interest.

In developing a better system, we have a perfect example to follow in our State school aid program.

Education is one of the most important responsibilities of local government. Sixteen years ago, local education in Wisconsin was reaching scandal proportions. The legislature acted boldly and decisively in the face of bitter minority protest.

It created county school committees with the power to order reorganization of local school districts to produce more sensible boundaries.

It passed a law to make these changes financially attractive. The State offered some money to every school district; more money if the district would consolidate with other districts; and still more money if it would raise its educational standards.

The results have been fantastic. We had almost 8,000 school districts in 1937; almost 6,000 in 1950, almost 3,000 in 1959, and only 725 today.

Couldn't we get similar results in our patchwork of local government?

We must create new forms of county government, free of the ancient uniformity rule, with at least one kind of county government really suited to rural areas and another really suited to urban areas.

We must make local government democratic, both responsive and responsible to the people it serves. We cannot turn local government over to the existing county system as long as it is unwieldly, as long as it is without an elected leader and as long as it has unequal representation which reaches a margin of 70 to 1 between rural and urban areas in Dane County.

Where we cannot get agreement on revamping boundary lines, we have got to select some functions which can easily be transferred to the larger unit of government, such as giving the county authority to assess and collect all taxes within its boundaries.

The State must take over greater responsibility for highways, a truly statewide function.

One specific, simple, and badly needed reform is a system of centralized purchasing, worked out jointly for the State, the counties and the cities. Obvoiusly, it makes no sense at all for the tiny towns I mentioned earlier to be negotiating with industries over the purchase of $20,000 road graders. The savings from common specifications, from the use of expert personnel in deciding what to buy, when to buy it, and in what quantities, would be enormous. Estimates range up to one-third. It could be much more.

But the benefits of centralized purchasing are not restricted to the expensive and complicated machinery used by local government. The same economics apply in buying typewriters, desks, office supplies, and all the other necessities of government. Why can't we have this one reform almost immediately? Surely no large corporation would go on wasting money day after day simply because its various departments wanted to do all their own shopping.

Finally I want to say that reform of local government will never be achieved without reform of State government. The two are inescapably intertwined. Until we give our Governor—whichever party he represents—sufficient time and sufficient administrative tools with which to work, we cannot expect him to produce any solution to this exasperating problem of local government. We have got to streamline our State bureaucracy. We have got to centralize responsibility, to produce clear, direct lines of action.

If we are going to demand that our local officials give up even one tiny bit of their sovereignty, we cannot go on making believe that each commission and each agency of State government is a kind of sovereign and independent State.

The problem of local government will not be solved easily, or quickly, or without controversy. But it also will not be solved by doing nothing. We have here today many of the people who would logically lead the fight both for and against the changes which are needed if our local system is to meet the challenges which lie ahead. We should not pass the buck to others. We should admit the existence of the problem, admit our own responsibilities for solving it, and begin the long, painful but creative process of developing a real solution.

WHO FINANCES THE COORDINATING COMMITTEE FOR FUNDAMENTAL AMERICAN FREEDOM?

Mr. HUMPHREY. Mr. President, thousands of Americans have written to every Member of this body on the civil rights bill. The pages of the Record since late winter reflect mail embracing every conceivable position a person could take on this bill.

This, I am sure, is very much the fact. Every aspect of the bill has been debated and redebated at least a half dozen times. Therefore the hour for the Senate to work its will on the provisions of the bill is long overdue. The time must now come for us to start voting on the public business.

The discussions have been all to the good, because the free expression of opinion on this or any other legislation is the American way of getting at the truth and finding acceptable solutions to our problems.

I received a letter 2 days ago, which I find both curious and alarming. It describes an exchange of views on civil rights which occurred in an open forum at Catholic University in Washington. The exchange took place before about 400 students, reporters, and members of the general public. The principals in this exchange were Edmond F. Rovner, director of the civil affairs department of the IUE–AFL–CIO and John J. Synon, director of the Coordinating Committee for Fundamental American Freedoms, Inc.

The letter was written to me by Mr. Rovner and I am bringing it to the attention of my colleagues in the Senate because I am sure that they will be as fascinated and as outraged as I was with its message.

Mr. President, many of us were shocked, perhaps because of our naivete, when we learned that the Coordinating Committee for Fundamental American Freedoms, Inc.—a group dedicated to the defeat of H.R. 7152 by hook or by crook—is financed in part by funds from the Mississippi Sovereignty Commission, a tax-supported body. We expressed our shock when we joined millions of other Americans in witnessing a full-page advertisement called "The $100 Billion Blackjack"—an advertisement written and paid for by the tax-supported coordinating committee directed by Mr. Synon.

Mr. President, we seem to have underestimated both the resources and the resourcefulness of the coordinating committee. Now we learn from a public statement by Mr. Synon, reported to me in Mr. Rovner's letter, that the coordinating committee is supported by public funds from not only one, but at least five Southern States.

I believe the Senate has a right to know about the involvement of the other States. What States? How much have they contributed? Have they used tax revenues?

If there was ever a time for an expression of outrage and indignation, that time is now. But I shall not take up the time of my colleagues by expressing the deep concern I feel. I do not need to. I know what the public response to this new revelation will be.

For the moment I shall merely ask some questions and hope for some answers—not rationalizations, Mr. President, but answers.

Which blackjack are we talking about? A bill whose modest and sensible provisions are designed to do nothing more than to give some real meaning to the phrase "equal justice under law"? Or are we talking about the blackjack—the public spectacle—of a so-called private organization which opposes this bill with public funds from southern taxpayers—white and Negro—in five States? Which States, Mr. President, and whose blackjack?

When has the Congress of the United States been called upon to resolve one of the most difficult and fundamental issues in the history of our Federal system by doing battle with State-supported propaganda machines?

These are questions which will remain long after the bill is passed. They are questions which we had better find answers for unless we believe, as some others seem to believe, that anything goes in the democratic process.

For the edification of my colleagues and for others who might like to take a closer look at the thin line between public trust and private interest, I ask unanimous consent that Mr. Rovner's letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 5, 1964.

Hon. Hubert Humphrey,
Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: A fact came to light last evening in which I believe you might have great interest. Specifically, it was revealed that the main organization fighting the civil rights bill is being financed not just by the State of Mississippi but by funds of at least four other Southern States.

Last evening I appeared on a platform with Mr. John J. Synon, director of the Coordinating Committee for Fundamental American Freedoms, Inc., the group which placed the scurrilous and misleading anti-civil-rights advertisement in so many newspapers across the United States. At the invitation of a student group at the Catholic University here in Washington, D.C., I spoke in support of the pending bill and Mr. Synon spoke against it. The meeting was open to the public and the press, as well as the student body. I would estimate that there were approximately 400 in attendance, the overwhelming majority of whom were theologians.

At one point in my presentation I referred to Mr. Synon's corporation as a front group, explaining that it posed as an organization with no special, pecuniary interest in the outcome of the civil rights struggle whereas, in fact, the State of Mississippi was furnishing most of the funds. I pointed out that that State had a direct financial interest in preventing a cutoff of Federal funds for projects administered in a discriminatory manner by the State despite its use of Federal money. I also pointed out that the elected leaders of the State of Mississippi had a personal interest in maintaining the systematic disenfranchisement of potential Negro voters. Mr. Synon objected to the use of the term "front group" to describe his corporation and went on to say, publicly, that almost every Southern State had established the equivalent of the Mississippi Sovereignty Commission, financed by public funds and that at least five of the Southern States had contributed such State-treasury funds to Mr. Synon's corporation.

You will also be interested to know that Mr. Synon was unable to refute a single one of the specific charges of misrepresentation in the advertisement which I pointed out in my presentation. These misrepresentations are the same ones you cited in debate on the floor of the Senate. It was obvious to the audience that Mr. Synon's basic tactic is to distort the facts and to offer fragments of truth torn out of context to try to give the impression that there is some sinister hand behind the civil rights effort (exactly the tactic described by Senator Allott in his Senate speech addressed to this subject).

You may rest assured that the spirited and careful leadership which you and others have provided in this epic moral struggle has the support of those who cherish truth and justice.

Very truly yours,
Edmond F. Rovner,
Director, Civic Affairs Department.

Mr. RUSSELL subsequently said: Mr. President, I should like to make a brief response to the statement made by the Senator from Minnesota [Mr. Humphrey] about the use of tax funds for some organization whose name I never seem to have in mind. It is a coordinating committee that is opposing the civil rights bill. The Senator from Minnesota stated that tax funds from five or six States had apparently gone to the commission. I know nothing about that. I do not know the source or the extent of the commission's funds.

I know that tax funds from 50 States are being used in the efforts to pass the civil rights bill through the Senate, because agencies of the Government are very active, and large numbers of employees of the Government are spending most of their time in an effort to devise ways and means to force the bill through the Senate.

The Office of the Presidency of the United States has a built-in propaganda strength that is much greater than that of all of the Members of the Senate combined. When the President speaks, his words make the front page of every paper and are properly received with respect. Everyone expects the President to take a position in support of his legislative program and I am not referring to the power of the Presidency except in connection with the handicap with which we contend in opposing the bill.

Let me say, however, that the entire time and attention of the large staff of the Civil Rights Commission, supported by tax dollars from the people of the 50 States of the Union, is devoted to propaganda in support of this legislation. References have been made to errors in an advertisement inserted by this coordinating commission The propaganda of the Civil Rights Commission is threaded with numerous errors and distortions of fact.

I have seen full-page advertisements on the civil rights issue that were stated on their face to be paid for by the leaders of certain labor organizations in this country, when I know members of the same organization within my State who are very much opposed to this bill. However, I assume that some of their dues go into these advertisements and into the literature issued by these labor organizations.

Until recent years—indeed, I believe until the present incumbent took office as Attorney General—it was generally understood that the Attorney General would not give any opinions to the Congress, much less to an individual Member of the Congress, as to the legality of the provisions of proposed legislation or existing law. Unless I am mistaken, this has been the general policy of the Attorney General's office since the foundation of the Government. Some of the predecessors of the present Attorney General have replied to requests for opinions by the Congress by stating that they were prohibited by law from furnishing such opinions.

Of late, I have noticed from time to time in the Congressional Record letters from the Attorney General giving opinions on various provisions of the pending bill.

I have written the Attorney General requesting him to outline the present policy of his office. In addition, I am undertaking to obtain some data on this subject and I hope to later offer it for the Record. Everyone knows that a number of employees in the Department of Justice are spending practically all of their time, paid for by the taxpayers from 50 States, working for this bill.

Several days ago the Senator from Kentucky [Mr. Cooper] asked some 12 or 14 questions of the Attorney General and received definitive answers from him, apparently giving, without hesitation, the Attorney General's views and legal opinions. All of this was printed in the Record at the expense of the taxpayers of 50 States.

The Attorney General and a number of his assistants have been meeting almost daily with the leadership in an effort to devise amendments that will preserve the bill, or as much of it as is possible, and make it possible to impose a gag on the Senate.

I do not favor the improper use of tax funds by any State or the Federal Government; I point out, however, that if some State has made a modest contribution in an effort to preserve its rights by opposing the bill in an attempt to prevent the transferring of State sovereignty to Washington it has every right to do so. A State ought to be permitted to fight the efforts of all the departments of the Federal Government to deprive them of what remains of their sovereignty.

Mr. HUMPHREY. Mr. President, I rise for a moment to make further comment concerning the Coordinating Committee for Fundamental American Freedom. The point of the Senator from Minnesota is not that this committee is at work. Everyone is entitled to express his views. The point is that it is a lobbying organization. It pays for advertisements. It conducts a propaganda program through pamphlets, documents, and advertisements. This is a far cry from a particular State government or an officer of a State government enunciating an opinion, or the Justice Department, or the Attorney General responding to questions from U.S. Senators, or committee reports being published, such as the one I have in my hand, the committee report of the House Committee on the Judiciary, which had both a majority and minority. The minority report was printed at public expense, just as the majority report was. Whenever a Cabinet officer takes a position which is not in support of the President's program, the Cabinet officer, who is serving at the pleasure of the President, resigns or is forced to leave.

There is a great difference between a paid program on the one hand, and a program of State and public officials doing their public duty, or stating the position of their Government and of their administration at the request of Members of Congress or of the public. I do not intend to have the record in any way confused on this issue.

There have been Presidents of the United States who have required their Cabinet officers to appear before committees of Congress and state the President's program in unequivocal terms—in the field of defense, for example, where Cabinet officers have come in and testified contrary to the wishes of the Chiefs of Staff. Why? Because the President is the Commander in Chief. I do not call that propaganda. I call that Government policy. That is the way to operate a government. To be sure, an election can overturn these matters. It can remove from office those who initiate or advocate public policy. Congress can change the public policy. But surely we have the right to expect the Attorney General of the United States to give his views on legislation which the administration proposes if the Attorney General is called before a committee of the Congress and asked to give his views.

I see no comparison between the coordinating committee on the one hand, which is a propaganda machine, and the Department of Justice, which is an agency of the Government.

PRIMARY ELECTION VICTORY OF SENATOR HOLLAND, OF FLORIDA

Mr. RUSSELL. Mr. President, many Senators were greatly delighted at the almost unparalleled victory gained by our distinguished colleague, Senator Spessard L. Holland, in the recent Democratic primary in Florida.

Senator Holland defeated a veteran campaigner, who was well known throughout the State, by a vote of about 2½ to 1.

His opponent took a strong position in support of the misnamed civil rights bill. Senator Holland's integrity and forthrightness are recognized in the Senate and are well known to the people of Florida, one of the most cosmopolitan States of the Union.

The lead editorial of the Tallahassee Democrat, one of the most prominent Democratic newspapers of Florida, of Wednesday, May 6, 1964, states that the one clear, decisive message that comes through is that the people of Florida by overwhelming vote want Senator Holland to stay in the Senate so he can continue to fight this bill. The editorial added that the outcome of the election "should hearten and strengthen both Senator Holland and his colleague, Senator George A. Smathers, in their current stand" in opposition to the civil rights bill.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

One Clear, Decisive Message

While political analysts can argue for days over what happened and why in most of Florida's primary election contests yesterday, one message from the voters came through clear and decisively:

By more than 2 to 1, they want U.S. Senator Spessard L. Holland to stay in Washington and fight the fight he has been waging against the Johnson civil rights bill and for insistence on applying conservative constitutional principles to matters of government.

Holland hardly had to come back to Florida to campaign in order to ward off the challenge from Brailey Odham, a veteran campaigner with a well-known name and a smooth line of talk who made Holland's opposition to the pending civil rights legislation a central point in the contest.

The issue was plain. Holland said he'd rather be defeated than back off his fight. Odham said if he were Senator he would vote for the bill without further debate. He also vowed he would take positions opposite to Holland's stand on nearly the whole range of economic and social legislation in Washington.

With almost all the precincts reported, the vote this morning stood:

For Holland	642,000
For Odham	280,000

There's a strong endorsement therein, and a mandate from the Democrats of Florida that should hearten and strengthen both Senator Holland and his colleague, Senator George A. Smathers, in their current stand on the rights bill.

THE WAR IN VIETNAM

Mr. MUNDT. Mr. President, during the past weekend, which happily included a nonsession Saturday for the first time in many weeks, I, like many other Senators, had an opportunity to catch up on some back reading and to do a little independent study and research of my own.

Speaking for myself, I would just as happily have been on the Senate floor, because much of what I read, I did not like.

I had received a number of letters, as I suppose many other Senators have, from constituents concerning a disturbing article published in Life magazine. The article is entitled "We Fight and Die, But No One Cares," and consists of a number of letters written by Capt. Edwin G. Shank, Jr., to his wife, describing the fighting conditions in Vietnam.

Several of my constituents have asked me whether I had read the article and could say whether it was true or false.

I had never read it, nor could I evaluate it. However, I read it over the weekend and was both shocked and distressed by what I read.

The contents of the letters are directly opposite to the reports that members of the Committee on Foreign Relations, of which I am a member, have been receiving in off-the-record briefings from both Secretary Rusk and Secretary McNamara. Obviously, I have no way of knowing whether there was truth in the letters or not. But I assume that a man fighting on the ground in Vietnam and writing to his wife, an expectant mother, would not be writing in terms of falsification. Other evidence also indicates the veracity of Captain Shank's heart-rending reports. But if in fact Americans are actually fighting this war they surely are entitled to our most up-to-date equipment in fully adequate supply. Our Secretary of Defense has said we are now far stronger than Russia militarily. If that be true, let us start proving it in Vietnam.

Regardless, the American public is entitled to an explanation from the highest authority as to whether these letters are wrong, and how they are misleading, if in fact they are, because we have been told in the Committee on Foreign Relations that American boys are not fighting in Vietnam; that they are there to engage in reconnaissance flying, and in the training of Vietamese personnel. But the general public is led to believe by the letters published in Life, a great magazine having a wide circulation, that the fighting in the air is being done almost exclusively by American pilots with inadequate equipment and obsolete planes. Obviously, that is either true or false. I do not know which. But the public has a right to know. The public should be told whether this information is true or false. Surely if Americans are actually fighting the air war in Vietnam with inadequate, inappropriate, and obsolete planes in far from sufficient numbers at that, this sort of maladministration of that conflict should be exposed and eliminated now.

I understand that Secretary McNamara is now enroute to Vietnam. I hope he will make a careful investigation of conditions described in the Shank letters and will place all the facts on the record.

Mr. President, I ask unanimous consent that the portions the letters of Captain Shank, published in Life magazine, may be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FROM A PILOT TO HIS WIFE: LAST LETTERS FROM VIETNAM: WE FIGHT AND DIE, BUT NO ONE CARES

(NOTE.—Along with reports out of South Vietnam last week of atack, counterattack, and general foreboding, news was also being made by letters from a U.S. flyer who was killed there. The author was Air Force Captain Edwin G. Shank, Jr., 27, one of a tiny band of Americans flying obsolescent T-28 trainers in support of ground attacks. The letters were addressed to his wife Connie, who was at home in Winamac, Ind., caring for their three children—and expecting a fourth. Captain Shank's letters were critical of the way the war was being conducted—the inferior equipment and unqualified personnel—and his criticisms were discussed in Congress and the press. But Captain Shank was also a lonely father trying to keep up the bonds with his family. Above all, he was a dedicated soldier who believed that this frustrating war had to be fought—and that the American people did not know enough or care enough about it. On these pages, Life presents a full selection from Captain Shank's last letters about his lonely war.)

THURSDAY, *November 14, 1963.*

DEAR CONNIE AND KIDS: Up to 12 missions now. All checked out for night work and I'm second up for alert tonight. Had another 3-hour flight this morning. We escorted choppers back and forth to a landing zone where they put troops in the field. Then we went over and struck some suspicious areas.

We're using equipment and bombs from World War II and it's not too reliable. There are only about 6 maintenance men, 6 armament men and 11 pilots down here. We 23 run the whole T-28 war in the Mekong Delta. This will give you some idea of Uncle Sam's part in the war. I goofed on my third mission out of here. I told you we had a real short runway. One approach is over trees and bushes and a couple of barbed wire fences. There is only one barbed wire fence now. I brought about 20 feet of fence home with me.

November 23, 1963: Been real busy with the armament job. Got all kinds of problems—can't get parts or books or charts describing the different bombs and systems. The Air Force hasn't used any of this equipment since Korea, and everybody seems to have lost the books. Main problem is personnel—no good officers or NCO's over here that really know their business. Most of them are out of SAC and have dealt only with nuclear weapons. This dosen't apply over here. What we need is someone from World War II. Some days it's like beating your head against a brick wall.

November 27, 1963: Happy Thanksgiving—no different here than any other day. You know damn well where I'd like to be today.

First of all woke up Saturday to the news of Kennedy's assassination. Such a terrible thing—the world is full of animals. Sunday all hell broke loose with the Vietcong. We had a big airborne operation against them—both choppers and parachutes. I'm up to 20 missions now and am real confident in myself. I feel like a veteran. I think I am older.

Although this is called a dirty little war and is far from the shores of the old United States of America, it's a big mean war. We are getting beat. We are undermanned and undergunned. The United States may say they are in this, but they don't know. If the United States would really put combat people in here, we could win and win fast.

Wednesday night, December 4, 1963—It's about 9:30—I guess, broke my watch. But I'll get it fixed next time into Saigon. Got my toe rot healed up and also my spider bite. I'm fully operational now.

I have debated for a week and a half now over telling you about Black Sunday—November 24, 1963, I'm going to tell you, and if you don't want to hear about these things again, well say so. You do have a right to know. Anyway, here is what I saw.

At 4:30 Frank Gerski and I took off after a fort under attack. Our airborne interpreter was very poor. The first target he said to hit was an area about the size of your dad's farm. Well, this is much too large a target, but it's all we had. After the first two bombs, we spotted the bad guys shooting at us. So Frank directed me in and I burned them with napalm. Then I spotted another bunch shooting great big bullets at me, so I told Frank to follow me in and shoot where I shot. Well, just as I had them in my gun sights my damn guns jammed. By now, dawn had broken. We were out of goodies and gas, so we came home, landing at around 0700.

We then got word that a big airlift of troops was taking place. Four of our T-28 birds went out—two to escort the choppers and two to soften up the landing zone. They came home about 2 hours later; said it was pretty hot. Two more birds took off to do the same thing for the second wave of choppers. One and one-half hours later they came home screaming battle damage. Just after the hurt birds landed two others took off—almost. I watched the first go, then waited for the second. But he didn't make it. His engine quit just at takeoff. Since the runway was short he didn't have time to stop. Hit a hidden hole and tore a gear off. So now we're down to two airplanes out of six and it's my turn. We bombed like no one has ever bombed before—we literally obliterated about 600 acres of Vietcong woods and then came home.

The Vietcong hurt is bad. What they had done was pull into the little village and commit their usual atrocities. Headquarters thought they would teach this little group of Vietcong a lesson. But the crafty little bastards withdrew from the town into foxholes and bunkers they had been secretly building all week. So when the first wave of troops went in—thinking it was just a routine chase of Vietcong—they soon ran against the Vietcong wall.

We were lucky. No T-28 pilot received so much as a hangnail. We've got a tremendous esprit and we're all skilled—so you can be proud of us. I am. There are no heroes over here, but there are a lot of fine men. America better not let us down. We've either got to get in all the way or get out. If we get out, the Vietcong will be in Saigon the next day.

I wouldn't read this to the kids. They might not understand. You can understand now why I have a duty over here, why it's a serious duty and no one could possibly shirk it. I believe in our cause—it's just. We must win.

Monday night, December 30, 1963: Missed mass yesterday—many things happened. I'm up to 38 missions now—I've been pretty busy.

Well, here goes. I got shot down yesterday. We were escorting a C-123 and I picked up three slugs in my airplane. I made it to a field called Con Tho and landed safely. Me and the airplane are both OK—not a scratch except the three bullet holes. No sweat.

Thought I should tell you.

Friday night, January 3, 1964: Missed supper. Com Deken and I were loading some napoleon [napalm] tonight for an evaluation tomorrow. I'll try and explain the experiment. One of the airmen came up with the idea of putting chunks of charcoal into our napoleon tank. Napalm is gasoline which is jelled into a mass about the consistency of honey. When you drop it, it ignites and spreads fire about 200 to 300 feet. With charcoal in it, the charcoal is thrown another 200 feet, like a burning baseball, and does further damage to Vietcong houses.

Tomorrow three birds are going out with half their load straight napalm and the other half with charcoal in it (Madame Nhu cocktail). If higher headquarters thinks it's alright then they'll buy us the charcoal. So far we've been buying it ourselves, or else borrowing it from the kitchen.

I'm going to hit the sack. It's 11:30 p.m. here now and 10:30 a.m. for you—about time for your favorite soap opera, "As the World Turns." Wasn't that it? How are things for those people? Same as last May or are they worse?

Tuesday night, January 7, 1964: Got another letter today. You can't possibly know what a letter does for morale.

Lost two guys today. One was a pretty good friend of mine. The only guess is—the airplane just came apart. B-26. Third or fourth that has done that now.

One more bit of good news. The guy who got emergency leave for their first baby. Just as he was getting on the airplane, they took him off because the commander changed his mind. Finally the guy went to the second in command over here and got ordinary leave—not emergency leave.

With ordinary leave it will take him forever to get across the Pacific. He'll have to wait for available space. Then, if he can't get back in time he's AWOL. I don't know what the United States is doing. They tell you people that we're just in training situations. But we're at war. We are doing the flying and fighting. We are losing.

Let me write again—I'll write happy. But honey, I'm so frustrated.

Thursday night, January 9, 1964: Had a good target today finally. Felt like I really dealt a blow to the Vietcong. On my second bound I got a secondary explosion. This means that after my bomb exploded there was another explosion. It was either an ammo dump or a fuel storage area. It made a huge burning fireball. You really can't tell when you roll in on a pass what is in the huts and trees you're aiming at. Just lucky today, but I paid them back for shooting me down.

Wednesday, January 15, 1964: Another B-26 went in yesterday. Nobody made it out. A couple of guys I knew pretty well bought the farm. I had met one guy's wife—real nice and they had two kids.

We can no longer save face over here, for we have no face to save. We are more than ever fighting this war. The South Vietnamese T-28's used to come down here and fly missions with us. But lately, since we've been getting shot at so much, they moved up north. I kid you not. I can't help wondering if you're in the hospital tonight—or when you get this letter. If so, you know my prayers are with you as are my thoughts. I worry very much. I hope and pray you have a good delivery and you are strong. Please don't think I've forgotten you during all those pains. God knows I'm with you as much as humanly possible.

Monday, January 20, 1964: I'm back at Bien Hoa. Back for 2 weeks. Two long weeks, but they all add up toward the 52 I've got to spend over here. It's really not 52 weeks. It's closer to eternity. I'm over here to do the best job possible for my country—yet my country will do nothing for me or any of my buddies or even for itself. I'm sure nothing will be done over here until after the elections. Why? Because votes are more important than my life or any of my buddies' lives. What gets me most is that they won't tell you people what we do over here. I'll bet you that anyone you talk to does not know that American pilots fight this war. We—me and my buddies—do everything. The Vietnamese "students" we have on board are airmen basics. They don't even know their own serial numbers. The only reason they are on board is: in case we crash there is one American "advisor" and one Vietnamese "student." They are sacrificial lambs. They're a menace to have on board.

I got three letters from you today. Actually, two from you and two from the kids. Hope Bart's party went all right. (Bart is Captain Shank's 5-year-old son.) Wish I could have been there. A birthday party is for kids and kids only. It gives them a chance to be big. It's not for grownups. Hurrah for you for sticking by your guns.

Friday, January 31, 1964: Greetings from the Soc Trang duty officer. I should get relieved around 1500 to either fly or get a haircut—whichever comes first.

Not much word about the coup. From what we've got, this new general (Premier Nguyen Khanh) is pro-American.

President Johnson says we're going to stay and win. I hope he's right. We can't keep up like we've been 'cause we're losing. Everyone over here seems unqualified for his job. Take me. I'm a multiengine pilot, but I'm flying TAC fighters. We have no fighter pilot in our outfit.

Thursday, February 6, 1964: I thought for sure today was the day. It was all I could think of last night, so I've been expecting some kind of notification all day. It's got to be soon now. What do you think at night? Are you nervous?

Had another big chopper assault today, but we flew mostly escort. Pretty quiet assault—very few shots fired. I think they're planned that way so that no Vietnamese soldiers get hurt. I'm serious. I'm pretty well convinced that these people only go into areas that are free of Vietcong. But the Vietnamese can still put up a good front to the United States so they can get more aid. It's a known fact over here that the ARVN (South Vietnamese army units) don't receive many casualties. You know how a cornered rat fights. Well, that's the Vietcong. So the ARVN always leaves them a way free. This is fact, not rumor.

Monday evening, February 17, 1964: I'm on alert now. We don't usually pull night alert here, but all B–26's are grounded, so we are the only strike force left. A B–26 crashed last week—another case of the wings just coming off.

I'm so anxious to see my new pretty little daughter. She's probably home now. How does she like our home? I wished she missed me, too, but hell—she doesn't even know I exist.

Have you got her in the crib, or is she in a bassinette? Is she sleeping with you, or by herself in the back room?

Friday night, February 21, 1964: Haven't felt much like writing. Tuesday evening Major Fengfield got shot down. He bellied his airplane in next to a special forces camp and got out without a scratch. The airplane burned completely up, though. Bernie Lukasik, one of his wingmen, kept the Vietcong away from the plane by using his prop. He was out of ammo, so all he could do was dust off the Vietcong with his prop. Took a lot of guts. We got pretty stoned that night in celebration of no one's getting hurt. Next morning, Bernie Lukasik and Denny Sides took off for Soc Trang and had a strike on the way. Bernie was going in on his seventh strafing pass and never came out of it. That was two airplanes in 2 days. Kinda shook us up. Not only that, but the B–26's have been grounded since Monday. So the whole USAF fighter force is down to six airplanes. This should set an example of how much Uncle Sam cares. Six airplanes might as well be none.

I imagine there has been something in the papers, and I thought I should explain. Needless to say, flying is down to nothing. They're saving the T–28's for emergency action only. We're changing our tactics now to decrease any chance of getting hit.

I miss you more than ever, and I will try to come home for a good long look at Patty. I hate to spread this mood to you. Have patience. Happy letters will come soon.

February 24, 1964: I make captain this Friday. I'll be at Soc Trang, so I'll be throwing my party down there. I'd like to pay for it by check 'cause it would take too much of my green. Is this OK—can we afford it?

We're down to five airplanes now. Five airplanes to fight the war—that's just ridiculous. Tell this to my dad—let him know, too, how much the country is letting everyone down. We over here are doing the best we possibly can; we fight and we die, but no one cares. They lie to my country about us—we really don't officially exist. They've just got to help us and soon, or we are going to have another Dienbienphu. God help us.

You and the kids are my only motivating factor. I would love to be with you now, but I would not like to be back in combat after leaving you.

Saturday morning, February 29, 1964: I'm a captain now—put the new bars on yesterday. Had the big party early this morning. Then a flight of four hangovers. We had a reporter in No. 4 ship, and he got to watch an actual strike. We want somebody to tell our story over here.

Got a lot of pictures from the baptism. She sure is a cute little girl. I'd love to get my hands on her. Don't feed her too much so she'll still be tiny when I get home. Might just as well spoil her real good, too, so she'll still need a lot of picking up after I get there.

We've got a new general in command now and he really sounds good. He has ordered B–57 (bombers, jet) to replace them (the B–26's) and he asked for immediate delivery. He's also demanded that they replace our T–28 with the AD–6. This is a much more powerful single-engine dive bomber. It was designed for this type of work and has armor plating. We're pretty excited. These were three of my main gripes. Morale has just gone up 100 percent. I think we're going in the right direction. I sure hope so.

I've got 74 missions now. One more and I earn another Air Medal. I may go to Hong Kong Saturday. Don't have to take leave that way and can save it for you and me. All the pictures dad sent are stuck together. They threw me in a shower last night and I got everything wet. Give all the kids a big love for me—their daddy is very lonely.

Friday night, March 13, 1964: This is the second installment of a letter, so if you've opened this one first, put it away and open the other.

Kinda found out by grapevine that Luke Lukasik, the T–28 jock who got killed, was not shot down. He flew into the ground. This is terrible—but good. It means of the three T–28's which have been killed, only one was shot down—and even this is debatable. So I put more trust in the airplane. If it can take the beating, it increases our odds.

I figure after my next three trips to Soc Trang I may get home for that visit.

Rumors are fast and furious. Nothing yet on B–57's. That thing you saw on TV is not true—B–26's should never fly again. Even if rejuvenated. Also rumors that B–26's pilots will get instructions in another kind of single-engine dive bomber. All is still in the air—all rumors.

Well, I've really filled the pages tonight. I hope this makes up for my not writing for so long. Got to Hong Kong and just lived as if every day was my last. It's an unexplainable mood, but I'm all right now. I can fight again for 3 or 4 months without a break—at least I think I can.

I wish I could have told you all these things in front of a roaring fire. It's hard to be a man sometimes. I sure need your shoulder.

May God be with you and help you until I can come home.

SUNDAY MORNING, MARCH 22, 1964.

MY DEAR CONNIE: Forgot to tell you they put me back on lead status again. Been flying pretty heavy. We'll soon be back up to 13 airplanes again. Hope these last for a while.

I miss you all very much, but time is passing and we're almost halfway. I love you all,

JERRY AND DADDY.

Two days after he wrote this last letter home, Captain Shank was helping to bomb a Vietcong force some 10 miles from his own airbase when his T–28 came under heavy ground fire. The wing fell off his plane, and the T–28 crashed. Both Captain Shank and Tu Le Trung, the Vietnamese student pilot who was with him, were killed instantly.

QUESTIONABLE APPOINTMENT OF NORMAN REDLICH TO PRESIDENTIAL COMMISSION INVESTIGATING ASSASSINATION OF PRESIDENT KENNEDY

Mr. MUNDT. Mr. President, I was greatly disturbed over the weekend to read a statement by Representative GURNEY, of Florida, relating to a matter which has also been brought to my attention by a number of letters and from other reports, some from constituents.

The Gurney statement announced that Norman Redlich, a New York University law professor, had been appointed to the Warren Commission, which is investigating the tragic consequences flowing from the assassination of President Kennedy, and trying to determine the motivations, associations, and connections which may or may not have been held both by the assassin, Oswald, and his assassinator, Ruby.

I find, not only from what Mr. GURNEY said, but also from a little independent research that I have done to verify it, that Norman Redlich, who is on the payroll of the Warren Commission at $100 a day, is an admitted member or associate of the Emergency Civil Liberties Committee, which is one of the notorious Communist fronts of this country. I was distressed when I read that, so I went back to see whether there was any documentation, and I find that there is, in governmental reports about that organization.

Someone in a responsible position on the Commission should tell us why, on a commission that is charged with doing a fair, honest, objective job, a commission which is supposed to be a blue ribbon commission, should bring into it at least one—I understand possibly there is a second—representative from an organization which is admittedly Communist.

This takes on more serious implications when we recognize how the Communist world and its publicity machinery tried to pollute the minds of the world originally immediately upon the assassination of President Kennedy, to condemn the city of Dallas, and to show that the assassination was the result of a rightwing conspiracy. In this instance, too, I think the public should be told the facts.

I have learned that last week Fulton Lewis, Jr., made a series of broadcasts over the Mutual Network in connection with this subject. I ask unanimous consent that the text of the broadcasts by Mr. Lewis on this subject, one on May 5 and one on May 6, be printed at this point in the Record.

There being no objection, the broadcasts were ordered to be printed in the Record, as follows:

Newscast by Fulton Lewis, Jr., Mutual Broadcasting Co., May 5, 1964

Representative Edward J. Gurney, Republican, of Florida, said today that a consultant to the Presidential Commission investigating the assassination of President Kennedy has been a member of three organizations cited as Communist fronts by committees of the Congress, and named the individual as Norman Redlich, a New York University law professor. The Chairman of the Commission, of course, is Chief Justice Earl Warren, whose selection was somewhat controversial because of remarks which he made at the time of the assassination, to the effect that the crime was "stimulated by forces of hatred and malevolence, such as today are eating their way into the bloodstream of American life." He also has been criticized for his statement that some of the information gathered by the investigating panel might not be released in your lifetime.

Representative Gurney said that Redlich is being paid $100 a day as a legal consultant to the Warren Commission and that J. Lee Rankin, staff director of the Commission, has confirmed Redlich's associations with the Emergency Civil Liberties Committee, the National Committee To Abolish the House Un-American Activities Committee, and the Youth Committee To Abolish the House Un-American Activities Committee.

Mr. Redlich himself confirmed the fact that he is a member of the National Council of the Emergency Civil Liberties Committee but that he has had no connection with the other two groups. He admits having signed petitions calling for the abolition of the House Un-American Activities Committee.

The records in Congress show that Norman Redlich lives at 29 Washington Square West, New York City.

They also show the following:

On April 16, 1955, Norman Redlich was a speaker during a forum held by the Emergency Civil Liberties Committee at 165 West 57th Street, New York City, entitled "Labor and Livelihood Under Tyranny," and he spoke on the fifth amendment to the Constitution.

According to a handbill which advertised a meeting sponsored by the ECLC (the Emergency Civil Liberties Committee) to be held February 24, 1961, at Judson Hall, New York City, one of the speakers to be was identified as Prof. Norman Redlich of the New York University Law School. It is reported that on this occasion, Mr. Redlich spoke on the history of the House Committee on Un-American Activities and the legal rights of witnesses when appearing before such bodies.

The Worker, official east coast newspaper of the Communist Party, in its issue of June 24, 1962, contained an article entitled "25 Law Professors Endorse Black's Dissent in McCarran Decision." Justice Hugo Black was one of the four dissenting Justices in the 5-to-4 Supreme Court decision on June 5, 1961, requiring the Communist Party to register with the Government. The announcement was made by the ECLC and among the 25 signers of the statement was Norman Redlich.

In December, 1961, Norman Redlich was among the speakers who appeared at a rally at Manhattan Center, New York City, sponsored by the New York Council To Abolish the House Committee on Un-American Activities and in June of 1962 this same organization circulated a form letter which appealed for manpower and funds to be used during the summer months to help elect Congressmen pledged to vote for the abolition of the House Un-American Activities in the present Congress. The name of Prof. Norman Redlich was listed on the letterhead as a member of the advisory committee of the New York organization.

In November 1963, a mimeographed leaflet was distributed by the Permanent Student Committee for Travel to Cuba, which supported the defiance of 59 young Americans who traveled to Cuba in the summer of 1963 with regular passports against the wishes of the State Department. Among those listed in support of the statement in the leaflet was Norman Redlich, professor of law, New York University. (It should be remembered that Lee Harvey Oswald was connected with the Fair Play for Cuba group.)

In February 1962, it is understood that a petition was being circulated which was a plea to the President of the United States urging executive clemency in the cases of Carl Braden and Frank Wilkinson, who, at the time of the circulation of this petition, were imprisoned as "first amendment victims," for refusing to answer congressional questions about their possible Communist affiliations. One of the signers of this petition was set forth as "Prof. Norman Redlich, New York."

The exact citation on the ECLC by Congress is found in the 1961 Guide to Subversive Organizations and Publications, page 69, as follows:

"The Emergency Civil Liberties Committee is an organization with headquarters in New York, whose avowed purpose is to abolish the House Committee on Un-American Activities and discredit the FBI. * * * The committee finds that the Emergency Civil Liberties Committee, established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations, and similar legal proceedings. One of its chief activities has been and still is, the dissemination of voluminous Communist propaganda materials."

The citation continues with further details, but that's all we have time for tonight. I'll pick up the rest of it tomorrow night, but it is interesting to know that this Norman Redlich, is being hired as legal consultant at $100 a day by Chief Justice Earl Warren's Commission investigating the assassination of the late President John F. Kennedy, some of the information in which investigation may never come to public light during our lifetimes for security reasons. Was there no other lawyer in the country the Commission could find for this job except Professor Redlich?

Newscast by Fulton Lewis, Jr., Mutual Broadcasting Co., March 6, 1964

Last night, I reported to you on the fact that the Warren Commission, investigating the assassination of the late President John F. Kennedy, has on its staff as a legal adviser at $100 a day an individual named Norman Redlich, who, according to records of congressional committees has been or is presently associated with two officially cited Communist front organizations, specifically the Emergency Civil Liberties Committee—the so-called ECLC—and the National Committee To Abolish the House Un-American Activities Committee.

Unfortunately, I did not have time to give you the full record on that occasion so I promised to finish it up this evening.

I should note, perhaps, that Representative Edward J. Gurney, of Florida, said he is also connected with a third organization, the Youth Committee To Abolish the House Un-American Activities Committee, and that Mr. J. Lee Rankin, staff director of the Commission of which Chief Justice Earl Warren is chairman confirmed, according to Representative Gurney, that Redlich has been associated with all three. Mr. Redlich himself admits being a member of the National Council of the ECLC, but denies any connection with the other two organizations. Actually, the Youth Committee To Abolish the House Un-American Activities Committee is merely the youth adjunct of the main committee of the same name, so technically, it would appear that if he is associated with one he is also associated with the other.

As for his denials that he is associated with either one, the records show that in December 1961, Norman Redlich, who is an associate professor of law at New York University Law School, was among the speakers who appeared at a rally at Manhattan Center, New York City, sponsored by the New York Council To Abolish the House Un-American Activities Committee, which is the New York area chapter of the national organization and they also show that in June of 1962, this same New York council circulated a form letter which asked for volunteer workers and contributions of money to be used during the summer months of that election year to help elect Members of Congress who would pledge themselves to vote for abolition of the House Committee on Un-American Activities. The letterhead, on which the appeal was sent out, listed Prof. Norman Redlich, as a member of the advisory committee of the New York Council To Abolish the House Un-American Activities Committee.

The official House publication entitled "Guide to Subversive Organizations and Publications," dated December 1, 1961, contains the following citation on page 115:

"NATIONAL COMMITTEE TO ABOLISH THE UN-AMERICAN ACTIVITIES COMMITTEE

"Cited as a new organization set up in the summer of 1960 to lead and direct the Communist Party's Operation Abolition campaign. Seven of the national leaders of this group have been identified as Communists."

So much for Mr. Norman Redlich and the National Committee To Abolish the House Un-American Activities Committee. Now let's go on to the question of the other organization—the ECLC—the Emergency Civil Liberties Committee. On this score, I cited to you last night a number of specific associations from the record which Mr. Redlich had with that organization, plus the fact that he admits being a member of the national council of the organization, but there is other material that I did not have time for.

For one thing, as late as April 13 of this year, a paid advertisement was carried in the New York Times, and I understand it was also carried in the Washington Post here in behalf of the ECLC, appealing for funds, carried the name of Norman Redlich as one of the sponsors and there is an interesting association he had several years ago.

It concerned a man named Harry Magdoff, who had been identified by Elizabeth Bentley, the confessed former espionage agent, as being a member of the Soviet espionage group which was active in the early 1940's and was headed by Victor Perlo.

The records show that Magdoff was called to appear before the House Un-American Activities Committee on May 31, 1961, in answer to a subpena in connection with the Fund for Social Analysis, of which organization Magdoff was president. Magdoff, in his appearance before the committee was accompanied by his counsel Norman Redlich. Magdoff, when asked to produce the documents called for in the subpena, said that he had no such documents. He took the fifth amendment to several questions asked him by committee counsel which included whether he had been a member of the Communist Party, who the officers of the Fund for Social Analysis were, and the source of income for this fund.

Now, getting back to the ECLC, of which he admits being a member of the national council, let me again read to you from the same publication which contained the other citation, page 69:

"EMERGENCY CIVIL LIBERTIES COMMITTEE

"1. The Emergency Civil Liberties Committee is an organization with headquarters in New York, whose avowed purpose is to abolish the House Committee on Un-American Activities and discredit the FBI. * * * The committee finds that the Emergency Civil Liberties Committee, established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted by means of funds and legal aid, Communists involved in Smith Act violations and similar legal procedures.

"One of its chief activities has been and still is the dissemination of voluminous Communist propaganda material.

"Frank Wilkinson (the active field director of the ECLC) was called as a witness when he appeared in Atlanta as a representative of the Emergency Civil Liberties Committee to propagandize against the Committee on Un-American Activities and to protest its hearings. In 1956, Wilkinson was identified as a Communist Party member by a former FBI undercover agent within the party. Summoned at that time to answer the allegation, his reply to all questions was 'I am answering no questions of this committee.' This also became his stock reply to questions when he appeared during the Atlanta hearings. * * * Wilkinson has since been convicted of contempt of Congress and sentenced to 1 year in jail.

"Disputing the non-Communist claims of the organization, the Committee finds that a number of other individuals connected with the ECLC also have been identified under oath as Communists.

"2. To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are * * * the Emergency Civil Liberties Committee. When the Communist Party itself is under fire, these fronts offer a bulwark of protection."

I should explain that the first of those citations was by the House Un-American Activities Committee and the second was by the Senate Internal Security Subcommittee.

That pretty well wraps up the story on Mr. Norman Redlich who works at $100 a day as a legal advisor on Chief Justice Warren's Commission to investigate the assassination of the late President Kennedy. Representative BEERMANN, of Nebraska, on the floor of the House, called the situation one of the greatest miscarriages of appointive judgment in the history of American Government, and demand that he be fired and that a full investigation be made as to how he ever got hired.

Mr. MUNDT. Mr. President, among other things, we find that one of the paid staff members of the Emergency Civil Liberties Committee, with which Mr. Redlich is connected, is Mr. Philip Luce. Luce was one of the organizers of the student tour of Cuba.

Last week Luce signed an advertisement in a newspaper which is an arm of the Communist Party. The advertisement stated that if drafted into the armed services, he would not fight in Vietnam. This advertisement was also signed by several others.

I submit that the American public is entitled to know why this type of individual, connected with un-American associations, has crept into the Warren Commission.

How can Americans possibly accept as valid, objective, and unbiased, a report prepared under such conditions? I hope that before holding further hearings—certainly before making a report—the Warren Commission will either purge itself of employees and advisers of this type, so that we may have the understanding that we should have, or explain to the public the purpose of including this kind of personnel in its Commission activities. The whole world will read this report avidly and we must be assured no un-Americans influence has had any influence in preparing it.

I think this is a great disservice to President Kennedy's memory. We want a report from the Commission which Americans will accept as factual, which will put at rest all the ugly rumors now in circulation and which the world will believe. Who but the most gullible would believe any report if it were written in part by persons with Communist connections?

Mr. President, this sad situation becomes all the more significant and unfortunate in view of the statement by Chief Justice Warren some time ago that matters were coming before the Commission so sensitive in nature that they might not be made public for a generation. I cannot conceive what such testimony might be but it can be assumed with certainty that Communist leaders around the world will have a detailed report on such testimony long before it reaches the American public since once a Government body is infiltrated by one with Communist sympathies or connections, history has shown that the pipeline to Moscow is fast and it is filled with classified material.

It would seem to this Senator that complete security clearances should be obtained on all personnel on the Commission staff before further evidence is taken and before even a start is made on writing the report on this awesome and tragic assassination of an American President.

GENERAL CONFERENCE OF THE METHODIST CHURCH STATEMENT ON CIVIL DISOBEDIENCE

Mr. SPARKMAN. Mr. President, on Monday, May 4, 1964, the general conference of the Methodist Church, meeting in Pittsburgh, Pa., adopted by a narrow margin a statement by the church's committee on social concerns sanctioning "in rare instances" the disobedience by individuals of civil laws in the name of Christian conscience.

I am a Methodist, but I am in complete sympathy with a statement issued by the delegation of the north Alabama and Alabama-west Florida conferences regarding a section of the report on the Methodist Church and race, adopted at the general conference of the Methodist Church meeting in Pittsburgh, that the two delegations issue a brief statement condemning any idea of a church conference advocating opposition to established law and advocating lawlessness in their zeal for so-called civil rights legislation.

I think we must all condemn it. I ask unanimous consent that there be printed at this point in the RECORD a news release that was issued by the delegation to the north Alabama and Alabama-west Florida conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE DELEGATES OF THE NORTH ALABAMA AND ALABAMA-WEST FLORIDA CONFERENCES REGARDING A SECTION OF THE REPORT ON THE METHODIST CHURCH AND RACE, ADOPTED AT THE GENERAL CONFERENCE OF THE METHODIST CHURCH MEETING IN PITTSBURGH

On Monday, May 4, 1964, the general conference of the Methodist Church, meeting in Pittsburgh, Pa., adopted by a narrow margin a statement by the church's Committee on Christian Social Concerns sanctioning "in rare instances" the disobedience by individuals of civil laws in the name of Christian conscience.

The delegations of the north Alabama and Alabama-west Florida annual conferences wish to make it clear that we vigorously opposed this action, which was adopted by a close margin in both committee and on the conference floor.

The statement as adopted suggests that such disobedience should be preceded by "the best available legal and religious counsel," and should be subject to the following limitations: "In rare instances, where legal recourse is unavailable or inadequate for redress or grievances from laws or their application that, on their face, are unjust or immoral, the Christian conscience will obey God rather than man."

We do not feel that the Methodist Church should encourage civil disobedience in behalf of racial justice or any other cause. We view with deep concern this implied sanction of possible lawlessness by our church.

And to the best of our ability, we opposed its inclusion in the statement of the Methodist Church and Race, though this is not a part of the mandatory law of the church in The Discipline.

Our position was strongly shared by a large number of our fellow delegates from other areas of the church.

We reaffirm our devotion and loyalty to the Methodist Church.

BUSINESS OUTLOOK IS TERMED BRIGHT

Mr. SPARKMAN. Mr. President, in the Wall Street Journal of last Friday, there was an article which I think should be most encouraging to all of us. I think it does nothing more than to firm the idea that we already had. It is entitled "Business Outlook Is Termed Bright."

The opening paragraph states that the article comes from Hot Springs, Va. It states:

> A group of the Nation's leading corporate executives expressed almost unqualified confidence today in President Johnson and in the prospects for continued business expansion.

It further states:

> About 100 presidents and board chairmen of giant corporations make up most of the membership of the Business Council.

That is the group that was holding the meeting. I quote a paragraph from the article:

> The Business Council is an organization of executives in business and finance that was formed in 1956 at the suggestion of President Eisenhower. Its predecessor, the Business Advisory Council, served as adviser to the Commerce Department during the administrations of President Roosevelt and President Truman. The Business Council is a private business group, but it does offer advice and research services to the Government—on its own terms.

Mr. President, this is an encouraging article which comes from a group of leading businessmen and business executives throughout the country. I ask unanimous consent that the article entitled "Business Outlook Is Termed Bright," published in the Wall Street Journal of May 8, 1964, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESS OUTLOOK IS TERMED BRIGHT—GROUP OF CORPORATE LEADERS SIGHTS STEADY EXPANSION FOR NATION'S ECONOMY—JOHNSON IS APPLAUDED—CONFIDENCE IN ADMINISTRATION EXPRESSED BY EXECUTIVES—PRICE RISE DOUBTED

HOT SPRINGS, VA., May 8.—A group of the Nation's leading corporate executives expressed almost unqualified confidence today in President Johnson and in the prospects for continued business expansion.

The business leaders, members of the Business Council, said they saw no reason why prices should rise in the near future unless wages went up first.

They did not blame President Johnson for the one problem they feel they have at the moment—excessive regulation by too many different Government agencies.

The theme of confidence in the Johnson administration ran through the formal sessions and informal conversations held by the council.

ONE HUNDRED BUSINESSMEN IN GROUP

About 100 presidents and board chairmen of giant corporations make up most of the membership of the Business Council.

The Business Council is an organization of executives in business and finance that was formed in 1956 at the suggestion of President Eisenhower. Its predecessor, the Business Advisory Council, served as adviser to the Commerce Department during the administrations of President Roosevelt and President Truman. The Business Council is a private business group, but it does offer advice and research services to the Government—on its own terms.

"He understands business," W. R. Murphy, president of the Campbell Soup Co., said of Mr. Johnson. Mr. Murphy is chairman of the council's committee on domestic economy.

AGREEMENT EXPRESSED

Frederick R. Kappel, chairman of the American Telephone & Telegraph Co., was among the many businessmen who expressed agreement with Mr. Murphy's statement. Mr. Kappel is chairman of the Business Council.

It is the general opinion of the group, Mr. Kappel said, that the present business expansion will continue through this year and into 1965.

While estimates of the Nation's total production this year differ slightly, the general feeling among the businessmen is that the Government is about right in forecasting that the gross national product will reach $623 billion this year. The figure offered by the council's economists was $620 billion, but Mr. Kappel said the difference was not significant.

The businessmen generally foresaw few difficuties ahead for business in the opening session today of the council's quarterly meeting, Mr. Kappel indicated. But he said there was one problem that kept coming into the discussion as the group attempted to "take inventory" on what lies ahead. That problem, Mr. Kappel described variously as the "massing of Government regulatory power," "the multiplying of governmental regulatory bureaus" and "an overdose of (Government) investigation."

"The problem could be solved" Mr. Kappel said "if the heads of the Government's regulatory agencies would pay attention to President Johnson." He indicated his belief that the President opposes any sort of Government interference or regulation which would "impede the progress of business."

FEW CLOUDS ON HORIZON

Mr. Murphy mentioned as an example of expanding Government regulation of business the pending legislation, endorsed by Mr. Johnson, which would impose strict limitations on the packaging and labeling of various products. This legislation "bothers every single food manufacturer," Mr. Murphy said.

Mr. Kappel indicated that he does not feel that Government regulation is particularly more extensive or harmful to business now than it has been at other times in the recent past.

He seemed to be indicating that Government regulation was simply the only major cloud on the horizon now for business, since there were so few others.

"None of the business leaders present here expressed any fear that the tax cut which went into effect this year would overheat the economy and cause inflation or a recession later on" Mr. Kappel said. This fear has been widely expressed by Republican Members of Congress and by some economists.

Mr. Kappel said that the corporate chiefs do not expect to be raising prices unless wage increases occur first.

"I don't know anyone who thinks there is a price increase problem unless costs are pushed out of shape by wages," he said. Mr. Murphy added that "this group is not interested in price increases."

Neither man would, however, say that he expected any price reductions—something that President Johnson has repeatedly urged in recent weeks.

THE MARKETING OF FOOD

Mr. McGEE. Mr. President, almost everyone knows what a bargain the American housewife receives for her food dollar and almost everyone profits from the increasing quality, quantity, variety of foods now found on the market shelves except the person who produces that food—the American farmer.

Mr. President, I was greatly pleased to read in the Washington Post this morning an editorial in support of President Johnson's proposal to establish a 15-member National Commission on Food Marketing. This proposal, which I had the honor to introduce in the Senate, is now under consideration by the Committee on Comerce. This editorial very clearly spells out the issues involved and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MARKETING OF FOOD

Few of the housewives who are collectively responsible for retail purchases of food, which run to about $70 billion a year, have the time or inclination to reflect upon the striking changes in food production and distribution that have occurred in the last two decades. In moving from the corner grocery store to the vast supermarket and from bins of unpackaged foods to such highly processed products as the frozen TV dinner, the American family has been the beneficiary of impressive economies of large-scale production and distribution as well as of advances in the agricultural sciences.

Food purchases today account for less than 19 percent of take-home pay, and in relation to income and variety of foods consumed, the average American family now probably eats for less than those in any other country of the world. But in creating this splendid cornucopia, the traditional relationships between farmers and food processors and between food processors and retailers have undergone radical changes, and it is feared that the benefits to consumers have been conferred at the cost of injury to producer groups.

The proximate cause for alarm, especially in congressional circles, is the decline in the farmer's share of the food dollar. In 1947, 47 cents of the food dollar went to the farmer, and today he receives only 37 cents. A part of this decline, just how much is not known, is ascribable to the trend toward greater processing. The string beans which are frozen in packages are first cleaned, cut and partially cooked; poultry is now commonly plucked and eviscerated; and completely prepared foods, in which the raw materials constitute only a part of the basic production costs are winning increasing favor.

But not all of the decline in the farmers' share of the food dollar is ascribable to the higher degree of processing or the shift in consumers' preferences. Food producers and processors may be the unwitting victims of changes that have taken place in the marketing structure. Many changes have occurred as a result of the rise to prominence of the vertically integrated retail food chain, the supermarket organization that operates its own farms and packing plants. In dealing with independent farmers, cattlemen and food processors, these companies are in a position to drive hard price bargains, to specify quality standards and delivery dates.

Secretary of Agriculture Orville L. Freeman has suggested that these changes in the marketing structure will, through the aggregation of great market power, pose a threat to the family farm as well as to the consumer. But not enough is known about what the Secretary calls the food "marketing revolution" to make any firm judgments. President Johnson has therefore asked Congress to authorize the establishment of a National Commission on Food Marketing. This bipartisan body, with five members appointed by each Chamber of the Congress and five by the President, would have at its disposal a professional research staff to assist in the important task of distinguishing between fact and fancy, between the genuine economies of large-scale operations and the improper use of market power, between efficiency and a nostalgic attachment to tradition. The cost of the investigation would be $2.5 million, and in view of the important issues involved, we hope that Congress will go along.

RUMANIAN INDEPENDENCE DAY

Mr. DODD. Mr. President, wars great and small have torn the earth since time immemorial, redrawing boundaries, reshaping nations, destroying the existing order, and dictating the destiny of many persons.

No area in modern history has experienced greater turmoil and struggle than Eastern Europe. The peoples of the heartland, as it is called by geopoliticians, have been subjected to the aggressive designs of great powers for hundreds of years, have been overrun countless times, and have had to struggle throughout history even to maintain their ethnic identity.

Rumania is one of these nations which has suffered centuries of subjugation and oppression by foreign powers. Although she gained her independence and stood as a free nation for a period of almost 70 years, she again became a victim of aggression and is now a captive subject of the Soviet Union.

Today, May 10, Rumanians and persons of Rumanian descent throughout the free world are celebrating the anniversary of this independence and expressing their hope for and belief in the future of a free Rumania. We of the free world join them in their tribute to the past and their pledge to the future.

It is both paradoxical and tragic that the 87th anniversary of Rumanian Independence Day is not celebrated or even acknowledged by the present Government of that state. It cannot be openly observed by the people of Rumania because this would invite harsh retaliatory measures from the Communist authorities.

Nonetheless, this is a significant date in the history of Rumania. For 400 years the country was ruled by Turkey, having been overrun and conquered by the mighty Ottoman Turks in the 15th century. The Rumanians, comprising one of the largest ethnic groups of the Balkan Peninsula, refused to submit wholly to the invaders. They sought repeatedly to oust the Turks, but were unsuccessful in these efforts.

It was not until the Crimean War, in the mid-1800's, that the Rumanians achieved some measure of autonomy. Then, with the aid of Napolean III, the two provinces of Moldavia and Wallachia were united under Prince Charles in 1866, and the union was finally recognized by the Turks.

All ties with Turkey were broken in 1877, when Rumania declared its complete independence and entered the Russo-Turkish War as a Russian ally.

Even though Russia attempted to take control of Rumania after the war, and did succeed in usurping the area of Bessarabia, Charles I was crowned king of the independent state of Rumania in 1881.

From that time until World War II, a united Rumania enjoyed economic and political stability and occupied an independent position among the nations of the world.

This freedom, like that of many other East European nations, was all too short-lived. The Second World War saw Rumania as an unwilling ally of the Germans. Then, in 1945, she joined the struggle against Hitler and the Nazi forces.

But soon after this, Rumania became a victim of the same invidious tactics which the Communists used to take over much of eastern and central Europe at the close of the war.

The Rumanian monarch and government leaders were forced out and a puppet regime was installed by the Soviets. This was the death knell for independent Rumania.

Today Rumania and the other captive European nations suffering a similar fate are dominated, controlled, and oppressed by the Soviet Union. Religious freedom, political freedom, and individual rights exist no longer.

Despite the hardships history has dealt them, the people of Rumania and other East European nations have not lost their love of liberty and their desire for national independence. We in America share their hopes and ideals, and on this Rumanian Independence Day we join them in rededicating ourselves to true liberty and freedom for the captive nations and all oppressed peoples of the world.

The PRESIDING OFFICER. Is there further morning business?

If not, the morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, H.R. 7152.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

CALL OF THE ROLL

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 210 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Boggs
Burdick
Carlson
Case
Clark
Cooper
Curtis
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Sparkman
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

TRIBUTE TO J. EDGAR HOOVER

Mr. DODD. Mr. President, I ask unanimous consent that I may be allowed to proceed for 30 minutes and that the rule of germaneness be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, yesterday, May 10, was the 40th anniversary of the appointment of J. Edgar Hoover as Director of the Federal Bureau of Investigation. This significant milestone has already been appropriately acknowledged by the President and by a congressional resolution on May 8. But since May 8 was "President Truman Day" in the Senate, I feel that today should be a day of tribute to another very great American, J. Edgar Hoover.

I first met J. Edgar Hoover when I was a young man and when he was already becoming a national legend. I had just finished Yale Law School and was visiting in Washington with Attorney General Homer Cummings, who suggested that I give serious thought to entering the Federal Bureau of Investigation. He introduced me to Mr. Hoover that very day and I had a discussion with him which still lingers in my memory.

I felt the glow of inspiration, of competence, of zeal for public service which Mr. Hoover generates like some electric current, and I decided then and there that I wanted to go into the FBI.

That meeting with Mr. Hoover and my subsequent joining the Bureau opened for me one of the most enriching, exciting and beneficial experiences of my life.

Those were the early days of the FBI, the days of the Dillinger case, the Bremer kidnaping case, and other kidnaping cases. All of us who served under Mr. Hoover then, just as those who serve now, learned priceless lessons.

He demanded absolute dedication to the job. Hours meant nothing; inconvenience meant nothing; he instilled by precept, by example and by insistence, qualities of self-sacrifice, self-discipline, and dedication to excellence in those who served under him.

It is fair to say that J. Edgar Hoover revolutionized both the fields of law enforcement and the protection of our national security.

Through his genius for administration, his perception of the present, his vision into the future, his adherence to the highest personal code of integrity and competence in himself, and his insistence on it in others, he has developed the Federal Bureau of Investigation into an indispensable instrument for the protection of the personal safety of every

American and the security of the Nation as a whole.

The innovations he has made are already universally accepted milestones in law enforcement. He founded the FBI Identification Division, which aids in ferreting out fugitives and in identifying missing and unknown deceased persons; the FBI Laboratory, which affords scientific crime detection in the battle against crime; and the FBI National Academy, which instills professional techniques and stature into the police ranks. Over the years he has eloquently espoused adequate pay, public support and proper training for the men and women in the police ranks who guard the lives and property of our communities. Under Hoover's leadership, law enforcement has been raised to the level of a profession, a science. But that is only the beginning.

The contribution of J. Edgar Hoover to our national life has been far greater than that of developing the most efficient and effective law enforcement agency in history, important as that achievement has been.

He has developed the ethics of law enforcement along with its science and organization, and this will prove to be his greatest achievement.

He has established a spirit in American law enforcement which is just as interested in establishing innocence as in proving guilt. And he has been at once the foremost exponent of effective measures to protect the national security and the greatest protector of civil liberties in the pursuance of that goal.

Mr. Hoover once stated the philosophy of the Federal Bureau of Investigation in these unforgettable words:

> Law enforcement is a protecting arm of civil liberties. Civil liberties cannot exist without law enforcement; law enforcement without civil liberties is a hollow mockery. They are parts of the same whole—one without the other becomes a dead letter.
>
> Democratic law enforcement is loyal to both the state and the individual. It is obligated to uphold the sovereignty of the Government, yet, at the very same time, to protect the rights of the citizen.
>
> Law enforcement ethics must rise to prevent abuses, such as third degree techniques, unlawful arrests, unreasonable detentions, illegal searches and seizures. These practices are anathema to civil liberties, destroying the very heart of the American democratic system. They represent law enforcement at its worst.
>
> Here is the very heart of the problem; the vital necessity of having men and women in law enforcement who hold inner allegiance to the principles of democracy and perform their duties in a completely legal manner.

The Federal Bureau of Investigation is dedicated to the belief that adequate protection against crime and subversive activities can be obtained without violation of civil rights; that crime and subversion can be dealt with within the rule of the law if there is a greater amount of work, a greater mastery of detail, a greater employment of the tools of science than any law enforcement agency has ever before exhibited.

It means longer hours; it means selfless dedication by individual agents. But the object is worth the effort, for these are the substitutes for police state methods which freemen must use.

The results, in terms of both law enforcement and civil liberties, have been worth the mighty effort. Students of American history must sadly acknowledge that in times of national danger we have frequently thrown the Bill of Rights overboard. This was true in the era of the Alien and Sedition Acts, during the Civil War, during World War I, and during the "Red scare" of the twenties.

During the 1940's we faced the greatest challenge to our devotion to civil liberties in our entire history. For we were the targets of the two greatest aggressive subversive movements of all time: The Nazi conspiracy and the Communist conspiracy.

If there was ever a time when panic and hysteria might have swept through the land and turned our cherished concepts into a mockery, it was during this period. But it did not happen. And one of the reasons why it did not happen was that the Federal Bureau of Investigation under J. Edgar Hoover had anticipated the danger and was prepared to combat it with the methods of freedom. The FBI was capable of doing the job and the public had confidence in this capability. Therefore, there was no hysteria, no pretext for meddling with precious rights.

On Pearl Harbor Day, the Bureau advised the Attorney General of the basis for authorizing the arrest of 16,000 suspects. But this was no return to the mass indiscriminate arrests of World War I days.

A prominent lawyer in the civil liberties field, Morris L. Ernst, took some of these suspects as clients. He defended his clients before hearing boards and was able to help free some of them. He has written that in every case there were fair hearings, with every consideration being shown to the defense. Mr. Ernst said that even in the case of those suspects who were acquitted, the FBI had a justification for picking them up. There was cause for suspicion, but the rights of the suspects were so rigidly observed that no injustice was done.

The civil liberties record of our country during World War II, except for the sad episode concerning Japanese-Americans on the west coast, was a splendid one.

It was a vindication of the belief that internal security and the rule of law can go hand in hand even in times of greatest crisis if the means of law enforcement are adequate.

And during the cold war period, the FBI has insisted that the same standards be applied in combating the Communist menace.

From the earliest days of Communist subversion in America, J. Edgar Hoover has perceived it for exactly what it was, an attempt to destroy the free institutions of this country, to wipe out our system of philosophy and religion and moality, and to subject us to the rule of an alien despotism, making us a nation of slaves.

While others have had their illusions and disillusionments about communism over the past half century, J. Edgar Hoover zeroed in on it from the very beginning and has never deviated from his opposition to it, nor shrunk from his responsibility in informing the American people of its dangers.

Naturally he has been the target, perhaps the prime target, of the domestic Communist conspiracy. But so impeccable has been his performance, so correct has been his position, so steadfast has been his refusal to be drawn either into anti-Communist extremism or pro-Communist vacillation, that all attempts to discredit him have uniformly failed. Within the means at his disposal, and these means are limited, he has actively countered the Communist conspiracy in America. But he has done so without sacrificing or compromising the integrity of our system of civil liberties.

This is Mr. Hoover's greatest achievement. His contributions to developing and perfecting the science of law enforcement will live on in the organizations and mechanisms through which we combat crime and subversion; but his elevation of civil liberties and his steadfast defense of them in times of great national upheaval and potential panic will live in the hearts of the people and will strengthen the very fiber of freedom in America.

And so all honor to J. Edgar Hoover on his 40th anniversary.

He is the architect of the present stature and greatness of the Federal Bureau of Investigation.

He has drawn the blueprints and set the standards.

He has limited the membership of the FBI to the best men the Nation has to offer.

He has protected these men from any outside interference which would have hindered their effectiveness or lessened their dedication.

He has encouraged them by a system of advancement based on merit.

He has toughened them by a rigorous discipline.

He has perfected them by a rigid insistence on complete mastery of detail.

He has inspired them with his example and with his insistence on integrity, patriotism, and devotion to duty which pervades the entire Bureau.

He has shunned involvement in party politics.

He is one of those few men who, because of personal ability and force of character, leave an indelible mark on the history of their country.

I am honored today to join a grateful nation in paying tribute to him.

Mr. McCLELLAN. Mr. President, will the Senator from Connecticut yield to me, so that I may make some remarks on the same subject?

Mr. DODD. I am happy to yield to the distiguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Connecticut regarding Mr. Hoover. I was proud and happy last Friday, along with other Senators, to vote for Senate Resolution 325, which was unanimously adopted by the Senate, praising and commending Mr. Hoover for his remarkable record.

The situation which prevailed in the Senate last Friday did not afford many Senators an opportunity at that time to speak on the resolution while it was pending. Therefore, on the following day I sent Mr. Hoover this telegram:

MAY 9, 1964.

HON. J. EDGAR HOOVER,
Director, Federal Bureau of Investigation,
Department of Justice, Washington, D.C.:

On this your 40th anniversary as Director of the Federal Bureau of Investigation, I join with your multitude of friends and admirers in extending heartiest congratulations on your outstanding achievements and enviable record in this vitally important position of public trust and responsibility.

During my many years in the Congress, I have not known or observed a more able, dedicated, and faithful public servant. Through the years, you have performed your duties with qualities of integrity, courage, and competency that are unexcelled and seldom equaled by highly placed administrative officials of our Government. You have earned the deepest gratitude and esteem of the American people.

I am happy and proud to salute you today and wish you many more years of fruitful service to your country, continued good health, and personal happiness.

Sincerely,

JOHN L. MCCLELLAN,
U.S. Senator.

In this morning's mail I received a copy of a letter which Mr. Jimmie Edwards, mayor of Blytheville, Ark., one of the finest cities of Arkansas, sent to President Lyndon B. Johnson. In it he commends the President for having decided to ask Mr. Hoover to continue his services and not retire at this time.

I ask unanimous consent that the letter may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
Blytheville, Ark., May 9, 1964.

HON. LYNDON B. JOHNSON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: I have recently heard of your decision to have J. Edgar Hoover remain as Director of the FBI, as long as his health will permit. I, and my fellow Americans, feel this is a noteworthy action in the best interest of our country. Mr. Hoover has, with loyalty and great dedication, served our country in a manner surpassed by none.

I did not want to miss this opportunity to praise you for a wise and popular decision.

With kindest personal regards, I am,

Very truly yours,

JIMMIE EDWARDS,
Mayor.

Mr. McCLELLAN. Mr. President, when the history of our era is written, the name of J. Edgar Hoover, the eminent Director of the Federal Bureau of Investigation, will be recorded as one of the truly great public servants of all time. Therefore, it is with profound admiration and enthusiasm that I join the multitude of people, at home and abroad, who pause today to pay tribute and homage to this distinguished American on his 40th anniversary as head of the world's foremost investigative agency—the FBI.

The advent of Mr. Hoover on the enforcement scene in 1924 was to professional law enforcement what Doubleday was to baseball. Taking over the helm of a bureau which was shackled by political appointees and snarled by ineptness, he began to steer a new course. He made it abundantly clear to those within and without the agency that the Bureau's days of inefficiency, substandard investigations, and partisanship were over.

Mr. Hoover instituted a policy which has become a hallmark in the annals of law enforcement. He insisted that the FBI be completely divorced from politics, that new appointments to the service be based strictly on merit, and that promotions be made on the employee's record and proven ability. The new Director established a career service in which vacancies in the higher positions would be filled exclusively from within the ranks. From the outset, Mr. Hoover let it be known that the FBI would function only as an investigative agency—not as an accuser, prosecutor, jury, or judge. It is to his everlasting credit that there has been no deviation from this position over the years. Accordingly, the threat of a national police force, as far as the FBI is concerned, has never been a problem.

Under the skilled leadership of this young lawyer, the FBI became a feared enemy of the underworld and a champion of the American public. However, Mr. Hoover knew that the task of fighting crime was too great for any one man or agency. He began to work for and support incessantly, and in that order, the elevation of all law enforcement to a professional status. In striving for this goal, Mr. Hoover adopted a theme which has been universally accepted as the guideline to effective police administration—"cooperation is the backbone of law enforcement." And today, the expert, cost-free services of the FBI Laboratory, the Identification Division, and FBI training facilities represent the epitome of cooperation.

Mr. Hoover is a man of courage, vision, ability, and integrity. His incorruptible reputation has been built on a record of honor, dedication, and loyalty unsurpassed in the field of public service. A true patriot in the best traditions of our democracy, Mr. Hoover possesses a vigorous and active devotion to American principles and ideals and has set a standard for all to emulate. He has the unique capacity of combining tenacity with dynamic action without overshadowing his great personal charm.

Due to my own experience in the field of fighting crime I am well aware of Mr. Hoover's great work in this regard.

I know I speak for all Mr. Hoover's admirers and friends in the State of Arkansas when I say this tribute to him is not only for what he has done for our country but also for what, God willing, he will do in the future. I wish to extend my warmest congratulations to Director Hoover and the FBI on this significant occasion, and my fervent hope is that God will always shower His richest blessings on this great American.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. DODD. I yield to the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my colleagues in the Senate this morning in paying tribute to a great American, J. Edgar Hoover. I thank my distinguished friend, the Senator from Connecticut, for yielding to me for this purpose.

In the modern times in which we live today, notable historic achievements are being made on an almost daily basis. Yet, seldom are these events singled out and brought to the attention of the public for suitable acclaim.

May 10, 1964, marks an historic milestone for a truly dedicated public servant. Because of his unselfish, devoted service to our Nation throughout his life, our great country, and its citizens have benefited greatly. The man to whom I am referring is that outstanding American, J. Edgar Hoover, who is presently celebrating his 40th anniversary as Director of the world renowned Federal Bureau of Investigation.

When Attorney General Harlan Fiske Stone appointed 29-year-old Attorney J. Edgar Hoover as head of the investigative arm of the Department of Justice, then known as the Bureau of Investigation, little did he know that Director Hoover would build it into the most respected law enforcement agency in the world. The task which Mr. Hoover accepted in 1924 would have made most men shudder, for he was taking over the leadership of an organization known to be corrupt, staffed by an overwhelming majority of misfits, and an agency which frequently violated more laws than it was responsible to enforce.

With dexterity and foresightedness belying his 29 years, Mr. Hoover weeded out those despoiling the Bureau and making a sham of the oath they had solemnly taken to uphold the laws of this Nation. He increased the requirements for those seeking to qualify as special agents and set the standards high for employees in the performance of their work. No longer could a Bureau employee receive a promotion through influential friends. Mr. Hoover instituted a policy that advancement would be based solely on merit—a policy which is still stringently followed today.

Even while Director Hoover was performing the tremendous task of reorganizing and building the FBI as we know it today, he still found time to set into motion a number of programs which not only benefited his agents, but all law enforcement as well. He established the FBI Identification Division in July 1924 and founded the famous FBI Laboratory in November 1932. The facilities of these divisions and their highly skilled technicians are available to all duly constituted law enforcement agencies free of charge to assist them in their investigative responsibilities.

Convinced that law enforcement should be placed on a professional level, Director Hoover in 1935 opened a specialized school, the FBI National Academy, for handpicked officers from communities throughout the United States to furnish them with information on the current methods of police administration and the science of crime detection. This educational program has expanded through the years to the point where each year thousands of local and some foreign law enforcement officers attend FBI-sponsored schools.

Through Mr. Hoover's efforts, a law enforcement officer today is a much better trained man than he was in the 1920's or 1930's. He is better qualified to protect our lives and our property. He is truly a professional man, and this is due in no small measure to the many opportunities provided the law enforcement officer in his everyday work by J. Edgar Hoover and the FBI.

So I would like to add my voice to the many thousands who are extending their congratulations to J. Edgar Hoover for his 40 years of exemplary service to our Nation. It is my sincere hope that he continue in his adroit leadership of the Federal Bureau of Investigation for many years to come. His name is synonymous with the FBI for he is the FBI—a proud and noble organization.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield to the Senator from North Dakota.

Mr. BURDICK. I thank the distinguished Senator from Connecticut for yielding. He has made an important speech today. I should like to add my voice and speak about an area in which Mr. Hoover, the Federal Bureau of Investigation, and the Senator from Connecticut have made notable contributions.

It was my good fortune and honor to be assigned to the Committee on the Judiciary. It was my further good fortune to be assigned to the Subcommittee on Juvenile Delinquency, of which the distinguished Senator from Connecticut [Mr. Dodd] is chairman. I have served with him for some time and have found him to be a man of outstanding ability, one who pursues a subject with zeal. I feel he is making most important contributions to studies in this field. It is a field which, I am sure, the Senator from Connecticut failed, through modesty or inadvertence, to mention. The Federal Bureau of Investigation also is doing outstanding work in this area.

I have enjoyed working with Senator Dodd and have profited much by the work he has done in this field of juvenile delinquency. Such work is extremely important to the future of the country.

Mr. DODD. I am deeply grateful to the Senator from North Dakota for his remarks.

Mr. COOPER. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am pleased to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I join the Senator from Connecticut in congratulating J. Edgar Hoover upon the completion of his 40th year as Director of the Federal Bureau of Investigation. Because of his leadership, that agency has been made into one of the great investigatory agencies of the world. It has done much to maintain our system of law and justice. We are all conscious of the fact that Mr. Hoover and his organization have contributed greatly to the security of the country in seeking out and discovering those who would subvert our country.

We should also congratulate the men and women who have been trained and who work in that organization, who have contributed to its success, and are always ready to be of assistance.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. KEATING. Mr. President, in my work on the Committee on the Judiciary in both the House and the Senate, it has been my privilege to have rather frequent contacts with J. Edgar Hoover over a period of many years. He has rendered outstanding service to his Nation and I commend the President for making it possible for Mr. Hoover to continue as Director of the FBI.

He is one of those rare public officials who has strongly opposed efforts to build up a huge bureaucracy under him. No law enforcement agency in the world has higher standards and the record of the FBI is a great tribute to the leadership and skill which J. Edgar Hoover has provided.

The Senator from North Dakota [Mr. Burdick] referred to juvenile delinquency. I know of no man who has done more to assist and to set an example for young American's than has Mr. Hoover both in an official and private capacity.

J. Edgar Hoover is a man of sterling character. He is truly a fine citizen, one who, we all hope, will be serving our country for many years to come.

Mr. HILL. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am pleased to yield to the Senator from Alabama.

Mr. HILL. Mr. President, it has been most gratifying to hear the fine, richly deserved tributes that have been paid to Mr. J. Edgar Hoover by the distinguished Senator from Connecticut [Mr. Dodd] and the other Senators who have joined him. I wish to add my tribute to Mr. Hoover for his highly efficient, exceptionally able, and dedicated service to our country and the rest of the free world.

Mr. DODD. I thank the Senator from Alabama.

Mr. ROBERTSON. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am pleased to yield.

Mr. ROBERTSON. I was privileged, together with a group of members of the Senate Committee on Appropriations, to visit Greece in the fall of 1949, when we were studying the Marshall plan, and were worried about the possibility that money was being wasted. Of course, we found that it was being wasted.

However, one of the memories with which I came back from Greece was a trip I took from Athens out to the birthplace of one of the world's greatest orators—Demosthenes.

Strange to say, the Greeks who had erected great temples—even a temple to the unknown god to which St. Paul referred—neglected to do this in the case of a monument to their greatest orator. It is nothing but a small bust on a small pedestal. But it carries a vital inscription. That inscription reads:

> He warned us against Philip.

That was Philip of Macedon, the sworn enemy of Athens. They ignored the repeated warnings of Demosthenes against Philip, until Athens was destroyed and overrun by their more warlike neighbors.

J. Edgar Hoover has warned us of communism; and, all too frequently, I fear we have not paid enough attention to his warnings. The threat is not yet over. We owe a deep debt of gratitude to this dedicated public servant, who has done so much to develop the materials used both by the Office of the Attorney General and the House Committee on Un-American Activities, which I so vigorously supported when I was a Member of the House.

He warned us against communism; and I, for one, wish to join the distinguished Senator from Connecticut in giving thanks both for myself, and for the people of the great State which I represent, for the services of a man like J. Edgar Hoover.

Mr. DODD. I thank the Senator.

Mr. SALTONSTALL subsequently said: Mr. President, I always respected President Calvin Coolidge, a fine public servant with distinguished service at both State and National levels, and a personal friend of mine. One of the many fine things he did was to appoint J. Edgar Hoover as Director of the Federal Bureau of Investigation. Mr. Hoover has continued in that job ever since, serving seven Presidents and more than a dozen Attorneys General. When he accepted the position, he did so on two conditions: that there would be no outside interference and that politics would be removed from the Bureau. In his 40 years as Director, the Bureau has been untouched by scandal and has become recognized as a highly competent organization characterized by high standards and efficiency.

A man of the utmost integrity, J. Edgar Hoover has been motivated by a strong sense of public service and has performed his duties conscientiously and effectively. I am pleased that an Executive order will make it possible for the Nation to continue to have the benefit of his wisdom, his experience, and his leadership in the very important position he holds. As the President has said, he is "a household word, a hero to millions of citizens, and anathema to evil men." I hope that the Nation will continue to benefit from his counsel for many years to come.

Mr. McCLELLAN subsequently said: Mr. President, on behalf of the junior Senator from Nebraska [Mr. Curtis], and at his request, I ask unanimous consent to have printed in the Record at an appropriate place, a statement by him on the subject of Director J. Edgar Hoover, of the Federal Bureau of Investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement presented by Mr. McClellan is as follows:

Statement by Senator Curtis

It is a real pleasure to join in paying tribute to J. Edgar Hoover and to congratulate him upon the 40th anniversary of service as Director of the Federal Bureau of Investigation.

Probably no other individual in public life today so truly exemplifies genuine dedication to public service. Probably no other individual in public life today has been so highly honored, or so viciously vilified. Perhaps no other individual has been quoted—and misquoted—so widely.

J. Edgar Hoover's task is not an easy one. It would break a lesser man. While often glamorized in the public press, his job is replete with mundane details, subject to extraordinary frustrations.

Through the years, Mr. Hoover has earned the unswerving devotion of the thousands of men who have served as FBI agents—G-men, as they became known in the turbulent 1930's. These men have lived with danger in the knowledge that their chief would not send any one of them where he himself would not go. In their more routine investigative chores, they knew their chief was no stranger to drab routine himself. He had taught them that even the most innocent-appearing fact could lead to information of vital importance.

J. Edgar Hoover has often triumphed over those who would destroy him. On many occasions, wrongdoers who have felt the hard fist of the FBI have screamed for his scalp. But right is might, and J. Edgar Hoover has remained a bulwark for right and justice.

The American people owe a profound debt of gratitude to this man who, through the years, has been ever vigilant against those who have conspired against them. J. Edgar Hoover's job has gone beyond tracking down and apprehending bank robbers and kidnapers. He has kept watch over our security as a nation, guarding against real and potential saboteurs. His has been the voice of doom for many who would take away our American freedoms and liberties and reduce us to servitude.

The United States is most fortunate, that J. Edgar Hoover has been requested to stay at his desk after he reaches the mandatory retirement age. We prayerfully hope that he will.

Mr. THURMOND subsequently said: Mr. President, I am pleased to join my distinguished colleague from Connecticut [Mr. DODD] in paying tribute to Mr. J. Edgar Hoover on his 40th anniversary of dedicated and most remarkable service to his country as Director of the Federal Bureau of Investigation of the U.S. Department of Justice. The Senator from Connecticut can speak as a voice of authority and experience as one who has actually served under the leadership of this great American patriot, having been at one time a special agent of the FBI. I feel, however, that I can likewise speak as one who understands and respects the unique record of service which Mr. Hoover has compiled as the No. 1 crime and Communist buster in this country because his record speaks for itself.

Forty years ago, 29-year-old John Edgar Hoover was given a mammoth job. He was made Acting Director of the Bureau of Investigation so he could have an opportunity to put into effect some of his ideas for improving the Bureau to make for efficient operations and to rid it of political influences. Soon after the reorganization job was completed, Mr. Hoover was made Director of the Bureau, and the greatest and most efficient investigative agency the world has ever known began to take shape.

Since that time, great strides have been made in improving law enforcement and investigative techniques in this country. Most of these improvements have been initiated and demonstrated to law enforcement officers all over the United States by the Federal Bureau of Investigation under Mr. Hoover's efficient direction. During these 40 years, there have been many suggestions that a national police force be established under Mr. Hoover, increasing his powers and influence—if increasing his influence is possible. All these suggestions have been turned down by Mr. Hoover, however, because of his dedication to the important principle that law enforcement is a local responsibility and that centralization of such power in one place would pose far more dangers to freedom in this country than any good which an all-powerful and efficiently run national police force might ever provide as protection against crime.

Mr. Hoover has not only earned unparalleled fame as the most efficient crime buster in this country, but he also has been appropriately recognized on many occasions as a leading patriot and fighter in the battle to protect our Nation against Communist efforts to subvert our Government and our American ideals and institutions. He has warned Americans over and over again on the insidious operations of the Communists and their aims to dominate and communize the world. His contributions to the fight against communism extend far beyond his duties to keep tabs on the Communist Party, U.S.A. In many speeches and articles and in his two outstanding books, "Masters of Deceit" and "A Study of Communism," Mr. Hoover has attempted with eloquence and logic to alert the American people as to the menace of communism and the many facets of Communist operations.

In addition to his many contributions in providing protection to the American people against crime and communism, Mr. Hoover has set a splendid example in personal ideals and living for all Americans. A man of deep personal convictions, Mr. Hoover's impeccable character is bottomed on a firm belief in God. In his writings and his speeches and his personal life, he is constantly contributing to the development of good moral character in young Americans, and this in itself is a great contribution to our country.

America and the cause of freedom owe a great debt of gratitude to this devoted public servant who has served his country so capably for so long and with so much distinction. I know I speak for practically every American except the criminals and Communists when I express to President Lyndon Johnson my appreciation for recognizing Mr. Hoover's unique and distinguished service by issuing an Executive order which permits his continuation in the office of FBI Director. I am glad that the President has such a high regard for Mr. Hoover, and I am confident that he will find that his faith in this great American will be rewarded many times over in continued outstanding, efficient, and devoted service to his country.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of these remarks an excellent editorial from the Columbia Record of Columbia, S.C., dated May 9, 1964, entitled "America Needs Mr. Hoover."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMERICA NEEDS MR. HOOVER

Forty years ago tomorrow, J. Edgar Hoover took over as director of the Federal Bureau of Investigation. In the intervening four decades, he and his agency have established a record unique in the annals of America. The record of nonpolitical service to all Americans has not been happenchance.

With admirable determination, Mr. Hoover has fought to maintain the FBI as a nonpartisan arm of the Federal Government, protecting the rights of all, challenging the rights of none.

His agency, as Mr. Hoover well knows, contains the seeds of terrible destruction, capable of robbing the individual American of intrinsic independence. Under political domination, the FBI could become a channel of control similar to those operative in foreign lands.

Sturdily, Mr. Hoover has protected all Americans by protecting his agency from partisan domination. Most elected and nonelected officials of power-conscious Washington applaud him, knowing that Mr. Hoover's design never has been—nor ever will be—either personal power or personal grandeur.

Unfortunately there are a few critics who grumble that the FBI Director should be more subservient to the Attorney General. "Critics think it is wrong in principle to have a chief investigator so largely free of control by Justice Department officials" one nationally influential newspaper has reported.

These critics ignore a simple truth: Official Washington, through its tripartite power structure, would long ago have reined Mr. Hoover, or any other FBI Director, had he not scrupulously avoided personal empire-building and image creation.

Mr. Hoover and his agency have served the people well in the past 40 years, sensibly guarding against internal communism, rationally restraining attempts to transform the agency into a national police force, honestly aiding local law enforcement, and—without fear or favor—serving Presidents as nonpolitical creatures.

We hope that President Johnson will decide to waive the compulsory retirement age of Mr. Hoover (he turns 70 on next January 1) and allow him to continue as Director.

America needs him.

Mr. MECHEM subsequently said: Mr. President, it is indeed a privilege to speak, as a former employee of Mr. J. Edgar Hoover, of what must be considered a great and outstanding record in the history of American public life.

His tenure of service, continuing uninterrupted through the administrations of seven Presidents, has done more to inspire confidence in our Nation's system of law enforcement than that of perhaps any other individual.

Of particular merit—of great worth—are the law-enforcement schools Mr. Hoover has sponsored. These sessions have brought together representatives from municipal, county, and State police departments from every area of this country.

They have been given the benefit of the latest techniques in our war on crime. They have been provided with the sum and substance of a devoted agency's study and research.

Enforcement efforts everywhere are vastly better because of Mr. Hoover's concern and attention, because of his knowledge that cooperation means high performance—and because he has the ability to cooperate.

Mr. Hoover has constantly advocated and practiced the strengthening of local law enforcement agencies to maintain competence where the basic problems lie—on the streets of America.

It is indeed reassuring to know that direction of the Federal Bureau of Investigation will continue to remain in Mr. Hoover's uniquely capable hands.

Mr. BOGGS subsequently said: Mr. President, I am happy to join my colleagues in paying tribute today to the heroic labors in behalf of justice performed over the past 40 years by J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Chiefly through his efforts, the name of the FBI has become synonymous with integrity. Through changing times, Mr. Hoover's agency has remained a steadfast symbol of devotion to duty.

All the people of this country are in his debt. May he have many more years of good health in the service of his country.

Mr. PELL subsequently said: Mr. President, I am very glad indeed to join with my colleagues in congratulating J. Edgar Hoover on his 40th anniversary as Director of the Federal Bureau of Investigation.

This great American has done a truly exemplary job of building up the Federal Bureau of Investigation from its modest beginnings until its present state of excellence. He has done this without ever succumbing to Parkinson's law of seeking personnel for the sake of personnel, of seeking expansion for the sake of expansion, of seeking appropriations for the sake of enlargement per se. Throughout his leadership of the Federal Bureau of Investigation, he has always maintained a meticulous regard for the rights of individuals. In fact, his agency is one of those few offices of Government from whence leaks, official or unofficial, do not emanate.

I am very glad indeed to hear that President Johnson has arranged to continue him as head of the Federal Bureau of Investigation and wish him many more successful and fine years in this post of great responsibility.

NEW YORK GETS BIGGER SHARE BUT LESS MONEY IN DEFENSE WORK—NEEDS REGIONAL AND INDUSTRYWIDE SEARCH FOR ALTERNATIVE JOBS AND PRODUCTS

During the delivery of Mr. McClellan's speech,

Mr. KEATING. Mr. President, the latest figures released by the Department of Defense on defense procurement show a paradoxical situation for New York. Compared with other States, New York has somewhat increased its percentage share of work over the first three-quarters of this fiscal year. In fiscal 1964 to date, New York received 9.2 percent of defense procurement dollars, compared with 8.9 percent for the first 9 months of fiscal 1963.

But the catch in those figures, for defense workers who are looking for jobs, is that New York's improved rating does not mean additional work in New York State. Dollar and cents wise, New York firms have $8 million less in prime defense contracts than they did in the comparable period last year, even though New York gets a higher percentage of the total. Overall military buying was down by about $500 million from the same period last year, and buying in New York was down from about $1.587 to $1.579 million for the period July 1963 to March 1964.

What it means is that New York firms are doing a better job competitively in getting contracts, but there are simply not as many contracts to go around and not as many jobs as there used to be in aircraft, missiles, electronics, shipbuilding, and other military activities.

This does not mean the United States is on the verge of disarmament, but it does mean that the defense picture is changing. Our stockpiles of weapons are very large indeed. Although there is a continuing need for research and development, there is less need for thousands of production line jobs.

This is a problem that many defense industries, defenseworkers, and defense-oriented communities are facing today. How to turn the production lines to consumer needs or national benefits and how to provide the jobs we need for full employment—that is the issue.

There is certainly no easy solution and probably no single answer to fit every circumstance. But just as research and development gets the attention when the Pentagon moves in, so research and development ought to get at least as much attention when the Pentagon moves out.

The problem of alternative products and markets is difficult for any one firm to solve, but it deserves attention. To meet some of the problems that Long Island industries face, for instance, I have proposed a Long Island Economic Commission to assess the economic assets of the island and make the very most of them and at the same time to admit the economic weaknesses and set about eliminating them. Regional commissions in western New York to promote jobs along the Niagara frontier, and in the Mohawk Valley to counterbalance defense closings, could also be very useful.

Another possibility is research and development efforts by trade associations, in the field of electronics, aerospace, and other predominantly military fields, particularly. These associations could play a big role in pointing their members toward new opportunities and creating a demand for improved products. They often have a know-how and sophistication that individual firms, especially small ones, lack. A definite research and promotion effort by trade associations could hasten the growth of new opportunities. If the many excellent trade associations and trade publications acknowledged and pursued a responsibility to assist their firms in diversifying or promoting new, nonmilitary products, it would increase the already substantial contribution which they make in American business life. Perhaps the giant firms do not need this help, but other outfits and small businesses frequently could benefit from research and development, marketing, promotional, and other survey assistance.

Mr. President, those who have been following this situation closely for many years will interpret these figures not as cause for complacency in defense industries, but as a challenge for new efforts to deal with a changing defense procurement situation. Now is the time to devise methods and approaches to meet these problems through local consultations and through discussions and aggressive technological developments by the industries which are most affected.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MAGNUSON. The Senator from New York points up a very serious situation, involving not only a fewer number of defense jobs, but a shift in various types of defense. Looking ahead 10 years, one of the most important jobs for the Government would be to ascertain how it could phase into certain aspects that have been suggested.

As a result, several bills have been introduced. I believe several Senators suggested some months ago that we look at this problem, so we are starting some preliminary hearings in the Commerce Committee the 25th of this month. I hope that the Senator from New York will give us the benefit of his views.

I say "preliminary hearings" because it is a formidable task. It is not one which can be accomplished quickly, or cured by legislation. Some of the interested companies have made plans in anticipation that cutbacks may or may not be made. Others have not done so, particularly the smaller businesses—the subcontractors.

I am very glad that the Senator has brought this matter to the attention of the Senate today.

Mr. KEATING. I am grateful to the distinguished Senator from Washington [Mr. Magnuson]. I am delighted to hear that his fine committee is going into this whole problem which is becoming increasingly urgent. It is especially difficult for small businesses to adjust to defense cutbacks.

I should like to inquire of him if the hearings will relate to any specific bill, or whether a general survey will be held at this time?

Mr. MAGNUSON. There is one bill under consideration. Also a Federal commission which was appointed some time ago—I do not know why, but it has not accomplished much. One bill arousing a great deal of attention was introduced by the Senator from South Dakota [Mr. McGovern]. There are three or four other bills of that type, I believe, but we shall have to take a good, long look at the situation and see whether we think a bill would be desirable. I do not know whether legislation would be the answer, but anything that we wish to explore or to study, we shall do. We have in mind no one particular bill.

Mr. KEATING. I am delighted to hear that, and certainly will plan to try to appear before the Senator's committee, to be of whatever assistance I can be.

Mr. MAGNUSON. We wish to call in as many business people as we can in areas such as Long Island, where businesses have concentrated on defense projects, to get the benefit of their thinking on this problem, and learn what they are actually doing. It is not an easy thing for a company to change. It cannot go from one thing to another overnight. Plans have to be made beforehand.

Mr. KEATING. The Senator is correct—many plans must be made.

Mr. MAGNUSON. There might be a plant which could do a certain job on a new commercial product but someone else might have been marketing the product for years and might already have a plant.

Mr. KEATING. In many areas and communities, jobs are dependent upon defense-oriented industries. It is a matter of deep concern to the communities when defense spending is shifted or cut back.

Therefore, as the defense picture changes from time to time, we should try to see what function the Federal Government can serve in assisting these areas and what functions should be left to local communities, States, and individual firms. Working together, all those concerned can meet this problem with a minimum of individual and economic dislocation.

As I look into the future, I believe it is one of the greatest and most intricate problems that we shall face. As we hopefully get further and further away from putting so many of our economic eggs into the defense basket, we must find other baskets and new nest eggs for economic growth.

Mr. MAGNUSON. As the Senator from New York points out, the mere fact that there may be many cutbacks does not mean that America's defenses will be impaired. The whole concept may change. It may call for another type of activity, or it may call for less activity. Conceivably, we could carry on without most of the so-called defense jobs and still have an adequate defense. Someone may walk out of the laboratory this afternoon with ideas which could change the whole concept of our defense system. This might disrupt the economies of some areas, which is what we must consider. I am happy with our prosperity now, politically and otherwise.

Mr. KEATING. The Senator should say otherwise than politically.

Mr. MAGNUSON. Otherwise than politically; but I believe that in the future this problem will be serious for the United States, because even though we keep our defenses together—as great as they are—or make them even greater—in the future the number of workers necessary to accomplish that end will be fewer and fewer.

Mr. KEATING. I am grateful to the Senator for his comments. I shall follow the hearings with great interest.

Mr. MAGNUSON. I do not know that we shall have an answer, but at least the Congress—the Senate in particular—might be a medium to alert the people—especially those in Long Island and other places—so that they will start thinking about the problem. I know that once American business starts to think about a problem, it usually comes forth with very good answers.

Mr. KEATING. I have been endeavoring to alert some of the communities in New York to the long-range problem. As I stated, I have suggested the formation of the Long Island Economic Commission. It could work creatively along these lines. It would include, as I see it, representatives of business and labor, and other community leaders and it should devise methods of meeting this very problem in that particular area. I envision a similar situation developing in other areas because frequently the problems are different in different parts of the country, as the distinguished Senator realizes.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON. Mr. President, in January 1916, I took office as a member of the Senate of Virginia and I have held public office continuously ever since. Only one Member of the Senate has held public office continuously as long and that is our honored and beloved colleague from Arizona, Mr. HAYDEN. So the distinguished senior Senator from Arizona and the junior Senator from Virginia can both say with Ulysses of old "Many things have I seen—a part of which I was." Neither the distinguished Senator from Arizona, Mr. HAYDEN, nor I ever dreamed in our early days, first in the House and then in the Senate, that we would ever live to see the day when both the Congress and the President of the United States would be threatened by a pressure group with reprisals unless Congress passed a bill which provides for criminal punishment without a jury trial.

Last evening on the "Meet the Press" program, James Farmer, head of a pressure group called Committee on Racial Equality, demanded prompt acceptance by the Senate of the civil rights bill without amendments. He did not recommend the pending bill; he did not request the pending bill; he demanded it and he accompanied that demand with a time limit for performance. Failing to pass the civil rights bill, and without amendments, within the prescribed time, he threatened political reprisals against the President and physical violence against the Senate. The amendment to which he most seriously objects is the Talmadge jury trial amendment.

Farmer demands that the Senate pass a bill under which a defendant on a charge of criminal contempt could be imprisoned for an indefinite period and fined an indefinite sum of money, by what could be a biased and hostile judge. His demand discloses the real essence of the problem with which the Senate is now wrestling, namely, shall the Senate, when a colored man brings a charge of discrimination against a white man give to the colored prosecutor an unconstitutional and unconscionable advantage, namely, the denial to the white man of a jury trial in those criminal proceedings?

I am proud to say, Mr. President, that on every occasion when this issue has been presented to the Senate I have united with the able Senator from Arizona, Mr. HAYDEN, in voting for the preservation of what each of us knows in our heart of hearts is a cherished right of all freemen—trial by jury.

Senator HAYDEN's first knowledge of the meaning of jury trials was as a sheriff in the territory of Arizona. My knowledge came first as a young lawyer whose principal practice was representing defendants in criminal cases. Then, for 6 years as a prosecutor, called in Virginia, Commonwealth's attorney, I became familiar with jury trials from the viewpoint of the State. Consequently, as a State legislator and for the past 31 years as a national legislator, I have never wavered in my firm and deep conviction that—call it a constitutional right or just the fundamental right of every freeman—trial by jury is an essential safeguard against tyranny and must be preserved.

It was not until August of 1957 that the Senate really came to grips with this serious issue. Pending was a civil rights bill far less drastic than the one now before us, but it created new crimes to be tried before a Federal judge without a jury. The distinguished Senator from Wyoming, Mr. O'Mahoney, who will go down in history as a great constitutional lawyer as well as an able exponent of true liberalism, offered an amendment to that civil rights bill providing for jury trials in all criminal contempt cases. In conference that was thrown out and a substitute was recommended by the conferees affecting jury trials in voting cases only, and providing for jury trials if the sentence of the district judge exceeded a specified amount of confinement. In its eagerness to recess, the Senate adopted that conference report but would not have done so had it been possible for a conference report to be amended.

Last week, to my surprise and genuine distress, the Senate, by a vote of one, turned down the Morton jury trial amendment which would have limited jury trials to criminal contempt cases arising under the civil rights bill.

Incidentally, I remind the Senate of the fact that the language of the Morton amendment is stated in the exact language which the great Committee on Commerce wrote into what is now called title II, or the accommodations section of the bill, last year, by a unanimous vote. But it is not in the bill the Senate is considering. All charges of criminal contempt should be tried in the same manner as all other criminal charges are tried.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that as recently as September of 1959, Congress wrote into the Landrum-Griffin Act, which is commonly known as the bill of rights for organized labor and its members, a provision for the right of a trial by jury which is exactly as is provided in the amendment that the Senate voted down last Wednesday?

Mr. ROBERTSON. It certainly is. Previous to that, it was placed in the Norris-La Guardia Act, because the labor unions asked, "Is it fair to us to be hauled in on injunction proceedings before a judge who was recommended for his office by some big corporations, who had been a corporation lawyer before he became a judge, who never had been friendly to labor or labor unions, to let him punish us without a jury on a charge of contempt?" The Congress said, "No; it would not be fair. In such contempt cases we will give you the right of trial by jury."

Mr. HILL. Is it not true that labor then had the example of the treatment that had been accorded to Samuel W. Gompers, who was the great leader of the American Federation of Labor—indeed, the great leader of labor in his time—when he had been railroaded to jail by a judge without being accorded the right of a trial by jury?

Mr. ROBERTSON. The Senator is absolutely correct. The Congress said, "We do not wish to see that happen again with respect to members of a labor union."

Now, we are discussing the Morton amendment.

Mr. HILL. Mr. President, will the Senator yield at that point?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not difficult for the Senator from Virginia to understand how some of the leading labor leaders of this country are now supporting the bill without a provision for the right of trial by jury, and insisting that the bill be passed without such a provision, when in the past the labor unions had suffered so much when they had had no right of trial by jury; throughout the years they have insisted that they be given the right, and now they have been given the right by Congress.

Mr. ROBERTSON. That is true. There is nothing about the bill that the Senator from Virginia can understand and explain in language which under the rules of the Senate, he is permitted to use. He must speak in terms according to what the State Department would call protocol.

Returning to the language of protocol, I was about to mention the fact that 48 Members of the Senate were on record as favoring the preservation of jury trials in criminal contempt cases when the Senate voted on the Morton amendment. The distinguished senior Senator from Kansas [Mr. CARLSON], who at that time was on his way home from an important trade conference in Geneva, told me if he had been present he would have voted for the Morton amendment.

Mr. President, I have indicated that my legislative experience covers the major part of the current century, and likewise covers our experience with the Volstead Act, under which Congress prohibited the sale of all alcoholic beverages. That act was passed by an overwhelming vote of both the House and the Senate. It was enacted pursuant to what was equivalent to a national referendum on the subject—namely, the 18th amendment. By more than three-fourths of all the States in the Union—as a matter of fact all except two—the 18th amendment had been ratified. But at that time there was a small but very vocal minority, headed by a distinguished New York Governor named Al Smith, who challenged the propriety of the Federal Government undertaking to legislate in this field of morality and to promote temporance by law and physical force.

In a relatively few years the inability of the Federal Government to change established mores, to regulate the details of men's lives and to tell them when they gathered together what they could do and what they could not do, became so repugnant that when the Congress submitted a resolution to repeal the 18th amendment every State in the Union voted for repeal as quickly as the issue could be reached.

Now we are asked to repeat that legislative blunder in a more drastic form and one in which we propose to create more law violators than were ever created under the Volstead Act. That too, in spite of our experience with State laws on this subject. Thirty-five States have enacted some type of civil rights laws—twenty-nine like New York, have some form of FEPC laws. Did those State laws create more jobs? They certainly did not. But they did create plenty of animosity and racial friction. Before a single school was desegregated in Virginia, by court order, Virginia was employing in her public schools more colored teachers than the total employed in the public schools in all of the States which had passed State desegregation laws. Extreme civil rights laws are not endorsed by the rank and file of the citizens of those States and that illustrates a familiar legal maxim "No law can rise above its enforcement." Evidently, the proponents of the pending bill now believe that if they can put the Federal Government into this program in a big way and enough people are intimidated by the threat of imprisonment without a jury trial, new jobs can be created, and through the expansion of Government by injunction we can expand the application of the second greatest of all commandments—"Thou shalt love thy neighbor as thyself." Many church leaders believe that such a program is in keeping and accord with the Sermon on the Mount.

In almost every phase of our daily lives the pending bill seeks to tell free American citizens on what basis they may choose their associates; and for any violation of this legislative formula for human conduct a man can be sent to jail by what could be a biased and unfair judge for an indefinite term and fined an indefinite sum of money. That is the bill, Mr. President, that we were told early in the year we must swallow without any change. But, Mr. President, all the efforts of the White House and all the efforts of racial pressure groups and all the efforts of misguided ministers have so far failed to force the Senate to swallow such a deadly potion.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. The Senator has spoken of the White House. Is it not true that when the O'Mahoney amendment, which was identical with the Morton amendment, which was rejected by one vote last Wednesday, was adopted by the Senate in 1957, it was supported by the then majority leader of the Senate, the then Senator from Texas, who is now the President of the United States?

Mr. ROBERTSON. That is true, except that the O'Mahoney amendment went beyond the Morton amendment. The Morton amendment would apply only to civil rights questions. The O'Mahoney amendment was designed to apply to all criminal contempt cases.

Mr. HILL. The O'Mahoney amendment was even stronger than the Morton amendment, and was supported by the present President of the United States. Is that not true?

Mr. ROBERTSON. That is true.

Mr. HILL. Is it not also true that the O'Mahoney amendment was supported by the late lamented President of the United States, who in 1957 was a Member of this body—President John F. Kennedy?

Mr. ROBERTSON. That is true.

Mr. HILL. Was it not also supported by the present distinguished majority leader of the Senate, the Senator from Montana [Mr. MANSFIELD]?

Mr. ROBERTSON. That is true.

Mr. HILL. All supported this amendment?

Mr. ROBERTSON. That is true.

Mr. President, we are told that, while it would be far better to pass a civil rights bill without any changes, a few changes might not be too bad, especially if, in return for those changes, enough votes could be secured to invoke cloture and force through the Senate a legislative program that to me and to many others is highly obnoxious and repugnant to all of our previous convictions on the subject of States rights and American private enterprise within the framework of American constitutional liberty.

Mr. President, one of those facesaving and assumed vote-getting amendments is known as the Mansfield-Dirksen jury trial amendment. Last week I said that amendment was nothing more than dust in the eyes, that might blind some without technical knowledge of what is involved but certainly it could not fool any Member of this distinguished body.

That sentiment is confirmed by a letter that I received today from Hon. David J. Mays of Richmond, Va., whom I regard as one of the ablest constitutional lawyers in the Nation. He not only is a member of one of the largest and most prominent law firms in the State, but is chairman of the Virginia Commission on

Constitutional Government. He is likewise an author of national reputation, having been awarded the Pulitzer Prize for his outstanding biography of Virginia's great colonial statesman, Edmund Pendleton.

This is what Mr. Mays said about the Mansfield-Dirksen amendment:

> MAY 8, 1964.
>
> Hon. A. WILLIS ROBERTSON,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR WILLIS: You have asked me for an opinion respecting an amendment offered by Senators DIRKSEN and MANSFIELD, in the nature of a substitute for an amendment offered by Senator TALMADGE respecting trial by jury in criminal contempt cases. It is my opinion that the practical effect of this amendment would be to place the Senate's stamp of approval upon a provision which specifically denies the right to trial by jury in criminal contempt cases under the Civil Rights Act.
>
> My opinion is based upon the clear language of the amendment, that "at the discretion of the judge, the accused may be tried with or without a jury." This is certainly strange language to find in legislation which purports to guarantee trial by jury.
>
> The effect of this amendment would be to limit the maximum punishment in cases tried without a jury to a $300 fine and 30 days in jail, rather than the maximum of a $1,000 fine and 6 months in jail if the defendant is convicted by a jury. I am not aware of any provision in our Constitution or Bill of Rights which says that it is proper, in a free nation, to imprison a person accused of crime summarily without a trial by his peers, for 22 days, while it is improper to imprison such a person for 32 days. Merely to state such a proposition is to reveal its absurdity.
>
> The entire concept embraced by this amendment is one of sacrificing principle for expediency. If it were not for my great respect for the dignity of the U.S. Senate, I would be inclined to think that the amendment is being offered to that body simply for the purpose of telling the American people that they will be guaranteed a jury trial, while in fact no such guarantee is present.
>
> Aside from my objections to this amendment on principle, there is a very practical objection. If the owner of a restaurant should incur the wrath of a group of people who elect to proceed against him by court action under the Civil Rights Act, he will find that he can be imprisoned periodically, without trial by jury, for an indefinite length of time, and can be fined many thousands of dollars. For example, if the restaurant owner refuses service to Mr. Smith, and Mr. Smith brings an action, the owner may be imprisoned for 30 days and fined $300 without trial by jury. Upon his release from jail, if he returns to his restaurant and subsequently is found by a judge to be guilty of refusing service to Mr. Jones, the owner then may be imprisoned for another 30 days and fined another $300. This could go on indefinitely and, under the provisions of the Civil Rights Act of 1963, the major expense and difficulty involved in bringing these actions against the restaurant owner would be borne by the Justice Department.
>
> I think it should be made crystal clear that the Virginia Commission on Constitutional Government has no quarrel whatsoever with those who attempt, through lawful and voluntary means, to bring an end to social practices which they deem undesirable. However, when the full force of governmental power is sought to be invoked against private citizens in violation of our Constitution, the Virginia Commission on Constitutional Government is compelled both by inclination and by its duty to oppose such an unconscionable usurpation of power. In my opinion, the effect of the amendment offered by Senators DIRKSEN and MANSFIELD would be to further such a usurpation of power. It follows that I am unalterably opposed to this amendment and to the harmful and unconstitutional forfeitures which it would work upon the liberties of our citizens.
>
> Sincerely yours,
>
> DAVID J. MAYS.

Mr. President, it was a source of genuine distress and disappointment to me when the Senate, by a majority of one vote, refused to go on record last week in behalf of the Morton amendment to the so called civil rights bill which would have preserved the hallmark of a free citizen since the days of King John and which, through the intervening centuries, has been justly and properly regarded as one of our most cherished civil rights; namely, the right of trial by jury in all criminal cases.

In a previous address, I pointed out how a ruthless parliament in the early part of the 18th century attempted to exact heavy and unfair taxes from 3 million colonists on this continent who had no representation whatever with respect to their imposition. I pointed out how that British Parliament, when the collection of those taxes became more and more difficult, resorted to chicanery and provided that the new crimes of failure to pay the import duties on sugar, the stamp taxes on tea, and so forth, should be punished in a court of admiralty, where the defendant was, of course, denied a trial by jury.

That is what we are now attempting to do with respect to the violation of all charges of discrimination in the pending bill. And, of course, the Mansfield-Dirksen substitute for the Morton jury trial amendment, which was defeated last week, is nothing more than what I said it was last week—dust in the eyes that might blind some without technical knowledge of what is involved, but certainly could not fool any Member of this distinguished body. Continuing that thought, I asked the following questions last Thursday of the distinguished Senator from Florida [Mr. HOLLAND]:

> Mr. ROBERTSON. Very well. Then how, I ask the Senator, can any Senator stand on the floor of the Senate and say that he will support putting a person in jail for 30 days by a hostile and prejudiced judge, but that he is not denying that person his constitutional right of trial by jury? Can the Senator answer that question?
>
> Mr. HOLLAND. I hope no Senator will rise in his place and take that extremely difficult to understand position.
>
> Mr. ROBERTSON. It astounds me that I should be told that when the vote comes, we are expected to ratify a most astounding proposal; namely, that being confined for 30 days by a hostile and prejudiced judge is not being committed for a crime, and that it does not violate constitutional rights; but if the judge goes beyond a certain point, the accused can demand the right of trial by jury. Is not the distinguished Senator astounded that sensible Members of the Senate should be asked to accept a proposal of that kind and be asked to call it protecting the right of trial by jury?
>
> Mr. HOLLAND. The Senator from Florida cannot understand how anyone would do so, especially when by so doing he would be winking at the fact that this is probably the closest controversy the Supreme Court has had in a long time, the decision being 5 to 4 with the so-called liberal members of the Court on the side of the four who insisted that there shall be jury trials, and with five members of the Court, in a rather weak decision, issuing what amounts almost to an invitation to a legislative body to take action to get away from a situation which they have made for themselves. I hope that invitation will be accepted.

Mr. President, to return to the underhanded action of the British Parliament of which our colonial ancestors so bitterly complained—namely, to provide for the prosecution of criminal cases without trial by jury—I wish to remind my colleagues of what Thomas Jefferson had to say about that in his immortal Declaration of Independence:

> He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation; for quartering large bodies of armed troops among us; for protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us, in many cases, of the benefits of trial by jury.

Far be it from me, Mr. President, to take from Thomas Jefferson any of the credit due him for his contribution to one of our most cherished documents, the Declaration of Independence but, with all due deference, in the preparation of that document, Jefferson drew liberally upon Virginia's Declaration of Rights which had been prepared largely by George Mason and adopted nearly 3 weeks before Jefferson drafted his famous document.

Mr. HILL. Mr. President, will the Senator from Virginia yield for a question?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alabama for a question, without losing my right to the floor.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

Mr. HILL. The distinguished Senator from Virginia has spoken about the British, and what the Crown had done, and how our Founding Fathers brought about a revolution in order to break away from the injustices and the inequities of the acts of the British Crown. Does not the distinguished Senator agree with the immortal statement of Sir Winston Churchill, who, in his book, "History of the English-Speaking Peoples," declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

Mr. ROBERTSON. That is true. The two greatest statesmen that I have been privileged to know were Woodrow Wilson in this country, and Sir Winston Churchill of Great Britain.

Mr. HILL. Does not the Senator also agree with that great commentator of the law, Blackstone, who declared:

> The trial by jury ever has been, and I think ever will be, looked upon as the glory of the English law. And if it has so great advantage over other in regulating civil property, how much must that advantage be

heightened when it is applied to criminal cases.

> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Mr. ROBERTSON. Blackstone was possibly the greatest commentator upon the common law. Everyone familiar with colonial history knows that we operated under the common law until it was changed by statute.

When I was a law student, we read Blackstone's commentaries. In recent years, the statutes have changed so much of the common law, and statutory pleadings are so much simpler and less technical that they have so far supplanted the old common law writs and declarations that Blackstone has ceased to be widely read. But he does not cease to be the authority on this particular point—namely, that in the common law under which our forefathers came to this country, it was well recognized that when the Crown was a party to a proceeding against a man in any kind of court for criminal contempt, he was entitled to a trial by jury, because Blackstone said that was a crime. That was the way the framers of our Constitution interpreted those proceedings. That is the reason they fully believed, when they provided for jury trials in all crimes, that they had covered the crime and criminal contempt.

I hope that Senators will read the excellent speech delivered by the junior Senator from Alabama [Mr. SPARKMAN] last Friday. Only a handful of Senators were present in the Chamber at the time. Almost everyone except myself, was gone, but I had to remain here to get some scattered thoughts together for my speech today. I doubt if many Senators have read the speech by the Senator from Alabama, in which he showed, from every authority, including law dictionaries, Webster's, and all the other dictionaries, that when a man is put in jail he has been convicted of committing a crime, and that it could not be called anything else. If it is a crime, then I shall show the Senate, that, not only based upon the common law, but the Virginia Bill of Rights, on which Jefferson built his Declaration of Independence, on which Madison and others built the Constitution, on which the Congress adopted the first 10 amendments which we call our Bill of Rights, nothing was emphasized more than the right to trial by jury. I shall come to that point in a few moments.

Mr. HILL. Does not the Senator also agree with Lord Camden, one of the great jurists of all times, who declared:

> Trial by jury is the foundation of the British Constitution; take that away, and the whole fabric would soon molder into dust.

Mr. ROBERTSON. Undoubtedly, it goes back to the days of 1215 and King John at Runnymede. The nobles had complained, among other things, that King John had taken the best hunting away from them—for which I do not blame them—they wished a share of the good hunting, too; but King John would not let them have it. He would grab them and bring them before a judge whom he had appointed and who held office at the pleasure of the King, and who could get preferment by carrying out the wishes of the King.

That judge would give the nobles "the works." They said they had had enough of that; they were going to fight it out along those lines. King John said, "Wait a minute. Don't be too unreasonable. I will make some concessions to you."

One of the concessions laid the foundations of what we now call the right of a man to be proceeded against by indictment, which told him what his offense was, and gave him the right to call his witnesses, the right to interrogate the opposing witnesses, and also the right to have the facts thus developed passed upon by a jury of his peers. If he was of the nobility, nobles passed on the charges. If he was a mountaineer, as I am a mountaineer, a jury of mountaineers would pass on the case.

Mr. HILL. Mr. President, is it not true that under a provision in the pending bill a man could be denied the right of trial by jury, and might be taken hundreds of miles, and even thousands of miles, away from his home to be tried?

Mr. ROBERTSON. Certainly. Notwithstanding the fact that so many of the judges have recently been appointed, the bill provides that the Attorney General could have the prosecution anywhere in the circuit he wanted to have it. That means that a man could be taken hundreds of miles from his home to be tried.

I shall point out how we complained about Britain carrying our people to hostile shores to try them where they would not have a friend to come to their aid.

Mr. HILL. Is it not true that an officer of a company could be charged with violation of the act and might be hauled off to where the main office of the company was located? The corporation might have its main office in Michigan or New York or Massachusetts, with operations in Florida, Alabama, Texas, Arizona, or New Mexico. Yet, instead of trying the accused in the locality where he lives, he could be taken hundreds of miles to where the head office of the company was located?

Mr. ROBERTSON. That is one of the disadvantages contained in the bill which I had not thought of. It is certainly implicit in what the bill provides.

Mr. HILL. It is contained in the language of the bill, is it not?

Mr. ROBERTSON. It certainly is. Undoubtedly that could be done. That is another objection to the bill. We shall never get through, even if it takes all summer, mentioning all of them. I shall mention a few of them today.

Mr. HILL. We have been speaking of some very great English statesmen and English authorities. The Senator may recall what the eminent French philosopher, deTocqueville had to say. He visited in the United States and studied our institutions, our government, and our laws. Then he wrote a treatise well known in history, entitled "Democracy in America." In the treatise he said:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Mr. ROBERTSON. He was eminently right. He more or less paraphrased the objection which Patrick Henry voiced in the Virginia convention of 1788 which ratified the action of the Philadelphia convention of 1787. Among other objections, he said that the power of government goes with the sword, and that when we provide the Federal Government with a great standing army, the States will wind up becoming impotent.

That was one reason why George Mason wrote into the Virginia Declaration of Rights the fact that it is far better to have a State militia than a big standing army.

They were afraid of the power of the sword. They were afraid of the tyranny of the judge who was beholden to the topman, instead of to a man's neighbors, who wanted to see justice done.

They tried to write safeguards into our form of government, to protect us from those types of tyranny.

Yet it is proposed, with one fell blow, to wipe out many of the safeguards and go back on what our ancestors fought for 10 years before they finally declared their independence and started a war which ended successfully for them at Yorktown.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HILL. The bill would destroy the very foundation stone of what all history shows is the basis of all free people, would it not?

Mr. ROBERTSON. There is no doubt about it.

The settlement at Jamestown was made in 1607, and became the first permanent English settlement in this country. The Spaniards came to St. Augustine and other places, but ours became the first permanent English settlement, even though it was almost wiped out. In 1618 the first legislative body met at Jamestown. Then we wanted to establish a school. We appealed to the King of England to give us a charter. He went hunting, and paid no attention to our request. Harvard was started ahead of us. Otherwise, we would have been the first. William and Mary was started second. Incidentally, it was a church school. There is no doubt that it was a church school. Large subscriptions were made to the London Co. in England for churchmen, with the provision that they should carry the Christian religion to the Indians in the new land. One of the first buildings of brick at Jamestown was a church. The remnants of it are still there. I hope Senators will visit it. It is a wonderful reminder of the fact that we started as a Christian nation, from that small beginning. Some wonderful men were trained at William and Mary, a great school. One of the greatest who was trained there was Thomas Jefferson.

I take no credit away from him. However, he had the privilege of drawing on what the Virginia convention did when it adopted Virginia's Declaration of Rights, which had been prepared by an older man than Jefferson, and in many respects his equal as a political philosopher, although he declined high office and subsequently never had the ranking in our history of the great Thomas Jefferson.

On June 12, 1776, the Virginia Convention, assembled in Williamsburg, adopted a declaration of rights which had been prepared by a senior statesman and one of the ablest of the Revolutionary leaders, George Mason. Included in the convention that voted for the adoption of that declaration were Edmund Pendleton, Edmund Randolph, James Madison, Patrick Henry, and most of the other Virginia leaders of that period.

Students of Virginia history will recall that the declaration of rights contained 16 paragraphs. I will not discuss the origin and meaning of all of them since the first two sections stated the essence of the form of government that members of the convention sought to establish and the other 14 were merely corollaries explaining in greater detail the fundamental principles of personal freedom and the right of self-government.

George Mason, the author of our Bill of Rights, knew the Bible, the original source of all law that recognizes human rights, the principles of democracy as enunciated by Pericles some 450 years before the birth of Christ, and the principles of natural law as enunciated by Cicero some 60 years before the birth of Christ. He also drew liberally upon established British principles of freedom commencing with the revision of the Magna Carta in 1215. Referring to the sources of the Virginia Declaration of Rights, a distinguished Virginia scholar and historian, Dr. Lyon Gardiner Tyler, son of President John Tyler, said in his "History of Virginia," published in 1924:

> As regards the Virginia Declaration of Rights, it not only contained all that was valuable in Magna Carta in 1215, the Petition of Rights in 1628, written by Sir Edward Coke, and the Bill of Rights in 1689, written by the great Lord Somers, but it constituted also the most complete statement of the principles of government. Thus its first and second sections expressed the idea of the democracy which lay at the bottom of the whole Revolution, the first declaring "the equal rights of all men, by nature, to freedom and independence" and their inalienable claim to the "enjoyment of life, liberty, property, and happiness;" and the second, declaring that "all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them." While these sections really stated nothing that had not been tacitly recognized ever since the dethronement of James II by people of English descent everywhere, the old form, depicting the king as "the fountain of authority" had been kept up in all legal and political literature in England and America. Now for the first time, fact and form were brought together in official papers. Rights began with nature, and not as concessions of the monarch, and the people, not the king, became the open and acknowledged source of authority.

Section 1 of the Virginia Declaration of Rights reads as follows:

> That all men are by nature equally free and independent—

Mark you, Mr. President, this was the forerunner of our Declaration of Independence. This was the declaration that carried through the meaning of the Declaration of Independence. This is a declaration we can better understand:

> That all men are by nature equally free and independent, and have certain inherent rights, of which when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

The fundamental principles of the sacredness of human life and of the right to acquire and possess property are to be found in the Ten Commandments which God gave to Moses on Mount Sinai some 1,500 years before the birth of Christ. Moses in Deuteronomy enlarged upon those 10 fundamental principles including this instruction to the judges of the courts which he established:

> Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment, but ye shall hear the small as well as the great; ye shall not be afraid of the face of man.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The Senator from Virginia spoke of Woodrow Wilson and also of George Mason, the author of the Virginia Bill of Rights. Is it not true that Woodrow Wilson said that he would rather have been the author of the Virginia Bill of Rights than of any other document ever penned by the hand of man?

Mr. ROBERTSON. That is true. In my judgment, next to Thomas Jefferson, Woodrow Wilson was the greatest scholar and greatest political philosopher who has ever occupied the White House.

Mr. HILL. I am sure the distinguished Senator from Virginia is familiar with the address delivered by Dr. Edwin A. Alderman, at that time president of the University of Virginia, at the memorial exercises held by the two Houses of Congress after the death of Woodrow Wilson.

Mr. ROBERTSON. I certainly am.

Mr. HILL. Anyone who will read that address will agree with the statement the Senator from Virginia has just made. Dr. Alderman made clear what a towering figure Woodrow Wilson was, particularly in his championing of the rights and the freedom of man everywhere.

Mr. ROBERTSON. I wish that some foundation dedicated to the preservation of the Constitution and of what we call the system of competitive enterprise—private enterprise—would republish and distribute on a national basis that wonderful address by Dr. Edwin A. Alderman, of the University of Virginia.

I knew Dr. Alderman for many years. Not only was he a brillant educator; but in his day and time, I thought he was the most brillant orator in Virginia, comparable to any in the Nation.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HILL. I was privileged, as a Member of the House of Representatives, to hear that address by Dr. Edwin A. Alderman in tribute to Woodrow Wilson. I have always thought that it was the greatest address I have ever been privileged to hear, magnificient in its thought, in its logic, and in its language. The whole content was magnificent.

Mr. ROBERTSON. I was not a Member of Congress at that time, but I was active in politics in Virginia. I remember the incident very well.

I remember the great pride I had, as a member of the 3d Infantry Company, of the Second Officers' Training Camp, Fort Myer, in parading down Pennsylvania Avenue in World War I, when Woodrow Wilson was seated in the reviewing stand at the White House grounds. I shall always cherish my memory of that great statesman.

And all students of the Bible are familiar with the frequent references in both the Old and the New Testaments to property rights—condemnation by the prophet of the illegal taking by King Ahab of Naboth's vineyard being an outstanding example.

Among exponents of freedom and equality, none had a greater influence upon Mason than the eminent English philosopher, John Locke.

Locke was the political theorist of the Martin Luther Reformation. He strongly objected to the doctrine of royal prerogatives based upon the so-called divine right of kings. Instead, Locke expounded the belief that individuals, by means of a social compact, formed a body politic, giving up their personal rights to interpret and administer the law of nature in return for a guarantee that their natural rights to life, liberty, and property would be preserved. When injustices became obvious, the people might resist the civil authority. There was need of rebellion, Locke stated, whenever the government endeavored to invade the property of the subject and to make itself the "arbitrary disposer of the lives, liberties, or fortunes of the people." This right of revolution he qualified in two ways. Force was not to be used except in the most serious cases. And only the majority could overthrow the government.

I repeat that statement, in view of what James Farmer said on the "Meet the Press" program last night. Locke said about the cause of the revolution, when people thought the government was not being administered in their interests, that only the majority could overthrow the government.

But if I correctly understood what Mr. Farmer was trying to put across last night, it was this: He represented a group that was dissatisfied with the Government of this country. He was demanding changes in the laws of this country. He threatened political reprisals against the President unless he had such laws passed promptly.

But Farmer did not stop at that. He made what amounted to a threat of revolution if Congress did not act promptly. Revolution? By whom? A majority of the people of the Nation? Oh, no. A revolution by the nonwhites, 10 percent of the population, against the whites, 90 percent of the Nation. I could not construe his threat in any other way.

Mason also drew upon the Greek conception of equal rights when he wrote into the first section of our Bill of Rights:

> All men are by nature equally free and independent and have certain inherent rights; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.

All the members of that convention knew that the equality referred to in the Virginia Bill of Rights related to the inherent rights that were specified—life, liberty with a means of acquiring and possessing property, and pursuing happiness and safety. It was only 18 days after the adoption of the Virginia Bill of Rights that Jefferson presented his draft of the Declaration of Independence to the Continental Congress in Philadelphia, to members of which copies of the Virginia draft of Mason's Bill of Rights had been sent. He shortened and paraphrased the Mason statement but, in the opinion of John Adams, the Continental Congress did not intend to change its meaning. That great son of Massachusetts, Jefferson's opponent for the Presidency, but in later years his warmest friend, was on the committee selected to draft the Declaration of Independence.

When his wife in Boston heard that he had signed a declaration saying, "all men are created equal," she promptly wrote him that he knew that was not true, to which Adams replied:

> You don't understand what we meant. All we meant to say was that all men are born men and not some men and some whales.

Years later, after observing the excesses of the French Revolution, Adams wrote John Taylor of Virginia:

> Inequalities are a part of the natural history of man. I believe that none but Helvetius will affirm, that all children are born with equal genius.
>
> That all men are born to equal rights is true. Every being has a right to his own, as clear, as moral, as sacred, as any other being has. This is as indubitable as a moral government in the universe. But to teach that all men are born with equal powers and faculties, to equal influence in society, to equal property and advantages through life, is as gross a fraud, as glaring an imposition on the credulity of the people, as ever was practiced * * * by the self-styled philosophers of the French Revolution. For honor's sake, Mr. Taylor, for truth and virtue's sake, let American philosophers and politicians despise it.

Now think of what the professional civil rightists, in the name of equality, are trying to do to us.

The action of the Supreme Court in the public school segregation cases of 1954, the multiplicity of so-called civil rights bills introduced in the Congress all testify to the current misconception of the term "equal."

In commenting on the word "equality," Hon. R. Carter Pitman, of Georgia, a distinguished constitutional authority, said:

> No one who helped to write it or who voted to adopt it ever asserted the doctrine of human equality either before or after July 4, 1776, but the Declaration of Independence, like the Constitution, has taken on new meaning by the application of new philosophy and modern authority.

Such, for instance, as the Swedish Socialist Myrydal. The influence which Locke's philosophy had upon Mason is evident not only in the first section of the Declaration of Rights but also in the second and third sections. They are as follows:

> II
>
> That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.
>
> III
>
> That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

Although the writings of Locke and of other noteworthy men greatly influenced Mason, the Declaration of Rights was, by no means, a mere repetition of another's ideas. Admittedly, Mason was not a discoverer in a wholly unexplored field. However, according to a former Member of Congress from Fairfax County, Hon. R. Walton Moore:

> No one will deny that he exhibited astonishing originality in what cannot be regarded as other than a great creative achievement.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. I was privileged to serve in the House of Representatives with Judge R. Walton Moore. He was one of the ablest men I have ever known. He had one of the most profound and analytical minds. No man could express himself with more eloquence than Judge Moore.

He was, as the Senator has said, one of the ablest and most accommodating men I have ever served with in the House of Representatives or in the Senate.

Mr. ROBERTSON. The Senator from Alabama is correct. I was not privileged to serve in Congress with Judge Moore, but I knew him well. He was a real Virginia gentleman. He was polished, courteous, cultured, and highly educated. He was, as the Senator from Alabama stated, an outstanding Member of Congress. He reflected great credit upon the legal profession. He reflected great credit upon Congress itself.

Mason was familiar with the English Bill of Rights of 1689. But that instrument was largely retrospective. The English Bill of Rights contained little or no thought of popular government, for it left the prerogatives of the Crown unimpaired and the authority of Parliament beyond any great control by the people.

The work of Mason applied the principles of freedom, equality, and the social compact to local politics and gave them a new meaning in the American application of a Government, to which the people had delegated certain powers, reserving all others to themselves or to their sovereign States.

A fundamental principle of a representative democracy is contained in section 4, which reads:

> That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

Such thinking derives its origin from Pericles who in his famous "Funeral Oration" stated this principle as follows:

> If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit, nor again does poverty bar the way; if a man is able to serve the state, he is not hindered by the obscurity of his condition.

Mr. President, I wish some Senator who desires to make a rip-roaring speech in behalf of title VII of the bill—the title which is called the antidiscrimination or "FEPC" title, which really will wind up by forcing a quota system on employers on the basis of population figures—would tell us how he can reconcile that proposal with the Athenian Pericles principle, which goes back some 600 years before Christ; on what basis should a man be entitled to preferment in politics, socially or in business?

Mason, like our other forefathers, had seen the numerous abuses which resulted from hereditary political offices, notably the succession of kings. These early Americans, many of whom like James Madison and Patrick Henry, were not large landowners, were determined that the elevation of anyone to a position of authority must depend not on ancestry but on merit. And who should be the judge of merit but the people themselves?

The precautions which Mason insisted upon were later incorporated by Madison in article I, section 9, of the Constitution:

> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state.

Section V required separation of powers between the legislative and executive branches of the government with election by the people for fixed terms.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. The idea was to have what is termed a system of checks and balances.

Mr. ROBERTSON. Absolutely. One would not be elected to office and hold that office for the rest of his life. Members of the House were given terms of 2 years; Senators were given terms of 6 years. At the end of those terms, the Members of Congress had to account to the people as to their stewardship; and if the people did not like what their representatives had done, they could put others in their places.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBERTSON. I do not believe the Senator from Alabama has finished yet.

Mr. HILL. A Federal judge does not have to run for office. He has what amounts to life tenure. Is that not true?

Mr. ROBERTSON. Congress made that provision. I am not sure that Congress was too wise about it. The provision was modified in Virginia. We elect our judges for a term. Some are elected for a term of 8 years, and some for 12 years, but none are elected for life.

Congress provided that once a man was placed on the Federal bench, he would be there for life unless he did something bad, such as committing a crime, that would result in his impeachment. Federal judges do not pay anything into a retirement fund, but if they serve at least 10 years and are at least 70 years of age when they retire, they receive full salary for the remainder of their lives.

When I first became a member of the Committee on Ways and Means, judges said, "You cannot tax us, because the Constitution provides that you cannot reduce our pay during our term of office, and that is for life." But we did tax them, and they did not dare to declare that provision unconstitutional, because we could in turn have legislated a little about that term of office. We could also have passed on their jurisdiction. Federal courts have two classes of constitutional jurisdiction—one is in relation to treaties, the other in relation to actions between States. All the rest of the jurisdiction of the Federal courts is based upon what Congress has allowed them to do.

Mr. HILL. Speaking about the system of checks and balances, is it not true that under the bill, in instances in which the judge would pass on cases the right to trial by jury would be denied the accused party? The judge would be the accuser. He would try the case, and he would fix the judgment. He would conduct the entire procedure, would he not?

Mr. ROBERTSON. There is no doubt about it. The proceeding would not be different from a star chamber proceeding or a court of admirality, under which colonists were punished for failure to pay the import duties on sugar, or the stamp tax on tea.

I now yield to the Senator from Pennsylvania.

Mr. CLARK. I thank my friend. I intended only to comment on a statement made earlier. Earlier in the colloquy something was said about serving in office for life. Two of my favorite Senators, who certainly are serving in the Senate for life, are the Senator from Alabama and the Senator from Virginia.

Mr. HILL. Will the Senator repeat his statement?

Mr. CLARK. I was complimenting my two friends on the fact that they are serving in the Senate for life.

Mr. ROBERTSON. I appreciate that compliment, if it is a compliment, and it was so intended. I did not know that I would be here for life. I shall be frank with my distinguished friend from Pennsylvania and tell him what I have frequently observed to some former distinguished Members of the Senate who no longer could qualify, as it was said of Jacob in Egypt, that "his eye was not dim and his natural forces were not abated," but, I said that if the time ever came when the junior Senator from Virginia was unable to hunt and fish any more, he would begin to think that he was not able to keep up the standard of vigor that he has tried to maintain for the people of Virginia, and it would not be necessary for them to tell him to come home, because a younger man would take his place.

Mr. CLARK. May that time never come.

Mr. ROBERTSON. I thank my friend. That was a real tribute, and I appreciate it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Our friend from Pennsylvania has just risen to the heights of statesmanship; and I wish to join him in that tribute.

Mr. ROBERTSON. It was a real statement of friendship, and I appreciate it.

We have covered five sections of this great declaration of rights.

Section 6 provided for the right to vote for representatives of the people by—now listen, please—"all men, having sufficient evidence of permanent common interest with, and attachment to, the community." Incidentally, no better interpretation of the right to vote has ever been prescribed.

Section VII would prohibit the executive branch from repealing or nullifying laws passed by the legislative branch.

Section VIII is the key section relating to the immediate issue confronting us now—the right of trial by jury. It states as follows:

> That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

I repeat that language, because it applies so strikingly to the proposal and the suggestion that it ought not to make so much difference if a man is put in jail for 30 days of less. This is what was said on June 12, 1776: "that no man be deprived of his liberty"—it did not say for more than a month; it covered 1 day, if he were unjustly deprived—"except by the judgment of his peers."

That provision was referred to in the Declaration of Independence, it was written into the Constitution, and it was repeated in the Bill of Rights to the Constitution.

Section IX prohibits excessive bail.

Section X protects a man's home from search or seizure without a warrant.

Section XI relates to trial by jury in civil cases.

Section XII to freedom of the press; and

Section XIII to a State militia in preference to a large standing army.

The 14th section of the Declaration of Rights is not the work of Mason, but was added by the Virginia Convention. It reads:

> That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Apparently this section resulted from the efforts of those delegates who were concerned over the situation in Virginia's western territory. It extended to the Mississippi River, and Virginia claimed title to the Northwest Territory.

It is interesting to note the relationship between section 14 and the thinking of those delegates in the Virginia Constitutional Convention of 1788 who objected to the Constitution on the ground that the Federal Government thereby created would engulf the States with a tyranny not dissimilar to that of George III. The foresight and determination of men like Mason and Madison established our Central Government as one of limited powers and emphatically affirmed this position with the 10th amendment, which provides that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In section 15 Mason contends:

> That no free government, or the blessing of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Here, perhaps, we find his strongest emphasis upon the principles of morality which are expressed in the Bible. And evidently Mason had the Bible in mind when he called for a "frequent recurrence to fundamental principles."

Finally, the 16th section declared:

> That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violation; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, toward each other.

Last week I received a statement that listed 600 Presbyterian ministers and leading members of the Presbyterian Church urging me to accept the so-called civil rights bill without any amendments. I have just pointed out the history of trial by jury, a cherished right. I pointed out how it was set forth in the Virginia Declaration of Rights, referred to in the Declaration of Independence, put in the original draft of the Constitution, and then incorporated in one of the amendments, the sixth amendment, to the Constitution.

I do not question the sincerity of the preachers who think there are some social injustices, but I ask them how they can justify a program which they say would promote certain constitutional rights for a small minority—only 10 or 10½ percent. I say that all those rights are now guaranteed by State and Federal Constitutions. It is perhaps tedious to enforce some of them, but those rights are now all guaranteed. But assuming it is necessary to legislate, how can they reconcile their proposal to promote constitutional rights for 10 percent of the people with denying trial by jury and other constitutional rights to 90 percent of the people?

I also wish them to explain to me how they can answer a prescription of how to promote brotherly love and good will among the people which is framed in this manner, "Religion can be directed only by reason and conviction."

It may be religion, but I do not call it anything but politics. Some wish to call it religion, but they wish to do it by force. They wish to do it by arresting a man and putting him in jail without a jury trial, to make him more religious.

The Virginia declaration said all men "are equally entitled to the free exercise of religion."

Think of that.

I had an ancestor who split off from the Church of England and preached the principles of the Baptist Church to his people through the bars of the jail in Orange County, Va., where he had been imprisoned for his religious beliefs.

Suppose the views of George Mason, James Madison, Thomas Jefferson and the others who had helped to frame the 16 resolutions to which I have referred, including the fundamental right of religious freedom, had not prevailed. If their views on jury trials had not prevailed, they would not have prevailed on religious freedom. It all went together. Suppose they had failed? What would we probably be facing today? What would be the established church? The Church of England. One would have to contribute to it, whether one wished to belong to it or not. One might prefer to worship in a Catholic cathedral, a Jewish synagogue, or the Little Church by the Wildwood, but he would be arrested if he did.

That was the fundamental principle of religious freedom, and it was said that it could be promoted only by reason and conviction. The Virginia declaration says, "It is a duty to practice Christian forbearance, love, and charity toward each other." But some of the ministers today would put us in jail if we do not do their bidding. This bill, it is said, must be the formula for virtue. As I have tried to indicate previously, such a principle is not in keeping with the Sermon on the Mount.

I wish some of the ministers who are advocating this extension of government by injunction, and this prosecution of criminal contempt before a hostile judge without the protection of trial by jury, would tell me how they reconcile that program of force—force by an imperial Caesar—with the teachings of the Prince of Peace who gave us the greatest sermon that has ever been preached, which no man since that day has ever lived up to, but which still remains the ideal of Christian conduct. How can those two doctrines be reconciled?

Mason's original wording had provided for religious toleration. We owe it to the efforts of James Madison, who, at but 25 years of age, suggested that Mason's wording in the original draft should be broadened into a statement asserting freedom of conscience.

George Mason's Declaration of Rights is particularly significant because its principles, in large measure, serve as the basis for the Declaration of Independence, the Constitution, and its Bill of Rights, and most State constitutions.

Drawing upon the Bible, and the experience in government of civilized nations and applying those precedents to a new theory of government "of the people, for the people, and by the people," George Mason and his coworkers provided for us the priceless principles of constitutional liberty in a unique system of private enterprise. In a brief span as compared to the 900 years of the city-state of Athens, 400 years of the Roman Empire, we have become both the richest and the freest Nation of the world.

All this heritage is now threatened—from without by the forces of communism, armed with nuclear weapons, and at home by those who would abandon the ancient landmarks, set by our fathers, and take us down the road to dictatorship. Under the specious plan of protecting the alleged constitutional rights of 10 percent of our population, we are asked to nullify and run roughshod over the constitutional rights of 90 percent of our population. We may survive a nuclear attack. But we cannot survive, any better than Athens and Rome, moral degeneration and the abandonment of the fundamental principles of self-government and protection from tyranny.

The Mansfield-Dirksen amendment as a substitute for jury trials strikes a vital blow at constitutional liberty.

The immortal George Washington, to whom more than any other one man we are indebted for constitutional liberty, expressed in his Farewell Address the fervent hope:

> That the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

George Washington had great respect and warm affection for his brilliant staff officer, Col. Alexander Hamilton, but stoutly resisted Hamilton's effort at the Constitutional Convention of 1787 to draft the Constitution of a limited monarchy of which George Washington was to be the first king. Washington, with great understanding of human nature, and foresight of what would best promote the happiness and prosperity of the 13 struggling colonies, insisted that the new Government be a Republic with a written Constitution; a government of laws and not of men. Washington, a deeply religious man, wanted that Government to be based upon the teachings of the Bible which recognizes the dignity of the individual; a government that would be the servant and not the master of the people.

The first governmental document of our Nation, the Declaration of Independence, proclaimed the principle of individual importance and inalienable rights. It is presented again by Thomas Jefferson in his first inaugural address. This address looks not only to the rights of man but to the means of attainment. The will of the people, said Jefferson, "is the only legitimate foundation of any government."

Constitutional government is not solely a matter of draftsmanship. England has had constitutional government for centuries, without a written constitution. The fine phrases concerning freedom in the Russian constitution did not save the millions who were liquidated to insure the continuation of dictatorial power. Other countries have drawn up and adopted what would appear on the surface to be very satisfactory written constitutions, but they have not been able to make them live as working instruments reflecting the realities of the Nation for which they were drawn, to make them live in the hearts of the people.

Constitutional government is based upon the recognition that the governors of a nation are not themselves supreme and cannot act arbitrarily; they are trustees for the people and they are bound by the general rules laid down by the people. And this must be recognized both by the governors and by the governed. Constitutional government must be so devised as to enable the people to give effect to their needs and desires, and it must provide for doing this in an orderly fashion, without permitting passing fancies to upset the foundations of the government, and without unduly restricting changing demands arising from changing circumstances.

The Constitution of the United States exemplifies the principles of constitutionalism which I have mentioned. In the Constitution, the people of the United States, acting through their State representatives in the Constitutional Convention and the ratifying conventions, created a unique system of government embodying two basic constitutional principles designed to insure that the government created would be in fact a government of laws and not of men and would in fact be the servant and not the master of the individual.

The first of these great principles is the principle of federalism. The States which sent representatives to the Constitutional Convention and which ratified the Constitution, continued as sovereign States of the United States and became integral and essential parts of the new United States, as such.

The second of these great principles embodied in the Constitution of the United States is the separation of powers between the legislative, executive, and judicial branches of the Government, each coordinate with and equal to each of the others but not entirely independent of the others.

James Madison in No. 51 of the Federalist, speaking particularly of the division of the Central Government into three departments, used language applicable to the separation of powers between the States and the Central Government, as well as to the separation of powers within the Central Government. He said:

> The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of Government. But what is Government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Mr. Justice Brandeis, in 1926, also expressed this principle when he said:

> The doctrine of the separation of powers was adopted * * * not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

The separation of powers between the Federal Government and the sovereign States, in order to provide an automatic check upon oppression and arbitrary government, did not come into being in its constitutional form until after it had been considered again and again at the Constitutional Convention.

Before the Convention, James Madison considered giving the Federal Government "a negative in all cases whatsoever on the legislative acts of the States, as heretofore exercised by the kingly prerogative."

The Committee of Detail, at one point in the Convention's deliberations, recommended that the Constitution should authorize the Congress to provide for the management and security of the general interests and welfare of the United States, with only the general limitation that such power should not interfere with "the government of individual States, in matters which respect only their internal police, or for which their individual authority may be competent."

These proposals do not appear in the Constitution. Instead of such broad and general powers, the Constitutional Convention decided to give the Federal Government only the limited powers specifically enumerated in the Constitution.

The 9th and 10th amendments were added to the Constitution, as parts of the Bill of Rights, in order to make it abundantly clear that the Constitution was a limited document, delegating to the Federal Government only those powers enumerated in the Constitution and reserving to the States or to the people all remaining powers.

In 1819, in the famous case of McCulloch against Maryland, Chief Justice Marshall declared that, while the 10th amendment did not take away from the Federal Government those powers which the Constitution delegated to it, it was an express and explicit reiteration of the principle that the Constitution was a grant of enumerated powers, not an unlimited delegation.

There are, of course, a number of powers granted to the Federal Government in fairly explicit terms. Much of the expansion of these powers since 1789 has been incident to the changes in our civilization. Jefferson once wrote of a trip from Charlottesville to Washington, during which his fastest speed was 3 miles per hour. He would be fascinated by an airplane trip today in 40 minutes. I am sure he would agree that the power in the Constitution to regulate commerce among the several States and with foreign nations extends to railroads, automobiles, airplanes, radio and television, even though these were unknown to the framers of the Constitution.

Much of the expansion of the power of the Federal Government has resulted from enlargement in the construction of certain clauses of the Constitution, some of which were originally intended only as limitations upon the power of the Federal Government.

The Bill of Rights, adopted at the beginning of our national history, contains the guarantee that no person shall be deprived of life, liberty, or property without "due process of law." In his great treatise on the Constitution, Justice Story considered this phrase as a requirement of orderly procedure, in other words a procedural limitation rather than a grant of substantive power to the Federal Government.

The phrase was given no real substantive content until after its adoption in the 14th amendment providing that no State shall deprive any person of life, liberty, or property without due process of law. The opportunities for interpretation of these four words, "due process of law," are tremendous. Under judicial interpretation the words have developed from a requirement of fair procedure to the status of a broad veto power over both State and Federal action. Perhaps as good a statement as any of the power assumed by the Supreme Court under the due process clause of the 14th amendment is that the Court can set aside any State action which it considers too bad. As Mr. Justice Douglas said in a recent dissent:

> Due process under the prevailing doctrine is what the judges say it is; and it differs from judge to judge, from court to court.

One clause of the Constitution which has been expanded greatly is the power of Congress to spend money in aid of the general welfare. The Supreme Court has adopted Hamilton's view of the meaning of the power "to lay and collect taxes, to pay the debts and provide for the common defense and general welfare of the United States" and has stated, in effect, that it would impose virtually no restriction on expenditures which might be made by the Federal Government.

Mr. Justice Cardozo expressed this view in 1937 when he said:

> The conception of the spending power advocated by Hamilton and strongly reinforced by Story has prevailed over that of Madison, which has not been lacking in adherents. The discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power, not an exercise of judgment. This is now familiar law.

The power of the Federal Government has also been increased by what Justice Story called the doctrine of "resulting powers." This is that vague but inclusive power which is said to result from the very fact of the creation of the Federal Government.

Thus, both in the extension of national power by interpretation of express grants such as the extension of the commerce clause to include intrastate business and in converting limitations on Federal powers into grants of Federal judicial power over State action, there has been a manifest shift in our constitutional structure not foreseen by the framers.

The tremendous expansion and development of our Nation in the past 170 years emphasizes the necessity for a division of powers between the Federal Government and the States. The United States today includes a tremendous area and a very wide variety of soils, climates, and physical resources. This diversity was increased greatly by the admission of Alaska and Hawaii to statehood. The United States contains people of widely differing interests and abilities. Some of these variations have been diminished by improvements in transportation, communications, and education, but there are still wide differences in the characteristics of our geography, economy, and our people, not least by reason of their differing abilities and interests. In No. 10 of the Federalist, Madison gave particular emphasis to this as the source of differing interests and parties or "factions" as he called them. He said:

> As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties

> is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

Even though the population of the United States in 1787, at the time of the Constitutional Convention, was less than that of Virginia today, approximately 3,800,000, the framers of the Constitution thought it wise to preserve a division of the Nation into 13 States of varying area and population. Nearly 4 million people could best be governed under a decentralized Federal system, instead of a single centralized authority.

A single unified government for the entire United States would not have given proper scope to the wide differences among the people and their State governments and would have been all too likely to have resulted in oppressive dictatorship. Madison in No. 10 of The Federalist, from which I have quoted, pointed to two elements of the Federal Government which would minimize the undesirable effects of "factions." These two elements were first, the Federal nature of the Government, with a limited Federal Government and many powers reserved to the States and the people, and second, the representative nature of the Federal Government itself.

The representative nature of the Federal Government finally agreed upon gave additional protection to the variety of interests within the Nation.

In the Congress, Senators, being chosen by States, were to be primarily responsive to their States. Until the adoption of the 17th amendment in 1913, they were actually chosen by the legislatures of the States, and, therefore, represented the people of those States only indirectly. Representatives were to be chosen from the districts within States and to speak for the interests of their particular districts.

The President was to be elected by the electoral college under a system, which, as it has developed, gives particular importance to the large States. A candidate who carries New York by one vote receives a huge block of electoral votes which outweigh overhelming losses in a number of smaller States. This system, and the developments which have occurred in party machinery in the national political conventions, have given the large States a particularly strong voice in the selection of the President.

Thus, we see that representative government in the United States is the product of forces and influences which, while they do not necessarily always conflict, do arise from basically different systems of representation.

Of course, all these Representatives should cooperate and work together, and under our two-party system, they do so in the vast majority of matters. But not in all matters. When the interests of a particular State represented by a Senator, or the interests of a particular district represented by a Member of the House, do not coincide with the views of the President or the majority of the Senators or the Representative's party, then the Senator or the Representative must carry out his responsibility to represent the interests of his State or district, in contrast to the other views presented. It is to his own system of representation that he owes his allegiance when these conflicts occur.

In this way the manifold interests of the country, or "factions," are reasonably assured of an opportunity for a hearing for their point of view, an opportunity to make their views known, before legislation is enacted.

To summarize, constitutional government in the United States was framed so as to provide an effective government and at the same time to prevent this effective government from becoming so overwhelming, so oppressive, that the liberty of the individual, and his initiative and enterprise, would be obliterated. These devices include the separation of the powers of the Federal Government into the three great departments, the division of governmental powers between the Federal Government and the several State governments, and the reservation of powers to the States and to the people. These devices, which are basic to our constitutional government, pose many problems, problems which may appear to be completely insoluble in theory.

But the framers of the Constitution, as my quotation from James Madison shows, rose above the theories of political science and organization charts. Instead, they concerned themselves with human nature, with all its potentialities of good and evil. And the successful result of their efforts is a tribute to their wisdom and foresight.

The problems caused by the division of powers—the division between Federal and State Governments and the division between the three departments of the Federal Government—obviously raises questions which are difficult and even irreconcilable in theory. How can both the Federal Government and the State governments be sovereign? How can the executive branch, the legislative branch, and the judicial branch each be supreme and yet each be subject to the control of the others? The answers to these questions do not lie in neat and precise organization charts. The answers to these questions lie rather in the good judgment, discretion, and restraint of the officials who make the Government work and who have made the Government work.

Mr. Justice Holmes, in 1908, expressed the basic problem posed by these divisions of power, when he said:

> All rights tend to declare themselves absolute to their logical extreme. Yet all in fact are limited by the neighborhood of principles of policy which are other than those on which the particular right is founded, and which become strong enough to hold their own when a certain point is reached. The limits set to property by other public interests present themselves as a branch of what is called the police power of the State. The boundary at which the conflicting interests balance cannot be determined by any formula in advance, but points in the line, or helping to establish it, are fixed by decisions that this or that concrete case falls on the nearer or farther side.

These kinds of distinctions, these kinds of practical adjustments, cannot be drawn arbitrarily. They must be drawn on the basis of specific cases, and at times on the basis of trial and error. For this reason the Founding Fathers were wise to limit the authority of the Federal judiciary to cases and controversies. We can understand principles better when they are applied to the specific facts of a specific case.

Legislators, just as much as courts and the executive branch, must bear in mind the need for mutual toleration and discretion and self-restraint. The Federal Government must also bear this need in mind with respect to State powers, and the State governments with respect to Federal powers.

Let me illustrate this need for toleration, discretion, and self-restraint by reference to two broad powers of the Federal Government. These are the money power and the war power. I have already referred to Mr. Justice Cardozo's statement regarding the virtually unlimited power to spend money in aid of the general welfare. Also involved in the money power is that which was expressly granted to the Congress in the Constitution, to coin money and regulate the value thereof. In the gold clause cases decided by the Supreme Court in 1935, and in subsequent cases in 1937 and 1939, the Supreme Court has made it entirely clear that the money powers are for all practical purposes limitless.

The war power, that virtually endless power under which all materials and facilities may be allocated in the interests of national defense, prices may be fixed and rents may be controlled, and men, materials, and land may be drafted, requisitioned, or condemned, is subject to little or no judicial review. Even in the case of President Truman's seizure of the steel mills in 1952, the action of the President was invalidated by the Supreme Court, not on the grounds that Congress could not have granted this power, but on the basis that the President was acting contrary to the decision of Congress.

Mr. Justice Jackson has expressed vividly the dangers to the Nation which arise from these great powers:

> "Two of the greatest powers possessed by the political branches, which seem to me the disaster potentials in our system, are utterly beyond judicial reach," he said. "These are the war power and the money, taxing, and spending power, which is the power of inflation. The improvident use of these powers can destroy the conditions for the existence of liberty, because either can set up great currents of strife within the population which might carry constitutional forms and limitations before them.
>
> "No protection against these catastrophic courses can be expected from the judiciary. The people must guard against these dangers at the polls."

I deplore the effort in the pending bill to promote what is claimed to be liberalism at the expense of constitutional government. Conservatives share the aims and ambitions of liberals to promote the welfare of the individual but differ as to methods. The liberals of the 18th century have become the conservatives of the 20th century, endorsing the principle of constitutional government expressed by Thomas Jefferson when he said:

> I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people."

Referring to the 10th amendment then pending before the States, Jefferson went on:

> To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.

It seems that Jefferson felt that any broader interpretation would reduce the instrument to a single phase, that of instituting a Congress with a power to do whatever would be good for the United States; but as the Congress would be the sole judges of the good or evil, it would be a power to do whatever evil they please.

Let us, therefore, constantly keep in mind the principles on which our constitutional government has been based—the division of powers between State and Federal Governments, with final power reserved to the people and to the States, the division of powers between the three great departments of the Federal Government, and the basic principle underlying these constitutional arrangements—the conviction that the State is created by the people in order to serve the people's needs and in order to enable the people to achieve their maximum potential. If we keep these principles clearly in mind and judge all proposed policies and legislation, such as the pending civil rights bill, in the light of them, acting with discretion and restraint, our constitutional government will continue to make possible in the future, as it has in the past, the greatest freedom and the greatest possibility for development, of the individual for whose benefit constitutional government is created.

We are disturbed by the threat to our freedom of the military power of the Soviet Union. We should be no less concerned by the threat to our cherished institutions by the growing number at home who believe progress will be promoted by the substitution of the welfare state for constitutional government. May our Nation never forget that in the same Bible, from which our Founding Fathers drew inspiration for the drafting of "the most wonderful work ever struck off at a given time by the brain and purpose of man," it is written:

> Remove not the ancient landmark, which thy fathers have set.

The denial of the right of trial by jury in criminal contempt cases is not the only ancient landmark that the civil rights bill seeks to remove. There are other ancient landmarks, including the fifth amendment, which is a protection against a person having to testify against himself.

At a later date, I shall discuss some other phases of the bill which I think do harm and which would remove an ancient landmark.

Mr. SPARKMAN. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield to the distinguished Senator from Alabama. When the Senator was not present, I praised the speech which he delivered last Friday, in which he made it clear that criminal contempt is a crime, and that when a man is placed in jail for criminal contempt, he is convicted of a crime, and that it could not be viewed otherwise.

I yield.

Mr. SPARKMAN. I thank the Senator for those kind words. In speaking of the removal of the ancient landmark, the Senator is correct when he says that there are rights other than the right of a trial by jury. Does not the Senator agree with me that perhaps the basic right of every American citizen is the right, which is guaranteed to him by the Constitution, of a trial by jury when he is accused of a crime?

Mr. ROBERTSON. Undoubtedly. It has come down to us through 700 years. The Senator from Virginia went to great length to call attention to the fact that in article VIII of the model Virginia Bill of Rights, framed by Mason, it was clearly set forth. The amendment was referred to by Thomas Jefferson very briefly. The Senator could not enumerate all of the details in the Declaration of Independence. It was placed in article III of the Constitution. It was then carried forward into article VI of the first 10 amendments.

Mr. SPARKMAN. The Senator has referred to the first 10 amendments, which constitute the Bill of Rights. They had to be agreed to tacitly before the States would vote for the Constitution itself. Is that correct?

Mr. ROBERTSON. There is no question about it. At least four States raised the question—Virginia, Carolina, New York, and one other State.

Mr. SPARKMAN. I believe Pennsylvania.

Mr. ROBERTSON. They all insisted that certain points must be cleared up. Among the points to be cleared up was the right of a trial by jury. There was also the issue of the limitation of the power of the Federal Government.

The bill seeks to expand—beyond any bill which has ever been considered—the powers of the Federal Government. It seeks to expand the powers in a way that was so hostile to our Colonial ancestors that they went to war over it.

It seeks to take away from the people the right of a trial by jury. It seeks to place new crimes before a Federal judge, who could put people in jail without a jury trial.

Mr. SPARKMAN. Is it not significant in the mind of the Senator from Virginia that in the 10 amendments the people insisted upon—which constitute the Bill of Rights—3 of those amendments were devoted to the right of trial by jury?

Mr. ROBERTSON. That is true. They even included the right of a trial by jury in a civil case.

Mr. SPARKMAN. Yes. The Constitution, when it refers in those amendments to the right of a trial by jury, does not read "in certain criminal cases." The language is "in all criminal cases." To me, that seems a point which should be emphasized. Does the Senator from Virginia agree?

Mr. ROBERTSON. That is the exact language.

Mr. SPARKMAN. In another place the language is "in all criminal prosecutions."

Mr. ROBERTSON. The original language was "all crimes."

Mr. SPARKMAN. That is correct. In one place it is "all crimes." In another place, it is, "in all criminal prosecutions."

Mr. ROBERTSON. That is correct.

Mr. SPARKMAN. Is it not provided that the trial, first of all, should be a jury trial; second, that the defendant should be confronted with witnesses who testify against him; that the defendant shall have the right of subpena in order to bring in his own witnesses; and that there be an open and public trial?

Has the Senator thought how many of those rights are disregarded in the proposals of the bill?

Mr. ROBERTSON. Practically all of them.

Mr. SPARKMAN. They are the provisions of the Constitution itself, including the amendments.

Mr. ROBERTSON. That is what our ancestors went to war for in 1776.

Mr. SPARKMAN. Yes. In the Declaration of Independence Thomas Jefferson stated that one of the main causes was that the king had taken away the right of a trial by jury, and had caused writs to be issued that would force the accused to be tried in an area outside his own home district.

Mr. ROBERTSON. What a misnomer it is to call the bill a bill of civil rights.

Mr. SPARKMAN. Are not the basic civil rights contained in the first 10 amendments to the Constitution?

Mr. ROBERTSON. That is correct. I stated before the Senator came to the Chamber that I could not think of any basic constitutional right that anyone could claim, regardless of race, color, religion, or condition of previous servitude, that is not now provided for in the Constitution and in State laws. It may be a little tedious to enforce them all. But they are there.

As I pointed out, and as the commentator on "Meet the Press" tried to point out last night the bill seeks to give to 10 percent of our population rights over and above the rights possessed by the other 90 percent. And one of those so-called rights is that when a nonwhite charges a white with discrimination, the right of a trial by jury is to be taken away from the white.

Mr. SPARKMAN. I thank the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I yield the floor.

HOW THE CIVIL RIGHTS BILL WOULD AFFECT KANSAS

During the delivery of Mr. ROBERTSON'S speech,

Mr. CARLSON. Mr. President, as the Senate continues to debate the civil rights bill, it must be evident to every Member that because of the gravity of the charges against the bill, and because of its sweeping provisions, the bill deserves and will receive a most thorough analysis before final action. The bill is probably the most significant proposal to be considered by the Congress in this generation.

It is difficult to legislate in the field of civil rights because of the emotional nature of the issues involved. The views on this proposed bill—by both proponents and opponents—are extreme. Many of the citizens who write me from Kansas are either adamantly for or against the bill, although they have never read it. To them I say the bill is not as bad as its enemies claim, nor would it produce the benefits which the proponents anticipate.

My own State of Kansas has had nondiscrimination laws on its statutes since 1894. The penalty provisions for enforcement of these laws are even stronger in Kansas than in the pending legislation, because they have been made a part of our criminal code.

We in Kansas have always supported the principles of civil rights. These rights are provided by the Constitution. They are not new. I support the principles in the pending bill, but I shall support some amendments that I believe are necessary to secure a constitutional and effective civil rights bill. In the final analysis, governmental coercion through legislation will not of itself bring an end to discrimination and insure equality of treatment to every citizen. The end of discrimination and inequality of treatment among our citizens will come only when all of us are willing to lay aside bigotry and prejudice and give full credence to the Golden Rule.

In view of the intense interest in Kansas in the pending civil rights legislation, I asked outstanding legal authorities to give me a factual analysis of how the civil rights bill would affect Kansas when it is enacted into law. This analysis deals with every title of the bill, including voting, public accommodations, Government facilities, public schools, Civil Rights Commission, Federal financial assistance, employment, and other provisions of the bill.

I urge everyone interested in the effect of the pending legislation to read and study the summary statement.

I ask unanimous consent that the analysis of the effect of the civil rights legislation in Kansas be made a part of my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

EFFECTS OF CIVIL RIGHTS BILL IN KANSAS

The Civil Rights Act of 1964 was passed by the House of Representatives on February 10, 1964, by an overwhelmingly bipartisan vote of 290 to 130. It is now pending in the Senate. The bill contains 11 titles designed to remedy inadequacies of existing law in the field of civil rights and to provide appropriate, effective, and necessary solutions to pressing problems.

The bill seeks to protect every American's freedom to vote, to go to public schools, to use public parks, libraries, and playgrounds, to make a decent living, and to be served in public places, without regard to the color of his skin, his religion, or his national origin. It will provide legal means for resolving the just grievances of Negroes and other minorities and will aid in settling disputes that have caused tension, bitterness, and outbreaks of violence throughout the Nation. It will help to end unconstitutional and immoral injustices that have been tolerated far too long.

Because Kansas has both a public accommodations law and a fair employment practices law, as well as a statutory prohibition against discrimination in the schools, the bill will have little effect in Kansas.

Here is a summary of what each of the 11 parts or titles of the bill would do in the State of Kansas:

VOTING

Title I: This title deals with voting rights. It eliminates opportunities for the application of racially discriminatory practices in voting and would expedite voting rights cases.

Effect: Since there is no known restriction on voting in the State because of race, religion, or national origin, title I would have no meaningful application in Kansas.

PUBLIC ACCOMMODATIONS

Title II: This provision would ban discrimination or segregation on grounds of race, color, religion, and national origin, in designated places of public accommodation if the operations of such places affect commerce or if the discrimination or segregation is supported by State action. This title would be enforced by civil suits for injunctive relief; neither criminal penalties nor recovery of damages is provided.

The establishments covered by title II are hotels, motels, restaurants, lunch counters, gasoline stations, sports arenas, movie theaters, concert halls, and the like. Most retail stores, professional and service establishments, bars, barber shops, beauty parlors, funeral homes, bowling alleys, and similar places are excluded from coverage, as are all private clubs.

Effect: Since discrimination in public accommodations is already barred under State law, title II would create practically no new rights or duties in Kansas. In fact, the Kansas law is probably broader than the proposed Federal statute. The Kansas statute prohibits discrimination on the basis of race, color, religion, national origin, or ancestry in hotels, restaurants, public conveyances, and any places of public amusement or entertainment which are required to have a State or local license. In addition, the State law, unlike title II, imposes criminal penalties by making violation of the statute a misdemeanor.

Enactment of the Federal provision would in no way impair existing rights and duties under Kansas law.

GOVERNMENT FACILITIES

Title III: This portion of the bill covers public facilities (other than public schools) owned or operated by State or local government units. First, it authorizes the Attorney General to bring suit, when private parties cannot, to desegregate Government facilities which are operated on a discriminatory basis. In addition, it permits the Attorney General to intervene in private suits in the Federal courts seeking relief from unconstitutional actions of officials who discriminate on grounds of race, color, religion, or national origin.

In many areas, Negroes are excluded from public parks, libraries, golf courses, and other State or municipal facilities paid for or operated with tax dollars collected from all citizens without regard to race, color, or religion. Enactment of title III would aid in ending these practices, which are clearly unconstitutional under present law. It would, however, create no new rights or duties.

Effect: Title III would probably have no significant application in Kansas since there are no known instances in which use of publicly owned or operated facilities has been denied because of race, color, or religion.

PUBLIC SCHOOLS

Title IV: This title seeks to aid in elimination of unconstitutional racial segregation in public schools. It would provide for Federal technical and financial assistance to local authorities who are trying to comply with constitutional obligations to desegregate. The assistance given would be wholly voluntary and the administering agency could not require local school officials to do anything they didn't want to do.

Title IV would also authorize the Attorney General to bring school desegregation suits where the parents or students involved are unable to do so. The authority to bring suit would be limited to enforcing constitutional requirements.

Title IV would give no power to deal with de facto segregation resulting from neighborhood living patterns or to require or finance busing of children in order to overcome such de facto segregation or racial imbalance in schools. Similarly, there would be no power to control local education practices.

Effect: Since Kansas law already makes it a misdemeanor for schools to discriminate on the basis of race, creed, or national origin, title IV would seem to have no application in Kansas.

CIVIL RIGHTS COMMISSION

Title V: This part of the bill would renew the life of the Commission on Civil Rights for 4 years and give it new authority to serve as a national clearinghouse for information on denials of civil rights and to investigate charges of fraud or discrimination in Federal elections.

Effect: The Commission has no enforcement functions and is limited to collecting and disseminating information. Thus, title V would have no specific application within the State.

FEDERAL FINANCIAL ASSISTANCE

Title VI: This provision declares a policy of nondiscrimination in programs or activities receiving Federal financial assistance. It directs appropriate Federal agencies to take action to see that the benefits of Federal funds to which taxpayers of all races contribute are not denied because of race, color, or national origin. Termination of assistance is allowed as a last resort, only when all else fails and local officials resist voluntary approaches and insist on continuing to discriminate against Negroes in giving federally financed benefits. All actions under this title are made subject to detailed and extensive protective limitations designed to prevent any abuse. Implementing regulations must be specifically approved by the President and, before any aid may be terminated, full notice must be given the Congress. Final review authority would rest in the courts.

Social security and veterans pensions would not be affected by title VI; neither would FHA and VA mortgage insurance or guarantee programs or Federal insurance of bank and savings and loan deposits. Agricultural subsidies and other farm benefits would not be subject to termination because of discriminatory employment practices by farmers. Aid could not be terminated in one program because of discrimination in another—thus, for example, highway aid could not be ended because of school segregation. Similarly, aid could not be ended in an entire State, simply because of discrimination by officials in one town within the State.

Effect: Since title VI is aimed mainly at discriminatory administration of Federal assistance programs by State and local officials, it is expected to have little effect in Kansas. State policy, as expressed by statute, is against discrimination in public works, of State and local governments. By law, a nondiscrimination clause must be included in all such public contracts. In light of this State policy, it is doubtful that Kansas practices any form of discrimination covered by title VI.

EMPLOYMENT

Title VII: This title seeks to eliminate discrimination in employment on account of race, color, religion, national origin, or sex. It covers discrimination by employers, employment agencies, and labor unions in industries affecting interstate commerce. The title establishes a Federal Equal Employment Opportunity Commission. The Federal Commission would have no authority to issue orders and would be limited to seeking voluntary compliance. Should voluntary efforts fail, the Commission could bring suit in the Federal courts and would have the burden of proving discrimination. Individual suits could be brought only if the Commission failed to sue and, even then, only if one member of the Commission gave his written consent. There would be no authority to require quota hiring to achieve racial balance or to order firing of whites to create jobs for Negroes. Union seniority would not be affected and employers would remain wholly free to hire or fire on the basis of job qualifications.

Effect: Since Kansas already has a fair employment law barring discrimination on account of race, color, religion, national origin, or ancestry, title VII would have little impact in the State. The Kansas law is broader than the proposed Federal law in that it covers all agencies of the State and local government, employment agencies, unions, and employers of eight or more persons. The act is administered by the Kansas Commission on Civil Rights which is authorized to investigate complaints, to offer conciliation, to hold hearings, to issue cease and desist orders, and to fashion positive relief orders, such as reinstatement with back pay. In addition, the commission is to conduct an educational program on civil rights in the Kansas schools.

In view of the extensive coverage of the Kansas law, it is doubtful that title VII would have any significant impact in the State. Since the Federal law would cover discrimination based on sex, an area not covered by Kansas law, there may be some application of title VII in this area. However, there is no available evidence to indicate that sex discrimination in employment presents any problem in Kansas.

Title VII preserves the rights and duties of individuals under State fair employment laws such as Kansas, and specifically directs the Federal Commission to seek written agreements with State fair employment agencies whereby neither the Commission nor any private party could bring an action under title VII as long as the State agency was effectively exercising its power to eliminate and prohibit discrimination covered by title VII. Thus, it is to be expected that discrimination in employment would be handled by State officials under the State law and that title VII will have but little effect within Kansas.

OTHER PROVISIONS

The remaining titles of the bill, titles VIII through XI, deal with procedural, technical, and other matters and would have no significant consequences in Kansas.

TITLE VIII

This title directs the Secretary of Commerce to conduct a survey to compile registration and voting statistics by race, color, and national origin.

TITLE IX

This is a technical provision, amending existing law to provide for appeal from orders of remand in civil rights cases removed from State courts to Federal courts.

TITLE X

This title would establish a Community Relations Service in the Department of Commerce. The Service would be authorized to help in the resolution of racial disputes on a voluntary basis and to cooperate with State and local agencies. The Service would seek to conciliate disputes relating to racially discriminatory practices "which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce." The Service would have no powers of compulsion or law enforcement functions and would treat as confidential any information it received.

TITLE XI

The final title of the bill contains four sections dealing with technical matters. The first preserves existing authority of the Attorney General. The second preserves consistent State laws. The third authorizes the appropriation of funds necessary to carry out the provisions of the act. The final section stipulates, as is usual in comprehensive statutes, that the invalidity of any portion of the act shall not affect the validity of the remainder.

Because many false and misleading claims have been made about the bill, it is most important to note what it does and does not do.

The bill does not affect homes or apartments.

The bill does not take away anyone's right to jury trial. To the extent it deals with jury trial at all, the bill gives a right to jury trial where it would not otherwise exist.

The bill does not tell businessmen that they must serve, or hire or fire any particular individual; retailers remain wholly free to refuse to serve the drunk, the disorderly, the unkempt, etc., and employers remain wholly free to hire, fire, and promote on the basis of ability and qualifications. All that is prohibited is discrimination on grounds of race, religion, or national origin.

The bill does not cover all retailers. It applies only to certain designated places—hotels, motels, restaurants, lunch counters, gasoline stations, movie theaters, concert halls, and the like—all public commercial establishments which are established to serve, and invite the patronage of, the general public.

The bill does not cover private clubs, professions, or service establishments.

The bill does not create any hiring quotas.

The bill does not affect union seniority.

The bill does not require the firing of whites in order to hire Negroes.

The bill does not affect social security or veterans' pensions or bank deposit insurance.

The bill does not permit massive or wholesale cutoffs of Federal assistance.

The bill does not give the Attorney General any unusual powers; he is authorized merely to sue in the Federal courts to enforce constitutional and other basic rights.

The bill does not give great powers to the Federal Government—in every instance, first reliance is placed on State and local authorities to deal with illegal discriminatory practices.

In short, all the bill actually does do, even in areas in which discrimination is most prevalent, is to try to assure for all of our citizens the rights and opportunities which most of us take for granted.

Mr. ROBERTSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 211 Leg.]

Bayh
Beall
Boggs
Burdick
Carlson
Case
Clark
Cooper
Dodd
Douglas
Ellender
Ervin
Fong
Gruening
Hickenlooper
Hill
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Nelson
Neuberger
Pastore
Pearson
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Smith
Sparkman
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER (Mr. WALTERS in the chair). A quorum is present.

Mr. McCLELLAN. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Has the time for germane discussions expired?

The PRESIDING OFFICER. It has.

Mr. McCLELLAN. I thank the Chair.

Mr. President, on last Tuesday, I devoted several hours to preliminary remarks on the history, development, and importance of trial by jury. In the course of those remarks, I made special reference to the role of the jury trial in the early days of our Nation.

Today, I shall discuss the views of the leading judges, lawyers, statesmen and scholars as expressed by them during the past 200 years, regarding the subject matter that is at issue today in the Senate.

Much of this material is contained in the valuable and informative volume entitled, "Civil Justice and the Jury," written by Charles W. Joiner, associate dean of the University of Michigan Law School.

Dean Joiner, who is a scholar of unusual capability, is also a member of the Advisory Committee on Civil Rules to the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, chairman of the Special Committee on Uniform Rules of Evidence for Federal Courts of the American Bar Association, chairman of the State Bar Commission of Michigan, the Committee of Civil Procedure, and the Joint Committee on Michigan Procedural Revision.

Mr. President, with that background, it is not only appropriate, but also informative and instructive to Senators to review this excellent book, written by Dean Joiner. He has written other books, including "Introduction to Civil Procedure," published in 1949, "Jurisdiction and Judgment," in 1963, and "Trials and Appeals," in 1957.

His latest book, the volume to which I have referred, "Civil Justice and the Jury," which was published in 1962 under the auspices of and in collaboration with the International Academy of Trial Lawyers, carries a foreword by the Chief Justice of the United States, Earl Warren, and a preface by Mr. Edison L. Haines, chairman of the Continuing Education Committee of the International Academy of Trial Lawyers.

At the very outset I thus indicate to my colleagues in the Senate, and for the record, that I shall not be quoting from an unrecognized author, but, rather, from one who has attracted the attention of the Chief Justice of the Supreme Court, who thought enough of the book and its contents to write a foreword to it.

Mr. President, in citing and reviewing the previous profound observations, opinions, and utterances of some of our distinguished jurists, students of our legal system, and legal historians, I believe it is most important and necessary to make complete the record of this historic debate. In my judgment, this is a historic debate, not only on the bill as a whole and on the separate titles of it, but on the one issue now pending before the Senate, the jury trial issue.

The past few days have been occupied with debate and discussion by many Senators with respect to the right—I emphasize that—the right of a trial by jury.

Tragically, a few days ago, by a margin of one vote, the Senate ill-advisedly sanctioned the bill as now written, which would deny to an accused in a criminal contempt proceeding the right to trial by jury.

As we consider further this afternoon the immediate issue before the Senate, I should like to have Senators keep in mind the right—not the guarantee to trial by jury, but the right—the right of whom? The right of the accused—to have a trial by jury.

Mr. President, notwithstanding the fact that the hour of germaneness has expired, as I am advised by the Chair, and I could discuss almost any subject and still be within my rights on the floor of the Senate and under the rules of the Senate, I do not propose to discuss anything this afternoon except the pending bill.

For the next 2 or 3 hours I propose to discuss only the jury trial issue which is the pending issue before the Senate.

Everything I shall cite, quote, or discuss will be pertinent and germane to the immediate issue which the Senate is now considering—the right of trial by jury.

After I have spoken on this issue for 2 hours or longer, I may then, if I elect to do so, discuss some other aspects of the bill.

The jury issue is one of the most far-reaching, revolutionary proposals that the bill contains. If I did not think so, I would not dwell upon it at such length. By the narrow margin of one vote the Senate, a few days ago, failed to adopt an adequate jury trial amendment. Before that action of the Senate becomes final and irrevocable, so far as the pending proposed legislation is involved; and before this body reaches the point where it will have no further opportunity to do anything about it, I believe we should continue to discuss it. I shall do so in the hope that, perchance, there may be one or two Senators among us who had some doubt about their position when they voted a few days ago, who will yet see the light and recognize what denying the right of trial by jury, as guaranteed by the Constitution, may ultimately lead to, and what some of the evil consequences of it may be.

I shall read some of the most profound announcements in American history, and also in English history, on the right of trial by jury. But before I begin my discussion of the materials contained in Dean Joiner's volume, to which I have referred with some emphasis already, I desire to quote from the Annals of the American Academy of Political and Social Science of May 1953, an article written by Hon. Curtis Bok, for many years president judge of the court of common pleas, No. 6, of Philadelphia County, Pa. That is a trial court. According to the information I have, Judge Bok passed away a few years ago.

Mr. CLARK. Mr. President, will the Senator yield for a brief observation?

Mr. McCLELLAN. Yes; I am happy to yield to the Senator from Pennsylvania, upon the conditions of the unanimous consent order previously entered.

Mr. CLARK. Judge Bok was a law partner of mine from 1934 until 1936, when he was elected as a Democrat to the court of common pleas, No. 6, in Philadelphia County. He was the first Democrat elected to that office in this century. He was reelected and served as presiding judge of that court. He then ran successfully and was elected to a 21-year term on the Supreme Court of Pennsylvania. Unfortunately, before his term expired, he died of a heart attack. He was a close and dear friend of mine, and was one of the most eminent jurists in my State.

Mr. McCLELLAN. I thank the distinguished Senator from Pennsylvania. I did not have this background on the distinguished jurist from whom I am about to quote. What the Senator from Pennsylvania has said adds prestige and power, in my judgment, to the remarks which I shall now quote. They are found at page 95 of the publication to which I have referred. I wish every Member of the Senate could hear this statement. The title of the paragraph is: "The Right to Trial by Jury." Judge Bok said:

> The point lies in the constitutional guarantee of the right to trial by jury. It is the right, and not trial by jury, that is guaranteed.

Everybody is not guaranteed a trial by jury. What is guaranteed is the right of the accused to have it. It is the right to ask for it and the right to have it granted. That is the issue before the Senate.

The bill as now written disregards that right. It makes no special provisions for that right to be observed, respected, and granted upon the request of the accused. Therefore, what the Senate is dealing with at this time on this issue is the violation of a right guaranteed by the Constitution, a right of the accused to have a trial by jury.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HILL. Is it not true that the bill not only makes no provision for the accused to have the right of trial by jury, but that in its provisions it takes away from the accused the right to have a trial by jury?

Mr. McCLELLAN. It is the intention of the proponents of the bill to take away that right.

Mr. HILL. To deny the accused his right.

Mr. McCLELLAN. To deny the accused his right. A few days ago, the Senate, voted, 46 to 45, to deny the accused that right. It is still not too late to correct that error. If we do not correct it while there is yet time, we shall make a second mistake that will confuse the first. The tragedy is that without such a provision, the bill will become the law of the land, insofar as Congress can deal with a constitutional provision by legislative act. That is what it amounts to. I hope Congress will not do so.

Judge Bok further wrote:

> Had trial by jury been guaranteed, we could easily get rid of it, and probably would have done so long since. It would be crippling if every trial had to be before a jury, since the march of progress has shown many kinds of disputes to be too complex and difficult to be solved by an assortment of the neighbors, and has created many other kinds that are solved apart from the legal system entirely.

At that point, Judge Bok was writing primarily about the right of trial by jury when the amount involved was $20.01 or more. Of course, if every civil case involving many considerations or values had to be tried by jury, no doubt we would long since, as he indicates, have made some provision to remedy a condition that might have developed under such a constitutional provision. Then Judge Bok said:

> The public seems willing to experiment with different ways of settling litigation, as long as it has the right to use the old one when it feels the need.

What is the "old one"? The old one is the right.

The public is willing to make arrangements about waiving trial by jury and to experiment in other ways to avoid burdening court dockets and the courts by having all trials before juries.

But, he says, the public seems willing to experiment with different ways of settling litigation so long as it has the right to use the old one when it fears it is needed. And he is the one who feels the need.

It is not necessarily the court. The court could say many times that it could pass on it, or a three-judge court could pass on it, as some statutes provide. But it is not left up to the court in the Constitution. It is a right. It is a right to whom? It is a right to him who is accused. In the Constitution the court is not given discretion to grant or not to grant it. The accused has a right to have it.

I quote further:

> It felt the need very urgently during the days of prohibition, when the neighbors rather than the judges could be counted on to acquit, even in the face of the tightest evidence.

We say that that is not what we want. We do not want any acquittals in the face of the tightest evidence. Is that what is motivating the insistence upon denying the right of a trial by jury? As this learned judge said:

> It is the existence of the right to a trial by jury that makes possible experiments with other methods.

Without that right being preserved, it might be very difficult to get the opportunity to experiment as we now have the opportunity to do.

That is only one of many authorities whose remarks I shall cite on this issue. But I doubt if there has been any change in the situation with respect to our courts and the trial of criminal issues since the learned judge wrote these statements.

I doubt that there have been any changes since, up to this hour, that would have prompted him to modify or change in any way, or temporarily withdraw the emphatic statement that he makes about the right of a trial by jury.

I quote from the work of one recognized as one of America's greatest legal scholars, Judge John F. Dillon, Storrs professor of law at Yale University in 1891 and 1892.

When we quote these learned jurists of other generations, there are those who may contend, "That is all outmoded. We have a different social order today. We have made great progress. Therefore, the views of those great men of that time are now antiquated and outmoded. They do not fit the needs of modern society today. Their logic and the principles that they espoused do not enable us to deal with the social and economic problems of our time. Therefore, it is necessary to disregard them and modify or amend them according to our own thinking, so as to make them serve our purposes today."

Judge Dillon, during those years, delivered a series of lectures at Yale University which were published in 1894 under the title, "The Laws and Jurisprudence of England and America," in which work he makes some very pertinent observations concerning trial by jury.

This gentleman is the same Judge Dillon who had previously served as chief justice of the Supreme Court of Iowa, circuit judge of the United States for the eighth judicial circuit, and who was also the author of one of the great definitive volumes entitled, "Commentaries on the Law of Municipal Corporations," popularly referred to as "Dillon on Municipal Corporations."

I shall quote from the book entitled "The Laws and Jurisprudence of England and America," a book of which he was the author. I begin my quotations on page 120, under the title of "Trial By Jury":

> I am not able to state how the trial by jury is regarded in its practical workings at the present time—

And, that was 70 years ago—

> I am not able to state how the trial by jury is regarded in its practical workings at the present time by the lawyers, the judges, and the public, in England, or whether it there maintains its ancient popularity. Probably it does; for there judges of ability and experience preside in the courts and have not been shorn of their power so to control the course of trails as to prevent unjust verdicts or the miscarriage of justice. But in this country, I think it is not too much to say that its favor in civil causes has much declined.

I quote further:

> Many of our best lawyers, of the largest experience, in their lighter moods openly ridicule it, and in their more serious moods, openly denounce it. This state of opinion is deeply to be regretted; for no institution can long survive its usefulness, or flourish, when it ceases to cling about the popular heart and to draw life from the popular favor.

I emphasize that he is talking about jury trials in civil causes, not criminal.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the distinguished Senator from Louisiana, under the previous unanimous consent order.

Mr. LONG of Louisiana. Does not the Senator recognize that there is a great distinction between the jury function in a criminal case and the jury function in a civil case? Would it not be fair to say that in a great number of civil cases the judge is more appropriately qualified to decide the case than would a judge deciding upon the innocence or guilt of someone accused of crime?

Mr. McCLELLAN. That could well be true; and it has been so recognized. The burden which would be imposed on a court in requiring that all civil cases be heard by a jury would be so great that we have devised, as I pointed out in an earlier quotation, ways and means to lighten that burden of the court and to make it possible to have litigation resolved without a jury trial in civil cases. But under the bill we are not discussing a civil action. We are talking about criminal contempt. The word "crime" carries with it the connotation of the infliction of punishment upon a defendant if he is convicted of the offense charged. Certainly we have not abandoned the right of trial by jury for people who could be imprisoned upon conviction of a law violation. That is the real issue.

Mr. LONG of Louisiana. Is it not fair to say that in civil cases, usually two people are engaged in a controversy over some amount of money or some thing of value, the controversy being whether one is indebted to the other; and usually money damages or a piece of property is sought—but not the criminal kind of case about which we must worry as to the possibility of tyranny on the part of Government, because in cases of that sort the defendant is subject to the loss of his liberty?

Mr. McCLELLAN. I do not believe there is any question about that. In the bill we are not dealing with money considerations; we are dealing with freedom, personal liberty, the individual's right to remain free. We are dealing with the power of Government to incarcerate a person. That is the burden of the whole problem. The man who is subjected to trial on an accusation against him, may, if he is found guilty, be incarcerated; his liberty may be taken from him for a time, and in effect he is branded as a criminal. Yet he would be denied a right which the Constitution guarantees to him—the right to trial by jury. He could waive that right, but under the Constitution, the framers of our Constitution never intended that proposed legislation should be passed to abrogate that right. That is what it is now proposed to do.

Judge Dillon said:

> I have given some thought and reflection to this subject, but have only time, on the present occasion, to state shortly the conclusions reached—

He refers to some complaints and some ridicule of trial lawyers—civil lawyers—with respect to this constitutional provision, but then he reaches conclusions of his own, which he records.

I shall not read all of them, but I should like to read one or two. Judge Dillon said:

> I consider the trial by jury an essential part of our judicial system. It is a cherished tradition. It is more. Its roots strike down deep into the experience, the life, and the nature of the people who have developed and perfected it. It gives an individuality to our legal system. It is a vital part of it. Its shortcomings are not inherent. If judges will do their full duty, jurors will do theirs. I have tried literally thousands of cases with juries, and the instances are few where I had reason to be dissatisfied with their verdicts.
>
> I recall with interest the views of the late Mr. Justice Miller and the change of opinion on his part on the subject of trial by jury. His opinions are of value, for by general consent he ranks among the ablest judges who have ever held a seat on the bench in this or in any country. He said to me at one time that his notion of an ideal trial court was a court composed of three judges to try all civil issues of law or fact. Some years afterwards, as the result of more observation and experience, he told me he had changed his views, and that he thought juries better judges of fact than judges. We have to lament the recent death of this great magistrate; but not long before that event he wrote a paper on "The System of Trial by Jury," in which he expressed his deliberate and final appreciation of the worth and value of trial by jury. It is a cherished right. It is protected from legislative overthrow by the National and by all of our State constitutions.

I hope that statement will prove true in the enactment of the bill. I hope that the right will be protected, that we shall recognize that it is protected, and that we have not the power. The power has not been granted to the Congress of the United States to overthrow and abrogate that right. That is not merely my opinion of which I am speaking now, though I share it; I endorse it; I approve it; I express it. Those were the words of more learned men in the profession than I.

He said further:

> It is a historical and essential part of the free institutions of England.

If that be true, how much more is it a historical and essential part of the free institutions of the United States? There was long debate on this question by the framers of our Constitution. As I pointed out in my remarks a few days ago, our Constitution probably would not have been adopted except for the fact that those who fought for it were able to obtain a guarantee of right of trial by jury.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I shall yield in a moment.

He said, as I said, but he said further:

> It equally belongs to our own free institutions. It springs out of them, and tends to support and perpetuate them.

What we are about to do today is to remove one of the pillars and towers of strength that perpetuates the freedom and liberty of the American people.

I now yield to the distinguished Senator from Louisiana on the conditions of the previous consent order.

Mr. LONG of Louisiana. Is there any doubt in the Senator's mind that had the framers of the Constitution foreseen certain efforts by various groups in the Department of Justice or any other department of this Government to make it easy to obtain convictions by bypassing a man's right of trial by jury, and using a judge as a vehicle to enforce the law by issuing court orders and finding defendants in contempt of such orders, they would have provided in the Constitution that this type of procedure could not be used?

Mr. McCLELLAN. The Senator is correct.

I should like to read from Francis X. Busch, "Law and Tactics in Jury Trials," contained in the book by Dean Joiner, to whom I referred earlier. He said:

> The draft of the Federal Constitution, as submitted to the various State legislatures for approval, contained but one section (art. III, sec. 2, clause 3) relating to juries. That section provided: "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

It is stated in the book that there was no provision in the draft for a grand jury or for jury trials in civil cases. Under "Opposition to the Submitted Draft," the author states:

> These omissions precipitated one of the bitterest attacks that was made upon the draft. Thomas Jefferson and Patrick Henry were prominent in the opposition. Jefferson's criticism was general, i.e., that the draft contained no "bill of rights." He repeatedly stressed the inadequacy of the document as respected trial by jury.

Since Jefferson is regarded as the father of the Democratic Party, it makes me shudder to think that modern Democrats now, in a matter so vital to the life and liberty of the citizens of this Nation, would repudiate the declarations of principles entertained with the deep convictions expressed by men like Jefferson. I continue to read:

> In a letter to Madison (Jefferson) proposed an amendment providing for "trial by juries in matters of fact triable by the law of the land." Jefferson continued his opposition to the Constitution until it was adopted by Massachusetts with definite instructions to her delegates in Congress to insist upon the Bill of Rights (the first 10 amendments) which had then been drafted. Justice Story, writing at a later period, expressed the universal sentiment of the colonies: "It (the seventh amendment) is a most important and valuable amendment and places upon the high ground of constitutional right the inestimable right of trial by jury in civil cases—a privilege scarcely inferior to that in criminal cases, which is conceded by all to be essential to political and civil liberty."

If it is conceded by all in criminal cases, why is it not conceded and admitted by all today? Is there some element of expediency involved, that is a driving force toward the abrogation of this right?

I say to Senators that the end does not justify those means, however sincere, however devoted, however deep the conviction that this bill ought to be passed, and that its general objectives ought to be achieved. This attack and assault upon a basic, fundamental part of our liberties, and one of the most cherished rights guaranteed to our people, is unwarranted.

Judge Dillon further stated:

> It is my firm conviction that the love of liberty—of liberty regulated by law—and a general and habitual reverence for and obedience to the Constitution and the laws, are the only ties which can surely hold together our vast Republic.

We sometimes use the term "eroding away of our liberties and the fundamental principles upon which our liberties rest." This is what Judge Dillon said:

> A general and habitual reverence for and obedience to the Constitution and the laws, are the only ties which can surely hold together our vast Republic.

We are tampering with something sacred. This tampering could do injury that could not be easily repaired. If we tamper in one place, it creates a temptation to tamper in others, and such tampering will occur. It is best not to begin to try to override and abrogate express provisions of the Constitution.

Judge Dillon further said:

> These are the sources of our greatness and the foundation of our hopes. Let us never forget the truth so nobly expressed by Burke: "Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all."

This is what Judge Dillon said about criminal cases; and I invite careful attention to this statement on the part of those who may read the RECORD. Again I remind our colleagues that we are making a record on this issue for history and for posterity. We can write a good record by respecting the Constitution and by protecting its provisions. If we do not reverse the trend of this body, we shall write an evil record and a record of wreckage and a record of destruction.

Reading again:

> Let us never forget the truth so nobly expressed by Burke.

Then he said:

> In criminal cases, there is no substitute for the jury that would be acceptable to the profession or endured by the people.

I do not know that I have any wisdom that would warrant trying to predict what will happen if we deny this right to a trial by jury, as the bill proposes. I am not sure that the people would long endure this imposition upon them. It would be hoped that they would find some way to obtain relief from such a burden and such an imposition by resort to the courts.

I have one lingering hope left that even, if the Senate places its sanction upon a denial of the right to trial by jury, if this body does again, as it did a few days ago by the narrow vote of 1 majority; and undertakes to abrogate this constitutional right, when the issue next goes before the Supreme Court, one judge will have a change of heart and rectify the mistake the Court made when it held—by the margin of one vote—that a defendant is not entitled to a jury trial in a criminal contempt proceeding.

Judge Dillon stated further:

> In the solemn act of passing upon the guilt of those charged with offenses against the public, the jury represent the majesty of the people as a whole; and when acting under the guidance of a capable judge their verdicts are almost always right.

Mr. President, there is one phrase in that quotation which I like. It has a noble ring:

> The jury represents the majesty of the people as a whole.

The majesty of the people.

This is a people's government, wherein rights and powers repose in the people themselves. Those rights were granted to them by express provisions written into the Constitution. One of those rights was retained by the people, the right of trial by jury.

Yes; "the jury represents the majesty of the people as a whole."

Mr. President, Judge Dillon further stated:

> In the occasional cases where the offender has been almost more sinned against than sinning, but which cannot be anticipated or expected from the criminal code, and where the offender is consequently technically guilty and a judge would feel bound so to decide, the jury administer an irregular equity, not capable of being defined and formulated, nor of a nature to be expressly sanctioned by the lawgiver, but which satisfies the judgment and conscience of the community without overturning the criminal statute which still stands intact.

Mr. President, he who would reform or revise that procedure, to deny or prevent such verdicts from being made, would not add strength to our system of judicial restraint and justice.

I referred to Thomas Jefferson a moment ago and quoted some of his remarks. This is from the book "Democracy," edited by S. K. Padover. Thomas Jefferson said:

> Trial by jury acts as the only anchor ever yet imagined by man by which a government can be held to the principles of its constitution.

Are we going to do away with that anchor? I hope we are not.

Mr. HILL. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Alabama under the same conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. In connection with the thought the Senator just quoted from Thomas Jefferson, did not Thomas Jefferson also say:

> Trust no man. Bind all men by the chains of the Constitution.

Mr. McCLELLAN. The Senator is correct. The question arises, Has the Constitution bound all men? It is so intended. Its words bind them. Its spirit binds them. But will the action of men on this issue now conform to the letter and the spirit of that Constitution? Shall we seek to strive for some avenue of evasion? Is that what we are doing?

Mr. President, we cannot do such a thing. We cannot do it in one instance without inviting it in others. If it has become intellectually smart, or a form of modern wisdom and intellectualism, to find ways and means to circumvent, abrogate, abandon, and disregard the plain letter and spirit of the Constitution, and if we have reached that stage in the Halls of Congress and in the chambers and on the benches of our judicial system, tragedy is not far down the road.

I should like to read what Chief Justice Warren said in his foreword about the book from which I am quoting, written by Charles W. Joiner. I am not reading what some crackpot has written. These are not the ideas of inferior, less-known, inexperienced members of the American bar. These are the leading lights. This is what Chief Justice Warren said:

> The men and women who are called upon to serve in juries in both our Federal and State courts have maintained a standard of fairness and excellence throughout the history of our country. They have demonstrated a vision and a will toward the administration of justice that is a wellspring of inspiration.

If that be true, what prompts us now to try to do away with it in cases that may arise out of the proposed legislation? There is no sound reason for it. There may be a motive, but there is no sound or logical reason for doing it, and no just reason, in my judgment, for doing it.

The Chief Justice continues:

> It is, therefore, with confident anticipation of their continued service as jurors, and with the highest respect for our jury system, that I welcome this further analysis and study of the history and operation of the civil jury in our country.

That, in my judgment, is a very good endorsement of the book.

Mr. Edison L. Haines, chairman of the Continuing Education Committee of the International Academy of Trial Lawyers, wrote the preface for Dean Joiner's book. He said this in his closing paragraph:

> If the civil jury is to survive, it will be because of the faith of the American citizen in a system of justice that brings his independent fellow citizens into the resolution of his disputes.

Mr. President, we may improvise on that, and we may, by statute, in violation of the Constitution, in my judgment, vest that power to resolve these disputes in three judges or in one or more judges, but we shall not be improving the system; we shall be impairing it.

In the introduction of his book, Dean Joiner said:

> The jury is one of our oldest and most deeply rooted institutions. To many it is the most revered of all. Like legislative government and the court system, the jury is protected in most constitutions and antedates all of these constitutions by centuries.

The jury system is not something new. It is one of the stalwarts of our liberties.

Dean Joiner says:

> It has been eulogized by judges and lawyers in terms more glowing than have been applied to any other institution; yet in the 20th century it is under severe attack from many sources.

I regret that in the Senate today this great institution of ours is under attack by men who have taken an oath to defend and preserve it.

I quote from the last two sentences of the introduction of Dean Joiner's book:

> This book, then, is first a critique of the jury today, and second, a collection of thoughtful statements about various aspects of the jury made by observers during the past 200 years. It is not, nor does it purport to be, based on new research or new facts. Its purpose is limited: To help laymen understand and think about issues involving the jury—issues with which they may soon have to grapple.

Mr. President, today Congress is grappling with them. The book was published in 1962, a little less than 2 years ago.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from Alabama upon the conditions of the previous unanimous-consent order.

Mr. HILL. The distinguished Senator from Arkansas has made such an able speech on the right of trial by jury that I hesitate to interrupt him. But he has quoted some fine, compelling authorities in behalf of the right of trial by jury. I have one before me, written by Ronald L. Goldfarb, of the Department of Justice. Mr. Goldfarb is the author of a book entitled "The Contempt Power," published by the Columbia University Press. That press is operated by the great Columbia University, in New York City, an institution that gave us the former dean of its law school, the late Harlan F. Stone, to be a Justice of the Supreme Court of the United States and afterward Chief Justice of the Supreme Court. Mr. Goldfarb, of the Department of Justice, makes this statement:

> It could well be suggested that, most peculiarly, in contempt cases the jury has a valuable role. First, it brings the public's attention and interest to a dispute which is usually an official, governmental one. Public enlightenment, even if only through jury representation, has been characterized as an "indispensable element in the popular vindication of the criminal law." This participation hopefully encourages popular understanding and acceptance of the administration of justice. Second, the jury may serve as an insulation between the alleged offender and the offended party, who is sometimes the judge and sentencer.
>
> This conservative deliberation in an otherwise unlimited, uncontrolled situation allows the jury to function as a wall against possible abuses by governmental powerholders upon individuals. The general public may look with skepticism upon a judicial process which allows one man to be judge, prosecutor, victim, and jury, but as Justice Black aptly pointed out there is inclined to be less false martyrdom where a jury convicts.

I am sure the distinguished Senator from Arkansas agrees with that statement.

Mr. McCLELLAN. I very much agree with it. I thank the Senator for reading it. It is appropriate to have it appear at this point in the RECORD.

Again, I say we are making history, whichever way the decision on the jury trial proposal ultimately goes. The opinions, the comments, and the expressions of convictions that have come down to us from the highest and ablest jurists during the past two centuries, which I am today placing in the RECORD and commenting upon, will be a part of the history of this debate. Future generations looking back to this day—the day when those of us apparently in the minority were fighting this proposal, so as to preserve the right of trial by jury—will see the support and the verification we had for our argument, and the persuasion we were able to use, that had come down to us from the wisdom of the ages.

On the other hand, if, unfortunately this great deliberative body should ultimately place its stamp of sanction upon the abolition of jury trials in criminal contempt cases, those who read the RECORD, looking back to this day, will see with regret and disappointment, that a tragic error was made by their representatives in Congress, in that at least an attempt was made by statute to take away from them that great right.

This is a historic debate. The record now being made will be referred to for generations to come, regardless of how the vote finally goes. These are not idle hours. Call it a filibuster. Who cares? It was called a Revolution when our forefathers went out, and fought, and died to establish liberty in this land. They may call it what they will. I am happy to be associated with those who have a conviction and who are willing to stand here, with all of their might, and all of their strength, and who try to protect reverently the Constitution of the United States, and preserve it for posterity.

Who would apologize for it? Ridicule it. Make the most of it. Contribute to the destruction of one of the cherished rights guaranteed by the Constitution. Do it, and look down the vista of years for another decade. Then turn and look back upon our action and see if we are proud of it.

I will stay with the Constitution, that sacred document, the most sacred ever struck off by pen in the hand of man. I do not propose to dilute it, to abrogate it, to destroy it, to abandon it, or to nullify it.

If our Founding Fathers had not had convictions that they were willing to fight for and to die for; if they were not willing to ignore the taunts, and the ridicule of the critics of their time, there would not be this institution today—the U.S. Senate. If there is not a sufficient number of Senators who are willing to stand in the Chamber and be accused of being filibusterers, if there is not a sufficient number to stem the tide that threatens to sweep away the constitutional rights of our citizens, the Constitution with its liberties and guarantees, will not long endure. Make the choice. This is no idle hour in the history of

America. This is the hour of decision; and Senators will make that decision.

I do not ask people to write their Representatives and Senators. That is not my practice. But, it is time for the American people to become conscious, to become informed, and to recognize what is about to happen to them.

Some say, "We merely want it for civil rights." We are talking about the basic fundamental of liberty, and the right of him who is accused. Are we willing to pay that price to mollify, satisfy, and placate a group or an element who are now saying openly, on television, on the radio, and in the newspapers: "If you don't pass the bill we want, we will engage in civil disobedience and violence"? Is that the America we love? If it is, yield to them. Let Senators be afraid. Let them shiver in their boots. Let them bow in submission to the threats and intimidation, if that is the kind of America they want. I do not want it. I will not bend my knee to them.

There are some great doctrines of truth in the quotations I am placing in the RECORD today. They are truths. They are pillars of truth upon which the destiny of our Nation rests. Remove those pillars and the foundation will not sustain the liberties that we cherish.

I am not the only one. I have been taught to express some thoughts of my own. But every thought that I have expressed is fortified and reinforced by the most learned jurists in the history of the Nation.

In 1830, Justice Storey wrote:

> The trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude, and every encroachment upon it has been watched with great jealousy. * * * One of the strongest objections originally taken against the Constitution of the United States, was the want of an express provision securing the right of trial by jury in civil cases. As soon as the Constitution was adopted, this right was secured by the seventh amendment of the Constitution proposed by Congress; and which received an assent of the people so general as to establish its importance as a fundamental guarantee of the rights and liberties of the people.

Justice Storey was talking about the right of a trial by jury in civil cases. If the right is that important in matters involving money, how much more important and sacred is it when a man's life and liberty are the issue being tried?

The American people, if given the opportunity to answer this would not quibble about it. But some Senators are willing to arrogate to themselves the right to tamper with the Constitution.

In commenting upon what Justice Storey wrote, Dean Joiner, carrying further the thought which he quoted from Justice Storey, said:

> Do thoughtful lawyers and laymen still feel this way?

That is, is it still dear to the American people? Do they still feel that it is vital to their liberty and to the preservation of freedom in our Republic? Do thoughtful lawyers and laymen still feel this way?

He said further:

> It seems fitting to conclude this paper with an examination of the opinions of others about the jury. The opinions of contemporary trial lawyers are reported in this chapter, while in the subsequent portion of the book the opinions of scholars, lawyers, and judges are recorded.

As I pointed out a moment ago, that is primarily a discussion of the right of trial by jury in civil actions. I shall not take time to read all of the comment and the quotations from others, because we are not dealing with a civil process. But what is involved is a criminal prosecution, a prosecution for criminal contempt.

As I said a moment ago, the Constitution guarantees the right of trial by jury in litigation involving material things where the value is more than $20. The citizen has a right to demand a jury to resolve the issues in such a case. How much more sacred is it if, as in this case, it is proposed that in a criminal proceeding, the judge shall have the right to incarcerate the defendant for 45 days in jail and fine him $300?

Mr. President, the amendment which is pending would not do anything except to cut down the term of the jail sentence from 45 days to 30 days. That is a wonderful remedy, is it not? Is that a compromise? It would be very comforting to the man who might be unjustly accused and who under the Constitution would have the right to a jury trial to be told, "We are going to cut down the penalty. We will let the court put you in jail for 30 days rather than 45 days. You are not to complain any more about not having the right to a jury. We have made a great concession to you."

Mr. President, others may regard that proposal as a great concession, but I join with the individual citizen who might be unjustly accused. I share his sentiments about it. I do not believe that it is any great concession. If I were convicted and sentenced, although I might be innocent, I would rather get the 30 days than the 45 days. That would be human nature. But I would be branded as a criminal just as much with the 30-day sentence as I would under a 45-day sentence. My character would be stained. My reputation would be impaired to the same extent whether the term of imprisonment were 30 days or 45 days.

I should like to revert now to further statements by the author of "Civil Justice and the Jury," by Dean Joiner.

There are those who contend that the proceeding for criminal contempt that would be authorized under the pending bill would be a civil proceeding; but I maintain that a civil proceeding that carries with it criminal punishment and is more criminal in consequences is more related to the consequences of criminal law than it is to that of civil procedure. So I should like to quote this author's version of trial by jury with respect to civil proceedings and civil disputes, if by any process anyone concludes that these proceedings under criminal contempt would involve a civil issue. Under the paragraph headed: "Judge and Jury," the distinguished author writes:

> This double-headed agency is the method commonly accepted in this country for resolving civil disputes.

The double-headed agency to which he refers is the judge and jury. He states further:

> Its long history, dating back more than 500 years, provides its stability and acceptance by the public as a means of dispute resolution. The jury is selected on an ad hoc basis from the public at large, participating in dispute resolution as the agency which decides what the facts are and applies to those facts the legal doctrine stated by the judge. The advantages of this form of dispute resolution are many. (1) It is generally accepted by the public; (2) The division of authority between judge and jury provides a system of internal checks and balances within the trial process itself.

Mr. President, one of the great safety valves or safety bulwarks of our system of government is the system of checks and balances that has been provided in the internal mechanism of our republican form of government. I continue to read:

> (3) It is more accurate and fair in the application of general standards or rules of law; (4) There is less chance of background prejudice to the factfinding process; (5) It permits citizen participation in government; and (6) It lessens the chance of undoubtedly expanding bureaucracy in the dispute resolution process.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from Alabama.

Mr. HILL. As I said before, the Senator from Arkansas is making such an able speech and is so compelling in his arguments that I hesitate to interrupt him. But in connection with what he has just said, I should like to call attention to a part of the opinion by Mr. Justice Black in the case of *Green* v. *United States*, 356 U.S. 165, handed down in 1957.

> Summary trial of criminal contempt, as now practiced, allows a single functionary of the State, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in judgment on his own charges, and then within the broadest bound to punish as he sees fit. It seems inconsistent with rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the State. No government official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings by improper understanding or by excessive zeal. Frank recognition of these common human characteristics, undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses thereby securing the people's liberty.

I am sure the Senator from Arkansas would join the Senator from Alabama in strongly commending this declaration of what the law should be.

Mr. McCLELLAN. On that occasion Justice Black rose to the heights and stature of judicial dignity, prestige, and majesty. I salute him for it. It is exactly in line with what the author from whose work I have been reading stated in the six points I read with respect to judge and jury, the system that operates in civil cases. Dean Joiner, after mentioning the six specific advantages that flow from the jury system in civil cases, continues:

> Of these methods, the judge and jury is the method having the longest history and the greatest acceptance in the United States. The civil jury is enshrined in the Constitution of the United States and in most State constitutions. The seventh amendment to the Constitution, for example, is couched in these terms:
>
> "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

Similar language is found in State constitutions. Truly the civil jury as a means of resolving civil disputes is an American institution.

Whatever its term, whether it be a civil proceeding with a criminal penalty attached, or a criminal proceeding from the beginning, in which a man is tried and his liberty is placed in jeopardy, the right to trial by jury is sacred. Our Founding Fathers thought so, and so declared. Who are we, of this body, not only to resist it but to attempt, unconstitutionally, to change it, to abrogate it, to nullify it?

Mr. President, I wish to read further statements from the book entitled "Judge and Jury," by the distinguished author Dean Joiner, that emphasizes the sacredness of the right of trial by jury, and which discuss various aspects of such proceedings. Dean Joiner said:

> When a jury case is ready for trial, it is assigned to a particular court. Under the guidance of a judge, names of jurors originally chosen from a cross section of the community are drawn by a court officer, and the jurors are questioned by the lawyers or the judge to determine their fairness and lack of bias. Those who appear biased, are challenged and excused from the case. Twelve are finally accepted as the jury and are sworn to try fairly and impartially the issues in the case.

Mr. President, I pause to emphasize the protection which is afforded to litigants in a civil case. They have the right of peremptory challenge of some who may be called as jurors to try the issues involved in the litigation. That same statement is true in cases in which one is accused of crime and is permitted to have a jury trial. He does not have to accept every juror who may be called and who may qualify from the standpoint of being eligible and qualified to serve in a particular case. He is permitted to exercise a number of peremptory challenges. He participates in that way in selecting those who are to judge his case and those who are to be entrusted with the power to inflict punishment if he is found guilty.

But if we deny that right of trial by jury, the defendant or the litigant, even in civil cases—and the defendant particularly in a criminal case, or in a civil proceeding, which involves a criminal penalty, as some would argue on the particular issue here—would be denied the choice of a judge. He would have no choice. He would be compelled to accept whoever happened to be the judge.

He has no protection. The judge may be prejudiced. There are just as many reasons to assume that a judge may be prejudiced as there are to assume that a jury of 12 may be prejudiced. So the victim—and in some instances he would actually be a victim, an innocent person charged with an offense—if he had no right of trial by jury would be at the mercy of one man, and could very well be—and we know from human experience sometimes he would be—at the mercy of a prejudiced judge. On the other hand, if he is entitled to a jury trial, and is granted one, as the Constitution says he has a right to have, it is not likely that the 12 men accepted on the jury, the 12 men that he and his counsel participated in choosing or accepting, would all be prejudiced against him.

Assuming one or two might be, he would have the opportunity to get rid of those who might have a prejudice against him. Even if there should remain on the jury one, two, or more who entertained such a prejudice, and who would be guided by prejudice, and would render their verdict accordingly, still he would not be convicted. There would be a hung jury, because all 12 must agree before a judgment of guilty can be accepted. Thus, he has that protection.

The strangest thing about what is happening in this body is that those who classify themselves as liberals with a measure of pride, with the words "I am a liberal," are those who want to take away this great protection that has been handed down to us as a bulwark of freedom. Why? Is the pressure that great? Is it that irresistible? Does it have that much power and influence upon the decisions and actions of Members of this body?

Mr. President, I can find no other logical reason.

Are we saying now that we cannot trust juries in this character of case? If we say it in this instance, in the next instance there will be another character as to which Congress will be asked to make an exception with regard to jury trial because a jury cannot be trusted in that character of case. Where will it end? Are we by our actions triggering into motion forces that will ultimately wipe out trial by jury for our children and future generations?

This is an important hour. Some of the press and others may ridicule it as the hour of the filibuster. But again I assert that this is an hour of decision that involves the very pillar of a freedom we have enjoyed, the right of trial by jury, which our Founding Fathers made sacred by explicit terms, by the letter and spirit of the Constitution. It has given us life as a nation, and has given us the greatest progress that civilization has ever known. It has brought to the individual the greatest measure of protection, freedom, and liberty, that has ever been vouchsafed to any citizen under any form of government.

I do not propose to be a party to setting in motion forces that would ultimately destroy this liberty and take away the rights that have made our liberties secure.

This eminent author continues:

> Both lawyers are permitted to explain to the jury and the judge what their case is all about. This is called an opening statement.

Many of my colleagues are lawyers. How we like to get up before the jury and, having faith in our clients' cause, lay the foundation in the opening statement and alert the jury as to what to look for and expect. I do not say that cases are won by an opening statement, but he who can present to the jury clearly what the issues are, and alert them as to what to expect to find in the testimony, and explain the issues and state what the facts of the case will be, frequently sets in motion the process which results in victory for his client, if he does not mislead the jury as to what the facts will be.

I have regarded the opening statement as very important, because it is the first time the lawyer stands before the jury. It is the first time he makes an impression. If he makes a bad impression, he is handicapped throughout the proceedings. If he makes a good one, if he gains the confidence of the jury, he has an easier row to hoe in the process of presenting evidence, arguing objections, and dealing with the technical aspects that often are involved.

I continue to read from the book:

> It serves the basic function that the picture on the cover of a jigsaw puzzle serves for the person attempting to fit the pieces together. The opening statement gives a relatively complete picture of the facts of the case as seen by the lawyer describing them. This permits the jurors to have an organized look at the case in advance. When the evidence is introduced, the jury will be able to fit together the various bits and pieces into an intelligible whole. After the opening statements, the lawyers are permitted to introduce their evidence.
>
> First the evidence for the plaintiff is produced, mainly through the interrogation of witnesses who tell what they know about facts relevant to the issues of the case. In addition to this, documents or other exhibits having a bearing upon the issues may be produced. The defendant's lawyer may cross-examine each witness or challenge the documents as a means of testing the correctness of the assertions or the validity of the documents. It is the judge who determines whether or not the evidence shall be received.

That is where legal training is essential to the trying of cases.

> After the plaintiff's evidence is produced, the defendant's lawyer follows a similar procedure. The plaintiff's lawyer is given the right to test by cross-examination.
>
> After all the evidence has been submitted to the jury for their consideration, each of the lawyers is permitted to summarize his contentions in a final statement before the jury. Each lawyer attempts to demonstrate why his witnesses should be believed, why his theory of the case has been proved, and the logic of his contentions. In other words, the lawyers at this point are assisting the

> jury in analyzing and sifting all of the various evidential pieces that have been brought before them.
>
> Following these final arguments, the judge instructs the jury on the law either by reading or speaking extemporaneously to them the rules of law applicable to the issues in the case and the facts as brought out by the parties to the dispute.
>
> It is from these instructions that the jury is finally apprised of each issue to which it must direct its attention and is told of the applicable standards that must be used in deciding these issues.
>
> Having heard the facts, having been assisted by the lawyers, and having been instructed on the law, the jury retires to a private room to consider its verdict. The jury's obligation at this point is to resolve the fact disputes, apply the legal doctrines which the judge has mentioned in relation to them, and bring back a verdict in favor of the plaintiff or the defendant. This verdict is the basis of the court's final decision which is called a judgment.

Mr. President, the procedure is not substantially different in the prosecution of a person for crime.

> The significant differences between a trial before a judge and jury and a trial before a judge alone are these:

These are the differences as envisioned and declared by this learned author.

> One, when a trial is before a judge alone and there is no jury impaneled, the public is not brought into the case and the obligation of decision rests upon the judge's shoulders.

How much more true, that is, Mr. President, when a man is charged with a crime and we fail to bring the public into the case. We try him by a judge alone, instead of bringing in the public—a jury of his peers—as required by the Constitution.

We let the responsibility fall upon the shoulders of one man, someone who may not be prejudiced—and most often, of course, he is not prejudiced—but who may be prejudiced against the defendant. Under those circumstances, the defendant has no remedy. He is charged with a crime. He is brought before a tribunal of one person. He is compelled to stand trial. He is compelled to accept the verdict on the facts. Whatever the judge finds to be the facts, the defendant is compelled to accept them.

> 2. In a trial before a judge alone there is no adequate way to detect unconscious bias or prejudice on the part of the judge and to challenge him for it since lawyers cannot conduct a "voir dire" examination of the judge, as they do the jury.

The defendant, through his attorney, cannot question the judge and ask, "Have you any prejudice?" He cannot go into the judge's background to inquire with respect to those things which might throw some light upon his present state of mind. The judge is immune from that. For a lawyer to undertake so to examine the court would in itself be an insult, or an act of contempt, for which he might be subjected to summary punishment.

Mr. President, we are dealing with people's liberty, with their right to trial, in such a manner that we are now attempting and threatening, by the action proposed to be taken in this body, to say, "Notwithstanding the fact that your liberty will be placed in jeopardy, you will have an escape from that threat only if you can get one judge to believe you and to release you from the charge."

Under the established procedures and under the constitutional trial of a person for a crime, it requires not 1 person to convict of guilt, but 12 citizens—12 men tried and true, who must find beyond a reasonable doubt that the defendant is guilty of the crime as charged.

Shall we abandon that principle?

If today, by the bill now before the Senate, we can circumvent the Constitution which provides that a man shall have the right to a trial by jury, and do that legally, constitutionally, and legitimately, I do not see why we cannot provide by statute, by an act of Congress, that guilt beyond a reasonable doubt no longer needs to be proved, that if we can prove only a strong suspicion we shall be justified in finding guilt.

I say to Senators that we shall be unlocking a Pandora's box in the rights and guarantees and liberties of the American people if we enact the proposed legislation in its present form. What will follow, no one knows. Much can follow—and legitimately—upon the precedent that this bill would set, if the proposed action should be made constitutional and legitimate.

He goes on to say, the third significant difference:

> When a trial is before a judge alone, he is not obliged to state publicly the propositions of law on which he relies in determing the case as he must do when he instructs a jury.

The judge does not have to say why. He can say, "I find you guilty and I assess your penalty." If the judge wishes to say why, he can do so. But there is no law to require him to do so. A jury cannot convict, inflict, or impose a legal and constitutional convention without the court having publicly declared the law which is applicable to that decision to the jury's deliberation as it weighs the facts in evidence. But a judge does not have to do that.

The fourth reason:

> The decision by a jury on the facts is reached after deliberation and discussion, whereas a decision by a judge is by a single man without the evidence of discussion with others.

It was intended, before men were convicted of a crime, that their fellow citizens—12 of them, as the case may be—should have the right to hear the same evidence, to weigh the same evidence, and to discuss it with one another.

How many times has it occurred in the jury box that men and women of good will have sat through a trial with different opinions about it, and yet when they met to consider the verdict and reasoned together, and each heard the others' points of view and the reasons therefor, they were able to reach the right decision; whereas one judge may be prejudiced, or may have a phobia along a certain line, or he may have such strong convictions that do not necessarily yield—honest convictions though they may be—to the weight of evidence in a particular case.

Mr. President, there are many hazards in the one-man jury system proposed in the civil rights bill.

The fifth reason given by this distinguished author is:

> The decision of a jury is made by persons usually representing a cross section of the community, and this a judge cannot do. There are differences that may be significant to discerning persons in dictating a choice in modes of trial.
>
> The relationship between the judge and the jury in the trial of civil cases should be examined in terms of, one, the process of decision, fact, and law; and, two, the process of checking and balancing each other.

Mr. President, if that is required, if that is standard, and of the highest order in the trial of civil cases, how much more imperative it is to the cause of justice, under processes of justice, to have it apply in criminal cases, even in criminal contempt proceedings, if we will, where a conviction carries with it, as in this case under the present bill, as much as a 45-day jail sentence and a $300 fine, or under the present amendment a 30-day jail sentence and a $300 fine.

He mentions checks and balances. What are the checks and balances? The jury system is one of the checks and one of the balances. We certainly have a more wholesome check and balance if 12 men reach a decision of guilt than we have when it is reached by only 1 man. Certainly the decision of 12 men, finding a fellow citizen guilty of a crime, after due process of law and a fair and impartial trial, carries with it more conviction of justice having been meted out than when only 1 man makes the decision, however great and unquestioned the integrity of that 1 man may be.

I am not condemning judges. We must have them. They are absolutely indispensable. I am in no way reflecting upon their character and integrity. I am merely presenting an argument in this cause as to the reasons why the Founding Fathers believed in the jury system, and the reasons why we not only have no right constitutionally to try to change it, but also should not, even if we mistakenly believe we have the right constitutionally to do so.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HILL. In line with the thoughts so eloquently and forcefully expressed by the distinguished Senator from Arkansas, I invite attention to further remarks of Mr. Justice Black in the Green case, which has been adverted to earlier in the debate.

Mr. Justice Black said:

> When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge, he is obviously incapable of holding the scales of justice perfectly fair and true and reflecting impartially on the guilt or innocence of the accused.
>
> He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied what I had always thought to be an indispensable element of due process of law—an objective, scrupulously impartial tribunal to determine whether he is guilty or innocent of the charges filed against him. In the words of this Court: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence of actual

> bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. * * * Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer," In re *Murchison*, 349 U.S. 133, 136-37. Cf. *Chambers* v. *Florida*, 309 U.S. 227, 236–237; *Tumey* v. *Ohio*, 273 U.S. 510; In re *Oliver* 333 U.S. 257.

Mr. McCLELLAN. Under the proposed legislation it would be the trial judge who would issue the process for contempt, the charge of contempt. The same judge would sit in judgment, and would decide whether the defendant should have 45 days in jail or 10 days in jail, and whether he is to have a $300 fine imposed upon him or a $10 fine. Those who would be charged, who would become the subjects of the proposed legislation, whose actions would come within the scope of the legislation, and whose actions would be adjudicated as to whether they are criminal—or are criminal contempt, if we wish to insist on that wording—would be unable to free themselves from the shackle of being tried by their accuser, and having sentence passed on them by the one who initiated the proceeding against them.

That is what is wrong with the bill. When something is done in the court's presence, and within the court's knowledge, which is calculated to obstruct the process of justice, the judge has the power summarily to deal with the contempt committed in his presence. That is necessary in order to uphold the dignity of the court and to prevent obstructions of justice by the willful action of a person.

That is not what we are discussing. We are talking about a situation in which it has been reported to the judge that someone has violated an order that he has issued, or that someone has failed or refused to comply with it, and the judge issues a contempt process against that person, charging him with having committed the offense of contempt. That is what is involved in the proposed legislation.

Thus we are dealing with people accused of a crime in every respect, except that the extent of the punishment may be greater for other statutory crimes. The principle of finding guilty and incarcerating an individual and in taking from him his liberty is the same. There is no difference. The question is, Are we now ready to sacrifice that which has been preserved to us until this day as one of the greatest protections of liberty and one of the greatest assurances of justice in the trial of criminal cases?

I do not think we should be. I doubt if the press will print this, because it seems not to be concerned. All it says is that this is a filibuster. Let it be called a filibuster, if that is what is desired. However, this is a battle to preserve and defend and to make secure a right which is cherished by freemen everywhere. The press calls it a filibuster. That is all it can think of. It is either blind or so indifferent to the consequences that would flow from the oppression of the Constitution which is proposed that it will not even print the real issue and discuss it. I make no apology for the side I am on. I am proud of it.

I only hope that we shall be able to command the persuasion that is necessary to influence Senators who may be wavering today, those who, upon reexamination, are not proud of or satisfied with the vote they cast a few days ago to deny jury trial. I hope we can persuade one or two of them to turn the balance in the scales of justice to preserve for the American people the right of trial by jury.

It may be said that this proposal does not interfere with that right in any other area of criminal prosecution. It does not do so now. But set this precedent, make this exception, and the chain reaction will begin. There will be other days later. There will be other just as compelling reasons to make another exception, and still another. I do not propose for a moment to countenance such exceptions. There is no end that justifies the abortion of the Constitution to bring about such a result. I do not believe we can emphasize too strongly or too often what is immediately involved at this hour in the Senate.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HILL. I should like to conclude with the final words of Mr. Justice Black, whose opinion confirms so fully what the Senator has so eloquently and beautifully stated. Justice Black said:

> In my view the power of courts to punish criminal contempt by summary trial, as now exercised, is precisely the kind of arbitrary and dangerous power which our forefathers both here and abroad fought so long, so bitterly, to stamp out. And the paradox of it all is that the courts were established and are maintained to provide impartial tribunals of strictly disinterested arbiters to resolve charges of wrongdoing between citizens and citizen or citizen and state.

Mr. McCLELLAN. I thank the Senator from Alabama.

I have just begun to make this record. In the book from which I have been quoting, the author of which is the distinguished dean of the University of Michigan, Charles W. Joiner, are some 20 quotations which I have marked to place in the RECORD. I have used only five of them. So I am one-fourth through with the great declarations of principle with respect to trial by jury that are contained in this volume.

I have another volume from which I expect, before the debate is concluded, to take some quotations and discuss them; but I wish to conclude in 20 or 30 minutes. Before I do so, I should like, in the course of this address, to move away from the issue of trial by jury for the moment and to discuss briefly the proposed legislation as a whole. I do so because I wish to place in the RECORD an editorial that I believe every Member of the Senate should read, an editorial that I think should be a part of the permanent RECORD of the debate, for the enlightenment of those who may read and reread it in the future, as they try to find an explanation for the action the Senate will take on the proposed legislation.

The editorial was published in the Arkansas Democrat of Sunday, May 3, 1964. The Arkansas Democrat is one of the leading newspapers in my State. Like other large publications, it frequently editorializes on current public affairs and the great controversial issues of our time.

During the 21 years I have served in the Senate, I have read, and I may say profitably so, practically all of the editorials that it has published during those years. I am convinced that there is no other paper, including the largest dailies of our great metropolitan centers, whose editorials are more enlightening and consistently sound than those of the Arkansas Democrat. And, especially is this true with respect to its editorials on such subjects as taxes, economy in government, national defense, and foreign policy.

It has also published some profound and convincing editorials on the current civil rights issue, and I shall presently quote from one of its most recent, "Civil Rights Bill a Huge Deceit."

Before reading and commenting on this editorial, however, I wish to pay tribute to this great newspaper of my State and to say that the people of Arkansas are most fortunate to have a publication whose editorial policy reflects such capacity for correct analysis, maturity of judgment, vision, and wisdom as that possessed by the editors of the Arkansas Democrat.

Mr. President, this editorial is most persuasive. To the impartial reader or listener, it should, and I believe does, carry conviction. I quote it.

CIVIL RIGHTS BILL A HUGE DECEIT

> We have come to a strange pass in free America. We see an all-out effort by the President in Congress with his civil rights bill to slip a noose of almost boundless Federal power on the citizen's neck.
>
> The bill is a colossal deceit. It is a civil rights bill only to the small extent of appeasing the leaders of a demanding minority who too often take their followers into defiance of law, order, and peace.
>
> Essentially, the bill would restrict the rights of all citizens—

That is what I have been talking about with respect to one area in which that right is restricted. But I read on:

> would deeply impair our priceless heritage—personal, business, and industrial liberties. It is appalling that a national administration would strive to thrust such an offense on the Nation.
>
> Opposition is ignored. The South is in protest against this raw, naked grasp for Federal power. Much of the North resents it and increasingly so as the bill is better understood.
>
> But the administration has its ears cupped to the agitating minority leaders. It insists on ramming this obnoxious power grab down the Nation's throats. When in free America, has our Government, of, by and for the people ever so ignored them before?
>
> The National Government is spending billions of our taxes to keep communism from snuffing out the light of freedom in faraway lands. All the wisdom and resourcefulness it can muster are urgently needed to insure our own national preservation without the ghastly alternative of an atomic war.
>
> In ordinary good sense, the Federal administration should be fostering national unity and awareness of the perils that loom over us.

> But this civil rights monstrosity distracts attention from the Nation's precarious situation. It works against unity by encouraging minority disrespect of order and authority. It rouses anger and resentments.
>
> Happily, Senate resistance to the bill persists. It should be encouraged to hold out. The bill should be defeated. A compromise measure would only open the door to restoring its evil features later.

I wholeheartedly agree with the editorial. I remind Senators that the passage of the bill, as I have said in the Chamber before, would not appease the minority groups who are clamoring for it. We are told frankly that they will continue to demonstrate; they will continue to demand more. We cannot appease them. Give them every power they want, and then see how they use it. We are dealing with fire when we undertake this sort of approach to a resolution or solution of the problem.

I understand that only yesterday two of the leaders—I heard only one—predicted that there would be a continuation of the demonstrations of the character which we have heretofore witnessed, and that they would start soon. The passage of the bill would not prevent them. They will continue to advocate civil disobedience. Yet, we are expected to be men in this Chamber. Are we men or mice? What shall we do? Yield to intimidation? Tremble, or submit? God forbid.

We ought to legislate like statesmen, like Americans, and put it on its merits. If it is right, do it. If it is wrong, let us not be intimidated into doing it. That is the issue that we confront. Make no mistake about what is behind it. Make no mistake about being able to compromise with them and satisfy them. Give them the right to try citizens without a jury, and they will want more. Give them everything that is in the bill, and they tell you that it is totally inadequate to give them the rights that they want, the rights that take away the rights of others, the rights that they claim, the privileges that they want which subvert the rights of others and destroy them.

Mr. President, I am proud to be alined in the effort—with all of the power and resources that are reposed in me by reason of the position I hold—against forces designed to distort and abort the Constitution in order to appease a minority who are clamoring for privileges that would destroy the rights of their fellow citizens.

I shall read one more editorial. This is from the Arkansas Democrat of Friday, May 8, 1964. I shall read this editorial without comment. But I hope that those who will read the Record will lend ear, and maybe lend their judgment to what the article says. There are those who may laugh it off, or try to, but it will not be laughed away. The editorial reads:

> ANOTHER WARNING TO CIVIL RIGHTERS
>
> Civil Rights agitators got another warning in Indiana's presidential primary Tuesday that they're going too far and too fast. Alabama's Governor Wallace racked up about 30 percent of the Democratic votes, following a similar feat in Wisconsin.
>
> Wallace was running against Indiana's Governor Matthew W. Welsh, just as he opposed Wisconsin's chief executive. Welsh poured it on Wallace. Ministers, church groups, educators, newspapers denounced Wallace.
>
> Yet some 30 percent of Indiana Democrats voted for the Alabama Governor. President Johnson reportedly made little of this. Wallace got, he said, less than 20 percent of the total vote.
>
> Johnson knows better than that. He knows that 5 percent of the voters can often swing an election. And 20 percent of defecting Democrats in Indiana has special significance. For Indiana went for Nixon over Kennedy by the largest percentage of any State.
>
> Grant that Governor Welsh, who won only a squeak victory 4 years ago, has lost popularity since because of his signing a sales tax law. Grant, too, that there's always a disgruntled element of "aginers."
>
> But Indiana is a conservative State, predominantly peaceful and orderly. And it has seen the tumult and violence roused throughout the North by reckless civil rights leaders, defying law and authority.
>
> Indiana voters knew of the young white minister killed in a demonstration in Cleveland—

I hear comments on the radio and television about another incident in the South. This one is not mentioned.

I continue to read the editorial—

> of the schoolchildren led into the streets of Nashville to taunt and mock the police, because, as one of their leaders said, their parents were "scared" to go. Indiana knew that FBI Head Hoover has said there is some Communist influence in the Negro movement.
>
> The civil righters and the U.S. Senate will be smart to heed Wallace's vote. It's big enough to give them serious trouble at the polls in November.

If we want further proof of that, let us look to our left in Maryland. What is happening there? I do not know what the outcome will be. I am not saying what Maryland should do. That is its business. But what was to be something that would be simple to ignore has now become so formidable and dangerous that we are calling upon everybody we can get with any prospect of influence in Maryland to come over there and help stem the tide against what is called an intruder.

Why? Mr. President, the reason why is in the hearts of the people. We cannot gainsay it. That is where the trouble is. There is resentment because we are going too far and too fast.

Aside from political considerations, it would be well for the country, it would be in the best interests of our Nation, and in the interest of preserving our great institutions of freedom and the liberties that have been our heritage which we have cherished, to examine the bill closely.

Mr. President, I have completed only one-fifth of the remarks that I have prepared and which were available to me today. If we wish to keep the jury issue open, I am ready. I have only begun to fight.

"SHORT COURSE IN JURY TRIAL 'GUARANTEES' IN CONTEMPT CASES"

During the delivery of Mr. McClellan's speech,

Mr. CLARK. Mr. President, will the Senator from Arkansas yield for a brief insertion, with the understanding that he will not lose his right to the floor?

Mr. McCLELLAN. Mr. President, upon the conditions of the previous unanimous-consent order, I am happy to yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, every day since the filibuster on civil rights began on March 9, of this year, a so-called bipartisan civil rights newsletter has been published. The one today includes a topic entitled "A Short Course in Jury Trial 'Guarantees' in Contempt Cases." I ask unanimous consent that this excerpt from the bipartisan civil rights newsletter may be printed at this point in the Record. I believe it is a sufficient, short answer to the speeches that have been delivered today by both the able junior Senator from Virginia [Mr. Robertson] and the able senior Senator from Arkansas [Mr. McClellan] upon the subject of jury trials.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> 6. A short course in jury trial "guarantees" in contempt cases:
>
> "The trial of all crimes, except in cases of impeachment, shall be by jury." (Art. III, sec. 2, cl. 3.)
>
> "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." (Sixth amendment.)
>
> "In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved." (Seventh amendment.)
>
> "It is urged that those charged with criminal contempt have a constitutional right to a jury trial. This claim has been made and rejected here again and again * * *. It has always been the law of the land, both State and Federal, that the courts—except where specifically precluded by statute—have the power to proceed summarily in contempt matters." (*U.S.* v. *Barnett,* 1963.)
>
> "The issue we are dealing with is whether a jury shall be empowered to refuse to allow vindication of the authority of the court and of the judgment it has entered after a trial on the merits * * *. The broad Talmadge amendment—applicable to contempt trials of every kind in the Federal courts—by interposing another tribunal—the jury—between a court and enforcement of its orders weakens the enforcement of Federal law throughout the country. Such a proposal strikes at the integrity of the Federal courts and the respect which the country has for their decrees. What is a court which has not the power to compel obedience to its orders? It is for this reason that in practically all the States—including all the States of the South—the courts are empowered to punish for contempt without convening juries. The States don't leave their courts powerless. Why should the Federal courts be without sufficient authority? (Department of Justice memo.)

AMENDMENT NO. 582

During the delivery of Mr. McClellan's speech,

Mr. STENNIS. Mr. President, I ask unanimous consent that I may submit an amendment to H.R. 7152, the Civil Rights Act of 1963, and ask that it be read, to provide for the appointment of counsel, at the request of a defendant, in certain actions instituted under authority of that bill.

I ask unanimous consent to submit this amendment out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask unanimous consent that the amendment may be considered as read, instead of actually being read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I do this to comply with all the rules of the Senate.

Mr. CLARK. Mr. President, reserving the right to object—and I probably shall not object—I regret I did not hear the Senator's original request. Does it have anything to do with the civil rights bill?

Mr. STENNIS. Yes; I have submitted an amendment to the civil rights bill.

Mr. CLARK. I have no objection.

Mr. STENNIS. I thank the Senator from Pennsylvania.

Mr. President, I wish to make a very brief statement.

Mr. President, numerous provisions of the so-called civil rights bill authorize the Attorney General to institute and prosecute, for and in behalf of the United States, legal proceedings against defendants accused of violating the provisions of H.R. 7152. In such cases, the entire resources of the Federal Government will be arrayed against the defendant, and it is only right and just that in such cases the defendant be assured of an opportunity to properly make a defense.

I therefore submit this amendment to provide that in any proceeding instituted under the provisions of title I, and in any proceeding commenced by the Attorney General under the provisions of titles II, III, IV, and VII, the court shall, upon request of the defendant, appoint counsel learned in the law to represent the defendant. Upon the appointment of such counsel, the defendant shall be entitled to receive a reasonable attorney's fee.

Only by providing this protection can all defendants who may be haled into court under the many provisions of this act be guaranteed an opportunity to present a proper defense.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and will be considered as having been read.

The amendment (No. 582) is as follows:

On page 3, line 19, immediately after "(b)" insert "(1)".

On page 4, between lines 5 and 6, insert the following new paragraph:

"(2) Insert at the end of subsection (c) the following new sentence: 'In any proceeding instituted under this subsection, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant.'."

On page 9, line 24, immediately after "(b)", insert "(1)".

On page 10, between lines 3 and 4, insert the following:

"(2) In any action commenced pursuant to this title by the Attorney General, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

On page 13, line 11, immediately after "Sec. 303.", insert "(1)".

On page 13, between lines 13 and 14, insert the following new paragraph:

"(2) In any action or proceeding instituted under this title by the Attorney General, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action or proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

On page 18, line 17, immediately after "Sec. 408." insert "(1)".

On page 18, between lines 19 and 20, insert the following new paragraph:

"(2) In any action or proceeding instituted under this title by the Attorney General, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action or proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

On page 43, line 8, immediately after "(h)" insert "(1)".

On page 43, between lines 10 and 11, insert the following new paragraph:

"(2) In any action or proceeding commenced under this title by the Commission, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action or proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

AMENDMENT NO. 583

During the delivery of Mr. McCLELLAN's speech,

Mr. TOWER. Mr. President, I send an amendment to the desk and ask that it be printed.

This amendment is designed to exempt journalists from title VII of the civil rights bill. In so doing, it protects the constitutional principal of freedom of the press by precluding any bureaucrat from being in a position to order the hiring or paying of any writer or commentator on public affairs.

The amendment provides that the term "employees" in this bill will not include "any individual who is employed in an editorial capacity involving the preparation, selection, or presentation of the news, including, but not limited to, editors, editorial writers, reporters, journalists, photographers, announcers, and commentators."

Mr. President, it has been said by proponents of this bill that the bill does not intend to endanger the right of freedom of the press. Therefore, I doubt that any will have objection to a careful spelling out in the bill of that intention.

I must say that I do not agree with the proponents of the bill. I see some real dangers to freedom of the press therein. But, since we all seek to preserve freedom of the press, I am certain we can reach agreement.

I feel equally certain that our President, who has been interested in the field of journalism, seeks to preserve freedom of that profession.

May I point out, Mr. President, the danger I see?

It is apparent that under the present title VII of this bill any newspaper or broadcasting station with 25 or more employees eventually will be subject to Federal supervision of hiring practices. That 25 would include, I suppose, all newsboys and country correspondents thus bringing almost every small daily and almost every weekly newspaper and almost every radio station, and almost every television station, and almost every magazine within the purview of this bill.

We already have the example of the Motorola-Illinois FEPC case which indicates how an equal employment commission may approach enforcement.

Consider what might happen if a newspaper or station, or magazine, turns down an applicant for an editorial writing position who happens to be a minority group member. Quite aside from the fact that the individual may not agree at all with the newspaper's editorial policy, a Federal commission could decide that the newspaper discriminated in refusing to hire him on the basis of race, color, religion, sex, or national origin.

This bill admits very clearly that the guilty employer—in this case a newspaper entitled by freedom of the press to express its views—could be required to hire this individual. Or the newspaper could be required to pay him backpay; or to train him in some way.

And, if an FEPC could reach the unusual point of ordering a businessman to withhold or change the tests by which he picks employees, it also might reach the unusual point of ordering that a newspaper print or a station broadcast the editorials of an unwanted editorial writer.

This bill does other things to small newspapers, Mr. President. It would subject small papers and broadcasting stations to added recordkeeping quite beyond their financial capabilities. It could subject them, upon the decision of a single investigator, to legal costs beyond their financial means.

I have noted on this floor several times that I regard title VII of this bill to be a field where State action is constitutional but Federal action is not. This principle applies to the journalism professions, too.

As a practical matter, action of the States in supervising employment could subject only a few journalistic media to regulation and investigation. But, it is quite another thing to contemplate Federal regulation which could extend to every news media in the Nation, perhaps simultaneously. The political power granted to the Federal Government over news media by such a law could be devastating.

All of this deeply concerns me, Mr. President, and I therefore hope that action can be taken via my amendment to exempt from title VII those employees in an editorial capacity on our Nation's vital news media.

Freedom of the press is a right for which Americans fought even before our Declaration of Independence. It is a freedom that perhaps more than any other illustrates and preserves the difference between our society and the societies of Asia and Africa. It is the first freedom suppressed by those with dictatorial designs.

All Americans would agree that freedom of the press must be preserved at any cost and at any effort. I offer here today a chance to guard that right which will require little effort on the part of this Senate. But, it is an effort of which both the Senate and the Nation can be deeply conscious and deeply satisfied.

Let us, therefore, carefully provide and specifically spell out in this bill that it is not intended by this Senate to restrict the right of American journalists to comment in any way they like upon public affairs. A constitutional principal made virtually total by the recent Supreme Court decision on libel.

Let us, therefore, carefully provide and specifically spell out in this bill that it is not intended by this Senate to restrict in any way the hiring, promotion, or utilization of any person who may be involved in reporting of or comment on public affairs and indeed upon the affairs of this very Senate.

It is the right of American journalists to comment about us public officials in any way they want. If they wish to attack us on the ground of race, color, religion, sex, national origin, or for any other reason, they have the right to do so. If it is their editorial policy to do so, they have the absolute right to employ anyone they want who writes with whatever bias they want.

With their wisdom we can argue; but with their freedom to comment we can have no dispute. Neither have we any right to restrict or dilute that freedom of the press.

The **PRESIDING OFFICER**. The amendment will be received and printed, and will lie on the table.

RESOUNDING SUCCESS OF THE PEACE CORPS—THE SCHOOL-TO-SCHOOL PROGRAM

During the delivery of Mr. McCLELLAN's speech,

Mr. LONG of Missouri. Mr. President, one of the resounding successes of the Peace Corps has been to bring home the fact that U.S. foreign policy is not just a job for diplomats and soldiers. Through the Peace Corps we have discovered that every willing citizen in every community can play some role in advancing our struggle for international understanding and peace.

The latest addition to the American people-to-people, community-to-community effort is the Peace Corps school-to-school program. Just a few weeks old, this program is receiving widespread popular response. Some 250 American community organizations—PTA's, Rotary clubs, college fraternities—have volunteered to participate in the school-to-school operations.

Mr. President, a recent editorial published in the Washington Missourian points out the value of the school-to-school idea. Therefore, Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NEW PEACE CORPS PROGRAM

The Peace Corps, which has been such a great success in so many countries of the world, this week announced plans for a school-to-school program in foreign nations. The plan is to build 3,000 schools around the world in the next 3 years.

Any school in this country or parent-teacher association can become a part of this program. The sponsoring group merely raises $1,000. This money is used to buy construction materials in the foreign village where the school is to be constructed. The villagers themselves will furnish the labor. They will be under the supervision of a Peace Corps worker.

The $1,000 will be sufficient to put up a nice school with several classrooms. Materials in most of these underdeveloped countries are cheap, and labor will cost nothing at all.

One of the first of these schools is nearing completion in Casa Blanca, Columbia, a country which has a shortage of 40,000 classrooms. There are many, many others like it around the world. In many of these countries the children do not even have an opportunity to finish the first grade.

The idea for the school-to-school program was suggested to the Peace Corps by the president of the Rosedale, N.Y., PTA. While attending a meeting of Government officials he mentioned that the Rosedale PTA raised $750 last year, and wondered how the money could be used.

The reply was "build a school."

And that's how the program was started with the first of these schools going up in Casa Blanca.

This school-to-school program is the sort of foreign aid that the common people will understand, and deeply appreciate. This is a program that helps the people of these developing nations do what they have not been able to do for themselves. We feel sure that if only a small fraction of the foreign aid money we have handed out in the years past had gone into projects of this sort, we would not have to worry about the Communists taking over this or that country, and making gains here and there.

The three most effective weapons against communism are education, food, and opportunities for people to get ahead on their own. Our foreign aid in the past has provided very little of this. The people in Panama, Colombia, Chile, Brazil, Java, Borneo, and scores of other nations are just as hungry today as the day our foreign aid started.

These people are no different than we. They want food for themselves and their families, and they want an opportunity to earn what they get. They are not interested in handouts. For years and years now we have promised them a better life to come, but our promises have come to nothing. That is one reason why so many of these people have fallen for the Communist line. Their old masters have failed them. Maybe the new masters will do better. You can't argue with a hungry and hopeless man, whose children and wife are starving, about freedom and independence. He wants something to eat, and an opportunity to earn a living.

"We are not interested in your Government giving our Government millions of dollars," a teacher in Thailand told the writer, "but we are interested in your Peace Corpsmen, who are showing us how to help ourselves. Our people have fallen into deep ruts, and need help to get out. Show us how to do that, teach us how we can move ahead by ourselves, and we will do the rest. Your help and know-how is far more important to us than your dollars."

The Peace Corps has been one of our strongest weapons in the fight against communism, and the school-to-school program will be an even stronger one if carried out as planned.

THE PRESIDENT'S WAR ON POVERTY

Mr. LONG of Missouri. Mr. President, recently an editorial, published in the Washington, Mo., Citizen, commented on the President's war on poverty. As the editorial correctly surmised, poverty can be defeated only by the concerted efforts of each and every citizen. It is not enough for the Government alone to help; the unfortunate need the assistance of their friends and neighbors throughout the country.

I ask unanimous consent that this excellent editorial published in the Washington Citizen, on April 27, 1964, may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POVERTY AMIDST PLENTY

Last Tuesday noon we had the privilege of listening to President Johnson in the rose garden at the White House. He had a prepared speech, but several times he drifted off to one of his favorite subjects—war on poverty in this country.

We left the White House with the impression that President Johnson is a man with an enormous heart, a good Christian, a believer in the Golden Rule, and above all, a man who suffers with the depressed.

After coming home we ran into a few people who had a feeling that the President really wasn't sincere in his war against poverty, and that there was a lot of politics mixed up with it. These people take the position that "nobody ever starved in this country," and that we have more food than we can use.

We have never known of anyone who ever starved in this country, but we do know that some people right here in our own area do not always have enough to eat. We do not have many, but we do have some.

President Johnson said there were parts of 10 States in the Appalachian Mountain region where untold poverty exists, where many people live in shacks, where jobs are almost unheard of, where modern conveniences are nonexistent, and where hunger and want are rampant.

It's hard for the average American to visualize this.

And what's even more disheartening is that many of these people have never had the opportunity to learn to read and write. They have no skills of any kind and up to now have had no opportunity to learn skills for certain trades.

One of the Government officials cited the case of a family in eastern Kentucky. The man was out of a job, hadn't had one for years. The family was asked if it held out hope for a better day. The answer was "No." He no longer had any hope. Nor did his wife.

The man of the house was asked if he had ever considered leaving this area for some other place where he might be able to get a job.

"Yes," he replied, "twice my wife and I talked about it. But we could not go—we could not read the road signs to show where we were going. We cannot read. We never went to school."

This example, the official pointed out, could be multiplied a thousand times over. There were many people in this distressed area, who have found it necessary to live on next to nothing, who have given up hope of anything better coming their way.

It cannot be said these people are lazy and shiftless. Many of them would gladly work 10 or 12 hours a day for enough to buy bread and butter for their families.

They are not lazy and shiftless. They are not asking for much—only enough to keep body and soul together.

President Johnson said when the late President Roosevelt took office in the 1930's, a third of the population of this great and rich country did not have enough clothes, not enough food, and only bare shacks to live in.

Today, he said, this number has been reduced to one-fifth of the population of this country of around 190 million people. That means there are close to 38 million people in this country today who lack even the bare necessities for existence.

What President Johnson hopes to do is to bring education to these people. That is the very first thing that must be done. The adults must be trained to do skilled jobs, while schools must be provided for the younger ones.

There was a time in this country when a first grade education was enough. More recently a high school education was considered above average. But today a bachelor's degree from a college is ordinary, and masters' and doctors' degrees are becoming common.

The Appalachian Mountain region, however, does not have a sole monopoly on poverty in this country. There is plenty of it all over the country. Every city has its slums with people digging around in garbage for something to eat, and living in shacks and hovels.

Later that same Tuesday afternoon, in talking about this matter with Senator STUART SYMINGTON and Stanley Fike, his administrative assistant, it was pointed out that St. Louis County was one of the richest in Missouri, yet it also had untold poverty in the little community of Kinloch, one of the poorest and most poverty-stricken areas in Missouri, and the Nation.

And then we wonder how communism can make any gains, and how strife and discontent can become so rampant in a country with so much. These approximately 38 million people, undernourished and living in shacks with all hope long since gone, provide a very fertile field for any system of government that promises something better.

The promises we have made to these people no longer mean anything to them. They have lived with them too long and have become hopeless. A man wants something more substantial than promises when he is hungry and has been for a long time, particularly so when his wife and little children also are hungry and in rags.

One of the moves to get cheap food on the tables of these hopeless people is the new food stamp plan, which has long been advocated as a means to serve that end, but which has never gotten anywhere. Maybe it will this time. We sincerely hope it does.

In the meantime, it might be well to point out that not all men in rags, who have been forced to accept charity, are bums—too lazy to work and earn a living.

The majority of these people would gladly work, if only given the opportunity.

We have always prided ourselves in being great Christians, but we do not always act like good Christians to our fellow man, and usually blame him for something completely beyond his control.

We hope President Johnson wins his war against povery, and we also hope the people of this Nation will give him all the support possible in this fight.

They will if they know the conditions that exist. Only the ignorant will remain critical.

NEGOTIATIONS WITH RUMANIA

During the delivery of Mr. McCLELLAN's speech,

Mr. PELL. Mr. President, in the current rosy glow of good feelings with the Soviet bloc, we must not lose sight of lingering vestiges of a harsh Stalinist past.

At this time, for example, we are confronted by an outstretched hand of economic friendship from Communist Rumania, while at the same time that country uses its other hand to suppress a minority group—some members of which have been mouldering in Rumanian jails for many years as political prisoners. There have been some indications that we are so happy over the new look in satellite policy that we may tend to disregard what still goes on behind the facade of friendship.

I believe that we in the West should take advantage of the opportunities presented in this situation; we should act and not react diplomatically. It seems to me that Rumania should be required to lift the heavy hand of oppression, before we clasp her proffered hand of friendship. What more appropriate time for us to secure this concession than in this season of Rumanian Independence Day, May 10, the anniversary of Rumania's declaration of independence from Turkish rule in 1877.

Recent press accounts have informed us that the Rumanians now are sending a special delegation to this country to attempt to negotiate the purchase of a synthetic rubber plant, and that the U.S. Government has indicated its intention to give friendlier consideration to this request than it has to others in the past. According to the press, we are taking a more receptive approach in recognition of Rumania's determination to stand apart from the Soviet Union.

This is all well and good, and I support the State Department's new policy as far as it goes. I applaud this emergence of autonomy within the Soviet bloc and believe that U.S. policy should be receptive to the current trend. We should stimulate this new spirit of independence in the satellite nations. And one way of doing this is by assisting them in their understandable quest for economic independence.

At the same time, however, speaking as a former Foreign Service officer who served behind the Iron Curtain and who visited Rumania for several weeks, I must hasten to reassert the principle that we should not give away something for nothing. Rumania in this case wants and needs our exports in order to achieve her own separate economic status. In reorienting our policy and reopening our doors to accommodate her interests, it seems to me that we can and should attach some rather specific conditions that would go beyond Rumania's economic self-interest.

I believe that we now have an excellent opportunity to promote within Rumania a measure of social and political liberality that would correspond to that nation's new attitude of liberality and expansion in the economic realm.

There could be no better way for Rumania to demonstrate this new spirit of liberality than by taking steps to reform her domestic policies toward political minorities, and in particular toward the ethnic Hungarian minority residing in the western sector of Rumania known as Transylvania.

There have been persistent and disturbing reports that the Rumanians are still practicing outright oppression of Transylvania Hungarians for alleged or threatened political crimes committed during the revolution in neighboring Hungary in 1956. At that time, there were sympathetic uprisings across the border in Transylvania, with young Hungarian students taking an active role. In addition, the Rumanian Government reportedly rounded up and imprisoned many other Hungarians in Transylvania in the fear that the revolt would spread. Just how many people were involved is not clear; it is probable that the total ran at least in the hundreds; it is possible that thousands may have been involved.

I am informed that many of these people are still in jail, serving sentences of as much as 15 years at hard labor for their part in the uprisings of 1956. There have been reports that some of them, who were schoolchildren in their teens at the time of the revolt, have been held in complete isolation from their families and under conditions that have led to deterioration in their health.

What lends particular irony to the Rumanian situation is the fact that in Hungary, where the 1956 revolutions all began, there has been a general amnesty so that vast numbers of persons who participated in the uprising in that nation are now free. We in the West can only ask why Rumania has not seen fit to do the same.

It seems to me that the United States should take this occasion to exact a degree of humanitarian reform as a condition for normalizing to any degree our economic relationships with this Communist nation. Our terms can be plain and simple: I urge that U.S. negotiators in the pending trade talks with Rumania insist on a decree of general amnesty for all political prisoners in that country as a minimum condition to the granting of U.S. export licenses.

Mr. President, I ask unanimous consent for inclusion in the RECORD, at this point, of articles entitled "United States and Rumania To Discuss Trade and Other Issues" from the New York Times of May 10, and "United States Studies Bid of Red Rumania" from the New York Times of April 24; editorials entitled "American Talks With Rumania," from the New York Times of May 11, and "Rumania's Discreet Turn" from the Washington Post of April 30; and articles entitled "Rumania Builds Billion-Dollar Steel Mill" from the Washington Post of April 12, and "Parley With United States Seen as New Step in 'Quiet Revolution' in Rumania" from the Washington Post of May 10.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 10, 1964]

UNITED STATES AND RUMANIA TO DISCUSS TRADE AND OTHER ISSUES—HARRIMAN AND BUCHAREST'S ECONOMIC CHIEF TO OPEN WASHINGTON TALK MAY 18—INDEPENDENT LINE CITED—COMMUNIST REGIME SEEKING TO PURCHASE EQUIPMENT FOR CHEMICAL INDUSTRY

(By Tad Szulc)

WASHINGTON, May 9.—The United States and Rumania will open high-level economic and political discussions here on May 18 in what may become the most important development affecting Washington's relations with Eastern Europe since World War II.

The announcement that the two Governments had agreed on wide-ranging talks was made by the State Department here and simultaneously by the Communist government in Bucharest.

The U.S. announcement said "these talks will deal primarily with economic subjects, especially trade, but will also cover other matters which affect relations between the two countries."

The importance attached by the United States to the discussions was seen in the choice of W. Averell Harriman, Under Secretary of State for Political Affairs, to lead its delegation. Mr. Harriman helped negotiate the treaty for a limited nuclear test ban with the Soviet Union 10 months ago in what represented the starting point in the slow but continuing improvement of East-West relations.

RELATIVE INDEPENDENCE NOTED

The Rumanian delegation, due to arrive in Washington, Friday, will be headed by Gheorghe Gaston-Marin, chief economic planner who is a Deputy Premier and chairman of the state planning committee.

U.S. officials sought to emphasize that the political effects of the negotiations should not be "exaggerated" at this time but they readily conceded that the talks might establish a pattern in relations with Eastern Europe, "provided that developments in all those countries are appropriate."

Rumania's policies of relative independence from the Soviet Union and the country's often stated desire to improve relations with the United States were described as the type of "appropriate developments" that had encouraged the Johnson administration to agree on opening a new relationship with the Bucharest regime.

Officials specifically noted Rumania's refusal to accept the economic policy dictates of the Council for Mutual Economic Assistance (Comecon), the Soviet bloc's economic organization, as the first example of the Rumanian independent policies.

They recalled that Bucharest refused to go along last year with Comecon's judgment that, as Rumania's part in the sharing of labor in the Communist bloc, she should concentrate on petroleum and farm production.

Instead, the officials stressed, the Rumanians decided, against initial Soviet wishes, to go ahead with intensive industrialization, and notably with the work on the huge Galati steelmill. This is being constructed in part with the aid of West European concerns.

Rumania's effort last month to mediate in the Soviet-Chinese ideological quarrel was cited as another key example of her independent policies, quite aside from the fact that the mediation apparently failed. The point is, the officials said, that Rumania is not fully accepting either the Soviet or the Chinese line but seeks to advocate an independent course for Communist countries.

In defining Rumania's policy, attention was called to a statement last month by the Rumanian Workers (Communist) Party that "there are not and there can be no unique patterns and recipes," for Communist countries and that "nobody can decide what is and what is not correct for other countries or parties."

"It is up to every Marxist-Leninist party, it is a sovereign right of each Socialist state to elaborate, choose or change the forms and methods of Socialist construction," the statement added.

"The strict observance of the basic principle of the new-type relations among the Socialist countries is the primary prerequisite of the unity and cohesion of these countries and of the world Socialist system performing its decisive role in the development of mankind."

Officials here indicated that such policies of independence, as exemplified by Rumania, along with a stated desire for improving relations with the United States, would be the yardstick used by Washington in determining whether similar high-level discussions could be initiated with the other East European countries.

What the United States was doing, in effect, was inviting the countries once regarded as Soviet satellites to imitate Rumania's example and embark on a new road of independence that would further shatter the former monolithic unity of the Communist camp.

The desirability of establishing better relations between the West and Eastern Europe was one of the key points in the recent Washington talks between Secretary of State Dean Rusk and the British Foreign Secretary, R. A. Butler.

The whole question of East-West relations, and particularly of the East European relationships, is to be taken up by the Ministerial Council of the North Atlantic Treaty Organization at its semiannual meeting opening in The Hague on Monday.

European countries are increasingly active in East European trade, and the United States has apparently decided that it must not be completely left out in the developing new situation in Eastern Europe.

Officials here said that since Rumania has shown her interest in good relations with the United States, "we are responding." But, they made it clear Bucharest's political acts of independence were a leading factor in the decision to make the response.

[From the New York Times, Apr. 24, 1964]

UNITED STATES STUDIES BID OF RED RUMANIA—BUCHAREST SEEKING TO BUY A SYNTHETIC RUBBER WORKS

WASHINGTON, April 23.—The United States is considering the sale of a synthetic rubber works to Communist Rumania, authoritative sources reported today.

Should the sale be made, it will represent a major change of course in U.S. relations with Communist-bloc countries, going outside usual trade patterns.

Rumanian requests for various kinds of industrial equipment have been reaching Washington for several years. The inquiry for a complete synthetic rubber plant was received after top members of the administration made it clear that the United States would give careful consideration to requests from Rumania in view of that country's efforts to gain greater independence from the Soviet Union.

RUSK'S SPEECH RECALLED

Secretary of State Dean Rusk said in a speech in February that Rumania recently has "asserted a more independent attitude and has expanded its trade and other contacts with the West."

"It has taken steps to improve its relations with the United States," he added. "We are responding accordingly."

No decision has been made on whether to grant the Rumanian request and license the export of the plant, officials stress.

Gheorghe Gaston-Marin, Deputy Premier of Rumania, and chairman of the State Planning Committee was invited to come to Washington for direct negotiations, probably in the near future.

Expert sources firmly dismiss any suggestion that basic national or international controls of strategic trade with the Communist world would be affected by an eventual rubber plant deal.

Rumania is considered a leading example of a Communist country trying to loosen its ties with Moscow. In the economic field the Rumanians made it clear they want to expand their industry, disregarding the blueprints of Comecon, the Communist bloc's Council of Mutual Economic Assistance.

Politically, too, Bucharest has manifested independent thinking; it volunteered to seek reconciliation between Moscow and Peiping, and made overtures for closer relations with President Tito's Yugoslavia.

Rumania is busily pursuing trade with other Western nations. At present, Britain, France, West Germany, and Austria are bidding for the construction of the vast Galati steel plant, a project which Rumania is undertaking despite reported objections by Moscow.

[From the New York Times, May 11, 1964]

AMERICAN TALKS WITH RUMANIA

The decision of the United States and Rumania to hold political and economic talks next week is dramatic evidence of the significant recent improvement in relations between Washington and Bucharest. It is also a remarkable indication of the ferment now taking place in the Communist world.

A year or more ago such talks would have been inconceivable. The United States then regarded Rumania as simply another Soviet satellite; the Rumanians, for their part, would hardly have dared risk Soviet displeasure by such a bold move as independent participation in major negotiations with the United States.

The agreement to hold talks implies that Washington no longer regards Rumania as a supine Soviet satellite, while Bucharest is apparently unworried about its giant neighbor's reaction. The Rumanians presumably believe that Moscow is now too entangled in its political war with Peiping to desire any simultaneous serious political conflict in Eastern Europe.

It took courage for the Johnson administration to agree to these negotiations in an election year. The State Department is no doubt fully braced for the criticisms likely to be voiced by the rightwingers in Congress and elsewhere who think that complete hostility is the only appropriate American policy toward any Communist-ruled state.

But the essence of American policy toward Eastern Europe for almost two decades now has been to encourage the forces of national independence. Today Rumania stands as one of the chief supporters of the concept that a Communist state must be sovereign, not a mere vassal of either Moscow or Peiping.

Premier Gheorghe Gheorghiu-Dej first demonstrated his independence by refusing to bow to Premier Khrushchev's idea on Communist-bloc economic integration. More recently, the unsuccessful Rumanian effort to mediate between the Russians and the Chinese culminated in Bucharest's publication of what already looms as a historic manifesto of national communism—a document that gave public notice of the unwillingness of Rumania's rulers to accept dictation from any other country.

American support for greater national independence in Eastern Europe can be shown effectively at the forthcoming negotiations by steps to increase economic, cultural, and other ties between the United States and Rumania. The goal is not to foment enmity between Rumania and the Soviet Union, but rather to encourage all the nations of Eastern Europe to assert their own right to seek friendlier relations with the West.

[From the Washington (D.C.) Post,
Apr. 30, 1964]

RUMANIA'S DISCREET TURN

Yugoslavia broke with the Soviet bloc in 1948 and Moscow bellowed, but Rumania is slipping out so smoothly that Moscow can hardly say a word. This remarkable turn has been confirmed by the subtle but strong declaration of independence which Bucharest issued and broadcast to the world the other day.

Coolly, the Rumanians staked out the middle ground between Moscow and Peiping and asserted their national right to occupy it. On the watershed issue between themselves and the Russians, that of integration into an economic unit dominated by Moscow, they explained their refusal on the candid grounds that integration would "turn sovereignty into a notion without any content."

The Rumanian statement was phrased largely in terms of the international Communist movement, not of specifically national interests; thus it had the look of a platform on which other countries, if they chose, could stand, not of a banner waved by one country alone. The statement also made the self-flattering suggestion that Rumania mediate the Sino-Soviet dispute. Bucharest, one concludes, is feeling its oats.

The slow Rumanian pivot would seem to suit well the American policy of offering a helping hand to Communist countries which display an interest in limited independence. In its acts, though, in contrast to its sophisticated words, Washington has been slow to accept the opportunities that Eastern Europe has provided. It is one thing to supply aid under the dramatic circumstances of a Yugoslavia in 1948 but it is another under the discreet conditions of a Rumania in 1964. It is equally important, too.

[From the Washington (D.C.) Post, Apr. 12, 1964]

RUMANIA BUILDS BILLION DOLLAR STEEL MILL

(By Anatole Shub)

GALATI, RUMANIA, April 11.—The billion-dollar steel complex which wrecked Kremlin plans for East European integration, and inspires Rumania's current bid for political independence, is rapidly taking shape in this Danube Delta port.

A Franco-British team is already at work on a 2-million ton hot rolling mill, one of six key installations in the metallurgical complex which, when completed in 1970, will have a steel production capacity of 5 million tons—one of the largest in Europe.

The H. K. Ferguson Co., of Cleveland, Ohio, is competing with French, British, West German, Austrian, and Swedish firms for the right to build the steel works which is the heart of the project. American coking coal, of which some 30,000 tons recently arrived in this country, may contribute largely to the success of the project.

Rumania's lack of substantial iron and coal deposits was the principal cause of objections to the Galati project on the part of Communist Poland, East Germany, Czechoslovakia, and the Soviet Union. In sessions of the Soviet-bloc Council for Mutual Economic Assistance (Comecon) 3 years ago, these countries as well as others demanded that Rumania drop the project and leave Communist steelmaking to them.

Although Russia threatened to renege on 1960 promises to build key installations and supply coal and iron, Rumanian President Gheorghe Gheorghiu-Dej refused to back down and turned to the West for aid.

Now Rumania appears to have succeeded in persuading the Russians to honor their commitments. Bucharest announced February that the Soviet Union would, between 1965 and 1967, deliver the promised equipment for a hot rolling mill and a blooming-and-slabbing mill.

Observers consider that this new commitment to Galati was the price Russia paid for the 100,000 tons of grain which Rumania shipped during last fall's Soviet wheat crisis. "Comecon," however, remains a dirty word in Bucharest.

The Rumanians have already completed most of the project's infrastructure—administrative buildings, workshops, road, rail-sidings and the like. The focus is on the rolling mill, being built in cooperation with P. Schneider and Davy, United, the French and British firms, and on assuring future sources of iron and coal. Although the Soviet Union has promised substantial deliveries of both raw materials, Rumanian officials are currently active in promoting alternate sources—iron from Brazil and India, and coal from Britain and the United States.

The U.S.S.R. is out of the picture completely as far as the contract for the key steel works is concerned. According to Galati engineers, Russia's newest oxygen-converter steel process is not available for export—even to "Socialist" countries—while older Soviet installations are not up to Western standards.

An indication of the fierce Western competition for the contract, which is to be awarded this year, is the coming visit of Austrian Vice Premier Bruno Pitterman on behalf of the Voest steel firm, which is a nationalized industry. The Ferguson Co. has had a high-level representative visiting here regularly since September 1962.

The project at Galati, which is not far from the birthplace of President Gheorghiu-Dej, symbolizes Rumania's efforts to attain economic growth and independence—efforts which Western observers consider have been largely successful thus far. In addition to the giant steel combine, Rumanians are currently at work, in many cases with Western assistance, on major aluminium, paper, fertilizer and chemical installations. Oil, timber and grain continue to earn the necessary foreign exchange.

[From the Washington (D.C.) Post, May 10, 1964]

PARLEY WITH UNITED STATES SEEN AS NEW STEP IN QUIET REVOLUTION IN RUMANIA

(By Murrey Marder)

The United States and Rumania will begin a groundbreaking round of talks here May 18 in the "quiet revolution" of growing independence among the Communist nations of Europe.

President Johnson yesterday announced the conference, with the State Department filling in some important details.

The President said in New York that the meeting was "another * * * effort to increase peaceful contact with the people of Eastern Europe * * * in pursuit of a lasting peace."

What the United States is embarking upon could have long-range impact upon East-West relations.

Unusually high-level delegations have been named on both sides.

W. Averell Harriman, Under Secretary of State for Political Affairs, will lead the American negotiating team. Gheorghe Gaston-Marin, economic planning czar, is to head Rumania's delegation. He is vice chairman of Rumania's Council of Ministers and chairman of the State Planning Committee.

The United States will test the possibility of encouraging more Rumanian ties with the West and more independence of what used to be monolithic, Soviet-imposed policy in Eastern Europe.

This Nation encouraged the same trend in Yugoslavia after its break with the Soviet bloc in 1948, and in Poland, after its partial show of independence in 1956.

Rumania already has taken several steps toward the diversity and independence of policy among Communist nations that the United States wants to foster. The Soviet Union has been obliged to acknowledge the equality of Communist nations, while it too seeks more trade with the West.

Bucharest's leaders have used the opportunity of rivalry between the Soviet Union and Communist China to resist centralized Soviet block attempts to dictate Rumania's economic development.

Rumania adheres to the Soviets' peaceful coexistence line. But it also has tried to operate as a mediator in the Sino-Soviet rift, to enhance its own preference for Communist diversity. Rumania has set out to increase its trade and associations with the West for the same reason.

The Rumanians have curbed their general obeisance to Moscow, to escape the satellite stigma, by eliminating compulsory teaching of Russian in their schools, by changing street and theater names, and by similar acts.

Trade and other matters, meaning political matters, will be the subject of the exploratory United States-Rumanian talks, the State Department announced.

Diplomatic relations between the United States and Rumania are now at the level of legations headed by ministers, rather than embassies directed by ambassadors.

Trade between the two is almost insignificant, and there are many American legislative barriers against its expansion.

Rumania does not have most-favored-nation trade rights with the United States, as do Poland and Yugoslavia. It is possible, however, to lift some trade bars by administrative action and Presidential interpretations, and perhaps in the future by legislation.

U.S. exports to Rumania dropped from $1.8 million in 1959 to about $800,000 last year. U.S. imports fell from $1.2 million to about $600,000 in the same period. The United States exported such items as steel, machinery, antibiotics, coal, and agricultural products, and imported walnuts, molasses, and glassware.

The Rumanians are anxious to buy synthetic rubber production equipment and other supplies in this country.

Rumania has launched a billion-dollar steel complex that was a major blow to Soviet plans for East European economic integration. A Franco-British team is now at work on the huge installations, with American and other Western firms competing for shares in the project.

Mr. McCLELLAN. Mr. President, will the distinguished Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. McCLELLAN. I did not understand the number of people who were incarcerated.

Mr. PELL. At least hundreds, perhaps thousands; and through my own relationship with the International Rescue Committee, I know that the conditions of those prisoners are deplorable.

Mr. McCLELLAN. Does the Senator from Rhode Island know whether they had a jury trial?

Mr. PELL. I believe they did not have a jury trial.

Mr. McCLELLAN. I thank the Senator.

THE ROAD TO ANOTHER DIENBIENPHU

During the delivery of Mr. McCLELLAN's speech,

Mr. GRUENING. Mr. President, last Thursday, May 7, which was the 10th anniversary of the French disaster in southeast Asia—the defeat and loss of control at Dienbienphu—I placed an article in the RECORD written by Bernard B. Fall, which gave the history that led up to that tragic event.

I pointed out that if we were wise, we would profit by France's mistake and not fall into that tropical trap in which France succumbed. I warned that if we did not disengage ourselves from the undeclared war—a civil war—in which we are participating with a steady and increasing loss of American lives in South Vietnam—we would have another Dienbienphu.

It is a coincidence that my thought was echoed quickly by the distinguished columnist of the New York Times, C. L. Sulzberger, who, 2 days later, ran his column in the Saturday, May 9 New York Times, under the heading "The Road to Another Dienbienphu."

I ask unanimous consent that his column be printed at the conclusion of my remarks, as well as an article summarizing the present situation in Vietnam, entitled "The Tragedy of Vietnam: Where Do We Go From Here?" written by Helen B. Lamb, a longtime student of Asian political and economic problems.

The **PRESIDING OFFICER**. Is there objection to the request by the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. **GRUENING**. Mr. President, as a further bit of background information on Helen B. Lamb, she received her Ph. D. from Radcliffe College in 1943, thereafter working as a research analyst for the Foreign Economic Administration on the U.S. Government guide program for the American occupation of Japan. Subsequently, she joined the Center for International Studies at Massachusetts Institute of Technology, where she did research on India. For the last 2 years she has been making an intensive study of Vietnam in preparation for a book on the present crisis there. She went to Paris in 1963 to interview Vietnamese political exiles in that city, summarizing her findings in an article that was published in the Nation entitled "The Paris Exiles," on August 10, 1963. Dr. Lamb has taught economics at Black Mountain, Bennington, and Sarah Lawrence Colleges, and I feel she is most eminently qualified to discuss the situation in Vietnam.

Mr. President, we not only have no business in the civil war in Vietnam, but we have been there for a decade and we are doing a poor job. The equipment we are sending is defective, and obsolete. Not only are American boys dying, and no boys of our SEATO allies are fighting and dying, but it also appears that some of our boys are dying needlessly—although I would say that any who die in that remote jungle civil war are dying needlessly. They should not be there at all.

Today, on the front page of the Washington Daily News, is published an article entitled "How Obsolete Planes Are Killing Our Pilots." This article is by Jim G. Lucas, a veteran, experienced Scripps-Howard staff writer, and it is written under the dateline of Soc Trang, South Vietnam, May 11.

The article reads:

The Communist Vietcong didn't kill Jerry Shank.

His plane did.

Nor did they kill Bob Brumet of 9211 Shelton Street, Bethesda.

His plane killed him.

Here we are, the most powerful nation on earth, boasting every day of our superiority in modern arms, and we send our young men out to fight a ruthless, determined foe with equipment long past its prime.

Jerry Shank and Robert N. Brumet died because they were ordered to fly planes that might better have been consigned to the scrap heap.

TRAINERS

They were T-28's. The "T" stands for "trainer," and that's all it was intended to be.

It was outmoded in 1953. It is practically the last two-seated propeller-driven craft in the Air Force's inventory.

Yet out here we've loaded this antiquated trainer's wings with 500-pound bombs and napalm so that if one is flown long enough it's inevitable that its wings will drop off. The men who fly them know that.

Politically, of course, the T-28 has its points. No one, including the Reds, could seriously object to it.

By using it, we're respecting the armistice terms of the 1954 Geneva convention, in that we're not introducing new equipment into Vietnam.

BODY FOR PROOF

Also, we can put a Vietnamese in the rear seat, contending he's a student pilot.

Actually, few of them even speak English and instruction is nonexistent.

But if a T-28 crashes, there will be a Vietnamese body in the wreckage, and apparently that's important in this game of hide-and-seek we're playing here.

I'm glad I don't have it on my conscience.

As for Jerry Shank and Bob Brumet—every time they put their planes into a dive they must have wondered if they would come out.

On April 9, Capt. Robert Brumet, 36, put his craft into a dive and it didn't come out.

His buddies, flying nearby saw the wings fall off and watched in horror as the plane plowed into the paddies.

They called over their radios for the choppers to come in and pick up what was left. The choppers didn't get there soon enough. The Vietcong got there first.

TORTURE

I hope Bob was dead when they found him, because these are the same people who ceremoniously broke the arms and legs of a district leader's wife at Kien Long recently and then killed her. That is the kind of enemy we face.

We need equipment we can count on to keep us out of their hands.

Captain Brumet was full of love of living and as fine a fighter pilot and a man as you could want.

On March 24, Jerry Shank put his ship into a dive between Soc Trang and Back Lieu and its wing separated from the fuselage.

Jerry was Capt. Edwin G. Shank, 27, from Winamac, Ind. When they shipped his body back, every shop and office in his home town closed for the day.

Jerry was liked by everybody, and most everybody felt the same way about him. He left a wife and four children.

MATS PILOT

Before he came to Vietnam, he was a MATS transport pilot. He graduated from Notre Dame in 1959 with a degree in architectural engineering.

He did his stint in the Air Force Reserve, liked it and decided to make flying his career.

Jerry had one consuming ambition: He dreamed of being the first American to land on the moon. Maybe he could have done it. He had all the qualifications.

It makes you wonder what kind of official thinking justifies taking the lives of two such young men—and there have been at least two others—and you make up your mind you will find out when you get home.

Such decisions may be easy to come by in Washington, where men are statistics and casualty rates are a wavering line on a weekly chart.

But they are harder to take when you know the brave men who honestly fear their planes—because they can not trust the craft to do the job they are asked to do in their country's name.

REPLACEMENT

The Pentagon says it is replacing the T-28 with a Navy carrier plane, the AD-6, more adaptable to dive bombing. And that is good. But why wait until now?

Moreover, the Pentagon did not say when this would be done. And every day brave fighting men take off from Soc Trang in their T-28's, hoping the wings will stay glued until those new jobs get here.

One of the things which Jim Lucas did not tell relates to the utter hypocrisy which sends these men into combat when they are supposed to be there as advisers. That is the official version. Eighteen thousand Americans are there. They are on the firing line. I wish that Mr. McNamara, who has accepted the title which the Senator from Oregon [Mr. MORSE] bestowed upon the war, when he said he was glad to have it called McNamara's war, would explain why, after he has been in charge of the war for 4 years, our men are not better equipped and why they are sent to their death in obsolete planes that come apart in the air.

I also have an editorial, published in today's Washington News, based on the article which Jim Lucas wrote. The editorial reads as follows:

BRAVE MEN BETRAYED

Air Force Capt. Jerry Shank is one of 131 American fighting men who have lost their lives in combat since the United States began its program of massive assistance to South Vietnam in December 1961. In common with the rest of these brave men, Jerry Shank left a legacy of heartbreak, of a widow's empty, endless loneliness, of little children for whom a smiling photograph must forever be the inadequate substitute for a father's strong arms and loving counsel.

But Jerry Shank left something more than that. He was an articulate, angry man, and he left behind a poignant recital of how courageous young Americans are being betrayed by ancient equipment that is no longer equal to the demands of modern aerial combat.

Jim G. Lucas, a combat correspondent who has shared danger and despair with American troops in three wars, tells Captain Shank's story that no reader will soon forget. He tells it, we think, with cold indignation that is wholly justified. Letters written to his wife by Captain Shank have been published in Life magazine and in U.S. News & World Report. With Jim's story, written from the Soc Trang airstrip in the steaming, guerrilla-infested Mekong Delta, they give a shocking account of American men whose courage and devotion is being made a grisly mockery by obsolescent equipment.

Captain Shank died in a T-28, an aging, propeller-driven trainer that was never designed for combat. Loaded with 5,000-pound bombs and napalm tanks, it cannot indefinitely endure the stresses of repeated dive-bombing runs. Eventually the wings come off. That happened to Captain Shank's airplane on March 24. On April 9 it happened to the T-28 piloted by Capt. Robert Brumett.

Nor is the T-28 the whole story of courageous young American pilots being betrayed by war-weary, obsolescent aircraft. The B-26, a World War II attack bomber, was outmoded on V-J Day. Until recently it was flying combat sorties in Vietnam and, as Jerry

Shank's letters have made brutally explicit, still killing American men. The H-21 (Flying Banana) helicopter has done yeoman duty in Vietnam, but it is old and slow and is by no means the Nation's best combat-lift chopper. It, too, imposes unnecessary risks on the men who fly it.

Attempts to obtain an explanation of why we are asking our men to fight with inferior equipment have elicited no coherent reply. Some sources habitually insist the T-28 is ideal for anti-guerrilla warfare because it is slower than modern aircraft. But no one would suggest that its habit of shedding wings fits it for anything other than a flying coffin.

Captain Shank and Captain Brumett are a symbol of much that is wrong with our war in southeast Asia. The prevailing opinion of the men who are fighting it is that we are losing. Jim Lucas' sorrowing account of young Americans dying in the flaming wreckage of obsolete airplanes gives a tragic insight into one of the reasons we are losing.

Our men deserve better of those of us who remain safe back home.

Mr. President, I repeat my view, which I have stated before, that all of Vietnam is not worth the life of one American boy. It is not our war. We cannot win it. We should never have gotten in. We should never have stayed in. We should get out now on the best terms possible. But get out we should. Not another American boy's life should be sacrificed.

EXHIBIT 1

FOREIGN AFFAIRS: THE ROAD TO ANOTHER DIENBIENPHU

(By C. L. Sulzberger)

LONDON.—The extraordinary thing about Indochina in the decade since a fine French Army surrendered at Dienbienphu is that while the desperate game remains the same, the principal players have all switched positions.

France's empire received its deathblow in the battle and was subsequently extruded from Asia and Africa. The collapse of French military power in Vietnam produced a vacuum into which the United States moved.

After long hesitation Washington accepted the old Anglo-French idea of a regional alliance which became SEATO, whose only real strength was the nuclear-armed U.S. Pacific force. SEATO proclaimed unilateral protection of Indochina except for North Vietnam, which was abandoned to the victorious Communists.

Substitution of one Western power for another created temporary stalemate. Nevertheless, after consolidating its position in North Vietnam, communism resumed the initiative with guerrilla incursions into South Vietnam and Laos.

The United States—acting virtually alone despite SEATO—inherited the French role of damming the Communist tide. And France, more dynamic and independent-minded under De Gaulle—inherited our own role of omniscient critic and Western champion of "anticolonialism." Western positions were thus curiously reversed.

Starting with an advisory mission similar to that successfully employed against Communist guerrillas in Greece, we assumed an increasingly direct military burden in South Vietnam. We sought to assist this with diplomatic action designed to neutralize Laos and block the Communist supply line from north to south; but this effort failed.

Meanwhile, there has been a coincidental switch in Communist positions. At the time of Dienbienphu, although Ho Chi Minh's logistical support came from China, the political direction was Russia's. Moscow has now lost control. The southeast Asian Communist operation is today manipulated by Peiping.

PRESTIGE COMMITTED

We have fewer men but just as much prestige committed in Vietnam as France had in 1954. And our allies are of little more use than were France's. In 1954 Britain was preoccupied with a Malayan insurrection and, until too late, the United States feared to intervene. Now France sits carping on the sidelines and Britain is again preoccupied this time with Indonesia.

Our political aims differ profoundly, but we seem to have learned little from France's military experience. Like the French we have unsuccessfully sought to seal off guerrilla supply sources. Like the French we have proved unable to capture the allegiance of the Vietnamese people. The pace of fighting intensifies and we seem immutably to be heading toward disaster.

A decade ago we were telling the French that colonialism was doomed and could not be saved by military action. The French are now telling us that military action cannot prevent defeat of our Vietnamese clients, that neutralism is the only way out.

Clearly, to avoid an ultimate defeat that would tarnish our prestige and weaken our Asian influence, we must change our strategy.

So long as we permit the Communists to fight according to their own rules, to train and equip guerrillas in a northern safe haven and then send them south, we cannot crush them. Our only hope of military triumph and positive political settlement would be to destroy their aggressive bases. We should never contemplate invading North Vietnam. But it is time to announce that, if aggression is not stopped, we will pulverize its bases and communications.

Counterguerrilla action must be moved into the third dimension—an aerial riposte. The time for showdown has come. We certainly don't want holocaust any more than we wanted holocaust in Cuba 18 months ago. But we cannot afford a self-defeating strategy.

The kind of peace that would be purchased by South Vietnam's neutralization would be a humiliating sham. Nevertheless, if such is preferable to the risk of major conflict, we should face that disagreeable truth. Otherwise we must adjust to obvious realities. There is no point pretending that a continued policy of neither war nor peace can lead to anything but an ultimate political repetition of Dienbienphu.

THE TRAGEDY OF VIETNAM: WHERE DO WE GO FROM HERE?

(By Helen B. Lamb)

President Lyndon B. Johnson in a speech to a labor conference in Washington, D.C., on March 23, 1964:

"The people of the world, I think, prefer reasoned agreement to ready attack. And that is why we must follow the Prophet Isaiah many, many times before we send the Marines, and say, 'Come now and let us reason together.'

"And this is our objective—the quest for peace and not the quarrels of war. * * *

"In every trouble spot in the world this hope for reasoned agreement instead of rash retaliation can bear fruit."

Why are Americans fighting and dying in faraway Vietnam? Are we anxious to protect American investments there? Does South Vietnam have strategic raw materials which our Government thinks we need? Is the country within the perimeter of U.S. defense and security? The answer to all these questions is "No." Then why have we poured first billions of dollars and now 18,000 American troops into South Vietnam?

The official U.S. position, as expressed repeatedly by President Johnson, Dean Rusk, and others, has been that we are there because we want to "help" South Vietnam, we want to preserve "freedom" in South Vietnam, stop "aggression" against South Vietnam, and that our troops were "invited" to come to South Vietnam as "advisers" by the duly recognized Government of South Vietnam.

These reassuring bromides emphasizing our noble intentions cannot conceal certain stubborn facts. We are taking sides in a strictly Vietnamese civil war. We are the only foreigners directly engaged in this war. The South Vietnamese Government which we are so eager to protect is virtually our own creation, as Senator WAYNE MORSE, Democrat, of Oregon, has recently pointed out. The Government of Ngo Dinh Diem which "invited" our military forces into South Vietnam was thoroughly exposed to the entire world as one which did not represent the will of the South Vietnamese people, but the power-grabbing proclivities of Diem's own family clan. Since the execution of Diem by his own officers, rival military factions have fought for power—that is, for American largesse, which keeps the generals in power and the war going.

American public opinion is beginning to question the huge outlays of funds and the sacrifice of American boys for the sake of propping up unpopular "strongmen" who cannot defend themselves from their own people and so cling desperately to us. Senator ERNEST GRUENING, Democrat, of Alaska, addressed the Senate on March 10, concerning U.S. military involvement in South Vietnam, and concluded: "This is a fight that is not our fight into which we should not have gotten in the first place. The time to get out is now before the further loss of American lives." Senators ALLEN J. ELLENDER, Democrat, of Louisiana, and MORSE have expressed substantial agreement with him. Others, including Senator E. L. BARTLETT, Democrat, of Alaska, and Majority Leader MIKE MANSFIELD, have urged that we welcome President de Gaulle's effort to bring about a negotiated settlement.

HOW THE WAR STARTED

How did this endless Vietnamese civil war start? The successive beleaguered governments of South Vietnam have been challenged by the revolutionary forces of Vietnamese nationalism. These forces are intent on the overthrow of any and all rightwing governments which are tied to America's apron strings. We call the guerrilla fighters Communists (Vietcong). Actually, the overwhelming majority of these revolutionary fighters are not Communists and the program they are fighting for is not a program to establish a Communist regime.

Originally, back in 1945, when the war started, it was not a civil war but a revolutionary war of liberation from French colonialism. The Vietnamese were led by the great revolutionary, Ho Chi Minh, Vietnam's leading Nationalist and Communist. He organized the Viet Minh, a coalition of different Vietnamese political parties and interests commanding widespread support among the Vietnamese, conservatives as well as radicals. Even the Vietnamese Catholic hierarchy in North Vietnam supported Ho's revolution.

From 1947 on, the United States tried to convert this struggle for independence from French rule into an ideological war between rival rightwing and leftwing Vietnamese factions. To do this, the United States evolved a double strategy. We tried simultaneously both to help the French defeat the revolutionary Viet Minh and to force the French to grant formal independence to a conservative Vietnamese faction. This faction was built around the reinstated Vietnamese Emperor, Bao Dai, who had obligingly served as puppet head of Vietnam under the French colonial regime, as well as under the Japanese occupation during World War II, but had abdicated in favor of the revolutionary Viet Minh in 1945. Our double strategy was bound to fail because it was contradictory. The more we helped the French against the Vietminh the less likely were the French to relinquish their hold on Vietnam.

VIETNAM'S GEORGE WASHINGTON

In the end, the French were forced out of Vietnam but not by our preachments. They were defeated by the Vietminh at Dienbienphu because the Vietnamese people agreed with the Vietminh that the war was a war of national liberation from French domination. And they did not believe the United States-French-Bao Dai claims that France would give Vietnam true independence or that Bao Dai was a genuine Vietnamese patriot to whom all Vietnamese should rally. Instead of turning against Uncle Ho, as Ho Chi Minh is affectionately called, very many Vietnamese loved and revered him as their great national hero, fought for him, worked for him, and carried on their backs the supplies for his army. He is the Vietnamese George Washington. To the end, Bao Dai was regarded as a French puppet and whatever concessions were grudgingly made to his government by the French were attributed not to the magnanimity of the French but to the strength of the Vietminh.

Following several years of struggle with no outside assistance Ho Chi Minh finally, after 1949, got some help from Communist China, but it was a tiny trickle compared to the avalanche of aid that the French and Bao Dai got from the United States. The United States poured over a billion dollars worth of military aid and defense support into the war at that time, thus making the French—Bao Dai army infinitely better equipped than Ho Chi Minh's peasant troops. This American aid merely prolonged the agony and greatly added to the casualty lists for both France and Vietnam. It did not alter the outcome.

As the war dragged on, the French became weary and reluctant to continue the fighting. They were alienated by what some Frenchmen suspected were America's efforts to displace them in Indochina. The French press questioned why French lives should be lost in America's anti-Communist crusade. To keep the war going, the United States offered a greatly expanded military aid program. But the French will for peace prevailed and a peace conference was finally scheduled in the spring of 1954 at Geneva, attended by all the great powers, even intermittently by the United States, though the Eisenhower administration hoped it would fail.

HO MAKES CONCESSIONS

It did not fail. Ho Chi Minh, a past master at negotiation and compromise, made significant concessions in order to achieve a settlement. These concessions were the provisional partition of Vietnam at the 17th Parallel, an important facesaving device for the French as it allowed them to regroup their troops temporarily in South Vietnam rather than surrender to the Vietminh. No Vietnamese wanted this partition. Even the Bao Dai delegation was against it. Two reasons impelled Ho Chi Minh to make this concession. First, the United States was threatening to expand the war and had offered France the use of the atomic bomb. And second, the partition itself was supposed to be temporary.

The Geneva accords stipulated that within 2 years French troops had to withdraw from South Vietnam; and that the provisional governments of the two zones, the north under Ho and the south under Bao Dai and his Prime Minister, Diem, had to give way to a new all-Vietnamese Government, freely chosen in a nationwide election supervised by the International Control Commission set up to police the agreements. The United States alone among the great powers refused to endorse the Geneva accords, though we did at that time go on record as opposing the overthrow of these agreements by force.

WHAT PARTITION MEANS

After Geneva, it soon became apparent that the United States planned to subvert the Geneva accords by subtle, indirect means such as the formation of SEATO (Southeast Asia Treaty Organization), and to continue the struggle under a different guise. We refused to accept the verdict of history. Our side, the French-Bao Dai team, had lost. But we did not let them settle down peacefully to carry out the agreements.

How would we Americans have felt if at the end of our own Civil War between the States, a foreign power had said to the defeated southern leaders, "We will support you; we will help you get ready to fight again; you can ignore the peace terms and we will back you up. With our help you can get your secession after all; the South should be a separate country because its institutions and ideology are fundamentally opposed to those of the North." This is precisely what we have done in South Vietnam.

This American policy of insisting that Vietnam be permanently cut in two at the 17th Parallel with no intercourse, not even trade, between the anti-Communist south and the Communist north, outrages Vietnamese patriotism because it violates the integrity of Vietnam and threatens its very survival as an independent state. Instead of one strong country it creates two weak ones, neither of which is viable. North Vietnam needs the surplus rice from the south, and South Vietnam needs coal and industrial raw materials from the north. Thus the total divorce of North and South Vietnam has forced each half to turn elsewhere for trade and aid, North Vietnam to the Communist bloc and South Vietnam to the United States.

This precarious dependence on great powers, which belong to different power blocs, and are locked in conflict with each other, fills thoughtful Vietnamese, whatever their politics, with great anxiety for the future of their nation. Vietnam is a small country at best and suffered in the past a thousand years of Chinese domination. The Vietnamese expelled the Chinese in A.D. 939 and maintained their independence except for short interludes until the French conquest beginning in 1858 and ending in 1954 with the country's partition. This division, so fraught with danger for the Vietnamese people, is like a time bomb.

WHAT PRICE CONFRONTATION?

The American policy of maintaining tension in this area through a hostile confrontation between North and South Vietnam has created in South Vietnam a country which cannot possibly stand on its own feet. South Vietnam has a smaller population than North Vietnam. The role the United States assigned to South Vietnam was that of virtually declaring war on North Vietnam. South Vietnam cut off all trade and normal relations between the two zones, making it necessary to build a military establishment way beyond the capacity of South Vietnam's own slender resources. South Vietnam has thus become chronically dependent on the United States. In consequence, the leaders of South Vietnam, from Ngo Dinh Diem on, have had to bear a double cross, the cross of being called American puppets and the cross of being held responsible for the continued partition of their country.

In addition to everything else that is wrong with a policy that insists on creating a sanitized anti-Communist bastion of the free world out of South Vietnam, this policy of the United States made civil war in the south inevitable. Why? Because it involved a vigorous effort to root out all pro-Ho Chi Minh sentiment in the south where he had and still has much support. In fact, before 1954 large areas of the south had been governed by the Vietminh, which had already put through agrarian land reforms. Diem's government tried to turn the clock back. With Diem's army, sent into the countryside to purge all those who had helped the Vietminh or benefited from Vietminh reforms, marched the landlords demanding back rents. There were protest demonstrations and brutal police repression until finally many in the rural areas, including members of the Cao Dai and Hoa Hao religious sects, fled to the jungles to organize an armed resistance.

A GRASSROOTS WAR

This current revolution was made in South Vietnam.

* * * * *

Both sides use terror in this dirty war, but the Government side has more terrible means for the mass extermination of people, livestock, and crops. It has used poison chemicals, nepalm bombs, and long-range artillery supplied by the United States. Powered by American planes, death and destruction rain from the sky on a village's entire civilian population—on guerrilla fighters and passive bystanders, the rich as well as the poor peasants, the Catholics and the Buddhists, women, children, and old men. These tactics suggest that the Government gave up long ago any hope of winning the people to its side.

WHAT IS LIBERATION FRONT?

By the crucial year 1960 the Diem tyranny was under attack from all sides. A group of 18 prominent South Vietnamese intellectual and political figures issued a manifesto April 26 criticizing the Government for its total failure to bring freedom, justice, democracy, and prosperity to South Vietnam. Even the military were disaffected. On November 11 a coup-d'etat, staged by dissident army officers, was suppressed by General Nguyen Khanh, the present dictator. The failure of these efforts to bring about changes in the Government and the repression which followed led more and more Vietnamese to join the guerrillas, either from dislike of the Diem regime or fear for their personal safety. On December 20, 1960, the guerrillas organized the National Liberation Front to coordinate the fighting against the Diem regime and to get some consensus on possible peace terms.

Like the former Vietminh, the Front is a coalition of many groups—religious, ethnic, and political—with several political parties, of which the Communist Party of South Vietnam plays an outstanding role. The main support for the Front comes from those South Vietnamese who have suffered most under the Diem rule—the poor peasants, certain Buddhist sects, the Cambodian minority, and the ethnic tribes who live in the high plateaus. The Front's program reflects the needs and wishes of its present members as well as their desire to get more adherents. This means it is the typical program, not of a class war, but of a liberation movement against the tyranny of the overbearing South Vietnamese Government and its foreign sponsors. Therefore it has something for everyone and postpones really difficult controversial issues until freedom has been won.

At the head of the Front is Nguyen Huu Tho, a noted civil liberties lawyer, who during French rule had defended Vietnamese patriots arraigned before the courts of Saigon for their political activities on behalf of Vietnam's freedom. In 1950 he organized demonstrations against American arms shipments to Saigon, for which he was jailed by the French. After 1954, he became vice president of the Peace Movement of Saigon-Cholon, working for the full implementation of the Geneva Accords. Considered subversive by the Diem government, he was arrested in September 1954, and held without trial until the guerrillas freed him in 1961. With no political affiliation himself, he heads the Front's committee of leaders from different political parties, religious sects and ethnic minority groups as well as representatives for different sectors of the population—students, women, peasants, and so on.

WHY THE FRONT HAS GROWN

The Front has grown in a short time into a large organization, estimated to contain some 300,000 full- and part-time fighters and from 4 to 5 million supporters, according to Associated Press Correspondent Malcolm Browne (Providence Journal, Feb. 9, 1964).

The Vietnamese people are attracted to the Front's program and propaganda. The Front makes peace proposals instead of war proposals. It advocates neutralism as a means of stopping the war and insuring Vietnam's independence. It demands that normal trade relations be resumed between North and South Vietnam and that ultimately negotiations take place between the two areas looking toward the reunification of Vietnam. It outlines a postwar program of economic development and social and political reform. It calls for a great extension of freedom by the removal of all restrictions which have been imposed by the South Vietnamese Governments since 1954 on groups, local communities and individuals. Let us analyze the content of Front propaganda and compare it with the South Vietnamese Government's own propaganda line.

The most effective propaganda is of course the propaganda of deed and example. What is the tone of life in Saigon, controlled by the Government, and in the countryside that is controlled by the Front? In Saigon there are increasing extremes of wealth and poverty; new building is mostly luxury apartments. There are many signs of high life and Western influence—gambling and prostitution; and the twist, American jazz, American movies and American soldiers with a lot of money to spend. Everywhere there is evidence that the South Vietnamese Government depends heavily on the United States—$3 billion worth of American aid since 1954, mostly in the form of imported goods and weapons. Corruption and graft have become matters of common knowledge. According to the reports in the American press, the Saigonese appear to be either cynical or indifferent as to the succession of military coups.

Out in the rural areas where the Front is strong, equality is the keynote; all are poor. There is no corruption and no luxury. Life is difficult, austere, and rigorous. People work hard and become fanatically dedicated to the cause of the Front. Instead of being dependent on handouts from abroad, they are very self-reliant and even improvise primitive weapons of their own. There are no foreigners in their midst. In consequence, their movement is an all-South Vietnamese movement and their cause that of patriotically ridding their country of all foreign—that is, American—interference.

WHAT ABOUT NORTH VIETNAM?

American commentators assert repeatedly that North Vietnamese troops have commited aggression by invading the south. If this were so, it would not be a matter of foreign aggression, as North Vietnamese are still Vietnamese. But is it so? New York Times Reporter David Halberstam reported on March 6, 1964, "No capture of North Vietnamese in the south has come to light."

To be sure, former Viet Minh soldiers are now fighting in South Vietnam, but they are South Vietnamese according to U.S. officials (New York Times, June 18, 1963). These are the Vietminh regulars who had to regroup in North Vietnam under the Geneva agreement of 1954. They thought they would be returning to their families in the south in 1956 after the promised elections. When Diem and the United States blocked these elections, many of these South Vietnamese filtered homeward over the famous Ho Chi Minh trail through the jungle of Laos. The front does not need soldiers from North Vietnam. It is an insult to the South Vietnamese to imply that they do not make as dedicated, competent, and militant fighters as their northern compatriots—when they are on the side of Vietnamese freedom. As to their supply of weapons, the United States made an official breakdown of a cross section of weapons taken from the Vietcong and only 1 in 50 came from the Communist bloc, as reported in the Baltimore Sun, October 14, 1963, by its Far Eastern correspondent, Louis R. Rukeyser.

The whole rationale of guerrilla warfare presupposes that success depends on the support of the people, on raising local issues meaningful to the people, on local leaders and local self-reliance, with weapons either homemade or captured from the enemy. Peasants fight because they are defending their homes. So the Front stations its recruits in their own locale, whereas the Government, fearing its soldiers may defect, stations them far away from their home base. The guerrillas destroy roads and bridges because these are the means of supplying the Government troops, not the guerrillas' own forces.

The guerrillas fighting courageously in South Vietnam against such great odds know, however, that they have the unqualified moral support of all the Socialist countries. Many student and peace organizations in non-Socialist countries, even including the United States, have passed resolutions condemning the war and proposing an international conference to bring about peace through compromise and negotiation. The members of the Front have naturally the greatest sense of solidarity with their North Vietnamese compatriots who have a very special interest in the victory of the Front. This victory would mean not only the end of American interference in South Vietnam, but also the resumption of normal trade relations between North and South Vietnam looking toward ultimate reunification of Vietnam. These goals mean as much to a North Vietnamese as to a South Vietnamese. But the concrete aid that the North has provided for the struggle in the South seems to be slight, aside from educational and training facilities accorded South Vietnamese who manage to get to the North.

COUP FOLLOWS COUP

While the Front has grown stronger since 1960, the Government of South Vietnam has grown weaker, and its dependence on the United States has consequently increased. The attempted coups d'etat in 1960 and 1962 failed, but were followed by others in 1963 and 1964 which were successful. These self-appointed military cliques kill or jail their predecessors, so that the only real thread of continuity in South Vietnam today is the American presence and American power, to effect American policies. Each clique clutches for our favor and announces that it wholeheartedly supports the American position. As long as the United States continues to pour men and money into South Vietnam, there will always be some Vietnamese who, with hands outstretched for more aid, will parrot the U.S. line on the war.

The relationship of all these governments to the United States has been basically that of a parasite to its host—with certain surface differences in the relationship being registered from one regime to the next. Diem and his brother Nhu wanted American money but not American advice. Diem was an obstinate, proud man, absolutely sure he knew what was best for Vietnam, and so inevitably collided with American advisers who were equally sure that only they knew what was best for Vietnam. Diem and especially his smart brother Nhu became increasingly exasperated with American interference in how to win the war against the guerrillas, how to run the Government, and how to handle the Buddhist crisis. Their growing hostility to America tended to veil the Government's dependence on the United States and thus took some of the curse off the Front's charge that Diem was nothing but an American puppet. Friction mounted with the continued failure of the joint United States-Diem effort to destroy the guerrillas.

Finally, in the summer of 1963, the United States decided that the Diem regime had to go. We called for a "change in personnel"—just as if South Vietnam were the Ford Motor Co. and we its leading stockholders. Then by quietly discontinuing the commercial aid program, ultimate source of the military budget, we stirred the generals to act. We sloughed off Diem because he was not sufficiently puppetlike. With this "lesson" before them, the successors to Diem are not likely to get out of line.

The United States has leaped to recognize each new government in turn, and American officials solemnly announce on each occasion that this government represents the will of the South Vietnamese people. When our protege, Diem, was overthrown, the population of Saigon went wild with joy and showered the military junta with flowers and kisses. But this demonstration represented relief over the end of the Diem tyranny rather than support for the generals who succeeded it. Three months later when the junta was itself overthrown, no one, Vietnamese or American lifted a finger in its defense. For the new dictator, General Khanh, there were neither flowers nor kisses. The weary Saigonese merely asked, "General Khanh—who is he?" On the evening of his coup and the next day, General Khanh spent his time not in rallying the population to his leadership but, closeted with U.S. Ambassador Lodge, arranging for the continuation of American aid, which was quickly granted.

KHANH ACQUIRES A FORTUNE

Shortly thereafter, General Khanh boasted that he had $10 million and could therefore flee the country and lead a life of ease if he wanted to (New York Herald Tribune, Feb. 3, 1964). So far, he has chosen to remain and becomes the hero of Life magazine, which quotes an American "adviser's" description of Khanh as follows: "He is a hell of a fighter. He is the kind of leader who goes out into the field with his men and kicks them in the rear." (Feb. 14, 1964.)

American officials and General Khanh are still in the honeymoon stage. We praise him to the skies and he reciprocates. He asks our advice and he follows it, even to dispensing candies to the kiddies. According to newspaper reports he admits that the anti-Communist cause has no chance of survival without the most wholehearted U.S. support, and says, "Unfortunately, he (Ambassador Lodge) is the No. 1 man in Saigon." (New York Times, Mar. 13, 1964.)

Whenever General Khanh travels into the countryside, he is flanked by American army men or diplomats. It looks as if we were trying desperately to sell Khanh as our man to the doubting Vietnamese public. How can American officials be so naive? As the London Times pointed out last September 3, "* * * anyone put into power by the Americans, or any other foreign power, would almost automatically forfeit any hope of gaining mass backing." The American embrace may well be the kiss of death for General Khanh in this sense.

Unquestionably the general is overdoing his puppetry. One wonders if he is not a veritable agent of the Front. For hasn't each new Government clique accused its predecessor of working for neutralism and an accommodation with North Vietnam, i.e., of being a "traitor"? Perhaps the next dictator will so accuse General Khanh.

CIVIL LIBERTIES FOR WHOM?

Freedom is a great slogan used by both sides to rally people to their cause. Freedom from American intervention is the goal of the front; freedom from communism is the slogan of the Government. In the realm of specific civil liberties both sides claim to stand for the basic freedoms: freedom of speech, of religion, of assembly, of the press, and of political and trade union organization. The Front has the advantage of being the party not in power in Saigon. Government spokesmen cannot obscure their own very bad record on individual and group liberties. None of these basic freedoms have been respected.

General Khanh and the junta before him inherited the whole Diem apparatus of tyranny and have not yet cleaned house. There are today some 28,000 political prisoners who are still in jail and who have never even been brought to trial. Under Diem the elections were rigged. Since Diem, there has been an out-and-out military dictatorship, with no elections in sight. General Khanh, the leader of the moment, brands all who disagree with him as either Communist or neutralist traitors. Even South Vietnam's top generals are held under house arrest, though no evidence has been presented against them.

General Khanh thus demonstrates a total disregard for due process of law in contrast to Nguyen Huu Tho, the head of the Front, whose efforts on behalf of civil liberties are well known. General Khanh's "freedoms" tend to be of the never-never-land variety, since they wait on final victory and unconditional surrender, conditions which appear daily to be more remote. In the meantime, General Khanh advocates not more freedom but more repression, reviving Diem's secret police and the hated strategic hamlet program renamed "new rural life program."

GOVERNMENT BY THREAT

The people of South Vietnam have been uprooted from their homes, impressed into forced labor, the peasants herded into "strategic hamlets" long distances from their fields. Here they live under police surveillance and under constant fear of reprisals because of their relatives in the Front. More and more hamlets have gone over to the Front, which besides the abolition of these practices advocates a return to village autonomy. The Front wants to accede to the villagers' desire to elect their own officials instead of having an army of Government civil servants foisted on the village from above.

The freedom that is denied to individuals likewise is withheld from private enterprise. True, business firms cannot be driven into concentration camps, but can be and are subject to blackmail, as they were under the other anti-Communist governments of South Vietnam. Import licenses have been canceled because the importer's politics were distasteful to one or another dictator. Now the Government has threatened to confiscate French investments in South Vietnam—banks, rubber plantations and a few industrial plants—unless these firms not only subscribe to the Saigon government's present politics, but also put pressure on De Gaulle to make France do likewise. (New York Times, Jan. 23, 26, 1964.)

In contrast to the Government's threats to private investment and enterprise, the Front has offered protection to business interests, even foreign concerns, provided they play a productive role in the future economy of Vietnam. This is in line with its desire to obtain the broadest possible support, passive if not active, for its struggle against United States domination of South Vietnam. The rubber planations have been forced to pay double taxes—to the Front in the countryside and to General Khanh's government in Saigon. No wonder business wants a peace settlement.

The propaganda of the various South Vietnamese governments, one suspects, has been pitched to win not the Vietnamese, but American audiences—and assistance. Each ruling clique tries to make the issue Western capitalist democracy versus communism. Both these concepts are abstractions which have very little meaning to the average Vietnamese. The people, save for a few Western-educated intellectuals more at home in New York than in Vietnam's rural districts, have had no experience with Western political institutions. They have experienced, however, the South Vietnamese Government's curious amalgam of extolling freedom in theory but denying it in practice, and they are against it.

FREEDOM IN FACT

Let us take, for example, the Montagnards, tribesmen who live in the mountains of South Vietnam, and whose culture, language, and economy are entirely different from those of the lowland Vietnamese. They do not want rhetoric about the virtues of a two-party system. They want concrete safeguards for their distinctive way of life—and these the Front has promised. They want the right to dress as they please, wear long hair, live in the tribal long house instead of single family dwellings, use their own language in schools and courts, keep their old land-holding relationships and their inheritance of property laws. In all this they seek ethnic and cultural autonomy as it has already developed in North Vietnam where the Government, unlike that of the South, allows cultural diversity. The North has retained some of the old safeguards which the French provided against the ruthless Vietnamization of these primitive people.

The one great positive freedom which the Vietnamese do understand and have fought to achieve is not individual freedom—this is a Western import—but group freedom, especially the freedom from foreign domination. In the Vietnamese struggle against French colonialism, the Communist, Ho Chi Minh, was the great national hero and leader. Therefore, people associate national fulfillment and freedom with Communist leadership. No comparable leader to Ho Chi Minh has emerged in South Vietnam—Diem saw to that. Ho is admired and honored by millions of Vietnamese, both in the North and in the South, whether they are or are not Communist.

In areas where subject peoples have had to fight to win independence from their colonial masters, a term in jail becomes a badge of patriotism and an essential ingredient of the claim to leadership in the country's future. Nguyen Huu Tho meets this specification. None of the leading figures of any of the governments of South Vietnam since 1954 can qualify in this respect. They all either worked as administrators for the French or fought in the French colonial army against their own compatriots.

U.S. OBJECTIVE: WHAT IS IT?

To the war-weary general public in Vietnam, peace is the paramount issue and the Front has captured it. The Front proposes an immediate cease-fire and a negotiated peace between contestants. The successive South Vietnamese governments, though unable to defeat the Front, have talked belligerently of fighting to the bitter end. Nothing less than total victory and unconditional surrender will do. The United States, which is the power behind General Khanh's shaky throne, has never proposed an over-all settlement. It is unclear for what goals we are urging the Vietnamese to fight so bitterly. As Stanley Karnow pointed out in the Herald Tribune (March 1, 1964): "What constitutes a satisfactory solution is something Washington will have to define just as it has yet to describe clearly its ultimate objective in Vietnam."

Why have we made no proposals for a settlement? Why is there no urgency to restore peace to this war-torn land, no suggestion of willingness to negotiate, no hint that we would be willing to make compromises if the other side did likewise? The United States is using South Vietnam as a guinea pig for trying out and testing under fire new weapons, equipment and tactics with which to fight guerrilla uprisings everywhere. If the war ended we would cease to have our laboratory. Is this why there is no American urgency for peace?

Why are the Vietnamese generals so reluctant to formulate peace proposals? Generals everywhere are trained to make war, not to negotiate settlements; the latter is the diplomat's job. Peace has certain very real hazards for the Vietnamese military. The generals would have to relinquish their power to civilian authorities. General Khanh says he would like to do this but would he? The end of the war would bring a drastic cut in the military budget because American aid would cease or be much reduced and because a truly civilian government would want to use most of South Vietnam's meager resources for economic development. Peace would thus mean that the power, prestige, and pocketbook of the military clique would suffer. Is this why General Khanh offers mobilization for total war to the war-weary Vietnamese, and threatens to shoot or jail for life all those whom Khanh considers to be slackers? (New York Times, Mar. 19, 1964.)

FRONT URGES NEGOTIATIONS

In contrast to the Government's reluctance to discuss peace, the Front has consistently advocated a negotiated settlement. Many Vietnamese welcome the Front's peace proposals, irrespective of their merits, simply because the people are so anxious to have peace. Actually, the proposals do have the great merit that they are based on a true estimate of the facts. The main reality in South Vietnam is that the war is a stalemate, with the power of people and numbers on one side, and the power of superior material on the other. In the present contest there is a striking parallel with the former war between the Vietminh and the French; today the Front controls most of the countryside at night, as the Vietminh did formerly, while by day the Saigon Government controls the cities and the main roads, much as the French did. This stalemate is endless because if the United States tries to upset the balance by attacking North Vietnam, the war will be extended to a higher level of horror, since both sides can play the deadly game of escalation. The stalemate means that no one is going to win an unconditional surrender. If ever there is going to be peace, it can only come by a negotiated settlement in which both sides make compromises and adjustments.

The Front has proposed as a compromise the setting up of a new coalition government composed of representatives of the existing Government, the Front, and other Vietnamese organizations. General elections would follow, the franchise to be universal. The idea of compromise is spelled out further in the middle-of-the-road character of the program for economic development. The Front proposes that it be neither capitalist nor Communist, but a mixed economy which permits private enterprise and promotes agrarian reform and economic planning.

It is vital to end this war by compromise, either the Front's or some other growing out of the peace negotiations which must come sooner or later. After a civil war, the soldiers do not retreat behind different national barriers; they have to settle down and live with one another in their own war-torn country.

Compromise suggests self-respect and face saving for all. It is the very antithesis of the "arrogance of victory and the venom of defeat," to use E. M. Forster's phrase, which could poison the atmosphere for generations to come. Therefore the quality of the peace, as well as the possibility of peace, depends on a negotiated settlement.

NEUTRALISM IS FAVORED

Neutralism is tremendously popular in South Vietnam as the means for ending the war and safeguarding the peace. The Front has proposed it as part of its overall compromise. As a neutral, South Vietnam would treat all countries alike—Communist as well as non-Communist. Neutralism means keeping all governments at arm's length, not allowing South Vietnam to be caught up in any nation's suffocating embrace. This would not preclude American aid or trade in moderation. It would preclude the stationing of troops by the United States, China, or any other foreign country on South Vietnamese soil. Neutralism would commit South Vietnam to independence and self-reliance. If South Vietnam's neutralism were guaranteed by the great powers, those powers would be committed to observe and honor this independence, and to check one another.

The desire for neutralism in South Vietnam is very strong and has existed for some time. It requires the withdrawal of American troops from the entire area. This is ardently desired even by some Vietnamese who are opposed to a formal commitment to neutralism by South Vietnam. They believe this American withdrawal would help to get the South Vietnamese Government—whichever general is in power at the moment—to the conference table. Ho Thong Minh, who runs the influential Paris journal, Pour le Vietnam, stresses this point particularly: that if only the Vietnamese are left alone, they can resolve their differences whether within South Vietnam or between North and South Vietnam. The American military presence stiffens the South Vietnamese Government clique to the point where it is unwilling to entertain any thought of compromise and negotiation.

Neutralism is also valued in South Vietnam for its own sake. After all, neutralism is not an exclusively Vietnamese phenomenon, but rather represents a widespread longing of countries everywhere to steer clear of power politics and war. The alternative to neutralism is membership in a bloc. But for small, weak countries newly emerged from colonialism, this bloc membership means not partnership between equals but dependency, and evokes the specter of colonialism.

Furthermore, a neutralist foreign policy represents the nation's best chance of survival, in the considered judgment of the leaders of many countries in Asia and Africa. Neutralism means offending neither side. Because little wars are safer than big ones, the great powers tend to work out their rivalry with each other via the small, weak countries which thus sink to being mere pawns. This is what neutralism tries to avoid.

The United States should understand this desire of new nations to avoid entangling alliances. When our country was young and weak we adopted this same foreign policy. But now our officials take the patronizing view that countries espousing neutralism are misguided and do not understand their true self-interest. By inference, only we know what is best for them. Despite U.S. pressures, most of the peoples of Southeast Asia have already adopted a neutral stance—Burma, Indonesia, Laos, and Cambodia. Even Thailand (Siam) has a strong neutralist minority. Neutralism is in the Thai blood; Siam alone avoided becoming a colony in the 19th century, and achieved this feat by being a buffer between rival colonial powers, the French and the British.

GOVERNMENT FEARS NEUTRALISM

As the front has grown, so has the desire for neutralism, both within and outside the front. The sentiment for neutralism has been very strong in the Vietnamese exile community in Paris, a community small in numbers and representing the well-educated business and professional people who were able to escape from the Diem tyranny. The leaders in this community have had political careers in Vietnam. Some of these have formed the influential Committee for Peace and the Reconstruction of South Vietnam under Tran Van Huu, former Prime Minister in Bao Dai's regime. This committee is working for the neutralization of South Vietnam. The repression of free speech and the press was so great under Diem that this Vietnamese exile community in Paris represented about the only opposition voice of the Vietnamese people other than that of the Front. While not all the Paris exiles are of one voice, a neutralist South Vietnam has become the dominant note.

After the coup d'etat in the fall of 1963 the repression in South Vietnam lifted temporarily and new viewpoints were allowed expression. Leading Buddhists, especially those from Central Vietnam where Buddhism is strongest, spoke out in favor of neutralism. So did some representatives of the Cao Dai religious sect. A new newspaper appeared, advocating neutralism, and was quickly suppressed. Alarmed at the widespread growth of neutralist sentiment, General Khanh cracked down and on February 14, 1964, published a decree stating that anyone advocating neutralism would be subject to a military trial. The United States likewise grew jittery over the spreading enthusiasm for neutralism. We sent the armored missile cruiser, ***Providence*, up the river to** Saigon to quell the rising tide of neutralist feeling. As if this show of American force could undermine Saigon's longing for peace. Now, since the ruling dictator equates advocacy of neutralism with treason, neutralism again has no voice in Saigon. But it has many silent followers.

U.S. OPPOSES REUNIFICATION

Apparently the U.S. Government is opposed to the neutralization of South Vietnam for fear that it would soon lead to the peaceful unification of all Vietnam under Ho Chi Minh. Some form of federation between North and South is likely to take place eventually, whatever our fears, and the issue will be decided by the Vietnamese people themselves, not by Americans. United States insistence on partition (we call it the sovereignty of South Vietnam) is viewed by many Vietnamese as a typical colonial tactic of divide and rule. Long before us the French had insisted on the partition of Vietnam into three zones. As a result, one of the slogans of the long struggle for independence from French imperialism was the reunification of Vietnam.

Both North and South Vietnam taken separately, as well as Vietnam taken as a whole, have suffered from the American policy of permanent partition, trade embargo between the two zones, and their perpetual confrontation. The two zones have been weakened, but in different ways. North Vietnam has stressed self-reliance and self-sufficiency—using the limited Communist bloc aid largely for industrial development—so it has had to tighten its belt and convert an undue proportion of resources to food production. South Vietnam, on the other hand, has chosen the path of increasing an already overwhelming dependence on the United States—some 75 percent of its annual budget is derived from American handouts. Foreign trade figures show this same total dependence on the United States. Year after year South Vietnam imports goods, mostly consumer goods, valued at 3 or 4 times the value of South Vietnam's exports. This may be good for American business, but it is bad for Vietnamese independence and economic development and has reduced South Vietnam to a nation of mendicants.

But it is idle and frivolous to compare and contrast North and South Vietnam. Americans committed to the policy of permanent dismemberment of Vietnam like to play this game of pitting the North against the South from every vantage point, economic, social, and political. But to Vietnamese nationalists, whether they are conservative or radical, Vietnam should be one country, not two. It is just a question of how this reunification is going to be achieved—by peaceful negotiation or by war.

EVEN KHANH WANTS REUNIFICATION

The Front proposes the reunification of Vietnam by stages, beginning with the establishment of normal relations between the North and the South, that is, the resumption of trade and visiting back and forth. Later, after a coalition government has been set up representing all of South Vietnam, not just the military clique now controlling Saigon, negotiations can take place between the Governments of the North and the South. The reunification could be worked out to the extent and at the pace that the South Vietnamese Government desires. Many Vietnamese not in the Front want to explore these proposals, since they represent what the great majority of the South Vietnamese people want, according to Le Quang, a leading spokesman for the large Cao Dai religious sect in South Vietnam (La Tribune de Génève, Dec. 27, 1962).

Even General Khanh is now proposing the reunification of Vietnam, not by peaceful negotiations but by force of American arms. His government-inspired demonstrations feature school children bearing aloft placards reading "We Want To March North." (New York Times, Mar. 13, 1964.) Any effort by the United States to extend the war by bombing or blockading North Vietnam would not reunify Vietnam but destroy it, and could unleash World War III.

WE NEED NEW VIETNAM POLICY

As Senate Majority Leader MIKE MANSFIELD has urged, the United States needs to reappraise its Vietnam policy. The world of 1964 has moved a long way from the world of 1954 when John Foster Dulles launched the futile and arrogant policy of treating South Vietnam as an outpost of the United States of America. Any new policy for Vietnam should help the Vietnamese to meet their own needs as they see them, instead of attempting to manipulate these long-suffering people for our purposes. Rather than opposing their deepest aspirations for a negotiated peace, let us work toward a conference between representatives of both sides to arrange a cease-fire.

Instead of opposing neutralism as a Communist plot, let us accept it as representing the longing of the Vietnamese people to live at peace with each other and with the outside world. Let us call an international conference of all the great powers and the countries in southeast Asia to explore the possibilities of Vietnamese neutralism and what contributions we and others can make, so that this neutralism can be as stable and viable as possible. To what acts of omission as well as commission could and should the great powers commit themselves to help Vietnam and other aspirants to neutralism attain their dream of nonalinement? Instead of trying to substitute ideological confrontation between Vietnamese factions for Vietnamese nationalism, let us accept the reality of Vietnamese nationalism and of its corollary, the reunification of Vietnam. Why not work with Vietnamese nationalism instead of against it?

Accepting Vietnamese nationalism means letting the Vietnamese decide on their own what kind of economic system they want and what type of relationship they want between

North and South Vietnam. The famous domino theory, which regards the countries of southeast Asia not as independent entities but as faceless dominoes doomed to fall in unison if any one of them alters its position, violates Vietnamese nationalism and the principle of self-determination. It says, in effect, the Vietnamese cannot decide what they want for themselves since whatever they do has repercussions elsewhere. (The assumption that Vietnam alone holds the dike for an anti-Communist southeast Asian bloc is of course a myth, since most of the countries of southeast Asia have already gone over to neutralism.) A policy of neutralism and the reunification of Vietnam should not be regarded by Americans as a defeat for America, but as a victory for the Vietnamese—since this is what they want.

President de Gaulle has done a great service in outlining the goals for a stable settlement—neutralization of southeast Asia, reunification of Vietnam, agreement of southeast Asian countries to respect one another's boundaries and consent of the great powers to respect the neutrality of the area. De Gaulle may also be able to help in working out the concrete means of achieving this goal. He can be a broker between the rival superpowers of China and the United States, as well as between hostile factions within Vietnam. France has great knowledge of the area and its people. France has an important stake in the area—substantial foreign investments, schools, and religious and cultural missions. The Vietnamese middle class speak French, not English, and value French culture and education. In France itself there are many influential Vietnamese who are identified neither with the Front nor with the Government of South Vietnam.

LOOSE FEDERATION FAVORED

Two peaceful ways of reuniting Vietnam have been proposed so far. The Geneva Accords provided for an internationally supervised election. In 1962 a new proposal was made by the National Liberation Front and seconded by the Government of North Vietnam. This program recommends a conference between North and South Vietnamese Governments. It gives South Vietnam equal weight with North Vietnam, even though South Vietnam's population is smaller. Reunification by a conference between the two Governments could result in a different kind of relationship between the North and South; namely, a loose federation as opposed to a unitary state which would result from overall elections. The conference plan appeals to many South Vietnamese middle class elements. A federation also appeals to many Vietnamese intellectuals, those in the Front as well as those outside it, who want South Vietnam to pave the way for parliamentary democracy in Vietnam.

Because this conference proposal presupposes that a new government will be set up in South Vietnam, a government which represents a united South Vietnam instead of one torn apart by civil war, it implies two stages for the fulfillment of any stable settlement. For this reason it evokes the ghosts of past failure. The Geneva Agreements also were supposed to be fulfilled in two stages, but the second stage, that of the elections, never took place. Anxiety over fulfillment of the second stage can be dispelled if this time the United States signs the agreement, American troops are withdrawn, and the coalition government set up in the South is one of broad representation. This is a difficult course. Is there any reason, however, to believe that it will become any less difficult the longer negotiations are postponed?

HO NEEDS A SETTLEMENT

As the civil war intensifies the peasants become more politically aroused—both by the Front's activities and by the war itself—the population of Saigon more war weary, the Government soldiers more rebellious and Ho Chi Minh more uneasy. The strains of war decrease his ability to remain neutral between the U.S.S.R. and China. By stepping up the war in South Vietnam and threatening to expand it to North Vietnam, the United States is doing its utmost to push North Vietnam into increasing reliance on the power of China. Then we turn around and accuse North Vietnam of veering toward China.

An end of the war and restoration of trade between North and South Vietnam would not only enable South Vietnam to live, but would give Ho some ability to maneuver in his delicate and skillful game of balancing Russian and Chinese aid and influence, thereby maintaining Vietnam's independence. When Ho's relations with the West are resumed, he will be even better placed to build and strengthen the true independence of Vietnam so that it may evolve toward political nonalinement. In this connection, it may be recalled that Vietnamese Communists are strong nationalists. Like the Yugoslavs, they made their revolution on their own initiative and by their own efforts.

THE WAR MUST STOP

Whatever the outcome of negotiations, the killing in Vietnam must stop. By interfering on the losing side, our country has doomed Vietnam to a continuing civil war which would have been over long ago save for our massive transfusions of money, material, and men, to the faltering governments of South Vietnam. The terrible suffering of this dirty war is on our conscience. All the homeless, all the orphans, all the widows, all the tortures by the Government's soldiers to extract information and by the guerrillas to punish the informers, all the excruciating pain of burning human flesh from napalm bombs, all the thousands of Vietnamese dead, whichever side they were fighting for—all these horrors are being multiplied by the Johnson administration's insistence that the war must go on.

And the American dead. As this is written, the latest figures are 31 killed in the first 103 days of 1964. Americans killed, wounded, and missing since January 1, 1963, totaled 812. (Jacques Nevard in the New York Times, Apr. 14, 1964.)

Not a single additional American boy should die in this dirty, undeclared war that violates America's own highest ideals, the United Nations Charter and the basic rights of peoples everywhere to self-determination.

As Senator Gruening declares, "Let us get out of Vietnam on as good terms as possible—but let us get out."

Senator Gruening has declared, "Let us get out of Vietnam on as good terms as possible—but let us get out." If you agree with the Senator, write President Johnson, your Senators and Congressman and your local newspapers, asking that an international conference be called to work out a genuine peace settlement for Vietnam and her immediate neighbors and that American troops be withdrawn from Vietnam.

KHRUSHCHEV'S LITTLE JOKE

During the delivery of Mr. McClellan's speech,

Mr. GRUENING. Mr. President, in hailing Nasser as a great leader, Khrushchev, during his present visit to Egypt, said:

> We fight together for the complete eradication of imperialism.

The old boy has a sense of humor. For the one great imperialism in the world today remaining intact, monolithic, and ruthless, is that directed by Boss Khrushchev from the Kremlin in Moscow. It has enslaved the people of the Ukraine, of Lithuania, Estonia, Latvia, Poland, Czechoslovakia, Bulgaria, East Germany, and Hungary.

We can well remember of helpful Russia's boss when the Hungarians, in the fall of 1956, sought to eradicate Moscow's imperialism. They were mowed down by Khrushchev's tanks and machineguns.

If there is another imperialism in the making, it is one that Gamal Abdel Nasser would like to be boss of, stretching from the Atlantic across northern Africa and southern Asia to the Persian Gulf.

I ask unanimous consent that the news article from the New York Times of May 11, entitled "Khrushchev Hails Nasser As Leader," be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Khrushchev Hails Nasser as Leader—Rally of 100,000 in Cairo Cheers Soviet Premier

(By Jay Walz)

Cairo, May 10.—Premier Khrushchev congratulated Egyptian youth tonight on following the Arab Socialist leadership of President Gamal Abdel Nasser.

He said the United Arab Republic and the Soviet Union were progressing along parallel lines.

"We fight together for the complete eradication of imperialism," the Soviet Premier declared.

Mr. Khrushchev addressed a rally of more than 100,000 people in a new Cairo stadium. He was introduced by Mr. Nasser "as a man who has stood by our side."

Mr. Khrushchev told his young audience:

"Our country was the first to follow the path of Socialism under the Communist leadership of Lenin. Our country built a Socialist society.

"When we started our reforms there were those who tried to convince the people that ours was an impossible mission. But now we are an example of constructive welfare and culture."

In his 45-minute address Mr. Khrushchev emphasized the distinction between communism and socialism, but repeated the theme he has stressed since his arrival in Egypt yesterday: that "peace-loving people" must live together regardless of their different political systems.

"The liberation movement will gain strength," he declared, "but there is a big fight ahead. We must join efforts to achieve our objectives."

Mr. Khrushchev spoke in Russian and his remarks were translated paragraph by paragraph into Arabic. The crowd cheered him without waiting for translations.

The Soviet Premier said Egypt was making "rapid strides to social progress."

Mr. Khrushchev told the youths that the younger generation in Egypt enjoyed the benefits of the success of President Nasser, whom he hailed as a "great leader" of the liberation movement.

"You may now apply your talents not for the benefit of foreigners but for the good of your people," he declared.

Mr. Khrushchev and Mr. Nasser had the first of three scheduled official talks this afternoon at Kubbeth Palace. Aids said the conversations could be informal, following no set agenda, with the two leaders exchanging views "frankly and freely" on world problems and tensions, as well as on matters of immediate concern to their countries.

In public remarks since his arrival yesterday, Mr. Khrushchev has said more about signs of peace than about tensions. In an after-dinner speech last night in Abdin Palace the Premier pointed to "certain relaxations of international tensions" resulting from the "elimination of the Caribbean crisis," the limited ban on nuclear tests and agreement of the United States, the Soviet Union and Britain to reduce production of fissionable materials.

Mr. Khrushchev took his family on a typical sightseers' tour of Cairo museums today.

Accompanied by President and Mrs. Nasser, the Khrushchevs heard guides narrate the story of Egypt's 5,000-year history, dramatized by Pharaonic and other relics, including the famous collection of pieces from Tutankhamen's tomb.

AIR SAFETY

During the delivery of Mr. McClellan's speech,

Mr. BOGGS. Mr. President, I share the widespread concern that maximum safety precautions be taken with regard to air travel, and for that reason I call attention to the consideration now being given to installation of runway arresting gear at commercial airports.

The principle of stopping planes quickly by means of a cable has long been used. Aircraft carriers, for example, stop fighter planes this way.

The arresting gear concept has, in recent years, been installed at many Air Force and Navy landing bases as well.

As yet this idea has not been adopted for commercial airfields, although in 1958 the Federal Aviation Agency began a program to test and demonstrate the feasibility of using runway arresting gear. The All American Engineering Co., Wilmington, Del., was the FAA contractor for this work, and much of the testing was done at All American facilities in Georgetown, Del.

On May 7, the Wall Street Journal carried an article which sums up the current situation very well in regard to runway arresting gear, and because the problem of air safety is such an important one, I ask unanimous consent that this article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Airline Industry May Install Arresting Gear To Avert Accidents—System Prevents 300 Crashes at Military Fields but Cost Could Deter Commercial Use

(By Richard P. Cooke)

As an Air Force jet hurtled toward a landing at Bentwaters Airfield north of London recently, the pilot suddenly realized he was in trouble. One wheel had locked in a down position and the other remained stuck inside the wing.

One-wheel landings in fast jets often have ended in fatal accidents. But, in this case, the F-101 fighter touched down smoothly on a single wheel at 160 miles an hour, and a hook under the fuselage almost immediately caught a cable stretched across the runway. The cable mechanism slowed the plane so quickly it remained upright until it stopped; then it dipped to one side, damaging the wingtip slightly but leaving the pilot unhurt.

Such dramatic accident prevention, now becoming routine at military fields, may also be commonplace someday soon at commercial airports. The Federal Aviation Agency today is convening a meeting in Washington of commercial airline officials, airport operators, builders of jet airlines and people who oversee flight safety. Their goal: To explore whether airports should be equipped with emergency runway arresting gear.

Such equipment already has been credited with saving about 300 military planes from accidents, many of which might have been fatal. But thus far no commercial airliners or airports use the arresting devices. Some airline officials foresee an urgent need for the quick-stopping gear when the new generation of supersonic jet liners comes into service in the 1970's; they'll be heavier and may land at higher speeds than present jets, increasing the hazards of a miscalculation or malfunction when landing or taking off.

INTO A SWAMP

But even now, some say a quick-braking device would increase safety. A Pan American World Airways jet overshot a runway while landing at New York's Kennedy International Airport April 7, sending the broken plane and its frightened passengers into a swamp. The next day two other "overshoots" occurred at New York airports.

None of these resulted in any deaths but some of the 40 or more reported overshoots in the past decade did kill people. And the companion of the overshoot, the aborted takeoff, has taken many lives. The worst was the death of 130 people, 121 of them from Atlanta, when an Air France jet crashed taking off from Paris' Orly Field in June 1962.

A key point at today's FAA meeting: The cost of the quick-stop equipment. "We know such gear is feasible; now we've got to see whether it is practical," says an FAA spokesman. The Agency has indicated it might be willing to ask Congress to contribute up to 75 percent of the cost of installing the runway cables and other gear. Airport operators may be asked to put up the rest. The airlines would probably have to bear the expense, which could be substantial, of installing hooks beneath the planes.

Estimates from the two main manufacturers of arresting gear show a range of costs. All American Engineering Co., whose equipment has been tested by the FAA, estimates that each cable and supporting gear would cost about $150,000. To place the gear at both ends of two runways thus would cost $600,000. E. W. Bliss Co., which has installed its gear at about 200 military fields, puts the tab at about $500,000 a unit, or $2 million for 2 runways.

COST COULD BE $100 MILLION

To equip the approximately 50 major U.S. commercial airports which handle 80 percent of traffic thus would cost at least $30 million and perhaps close to $100 million.

All American Engineering estimates it might cost the airlines up to $20,000 per plane to put hooks on them. A representative of one large airline figures the bill might be closer to $100,000 a plane, based on figures provided by Boeing Co. The cost is high because the planes must be reinforced to take the stress of the cable stop. Even at the lower figure of $20,000 a plane, it would cost airlines about $8 million to equip the 400 planes in their domestic jet fleet, and the fleet is growing fast.

The airlines appear divided on whether arresting gear would be worth while—from their viewpoint, anyway. United Air Lines has shown the most interest. In its specifications for the new Boeing 727 jets, it asked that a strong point be built into the fuselage which could take the stress of a landing hook. American Airlines also has shown interest and at least wants to explore the idea of arresting gear with others in the industry and the FAA. But one or two other large carriers have been cool to the proposal.

Proponents, who include the Flight Safety Foundation, a nonprofit group sponsored by the industry, argue that the cables not only would stop planes from rolling off runways on icy or wet days but also would reduce "undershoots" on landing. "When it's icy or wet, the pilot tries to touch down at the very start of the runway to give himself an extra safety margin," notes an ex-pilot now with one of the arresting gear makers. "A slight miscalculation can cause him to strike the ground in front of the runway. But if he knows he's got an arresting mechanism to stop him safely, he won't make the dangerous approach to the very edge of the runway."

In 1962 there were several incidents involving pilots who undershot a landing approach; the worst accident occurred when a Flying Tiger Line cargo carrier hit the ground in front of a runway at Adak, Alaska, killing eight.

EASIER EVACUATION

Arresting gear has another advantage, according to its proponents. When the cable stops a plane, the craft is on firm ground where firetrucks can get at it easily and passengers can be evacuated more safely.

Skeptical airlines raise some questions, however. They ask whether the cables will stop the aborted takeoff of a fully loaded, 320,000 pound jet at 170 miles an hour when they're designed principally to stop a jet landing at perhaps 100 miles an hour weighing 100,000 pounds less due to fuel consumed. Some airline men think two hooks and cables would be needed to stop a large jet. The military's experience thus far is largely with smaller aircraft.

They also wonder how long traffic will be stopped every time the gear is used and then disengaged to put it back in position. The cables remain permanently on the runway and can be used anytime a pilot elects to drop his plane's hook to catch the cable. On normal landings and takeoffs, the plane merely rolls over the cable.

The FAA in tests has halted a Boeing 720 jet weighing up to 175,000 pounds and test sleds weighing up to 350,000 pounds. But it wants to explore industry objections further.

OPTIMISTIC MANUFACTURERS

The equipment makers are optimistic about their ability to do the job. E. W. Bliss' equipment uses a cable made of steel and flexible nylon which, when it contracts a plane's hook, activates an efficient brake-drum type of energy absorber. It says its equipment can be scaled up to any size required by aircraft speeds and weights.

All American Engineering has two systems. One uses a long cylinder filled with water through which a piston is dragged by the arresting cable to absorb energy. It's known as a "water squeezer." A more compact new system known as a "water twister" attaches the cable ends to a disk with blades which are immersed in water. As the cable is pulled out by the plane, the whirling blades dissipate the energy into heat and slow the craft. Both the All American and Bliss cables can be put back in operation in a few minutes by means of electric or gasoline motors which rewind the cables.

THE NORTHEAST AIRLINES CASE

During the delivery of Mr. McClellan's speech,

Mr. KENNEDY. Mr. President, last Friday, the U.S. Court of Appeals in Boston set aside the CAB's order terminating Northeast Airlines as a trunkline air carrier, and sent the the matter back to the Board for further study. This decision capped a long and bitter struggle for Northeast to hold on to its position as a major eastern carrier, and to preserve its rights under the law.

Although not the final victory, the court's summary repudiation of the Board is indeed a giant step toward putting this Northeast problem into proper perspective, and in obtaining a realistic solution in the public interest—something which up to now has not been done.

By way of background, Senators may remember, Mr. President, that the CAB, in 1956, selected Northeast to be a third competitive airline between east coast cities and Florida. Those of us from Massachusetts, and particularly from the Boston area, were very enthusiastic. We were proud to have our home-based carrier take its place as one of the Nation's major trunklines. We looked forward to the contributions which such a carrier would make to our area's economy—in jobs, in increased revenues, in new facilities, and in attracting business. We were delighted with the opportunity for improved airline service between New England and east coast cities and the Florida area. Indeed, Mr. President, the selection of Northeast was a needed "shot in the arm" to a New England struggling for rehabilitation and business growth.

Last August, Mr. President, the very organization which created and encouraged Northeast as a trunkline competitor, turned on it mercilessly, and sought to destroy it as a significant carrier. In a close decision—two members dissenting—the Civil Aeronautics Board found, among other things, that there was no present need for a third carrier on the east coast-Florida route, and therefore it declined to renew Northeast's trunkline authority and ordered it back to the status of a local service carrier.

Because we believed this decision of the Board to be so manifestly unfair and so lacking in logic and factual basis, many of us from the Massachusetts congressional delegation, from the State government, from commerce and labor, brought our complaints to the Senate Aviation Subcommittee, which was most kind in granting us 2 days of hearings. At these hearings, I criticized the Board for letting down the 10 million citizens of New England who had a direct interest in the continuance of this airline, and I urged the passage of a bill which would provide the opportunity for Northeast and other temporary certificated carriers to obtain permanent status by meeting reasonable criteria. I stated at this time with respect to the Board's decision:

> Our economy and our people face the prospect now that they will be at the mercy of large trunk carriers whose main interest is in other parts of the country. There is a grave danger that if Northeast is reduced to regional status, or if its routes are parceled out to other carriers, the development of much of our economy will cease.

Those of us who attacked the Board's decision received a certain amount of criticism, particularly along the lines that we were not experts, and not sufficiently familiar with CAB policy and procedure to render any responsible judgment. We were accused of indulging in political platitudes, failing to recognize progress, and losing faith with the CAB. Although the Board's decision was quasi-legislative in nature, many thought we had no business interfering with it.

This court of appeals decision repudiating the Board completely vindicates the good people from Massachusetts and New England who stood by Northeast in its precarious legal battles for survival. It confirms that the many questions which we asked, and the fears which we expressed, as inexpert laymen, appear to have been important after all.

The court reiterated what we wondered many times. It could not understand the basis on which the Board rested its decision against Northeast.

> When we know what the Board decided and why—

Said the court:

> the time will be ripe to consider the legal sufficiency of the evidence.

It then went on to attack the Board's findings. The court held "irrelevant" the Board's findings that Northeast's operations had not been successful, and that there was no prospect of future success. It found "difficult to understand" the Board's finding that the east coast-Florida market had not grown materially, in order to support three-carrier competition. It stated that the Board "did not go far enough" in merely holding that two existing carriers were adequate to meet the needs of the market but that it should have also taken into consideration "the statutory need for competition as a stimulous to provide good service to the public and to develop a sound air transportation system." It found particularly questionable the Board's argument that Northeast had to be sacrificed "to aid in the rehabilitation" of Eastern Air Lines, Northeast's major competitor.

Judge Aldrich, concurring in the decision, termed part of the Board's findings as "an example of administrative fiat, which frankly, shocks me." He summarized the Board's findings as follows:

> What the Board has done was to find in 1956 that, because of the deficiencies of the then two carriers, additional competition would be to the public benefit; then, when these benefits have been, concededly, conferred at the cost of a necessarily enormous commitment, the Board's response is that you satisfied our doubts about your ability to compete and you accomplished much of what was wanted, but now we find that three carriers are not needed after all.

Mr. President, the Northeast Airlines case raises vital issues which should be of substantial importance to every Member of Congress, and especially to those whose areas are dependent on airline service and operations as a part of their business and social growth.

With the CAB's handling of this case, we can well wonder what our airline transportation policy is. A major trunkline with a potential for growth and the chance for amalgamation with other lines is being struck down. The second largest—and growing—airline market in the United States has been reduced to a duopoly. A vigorous competitor has been sacrificed for the "rehabilitation" of a monopolist. Indeed, the Northeast experience could well be a prelude to things to come in many other parts of the airline industry.

In my book, the Board should now admit its mistakes and, with reason and understanding, renew Northeast's certificate on a permanent basis, and provide sufficient subsidies in order to rehabilitate Northeast's local service in New England. The Board should be more concerned with promoting competition, and greater feeder services, not with shrinking our competitive system and permitting inferior local service. These are the teachings of the Northeast case.

Mr. President, I think it would be most helpful to those interested in this matter if there were printed in the RECORD the CAB's majority and minority decisions, my statement before the Senate Aviation Subcommittee, and the circuit court of appeals decision. I ask unanimous consent that these be printed following my remarks.

There being no objection, the decisions and statement were ordered to be printed in the RECORD, as follows:

CIVIL AERONAUTICS BOARD—NEW YORK-FLORIDA RENEWAL CASE—DOCKET 12285 ET AL.

(Decided August 15, 1963)

Public convenience and necessity do not require the renewal of Northeast's authority to serve Philadelphia, Pa., Baltimore, Md., Washington, D.C., or Jacksonville, St. Petersburg-Clearwater, Tampa, Fort Lauderdale, or Miami, Fla., on its route 27.

Appearances: Same as in the examiner's initial decision and, in addition, the following:

Arthur G. Coffey for the city of Boston, Mass.

Louis H. Riter for the city and chamber of commerce of Jacksonville, Fla.

Frank E. Hancock for the State of Maine.

Crocker Snow for the Massachusetts Aeronautics Commission.

R. J. Crowley, Jr., for the State of New Hampshire.

OPINION OF THE BOARD

(By Boyd, Chairman)

In 1956, the Board, in the *New York-Florida Case*, 24 C.A.B. 94, extended the route of Northeast Airlines, Inc., beyond New York to Miami, via Philadelphia, Baltimore, Washington, Jacksonville, St. Petersburg, and Tampa. That authority expired in November 1961. This proceeding was commenced in June 1961 (Order E-16931) to determine if the public convenience and necessity require renewal of that authority.[1] The Board is here required to review the reasons for the grant in the first instance and to reexamine the public convenience and necessity in the light of the conditions that exist today.

Northeast was temporarily certificated on the New York-Florida route with the expectation that the New York-Florida market would continue to grow substantially as it had in the past, that Northeast would become a subsidy-free and profitable carrier as a result of its operations to Florida, and that significant improvements in service to the traveling public would occur, particularly with respect to services between New England and points south of New York.

At the time of the temporary award to Northeast in 1956, Eastern Air Lines, Inc. (Eastern), and National Airlines, Inc. (National), were serving these same markets and, unlike Northeast, their authority to serve these markets was permanent. The critical question before us, therefore, is whether under the present circumstances, there is a need for a third carrier in the New York-Florida market. We find that no such need exists.

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[1] In addition to Northeast's application for renewal of its Florida authority on a permanent basis, the present proceeding includes applications of Braniff, Delta, and Pan American for authority to operate directly between East Coast cities and Miami in the event Northeast is not renewed; an application of Delta for removal of the certificate restriction which prevents it from providing single-plane service between northeast points and Miami, via Atlanta, and an application of Allegheny for nonstop authority in the New York-Washington, New York-Baltimore, and Baltimore-Philadelphia markets.

Examiner Walter W. Bryan, in his initial decision, concluded that Northeast's New York-Florida authority should not be renewed.[2] The examiner's conclusion rested upon his finding that Northeast does not meet the statutory requirement that the recipient of certificate authority be "fit, willing, and able." Upon consideration of the record and the contentions of the parties, we also conclude that Northeast's New York-Florida authority should not be renewed, although our reasons differ from those of the examiner.[3] We find that the public benefits anticipated when Northeast was certificated have not materialized, that the future prospects for the operation of Northeast's system on a profitable basis are remote, and that there is no present need for a third carrier in the East Coast-Florida markets.

At the time the original New York-Florida case came before the Board, Northeast operated a short-haul route system north of New York, primarily providing local services within New England. Northeast was then the smallest and one of the weakest, of the original air carriers granted certificates under the "grandfather" provisions of the act and was still receiving subsidy. The record in the original case showed that the East Coast-Florida markets had been experiencing outstanding traffic growth, and gave reasonable expectation that the high rate of growth would continue.

Against this background, the Board decided that Northeast should be given an opportunity to participate in the long-haul high-density East Coast-Florida markets as a means of providing the much needed strengthening of the carrier. The Board anticipated that Northeast's Florida operations would be profitable; would enable the carrier to become self-sufficient; would improve its services in New England; would give a substantial number of passengers moving between New England and points south of New York the benefits of one-carrier service; and would produce operating economies through the seasonal integration of equipment and personnel. In that decision the Board said:

"While we have confidence in the undertaking, we recognize that in extending the carrier to Florida, we are in substantial measure changing the character of this carrier's operation. Accordingly we shall not make the route extension permanent but shall limit its duration 5 years, after which we can again review the matter and consider further the requirements of the public convenience and necessity."

On reconsideration Northeast made no objection to this limitation.

Seven years have elapsed since the original award, and the anticipated benefits have not materialized. Instead of the profitable operations predicted in 1956, Northeast incurred heavy losses each year, completely depleted its own resources, and by the fall of 1961 was unable even to meet its daily operating expenses. The carrier's 1956 earned surplus of $831,000 had been converted into a retained loss of approximately $43,900,000 by the end of 1962. During the same period its stockholders' equity decreased from a positive $11.9 million to a negative $32.8 million.

The carrier has existed in almost constant state of acute financial crisis, and but for the assistance of Hughes Tool Company (Toolco) and the forbearance of its creditors could not have survived. The facts regarding Northeast's worsening financial condition since its extension to Florida are set forth in detail in both the Toolco-Northeast Control Case[4] and the examiner's decision here and need no further elaboration. Suffice it to say that the record clearly establishes that the primary reason for the award of the Florida route to Northeast—its need for strengthening—has not been accomplished.

Northeast has not improved its services within New England to any substantial extent as had been expected. While the use of large four-engine equipment instead of the DC-3's previously used undoubtedly constituted a service improvement for some New England cities in terms of passenger comfort, Northeast has reduced frequencies in many of its New England markets and provides less service in some of them today than it did in 1956. Nor have Northeast's one-carrier services between its exclusive New England cities and Florida developed any significant number of passengers. In 1961 the total single-carrier traffic in these markets amounted to only 7,070 passengers, or 10 passengers a day in both directions.[5]

It is also apparent that the Florida extension did not improve Northeast's seasonal problem, but rather aggravated it. The competitive types of equipment—jets, DC-6B's, and Viscounts—which Northeast needed in the Florida and the short-haul commuter markets were not suitable for its local service routes in New England. Instead of the anticipated seasonal integration of its services in New England with its Florida operations so as to achieve better utilization of equipment and more economical operations, Northeast has used large four-engine equipment in its local New England services thereby resulting in an even more costly local operation for the carrier.

We recognize that the carrier since 1959 has operated its system without subsidy as it indicated it would do when it originally sought the Florida route. However, the nonsubsidy operation has been accompanied by a continuing deterioration of the company's strength and financial fortunes, and the public benefits have not approached those that were anticipated. It is clear that Northeast's operations have not produced the anticipated broad-scale benefits that led the Board to extend the carrier to Florida.

The record also shows that the future holds no prospect that a Florida renewal would enable Northeast to achieve and maintain financial stability. We are aware that many factors adversely affect Northeast's operations and that some of them could be viewed as nonrecurring in nature. For example, it could be argued that Northeast's difficulties in expanding from a local, short-haul noncompetitive operator into a long-haul, competitive carrier; its financing problems; and its delay in acquiring competitive jet equipment were transitory. However, in our judgment, there are basic and fundamental factors that stand in the way of the carrier's achieving and maintaining profitable operations over an extended period of time.

During the Florida off-season, Northeast has no other adequate sources of traffic revenues or other markets in which to make proper use of its jet equipment. Although Northeast's operations in New England have a peak summer season, the total traffic in this area is too small to compensate for the loss of revenue due to the traffic imbalance of the East Coast-Florida route.[6] Northeast's route system north of New York and its Florida routes do not afford seasonal traffic compatibility, and the jets required for the long-haul operation are clearly unsuitable for New England service with its short hops and small airports.

The Board's conclusion in the original New York-Florida case that Northeast's operations would be profitable rested on the rapid growth the Florida markets had been experiencing and the expectation that the historic growth would continue. The record there showed that traffic in the Florida markets had more than tripled during the previous five-year period, and the Board estimated that the traffic would total 3 million passengers in 1956. The anticipated growth did not, in fact, materialize. Even with the addition of a third carrier, which should have been a stimulating factor, both the East Coast-Florida markets as a whole, and the all-important New York-Miami market, which accounts for 55 to 60 percent of all of the East Coast-Florida traffic, experienced only slight growth during 1957-62 period.[7] The total market in 1962 was still substantially below the Board's earlier estimate for 1956. Various reasons have been advanced for the behavior of the markets in recent years and it is impossible to predict with accuracy what the future may hold in terms of traffic growth. However, this much is clear. The record in this proceeding affords no basis for renewing Northeast on the expectation that the substantial growth of the years preceding the original award will resume.

In the present proceeding, Northeast predicted a 1963 system operating profit of some $3.9 million. That forecast was based on a total East Coast-Florida market of over 2 million passengers; a New York-Miami market of over 1.2 million passengers; and a Northeast participation of 25.7 percent in the total market and 22.1 percent in the New York-Miami market.[8] The Bureau, using a total Florida market of 1.9 million passengers; a New York-Miami market of 1.1 million passengers; and a Northeast participation of 23.4 percent overall and 20 percent in New York-Miami; estimated a

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[2] The examiner also found that continuation of three-carrier East Coast-Florida service is required, but that Braniff's, Delta's and Pan American's applications should be denied; that an investigation should be instituted to consider the air service needs within New England and between New England points and New York, Philadelphia, Baltimore, and Washington; and that Allegheny's application for nonstop authority between Boston and Philadelphia should be deferred for consideration in that proceeding and the carrier's request for nonstop rights between New York and Washington and New York and Baltimore should be denied.

[3] Although the examiner's findings on the fitness issue are amply supported by the record in the proceeding, our later findings on other issues are dispositive of the renewal question and make it unnecessary to pass on the technical question of fitness. Those portions of the initial decision with which we agree and adopt as our own, except as modified herein, are attached hereto as Appendix A.

[4] Order E-18470, June 19, 1962.

[5] BER-201A. This figure does not include any passengers that were ticketed at Boston but may have originated at other New England points.

[6] For example, in 1962 Northeast operated 39,231,280 revenue passenger miles in the New England peak third quarter and an average of 24,008,460 revenue passenger miles per quarter for the remaining quarters or a difference of 15,222,820. Yet, Northeast's Florida traffic dropped from 150,378,930 revenue passenger miles in the peak first quarter of 1962 to 114,909,200 revenue passenger miles in the third quarter (Competition Among Domestic Air Carriers Survey for 1962).

[7] While some of the Florida markets, such as Boston-Tampa, Boston-Jacksonville, Philadelphia-Tampa, and Philadelphia-Jacksonville, have experienced a high average rate of growth they are not large traffic producing markets, accounting for a total of only 99 one-way passengers a day in 1962.

[8] NEA-1003, 1008 (revised).

$2.9 million loss. The examiner prepared two estimates based on different predicted direct operating costs. Using Northeast's experienced revenue passenger miles for 1962, as increased to reflect growth, he estimated a 1963 system operating loss for Northeast of $3.7 million under one computation and $4.8 million under the other.[9]

We agree with the examiner that Northeast's forecast is unrealistic.[10] The actual traffic for the 12-month period ended March 31, 1963, indicates that the East Coast-Florida markets not only will not begin to approach Northeast's forecast of over 2 million passengers, but may well fall short of the examiner's more conservative estimate. In addition, it is questionable whether Northeast will carry 22.1 percent of the important New York-Miami market in 1963 as it predicts. Northeast's highest share of this market previously was in 1961 when it carried 19.7 percent, and that declined to 18.6 percent in 1962 even though Eastern was partially or completely shut down during several months of that year. Although Northeast carried 23.7 percent of the New York-Miami traffic in the first quarter of 1963, this period is too short, in the light of past experience, to serve as a reliable indicator of probable future results over an extended period of time.

It obviously is unreasonable to expect that Northeast, which has lost millions of dollars each year since its Florida extension, and which as recently as 1962 incurred a system operating loss of over $6.3 million, could so drastically reverse experienced results in 1 year as to turn these losses into an operating profit of nearly $4 million. Both past experience and the overly optimistic nature of Northeast's forecasts throughout this proceeding preclude our acceptance of the carrier's predictions.[11] In its original exhibits in this case, which were based on a 1962 forecast year, Northeast predicted a system operating profit of $4.6 million. That forecast was later revised in the light of actual operating results for the first 6 months of 1962 to a forecast operating loss of $4.2 million.[12] Reported 1962 year-end results revealed the $6.3 million loss referred to above.[13]

As to 1963, during the hearings and on brief to the examiner, Northeast attempted to show that its projected operating profit of nearly $4 million was attainable. On brief to the Board, the principal thrust of the carrier's argument was not that its 1963 estimate of profitable operations is reasonable, but rather was that the examiner's estimated operating loss of $3.7 million is overstated.[14] Northeast, using an annualization of its reported results which reflect the higher traffic participation and lower operating expenses during the first quarter of 1963 as compared to its historic experience, and after adjusting downward the examiner's estimated costs to reflect his lower predicted traffic volume, argued that the examiner's estimated 1963 operating loss of $3.7 million should be reduced to $2.2 million.[15]

We cannot accept Northeast's contention that the examiner's forecast should be reduced to the extent contended by Northeast. We recognize that Northeast's direct aircraft operating costs and its indirect expenses as reported for the 12-month period ended March 31, 1963, are somewhat less than the experienced costs for the 12-month period ended September 30, 1962, used by the examiner.[16] But, as we have already indicated, we do not believe that the favorable results and the changes that may have occurred in a short period afford a sound basis for reaching results on projections that are contrary to Northeast's long-term historic experience. In addition, none of Northeast's proposed adjustments have been tested by cross-examination and there has been no exploration of other adjustments which they might call for that could affect the overall forecast.

Although we agree that some downward adjustment should be made in the examiner's projected expenses to reflect the lower volume of traffic he forecast, the recent overall Florida traffic results of the three carriers combined would indicate that his revenue estimate for Northeast may in fact have been overstated.

In any event, the fact remains that even under Northeast's adjustments the examiner's forecast would still produce another year of large operating losses. Although it is impossible to predict what the precise losses will be the record supports the conclusion that they will be substantial. Moreover the examiner's forecast was directed to Northeast's operating profit or loss from the Florida route and did not include Northeast's heavy nonoperating expenses such as interest on debt. None of the carriers presented forecasts extending beyond 1963, but we find nothing that in our judgment would warrant a conclusion that Northeast's Florida operations over a longer period hold any reasonable prospect of success.

The record, which shows seven years of unprecedented losses, continual financial crises, and deteriorating services in New England, leads us to the conclusion that Northeast cannot achieve self-sufficiency from its Florida routes. Northeast is wholly dependent upon the Florida markets for survival as a long-haul operator. But the carrier lacks the back-up traffic support, the strong, seasonally balanced system, and the financial stability which are essential if a carrier is to rely on the Florida vacation markets, with their erratic traffic ups and downs, for the major source of its strength. Past industry experience would indicate that a carrier, with a limited route system and access to traffic confined to multicarrier and unpredictable seasonal markets such as these, cannot operate as economically as those with a more extensive system. Since there are no immediate prospects of any resurgence of Florida traffic growth, we conclude that Northeast cannot achieve self-sufficiency or economic stability. We are, therefore, compelled to find that the renewal of Northeast's Florida authority would be contrary to our obligation to maintain and develop a sound air transportation system.

Northeast stated that a merger was probably the most practical of all solutions available to solve its financial and operating problems. However, no merger proposals were submitted to the examiner or the Board. It has also been suggested that the Board should renew the Florida route and grant subsidy for the New England operations as a possible means of placing Northeast on a sound footing. It would be contrary to the public interest to renew a certificate that was initially issued for the purpose of strengthening a carrier in order to allow that carrier to sell the certificate on the open market. We cannot conclude from the record that Northeast would be able to achieve successful operations over its present system even with the assistance of subsidy for the New England services. However, in view of our ultimate finding that there is no need or economic justification for a third carrier on the East Coast-Florida route, it is unnecessary to give further consideration to those two possibilities.

A major factor in the Board's original determination to establish a three-carrier East Coast-Florida route network was the record of substantial and sustained historic traffic growth in the Florida markets, and the expectation that comparable growth would continue in the future. Those growth prospects were relied upon, not only in the Board's basic conclusion that there was a public need for a third carrier, but also in its findings that the new carrier could operate the route profitably, and that the substantial diversion of revenues from the two carriers already in the market that would result, would largely come out of future traffic growth. In 1956 when the Board certificated a third carrier between New York and Miami it was the foremost travel market in the country, generating about 33 percent more passenger miles than the next largest market, Los Angeles-New York. This is not true today and a dramatic indication of the lack of growth in this market is the fact that for the twelve months ended December 1962 New York-Los Angeles now generates 19 percent more passenger miles than New York-Miami.

As we have previously indicated, the anticipated traffic growth has not, in fact, occurred. In the original *New York-Florida* case (24 CAB 94, 222) the Board estimated traffic would increase at a minimum market growth figure of 15 percent annually. Based on the Board's estimate the 1962 traffic would have been 213 percent larger than 1956 traffic. Actually 1962 was only 15.8 percent greater than 1956. In other words, in six years the traffic increased about as much as the Board assumed it would increase in one year. In 1957, the Florida markets totaled 1,671,863 passengers. Five years later they totaled 1,762,670—a five-year increase of 5.4 percent, or an increase of about 1.0 percent annually compounded rather than the 15 percent growth that the Board, in 1956, expected to come about in a single year. Growth in the New York-Miami market, which is the key to successful operations by New York-Florida carriers, has been even more dismal and has shown an annual average growth rate of only 0.9 percent for the 1957–1962 period. The virtual traffic stagnation in that market is illustrated by the fact that 1962 New York-Miami traffic was only

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[9] There was controversy in the proceeding as to whether the aircraft block hours upon which Northeast's expense exhibits rested included revenue as well as nonrevenue hours. The examiner accepted as reasonable the Bureau's position that only revenue block hours were included, and we agree. However, even if a different conclusion were reached, the examiner's forecasting would still show a staggering $3.7 million loss.

[10] In order to reach Northeast's estimate of 2,111,902 passengers in 1963, traffic would have to increase about 19 percent over 1962. Reported figures for the first quarter of 1963 showed that traffic was down from the same period in 1962, with New York-Miami traffic decreasing some 16,216 passengers or 4.1 percent.

[11] Even though Northeast has increased its participation in the Florida markets in 1963, it still reported an operating loss of some $879,000 for the first 5 months and a loss of over $1 million for the month of May alone.

[12] NEA-1000, 1001.

[13] Form 41.

[14] Northeast contended that the examiner's forecast loss of $4.8 million was based on the erroneous assumption that the figures in Northeast's expense exhibits included only revenue aircraft block hours and was therefore invalid.

[15] The examiner in constructing his estimates adjusted Northeast's revenue forecasts downward to reflect the lower traffic he anticipated, but used, without adjustment, Northeast's revenue plane miles which were keyed to the carrier's estimate of the volume of its operations under its own traffic forecast.

[16] We also note, however, that Northeast's experience for the 12-month period ended March 31, 1963, reflects a lower yield per revenue passenger mile than the yield per revenue passenger mile used by the examiner—6.49 cents as against 6.54 cents.

15,000 passengers above the traffic of 1957.[17] Over the six-year period (1957–1962) the growth in the Florida markets fell far behind industry levels. The domestic trunklines' passenger miles increased approximately 30 percent in that period as contrasted to the 5.4 percent growth in the Florida markets.

Northeast, in urging continuation of the three-carrier service, argues that normal traffic growth was inhibited by temporary factors, such as recessions, inclement weather, and labor disputes, and that growth will resume in the future. Undoubtedly, these factors may have influenced the behavior of the markets. But there can be no assurance that these or other unfavorable factors will not continue to influence these markets. Certainly, long-range influences, such as the accessibility of other and more distant vacation spots made possible by the speed of jet aircraft and the diversion of traffic that formerly moved through the Miami gateway to direct nonstop services to Caribbean and South American points that are now available will continue.[18] These attempts to explain away the declining traffic growth trends of 6 years do not provide a basis for authorizing a third carrier now.

Also of significance are the substantial technological changes that have occurred since the Board's original award of third-carrier Florida authority. The impact of the reequipment of the domestic trunklines with large numbers of jet aircraft is well known. The seating capacity of these aircraft, the productivity made possible by their high speed, and the desire of management to make productive use of its huge investment in the aircraft, not only makes possible the offering of capacity far in excess of that visualized only a few years ago, but imparts pressures to do so. This, in turn, tends to drive down load factors and to create capacity that must be met by traffic growth.[19]

Whereas in 1956 and 1957 three DC–7's could produce three round trips in 8 hours between New York and Miami, the same number of round trips can now be performed with two DC–8's carrying two and one-half times as many passengers. Conversely, the addition of a single jet schedule can produce capacity capable of meeting substantial public demand. Further, the large number of seats in each plane means that at a given load factor a jet offers considerably more available space to meet unexpected traffic demands than does a smaller, piston aircraft.

Under existing conditions, we find that Eastern and National can, and will, accommodate the Florida traffic now carried by Northeast. The examiner, on the basis of 1962 data, concluded that the high load factors which would have existed on flights then operated by Eastern and National in some of the markets, had Northeast not been operating, indicated a need for a third carrier. However, he made the unwarranted assumption that Eastern and National would maintain the same level of frequencies in the future in two-carrier markets that they did in the past in three-carrier markets.[20] Further, he failed to take into account the fact that the overall load factors upon which he relied embraced periods during which Eastern, the predominant carrier in these markets, was totally or partially shut down by strikes and that National was phasing in its newly acquired DC–8 equipment.

Data on actual operations during the 1962–63 peak Florida season show that had Northeast not been operating during that season, Eastern and National, without the addition of a single flight, could have accommodated the traffic of the major Florida nonstop markets, with the single exception of Boston-Miami, and would have needed only 20,603 additional seats to accommodate that market. This would have required less than the capacity of one-daily jet round trip.[21] We also note that during Eastern's strike, National and Northeast, which together previously had carried less than 50 percent of the traffic in the markets, had the responsibility of providing, and did provide, all of the Florida service for several weeks. If National and Northeast alone could meet the needs of the market last summer, Eastern and National can do so now.

In passing upon the public convenience and necessity, the Board must look toward the overall development and maintenance of an adequate air transportation system. This requires that its consideration not be limited to the effects of its decision on a particular applicant or applicants, but that it extend to the effects, beneficial or harmful, on other carriers that make up our airline industry. For a substantial period of time, Eastern Air Lines, one of our major carriers, with the responsibility for providing important services in many markets, has been in serious financial straits. The carrier had net losses of $3.7 million in 1960, $10 million in 1961, and $13.5 million in 1962. Its equity position deteriorated approximately $14.7 million between March and December 1962, of which $11.6 million was reflected by the dissipation of working capital.

The East Coast-Florida markets have long been, and are today, the backbone of Eastern's system. At the time of the Board's decision to authorize a third New York-Florida carrier for a temporary period, Eastern was making profits and appeared to be in a strong financial position. Further, as already noted, the Board in reaching that decision anticipated that the diversionary impact on Eastern and National of a third carrier in the New York-Florida markets would be substantially offset by future traffic growth. The growth has not occurred and it is clear that the traffic of the third carrier has been derived principally from diverted traffic formerly carried by Eastern and National. This is evident from the fact that in 1961, five years after the original Northeast award, Eastern and National carried some 2 million passengers less than they carried in 1956. The loss of this sizeable amount of traffic obviously has had a marked economic impact on Eastern.

We need not go into the question which was explored at the hearing of whether, under the three-carrier New York-Florida route pattern, Eastern's Florida operations, standing alone, have been profitable; and no one would suggest that Eastern's current difficulties stem solely, or even in major part, from the three-carrier competition in these markets. Nonetheless, the inescapable fact is that the New York-Florida route constitutes Eastern's major source of strength and that more favorable operating results in that market should contribute materially to an improvement in its position. Since Eastern and National can provide more than adequate service to the public, the opportunity that a two-carrier East Coast-Florida route structure offers for the rehabilitation of Eastern and its return to a sound financial position is a significant factor weighing against the authorization of a third carrier.

The unsuccessful nature of Northeast's operations to date, the lack of any substantial evidence that it will become successful in the future, the failure of the expected East Coast-Florida traffic growth to materialize, the fact that Eastern and National can meet the present needs of the market, and the opportunity afforded us here to aid in the rehabilitation of Eastern, persuade us that the public convenience and necessity do not require the present authorization of a third New York-Florida carrier. We cannot accept Northeast's argument that established Board policy favoring multiple competition requires the continuation of three-carrier service in the East Coast-Florida market. The amount of competition that should be authorized in a given market does not turn on the number of carriers the Board may have authorized in some other markets, but depends upon the specific facts and circumstances affecting the markets under consideration. We here find only that a third carrier is not needed at the present time in the East Coast-Florida markets. The question of whether an additional carrier might be required on these or other routes at a different time and under different conditions is not an issue before us.

Our decision not to renew Northeast's Florida authority has been a difficult one. Northeast has risked its capital and has lost millions of dollars in providing unsubsidized service in New England for many years. Its management has worked hard and diligently to develop its Florida route. Its services have undoubtedly provided benefits to the traveling public. Additionally, Northeast has greatly expanded its organization and increased the number of its employees. Termination of the carrier's Florida route will inevitably have adverse effects on its employees, the New England communities in which those employees reside, its creditors, and its stockholders.[22]

Consequences of this nature are a matter of great concern to this Board. It has been such concern that has led the Board over the years to make every effort to assist Northeast in finding a solution to its difficulties through such steps as continued payment of subsidy for 2 years after the Florida route was awarded, and the unprecedented procedures followed by the Board in approving first, an agreement to make possible emergency relief for Northeast by Toolco and, later, the acquisition of the carrier by Toolco. However, as regrettable as the consequences of our action may be, they do not counterbalance the overall public interest factors which dictate a decision not to renew the temporary authority.

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[17] In the light of experience in the Florida markets as a whole and in the New York-Miami market in particular, we obviously cannot accept the examiner's conclusion that "healthy growth has been made." Actually, the examiner's conclusion is negated by another conclusion elsewhere in his initial decision that "these markets are reaching maturity, leveling off around 1 to 5 percent annual rate of increase or decrease, depending on usual circumstances affecting traffic."

[18] Passengers moving between New York and Miami as part of international trips declined 27 percent between 1956 and 1960. NEA–191 (Rev.). While New York-Miami growth rate has been low, travel between the northeast and Caribbean points increased 77 percent between 1955 and 1960. BER–109.

[19] In 1956, overall trunkline industry load factor was 64.1 percent whereas in 1963 it had declined to 52 percent.

[20] Northeast's contentions that there would again be serious service deficiencies in these markets, in the event Northeast were not renewed, also rest on the unwarranted assumption that Eastern and National would not key their schedules to traffic demands. Nor is there any persuasive showing in this record that Eastern will be unable to acquire whatever additional equipment might be needed to serve these markets.

[21] Eastern's and National's load factors, without Northeast and without additional schedules, would have been 76.4 percent in New York-Miami, 64.9 percent in New York-Jacksonville, 85.4 percent in Philadelphia-Miami, and 103.2 percent in Boston-Miami. An additional flight would be essential in Boston-Miami and desirable in Philadelphia-Miami. At a 76.4 percent load factor in the New York-Miami market, Eastern and National would have operated 118,668 empty seats in the 151-day period—786 empty seats per day.

[22] Although certain labor associations, representing Northeast's employees, urged renewal to avoid harm to the carrier's employees, no specific proposals for protective labor conditions were made and the parties did not explore the question of whether the Board could properly impose such conditions. We have grave doubts that the Board would have the legal power to impose employee protective conditions under the circumstances of this case.

In view of our finding of no need or justification for a third New York-Florida carrier, we will deny Braniff's, Delta's and Pan American's applications requesting New York-Florida authority in the event Northeast's Florida route is not renewed. We will also deny Delta East Coast-Florida authority even on a one-stop basis. Delta is presently prohibited from providing through-plane service in these markets. The carrier is seeking modification of the prohibition to make possible single-plane service between Florida and Northeast cities, with a mandatory stop at Atlanta.

As Delta claims, relaxation of the restriction might provide Delta greater flexibility in rotating and scheduling its flight equipment into its Miami maintenance base. However, we do not believe that any operational advantages that might accrue to Delta from the termination of the restriction are sufficient to justify Delta's entry into the Northeast-Florida market at this time, even on a one-stop basis.

We find unpersuasive Delta's contention that, because of the circuity involved, its single-plane East Coast-Florida service would be noncompetitive with the direct Northeast-Florida carriers and that the small amount of traffic it would be able to capture would not harm those carriers. Admittedly, Delta's one-stop service would not attract many passengers in nonstop markets like New York-Miami. But many of the other East Coast-Florida markets cannot sustain nonstop service and can only support a limited number of frequencies. A one-stop flight by Delta between Florida and the Northeast via Atlanta could well pose a competitive threat to existing one-stop Northeast-Florida operations.

We find unrealistic Delta's argument that it does not contemplate establishing through-plane northeastern area-Florida schedules on the basis of traffic moving between the two terminal areas. Delta would be free to change or increase its proposed schedules at any time.

We agree with the examiner that Allegheny's request for nonstop rights in the New York-Washington and the New York-Baltimore markets should be denied. Although Allegheny objects to the examiner's failure to consider its nonsubsidy proposal, the fact that Allegheny offered to provide these services on a nonsubsidy basis does not affect the examiner's conclusion that the carrier's proposed services are not required.

However, rather than deferring Allegheny's application for Boston-Philadelphia nonstop authority, as would the examiner, we will deny it. Allegheny serves between Boston and Philadelphia on a one-stop basis and it proposes three daily nonstop round trips with Convair 440's in addition to its other intermediate Boston-Philadelphia flights. These schedules would offer a first-class reservation and a low-fare no-reservation service on the same aircraft.

Four trunkline carriers, in addition to Northeast, are already authorized between Boston and Philadelphia. Frequent nonstop service, with turboprop and turbojet equipment, is being provided and an additional nonstop carrier is not necessary to provide adequately for the local traffic demands in this market. Nor has Allegheny demonstrated that, even without Northeast's service, those needs will not be met by the remaining carriers. The record does show, however, that Eastern intends to offer additional frequencies and that it may schedule Boston-Philadelphia "air shuttle" flights if Northeast's route south of New York is not renewed. Under such circumstances, we can see no justification for adding Allegheny as the fifth Boston-Philadelphia nonstop carrier.

Although we have concluded that Northeast's temporary Florida authority should not be renewed, it is clear that the public interest requires a continuation of the services which Northeast alone provides in New England. To this end, we will restore the carrier to subsidy eligibility under section 406 of the Act in order to permit continuation of the required services in that area. Viewed realistically, Northeast's New England operations are in fact local service comparable to the services provided by local carriers over route networks in other parts of the country. New England is entitled to the same treatment as the remainder of the Nation, and, hence, to such subsidy support as may be required to make possible the continuation of adequate air service. Should there be disruptions in Northeast's services, the Board will exercise its full authority to provide and maintain an adequate level of local service in that area.

One further matter requires comment. On July 30, 1963, Northeast filed a letter with the Board requesting the Board, if it issues an order denying Northeast's renewal application, to make any such order effective on (a) the sixtieth day after the entry of such order, (b) the sixtieth day after final order by the Board disposing of any petitions for reconsideration, reargument, or rehearing that may be filed, or (c) the date of final court action dismissing any petition for judicial review that may be filed, whichever shall last occur. The Board, in its orders issuing amended certificates, normally makes those certificates effective no earlier than 60 days after the effective date of that order. That procedure will be followed here. Northeast's request for a further delay in the effectiveness of any Board order denying Northeast's applications is premature and will be dismissed.

We have given due consideration to all of the exceptions filed by the parties and find that, except to the extent previously indicated, they should not alter our decision herein.

Accordingly, in view of the foregoing and all the facts of record, we find:

1. That the public convenience and necessity do not require the renewal of Northeast's authority to serve Philadelphia, Pa., Baltimore, Md., Washington, D.C., or Jacksonville, St. Petersburg-Clearwater, Tampa, Fort Lauderdale, or Miami, Fla., on route 27.

2. That the applications of Northwest Airlines, Inc., in Docket 12709, and Riddle Airlines, Inc., in Docket 12706, should be dismissed.

3. That, except to the extent otherwise indicated, Northeast's request of July 30, 1963, should be dismissed.

4. That, except to the extent otherwise indicated, all applications consolidated herein should be denied, and all investigations involved herein should be terminated.

An appropriate order will be entered.

Gurney and Gillilland, members, concurred in the above opinion. Murphy, vice chairman, and Minetti, member, filed the attached concurring and dissenting opinion.

THE DISSENTING OPINION

(Murphy, Vice Chairman, and Minetti, member, concurring and dissenting)

We would permanently renew Northeast's route south of New York and deny all other applications.

The New York-Miami market is the second largest passenger-mile market in this country; it is one of the heaviest traveled markets in the world. The East Coast-Florida run is among the richest routes in the world generating nearly two million passengers and two billion passenger-miles a year. In 1956, a veteran Board Examiner plus a unanimous Board found an immediate urgent need for added competition on this route because of the failure of Eastern and National to adequately serve the needs of the traveling public.

The market has grown since 1956. It continues to grow at a healthy pace. It has enjoyed vastly improved service since the entry of Northeast. Benefits to the traveling public have resulted from the competitive spur furnished by Northeast at great expense to its investors.

Properly applying accepted administrative standards, another experienced Examiner has again found a continuing need for three carriers in the flourishing, heavily-traveled East Coast-Florida markets. This finding is supported by practically all parties to the case except Eastern and National, both of whom have enjoyed profits on this segment of their large route systems even since the entry of Northeast. Our Examiner's finding is consistent with past and recent decisions of this Board. Civic parties from various Florida cities as well as New England together with representatives of travelers and shippers in Philadelphia, Baltimore and New York have underscored the need and requirement for continued third carrier service. Accordingly, we respectfully differ from the judgment of our colleagues. We would renew Northeast's Florida certificate on a permanent basis. We think the public interest requires it. We believe that long-range policy considerations relating to the development of a sound, adequate national air transportation system likewise require it.

As we have noted, the air transportation market here involved constitutes one of the greatest in the world. The record in this case as well as the record in the original proceeding fully supports the conclusion that the welfare of millions of air transportation consumers cannot be committed to Eastern and National alone. We agree with our Examiner that:

"To set aside a market involving nearly 2 million annual passengers for two carriers could well be considered a protected market for the few." (Initial decision, p. 24.)

There are two issues in this case:

1. Do the public convenience and necessity require a third East Coast-Florida carrier?

2. If so, what carrier should provide the service?

The majority equivocates in answering both questions. It finds no need for a third carrier "at this time" but implies that at some not too distant time a third carrier will be required. Such a finding is less than satisfactory to the carrier, the parties, civic intervenors, and the public, and is stated in a rather unique fashion.

And rather than meet the need issue in terms of public service and the service improvements effected by Northeast, the majority speaks of Northeast's financial difficulties, a subject irrelevant to the issue of need for a third carrier. Although the opinion considers the financial difficulties of Northeast at great length within the framework of the need for a third carrier issue and, in effect, finds Northeast unfit, the majority as a technical matter does not reach that issue. The two issues, public need and selection of carrier, are separate and distinct and must be so treated.

In the *New York-Florida* case, 24 C.A.B. 94 (1956), a unanimous Board [23] found: "The service provided by the existing carriers has not fully met the needs of the traveling public." (24 C.A.B. 99.)

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[23] Chairman Durfee, Vice Chairman Adams and Member Minetti found a need for a third carrier and selected Northeast. Members Gurney and Denny found a need for a third carrier but would have selected Delta.

The record in the case disclosed that: "during the prime winter season when travel to Florida is at its high point, it is necessary to obtain New York-Miami reservations as much as 3 or 4 weeks in advance of a planned departure in order to obtain the traveler's choice of service and departure time, that extended wait lists are not uncommon, and that the carriers' efforts to meet space demands by too tight scheduling of aircraft has resulted in an impairment of on-time reliability with a consequent inconveniencing of the traveling public. In addition, there is no doubt that Eastern and National have concentrated heavily on the New York-Miami market, and have not provided comparable quality or quantity of service to many other markets here involved. These factors of passenger inconvenience are at least comparable to those found in recent cases to warrant additional air service." (24 C.A.B. 99.)

The Board said further:

"However, in our judgment the needs of the traveling public for service between the Northeast and Florida cities are not now being fully met by Eastern and National, and in these circumstances it would not be consistent with our statutory obligations under the Act and the course of our decisions thereunder, to merely maintain the status quo, and rely upon the carriers' assurances as to their willingness and ability to remedy the situation. The present shortcomings in service have been shown to exist over a substantial period of time, and the existing carriers have not demonstrated their ability to overcome them. Moreover, as we have on a number of occasions pointed out, the Congress in adopting the Civil Aeronautics Act, clearly considered competition to hold the greatest prospect for vigorous development of our national air route system 'with the fullest improvements in service and technological developments'." (24 C.A.B. 99.)

In his Initial Decision, in the present case, Examiner Walter W. Bryan found a continuing need for the third East Coast-Florida carrier based on his careful analysis of traffic growth and service improvements in the markets since Northeast entered the scene. We adopt fully the Examiner's conclusions in this regard which are attached to our opinion as Appendix A. The Examiner supported his conclusion by a number of telling statistical tables attached to his decision which we have updated in certain instances and are also attaching hereto.

We need refer only to a few highlights from the attached tables which tell the Northeast service story so dramatically.[24] The Florida market has had its ups and downs and reflects slow downs of the economy and the impact of strikes and weather. However, lumping the traffic experience data together produces an overall average annual 1.6-percent growth rate. In a market approaching 2 million annual passengers, a 1-percent increase means 20,000 additional passengers—a significant increase when viewed in terms of the absolute number of passengers added each year.

The markets which had been so badly neglected by the authorized carriers before the 1956 decision show an amazing rate of growth.

1957–62 average annual traffic growth

	Percent
Boston to—	
Tampa-St. Petersburg	6.6
Jacksonville	12.7
Miami-Fort Lauderdale	5.8
Philadelphia to—	
Tampa-St. Petersburg	27.4
Jacksonville	21.4
Miami-Fort Lauderdale	4.7

These traffic growth factors permit only one conclusion; but for the third carrier authorization, the Boston and Philadelphia/Florida markets would have remained dormant.

The arguments concerning the leveling off or "stagnation" of the East Coast-Florida markets are unimpressive. All the markets show growth. We do not agree with the prophecy of gloom and doom with respect to the growth of New England and Florida which is implicit in the majority view of this case. We have confidence in the growth of New England as we do in the growth of Florida and we recognize our public responsibility to both areas and to the promotion and development of a sound air transportation system for meeting the needs of commerce and post between them.

It must be kept in mind that this case involves decertificating a third carrier—not the certification of a new entrant on the scene. In our view the 1956 authorization of a third carrier was justified to bring an end to the then existing service deficiencies so apparent from the record in that case and need not have been tied to the sanguine traffic forecasts included in the Board's opinion as additional assurance of its prudence. To charge the failure of the traffic to develop to the level estimated by the Board in 1956 against Northeast is unreasonable. The various markets have shown growth however.

We also note that traffic is presently increasing at an excellent rate generally. The November 1962–June 1963, rate of growth is equivalent to 16.3 percent annually.[25] We are also impressed with Examiner Bryan's findings, attached hereto, as to the continuing growth of population and industry in Florida. The majority's failure to give consideration to the needs of the future and its limited finding as to needs "at this time" are contrary to the statutory injunction to promote, encourage and develop air transportation—all words requiring consideration of future needs—and the decisions of the courts. *City of Pittsburgh* v. *F.P.C.*, 237 F. 2d 741 (1956). We agree that the 1956 case showed a need for a third carrier then. We think the record in this case shows a need for a third carrier now. And we believe the record in this case shows a need for a third carrier in the future.

The additional service on the East Coast-Florida markets provided by Northeast, the third carrier, and the additional service spurred from National and Eastern by the Northeast competition is dramatically illustrated in Appendix F.

Examiner Wrenn analyzed the situation in the 1956 case as follows:

"The exhibits do establish the point that at peak periods it is difficult to get reservations over the east coast route for the time and the class of service desired unless such requests are made at least 3 or 4 weeks in advance. The alternative for many travelers is the adjustment of travel plans to the abilities of the airlines by acceptance of alternate accommodations at a later date or of accepting the uncertainties of a wait-list or of a period of waiting at a standby counter for an opening caused by a 'no show.' The unavailability of seats to a traveler who must depart on short notice frustrates the fulfillment of a public need for fast transportation which is one of the primary commodities air transportation has to sell. * * * Despite the claims and statistics on unused space, including testimony that during the month of March 1955 there were 470 empty seats daily on Eastern's nonstop flights between New York and Miami, the record shows that during the winter season wait lists are set up * * * and are frequently as lengthy as the number of passengers ultimately carried; that overbookings are not uncommon; that passengers are frequently forced to use other than the desired class of service and are often required to use multistop services. In the period January 1–March 7, 1955, 56 percent of Eastern's flights from Miami to New York were closed out 1 day or more before departure, 26 percent were closed out 2 days or more before departure, and some were closed a week or more in advance. * * * The evidence also shows that Eastern and National have concentrated their efforts in the New York-Miami market and have not provided the same vigorous competition and class of service in other competitive segments, such as New York-Jacksonville, Washinton-Tampa and Washington-Jacksonville and between Philadelphia and Florida, as well as between Baltimore and Florida points. The latest and fastest equipment are not in these markets, nor are there frequent and convenient nonstop and one-stop schedules operated at desirable times. The development of traffic in these segments has not approached that of New York in terms of Miami passengers per 1,000 population. The record also supports the charge that Eastern and National have not devoted the same efforts and quality of service to their exclusive markets along the east coast, such as Boston-Miami and New York-Tampa." (24 C.A.B. 193–4.)

The competitive spur furnished by Northeast contributed substantially to improving service in the Florida market. By once again entrusting it to two carriers we are turning back the clock, downgrading the needs and convenience of the traveling public and risking the loss of those improvements of service resulting from Northeast's entry in the market.

The December 1962 figures are in sharp contrast to those recited by Examiner Wrenn:

Scheduled nonstop flights, December 1962[1]

	Flights	Seats[2]
Boston:		
Tampa/St. Petersburg	10	9,079
Miami/Fort Lauderdale	202	162,211
New York:		
Tampa/St. Petersburg	144	177,736
Miami/Fort Lauderdale	1,424	1,689,425
Philadelphia: Miami/Fort Lauderdale	269	277,872
Baltimore/Washington:		
Tampa/St. Petersburg	124	----------
Miami/Fort Lauderdale	290	----------

[1] We have attached a table showing the increase in seats over the years since the greater capacity of jets makes "number of flights" comparisons somewhat misleading.

[2] Seat figures are annual totals.

That a service situation similar to that prior to Northeast's certification could well arise again in the absence of the competitive spur of a third carrier is suggested by the fact that National provided no nonstop Boston-Miami service in recent years until the 1962–63 season—the period which could be expected to be closely scrutinized for purposes of decision in this proceeding.[26] Passengers have forcefully brought Eastern's overbooking practices to the Board's attention during the past several months.[27]

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[24] The majority conclusion of no need for the third carrier is surprising in light of such isolated and interesting, but typical, statistics as Examiner Wrenn's references in the 1956 case Initial Decision to over 5 million annual tourists visiting Florida and Examiner Bryan's reference to 11 million tourists visiting Florida in 1959, a 100 percent increase. Examiner Wrenn also referred to 1,800,000 domestic passengers arriving at and departing from the Miami International Airport in 1954. The 1961 count of domestic passengers boarding aircraft at Miami amounts to 1,528,013.

[25] Preliminary reports for July show a continued strong growth in trunkline traffic.

[26] A carrier's belated efforts to improve its service are not considered in determining whether additional awards are required. *Dallas to the West Service* case, 29 C.A.B. 23, 27 (1959), and cases cited therein.

The conclusion is inescapable that the 1956 competitive authorization is the sole reason the public has been able to enjoy markedly improved service over the East Coast-Florida routes since that time and that the public has no assurance of convenient, adequate service in the future now that a majority of this Board has reversed the unanimous 1956 Board findings that a third carrier is required.

The anomaly effected by the majority is illustrated by the fact that National which was extended to Boston in the 1956 decision will continue in the Boston-Miami market even though it provided no nonstop service until last season whereas Northeast which has been carrying over 60 percent of the traffic is eliminated. If we are to revert to two carrier service, application of historic selection of carrier criteria would point to the elimination of National, which in 1962 carried slightly over 5 percent of the market, not even enough to be considered a competitive carrier. In the same 1956 decision, National received New York-Washington turn-around authority and, here again, its participation has never exceeded 10 percent whereas Northeast carried over 18 percent of the traffic in 1960 and 1961.

Eastern was authorized to provide nonstop turn-around service between Boston and Washington in the 1956 decision and took slightly over 16 percent of the market in 1962 and slightly over 37 percent of the market in the first quarter of 1963. However, the majority of the Board is eliminating Northeast, the carrrier which took in excess of 70 percent of the market in 1962 and over 52 percent of the market during the first quarter of 1963. As the following résumé indicates, the majority is eliminating the carrier which has consistently ranked second in the commuter market:

Traffic distribution in commuter markets[1]

[In percent]

	1962	1st quarter, 1963
Eastern	51.0	67.6
Northeast	20.5	15.5
National	6.4	5.0
American	14.6	7.7

[1] Includes Boston, New York, Philadelphia, Baltimore, and Washington.

The Board followed a wise and judicious policy in recent years in relying on competitive awards to insure adequate public service in major markets.[28] Competitive service is an important statutory objective and the benefits therefrom will not be withheld from the public merely because existing carriers may be rendering a legally "adequate" service. ***Tucson Airport Authority, TWA Certificate Amendment,*** 23 C.A.B. 772, 776 (1956).[29]

The jet transition, overscheduling, and general economic conditions brought financial problems for all carriers over the past years, and many bemoaned excess competition. However, these problems are dissipating, and the trunk carriers are entering a period of excellent profits and significant traffic growth. Domestic trunk revenue passenger miles increased 16 percent June 1963 over June 1962, and 6 percent for the 12 months ended June 30, 1963, over the previous year. As previously noted, the November 1962 to June 1963 growth rate is equivalent to 16.3 percent annually. None of the trunks, other than Northeast, are in difficulty. All survived the sometimes painful jet integration including Northeast Airlines. And despite financial worries on the part of the carriers, the traveling public has been the beneficiary of excellent service in competitive markets.

In the New York-Florida case, the Board said: "There can be little question that the markets here involved are, in material aspects, more than comparable to those for which in recent cases we have authorized service by more than two carriers." (24 C.A.B. 98.)

Cases to which the Board referred were *New York-Chicago Service* case, 22 C.A.B. 973 (1955); *Denver Service* case, 22 C.A.B. 1178 (1955); *Southwest-Northeast Service* case, 22 C.A.B. 52 (1955). And in subsequent cases involving markets of lesser traffic density than the Florida markets, the Board continued to rely on competitive authorizations to insure the quantity and quality of service required by the traveling public. *Great Lakes-Southeast Service* case, 27 C.A.B. 829 (1958), *St. Louis-Southeast Service* case, 27 C.A.B. 342 (1958); *Southern Transcontinental Service* case, Order E-16500, March 31, 1961. In *Transpacific Route* case (Domestic Phase), Order E-16285, December 7, 1960, presently stayed, a unanimous Board found a need for a third California-Hawaii carrier. Unrestricted third carrier operations have been authorized between New York and San Francisco.

An interesting comparison of the relative traffic volume in various multi-carrier markets is set forth in Appendix K. The Board has found a need for four carriers in the New York-Chicago market and the Los Angeles-San Francisco market and for three carriers in twelve other major markets, namely, Chicago-Miami, Chicago-Tampa, Chicago-Atlanta, New York-San Francisco, New York-Detroit, Chicago-San Francisco, Chicago-Denver, New York-Atlanta, New York-Birmingham, New York-New Orleans, and New York-San Juan. New York-Miami tops all these markets in passenger miles except New York-Los Angeles.

One of the purposes of a competitive national air transport system is to provide the advantages of competitive ferment which brings with it a diversity of managements, experimentation, a variety of approach to traffic development, handling and servicing and a conflict of new ideas in advertising and business administration. The 1956 award to Northeast has provided some of these advantages.

In this connection, the wonderful improvement in commuter service brought about by Eastern's shuttle may well not have occurred but for the competition of Northeast. It is interesting to note Eastern's participation in the New York-Washington market over the recent years. Eastern's participation amounted to 35 percent in 1957, 31 percent in 1958, 36 percent in 1959 and 35 percent in 1960. During those same years, Northeast's participation was 2 percent in 1957, 3 percent in 1958, 11 percent in 1959, and 18 percent in 1960. In 1961, Eastern's percentage was 43 percent, 56 percent in 1962 and up to 75 percent in 1963. During this later period, with the shuttle, Northeast's percentage dropped off sharply to the point of no participation for all practical purposes. This Eastern service which has meant so much to the public convenience and necessity is in part attributable to Northeast's competitive presence in the market. We welcome such service improvements which competition brings.

As indicated by the traffic participation tables attached hereto, Northeast has dropped out of the New York-Washington-Baltimore markets. However, this factor does not constitute a black mark against Northeast and does not justify canceling the carrier's license to provide these services. The authorization in and of itself insures adequate service to the public. As the Board said in the *Fort Worth* case, 27 C.B.A. 260, 266 (1958):

"Where the public has ample service between the same two points by another carrier, what might be deemed grossly inadequate service by the carrier authorized to provide competing service were it the sole carrier in the market, may in fact be adequate under the circumstances. This may be true even if the Board has originally issued the competitive authorization with the expectation that it would be vigorously exercised, as it did to Braniff for Fort Worth-New York service, at least where it appears that the holder has attempted to provide effective competition in the market but has curtailed its efforts in the face of the success of other carriers in dominating service and absorbing the available traffic. Such a chain of events does not necessarily represent a frustration of the Board's objective in authorizing the competitive service, for the maintenance of a dominating position in such a market is no longer protected but is subject to a continuing pressure more fully to satisfy the desires of the public lest the latent competitor be afforded a practical opportunity to capture the traffic. In this manner the presence of a competitor free to act if established carriers lag is in itself of value to the public, and will normally tend to insure that adequate service to the public will be provided in the market in question."

Much is made of the fact that during part of 1962 Eastern was on strike and that, therefore, Examiner Bryan's various load factor comparisons are invalid. However, the point of the matter is that strikes are a part of the transport economy and one of the purposes of competitive authorizations is to insure that despite service stoppages, the public can be assured of a reasonably adequate service during such stoppages.[30]

We believe it is in the national interest that as many airline entities exist as can reasonably be supported. This provides for more improved operations, provides a pool of trained, experienced personnel available in time of defense need[31] and is entirely in keeping with our American tradition of free enterprise—a tradition which depends upon competition in the market place to provide the best possible service for the buyer rather than the establishment of a few carriers subject to the minute, rigid and more detailed government regulation which would then be required to insure good service to the public.

Competition in the air transport industry has brought about great improvements in service to the public. If the public is to enjoy good service and improved service over the East Coast-Florida routes, third carrier competition must be continued.

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[27] Our files indicate that for many recent months Eastern outranked all other carriers as the subject of service complaints. Field investigation revealed intentional overbooking on a planned basis to insure maximum load factors. This inconvenienced hundreds of passengers last Christmas and New Year's alone. Corrective action has been taken by Eastern.

[28] Size and importance of a particular market have been held to justify a competitive authorization in such cases as ***Dallas to the West*** case, 28 C.A.B. 590 (1959); ***Southwest-Northeast Service*** case, 22 C.A.B. 52, 61 (1955); ***New York-Chicago Service*** case (Northwest Restriction), 23 C.A.B. 943, 945 (1956).

[29] The Board said essentially the same thing in its 1956 New York-Florida case opinion as quoted supra, p. 4.

[30] Also, it can be expected that the total tariff was depressed during Eastern's strike which would, of course, be reflected in load factors. Despite the criticisms, the table speaks very eloquently for itself. Further as indicated in appendix O, neither Eastern nor National has any four-engine long-range jet aircraft on order at the present time. Thus their ability to absorb Northeast's traffic is not free from doubt.

[31] It is well to recall Northeast's vital 4-year wartime service transporting priority personnel and materiel over a New England-North Atlantic-Scotland route which it developed and fully supported with its own personnel.

With respect to the second issue in this case, selection of carrier, all criteria applied by this Board in past cases call for the renewal of the Northeast license, e.g., participation in the markets, single plane and single carrier service, etc. The only element among the selection of carrier criteria on which there is doubt is Northeast's financial fitness. The majority overlooks, however, the obvious fact that despite its financial problems, Northeast has provided the bulk of the service in many of the Florida markets and has operated a full pattern of service. That providing this service has not put Northeast in the black cannot be permitted to becloud the fact that it carried over 25 percent of the total Florida markets and over 15 percent of the commuter markets in the first quarter of 1963. During 1962, Northeast carried over 22 percent of the Florida traffic and over 20 percent of the commuter markets. Detail of the carrier's performance is set forth in the appendices. They indicate Northeast can compete.[32]

There is no doubt whatever that Northeast is a willing carrier. It has furnished services in markets hitherto neglected. We are convinced that it is an able carrier. It has survived the perils of fierce competition without interruption of its constantly improving service. It has demonstrated, beyond cavil, its operational fitness. Its financial fitness, of such concern to the Examiner as to constrain the withholding of a permanent certificate in the absence of a sound managerial plan for its future, is now assured by the proposal of Toolco to reorganize its entire debt and equity structure and guarantee availability of jet aircraft and other equipment for long- and short-haul operations. With subsidy, to which we all agree Northeast is entitled for loss local service rendered at its own expense in certain areas of New England, any serious doubt as to its ability to continue as an independent, sound, viable carrier is completely dispelled.

In considering elements of fitness and ability it is important to note that Northeast is not a new applicant. It is a grandfather carrier. It is no stranger to the markets here involved. It is an existing carrier operating pursuant to a certificate of public convenience and necessity and, hence, its case differs radically from that of a new carrier seeking entry for the first time. Factors in addition to balance sheet figures must be considered. As the Board stated in the *Transpacific Air Renewal* case, 21 C.A.B. 253, 257 (1955): "for purposes of 'fitness and ability', an existing carrier is on a different footing than a new company seeking entrance into the air transportation industry. For an existing enterprise we appraise its operating experience as well as its balance sheet."

We have also said that: "Continued performance of operations is convincing if not conclusive proof of the ability to operate satisfactorily, in the absence of proof to the contrary." *Large Irregular Air Carrier Investigation*, 28 C.A.B. 224, 238 (1959).

Certain equitable factors in favor of Northeast cannot be ignored. It has borne the burden of unsubsidized service for many New England communities for many long years, thus saving the Federal Treasury more than fifteen million dollars while similar services were being and are now being heavily subsidized in all other areas of the United States. We note that our colleagues recognize the duty of the Government to afford these New England communities equal subsidy treatment, but would withhold it unless Northeast surrenders its one and only long-haul route. No standard of public interest requires this. No provision of any law compels it, and we would pay subsidy promptly.[33]

Northeast has not requested subsidy in this case. But it is plain to us that it is entitled to subsidy for its local services—a view to which the majority subscribes—and such revenues coupled with profitable operations over the New York-Florida route would assure the carrier of a solid future and secure its survival without a promiscuous merger.

Profits from the New York-Florida route would diminish or offset the subsidy requirements for Northeast's services and, thus, accord with congressional and executive policy to hold subsidy within reasonable bounds. The cost of certificating a substitute local service carrier in New England cannot now be approximated but, obviously, would be substantial if Northeast is forced to cease operations.

In passing, it is interesting to note that in 1948 National was in such desperate financial condition that the Board instituted proceedings which came to be known as the "National Dismemberment Case" (National Airlines Investigation, 10 C.A.B. 8 (1949)). Subsequently, the Board deferred such adverse action until National regained its financial integrity and later dismissed the proceeding. 12 C.A.B. 798 (1951). Also, the record losses of Eastern over the past few years have not impaired the confidence of this Board in its basic fitness and ability. This is dramatically underscored by the decision of the majority in this case. We note that Eastern, like Northeast, is maintaining satisfactory operations while it attempts to work out its transitory financial problems.

We cannot ignore the fact that unlike a carrier applying for a major new route, or a new entry into the industry, Northeast already has the equipment, facilities and personnel to provide effective competitive service in the East Coast-Florida market. It has had years of experience in this market and its organization is fully geared to serving it. This company has successfully completed a vast organizational transformation and has invested $53.1 million in flight equipment alone. In contrast to Riddle Airlines, for example, which the Board certificated in the North-South cargo market despite grave balance sheet drawbacks, Northeast has never abandoned its certificated route obligations.

The public acceptance of Northeast's service is an impressive demonstration of its fitness, willingness and ability. Its participation in the total traffic in the market increased from 5.6 percent in 1957 to 25.5 percent in the first quarter of 1963 and its volume of patronage grew from 93,000 passengers in 1957 to 402,000 in 1962. In the side markets its record of achievement is even more impressive.

Rarely does the Board restrict domestic trunk route grants to a temporary award since we have properly opined that carriers should not be "tied with the uncertainties attendant upon temporary authority"—uncertainties which, in Northeast's case, have taken their toll. *Great Lake-Southeast Service* case, 27 C.A.B. 1053. Little, if any, weight has been given to this factor by the majority. The transcript is replete with evidence that the Board's action in granting a temporary rather than a permanent certificate in 1956 has directly and substantially contributed to some of Northeast's financial difficulties upon which the majority dwells at length.

The record indicates that no sooner had Northeast acquired its jet fleet when, at the end of the 1960—61 winter season, it reached a stage of acute financial crisis, primarily as a result of the great cost of acquisition and introduction of its jet fleet. Importantly, this occurred at a time when the entire domestic trunkline industry was reacting to an economic recession which contributed to the reduction of operating profits for all carriers. In financial straits, Northeast was the target for adverse publicity stimulated by its competitors seeking to force Northeast out of business. Among other things, Northeast was forced to curtail nearly all its advertising. Northeast's efforts to obtain further financing during this period met the determined opposition of Eastern and National in moves which were characterized by counsel for the Board and the Department of Justice as "an attempt to bring about the demise of a competitor." (Brief for respondent, *National Airlines, Inc.* v. *C.A.B.*, 306 F. 2d 753 (D.C. Cir. 1962) p. 21 n. 22).

Finally, Eastern increased its nonstop New York-Miami jet schedules in February 1962, from 10 to 14 and its capacity by nearly 87 percent over its 1961 capacity. The Examiner correcty found that the effect of "the addition of the 'fighting ships' by Eastern at that particular time was to reduce the load factors of all carriers in the market just prior to the hearing in this proceeding and further to weaken Northeast's position." (Initial decision, p. 36.)

Despite these unprecedented obstacles, Northeast's traffic continued to grow. Northeast carried more Florida passengers in 1961 than it had carried in any previous year. It achieved a participation of 23.5 percent of the market, for an improvement of more than 50 percent over the highest previous year. Despite a progressive worsening of its financial situation, Northeast maintained its traffic and participation in this same range in 1962—22.8 percent of the market. In the first quarter of 1963, Northeast, with the financial assistance of Toolco, increased its participation to 25.5 percent. In the second quarter of 1963, Northeast increased its share of the New York-Miami market to 20.5 percent as compared to the 16.6 percent participation in the second quarter of 1962. Further, that market increased 4.4 percent in the second quarter 1963 over second quarter 1962.

Under all the circumstances, therefore, we believe that Northeast's achievements have been outstanding; the performance of this carrier has exceeded expectations which could be reasonably demanded of it.

The collapse of Northeast, virtually dictated by cutting off its one trunk route, will set in motion a train of most unfortunate and tragic consequences. Since this is the first time in Board history that such has been done, we cannot truly foresee all of them. The liquidation of Northeast will be detrimental to its creditors, to its stockholders; but, of particular concern to us, is the crippling effect which this decision will have on its large pool of skilled employees, and on the public in the hard-pressed New England area which is already suffering from a deteriorating railroad transportation system. These were factors which we recognized in the *Toolco-Northeast Control Case* (Order E-18470, June 19, 1962). At that time the Board determined that the public interest would not be served through an abrupt and chaotic collapse of this grandfather carrier. We continue to adhere to that view. We also recognize that this Board is enjoined by law to give weight to the impact of its actions on employees. *United*

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[32] As one example, in April 1963, Northeast ranked first among all trunks in on-time performance. Its record on the Miami-New York route was 89.75 percent on time, compared to 77.97 percent for Eastern and 71.32 percent for National.

[33] See, for example, Pan American World Airways, Inc., Latin American Division, Mail Rates (Provisional Statement), Order No. E-7650, August 19, 1953, pp. 14–17 (Final Order), Order No. E-7673, September 1, 1953, 17 C.A.B. 775 (1953). In that case we provided subsidy for a portion of the carrier's Latin American system, but we concluded that the operating characteristics of the New York-San Juan segment were such that, under economical and efficient management, it should not require subsidy support.

States v. *Lowden,* 308 U.S. 225 (1939); *Western Air Lines* v. *C.A.B.*, 194 F. 2d 211 (1952).

The magnitude of the impact on employees and the local economy can only be approximated. Some 150 pilots fly south of New York. Dismissal of 150 pilots from the bottom of the seniority list would involve an annual payroll in excess of $1,725,000. The cutback could involve a mechanical personnel payroll approaching $2 million annually. What may happen to Northeast's employees is of course unknown at this point; however, some general idea can be gleaned from the attached appendices showing total Northeast employees and payroll. Whatever the dollar impact on employees may be, it will be multiplied in its adverse effect, throughout the local economy.[34]

While the majority would proffer subsidy and expressed willingness to take corrective action in the event of any major disruption in service, the measures available for such action are unspecified and untested and, at best, speculative. We fail to see the necessity for creating such a risk or depriving this area of the benefits of Northeast's continued services.

The majority holds out a vain hope that Northeast can successfully revert to its small route system north of New York. Such a possibility, in our view, ignores the realities of the airline industry. Northeast would be cut back to a route system far smaller than that of many of the local service airlines. Moreover, this Board has extended, on a permanent basis, two local service airlines into the New England area since choosing to make Northeast a hybrid carrier in 1956. Allegheny, which receives a subsidy of $6.5 million per year for all its route system, was extended to Boston, Providence, Hartford, New Haven, New London, and Bridgeport. It furnishes multistop services from these points to New York and points south thereof on a subsidized basis. When Eastern was relieved of its responsibilities in the New York-Vermont area, its entire local route system there was transferred to Mohawk which had been previously extended to Boston, Providence, Hartford, and Keene. These local service carriers have their principal origin outside of New England. Neither of them has the identity or affinity with New England as has Northeast which is the area's only home-based carrier. To expect that Northeast can revert to the status quo prior to 1956 is, therefore, impossible and has been made impossible by intervening Board action.[35]

Northeast is the only carrier serving Maine; it is the only nonlocal service carrier serving New Hampshire and Vermont; it is the only carrier serving Fall River-New Bedford, Mass., and the important vacation area of Cape Cod and Nantucket. It is the only carrier in the entire industry rooted in New England.[36] At its home base at Boston it is a substantial contributor to the local industrial economy, not only in terms of payroll, but in terms of purchases and promotional activities. No other trunk airline has ever offered or now desires to serve any point north of Boston on a permanent basis. The future destiny of this area, therefore, is interwoven with that of Northeast, for better or for worse; it is our duty, we believe, to make it better rather than worse.

Toolco has kept every commitment made to the Board, to the public and to Northeast. It has done so without complaint. It has offered to do more. Until the appeal taken by National from our decision in the Control case was finally dismissed by the Court of Appeals—an event which did not occur until July 3, 1963, several months after the filing of the Examiner's decision herein, there was a cloud hanging over any reorganization plan. If the Board order were not approved by the Court, Toolco could reasonably anticipate further vexations. It is understandable that Toolco would be reluctant to act prematurely. We think, therefore, that severe penalties upon not only the carrier, but also its employees and the public, ought not to be exacted simply because the Toolco proposal, in the view of some, came too late. There is every reason to believe, in our opinion, that Northeast has turned an important corner and under the Toolco reorganization has every hope of a sound financial future. Since Toolco's support has been available, Northeast's share of the markets has increased significantly.

On July 23, 1963, Toolco submitted a proposal for the immediate rehabilitation of Northeast. In sum, it provided for a dramatic recast of the carrier's finances. If such a plan were feasible and if offered to the Examiner it would have supplied relevant and vital evidence on the issue of financial fitness—the one factor upon which his adverse conclusion as to Northeast was predicated.

Because of these significant developments and our conviction that a third carrier is required, we would permanently renew Northeast's Florida route or as an absolute minimum reopen the record in this case for development of further evidence on the all important financial fitness issue.

Certain further observations on the disposition of this vital proceeding are required. We note the solicitude for the well-being of Eastern which constitutes such a major factor in the majority decision. Concern for the welfare of this large carrier as well as for all others in the industry is one which we commonly share. But our duty is to promote long-range air transportation goals rather than to wrest short-term objectives, particularly by requiring the sacrifice of one carrier for the benefit of another. We would invite attention, in this regard, to the tremendous boon bestowed upon National as well as Eastern. It is impossible to favor one without favoring the other and both will substantially share the valuable estate inherited upon the demise of Northeast.

Special protection for National is not justified by a scintilla of evidence in the record. This Florida-based carrier is enjoying its greatest era of prosperity on a recently enlarged route system extending from Boston Harbor to San Francisco Bay along segments embracing rich markets and great population centers. If anything, we should be considering removal of National from the Boston terminal to which it was extended on a permanent basis at the same time that Northeast was extended south of New York on a temporary basis so as to preserve a modicum of balance and opportunity. The public in the New England area has benefited little if any from this valuable route grant to National in 1956.

On the record in this case there is no evidence that either Eastern or National has suffered any economic loss on their East Coast-Florida routes because of competition from Northeast. Our Examiner properly disposed of Eastern's contention that it needed protection on the Florida route by stating that such an argument "cannot seriously be considered. The public needs on the Florida routes should not be required to suffer for lack of adequate service because another route on the carrier's system may not be as productive in revenues." (Initial decision, pp. 27, 28.)

Eastern's sharp deterioration in earnings is a concomitant of the recurrent work stoppages grounding its air fleet for long periods of time during the past 4 years. But for the cumulative effect of these strike-torn years profitable operations might have been attained in 1962. Sharp declines in Eastern's equity and working capital in 1962 are attributable to noncash charges, e.g., depreciation and reclassification of debt payable in 1963 and were not due to cash outlays. Unlike its far smaller competitor, Northeast, Eastern has adequate resources to serve as security for the extension or refunding of its present debt, and will, with this decision, become the dominant East Coast-Florida carrier.

Eastern is moving forward and can expect a return to its former profit position in the near future. Importantly, as we have noted, the record in this case does not indicate that Eastern has lost money on its East Coast-Florida route since the entry of Northeast therein. We cannot accept the dictum that the interest of one airline, important and worthy as it may be, requires the surrender of the lifeline of another.

It goes without saying that trunkline carriers should be able to operate a full systemwide pattern of service with an adequate return over the long run and that certain loss services must be cross-subsidized by the more lucrative segments. However, it is appropriate to recall the Board's statement in *Great Lakes-Southeast Service* case, 27 CAB 829, 831–2 (1958):

"We wish to reiterate one of our basic points as to the benefit of third carrier competition in a market of the size of the Chicago-Miami market. Such a market is of great economic importance to Delta and Eastern, as they allege; however, this fact in and of itself is not sufficient to insure provision of the quantity and quality of service such as a large market requires of its continued growth and development are to be fostered. Despite the carriers contentions to the contrary, it is a fact that their past services have not fully met the reasonable demands of the traveling public. Even though the carriers may be able to provide a full pattern of competitive services now, we believe the authorization of a third competitive carrier is necessary to insure that result * * * the presence of a third competitive carrier will operate to guarantee that ample service of the highest quality is always available."

This language is equally pertinent in the present case—in fact more so since a larger market is involved. The Board has consistently indicated that its decisions must rest on the public interest rather than the private financial or corporate interest of any particular air carrier, *Louisville-New York Nonstop Investigation,* 21 C.A.B. 794, 797 (1955); *New York-San Francisco Nonstop Service* case, 29 C.A.B. 811, 863 (1959).

The majority also refers to renewal of the Northeast-Florida route as an invitation for the carrier to sell its certificate. In our view, with subsidy for New England and implementation of the Toolco financial restructuring proposal, Northeast could continue in the future as an independent carrier. Moreover, the Board has previously indicated that trafficking in licenses is a matter completely controllable by the Board. Order E–15328, June 3, 1960.

Finally, we understand the majority decision not to rest on any major policy grounds. It does not go beyond holding that Northeast shall not be permitted "now", and "now" only, to furnish services in the Boston-New York-Florida markets. It establishes no guidelines, which the industry has a right to expect, as to the degree of competition which the Board will be prepared to consider seriously tomorrow or in the days thereafter. In this connection, we note that Pan American, while urging to the Examiner that a third carrier was needed and that Pan American should be selected, on appeal to the Board, modified its position and urged that we "not recertificate Northeast, reduce the present degree of competition, and select the new carrier or carriers in a subsequent proceeding." (Transcript of oral argument, p. 67) Pan American argued: "The existing carriers can handle the traffic until a new third carrier is selected." (Tr. p. 69.) The candidates for the future award were designated by Pan American as itself, Delta and Braniff, all carriers operating in United States-South America markets. (Tr. p. 69–70.) Pan American conceded that: "Added competition can be justified in markets such as New York-Miami if it is of the type which will produce improved public service by better accommodating through traffic and seasonal peak demands." (Tr. p. 68.)

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[34] Present total Northeast annual payroll amounts to $19,454,048. See app. M.

[35] Both Eastern and National have received valuable new route awards since the 1956 decision. For example, Eastern was given a New York-Washington-Mexico City, and Toronto-South routes. National was extended to the West Coast. Northeast has received nothing. Thus, in addition to new local service carrier entry into New England in recent years, Northeast has had no opportunity to grow in relation to its trunk competitors.

[36] The record includes numerous references to service improvements Northeast has provided points north of Boston. To cite but one here, the present Bangor-Washington single-plane service will no longer be available under the majority's decision.

National likewise recognized that the Board could not justify restricting this market to two carriers for long, that a third carrier might be required within a short period of time and urged that the selection be made in the pending United States-South America Route Case, akin to the Pan American recommendation (Tr. p. 103; brief to the Board, pp. 39–40). Such a postponement, at the expense of Northeast and the public, National contended, "would give Eastern and National a breathing spell.* * * Two years should allow Eastern to regroup in order to face the future. Two years would allow Eastern possibly to modernize their system." (Tr. p. 104; brief to the Board, p. 39.) In the meantime, National realistically noted that as a consequence of nonrenewal of Northeast, * * * the Board must face the possibility, the probability even, that Northeast will collapse." (Tr. p. 104; brief to the Board, p. 41.)

On appeal, Eastern likewise tacitly recognized that the market demands might not long justify two-carrier service and that public inconvenience might result and that the decertification of Northeast would possibly bring about its abrupt collapse. Consequently, it made two rather extraordinary proposals, for the first time at oral argument, later formalized in a joint agreement with National, filed with the Board under section 412 on June 28, 1963. In sum, these unusual propositions provided, (1) that: "Eastern and National agree that for a period of 5 years, or for such time as they are the competitive carriers authorized to serve the East Coast-Florida markets, that they will comply with any order of the Board entered upon notice, but without hearing, requiring any additional daily capacity in the markets"; and (2) upon cessation of operations south of New York by Northeast, Eastern, and National, on a 60-40 basis,[37] will provide goods, equipment and services in a total amount of $1 million for maintenance and continuance of New England services to keep Northeast or some other carrier going for at least 1 year on a reduced subsidy cost to the Government. (Tr. pp. 85E–85G.)

Referring to the New York-Miami market alone, Braniff argued that "This market, above all others, not only can support but demand[s] three-carrier service." (Tr. p. 43.) Braniff asserted that "This fact is not in substantial dispute * * *. Only Eastern and National dispute it. Considering their particular self-interest, this is quite understandable. However, Bureau Counsel and the Examiner agree with Braniff that the New York-Miami market can support three carriers, and that the public convenience and necessity require such competition." (Brief to the Board, p. 6.) Thus, even Northeast's rivals recognize the inevitable need for a third carrier.

In light of all the facts and the reasonable inferences to be drawn therefrom, together with apposite Board precedents, and in accordance with the policy requirements of section 102 of the Act, we would renew Northeast's certificate here involved on a permanent basis. Additionally, we recommend immediate subsidy for its New England operations for so long as required, not only because of entitlement thereto, but to avoid the unnecessary risk of a breakdown of our national air transportation system there, threatening irreparable injury to the public interest.

TESTIMONY OF SENATOR EDWARD M. KENNEDY, DEMOCRAT, OF MASSACHUSETTS, BEFORE THE AVIATION SUBCOMMITTEE OF THE SENATE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, AUGUST 15, 1963

I am very grateful for the opportunity to appear before your committee this morning to discuss the recent decision of the Civil Aeronautics Board on Northeast Airlines and the grave consequences this decision has for New England.

I speak today not only for myself, but for hundreds of thousands of citizens of New England who are directly affected by the kind of air service we have in our area—affected as travelers, as farepayers, and as citizens of communities whose economic growth and development depends on frequent, consistent air transportation.

Not since I have come to the Senate have the people of my State—and all the New England States—been so concerned about a single action of the Government. They are confused and discouraged. They feel that the Board that determines our National aviation policy has cut them off—have submerged the welfare of their local airline in favor of other considerations less related to the public interest.

The Civil Aeronautics Board is not a part of the executive department of our Government. It is a quasi-legislative and judicial body which is not accountable to the administration in power for the decisions it makes in the domestic aviation field. When it makes a decision, the only recourse is to the courts.

But this does not relieve the Board of its responsibility to the citizens of New England. The statute which creates the Board commands it to base its decisions on the public interest. And the 10 million people of the New England States are a significant part of that public whose interest must be served.

We have no wide open spaces in New England. For an airline, our region is full of short hauls and frequent stops, which is the least economical type of operation. Nevertheless, since it obtained the certificate to fly to Florida in 1956, Northeast Airlines has made a substantial contribution to the growth and development of New England and to the traveling convenience of its people.

In 1956, 940,000 passengers emplaned and debarked through Logan International Airport. Last year the total was 1,720,000. Fifty percent of this increase was aboard Northeast Airlines. The availability of air transportation has increased the development of industry. It has enhanced travel. It has helped make the tourist industry the third largest industry in Massachusetts, and the mainstay of the summer economy of Maine, New Hampshire, and Vermont.

In serving the public interest in this way, Northeast Airlines has lost money. But I do not believe that the Civil Aeronautics Act requires a carrier to make money on all its operations in order to get favorable consideration from the Board. If the choice must be between profit and the public interest, does not the act indicate that the public interest should win out? Should not the Board try to make those arrangements which will allow a carrier to make a reasonable profit while maximizing the traveling public and the communities that are served?

It is the feeling of many in New England that Northeast Airlines was able to make the contribution it has because it is a locally based carrier. It was our hope that Northeast, with the profits of the Florida route and the subsidies it deserves, would be able to gradually increase its service to the medium sized and smaller cities of New England. But the Board rejected this course.

Our economy and our people face the prospect now that they will be at the mercy of large trunk carriers whose main interest is in other parts of the country. There is a grave danger that if Northeast is reduced to regional status, or if its routes are parceled out to other carriers, the development of much of our economy will cease.

What will be the effect on the State of Maine, which does not now have even rail service north of Portland, if their air service is eliminated as uneconomical? What will be the effect on the ski resorts of Vermont and New Hampshire? How can a depressed textile city in New England expect to attract branch plants of large companies despite its skilled labor pool and other advantages in order to get to the cities to do business, if executives of the companies must land at an airport 60 miles away?

It has been said that New England has good highways, and because of this less air service is needed. We have good highways. But we often have snow which can make these highways hazardous. And in this world of 1-day business trips and weekend vacations, more, and more people fly rather than drive. They will not go to a region that cannot be reached by air in 1 or 2 hours.

Nor does the decision of the Board affect adversely only the New England region. Cities up and down the east coast have a stake in this. Elimination of Northeast from the Florida route will cut service from Philadelphia to Miami by 40 percent. It will cut service from New York to Tampa by 25 percent. It will have an adverse effect on the Florida tourist trade. It may well mean higher prices and poorer service between New York, Washington, and Boston as that commuter market becomes monopolized by one carrier.

All these results would occur even if the decision made by the Board had been unanimous. But in this case, they flow from a 3-to-2 decision, the majority opinion of which is, on its face, contrary to the policy of the Civil Aeronautics Act and the past practice of the Civil Aeronautics Board.

This is the first time in history that the Board has taken a major route away from an established carrier. It is the first time that the Board, by its own action, has delivered into the hands of one carrier 70 percent of the passenger traffic in the second largest market in the country. It is the first time the Board has, after approving a change in ownership in an airline in order to help the line with its financing, turned around, and refused to take notice of the major refinancing actions taken by the new ownership.

While I have not had a chance to study the opinion of the majority, which I understand is only to be released today, I would like to go into the three reasons stated for the decision in the press release.

The majority of the Board, reversing the finding of the hearing examiner, stated that the remaining two carriers are capable of meeting the requirements of this market. This directly reverses the longstanding policy of the Board in favor of multiline competition on all major routes. Under this policy, the Board has added a third competitive carrier to 13 routes in recent years, all of them smaller markets than this one.

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[37] National estimated that elimination of Northeast south of New York would enhance its net profit in the East Coast-Florida markets by almost $4 million; Eastern estimated an increase in its operating profit of $6 million. (I.D. pp. 9–10.)

To cite just one example, Northwest Airlines was allowed entry into the Chicago-Miami market, even though it has less than 18 percent of the traffic; yet Northeast has been denied entry in spite of the fact that it generates 26 percent of the traffic.

The decision also contradicts the policy of the President's Interagency Group on Transportation, which just this year called for the greatest preservation of competition where traffic density can support it.

Secondly, the majority states that the public benefits anticipated when certification was granted Northeast have not materialized. Yet it is a matter of proven record that there are more nonstop flights than when Northeast was certified; that there are more cities served along the route; and that the competition of Northeast has forced the other carriers to double their schedules and thus allow thousands more people to fly to the South at a time that is convenient and at a price they can afford.

Finally, the Board says that the future prospects for profitable operation by Northeast are remote. The financial problems of Northeast are not unique.

In fact, they have been shared and are today shared by one or both of the carriers that are competing with it on the Florida route. When National Airlines was permanently certified to fly to Florida, it did not have the cash on hand to meet its current debt, and it needed $2½ million more operating revenue to break even. Eastern Air Lines today, like Northeast, has yet to attain a profitable level of operations. It needs to find new sources of financing and persuading its creditors to cooperate in its rehabilitation.

Just last year the Board approved the acquisition of Northeast by the Hughes Tool Co. precisely because it would improve the airline's financial prospects. This acquisition took place. The tool company has cancelled $26 million of Northeast's debt.

Mr. Chairman, I believe this unusual decision and its effects require careful examination by the committee. I hope, in addition, the committee will direct itself to answering these questions:

1. Why has the Board reversed its traditional policy of advancing the public interest by encouraging multiple carriers on major lines in accordance with its statutory mandate to encourage competition wherever possible?

2. Does the Board's refusal to grant permanent certification to Northeast, when it did grant such certification to other lines when they were in similar financial circumstances, constitute favoritism on the part of the Board as between competing carriers?

3. What is the relationship between this decision and the decision in the American-Eastern merger case? Is one carrier being sacrificed as a trunk carrier so that another, larger carrier can improve its position?

4. Should not the Board, prior to making this decision, have ordered a special investigation into the real economic impact of this proposed reduction of airline service to the New England area?

5. Is the decision of the Board an attempt to make into Board policy the so-called "Bluestone report," which seeks to reshape our carrier structure into a series of two-carrier and monopoly networks of airlines?

6. Did the Board have time to take into account in its decision the elimination of $26 million in debt by the Hughes Tool Co. that took place just before the decision was released?

7. What plans does the Board have to maintain and increase service to New England?

The people of New England desire the answers to these questions because of their stake in this decision. Insofar as this decision reverses previous policy, and tends to monopoly and duopoly of our air routes, the people of the entire country have a stake in it. They do not want to be paying higher and higher fares to bigger and bigger carriers to have service on routes that belong to the public.

I believe that the Board, instead of summarily bringing about the demise of Northeast, should consider, at the very least, the much greater wisdom of renewing Northeast's Florida routes and at the same time granting some subsidy for its New England loss operations. With renewal plus subsidy there is strong likelihood that the Northeast problem would, in a short time, solve itself.

Northeast has improved its earnings picture over the Florida routes every year. Within a relatively short time, its Florida earnings should be sufficient to permit termination of the New England subsidy. This approach would certainly be preferable to terminating Northeast's Florida service now to committing the Federal Treasury—which means the taxpayer—to a permanent New England air service subsidy.

I hope these hearings can explore these issues in the public interest, which is the touchstone of our regulatory policy as well as the main responsibility of Congress.

[In the United States Court of Appeals for the First Circuit]

No. 6220: NORTHEAST AIRLINES, INC., PETITIONER, *v.* CIVIL AERONAUTICS BOARD, RESPONDENT; AND NO. 6233: SAME *v.* SAME

(Petitions for review of orders of the Civil Aeronautics Board, before Woodbury, Chief Judge, and Hartigan and Aldrich, Circuit Judges)

Clarence I. Peterson, with whom Henry E. Foley, Chester C. Davis, Foley, Hoag & Eliot and Wilmer, Cutler & Pickering were on brief, for petitioner.

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OPINION OF THE COURT, MAY 8, 1964

WOODBURY, chief judge. Prior to 1956 Eastern Air Lines, Inc., and National Airlines, Inc., Eastern and National hereinafter, were established "grandfather" air carriers over the "East Coast-Florida" route and Northeast Airlines, Inc., Northeast hereinafter, had "grandfather" authority over a route system consisting of short-haul segments extending north from New York to Boston and fanning out over New England. It was the smallest of the domestic trunk line carriers and the only one still receiving Federal subsidy. In 1956 in a proceeding involving applications for new and additional air services along the eastern seaboard of the United States from Maine to Florida entitled the *New York-Florida* case, 124 C.A.B. 94, the Civil Aeronautics Board, hereinafter the Board, at page 98 stated the issue before it and the majority's decision as follows:

"A principal question in this proceeding is whether the public convenience and necessity require additional air service between the Northeast and Florida, and, if so, the selection of the carrier to provide it. We agree with the examiner's conclusion that an additional service should be authorized from New York to Miami via Philadelphia, Baltimore, Washington, Jacksonville, and Tampa-St. Petersburg/Clearwater ('Tampa'). However, we would select Northeast rather than Delta to provide the service."

In deciding the underlying question of need for additional service over the East Coast-Florida route the Board considered the present and prospective traffic over it, the adequacy of the service provided by Eastern and National, and the Congressional policy embodied in § 2(d) of the Civil Aeronautics Act of 1938, 52 Stat. 973, 980, favoring competition between air carriers to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of foreign and domestic commerce, the Postal Service and the national defense.

The Board first pointed out that the New York-Miami market was the foremost travel market in the country generating about 33 percent more passenger miles than the next largest market, Los Angeles-New York, from almost three times the number of passengers, and that the market had enjoyed outstanding traffic growth in recent years which showed no signs of having reached a plateau. The Board forecast that traffic growth would continue at a high rate in the future and said that "there can be little question that the markets here involved are in material aspects more than comparable to those for which in recent cases we have authorized service by more than two carriers."

The Board next observed that while the service over the route provided by Eastern and National was not inadequate within the meaning of § 404 of the Act, their service did not fully meet the needs of the traveling public. It found that during the peak winter season it was necessary to make New York-Miami reservations 3 or 4 weeks in advance to obtain the service desired, that the carriers' efforts to meet demands for space by too tight scheduling of aircraft had impaired on-time reliability and that Eastern and National had concentrated heavily on the New York-Miami market and had not provided comparable quality or quantity of service to many of the other markets involved. It said: "These factors of passenger inconvenience are at least comparable to those found in recent cases to warrant additional air service."

Finally on this issue the Board turned to the need for additional competition. It noted benefits already conferred by "vigorous competition" between Eastern and National and the promise of future benefits from the same source in the way of elimination of space shortages, but it said that in view of the fact that the needs of the traveling public were not now being fully met "it would not be consistent with our statutory obligations under the Act and the course of our decisions thereunder, to merely maintain the status quo, and rely upon the carriers' assurances as to their willingness and ability to remedy the situation." Observing that present shortcomings in service had existed over a substantial period of time and that the carriers had not demonstrated their ability to overcome them, the Board pointed to the Congressional policy favoring competition as a stimulus to "vigorous development of our national air-route system" and said: "In the present case, we are convinced that a third carrier is required."

The Board divided on the issue of the selection of the carrier to provide the additional service required over the route. Three members of the Board disagreed with the examiner's choice of Delta and selected Northeast. They expressed the belief that extending Northeast's authority to Florida would eliminate its need for subsidy, and they pointed out that Northeast was the smallest of the trunk line carriers, that it had received less in the way of strengthening route awards than any of the original "grandfather" carriers, that all other regional air carriers had "achieved self-sufficiency largely as a result of the Board's policy of authorizing these carriers to expand their services into the long-haul high-density markets," and that this case provided the "last opportunity to accord similar treatment for Northeast."

The Board majority said it had "no doubt" that Northeast could compete "effectively" with Eastern and National, noted that only Northeast could provide one-carrier service from New England points north of Boston to points south of New York, particularly to the Nation's Capital, and said: "If its prospect for growth in the South is denied in this proceeding, it seems clear that its operations will be frozen in its present pattern, and that it will continue to be a drain on the Federal Treasury. Extended as we propose, it should become a self-sufficient trunk." The majority forecast an increase in northern New England traffic with improved service to that area as a result of one-carrier, one-airport connecting service in New York to points south and expressed the view that Northeast to some extent could integrate its operations in terms of seasonality, not so much in terms of transfer of aircraft from the Florida run in the winter to the New England run in the summer as in avoiding "peaks and valleys" in its personnel needs by using the additional employees needed for the New York-Florida peak season in the winter to meet the demands of the New England peak season in the summer. Expressing confidence in the ability of Northeast's management and the adequacy of its financial backing to effect the radical transformation necessary to convert Northeast from an essentially regional carrier to a trunk line carrier, the majority turned to the impact of added competition upon Eastern and National.

The majority recognized that an award of the run to Northeast would divert "substantial revenues" from Eastern and National. But the majority said that it "may be expected" that Northeast, at least initially, would divert less traffic from the two established carriers than any of the other passenger trunk line applicants for the route and prophesied that "Northeast's diversion will largely come out of future traffic growth in the markets involved." In further elaboration the majority said:

"The record clearly requires the conclusion that, in addition to the high overall traffic growth to be expected along the New York-Florida route, there are long-haul markets, such as New York-Tampa, Philadelphia-Miami, Baltimore-Miami, and Boston-Tampa, which have not as yet received the same measure of service and exploitation as the New York-Miami market, and which might be expected to respond favorably to more vigorous efforts for traffic development. Exploitation of these markets, which is an important byproduct to be expected from the addition of a third carrier to this route, should go far to offset traffic lost to Northeast. We are also in this proceeding granting Eastern and National additional operating rights which will provide them with additional traffic opportunities and growth."[1]

Turning to the duration of the authorization to be awarded Northeast the Board majority said: "While we have confidence in the undertaking, we recognize that in extending the carrier to Florida, we are in substantial measure changing the character of this carrier's operation. Accordingly, we shall not make the route extension permanent but shall limit its duration to 5 years, after which we can again review the matter and consider further the requirements of the public convenience and necessity."

The two minority members of the Board wholeheartedly agreed with the majority as to the pressing need for a third air carrier on the route. They disagreed, however, as to the majority's selection of Northeast. They thought, although for somewhat different reasons, that Northeast, though willing, was neither fit nor able to render the service needed by the public, that it was not in the best interest of either the traveling public or Northeast for it to undertake the route and that with its inexperience and lack of resources it could not be an effective competitor with the two experienced, well equipped and established carriers already serving the route. They would have selected Delta as the third competitor.

The present proceeding began on April 3, 1961, with an application to the Board by Northeast for amendment of its certificate to delete the expiration date. The Board's examiner found continuing need for three-carrier competition on the route, but reviewing Northeast's experience found it unfit to remain as the third carrier. He did not select the carrier to take Northeast's place.

The Board again divided three to two.

The majority said: "The critical question before us, therefore, is whether under the present circumstances, there is a need for a third carrier in the New York-Florida market" and then announced: "We find that no such need exists." Following this the majority noted that the examiner's conclusion that Northeast's authority should not be renewed rested upon his finding that it did not meet the statutory requirement that it be "fit, willing, and able" to provide the additional service he thought the route required, and said: "Upon consideration of the record and the contentions of the parties, we also conclude that Northeast's New York-Florida authority should not be renewed, although our reasons differ from those of the examiner. We find that the public benefits anticipated when Northeast was certified have not materialized, that the future prospects for the operation of Northeast's system on a profitable basis are remote, and that there is no present need for a third carrier in the East Coast-Florida markets." In a footnote appended to the end of the first sentence quoted above the majority said: "Although the examiner's findings on the fitness issue are amply supported by the record in the proceeding, our later findings on other issues are dispositive of the renewal question and make it unnecessary to pass on the technical question of fitness."

In the next eight pages of the decision as reproduced in the petitioner's record appendix the majority recounted in detail Northeast's losses in recent years and its ensuing financial difficulties which it summarized as follows:

"The record, which shows seven years of unprecedented losses, continual financial crises, and deteriorating services in New England, leads us to the conclusion that Northeast cannot achieve self-sufficiency from its Florida routes. Northeast is wholly dependent upon the Florida markets for survival as a long-haul operator. But the carrier lacks the back-up traffic support, the strong, seasonally balanced system, and the financial stability which are essential if a carrier is to rely on the Florida vacation markets, with their erratic traffic ups and downs, for the major source of its strength. Past industry experience would indicate that a carrier, with a limited route system and access to traffic confined to multicarrier and unpredictable seasonal markets such as these, cannot operate as economically as those with a more extensive system. Since there are no immediate prospects of any resurgence of Florida traffic growth, we conclude that Northeast cannot achieve self-sufficiency or economic stability. We are, therefore, compelled to find that the renewal of Northeast's Florida authority would be contrary to our obligation to maintain and develop a sound air transportation system."

The majority then mentioned either renewing Northeast's East Coast-Florida route with subsidy for its New England operations or a merger of Northeast with another carrier as possible solutions for its financial and operating problems, but said that "in view of our ultimate finding that there is no need or economic justification for a third carrier on the East Coast-Florida route, it is unnecessary to give further consideration to those two possibilities."

Turning to the growth of the market the majority noted that New York-Miami was no longer the foremost travel market in the country, it having been exceeded by New York-Los Angeles which generated 19 percent more passenger miles, said that the examiner's conclusion that the East Coast-Florida market had made "healthy growth" could not be verified, and noted that with the advent of jet aircraft with higher speed and greater seating capacity coupled with the pressure to use such expensive aircraft to maximum capacity "Eastern and National can, and will, accommodate the Florida traffic now carried by Northeast." The majority then mentioned Eastern's current financial difficulties, which it said no one would suggest stem solely or even in major part from three-carrier competition in its "major source of strength," the East Coast-Florida market, but said: "Since Eastern and National can provide more than adequate service to the public, the opportunity that a two-carrier East Coast-Florida route structure offers for the rehabilitation of Eastern and its return to a sound financial position is a significant factor weighing against the authorization of a third carrier." Summarzing, the majority said:

"The unsuccessful nature of Northeast's operations to date, the lack of any substantial evidence that it will become successful in the future, the failure of the expected East Coast-Florida traffic growth to materialize, the fact that Eastern and National can meet the present needs of the market, and the opportunity afforded us here to aid in the rehabilitation of Eastern, persuade us that the public convenience and necessity do not require the present authorization of a third New York-Florida carrier."

The majority brushed aside the need for three-carrier competition in the East Coast-Florida market, which the Board in 1956 thought the size of the market clearly warranted in view of three and more carrier competition authorized by the Board in smaller markets, with the comment: "The amount of competition that should be authorized in a given market does not turn on the number of carriers the Board may have authorized in some other markets, but depends upon the specific facts and circumstances affecting the markets under consideration. We here find only that a third carrier is not needed at the present time in the East Coast-Florida markets." In the next breath, however, the majority said that Northeast's management had worked "hard and diligently" to develop its Florida route and that the services provided by Northeast on the route had "undoubtedly provided benefits to the traveling public." Then, noting that Northeast had greatly expanded its organization, the majority recognized that termination of its Florida route would "inevitably have adverse effects on its employees, the New England communities in which those employees reside, its creditors, and its stockholders," but said: "However, as regrettable as the consequences of our action may be, they do not counterbalance the overall public interest factors which dictate a decision not to renew the temporary authority."

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[1] The majority removed restrictions on Eastern's operations north of New York to New England points allowing it to provide "turn around" service between Boston and Washington, and allowed National to extend its route system to Boston and also to several additional southern cities.

Finally, stating it to be "clear" that the public interest required continuation of the services which only Northeast provided in New England, the majority said it would restore Northeast to subsidy eligibility and that should there be disruptions in Northeast services it would "exercise its full authority to provide and maintain an adequate level of local service" in the New England area. Wherefore the majority held that the public convenience and necessity did not require renewal of Northeast's East Coast-Florida authority.

The two minority members of the Board dissented vigorously. They pointed out that the New York-Miami market was the second largest passenger mile market in the country and the East Coast-Florida run was "among the richest routes in the world generating nearly two million passengers and two billion passenger-miles a year." They found that the market had grown since 1956 and "continues to grow at a healthy pace" and said that they agreed with the Board examiner that: "To set aside a market involving nearly two million annual passengers for two carriers could well be considered a protected market for the few."

The minority posed the issues as: (1) "Do the public convenience and necessity require a third East Coast-Florida carrier?" and (2) "If so, what carrier should provide the service?" and said: "The majority equivocates in answering both questions. It finds no need for a third carrier 'at this time' but implies that at some not too distant time a third carrier will be required." Characterizing this finding as "less than satisfactory to the carrier, the parties, civic intervenors and the public" the minority said that the finding is stated "in a rather unique fashion" and continued: "And rather than meet the need issue in terms of public service and the service improvements effected by Northeast, the majority speaks of Northeast's financial difficulties, a subject irrelevant to the issue of need for a third carrier. Although the opinion considers the financial difficulties of Northeast at great length within the framework of the need for a third carrier issue and, in effect, finds Northeast unfit, the majority as a technical matter does not reach that issue. The two issues, public need and selection of carrier, are separate and distinct and must be so treated."

The minority then analyzed traffic data to show a "significant increase" in the number of passengers carried over the route in general, in particular from Boston and Philadelphia on one end, to Tampa/St. Petersburg and Jacksonville on the other, markets "badly neglected by the authorized carriers before the 1956 decision," and expressed the conviction that the record showed traffic enough for a third carrier now and in the future. Turning to the need for three-carrier competition in the market, the minority noted that competitive service was an important statutory objective,[2] expressed the view that the competitive "spur" furnished by Northeast has "substantially" improved service in the market and said: "The conclusion is inescapable that the 1956 competitive authorization is the sole reason the public has been able to enjoy markedly improved service over the East Coast-Florida routes since that time and that the public has no assurance of convenient, adequate service in the future now that a majority of this Board has reversed the unanimous 1956 Board finding that a third carrier is required."

With respect to the qualifications of Northeast as the third competitor the minority said there was no doubt that it was a "willing" carrier, expressed the conviction that it was an "able" carrier and then turned to the question of its "fitness." Carefully analyzing a number of factors on this score the minority pointed out that without curtailing its service Northeast had weathered the expensive transition to jet aircraft at a time when the entire domestic trunk line system was reacting to an economic recession, and that its traffic had continued to grow in spite of its financial straits and "adverse publicity stimulated by its competitors seeking to force Northeast out of the business." In further elaboration the minority continued:

"Among other things, Northeast was forced to curtail nearly all its advertising. Northeast's efforts to obtain further financing during this period met the determined opposition of Eastern and National in moves which were characterized by counsel for the Board and the Department of Justice as 'an attempt to bring about the demise of a competitor' (Brief for Respondent, *National Airlines, Inc.* v. *C.A.B.*, 306 F. 2d 753 (D.C. Cir. 1962), p. 21 n. 22).

"Finally, Eastern increased its nonstop New York-Miami jet schedules in February 1962, from 10 to 14 and its capacity by nearly 87 percent over its 1961 capacity. The examiner correctly found that the effect of 'the addition of the "fighting ships" by Eastern at that particular time was to reduce the load factors of all carriers in the market just prior to the hearing in this proceeding and further to weaken Northeast's position.'"

The minority characterized Northeast's achievements under all the circumstances as "outstanding."

The minority then said that the collapse of Northeast was "virtually dictated" by the cutting off of its one trunk route with consequent detriment to its creditors and stockholders and more particularly with "crippling effect" upon its employees and on the public "in the hard-pressed New England area which is already suffering from a deteriorating railroad transportation system." Liquidation of Northeast was forecast because it could not revert to its status quo ante 1956 by reason of the entry of Eastern into the New England area under the 1956 decision and intervening Board action authorizing the entry of new local service carriers into the area. Finally the minority noted the "solicitude for the well-being of Eastern which constitutes such a major factor in the majority decision" but said that although sharing that solicitude: "We cannot accept the dictum that the interest of one airline, important and worthy as it may be, requires the surrender of the lifeline of another." Wherefore the minority concluded that on all of the facts and reasonable inferences therefrom, together with Board precedents and in accordance with statutory policy favoring competition, Northeast's certificate should be renewed on a permanent basis.

On petitions for rehearing both the majority and the minority wrote further opinions, each side adhering to the views it had previously expressed. There is no need to analyze these later decisions in detail. It will suffice to say that the majority again rejected the contention that it was bound by precedent to authorize three-carrier competition in the market involved because it had authorized three or more carrier competition in smaller markets,[3] that the majority said that its original decision was not "a decision to aid Eastern at the expense of Northeast," and said: "Moreover, as our original opinion shows, our denial was based on the lack of need for a third carrier, and not on the lack of fitness of Northeast or the superior qualifications of another applicant." To this sentence, however, the majority appended the following footnote:

"In this connection it should be noted that Northeast contends that its 'financial experience and expectations' are relevant on the question of carrier selection, but not on the issue of the need for a third carrier. We are unable to agree. In evaluating the need for a third carrier, be it Northeast or some other carrier, it is clearly incumbent on the Board to consider very carefully the financial and other results of Northeast's past operations over the route. Moreover, Northeast's past operations are particularly relevant to the disposition of Northeast's own application. To avoid misunderstanding on this score we find not only that there is no need for a third carrier, but also that irrespective of need for some third carrier the grant of the application of Northeast is not in the public convenience and necessity."

We have analyzed and quoted the opinions below at length, perhaps at too great length, to highlight what we consider vital flaws in the Board's decision. First and foremost, while we know that the Board refused to extend Northeast's certificate, we cannot be sure of the basis on which the Board rested its refusal. Northeast and the amici supporting its position, the Master Executive Council of its pilots and the International Association of Machinists, assert that the Board eliminated Northeast as a competitor in the market solely on the ground that the market did not require service by three carriers. Counsel for the Board, however, contend that the Board denied Northeast's application not only for lack of need for a third carrier in the market but also, irrespective of need, "on grounds peculiar to Northeast's own application." The amici supporting the Board, National and Eastern, do not agree with Board counsel. In their briefs they concede that actually all the Board decided was that there was no present need for a third carrier in the market, although they emphasize the Board's statement that the examiner's findings of Northeast's unfitness are amply supported by the evidence.

There should be no room for this dispute. Courts ought not to have to speculate as to the basis for an administrative agency's conclusion. Indeed, to prevent just such speculation section 8(b) of the Administrative Procedure Act, 5 U.S.C. 1007(b), provides that all agency decisions shall include not only the appropriate rule, order, sanction, relief or denial thereof, but also findings and conclusions "as well as the reasons or basis (emphasis added) therefor, upon all the material issues of fact, law, or discretion presented on the record."

However, we are not required to accept Board counsels' post hoc arguments at face value. *Burlington Truck Lines, Inc.*, v. *United States*, 371 U.S. 156, 168 (1962).

It rests primarily upon the last two sentences of the footnote to the Board's opinion on rehearing quoted in full above. Those sentences do indicate that the majority passed on Northeast's fitness as well as on the need for a third carrier in the market. But in doing so the sentences contradict repeated categorical assertions in the bodies of both Board opinions that all that was being considered was the need for a third carrier in the market and a categorical assertion in a footnote to the Board's original opinion that it was not passing upon Northeast's fitness. We can hardly believe that the Board would contradict previous clear statements, in its opinions and assert an alternative ground for its decision in two sentences of a footnote explaining a collateral point in an opinion denying reconsideration. We agree with Northeast and its amici that lack of need for a third carrier in the market was the sole basis for the Board's conclusion not to extend Northeast's temporary certificate.

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[2] The congressional policy favoring competition between air carriers stated in § 2(d), supra, of the Civil Aeronautics Act of 1938 is restated in § 102(d) of the Federal Aviation Act of 1958, 72 Stat. 731, 740.

[3] The majority said: "Should our decision here seem to reflect a more restricted view of the need for multiple competition than the Board has taken in past cases, it nonetheless represents our judgment that under existing conditions as reflected by the facts of record here, this decision is best calculated to achieve the over-all objectives of the Act."

Turning to the Board's summary quoted hereinabove it appears that there were five reasons why the Board was persuaded "that the public convenience and necessity do not require the present authorization of a third New York-Florida carrier." The reasons given are: (1) The "unsuccessful nature of Northeast's operations to date," (2) the "lack of any substantial evidence that it will become successful in the future," (3) the "failure of the expected East Coast-Florida traffic growth to materialize," (4) the "fact that Eastern and National can meet the present needs of the market" and (5) the "opportunity afforded us here to aid in the rehabilitation of Eastern."

Once again we are confronted with a needless dispute as to the true import of these findings. Northeast and its amici contend that the Board rested its conclusion upon the sum or totality of its findings so that if any one of them cannot stand the case must go back to the Board as in *Carey* v. *Civil Aeronautics Board*, 275 F. 2d 518 (C.A. 1, 1960). The Board and its amici on the other hand contend that the findings are alternative so that if any one of them is sound the decision of the Board must be sustained.

In *Carey* it was clear that the Board reached its conclusion to suspend an airman's certificate for the sum total of several reasons. In this case we cannot say with assurance whether the Board found lack of need for a third carrier in the market for the reasons it gave added together or whether it would have reached its conclusion for any one of the reasons it gave standing alone. Not having made it clear that its reasons were alternative, perhaps we might assume that the reasons are cumulative. At any rate, from the extended discussion of the reasons in its opinions and from the further fact that in its original opinion the Board said that aid to Eastern was a "significant" factor in its decision but downgraded the significance of that factor in its opinion on reconsideration, we must assume that the Board gave at least some weight to each of its reasons, how much, of course, except with respect to aid to Eastern, we cannot tell. Viewed in this light the decision of the Board cannot stand.

The first two reasons given by the Board, the unsuccessful nature of Northeast's operations to date and the lack of prospect for success in the future, are irrelevant to the issue of need for a third carrier on the route unless it is found that Northeast's lack of success and prospect of success are attributable to the inability of the market to support three-carrier competition. But the Board did not make any such finding. On the contrary, it found that Northeast's lack of success was caused by factors peculiar to itself such a lack of back-up traffic support, lack of a seasonally balanced system and lack of the financial stability essential if a carrier is to rely on the Florida vacation markets with their erratic traffic ups and downs.[4]

The third reason given by the Board, failure of traffic growth in the market to materialize, although disputed by the minority, has bearing on the majority's result. It is, however, difficult for us to understand why traffic found sufficient to support three-carrier competition in 1956, which has admittedly grown to some extent since, cannot support three-carrier competition now, and why traffic in the second largest market in the country cannot support three-carrier competition when many smaller markets support the competition of three or more carriers.

The Board's fourth reason, that Eastern and National "can meet the present needs of the market" is adequate as far as it goes, but it does not go far enough. Two needs are involved: the physical need—for seats to carry the traffic and the statutory need for competition as a stimulus to provide good service to the public and to develop a sound air transportation system. The Board's finding covers the first need. No doubt Eastern and National could commit enough equipment to the route and hire sufficient personnel to move the traffic. Perhaps one of them alone could do so. But need for the spur of competition to prod Eastern and National into providing good service to the public, which the Board found necessary in 1956, is put aside with a general conclusion of lack of need for a third carrier in the market and the assertion that the amount of competition in any particular market depends upon the specific facts and circumstances of that market and not upon what the Board might have done at other times with respect to other markets. We agree that the amount of competition required is to be decided by the Board with respect to the specific market involved. And we concede that the Board has wide latitude with respect to the amount of competition needed in any market to meet the statutory requirement. But, particularly in view of the Board's finding in 1956 and the majority's statement in this case that Northeast's advent as a competitor had "undoubtedly provided benefits to the traveling public," we think the Board ought to give reasons for its conclusion differentiating the market involved from many smaller ones and explaining why competition between Eastern and National will meet the statutory requirement now when it did not in the past. We cannot pass upon the legal sufficiency of the bare conclusion that there is no longer any need for three-carrier competition as a stimulant to achievement of the statutory policy.

The fifth reason given by the Board for its conclusion of no present need for a third carrier in the market is the opportunity afforded "to aid in the rehabilitation of Eastern." The Board does not disclose the source of Eastern's financial troubles or give reasons why Eastern should be aided at Northeast's expense. All we know is that the Board did not find that Eastern's need for aid arose from losses resulting from three-carrier competition in the markets involved. It said: "We need not go into the question which was explored at the hearing of whether, under the three-carrier New York-Florida route pattern, Eastern's Florida operations, standing alone, have been profitable; and no one would suggest that Eastern's current difficulties stem solely, or even in major part, from the three-carrier competition in those markets." We do not say that strengthening Eastern is not a legitimate consideration. We do say that good and sufficient reasons ought to be given for robbing Peter to pay Paul.

We do not undertake to catalogue all the deficiencies in the Board's decisions. It will suffice to say to bring this opinion to an end that while we know that the Board's ultimate conclusion was to deny extension of Northeast's certificate, we are not sure of the basis on which it rested that conclusion. Moreover, taking at face value the Board's repeated statements that the basis for its conclusion was lack of need for a third carrier in the market, we find the reasons given for that finding either irrelevant or inadequately developed. The case must go back to the Board for further study followed by an explicit statement of the issue or issues actually decided and a statement of relevant bases for its decision supported by intelligible findings of fact. We must know what a decision means before the duty becomes ours to say whether it is right or wrong." *Secretary of Agriculture* v. *United States*, 347 U.S. 645, 654 (1954), citing *United States* v. *Chicago, M., St. P. & P.R. Co.*, 294 U.S. 499, 511 (1935). When we know what the Board decided and why, the time will be ripe to consider the legal sufficiency of the evidence to support the Board's findings. In the meantime we shall retain our jurisdiction.

Decree will be entered setting the orders of the Board aside and directing it to take further proceedings not inconsistent with this opinion.

ALDRICH, circuit judge (concurring). I share in the court's criticism of the Board's failure to express itself adequately, and concur in the court's ultimate conclusion, but I take a somewhat different approach. It seems to me, too, with all deference to the Board, that the deficiencies in its opinion, particularly in the light cast by the minority opinion which not only invited a better answer, but should have dictated it, indicate lack of developed thought. In a case as important as this the greatest attention should have been given to a careful demonstration of the issues, an analysis of the underlying relevant considerations (with a corresponding exclusion of the irrelevant ones) and a reasoned conclusion. The more I review the Board's opinion, the more I believe that it justifies the minority's charge of equivocation. However, I disagree with my brethren that lack of need for a third carrier was the sole basis for the Board's conclusion not to extend Northeast's certificate. To me it seems that in the last sentence of the quoted footnote in its opinion denying rehearing the Board stated sufficiently explicitly, as an alternative ground, not that Northeast was unfit, but that the selection of Northeast would not be in the public interest. But the announcement of that ground in such a manner, with no seeming recognition that it was a complete contradiction of the apparent tenor of, and, indeed, express statements in, its opinion, is an example of administrative fiat, which, frankly, shocks me. Even if I am correct in thinking that the court erred in discounting this as a basis for the Board's decision, I would quite agree that as attempted patchwork afterthought[5] it is unworthy of present attention.

Turning to the Board's denominated "ultimate finding" that three carriers are not needed on this route, the first question is whether this represents a fundamental change in policy, and means that the Board proposes to reduce its emphasis on competition. The Board is free, of course, to make changes in policy, but the seriousness of this one, if that is what it is, would call not only for deep and mature thought, but for the assembly of the most cogent reasons. In the Board's opinion I find neither. If, on the other hand, the opinion is viewed as limited to a single case it seems no more illuminating. Faced with a consistent practice of authorizing three or more carriers on less demanding routes, the Board emphasizes that this one has not increased to the degree expected. That scarcely serves to answer the fact that it is still one of the world's richest and heaviest. Nor is it an answer that the remaining carriers are physically capable of handling the traffic. Presumably two carriers, or even one, could be capable of handling all the traffic anywhere. In so reasoning I agree with the court that the Board has said nothing.

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[4] Perhaps significantly the majority did not refute the minority's attribution of Northeast's financial difficulties to the cutthroat tactics of its competitors with specific reference to Eastern or to the obvious disadvantages of operative under a temporary certificate.

[5] That it was an afterthought seems candidly admitted by the Board's use of the present tense "we find." It was not too late to rewrite its opinion, but that is not what the Board did. See, e.g., footnote 2, infra.

The only matter I find of special moment is the Board's discussion of Northeast's lack of financial success. If the Board had considered this on the issue of Northeast's fitness, it would have been undoubtedly relevant. (So, also, would a number of other factors which the Board did not consider, and justifiably, in the light of its disclaimer.) As a demonstration that this route cannot support three carriers, it is unimpressive. The Board adopted the examiner's finding that "[p]erhaps no other carrier in the history of the industry has been plagued with more adverse circumstances in its operations than Northeast * * *." Northeast's peculiar vicissitudes in no way indicate that this highly traveled route cannot support three carriers. Significantly the Board, for all its attempt to avoid the implication of its 1956 decision by outlining Northeast's failure to become self-sufficient, does not criticize the examiner's finding of economic capacity of the route. All of its discussion of Northeast's financial difficulties comes to naught in the course of its opinion, because instead of facing up to what should be the consequences, so far as Northeast is concerned, the Board says it is "unnecessary" to do so "in view of our ultimate finding that there is no need or economic justification for a third carrier." [6]

The Board's reason that Eastern needs strengthening, calls for no further comment. However, I think there is one important consideration which has not been dealt with in the court's opinion. It is true that Northeast had only a temporary certificate. To an extent it obviously took its chances, not only with respect to the inherent financial difficulties of operating under a temporary certificate referred to in the court's opinion, but to what would be the circumstances at the time of renewal. But if anything seems clear in this case, it is that the reason that Northeast's certificate was originally made temporary was the question in the minds of the then minority members of the Board of its ability to compete. The Board is not estopped from changing its views. At the same time I feel there should be some recognition of the fact that the single, express burden which it placed upon Northeast in 1956 was to demonstrate an ability as a competitive trunkline carrier, an undertaking which, at least as of the moment, we must take as accomplished. Certainly from the standpoint of national policy the present decision of the Board, if affirmed, will exist as a serious warning to anyone contemplating accepting a temporary certificate.

What the Board has done was to find in 1956 that, because of the deficiencies of the then two carriers, additional competition would be to the public benefit; then, when these benefits have been, concededly, conferred at the cost of a necessarily enormous commitment, the Board's response is that you satisfied our doubts about your ability to compete and you accomplished much of what was wanted, but now we find that three carriers are not needed after all. Not only has the Board done this, but, as the court has pointed out, it has left Northeast in a worse position competitively than before, because to compensate Eastern and National for Northeast's intrusion into their area it allowed them to extend into Northeast's. I agree that it would overdignify Northeast's status to say that it is entitled to "security of route," but in this overall situation I would have thought the Board would have recognized a special burden to justify non-renewal of Northeast's certificate on the particular ground that its competition was not required. If it did feel that burden it has given no indication of it beyond an expression of regret.[7]

Mr. SALTONSTALL. Mr. President, will my colleague from Massachusetts yield?

Mr. KENNEDY. I am glad to yield.

Mr. SALTONSTALL. Mr. President, I commend my colleague for the statement which he has made. I believe that Northeast Airlines is essential to our industry and to the people in Massachusetts and in New England. Now that the Court has reached the decision on the question, I hope the CAB may give the subject its thoughtful and careful consideration and do everything within its power to grant a permanent certificate to Northeast Airlines.

I commend my colleague for his statement.

Mr. KENNEDY. I express my appreciation to my senior colleague. When I mentioned the members of the congressional delegation who had brought their profound experience to bear on the question, I had in mind my senior colleague from Massachusetts, who has been in the forefront of this fight. The people of Massachusetts appreciate his great concern and his leadership in the undertaking.

Mr. SALTONSTALL. I know that feeling is mutual with respect to the junior Senator from Massachusetts.

CLOSING THE GATES AT GLEN CANYON DAM

Mr. MOSS. Mr. President, I am pleased to advise the Senate of a most important decision made today by Secretary of the Interior Udall to close the gates immediately at Glen Canyon Dam so that Lake Powell will fill to its minimum powerhead level this summer. This is a most desirable decision for Utah, for the Colorado River Basin States, and for reclamation in the West. River basin development is the accepted practice now in arid areas. The costs of water development in the basin are financed largely by revenues from hydroelectric power generation. Glen Canyon revenues are needed for the upper basin fund to finance other water projects for our cities and farms. Glen Canyon must "go on the line" this year and we must move forward on central Utah and other lifegiving water projects without delay.

To more clearly outline the problem and today's action, I ask unanimous consent to have printed in the RECORD following my remarks the following:

First. Story from the Albuquerque Journal written by Paul Weik.

Second. Statement made today by Secretary Udall on the Colorado River Basin situation.

Third. A statement of Senator CARL HAYDEN, of Arizona.

Fourth. A press release of Senator GALE MCGEE, of Wyoming.

Fifth. A release on this subject from my office.

There being no objection, the statements and releases were ordered to be printed in the RECORD, as follows:

UTAH SENATOR WANTS WATER RETAINED IN DAM

WASHINGTON.—Utah's hard-pressed Senator FRANK E. (TED) MOSS is making a spirited bid to get Secretary of the Interior Stewart Udall to reverse his March decision to release water from Glen Canyon in order to keep Hoover Dam at its rated powerhead.

He feels he has a "good chance" of succeeding.

It is a big issue in Moss' home State, where the first-term Senator is in a tight race for reelection.

He feels he has been hurt—and quite badly—by the Glen Canyon decision and is anxious to have it reversed.

DECISION SOON

Secretary Udall has promised a final decision May 11.

By that time, the Interior Department chief will have the results of a May 1 snow survey of the upper Colorado River watershed on his desk along with an analysis of the offer of four private power firms to supply power to Hoover Dam users if the water level at that dam falls below the rated powerhead.

Senator Moss' hopes center around two possible courses:

1. A decision by Secretary Udall that the May 1 snow survey shows the runoff will be such that he can keep Hoover Dam (Lake Mead) at its rated head and still fill Glen Canyon (Lake Powell) to its minimum rated head this year as originally scheduled.
2. If this is not feasible, Senator Moss hopes Secretary Udall will accept the offer of four upper basin power companies to supply power to Hoover Dam power customers.

INDICATIONS OF IMPROVEMENT

There are indications the runoff picture has improved.

March and April precipitation in the watershed was above average and the Weather Bureau forecasts a cool and wet May.

Meanwhile, Senator Moss has been pressing his case.

He met with Secretary Udall Friday afternoon in the Senator's office on the top floor of the New Senate Office Building to go over the problem.

TO PRESIDENT

And, if necessary, he is apparently ready to carry his case to 1600 Pennsylvania, the residence of President Lyndon B. Johnson.

Why has the Udall decision hurt in Utah?

For several reasons.

First, it has upset the sportsmen along the heavily populated "Wasatch front" running from Ogden down through Salt Lake City to Provo.

This is an emotional reaction based on dreams of a sportsmen's paradise at Glen Canyon, a dream that will be postponed if the dam can't be filled on schedule this year.

Second, Senator Moss has pitched his bid for reelection on the claim that a Democratic Senator serving under a Democratic administration can do more for Utah.

If the Glen Canyon decision isn't reversed, Moss' Republican opponent will throw this back in his face.

But Moss has powerful friends in Washington, D.C.

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[6] On that broad basis it was, of course, unnecessary. But correspondingly, it should have become necessary when the Board adopted its new position expressed in its final footnote.

[7] The Board's brief is equally unsatisfying. Stating that this is "not the first time" that the Board has denied renewal applications because of a carrier's "inability to conduct profitable operations," it cites two cases, in both of which the ground for refusal was that the route itself was uneconomical and did not warrant a subsidy. That counsel should be reduced to such citations speaks for itself.

SUPPORTED JOHNSON

He was a preconvention supporter of President Johnson in 1960 and went down the line for the President at Los Angeles, where he lost to John F. Kennedy.

In addition, Moss is a favorite of New Mexico's Senator CLINTON P. ANDERSON, Democrat, one of the more influential men in the Senate and a man close to the White House.

Senator ANDERSON has gone out of his way to help Moss in the past.

For instance, early in the session, the New Mexico lawmaker stepped aside as chairman of the Irrigation and Reclamation Subcommittee so Senator Moss could take over the chairmanship, an important post for a western Senator.

INCREASE ASKED

In order to clear the way for a reversal by Secretary Udall, Senator Moss has asked the Senate Reclamation Appropriations Subcommittee to up the Bureau of Reclamation budget by $5 million.

This would give the Bureau of Reclamation $6 million to buy replacement electricity in case Secretary Udall decides to fill Glen Canyon on schedule and start the production of electricity there late this summer.

Senator Moss maintains it would cost no more to buy replacement electricity for Hoover Dam than would be lost to the Glen Canyon fund if production of power there is postponed a year.

This is the prospect if Secretary Udall continues to release Glen Canyon water to Hoover Dam.

UNDER FIRE

The Udall decision has come under fire throughout the upper basin.

Both Senator ANDERSON and Senator EDWIN L. MECHEM, Republican, have criticized the Interior Department head for his action and would like to see it reversed.

Glen Canyon Dam is in northern Arizona but Lake Powell, the reservoir connected with the dam, backs far up the Colorado River into Utah.

STATEMENT BY SECRETARY OF THE INTERIOR STEWART L. UDALL ON THE COLORADO RIVER BASIN WATER SITUATION, MAY 11, 1964

At noon today, on my order the gates at Glen Canyon Dam were closed. This was one of the most difficult decisions I have had to make as Secretary, and I have called this conference to discuss its ramifications with you. The gates were opened temporarily in March to maintain elevation 1,123 at Lake Mead. This action was taken because the March 1 forecast of runoff indicated too great a risk of substantial expense to the upper basin if the April–July runoff of the river turned out to be substantially less than the then mean forecast of 4,700,000 acre-feet.

The extremely dry winter made it likely that an even lesser actual runoff would actually occur. Any program other than that adopted could easily have resulted in destroying the power operation at Hoover without achieving the objective of gaining minimum operating level at Lake Powell.

As promised at that time, I have maintained close surveillance of the precipitation situation in the Upper Colorado Basin. March precipitation was average. The May snow surveys and Weather Bureau records disclose that the April precipitation was somewhat above average. The Weather Bureau's long-range forecast for May—"cooler than usual; wetter than usual"—is also favorable.

The mean forecast for April-July now stands at 5.1 million acre-feet. The minimum forecast is 3.6 million. This forecast itself does not, of course, provide the assurance of 5.1 million acre-feet of actual runoff because we do not know what the precipitation will be for May, June, and July. In terms of assured runoff it means that there is a 90-percent chance that we will get at least 3.6 million acre-feet.

The hazards are now reduced to a point where I have concluded that the calculated risk involved in resumption of storage in Lake Powell is warranted under certain conditions. These assure that, in attempting to bring Lake Powell to minimum power operating level in what is still a year of very poor runoff, the objectives of the filling criteria will be fulfilled.

This can be done by acquiring and furnishing replacement capacity and energy to the Hoover power allottees in the same quantities and having the same characteristics they would have obtained from Lake Mead operating at elevation 1,123. The objectives of the criteria can be met by substituting capacity and energy for water in Lake Mead between elevations 1,123 and 1,083 by following the plan set out in the attached statement entitled "Operation of Lake Mead Below Elevation 1,123 by Reason of Resumption of Storage Operations at Lake Powell."

The Bureau of Reclamation has reviewed all power replacement proposals that have materialized.

The city of Los Angeles and the Southern California Edison Co. have made proposals to sell or exchange power with the Bureau growing out of exploratory talks undertaken by the Bureau as far back as mid-February in anticipation of the possibility of a Hoover power replacement program. At that time, the Bureau of Reclamation naturally turned to the closest available suppliers.

Four private utilities in the upper basin, in combination with the Arizona Public Service Co. in the lower basin, made a proposal, first submitted to the Upper Colorado River Commission, to furnish certain limited quantities of capacity and energy on an exchange basis. The Arizona Public Service Co. also made a separate proposal whereby capacity and energy would be sold directly to the Bureau.

Under the upper basin utilities' proposal as presented, the Bureau of Reclamation would have to take capacity in blocks of 50,000 kilowatts. Capacity in such large blocks could not be fully used under some circumstances and in others would require certain complicated switching arrangements at the Hoover powerplant. These arrangements would have varying technical and economic disadvantages and would pose some very difficult problems of arrangement.

Another aspect, which I am sure you realize but which is nevertheless of such importance as to be mentioned specifically, is that even an exchange of the nature proposed would not eliminate the cost burden to the upper basin fund. The cost would be one of loss of revenues from power which must be paid back rather than sold, rather than one of outlay of cash, but it would nonetheless affect the basin fund.

Taking all of these factors into account, the Bureau of Reclamation determined that a direct purchase program with the lower basin utilities would be less costly, less complicated, and would provide needed flexibility.

A decision to resume storage at Lake Powell is not without hazards and risks. By mid-July, we will know with reasonable assurance what the actual runoff will be for this season.

All of the technical experts, both those of the Hoover power allottees and those of the Bureau of Reclamation, advise that to attempt to operate the Hoover units below elevation 1,083 is too risky.

In the event these units would have to be shut down by water dropping below this level, a power replacement program in the magnitude of 1,340,000 kilowatts of power would be required. This kind of capacity is simply not available. If it were available, costs would obviously be prohibitive. For this reason alone, maintenance of elevation 1,083 at Lake Mead is a must even though this would require drawdown of Lake Powell to be resumed in Mid-July.

If it appears in July that while Lake Mead can be maintained at elevation 1,083 but Lake Powell nevertheless cannot reach operating level, the question of retaining in Lake Powell the water then in storage in that reservoir or of releasing it to restore the level of Lake Mead will have to be faced. The cost to the upper basin fund might well be less if, under those circumstances, Lake Mead were to be restored and the power-purchase program terminated or reduced.

Another hazard involved here is that, even though Lake Powell may go into operation at its minimum level, the runoff next spring could be so low as again to require the lowering of Lake Powell beyond the minimum operating head in order to keep Lake Mead at even a minimum level. In this event, the Government may well be obligated to buy power at the expense of the upper basin fund to supply its upper basin power sales contracts as well as the Hoover power allottees.

While, in view of the present forecast, it may now appear likely that Lake Powell can reach minimum operating level this summer, resumption of filling should be undertaken only with everyone's eyes wide open. If the expected runoff does not materialize, it would, of course, be folly to continue storage at Glen Canyon Dam, and not produce power at either dam.

This Department and the States of the Colorado River Basin are entering a new era of water management. The free and easy days of water use are over and the era of water conservation must now begin. The Colorado is but a single river, and from this point forward every acre-foot of water saved anywhere on the system is water saved for all.

Consequently, a major topic of discussion at my meeting with the upper basin Governors and water officials in Salt Lake City on Friday will be water conservation. And at Las Vegas, on Saturday, I hope to be in a position, with the cooperation of lower basin users, to announce and implement a voluntary water conservation program which should produce water saving that will amount to a half million acre-feet in 1964.

Prudence demands that all of us assume, at this point, that the drought conditions which have prevailed during the past 2 years will continue in 1965. If this happens, all of us face the choice that further emergency conservation measures will be imperative. We must instill in all of our waters users that idea that new water conservation practices must be instituted wherever possible and actions must be taken which will stretch our existing supplies to the limit.

We are working with the Department of Justice to curb illegal diversions on the lower reaches of the river. However, I am informed that the amount of water that can be saved by this means probably will not exceed an annual consumptive use rate of 45,000 to 60,000 acre-feet.

OPERATION OF LAKE MEAD BELOW ELEVATION 1,123 BY REASON OF RESUMPTION OF STORAGE OPERATIONS AT LAKE POWELL

The "General Principles To Govern, and Operating Criteria for, Glen Canyon Reservoir (Lake Powell) and Lake Mead During the Lake Powell Filling Period" (27 F.R. 6851, July 19, 1962), herein referred to as the "Filling Criteria," provide that until Lake Powell attains minimum power operating level (about elevation 3,490) any water stored in Lake Powell is to be available to maintain Lake Mead at elevation 1,123 (rated head at Hoover powerplant).

In order to resume filling operations at Lake Powell under runoff conditions which would necessitate drawing Lake Mead below elevation 1,123, the Hoover allottees must be maintained in the same position that they would have been in had Lake Powell storage not been resumed. By so doing, water in

Lake Mead may be drawn down below elevation 1,123 consistent with the objectives of the filling criteria. The following conditions will therefore be observed effective upon announcement by the Secretary of the Interior:

1. Outflow from Lake Powell will be reduced to not less than 1,000 cubic feet per second.

2. Under no circumstances will Lake Mead be drawn below a minimum power operating level of elevation 1,083 as a result of storage of water in Lake Powell. Any storage in Lake Powell will be used to avoid drawing Lake Mead below elevation 1,083.

3. In addition to the allowance for deficiencies in firm energy generation determined pursuant to the filling criteria, the United States will replace deficiencies in Hoover powerplant capacity and energy available to the Hoover allottees which result from the lowering of Lake Mead below elevation 1,123 by reason of storage of water in Lake Powell. The United States will also relieve the allottees of costs of extraordinary maintenance of the Hoover turbines and generators resulting from such lowering. Costs incurred by reason of this paragraph will be charged to the Upper Colorado River Basin fund and will not be subject to reimbursement from the separate fund identified in section 5 of the act of December 21, 1928, or otherwise charged against the Boulder Canyon project.

4. Until Lake Mead is returned to elevation 1,123 and subject to condition 2 above, Lake Powell will be permitted to exceed minimum power operating level only to the extent inflow exceeds turbine capacity, or as required to assure operation at not less than minimum power operating level.

5. When actual runoff through the month of June becomes known, early in July, the likelihood of attaining minimum power operating level at Lake Powell, in calendar year 1964 will be reasonably determinable. A decision will be made at that time whether to continue storage at Lake Powell or to release water stored therein in order to raise the elevation of Lake Mead. In arriving at that decision, consideration will be given to a comparison of estimated costs to the Colorado River storage project and the decision will be made after consultation with appropriate interests of the Upper and Lower Colorado River Basins.

Pertinent statistics, Lake Powell filling

	Lake Mead		Lake Powell	
	Elevation	Content	Elevation	Content
		Million acre-feet		*Million acre-feet*
Normal high water	1,222	27.3	3,700	28.0
Rated head on powerplant	1,123	14.5	3,600	15.0
Minimum power pool	[1]1,083	10.7	3,490	6.1
Nevada pumps (minimum level)	1,050	8.0		

Lake Powell:	*Acre-feet*
Mar. 26, 1964	3,120,000
May 8, 1964	2,576,000
Additional storage needed for minimum power head at Lake Powell	3,600,000
Colorado River, Lee Ferry, April–July runoff forecast, May 1, 1964:	
Minimum	3,600,000
Mean	5,100,000
Maximum	6,600,000

[1] Elevation below which turbines vibrate, excessive cavitation takes place.

NOTE.—With a recurrence of the lowest recorded precipitation during the last 50 years for May, June, and July, the April–July runoff this year could be as low as 3,000,000 acre-feet. A corresponding maximum could be 8,400,000 acre-feet.

(Charts omitted from printing in the RECORD.)

STATEMENT OF SENATOR CARL HAYDEN ON THE CLOSING OF THE GATES AT GLEN CANYON DAM, COLORADO RIVER STORAGE PROJECT

I was deeply concerned by Secretary Udall's announcement of March 26 that Lake Powell was to be evacuated. Today I am reassured, pleased and relieved that the physical situation in the high watershed of the Colorado River now permits him to order the gates at Glen Canyon Dam closed, thereby to proceed with the filling of Lake Powell. I join with my friends of both basins in the hope that the present favorable forecast will materialize into actual runoff. With the runoff in excess of 5 million acre-feet forecasted and with 2,600,000 acre-feet plus in storage, it should be possible to reach minimum generating head this summer to start another of the cash registers of the great Colorado River storage project—Glen Canyon's powerplant—to ringing.

The decision to proceed with the filling of Lake Powell should do much to answer the critics of further development of the river. It should help lift the load in getting work like the central Arizona project authorized and underway. The decision has my full support. With it must come the realization on the part of all water users in both basins that they, too, are recruited in the cause of conservation and must exercise maximum economics in the use of this precious resource.

This is a decision that every sincere proponent of basic resource development in the country has earnestly hoped would be possible. A $400 million Federal interest-bearing investment laying idle is something that no one wants to happen and I endorse fully the decision the Secretary has made.

I also applaud his courage in making it, as there will be those who will feel that their interest would have been better served had the gates been left open. In the long run, however, the best interest of all of the American people will be served by putting this complex, costly, and highly productive resource to work.

TELEGRAM OF PRESS RELEASE OF SENATOR GALE MCGEE

WASHINGTON.—Senator GALE MCGEE, Democrat, of Wyoming, said today he was greatly pleased that Interior Secretary Stewart Udall had seen his way clear to close the gates on Glen Canyon Dam and resume filling Lake Powell.

"A great deal of the credit for this decision," said MCGEE, "must go to Senator FRANK MOSS, Democrat, of Utah, the chairman of the Senate Irrigation and Reclamation Subcommittee, who kept the pressure on the Interior Department."

MCGEE remarked that Moss' incessant pressure on the Department was instrumental in bringing about the desired action while other representatives of the Upper Colorado River Basin States "just talked."

MCGEE had conferred with Moss and Interior officials several times on the matter since the Glen Canyon gates were opened in March, he said.

MCGEE said it was encouraging to the upper basin to hear that present estimates indicated Moss was right in contending Lake Powell can be filled to its minimum head this year so that power generation can begin when its generators are ready.

In the meantime, MCGEE noted that Hoover Dam power allottees would be fully supplied through direct purchase of replacement energy by the Bureau of Reclamation.

But the Senator noted there was still the possibility that by mid-July further upper basin releases might be called for to maintain Lake Mead at elevation 1,083—considered the minimum safe level for power generation.

"Thus," said MCGEE, "there remains the possibility of further drawdowns at Lake Powell, and possibly at Flaming Gorge, if runoff does not meet expectations."

MCGEE said, however, that he had assurances that Flaming Gorge would not be drawn on to the extent that its power generation capacity would be affected.

FROM THE OFFICE OF SENATOR FRANK E. MOSS

WASHINGTON.—Senator FRANK E. MOSS, Democrat, of Utah, Monday lauded the decision of the Secretary of the Interior to close the gates at Glen Canyon Dam on the Colorado River and continue the filling of Lake Powell.

Moss said: "This is a great day for Utah. Our beautiful and spectacular Lake Powell will fill this summer, power will begin to flow from Glen Canyon Dam, revenues will begin to accrue to our basin fund to underwrite the central Utah project and other water developments so urgently needed in our arid western land.

"I congratulate Secretary Udall for his decision to fill Lake Powell this year and I appreciate the good work of all who labored to bring about this situation."

Senator Moss is chairman of the Senate Subcommittee on Irrigation and Reclamation. During the critical 3-week period preceding today's announcement, he has conferred almost daily with the Secretary and the Bureau of Reclamation.

Moss said that cutting the outflow at Lake Powell is expected to result in a drop at Lake Mead to elevation 1,083. The drawdown of Lake Powell—which was stopped by today's action—would have kept Lake Mead at elevation 1,123. And he said: "This is a victory for Utah and the upper basin. While the lower basin is understandably disappointed, I believe that we have worked out an arrangement which will not injure either water or power interests in the lower basin."

Senator Moss said that fish stocking is going forward at Lake Powell. The Fish and Wildlife Service has informed him that, today and tomorrow, 2 million rainbow trout will be flown from Alchesay and Williams Creek National Fish Hatcheries in Arizona to Lake Powell.

Another 2 million rainbow fingerlings will be stocked on May 14 and 15 from Willow Beach National Fish Hatchery, Arizona; and on May 22, 1 million black bass fingerlings will be flown to Powell from hatcheries at Tishomingo, Okla., and Fort Worth, Tex.

And Moss said: "Secretary Udall's decision is based on a mean runoff forecast of 5.1 million acre-feet for the April–July period.

"We have been favored with an April precipitation above average and with a long-range forecast of a wetter than usual and cooler than usual May.

"The Hoover Dam power allottees will be furnished replacement energy in the same quantities as they would have had from Lake Mead operating at elevation 1,123."

FOREIGN SERVICE DIALOGS

Mrs. NEUBERGER. Mr. President, the office of the Community Advisory Services of the State Department has a service which arranges for officers of our Foreign Service Department to meet with community groups and to exchange information. An article which appeared recently in the Christian Science Monitor tells of the work of Mrs. Katie Louchheim's group, which I believe will be of interest to Senators. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Foreign Service Dialogs

(By Josephine Ripley)

Like armchair generals, Americans tilt back, scan their daily newspapers and take a whack at foreign policymaking.

"Well, if I were Johnson—or Rusk—or McNamara, I'd do this * * * or that * * * I'd tell Khrushchev a thing or two. Or General De Gaulle. All this country needs is a firm hand on the throttle."

Don't be afraid. Speak out. Your Government may be listening.

Secretary of State Dean Rusk says, "Foreign policy is about you. It is about your home, your community, your safety. Foreign policy is not a game played by 'those people in Washington' with other players from faroff distance places."

Americans are expressing a growing interest in world affairs. They want to debate, question, and challenge.

The State Department welcomes that. So pull up that armchair, general, and fire away. A Foreign Service officer fresh back from faraway posts may take you on.

It is a new program. Its purposes: "To strengthen the dialog between the Foreign Service and the American people through personal contacts between individual Foreign Service officers and their hometown neighbors.

Heading it up is the Office of Community Advisory Services, under Deputy Assistant Secretary of State Katie Louchheim.

Her job is to bring the American people and Foreign Service officers together for this "dialog." Not that she can bring a Foreign Service officer from there to here at your request.

You wouldn't want to pay the bill. Neither does any other taxpayer. So it has to be arranged when Foreign Service officers come back on home leave. About 300 or more return each year.

After touching base at the State Department, they usually head for their hometown, visit relatives and friends.

That is when Deputy Assistant Secretary Louchheim goes into action. She arranges for the Foreign Service officer to speak to various club and school or college groups.

Mrs. Mary Carmichael, a Foreign Service officer just back from Brussels, Belgium, and about to leave for the Congo at Léopoldville, told this reporter of her dialogs.

Mrs. Carmichael went home to Billings, Mont., and on to Spokane to visit a sister.

She spoke mainly to school and college groups. At one university she spoke for 50 minutes, and the question-and-answer period went on for 50 minutes after that. "This was typical," she said "of the interest in and the desire to understand foreign affairs.

"One cannot help but be stimulated to see how interested and how bright they are. A great deal of interest in the Foreign Service has been generated this way."

Mrs. Louchheim has arranged for some 50 speeches or public appearances by Foreign Service officers since the first of the year. Pinpointed on the map, they would span the country. Requests for speakers are picking up in volume as the program is becoming known.

The publisher of a daily newspaper in the Midwest, after hearing a talk by Mrs. Louchheim, suggested that speakers would be welcomed by civic and college groups in the area.

Then he added, "My interest in this is not 100-percent altruistic. I have some unasked questions from last Saturday (when Mrs. Louchheim spoke) that I would like to propound."

A school principal, after reading in the local newspaper about a speech given by a Foreign Service officer, asked if someone was available to address his high school pupils.

"These students would enjoy hearing a Foreign Service man informally, who could then come to 'grips' in a question-answer and give-take period."

Such speakers do not accept honorariums on such assignments. However, they may be reimbursed for travel expenses.

There are at present 3,745 Foreign Service officers stationed at embassies and legations in 111 countries around the world, and in the State Department here.

As home leave itineraries make it possible, Americans will be hearing more from these foreign policy missionaries, and the State Department will be hearing more from Americans through these beneficial exchanges.

MENTAL HEALTH ATTITUDES

Mrs. NEUBERGER. Mr. President, the problem of mental illness has received in recent years a deservedly greater share of attention from the Congress and the administration. In 1955 the senior Senator from Alabama guided through the Senate legislation creating the Joint Commission on Mental Illness and Health. This was followed by the Alaska Mental Health Act and the Federal Employees Health Benefits Act providing coverage for the mentally ill, two legislative battles in which my late husband took a leading role. And now we have the Mental Retardation Facilities and Mental Health Centers Construction Act. The last decade has seen enormous progress in this field, but much more needs to be done.

One of those who has done much to promote public understanding of mental illness and who has fought hard and long for adequate facilities and care for the mentally ill is Mr. Mike Gorman, executive director of the National Committee Against Mental Illness. In a recent provocative address before the American Psychiatric Association, Mr. Gorman raises some interesting questions about the inadequate training of doctors in the social sciences and also about the role that the average citizen can play in stimulating desirable change in the present approaches to mental health.

I ask unanimous consent that a portion of the address by Mr. Gorman be printed in the RECORD.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

The Role of the Consumer in Determining Mental Health Services

(The 120th annual meeting, American Psychiatric Association, May 4, 1964, Biltmore Hotel, Los Angeles, Calif., by Mike Gorman, executive director, National Committee Against Mental Illness and member, National Advisory Mental Health Council, USPHS)

The physician of today has an unusual place of esteem in our society. It was not always thus. Those of you who are familiar with the history of medicine know that, for many centuries, the physician was regarded as a necessary but incompetent evil, and the hospital as a house of death. The advent of asepsis began to change all this and, in the last half century, the introduction of antibiotics and other wondrous medications has somewhat vitiated Professor Henderson's famous observation in 1910 that a random patient seeing a random physician had only a 50–50 chance of benefiting from the encounter. Today the odds are much better—maybe 60–40.

It is a most interesting phenomenon that the major medical historians of recent decades—Castiglioni. Garrison, Major, Sigerist, et al.—write glowingly of the scientific triumphs of modern medicine, but quite sparingly of the contributions of physicians to the shaping of our society.

You rightfully celebrate the eminence of Dr. Rush, not only as the father of American psychiatry, but as a leading citizen of his day—a member of the Continental Congress, a signer of the Declaration of Independence. and a guiding light in the movement known as rational humanitarianism.

Many historians of medicine have commented upon the unwillingness of the medical profession to see itself as a service profession in roughly the same category as the law, or engineering, or journalism. I suppose it shocks the average doctor when one tells him that the broad mass of people in our society must make the ultimate and hard decisions as to just how much medical care they are willing to pay for, and under what conditions it should be rendered. This inability of a doctor to see himself as an integral part of the aspirations of our society somewhat puzzles me, since a doctor must be licensed by a civil authority before he has the right to practice, and the conditions of his practice are set by healing-arts statutes.

The physician-historians of medicine whom I have previously cited are in remarkable agreement upon the function of the doctor as a highly skilled servant of his society. In "Civilization and Disease," the greatest of medical historians, Dr. Henry Sigerist, writes:

"The goal of medicine is not merely to cure disease; it is rather to keep men adjusted to their environment as useful members of society, or to readjust them when illness has taken hold of them. The task is not fulfilled simply by a physical restoration, but must be continued until the individual has again found his place in society, his old place if possible, or, if necessary, a new one. That is why medicine is basically a social science. Medicine is merely one link in the chain of social welfare institutions that every civilized country must develop. If we have a maladjustment today, it is to a large extent due to the fact that we have neglected the sociology of medicine. For a long time we concentrated our efforts on scientific research and assumed that the application would take care of itself. It did not, and the technology of medicine has outrun its sociology.

It is a truism that nature frequently cures the patient despite the physician; all of us are aware of the merciful concept of self-limiting disease. You know the old saw about a cold—without treatment it lasts 2 weeks, with treatment, a fortnight.

In a beautiful essay in the "American Character Series," Dr. Herbert Ratner, of the Stritch School of Medicine, observes that most physicians in America today are rather inadequately educated, or as he puts it, "are sitting ducks for the canned speeches of drug-house detail men."

In a sobering deflation of the God complex of modern medicine, he points out that of all the babies born in taxicabs on the way to the hospital, he has not heard of a single fatality. Rubbing salt in the wound, he cites the remarkable record of the midwives in the hills of Kentucky over several decades in achieving a far lower mortality rate than the doctors in nearby hospitals. In these words, Dr. Ratner recognizes the responsibility of the citizen, along with that of the doctor, in improving the condition of medicine and expanding the social conscience of the doctor:

"We have to remember that the physician is a human being with all of the strength, weakness, virtues, and vices of a human being. He will tend to be materialistic and activist if the culture and society are materialistic and activist. But he does have a responsibility to rise above the culture and to influence it. Improvement of the condition of medicine is a shared responsibility; the public shares it with the medical profession. And the condition of medicine needs a great deal of improvement."

The formation of the Group for the Advancement of Psychiatry signalized the beginning of the end of psychiatry's isolationism. The bold and courageous GAP pronouncements on the deplorable conditions in our State mental hospitals served as a tremendous catalyst in the burgeoning revolt against the dead hand of the past.

The creation of the central office of the American Psychiatric Association in Washington, D.C., in 1948, with a full-time medical director, was another gigantic step forward.

While bowing my head respectfully in the direction of certain professional developments, I still hold firmly to a conviction I first stated 16 years ago: "Since colonial times, the citizens of this country have been the major motivating force in whatever improvements we have achieved in the care and treatment of the mentally ill."

Almost two centuries ago, in a moving statement of social responsibility that has few peers in the English language, Francis Fauquier, the Royal Governor of the Colony of Virginia, exhorted the House of Burgesses to make proper provision for the care and treatment of the insane:

"It is expedient that I should also recommend to your consideration and humanity a poor, unhappy set of people who are deprived of their senses and wander about the country terrifying the rest of their fellow creatures. It is a measure which I think could offend no party, in which I was in hopes that humanity would dictate to every man as soon as he was acquainted with the call of it."

In the early decades of the 20th century the citizen fight was carried on by Clifford Beers. For 35 years, until his death in 1943, Beers stormed at the barricades of indifference and apathy, arousing the people to action on behalf of the mentally ill.

However, the great and sweeping reforms which have come about in our lifetimes would not have been possible without the magnificent crusading of the American press.

Towering above all the rest was Albert Deutsch. His classic, "The Mentally Ill in America," published in 1937, laid the foundation for the modern reform movement, and his "Shame of the States," published only 16 years ago, shook the American conscience with its searing portrayals of the human warehouses which passed for mental hospitals.

In the ensuing years, scores of newspapermen followed in the tradition of Deutsch. They penetrated the walls surrounding the feudal baronies of the mad, and they exposed the twin conspiracies of silence and distance which had cut the mentally ill off from their brethren for so many agonizing decades.

I was involved to some degree in these activities. I would be remiss in my duty if I did not remind this medical audience that those of us who were trying in our limited fashion to follow the Biblical injunction—"Great is truth, and mighty above all things"—received very little cooperation from the medical profession. The resistance of the keepers of the keys—the uncertified "Emperors" who ruled over the baronies of the mad—was somewhat understandable. They had much to hide, and much to atone for—they who believed with the captain in Joseph Conrad's "Seawolf" that "it is better to reign in hell than serve in heaven."

But the indifference and hostility of their medical brethren beyond the walls was something else again. While indignantly denying any kinship with the mental hospital medical staffs—"they are just asylum doctors"—the leaders of organized medicine at the county and state level bitterly resented and fought the efforts of the press and the people to clean up the Augean stables. After all, medicine was their business and what right did we have to write about suffering people—we who were not even versed in professional indices of acceptable and tolerable suffering?

The Governors of the several States, ears cocked to a rising crescendo of protest from their citizen followers, began to move.

In the summer of 1949, Luther Youngdahl, of Minnesota, persuaded his fellow Governors to authorize a sweeping inquiry into conditions in State mental institutions by the Council of State Governments. On Halloween of that very same year Governor Youngdahl, no advocate of "the decent moderation," presided over a burning at Anoka State Hospital near Minneapolis—he lit the torch to hundreds of straitjackets, leather wristlets, and camisoles while several thousand mental patients cheered themselves hoarse.

The council survey, a corrosive indictment of the existing snakepits, was released early in 1951. At the national Governors' conference later that same year, Youngdahl, Gov. Earl Warren, of California, and Gov. G. Mennen Williams, of Michigan, guided to unanimous passage a resolution authorizing a second council study—this one directed toward possible alternatives to the weary, tradition-encrusted State institutions.

These surveys led to two precedent-shattering special National Governors' Conferences on Mental Health—one in Detroit in 1954, and one in Chicago in 1961. The major resolutions coming out of these conferences called for greatly increased financial support for psychiatric research, a vast expansion of programs designed to train desperately needed psychiatric personnel, and heightened emphasis upon intensive treatment of the mentally ill in community facilities.

All of this was citizen action at its finest—a refreshing counterpoise to dreary professional committee meetings and temporizing surveys of State mental hospital systems by the U.S. Public Health Service.

As one who has been accused of being action prone—I deny this; I am much more addicted to prayer and meditation—I commend to you the words of Dr. Adolf Meyer, a past president of this association and a founding member of the National Committee for Mental Hygiene: "Thought at its very best is only a link in a chain of events leading to some final achievement. Its real and lasting fulfillment is found only in action." All of these activities of the Governors, the press, an aroused citizenry, and an awakened American Psychiatric Association finally coalesced in a demand for intensive psychiatric services in the heart of the community.

And in this ferment all was not new; as we groped toward a precise articulation of our revolutionary objectives, we drew heavily upon the words and deeds of a few pioneer spirits who had challenged the status quo many years ago.

I shall never forget a visit to Colorado in 1945. After a disheartening tour of a medieval warehouse at Pueblo, which confined more than 6,000 patients in indescribable horror, I journeyed to Denver in hopeful search of the wave of the future. There I found Dr. Franklin Ebaugh, a gallant soul who in 1924 had departed the hub of the universe—Philadelphia, of course—to journey to Colorado to found an intensive treatment hospital supported entirely by citizen money raised through a public bond issue the year before. Dr. Ebaugh gave me my first real glimpse of things to come in these carefully measured words: "Our State hospitals are monuments to the failure of our communities to create the necessary conditions for the full, healthy adjustment of individual minds."

A decade later, in a talk delivered to some good souls assembled in the hub of the universe, I was emboldened to state that what I had often referred to as "The age of banishment" was coming to a close, and that "we were on the threshold of a great new era—the treatment of mental illness in the heart of the community. As we have over the past several decades built a magnificent hospital and medical care system for the treatment of physical ills within the confines of our communities, so shall we in the next several decades do the same for mental illness."

In that very same year—1955—Senator LISTER HILL, the greatest congressional champion of the mentally ill, delivered a ringing speech in the well of the Senate advocating congressional support for a sweeping investigation by a Joint Commission on Mental Illness and Health of our shabby treatment of our suffering brethren. "We in the Congress have become increasingly aware, over the years, that we have no rational, comprehensive plan for a medical attack upon an illness which fills more than 50 percent of all hospital beds in this country," Senator HILL told his colleagues.

The recommendations of the Commission's 6-year study served as the foundation for President Kennedy's magnificent mental health message to the Congress on February 5, 1963. The essence of the major mental health legislation proposed by the President, and enacted by the Congress last October, is that isolation and warehousing of the mentally ill is no longer acceptable in our society. In proposing mental health centers in general hospitals and in other community locations, it dramatizes the concept that the mentally ill are to receive equal time with the physically ill.

In recent months, I have traveled to a number of States where the mental health planning process is in full bloom, and I must confess that the jurisdictional jostling and general sound and fury is not always conducive to tranquillity. But change is never easy, particularly when a traumatic break is being made with patterns and traditions which have persisted for almost two centuries. In a very real sense, all of us face a very difficult period of trial and decision in the next few years.

Of course, the problem of ability to pay for psychiatric care is still very much with us—as much so as in the days of Sigmund Freud. I suppose it is now safe to mention Freud here—most of you have gotten over the shock of Dr. Percival Bailey's academic lecture to this association 8 years ago, in which that eminent neurologist lamented the fact that Freud had abandoned his promising research on the sex life and nervous system of the crayfish for a latter-day career of "chirographic ruminations."

Freud was acutely aware of the limitations of the sacred 1 to 1 therapeutic relationship, with its ping of transference and its pong of countertransference. Toward the close of a life dedicated to the relief of suffering humanity, Freud wrote that "at present we can do nothing for the crowded ranks of people who suffer exceedingly from neuroses."

In 1919, in a passage remarkable for its insistence that the problem of the availability of psychiatric care is one for "the conscience of the community" rather than for lordly pronouncements by individual doctors, he stated the case for the primacy of the citizen quite forcefully: "Now let us assume that by some kind of organization we were able to increase our numbers to an extent sufficient for treating large masses of people. Then, on the other hand, one may reasonably expect that at some time or other the conscience of the community will awake and admonish it that the poor man has just as much right to help for his mind as he now has for the surgeon's means of saving his life; and that the neuroses menace the health of the people no less than tuberculosis and can be left as little as the latter to the feeble handling of individuals."

Some 40 years later, Drs. Fredrick Redlich and August Hollingshead produced a remarkable volume, "Social Class and Mental Illness," based upon an 8-year study designed to answer the key question they posed at the outset: "Are expenditures for psychiatric care linked to the class status of the patients?"

The answer was a 400-page, documented "yes." Contrasting the availability of psychiatric treatment for upper income groups as against its almost total absence for lower income groups, the authors conclude that "the differences add up to deep social fissures in psychiatric treatment, such as we do not encounter in the rest of medicine with the possible exception of peacetime cosmetic surgery."

The painstaking Cornell surveys in midtown New York City have further documented the point that private psychiatric care is far beyond the reach of low-, and even middle-income groups.

At the 1957 convocation of this association, Mrs. Edith Alt of the Health Insurance Plan of Greater New York, reported the results of a survey of HIP subscribers which revealed that only 10 percent of the group could afford even 1 hour of psychiatric treatment a week. Concluded Mrs. Alt: "It is probably no exaggeration to acknowledge that this challenge of providing psychiatric care, particularly on an ambulatory basis, for low- and middle-income groups will head the list of unresolved health service problems facing the country."

I say with all the conviction at my command that the leadership of American psychiatry had better face up to this burning issue of ability to pay, and that it ought to familiarize itself with the aforementioned studies, and many others, before making questionable statements which tarnish its public image.

At your annual convention in Toronto 2 years ago, my good friend Dr. Walter Barton, in his presidential address, urged all of you to take clear stands on social and political issues. In the next breath, he urged you to oppose the King-Anderson bill providing medical care at age 65 under the social security mechanism on the grounds that it would "foster dependency" and, furthermore, that the bill excluded coverage of psychiatric care.

He was egregiously wrong on both counts. King-Anderson, as most of our citizens know, covers psychiatric illness on the same basis as physical illness—for 90 days in any year in a general hospital, and for longer periods in nursing facilities and in home treatment services. This is, to put it mildly, a whale of an improvement over the coverage now extended for mental illness by most Blue Cross plans. King-Anderson does not cover long-term psychiatric illness in a State mental hospital—its proponents argue that this would make contributory costs under the plan prohibitive.

As to the dependency issue, Senator Clinton Anderson answered that one in a bristling wire to Dr. Barton, which was fortunately printed in the New York Times: "It does just the opposite by enabling individuals to contribute during their working years so as to receive benefits as a matter of earned right after 65," Senator Anderson informed Dr. Barton.

Things quieted down for awhile but I notice that the March 1964 APA newsletter puts your organization on all fours with that great band of progressive medical philosophers, the American Medical Association, on this issue: "If you believe it proper for an individual to pay for his medical treatment if he is able, you should express your opposition to the bill (King-Anderson). If you believe certain hospital and nursing home expenses should be federally financed through the social security mechanism regardless of financial need, you should express your support of the bill," the newsletter contends.

The very point of King-Anderson—explained time and time again—is that most elderly people are unable to pay for medical expenses in the twilight of their lives. If they cannot pay for routine medical expenses, how in God's name can they pay for expensive psychiatric care? They don't want charity—they don't want dependency—they want the right to prepay for their care during their working years.

Because a few old people can afford cake—well, no bread for the other 95 percent. If this line of attack is followed to its logical conclusion, we should made the AMA happy by scrapping social security altogether, since there is admittedly a small percentage of millionaires who draw earned social security benefits.

I want to remind you of one more fact. The Federal Government today provides superb insurance coverage of psychiatric illness—in both basic and major medical policies—for its 2½ million employees and their dependents. Participants in this plan, which is the largest and finest in the country, contribute through payroll deductions for its support. Senator Richard Neuberger led the fight for this comprehensive coverage, including psychiatric care; those of us who battled alongside of him for this broad coverage against some powerful spokesmen from the insurance industry were not aware of any great support from the American Psychiatric Association, that stanch foe of "dependency."

Those of us who participated in the drafting of the Kennedy mental health legislation were careful to place the greatest emphasis upon limited Federal support in the initial staffing of these centers. We envisioned these centers as primarily serving the low- and middle-income groups not now receiving adequate psychiatric care. We knew that patient fees could not support these centers, and we knew quite well that many of these people did not have health insurance.

We expressed our hope to the Congress that the health insurance industry would someday broaden its coverage to include the ambulatory mental health center patient, but those of us who have been struggling for the past 15 years to persuade these same insurance carriers to cover the hospitalized mental patient for an adequate number of days, knew what a time-consuming battle we faced. In the interim, how could we ask the local community, or private organizations, to finance both the matching money for construction of these centers in addition to 100 percent of the operating costs from day 1, when the centers opened. We therefore opted for brains over bricks.

As a consequence, the Kennedy administration bill, guided by Lister Hill to a fantastic 72 to 1 victory in the Senate, provided $2 in Federal staffing aid for every $1 of construction money.

When the bill moved over to the House, the gutting process started. The board of trustees of the AMA had, in June of 1962, endorsed the major recommendations of the joint commission in a strong statement supporting "multiple source financing of community mental health services." In October of that same year, the American Medical Association held its first National Congress on Mental Illness; all of us who attended that conclave were convinced that the AMA had finally dipped its toe into the waters of the 20th century.

When the Council on Mental Health of the AMA came forth with a ringing endorsement of the Kennedy legislation, everything seemed to be coming up roses. But the house of delegates of the AMA, standing on its collective head in Atlantic City in June 1963, decided to preserve its old bete noire, socialized medicine, by voting in essence for a perpetuation of State psychiatric medicine and against limited Federal support for the staffing of community mental health centers operated by the private sector of medicine.

The AMA conducted a most effective campaign against the staffing provisions of the Kennedy legislation. Most of it was not visible—local politicomedicos worked quietly on their individual Congressmen via the telephone and direct personal visitations.

We did not have the strength to counteract this. A few mental health associations performed valiantly, but in many of the crucial big States, the citizens' movement lacked power.

As the summer of 1963 waned and the leaves began to turn on the trees along the banks of the Potomac, those of us manning a thin line in the Federal City waited in vain for reinforcements. As Woodrow Wilson said during the sad, closing days of his second term: "Things get very lonely in Washington sometimes. The real voice of the great people of America sometimes sounds faint and distant in that strange city."

The American people were solidly behind President Kennedy on this issue, but as so often happens in this great country where a little democracy is a dangerous thing, we were defeated by a "a little group of willful men representing no opinion but their own."

We lost a battle, but not the war. We will be back, but we will not prevail in the Congress of the United States, or out at the forks of the creeks, until an aroused citizenry gets behind us in this fight. I cannot put it any better than Dr. William Menninger did a few years back: "Further progress in the difficult field of mental illness and mental health will come only when millions know enough, care enough, and are willing to work together hard enough to make it come."

We need your help, your counsel, and your guidance, but ours is the responsibility to win the victory.

In 1955, speaking to my fellow citizens in the City of Brotherly Love, I said: "Many of these community mental health services look very good in the blueprint stage but they become effective only when you, the citizens, participate in them and give them your full support. No community psychiatric unit, whether it be in a general hospital or in a school, can be really effective unless it is constantly challenged by an enlightened citizenry. In the final analysis, you will decide the services you want for yourselves and your children, and you are in no position to criticize the professional groups for not providing these services."

I stand on that statement today.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Nelson in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 212 Leg.]

Allott
Anderson
Bayh
Boggs
Burdick
Case
Clark
Dodd
Dominick
Douglas
Fong
Gruening
Hayden
Hill
Holland
Humphrey
Inouye
Jackson
Jordan, Idaho
Keating
Kennedy
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff

Smathers
Smith
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER (Mrs. SMITH in the chair). A quorum is not present.

Mr. NELSON. Madam President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. DIRKSEN, Mr. LONG of Louisiana, Mr. MCGEE, and Mr. MCNAMARA entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. NELSON in the chair). A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I call up amendments No. 577 as perfecting amendments to the Talmadge amendment now pending.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments (No. 577) as follows:

On page 2, beginning with line 1, strike out all through line 9 on page 3.

On page 3, between lines 9 and 10, insert the following:

"'TITLE XI—CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY"

On page 3, line 10, immediately before "In", strike out the single quotation mark and insert in lieu thereof "SEC. 1101."

On page 3, line 10, beginning with "for willful", strike out all through line 16, and insert in lieu thereof the following: "arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases."

On page 3, line 17, strike out the single quotation mark before "This".

On page 3, line 19, immediately after "justice", insert the following: "or to place the integrity of the court in direct and immediate jeopardy".

On page 3, beginning with line 22, strike out all through line 4 on page 4.

On page 4, line 5, strike out "1103." and insert in lieu thereof "1102.(a)".

On page 4, strike out line 7 and insert in lieu thereof the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: "'*Provided further,* That in any such proceding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days.'

On page 4, between lines 7 and 8, insert the following material in double quotation marks:

(b) Section 151 of part V of such Act is hereby further amended by inserting, immediately after "justice" in the second paragraph thereof, the following: "or to place the integrity of the court in direct and immediate jeopardy,".

The PRESIDING OFFICER. Does the Senator from Louisiana wish to have these amendments considered en bloc?

Mr. LONG of Louisiana. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, the general purpose of these amendments is to place the decision on the defendant as to whether or not to ask for a jury trial and thereby subject himself to greater penalties that could be imposed for criminal contempt than if he declined to ask for a jury trial, and in so doing protect himself from the severe penalties that could be imposed for contempt of court.

These are the amendments that were drafted and sent to the desk by the Senator from Florida [Mr. SMATHERS] as perfecting amendments to the Talmadge amendment.

Mr. SMATHERS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may yield to the Senator from Florida without prejudice to his rights or to mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Is it not a fact that the amendments are similar to the Dirksen-Mansfield amendment, except that rather than leave discretion in the judge as to whether the defendant should have a trial by jury, they would leave discretion in the mind of the defendant either to ask for a trial by jury or to take his chances and be tried by the judge; in other words, it virtually means a demonstration of confidence in the people in the jury trial system rather than giving absolute authority to the judge to fine the accused or jail him merely on his own authority; is that not correct?

Mr. LONG of Louisiana. The Senator is correct. That is the general idea of the amendments. I shall explain them in greater detail at a later date. I wish to protect my rights by offering them at this time.

Mr. President, I was somewhat surprised last week by the votes taken on the jury trial amendment offered by the distinguished Senator from Kentucky [Mr. MORTON]. We who oppose forced racial integration were very much encouraged by the administration's lack of solid strength on this jury-trial test vote. Despite claims to the contrary, the administration leaders were also very much surprised. This may be the prelude to more things to come. For the sake of our rights of property, privacy, and free enterprise, let us hope so.

The reason behind this trend of opposition in the Senate is, of course, due in direct proportion to the parallel trend of opposition which is evident in the country as a whole. I have stated in previous addresses to the Senate that slowly but surely the national trend of opposition is catching up with this radical bill. My colleagues here in the Senate are practical politicians, and it is my hope that they will react to this trend of opposition toward forced integration.

We have seen resounding defeats of so-called open-housing ordinances in almost every place where the people have been given a chance to vote on the question. The most recent and least publicized, of course, has been the vote in the Rhode Island Legislature where an open housing bill was overwhelmed by a vote of 61 to 32. The people will simply not go along with a proposal merely because some racial extremist has labeled it civil rights. Similarly, there appears to be quite a number of Senators who are no longer willing to go along with anything and everything that has been dumped into this bill. Like the public they represent, these Senators are at last beginning to take an objective look at the bill. What they see in these proposals might not be quite the rosy picture they originally thought was there.

The people are beginning to think far more clearly on this matter than they were doing a month or two ago. This is a good sign in a democracy. At first, the people had not been given both sides of the argument on this bill. For a long while, they were discouraged from engaging in the mental process of differentiating and discriminating between the two, in order to see which was correct. But lately, millions of people have been opening their eyes and their minds to the dangers which lie so cleverly hidden in this bill. Fortunately, too, for the future of the Nation, many Senators who support this bill are not supporting it with their eyes closed. They are struggling very conscientiously with the many pros and cons of this bill. I am confident that in the end these men will come up with intelligent answers to the questions they have been asking themselves. If this is the case, we may be having many more votes which do not produce the results desired by the floor leaders for this bill.

At times it appears that many of the bill's uncompromising supporters have failed to review the constitutional provisions on the question of jury trial now before us. It appears to be a simple case of ignoring those several constitutional provisions which protect our fundamental rights to trial by jury. Proponents seem to ignore the language of article III of the Constitution which states that "all crimes" shall be tried by jury. They also ignore the even broader language of the sixth amendment which states that "all criminal prosecutions" shall be by jury trial if the defendant so desires.

Under this bill, the crimes of "discrimination" and "criminal contempt" would be denied a hearing before a jury. What the people should realize is that, once we deny trial by jury for this particular type of crime, or in this particular type of criminal prosecution, the cancer may then spread to other areas. Other classes of crimes, and other classes of criminal prosecutions, may then be classified as not requiring trial by jury; and in the end, we might well become subject to the worst sort of courtroom tyranny imaginable.

Our Constitution was designed to protect us against just this sort of usurpation of power. The supporters of this bill should wake up to the real fact that what they are suggesting is that we should simply bow to the militant minority groups and abandon our Constitution whenever we talk about racial integration.

This is precisely the sort of thinking which can eventually turn this Government into a dictatorship.

Mr. President, all except one of the amendments which have been offered to the jury trial provisions of this bill have failed to face up to the standards set forth in our Constituion. As it turns out, they ignore, to some degree, the language of the Constitution which requires that "all crimes" and all "criminal prosecutions" shall be tried by jury.

The proponents, by stretching a point to the extreme, contend that a criminal contempt proceeding does not involve the trial of a "crime." They likewise contend that criminal contempt proceedings are not "criminal prosecutions."

Though they may mince words about it, proponents are now contending for a system of government in which the Congress could pass a law on any subject authorizing summary trial of those who have violated court injunctions issued pursuant to the legislation. In other words, pursuant to the precedent laid down in this bill, Congress could pass a law stating that murder, rape, grand larceny, malfeasance in public office, arson, medical malpractice, and horse betting are all Federal crimes and that persons who defy court injunctions rendered in prohibition of such crimes may be held in contempt and tried without benefit of a jury. A price tag either might or might not be set on defendant's rights to trial by jury. The precedent for placing no price tag whatever on defendant's jury trial rights can be found in titles III, IV and VII of the bill as it passed the House and as it reads today. In these titles, defendants would have no right to trial by jury—regardless of the amount of the penalty. This Senator hopes that this outrageous concept will be cut out of all sections of the bill because, if not, we shall be off on an unconstitutional adventure in which undermining and stultifying the Constitution could become the national sport.

On the question of jury trial and several other matters covered by this bill, the proponents are not only reading the relative constitutional provisions out of context; they are not reading the Constitution at all. They are thinking only of the situation which they seek to remedy and not at all about the consequences which they would create.

Not the least important among these consequences is the psychological effect which would result in the American people when they realize how little trust and how little respect this bill holds for them. It will be the sad discovery of the American public that its Government has decreed that the people are in many ways not to be trusted in governing themselves. Such a discovery is bound to produce a most unpleasant reaction and a resistance to the particular law which announces this undemocratic edict to the people.

Mr. President, there is no getting away from the fact that this bill proposes that American citizens shall be tried in Federal courts for violations of rules laid down neither by State law nor by Federal law, but by some single Federal judge—rules which, in all probability, did not originate with that judge, but originated either with the Attorney General of the United States or one of his subordinates, or with a so-called Commission on Civil Rights in Washington, or with the FEPC.

If this bill becomes law, the Attorney General can go into Federal court and file a legal document; and on the basis of that paper the Federal judge would have authority to lay down detailed rules of conduct which will have all the force of law, except that violations of those judge-made rules will be tried, not by a jury, but by the judge who made the rules. Thus, one man will decide what the rule is; he will decide what constitutes a violation of it; and he will decide what the punishment for that violation should be.

In most instances, the rules laid down by some single Federal judge under the provisions of this law would probably parallel State law. Quite possibly the judge-made rules would be more restrictive. In any event, as soon as the judge-made rules have been issued, they will supersede both State and Federal law. Actions which would otherwise be tried only as violations of applicable Federal or State law will become punishable as contempts of the court. The right of jury trial on the question of whether those alleged actions were in fact performed will have been lost; it will have been taken away by the enactment of this bill.

If the Congress thinks it has the right to tell the people of the South that they are not fit to serve on juries, to tell the men and women of my State and other States that they are to be deprived of their constitutional right to a jury trial in connection with certain offenses, that their State courts are to be deprived of jurisdiction with respect to such offenses, then the Congress ought, in all honesty, to do this openly and directly, instead of trying to do it indirectly, as this bill does. I do not believe, Mr. President, that a majority of this body wants to insult the people of the South, or deprive them of their right of trial by jury in any instance, or wants to divest State juries of their jurisdiction and deprive State courts of their authority under State law. Mr. President, if that is what Congress wants to do, let us do it honestly and openly, and not through a device such as this bill.

Is it proponents' hope that they can get the bill through the Congress before the public finally realizes what these proposals do to their freedoms?

A significant comment on the influence of jury trials on the national character and political institutions can be found in Alexis de Tocqueville's excellent book on "Democracy in America."

De Tocqueville warned that a jury system limited to criminal trials always is in peril because the people see it in operation only at intervals in particular cases. They are accustomed to dispense with it in the ordinary affairs of life and look upon it merely as one means, and not the only means, of obtaining justice. But this French statesman and writer, a keen observer of our American experiment, who predicted that the two great powers of the world would be Russia and the United States, said that when jury trials embrace civil actions they are constantly before the eyes of the people and affect all their interests. The jury then becomes associated with the very idea of justice.

He said the jury, and especially the civil jury, serves to imbue the minds of the citizens of a country with a part of the qualities and character of a judge, and this is the best way of preparing them for freedom. It spreads among all classes a respect for the decisions of the law; it teaches them the practice of equitable dealing. Each man in judging his neighbor thinks that he may be also judged in his turn. So, said De Tocqueville, the greatest advantage of the jury is its use as an instrument for the education of people who will govern themselves.

This writer went on to say that the jury also is a political institution of the highest value.

The jury—

He wrote—

> Is emphatically a political institution. The man who judges in criminal cases is, then, really a master of society. The institution of the jury places the people themselves, or at least one class of citizens, upon the seat of the judge. The institution of the jury, then, actually places the direction of society in the hands of the people or of this class.

Mr. President, let us not mistake the fact that what we are being asked to buy in this bill is a future of government by injunction.

Government by injunction is government according to the personal convictions, inclinations, or notions of individual judges rather than government by certain and uniform laws applying alike to all men in like situations.

This being true, it is no wonder that Lord Camden, one of England's greatest lawyers, declared:

> The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends upon constitution, temper, and passion. In the best it is ofttimes caprice; in the worst, it is every crime, folly, and passion to which human nature is liable.

Edmund Burke, the great English statesman, used somewhat milder language in pointing out the dangers inseparable from government by injunction. He said:

> The spirit of any sort of men is not a fit rule of deciding on the bounds of their jurisdiction; first, because it is different in different men and even different in the same at different times, and can never become the proper directing line of law; and next because it is not reason but feeling and when once it is irritated it is not apt to confine itself within its proper limits.

Government by injunction is abhorrent to those who love our constitutional and legal systems for these reasons:

First. Government by injunction denies to litigants the right to invoke for their protection basic constitutional and legal safeguards created by the Founding Fathers and Congress to protect all Americans from tyranny.

Second. Government by injunction reduces the courts from the status of judicial tribunals to the status of administrative agencies of the executive department of the Government.

Third. Government by injunction inevitably tends to bring the courts into disrepute.

Fourth. Government by injunction may extend beyond prohibitions of lawless acts to make crimes of innocent acts and to coerce community conduct.

The powers of equity are thus perverted, the first principles of equitable jurisdiction are those repudiated, and the powers of the State are thus usurped to establish government by injunction in place of government by law in the field of civil rights, and to insure that the government by injunction so established is not to be subject to any limitation whatever except that unknown and unpredictable quality called judicial discretion.

In this atmosphere and under these circumstances, the single judge must decide, in the first instance, whether or not to issue an injunction and, in the second instance, whether or not to cite for contempt. In many cases he must so decide on the basis of affidavits drawn by partisan lawyers and executed by witnesses who are not subject to cross-examination.

In any proceedings for contempt for any alleged violation of the injunction, the judge is compelled to enact the varied and conflicting roles of lawmaker, injured party, prosecutor, judge, and jury.

Other subtle factors are present, factors which may, consciously or unconsciously, influence the judge's decision. One is the very human danger that the judge may view an alleged violation of his own injunction as a personal insult to himself. Another is that the judge, as a Presidential appointee, may interpret his role as that of furthering the particular policies of Government or even of his party.

Surely no judge ought to be compelled to act under such circumstances; and surely any decision which he may make under such circumstanes will be suspect by considerable portions of the public as having been induced by some unworthy motive, especially when we know that, in many cases, the suit has been gerrymandered into his court by the Attorney General who wants and needs a verdict that the defendant is guilty. It is truly difficult to see how civilized people can stand for such treatment when, for generations, they have prized so highly their fundamental rights to trial by jury and to the several other procedural safeguards which must accompany any criminal trial.

Mr. President, if by some misfortune Congress should reject the amendments proposed by the Senator from Georgia [Mr. TALMADGE] and finally pass the bill as it now reads, it would stamp with its seal of approval the following queer result:

First. When the Attorney General elects to extend the benefit of the novel procedure to one citizen, he automatically nullifies State statutes prescribing administrative remedies in respect to such citizen, thereby freeing such citizens from the operation of the salutary, sensible, and long-settled rule of judicial administration that no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy is exhausted.

Second. But when the Attorney General withholds the benefit of the novel procedure from another citizen, State statutes prescribing administrative remedies remain in full force, and such citizen cannot resort to the courts for judicial relief for a supposed or threatened injury until the prescribed administrative remedy is exhausted.

Such a preposterous situation would create unparalleled resentment on the part of Americans once they found out exactly what this bill had done to their rights of trial by jury and to those other procedural rights which go hand in hand with it.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. HILL. The Senator speaks about other procedural rights. Is not one of the fundamental principles in our due process of law that the person accused shall be tried not only by a jury of 12 of his peers, as the Senator has so well and eloquently emphasized, but also within the district in which the accused lives?

Mr. LONG of Louisiana. The Senator is entirely correct; and that is often fundamental to the rights of a citizen to be tried by a fair and impartial jury. In some instances, the fact that a man is being tried in his own community tends to operate as a benefit by reason of his good reputation as a citizen of that community, perhaps not directly, but indirectly, because the people of the community may very well know the man for the kind of person he is and consider, from their point of view, that he is responsible and well regarded in that community.

As the Senator so well indicates by his question, that is one of the rights that a person could be denied by operating under the contempt procedure rather than under the so-called criminal process.

Mr. HILL. Is it not true that on page 41 of the bill, H.R. 7152, in title VII, we find this language:

> Such actions may be brought either in the judicial district in which the unlawful employment practice is alleged to have been committed or in the judicial district in which the respondent has his principal office.

It might be that the unlawful act was committed in Louisiana, but that the head office of the concern that the man might be representing was in Detroit, Mich. So he could be hauled off from where he lived in Louisiana and taken more than 1,000 miles to Detroit, to be tried there without a jury, and out of the district in which he lived.

Mr. LONG of Louisiana. The Senator is entirely correct. That is a procedural right of the citizen that should be protected. As the Senator so well points out, the bill denies a citizen much more than the right of jury trial. The other procedural safeguards, such as the right of cross-examination, are important in themselves. In some instances, they might be of as great importance as the right of trial by jury.

Mr. HILL. Is it not true that in the original Constitution the Founding Fathers provided that there should be a trial in all criminal cases?

Mr. LONG of Louisiana. Yes; they provided exactly that.

Mr. HILL. Is it not true, too, that the 6th amendment to the Constitution, in what we know as the Bill of Rights—the first 10 amendments—which was really adopted as the part of an agreement to insure the adoption of the Constitution, provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Mr. LONG of Louisiana. The Senator is entirely correct. The Senator knows as well as I do that we who are opposing the bill suspect that much of what it contains under the name of "civil rights" is actually a device or an attempt to bypass the most fundamental civil rights that Americans were guaranteed and for which their forefathers fought and died in a bloody revolution. As hard as free men fought, when such rights as those under the name of "civil rights" are proposed to satisfy marching mobs in streets, it seems to me that it would be the worst legislative folly to pass a bill that would undermine and destroy the very rights which have seen this Nation through its trials and tribulations, in good times and bad, in peace and in war.

I appreciate the Senator's remark in that respect, because there is no doubt that the rights which would be denied Americans under the bill are, for the most part, far more valuable than the so-called rights that would be conveyed to some minority group.

I thank the Senator from Alabama.

The bill would be hard enough to enforce and would create hard feeling and resentment without adding this additional burden. The situation here is perhaps parallel to another of some years ago, when George W. Norris, the great liberal Senator from Nebraska—a man who might be regarded by many of us as being one of the greatest Senators of all times—proposed the Norris-La Guardia Act, which severely restricted the issuance of injunctions and provided for jury trials in cases of indirect contempt, as the most efficacious means for restoring confidence in the Federal courts.

It was the Norris-La Guardia Act and the right of jury trial which the act conveyed which, from the point of view of liberals and from the point of view of labor groups, redeemed the Federal courts and restored them to the dignity that everyone hoped those courts would hold. Prior to that time, many people had the feeling that Federal courts were the tools of the wealthy, the tools of the vested interests, and that Federal judges in the districts were altogether too much disposed to use the injunctive power and the contempt power to deny workingmen the rights that were properly theirs.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield for a question.

Mr. HILL. Is it not true that there was the example of Samuel P. Gompers, who was a great leader in the labor movement? He was the head of the American Federation of Labor. He was railroaded into jail by a Federal judge. He had no right to a jury trial.

Mr. LONG of Louisiana. The Senator is entirely correct. The Senator knows what the situation was, insofar as labor was concerned. It was about the same problem that we have when we are talking today about the rights of some of our people—and, I might say, some of the best citizens of our beloved Southland.

Back in those days when someone wanted to break a strike, or to keep anybody from picketing, or to deny labor the right of collective bargaining, the most useful tool available was the weapon used against Gompers. He was put in jail by reason of the judge's contempt power. It was well known that if that man were given the right of trial by jury in the community where the alleged crime occurred, he would have been turned loose by a fair and impartial jury.

Mr. HILL. Was it not such action by such judges that brought about the Norris-La Guardia Act?

Mr. LONG of Louisiana. The Senator is correct. The Norris-La Guardia Act is one of the great monuments to two great American statesmen. George Norris was one of the greatest liberals, and in some respects, one might say he was one of the greatest conservatives who served in the Senate. Liberalism in George Norris' day tended to support what I believe is good conservatism in accordance with the definition that a conservative is one who seeks to preserve the better things about the existing order.

George Norris was trying to preserve something that was always intended to be a part of the American scene; and so was Fiorello La Guardia. Those men came from different parts of the country—one from Nebraska, and one from the city of New York—one from a metropolitan area and the other from the wide-open country.

The two great statesmen combined to gain for labor the right of trial by a jury, and the right to be freed from the tyrannical abuse of power by a prejudiced Federal judge. Even if the judge were not prejudiced, the manner in which those powers were exercised produced the same result as if the judge had been prejudiced.

Mr. HILL. The right of a trial by jury is a right which our Founding Fathers thought they were guaranteeing for every American citizen—whether he was a laboring man, a businessman, a professional man, or any other kind of man—when they wrote the provisions of the Constitution of the United States, and followed it with the Bill of Rights. Is that correct?

Mr. LONG of Louisiana. The Senator is absolutely correct.

Mr. HILL. Is it not true that Senator Norris in his advocacy of the Norris-La Guardia made this statement:

> I agree, that any man charged with contempt in any court of the United States, * * * in any case, no matter what it is, ought to have a jury trial. * * * It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits in court and heard jury trials, knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts.

May I say that Senator Norris was a judge before he came to Congress and then later was elected to the Senate.

Mr. LONG of Louisiana. I was unfamiliar with the fact that George Norris was a judge before he came to Congress. I suppose his judicial background is one of the qualifications which helped to make him one of the greatest Senators of all time.

What George Norris was saying about a judge being biased and prejudiced is something that lawyers and judges know as a practical matter to be true in many cases.

There are a great many cases in which a judge has his mind made up—particularly in cases in which a judge has signed an order and is bringing someone into court on the ground that the accused has failed to carry out the order signed by the judge.

Mr. HILL. Is not the judge the prosecutor, and does he not hear the case, sit in judgment, and then fix the penalty?

Mr. LONG of Louisiana. The Senator is absolutely correct. The kind of cases that will come before the judges in many instances will be cases in which the judge is personally involved. An example of such a case was just given, but we could give a thousand. I have in mind a judge in New Orleans, in my own home State, who issued certain orders. The question arose as to whether certain persons had complied with the judges' orders. There was a man in the case who had been very critical of that judge, critical of the judge's capacity to serve, and critical because of the fact that he did not think the judge was doing the job properly, that the judge was not using the proper judicial attitude, and was treating the community unfairly. The man had been very outspoken about the judge.

Senators know that a judge is only human. He tends to resent the attitude that a defendant has been known to display in the community. He tends to resent everything about him. And when such a defendant comes before the judge on a question of fact as to whether he carried out the order the judge issued to him, or did not carry out the order, if the judge is human, he is predisposed to find the man guilty, to begin with. The only fair way to see that the man has a fair trial is to insist that there be a jury, and thus impose an impartial group between the judge and the defendant.

As Senators well know, when the case develops, there will be someone like Mr. Katzenbach in the Justice Department, who has the responsibility of prosecuting the case. Mr. Katzenbach would feel that he had a much better chance to persuade the judge to put the man in jail than he would have to persuade a jury to put the man in jail.

We know that the lawyer from the Justice Department, Mr. Katzenbach, and his group, come up to the Hill and confer with Senators who favor the bill. And when the question of whether they should agree to an amendment like that offered by the Senator from Kentucky [Mr. MORTON], arises, we know that he says, "Oh, no. We must not accept this. This would undermine the whole procedure and give the courts all kinds of trouble." The prosecutors believe that it would give them some trouble to be confronted by a fair and impartial jury in the hometown of the accused. The little bevy of extremists in the Justice Department, in the civil rights section, dedicated as some of them are to the question of racial integration, racial amalgamation, and every other kind of racial question, would like to have it the easy way. Every time that someone wants some rights, while they are obtaining for the colored man some new rights, they want the power to put a man in jail, if need be, without the benefit of a jury trial.

That is the kind of thing out of which tyranny is made. The official in the Justice Department who is drunk with power has more importance than the public would ever give him in a free election, more importance than he could perhaps justify. He has the opportunity to advise and consult about law, to bring about school integration, and the obtaining of additional rights for some citizen who he thinks is being deprived of certain rights. He has the opportunity to consult about the salt and pepper integration at a lunch counter. He is trying to do his job; and the first thing he wants to do is to get rid of the jury so that he will not have to be confronted with it.

I can understand how those people would feel. That would be a true impediment for them. Those people say, "Think of what we could do for you if we did not have to be confronted with a jury." They do not propose the idea, because it could not be achieved. But I say to the Senator, in all fairness, that if those lawyers had their own way, they would say, "Do it our way or we will put you in jail. If you do not do it, we will call out the Federal marshals and the airborne troops and put you in jail because, we think you have not done it in the way we believe it should be done." That is a part of the problem.

The little group that has achieved power far beyond their ability to handle it under present law would nevertheless see an opportunity to advance their power in Government, their stature, and perhaps have themselves appointed to the Federal bench after they had left the civil rights section of the Department of Justice. While they are in the Department of Justice advising on the question of jury trial in such cases, and talking about who the next district judge will be in a certain district and who the next appellate justice will be in a certain area, they might have an opportunity to maneuver in politics and see if they cannot have themselves appointed as Federal judges. They might say, "What a great victory it would be for our Department to have things so arranged that we could not only name the judges, but would also not have to be confronted with juries."

That is the kind of thing that tends to undermine and destroy the fundamental freedoms for which Americans fought and established a free government, and three times wrote into the Constitution as a guarantee of the right of all citizens to be protected against a tyrannical government. They feared that that would be the greatest danger to confront freedom once it had been won for the American people.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield for a question.

Mr. HILL. I wonder if the Senator would not wholeheartedly agree with the opinion of Mr. Justice Black in the case of *Green* v. *United States*, 356 U.S. 165, in which he stated:

> Summary trial of criminal contempt, as now practiced, allows a single functionary of the State, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in "judgment" on his own charges, and then within the broadest bound to punish as he sees fit. It seems inconsistent with rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the State. No Government official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed, if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other Government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding, or by excessive zeal. Frank recognition of these common human characteristics undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of Government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses, thereby securing the people's liberty.

Does not the Senator agree thoroughly with that statement by Mr. Justice Black?

Mr. LONG of Louisiana. I agree with that statement. As a Member of this body, and one who has been highly critical of the Supreme Court, I have been making a study of the various Supreme Court decisions, including the minority views, to see the extent to which the various judges have tended to subscribe to the views of one contending group or another. I was pleased to see the minority views of Justice Black as well as those of the Chief Justice, Justice Goldberg, and Justice Douglas. They gave me real cause to feel that the kind of constitutional law in which I have always believed is beginning again to emerge from the Court. It was a fine day for the American system of justice when four judges who had no sympathy with Governor Barnett nevertheless sought to protect his constitutional right to trial by jury. There is no doubt that, those four judges had no sympathy for Governor Barnett or his cause. They well knew the prejudice in Washington—certainly the prejudice in the executive branch—against Governor Barnett. When confronted with the question, "Was this man entitled to the right of a trial by a jury?" Those four Justices stanchly stood for him and said, "Yes; he is entitled to a jury trial."

It seems to me that in that decision the words of Justice Black were especially eloquent. I believe that when on this issue he wrote an opinion which had great eloquence and great logic as well, his words may be marked in history as one of the best of judicial performances.

I suspect that that particular minority view will find such great appeal among Americans that eventually it will become the law, as some of Justice Holmes great dissenting opinions and some of Justice Brandeis' great dissenting opinions were destined eventually to become the law. Thoughtful men reading them down through the years have said, "That man was a prophet."

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HILL. Is it not true that the opinion of the majority in the Barnett-Johnson case really is an invitation to Congress to grant the right of trial by jury? Denial of the right of trial by jury grew up, as we know, in the Clayton Act, which contained a provision that if the Government of the United States were a party to the suit, there would be no trial by jury. That is why Congress had to enact the Norris-La Guardia Act.

That is why in September 1959, when the Landrum-Griffin Act was enacted we inserted in that measure the express provision that there should be a right of trial by jury. A careful reading of the majority opinion in the Barnett case will show conclusively that that opinion was based on the idea that the statute is in the code today, providing that when the Government of the United States initiates or is a party to the suit, there shall not be a jury trial. A careful reading of that opinion would persuade anyone that what Court was doing was inviting the Congress to change the statute so that everyone under every condition would have the right which the Founding Fathers intended for us to have, namely, the right to a trial by jury.

Mr. LONG of Louisiana. The Senator makes a strong point. In my judgment, the question which he asks answers itself. Even in the majority portion of that opinion, one can find much to support the theory that the Court was inviting the Congress to enact a statute that would convey to the defendant a right which it said he does not have at the present moment. That is what five Justices said. The other four Justices said, "He has it right now and cannot be denied it, now or ever."

There is no doubt in my mind that anyone who reads and studies those opinions would find his sympathies and his heart on the side of the right of jury trial, having read what both sides had to say. That is true, unless he were carried away with the passions of the moment and persuaded by some group, such as the street demonstrators, and would look at the politics of the problem rather what would be the saving grace of our country.

I wish to quote what George Norris said on February 23, 1932, after the passage of the Norris-La Guardia Act. He said:

> Is it any wonder that there has grown up a feeling of resentment against some of the actions of some Federal judges? Is it any wonder that there has gradually grown up in the minds of ordinary people a feeling of prejudice against Federal courts? Is it surprising that there should develop a sentiment against life tenure for Federal trial judges? Can anyone doubt that such action on the part of the Federal judiciary has gradually developed in the minds of ordinary people a fear that where a system of jurisprudence prevails which enables one man, endowed with a life tenure of office,

> to write a law and then order its enforcement, and then, refusing a jury, to try alleged offenders and punish them at his own sweet will, it will eventually lead us to the common knowledge and belief that where such things exist, as Blackstone says, "There can be no public liberty."
>
> It is difficult to see how any civilized people would indefinitely submit to such tyrannical treatment, and indeed, it would undoubtedly be true that there would not have been submission if this procedure were general and applied to all classes of people.

George Norris made a point which I think it would be fair to make here. If we were talking about a general law and said, "Let us try everybody this way. Let us deny to everybody a trial by jury. Let us take it away from labor. Let us take it away from people accused of an offense. Let us treat everybody on the same basis," I would say that some of the most stanch supporters of the bill would stand up and defend the right of the laboring man and labor leaders, or some conservatives who are for the civil rights bill would defend the right of a businessman to have their case heard by a jury, particularly if the Government had their backs to the wall.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HILL. That is one of the difficult things for me to understand. I cannot understand why certain labor leaders are today supporting the pending bill, knowing that it contains a denial of the right of trial by jury, when they know the history of how labor was treated in the past. They know about the trial of Samuel Gompers and other labor leaders who went to prison. They know how labor fought to have the Norris-La Guardia Act and how it insisted on the right of trial by jury being written into the Landrum-Griffin Act, which is generally referred to as the bill of rights for organized labor. Yet labor leaders support this bill, which would deny the right of trial by jury.

Mr. LONG of Louisiana. I have many friends in the labor movement. They have been supporters of mine in the past, and I hope they will be again. I have tried to support them in advancing the legitimate aspirations of the labor movement. While I have not been able to support them in every instance, I think they would admit that I was with them 75 or 80 percent of the time when they were advocating something to advance their cause. I have the highest regard and the warmest feelings for labor leaders in my State. Generally speaking, I am on a good basis of understanding with practically all of them. I do not believe they know that the bill contains this provision. I do not believe they know that the right to which they themselves subscribe and for which they fought so hard and faithfully in years gone by would be denied to their neighbors, and in some instances to themselves, because they would eventually be subject to charges of discrimination. If they knew it, I am sure they would be opposed to that section of the bill and would be for taking it out of the bill and putting in the Talmadge amendment, which would guarantee the right of trial by jury.

My guess is that I could persuade not only most of the workingmen, but their leaders, that this is fair and right and as it should be. If they did not go along with that proposal 100 percent, I am sure they would go along with it 90 percent, and that they would recognize the merit of the argument which we have been advancing, which has been in favor of the same right of jury trial which in the past labor demanded and which had been denied them.

Still, Mr. President, the proponents unwisely suggest that the Attorney General be clothed with autocratic power whereby he can virtually convert Federal district courts into administrative agencies of the executive department of the Federal Government for the management of schools, elections, business, employment, and other similar activities of a local nature in the civil rights field.

In addition, they propose that Federal district judges be placed in a position identical to that described by Senator Norris in the quotation set forth above. Under H.R. 7152 the Federal district judge, acting as both judge and jury, will be projected into the middle of the civil rights controversy whose issues are highly charged with emotionalism and partisanship. On one side of the controversy will be ranged the legal and financial might of the Federal Government and on the other the State or local official who performs governmental services for little or no compensation out of a sense of public duty. Regardless of the merits of the particular case, the controversy will be viewed and interpreted as a conflict between the Federal and State Governments.

In a real sense of the word this is what it would be, for H.R. 7152 is deliberately designed to vest in the Attorney General the autocratic and despotic power to nullify State laws duly enacted by State legislatures in the undoubted exercise of the legislative power reserved to the States by the 10th amendment. As a consequence, H.R. 7152 is wholly incompatible with the constitutional doctrine of the sovereignty and indestructibility of the States. Even apart from this consideration, H.R. 7152 is inimical to proper Federal-State relations because it proposes to place in the hands of the Attorney General a legal club by which he can browbeat State and local officials into submission to his will and thus assume control of what are essentially State or local government matters.

Inasmuch as the advocates of the proposal under consideration assure Congress that it is ideally adapted to prevent any State from denying "to any person within its jurisdiction the equal protection of the laws," the singular legal result which would flow from the enactment and operation of the proposal seems peculiarly ironic and paradoxical. This is true because the phrase, "equal protection of the laws," implies, when it is used in a procedural sense, that all persons may appeal to courts for both relief and defense under like conditions with like protection and without discrimination. *Sexton* v. *Barry*, 233 F. (2d) 220).

Happily for America, one may search the legislative annals of our country without finding anything corresponding to the monstrous proposal that a single Federal executive officer, to wit, the Attorney General, should be given the autocratic and despotic power to nullify valid State laws in particular cases to be selected by him.

But, unhappily, that is what is proposed by this legislation. Even if there were no possibility that the law could ever be misused or abused, it would still be a terribly dangerous thing. But consider the consequences if there were an unscrupulous Attorney General at the controls.

Of course, the notion that the occupant of the office of the Attorney General could not exert the tremendous power embodied in H.R. 7152 without first obtaining a decree from a Federal court is nonsense.

If the occupant of this office should happen to be a pragmatic politician, or a so-called civil rights zealot, or a person susceptible to coercion by pressure groups, he could employ H.R. 7152 as an intimidating club, and thereby demoralize State and local government in such vital areas as elections and public education.

Here is how the Attorney General could operate in the case of a State or local election or school official, who denies registration to an applicant for voting rights on the gound that he does not possess the qualifications prescribed by State law "for electors of the most numerous branch of the State legislature," or who declines a parental request for the assignment of a schoolchild to a particular school on the ground that the requested assignment is not calculated to promote the educational interest of the child, or who is alleged to have discriminated in a place of public accommodation, or in his practice of hiring and firing employees:

The Attorney General, acting through a subordinate, could politely threaten the State or local official in this wise:

> If you don't register this man or assign this child to that school, I'll put the law to you in an action or proceeding under H.R. 7152 in which all the legal and financial might of the Federal Government will be arrayed against you and in which you will be denied such basic safeguards as the right of trial by jury.

The State or local official could do one of three things. He could submit to the threat, and thus permit a Federal officer to dictate how the functions of a State or local office are to be discharged. He could relinquish his State or local office, and thus escape further harassment and hazard. And, finally, he could stand up and fight for his convictions, even to the point of defending a lawsuit in a Federal district court, which might sit in a place far removed from his home. If he should pursue the last course and win, he could conceivably bankrupt himself in defraying the cost of his successful defense. If he should pursue the last course and lose, he could conceivably wind up with a virtually unlimited fine or a virtually unlimited jail sentence simply because his convictions as to how the duties of his State or local office should be performed might differ from those of the Attorney General and a one-man Federal court.

Congress would commit an unspeakable folly if it should enact a bill whose provisions are susceptible to such grave abuses in the field of Federal-State relations.

It is evident from what I have been saying that usurpation by the Federal Government would be twofold. There would be a clear invasion of the right of individuals to a trial by jury for crimes they are alleged to have committed; and there is the equally obvious invasion of States rights in the provision which allows administrative and State remedies of various kinds to be bypassed.

We should ask ourselves, Mr. President (Mr. METCALF, Acting President pro tempore in the chair), if power can be conferred upon Federal courts to suppress crimes in the civil rights field by injunctions and contempt proceedings in trials without juries, there is really no good reason why power cannot also be conferred upon such courts to suppress in like manner any and all crimes in the whole catalog of crimes. The same mistaken arguments which are being used in behalf of this bill could be used to achieve that sort of ridiculous extension of the principle.

An interesting criticism of the same arguments of expediency now being used in behalf of H.R. 7152 appears in the decision of *ex parte Mulligan* (4 Wall. 1, 120). It may be of interest to Senators for it bears rather directly on the mistaken standards by which some lawmakers would justify this bill's invasion of our constitutional right to trial by jury.

After stating that the founders of our Government inserted the constitutional guarantee of indictment by grand jury, trial by jury and confrontation of adverse witnesses in the Constitution because wisdom and experience had demonstrated them to be necessary to protect those accused of crime from tyrannical rulers and "the clamor of an excited people," the Supreme Court said:

> Time has proved the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future.

And now, Mr. President, after the lapse of more than 90 additional years, history repeats itself. The proponents of H.R. 7152 attempt again "what was done in the past." They seek to avoid and evade in respect to State and local officials and other Americans involved in civil rights disputes basic constitutional and legal safeguards "expressed in * * * plain English words" for the security of all Americans.

The proponents offer H.R. 7152 and justify their advocacy of its astounding provisions by laying to their souls the Machiavellian unction that the end they have in view excuses the method they propose. They solicit the support of others for their proposal by these arguments: That the Federal Government is compelled by existing laws to depend solely on criminal prosecutions in cases involving alleged deprivations or violations of civil rights; that criminal prosecutions are "cumbersome," "slow," and "often unduly harsh"; that "jurors are reluctant to indict and convict" defendants in criminal prosecutions for alleged deprivations or violations of civil rights; that H.R. 7152 is merely designed to lodge in the Federal Government an additional power to bring civil actions of an equitable nature in which the comparatively mild injunctive process is to be employed to redress or prevent deprivations or violations of civil rights; and that the proposed injunctive process is superior to criminal laws because it would afford the Federal Government means of preventing the commission of crimes in the civil rights field.

The argument that criminal prosecutions are "often unduly harsh" on defendants in civil rights case and that such defendants would be benefited by subjecting them to "the comparatively mild injunctive process" instead of criminal prosecution is rather intriguing because of its source. This argument is advanced by Government attorneys, who confess their fear that they might lose some of the civil rights cases they wish to win if they are required to convince jurors of the truth of their allegations by the oral testimony of cross-examined witnesses according to the practice prescribed by the Constitution. Congress would do well to beware of Government attorneys when they profess to bear gifts to those whom they propose to prosecute.

The arguments that criminal prosecutions are "cumbersome" and "slow," and that "jurors are reluctant to indict and convict" are identical with those given for the establishment of the court of star chamber, the enactment of the acts of Parliament depriving American colonists of the right of trial by jury, and the congressional opposition of former days to the jury-trial provisions of the Clayton and Norris-La Guardia Acts.

In commenting on this subject in his famous dissenting opinion in *Hopkins* v. *Oxley Stave Co.* (83 F. 912, 924, 925), Judge Henry Clay Caldwell, who served with rare distinction as presiding judge of the U.S. Circuit Court of Appeals for the Eighth Circuit, said:

> It is said by those who defend the assumption of this jurisdiction by the Federal courts that it is a swifter and speedier mode of dealing with those who violate or threaten to violate the laws than by the prescribed and customary method of proceeding in courts of law; that is a shortcut to the accomplishment of the desired object; that it avoids the delay and uncertainty incident to a jury trial, occasions less expense, and insures a speedier punishment. All this may be conceded to be true. But the logical difficulty with this reasoning is that is confers jurisdiction on the mob equally with the chancellor. Those who justify or excuse mob law do it upon the ground that the administration of criminal justice in the courts is slow and expensive, and the results sometimes unsatisfactory. It can make little difference to the victims of shortcut and unconstitutional methods whether it is the mob or the chancellor that deprives them of their constitutional rights. It is vain to disguise the fact that this desire for a shortcut originates in the feeling of hostility to trial by jury * * *. A distrust of the jury is a distrust of the people, and a distrust of the people means the overthrow of the Government our fathers founded.

Happily for liberty and justice in America, the founders of our Government hated judicial tyranny more than they loved judicial haste, and for that reason spurned the argument that criminal prosecutions are cumbersome and slow. Believing, as they did, that all persons ought to be weighed in the same legal balance, they likewise rejected the argument that Justice ought to descend from her pinnacle in particular cases for fear that jurors might acquit some persons who, in the opinion of Government lawyers, deserve punishment.

The bill, in seeking to provide a quasi-criminal remedy for chosen beneficiaries, seeks to circumvent the fundamental guarantee of a trial by jury. This purpose is not expressed in the provisions of the bill, but, when the applicable sections of the United States Code are read together, there is no doubt that the swift, summary power of punishment in contempt proceedings, without the right of trial by jury, is the chief coercive force which would be brought against citizens and public officials throughout a large section of our country.

When Federal officers come in—with all deference to them as individuals—armed with power of the type provided in the bill, seeking to modify, reform, change, or turn upside down the local institutions, habits, and customs of those people, such Federal officers move in on them where they really live, and take from them their very life. Few of them would be able to withstand pressure from such authority. Such offices would then fall into the hands of an inferior type of persons, and stagnate the movement forward of those people.

The history of the practical and useful benefits of the jury system need not be fully reviewed here. To many English-speaking peoples, the jury system has insured individual freedom for more than a thousand years. Such peoples have made contributions to others.

It has not been so much the great judges through the centuries who have kept open the lanes of freedom, although they have made a valuable contribution. It has been the mandatory use of the jury system. Whatever exceptions are necessary they should be sparingly made, and should never extend to a vast field of social activities, as provided in the bill.

Of course, Mr. President, no one can expect to make such a flagrant departure from the ordinary procedure without paying the cost. That cost has appeared in the form of what one columnist has called "the worst mess in American history." Here is what he had to observe about the consequences which have followed our failure to have committee hearings on this bill. I quote:

> There's a real "mess in Washington"—probably one of the worst in American history. For the Congress of the United States, intimidated and frightened by street demonstrations and pressure groups, has abandoned law and order in respect to certain legislative procedures. It looks now as if the civil rights legislation will be bogged down in a morass of hundreds of proposed amendments and changes.
>
> The Senate, instead of sending the House-passed bill to a committee to consider all the amendments and then recommend a bill to the whole body, adopted an entirely different strategy—to try to amend the bill during the debate itself. Originally, this was planned in order to avoid delay in the Senate Judiciary Committee, because it was feared by the advocates of the bill that the measure would be tied up there indefinitely. But now it turns out that amending the bill on the floor of the Senate means a far more lengthy process than ever was envisioned if the bill had gone to the committee.
>
> The majority in the Senate could at any time have organized a select committee of its own to consider the bill and let hearings be held so that all sides could give their arguments for and against the bill as well as the proposed amendments. But it seems now that the Senate has committed itself to the long drawn out procedure of trying to write a bill while every one of its hundred Members is given the opportunity to offer amendments. It may take months to deal with that kind of legislative mess.
>
> When the House of Representatives, in order to avoid lengthy committee hearings, permitted amendments to be made on the floor, the bill was changed materially. When it passed the House, the proponents of the measure in the administration and in Congress insisted that the bill was a perfect measure and did not need further amendment. But as the American people became aware of some of the bill's drastic restrictions on private life in this country, public opinion began to assert itself. Now even the proponents of the civil rights bill are beginning to say that certain amendments are necessary.
>
> What is most disturbing is the utter indifference to constitutional questions. It is puzzling to read the bill passed by the House, which says that, if a motel or lodging house rents only five rooms, the owner can discriminate. The Constitution does not make any such distinction as to whether racial discrimination begins with five guests or any other fixed figure. It refers only to equal protection of the laws.

Mr. President, the article was written by one of the Nation's outstanding columnists, whose columns are read thoughtfully from one end of the Nation to the other. He points out that the procedure was completely improper and how we would have made much better progress if we had pursued the usual, standard legislative approach. I continue to quote from the article:

> Senator HUMPHREY of Minnesota, one of the Democratic leaders, says that there ought to be something in the bill against any job-quota guarantees and that this would reduce the concern of some of the bill's opponents. But will it satisfy the Negro pressure groups?
>
> Senator DIRKSEN of Illinois, the Republican leader who in general favors the House civil rights bill, has been struggling with the phraseology of amendments for the last several weeks and is trying to get some kind of agreement among Republican Senators so as to reduce public opposition to the bill.
>
> Since the amendments are coming from both the northern and southern Senators, it is estimated that the total number proposed might reach 1,000. It's a fantastic situation, and just when the Senate is going to get through with the bill is anybody's guess. It is being freely predicted that the confusion will get to be so extensive that when the Senate bill is completed it will really be unsatisfactory to everybody. It would then have to go to conference between the two Houses and be virtually rewritten. When this happens, President Johnson may be expected to intervene with his own version of a bill, and perhaps defer some controversial sections for further consideration in another bill next year.
>
> So far as the general public is concerned, it has been given the impression that some kind of filibuster is going on in the Senate itself. While the southerners have been making lengthy speeches, the sad truth is that the civil rights bill is not yet ready for consideration by the Senate and will not be until amendments have been submitted for further debate later on.
>
> Meanwhile, Senator McCLELLAN, Democrat, of Arkansas, has warned that the passage of the "civil rights" bill may produce "greater discord, more hatred and strife among our people, and will create graver problems than any of those it is intended to solve." He adds:
>
> "There are always grounds for improvement, progress, and some reforms, but those improvements will not be attained by compulsion or coercion."
>
> Senator LAUSCHE, Democrat, of Ohio, who was five times Governor of his State and previously was mayor of the city of Cleveland, has sounded a sober note of warning over the extremes of the pressure groups. He has spoken particularly of the recent disorder in Cleveland. He favors the objectives of the "civil rights" bill, but he says:
>
> "Candidly, I state that the cause of the Negroes in Cleveland and in the Nation has been markedly harmed by the recently practiced violence and threats of violence."
>
> The "civil rights" legislation therefore deserves careful consideration even if it takes another year to do it.

The article appeared in the Evening Star edition of April 15, 1964. It was written by Mr. David Lawrence.

Mr. President, I have grown almost weary of hearing proponents list how many pages of testimony were taken by this committee and that committee on the general subject of civil rights during 1963. It is their thesis that since we have available to us hundreds of pages of testimony and cross-examination of witnesses from several committees, we obviously do not need more of the same. But they persist in ignoring the painful fact that on this particular bill, on the bill now before us, there have been no hearings whatever.

The argument which the proponents have made in this regard speaks poorly indeed of the cause they seek to promote and of the means by which they seek to promote it. If I were to follow the same logic, I could properly suggest that, since the Senate has access to several hundred pages of testimony from 1963 hearings on the subject of foreign aid, we obviously have no need for a repetition of such hearings this year and should dispense with them, lest they bring about an unconscionable delay in our proceedings.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HILL. Is it not true that the right of petition is guaranteed in the first amendment to the Constitution?

Mr. LONG of Louisiana. Yes.

Mr. HILL. It is really exercised, so far as the legislative branch—Congress—is concerned, through committee hearings, is it not? When a committee has considered a matter, permits witnesses to appear, takes testimony, and permits interested parties to present their views, people enjoy the right of petition which is guaranteed to them by the Constitution.

Mr. LONG of Louisiana. The Senator is entirely correct. That is our right of petition.

Mr. HILL. But when there are no committee hearings or when there is no committee consideration, is it not true that the right of petition is denied to the people?

Mr. LONG of Louisiana. The Senator is entirely correct. With regard to some of the hearings to which reference has been made, it is fairly clear to me, merely from looking at them, that only one side had been heard. As I recall, the hearings on the FEPC bill were extremely one sided. They contain mostly the testimony of proponents who had given such testimony in years gone by. But from those who could have given many reasons why such a law would impede the operations of their businesses, and who could have spoken on behalf of other people in the communities, there was very little testimony. It appeared to me that the overwhelming bulk of the testimony—almost all of it—was from groups that have always been known as being rather extreme in their views on that kind of legislation.

Mr. HILL. Is it not true that when the late-lamented President Kennedy sent his message to Congress for a civil rights bill, he did not include any recommendation or request for an FEPC title or provision?

Mr. LONG of Louisiana. The Senator is entirely correct. When President Kennedy sent his message to Congress, it appeared as though he had been persuaded by the demonstrations and the other activities conducted mainly by the extremists that something would have to be done; and that if he were to do something, he did not want to be accused of being against anything that could be labeled as "civil rights." So he left an invitation to include in the bill anything anyone wanted to place in it.

I do not speak in criticism at all, because I respected the right of the late President Kennedy and I respect the right of President Johnson to differ with me on these questions. I do not question the sincerity of their views. But I am reminded, in some respects, of the occasion some years ago when Senator Lyndon Johnson, who was the majority leader, called up the Stella School District bill. He said, in effect, "I told you, gentlemen, that you would be given an opportunity to vote on civil rights. I invite you to bring in your bills on civil rights and offer them as amendments to the bill to provide relief for the Stella School District."

That bill related to providing for a school district a surplus building. The bill that was to enable the Stella District to use a Government surplus building became the civil rights bill. The majority leader fulfilled his commitment to the civil rights advocates. He had said they would have an opportunity to make their views known and to offer amendments. I recall that as being the case. They came in with numerous amendments, many of which had never been considered in committee. One Senator had at the desk as many as 50 amendments that he intended to call up.

Mr. HILL. Is it not true that when the Senate was considering the civil rights bill of 1957, the late Senator from Wyoming, Mr. O'Mahoney, offered an amendment which was in exactly the same langauge as the Talmadge amendment now pending; that the former Majority Leader Johnson, now President of the United States, and former Senator Kennedy, later President of the United States, both voted for that amendment; and that the present distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], also voted for the amendment? Did not all of them vote for the O'Mahoney amendment, which was verbatim, ad litteram, the same as the Talmadge amendment now pending before the Senate, to which the distinguished majority leader and the distinguished minority leader [Mr. DIRKSEN] have offered the wholly inadequate Dirksen-Mansfield substitute?

Mr. LONG of Louisiana. The Senator is correct. I cannot say, from a close study of it on a word-for-word basis, that the Talmadge amendment is verbatim the same as the amendment offered by the late Senator from Wyoming, Mr. O'Mahoney, but I accept the Senator's assurance that it is. I know that the intention is exactly the same as the intention of the jury trial amendment offered in 1957.

The support of that amendment by former Majority Leader Lyndon Johnson and by the former Senator from Massachusetts, John F. Kennedy, was an act of political courage, because it could have been expected that both those men might possibly offer themselves as candidates for the Presidency someday. We observed the great ability of those two men in this body and knew that they were potential presidential timber. It required great courage for them to incur the wrath of some of the minority elements, who could not see any of these measures except in one way. It took strong political courage for the former Senator from Texas and the former Senator from Massachusetts to support the very amendment that is now pending before the Senate, an amendment to assure the right of jury trial for all citizens.

I believe the RECORD will show that had we been able to prevail exactly as the Senate voted on that day, no harm would have come to the American Government. The courts could have had carried out any orders they found it necessary to enforce. Nothing in the Talmadge amendment seeks to prevent them from enforcing their orders in cases that are referred to as civil contempt, when a person is told he must do something or else he will be put in jail. That is the situation in which he, in effect, carries the key to the jail in his own pocket. The judge can put him in jail, but in effect the judge makes the defendant his own jailer.

But if a person is accused of violating a court order and must be punished after the fact, that is something that does not occur in the presence of the court, and in such a situation the person is entitled to a jury trial.

That was the kind of thing that would have done no harm to the civil rights of anyone. It would have protected the fundamental rights of all Americans, had the position then taken by the Senate, and the position taken by the majority leader, the then Senator from Massachusetts, John Kennedy, prevailed at that point. The freedom and liberty of the people would have been safer. I am sure the Senator will agree to that.

Mr. HILL. I agree thoroughly with the Senator. Is it not true that when the Committee on Commerce at the previous session of Congress considered the bill which embodies that which is now known as title II of the bill, H.R. 7152—title II being the so-called public accommodations provision of the bill—the committee held hearings, received testimony, and let people exercise their right of petition? And after all the testimony was in, after giving the bill due and proper consideration, as a committee should, the committee reported that bill, the right of a trial by jury having been voted unanimously by that committee?

Mr. LONG of Louisiana. That is true. The committee voted by an overwhelming vote to report the public accommodations section. Confronted with this very problem, the Committee on Commerce heard all sides, considered all sides, and, as I understand from those who were present, that committee unanimously agreed to the amendment which would protect a man's right to a trial by jury.

Mr. HILL. If a citizen of this country has his right to a trial by jury protected in three different places in the Constitution, if it is guaranteed to him under the Norris-La Guardia Act, if it is guaranteed to him under the Landrum-Griffine Act, if the Senate acted in 1957 to give him that right, and if the Committee on Commerce acted at the last session unanimously to give him that right, why should he not have the right given to him under the Talmadge amendment to the bill?

Mr. LONG of Louisiana. The Senator from Louisiana sees no reason whatever. I cannot conceive of Congress denying a man the right of trial by jury which has been so fundamental all through our history.

Mr. HILL. Earlier in his remarks, the Senator referred to Blackstone. Is it not true that Mr. Blackstone made the following statement about a trial by jury:

> The trial by jury ever has been, and I think ever will be, looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases.
>
> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Mr. LONG of Louisiana. The Senator is correct. I appreciate the contribution of the Senator.

Mr. HILL. Could there be a stronger statement by this man, who has been recognized down through the years as a great student of Anglo-Saxon law, Anglo-Saxon procedures, and of what we know as Anglo-Saxon liberty, freedom, and justice?

Mr. LONG of Louisiana. The Senator is entirely correct in his statement about Blackstone. He succinctly points out how important the jury trial is to all American people.

Mr. HILL. Lord Camden, one of the great English jurists, stated:

> Trial by jury is the foundation of the British Constitution; take that away and the whole fabric will soon molder into dust.

If that be true as to the British Constitution, would not exactly the same situation apply as to our Constitution?

Mr. LONG of Louisiana. The Senator is correct. It is just as fundamental to the American process as to the British process. As the Senator so well knows, the fight for the right of a freeman to be tried before a jury has been one of the classic struggles all through English history, just as it has been in the United States.

Mr. HILL. The Senator speaks of the battle for the freeman. I invite the attention of the Senator to the declaration of Winston Churchill, to my mind the foremost man of all the world today, who, writing in his book, "English Speaking Peoples," declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

There is a freeman. Shall he be free, or shall he be a bondsman? If he is to be free, he must have and enjoy the right of a trial by jury.

Mr. LONG of Louisiana. Mr. President, I thank the Senator. I thoroughly agree with him.

Such an attitude would result in my being laughed right out of the Senate; it would win for me nothing but scorn and ridicule. And yet, this is exactly the standard and the logic by which proponents of this bill have succeeded in denying it hearings in committee.

Proponents in both Houses have seemed determined to make this measure as outstanding in point of bad procedure as it is revolutionary in content. They seek to remake the face and backbone of the American free enterprise system and to dilute our rights of privacy and property, but call it an "unconscionable" delay when 34 of us propose to study the matter here on the floor before taking this giant step into a new sociogovernmental order.

It will be a totally new system that we are giving ourselves. We should make no shallow-minded mistake about that. I trust that proponents do not have the misimpression that their denying jury trials under this bill will constitute the full extent to which this particular invasion of fundamental freedoms will be carried. They should realize, if they are itellectually honest about it, that they are setting a precedent for more similar things to come. They should realize that, on this subject of the right to trial by jury, we now stand at a crossroads. We cannot go in two directions at once, so the path we choose now will determine our course for the future. We must either choose a future of trial by jury or we must embark upon a system of government by injunction. The choice is a plain one and the probable consequences should not be clouded in legislative gobbledygook. This will only confuse the issue. The American people should be told the facts of the matter and should be warned of the consequences this bill may bring them. Then, if this is what the people want—what they really want—the proponents should have their way. But, as long as I and my colleagues remain convinced that the public does not yet understand what this bill is all about, we intend to see to it that proponents do not have their way. Furthermore, let me make it clear that our efforts will not stop with the final passage or the final defeat of this bill. It is our feeling that the American public has a continuing and a constant need for protection from proposals such as the ones found in H.R. 7152. If they are made law, we shall continue to wage war on them; we shall continue in our efforts to expose them; we shall do all in our power to undo those who persist in efforts such as this to bring havoc to our basic American freedoms of privacy, property and free enterprise. The inclusion in this bill of so un-American a provision as the jury trial compromise will make it all the easier to round up support against this bill and against those who seek to use it as a blackjack over the heads of our people. Our citizenry has not yet awakened for the full import of this bill, but one day a majority of our people will become educated to the truth of this matter.

Fortunately for proponents, the public is still in the dark on many of these issues. But, eventually, they will prove themselves to be worthy of their democratic traditions by educating themselves to the booby traps and pitfalls which are hidden in these 56 pages. When that day comes, woe be to those who have allowed themselves to be stampeded blindly into supporting this bill lock, stock, and barrel.

Under these circumstances it is to the advantage of the proponents to keep the public in the dark as to the fine points of this bill. The press plays a helping hand in this regard by telling mostly one side of the story and by printing very little of the substantive arguments made by the bill's opponents. It goes without saying that this effort to suppress the truth about these proposals is closely linked to the recent efforts to find a means of railroading this bill through the Senate. Each is calculated to get the bill through before the public has an opportunity to voice its disapproval.

Frankly, Mr. President, on first impulse it was a bit of a mystery to this Senator as to exactly why there was such a rush to get this proposed legislation through the Senate. Why this hectic scuffling to get the bill quickly past the Senate even at the expense of committee hearings?

The simple answer is that any uncompromising proponent of this bill must get it through the Senate before he is forced to face the fact that the majority of his constituents are opposed to it—or would be if they knew what was in the proposed legislation. Until recently, proponents were very comfortable in their support for this sort of legislation; but the past few weeks have seen a decided trend against this particular proposal, and now many Senators are somewhat less comfortable than they were previously in their role as proponents of H.R. 7152. They would like to see the bill disposed of before the trend among their own constituents makes it evident that they are supporting a thoroughly unpopular cause. Like many of their counterparts in the House, they want to get this unpleasant job over with and to forget about the whole affair. But when we take time to realize the importance and the far-reaching consequences of this proposed legislation, it is very evident that they will not be able to forget about this affair for many, many years to come, for if there are mistakes and inadequacies and shortcomings in the bill, it will be the proponents who will least be allowed to forget about them. The blame will be on their backs and rightly so.

Indeed, Mr. President, it is very evident that people all over the country are waking to the realization that this public accommodations section could be used to put any legitimate operator of any legitimate business at the mercy of any small group who might seek to destroy his business by driving away his regularly established customers, and his regularly established clientele which he may have built up over a long number of years, simply because a group of demonstrators might desire to put this man out of business. Then when they had succeeded in their intention and their purpose of driving away his regular customers, they would desert him. His business would be destroyed, it would be gone, and he might never be able to rebuild it in the manner in which he had operated it for the convenience of the public which he had previously served. This is only one of the five titles in which the defendant could not even rely on trial by jury to protect his basic rights.

Besides this, the provision on fair employment practices will, in this Senator's opinion, go a long way toward destroying our system of free enterprise in America. The average businessman has a hard enough time trying to build up goodwill and making a living for himself and his employees and pay his taxes without additional Government interference. We might as well have socialism in this country, if we pass a bill which permits any government, whether Federal, State, or local, the power to go into a man's business and tell him whom he can employ, whom he can fire, whom he can promote and then sends him to jail for a month without benefit of trial by jury.

I am sure that, if this proposed legislation becomes law with these many obnoxious sections in it, many businesses will be forced to close because of it. The administrative and courtroom tyranny will be too much to bear.

Still, this is not the most tragic part of it; the greater wrong is that, in the process, the whole pattern of American rights and freedoms, both substantive and procedural, will be permanently damaged. Senators should realize that they are treading on very dangerous ground when they talk about a public accommodations section of a civil rights bill which would give to the Federal Government—with its strong arm and its might and power to enforce the provision without even resorting to trial by jury—the power to step into a man's business when, under no stretch of the imagination, that business could be considered to be directly engaged in interstate commerce.

Yet, under the broad, ambiguous wording of this bill, virtually every business will be considered within the scope of title II. If it is not there now, the courts will waste little time in putting it there. The Supreme Court Justices will classify virtually all businesses as being covered by the bill because, like so many of the proponents of this bill, they are interested in legislating social equality to this land. But I repeat, Mr. President, no new Federal law can legislate social, intellectual, or cultural equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places—can find a satisfactory answer.

Two titles of this proposed legislation, H.R. 7152, Title II: Injunctive Relief Against Discrimination in Places of Public Accommodations, and Title VII: Equal Employment Opportunities, concern me greatly, because in them I find discrimination against the private property rights of all people, including colored as well as white. In combination with the jury trial provisions to which they will be subject, these provisions will bring tyranny to the American public.

We must clearly understand that there can be no real distinction between property rights, procedural rights, and human rights. There are no rights but human rights, and what are spoken of as property rights are only the human rights of individuals to property and to privacy on that property. Certainly the Bill of Rights of the U.S. Constitution recognizes no distinction between property rights and other human rights. The ban against unreasonable searches and seizures, for example, covers persons, houses, papers, and effects without differentiation.

The Founding Fathers realized what some present-day politicians seem to have forgotten: A man without property rights—without the right to the product of his labor and without the procedural rights by which to protect himself—is not a free man. Unless people can feel secure in their abilities to own fully the fruits of their labor and to protect themselves from tyranny, there is little incentive to save to expand the fund of capital—the tools and equipment for production and for better living. So let us not confuse constitutional rights with the creation of special privileges of various sorts, at the expense of our substantive rights of privacy and property, and at the expense of our procedural rights to trial by jury.

I would like to briefly discuss the so-called human rights that are represented as superior to property rights. By these, I mean the right to a job, the right to a standard of living, the right to be served by a certain person in a certain place, the right to deprive a fellow citizen of his constitutional right to trial by jury in criminal prosecutions.

Those who wrote our Constitution would have been astonished to hear these things spoken of as constitutional rights. They are not immunities from governmental compulsion; on the contrary, they are demands for new forms of governmental compulsion. They are not claims to the product of one's own labor; they are, in some, if not in most cases, claims to the product of other people's labor. They are claims which challenge both the substantive and the procedural rights of all citizens.

As I have counseled in previous speeches before this great body, we need to be very mindful of some basic and fundamental definitions if in the end we are to work justice for all the American people. We must realize that there is a basic and everlasting difference between publicly owned and operated facilities and the Government's duty thereunder, and privately owned and operated facilities. The mere fact that the latter have been called "public accommodations" in no way makes them public facilities. Instead, they remain private in nature and should always be treated as such by our laws. To define such property as "public" in its basic aspects is tantamount to erasing forever the definition of "private property" itself.

There is also, in this Senator's opinion and in the opinion of most Americans, a very fundamental difference between rights and conveniences. The fact that the proposals before us attempt to equate the two does not change the fact that rights and conveniences are not and should not be even remotely equal in their treatment under the law—especially when the granting of such a convenience results in damage or destruction of someone else's rights.

Certainly, I could list at great length the constitutional rights which belong to the people of this country. There is the right to trial by jury. There is the right to freedom of speech. There is the right against improper search and seizure. There is a right to due process of law. And so on and so forth. These things, Mr. President, are not mere conveniences; they belong to a select classification known as constitutional rights.

But the privilege of stopping at a certain hotel or theater or restaurant, even though understandably important to people, is quite another thing. The guest has no direct interest in these privately owned facilities. While the Government has the unquestioned authority and duty to enforce the protection of constitutional rights, the Government has no duty with respect to such properties, other than to protect the owner's exclusive title. In this area, every so-called right conferred upon so-called minority groups is by the same token a deprivation of the ancient rights of others.

The practical question we face in connection with the amendment is whether one man's desire for a speedy decision of the issue should be allowed to deny his legal adversary the fundamental right to trial by jury in criminal prosecutions.

Proponents suggest that the element of expediency weighs very heavily in the balance of justice. They suggest, therefore, that the constitutional terminology which says that "all criminal prosecutions shall be tried by jury" be read very narrowly. They suggest that we interpret criminal contempt proceedings as being outside the meaning of criminal prosecutions. In that case, a defendant up for criminal contempt would not be due a jury trial, for his case would not involve a criminal prosecution.

Of course, if the American public understood what this line of reasoning could lead us to, they would rise up in great numbers to protest this sort of hoax. They would rise up against those who seek to pervert the terms of our Constitution by extreme interpretations. This reaction would come not only among the people of the Southern States but among all peoples from all sections of this country.

Certainly, my people feel very strongly that these proposals which seek to abridge their rights to trial by jury were not born from the pages of the Constitution. They object violently to this imposition on their freedoms.

Mr. President, as an indication of what the people of my State think about the manner in which their constitutional right to trial by jury is being trampled on, I should like to quote briefly from two excellent editorials from two of our leading newspapers, the New Orleans Times Picayune and the Shreveport Times.

The editorial from the Times-Picayune reads as follows:

Jury Trial in Rights Cases

As floor manager for the civil rights bill, Senator Hubert Humphrey says he is willing to go part way with southern demands for jury trials in criminal contempt proceedings. He would extend the jury trial right to all sections of the bill authorizing injunctions to prevent discrimination.

The wrong with the Humphrey concession is that it does not go far enough. Right to jury trial in criminal prosecutions is guaranteed, and double guaranteed, in clear language by the Constitution. It is less a civil rights bill matter than a basic legal safeguard in our system of justice for all individuals. Senator Humphrey would do better if he were to go all the way by advocating the Talmadge amendment which asserts the jury trial right generally rather than to try to shape that right to suit the political needs of the hour.

Contempt in the presence of a judge is excluded from the jury trial proviso in the Talmadge bill. Obviously a court cannot comply with another provision of the Constitution requiring a fair trial if it cannot compel order and respect by instantly available means. Moreover, summary action in such cases may not precisely fit the "criminal prosecution" the Constitution makers described provided heavy penalties are not involved.

The right to jury trial for those accused in criminal proceedings is stated not once but twice without qualification or equivocation in the Constitution. Article III says "The trial of all crimes except in case of impeachment shall be by jury." In the Bill of Rights, article VI says: "In all criminal prosecutions, the accused shall enjoy the right of speedy and public trial by an impartial jury."

The U.S. Supreme Court ruled 2 weeks ago in a 5-to-4 decision that former Gov. Ross Barnett and Gov. Paul B. Johnson, Jr., of Mississippi were not entitled as a matter of right to a jury trial on the criminal contempt charges growing out of the Meredith case. That was a close decision in which the majority supported its findings by citing a group of other decisions, involving mostly minor or petty cases.

In dissenting with three other members of the Court from the majority, Justice Black averred it was time "to wipe out root and branch the judge-invented, judge-maintained notion that judges can try criminal contempt cases without a jury." While the majority said that "no jury" contempt trials were allowable, it evidently doubted that a majority of the whole Court would agree that heavy penalties after convictions were legal. For it attached a footnote (as if advising the lower courts), saying that "some members of the Court" thought that penalties in judge-tried contempt cases are constitutionally limited to what could be imposed for petty offenses.

Of course, the courts cannot be clogged with jury trials for truly petty cases even when these cases are labeled "criminal." But clearly a contempt case is not "petty" if conviction calls for a substantial jail sentence or a large fine.

American justice contemplates that a person charged with a criminal act of a serious nature shall be judged as to his innocence or guilt by a jury of citizens in the community where the offense was supposedly committed. That right should not be compromised either in the name of more efficient procedures or by a contention that the U.S. Government has any superior right as prosecutor. It seems to us that Mr. Humphrey or any other Senator should be glad to defend with clear statutory language an individual right as clearly stated as this is in the Constitution.

Mr. President, the Shreveport Times article is similarly well worth the Senate's attention:

Mocking the Constitution

The jury trial for contempt amendment to the so-called civil rights bill as offered by GOP Senate Leader Dirksen, of Illinois, with the Johnson administration seemingly ready to accept it—is merely mockery of the Federal Constitution.

As Senator Russell Long, of Louisiana, says, it opens the door to "Government by arbitrary [court] powers of injunction."

And, as Senator Richard Russell, of Georgia, says, "This amendment puts a price tag on constitutionalism," by providing for jury trial where a judge imposes contempt penalties of more than $300 and more than 30 days in jail, but bars a jury trial if the judge issues what might be called a cutrate sentence of less than $300 and less than 30 days.

In other words, the Dirksen amendment would mean that judges could convict by the thousands or tens of thousands in so-called civil rights contempt cases at the rate of a $300 fine and 30 days in jail per case without permitting the accused the right of jury trial provided in the Federal Constitution.

The Supreme Court already has ruled against jury trial in one particular contempt case—that of Gov. Ross Barnett, of Mississippi. The ruling was a 5-to-4 decision and the outstanding opponent to it was that outstanding liberal, Justice Hugo Black, who said: "It is high time, in my judgment, to wipe out—root and branch—the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury. It will be a fine day for the constitutional liberty of individuals in this country if that at last is done."

As the bill stands now before the Senate, no form of jury trial is provided for the accused in any case. The southern bloc has presented an amendment whereby a jury trial would be compulsory, if the defendant called for it, in all cases covered by the bill; another version of this is for jury trials except in the case of contempt actually committed in the presence of the Federal court, meaning in the courtroom itself.

The Dirksen amendment is aimed at a jury trial compromise which the Johnson administration would accept and which presumably would overcome opposition of a number of nonsouthern Senators to the bill in its present form.

The insistence on jury trial in some form comes from both North and South in the Senate, but the northern objectors seem willing to accept the Dirksen compromise even though it literally does, as Senator RUSSELL said: "place a price tag on constitutionalism" and, as Senator LONG stated, directly contradicts both article III and the sixth amendment of the Constitution. As to the price-tag angle, Senator LONG put it this way:

"This [the Dirksen amendment for jury trials where the sentence is not more than 30 days and $300] is like saying that a man accused of robbery is allowed a jury trial only if he is alleged to have stolen more than $300 [proponents of the measure] would like to embark on a scheme of government by injunction which literally millions of people [without recourse to jury trials] could be coerced and harassed by threat of $300 fines and 30-day prison terms.

"In many contempt proceedings the judge is compelled to enact the varied and conflicting roles of lawmaker, injured party, prosecutor, judge, and jury.

"No defendant should be subjected to such circumstances; and no judge should be compelled to act under such circumstances, especially in suits which have been gerrymandered into his court by an Attorney General who wants and needs a friendly verdict."

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I am glad to yield to the Senator from Alabama.

Mr. HILL. With reference to these two articles and the right to a trial by jury in criminal contempt cases, does not the Senator agree with Ronald L. Goldfarb of the Department of Justice who, in his book entitled "The Contempt Power," published by Columbia University Press, makes this statement:

It could well be suggested that most peculiarly, in contempt cases the jury has a valuable role. First, it brings the public's attention and interest to a dispute which is usually an official, governmental one. Public enlightenment, even if only through jury representation, has been characterized as an "indispensable element in the popular vindication of the criminal law." This participation hopefully encourages popular understanding and acceptance of the administration of justice. Second, the jury may serve as an insulation between the alleged offender and the offended party, who is sometimes the judge and sentencer.

This conservative deliberation in an otherwise unlimited, uncontrolled situation allows the jury to function as a wall against possible abuses by governmental powerholders upon individuals. The general public may look with skepticism upon a judicial process which allows one man to be judge, prosecutor, victim, and jury, but as Justice Black aptly pointed out there is inclined to be less false martyrdom where a jury convicts.

Does not the Senator from Louisiana agree with that statement?

Mr. LONG of Louisiana. I certainly agree with that statement. It is apt and succinct and highlights the problem. I thank the Senator for his contribution.

An even more complete and more hard-hitting commentary on the subject appeared in the pages of the one local paper which is speaking up for our continued rights to jury trial. I speak, of course, of the Washington Star. In its issue of May 4 was an article by Mr. David Lawrence which merits study by my colleagues. It begins by asking the question:

What's the jury trial amendment to the civil rights bill all about? On its face it seems to be a question of whether a person who could be put in jail on a charge of contempt of court should have the right to trial by jury. Would a person prefer to have judgment passed on him by a jury of 12 citizens or by just one individual—a judge?

This is not an easy question to answer. For sometimes a jury is not able to understand the fine points of the law and may make a mistake, whereas a judge who is familiar with all the intricacies of the statutes presumably would do a better job—though often some judges seem to be politically minded.

Basically, the whole controversy arises now in connection with civil rights because of a fear that juries in the South may not administer justice as it should be. But the legislation pending in the Senate is designed to cover citizens in all parts of the country and to secure justice for everybody—not just people in one section.

What constitutes "contempt"? It involves disobedience of an order issued by a court or misbehavior inside a courtroom. There seems to be universal acceptance of the idea that any disorder inside a courtroom should be punished by the judge without any jury trial. There is a distinct difference of opinion, however, as to what should be done with respect to disobedience of a court order outside the courtroom.

The issue, as it is being debated in Congress, is a very serious one. It is something that ought to be given many months of deliberation. It strikes at the root of the American system of justice. The Constitution says plainly in three separate provisions:

1. The trial of all crimes, except in cases of impeachement, shall be by jury.

2. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

3. In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

But the courts arbitrarily have tried to define a "crime" in different ways. As recently as last month, in the proceedings for criminal contempt against Gov. Ross Barnett of Mississippi, the Supreme Court by a 5 to 4 vote, decided against the request for a jury trial. Chief Justice Warren and Justices Black, Goldberg, and Douglas dissented. In his opinion, Justice Black wrote:

"I think that this doctrine that a judge has inherent power to make himself prosecutor, judge and jury seriously encroaches upon the constitutional right to trial by jury and should be repudiated."

But, in spite of these views expressed by the "liberal" justices, most of the "liberals" in the Senate will vote instead to repudiate the words of the Constitution.

There is a popular impression that jail sentences are imposed only in the case of "criminal contempt," but actually an individual may go to jail in a "civil contempt" case as well.

Criminal contempt usually results in punishment of the defendant by a fine or imprisonment, in a definite amount and for a definite time. Under the "civil rights" bill passed by the House, the judge would be able to try a criminal contempt case without a jury and impose sentence in certain instances where the fine was to be $300 or less or where the imprisonment is 45 days or less.

But an individual also can be jailed in a civil contempt case. Whether a person is in jail for civil contempt or for criminal contempt, it is just as much a punishment or disgrace. One prominent lawyer wrote to this correspondent the other day:

"It will make little difference to the defendant whether he is in jail on a charge of civil or criminal contempt as long as he is, in fact, in jail. The court can simply leave him there until he complies with its order. Or it can levy a conditional fine which he will have to pay if he does not comply and still be in contempt. Or it can fine him so much a day until he does comply. Or it can do all of these things. These are examples of civil contempt cases where a jury is not available.

"Decisions of American courts make it clear that there is no right to trial by jury in civil contempts. That will continue to be the law until some statute changes it.

"The jury trial amendment, whatever its form may take, is an illusion as long as it is confined to criminal contempt. If the proponents of the bill want to make a concession, the amendment must include both civil and criminal contempt. This, of course, should not include contempts committed in the immediate presence of the court."

So it is evident that neither side is all wrong or all right on this issue and that serious consideration should be given to the whole matter because it involves a precedent of far-reaching importance. It is just one of a number of civil rights measures being rushed through Congress because of political pressures and intimidation by threats of violence or street demonstrations. This is not the proper way to enact legislation dealing with fundamental principles of justice.

Mr. President, let me repeat my assertion that what we have been offered by the leadership is not a compromise in any real sense of the word. What we have instead is a situation in which the South—the whipping boy for this outrageous bill—has been handcuffed to a tree with its back stripped bare in preparation for a good lashing and a good beating. Proponents approach with the bullwhip and generously offer a compromise; they say, "Well, now, Mr. Whipping Boy, if you agree not to yell too loudly for your fundamental constitutional rights and for your freedom from tyranny, we'll graciously reduce the number of lashes we give you from 45 to only 30. It irks us to give away this much of our authority over you; but we are afraid that, if we allow you to yell too long or too loud, you may stir up the interest and the sympathy of the people in the North. You may get them to take too close a look at what is being done to their fundamental freedoms under this bill."

The question I ask is what justification do proponents have under the

Constitution of the United States to give us and our fundamental rights this sort of beating. This is no compromise, Mr. President; it is little more than a hoax on the American public, an attempt to give the people of this Nation a false impression that it is the opponents rather than the proponents who are uncompromising in their attitude. Actually it is the proponents who refuse to make a reasonable compromise.

Let me say that, on the question of compromise in the matter of trial by jury, there is only one sane way to act. We must look to what the Constitution says concerning trials by jury. If we fail to do this, we are not compromising the bill but the Constitution instead. This is the one thing which this Nation cannot afford, yet this is precisely what the jury trial provisions in this bill propose to do.

It is at times like this that we should remind ourselves that the most important event in the history of this Nation—and the most fundamental hope for the future of this Nation—was the adoption of our Constitution over 175 years ago.

For it was that Constitution which established the form of government under which we, as a people, have been able to achieve liberty, justice, and progress.

To form a more perfect union, to establish justice, to insure domestic tranquillity, to provide for the common defense, to promote the general welfare and to insure the blessings of liberty to ourselves and our posterity—these were the high aspirations of men who authored the document. They knew enough of human history to fear the mob as well as the king.

They were wise enough to know that no man or set of men could safely be trusted with excessive power. They set out to establish a new system of government under which all men would rule, yet all would obey.

The result of their endeavors—the Constitution—was the greatest compact for freedom known to history. It guaranteed against tyranny by dividing and limiting the powers of government, establishing a representative republic, and by concentrating on the dignity and freedom of the individual rather than the collective needs of society.

Adoption of the Constitution and establishment of the form of government it prescribed were a turning point in recorded history. For the first time, all of the tremendous resources and energies of individual mankind were released, sparking a worldwide revolt against the medieval concept of collectivist economies and feudal subjugation of the individual.

Those who today cry out that, in the name of "progress," the Constitution must be amended or discarded, ignore the fact that the very progress with which they identify themselves would not have been possible without the Constitution. They fail to understand that the Constitution, more than anything else, has been responsible for the tremendous progress to which they claim we must now adjust.

It is wise to remind that our constitutional system which many believe to be outmoded is actually the most modern and progressive form of government ever devised.

Most of the up-to-date remedies proposed as substitutes for that system are, in reality, the same old doctrines which were in force for centuries before the Constitution lit the spark of liberty and progress.

But the greatest threat to our constitutional system comes not from those who attack it directly, but from those who are changing this system little by little and from those of us who fail to speak out against this gradual erosion.

Daniel Webster warned:

> If the Constitution be picked away by piecemeal, it is gone, and gone as effectually as if some military despot had grasped it at once, trampled it beneath his feet and scattered its loose leaves in the wild winds.

Proponents claim that this is a moderate bill, but I suspect that the only logic behind this claim is that the bill establish a system of executive and judicial tyranny in this country "moderately fast."

We all know very well how the forced integration bills treat property rights, and there is nothing moderate or halfhearted about its language on that part. It maps out very clearly indeed the plans to scuttle much of the institution known as private property, and no amount of camouflaging or beating around the bush will change that shocking fact a bit. The more the distinguished Members of the Senate consider this claim, the more they will recognize the truth in it, and the less enthusiasm they will feel for having these bills enacted. As I have said before, I think that many of the cosponsors of these radical proposals would like to withdraw their names from the list of cosponsors, if only they could backtrack to the day on which they loaned their support to the proposals and have the opportunity of making a more educated, more well-considered evaluation of the matter than they were capable of in the heat of the passions that we experienced in early summer.

Many Senators have only recently become aware of the fact that the great majority of the American people are reacting adversely to the prospect of both the practical and the constitutional aspects of forced integration. They are reacting adversely to the dilution of their and their neighbors' property rights, and to the prospect that their right to trial by jury is being squandered away.

After so much emphasis by me and by many other opponents of these bills on the subject of property rights, it might be good to take a brief look into another area, which has not gotten its proper share of attention.

As my distinguished friend, the Senator from Alabama [Mr. HILL] commented so accurately in the 1957 debates on this topic:

> We are fortunate indeed that those who adopted the Constitution and the Bill of Rights embodied in those precious documents their determination to protect trial by jury. They were doubtless aware that memories fade and they sought to avert the necessity of having to fight again and again the same old hard-won battles for individual freedom. And after having heard some of the debate by advocates of the denial of trial by jury, I am constrained to observe how singularly accurate was the awareness on the part of the Founding Fathers that memories do indeed fade. For despite their efforts to secure forever such cherished liberties as the right to trial by jury, here in the Senate in recent days we have found ourselves once again fighting the battle for individual freedom. We have had to fight that battle against those who would seem to regard trial by jury as a thing of another day, another year, another age; as a ragged old relic of bygone years that perhaps has served its purpose well but has no place in the fast-moving, dynamic America.
>
> They are willing, perhaps, to shed a tear at its passing in loving memory of its former greatness in protecting against tyranny. But they could not let affection for tried and true institutions quell the tempest generated by powerful pressures or miguided zeal. Thus they are willing to say to the constitutionally ordained institution of trial by jury: "Up to a point you did your job well, and we are grateful. * * * But when you do not serve our purposes you must get thee off to other realms where people still cherish this ancient bastion of human liberty, and so we bid you a fond farewell."

Mr. President, this is not what the American people want and if I have anything to say about the final outcome of these debates it is certainly not what they will have.

Mr. President, I should like at this point to quote a brief excerpt from the speech of a former Member of this body, a person who at the time he spoke was without question one of the foremost of the Senate's proponents of racial integration but who at the same time spoke out against a bill which would have undermined the right of Americans to a trial by jury. Only after I have read his wise and well-considered comments will I indicate who it was who spoke them.

The Senator began by saying:

> I speak not as a lawyer, but as one interested in seeing to it that there is adequate protection for the voting rights of all citizens. I have followed in detail and with consuming interest the arguments of my colleagues in this body who are trained in the law. Moreover, I have consulted privately with a number of lawyers for whose competence I have the greatest respect, including several who have been notably identified with the fight for the extension of civil liberties. Each of them has given close study to this legislation and pending amendments. All of my studies and inquiries lead me to the conclusion that there is not a serious legal or constitutional problem raised by requiring a jury trial in criminal contempt cases. * * * What we must decide here is whether or not the requirement of a jury trial in criminal contempt cases poses a real obstacle to the guarantee of voting privileges. * * * I do not believe it does.

Mr. President, I should like to point out that one of the men who objected most strongly to the removal of trial by jury in civil rights cases was none other than John F. Kennedy. But now many of his disciples and closest friends seem to feel that legal edict by injunction is wiser than decisionmaking by juries. Once more it seems to me that the old adage that "the end justifies the means" is being brought into play.

This, to me, is a dangerous trend in a democracy and one that the American people will resent to the utmost. To abandon the institution of trial by jury as suggested by this bill would mean that we have entered an era of "government by injunction."

It is something that the labor union successfully fought until they got relief from Congress in the Norris-La Guardia anti-injunction law. But this is a special privilege granted only to individuals involved in labor disputes. Now it is intended to punish without jury trial any citizens who become involved in any way in disputes over "civil rights."

This, of course, would result because the suits in "civil rights" cases would be prosecuted in the name of the "United States," and such a device automatically bars any jury trial.

Mr. President, emotionalism has brought a state of tension that is not going to be cured by any provision of law denying jury trials merely because the institution has been or might be abused.

While contempt committed inside a courtroom has always been punishable by a judge without a jury trial, and attempts to violate directly the terms of an injunction are ordinarily within the power of a judge alone to punish, the real issue is whether the judge's injunctions can be stretched to cover crimes committed outside the courtroom itself that normally are tried by juries.

It is my opinion that it is far better for Congress to err on the side of caution and to continue to repose its faith and trust in the people of this country, rather than to assume that they cannot be trusted in the jury box.

To apply such faith is to follow the path of reason as against emotionalism, for the racial questions we face today are far from settled; and those persons who think that, by the order of any court, the people of the South or of any other section will approve an edict which they honestly believe is not constitutional just do not understand the workings of human nature.

The crusade, for instance, against the 18th amendment on prohibition, and the willful disregard of the provisions of the law by tens of millions of Americans, showed clearly that a reform which is not sold to the people in advance by thorough understanding is not accepted by them simply because it has solemnly been proclaimed as the "law of the land."

It is a condition rather than a theory which confronts the Nation in dealing with the racial question which now has begun to present problems in all parts of the country, and not just in the South. Violence will not solve it, nor will coercion by broad injunctive orders of the courts. An adjusted society has to come voluntarily out of the processes of reason.

But as concerns the matter of trial by jury under the forced integration bill, all semblance of reason seems to have disappeared. Only yesterday I saw Martin Luther King and James Farmer on national television, each saying in effect that there will be a continuance of demonstrations whether or not the bill passes. Immediately on its passage the mob will take to the streets to pressure for the enforcement. The professional integrationists will not be satisfied to leave the matter to the courts. They will continue to take the law into their own hands as long as we sit idly by and allow them to do so. They will continue to terrorize, to harass, to coerce, and to endanger the lives of the great majority of our citizens.

The activities of these people, encouraged as they are by the press and by the proponents of this bill, are plainly un-American. This Nation has never had the tradition of mobocracy. In fact, we have looked down on nations which have allowed themselves to be ruled and coerced by perennial street demonstrations whose demands will not be and cannot be satisfied.

It has become apparent to this Senator that a number of his colleagues are paying undue homage to the philosophy being expounded by the radical leaders of the forced integration movement. Many are doing so for political reasons or in fear of political reprisal from racial pressure groups. For instance, I have a clipping here from the Miami Herald dated Monday, February 17, which is entitled "CORE Aid Warns Senators." It issues a political warning and then goes on to say that, even the passage of the bill will not affect the continuance of demonstrations. I quote:

> WASHINGTON.—A Negro leader said Sunday that direct action may be used against any Senator who fails to try to choke off a southern filibuster against the civil rights bill.
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> "The exact nature of the direct action has not been determined," said James Farmer, national director of the Congress of Racial Equality.
>
> Farmer said he did not expect another mass march on Washington but action could take the form of protest marches in the hometown of any Senator who does not vote for cloture. He also said his group planned to have even more lobbyists on hand for the Senate civil rights debate than it has in the House.
>
> The bill, banning discrimination in voting, employment, education, public accommodations, and use of Federal funds, was approved overwhelmingly by the House last week. The Senate is expected to take it up late this month or early next. A southern filibuster is certain.
>
> Farmer said that passage of a strong civil rights bill would not mean any lessening in Negro demonstrations.
>
> "We will have to be in the streets demanding its enforcement," he said. "Laws do not enforce themselves. We will have to go from restaurant to restaurant in Mississippi and Alabama."
>
> Farmer said President Johnson had not asked the help of his group but as American citizens we have the responsibility to provide help.

What Mr. Farmer is saying is that he intends to take the law into his own hands. This is what he means by "providing help." He and his kind are not willing to let the law prevail and the courts handle the law. Instead they seek to place themselves above the courts and above the law. This is the type of philosophy numerous proponents are embracing.

Of course, Mr. President, there is no secret that there is a great deal of political heat and pressure behind this forced integration bill.

Votes have been promised at election time to those who toe the line on this proposal. But, Mr. President, there are some things which should rank above the giving or receiving of a few votes on election day.

It would be well to remember that the constitutional rights of the very minorities, whose tendency toward mob violence threatens to panic the Congress into taking this unwarranted step toward the destruction of our free-enterprise system, could eventually be circumscribed and undermined by such a law.

All of us who are willing to observe what is going on around us have at least some understanding of the pressures that have been brought to bear force on this unwise action. I know that pledges have been made in high places that this bill will be rammed through this House in much the same form as it came to us from the other House.

The consideration for these promises will of course come in the form of votes. Now, Mr. President, I have many times been a candidate for public office and I can easily sympathize with the anguish in the souls of those who are up for reelection in the near future who think that their success at the polls will depend on how successful they have been in railroading this bill through the Senate.

However, Mr. President, I have good news and good tidings for my colleagues. I take pleasure in offering them comfort and assurance with the assertion that the vast majority of their constituents are waking up to the dangers presented by this bill and will not hold them to their pledge to support this bill lock, stock, and barrel.

These people back home in the constituencies of those Senators who are supporting this bill are saying both to themselves and to their distinguished representatives that we should all slow down a bit and do some second-looking at the provisions that are found in H.R. 7152. They would not favor any action on the part of the Congress which would either directly undermine their freedoms of privacy and property or which would serve as a precedent for any such thing in the future.

Such ill-considered pressure as was brought to bear by many people who acted before they had any real appreciation of the merits and demerits of this particular bill has been disappearing in the last few weeks. Oh, I know, Mr. President, that the more extremist groups are still making as much noise as ever, but I think it is obvious that the great masses of American people are no longer interested in the all-or-nothing procedure by which this bill has been denied hearings and generally railroaded through our legislative halls.

This trend which is taking place in the country today is excellent proof to this Senator that this bill has not been able to stand the light of careful examination. Many of the bill's supporters, while maintaining their interest in reasonable measure to help the Negro improve himself, have become disillusioned with the particular and ruthless manner in which this bill seeks to accomplish those ends. The provisions concerning jury trials demonstrate this as well as any. At this point, I should like to quote a very interesting article telling of such a change of heart by one of the bill's original supporters in the other House. It is not about the average man on the street. It is about a Congressman. But it is not about just any Congressman. It is about a Member of the House Committee on the Judiciary who was one of the official authors of the civil rights bill but who had the honesty, the fortitude, the intelligence and the patriotism to reverse his stand once he had seen through the facade of the bill and recognized its evils. The editorial reads:

> [From the Jackson (Miss.) Clarion-Ledger]
>
> ### Author Admits Civil Rights Bill Vicious
>
> (By T. M. Hederman, Jr.)
>
> Although the House of Representatives overwhelmingly passed the administration's tough "civil rights" bill, it is probable that not 1 man in 100 really understands its meaning. Northern editors have not explained this legislation to their readers, nor "liberal" Congressmen to their constituents, so how can the editors and Congressmen explain it when not all understand it themselves?
>
> This pertinent question is raised by the Montgomery (Ala.) Advertiser in commenting on the belated admission by Congressman Frank Chelf, a Kentucky "liberal" Democrat. His is an almost unbelievable story, which we quote herewith:
>
> As a member of the House Judiciary Committee, Representative Chelf is officially one of the authors of the civil rights bill. He signed the committee report recommending that it be passed.
>
> But last week Chelf uttered these astonishing words: "I'm against everything in this bill in its present form. It's an awful bill. I hadn't realized how bad it is."
>
> Representative Chelf hadn't even read the bill when he signed it. He said he did it as a favor to the late President Kennedy. The bill is loaded with fangs but Chelf, a senior member of the committee, signed up in ignorance—as a favor.
>
> Chelf was man enough to admit his error. He told the House about the good relations between white and colored people in his hometown and contrasted that with civil rights leaders who "have either forgotten or unfortunately have never been told that persons of good breeding, first, never seek invitations and, second, they do not go where they are not invited and, third, do not remain where they are not wanted."
>
> Of the far-reaching bill he signed, Representative Chelf said: "It will, in my opinion, extend Federal domination over business, industry, and over individual citizens in a manner never before attempted since the Constitution of the United States was adopted.
>
> "It will destroy the constitutional checks and balances between Washington and the States."
>
> Since the apologetic Kentucky "liberal" was admittedly in the dark, it seems proper to ask how many other Congressmen shouted "Yes," to passage of the bill without any real knowledge of its pitfalls and injustices.
>
> The U.S. Senate, which has often proved more responsible and intelligent than the House majority in major issues, faces an opportunity for great public service by watering down this infamous legislation or, better still, by killing its patently unconstitutional and un-American provisions.
>
> Hitler, Stalin, or Khrushchev were never holders of more naked power than would be given the Federal Government if the legislation now pending in the Senate is allowed to become law.

This article refers to Congressman Frank Chelf, of Kentucky who signed the House committee's majority report recommending passage of the bill. But he has since said, after having had time to study the bill in detail:

> I am against everything in this bill in its present form. It is an awful bill. I hadn't realized how bad it is.

He said further:

> It will, in my opinion, extend Federal domination over business, industry, and individual citizens in a manner never before attempted since the Constitution of the United States was adopted. It will destroy the constitutional checks and balances between Washington and the States.

In this Senator's estimation, this is the mood literally of tens of millions of people in this country today. Mr. President, anyone who has studied this bill in detail and who has attempted to understand and to evaluate its farflung ramifications and overtones is likely to react just as Congressman Chelf did. He is likely either to change his position completely on the bill or at least to change the tone of his feelings on the matter. In other words, he will want to see the bill either defeated or substantially amended.

Or, if this appears more than the average proponent could risk under the political circumstances, at least he might speak out against some of the extremism which has been taking over the integrationist movement. One of our colleagues who was and who still is a stanch proponent of this bill has had the courage to speak out in criticism of racial extremists. I should like to applaud his courageous action by reading for the Record a brief editorial from the Washington Star of April 15 concerning his remarks on racial violence. It is entitled "Blunt Warning" and reads as follows:

> Senator Lausche, Democrat, of Ohio, is not a racist by any stretch of anyone's imagination. On the contrary, he supports the efforts by Negroes to achieve their rights "within the law." But he is a plain-spoken man, and his comments on the recent "demonstrations" in Cleveland should be heeded.
>
> Before coming to the Senate, Mr. Lausche had been mayor of Cleveland and Governor of his State. He knows Ohio and its people. Thus, there is reason to believe him when he says that "foreign elements" having no roots in the city have been at work in Cleveland, inciting trouble for the sake of trouble. In his recent remarks in the Senate, however, he was not addressing himself to these people. That would be futile. Instead, he was warning of the grave consequences which will result from following this kind of leadership. He put it in these words:
>
> "The achievement of civil rights must come within the processes of law and not by trespass, riot, and flagrant defiance of the rights of others.
>
> "Candidly, I state that the cause of the Negroes in Cleveland and in the Nation has been markedly harmed by the recently practiced violence and threats of violence.
>
> "The organization of rifle clubs throughout the country and in Cleveland, with the avowed purpose of using the rifles and the trained riflemen to settle racial differences, is shockingly and indefensibly wrong. In fact, it is criminal in spirit and purpose. For the good of all the people of our democracy, those of us who occupy public office should and must be firm in the performance of our obligations that there shall be no surrender of government to trespassers, rioters, and insurrectionists."
>
> Perhaps some civil rights leaders will scoff at this. But they must be blind indeed if they do not see that Senator Lausche's remarks are merely an echo of a rising tide of resentment in this country against the extremists and their tactics. Furthermore, it is inevitable that this resentment, given time, will gravely damage the cause of civil rights. Those who are responsible for the abuses must know it.

Obviously, the Senator from Ohio [Mr. Lausche] sees grave dangers in the sort of militancy and mob tactics that have built up behind this bill and is courageous enough and intellectually honest enough to speak his mind on the matter. I am sure that the Senator from Ohio realizes that the actions of the extremists do not represent the will or the mood of the vast majority of American Negroes, who are good and patient people. But, while the extremists are allowed to "rule the roost," the average Negro will never be heard. He will be called an "Uncle Tom" and a traitor to his people, when actually it is the militant professional integrationist who is the traitor to the Negro race. He is the one who is stirring up the sort of resentment, hard feeling and distrust which can do nothing but bring great harm to the American Negro.

At present the nationwide ferment that threatens the safety of our country is left too largely in the hands of a few rival national Negro organizations which are trying to outdo each other's demands, with the result that moderate Negroes are crushed underfoot and whites are developing attitudes of hardness and resentment that could make things worse for the Negro than they have been in the past 20 years.

Such vague and impossible demands as Martin Luther King's "all, here and now" are bound to nothing but disillusion and violence.

Yet these radicals and extremists are prepared to go on with their violence because they feel that in no other way can they obtain their special privileges and their forced integration.

Frank van der Linden put his finger on the vital point when he reported in July of last year that:

> Five of the Nation's top Negro leaders in the civil rights movement agree on one thing: The American public would vote down their cause by a 2 to 1 margin if a general referendum were held today.
>
> "I would not be prepared at the moment to put our cause to a general referendum in this country," said James Farmer, head of the Congress of Racial Equality (CORE) in a special telecast for 72 educational TV stations. "I don't think we'd win it," he added.
>
> Dr. Kenneth Clark, psychology professor at City College of New York and moderator of the program, went a step further, saying "I think I could almost predict what the figure would be: 2 to 1 against you." That brought quick assent from Farmer.
>
> The hour-long telecast also brought the admission from the Negro leaders that they will not be satisfied with equal rights, but instead want special privileges. Also on the program were Roy Wilkins, executive secretary of the NAACP, Whitney Young, executive director of the National Urban League, the Reverend Martin Luther King, of the Southern Christian Leadership Conference, and James Forman, of the Student Nonviolent Coordinating Committee.

> Young admitted he is pushing for "indemnification, reparation" in the civil rights field.
>
> Young added that the Negro must "call not just for equal schools, but better schools and better teachers, and provisions for housing, and conscious recruiting at the level of employment. This has to be done in order to get rid of what I see too much of, and that is the feeling of despair and hopelessness."

Typical of the comments on this approach by Mr. Young, even by many pro-Negro, integrationist newspapers, was the following reaction:

> Disguised in a new costume, the old enemy racial discrimination is suddenly being clasped to the bosoms of people who have devoted their careers to fighting it. The spectacle is deeply distressing, and suggests a philosophic carelessness of the most dangerous sort.
>
> The respected and experienced executive director of the National Urban League, Whitney M. Young, Jr., declared last weekend that, in compensation for a century of deprivation, the Nation now owes Negroes "better schools, better teachers, better social workers." Better than whose? Better, Mr. Young replied, than the suburbs. If Mr. Young had said that the education of slum children, regardless of color, is more expensive and more difficult than the education of children, regardless of color, in middle-class suburbs, then he would have been quite correct. But that was not what he said. He has entangled himself in the same net already occupied by the people who argue, equally indefensibly, that white children deserve better schools. As we understand it, until this point the Urban League was attempting to abolish invidious racial discrimination in the quality of education. That position alone represents sound public policy.
>
> Another variation on the same treacherous idea has been proposed by a group of Washington teachers in the deliberate reassignment of white children to schools that residential patterns have made almost wholly Negro. Aside from the manifest practical objections, the recommendation violates the principle that racial considerations remain irrelevant to classroom assignments. Still another viariation is the racial employment quota, the goal of some of the current demonstrations in New York City. The demonstrators apparently have not realized that the quota advancing Negroes today may impede them tomorrow.
>
> Each of these examples is repugnant because each insists upon classifying people first of all by race, and implies that color alone means more than education, wealth, wit, or skill. Throughout our history, that pernicious doctrine has corrupted every good intention that it has touched.

So, Mr. President, I think it should be obvious that we are not dealing with the average Negro citizen who wants only to gain his place in society through honest effort and through an attitude of cooperation with his white neighbor. We are dealing instead with Negro leaders who have no real respect for the law, for our system of law enforcement, or for our American institutions of privacy, property, and free enterprise.

PRESIDENT JOHNSON'S REMARKS TO AMBASSADORS OF THE ALLIANCE FOR PROGRESS PARTICIPATING NATIONS

Mr. AIKEN. Mr. President, earlier this evening at a ceremony at the White House, an agreement was signed with 12 Latin American countries looking toward the carrying out of 13 development programs under the Alliance for Progress program.

At this ceremony, President Johnson made a short constructive speech, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE AMBASSADORS OF THE ALLIANCE FOR PROGRESS PARTICIPATING NATIONS, MAY 11, 1964

I have just completed an informal review of Alliance for Progress problems with all the Ambassadors, and the distinguished head of CIAP, Carlo Sanz de Santamaria. This kind of exchange strengthens our common aim and our combined ability to advance the Alliance. I learned much that will be helpful in the days ahead. I look forward to more such meetings.

On November 18, President Kennedy spoke once again to the hemisphere. He quoted Robert Frost, saying "nothing is true except as a man or men adhere to it—to live it, to spend themselves on it, to die for it." Within a week, his life, consecrated to our cause, had been tragically ended.

It is for us, the living, to ensure that the hopes he raised are now regarded, that his passing marked not the death of a dream but a renewal of resolution. To that purpose I said last November, "let us make the Alliance for Progress his living memorial."

Today's agreements are part of our pledge. The United States will provide almost $40 million—the countries of Latin America $60 million—for projects in 14 countries. They will help eliminate malaria in Brazil and train farmers in Bolivia. They will establish 3 rural elecrtic cooperatives serving 10,000 homes and farms in the countryside of Colombia. This will bring credit and assistance to 21,000 small farms in the land reform and colonization areas of Peru. They will touch the lives and ease the struggles of 23 million people across the hemisphere.

These are only the latest steps in 6 months of extraordinary effort. Since December, the United States has extended more than $430 million in assistance.

In that 6-month period we have, together, completed more than 52,000 homes and 7,000 classrooms. We have produced more than a million and a half schoolbooks, and made more than 25,000 loans to farmers. We have put into operation health programs to care for 4 million people, and Food for Peace programs to feed more than 10 million of our fellow Americans. We have built more than 500 miles of roads—trained more than 10,000 teachers and 1,000 public administrators—established 200 credit unions. Three hundred water systems will benefit 10 million people. In the months to come, we intend to more than double the pace of this action. For this is the time for action. And our help is only a small proportion of the resources for growth and the reforms for justice contributed by the countries of Latin America.

These are the tangible tokens of the constancy of our cause since the signing of the Charter of Punta del Este. What we believed in then, we believe in now. What we agreed to then, we agree to now. What we sought then, we seek now.

This is as it must be. Our programs and policies are not founded on the shifting sands of momentary concern or the passing opinions of present officials. They are the inescapable issue of the events of our past and the hazards of our present. They are rooted in devotion to our democratic birthright and dedication to our spiritual beliefs. They are, in short, the only objectives possible to men seeking to retain freedom and protect moral values while pursuing progress in a world on the march.

Real problems require realistic solutions. Helping to reshape an entire hemisphere requires practical priorities and concrete deeds. But no action, no judgment, no statement, will advance our alliance unless it is guided by firm and resolute regard to principle. Those principles must not yield either to immediate expedient or to present danger.

We renew today, as we do in the acts of every day, our dedication to the principles of development, of diversity, and of democracy.

Franklin Roosevelt, a man whom I served and loved, a man whose precepts I follow, said: "Through democratic processes we can strive to achieve for the Americas the highest possible living standards for all our people."

We will continue to pursue that goal until every campesino and every worker is freed from the crushing weight of poverty.

I have asked the Congress for the funds necessary to meet our obligations under the Alliance for Progress. I will fight for those funds with every resource of my Government. Furthermore, in accordance with the unanimous vote of the Panama meeting of the Inter-American Bank, I intend to ask for $250 million for this year to replenish the Bank's Fund for Special Operations. That Bank, supported first by President Eisenhower, has become a beacon of hope to the oppressed of our lands.

The principle of diversity stems from President Roosevelt's policy of the good neighbor. Within the loose and ample frame of the inter-American system, there is room for each nation to order its institutions and organize its economy, so long as it respects the rights of its neighbors. In the Councils of the Alliance we must guide each other toward the most rewarding course of progress. We do not confuse that duty and responsibility with any desire or right to impose those views on unwilling neighbors.

In devotion to democracy, we are guided by the command of Bolivar that "We must fearlessly lay the foundations of South American liberty: To hesitate is destruction."

Our charter charges each American country to seek and to strengthen representative democracy. Without that democracy, and the freedom it nourishes, material progress is an aimless enterprise; destroying the dignity of spirit it is meant to liberate. We will continue to join with you to encourage democracy until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle.

But the Charter of the Alliance is not confined to political democracy. It commands a peaceful democratic social revolution across the hemisphere. It calls upon us to throw open the gates of opportunity to the landless and despised, the poor and the oppressed. It asks that unjust privilege be ended, and unfair power be curbed.

The United States signed that charter. We are fulfilling that commitment. We have begun an all-out war on poverty. For a just country cannot permit a class of forsaken in the midst of the fortunate. We are also marching forward in our struggle to eliminate racial injustice, to permit every man, of every race and color and belief, to share fully in our national life.

In the same way we will join with those forces across the hemisphere who seek to advance their own democratic revolution. As we are finding in the United States, it is not easy to change the customs of centuries. Some seek to halt reform and change. Others seek to impose terror and tyranny. But Bolivar's wisdom is our warning—"To hesitate is destruction."

I know my country's policies and my country's help are important to the Alliance for Progress. But in 1961 a new hemisphere began to be born. In that hemisphere, success or failure does not hinge on testing each shifting wind or each new word which comes from our neighbors. It depends on the courage and leadership we can bring to our own people in our own land.

The Alliance for Progress is a complex task. It has many dimensions and many directions. But it rests on the hopes of people much like those I have seen in my recent trips through the poverty areas of the United States.

Across this hemisphere there are millions of despairing men and women. They come to birth, they toil, and they die, never knowing a day without hunger. They never feel the joy of rewarding achievement, or the pride that comes from providing for those you love. They struggle for their self-respect—for their dignity as one of the children of God—against those who exploit them in a world which is closed to their hopes. Faces bent and backs bowed they see ahead of them only that same darkness in which they walk.

We work for these men and women not because we have to. We work because morality commands it, justice requires it, and our own dignity as men depends on it. We work not because we fear the unjust wrath of our enemy, but because we fear the just wrath of God.

The path ahead is long and the way is hard. We must, in the world of the prophet "Mount up on the wings of eagles, run and not grow weary." We have reached a turning point.

The foundations have been laid. The time calls for more action not more words. In the next year there will be twice as much action, twice as much accomplished, as in any previous year. I can now say with confidence that our Alliance for Progress will succeed. And the success of our effort—of your countries and mine—will indicate the vision of those who set us on this path.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG of Louisiana. Mr. President, I object.

Mr. SMATHERS. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The rollcall was resumed, and the following Senators answered to their names:

[No. 213 Leg.]

Aiken
Allott
Anderson
Bayh
Boggs
Burdick
Case
Clark
Dirksen
Dodd
Douglas
Eastland
Fong
Hill
Humphrey
Inouye
Jackson
Keating
Kennedy
Long, Mo.
Long, La.
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Smathers
Symington
Walters
Yarborough

The PRESIDING OFFICER (Mr. Proxmire in the chair). A quorum is not present.

Mr. HUMPHREY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. MORSE. Mr. President, I move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMATHERS. Is the motion debatable?

The PRESIDING OFFICER. No debate is in order. The question is on agreeing to the motion of the senior Senator from Oregon. [Putting the question.]

Mr. DOUGLAS. I ask for a division.

On a division, the motion was rejected.

The PRESIDING OFFICER. The Sergeant at Arms will continue to execute the order of the Senate.

After a little delay, Mr. Bennett, Mr. Cooper, Mr. Dominick, Mr. Jordan of Idaho, Mr. McCarthy, Mr. Scott, and Mr. Young of Ohio entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, tonight in Washington there was held a physical fitness banquet, which I was privileged to address at 8 p.m. The able Senator from Oregon addressed the meeting this morning. I believe we are demonstrating in the Senate that there are at least 51 physically fit Senators who are willing to come out at 11:45 p.m.—not all of them stayed—in order to hear and learn more about why we should have, in the civil rights bill, a provision to protect a man by giving him the right of trial by jury.

Mr. President, I am frankly pleased that we have been able to demonstrate that a majority of Senators are physically fit, and, I am certain, mentally alert. I am certain also that after they have had an opportunity to listen to and turn over in their minds the pros and cons of why the right of trial by jury should be provided, as suggested by the Talmadge-Ervin amendment, they will come to the same conclusion about it at which the Senator from Louisiana [Mr. Long] and I have arrived.

I should like, tonight, not to argue for the adoption or defeat of any particular amendment, but to argue most emphatically for the importance of preserving the right of trial by jury, which is granted to every citizen of the United States in the Constitution, and in the history of the development of free government.

Question is, Do we want to take away right of jury trial?

The question which every Senator must ask himself when the time comes to vote upon this measure is whether he wants to take away the right of jury trial from American citizens, not whether he wants to give it in circumstances where it does not now exist.

Let me repeat that, Mr. President,

The question is, Do Members of the Senate want to take away the right of trial by jury which now exists in cases which are within the purview of the measure before us?

Trial by jury has been a fundamental shield of liberty against the power of government and of those who sit in the seats of authority since long before the Constitution was drafted. This was the concept of the framers of our government when they drafted the Constitution and wrote into article III, section 2, clause 3, the guarantee that "the trial of all crimes, except in cases of impeachment, shall be by jury."

Mr. President, at this late hour of the evening, some of my friends, who are well aware of the fact that there is much to be said about trial by jury, have, in a moment of good humor, walked off with the manuscript of my speech.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. Mr. President, without prejudice to my right to the floor or having my ensuing remarks counted as a second speech, I yield to the Senator from Minnesota.

Mr. HUMPHREY. I wish to say in all good-fellowship to the able Senator from Florida that a short time ago I was looking through some papers on my desk, and through some miracle that was nonscientific, and I think slightly subjective and possibly a bit insidious—and I could use other adjectives—these papers were mixed up in correspondence. I found letters which were against the bill. The pile was rather thick, and it gave me a sense of shock. Then I looked inside and saw these documents.

The Senator from Minnesota can state under oath that he did not remove these documents from the desk of the Senator from Florida. I have not the slightest idea how they got into my folder, except to say that I return them untouched, unsullied, unread, and unreliable.

Mr. SMATHERS. I thank the able Senator. I would insist that were he indicted for having moved these papers from my desk, he should have a trial by jury. I should think it would be only right and fair that we stand in judgment.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. SMATHERS. No presiding officer should have the right or power to say that the Senator from Minnesota should be put in jail for 30 days or fined $100. I would want the Senator from Minnesota to have his constitutional right.

Mr. HUMPHREY. In light of some of the antics I have witnessed this evening, I am not at all sure I would want to be judged by my peers. I should prefer to have a judge take the case under consideration.

I thank the Senator from Florida for his good humor; and I thank Senators for their alacrity in response to the quorum call.

Mr. SMATHERS. I do not know that my speech will be any better for having found my notes. Anyway, I am delighted that they have been returned. My only regret is that the able Senator from Minnesota did not have an opportunity to read them.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. I understand that these papers found their way to my desk at a time when the Senator from Florida or one of his colleagues submitted an amendment. Later, inadvertently, the papers "walked" from his desk past the desk of the Official Reporters and the staff officers and found their way up to the marble facade or barricade, and then for some peculiar reason found their way around until they were over here on this desk, and then on another desk. Now the Senator has them in good stead, in good shape, and unread.

Mr. SMATHERS. That is what is known as a "well traveled" argument.

Mr. HUMPHREY. Circuitous.

Mr. SMATHERS. Circuitous; up and back. I am pleased that some able Senator had a good sense of humor and realized that this prank might bring some relief from the tension which we feel here at 5 minutes to midnight. It has given us all an opportunity to laugh a little and let off some steam.

Whoever the culprit is, I do not think he should be indicted, I do not think he should be criticized. He should be commended. Whenever I am able to learn who the culprit was, rather than criticize him, I shall see if I cannot bestow upon him some form of accolade which will be proper in deference to his originality.

The bill goes far beyond voting rights, public accommodations, education, employment, and other rights, and attempts to place in the hands of the Attorney General of the United States the power to try citizens of the United States by the injunctive process for crimes for which they are now punishable only when convicted by a jury. Let the Senator who has any doubt on this matter turn to title 18, United States Code, dealing with the Criminal Code and Criminal Procedure. Here it will be found that section 241 of title 18 makes it a crime for two or more persons to "conspire to injure, oppress, threaten, or intimidate any citizen" in the free exercise of rights under the Constitution and the laws and that the punishment for such a crime is a fine not to exceed more than $5,000 or imprisonment for not more than 10 years, or both.

Conspiracy of this kind is a criminal offense and can now be punished only by trial by jury.

The next section of title 18, United States Criminal Code—namely, section 242—makes it a crime for any person under color of law or of custom to deprive any inhabitant of any State, Territory, or the District of Columbia of his rights, privileges, or immunities under the Constitution and the laws of the United States by reason of his color. That is a crime punishable by fine of not more than $1,000 or imprisonment for not more than a year, or both. No citizen of the United States can be convicted now of this crime or of the crime mentioned in section 241 without a trial by jury.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield, provided he will not lose the floor?

Mr. SMATHERS. Mr. President, I yield to the Senator from Minnesota, provided I do not lose my right to the floor.

Mr. HUMPHREY. Mr. President, earlier today an order was entered that when the Senate completed its business today, it would take a recess until 10 a.m. tomorrow. I wish to amend that order and ask unanimous consent that when the Senate concludes its business tonight, it take a recess until 10 a. m. on Tuesday.

Mr. SMATHERS. Mr. President, reserving the right to object, do I correctly understand that as the order now reads, if the Senate should be in session for another 5 minutes, and then take a recess until "tomorrow morning at 10 o'clock," the recess would automatically carry the Senate over until Wednesday at 10 a.m.?

The PRESIDING OFFICER (Mr. PELL in the chair). The way the order is now worded, that would appear to be the technical construction of it.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. SMATHERS. I am happy to yield.

Mr. HUMPHREY. The Senator from Florida knows that when the majority leader made his request this morning, as I told the Parliamentarian, the intention was that the Senate take a recess until Tuesday at 10 a.m. On previous occasions, the Senator from Minnesota has made such a request. I am now requesting that the order be amended so that the Senate will not face a parliamentary problem tonight. I ask the Senator from Florida to accommodate the majority leader in the request he made this morning, so that the request may be clarified and there will be no problem under the terms of the parliamentary ruling.

Mr. SMATHERS. Why does not the Senator from Minnesota move that the Senate take a recess at 1 minute before 12 o'clock? Then there would be no problem.

Mr. HUMPHREY. The Senator from Florida has a point. The Senator from Minnesota may very well wish to do that. May I have a "count down" by the Presiding Officer?

The PRESIDING OFFICER. If the motion were made now, the Senate would meet at 10 o'clock a.m. on Tuesday.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I now move that the Senate stand in recess, under the previous order, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 11 o'clock and 59 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Tuesday, May 12, 1964, at 10 o'clock a.m.

EXTENSIONS OF REMARKS

Rumanian Independence Day

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 1964

Mr. DINGELL. Mr. Speaker, yesterday was Rumanian Independence Day. We remember this day in honor of those many Rumanians who joined together in 1877 to establish their own nation.

Rumania's unification and independence came after nearly 400 years of alien rule by her neighbors and the Ottoman Empire. Never, however, during this whole time did the Rumanians cease to work for the attainment of their freedom. In 1877, with the Russo-Turkish War raging in the Balkans the Rumanians saw their opportunity and joined the Russians against the Turks. At the end of the war their efforts were rewarded when the Congress of Berlin recognized their newly won independence.

Unfortunately, the Rumanians did not retain their true independence for very long. Although this nation fought with the Allied and associated powers in the First World War, she was inevitably involved as a helpless victim in the Nazi struggle during the Second World War and by the end of the war found herself under the complete domination of the Kremlin.

For nearly two decades now, the country has been sealed off from the free world and some 17 million Rumanians live in what is practically a vast prison camp where they are continually subject to the worst excesses of Communist totalitarianism. As a result of Russian control, these sturdy peasants are forced to till their fertile land mostly for the benefit of the Soviet Union. Denied all forms of freedom, they have no choice but to obey all Communist dictates, for democracy, as we in the free world know it, is not permitted.

We, in the free world, must hope that the Rumanians will continue to retain the strength and will to fight for independence as they always have in the past. And it is on this 87th anniversary of

Rumanian Independence Day that we look with sorrow at the present unhappy state of the Rumanian people and wish that the future will soon allow the Rumanians to regain their lost freedom.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of May 9, 1964:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas, May 9, 1964)

HOUSE PASSES EIGHTH APPROPRIATION BILL

The House kept up its pace this week by approving the eighth appropriation bill. Appropriations for Departments of State, Justice, and Commerce, the judiciary, and related agencies, totaled $1,702,627,800. There are only four more regular appropriation bills which the House expects to act upon within the next month, thus putting us in a position to adjourn.

However, the Senate is far behind. No immediate end is in sight for Senate action on the civil rights bill. Because the committees cannot meet during Senate debate, the House-passed legislation is fast piling up, with the result Congress will be held in session long past a reasonable adjournment date. The President, in his press conference picnic, indicated he plans to hold Congress in session after both conventions and again after the election. Full responsibility for the failure to dispatch the work of Congress in an orderly manner must be borne by the Democrat Party because it has the majority of votes and its leadership schedules the program for legislation. So, when the President says the people are entitled to a vote by Congress on legislation and he is entitled to it, he need look no further for action than to his own party.

The Departments of State, Justice, and Commerce, the judiciary, and related agencies appropriation bill, fiscal year 1965, defies detailed explanation in the short space of a newsletter. Some specific criticisms represent the objections of some to such spending.

State Department

1. While the budget was cut, spending goes up in State and Justice Departments.

2. Representation allowance, that is, the liquor bill for oversea diplomats, $993,000.

3. International organizations memberships, $93 million, including the ILO, International Labor Organization.

Commerce Department

4. The ARA, Area Redevelopment Administration, operational expense of $14 million, plus $59½ million additional grants.

Judiciary

5. The limousine for the Supreme Court Chief Justice, $8,100.

Related agencies

6. Small Business Administration, $7 million for salaries and expenses plus $28 million transfer from revolving fund for loans.

7. Arms Control and Disarmament Agency increase of $3½ million over $11 million this year for a total of $14 million.

8. The U.S. Information Agency, cost of $166 million.

LEGISLATIVE BOX SCORE

The bills the President has designated as "must legislation" and for which he threatens to keep Congress in session are:

1. Civil rights.
2. Food stamp plan.
3. Government pay increases.
4. Medicare.
5. Antipoverty package.

Of these, civil rights is now in the Senate; has already passed the House. Food stamp plan has passed the House. Government pay increases, defeated by the House once, will be brought up again shortly. Medicare is before the Ways and Means Committee. The antipoverty package is before the Committee on Education and Labor. It is up to Congress what legislation it will enact. Nowhere in the Constitution is the President given authority to demand that Congress pass or reject particular legislation. Congress should not be coerced or stampeded into passing laws which are not needed or which threaten the freedom of the people in a republic. This is the way to dictatorship.

PROGRAM FOR A FREE SOCIETY

Contrast the above legislative demands with the positive program I advocate:

1. Fiscal responsibility through a balanced budget and paying down the debt.

2. Preservation of the private enterprise system by getting the Government out of business in competition with its citizens.

3. Realistic tax reform to halt inflation and maintain the soundness of the dollar.

4. Making big labor subject to the same ground rules which business and industry must follow.

Which program do you think is most effective in preserving the Republic and the liberty of the people?

Proverbs 26: 17: "He that passeth by, and meddleth with strife belonging not to him, is like one that taketh a dog by the ears."

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. TAFT. Mr. Speaker, on May 10, 1877, the nation of Rumania, after centuries of living under the yoke of the Ottoman Turks, declared its independence. Today, that nation is only one among many forming part of the vast Soviet empire stretching from the Baltic to the Black Sea. In 1939, following the Soviet-Nazi pact, the Soviet Union seized Bessarabia and northern Bukovina from Rumania. In August 1944, as World War II was drawing to a close, Soviet armies marched into Rumania and stayed to supervise the establishment of a Communist regime. Soviet domination brought the political rigors of totalitarian rule, the forced collectivization of the land of the peasants, the submission of the Rumanian economy to the prior demands of the Soviet economy, and attempts to weaken the force of Rumania's cultural ties with the West and to establish a place for the foreign culture of the Soviet Union. The Rumanians are a stubborn and courageous people, however. They have increasingly resisted Soviet efforts to maintain them in the inferior position of a primarily agricultural country. They have taken an independent line in the Soviet-Chinese dispute. They have sought to increase their contacts with the West. True independence lies yet ahead. But let us hope that it is nearer today than it has been in many years, and that in the not too distant future, Rumanians will once more be able to observe their traditional independence day in freedom.

Federal Republic of Germany Will Abolish Import Quotas on Bovine Leather

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. REUSS. Mr. Speaker, on June 1, the Federal Republic of Germany will abolish all quantitative restrictions on imports of bovine leather.

Under a waiver granted in 1959 by the contracting parties to the General Agreement on Tariffs and Trade—GATT—Germany has maintained import quotas on bovine leather from all countries which were not members of the Organization for European Economic Cooperation. Thus, the United States together with other non-European countries having a tanning industry have been virtually excluded from the German market, while Germany's Western European neighbors have expanded their sales to the Federal Republic.

The decision of the German Government to dispense with this discriminatory quota system should be highly commended not only because it will open a potential market for the U.S. tanning industry. Coming at the beginning of the difficult Kennedy-Johnson round of GATT bargaining, Germany's action is a welcome earnest of support for trade liberalization which the United States will need to achieve success in these negotiations.

The elimination of the leather quotas, while helpful for U.S. leather exporters, will not mean any dramatic gains for U.S. exports. In 1963, the U.S industry sold less than half of its permitted German quota of about $250,000. Even with no quota restrictions, spokesmen for the industry doubt that annual exports can exceed $750,000. Only over a much longer period can the United States hope to have a more significant share of Germany's total imports of the items hitherto subject to quota. These imports, supplied almost entirely from quota-free European countries, rose from $8,148,000 in 1961 to $12,992,000 in 1963.

To say this, however, is not to minimize the value of Germany's action. The United States should be the first to understand how great the pressures are to grant protection to import-threatened industries and to retain it, once granted. The political cost of giving up protection can often exceed economic gains. Hence, the United States should be duly appreciative of the action of the Federal Republic and seek its cooperation for a general attack on nontariff barriers during the Kennedy-Johnson round.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. FEIGHAN. Mr. Speaker, the commemoration of Rumanian Independence Day is a matter of the greatest importance to Rumanians everywhere in the world because it not only honors the founding of the Rumanian Kingdom, but modern day national independence which the Rumanian people enjoyed until the hordes of Moscow occupied that land. I am confident that while the people in Rumania are prohibited from open observance of Rumanian independence, they will observe it in ways which leave no doubt that they remain strong defenders of the Rumanian cause and dedicated to a return of their national life in freedom. The ancient culture and tradition of the Rumanian people stand as a rock of Gibraltar in central Europe, signaling the resistance of an oppressed people who will never yield to the enemy who now occupies them.

It is worth noting that communism in Rumania is a demonstrated and proven failure. There can be no doubt that communism in practice violates all that is Rumania—past, present, and future. The ever-growing tensions in Rumania between the people and the alien regime that occupies them is abundant evidence of the political tempest that is brewing throughout Rumania. In my judgment, the Communist regime is aware of popular feelings among the people, which was the primary cause for that regime's attempts to show its independence from Moscow by playing up to the Pieping regime. While I do not trust any Communist regime, I believe all of us must recognize that even Moscow is becoming more and more concerned about developments in Rumania and throughout all of central Europe.

These developments provide a unique opportunity for the United States to demonstrate its attachment to the principle of national self-determination and the right of all nations to be masters of their destiny. This is a time when our country should be pushing for free elections in all the countries under Russian Communist domination. I will continue my efforts to force a showdown on this vital issue by demanding that no United States credits be advanced to Soviet Russia or any Communist regime until Moscow's outstanding debt to the United States of over $10 billion is paid. The form of payment I have sought is a $1 billion writeoff against this debt for each national plebiscite conducted behind the Iron Curtain under United Nations supervision. By this method Rumania will be free as will all the other once independent nations who are now held by force within the Russian Communist empire.

All friends of freedom everywhere in the world may be assured of my unwavering support for the cause of Rumanian national independence until victory is won.

The Gaelic Athletic Association of New York—50th Anniversary

EXTENSION OF REMARKS

OF

HON. JAMES C. HEALEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. HEALEY. Mr. Speaker, the Gaelic Athletic Association of New York is celebrating its golden jubilee. Fifty years ago, in humble surroundings, a small group of dedicated and farsighted Irish-Americans met in New York to form what is today the GAA, a worthy and great athletic association. As a former trackman, and an official timer at track meets and other sports events for the past 25 years, I have a deep interest in sports—and as an Irish-American, I have watched with great pride the growth and achievements of the Gaelic Athletic Association.

The association has seen many difficult years; two World Wars, the depression, a lack of immigration during the war years, the war of independence in Ireland and a civil war that followed. This year, the New York Gaelic Athletic Association celebrates the completion of 50 years of outstanding and inspiring work in promoting the national games of Ireland—chiefly hurling and Gaelic football.

Mr. Speaker, I would like to call the attention of my colleagues in the Congress to some of the noble work of the Gaelic Athletic Association of New York. From its very beginning, the GAA has been known for its deeds of charity.

The Christian Brothers had an annual field day and the very best competitions were made available to them. A few years later there was an annual field day established in aid of St. John's Hospital. During World War I there was a series of 5 field days to benefit the Red Cross. Since those early days the GAA has been the benefactor and builder of innumerable churches, schools, and missions. The clergy who have also benefited must number into the thousands. The GAA has not only kept alive the games of ancient Ireland in a foreign land, but it has also helped to keep the fires of faith burning in the far corners of the earth among our impoverished and destitute brethren.

Another charitable cause was the athletic fund of the 69th Regiment. Capt. James J. Archer appealed to the Irish advocate to solicit funds to purchase hurling and football equipment for the young Irish boys who had enlisted to fight against Germany. Money was collected to purchase 50 hurleys, 50 pairs of boots, 10 footballs and hurley balls. A competition between companies was started and a 69th championship was played. These men took their sports equipment to France with them and when there was a rest from battle, they engaged in sport. It was later claimed by some soldiers that the Germans surrendered when they saw Irishmen advancing with camans across their shoulders.

Since 1920 the association has financed, almost entirely on its own, teams to and from Ireland to play in international competitions. Recently, games were held in Gaelic Park for the John F. Kennedy Memorial Fund for an arboretum to be established near the Kennedy ancestral home in Ireland. This year, in commemoration of its 50th anniversary, the Gaelic Athletic Association will send a Gaelic football team around the world to play in Cairo, Rome, Bombay, Singapore, and other cities.

In 50 years the Gaelic Athletic Association of New York has had many occasions of sadness, but many more of joy. The moments of joy were mostly occasions of giving. Any charitable cause known to the association was given a field day and the best available attractions. Great clergymen, such as Cardinal Cushing, have spoken fondly of the GAA and its great work for the Catholic church. The needy and less fortunate are never ignored by the GAA. The hundreds of field days and the thousands of benefit dances that the association has supported have poured millions of dollars into various worthy causes.

In these 50 years in a changing world, the Gaelic Athletic Association of New York is still dedicated to the unchanging ideals that were laid down in 1914. My hearty congratulations and good wishes for the continued growth and prosperity of this fine association, which has done so much for sports and charity.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. ZABLOCKI. Mr. Speaker, Sunday marked the anniversary of Rumanian Independence Day, and all over the world free people once again raised their voices in encouragement and sympathy to the people of that valiant nation which has been under Communist domination for the past 19 years.

Despite oppression and brutal domination at the hands of Communist forces, the spirit of the Rumanian people has shone brightly and the heritage of greatness which the free leaders of that proud nation have left behind still is enshrined in the hearts of her sons and daughters, both within their homeland and abroad.

The people of Rumania have been oppressed by a totalitarian power. They have been deprived of their individual, political, economic, and religious freedoms. The people of that country long for the day when Rumania will once again resume its rightful place in the family of free nations.

American sympathy with the plight of the Rumanian people has been expressed in the press of this country and in Congress. Recently we have noted the Rumanian demands for national freedom in defiance of a colonial system perpetuated from the Kremlin.

We welcome this trend. We are pleased that Rumania has determined to work out its own domestic and foreign policies free of dictation from other powers. Now we desire that the Rumanian Government, realizing the benefits of freedom of action on the world scene, will extend freedom to its own people, for their benefit and the ultimate good of the nation.

It has been announced that the United States and Rumania will hold high-level economic and political talks later this month. It is my earnest hope that these discussions may result in fruitful action on the part of both countries.

In the meantime, we want the people of Rumania to know of the deep regard in which they are held by the people of the United States and of our desire to see them once again free and independent.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mrs. KELLY. Mr. Speaker, many of our fellow Americans of Rumanian origin and Rumanians in this country commemorate Rumanian Independence Day May 10. It was on this date in 1877 that Rumania was established as an independent nation for the first time in history. Ever since, until Communists seized power in Rumania, May 10 has been the national holiday, as important to Rumanians as July 4th is to us.

Rumania was an ancient province of the Roman empire and has shared for centuries many of the cultural and religious precedents of western civilization. Who has not thrilled to the wonderful Rumanian Rhaposidies of Georges Enescu? Rumanians maintained their unity against repeated invasions for centuries. When the opportunity came in 1877 to fight for independence they were prepared. They acquitted themselves with great distinction in the war against Turkey and proved that they deserved independence.

Under King Carol I independent Rumania became an honored and respected member of the international community. Rumanian industry grew rapidly. Despite the destruction of World War I, by 1939 Rumania was a most progressive nation. The combination of destructiveness from war and avaricious fascist groups within reduced Rumania to a state of ruin by 1945. Perhaps a million lives were lost. Even today there are many more women than men in Rumania to testify to the horrible losses of wartime. This weakened nation thus fell to the furious aggression of Communist-led political and military forces in 1947. Independence became a lost word for Rumanians and Independence Day a forbidden memory.

But thankfully many Rumanians around the world still yearn for freedom for Rumania and still celebrate Rumanian Independence Day.

By our words here we encourage Rumanians everywhere to continue their resistance to communism and we contribute to the maintenance of the memory of Rumanian independence. We see with a great deal of hope recent indication of an independent spirit in Rumania. The ties that bind Rumania into the Soviet empire are loosening. Now is the time to speak out more strongly than ever before for Rumanian independence. May 10, 1877, is not completely forgotten yet by any means.

Caution Urged in Tariff Negotiations

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. COOLEY. Mr. Speaker, one of the industries which came to North Carolina under the industrial development program initiated by former Governor Hodges is the watt-hour meter plant of Westinghouse Electric Corp., located on the outskirts of Raleigh. This fine industrial operation now employs more than a thousand people and paid out $6,250,000 in payroll, local taxes and local purchases last year.

The tariff negotiations which are just getting underway at Geneva, Switzerland, can have a most important effect on the operations of this Westinghouse plant and other industrial operations in North Carolina.

There are a number of manufacturing plants of the electrical equipment industry in other sections of our State, and these plants can also be seriously affected if the U.S. tariffs on their products are reduced at the bargaining sessions in Geneva without careful regard for their economic problems.

The watt-hour meter manufacturers in the United States have jointly urged that the rate of import duty on meters not be reduced, since these products can be made much cheaper in foreign countries where wage rates are much lower than those in the United States. They fear that a lowering of the tariff on this product will generate competition from low-wage countries and will cause them to lose business and reduce employment. I am urging Mr. Christian Herter, who is President Johnson's Special Ambassador at the tariff and trade negotiations in Geneva, to give careful attention to the tariff problems of U.S. meter manufacturers.

A short time ago the National Electrical Manufacturers' Association had a breakfast meeting in Washington for nearly 50 Members of Congress. I attended that breakfast and was very much impressed by the straight forward talk given by Mr. John R. Morrill on that occasion. I am inserting a copy of Mr. Morrill's talk into the Record with my remarks in order that it will be available for all to read.

I understand that the electrical manufacturing industry made presentations to the U.S. Tariff Commission and to the U.S. Trade Information Committee a short time ago, explaining their attitudes on foreign trade. They supported the principles of the Trade Expansion Act of 1962 and made a number of recommendations for the guidance of former Gov. Christian Herter and his staff in their negotiations at Geneva concerning the tariff and trade problems of the electrical equipment industry, other than the special problem of watt-hour meters. These recommendations are summarized as follows:

First. Grant tariff reductions on electrical products only in return for reciprocal concessions by foreign nations on the same electrical products.

Second. Obtain effective agreement on the elimination of nontariff barriers as a condition precedent to negotiations concerning the reduction of U.S. tariffs, particularly on heavy utility apparatus.

Third. Establish the need and right of the United States to obtain concessions in return for the continued use by foreign countries of financial and other incentives, including direct subsidies and tax remissions to their own manufacturers.

Fourth. Include suitable representatives of the electrical manufacturing industry in the advisory group to the Special Representative for Trade Negotiations.

Mr. Morrill pointed out that the failure of the U.S. negotiators to observe these principles in their bargaining at Geneva could well have serious adverse effects upon the generation, transmission, and distribution equipment segments of the electrical manufacturing industry in the United States in the years to come.

In order to assure Mr. Herter of my interest in reasonable foreign trade policies, I have joined with a number of other Members of Congress in sending a letter to him on this subject. I am also inserting in the Record a copy of this joint letter to Governor Herter.

STATEMENT OF JOHN R. MORRILL, PRESIDENT, JAMES R. KEARNEY CORP., BEFORE THE WASHINGTON CONFERENCE, GENERATION, TRANSMISSION AND DISTRIBUTION EQUIPMENT DIVISION, NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION, STATLER HOTEL, WASHINGTON, D.C., APRIL 15, 1964

In the last 50 years the use of electricity has done more to change the way we live than anything else. Think for a moment * * * our lighting, our home, communications, transportation, and the very exploration of space itself are as we know them today because of electricity.

In order to use electricity it has to be created and delivered. Our industry fills the vital role in this process. We build the equipment that creates and delivers electricity to all consumers. The electric power companies operate this equipment, but we are the ones who actually design and build the generators; who design and build the towers and cables which carry the power; who transform the electricity from the 500,000 volts at which it is transmitted across the country down to the usable 115 volts we all know so well and take so much for granted.

The electrical manufacturing industry had its beginnings in Thomas Edison's light bulb of 1879, in William Stanley's transformer of 1886, and George Westinghouse's alternating current system of 1893. From these humble beginnings our industry has grown rapidly. Since its birth, the U.S. electric power industry has on the average doubled in size every 10 years. I know of no other industry that can match this record of sustained high growth for so long a time.

As a result of this phenomenal growth, today the United States leads the world in electric generation and use. With one-sixteenth of the world's population, we possess one-third of the world's electric power capacity. We have three times the electric capacity of our closest competitor, the Soviet Union.

In America 80 percent of our power is produced by steam generating stations using coal, oil, or gas as a fuel; however, there are now over a dozen nuclear power stations in operation, operating on nuclear fuel. Twenty percent of our power in this country is generated by hydroelectric plants.

Most of the equipment in the steam, nuclear, and hydro plants are products of our industry. The size of the products used in these generating stations really staggers the imagination. For example, one large turbine generator will weigh 4 million pounds—one transformer or circuit breaker can be as large as a house and weigh hundreds of tons.

There is hardly a home in the United States without electricity. Whether this electricity gets there over the wires of the investor-owned power companies, REA cooperatives, or TVA, the equipment to generate it and get it there was made by the electrical equipment companies represented here this morning.

Last year this country used 1,000 billion kilowatt-hours. That's a trillion kilowatt-hours. An average residential customer, like you or me, uses 4,500 kilowatt-hours. In 1980 we estimate that in this country we will consume nearly 3 trillion kilowatt-hours, and the average residential customer will use 13,000 kilowatt-hours per year * * * three times the present usage.

But the real miracle of our century is the cost of electricity. For years while the cost of nearly everything else has gone up, up, and up, the cost of electricity has come down. In the last 25 years the cost of living has more than doubled, but the cost of a kilowatt-hour of electricity delivered to your home is less than it was in 1935.

Today the average cost of a kilowatt-hour to a residential user—that is let us say, the electricity used in 1 hour by 10 100-watt bulbs is only 2.4 cents. Here, indeed, is one of the real values of our way of life in America.

How was this remarkable achievement made possible? Primarily by the research and development of the companies represented in this room today, working closely with the electric power companies. For example, the amount of coal needed to generate a kilowatt-hour today is down nearly 40 percent from 1939.

The entire electrical manufacturing industry is mammoth in size, representing billions upon billions of dollars in investment and employing over 1½ million workers in nearly 8,000 factories. That portion of the electrical manufacturing industry meeting with you this morning is also an extremely important part of our national economy in peacetime or wartime. We employ over 150,000 people in nearly 500 plants in 35 States. Our sales are around $3 billion per year.

In 1963, which was not an unusually large year for our industry, the power companies who generate and distribute electricity spent $4.6 billion on new construction. The heart of this construction was our equipment. We estimate that between now and 1980 these same power companies will spend $55 billion on new facilities. I mention these figures to give you some indication of the impact of our portion of this industry on the national economy.

In addition to its importance to our domestic economy, the electrical manufacturing industry has for many years exported to the four corners of the globe and has made an important contribution to the favorable balance of foreign trade which is still enjoyed by the United States. Products of the entire electrical manufacturing industry account for approximately 5 percent of all exports of finished domestic merchandise.

The generation, transmission, and distribution equipment section of the industry has for years exported to foreign countries but primarily to the underdeveloped or developing nations, where purchases have often been tied to American aid programs. Our segment of the industry would like to do a great deal more in the export field, but we are prevented by the actions of most of the countries in the EEC and the EFTA where the big market is.

These countries naturally have tariffs on our products. Tariff barriers always have a slowing effect on world trade but it's the nontariff barriers which control the export of our products. These nontariff barriers include quotas, restrictive regulations, special taxes, and in most cases, the outright refusal to buy products of our type from any but companies within their own borders. Almost all European utilities are state-owned, with policies of purchasing only from their own domestic manufacturers. This not only protects their home market, but it helps these European manufacturers to compete in world markets—including the United States.

Now please understand, we are not condemning this practice as such. Foreign countries should certainly have a right to operate their own power systems and purchasing practices as they wish. The only thing that concerns us is that our representatives under the provisions of GATT are soon to sit down with representatives of these foreign nations to talk about selling our type of products to each other.

Our GATT representatives are going to Geneva to negotiate reductions in American tariffs on products coming into this country—on products of the type the people in this room manufacture. Therefore, it is of deep concern to us that these negotiators understand that unless they can convince these foreign countries to eliminate their restrictive practices and nationalistic buying, that even if the industrialized nations reduce their tariffs to zero, we will get little additional business from them.

Yet, if U.S. tariffs are reduced, the American market will see a significant increase of foreign products because American public power buyers, in contrast with Europeans, purchase foreign manufactured items whenever the price is lower. This influx of foreign electrical equipment may very well wipe out the trade balance advantage now enjoyed by the electrical manufacturing industry. Worse than that, it will probably result in reduction of employment in many of our plants. There is no question that the lower prices of the foreign goods will depress prices in our industry still further and may result in the closing of some of the smaller companies in our industry in your districts.

On March 6 of this year we presented our industry story to the Tariff Commission and to the Trade Information Committee of the Department of Commerce. We were publicly commended by both agencies for an objective and factual presentation. We stated to them our industry believes in the Trade Expansion Act of 1962. We believe also that if tariffs are to be reduced on our electrical products, it should be on a mutually reciprocal basis, and, that these foreign countries must eliminate their nontariff barriers as well.

Further, that the EEC and EFTA member countries must agree to exempt American products from their equalization taxes which are not called tariffs but have exactly the same effect. And further, these foreign governments must stop their practices of refunding all taxes to their own manufacturers whenever a product goes out of their country. This makes it extremely difficult for American manufacturers to compete in third countries because our products must be priced to pay all American Federal, State, and local taxes.

We are hopeful that the Tariff Commission and Trade Information Committee will study our situation very carefully. We also hope that the GATT negotiating team will take with them to Geneva an adviser who is an experienced representative of the electrical manufacturing industry. We respectfully suggest and would greatly appreciate it if our Representatives in Congress would encourage them to do just exactly this.

What we have said is that our industry is willing and often able to compete with the EEC and EFTA countries even though their labor rates are 40 to 50 percent of ours. But we can't win this 100-yard dash if our Government starts our competitors 50 yards ahead of us. We need your help in insuring that our industry—your industry, since our plants are in your congressional districts—gets a fair shake out of the GATT negotiations.

Our industry also hopes Congress will consider pending legislation to amend the Anti-Dumping Act of 1921. The industry believes that such legislation is badly needed to expedite enforcement of the act, to establish shorter time limits to determine violations, and to take prompt, effective action against all foreign exporters, or domestic importers, guilty of selling foreign merchandise in the United States at dump prices. There are several bills of this kind before the Congress and we respectfully urge our Congressmen to analyze and support them.

WASHINGTON, D.C.

GOV. CHRISTIAN A. HERTER,
Special Representative for Trade Negotiations, Executive Office Building, Washington, D.C.

DEAR GOVERNOR HERTER: We want to let you know of our interest in and support of the position taken by U.S. manufacturers of electric utility equipment in March when they appeared before the Trade Information Committee as members of the National Electrical Manufacturers Association (NEMA).

In their brief, and in subsequent oral testimony, these NEMA members stated that with respect to heavy electric utility equipment, U.S. manufacturers cannot sell their products in industrialized Europe (the European Economic Community and the European Free Trade Association countries) and Japan principally because nationalistic procurement policies and practices by the government authorities which own or control the electric utilities in these countries effectively prevent outside competition.

The NEMA brief, at page 61, says:

"If foreign manufacturers are to continue to enjoy access to the U.S. market—and certainly if they are to have the benefit of a further reduction in present moderate U.S. tariff rates—their respective governments must agree to grant U.S. concerns an equal opportunity to compete in the local markets of the EEC–EFTA countries and Japan.

Equal opportunity to compete in those markets means:

"1. Equally valuable reductions in EEC-EFTA and Japanese tariffs on heavy electrical apparatus.

"2. Elimination or reduction of 'equalization' taxes so that the combined tariff-'equalization' tax burden does not exceed the U.S. tariff rate on such products.

"3. Elimination of nontariff barriers including laws, regulations, and government-sanctioned practices which have the effect of limiting the access of American-made heavy electrical apparatus to the EEC-EFTA and Japanese markets to a greater extent than such apparatus made in those countries is restricted from access to the U.S. market."

Representing as we do the plant locations where U.S. electric utility equipment is manufactured, and recognizing the vital stake this industry has in equal opportunity to compete worldwide, we endorse the recommendation of the NEMA brief and urge that unless and until such equal opportunity is made a reality, there be no further reductions in U.S. duties on this category of electric equipment.

(Signed by 20 Members of Congress.)

Representative Robison's Statement to the House Committee on the Judiciary on School and Public Prayers

EXTENSION OF REMARKS

OF

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. ROBISON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement I recently submitted to the Committee on the Judiciary on the proposed amendments to the Constitution regarding prayers in schools and other public institutions, including my own measure, House Joint Resolution 913.

Mr. Chairman and members of the committee, I fully appreciate the problems faced by the members of this committee in attempting to deal with this most complex and difficult subject, combining as it does so many elements of legality, history, patriotism, religion, and emotion. All of you are lawyers and therefore appreciate the many problems which exist when one thinks of amending that Constitution which has served our Nation so well since its birth.

Because, as a lawyer, I recognized these problems, I waited more than 20 months after the decision in *Engle* v. *Vitale* in June 1962, before introducing my own amendment in this area—H.J. Res. 913. I delayed because I wanted to observe the effect of that decision, and how it was to be followed and interpreted throughout the Nation. A year later, the Schempp and Murray cases were decided, and again I waited to see the effect. I believe that we can now clearly see that certain ancillary effects, probably not intended by the Court, have been extremely unfortunate, and bid fair to undermine the faith of large numbers of Americans in the treasured belief that the Federal Government, as regards religion, is neutral.

As a lawyer, I could not dissent from the decision on the basic issue involved in the Engle case, but I think it is now clear that the dicta in some of the supporting opinions has been relied on by some authorities far more than the actual holding in the case, which is, as I see it, that the New York Board of Regents had unintentionally violated the 1st amendment (made applicable to the States by the 14th amendment), in composing a nonsectarian prayer for official use in public schools. To me, the Court was saying, "New York's schoolchildren may pray, if they wish, but for the regents to put their official seal on a particular prayer violates the establishment clause."

Regrettably, however, that was not the interpretation placed on the decision by many. Baccalaureate services have been declared illegal in hundreds of communities throughout the land. I understand that the attorney general of West Virginia, has even ruled that a silent period for the purpose of prayer is illegal. I received numerous letters from parents who reported that, on the day President Kennedy was murdered, pupils requested that a prayer be said for him, only to be told by their teachers that this, too, would violate the first amendment as interpreted by the Supreme Court. Imagine the effect of such a statement on the mind of a child at such an emotionally searing moment.

By that time, of course, the Schempp case had added fuel to the fire, and had further confused the issue in the minds of the public and, indeed, of school administrators and their legal advisers, as well.

Testifying before this committee recently, the eminent lawyer, Charles H. Tuttle, Esq., general counsel for the National Council of Churches, stated:

"The existing decisions of the Supreme Court do not affect religious expressions in accordance with American tradition and practice, where governmental composition and direction of religious exercises at public expense for audiences gathered by compulsion of law, are not involved."

I quite agree, but this, unfortunately, is not the interpretation being placed on the Court decisions by many school boards, administrators and their legal advisers—local and State. If the Court had included a similar statement in its majority or concurring opinions, perhaps we would not be here today, and you would not be faced with this knotty problem.

I finally came to the conclusion that these unforeseen extensions of the Court's decisions, and their supporting opinions, were causing great harm to the faith of too many Americans in their Government. Many have now come to view the Federal Government as the "enemy" of religion, or at least of public expressions of faith in a Divine Being. This shredding or reliance in the "neutrality" of government in matters religious, can be of serious effect in weakening public confidence in our form of government, and its institutions.

I fully agree with those who say that religion should not be a matter of majority rule. We all know that the first amendment was adopted, among other reasons, to protect minority religious beliefs. But, that is a matter of sect and theology and our problem, today, is concerned with the fact that a majority of Americans do presuppose a Supreme Being, and do feel that the United States has been unusually blessed. Feeling this, they wish to articulate it in public manifestations of divine dependence, and they wish their children to grow up with a similar feeling. Somehow, this much must be permitted under our system of government, or the fabric thereof will be seriously weakened.

I do not think a somewhat mechanical recital of a prayer is truly religion. True religion encompasses such a vast mix of morals, ethics, theological belief and, usually, church-prescribed conduct in and out of religious services, that the mere recital of a simple prayer can never be a substitute for true faith teaching in both church and home. But it does make people who wish to participate, and children in particular, aware that "We are a religious people whose institutions presuppose a Supreme Being"—to quote from *Zorach* v. *Clausen*, a landmark case on the first amendment. And, as was said in *McGowan* v. *Maryland* in a dissenting opinion: "If a religious leaven is to be worked into the affairs of our people, it is to be done by individuals and groups, not by the Government." But today, we have the Government—not by design but by misapplication—in effect preventing such individuals and groups from working that leaven into our affairs. This I think must be corrected.

I certainly would wish that constitutional amendment was not necessary to accomplish this, but I know of no other way, given the circumstances we face today. May I emphasize, however, that my amendment, and indeed all of those now pending before the committee which I have studied, does not tamper with the first amendment as many have claimed. The first amendment would remain untouched—and this is as it should be. My measure would add a new amendment, which would have the effect of redirecting the interpretation given to the Engle and Schempp cases back toward what I believe the Court intended all along—the voluntary test and the protection of nonparticipation.

I wish to stress that, prior to introducing my amendment, I came to the conclusion that any amendment, to have my support, must adequately protect that right of nonparticipation. Accordingly, my amendment contains the language "* * * the right to decline to participate shall not be abridged."

In this connection I had a most-interesting letter, recently, from a lady in my district. She reported that she was reared in a religious faith which does not permit dancing. During her school days it was common, in the physical education classes which were compulsory, for the girls to be ordered to do various dances. When this first happened, she explained to her gym teacher that her faith did not permit dancing and she was excused. In later years, she sometimes had a teacher who was disagreeable about it, but she always quietly maintained her position, even if it meant going to the school principal for support. She told me, in her letter:

"We just stood for what we thought was right, in a free country, where difference of opinion is allowed. I don't believe it hurt any of us * * * I have asked my own children how they have managed and they said they had asked to be excused and were quietly excused to study hall with no question.

"I have explained this to such an extent because I believe for the present purpose, any who do not choose to take part (in a prayer, etc.) can be allowed to sit quietly with a book, or even excused to another room, with no undue fuss or disturbance."

Therefore, the two major aspects which must be treated in any amendment are the voluntary nature of any prayer or quasi-religious activity, and the protection of the right to decline. Equal protection of both factors is essential. If such protection is achieved in the end product of this committee's work, there surely will be no violation of the "establishment" clause merely because the expression takes place in a classroom or other public gathering under government aegis. As Dean Griswold of the Harvard Law School has said:

"Does our deep seated tolerance of all religions—or to the same extent, of no religion—require that we give up all religious observance in public activity? Why should it? It certainly never occurred to the founders that it would?"

We all know that renowned experts in the field of constitutional law differ strongly about the effect of nearly any proposed constitutional amendments.

For those who wish to take refuge in this difference of opinion, there is an ample storm shelter in which to repair while the winds blow. But I do not think this particular "wind" will stop blowing, because distortion of the Court's opinions will probably increase. Therefore, the issue must be faced.

I deeply hope this fine committee and its excellent staff will be able to resolve the problems and pitfalls, and produce a fair and workable legislative product for presentation to the House. It is in that confidence and hope that I have not signed the discharge petition for the Becker amendment, for I feel it would be most unfortunate if this difficult issue came to the House floor by that method, and without full and objective hearings.

Finally, Mr. Chairman, I would like to cite the text of the key sections of my measure, House Joint Resolution 913:

"SECTION 1. Nothing in this Constitution shall be deemed to prohibit the offering or reading of prayers or Biblical Scriptures, in any governmental or public school, institution, building, or place, provided participation therein is on a voluntary basis: *And provided further,* That the right to decline to participate shall not be abridged.

"SEC. 2. Nothing in this Constitution shall be deemed to prohibit reference to reliance upon, belief in, or invocation of the aid of God or a Supreme Being, in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States.

"SEC. 3. Nothing in this article shall constitute an establishment of religion.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

I thank the committee for its consideration of this statement.

Appropriations

EXTENSION OF REMARKS

OF

HON. ROLAND V. LIBONATI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1964

Mr. LIBONATI. Mr. Speaker, the Committee on Appropriations on recommendation of its several subcommittees considering deficiency appropriations for departments and agencies in Government for the fiscal year June 30, 1964, approved and submits to the House the following items for its consideration totaling $1,162,800,000, a reduction of $42,467,100 from the requests received. About 92 percent of the bill represents military pay costs and public assistance matching grants.

The various amounts appropriated represent those supplemental and deficiency appropriations for the current year to budget requests that are exceptions to the appropriations prohibited in the antideficiency statutes against accelerated or deficiency spending rates.

The Department of Defense—military; for military deficiency appropriation, reserve personnel accounts, and retired pay accounts. District of Columbia—operating expenses (schoolchildren, transportation), public safety (payments to widows and children of deceased policemen and to those retired); caseload increase in public assistance, service costs for Police Department of District of Columbia in connection with the funeral of our late martyred President, John F. Kennedy. The independent offices—Public Buildings Service, increased costs of selective service procurement operation, selectee travel costs and pay increases of personnel. Veterans' Administration pay increases, employees. Service-connected cases increasing costs per case—disability compensation cases. Loan guarantee revolving fund—program activity to quickly honor valid claims and obligations—Department of Agriculture—forest protection and utilization—funds to replace firefighting costs and provide for emergency firefighting, Department of the Interior—fire suppression, Bureau of Indian Affairs—also fire suppression, National Park Service—the same. Also maintenance and rehabilitation of physical facilities for pay increases. The same for Smithsonian and National Gallery of Art.

Department of Labor increases in costs of injuries, costs of medical care, wages of civilian employees have a direct effect on the cost of benefits.

Department of Health, Education, and Welfare—increased wages; St. Elizabeths Hospital increased costs of operating and wages. Welfare Administration—increased grants to States for public assistance. The future indicates need of additional funds for this program.

U.S. Soldiers' Home, approves withdrawal of funds for Soldiers' Home's permanent fund—increases of wages and operational and contract costs.

Legislative branch—Architect's Office wage increase and deceased members widow gratuities.

Department of Defense—civil. Increased wage costs—Department of the Interior—operation and wage costs for Bonneville Power project and costs incidental to Canadian contract under the Columbia River treaty.

Department of Justice: Costs incidental to fees and expenses of witnesses. Increases in wages of employees in prisons. Also increases of costs by State and county institutions for housing and feeding Federal prisoners awaiting trial or disposition of their cases.

The judiciary: Increases in wage costs.

The Treasury: Increases in wage costs, retired pay, and military increased pay.

Claims and judgments: To meet necessary payments of claims and judgments against the United States by the Court of Claims and the U.S. District Courts.

Thus the heavy responsibility of Chairman MAHON and his committee in presenting this bill to the Congress—the consolidation of the meticulous work of each of the respective subcommittees of the Appropriations Committee, whose responsibilities to determine these separative and respective demands for money to carry on the business of Government was twofold:

First. The study of the request in terms of present expenditures already allotted in their general appropriation; and

Second. The adjudication of the various requests both in projected estimates in some cases and the amounts to be appropriated.

The committees functioning in this consolidated bill and the respective chairmen are to be congratulated in their efforts as well as Chairman MAHON and his committee.

SENATE

TUESDAY, MAY 12, 1964

(*Legislative day of Monday, March 30, 1964*)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, Thou hast set us to serve the Nation and all mankind in crucial and decisive hours. With a new world emerging from the churning waters which engulf us, help us to be vividly conscious that Thou hast committed, as a trust to our hands, the great truths that make men free.

May our individual lives be more and more the incarnation of the principles which we profess—Thy Word made flesh in us for this tortured generation. Forgive us for our keenness in seeing human failings in others and our slowness in being aware of the virtues of those who toil by our side.

Grant us sweet reasonableness in all our dealings with our fellow man, and especially with each other in these halls of State, so that when the shadows fall on our working day, we may have the supreme satisfaction of the knowledge that we have given our best to every task, and that we have faced every duty without bitterness, with charity for all, and with malice toward none.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. INOUYE, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 11, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 8, 1964:

S. 1341. An act for the relief of Gabriel Kerenyi.

On May 12, 1964:

S. 1605. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as

amended, to provide for labeling of economic poisons with registration numbers, to eliminate registration under protest, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Jay R. Farmer, to be postmaster at Centerville, Utah, which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 11201) making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11201) making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be the customary morning hour, under the usual circumstances, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. With that understanding, and without objection, it is so ordered.

CALL OF THE ROLL

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 214 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hartke
Hayden
Hickenlooper
Holland
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McClellan
McGee
McGovern
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Nevada [Mr. BIBLE], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from North Carolina [Mr. JORDAN], the Senator from Michigan [Mr. MCNAMARA], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is detained on official committee business.

The Senator from Arizona [Mr. GOLDWATER], the Senator from New Mexico [Mr. MECHEM], and the Senator from Texas [Mr. TOWER] are detained on official business.

The Senator from Nebraska [Mr. HRUSKA] is absent on official business.

The Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Morning business is in order.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today it convene on tomorrow, Wednesday, at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF LAW RELATING TO SETTLEMENT OF ADMIRALTY CLAIMS

A letter from the Under Secretary of the Navy, transmitting a draft of proposed legislation to amend provisions of law relating to the settlement of admiralty claims (with an accompanying paper); to the Committee on Armed Services.

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM

A letter from the Director of Civil Defense, reporting, pursuant to law, on the Federal contributions program, equipment, and facilities, for the quarter ended March 31, 1964 (with an accompanying paper); to the Committee on Armed Services.

AUTHORIZATION OF DISPOSAL OF CERTAIN MOLYBDENUM

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 11 million pounds of molybdenum from the national stockpile (with accompanying papers); to the Committee on Armed Services.

REPORT ON UNNECESSARY RETENTION OF SPARE PARTS AT WESTERN PACIFIC SUPPLY DEPOTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary retention of spare parts at western Pacific supply depots, Department of the Navy, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

NORA ISABELLA SAMUELLI AND KATHERINE NABOKOFF

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation for the relief of Nora Isabella Samuelli and Katherine Nabokoff (with an accompanying paper); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered, granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

RESOLUTION OF MASSACHUSETTS SENATE RELATING TO THE CLOSING OF THE WATERTOWN ARSENAL

The ACTING PRESIDENT pro tempore laid before the Senate the resolutions of the Senate of the Commonwealth of Massachusetts, remonstrating against the proposed closing of the Watertown Arsenal, which was referred to the Committee on Armed Services; and, under the rule, ordered to be printed in the RECORD, as follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE SUCH ACTION AS MAY BE NECESSARY TO REVOKE THE DIRECTIVE OF THE DEPARTMENT OF DEFENSE ORDERING THE CLOSING OF THE WATERTOWN ARSENAL

Whereas the proposed closing of the Watertown Arsenal and the resulting unemployment of thousands of skilled workers will seriously affect the economy of the Commonwealth; and

Whereas in this era of rapid industrial expansion with the attendant problems of location, in which industry is seriously concerned about the relative business climate of the various States and the available supply of skilled labor, it seems to be contrary to good judgment to close a governmental facility which has contributed so immeasurably in the past to the quality and effectiveness of the weapons which enabled the country to protect itself in time of war and to assure it of adequate defense at all times; and

Whereas the existence of the Watertown Arsenal, with its thousands of skilled workers will be of vital importance in maintaining the position of the United States in the tense years ahead: Therefore be it

Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to instruct the Department of Defense to revoke its directive ordering the closing of the Watertown Arsenal; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the Secretary of Defense, to the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

Senate, adopted, April 29, 1964.

THOMAS A. CHADWICK,
Clerk.

A true copy.
Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

CIVIL RIGHTS—RESOLUTION OF BINGHAMTON, N.Y.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the city of Binghamton, favoring the enactment of the pending civil rights bill.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 13

Resolution urging the passage of the civil rights bill by the Congress of the United States

Whereas there is before the Congress of the United States, a civil rights bill which guarantees the rights of all citizens regardless of race, color, creed, or place of birth; and

Whereas the council of the city of Binghamton urges the Congress of the United States to enact the civil rights bill without further dalay: Now, therefore, be it.

Resolved, That the council of the city of Binghamton hereby requests that the Congress of the United States enact the civil rights bill now pending before the Congress; and be it further

Resolved, That the clerk of the city of Binghamton, forward a copy of this resolution to Senator KENNETH B. KEATING, Senator JACOB K. JAVITS, and Representative HOWARD W. ROBISON.

WALTER O. IRVING,
City Clerk.

MAY 6, 1964.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

George M. Cole, Jr., for permanent appointment in the Coast and Geodetic Survey;

Alexander E. Tanos, and George J. Thompson, to be permanent commissioned officers in the Regular Coast Guard;

Max H. Casper, and sundry other officers, to be permanent commissioned officers in the Regular Coast Guard;

Richard Lee Anderson, and sundry other persons, to be permanent commissioned officers in the Regular Coast Guard; and

Walter R. Goldhammer, and sundry other persons, to be chief warrant officers in the U.S. Coast Guard.

BILLS INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHURCH (by request):

S. 2829. A bill to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians; to the Committee on Interior and Insular Affairs.

RESOLUTION RELATIVE TO DEATH OF REPRESENTATIVE CLARENCE CANNON, OF MISSOURI

Mr. SYMINGTON (for himself and Mr. LONG of Missouri) submitted a resolution (S. Res. 328) relative to the death of Representative CLARENCE CANNON, of Missouri, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. SYMINGTON, which appears under a separate heading.)

CIVIL RIGHTS—AMENDMENTS

(AMENDMENTS NOS. 596, 597, 598, 599, 600, 601, AND 602)

Mr. MILLER. Mr. President, I submit seven amendments which I intend to propose to the civil rights bill (H.R. 7152), and ask unanimous consent that they be considered as having been read for the purposes of the rule on cloture, and that they be printed and lie on the table, and be printed in the RECORD.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Without objection, the amendments will be printed and lie on the table as the Senator has requested, and they will be considered as having been read, and will be printed in the RECORD.

The amendments submitted by Mr. MILLER are as follows:

AMENDMENT No. 596

On page 40, lines 14, 15, and 16, strike out "Nothing said or done during and as a part of such endeavors may be used as evidence in a subsequent proceeding." and insert in lieu thereof the following: "Nothing said or done during and as a part of such endeavors may be used by the Commission or any party thereto as evidence in any court proceeding or made public prior to the institution of any court proceeding. Nor may anything contained in the charge be made public by the Commission or any party thereto prior to the institution of any court proceeding. Any officer or employee of the Commission, or any party to a charge, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year, or both."

On page 46, after line 5, insert the following new subsection:

"(d) It shall be unlawful for any officer or employees of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any court proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year, or both."

AMENDMENT No. 597

On page 32, line 19, insert the word "SEX," immediately after "RELIGION,".

On page 42, line 16, insert the word "sex," immediately after "religion,".

AMENDMENT No. 598

On page 13, line 9, immediately after "action", insert the following: "if (1) such action is founded upon a complaint filed with the court in writing under oath and (2) the Attorney General certifies that the signer or signers of such complaint are unable to maintain appropriate legal proceedings for relief and that his intervention is necessary to further the public policy of the United States as set forth in the Constitution or declared by the Congress of the United States. The Attorney General may deem a person or persons unable to maintain appropriate legal proceedings on the same basis as provided in subsection 301(b)."

AMENDMENT No. 599

On page 12, line 5, strike out ", in his judgment,".

On page 12, line 7, strike out "will materially" and insert in lieu thereof "is necessary to".

On page 17, line 14, strike out ", in his judgment,".

On page 17, line 16, strike out "will materially" and insert in lieu thereof "is necessary to".

AMENDMENT No. 600

On page 11, line 7, strike out "hereby created" and insert in lieu thereof "covered by this title".

On page 11, line 9, immediately after "created" insert "or covered".

AMENDMENT No. 601

On page 9, line 20, imediately after "(2)" insert the following: "subject to the provisions of this section,".

On page 9, strike out lines 22 and 23, and insert in lieu thereof the following: "upon receipt of a complaint in writing under oath if he certifies to the court that the person or persons aggrieved are unable to initiate and maintain appropriate legal proceedings for relief and that his institution of an action is necessary to further the purposes of this title."

On page 10, beginning with line 4, strike out all through line 24, and insert in lieu thereof the following:

"(c) Except as otherwise provided in subsection (d), in the case of any complaint in writing under oath received by the Attorney General, alleging a violation or threatened violation of section 203, the Attorney General, before instituting an action, shall notify the appropriate State or local officials and afford them 90 days from the date of such notice to utilize any local, State, or Federal agency or instrumentality which may be available to attempt to secure compliance with the provisions of this title by voluntary procedures and to otherwise take action under State or local laws or regulations forbidding the act or practice involved.

"(d) Compliance with the foregoing provisions of subsection (c) shall not be required if (1) the Attorney General shall file with the court a certificate setting forth his determination that the delay consequent upon compliance with such subsection in the particular case would adversely affect the interests of the United States, or that compliance with such subsection in the particular case would prove ineffective or result in unreasonable delay, and (2) the court finds that the determination of the Attorney General is supported by a preponderance of the evidence.

"(e) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation by such person or persons would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property."

AMENDMENT No. 602

On page 9, line 20, immediately after "aggrieved", insert the following: "if he files a complaint in writing under oath setting forth the facts on the basis of which he alleges a violation or threatened violation of section 203".

On page 11, line 21, immediately after "complaint" insert the following: "in writing under oath".

On page 17, line 3, immediately after "complaint", insert the following: "in writing under oath".

STUDENT ASSISTANCE BILL—ADDITIONAL COSPONSOR OF BILL

Mr. HARTKE. Mr. President, as Members of the Senate have become increasingly familiar with my bill for assistance to college students, with its fourfold package of scholarships, National Defense Education Act improvement, student loan guarantee, and work-study program, one after another has asked me to request that he be listed as a cosponsor. With 21 Senators previously listed as cosponsors, I now have a further request, raising the number to 22. Mr. President, I ask unanimous consent for the addition of the name of the Senator from Rhode Island [Mr. PELL] as a cosponsor for S. 2490, to be included at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

Address entitled "Egyptian and Soviet Threat to Western Positions in the Middle East," delivered by him before American-Israel Public Affairs Committee at Mayflower Hotel in Washington, D.C.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. CLARENCE CANNON, late a Representative from the State of Missouri, and transmitted the resolutions of the House thereon.

DEATH OF REPRESENTATIVE CLARENCE CANNON, OF MISSOURI

Mr. SYMINGTON. Mr. President, it is with profound sorrow that Mrs. Symington and I heard this morning of the passing of one of the great statesmen of our times—the Honorable CLARENCE CANNON, of Elsberry, Mo.

Mr. CANNON first came to Washington with Speaker Champ Clark, more than half a century ago. Since that time he has been noted for many things, including the fact he was the foremost expert on parliamentary procedure in the United States today.

Above all, however, he was noted for his devotion to duty. As chairman of the all-important House Appropriations Committee, he worked long days and nights to foster the security and prosperity of the country through the bills that went through his committee.

In addition, no Congressman in our time was closer to his constituency than CLARENCE CANNON. Each and every citizen of the Ninth District of Missouri knew him, and his gracious and beloved wife, as a devoted friend.

Missouri and the Nation will miss him.

My wife and I extend our deepest sympathy and love to his children and to Miss Ida, the woman who had so much to do with making it possible for him to carry successfully the burdens placed on his shoulders as an outstanding public servant of this century.

Mr. LONG of Missouri. Mr. President, it is a sad duty for me to speak this morning about the death of Missouri's beloved Congressman CLARENCE CANNON. Congressman CANNON, Representative of the Ninth Congressional District of Missouri for over 40 years which is my home district—our homes for many years have been just a few miles apart—was the second ranking Member of the House of Representatives. His tenure was longer than that of any elected Representative from Missouri.

The people of Missouri, the Nation, and the world have lost a devoted champion in CLARENCE CANNON. I have lost an old, dear friend and mentor. He will best be remembered for his chairmanship of the House Appropriations Committee and his monetary policies, for his many attempts to put this country on a sound fiscal program. Millions will remember him as one of the most outstanding parliamentarians of any age.

CLARENCE CANNON was more than the elected Representative of Missourians. He was a man of all the people, working always to assure that this Nation and our people remained strong. His life was motivated by integrity and the highest principles. Throughout his service to this Nation—running in innumerable election campaigns—Congressman CANNON never accepted contributions for his campaign expenses. This fact was a great source of pride to him.

CLARENCE CANNON was one of few men whose sense of history was real. As a former instructor of history in one of our State's outstanding schools and a longtime student in the field, CLARENCE CANNON understood the present in terms of what had gone before and what was to come.

Mrs. Long and I extend our heartfelt sympathy to Mrs. Cannon—Miss Ida, as we affectionately know her in Missouri—and to other members of the family. His life was devoted to this Nation; we shall not forget his efforts on our behalf.

Mr. SALTONSTALL. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, both as senior Republican on the Appropriations Committee and as a regent of the Smithsonian Institution, I often came in contact with CLARENCE CANNON. I have known him for the past 15 years. As a regent of the Smithsonian he always was attentive to the needs of that fine Institution and took an important part in the building of its new Museum of History and Technology.

He certainly was a most conscientious and effective legislator. As chairman of the very important Appropriations Committee of the House, he followed the work of the committee very closely, had an excellent grasp of the details of the legislation before it, and carried forward its work on schedule.

He was supposed to be an autocrat. I never found him to be an autocrat. I always found him open to persuasion. He had very firm and clear ideas as to what Congress should do concerning problems of appropriations, but he was always willing to listen. He was always willing to participate in conferences between the House and the Senate on matters involving differences of opinion. Perhaps he was oversensitive at times to the actions of the House as opposed to those of the Senate, but in the end we always got together.

My relations with him were pleasant, and we respected each other. I always found him a friendly person with whom to deal—a teacher, a lawyer, an author, an expert parliamentarian, and an outstanding legislator.

As a member of the Appropriations Committee of the Senate, I shall miss him in many conferences.

I extend my deepest sympathy to his wife and family.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able senior Senator from Louisiana.

Mr. ELLENDER. Mr. President, I regret very deeply the sudden death of Representative CLARENCE CANNON.

Soon after I joined the Senate Appropriations Committee in 1948, I became chairman of the Subcommittee on Public Works. At that time, it happened that Mr. CANNON was chairman of that same subcommittee of the House Appropriations Committee.

He and I had quite a struggle at times, in conference. But I always found Mr. CANNON amenable to providing funds for the protection and preservation of the Nation's most important resources—land and water. He and I found ourselves in complete agreement that unless these were protected now, for the use of future generations, all the metal and minerals which might be dug out of the ground would count for nothing.

But the interests of the late chairman of the House Appropriations Committee ranged far and wide. He is perhaps best known as the author of House Document No. 122, entitled "Cannon's Procedure in the House of Representatives." The title page of that volume, in a very few words, tells the story of a lifetime of service and devotion to the public business. It reads as follows: "By Clarence Cannon, Member of Congress; sometime Parliamentarian of the House, Speaker pro tempore, Chairman of the Committee of the Whole; chairman of Committee on Appropriations, etc." And, Mr. President, that little et cetera, if expanded to cover all his activities and attributes, would speak volumes in itself.

In closing, I should like to point out that the same title page of "Cannon's Procedure" contains a quotation from Shakespeare's Merchant of Venice, whose import should not be lost on us today. The quotation begins with one of the characters, Bassanio, speaking as follows:

> And I beseech you wrest once the law to your authority; to do a great right, do a little wrong.

But Portia, the heroine, answers:

> It must not be * * * 'twill be recorded for a precedent, and many an error by the same example will rush into the state.

Mr. Cannon recognized the great wisdom embodied in those words. I regret his death, and I extend my condolences to "Miss Ida," his lovely wife.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able and distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, the Senator from New Hampshire happens to be one of the Members of the Senate who served in the House and served on the Appropriations Committee in the House under the leadership of the late Clarence Cannon. I served on that committee for 6 years. I came to know Clarence Cannon as chairman of the committee on which I served. He was a resolute, stanch man in upholding his convictions. He was a fair man. He was considerate in every way of the individual members of his committee.

On at least one occasion Mrs. Cotton and I found ourselves with Mr. Cannon and his charming wife, traveling on a vacation trip. When he was away from the confining labor to which he devoted himself unflaggingly and was relaxed, I found him to be a delightful companion and his mind a veritable storehouse of exceedingly interesting information which he had accumulated during a long, distinguished career. I shall never forget my association with him.

Our hearts go out to Mrs. Cannon. I take this opportunity to pay my tribute to a man under whom I served and for whom I always had the deepest respect and admiration.

Mr. SYMINGTON. I now yield to the Senator from Idaho [Mr. Church].

Mr. CHURCH. Mr. President, I join in the expressions of sadness at the unforunate passing of Clarence Cannon.

I knew him to be one of the strong men in Congress.

It is always an occasion of special sadness when a strong man dies.

Mr. SYMINGTON. I now yield to the Senator from Kansas [Mr. Carlson].

Mr. CARLSON. Mr. President, I wish to associate myself with the remarks that have been made regarding the passing of a very distinguished neighbor of ours, Representative Clarence Cannon, of Missouri. For 12 years I had the privilege of serving with him in the House of Representatives.

We who live in the Midwest are deeply indebted to him for the favorable consideration which he gave to us in the State of Kansas and the surrounding area, when it came to the control of water runoff and development of the States water resources.

He was always a great student of the needs of that section of the country and a great proponent of programs for the improvement of the rural sections.

Personally I have had many pleasant associations with him and meetings in regard to these programs. He was always courteous to me and I appreciated so much the many favors we received from him. We will all miss him in the Middle West. We will all miss him in Congress and in the Nation.

He was a great legislator. He was a great citizen of his country.

I share with other Senators in expressions of sympathy to Mrs. Cannon and the family.

Mr. SYMINGTON. I now yield to the Senator from Georgia [Mr. Talmadge].

Mr. TALMADGE. Mr. President, I, too, wish to associate myself with the expressions of the distinguished senior Senator from Missouri [Mr. Symington] as well as other Senators, who have expressed their deep regret at the passing of the Honorable Clarence Cannon.

Our country has lost an outstanding statesman. Our country has lost a fearless fighter for economy in Government.

He will be sorely missed in the Congress and in the Nation.

Mr. SYMINGTON. Mr. President, I now yield to the Senator from North Dakota [Mr. Young].

Mr. YOUNG of North Dakota. Mr. President, I join in a well deserved tribute to the late Representative Clarence Cannon, who served long, and honorably in the Congress of the United States.

He was one of the most distinguished Members, and the able chairman of the House Appropriations Committee. I do not know of any single Member of Congress who made a greater contribution toward economy in Government than Clarence Cannon.

He was one of the closest Members to rural America now serving in Congress. I do not know of any Member of Congress who knew rural America as well as he did, or who was more sympathetic to its problems.

I, too, wish to extend my sympathy to his good wife and very fine family.

Mr. SYMINGTON. Mr. President, I now yield to the distinguished Senator from New York [Mr. Javits].

Mr. JAVITS. Mr. President, I served with Clarence Cannon in the House for many years and learned to respect and admire him. I wish, on behalf of myself and Mrs. Javits, to extend sincerest condolences to Mrs. Cannon—who my distinguished colleague has described in such beautiful terms—and to the family.

A signal attitude of Representative Cannon, who lived to such a beautiful, ripe age, full of years, full of honors, and full of service, was what I heard described in Israel as a "sabra"—sometimes a prickly exterior, but always a sweet interior.

I hope that his family will think of him as we think of him, in those terms.

Mr. SYMINGTON. Mr. President, I now yield to the Senator from Florida [Mr. Holland].

Mr. HOLLAND. Mr. President, I thank the Senator from Missouri. I wish to join in the expressions of sorrow and of appreciation to the late Clarence Cannon.

On two different occasions I had to appear on the platform in rather heated arguments during Democratic conventions when Clarence Cannon's advice to the presiding officer was, of course, controlling on very serious questions as to what rules were in effect at the time, and how those rules should be applied.

I found him to be so completely fair and so completely thorough in his understanding of the rules that, in spite of the heated nature of the arguments, everyone who participated came down from the platform giving praise to him for his sense of fairness and for his great knowledge of parliamentary procedure.

Mr. President, I wish to speak on another point, if I may, which is well known to my distinguished friend, the senior Senator from Louisiana [Mr. Ellender].

There was one matter affecting a public project from the State which I represent in part, in which there was serious disagreement between the distinguished late chairman of the Appropriations Committee of the other body and myself, and other members of the Senate Appropriations Committee. We had all felt, when those matters came to a rather heated climax in 1962, that it was quite likely there would be some carrying over of that rough fight into the procedures of the committee in 1963.

I should like to say for the Record that not only was there no carrying over of any sense of resentment or hostility, or anything of the kind, either toward me or toward my State, or toward any member of the Senate Appropriations Committee, or the Senate conferees in the field of public works, but on the contrary we all felt that our distinguished late friend was even more understanding in the conference of last year than had been the case before that time, if such were possible.

I believe he was the essence of fairness and impartiality, and of distinct devotion to duty when it came to trying to save the taxpayers' money.

I am deeply grieved at his passing. Mrs. Holland and I wish the Record to reflect our affectionate sympathy to Miss Ida, for whom we have the greatest affection and esteem.

Mr. SYMINGTON. Mr. President, I now yield to the Senator from Texas [Mr. Yarborough].

Mr. YARBOROUGH. Mr. President, I thank the Senator from Missouri for yielding to me for a moment of tribute to the late Representative CLARENCE CANNON.

He was a man of great power in the House, who wielded it so modestly and self-effacingly that one had to be told he was chairman of the most powerful committee in the Congress.

He never wore his honors on his sleeve. He never assumed ostentatious airs. He was a very modest man.

I became acquainted with him through the late beloved Speaker Sam Rayburn, during the years that he was alive. I knew CLARENCE CANNON far more then than since, but I never went to an occasion where Sam Rayburn was present that CLARENCE CANNON was not there also. They were close friends. They worked in harmony for many years.

We shall all miss CLARENCE CANNON. The second ranking member of that committee, is from my State, Representative GEORGE H. MAHON, and he spoke many times how wonderful a chairman CLARENCE CANNON was to work with.

Those who worked with him closest will miss him the most. We shall all miss him from the Halls of the Congress of the United States.

Mr. SYMINGTON. Mr. President, I now yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, it was never my privilege to know CLARENCE CANNON socially, or outside the Halls of Congress, but for the past 6 years I had occasion within the field of appropriations to sit with him across the table on many conference committees. So what I say about him I say as the attitude of one legislator toward another.

It would be impossible for anyone to sit at a conference table with a man like CLARENCE CANNON and not be impressed over and over again, not only with the seriousness and acuity of his mind but also with the great integrity and sense of fairness and reasonableness which characterized his every action.

He was also a great adherent to principles. When he felt strongly about a particular question, it was most unlikely that he would yield upon that question. But one would also find that he had behind his own position very strong and logical reasons for the conclusions which he had reached.

Mr. President, as a younger member of that committee, I wish to pay this tribute to him. He was a gentleman. In his activities in this area, he was one of the finest legislators I shall ever meet. The Congress and the Nation, as well as all the citizens, will miss his services and and his devotion to our country.

Mr. HUMPHREY. Mr. President, I shall take only a moment to pay my tribute and respects to the late Representative from Missouri, CLARENCE CANNON, whom we lost today. We have lost a very powerful force and voice in the Halls of Congress.

As I recall, he came to Congress and served for about 60 years, first as an aid to a distinguished Member of the Senate, and then in his own right as a Representative from the State of Missouri. He has exercised tremendous influence in the development of public policies and, of course, has been a powerful force and voice in governmental appropriations. He was always frugal and responsible, and one who sought to serve the public interest as he saw the public interest.

To the Senators from Missouri and the people of Missouri I extend my heartfelt sympathy and condolences. I know that I speak not only for myself in my capacity, but inasmuch as the majority leader is engrossed with other business, I know I speak also his sentiments.

Mr. SYMINGTON. Mr. President, I thank all my colleagues in the Senate for their kind and gracious remarks about the dean of the Missouri congressional delegation, one of the great parliamentarians and one of the great men of our time. I am sure his wife and his daughters will deeply appreciate these expressions of sympathy from Members of the Senate.

EXPLANATION OF QUORUM CALL 211 OF YESTERDAY

Mr. ALLOTT. Mr. President, on page 10520 of the CONGRESSIONAL RECORD of yesterday, May 11, 1964, there appears the quorum call numbered 211. I wish to state that the two Senators from Colorado were in attendance in the meeting room of the Committee on Interior and Insular Affairs in the Senate Office Building. Both of us were there, and no bell rang at that time. Since neither of us is recorded as having answered to the quorum call, I wish the RECORD to show why we were not present.

CIVIL RIGHTS—A BILL FULL OF CIVIL WRONGS

Mr. TALMADGE. Mr. President, there appeared in the May issue of the Progressive Farmer an excellent editorial by Eugene Butler, the editor in chief of that magazine, which in very forceful terms calls attention to the dangers inherent in the so-called civil rights bill.

Pointing out that this proposed legislation is unconstitutional as well as unneeded and unwarranted, Mr. Butler calls attention to the fact that this package of bills constitutes a "flagrant intrusion of Government into the private lives of citizens." I would like to quote a portion of his editorial in which I believe he succinctly summarizes the evils of this legislation:

> The bill takes away from State governments many rights the Founding Fathers thought they had guaranteed under the Constitution. If it is passed and sustained by the Supreme Court, it will prove once and for all that the States have left no rights that the Federal Government is obligated to respect.
>
> The bill would do these things:
>
> It would take away from the States their constitutional right to set voters' qualifications. It would force the States to qualify automatically for voting any of their citizens with a sixth-grade education.
>
> It would tell business people, including farmers, how they may use their property and whom they may hire and fire.
>
> It would take tax money from the people of the States and then refuse to give back to them their fair share unless they buckled under to the Federal Government's ideas of social equality and civil rights.

I share the view of Mr. Butler that all qualified persons should have the right to vote and that all of our citizens should be afforded every right guaranteed them by the Constitution. But, as the editorial points out, the so-called civil rights bill, instead of achieving these desired ends, infringes upon the rights of the citizens of this country.

I commend this editorial to the Members of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS—A BILL FULL OF CIVIL WRONGS

(By Eugene Butler)

> Ever since the War Between the States settled beyond doubt the supremacy of the National Government, States' rights have been whittled away by legislative action and court decisions. Now comes the National Government with a misnamed package of bills called civil rights that still further erodes States' rights. By its flagrant intrusion of Government into the private lives of citizens, it makes a mockery of their constitutional rights.
>
> The bill takes away from State governments many rights the Founding Fathers thought they had guaranteed under the Constitution. If it is passed and sustained by the Supreme Court, it will prove once and for all that the States have left no rights that the Federal Government is obligated to respect.
>
> The bill would do these things:
>
> It would take away from the States their constitutional right to set voters' qualifications. It would force the States to qualify automatically for voting any of their citizens with a sixth-grade education.
>
> It would tell business people, including farmers, how they may use their property and whom they may hire and fire.
>
> It would take tax money from the people of the States and then refuse to give back to them their fair share unless they buckled under to the Federal Government's ideas of social equality and civil rights.
>
> The bill proposes to regulate public accommodations. But what it does is to control privately owned establishments that cater to the public. There is a vast difference. Recent Supreme Court decisions have already legally desegregated public accommodations such as trains, streetcars, parks, and schools. The new bill goes much further. It seeks to control the business life of hotel owners, theater owners, and store owners, denying them the right to use their private property as they see fit.
>
> The authors of the bill seek constitutional authority to regulate private business through the 14th amendment to the Constitution and that part of article 1, section 8, known as the commerce clause.
>
> The 14th—the tainted amendment that was never legally ratified—states that: "No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws."
>
> There is not a word in the amendment that gives Congress authority to legislate against a private business. It was designed solely to prevent a State from passing discriminatory laws.
>
> Realizing how little the 14th amendment supports their position, the authors of the

public accommodation proposal sought help from the commerce clause of article 1, section 8. This clause gives Congress power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

It is difficult to read into this simple statement Federal authority to tell a storekeeper whom he must serve.

It seems obvious that those who drafted the Constitution meant exactly what they said. They were granting Congress power to regulate commerce among the several States. Moreover, records of the Constitutional Convention and a knowledge of the times bear out this interpretation.

The public accommodations clause not only applies to persons traveling from State to State or establishments doing business in many States. It applies to establishments doing business entirely within a State, if a substantial portion of the goods they use or services they offer have at one time or another traveled from one State to another.

Over the years, this commerce clause has been used time and time again to take rights away from the States and give them to the Federal Government.

In discussing what part of commerce Congress has the power to regulate, Woodrow Wilson said:

"Clearly, any part of the actual movement of merchandise and persons from State to State. May it also regulate the conditions under which merchandise is produced which is presently to become the subject matter of interstate commerce?

"Clearly not, I should say. Back of the conditions of labor in the field and in the factory lie all the intimate matters of morals and of domestic and business relationships which have always been recognized as the undisputed field of State law.

"If the Federal power does not end with the regulation of actual movement of trade, it ends nowhere, and the line between State and Federal jurisdiction is obliterated."

Historically, Congress began first to regulate the carriers; that is, the railroads, that moved goods from one State to another. Then it broadened its powers to regulate the goods themselves. Eventually, it claimed to have power under this simple clause to regulate the conditions under which goods were manufactured. It did seem that when Congress set itself to regulate the wages, hours of overtime, and labor relations under which goods move in interstate commerce, it had tortured and twisted out of the commerce clause all the Federal power possible. But under this new bill, it attempts to use the commerce clause to open up an entirely new field of control. It would control a soda fountain, if its syrup moved across State lines. The next step would be to control doctors whose patients travel across State lines.

The bill provides for Federal regulation in hiring, firing, promoting, and handling employees of all businesses with as many as 25 employees. It would be unlawful to fail or refuse to hire or to discharge any individual because of his race, color, religion, and national origin. No "right" to be free from discrimination is anywhere stated in the Constitution save in the 14th amendment. And that amendment prohibits States, not individuals or businesses, from denying equal protection of the laws. Moreover, in no previous interpretation of the commerce clause were private employment practices considered to affect commerce. The personnel—the people—that work for a business often determine whether it makes a profit or fails. If Congress has the right to tell a business whom it can hire or fire, then by all that is fair and right, it should guarantee that business a profit.

The 15th amendment to the Constitution gives Congress the power to pass appropriate legislation to protect the right to vote from abridgment by reason of race or color. But this new civil rights legislation would give Congress the power to decide the qualifications of voters. Nowhere in the Constitution is Congress given this power.

It is said that in many localities, literacy tests are mere subterfuges under which people are not allowed to vote because of the color of their skin. We do not believe anyone should be disqualified from voting by reason of his color. We realize there are areas of the South in which Negroes are in a majority. In those areas, heavy block voting by Negroes could create serious problems. But there is no way around giving all qualified persons the right to vote.

And the sooner all areas of the South make up their minds to this fact and educate their Negroes to vote intelligently, the better off we shall be in the South.

Under the Constitution, any requirement for voting imposed by a State must apply equally to all comers. But those who would pass this new "civil rights" bill are confusing the abuse of a thing with the thing abused. It is one thing for Congress to pass legislation to require the even application of a literacy test to all persons desiring to vote. This is constitutional; it is right and proper. But it is something entirely different—and decidedly wrong—to take away from the States the right to decide what sort of literacy test is to be applied to all. If anything, we should raise, rather than lower, requirements for voting. A sixth-grade education is not enough. If there is any one cornerstone upon which good government is based, it is an informed public.

There are no doubt people who believe the civil rights bill serves a good purpose. They are sincere in believing that a person has a right to buy a meal here or to be lodged there. But they are not weighing the consequences. Good ends ought never to be sought by bad means. The civil rights bill is an evil means of seeking an evil end. If it passes, the States will be further reduced to nothing more than appendages to the Central Government and largely subject to its control.

LENGTH OF CIVIL RIGHTS FILIBUSTER

Mr. DOUGLAS. Mr. President, the Senate is now in the 53d day of the filibuster on the civil rights bill. In other words, 2 months and 3 days have passed since the debate ostensibly began. I am informed that this is already the longest filibuster in the history of the U.S. Senate. It is obvious that unless we take steps to limit the debate, the end is relatively far off. In fact, the Senate has made little progress. Possibly the 53 days are merely the beginning.

The impression is going out over the country that the advocates of civil rights, on the floor of the Senate, at least, do not mean business and are not serious in their efforts to pass the bill. I sincerely hope that this is not the case. I do not want to believe that it is so. But the Senate will soon have to take vigorous steps if it is to clear itself of this suspicion, which is rapidly gaining ground. The events of last night, when it took the Senate and hour and a half to develop a quorum, certainly have not done anything to dissipate that suspicion.

I am well aware of the difficulties created by rule XXII and the fact that while only a majority is needed to adopt an amendment or to pass a bill, a two-thirds vote is needed to limit debate. Some of us have tried for 15 years to change that rule but always we have been defeated. I can well understand the feelings of the leadership that they do not want to move until they feel they have the votes of two-thirds of the membership. But if they wait for that, they may wait forever.

I suggest that we who believe that the Senate ought to proceed to limit debate should make that fact known. I am willing at this point to vote for a limitation of debate. I hope that other Senators will so signify.

One final point should be noted. Although the technical term used to limit debate is "cloture," the adoption of what is termed "cloture" does not really close debate.

The **PRESIDING OFFICER.** The time of the Senator from Illinois has expired.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DOUGLAS. If cloture should be adopted, each Senator thereafter would be entitled to a full hour of debate, on the bill and on all amendments. This would permit our southern friends—and they are our friends—to propose at least 22 amendments, and they could be discussed for an additional 22 hours by Senators on the other side. Certainly this would permit full and free debate.

I would be opposed to any motion after cloture is voted to table amendments submitted by our friends from the South. I believe that the procedure that was followed on the Telstar bill in 1962, in automatically tabling amendments, was wrong. I would defend the right of southern Senators to propose amendments and have them debated for an hour or more on their side and an hour on our side, if necessary.

I think the country is tired of the procedure that the Senate has been following. The debate is being used not to illumine the subject but to prevent a decision from being taken. I very much favor moving toward action. The country is tired and the Senate is tired of what has been taking place. I urge the leadership to propose action to limit debate at the earliest convenient and practicable moment.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am speaking on limited time, but I shall be glad to yield with the permission of the Chair.

Mr. LONG of Louisiana. Did not the Senator from Illinois vote against a standard motion to table all amendments when the Telstar bill was before the Senate, notwithstanding which the procedure was used by the leadership to see to it that no amendment was considered on its merits, after gag rule had been imposed?

Mr. DOUGLAS. I voted against the motions to table.

Mr. LONG of Louisiana. Is it not true that the Senate did?

Mr. DOUGLAS. The Senate voted to table them.

Mr. LONG of Louisiana. Every one?

Mr. DOUGLAS. Yes. But many Senators who then approved arresting absent Senators and who railroaded the Telestar bill through the Senate by invoking cloture and tabling all amendments are, however, apparently defending unlimited debate now.

ADDRESS BY HON. WILLIAM PROXMIRE, of WISCONSIN, BEFORE KANSAS INDEPENDENT OIL & GAS ASSOCIATION

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an able and courageous address delivered by the distinguished senior Senator from Wisconsin [Mr. PROXMIRE] before the Kansas Independent Oil & Gas Producers Association at Wichita, Kans., on May 7. The address is entitled "What's Wrong With the Oil Industry." I commend the address to all members of the oil industry.

I have been informed, not by the Senator from Wisconsin, but by others, that he was received with great applause, both when he began and when he finished. Possibly the smaller oil producers are waking up and realizing that they have been used as cat's paws by the big oil operators. I hope this address may help them be truly independent.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT'S WRONG WITH THE OIL INDUSTRY

(Speech by Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, before Kansas Independent Oil & Gas Association, Wichita, Kans., May 7, 1964)

I have selected as my topic today "What's Wrong With the Oil Industry." This makes things easy for me because it is always simpler to be a critic than to be a constructive advocate. However, I want to make it perfectly clear at the very beginning that I recognize your industry as great and absolutely essential.

NATIONAL CONTRIBUTION OF OIL

Your industry contributes vitally to our Nation. You produce a product which is essential to our society. You are a source of substantial employment in the Nation and a director of massive investment capital. You explore for an urgently needed raw material and you convert that raw material into important products.

Moreover, your industry is composed of many individuals for whom I have a particularly warm spot in my heart; namely, small businessmen. Your industry has been characterized by the small independent operators who have the courage to take long chances for large rewards. Such men typically operate best in small units and this has been the nature of your industry.

However, I am a consumer, a citizen, and a taxpayer. While I recognize how vital this great industry is to American strength and prosperity, I judge from your invitation to speak that you are interested in my view of the oil and gas industry as a consumer, a citizen, and a taxpayer, as well as a U.S. Senator concerned with American strength and prosperity.

In my judgment, your industry is not operating in the best interests of the American consumer or the American economy, or, in the last analysis, the individual producers in your own industry. The oil industry is operating under State and Federal regulations and tax laws that enfeeble competition and encourage inefficiency. Oil regulations shove an annual multibillion dollar price-fixing subsidy burden on the American oil consumer. Oil tax loopholes hand other taxpayers an additional multibillion-dollar tax bill. Your industry operates to the great advantage of the passive wealthy loophole-seeking investor and to the cruel disadvantage of the oil industry's own enterprising small businessman and explorer.

These are strong statements, but they are true.

PRODUCTION AND PRICE FIXING BY STATE COMMISSIONS

What are these regulations? Let's start with you who produce oil in Kansas. You prospect for oil, you get a mineral lease on land, you get a permit to drill, you drill, you find oil, and what happens? The State commission steps in immediately, estimates your potential rate of output, and then permits you to produce only a small percentage of this rate. Does the ultimate consumer get the benefit of the increased supplies of oil because you have found a new pool? Does he get the benefit of lower prices for petroleum products because of increased supplies of oil? The answer is an obvious and emphatic no.

Instead, there is an almost complete absence of freedom of action available to you. You have to get permission from the State to drill, to complete your well, to hook up a connection, and to sell your oil. The State, not you, determines how many acres there can be in a drilling unit and how many barrels of oil you can produce this month or this year. Is this freedom under a private enterprise economy or is this a tight State socialism that fixes prices and profits?

What is the justification for these policies? The State commissions control the output so that no more oil is available to consumers. Why? Because if more oil is available, prices will fall. Regulations prevent the consumer from benefiting from oil production.

STATE BENEFITS FOR INEFFICIENCY

But the situation is much worse than this. As a result of your discovery, other producers throughout the State are forced by the State commission to cut back on oil production. As a result of your new find, output of all other wells is cut back. The result of this cutback is to make all other wells less efficient. Their costs are higher relative to their more limited output. Hence, inefficiency is imposed upon your industry. Result: it is made absolutely sure that the American consumer does not benefit. Is this free enterprise or controlled, socialistic, State-dominated production?

Now let's go even further. Others hear of your good fortune and so they drill wells into the same pool you have already penetrated. Since the guiding rule is that the market still must not be expanded, everyone who drills a well gets an allowable portion of the existing market. To provide this "fair share" the portions for existing producers must be cut back even further. Hence, an additional reason exists even within your new pool for inefficient use of our national resources. You all know far better than I that the most efficient operation, namely, the maximum recovery at lowest cost, can be obtained from a pool with very few wells. The analogy is a tired one, but I shall use it anyway—this is exactly like putting more straws in a bottle of soda pop. The additional wells reduce the efficiency of all wells, including the previous ones that existed in the pool. Investment costs rise much more rapidly than additional yields. Then, on top of this, the yield of each existing well must be steadily cut back as new wells are sunk. Is this maximum efficiency produced by free competition for the benefit of consumers or a socialistic state in its purest form?

The result of all this is increased costs which are then used by the major companies as another justification for holding final prices to consumers high, rather than letting them fall. The circle and the policy are vicious—more overdrilling, increased costs, further restrictions supporting high prices, which encourage more drilling.

There are still other policies designed explicitly to hurt the consumer. The marginal or stripper wells are typically exempt from regulation because otherwise many of them would be simply shut down. In the oil industry, as you know, there is only one thing worse than a dry hole and that is finding a deposit which looks commercial, but which the operator finds out the hard way is not commercial—after he has spent his money developing it. In other words, he and society would have been better off had the reserve never been found. So the ridiculous policy is then adopted of permitting these most uneconomic strippers to continue in the market.

Some countries classify a well producing less than 20 barrels daily as inactive. They wisely close down the well as soon as possible. We follow the reverse policy of encouraging the margin wells. For example, in Texas, wells which produce less than 20 barrels a day escape regulation. So a science exists of operating wells that provide only 19 barrels a day. In other words, we cherish and fertilize the weeds at the expense of the flowers. An explicit policy is adopted to keep the most inefficient operators in business. And who pays the cost? The consumer. Is this private enterprise or a State economic dictatorship at its inefficient worst?

What's the significance of this policy? Is it that in 1962 of the approximately 3 billion barrels of oil produced in the United States some 582 million—more than one-sixth—were obtained from wells producing 10 barrels per day or less. The average production by these stripper wells in 1962 was 4 barrels per day. Can this be called maximum efficiency?

CONTROL BY BIG BUYERS

The most effective control, however, is not by the State commissions but by the major integrated companies which dominate the industry and particularly its production level. They control how much of the oil they take and how much they will pay for it. And the independent producer, especially the small producer, has no real alternative but to do exactly as the majors say.

What happens when you wish to sell your crude oil? Do the major refining companies come flocking to your well and compete to obtain your oil? Of course not. They already have more oil than they need to meet the market at the existing high prices which they charge the final consumer.

Therefore, you must go begging to a company to buy your oil. There will be only one pipeline connected to your well. In other words, there is only one buyer, a buyer who is a monopoly purchaser from you. If he doesn't want your oil, you don't sell oil. Therefore, he can and does completely control the prices he pays you. Is that free competition? Or is that corporate enforced socialism? Name me one other industry where the manufacturer has a monopoly buying power over his suppliers of raw material.

The State authorities set a top limit on how much oil a particular well can produce and on the total that all State wells can produce. If a purchaser is a small business refiner whose total supply is in the control of one State, you can compel him to come to terms if the State conservation agency agrees. If the purchaser, however, is an integrated major company with production and pipelines in other States and in foreign countries, such as Kuwait, there is nothing your State agency can do except speak politely.

Thus, if the major companies who purchase oil agree, the independent producers can operate. If the major companies decide to take less from a particular field, there is nothing the small producers in that field can do except complain; that is, unless current experiments are eventually successful at making oil into an edible substance; then you can eat it.

The State system does succeed in keeping off the market any stray oil in excess of major company marketing requirements. This gives those companies a nearly complete control over the price of the crude oil they purchase. Can this be called anything except corporate economic dictatorship?

INFLUENCE ON PUBLIC OFFICIALS

Not content, however, with Government controls and with corporate dictatorship, your industry has also insisted upon infiltrating the Federal Government in order to insure its continuing profits. It has been estimated that the American Petroleum Institute alone spends about $50 million a year in public relations. The industry uses much of these funds to influence Government.

One of these ways is through political contributions. In my own State of Wisconsin we are not oil producers, we are oil consumers. Yet it is usual for candidates for Federal office from my State to show contributions from leading figures in the oil industry from Texas, California, and other States.

I understand that your industry operates more aircraft than all U.S. airlines put together. These planes are used in many ways, one of which is to carry influential politicians.

EFFECTS ON CONSUMERS

What is the effect of all this on the consumers of oil and oil products? Your industry is fond of saying that despite the rise in costs since the twenties, gasoline prices before taxes are about the same per gallon as they were then. This, in my view, is the most devastating criticism of the effectiveness of this industry's concern for the consumer. Over the past 40 years the technical efficiency of your industry has grown many times. Look at the big trunk pipelines moving crude oil and products at a fraction of the cost per barrel of the tank cars and small pipelines of prewar years. Look at refinery efficiency with its vastly increased production of high-value products and the decrease of residual oil to nearly nothing. Look at the increased technical efficiency in oil production. In the twenties your predecessors in this industry were only able to extract 10 percent of oil in reservoirs. The other 90 percent was lost. This extraction percentage has increased to the 30 or 40 percent now common and the 60 percent which is easily possible. These increases in technical efficiency should have given the consumer a much, much lower gasoline price, not one based on the low volume, high-cost predepression years.

The annual cost of this organized waste to the American consumer has been conservatively estimated at about $4 billion per year. What is the cost to the consumer? A reasonable estimate, based simply on the free world price of oil, without considering the greater efficiencies possible in this country, is that gasoline prices could be at least 5 cents a gallon cheaper. Imagine: every 20 miles we drive, we pay a nickel in tribute to wasteful regulations and practices.

DEFENSE: AN OIL ALIBI OR THE REAL M'COY

I view the oil industry also as a citizen. As a citizen, your industry says to me that it is my patriotic duty to pay the industry price in the name of national security. In my opinion, the present methods of operation of your industry are not essential to our national security but rather a menace to it.

Let me make this clear. Oil is an essential of national security. For many years to come planes, both supersonic and otherwise, will fly on petroleum fuels, ships will move by oil power, land operations will be driven by petroleum power.

But to say that your product is essential to national security is not to say that your methods of fixing prices are equally essential to national security.

One of our greatest sources of national security is the effective operation of our free market economy. The methods used by your industry are sabotaging this effective operation of our economy. You are not making efficient use of the national resources over which you have obtained command and which are so vital to our survival. Moreover, you are not using free market techniques but subverting these techniques.

But let us look at national security simply from the standpoint of logistics. Does anyone here honestly believe that if we get into a World War III, Heaven forbid, it will be fought entirely from fortress America? If this were true, our defense authorities would be sadly derelict in their policy of building bases abroad. Instead of building up our reserves in the United States, we should permit defense planning in petroleum, as in other materiel of war, to be free of political and industrial pressure. These materials should be located where, in the judgment of our defense officials, and no one else, they can best serve the national security interests of the United States.

And look what we are sacrificing in terms of increasing the strength of our private economy during this peacetime period. In Boston, an area of high fuel costs, fuel oil could be landed from Venezuela at under $1.75 per barrel, if it were not for restrictions on residual fuel oil, even putting aside crude oil quotas. Residual fuel oil quotas have not the slightest justification on grounds of national security. As you know, there is not a single refiner of oil in this country who is making residual fuel oil deliberately or who does not regard it as a terrific waste of important oil resources. Yet these quotas are retained, thereby increasing the price of a product which we could draw cheaply from a foreign source.

But let's make the assumption which is the basis for your industry's position; namely, that we need to rely wholely upon domestic oil in time of emergency. The question then arises how much oil do we need in reserve for this purpose? In my judgment, this is one of the points at which the oil industry is most vulnerable. During the last 30 years there has been this monotonous insistence upon the need for domestic oil reserves for security needs. Yet there never has been any significant effort by the industry to measure, estimate or even guess how much reserve we should have for this purpose. There is, in other words, no gage provided for the determination of this policy. The only rule is the rule of your industry—there should be more and more and more.

But let's look at the facts. In 1941 we went into war with wells producing at about 90 percent of capacity. In other words, we had a reserve of about 10 percent. It was enough, when supplemented by the regular imports of Venezuelan crude oil that took place in 1944 and 1945, to satisfy our full military demands. In the early 1950's one estimate made outside the industry was that we needed something like a 15 percent reserve. However, in 1959, when our reserves undoubtedly exceeded 30 percent, the argument of the need for a reserve was used as the basis for supporting import controls. Today our reserves are probably in excess of 50 percent and we are still asked to intensify import controls so as to increase that reserve capacity. You are operating at less than 50 percent capacity. Or to put it another way, you are operating on the basis of at least five times more need for national security than at the beginning of World War II. Your industry is exploiting our own domestic national resources on grounds of security that simply cannot be justified.

But then when a national security crisis does arise, where is your industry? The administration declared that the national interest required increased oil output during the Suez crisis. Yet the State commissions would not permit such increases in oil output until a month after the shortage had already forced up domestic prices of petroleum products. We had plenty of unused capacity at the gulf coast. Yet tankers had to be sent half way around the world to the Middle East, avoiding the Suez Canal, in order to obtain necessary supplies of oil. Efficiency, competition and the national interest required more oil to be produced near the tidewater in Texas. However, the concept of "fair shares" determined that no more oil would be produced until west Texas inventories were down.

The policies of your industry also discourage efforts to discover more domestic oil reserves, as contrasted with the exploitation of existing reserves. Wildcat wells are down by a third since 1956 and there is a similar decrease in newly discovered pools. The reason is evident. Why should individuals risk money to find new oil when, after a brief grace period, the new oil can be produced at only a fraction of capacity. The reason that it can only be produced at a fraction of capacity is because of the solicitude for the present marginal producers. A freely competitive economy would eliminate the high-cost producers and encourage the discovery of new and more profitable resources within the United States. The wildcatter under free competition would be able to profit from the jackpot if his gamble were successful. Isn't that what free enterprise is all about?

Our national security also depends upon our reputation in the rest of the world. We are, or should be, the leading advocate of freedom, of free markets and of free trade. Yet our own market for oil is a tightly controlled monopolistic one with essentially no freedom of competition. We have here at home thousands of firms but only about five production decisionmaking units—that is, the State commissions—with no antitrust inhibitions.

Compare this with the situation abroad. There are about eight producers—nine if we include the Soviet Union—who do not collaborate and, in addition, there are a steadily growing fringe of independents. New producers can easily enter the market. For example, the Japanese entered with only a $10 million investment. The number of sellers is increasing. There is active competition both among buyers and sellers.

The result is decreasing prices. Arabian crude oil, which in 1957 was posted and actually selling at $2.08 per barrel, today is posted as $1.80 per barrel and actually can be sold at about $1.40 and sometimes less.

Our national interests lie in expanding world trade but we are confronted with the arguments of your industry that quotas are necessary for national security purposes. What do we say to other nations that refuse to open their markets to our products when we continue to bar the free import of residual fuel oil in the name of national security? The limitation of these imports accomplishes nothing in the way of stimulating additional production of residual fuel oil and certainly nothing in the way of adding crude oil markets.

FEDERAL OIL OFFICIALS AND THEIR PRIVATE INTERESTS

If the national security question is on the side of the oil industry, why is it necessary to populate the oil policy agencies only with people who are sympathetic to the oil industry? The Assistant Secretary of the Army need not be a soldier, the Deputy Secretary of State need not be drawn only from the ranks of the Foreign Service, and an Assistant Secretary of Agriculture need not be a farmer. Why then must it be considered essential that the oil industry furnish the Assistant Secretary of Interior for Mineral Resources and his principal policy aid in the Office of Oil and Gas. If oil is essential in the national security, and I believe it is, should not the national policies aimed to further that security be determined by disinterested public servants, chosen for ability and competence, not their sympathy to the industry or to any segment of it.

Your industry—and your industry alone—insists upon its own appointments to top policymaking positions in our Government. The present Governor of Texas was appointed Secretary of the Navy when he was executor of one of the largest private oil estates in the world. Of course, this had nothing to do with the fact that the Navy then bought all the oil for the Armed Forces.

Mr. Lawrence O'Connor was appointed to the Federal Power Commission, although he spent his lifetime in the oil industry and was an oil lobbyist. This, of course, had nothing to do with the fact that the Federal Power Commission influences the prices the oil industry can charge.

Mr. John M. Kelly was appointed nearly 3 years ago as Assistant Secretary of Interior for Minerals, the prime oil policymaking job in Government. Secretary Kelly held millions of dollars worth of oil properties at the time of his appointment. He had spent virtually a lifetime in the oil industry. This, of course, had nothing to do with the fact that he would supervise the Bureau of Mines, the Geological Survey, the Oil Import Administration, the Office of Mineral Exploration, the Office of Oil and Gas, and the Office of Geography.

Mr. Jerome O'Brien was appointed head of the Office of Oil and Gas. He previously had spent a lifetime in the oil industry and was a vice president of Humble Oil Co. This, of course, had nothing to do with the fact that in his Government position he was the primary developer of oil and gas programs, that he provided leadership in coordinating and unifying oil and gas policies of all Federal agencies and was the principal channel of communication between the Federal Government and the Interstate Oil Compact Commission, State regulatory bodies, and the industry.

To succeed Mr. O'Brien, Mr. Joe Dickerson was nominated, although Mr. Dickerson's appointment was withdraw for various undisclosed reasons. Mr. Dickerson spent a lifetime in the oil industry and was a chief lobbyist for the industry. In fact, he had such a long life with the oil industry that he held a substantial pension from Shell subject to his doing nothing inimical to Shell's interests. This condition was explicitly in his contract while his appointment to be head of the Office of Oil and Gas was pending. It would be hard to imagine a more shocking or conspicuous conflict of interest.

These policies of the industry serve to weaken the very industry that the policies are designed to protect. Your industry is now extremely vulnerable to minor fluctuations in policy. Just imagine what would happen if prorating were abolished, if there were a suspension of the ban on interstate shipment of oil produced in violation of State regulations, a substantial increase in import quotas, or the removal of offshore production on Federal lands from the State allowable levels. Is it national security which justifies making your industry so vulnerable?

OIL: FAIR-HAIRED TAX BOY

I also view the oil industry as a taxpayer. Here we find the final insults to our national economy. Despite all the monopoly protection your industry has provided for itself and despite all the protection you have obtained in the name of national security, your industry has also consistently demanded and received special tax concessions available to no other group in the Nation. Through these concessions, you have sharply reduced your financial support of your Government. Through your tax concessions alone you have become a national example of the most notorious loopholes, recognized as such even by Fortune magazine.

The tax structure upon which our Government depends is largely self-enforcing. When individuals and companies generally pay their taxes, they must have confidence that everyone else is paying his "fair share," to use a term you know so well. When it becomes generally known that one group fully capable of paying taxes is not paying taxes, the individual taxpayer feels resentful—with complete justification—and less willing to pay his own taxes. Not only is your industry not carrying its fair share—it is encouraging others to avoid their fair share.

Does your industry pay taxes? Let's look at the ugly facts. We had a Federal corporation tax rate of 52 percent in 1963. Yet the seventh largest industrial corporation in the country, Texaco, with net income of over $500 million made provision for income taxes in 1963 of only 13 percent. Standard of Indiana, the 14th largest corporation, with a net income of over $180 million paid in all income taxes, Federal and other, only 14 percent of its net income. Shell, the 16th largest corporation, paid only 18 percent in all income taxes. Continental Oil paid only 10 percent in Federal income taxes. Tidewater in 1962 paid only 8 percent in all income taxes. Atlantic in the same year had over $46 million in net profit and yet paid no income taxes and has apparently not paid any income taxes since 1956. Pure Oil ended up 1963 with virtually $30 million in net profit and yet had a net tax credit. It received several hundred thousand dollars in refunds.

But what of idividuals in your industry? The lowest individual tax rate in 1963 was 20 percent on taxable incomes from 0 to $2,000 or $4,000 for married couples. Believe it or not, our Nation is made up of persons who actually pay this rate. Imagine 20 percent, $800, on the first $4,000 of net income. In the oil industry, and in the oil industry alone, you have an entirely different type of person—men from another world, who take but do not pay for taking.

Your industry has a man who made over $28 million in 1960. How much did he pay in taxes? Nothing. Your industry has a man with an income in 1960 of over $4 million. How much did he pay in taxes? Nothing. Your industry has a man with an income in 1960 of $1.5 million. How much did he pay in taxes? Nothing.

The rest of the world, the world of taxpayers, is beginning to learn about this other world—the world of nontaxpayers. Its boundaries are identical with the boundaries of the oil industry. We get glimpses into this other world, although we are not allowed to enter. We assume, from outward appearances, that the oil industry is a world inhabited by people exempt from taxes. Is this advantage good for your industry? Is it good for our Nation to contain such a tax-exempt world?

The effect of this special privilege is to rob the rest of the Nation. The robbery occurs first because Government expenses, whether the oil industry recognizes it or not, must be paid. Therefore, since the oil industry is legally enabled to reduce its taxes sharply, other industries, small businesses, and individuals must make up the difference through higher taxes than they would otherwise pay if the oil industry carried its, to use the term again, "fair share." Therefore, the world of taxpayers has less funds left to it after taxes because of the exemption status of the oil industry.

But the robbery goes even further than this. We in this Nation grow and prosper because of increased investment and increasing effectiveness in the use of our resources. The oil industry, however, represents another world that lures investment funds. Therefore, instead of investment funds being used for the greatest gain of the Nation, these investment funds are attracted away from their most effective uses and toward the oil industry, which already has an excess of investment funds. This robs the Nation of a part of its economic growth.

Again, let me make myself clear. Every businessman should be able to deduct his costs. You, as businessmen, incur depletion costs and you should be able to deduct these costs. But businessmen in the oil industry, and in that industry alone, know that for every dollar of costs you can obtain an average of $19 of deductions, according to Treasury Department statistics. You should have the first dollar of deduction for the dollar of cost. You should perhaps obtain deductions for 10 times the amount of your depletion. But surely not 19 times the amount of cost you incur. Let us try to be reasonable for the benefit of other taxpayers throughout the Nation.

SUMMARY

What is wrong with your industry?

1. Your industry has accepted State commission regulation of the supply of oil to the market. In the process you have lost your own freedom to produce and sell.

2. The State commissions encourage inefficiency. The best producers are cut back; too many wells are drilled in existing pools; and the most inefficient producers are guaranteed a market so that more than one-sixth of all oil production is from wells that any efficient marketing system would close down.

3. Independent producers are forced to beg the bigs for business. You must accept the largess of some companies who dominate your industry.

4. Your industry's built-in insecurity leads to undue pressure through fabulous funds for public relations, through contributions to political campaigns and through other expenditures that come out of your pockets.

5. The effect of these policies on consumers has been to lose much of the price benefits from increased efficiency obtained during the last 40 years. The current cost out of consumers' pockets is $4 billion a year.

6. Your great contribution to national defense has been enfeebled by inefficient production restrictions. Our Nation's strength has also been weakened by the oil industry's success in limiting the free import of fuel oil. This has forced us to use up our own precious limited oil reserves.

7. Of all American industries yours alone has won control of the very Federal policymaking office that regulates it. This constitutes the most shocking and continuous conflict of interest in the Federal Government.

8. Finally, your industry enjoys a notorious privileged tax-exempt status worth billions of dollars and designed primarily to benefit high-income investors. This not only imposes a heavier cost on other taxpayers, it diverts excessive investment to your industry.

CONCLUSION

If your essential industry were organized and operated for the best interests of the Nation, the economy, and you as oil producers, look what a contribution you could make. You would be a prime example to the world of free enterprise, working independently of Government for the benefit of the Nation. You would be a producer of a vital commodity under methods of maximum efficiency. You would provide substantial incentives in return for substantial risks. You would continue to be a major employer of workers, capital, and natural resources.

> And you would better serve your Nation. These are the things that I hope the oil industry will become, and this is why I spoke to you today.

CURRENT CIVIL RIGHTS FILIBUSTER ALREADY GRANDDADDY OF THEM ALL

Mr. PROXMIRE. Mr. President, in order to appreciate the length to which the present so-called educational debate has been carried, I have compiled some statistics on past filibusters. The record is most revealing, and I wish to read it to the Senate.

First, however, I should point out that the list does not contain all of the filibusters ever staged in the Senate. But it does contain, to the best of my knowledge, a fairly accurate count of those which lasted 10 days or longer, and which dealt with substantive rather than procedural issues.

In some cases, my information contains only the opening and closing dates of debate. Where this occurs, my calculation of total days is approximate, based upon the assumption of a 6-day debating week, which is certainly conservative. Nevertheless, the count is close enough to provide a yardstick by which to measure the present talkathon.

There have been 22 filibusters; and if we include procedural filibusters, there have been only 2 or 3 additional ones. The fact is that the present filibuster is already the longest in the history of the Senate.

The only ones that came close to this one for length of time were: The debate over the Oregon bill in 1846, which lasted almost 2 months; the debate over the Versailles Treaty in 1919, which lasted approximately 55 days, but in which there were interruptions—more interruptions than have occurred in the present debate; the debate over the Harding ship subsidy bill, which lasted from December 11, 1922, to February 28, 1923; however, in that debate it is apparent that there were many interruptions.

As a matter of fact, the book by Burdette, entitled "Filibusters in the Senate," discloses how extensive those interruptions were. I quote briefly from the book:

> Even before the Christmas holidays, the majority felt obliged to allow other urgent business to be considered; and after the holidays, until the 9th of February 1923, other legislation occupied most of the Senate attention.

It is clear that the present debate is already the granddaddy of all filibusters; and, as has been made clear by Senators who are opposed to the bill, the end is nowhere in sight, for the opponents of the measure show no signs of relenting in their struggle against the bill; and the friends of equal rights and equal justice under the law show no signs of uniting to put an end to this exercise in futility.

The plea made by the distinguished Senator from Illinois [Mr. DOUGLAS] should receive the sympathetic attention of all Senators. After all, if the debate proceeds much longer, it will bring the U.S. Senate into serious disrepute. It is perfectly obvious that virtually any bill can be debated in full in a matter of a week or, at most, 2 weeks. But the debate on the civil rights bill has dragged on so long that the time certainly has arrived for cloture.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD statistics relating to filibusters, by bills.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

In 1841: Bill relating to the Bank of the United States—2 weeks.

In 1846: The Oregon bill—"most of session hours from February 10 to April 16"—2 months.

In 1890: Federal supervision of elections—29 days.

In 1891–92: Federal supervision of elections—December 2 to January 26—approximately 45 days.

In 1893: Repeal of the Silver Purchase Act—42 days, including 13 continuous day and night sessions.

In 1908: The Breeland-Aldridge emergency law—28 days.

In 1914: Rivers and harbors bill—11 days. Clayton amendments to Sherman Act—21 days. Federal Trade Commission bill—30 days. Panama Canal tolls bill—30 days.

In 1915: Wilson's ship purchase bill—33 days.

In 1919: Treaty of Versailles—September 10 to November 19—cloture filed November 13, adopted on November 15—approximately 55 days.

In 1921: Emergency tariff bill—January 25 to February 16—approximately 18 days.

In 1922–23: Harding's ship subsidy bill—December 11, 1922, to February 28, 1923—approximately 75 days.

In 1933: The Glass branch banking bill—2 weeks.

In 1937–38: Antilynching bill—29 days.

In 1939: A monetary bill—16 days.

In 1942: Antipoll-tax bill—10 days.

In 1946: FEPC Act—approximately 19 days.

In 1953: The Tidelands oil bill—35 days.

In 1954: Atomic Energy Commission revision bill—13 days.

In 1957: Civil rights bill—June 19 to July 16 when the bill went to committee with instructions to report back—approximately 23 days. Was reported back a week later and debated further from July 22 to August 7—approximately 15 days.

In 1960: Civil rights bill—February 15 to April 8—approximately 32 days, including 9 days and nights of continuous session.

In 1962: Literacy test bill—10 days. Communications satellite bill—intermittent filibuster over a 2-month period.

WORLD MONETARY REFORM

Mr. JAVITS. Mr. President, I invite the attention of my colleagues to an extremely important speech made by the Managing Director of the International Monetary Fund, Mr. Pierre-Paul Schweitzer, to the New York Chamber of Commerce on May 5.

In this speech, Mr. Schweitzer, the head of the pivotal international organization in the world monetary system, put forward two ideas as to how the future liquidity needs of the system may be met through the IMF. The first involves an increase in the quotas of member countries. This proposal has already been discussed widely and is the most likely reform to gain acceptance. The effect of this step would be to increase the availability of total monetary reserves to member countries by increasing their currency contributions to the Fund.

The second would involve a more far-reaching innovation; namely, acceptance by the Fund of deposits and the introduction of investments at the initiative of the Fund. Both of these innovations would result in significant expansion of existing world monetary reserves and the evolution of the IMF toward a world central bank.

I believe that it is significant that Mr. Schweitzer felt it necessary to publicly acknowledge the need to increase world monetary reserves at this time. It adds great weight to the concern of those, such as myself, who expressed similar sentiments over the past months.

His statement comes on the eve of the final phase of negotiations between the members of the 10-nation "Paris Club"—a group composed of the 10 most industrialized members of the free world appointed at last October's annual IMF meeting in Washington to study the adequacy of the existing monetary system. Their recommendations are to be submitted to the forthcoming annual meeting of the IMF in Tokyo this September, along with those to come from an independent IMF study.

Since the beginning of their study reports persisted of serious disagreements among the members of this group regarding the form and substance of proposals being advanced.

It is rather important that prior to a revision of the existing monetary system there should be a full discussion and detailed negotiations so that everybody's interests are well considered in any new arrangements. Nevertheless, the existence of the basic problem cannot be denied any longer. Undersecretary of the Treasury Roosa, in his now famous article in the October 1963 issue of Foreign Affairs, clearly recognized the problem when he stated that there is need for a "systematic and searching appraisal of the international monetary system," to consider "whether a continuation of recent evolutionary changes or more sweeping reforms will be needed for the probable dimensions of future requirements." Secretary Dillon, in his October 1, 1963, address to the IMF meeting also endorsed the study to be conducted by the IMF and the Paris Club of Nations. Mr. Schweitzer's speech of May 5, recognizing the needs for additional international liquidity for the long haul, lends further credence to the advocates of reform.

Whether in the end increased liquidity will be achieved through increased quotas in the IMF or through deposits at the IMF or through a new composite international reserve unit, reportedly under consideration by the Paris Club, is immaterial. What is essential is that the suggestions for reforms that are to come from the two studies next fall should make it possible, under the circumstances now indicated which are quite different from those prevailing in 1946, to fulfill the most basic function of the international monetary system which is stated in section (ii) of article I of the articles of agreement of the IMF:

> To facilitate the expansion and balanced growth of international trade, and to con-

tribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.

The major shortcoming of the existing world payments mechanism is that though the system has demonstrated effectiveness in such a situation as the Cuban crisis and the rejection of the British application for membership in the European Economic Community, when the international monetary system is confronted with the problem of the maladjustment of the free world's economy, the corrective mechanisms of the existing system cannot be relied upon to operate quickly and effectively enough.

Major imbalances take years to eliminate unless they are corrected by measures which hamper economic growth or world trade. That is the fundamental dilemma which we face. The measures which we tend to take are measures which tend to hamper economic growth or world trade. What the world's monetary system needs is a growing stock of international credit which would permit corrective action without penalizing one nation or one group of nations, and without disrupting international trade.

I ask unanimous consent that Mr. Schweitzer's speech along with an editorial from the Washington Post and articles from the Wall Street Journal and the New York Times commenting on his speech and on developments concerning the Paris Club studies may be printed in the Record at the conclusion of my remarks.

There being no objection, the speech, editorial, and articles were ordered to be printed in the Record, as follows:

Recent International Monetary Developments

(Address by the Managing Director of the International Monetary Fund, Pierre-Paul Schweitzer, to the New York Chamber of Commerce, New York, May 5, 1964)

Mr. Chairman, I have been told I have about half an hour to speak to you today. For this time I seem to have given myself a rather large subject. But I would like for a few minutes to say some words about recent developments in world trade and payments and then to go on to talk briefly about the work which is at present being done in the monetary sphere to try to ensure the future orderly expansion of the world economy.

It is valuable from time to time to turn from national preoccupations to review conditions internationally and to see each country's problems to some extent as they relate to those of others. For no country today, not even the United States, is insulated from major international trends in the general economic and financial field. The degree of international cooperation which has been built up since the war, the rapid increase in and dependence on world trade, and the size of capital movements following the restoration of convertibility amongst the major industrial countries, make it impossible for countries to live in isolation economically, any more than they can politically.

What of the present position? Recent developments in the world trade and payments picture have, on the whole, been encouraging. In the past 2 years there has been a broad growth of production throughout the world, while international prices have been reasonably stable. The most disturbing major imbalances of trade and payments have shown improvement. In particular, the deficit of the United States has recently been reduced to more manageable levels. During the first quarter of 1964, the balance of payments, aided by transitory favorable factors, was even in approximate equilibrium. Moreover, the developing countries as a group, after a long period of considerable difficulty, have had their positions substantially improved by better prices for their export products. Although there are other developments which portend difficulties for the future, it is a matter of satisfaction that these major improvements have occurred.

The growth in world trade and production, which has now continued for many years, was especially satisfactory in 1963 because it was so widespread. In continental Europe the growth of production has been encouraging for many years. In Japan there was a dramatic recovery of industrial production which increased by 18 percent during the year. In the United Kingdom the growth in production, while less dramatic, was particularly welcome as output had risen little for several years. In the United States, output has now been moving upward for more than 3 years with clear signs of an acceleration this year. The simultaneous advance in all the major industrial countries was a main factor behind the increased export earnings of the primary producing countries, which to some extent were also due to accidental factors. The improvement in this latter group of countries was, of course, not universal. Some had no share in the rise in export earnings. In others, the increase in output was disappointing—the more so in view of the importance that the inequality be reduced as rapidly as possible.

The growth of production during 1963 took place in economies running at different levels of capacity. In both the United States and Canada, relatively high unemployment and unused capacity permitted the expansion to occur with little pressure on prices and wages. In the United Kingdom and Japan, while initially there was some excess capacity, there was evidence of a renewal of strong demand pressures in late 1963 and early 1964 requiring some restraining measures. In continental Europe, pressure on wages and prices was in evidence throughout the period. In Italy and France, in particular, the rate of price advance reached such proportions during 1963 that the authorities felt impelled to undertake significant restraining measures on demand.

After the middle of 1963 there was a rather broad tendency for interest rates to rise as monetary policy shifted in the direction of restraint. In both the United States and Canada, the increase in long-term interest rates during 1963 was much less than in short-term rates. In the United Kingdom, long-term rates actually declined until the third quarter of 1963, but, with the tightening of monetary policy later in the year, long-term interest rates rose significantly.

Although monetary measures in most countries have tended, on the whole, to be restraining in recent months, there was more diversity in fiscal action. In Europe, the growing concern about price increases created a pattern generally for a restrictive fiscal policy. In other areas where there was evidence of unused capacity, there were some significant attempts to use fiscal policy for expansion. This occurred most notably in the United States with the recent income tax reduction. But during 1963 and 1964 the budget was used in Japan, the United Kingdom, and Canada to stimulate the economy.

The expansion in demand in the industrial countries in 1963 had an immediate and a valuable result in the acceleration of the growth of world trade. World exports increased by 8½ percent in 1963, substantially above the increase in the order of 5 percent in the 2 preceding years. More important even than the amount of the increase was its improved distribution. For some time the developing countries had not shared equally in the growth of exports, but in 1963 this pattern was no longer true, and they obtained a full share of the overall growth. In fact, in 1963 there were very few countries in which exports were lower than those in 1962, and in most of these, exports were rising in the latter part of the year and in the early months of 1964.

There were some substantial changes in the balance of payments of major countries during 1963. The most important of these was undoubtedly the sharp improvement in the balance of payments of the United States after mid-1963, to which I have already made reference. Even though I believe—and this is a view shared by the authorities in this country—that developments in the first quarter of 1964 were more favorable than can be expected during the remainder of this year, I feel that the U.S. balance of payments may now have turned the corner. Several factors are tending to support it. First, the substantial rises in costs in Europe and Japan compared with their stability in this country have tended to improve the competitive position of the United States in international trade. Secondly, 3 years of sustained growth, combined with price stability, have, in view of these rises in costs abroad, reduced the attractiveness of making foreign investments. Thirdly, Government programs to stimulate exports are taking effect. But despite these influences, a balance-of-payments deficit of some $2 billion is seen by the authorities for 1964, and it is clear that they will have to give continuing close attention to the payments situation for some time to come. In this connection it must also be kept in mind that the balance of payments of the United States cannot be said to have attained a satisfactory equilibrium until there is a surplus on goods and services sufficient to provide a flow of capital exports and aid, especially to the less developed countries, on a scale consistent with the capacity of the huge American capital market.

At the same time that the U.S. payments position was improving, there was a significant reduction in the surplus of the Common Market countries. Much of this welcome adjustment, coming after a long period of surplus, has unfortunately been concentrated in Italy where it has caused considerable difficulty. There has also been, however, a substantial reduction in the surplus position of France. Even though there has at the same time been a reemergence of a large German surplus, present trends suggest that the surplus problem of the Common Market area—in some respects the mirror image of the deficit problem of the United States—has also come much nearer to its solution.

This relative improvement in the outlook for the United States is of great importance to the stability of international monetary arrangements. Despite all the innovations in new payments arrangements, it remains vital to the smooth operation of the international monetary system that the ability of the United States to manage its payments situation be unassailable. The accumulating evidence that the problems of adjustment are being met has done much to stimulate the belief in the continuity of world prosperity and monetary stability which is now in evidence.

One of the more serious aspects of world trade and payments developments in recent years has been the relatively slow growth in the less industrialized countries. This has been due in part to declining prices for foods and raw materials. In 1963 and early 1964 there was an important reversal in this trend. During 1963 there was an increase of around 10 percent in the prices of such products. This increase, while not fully represented in the balance-of-payments developments in

1963, was responsible for substantial improvement in the positions of the developing countries. This was recorded in part in an increase in the payments surpluses of primary producing countries, but it was also instrumental in financing a rise in their imports from the industrial countries.

Despite this trend the position of the developing countries remains a difficult one and it was largely to focus attention on their problems that the United Nations World Conference on Trade and Development was organized. This Conference is now meeting in Geneva, attended by the representatives of 122 countries. When speaking to this Conference just over a month ago, I quoted a sentence from the Articles of Agreement of the Fund—our basic rules of conduct. It states that one of the major purposes of the Fund is:

> "To facilitate the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy."

To insure the continued steady growth of world trade and all the benefits which flow from it, the Fund and the financial authorities of 10 major industrial countries have been engaged in studies to examine the functioning of the international monetary system and the probable future needs for liquidity. One must not expect these studies to lead to overnight changes. The international monetary system is, to a large extent, the product of organic growth, and not something neatly defined in a set of laws or regulations. In one sense it is not a system at all. The term is used rather to describe the existing practices by which the various national monetary systems are meshed together. Until World War II these practices had largely developed over time with little conscious planning. But out of the grim experience of the depression years of the thirties a strong and sustained attempt has been made after World War II to introduce some more effective coordination of action.

Under the old gold standard, countries held gold reserves to give them the necessary resources to meet payments deficits. In the course of time, gold holdings were supplemented by holdings of foreign currencies considered to be in practice as good as gold. The pound sterling was the outstanding currency for such purposes until comparatively recent times, when the U.S. dollar has grown to a place of preeminence.

These practices have, on the whole, proved satisfactory but there are limitations to the system of reserve currencies. Their use depends on confidence in the maintenance of their gold value. Eventually the accumulation of claims, implicit in this system, can undermine this confidence and at that time any indication of a continuing payments deficit for the reserve currency can create a type of liquidity panic where countries scramble for the greater security provided by gold. There has, therefore, been a continuing search for ways to provide a more secure source of the necessary continuing expansion of liquidity. Over the years much has been done to achieve this through international cooperation. The first stumbling steps were taken in this direction in the 1930's—notably in the Tripartite Agreement of 1936 between the United States, France, and Great Britain.

Since then, efforts in this direction have become much more substantial. Foremost among them was the establishment of the International Monetary Fund, set up at the Bretton Woods Conference in 1944. The Fund has been the principal instrument for developing international cooperation in the monetary field. Signatories of the articles of agreement undertook jointly international obligations by which countries agree to follow certain practices and to shun others. Thus were effectively established broad lines of international financial policy aimed particularly at the achievement of convertibility of currencies based on stable and realistic par values and the avoidance of restrictions or payments. In addition, the Fund was provided with a very substantial pool of resources which it can use to give short-term assistance to members who are trying to follow the agreed, broad policy and who are encountering temporary payments difficulties. Since its creation, this pool of gold and convertible currencies has grown to substantial proportions. At present there are available to the Fund $3 billion in gold assets, about $7 billion in convertible currencies, and over $5 billion in other currencies. In addition, in 1962, the Fund entered into an arrangement with 10 major industrial countries by which a further $6 billion of convertible currencies is available to enable the Fund to cope with any possible crisis in the international monetary system.

Resources to meet payments problems have been brought together in a number of other international arrangements as well. The European Payments Union was one such arrangement which served a very useful purpose in facilitating the recovery of European trade until other reserves grew to adequate levels. More recently, a system of bilateral swap arrangements has been developed between the United States and other industrial countries. These facilities, which now total more than $2 billion, are particularly designed to meet very short-term difficulties, particularly speculative pressures in which immediate availability is vital.

This combination of arrangements, multilateral and bilateral, formal and informal, has served the world well. World trade has been expanding steadily at a remarkable rate and the expansion shows no signs of coming to an end for lack of liquidity or for other reasons.

This does not mean, of course, that every individual country considers its level of reserves adequate. In almost every country the authorities would feel more secure if they had a somewhat higher level of reserves. Moreover, in many developing countries the authorities feel that the available reserves are totally inadequate to meet their immediate needs. This, however, is not a problem of the world monetary system; any foreseeable addition to the reserves of these countries would soon be expended in increased imports. The problem of the developing countries is not primarily one of short-term resources, but rather of long-term development loans and aid. In my view, reserves are adequate when their level insures that countries generally feel sufficiently secure to promote a sustainable expansion of the world economy.

Although arrangements for the provision of liquidity have been adequate in the immediate past, there is every reason to study carefully the prospects for the future. Gold production can reasonably be expected to provide an addition to official gold and foreign exchange reserves of perhaps at most 1½ percent per annum, an increase well below the potential for growth of world trade. Up to the present, the tremendous excess holdings of gold in the United States at the end of World War II provided a substantial source for liquidity for other countries, but this is now ending. Furthermore, the accumulation of adequate reserves is contingent on continuous balance-of-payments surpluses which is not within the means of all countries, so owned reserves will to some extent have to be supplemented by borrowing. In addition, the gradual adjustment of many of the developing countries to lower levels of reserves relative to trade has also now reached a point at which further adaptation may be difficult. At the same time, the growing level of foreign debt in the developing countries has added to their need for reserves. Above all, the relative reduction in the dominance of the United States in the world economy since the reemergence of the economic strength of the principal European nations has added to the need for liquidity.

For these and other similar reasons, I am sure that we will have to make provisions for increasing liquidity in the future through international cooperation. But I would again emphasize that I find no major cause for concern in the present position of the international monetary system. As long as the major reserve currencies are managed in ways which can give rise to continued confidence, there is no danger of crisis. Further, the growing cooperation of the major countries in these fields, as evidenced by their active support of the Fund and such new arrangements as the bilateral swaps of the United States, is strong assurance of continued sensible management of international finances.

Thus, I would look forward not to drastic change but rather to continued innovation along the lines presently followed. Gold production and, to some extent, a further expansion in the holdings of reserve currencies will provide a major part of the necessary liquidity. But, in addition, a growing role will undoubtedly be played by an expanding International Monetary Fund. Under present procedures the most direct way to increase the role of the Fund would be through an increase of quotas by the member countries. In this step the member countries, by supplying an increased amount of their own currencies to the Fund, would provide an increased pool of reserves available to all members in accordance with the general principles which have been evolved. In general, these principles provide that a member has assured access to the resources when it is following policies that will insure that its payments problems are short lived. In this way the Fund preserves a revolving fund available to those in need of its assistance.

The ways in which the Fund might contribute to the solutions of these problems is, of course, by no means limited to this possibility. The techniques of consultation through which the Fund can make clear in advance the actual availability of resources are being restudied in order to perfect them. In this connection it should be realized that many countries have confined their use of the Fund's resources to times of crisis. It is essential, if the creation of extra liquidity is to be effective, that resort to the Fund become a normal method of dealing with swings in the balance of payments. In addition to these extensions of existing Fund practices, consideration is being given to the possible value of more far reaching innovations, such as the acceptance by the Fund of deposits and the introduction of investments at the initiative of the Fund.

The implications of greater reliance on international agreements for the creation of liquidity are considerable. It is my belief that such an evolution can best take place through the gradual creation of precedent in a continuing agency so that adequate assurance is given of the way in which the international authority will be used. The Fund has a unique opportunity to play the central role in such a cooperative development. It has already shown an ability to make prudent step-by-step adjustments to meet changing circumstances. It has the advantage of membership of the developing countries as well as the industrial countries. It is important, for economic as well as political reasons, that the voices of the developing countries be heard in the councils of decision. It is important too that the measures which are taken assure full access to any benefits by these poorer countries.

The issues involved in all these changes are unusually complex. It is, therefore, particularly satisfactory that the present favorable developments in world trade and payments permit full consideration of all aspects of these questions in an atmosphere of calm. We have time to achieve a deeper understanding of the direction in which we should move and yet still to take action in advance of any need that may arise.

[From the Washington Post, May 8, 1964]

Evolving Monetary Fund

If the International Monetary Fund adopted the proposals of Pierre-Paul Schweitzer, its managing director, the reform of the world monetary system would be accomplished within the confines of the established organization rather than through the efforts of an extramural group.

In an important address before the New York Chamber of Commerce, Mr. Schweitzer somewhat elliptically pointed to the directions in which the Fund can evolve to meet the needs for international liquidity as the volume of international trade expands. The proposal for increasing member country quotas in the Fund and the suggestion that its facilities be utilized to deal with normal swings in balance of payments as well as in times of crisis should occasion little surprise. Quotas are to be reviewed in 1966, and the only difficulty in expanding them will be the modification of the present regulation which requires each country to make 25 percent of its subscription in gold, a ratio far too high for members grappling with payments deficits.

Mr. Schweitzer's most significant remarks were those which he could hardly elaborate. "Consideration," he said, "is being given to the possible value of more far-reaching innovations, such as the acceptance by the Fund of deposits and the introduction of investments at the initiative of the Fund."

One can quarrel over the precise meaning of these words, but despite an element of ambiguity, they are clear within the context of recent discussions. The reference to deposits raises the possibility that countries with payments surpluses might be able to deposit unneeded foreign currencies in the Fund. Investments by the Fund might be made in the following manner. A country in need of external financing and not wishing to draw upon its quota could obtain a foreign currency from the IMF—presumably one that had been deposited by a surplus country—in exchange for its own government securities. Once these changes were instituted the gap between the present functions of the Fund and those of a supranational central bank would be substantially closed.

A long and hard road will have to be traveled before Mr. Schweitzer's speculations can become realities. But the fact that he is publicly speculating is as significant as it is welcome. With the Paris Club of 10 industrial nations reportedly deadlocked in their negotiations over monetary reform, the initiative for change may have to come from within the Fund.

[From the Wall Street Journal, May 6, 1964]

IMF Sees Eventual Need for an Increase in Liquidity To Meet World Trade Growth

(By Philip Geyelin)

New York.—The International Monetary Fund, cautious and conservative by nature, has become increasingly openminded toward changes in international credit machinery designed to expand world monetary reserves.

This is how monetary authorities interpret a speech here yesterday by IMF Managing Director Pierre-Paul Schweitzer, who moved into the Fund's top post less than a year ago.

Addressing the New York Chamber of Commerce, the former French Government financial official praised the United States for management of its balance-of-payment problem, which he said "may now have turned the corner." The easing of the U.S. payments deficit, he said, has been accompanied by an equally welcome diminution of Europe's balance-of-payments surplus.

But while stressing that there is no major cause for concern in the present position of the international monetary system, Mr. Schweitzer warned that, for the longer haul, existing monetary reserves won't be adequate to finance anticipated growth in world trade. "I am sure that we will have to make provisions for increasing liquidity in the future through international cooperation," he said.

Fund officials termed this statement the strongest yet by the IMF chief in support of new moves to expand liquidity. Liquidity is the total supply of gold and convertible currency available to pay for world trade.

RULES OUT DRASTIC STEPS

Mr. Schweitzer took pains to rule out "drastic change," such as the proposal by some experts for the creation of an international central bank, and even more modest measures, such as IMF guarantees for currencies used most frequently in world trade. But he did specify some steps by which the IMF's role might be expanded.

"The most direct way," he declared, "would be through an increase of quotas by the member countries." This means IMF members would increase contributions to the pool of gold and currencies available for member nations to draw on when afflicted by balance-of-payments difficulties. A nation suffers a balance-of-payments deficit when its total spending abroad, public and private, exceeds total receipts from foreign nations.

Mr. Schweitzer also spoke of the "introduction of investments at the initiative of the Fund." Officials said this referred to two possible innovations in Fund procedures.

At present any increase in IMF quotas has to be filled 25 percent by gold and 75 percent by currency. But this would encourage member nations to buy gold to contribute to the Fund—and thus encourage them to turn in foreign currencies for U.S. gold. This could ultimately weaken backing for the dollar. Hence, one thought receiving attention from top monetary authorities is that a certain part of a country's gold contribution be made instead in its government securities.

Another IMF investment approach would involve simply using IMF resources—either the new deposits which might be made voluntarily or regular Fund resources—to buy government securities of member nations encountering balance-of-payments problems or other economic difficulties. The aim would be to offer an alternative form of aid to nations that might otherwise have to use up their rights to draw on regular Fund resources.

COMMITTEE STUDYING REFORMS

Mr. Schweitzer's remarks carry him beyond his previous noncommittal stance on monetary changes, though they leave him well short of some of the thinking among members of a special Committee of 10 industrial nations. This group, whose members include the United States, Britain, West Germany, France, and Japan, is conducting a yearlong review of monetary problems and preparing a report for September's annual meeting of the Fund and the World Bank in Tokyo.

Presumably it also will give some insight into its thinking to a closed international meeting of government and private bankers later this month in Vienna.

Although its final report isn't finished and its deliberations have been secret, the group has been considering a more adventuresome monetary reform which calls for creation of a new composite international monetary unit, made up of leading currencies, to supplement gold and dollars as the leading monetary reserves. The betting is, however, that this plan will be only mentioned in passing in the group's report; while some think it might ultimately find favor, others predict it will be studied to death.

Its omission from Mr. Schweitzer's list of possibilities strongly suggests that he is unenthusiastic about such extreme measures, at least for now. As most experts interpret Mr. Schweitzer's address, it was largely aimed at displaying publicly those items under consideration by the Committee of 10 that are favorably viewed by the IMF. It is perhaps significant that Mr. Schweitzer put special stress on monetary changes conducted within the fund's framework. The IMF, he declared, "has a unique opportunity to play the central role * * *."

[From the New York Times, May 6, 1964]

Schweitzer Hints a New Fund Role—Monetary Chief Indicates Sweeping Shifts May Be Made in Basic Policy—Liquidity Need Noted—Speech Here Acknowledges Necessity of Increase in Convertible Currencies

(By Philip Shabecoff)

Pierre-Paul Schweitzer, Managing Director of the International Monetary Fund, hinted yesterday that sweeping changes were being considered in basic Fund policies.

Discussing recent international monetary developments in a speech before the New York Chamber of Commerce, Mr. Schweitzer mentioned several methods by which the Fund could help increase world liquidity.

Observers noted that it was the first time Mr. Schweitzer had publicly acknowledged the need for positive action to increase international liquidity since he became head of the Fund last year.

International liquidity refers to the availability of gold and convertible currencies to settle international payments that arise, chiefly, from trade and capital movements.

NO CONCERN NOW

Mr. Schweitzer emphasized that there was "no major cause for concern in the present position of the international monetary system."

He added, however, that "I am sure that we will have to make provisions for increasing liquidity in the future through international cooperation." This, he said, could be done through innovations along the lines of policies now being followed instead of through "drastic change."

However, observers said that three of the innovations hinted at by Mr. Schweitzer were of broad significance. These were:

1. An increase in the quotas subscribed to the Fund by member nations.
2. An invitation to member countries to make fuller uses of the Fund's resources in normal financing operations as well as in times of crisis.
3. The possibility that the Fund might accept deposits from member countries and also might make investments on its own initiative.

NO ELABORATION

Mr. Schweitzer did not elaborate on any of these points. However, economists and other interested observers were drawing their own conclusions yesterday.

The call for member countries to increase their quotas was regarded as an acknowledgement that action would have to be taken to enable members to exercise their drawing rights.

One observer said that the increased quotas were necessary because the fund was running out usable dollars and sterling.

The so-called committee of 10 of powers that have been studying the liquidity question is said to have been considering an increase of IMF quotas but has not reached a decision as yet.

The invitation to make fuller use of the fund's resources was interpreted by some observers as an indication of a more liberal fund drawing policy. Member nations on occasion have felt constrained to draw no more than the 25 percent of their quota represented by their gold contribution.

The implication that the fund might accept deposits from countries with a temporary excess of reserves, such as West Germany, was viewed as a variation on a plan originally proposed by Maxwell Stamp, a Briton.

HOW IT WOULD WORK

Under the plan, a country making deposits might receive interest-bearing IMF certificates denominated in a number of hard currencies. The rate of interest would be somewhat lower than that obtainable on U.S. Treasury bills of similar maturity. But presumably the IMF certificates would be guaranteed against devaluation.

Wholly new was the suggestion that the IMF, at its own initiative, use such funds for investment, in part in developing countries.

One explanation was that this would answer the criticisms of developing countries that the Fund had done little to meet their chronic payments deficiencies.

Another, simply, was that it would give the Fund greater operating freedom without requiring the increasing of member-nation quotas as much as they otherwise might have to be increased.

In the United States, for instance, Congress would not have to be asked to make as large a budget appropriation as it otherwise might. And the U.S. monetary gold stock would not have to be drained to the same extent.

[From the New York Times, May 4, 1964]

MONETARY FORMULA WOULD MIX GOLD WITH OTHER UNITS

WASHINGTON, May 3.—Out of the mists of necessary secrecy surrounding the monetary negotiations of the world's 10 leading industrial nations has emerged a glimmer of light concerning the direction the international monetary system may eventually take.

Although the 10 nations have been unable to agree on a major innovation for the present, they have concentrated their attention on a plan that had not even been dreamed of 2 years ago.

This is the idea of creating a new composite international reserve unit, made up of the leading currencies, as the needed supplement to gold and dollars in the world's reserves.

Mainly because of differences on the terms and conditions for establishing this new international currency unit, the 10 nations probably will not recommend its immediate creation when their negotiations are completed this summer.

POSSIBLE USE SEEN

It would surprise none of them, however, if the world had such a unit 5 years from now. The 10 are expected to mention the plan explicitly in their final report, as a useful possibility for the future.

Meanwhile, they are likely to choose an increase in national quotas in the International Monetary Fund as a reinforcement for the existing system. Among other things, the Fund is running short of usable currencies for its lending operations.

Ultimate creation of the composite reserve unit will depend on events, but the wind seems to be blowing in that direction.

The original brainchild of Edward M. Bernstein, former director of research for the International Monetary Fund and one of the architects of the present world system, the composite reserve unit is designed to deal with several potential flaws in the present system.

Its basic purpose is to make sure that the system continues in the future, as in the past, to provide a stable and yet flexible financial framework for general prosperity.

Among other things, the system must generate sufficient "international liquidity"—the global total of nations' reserves and their access to credit. Recently, new liquidity has been generated mainly by deficits in the American balance of payments, which pump dollars into other nations' reserves. It is universally agreed that these deficits cannot continue.

The new reserve unit would be a method of generating new reserves, the nations could create new units, either on a regular and automatic basis, or by periodic negotiations.

It is understood that a fundamental difficulty in establishing the reserve unit now is a disagreement among the 10 nations over the current state of international liquidity. Some of the Common Market countries, which have urged establishment of the new unit, though they differ on details, want to create it in such a way that, in the U.S. view, the total of liquidity would actually be contracted.

These European nations, currently suffering from inflation, believe there is already too much liquidity in the world. The United States and Britain, while not maintaining that present liquidity is inadequate, believe that it must grow with time.

BERNSTEIN PLAN

Another problem has arisen from the mechanics of the plan. Under some circumstances it could mean larger U.S. gold losses than with the present system. The Bernstein plan provides a formula for a mix of gold and international units in the leading nations' reserves.

In any event, the intensive negotiations over the crucial details of the plan form an essential preliminary to its ultimate adoption. The nations have confronted each other, and have taken a hard look at the present system. The result of their look is that innovation, in the future if not now, is a distinct possibility.

Meanwhile, there will be hard debate on the terms of an increase in members' quotas in the International Monetary Fund. A major question is whether the members should pay 25 percent of their quota increase in gold, as in the past, with the rest in national currency.

One plan that has support is for the nations to pay in perhaps only 5 percent in gold and the other 20 percent in gold promissory notes callable by the monetary fund on demand. In any case, an increase in fund quotas would provide a source of reserves for the years immediately ahead for nations with difficulty in their balance of payments.

The 10 nations conducting the negotiations are now looking over their positions on all points before the final sessions in May and June.

[From the Journal of Commerce, Apr. 15, 1964]

PARIS CLUB HITS SNAGS ON LIQUIDITY

(By Stanley Wilson)

WASHINGTON, April 14.—There is a growing prospect that the hard decisions which the Paris Club nations had hoped to reach during their current meetings here will have to be deferred until later this spring.

The 10 club members are engaged in highly secret efforts to hammer out agreed upon policies for improving world liquidity arrangements to present to the International Monetary Fund annual meeting next September.

TOUGH NEGOTIATIONS

Well-qualified sources say that the negotiations are proving even tougher than they were expected to be in the hard bargaining stage.

Continental European countries are reported as being adamant about any proposals including some way to run down the large stocks of dollars which they have accumulated in recent years.

They are also said to be resisting, firmly, proposals supported by this country to increase the member quotas of the International Monetary Fund.

With the current meetings slated to end, so far as is known, this Friday, it therefore appears the major decisions will be put over to May when the club will resume negotiations in Paris.

It is quite possible, informants say, that even the May meetings will not result in full agreement, and that this will be left for the finance ministers of the 10 who are scheduled to meet June 15.

The present talks, which began last Thursday, are the fifth series to be held since it was decided after last year's annual meeting of the IMF that the Paris Club nations would undertake liquidity studies.

The current sessions are the first the club has held on the subject in the United States.

According to some sources, they are also the first in which participants formally represent their governments as negotiators.

ORIGINAL SCHEDULE

Reportedly, the original Paris Club timetable called for the principal conclusions of the club to be drafted in Washington, then referred back to the respective governments for comment and reworked at May sessions so that they would be ready to show the finance ministers in June.

What the members are struggling to decide upon is clearly not a go-head for any of the far-reaching liquidity plans that have been suggested by economists.

It is plain that, insofar as their report to the IMF in September is concerned, they have much more modest agreements in mind.

Sources say that in the end, agreements will probably be worked out embracing perhaps an increase in fund quotas and/or a liberalizing of IMF lending rules.

Even these modest steps will not come easily if the Europeans, as sources allege, feel there is already enough liquidity for trade and perhaps too much.

One form of deadline pressure that may help push the Paris Club to a decision is the annual report of the IMF.

The club's efforts have been closely coordinated with the IMF, which will be sending its annual report to the printer early in July. Presumably, an effort will be made to have some sort of guidance from the club to the fund before the report goes to press.

[From the Journal of Commerce, Apr. 28, 1964]

WORLD BANKERS SET TO WEIGH LIQUIDITY ILLS

(By John Pryor)

LONDON, April 27.—Financial leaders of a score of the world's chief trading countries are preparing for what may turn out to be the most eventful meeting in the history of the International Monetary Fund, now less than 5 months away.

The next annual meeting of IMF, to be held in Tokyo in September, has lately been overshadowed in the world's economic headlines by the efforts being made to attack the international trade problems more directly—at the United Nations Trade Conference in Geneva and in the Kennedy round of tariff talks due to begin formally next month.

BEHIND-THE-SCENES WORK

But behind the scenes, central bankers are working away at the problem which may (some, though not all), financiers say underlies the sharp disparity in trade and balance-of-payments performances between the richer and poorer countries of the world.

This is the so-called liquidity problem, which means, basically, that there is not enough freedom of movement of funds between all countries to finance increasing world trade and avoid persistent payments crises in some.

The difficulty, as some see it, is that since the war, most of the world's buying and selling of goods, services, and securities has come to be conducted in terms of what were originally two national currencies, British sterling and the U.S. dollar, and so have come to depend on the health of these currencies and the economies behind them.

LONG-RANGE VIEW

If these economies get into payments difficulties, and restrictive measures have to be taken—as happened in Britain in 1961–62 and in the United States last year—international financial movements as a whole tend to be put out of joint.

A parallel problem is the tendency of the world's gold and foreign exchange reserves to hole up in the more advanced countries. This is partly because of the persistency with which these countries trade with one another, as opposed to trading with the poorer nations—partly because, when their own payments situations go wrong, they have a sophisticated machinery for stopping the outflow of reserves, and, through interest rate manipulations, attracting funds to themselves.

Thus, in spite of the much-publicized outflow of American reserves up to last year, and greatly increased British and Common Market purchases of raw materials, the developed Northern Hemisphere's share of world reserves has since 1954 remained constant at about 70 percent, or even increased a little. Over the same decade, however, the developing countries have been hard put to it to maintain a stake of about 18 to 20 percent in the world's monetary wealth.

RECTIFICATION MEASURE

Efforts to produce some plan, perhaps a revolutionary one, to remedy this gross imbalance have been redoubled in the last month or two, ahead of the Tokyo meeting.

The deputy finance ministers of the 10 Paris Club countries—more or less coterminous with the United States and developed Western Europe—have met in Washington over the problem this month and are due to meet again in May. There has also been a private meeting in Guatemala of North and Latin American central bankers which is also understood to have discussed the international payments situation.

A difficulty shown up by these meetings is that there is a divergence of opinion about the nature of the liquidity problem and even, in some cases, about whether it exists at all. This is particularly so between the United States and Britain, on one side, and the European Common Market, on the other.

The British and Americans seem to have composed differences of 1962, when the United States sharply criticized a proposal from Britain's Chancellor of the Exchequer, Reginald Maudling, for a world mutual currency account.

OUTSTANDING RECORD OF NEW YORK STATE DEPARTMENT OF COMMERCE

Mr. JAVITS. Mr. President, the New York State Department of Commerce is led by a very able and dedicated commissioner, Keith S. McHugh. The department of commerce, which he directs, has contributed much to the economic growth of the State of New York.

In administering the New York State commerce law, the department provides for the general promotion of business and industry, assistance to communities in planning and zoning, and research on the State's economy. Organized into a division of economic development, a division of economic research and statistics, a division of public information, and a division of international commerce, the department of commerce operates through its main office in Albany, 11 regional offices, the New York office, the Washington office, and industrial development offices in Chicago and Los Angeles. The Washington office, with which my office works closely, is under the very able directorship of Daniel F. Ruge.

The very fruitful efforts which the New York State Department of Commerce have made to strengthen the economy of New York State and to create a fine climate for business and employment in New York are to be strongly commended. The department's work with local communities to expand industrial and commercial development in New York has been especially valuable.

I ask unanimous consent to have printed in the RECORD an article from the New York Herald Tribune of May 10, 1964, on Keith S. McHugh, commissioner of the New York State Department of Commerce, entitled "He Sells Industry on New York State."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE SELLS INDUSTRY ON NEW YORK STATE

(By Maurice C. Carroll)

Shortly before Keith S. McHugh left his $150,000-a-year job as president of New York Telephone Co. and became New York State's $18,500-a-year commerce commissioner, he invited five businessmen to a quiet luncheon. Mr. McHugh knew he was going to switch jobs and he wanted some background information.

"All these guys were in the defense products business. I wanted to sound them out on why things seemed to be moving out to California," Mr. McHugh recalled.

The beginning was inauspicious. One of the executives walked in and said, "Mr. McHugh, I feel sorry for you. Our company prepares a national rating of the States, based on their desirability for plant expansion. New York ranks 47th out of the 48.

"If it were up to me, I wouldn't let our company spend a damned dime in New York."

Soon after that, on May 1, 1959, Mr. McHugh went to work for the State. Five years and a couple of days later, he sat behind a desk in the commerce department's New York City office and told the story. Then he added:

PILE OF DATA

"Just last week, I got a letter from that firm. It said they had put $150 million in new money into New York State in the past 5 years and increased their payroll here by 15 percent."

Mr. McHugh slapped the wide wooden desk and let out a salesman's happy roar. "Now in their national rating scheme, New York is on top," he said.

For the State, as for Mr. McHugh, it was a happy ending, and it was just one of many. The thought of being interviewed, he said, had made him ask himself: "McHugh, just what the hell have you got to show for your 5 years?" He had gathered a heap of notes and charts and statistics to give himself an answer.

A graph showed the State's index of business activity trending upward at a sharp and steady rate. There was a note that 2,745 important plant expansions or new manufacturing plants had been recorded in the State from January 1959 through October 1963.

There was a report on research: 40 new research and development labs opened last year in New York State for a total of 1,100, twice the number listed for the next ranking industrial State.

There was a word about education, vital to the supply of top personnel: "you know, New York produced 15 percent of the Nation's masters and Ph. D. degrees, although it has only 10 percent of the Nation's population." And there was an optimistically open-ended list of 96 State actions, executive and legislative, that the commissioner assessed as making things more attractive for business.

What businessmen abhor most is anything that costs them money, and Mr. McHugh said that, for most plants, New York sites can show a tax advantage over out-of-State locations. "There are too many individual factors to make a generalization, but this State has built a fantastic business tax record. There has been no business tax rise in the past 5 years."

He produced statistics with fond persistence. They reflected said the Republican Mr. McHugh, the favorable business climate nurtured by the Republican administration of Governor Rockefeller.

But the commissioner's job is to sell New York and he said he doesn't view it in partisan terms. "Any sensible Governor can see the merits of gaining and holding a reputation as a good place for business."

PHONE EXPERIENCE

Mr. McHugh became the State's top salesman after a long career with the telephone company. He joined A.T. & T. as a clerk after World War I Army service and had been president of New York telephone 10 years and was nearing retirement when Governor Rockefeller asked him to take over the commerce department. The company worked out a pension plan to supplement Mr. McHugh's State salary.

His first State task, he said, had been to find what was biting business. So he assigned top department personnel, including himself, to conduct some 1,400 interviews with a cross section of New York businessmen, large and small.

"It was the first time anyone from the State had ever sat down with many of them and asked about their problems," he said. The interviews were unexpectedly successful as a public relations gesture, and they provided valuable information. The program was made continuous.

The next task was to form a team of top assistants, which was done by luring four business leaders into State service, tapping a couple of outside specialists and advancing four civil servants—"wonderfully able fellows, contrary to some hard-bitten businessmen's impressions of government employees"—to top jobs.

Then it was down to the main task: helping the State's business. That is something that demands top-to-bottom cooperation, Mr. McHugh said. In attracting new facilities, for instance, "if the local leaders don't take their coats off and work, you don't achieve a damned thing." There was a company that wanted to build a new plant somewhere in the East, employing about 2,000. State commerce and local development agencies matched up the firm's requirements, Mr. McHugh reported, and ultimately put together a 100-acre parcel. "By the time the final decision was made, not only had State and local groups joined in, but a railroad and another major company located nearby were giving important assistance."

What has 5 years on the job achieved? "Nothing near as much as I'd like," Mr. McHugh said with a grin. "But you have to play a percentage business. You gain a few. You lose a few. But we can document some successes."

He voiced particular pride in the department's oversea ventures. "I had made a business trip to Europe and 95 percent of the traffic in Rome and Paris seemed to be those little Vespas or motorbikes. Four years later, on a similar trip, it looked as if 85 percent of the traffic was automobiles. 'Damn it, McHugh,' I said to myself, 'New York ought to get in on this.'

"So I went to Governor Rockefeller who, as you know, is no ABC'er on foreign trade and I asked him if we could try a sales promotion program for a couple of years. 'If it doesn't work, Nelson, I'll be the first to chop it off,' I said.

"The Governor wanted to know how much it would cost. I told him about $40,000 a year and he said to go ahead."

EMBARRASSING

A wide grin spread across Mr. McHugh's face. "It's been the damndest success story I've ever seen. To the point that it's embarrassing—we're having a hard time keeping up with the processing."

The statistics on results are not so specific as the statistic-minded commissioner would like, but they indicate, he said, that the program is selling $30 million worth of New York products a year overseas.

NEW THINKING ON U.S. AID TO AFRICA

Mr. CHURCH. Mr. President, since 1960, 25 African countries have become independent. There are now more African countries in the United Nations than there are from any other region in the world.

These revolutionary changes have made Africa a factor of great importance in world politics, and in the foreign policy of great powers. Africa is a prime target of the Communists, who have been exerting every effort to extend their influence throughout the continent.

The United States, at least from the time that John F. Kennedy entered the White House, has also accorded Africa the importance it deserves.

Experience with the problems of African development, however, has forced us to reconsider some of the assumptions on which our policy toward Africa has been based. This has led to a continuing revision in our foreign assistance program in order to make it a more effective response to not just the needs but the capabilities for development of African countries. I am pleased by the flexibility shown by the Agency for International Development in adjusting its policies and programs to the changing situation in Africa. I think the African part of the foreign aid program is being administered in a realistic and effective way.

The head of the African program in AID, the Honorable Edmond C. Hutchinson, recently discussed U.S. aid to Africa at the annual meeting of the American Academy of Political and Social Science. Mr. Hutchinson's speech is one of the best expositions of the subject which has come to my attention.

It is a speech which I think my colleagues and the general public will want to read. I ask unanimous consent to insert it at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

American Aid to Africa

(Address by the Honorable Edmond C. Hutchinson, Assistant Administrator for Africa, at the annual meeting of the American Academy of Political and Social Science, Philadelphia, April 10, 1964)

It is a privilege to discuss American aid to Africa at the 68th annual meeting of the Academy. This topic, which in effect has been my principal concern and responsibility for the past 2½ years, is one that has understandably evoked much comment in the press, in the Congress and elsewhere.

The theme of this conference—"Africa in Motion"—is indeed appropriate in view of recent events in Africa. Newspaper headlines, almost daily call attention to negative indicators of this motion, such as mutinies in East Africa, revolution in Zanzibar, border clashes between Somalia and Ethiopia, internal problems in the Congo, anti-American demonstrations in Ghana, and the overthrow of governments. All these obviously complicate the administration of all aid efforts including American. But in view of the rapidity and problems of the transition from colonial to sovereign status, what is remarkable is that such political disturbances have not been more severe and more damaging in their impact on development.

The effects of the sweeping changes on the political map of Africa have been enormous. Thirty-one African countries have become independent since the end of 1951—25 since 1960. African States now constitute the largest regional bloc in the United Nations and the power they exercise in international bodies is an eloquent indication of the fulfillment of their greatest aspirations: freedom and independence. The independence movement, reinforced by new dignity and national pride, has released great new energy. It has spawned a drive for modernization and better living. Nearly everywhere in Africa progress is being made in nation-building—in government administration, in education, in health, in agriculture, in road-building, in electric power, and in virtually every other sphere. The energy and enthusiasm which these free young states give to their economic and social development are aspects of "Africa in Motion" which do not make sensational headlines. But these are equal in significance to the negative signs. Yet, even with substantial help from the United States and other nations, international agencies, and nongovernmental groups, the task for Africa is enormous and long range.

OBSTACLES TO AFRICA'S ECONOMIC DEVELOPMENT

The obstacles to African economic development are large and varied. The preceding papers at this conference have detailed many of these. Apart from the basic problems of maintaining internal security, political stability, and harmonious external relationships, there are other obstacles to development deriving from colonial heritage, cultural complexity, and persistence of traditional cultures.

You know of the unrealistic borders and boundaries, inherited by many African states, which ignore terrain and cut across ethnic and linguistic lines. The transformation of arbitrary colonial boundaries into national boundaries has caused a rash of border disputes. But in some cases it has also brought into existence sovereign countries so small or so poorly arranged as to raise serious obstacles to making the economic grade.

Tribalism is still strong in Africa. Generally, the more than 800 separate languages south of the Sahara, with their accompanying cultural differences make for tremendous diversity even in one country. In many, the tribe is still a social, spiritual and economic reality. It is also a potent political force as well as an administrative channel used of necessity by colonial powers and present governments alike. As one observer of the African scene has analyzed the situation, tribalism "is the embodiment and the fortress of primitivism and the past. To modernize and stabilize the new states, means will have to be found to reconcile tradition and change, to shift loyalties from the tribe to the Nation, and to convert the tribes into building blocks rather than road blocks to progress."[1] While the influence of tribalism and close family ties does extend into the commercial centers and capitals, its predominant impact is in rural areas where the vast majority of Africans live under primitive subsistence conditions in "traditional economies." A growing number of social scientists and others are coming to believe that the transformation of traditional economies is crucial to both African political stability and economic development.

Among the many other obstacles to African economic development, the most important of these are illiteracy (most countries of tropical Africa have 90 to 95 percent illiteracy) and lack of technical, managerial, and administrative know-how. Other obstacles are lack of capital and paucity of savings institutions, inadequate power, poor transportation, too much or too little water, poor health and sanitation, overdependence on one or two key commodities, low agricultural productivity, etc.

At the root of most of those obstacles to economic development is inadequacy or absence of necessary economic and social institutions. Africa badly needs sound institutional structures in government, politics, education, agriculture, trade, industry, and practically every other facet of the new societies.

Complicating the choice of an approach to Africa's development are widely contrasting development potentials of the individual countries. As large a consideration as the human and institutional factors already mentioned is uneven distribution of natural resources. Discovery and development of major deposits of oil in Libya, of iron ore in Liberia, Mauritania, and Gabon, and of bauxite in Guinea—to mention a few—have greatly improved their development outlook. Congo (Léopoldville), Ghana, Nigeria, and several other countries are well endowed not only with minerals but also with water, forest and agricultural resources.

In contrast, certain other African countries have low resource potentials as a consequence of unfavorable climate and soils and failure, thus far, to discover significant mineral deposits. Each country, therefore, has a unique combination of physical, economic, social, and political assets and liabilities that together produce striking contrasts in per capita income and development potential.

Another significant contrast between African nations is the extent and nature of assistance provided by former metropoles and other donors. Here again these contrasts are wide. Most of the former French dependencies still receive substantial aid from France ranging from trade subsidies to outright budget support. While former British areas have received independence loans and grants to assist them during the transition period, such assistance has been less significant than that provided by the French. In contrast, Liberia (independent since 1847) and Ethiopia (independent since antiquity) have not received consistent financial and technical aid from metropolitan sources and their infrastructure development has suffered accordingly. Former Belgian and Italian areas present a still different picture. In Ghana, Mali, Guinea, Somalia, Algeria, and several other countries the Sino-Soviet bloc has extended substantial credits and offers of technical assistance. All of these factors must be taken into account in determining the nature, direction, and amount of American aid.

THE U.S. AID RESPONSE

U.S. aid efforts in Africa are designed to meet the problems I have outlined. There were occasional U.S. aid projects in African areas during the early days of the Marshall plan and later under point 4 (in Liberia, Libya, and Ethiopia). More recently, however, U.S. aid sharply increased, so that in fiscal year 1961 and fiscal year 1962 total obligations were $264 million and $315 million. It will be in excess of $200 million in 1963 and 1964.

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[1] Nielsen, Waldemar A. "Africa Is Poised on the Razor's Edge," New York Times magazine, Feb. 8, 1964, p. 2.

While U.S. aid has increased significantly, care has been exercised to avoid supplanting aid provided by others. In fiscal 1963 AID assistance obligations to Africa amounted to $239 million. If surplus foods provided under Public Law 480 are included, U.S. economic assistance amounted to about $500 million each year. In comparison, other free world sources provided about $1.2 billion each year.

A second U.S. response to African development problems relates assistance to the country-development potential, to the extent and nature of assistance being received from others, and to the nature of U.S. interests and relationships. As a result, while aid has been provided in 34 countries, it is highly concentrated in a few. Nearly 60 percent of the estimated fiscal 1964 program is directed to Nigeria, Tunisia, Liberia, and the Sudan. Roughly 5 percent will be used for programs in some 15 former French and Belgian areas which receive substantial aid and trade benefits from their former metropoles and the EEC. The remaining 35 percent will cover programs in such areas as Ethiopia, Somalia, Morocco, Guinea, Kenya, Tanganyika, Uganda, and Congo (Léopoldville).

The third U.S. response emphasizes institution building. We have directed our efforts to establishing an institutional framework in education, training, planning, research, and government administration. Our projects are designed to produce or improve the efficiency of government departments, teacher training institutions, agricultural extension services, and universities. Examples of more specialized project goals are establishment of organizations for highway maintenance, cooperatives, development banks, and industrial productivity centers.

In our relatively small capital assistance program we emphasize the capital aspects of the institution-building program, for example, school buildings, laboratories, and training centers; infrastructure such as roads, powerplants, dams, water supply ports; and, if the opportunity arises, manufacturing plants.

QUESTIONS AND PROBLEMS

I have attempted thus far to sketch the situations in Africa relevant to our efforts to conduct an aid program and to indicate how the U.S. program responds to these conditions. I would now like to talk for a few minutes about two of the many problems and questions which face us and the African countries in connection with that program.

(1) The limitations on absorptive capacity and what can be done about them, and

(2) the necessity to reconcile long-term infrastructure requirements with the immediate need for increased income.

ABSORPTIVE CAPACITY

The phrase "absorptive capacity" is used here in the broad sense to include the whole gamut of cultural, technical, institutional and environmental factors that affect a country's capacity to develop. We, and the African countries themselves, find that these factors impose finite limits upon even technical assistance even if all costs are paid from the outside. In point of fact this is one of the basic reasons explaining the reduced AID appropriation request for fiscal year 1965.

This problem of absorptive capacity finds its expression in many ways. In its cultural dimension it takes the form of resistance to change. This has been an immemorial roadblock in the way of development and growth.

In its economic and administrative dimensions it involves the problems of mobilizing, allocating, and utilizing resources. It involves lack of the necessary effective planning at geographic and sectoral levels, of the institutional and administrative means for mobilizing and channeling resources, as well as inability to undertake the tedious and detailed work of project preparation and implementation.

In recognition of this situation the International Bank for Reconstruction and Development proposes to greatly expand its technical assistance activities and to concentrate on project formulation. The Economic Commission for Africa also recognizes the need and is gearing its efforts more and more in this direction. In our own program we have trouble getting well-organized project proposals and in getting action on them. We are therefore financing feasibility studies, providing experts in planning, engineering, and the like to deal in some measure with the problem. There are limits to a country's ability to use even this sort of assistance, however. In a broad sense our entire technical assistance program aims at this problem. It must be said that there are definite limits on our own ability to organize and administer such programs and to obtain trained personnel.

I recognize that the idea of limited absorptive capacity is not new. However, I consider it essential that more explicit emphasis be given to "effective demand" as contrasted with "needs" and "requirements." Even strong financial backing cannot alone overcome the effect of a weak institutional, managerial, and technical endowment.

INFRASTRUCTURE AGAINST INCREASED INCOME

The second problem which I would like to discuss, in addition to absorptive capacity, concerns reconciling the need for infrastructure with the need for immediate increases in income. This is in one sense another dimension of the problem of limited absorptive capacity. However, it is different enough and important enough to justify separate discussions.

African countries in general would certainly fall into that grouping which [3] Walt Rostow describes as "societies at a relatively early stage of what I would call the preconditions period." Their problem has been considered to be the building of "the infrastructure of modernization in education, transportation, power, administration, etc." In recognition of this situation, the development programs of African countries are heavily concentrated on infrastructure and, as we have noted, U.S. programs are deliberately and primarily directed to the same tasks.

I am becoming somewhat uneasy with this principle or assumption, however. At least I sometimes tell myself that it may be overemphasized. African countries are straining their resources to build infrastructure. But a greater strain is increasingly coming to be maintenance and operating costs of even the existing infrastructure. Dependence on foreign financing of recurrent budget costs for road maintenance, civil service and teachers' salaries, and the upkeep of buildings cannot be considered as very much of an answer. And, of course, the problem is really bigger, because a large portion of the infrastructure expansion itself will also have to be financed from local resources.

In part, the inadequacy of financing is an institutional problem which could be alleviated by more efficient taxation on a wider base, and by more effective savings mobilization. Fundamentally, however, the problem is lack of income. Even with these more effective measures, there simply does not seem to be enough income to provide, through taxes and savings, the local financing of the upkeep of the contemplated infrastructure.

I realize that I am now dealing with chickens and eggs, vicious circles, simultaneous equations, or something of the sort. Nevertheless, it does appear to me that the time may have come to question whether in fact, even in the preconditions period, the immediate problem may not be much more one of raising income than of building infrastructure. This may be especially true in Africa, where there is such urgency and concern for rapid economic progress immediately, when it is remembered that creation of social and economic infrastructure may well produce only limited returns in the short run.

You may quite rightly say that raising income is the whole point of development and is the result expected from the forces set in motion by providing infrastructure. What I am suggesting is that perhaps the focus should be first on the necessity of increasing income. Without this, infrastructure expansion will be inhibited. Focus on increasing income may lead to different emphases in programs for development than if we focus on infrastructure first.

In order to raise income, there must be more production within the country, and greater internal exchange of products. This problem may be summarized as one of enlarging the national market, a concept suggested by Walt Rostow in recent speeches. This is in keeping with Adam Smith's view that the degree of division of labor is limited by the extent of the market. I am becoming more convinced that we should focus on widening the domestic market, even at the expense, if necessary, of expansion of exports, investment in productive capacity, or building of infrastructure, which have been emphasized in the past.

What does enlarging the domestic market mean? It certainly must mean these things: an effective distribution system; a unifying of the whole country into a single market; and a linking of urban and rural areas through a two-way exchange of each other's products.

Two things stand out immediately. First, there might be more concentration on assistance directly in the field of distribution than in the past. Second, it may be that greater emphasis should be given to local production of simple consumer goods. Perhaps efforts should be made in the areas of local credit, commodity storage, marketing co-cps, wholesale and even retail institutions, areas which have traditionally been pretty well avoided in aid programs. The increased local production of consumer goods, likewise an area usually avoided in aid programs and country development plans, might not only serve to increase income directly but might also provide incentives, so frequently lacking, for increased agricultural production. This whole question of necessity for incentives is one I am afraid has been too long neglected. Increased manufacture of simple agricultural tools and certain consumer goods are sometimes suggested as import substitution measures designed to relieve balance-of-payments strain, but seldom as measures for expanding national markets and providing incentives to increased agricultural production. Different types of goods might be selected and a different emphasis might result if the purpose is to increase indigenous income and to expand other local markets.

If expansion of the national market were taken as the first priority, then the optimum type, as well as amount, of infrastructure would need to be reconsidered. For example, questions would arise as to the desirable extent of concentration in vocational as compared with traditional education, or the possibility of shorter run training at less than degree level, or reexamination of university curriculums as well as traditional university standards of construction. Feeder roads might take precedence over major highways. Storage facilities near to producing areas might lessen peak loads on the transportation system, simultaneously lessening need for the system's expansion. Perhaps emphasis on a major transportation network would shift to the need for communications over shorter distances.

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[3] Walt Rostow, Department of State, at the 17th annual conference of the Middle East Institute, Georgetown University, Washington, D.C., May 1963, "The Nationalization of Take-Off." See also speeches by Mr. Rostow: "Economic Development: Some Lessons of a Common Experience," August 1963 and "How To Make a National Market," October 1963 (press releases 431 and 498, Department of State).

Analytic emphasis would perhaps also have to change from national indices and macro concepts of national income, investment, and gross national product, to costs, returns, speed of payoff, and price relationships.

What I have said tonight has been designed to give you a better understanding of the nature and purpose of the U.S. aid program in Africa and to share with you some of the questions we have about it. It has been deliberately designed to raise questions rather than answer them. We aren't sure what the answers are and would like to stimulate thinking and discussion which might suggest answers, or at least help to define the real questions with more precision and to suggest ways of obtaining some answers. By raising these questions, I mean only to suggest that, while what is being done in the assistance field by aid donors, bilateral and multilateral, is accomplishing a great deal, all must continuously attempt to seek out ways of accomplishing the desired objectives more and more efficiently.

ASSISTANCE BY SMALL BUSINESS ADMINISTRATION IN ALASKA DISASTER

Mr. BARTLETT. Mr. President, in a speech he made on Sunday evening at Fairbanks, Alaska, Mr. Eugene P. Foley, Administrator of the Small Business Administration, gave an informative, encouraging report concerning what his agency is doing in connection with the Alaska disaster. I ask unanimous consent that the text of Mr. Foley's speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SBA'S ROLE IN ALASKA

I am honored to be with you this evening, and happy to return to Alaska under different circumstances from my last visit.

I was here a few weeks ago, just after the earthquake had struck such a crippling blow at your business and industry, and your homes and institutions. Like other Federal officials designated by President Johnson, I came to learn personally of the damage that was done, and to ask your State officials how the Government could help with Alaska's needs.

And, like everyone else in the group that came from Washington, I was appalled at the nature and extent of the destruction we found. I won't attempt to describe what we saw and felt as we traveled about Alaska—it would be difficult and pointless, since many of you experienced the disaster and know it much better than I.

But I do want to make one observation that is based on both my past and present visits: Alaska has come a long way since those dark days of late March. The job ahead is tremendous, of course. But the plans you are making, the speed with which you have begun to rebuild, and the confidence you voice in the future, give promise that out of the ruins left by the quake will come an even greater State—an Alaska of newer and finer cities, and of more modern and more diversified industries.

I am certain that the initiative, the vitality, the spirit of willingness and dedication, that made possible the settlement of this frontier-land, and that gained you statehood, now will insure a better and brighter future for your State.

And I assure you that the Small Business Administration will do everything in its power, not only to assist with the restoration of Alaska's homes and business concerns, but also to contribute to the economic progress of your State. I hope we have made such a contribution in the past; I know we can make an even greater contribution in the future.

Let me outline briefly what we have done, and are doing, to assist with the needs of Alaska's disaster victims.

We have a permanent branch office in Anchorage through which the Agency's disaster loan and other services normally are made available to the people of your State.

However, to make disaster loan assistance available as quickly and readily as possible, we rushed 17 financial experts to the State, and used them to staff a number of emergency offices. Other financial specialists will arrive within the next few days. Our emergency offices include a separate disaster loan office in Anchorage, and other offices in Kodiak, Seward, Homer, Seldovia, and Valdez.

Through these offices, we already have received applications for about $11 million in disaster loans, and it appears that our approved loans eventually will total more than $50 million. This would be the greatest dollar amount of loans resulting from any disaster since the start of the SBA more than a decade ago.

I should point out several key features of SBA's disaster loans. They may be made to repair or replace homes, businesses, and nonprofit organizations such as churches and charitable institutions. There is no limit on the size of a loan, or on the size of a business to be assisted. The loans are made at an interest rate of 3 percent.

Normally, our disaster loans have a maximum maturity of 20 years, with repayments beginning not later than 5 months after disbursement.

But we recognized that the earthquake was a very great disaster—a vast personal loss to the people of Alaska, and a damaging blow to the economy of the State.

Therefore, we have departed from past SBA policy in a number of respects.

Although the maturity of our disaster loans may not exceed 20 years, the law does permit us to establish amortization on a 30-year basis, when the additional 10 years will make possible an orderly liquidation of loans. To help the people of your State, we are approving 30-year amortization periods wherever they feel these would be helpful and desirable.

We also have liberalized our requirements with regard to the refinancing of obligations on commercial property. If there is an existing lien on a commercial property, and the lien holder will not or cannot cooperate in a satisfactory financing arrangement, then SBA will consider making a sufficiently large disaster loan to pay off the existing lien.

Where there was a previously existing SBA loan on a commercial property, or a disaster loan is now obtained on the property, we will consider granting a moratorium on principal and interest up to 1 year, and on principal only up to an additional 4 years.

Let me give you a specific example of how the liberalization of our requirements will aid the owner of a commercial property damaged by the disaster.

Say that the property was valued at $40,000, with an existing first mortgage of $20,000. The property owner's loss thus was $60,000—he needs $40,000 to replace the building and $20,000 to pay off the lien holder.

Assume that the $20,000 lien was on a 10-year basis, and at 8 percent interest. The property owner's monthly mortgage payment would amount to about $243.

Now say that SBA makes a disaster loan of $60,000 to finance a new building and pay off the lien holder. Our loan would be at 3 percent interest, and could have a maturity of up to 30 years. On this basis, the monthly amortization payment would be about $253, or only $10 more than the property owner's former monthly payments on a much smaller amount.

If the property owner requested it, we would waive any payments on principal or interest the first year, and beginning with the second year, he would pay a little more than $258 a month. Or, if he elected to pay interest only for the next 4 years, that would be permissible, also. He would pay $150 interest a month each of those years, and starting with the sixth year would pay approximately $285 a month, representing payments on both principal and interest.

I think that example illustrates very clearly how our disaster loans can assist owners of commercial property.

We also are working closely with other Federal agencies, so that maximum assistance can be given to homeowners.

The Federal National Mortgage Association, the Veterans' Administration, and the SBA have agreed on joint action to assist owners of homes that were destroyed or irreparably damaged by the earthquake.

Joint action was important because, as a first step, we want to help dispose of any overhanging mortgage debt on the destroyed property that was not covered by earthquake insurance. This is necessary because, in many if not most instances, a homeowner would be unable to meet two obligations—the mortgage on the destroyed home, and the mortgage on the new one.

In essence, the arrangement among our agencies is this:

Where the Federal National Mortgage Association or the Veterans' Administration holds a mortgage on a destroyed home, it will accept payment of $1,000 and a deed on the property as complete payment on the mortgage.

The SBA, for its part, will make up to 30-year, 3-percent loans to finance new homes equivalent to those that had been destroyed. These loans will include the $1,000 to settle the mortgage debt.

Here is an illustration of how the program would work, and what it would mean to the homeowner:

Say that a homeowner, prior to the earthquake, had a 30-year mortgage, at an interest rate of 5¾ percent, and with an outstanding balance of $25,000.

The monthly payment for interest and principal on this loan would be $146. Assuming that a new home comparable to the destroyed one could be built for $35,000, including land, and that the homeowner would obtain from SBA a new $36,000, 30-year mortgage loan at a 3-percent interest rate, his monthly payment would be $152. The $36,000 new mortgage loan would finance the $35,000 new home, plus the $1,000 required to pay off the outstanding mortgage on the old home.

We are continuing to work with these other Federal agencies to develop maximum assistance for homeowners whose properties may have to be moved to other locations or which suffered damage but are repairable. Specific plans for this program should be ready very shortly.

The fishing industry is of course essential to Alaska's economy, and here again, Federal programs are being coordinated as a means of giving all possible help. The SBA and the Fish and Wildlife Service of the Department of the Interior are conducting a joint program of assistance.

Under the law which governs most of SBA's operations, a fisherman whose boat was lost or damaged in the disaster is eligible for an SBA loan to charter a boat for the fishing season or until he can repair or replace his damaged boat. The SBA loan also may be used for travel expenses to the "lower 48" to select a replacement boat and return it to the Alaskan fishing grounds, and for operating capital during the fishing season.

Our Agency also may make loans to repair or replace commercial boats damaged or destroyed by the disaster. However, under the present arrangement between agencies, the Interior Department is making the loans for this purpose. If and when that Department can no longer make the loans, or if for any reason it cannot help with the needs of a particular fisherman, then the SBA will step in and provide assistance.

Those are some of the things we are doing, some of the ways we are working, to help Alaska and its people overcome the effects of disaster.

The SBA also has many other services—continuing, day-in, day-out programs—that have been available in the past, and that will be available in the future, to help boost Alaska's employment and income.

These programs include business loans and other assistance with the financial needs of small firms; help to small business concerns in obtaining a greater share of the Government's contracts and orders, and assistance to small businessmen in strengthening and broadening their management skills.

The SBA's business loan program is perhaps our best known service, since it helps with the universal need of small firms for greater access to financing.

Under this program, we make loans of up to $350,000 to help small firms expand and modernize; purchase machinery, materials, and equipment, or meet working capital requirements.

Here is Alaska, we have loaned about $22 million to more than 400 small business concerns for a wide variety of purposes. SBA loans have gone—

To an air service near Ketchikan, for purchase of another airplane and installation of terminal facilities.

To a company that supplies water to Bethel and needed additional equipment to fill the city's growing demands.

To a masonry company here in Fairbanks which wanted to expand its services.

To a trading post at Stony River, for construction of new accommodations for tourists.

To a chemical company in Anchorage that needed funds for more modern equipment, and for stocking a larger inventory.

These and other SBA loans vary by borrower and purpose. But the net effect of each is to stimulate business activity and build a stronger economic base.

I want to make clear that in our business lending program, we do not compete with commercial banks. That is a matter of both law and personal philosophy. We believe in and support wholeheartedly the policy of Congress, as stated in the act which created SBA, that SBA should cooperate with commercial banks in providing financing to small businessmen.

Nationwide, more than 65 percent of our business loans are made with bank participation. In Alaska, the percentage of participation is far higher—more than 94 percent. That is probably the highest rate of any State in the Union, and I thank and commend Alaska's bankers for their outstanding cooperation.

We are constantly striving to make our lending program more responsive to the needs of small business. In the last few months we have gone all out to streamline our operations, to reduce redtape to the minimum consistent with sound operations, and to rely to the greatest possible extent on the credit judgment of participating banks. And, after all, bankers are the most familiar with the financial conditions and needs of their local communities.

A second way in which SBA finances small business concerns, or is instrumental in financing them, is by licensing Small Business Investment Companies, or SBIC's as they are generally called.

This is a relatively new Government program, and represents an exciting addition to the traditional forms of finance our Nation has come to know and rely on.

The program is exciting for the men who run the SBIC's because they are, in a sense, pioneers who are exploring new territory.

The program is exciting for small business because it provides an ever-widening avenue to the venture capital that small firms need for expansion and growth.

And the program should be exciting to all Americans because it is enabling many small firms to compete on more equitable terms with their larger competitors, and in this way is furthering our free enterprise system.

The SBIC's are licensed and regulated by the SBA—and in some cases financed by our Agency—but are privately owned and privately operated corporations. They provide venture capital to small business through long-term loans or equity investments that permit them to share in the profits of the small firms.

The SBIC industry is still a comparative infant—the first company was licensed just a little more than 5 years ago. But it is proving a very sturdy infant. There are now well over 700 SBIC's throughout the country, with about $700 million to invest in small business. More than two-thirds of this capital has been provided by private sources or by the public through stock purchases. The SBA has made available the remainder through purchase of subordinated debentures and through operating loans.

The SBA has licensed two SBIC's in Alaska, and these have provided about a half-million dollars to small business through loans and investments.

Whether it is a retailer who wants to open another store in the heart of Fairbanks; an Anchorage manufacturer who wants to expand operations, or a motel owner near Juneau, SBIC financing may fit the bill if the venture is too risky for conventional bank financing. For the growing small manufacturer or other company that needs risk capital but isn't ready for a public stock offering, SBIC financing may hold the key.

In fact, I predict that many small businesses which receive SBIC financing during the coming years will in time take their place among the major industries of your State.

A third method through which SBA finances small business is our community development loan program. Suppose a local freezing plant or lumber company wants to expand its operations, or a canner from elsewhere wants to open a new plant in Alaska. If the people of the community organize a local development company to help finance the project, the SBA in turn may lend the development company as much as $350,000 for this purpose.

We have approved one loan of this type in Alaska, to the Aleutian Area Redevelopment Organization, Inc., of Unalaska. The SBA provided $155,000, the local development company $77,000. The funds will be used to purchase fishing vessels and machinery for a small firm.

There is a great potential in the development company loan program. But like Alaska's wealth of natural resources, the potential is still largely untapped. I would urge the leaders of your State and communities to consider carefully the possibility of uisng this SBA program as a means of stepping up Alaska's development.

The SBIC program and the local development program are attractive for many reasons, but especially becaues they encourage private investment in small business by local interests. While SBA loans may be involved in these programs, the money comes back to the Government with interest and so do additional revenues which result from increased employment, sales, profits and, of course, taxes.

Because these programs encourage the flow of private capital into small businesses, and because, like other SBA programs, they result in higher employment and increased tax revenues, they adhere to President Johnson's insistence that in all our activities we get a dollar's value for every dollar spent.

Another major SBA service is help to small firms in obtaining an increased share of the Government's contracts for goods and services.

Because of the volume of Government purchasing—some $30 to $35 billion a year for defense and other purposes—it is essential that we bring small business into these purchasing programs to the greatest possible extent. Unless we do so, the industrial structure of the country may be altered simply through the size of Government procurement.

The principal way in which we help small firms obtain a greater share of Government contracts is through a small business set-aside program. In this, we work closely with the Department of Defense and the other major buying agencies to earmark certain purchases for small business bidding.

This joint program already has resulted in award to small Alaska firms of more than 750 contracts totaling about $36,700,000.

From a long-range standpoint, I believe that SBA's help to small businessmen in the area of management may well be our most important job. Today, success in business depends on much more than just a strong desire to be an independent business man or woman. It depends, quite simply, on skill in management. The SBA is helping small businessmen become better managers in various ways.

For example, we have an extensive management publications program. This includes several different series of publications that provide small business owners and managers with current information on such subjects as sales promotion, quality control, financial management, and depreciation.

We also sponsor research into small business opportunities and problems. The small businesses of Alaska, like those in all other parts of the country, are sharing in the benefits of this research program.

Under a grant from SBA the University of Alaska has made a study of the tourist industry potential of your State.

This study points out the value of the tourist industry, and gives suggestions for attracting more visitors. It is an excellent report, and if you have not already seen it, I am sure you will be interested in reading it.

A second SBA-financed study, also prepared by the University of Alaska, deals with the potential for expanding distribution and warehousing in Fairbanks and Anchorage. I believe you will find this study of interest, also.

Some other ways in which we help with the management problems of small firms, or help small businessmen become better managers, are by counseling small business owners; by sponsoring workshops to acquaint prospective small businessmen with factors they should consider before entering business, and by joining with universities and other organizations in sponsoring administrative management courses and conferences for those already engaged in small business.

In closing, I would like to turn briefly to the future of small business.

In Alaska, the immediate consideration quite naturally must be to restore your small firms—to get all of them going at full speed again, performing vital jobs and services, meeting the needs and wants of the people of your State.

But after the disaster has been overcome, after your small firms have been restored, what will the future offer them and small business throughout the Nation?

To me, there can be only one answer—continued growth, continued prosperity, continued success.

I say this because I feel that all segments of our society are coming to realize, as I am sure you do, that small business remains essential to our country today, and will be equally essential tomorrow. Consequently, there is widening agreement that we must do everything in our power to keep small business strong, and to protect and improve its position in the national economy.

There are also other good reasons for optimism.

Our economy is in excellent health today, and so are most of our small business concerns; our population is growing, and with it the requirements of our people; technological and scientific advances are creating greater opportunities for small firms, often in entirely new areas of endeavor; because of the tax cut advocated so successfully by President Kennedy and President Johnson, the continued broadening of the SBIC program, and ever closer cooperation between SBA and the banking community, in the months and years ahead the small businessman should find it easier than ever before to acquire funds for expansion and growth.

The picture indeed looks promising.

If we continue to be alert to the problems of small firms, and do what is necessary to assist them, I am confident we can look to small business in the future, as in the past, to contribute immeasurably to the economic, social, and political progress of our Nation.

JURY TRIALS IN CRIMINAL CONTEMPT CASES

Mr. CLARK. Mr. President, there has been much talk in the Senate about jury trials in criminal contempt cases. Endless oratory has been indulged in to attempt to get around the basic facts that first, since the beginning of the Republic, jury trials have never been permitted in criminal contempt cases in the Federal courts until the limited right given in the Civil Rights Act of 1957, a right which has never yet been exercised; second, no Southern State except in a few minor instances permits an effective jury trial in criminal contempt cases under State law.

But the Senate has never considered the contempt action which the American people, sitting as a jury, are conducting against the Senate of the United States for failing to measure up to our constitutional duties as a legislature. Can there be any doubt that, as the contumacious conduct of the Senate toward the rights of the American people continues windy day after windy day, a verdict of guilty is assured?

Heedless of its mail, allergic to public opinion polls, apparently unaware of the grave moral issue involved, a minority of this body, day after day, under archaic rules and procedures existing in no other legislative body in the civilized world, prevents a majority of this body which is ready to act from acting on the civil rights bill.

Senator HUMPHREY says this is not the fault of the southern Senators. He places the blame on the 81 Senators from other parts of the country who cannot summon more than three-fourths of their number to support cloture.

I suggest that the fault lies with all 100 Members of this body who have sat for year after year after year, in lethargy, while a small group of willful men have been permitted to destroy democratic procedures in the Senate of the United States.

In fact, I think it might be said that the Members of the Senate of the United States are engaged in a project of mass suicide. Like a herd of Gadarene swine, we are about to hurl ourselves into an abyss. The end result may well be destruction of that institution which we all love—the Senate of the United States.

I call on my colleagues before it is too late to impose cloture promptly on the civil rights bill, and then to set about the long, arduous, painstaking task of revising the rules, customs, manners, and procedures of this body so that we can meet our responsibilities to the American people and, indeed, to the world, in this seventh decade of the 20th century.

It is later, much later, than we think.

Mr. JAVITS. Mr. President, I have heard with the greatest interest the statements made by the Senators from Illinois, Wisconsin, and Pennsylvania; and I also noted with interest the statement made yesterday by the Senator from Minnesota [Mr. HUMPHREY], in which he did us a service by reminding us of the biblical injunction in Matthew 7, verse 3:

> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

He reminded us that there are 81 Senators who could vote cloture. However, we do not live in a vacuum; and to exhort the Senate to move in this direction does not supply the necessary votes. It is an open secret that at present we do not have the necessary votes. It is also a fact that our friends from the South do not relent, and I do not believe exhortations will cause them to relent.

If Senators answer quorum calls in 15 minutes instead of 1 hour and a half, we shall not succeed in attempts to wear out southern Senators.

It is apparent that we have not made use of all our resources. The President says that if the Senate does not pass the civil rights bill before the political conventions, he will call Congress back into session. It is one thing for him to use his authority; it is another for the Senate to exercise its own authority.

Much of the present difficulty has developed because of the failure of the Senate to exercise the authority it has.

When the President was a Member of the Senate and was serving as majority leader, there was a time when the Senate remained in session around the clock for 9 days. Many persons believe we shall not demonstrate that we mean business until that happens again.

Furthermore, many in this field say they want this bill passed. The bill is supported by national organizations which have very large memberships in States whose Senators are listed as doubtful. The task they have is, not to call on me or the Senator from Minnesota [Mr. HUMPHREY] or my colleague [Mr. KEATING] or the Senator from Wisconsin [Mr. PROXMIRE], but to call on their own Senators.

Finally, the country is not sufficiently aroused. Senators may try to persuade each other; but the only language a Senator understands—and properly so—is what he hears when his constituency is aroused.

So, Mr. President, many jobs which need to be done have not yet been done; and we have no right to complain about the result until they are done.

I rise today only for the purpose of stating what must be done. Once the necessary jobs are done, I believe the result will be certain. Morally, constitutionally, and in terms of public order and tranquillity we must do this job; and our deadline is the onset of summer. Many Senators know that; and the country knows it. Now it must be expressed.

A MESSAGE TO, FOR, AND FROM THE AMERICAN PEOPLE

Mr. TALMADGE. Mr. President, one of the most able men ever to serve in the Senate was the late Senator Benjamin Harvey Hill, of Georgia. On March 27, 1878, he addressed the Senate of the United States.

Said he:

> But, sir, I have said I do not dread these corporations as instruments of power to destroy this country, because there are a thousand agencies which can regulate, restrain, and control them; but there is a corporation we may all well dread. That corporation is the Federal Government. From the aggressions of this corporation there can be no safety, if it be allowed to go beyond the well-defined limits of its power. I dread nothing so much as the exercise of ungranted and doubtful powers by this Government. It is my opinion the danger of dangers to the future of this country. Let us be sure we keep it always within its limits. If this great, ambitious, ever-growing corporation becomes oppressive, who shall check it? If it becomes wayward, who shall control it? If it becomes unjust who shall trust it? As sentinels on the country's watchtower, Senators, I beseech you watch and guard with sleepless dread that corporation which can make all property and rights, all States and people, and all liberty and hope its playthings in an hour, and its victims forever.

Mr. President, it is the bill, H.R. 7152, granting doubtful powers to the Government, which is the danger of dangers to the future of this country.

Only the Senate can check and control the creation of the instrument of power which a Senator from Georgia of a bygone day apprehended and prophesied.

Mr. HOLLAND. Mr. President, I have listened with a great deal of interest to the remarks by several Senators who are supporters of the pending civil rights bill, and who seem to have entirely missed the point, in assessing the present situation.

The point, Mr. President, is that this bill is an extreme one. It is an omnibus bill; and several of its titles should not be in it. Although our Nation is accustomed to extremists, it is unwilling to swallow this particular bill, because of its extremism.

Without dwelling longer on that point, Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an article published today in the New York Times. The headline of the article is "HUMPHREY Scores Rights Bill Delay."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLAND. Because the time available to me in the morning hour is limited, I shall read several paragraphs from this long and interesting article, as follows:

> WASHINGTON, May 11.—Senator HUBERT H. HUMPHREY said today that Senate inaction on the civil rights bill should not be charged to the southern filibuster but to his northern and western colleagues who tolerate it.

Next:

> Mr. HUMPHREY acknowledged for the first time that he and Senator THOMAS H. KUCHEL, the Republican floor manager, were "a long way" from the votes needed to shut off the southern filibuster. Cloture of debate requires two-thirds of the Members present and voting—67, if all are present.

The next paragraph of the article which I shall quote reads as follows:

> Nevertheless, he—

Referring to the Senator from Montana [Mr. MANSFIELD]—

> plainly shared Mr. HUMPHREY'S frustration and disillusionment at the unwillingness of many northern and western Senators in both parties to consider cloture.
>
> Civil rights forces in the Senate acknowledge that they suffered a setback last Wednesday when they defeated by the paper-thin margin of 46 to 45 an amendment to permit jury trials in all cases of criminal contempt arising from the bill.

Mr. President, without attempting to quote more from that able article, it should be very clear from the report of the correspondent of the New York Times that the point is there are so many extreme provisions in the bill which Senators who would favor a very sound civil rights bill are unwilling to support because they are so extreme, that they will not vote for cloture so long as those items remain in the bill.

Mr. President, the item is very enlightening. I appeal to Senators who insist upon this omnibus, catchall method of approaching the serious problem which we confront that they had better get to the point at which they will give some consideration to eliminating some of the extreme proposals, one of which, for example, is title VII, the so-called FEPC provision, which was not even in the original proposal of the late lamented President Kennedy.

EXHIBIT 1

[From the New York Times, May 12, 1964]

HUMPHREY SCORES RIGHTS BILL DELAY—BLAMES THE NORTH AND WEST FOR ADULT DELINQUENCY IN INACTION BY SENATE

(By E. W. Kenworthy)

WASHINGTON, May 11.—Senator HUBERT H. HUMPHREY said today that Senate inaction on the civil rights bill should not be charged to the southern filibuster but to his northern and western colleagues who tolerate it.

As the Senate began the 10th week and 52d day of debate on the House-passed bill, Senator HUMPHREY, who is floor manager of the measure, said "the whole procedure is disgusting."

"All that is being accomplished here is a display of adult delinquency," the majority whip told reporters.

However, the Minnesota Democrat said, it is not the 19 southerners who are chiefly responsible for delaying action on the bill, since "we knew they were opposed" and "their obstructionist tactics to be expected."

SEES POTENTIAL VOTES

Rather, he said, the blame attaches to the 81 Senators—or some of the 81—who do not live in the South.

Mr. HUMPHREY acknowledged for the first time that he and Senator THOMAS H. KUCHEL, the Republican floor manager, were "a long way" from the votes needed to shut off the southern filibuster. Cloture of debate requires two-thirds of the Members present and voting—67, if all are present.

But, he said, "the potential votes are here to stop this filibuster," if the Senators have the will to invoke cloture.

"Any intransigent minority," he declared, "can run the Senate if a majority stands around with jelly for a spine."

"So what we need from the American public," he went on, "is a demand on the 81 that the Senate start to act like a Senate, and that Senators start to earn their wages, and that Senators abide by the Constitution, which says that a majority shall constitute a quorum to do business."

"To deny the Senate the right to vote by permitting a filibuster, or engaging in one, is not doing business," he said.

Mr. HUMPHREY'S outburst came shortly after Senator RICHARD B. RUSSELL, of Georgia, leader of the southern forces, told reporters that he did not think there would be any votes this week on the jury trial amendments.

These must be disposed of before the Senate gets down to voting on amendments to the nondiscrimination provisions of the bill.

Tomorrow will mark the end of the third week of debate on the jury trial issue. A week ago, Senators MIKE MANSFIELD, of Montana, and EVERETT MCKINLEY DIRKSEN, of Illinois, the majority and minority leaders, thought they had an understanding with Mr. RUSSELL to wind up voting on the jury trial amendments by last Wednesday.

However, only two of the amendments were disposed of that day. There were no votes on Thursday and Friday because President Johnson invited several Senators on his Appalachia trip.

Senator MANSFIELD said this morning that the Senate would "stay in session if it takes all year" to pass the civil rights and other key bills.

Nevertheless, he plainly shared Mr. HUMPHREY'S frustration and disillusionment at the unwillingness of many northern and western Senators in both parties to consider cloture.

Civil rights forces in the Senate acknowledge that they suffered a setback last Wednesday when they defeated by the paper-thin margin of 46 to 45 an amendment to permit jury trials in all cases of criminal contempt arising from the bill.

Although this amendment was proposed by Republican Senator THRUSTON B. MORTON, of Kentucky, its real sponsor was Senator RUSSELL and it had the solid support of the southern phalanx.

ESTIMATES CONFIRMED

The vote on the Morton amendment was not a true test of sentiment on the bill itself because many Senators who favor the jury trial also support the bill. But it did confirm earlier estimates by leadership of the areas of greatest opposition to cloture in the North and West. In fact, after the vote, some Republicans who had been thought safe for cloture were put in the doubtful column.

In that vote, 19 Republicans failed to follow Mr. DIRKSEN'S leadership. Nine northern Democrats failed to follow Mr. MANSFIELD'S.

As of today, then, the following four northern Democrats are regarded as certain to vote against cloture: ROBERT C. BYRD, of West Virginia, ALAN BIBLE, and HOWARD W. CANNON, of Nevada, and CARL HAYDEN, of Arizona.

SIX REPUBLICANS LISTED

In addition, ALBERT GORE and HERBERT S. WALTERS, of Tennessee, who have not joined the southern opposition, are also regarded as certain against cloture.

Six Republicans—BARRY GOLDWATER, of Arizona, JOHN G. TOWER, of Texas, EDWIN L. MECHEM, of New Mexico, MILTON R. YOUNG, of North Dakota, MILWARD L. SIMPSON, of Wyoming, and WALLACE F. BENNETT, of Utah—are also counted as certain against cloture.

With the 18 southern Democrats in Mr. RUSSELL'S force, the sure votes now counted against cloture total 30—only 4 short of the necessary 34 if all Senators are voting.

LIST OF THE UNCERTAIN

The bill's managers are concerned, however, over nine Senators who are regarded as uncertain quantities. Thus, Republicans LEN B. JORDAN of Idaho and BOURKE B. HICKENLOOPER of Iowa are regarded as "very probably" against cloture.

And the following are put in the "doubtful" column: Republicans, CARL T. CURTIS of Nebraska, KARL E. MUNDT of South Dakota, JOHN J. WILLIAMS of Delaware, PETER H. DOMINICK of Colorado, ROMAN L. HRUSKA of Nebraska, and a Democrat, FRANK LAUSCHE of Ohio.

Republican leaders still hope to get the support for cloture of Senators CURTIS, MUNDT, WILLIAMS, and HRUSKA with time. But they have not much hope of Mr. DOMINICK. Senator LAUSCHE is regarded as unpredictable.

Even 3 weeks from now an attempt at cloture, the leaders believe, will be an uncertain risk.

Senator HUMPHREY said today that he could not imagine "that the same Senate that was willing to vote cloture on the communications satellite bill for American Telephone & Telegraph would not be willing to vote cloture to see that constitutional rights are enforced."

A VOTE IN 1962

This was a reference to the cloture vote in 1962, after 16 days of debate, that made possible the passage of the bill vesting in A.T. & T. the principal ownership and operation of a communications satellite program. A small group of Senators had filibustered against it.

The Republicans who voted for cloture then but are regarded as opposed or doubtful now are Senators BENNETT, YOUNG, HICKENLOOPER, JORDAN, CURTIS, HRUSKA, MUNDT, and WILLIAMS.

Only one of the Northern Democrats—Senator LAUSCHE—who voted for cloture then is regarded as doubtful now.

Senator HUMPHREY also recalled that in 1960 both party platforms "promised action on civil rights."

Although most of the Republican opposition to the bill centers on the fair employment section, the Republican platform pledged support for legislation to set up "a commission on equal job opportunity." It also opposed use of Federal funds "for the construction of segregated community facilities."

The Democratic platform also pledged support for a "fair employment practices commission."

Mr. KEATING. Mr. President, the complete answer to the argument advanced by the distinguished Senator from Florida is that the only desire of those who would like to see the debate terminated at some time is an opportunity to vote on the amendments. If the bill is extreme, and if the amendments which have been submitted to water it down meet with the approval of a majority of the Senate, let us get on with a vote on those amendments.

In my judgment, the bill is a moderate bill. It has already been watered down several times. But if it needs further changes, in the view of a majority of Senators, the only way to make that determination is by voting on the bill. But to prohibit the Senate from voting is, in my judgment, inexcusable.

There is a restlessness which I sense among some of the Members of this body. Yesterday one Senator came to me and said, "I am about ready to vote for cloture." I am not sure how he will vote on the bill, but he does not feel that we should remain here indefinitely to talk and talk and talk or to listen to talk and the same arguments hashed and rehashed again and again.

I do not desire to quote the remarks of the distinguished Senator from New Hampshire, but the other day he very eloquently voiced a sentiment to the effect that, however he might feel about particular amendments, or indeed the bill itself, there certainly would come a time when he would feel that we should come to grips with the problem and vote.

The only respect in which I would differ at all with my distinguished colleague from New York is in his statement that the people have not been aroused. Many people are now aroused. My letters indicate that they cannot understand the situation. One of the important titles of the bill relates to the protection of the right to vote. Yet we, 98 men and 2 women, stand or sit in the Senate Chamber and we ourselves do not exercise the right to vote.

Senators as well as citizens who are not Senators, have a right to vote. In my judgment, that right is being frustrated by a minority. So I would make the proposal, Mr. President, that very shortly——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. I propose that very shortly a cloture petition be filed. My judgment is that there will be more Senators favoring cloture than is sometimes estimated, and that such a petition would reveal the points at which greater efforts must be made to convince some of our colleagues. I would expect that perhaps on the first attempt cloture might not be successful. If it is not, we must try and try again until we come to grips with the problem. We cannot go on forever in the way we have been proceeding. I believe that an increasing number of Senators, of many points of view are beginning to feel that way about the problem.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield, if I have time available.

Mr. JAVITS. Mr. President, I ask unanimous consent that my colleague from New York may have an additional half minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. When I said that the public is not adequately aroused, I was talking about my judgment in respect to the public in the States of the Senators who are listed as doubtful. There is no question about the constituents of my colleague and my own and those of many other Senators. That is what I had in mind. There is a task for every Senator to perform. My colleague has certainly done his; I am trying to do mine. The people in other States have a part to play, too.

I thank my colleague.

ELIMINATION OF POVERTY—A COMMON GOAL

Mr. BOGGS. Mr. President, I believe it is a safe assumption that everyone in this country would like to see poverty eliminated. There is, and should be, universal agreement on this common goal.

On the other hand, there is not agreement, nor is it reasonable to expect there should or would be, on the question of what is the best course for the country to follow to achieve this goal.

Until now the forces of free enterprise, with Government a friendly referee, have successfully provided our country with a standard of living and abundance of goods unmatched in the world's history.

Because we have come so far, however, is no reason why we should stop short of a free society where all may enjoy the fruits of our country's wealth. Thankful for our gains, we should at the same time not be thoughtless of those among us who do not share our blessings.

There is danger of political partisanship obscuring both the problem and a program for meeting it. An editorial Monday, May 11, in the Wilmington (Del.) Morning News, entitled "The Great War on Poverty," points up this danger, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wilmington Morning News, May 11, 1964]

THE GREAT WAR ON POVERTY

Inevitably, when an important problem becomes a major political issue, there will be divergent opinions, arguments, charges, countercharges, and attempts—on all sides—to gain political advantage.

This has happened in the so-called war on poverty. President Lyndon B. Johnson, whose baby the war is, has certainly made it into one of his chief campaign ploys. His public demonstrations in the areas at which the first offensive in the war is based have all the earmarks of the traditional election tours and rallies. And many of the sweeping claims made for his program have all the earmarks of campaign promises.

Similarly, the attacks on the President's plans and on some of his activities are of a political character. This is to be expected, too. Only in this kind of debate can satisfactory solutions of economic and political issues be reached.

But the basic fact remains: The war on poverty is both sound and overdue. Perhaps, it should be stated as a war on poverty, rather than the war. Mr. Johnson's plan is not necessarily the best and certainly not the only one. But a start must be made and, if Congress trims off some of the extravagant claims, extravagant promises, and extravagant proposals, it is something that the United States can afford and must undertake.

A nation with a gross national product of more than $600 billion, with a population of only 191 million, has little excuse to tolerate poverty, want, or human degradation resulting from economic conditions.

The economy produces more than $3,200 worth of goods and services annually for each man, woman, and child in the Nation. The average family income is about $7,000 a year. The average industrial wage is $2.51 per hour. Even after taxes, we still enjoy a personal income of about $2,200 per capita. It is a fantastic picture, unrivaled in the history of mankind; unmatched in the world today, unmatched by any economy, political system, or other combination of factors, whether Communist, socialist, capitalist, syndicalist, or what.

In this vast sea of production and income, we continue to have large pockets of poverty, some of it shocking. Most of it is curable. The big question is how the cure is to be effected. Some of the suggestions can be dismissed out of hand—as, for example, the assertion of a group of dreamers who would, in effect, have government hand out money to everyone who needs it.

In fact, except for the short-range, relief programs are no solution at all. In the long run, they merely fossilize the disease.

The permanent cure must do two things: First, provide the opportunity for rapid transition to self-help, that is, to useful and remunerative employment. Second, provide the incentive for people to take advantage of the opportunities offered.

Most people will, of course, take advantage of a favorable situation. It must be recognized, however, that there are differences among people, differences in capacity and in drives. Some, perhaps, can never be wrenched free of their dependent status.

The most desirable course in the war against poverty would be an initial recognition by both political camps that the solution can be found and that the Nation has a specific obligation to look for it. From that basis of agreement, differences of approach can be launched into their particular orbits, for all to see and examine, and for the Congress to work into a politico-economic pattern that will serve the best interests of the United States and all of its 191 million people.

AUTOMATION: THE IMPACT ON JOBS AND PEOPLE

Mr. BOGGS. Mr. President, automation remains a vague word in our Nation's vocabulary. On one hand it is blamed for loss of jobs; on the other it is praised for producing goods faster and better with less worker monotony.

The results of automation can be judged both good and bad, depending on how this technological change affects the individual.

In order to get the greatest good from automation at the same time that its harm is reduced as much as possible, we need to know more about it. We need accurate forecasts of its coming uses. We need programs to provide new opportunities for those whose jobs are undercut and swept away by the automation tide.

In the dual hope of getting an overall picture of automation and spreading the greatest amount of information about it at the same time, I proposed 2 years ago and again last year in S. 185, a White House Conference on Automation. If such a conference were vigorously carried out—with municipal, State, and regional meetings preceding the final sifting in Washington of the best ideas—the country would be generally informed about the problem at the same time that the country was informing Washington.

The May issue of the American Federationist, official monthly magazine of the American Federation of Labor and Congress of Industrial Organizations, carries an interesting article entitled "Automation: The Impact on Jobs and People." In it author Robert B. Cooney sketches the current background to the problem.

Also, in today's issue of the Washington Post is a news story by David Fouquet, entitled "Automation Held Threat to U.S. Value Code," which further summarizes the importance of dealing decisively with the impact of automation.

I ask unanimous consent that both these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AUTOMATION: THE IMPACT ON JOBS AND PEOPLE

(By Robert B. Cooney)

The leading edge of radical technological change is now slicing its way through America's offices, factories, and stores, undercutting familiar ways of working and living. As the changes intensify, there may follow social and political repercussions unless imaginative programs are devised to help people adjust to new roles.

The computer—the symbol of the radical change—is inspiring a revolution of attitude and practice which will hurt first those least able to adjust; the less skilled, the less educated, the Negro and other minority groups, the people moving from rural to urban areas. These dispossessed will be joined in the years ahead by those who now feel secure in a skill, for if a job involves routine then a computer-guided machine can do it better and faster.

This is the pace of change: workers automated off their assembly line are now being retrained as draftsmen at the same time a company has marketed a low-priced tape-controlled, computer-fed automatic drafting machine. Before they have learned a second skill, it is already potentially obsolete.

A national computer congress held in Washington, D.C., in mid-April attracted some 5,000 computer professionals and unveiled the latest in computers. A prominent expert warned that computers and automation are moving in on skilled technicians and middle management. He said all "routine, uncreative" jobs can be programed through and performed by computers. Beyond this, exhibitors showed that computers can handle routine creative jobs like producing animated movies, designing bridges and buildings, and performing medical diagnoses once done by the family doctor.

The computer is the symbol. But the technological change underway involves many things: greater mechanization; new processes, materials, techniques, and markets; reorganized plants; changed work-force skills and so on. In short, increased productivity—more output per man-hour.

If these changes ripple rapidly enough through the Nation's work places, the moderately faster rate of productivity foreseen for the remainder of the 1960's could climb more sharply. The result would be higher unemployment unless production and sales at least keep pace.

Unemployment long has been called the Nation's top domestic problem. Over 4 million are jobless; the unemployment rate has held above 5 percent for over 6 years; all national policies so far applied have failed to make a real dent in unemployment.

And it is mainly unemployment which underlies and aggravates the Nation's troubles, be it civil rights demonstrations, political extremism, rising welfare costs or juvenile delinquency. Decent jobs at good pay are desperately needed if these problems are to be resolved. If the pace of automation quickens, these problems can worsen.

Rapid economic growth is the key to the Nation's problems, in the view of economists and national leaders. The economic growth rate must be high enough to create jobs for the 1.3 million new jobseekers entering the labor force each year, to dent unemployment and to provide job openings for those displaced by the new technology.

To scout ahead and identify the nature and scope of technological trends and so help those responsible for manpower policies plan for change, the Government has issued a pioneering report entitled, "Technological Trends in 36 Major American Industries." The study was prepared by the Labor Department for President Johnson's Advisory Committee on Labor Management Policy. In issuing the report, Secretary of Labor W. Willard Wirtz and Secretary of Commerce Luther Hodges—Cochairmen of the President's Committee—made this comment:

"The first industrial revolution was bought to a great extent with the sacrifice of human values. Our society today will not accept the proposition that the cost of progress must be paid in the broken lives of workers who are bypassed by technology."

Looking back, America has seen technology bring miracles of production in agriculture which are the envy of other nations—but which forced millions out of farming and left them ill prepared for city life. The Nation has seen technological advances which have made the American coal miner the world's most productive—and left many miners and their families and their region in poverty. The Nation has seen a pioneering textile industry turned into a decaying shell by migrating management. And it has seen meatpacking decentralize out of Chicago, once famous as "hog butcher to the world," leaving thousands jobless.

The changes ahead sketched briefly for each industry by the Labor Department report covered only those changes already introduced and on the threshold of widespread adoption. All are seen to have an important potential impact on jobs.

The technological changes ahead mean:

In soft coal, an increased use of continuous-mining machinery and such cost-slashing mine-to-market advances as unit trains and slurry pipelines;

In iron and steel, wider use of the oxygen injection process;

In air transport, wider use of jet cargo liners and compact passenger jets;

In trucking, engines twice as powerful as those now in use and the spread from west to east of "double bottoms"—two 40-foot trailers linked behind one tractor;

In oil and gas, wider use of computers for data processing and for production, storage, and pipelining of oil, with one-third of the oil industry already computerized;

In cement, electronic control of production, with one plant now using a computer to control almost the entire process;

In aerospace, firms using labor-saving, numerically controlled tools are expected to expand such tools from 400 in 1962 to 1,600 by 1970 and make wider use of tape-controlled drafting, welding, and inspection techniques.

The Labor Department report did not discuss except in passing those inventions and discoveries still in the drawing board stage nor did it deal with innovations still prohibitive in cost.

But such expected breakthroughs ahead would mean:

In retail trade, automatic check-out counters for supermarkets to total and bag groceries mechanically;

In coal, long wall mining by remote control which would boost output greatly and wipe out more jobs, proportionately than did continuous mining in the 1950's;

In aluminum, new processes which aim at skipping a 75-year-old reduction process and which would, when perfected, bring capital savings of up to 50 percent.

These examples make it clear that not only computers and automation but a variety of other changes will be contributing to increased productivity.

Experts point out that neither rising productivity nor the sizable increase in the workforce each year need swell unemployment if the economy grows fast enough. These experts estimate an economic growth rate of about 4.5 percent a year is necessary in the 1960's just to hold unemployment where it is now, given the net gain of 13 million to the labor force and assuming productivity continues to rise at its postwar rate of about 3 percent a year. The 4.5 percent growth rate viewed as necessary now is significantly greater than the 3 percent per year achieved during the 1950's.

But the growth rate must exceed even 4.5 percent to cut into unemployment. Even though the annual growth rate moved up to 3.8 percent in 1962, it is recalled, unemployment grew, too.

Experts in the field of computer development and application and those who work with such systems generally expect the rate of productivity in the nonfarm sector to move upward from the 1960–63 annual rate of 3.2 percent. Most of the best-informed people in the field foresee "a moderately faster rate" for most of the next decade.

An authoritative survey of informed people in the computer field has produced these findings:

Impact on jobs. Automated equipment is seen to have a very pronounced capacity to cut labor needs, even though it may be purchased to reduce waste and increase accuracy. From what is now known, it is possible to conceive of automating a wide range of human activities. How automation affects productivity will turn on the rate at which its uses can be extended and improved and the rate at which it is accepted and its cost made feasible.

Applying automation. Barriers to automation are rapidly being reduced. The shortage of personnel trained to understand the capabilities of automation is disappearing. More and more trained people from universities seek jobs in consulting and operations research work where the main job is to systematically survey operations to see where savings can be achieved with new techniques and equipment. A news story described one effect: A firm systematizing data on its processes for a computer found this so boosted efficiency it did not yet need one.

Computer centers and less costly equipment also are making the new technology available to smaller businesses, thus tapping a new market. Small firms also are benefiting from the flexibility made possible through tape control devices, standardization and other devices; the big firm making large quantities of a standard product no longer is the sole market.

Research: Spending for research and development has been shooting upward—from $5 billion annually in 1953–54 to $10 billion a year in 1957–58 to $16 billion annually in 1962–63. Though much of this is for the military, out of it has come such advances as tape-controlled machine tools, molecular electronics, etc. The research of the 1950's is now bearing fruit.

Investment: A McGraw-Hill survey shows a sharp upswing in the proportion of investment allocated to buying automated equipment—11 percent in 1955, 12 percent in 1959, 19 percent in 1963. The rate should be speeded by the 1962 investment tax credit.

These developments set the stage for radical changes in the economy. The best-informed people in the field, assuming the steady spread of automation, speculate that productivity could rise at a still more rapid rate in the 1970's and make the need even more urgent for bold programs.

But the overall productivity rate is similar to the case of the man who drowned trying to walk across a stream with an average depth of 3 feet. As experts warn, the overall rate conceals critical changes within industries. They note that nonfarm productivity rose by 21 percent from 1950 to 1960. But, in soft coal, productivity shot up by 51.6 percent in the same decade while output slipped only 5.6 percent. The result: mining jobs plummeted by 440,000 or 36 percent.

Thus the point is made by experts that even on assumptions that total national output will go up by 50 percent from 1960 to 1970 and unemployment will be lowered to 3 percent, automation will lead the way to job cuts in many industries.

Following is the outlook for 1970 of current trends in a few selected industries, quoted from the Labor Department report:

STEEL

Outlook: "Advances in all departments of iron and steelmaking, including the introduction of new processes such as basic oxygen in steelmaking, indicate a steady increase in output per man-hour.

"Although a rising level of steel output is projected for the next 10 years, improvements in speed and efficiency from new methods and processes not yet widespread in the industry indicate that little if any increase is to be expected in the employment of production workers. Some rise may take place in the number of clerical, professional, and technical personnel."

ELECTRONICS

Outlook: "Impending rapid development and use of microelectronic circuits and mechanization of production processes may have extensive impact on labor requirements and the structure of the industry. Research and development on a large scale may yield new products for industrial automation, communication and space and defense applications.

"Employment is expected to increase about 39 percent—from about 778,000 in 1961 to over 1 million in 1970."

CONSTRUCTION

Outlook: "Major advances include larger, more powerful equipment, improvements in materials handling, prefabrication of building components, and changes in architectural design that will probably reduce labor requirements per unit.

"Employment is expected to increase substantially consequent upon an anticipated increase in new construction between 1960 and 1970, reflecting new family formation, suburbanization and Government construction activities. Because construction activity fluctuates closely with general business conditions, construction employment may not reach the projected volume if a high level of economic activity is not realized."

TELEPHONES

Outlook: "New developments—including preassembled equipment, electronic switching and computers—are likely to have significant impact on installation, construction, maintenance, and clerical workers. Total employment may continue to fall, although volume and variety of communication service are increasing."

In terms of the broad impact of automation on skills and people, experts see it this way. Automation does not require much higher skills from workers, who often can be trained to operate such equipment. But as such equipment becomes more sophisticated, it will thin out the ranks of even the more skilled employees. As automation devours routine blue-collar jobs, these workers will be thrown into the intensified competition for generally lower paying jobs in the white-collar and service fields. As automation eats its way up the skill ladder, the job changing it causes will be a matter of survival of the best educated and best skilled.

In the absence of bold programs, the broader consequences are all but written on the wall. In addition to the problems which can put in numerical terms, there is this dimension: During the 1960's, some 1.4 million farm jobs will be wiped out and 7.5 million high school dropouts—2.3 million before the eighth grade—will be seeking work. These are the people most ill-equipped and most vulnerable in an age of automation. And the Negro jobless rate, for example, is already double that of the white worker. In addition, many now seemingly secure in their skills will be wrenched out of their chosen work and forced into different work and probably lower living standards.

To ease the impact of technological change, labor and management have devised a variety of methods of adjustment.

Collective bargaining agreements usually call for advance notice of a layoff of shutdown, but often this is no longer than a week. Automation is inspiring provisions requiring several months' notice.

Other approaches include the avoidance of layoffs through attrition, early retirement, work spreading, retraining, transfer, and relocation.

Cushioning actual layoffs are such devices as severance pay, vesting of pension rights, aid in retraining and placement elsewhere, supplemental jobless benefits.

To help toward new employment, approaches now being applied include compilation of worker profiles, systematic industry surveys, more effective education and training programs, elimination of racial discrimination.

Considered among the most ambitious private programs aimed at cushioning the effect of technological changes are the labor-management arrangements in west coast longshoring, the Armour plan and Kaiser Steel.

Experts welcome such private programs. But they warn of the limitations, especially since only a fraction of the work force can be so protected. The worker without a union, for example, is virtually helpless.

The urgent need, they stress, is for vigorous private and public employment policies to help equip workers with the education, skill and mobility needed to meet the fast-changing patterns of work and opportunity.

The new technology can help end monotonous, deadening and dangerous work; it can help end want. It can also destroy. It will take man's best efforts to tame and control technology for the benefit of all. But there must be rapid economic growth to provide jobs and a favorable setting.

A maker of automated equipment, alarmed at the job-destroying potential of his product, once relied on Dickens' description of the French Revolution to point up the paradox of the automation revolution: "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness * * * it was the spring of hope, it was the winter of despair." It is a time, he said, for boldness and innovation.

AUTOMATION HELD THREAT TO U.S. VALUE CODE

(By David Fouquet)

What may prove to be the most radical evaluation of capitalism since Marx's challenge 100 years ago has recently been made by a group of respected social critics in this country.

Unlike Marx, however, they feel that capitalism has been successful—so successful that it may be bringing about its own destruction.

Their proposals indirectly attack the present value of the so-called Protestant ethic, with its advocacy of industriousness, individualism, hard work, and their rewards.

Among the proposals are requests that the Government pay an adequate income to all Americans whether or not they work. This suggestion was made a few weeks ago by the Ad Hoc Committee on the Triple Revolution.

Among the committeemen are: Gerald Piel, publisher of the Scientific American; Michael Harrington, author of "The New America"; Linus Pauling, Nobel Prize winner; Ralph H. Helstein, president of the United Packinghouse, Food & Allied Workers; W. H. Perry, vice president of the Fund for the Republic, and Gunnar Myrdal, Swedish economist.

The triple revolution the group referred to was the revolution in computer automation, the weaponry revolution, and the human rights revolution.

They said automation has rendered the industrial productive system "no longer viable * * * the traditional link between jobs and income is being broken."

Then at the Spring Joint Computer Conference attended by some 5,000 computer industry representatives in Washington recently, the leaders of the computer revolution were told by one speaker that "the present cyberculture revolution is comparable in magnitude only to the agriculture revolution," thousands of years ago.

In a study of what automation means to America in a recent issue of Automation magazine, many contributors rose to the defense of automation.

Editor-in-Chief Roger E. Bolz comments: "There are no dangers from machines unless the fog of misunderstanding created ends in little but ineffective or depressive activity. * * * Economic and social change will take place, but hardly drastic."

A study by the magazine of 3,440 plants showed that about 11 percent had progressed to the more advanced stages of automation, such as remote control and computer control.

Of those with that degree of automation, 10.4 percent indicated a reduction in personnel, 41.5 percent reported no change and nearly half said more workers were required. A total of 84.1 percent said increased skills were required.

Robert W. Burgess, Director of the Bureau of the Census, stated that despite improved machinery, more production workers are required. He noted that years ago many telephone operators were put out of work by the dial telephone, but that the telephone industry had nearly doubled its employment between 1940 and 1950 and upped it 10 percent more in the next decade.

Yale Brozen of the University of Chicago added that "adaptation to automation would be easier if the wage structure were less rigid. It could take place, then, by the acceptance of lower wage jobs by some individuals as well as by attaining higher skill levels."

Senator BARRY GOLDWATER, Republican, of Arizona, commented that "to talk of controlling the advance of technology is as practical as trying to hold back the dawn." He said threats to job security in the past have spurred workers to better and higher paying positions from repetitive mechanical jobs.

However, estimates of recent job losses to automation range from 4,000 to 40,000 a week.

John I. Snyder, Jr., president and chairman of U.S. Industries, Inc., manufacturer of automated machinery, believes the higher figure is more accurate.

He said, "the whole idea of automation is to substitute the machine for the human."

Alice Mary Hilton, a writer and consultant on automation, said, at the computer conference, "We can go into an era worse than the decline of Rome or higher than the Athenians ever dreamed of.

"We should reexamine the ethos that condemns millions who are simply the first contingent of citizens living under cyberculture conditions, without preparation for the new age. * * * To learn to live in leisure and abundance is the task of this generation." Otherwise, she said, "we are dooming untold millions to useless lives without hope or purpose."

Rome, she added, destroyed itself with its unemployed citizens idly seeking bread and circuses.

Her appeal was echoed by Robert H. Davis of the Systems Development Corp. of Alexandria, and Donald N. Michael of the Institute for Policy Research in Washington.

In his paper, Davis said: "If a man must work to feel worthy and needed and we persist in eliminating him, then the results must inevitably be a profound and possibly disastrous change in the fabric of our culture * * * although the task will take decades, we must begin to change our Protestant ethic."

He advocated teaching the constructive use of leisure in the schools through courses which are today labelled "frills." He called for an examination of how the unemployed are to be provided for.

Michael was even gloomier. He said that the leaders of our society became successful through the standard procedures and are dedicated to the preservation of the present values.

Also, he noted, the persons displaced by machines have shown no inclination or interest in the cultural aspects of life. He also warned of the potential of a major social crisis when Negroes now fighting for equal job opportunity achieve that goal but are trained for jobs that no longer exist.

COLLEGE PRESIDENT CALLS FOR GI BILL NOW

Mr. YARBOROUGH. Mr. President, the cold war GI bill, S. 5, has been on the Senate Calendar since it was favorably reported by the Committee on Labor and Public Welfare on July 2, 1963. The biggest slowdown in the Senate has been on the GI bill rather than on civil rights, and the 5 million cold war veterans know it. During the hearings on this bill, it was made most obvious that it had the unqualified support of most educators; from presidents of institutions, to deans, to the professors, clear to the ground level of any educational system—the students. The heartening thing about the public response to this bill is that it is still given unprecedented acclaim and approval by all those concerned with the bill. Although the hearings on this bill have been completed, the public support has not waned, as daily a steady number of letters maintain a refreshing confidence that more and more Americans wish to be recorded as participating supporters of this bill. During recent extensive travels in Texas, more people expressed to me an affirmative interest in the passage of the cold war GI bill than any other legislation pending in the Congress.

Many Senators say to me that in the past 30 or 60 days, as they visited college campuses, more students have spoken about this bill than about any other piece of legislation pending in Congress.

Perhaps the most encouraging, from the standpoint of prior knowledge and experience, are those letters from prominent educators who have seen the favorable results of the prior GI bills and wish that these innumerable benefits would continue to be reflected in the incomparable progress of our country. As an example of these responses.

Recently I received a letter from Mr. Fred Helsabeck, former dean of Lynchburg College in Virginia and present president of Culver-Stockton College in Missouri, who in these two positions had the opportunity to work with the veterans studying in the late 1940's and the Korean veterans who had the opportunity to further their education under the GI bills. In lending his support for the pending cold war GI bill, Mr. Helsabeck borrows from his association with these veterans and bears witness to the benefits which they contributed not only to themselves, but to our college campuses and Nation as well. In his letter, Mr. Helsabeck states:

> The motivation of these students was exceptional, and their professional growth and civic contributions have been extensive and quick in realization * * *. The colleges benefit from these students since they bring a maturity and determination to their work which inevitably affects the total campus.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. The Chair points out that the period of 1 hour permitted under the order of morning business has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Senator may have 1 additional minute.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, it should be noted that these are those men who have asked what they could do for their country, and in answer gave 2, 3, or 4 years of their young lives to serve in its defense. Now as veterans of the military service they are not asking for a reward, but again are asking what they can do for their country in utilizing their potential. Experience has shown these veterans have an unlimited desire to grow as this great Nation grows. When these veterans are willing to contribute their talents to our college campuses, their ambitions to the professional world, and their development as responsible citizens to our country—when these veterans continue to ask what they can do for their country it seems mandatory that every effort should be made to prevent their faltering, by making educational opportunities obtainable to them to enable them to render maximum service.

This makes it essential, Mr. President, whether motivated out of fairness or necessity, to pass this cold war GI bill.

I ask unanimous consent that the letter of Mr. Helsabeck, president of Culver-Stockton College, be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CULVER-STOCKTON COLLEGE,
Canton, Mo., January 31, 1964.

Senator RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I appreciate very much the service which you are preparing to render to the young people of our country through the area of higher education and to our country at large in your presentation of the importance of extending educational benefits for persons who haved served in the Armed Forces of the country since 1955.

It was my privilege to serve as dean of Lynchburg College in Virginia, during the period of the late 1940's when hundreds of veterans studied in our college, and to work and to be associated with this and my present college during the time when the Korean veterans had a comparable opportunity for education. I am convinced that the privileges which were accorded these young people resulted in innumerable benefits, both to the persons involved and to our country as a whole. The motivation of these students was exceptional, and their professional growth and civic contributions have been extensive and quick in realization.

Our service veterans have been retarded in their opportunities for educational and professional advances and I think it quite appropriate to assist these young people in achieving quickly the educational status which will enable them to serve their fellow men. Although recent veterans have not been faced with difficulties comparable to those of earlier years as they have faced their vocational plans and procedures.

The colleges benefit from these students since they bring a maturity and determination to their work which inevitably affects the total campus.

Sincerely,

FRED HELSABECK,
President.

Mr. RIBICOFF. Mr. President, I ask unanimous consent, under the rule, that there be allowed 3 minutes to the Senator from North Carolina [Mr. ERVIN] and to the Senator from Colorado [Mr. DOMINICK], and 3 minutes to myself.

Mr. HOLLAND. Mr. President, I hope the Senator will add 3 minutes for me.

Mr. RIBICOFF. And I ask unanimous consent that the Senator from Florida may be yielded 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CHRISTIANITY AND CIVIL DISOBEDIENCE

Mr. ERVIN. Mr. President, on May 11, 1964, I received a letter from the Reverend Mr. Leon T. Moore, secretary of the General Conference of the Methodist Church, enclosing a copy of a report from the Committee on Christian Social Concerns adopted by the General Conference of the Methodist Church at Pittsburgh, Pa., on May 4, 1964, and requesting that such report be entered in the CONGRESSIONAL RECORD.

I hereby request unanimous consent that a copy of such report be entered at this point in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CHURCH AND RACE

> The following report from the Committee on Christian Social Concerns was adopted by the General Conference of the Methodist Church in session at Pittsburgh, Pa., May 4, 1964:
>
> "We affirm the legality and right of those minorities who are oppressed anywhere in the world, to protest, to assemble in public, and to agitate 'for redress from grievances,' provided this is done in an orderly way. (The Council of Bishops, Detroit, Mich., November 13, 1963.) A public march or other demonstration as a dramatic petition for attention and justice is in line with the principles and practices of a free society. When such orderly protests are undertaken, the goal should be clearly identifiable.
>
> "When resort to orderly, responsible, nonviolent public demonstrations by those engaged in the struggle for racial justice provokes violent retaliation on the part of police or on-lookers, the blame for the violence should be placed on the violent, and not on the peaceable demonstrators. On the other hand, any demonstration that turns itself to violence takes to itself the same blame. Even peaceable demonstrations supporting entirely just causes must be restrained and limited by the recognition that no decent society can exist apart from the rule of just law and decent order. Thus limited, however, orderly and responsible demonstrations, can serve to bring a better order into being.
>
> "There are certain circumstances when arbitrary authority is sought to be imposed under laws which are neither just nor valid as law. Even under such imposition the salutary principle of the rule of law requires that in all but the most extreme circumstances the individual confronting such authority must resort to legal processes for the redress of his grievances. However, Christians have long recognized that after exhausting every reasonable legal means for redress of grievances, the individual is faced with the moral and legal dilemma of whether or not his peculiar circumstances require obedience to 'God rather than to men.' There are instances in the current struggle for racial justice when responsible Christians cannot avoid such a decision. Wherever legal recourse for the redress of grievances exists, the responsible Christian will obtain the best available legal and religious counsel for his dilemma. In rare instances, where legal recourse is unavailable or inadequate for redress of grievances from laws or their application that, on their face, are unjust or immoral, the Christian conscience will obey God rather than man."

Mr. ERVIN. Mr. President, I will make a few comments on this report.

This report enables one to understand what the angel Gabriel meant when he spoke this line to the Lord in the play entitled "Green Pastures":

> Everything what's nailed down is coming loose.

The Methodist Church has always been a bulwark of government by law and Christianity. For this reason, I am deeply distressed by what this report says. I cannot believe that it reflects the minds and hearts of the thousands of Methodists I have known and loved ever since my earliest years.

When it is stripped of its surplus words, the report declares that professing Christians have a God-given right to disobey laws they deem unjust. This declaration cannot be reconciled with government by law. It is, indeed, the stuff of which anarchy is made.

I do not believe, moreover, that this declaration can be reconciled with Christianity. I do not claim to be a theologian. I am merely a sinner who looks to the King James version of the Bible for religious guidance.

I find these plain words in I Peter, chapter 2, verses 13–15:

> Submit yourselves to every ordinance of man for the Lord's sake * * * for so is the will of God.

The report asserts in substance that some groups have already exhausted "every reasonable legal means for redress of grievances," and consequently are now entitled to engage in what the report calls civil disobedience. It is impatience rather than reason which makes this assertion in a land where laws are made by legislative bodies chosen by the people and where the right to petition these bodies "for a redress of grievances" belongs to all men.

MONTH OF MAY SIGNIFICANT FOR POLISH PEOPLE

Mr. RIBICOFF. Mr. President, the month of May is filled with significance for friends of the Polish people and for Polish people everywhere.

The month begins with the celebration of Polish Constitution Day, May 3, marking the anniversary of the Constitution of 1791. That Constitution heralded the return of democracy and freedom to the Polish people—a democracy and a freedom which are no longer present in full measure in Poland, but which represent the goals toward which every true friend of Poland desires to move.

Today, the 12th of May, marks the 600th anniversary of the founding of one of the great centers of learning in the world, the Jagiellonian University of Krakow. For 600 years, the University of Krakow has lighted the world with its intellectual achievements. The university gave us Copernicus, father of modern astronomy; Paulus Vladimiri, promulgator of the first doctrine of the rights of man in 1415; the first globe; the first map of the Western Hemisphere. We in the United States have recognized the greatness of Krakow. Even now, the university is continuing to progress through the building of a children's hospital and research center made possible through our assistance.

Today is also the 20th anniversary of the beginning of the Battle of Monte Cassino, where Polish troops so valiantly fought and captured the mountain from the Germans. Less than 2 years later, those same Polish troops returned to Italy to help rebuild the Abbey of Monte Cassino. Under their leadership, that famous abbey, founded by St. Benedict in A.D. 525, was restored.

And it was during May 1944 that the Polish American Congress, an organization representing over 7 million Americans of Polish descent, came into existence in Buffalo, N.Y. The Polish American Congress has effectively represented the interests of Polish-Americans through its support of scholarships, its participation in cultural activities and the publication of its newspaper, the Delegates News-Letter, and the Bulletin, a magazine of informative articles on Poland, foreign policy, and related subjects.

The Polish people have much to be proud of this month. Theirs is a long and distinguished history. They have fought in defense of their heritage against the forces of absolutism—whether those forces come from the West, as did the Nazis, or from the Soviets of the East.

Today the spirit of the Polish people continues to inspire the world.

I join with all the friends of the Polish people in saluting them during this historic month.

ADVANCE NOTICE OF QUORUM CALLS

Mr. DOMINICK. Mr. President, yesterday, a quorum call was made shortly after 2 o'clock. At that time, the Senator from New Mexico [Mr. ANDERSON], my colleague, the Senator from Colorado [Mr. ALLOTT], the Senator from Utah [Mr. BENNETT], and I, were all in the Interior and Insular Affairs Committee room discussing with the Secretary of the Interior a most important and difficult subject dealing with water in the Colorado River.

We heard no bells. There were no lights. No one bothered, apparently, to notify those who were present that a quorum call was in progress.

I make this statement for the reason that on many occasions it is impossible to answer a quorum call because of press of other business, or being in other places; but on this occasion we were next door to the Capitol and could easily have come over to answer the quorum call without disrupting the committee meeting.

The only other comment I wish to make is that apparently quorum calls could be programed far enough ahead so that it might be possible for Senators who are going to suggest the absence of a quorum to let Senators know somewhat in advance when they will be called, so that if something should go wrong with the electric equipment, or Senators were not notified for one reason or another, they would still have advance notice and might be able to answer the quorum call.

I appreciate the courtesy of the distinguished Senator from Connecticut [Mr. RIBICOFF] in yielding to me.

CIVIL RIGHTS ACT OF 1963

Mr. HOLLAND. Mr. President, everyone knows that for many years the State of New York has required integration in its public schools.

Notwithstanding that fact, it is becoming increasingly apparent that despite that law, segregation in the public schools of New York is becoming greater and greater.

An article was published in the New York Times this morning, entitled "New School Plan Scored as Aiding Race Imbalance." I ask unanimous consent to have the article printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW SCHOOL PLAN SCORED AS AIDING RACE IMBALANCE—STUDY BY CITY RIGHTS PANEL SAYS 28 PROJECTS WILL BE 90-PERCENT NEGRO-PUERTO RICAN—FRINGE PROGRAM IS HIT—BOARD'S POLICY FOR SEEKING SITES TO TAKE IN TWO ZONES IS TERMED A FAILURE

(By Leonard Buder)

The board of education's building program is creating segregated schools faster than the board can end racial imbalance under its integration plans, a study by the City Commission on Human Rights charges.

The millions of dollars being spent on the new buildings represents an "additional investment in segregation that will make the problem even more difficult to solve in the future," the report declared.

The study was made by Dr. Max Wolff, a consultant to the commission, who is director of research for the Migration Division of Puerto Rico.

Dr. Wolff's study, which has not been publicly announced, charges that 28 of the 98 elementary and junior high schools in the 1965–66 building program will have enrollments in which Negroes and Puerto Ricans will constitute at least 90 percent of the student body.

Twelve other schools, the study declares, will have Negro and Puerto Rican enrollments of 70 to 89 percent.

CURRENT PROJECTS CITED

The study also said that 24 schools under construction now would be at least 90 percent Negro and Puerto Rican.

The projected ethnic composition is based on the assumption that existing zoning practices will continue.

A number of civil rights organizations have asked the board of education to halt construction until the new schools can be fitted into an integration program.

Among the organizations that have made such a demand are the National Association for the Advancement of Colored People, the Congress of Racial Equality, the New York Urban League, and the Citywide Committee for Integrated Schools.

BOARD REJECTS REQUEST

However, Dr. Calvin E. Gross, the superintendent of schools, and James B. Donovan, the president of the board, said last week that the new buildings were needed and that a halt in construction would not be in the best interests of the system.

Dr. Wolff, in his report, suggested that the funds being used to build schools in Negro and Puerto Rican areas could be used instead for schools to serve the same areas and still be racially balanced.

Dr. Wolff said "the policy of the board of education, embodied in many resolutions, has been to seek fringe sites for new construction."

"This policy," he asserted, "has failed in practice, and the current budget proposals indicate that no successful effort has been made to solve the problem posed by this failure."

In 1954, when the board expressed a commitment to integrate, the system had 52 schools in which at least 90 percent of the pupils were Negroes and Puerto Ricans. By last fall, Dr. Wolff declared, the number had risen to 165.

ASKS NEW SOLUTION

"Clearly, a new solution must be sought to prevent such massive investment in further segregation of schools," Dr. Wolff said. He suggested that one approach might be to establish educational centers or parks. These centers would consist of a number of schools—elementary, junior, and high—in a campus setting and would draw pupils from a wide area.

City school officials have had this concept under study for about a year. One member of the board, Joseph G. Barkan, has suggested the possibility of an educational park at Flushing Meadows after the World's Fair closes in 1965.

School officials also have said that although the number of predominantly Negro and Puerto Rican schools had increased, the number of schools in which Negroes and Puerto Ricans were a small minority had dropped—from 342 to 225 in the last 7 years. This, they say, represents improved integration.

On January 29, as part of its integration plan, the board tentatively proposed that 20 Negro and Puerto Rican elementary schools be paired with 20 white or integrated schools. It also proposed changes in the zones of 10 junior high schools.

Since then, however, school officials have had second thoughts about the desirability or the soundness of many of the specific changes and have held the plans in abeyance.

Members of the school board and Dr. Gross will receive today a special State advisory committee, a report that could determine the course of school integration here. The committee was asked to look into the city problem by Dr. James E. Allen, Jr., the State education commissioner.

Mr. HOLLAND. Mr. President, I shall just quote three paragraphs from the article which I believe to be most enlightening:

> The board of education's building program is creating segregated schools faster than the board can end racial imbalance under its integration plans, a study by the city commission on human rights charges.

Mr. President, they are trying to operate in defiance of human traits and human preferences under which white people have lived together preferably, and under which Negro citizens have preferred to live together in the same community.

The next paragraph states:

> Dr. Wolff's study, which has not been publicly announced, charges that 28 of the 98 elementary and junior high schools in the 1965–66 building program will have enrollments in which Negroes and Puerto Ricans will constitute at least 90 percent of the student body.
>
> Twelve other schools, the study declares, will have Negro and Puerto Rican enrollments of 70 to 89 percent.
>
> The study also said that 24 schools under construction now would be at least 90 percent Negro and Puerto Rican.

The last paragraph which I shall quote, which is also enlightening, shows the lack of progress made:

> In 1954, when the board expressed a commitment to integration, the system had 52 schools in which at least 90 percent of the pupils were Negroes and Puerto Ricans; by last fall, Dr. Wolff declared, the number had risen to 165.

Mr. President, from 52 de facto segregated schools in 1954, the number in New York City has now risen to 165.

The analysis concludes with this statement:

> Clearly, a new solution must be sought to prevent such massive investment in further segregation of schools.

This not only shows that real integration by law accomplishes nothing, but also shows that title IV of the pending bill is about as futile an approach to the program as it is possible to have.

I hope that Senators will open their eyes before it is too late.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may have 2 additional minutes to ask the Senator from Florida a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. The Senator from Florida has made a very telling point. He says that the present situation shows how futile the proposed legislation is, because it is not solving the problem. Would not that problem be perpetuated by the proposed legislation which provides that transportation by bus shall not be required?

Mr. HOLLAND. The Senator is correct. I am glad he has called my attention to that fact. There is a provision in the bill that movement of pupils from one district to another, to do away with racial imbalance, is prohibited. Title IV in the proposed legislation would perpetuate and enlarge the situation existing in our great cities, as testified to in the New York Times article, which describes the situation in the city of New York.

Mr. SPARKMAN. Does the Senator understand that the provision for not requiring transportation by bus was written into the bill primarily because of the protests which had arisen from New York citizens?

Mr. HOLLAND. I so understand. I recall that 20,000 white parents, mothers and fathers, marched in a group to the city hall a few weeks ago, to express their complete opposition to the movement of their children miles away to some other school, with the consequent breaking down of the American tradition of community public schools.

Mr. SPARKMAN. I thank the Senator.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may have 2 additional minutes to ask the Senator from Florida to respond to a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Did the Senator read, as I did, an interview in one of the New York newspapers with Attorney General Robert Kennedy, in which he stated that the civil rights bill would have no effect whatever in Northern States?

Mr. HOLLAND. I did read that article; and I wondered whether the learned Attorney General had his tongue in cheek at that time. Probably he meant it was not intended to be enforced in Northern States.

Mr. TALMADGE. I believe I have the text of the interview somewhere in my desk. It was published in one of the New York newspapers. Attorney General Robert Kennedy pointed out in the interview that it would have no effect in

Northern States whatever, but it would have immediate practical effect in Southern States.

Mr. HOLLAND. I understood from that statement of the Attorney General that the Northern States already had in their State laws everything that is being proposed in this bill, and more, too; which is shown by the article I have just placed in the RECORD, as being a completely futile effort to deal with the subject of school segregation.

I thank the Senator from Georgia.

Mr. TALMADGE. I thank the Senator from Florida.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes in the morning hour.

Mr. COTTON. Mr. President, I did not hear the request made by the Senator from Louisiana [Mr. LONG].

Mr. LONG of Louisiana. I ask unanimous consent to proceed for 3 additional minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, some of the statements I heard this morning in the morning hour would, in some respects, tend to hold the Senate up to opprobrium and contempt before the Nation.

In my judgment, there is at stake one of the great, fundamental issues which will face the Nation for many years to come. What is now taking place in the Senate is one of the greatest debates in history. It may very well be that some Senators do not wish to hear any argument with which they do not agree. I recall that the late Senator Malone of Nevada used to say:

> The definition of a filibuster is a long speech with which you do not agree. If you agree with it, it is profound debate.

Mr. President, some of the greatest men of our country have stood on the floor of the Senate and defended and fought for the fundamental rights of Americans. That is one of the reasons why we still have those rights today. Sometimes it requires courage. Sometimes it requires the hide of a rhinoceros to stand by those rights, when our opponents declare it is useless to stand up on the floor of the Senate and irritate Senators by discussing rights which Americans hold dear, and which our forefathers spilled their blood to obtain. These rights are fundamental to all Americans. That is why we have the right to free debate in the Senate. That is what marks the Senate above all other parliamentary bodies on earth. A Senator may say that it is horrible, that it is wrong, that it should not be that way. But, that is why so many men and women wish to serve their country in the Senate. This is the body where a man with a righteous cause can rise and speak for as long as his legs and his voice will hold out.

It is about time that the Senate realizes, notwithstanding its own detractors, that the right to free debate—the right to stand up and say what one stands for and believes in and to buttress his cause by marshalling his arguments, and gritting his teeth and producing such logic and such proof as are available to him—is one of the great things which separates the Senate from other parliamentary bodies which we hold to be inferior to it.

The right of trial by jury is being debated in the Senate at this time. There is pending an amendment to an amendment. Each is subject to a motion to table. Neither should be tabled, because legitimate debate is being carried on in the Senate on the fundamental freedoms of American citizens, against a novel and untried procedure by which some would deny a person the right of trial by jury of his peers when accused of crime.

There are many other features in the bill. There are provisions in it which deal with a person's right to associate with whomever he wishes to associate. Other provisions deal with his right to employ persons of his choice, and to promote persons of his choice. These and many other fundamental rights of the American people should be debated at length in the Senate.

It has been properly said that this question could have been settled a hundred years ago, and we would not have had a half million boys shed their blood for lack of statesmanship.

If it requires a few more weeks or even another month or two, the question should be settled in the best tradition of the Senate.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Does not the Senator agree that the greatest civil right in human history is the right of trial by jury?

Mr. LONG of Louisiana. Yes. It is the right to have one's case heard and one's rights defended. Those are fundamental rights that are protected. There is also the right of a Senator to defend the rights of 3 million or 5 million or 150,000 constituents of his State. Those are some of the civil rights that should be defended, even though the defense of such rights may not be popular with a Senator who may wish to rush in to do what his constituents may think they want him to do.

Mr. COTTON. Mr. President, I ask unanimous consent that I may be yielded 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. The Senator from New Hampshire is thoroughly interested in preserving the right of free debate. The Senator from New Hampshire on occasions has voted against invoking cloture because he believes that, just as the other body, because of its size, must limit debate, so the Senate must counterbalance that situation by having full and free—I do not say unlimited—debate in order that it shall remain a careful, deliberate body.

The Senator from New Hampshire, though he has voted for other civil rights measures has certain objections to this bill. He is not one of its implacable opponents.

The Senator from New Hampshire finds the situation presented to some Senators to be almost impossible.

Some of us are extremely anxious for the opportunity to vote on amendments to the bill.

There is no indication that Senators will have an early opportunity to vote on an amendment or amendments on the subject of jury trials or any other subject.

The Senator from New Hampshire is particularly interested in title VII, and makes no bones about saying that he cannot vote for the bill if title VII remains in it, unless it is drastically amended. We are up against this problem. Sooner or later, if we invoke cloture on an amendment, every Senator who chooses to exercise his privilege has an hour to speak on that amendment. Then a Senator may offer an amendment to the amendment, or a substitute for the amendment, or a new amendment, and we once more start on that round.

Therefore, cloture is a questionable means of giving us a chance to vote on amendments, but it is the only means we have.

Sooner or later we come up against the situation of cloture on the entire bill, including all amendments. Then each Senator has an hour to speak, if he chooses to take advantage of that privilege, and to talk on the amendment or amendments that he feels are vital to him, in determining his attitude on the bill.

However, if at the time another amendment is pending, he cannot call up his amendment. No one hears what he has to say. Just before the final vote, amendments can be called up and voted down without any debate or consideration.

Therefore, it occurs to the Senator from New Hampshire that sometime in the future, instead of spending all our time trying to decide how to amend the rules, on whether cloture shall require a two-thirds or a majority or a constitutional two-thirds, we might well find some way under the rules to apply a different and more rapid procedure for invoking cloture on amendments than on the final passage.

The Senator from New Hampshire was correctly quoted by the distinguished Senator from New York [Mr. KEATING]. The Senator from New Hampshire feels that we should have an opportunity to vote on the bill, and at the proper time is willing to vote for cloture. By "proper time" the Senator from New Hampshire means at a time when we have had a chance to vote on what we believe, at least what the Senators believes, because he has no right to speak for anyone else, to be amendments vitally necessary to make this bill a safe bill, and not a bill which is a menace and a threat to individual liberties in this country.

The Senator from New Hampshire can say only that he hopes those who are in utter opposition to the bill will be lenient and give the Senate a chance to consider amendments reasonably and to vote on them—perhaps not all of them, because there are so many pending, but on certain fundamental ones. When that is done, we can consider the bill. If it is not done, sooner or later we must vote on the bill anyway. However, it is not good legislation, and it is an abuse of the legislative process, particularly on a bill in which we are attempting the delicate but necessary task of turning the face of the Federal Government against discrimination in this country, but to do it carefully with skillful surgery, in order not to destroy precious individual rights. That kind of process should be a careful process, and we should not sacrifice the regular legislative process. We should have an opportunity to vote on the amendments, and then we can consider the bill.

Mr. KEATING. Mr. President, I ask unanimous consent that I be yielded 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN INDIAN CAPITAL CONFERENCE ON POVERTY

Mr. KEATING. Mr. President, this week, the District of Columbia is host to a precedent-breaking conference of American Indians. This convocation, sponsored by the Council on Indian Affairs, is the first conference of its kind ever to be held. It is an extension of the council meetings held every year to consider Indian problems. Five hundred delegates representing 100 tribes from all over the United States, are attending the conference. Workshops have been held for 4 days at the Washington Cathedral. Education, health, employment, housing, and community mobilization are the chief topics of discussion, with particular attention being directed to the place of the American Indian in the program to abolish poverty. Programs of Indian arts and culture have been given in the evenings.

Yesterday, Mr. President, many of us had an opportunity to meet Indians from our own States at an afternoon reception here in the Senate. It was apparent that national concern exists about the plight of the Seneca Indians in Salamanca, N.Y., whose land will be flooded when the Kinzua Dam opens next October. They have not yet received their compensation money and have found it impossible to plan their move. This has become a cause celebre to Indians east and west. I was glad to learn that the distinguished chairman of the Senate subcommittee, Senator CHURCH, was in Salamanca yesterday for an on-the-spot investigation of the situation. I am sure that he will see for himself how very much this means to all Americans. Only a restoration of the funds passed by the House will convince the Indians that they will get a square deal from all of us. The fact that the 1794 treaty was broken was bad enough. Now we must set the record straight, and in good faith, make the necessary reparation.

PRESENTATION OF YOUNG AMERICAN AWARD TO GARY CALNEK

Mr. KEATING. Mr. President, there is a distressing tendency these days to point out, in lurid detail, the unfortunate missteps of the youth of our Nation as they struggle to find their place in the sun. Far too little is said about those young citizens who, with courage and steadfastness, set a shining example for young and old alike. Last week the President and the Attorney General presented Young American Medals to four outstanding girls and boys who will soon inherit the mantle of national leadership.

So it is with special pride that I call attention today to a young man from the Bronx, N.Y., Gary Calnek, who has turned his own community spirit and social awareness into real and material accomplishment. Gary, as organizer and then permanent chairman of the 48th Precinct Team Council, is credited with leading his group in such valuable community activities as parades, teenage performances and parties, fundraising efforts and educational and cultural tours.

To those of us who complain of crowded schedules and weighty responsibilities, I want to detail just a few of Gary's community activities. He is active in the National Conference of Christians and Jews; has assisted the League of Women Voters and the National Association for the Advancement of Colored People in an educational program for Negro and Puerto Rican citizens who are attempting to vote; graduated fifth in his high school class of 251 and now attends City College of New York; and is the recipient of many awards, including the 1962 Brotherhood Award of the National Conference of Christians and Jews, the Youth Honor Scholarship of the New York Journal American, the B'nai B'rith Service Award, Kiwanis Leadership, the Service Community Award, and the Samuel Gompers High School Parents Association Award.

Gary is a worthy recipient of the Young American Award, and his parents, Mr. and Mrs. Bertram Calnek, deserve a special commendation for their care and guidance which have given us this fine young citizen and leader.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am glad to yield.

Mr. JAVITS. I should like to join my colleague from New York in congratulating the young man and his family, who make us extremely proud of being New Yorkers and of being Americans. I am delighted that my colleague has introduced such a complete record with respect to this wonderful young man.

Mr. KEATING. I thank the Senator.

PROGRESS OF CIVIL RIGHTS BILL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may be recognized for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I commend the distinguished Senator from New Hampshire [Mr. COTTON] for his remarks today in reference to what I consider to be a fair procedure concerning the pending bill. As I understand the Senator from New Hampshire, he believes there are fundamental, basic amendments that ought to be considered, ought to be debated, ought not to be tabled, but ought to be called up in orderly process, so that Senators can be present to hear the arguments concerning them and then make their decisions.

The Senator from New Hampshire is correct. The plea that has been made is one that should be heeded by every Member of this body. Otherwise, we do not legislate; we procrastinate; we do not really inform ourselves; but we merely go through the day with our preconceived notions and come out at the end of the day with no change whatsoever.

I thank Senators who have spoken today in reference to procedures which the Senate should follow. Each of us has his own point of view. Cloture is not gag rule. Cloture limits debate on the particular item to which the so-called cloture motion is attached. It does not deny the right of Senators to be heard; it merely takes into consideration the right of other Senators to be heard, and the right of the Senate to act as a legislative body, rather than to avoid action through extended and continuous debate.

The distinguished senior Senator from Illinois [Mr. DOUGLAS] stated earlier that there is concern as to whether the advocates of the bill mean business. Indeed, we do. The Senator from Illinois is one of those advocates. It has often been difficult to know how to proceed with this business most effectively. I believe in proceeding with forbearance. I believe in proceeding with determination. I believe in proceeding with good manners. I believe in proceeding with respect for the right of other Senators to express their point of view.

However, there is no right of any American to do exactly as he wishes, without regard to the rights or interests of others. In America, we do not have license; we have privileges, rights, and obligations. There is a great deal of difference between rights and privileges and license to run roughshod over other peoples' rights. The duty of a parliamentary body is to legislate, to give expression to subjects of public concern, and to reach a decision through thoughtful process and deliberation. We are presumed to be men and women of reason, and not merely of obstinacy.

Concern has been expressed as to the President's views: Is the President aroused? We do not need to doubt that he is aroused over this subject. Only recently, the President went into the deep South and spoke with conviction and courage on the subject of human rights, of justice under the law, and of equal rights and privileges under the law. He spoke as a defender of the Constitution. All the proposed legislation is designed to do is to defend the Constitution and to assure the constitutional rights of the people.

The President wants action on the bill. The President admonishes the Senate to take action on the bill. The President said in his state of the Union address that the Senate should vote this bill either up or down.

As one who has been a Member of this body for many years, I recognize, of course, that time is involved in these problems, but not time unlimited. As the Senator from Pennsylvania [Mr. CLARK] said earlier, it is later than we think. I remind Senators, with all respect, that the Senate has other business to conduct for the country. It is our duty as Senators to conduct that business.

Mr. President, it has been suggested that the Senate begin to hold sessions around the clock. I hope Senators will be forbearing with me about this matter, as one who has some responsibility for this legislation. I have no personal qualms about going around the clock. But as one Senator said to me as we came through the door this morning, around-the-clock sessions are exercises in physical endurance and physical pain, and take a terrible toll of Senators.

Not every Senator is a young man; not all Senators are in good health. It is a serious responsibility to make the decision to have the Senate sit around the clock, knowing very well what may happen to some individual Senator.

But I do not rule out that possibility. I try to be a man of compassion and, I hope, of justice. But it must be recognized that the Senate must remain in session until it completes its business, because it is important that it be completed. So, while I have hesitated to have the Senate begin such an ordeal, I cannot say now that it will not be done. But even as I say these words, I say them with a heavy heart, because I think that proceeding in that way demeans the Senate and may very well cause serious damage to the health of individual Senators.

My plea is, Let us act as responsible Senators; let us act as Senators who are sent here to represent the people of the United States, not merely the people of our own States. We are Senators of the United States. We have a duty to uphold the Constitution of the United States. There can be no doubt that that Constitution prohibits, for example, the assignment of students to schools on the basis of race. That has been decided by the Supreme Court in a unanimous decision.

There can be no doubt that the denial of the right to vote is a denial not only of a constitutional right but of a natural right. Natural rights are far above what I consider to be constitutional rights.

I pray that the Senate can proceed. That is my plea. I am sorry that I am critical at times. I am critical of myself. I am not happy with the way the Senate is conducting its business. But the time has arrived for the Senate to examine itself and for each Senator, in the quiet of his own conscience, to ask himself if this is the way to conduct the Nation's business. As representatives of the great U.S. Senate, I do not believe we are doing the right thing. I suggest that Senators permit the Senate to proceed with the normal legislative process and to vote on amendments, and, if need be, to amend the bill, if the majority wishes to do so. I can express my vote only once on each amendment. I have but one vote and one conscience.

I ask that each Senator be given the privilege to exercise his one vote and his conscience. This is the way we develop legislation. To do otherwise would be a denial of our responsibilities as legislators.

Mr. COTTON. Mr. President, will the Senator from Minnesota yield briefly to me?

Mr. HUMPHREY. If I have time in which to yield.

Mr. COTTON. Will the Senator from Minnesota yield, to permit me first to propound a parliamentary inquiry, and then to direct an inquiry to him?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may have 2 additional minutes, so as to be able to yield.

The PRESIDING OFFICER (Mr. NELSON in the chair). Is there objection? Without objection, it is so ordered.

Mr. COTTON. My parliamentary inquiry is as follows: Is it in order to submit a motion to impose cloture on a certain amendment and on all amendments thereto; or must the motion to impose cloture be confined to the pending amendment?

The PRESIDING OFFICER. If a motion to impose cloture is filed on an amendment, it includes all amendments to that amendment.

Mr. COTTON. I am not so concerned about a motion to impose cloture on the pending amendment, I am more concerned with those to title VII.

Mr. HUMPHREY. I understand.

Mr. COTTON. But a motion to impose cloture on an amendment on jury trial would affect all amendments on that subject or all amendments to that amendment.

I should like to ask the distinguished acting majority leader why he does not make a motion to invoke cloture, so that we can make intelligent progress, because every Senator would then have 1 hour—and that should be enough to enable any Senator to discuss an amendment to any bill.

Mr. HUMPHREY. I thank the Senator from New Hampshire for his perceptive inquiry. I was one of those who had advocated the making of a motion to impose cloture on the jury trial amendments, after the Senate had had several weeks of debate on them. But there was a feeling that there was a certain gentlemen's agreement or understanding, and that the Senate could then come to a vote, in more or less the way we came to vote on the question of taking up the bill. I had hoped that would be the case, and we had hoped we would be able to do that—on the basis of that general understanding—last Wednesday. But, as the Senator knows, that fell by the wayside. On Wednesday the Senate voted on the Morton amendment to the Talmadge amendments; but the Senate did not vote on the Dirksen-Mansfield substitute for the Talmadge amendments.

Then it was hoped the Senate would vote on the Dirksen-Mansfield substitute for the Talmadge amendments on Thursday or Friday or Saturday; but that was ruled out, because it was indicated in quite precise terms that the vote would not be taken then.

We had hoped there might be a vote this Wednesday. While there had been no ironclad agreements, there was general discussion in this immediate vicinity, as many Senators know. Senators also know that last Wednesday night we were in the Republican cloakroom, and discussed the possibility that after certain primary elections—one was yesterday, and one is today—we would be able to proceed to vote on the Dirksen-Mansfield substitute and on amendments to it, this Wednesday. Now we hear that it is not possible.

So I say, in conclusion, that the suggestion of the Senator from New Hampshire is well advised; and, as one who has some responsibility in connection with this matter, I shall take his advice, and again I shall ask the Senator's cooperation; and I shall take this advice to the majority leader and to the minority leader, since they are the cosponsors of this amendment, and to other Senators, and shall ask that that be done.

Mr. MANSFIELD. Mr. President, the Senate has been conducting what has come to be known euphemistically as an exercise in futility, for 2 months. We have seen how one Senator or a small group of Senators can direct and control and can arrogate unto himself or themselves the power to control the Senate and the power to thwart the will of the majority.

So far as I am concerned, I do not care how any Senator votes on an amendment; but give us an opportunity to vote either for or against the amendments. So far as I am concerned, it is up to each Senator to vote on the bill as he sees fit—if this small group will give the Senate an opportunity to vote on the bill as it may be amended.

We are witnessing a travesty on the legislative process. The majority is being told what it can do and what it cannot do. I hope what has been happening during the past 2 months will make itself felt in the mind of each Senator, because the times call out for a change in the rules under which the Senate operates. The times call out for a change, not only in rule XXII, but also in the procedure which allows one Senator to object to a unanimous-consent request, and thus to bring certain parts of this institution to a standstill.

These are things we are going to have to face up to. We talk about minority rule and majority rule, but we do not differentiate between the two, when it comes to the operations of the Senate.

The reason, I say to the distinguished Senator from New Hampshire, why we did not try to have cloture ordered, insofar as the Dirksen amendment was concerned, was—in all honesty—that we just did not have the votes; and we do not now, in my opinion, have the votes.

But some Members of this body are going to have to assume a degree of responsibility which has not been assumed up to this moment. Again let me say I do not care how any Senator votes on any amendment. I do not care how the bill is amended, if it is amended. I do not care how Senators vote on the bill itself, if they get a chance to vote on it.

But we should face up to our responsibility. We can dodge it and evade it and avoid it and delay it, but we can do that for only so long.

This issue has been faced up to by the House of Representatives, by the courts, and by the President; but here, in the greatest deliberative body in the world, Senators are afraid to face up to the issue.

Mr. STENNIS. Mr. President——

Mr. MANSFIELD. Let me say to Senators on both sides of the aisle that there is no political profit in this for anyone. But the issue is here; and, as Senators of the United States, we have a reponsibility to vote one way or the other; and we should be given that opportunity.

Mr. STENNIS. Mr. President, will the Senator from Montana yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, every Senator will of course have a chance to speak on this matter; but I am grateful for the courtesy of Senators in permitting me to speak at this moment.

I have heard the majority leader and the deputy majority leader with the greatest respect and agreement; but I should like to call one point to their attention: The very measure of our impotence is that we address ourselves to the small minority which is filibustering against the bill, and we ask them to give us a chance to vote.

Our position ought to be that we intend to exercise the authority to vote given us by the Constitution and the rules of the Senate, even as inadequate as they are. We must turn loose every organ of opinion which will make us capable of acting as a majority. Even my friend the Senator from New Hampshire [Mr. COTTON], who is classed as a moderate on the question—if we wish to put Senators into classes—has made clear that he wishes an opportunity to vote on the amendments. He will take that chance—if necessary, I gather the implication is, by voting for cloture perhaps on an amendment, or perhaps on the entire bill.

The time is drawing near when Senators must declare themselves. I would strongly counsel the majority leadership to take action—we can do it, too, but not as effectively as if the majority took that responsibility in hand—to let Senators try to vote for cloture. The time has probably passed when it can be done on an amendment. The time has gone by now, even beyond that point. But let us try it. Let us put Senators on record on the cloture issue.

Mr. President, as an advocate of civil rights during all my public life, I will say that no vote that the Senate ever had on a bill on the question of civil rights is more meaningful and important to people who are interested than a vote on cloture on the pending bill.

The bill is not an extreme bill; it is a minimal bill. The timetable, as I have said time and time again, of the national interest and public order and tranquillity calls for action by the beginning of the coming summer that is the critical time. I have the greatest respect for the majority leader. I know he is on exactly the same side as I am. He is for the bill. But the time is very close when Senators must declare themselves on the question of cloture. If we are to do it, let us really have it out and deal with the entire bill, when Senators will then be able to vote on amendments and every other question involved. It will be as difficult under these circumstances to have the whole bill acted upon, which we must get done, as to act on any amendment.

Mr. STENNIS. Mr. President, the Senator from Minnesota has made——

The PRESIDING OFFICER. Does the Senator from Mississippi ask unanimous consent to speak for 3 minutes?

Mr. STENNIS. Mr. President, I have not addressed the Chair during the morning hour. I do not see why I should be required to ask unanimous consent to speak for 3 minutes during the morning hour.

The PRESIDING OFFICER. The morning hour has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I thank the Chair.

The Senator from Minnesota made reference to a conference on Thursday night following the votes in the Republican cloakroom, at which the question was generally discussed. The Senator from Minnesota does not mean to leave the impression that there was any kind of promise made at that conference of any nature that there would be a vote this week or at any other time. I am sure of that. Will the Senator from Minnesota reply to that statement?

Mr. HUMPHREY. The Senator from Minnesota said that there were no ironclad agreements. The Senator from Minnesota said there was discussion to the effect that, since there was a primary on Monday and other primaries on Tuesday, the Senate might be able to reach a vote on Wednesday. I think that is a factual statement.

Mr. STENNIS. Was there any kind of implied promise or understanding by those who are primarily opposed to the bill?

Mr. HUMPHREY. There was no promise. There was no ironclad understanding. But the way the Senate operates, I believe there was the feeling that the Senate would start to vote on Wednesday.

Mr. STENNIS. Was it not expressly said that there would be a meeting of the group leading the opposition to the bill, at which meeting the question would be discussed and the Senator from Minnesota would be informed?

Mr. HUMPHREY. The Senator is correct.

The Senator from Minnesota said earlier that there has been no understanding, no agreement, but there had been discussion to the effect that the Senate would start to vote last Wednesday, and it was hoped that it could vote on the Mansfield-Dirksen amendment. The majority leader made it crystal clear that while some Senators thought that after a certain period of debate there should be cloture, the majority leader and others—and I was one of them—on that occasion felt that we did not have the necessary votes.

Mr. STENNIS. The time of the Senator from Mississippi is limited. The Senator from Minnesota has made a strong appeal to the Senate for a vote and for no further waste of time. I believe that is the way the Senator from Minnesota expressed it.

Was the Senator from Minnesota surprised to observe the 451-to-45 vote last Thursday afternoon?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I was. I thought we would lose the vote. I was very pleased that we won.

Mr. STENNIS. When the debate started, did the Senator from Minnesota know—may I have the attention of the Senator from Minnesota? I do not personally object to the gentleman who has approached him in any way, but we submit to a good deal here in the way of having staff members run to bring papers and to confer with the leaders.

Mr. HUMPHREY. It is reassuring.

Mr. STENNIS. I shall start over. When the debate on the bill first started, did not the Senator from Minnesota state that there should be no amendment to the bill?

Mr. HUMPHREY. The Senator from Minnesota was of the opinion that the bill as it came from the House was a good bill. The Senator from Minnesota said that to amend the bill would complicate its passage in the House, as has been documented fully by the Senator from Illinois [Mr. DOUGLAS]. The Senator from Minnesota still feels that the bill that came from the House is a bill for which Senators could vote, and that it would be sound, constructive legislation.

But the Senator from Minnesota has been in the Senate long enough to know that when a bill gets into a process such as the one we observe, where it has been examined and argued and reargued and reargued ad infinitum, there are times when it is necessary to have amendments and to make adjustments. I believe I am a practical man. I am not unreasonable. I am prepared to see those amendments come forth. I desire that the will of the Senate be expressed on the amendments, regardless of what the Senator from Minnesota thinks of them.

Mr. STENNIS. Does not the Senator from Minnesota believe that the opponents of the bill have gained some votes on the proposed jury trial amendment since the opening of the debate until the vote was taken the other day?

Mr. HUMPHREY. The Senator from Minnesota would have to answer in all candor that the Supreme Court, which has been so roundly condemned by many of the opponents of the civil rights bill, did more for the opponents of the civil rights bill and for the jury trial amendment than all the speakers in the Senate put together.

Mr. STENNIS. The debate, the consumption of time, and, if the Senator wishes to add the Supreme Court, all gave impetus toward a considerable vote in favor of the jury trial amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield to permit me to put the situation into proper perspective?

Mr. STENNIS. I yield.

Mr. HUMPHREY. The Supreme Court, plus some of the debate, brought the jury trial amendment to the consideration of the Senate.

Mr. STENNIS. Does not the Senator believe that Senators who honestly oppose the bill, under those circumstances, should debate the question further when the vote on the amendment resulted in a tie, and that Senators who favor the amendment perhaps could pick up additional votes? Does not the Senator believe that that is good and sound strategy and a sound approach to proposed legislation?

Mr. HUMPHREY. Mr. President, will the Senator permit me to respond?

Mr. STENNIS. I yield.

Mr. HUMPHREY. Senators have spent more time discussing the jury trial amendment than the attorneys did before the Supreme Court, which ruled on the question. There has been considerable discussion of the amendment. Not a single Senator has failed to make up his mind on the jury trial amendment.

The Senator from Georgia [Mr. TALMADGE], who is an able and distinguished lawyer, made a good case for his amendment. We have not tried to beat down every argument on the jury trial amendments. We have tried to come to some reasonable, middle ground position between the encompassing amendment of the Senator from Georgia and the present situation. I think we have arrived at such a position.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Mississippi may have 3 additional minutes.

Mr. STENNIS. One additional minute is sufficient.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. If the Senator, who is an experienced legislator, had lost on a major question, such as the jury trial amendment, by one vote or by a tie vote, would he not make another try and attempt to pick up another vote or two in order to prevail in such a vital question?

Mr. HUMPHREY. I say most respectfully to the Senator that, first, the Morton amendment was not exactly what I would call a fundamental amendment. It limited the application of jury trial procedure to the bill. It was a technical amendment. Frankly—and I believe my colleagues know that what I am about to say is the truth—I expected that Senators who opposed the Morton amendment would lose, and I said so.

Mr. STENNIS. Mr. President, will the Senator permit me to interrupt at that point? He has made that position clear. Would not the Senator, on an amendment which he favored, but on which he had lost by a tie vote or by one vote, desire to debate the question further?

Mr. HUMPHREY. Of course. No one is saying to the Senator that the amendment should not be debated further. The vote took place last Wednesday.

Mr. STENNIS. That is exactly what Senators are doing.

Mr. HUMPHREY. There have been 2 weeks of debate on the jury trial amendment. Since the vote last Wednesday—this being Tuesday—I expected that sometime this week the Senate would be able to vote on the question of a jury trial amendment. There have been 3 weeks of consideration of jury trial amendments.

Mr. STENNIS. Is it not true that on the pending question only one speech has been made, and that was by the Senator from Florida [Mr. SMATHERS].

Mr. HUMPHREY. If there has been only one speech on the pending question, it is no fault of the Senator from Minnesota.

Mr. STENNIS. There has not been sufficient time to discuss the pending amendment, since it was offered last night.

Mr. HUMPHREY. The pending question.

Mr. STENNIS. Yes. Only one speech has been made on the pending question.

Mr. HUMPHREY. In all due respect, the Senator from Florida [Mr. SMATHERS] last evening presented an amendment and stated that the reason he was doing so was that he did not wish to have a rule of the Senate which would deny to any Senator the right to speak more than twice on any one legislative day on an item to be invoked. I consider the procedure proper. It is only fair to say, however, that the basic issue before the Senate is the jury trial amendment—the Mansfield-Dirksen amendment—and the amendment that was proposed by the Senator from Florida, which I believe was called up by the Senator from Louisiana [Mr. LONG].

Mr. STENNIS. My time is about up. I say to the Senator from Minnesota that the Senator from Mississippi is completely satisfied that if the Senator found himself in like circumstances and had lost an amendment by one vote or by a tie vote, he would not run out on it.

Mr. HUMPHREY. I would not run out on it, but I should say that there is not much of a case when 6 days are required to explain a small jury trial amendment such as has been referred to.

Mr. STENNIS. It must have been pretty much of a case, or there would not have been 45 votes for it.

Mr. DOUGLAS and Mr. LONG of Louisiana addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to speak for 3 minutes in the morning hour.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. I am very glad that sentiment in favor of limitation of debate seems to be increasing in the Senate, and I am also very glad that sentiment for changing rule XXII is also increasing and seems to be gaining support even from those who in the past have not always supported the change.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I hope the Senator is not referring to me when he refers to rule XXII, because I think I have made the only statement on it this morning. I have been in favor of a change from two-thirds to three-fifths.

Mr. DOUGLAS. I thank the Senator from Montana.

I hope very much that a cloture motion will be presented shortly, but I also hope it will not be directed to the jury trial amendment, but rather, to the bill itself. The jury trial amendment is merely a "foothill" to the discussion on civil rights. It is a relatively minor issue. The main titles are on voting rights, the right to desegregate education, the right to nondiscrimination in public accommodations, the right to nondiscrimination in employment, and also the question of segregation in federally assisted and local and State facilities. If cloture were sought only on the jury trial amendment or amendments, the Senate would be open to the possibility immediately of interminable discussion on the other sections of the bill and the various amendments which may be offered to them. We would be entangled immediately in trying time after time to invoke cloture on separate and detached segments of the bill.

The cloture motion should instead be directed to the bill itself and all amendments thereto.

Under such a rule, if carried, each Senator would be allotted 1 hour, or a maximum of 100 hours for the Senate as a whole, or approximately 10 legislative days. The 22 Senators from the Old Confederacy, who would all probably vote against limitation of debate, would each have 1 hour. They could talk for 22 hours and present many amendments if they chose. An equal amount of time could be taken by proponents, and there could be a very fair and full discussion of them and a vote. The procedure would be similar to the unanimous-consent agreements which are commonly worked out on most important measures.

If and when such a cloture resolution is adopted, I hope the leaders of the minority and the majority will then pledge, that there will be no motion to table an amendment. I hope very much that such assurance will be granted, as was not done on the Telstar bill. I hope this assurance will be granted on this bill, because we believe that each Senator ought to have the right to offer amendments and to debate them on their merits. That can and should be done within the terms of a general cloture resolution.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I hold in my hand a sheaf of amendments. I have not counted them. The sheaf is over 1 inch thick. I am sure many of them are dilatory in nature. Many of them go to the very substance of the issue we are discussing here.

In the minds of the people of the country today, the Senate is achieving a position which is anything but enviable. For more than 8 weeks we have discussed this subject. It is a little past the comprehension of an ordinary citizen to understand why, after 8 weeks of discussion, the Senate cannot come to a resolution upon the question of voting. I am not critical of the position which the opponents take. It is not mine, but I respect their right to maintain their position and to fight for it. But if Senators are to present amendments one by one over the period of the next 1 or 2 or 3 months, we shall create in the minds of the people a picture of the U.S. Senate which many Senators will live to regret.

I hope the Senate will not have to embark upon the dilatory process of considering each one of the amendments for a week's debate. If it does, it seems to me we shall have to avail ourselves, or attempt to avail ourselves, of the rule; and that would be upon the question of the bill itself. If the cloture motion should prevail, each Senator would be entitled to 1 hour, and amendments would be voted on after that time, and the bill itself would then be voted on.

I hope this can be done, because I believe every Member of the Senate knows how he will vote on each individual amendment. The decision for individual Members of the Senate will be whether or not rule XXII shall be used to protract the debate endlessly, or whether it shall be used or may be used so that the Senate will ultimately resolve the questions before it. We can no longer afford to present a picture of an ineffectual body unable to bring itself to conclude debate and vote on the issue.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have 3 minutes in the morning hour.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I do not desire to discuss the merits of the question at this time. This is an unusual situation because this is an unusual bill. This is the first time in my experience that the Senate has considered such a far-reaching bill, covering 11 titles, and encompassing in a single package every proposal in this field that has been brought forward in all our history. If separate bills had been brought up under the normal procedures and presented one by one, there probably would not have been any more progress than there has been on this omnibus measure.

I wish to refer to the conference held last Wednesday, so that there may not be even an inference of bad faith. During a conversation I was having on the floor with the Senator from Mississippi, I was asked—I believe by the majority leader—to step into the Republican cloakroom, where a conference was in progress. I asked the Senator from Mississippi to come with me to the Republican cloakroom. Among those present at this meeting were the Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Washington [Mr. MAGNUSON]. I believe the Senator from Iowa [Mr. HICKENLOOPER] also was present. I recall that the Senator from New York was present during a part of that discussion, if not all of it——

Mr. YOUNG of North Dakota. And the Senator from South Dakota [Mr. MUNDT].

Mr. RUSSELL. Yes; and the Senator from South Dakota. A number of Senators were present. I was asked what I thought about the prospects for a vote. The only clear, definite, and specific statement I made was that there could not be a vote last week because so many Senators were out of the city. I then was asked about a vote on Monday; before I had an opportunity to say anything, I believe the Senator from Illinois—since we are bringing out the details—stated that a number of Senators would be out of the city on Monday and therefore that would not be a good day to schedule a vote. I then stated that I would be glad to confer with them further, after those with whom I am associted had an opportunity to meet and discuss the matter as to when the Senate might vote on the so-called Dirksen-Mansfield amendment. The discussion ended there. The majority and the minority leaders said they would make a statement on the floor of the Senate. The only thing I said to them was, "Do not say that any commitment has been made because I have made no commitment." The leaders then made their statements that may be found in last Wednesday's RECORD.

I have made this statement today so there can be no questioning of my good faith. I want it to be made perfectly clear that I made no commitment whatever to the leadership in the conference of last Friday as to a vote on the Dirksen proposal or any other subject.

If I make a commitment, Mr. President, I will live up to it, if it takes the hair along with the hide.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President——

Mr. McGEE. Mr. President, I ask unanimous consent for an insertion in the RECORD under the morning hour business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMERICAN CATTLE INDUSTRY $2 BILLION INCOME DROP

Mr. McGEE. Mr. President, for a long time now the American cattleman has faced steadily declining prices. Many of us who are deeply concerned about this decline believe that there is a distinct possibility we shall see large-scale abandonment of western cattle operations unless the situation improves soon.

Recently, I was privileged to appear before the U.S. Tariff Commission to state my concern over the price of beef cattle, to suggest some reasons why our cattlemen now face conditions of unequal competition, and to suggest possible remedies for the situation.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my remarks before the Tariff Commission.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GALE McGEE BEFORE THE U.S. TARIFF COMMISSION, APRIL 28, 1964

Mr. Chairman and members of the Commission, in the last 2 years the American cattle industry has seen its income drop by more than $2 billion. It should be obvious to the most casual observer that the industry, which has not enjoyed anything approaching vibrant economic health for almost a decade, cannot long continue this loss pattern. If relief is not found, there will be wholesale liquidations among cattlemen and an economic blight which will be spread throughout a vast portion of our agricultural economy, especially that concentrated in the 29 States which produce the majority of the Nation's meat animals.

The stake Wyoming has in a healthy and growing livestock industry can be seen by the fact that 79 percent of our agricultural economy is derived from livestock and livestock products. And, in turn, our agricultural economy provides nearly one-fourth of the basic income of our State. In 1961 livestock and livestock products produced a total gross income of $118,920,000 in Wyoming. Of this amount $86,007,000 came from cattle and calves. I might add that a total of 9,744 ranches and farms combined to produce this amount of livestock. It is natural that Wyoming citizens, from all walks of life, are seriously concerned with the steady deterioration of the cattle market.

As the cattle market has declined, the size of our beef imports have increased by sizable proportions. In 1957, for example, only 3.9 percent of our domestic consumption of beef and veal was imported. The figures show beef imports ran at least 12 percent of domestic consumption in 1963. As imports have increased, the price of beef to the producer has fallen more than $4 per hundredweight. It is impossible to escape the conclusion that these imports have helped to depress the cattle market.

However, I would emphasize that I do not believe that imports constitute the entire problem faced by the cattlemen. Certainly the competition from low-priced poultry and pork and the large increase in our domestic beef production are contributing factors to the beef producer's dilemma. The Senate Commerce Committee, of which I am a member, has been conducting a series of hearings on another factor in beef prices; namely, the effect of the concentration of meat and other food merchandizing in the hands of a comparatively few food chainstores. I mention these other factors—outside the scope of the Commission's study—to emphasize my point that imports are not the only cause of distress in the cattle industry.

But if we are to find a remedy for the plight of the cattleman, we must combat all of his ills. Imports are a major contributor to his sickness.

At this period of time we are in a state of transition. Our Nation is growing in both population and economic strength. The nations of Europe have reached new levels of development that have brought the higher quality of diet to all classes of people. The trends run heavily toward large increases in consumption of meat. I anticipate that within a relatively few years there will be a market for even larger quantities of red meat than are being produced now throughout the world. This will mean that other nations that have been exporting to the United States may send their produce elsewhere and that there will be an even greater increase in domestic production.

But that day is not here now. And until it arrives we must have protection for the American cattlemen so that our cattle industry will be in a viable condition to meet the new demands placed upon it. An industry made moribund by excessive competition cannot carry the demands of a new and larger generation of Americans. The cattlemen have found new and ingenious ways to stay in business in the face of a rapid decline in prices over the past few years, but their ingenuity is not limitless. The assistance they need is needed now.

I realize that some assistance has been granted in the form of voluntary import restrictions entered into with Australia and New Zealand. Any relief is welcome, but while these agreements represent a step in the right direction, they are not enough. I think it sufficient to point out that by 1966 meat imports under the voluntary agreements will have surpassed the 1963 level of 577 million pounds.

It is my belief that only through a further reduction in imports, brought about by a lower quota, will the cattleman be given an opportunity to compete on terms of equality with this one phase of the challenge to his economic livelihood.

The cattleman is not asking for a subsidy or for the elimination of competition. What he asks, and what he deserves, is a chance to meet on terms of equality in the marketplace with his competitors, both foreign and domestic.

Even the most superficial examination of the operating conditions of beef producers in American and those of the two largest beef-exporting countries—Australia and New Zealand—indicate that we are not in any sort of competitive situation with the producers "down under."

In the first place almost all imported beef comes into this country in the form of boneless chilled or frozen beef. This beef comes from cattle that are fed only on range pasture and are not given an extensive "finishing" in the feed lot as is the case in this country. It has been the policy of the Australian Government to encouraged the expansion of its beef industry by encouraging the development of areas now in brush into suitable pasturage. Australia has huge resources of land that can be made into excellent pastures after the brush is removed, predators and natural range competitors eliminated and perhaps small amounts of fertilizers, trace elements and improved range grass added. As an incentive to the development, the Government offers long-term leases—up to 50 years—at very low rates to the cattlemen. The Government also helps to build and maintain stock-water reservoirs and to drill wells along stock routes. Indirect assistance comes in the Australian policy of allowing stockmen to write off as operating expenses the costs of top dressings for the pastures, planting, ringbarking trees and control of rabbits and marsupials. In this country the equivalent expenses are classed as capital improvements and result in a greatly reduced income tax benefit.

Taking all these things into consideration, it has been estimated that the average Australian cattle producer spends about 11 cents per head per year for the cost of the land on which he produces his animal. The equivalent cost for an American producer—in this case the land costs in producing a 400-pound calf—is $27. The difference is more than $26. And most American cattlemen figure that the land costs are about one-third of all production costs.

With this differential in operating expenses, the American cattleman, no matter how hard the works or how ingenious he is at cutting costs, cannot compete with the producer from Australia. And I have considered here only the costs of producing an animal on the range. At this point the Australian sends his cattle to market, while the American sends his to the feedlot for additional finishing.

Some people have suggested that since the imported beef usually winds up as hamburger, processed meats, and similar products, it does not directly compete with American beef which, because of the already mentioned "finishing," is better suited to the more expensive steaks, roasts, and finished cuts of fresh beef. There are several fallacies in this argument. In the first place a beef animal, no matter how well finished, is not all steaks and roasts. Between 25 and 30 percent of each animals winds up as hamburger or processed meats. Sixty percent of the hamburger eaten in this country is derived from fed beef. Secondly, competition in unfinished beef encourages the stockman and the feedlot operator to hang on to animals that he otherwise would sell as utility grades hoping for an improvement in the price. This means an older cow kept through another breeding season, and many animals fed to heavier weights than ordinarily would be the case. This has the effect of further increasing the supply of beef and compounding an already serious surplus.

Another factor in direct competition with imported meats is found in the necessity of the cattleman to replenish his breeding herd. On the average at least 15 to 20 percent of the stockman's cow herd is sold every year as animals grow too old or must be replaced for other reasons. Not only are these animals in direct competition with imported beef, but they must be replaced in the cow herd with animals that otherwise would have been sold as a higher priced feeder animal.

It has been demonstrated that relief from the current competitive situation is necessary if the American cattle industry is to remain viable and ready to meet the demands of the future. I repeat my conviction that the imposition of a quota on imported meat is a necessary and constructive step in that direction.

CONFERENCE OF MINNESOTA COLLEGES ON FEDERAL RESEARCH AND DEVELOPMENT

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a statement which I prepared for the Conference of Minnesota Colleges on Federal Research and Development Projects, at the St. Thomas College of Minnesota may be printed in the RECORD.

It is most important that the base of Federal research and development be expanded to include a greater number of universities and colleges. The smaller liberal arts college has a splendid contribution to make in the area of higher education and the Federal Government should not rule out automatically such smaller institutions as recipients of Federal research and development projects and research.

The Conference of Minnesota Colleges will examine this basic question with some care. I am proud of Minnesota's institutions of higher learning and I am confident of their ability to be full-fledged participants in the mammoth Federal program of research and development.

I renew my unanimous consent request.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT TO CONFERENCE OF MINNESOTA COLLEGES ON FEDERAL R. & D. PROJECTS, ST. THOMAS COLLEGE, MAY 8, 1964

It is not very frequently that I get the opportunity to address a few remarks to a captive audience representing almost all of higher education in our State. There is probably no other group which has such a great influence on the future of our State and this is indeed a pleasure. I hope I may have been of some assistance in providing basic information which may be helpful to you as you seek to bring the best possible educational opportunity to the young people of Minnesota.

The Federal Government is participating to an increasing degree in this endeavor. My colleagues and I seek to insure that we, in Minnesota, take maximum advantage of opportunities which can be of joint benefit to the participating institutions and to the Government agency sponsoring the research or development contract or grant. I think our Minnesota colleges and universities have the capacity to be of greater assistance to these agencies in the future. I also believe this can be of benefit to our institutions and our students.

There is a danger in our Federal R. & D. program. Too great a concentration of such activities in a few centers can result in their neglect of their primary function of educating our youth. Too little creates an environment not conducive to the best educational climate. A proper balance between research activity and teaching is essential to both faculty improvement and student growth.

I think we have seen a tendency to concentrate our Federal R. & D. activities in too few institutions. Less than 10 percent of our 2,000 institutions get over 90 percent of all such funds. In 1962 just over 100 universities had grants and contracts in excess of $1 million each. Of these, 24 were in the Midwest.

These Federal programs may not be designed as an "aid-to-education" program, but there is surely no good reason for refusing to consider their effect on our educational system when we make our legislative and administrative decisions. To loop upon such expenditures as merely the purchase of services without considering the ultimate effect would be shortsighted indeed. It is futile to spend large amounts to discover scientific knowledge and develop technical equipment and new techniques if we fail to develop the necessary human resources which are essential to its use. We must follow a policy which will not result in the rich getting richer and the poor poorer; in top faculty becoming more and more concentrated in a few large centers. If we are going to accomplish our task, we must establish more "centers of excellence." Many of our smaller schools can become such centers in given areas even though we recognize they cannot excel in all. To assist in the achievement of our joint goals, it is essential that Federal guidelines and administrative procedure be simple and not overloaded with bureaucratic redtape. While certain guidelines are essential, we cannot expect that all efforts will meet with success. By its very nature research is exploring the unknown, and if we could ascertain the results in advance with certainty, the effort would not be needed.

At the same time, we must apply maximum effort to making opportunities and procedures understandable that we may facilitate participation. This is our purpose in bringing you together. I hope our attempt will be successful, for I am convinced there are many of our institutions and faculty members with outstanding competence, who, when provided with even modest support for research and development activities, will meet the challenge and produce results of tangible and practical value while providing a much better education for their students in the process.

As your late colleague, President Sattgast, wrote in a recent letter to me, "even a small college plays an important role in its relationship to the development of a community and to the State." Our joint purpose here is to expand and improve upon that role. It is always a privilege to be associated with you in such an endeavor.

PRESIDENT JOHNSON AND THE ALLIANCE FOR PROGRESS

Mr. HUMPHREY. Mr. President, yesterday, President Johnson reaffirmed the commitment of this Government and this country to the Alliance for Progress as originally conceived by President Kennedy. He reiterated our commitment to the Alliance for Progress as the basis of U.S. policy in this hemisphere.

At a time of growing concern in the hemisphere about U.S. policy in Latin America, the President emphasized the commitment of this Government to defend and promote democratic government as well as to achieve a peaceful social revolution. I know that those who truly adhere to President Kennedy's grand strategy for Latin America will be especially pleased by three themes given special emphasis by President Johnson:

First, he states the permanence of our commitment to the Alliance for Progress:

> Our programs and policies are not founded on the shifting sands of momentary concern or the passing opinions of present officials. They are the inescapable issue of the events of our past and the hazards of our present. They are rooted in devotion to our democratic birthright and dedication to our spiritual beliefs.
>
> They are, in short, the only objectives possible to men seeking to retain freedom and protect moral values while pursuing progress in a world on the march.

Second, the President emphasizes that material advancement without political liberty and democratic government is an illusory goal:

> Our charter charges each American country to seek and to strengthen representative democracy. Without that democracy, and the freedom it nourishes, material progress is an aimless enterprise; destroying the dignity of spirit it is meant to liberate. We will continue to join with you to encourage democracy until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle.

Third, finally, he stresses the need for rapid social change if the needs of the poor are to be met.

> But the Charter of the Alliance is not confined to political democracy. It commends a peaceful, democratic social revolution across the hemisphere. It calls upon us to throw open the gates of opportunity to the landless and despised, the poor and the oppressed. It asks that unjust privilege be ended, and unfair power be curbed.

In summary, this speech reveals once again that we have a President with a heart whose concern extends to the poor throughout the hemisphere. The President delivered a splendid and stirring message. For him, the war on poverty is of hemispheric proportions and must be waged along the jungles of Brazil, in the mountains of the Andes, as well as in the valleys of Appalachia. It indicates, too, a growing awareness on the President's part of the need to provide bold political leadership for the Alliance, to give it a political content without which it would only degenerate into a lifeless banking operation. This address will stand as a landmark in inter-American diplomacy and statesmanship.

I congratulate the President on the appointment of Mr. Walt W. Rostow to CIAP. Mr. Rostow, like his distinguished predecessor who contributed so much to the launching of the Alliance program, Mr. Teodoro Moscoso, brings to this job great prestige combined with a profound knowledge of economic development. I believe he can, with the strong backing of President Johnson, contribute much to making CIAP a truly effective multilateral decisionmaking organ for the Alliance for Progress.

Mr. President, I request unanimous consent to have printed in the RECORD the text of President Johnson's address as published in the New York Times for May 12, and an article in the same paper, written by Tad Szulc, entitled, "Latin's United States Seeks Full Democracy."

There being no objection, the address and article were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1964]

TEXT OF PRESIDENT'S COMMENTS TO LATIN AMERICAN AMBASSADORS

(WASHINGTON, May 11.—Following is the text of President Johnson's remarks at the White House today to ambassadors from Latin America.)

I have just completed an informal review of Alliance for Progress problems with all the ambassadors and the distinguished head of CIAP, Carlo Sanz de Santamaria. This kind of exchange strengthens our common aim and our combined ability to advance the Alliance. I learned much that will be helpful in the days ahead. I look forward to more such meetings.

On November 18, President Kennedy spoke once again to the hemisphere. He quoted Robert Frost, saying "Nothing is true except as a man or men adhere to it—to live it, to spend themselves on it, to die for it." Within a week, his life, consecrated to our cause, had been tragically ended.

It is for us, the living, to insure that the hopes he raised are now regarded, that his passing marked not the death of a dream but a renewal of resolution.

To that purpose I said last November, "Let us make the Alliance for Progress his living memorial."

Today's agreements are part of our pledge. The United States will provide almost $40 million—the countries of Latin America $60 million—for projects in 14 countries.

PURPOSES ARE DIVERSE

They will help eliminate malaria in Brazil and train farmers in Bolivia. They will establish three rural electric cooperatives serving 10,000 homes and farms in the countryside of Colombia. This will bring credit and assistance to 21,000 small farms in the land reform and colonization areas of Peru. They will touch the lives and ease the struggles of 23 million people across the hemisphere.

These are only the latest steps in 6 months of extraordinary effort. Since December the United States has extended more than $430 million in assistance.

In that 6-month period, we have, together, completed more than 52,000 homes and 7,000 classrooms. We have produced more than a million and a half schoolbooks and made more than 25,000 loans to farmers.

We have put into operation health programs to care for 4 million people, and food-for-peace programs to feed more than 10 million of our fellow Americans.

We have built more than 500 miles of roads, trained more than 10,000 teachers and 1,000 public administrators, and established 200 credit unions. Three hundred water systems will benefit 10 million people.

PACE WILL DOUBLE

In the months to come, we intend to more than double the pace of this action. For this is the time for action.

And our help is only a small proportion of the resources for growth and the reforms for justice contributed by the countries of Latin America.

These are the tangible tokens of the constancy of our cause since the signing of the Charter of Punta del Estes. What we believed in then, we believe in now. What we agreed to then, we agree to now. What we sought then, we seek now.

This is as it must be. Our programs and policies are not founded on the shifting sands of momentary concern or the passing opinions of present officials. They are the inescapable issue of the events of our past and the hazards of our present. They are rooted in devotion to our democratic birthright and dedication to our spiritual beliefs.

They are, in short, the only objectives possible to men seeking to retain freedom and protect moral values while pursuing progress in a world on the march.

Real problems require realistic solutions. Helping to reshape an entire hemisphere requires practical priorities and concrete deeds. But no action, no judgment, no statement will advance our Alliance unless it is guided by firm and resolute regard to principle. Those principles must not yield either to immediate expedient or to present danger.

RENEWAL OF DEDICATION

We renew today, as we do in the acts of every day, our dedication to the principles of development, of diversity, and of democracy.

Franklin Roosevelt, a man whom I served and loved, a man whose precepts I follow said: "Through democratic processes we can strive to achieve for the Americas the highest possible living standards for all our people."

We will continue to pursue the goal until every campesino and every worker is freed from the crushing weight of poverty.

I have asked the Congress for the funds necessary to meet our obligations under the Alliance for Progress. I will fight for those funds with every resource of my Government.

Furthermore, in accordance with the unanimous vote of the Panama meeting of the Inter-American Bank, I intend to ask for $250 million for this year to replenish the Bank's funds for special operations. That Bank, supported first by President Eisenhower, has become a beacon of hope to the oppressed of our lands.

The principle of diversity stems from President Roosevelt's policy of the good neighbor. Within the loose and ample frame of the inter-American system, there is room for each nation to order its institutions and organize its economy, so long as it respects the rights of its neighbors.

In the councils of the Alliance we must guide each other toward the most rewarding course of progress. We do not confuse that duty and responsibility with any desire or right to impose those views on unwilling neighbors.

GUIDED BY BOLIVAR'S WORDS

In devotion to democracy, we are guided by the command of Bolivar that "We must fearlessly lay the foundations of South American liberty: to hesitate is destruction."

Our charter charges each American country to seek and to strengthen representative democracy. Without that democracy, and the freedom it nourishes, material progress is an aimless enterprise; destroying the dignity of spirit it is meant to liberate. We will continue to join with you to encourage democracy until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle.

But the Charter of the Alliance is not confined to political democracy. It commands a peaceful, democratic social revolution across the hemisphere. It calls upon us to throw open the gates of opportunity to the landless and despised, the poor and the oppressed. It asks that unjust privilege be ended, and unfair power be curbed.

The United States signed that charter. We are fulfilling that commitment. We have begun an all-out war on poverty. For a just country cannot permit a class of forsaken in the midst of the fortunate.

We are also marching forward in our struggle to eliminate racial injustice, to permit every man, of every race and color and belief, to share fully in our national life.

In the same way we will join with those forces across the hemisphere who seek to advance their own democratic revolution. As we are finding in the United States, it is not easy to change the customs of centuries. Some seek to halt reform and change. Others seek to impose terror and tyranny. But Bolivar's wisdom is our warning—"To hesitate is destruction."

LEADERSHIP ESSENTIAL

I know my country's policies and my country's help are important to the Alliance for Progress. But in 1961 a new hemisphere began to be born. In that hemisphere, success or failure does not hinge on testing each shifting wind or each new word which comes from our neighbors. It depends on the courage and leadership we can bring to our own people in our own land.

The Alliance for Progress is a complex task. It has many dimensions and many directions. But it rests on the hopes of people much like those I have seen in my recent trips through the poverty areas of the United States.

Across this hemisphere there are millions of despairing men and women. They come to birth, they toil, and they die, never knowing a day without hunger. They never feel the joy of rewarded achievement, or the pride that comes from providing for those you love.

They struggle for their self-respect—for their dignity as one of the children of God—against those who exploit them in a world which is closed to their hopes. Faces bent and backs bowed they see ahead of them only that same darkness in which they walk.

We worked for these men and women not because we have to. We work because morality commands it, justice requires it, and our own dignity as men depends on it. We work not because we fear the unjust wrath of our enemy, but because we fear the just wrath of God.

The path ahead is long and the way is hard. We must, in the words of the prophet, "mount up on the wings of eagles, run and not grow weary."

We have reached a turning point.

The foundations have been laid. The time calls for more action, not more words. In the next year there will be twice as much action, twice as much accomplished, as in any previous year. I can now say with confidence that our Alliance for Progress will succeed. And the success of our effort—of your countries and mine—will indicate the vision of those who set us on this path.

[From the New York Times, May 12, 1964]

Johnson Assures Latins United States Seeks Full Democracy: Stresses in Talk to Envoys That Freedom Is a Goal of Alliance for Progress—Vows To Continue Aid

(By Tad Szulc)

Washington, May 11.—President Johnson assured Latin America today of continued U.S. support "until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle."

In a speech at the White House to Latin American Ambassadors and Alliance for Progress leaders, the President emphasized that the Alliance's program called not only for economic development and political democracy, but also for a peaceful democratic social revolution.

Earlier, Ambassadors and Chargés d'Affaires from 13 Latin-American republics joined the President in signing ceremonies for new loan agreements and commitment letters totaling nearly $40 million.

Mr. Johnson also informed the Ambassadors that he would appoint Walt W. Rostow, Chairman of the State Department's Policy Planning Council, to serve as U.S. representative on the Inter-American Committee for the Alliance for Progress. This is the newly established steering committee for the program.

CLARIFIES LATIN POLICY

The President's speech clarified the political aspects of the Johnson administration's approach to the Alliance for Progress. This presumably served to help allay doubts and criticism that have arisen in Latin America in the last 6 months.

Much of that criticism was related to an impression that the United States no longer gave political democracy in Latin America as much importance as President Kennedy gave it.

But Mr. Johnson emphatically told the diplomats and U.S. congressional leaders in the East Room of the White House that the Alliance's chairman * * * the dignity of spirit it is meant to liberate."

For President Johnson, the several hours that he spent this afternoon with the Latin-American diplomats was an opportunity to demonstrate his interest in the hemisphere and his determination to have the United States live up to the Alliance pledges.

He spent an hour with the Ambassadors in the Cabine room discussing Alliance problems. In an extemporaneous introduction to the formal speech that followed the meeting, he said that the Ambassadors offered him candid observations on the march of the Alliance that "will be quite helpful in the days ahead."

He announced that he had instructed Secretary of State Dean Rusk to arrange for further such meetings. The Ambassadors appeared pleased.

Mr. Johnson said that the Ambassadors had pointed out to him the weak points in the Alliance, including the problems of bureaucracy. He remarked that problems of bureaucracy existed in all governments.

Alternating pledges of U.S. dedication with personal touches, the President told the Ambassadors that in having them in the Cabinet room he had a better Cabinet than usual.

He asked them to stay on for tea after the signing ceremony for the new aid commitments.

"We are all brothers here," he said, "and it is not often that the family gets together so I want to ask you to come and have tea with us."

The event was unscheduled—the diplomats had expected only a formal meeting and a formal speech. The atmosphere seemed warm and cordial.

In the speech, the President said that in the 6 months "of extraordinary effort" since he took office, the United States had extended more than $430 million in new assistance to Latin America. This includes funds actually disbursed and those committed.

TWICE AS MUCH ACTION

"In the next year," he said, "there will be twice as much action, twice as much accomplished, as in any previous year."

"We have reached a turning point," he went on. "The foundations have been laid."

He said that "I can now say with confidence that our Alliance for Progress will succeed."

Officials said later that the President was not implying that the administration would seek next year to double the funds for the Alliance, but that he expected that progress could be accelerated because the foundations had been laid in the last 3 years. Mr. Johnson warned, however, "that the path ahead is long and the way is hard."

The President was interrupted by applause when he said the United States would pursue the goal of development, diversity and democracy in Latin America "until every campesino and every worker is freed from the crushing weight of poverty."

In stating the guidelines of U.S. policy in Latin America, Mr. Johnson asserted that nothing would advance the Alliance "unless it is guided by firm and resolute regard to principles."

"Those principles must not yield either to immediate expedient or to present danger," he said.

An influential Latin American ambassador who had been privately critical of the Johnson administration's approach to the hemisphere, commented after the speech, "These were the words we were waiting to hear from your President for 6 months."

"With today's speech, the United States has returned to the political leadership of the Alliance that Kennedy initiated," he said. President Kennedy enunciated the Alliance program of U.S. aid for economic and social reform in Latin America.

The aid agreements signed today were routine documents, normally signed by U.S. ambassadors or lesser officials. But the agreements that were ready for signature were brought together for the White House ceremony.

The President said that in the last 6 months the United States had contributed $930 million in new money to the Alliance.

Mr. Rostow will replace Teodoro Moscoso as the U.S. representative on the Inter-American Committee for the Alliance for Progress. Mr. Moscoso resigned last week.

Mr. Rostow is highly regarded in Latin America, particularly because of his theory of "take-off" in economic development set forth in his book, "The Stages of Economic Growth." An economist, he directed a policy study in 1962 of the Alliance and has since pioneered several new approaches to Latin American development, notably one on the development of new consumer markets. He will continue to hold his State Department post.

BIPARTISAN NEWSLETTERS NOS. 46 THROUGH 51

Mr. HUMPHREY. Mr. President, the bipartisan floor leaders of the civil rights bill make a practice of inserting each week's newsletters in the Record on Saturday.

Since the Senate was not in session last Saturday, I ask unanimous consent to have Nos. 46 through 51 of the bipartisan civil rights newsletters printed in the Record.

There being no objection, the newsletters were ordered to be printed in the Record, as follows:

Bipartisan Civil Rights Newsletter No. 46, May 4, 1964

(The 30th day of debate on H.R. 7152; 47th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: One for twenty-one for Saturday.

2. Monday schedule: The Senate will run from 10 a.m. until at least 9 in the evening. The bill's opponents will have the floor again. The floor captains for Monday:

Democrats: Dodd (10 to 1), Morse (1 to 4), Magnuson (4 to 7), Muskie (7 to close).

Republicans: Allott (all day), Bennett (all day).

3. Signs of the times: "The North Carolina Synod of the Lutheran Church of America has called on its members to welcome all worshipers of the denomination without regard to race."

Washington Post, May 2, 1964, page 7: "A resolution barring racial prejudice was approved by voice vote at the synod's 160th convention."

4. The voice of experience: Opponents of the civil rights bill are fond of saying that the bill's proponents, coming from the North, have no experience with "the problem" and therefore are unqualified to deal with civil rights. For this reason it should be interesting to look at the testimony of a southern mayor who not only knows about "the problem" but, unlike so many public officials, has done a great deal to bring equality to Negroes in his city. These are some excerpts from the testimony of Ivan Allen, Jr., mayor of Atlanta before the Senate Commerce Committee:

"The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

"Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

"Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure of Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

"Gentlemen, if I had your problem, armed with the local experience I have had, I would pass a public accommodations bill. * * *

"But the point I want to emphasize again is that now is the time for legislative action. We cannot dodge the issue. We cannot look back over our shoulders or turn the clock back to the 1860's. We must take action now to assure a greater future for our citizens and our country." (Hearings on S. 1732, pt. 2, pp. 866–867.)

Bipartisan Civil Rights Newsletter No. 47, May 5, 1964

(The 31st day of debate on H.R. 7152; 48th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three for twenty.

2. Tuesday's schedule: The Senate will run from 10 a.m. until early in the evening. The bill's opponent's will have the floor again. Floor captains for Tuesday:

Democrats: Williams of New Jersey (10 to 1), Pastore (1 to 4), Kennedy (4 to 7), Moss (7 to close).

Republicans: Prouty (all day), Saltonstall (all day).

3. Legal rights and the southern way of life: The following editorial from the Washington Post illustrates two important truths about the opposition to the civil rights bill. The first point is that the same Senators who are so loud in their defense of "private property rights" when it comes to this bill have been strangely silent when Government power was invoked to eliminate discrimination against Mexicans imported to work on southern farms.

The second point is less obvious but just as important: discrimination against Mexicans had been part of community life for generations, yet when the Federal Government threatened to use its power to amend this way of life, there was an end to the discrimination. There is a lesson here for those people who say that "you can't put an end to discrimination by law." This enlightening editorial is from the September 18, 1963, issue of the Washington Post:

"A SOUTHERN PRECEDENT

"Of all the southern objection to the civil rights bill, one of the weakest is that the public accommodations provisions involve a wholly novel Federal infringement on property rights. It is pertinent to point out that southern legislators themselves have supported a public law that embodies the very philosophy that underlies the public accommodation section of the civil rights bill.

"This little noticed precedent exists in Public Law 78, which governs the importation of Mexican labor for harvest work. Article 8 of the law contains a strong prohibition against discrimination, and empowers the Secretary of Labor to prohibit use of braceros in any community where Mexicans are subjected to discriminatory practices.

"The Labor Department has used this power to act on a number of complaints. In Stamford, Tex., barbershops and beauty shops were charged with denying service to persons of Mexican ancestry. The complaint was resolved when the mayor agreed to take steps to remedy the problem. In Levelland, Tex., a movie theater refused to admit Mexicans, but the owner changed his policy when he was informed of the sanctions that could be applied under article 8. In Salton, Tex., similar intervention by the Department of Labor led to the admission of Mexicans to a hitherto white only city swimming pool.

"Yet the record does not disclose any outpouring of southern Democratic indignation over alleged infringements of property rights under Public Law 78. On the contrary, southern legislators have been among the strongest proponents of this measure to provide low-cost labor in rural areas. Are we to conclude that it is perfectly proper to use Federal power to protect the civil rights of foreign nationals—but that it is somehow un-American to protect the rights of citizens of the United States?"

Bipartisan Civil Rights Newsletter No. 48, May 6, 1964

(The 32d day of debate on H.R. 7152, 49th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 3 for 20 again.

2. Wednesday's schedule: The Senate will run from 10 a.m. until early evening. There will be rollcall voting on the Talmadge jury trial amendment (see 3, below). Floor captains for Wednesday:

Democrats: Muskie (10–1), Nelson (1–4), Burdick (4–7), Williams of New Jersey (7 to close).

Republican: Case (all day), Saltonstall (all day).

3. Parliamentary situation: The pending business is the Morton amendment (560) to the Talmadge jury trial amendment (No. 513). No. 513 would require trial by jury in all criminal contempt proceedings in Federal courts; it is not limited to civil rights. The Morton amendment would apply this requirement to all criminal contempt proceedings arising from the current civil rights bill. (The Morton amendment is similar to the other Talmadge amendment, No. 512, which was not called up by its author.) The bipartisan civil rights leadership is opposed to the Morton amendment.

After the Morton amendment is disposed of, any other perfecting amendments to the Talmadge amendment would be in order. One such amendment has been introduced by Senator Cooper (No. 558), although it is not clear that he intends to call it up. This amendment provides that the right to jury trial in criminal contempt cases would not necessarily be granted to public officials, except that the court could do so at its discretion. The Department of Justice has serious doubt about the constitutionality and practicality of the Cooper amendment.

When all perfecting amendments have been disposed of, the Mansfield-Dirksen substitute amendment will be considered. This substitute provides jury trials in criminal contempt cases arising under H.R. 7152 if the punishment imposed by a judge exceeds $300 or 30 days. This is similar to the Civil Rights Act of 1957 except that the earlier law has limits of $300 and 45 days. The civil rights leadership and the administration support the Mansfield-Dirksen substitute.

In short, the Morton amendment comes first. Any other amendments to the Talmadge amendment will be considered next. Then the Mansfield-Dirksen substitute will be voted on. If the Mansfield-Dirksen substitute is adopted, it will be the new Talmadge amendment, regardless of the outcome of votes on previous perfecting amendments.

Bipartisan Civil Rights Newsletter No. 49, May 7, 1964

(The 33d day of debate on H.R. 7152; 50th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Four for nineteen.

2. Thursday's schedule: The Senate will convene at 10 a.m. and will stay in session until early evening. Live quorums should be expected. Floor captains for Thursday:

Democrats: McCarthy (10 to 1), McIntyre (1 to 4), McGovern (4 to 7), Douglas (7 to close).

Republicans: Cooper (all day), Morton (all day).

3. The parliamentary situation: On Wednesday the Morton and Cooper amendments to the Talmadge jury trial amendment were defeated. The pending business is now the Mansfield-Dirksen substitute. The present expectation is that this measure will be voted on by late next Monday or early Tuesday.

4. Setting the record straight: A supporter of the civil rights bill recently delivered a short speech entitled "The Myths Behind Civil Rights Bill Opposition." The first part of this speech does such a good job of refuting a common theme of anticivil rights propaganda that we think it should be repeated here. The following excerpts are from the Congressional Record, May 5, 1964, pages 10056–10057:

"Mr. President, southern opponents of the bipartisan civil rights bill repeatedly try to shift attention from the social order in their States, which in many cases is built upon denying the Federal constitutional rights to Negroes, by regaling the Senate with horror stories about conditions in the North in general and in New York City in particular. These attempts occasionally become so misleading that they must and should be answered. Two such cases have arisen repeatedly in debate in recent weeks.

"Opponents of the bill have, in the course of their lengthy discussions of title VII, the equal employment opportunity title of the bill, referred to U.S. Bureau of the Census statistics which indicate that unemployment rates are higher for nonwhites in some Northern States which already have FEP laws than in some Southern States, which do not and in which discriminatory hiring policies are pursued. What they conveniently fail to point out is the difference in computing the unemployment statistics for States which have basically agricultural economies as compared with States which have basically industrial economies. Sharecroppers and other farmworkers in Southern States are included among the employed in the Census Bureau statistics even though they often work only 1 or 2 days a week and are often living at a bare subsistence level.

"I have asked the Census Bureau to confirm this and have received from the Bureau a letter quoting from a forthcoming report entitled 'Farm Population, Series Census-ERS (P–27), No. 34.' This report will be released jointly by the Economic Research Service of the Department of Agriculture and the Bureau of the Census. The Bureau's letter quotes from the report as follows: 'Unemployment rates are typically about twice as high in the nonfarm population as in the farm group. The general explanantion offered is that the large proportion of self-employed persons among farm people results in a low formal unemployment even during periods of economic difficulty. Also farmers who combine part-time farming with off-farm work are still technically employed (through their farming) if they lose their nonfarm job.'

"The relevant and revealing statistics are those which show the median income of whites and nonwhites in the several States and the estimated lifetime earnings matched against the years of school completed for whites and nonwhites in the several States. As the Senators in charge of title VII of the bill—Senators Case and Clark—have shown, the statistics which correctly measure the real difference between the economic opportunities for Negroes in the Southern and Northern States do support our contention that fair employment practice laws are helpful in assuring equality of earning opportunity. The figures show that the discrepancy between the median earnings of white workers and those of nonwhite workers has been increasing in recent years and that this difference is much more pronounced in the South than in other parts of the country. They also show that, while in the Nation as a whole the lifetime earnings of nonwhites are 40 percent of those of whites, in the South they are 32 percent."

Bipartisan Civil Rights Newsletter No. 50, May 8, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators Hubert H. Humphrey and Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. It will help to keep Senators and their staffs fully informed on the civil rights bill and will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three for twenty.

2. Friday's schedule: The Senate will convene at 10 a.m. and will stay in session until early evening. Live quorums should be expected.

Floor captains for Friday:

Democrats: Pell (10 to 1), Moss (1 to 4), Long of Missouri (4 to 7), Morse (7 to close).

Republicans: Scott (all day), Pearson (all day).

3. The parliamentary situation: With the Morton and Cooper amendments disposed of, the pending business is now the Mansfield-Dirksen substitute. However, any other perfecting amendments to the Talmadge amendment could be offered and called up prior to the vote on the Mansfield-Dirksen substitute. The present expectation is that the Mansfield-Dirksen substitute will be voted on late Monday or Tuesday.

4. "All discord, harmony not understood, * * *"

Opponent, page 7773: "The problem of racial and religious discrimination * * * is a problem in morality. * * * I do not believe discrimination is morally right. In my opinion it is morally wrong."

Another opponent, page 9636: "I am disappointed to note that many ministers and churchmen are more or less blindly advocating the passage of the bill, on supposedly moral grounds. * * * The clergy should stick to their own knitting."

Alexander Pope, "The Dunciad": "Religion, blushing, veils her sacred fires, and unawares morality expires."

5. Quote without comment: From the AP ticker, May 7:

"A delegation of Southern Presbyterian ministers called on the 2 managers of the bill to present a letter signed by 435 ministers and educators and laymen in support of the bill.

"One of the signers was the Reverend William D. Russell, Decatur, Ga., a nephew of Senator Richard B. Russell, Democrat, of Georgia, leader of the Senators fighting the measure."

6. Hasty consideration? The Record, page 10209, contains a summary of the number of civil rights bills introduced in the House in the 88th Congress as of December 6, 1963, by month and party allegiance. Results: 172 bills introduced by 86 Members, Democrats and Republicans; 101 witnesses heard, 43 prepared statements accepted, and 2,649 pages of printed hearings in House Judiciary Committee.

Bipartisan Civil Rights Newsletter No. 51, May 11, 1964

(The 35th day of debate on H.R. 7152; 52d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Notice to readers: The newsletter suspended publication for 1 day on the occasion of the Senate's first silent Saturday since Easter weekend.

2. Quorum scoreboard: On Friday, May 8, civil rights Senators made two quorum calls in 20 minutes.

3. Monday's schedule: The Senate will convene at 10 a.m. Length of session will depend upon agreements developed today. Live quorums should be expected. Floor captains for Monday:

Democrats: Clark (10 to 1), Douglas (1 to 4), Magnuson (4 to 7), Bayh (7 to close).

Republicans: Not announced at press time.

4. The parliamentary situation: The pending business is the Mansfield-Dirksen substitute provision for jury trial in criminal contempt proceedings. However, any other perfecting amendments to the Talmadge amendment could be offered and called up prior to the vote on the Mansfield-Dirksen substitute. Two such amendments had been offered by the weekend. The present expectation is that the Mansfield-Dirksen substitute will be voted on late today or Tuesday.

5. We hear you, Duane—welcome to the club.

Opponent, page 10391: "Mr. President, I have been requested by a constituent named Duane Eckelberg, whose address is Manassas, Va., to have the Congressional Record show that he favors the passage of H.R. 7152."

6. A short course in jury trial "guarantees" in contempt cases.

"The trial of all Crimes, except in Cases of Impeachment, shall be by Jury * * *" (art. III, sec. 2, clause 3).

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial * * *" (sixth amendment).

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved * * *" (seventh amendment).

"It is urged that those charged with criminal contempt have a constitutional right to a jury trial. This claim has been made and rejected here again and again * * * It has always been the law of the land, both State and Federal, that the courts—except where specifically precluded by statute—have the power to proceed summarily in contempt matters." (*U.S.* v. *Barnett,* 1963).

"The issue we are dealing with is whether a jury shall be empowered to refuse to allow vindication of the authority of the court and of the judgment it has entered after a trial on the merits. * * * The broad Talmadge amendment—applicable to contempt trials of every kind in the Federal courts—by interposing another tribunal—the jury—between a court and enforcement of its orders weakens the enforcement of Federal law throughout the country. Such a proposal strikes at the integrity of the Federal courts and the respect which the country has for their decrees. What is a court which has not the power to compel obedience to its orders? It is for this reason that in practically all the States—including all the States of the South—the courts are empowered to punish for contempt without convening juries. The States don't leave their courts powerless. Why should the Federal courts be without sufficient authority?" (Department of Justice memo.)

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I would not wish the statement of the Senator from Minnesota to indicate that the amendment which bears the name of the Senator from Florida, and was called up by me was not offered in good faith. This is a meritorious amendment and I recommend it to the Senate.

Last night, I stated to the acting majority leader that I was calling up this amendment because I wanted to protect my rights, and that the amendment which would be offered could be considered on its merits.

I have discovered that it was the intention of the Parliamentarian to rule—if called upon to rule—that the brief, 90-second statement which I made would be considered a speech and counted against me on the Mansfield-Dirksen amendment.

To protect my rights to the floor, I called up a meritorious amendment at that time. The amendment pending is a meritorious amendment which could be considered on its merits, and I had understood that the Senate would accord it consideration in due course.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURVEY SHOWS HALF OF STUDENTS NEED COLLEGE AID

Mr. HARTKE. Mr. President, among those who gave testimony at the hearings of the Education Subcommittee on S. 2490, my bill for loans, scholarships, and work-study programs to assist college students, was one witness, Mrs. Josephine Ferguson, of Valparaiso University, Valparaiso, Ind. Mrs. Ferguson is director of student services in this Lutheran school, with 3,100 students, and is a member of the Commission on Financial Aid of the American College Personnel Association.

One of the questions with which the committee and the Congress must deal, in considering such a bill as this, is the question of need. On this point, Mrs. Ferguson was enlightening through her report of a study she personally made of the needs of Valparaiso students in 1962. Her survey showed that only 26 percent of the families had sufficient resources to support the student's education without financial help. Only 23 percent of the students were receiving scholarship and similar aid, so that Mrs. Ferguson drew the following conclusion:

> We [therefore] knew that approximately one-half of our students had used some extraordinary measures and were, first, earning more than the expected $300 summer savings; second, receiving outside loans; third, trimming campus costs of food, lodging, and other variable items; or fourth, making other sacrifices. We determined further that at that time, with a budget of approximately $2,000 as opposed to our present $2,500, an income of $12,000 was needed to support a student without aid.

Mr. President, I bring this testimony before the Senate as one small further indication of the great need for a comprehensive package of aid to students such as my bill provides. It should be remembered that this is the case with students already attending school who were able to raise the required tuition and fees to make a start. The need is even greater among that great group, estimated between 100,000 and 200,000 each year, who are capable of college work but who never enroll because their family finances will not permit.

I sincerely hope that when this bill comes before the Senate that positive action will be taken to remedy such a deprivation, both for the individuals and for the good of a society which needs more and more trained people.

Mr. HUMPHREY. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, in order that there may be no misunderstanding as to what was said on the floor of the Senate Wednesday night, May 6, on the part of the distinguished majority leader and the distinguished minority leader, I ask unanimous consent that that portion of the RECORD on page 10212, starting with the Presiding Officer and going down to the statement made by the Senator from Illinois [Mr. DIRKSEN], be printed in the RECORD, at that point in the RECORD where the Senator from Minnesota was in discussion with the Senator from Mississippi [Mr. STENNIS] in reference to any possibilities of a vote being taken upon the Mansfield-Dirksen amendment this week.

Mr. STENNIS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. STENNIS. Perhaps it should come at the point where the Senator from Minnesota responded to my question as to what had happened.

Mr. HUMPHREY. The Senator is correct. I fully accept that.

I have shown this to the Senator from Mississippi [Mr. STENNIS], Mr. President, so that there may be an accurate record.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Mr. President, is my understanding correct that the pending business is the Mansfield-Dirksen amendment?
>
> The PRESIDING OFFICER. The Senator is correct.
>
> Mr. MANSFIELD. And that before any other business can be taken up, that amendment will have to be disposed of, unless in the meantime perfecting amendments are offered to the Talmadge amendment?
>
> The PRESIDING OFFICER. The Senator is correct.
>
> Mr. MANSFIELD. I have discussed this matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the floor managers in charge of the bill, my distinguished colleague from Minnesota [Mr. HUMPHREY], and the distinguished Senator from California [Mr. KUCHEL].
>
> It appears that the best we can look forward to in the way of a possible vote—and this implies no commitments and no understandings—is the possibility of a vote either late Monday or at a fairly early hour on Tuesday. We do not know whether or not this estimate has too much validity, but it is our best combined judgment at this time.
>
> Our purpose in making this announcement is to put the Senate on notice as to what the situation may well be insofar as a vote on the Dirksen-Mansfield amendment is concerned.
>
> I thank the Senator from Minnesota for yielding.
>
> Mr. DIRKSEN. Mr. President, will the Senator yield?
>
> Mr. HUMPHREY. I yield.
>
> Mr. DIRKSEN. Mr. President, we know that from time to time Senators make commitments in advance. It is the desire of the leadership to accommodate them always insofar as possible. That is the reason for the statement by the majority leader. We shall know better perhaps on Monday, at which time a further announcement will be made.
>
> So, I think we shall let the matter stand.

Mr. HICKENLOOPER. Mr. President, I should like to inquire, what is the procedure, if any, under which the Senate is operating at this time? I am considerably confused. The six bells which have just rung have indicated the end of the morning hour, but it did not come until 2½ hours after the beginning of the morning hour. The Senate has been operating under some kind of—I was about to say illegitimate—procedure, and I should like to see the situation straightened out.

If there is to be a quorum call soon, I should like to be present to answer it, but if we are going to have itinerant speeches for 3 minutes and extend them to 5 or 10 minutes, and so on, I believe we should know what the rules of the game are this afternoon.

The PRESIDING OFFICER. The procedure adopted 2 weeks ago was to limit the morning business to 1 hour. It was then agreed by unanimous consent that the leadership could recognize Senators to permit them to speak for 3 minutes in the regular morning hour.

The Senate is operating under unanimous consent.

Mr. HICKENLOOPER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. HICKENLOOPER. Was the extension beyond the morning hour an extension of the morning hour, or a prerogative granted the leadership? Under what rules is the Senate proceeding? When will the morning hour end today?

The PRESIDING OFFICER. The morning hour is limited to 1 hour. It expired at 11:22, and the Senate is now operating under unanimous consent. Any time any Senator wishes to speak, he may speak by unanimous consent. Morning business will be concluded when there are no further requests to speak.

Mr. HICKENLOOPER. That was the point which confused me. I should like to understand the situation. Six bells indicates the conclusion of the morning hour. They did not ring, according to my observation, until 12:30, which is some 2½ hours after the morning hour started. I am not objecting to this procedure. I merely wish to know what the rules of the game are. I do not wish to be caught between second and third base.

Mr. HUMPHREY. Mr. President, will the Senator from Iowa yield to me?

Mr. HICKENLOOPER. I am glad to yield. I am concerned about this procedure, and I should like to get it straightened out.

Mr. HUMPHREY. So would I. I can well understand the Senator's concern. I have always been somewhat concerned and confused about the fact that under normal procedures there is a morning hour in the afternoon, which continues for 2 hours, which has always been a matter of some confusion to me. However, we have become accustomed to this procedure. The morning hour now continues for 1 hour, with 3 minutes allotted to any Senator who wishes to speak.

Mr. HICKENLOOPER. Which extends to 2 hours and a half.

Something like the Thursday club not meeting on its regular day, Monday, because Wednesday follows Tuesday.

Mr. HUMPHREY. The Senator is correct. He has solved the whole problem.

Mr. HICKENLOOPER. I merely wish to know what is happening.

Mr. HUMPHREY. I hope the Senator will not ask us that.

Mr. HICKENLOOPER. I am not raising any objection.

The PRESIDING OFFICER. Is there further morning business?

Mr. HICKENLOOPER. I do not wish to usurp the prerogative of the Senator from Minnesota. Perhaps he may wish to suggest the absence of a quorum. If not, I shall suggest it.

Mr. HUMPHREY. Mr. President, what is the pending business?

The PRESIDING OFFICER. Morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, H.R. 7152.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments No. 577, offered by the Senator from Louisiana [Mr. Long], to the amendments offered by the Senator from Georgia [Mr. Talmadge] and other Senators.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 215 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Boggs
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hickenlooper
Holland
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Mechem
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. STENNIS obtained the floor.

ORDER OF BUSINESS

Mr. MONRONEY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Yes, Mr. President; I ask unanimous consent that I may yield to the Senator from Oklahoma, without losing my right to the floor, and without having the speech I shall make hereafter counted as more than one speech by me on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY CHIEF JUSTICE WARREN AT DEDICATION OF CENTRAL TOWER OF THE WASHINGTON CATHEDRAL

Mr. MONRONEY. Mr. President, national leaders in Government, church, and in the musical and dramatic arts participated last week at Washington Cathedral when a great central tower—the Gloria in Excelsis Tower—was dedicated. For more than 50 years this cathedral on Mount St. Alban has been building—stone by stone; and the 301-foot tower, under construction for the last 2 years, becomes the highest structure in our Nation's Capital.

From 7 a.m. through an evening concert on the transept steps, residents and visitors to the Capital thronged to the cathedral. Members of the Ancient Society of College Youths, founded in 1637, came from England, to pass over the ropes of the bells in the great tower to boys of St. Albans School who had been trained to carry on the Old World tradition of "change ringing."

Scottish bagpipers and drummers and the flags of all 50 States led a procession for the dedication ceremony on the Pilgrim steps just after noon, when the speaker was the Honorable Earl Warren, Chief Justice of the United States. He was introduced by Attorney General Robert Kennedy. I was so impressed by the words of the Chief Justice on that day that I ask unanimous consent to have them included in the Congressional Record at this point in my remarks.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address Delivered by Earl Warren, Chief Justice of the United States at the Assembly for the Dedication of the Gloria in Excelsis Tower Washington Cathedral May 7, 1964

As we stand on Mount St. Alban, 400 feet above the Potomac, there rises above us, still 300 feet higher, the Gloria in Excelsis Tower of the Washington Cathedral. The crest of the tower marks the highest point of this fair city. I was interested to learn that the master carver who supervised the carvings for the tower emigrated to this country from Italy as a young man and came to Washington to do stone carving on the Supreme Court Building. The belfry houses 53 bells in a carillon and a ring of 10 hand-pulled bells for change-ringing to proclaim occasions both solemn and festive. Before this distinguished assembly and the world, the bells today proclaim the joyous tidings of the completion of this "quietly soaring tower that is a sermon in stone."

A story of old comes to mind which seems to have particular significance for the event we are celebrating. It concerns a wayfarer who was passing a structure under construction. He stopped in the manner of a "sidewalk superintendent"—that ubiquitous personality without whom no building could possibly be erected—to ask of three craftsmen who were working on the building what they were doing.

The first one, without looking up, answered, "I am making a living." The second one said in response to the inquiry, "I am following my trade." But the third, rising to his full height, looked the stranger straight in the eye, and said, "Sir, I am building a temple." I am confident that all who have participated in the erection of this tower derive the same feeling of satisfaction from their inspired labors as did that third craftsman.

I feel highly privileged to share in the dedication of this lovely structure, in part because of its beauty. This is the crowning section of an edifice yet to be completed but which already rivals its French and English medieval prototypes. The sense of sound construction and carefully studied detail and the strength and power of the whole are manifest throughout.

I feel thus privileged, too, because of our treasured historical associations with the cathedral, whose foundation stone from Bethlehem was laid by President Theodore Roosevelt 57 years ago. For this is a national cathedral, which calls itself a "House of Prayer for All People." This great square tower stands for the public faith of a whole people. The cathedral has no parish but looks to its friends of all denominations for nurture and sustainment. In its several chapels, four different denominational groups now worship regularly under their own rites; and many others have done so in the past. It is heartening to note that our Catholic and Jewish friends and those of other denominations and faiths are here with us today to share in this consecration.

And I feel privileged—and humbled—to be a part of this ceremony because this structure stands above our Federal city as a striking symbol of the aspirations of each of us, regardless of individual creed, as he reaches, like the tower itself, beyond our worldly confines and looks to the heavens above. How fitting that this dedication, which marks the fulfillment of a dream of clergy and laymen alike, comes on this Ascension Day.

Some might inquire whether this Gothic architectural fabric is in harmony with the times and properly reflective of the modernism of the space era. But it is not as if we had to choose between the old style and the new. We can afford the best of each. There is much here to suggest stability and maturity and the durability of the beliefs which the cathedral represents. I have no doubt that for countless years to come it will educate, inspire, and ennoble those who come to see it and to worship here. This central tower will for generations as yet unborn, as it does for us today, express the timeless yearning of the human spirit. "Man must ever go beyond," as Dean Sayre said in a recent sermon referring to the tower, "and in that restless quest the spires are lifted as landmarks along the way. In this sense," he said, "our tower is the child of this century too. It is the token of our longing, the sign, not of assertion, but of perpetual seeking. It grows up out of the unfulfillment of the glittering promise of our age; its roots far down in the subsoil of justice, affronted still by unfair status; its pinnacles reaching for that peace which our society knows how to preserve only by the stalemate of terror. Ever man must fend off the emptiness of his life by acknowledging his poverty and craving from heaven a glimpse of providence and the new gift of life."

The subsoil of justice—I was taken with this felicitous phrase; for though our Founding Fathers maintained and we have preserved a separation of church and state, we are a religious people. The underlying concepts of our system of justice, the subsoil as the dean termed it, are ethical or religious, if you please. They derive from our convictions about the dignity of man. As the Court with which I have the honor to be associated has said, "The history of man is inseparable from the history of religion. And, since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of'." Our national life reflects a religious people who, as President Madison put it, "are earnestly praying, as * * * in duty bound, that the Supreme Lawgiver of the universe * * * guide them into every measure which may be worthy of His blessing * * *." But religion is, under our Constitution, incapable of State establishment; this is for the protection not only of the State, but of faith itself, in all its forms. The interaction of religion and the State is, therefore, made informal and free, not barren and nonexistent as some suppose. It is as fruitful and unfettered as we have the strength to make it.

As we are gathered on the prominence of Mount St. Alban for this jubilant occasion, the words of the greatest of the Hebrew prophets of the Old Testament come to mind. It was Isaiah—whose likeness is carved on the tower above—who said, "And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it."

What more suitable description of this inspired building project—exalted above the hills of our Capital City. How apt, too, for this place in a capital which is the temporary home of emissaries from other lands are the words, "all nations shall flow unto it." For this cathedral is open to those of all nations just as it is open to all people of this Nation.

"All nations shall flow unto it." That prophetic phrase is fitting not only for this national, and even international, place of worship, but is perhaps even more descriptive of the Capital City itself—today in Washington there are over 100 embassies and some legations, as compared with the time President Roosevelt laid the Cathedral's cornerstone, when there were only 9 embassies here and 29 legations.

In many ways this was a detached and insular capital of a country whose international contacts were relatively meager. Its outlook was on the whole internal rather than external. But it has now become a focal point in the world, attracting official and unofficial visitors from the remotest regions and whose very existence has become intertwined with the destiny of others.

A fundamental change in viewpoint has, of course, come to our country and its Capital City, a change brought about by two devastating world conflicts, and the accelerated pace of science and technology. It was less than 10 years after the cornerstone ceremony when the swift tide of events prompted Woodrow Wilson, who lies buried within this Cathedral, to observe in his second inaugural address that: "We are provincials no longer. The tragical events of the 30 months of vital turmoil through which we have just passed have made us citizens of the world. There can be no turning back. Our own fortunes as a Nation are involved, whether we would have it so or not. And yet we are not the less American on that account. We shall be the more American," he said, "if we but remain true to the principles in which we have been bred. They are not the principles of a province or a single continent. We have known and boasted all along that they were the principles of a liberated mankind."

Great responsibilities have become ours and the future of unborn generations depends upon our mature discharge of these responsibilities. I have no doubt that we shall discharge them worthily, but we can do so only with divine guidance. What could more appropriately express our seeking and reaching out for such providential aid than this tower extending heavenward?

To me there is still other significance and meaning to these spires. Sometimes our sense of values becomes distorted by affluence, and we are inclined by our preoccupation with things of the world to forget that the most meaningful part of life is spiritual. Such a spiritual awareness motivated the greatest accomplishments of those who founded this Nation. Are we lacking today in similar awareness? Perhaps not entirely; but as we stand here today and contemplate these spires we can derive additional inspiration for the spiritual commitment without which our lives can be drab and our labors barren.

A few moments ago I recalled the words of Isaiah which seemed so well to describe this tower. I invite you to remember as well the hopeful passage from the same prophet which follows close upon the other to the effect that the people "shall beat their swords into plowshares and their spears into pruninghooks; nation shall not lift up sword against nation, neither shall they learn war any more."

As one thinks of the areas of strife in the world today; what Dean Sayre has termed "the stalemate of terror;" and even now as one hears the words of those amongst us who seek their own preferment by sowing seeds of hatred, does one falter in his faith in the prophet's ancient words? On the contrary, I submit that this is a time for a firming of our convictions. It is a time for renewal of resolve that the aspirations which this lofty tower symbolizes shall be realized in our individual lives and shall be fulfilled in our national destiny. May our strength never wane; may our purpose never waver, as each in his own fashion rededicates his faith in "the Lord's house exalted above the hills." Gloria in Excelsis Deo!

THE OREGON PRIMARY

Mrs. NEUBERGER. Mr. President, will the Senator from Mississippi yield briefly to me?

Mr. STENNIS. Yes, Mr. President; I ask unanimous consent that I may yield now to the Senator from Oregon, without losing my right to the floor, and without having the speech I shall hereafter make counted as more than one speech by me on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. NEUBERGER. Mr. President, on May 15, the voters of Oregon will go to the polls, to select delegates to the national political conventions, and to express a preference for presidential nominees. If States are to conduct these preferential primaries, it is important that they be meaningful; and I am proud to call attention to the Oregon law which does require that all prospective nominees be included on the ballot.

This morning's Washington Post states:

> The virtues of the Oregon primary stand out in striking contrast to those of other preference polls.

Mr. President, I ask unanimous consent that the editorial entitled "Oregon Primary" be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 12, 1964]

OREGON PRIMARY

Much interest centers in the Oregon primary to be held on Friday of this week because it permits voters to make a clear-cut choice among all the presidential candidates. Oregon is one of the three States which make their presidential preference polls binding upon the delegates to the national party conventions. Most of the so-called preference polls conducted in other States are merely advisory. The people of Oregon also have an opportunity to elect convention delegates who are pledged to the candidate of their choice.

Oregon has the great distinction of being the only State in which all of the leading Republican aspirants for the Presidency appear on the preference poll ballot. It is also the only State in which the name of President Johnson will appear on the Democratic ballot. The result will be an accurate measure of the popular strength of the GOP possibilities within the State. Because of the lack of a contest the Democratic primary may not accurately reflect the President's popularity, but the farce of stand-in candidates will be avoided.

The virtues of the Oregon primary stand out in striking contrast to those of other preference polls. In the Nebraska primary today (May 12) only Senator GOLDWATER's name is on the Republican ballot, although write-in efforts are being made in behalf of Ambassador Lodge and some others. West Virginians will also go to the polls today, and the Republicans there will find only the name of Governor Rockefeller on the ballot. In the recent Massachusetts and Pennsylvania preference primaries all the votes cast were write-ins—a very unsatisfactory method of ascertaining the will of voters.

In Indiana the Republican contest was between Senator GOLDWATER and Harold E. Stassen. Ohio elected a slate of delegates pledged to Gov. James A. Rhodes as a favorite-son candidate, the effect being to deny the Republicans of that State any opportunity of making a choice among the real candidates. So it goes through most of the Nation. Only 16 of the 50 States have contests which can be called Presidential primaries, and most of these are sorry devices so far as ascertaining the wishes of the rank and file is concerned.

Oregon's primary is a lighthouse of clarity in an ocean of confusion because its law is designed to let the members of each party make their choice among the real candidates as distinguished from stand-ins, favorite sons and discarded perennials. How long will the conscientious people of other States, watching the fair, practical, and democratic Oregon primaries, be satisfied with the pallid substitutes which continue to frustrate their wishes in regard to presidential candidates?

SMOKING AND THE AMERICAN MEDICAL ASSOCIATION

Mrs. NEUBERGER. Mr. President, I have been a frequent critic of the American Medical Association in relation to its attitude on the Surgeon General's report regarding smoking and its danger to health.

I snapped to attention when I read of the pamphlet called "Smoking: Facts You Should Know," put out by the AMA. But perusal of the booklet itself is disappointing. It cites such things as, "Numerous deaths occur each year"—"from burns and suffocation due to falling asleep while smoking," and "to the cost of cigarettes, add the cost of repairing marred furniture, burned sofas, and rugs, and holes in clothing."

In this morning's Washington Post an editorial, entitled "Smoke Signal," comments further:

> What is puzzling is why it has taken the AMA so long to edge even to the front ranks of those watching this particular controversy.

Mr. President, I ask unanimous consent that the editorial entitled "Smoke Signal" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, May 12, 1964]
>
> SMOKE SIGNAL
>
> With the publication of a six-page pamphlet entitled "Smoking: Facts You Should Know," the American Medical Association has at long last taken a tottering step toward telling the public something about smoking.
>
> An illustrated, foldout brochure, the pamphlet says that smoking "affects the heart and blood vessels," "contributes to chronic bronchitis, emphysema, and to other obstructive lung diseases," and "reduces the oxygen-carrying ability of the blood." But the AMA, recipient of a recent $10 million grant from the tobacco industry for further research of smoking's effects on health, stops far short of a complete condemnation.
>
> The text contains carefully qualified statements. At one point it says that "the controversy continues" and advises: "An individual can try to reach a solution to his own smoking problem by studying the evidence."
>
> What is puzzling is why it has taken the AMA so long to edge even to the front ranks of those watching this particular controversy. The pamphlet comes more than 10 years after the public first learned of a possible link between smoking and lung cancer and nearly 5 months after the Surgeon General's report labeled smoking a health hazard and a major cause of lung cancer.
>
> An illustration at the close of the pamphlet shows a hand crushing out a cigarette. Unfortunately, on a matter of such vital concern to the health of 90 million American smokers, it is still an individual, not the AMA, that is guiding that hand.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protest constitutional rights in public facilities and public education, to extend the Commisson on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. STENNIS. Mr. President, there has been very considerable discussion today about how the Senate shall proceed, when it shall proceed, and when further votes are to be taken. I do not believe there is a better demonstration of the timeliness, as well as the value, of debate on a major bill; this is one of the most far-reaching bills ever to come before the Senate. There has been a very definite demonstration of the value of debate and exposure in regard to the provisions of a bill. In that connection, I refer particularly to the vote on the amendment which was voted on by the Senate last Wednesday, when the Senate voted on the amendment of the Senator from Kentucky [Mr. MORTON] to the amendments of the Senator from Georgia [Mr. TALMADGE]. That amendment would have applied across the board, to all the titles of the bill except one, insofar as the right of trial by jury is concerned.

As is well known, the first vote on that amendment resulted in 45 yeas and 45 nays. The final vote—taken after one additional Senator entered the chamber—was 45 yeas and 46 nays. So the first vote resulted in defeat of the amendment by the closest possible margin—a tie vote; and the second vote resulted in the defeat of the amendment by the next to the closest possible margin—by one vote. I think all will agree that on the day when the debate on the bill opened, or within a week of that time, that amendment would not have received anywhere near that many votes. That development shows the concern of Senators and the concern of the people of the country; and even the Senator from Minnesota admitted, with his honesty and frankness, that if, in dealing with a major matter of that sort, his amendment had come to that close to prevailing, he would try to proceed further, and would request additional debate and more consideration and more understanding of the subject, in the hope that perhaps, after all, the amendment would be adopted.

I also wish to point out that insofar as the bill is concerned—and I make this statement in connection with the appeal that the Senate hurry—this is the bill which the Senate declined to have considered by one of its regular committees and its staff, to enable them to make their report on the bill. In fact, the Senate declined even to permit the bill to be studied by a special committee or by any other group the Senate might choose. So there has not been a real opportunity to have the bill studied in that way and to have the Senate receive such a report on the bill, after study of it by Senators familiar with the situation and familiar with the subject.

Therefore, it now comes with ill grace for some Senators to be in so much of a hurry, all of a sudden, and to demand that votes be taken immediately.

This is also the same bill—I continue to have in mind the proposal that the Senate proceed in a hurry to vote—which was the subject of an editorial published in the Washington Evening Star, a proponent of the bill, a newspaper which supports the bill. The editorial was entitled "A Repair Job Needed"; and it was published in the Washington Star of February 11, 1964. In the editorial, the Washington Star had the following to say:

> The House now has passed what has aptly been described as the most far-reaching civil rights bill ever put before Congress. This is no exaggeration. As enacted by the House, the bill is very much in need of an overhaul.

Mr. President, those are not my words; they are not the words of someone who opposes the bill. Instead, those are the words of a newspaper which backs the bill and wants it passed. The Washington Star nevertheless believes "the bill is very much in need of an overhaul."

I read further from the editorial published in the Washington Star.

> In the Senate, where the steamroller tactics so effectively used in the House cannot be employed, the entire bill will receive the careful consideration it deserves.

I did not say "steamroller tactics" were used "so effectively" in the House; that is what the editorial writer of the Washington Evening Star—a friend of the bill—said, in addressing himself to the need for full consideration of the bill.

I read further from the editorial published in the Washington Star:

> Our third objection goes to title VII, generally known as the fair employment practices section. This section hits hard at both management and union practices which keep Negroes from obtaining top jobs commensurate with their abilities.
>
> We wholeheartedly agree that legislation to accomplish this is needed. The pending proposal, however, is a draftsman's horror.

Mr. President, that was not an opponent of the bill speaking; that was a proponent or friend of the bill. It was a man who said that he desired a bill to be passed, but he said that the proposal pending in the Senate was a draftsman's horror.

Furthermore, the same editorial stated—

> That the bill was railroaded through the House is beyond dispute.

Certainly those are warning signs from a responsible agency of the press in the city of Washington that the Senate could not ignore; and I do not believe it will. The editorial shows the gravity of the questions which the Senate is considering. The bill was thrown at the Senate without an analysis and without a report. The attitude in the beginning was on a take-it-or-leave-it basis. There were to be no amendments. That attitude was proclaimed very clearly by a great many of the proponents. Even the President of the United States, without coming out flatly against all amendments, has counseled, as the Senator from Mississippi understood his remarks in the press, along the lines that the bill is satisfactory as it is, and should be passed as it is.

In order that no one may be confused, we are arguing for the full-scale right to a jury trial in all cases that amount to a criminal prosecution. Our amendment does not touch top side nor bottom.

The general principle is that a judge has unlimited power to require anyone before him in a case in his court to obey the judge's commands or suffer the penalty of going to jail and remaining there until he does obey them. Our amendment would not limit in any way the power and responsibility of the judge of a court to require obedience to his orders in a courtroom and around the courtroom or even after a decree is rendered if there is any direct disobedience.

The amendment relates solely to conduct on the part of defendants in addition to a disobedience that might amount to what would be a criminal act or a charge under criminal law. In those cases—and in those cases only—the defendant would be entitled to a jury trial under the Talmadge amendment.

Mr. President, I repeat, for emphasis, that the amendment which we espouse, propose, and support is the same amendment, the perfecting form of which was offered by the Senator from Kentucky [Mr. MORTON], and voted upon last Thursday, receiving 45 votes and with 45 votes against it. It merely proposes the right of trial by jury in cases which involve what is called criminal contempt.

It does not hold out unreservedly for the right of a jury trial.

Mr. TALMADGE. Mr. President, will the able Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia, who is the author of the amendment which we are supporting, and who has contributed greatly in that way as well as in the debate.

Mr. TALMADGE. I thank the Senator.

Is it not a fact that the greatest civil right that any of us has is the right of trial by jury?

Mr. STENNIS. The Senator is undoubtedly correct. I make that statement as a lawyer, as a former prosecuting attorney, and as a former judge. My answer is based upon my courtroom experience. The right applied to all people regardless of color, race, religion, national origin, station in life, or any other consideration.

Mr. TALMADGE. Is that not the only bulwark that our citizens have that prevents tyranny and oppression?

Mr. STENNIS. It is the ultimate bulwark, and it is absolute. It prevents oppression even in normal times at the community level or at the State level or at any level. It protects the people from anyone in office who might abuse power. It protects the so-called little people, if we may use that term, against economic oppression in their own community from the top of the ladder to the bottom and on all sides. The principle applies in all cases. It is fundamental in the American concept of justice.

Mr. TALMADGE. Has not Magna Carta come down to us from 1215 to the present time as the greatest and most fundamental liberty that all people possess, that is, the right of trial by jury, which the nobles wrested from King John at Runnymede at that time?

Mr. STENNIS. The Senator is correct. The right was granted in all criminal cases, and it has stood the test of centuries. It is practical. It is real. The trouble is that there has grown up outside that basic principle which the Senator has mentioned the power to punish for contempt of court without a jury trial. Originally cases arising under that power were few, but in modern times the number of such cases has increased.

Mr. TALMADGE. The courts have subverted their equitable powers, and have gotten around the three provisions of the Constitution of the United States which guarantee the right of trial by jury. Is that not correct?

Mr. STENNIS. Unquestionably that is true. Whoever drafted the bill deliberately, consciously, and purposely set out to avoid the provisions of the Constitution of the United States that guarantee the right of a jury trial in criminal proceedings. The provisions have been treated in such a way that if the bill were left in its present form, the rights given to men by the Constitution would be avoided, particularly the right of trial by jury.

Mr. TALMADGE. Is that not what King George did with the admiralty courts prior to the War of the Revolution?

Mr. STENNIS. Yes; that is exactly what he did, in a far different time. It is an illustration of the old system.

Mr. TALMADGE. Did not Thomas Jefferson, who wrote the Declaration of Independence, state therein that one of the main reasons for the War of the Revolution was that King George had denied the Colonies the right of trial by jury?

Mr. STENNIS. Yes. That was one of the foremost things in the minds of the colonists. As the Senator has said, it is reflected in the Declaration of Independence. It is also reflected in three distinct places in the Constitution of the United States and in every State constitution of the 50 States.

Mr. TALMADGE. Does not the Senator from Mississippi agree with me that it is strange indeed that we could even be seriously considering a so-called civil rights bill that would invite denial to the citizens of our country—190 million of them—the right of trial by jury in five different titles of the bill?

Mr. STENNIS. There is a contradiction in terms. It is a discrimination of the rankest kind. Furthermore, it involves the basic denial of established, essential and fundamental rights of all citizens.

Mr. TALMADGE. I agree with the Seator. I congratulate him on the able speech which he is making.

Mr. STENNIS. I thank the Senator. I appreciate very much his contribution to the debate today as well as on previous days.

Mr. President, I do not believe that the question is fully understood yet. It is becoming better understood by the membership of the Senate, by the press of the Nation as a whole, and by the people of the Nation as a whole.

We are not fighting for any kind of split-level-model jury trial which leaves it up to someone else to say whether or not a person shall have a jury trial, as the amendment offered by the Senator from Illinois and the Senator from Montana provides. The latter would give the judge the right to allow a jury trial if he wanted to make the punishment greater than a certain jail sentence or fine.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. Is it not true that the criminal contempt procedure is judge-made law, and was not ordained by the Constitution?

Mr. STENNIS. It was not ordained by the Constitution. It grew up outside of it. It became a sort of outside appendage to our system of jurisprudence. As Judge Black said, it is judge-made law. He is the one who originates the charge, prosecutes the charge, is the jury that passes on the facts, and then is the man who hands down the sentence. Judge Black says the practice ought to be stopped.

Mr. TALMADGE. I agree with him.

Is it not true that some persons have been incarcerated in prison for as long as 4 years by a judge, without the right of trial by jury?

Mr. STENNIS. The Senator is correct. I know of one sentence that was 4 years.

Mr. TALMADGE. I recall seeing one opinion which cited several of them. One had been incarcerated for 4 years, one for 3 years, another for 18 months, and so on. That is clearly not in conformity with article III of the Constitution, which provides that in all criminal cases an accused shall be tried by a jury.

Mr. STENNIS. That is correct. No one has proposed to try to limit trial by jury in other matters. No one proposes that a man who is charged with murder shall be denied a jury trial.

Mr. TALMADGE. Or one accused of rape or treason.

Mr. STENNIS. Or the worst kind of social crimes, including assault, rape, or being a thief in the night. No one has suggested that a person accused of such crimes shall not have a jury trial. But when anything bears the label of "civil rights," the leadership says, "We must have the bill as it is." James Farmer appeared on television and demanded it, and said we must have it. So we get into a predicament of jeopardizing a fundamental right. That is the issue facing the Senate today.

Mr. TALMADGE. The sum total of it is that the bill would deny civil rights to all citizens, while trying to achieve preferential rights for a few citizens.

Mr. STENNIS. That is correct. It would deny a fundamental right to all citizens and in a measure would transfer the right to another group by way of a privilege.

Mr. TALMADGE. Is it not true that the only new right contained in the bill is the right to trespass on private property against the wishes of the owner?

Mr. STENNIS. Yes. Under the present regime, that is a right that is being more firmly established in law all the time—that, under the name of "civil rights," one has a right to trespass on other people's property, lock up the doors of little businesses, and trespass in the entrances of places of business. Something has to be done to stop it.

Mr. TALMADGE. My "right" to do business with a person is a privilege, and not a right; is that not correct?

Mr. STENNIS. That is correct. That is the basic American concept which has existed.

Mr. TALMADGE. And the property owner has the same right to do business with me or not to do business, as he sees fit. Is that not true?

Mr. STENNIS. That is correct. If the Senator from Georgia has a place of business in his State, I have no "right" to get a job from him. It is his right to decide whether he wants to give me a job.

Mr. TALMADGE. It is by mutual consent.

Mr. STENNIS. Yes. I would have a right to work for the Senator, if I were in his employment, and it was agreeable, and to leave when I felt like it. But in the bill there is embodied the principle of servitude.

Mr. TALMADGE. To change that right would be to subordinate freedom.

Mr. STENNIS. Certainly. It contradicts freedom itself.

Mr. TALMADGE. Would not the bill give citizens the right to go on anyone's property and use it against the wishes of the property owner?

Mr. STENNIS. It certainly would. An inducement is offered to people to go from one State to another for the purpose of committing trespass, violating the laws, and being arrested. They announce before they leave that they are going to do it. My State has been picked out as a target for a forthcoming demonstration this summer.

Mr. TALMADGE. Many of the demonstrators have been encouraged by some of the highest officials in the land. Is that not correct?

Mr. STENNIS. They are encouraged by statements made by some of the highest officials. They are protected to a degree by the Attorney General of the United States in his general approach to this problem. They have been encouraged. This movement is running away with itself. It is on a scale that is beyond control, not only in the South, but in the North and the East.

Mr. TALMADGE. The Senator has offered an amendment to the pending bill, now lying on the desk, that would make it a Federal offense to go from one State to another for the avowed purpose of violating State or local laws. I commend him for it. It is in accordance with a long series of legislative acts that have been enacted since 1910. Congress adopted the Mann Act, which made it a violation of Federal law to transport women in interstate commerce for immoral purposes. Later, in 1919, Congress made it a criminal offense to transport stolen automobiles in interstate commerce. In 1934 Congress enacted the Fugitive Felons Act; and there were various other acts.

I compliment the Senator for offering such an amendment. To my mind, nothing could be worse than for groups of citizens to travel about from State to State for the purpose of violating State laws and fomenting strife.

I have had the pleasure of reading the lead editorial from the Clarion-Ledger of Jackson, Miss., dated May 8, 1964, with reference to the amendment offered by the Senator from Mississippi. The editorial is entitled "Senator Stennis' Plan Is Sound, Need Federal Law To Curb Riots."

I ask unanimous consent that it may be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Jackson (Miss.) Clarion-Ledger, May 8, 1964]

SENATOR STENNIS' PLAN IS SOUND, NEED FEDERAL LAW TO CURB RIOTS

Senator JOHN C. STENNIS, of Mississippi, has proposed an amendment to the civil rights bill making it a Federal offense to travel between States for the purpose of violating State laws. His measure is aimed at such groups as "freedom riders" and kindred troublemakers who openly and brazenly travel into States for the express purpose of violating local laws.

The Stennis amendment is designed to help prevent the acceptance of a philosophy of disrespect for law. It would become a Federal offense for any person to travel or transport material, or to aid and abet any person in traveling or transporting material in interstate commerce with intent and purpose of violating the law of any State, district, or possession of the United States.

Senator STENNIS rightly contends that such efforts are nothing other than open and flagrant flouting and disregard for law and order as established by duly constituted authorities. The epidemic of racial troubles which have plagued this Nation stems from a philosophy that is utterly foreign to our national heritage and jurisprudence.

Our country urgently needs the Federal legislation proposed by Senator STENNIS. Agitators and their organizations from afar have been invading State and communities, inciting the emotionally unstable to fever pitch and causing enormous damage. In every case, the disobedience of law has been shown to have been methodically inculcated into what were ordinarily peaceful and law-abiding people.

II

Mass uprisings and organized flouting of law must stop, if we are to avoid major tragedy on a national scale. The best way to avoid tragedy, as Senator STENNIS wisely proposes, is to forbid outside agitators from invading States where they have no real business except to stir up disorder, or from conspiring to do so.

The amendment to the civil rights bill proposed by Senator STENNIS would have equal application to everyone. It would apply to the KKK, NAACP, CORE, SNCC and to the Communist Party and its hired agents. In short, it would apply to all agitators and anarchists who travel in interstate commerce for sinister purposes.

The Stennis amendment seems clearly within the purview and intent of the Constitution. It is something that is needed to protect the great majority of the population—the lawabiding public that bears the responsibility of our industry, our Government, and our religion. There is nothing radical or revolutionary about the Stennis proposal when viewed against the background of existing law.

Since 1910, when Congress adopted the Mann Act (18 U.S.C. 2421) the legislative body has enacted a substantial number of criminal laws to free interstate commerce of corruptive influence and to aid the States in law enforcement. The Clarion-Ledger reviewed such legal precedents in an editorial of September 25, 1963, worth restating here and now:

"The Mann Act was aimed at the suppression of the 'white slave' traffic. It prohibited the transportation of females across State lines for immoral purposes."

Later, in 1919, Congress made it a Federal offense to transport stolen automobiles in interstate commerce, and this was later expanded to cover other kinds of stolen goods.

In 1934 Congress enacted the Fugitive Felon Act, prohibiting interstate travel to avoid prosecution for crime. Clearly, it is sensible to penalize interstate flight to avoid prosecution, and it makes even more sense to prohibit interstate travel which is undertaken with the intent of violating the law. Such a Federal enactment could have the effect of deterring wrongdoing at its very source.

III

Congress has seen the wisdom of this approach. In 1961 it enacted a law prohibiting interstate travel with the intent to carry on or commit any crime of violence to further any of a number of specified activities.

The amendment to the civil rights bill proposed by Senator STENNIS merely carries this approach to the logical and thoroughly justifiable conclusion of prohibiting travel across State lines with the intent to provoke civil disorder or violate the laws of any State.

The States, without exception, are capable and desirous of enforcing the law on a local basis. This can be accomplished if the States are protected from vicious outside influences which defy local laws, resulting in the violence and chaos so widely prevalent in this country.

State and local officials are entitled to exercise their police powers freely—"to insure domestic tranquillity," as guaranteed by the Constitution. Such power legally and historically rests with their States and their communities. It is painfully obvious that Federal legislation is needed to forbid any person irrespective of race, creed, or color, from crossing State lines for the purpose of violating laws, fomenting strife, and inciting to riot.

Mr. TALMADGE. I compliment the Senator for offering his amendment.

Mr. STENNIS. I thank the Senator very much for his questions and his very good comments and his interest in the amendment, to which I shall advert quite briefly.

That amendment would make it a Federal crime to cross a State line for the purpose of violating a State law. That has already been going on, on a considerable scale, and the press is full of stories of great plans being made for migrations from one State to another, for the purpose of trespassing, and engaging in all kinds of parades and civil disobedience acts. Something has to be done. A State must protect its people in some way. The demonstrators block entire streets in places. That happened in Greenwood, Miss. They blocked a whole street. Traffic could not get through. Mailmen carrying mail could not get through. Mail trucks were stopped. Half of those people came in from the outside.

If a bill like this is to become the law, or whether it becomes the law or not, something has to be done to make a penalty fall on those who go from State to State to violate a State law.

The most outstanding case I can recall now is that of a prominent person, Mrs. Peabody—and I refer to her with great deference—who went from Massachusetts to Florida and said, before she got there, that she was going down to be arrested.

She had gone down there to get arrested. She had failed the first day, but she finally got arrested; and there was a big picture in the paper showing that she had been arrested and was on her way to jail. That may be amusing to some but a great deal of it is intolerable, because the functions of the economy, and our everyday life cannot move along when this sort of thing occurs.

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from New York. His State has had some trouble in that respect and I know he was concerned about it and still is, I am sure.

Mr. JAVITS. I feel that in New York we handle our troubles in a little bit different way, but I should like to ask the Senator this question:

The Senator is an excellent lawyer and is familiar with the Edwards case involving the arrest of 187 Negroes on the grounds of the State Legislature of South Carolina. It was subsequently found that they had been illegally arrested by a Federal court, notwithstanding they were charged with trespass, the very offense to which the Senator is referring.

Does not the Senator feel that provision should be made in respect to Mrs. Peabody, or in respect to his amendment with respect to State and municipal statutes on this subject which are unconstitutional?

Mr. STENNIS. That is a legal matter for the court to decide, as to those laws which have already been enacted. The ones we are passing on now we have responsibility for. I was told yesterday that the Federal court in Georgia had upheld a statute of that kind, and when the argument was made to the court that the statute was passed by the Georgia Legislature with the purpose of trying to circumvent the laws with reference to civil rights, the judge implied that it did not make any difference what the motive of the legislature was, that they had adopted a necessary rule to allow the economy of the country to move, the rights of people to be protected, and that it was a valid law.

Mr. JAVITS. Would not the Senator agree, with respect to Mrs. Peabody—and the Senator remembers that our Founding Fathers provided the right which all of us strongly endorse—that in order to test out an unconstitutional statute, it is sometimes necessary to get arrested to test it out?

Mr. STENNIS. That might be. That is one of the ways to test it, yes. I was not really directing myself to a single case of violation. It is this mass action which must be stopped. That is what impedes traffic. That is what stops the wheels of the economy from moving. That is what infringes on the rights of other people. Something must be done along that line, I am sure the Senator would agree.

Mr. JAVITS. Well, the Senator was disturbed by the fact that it seems to take such mass action to get even minimal reforms. For example, the first instance of the sit-ins occurred in Greenville, N.C. They did result—unfortunately for those who feel that they should not have been held—in the fact that Negroes could go to lunch counters in these stores.

What troubles me, is that we have, by failing to move forward in the social sense in areas of segregation, made these issues sacrosanct. If we should fail to effect a remedy under the law, we are practically saying that the only other way to attain what was ultimately granted—as I pointed out as a result of the sit-ins and the lunch counter sit-ins—the posture of human dignity, is to engage in mass demonstrations.

The Senator knows my respect for him, that I am not seeking to trick him into any admissions, but it does trouble me deeply because I know the Senator feels that he is patriotic—and he is; but it seems to me that if we feel the demonstrations are a matter of serious public inconvenience—and they have grave dangers inherent in them, naturally, of public conflagration—that somehow or other we must, as long as we once show that the demonstrators do produce results, we must find some way to resolve the situation. If we give them no other recourse, what can we expect? I wish the Senator would address himself to that thought.

Mr. STENNIS. Every lawyers knows, and the Senator, being a good lawyer, knows that there are ways to contest all rights. We do not have to get up a group of people to go a thousand miles from home and demonstrate in the streets and say before they leave that they are going down there to be arrested. It is just too ridiculous and absurd.

No one has pointed out any clearer than has the Senator from New York here a few days ago when the opening of the New York World's Fair was endangered by threat of the stall-ins, on the highways, where the demonstrators were going to intentionally run out of gas. I believe the Senator was entirely right and I admire the way he vigorously denounced it. I am sure he contributed quite a bit to the failure of the stall-in.

Mr. JAVITS. Let me point out, however, the differences between us on this subject. I did denounce the stall-in, because it was an element of civil disobedience, unlawful by any statute and under perfectly constitutional ordinances which made it unlawful; but notwithstanding the public inconvenience, notwithstanding even—much to my dismay and personal embarrassment, and the embarrassment of all Senators—what occurred in the presence of the President of the United States.

Mr. STENNIS. Yes.

Mr. JAVITS. But, nonetheless, not to say anything other than that the demonstrators' rights—that is, the right to hold a placard and walk up and down to make one's views known, is a constitutional right. It seems to me that where we get into difficulty—it is not easy to grasp, but I believe the public is gradually catching up—is where we lump in a generic way all of these activities under one condemnatory concept.

I do feel that we face a situation in the country where we have either got to get relief, or expect that people will seek action in the streets which apparently, to them, as evidenced by the lunch counter desegregation, can produce results where we do not ourselves, either socially or by law, show some signs of emotion upon the subject.

I submit my thoughts to the Senator, because I know that whatever may be his deeply held views on the subject—and I credit him with sincerity—he knows that I feel exactly the other way. We both have a common interest in public order. The problem is that exhortation and deep feeling, that "it is not right." Even though I do not agree with the Senator, he is still not dealing with a practical problem which the whole Nation faces in the North, and which I believe is going to be faced in the South as it has been, and very soon perhaps even more seriously in the days ahead. I submit these thoughts to the Senator because more than anything else we all want the dignity, the honor, and the tranquillity of our fair Nation to be preserved.

Mr. STENNIS. I thank the Senator for his contribution. With all deference, in my view these marches do amount to a trespass. I am not talking about the mere carrying of a banner, but I am concerned with mass invasions and activities along that line. They must be stopped. I have saved a recent article written by William F. Buckley, Jr., the title of which is "Northern Patience Worn Thin by Demonstrators."

The article refers to the situation in New York, at the opening of the World's Fair, and refers to the police commissioner, Mr. Murphy, in a commendatory way, and also refers to something that he had said about his patience having been exhausted.

The article states:

> On the morning of the same day that Mr. Murphy boiled over, a three-man panel of judges led by Judge Gassman, sentenced a white CORE leader in Brooklyn, who had taken part in the effort to close down the World's Fair, to 1 year in jail. More precisely, the court activated a 1-year suspended sentence that had previously been earned by 26-year-old Arnold Goldway, but suspended for a probationary period that ran out of gas along with Mr. Goldway's car, en route to the World's Fair. On receiving the news in the courtroom, Mr. Goldway responded by throwing himself on his back right there in front of the three judges and refusing to budge. In due course he was propped up by some of Mr. Murphy's patient men, and thereupon sentenced to an additional 30 days for contempt of court.

That illustrates a direct act committed in the presence of the court. The defendant was sentenced to an additional 30 days. My point is that these things occur everywhere. The amendment of the Senator from Mississippi would not apply to this situation, but would take care of those that involve crossing State lines.

I wish to refer back to the discussion about the real reason for the amendment and the real reason why there is not an absolute constitutional right to a trial by jury in these particular contempt cases.

The Senator from Georgia has brought out the absolute guarantee of a jury trial in all criminal cases, and that applies in the Federal and in the State courts.

There has grown up what is a very small addendum to our system of permitting courts, without a trial by jury, to punish persons whom they believe to be guilty of contempt. The most immediate and primary reason for that is that the court must have control of its courtroom and the surrounding area, and, further, must have the power to compel one who is ordered to do a thing to carry out the command.

That is the law now, and it will remain the law if the Talmadge amendment is adopted.

Going back a little in history, it is unfortunate that there has been permitted to grow up in our system of law a permissive power on the part of a judge to proceed against a person who he thought had violated his order. It is a special proceeding against a person for the violation of any criminal law which might have been involved in the acts that the person had committed. Unfortunately, the law permits the judge to call before him the defendant on a criminal charge, in effect, and try him and sentence him without a jury trial. That practice has developed very slowly and gradually, and has had a very minute application in our law.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. Is it not true that Congress has changed that situation in several instances, beginning with the Clayton and Norris-La Guardia Acts, which are applicable to labor disputes, as a result of which members of labor unions are now entitled to jury trials in criminal contempt cases?

Mr. STENNIS. The Senator is correct. I shall come in a minute to a discussion of the growth of the criminal contempt procedure. When the Norris-La Guardia Act was before Congress in the mid-thirties, Congress examined the situation and found the law to be as we have stated it. Congress said, "We will not give the judge such power in these cases."

The labor leaders rightfully appealed to Congress not to leave them victims of a misguided or mistaken judge, but to give them the right of a trial by jury. The Senator is correct. Congress heeded that plea and provided in the law that they should have the right of trial by jury.

Mr. TALMADGE. Did not Congress also further grant that right under the Sherman Antitrust Act?

Mr. STENNIS. I believe it was an amendment to the original Sherman Antitrust Act. I believe it was an amendment which was adopted later. The same principle applies, however.

Mr. TALMADGE. Did not the late President John F. Kennedy, when he was floor manager of the Landrum-Griffin bill, stand at his desk in the rear of the Chamber and accept the same amendment offered by the distinguished Senator from North Carolina [Mr. ERVIN], and was it not adopted unanimously without even a yea-and-nay vote, in 1959?

Mr. STENNIS. The Senator is correct. The late President voted for the jury trial amendment. It was adopted by the Senate, as the Senator from Georgia says. It was not a split-level amendment, of the kind that is offered to us by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD]. It was an outright, flat, final amendment for jury trials as a matter of right in civil rights cases. The Senator from Massachusetts was joined in that vote by the then Senator from Texas, now President of the United States, Lyndon B. Johnson.

Mr. TALMADGE. The Senator is correct in what he has said, but that was in the Civil Rights Act of 1957; whereas the question posed by the Senator from Georgia was with respect to the Landrum-Griffin Act, which relates to a disclosure of pension funds, and so on, by labor unions.

Mr. STENNIS. I thank the Senator. I was mistaken.

Mr. TALMADGE. The Senator was correct in his response, but the question posed by the Senator from Georgia related to a different bill. The bill to which I referred was signed by the then President, Dwight D. Eisenhower, and is on the statute books today.

Mr. STENNIS. The then Senator from Massachusetts, Mr. Kennedy, the late President, handled the bill on the floor of the Senate, as the Senator from Mississippi recalls.

Mr. TALMADGE. Yes.

Mr. STENNIS. It had in it a provision for jury trials.

Mr. TALMADGE. Yes. The Senator pointed out, and I commend him for doing so, that the late President of the United States, John F. Kennedy, cosponsored, along with our distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], an all-inclusive jury trial amendment, which is word for word, line for line, and paragraph for paragraph the same amendment that the Senator from Mississippi, along with other Senators, has sponsored as an amendment to the civil rights bill.

Mr. STENNIS. The Senator is absolutely correct. The amendment proposed by the Senator from Georgia [Mr. TALMADGE] is word for word, line for line, and sentence for sentence the same as the amendment voted favorably 3 years ago by the late President Kennedy and by President Johnson, when they were Senators.

Mr. TALMADGE. Did not President Lyndon B. Johnson, then a Senator, make the concluding speech in favor of the amendment in 1957?

Mr. STENNIS. Yes; and it was one of the most powerful speeches on the subject that I have ever heard.

Mr. TALMADGE. I agree with the Senator. Does he not agree that both the late President Kennedy and President Johnson then offered words of wisdom which the Senate should heed now?

Mr. STENNIS. Absolutely. All we ask is that the Senate follow the same guidelines. That amendment was adopted by an overwhelming vote. It was not a split-level jury trial amendment, but an absolute right to a jury trial. I commend the Senator again for offering his amendment and presenting it in such a fine way.

Let me reiterate that when we refer to the vote of the late President Kennedy on the identical language that is in the amendment now before the Senate and the vote of the present President, Lyndon B. Johnson, on the identical language that is in the amendment now before us, those votes having occurred as recently as 1957, we contend that those men were voting for a so-called constitutional right.

They were voting for the jury amendment because they felt compelled to do so under their interpretation of the Constitution and they voted for it because of the rightness of the proposal, the spirit of it, the need for such an amendment. It involved not a privilege, but a right to a jury trial. It was not a split-level amendment to provide for a jury trial if a judge imposed excessive punishment or was undecided about the punishment. It was an absolute, unyielding right to a jury trial for which those two men voted a few years ago. They did so because their judgment and their conscience demanded it. That is one of the most powerful arguments any Senator could now apply—the justice and the right of the case.

That brings me back to an argument that is frequently made. I have not read of any distinction between the constitutional right of the accused in this peculiar jury situation and the basic spirit of the right of it. But it is frequently said on the floor of the Senate, in great triumph, in a way, that the Constitution does not require a jury trial in criminal contempt cases.

The Supreme Court of the United States has almost stricken down already the outside growth I have spoken of, which permits a judge to try a person for an alleged criminal act without a jury. The most recent case on this subject was decided a few weeks ago, after most thorough and exhaustive consideration. It was a case that came up from the Fifth Circuit Court of Appeals. In that case the court, composed of eight eminent judges, divided 4 to 4 on the question. Four judges thought that under the Constitution, whether a statute expressly provided that there must be a jury trial or not, the Constitution required that there be a jury trial.

The case was appealed to the Supreme Court of the United States, where nine judges passed on it. Four judges there held that there was a constitutional right to a trial by jury. But five judges, who prevailed over the four, voted the other way and held that the Constitution did not require a jury trial as a matter of right.

By no means do they condemn the idea of having Congress make it mandatory that there be such a trial. In fact, in one of their footnotes they said that if a court in imposing punishment were to go beyond what was considered punishment for a petty crime, they would believe the court had overstepped the line.

But when we consider this basic right, which has been so favorably considered by former Members of this body, and when we urge it as a right which has been so favorably considered by the courts, we are told we are trying to emasculate the bill, and that we are killing time. I do not know whether we are killing time; but my guess is that if a vote had been taken on the amendment on the day when debate on the bill began, or even a week later, the amendment would have received very few votes. However, after attention was focused on this situation and after we were able to get the message about it to more and more Members of the Senate and to more and more members of the press and to more and more of the people of the country, when the vote was taken, at a time when 90 Senators were present and voting, exactly 45 of them voted for the amendment. So someone must have been doing something more than merely kill time; there must have been a great deal of right behind the amendment; there must have been a great deal to the amendment, so as to commend it to so many Members of this body, for the overwhelming pressure—almost all the political pressure in the country—is the other way. The President of the United States is urging that the bill be passed forthwith. The Attorney General and all the rest of the administration are behind the bill as it now stands. They are working day and night for its passage as quickly as possible. The pressure for quick passage of the bill exists in all the channels of political thought. There is great demand for prompt passage of the bill; and those of us who take the position which we maintain are called obstructionists and "killers of time." But I say there must be a great deal of support for the amendment; and I maintain that it would not have been supported by the late President Kennedy and by the 45 Senators who voted for it the other day if it did not have merit.

So I believe we would be turning our backs on the correctness of this cause and on our duty if we did not continue to urge that this amendment be adopted. Yet, Mr. President, only a few hours ago, this morning, there was great clamor and demand that the Senate vote immediately on the bill.

I know there is a very strong chance that support for this amendment will grow; and I believe there is a great probability that the amendment will be better understood, and that a majority of the Members of the Senate will not see fit to vote further to enlarge the unfortunate development, in crimininal contempt proceedings, by which men or women are punished without a jury trial. When I say that, I do not mean to refer only to those who may be guilty. After all, the right of jury trial is not solely for the benefit of those who may be guilty. A great part of the good it does is found in its protection of those who are innocent.

I served for 11 years as a judge, and I know that the jury trial helps judges maintain the proper attitude and the proper balance as between the two sides of a case, and helps the judges in the administration of justice. Juries serve as important instruments in our system of government, to help pass on the facts.

However, it is said that even the State laws of the Southern States do not require a jury trial for criminal contempt. That is true of a number of them; but I point out that in both the State courts and the Federal courts there has been only a limited application of criminal contempt procedure, until a few years ago. That power had been permitted, in special deference to the judges; but it was never intended to have anything except the most minute application in the field of law.

Its limited application is illustrated—although I hesitate to make a personal reference—by the fact that during the 11 years in which I served as a trial judge, and had before me hundreds and perhaps thousands of cases in a court of unlimited jurisdiction, and heard both civil cases and criminal cases, involving tens of thousands of persons, I never charged anyone in that court with contempt; and I had to pass on only one case of contempt, which developed when a drunk wandered into the courtroom during a trial; he did not know where he was, and he stumbled into the courtroom. I told the sheriff to hold him in jail until he sobered up.

But now there seems to be an attempt by some to have contempt proceedings control in many fields.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. As a lawyer practicing in the Georgia courts, it has been my experience that the circumstances related by the Senator from Mississippi, in his references to his experience as a circuit court judge in Mississippi, usually prevail. Normally, the judge uses the contempt power to preserve the dignity of the court and to preserve order, peace, and decorum in the courtroom. Except for such uses, I have rarely seen even the power of civil contempt applied by judges. It is normally reserved for use in domestic relations cases—for instance, in order to compel a husband to pay alimony, in connection with divorce matters. Normally, it is limited to such practice.

Is it not true, however, that under the pending bill, the power of criminal contempt could be exercised in virtually every area of human life, from the cradle to the grave, and thus could affect all of the 190 million citizens of our country?

Mr. STENNIS. That is absolutely correct. The bill is as broad as the English language—and particularly the provision that in a pending matter the Attorney General may intervene. If he did, he would be in command.

Mr. TALMADGE. In other words, the bill would authorize the Attorney General, after satisfying only himself, to file suits in regard to any area of human life, would it not?

Mr. STENNIS. Yes. By that means, the Attorney General would have jurisdiction and control over where we eat, where we sleep, for whom we work, with whom we eat—in fact, as the Senator from Georgia has said, over almost every avenue of human conduct.

Mr. TALMADGE. Yet the same bill would extend the Federal police power to every area of human conduct, and would authorize people to be jailed for criminal contempt, without the right of trial by jury; is that correct?

Mr. STENNIS. The Senator from Georgia is entirely correct. The bill would build a new system of law, and would include provision for such contempt proceedings without a jury trial.

Mr. TALMADGE. The distinguished Senator from Mississippi has been an outstanding lawyer and an outstanding judge. Does that practice comport with his idea of American liberty, freedom, and justice?

Mr. STENNIS. It is directly contrary to our concept of individual liberty and justice, and if permitted to continue, it will destroy our system.

Mr. TALMADGE. Does the Senator from Mississippi believe that an employer in any area of our country ought to be jailed without the right of trial by jury if he does not hire someone who the Civil Rights Commission or the Equal Employment Opportunity Commission believes ought to be hired?

Mr. STENNIS. I do not. Had many of the proponents of the measure known fully what was in it when they signed it, I do not believe they would have ever put their names to it.

Mr. TALMADGE. Does the Senator from Mississippi believe that a lady who operates a boardinghouse with six rooms or more ought to be jailed without the right of trial by jury merely because some official in Washington thinks that she did not exercise good judgment in selecting the guests in her boardinghouse?

Mr. STENNIS. I think not. She would certainly be entitled to her day in court, and anyone who might have been connected with her establishment would likewise be entitled to his day in court. It could be some innocent person who might be mistaken about an order. But if the judge thinks the other way, he could send that person to jail, not until he would comply with the order of the court, but, under the bill, the judge could sentence him to jail for 100 days or longer.

Mr. TALMADGE. Does the Senator from Mississippi believe that every voter registrar in the United States of America ought to be jailed for criminal contempt without the right of trial by jury any time the Attorney General of the United States feels that such action would be appropriate?

Mr. STENNIS. Certainly not; and it should not be possible under our laws for such things to happen. Still, it is proposed to lay down rules that would make it possible.

Mr. TALMADGE. Mr. President, does the Senator from Mississippi believe that the owner of every hamburger stand or hot dog stand in America ought to be jailed for criminal contempt any time the Attorney General might see fit to do so, without the right of trial by jury, merely because he exercises his own judgment as to whom he shall serve by preparing a hamburger or a hot dog?

Mr. STENNIS. The Senator is correct. Such a man should not be so treated.

We are not advocating that anyone should disobey the order of the court or fail to carry out the law of the court once an adjudication has been made. But the amendment of the Senator from Georgia would apply to cases in which a person might have intended to do the right thing under the court's order, but became confused by a set of facts that caused him to violate a State law, if it involved nothing more than a trespass. He could be brought in and, if the judge happened to see fit to do so, he could sentence the defendant to a term in jail without a jury trial. Such action ought not to be permitted.

Mr. TALMADGE. Does the Senator from Mississippi believe that every operator of a beauty shop in America ought to be jailed without the right of trial by jury merely because the beautician exercises his or her right as a free citizen not to dye the hair of the wife of the Senator from Mississippi or my wife's hair?

Mr. STENNIS. The Senator is eminently correct. Last week the Senator from Ohio [Mr. LAUSCHE] gave an illustration. He called on Senators to explain why they should provide the right of a jury trial to the labor leader, as the Norris-La Guardia Act does, and then, on the same set of facts, turn around and deny a jury trial to a little barber who might have gotten into trouble in some way with the court. That question has never been answered.

Mr. TALMADGE. The Senator from Mississippi, of course, is familiar with the 13th amendment that freed the slaves and prohibited involuntary servitude, is he not?

Mr. STENNIS. Yes. That is the 13th amendment.

Mr. TALMADGE. Can the Senator from Mississippi explain to me how I could go to a shoeshine parlor or barbershop and compel a shoeshine operator or a barber to shine my shoes or cut my hair against his will?

Mr. STENNIS. There is no way to explain it consistent with his right as a free citizen. If we should compel him to do it, it would be involuntary servitude.

Mr. TALMADGE. I agree with the Senator from Mississippi. I believe it would be violative of the 13th amendment. I compliment the Senator on his great speech seeking to preserve the right to liberty and freedom for all citizens of every color and of every religion, no matter where they may reside.

Mr. STENNIS. I thank the Senator. The purpose is to apply the rule of rights for the benefit of all people and not merely a special group. We should not take anything away from one and transfer it to another to the exclusion of the first group.

The trend of the proposals about which we are speaking, as well as other proposals, is to enlarge the scope of the application of criminal contempt cases to include a great multitude of American activities—a field so broad that it covers the daily lives of the people, and includes such questions as where we may eat, where we may sleep, and where we may go to a theater. It covers employment, reemployment, promotions, the firing of people, and a multitude of other things. Still those activities are brought within the new scope of criminal contempt that can be handled without a jury trial. That is the greatest part of the entire picture. It makes no difference whether 1 or 100 have been denied a jury trial. The issue involves the system of law that we are building up outside the ordinary jury trial requirements under the Constitution of the United States.

Congress has a special responsibility in that field. The question has already been presented to the Congress several times before. The Senator from Mississippi does not know of any instance, until now, in which it has been turned down.

Last Thursday it was rejected, but only on a tie vote. In major fields under the antitrust laws there is provided a right to trial by jury. At the time of the passage of the Norris-La Guardia Act, after labor came in and presented its case, the right to trial by jury was granted in an amendment. The question was before the Senate when it considered the Civil Rights Act of 1957. When the bill came to the Senate in 1957, it denied the right of trial by jury. But, as the Senator from Georgia pointed out a moment ago in his questions, that part of the bill was changed on the floor of the Senate. It was voted on by the two Senators who have since been elevated to the Presidency. It was voted for by a great majority of this body. The amendment gave the absolute right which is now proposed in the Talmadge amendment. The 1957 act, as it passed the Senate, contained that amendment, but it was modified later—not in conference but by the House—and a provision granting a right to trial by jury in certain cases was retained. Later, in 1959, I believe, the Landrum-Griffin Act was passed. In that act the same principle was dealt with.

I think it is highly significant—and I call this to the special attention of the Senator from Georgia—that in the final enactment of the law by Congress when this question was raised, Congress never failed to insert a provision for a jury trial. True, in 1957 it was a hybrid, split-level provision, but there was a provision for jury trial. As late as last Wednesday the effort was again made, and it received 45 votes.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE Is it not true that the substitute which has been proposed by the distinguished majority and minority leaders would authorize a judge to impose a fine of $300 or a jail sentence of 30 days without a jury trial?

Mr. STENNIS. Will the Senator repeat that question?

Mr. TALMADGE. Is it not true that the substitute amendment offered by the distinguished Senator from Montana, the majority leader, and the Senator from Illinois, the minority leader, would authorize the judge, in criminal contempt cases, to impose a fine of $300 or a jail sentence of 30 days without a right of trial by jury?

Mr. STENNIS. Yes. The Senator has correctly stated what that unfortunate amendment would do. It does not go far enough.

Mr. TALMADGE. Yet that same substitute amendment would grant a jury trial if the fine imposed was $300.01.

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. Or would authorize a jury trial if the sentence were 30 days and 1 second. Is that correct?

Mr. STENNIS. Yes. That is a provision of the bill which, unfortunately, comes from a statute on the subject, the Civil Rights Act of 1957.

Mr. TALMADGE. Does the Senator believe that the greatest right all citizens have, the right of trial by jury, can be weighed on the basis of 1 cent in money or 1 second in time?

Mr. STENNIS. The answer to that question is obvious. It cannot be done. It is very unfortunate and it is a judicial monstrosity to have a provision in the law that permits the amount of the punishment to determine whether or not there will be a jury trial as a matter of right.

Mr. TALMADGE. The able Senator has been a judge. If the substitute were adopted, would not a judge, before he started to hear a case, have to determine first the guilt or innocence of the accused? Second, after he had determined the guilt or innocence of the accused, would he also not have to determine the amount of sentence he would impose; and would he not have to make those two determinations before he heard a single word of evidence?

Mr. STENNIS. Unfortunately, that is correct. The Senator from Georgia has well stated the situation. It illustrates what an absurdity it is that before any of the evidence has been officially and actually heard—as is supposed to be done in open court—the judge must decide that the man is guilty and that his punishment shall be thus and so—in other words, a certain determination of guilt and punishment.

Mr. TALMADGE. And if he decided that the punishment should be a fine in excess of $300 or a jail sentence in excess of 30 days, he would then have to impanel a jury; is that correct?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. Does that comport with the Senator's ideas of sound justice and judicial proceedings—to require a judge to make two decisions as to the guilt or innocence of the accused and the severity of sentence to be imposed before hearing one word of evidence in the case?

Mr. STENNIS. It is contradictory to all our principles of the administration of justice. Let me illustrate. When an ordinary criminal case comes before a judge, he impanels a jury in the box and makes them swear that they will consider the defendant to be innocent of the crime charged until convinced beyond a reasonable doubt, from the evidence, that the man is guilty. He not only swears the jury and instructs them to follow that guideline, but he follows it himself. He must rule on the admissibility, the relevancy, and the materiality of the evidence. As the Senator knows, there are many close questions to be decided.

Both judge and jury are supposed to do that with the premise of innocence applying to the defendant. If a judge has already tried the case to the extent that he has made up his mind that the man is guilty, and he impanels a jury thereafter, can he sit and try that case and give the defendant the benefit of the presumption of innocence? He cannot do it. Furthermore, not only would he deny the accused that right, but the jury would sense, from the judge himself, from the tone of his voice, the guilt of the accused. Furthermore, the jurors would probably be told that they were sitting in a case in which the judge had decided the guilt of the defendant, and that the jury is to decide whether the defendant is guilty or not.

Mr. TALMADGE. If a jury were impaneled, it would be a clear indication not only that the judge thought he was guilty, but thought he should have a severe sentence. Is that correct?

Mr. STENNIS. That is correct.

Mr. TALMADGE. Does the Senator remember the name of the judge who used to try cases by shotgun, and who was known as the law west of the Pecos?

Mr. STENNIS. Yes; the Senator refers to Judge Roy Bean.

Mr. TALMADGE. Judge Bean's court would be a court that all courts trying citizens under this bill could emulate in order to comport with the provisions of this bill. Is that correct?

Mr. STENNIS. He was a mild representative of the judiciary compared with the power sought to be given to the courts under this bill.

Mr. TALMADGE. Judge Bean's court would be the best court in America as compared with what could happen under this bill.

Mr. STENNIS. It would build a new judicial system outside the spirit of the law. There would be thousands of Judge Beans. One man can make a very bad mistake; and the jury is a check on the punishment he may impose.

There are additional points concerning a trial by jury. One phase of the question I shall discuss with respect to the pending amendment offered by the Senator from Montana and the Senator from Illinois is the "split-level" jury trial, which in effect provides that a man has no right to a trial by jury in criminal contempt cases. It does not purport to give him one. It merely provides, in effect, that the judge may not impose a sentence beyond a certain point without granting a jury trial. That decision is left in the control of the judge. It is not governed by a congressional mandate. It is not a matter of living up to one's responsibility. The provision is that the judge may grant a jury trial if he has already decided that the punishment should be imprisonment for more than 30 days or a fine of more than $300. However, the process that the judge must go through—and we are talking about an honest and upright judge—to reach a conclusion as to what the punishment shall be is that, in effect, he must try the accused, as the Senator from Georgia says, and find him guilty, or reach a conclusion that the 30 days or $300 is not enough punishment.

In going through that process, which is the vital part of the case to the judge, the bill would give the defendant no right to be heard. He would have no right to be represented by counsel. He would have no right to summon witnesses. The judge would make decisions on the basis of impressions which he might receive from witnesses, and not evidence presented in a judicial way. This is an unthinkable procedure. It would not have to be in open court. It would really take us back to the old star chamber days. There would be no requirement for representation, and no requirement that the defendant have the right to summon witnesses and present his testimony in open court where people could hear it, and the newspapers could record it. In that respect, it would be directly contrary to our elemental principles of justice.

It should be remembered that we are discussing a criminal act. We are not talking about the refusal of someone to carry out an order of the court. That comes under civil contempt, and a judge could handle that offense without a jury. We are talking about an act that a defendant committed, which someone believes is a criminal violation of some order of a Federal court.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. In one of those criminal contempt cases, would not the judge himself be the prosecutor?

Mr. STENNIS. He could not avoid being the prosecutor, because he would be the court, and it would be his tribunal.

Mr. TALMADGE. Would not the judge himself, in addition to acting as prosecutor, serve the same purpose as a grand jury?

Mr. STENNIS. Yes; there would be no grand jury. I am glad the Senator brought up that point. There would be no grand jury to pass on the charges, even though they would involve criminal law. The judge would be the only grand jury.

Mr. TALMADGE. In addition to being the prosecutor and the grand jury, would he not also serve as a petit jury?

Mr. STENNIS. The Senator is correct. He would be the jury, too. He would be the 12 men, tried and true.

Mr. TALMADGE. As the prosecutor, would he not also act as the chief prosecuting witness?

Mr. STENNIS. The Senator is correct to a degree. To a degree, he would be the injured party.

Mr. TALMADGE. After having assumed all those functions, would he not pass sentence?

Mr. STENNIS. The Senator is correct. He would go back, then, to the true judicial function of passing sentence.

Mr. TALMADGE. After doing all of that, would he not also act as executioner?

Mr. STENNIS. The Senator is correct. He would be the executioner. He would carry out his own orders.

Mr. TALMADGE. So under this procedure, a judge alone would be exercising every function designed by the Founding Fathers to protect American citizens; is that not correct?

Mr. STENNIS. The Senator is correct. The judge would be refuting and running contrary to the progress which has been made through the law for 800 or 900 years, building a little at a time a wall of freedom and liberty for the average person, regardless of his station in life, the color of his skin, his religion, or his national origin. This bill would run contrary to all those safeguards.

Mr. TALMADGE. Does the Senator believe that we could do all those things and rightfully declare that we were enlarging the civil rights of the American citizen?

Mr. STENNIS. We would be greatly constricting and restricting the fundamental civil rights of all the people under the guise of protecting the civil rights of some. The bill was written on the basis of enthusiasm and emotion. Good intentions, however, are not enough. I concede that the intentions of the proponents are good. However, they run contrary to the basic principles upon which our country was founded. I am glad to say that we are making headway toward convincing our fellow Senators that that is true.

Mr. TALMADGE. I thank the Senator from Mississippi. I agree wholeheartedly with him.

Mr. STENNIS. I thank the Senator from Georgia for his contribution.

Mr. President, I was looking for a magnificent quotation from one of the Justices of the Supreme Court, in which he summed up all the points the Senator from Georgia was making. I do not have it readily at hand at the present moment, but later I shall come back to it.

Mr. President (Mr. McIntyre in the chair), I wish to emphasize with the greatest clarity I can muster that we are not dealing with a mere racial question. We are not dealing with a sectional matter; we are not providing for a rule of law with reference to jury trials to apply to one particular kind of group. We are dealing with principles which will plague us in the years to come if the bill is enacted. If the Nation starts to follow such practices,the so-called little people, those who are subject to oppression and pressures of various kinds, will suffer.

I do not believe that there is a more prominent red light or caution warning which could be possibly flashed upon the American scene today than the warning with reference to jury trials.

If I may make one passing observation based on years of experience—I do not like to keep referring to them because they are personal in a way but, after all, there is nothing like experience to enable one to understand principles—in all the years that I was a judge in criminal cases, I remember a good many cases in which, if I had had to render a verdict, I would perhaps have rendered a guilty verdict, whereas the jury rendered one of not guilty. In many of those cases, time proved the jury to be right. It proved that the jury had understanding and perception, and understood the background of the cases better, after having heard the evidence, than I did.

Mr. President, I am opposed to the amendment No. 516 proposed by the Senator from Illinois [Mr. DIRKSEN] for himself and the Senator from Montana [Mr. MANSFIELD], as a substitute for amendment No. 513. I wholeheartedly support amendment No. 513 offered by the distinguished Senator from Georgia [Mr. TALMADGE] in which I joined as a cosponsor. I was privileged and pleased to join the Senator from Georgia in presenting this amendment because it would secure basic and fundamental rights by providing for a trial by jury in all criminal contempt cases.

I am convinced that this is the American way and is in keeping with the spirit of the Constitution which provides for a jury trial in all criminal proceedings. Of course, I am mindful of the court precedents holding that a defendant is not entitled, as a matter of right, to a jury trial in a criminal contempt proceeding. But even if in a strict constitutional sense, the defendant is not constitutionally entitled to a jury trial in criminal contempt cases, in fairness and in justice and in keeping with our sound principles of Anglo-Saxon law, he should be granted a jury trial. Certainly, the Constitution does not prohibit a jury trial in criminal contempt cases. And in the case of basic and fundamental rights of an individual, where a person is charged with a crime and the conviction carries with it a jail term, then any doubt in the matter should be resolved in favor of a jury trial. A jury trial in criminal cases, where an individual's liberty is at stake, is of supreme and vital importance. Indeed, the right to a jury trial, in cases where an individual may be imprisoned upon conviction is one of the basic and fundamental bulwarks of our entire system of government. Under this system our Nation has grown great and our people have maintained their freedom. This fundamental right should not and must not be abandoned.

I know that Senators will recall the long debate in the Senate in 1957 over the so-called civil rights bill that year. During that debate after long discussion, the Senate adopted the amendment proposed by the late Senator from Wyoming, Mr. O'Mahoney; the late Senator from Tennessee, Mr. Kefauver; and the Senator from Idaho [Mr. CHURCH], which would have guaranteed jury trials in all criminal contempt cases.

In 1957 the proponents called the debate a filibuster. The bill came from the House without any semblance of protection with reference to jury trials. Finally, by a substantial yea-and-nay vote the jury trial amendment was added. In conference the amendment was whittled down to the split-level amendment to which I have referred, which provided for jury trials in some circumstances.

Now, 7 years later, we are back in debate on the same general subject matter. I hope that the Senate will adopt an absolute amendment which demands and gives, as a matter of law the right of trial by jury in all criminal contempt cases.

What is happening now is a complete refutation of the charge that it was a waste of time in 1957 or that it is a waste of time to force consideration of such an amendment.

By the rollcall vote of 51 to 42, the jury trial amendment was approved by the Senate in 1957. This was a straight jury trial amendment, applicable to all criminal contempt cases, and was similar to the Talmadge amendment now before the Senate.

At that time the jury trial amendment had the active support of President Lyndon B. Johnson, then Senate majority leader; the late President Kennedy, then a Senator from Massachusetts; the present Senate majority leader [Mr. MANSFIELD], and many other leaders in the Senate.

Unfortunately, when the bill reached the House the amendment was rewritten by the House and modified so as to provide that in criminal contempt proceedings arising under that act, the judge might proceed in his discretion with or without a jury, but if without a jury he could not impose a sentence of more than $300 or 45 days in jail, upon conviction of the defendant, without according that defendant a new trial, upon demand, with a jury.

Contrary to reason and in a rush to push a civil rights bill through the Congress, the Senate bowed to the House demand for this modification, thus creating the worst "split-level" justice ever devised, under the guise of protecting the rights of a defendant by giving him a jury trial.

The 1957 amendment was a jury trial amendment which did not guarantee a jury trial. The 1957 amendment was bad, but the Dirksen-Mansfield substitute is worse. It is another step in the gradual chipping away at this fundamental civil right of all Americans, the right to a trial by jury. This is just the latest attempt.

Some years ago Congress enacted section 402 of title 18 of the United States Code, which denied the right of trial by jury in criminal contempt cases brought by the Federal Government. Again, in 1957, the Congress adopted the "split-level" jury trial amendment which I discussed a moment ago.

Mr. President, if section 402 of title 18 of the United States Code and the Civil Rights Act of 1957 encroached upon and whittled down the right of trial by jury, H.R. 7152 as now written would trample ruthlessly upon this right. And the substitute amendment proposed by the Senator from Illinois [Mr. DIRKSEN] in behalf of himself and the Senator from Montana [Mr. MANSFIELD] does not help at all.

I think it is unfortunate indeed that proponents of the pending bill, who say they are great protectors of basic human rights, place themselves in the position of denying to individual citizens one of the greatest protections against tyranny and arbitrary government action which the mind of man has ever devised.

The most frequent argument against a trial by jury in criminal contempt cases is one which is, in effect, an argument against the jury system itself. This argument is that there will be times when a jury will not convict and, therefore, the defendant must be denied his basic civil right to a jury trial. Those who make this argument indict and attack the jury system itself in all cases—not merely those involving an alleged violation of civil rights.

I, of course, do not deny that there are cases in which a guilty man has been set free as a result of a jury's verdict. Every lawyer who has been involved in jury trials certainly knows that juries sometimes make mistakes. This happens in cases of murder, larceny, burglary, and other crimes. However, my experience makes me conclude that juries reach the correct decision far more often than they are given credit for.

In any event, the occasional mistakes of juries and the resulting miscarriages of justice are a price which Americans have always willingly paid for the preservation of this basic right of a free people. No real American has ever urged that an alleged murderer be denied a trial by jury because juries sometimes acquit a guilty person. No one in the Senate has ever said that an alleged thief should be tried only by a judge because thieves sometimes escape punishment when the jury errs.

Mr. President, I repeat that with emphasis. No one is proposing a constitutional amendment or introducing a bill of any kind under the guise that a person who is guilty of murder should be denied a jury trial; or that one who has stolen a ham or has committed burglary or even a grave social crime, such as assaulting a woman and committing rape, should be denied a jury trial. No one is proposing that. No one is seeking to attack the jury system as a whole.

The proponents are attempting to get around a jury trial in certain cases by coming through the side door into this limited, microscopic field, until a few years ago it had been a field so small that even a microscope could not have found it.

I know that more and more there is a disposition to try to do away with juries. Many persons do not want to let juries pass on cases. Many persons want to have civil cases tried without juries having anything to do with them. But advocates of the whole spectrum of civil rights want to avoid trials by jury.

The Attorney General, who was highly instrumental in writing the bill, cannot escape the charge that he flatly tried to avoid letting juries pass on civil rights questions which so vitally affect counties, States, and areas in the whole national picture.

This is a deliberate, planned move, for which unfortunately there is some precedent, to get around the use of juries. It has been attempted before.

It was attempted in the field of labor relations about 30 years ago, in the Norris-La Guardia Act. That act provides for jury trials, though, and I am glad it does.

It is necessary to view these problems in proportion to the whole picture in order that we may guard certain areas. The jury system is the best that has yet been devised, even if it is not infallible. None of us would consent to its abolition. I believe that it should be preserved in all cases where there is a factual dispute. Its preservation is absolutely essential where an individual's liberty is at stake.

I wish to make it clear that I do not advocate that any court be denied the right to proceed directly in demanding that its orders be carried out, and that it have the remedy under its sole control, always available to require that a mandate of the court be obeyed.

My remarks are directed to criminal contempt, which includes violations of criminal statutes or criminal law of some kinds. I am talking about a person who may be charged with a transgression of the criminal law. All persons are not guilty, by any means. But the case is more important than that. There are those who never get to court because of the principle written into our law that the accused shall have a right to a jury trial. That principle prevents oppression. It is what prevents anyone from taking advantage of the so-called little man in a community. The principle of the jury trial, always in the Constitution and on the lawbooks, keeps those who would be aggressors or who would impose on me or any other citizen from taking a chance on acting.

It is proposed to enlarge the scope of the nonjury trial in fields of activities where disaster would be courted. It would be courting a lack of protection not only to the person who is formally charged in a court with crime, but it is proposed to accord a lack of protection to the average citizen, whoever he may be.

I hope it will be clearly understood that the Talmadge amendment under discussion would insure a trial by jury only in criminal contempt cases and would have no effect upon civil contempt proceedings. On April 21, the able Senator from Georgia [Mr. TALMADGE] read into the RECORD a legal brief outlining the distinction between civil and criminal contempt proceedings in the Federal courts. I commend this memorandum and hope that the Members of the Senate will familiarize themselves with it so that they will fully understand the basic differences between civil and criminal contempts. It is important that this be done and that we all realize that criminal contempt, in essence, involves punishment for an act which constitutes a crime.

In other words, as the memorandum referred to sets forth, cases of criminal contempt are punitive in nature. Such criminal contempt proceedings involve punishment either by a fine paid into the court or by imprisonment for a fixed period. In these cases the defendant must be proved guilty beyond reasonable doubt and cannot be compelled to testify against himself.

That is another matter. This is another word of caution. The degree of proof required before guilt can be adjudged before a jury is that the jury—every member of it—must be convinced. They are sworn to impartiality, and they are selected on that basis. They must be convinced from the evidence beyond a reasonable doubt of the guilt of the defendant. Furthermore, not only 1 of them, not 6 of them, not 9 of them, not 10 of them, but all of the 12 must be believers beyond a reasonable doubt. Someone may say that standard is too severe; it is too much. But that has been the requirement in criminal cases in the United States ever since the founding of this Republic.

Members of the jury are apart from the case, and are not connected with it in any way. They are supposed to know nothing about it, except what they learn from the testimony given from the witness stand. As I have said, they are sworn to impartiality; and each side has a right to excuse within certain limitations, proposed members of the jury, for any reason it may wish to give, or for no stated reason at all, if it desires not to state the reason. So although that seems to be a rather liberal safeguard, time has proved that it is wise and that it works.

On the other hand, as Mr. Justice Black has so clearly pointed out, the judges are parts of the proceedings; and, try though they may—and I am sure they would, it is impossible for them to be absolutely detached from the cases. So by means of this part of the bill we would not only throw overboard the procedure which usually applies in such matters, but we would also make provision for an effect to be had by means of the inclinations or attitudes of the judges, who in a way thus would be parties to the criminal contempt cases.

On the other hand, civil contempt proceedings are remedial in nature. The punishment imposed is for the purpose of compelling compliance with the order of the court. The customary expression is that "the defendant holds the key to the jail door in his own hand." It is only necessary that the defendant be proved guilty by the preponderance of the evidence; and the constitutional protection against self-incrimination does not apply.

I hope all will understand that the Talmadge amendment would apply only to cases of criminal contempt. In other words, it would be applicable only to acts which amounted to the commission of a crime. The amendment would not apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice; nor would it deprive the courts of their power by civil contempt proceedings, without a jury, to secure compliance with, or to prevent obstruction of, any lawful process, order, rule, decree, or command of the court, in accordance with prevailing usages and practices.

Now let us consider how the Talmadge amendment would apply to, and would affect H.R. 7152. As a preliminary, let me say that in criminal contempt proceedings under the pending bill, the entire legal might and power of the U.S. Government would be arrayed against the defendant. Thus, the contest would be unequal. This, in my judgment, makes it doubly imperative that the citizen be afforded the right of trial by jury. Such a right would tend to equalize an otherwise unequal proceeding.

Mr. President, there are honest differences of opinion in regard to many of the provisions of the bill. If the bill were to be passed—although God forbid—there would be many differences of opinion about its application. Many of the small cafe owners and cafeteria owners in the country and thousands of others who would be affected by the provisions of the bill would not throw up their hands in despair, and surrender, but, instead, would fight for their rights. Thus, there would be many, many court proceedings. Such matters would be of the greatest importance to many small businessmen. As a lawyer, I know there would be nothing much more important to a businessman than to be brought into court at a great distance from his place of business and his friends, in a place where his lawyer friends do not practice, and where they would not be permitted to take entire charge of the case. Even though we may assume that he would have a competent lawyer to represent him there, yet, Mr. President, with the power and might of the Attorney General and the Department of Justice arrayed against him, with the assistance of the experienced prosecutors of the Department of Justice, as well as the local district attorney, the contest would not be too fair.

I do not believe we could imagine anything worse, in our day-to-day affairs and in connection with day-to-day matters affecting citizens, than to require a defendant to stand trial in such a situation. Furthermore, such cases would not be "chicken feed"; and the parties to them would be "playing for keeps." I venture to assert that there are already in the Department of Justice men who study the success of their "crack" operators in such proceedings—whether before a judge or before a jury. I have heard of such things, and I have heard confirmation of such statements. I do not refer now to an individual. But the special prosecutors they have want to add up their own score. That is natural; it is true of lawyers anywhere; and they feel that in their work of prosecution, they are engaged in a contest, not in a game.

So when a small businessman—regardless of who he might be or where he might live—had to face such a situation, he would be in an awful fix, and he must have the protection of a jury trial in any contempt proceeding arising out of such a trial.

I think that fact of life and the situations which underlie it are not fully understood by many Senators. I wish there were some way in which to get over to them what the bill means. We witness the Department of Justice urging passage of the bill. It has written that no constitutional right is involved. We see all the power that would go with the bill. We observe the Department of Justice keeping watch on the Senate debate. The President of the United States is urging that the bill be passed. The Senator from Minnesota [Mr. HUMPHREY] is urging that the bill be passed. In the effort to pass the bill, the proponents would eliminate many basic rights which belong to our people.

Not the least of these dangers would be the terrible precedents that would be established if we should turn down the idea of the right of trial by jury in criminal contempt cases. I do not see how we could ever make much headway in having that principle written into any other provision that might come up. There is no other subject as to which the proponents come as near to closing their eyes to what is contained in the bill as is the case with civil right bills. The proponents come to the Senate with a blue ribbon bill that has a special passport. There is some kind of magic in it. It has already been stamped and approved. To some extent—to too great an extent—it goes through without a close examination.

If we should bring in a bill which would regulate truckers as they operate their trucks over the highways, or a bill relating to the railroads, as the railroads operate over their roads, or if we were to talk about providing criminal penalties for violations arising from those operations, and in effect providing that violators should not have the right of trial by jury, the Senate would be turned upside down. The press would be greatly concerned.

But if a bill with a civil rights label on it is brought into the Senate, it is brought in under a great amount of steam. We are not admonished to consider the bill. We are told, "Pass it as it is."

In analyzing the effect of the proposed amendment on the pending bill it is necessary that the titles of the bill be considered separately.

Title I deals with voting rights. It is amendatory of the Civil Rights Act of 1957 as amended. Thus it would appear that any criminal contempt proceedings which might arise under title I would be subject to the provisions of section 151 of the 1957 act.

We should bear in mind the fact that the right to a jury trial afforded by section 151 of the Civil Rights Act of 1957 is very minimal. It does not give the defendant the direct right to a trial by jury in criminal contempt cases generally. Its effect is that, if the defendant in a criminal contempt proceedings is found guilty by the judge and the judge imposes punishment of a fine of $300 or more or imprisonment for 45 days or more, then the defendant, upon his demand, is entitled to another trial before a jury. Even in criminal contempt proceedings, however, if the punishment is less than a fine of $300 or less than 45 days in jail the defendant cannot obtain a jury trial.

I emphasize that the Mansfield-Dirksen amendment contains the same provision as the 1957 Civil Rights Act, except that the term of imprisonment would be 30 days instead of 45 days, as provided in that act.

In a great number of cases the defendants would not have a jury trial. The judge would not be inclined to give the right of trial by jury. He may give the defendants a lighter sentence than he would otherwise impose in order to retain jurisdiction. But so far as the stigma and condemnation are concerned, violators of the law would be forever so marked. It makes little difference so far as honor is concerned whether one is sentenced to jail for 1 day or 31 days. The mark of guilt is still there, and that is contrary to our system of government. With all deference to judges, I know that there would be many who would arbitrarily dispose of cases under the bill in a summary way and, since the punishment would not be more than 30 days imprisonment or a fine of $300, not much proof would be required to convict.

Thus, in all of the cases which can conceivably arise under title I involving an alleged criminal contempt, the defendants would not be entitled to a jury and could be denied a trial by jury by the simple device of holding the punishment below that specified in section 151 of the 1957 act. Except in the most serious cases it is to be assumed that the Attorney General and the Federal judge would take this course.

It will be remembered that when the Civil Rights Act of 1957 was being considered by the Senate, an amendment proposed by the late Senator O'Mahoney was adopted by very substantial vote. That amendment was precisely the same as the amendment now proposed by the Senator from Georgia.

As I have said, Senator O'Mahoney's amendment was adopted by the Senate by a substantial majority. However, when the bill went to a conference with the House of Representatives, the amendment was mutilated and watered down and section 151 was the result.

I felt then, and feel now, that section 151 was inadequate. I think it contravened the spirit of the sixth amendment which provides that in all criminal prosecutions the accused shall enjoy the right of trial by jury.

There is the key word to the entire principle that we are discussing. The spirit and letter of the sixth amendment require that in all criminal prosecutions the accused shall enjoy the right of trial by jury. That means the concurrence of 12 jurors in a conviction of guilt based upon the evidence beyond a reasonable doubt. I see no power in Congress greatly to enlarge the scope of contempt proceedings and make a trial by jury dependent upon the severity of the punishment involved.

The pending amendment would rectify this situation. It would repeal section 151 of the 1957 act and guarantee to a defendant in all criminal contempt proceedings the basic and fundamental right of a trial by jury upon his demand therefor.

As it is, where a voting right suit has been filed and an injunction obtained, an uninformed election official who unwittingly and unknowingly committed some act which the Attorney General thought violated the injunction could be hauled into court, tried by the judge without a jury, and fined or imprisoned in a more or less summary fashion provided that the punishment imposed did not exceed the limits laid down by section 151, 45 days in jail or a $300 fine.

This is a type of procedure which should not be visited upon the free people of this Nation. As I have said before, if H.R. 7152 passes in its present form, with one stroke of the pen it will make the Attorney General the most powerful official in the Government of the United States. He will possess almost unlimited power in these fields of operation. Certainly it is in keeping with all of our principles of justice to interpose between a hapless and helpless defendant and the vast power and authority of the Attorney General and the U.S. Government under this bill, the basic and long-cherished right of a trial by jury in criminal cases. If we fail to do this, then the rights guaranteed to our people by the Constitution and the Bill of Rights will be gradually destroyed.

Let me now consider title II, which deals with injunctive relief against discrimination in places of public accommodations. Under section 204, the Attorney General has a right to bring an action for and in the name of the United States even before a prohibited act has been committed.

Mr. President, that deserves special consideration. There is a proviso in the proposed law that could lead to a man's being charged with contempt of court and convicted before a judge without a jury in a proceeding started before he had ever violated the law, before he was guilty of any conduct that would make him guilty of violating a provision of the Civil Rights Act.

It is only necessary that he finds reasonable grounds to believe that the person is about to commit such a prohibited act and that the purpose of the title will be materially furthered by the filing of an action. There is no control whatsoever placed upon the discretion of the Attorney General to bring such an action under this title.

It would be the same as driving up and down a highway, picking up owners of establishments, and directing them into the court. They would be people in legitimate businesses, obeying the law. The operation would be similar to what we hear takes place in certain areas where squad cars go up and down "drunk row" and "bum row" and pick up all persons found there and take them to the "calaboose" and then determine who may be guilty of something.

All kinds of legitimate businesses would be affected by title II, the so-called public accommodations bill. The Attorney General would be permitted to round them up and take them into the Federal court I have described—with great deference to the court—whether the accused had violated any law or not, but merely because the Attorney General believed that there was a purpose to violate the law.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. Would not the situation be similar to that in which a man gave his boy a thrashing, stood him up over the counter, and asked "What did you do it for?" They boy said nothing. Then the father asked, "What are you thinking now?" The boy said nothing. The father said, "I know what you are thinking, and I am going to give you a whipping again." Is that not about what would happen?

Mr. STENNIS. After the crusade starts, what the Senator has described will be what will be done by some officials, at least.

Mr. JORDAN of North Carolina. That could be done under the bill; could it not? It would be a question of saying, "You are going to disobey this law, and I am going to yank you up for it."

Mr. STENNIS. The Senator is correct. The provision is that if there is a reasonable feeling that the person is about to do a prohibited act, the Attorney General may act. To justify the arrest of a person for the smallest kind of infraction now, the offense must be committed in the presence of the officer, or the officer must have reasonable ground to believe that the accused has committed a violation of law. The provision in this bill would bring the accused into court before anything had been done, and therefore lay the predicate for proceedings that could result disastrously for him.

To continue with my statement, if, on information satisfactory to himself, the Attorney General should conclude that a small restaurant owner was about to commit a prohibited act, the Attorney General could forthwith go into court, backed by the might of the Federal Government, and bring an action for preventive relief, including an application for a permanent or temporary injunction or a restraining order. Thus, the unequal contest would begin. On one side would be the vast might of the U.S. Government and the Department of Justice. On the other would be the small restaurant owner possessed of limited resources and inadequate financial means. It is obvious that the restaurant owner in most cases would be defeated merely by the filing of the suit itself.

It would be the end of many small businessmen. They might not have done anything, but it might have been thought they did. A small businessman would not be able to go to court and defend himself and make his case because of the lack of finances, perhaps.

Let us go further, however, and assume, as would almost inevitably be the case, that the injunction or restraining order applied for was granted by the court. Suppose then that the restaurant owner, not being learned in the law, should inadvertently and unknowingly engage in some act or practice which the Attorney General or some person complaining to the Attorney General construed as violating the terms of the injunctions or restraining order. The result would be the same as under title I. The defendant would have no definite right to a trial by jury if the acts about which there was a complaint constituted a basis or could be a basis, for criminal contempt proceedings.

Section 204,(c) provides that proceedings for contempt arising under provisions of title II shall be subject to the provisions of section 151 of the Civil Rights Act of 1957. As I have already pointed out, this means only that in a criminal contempt proceedings the defendant would be entitled to a trial by jury only in those cases where the punishment exceeded a fine of $300 or imprisonment for more than 45 days. In all other cases the defendant's property and liberty would be in the hands of the Federal judge alone. The basic and fundamental right of a trial by jury with respect to an act which is alleged to amount to the commission of a crime would be denied to him. This is both unfair and un-American.

I come now to title III, which deals with the desegregation of public facilities. Under it the Attorney General may bring a civil action when he receives a complaint that an individual is being deprived of or "threatened with the loss of" his right to equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to any public utility other than a public school or public college.

Here again the Attorney General can bring an action before any actual wrong has been committed. All he needs is a complaint that the person complaining is "threatened" with the loss of his rights. Upon receipt of such a complaint the Attorney General has the power to institute suit if he certifies that the complainant is unable to initiate and maintain appropriate legal proceedings for relief and that the institution of the action will materially further the public policy of the United States favoring the orderly progress of desegregation of public facilities.

The action would be brought by the Attorney General "against such parties and for such relief as may be appropriate." He would be expressly empowered to "implead as defendants such additional parties as are or become necessary to the grant of effective relief."

Buried away in title III is the now infamous section 302 which would give the Attorney General the broad and sweeping power to intervene and intermeddle in any action "in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin." In the language of the bill, when such an intervention occurs "the United States shall be entitled to the same relief as if it had instituted the action."

Any lawyer will instantly recognize the broad and sweeping power of this language, couched in two relatively short sentences as old part III, with one exception, which I shall explain. It was part III of the proposed Civil Rights Act of 1957.

That part III was debated on the floor of the Senate for days and weeks. They called that a filibuster, too. Finally, when it came to a vote, the amendment was offered to take part III out of the bill, and when it finally came to a vote—I do not recall now just what the vote was, but it was a sizable majority—it was taken out of the bill and repudiated on the floor of the Senate. The bill then went back to the House of Representatives which had originally passed it, and the House agreed that the Senate was right, they would not hold out for part III, and it fell by the wayside and was dead as Hector, until it came back this time, masked in one particular. The old part III had permitted the Attorney General to file such suits. Section 302 of H.R. 7152 has one little "handle" on it. It provides that the Attorney General may intervene. All that has to be done is for someone else to file a suit. One could go up and down the highway and on the street and get anyone to file a suit. Then this provision says that he may intervene. That means a court cannot keep him out. The Attorney General comes in and the law says he may intervene, so he files as intervener—as I interpret this—and it would have to be granted. This would make the United States a party plaintiff. Then he can bring in such additional parties as he may wish.

The second line then states that he shall have all the powers as if he had filed the action, and the United States shall be entitled to the same relieve as if it had instituted the action.

So there is part III. The Attorney General is in court. He is the plaintiff. He can bring in whomever he wishes. He has to seek relief which goes with the action the same as if he had executed it. There goes one's power of injunction. There goes the right to jerk up people and have them tried without benefit of jury.

Those sentences are actually buried in here in title III—headed, "Desegregation of Public Facilities."

That section has no limitation whatsoever on it. It applies to public facilities. It applies to any other kind of case which might be filed in which it is alleged that there is a denial of equal protection of the law on account of race, color, or national origin.

So, Mr. President, I just do not believe that half the men who signed the bill realize the meaning that those sentences carry.

I know that I have studied it a long time and had I not done so I would not really have realized what it meant because it was hidden there in title III.

A newspaperman one morning about a month ago called me out of the conference room and asked me what I thought it meant. Apparently, on close reading, even though it is buried down in the title, it will have most far-reaching effects and applies to all such cases, whether public facilities or not.

As far as I have heard, there has been no denial on the floor of the Senate of the charge that it does apply across the board. I have not heard it said that it is limited to title III or that it was intended to be limited to title III. This is one of the main provisions in the entire bill. I call it tricky language, to have such far-reaching powers in the bill, which is written into the act to confer upon the Department of Justice—and I am not referring to the present Attorney General—any Attorney General—the power here to proceed in such a broad way to take over a suit merely by getting someone to file a suit or getting some particular pressure group to get some suits filed and then give the Attorney General the power to take them over. The Attorney General may then seek injunctive relief with the possible consequence of imposing criminal punishment without trial by jury.

Mr. SPARKMAN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. SPARKMAN. Was not this section in the bill originally sent up to Congress.

Mr. STENNIS. I undertsand that it was not in the bill when the late President Kennedy sent it to Congress. And when these gentlemen signed the bill on this side, as I understand it, it was not in the bill. Is that the Senator's understanding also?

Mr. SPARKMAN. That is my understanding, that it was put in by the subcommittee of the House Judiciary Committee.

Does not the Senator also understand that the Attorney General in testifying on the bill said that he did not wish and did not recommend it?

Mr. STENNIS. I read the Attorney General's testimony on that point. Attorney General Kennedy said, "My position with reference to title III is that I am against it."

Mr. SPARKMAN. Yes.

Mr. STENNIS. Now, in fairness, though, it was in a form, then, different from what it is now in the bill. There is some difference in it. I am not prepared to say just what the difference is, but I believe the power carried in this sentence has been changed.

Mr. SPARKMAN. Does not the Senator—I wish to see if the Senator's memory is in accord with mine—when we had section III in the old 1957 bill.

Mr. STENNIS. We called that part III, then.

Mr. SPARKMAN. Part III, yes. Is it not the Senator's recollection that after considerable discussion of that and the effect it would have and its undesirability, which was shown, that President Eisenhower himself disowned it.

Mr. STENNIS. The Senator is absolutely correct. I remember that in the way it developed. The bill was brought in here, and the Senator from Georgia made a fine analytical speech of what was in it. That was carried by the press. I understand—I did not hear this—but President Eisenhower sent for the distinguished Senator from Georgia and asked him for an explanation of it. I know that later President Eisenhower withdrew his support from title III. It was defeated on the floor of the Senate and failed to be taken up again over in the House.

I appreciate the Senator bringing this point to my attention. The Senator is correct.

Mr. SPARKMAN. In the past, the President who submitted it later disowned it, and Congress decidedly defeated it, and then when the late President who sent the bill up to Congress left it out and when the Attorney General, the one who was supposed to know most of what was in the bill, disowns it, can the Senator give me explanation as to why it should be in this bill?

Mr. STENNIS. Well, I am at a loss for words on that point, except for the reasons I have already stated, that emotions were aroused, water is running strong, this is an election year, and anything put into the bill labeled "civil rights" just goes on and on and on. And it would be heresy to question it, it would be unpatriotic—the way some people say—to even question it, that we would be trying to downgrade certain people, that it must be passed and passed now.

On a prominent television program on Sunday evening a person said, "I demand cloture. I demand a vote. I demand that the bill be passed now." It shows how far this movement has gone.

I believe that if we can keep the debate going long enough, there will be some second thoughts on these questions, and that a majority of Senators will tear this provision out of the bill, just as was done in 1957. However, we must overcome the momentum that is running now.

Mr. SPARKMAN. With respect to taking the bill exactly as it came from the House—and that was the cry when it first came over—is not the Senator of the opinion that a decided change in that attitude has resulted from the debate in the Senate?

Mr. STENNIS. I heartily agree with respect to the matter of jury trials. That is what we are primarily discussing now. I believe that that has become the situation as a result of the 45-to-45 vote, and also as a result of the 46-to-45 vote. Those votes reflected a great change in sentiment. What we are trying to do today is to further discuss these vital issues, so that we may increase those affirmative 45 votes. Something must be done along the line the Senator has mentioned with reference to the old part III, too.

Mr. SPARKMAN. The Senator has read press reports and heard reports on the radio and TV to the effect that a package of amendments is about to be presented.

Mr. STENNIS. Yes; I have heard the reports, but I have not seen the amendments.

Mr. SPARKMAN. But something is stirring.

Mr. STENNIS. Yes.

Mr. SPARKMAN. It is realized that some amendments must be made.

Mr. STENNIS. Yes. I understand what the Senator has in mind. I appreciate his bringing up that point.

Mr. SPARKMAN. I thank the Senator.

Mr. STENNIS. A few days ago that idea was scoffed at.

Mr. President, I ask unanimous consent that I may yield to the Senator from Alaska [Mr. GRUENING] without losing my right to the floor; that the resumption of my remarks will not constitute an additional appearance; and that the Senator from Alaska may suggest the absence of a quorum without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 216 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hickenlooper
Holland
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Jordan, N.C.
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Scott
Smith
Sparkman
Stennis
Symington
Walters
Williams, Del.
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. BAYH in the chair). A quorum is present.

Mr. STENNIS. Mr. President, I now resume my discussion of title III of the bill, particularly that part of title III denominated as section 302, which I shall now read for the purpose of the RECORD. Section 302, title III, of the bill (H.R. 7152), begins on page 13, line 4. It reads as follows:

> SEC. 302. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Mr. President, for continuity again in the RECORD I now read literally from title 18 of the United States Code, 1958 edition, entitled "Crimes and Criminal Procedure," chapter 233, entitled "Contempts." The section number is 3691, "Jury trial of criminal contempts." I read:

> Whenever a contempt charge shall consist in willful disobedience of any lawful writ, process, order, decree or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to a trial by a jury, which conform as near as may be to the practice in other criminal cases.
>
> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

I have just quoted section 3691, entitled "Jury Trial of Criminal Contempts." Here there is fully recognized by existing law the principle of trial by jury as applied to criminal contempt cases. The express provision of the Federal law is that in all such matters in a district court there shall be a jury trial granted in all classes of cases, insofar as this section is concerned, except one. I will come to that in just a moment. But, unmistakably, clearly, and forcefully there is recognized in present law the clear principle that the defendant is entitled to a jury trial for disobedience of an order of the court when the act committed also constitutes a criminal offense under acts of

Congress or the laws of any State. The exception to that rule is the same exception that is written in the Talmadge amendment. The exception is that the section shall not apply to a contempt committed in the presence of a judge when it would obstruct the administration of justice. That exception is also carried in the Talmadge amendment.

There is another exception in section 3691 which provides that the entire section shall not apply to cases in which the United States is a party. I raise the question as to why a man should be denied a jury trial merely because the United States is a party to the suit. Certainly the United States is not superior to any citizen thereof. Why should a man be entitled to a jury trial in a contest with a fellow citizen, but not be entitled to a jury trial in a contest with the Federal Government? There is no reason in law or logic for it. The only answer is that a former Congress made that exception when the field of injunctive relief and criminal contempt was much narrower and limited in scope than it is today.

In effect, the Talmadge amendment merely provides that the exception when the United States is a party be stricken.

Section 302 of the proposed law starts by referring to a suit between two individuals, but it provides that the United States may intervene in the name of the United States. So section 302 in the first instance relates to a suit between two individuals. The Federal law now expressly provides that if a criminal contempt is involved in such a suit, a jury trial must be accorded the defendant. But section 302, in effect, further provides that if the Attorney General should intervene, even though he does not change the suit or do anything to make it different in any way, the defendant will not be entitled to a jury trial under criminal contempt.

What rhyme or reason, what logical reason or any other kind of reason, can be given to justify that distinction for this kind of suit?

There is one other question which does arise concerning the recent case decided by the Supreme Court which we have been talking about so much since debate began—the Barnett case. This section did not apply to it. The Attorney General had intervened in that suit, but not as a plaintiff He was there as a friend of the court on request of the court; but, anyway, this section would not have applied because they held that the case was not in district court but was in the court of appeals, whereas this section limits the matter to a district court. That makes no difference, though, because the fact is that the case was the first one in which it was held directly that the Court of Appeals has the authority directly to punish for contempt.

But, coming back to my original proposition, the very principle we are trying to provide here in the bill and which has been heretofore denied, the very principle we were able to get fully recognized on the floor of the Senate in the bill in 1957, but which was later limited in the House, this very principle we are fighting for is already law. It is already in the code, except it does not apply when the United States is a party.

That is why this "sleeper" is in the bill, this hidden section in title III, which gives this vast power to the Attorney General, when he intervenes in a suit. To make it clear and certain, this sentence was added:

> In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Also they added the words in the section:

> The Attorney General, for and in the name of the United States, may intervene in such action.

So that brings it within the exception to the rule about jury trials. This is a very clever, almost secret way of bringing it in. But in this broad authority, the way this bill is written now, a trial by jury in criminal contempt cases will be denied in tens of thousands of cases.

So, Mr. President, if the Senate means what it says about not allowing a jury trial in criminal contempt cases in these titles in the bill, it should repeal this section I have read so there will be no jury trials in any other contempt cases. To be logical and to be consistent, that must be done. I repeat the question propounded by the Senator from Ohio [Mr. LAUSCHE] last week:

> How are you going to square yourself by giving a trial to a labor leader in a criminal contempt proceeding, but jerk up a little individual barber somewhere and skin him alive on identical facts and not give him any trial by jury in the whole proceedings?

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. I should like to ask the Senator from Mississippi a question: If a person is arrested for speeding, and is tried before a magistrate, does he not have a right to appeal his case to a higher court and be granted a trial by jury?

Mr. STENNIS. The Senator is correct. We have magistrates' courts that do not allow jury trials, but under the appeal process takes such a trial to a higher court; the trial is de novo before a jury.

Mr. JORDAN of North Carolina. There is nothing in the law to prevent a man from appealing to a higher court.

Mr. STENNIS. The Senator is correct.

Mr. JORDAN of North Carolina. All he has to do is say, "I appeal to a higher court," and it is granted.

Mr. STENNIS. The Senator is correct. A man says, "I appeal." That is about right.

Mr. JORDAN of North Carolina. He is granted a jury trial as a matter of right.

Mr. STENNIS. As a matter of right, he is granted a jury trial; the Senator is correct.

Mr. JORDAN of North Carolina. This has always been accepted as part of the American system of jurisprudence.

Mr. STENNIS. The Senator is correct. No one suggests that that be repealed. No one suggests we not give a murderer, a burglar, a thief, or a rapist a jury trial, but they do not wish to give a jury trial under these proceedings.

Mr. JORDAN of North Carolina. I have wondered, since we have become involved in this debate on jury trials, if we were to introduce a bill on the floor of the Senate to do away with all jury trials, whether we would have many Senators supporting it?

Mr. STENNIS. Such a bill would not get one vote—not one single vote.

Mr. JORDAN of North Carolina. I agree with the Senator from Mississippi. We would not get any votes. I cannot understand why, therefore, anyone would wish to do away with the jury trial in this particular case, in this particular bill. It could affect more people than any other one thing which has ever been done in this country. It could do that.

Mr. STENNIS. The Senator is correct. I should like to point out to the Senator, in further response to his inquiries, that in this criminal proceeding for contempt of court when a crime is also involved, Congress does not have to give a jury trial under the Constitution of the United States as interpreted by the Supreme Court. It certainly would abide by the spirit of the Constitution, but it does not have to do so. Congress has already provided that persons shall have the right to a trial by jury in criminal cases, but they made that one exception, "when the United States is a party."

By advocating this bill, the proponents wish to come into the courts of law and make the United States a party, and thereby escape having to give the defendant the benefit of a trial by jury. It is a process that is dangerous. It is not in keeping with our institutions. It sets forth precedents that will gradually destroy the jury system.

Mr. JORDAN of North Carolina. I thank the Senator for yielding to me.

Mr. STENNIS. I thank the Senator from North Carolina for his contribution to this debate.

Mr. President, I do not believe anything can be clearer, or any more forceful, or any more logical than this point right here. That point is that the right of trial by jury in criminal contempt cases is already recognized by present Federal law. There is no split-level limitation on it. It does not depend upon the whim of a judge, or the decision of a judge, as to what the punishment shall be. It provides trial by jury as a matter of right and says, "you shall be entitled to a trial by jury which shall conform as near as may be to the practice in other criminal cases."

So I go back to the original question, Why put this old part III back in here anyway?

No. 2. Why disguise it, as is attempted to be done by sticking it in here in title III under the title of "Public Facilities"?

The third question is, Why disguise it further by putting in the little proviso that the suit must actually be brought originally in the name of someone else, when it is a very easy matter to have that done?

Why skip the matter of trial by jury and slip in a proviso which makes it come under the exception here?

It all conforms to what I said earlier in the day, that this is a plain, deliberate, conscious design on the part of whoever drafted the bill—and I am not referring to the authors of the bill whose names appear on it, but to the draftsmen of the bill—to evade a basic fundamental principle of our system of government and the spirit of it, as reflected in the Constitution, and the actual requirement of it, as reflected in the statutory law to which I have referred. I believe that is a fair comment. It is characteristic of other provisions in the bill.

The bill is not worthy of the men whose names are shown as its sponsors. I do not believe that they had the time really to look into it and analyze it, or have it analyzed, and did not realize the effect of its far-reaching provisions.

Reference has been made this afternoon to the debate, 7 years ago, in which the late President Kennedy and President Johnson, then Senators, both voted in favor of the jury trial provision.

Reference has been made to the debate in 1957 when we struck out part III of the bill by a yea-and-nay vote in the Senate. Reference was made to the defeat of part III in the Senate, and not defended in the House thereafter, it being almost identical with section 302 of title III of the present bill.

The unlimited power which the Attorney General would acquire under the provisions of this half-concealed section has previously been discussed by me and others. I will not repeat this discussion here. However, it is well to note again that the authority to intervene under this section is not limited to matters involving public facilities. It embraces the entire spectrum and scope of any and all litigation alleging a denial of equal protection of the law because of race, color, religion, or national origin. Its implications are tremendous.

Notwithstanding the broad field of human affairs and human relations which could result in injunctions as a result either of suits originally filed by the Attorney General under section 301 or suits in which he intervened under section 302 there is no provision whatsoever in title III which affords any guarantee whatsoever of a trial by jury in criminal contempt proceedings.

I ask the question again: How can a man be entitled to a trial by jury when the contest is between Sam Smith and James Jones, but not be entitled to a trial by jury when the United States has intervened? No one can explain that to me. I dare say no one will attempt to explain it away. If we are to make a distinction between the two cases, it should be that the man would be entitled to a trial by jury when the Attorney General and the Department of Justice, and great legal array, and the FBI are arrayed against him, rather than a trial by jury when he is arrayed only against his neighbor.

Even the inadequate protection provided by section 151 of the Civil Rights Act of 1957 is not extended to title III. Therefore, even though the punishment in a criminal contempt proceeding under title III exceeded a fine of $300 or a jail term of 45 days the defendant would be denied the right of a trial by jury. He could not get one as a matter of right under this section in its present form under any circumstances.

I do not understand how anyone can contend that this is in accord with basic American tenets of fair play and evenhanded justice for all. This section, as it now reads should certainly shock the conscience of those in the Senate who really believe in preserving and protecting fundamental human rights.

Let us discuss the limit of the punishment which could be imposed by a Federal judge in a contempt case arising under title III. I know of none that is prescribed. No limitation is specified in this title.

It is true that section 402 of title 18 of the United States Code provides that, in the case of a natural person, the fine in a criminal contempt case shall not exceed $1,000 and the imprisonment shall not exceed the term of 6 months. But—and I hope this point will be fully understood—the last paragraph of section 402 provides that the section "shall not be construed to relate to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

The effect of this exception upon the limitation of punishment was considered by the Supreme Court in *Hill* v. *United States ex rel Weiner*, 57 S. Ct. 347, 300 U.S. 105, 81 L. Ed, 537 (1937), in which it was held that an individual who was convicted of criminal contempt for violating a decree entered in a suit brought by the United States under the Sherman Antitrust Act was not entitled to the benefit of the limitation of punishment under section 402 in view of the provision which I have quoted declaring that nothing in the section should be construed to relate to contempts committed in disobedience of any lawful decree entered in a suit brought by the United States.

That is another illustration. This may sound technical, but is hard law, and it is a part of the record which is necessary to be brought out point by point. It refers to the ceiling on the punishment, and also provides that that shall not be the ceiling in cases to which the United States is a party.

Thus, as matters now stand, and as title III is now written, it would appear that a Federal judge could try an alleged contemnor on a criminal contempt charge without a jury and, upon conviction, there would be no limit on the punishment the judge could impose except for the remote, vague and undefined restrictions which might arise from the eighth amendment's prohibition against cruel and unusual punishment.

We must also be mindful that a Federal district judge, being properly and understandably jealous of the dignity and prestige of his court and the weight of his orders, might very well be prone to an overexaggerated view of the gravity of the act or omission which constitutes the alleged offense. He is the offended party and he is also the party who punishes the offender.

These are but some of the reasons which should compel us to safeguard and guarantee the right of trial by jury in criminal contempt cases. I submit that any legal proceedings in which an individual may be imprisoned or deprived of his property for penal reasons, as is true of criminal contempt proceedings, should be considered to be a criminal prosecution within the meaning of the sixth amendment and all rights guaranteed by that amendment should be accorded the alleged contemnor. Any inconvenience, delay, embarrassment, or freeing of a guilty man which might ensue are far outweighed by the bolstering of our freedom and constitutional liberties which would result."

My comments with respect to title III are equally applicable to title IV which deals with desegregation of public education. Under this title the Attorney General, in the cases specified, is authorized to initiate and maintain legal proceedings "against such parties and for such relief as may be appropriate." In such suits he would have the right to "implead as defendants such additional parties as are or may become necessary to the grant of effective relief."

As is true in the case of title III there is nothing in title IV giving an alleged contemnor the right of trial by jury. Even the inadequate protection of section 151 of the Civil Rights Act of 1957 is denied him. In criminal contempt cases he could and would be hauled before and tried by a judge who would have no statutory limitation on the punishment which he might impose when a conviction resulted.

Injunctive proceedings are entirely possible under other titles of the bill. They are expressly authorized by section 707 of title VII. Again, we find that title VII is entirely devoid of any guarantee that a defendant in a criminal contempt proceeding will be afforded a trial by jury. Not even the minimal protection of section 151 of the Civil Rights Act of 1957 is afforded. As I have pointed out, in cases brought or maintained by the United States, the sky would be the limit insofar as the statutes are concerned. That applies under present law to the right of trial by jury and also to the question of punishment.

Furthermore we shall do nothing more than to protect and preserve a basic and fundamental right if we adopt the amendment of the Senator from Georgia [Mr. TALMADGE]. That right is reflected in present Federal law with the condition that it does not apply in cases in which the Federal Government is a party. My position is that there are more reasons for it to apply in such cases than in any other.

On the other hand, the adoption of the amendment will not destroy or undermine the basic and proper powers of the courts to enforce their orders and commands. As a matter of fact, the submission of the factual question to an impartial jury will relieve the courts from the oft-repeated charge that the judge who has been offended by the violation of his orders is the very judge who seeks to punish the offender and thus cannot be impartial. This charge results because, in usual practice, an alleged contemnor is tried by the court whose order, decree, or mandate has been violated. In other words, as I have said, it is the offended person who decides the guilt and punishes the offender.

The eloquent and forceful words of the late distinguished Senator from Wyoming, Mr. O'Mahoney, are directly applicable to the question now before us.

On July 16, 1957, a little less than 7 short years ago, while speaking on the floor of the Senate, the late Senator O'Mahoney said:

> The right of trial by jury will be taken away under this bill from all persons charged with such crimes unless it is amended to preserve that right, because the bill attempts to clothe the Attorney General with the authority to bring about the punishment of persons so charged without a trial by jury. In every instance the section authorizing the Attorney General to bring a civil action includes as defendants not only persons whom the Attorney General believes are about to commit these offenses but any persons who are alleged to have already engaged in the prohibited acts or practices.
>
> The argument in support of these attempts to take away the right of trial by jury is based upon the contention that Congress has already authorized Government by injunction without a right of trial by jury in many other statutes. We are told that there are 28 such laws. An examination of these statutes reveals the important fact that without exception they seem to deal with the regulation of commerce and with the activities not of natural persons but of artificial persons known as corporations.

That is a significant fact. The right of trial by jury has not heretofore been denied indiscriminately. The exception has not been concerning natural persons, but it has dealt without exception, as Senator O'Mahoney said, with the regulation of commerce and the activities, not of natural persons, but of artificial persons known as corporations. I continue to read Senator O'Mahoney's statement:

> No corporation can exist unless it has been brought into being by the act of some government. Governments like corporations are the creatures of men, but men are the creatures of God. And here we come directly to the old, in fact, the eternal issue of human rights versus property rights.
>
> The Constitution of the United States was drafted for the protection of human rights. The drafters were thinking of individuals, of living human persons, when they provided for trial by jury. They made an exception in cases of impeachment because impeachment involves not crime but failure of an officer properly to discharge the duties of office. The framers of the Constitution were so careful to protect the human person against conviction for crime except by jury that even in providing for the trial of treason they wrote it down that "No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or in confession in open court."

Here is the extreme case, involving treason against the Government of the United States. Even a person charged with such an offense as that cannot be found guilty and cannot be punished until he has had a trial by jury under the ordinary rules that apply in such procedure. The jury must render a unanimous verdict—12 out of 12—all certifying under their oaths that they believe from the evidence beyond a reasonable doubt that the defendant is guilty.

I continue to quote from the statement of the late Senator O'Mahoney.

> Shall we now, under color of a civil action on the equity side of the court, break down this shield which for centuries has been the only protection of living persons against the authority or the pretended authority of government? Everybody knows that whenever we attempt by law to violate the Constitution we imperil free government itself because we set a precedent which can easily be followed by future Congresses and future administrations.

That quotation was from the late Senator Joseph C. O'Mahoney, a great constitutional lawyer, a solid liberal, a stanch patriot, and one of the finest Members ever to sit in this body. He was a Member of the Senate for some 25 years, until a few years ago.

Those words are reaffirmed again today in this Chamber. They have been referred to in recent days, and they will continue to be referred to for a long time, so long as men proclaim for their just right of trial by jury. I urge Senators to consider these words of wisdom from that wise and great man.

Mr. David F. Maxwell, of Philadelphia, is one of the 22 lawyers who signed the memorandum which stated the opinion that H.R. 7152 is constitutional—a conclusion with which I strongly disagree. However, since the proponents of this proposed legislation have placed such great weight on Mr. Maxwell's opinion, I think it appropriate to call the attention of the Senate to his views upon the necessity of preserving the right to trial by jury.

The American Bar Association Journal for June 1957, carried a very enlightening article by Mr. Maxwell. At that time he was president of the American Bar Association. In his article he expressed his concern over "the insidious process which has been gradually eroding our right to trial by jury." He said:

> For some time I have been deeply concerned by the insidious process which has been gradually eroding our right to trial by jury in civil cases. The right to trial by jury is firmly embedded in the American system of jurisprudence and is as old as the country itself. Reference to it is found in the Declaration of Independence, which deplores the abuses and usurpation by George III "depriving us in many cases of the benefits of trial by jury."
>
> Article VII of the Bill of Rights guarantees trial by jury in suits at common law, where the value in controversy shall exceed $20.
>
> Yet, during the past half century, bit by bit, there has been a whittling away of jury jurisdiction. Arbitration has replaced the jury trial in many areas, notably in the motion picture, building trades, and textile industries, and generally in the field of labor law. Various administrative bodies and tribunals, both on a Federal and State level, are determining the rights of citizens in a manner affecting their everyday lives, without the benefit of juries.
>
> In Saskatchewan, Canada, such a board is vested with authority to award damages in automobile accident cases on the basis of liability without fault, and there are many authorities in this country advocating the adoption of a similar system here. The Compulsory Arbitration Act in Pennsylvania, adapted in 1952, provides that the trial court may, by appropriate rule, substitute arbitration for trial by jury when the amount in controversy is $1,000 or less, and the constitutionality of the act has been upheld by the supreme court of that State.
>
> The extension of this plan to all civil cases is being seriously urged by no less eminent jurists than David W. Peck, presiding justice of the New York Supreme Court, appellate division, first department, and C. Campbell McLaurin, chief justice of the Supreme Court of Alberta, Canada, on the theory that this is the most effective way to attack clogged dockets.
>
> Personally, I have never subscribed to this doctrine. To me, it is more important to preserve the fundamental right of trial by jury than it is to dispose of cases in a hurry.
>
> Furthermore, I doubt whether the jury trial is primarily responsible for court congestion; if so, how can you account for the delays in disposing of cases on appellate dockets in certain States.

Mr. Maxwell's comments were directed specifically to the right of trial by jury in civil cases. Surely they should be applicable with multiplied force to criminal contempt proceedings in which a man can lose, not only his money and property, but his liberty, as well.

Mr. President, in further connection with the matter of jury trials in contempt cases, I wish to read briefly certain excerpts from an opinion written by Mr. Justice Black in a case in which he was a dissenting Justice, and in which he wrote a special dissenting opinion. So I propose to quote briefly from volume 356 U.S. Reports, at page 196, for the October term, 1957. This is the dissenting opinion of Mr. Justice Black in the case of Green against United States, a contempt case. The defendant was tried without a jury and was found guilty, and was sentenced to 4 years in the State penitentiary.

The case holds in what we must recognize as the majority holding, that there is no absolute constitutional right under the present situation to a trial by jury. But the logic, the reasoning, and the force of the dissenting opinion by Justice Black is overwhelming, unanswerable, and compelling. I shall read only briefly:

> If ever a group of cases called for reappraisal it seems to me that those approving summary trial of charges of criminal contempt are the ones. The early precedents which laid the groundwork for this line of authorities were decided before the actual history of the procedures used to punish contempt was brought to light, at a time when "[w]holly unfounded assumptions about 'immemorial usage' acquired a factitious authority and were made the basis of legal decisions." These cases erroneously assumed that courts had always possessed the power to punish all contempts summarily and that it inhered in their very being without supporting their suppositions by authority or reason. Later cases merely cite the earlier ones in a progressive cumulation while uncritically repeating their assumptions about "immemorial usage" and "inherent necessity."

Continuing another paragraph by Mr. Justice Black:

> Summary trial of criminal contempt, as now practiced, allows a single functionary of

> the State, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in "judgment" on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the State. No official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other Government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding, or by excessive zeal. Frank recognition of these common human characteristics, as well as others which need not be mentioned, undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses thereby securing the people's liberty.

Continuing the quotation:

> When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true and reflecting impartially on the guilt or innocence of the accused. He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied what I had always thought to be an indispensable element of due process of law—an objective, scrupulously impartial tribunal to determine whether he is guilty or innocent of the charges filed against him. In the words of this Court: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. * * * Fair trials are too important to part of our free society to let prosecuting judges be trial judges of the charges they prefer." *In re Murchison*, 349 U.S. 133, 136–137. Cf. *Chambers* v. *Florida*, 309 U.S. 227, 236–237; *Tumey* v. *Ohio*, 273 U.S. 510; *In re Oliver*, 333 U.S. 257.
>
> The vices of a summary trial are only aggravated by the fact that the judge's power to punish criminal contempt is exercised without effective external restraint. First, the substantive scope of the offense of contempt is inordinately sweeping and vague; it has been defined, for example, as "any conduct that tends to bring the authority and administration of the law into disrespect or disregard." It would be no overstatement therefore to say that the offense with the most ill-defined and elastic contours in our law is now punished by the harshest procedures known to that law. Secondly, a defendant's principal assurance that he will be fairly tried and punished is the largely impotent review of a cold record by an appellate court, another body of judges. Once in a great while a particular appellate tribunal basically hostile to summary proceedings will closely police contempt trials but such supervision is only isolated and fleeting.

Mr. President, interrupting the quotation for a moment, I point out that those are not my words, but the words of a member of the Supreme Court of the United States. Writing in a dissent, on his own responsibility, Justice Black is suggesting—it is not my suggestion—that as a matter of practice it is only once in a great while that an appellate tribunal basically hostile to summary proceedings will closely police contempt powers, but such supervision is only isolated and fleeting.

So, even here, in a situation in which the right of trial by jury in criminal contempt cases is recognized by statute, an exception is made in cases in which the United States is a party. There is another law which puts a ceiling on punishment for contempt. An exception is made when the United States is a party. In one case there is no ceiling for punishment, and in the other, no jury is permitted. Now a member of the Supreme Court of the United States says that on review, summary proceedings, which means those without a trial jury, seldom are very carefully or closely scrutinized. In other words, the judges in appellate courts are very slow to reverse the judge in a trial court who decided the case on the facts without the intervention of a jury. So there are three ordinary safeguards that apply in the average case in which a man is charged with crime, all of which are suspended in these proceedings too often by Congress under congressional act, and one by what Justice Black said is the practice of the appellate tribunals regarding contempt cases.

Continuing with the quotation from Justice Black:

> But even at its rare best appellate review cannot begin to take the place of trial in the first instance by an impartial jury subject to review on the spot by an uncommitted trial judge. Finally, as the law now stands there are no limits on the punishment a judge can impose on a defendant whom he finds guilty of contempt except for whatever remote restrictions exist in the eighth amendment's prohibition against cruel and unusual punishments or in the nebulous requirements of "reasonableness" now promulgated by the majority.
>
> In my view the power of courts to punish criminal contempt by summary trial, as now exercised, is precisely the kind of arbitrary and dangerous power which our forefathers both here and abroad fought so long, so bitterly, to stamp out. And the paradox of it all is that the courts were established and are maintained to provide impartial tribunals of strictly disinterested arbiters to resolve charges of wrongdoing between citizen and citizen or citizen and state.

I interrupt the reading of the decision again to raise the question, Why should there be a jury trial when a case is between a citizen and citizen, and no jury trial, even though the case is in the same court, when the contest is between a citizen and his government?

To bring it down to a specific case, under this nefarious section 302, why should a jury trial be granted when a case is filed by Mr. A against Mr. B, and a jury trial denied when the Attorney General intervenes and it becomes a case of Mr. A plus the U.S. Government against Mr. B? Why should Mr. B be entitled to a jury trial in the first instance, and in the same kind of case and under the same facts not be entitled to a jury trial in the second instance?

That shows beyond all doubt what a ridiculous position the bill has taken. It takes the foundation out from under any claim or any logic that could be reasonably propounded to sustain the position of the proponents of the bill.

The bill is drafted in such a way as to willfully, arbitrarily, and consciously avoid having to face a jury, and thereby make the defendants, whoever they may be, run the gauntlet of the ordinary safeguards that would usually apply in contests and in critical situations of this kind.

So I want someone to answer, now or at any other time, the question, Why should a man be entitled to a jury trial under situation A, when a contest is between citizen and citizen, and not be entitled to a jury trial when the contest is between a citizen and the Government?

I continue with Mr. Justice Black's quotation:

> The Constitution and Bill of Rights declare in sweeping unequivocal terms that "The trial of all crimes * * * shall be by jury," that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury" and that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury." As it may now be punished criminal contempt is manifestly a crime by every relevant test of reason or history. It was always a crime at common law punishable as such in the regular course of the criminal law. It possesses all of the earmarks commonly attributed to a crime. A mandate of the Government has allegedly been violated for which severe punishment, including long prison sentences, may be exacted—punishment aimed at chastising the violator for his disobedience. As Mr. Justice Holmes irrefutably observed for the Court in *Gompers* v. *United States*, 233 U.S. 604, at 610–611: "These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure * * * and that at least in England it seems that they still may be and preferably are tried in that way."

Let me emphasize the last part of that quotation: So truly are they crimes that it seems to be proved that in early law they were punished only by the usual criminal procedure, and that at least in England it seems that they still may be and preferably are tried in that way.

Continuing to quote from this very logical and closely reasoned and forceful statement by Mr. Justice Black:

> This very case forcefully illustrates the point. After surrendering, the defendants were charged with fleeing from justice, convicted, and given lengthy prison sentences designed to punish them for their flight. Identical flight has now been made a statutory crime by the Congress with severe penalties. How can it possibly be any more of a crime to be convicted of disobeying a statute and sent to jail for 3 years than to be found

guilty of violating a judicial decree forbidding precisely the same conduct and imprisoned for the same term?

The claim has frequently been advanced that courts have exercised the power to try all criminal contempts summarily since time immemorial and that this mode of trial was so well established and so favorably regarded at the time the Constitution was adopted that it was carried forward intact, by implication, despite the express provisions of the Bill of Rights requiring a completely different and fairer kind of trial for "all crimes." The myth of immemorial usage has been exploded by recent scholarship as a mere fiction. Instead it seems clear that until at least the late 17th or early 18th century the English courts, with the sole exception of the extraordinary and ill-famed court of star chamber whose arbitrary procedures and gross excesses brought forth many of the safeguards included in our Constitution, neither had nor claimed power to punish contempts committed out of court by summary process. Fox, "The History of Contempt of Court"; Frankfurter and Landis, "Power To Regulate Contempts," 37 Harvard Law Review 1010, 1042–1052; Beale, "Contempt of Court, Criminal and Civil," 21 Harvard Law Review 161. Prior to this period such contempts were tried in the normal and regular course of the criminal law, including trial by jury. After the star chamber was abolished in 1641 the summary contempt procedures utilized by that odious instrument of tyranny slowly began to seep into the common-law courts where they were embraced by judges not averse to enhancing their own power. Still for decades the instances where such irregular procedures were actually applied remained few and far between and limited to certain special situations.

I call special attention to that point. The courts of the 17th and 18th centuries did not follow the practice of punishing without jury trial except in the court of star chamber, which gave rise to gross excesses which resulted in the safeguards being included in our own Constitution. Finally, that court really passed out of existence and was outlawed, but some time later judges of other courts commenced picking up the power that had once been exercised by the outmoded and really disgraced courts. Though such courts had fallen by the wayside, the precedents were picked up and built into at least a small structure that found its way into our courts. The talk now about no jury trial has been exploded by title 18, section 3691, which I quoted this afternoon; although it has the proviso denying this right in a case in which the United States is a party. In the vote of 45 to 45 and the subsequent vote of 46 to 45 taken last week, the 45 votes for the amendment was really an affirmation of that portion of section 3691 providing for trial by jury as an absolute right, regardless of whether the Federal Government is a party or not.

Continuing the quotation:

Then in 1765 Justice Wilmot declared in an opinion prepared for delivery in the Court of King's Bench (but never actually handed down) that courts had exercised the power to try all contempts summarily since their creation in the forgotten past. Although this bald assertion has been wholly discredited by the painstaking research of the eminent authorities referred to above, and even though Wilmot's opinion was not published until some years after our Constitution had been adopted, nor cited as authority by any court until 1821, his views have nevertheless exerted a baleful influence on the law of contempt both in this country and in England. By the middle of the last century the English courts had come to accept fully his thesis that they inherently possessed power to punish all contempts summarily, in or out of court. Yet even then contempts were often punished by the regular criminal procedures so that this Court could report as late as 1913 that they were still preferably tried in that manner. *Gompers* v. *United States* (233 U.S. 604, 611.) [1]

The Government, relying solely on certain obscure passages in some early law review articles by Fox, contends that while the common-law courts may not have traditionally possessed power to punish all criminal contempts without a regular trial, they had always exercised such authority with respect to disobedience of their decrees. I do not believe that the studies of Fox or of other students of the history of contempt support any such claim. As I understand him, Fox reaches precisely the opposite conclusion. In his authoritative treatise, expressly written to elaborate and further substantiate the opinions formed in his earlier law review comments, he states clearly at the outset:

"The first of [this series of earlier articles], entitled '*The King* v. *Almon*,' was written to show that in former times the offense of contempt committed out of court was tried by a jury in the ordinary course of law and not summarily by the court as at present [1927]. The later articles also bear upon the history of the procedure in matters of contempt. Further inquiry confirmed the opinion originally formed with regard to the trial of contempt and brought to light a considerable amount of additional evidence which, with the earlier matter, is embodied in the following chapters." [2]

Then in summarizing he asserts that strangers to court proceedings were never punished except by the ordinary processes of the criminal law for contempts committed out of the court's presence until some time after the dissolution of the star chamber; he immediately follows with the judgment that parties were governed by the same general rules that applied to strangers.[3] Of course he recognizes the antiquity of the jurisdiction of courts to enforce their orders by conditional confinement, but such coercion, as pointed out before, is obviously something quite different from the infliction of purely punitive penalties for criminal contempt when compliance is no longer possible.

Professors Frankfurter and Landis in their fine article likewise unequivocally declare:

"The Clayton Act [providing for jury trial of certain charges of criminal contempt] does nothing new. It is as old as the best traditions of the common law.

"Down to the early part of the 18th century cases of contempt even in and about the common-law courts when not committed by persons officially connected with the court were dealt with by the ordinary course of law, i.e., tried by jury, except when the offender confessed or when the offense was committed 'in the actual view of the court.'

"[U]ntil 1720 there is no instance in the common-law precedents of punishment otherwise than after trial in the ordinary course and not by summary process." [4]

And Professor Beale in his discussion of the matter concludes:

"As early as the time of Richard III it was said that the chancellor of England compels a party against whom an order is issued by imprisonment; and a little later it was said in the chancery that 'a decree does not bind the right, but only binds the person to obedience, so that if the party will not obey, then the chancellor may commit him to prison till he obey, and that is all the chancellor can do.' This imprisonment was by no means a punishment, but was merely to secure obedience to the writ of the king. Down to within a century [Beale was writing in 1908] it was very doubtful if the chancellor could under any circumstances inflict punishment for disobedience of a decree. * * * In any case the contempt of a defendant who had violated a decree in chancery could be purged by doing the act commanded and paying costs.

* * * * *

"Where the court inflicts a definite term of imprisonment by way of punishment for the violation of its orders, the case does not differ, it would seem, from the case of criminal contempt out of court, and regular process and trial by jury should be required." [5]

In brief the available historical material as reported and analyzed by the recognized authorities in this field squarely refutes the Government's insistence that disobedience of a court order has always been an exception punishable by summary process. Insofar as this particular case is concerned, the Government frankly concedes that it cannot point to a single instance in the entire course of Anglo-American legal history prior to this prosecution and two related contemporary cases where a defendant has been punished for criminal contempt by summary trial after fleeing from court-ordered imprisonment.[6]

Those who claim that the delegates who ratified the Constitution and its contemporaneous amendments intended to exempt the crime of contempt from the procedural safeguards expressly established by those great charters for the trial of "all crimes" carry a heavy burden indeed. There is nothing in the Constitution or any of its amendments which even remotely suggests such an exception. And as the Government points out in its brief, it does not appear that there was a word of discussion in the Constitutional Convention or in any of the State ratifying conventions recognizing or affirming the jurisdiction of courts to punish this crime by summary process, a power which in all particulars is so inherently alien to the method of punishing other public offenses provided by the Constitution.

In the begining the contempt power with its essentially arbitrary procedures was a petty, insignificant part of our law involving the use of trivial penalties to preserve order in the courtroom and maintain the authority of the courts.[7] But since the

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[1] In passing it is interesting to note that even Wilmot felt obliged to bolster his position by pointing to the fact that a defendant, under a notion then prevalent, could exonerate himself from a charge of contempt by fully denying the charges under oath. In this event he could only be prosecuted for false swearing, in which case he was entitled, as Wilmot elaborately observes, to trial by jury. See Curtis & Curtis, "The Story of a Notion in the Law of Criminal Contempt," 41 Harv. L. Rev. 51.

[2] Fox, "The History of Contempt of Court," VII.

[3] Id., at 116–117. See also, id., at 3–4, 13, 54–55, 71–73, 89.

[4] "Power to Regulate Contempts," 37 Harv. L. Rev. 1010, 1042, 1046.

[5] "Contempt of Court, Criminal and Civil," 21 Harv. L. Rev. 161, 169–170, 174.

[6] See *United States* v. *Thompson*, 214 F. 2d 545; *United States* v. *Hall*, 198 F. 2d 726.

[7] Although records of the colonial era are extremely fragmentary and inaccessible, apparently such contempts as existed were not the subject of major punishment in that period. From the scattered reported cases it appears that alleged offenders were let off after an apology, a reprimand or a small fine or other relatively slight punishment. I have found no instance where anyone was unconditionally imprisoned for even a term of months, let alone years, during that era when extremely harsh penalties were otherwise commonplace.

> adoption of the Constitution it has undergone an incredible transformation and growth, slowly at first and then with increasing acceleration, until it has become a powerful and pervasive device for enforcement of the criminal law. It is no longer the same comparatively innocuous power that it was. Its summary procedures have been pressed into service for such farflung purposes as to prevent unlawful labor practices, to enforce the prohibition laws, to secure civil liberties and now, for the first time in our history, to punish a convict for fleeing from imprisonment.[8]

Mr. President, I invite special attention to the following words. They are not mine. They are the words of Justice Black:

> In brief it has become a common device for bypassing the constitutionally prescribed safeguards of the regular criminal law in punishing public wrongs. But still worse, its subversive potential to that end appears to be virtually unlimited. All the while the sentences imposed on those found guilty of contempt have steadily mounted, until now they are even imprisoned for years.
>
> I cannot help but believe that this arbitrary power to punish by summary process, as now used, is utterly irreconcilable with first principles underlying our Constitution and the system of government it created—principles which were uppermost in the minds of the generation that adopted the Constitution. Above all that generation deeply feared and bitterly abhorred the existence of arbitrary, unchecked power in the hands of any government official, particularly when it came to punishing alleged offenses against the state. A great concern for protecting individual liberty from even the possibility of irresponsible official action was one of the momentous forces which led to the Bill of Rights. And the fifth, sixth, seventh, and eighth amendments were directly and purposefully designed to confine the power of courts and judges, especially with regard to the procedures used for the trial of crimes.
>
> As manifested by the Declaration of Independence, the denial of trial by jury and its subversion by various contrivances was one of the principal complaints against the English Crown. Trial by a jury of laymen and no less was regarded as the birthright of freemen.[9] Witness the fierce opposition of the Colonials to the courts of Admiralty in which judges instead of citizen juries were authorized to try those charged with violating certain laws.[10] The same zealous determination to protect jury trial dominated the State conventions which ratified the Constitution and eventually led to the solemn reaffirmation of that mode of trial in the Bill of Rights—not only for all criminal prosecutions but for all civil causes involving $20 or more. See 2 Story, "Commentaries on the Constitution" (5th ed. 1891), sections 1763–1768. I find it difficult to understand how it can be maintained that the same people who manifested such great concern for trial by jury as to explicitly embed it in the Constitution for every $20 civil suit could have intended that this cherished method of trial should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-ranging mandates without giving the accused a fair trial by his fellow citizens it would have provoked a storm of protest, to put it mildly. Would any friend of the Constitution have been foolhardy enough to take the floor of the ratifying Convention in Virginia or any of a half dozen other States and even suggest such a possibility? [11]
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> As this Court has often observed, "The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning," *United States* v. *Sprague,* 282 U.S. 716, 731; "constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption," *Lake County* v. *Rollins,* 130 U.S. 662, 671. Cf. Mr. Justice Holmes in *Eisner* v. *Macomber,* 252 U.S. 189, 219–220 (dissenting opinion). It is wholly beyond my comprehension how the generality of laymen, or for that matter even thoughtful lawyers, either at the end of the 18th century or today, could possibly see an appreciable difference between the crime of contempt, at least as it has now evolved, and other major crimes, or why they would wish to draw any distinction between the two so far as basic constitutional rights were concerned.

I complete my reading of that opinion, at page 211. It is an extraordinary dissenting opinion of Mr. Justice Black. I recommend the reading of the remainder of that opinion to my colleagues in the Senate. It refutes, in a closely reasoned opinion, based on extensive research, the idea that there is an immemorial practice of the English law that permits punishment for criminal contempt by a court without a jury trial.

Mr. Justice Black shows that it has no true beginning in history; that, in fact, the assumption that it had such beginning is proved to be false. He shows clearly that the practice is frought with most extraordinary possibilities of wrong.

He shows further, as we have argued here today, that its subversive potential to that end is virtually unlimited.

In other words, what started as a small subject, extending the idea of punishing for contempt without a jury trial, has been extended and enlarged; and those who would extend it have been challenged from time to time and, when sufficiently challenged, Congress has said, "We will give that right of trial by jury," or the principle of the right of trial by jury has been recognized in general law, in section 3691, title 18, United States Code, 1958 edition, to which I have referred.

The principle of it is fully recognized, soundly enacted, and clearly elucidated in the provisions of that section. However, the exception was made when the United States was made a party to the suit.

Taking advantage of that situation, the designers of the bill before us, added section 302 in an effort to brush aside the whole spirit of the Constitution. They brush aside the statute to bring themselves in the back door.

I believe it is already clearly evident that a majority of the Senate will not let them get by with it. They won by one vote the other day. I predict, with the greatest concern for our welfare in the future, that that is the highest vote that they will get, and that our amendment will prevail and that it will be better understood every day of debate.

Instead of making any apologies for taking up the time of the Senate and taking up the time of the Congress, those of us who are fighting this battle should make an apology if we did not stand here and fight for these principles which are imbedded in our law, the principles which the proponents are trying to get around. Insofar as section 302 is concerned, they are trying to do it in a devious way in a hidden section of the law. We shall be here as long as necessary and as long as we are permitted by the rules of the Senate.

Mr. President, I yield the floor.

ORDER OF BUSINESS

During the delivery of Mr. STENNIS' remarks,

Mr. SYMINGTON. Mr. President——

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Missouri [Mr. SYMINGTON], without losing my right to the floor, without having my resumption of my remarks counted as a second speech by me today on the pending matter, and with the further understanding that his remarks will be printed elsewhere in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and the Senator from Missouri may proceed.

Mr. SYMINGTON. I thank the distinguished Senator from Mississippi.

DEATH OF REPRESENTATIVE CANNON OF MISSOURI

Mr. SYMINGTON. Mr. President, I understand there is at the desk a resolution from the House of Representatives. I ask that the Chair lay that resolution before the Senate.

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[8] The following are merely random samples of important and far-reaching Federal regulatory acts now in effect under which a violation of any provision of the act is not only a statutory crime punishable as such but also may be enjoined at the Government's request and punished as a criminal contempt by summary process if the injunction is disobeyed. Securities Exchange Act, 48 Stat. 900, 15 U.S.C. 78u; Natural Gas Act, 52 Stat. 832, 15 U.S.C. 717s; Fair Labor Standards Act, 52 Stat. 1069, 29 U.S.C. 217; Atomic Energy Act, 68 Stat. 959, 42 U.S.C. (Supp. IV) 2280; Federal Communications Act, 48 Stat. 1092, 47 U.S.C. 401; Defense Production Act of 1950, 64 Stat. 817, 50 U.S.C. App. 2156.

[9] As early as 1765 delegates from nine Colonies meeting in New York declared in a declaration of rights that trial by jury was the "inherent and invaluable right" of every Colonial (43 Harvard Classics 147, 148).

[10] In 1775 Jefferson protested: "[Parliament has] extended the jurisdiction of the courts of Admiralty beyond their ancient limits thereby depriving us of the inestimable right of trial by jury in cases affecting both life and property and subjecting both to the decision arbitrary decision [sic] of a single and dependent judge" (2 Journals of the Continental Congress (Ford ed.) 132).

[11] Although sec. 17 of the Judiciary Act of 1789, 1 Stat. 73, 83, authorized the Federal courts to punish contempts "in any cause or hearing before the same," it did not, as this Court has pointed out, define what were contempts or prescribe the method of punishing them. *Savin, Petitioner*, 131 U.S. 267, 275. Sec. 17, which contains a number of other provisions, appears to have been a comparatively insignificant provision of the judicial code enacted by the Congress without material discussion in the midst of 34 other sections, many of which were both extremely important and highly controversial.

The **PRESIDING OFFICER.** The Chair lays before the Senate the resolution, which will be read.

The resolution (H. Res. 718) was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable CLARENCE CANNON, a Representative from the State of Missouri.

Resolved, That a committee of 43 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SYMINGTON. Mr. President, on behalf of myself and my distinguished colleague, the Senator from Missouri [Mr. LONG], I submit a resolution for which I request immediate consideration.

The resolution (S. Res. 328) was read and, by unanimous consent, was considered and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CLARENCE CANNON, late a Representative from the State of Missouri.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The **PRESIDING OFFICER.** Under the second resolving clause the Chair hereby appoints the two distinguished Senators from Missouri [Mr. SYMINGTON and Mr. LONG] to serve as the Senate members of the committee.

The remainder of the Senate resolution (S. Res. 328) will be read.

The Chief Clerk read the following:

Resolved, That as a further mark of respect to the late Representative, the Senate, at the conclusion of its business today, take a recess until 10 o'clock a.m. tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE SPACE PROGRAM

During the delivery of Mr. STENNIS' speech,

Mr. SYMINGTON. Mr. President, yesterday the Honorable Walter L. Lingle, Jr., Deputy Associate Administrator of the National Aeronautics and Space Administration, delivered an address to the Missouri Bankers Association, in St. Louis, which it was my pleasure to hear.

Mr. Lingle is returning to the Procter & Gamble Co. He left it some time ago, in order to serve his Government, at a reduction in salary of over 90 percent.

Not only because of this patriotic gesture on his part, but also because the talk would appear to be as fine a summary of the space program as has been presented, I ask unanimous consent that his address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SPACE PROGRAM

I am going to assume that as bankers and businessmen, you would like first to know something about the history and structure of the organization which manages our country's space program. I have found that this history and structure is not well understood by a great many people.

It is not generally recognized that the organization which manages our space program had its beginning in 1916.

At that time, President Wilson and his Cabinet concluded that the airplane was likely to become an important part of this country's military and commercial fabric. They also concluded that private industry did not have the resources to carry on enough basic research in the field of aerodynamic structures and propulsion to meet this country's needs.

President Wilson asked Congress to establish the National Advisory Committee for Aeronautics as an independent civilian governmental agency, responsible directly to the President. In its charter from the Congress, the NACA was authorized to build facilities for aeronautical research and to advance the state of the art in aeronautics both for the military and civilian sectors of this country's body politic. Much of the dominance which the United States has enjoyed in military and civilian aviation has been due to the basic research of the NACA. Over the years, the NACA created the Langley Research Center at Hampton, Va.; the Lewis Research Center in Cleveland; the Ames Research Center at Moffett Field, Calif.; and the Flight Research Center at Edwards Air Force Base, in California.

At the time the first Russian sputnik made its appearance on the horizon, these centers were going organizations and employed about 8,000 civil service personnel.

Following the appearance of the first Russian sputnik in October 1957, the Eisenhower administration, in response to a tremendous public reaction, decided that a new civilian governmental agency should be created to manage and advance this country's space program.

In May of 1958, the Congress enacted the National Aeronautics and Space Act in which the opening section reads as follows:

"DECLARATION OF POLICY AND PURPOSE

"SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

"(b) The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which such agency has responsibility for and direction of any such activity shall be made by the President."

This statement became the charter of the new National Aeronautics and Space Administration. The NACA was dissolved and all personnel and facilities of that organization were transferred to the new space agency—or NASA, as we now call it. In addition, the Naval Research Laboratory with 400 civilian personnel was incorporated into NASA at its inception. On July 1, 1960, the Army transferred to NASA the Development Operations Division of the Army Ballistic Missile Agency at Huntsville, Ala., with its 5,500 civilian personnel. This is the facility which was, and still is, under the direction of Wernher von Braun.

Thus, NASA had transferred to it approximately 14,000 civil service personnel who had been under the jurisdiction of other governmental agencies before NASA came into being.

I think it is interesting that both the Wilson administration in 1961 and the Eisenhower administration in 1958, felt that a research and development organization of this type should be under civilian and not military jurisdiction. At the same time, it was axiomatic that the resources of such an organization should be available as needed to our Military Establishment.

Setting the organization up as a civilian, rather than a military group has, I believe, at least three advantages.

1. First, this type of research demands outstanding scientific and engineering personnel and many such scientists and engineers are happy to work for the Government only in a civilian agency.

2. An optimum space research effort demands close cooperation with independent scientists and universities and nonprofit organizations, both in this country and abroad. This type of cooperation is hard to attain, unless there can be a rather full disclosure of information between the parties involved and unless the independent scientists feel that they are free from the restrictions of military secrecy.

3. And third, the establishment of worldwide tracking facilities is acceptable to some countries on a civilian basis, whereas it would not be acceptable to the same countries as part of a U.S. military organization.

The Eisenhower administration established a relatively limited set of space objectives for NASA and in the closing years of the Eisenhower administration, the NASA budget was as follows:

	Million
1959	$335
1960	518
1961	967

When President Kennedy came into office, he ordered a reexamination of the country's space program and space objectives. This culminated in May 1961, in a joint recommendation from Mr. James Webb, the Administrator of NASA, and Defense Secretary McNamara to Vice President Johnson and to President Kennedy, setting forth a new and enlarged plan for space research and development.

Incidentally, in his capacity as Vice President, Lyndon Johnson was chairman of the Space Council. This council has general oversight over our country's space activities and consists of the Vice President, the Secretary of State, the Secretary of Defense, the Chairman of the Atomic Energy Commission and the Administrator of NASA.

The recommendation from Messrs. Webb and McNamara pointed out that the space program had four major purposes as follows:

1. International prestige.
2. Scientific inquiry.
3. Possible military uses.
4. Possible economic payoffs.

It was, and still is, in my opinion, impossible to weigh the relative importance of these four major purposes of the program. It would be interesting to know how they will be evaluated by historians 50 years from now.

President Kennedy seems to have developed in 1961 a concept of our space objectives which I think he best expressed in a speech which he made some time later at Rice University in Houston, Tex. In that speech, he said, and I quote:

"Our leadership in science and in industry, our hope for peace and security, our obligation to ourselves as well as to others, all require us to make this effort * * * and to become the world's leading spacefaring nation.

"We set sail on this new sea," the President said, "because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and all technology, has no conscience of its own.

"Whether it will become a force for good or ill depends on men, and only if the United States occupies a position of preeminence can we help decide whether this new ocean will be a sea of peace, or a new terrifying theater of war."

You will note that the President did not say that our national goal is that of landing the first man on the moon—or, for that matter, of being "first" with respect to any single achievement in space. We have done many things first, and we will do many other things first—including, we feel confident, sending the first explorers to the moon—but this is not the objective President Kennedy stated.

Rather, he forcefully declared our determination to attain "a position of preeminence" in space and to "become the world's leading spacefaring nation."

President Kennedy did feel, however, that the whole program would be given focus and cohesiveness if it was built around some single specific and major objective. And it was for this reason that he and his associates decided to make it a national objective to land American astronauts on the moon in this decade and to return them safely.

Three years have now passed since the scope of the present program was agreed upon. And there has been very little change during those 3 years in the charter and objectives to which NASA is adhering.

For the purpose of achieving these objectives, a basic philosophy of organization and operation was agreed upon in 1961 and I believe that NASA has pretty consistently adhered to this philosophy.

Some of the essential elements in this philosophy were as follows:

1. It was agreed that private industry, nonprofit organizations, and our universities should supply most of the resources for the program. The extent to which this philosophy has been followed can be judged by the fact that 92 percent of NASA's expenditures have gone to outside contractors and not spent in-house.

2. It was agreed that NASA would have a decentralized organization and that the backbone of NASA's in-house research and management organization should be in its field centers and not in its Washington headquarters. In addition to the field centers in Hampton, Va., Cleveland, Ohio, Moffett Field, Calif., Edwards Field, Calif., and Huntsville, Ala.—which I have already named and which NASA inherited from other organizations—it has been necessary to create the Manned Spacecraft Center at Houston, Tex., which controls the design of manned spacecraft and the training of astronauts; the Goddard Space Flight Center at Greenbelt, Md., which controls the design and management of weather and communications satellites and of our worldwide communications network; and the Kennedy Space Flight Center at Merritt Island, Fla., just north of the DOD facility at Cape Kennedy, which will serve as the launch site for the lunar landing program and other major manned space missions. In addition, an Electronics Research Center in Boston, Mass., has been approved.

It was agreed that NASA would have a relatively small organization in Washington to establish and control NASA's overall budgets and policy, to control final approval of specific programs and projects, and to coordinate the actions of the field centers. NASA now has about 125 specifically approved projects, each of which has required approval from the administrator before it could be implemented by a field center. Once a project has been approved, the responsibility for contractor selection, contract negotiation, project direction, and management and contract closeout is delegated for each project to one of the field centers. However, contractor selection on all projects involving $5 million or more must be approved by the administrator with the advice and consent of the deputy administrator and the associate administrator.

It was agreed that the Agency's total effort should be broken into four major segments and that four program offices in Washington, responsible to the administrator, would have planning and budgetary control over these four segments. The authority of the field centers to fund and carry out any project must flow to the Centers from one of these four organizational elements in Washington.

These four offices are as follows:

The Office of Manned Space Flight has the responsibility for all manned programs, including the Mercury project which has been concluded; the Gemini project which is now well underway, and in which manned flights may take place in this calendar year; and the Apollo program under which our astronauts will eventually land on the moon. This program office controls approximately 70 percent of NASA's total budget.

Second, there is the Office of Space Science and Applications which has budgetary and planning control over unmanned space missions such as the Telstar, Relay, and Syncom communications satellites; the Tiros and Nimbus meteorological satellites; the Ranger, Surveyor, and Orbiter programs for lunar exploration; and the Mariner programs for exploration of Venus and Mars. This office controls approximately 17 percent of NASA's budget.

It is this Office which is now contributing greatly to improved weather forecasting through its research on weather satellites and which may some day contribute to weather control. This, I suspect, could be a matter of great importance to Missouri bankers.

3. Third, there is the Office of Tracking and Data Acquisition. This Office controls all budgeting and planning for our worldwide tracking and communications network consisting of 47 stations—almost all of which are located in other countries. This Office controls approximately 6 percent of NASA's budget.

4. Fourth, there is the Office of Advanced Research and Technology. Although this Office has few specific missions in space as such, it may well have the most important responsibility in the entire NASA organization. It controls the budgeting and planning for very basic research in materials, structures, propulsion, and life sciences as they are related to our total space objectives. The development of nuclear propulsion, fluoride propulsion and ion propulsion; the development of materials which will stand the heat of reentry into the earth's atmosphere at 40,000 miles per hour (necessary for planetary exploration and almost double the speed which John Glenn experienced); the development of compact onboard power sources for large satellites; the development of life support systems for man in space vehicles, such as the Gemini and Apollo capsules; wind-tunnel research on configuration of airplanes such as those which have made the X-15 program successful and which are expected to make the supersonic transport program successful—all are a part of the responsibility of the Office of Advanced Research and Technology. This Office is looking ahead 10, 15, and even 20 years and will provide the sinews for this country's future dominance in space. It controls approximately 7 percent of NASA's budget.

As these four program offices conceive and budget their projects, there is a constant flow of communication with the Department of Defense through a special NASA office established for that purpose. This link assures the Military Establishment an adequate opportunity to inject its needs into NASA's project planning.

Finally, it was agreed back in 1961 that NASA would lean heavily on this country's university system to provide much of the scientific and engineering support necessary to carry out the program and that we would pursue a policy of building a space research capability in our university system on a broad basis.

As an agency, we have tried to retain inhouse only enough scientific and engineering capability and manpower to give us the competence to plan our programs and supervise our industrial and university contractors. At the present time, we have about 30,000 civil service employees on the NASA payroll, of whom 10,000 are scientists and engineers doing research and overseeing our projects. This compares with approximately 60,000 engineers and scientists who are participating in the program full time in industries and in our universities.

In 1965, approximately $150 million will flow from the NASA budget to the universities and colleges in this country. This breakdown is as follows:

	Billion
1962	$1.822
1963	3.647
1964	5.100
1965 (proposed)	5.304

Until the moon landing is achieved, the NASA budget will probably remain near its present level.

In addition to the NASA expenditures, the DOD spends just under $2 billion currently for space projects which it manages. These are purely military projects and are classified.

NASA now has about 1,100 active prime contractors.

In the last complete Government fiscal year, that being the last year for which we have an accurate record, the State of Missouri stands second among all States in the dollar volume of NASA prime contracts and was exceeded only by the State of California. Approximately 9 percent of the total dollar volume of NASA's prime contract awards in fiscal 1963 went to Missouri and I would estimate that this percentage will be about the same in the current Government fiscal year ending June 30, 1964. It should, again, be somewhat the same in the Government fiscal year 1965.

Missouri's participation in the NASA expenditures is, of course, heavily weighted by NASA's contracts with the McDonnell Aircraft Corp. For example, in fiscal 1963, McDonnell received contract awards from NASA totaling $193 million and in the first 6 months of fiscal 1964, it received awards totaling $139 million. My best estimate is that NASA currently accounts for approximately 30 percent of McDonnell's total sales volume.

Since we do not like to burden businessmen with reports to NASA, I cannot tell you what the full financial impact of the NASA program is on the State of Missouri. To get this information accurately would require a complex reporting system. I can only give you a broad basis for making a judgment of NASA's impact.

Out of NASA's current prime contractors, only eight are headquartered in Missouri; but this is not, by any means, a true measure of the financial impact of the program on the State.

A number of prime contractors such as the Eagle Picher Co., the North American Aviation, Inc., and the General Electric Co. are headquartered in other States, but have major facilities where NASA work is performed in the State of Missouri.

In addition, we estimate that NASA's 1,100 prime contractors have 12,000 or more first- and second-tier subcontractors and suppliers. Some sampling which we have done has demonstrated clearly that these subcontractors and suppliers to whom about 50 percent of our prime contract money eventually flows are broadly scattered throughout the United States and that any State with sizable industrial facilities is certain to feel considerable financial impact from the program.

There is also one other factor to be considered.

NASA's largest prime contractor is the Department of Defense. The DOD acts as NASA's agent for contracting out about 20 percent of NASA's current appropriations. Most of this expenditure is for construction of fixed facilities. This construction contracting is largely handled by the Army Corps of Engineers, since the corps manages the bulk of NASA's construction activity.

In recent years, the segment of NASA's appropriations which has gone into the construction of facilities has been as follows:

	Million
1962	$325.7
1963	743.6
1964	673.5
1965 (estimated)	281.0

The construction expenditure has gone largely into ground support facilities such as launch pads, test stands, liquid hydrogen and oxygen storage facilities, tracking and communications systems, and research laboratories. In the main, these have been onetime nonrecurring expenditures which provide the United States with basic testing and launching capability. The rate of appropriation for NASA construction is expected to decline sharply after 1965, but the rate of expenditure for construction will probably not peak out until after 1966 because construction expenditure lags appropriation by at least 18 months.

The contractors and suppliers who are participating in this construction activity are widely dispersed and I am sure that this construction program is having some impact in Missouri. Incidentally, one of the principal architect and engineering firms involved in this program is Sverdrup & Parcel, which has a primary office in St. Louis.

I have mentioned NASA's reliance on our colleges and universities and nonprofit organizations.

Some of the principal university and nonprofit contractors are the University of Missouri at Columbia; Kansas City University and the Midwest Research Institute at Kansas City, and St. Louis University at St. Louis, and Washington University at St. Louis.

A high proportion of NASA's expenditure goes for research and development projects. Because of the difficulty of writing precise specifications for such projects, it has been necessary to let most of our large contracts on a cost-plus-fixed-fee basis. This is a form of contract which we use through necessity. At the same time, we recognize its many disadvantages both from the contractor's and the Government's viewpoint.

For this reason, we are now making every effort to include in new contracts incentive features for achieving specific cost, scheduling, and technical objectives. We are also trying to convert as many as possible of our present CPFF contracts to an incentive basis, in whole or in part, or to identify elements of hardware which can be bought separately on a fixed-price basis.

The establishment of technical, cost, and schedule targets for incentive contracts, which are acceptable to both parties, is extremely difficult. We believe, however, that there is no substitute for such financial incentives as a mechanism of motivating our contractors to give us optimum technical and financial performance—and also for creating through this mechanism the pressure from the contractor on the NASA organization to perform with optimum efficiency.

I cannot overemphasize the importance of incentive contracting as a force for improving NASA's own planning and decisionmaking processes, as well as the contractors.

We expect to write more than $500 million of incentive contracts in the present fiscal year.

As you know, President Johnson has taken a very personal interest in the cost effectiveness and efficiency of companies which are contractors to the Government. We regard incentive contracting as a primary means for achieving the added efficiency which President Johnson seeks.

More than incidentally, we think that they can become a primary means for improving contractor profit levels. It is NASA's policy to let a contractor substantially improve his profit ratios if he can achieve the incentive targets which we mutually establish. Some recent targets which we have established will permit the contractor to more than double the profit ratio which he otherwise would have been agreed to by NASA, if all incentive targets are achieved.

I have tried to emphasize the fact that NASA seeks preeminence for the United States in all avenues of space endeavor and that the lunar landing program is only a part of the broad total. At the same time, it is the spectacular feats of manned flight which generally galvanize interest in the program. So let me close by giving you a few facts about things which are yet to come in the Apollo lunar landing program.

The ability of man himself to explore space is directly proportional to his ability to lift weight into space. Until recently, the Russians have topped the United States in this capability largely because of their early technical inability to make effective nuclear warheads as small as those of the United States.

In the early days of rocket development, it appears that the Russians were forced to build larger rockets than we built in order to create their version of the intercontinental ballistic missile. In turn, they could probably make fewer rockets within their resources. This situation, perhaps, contributed to the fact that the number of our ICBM's now seems to be far larger than the number of Russian ICBM's.

This same set of circumstances, however, meant that the Russians had a weight-lifting capability to put man into space at a much earlier date than the United States.

The largest payload which the Russians have put into space and into earth orbit seems to have weighed about 14,000 pounds.

The Atlas rocket, a military vehicle, which sent John Glenn and his fellow astronauts into earth orbit stood 100 feet high, weighed 260,000 pounds fully fueled and was capable of putting just under 3,000 pounds into earth orbit.

The Titan II rocket, also a military vehicle, which will put the Gemini capsule into orbit is able to put about 7,000 pounds into earth orbit.

Our Saturn rocket is the first which we have designed, not for direct military use, but primarily to put man into space. This first version of the Saturn which has been so successfully tested during the past year, and the final test for which will be completed by early 1965, has put more than 20,000 pounds into earth orbit. We have thus regained the weight-lifting championship from the Russians.

The rocket which will send men to the moon will be the Saturn V rocket. This will have three stages. When fully loaded with the Apollo vehicle on top, it will stand 370 feet high, weigh 6 million pounds, and will be capable of putting 240,000 pounds into earth orbit. This is the equivalent of a Boeing 707.

Static test firings of the first and largest stage of the Saturn V rocket, now being built by Boeing, will begin at our Huntsville installation in early 1965. The first test launchings of this vehicle from Cape Kennedy should occur within the next 2 years.

In the past, we have assembled the stages of our rockets and given them their final checkout while they have stood on their launch pads in Florida. You have seen a part of this on TV. In the future, we plan to assemble and check the rockets out in a giant hangar now under construction at the Kennedy Space Center. This hangar will stand 550 feet high, will be capable of housing four Saturn vehicles for vertical assembly and checkout, and will be by quite a bit the largest building by volume in the world. These vehicles will be carried from the new vertical assembly building to the launch pad, a distance of about 2 or 3 miles, on a giant crawler capable of carrying over 10 million pounds of weight. This crawler is adapted from a strip mining machine designed for the Peabody Coal Co. of St. Louis some time ago.

I will show you from this model the sequence of events which will occur when our astronauts are finally launched on their moon voyage which is still scheduled to occur within this decade. The Saturn V rocket which will burn 900 tons of cryogenic fuel per minute will first put into earth orbit the Apollo vehicle containing three astronauts and the service module. Joined together, these will weigh approximately 90,000 pounds.

After one or two orbits of the earth for orientation purposes, the final stage of the rocket will be fired and will send its 90,000-pound payload on a direct course to the moon.

More than 48 hours later, this vehicle will go into orbit around the moon. Again, after a period of orientation, and perhaps picture taking, the moment of decision will be reached to send two of the astronauts down to the lunar surface in the Lunar Excursion Module. The remaining astronaut will continue to orbit the moon in the Apollo vehicle attached to the service module.

After making their landing on the moon, the two astronauts will remain on the lunar surface for somewhere between 2 and 10 hours—depending on the surface conditions—and should be able to explore to a distance of up to 1 to 1½ miles from the point of their landing.

The two astronauts will then reenter the LEM, fire the rocket engine which is a part of that module, go into a lunar orbit close to that of the Apollo vehicle already orbiting, and rendezvous with the Apollo vehicle. It will have been essential for the rendezvous technique to have been mastered in earth orbit with the Gemini and the Apollo capsules quite some time before this particular moment.

Our three astronauts will then reenter the Apollo capsule, refire the rocket motor which will launch them on a trajectory back to the earth, disengage the service module—which is no longer needed—and continue on for an earth reentry. When they reach the earth ready for reentry, they will be traveling at a speed of approximately 25,000 miles per hour—as compared with the speed of 18,000 miles per hour which John Glenn and the other astronauts attained when they reentered the atmosphere for an earth landing.

The question has arisen in many people's minds as to where the moon astronauts will land, and I am sure that every citizen of Missouri would like to see them land in the State of Missouri.

The present expectation is that they will not land in any State—but rather, will land on water just as our Mercury astronauts have landed in the past. This will not be because we lack the technical capability to make an earth landing as the Russians have done; but, rather, because the apparatus required for an earth landing would weigh several thousand pounds. We would rather use this weight availability for life support systems to make the astronauts more comfortable and for redundant technical systems to make the vehicle more reliable, than to expend this weight capability in the apparatus necessary to make the landing on land.

Will this lunar landing of U.S. astronauts really happen in this decade? Of course, no one can say with certainty what will happen 5 years from now. There are too many imponderables in our economic, political, social, and technical structure for anyone to say—with more than a modest degree of certainty—that such an enormous and hazardous technical undertaking will be accomplished.

On the other hand, there is no doubt that this country has the resources to accomplish this mission without causing serious drain on other sectors of the economy; there is no doubt that the methods for accomplishing the project are feasible and that it involves no major new technical discoveries or breakthroughs; and there is no doubt that for 3 years, public support of the project has been sustained and continues to be sustained.

In the meantime, the project is certainly serving the purpose which President Kennedy had in mind; namely, as a focus for public attention and public support in building the inherent capability to make this country the world's leading spacefaring nation.

We have positioned ourselves to gain from our space exploration whatever the world of space can contribute to our scientific knowledge and to our many scientific disciplines. It now appears that a vast scientific contribution will be forthcoming.

We have positioned ourselves to gain from space whatever practical applications may be forthcoming and we have already been rewarded with the exciting but relatively primitive results of our communications and meteorological satellites.

We have positioned ourselves to augment our military capability with space technology. I believe that we should be simultaneously thankful that such developments have been relatively minor up to date—while, at the same time, taking comfort from the fact that our space capability for all military purposes today almost certainly exceeds that of Russia.

Finally, we have positioned ourselves to reap whatever international political and psychological advantage exists in a superior space capability; and I believe that there is much evidence that our space program has been of considerable benefit to our country in the field of international relations.

In summary, we have gone a long way and we are continuing to make rapid progress toward the goals which were set for us first by President Eisenhower—and later, expanded by President Kennedy.

WHILE AMERICA SLEEPS—U.S. COLLISION COURSE IN THE MIDDLE EAST

During the delivery of Mr. STENNIS' speech,

Mr. GRUENING. Mr. President, the news in this morning's press that Khrushchev in Cairo is strongly backing the Arab League war against Israel, President Nasser's drive against Great Britain to gain control of the oil reserves of the Middle East and to throw the United States off its bases in Libya should come as no great surprise to those who have realistically studied events in the Middle East during the past 12 years since President Nasser seized power in Egypt and has been kept in power by the United States.

The facts are that ever since President Nasser adopted the policy of "neutralism in favor of Moscow" he has been pursuing the "Soviet line" and espousing Soviet policy. Thus, Khrushchev's statements that he is backing Nasser's drive against Israel is merely a case of Khrushchev affirming his own policy, which Nasser has espoused for him for years.

Last year, in a report to the Senate Committee on Government Operations, on my study of our foreign aid program in certain countries in the Middle East, including Egypt, I stated:

> Egypt has been the most adept at playing the Soviets off against the United States. All three of these Arab States (Egypt, Syria, and Yemen) are absolutely dependent upon Soviet arms—so much so that Soviet transport jets were standing by to transport Egyptian troops to Yemen even before the revolt broke out there and have continued to furnish the transportation for the Egyptian troops in Yemen and their supplies. All three countries, while blowing hot and cold with respect to local Communists, continue to welcome technicians in sizable numbers from the Soviet bloc countries.
>
> Today, militarily, Egypt is completely dependent on Soviet bloc countries. Colonel Nasser has maneuvered himself into the position of being completely dependent on Communist Russia for a continued flow of arms and parts.

Khrushchev did not suddenly and unexpectedly come to support President Nasser's drive to throw the British out of Aden and to seize control of oil reserves of the Middle East. He has been behind Nasser's moves in that direction for years. Khrushchev has pulled the strings—and Nasser has moved. With the help of the appeasers in our own State Department, Russia is about to succeed in its centuries-old drive to control the nations of the Middle East.

Mr. DOUGLAS. Mr. President, will the Senator from Alaska yield for a question?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Alaska yield to the Senator from Illinois?

Mr. GRUENING. I yield.

Mr. DOUGLAS. I hope the Senator from Alaska, who is making a very important and much-needed speech, means by the term "appeasers in our own State Department", appeasers of Nasser, not appeasers of Russia.

Mr. GRUENING. That is correct.

Mr. DOUGLAS. I am glad the Senator from Alaska has made that clear, because I do not believe there are in our State Department appeasers of Russia; but I believe there are persons who are "very soft" on Nasser, so to speak.

Mr. GRUENING. That is correct; and they have been appeasing Nasser ever since he came into power.

Mr. DOUGLAS. I thank the Senator from Alaska.

Mr. GRUENING. Coincidently we find—what only those who were blind could not see—that Khrushchev is following Nasser's drive into Algeria. This morning's New York Times carries an article with the four-column head "U.S. Disturbed by Nasser's Overtures to Algeria."

Only prompt and vigorous action on the part of the United States can stop Soviet success. The time to act is now.

For a year and a half President Nasser has been waging a bloody war of aggression in the Middle East. Egyptian military forces have burned to death untold numbers of Yemenite men, women, and children with Russian-made napalm bombs. Hundreds of millions of U.S. dollars have been given to President Nasser, of Egypt, to help him wage this bloody and senseless war. And while people die in Yemen, our State Department apologizes for Nasser, continues to give him more dollars, and calmly reiterates that Nasser is more moderate than he used to be.

This has been the State Department's attitude since Nasser came to power. It has been unchanged by changing circumstances in the Middle East. Indeed, the United States has saved Nasser and largely made him.

In the past few months, the wolf's clothing in which Nasser has been parading before the world has slipped, and beneath we see the old Russian bear—having been given a footing in the Middle East by Nasser—now reaching for the prize it has sought for so long—control of Middle East oil—and heading for a clash with our own ally, Great Britain.

Over a year ago—on May 8, 1963—the able and distinguished majority whip, Mr. HUMPHREY, on behalf of himself and myself, as well as on behalf of Mr. HART, Mr. CLARK, Mr. MORSE, Mr. McCARTHY, Mr. ENGLE, and Mrs. NEUBERGER, submitted Senate Resolution 135, aimed at reducing tensions in the Middle East.

The operative part of that resolution provided:

> *Resolved*, That it is the sense of the Senate of the United States of America that the President of the United States use his good offices with the states of the area to negotiate with them either through the United Nations, or directly, an agreement that nuclear weapons will neither be produced in the area nor be introduced into the area; that missiles of a mass-destruction nature will neither be produced nor be introduced into the area; that an international policing system will be adopted to enforce such agreement; and that the United States continue, in accordance with the tripartite declaration of May 1950, to take all necessary and appropriate actions, both within and outside the United Nations, to prevent any violation of existing frontiers or armistice lines in the Near East; and that the United States, either through the United Nations, or directly with other nations in the area, devise means to bring to an end the recriminations and incitements to violence which are contributing to tension and instability in the Near East.

A month earlier, alarmed over my findings after an extended trip to the Middle East for the Senate Committee on Government Operations, to study our foreign aid programs there, I had written to the late President Kennedy two letters pointing out the grave dangers to world peace. On April 10, 1963, I wrote him as follows:

> It is my firm conviction that U.S. foreign policy in the Middle East is set on a disaster course just as surely as it was when we thought we could appease Hitler.
>
> I fervently hope that no future historian will be able to write a book concerning this period of U.S. activity in the Middle East entitled "While America Slept."

In the year that has passed since Senate Resolution 135 was submitted, no hearings on it have been held by the Senate Committee on Foreign Relations, to which the resolution was referred.

In the past year, however, President Nasser of Egypt has not been idle.

I wish I could report that, with an economically underdeveloped country, President Nasser has spent the past year devoting all his time and energies and the hundreds of millions of dollars in aid given him by the United States in building up the economic resources of his own country.

But I cannot so report, for President Nasser has spent the past 20 months, not in peaceful pursuits, but in waging a cruel and devastating war in Yemen—a war financed in good measure by U.S. economic assistance, and more recently in seeking to extend that war to Aden, in an attempt, openly admitted, to put Great Britain out of that area and to control the oil that is there himself.

He has also spent the past year attempting to circumvent U.S. foreign policy, wherever, whenever, and however he could. He has attempted to add fuel to the fires now raging in Cyprus. He has urged Libya to throw the United States off its military air base in that country—a base constructed and maintained at great cost to the American taxpayers, and for which we have paid millions in blackmail to the Government of Libya.

It is striking to note that the news of this morning states that Khrushchev is supporting the demand that we abandon our $100 million base in Libya—a base which has been of very great aid to that backward people.

And his power has waxed so great—due to U.S. aid—that Libya has announced its intention to accede to his pressure, although the presence of the $100 million Wheelus Air Force Base has been of great economic benefit to Libya, in addition to the other economic aid which the United States has been pouring into that backward and undeveloped country, 90 percent of whose people are illiterate and poverty stricken.

Nasser has sought to interfere in the dispute between Algeria and Morocco—two nations also receiving U.S. aid.

I do not seek to give the impression that President Nasser of Egypt has confined his aggressive actions to the meddling outside his own borders. He has also been very busy at home preparing for aggression—also aided in this endeavor by U.S. dollars.

Years ago, President Nasser gave refuge in Egypt to Nazi scientists wanted in Germany for their crimes. He wanted them to help him perfect his missile arsenal. Many of these Nazis were known concentration-camp operators with the most brutal records.

While the United States has continued its economic support of Egypt, these Nazi scientists during the past few years have been working diligently to support Nasser's aggressive intentions and give him the military strength to carry them out. Apparently they are succeeding all too well.

According to a report from the Manchester Guardian, which appeared in the Washington Post and Times Herald on May 4, 1964, entitled "Egypt Is Emerging as A-Force," Egypt is making the following three-pronged nuclear effort:

> 1. Operation Cleopatra: The purpose of this project is to produce nuclear bombs of the Hiroshima type, which are "out of date" but would be ample to destroy Israel's small and highly concentrated centers of population.
>
> Implementation of this project was held up as a result of the inability of the German scientists to produce an easily transportable bomb or a nuclear warhead light enough to be fitted onto a rocket. But the project probably has not been dropped altogether.
>
> 2. Operation IBIS: This is the code name for producing small missiles with limited radioactive fallout. These missiles could be used in three different ways—as bombs dropped from aircraft, as warheads for rockets or as shells fired by artillery.
>
> There are indications that missiles of this kind have already been produced and are being stockpiled in Egypt.
>
> 3. Operation Strontium 90: Nasser reportedly has given serious consideration to the possibility of causing heavy losses to civil populations by exploding small packages of strontium 90 (weighing 2 to 3 pounds) in Israel and countries friendly to it.
>
> Strontium 90 in powder form could be exploded in small containers, which could be fired from mortar or bazooka-type weapons.
>
> Egypt was beginning to buy the relatively cheap strontium 90 in 1962. Shielding material to protect carriers and users of strontium 90 has been prepared in Egypt. The chief effects of strontium 90 would be to contaminate food and water supplies, without the civil population knowing about it or being able to take precautions.

Mr. DOUGLAS. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield.

Mr. DOUGLAS. The Senator from Alaska, before he entered political life, was one of the most eminent journalists in the United States. I ask him whether it is not true that the Manchester Guardian is one of the two or three greatest and most reliable newspapers in the world.

Mr. GRUENING. It certainly is. I agree with that definition. It is certainly one of the two greatest, most reliable, most trustworthy, and most responsible newspapers now being published.

The hundreds of millions of dollars that we have given President Nasser supposedly for the economic development of Egypt—which badly needs it—has enabled Nasser to divert his own resources to a missile buildup in Egypt and to wage an aggressive war against Yemen, in which he has used Russian planes to strafe and burn to death villagers in Yemen.

The history of dictatorships has been the same through history. They mistake appeasement for weakness and emboldened by success reach further and further until they overreach themselves. The time to stop a dictator in his reach for power is when he first oversteps the mark. If we had put up the resistance necessary when Hitler first marched into the Sudetenland, the whole course of history would have been changed.

As a matter of fact, had we taken Hitler's own words in his prophetic "Mein Kampf" realistically, we could have stopped his mass destruction and ruthless aggression.

We face the same situation in the Middle East.

President Nasser has again and again proclaimed his intentions. He wants to conquer the Middle East, and destroy Israel. We need not engage in any subtle interpretation of Nasser's actions to come to such a conclusion. We need only listen to his oft-repeated words—even as Hitler also proclaimed his intention to conquer the world and did everything in his power to carry out that intention, including the initiation of World War II.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. GRUENING. I yield with pleasure.

Mr. DOUGLAS. When I was in Egypt in 1956 I saw a pamphlet written by Nasser. I take it that the Senator from Alaska has also seen that pamphlet.

Mr. GRUENING. I have read everything that Mr. Nasser has written.

Mr. DOUGLAS. In the pamphlet, does not Mr. Nasser say that there was a continent in search of a hero?

Mr. GRUENING. That is correct.

Mr. DOUGLAS. And he was the hero?

Mr. GRUENING. He admitted that modestly.

Mr. DOUGLAS. He aimed to get control over the continent of Africa and over the states of the Middle East; is that not true?

Mr. GRUENING. Yes.

Mr. DOUGLAS. The whole Mohammedan world, also?

Mr. GRUENING. Yes; and I regret to say that, as I shall develop later in my speech, the administration at that time joined in the effort to rebuff, quite unnecessarily, our traditional allies—Great Britain and France.

We have in the past followed a policy of appeasing Nasser. We have let him call the tune while we literally paid the piper. The time is long overdue to change our policy of neutrality in favor of Egypt. The time is long overdue to stop appeasing Nasser.

This policy of appeasement is not of President Johnson's doing. That is a policy he inherited. His forthright recent speech lending U.S. support to Israel's efforts at water resource development was the kind of a statement needed to clarify the U.S. position in the Middle East.

More is needed, however.

Why should the United States support Israel against aggression and permit its threatened destruction?

Why should President Johnson reverse the disastrous policy carried on by his predecessors?

Because Israel is an oasis of democracy and freedom in a desert of totalitarianism, backwardness, deliberately fomented hatred, and planned aggression, threatened unceasingly by Arab forces 50 times greater in population and in an area 100 times larger.

Because Israel, more than any of the new nations born after World War II, embodies precisely the ideals and objectives which America professes and for which the United States presumably stands.

Because Israel, ever since its establishment in 1948 and its recognition by President Truman—despite the opposition of his own Secretary of State and his subordinates—has not only preserved all the basic freedoms, but has been a haven of refuge for the persecuted in other lands, stretching its capacities without stint to absorb in whatever numbers the victims of oppression in other less enlightened countries seek admission to Israel.

Because Israel has conspicuously and uniquely used our U.S. aid dollars with honesty, efficiency, and wisdom. In a historic article in Foreign Affairs in April 1961, John Kenneth Galbraith, professor of economics at Harvard, supporting our foreign aid program, listed four qualifications for its success in any country and pointed out that up to that time only one country fulfilled those requirements; namely, Israel.

When I visited Israel among the 10 Middle East countries in 1962 and 1963 I found Israel to be the only one which displayed everywhere signs and markers to designate the projects to which U.S. aid had contributed. These were seen in none of the other recipient countries, whose governments deliberately, in many cases, conceal the source of this aid. In addition, the Israeli Government, at its own expense, had made a color motion picture which was widely shown, illustrating the entire U.S. aid program in Israel. Finally, Israel, despite its heavy responsibilities to its own people has sent out its scientists to assist some of the newly born nations in Africa to solve their problems.

A sound and wise U.S. policy would, therefore, have been and would now and henceforth be, to tell the Arab States to stop their boycott of Israel, their unceasing fomentation of hate, their planning for Israel's destruction, and instead emulate Israel by educating, sanitating, cultivating, and to start emancipating their masses from their chronic poverty, ignorance, and disease.

During the year that Senate Resolution 135 has laid dormant before the Senate Committee on Foreign Relations, Egypt has begun emerging as an A-force.

Nasser's actions in obtaining sophisticated weaponry from the Russians poses a threat to Israel in two ways.

There is first the physical threat of the destruction of Israel. That country is so tiny and its population is so concentrated that Nasser could cripple Israel in a single afternoon.

But, say Nasser's State Department apologists, Nasser has changed—Nasser has matured—Nasser does not mean what he says—Nasser would not take such a rash step against Israel.

Why not?

Similarly in another day the apologists for Adolf Hitler said he was only talking for effect and would not carry out his threats, would not move militarily. Hitler also had his apologists after his Sudetenland seizure who said that Hitler having secured "Lebensraum," could be trusted to keep the peace. All these apologists could say after the invasion of Czechoslovakia, and Poland, and the Low Countries, and France, was: "We were wrong."

Let us not give the apologists for Nasser the opportunity to say: "We were wrong." Let us act now—firmly and decisively—to head off a bloody calamity in the Middle East. A U.N. resolution of condolence will be of little avail or consolation to Israel some day—which I hope will never come—as it contemplates the burning rubble of what was once Haifa and Tel Aviv and New Jerusalem.

I am not a prophet of doom. I am merely a realist. I cannot fail to note the great strides made in the past few years, and even in the last year, by President Nasser on the road to domination of the Middle East.

He has managed to bring King Hussein of Jordan to his side and use him as a catspaw to come to this country and inveigh against Israel taking its share of water from the River Jordan to start irrigating its Negeb Desert.

Up to a year ago, Nasser's Cairo radio was preaching the assassination of King Hussein and was responsible for the assassination of Hussein's predecessor, King Abdullah, because he was known to be friendly to a policy of peace in Jordan's relations with Israel. Jordan is meanwhile receiving half its national income from U.S. aid and its irrigation project is financed by Uncle Sam.

Nasser's threats and violence have caused King Hussein to abandon a policy of "live and let live" and join the pack of would-be aggressors.

Nasser's radio, moreover, continues to revile the United States, classing indiscriminately as enemies Americans, imperialists, colonialists, and Jews.

Emboldened by his ability to "get away" with aggression in Cyprus and in Yemen, President Nasser has now moved against the British Protectorate of Aden. Nasser's goal is simple—control of the oil of the Middle East.

There are many in our administration charged with the conduct of foreign affairs who refuse to face the facts of life. They have in the past played Nasser's game here at home. For anyone who realistically appraises the facts, for anyone who carefully analyzes what has been going on in the Middle East in the dozen years since Nasser seized power in Egypt, it is clear that President Nasser—wittingly or unwittingly—is playing the Communist game. He is the Kremlin's stooge just as surely as if he had proclaimed it as loudly as has Castro. Ample proof is afforded any who doubt this by Khrushchev's statements in Cairo during the past few days.

Consider President Nasser's actions since he came to power. At that time, Moscow was barred from the Middle East. Moscow wanted a toehold there—as Russia had wanted a toehold there for centuries—but was unable to obtain one.

Then President Nasser came upon the scene. He is the one who gave Moscow the entry into the Middle East. He wanted to build up his own power in the Middle East. He wanted arms. We refused to give him arms. So he turned to Russia and bought arms from the Russians, diverting funds U.S. economic aid made available to him. He thus became a Russian captive, dependent upon the continued flow of arms from that country.

While our U.S. military attachés are rigidly restricted in their movements in Egypt, Russia's are there as advisers and confederates. They are assisting Nasser in his war in Yemen and against the United Kingdom in that area which Nasser has invaded with his troops—40,000 of them now.

It was President Nasser also who permitted scores of Russian technicians to come into Egypt. He became dependent upon Russian arms and advice when Secretary of State Dulles precipitately reversed the U.S. promise to aid in building the Aswan Dam. President Nasser has continued to rely upon Russian arms and men to an ever-increasing degree. With his war in Yemen—for which Russia furnishes logistic support—he is even more dependent on Russian arms and men. But withal he has been enabled to carry out Russian objectives because we have been giving him massive doses of aid. He has now come out into the open for all to see that his present aim is to attain Russia's and his No. 1 objective in the Middle East—control over the rich oil-producing areas.

Here is how Nasser expressed his intentions on May 1, 1964, just a few days ago:

> The British take 500 million pounds from the Arab world and give aid to Israel to enable it to purchase arms and rockets from America in order to use them against the Arab world. Israel is now arming itself from funds derived from the Arab world. The British take 500 million pounds and the Americans take 900 million pounds from Arab world oil.
>
> Israel buys rockets from America. Israel obtains aid from America and from Britain. Israel purchases arms from Britain. Therefore, our own funds are arming Israel. With our money, Israel purchases bullets to kill Arabs and to build an army to rival all Arab armies. In view of this, we shall launch an endless war until we rescue the entire Arab nation from British imperialism, domination, influence, and military bases. We do not fear their talk about economic penalties. We can achieve self-sufficiency.

Mr. JAVITS. Mr. President, will the Senator yield? Is this a convenient point at which to yield?

Mr. GRUENING. I yield.

Mr. JAVITS. I have had the honor of joining the Senator in an amendment to test out the whole question of our aid to President Nasser in view of his aggressive and belligerent intentions. In my opinion the Senator has struck an important blow for freedom in the world by raising this question at precisely the right time, in my judgment. The timing is especially significant because of what we see in the visit of Chairman Khrushchev to Cairo and Egypt, with respect to which there is not even an attempt to have the purpose of the meeting subtly referred to. There is clear support for the charges the Senator from

Alaska makes. I think the Senator is giving excellent prescriptions as to what should be done about the situation.

I wish to ask the Senator two questions.

It is often said, with respect to American foreign policy, that we are caught flatfooted by events, and then we react. We react well, with great force and resources, but we are always caught flatfooted. The point the Senator is trying to make is that in this case we should not be overtaken by events which we see coming. Is that correct?

Mr. GRUENING. The Senator is entirely correct. I have said that certain events will take place unless we take precautionary steps.

Mr. JAVITS. I had one further point. The Senator is as familiar with the history of this matter as I am. I did not notice, in the Senator's speech, although I may have overlooked it, any reference to the 1950 tripartite agreement, which guarantees the borders at the boundaries fixed in the armistice and the agreements, most of which took place in 1949.

I wonder if the Senator feels there is any possibility of an alternative to a mutual defense agreement. Does the Senator feel there might be any good in a reaffirmation of the tripartite declaration, as it is called, on the part of the United States and the other parties? Or does the Senator believe that by now it is so far out of date and so much water has passed under the bridge that he would rather have a completely new agreement?

Mr. GRUENING. That is the case. I feel that because of the strained relations that have arisen between the United States and our longtime ally, France—a most regrettable experience—and a similar situation which may take place with respect to our ally, Great Britain—which I hope will not be the case—the time has come when the United States must take the leadership. If it can take it in concert with other nations, well and good. I believe the time has come—indeed it is due—when the United States itself must assert its power and its might, as to the aggression and destruction of Israel, which I am convinced will come unless we take some such step.

Mr. JAVITS. Would the Senator say, if for some reason or other it proved to be impossible to move us into a mutual defense agreement, that he would not reject out of hand the possibility of a reaffirmation, even by the United States alone, of its 1950 declaration, as at least some minimal bringing up to date of our intentions in the area?

Mr. GRUENING. Certainly, no one who wishes to see peace preserved on earth and in the Middle East would reject any move which seemed to be aimed at that desirable objective; but I feel that the situation in the past, and especially the past history of what happened in 1956, to which I make allusion further in my speech, means that it might be more difficult to obtain a tripartite agreement. That agreement would be less effective than action by the United States. I would hope we could move the United Nations, but there we always encounter the danger of a Russian veto, which certainly would be exercised in this case, to say nothing of the opposition of the Arab bloc.

Mr. JAVITS. The Senator from Alaska is rendering a distinct service to the cause of peace, which I know to be closest to his heart.

Mr. GRUENING. I thank my friend from New York. I know that he is enlisted in precisely the same cause and has struck valiant and effective blows for peace.

I believe that we have not succeeded in "scotching the serpent," so something very dangerous and serious might arise.

Mr. JAVITS. I thank the Senator from Alaska for yielding to me, and I am grateful to him for allowing me to intervene.

Mr. GRUENING. There is a second way in which Nasser's securing sophisticated weaponry from Russia poses a serious threat to the security and very existence of Israel.

Since its birth in 1948, Israel has absorbed more than 1½ million refugees fleeing from other lands. In order to carry out successfully this absorption process, it is essential that the economic development of Israel proceed at a steady pace. But with Egypt, with the help of Nazi scientists and Russian arms, building a formidable weaponry system which President Nasser openly proclaims will be used against and for the destruction of Israel, Israel has had to divert a greater and greater share of its wealth to weapons. This comes at a time when U.S. aid to Israel has ceased, but while U.S. aid to Nasser is continuing.

It is clear that the United States is contributing to the war in the Middle East.

It is equally true that the United States is contributing U.S. dollars to the arms buildup by Egypt.

This is unfair, unjust, and in clear violation of our obligations under the Charter of the United Nations. It is in violation of our professions to work for peace on earth.

Just as President Nasser of Egypt is taking bold and reckless steps in the Middle East to spread the conflagration there to the British Protectorate of Aden and to alienate the United States from its traditional ally, Great Britain; so, too, has the time come—it is, indeed, long overdue—for the United States to take bold, constructive steps to insure peace in the Middle East.

One fact that most people who seek to tone down Nasser's role in the Middle East conveniently overlook is that there exists a declared war in that area. The Arab League—including and led by President Nasser—declared war against Israel when that nation first came into existence. That one-sided declaration of war still exists. It has never been rescinded. Israel has never declared war against the Arab Nations.

So that the United States is in the distasteful position of aiding economically nations which have declared war on an ally—an ally which has through the years proved its friendship for the United States and which has—unlike the Arab countries aided by the United States—kept faithfully the bonds with the West and has not—like Nasser has done—played the Soviet game.

How grateful Nasser is to the United States for this aid can be judged from the following statement by Nasser on May 1, 1964:

> A long and continuous struggle lies ahead. We are confronted with threats. British imperialism is threatening us. Yesterday and the day before we read that Britain had sent its foreign minister to America to convince the United States to impose economic sanctions against us. Naturally, if economic sanctions are imposed, we shall not beg anybody. We shall be able to stand and to resist in the same way we resisted in 1956 and 1957.
>
> From America we accept wheat. We do not receive economic aid. Last year we received from America $30 million in economic aid. This year we have not yet received any economic aid. These are loans, and we pay them back with interest.
>
> This year, they said they would give us $20 million, but they have not yet done so. We took wheat—I believe about 1 million tons. And we accepted corn. If they impose economic sanctions against us, then we are prepared to face those sanctions. Those who eat one loaf of bread can eat half a loaf instead, and so we shall do without the wheat.

This statement by President Nasser is a falsehood. It shows the folly of continuing our economic aid program to Nasser.

He says, for example:

> Last year we received from America $30 million in economic aid.

Figures from AID show that our economic aid to Nasser in fiscal year 1963 amounted to $198.7 million, and that our total economic aid to Nasser has been $807.1 million through fiscal year 1963.

In his May 1 speech Nasser says:

> These are loans, and we pay them back with interest.

Last year, when I was in Cairo, I witnessed the signing of a loan agreement between our Ambassador and an Egyptian official for over $30 million to Nasser for an electric powerplant in Cairo. What were the terms? Three-quarters of 1 percent interest, no principal payment for the first 10 years, repayment in 40 years. This amounts—in addition to the loan—to a grant of over $25 million since we borrow money at over 4 percent interest.

We have in this manner loaned Egypt over $658 million, most of it since 1960. So far, Egypt has repaid $317,000, most of it in its own currency which it is at liberty to print at will. Whether these loans will all be repaid, we shall have to wait years and years to see. On many of these loans, the moratorium on repayment still has years to run.

Parenthetically, I might add that in the case of loans to victims of the earthquake disaster in Alaska, interest is charged at the rate of 3 percent per year, although the law permits the Administrator of the Small Business Administration to fix a lower rate down to the three-quarters of 1 percent of our foreign development loans, or even lower. I have repeatedly in the past weeks urged the Administrator, who has the legal power to do so, to lower the interest rate charged Alaska disaster victims so that they will be at least on a par with those to whom we make loans abroad. To date, my pleas have fallen on deaf ears.

Since we are now contributing economically to President Nasser to enable him to obtain arms superiority over Israel and helping him materially to put his weaponry in a position to crush Israel in a matter of hours, there are those who urge that we have an obligation to provide Israel with the sophisticated weaponry needed to serve as a deterrent to Nasser's warlike aims.

This point of view is very tempting to those in the State Department who for years have lacked the vision to appraise facts realistically, who have been so overzealous in support of Nasser's every move that they have overlooked the basic fact that Nasser's self-aggrandizement works directly contrary to the best interests of the United States. They have, through the years, lacked the wisdom and the intestinal fortitude to stand up for the best interests of the United States.

These appeasers in the State Department now find themselves in the position of Frankenstein, the medical student, who having built a monster and unleashed it in the Middle East still lack the will or ability to control the monster.

These appeasers in the State Department have now maneuvered the United States into the position of siding against proved allies, such as Great Britain and Israel, and siding with President Nasser.

They are repeating the tragic mistake committed by the United States when Secretary of State John Foster Dulles' pique led to breaking with our traditional and actual allies, Britain and France, when they, together with Israel, moved against Egypt after Nasser's illegal seizure—made in violation of existing treaties—of the Suez Canal.

Israel's move was necessitated by the increasing assaults by Egyptian fedayeen—gangster saboteurs—who were nightly raiding Israel and murdering its citizens from advance posts in the Gaza Strip.

Egypt was also denying passage through the Canal—likewise in violation of international law and existing treaties—not only to Israeli ships, but any ships carrying cargo to and from Israel, and threatening to cut the only remaining marine lifeline through the Gulf of Aqaba.

Also obvious were preparations by Egypt to carry the war, which it never ceased to declare, militarily into Israel. When Israel's armies marched into the Sinai Peninsula, they discovered enormous stocks of Russian war material clearly intended for the war on Israel.

Although, following Dulles' indications, Britain and France had exhausted every peaceable means, by negotiation, by an 18-nation mission to Cairo, and appeal to the United Nations, to keep the canal under the international control which had been provided by treaty, they were finally driven to the only possible alternative to complete surrender to Nasser's aggression by moving in to occupy the canal.

They had been misled by Dulles into believing that the United States would not oppose this action.

Then the United States committed the irretrievable folly of immediately denouncing the actions of these allies before the United Nations, unilaterally imposing sanctions upon them, denying them oil and credits, "getting in bed with the masters of the Kremlin," and saving Nasser from the oblivion into which he would have sunk but for Dulles' devious, and at times duplicitous, diplomacy. At the very least, the United States could have refrained from taking any action at all and, being neutral, thereby letting events take their course. Nasser would have been disposed of in a matter of hours and peace and progress would have had a good chance in the Middle East. Instead, the United States condoned—in effect, supported—Nasser's prior aggression, and led the fight against Britain and France.

The story is authoritatively detailed in a definitive book just published, written by Herman Finer, professor of history at the University of Chicago, entitled "Dulles Over Suez." It should be required reading for every student of American history, for every Member of Congress, and for anyone who wonders why all is not well in some aspects of our foreign relations.

Dulles' misguided course was in no small degree responsible for the subsequent alienation of France from the United States. Charles de Gaulle learned at that time that France could no longer count on the understanding and support that it had a right to expect from the United States, an ally in two world wars and subsequently by various treaties, and has felt impelled to chart an independent course, to disassociate his country from NATO, and contrive France's own nuclear arsenal.

Dulles' personally conducted policy led the United States to enthrone Nasser and destroy Eden. Are we now going to alienate and injure Great Britain a second time and again support Khrushchev and Nasser in the Middle East?

The U.S. recognition of the Nasser- and Kremlin-supported revolutionary regime in Yemen—which Britain has not recognized—was another act of appeasement for Nasser. The mere fact that after 20 months of warfare by Nasser's troops, now numbering 40,000, and supported by Russian planes and other weaponry, the war is not yet won, clearly demonstrates the lack of popular following in Yemen of that Nasser-supported regime. It was essentially a creation of the Kremlin and of Nasser. The responsibility for that war, which now involves Britain and threatens the oil supplies of the Middle East, rests in large measure on the appeasement and support policies the United States has in the past adopted toward Nasser.

It is high time—indeed, it is long overdue—that that policy be reversed.

For these appeasers in the State Department, the idea of the United States supplying Israel with sophisticated weapons seems to offer a way out of their dilemma. For, they reason, if they adopt this course of action they will have the best of both possible worlds. They will be able to point to this action in answer to criticism of their long-continued action in enabling Nasser to build his own weaponry with U.S. taxpayers' dollars. Their much vaunted but empty talk of neutrality will—they believe—be given the gloss of reality.

The time has come for decisive U.S. action in the Middle East—but not action designed to accelerate the arms race in that area, which giving additional and deadlier weapons to Israel would do.

Before the United States does more than it unfortunately has done in the past to speed the arms race in the Middle East, it has an obligation to the peace of the world to take every conceivable step to stop the arms buildup there and to achieve disarmament.

Mr. HART. Mr. President, will the Senator yield?

Mr. GRUENING. I am glad to yield to the distinguished Senator from Michigan.

Mr. HART. I have listened with close attention to the remarks of the Senator from Alaska. I have been reluctant to interrupt him. I hope, parenthetically, that the people of this country, not only the people in the State Department, will read with equal attention his observations. I cannot resist the temptation to make a comment at this point.

Of all the solid, persuasive reasons that the Senator has assigned in his speech for thoughtful American action, none should more quickly bring us to a realization of the need for such action than the point which he now makes. It would be easy indeed, would it not, for those in our own Government now under the gun of this criticism to respond by saying, "All right; at noon tomorrow we will pack off x number of atom bombs in planes equipped to carry them and give them to the Israeli Government"?

Would the Senator feel that any offense would be caused to anyone if I suggested that this would be a handwashing operation, such as occurred at an earlier time in the Holy Land?

Mr. GRUENING. I believe that the historic scriptural parallel which the Senator has stated is very pertinent. That is what I have tried to say; namely, that we will not solve the situation, but that we will indeed exacerbate it, if we pile more arms into one of those countries. We should strive for fewer arms, and try to insure protection under international law. We could do it by declaring our readiness to come to the aid of any nation which is the victim of aggression or threatened destruction.

Mr. HART. Is it not true that the troubles which break out all across this tiny world reflect in large part the emergence of people and nations from the 17th and 18th century into the middle of the 20th century; and is it not true that at no point in the world is the contrast beween the 17th and 20th centuries more dramatic than in the case of Israel, a 20th century people, rubbing shoulders with people, many of whom, without oversimplifying the situation, are still living in the tradition and practices of the 17th and 18th centuries?

Mr. GRUENING. Yes. However, an interesting contrast is presented by the fact that Israel, a nation only 16 years of age, which has been made up largely of refugees from other countries, has adopted the basic philosophy of the United States, with its freedoms—freedom of assembly and freedom of the press—and is a true democracy in an oasis in a vast desert of totalitarianism, hatred, and violence, and that that is one of the best reasons why the United States should sympathetically support it and do everything possible to prevent this great experiment from being destroyed.

Mr. HART. Is that not only one of the best reasons for the United States responding to the Senator's suggestion, but also, because Israel is such a modern government, in the midst of frictions which are produced by its presence alongside of 17th century darkness, why this should be the last place in all the world where we should propose increasing the supply of destructive arms?

Mr. GRUENING. I could not agree more. We should always realize what a terrible experience Israel has had in the 16 years of its independence to be constantly threatened by an absolute declaration of war by all surrounding nations, nations which have a population 50 times as numerous and are 100 times greater in area; which have boycotted Israel; which have blocked the transit of ships; and which are constantly threatening further aggression. It must be a terrible state of mind for that nation to survive. The courage of Israel is something that deserves the greatest admiration and support, which should be forthcoming particularly from the United States, in whose philosophical image Israel has been built.

Mr. HART. The Senator from Alaska has said it so well that I shall now desist from interrupting him except to add that, as he says, the area of Israel is not massive, and its population is not large—not much larger, I suppose, than that of the city of Detroit.

Mr. GRUENING. Not much. It has about the same population, and its area is about the size of the State of Connecticut, I should judge.

Mr. HART. But Israel is a historically great event because it vindicates the faith of those who see human beings as the primary agents of historic process. Israel is a crushing argument against those who deny the human will any central part in governing the world's and the people's destiny. It is a sanctuary for the principles of free government in a region dominated by autocracy and, sometimes, despotism. It is a sanctuary of freedom, which must be preserved, not for some sentimental reason, but for our own great good. We must insure not only its survival, but its success.

The words that the Senator from Alaska speaks today should be soberly considered by every thoughtful American.

Mr. GRUENING. I thank the distinguished junior Senator from Michigan.

Mr. HART subsequently said: Mr. President, will the Senator yield for one comment?

Mr. GRUENING. I yield.

Mr. HART. I wish I could find that point in the prepared remarks of the Senator from Alaska that I should like to comment on as the Senator closes. As I recall, he expressed the hope that he would not be regarded as a prophet of doom in giving voice to the concerns that he has put into the RECORD for us, but, rather, I think the distinguished Senator from Alaska expressed the hope that he was speaking as a realist.

Mr. GRUENING. That is correct.

Mr. HART. While the Senator's aspiration is laudable enough, to be thought a realist, and his hope understandable, that he not be regarded as a prophet of doom, I think that we do not have to wait for history's verdict on the speech that he has made today. He speaks eloquently of what I hope are the concerns and the aspirations of the overwhelming majority of the men and women of America, those who do give thought to the developments on this African Continent which we were reminded earlier is in search of a hero. For us as a people to do anything which would advance to the hero's role Mr. Nasser would be folly beyond explanation, and we shall not do that, if men of the ability and understanding of the flow of history, as possessed by the Senator from Alaska, would continue to speak out.

Mr. GRUENING. I thank my friend from Michigan.

Mr. DODD. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I am happy to yield to the distinguished senior Senator from Connecticut.

Mr. DODD. I congratulate the Senator from Alaska on his excellent speech. He is always eloquent and always wise in his statements—except, perhaps, on the rare occasions when he and I disagree.

I share his belief that the appeasement of Nasser would pay off in essentially the same way as did the appeasement of Hitler. Instead of preventing aggression, it would serve, as it is already serving, as a stimulus to further aggression.

My own view is that the official silence of our State Department and our representatives in the United Nations on the subject of Nasser's aggression and threats of aggression is something that defies understanding. I find it incomprehensible that our State Department should remain silent.

Knowing that the Senator from Alaska intended to speak on this subject this afternoon, because he was kind enough to notify me that he would do so, I looked up some notes and other papers on the subject, and I was reminded again of how dreadful this situation is.

Is the Senator from Alaska aware that when Nasser addressed his military units that had just returned from Yemen, the Egyptian dictator—I use that descriptive term advisedly, because I believe that is what he is—spoke in these words:

> You, the armed forces, who protect the homeland against any imperialist or Israel aggression, represent justice here. The armed forces are preparing to restore the rights of the Palestinian people because the Palestine battle in 1948 is a shameful thing for the whole Arab Nation. Nobody can forget this shame. The rights of the Palestinian people must be restored. Therefore, we must prepare to face Israel, Zionism, and imperialism which backs Israel.

Such statements are nothing new. Nasser has frequently committed himself to the objective of the military "liberation" of Israel. But his words are worth remembering at this time, because they demonstrate the intention of the man. When he talks of "liberation," he means the subjection of Israel; he means the destruction of Israel.

Mr. GRUENING. That is the "Newspeak" which the Russians long-since adopted. "Peace" in their concept means war. "Democracy" means tyranny. "Liberation" means enslavement. We know that their words have a sense directly opposite, in our understanding, to what they are supposed to mean.

Mr. DODD. That is correct.

I found in my files the text of a broadcast made by the Voice of the Arab Nation, which is really the voice of Nasser, to the people of Jordan last April 30. Imagine a head of state in this hour of history using language such as this:

> Hussein, the 900,000 Palestine refugees on the western bank will tear you to pieces, and each of them will take a piece of your rotten body and throw it into the face of Israel to repay the Jews for the price of treason which your grandfather Abdullah received for Palestine.

Those were Nasser's exact words.

On the following day, May 1, the same Voice of the Arab Nation added this appeal:

> Let the bullets whiz; let the guns roar and declare a raging revolution. Masses of our people! Voice the cries of the revolution and rush to the guns with hearts that are not afraid to die.

Those are certainly reminiscent of the words of Hitler and the terrible dictators who brought on the destruction of World War II.

In the case of Yemen, Nasser moved from threats to direct action. This is significant. His quisling agents staged a coup in the city of Sana. But since those agents were completely without support, Nasser found it necessary to send in an army of 40,000 United Arab Republic troops to help maintain this regime in power. The cost of this military operation more than liquidated any benefits that may have accrued to the Egyptian people from the American foreign aid program. It must have done so. Unfortunately, it can be said that our aid to Nasser made it possible for him to conduct his military operations against the people of Yemen.

Mr. GRUENING. That is precisely correct.

Mr. DODD. It made it possible for him ruthlessly to destroy entire villages, of which the Senator from Alaska has spoken. It made it possible for Nasser to attack defenseless villages with poison gas and all the other terrible instruments of modern warfare. Unfortunately we have been making it possible. It can be truly said that we have been paying for the aggression against those innocent, practically defenseless people. It is high time that we called an end to the indirect subsidizing, if I may put it that way, of Nasser's imperialism and of his subversion and aggressive activities throughout the Middle East. We should make it categorically clear to Nasser—and in a way to everybody else—that neither he nor anyone else can expect to receive additional American assistance as long as he persists in aggression. He will not get another dime if he persists in this course of conduct in his efforts to subvert and overrun governments of neighboring States, if he continues his threatening aggressive action against Israel, and if he continues to fritter away money he receives from the American aid program on the maintenance of his army and air force and his missile development program.

We must be prepared—and I think we are prepared—always to aid the Egyptian people or any people in their efforts to win the age-old battle against hunger, poverty, and disease; but I say it does not benefit the people of Egypt or the people of the Middle East if, through our aid, we permit Nasser, or make it easier for him, to pursue a goal of subjecting the ancient countries of the Middle East to his personal dictatorship.

It seems to me that this issue is perfectly simple and clear. Therefore, I repeat what I said before to the Senator from Alaska, and I also ask him whether he will comment on it: How does one explain the silence of our State Department and the silence of our representatives in the United Nations in the face of this naked aggression? Day after day we speak of our devotion to, our dedication to, and our deep interest in preservation of the peace of the world; but here is a ruthless, aggressive, bloody dictator who is following the paths followed by the dictators who preceded him. Yet we sit silent, and make no real protest—other than to observe some slight diplomatic niceties; and we continue to supply our aid to him. As the Senator from Alaska has said, this is a repetition of a dismal page of history.

Mr. GRUENING. And it is all the less justifiable because we have before us the performance of Hitler in Germany, and we know what happened there. So it is difficult to understand why the President has not changed the policy which has been in effect ever since Nasser came into power. I hope the President will do that; I hope he will reverse that mistaken policy.

Mr. DODD. I hesitate to say it, but I believe that frankness requires that I say that we seem not prepared to make abandonment of aggression a prerequisite to our assistance. If we do not do that—and certainly that is not asking too much—we become accessories to the crime committed by the aggressors—in this case, by Nasser. I do not see how else one can view this situation. Why should we ask the American taxpayers, who already are greatly overburdened, to take more money out of their pockets, in order to assist the cause of an aggressor?

Mr. GRUENING. The Senator from Connecticut undoubtedly is aware of the fact that Congress took notice of that situation, and wrote into the foreign aid bill of last year—now the Foreign Aid Act, and now a part of the law of our country—a provision opposing the giving of our aid to an aggressor; but of course that provision carried with it a further provision, which allowed administrative discretion, and applied not only to Nasser, but also to Sukarno, in Indonesia, who has said, in effect, "To hell with you," in response to our offered aid. Such a course is utter folly.

Mr. DODD. Of course that is true. Furthermore, as the Senator from Alaska knows, I have previously spoken of the so-called escape clauses.

Mr. GRUENING. But the time may come when we must eliminate such escape clauses.

Mr. DODD. Yes; I think we must.

Mr. GRUENING. It has always been the practice that the expressed will of Congress in regard to a matter of vital concern to the Members of Congress has registered with the Executive. So, in line with the view that the foreign policy is made by the President of the United States, those escape clauses have been included. However, the Senate and the House have a constitutional duty to protect the use of the funds of the American people; and when their funds, appropriated by Congress, are misused in order to support aggression, it is time for Congress to act—as Congress has acted before, and as I am confident Congress will soon do more drastically.

Mr. DODD. I agree; and I believe the Senator from Alaska will agree with me that of equal importance is the fact that by maintaining silence about these crimes—I think they are crimes—and by maintaining silence in councils of the United Nations, we make ourselves, in reality, accomplices of Nasser's repeated and flagrant violations of the Charter of the United Nations. This is a terrible thing to say about us; but I believe that frankness again requires that it be said. What else are we doing when we sit idly by in silence, say nothing, do nothing, pretend to hear nothing and to know nothing, and allow such an aggressor in the world to carry on his activities, but do not reproach him or oppose him in any manner, shape, or form? I say we are accomplices when we sit idly by.

Mr. GRUENING. I agree. Our dollars definitely are financing Nasser's aggression in Yemen, and also his aggression against our ally Great Britain, and also his aggression against Israel—aggression which he has never ceased. We are financing his activities, to the extent of more than $800 million—money which is supposed to be used to rescue his people from ignorance, poverty, and disease. However, he uses the money, instead, for a military buildup.

Mr. DODD. Mr. President, certainly the Senator from Alaska has helped all of us better understand the situation. This is another important contribution by him which is of assistance to all Senators. I think the country will be greatly interested, and I believe he has struck another strong blow for justice and decency in the world.

Mr. GRUENING. I thank the Senator from Connecticut for his valued support.

Amid the tensions of the world today it is bad enough that the United States and the Soviet Union glare each other into a stalemate across a mound of fearfully destructive atomic weapons.

Must we also be party to aiding Egypt, with its allied Arab States, and Israel achieve the same awful stalemate at the expense of the economic development of their countries?

Every means must first be taken by the United States to bring peace and disarmament to the Middle East, before considering arming Israel, which could well be a first step to ultimate devastation, not alone of the Middle East, but of the world, as well.

What should the United States do?

There are several preferable steps on the road to peace which the United States can take short of promoting an arms race.

First, we should make clear beyond any possibility of doubt that the United States will not tolerate an Egyptian attack on Israel, and that the United States power stands ready for instant retaliation as a deterrent to Egypt's A-force. Since Israel is fearful of a sudden rain of missiles, and has not sufficient retaliatory power to deter such an attack, the United States should make clear that we would interpose our own might between Egypt and Israel.

We have a bilateral treaty with the Republic of China—Taiwan—signed on December 2, 1954, whereby each of the parties "recognizes that an armed attack in the west Pacific area directed against the territories of either of the parties would be dangerous to its own peace and safety" and that "each would act to meet the common danger, in accordance with its constitutional processes." We have used, and have available, the 7th Fleet in fulfillment of our obligation to prevent an outbreak of hostilities in that area and as a deterrent to aggressive action by Red China.

We have similar bilateral treaties with Korea, Japan, the Philippines, Australia, and New Zealand.

I urge a similar bilateral treaty with Israel and the use of the 6th Fleet as a deterrent to sudden destructive aggression by Egypt, as the 6th Fleet was used in the Lebanese crisis.

Second, President Johnson, who is the inheritor of this tense situation in the Middle East, because of his predecessors' appeasements of President Nasser, can assume a valuable peacemaking function. He can use his office of President of the United States to summon all the nations which have declared war against Israel to a conference at the highest level, attended also by Israel, and say to those assembled: "Come, let us reason together," and, as a step on the road to peace, can attempt to persuade the declared belligerents to make peace with Israel.

If these efforts fail, Egypt's proposed aggression against Israel and its shooting and bombing war in Yemen and declared designs on Aden should be brought before the United Nations. Egypt's preparations for aggressive war should there be laid bare, for all the world to see; and United Nations efforts should be sought to halt Nasser's collision course.

Some will say that, with Nasser acting as a Moscow puppet, any United Nations action would be vetoed by the Russians, or that the United States does not have sufficient votes to obtain United Nations action. That may or may not be so. But at least the United States will have tried to act through established legal channels, and in the meantime will have placed a solid deterrent shield between Egypt and Israel, to prevent the latter's destruction.

I ask unanimous consent that the letters I sent to President Kennedy on this subject, last year; the article "Egypt Is Emerging as A-Force," from the Washington Post; a copy of the bilateral treaty between the United States and China; and other articles on the situation in the Middle East be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **GRUENING**. Mr. President, let historians of the future—if any remain—not write that the United States slept while Nasser began the last world war.

EXHIBIT 1

APRIL 10, 1963.

President JOHN F. KENNEDY,
The White House.

MY DEAR MR. PRESIDENT: I recently returned from the Middle East on an official trip for the Senate Committee on Government Operations.

What I saw there disturbed me greatly and, after talking to Mike Feldman, I thought I would pass on to you my observations even ahead of my official report, which will, in the main, deal with our AID program in the countries visited.

I visited Turkey, Iran, Syria, Lebanon, Jordan, Israel, Greece, Tunisia, Libya, and Egypt.

It is my firm conviction that U.S. foreign policy in the Middle East is set on a disaster course just as surely as it was when we thought we could appease Hitler.

I fervently hope that no future historian will be able to write a book concerning this period of U.S. activity in the Middle East entitled "While America Slept."

We propped Nasser up at the time of the Suez crisis—in fact saved him from extinction—and have been his mainstay since. Nasser's prestige in the Middle East declined with the Syria breakaway and continued to slide downward until, when his armies were bogged down in Yemen, we came to his rescue again and recognized the revolutionary government in Yemen. I have no doubt that the revolution in Yemen was Nasser-inspired and Nasser-instigated. The speed and the manner in which Egyptian troops were rushed to Yemen on Russian planes demonstrate that we are dealing with a new Egyptian military force and confirm the reports that it has been completely revamped with the aid of Russian technicians and former German Nazis.

What is hurting U.S. prestige in the other nations in the Middle East and what is hurting the administration's posture here at home with a sizable segment of our population is that Nasser is carrying on this war in Yemen for personal aggrandizement with U.S. money.

It is conservatively estimated that the Yemen adventure is costing Nasser $500,000 per day. At that rate, since the Yemen revolution on September 26, 1962, Nasser has spent over $100 million in waging his war in Yemen. Thus, in 6 months he has spent the equivalent of our economic aid to Egypt for a whole year. Of course, a portion of this is in Public Law 480 grains—but without those grains he would sooner realize the futility of his present predicament and might listen to reason. On the other hand, part of our economic aid is in the form of U.S. dollars for the purchase of goods here in the United States which Nasser needs.

The implications of our early recognition of Yemen—that it was a boost for Nasser and Nasserism—were forcibly called to our attention by officials in many of the countries visited. Officials in Turkey, Jordan, Iran, Syria (former regime) and Lebanon were especially vehement. I do not believe that the precipitate manner in which we recognized Yemen (especially before such a recognition by the United Kingdom) has helped our prestige in this area or served to strengthen the Jordanian or Iranian Governments. Had I written to you earlier, I would have added the Syrian Government to this list, but events have overtaken my report.

One important point concerning the effectiveness of our Foreign Service that strikes one in this area is the fact that very few of our representatives abroad (or, for that matter, working on the Near East desks in Washington in the Department of State) have ever been to Israel. Such a situation is completely unintelligible to me. Our so-called Near East hands are thus representing the interests of the United States in this area without adequate appraisal of the facts. Is it any wonder that after all these years we are no nearer a peaceful solution of the problems of this area?

And finally, Mr. President, Israel itself should hold a special place in U.S. efforts in the Middle East. As the only true democracy in that area, as the one nation which has made determined and successful efforts to raise its economic level, as the one nation in the area that freely and publicly acknowledges that it has received and benefited from U.S. aid, we cannot afford—from the standpoint of our own security—to continue a policy which builds up a Frankenstein monster in that area that, openly, frankly, and persistently announces the order of its next victims—Jordan, Saudi Arabia, and Israel—and whose official radio voices continue to preach assassination of the officials of these countries.

The oft repeated excuses that the Nasser line on this point is softer than it was a year ago are not borne out by the facts. In this connection I must point out that when Hitler published widely his plans in "Mein Kampf" people likewise refused to heed.

We are doing the same thing with Nasser.

Will we again wait too long—until grown strong with our help and independent of that help, he turns and swallows up country after country, including Israel?

One thing which will, I believe, relieve the pressures in this area is for the United States promptly to guarantee the borders of Israel in the same manner in which the borders of Saudi Arabia were guaranteed. We have backed and filled so often in the past with Nasser that we must give him no chance at misunderstanding our purpose and intent. A public guarantee of the borders of Israel by the United States would do much to assuage the fears of Israel—which today, with Nasser's increased trained military force, has much more to fear than ever before—and might also serve Nasser with an excuse to desist from his threats.

I would be glad to come up to talk to you at any time convenient to you.

With all best wishes, I am,

Sincerely yours,

ERNEST GRUENING,
U.S. Senator.

APRIL 12, 1963.

President JOHN F. KENNEDY.

MY DEAR MR. PRESIDENT: This is to supplement my letter to you of April 10, 1963, after my conversation with Mike Feldman, concerning U.S. policy in the Middle East.

In that letter I did not underscore strongly enough the thought that we are supporting an arms race in the Middle East just as surely as though American dollars were used directly to pay for the arms purchased.

Under Public Law 480 we are supplying a vital part of the food needs of the Egyptian people. As a consequence, Nasser is left free to exchange his cotton for Russia's missiles. Because Nasser has missiles, Israel must purchase the Hawk from us, at an expense upward of $25 million and an increase in the size of her standing army trained to use these modern, sophisticated weapons. This $25 million could be spent to a much better purpose on the economic development of Israel just as the $100 million spent so far by Egypt on Nasser's war in Yemen could have been better spent on the economic development of Egypt. Similar comparisons could be made with respect to the other countries aided by us in the Middle East such as Jordan and Iran which feel compelled to step up their own defense budgets.

I make these comments to you with a full awareness of the historical and political background of the tensions in the Middle East. But the time has surely come for the United States to take a firm stand and declare that it will no longer permit its aid dollars to be used for an arms race or for aggressive adventures beyond a nation's own borders. We cannot continue to aid—directly or indirectly—in maintaining or increasing the tensions in the Middle East. As Nasser subverts one country after another, his high-powered radios—also indirectly supported by the United States—blare across the Middle East preaching violence against Jordan, Saudi Arabia, and Israel and actual assassination of their rulers. About 3 weeks ago Nasser's radio was predicting: "But the day will come when those who sought shelter with Husayn (Hussein, King of Jordan) will lament their fate, when they watch the people dragging Husayn in the streets."

I earnestly believe that at least one way to lessen the tension in the Middle East would be through a U.S. declaration that we will guarantee the borders of Israel and Jordan just as we have made similar declarations recently with respect to Saudi Arabia's borders. We should of course not continue to subsidize Nasser's costly military adventures beyond his borders.

But it is essential that our intent to safeguard the borders of Israel, Jordan, and Saudi Irabia is made crystal clear, publicly, not only to Nasser but to the entire world.

With all best wishes, I am,

Cordially yours,

ERNEST GRUENING,
U.S. Senator.

EGYPT IS EMERGING AS A-FORCE—GERMANS WORK FOR NASSER, DEVELOP LIGHT MISSILES THAT KILL BY FALLOUT

FRANKFURT, GERMANY, May 3.—President Nasser apparently has made a breakthrough in his plans to make Egypt a minor nuclear power thanks to the help of the two dozen German scientists who are in his permanent employ.

The breakthrough is in the field of light and easily transportable missiles containing limited quantities of radioactive material. Such missiles would not produce the heat and blast effects of hydrogen bombs, but would have secondary radiation effects, causing countless deaths by radioactive fallout.

Knowledge of this top secret project was originally restricted to a handful of German scientists and Nasser's personal advisers. But the Israeli Government has been informed of all the details, and the Governments of Britain, France, and the United States are aware of at least the general outlines of the project.

At present Nasser is engaged in the following three point nuclear program:

1. Operation Cleopatra: The purpose of this project is to produce nuclear bombs of the Hiroshima type, which are out of date but would be ample to destroy Israel's small and highly concentrated centers of population.

Implementation of this project was held up as a result of the inability of the German scientists to produce an easily transportable bomb or a nuclear warhead light enough to be fitted onto a rocket. But the project probably has not been dropped altogether.

2. Operation Ibis: This is the code name for producing small missiles with limited radioactive fallout. These missiles could be

used in three different ways—as bombs dropped from aircraft, as warheads for rockets or as shells fired by artillery.

There are indications that missiles of this kind have already been produced and are being stockpiled in Egypt.

3. Operation Strontium 90: Nasser reportedly has given serious consideration to the possibility of causing heavy losses to civil populations by exploding small packages of strontium 90 (weighing 2 to 3 pounds) in Israel and countries friendly to it.

Strontium 90 in powder form could be exploded in small containers, which could be fired from mortar or bazooka-type weapons.

Egypt was beginning to buy the relatively cheap strontium 90 in 1962. Shielding material to protect carriers and users of strontium 90 has been prepared in Egypt. The chief effects of strontium 90 would be to contaminate food and water supplies, without the civil population knowing about it or being able to take precautions.

In carrying out these three operations, Nasser has leaned heavily on his German advisers. The key figure in the earlier stages was Wolfgang Pilt, a rocket specialist. Today the main burden of planning is falling on electronics experts.

Some Egyptians have been trained as scientists and radiologists, but without foreign help, Nasser's nuclear-arms program would be severely retarded. The 500 German and other foreign technicians who work at the Heliopolis missile plant are also irreplaceable.

West Germany's role in the channeling of scientific equipment to Egypt is a major one. Free use is made of the Egyptians' diplomatic mailbags. A single consignment of 15 cases of equipment—each weighing between 130 and 170 pounds—was carried to Cairo under diplomatic seal from Munich by United Arab Airlines. Heavier equipment is usually sent by sea, again under diplomatic seal.

Many German firms have sold key equipment to Egypt. The German companies have often traded through agencies such as Intra, of Munich, and Austra, of Villach in Austria, which have acted as Egyptian procurement offices.

It should be stressed that there is nothing illegal about the sale of such equipment. British, American, and Swiss firms have also assisted Nasser's nuclear-arms program, however inadvertently.

MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA

Treaty signed at Washington, December 2, 1954;

Ratification advised by the Senate of the United States of America February 9, 1955;

Ratified by the President of the United States of America February 11, 1955;

Ratified by the Republic of China February 15, 1955;

Ratifications exchanged at Taipei March 3, 1955;

Proclaimed by the President of the United States of America April 1, 1955;

Entered into force March 3, 1955; and exchange of notes signed at Washington December 10, 1954.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas the Mutual Defense Treaty between the United States of America and the Republic of China was signed at Washington on December 2, 1954 by their respective plenipotentiaries, the original of which treaty in the English and Chinese languages is word for word as follows:

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the West Pacific Area,

Recalling with mutual pride the relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side by side against imperialist aggression during the last war,

Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the West Pacific Area, and

Desiring further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the West Pacific Area,

Have agreed as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

ARTICLE II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with each other in the development of economic progress and social well-being and to further their individual and collective efforts toward these ends.

ARTICLE IV

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

ARTICLE V

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

ARTICLE VII

The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.

ARTICLE VIII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE IX

This Treaty shall be ratified by the United States of America and the Republic of China in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Taipei.

ARTICLE X

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done in duplicate, in the English and Chinese languages, at Washington on this second day of December of the year 1954 corresponding to the 2d day of the 12th month of the 43d year of the Republic of China.

For the United States of America:

JOHN FOSTER DULLES.

For the Republic of China:

GEORGE K C YEH.

Whereas the Senate of the United States of America by their resolution of February 9, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty;

Whereas the said treaty was ratified by the President of the United States of America on February 11, 1955, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified also on the part of the Republic of China on February 15, 1955;

Whereas it is provided in article IX of the said treaty that the treaty will come into force when instruments of ratification thereof have been exchanged at Taipei;

Whereas the respective instruments of ratification of the said treaty were duly exchanged at Taipei on March 3, 1955, and a protocol of exchange of instruments of ratification was signed on that date by the respective plenipotentiaries of the United States of America and the Republic of China;

Whereas pursuant to the aforesaid provisions of article IX of the said treaty, the treaty came into force on March 3, 1955:

Now, therefore, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said Mutual Defense Treaty between the United States of America and the Republic of China to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after March 3, 1955, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this first day of April in the year of our Lord [SEAL] one thousand nine hundred fifty-five, and of the independence of the United States of America the one hundred and seventy-fifth.

DWIGHT D. EISENHOWER.

By the President:

JOHN FOSTER DULLES,
Secretary of State.

ENGLISH TEXT OF NOTE

DECEMBER 10, 1954.

His Excellency, JOHN FOSTER DULLES,
Secretary of State of the United States of America.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honor to refer to recent conversations between representatives of our two Governments and to confirm the understandings reached as a result of those conversations, as follows:

"The Republic of China effectively controls both the territory described in article VI of the Treaty of Mutual Defense between the Republic of China and the United States of America signed on December 2, 1954, at Washington and other territory. It possesses with respect to all territory now and hereafter under its control the inherent right of self-defense. In view of the obligations of the two parties under the said treaty and of the fact that the use of force from either of these areas by either of the parties affects the other, it is agreed that such use of force will be a matter of joint agreement, subject to action of an emergency character which is clearly an exercise of the inherent right of self-defense. Military elements which are a product of joint effort and contribution by the two parties will not be removed from the territories described in article VI to a degree which would substantially diminish the defensibility of such territories without mutual agreement."

I have the honor to confirm, on behalf of my Government, the understanding set forth in Your Excellency's note under reply.

I avail myself of this opportunity to convey to Your Excellency the assurances of my highest consideration.

GEORGE K C YEH,
Minister for Foreign Affairs of the Republic of China.

[From the New York Times, May 8, 1964]

HOME REAFFIRMS DETERMINATION OF BRITAIN TO DEFEND SOUTH ARABIA AND ADEN

LONDON, May 7.—The Prime Minister, Sir Alec Douglas-Home, told the House of Commons today that Britain would not abandon treaty obligations to defend her friends in the Middle East.

More than 3,000 British troops and British-officered soldiers of the Federation of South Arabia are deployed in the desolate hinterland of Aden, fighting dissident tribesmen and Yemenis from across the frontier. With fresh reports that the guerrilla activities are threateningly close to the base at Aden itself, reinforcements from Britain's strategic reserve in Kenya were flown to the base today and other units in Britain were kept on the alert.

Sir Alec told the House on Monday that the guerrillas were getting military aid from the United Arab Republic. He said today that Britain was doing all she could to show good will to President Gamal Abdel Nasser.

"But the state of affairs in the Middle East does not depend on our good will alone," the Prime Minister added. "There must be some reciprocity. We have seen precious little of this, I must say, up to now."

Conservatives cheered the statement, but George Wigg, a Laborite, asked Sir Alec if he had not whistled another tune in Canada in February when he expressed regret that Britain had not been allowed to deal as she wanted with the United Arab Republic during the 1956 Suez crisis.

In that year Britain and France invaded the Suez Canal Zone following the nationalization of the canal by President Nasser. World pressure, in which the United States had a leading role, forced them to withdraw.

"I was asked about the American attitude to our policies at the time of Suez," Sir Alec replied. "I expressed the opinion that, on the whole, it would have been better if we had been left alone."

"Since the resumption of diplomatic relations, we have made every effort to establish friendly and businesslike relations with the United Arab Republic," he continued.

"President Nasser's recent speeches and declarations have inevitably caused a setback to our efforts, but we will not be diverted, either from our peaceful purposes, or our duty to protect friends to whom we have treaty obligations."

Britain is bound by treaty to protect the Federation of South Arabia, to which the Yemenis customarily refer as "the occupied Arab south," from attack.

Sir Alec has said that President Nasser has committed 40,000 troops to aid the Yemeni republicans in their fight against the ousted royalists.

After more than 18 months of warfare against the deposed Iman and the tribes allied with him, the republicans have not been able to exert their authority over the country.

British officials have suggested that President Nasser found it necessary to press guerrilla activities in South Arabia to divert attention from his failure in Yemen.

[From the New York Times, May 8, 1964]

IRAQ CONDEMNS BRITAIN

(By Sam Pope Brewer)

UNITED NATIONS, N.Y., May 7.—Iraq's representative at the United Nations accused Britain today of waging a colonial war against the people of South Arabia "for the sole purpose of suppressing their desire for freedom."

The delegate, Adnan M. Pachachi, said in an acrimonious exchange with the British representative in the Special Committee on Colonialism that Britain's claim to be supporting local rulers was "a fairy tale." He said his delegation and others would present a resolution tomorrow "to deal with this new emergency."

Cecil E. King of Britain denied that there was any new element in the situation. He quoted a statement made to the committee by R. W. Jackling of Britain last March in which Yemen and the United Arab Republic were accused of agitation among the tribesmen in the Radfan mountain area.

Dr. Pachachi retorted: "We have heard a fairy tale about the Government of the Southern Arabian Federation requesting assistance and then the British Government out of its generosity and its good heart immediately sends a battalion of troops in the most inclement weather in the world, just to help out a trusted friend who was supposed to be in need."

"Now we all know that these so-called requests emanate from London," he added.

[From the New York Times, May 8, 1964]

BRITISH BATTLING TRIBESMEN IN HARSH ARAB LAND—YEMENIS AID REBELS' THREAT TO SECURITY OF BASE AT ADEN

(By Lawrence Fellows)

LONDON, May 7.—In South Arabia, British troops are being increasingly committed to an indecisive war in forbidding country.

Where even the craggy, desolate landscape is an enemy, where a withering sun burns out the clutches on vehicles and forces a British soldier to drink 2 gallons of water a day to stay conscious, Britain is trying to contain rebel tribesmen and Yemenis who slip easily into South Arabia across an open frontier.

The British say they have plenty of evidence that their elusive foes are getting supplies and weapons from the United Arab Republic.

Indeed, President Gamal Abdel Nasser, himself heavily committed to an indecisive war in Yemen, has championed the cause of getting Britain out of the whole of the Arab world. He said so last month on his visit to Sana, and again on his return to Cairo:

"I declare that our primary mission is to expel the English from every part of the Arab homeland—to expel the English and to liquidate their bases."

This prompted R. A. Butler, Britain's Foreign Secretary to suggest to Secretary of State Dean Rusk that the United States suggest that its aid to the United Arab Republic might be reduced if Mr. Nasser continued to harass the British.

Washington rejected that suggestion so sharply that the British are wondering now whether they should prepare for a long, lonely war with President Nasser, or begin to recast their whole unwieldy load of commitments and objectives in the Middle East.

What are Britain's interests in the Middle East? What is the importance to her of Middle Eastern oil? What is being achieved by the British troops and bases in the area?

Britain's main base in the Middle East is at Aden, the tiny colony where 200,000 people thrive mainly on work provided by the oil refineries, by the biggest oil-bunkering facilities in the world, and by a volume of shipping that is exceeded in the British Commonwealth only in London and Liverpool.

Aden is considered vital to Britain's sea route to the Far East. The base is considered necessary to the protection of her oil interests in the Persian Gulf, and as a staging post when trouble flares in the Middle East, east Africa, or even in the Far East. The troops at Aden are needed to meet Britain's obligations to those Arab States she has undertaken by treaty to protect.

These include Muscat and Oman, the seven states of the Trucial Coast, Qatar, Bahrein, Kuwait, and the South Arabian Federation, where 3,000 British troops and British-armed native troops are struggling now to contain the guerrillas.

The South Arabian Federation was set up by the British 2 years ago, and now contains the thriving colony of Aden and 11 sheikdoms, sultanates and emirates, which the British have been protecting in the parched Aden hinterland.

These protectorates cover 112,000 square miles of land so harsh that only 1 percent of it is fit for cultivation. The vast majority of the 660,000 Arabs who inhabit the region make their living on that 1 percent.

The whole of the federation was once part of the Turkish Empire, but in the 17th century the Yemeni Arabs asserted their independence, and early in the next century the Sultan of Lahej established his independence from Yemen. His sultanate included Aden, then a village of 1,000 people.

The East India Co. occupied Aden in 1839, and when the Turks reconquered Yemen in 1872, the British kept their foothold on the peninsula.

STAGING AREAS ESSENTIAL

In 1918, after the Turks were driven from Arabia, the Imam of Yemen claimed the territory in the south, but neither the tribes in that territory nor their British protectors would accept the Imam's authority.

With the military air transport Britain has now, she needs half a dozen places like Aden to reach such areas as Malaysia, and Australia.

In a few years, with longer-range aircraft, Britain will need fewer staging posts. Yet at least one will be needed between Britain and the Far East for a long time. If geography were the only factor, Aden would be ideally placed.

It is also well placed to look after Britain's oil interests. Middle East sources provide about three-fifths of her oil imports. Kuwait alone supplied more than $425 million worth last year.

If Britain needs oil, so does the Middle East need markets. Even President Nasser once remarked:

"The Arabs cannot drink their oil."

[From the New York Times, Apr. 27, 1964]

NASSER SHARPENS ATTACK ON BRITISH MOTIVE IN ADEN

TAIZ, YEMEN, April 26.—President Gamal Abdel Nasser of the United Arab Republic made the strongest attack of his Yemeni tour today on so-called Great Britain for her colonial policies in Aden.

At the same time he called for a new page in relations with Saudi Arabia, which is supporting the ousted Yemeni royalists. He also accused Syria of having broken an Arab agreement banning propaganda attacks among the Arab States.

President Nasser accused Britain of having taken over from Saudi Arabia in smuggling arms to Yemeni royalists.

BRITISH CHARGES RIDICULED

"They want a civil war in Yemen so they can keep their forces in Aden and the occupied south," he said. "I am sure the Yemeni people will not allow so-called Great Britain to remain in Aden."

He ridiculed Britain's charges at the United Nations that his speeches in the last 3 days in Yemen had been a threat to peace and security. He said Britain herself had refused to allow United Nations officials to review the situation in Aden, a British protectorate.

Mr. Nasser said in a voice heavy with sarcasm that Britain was asking for the withdrawal of Egyptian troops "because they want to be alone with you."

"They can do what they want to, we are not leaving," he continued. "We will leave only when the Yemeni people want us to leave and when Yemen is secure."

MEDIATION EFFORT DESCRIBED

In response to cheers from the crowd demanding unity with the United Arab Republic, Mr. Nasser replied:

"You ask for unity and I tell you it already exists, in solidarity. But I must tell you frankly that I cannot accept an agreement on constitutional unity while our armed forces are still here."

In reporting on the Arab meeting last January, Mr. Nasser said Algeria and Iraq had tried to settle the dispute between the United Arab Republic and Saudi Arabia over the 19-month-old war between Yemeni Republicans and royalists.

The Yemen Republic was established September 27, 1962, after a coup d'etat that overthrew the monarchy. In the fighting that followed, Saudi Arabia has supported the royalists and the United Arab Republic has backed the Republicans.

Mr. Nasser characterized the mediation effort as "a mission that is not completed," but added:

"I am ready to open a new page with Saudi Arabia in order to deny opportunity to imperialism."

Referring to Syria, he said that country had broken the Arab agreement in a communique Saturday accusing the United Arab Republic and Iraq of financing recent outbreaks in the Syrian town of Hama.

President Nasser said: "I tell you people of Syria, you do not need money. Revolutionaries are not bought."

[From the Washington Star, Apr. 27, 1964]

Nasser's Dream

The news from Syria is murky on the whole, but there is one thing clear about it: It serves as yet another measure of how wishful Egypt's President Nasser is, how much he dreams, when he speaks glowingly of a united Arab world.

No such world is in prospect at this time. As has happened before, the Syrian Government is once again accusing Arabic Iraq and Arabic Egypt of conspiring against it. There certainly have been overt and covert acts to overthrow the Damascus regime, and these acts have been attributed by the Syrian Premier directly to Baghdad and Cairo. This leaves the Middle East in its customary state of uncertainty and tension.

The only possible virtue in the situation is that the Arabs, being divided, will be less inclined to stir up trouble with Israel. To that extent, their dispute must be hailed as offering some promise of peace.

[From the Washington Post, Apr. 27, 1964]

Arab States Moving Against Israel With New Palestine Liberation Front

Cairo, April 26.—The Arab countries have approved the formation of a Palestine Liberation Front designed to rally dispersed refugees to a single organization for "work toward the ultimate goal of liberating the Arab homeland."

A mass rally will be held in Jerusalem, Jordan, on Tuesday to proclaim officially the establishment of the anti-Israeli movement. Arab leaders will send personal delegates as a token of support.

The organization, styled after Algeria's National Liberation Front (FLN), will embody almost an identical structure, ranging from a supreme politburo to armed commando units kept at battle readiness.

All 13 Arab League States have approved the plan and told the Palestine representative to the Arab League, Ahmad El Shukeiry, to begin work on formation of the front.

As with its Algerian model, any Palestinian anywhere in the world automatically becomes a member of the Front. According to his means, he is to pay a membership fee which, along with contributions from Arab States, will finance the organization.

Unlike the FLN, no armed struggle is envisaged for the Front, despite the commando units to be formed. It is to be the supreme Palestinian body acting as representative and spokesman of all Palestinians in exile anywhere. If the Arab-Israeli conflict were to become a hot war, then its commando units would go into action.

The front was first agreed upon during the Arab summit conference in Cairo last January.

Refugee representatives of the rally will form the Front's national council, which will elect a politburo consisting of a president, two vice presidents, a liaison official and a secretary general. The council is to meet once every 2 years, in Jerusalem and Gaza alternately.

During an organizational trip to Gaza, Shukeiry announced that the Liberation Front would open its first camp at Deir Yassin, in the Gaza sector, to recruit and train Palestinians for the Liberation Front brigades. Similar camps will be opened in Jordan, Syria, and Lebanon where the majority of Palestine refugees live.

[From the New York Times, May 6, 1964]

Fugitive Former Nazi Officer Is Traced to Cairo—Zech-Nenntwich, Convicted of Complicity in Murders, Predicts More Escapes

Hamburg, Germany, May 5.—Hans Walter Zech-Nenntwich, a convicted Nazi war criminal who escaped April 23 from a Brunswick prison has been traced to Cairo, the West German magazine Der Stern reported tonight.

A spokesman for the magazine said two of its reporters recognized the former SS (Elite Guard) officer as he emerged from a Cairo hotel elevator Sunday.

Zech-Nenntwich fled West Germany just 4 days after he had been sentenced to 4 years in prison for complicity in the murder of Jews in World War II. A warden at the prison has been arrested in the case.

In a tape recording of an interview Zech-Nenntwich gave the two reporters, Der Stern said, the former SS officer insisted that his escape had been arranged by an organization of former officers.

OTHER ESCAPES FORECAST

He was reported to have said that other convicted war criminals soon would be helped to escape.

"I could have left my cell at any time I wanted, even in evening dress," Zech-Nenntwich was quoted as having said. "You will see that others also will disappear."

Der Stern said its reporters had traced Zech-Nenntwich through Greece and Lebanon. He escaped West Germany in a private airplane that landed him at Basel, Switzerland.

The newsmen, the magazine's spokesman added, have given the results of their investigations, including documentary photographs," to the Brunswick police.

West German police officials suspect that a ring of former Nazis was organized years ago to smuggle German war criminals to Africa and South America.

The head of the organization is believed to operate out of Cairo.

The group also is suspected of having close connections with high West German police and justice officials who held posts during the Hitler regime.

A Justice Ministry spokesman has said, however, that the escape of Zech-Nenntwich was "a case of corruption." He insisted that investigations showed "beyond doubt" that no political motives had been involved.

[From the New York Times, May 6, 1964]

New Laws on Nazis Debated

Bonn, May 5.—A West German prosecutor who has spent the last 5 years tracking down Nazi war criminals came out today against an extension of the statute of limitations covering their crimes.

Under current law, Nazi crimes other than murder can be prosecuted until May 8, 1965, 20 years after the Nazi capitulation in World War II. In murder cases the statute applies for 30 years.

The prosecutor, Erwin Schule, who heads the Central Office for the Investigation of Nazi Crimes, said that a special law would be needed to extend the statute of limitations.

"It was special laws that the Nazis operated with and it would be wrong to adopt this method," Mr. Schule said in an interview published in today's edition of the official government bulletin.

"The Federal Republic (West Germany), because it is prosecuting Nazi crimes, must strictly follow the principles of a nation based on law," Mr. Schule added.

Mr. Schule, whose office has completed investigations of 540 crime cases and turned them over to West German courts, said that the statute of limitations was automatically suspended the moment justice officials started investigating a case.

[From the New York Times, May 6, 1964]

Doctor Denies Seeing Victims

Limburg, Germany, May 5.—Dr. Ernst Wentzler, one of three doctors who certified deformed children for death during the Nazi regime, said today that his decisions had been based on written reports and photographs, not personal examination.

"I personally never saw a single child," he testified at the trial here of Hans Hefelmann, who is accused of responsibility for 73,000 deaths as head of a special section in Hitler's Nazi Party office.

[From the Washington Post, Mar. 27, 1964]

Defector Condemns Yemen War—Egyptian Says He Fled to Israel in Protest of Unfair Fight

(By Alvin Rosenfield)

Jerusalem, March 26.—The Egyptian Air Force pilot who defected to Israel in January, said yesterday that his action was prompted by what he called the "unfair, unequal fight in Yemen."

In a Tel Aviv interview with a pool correspondent, 27-year-old Mahmoud Abbas Hilmi described Egyptian Air Force attacks on Yemeni villages in which he had participated as devastating.

While the Yemenis defended themselves with a few rifles, Hilmi claimed, the Egyptians raided with 89-millimeter rockets and with the intent to destroy their targets. He did not mention the Yemeni royalist claims that Egypt employed poison gas.

Egypt has been supporting the Yemeni Republican regime in its battle with the ousted royalist faction.

The former flight instructor said Soviet crews manned the Antonov–12 transport planes that carried him and other Egyptian fighter pilots to Yemen. The Russians, he said, had not participated in the actual fighting.

Hilmi denied Egyptian reports that his flight to Israel was the result of financial and personal difficulties. He said he had seen 4 months of action in the Yemen war before going back to Egypt last September. When ordered to return to active duty in Yemen, he decided to defect as an act of protest.

The handsome, mustachioed Hilmi said he chose Israel for his refuge because his plane's flight range ruled out Europe and he was apprehensive of the welcome he would receive in an Arab country.

Hilmi said he had feared no mistreatment in Israel, had been shown only friendship, and was pleasantly surprised to learn that the people want to live in peace.

Asked if he did not feel that his defection was a betrayal of his homeland, the young Egyptian replied softly: "It is better than to kill children and women."

[From the New York Times, May, 6, 1964]

Two Britons Killed in Aden Skirmish—Six Guerrillas Die in Fighting Above Valley Trade Route

ADEN, FEDERATION OF SOUTH ARABIA, May 5.—Two British paratroopers were killed and 10 wounded today in a clash with dissident tribesmen 60 miles north of here.

The casualties were suffered when a combined force of Royal Marine Commandos and a paratroop company scrambled down from the rocky ridges they had been holding and forced their way eastward 5 miles or more to root out the insurgent tribesmen.

Guerrilla attacks by tribesmen have been interfering with traffic on one of the main overland trade routes in the federation. The British have charged that tribesmen from over the Yemen border have been making incursions into the federation with substantial military aid from the United Arab Republic.

At least six tribesmen were found dead and one was taken prisoner in the engagement today.

The marines occupied the new heights set as their objective but a parachute company was pinned down in a circular stone village on the lower slopes.

Parachute troops had charged the village early in the day and cleared it but were unable to go farther because of fire from positions held by tribesmen.

The company later fought its way out to occupy nearby ridges.

The higher ridges dominate a wadi, or valley, running northeast from the British base camp and landing strip at Thumair. The Arabs had entrenched themselves either side of this wadi because it has been used for traffic.

Royal Air Force fighter planes have been pounding the tribesmen behind rocks and in caves and gave close support in the clash today. Armored cars, scout cars, and 105-mm. howitzers also bumped eastward along an alternate route.

The operation began with a diversion to the south. Infantrymen then duplicated the move of 45 Royal Marine Commandos scaling the ridges to join the commandos.

As the new troops arrived, the marines and a company of the Third Battalion Parachute Regiment, which was also on the heights, began to descend the rock faces to the east.

The infantry is now established on the peaks. They were supplied by helicopters until the wind prevented it.

Unless the tribesmen counterattack, this phase of the overall operation—the possession of peaks in the area—is over.

ARAB FORCES GIVE HELP

A statement by the headquarters of the Middle East Command said the First and Second Battalions of the Federal Regular Army, under Arab officers, played a significant part in enabling the British forces to advance.

"Their determination and skill in mountain warfare makes them a particularly valuable part of the joint force," the statement said.

An advance party of the headquarters of the 39th Infantry Brigade Group has arrived in Aden from Britain and is expected to be established later at Thumair.

Referring to a report that the U.S. Embassy at Taiz, Yemen, had found no evidence that the heads of two British soldiers had been displayed on stakes, Maj. Gen. J. H. Cubbon, Middle East land forces commander, said today: "Let me say nobody is more delighted than I am to hear this. I can only add the initial report received by me came from usually reliable sources."

He said that the end of the fighting appears to be in sight but that the military situation within Yemen appears to have been rather quiet during the 2 months since he last reported.

Mr. Thant said that in view of the calm along the northern frontier and of political talks that are in progress, he had decided it would be "useful and advisable to extend the mission for another 2 months and I propose to do so."

Saudi Arabia and the United Arab Republic, which pay the costs of the mission, have agreed to 2 months more.

HE NOTES GOAL OF MISSION

Mr. Thant noted that the mission's mandate had been to observe the carrying out of a "disengagement agreement" that called for establishment of a demilitarized zone on the northern frontier of Yemen with Saudi Arabia; a Saudi Arabian pledge to cease providing aid and support to the Yemeni Royalists, and a United Arab Republic agreement "to carry out a phased disengagement of its troops from the country."

The report indicated the first two points had been fulfilled. It said: "Yemeni and United Arab Republic authorities no longer allege that arms are coming in quantity over the northern frontier but now claim that they are being introduced from * * * South Arabia."

Sir Alec Douglas-Home said yesterday in the House of Commons that the Egyptian forces in Yemen had increased from 28,000 to 40,000.

[From the Washington Post, May 12, 1964]

K. Teams Up With Arabs on Israel—Egyptians Cheer His Attack on Plan To Divert Jordan

(By Peter Mansfield)

CAIRO, May 11.—Soviet Premier Khrushchev today played a trump card in his bid for Arab friendship.

Addressing a special session of the Egyptian National Assembly, he demanded that Israel carry out United Nations resolutions on Palestine and strongly opposed Israel's plan to divert the Jordan River waters for irrigation as being contrary to Arab rights.

As Khrushchev said this, toward the end of a 1-hour speech, assembly members rose to give him a standing ovation and President Nasser, sitting behind him, looked delighted.

Khrushchev has for the first time fully accepted the Arab thesis that Israel is an imperialist agent used to perpetuate imperialist influences in the Middle East.

Earlier in his speech, the Soviet Premier spoke at length of the advantages of socialism for the emerging countries. He said most of these newly independent states were now choosing the "noncapitalist way." "I am a Communist as you know," he said, "but we respect other peoples' desire to progress along different paths through socialism."

He praised Egypt's achievements since the 1952 revolution including the 1956 nationalization of the Suez Canal.

But the passage in his speech most likely to endear him to his Egyptian hosts concerned foreign policy.

He supported Nasser's demand for the removal of British and American bases in Aden, Libya, and Cyprus, and the cancellation of remaining agreements between British and Arab shiekdoms. He said complete evacuation of all foreign troops from Arab soil was the best way of reducing world tension.

Khrushchev also affirmed that the U.S.S.R. supported Arab unity as strengthening the Arabs against the imperialists.

As far as Egypt is concerned, Khrushchev has far outdistanced in popularity Chinese Premier Chou En-lai, who came here last December. Apart from this morning's speech, which will undoubtedly have a profound impact throughout the Arab world, his own warm and friendly personality and the simple dignity of his wife have already made a strong impression here.

[From the New York Times, May 12, 1964]

Khrushchev Assails Israel River Plan

(By Jay Walz)

CAIRO, May 11.—Premier Khrushchev gave strong Soviet endorsement today to the Arab stand against Israeli diversion of Jordan River waters.

The visiting Soviet leader told applauding legislators that Israel had "robbed Arabs of their own sources of water" by her plan to use the river to irrigate the Negev.

In an hour-long speech this morning before the new National Assembly of the United Arab Republic, Mr. Khrushchev praised the country's "Socialist progress under President Gamal Abdel Nasser and condemned Israel as a 'stooge of the imperialists.' He declared:

"We support the just demands of the Arab countries that Israel should implement the United Nations resolutions on Palestine."

These resolutions provide for repatriation or financial compensation to Palestinians who lost their property or homes in the war that followed the creation of Israel in 1948.

Mr. Khrushchev said the conference of Arab kings and heads of state in Cairo last January made "a great contribution against the stooges of imperialism and against war."

That Arab meeting was called by President Nasser to decide on joint Arab counteraction to Israel's Jordan River plans. The delegates decided not to try to stop Israel by force, but to press Arab projects for using the waters of Jordan tributaries in Arab territories.

Mr. Khrushchev, with Mr. Nasser sitting at his side, congratulated the United Arab Republic on the "long strides" taken since the 1952 revolution.

"This is a short period, but the development is an accomplishment of tens of years," he said. "The imperialists thought the course of life in Egypt would never change, but now the very course of the Nile has changed."

This was a reference to the ceremonies Mr. Khrushchev will attend at Aswan this week, marking completion of the first stage of the Soviet-financed Aswan High Dam. The first stage consisted of digging a diversion canal to take the flow of the Nile while the high dam is erected.

Mr. Khrushchev credited "Arab socialism" with the gains the United Arab Republic has accomplished.

"We Communists are aware of what you have achieved and share your happiness as you follow the path of socialism," he declared. "Socialism gives the maximum welfare to the people."

Developing the theme of "cooperation and peaceful coexistence" that he has stressed since his arrival in Cairo Saturday, Mr. Khrushchev offered indirect criticisms of the Chinese Communists' adherence to ideological formulas.

"We were the first people to hoist the banner of socialism against despots," he declared. "We had success because we followed the path of socialism. Your achievements in socialism have been made in different circumstances and by different forms. We accept this."

Mr. Khrushchev credited Mr. Nasser with being one of the first national leaders to call for total disarmament.

"I appreciate your President's call to end foreign military bases," he said. "They are a great menace to emerging countries. The Soviet Union has always been against these bases and casts a kind eye on the people who are attempting to put an end to them in Cyprus and Aden."

He said the treaty rights Britain had imposed on Cyprus and the southern part of Arabia should be abrogated. "The best solution for peace is withdrawal of all foreign troops completely," he declared.

After his address to the assembly, Mr. Khrushchev took his family and members of his family and members of his party on another sightseeing tour that included a visit to the pyramids.

Tomorrow he will visit a number of factories, including a Soviet-aided pharmaceutical plant, and on Wednesday he will fly to Aswan for the high dam ceremonies.

[From the New York Times, May 12, 1964]

UNITED STATES DISTURBED BY MOSCOW'S OVERTURES TO ALGERIA

(By Hedrick Smith)

WASHINGTON, May 11.—U.S. officials are disturbed by the major effort being made by the Soviet Union for increasing influence in Algeria.

They cite the announcement of new Soviet aid commitments for Algeria and the extremely cordial treatment given to President Ahmed Ben Bella during his recent 13-day trip to the Soviet Union. They see this as evidence of Moscow's decision to shower more attention on Algeria.

While Mr. Ben Bella was in Moscow the Soviet Union granted his country $127.6 million in credit to help build a large metallurgical complex. He also received promises that the Russians would build a technical institute for 2,000 students, send 300 medical workers to Algeria by 1966 and deliver a 19,000-ton oil tanker next year.

Some officials here were disappointed that the Algerian President had supported a number of Soviet positions critical of the United States on such key issues as Cuba, South Vietnam, the seating of Communist China in the United Nations and the situation in Korea.

END OF BLOCKADE ASKED

The final communique signed by President Ben Bella and Premier Khrushchev called for "normalization of the situation in the Caribbean on the basis of lifting the economic blockade and of all forms of pressure against the Cuban Republic."

The two leaders called on the United States to evacuate its naval base at Guantanamo and they protested against "pirate raids on Cuban territory and violations of its airspace."

Mr. Ben Bella refrained from joining the Soviet leader in warning of "catastrophic consequences" if the United States continued its flights over Cuba.

In the communique, President Ben Bella also joined Premier Khrushchev in calliing for "the withdrawal of foreign troops from South Korea and for the peaceful reunification of Korea on democratic principles."

The two leaders expressed support for "the people of Vietnam who are demanding an end to foreign interference in the internal affairs of South Vietnam."

Despite Mr. Ben Bella's stand on such issues, U.S. officials expected no important shift in Algerian policy as a result of his visit to Moscow.

It was recalled that the Algerian President previously had taken a number of anti-American stands publicly, including the demand for American withdrawal from the naval base at Guantanamo. The Moscow communique, observers said, was merely a summary of developments over the last few months.

Mr. Ben Bella's public pronouncements, one observer said, "are more an indication of where his thoughts lie than anything else." The Algerian leader, the observer said, is "at home with the Socialists, but that doesn't necessarily mean he'll give up Algeria's nonalinement."

Washington is watching to see whether the Algerian Government moves to nationalize French oil interests in the Sahara. So far the United States has preferred to let France serve as the principal counterbalance to the Soviet Union, Eastern Europe and Communist China.

France supplies Algeria with about $350 million in aid each year. Last fall the Soviet Union extended its first large credit of $100 million to Algeria and Communist China offered $50 million in credits.

The new Soviet aid commitments are viewed here as an effort by Moscow to counteract Peiping's campaign to win more influence in Africa. Soviet officials are believed to be grateful that President Ben Bella would journey to Moscow and help refurbish Moscow's image as a friend of the underdeveloped and revolutionary countries.

Mr. Ben Bella visited the United States soon after coming to power in 1962, but has not been back since.

[From the New York Times, May 12, 1964]

ALGIERS PRESSES OIL DEMANDS

(By Peter Braestrup)

ALGIERS, May 11.—Algeria renewed today her demands for higher oil revenues from an active participation in every phase of French-run production, transport, and sale of Saharan oil.

The demands came as high-level French-Algerian bargaining began on the complex controversy. The outcome is viewed by both sides as a key to future cooperation between the two countries.

Heading the French negotiators was Olivier Wormser, director of economic affairs at the French Foreign Ministry. The Algerians were headed by Bachir Boumaza, Minister of National Economy.

Mr. Boumaza returned here from Moscow last week, following a 13-day tour of the Soviet Union with President Ben Bella.

Western sources commented tonight that the oil talks would provide a test of whether the Socialist regime of President Ben Bella had downgraded nonalinement and close cooperation with France in favor of greater dependence on Moscow. A key factor, these sources said, will be the willingness of both the French and the Algerians to compromise.

The Algerian demands, designed to increase foreign-exchange reserves and end the extraterritoriality of private oil companies, were said to include the following:

A requirement that proceeds of oil sales abroad be banked in Algiers.

A minority share in all foreign oil and related companies.

An increase for the Algerians over their present official 50 percent share of oil profits.

Mr. Wormser was reported to be ready to grant higher royalty payments, but not to concede any basic structural changes by the oil companies, in which the French Government is a major stockholder.

[From the New York Times, May 2, 1964]

BRITISH REBUFFED BY U.S. ON NASSER—PLEA FOR PRESSURE ON CAIRO REJECTED AS IMPRACTICAL

(By Hedrick Smith)

WASHINGTON, May 1.—The United States has rebuffed a British suggestion that Washington threaten to cut back economic aid to the United Arab Republic unless President Gamal Abdel Nasser stops threatening to drive the British out of Aden.

During his recent discussions here with Secretary of State Dean Rusk, the British Foreign Secretary, R. A. Butler, was reported by qualified sources to have tried to line up Washington's support for Britain's Middle Eastern policy.

These sources said the Foreign Secretary even sought support for a resolution in the United Nations condemning President Nasser's implied threat to drive British forces out of Aden with some of the 40,000 Egyptian troops serving in neighboring Yemen.

U.N. MOVE HELD FUTILE

Mr. Rusk and other American officials were reported to have replied that it would be futile to present such a resolution in the United Nations because it would be defeated on the issue of colonialism.

The American position was that Britain could hardly expect members of the African-Asian bloc in the United Nations to oppose Mr. Nasser in a bid to eliminate the last major British military base in the Middle East.

The war of words between the British and Mr. Nasser, and the potential threat of fighting on a larger scale in the Yemen-Aden area, have sharpened since the Egyptian leader visited his troops in Yemen last month.

On April 24, Mr. Nasser was quoted as having told an audience in Yemen: "We swear by God to expel Britain from all parts of the Arab world."

He also accused Britain of smuggling arms to Yemeni Royalists, who are fighting the republican regime, which seized power in 1962 and has been dependent since on the support of thousands of Egyptian troops.

"They want a civil war in Yemen so they can keep their forces in Aden and the occupied south," Mr. Nasser asserted, referring to Yemen's territorial claim to the South Arabian Federation and the crown colony of Aden.

LONDON APPROACH OPPOSED

U.S. officials said that they, like the British, wanted the United Arab Republic to withdraw her troops from Yemen in accordance with United Nations resolutions.

But the administration feels that London's approach would backfire. Officials consider that British moves would simply irritate Mr. Nasser, prolong the Egyptian troops' stay in Yemen, lead to broader actions against the British positions in the south and increase Arab pressure on Britain to relinquish the base in Aden.

For more than a year the United States has been trying to devise a political solution for the smoldering Yemeni civil war by promoting a coalition government embracing Egyptian-backed republican leaders and some of the tribal and political chieftains still loyal to the deposed Imam.

Prospects for such a development brightened in January when President Nasser met with King Saud of Saudi Arabia, the principal international backer of the Yemeni royalists. But since then little progress has been noted.

[From the New York Times, May 2, 1964]

NASSER THREATENS REPRISAL

CAIRO, May 1 (Reuters).—President Nasser accused Britain tonight of asking the United States to impose economic sanctions on the United Arab Republic and warned of possible retaliation against British oil interests in the Middle East.

Mr. Nasser said at a May Day rally that if economic sanctions were imposed on Cairo, "we can impose sanctions on Britain, which gets £500 million ($1.4 billion) net profit every year from Middle East oil."

[From the New York Times, May 2, 1964]

CAIRO ACCUSES BRITISH

CAIRO, May 1.—The newspaper Al Ahram published today what it said were copies of letters providing "material proof" of British aid to the royalists in Yemen.

The letters referred to the establishment of radio transmitters and foreign operators in royalist camps near the Saudi Arabian border and of payments in sterling requested by Imam al-Badr's Foreign Minister. The Imam maintains headquarters in a mountain cave in northern Yemen.

The letters, dated last October and November, were published by Mohammed Hassanein Heikal, the paper's editor, who has just returned from a 6-day visit to Yemen with President Nasser.

Mr. GRUENING. Mr. President, I yield the floor.

DIFFICULT SITUATION OF KANSAS CATTLE INDUSTRY

During the delivery of Mr. STENNIS' speech,

Mr. PEARSON. Mr. President, the senior Senator from Kansas [Mr. CARLSON] has expressed his concern on the Senate floor and as a member of the Committee on Finance on numerous occasions regarding the very difficult situation in which the Kansas cattle industry finds itself as a result of the current high level of beef imports.

On April 28 my colleague presented a statement to the Federal Tariff Commission on behalf of the Kansas livestock industry. The statement by the senior Senator from Kansas takes on added importance because of his longtime concern for foreign trade and his critical position on the Committee on Foreign Relations.

I take this opportunity to congratulate my colleague for his active work on behalf of this major Kansas industry. I ask unanimous consent to have printed at this point in the RECORD an article published in the May 1964 issue of the Kansas Stockman, expressing the appreciation of the Kansas livestock industry for his efforts.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEEF IMPORTS BASIC CAUSE OF LOW CATTLE MARKET—SENATOR CARLSON REPRESENTS KANSAS LIVESTOCK ASSOCIATION AT HEARINGS

Kansas got a break when Senator CARLSON appeared for the Kansas Livestock Association at the Tariff Commission hearing April 28. He is a senior member of the Senate Finance Committee that requested these investigations into the effect of imports on the American cattle and beef industry. The Senator is a recognized authority on foreign trade.

President Johnson selected him as one of two Senators to accompany Mr. Herter at the Trade Conference in Geneva, May 4, 1964. The Senator has frequently pointed out, in discussing the Trade Expansion Act, that there was great danger that agriculture would be traded down the river in these bargaining sessions.

We supplied Senator CARLSON with material including our statement presented to the Tariff Commission last fall, President Bill House's statement before the Senate committee, and other material. The Senator is well posted on our import problem.

IMPORTS 90 PERCENT RESPONSIBLE

Beef is its greatest competitor. In an effort to get cattle producers off the back of Federal Government officials, some department economist or employee, "off the top of his head" made the statement "imports have accounted for only about 15 percent of the total cattle price decline. Imports have served largely to meet unfulfilled needs for low quality processing meat," they have said. "The quantity of lower grades of meat available from domestic production has been insufficient in recent years," they added.

Such statements have received wide publication, and have been repeated by many people. Many, including recognized economists, have followed this same line of thought. These people have either been uninformed, grossly misinformed, or they have an ulterior motive. Facts recorded by the Economic Research Service, USDA, prove that such explanations of the present situation are misleading and in many ways are entirely false. Are we going to lose the war against imports, the No. 1 issue, by trying to sweep the problem under the rug, or by concentrating on possible related issues such as chainstore inquiries, the beef grading system, Government feed grain programs, and others? Even a few recognized leaders in the beef cattle business are either opposing or dragging their feet in the industry's all-out effort to secure some real relief against the basic factor causing their trouble.

BEEF IMPORTS BROKE COW MARKET

Those mentioned above who have tried to free imports of any guilt have never, to our knowledge, even attempted to prove their stand with facts and figures. The accompanying chart showing cow prices 1955 through 1963 fits in with expanded beef import figures so well that if they were not officially recorded one might think they were rigged. First, we must recognize that we can expect some lag from the time import volume starts increasing until the cow market is affected. Likewise, there will be further lag before the demoralized cow and ground beef market affects fat cattle prices.

Average prices paid for cutter and canner cows on the Chicago market. Prices taken from Livestock and Meat Situation published bimonthly by Economic Research Service, U.S. Department of Agriculture:

Year	Yearly average	October	November	December
1955	$10.00	$9.61	$8.55	$8.94
1956	10.68	9.30	8.42	9.60
1957	12.06	12.18	12.52	13.37
1958	16.54	16.85	16.80	16.65
1959	16.27	13.81	12.47	13.63
1960	14.14	12.26	12.78	13.04
1961	14.38	13.48	13.15	13.31
1962	13.99	13.36	12.78	12.41
1963	13.46	12.79	11.89	10.73

The first substantial beef import increase came in 1958. Australian imports, consisting largely of processing beef, made their first big increase in 1959.

Cow prices reached a low in 1955 and 1956 due to heavy liquidation during an extended drought. As cow sales and slaughter returned to normal, prices bounced back and reached a peak in early 1959 and then took a nosedive in late 1959 as excessive imports came to exert their full force on the American market.

JUST ONE ANSWER

Why, in the face of no more than normal cow slaughter and an expanding demand for this type of beef, did cow prices break and continue to weaken, reaching a new low in December 1963? There is just one answer. Packers and beef processors were forced out of the domestic cow market by excessive imports of cheap beef. The December 1963, average price, $10.73, was approximately $6 below December 1958, of $16.65, and $7.72 below the peak cow price in June 1959, of $18.45. With price in line with domestic supply and demand, packers and processors would have been able to secure adequate supplies of domestic beef to meet U.S. expanding requirement. Those who say expanded imports were necessary to meet needs have not offered a fair and complete analysis of facts to substantiate their claims. They simply compare cow slaughter in recent years to the abnormally high forced slaughter in 1955 and 1956. They avoid mention of such facts as greatly depressed cow prices which accompanied the reduction of cows slaughtered. They fail to point out that a reduction in price in the face of reduced supply at a time when consumer demand was expanding is contrary to the law of supply and demand. The demand was satisfied with cheap, low grade imported beef and our domestic markets and industry suffered.

COW LIQUIDATION EQUIVALENT

Cow prices have reached a level which approaches the drought liquidation prices of 1955–56. Excessive imports have been equivalent to heavy cow liquidations but the cows are still on our farms and ranches. Imports are responsible for low domestic cow prices and slaughter and have contributed greatly to the buildup of our cow inventory.

Without imports, our cow market would have been $5 or $7 per hundred higher and cows would have gone to slaughter, not back to the country to raise another calf.

SUPERMARKETS

Beef retailers have done a superb job of merchandising our product. If this were not true, beef consumption would not be doubled in recent years. Some producers, under the present serious situation, have accused these retailers of making excessive profits, holding down their purchase costs by collusion or other methods, and also holding up retail prices to consumers.

We haven't time or sufficient facts to intelligently discuss pro or con the above three issues. For the sake of argument, let's admit that they have been a factor. If this were true, excessive imports are still the basic contributing factor.

The key to the situation is ground beef, hamburger, and processed meats. This type product makes up a major portion of retail volume poundwise. Competition from low-grade foreign imports forced them out of the domestic market because their storage facilities were full of this imported beef, and the shipping pipeline kept full. These retailers were in a position to buy domestic beef at their own price, or even abandon the domestic market for a period of time.

Imports also gave these retailers a good reason for maintaining relatively high prices on steaks, roasts, and such popular cuts. Foreign beef greatly reduced their potential return from the cheaper cuts making up the finished carcasses. Correspondence from a friend of ours points out these reasons as to why chain stores can be so independent about their buying. He also points out that this entire situation is not understood by Congress, the Department of Agriculture, or even many cattlemen. If you will analyze the entire situation, he adds, "cow liquidation" at an excess rate always breaks the prices of beef, all the way up the line. Foreign beef imports maintain the equivalent of excess cow liquidation pressure on the price of beef.

This friend also points out something which we cannot personally vouch for, but which consumers should recognize. He says this lean dry foreign beef will absorb up to 20 percent more water, or approximately 3.2 ounces more water per pound. This statement we can't vouch for. Our informant also points out that USDA, and perhaps other economists and so-called authorities, are shortsighted. He says they look at foreign beef, which is suitable only for hamburger and soup, and, lacking business experience, have not yet figured out this cow liquidation equivalent factor.

The more we delve into and study this problem the more certain we are that this imported beef is the basic factor which has brought on disastrous prices for our industry. Let's concentrate on the main issue. Stop fighting these skirmishes which may, to a certain extent, be a secondary contributing factor. When we win the main battle these skirmishes should disappear.

IMPORTS EXERT PRESSURE ON FAT CATTLE PRICES

United States increased production of fat cattle added considerable tonnage of grinding beef to our domestic supply of this type product. Twenty-five percent of a choice grade carcass is grinding type beef. The depressed market price of processing beef, caused by large imports of lean, low-grade beef, is a major factor contributing to low fat cattle prices. With 25 to 30 percent of these carcasses selling at greatly reduced price, the balance of the cuts must sell proportionately higher, or the steer price paid by the packer goes down.

Sure, too many cattle feeders held on too long and fed to extremely heavy weights. This not only increased the tonnage of beef but the carcasses were too fat and undesirable.

We admit this can be charged to bad judgment but why did so many continue to feed long after they should have gone to town? The answer is easy. The market broke and the feeders were trying to get by without a loss. They hoped for a bulge in the market. Here again imports were a contributing factor. Imports started the ball rolling that broke the market.

SUMMARY

1. Those who claim large quantities of imported beef were needed to meet our requirement and that only 15 percent of our price decline was due to imports, offer no proof. They avoid vital facts concerned with the total situation.

2. U.S. cow price, if we fail to consider competing imports, followed a trend contrary to the law of supply and demand.

3. Our expanding demand for grinding and processing beef would have given us cow prices of $5 to $7 above the 1962–63 level and would have sent cows to slaughter, not back to the country to raise another calf, had it not been for the flood of imports.

4. Our requirements could have been supplied from domestic cattle.

5. With higher cow prices, more cows would have been culled. If we had increased cow numbers only slightly or none last year instead of 6 percent, we would have a lower cattle inventory and less calves to sell next fall.

6. A substantial portion of all fat beef carcasses go into grinding beef. This portion competes with cheap foreign product, fat cattle prices were definitely lowered.

7. Imports big factor in retailer problems.

WHAT CAN LIVESTOCK PRODUCERS AND OTHER INDUSTRY PEOPLE DO?

1. Write your Congressman and Senators.

2. Write the Secretary of Agriculture.

3. Write the President of the United States.

4. Encourage your local editor to publish some facts.

5. Finally, encourage your beef retailer to use domestic beef exclusively and express your appreciation when he does. After all, domestic beef is better. It's produced under inspection and sanitary conditions without equal.

6. Help with meat promotion—support the National Live Stock and Meat Board—thank your market operator or commission man for making collections—if he isn't cooperating, explain the program and encourage him to initiate this important service.

DANGER OF "BRAIN DRAIN" IN MIDWEST

During the delivery of Mr. Stennis' speech,

Mr. LAUSCHE. Mr. President, the Goodyear Aerospace Corp. issues a bulletin entitled "The Wingfoot Clan." The issue of May 7 contains an article entitled "To Combat 'Brain Drain, Unite,' Murphy Warns Groups in Midwest." The goal to unite is directed at States in the Midwest. I am sure it includes the State of the distinguished junior Senator from Wisconsin [Mr. Nelson], who is now presiding over the Senate.

Among other things, the article states:

> If the Midwest is to retain its leadership in providing consumer and industrial goods, we must unite the facilities and talents of industry, the research institutes, and our universities.

My remarks at this time are directed to the Members of Congress who represent the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Iowa. Mr. Murphy, who is a graduate of Ohio State University and is connected with the Goodyear Aerospace Corp., further said:

> Seven of the country's top 10 producers of graduates in engineering and science are midwestern universities. But a recent study of persons who received doctorates in the Midwest in 1961 and then entered industry shows that only 10 percent of them stayed in this area.

In other words, the Midwestern States have 7 of the country's 10 leading producers of graduates in engineering and science. Ninety percent of those graduates depart from the Midwest and move on to other States. The consequence is that the Midwestern States are suffering an erosion of their economy that ought to frighten the representatives in Congress of those States. We cannot cope with the problem of combating such erosion on an individual basis. If we are to be given the opportunity to retain the scientists and engineers whom we train and teach, it is essential that there be a unification of the efforts of the eight States which are mentioned in demonstrating, especially to officials of the U.S. Government, the huge number of engineers and scientists who are produced in the Midwestern States.

Mr. President, I ask unanimous consent that the article to which I referred be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

To Combat "Brain Drain," Unite, Murphy Warns Groups in Midwest

The Midwest is in danger of becoming the "former industrial center of the United States" if it does not vastly increase its research and scientific efforts, a Goodyear Aerospace executive warned last week.

While it produces more than its share of "scientific brains," the Midwest is losing them to research centers along both coasts, Vice President Loren Murphy told delegates to the 11th Annual Conference of Engineers and Architects at Ohio State University.

To stem this outflow of scientific talent, Murphy called for a huge industrial research program by industry and educational institutions of the area.

"If the Midwest is to retain its leadership in providing consumer and industrial goods," he said, "we must unite the facilities and talents of industry, the research institutes, and our universities."

Formed into a single team, they then could "adapt today's scientific breakthroughs into new and improved products for a better way of life."

This type of program will not produce results overnight, he advised. "But it will protect our vested rights in continuing to produce around 75 percent of the country's hard goods. It will keep many more of our scientists here, where they were educated, and will improve our scientific stature."

An Ohio State University graduate in engineering, Murphy noted that the current drain on scientists produced in Midwest universities is tremendous.

"Seven of the country's top 10 producers of graduates in engineering and science are midwestern universities," he reported. "But a recent study of persons who received doctorates in the Midwest in 1961 and then entered industry showed that only 10 percent of them stayed in this area.

"Scientists naturally gravitate to those areas where programs are glamorous and where the most modern research centers exist," Murphy explained. "The Midwest has missed its share of the Government research programs that foster these centers."

"We cannot compete with the large aerospace and electronic manufacturers by erecting installations similar to theirs. But we can protect established business by increasing our research and scientific efforts."

In order to provide the necessary environment for reversing the present trend, companies do not have to staff themselves with complete groups of specialists covering the whole gamut of scientific knowledge, Murphy advised.

"Private industry, making use of its own laboratories and the facilities of its area universities and research institutes, needs research and development programs containing the fundamentals of basic research, applied science, and scientific applications," he said.

"Consultants, mainly university professors and associates of research institutes, have been very useful to Goodyear Aerospace.

"Midwestern universities should intensify their efforts to expand their research capabilities by obtaining a greater share of Government research and development programs being placed in universities across the country.

"They also should spend more effort in supporting and assisting local industry, particularly through research, in solving industrial problems."

STAND ON CIVIL RIGHTS OF PRESBYTERY OF LONG ISLAND, N.Y.

During the delivery of Mr. STENNIS' speech,

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor, without the resumption of my remarks in any way counting as an additional speech, and with the understanding that his remarks may appear prior to my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. I thank the Senator.

My able colleague [Mr. JAVITS] and I were honored by a visit from a number of clergymen and laymen representing the Long Island Presbytery who held an adjourned stated meeting in Washington in which resolutions were adopted in support of the civil rights bill.

In my judgment, the support of the clergy and church oriented people of all religious faiths is an important factor—probably right now the most important factor—in what we hope to look forward to as the successful outcome of this debate.

I ask unanimous consent to have inserted at this point in the RECORD a message directed to the senior Senator from New York [Mr. JAVITS] and myself.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESBYTERY OF LONG ISLAND,
Huntington, Long Island, N.Y.

To the Honorable JACOB K. JAVITS and the Honorable KENNETH B. KEATING:

The Presbytery of Long Island meeting officially in Washington, D.C., on May 12, 1964, expresses to you the Honorable JACOB K. JAVITS and KENNETH B. KEATING, U.S. Senators from the State of New York, its deep appreciation for your vigorous and forthright leadership in behalf of civil rights. It acknowledges with gratitude the cordial welcome which you have extended to members of the Presbytery in this meeting and in visits of Presbytery's Commission on Religion and Race. You have given personal attention wherever possible to letters urging a strong civil rights bill and requesting its passage. We offer you our full encouragement as you continue to press for quick and favorable action. The Presbytery recognizes its own responsibility in its churches and communities to encourage the sympathetic support of civil rights legislation at the local level so that there may be a genuine advance in the provision of equal rights and opportunities for all people.

THOMAS P. STEWART,
Clerk pro tempore.

MAY 12, 1964.

RUMANIAN INDEPENDENCE DAY

During the delivery of Mr. STENNIS' speech,

Mr. SCOTT. Mr. President, in commemorating Rumanian Independence Day on May 10, one often overlooked historical event should not be forgotten.

Princess Ileana of Rumania once asked Communist Ana Pauker why the Rumanians were being subjected to so many inhuman acts. Her reply was that the Communists viewed a newly conquered nation as a field with which a different crop was to be planted; the land had to be completely disheveled and everything burned. Then the new seed was planted.

Therefore—

Ana Pauker said—

> we have to terrorize the older generation into silence, so they do not dare to speak to the young ones and to remember, so that the young ones would not have any memory whatsoever of times past; that their minds would be absolutely empty of anything but what the Communist regime wanted to plant in it. And that is why (the Communists) had to use torture imprisonment.

Ana Pauker's statement has been disproved by the Rumanians. Despite the countless acts of unbelievable savagery, Rumanians have continued to cherish their nation's historical values. The field of freedom and independence has been burned but not destroyed.

My fervent hope is that someday soon Rumanians can celebrate their national holiday as fervently inside their borders as it is celebrated outside.

FINAL RATIFICATION OF THE INTERNATIONAL CONVENTION ON THE CONTINENTAL SHELF

During the delivery of Mr. STENNIS' speech,

Mr. BARTLETT. Mr. President, I am pleased, and, in fact, elated to report that the United Kingdom yesterday ratified the International Convention on the Continental Shelf. Under article 11 the convention comes into force on the 30th day following the date of deposit of the 22d instrument of ratification with the Secretary General of the United Nations. This action occurred yesterday and the convention will come into effect on June 10.

The International Convention on the Continental Shelf was one of four conventions adopted in 1958 at the United Nations Conference on the Law of the Sea. The Convention on the High Seas has been ratified by the required number of nations including the United States and became effective last summer. The Convention on the Continental Shelf will be the second of the four conventions to come into force. This will leave the Convention on the Territorial Sea and the Convention on Fishing and Conservation of the Living Resources of the High Seas to be favorably acted upon later. Since the United States has ratified all four I sincerely hope that the State Department will continue to encourage other nations to consider the possibility of ratification of the two remaining conventions.

In essence, the Continental Shelf Convention provides that each coastal nation has exclusive rights to the resources of the Continental Shelf extending beyond the limits of its territorial waters.

The Continental Shelf Convention was endorsed by 63 of the 85 nations present and voting at the 1958 conference. This number is well in excess of the two-thirds vote required for the convention's acceptance. The overwhelmingly favorable vote demonstrated the consensus among nations that the convention's terms are acknowledged international law. The 22 countries that have ratified the convention are: United States, Byelorussia, Colombia, Czechoslovakia, Guatemala, Haiti, Israel, Poland, Portugal, Ukrainian Russia, U.S.S.R., Venezuela, Denmark, Australia, South Africa, Cambodia, Malaysia, Senegal, Rumania, Malagasy Republic, Bulgaria, and the United Kingdom.

The convention, in part, confirms unilateral action taken by our country under the Truman proclamation on the Continental Shelf of 1946, and the Submerged Lands Act and the Outer Continental Shelf Lands Act of 1954.

These acts give to the Federal Government, with certain exceptions, all rights over the mineral resources on the Continental Shelf. These acts at the same time confirm state jurisdiction over the regulation of fishing resources.

The Continental Shelf Convention provides as follows:

> The coastal State exercises over the Continental Shelf sovereign rights for the purpose of exploring it and exploiting its natural resources. * * * The natural resources referred to in these articles consist of the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

The economic potential of such fauna is considerable. During hearings on my bill, S. 1988, a table was presented in testimony which indicated the value of Continental Shelf species which are covered by the Continental Shelf Convention. According to the Director of the Bureau of Commercial Fisheries, all of these species are "of major significance to the fishing industry of the United States."

Mr. President, I ask unanimous consent to include in the RECORD a copy of the table indicating the value of oysters, dungeness, and king crabs and clams taken by States in 1961.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Catch of oysters, dungeness and king crabs, and clams, by States, 1961

State	Oysters		Crabs				Clams	
			Dungeness		King			
	Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value
	Thousand pounds	*Thousand dollars*	*Thousand pounds*	*Thousand dollars*	*Thousand pounds*	*Thousand dollars*	*Thousand pounds*	*Thousand dollars*
Maine	3	2					7,857	801
Massachusetts	84	100					2,354	1,413
Rhode Island	7	7					2,739	1,008
Connecticut	359	416					420	176
New York	788	1,069					5,170	2,599
New Jersey	1,100	934					28,405	2,434
Delaware	33	18					582	232
Maryland	10,337	7,803					5,220	1,454
Virginia	17,163	13,931					1,864	866
North Carolina	1,209	616					490	196
South Carolina	2,544	1,095					109	38
Georgia	159	47						
Florida	3,327	1,053					19	7
Alabama	509	162						
Mississippi	3,241	753						
Louisiana	10,139	2,849						
Texas	1,096	329						
Alaska			4,591	442	43,412	3,914	391	121
Washington	8,658	1,652	7,109	1,075			682	300
Oregon	329	72	9,288	1,479			26	13
California	1,220	296	11,711	1,981			2	3
Hawaii							(1)	(1)
Total	62,305	33,204	32,699	4,977	43,412	3,914	50,330	11,661

[1] Less than 500 pounds or $500.

NOTE.—Data on the catch of oysters and clams represent weight of meats.

Source: U.S. Department of the Interior, Fish and Wildlife Service, Bureau of Commercial Fisheries, Branch of Statistics, Aug. 27, 1963.

Mr. BARTLETT. Another graphic illustration of the economic importance of Continental Shelf species is the Alaska king crab harvest. A report by the Alaska Department of Fish and Game placed the 1963 king crab harvest at 77 million pounds as compared with 52.8 million in 1962, an increase of almost 50 percent. The report added that 1,200 fishermen in 409 boats participated in the catch for which they were paid $7.7 million. An additional 1,200 persons, the department said, received employment in processing the catch.

Since this Convention will be effective and it will be the law of the land within 30 days, I ask that a copy of the Convention be included in the RECORD at the close of my remarks.

There being no objection, the Convention was ordered to be printed in the RECORD, as follows:

CONVENTION ON THE CONTINENTAL SHELF

(Final text adopted by the Conference)

The States parties to this Convention, have agreed as follows:

ARTICLE 1

For the purpose of these articles, the term "Continental Shelf" is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

ARTICLE 2

1. The coastal State exercises over the Continental Shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the Continental Shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the Continental Shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the Continental Shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in these articles consist of the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

ARTICLE 3

The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters.

ARTICLE 4

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cables or pipe lines on the continental shelf.

ARTICLE 5

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

2. Subject to the provisions of paragraphs 1 and 6 of this article, the coastal State is entitled to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

3. The safety zones referred to in paragraph 2 of this article may extend to a distance of 500 meters around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

4. Such installations and devices, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

5. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.

6. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

7. The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

8. The consent of the coastal State shall be obtained in respect of any research concerning the Continental Shelf and undertaken there. Nevertheless, the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the Continental Shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

ARTICLE 6

1. Where the same Continental Shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the Continental Shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

2. Where the same Continental Shelf is adjacent to the territories of two adjacent States, the boundary of the Continental Shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. In delimiting the boundaries of the Continental Shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

ARTICLE 7

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunneling irrespective of the depth of water above the subsoil.

ARTICLE 8

This Convention shall, until October 31, 1958, be open for signature by all States members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly to become a party to the Convention.

ARTICLE 9

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 10

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 8. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 11

1. This Convention shall come into force on the 30th day following the date of deposit of the 22d instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the 22d instrument of ratification or accession, the Convention shall enter into force on the 30th day after deposit by such State of its instruments of ratification or accession.

ARTICLE 12

1. At the time of signature, ratification, or accession, any State may make reservations to articles of the Convention other than to articles 1 to 3, inclusive.

2. Any contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 13

1. After the expiration of a period of 5 years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any contracting party by means of a notification in writing addressed to the Secretary-General.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 14

The Secretary-General of the United Nations shall inform all States members of the United Nations and the other States referred to in article 8:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 8, 9, and 10.

(b) Of the date on which this Convention will come into force, in accordance with article 11.

(c) Of requests for revision in accordance with article 13.

(d) Of reservations to this Convention, in accordance with article 12.

ARTICLE 15

The original of this Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 8.

In witness whereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

Done at Geneva, this 29th day of April one thousand nine hundred and fifty-eight.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 217 Leg.]

Aiken
Allott
Bartlett
Bayh
Bennett
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kuchel
Long, Mo.
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Monroney
Morton
Moss
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Ribicoff
Robertson
Saltonstall
Scott
Smith
Stennis
Symington
Thurmond
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. McGOVERN in the chair). A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 577) offered by the Senator from Louisiana [Mr. LONG] to the amendments offered by the Senator from Georgia [Mr. TALMADGE] for himself and other Senators.

Mr. THURMOND. Mr. President, the debate which has been taking place on the floor of the Senate for these past few days has had a salutary effect across the Nation and particularly in this body. The numerous amendments relating to trial by jury which have been introduced by both proponents and opponents of this so-called civil rights bill is evidence of a general agreement that H.R. 7152, in its present form, requires further discussion and change before the Senate finally works its will on this legislation.

The amendment which has been introduced by the distinguished junior Senator from Georgia [Mr. TALMADGE] for himself and others, including myself, would clarify one of the most glaring weaknesses, not only of this bill, but of present judicial practices in criminal contempt proceedings. It is my firm belief that the Talmadge amendment is the least to which Senators should agree for inclusion in H.R. 7152. The substitute amendment which has been introduced by the distinguished minority leader [Mr. DIRKSEN] on behalf of himself and the majority leader [Mr. MANSFIELD] cannot be sustained on the basis of any logical reasoning or historical precedent.

Mr. President, the Nashville Banner of Nashville, Tenn., for Monday, April 27, 1964, contains a most perceptive editorial on the subject of the Mansfield-Dirksen amendment. This editorial, entitled "Jury Hoax Won't Improve Blackjack Civil Rights Bill," correctly describes this amendment as an "obvious hoax." This editorial reads as follows:

[From the Nashville (Tenn.) Banner, Apr. 27, 1964]

JURY HOAX WON'T IMPROVE BLACKJACK CIVIL RIGHTS BILL

The civil rights bill in its present form is a brazen injustice because it does not give equal consideration to the rights of all men, black or white.

This civil wrong could be twice compounded in the so-called bipartisan weasel-worded concoction about a trial by jury under certain conditions, that is. Here is an obvious hoax, as slick as a greased pig, released in desperation by liberal Republican and Democrat leaders as a sop to an angry citizenship soon to go to the polls. Regardless of this latest maneuver, which is an insult to the intelligence of every free American, the so-called fair employment practices provision of the civil rights measure throws the shadow of jail bars or joblessness across the goals of every diligent man with ambitions for himself and his family.

For the businessman it places a penalty upon success and endangers the value of both product and property, the risk being in direct proportion to the influence of his vote and the size of his campaign contribution.

For the unionman the FEPC makes the long-established rule of seniority a joke. It deadens incentive and could destroy the rewards for enterprise and loyal service.

If the rights bill becomes law, the blackjack enforcement by Bobby Kennedy, Katzenbach & Co., would recognize only the reverse of success—a general retreat to the slave-like lassitude of a common level. Under Kennedy and Katzenbach healthy competition could breed danger and gone forever would be the American concept of advancement according to one's individual ability.

All this would be tragic enough for the thousands of responsible citizens, North and South, East and West, who are backing with every means at their disposal the last ditch fight of Senators from all sections against the civil rights bill.

But now the party whips on both sides of the aisle are adding insult to injury by telling possible business and union labor offenders they just might get a trial by jury. It would depend upon the enormity of their alleged crimes and the attitude of the Federal judge.

This unhappy and uncertain prospect would appear on the horizon only after a long period of harassment during which the long, sticky fingers of Katzenbach and his boys would have poked through the confidential records of business and unions alike. Irreparable damage to production and rightful employment could be done long before the coin is tossed in the gamble on which would depend the empaneling of a jury. Before that time wide areas of both business and organized labor could be nibbled to death by the deputy ducks of the Justice Department.

Consider a current case—under a State not a Federal FEPC. It's the Illinois Fair Employment Practices Commission versus Motorola Inc., one of the larger electronic firms. The chinquapin tyranny in this situation already has gained the attention of the Nation.

Motorola is being hailed before the commission because a Negro applicant for employment failed to pass a company test drawn by the Illinois Institute of Technology and used as a standard for hiring during the past 15 years.

The colored FEPC inspector accused the firm of racial prejudice and recommended to the commission that Motorola be forced to abandon the long-established examination because the examiner considers it unfair to "culturally deprived and disadvantaged groups." What would have happened if the applicant had been white, and his answers to the questions proved he did not have the ability to perform the electronic task assigned?

Motorola says it will take the case all the way to the Supreme Court. In the meantime, which may stretch into years, the company will seek to maintain the quality of its product while it fights for the right to employ qualified workers regardless of color.

The turmoil and insecurity in which Motorola finds itself and its employees could extend to thousands of business and industrial firms across the United States.

Is the right of trial by jury somewhere ahead for this Illinois manufacturer? Suppose the civil rights bill is passed and the Federal Government takes over? Under the amendment proposed by Senators EVERETT MCKINLEY DIRKSEN, of Illinois, and MIKE MANSFIELD, of Montana, Motorola might conceivably get a hearing before 12 peers if a Federal judge imposes a fine of $300 and imprisonment of more than 45 days. But suppose the court says $250 and 30 days. The jury trial is out and Motorola men go to jail.

Why not stipulate the right of trial by jury straight down the line in the civil rights bill? Is it because Kennedy and Katzenbach fear the will of the people? Would speedy disposition of cases before juries interfere too much with the gestapo techniques at which Kennedy and Katzenbach are so expert?

Chief Justice Earl Warren, the father of school desegregation, says the right of trial by jury is rooted in the Constitution, or so he affirmed when he dissented from a majority opinion of the Supreme Court denying a jury trial to Messrs. Barnett and Johnson of Mississippi. Warren stood with the minority ruling, which held jury trial to be required both by the Federal Constitution and Federal statutes.

Even the American Civil Liberties Union, probably the Nation's oldest civil rights organization, which for at least 39 years has defended Communists and fought for all liberal causes, came to the assistance of former Governor Barnett before the High Court.

As to possibility that a Mississippi jury might guarantee acquittal of Barnett, the ACLU said:

"This may be so, but it is irrelevant to the present issue. Securing convictions is not the only goal of the criminal law. The means by which convictions are obtained has a claim of equal stature."

Not even the American Civil Liberties Union would assume that justice cannot be had in the South. It knows now that an even more serious racial prejudice has raised its head in the North.

The brief continued: "There's a built-in unfairness in permitting a judge, in order to 'vindicate his authority' and who is the aggrieved party, to act as prosecutor, witness, jury, and judge."

There's a built-in unfairness in the civil rights bill, too. With or without the jury hoax amendment, the measure stands now as a document of deceit—an unconstitutional I O U for the payment of a political debt and the purchase of more votes.

The legislation must be redesigned throughout to protect the rights of all—regardless of race or color.

The American people won't buy a custom-built blackjack for the bloodying of their own skulls. And it's too late for the phony bipartisan softsoap of downy-voiced DIRKSEN. The velvet skins of his bubble-blown words already have melted in their own hot air.

Mr. TALMADGE. Mr. President, will the Senator from South Carolina yield at that point?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may be allowed to yield to the able and distinguished Senator from Georgia [Mr. TALMADGE], on the condition that I do not lose my right to the floor, and upon my resuming, it shall not count as another appearance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I congratulate the able Senator on reading the fine editorial from the Nashville Banner. I believe it points up and puts in true perspective the issues with which it deals.

The able Senator was an outstanding judge in his own State of South Carolina. Did he ever find anything wrong with the right of trial by jury when he was sitting as a presiding judge?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Georgia, I do not know of any better system in the world than the right of trial by jury. There may have been some occasional miscarriages in this system down through the years, but in my opinion, any other system would have produced more injustices.

I believe that when a man is tried by 12 of his peers, 12 of his fellow countrymen, he receives the fairest possible trial that anyone could hope for—12 men, even though, perhaps, not highly educated in book learning so to speak, even though they may not have bachelor's, master's, or doctor's degrees, but nonetheless 12 of his fellow countrymen, men from the farm, men from the factory, men from little business, perhaps some from big business—a mixture of all segments of the population—perhaps a barber, a garageman, a truckdriver, all representatives of people of various categories throughout the Nation.

It seems to me that when a man gets a trial with a jury of 12 men like that, he gets a cross section of his fellow men who can judge him more fairly than any one judge in the world; because, after all, they are people who are practical, who use good commonsense and judgment.

Personally, if I were a defendant, I would certainly wish that kind of trial, rather than to be tried before any single judge.

Judges, of course, are human. I have witnessed the trial of cases involving assault and battery. One judge would be extremely heavy with his sentences and another would be extremely light. I have seen some judges mete out strong sentences in the case of homicide and others hand out much lighter sentences. I recall one judge in my State, years ago, who talked in a deep voice, which might indicate that he was going to slap a man down with a heavy prison sentence, perhaps for life, yet the man would get off with a 6-month term. Another judge, who talked in a meek manner and who acted as if he would give the defendant an extremely light sentence would, when he got through, give him 20 or 30 years.

Judges differ in their idiosyncracies. They also differ in their prejudices. Everyone, I presume, has some prejudice. Everyone is affected in some way, because we are all human and we all have our weaknesses. But when a defendant has the benefit of the composite thinking of 12 men, the result of 12 men working together, thinking together, considering togehter, reconciling together, and then finally reaching a decision together, to my way of thinking the accused gets a fair trial, the fairest he can get in any possible way.

My experience on the bench as a judge for 8 years led me to believe that there is no system which can compare, and certainly none which is superior, to the right of trial by jury.

Mr. TALMADGE. Is not the right of trial by jury the greatest guarantee that all 190 million American citizens have against tyranny from whatever quarter it may come?

Mr. THURMOND. I believe it is. I believe that some of those who are proposing the denial of the right of trial by jury, and who favor the pending bill, which denies the right of trial by jury, on the theory that some southern juries would not convict in certain types of cases, are following a procedure and a course which could flare back in their own faces some day and hurt them as much as or more than any other class of people.

Mr. TALMADGE. Is not the right of trial by jury the greatest civil right that all Americans possess?

Mr. THURMOND. The term "civil rights" has been so misinterpreted and misconstrued and misnamed that when it is used some people begin to feel there is something wrong with it.

The first 10 amendments to the Constitution are known as the Bill of Rights. They are the finest civil rights that one could desire. I do not know of any civil rights that are superior to those listed in the first 10 amendments to the Constitution of the United States.

If I had to choose one procedural guarantee, and could not choose more than one, I probably would choose the right of trial by jury. I believe it to be the most precious of all civil rights in the Constitution of the United States. It is the greatest procedural civil right on the books. When I say that, I realize that it is difficult to choose one civil right above another, such as freedom of speech, freedom of religion, the right to petition the Government, the right to prevent the quartering of troops in one's home, and various other rights contained in the Bill of Rights which are essential and vital and valuable. These are substantive civil rights. However, the right of trial by jury when a man is charged with a crime, when his very liberty is at stake, and his very life may be at stake, is the greatest procedural civil right, in my opinion. In such a case I would want 12 of my fellow countrymen to hear my case and render a decision, not 1 judge, who might be biased for one reason or another.

I do not say that a judge would be consciously biased. I am sure that most judges, when they put on the robe and take the bench, wish to be objective and do what is right. However, human nature being what it is, there might be an unconscious feeling to which vent might be given in the trial of a case, when the judge is the sole jury and sole judge.

Mr. TALMADGE. I agree with the able Senator that the real civil rights are primarily the first 10 amendments of the Constitution of the United States, which are the Bill of Rights. That Bill of Rights is really a prohibition against the exercise of governmental power, is it not?

Mr. THURMOND. The Senator is correct; that is what it is.

Mr. TALMADGE. In other words, it protects the people from the Government.

Mr. THURMOND. That is exactly the purpose of it. It is to protect the people from the Government. Anyone can take up the Bill of Rights, and read any one of them, and see that that is so. The first one, for instance, says that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In other words, Congress can make no law with respect to these matters. It is a prohibition. It is, as the able Senator says, a protection of the people from the Government, so to speak.

Mr. TALMADGE. This so-called civil rights bill, H.R. 7152, is just about the opposite, is it not, in that on every one of its 55 pages, in every paragraph and title and section, it delegates more power to the Federal Government?

Mr. THURMOND. H.R. 7152, which passed the House and which is now before the Senate, is a concentration of power in the Federal Government. The bill would take away the rights of individual citizens and bring them to the Federal Government in Washington. It would take away the rights of States and brings those rights to Washington. It would shift those rights from the State level to the Federal level, to be exercised by a bureaucracy in the national government.

Mr. TALMADGE. I ask the Senator if title I, the voting rights section, would not deny to each of the 50 States its constitutional right to determine the qualifications of their voters?

Mr. THURMOND. The Senator is eminently correct. The Senator from Georgia is not only one of the ablest lawyers in the State of Georgia and one of the ablest men in the Senate, but he also served as a great and capable Governor of his State for a number of years. He knows history, and he knows government. When he makes the statement that he has made he is as correct as he can be.

Mr. TALMADGE. I am grateful to my friend for his generosity. I ask the Senator if the bill would authorize the Attorney General to file suits against registrars in any State in the Nation and deprive them of a jury trial in the process?

Mr. THURMOND. The Senator is correct. I heartily concur in what he has to say on that point.

Mr. TALMADGE. I ask my able friend if title II, on page 6, dealing with injunctive relief against discrimination in places of public accommodation, would not deny the property owners of America their freedom to operate their private businesses as they saw fit?

Mr. THURMOND. The Senator is again correct in his statement. If a man owns an inn, or a hotel, or motel, or any other establishment providing lodging to transients, or if he owns a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facilities principally involved in the sale of food for consumption on the premises, or if he owns a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment—each being a person's private property—he will not be able to determine to whom he will sell or whom he will serve. He will be required to serve and sell to whomever the Government says he must sell or serve. He would not be allowed to choose his own patrons, although he might wish to advertise his place of business and develop a business for a certain category of business. He would not be allowed to do so, because he must serve everybody, and everybody does not fall into a certain category.

Mr. TALMADGE. Notwithstanding that fact, he would not have his property condemned, and he would not be compensated therefor, would he?

Mr. THURMOND. The Senator is correct. Technically, the Government would not have condemned his property, but it would have exercised control over it. I do not know that there is very much difference whether an individual owns the title to a piece of property, or the Government owns it, as is the situation in a Communist country, when the Government is exercising control over it. A man cannot take his property when he leaves this world. All he can do is exercise control over it. When that control is taken away from him, and when that right of control is destroyed, the situation approaches what exists in a Communist state.

Mr. TALMADGE. The control would be transferred from the owner to the Government. Is that not correct?

Mr. THURMOND. The Senator is absolutely correct.

Mr. TALMADGE. Would it not also authorize the Attorney General to file suit against anyone he saw fit to sue under that title, in any area of the country, and deny him the right of trial by jury?

Mr. THURMOND. That is correct.

Mr. TALMADGE. Is it not also true that the mere threat of a suit against an overwhelming majority of the people affected by that title could in itself bankrupt them?

Mr. THURMOND. It could, because a great many people would find themselves in a cataclysm of circumstances in which that could be the result.

Mr. TALMADGE. They would not have the financial or legal resources to withstand the might and power of the National Government, would they?

Mr. THURMOND. Lending institutions would be reluctant to finance the people unless they felt that the individuals could operate and control their own businesses. That was well illustrated at the airport in Jackson, Miss., in a case with which the Senator is no doubt familiar.

A widow was operating a restaurant at the Jackson Airport. She was told that because planes came into the airport from other States, she was engaged in an interstate operation and that, therefore, segregation was prohibited. So she was ordered to desegregate her restaurant.

Some Negroes entered and wanted to be served. She refused to serve them. She thought that to do so would damage her business. But she received an order that she would have to serve them or else give up the premises.

She had inherited a sum of money—perhaps $20,000—from her husband, who had died, and she invested it in the business. She did not want to lose it; she continued, thinking that she would try to cooperate as best she could, and she agreed to desegregate.

After she desegregated her restaurant, the Negroes did not return with their business to any substantial degree and the white people stopped patronizing her business, so she lost the entire business. She lost $20,000 that she had inherited from her husband and had invested in the business. I understand it was the only property she had.

Mr. TALMADGE. She has not been compensated, has she?

Mr. THURMOND. She has not been compensated by the National Government. She has not been compensated by anyone. She was a poor widow, who was trying to make a living. Instead of going on relief and becoming dependent upon the Federal Government for help, she opened a business and took a risk in running the business. Just as any man takes a risk when he goes into business, that widow took a risk when she went into business. But because of the action of the Federal Government, which gave orders as to how she might exercise control over her property, she was directed to desegregate her patronage, and she lost her investment in the business. That was really nothing less than a confiscation of her property without due process of law or compensation, which in itself, as the able Senator from Georgia knows, is unconstitutional.

Mr. TALMADGE. I ask the Senator if title VI, on page 25 of the bill, would not authorize the Federal Government, whenever it deemed it well to do so, to withdraw all Federal funds from entire cities, entire counties, entire States, or entire regions, and to starve them to death.

Mr. THURMOND. I agree with the statement of the able Senator from Georgia. If title VI is a part of the bill, if the bill passes, one would need practically no other provision in the bill, for title VI could accomplish almost anything.

The right to withhold money or funds from an individual, a group of individuals, a political subdivision, or a State, or from a State itself, if it is involved, is a powerful blackjack, as it has been called during this debate. Title VI is one of the most dangerous transfers of power to the Federal Government that could possibly be made.

Mr. TALMADGE. It could be used to control elections, could it not?

Mr. THURMOND. There is no doubt about it. Suppose that in one State an election was expected to be close. If some bureaucrat wanted to help the party in power, whichever party it happened to be, he could claim that there was discrimination in one section and could threaten to cut off funds—for example, funds for the school lunch program, social security funds, or funds for veterans. There might be a veteran who had lost both legs and who was receiving certain pension funds. Because it was alleged that discrimination existed somewhere in the program, the funds could be cut off, under the bill, and in that way the people affected could be brought to realize the great power of the Federal Government and what it could do to them.

Then someone could whisper to them, "If you will get out and work for a certain party, perhaps we will not give you trouble; perhaps things will be all right."

Under coercion, under duress, under threat, direct or indirect, the election in a State could be caused to be thrown, especially if it were a State in which the election might be close.

Mr. TALMADGE. Could not the following example be possible under title VI: Assume that two persons, a Methodist and a Baptist, applied for a job in the Highway Department of South Carolina, and the Baptist received the job. Suppose that an official in Washington decided that the Methodist, instead of the Baptist, should have received the job. Could not the Federal agency make a determination that discrimination had occurred in the use of Federal funds, and could not the Federal highway funds for the entire State of South Carolina be withheld?

Mr. THURMOND. Under the wording of the bill, I believe such action could be taken.

Mr. TALMADGE. Would not that also be true of the other 49 States in the Nation?

Mr. THURMOND. That is my opinion.

Mr. TALMADGE. I ask the Senator to turn to page 27 of the bill, title VII, the equal employment opportunity title. Would not that title authorize the Federal Government to police the hiring practices, assignments to jobs, promotion practices, and discharge practices of every business in America that employs 25 or more persons?

Mr. THURMOND. It certainly would.

Mr. TALMADGE. Can the Senator from South Carolina think of anything more extreme or more totalitarian than to give such power to the National Government?

Mr. THURMOND. When a man cannot select his own employees in his own private business, we shall have lost freedom in America. If a man cannot hire the people who he thinks could best promote his business, we shall be taking away one of his basic rights under the Constitution.

Mr. TALMADGE. In addition to depriving an employer of his rights, would not this title also deny labor unions their right of collective bargaining?

Mr. THURMOND. It would.

Mr. TALMADGE. I agree with the able Senator.

Mr. THURMOND. I hope the labor unions will wake up to what is happening and see what the bill will do to them. I am not too sure that the labor union officials fully understand the ramifications of the bill and what could result if the bill were enacted and the law enforced.

Mr. TALMADGE. The Senator from South Carolina and I have had a colloquy about some of the most extreme provisions of the bill, but not by any means all of them. Does the Senator see anything in any of the titles that will enlarge the liberty and freedom of any or all of the citizens?

Mr. THURMOND. I have read the bill through several times, word for word. I have not merely scanned it, but I have carefully studied it. There is not a line in the bill that would promote the freedom or liberty of the people of the country.

Mr. TALMADGE. Is it not a straitjacket to enable the National Government to exercise its police power in every area of private human life, from the cradle to the grave?

Mr. THURMOND. In my judgment, the purpose of the bill, even though some of its proponents may not have had it in mind—somewhere, someone who helped to write it or suggest it had in mind bringing more power to the Central Government, and did so under the guise of a civil rights bill, acting on the theory that it would help a minority in this country.

Mr. TALMADGE. I believe it was Toynbee who said that of the 21 great civilizations that had perished, 19 lost their liberty from within, not by invasion or destruction from without. Is not that correct?

Mr. THURMOND. That was Toynbee's conclusion. Almost all of them lost their liberty in that way, as Toynbee said. History will reveal that to be the case.

Mr. TALMADGE. Did not Macaulay, in the famous letter he wrote in 1857, say that the American people eventually would lose their liberty not by destruction from without, as the Roman Empire was destroyed, but by destruction from within, caused by organized pressure groups, in the latter half of the 20th century?

Mr. THURMOND. That was his prediction; and it seems that if we lose our freedom, if we lose the type of government we now have, if we destroy the framework of Government which has given us more freedom than any Government has ever given any people, our Nation will follow the course predicted by Macaulay.

Mr. TALMADGE. Is not the entire bill a blueprint for the loss of freedom by all the people, wherever they may be in America?

Mr. THURMOND. If I were to sit down and deliberately prepare a piece of proposed legislation to be enacted by Congress to accomplish such a purpose, I do not believe I could prepare legislation that would accomplish that result any better than this piece of proposed legislation would accomplish it.

Mr. TALMADGE. I agree with the able Senator.

I congratulate him on the outstanding effort he is making to preserve the constitutional liberty and freedom of all the American people.

Mr. THURMOND. I thank the Senator from Georgia; and I congratulate him on the great service he is rendering the country during this debate. I especially commend him for his penetrating questions, which have helped to analyze the bill and to bring out the fallacies and the important points the public should know about this measure.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield for a question?

Mr. THURMOND. Mr. President, I shall be pleased to yield to the able and distinguished Senator from Pennsylvania on the same conditions as those on which I yielded to the able Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. It is true, is it not—I raise this question in connection with the discussion of jury trials which the Senator from Georgia and the Senator from South Carolina indulged themselves in a few moments ago—that under the State laws of both South Carolina and Georgia, a jury trial is denied a defendant who is brought into court for criminal contempt by a judge?

Mr. THURMOND. In reply to the question of the able Senator from Pennsylvania, I will say that that is not the case under the South Carolina case law. Last week, I made an address during which I cited an early case on that very point, in connection with criminal contempt.

Mr. CLARK. I would not wish to question a former judge of the State of South Carolina and a Member of this body for whom I have the most profound regard; but my information is that no Southern State grants a satisfactory trial by jury in criminal contempt cases under State law, regardless of what early decisions may indicate.

Mr. THURMOND. I shall be glad to furnish the able Senator from Pennsylvania the name of that case, so he can read it.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. Mr. President, I shall be pleased to yield further to the Senator from Pennsylvania, on the same conditions.

Mr. CLARK. Does not the Senator from South Carolina agree that in the entire history of our Federal Republic, a jury trial in criminal contempt cases has never been permitted in the Federal courts, until enactment of the Civil Rights Act of 1957, which granted a limited right of jury trial in certain special cases?

Mr. THURMOND. During consideration of the Civil Rights Act of 1957, as the Senator may remember, I made a long speech on that bill. Some persons thought perhaps I would speak on other facets of it; but the facet on which I spoke was the right of trial by jury. The Civil Rights Act of 1957 provided that if the punishment for contempt were more than 45 days confinement or more than $300 fine, the defendant would receive a jury trial; but that if the punishment were 45 days or less or if the fine were $300 or less, he would not receive a jury trial. In my opinion, such legislation is unconstitutional. But so far as I know, there had not been on the statute books of any jurisdiction legislation which provided that a defendant would not receive a jury trial under any circumstances.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. Yes; on the same conditions.

Mr. CLARK. Then I take it the Senator from South Carolina agrees with me that prior to 1957 there was absolutely no right to a jury trial in criminal contempt cases in Federal courts.

Mr. THURMOND. The judge exercised that right; that is true. But the mere fact that such a policy was followed does not mean that it was in accordance with the Constitution, and does not mean that it was proper. Furthermore, there was then no legislation on the subject.

But now the able Senator from Pennsylvania is attempting to have placed on the statute books of the land legislation on this very point; and the proposed legislation would deny the right of trial by jury.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield further?

Mr. THURMOND. I am pleased to yield for a question

Mr. CLARK. To be sure that we understand each other, let me say that I understand that the Senator from South Carolina agrees with me that prior to 1957, there was neither statute nor judicial custom under which a defendant in the Federal courts had the right to demand a jury trial in a criminal contempt case.

Mr. THURMOND. I did not deny that was the case; but I said there was no law on the subject; and in my opinion, any procedure to the contrary, if followed in the courts, was improper. So we should be seeking to correct any course which was contrary to the Constitution, and not undertaking to proceed further on a course contra the Constitution. Of course, jury trials in labor cases were provided for in the Clayton Act and even more so in the Norris-La Guardia Act.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. I yield.

Mr. CLARK. Does the Senator from South Carolina agree with me that since the 1957 act was passed not one jury has been impaneled in a criminal contempt case in the Federal courts?

Mr. THURMOND. I do not know of all the cases that have been tried, so I cannot answer the Senator's question on that point. It is my understanding that only two cases have been brought under the 1957 act. Possibly he has obtained some information in regard to it; perhaps the Civil Rights Commission has compiled some evidence in regard to it. But in that case, I hope the Civil Rights Commission has been more accurate than it has been in connection with other matters.

Mr. CLARK. Let me say that I have been advised by the Attorney General that no jury has been impaneled in a criminal contempt case under the 1957 act, since it was passed; and, therefore, in the entire history of the Republic, from the day when the Constitution was ratified, to the enactment of the Judicature Act, there has never been in the Federal courts a criminal contempt case in which there was a trial by jury; nor, I take it, has there been any effective right of trial by jury in a criminal contempt case in the States of the Old Confederacy, with the possible exception of South Carolina. The Senator from South Carolina knows more about the law and the procedure in that State than I do; so I shall await with interest his citing of the South Carolina case to which he referred earlier in our colloquy.

I thank him for yielding.

Mr. THURMOND. I thank the Senator from Pennsylvania.

Let me say that even though no jury was impaneled, if the judge decided to impose a punishment of 45 days or less in jail, or to impose a fine of $300 or less, and if the punishment fell into either of those two categories, under that act the defendant had no right to a trial by jury. That might be the case under the pending measure; and if the Dirksen-Mansfield amendment were enacted into law, possibly 90 percent of the cases would fall into that category, because the judge might say, "I will sentence the defendant to 30 days in jail or to a fine of $300; and therefore his case will be tried without a jury. Perhaps in that way he will be taught a lesson." So perhaps the judge would limit the punishment or the fine to that extent.

But suppose a man were brought to trial on a dozen different allegations by some bureaucrat, and suppose he had a separate trial on each of them. In that event, he could be sentenced a dozen times to pay a fine of $300—a fine of $300 on each of the dozen cases—without a trial by a jury.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. I am pleased to yield, on the same conditions.

Mr. CLARK. The Senator is a very able lawyer and he was a distinguished judge in his State. I am sure that he would agree with me that when the difficult question of contempt arises, which it rarely does, in a civil contempt proceeding, the normal procedure is to impose either a fine or a jail sentence or both, without a jury—for there is never a jury in a civil contempt case—and the criminal contempt procedure is highly unusual, punitive, and has never been exercised yet under the Civil Rights Act of 1957. Therefore, in my opinion—I would not expect my friend to agree—all this talk for the first time about sacred freedom involved in a jury trial in criminal contempt cases is really rather irrelevant, besides the point, and is raising a question which, to my way of thinking, is of very little importance in connection with the bill.

Mr. THURMOND. In the past there has not been on the statute books of the land such unreasonable, impractical, unconscionable, and unconstitutional legislation as is embodied in the so-called civil rights bill. There has not been the necessity perhaps to use the contempt procedure, but the bill before the Senate would permit the use of contempt procedures to punish those who violate its provisions and who are charged with a crime.

The purpose of civil contempt is to bring about compliance with an order of the court.

Mr. CLARK. The Senator is correct.

Mr. THURMOND. The purpose of criminal contempt, however, is to punish a man after he has violated an order.

Mr. CLARK. The Senator is correct.

Mr. THURMOND. Ordinarily, if a contempt is committed in the presence of the court or in the vicinity of the court, where it would interfere with the operation of the court, the judge would have discretion and should be allowed to retain that. But where the contempt action would be pure punishment, and where the judge would be the prosecutor, the judge, and the jury, in my judgment that is going entirely too far. That is the remedy provided in the bill. The Senator can imagine the great amount of litigation that would grow out of the bill, whereas the litigation of other cases involving contempt would be practically nil, as the Senator has said. There has been little in the past. But the bill is calculated to generate a great amount of litigation. I predict that it will do so if the measure is ever placed on the statute books.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. THURMOND. I am pleased to yield on the same conditions.

Mr. CLARK. Ever since the 9th of March the able Senator from South Carolina and his determined colleagues from the South have been arguing about what a very unwise, unsound, and unfair bill this is. Those of us who support it as a just, wise, moderate, and reasonable bill have attempted at somewhat less length to rebut the views of our friends from the South. I do not believe at this late date—I think the 53d day of the debate on the bill—the Senator from South Carolina will change the mind of the Senator from Pennsylvania or vice versa. I thank the Senator for yielding. I shall not interrupt further.

Mr. TALMADGE. Mr. President, will the able Senator from South Carolina yield at that point?

Mr. THURMOND. I am pleased to yield to the distinguished able Senator from Georgia on the same conditions upon which I have previously yielded.

Mr. TALMADGE. I should like to point out that the distinguished Senator from Pennsylvania has said that a jury trial has never been granted in a criminal contempt case.

Mr. CLARK. In the Federal courts.

Mr. TALMADGE. I point out that the Norris-La Guardia Act, and also the Clayton Act, both provide for jury trials in criminal contempt cases. The Congress of the United States, in its wisdom, saw fit to provide for jury trials in criminal contempt cases in both instances. Subsequently, in the Landrum-Griffin Act, which I believe was passed by the Senate in 1960, if my memory serves me correctly, the Senate, by a unanimous vote, without any rollcall, adopted an amendment which provided for the right of jury trial in criminal contempt cases.

The late lamented President of the United States, John F. Kennedy, was the Senator in charge of the bill, and he accepted the amendment which was offered by the distinguished senior Senator from North Carolina. Congress has on at least three occasions provided for jury trials in criminal contempt procedures.

Mr. CLARK. Mr. President, will the Senator yield so that I may reply?

Mr. THURMOND. I am pleased to yield to the Senator from Pennsylvania, under the same conditions stated.

Mr. CLARK. I point out that a good many times during the course of the debate, which started on March 9, the alleged analogy of the Norris-La Guardia Act and the Clayton Antitrust Act has been raised by our friends from the South as a precedent to indicate that their present effort to insert a jury trial provision in criminal contempt cases was merely following out precedents heretofore in effect under Federal law. The answer to that has been made a number of times by proponents of the bill. The analogy is inexact. I believe it is inaccurate. I do not think any useful purpose would be served by going over that ground for perhaps the fifth or sixth times.

Mr. TALMADGE. Mr. President, will the able Senator from South Carolina yield at that point in order that I might propound a question to the distinguished Senator from Pennsylvania?

Mr. THURMOND. Let me first respond to the statement that the Senator just made, and then I shall be pleased to yield to the distinguished Senator from Georgia. I remind the able Senator from Pennsylvania that, in addition to the Civil Rights Act of 1957, which he said provided for the right of trial by jury, that act provided only split-level jury trials, so to speak, in certain cases.

Mr. CLARK. The Senator is correct.

Mr. THURMOND. It provided no right for jury trials where the punishment was imprisonment for 45 days or less or a fine of $300 or less. So it was not a complete jury trial statute, so to speak. But I invite the Senator's attention to the fact that the Clayton Act of 1914 is very much in point. Section 21 of that act reads as follows:

> SEC. 21. Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided.
>
> SEC. 22. In all cases within the purview of this Act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event a court may impanel a jury.

In other words, under the Clayton Act, upon demand of the accused, a defendant could get a jury trial. I remind Senators that section 11 of the Norris-La Guardia Act of 1932 provides:

> SEC. 11. In all cases arising under this Act in which a person shall be charged with contempt in a court of the United States (as herein defined), the accused shall enjoy the right to speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided*, That this right shall not apply to contempt committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court * * *.

In other words, section 11 of the Norris-La Guardia Act provides that the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

I should also like to point out that the statute does not limit the right of jury trial to merely criminal contempts, but also includes civil contempts. I would remind the Senator that the Landrum-Griffin Act of 1959, section 608, reads as follows:

> No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary (meaning the Secretary of Labor) or any other person in any court of the United States under the provisions of this act unless the facts constituting such criminal contempt are established by the verdict of a jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing jury trials in criminal prosecutions in the district courts of the United States.

So it is clearly seen that a person charged with contempt under the Clayton Act of 1914, or under the Norris-La Guardia Act of 1932, or under the Landrum-Griffin Act of 1959 is entitled to a jury trial.

Does the Senator believe that when in labor cases a person who violates an order of the court and is in contempt of court in a labor matter can get a trial by jury, but one who violates the law and is in contempt in a civil rights matter should not get a jury trial?

Mr. CLARK. I assume the Senator would like me to reply to the question. I may say that I find I now have my relief. Therefore, with due respect to the Senator, I beg his indulgence if I do not remain too long. I remind him that the problems under the Clayton Antitrust Act and under the Norris-La Guardia Act are quite different in their scope, the evil against which the laws are directed, and the procedure necessary to enforce the laws, from the standpoint of granting to a citizen of the United States his rights, without regard to his race, creed, or color, guaranteed to him by the 14th amendment almost 100 years ago. It is difficult for me to follow the logic and reasoning of those who contend that either the La Guardia-Norris Act, the Clayton Antitrust Act, or the Landrum-Griffin Act could be used as a precedent for imposing now, for the first time, in a criminal contempt case in a Federal court, a jury trial, where, for the first time, a judge would be denied the right to enforce his own decree, which had been violated by an individual charged with and found guilty of having infringed the constitutional rights of a citizen of the United States.

I do not want to leave without giving my friend the opportunity to have the last word, so I shall wait patiently until he has it.

Mr. THURMOND. The unions, of course, insisted on a jury trial in the event one should be charged with contempt in a labor case. I am hoping the unions will become as zealous in civil rights cases, and do the same thing. I hope public opinion in this country will crystallize to such an extent that the public will demand jury trials in civil rights cases, just as Congress enacted jury trial rights in labor cases. The Senator must feel down in his heart that, if a man is to be given a jury trial for violations of law or for criminal contempt in labor cases, a man should be given a jury trial for contempt in civil rights cases.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the Senator from Alabama under the same conditions as I yielded to the Senator from Georgia.

Mr. SPARKMAN. I hope the Senator from Pennsylvania will delay his departure from the Chamber for one moment.

Mr. CLARK. My dinner waits.

Mr. SPARKMAN. I was a little late getting back from mine. Perhaps the two will overlap.

I am sure the Senator from Pennsylvania would not now advocate repealing the trial-by-jury provision in the Norris-La Guardia Act or in the Clayton Antitrust Act.

Mr. CLARK. No; but I would advocate repealing it in the Civil Rights Act of 1957. I did not vote for it in the first place.

Mr. SPARKMAN. The Senator from Pennsylvania has said there never has been a right of trial by jury in a criminal contempt case in a Federal court. It seems to me rather strange that only a couple of weeks ago four Justices of the Supreme Court would hold that Governor Barnett, of Mississippi, was entitled to a trial by jury. By the way, they were the four outstanding liberals on the Supreme Court. The same court undoubtedly would have advocated the right of trial by jury in the Norris-La Guardia Act.

I wish to add a thought for the Senator from Pennsylvania to turn over in his mind. He says there is no analogy. I believe there is a complete analogy. A group of people, people who wanted to organize, wanted to write this protection into the Norris-La Guardia Act, and in the Clayton Act, too; and they were given protection from the tyranny of courts, protection from injunction and criminal contempt. The same thing is true in this case, when American citizens will be accused of crime. As a matter of fact, the Constitution provides that all persons accused of crime shall be tried by jury.

Mr. CLARK. If the Senator will yield, I regret my inability to agree with my distinguished colleague.

Mr. THURMOND. Before the Senator from Pennsylvania leaves the Chamber, I have the name of the case in the South Carolina decision on criminal contempt. The law on indirect criminal contempt in South Carolina was settled at the early date of January 1796, in the case of Lining against Bentham. This case has stood as the prevailing case law in South Carolina since that time, and has neither been overruled nor modified.

Mr. CLARK. If the Senator will excuse me, I shall leave. I shall make my reply later.

Mr. THURMOND. I feel that, although the Senator is a good lawyer, he should be informed of this case.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I had yielded to the Senator from Alabama. I think he should complete his questions.

Mr. SPARKMAN. I shall be pleased to wait.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able Senator from Iowa on the same conditions on which I yielded to the able Senator from Georgia.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MILLER. I regret that the dinner of the Senator from Pennsylvania apparently is becoming overcooked, because I did want to make a point with respect to what he just said about there being no comparison between the Norris-La Guardia Act, the Landrum-Griffin Act, and the bill now under consideration.

It seems to me that we ought to bear in mind that the purpose of criminal contempt procedure is not primarily to enforce any particular law. That is what civil contempt procedure is for. The purpose of criminal contempt procedure is to maintain the integrity of the courts and of the law.

Whether the Landrum-Griffin Act or the Norris-La Guardia Act or the Civil Rights Act is involved seems to me to be missing the point that the function of criminal contempt procedure is to enable a court to preserve its dignity, integrity, and effectiveness through punishment for failure to obey an order of the court.

So far as civil contempt procedure is concerned, that is the remedy for getting the job done, whether it involves a Civil Rights Act violation or a violation of a labor law, a tax law, or any other law. The judge has the power, under civil contempt procedure, to tell the defendant he must remain in jail until he carries out the order of the court.

Some persons miss the distinction between the two types of contempt, civil and criminal contempt.

I regret that the Senator from Pennsylvania is not present to respond. I hope he will have an opportunity to check the RECORD tomorrow morning, and that we may have a response from him on that point.

I thank the Senator from South Carolina for yielding.

Mr. THURMOND. I am pleased to have been able to yield to the distinguished Senator from Iowa. Just before the Senator came into the Chamber, I attempted to explain the difference between civil contempt and criminal contempt and brought out the same points the Senator has mentioned. However, I am pleased to join him on that point and to substantiate the remarks he has made.

Mr. MILLER. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield under the same conditions as before.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MILLER. I take it that the point of the Senator from South Carolina is that the function of criminal contempt is not to enforce a particular act of law but to maintain the integrity of the court?

Mr. THURMOND. What I said was that the purpose of civil contempt procedures is to bring about compliance with the order of the court. The purpose of criminal contempt procedures is to punish for a crime for violation of an order.

Mr. MILLER. Regardless of what order relating to any particular act is involved?

Mr. THURMOND. I also stated, with regard to contempt, that the judge should retain the power to punish when an act is committed in the presence of the court, or an officer of the court, who disobeys the order of the court, or when the act is committed within the vicinity of the court, which would interfere with the operation of the court.

Mr. MILLER. I thank the Senator from South Carolina.

Mr. THURMOND. Mr. President, I have previously discussed some of the history surrounding the present Federal judicial practice in criminal contempt cases.

This history reveals that an "historical error" has resulted in present practices being what they are. The procedure in the area of indirect criminal contempt has over the years steadily departed from the dictates of article III, section 2 of the Constitution which reads in part:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

And the fifth and sixth amendments to the Constitution which state, respectively:

> AMENDMENT [V]
>
> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
>
> AMENDMENT [VI]
>
> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

It is clear that the sanctity of the right to a trial by jury was foremost in the minds of the framers of the Constitution. At this point, it behooves us to consider more carefully the history of jury trial, without particular limitation to cases of either direct or indirect criminal contempt. The Library of Congress has prepared a history and an outline of origins and efforts to abrogate trial by jury. I quote from that article:

> TRIAL BY JURY: OUTLINE OF ORIGINS AND EFFORTS TO ABROGATE
>
> A. ENGLISH ORIGINS OF TRIAL BY JURY
>
> Modern scholars agree that trial by jury as we know it today had its origins in medieval England in the first century and a half of Norman rule when William the Conqueror and his heirs sought to strengthen their hold upon the foreign land which they had conquered.
>
> 1. The Anglo-Saxon system of justice which William discovered in England at the time of the conquest had elements that foreshadowed the use of juries. The courts were presided over by a reeve (sheriff), and 12 senior thanes (lords) usually acted as the judges. According to a law of Aethelred (c. 981), they "swear on the relic that is given to them in hand, that they will accuse no innocent man, nor conceal any crime." The customary method of asserting innocence was for the accused to bring forward 12 compurgators, who would swear together on his sound character and good reputation. These two elements, combined with a reliance upon sworn witnesses and neighbors and upon openness in all dealings presented the legal background upon which the Normans built a formalized procedure.
>
> 2. The earliest clear use of the jury is found in the sworn inquest, originally a Frankish or perhaps even Roman practice whereby the ruler sent out his agents to question people throughout the kingdom on any matter or government or administration which interested him. William the Conqueror instructed his agents to summon a number of reliable, knowledgeable men in "every shire and hundred," put them on oath to tell the truth, and then ask about land holdings, property, previous tax assessments, and similar matters. These sworn inquests provided the material for the Domesday Book, which recorded the names and properties of all landholders. One of the most famous of these inquests was held during William's reign on Pennenden Heath where Lanfranc, Archbishop of Canterbury, reclaimed the lands which had been taken from the archbishopric by William's ruthless half-brother, Odo of Bayeux. For 3 days all the important men of the county were heard, swearing that Lanfranc was the lawful holder of the lands in dispute.
>
> 3. The function of the jury as essentially a local factfinding board continued through the reign of Henry II in the inquest on sheriffs to inform the King about the conscientiousness of his representatives and through the reign of Richard I in the assessment by local juries of the Saladin tithe of 1188, the first tax on income and personal

property, needed to finance Richard's crusade.

4. The scope of the jury was greatly expanded by Henry II as a means of indicting those who had violated the King's peace by robbery, thievery, murder, arson, or counterfeiting. In these assizes, the itinerant justices were assigned definite schedules and areas in which they were to try in the King's name all men accused by their neighbors of these misdeeds. Henry II also initiated three new actions whereby the decisions of a jury would determine whether anyone had been wrongfully ousted from possession (as distinct from title), and if so, would immediately reinstate him.

5. Thus the jury was originally developed not to give a verdict but to supply evidence on oath, as witnesses do today. Insofar as this evidence amounted to an indictment, the juries were parallel to modern grand juries. Until the 13th century, the indictment by jury was followed by a trial by ordeal, battle, or compurgation (in which the accused endeavored to produce as many men as possible to swear to his innocence). Only as the men came to doubt the validity of ordeals, as the church refused to preside over the ordeals which thus could not be said to reflect God's will, and as men became willing to accept the opinion of a second, deciding jury (which might contain the same personnel as the indicting jury), did trial by jury become universal. Ironically, however, all men were still thought to be entitled to God's verdict through ordeal rather than to be forced to rely upon a mere human decision, and trial by battle was not formally abolished in England until the 19th century.

6. Trial by jury was always a privilege offered only by the king in his courts. The feudal lords were not permitted to offer jury trials but were themselves the judges in their own courts. As a result, since many cases involved alleged malpractices by the lords, litigants relied more and more on the king's courts with their relatively impartial juries. This increased appeal to the royal courts, caused almost entirely by the innovation of jury trials, was perhaps the greatest single factor in the development of a strong central administration in England, an administration which, moreover, was never wholly dependent upon the feudal classes for its services nor ever wholly divorced from the middle classes who helped to administer its justice.

B. MAGNA CARTA AND TRIAL BY JURY

Clause 39 of Magna Carta provided: "No freeman shall be taken or [and] imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him, except by the lawful judgment of his peers or [and] by the law of the land." Modern scholars are agreed that this did not refer specifically to trial by jury at that time. Rather it was intended to put an end to rapacious King John's habit of taking hostages, levying exorbitant fines, and imprisoning nobles without even consulting his own council of barons. But both in its immediate effect and in its later interpretation, the clause did contribute to the idea that every man was entitled to a legal hearing before any penalty, detention, or dispossession.

C. ATTAINT OF JURORS AND STAR CHAMBER

1. The greatest threat to jury trial in the Middle Ages was the decreasing strength of the kings who controlled the royal justice. For whenever a weak king came to the throne, the feudal nobles did not hesitate to bribe or threaten jurors flagrantly. Many kings, often handicapped by the need of noble support for foreign wars, had not the power to check these mighty barons.

2. The process of attaint, originally devised to provide extra protection to the defendant, constituted one royal weapon against the corruption of justice. It was really an extension of the original concept of the jury as a panel of witnesses rather than judges. When the jury gave a verdict that seemed to contradict the known facts, the jurors themselves could be tried or attainted for perjury, convicted, and imprisoned. This practice, although originally intended to remedy abuses, lent itself very easily to further abuse, since the feudal lords were also able to attaint juries who decided against them. The result was that jurors occupied a very precarious position and that litigation often dragged on for as much as half a century. Actions for attaint were not finally prohibited until the famous Bushell case of 1670 when a judge attempted to imprison a whole jury for a verdict with which he disagreed. By that time, juries were clearly recognized as decisionmaking rather than evidence-giving bodies and, therefore, the charge of perjury was no longer applicable. Actually, with the coming of the strong Tudor and Stuart governments the lengthy process of attaint had fallen into disuse.

3. The Tudor and Stuart method of insuring fair juries was more direct, but perhaps also more repugnant to our own ideas of justice. The Court of Star Chamber, which had gradually developed from the King's privy council and was comprised of certain privy councilors, bishops, and judges, was in 1487 given specific jurisdiction to hear and settle in closed session any disputes, legal, judicial, administrative, in which the interest of the King was involved. Originally the Star Chamber performed a useful task, settling disputes between and punishing important barons who might otherwise have escaped through common law loopholes, looking into cases of alleged jury corruption, handling many administration matters equitably and efficiently, and in general reinforcing rather than competing with the other branches of royal justice.

4. But, as with many other institutions founded in the best of faith and very well equipped to handle certain immediate problems, the Star Chamber tried to extend its potentially unlimited power into fields where it should never have gone. Under Charles I the bishops on the court undertook to punish religious writers with whom they differed, to try to enforce a censorship on all printed matter, and to mete out cruel and unusual punishments for minor political offenses. The Star Chamber had clearly outlived its usefulnesst as a method of controlling rebellious barons and was becoming an instrument for religious and political persecution. The Star Chamber with its denial of the trial by jury which Englishmen had come to feel was their right constituted one of the main grievances against Charles I, and was an important element in his fall. One of the first acts of the Parliamentary Party after it had gained the upper hand was to abolish the Star Chamber in 1641, and to assert the right of every Englishman to a fair and open judgment by his peers.

5. Nevertheless, unscrupulous judges continued to use the threat of attaint and fines against jurors with whose verdicts they disagreed. In the famous trial of William Penn, the Quaker, in 1670, the judge and court officials threatened the jurors with starvation, fines, and other punishments if they did not declare the defendant guilty of speaking at an unlawful (that is, Quaker) meeting. When the jury absolutely refused to alter their verdict, the judge had them all taken to Newgate Prison, where they remained until the court of common pleas declared their commitment illegal.

6. Another instance of the power which judges could wield over juries fearing punishment themselves is shown by the bloody circuit of Judge Jeffries in 1688. Jeffries headed an ecclesiastical commission which set out to punish all nonconformist sympathizers of Monmouth's rebellion. He browbeat and threatened juries ruthlessly, with the result that over 300 people were killed and over 800 sold into slavery. This abuse of the right to a fair jury trial was an important contributory cause of the glorious revolution, which deposed James and his heirs from the throne forever.

D. TRIAL BY JURY IN ENGLAND DURING THE FRENCH WARS

During and after the French Revolution a panicked fear of revolutionary elements led to repressive censorship and severe curtailment of civil liberties in England. But fortunately there were also men like Charles James Fox who continued to place faith in the people and who eventually won several important victories for the principle of trial by jury.

1. In 1793 Parliament passed an act suspending habeas corpus for a year in certain cases. This act, renewed several times, abrogated the ancient privilege conferred by the writ, and therefore in effect denied the accused the right to a jury trial before detainment. Although most of the upper classes accepted this as necessary protection against revolutionaries, Charles James Fox never ceased to protest this invasion of civil liberties and the denial of trial by jury. Fox himself was expelled from the Privy Council in 1798 for proposing the toast "Our sovereign—the people." But within a decade, the crisis abated, his words were heeded, and habeas corpus and the right to trial by jury were restored, never again to be suspended in England.

2. Fox himself was responsible for the extension of the scope of jury trials in libel cases. Since the libel laws represented the principal restriction upon freedom of speech in England, it had been customary for the judge in a libel case to decide himself whether a given publication was a libel and leave to the jury only the question of whether the accused had actually been responsible for its publication. Juries resented their inability to answer what usually was the most controversial question of the case, and in the case of the dean of St. Asaph the jurors deliberately declared a man innocent of publication simply because they did not consider the material libelous. In 1792 Fox was responsible for a new libel law which extended the power of juries to decide the whole question, as to law as well as fact. In principle, it was a victory for democracy and trial by jury, although in practice the juries tended to be less tolerant in their interpretations of libel than the judges had been.

E. TRIAL BY JURY IN MODERN ENGLAND

Since the beginning of the 19th century, there has been no threat to the right of trial by jury in criminal cases. The grand or indicting jury was eliminated in some instances by the 1873 Judicature Act and almost entirely abolished by the 1933 Administration of Justice Act. In civil cases jury trial was no longer considered necessary as a rule, so that today less than 10 percent of civil cases in England are tried by jury. These changes, which came about during the 19th and 20th century judicial reforms, were made in the interests of economy, efficiency, and equity for all. On the whole, they have accomplished their purpose and have not been criticized. But the growth of so-called administrative law, that is, of legal decisions made by various boards or commissions upon disputes to which they themselves are a party, like income tax, community planning, and education, has led to widespread demands for a comprehensive administrative code, with more provision for appeals, and perhaps even some juries. Although nothing has yet been done, it is clear that the absence of jury trials in this ever-increasing area poses many threats to property, if not actually to life and liberty.

F. TRIAL BY JURY IN COLONIAL AMERICA

Although the same conditions on the whole held in colonial America as in 18th-century England with respect to the administration of justice and trial by jury, the attitude of the colonists was from the first different. Being in no position to fear feudal exactions or exploitations, the colonists looked upon the King not as their protector but rather as himself the potential aggressor upon their rights. It was in this spirit that they protested every effort to limit trial by jury as an act of royal tyranny.

1. In 1696 Parliament had reorganized the admiralty courts so that they would be better able to cope with the flagrant smuggling in and out of all the Colonies which was the American reaction to the Navigation Acts. The admiralty courts, which were not a part of the traditional common-law system, did not provide for trial by jury, and as a result English or English-appointed judges frequently sentenced colonial merchants and seamen arbitrarily. The more effective the courts became, the more the colonists resented them, and the more they came to insist upon trial by jury as a fundamental right.

2. The Stamp Act of 1764, offensive enough in its imposition of taxation without representation, added insult to injury by providing that all violations were to be tried in the admiralty courts. Americans, who looked upon trial by jury as one of the fundamental rights to which all men were entitled, did not accept the British view that Parliament was completely sovereign and could constitutionally pass any measure it chose. In American eyes, the Stamp Act was, among other things, a clear deprivation of the right to trial by jury. The reaction against it was so strong, as exemplified by nullifications by various legislatures, the Virginia resolutions proposed by Patrick Henry, the Stamp Act Congress, and, above all, by a boycott of all English merchandise, that within 2 years the Stamp Act was repealed.

3. The final British effort to tamper with the traditional jury trial in the Colonies came with the Act for the Impartial Administration of Justice, one of the intolerable acts, passed in 1774 as a retaliatory measure after the Boston Tea Party. This act provided that certain offenders were to be transported to England. This repudiation of the colonists' own right to judge their fellow citizens was one of the last acts which made reconciliation with England almost impossible and thus provoked the war for American independence.

G. JURY TRIAL IN THE CONSTITUTION

Although there was no controversy or conflict involved in the establishment of trial by jury in article III, section 2, of the Constitution, there was some discussion of the need to provide jury trials in civil cases. The colonists appreciated the fact that even in civil matters, the protection of a jury would be needed against extensions of power comparable to that of the admiralty courts, but they hesitated to include this protection for civil cases in the Constitution itself because of differing State regulations. It was the fundamental importance which all Americans attached to the right of trial by jury that led them later to include further guarantees of its use in criminal cases by the sixth amendment and in civil cases by the seventh amendment. Wisely they guaranteed not trial by jury, but the right to trial by jury, with the result that in many cases defendants may choose to dispense with juries in the interests of speed or economy, but in none of the above circumstances can they be forced to undergo a Federal trial without a jury.

H. TRIAL BY JURY AND THE ALIEN AND SEDITION LAWS

Devotion to the principle of trial by jury was so deeply embedded in the minds of the colonists that even when the panic over the French Revolution hit America and the alien and sedition laws were passed, trial by jury was guaranteed to any citizen accused of seditious activity. Aliens, however, were subject to deportation without trial if the President judged them dangerous to the country, even as in some instances they are today.

1. But even though the letter of jury trial was maintained, and even though Claiborne of Tennessee insisted that the jury be allowed a general verdict, as the Fox's libel law, in effect the spirit of jury trial was consistently violated. For example, in the trial of the Democrat James T. Callender, a critic of the Federalist administration, Supreme Court Justice Samuel Chase was patently unfair, and permitted a jury to sit in which there was but one single member who was not an ardent Federalist. There were also attempts to discredit Congressmen who criticized the Government, like Matthew Lyon of Vermont. His triumphant reelection showed the unpopularity of the law. The defeat and ultimate failure of the Federalist Party in the following elections was a further indication that Americans had come to repudiate all partisan or political abuses of the principle of trial by jury.

I. TRIAL BY JURY IN WARTIME

The greatest pressures upon trial by jury in America have, with few exceptions, come in periods of wartime. It is clear, however, that on the whole trial by jury has come to be more respected with time and, perhaps also, with the fact that more recent wars have been far removed from the American scene.

1. During the Revolutionary War when there was real fighting over most of the Colonies, it is undeniable that many Loyalists were tarred, feathered, ridden out of town on rails, deprived of property, and even life with no semblance of jury trials. Tories were usually first regulated by local groups, then by the military power and, finally, by the State legislatures and Congress. Even after the war they often had to give proofs of loyalty and might still be arbitrarily banished or dispossessed. In general, however, although jury trial was ignored, the opinion of the majority prevailed, and once satisfied that the Loyalists had repented and that independence was achieved, the majority was not especially cruel or bloodthirsty.

2. During the War of 1812, the issue of trial by jury could be said to have arisen in that the British Navy seized American sailors for use on their own ships, allowing no trial or jury verdict of any sort. Although in accordance with British nationality laws, these acts, which were responsible in no small measure for the Anglo-American war, were in effect a violation of the rights of an American citizen to trial by jury or at least the benefit of habeas corpus, before detention. After the fall of Napoleon and the end of the war, the practice was stopped.

3. During the War Between the States, Lincoln unhesitatingly adopted the view that military necessity overrode civil liberties and pressed Congress to pass acts permitting the suspension of habeas corpus and permitting arbitrary arrests for suspicion of seditious activity. But despite his insistence that in theory military courts could sit and that suspects could be detained at will, in practice these measures, largely preventive, were leniently enforced. A total of perhaps 25,000 persons was arrested, briefly detained, and then released without charges. In February 1862, a wholesale pardon of political prisoners was issued. In the celebrated case of Vallandigham, a Democrat opposing the continuation of the war who was denied habeas corpus and tried by military tribunal, the Supreme Court refused to take cognizance of the military records—in theory, a great check to civil justice—but in practice Vallandigham's punishment was only a banishment to the Confederacy. When he did return to the North, despite the sentence, to rail against Lincoln, he was not further molested. The equally well-known case, ex parte Milligan, is the only instance in which the Supreme Court actually denied the jurisdiction of the military to try a man suspected of plotting a hostile military expedition. As Judge David Davis wrote "Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration. * * * Martial law can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction." Milligan was released and won a suit for damages. On the whole, then, although the precedent established for martial law in wartime was dangerous, the actual administration of the emergency legislation was moderate. No one met death or even served out a full sentence of imprisonment and fine under these treason laws.

4. During the First World War, there was no suspension of habeas corpus or military trials without juries. Espionage and sedition laws were passed, covering a wide field of activities and potentially limiting freedom of speech and of the press very seriously. But these cases were all tried by juries. In fact, there was an emphasis upon leaving all settlements to popular feeling. There were no efforts of any sort to influence and mitigate the full force of indignation against offenders. As a result, the principle of trial by jury was reinforced, although the contrast between Debs' 10-year sentence for pacifism and Vallandigham's brief banishment for real sedition may indicate that popular juries are often more severe in periods of crisis than is an apparently arbitrary executive.

5. During the Second World War, the most conspicuous violation of the right to trial by jury was the deportation of the American citizens of Japanese origin from the west coast. A preventive measure devised in good faith by the President as a military necessity in case of Japanese invasion, the deportation was upheld as constitutional by the Supreme Court. In Ex parte Endo, however, the Court held that a Japanese-American citizen whose loyalty had been proven could not be detained. The Supreme Court did not, however, uphold the lengthy imposition of martial law in Hawaii. There has been criticism of these opinions from both sides. In the difficult cases where a line must be drawn between individual right and military necessity, perhaps the last word is that of Justice Jackson: "The chief restraint upon those who command the physical forces of the country, in the future as in the past, must be their responsibility to the political judgments of their contemporaries and to the moral judgments of history."[1]

J. TRIAL BY JURY IN PEACETIME

With the exception of the Reconstruction era, trial by jury has been a cherished right in the United States in peacetime. Occasionally it has been neglected or abused in moments of political, religious, economic, or racial stress, but more moderate elements have always reappeared to affirm its spirit as well as its letter.

1. The Reconstruction era provides the most flagrant example in our history of a peacetime suspension of the right to trial by jury through the establishment of military government in areas where fighting had clearly ended. The excesses of the military governors and of the carpetbaggers and

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[1] Rossiter, Clinton. "Constitutional Dictatorship," p. 284.

scalawags who surrounded them are well known. Deliberate repudiation of all the principles upon which the Constitution was conceived, the Reconstruction acts are today condemned by most historians. And, indeed, within a quarter of a century the men who were responsible for this transgression upon trial by jury and upon almost every other civil right had been repudiated by the whole Nation.

2. Mob violence has been the main source of peacetime violations of the right to trial by jury. Examples of this may be found from all parts of the country and almost all periods of its history: anti-Masonic riots in New York and Pennsylvania in the late 1820's; Know-Nothing riots in the whole Catholic belt between Boston and New Orleans in the middle of the 19th century; Mormon massacres and deportation from Missouri in the 1830's; the enforcement of the Algerine laws in Rhode Island in the 1840's; lynchings in the South and elsewhere; mobbing of abolitionists in the North; race riots in Illinois and Washington, D.C., as well as elsewhere; persecutions of blasphemers, anarchists, radical social reformers, birth control advocates, suffragettes, Asiatics; and innumerable other cases where mere unpopularity has given rise to a deprivation of the constitutional rights of every citizen to trial by jury.

3. The right to trial by jury has been legislatively denied to certain groups, like Indians, who are still in some areas denied citizenship, and aliens, who may be deported for certain offenses after only administrative hearings.

K. TRIAL BY JURY IN LABOR DISPUTES (CONTEMPT OF COURT PROCEEDINGS)

From the end of the American Civil War when labor unions were just beginning to be recognized until well into the 20th century, the frequency and violence of industrial strikes led to an increasing use of court injunctions to restore order. These injunctions were freely granted at the request of management to prevent strikes, which at that time were unions' only effective weapon; violations of the injunctions, that is, continuation of a strike after the court order to enjoin from it, were severely punished as contempt of court by the very judges who had issued the injunctions. Congress eventually saw the need to make special provision for jury trials in this kind of contempt cases, but these special provisions have been considerably altered within the past 50 years.

1. The first question that is involved here is that of the courts' power to punish cases of contempt. This power, which has always been held to be quite distinct from the right to trial by jury in criminal and civil cases, has nevertheless occasionally appeared to infringe upon that right. Inherent in English common law and practice, the power "to punish by fine or imprisonment at the discretion of said courts, all contempts of authority in any cause or hearing of the same" was conferred upon all U.S. courts by the Judiciary Act of 1789. In 1831, however, when a Federal district judge imprisoned and disbarred a lawyer for criticizing his opinions, Congress passed a declaratory act to limit the wide scope of contempt powers. Only in those cases where the offenders were in the court itself or near enough to obstruct justice or were attempting to influence or coerce the direct participants in the trial could a judge punish for contempt. The controlling decision under that law states: "The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice." *Ex parte Robinson*, 19 Wall. 505, 510 (1874). There is thus no right to trial by jury in contempt cases except where specific legislation provides for it (as in injunctions over labor disputes) because contempts are neither crimes in the sense of the Constitution nor criminal prosecutions in the sense of the sixth amendment.

2. The most notorious contempt penalty in a labor injunction case occurred as a result of the Pullman Palace Car Co. strike in 1894 where President Cleveland permitted Attorney General Olney to get a blanket injunction against the obstruction of the railways and delay of the mail. Eugene Debs violated the injunction and was given a 6-month sentence for contempt of court. Governor of Illinois John P. Altgeld and lawyer Clarence Darrow made strenuous objections to this partisan use of the court's injunction and contempt powers.

3. As a result of this and other biased decisions, the Clayton Antitrust Act of 1914 was passed which included the provision that indirect contempt actions (that is, out of court) which were also crimes under State or Federal law were subject to trial before juries. But when a series of Supreme Court decisions still protected management's right to make yellow-dog contracts and ignored labor's right to organize, there arose demands for stronger legislation.

4. The Norris-La Guardia Anti-Injunction Act of 1932 strictly limited the causes for which the courts could give injunctions in labor disputes. And in the few cases for which injunctions might be allowed and contempt-of-court charges might still arise the accused was to "enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed." This right was not to apply to contempt committed in or near the court which interfered with the administration of justice. The overall result of the bill, with its restrictions on the granting of injunctions and provision for trial by jury in cases of violations, was virtually to eliminate the issuing of injunctions to management in labor disputes.

5. In 1947, however, the Supreme Court held in the case of the *United States* v. *United Mine Workers* that the restrictions placed upon injunctions in the Norris-La Guardia Act did not apply where the United States was the party seeking injunctions. Therefore, the heavy fine that had been laid upon the union by a lower court judge was upheld, although reduced in amount.

6. Also, in 1947 Congress passed the Taft-Hartley Act, with the aim of protecting employees, employers, and the rights of the public. The Taft-Hartley Act bypassed the Norris-La Guardia provisions completely by lodging the power to the injunction petitions with the reconstituted National Labor Relations Board—in fact, even making such petitions mandatory after unfair practices by labor or management were reported and by creating special machinery for rapid settlement of strikes which "might imperil the national health or safety." The result was, for all practical purposes, to nullify the trial-by-jury provision in the earlier act.

7. In 1948 the codification of the laws resulted in the rewording of the Norris-La Guardia Act as section 3692 of the Criminal Code. That provides: "In all cases of contempt arising under the laws of the United States governing the issuance of injunction or restraining orders in any case involved in or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial in the district in which the contempt is committed." Whether this should be construed as overruling the Taft-Hartley Act in cases of criminal contempt is a matter for legal debate. Apparently none of the cases arising under the Taft-Hartley Act has been based upon this line of argument, possibly because the courts retain their right to punish directly and remedially for civil contempts. Thus, there has as yet been no testing of a right to trial by jury in criminal-contempt actions arising upon violation of injunctions granted to NLRB or the U.S. Government under the present labor law.

L. CONCLUSION

Trial by jury, although originating in England as a means of extending royal knowledge and power, was adopted in America as a means of insuring local protection from a remote and tyrannical administration. Deeply rooted in the American concept of government, it has withstood the attacks of the executive in wartime and of the mob in peacetime. The right to trial by jury in criminal and civil cases has occasionally been ignored, from time to time denied, but never seriously attacked as a principle. In the words of Alexis de Tocqueville:

"It [the jury] imbues all classes with a respect for the thing judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity; every man learns to judge his neighbor as he himself would be judged. * * * The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist. It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society. * * * Thus the jury, which is the most energetic means of making the people rule, is also the most efficacious means of teaching it how to rule well."

Mr. SPARKMAN. Mr. President, before the Senator leaves that point, will he yield?

Mr. THURMOND. I am pleased to yield to the able and distinguished Senator from Alabama with the understanding that I do not lose my right to the floor, and that upon resuming, such resumption shall not constitute another appearance.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered, with that understanding.

Mr. SPARKMAN. I restrained myself from breaking into the Senator's discussion until he had finished what I consider to be a wonderful treatise on the development, concept, and practice of jury trials.

Mr. THURMOND. I thank the able Senator.

Mr. SPARKMAN. It was a most able presentation.

At the conclusion, the Senator quoted De Tocqueville. Did he not?

Mr. THURMOND. Yes.

Mr. SPARKMAN. The Senator will recall that De Tocqueville, after making his study of the United States and our system of government, stated, in effect, when he wrote his book, that one of the really distinguishing characteristics of the American Government was its insistence upon trial by jury. Does the Senator remember that?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. That was one of the many elements in the life of America that impressed him most. It was not the only such element, but it was one of them.

Mr. THURMOND. He highlighted it to a great extent.

Mr. SPARKMAN. He did. The exposure he gave clearly indicates it. The right of trial by jury is not something that broke out of the blue, all at once, but it developed over the centuries. Is that not true?

Mr. THURMOND. That is true.

Mr. SPARKMAN. It was more or less a neighborhood development. Instead of having some kind of trial by battle or trial by ordeal or trial by combat, or whatever it might be, it was decided to let the neighbors come in and testify in behalf of the contestants. The simple rule that developed was that the one who happened to have the greater number of witnesses in his behalf won. In other words, originally the decision was more or less placed on a numerical basis.

Mr. THURMOND. That is true. The right of trial by jury had its origin in medieval England, in the first half century of Norman rule, when William the Conqueror sought to strengthen his hold upon the foreign lands which had been conquered.

Mr. SPARKMAN. That is true. The Senator brought out the fact that the office which we know now as that of sheriff developed originally from the office of shire reeve. He was the one to maintain order and discipline. He was the one to go out and bring witnesses together in case of a contest between any two persons. Out of that practice developed what we might call the beginnings of the jury system.

As the Senator has correctly stated, it was really the forerunner of the grand jury. It represented more or less a presentment, a presentation of the facts, upon which a case should be decided.

Then, if I followed the Senator correctly—and I believe this is borne out historically—over a matter of a couple of centuries there came into full development what might be called the petit jury. I believe that the grand jury came first, and later there developed the system of the petit jury, as we know it today.

Mr. THURMOND. The trial jury.

Mr. SPARKMAN. The trial jury. Is that not correct?

Mr. THURMOND. The Senator is eminently correct.

Mr. SPARKMAN. There grew up a system that contained in it a guarantee of the right of any citizen accused of crime, and even under certain circumstances, in what we call, today, civil cases, to have a trial by a jury of his peers. Is that not correct?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. It became established as a part of the English common law. Is that not correct?

Mr. THURMOND. It became a vital part of the administration of justice in England.

Mr. SPARKMAN. Does the Senator recall that the Continental Congress, in one of its earliest sessions, probably its first session, petitioned or put out a complaint against the English Government and claimed that citizens were being haled into court and tried without benefit of a jury of their peers?

Mr. THURMOND. That is correct. The denial of the right of trial by jury was one of the moving forces that brought on the Revolutionary War.

That was given as one of the grievances in the Declaration of Independence—that in many instances the colonists had been denied the right to a trial by jury.

Mr. SPARKMAN. That is true. Not only had they been denied a trial by jury, but they had been forced to stand trial in places away from their homes.

Mr. THURMOND. In many cases, in military courts as well.

Mr. SPARKMAN. Yes.

Mr. THURMOND. They were taken to other places, as the able Senator has said, and tried away from their homes, or colonies, or home States, as we would say today.

Mr. SPARKMAN. The Senator is correct. The Senator has his Constitution handily placed at his side. I should like to inquire whether he recalls whether the right to a trial by jury is found in article III, or perhaps in the sixth amendment.

Mr. THURMOND. The sixth amendment. The provision is as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Mr. SPARKMAN. I wonder if it would not be well to keep in mind that it is not just merely the right to a trial by jury that is involved, but several other things as well.

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. In all criminal prosecutions——

Mr. THURMOND. Those are safeguards when a man is charged with a crime. As the able Senator states, a number of safeguards are referred to in the sixth amendment.

Mr. SPARKMAN. The language is not, "in some criminal prosecutions," but "in all criminal prosecutions." Is that not true?

Mr. THURMOND. The Senator is correct—"in all criminal prosecutions."

Mr. SPARKMAN. The language is all inclusive.

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. It provides that "the accused shall enjoy the right to a speedy and public trial."

Mr. THURMOND. It provides "the accused shall enjoy the right to a speedy and public trial."

It does not say immediately, it says, "the accused shall."

Mr. SPARKMAN. Most of the judges who invoke criminal contempt proceedings give the accused a speedy trial, do they not?

Mr. THURMOND. The Senator is correct. The defendant gets a speedy trial.

Mr. SPARKMAN. Usually the judge hales the man before him at once, sometimes in open court, and sometimes in chambers; is that not correct?

Mr. THURMOND. The Senator is correct. It is generally done in short order.

Mr. SPARKMAN. Usually the judge is close to the happening of the events or conditions, whatever they were, which made him believe that a person should be held to be in contempt of court. He is not necessarily angry.

Mr. THURMOND. In many cases he is a witness. That is the way the judge obtains the evidence that the accused is guilty of contempt.

Mr. SPARKMAN. The Senator is correct. Of all the safeguards, the one the defendant usually gets in a case of criminal contempt is a speedy trial, if it can be called a trial.

> The accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed.

Under the provisions of the bill the defendant would not be entitled to that safeguard, would he?

Mr. THURMOND. He would not.

Mr. SPARKMAN. Take the next one. I did not finish reading that.

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation.

Mr. THURMOND. The indictment must be brought.

Mr. SPARKMAN. The judge can impose the contempt penalties. Has the Senator from South Carolina ever seen a judge who would go to any trouble to specify the offense? My experience has been that he usually hales a man before him and says, "I am going to hold you in contempt of court."

Mr. THURMOND. The proceedings are usually what might be called star chamber proceedings.

Mr. SPARKMAN. Summary proceedings.

Mr. THURMOND. Yes; expressed in one way, it is certainly a summary proceeding.

Mr. SPARKMAN. It is a summary proceeding. Listen to this: To be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor.

Mr. THURMOND. First, there must be an indictment, as the able Senator has said. He has the right "to be informed of the nature and cause of the accusation."

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. The indictment would have to spell out the time the crime was committed, the place where the crime was committed, and against whom it was committed—all of the issues and the elements that go to make up a crime.

Mr. SPARKMAN. Yes. There cannot be a vague general description. There must be discrimination. The particulars must be specified.

Mr. THURMOND. The Senator is correct. There must be a violation of a criminal statute; and a criminal statute is strictly construed. The rule of law is that a criminal statute should be strictly construed. One cannot embrace or imagine any other thing. For a man to be indicted for a crime under law, the crime must be specified in strict terms. He must be charged in accordance with that crime. Then the case goes to a grand jury for determination of any probable cause, and if the grand jury does not hand down an indictment, the case is thrown out and the accused is not even tried.

That is a safeguard for him. That enables many persons of good reputation to avoid going through an expensive trial.

Mr. SPARKMAN. That is altogether different. This is a part of the general jury system which has developed.

Mr. THURMOND. The Senator is correct; that is a part of the general jury system. This particular section of the Constitution reads:

> And to be informed of the nature and cause of the accusation.

That refers to the indictment. The indictment must be returned by the grand jury. It will not bring out an indictment unless there is probable cause. Once it is determined that there is probable cause against the accused, he is indicted. The grand jury does not determine his guilt or innocence but only whether there is probable cause. If there is, a true bill is returned.

Mr. SPARKMAN. A true bill, or an indictment, or a presentment—whatever it may be called. Is it not also true that in the indictment or presentment it is not sufficient cause merely to charge the defendant with a crime or to bring a charge, even in the military, if a man is subjected to a court-martial without a trial by jury? There must be a charge, and there must be specifications; is that not correct?

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. The specifications must be clear enough in detail so that the person will know what he is charged with, when it happened, and where it happened; is that not correct?

Mr. THURMOND. The Senator is correct. There are two essential elements to a crime. First, there must be intent to commit the crime, and second, there must be an act committed in furtherance of that intent. Those two things must be shown.

Mr. SPARKMAN. The Constitution of the United States guarantees that.

Mr. THURMOND. That is guaranteed by the Constitution of the United States.

Mr. SPARKMAN. I shall discuss the rest of the elements, one by one. In the provisions of this bill, is there any guarantee of the accused being properly charged? I believe the Constitution says—

> To be informed of the nature and cause of the accusation.

Is that provided for in the bill?

Mr. THURMOND. There is nothing in the bill which provides for it. This bill would substitute the summary proceedings of contempt actions, which, historically, were quite limited in scope. Primarily, contempt proceedings were applied to matters that took place in the presence of the court.

Mr. SPARKMAN. There is no question about that.

Mr. THURMOND. There is no question about that.

Mr. SPARKMAN. It infringes upon the rights and power of the court.

Mr. THURMOND. Although that is a broad power.

Mr. SPARKMAN. It is.

Mr. THURMOND. It is a broad power which enables a judge to use his own judgment to determine whether a man has committed contempt in his presence.

Mr. SPARKMAN. Or if it was committed in the vicinity of the court in such a manner as to impose upon or hamper the operation of the court.

Mr. THURMOND. Or if an officer of the court fails to carry out an order of the court. Those are generally three bases——

Mr. SPARKMAN. They are not in issue here.

Mr. THURMOND. The Senator is correct; but generally speaking two involve offenses committed directly in the presence of the court; and the other involves offenses directly affecting the court.

Mr. SPARKMAN. Yes.

Mr. THURMOND. The third involves an offense so closely affected that it must be included if the judge is to have the power to maintain the dignity and respect for the court.

Mr. SPARKMAN. The Senator is correct. Let me go to the next safeguard and ask the Senator if it is respected in this bill. The Constitution provides that the accused shall—

> Be informed of the nature and cause of the accusation; to be confronted with the witness against him.

Are witnesses called in a contempt case?

Mr. THURMOND. They could be called.

Mr. SPARKMAN. The judge is usually the witness.

Mr. THURMOND. If it is a case of direct contempt, the judge is the witness himself. He is the prosecutor, the witness, the judge, and the jury.

Mr. SPARKMAN. It is also provided that he shall have compulsory process for obtaining witnesses in his favor, and shall have the privilege of assistance of counsel for his defense. Does the Senator know whether those rights are guaranteed in the provisions of the bill?

Mr. THURMOND. I believe that as a matter of law he would have the right to have counsel even if the bill were passed.

Mr. SPARKMAN. As a matter of law he is entitled to all those rights, because they are in the Constitution.

Mr. THURMOND. Yes; they are constitutional rights, which should be preserved. In an effort to placate certain minorities the bill is drawn in such a way that it would deprive people of the right of trial by jury. Statements have been made to the effect that southern juries might not convict under certain circumstances. In the first place, it is untrue. In the second place, such a presumption indicts a whole section of the country. In the third place, it is unconstitutional. In the fourth place, it is very unwise to say that no jury would convict, because no one knows that juries will not convict.

I have seen the trial of two similar cases in which the jury convicted in one case, and did not convict in the other. I remember trying a case in Georgetown County in South Carolina many years ago. They involved defendants who were tried for rape. In the first case the man received a sentence of death, with no recommendation of mercy. That meant capital punishment. The second case was probably a more aggravated case, because the man climbed up the side of a woman's house, took out a knife, ripped out a screen, jumped into the house, and there committed the rape. In that case, however, the jury recommended mercy, which meant that capital punishment was not imposed.

I was the judge who tried both cases. In one case I had to sentence the man to death, and in the other case I imposed a term of a number of years in jail.

I was puzzled by the outcome of those two cases. I could not understand why the jury gave the death sentence in one case and not in the other. I later learned some of the factors which entered into those verdicts. The jury took those factors into consideration and did what people in the community considered was justice under the circumstances, as I was told. Juries are composed of practical people, who arrive at a verdict. As a rule their decision is as fair and equitable and just as it is possible to obtain. The jury system is certainly much fairer and more accurate and not influenced by the heat of the moment, as can be the case more often when a judge sees an act committed in his presence. In such a situation he is the prosecutor, the judge, and the jury. A situation like that could involve emotion and deep feeling. On the other hand, when a jury considers a case, it retires to the jury room and takes minutes and hours, and sometimes even a day or two until it arrives at a decision. No one can ask for a fairer trial. A judge might be objective or not objective in a particular case. A jury, on the other hand, might consider all the facts, and take an entirely different view than the judge would take.

As I said earlier in the evening, even though a judge might wish to be fair—and I am sure that most judges wish to be fair—human nature is human nature, after all; and some factors may enter into a case which might influence a judge in one way, and in an entirely different way if the judge had an opportunity to discuss those factors with someone else. Jurors discuss those points. They go into all the ramifications of the case, which is something one man cannot do, no matter how smart he is.

Mr. SPARKMAN. The Senator has described the way a jury reacts. This is simply a matter of taking into account the human element.

Mr. THURMOND. Juries generally have reasons for what they do. No two cases are exactly alike.

Mr. SPARKMAN. The Senator mentioned two cases which were tried before him. I am reminded of a situation which occurred in the District of Columbia a few years ago. The Senator may recall it. Two or more persons were involved in a murder. The first one who was tried had participated in it, but had not done the actual shooting. The jury, for some reason or other, gave him the death penalty. The next one who was tried was the man who had done the actual shooting. The jury recommended mercy in his case, and he was sentenced to a number of years in jail.

Mr. THURMOND. They gave death to the one who was an accessory before the fact, I presume.

Mr. SPARKMAN. Yes. They recommended mercy to the one who had done the actual shooting, who had actually committed the crime. I remember that the situation puzzled quite a number of people in Washington for some time. I believe the situation finally cleared up. The sentence of the one who had been sentenced to death was commuted to life imprisonment, I believe. It seems to me that is what was done. Two juries, or two judges, may decide a case differently.

Mr. THURMOND. The Supreme Court decided the Barnett case by a decision of 5 to 4, so even judges disagree on points of law.

Mr. SPARKMAN. I have in mind another case which arose in my State. A person was accused of a capital offense. I believe it was murder. He was tried. The jury recommended clemency. As a result he was given a life sentence. He appealed the verdict. The Supreme Court reversed the decision and sent the case back for a new trial. On the new trial the jury found him guilty without a recommendation of mercy. He was executed. There was a situation in which two juries acted differently in exactly the same case. The defendant paid a rather harsh penalty. Perhaps the jury did not think it was as harsh as giving him life imprisonment. Nevertheless, he was executed as a result of the sentence in the second trial.

Therefore, the human element enters into these things, just as it does in the case of judges. That was the situation, as the Senator has mentioned, 2 weeks or so ago in the Barnett decision by the Supreme Court, when the Court decided that case by a margin of 5 to 4, holding that the man who was accused of criminal contempt was entitled to a trial by jury, four justices held that way. Five took the other view and said he was not entitled to a trial by jury if the penalty was held to what would be imposed in a trivial case.

The Senator may recall that that question had been certified to the Supreme Court by the Fifth Circuit Court of Appeals. It was certified to the Supreme Court because of a tie vote in the circuit court—4 to 4. So if one takes into consideration the votes of all the judges on the 2 courts—the 8 who voted on the circuit court and the 9 who voted on the Supreme Court—a total of 17 judges voted, and the decision was ultimately reached on a 9-to-8 basis.

Who can say that those who contend that a person is entitled to the right of trial by jury in criminal contempt cases are wrong when 8 out of 17 judges said it was right, and 9 said it was not right, provided the penalty was not more than that in a trivial case?

Mr. THURMOND. The common principle of law is that if there is doubt, a defendant must be acquitted. A person cannot be convicted unless he is found guilty beyond a reasonable doubt. Had that principle been applied here, the defendants would have prevailed.

Mr. SPARKMAN. That is correct; but it does not hold true when one is talking about appellate courts.

To return to the jury system, I was speaking about the first meeting of the Continental Congress, which adopted the principle that the United States—and the States were actually still colonies at that time—should enjoy the benefits of the English common law. The jury system was well developed, I believe the Senator said a while ago, as a part of the English common law. Is that not correct?

Mr. THURMOND. The common law was followed not only in England, but in the States.

Mr. SPARKMAN. The colonies petitioned for the right to enjoy the benefits of the English common law. Is it not true that when the colonies became independent States, they adopted the English common law?

Mr. THURMOND. They did; and each of the States after the American Revolution was just as independent as Great Britain or France, or any other country. Each State was an independent nation. My State of South Carolina had two presidents. Each State had all the powers of any country in the world.

Mr. SPARKMAN. While my State was not one of the original 13—I believe it was the 20th State to enter the Union—at one time it existed as a republic.

Mr. THURMOND. Alabama became the 22d State.

Mr. SPARKMAN. Have the common law States ever done anything to rid themselves of the common law?

Mr. THURMOND. No; the common law still applies, unless a statute has been enacted to contravene the common law.

Mr. SPARKMAN. But practically all States have both statutory law and common law, and the jury system is an inherent part of each type of law, is it not? Certainly the jury system is a part of the common law; and statutory law has established it throughout the States.

Mr. THURMOND. Throughout the history of the country.

Mr. SPARKMAN. As I recall the dissertation the Senator gave on the continuity of the jury system, he stated that in the Constitutional Convention a discussion was had concerning the adoption of provisions for jury trials, and that a trial by jury was not provided for in the Constitution, except as it appears in article III, section 2. The reason was that it was believed that all the States adequately provided for jury trials, and that offenses requiring jury trials would be State offenses. Is that not correct?

Mr. THURMOND. That was the interpretation.

Mr. SPARKMAN. That was included in the Madison Notes, as the Senator may remember.

Mr. THURMOND. Yes. The States did not contemplate that the Federal Government would take power away from the States when the States joined the Union. When the powers of Congress were listed in article I, section 8, they were to be the only powers the Federal Government was to have after the United States had become a separate government.

Mr. SPARKMAN. The Senator may recall that Madison in his notes indicated that the provision in article III, section 2, grew out of a feeling that there ought to be a provision for the trial of offenses committed in territories outside the States; and that was the primary purpose of section 2 of article III.

Mr. THURMOND. That is correct. As the Senator said, the States assumed that unless the written Constitution, which they had agreed to, had preempted a certain field of activity, that field of activity was to be reserved to the States.

Mr. SPARKMAN. And it was, was it not?

Mr. THURMOND. That was the intention.

Mr. SPARKMAN. That was the intention. Not only was it the intention of the writers of the Constitution but in the 10th amendment it was restated.

Mr. THURMOND. It was restated in the 10th amendment; and the first 10 amendments to the Constitution constitute the Bill of Rights.

When the Bill of Rights was adopted, it was thought that all the powers included in the first 10 amendments, such as freedom of speech, freedom of religion, right of trial by jury, right to petition the Government, and the rest of the powers enumerated, were preserved to the States. By virtue of their not having included when the Constitution was written, some of the members of the State conventions raised the point and said they wanted to be certain that those individual rights would be preserved. They were really rights reserved to the citizens. So they were asked to sign the Constitution upon the assurance that a bill of rights would be submitted later; and it was. Congress submitted a bill of rights, and it was adopted in 1791 and became a part of the Constitution.

The sixth amendment was included in the Bill of Rights to make certain that there would be no possible question about the right of trial by jury. Although the original Constitution, article III, section 2, provided the right of trial by jury, that right was included in the sixth amendment in words to this effect:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The drafters of the Constitution were trying to nail down the right of trial by jury. So when certain delegates to the Convention were convinced that there would be a bill of rights, they agreed to sign the Constitution. I believe that all but three did so. But they did not do so until it had been promised that a bill or rights would be submitted to the Constitution; although in drafting the Constitution, as I stated, those who worked on it interpreted it as reserving all those rights to the people, because in the Constitution they were not delegated to the Union.

Mr. SPARKMAN. There was no federal government to which to grant any rights.

Mr. THURMOND. There was no federal union as yet; the Union was being established at that time.

Mr. SPARKMAN. There was a grant of power from the several States to the Federal Government. The Federal Government had nothing to give to the States.

Mr. THURMOND. There was no power in the Federal Government yet. The Federal Government was being established by the writing of the Constitution; and the Constitution provided that a central government would be formed, that the Union would come into being, and that it would be born. Nine of the States—nine of the original Colonies—ratified the Constitution. All the States were represented at the convention except Rhode Island. Rhode Island was in the hands of radicals, and sent no deputies to the Philadelphia Convention.

Mr. SPARKMAN. The first 10 amendments which the Senator mentioned are truly a bill of rights. Is it not significant to the Senator that 3 of the 10 amendments are devoted to jury trials?

Mr. THURMOND. Three out of ten. The Senator is eminently correct. Of course, the fifth amendment refers to the grand jury.

Mr. SPARKMAN. Yes; to the grand jury. The sixth and seventh amendments refer to what we call the petit jury; but all of them are a part of the jury system.

Mr. THURMOND. The Senator is correct. The seventh amendment refers to civil suits, where the value in controversy exceeds $20, and in such suits the amendment provides that "the right of trial by jury shall be preserved."

As the Senator says, it is all a part of the jury system.

I commend the able Senator from Alabama for the penetrating questions he has asked. They have tended to analyze the bill, to bring out some of its defects, and to show the American people that the bill is not in accord with the Constitution of the United States, and that, in fact, it conflicts with the Constitution of the United States, and that if the bill were passed—although I hope it never will be—and if it were tested, and if the Supreme Court of the United States would follow the Constitution and the precedents, the Court would declare the bill unconstitutional.

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield further to me?

The PRESIDING OFFICER. (Mr. McGee in the chair). Does the Senator from South Carolina yield further to the Senator from Alabama?

Mr. THURMOND. Yes, on the same conditions on which I previously yielded. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPARKMAN. Earlier in the evening there was an exchange between the Senator from Pennsylvania [Mr. Clark] and the Senator from Georgia [Mr. Talmadge] and also there were some interjections by the Senator from South Carolina, regarding the statements made by the Senator from Pennsylavnia that it was time the Senate voted on the bill. The implication was that, merely by our trying to explain the bill or, rather, these bills—for there are 11 of them, are there not?

Mr. THURMOND. There are 11 different titles in the bill, and each one would be sufficient to be a separate law unto itself.

Mr. SPARKMAN. Yes. Certainly seven of them could well be separate laws of different types, could they not?

Mr. THURMOND. Yes, and all seven of them are very vicious.

Mr. SPARKMAN. The Senator from South Carolina has been reading the newspaper reports about some sort of package of 70 different amendments, has he not?

Mr. THURMOND. I have read something about such a proposal.

Mr. SPARKMAN. The Senator from South Carolina is not privy to those plans, is he?

Mr. THURMOND. No, I am not being taken into the confidence of those who are espousing this vicious and unconstitutional piece of proposed legislation.

Mr. SPARKMAN. I can assure the Senator from South Carolina that the same is true of the Senator from Alabama.

But I pay a good deal of attention to the reports about the plan to trot out a new bill, some day, although it is still being kept under wraps. But I understand that those who are interested in it are working assiduously to develop 70 different amendments to it.

Does the Senator from South Carolina recall that when the bill was first taken up by the Senate, we were told we would have to take the bill exactly in the form in which it had been passed by the House, without the crossing of a single "t" or the dotting of a single "i"—in short, without one change in the bill as it had been passed by the House of Representatives?

Mr. THURMOND. Yes. It was said then that we had to accept the bill in toto as it had been passed by the House of Representatives, without even having time to inform the American people what a vicious and unconstitutional bill it is.

Mr. SPARKMAN. As a matter of fact, the Senate had nothing to do with the drafting of the original bill, did it?

Mr. THURMOND. Not a thing; the Senate had nothing whatever to do with the preparation of the bill. But, in fact, the bill as it came to us from the House of Representatives was hardly considered by the House, except in connection with a vote on the question of "take it or leave it."

Mr. SPARKMAN. In many respects it is not the bill the administration sent to Congress, is it? Does it not contain provisions which the administration said it did not want?

Mr. THURMOND. Originally that was the case.

Mr. SPARKMAN. But now some are talking about 70 different amendments to the bill, are they not?

Mr. THURMOND. I think what has happened is that during this debate, the fallacies, the myths, the unreasonableness, the impracticality, and the unconstitutionality of the bill have been brought to the attention of the public; and now the public are demanding that the bill not be passed. I have talked with a great many Senators about the bill, and their mail is running very heavily against it.

Mr. SPARKMAN. Is it not rather apparent that those who feel that they are responsible for getting the bill through the Senate feel that probably the public does not want the bill as it is now written?

Mr. THURMOND. I think there is no question that a great many of them are convinced that the public does not want the bill. But some of them have committed themselves to vote for the bill; some of them have told me that. I have a feeling that if they had not committed themselves to do so, they would not vote for the bill. Even so, I am not sure that all of them will vote for this bill, because when they obtain more facts about it and when they study it and when they learn what is in it, I am afraid that a great many of them announced themselves in favor of the bill before they had read it, and certainly before they had analyzed it and given it careful study. Certainly all Senators should study the bill carefully, both in fairness to themselves and in fairness to their constituents and in fairness to all the American people. So, Senators should reappraise their position; and if then they feel that the bill is not a wise one, they should vote against it.

Mr. SPARKMAN. Does not the Senator from South Carolina feel that the tie vote on the Morton amendment was quite significant?

Mr. THURMOND. Certainly it was very significant. Furthermore, if that vote had come 30 days or perhaps 45 days earlier, the probability is that the Morton amendment would have been defeated by a very wide margin. But after the American people have learned that the bill does not provide for trial by jury and does not protect the right of trial by jury in the way that right is protected in connection with labor cases and in the way it is provided by the Constitution, they have protested. Many Senators tell me that they are receiving heavy mail against the bill; and it is disturbing them terribly.

Mr. SPARKMAN. Does the Senator from South Carolina agree that whereas the proponents are constantly saying that those who take the position he and I take are conducting a filibuster, the proponents know they are not ready for a vote on the bill, because they have 70 amendments which are still unresolved?

Mr. THURMOND. Yes. If they felt they were ready to have the Senate vote on the bill, they would do everything in their power to get a vote on it as quickly as possible. But the truth is that today they do not have sufficient votes to apply cloture on the bill. Of course, it is a good thing for the American people that the proponents do not have enough votes to apply cloture on the bill, because if cloture were to be ordered, the American people would suffer, and the bill in its present form would bring tyranny upon them.

Mr. SPARKMAN. I thank the Senator from South Carolina for his courtesy in yielding for my questions.

Mr. THURMOND. I thank the Senator from Alabama for his questions, which have added enlightenment.

Mr. MILLER. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I am pleased to yield to the able and distinguished Senator from Iowa on the condition that I shall not lose my right to the floor, and that upon resuming, such resumption will not constitute another appearance. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I thank the Senator from South Carolina. I merely wish to make an observation, and it is not intended to embarrass either the Senator from South Carolina or the Senator from Alabama. But I think it well for the RECORD to show at this point, following what has been said in the colloquy between the two Senators, that the President of the United States has thus far indicated no disposition to accept any bill other than the bill exactly as passed by the House. I think that is unfortunate. I think the President should say that he would like to have a strong, meaningful, sound, workable piece of legislation, but by persisting in talking about having the bill exactly as passed by the House, I regret that there seems to be some disposition on the part of some Members of the Senate to resent it, and this may well have caused some additional delay in the consideration of the bill. I think it well to point out that the President has taken that position. I am quite sure that the two Senators do not agree with it. Nevertheless, I think the RECORD should show that that is what has happened; and because of the President's great power and control over many Senators, that attitude probably has slowed down consideration of the bill, or at least slowed down reaching the point of decision on the bill.

Mr. THURMOND. I realize that the President has recommended the bill. On the other hand, it is the duty of the Congress to legislate. Under our tripartite system of Government the Congress makes the law, so to speak. The executive branch, headed by the President, administers the law. The judicial branch, headed by the Supreme Court, adjudicates cases, and controversies arising under the law. Our duty is to legislate. Our duty is to weigh and consider the proposed legislation. It would be my hope that Congress, in its wisdom—and it has the right to do so—would see fit not to pass the bill at all. But in the event that it should enact the proposed legislation, it would be my hope that it would be substantially altered, and that most of its vicious parts should be removed. On the other hand, if the President thinks the bill is too weak, I would suggest that the President veto it.

Mr. MILLER. The Senator knows that the Senator from Iowa thoroughly agrees with what he has said about the separation of the Federal powers between the executive, legislative, and judicial branches. I venture to say that if there is any one thing that has been brought to my attention during my 3½ years' service in the Senate more than anything else it is the absolute essentiality of the separation of powers in order to preserve the American system of government.

Mr. THURMOND. I fully realize the able Senator's concern along this line. I know of his feeling. He is an able lawyer. He understands government. He knows the history of our Government. I am sure that he shares the deep concern which I and a number of other Senators feel.

Mr. MILLER. That concern has been deepened by the situation, which has existed during the past 3½ years, in which both the executive and the legislative branches of the Federal Government have been in control of the same political party, and in which, particularly in the Senate, the Executive has wielded a great amount of influence. Granted that, theoretically, the two branches should be separate, distinct, and as independent as possible, it is pretty difficult to have that condition realized in practice when the President of the United States is the leader of the Democratic Party, and the Democratic Party is in control of the Senate by a margin of 2 to 1. There are many ways of exercising executive influence over the legislative branch, and those ways have been used probably about as extensively as at any time in the history of the country.

So I come back to my original proposition that, in the setting in which we are now operating, dealing with the actualities, I regret that the Chief Executive has seen fit to persist in saying that he wants the bill exactly as passed by the House. I presume that the President has read the bill. As a highly esteemed Member of the Senate for many years, he well knows how the Senate operates. He would know by looking at the bill that there are some obvious errors in the bill. For example, it is labeled "Civil Rights Act of 1963." It is a little bit late to call it "1963."

As I recall, in the bill there is a provision which would require a rather comprehensive report to be made by the Secretary of Labor by July 1, 1964.

At the rate we are going we shall be doing very well to have a piece of legislation on the books by July 1, 1964; so the Secretary of Labor will not have much time to prepare that report. Quite obviously the date should be "July 1, 1965."

The House went through the throes of what is known as the sex amendment. After a great deal of squabbling, it added the word "sex" in various parts of the title pertaining to Equal Employment Opportunities. Yet, for some strange reason, the House forgot to put "sex" in the heart of that title, the enforcement paragraph, and so the section is meaningless now.

Those are errors of omission or oversight which a careful reading of the bill would disclose. There are others.

Mr. THURMOND. I know that the Senator from Iowa has an eagle eye. He is a meticulous and a careful person. He is a very astute lawyer. I am sure that he has caught a great many technical and other defects in the bill. I am sure they will be brought to light.

The provisions to which the Senator has referred are defects, but the main objection that I have to the bill is that it would shift powers. Knowing the feeling of the able Senator from Iowa in respect to a powerful centralized Government in Washington, I know that when he gives the subject deep consideration, he will not favor the shifting of power from the State level to the National level and the shifting of power from the individual citizen of our country to the national level. At the national level that power would be concentrated. In my judgment, it is entirely too much power for any Government agency or all of the Government agencies to exercise. It would be a great mistake if we ever should pass the bill.

Mr. DODD. Mr. President, will the Senator yield to me?

Mr. MILLER. May I first respond to the Senator from South Carolina?

Mr. THURMOND. I shall yield to the Senator from Connecticut in a moment.

Mr. MILLER. The Senator from Iowa wishes to see a meaningful civil rights bill passed. I regret that probably my good friend from South Carolina and I will disagree on what constitutes a "meaningful" civil rights bill. But the point is, whether we agree or disagree on many areas of the bill, the bill has omissions and obvious errors on its face; and it has some inconsistent provisions. I believe it is doing a disservice to rapid action on the bill for the President of the United States to continue to say that he wants the bill exactly as passed by the House. I hope that he will see fit publicly to state that he wants to see a sound, workable piece of legislation. If he does, it will make things a great deal easier in order for us to come to some kind of workable agreement on the proposed legislation. That is the point that I wish to make following the colloquy between the Senator from Alabama and the Senator from South Carolina.

I thank my friend from South Carolina.

Mr. THURMOND. It is the hope of the Senator from South Carolina that, if the Senate passes a bill—which I hope it will not—it will be in accordance with the Constitution, and if he does not approve, the President of the United

States may feel constrained to veto it, as he has the power to do.

Mr. DODD. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished and able Senator from Connecticut with the same understanding under which I yielded to the able Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. And with the authority to him to propound questions to the Senator from Iowa if he sees fit.

Mr. DODD. That is the purpose of my request to the Senator from South Carolina.

I came into the Chamber only in the past few minutes. I wanted to ask the Senator from Iowa if he would be for the bill if the date he complains about were changed and if there were inserted in the title the word "sex" and other minor difficulties he finds in the bill were corrected. Would he vote for it then?

Mr. MILLER. Let me answer the question this way——

Mr. DODD. Answer it that way. I should like to know.

Mr. MILLER. If the Senator from Connecticut will give the Senator from Iowa an opportunity to answer, I hope I may be able to satisfy his question. The Senator from Connecticut knows that the answer to the question "Are you for a bill?" is not an easy one to answer. No one knows what the bill is going to look like until it is finally amended and is before the Senate for a vote on a rollcall.

Mr. DODD. I am quite aware of that. I am aware that there could be important differences. But if the difference is a change in date and title, the Senator does not seriously suggest that is a reason for voting against the bill; does he?

Mr. MILLER. No; the Senator from Connecticut did not hear what the Senator from Iowa said before the Senator from Connecticut entered the Chamber.

Mr. DODD. I did not.

Mr. MILLER. What the Senator from Iowa said was this: If a person would look at the bill with more than a casual glance, he would see some obvious errors in the bill.

Mr. DODD. I am sure of that. We see it in every bill that comes before the Senate.

Mr. MILLER. That being so, I do not think it helps the situation for the President of the United States, or for anyone else, for that matter, to say to the Senate, "I want the bill just as it passed the House."

Mr. DODD. The Senator knows the President is speaking of the bill in general. I have said, "I want to see the bill passed as it came from the House." But if the Senator is going to be picayunish and say the date is wrong, the title is wrong, this is wrong, or that is wrong, he knows as well as I do that the President was not speaking of those things. He was speaking of the general intent and purpose of the bill.

Mr. MILLER. The Senator from Connecticut apparently misses the point, because what I said was that all the President had to do to get the "show on the road" was to say, "I want a good, sound piece of legislation," instead of saying, "I want the bill exactly as it was passed by the House."

Mr. DODD. I say that for the Senator to peck at the bill and say the date is wrong or the title is wrong and to say that he does not want to vote for it as it was passed by the House for that reason is very petty. The President is bigger than that, and he should not and does not say that sort of thing.

Mr. MILLER. What I have said was said in good faith. I will not take second place to the Senator from Connecticut in my desire for a meaningful civil rights bill. My views on that are of long standing. I have said in good faith that if the President of the United States persists in saying that he wants the bill exactly as it passed the House, instead of saying he wants to get the "show on the road" and get a good, sound piece of legislation, he is going to get nothing but further delay, and I think it has been held up long enough.

Mr. DODD. I have no more to add to what I said earlier. I think such an attitude is picayunish. I do not think we are contributing much to the general debate when we find this kind of fault with the bill. This is the style of lawyers troubling themselves over a minor technicality in a lawsuit. It seems to me we ought to look at the general intent of the bill. To tag the President with making too sweeping a request does not seem to me to be reasonable. Knowing the Senator from Iowa as I do, with his usual reasonableness on all other matters, I find it difficult to understand his objections to the bill on that ground.

Mr. MILLER. The Senator from Connecticut and the Senator from Iowa agree on a great many things. I am a little surprised that the Senator from Connecticut talks about picayunishness in this connection. The Senator from Iowa can point out plenty of inconsistencies, quite apart from an obvious error. The Senator from Connecticut is well aware of them, because he does his homework, too. For example, if we want to get into substance, in title III of the bill, desegregation of public facilities, in section 302, on page 13, is the "intervention provision," which reads:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action.

No standards whatsoever are provided. The Attorney General could decide he wanted to intervene, or he could decide he did not want to intervene. It would be up to him. Yet, in the same title, in the preceding paragraph, are standards by which he could bring about desegregation in public facilities. How can one be more inconsistent than that?

Mr. DODD. I will tell the Senator how. These are two different things. The Senator knows it very well. What is suggested in the provision to which the Senator has referred is that the United States can intervene in a dispute. What standards are required to intervene in a dispute of this kind? What does one have to know?

Mr. MILLER. The Senator from Iowa suggests minimal standards as set forth on the previous page, with respect to public facilities; namely——

Mr. DODD. That is something else.

Mr. MILLER. That language provides that whenever the person concerned is—

> Unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

There is nothing wrong with that. I am sure the Senator from Connecticut agrees with that. I do, too. Why is such language not in the "intervention section"?

Mr. DODD. The Senator does not distinguish between the two. He is a good lawyer.

Mr. MILLER. They are closely connected; in fact, they are in the same title.

Mr. DODD. I find it hard to believe that the Senator is serious.

Mr. MILLER. I am deadly serious.

Mr. DODD. There is a distinction between the lawsuits required in the sections referred to by the Senator. I do not believe they are the same. I do not believe he thinks so, either.

Mr. MILLER. If the Senator does not think they are, does he suggest that there be no standards for the "intervention section?"

Mr. DODD. Surely. The standards are only that the Attorney General must believe that the interests of the United States are involved, in order to intervene. He does it every day. We do not set up standards. The Attorney General is constantly intervening in litigation; when he believes the interests of the United States are paramount he intervenes. We do not set up standards. We say, "When you think the interests of the United States are at stake, intervene."

Mr. MILLER. It does not say that.

Mr. DODD. It does not have to say that, because it is inherent in the power of the Attorney General.

Mr. MILLER. It is inherent in the power of the Attorney General, but the way this provision is worded the Attorney General could intervene if he thought the interests of the Virgin Islands were affected.

Mr. DODD. What is wrong with that?

Mr. MILLER. The Senator from Connecticut knows this is not good drafting of legislation.

Mr. DODD. I do not say that at all. But I do not say that the bill has been perfectly drafted. I say it has been well drafted. My objection to the position of my friend from Iowa is that he is castigating the President because the President has urged that the bill be passed in substantially the form it came from the House. I said I was not so concerned about the defects as the Senator from

Iowa describes them. I say they are minor. They do not amount to much. They can all be clarified in conference between the two bodies. There is nothing important about them. Every piece of legislation that goes to the Senate comes in with some defects of title, of date, or of other minor difficulty.

Mr. MILLER. Let me say to my friend from Connecticut that I certainly part company with him if he believes that failure to establish standards for the Attorney General to follow in intervening in any other kind of suit involving deprivation of the rights under the 14th amendment is meaningless and picayunish. I believe the Senator from Connecticut knows much better than that.

Mr. DODD. I hope the Senator will not part company with me permanently over our differences here, because I have high regard for him, as he well knows; but I believe that in his excitement—perhaps his partisan excitement—over this issue, he went too far in charging the President with a lack of concern about the formation of——

Mr. MILLER. I said nothing about lack of concern.

Mr. DODD. Not directly, but implied.

Mr. MILLER. Not implied, either. I have not attempted to castigate anyone but I have deplored the fact that this legislation has been moving along so slowly and that persistence of some people, including the President, in calling for passage of the bill exactly as passed by the House has contributed to the delay. It looks as though it will be a long time before it is enacted. I believe that it could be moved along much faster.

Mr. DODD. It surely could, if Senators on the other side of the aisle would vote to cut off the debate pretty soon.

Mr. MILLER. Let me say to the Senator from Connecticut that I have not said anything about partisan politics in connection with this debate, and I do not intend to do so. I am very sorry that the Senator has brought this into discussion, because the subject of this legislation should be outside the arena of partisan politics. It is not a question of whether Republicans or Democrats, or anyone else, vote for cloture or for amendments. This is something all of us should join together in working out and the Senator from Connecticut knows that as well.

Mr. DODD. I hope we shall have the Senator's help in the crucial hour.

Mr. THURMOND. Mr. President, I hope the Senate will not have his help, and will not have the help of any other Senator. This quibbling over whether the objection of the Senator from Iowa is based on technicalities or is based on substance is of little concern. The main thing is that the substance of the bill is dangerous. That is the reason why I am against it. So far as the wording in the bill is concerned, some of that will have to be changed if the bill should be enacted. But the substance of the bill, as we have stated before, should not be supported by any American, in my opinion. Whether he is white or black, whether he is liberal or conservative, whether he is for integration or segregation, he should oppose the bill, because the bill is in direct contravention to the Constitution of the United States.

The bill would shift power from the State level to the national level. It would shift power away from the individual citizen to the national level. The bill would bring about a concentration of power in the Federal Government which I believe would be very dangerous.

Again I say, the reason why people down through history have suffered so much is that too much power has been placed in one segment of government, whether in a king, or in a politbureau, as in Russia today—anywhere too much power is placed in government, tyranny results to the people.

If this bill should be enacted the way it is now written, and should it be enforced, tyranny would result.

Tyranny would result because bureaucrats would abuse the power which would be taken away from the States and individual citizens and concentrated in the National Government. Bureaucrats will administer the power. Power goes to people's heads. We must have a rule of law, not a rule of men. If this bill should be enacted, the bill is so prepared, and the verbiage is such that we will have a rule of men in determining what is discrimination, because there is no definition in the bill as to what discrimination is.

Therefore, a man—a human being, a person—will have to say what is discrimination in each case. That means rule by man, rather than rule of law.

Now, Mr. President, to continue on the subject of trial by jury, the laws and practices of the various States of the Union vary in connection with the degree to which a jury trial is afforded to a defendant. It is interesting to note that in the State of Minnesota, if a defendant does not receive a jury trial in the magistrate's court when charged with a violation of a municipal ordinance, he is afforded one on appeal. On this particular point, there is an interesting article in the November 1962 issue of the Minnesota Law Review entitled "Right to a Jury Trial for Persons Accused of an Ordinance Violation." This article indicates the value which the people of Minnesota place on the jury system. It reads as follows:

> "In a northern Minnesota community a county attorney briefed a JP on a pending case. The JP had just one question—'Do I have to listen to the defendant's side of the case?' "
>
> This attitude is certainly inconsistent with one of the aims of the American judicial system—protecting the defendant in a judicial proceeding from injustice. Surrounding the defendant with "strict procedural safeguards is our main assurance that there will be equal justice under the law." The American judicial system may be described as one that gives priority to the defendant, as distinguished from a system that gives priority to the interest of society in having its police regulations enforced. Although criminal law must necessarily be concerned with the needs of society, this concern should not be allowed to subvert the needs and interests of the accused. Protecting the rights of the defendant with procedural safeguards is important not only when he is charged with the most heinous felony, but also when he is accused of violating only a municipal ordinance.
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> Municipal ordinances treat a multitude of subjects and circumscribe human conduct more than any other area of the law. Thus, the cities, rather than the Federal or State governments, exert the greatest direct influence over the everyday life of the individual. The vast control that the municipality exerts over its citizens is especially emphasized today because of the rapid shift in the concentration of population from rural to urban areas. The extent to which individuals are subjected to municipal ordinances underscores the need to provide persons accused of violating these ordinances with adequate procedural safeguards.
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> One important procedural safeguard that has recently been reexamined by both the Minnesota Supreme Court and the Minnesota legislature is the right to trial by jury. By virtue of court decision and legislative mandate, the accused ordinance violator has been guaranteed the right to trial by jury either at the municipal court or justice of the peace level or upon appeal to the district court. These decisions and statutes have, however, given rise to some confusion as to the exact scope of this right. The purpose of this note is to clarify existing Minnesota law regarding the right of a person accused of violating a municipal ordinance to a trial by jury.
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> ### I. NATURE OF A MUNICIPAL ORDINANCE VIOLATION
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> In determining the procedural safeguards to which a municipal ordinance violator is entitled, courts have generally deemed it necessary to ascertain whether proceedings under such an ordinance are of a civil or criminal nature. These determinations have not been consistent; however, a majority of the State courts have regarded such proceedings as civil actions. This attempt to label such a proceeding as either civil or criminal is actually irrelevant to the issue of procedural safeguards because it focuses on the effect of the defendant's act upon the community rather than on the effect of the prosecution upon the defendant.
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> Whether such a proceeding is regarded as civil or criminal, a person accused of violating a municipal ordinance in Minnesota does not have a constitutional right to a jury trial in the municipal court. If the proceeding is regarded as civil, the defendant does not have a right to a jury trial under the Minnesota constitution. While article 1, section 4, does provide that the right of trial by jury shall remain inviolate, and shall extend to all cases at law, it has been construed as merely confirming and securing that right as it was understood at common law prior to the adoption of the State constitution. Since the common law did not afford the right to jury trial to persons accused of violating a municipal ordinance, a defendant cannot invoke this constitutional guarantee. Nor is the defendant entitled to a jury trial under the Minnesota constitution if the proceeding is regarded as criminal. Article 1, section 6, declares that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury." This provision has been applied only to "prosecutions for offenses essentially criminal under the general laws of the State. The violation of a municipal ordinance is not regarded as a crime against the public law, but merely as a violation of a regulation made for the benefit of the inhabitants of a particular place. To deny the defendant a jury trial on the basis of such reasoning does not seem to be in accord with the desire to protect the defendant from injustice since he needs this protection whether the prosecuting authority is the State or a municipality.
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> ### II. THE HOBEN UNIFORMITY DOCTRINE
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> Although no constitutional right to trial by jury for violation of a municipal ordinance exists, in some States this right is expressly granted by statute. In Minnesota, however, the Municipal Court Act provides that persons charged with violation of a municipal

ordinance shall be tried in municipal court without a jury. Notwithstanding this provision, the Minnesota Supreme Court, in *State* v. *Hoben,* held that a person charged with the violation of a municipal ordinance that prohibited driving while intoxicated was entitled to a jury trial in the municipal court. The court observed that the Highway Traffic Regulation Act also prohibited driving while intoxicated and further provided that "when any local ordinance regulating traffic covers the same subject for which a penalty is provided for in this chapter, then the penalty provided for violation of said local ordinance shall be identical with the penalty provided for in this chapter for the same offense. The court reasoned that because the penalties prescribed by the local ordinance and State statute were to be identical, the procedures to be followed must also be identical. Thus, where a State statute requires that any municipal ordinance covering the same subject must provide for identical penalties and where a person violating the State statute is entitled to a jury trial, the rule for uniformity in the treatment of defendants applies to also give a person charged under such a municipal ordinance a right to a jury trial.

Whether, as a condition for the application of this uniformity doctrine, the State statute had to expressly declare that any local ordinance regulating the same subject should provide identical penalties was uncertain after the Hoben case. This confusion probably arose because *City of Canon City* v. *Merris* was cited with approval in Hoben. In the Merris case, a Colorado criminal statute and a municipal ordinance prohibited the same conduct, but the State statute did not contain an express provision for uniform penalties. The court, nevertheless, held that defendants under both the municipal ordinance and the State statute should be entitled to uniform treatment. The right to procedural safeguards did not depend upon which level of the government chose to prosecute, but rather upon the possible effects and consequences of the prosecution on the defendant. In *State ex rel. Sheahan* v. *Mulally,* however, the Minnesota court stated that the Hoben doctrine was "limited specifically to highway traffic regulations." The effect of this limitation is to make the technical requirement of an express provision in the State statute for uniform penalties an essential part of the uniformity doctrine. This requirement should be unnecessary. Uniformity of treatment may be considered an implied limitation upon all statutes and municipal ordinances because the legislature would not intend to make basic civil rights contingent upon an arbitrary choice of forum. As the court said in Hoben:

"It would be a strange anomaly for the legislature to define a crime, specify punishment therefor, provide that its application shall be uniform throughout the State, and then permit a municipality to prosecute that crime as a civil offense. Basic civil rights of the defendant would then depend upon the arbitrary choice of the prosecutive authorities as to the court in which action against him would be instituted."

It would seem to be equally anomalous for the legislature, even without expressly providing for uniformity, to define an offense with the intent that there should be nonuniform treatment throughout the State.

III. RIGHT TO JURY TRIAL UPON APPEAL TO DISTRICT COURT

A person convicted of an ordinance violation in a municipal court presently has a right to appeal. The procedure for this appeal from most municipal courts is governed by the Municipal Court Act; appeals from cities of the first class (Minneapolis, St. Paul, and Duluth), however, are governed by a separate Municipal Court Act. The appeal does not, by itself, give rise to a right to a jury trial. In 1959, the Minnesota Legislature enacted a statute providing that a person who appeals a conviction from the municipal court to the district court "shall have the right to a jury trial." At the same session in which the legislature enacted this statute, it enacted a separate statute providing that a defendant who appeals from the St. Paul municipal court to the district court "shall be entitled to a trial de novo therein, with or without a jury." The legislature did not enact a separate provision providing for a jury trial on appeals from either the Minneapolis or Duluth municipal courts. The fact that a separate statute was enacted to apply only to St. Paul created confusion over whether the 1959 statute applied to all cities of the first class; if it did not so apply, then persons convicted of violating a municipal ordinance in either Minneapolis or Duluth would not be entitled to a jury trial on appeal. However, *State ex rel. Mattheisen* v. *District Court* held that the 1959 statute did apply to cities of the first class because that section is unqualified and authorizes appeals to the district court from a conviction of an ordinance violation in any court. The legislative history of the statute strongly supports the court's reasoning.

The fact that under the uniformity doctrine of the Hoben case a person charged with violating a municipal ordinance was entitled to a jury trial in the municipal court and the fact that the 1959 statute guaranteed a jury trial if that defendant appealed to the district court created the possibility that such defendant could receive two jury trials. This issue was raised in *State ex rel. Pidgeon* v. *Hall,* where the defendant was charged with a violation of a municipal traffic regulation and was given a jury trial in the municipal court under the Hoben uniformity rule. After being convicted the defendant appealed to the district court and was denied a second jury trial. The Minnesota Supreme Court held that under "the statutory law in existence at the time the present case arose" the defendant was entitled to a second jury trial upon appeal to the district court. The court observed, however, that the relevant appeal provisions had been amended since the case arose, and thus "after July 1, 1961, a person charged with the violation of a municipal ordinance is entitled to but one jury trial."

IV. CHOICE OF FORUM FOR JURY TRIAL

A related problem is whether a defendant entitled to a jury trial in a municipal court under the Hoben doctrine may waive that right and thereafter assert his statutory right to a trial by jury upon appeal to the district court. This question was recently answered by the Minnesota court in *State* v. *Friswold.* There the court concluded that the waiver did not affect the defendant's statutory right to obtain a jury trial on appeal to a district court. The case arose under the appeal provision as it read in 1959, and under this provision, as interpreted in the Pidgeon case, the accused ordinance violator was entitled to two jury trials if his case was encompassed by the Hoben rule. Thus, the issue actually decided in Friswold was that an accused municipal ordinance violator may waive the first of the two jury trials to which he was entitled without affecting his right to obtain the second.

Under the present appeal provision, a person appealing from a conviction of an ordinance violation has a right to a jury trial in the district court only if "he was not tried by jury in the municipal court." Whether under this provision the defendant may waive his right to a jury trial under the Hoben doctrine in the municipal court and subsequently assert his right to a jury trial on appeal is unclear. Dicta in the Pidgeon case suggests that under this statute, the availability of a jury trial in a municipal court may preclude a jury trial upon appeal. The court stated that "a person charged with the violation of a municipal ordinance is entitled to but one jury trial. If he has been afforded a jury trial in the municipal court and is convicted, he may appeal to the district court but his trial in that court will then be to the court without a jury.

A literal reading of the statute, however, indicates that the legislature intended that the defendant should have a choice between a jury trial in the municipal court and a jury trial upon appeal to the district court. The only qualification to obtaining a jury trial upon appeal seems to be that the appellant was not tried by jury in the municipal court. If the defendant has waived a jury trial in the municipal court he was not in fact tried by a jury in that court and would thus be able to claim such a right under this statute. Furthermore, the legislature by enacting the appeal provision, which gave the accused a right to a jury trial in the district court rather than in the municipal court, may have thought that only with a jury trial in the district court could the accused ordinance violator receive a fair determination of his guilt. The rights of a defendant in a municipal court may not be adequately protected if the municipal court judge or justice of the peace is either incompetent or fraudulent or if the proceedings are subject to local prejudice.

Allowing the defendant to waive a jury trial in municipal court and subsequently demand a jury trial upon appeal to the district court arguably may afford the defendant an unfair advantage. After hearing the prosecution's case in the municipal court, the defendant may rest his case without disclosing the nature of his defense. An ordinance prosecution is analogous to a criminal proceeding, because one of the parties is the State. Since "a criminal case is of necessity an unequal contest, because the parties are of unequal strength" and the State is the stronger party, the defendant's use of such a "discovery device" would not seem objectionable in an ordinance prosecution. Professor Louisell has observed that "viewing the matter simply as one of balancing the scales in an adversary system * * * it is hard to believe that in the generality of drunk driving cases, for example, discovery for defendant unduly handicaps the prosecution. To the contrary, the latter's increasing facilities for scientific aids seem to necessitate criminal discovery for a fair trial, particularly as to data pertaining to scientific tests."

In any event, the cost of an appeal to the district court may deter a majority of defendants from waiving their right to a jury trial in municipal court in order to acquire knowledge of the prosecution's case.

Granting the accused ordinance violator a jury trial in district court after he has waived his right to jury trial in municipal court has also been criticized because it affords this defendant greater procedural rights than are available to a person charged with a similar violation under a State statute. A defendant charged under a State statute has a right to a jury trial only in the court where he is originally charged, while the defendant charged under a municipal ordinance would be able to choose between the municipal court and the district court for his jury trial. Such a disparity does not contravene the "uniformity doctrine" of the Hoben case, however, since that doctrine is designed to provide municipal ordinance violators with minimal procedural safeguards and is not meant to deny them additional safeguards:

"Ordinance and statute violations have historically been classified and treated separately, both by the legislature and by the courts. We do not perceive how the fact that an ordinance violator may receive two jury trials conflicts with the uniformity requirement of the Hoben case. This decision was made to insure to traffic ordinance violators basic constitutional and statutory safe-

> guards equivalent to those afforded to traffic statute violators. It did not hold that such ordinance violators and such statute violators must be afforded identical treatment beyond these basic rights. The intent of the legislature in enacting section 169.03, as declared in the Hoben case, was to make uniform and equal procedures relating to these basic rights and not to require that the legislature treat each class equally or limit preferential treatment beyond these rights."
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> If strict uniformity of treatment is desirable, the better solution would seem to be to accord the statute violator more rights than to accord the ordinance violator fewer rights.

V. EFFECT OF JURY TRIALS ON THE COURTS

Mr. SPARKMAN. Mr. President, before the Senator moves to the next subject, will he yield to me, or would he rather finish his treatment of the subject he is about to discuss?

The **PRESIDING OFFICER** (Mr. McGee in the chair). Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. THURMOND. I should like to finish this subject and yield in a few minutes, if that is agreeable.

I continue to read:

> The summary enforcement of municipal ordinances has enabled the courts to efficiently dispose of the great number of cases arising under such ordinances. To grant persons accused of an ordinance violation the right to a jury trial, instead of the more common summary proceedings, does add to the congestion in court calendars. For example, prior to Hoben the delay in the Minneapolis municipal court calendar was approximately 3 months, while after the Hoben case the delay was nearly 2 years. In order to relieve this congestion, lawyers, judges, and other officials responsible for the efficient administration of the courts, have directed their efforts toward obtaining additional judges and instituting more efficient modes of pleading and presentation of facts instead of eliminating the right of an ordinance violator to a jury trial.
>
> The use of summary proceedings rather than jury trials for the enforcement of municipal ordinances depends, in part, upon economics. The cost of a jury trial has been estimated to be three to eight times more than that of any other mode of trial. This added cost must be weighed against the needs of the defendant. If the interests of the individual defendant charged with an ordinance violation were insignificant, a jury trial would not be warranted. Each defendant's rights are significant, however, to the individual involved.
>
> "Each case concerns the liberty or property of some individual. Each case, regardless of amount, can be as important to its parties as any in the history of jurisprudence. Let us not forget that amount of money involved in a case is not always a true measure of its importance."
>
> The consequences to the defendant convicted in a municipal ordinance violation proceeding would seem to justify the added cost of a jury trial. The penalties upon conviction may include a fine, imprisonment, and such other consequences as the loss of a license that may be essential to the defendant's livelihood. Even if a person is not convicted, he may need a jury trial to combat the collateral effects of being charged with the violation of a public law.
>
> "The accused, whether guilty or not, is in immediate trouble. * * * He may lose his job, or be suspended from it, pending trial. His reputation is under an immediate cloud. His family relationships may be irretrievably altered. If he happens to be in a profession where good reputation is peculiarly indispensible, he may suffer grievously, though completely innocent. * * * A defendant, in short, is in a bad spot, merely by virtue of being one, and needs every possible opportunity to establish his innocense, as soon, as publicly, and as decisively as possible."
>
> Opponents of jury trials in municipal courts sometimes contend that the jury is likely to be too lenient with the offenders. Continued acquittals by juries would seem to imply lack of public disapproval of the defendant's act. Our system of justice seeks to punish those acts that contravene the purposes of society; apparent approval of the defendant's conduct would suggest that such conduct does not contravene the mores of our society and, therefore, should not be prosecuted.
>
> A further argument against this use of the jury trial might be premised upon a lack of faith in the ability of a jury to determine the guilt or innocence of a defendant. An attack upon the competency of the jury system, though, should be directed to the legislature, not the courts. The legislature's answer to such an argument is expressed in the statute interpreted in Hoben, which affords a defendant the right to a jury trial in the municipal court, and in another statute that specifically grants that right upon appeal to the district court if the defendant did not receive a jury trial in the municipal court.

CONCLUSION

> In Minnesota, the right of persons accused of violating a municipal ordinance to a jury trial in the municipal court is dependent upon three conditions: (1) a State statute must prohibit the same conduct as prohibited by the municipal ordinance; (2) the State statute must contain a provision requiring any municipal ordinance covering the same subject to provide for identical penalties as the statute; (3) a person charged with violating that statute must be entitled to a jury trial in the court where he is charged. If a person is convicted of violating any municipal ordinance, he is entitled to a jury trial upon appeal to the district court if he was not tried by a jury in the municipal court. This right is justified by the desire to protect the interests of the defendant from the arbitrary procedures that are often present in a summary proceeding. Although this use of the jury trial has greatly increased the congestion in municipal court calendars, the addition of more judges and the instigation of more efficient modes of pleading seem to be more reasonable solutions to the problem than the denial to the alleged ordinance violator of the right to trial by jury.

Mr. SPARKMAN. Mr. President——

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Alabama, with the understanding that I shall not thereby lose my right to the floor, and with the further understanding that when I resume my remarks, they will not be counted as a second speech by me.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the Senator from South Carolina, in his excellent presentation in regard to the importance of the right of trial by jury and the guarantee of that right under various conditions, including under municipal ordinances and trials in various courts, has referred to the fact that it may be an optional right. In other words, a defendant may ask for a jury trial or may not request a jury trial. That frequently happens, does it not?

Mr. THURMOND. That is correct. The Constitution guarantees the right of trial by jury; but that does not mean that a defendant must have a jury trial forced on him. It merely means that if he wishes to have a jury trial, he has a right to request one.

Mr. SPARKMAN. As a result of the experience of the Senator from South Carolina, both as a lawyer and as a judge, is he not familiar with the fact that nearly all State laws provide a method by which the defendants in certain classes of cases can waive the right of trial by jury?

Mr. THURMOND. That is true.

Mr. SPARKMAN. Usually there is a jury trial in capital cases, is there not?

Mr. THURMOND. In South Carolina, there must be a jury trial in capital cases.

Mr. SPARKMAN. That is also true in Alabama, and I believe it is also true in most States.

Mr. THURMOND. Yes.

Mr. SPARKMAN. But for lesser offenses, nearly all States have laws which provide for waiver of trial by jury if the defendant sees fit to do so; but that question has to be determined solely by the defendant, does it not?

Mr. THURMOND. That is correct. If he is willing to waive it, the case can be tried before a judge. That is true in most jurisdictions, and it is true in my State.

Mr. SPARKMAN. Yes. In my State the defendant has the right of trial by jury in all criminal cases, and, in fact, also in all civil cases. He may waive a jury trial, or he may ask for a jury trial. In some types of cases he is allowed 30 days in which to request a jury trial; and if he does not request a jury trial within that period of time, he is deemed to have waived it. I am sure the Senator from South Carolina is familiar with such laws in various States, under various conditions.

Mr. THURMOND. Yes. Also in the Federal courts there is such a rule; namely, that a demand for a jury trial must be made within a certain time limit. That is generally stated in the pleadings.

Mr. SPARKMAN. Yes, usually it is included when the answer is made or when the pleadings are filed.

Mr. THURMOND. Yes.

Mr. SPARKMAN. There is usually a little footnote, "Defendant demands trial by a jury."

Mr. THURMOND. Yes.

Mr. SPARKMAN. The pending question is on agreeing to the amendment submitted by the Senator from Florida [Mr. SMATHERS], I believe, and the amendment was called up by the Senator from Louisiana [Mr. LONG]. Does not that amendment follow the same pattern, in its provisions? It provides for a jury trial upon request by the defendant, does it not?

Mr. THURMOND. Yes; and in such case, there would be a jury trial.

Mr. SPARKMAN. That is what I mean. In other words, it would be optional.

Mr. THURMOND. Yes.

Mr. SPARKMAN. If I correctly understand the amendment, I believe that if the defendant requested a jury trial, he would subject himself to the possibility of having a heavier penalty imposed upon him than the penalty the court, when trying him without a jury, could impose. Is that correct?

Mr. THURMOND. That is correct. In other words, if a defendant requested a trial by jury, under the Smathers amendment he could be given heavier punishment than if he did not request a trial by jury.

Mr. SPARKMAN. The defendant would run a risk.

Mr. THURMOND. I do not like that portion of the amendment.

Mr. SPARKMAN. I am not asking the Senator to pass judgment on the amendment at the present time. I am merely calling attention to the fact that the amendment follows generally the pattern of most State jurisdictions in making the choice optional with the defendant. The main difference is that the defendant could suffer a higher penalty if he exercised his right to a jury trial than he would if the judge should try his case and assess the penalty. That situation does not prevail in the usual State court. There the limits of the penalty would be the same regardless. Is that not correct?

Mr. THURMOND. That is true. The Smathers amendment provides that in case the defendant requests a trial by jury, the fine to be paid shall not exceed the sum of $1,000 or imprisonment shall not exceed the term of 6 months.

Mr. SPARKMAN. That is a higher penalty.

Mr. THURMOND. The penalty could be a $1,000 fine or imprisonment for 6 months, whereas if the defendant were tried before a judge without a jury, the maximum would be a $300 fine or imprisonment for 30 days.

Mr. SPARKMAN. That would be true under the Mansfield-Dirksen amendment.

Mr. THURMOND. Under the Mansfield-Dirksen amendment, if the punishment were imprisonment for 30 days or less or a fine of $300 or less, the defendant would not get a jury trial. The Mansfield-Dirksen amendment that provides for no trial by jury carries the same punishment as the provision of the Smathers amendment if the defendant should waive his right to a trial by jury.

Mr. SPARKMAN. That is what I mean. The Senator also said that some people might object to juries on the ground that the defendant would not be convicted. I wonder if the Senator is familiar with the very strong arguments made by one of the great liberals of all time in the Senate—Senator Norris, of Nebraska.

Mr. THURMOND. I recall reading his statement. It was a very fine statement.

Mr. SPARKMAN. He said:

> I agree that any man charged with contempt in any court of the United States in any case, no matter what it is, ought to have a jury trial.

Mr. THURMOND. He favored jury trials in civil contempts.

Mr. SPARKMAN. He said in any case.

Mr. THURMOND. I am not too sure but that in certain types of civil contempt perhaps the defendant should have a jury trial. Certainly if he is to be incarcerated for a certain period of time, he would be deprived of his liberty. The rule under which we have operated is that in civil contempt cases a defendant can purge himself by complying with the court's order.

Mr. SPARKMAN. Yes.

Mr. THURMOND. The Washington Star published a fine editorial on that point a week before last.

Mr. SPARKMAN. Yes. I saw the editorial. I believe the editorial was quoted today. Was it quoted by the Senator from South Carolina?

Mr. THURMOND. It was not I who quoted it today.

Mr. SPARKMAN. Earlier today the editorial was quoted.

Mr. THURMOND. The Washington Star took the position that when a defendant is incarcerated because of what might be called civil contempt or criminal contempt, he is in prison and is deprived of his liberty as much as though he had been put in prison for some other reason.

Mr. SPARKMAN. Whether it be called civil or criminal contempt.

Mr. THURMOND. That is correct. The subject really deserves study by the Congress to determine what, if any, changes should be made in the matter of civil contempt.

Mr. SPARKMAN. That suggests what I know must be the opinion of the Senator and mine, too. We are becoming careless in drifting away from jury trials in this country. Is there not a tendency to do that?

Mr. THURMOND. There is a tendency on the part of people always not to protect their liberties as they should. That is the reason why we must be on guard. So many of our great national leaders have cautioned the American people that eternal vigilance is the price of liberty.

That has been the caution given by many of our leaders and students of history. People become indifferent and apathetic. In a great many cases they do not bother to vote. Some elections are won by one vote. Thomas Jefferson was elected President of the United States by a margin of one electoral vote. One vote or a few votes has turned many elections. And yet many good people do not bother to vote. They become apathetic. That is an illustration of the importance of people performing their duties as citizens and meeting their responsibilities as citizens.

Mr. SPARKMAN. And being on the alert at all times.

Mr. THURMOND. And being on the alert to protect their liberty. Merely because our forefathers fought for and achieved liberty and brought it to our country does not mean that it was gained permanently.

Mr. SPARKMAN. It is not to be taken for granted.

Mr. THURMOND. Today assaults are being made on the liberties of the people. Assaults are being made to deprive people of a little more of their liberty each day. There is a chipping away. The people do not realize the loss as much as they would if, through one fell swoop, all their liberties were taken away at once. The loss of liberty that is achieved by chipping away the rights of the people would not occur if the people were confronted with the possibility that their liberties would be taken away suddenly. When liberties are taken away a little each year, the people do not realize and appreciate the importance of it. The more we deprive people of their liberty and chip away their freedom, the more we are headed toward a strong centralized government and a police state. A strong powerful centralized government means total power. Total power means a police state.

Mr. SPARKMAN. I was quoting from Senator Norris. I like to quote from him. I like to quote from other great liberals who have stood in the Senate and defended the freedoms and the rights of individuals.

Senator Norris was a great individualist, a great liberal and a great debater. I believe he was one of the greatest debaters I have ever seen. I did not have the pleasure of serving in the Senate with him, but he was serving in the Senate while I served in the House.

I used to come over quite often when he would be debating. He pursued his way easily, calmly, firmly, and positively, regardless of what the odds were against him. Often he would be the only advocate of a certain measure. He always sat toward the rear of the Republican side of the Chamber and fought to the very end for the principles in which he believed.

A few minutes ago I quoted Senator Norris' statement that he believed a man was entitled to the right of trial by jury in every case, everywhere, and in every court, all the time, with no exceptions whatsoever. He made it as inclusive as it could be.

I should like to quote him a little further.

He said:

> It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits in court and heard jury trials knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished, and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray, I am confirmed in my opinion that after all our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of fact.

The Senator from South Carolina would have no difficulty in agreeing with that statement by this great, all-time liberal of the Senate, would he?

Mr. THURMOND. I would not.

Mr. SPARKMAN. I mention the great liberals. I recall a great liberal Senator from the State of the distinguished Senator from Wisconsin [Mr. PROXMIRE], who is present tonight. Senator La Follette, the elder, was the kind of tenacious debater I referred to in characterizing Senator Norris. His son, young Bob La Follette, with whom I served, advocated the same principles. I do not have a quotation from him, but I have another quotation from Senator Thomas J. Walsh. Senator Walsh led the investigation into Teapot Dome.

Mr. THURMOND. He presided over the Democratic Convention in 1932 in Chicago, when Franklin Roosevelt was nominated to be President. I was a delegate at that convention.

Mr. SPARKMAN. Roosevelt designated him to be Attorney General. He died before the appointment; therefore, he did not serve. Senator Walsh said:

> There is not an argument that can be advanced or thought of in opposition to a trial by jury in contempt cases that is not equally an argument against the jury system as we now know it.

The Senator would agree with that statement, would he not?

Mr. THURMOND. I would.

Mr. SPARKMAN. In other words, he was saying that an attack on trial by jury in contempt cases was an attack upon the jury system as a whole. Does the Senator agree with that statement?

Mr. THURMOND. I do. I heard someone say that in Washington, D.C., a great many criminals are turned loose; that juries will not convict them. It is said, "There is a big Negro population in Washington. A large number of Negroes serve on juries, and they do not want to convict Negroes." I have heard that statement made. That is no excuse for not having jury trials in the city of Washington. There may be an isolated case, here and there, in which the public feels a jury should have convicted or should not have convicted; but, taking the jury system year in and year out, it is the best system that has been devised by man in government so far.

Mr. SPARKMAN. Senator Norris said that. He said, "It is the best government I know of, and I would not be without it."

I should like to quote from another Senator who served in the Senate, a great legal mind. I have referred to Senator Norris and to Senator Walsh, both great legal minds and men of high principle. I wish to quote now from a man of high principle. I do not suppose one could call him a liberal. He was a great conservative, but he possessed a profound legal mind, and exerted great influence in the Senate. I refer to Senator Reed, of Missouri. Senator Reed said:

> The legislative branch of the Government may make grievous errors. The Executive may even undertake the exercise of tyrannical power. But so long as the temple of justice stands open, so long as the courts have the courage to declare the rights of citizens as they are preserved in the law, and so long as a man has a right to be tried by a jury of his peers, no nation will ever be really enslaved.

Does the Senator agree with that statement?

Mr. THURMOND. Jury trial is the foundation stone of our Government.

Mr. SPARKMAN. Does not the Senator believe that the manner in which jury trials would be taken away by the provisions of the bill is an attack upon not merely the right of trial by jury in these particular provisions, but an attack upon the jury system of the United States, the temple of justice, the right of a man to be tried by a jury of his peers? As Senator Reed said, so long as the temple of justice is maintained, so long as the courts have courage to conduct their affairs rightly, and so long as a man has a right to a trial by a jury of his peers, we may be certain that the Nation will never be enslaved.

Mr. THURMOND. We have always considered the jury to be an essential and vital part of the court, which it is. I remember that from the time when I was a child I attended court. My father was a lawyer. I suppose that I heard as many cases tried by the time I had finished high school as any other person of that age. To me it was entrancing to hear a case. The finest drama in the world is to be found in the courtroom. There is no more interesting occupation one can pursue than to be a trial judge and hear cases tried, if he likes that kind of work, or to be a trial lawyer and participate in cases. That is even more interesting. Back in those days we would not have thought—I certainly would not have—that anyone would have dared to suggest that Congress enact a law and put it on the books of the land and fail to include a provision to give a jury trial to those charged with a crime, under the guise of criminal contempt.

Mr. SPARKMAN. I agree. I think we are in good company when we include the three men from whom I quoted—Senator Norris, Senator Walsh, and Senator Reed.

Mr. THURMOND. The Senator from Alabama has called upon some of the great statesmen of the past, two of whom were genuine liberals. It is amazing to me that almost all the so-called liberals in the Senate today favor the pending bill. Perhaps not all of them do, but almost all of them favor the bill as it stands, without the jury trial provision.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. THURMOND. I do not understand it. I believe the Senator from Wisconsin, who has just asked me to yield, has the reputation of being a liberal, but he has tempered a great deal since he has come to the Senate. He has reappraised his position considerably.

Mr. SPARKMAN. Reevaluated it.

Mr. THURMOND. I have been much heartened over the change that has come over him. He is voting for economy in many programs. His change of heart may cause him to be reelected without any trouble.

Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Wisconsin without losing my right to the floor and with the understanding that upon resuming, my resuming will not count as another appearance on my part.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Let me ask the distinguished Senator from Alabama and the distinguished Senator from South Carolina a question. They both indicated this. I heard the Senator from Alabama say it distinctly. The Senator from South Carolina did not contradict him. Do I correctly understand Senators to argue that there is anything in the bill that would take away from an American citizen the right of trial by jury?

Mr. THURMOND. The bill would put on the statute books of this country a law providing for judges to punish people for crimes without jury trials.

I shall be glad to take up each provision and each title and point out the details, if the Senator so desires.

Mr. PROXMIRE. The Senator from South Carolina understands very well that until 1957 there had been no provision for a jury trial in contempt cases.

Mr. THURMOND. In 1957——

Mr. PROXMIRE. In the 1957 civil rights bill there was a provision for a trial by jury if the punishment for the crime exceeded 45 days' imprisonment or a $300 fine. The Mansfield-Dirksen amendment—which I am sure will be supported not only by the leadership, but by virtually all proponents of the bill—would also provide a new right. It would not take anything away. It would provide a new trial by jury right in contempt cases, even more limited than the 1957 civil rights bill; that is, 30 days or $300 fine. So all the argument to the effect that liberals, such as Senator Norris and others would have been against the bill, it seems to me does not stand up, because I am convinced that as the bill will be constituted shortly, if we ever get to vote on it, it will provide a new right to trial by jury in contempt cases, which has not been provided in the past, with a single exception.

Mr. THURMOND. The so-called civil rights bill of 1957 contained what is commonly known as the split-level jury trial provision, that if the punishment were more than 45 days' imprisonment or a fine of $300, a man would get a trial by jury; otherwise he would not. I do not believe that is constitutional. The Supreme Court recently rendered a decision in the Barnett case in a 5-to-4 split decision, which is as close as one can get. One Justice could change his mind and it could go the other way.

Lawyers differ on that point. But the Constitution is so plain on the question that it seems to me those who propose this bill should certainly put in the bill a provision that if a man is charged with criminal contempt, he should have the right to a trial by jury, same as in the case of a man charged with any other crime. I am not in favor of the bill. I believe the whole bill is unreasonable and unconstitutional in other ways which I could point out; but if the bill is to be passed the least the proponents could do would be to include such a provision.

Mr. PROXMIRE. The Mansfield-Dirksen amendment provides what seems to me a logical and sensible compromise. It provides a trial by jury in the event that the punishment is substantial; that is, if it exceeds 30 days or $300. It is an advance over the 1957 act. It is a right not provided heretofore. Nothing in English jurisprudence or American jurisprudence provides for trial by jury in a contempt case. There is nothing in the Constitution which requires trial by jury in a contempt case. It is clear that if the courts are to maintain order, if their orders are to be respected, it must have that power. As the distinguished minority leader said so eloquently on the floor of the Senate when he argued for this provision, the one power which the court must have is the contempt power. To deprive them of that kind of power in a tripartite government—the judicial, the legislative, and the executive—would truly weaken it. The court would lose not only the real force it has, but it would become impotent and perhaps contemptible.

Mr. THURMOND. I agree with the able Senator that the court should have the power to punish for contempt in certain respects. The court should have the right to punish for contempt committed in the presence of the court. The court should have the right to punish for contempt within the vicinity of the court, where there is anything occurring which interferes with the operation of the court. The court should have the right to punish for contempt where an officer of the court refuses to carry out a writ or an order of the court.

Those three grounds, I believe, are really all a judge should have in criminal contempt. I referred a moment ago to a fine editorial in the Washington Evening Star opposing punishment in civil contempt cases without a trial by jury. Civil contempt procedure simply means bringing about compliance with the orders of the court. A judge would have the right to take the steps necessary to bring about compliance with the court's order. It has generally been considered that that could be done without a trial by jury. But on the matter of criminal contempt, the situation varies in State courts. I cited a decision from my State, a very early decision, Lining against Bentham, 1796, which holds that in indirect criminal contempts, a jury trial should be given.

Mr. PROXMIRE. That is rather exceptional. Almost all the States, including the Southern States, do not provide for trial by jury. It is explicitly provided that no trial by jury is granted in contempt cases. The Senator from Illinois had an excellent analysis of the laws in virtually all the States, particularly with emphasis on the Southern States; and he showed in State after State, such as Mississippi, Alabama, and Arkansas, that there is no provision for a trial by jury in contempt cases; and this power of the court is respected.

Mr. THURMOND. I said in another part of my address before the Senator came into the Chamber that I had previously discussed some of the history pertaining to present Federal judicial practice in criminal contempt cases. As I said earlier, this history reveals an historical error that has resulted in present practices being what they are. The procedure in the area of indirect criminal contempt—that is, the criminal contempt is not committed in the presence of the court—has over the years steadily departed from the dictates of article III, section 2, of the Constitution.

Of course, the Senator is familiar with what that is, and I was developing that situation. In other words, that the historical error back there should not be followed ad infinitum where it is clear what the Constitution intended, and what would be more consistent with the demands of justice.

Mr. PROXMIRE. Of course, it is apparent that many Senators feel it was not a historical error. A majority of the Supreme Court in the Barnett case did not consider it to be a historical error. What I am trying to maintain is that we are trying to argue for a very moderate bill, as limited as it can be, and still get the job done. This bill would rely 99 percent on conciliation, instead of having a bureaucracy with the power to move in and deny or act in these cases of discrimination, we know what some agencies can do. The way they can do it in Wisconsin, for example, is to require that the plaintiff who claims he is being discriminated against must go to court and prove it in court. The burden of proof is upon him. The only enforcement procedure in the entire act—virtually no penalties are in the bill. The only enforcement procedure is to rely on the sure and steady, reasoned action of a Federal court to provide that discrimination shall cease, and then to provide a moderate penalty. On the basis of the 1957 act, which has been in effect for 7 years, penalties have been so modest and limited that there has never been one sufficiently large enough to require even a jury trial.

Mr. THURMOND. What objection would the Senator have——

Mr. PROXMIRE. This is a very limited approach.

Mr. THURMOND. What objection would the Senator have to a trial by jury in indirect criminal contempt?

Mr. PROXMIRE. What is happening—this would take the teeth out of the bill, there would be nothing left. There would be no way one could enforce it——

Mr. THURMOND. That is what I wished to ask the Senator.

Mr. PROXMIRE. The only provision for getting any action, for making an act of discrimination cease, the only enforcement power, if the Mansfield-Dirksen amendment should pass—and I shall vote for it—I believe would be a moderate and reasonable approach, with a penalty limited to 30 days and $300 fines.

Mr. THURMOND. If a man is charged with discrimination, instead of citing him for contempt, why not cite him under the law and try him before a jury?

Mr. PROXMIRE. There is no question, if the judge feels under the circumstances that the penalty should be sufficiently big, that that will be done.

Mr. THURMOND. Should the judge have the power to make that decision? The only law that Congress has enacted with respect to granting jury trials in contempt cases has been in labor cases. I cite the Clayton Act of 1914 which gave a trial by jury; the Norris-La Guardia Act of 1932, which gave a trial by jury; the Landrum-Griffin Act of 1959, which gave a trial by jury; and the Civil Rights Act of 1957, which gave a partial trial by jury, or a split-level trial by jury. Congress must have had some reason for providing a trial by jury in those cases. Why should not a trial by jury be provided for in a civil rights bill?

Mr. PROXMIRE. All the judge does if he finds a party guilty is to demand that the person involved cease to discriminate, cease to violate the law. That is all that the judge does. At any point along the way the defendant can relieve himself of any penalty by ceasing to discriminate. It is only after that stage, after the judge has ordered the defendant to cease discriminating, if the defendant shows his contempt for the court's action, and continues his discrimination, that he can be tried by the judge, and the judge is in a position to impose a very limited, modest penalty.

Mr. THURMOND. I believe the Senator's aid wishes to confer with him. I shall wait until the Senator has conferred with his aid.

Mr. PROXMIRE. No; I am waiting for the Senator to continue.

Mr. THURMOND. Why not include in the bill a provision, that if a man is charged with discrimination, or if he has not fulfilled his obligation under the law, that he shall have a trial by jury? What is the objection to giving him a jury trial, as is provided in a labor case?

Mr. PROXMIRE. I have no objection to a trial by jury in the event——

Mr. THURMOND. Then the Senator will vote for the Talmadge amendment. Is that correct?

Mr. PROXMIRE. No; I shall vote for the Mansfield-Dirksen amendment.

Mr. THURMOND. How did the Senator vote on the Morton amendment?

Mr. PROXMIRE. I voted against the Morton amendment, and also against the Cooper amendment.

Mr. THURMOND. Those amendments provided for trial by jury. How does the Senator distingush between not giving the right of trial by jury in a civil rights case, as was provided in the Morton amendment, and providing jury trials in three different labor statutes in 1914, 1932, and 1957?

Mr. PROXMIRE. In the labor cases a criminal situation is involved. In the particular situation now before us we have a clear, firm, practical precedent in the 1957 act. The bill goes even further in the direction of leniency. I see nothing at all inconsistent or impracticable or unwise in following the precedent set by the 1957 case. It has worked very well and has been held to be constitutional by the Supreme Court.

Mr. THURMOND. What authority does Congress have to provide a jury trial up to a certain point, and not to give it beyond that point? Does the Senator believe that that was the intention of those who wrote the Constitution?

Mr. PROXMIRE. I believe that those who wrote the Constitution did not contemplate a jury trial in contempt cases. The Founding Fathers were brilliant men. Most of them were lawyers, and many of them had had court experience, and attended court very often. They understood both English and American jurisprudence. They provided jury trials in all criminal cases. They also provided jury trials in the sixth amendment to the

Constitution. There is no question about it.

Mr. THURMOND. Does the Senator consider criminal contempt a crime?

Mr. PROXMIRE. I consider it——

Mr. THURMOND. Does the Senator consider it a criminal prosecution when a judge tries a man for criminal contempt?

Mr. PROXMIRE. Throughout the whole sweep of English and American jurisprudence, the courts have been given authority to fix the penalty, whether it be for civil or criminal contempt, if a judge's orders are violated; and to do that without trial by jury.

Our Founding Fathers knew the situation very well. In all the years that have passed, and with all the opportunity that Congress has had to act, and all the opportunity that the President has had to act, and the opportunity the legal profession has had to seek a trial by jury, no such provision was made until very recent years.

Mr. THURMOND. That was in the absence of statutory law.

Mr. PROXMIRE. The Senator from South Carolina claims it was because of a historical error.

Mr. THURMOND. Also because of the absence of statutory law on the subject.

Mr. PROXMIRE. But Congress has had an opportunity to do something about it for many years. It has decided not to do anything about it.

Mr. THURMOND. This was in the absence of laws. When Congress passed laws on the subject, it provided trial by jury. It did so in 1913 in the Clayton Act; in 1932 in the Norris-La Guardia Act; in 1959 in the Landrum-Griffin Act; and in 1957 partially in the Civil Rights Act.

Mr. PROXMIRE. It can do the same thing in 1964 through the Mansfield-Dirksen amendment.

Mr. THURMOND. If the Congress does that, it will be an improper action. I do not believe it will be in accord with the Constitution, nor with the demands of justice. Criminal contempt is a crime, is it not? What is criminal contempt? What does the word "criminal" mean? What is it? What is a criminal prosecution, if it is not a crime? Article III, section 2 of the Constitution provides that the trial of all crimes except in the case of impeachment shall be by jury.

The sixth amendment deals with criminal prosecutions. Criminal contempt is criminal prosecution, because the judge is the prosecutor and the judge.

Mr. PROXMIRE. I believe the Senator understands my position. I should like to add one more element. The bill, as it came from the House, without the Mansfield-Dirksen amendment included, was supported overwhelmingly by conservatives as well as liberals. It was not supported by southerners, of course, but it was supported by every Representative from Kansas, Pennsylvania, Illinois, and Maryland. It was supported overwhelmingly by the majority of Republicans and Democrats from every section of the country, except from the South. Those men understood what this was all about.

Mr. THURMOND. That was true in the North.

Mr. PROXMIRE. People from the Southwest, from the North, from the East, and from the West overwhelmingly supported it. They supported it without any provision in it for jury trial.

Mr. THURMOND. Does the Senator suppose that it was because a racial question was involved, and that they were likely to get the votes of the racial blocs?

Mr. PROXMIRE. Of course, the Senator can discuss motives, if he wishes.

Mr. THURMOND. Is that not the truth of the situation? Does the Senator believe that the same representatives would have dared to deny the right of trial to jury in labor bills?

Mr. PROXMIRE. The implication of the Senator is that this was a bid for the Negro vote. That does not make sense in a State like mine, where less than 2 percent of our population is Negro. These Representatives supported the bill overwhelmingly. This is true in Iowa and Kansas and Colorado.

Mr. THURMOND. In some cases the people do not understand the problems of other parts of the country, and in some cases the people cannot understand the Constitution.

Mr. PROXMIRE. They understood the problems. They studied the bill for a long time. Months of hearings were held before the Judiciary Committee.

Mr. THURMOND. The bill was never considered by the House committee. I read the history of that situation.

Mr. PROXMIRE. The bill was evolved from hearings in the Judiciary Committee.

Mr. THURMOND. The bill was never considered by the Judiciary Committee. It was reported before Representatives had a chance to read it. One Representative said he voted for it before he had even read it. Later, when he saw what a vicious bill it was, he said he would never have voted for it if he had known what was in it. I was told it was brought up quickly in the committee and went directly to the House. Probably large numbers of Members of the House had not read it.

Mr. PROXMIRE. There are large numbers of knowledgeable Members of the House. LESLIE ARENDS, of Illinois, and CHARLES HALLECK, of Indiana, are among the most conservative Members of the House. They are concerned with Federal encroachment and have been for years. Many others voted for the bill because they recognized it was a compromise, a limited bill, and protected States rights. At the same time, the bill provides for the protection of the constitutional rights of a great minority.

Mr. THURMOND. I think it is a destruction of constitutional rights. I am sure the Senator from Wisconsin takes an entirely different position.

Mr. MILLER. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield to the Senator from Iowa, provided I do not lose my right to the floor, and that my resumption will not count as a second speech.

Mr. MILLER. I should like to ask the Senator from Wisconsin about a point he raised, referring to the vote on the Morton amendment, about the need for the power of contempt to be vested in a judge. Why is he not satisfied to let a judge have the power of punishing for civil contempt?

Mr. PROXMIRE. I feel that a judge may abuse his position, just as a President may. I feel that this is a power that must be watched carefully by Congress. I feel, however, that the power in civil contempt cases, as it has been historically established in England and America, has worked without much abuse, if any, and can be handled best, under the circumstances, by the kind of limited, moderate modification which Senator DIRKSEN and Senator MANSFIELD propose.

I would not go as far as the Senator from Kentucky [Mr. MORTON] went in providing for trial and taking the case away from a judge in all criminal cases. I think the Dirksen-Mansfield compromise is about right.

Mr. MILLER. I am not certain that the Senator has responded to my question. Let us assume that there are no constitutional arguments about the question. The Senator stated that during the debate on the Morton amendment it appeared that there was quite an area within which to work, so far as the Constitution was concerned. So it is pretty much up to the Senate to determine what is desirable. For the sake of argument, we shall not talk about constitutionality.

The Senator from Wisconsin is interested in having a bill that will be effective. Why would it not be effective with the civil contempt power lodged in the court? I do not believe that that point was brought out well by the opposition to the Morton amendment, because the argument seemed to be that the executive branch has power, the legislative branch has power, but the poor judicial branch has no power at all; the legislative branch would have to give it contempt power. That may be fine; but why not give it civil contempt power? Why give it criminal contempt power without trial by jury, in order to accomplish what the Senator from Wisconsin and many other Senators are trying to accomplish?

Mr. PROXMIRE. It is a question of judgment. The Senator from Iowa may be correct in his view that no such power is needed by a judge in criminal contempt cases. I think it may well be needed. The bill sets limits on his power that are logical and proper. It is not an extension of power; it is a limitation.

Mr. MILLER. The Senator from Wisconsin puts it very well when he says it is a question of judgment. All of us have different judgments. But it seems that we might exercise a little restraint in our judgment and see how a judge will get along with the civil contempt power, and provide criminal contempt power subject to trial by jury. If that does not work, Congress can always do something to correct it. But why become jumpy about the criminal contempt power of a judge?

One further point: The Senator from Wisconsin spoke about all the conservatives in the House who voted for the bill as it came to them, providing limited power in a judge in criminal contempt cases. It seems to me that much could be said about whether one is a liberal in his views on the jury trial question. I know a great many people who flatter themselves as being liberals, but are sensitive about providing trials by jury for accused individuals.

It seems to me that a good case could be made for the contention that the true liberal ought to do everything in his power to provide for trial by jury. I do not believe we shall get anywhere by speaking on this subject in terms of conservativism or liberalism, because both those who are categorized as conservatives and those who are categorized as liberals have split on this very point, as is evidenced by the vote on the Morton amendment.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MILLER. I do not have the floor.

Mr. SPARKMAN. The Senator has the floor for the time being.

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator from South Carolina has the floor. Does he yield to the Senator from Alabama?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama on the same conditions as heretofore announced.

Mr. SPARKMAN. I suggest to the Senator from Iowa that so far as the Supreme Court is concerned in two different cases, those who are recognized as great liberals on the Supreme Court decided in both cases that the person was entitled to a trial by jury. Perhaps that may not be true in the House. But certainly when the question was put to the test in the Supreme Court, the liberals definitely lined up in favor of the right of trial by jury.

I should like to address myself to the Senator from Wisconsin before he moves to recess the Senate.

Mr. PROXMIRE. I am almost ready to move that the Senate take a recess, but I should first like to ask the Senator from South Carolina a question.

Mr. SPARKMAN. I wanted to ask the Senator from Wisconsin a question on one point first. The Senator has frequently referred to the Dirksen-Mansfield amendment as being a reasonable compromise. I do not know how many Senators will agree with me, but I believe the Dirksen-Mansfield substitute is worse than no amendment at all.

I believe—and I speak only for myself—that I would rather risk having the bill remain silent in those sections where it remains silent on the question of trial by jury than to take the Dirksen-Mansfield amendment, because if it shall be adopted, Congress will have spoken, and the Supreme Court will be bound.

Mr. THURMOND. And we shall be setting a precedent by compromising the Constitution.

Mr. SPARKMAN. How do we know that the vote in the Supreme Court, as its membership changes, may not also change? I have observed many instances in which minority opinions became majority decisions within a year or two.

I had rather risk the chance of having the Supreme Court change its mind by a single vote—that is all it would take—than to have written into a provision that would definitely tie up the situation for all time and risk Congress, the legislative body, having said that a person is not as a matter of right entitled to a trial by jury. Such a decision would be made by predetermination of the judge sitting in the case, trying the case, being a witness against the defendant, preferring charges, hearing the testimony—usually his own reasoning—and then finding the defendant guilty and assessing the penalty.

If anything could be more contrary to American judicial practice of jurisprudence than that, I do not know what it is.

Mr. THURMOND. The Senator is eminently correct. When Congress has legislated on this subject in the past, it has provided for the right of trial by jury. It has done so in three distinct statutes. The only place in which the provisions was qualified was in the 1957 Civil Rights Act. At that time I spoke at length against the provision. At that time an attempt was made to qualify and compromise the situation.

The able Senator from Wisconsin, for whom I have great affection and high respect, said that the Dirksen-Mansfield proposal was a compromise. That is exactly what it is. It is an attempt to compromise the right of trial by jury provided in the Constitution. That is what I am opposed to.

Mr. PROXMIRE. Mr. President, will the Senator from South Carolina yield for a question on another point?

Mr. THURMOND. I shall be pleased to do so. Mr. President, I ask unanimous consent that I may yield to the able Senator from Wisconsin, on the same conditions on which I have yielded heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Earlier, the Senator from South Carolina stated the bill does not contain a definition of the word "discrimination." That statement has been made a number of times by various critics of the bill.

But I point out that in every title as to which discrimination would be significant, there is a clear definition—one which no one could confuse—which indicates exactly what is meant.

For example, in title I, on page 2, we find, beginning in line 9, and continuing for the rest of that page and on most of page 3, a definition of discrimination in voting, as follows:

> "(2) No person acting under color of law shall—
>
> "(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same country, parish * * *.

And later—

> "(B) deny the right of any individual to vote in any Federal election because of an error or omission * * *.

And so forth. That is a definition of "discrimination."

In title II, on page 6, "Injunctive Relief Against Discrimination in Places of Public Accommodation"—

> SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section * * *.

And an abridgment of that right would constitute discrimination.

On page 11, one finds a clear definition of "discrimination," under title III, "Desegregation of Public Facilities."

On page 13 is a clear definition that any person with commonsense could understand; it is set forth in very simple language, and it states what discrimination means under title IV, "Desegregation of Public Education"; and also on page 17, and all the way through, in title VI and in title VII.

So there can be no confusion as to what "discrimination" means.

It is said there is no definition of "discrimination" in the bill, in connection with education. But I submit that with all the specifics set forth in the bill, it seems to me it goes about as far as any other bill with which I am acquainted goes in stating in clear language what the key word means.

Mr. THURMOND. In reply, Mr. President, I repeat—and I am on sound ground—that the bill does not define "discrimination." The bill refers to certain things that shall not be done, but then refers to the word "discrimination." It provides that the Attorney General can institute suits, and so forth—but for what purpose? If there is discrimination. In other words, the point is "discrimination." And what is "discrimination"? "Discrimination" may be defined one way by one Government agency; it may be defined another way by another Government agency. For instance, the Department of Health, Education, and Welfare might withhold funds on one basis; the Department of Labor might withhold funds on another basis; the Department of Agriculture might withhold funds on some other basis. There is no clear-cut definition of what "discrimination" is.

How could a man be punished for contempt unless there was a concise, well-defined crime? That is a fundamental element in criminal law, as has been stated here tonight. The bill prohibits certain actions. But it circumvents the normal procedural safeguards available to those charged with transgressing statutory prohibitions, by invoking the injunctive process, something never designed for such a use. The bill resorts to the injunctive process and contempt proceedings for enforcing legislative enactments, rather than relying on the normal criminal procedure. This is why it is so essential that a jury trial guarantee be written into the bill.

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield briefly to me?

Mr. THURMOND. I yield.

Mr. SPARKMAN. I wish to call attention to page 25, which I have picked out at random.

> TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS
>
> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of

> race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

I ask the Senator from South Carolina to find anywhere there any definition of the word "discrimination."

Furthermore, let us remember that the first things named there are not "discrimination"; "discrimination" comes next.

In title VII—it is not found in title VI—there is a section which is given over to definitions.

Mr. PROXMIRE. Yes; and sections 704 and 705 are also given over to definitions.

Mr. SPARKMAN. But there is no definition of "discrimination."

However, I am really contrasting the treatment given in title VII to that given in title VI.

Mr. PROXMIRE. I should like to read the language to the Senator:

> SEC. 701. (a) The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, * * *.

And sections 704 and 705, in great detail and painstakingly, indicate what "discrimination" in this case amounts to.

Mr. SPARKMAN. But I was contrasting title VI with title VII. Title VI uses the term "discrimination" without defining it, and does not even have a section of definitions, whereas title VII has the long schedule of definitions.

Mr. THURMOND. And is it not true that if a man was to be punished, he would be punished, under these provisions, for being guilty of "discrimination"?

Mr. SPARKMAN. Yes; but in title VI there are no guidelines. I referred to it specifically. I cannot find the other references now; but I have heard some very fine lawyers, including the Senator from North Carolina [Mr. ERVIN] and the Senator from Mississippi [Mr. STENNIS], both of whom have been highly respected judges in their own States, state that "discrimination" is frequently referred to in the bill, but without definition.

Mr. THURMOND. There is no question of that. All one has to do is read the bill, and he will see that "discrimination" is not defined in it. But if one is to be held responsible, under a charge of criminal contempt—and criminal contempt is a crime—then it is clear that "discrimination" should be definitely defined and pinned down; the bill should state exactly what "discrimination" is, rather than to have the definition picked up from one part of the bill or another, in a loose form. If a man is to be charged with crime, the crime must be defined. This is the rule of discretionary power of man, rather than the rule of law.

Mr. PROXMIRE. But that is exactly what the bill does in title after title.

So far as title VI is concerned, it seems to me it is the extreme example of how very moderate the bill is. All kinds of precautions are provided, including—as one of many—a provision that the appropriate committees of Congress shall be notified 30 days in advance.

The Senator knows how careful the Secretary of Agriculture would be before he notified the Senate Committee on Agriculture, headed by the Senator from Louisiana [Mr. ELLENDER], and with its next ranking Members on that side of the aisle the Senator from South Carolina [Mr. JOHNSTON], the Senator from Florida [Mr. HOLLAND], the Senator from Mississippi [Mr. EASTLAND], the Senator from Georgia [Mr. TALMADGE], and so forth. In fact, the first six Senators in the list of the membership of the Committee on Agriculture and Forestry are from the deep South; and the Secretary of Agriculture must apply to that committee for authorization and support of his program.

Furthermore, the bill states:

> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in,

That is clear.

Then the bill states:

> Be denied the benefits of—

That is clear.

Then the bill states:

> Or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Mr. SPARKMAN. That is exactly what I said. In other words, in title VI there is no definition of "discrimination."

Mr. PROXMIRE. But the Senator realizes that each Department must in advance specify what its rules and regulations were in dealing with discrimination under this title. They must be specified, and a hearing must be scheduled in advance, and there must be a court review; and then the Congress must be notified 30 days in advance, before action was taken. So nothing could be done unless there was the strongest possible case of the grossest kind of discrimination.

So, in view of the way the bill is hedged about now, I think the Senator from South Carolina and the Senator from Alabama have nothing to worry about.

Mr. THURMOND. Would the Veterans Administration or the Department of Health, Education, and Welfare, in setting up regulations to administer the bill, define discrimination so that it would be clear what the term means?

Mr. PROXMIRE. When they draw up the regulations, they will indicate exactly what procedures will have to be taken. I do not believe that they have to define discrimination. I believe that the bill is clear in what is meant by that term.

Mr. THURMOND. Since the regulations would not define discrimination, some bureaucrat would make that determination.

Mr. PROXMIRE. Under that title it is clear that the bureaucrat could not do it.

Mr. THURMOND. We would have a rule by men rather than a rule by law. That is exactly what we would have under the bill, so long as discrimination is not defined.

Mr. SPARKMAN. With reference to title VI, I note what the Senator from Wisconsin has said about it being so protected, and that there is nothing for us to worry about. I know that the Senator from Wisconsin sincerely believes that. But I feel that title VI of the bill is perhaps the most vicious part of the bill.

I realize that there are other sections to which some Senators object much more strenuously than they do to title VI. As the Senator from Wisconsin has said, it may be that title VI will never be used very much. But the very fact that the power would be given to Government agencies to withhold tax funds, funds that are collected from people all over the United States, makes the provision most objectionable.

Mr. THURMOND. And without legislative guidelines.

Mr. SPARKMAN. Without legislative guidelines.

Mr. THURMOND. Which would mean a delegation of discretionary power.

Mr. SPARKMAN. And without standards being laid down, so that some who would have nothing to do with discrimination, such as hungry schoolchildren, would be penalized. For example, food would be taken from the mouths of hungry schoolchildren if the school lunch program were affected. We would take charitable welfare payments away from hungry people who need help. They might not have been guilty of any wrong. They would not have discriminated against anyone. And yet the bill would give agencies of the Government the right to penalize. Furthermore, they would be given the right to extend the penalty to a whole State and to a whole program.

President Kennedy correctly stated the situation when he said that the President did not now have such power and he did not believe that any President ought to have such power.

I think it is a vicious program. I understand that a motion will be made to strike that provision from the bill. I cannot help believing that Senators will vote to strike that provision from the bill.

Mr. PROXMIRE. I am sure that both the Senator from South Carolina and the Senator from Alabama know in their hearts that the President of the United States would not take away all aid from the people of a State.

Mr. SPARKMAN. Why give the President the power to do so? President Kennedy said that no President should have such power.

Mr. THURMOND. It is too much power for anyone.

Mr. PROXMIRE. I agree with what President Kennedy said. What he said has been misinterpreted. President Kennedy, and his brother, the Attorney General—who now supports that section—would support the section of the bill to which reference is made. They would do so because President Kennedy, President Johnson, President Goldwater, or any other President we might have would not deny under that section aid to any State across the board.

Mr. SPARKMAN. When President Kennedy first spoke on the question it was at a news conference. I heard the statement. He said, "I do not believe that I have that power; and no President ought to have the power."

Mr. THURMOND. Mr. President, I should like to ask the distinguished Senator whether he thinks Martin Luther King, if he were President, would exercise that power.

Mr. PROXMIRE. I believe Martin Luther King is one of the gentlest and most careful men in the country. If Martin Luther King were administering that power, he would administer it with care. Furthermore, if Martin Luther King were President of the United States, the Senator from South Carolina would probably be chairman of one of the committees and would see that the power was administered without damaging anyone.

Mr. THURMOND. The point I am getting at is that the Senator has expressed great faith in President Johnson. He has expressed great faith in "President" GOLDWATER. He has expressed great faith in all the various individuals about whom he knows. What would a President 25 years from now do, even if the Presidents whom the Senator has mentioned did not abuse the power? If future Presidents should have the power, is it not possible that some President in the future would abuse it?

The able Senator from Wisconsin has said that the chairman of the committee must be notified. Suppose that the chairman of the committee were notified. What could the chairman of the committee do about a situation if the chairman were notified? If that is the law and a bureaucrat executes the law in that respect, and if he persuaded the President of the United States to go along with him and approve the withholding, it would take effect.

Mr. PROXMIRE. Mr. President, the hour is very late. Senators who have not participated in the debate have been extremely patient. I should like to add that I think the chances of Martin Luther King or BARRY GOLDWATER becoming President are about the same. I have great admiration and respect for both men. I think they are fine gentlemen. But by referring to "President" GOLDWATER, I was not trying to predict anything.

Mr. President, in accordance with——

Mr. THURMOND. Mr. President, I have not yielded the floor.

I wish to thank the able Senator from Wisconsin for the questions which he has asked, and the able Senator from Alabama for his fine participation in the debate. I should like to suggest to the distinguished Senator from Wisconsin, because I know that he is a conscientious man, that he give the bill a great deal more thought and consideration. I realize his concern for human rights, but that is not the question. The question is not whether one is for civil rights or States rights, or whether he is white or nonwhite. If one opposes the shifting of power to the Federal Government, he ought to vote against the bill. I hope that the able Senator, after he gives the question careful thought, will conclude that the Federal Government in Washington has too much power now, and let us permit States and the people to retain what little power they have remaining. We do not wish to give the Central Government in Washington any more power that will bring tyranny to the people.

Mr. President, I yield the floor.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on Commerce, with amendments:

S.J. Res. 71. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer (Rept. No. 1022).

ADDITIONAL BILLS INTRODUCED

The following additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 2830. A bill for the relief of Wang Chi; to the Committee on the Judiciary.

S. 2831. A bill to amend the Watershed protection and Flood Prevention Act, as amended, so as to permit Federal cost-sharing for certain uses of water stored in reservoir structures constructed or modified under such act; to the Committee on Agriculture and Forestry.

RECESS TO 10 A.M., WEDNESDAY, MAY 13, 1964

Mr. PROXMIRE. Mr. President, pursuant to Senate Resolution 328, agreed to on yesterday, Tuesday, May 12, 1964; in accordance with the order entered on that day; and, as a further mark of respect to the memory of the deceased Representative CLARENCE CANNON, of Missouri, I move that the Senate now stand in recess until 10 o'clock a.m. today, Wednesday, May 13, 1964.

The motion was unanimously agreed to; and (at 12 o'clock and 17 minutes a.m.) on Wednesday, May 13, 1964 the Senate took a recess until 10 o'clock a.m. of the same day.

NOMINATIONS

Executive nominations received by the Senate May 12 (legislative day of March 30), 1964:

FEDERAL COMMUNICATIONS COMMISSION

Frederick W. Ford, of West Virginia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1964.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Coast and Geodetic Survey:

To be lieutenants (junior grade)

Robert A. Ganse
Rolland L. Lech
David V. Sibila
James H. Allred

To be ensign

Scott R. Walker, Jr.

In the Navy

Vice Adm. Elton W. Grenfell, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Vernon L. Lowrance, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be captain

Hesse, Russell S., O85565.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Atkinson, John H., 3d, O99605.
Brooks, Ronald E., O92359.
Cody, Michael A., O99626.
Fladd, Frederic H., O94386.
Foulds, David G., O94388.
Gants, Robert M., O93703.
Kovacs, Jerome P., O92615.
Laidlaw, Stephen R., O99675.
Matz, Stanford, O94407.
Paul, Gerald D., O99139.
Quandt, Donald L., O92817.
Schwend, William H., O99726.
Takamiya, Paul K., O93517.

The following-named persons for appointment in the Regular Army by transfer in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be captain

Fisher, George A. (MSC), O76124.

To be first lieutenant

Heitzman, Lawrence J. (MSC), O94760.

The following-named persons for appointment in the Regular Army of the United States in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be majors

Cassidy, Joseph B., O2014702.
Plosay, John J., Jr., O2033850.

To be captains

Anderson, James A., O4063710.
Anhalt, Walter C., O1922570.
Austin, Maynard A., O1925146.
Bellochi, Joseph F., O1882146.
Doty, Daniel W., O4006898.
Fulford, Clarence J., O4005196.
Gober, Floyd C., O1881526.
Goodwin, Willard C., Jr., O1931070.
Isaacs, Carroll C., O1923607.
Jones, Thomas J. P., O5405019.
Klingensmith, James P., O4009702.
Koehler, Joseph R., O4030919.
Martin, Arnold, Jr., O4021270.
Maynes, George E., O4026320.
McNeill, Charles L., O1931811.
Nakajo, Mas M., O2288017.
Oldinsky, Frederick E., O2262223.
Park, David B., O2268371.
Rayfield, William L., O4034362.
Sanabria, Robert, O4005034.
Sanderlin, Arnold E., O1923083.
Semmler, Robert L., O4013559.
Shreves, Charles L., O4026578.
Sisson, Deryl A., O4006330.
Thompson, William E., O2297844.
Vice, John R., O5405046.

To be first lieutenants

Alexander, William M., O5005323.
Coppin, Thomas S., O5509203.
Dickerson, Michael A., O5212019.
Drago, James P., O5000353.
Duey, William E., O5209961.
Eisele, Frederick W., O5211194.
Frink, Dennis D., O5308646.
Harleston, Robert A., O5205140.
Harrell, Ernest J., O5310078.
Hilby, Leslie E., O4050650.
Ingram, Donald C., O5211903.
Johnson, John O., O5405853.
Jones, Daniel M., O5308063.
Miller, Russell E., O5005746.
Moore, Laurence V., O4010763.
Morano, Michael, O5310918.
Mussells, John D., O5005488.
Nolan, William E., O5410481.
Reed, Lee S., O5310099.
Schrum, James R., O5510035.
Stetson, Sterling L., O5704131.
Sutton, James C., O5206212.
Westmoreland, Franklin D., O4071734.
Ziolkowski, Dennis B., O5405964.
Zook, Neil J., O5403044.

To be second lieutenants

Easum, Thomas P., Jr., O5406088.
Geer, James H., O5313564.
Gottman, Lloyd E., O5314007.
Grammas, George N., O5013750.
Hagenhoff, Stanley R., O5216013.
Hayes, Robert L., II, O5314721.
Kallay, Michael T., O5215345.
Kirby, Rance A., O5314544.
Lindorfer, John H., O5413891.
Livingston, John J., O5515572.
Logan, James A., O5515020.
Luallin, John S., O5515963.
Pascarelli, Philip A., O5015832.
Pierce, Robert V., O5214894.
Pincince, George S., O5216976.
Pratt, James T., III, O2310358.
Reynolds, Marcel F., O5516990.
Zetterberg, Robert W., O5314531.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3293, and 3294:

To be major, Medical Service Corps

Gallien, Garry G., O1545619.

To be captain, Army Nurse Corps

Gray, Jeannette M., N805721.

To be captain, Chaplain

O'Connor, Francis X., O5003713.

To be captains, Dental Corps

Austin, James D., Jr., O4042840.
Boylan, Peter A., O5216836.
Brusch, Walter A., O5518219.
Cavallaro, Carl J., O5004499.
Greene, James H., O1890694.
Gum, Coleman P., Jr., O5216819.
Jones, John C., O2304956.
Kaplan, Martin, O5004907.
Kirk, George A., O5501659.
Konzelman, Joseph L., O4065955.
Posey, William R., O5315576.
Scott, Gary C., O5315747.
Thomas, William M., Jr., O5307039.
Valha, Daniel J., O5518700.
Vandrak, Robert F., O5216859.

To be captains, Medical Corps

Baden, Melvin, O5012574.
Bartley, Joseph D., O4011944.
Boroian, Theodore V., O5014513.
Brandlinger, Dirck L., O4033271.
Cotton, Bernice P., O5203143.
Fariss, Bruce L., O5219944.
Follansbee, John N., O75584.
Gooding, Ronald S., O75596.
Hall, Augustus A., Jr., O2300699.
Jones, Franklin D., O2305068.
Lenczyk, Joseph M., O5206030.
Lichtmann, Manfred W., O4074772.
Logan, Laurence J., O5700000.
Lutton, Charles E.
McNeill, Thomas P., O5220000.
Moody, John P., O5220227.
Motes, Joseph L., Jr., O5306982.
Pettyjohn, Frank S., O4068363.
Price, Harold M., O5203799.
Rahdert, Richard F., O5501045.
Randolph, Gerald G., O5300570.
Reamy, Kenneth, O5219953.
Runyan, Thomas E., O75786.
Setzer, Edward H., O4045086.
Schaefer, Charles E., O2305197.

To be captains, Medical Service Corps

Pennington, Neil E., O4025189.
Rengstorff, Roy H., O2284003.

To be captain, Veterinary Corps

McQuilkin, Stephen E., O5500916.

To be first lieutenant, Army Nurse Corps

Nolfe, Vera A., N2299376.

To be first lieutenants, Dental Corps

Goldberg, Stuart E., O5014974.
Holden, Richard C., O5525279.
Tempel, Thomas R., O2312610.

To be first lieutenants, Medical Corps

Abrams, Arthur J., O2313130.
Brettner, Alfred
Carolan, Patrick J., O2309342.
Fishburn, Bruce R., O2301090.
Fleurant, Lucien B., O2313050.
Gibbons, Robert B., O5704165.
Gross, Alton F., O5210988.
Handley, George J., O2313046.
Hansen, Raymond A., O5219979.
Harrison, Charles S., O2313000.
Hess, Richard J., O2313049.
Hofeldt, Fred D., Jr., O5708503.
LeVine, Richard B., O2313092.
Linden, David A., O2313098.
Liptak, Richard A., O5408460.
Llewellyn, Craig H., O5004758.
Lockett, Bobby L., O2313096.
Maloney, Christopher T., O5308584.
Matz, Edward M., Jr.
Nelson, James H., O5501660.
Ribbe, Robert E., O5510347.
Rock, Nicholas L., O5210331.
Solomon, Herbert M., O2313081.
Stevens, Kenneth M., O2313074.
Stevenson, James R., O2313072.
Thomas, Stephen R., O5408269.
Whaley, Sidney F., Jr., O5219895.
Yelland, Graham, O5012880.

To be first lieutenants, Medical Service Corps

Creighton, James P., Jr., O2300396.
Helton, Bobby K., O5410400.
Holcomb, Robert E., O2299034.
Iber, Peter K., O5207388.

To be first lieutenants, Veterinary Corps

Smith, Paul C., O5219986.
Stephenson, Edward H., O5408686.

To be second lieutenant, Medical Service Corps

Erskine, John F., O2309756.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Guy, Robert L.
McKiness, Douglas R.
Myers, William D.
Simon, Roger P.
Smith, David N.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Amedick, Paul F.
Avery, Ronald L.
Basham, David L.
Belin, George R., Jr.
Bennett, David W.
Blalock, Harry H.
Borg, Ronald A.
Bradley, John
Buckles, Richard L.
Buehler, Christian J., III
Burch, John T., Jr.
Burley, John L.
Burns, Edward C.
Cameron, Wilbert J., Jr.
Campbell, James L.
Carnes, Robert D.
Carter, Virgil R.
Coggin, John D.
Coleman, Dale
Daily, Robert R., Jr.
Davis, Larry J.
Davis, Stewart P.
Dollar, William M.
Doyle, Patrick D.
Duke, Wayne M.
Duble, Kirk H.
Edler, James H.
Ehle, Paul E.
Elliott, Emory B., Jr.
Freson, Raymond D.
Gates, Wayne L.
Gaydos, Roger J.
Gersten, Michael E.
Gillen, Philip J. O5017370
Gimbert, Robert A.
Ginn, Jerry W.
Goodfellow, Robert A., Jr.
Gralla, Lawrence J.
Grant, Ernest R.
Gventer, Elliott J.
Hall, Roger P.
Harvey, Ernest B., Jr.
Heard, George L., Jr.
Herold, Thomas J.
Holms, Richard L., Jr.
Holochwost, Gregory G., Jr.
Houston, William R., Jr.
Israel, James L.
Jappen, John W.
Johnson, Allan W.
Johnson, Bobby D.
Johnston, J. Ford, Jr.
Jump, Robert K.
Kasprisin, John E.
Keir, Gerald J.
Kenison, Charles B.
Killoy, David H.
Kirkpatrick, Donald P.
Kollarik, Donald M.
Kotch, Stephen, Jr.
Krutulis, Joseph W.
Kuzmick, Joseph R.
Lofts, Robert H.
Lowe, Richard V.
Lufkin, Daniel F.
MacDonald, Charles P., III
Marinelli, Libero, Jr.
McInnis, William L.
Morgan, Richard J., Jr.
Morton, Robert L.
Myers, Thomas C.
Newman, Thomas K.
Oliva, Carmine
O'Reilly, Charles A., III
Parrish, Brainerd S.
Perkins, Ralph F.
Peterson, James R.
Popp, Ronald S.
Priest, James H.
Rasor, Sam J., Jr.
Reilly, Terry H.
Ricketts, Steven W.
Robbins, John E.
Rose, Joseph S., Jr.
Ryan, Michael J.
Schaufelberger, John E.
Shurtleff, Charles H., Jr.
Smith, Douglas M.
Spear, Albert C.
Spencer, Thomas G.
Stoke, James A.
Stumpf, James C.
Szymanski, Robert
Taylor, Erle A., Jr.
Taylor, John W., Jr.
Tennis, Darrell R.
Terry, John F.
Thomas, John S.
Thompson, Robert A.
Usher, David J.
Vaillancourt, Kenneth J.
Van Steenhouse, Larry J.
Vooys, Daniel F.
Waggoner, Carl C., Jr.
Waite,Wallace W.
Wall, Thomas D.
Ward, Dennis
Wehunt, Clyde L.
Welch, John C.
Wickman, Lance B.
Winter, Terry M.
Womble, Carl C., Jr.
Woolley, Bobby J.
Wright, Michael L.
Zschoche, Robert C.

The following-named cadets, graduating class of 1964, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3284 and 4353:

Adair, William H.
Adams, James L.
Alitz, Douglas A.
Ames, Robert A.
Amrine, Robert M.
Anderson, Norman L.
Anderson, Raymond W.
Andrews, Andrew E.
Annan, William M.
Anthony, Thomas E.
Arnold, Joseph C.
Arrington, John W.
Bachman, Howard F.
Badger, Thomas A.
Bain, Seavy A., Jr.
Balderson, Robert A., Jr.
Baldwin, Roger L.
Ballagh, Robert S., Jr.
Banovic, Daniel M.
Baratto, David J.
Barr, Douglas H.
Baseheart, George M.
Bast, Christopher O.
Beasley, Clifford M., Jr.
Beck, William R.
Bedell, Larry L.
Beierschmitt, James J.
Bennett, Douglas P.
Bennett, Jay F.
Bergen, John D., Jr.
Bergman, David M.
Bertelli, Paul F.
Bettner, Steven M.
Biank, Samuel A., Jr.
Bigelow, James E., II
Binney, David G.
Bischoff, Eric L.
Black, Billy R.
Bloomfield, Kenneth E., Jr.
Bolen, William R.
Boone, Howard E.
Bowers, Michael J.
Boyd, Hugh F., III
Bramlett, David A.
Bramlette, Larry J.

Brennan, Mark P., Jr.
Brewer, Larry K.
Brinkman, Edward P.
Brokaw, Milton J.
Brooks, Michael D.
Brown, Charles T., Jr.
Brown, Gerald C.
Brucker, Willis H.
Bryan, Larry A.
Buckley, Michael J.
Buckner, Roy C.
Bujalski, David A.
Burney, Samuel M., Jr.
Butler, Thomas W., III
Campbell, Ralph J.
Carlson, Robert H.
Carr, Richard L., Jr.
Carson, James M., Jr.
Carter, Ian B.
Carver, George A., Jr.
Cary, John R., Jr.
Case, Melvin E.
Cate, Paul E.
Caudill, Watson G., Jr.
Cecchine, Gary A.
Cesarski, William V.
Chapman, Thomas W.
Charron, Leo D., Jr.
Chescavage, William A.
Chilcoat, Richard A.
Chmielak, Jerome A.
Christensen, Alan N.
Clark, John R.
Cobbs, James S.
Colburn, Neville
Coleman, Frederick W., IV
Collins, Francis J.
Connor, William M., Jr.
Conway, Michael J.
Cook, Michael R.
Cope, John A., Jr.
Corbett, David A.
Corey, Joseph J., Jr.
Corley, Bruce R.
Cornell, James E.
Cotter, Donald B.
Covington, Terrell G.
Craighill, Robert R., Jr.
Crissman, Kearney W. Jr.
Cromartie, George D., Jr.
Cross, Ronald M.
Culp, Dennis K., Jr.
Cunningham, Thomas N.
Curran, Thomas M.
D'Alessandro, Peter L., Jr.
Daly, James M., Jr.
Danylchuk, Peter R.
Darrow, John H.
Davis, Curtis A.
Davis, Richard W., Jr.
Davis, Walter W., Jr.
Davison, Michael S., Jr.
DeGon, Kenneth M.
Desjardins, George P., Jr.
Deter, Daniel E.
Dexter, Richard P.
DiNeno, William T.
Domas, George J., Jr.
Dooley, Thomas F.
Doolittle, Robert J., Jr.
Downey, James P.
Draper, Stephen E.
Duffy, John P.
Dunmar, John H.
Durfee, Thomas J.
Dye, Carl E.
Dykes, Andrew A.
Efird, Crayon C., Jr.
Egnar, George F.
Eklund, Kenneth R.
Elson, Peter M.
Erdmann, Thomas J.
Evans, Daniel M., Jr.,
Faddis, Roy J.
Farnsworth, John A., Jr.
Faulds, Thomas G.
Ferry, Bernard A., Jr.
Finno, Roy S.
Fishback, David N.
Fisher, George A., Jr.
Fitzgibbon, Daniel H.
Flint, Charles K., III
Fly, Francis L., Jr.
Foster, Robert B.
Fracker, Stanley S., III
Fraser, Harvey R., Jr.
Freeman, Waldo D., Jr.
Fulco, Albert P., Jr.
Galloway, Denis W.
Galton, Mark C.
Gantsoudes, James G.
Gaylor, Arnold H.
Gesner, Robert W.
Gill, Norman W., Jr.
Gillem, Dennis J.
Gilson, Dennis R.
Gleszer, Peter E.
Goff, Clifford N., III
Graham, John M.
Grasfeder, Lee R.
Graves, Patrick H., Jr.
Graw, LeRoy H.
Gray, Frederic C., III
Gray, Richard L.
Green, Martin L., Jr.
Gregson, Robert M.
Greiner, Bruce I.
Griffith, Michael W.
Grimes, Everett D.
Grisham, James W.
Grubbs, John H.
Grunstad, Norman L.
Guthrie, William E.
Hall, Donald A.
Harding, James R.
Hardy, Leonard D., Jr.
Harnisch, John M.
Harris, Randolph L. P.
Hartle, Anthony E.
Hartley, George M.
Hartman, Clarence B.
Harvey, James F.
Hatfield, Harold M., Jr.
Haydash, Edward J., Jr.
Hayward, Gregory J.
Hegglund, James W.
Heneman, Helmuth J.
Henry, William A.
Herdegen, Lawrence M., Jr.
Heydt, Richard H.
Hickson, Robert D., Jr.
Higbee, Roger C.
Hillard, George O., III
Hillyer, Robert A., Jr.
Hinshaw, Frederick M., Jr.
Holdsworth, David R.
Holeman, J. B., Jr.
Hoover, William O., Jr.
Hornbarger, Daniel H.
Horstman, Michael L.
Hottell, John A., III
Howard, Bruce L.
Howard, John D.
Hudgins, Seth F., Jr.
Hughes, Justin R.
Hughey, Philip J.
Hutchison, Charles T., III
Induni, Stephen J.
Jackman, William L.
Jackson, Charles L., II
Jacunski, George G.
Janairo, Antonio R.
Jerge, Louis A.
Jinks, Jimmie R.
Johnson, Gary R.
Johnson, Max W.
Johnson, Robert L.
Jones, Allen F.
Jones, Raymond M.
Jones, Roy, Jr.
Kaufman, Harold J.
Kelley, Kevin C.
Kelly, Arthur M., Jr.
Kelton, Earl R.
Kempinski, Chester F.
Kerns, Thomas C.
Kierstead, Arthur E., Jr.
Kiley, Michael J.
Kindleberger, Harold P.
Kirkpatrick, David G.
Kite-Powell, Christopher R.
Kleb, Geoffrey H.
Klein, Robert J.
Kluess, Calvin R.
Klunk, Daniel S.
Knell, Raymond E.
Knight, Richard G.
Knutzen, John A.
Kobayashi, Ted M.
Kofalt, James A.
Koster, James L.
Koterwas, Donald J.
Kotrc, James C.
Kowalchik, Michael J.
Kresefski, Leonard A.
Kufeke, Ralph P.
Kullman, Thomas M.
Kvam, Kenneth C.
LaVoy, Gary R.
Lake, Joseph R.
Lamback, Samuel P., Jr.
Lambert, Franklin P.
Lamkin, Fletcher M., Jr.
Landgraf, William H.
Lang, John W., III
Larson, Jeffrey A.
Latimer, David M., Jr.
Lee, Dwayne G.
Legan, Thomas L.
Lent, Morris J., Jr.
Leonard, Michael
Levin, Daniel
Lew, James W.
Leyerzaph, John W., Jr.
Lind, Ronald W.
Lindou, James R.
Lough, Maurice T.
Louis, Geoffrey R.
Lozeau, Arthur G.
Luckie, William J.
Lucyk, Edward J.
Lynskey, Jerrold J.
Macchiaroli, Charles R
Macia, James H., III
Mack, Arthur R.
Mackey, Edward E.
Madsen, Per I.
Magnell, Carl O. P.
Magruder, Robert B.
Major, William J., Jr.
Manton, Terry D.
Marino, Benedict T.
Markowski, Eugene P.
Mashburn, Frank C., Jr.
Mastriani, Joseph A.
Matsumoto, Robert K.
Mayhew, William J.
McAdams, Richard C.
McAteer, Peter J.
McCaffrey, Barry R.
McClure, James R., III
McCormack, Harold D.
McCormack, James R.
McCoy, Bob F.
McCutchan, James B.
McKinley, Bruce A., II
McKinley, Michael J.
McKittrick, James C.
McLaughlin, Stanley A.
McLemore, Eugene M., Jr.
McMakin, William H., Jr.
McNulty, James F.
McWatters, Jack W.
Melchiori, Remo, Jr.
Merritt, Robert G., III
Meyer, Peter J.
Michela, Robert J.
Michlik, Martin J.
Millacci, Thomas E.
Miller, Brink P.
Miller, Charles S.
Miller, Jack T.
Miller, Michael D.
Miller, Warren, F., Jr.
Miller, William J.
Missal, Joseph B.
Moakley, Geoffrey S.
Monson, Robert E.
Moomaw, Robert C.
Moran, Michael J. R.
Morgan, Ted G.
Morton, Hugh P.
Moss, Robert V.
Mozden, James P.
Muir, James I., III
Muratti, Jose A., Jr.
Murdy, William F., II
Murphy, Kevin R.
Murray, John F.
Nahas, Nicholas M.
Nanstad, Randy K.
Nawrosky, Michael R.
Neale, Justice W.
Nichols, Harwood S., III
Nischwitz, John A.
Normyle, James W.
North, Robert L.
Nowak, Richard A.
Nunn, Jack H.
O'Brien, Joseph J., Jr.
O'Connor, Dennis J.
O'Donnell, James E.
O'Neal, Douglas P.
Odom, Ronald G.
Oehrlein, Richard V.
Orndorff, Christopher M.
Orr, Robert H.
Otjen, John P.
Overton, Stephen M.
Pachler, Francis T., Jr.
Page, Gary O.
Palko, Joseph E.
Palma, Gerard V.
Palmer, Allyn J.
Parker, Arthur E., III
Payne, William B.
Pedersen, James H.
Pells, Russell K.
Pembrook, Stephen B.
Perryman, Steven
Piekarski, Richard A.
Pietsch, Kent L.
Pittman, James T.
Ponzoli, Gary P.
Pope. Frederick M.
Popp, James L.
Powers, James C.
Powers, James W.
Price, John S.
Prothero, Michael B.
Quann, Brendan T.
Quist, Frederick F.
Reed, Podge M., Jr.
Reese, Thomas F.
Reh, Donald C.
Reich, Robert M.
Renfro, Don L.
Rennie, Paul T.
Revie, Charles D.
Reynolds, William J.
Rezek, Ronald E.
Rhoades, Gordon T.
Richard, Michael W.
Richards, John L.
Roberts, Norman L., Jr.
Roberts, Thomas C., Jr.
Roberts, Thurman M., Jr.
Robertson, William N., III
Robinson, Karl W.
Roby, Edward F., Jr.
Roesler, David E.
Roller, Barry J.
Roller, John F., Jr.
Rusnak, Terrance J.
Russell, W. Arthur, Jr.
Russo, Alan M.
Ryan, James P.
Ryan, Martin F.
Sam, John R. E.
Sanderson, Michael C.
Sandman, Robert B.
Schillo, Edward C., Jr.
Schmeelk, Peter G.
Schoonover, James F., Jr.
Schou, Dirck T.
Scotnicki, John P., Jr.
Seeber, Joseph G.
Seely, William H., Jr.
Seiler, Dennis L.
Serio, Robert F., Jr.
Shaughnessey, Peter M.
Shive, Donald W., Jr.
Shoemaker, Philip H.
Shoemaker, Raymond L., III
Shore, Christian M.
Simonis, Joseph W.
Sims, Eddie R.
Sinclair, Robert B.
Sleet, Phillip M., Jr.
Smith, David M.
Smith, George F.
Smith, Harold W.
Smith, Norman S., Jr.
Smith, Wiley R.
Solomon, Steven P.
Sornson, Roger L.
Spannaus, Owen L.
Speedy, John C., III
Spinosa, Ray D.
Sprague, Kenneth E.
Stanko, John R.
Stapleton, James B., Jr.
Stepek, David F.
Stephenson, Francis J., Jr.
Sternberg, Ben, Jr.
Stone, Dee W., Jr.
Stone, Edmund C., III
Straub, William J.
Sullivan, Eugene R.
Szekely, Akos D.
Tanner, William P., III
Tate, John H., II
Taylor, Frederick C.
Temple, Albert W., Jr.
Tetu, Robert G., Jr.
Thomas, Henry L.
Thomas, Thomas N.
Thurston, Clair H., Jr.
Togashi, Theodore T.
Tratensek, Milivoj
Traylor, John A.
Treado, Alvin D.
Treweek, Gordon P.
Trifiletti, Anthony C.
Ugland, David L.
Ullmann, Donald F.
Vaughan, Herbert G.
Vineyard, William R.
Von Freymann, Ronald
Vondruska, George B.
Wade, David C., III
Waldrop, Kenneth M.
Walk, Cary J.
Walters, Robert J.
Ward, John H.
Warner, Jeffrey K.
Wass de Czege, Huba
Weathers, Robert L., Jr.
Webb, Alfred N., Jr.
Weber, John P.
Weisel, Stephen L.
Weiss, Arthur D.
Werner, Gerald C.
West, Arthur L., III
Wheeler, Wayne R.
White, David A., Jr.
Wikan, Michael E.
Wilcox, Charles K.
Wilderman, Glenn R.
Williams, Albert C., Jr.
Williamson, Ronald F.
Wilson, Howard W.
Winkler, John K., Jr.
Winter, Carl J., Jr.
Winters, David R.
Winton, Harold R.
Woodle, Clyde E., Jr.
Woolsey, George T.
Wright, Robert E.
Wright, Thomas L.
Wynn, Robert E.
Yankoupe, Roger F.
Young, Robert F., Jr.
Yourtee, Leon R., III
Zengerle, Joseph C., III
Ziegler, William A., Jr.
Zimmerman, Henry H., III

The following-named midshipmen, graduating class of 1964, U.S. Naval Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284, and 3287:

Due, William F., Jr.
Scott, Richard P., Jr.

The following-named cadet, graduating class of 1964, U.S. Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284, and 3287:

Reeves, Robert L.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 12 (legislative day of March 30), 1964:

The nomination sent to the Senate on March 11, 1964, of Jay R. Farmer to be postmaster at Centerville, in the State of Utah.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 12, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 15: 33: *Now the God of peace be with you all.*

Almighty God, as we address ourselves daily to the difficult task and heavy responsibility of building a better world, may we be blessed with the guidance of Thy divine spirit.

Show us how we may encourage the hearts of our leaders and chosen representatives who are striving to achieve for our beloved country and all mankind a nobler and happier way of life.

Grant that selfishness and self-interest may never impede the progress of the spirit of friendship and brotherhood which Thou hast ordained as the natural and normal feeling in the sphere of human relationships.

Inspire us with those dynamic and victorious virtues of goodness and love and may we seek to leave behind all antipathies and antagonisms which still play such havoc with lofty aspirations for peace and good will.

We thank Thee for the life and many years of faithful ministry of one of our colleagues who now dwells with Thee in eternal blessedness. Grant unto the members of his bereaved family the consolation of Thy grace.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF MEMBER

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania, Mr. William J. Green III, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Member-elect will present himself before the bar of the House.

Mr. GREEN of Pennsylvania (accompanied by Mr. Morgan) presented himself at the bar of the House and took the oath of office.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, without establishing a precedent, I ask unanimous consent that all Members desiring to do so may extend their remarks in the Congressional Record and include pertinent extraneous data.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE LATE HONORABLE CLARENCE CANNON

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. Karsten].

Mr. KARSTEN. Mr. Speaker, it is with great sadness and heartfelt sorrow that I inform the House that our beloved colleague, Clarence Cannon, passed away at 4 o'clock this morning at the Washington Hospital Center.

His death takes from our midst a great American, an outstanding legislator, and one of the most eminent parliamentary authorities in the world. Clarence Cannon's superior parliamentary and legislative skills were without equal. His many contributions to the functions of the House of Representatives will endure as a permanent part of our system of government. Teacher, lawyer, author, parliamentarian, statesman, and Congressman extraordinary describe Clarence Cannon. His great and good works will live in the history of our country and in the hearts of those of us who were privileged to know him.

He was a modest man, yet all of us in the House know the heavy burden he bore as chairman of the great Committee on Appropriations. His capacity for work was unlimited and he completely dedicated his life to the service of his district, his State, and his country. We shall look long before we find another man of his devotion to duty, another man who contributed more of himself to his assigned role in life.

Clarence Cannon was born in Elsberry, Mo., April 11, 1879. He was graduated from La Grange Junior College in 1901, from William Jewell College in 1903, and from the Law Department of the University of Missouri in 1908.

From 1904 until 1908, he served as professor of history at Stephens College and, thereafter, upon being admitted to the Federal and State bars, entered the practice of law at Troy, Mo.

During the 64th, 65th, and 66th Congresses, he served as Parliamentarian of the House of Representatives. From 1920 until 1960, he was parliamentarian of the Democratic National Conventions. He was the author of: "A Synopsis of the Procedure of the House"; "Cannon's Procedure in the House of Representatives"; "Cannon's Procedure"; "Convention Parliamentary Manual" as well as numerous treatises on parliamentary law; and was editor and compiler of "Precedents of the House of Representatives."

Clarence Cannon was first elected to the 68th Congress, March 3, 1923. He has served longer in the Congress than any other man in the history of the State of Missouri. He also established another record by serving as chairman of the House Committee on Appropriations longer than any other man in the history of our Nation.

Though Clarence Cannon is gone, the outstanding service he rendered to his country will long stand as a monument to his name.

His lifelong inspiration was his charming and gracious wife, Ida, who like her illustrious husband has the touch of greatness. She was his guiding star. I know all of the Members of the House join me in extending our heartfelt sympathy to her and the other members of the family in their great sorrow.

Mr. Speaker, this is in the nature of a statement rather than a eulogy. I announce that a week from Thursday we shall have eulogies for our departed dear friend.

Mr. Speaker, I offer a resolution, which I send to the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 718

Resolved, That the House has heard with profound sorrow of the death of the Honorable Clarence Cannon, a Representative from the State of Missouri.

Resolved, That a committee of forty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee to attend the funeral of our late beloved colleague the following Members on the part of the House: Mr. Karsten, Mr. Mahon, Mr. Kirwan, Mr. Jensen, Mr. Whitten, Mr. Horan, Mr. Rooney of New York, Mr. Fogarty, Mr. Sikes, Mr. Gary, Mr. Evins, Mr. Passman, Mr. Jones of Missouri, Mr. Boland, Mr. Bolling, Mr. Curtis, Mr. Lesinski, Mr. Laird, Mr. Pillion, Mrs. Sullivan, Mr. Natcher, Mr. Flynt, Mr. Flood, Mr. Denton, Mr. Hull, Mr. Minshall, Mr. McFall, Mr. Michel, Mr. Montoya, Mr. Conte, Mr. Langen, Mr. Milliken, Mr. Shipley, Mr. Slack, Mr. Smith of Iowa, Mr. Randall, Mrs. Hansen, Mr. Wilson of Indiana, Mr. Addabbo, Mr. Finnegan, Mr. Hall, Mr. Joelson, and Mr. Ichord.

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 13, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2057. A letter from the Assistant Administrator for Program, Agency for International Development, Department of State, transmitting a report for fiscal year 1962 containing the information required by section 634(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2058. A letter from the Assistant Administrator for Program, Agency for International

Development, Department of State, transmitting a report for fiscal year 1963 containing the information required by section 634(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2059. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of Federal contributions program—equipment and facilities for the quarter ending March 31, 1964, pursuant to the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2060. A letter from the Administrator, General Services Administration, transmitting a draft of a proposed bill entitled "A bill to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 11 million pounds of molybdenum from the national stockpile"; to the Committee on Armed Services.

2061. A letter from the Comptroller General of the United States, transmitting a report on the inadequate rental rates for Government-owned housing at the Brookhaven National Laboratory, Atomic Energy Commission; to the Committee on Government Operations.

2062. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of the orders entered in the cases of certain aliens who have been found admissible to the United States, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

2063. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority was exercised in behalf of such aliens, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 1584. An act to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes; without amendment (Rept. No. 1391). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 1687. An act to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District; without amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 3498. A bill relating to the marking requirements for imported cigar labels and bands and for other imported labels; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS: Committee on Post Office and Civil Service. H.R. 5481. A bill to provide for more uniform application of section 4369 of title 39, United States Code, which pertains to filing of information relating to second-class mail publications; without amendment (Rept. No. 1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 5986. A bill to amend the Tariff Act of 1930 with respect to the rate of duty on brooms made of broomcorn; with amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY:

H.R. 11217. A bill to authorize the Secretary of the Treasury to enter into contracts in connection with the production of coins; to the Committee on Banking and Currency.

By Mr. HARVEY of Michigan:

H.R. 11218. A bill to authorize certain loans by national banks to aid in the rehabilitation of urban areas; to the Committee on Banking and Currency.

By Mr. O'HARA of Michigan:

H.R. 11219. A bill to amend the Fair Labor Standards Act to extend its protection to employees of certain hospitals and nursing homes; to the Committee on Education and Labor.

By Mr. OSTERTAG:

H.R. 11220. A bill to provide that amounts paid for medical and dental care (including amounts paid for medicine and drugs) shall be allowed as a deduction to the extent that the aggregate of such expenses exceeds 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 11221. A bill to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for contributions and gifts to civic organizations; to the Committee on Ways and Means.

By Mr. WHITENER (by request):

H.R. 11222. A bill to make certain technical amendments to the Horizontal Property Act of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRIEDEL:

H. Res. 719. Resolution to remove certain inequities with respect to the longevity compensation of certain members of the Capitol Police; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to renaming the Tehama-Colusa Canal, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAHILL:

H.R. 11223. A bill for the relief of Edward G. Morhauser; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H.R. 11224. A bill for the relief of Robert M. Talbot; to the Committee on the Judiciary.

H.R. 11225. A bill for the relief of Robert M. Talbot; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Independence Day of Laos

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1964

Mr. POWELL. Mr. Speaker, yesterday the Kingdom of Laos celebrated the 17th anniversary of her independence. On this memorable occasion, we take pleasure in extending warm felicitations to His Majesty King Sri Savang Vatthana; His Excellency the Prime Minister, Prince Souvanna Phouma; and His Excellency the Lao Ambassador to the United States, Prince Khampan.

On May 11, 1947, Laos became a self-governing country, free of colonialism. It resumed independence under a constitution written by the National Constituent Assembly. The ancient kingdom of the million elephants was reestablished under King Sisavang Vong, and took its place as one of the best known countries in Asia.

Since 1947 the Laotian people have known many years of suffering. Their land has been the scene of almost constant warfare. The ideological struggle of foreign nations has entered their quiet kingdom and disturbed the peace they hoped to find in independence.

But nevertheless the gentle people of Laos, displaying amazing courage and skill, have improved their country significantly. Education is rapidly reaching every village. Some industry is developing and the traditional crops of rice, cotton, tobacco, and so forth are being grown in constantly increasing quantities. Through independence the people of Laos are gradually bringing their nation into a more modern age.

Every year since 1947 the people of Laos and the United States have developed closer relationships. It has been the strong hope of the American people to see an independent Laos making peaceful progress. We have been most happy to aid Laos every way we can. Many Laotians are in the United States now visiting and going to school. And many Americans are in Laos doing whatever they can to help a deserving people preserve and improve their freedom.

There are forces at work which seek to destroy the independence of Laos. The men directing this attack would remove the ancient Buddhist religion of the people. They would destroy the cultural and social characteristics that have distinguished Laos for centuries. It is the struggle of the Laotian people against these men which has been the greatest drawback to independence for 15 years.

As we look around the world we can see many countries where independence day is no longer freely celebrated. To desire independence in those countries is to revolt against the international empire of Soviet Russia. We are gratified that Laos is able to celebrate its independence day this May 11. Let us hope that many more May 11's will come and go in Laos with freedom and happy celebrations.

On May 11 the people of the United States honor Laos, a gallant nation, and send our words of hope for freedom and peaceful resolution of conflicts. In the words of the Master Buddha Sakyamuni spoken 2,500 years ago:

> The middle course is the course in which eyes will be opened and intelligence enlightened. It leads to peace, lucidity and serenity.

A Tribute to the Rochester Joint Board on the ACWA 50th Anniversary

EXTENSION OF REMARKS

OF

HON. FRANK J. HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1964

Mr. HORTON. Mr. Speaker, last Saturday, May 9, was the 50th anniversary of the founding of the Amalgamated Clothing Workers of America by Sidney Hillman. Through the years, this organization has evolved into a highly honored and widely respected institution. It has pioneered the constructive role labor unions have taken in the economic and social growth of our Nation.

In Rochester, N.Y., a city I am proud to represent, the Amalgamated is a leader in community life. The Rochester Joint Board represents 12,000 members in Rochester and vicinity. Among its many worthwhile interests are programs to retrain workers displaced by automation, to eliminate slums and racial barriers in housing, and to strengthen cultural and educational facilities.

The Rochester Joint Board also is concerned with the health of its members and their families. In 1962, it established the Sidney Hillman Health Center to provide diagnostic medical examinations. The center is operated jointly with the manufacturers whose employees are Amalgamated members.

Under the able leadership of Abraham Chatman, Rochester's largest union has achieved such stature that the National Planning Association has studied its contractural arrangements with one of the city's major clothing firms, the Hickey Freeman Co., as a model of harmonious labor relations.

The Amalgamated has such a high reputation that employees of other Rochester industries have become encouraged to seek representation by the union. Now the union represents workers who produce such diverse items as xerographic equipment, food, buttons, cosmetics, and paper boxes.

I salute the Amalgamated Clothing Workers of America on this its 50th birthday. Its sound business and social practices have been instrumental in making Rochester the major clothing market it is today. This fine organization is a credit to the many honest, hardworking Americans who comprise its ranks. I look forward to the continued growth and prosperity of this worthy institution.

The Country Owes Chairman Wright Patman a Debt of Gratitude for Keeping Interest Rates From Rising

EXTENSION OF REMARKS

OF

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1964

Mr. VANIK. Mr. Speaker, there is an interesting tidbit on page 2 of yesterday morning's Washington Post. It only took up about 3 inches, but its significance is much greater than its lineage indicates:

> MARTIN IN STEP: SMARTY PANTS JOHNSON AND THE AMERICAN DREAM
>
> Never underestimate the importance of those escorted strolls around the White House rose garden. Last Tuesday the President's companion for seven laps was William McChesney Martin, the redoubtable Chairman of the Board of Governors of the Federal Reserve System, a man who swings sufficient influence to nullify the effects of the tax cut by tightening credit. On Wednesday Martin told a large audience of top business executives assembled by the Advertising Council that he had changed his mind about the need for raising interest rates.

According to the Post, William McChesney Martin, the Chairman of the Federal Reserve Board and President Johnson took seven laps around the White House rose garden last Tuesday. On the following day, Chairman Martin told a panel of the Advertising Council that the Fed was not going to push interest rates up any further at this time. Of course, Mr. Martin did not quite put it this way. He said the market was not going to push interest rates up, but since the Federal Reserve System controls the Government securities market and the total supply of bank credit, this means that the Fed is not going to push up interest rates—for the moment.

Mr. Speaker, the Post article tells only a part of the story behind Chairman Martin's decision, and I would like to take this opportunity to complete the record. This country owes a great debt of gratitude to the gentleman from Texas, the chairman of the Banking and Currency Committee. As in 1960, Chairman PATMAN foresaw the recent attempt to push interest rates on Government securities above the 4¼-percent limit which Congress has maintained since 1918. As in 1960, Chairman PATMAN formed an unofficial steering committee to oppose any such attempt.

More than 50 Members, including myself, joined that committee, and when the Treasury pushed its latest offering a few days ago right up to the 4¼-percent limit, Mr. PATMAN was ready.

Tighter money and higher interest rates would have choked off prosperity, increased unemployment, and saddled the American people with even higher charges on the national debt. Between 1952 and 1963 interest charges on the Federal debt rose over 45 percent, at an additional cost to the taxpayer of over $15 billion. Excessively tight money and high interest rates have increased the cost of local government debt and consumer credit, and most important according to many competent economists, they were major factors behind the three depressions of the last decade, at an enormous cost in unemployment and lost production.

With unemployment at over 5 percent and nearly 13 percent of our plant capacity idle, we cannot afford to humor the Fed's almost psychopathic fear of inflationary tendencies—not inflation, mind you, but inflationary "tendencies," that vague cloud on the horizon, or in the eyes, of the Federal Reserve which has compelled it to tighten money and raise interest rates, even in the face of growing unemployment. We cannot afford to negate the tax cut with tight money and wipe out the benefit of Government economizing with higher interest charges on the Federal debt, simply to anticipate some possible future inflation.

I have been privileged to serve on Chairman Patman's unofficial steering committees in both 1960 and 1964, and I am proud to say that we have again successfully blocked another growing effort to raise the interest ceiling on the national debt. But we cannot rest on our laurels. The Fed shows no signs of being permanently cured of its inflationary phobia. The unofficial steering committee must continue to watch the Fed very carefully in the coming months. I would strongly suggest that more of my Democrat colleagues join this unofficial steering committee to prevent the loss of additional billions of taxpayers' dollars to higher interest rates on the national debt—billions that would only buy growing unemployment, depression, and increased consumer interest charges.

Results of 1964 National Issues Poll

EXTENSION OF REMARKS

OF

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1964

Mr. RUMSFELD. Mr. Speaker, in March I mailed my 1964 National Issues Poll to the residents of the 13th District of Illinois. Tabulation of the results has been completed, and I am placing these results in the RECORD for the interest of the Members of Congress.

> RESULTS OF 1964 NATIONAL ISSUES POLL
>
> *To Residents of the 13th Congressional District of Illinois:*
>
> It is a pleasure to send you the results of the 1964 National Issues Poll. Your cooperation and that of the 24,000 residents of the

13th District who gave the time and thought necessary to complete the questionnaire is deeply appreciated. I regret that it has been impossible to acknowledge individually all of the many questionnaires that contained additional comments.

The response to this questionnaire indicates that it has stimulated discussion and thought on the issues facing Congress. I hope and trust that you will continue to write expressing your views on the many subjects considered by the Congress and that you will call upon me if I can be of assistance in my capacity as the link between you and your Federal Government in Washington, D.C. By so doing, you will assist me in providing the type of representation that our 13th District merits and desires.

Sincerely yours,

DONALD RUMSFELD,
Member of Congress.

	Percent		
	Yes	No	Undecided
1. Do you believe that registration of firearms is a matter of Federal concern?	48.3	48.5	3.2
2. The President has submitted a $98,000,000,000 budget for 1964, providing for a planned deficit of $4,900,000,000. Should Congress—			
(a) Approve the budget as submitted?	14.6	67.2	18.2
(b) Reduce defense and military expenditures?	32.1	45.8	22.1
(c) Reduce existing Federal programs (e.g., agriculture, public works)?	58.8	23.8	17.4
(d) Cut or defer new domestic programs (e.g., mass transportation, medicare, Domestic Peace Corps, antipoverty plans)?	54.7	28.3	17.0
(e) Reduce foreign aid from the $3,000,000,000 approved for 1964?	71.6	16.7	11.7
3. Do you feel the recently signed nuclear test ban agreement has reduced world tensions?	40.7	53.6	5.7
4. Do you favor any U.S. trading with Communist bloc nations?	40.6	42.6	16.8
(a) Food, such as the recent wheat sales?	50.0	40.3	9.7
(b) Industrial and consumer goods?	30.1	56.6	13.3
5. Do you favor medical assistance for the aged through—			
(a) Present State-administered Kerr-Mills program providing hospital and medical care to needy citizens over 65?	48.1	31.4	20.5
(b) The King-Anderson bill, providing hospitalization insurance funded by social security taxes, for anyone over 65?	28.0	54.5	17.5
(c) The Bow bill, permitting tax credits up to $150 per year for costs of purchasing private health insurance?	51.8	26.7	21.5
6. Should the United States provide its NATO allies with nuclear weapons?	15.8	77.4	6.8
7. Do you favor a constitutional amendment to set aside the Supreme Court decision concerning prayer and Bible reading in public schools?	51.2	44.5	4.3
8. With respect to labor legislation, do you favor—			
(a) Increasing the minimum wage to $1.50 per hour?	43.6	51.9	4.5
(b) Double time to be paid for work over 40 hours per week?	16.5	76.8	6.7
9. Would you favor U.S. financial support and encouragement of a free Cuban government-in-exile?	43.9	49.3	6.8
10. With respect to the war in Vietnam, do you favor—			
(a) The present program of U.S. military advisory help and financial aid?	37.3	41.2	21.5
(b) A major military effort to defeat the Communists?	41.0	36.5	22.5
(c) Withdrawing all military personnel and permitting a neutralist government as in Laos?	25.2	50.7	24.1

This Is Murder, Mr. McNamara

EXTENSION OF REMARKS
OF

HON. STEVEN B. DEROUNIAN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 12, 1964

Mr. DEROUNIAN. Mr. Speaker, Jim G. Lucas is an on-the-spot reporter in Vietnam and he sends to his newspaper reports on what he sees and hears. Yesterday, his paper printed the most unbelievably shocking details of the deaths of two brave American airmen in Vietnam. According to Jim Lucas, the Communist Vietcong did not kill either Jerry Shank or Bob Brumet but our own obsolete American planes did and this is what he said:

> On April 9, Capt. Robert Brumet, 36, put his craft into a dive and it didn't come out. His buddies, flying nearby, saw the wings fall off and watched in horror as the plane plowed into the paddies.

And again:

> On March 24, Jerry Shank put his ship into a dive between Soc Trang and Back Lieu and its wing separated from the fuselage.

Secretary McNamara is making another one of his trips to Vietnam, which will be followed by more press conferences, but he will not report the facts about the outmoded planes he sends our men over there. So far he has done nothing to improve the deplorable situation in Vietnam. I call upon him and upon our President to give our fighting men a fighting chance.

A Complete Wall or No Preference?

EXTENSION OF REMARKS
OF

HON. MICHAEL A. FEIGHAN

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 12, 1964

Mr. FEIGHAN. Mr. Speaker, a very significant and penetrating analysis of the basic issues involved in the prayer amendment has been made by the Honorable STROM THURMOND, U.S. Senator from South Carolina. In that article Senator THURMOND points out that our Nation now faces a choice between "no preference" and the "wall of complete separation" doctrine in reference to not only school prayers, but the recognition of God and a Supreme Being in all our public affairs.

This analysis by Senator THURMOND is thought provoking. It examines the fundamental issues in a judicious and dispassionate manner. I commend the reading of this article to all who are interested in the pending resolutions to clarify the first amendment to our Constitution, whether they be for or against the proposed amendment.

Under leave obtained, I include Senator THURMOND's report to the people on "A Complete Wall or No Preference?"

A COMPLETE WALL OR NO PREFERENCE?

(Report to the people by Senator STROM THURMOND)

Key supporters of the Supreme Court decisions against prayers in schools are trying to label all seeking to reverse these decisions as being enemies of the concept of religious freedom as set out in the first amendment to the Constitution. It is indeed ironical that some of the top Constitution stretchers in America are now posing as defenders of freedom and the U.S. Constitution.

This is the principal point being raised in the House Judiciary Committee hearings against proposed amendments to the Constitution to overrule the Court decisions which rely on an erroneous interpretation of the first amendment. This is even the position of the Baptist Joint Committee on Public Affairs. This committee will present testimony against the proposed amendments, giving the impression that the committee speaks for 21 million Baptists.

Baptists and other denominations are justifiably proud of the role of their church in helping to get the provisions of the first amendment written into the Constitution. According, however, to the late Justice Story, the intent behind the framers of this great amendment was quite contrary to the recent Court interpretation. It is thus the Court and the secularists who brought these cases who are the enemies of the first amendment for perverting the true and original meaning of the amendment.

The distinguished constitutional law expert, Edward Corwin, has pointed out that the Ordinance of 1787, establishing the government for the Northwest Territory, was designed in part to promote religion and morality. Article 3 provided that "religion, morality, and knowledge, being necessary to good government and the happiness of mankind * * * shall forever be encouraged."

In his famous "Commentaries on the Constitution," Justice Story discusses at length the "no preference" doctrine under the first amendment as opposed to the "wall of complete separation" doctrine. Under the "no preference" doctrine, preference is given to religion over no religion, but no preference is to be given among religions. This interpretation was followed even as late as 1952 in the Supreme Court decision of *Zorach* v. *Clauson*. Here the Court made the point that "We are a religious people whose institutions presuppose a Supreme Being." Indeed, this is attested to by the public recognition accorded to the existence of God in public documents and ceremonies from the beginning of this country.

To follow the "wall of complete separation" doctrine to its logical conclusion, all public recognition of God must fall, such as: the national motto, the national anthem, the pledge of allegiance, tax-exempt status for religious organizations, baccalaureate services in schools, public observance of Christmas and Thanksgiving, chaplains in Congress, chaplains in the armed services, use of the Bible in ceremonies, etc.

Some of these recognitions of God are now being challenged in the courts by the same atheists who got prayers thrown out. Other recognitions have been eliminated on the basis of the court decisions. Governor Wallace pointed out recently that the Court decisions permit "smut literature to go through the mails but not recitation of the prayer 'God is great, God is good.'"

According to recent Government policies, our country has been evidently far off base for so many years in giving a preference to religion over no religion, to victory in war over appeasement and accommodation, to patriotism and nationalism over internationalism, to freedom over socialism and centralization, and to the basic American right of trial by jury over star chamber proceedings where the judge sits as prosecutor, judge, and jury. Times do change, but fundamental and immutable principles never change in their value.

In view of the erroneous interpretation placed on the first amendment by the Court and the confusion resulting therefrom, the Congress must clarify the law and propose to amend the Constitution to make certain that we guarantee for all Americans freedom of religion rather than freedom from religion.

Bill Doherty's Career as Ambassador: A Dazzling Success

EXTENSION OF REMARKS

OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1964

Mr. SICKLES. Mr. Speaker, when President John F. Kennedy, 18 months ago, appointed, as the first U.S. Ambassador to Jamaica, a distinguished resident of Maryland and a distinguished leader of labor, Mr. William C. Doherty, there were some who had misgivings.

Nobody who knew Bill Doherty had any doubts about the wisdom of the appointment. Those in both Houses of the Congress who knew him and had worked with him for many years, felt the appointment was an excellent one. Leaders of organized labor applauded the selection, because they knew that Bill Doherty, president of the National Association of Letter Carriers and one of the senior vice presidents of the AFL-CIO, had been for many years a most effective diplomat in the delicate and extremely important field of international labor.

But, there are always some people who question any and all innovations. After all, never before in the history of the United States had a leader of organized labor been selected for a diplomatic post. Jamaica, a bastion of pro-United States sentiment in the seething Caribbean, was also a brandnew, emerging nation, filled with the same sensitivities and the same vibrant national pride that characterizes all young nations when they first achieve independence. There were those who felt that the job required a professional diplomat rather than an inspired amateur.

After 18 months of service, Mr. Speaker, Bill Doherty has returned to his homeland to resume private life. He has left behind him a solid record of diplomatic achievement. He won the hearts, the minds, and the support of the Jamaican people, and when he and his wonderful wife left Kingston last month, there were those on the dock who wept openly at his departure.

The principal reason that Bill Doherty returned to the United States was to help his friend, Senator DANIEL B. BREWSTER, of Maryland, in the presidential primary on May 19. He resigned so he would be free to support a great President, Lyndon B. Johnson, against those who would invade Maryland with ideas and ideologies foreign to everything he stands for.

Excerpts from a front-page headline story from the Star, one of Jamaica's leading newspapers, dated April 25, 1964, stated:

> The Star learns that the primary reason for Mr. Doherty's resignation is his desire to assist Democrat Senator DAN BREWSTER in his campaign to be a presidential elector for Maryland.
>
> * * * * *
>
> Mr. Doherty stands foursquare behind President Johnson and the civil rights legislation, and will no doubt be very active in the forthcoming campaign.

The extent of the love and respect with which the Jamaicans hold Bill Doherty is reflected in the editorial comments which accompanied his departure from their shores. Typical was this editorial from the Voice of Jamaica:

> Mr. Doherty stands in a class by himself. * * * With innate courtesy and skill, born of his genuine liking for people, Mr. Doherty soon endeared himself to all classes by his friendly contacts. His genuine interest in the country and its people has been shown by his eagerness to do everything in his official capacity to help the young nation in every way, and, if all were told, the amount and quality of his assistance would be a revelation to the general public.

The editorial went on to praise the Ambassador's wife, Mrs. Gertrude Doherty, "whose unassuming dignity was undoubtedly of immense assistance," as well as his daughter, "the charming and vivacious" Miss (Peggy) Doherty.

In the Daily Gleaner, another influential Jamaican newspaper, the widely read commentator and columnist, William Strong, had this to say:

> If Bill Doherty had memorized Dale Carnegie's famous book, "How To Win Friends and Influence People," he could not have been a greater success as America's first Ambassador to a country that is, frankly, still leery about Americans. On the social and civic scene he has associated himself with everything Jamaican, official and unofficial. When he wasn't around, he was missed. His speeches have been no empty, platitudinous doubletalk. They have been simple, homespun, lucid, sincere—straight from the heart—and now and again, from the shoulder. He and the Prime Minister developed an early friendship that has been more than official. They became bosom pals, and have remained that way. Whoever succeeds him will need big shoes, and a heart to match.

Vere Johns, the top columnist for the Star, was equally enthusiastic:

> Unlike former consuls general, there are few people in this island who do not know that Bill Doherty is the American Ambassador. He has made friends by the score and acquaintances by the thousands. The assistance which he gave to Jamaica's economy has been outstanding, and largely through his influence and his love of Jamaica. May God go with you and bring you back to our shores one day soon. Jamaica's welcome mat will always be laid out for you, good friend.

All the stories about the departing Ambassador emphasized his deep religious faith and his sincere and devout practice of that faith. This general approbation was particularly notable, since the Roman Catholic Church is distinctly a minority in Jamaica.

Catholic Opinion, the official diocesan paper in Kingston, added these comments to the general chorus of commendation:

> Mr. Doherty sought eagerly, and received, the warm friendliness and cooperation of our Government. Though not a professional diplomat, very few facets of our political and economic life missed his zealous attention; no area of the island was neglected by him. With graciousness he was received in our towns and villages. In cooperation with the U.S. AID mission here, and with the volunteers of the U.S. Peace Corps, the Ambassador charted a policy of mutual self-help that will influence the next few decades of Jamaica's relationship with the West. More Jamaican people are housed, areas of Jamaica's green lands are engineered, and institutions of Jamaica's children are enriched by the workmanlike procedures of Mr. Doherty's office. Mr. Doherty and his charitable wife have enriched the island with their quiet courtesies. They have set a benchmark of competence and quality. His Government has now been placed under an embarrassment. They must give us another Mr. Doherty.

The favorable comments on the accomplishments of Ambassador Bill Doherty would fill up many pages of the CONGRESSIONAL RECORD.

His performance has been a tremendous credit to the National Association of Letter Carriers, which he led for more than 20 years. It has been a tremendous credit to the entire labor movement of the free world. It has been a tremendous credit to the Kennedy-Johnson administration, and, most important of all, it has been a tremendous credit to the United States of America, which he represented with such unfaltering distinction.

It is a privilege to welcome Ambassador Bill Doherty back home.

Dispelling Misapprehensions Regarding Quality Stabilization

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1964

Mr. PELLY. Mr. Speaker, as a sponsor of quality stabilization, I was especially impressed by the testimony of Prof. William R. Davidson, of Ohio State University, in the Ohio cases of Hudson Distributors, Inc. against the Upjohn Co. and Hudson Distributors, Inc. against Eli Lilly and Co. A transcript of this testimony was recently brought to my attention. In this testimony in these cases, Professor Davidson analyzes the injury done brand name trademark owners when their products are misused by retail price cutters.

Since Professor Davidson is currently president of the American Marketing Association and a joint author, with Prof. Theodore N. Beckman, of the widely used textbook "Principles of Marketing," I believe his expert opinion in this vital economic area is of some importance.

Said Professor Davidson when asked in the proceedings of the above-mentioned cases about the impact of price cutting on trademarks:

> Specifically, in these situations the brand name owner is damaged in the following ways: (1) The price cutter who accounts for a small part of total sales in the market area and provides few of the services expected of regular retail outlets, creates the false impression that his advertised low price is the value of the product at retail, thus leading customers to believe that the bulk of retail service outlets and the manufacturer through its price maintenance policy are gouging the public through unreasonably high prices; (2) this damages the good will and value of a brand name or trademark which has been appropriated to the price cutter's use; (3) these price-cutting activities prevent the average complying retailer from being able to sell the product at a profit and they must therefore (a) deemphasize the product in their merchandising and promotional strategy, offering it only upon specific demand, and shift selling effort to other items which provide fair compensations for services rendered, or (b) discontinue handling the product altogether, or (c) cut prices in retaliation and an effort to compete, breaking their own agreements with the manufacturer and creating expensive and ultimately unmanageable problems of enforcement for the manufacturer seeking to maintain control of his distribution system; (4) the likely development of retaliatory price wars further devalue the product in the minds of the public and create a hesitancy to make the purchase resulting from the consumer's thought that he may be able to buy the product cheaper elsewhere since he knows that it is subject to footballing and price warfare; (5) since well-established branded merchandise with professional consumer acceptance and known value is a most suitable weapon for advertised price cutting by cutrate organizations, this creates an animosity toward brand name products by the essential small retailer who sees in them the cause of the potential business failure he fears; (6) the price cutter, while using Upjohn's brands as bait to attract commercial traffic, actually places its selling emphasis on other competitive products that afford him a higher margin, thus using Upjohn's brand names established over a long period and at considerable expense to promote the sale of products other than those of Upjohn; (7) the services accompanying sale of Upjohn's products necessarily will diminish as profit margins narrow, thus eliminating such items as advice concerning product use, refrigeration, and care of product, all of which makes the product less desirable to the consumer; (8) by forcing Upjohn to take legal action to prevent price-cutting tactics and protect its distributive system, the price cutter further damages the good will of Upjohn by the publicity surrounding the price-cutting establishment's opposition to price maintenance, thus making it a champion of the consumer and placing the manufacturer in the role of villain.

Professor Davidson also directly takes on and dispels the erroneous notion that manufacturers are disinterested in legislation that would protect their proprietary interest in their products' brand names. This is often argued by quality stabilization opponents, but in his testimony, Professor Davidson effectively refutes this notion. Declared the Ohio State professor—whose textbook serves as the basis for advanced courses in marketing in over 200 universities:

> Allegations that price cutting tactics do not injure the manufacturer stem from a failure to understand the significance of marketing services, the injury done to a manufacturer's goodwill by trading on his trademarks and trade name by means of price cutting, and the damage done from disruption of the distribution system by concentrating a product's outlays away from the local independent retailer and into the large cutrate operator. Even the standard argument that the manufacturer is compensated because the larger volume of the price cutter adds to his total distribution is fallacious. Any such gain by additional distribution is more than likely offset by lost sales in regular outlets.
>
> Further, the damage to the manufacturer's goodwill will ultimately mark a decline in the sales by the cutrate organization even though that organization creates an initial flurry of sales by its tactics. Thus the argument that a manufacturer is not damaged because he receives the same price for his product from the price cutter as from the regular retailer misses the issue.
>
> Naturally, the manufacturer desires to maintain his prices as low as possible to compete successfully with similar product lines of other manufacturers and increase his share of the total market for his general class of products. Further, he will be slow to raise the stipulated price in the face of rising costs once the stipulated price has become widely known to physicians, pharmacists, and the public. However, conceding that the manufacturer desires to keep his price as low as possible, it does not follow that it is desirable to the manufacturer to have prices irregularly reduced by price-cutting organizations under the motives which prompt such organizations to act.

So testified one of the Nation's foremost marketing experts regarding the deleterious effect of price-cutting tactics on established proprietary trademarks and brand names. Such brand names are judicially held to belong to their owners, and as such deserve the full protection of our laws against predatory interests which would destroy or take away such property interests. The quality stabilization bill is directed at protecting and preserving these valuable rights. That is why those of us who support this legislation deeply believe that what is at stake here goes to the very root of our free enterprise system. I commend a reading of Dr. Davidson's testimony to those who would understand better the fundamental issue involved in the effect to enact quality stabilization into law.

Egyptian and Soviet Threats to Western Positions in the Middle East

EXTENSION OF REMARKS

OF

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 12, 1964

Mr. SCOTT. Mr. President, on May 4, I addressed the annual policy conference of the American Israel Public Affairs Committee. I urged that the United States stop all aid to Egypt—also known as the United Arab Republic—and that we consider providing defense arms to Israel.

I pointed out on May 4 that President Nasser of Egypt is demanding that we abandon NATO bases in Libya, that he is sending weapons into Cyprus, and that his war in Yemen has as one of its objectives driving Great Britain out of Aden as a step toward Egyptian control of the whole oil-rich Persian Gulf area. That was on May 4.

Yesterday I read an account of Soviet Premier Khrushchev's visit to Nasser in Cairo, and I would like to quote the following paragraph from the United Press International story:

> He [Khrushchev] also supported the demand of United Arab Republic President Nasser that all foreign bases in north Africa be eliminated. He specifically condemned British bases in Aden, Libya, and Cyprus.

Mr. President, with Western positions of strength threatened, why are we still sending foreign aid to Egypt? And why are we not buttressing Israel's ability to defend our positions?

I ask unanimous consent to insert at this point the text of my remarks before the American Israel Public Affairs Committee.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR HUGH SCOTT BEFORE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, MAY 4, 1964, MAYFLOWER HOTEL, WASHINGTON, D.C.

I want to commend the American Israel Public Affairs Committee for many things you do, but especially for two that you are doing tonight.

First, you are demonstrating the need for an informed public opinion about U.S. foreign policy in the Middle East. And second, you are illustrating the bipartisan nature of Congress' activities in that vital area of the world.

A constitutional republic demands an informed citizenry and no governmental actions, including foreign policy, can be exempted from public scrutiny. Therefore I take exception to the remark made recently by the visiting foreign potentate who said that U.S. policy in the Middle East was being influenced by certain religious groups in the United States.

My answer to that—and that of my colleagues, too—to that thinly veiled accusation is that I have spoken recently and critically on one side or another of U.S. policies in South Vietnam, Malaysia, and Cuba, and I have no idea how many, if any, constituents I have who may be Vietnamese, Malaysian, or Cuban, although I have taken their side.

U.S. policies in the Middle East are vacillating and outmoded, and no constituent of mine needs to tell me that after 22 years in Washington. All we need do is look at the U.S. foreign aid going to Egypt and see what Nasser, thus fortified with our aid, is doing with it.

He is demanding that we abandon NATO bases in Libya. He is sending Soviet weapons into Cyprus and he has an army of 30,000 troops fighting in little Yemen. I have heard the army is larger than that, but these are the figures we take.

The Yemen war has two objectives. One is to drive the British out of Aden and then sweep on to grab control of the whole oil-rich Persian gulf area.

But Nasser's other objective, of course, is to drive Israel into the sea. His troops in Yemen are being rotated regularly, which is a standard military technique called "hardening." Before he is finished he will have the battle-hardened army he always wanted—beefed up by a substantial amount of Soviet armor and aircraft. As recently as last Thursday, he told a neo-Nazi organization that war with Israel is unavoidable.

But our aid to Nasser continues, despite strong protests from many alarmed Americans and despite a clear mandate from Congress that U.S. aid should not go to a nation which is preparing for aggression against another nation that receives our aid.

Now, Rabbi Bernstein has mentioned to you the fact that I was critical of the Suez crisis at the time. I won't go back that far, because time doesn't permit. That was a fact.

Well, coming along to a later period, in 1959, President Nasser angrily reacting to the Baghdad Pact and to the preferment of Iraq and its identification then with the West, retaliated against London and Washington by letting the Russians and Russian weapons into the Middle East.

Once again we vacillated. We thought we could buy Nasser with the Aswan Dam. And then we changed our minds about that. And some of us know how that was done and how many sharp words were involved on behalf of both parties in connection with the State Department. It seemed logical at that time to meet the Soviet threat by arms and a security guarantee for Israel. So it seemed to us.

Many of us used to call the late Secretary of State Mr. Dulles to urge to send arms to Tel Aviv. That would have been a logical and simple course to take. It would have been a frank and direct answer to a growing threat. But instead of furnishing arms to Israel, Washington adopted a course of indirection. This was under the administration of my party. And the view was: Let the Israelis get their arms from Canada, from the French, from the Italians, and any other back door available, but not from the United States. I do not know who was impressed by this curious evasion. No Arab has ever doubted that our economic aid has indirectly strengthened Israel's defense posture, just as no Israeli has ever doubted that our large-scale economic aid to Egypt has indirectly enabled Nasser to acquire weapons from the Soviet Union.

In 1957, the administration brought pressure to bear on Israel to withdraw from Sinai. There was even the threat of sanctions. And again, many of us appealed to the administration to take another course. We said before Israel withdrew from Sinai it ought to have some guarantees. There ought to be guarantees that there would not be a resumption of the fedayeen raids from the Gaza strip. And we also argued that we should not tolerate a resumption of the Suez blockade, if Israel did agree to withdraw from the vantage ground she had gained in the Suez fighting.

In 1957, President Eisenhower did make a commitment on Suez. That was uttered, you will recall, over a television network in February. But in 1959, when Nasser reinstated the blockade, neither the United States nor the United Nations could muster sufficient courage or resolve to deter him. Indeed, on the contrary, we continued to expand aid to Egypt, and that led, as you will recall, to a strong congressional reaction in 1960.

Again, in 1960, during the last presidential campaign, everyone talked about the need for a new peace initiative. You talked about it. You wrote about it in a policy statement which you adopted at a conference like this one. And the words "direct negotiations" were heard in speeches and written into campaign platforms. But in the fall of 1961, the U.S. delegation at the United Nations startled everyone when it voted against what was called the Brazzaville peace initiative, a resolution sponsored by African and Asian nations calling upon Israel and the Arab States to engage in negotiations. Indeed, the only U.S. initiative we heard about in those years was the proposal that Israel open its doors to Arab refugees, in advance of a peace settlement and at a time when these refugees were being incited to go back to destroy the Jewish state.

Let me, a Republican, praise this Democratic administration for the firm stand it has taken in support of Israel's water development. All of us hope that the Arab States will not fly in the face of commonsense. They should not deceive themselves into believing that the United States or any other great power will condone any foolish military or engineering ventures to prevent the water development either by war or waste. [Applause.]

And while I am on the subject, since I really believe in a bipartisan foreign policy, I cannot praise the Democrats without praising the Republicans, for it occurs to me that the joint Jordan-Yarmuk water development program was pushed by President Eisenhower, who sent the late Eric Johnston into the Arab States and Israel to seek agreement on an overall water program.

What a blessing it would have been for the Arab states and Israel if this program had been accepted and not vetoed by the Arab League. And by the way, it is not too late. There is no reason why it should not go forward—and we hope that good judgment will eventually prevail and the Arab states will go ahead with their own water development program, in harmony with this regional development plan. [Applause.]

All of us welcomed the administration's decision in 1962 to permit Israel to acquire the Hawk missile in order to enable her to meet the threat of Soviet bombers. Perhaps the Arabs may draw from this action the conclusion that they cannot win an arms race in the Middle East and that it would be a shocking waste to continue the costly acquisition of Soviet weapons.

In this connection, let me add again that I did not like Mr. Dulles' policy of indirection in 1955. And I am not happy about a policy of indirection today. If it is clear that the Soviet Union is continuing to arm Egypt and Iraq, then we should face this fact squarely and do all that is necessary to reinforce Israel's security. [Applause.] I share your confidence in the administration's repeated reassurances that we will not permit aggression in the Middle East. These reassurances can be immeasurably strengthened and the need to carry them out will be long deferred if we, ourselves, do all that is necessary to preserve the arms balance.

What emerges from this recital, then, is that over the years the Arab states have been able to exert pressures in Washington that cause us to refrain from straightforward action that is consistent with the United Nations Charter.

Certainly President Johnson is aware of the importance of maintaining peace and justice in this part of the world. He demonstrated that awareness most recently in his firm stand in support of Israel's water development.

Now I hope he will examine the situation again in view of recent clear evidence of Nasser's expansionist and imperialistic drive that threatens not only Israel but Western positions of strength generally in that area.

I say that I hope President Johnson will be aware of this. I had a call from the White House recently, and I said, "Is the President aware of a certain article? Has he read it?"

And the man on the other end of the phone said, "I would be very much surprised if he hadn't." Since the President reads everything and hears everything, I am sure he will hear about what I said here tonight early tomorrow morning. [Laughter.]

So my proposals are these:

First, the United States must stop all aid to Egypt under present circumstances. [Applause.]

And secondly, I urge President Johnson to consider the possibility of providing military defense equipment, as we did in 1962, to offset the dangerous advantage that both United States and Soviet aid has given to Egypt. [Applause.]

And I conclude with this thought: It is time to strike through the fog and the mist, to recognize more clearly those who wish us well and who share our commitment to freedom, and to learn to say the hard word, "No," to those whose cause is not our cause and whose objectives are not our objectives and whose friends are not our friends. [Applause.]

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 13, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Job 12: 16: *With the Lord is strength and wisdom.*

God of all grace and goodness, we are again uniting our hearts in the fellowship of prayer, grateful for the many joys which cheer us and the trials which teach us to put our trust in Thee.

Grant that in these days of tension we may have the insight and patriotism to see that we must strive to safeguard and cultivate those unities which underlie all our diversities and differences.

May our minds and hearts be filled with a passion to discharge faithfully those responsibilities which demand the dedication and devotion of our noblest manhood and womanhood.

Inspire us with Thy spirit as we seek to appropriate and apply those great moral and spiritual truths and principles which will strengthen the bonds of brotherhood.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution, as follows:

S. RES. 328

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Clarence Cannon, late a Representative from the State of Missouri.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the late Representative, the Senate take a recess until 10 o'clock a.m. tomorrow.

The message also announced that the Presiding Officer, pursuant to Senate Resolution 328, had appointed Mr. SYMINGTON and Mr. LONG of Missouri to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable Clarence Cannon, late a Representative from the State of Missouri.

INDEPENDENT OFFICES APPROPRIATION BILL, 1965

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Monday to file a report on the independent offices appropriation bill, 1965, and that consideration of the bill shall be in order on next Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OSTERTAG reserved all points of order on the bill.

COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit while the House is in session today during general debate, and for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE WAR IN VIETNAM

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, the current issue of U.S. News & World Report, bearing the date of May 18, 1964, has an article that should be read by every Member of this House. It deals with the progress of the war in Vietnam and was written by Robert L. Moore, Jr.

To give the report wider distribution and to call it to the attention of my colleagues of the House, I had it inserted in yesterday's daily Congressional Record where it appears on pages A2427–A2429.

Mr. Speaker, this is the report of a newsman who went to South Vietnam with the consent of Army authorities and lived for 4 months with the United States and Vietnamese soldiers. His account of what he saw raises important questions about the manner in which the war is being fought. He reports incompetence, cowardice, corruption, and a "no win" policy among the Vietnamese officers and Vietnamese officials charged with directing war operations.

The American people are becoming alarmed at the growing frequency of reports such as this.

If we are not committed to an all-out effort to resist Communist aggression in South Vietnam—and if we are not getting all-out support from the Vietnamese—then just to what are we committed there, what sort of halfway policy do we have there?

Americans are valiantly fighting and dying and there is deepening concern that under the present policy it may all be in vain.

It is clear that there is nothing good to be gained from either surrendering to Communist subversion and aggression or from sacrificing American lives in a situation made hopeless by halfway policies.

Our fighting men are acting with courage, determination, and devotion. They and we can expect nothing less than this same measure of courage, determination, and devotion from our Government. I urge the reading of this report.

AMENDING SECTIONS 303 AND 310 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution—House Resolution 720—Report No. 1396, which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SUBCOMMITTEE ON TRANSPORTATION OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Interstate and Foreign Commerce be permitted to sit while the House is in session today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 707 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. DERWINSKI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 125]

Addabbo
Andrews, Ala.
Ashbrook
Avery
Baring
Barrett
Bass
Battin
Blatnik
Brooks
Brown, Calif.
Buckley
Celler
Collier
Colmer
Cooley
Cramer
Davis, Tenn.
Derounian
Dorn
Downing
Elliott
Farbstein
Fogarty
Forrester
Garmatz
Gill
Grant
Hagan, Ga.
Harris
Hébert
Hoffman
Jones, Ala.
Jones, Mo.
Kee
King, Calif.
Kirwan
Laird
Lankford
Martin, Calif.
Mathias
May
Miller, Calif.
Morrison
Morton
Norblad
O'Brien, N.Y.
Pillion
Pool
Powell
Rodino
St. George
Scott
Selden
Shriver
Teague, Tex.
Thompson, La.
Van Pelt
Wickersham
Willis
Wilson, Bob
Wilson, Ind.

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. DELANEY. Mr. Speaker, I yield to the gentleman from California [Mr. Roosevelt].

AMEND INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

The SPEAKER. The gentleman from New York [Mr. Delaney] is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown]. I now yield myself such time as I may consume.

Mr. Speaker, House Resolution 707 provides for consideration of S. 2214, a bill to amend the International Development Association Act to authorize the

United States to participate in an increase in the resources of the International Development Association. The resolution provides an open rule with 2 hours of general debate.

S. 2214 authorizes the U.S. Governor of the International Development Association to vote in favor of a resolution now pending before the Association to increase its convertible currency resources through contributions from 17 economically advanced member countries. The total contribution would be $750 million of which the U.S. share would be $312 million. The resolution provides that the subscription would become available to IDA in three equal installments of $250 million during fiscal years 1966, 1967, and 1968.

The bill would also authorize the appropriation, without fiscal year limitation, of the $312 million future U.S. share in the increase in resources of the Association and would authorize the U.S. Government to agree formally on behalf of the United States to contribute that amount to the Association. The bill also makes a technical change in existing legislation in order to permit the United States to issue non-interest-bearing notes to the Association, as each installment of the increased subscription falls due.

The Association was established in 1960 as an affiliate of the World Bank to provide a source of development capital for underdeveloped countries whose balance-of-payments position made it impossible for them to meet the cost of private capital or World Bank loans. It utilizes the experienced and professional staff of the World Bank, which has contributed in no small measure to its successful operations. As of March 1, 1964, IDA had committed $591.4 million to 20 countries. Its total hard currency resources initially amounted to $777 million, which will be fully committed by June 30 of this year. In consequence, the present legislation is urgently needed in order to permit IDA to function as a continuing program.

Mr. Speaker, I urge the adoption of House Resolution 707.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I shall not take much time discussing this rule or this legislation. The gentleman from New York, the very able member of the Committee on Rules [Mr. DELANEY], has explained the rule which provides 2 hours of general debate on the pending bill S. 2214, which is very similar, with some rather important changes, to a bill which was recommitted in the House of Representatives some 2 months ago, H.R. 9022. This occurred in late February or early March, when H.R. 9022 was under House consideration.

Mr. Speaker, I was not present at the time. I was ill. While I was paired against the bill, I, of course, did not have the opportunity of hearing the debate at that time.

Mr. Speaker, this new measure is a Senate bill. It will do exactly the same thing that the House rejected when it recommitted the bill, H.R. 9022, when it was before this body about 2 months ago.

This type of action raises a question in the mind of some of us as to just how often we are going to consider legislation, once defeated or recommitted by the House, and whether or not we should take up the legislation time after time until someone has his own way with legislation and gets the legislation approved by the Congress of the United States, ad infinitum.

Mr. Speaker, it can be argued, and is argued by some parliamentarians—and probably will be argued by some others—that a motion to recommit is a little different from a straight vote to kill a bill. However, the precedent around here, and established custom, indicates a motion to recommit a bill is generally a death sentence for the measure.

The committee to which the bill was recommitted, H.R. 9022, did not bring out H.R. 9022 again in an amended form, but instead took up and reported S. 2214, a bill which has been passed by the Senate, which, as I stated a moment ago, is very similar to H.R. 9022 except for one or two points.

Mr. Speaker, this bill now pending before the House, S. 2214, does not contain the safety provisions which were contained in H.R. 9022. In other words, it eliminates certain declarations of policy which were written in the House bill to protect the United States in this investment of some $312 million in the $750 million increase that would be given to this particular organization, the International Development Association—IDA as we call it. For the purpose of doing what? Making soft loans to a lot of countries and a lot of governments which in all probability, will not pay back the money advanced under this program. And, if they do pay it back, they will be doing better than a lot of our allies have done to whom we have made such loans in the last 25 or 30 years; and, yes, even before that, in World War I.

Mr. Speaker, somehow or other those loans were never repaid; somehow or other the American taxpayer always picks up the check. This, of course, in effect and in fact is simply adding $312 million of American money to our other foreign aid commitments.

Now, Mr. Speaker, it is true, and it will be argued by the proponents and supporters of this measure, that as the report shows, some other countries—I believe 17—will contribute to this fund. But I believe if the Members will look at that list rather carefully, and take off their rose-colored glasses and just wear their plain glasses—the ones they use to read the family Bible—I think they will find that most of these 17 nations already owe the United States a great deal of money, and that some of them will benefit from these soft loans, in one way or the other, that are to be made by this Association.

Actually, Mr. Speaker, in fact—again I say in fact—what they are contributing is money that we, in one way or the other, have already furnished to those countries, or are advancing to them by other methods and other forms.

So, Mr. Speaker, in the end virtually all of this $750 million of proposed expenditure will come out of the American taxpayer's pocket either directly or indirectly.

You would be surprised at the circuitous route the American dollar sometimes takes that we use to aid these different countries, and sometimes the dictators of such countries.

I would like to digress for a moment. Goulart did not do so badly when he was President of Brazil. He increased his private holdings from 25,000 acres of land to something like 1.5 million acres of land. He did very well on the soft loans we made down there. I doubt very much if we will ever receive any payment upon them in the future. At one time we gave Goulart's regime $500 million. Now Argentina is calling upon us to help repel some of the Communist guerrillas that we found in Brazil, when they overthrew Goulart, and who migrated to northern Argentina. That is the way the story goes around the globe.

I am wondering when we are going to be realistic and tie this foreign aid all together in one package, and decide what we are going to do about it, and finally adopt some sort of American foreign policy the people of the United States can understand, and the people of the rest of the world can understand as well, that policy should be one that will permit us to conduct our international relationships in enlightened self-interest and say, when we help others, and we have always helped others, they must also attempt to help themselves, and instead of paying armies, those in foreign armies money to fight to defend their own liberties and their own freedoms, that we may say to them: "We will help you as much as we can, but you will first have to help yourselves a little bit, too. After all, we want to cooperate with you, but let us not do all the cooperating at the expense of the American taxpayer. You will have to help carry your load."

You will be told these 17 countries are taking up the largest proportion of this $750 million, but go back and check our credit ledger and see how much money these same 17 countries have already obtained from the United States, how much they have borrowed, how much we have let them have in one form or another, or have given them in the way of grants or aid, and then write home to mother and tell her how much they are doing, and how much we are doing, to finance these efforts that sound mighty, mighty good, but somehow or other never quite work out.

The day of settlement is coming, and it is going to be at hand soon if we are not careful. Perhaps now is the time for us to put all of our eggs in one basket, as far as our foreign commitments and foreign aid are concerned. Something has to be done sooner or later about hiding from the American people and Members of Congress the true picture of what our foreign aid programs and our foreign policies are actually costing us, the total cost, that is. I think it is about time we become a little more realistic, a little bit more concerned about the welfare of one other country on the face of this earth, which we call the United States of America.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Speaker, I would like to rise in support of this amendment to the International Development Association.

While I reaffirm my previous support of the objectives of the IDA, I would like again to state that it is my hope such legislation will be referred in the future to the committee assigned the responsibility for foreign affairs bills. IDA is a foreign assistance program, rather than a banking matter. This was affirmed by Secretary Dillon in his statement to the Banking and Currency Committee on March 23 when he said:

> There should be no question in anyone's mind—and there is none in mine—that contributions to IDA are a form of foreign aid—repayable aid to be sure, but still aid.

My proposal is not unreasonable for this is the procedure in the Senate where the bill was transferred from Banking and Currency to the Foreign Relations Committee, which reported the bill before us today. At the very least, members of the Foreign Affairs Committee should be able to sit in consultation with members of the Banking and Currency Committee on such a vital bill as the one before us. In order to insure a consistent foreign aid policy, members of the Foreign Affairs Committee, who have been charged with this responsibility, should be kept informed and should offer recommendations in light of the provisions of related aid legislation. It is my hope that these efforts to have the bill transferred in future years to the Foreign Affairs Committee will gain further momentum, and I have already been assured of the consideration and support of this proposal by leaders in both the executive and legislative branches.

However, to emphasize my position in favor of the provisions of IDA program, I took the initiative to call a meeting of members in opposition to the bill to consult with Secretary Dillon in order to clarify the misconceptions which have circulated recently over IDA loans. I have also been in close contact with General Eisenhower, who has urged the House to approve this amendment for increased U.S. participation in IDA.

Most Members of this House will recall that IDA was conceived by the Eisenhower administration. In a letter to Secretary of the Treasury Anderson, August 26, 1958, President Eisenhower outlined a three-point program for consideration at the annual meeting of the International Monetary Fund and International Bank for Reconstruction and Development, in which he propose plans for the International Development Association:

> I believe that such an affiliate of the International Bank, if adequately supported by a number of countries able to contribute, could provide a useful supplement to the existing lending activities of the Bank and thereby accelerate the pace of economic development in the less developed member countries of the Bank.

Referring to a study which the Secretary was undertaking on IDA and informal discussions the Secretary was to hold with other Bank members, President Eisenhower stated in the same letter:

> If the results indicate that the creation of the International Development Association would be feasible, I request that, as a third step, you initiate promptly negotiations looking toward the establishment of such an affiliate of the Bank.

Following a study undertaken by the National Advisory Council, in February of 1960, President Eisenhower submitted a letter of transmittal to the Congress for the establishment of the International Development Association, in which he said:

> We all know that every country needs capital for growth but that the needs are greatest where income and savings are low. The less developed countries need to secure from abroad large amounts of capital equipment to help in their development. But in many less developed countries the need for capital imports exceeds the amounts they can reasonably hope to secure through normal channels. The association is a multilateral institution designed to provide a margin of finance that will allow them to go forward with sound projects that do not fully qualify for conventional loans.
>
> Conceived to meet this need, the International Development Association represents a joint determination by the economically advanced countries to help accelerate progress in the less developed countries. It is highly gratifying that so many other free-world countries are now ready to join with us in this objective.
>
> The International Development Association thus established a mechanism whereby other nations can join in the task of providing capital to the less developed areas on a flexible basis. Contribution by these countries themselves, moreover, is a desirable element of this new institution.
>
> And because it is to be an affiliate of the International Bank, it will benefit from the long and successful lending experience of the Bank. By combining the Bank's high standards with flexible repayment terms, it can help finance sound projects that cannot be undertaken by existing sources. With a framework that safeguards existing institutions and traditional forms of finance, the Association can both supplement and facilitate private investment. It will provide an extra margin of capital that can give further momentum to growth in the developing countries on terms that will not overburden their economies and their repayment capacities.
>
> The peoples of the world will grow in freedom, toleration, and respect for human dignity as they achieve reasonable economic and social progress under a free system. The further advance of the less developed areas is of major importance to the nations of the free world, and the Association provides an international institution through which we may all effectively cooperate toward this end. It will perform a valuable service in promoting the economic growth and cohesion of the free world. I am convinced that participation by the United States is necessary, and I urge the Congress to act promptly to authorize the United States to join with the other free nations in the establishment of the Association.

These words are as applicable to today's bill as they were in the initial Eisenhower proposal. As the former President stated in his recent letter to the Republican House Members, wherever possible the United States should favor loans in place of grants, encouraging other nations to join us in carrying the foreign aid burden. And the fundamentals of his program have not changed:

IDA still has the benefit of the long experience and research of the World Bank, which has been a strong proponent of sound financing and whose policies have been adopted in many foreign aid bills.

IDA membership is determined by membership in the World Bank. Since only certain members can apply for loans, and because the United States alone holds 26.6 percent of the vote—the largest percentage vote of any country—it is assured that U.S. interests are protected when loans are made.

IDA represents an international partnership in the aid burden. Fourteen countries are increasing their share of IDA for an overall percentage increase of 68 percent. This is encouraging considering the U.S. increase which we are asked to approve today is 62 percent. Japan has approved a 105 percent increase in its initial participation, Germany 129 percent, Italy 176 percent, France 95 percent, and Sweden 147 percent. Although our share of IDA resources, contributed by all Part I countries, is higher than the formula which the Foreign Affairs Committee has been encouraging for U.S. participation in international assistance, the increased participation of other countries in IDA is a significant stride in multilateral development assistance of the free world. The additional subscription requested today would assure that every $2 of U.S. assistance would bring in $3 from other industrialized countries, reducing the U.S. aid burden.

IDA continues to be immune to political pressures, by the international nature of its administration. It can therefore require strict adherence to loan provisions without the fear of political repercussions directed toward a specific country. As an example, assistance is conditioned on performance, which is not always possible under bilateral agreements. Countries who renege on compensating for expropriated foreign properties have been excluded from the program. IDA has also declined loans where self-help on the part of the receiving country is not forthcoming.

As in the principle set forth by former President Eisenhower's transmittal, only countries not eligible to borrow from other sources—only those with the most difficult financial situation and low per capita income—can borrow from IDA. This helps the most desperate nations, under a sound financial system, which the United States and other countries could not afford to assist individually. In this way, peoples of the free world are not penalized for poverty, and have an avenue toward economic growth and a hope for material and spiritual well-being.

Mr. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2214, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. PATMAN] will be recognized for 1 hour and the gentleman from New York [Mr. KILBURN] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

The International Development Association was sponsored by the Congress. It is one of the healthiest developments of recent years because it puts aid to undeveloped countries on a cooperative basis with the other countries of the world. For every $1 that the United States puts up, the other nations put up $1.40. In my book this is far better than 100 percent U.S. aid.

IDA is run by the highly trained, international staff of the World Bank and it is well administered. Moreover, because it is an international organization it can be strict in its requirements without stirring up political reactions in the recipient countries.

The bill before us would authorize the United States to participate in an increase in the resources of this program in order to let it continue its constructive activities. The total increase is $750 million, and the U.S. share would be $312 million, payable in three installments beginning in 1966. We have had extensive hearings on this bill. We have reassured ourselves on every point that has been raised. The President of the United States has urged its passage. Former President Eisenhower has likewise urged passage of this bill.

It is greatly to our national interest that this program be continued. The Banking Committee approved it by an overwhelming vote. The other countries have promised their contributions and are waiting on the United States. The deadline has been postponed twice. We cannot afford to delay any longer. If we are so unwise as to permit this fine program to wither away, we will regret it for a long time.

As was pointed out in the previous debate, the Russians are not bothered by a lack of money in moving into the new countries. They are always there, waiting for their chance.

Now we have this program which represents one of the first times that the wealthier noncommunistic nations have banded together to help the new countries to develop in a free way, rather than under Communist domination. I sincerely hope that you will remember this important point in considering the legislation before us.

Mr. Chairman, I now yield 10 minutes to the gentleman from Wisconsin [Mr. REUSS], chairman of the Banking and Currency Committee's Subcommittee on International Finance.

Mr. REUSS. Mr. Chairman, S. 2214 would authorize the U.S. Governor of the International Development Agency to vote in favor of a resolution to increase its resources by $750 million. The contributions would come from the 17 economically developed members. The United States would provide a total of $312 million, subject to appropriations in three equal annual installments in fiscal 1966, 1967, and 1968—58.4 percent of the new capital contributions will be made by the other 16 developed countries.

I can think of no greater service which the U.S. Congress can perform for the free world than to keep IDA in existence. It is the mutual obligation of the developed free nations—this country and Canada, the free countries of Western Europe, Australia, and Japan—to help give developing peoples the margin of assistance they need. This and this alone will enable them to move out of their present poverty and ignorance. To do what we can is not only morally right. It is to our obvious self-interest to look out upon a world in which the maximum number of people are free, independent, progressive, and hopeful.

But we cannot and should not assume this entire burden ourselves. That is what IDA is for—to get the other rich countries to help us. This IDA does—by providing almost $6 from the others for every $4 of our own we put in.

More, IDA gives us the benefit of the experienced and hardheaded staff of the World Bank. This international staff can impose conditions as to who gets help, for how much, and on what terms. They would be much more difficult for us to impose all by ourselves.

Since IDA was founded in 1960, with an initial capital pool of $763 million, it has had an unimpeachable record. IDA loans have helped Chile build highways, Formosa construct irrigation projects, India undertake drainage, port, and railway projects, Jordan develop a water supply, Pakistan develop small industries, Paraguay learn cattle management, Tanganyika build schools.

But now the original credits of IDA are substantially exhausted. In order to continue IDA, the replenishment is necessary. Of the 17 part I developed nations of IDA, the other 16 have all completed their ratification of the agreement to continue IDA. Whether the United States will play its responsible part, or will torpedo the whole endeavor, depends on what we do today.

Members will recall that a substantially identical bill, H.R. 9022, was debated here on February 25 and 26, 1964, and was recommitted to the House Committee on Banking and Currency. Your committee labored earnestly to obtain answers and assurances to every single objection to IDA which was made on the floor. Extensive additional hearings were held on March 23 and 24. Secretary of State Rusk and Secretary of the Treasury Dillon were heard from at length. We are confident that the necessary assurances have been obtained.

The IDA legislation, both this time and when it was originally before us in 1960, was referred to the House Committee on Banking and Currency. This is because of the Banking and Currency Committee's traditional jurisdiction over the World Bank and its subsidiary organizations, including IDA.

But we recognize that the House Committee on Foreign Affairs, because of its jurisdiction over U.S. bilateral foreign aid, has a deep interest in the subject matter. We felt it had a contribution to make. Accordingly, the chairman of the Committee on Banking and Currency, the distinguished gentleman from Texas [Mr. PATMAN] issued an invitation to each member of the Committee on Foreign Affairs to participate fully in our hearings. At least one member of the Committee on Foreign Affairs was able to accept this invitation, and participated in the questioning of Secretary of State Rusk before the Committee on Banking and Currency.

As the hearings show, the IDA legislation was not only supported by Secretary of State Rusk and Secretary of the Treasury Dillon, but by Secretary of Commerce Luther H. Hodges; Chairman William McC. Martin, Jr., of the Federal Reserve System; and President Harold F. Linder of the Export-Import Bank.

President Johnson urged passage of this legislation in his foreign aid message to the Congress of March 16, 1964:

> Of major importance are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than $1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.
>
> Under the program before you the United States would be authorized to contribute $312 million over a 3-year period. Against this other countries have pledged $438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966.
>
> I urge the Congress to authorize U.S. participation in this continued IDA subscription.

Former President Eisenhower, under whose leadership the original IDA legislation was passed in the House on June 29, 1960, has this to say about the need for renewing the IDA authority:

> I note with concern the action of the House of Representatives on the International Development Association measure and am hopeful that this unfavorable action can be reversed.

> Obviously, since we initiated this program several years ago many things have changed but I do not believe that the fundamentals which we had in mind when we created this venture are still eminently worthy. That is, wherever possible we should favor a loan in place of grants, and to the degree possible we should encourage other nations to join us in carrying the foreign aid burden.

Support for the IDA legislation has come from the Chamber of Commerce of the United States, the AFL–CIO, the American Association of University Women, and many other organizations.

Now let us look at some of the objections made to the IDA legislation, and at the assurances made to the Committee by the Secretary of State and the Secretary of the Treasury, which led the Committee on Banking and Currency to bring before you S. 2214. S. 2214 was passed by the Senate, 38 to 31, on January 20, 1964.

Here are the objections, and their answers:

First. "IDA will give loans to countries which expropriate private U.S. property without compensation."

Quite the contrary, Secretary Dillon gave assurance that the World Bank and IDA have an established policy not to lend money to countries which refuse to pay adequate compensation to countries which expropriate foreign-owned property. Indeed, the World Bank and IDA cut off Ceylon from the list of eligible countries for just this reason long before the United States did.

Second. "IDA lends to countries which fail to take self-help measures."

Quite the contrary, the World Bank and IDA adhere rigidly to the principle of self-help. They insist that proper fiscal and monetary policies be pursued by the receiving country, and that the local contribution to each project be the maximum.

Third. "IDA might lend to nationalized enterprises which compete with private enterprise, such as the Bokaro steel mill in India."

Secretary Dillon assured the committee that IDA has never made a loan for a Government-owned industrial enterprise, does not contemplate such a loan, and that the United States would vigorously object to such a loan if it were even suggested. Indeed, the World Bank and IDA have devoted over $1 billion to finance private enterprise abroad. In India the World Bank has provided $150 million for private steel mills, while refusing aid for Government-owned steel mills. Secretary Dillon assured the committee that no IDA funds would be used for Bokaro.

Fourth. "IDA low-interest loans are re-lent by the receiving country at excessive interest rates."

It is not only true but commendable that IDA's loans are frequently reloaned by the receiving country to private industrial enterprises within that country. This reuse of funds is one specifically contemplated by Congress in our own aid program. The reason for IDA's low-interest loans—three-fourths of 1 percent, with repayment in hard currency during the last 40 years of the 50-year loan period—is because the receiving country's balance-of-payments position simply does not permit it to pay the going commercial rate. In fact, these low-interest loans are the reason for IDA in the first place. On the other hand, the private entities that borrow these funds within the developing country have no balance-of-payments problems, and should pay something like the going rates of interest in that country if they are not to receive an unjust windfall. Secretary Dillon has assured the committee that in no case would IDA permit interest rates that were "excessive or unreasonable for the borrower." For example, in Formosa, where the IDA subloan bore an interest rate of 12 percent, commercial rates were 18 percent and the Bank of China discount rate was 16 percent.

Fifth. "IDA funds help Communist bloc countries."

No Communist bloc country is eligible for an IDA or World Bank loan. While Yugoslavia, a Communist country, is an IDA member, it is far too wealthy to be eligible for an IDA loan, and Secretary Dillon assured the committee that none would be considered. Similarly, any loan application by any country likely to fall under communism would be vigorously opposed by IDA. Neither could IDA funds be re-lent to Communist nations, because they may be used only for specific projects within the non-Communist country.

Sixth. "The World Bank should assist IDA from its own resources."

The World Bank has total reserves of $829 million. Of this, $271 million is a statutory reserve of the fund, and $558 million is a supplemental reserve built up since 1950. Most of the World Bank's funds, in fact, have been obtained from private purchasers of World Bank bonds. These private purchasers have relied on the World Bank's $829 million surplus. It would be an act of bad faith for the Bank to dip into these reserves to give to IDA. At the same time, the Banking and Currency Committee argued strongly that future earnings of the World Bank could well be made available to IDA. Happily, on March 25, 1964, President Woods of the World Bank announced his recommendation that the Bank transfer a substantial portion of its earnings from now on to IDA. This is all to the good, and will provide a small supplement to the $250 million annual addition to IDA funds envisaged by this bill. Taken together, however, the sums fall far short of the need.

Seventh. "Other countries should give a larger contribution to IDA."

The Banking and Currency Committee heartily agree with this position, and has for a long time been urging the executive branch to strike the best bargain it possibly can. Some results have been obtained. The present negotiation, for example, reduces the U.S. share from 43.1 percent of the total, which we had in 1961 go-around, to 41.6 percent. This compares with our more than 50 percent of the country's gross national product. The other 16 nations increased their contribution on the second round by more than two-thirds of the first go-around. The legislative history shows that Congress wants the executive branch to continue to press for the most generous sharing by the other 16 countries.

Eighth. "The United States will be assisting the 16 other developed countries to make their own IDA contributions under this bill."

This is simply not so. As to contributions by AID, there have been no new commitments to the part I countries since the fiscal year 1963. None of them will get a penny of aid by fiscal year 1966, which is the first year in which the new IDA contribution is made. As to military aid, the Church amendment enacted in 1963 prohibits new commitments for military assistance to any of these countries after July 1, 1963. The entire military aid program will be completely phased out for the 16 developed nations of IDA by the time the new IDA contribution is made except for two countries, which incidentally account for only 11 percent of the total foreign contributions to IDA, and will receive very minor deliveries under prior military aid programs. It makes no sense whatever to let the 16 countries off the hook to contribute $438 million to IDA because two of them will get a dribble of military hardware.

Ninth. "The proposed IDA contribution will hurt our balance of payments."

Due to prudent steps taken by the President and the Congress, our balance-of-payments picture is more favorable today than in recent years. More than this, however, procurement in the United States as a result of the 17-nation IDA contributions will offset at least four-fifths of the balance-of-payments effect of our IDA contribution. This 80-percent washout of the balance-of-payments effect is considerably better than we are able to achieve under our current foreign aid program. Secretary Dillon has assured the committee that the IDA will so conduct itself as to ease the U.S. balance-of-payments problem in all ways.

Tenth. "Our IDA funds, once IDA's mission is completed, will not come back to the U.S. Treasury."

Not so. IDA loans are repayable not in local currency, but in gold or dollars. If and when IDA's mission is complete and a distribution of assets is to be made, the United States will receive its contribution back, in accordance with IDA's articles of agreement.

Eleventh. "IDA merely adds to our foreign aid."

The testimony of the executive branch was clear that every IDA dollar that is lent—and bear in mind that the United States only contributes 41 percent of that dollar—is a dollar that the United States could otherwise well be called upon to contribute by itself. Both Secretary Rusk and Secretary Dillon pointed out that a larger request for bilateral U.S. foreign aid would have to be made if S. 2214 is not enacted. The annual IDA contributions are considered by the same House appropriations subcommittee which considers our bilateral foreign aid, thus assuring coordination.

Twelfth. "The United States does not control IDA."

It is, of course, true that when we deal with an international organization, we must realize that there are other voices to be heard than just our own. But the United States, having contributed 43 percent of the initial part I subscription, controls 43 percent of the part I votes, or 26 percent of the total voting power of IDA. The part I members control almost two-thirds of the total votes of IDA. We must remember that we share a genuine community of interest with the other part I nations in opposing uncompensated expropriation, in wishing to foster private enterprise, and in objecting to the waste of money on unsound projects. The United States has never been outvoted in the past, and is not likely to be in the future.

These two assurances are spelled out in meticulous detail, in page after page of the hearings.

I hope that the House today, by passing S. 2214, will give ringing affirmation that the United States intends to continue as a leading member of the free world community. I hope that Members have been convinced that the House Committee on Banking and Currency has heeded the recommittal motion, and has obtained assurances which will permit them to vote with us today.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Minnesota.

Mr. NELSEN. In your earlier statements you mentioned that the bill was much improved and further mentioned that many questions now have been answered, which, of course, brings the information to the Members of Congress, this information we felt we were entitled to receive.

It is your opinion that recommitting the bill, to bring this information to us, was a beneficial treatment of the whole program?

Mr. REUSS. As perhaps the gentleman will recall, I voted against the recommittal motion.

Mr. NELSEN. Yes.

Mr. REUSS. Because I felt that our explanation was adequate. However, I am always glad to bow to the superior wisdom of the majority of this body.

Let me say without any ifs, ands, or buts, this is a better bill, with a better record, as a result of the rehearing by the House Committee on Banking and Currency. To that extent I can say "Thank you" to the gentleman.

Mr. NELSEN. Will the gentleman yield further?

Mr. REUSS. I yield further.

Mr. NELSEN. Those of us who do not serve on the committee found it rather disturbing during the debate, when this bill was previously considered, that clarification of policies had not been sufficiently supplied.

I am pleased that the report now shows that many of these points have now been made clear.

I am sure that if these steps had been taken in the first place the bill would have passed. I now intend to support the bill.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Missouri.

Mr. CURTIS. The gentleman has said, as I understand it, that when this was written in, the bill was improved, but on listening to the arguments up to date, what has improved, perhaps, is the presentation.

Mr. REUSS. What I said, if the gentleman from Missouri will permit me, was that the record which is now before this House, the hearings and the report, have, I suggest, answered all the 12 or 14 objections.

Mr. CURTIS. The gentleman then has clarified it somewhat, but let me ask this question: I understand that the bill which was presented to us far from being changed at all is similar to the Senate bill and was done not for the purpose of making the bill better but so that we will not have a conference on it. I would like to know if that is a fact.

Mr. REUSS. That is only a small part of the fact. The fact is that the committee is entirely satisfied that it has the finest kind of commitments on all of these points from the administration, and that it would be impossible and self-defeating to try to put these commitments into legislative form. We are in much better shape as a result of the full spreading on the record of the views of the Congress and the committee and the attitude of the executive branch.

Mr. CURTIS. Could I interpolate there? What the gentleman is saying is we are making better legislative history, which is a very legitimate function, and that is what is improving it rather than any change in the language of the bill itself.

Mr. REUSS. That is an entirely accurate statement, and I accept it.

Mr. STINSON. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Washington.

Mr. STINSON. Did the gentleman's committee have the officials of IDA appear before the committee?

Mr. REUSS. Yes; we did. We had the Executive Director, the Honorable John Bullitt, appear before us at length. I am sure the gentleman from Washington is also aware of the fact that Secretary of the Treasury Dillon in effect wears two hats. In addition to being Secretary of the Treasury, he is the U.S. Governor of IDA.

Mr. STINSON. Did you have officials from without the United States who are officials of IDA testify to verify the various points that the gentleman has brought up here? Do we not have only 26 percent of the votes? In other words, when these various questions are raised in IDA will we have a majority of the votes?

Mr. REUSS. As the gentleman knows, international agencies usually do not have their officers appear before congressional committees. However, in this case we did secure, and the record shows this, from the Managing Director of the International Development Association, who runs the IDA, commitments on practically every relevant point, including the point of the amount of World Bank resources used for IDA purposes.

Mr. KILBURN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, the matter of increasing U.S. participation in the International Development Association—IDA—came before us earlier this year. During the course of the long, and often tangled debate that took place at that time, a number of serious questions were raised. These questions were only partially answered. More heat than light was shed on the whole subject—and I think the House wisely wound up voting to recommit this bill to the Banking and Currency Committee for further study.

I was among those who voted to recommit. It simply was not possible then to separate fact from fiction. More factual information was sorely needed.

Since then, the committee has held another series of intensive hearings. The questions raised in our earlier debate have been thoroughly reviewed. They have been put to knowledgeable witnesses—including Treasury Secretary C. Douglas Dillon, who serves as U.S. Governor of the World Bank, and IDA, and Secretary of State Dean Rusk.

The facts, finally, are clearly on the record—for all to see. We are not now obliged to vote blindly. We know, at last, where we stand on this matter. As far as I am concerned, Secretary Dillon fully and completely answered all of the questions that were unanswered earlier. I have carefully studied the full record and now believe strongly it is in the best interests of the United States that we support IDA.

There is no question in my mind that IDA represents a sound, constructive, and effective approach to multilateral foreign aid to the underdeveloped countries of the free world. Congress itself has long urged a sharing of the costs of foreign aid with the other industrialized countries of the free world. IDA provides for this—on a businesslike basis. As former President Eisenhower said:

> It may not be perfect, but on balance what we have sought to do with IDA is good for our country and good for the free world.

I have discussed this with my colleague, the ranking member, the gentleman from New York [Mr. KILBURN], and my colleague, the gentleman from Michigan [Mr. HARVEY]. I have a high regard for their intelligence and integrity and they assure me that their study of the problem as committee members indicates this to be in our country's best interests.

Mr. Chairman, I do not hesitate to support his program, and urge my colleagues to do likewise.

Mr. KILBURN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise today to express my enthusiastic support of the legislation before us.

The measure would authorize $312 million as the U.S. contribution to the increased resources of the International Development Association. In September 1963, the 17 economically advanced nations of IDA reached agreement to provide an additional $750 million in convertible currencies for the World Bank affiliate. This bill we are discussing represents the U.S. share of that undertaking.

As such, the American contribution amounts to 41.6 percent of the additional funds, as against 43 percent of the original subscription. It is significant to note that the proportion and the amount authorized for U.S. participation have been thus reduced.

It would, I think, be somewhat redundant for me to recite all the figures and specifics of the legislation, which were brought into discussion fully in late February. Since that time, the Banking and Currency Committee has heard expert testimony again from Secretary Dillon and also Secretary Rusk. Members of the Foreign Affairs Committee were also invited to participate.

These hearings served to reaffirm my own commitment to this legislation, and certainly several areas were covered which earlier had prompted misunderstanding and some controversy.

On March 23, the Secretary of the Treasury said before the committee that IDA represented the kind of assistance which serves our interest in a way that no other program can, for it involves, in hard currency, nearly $3 of aid from other industrialized countries for every $2 that we put up.

This program for which we are seeking authorization permitting a 3-year contribution period of $104 million annually, has long been guided by financing practices operating for the bilateral aid program. With one-fourth of the voting power in IDA, the United States, in the words of Secretary Dillon, would "vigorously resist" any change in these practices.

IDA will not provide loans to countries which do not genuinely pursue their own self-help measures. It will not release funds to a nation which suffocates private enterprise by arbitrarily confiscating foreign property without paying compensation. There will be no lending in support of socialized projects injuriously competing with private industry. In this connection, IDA clearly lacked the resources to finance the Bokharo Steel Mill in India, even if it initially thought the investment would be proper and sound. IDA has never made a loan to a Government-owned industrial enterprise.

Regarding the expropriation of foreign property, the Association will not extend credit to governments which do not pay a just compensation. This would amount to poor financial practices, a risk which an institution of this type could not afford.

One of the advantages of this program to the underdeveloped nations is that the terms are exceedingly favorable. There is no interest save a modest service charge; repayment begins only after a 10-year moratorium, when 1 percent of the principal is repaid for 10 years thereafter, and then 3 percent for the remaining 30 years. These terms are beneficial to the developing areas who are caught in a squeeze of insufficient foreign exchange, higher debt, and domestic growth needs.

Under IDA, credits are reloaned within the borrowing country at rates which are reasonable and not excessive. This principle operates similarly under bilateral program with AID. Because the domestic users are not saddled with the balance-of-payments problems confronting the borrowing government, interest rates on reloaning are affected by other internal conditions, such as the prevailing rates of interest, the nature of the project, and the domestic economy.

There has been comment as to why the United States, whose share will represent 41.6 percent of the total, has only 26.6 percent of the vote in IDA. In fact, this influence is greater than any nation alone and is certainly sufficient to ensure that our interests are protected. All part I countries, who are contributors, have a reduced vote in proportion to their contribution. The part II countries are members of IDA and thus are accorded a minimum voting percentage. Sixty-four percent of the total voting is given to part I countries, and this is properly divided in relation to the contributions made by these industrialized states.

Concern is voiced that IDA credits have tended toward an imbalance. India and Pakistan alone have received $300 million of IDA resources up through 1963 in addition to our own bilateral help coordinated with a consortium of 10 countries, plus the World Bank, which has been attempting to deal with India's long term development needs.

I see no reason why this should be a point of criticism. India has a population of 450 million people. It has a democratically constituted government and practices of law instilled by the British. I do not say that India always follows a policy agreeable to our Government; nor should this be demanded.

But India is of enormous strategic importance to the Western World. It possesses that beginning scale of technical know-how for which development funds can produce the greatest benefits. It has already an economic base upon which the country can build. And I need not stress the political importance in Asia of insuring that India advances as a progressive alternative to the deceitful winds of Red Chinese bluster and tyranny.

Mr. Chairman, if there is any program of assistance which our Government can legitimately support, then I suggest it is the International Development Association. I think that as the industrialized nations have regained their economic viability, with our help, that they should increasingly share the responsibility for assisting the less developed. It is in their interest as well as our own.

IDA provides a mechanism under which the efforts of others can be channeled and coordinated into a meaningful, broadly based approach. It rests upon the principle of multilateralism.

The fact of the matter is that a failure to support the desired American contribution will, in effect, be the end of IDA. Other part I countries will not release their share, $438 million, unless the United States is prepared to participate and so make the program a meaningful and effective instrument.

Let me add that, according to the testimony of Secretaries Rusk and Dillon, the IDA commitment is fully alined with our own bilateral AID program. That is to say, the IDA authorization was taken into account in formulating the foreign aid appropriations request.

To me it would be a serious error to close out this possibility of mustering the financial resources of other mature, industrial States. I fervently hope that the House will express today its confidence in, and approval of this sound program of development financing which is demonstrably attuned to our own world interests.

Mr. REUSS. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. RAINS].

Mr. RAINS. Mr. Chairman, once again we are considering an amendment to the International Development Association Act, authorizing the United States to agree to contribute $312 million to this sound, proven, and tested affiliate of the World Bank. The U.S. contribution—$104 million annually during the 3-year period starting in fiscal year 1966—will be more than matched by the contributions of 16 other industrialized countries of the free world. Their share in this successful, multilateral development loan fund will total $438 million. These 16 other nations will be putting up $1.40 for every $1 contributed by the United States.

Even if this marked the start of this concept of sharing the costs of assisting in the basic economic development of the poorer nations of the free world, it would be in the best interests of the United States to take part. Furthermore, it would be wholly consistent with the expressed views of the Congress which has long called for a program which would bring the resources of the other advanced countries into an effective economic assistance effort for the underdeveloped nations.

But, Mr. Chairman, we are not just starting out on a new venture. IDA has been in operation since 1960. Launched with solid bipartisan support at that time, it has earned and received bipartisan backing ever since. Its record of accomplishment is an open book. We know it has been successful in providing the financial support for such basic economic development projects as communications systems, highways, irrigation systems and so on.

We know from the record, Mr. Chairman, that IDA's funds have not been frittered away on worthless projects in countries that have not demonstrated an ability to help themselves. None of IDA's resources can, or could, find their way to Soviet bloc nations.

IDA's funds are made available for needed goods and services only in those countries whose serious balance-of-payments positions preclude conventional, international borrowing on their part. Its resources have not and will not be made available for Government-owned enterprises that compete with private enterprise. IDA will not consider loans or assistance to countries that have refused to pay for expropriated foreign-owned properties.

We know this, Mr. Chairman, from the record.

We know too that the long and difficult negotiations that led to the present proposal to replenish IDA's virtually depleted resources found the other industrialized member nations willing to agree to sizable increases in their individual contributions. Whereas the U.S. share—$104 million annually—represents an increase of 62 percent from our previous contributions, Italy's share will jump 176 percent, Sweden's share will increase 148 percent, Germany's 129 percent, Japan's 105 percent, France's 95 percent, and Canada's 84 percent.

As Secretary Dillon told the Banking and Currency Committee during its intensive hearings on S. 2214:

> If the United States fails to approve the proposal, the other countries will be released from their commitments. Thus, this channel for mobilizing the resources of other industrialized countries for the aid effort on terms identical with our own contribution will be effectively blocked. This will make it difficult—if not impossible—to negotiate further burden-sharing arrangements with other nations.

Clearly, this would be penny wise and pound foolish. We have in IDA an existing, efficient means of sharing in the costs of economic development of the poorer nations.

We must not let this opportunity go by default. I strongly urge that the House join with the Senate in support of this vital piece of legislation.

Mr. HERLONG. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from Florida.

Mr. HERLONG. I was interested in what the gentleman said. I respect his judgment very much, especially in a matter such as this. I simply want to know if I understood him correctly when he said that it would not be possible for any of these funds to find their way into Cuba.

Mr. RAINS. I am sure the answer to that is that it would not be possible under the arrangements, the legislation, and the assurances of Secretary Dillon and those officials for any of it to find its way to Cuba or other Soviet-bloc nations.

Mr. HERLONG. Another point the gentleman brought out was that this money could not find its way into any country which had not paid for property it had expropriated.

Mr. RAINS. That is absolutely correct.

Mr. HERLONG. That would take care of Cuba, is that right?

Mr. RAINS. That is absolutely correct.

Mr. HERLONG. I understand that the principle back of this is that we in this country are only putting up a portion of the money and we don't even do that unless the rest of them put up their money as well.

Mr. RAINS. That is correct, absolutely.

Mr. HERLONG. How can we be sure that these understandings that we have will be carried out by the Board of Governors of this organization, when we control only 41 percent of the votes on the Board of Governors? Is it written in the charter?

Mr. RAINS. I cannot answer as to what is written in the charter. Maybe the gentleman from Wisconsin can. The only information we can rely on is that given us by the Secretary of the Treasury and the officers and directors of the IDA fund. I assume, and I assume correctly, I know, that they would not participate in any of these loans unless they had the benefit of the safeguards which have been written into this legislation and which the gentleman from Florida inquired about.

Mr. REUSS. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. STEPHENS].

Mr. STEPHENS. Mr. Chairman, many of you know that I have never voted for foreign aid. I have never voted for it because I have never seen to my satisfaction an accounting for the general foreign aid that has been given by America to the countries that America has been assisting. However, I support this bill because it comes nearer to my idea of what a foreign aid bill ought to be than what we have heretofore had. It is an answer to one of the questions I have always had and that is that America should not bear the load alone and, yet, we should not be completely negative in trying to assist other places in this world which need assistance so badly.

Mr. Chairman, the Committee on Banking and Currency reported out this bill by an overwhelming vote. The proposed legislation, first, as I understand it, authorizes our representative in the International Development Association to vote for a $750 million increase to be contributed by many countries belonging to the Association.

Second, it authorizes our representative to agree that the United States pay $312 million as its share of the increase.

It also authorizes the appropriation of these $312 million and then adds one other item that provides for non-interest-bearing notes that may be substituted for the amounts payable as part of our proposed participation in this increase and until the amount is called for by the Association.

The U.S. share of this money is in this fashion. For every $1 that America will put up, other countries will put up $1.40. When they put up that $1.40 and put their money into the program, I think they will help and assist us in seeing that there is no waste or dissipation of this money. When Secretary Dillon and Secretary Rusk were before our committee I questioned both specifically to assure that none of this money would go to any Communist nation or to any Communist-dominated country. I am satisfied that it would not. The question was brought up when we had our debates about the money that had been given to Yugoslavia. I ascertained that the last money given, I believe, was in 1951 and that this new bill would not in any way provide a fund that would go to Communist-dominated nations.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GROSS. If a nation borrows from this fund, and then turns around and makes a loan or makes credit available to Cuba; how are you going to control that situation and how do you know whether to make the loan?

Mr. STEPHENS. That question concerned me, of course, and I asked that same question of Secretary Rusk. I asked the very same question that you have asked. I also asked the same question of Secretary Dillon. They both agreed upon this answer. They said that this international organization does not just go around looking for somebody to lend the money to. They make a thorough and complete investigation of what is to be done with the money. They make stipulations as to what will be done. They monitor it and supervise it and it is not an irresponsible handing over of money. They make a thorough and complete investigation by a group of people who have already proved that under the World Bank supervision which this is under, that this is a type of loan that may be made. The World Bank makes investigations and makes a sound disposition of these funds. There is no reason in the world to think that there will be any change or alteration in their policy.

We have the assurance of Mr. Dillon and the assurance of Dean Rusk that that is the way it will be done. I call the gentleman's attention to these excerpts from the hearings before our committee where I interrogated these officials on this point.

At page 42 of the March, 1964, hearings you find this:

> Mr. STEPHENS. You have answered that, I think, very effectively in the statement that you have made on eligible borrowers except for the fact that I believe it should be made more clearly by the Government of the United States, that—at least on the record—that these countries that are receiving these benefits are not in a position to let Communist countries have a loan. Is that right?
>
> Secretary DILLON. Oh, yes, I think I made clear in the statement that the loans that are made by IDA can only be spent in the country to which they are loaned and can only be spent there for specific projects.
>
> You might say that that country might have some other money that it could lend to the Communist country. But IDA has the policy, because of its limited resources, and has had it for the last few years, to lend only to the very poorest countries. These countries, do not even have enough for themselves, and they certainly do not have anything left over to go lending to anyone else. Certainly if they ever did do that it would show poor use of their resources and they would certainly never get another loan.
>
> Mr. STEPHENS. Well, does the IDA machinery monitor these loans and so forth and the use of the money from time to time?
>
> Secretary DILLON. Oh, the World Bank has a very good record on that, and it is their regular system because the same management applies to IDA. They never approve a loan until the plans are all fully approved; they know exactly what is going to be done all the way out to the end, and that is technically sound. As the funds are expended, the World Bank or IDA sends their representatives to watch over the actual construction and actual operation. And for procurement—they cover that very carefully. All the procurement has to be by public bidding, and they make sure that they approve the request for bids and make sure that proper bids are accepted.
>
> So, I think that you can say that these funds are managed in an exemplary fashion. There has never been any criticism that I know of of a single World Bank loan or an IDA loan on that account.
>
> Mr. STEPHENS. Thank you, Mr. Secretary. I wanted to be sure to get that in the record because I think it is important to show that

> Communist countries almost without exception have an impossibility—to procure these funds.
>
> Secretary DILLON. Well, I think it is impossible; yes.

Again, at page 75 of the same hearings, the Secretary of State made the same assurance:

> Mr. STEPHENS. Yesterday Mr. Dillon made this statement, that it was impossible for Communist-dominated countries or countries in the Communist bloc to participate in this IDA fund. Would you agree with that statement, that it is impossible?
>
> Secretary RUSK. Oh, the IDA loans are made only to IDA members and members of the bloc are not members of IDA.
>
> Mr. STEPHENS. Well, you would agree with that——
>
> Secretary RUSK. So, this just cannot happen.
>
> Mr. STEPHENS. That was one of the most effective arguments used on the floor of the House against it, and I wanted to get a positive statement in the record that it would be impossible for them to use it. Thank you, sir.

I would like to point out from a letter of the Secretary of the Treasury written in September of 1963, the language of the Secretary in regard to the operation of IDA.

He said that this is an important aspect of the operation of IDA to have this increase. IDA does two things. First, it performs a uniquely valuable function by drawing a larger portion of its funds for development from the other advanced countries than from the United States and, second, it provides funds on terms which create very little burden on our balance of payments.

Feeling satisfied myself, from the answers given, that this was not an irresponsible way of disposing of our money, that it made other people participate with us, that it would not affect adversely our balance of payments, that no Communist country would be allowed to participate directly or indirectly, I shall vote for the bill. I feel that it will be a great assistance in the future in determining the direction our foreign aid will take, which will make other countries share in their responsibilities to the world.

Mr. KILBURN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. OLIVER P. BOLTON].

Mr. OLIVER P. BOLTON. Mr. Chairman, I rise in support of S. 2214.

As a member of the House Committee on Banking and Currency, I reluctantly supported this bill in the committee, and I supported it when it was last before the House for consideration, last February.

I say "reluctantly" because there are some features of the program which disturbed me. Yet when I, in my own mind, compare this approach for foreign development lending with the economic assistance provided by the regular foreign aid program, I find considerable merit.

Many of us have been critical of the frustrations confronting the United States in our attempts to elicit support from other developed nations in the sharing of the enormous burden of fighting the worldwide Communist menace. For years Republicans and Democrats alike have yearned for the day when foreign assistance would become multilateral, rather than unilateral, in operation and in approach. We have also asked for an increased emphasis on loans, as opposed to grants, in our foreign assistance program. IDA at least embraces both of these tenets.

Mr. Chairman, I hope that we will keep our consideration of this measure in proper perspective. On an annual basis, the bill before us represents approximately 4 percent of the total appropriated by the Congress in last year's foreign aid appropriation bill. Yet, for every $4 supplied by this country, nearly $6 will be generated from our free world allies. If we could obtain the same degree of cooperation on the overall foreign aid program, last year's $3 billion of foreign aid could easily have been cut in half.

When IDA first came before the House as H.R. 11001 on June 29, 1960, it came with the hearty endorsement of the Eisenhower administration and in particular of the then Secretary of the Treasury, Bob Anderson. Unlike foreign aid, it had the endorsement of the business community.

Mr. Chairman, times change, and so do men's minds. Nevertheless, the bill before us this afternoon still has the support of President Eisenhower, and according to press reports, of former Secretary of the Treasury Bob Anderson. In addition, only a few weeks ago the U.S. Chamber of Commerce again reaffirmed its support for IDA, and has asked the House to reverse its position of last February.

This was started as a bipartisan effort to work our way out of the rathole of traditional "shovel it out of the U.S. Treasury" type of foreign aid, back in 1960, and there is no reason why it should not remain so today. If anything, the underlying reasons for foreign developed nations sharing our burden are far more compelling under present conditions.

I urge the House to support the bill.

Mr. KILBURN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, exactly 4 years ago, May 13, 1960, a committee of the other body first reported favorably the legislation which, when the legislative process had been completed 1½ months later with its signing into law, created the International Development Association.

It would be most appropriate, I believe, if on this anniversary occasion the House could complete favorable action on the legislation before us which recognizes the substantial contribution the IDA has made to the economic and social development of the less-privileged countries and authorize the needed increase in its resources.

In 1960, as it is today and as it was when the idea was first suggested in 1951, the concept of an agency to supplement the World Bank by lending development funds on the easier credit terms which underdeveloped countries find essential was completely bipartisan. The idea was first proposed 13 years ago by the Republican chairman of an advisory board under a Democratic President. It was given new life 7 years later by a Democratic member of the other body during the administration of a Republican President. A year later, 1959, the Republican Secretaries of State, Commerce, and the Treasury, the Chairman of the Federal Reserve Board and the President of the Export-Import Bank formally approved the project. The World Bank itself then drew up the articles of agreement which were submitted by the President to the Congress which, in turn, approved U.S. participation. Congressional approval was urged by a broad range of private American organizations, including the U.S. Chamber of Commerce, the American Farm Bureau Federation, and the AFL-CIO.

For the past 4 years, Mr. Chairman, the operations of IDA have justified the confidence which Congress placed in this new agency. We recognized the need for the non-Communist world to hold out real hope of progress to the young and struggling newer nations, on terms that were realistic in view of their limited resources. We hoped, also, to provide a way of encouraging other more highly developed countries to accept a greater share of responsibility in this field, especially at a time and in a way which would ease our own balance-of-payments difficulties. IDA has been successful in accomplishing both objectives, but by the end of the present fiscal year its hard-currency resources will have been fully committed.

The present bill would permit this constructive effort to be sustained at a somewhat higher rate, and would move even further in the direction of the objectives we seek. For every dollar of additional funds provided by the United States, other members of IDA would subscribe $1.40, a ratio which we of the United States, who have so long dominated the field of foreign aid, can view with great pride and satisfaction.

The administration of the IDA program has been sound because the concept itself is valid and because the staff has been the experienced and skillful personnel of the parent organization, the World Bank. For those who have expressed concern about specific questions, I join with other members of the committee in referring to pages 5 through 10 of the committee report. I have not seen or heard a legitimate question asked which is not satisfactorily answered in thse pages. The committee took seriously its responsibility under the recommittal motion last February and gave thorough consideration to the questions raised by our colleagues. I consider it most significant, therefore, that on this second occasion, as on the first, the committee reported the legislation favorably by a unanimous vote—and this by a committee which reflects the widest possible range of views on economic issues of this kind.

I would say to our colleagues, Mr. Chairman, that in the language of our times we have a good thing going for us. This is the kind of foreign aid program our people want. It combines practical idealism with hard-headed business sense. In this IDA program, we are playing the role of "a banker with a heart." It is an attractive role and a worthwhile one. We have been eminently successful in it, which, regretfully, we cannot claim for all our foreign policy efforts.

Mr. Chairman, I see no point in quitting when we are ahead.

Mr. KILBURN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am for this bill. I think, as everyone knows, I supported it the last time, but I did vote against foreign aid. I expect to continue to. If we are ever going to get away from foreign aid, this is the way to do it, in my judgment; that is, get other countries to put in 60 percent of the money while we put in 40 percent. This is under the management of the World Bank, which is a good outfit. Therefore, I hope that everyone supports this bill.

I now yield 5 minutes to the gentleman from Michigan [Mr. HARVEY].

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HARVEY of Michigan. I yield to the gentleman from Vermont.

Mr. STAFFORD. I thank the gentleman for yielding. I want to compliment him on what he is saying about IDA. I voted for it the last time, and I will vote for it again more enthusiastically this time on the basis of his statement and the additional hearings that have been developed.

I thank the gentleman.

Mr. HARVEY of Michigan. I thank the gentleman.

Mr. Chairman, there has been some discussion here today also with regard to the elimination of certain safeguards in this particular bill. Now, I think you have to say, first of all, those safeguards were in there not with the consent of all the members of the committee but because some members felt they would be helpful in expressing our intent. Basically those provisions in H.R. 9022 not contained in S. 2214 are as follows:

First, that there was an expression of congressional intention to reduce the U.S. proportion of any further increase. I can tell you as one Member—and I know the gentleman from New York [Mr. KILBURN], who has watched these negotiations over a period of 2 years can do so, also—that our representatives in the Treasury Department have done everything within their power to reduce the share that the United States is contributing here.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HARVEY] has expired.

Mr. REUSS. Mr. Chairman, I yield the gentleman 3 minutes.

Mr. HARVEY of Michigan. Mr. Chairman, I thank the gentleman. I would assure the gentleman that these representatives in these negotiations have gone on for many long months and done all in their power to reduce our share, and it has been reduced.

Now, No. 2: That we should utilize the available future income of the World Bank for IDA purposes. The President of the World Bank himself has gone on record as favoring that particular proposal. Mr. Dillon, our Governor, has gone on record favoring that proposal and we have every assurance that the Bank is going to favor that proposal.

But No. 3, that we should urge that new funds be borrowed in economically advanced countries other than the United States, to help our balance of payments.

Let me say—and I stress this particularly to the gentleman from Illinois, that that is precisely the manner in which the World Bank is presently operating so as to help the U.S. balance of payments. I would say in answer to that particular allegation, that the IDA program is harmful to the balance-of-payments position, that just the reverse is true. I would say, for goodness sake, familiarize yourself first with the facts.

Mr. Chairman, let me read from a statement of the Treasury as follows:

> The World Bank has had a favorable net effect on the U.S. balance of payments, and that this favorable effect has been greater in the last 5 years, when our balance-of-payments problem has become serious, than in the earlier period. From its beginning to fiscal year 1958, the favorable effect was $24 million. From then through fiscal year 1963, it was $472 million. This conclusion takes into account such factors as World Bank bond and portfolio sales in the U.S. market, interest and amortization payments to U.S. citizens and by the United States to the World Bank on its holdings of U.S. securities, and procurement from U.S. suppliers financed by World Bank loans.

I say to you that to imply for 1 minute that this program is harmful to our balance-of-payments situation is wrong. In fact, just the reverse is true.

Mr. Chairman, a few days ago, one of my colleagues asked me the question, "Why do you think that this bill authorizing funds for IDA should be brought up a second time?" Again, this question has been raised this afternoon. The answer to that question, in my judgment, is that it is very much in the national interests that IDA be reconsidered and I hope passed. I think that the House of Representatives erred in its judgment, and I would hate to think, that as a Member of Congress, that once I had cast my vote, there was something superhuman about it and I couldn't be wrong.

One of the newspapers in Michigan, the Detroit Free Press, which incidentally is strongly opposed to our bilateral foreign aid program, best described the action of the House on February 26 by saying, "The House shot the wrong horse." Going further in the editorial, the editor pointed out that in the zealousness of many Members to correct the wrongs in our own aid program, we killed one of the few outstanding international programs that we have. Every other newspaper editorial that I read on the subject was in the same vein. I inserted several editorials from the Detroit Free Press, the St. Louis Post Dispatch, the Milwaukee Journal, the New York Times, the New York Herald Tribune, the Washingon Post, and the Saginaw News, in the CONGRESSIONAL RECORD on March 26.

It should be clear that if the House repudiates this program for the second time, we will not only deal a blow to our country and to its leadership in the free world, but also to our financial interests as well, for the contributions of the other nations would be lost.

Make no mistake about it, this is a form of foreign aid. President Johnson said as much and included it in his foreign aid message. Secretary of the Treasury Dillon repeated this before our committee. Some might say, as the argument was raised in February, that this bill should have been considered by the Foreign Affairs Committee. I think I can truthfully say that all of us on the Banking and Currency Committee would have been glad to have that happen, for this bill has meant a tremendous amount of work, when we have had plenty of other proposed legislation to consider. The fact remains, however, that the Speaker determines which committee shall consider legislation, and several years ago, while President Eisenhower occupied the White House, the late Speaker Sam Rayburn designated our Banking and Currency Committee to consider the original IDA bill. I would not say that this was wrong, for ever since the World Bank was founded in 1945, all legislation pertaining to it has been considered by the Banking and Currency Committee.

I am satisfied that no one has attempted to misrepresent the situation, for as I mentioned earlier, the President included this request in his foreign aid message, and everyone agrees that it is a form of foreign aid. In order that we would have the benefit of the experience of members of the Foreign Affairs Committee in this field, however, the chairman of our committee invited them to take part in the hearings which were held on this subject. Congressman PETER FRELINGHUYSEN did participate, and I am sure that he will add to our information with his comments later on.

Because this bill does represent a form of foreign aid, I think that it is important that it come up in the House before consideration of our own bilateral foreign aid program. That is so, even though in fiscal 1965 we would still be operating under the 1960 IDA authorization. Not until fiscal year 1966 will the authorization in this bill go into effect. The $62 million included in the 1965 budget for this program really represents $150 million of loan funds when it is coupled with the contributions of other nations which otherwise would not be made. Likewise, the $104 million authorization contained in this bill for fiscal 1966, 1967, and 1968 really represents $250 million in loan funds for each of those years. I believe that each Member of the House has the responsibility to consider this full measure of help made possible by our IDA program, and then vote for such changes in our own aid program as appear wise under the circumstances. In other words, we must know what our country is going to do under IDA on a multilateral basis before we can make appropriate reductions in our own efforts. But by the same token, I believe that we who have opposed our own bilateral foreign aid program in the past have the duty to find a common meeting ground with those who have successfully supported it, so that the benefits of programs such as IDA, where our allies invest $1.40 for every $1 that we invest, are not lost to our country.

I call to your attention that during the last 16 years, while we have tried to accomplish this all by ourselves with no help from the other countries, we have spent more than $100 billion. We have not only postponed the payment of our own staggering World War II debt, but we have borrowed approximately another $50 billion, so that our national debt today is nearly $310 billion. Now, I think it is time these other countries should bear a share of the load and I think that we should welcome them with open arms.

How did a program such as this get started anyway? The International Bank for Reconstruction and Development—World Bank—was formed in 1945 and in its early days made reconstruction loans to Europe and Japan, among others. In recent years, most of its activities have been in the underdeveloped areas of the world and, for the most part, confined to the development of electric power and transportation. IBRD usually carries an interest rate of 5¾ percent and a 20-year maturity. The record of repayment has been outstanding and there have been no defaults on these loans. It was soon learned, however, that there was a limit in terms of repayment which these developing countries could pay. For example, between the years 1951 and 1961, a group of 34 countries, representing approximately 70 percent of the population of the underdeveloped countries, more than doubled their external debt in conventional loans. In the same period, however, their export earnings rose only by 15 percent. It was clearly apparent, therefore, that these nations were simply unable to service hard loans such as the IBRD was making.

This was first recognized in 1960, and it was for this reason that the IDA was formed. Although repayment to IDA is in dollars or in other hard currencies, the terms of the loans are soft terms, and deliberately so. The loans carry a maturity of 50 years, which includes a 10-year grace period. No interest is charged but a three-quarters of 1 percent service charge is made on all amounts outstanding.

Mr. Chairman, the only alternatives to a program such as this are either, first, that we as a Nation continue to do it ourselves in a bilateral aid program, such as we have had the last 16 years; or second, that we let the development of these countries that need help slow down or even reverse itself, which could have dangerous and political social consequences; or third, that we give up at the outset and say that the development of these nations that need help is a job for the Communist system to perform.

I do not think any Member of the Congress wants any one of these alternatives, for they make no sense whatsoever. Very obviously, a multilateral aid program such as S. 2214 has many advantages:

First, of course, it is multilateral. That means that other nations are helping. Now, you can quarrel with the percentages that we are contributing and other nations are contributing, but we should not lose sight of the fact that this program is still in its infancy. The important thing is that the 16 other nations are making a substantial contribution.

Second. Another very tangible advantage is that the program consists entirely of loans and not grants. Some will say that because there are no charges for the first 10 years and then only a three-quarters of 1 percent service charge, these are really grants. But what is the test of a loan? The test of a loan is whether or not the money must be repaid, not the length of the amortization period or the level of interest. By this simple test, IDA's credits are in fact loans. They will be repaid over 50 years, for there is no reason to assume that countries that have scrupulously honored their obligations to the World Bank would do less with the IDA. Skeptics doubted that loans as long as the 35-year loans of the Marshall plan period would ever be paid off, yet these have in large part been prepaid.

In at least two cases, the Congress itself has endorsed the use of 50-year, no-interest loans as the appropriate technique to meet a special situation requiring financing on such very favorable terms. For many years loans for irrigation purposes have been available at 50 years, with no interest, under the administration of the Interior Department. More recently, a program of loans under the Communities Facilities Administration on the same terms was authorized for States and localities to finance their planning of community facilities. Obviously, programs on these terms should have very limited application in the United States, where recipients do not face a balance-of-payments problem such as necessitates these terms on the international scene. But these are, nonetheless, loan programs endorsed by the Congress, repayment by the borrowers and the characterization as loans is not diminished by the generous nature of the terms involved.

Third. An additional reason is that these 16 other nations serve as a restraining force on those in our country to whom the late Senator Vandenberg referred, those who would "overpromise us to the world." Let me say to you in this regard that this program started out substantially higher than the present overall increase in assets of $750 million. A year and a half ago, when as a committee member I first heard of a suggested increase in funds for the IDA, the figure talked about was $2 billion. Do you know why it is less? The amount is less because of the attitude of the other 16 nations.

Fourth. There are also, however, a couple of less tangible reasons, but sometimes very persuasive, for believing this to be a better program. You have heard, no doubt, of the adage that "People tend to follow their money." I believe this to be true, and it is one of the factors that in the past has made the World Bank operation so successful. Japan, for example, is very familiar with all of Asia, a great deal of which the Japanese military occupied during World War II. Even though the country of Japan contributes only 5½ percent to IDA, she has enough of a proprietary interest to make certain that any loan in Asia is successfully placed and will have a good likelihood of being repaid by the borrowers. I do not think that the same can be said for our own unilateral aid program. We could not possibly be that close to all the countries to whom we are furnishing aid.

Fifth. Finally, I am convinced that an organization of many nations, such as the IDA, can say things to the government of a borrowing country that we, as a nation, would not dare say. These other 16 nations are not quite so generous with their money, and they want to be certain that a borrower has the management skill and ability to repay. We tend to take more of a big brother attitude and are always extremely reluctant to withhold aid unless conditions are met.

Mr. Chairman, I was keenly disappointed when the House voted to recommit this bill on February 26. I know that many Members acted in a mood of protest without actually considering the merits of this bill. But the vote last February did provide the opportunity for additional hearings before the Banking and Currency Committee, at which Secretary Dillon and Secretary Rusk appeared. In my judgment, these hearings greatly strengthened the case for IDA and demolished the various charges and concerns raised in the course of the House debate.

For instance, we have now a solid record of testimony which makes it clear that IDA does not and will not assist countries which expropriate foreign private investments without paying proper compensation. We also have firm assurances that IDA will not lend to public enterprises which compete with private enterprise. Contrary to the fears of some, none of IDA's funds could go to Communist-bloc countries or be used in any way to indirectly assist these countries. IDA credits go only to countries which are themselves committed to furthering their own development through self-help measures. When IDA funds are relent domestically in a recipient country, the rate of interest charged is a reasonable one, consistent with local conditions. The Congress itself has sanctioned this kind of relending arrangement in our own aid program.

One of the important points made in February was that the World Bank should itself somehow assist in the financing of IDA. The President of the World Bank has recently announced his intention to propose a transfer of current World Bank earnings to IDA to assist in carrying on IDA's important operations. Naturally, funds from this source can only supplement and not replace the basic requirement for governmental contributions to IDA such as we are considering today. The administration has pledged its best effort toward maximizing future contributions of the other contributing countries.

Mr. Chairman, I think we have met every reasonable point raised in the course of the IDA debate in February and have fully and completely answered all of them. Here is an opportunity which we cannot afford to drop. It would make no sense whatever for us to tell these 16 other countries "put away your $438 million, we do not really mean it when we say we want you to take on a larger part of the aid burden." It is impossible to reconcile such an attitude with our own often expressed desire to reduce the aid burden on ourselves. Yet, that is what we would be doing by failing today to authorize our contribution of $312 million to this $750 million, 3-year international fund.

Again, I want to emphasize this is not an issue that does or should divide Republicans and Democrats. The idea of bringing the other industrial countries into the task of development financing on favorable terms was enthusiastically taken up by President Eisenhower, who directed the then Secretary of the Treasury Anderson to pursue the idea vigorously. This was done, and legislation was sent to the Congress by President Eisenhower in 1960 and received bipartisan support.

As many of you know, President Eisenhower recently reaffirmed his confidence in the soundness of the IDA idea in a letter to the minority leader. It would be sheer folly to disregard the tangible evidence to date of IDA's constructive role and also the considered judgment of our most respected leaders as to the desirability of this legislation.

Mr. Chairman, I wholeheartedly support this legislation. If my voting record on foreign aid were different, it could be argued that I had not critically examined IDA. But as one who has not supported bilateral aid, for which we bear all the cost, I find it only the course of logic and commonsense to favor passage of S. 2214. I urge the House to recognize the real advantage to the United States of the IDA approach and to pass this legislation by a substantial margin.

Mr. REUSS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. Ryan].

Mr. RYAN of Michigan. Mr. Chairman, I wish to go on record in support of this measure. I also wish to congratulate the Committee on Banking and Currency for bringing this matter once again before the House in order to correct what I believe was a mistake the last time it was considered by this body. As we all know, it lost by a close margin.

Mr. Chairman, I do believe that this is the best foreign aid this Congress could enact. I support it wholeheartedly.

I believe it is important to remind ourselves that this legislation was first considered in 1960. It had the support of President Eisenhower and has been recommended by both President Kennedy and President Johnson.

When the bill was originally before the House, it received strong bipartisan backing. More than a majority of the Members on both sides of the aisle voted for this bill.

It seems to me that if we should depart from the recommendations of the committee, we would be regressing to a situation which we have been trying to get away from for a long time. For many years, the United States has been trying to get other nations to carry their fair share of the foreign-aid burden. In addition, we have tried to shift from a program of grants to a program of loans. S. 2214 will definitely help in accomplishing these purposes.

According to the committee, our share of the new subscription has been reduced to 41.6 percent from the 43.32 percent which we paid on the original capital. In other words, each dollar of IDA aid costs the United States less than 42 cents.

IDA is managed by the staff of the World Bank, whose record is well known to Members of the House, as it is to members of the free world financial community. In nearly 20 years of operations, the World Bank has loaned over $7 billion for projects around the world without a single default. This record has been achieved by careful evaluation and supervision of all projects, and the same, strict standards are applied to all IDA loans.

All plans must be completely evaluated by the staff of the World Bank before any IDA credits are made. Procurement is by competitive bidding, and the actual procurement, construction, and operations of any IDA-financed project are carefully supervised by World Bank representatives. IDA only issues credits; no cash is paid until the goods have been delivered and approved.

I believe the International Development Association is a tremendous step forward in foreign aid. Through it, and through similar programs, the other advanced nations take part in helping less fortunate countries. We should encourage the growth and development of such international agencies because we can no longer afford to bear the burden alone. The present authorization of the program is committed. However, there still remains a tremendous job to be done. That is why an additional authorization is necessary at this time. Communist countries are competing with the free world nations for ascendancy in the underdeveloped nations. They do not seem to be troubled by a shortage of funds. It would not be wise if we were to permit narrow, false economy to keep us out of this program or to permit it to expire.

Therefore, I strongly urge that we authorize this increase in its resources and allow it to continue its fine work.

Mr. REUSS. Mr. Chairman, will the gentleman from Michigan yield?

Mr. RYAN of Michigan. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, in answer to a question which was raised by the distinguished gentleman from Florida [Mr. Herlong] within the last few minutes, I would like to make a statement. The question was asked, Would Indonesia be eligible for a loan from IDA? The answer is, absolutely not. Indonesia is not a member of either part I or part II and would not be allowed to make an application.

The next question was, What about a Communist bloc country? The answer there too is this: If they are not members, they would not be allowed to make an application.

Finally, it was asked, What about a country that might conceivably fall under Communist sway, though it is at that time a part II member of IDA? The answer is that a country in any such position would not be eligible for a loan because it would be the worst kind of political and economic risk.

So, Mr. Chairman, I believe that while these questions have to be asked these responses constitute a very definitive answer as to IDA's practices and procedure.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask the gentleman from Wisconsin [Mr. Reuss] this question. He talks about countries under Communist influence. How about Ghana?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. REUSS. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan [Mr. Ryan] in order that I may answer the question which has been asked by the gentleman from Iowa.

The question is, What about Ghana?

Mr. GROSS. Yes.

Mr. REUSS. I am glad to say that that question was specifically asked by me of the Secretary of the Treasury Mr. Dillon, and I have his assurance with specific reference to that country that it would not be eligible because of the possibility of Communist domination there. It would be a bad risk and it would not be subject to the criteria of IDA.

The answer to the gentleman's question is "No."

Mr. GROSS. Mr. Chairman, if the gentleman from Michigan will yield further, Ghana is contributing a small amount to this fund; is it not? How can you deny them the right to borrow from this fund?

Mr. REUSS. Mr. Chairman, if the gentleman will yield, does not the gentleman want them to contribute? He, of course, could make that point. Contributions are welcome from anyone who is technically a member, just as contributions under the U.N. are more than welcome by the people on the other side, but that does not mean that they are in a position to borrow.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KILBURN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. McClory].

Mr. McCLORY. Mr. Chairman, I do not think that the objectors to this legislation oppose the principle of a great number of nations participating in foreign aid. I do not believe that very many Members of this House oppose making loans instead of grants. I believe the principal question in our minds is whether or not the Congress of the United States should have the right and the authority to spell out some terms and provisions in order to make known its intentions with respect to this program, and whether or not we should not be able to insist that where money in the form of a grant or a loan is reloaned at high interest rates, we should not be able to say, "Well, we want to have some interest on that money, too."

Mr. Chairman, I believe these are basic reasons, and I believe they represent objections that were made before when this legislation was under consideration. I further believe that these objections have not been answered here. Instead, in the further hearings—it is true that we have had further hearings—we have had a reiteration of what we had before. However, I do not believe there is any misunderstanding on the part of the Members of Congress with regard to this subject.

I know too that when this bill was presented to the House before it was presented in the form of H.R. 9022 with section 3 of that bill which contains three paragraphs expressing congressional intent. That congressional intent was expressed as follows:

> SEC. 3. It is the intention of the Congress that the United States Governor of the International Bank for Reconstruction and Development, in carrying out his duties and responsibilities in connection with international financial institutions, shall take into account the following considerations:
>
> (1) The proportionate share of the United States in any further increase in the resources of the International Development Association should be reduced from the proportionate share represented by the payment on behalf of the United States authorized by the amendment made by this Act.
>
> (2) To the maximum extent consistent with the proper attainment of the Bank's objectives, the Bank should make its future net income available to its affiliates.
>
> (3) In view of the importance of reduction in the United States balance-of-payments deficit, the Bank should, to the maximum extent feasible, borrow new funds in economically advanced countries other than the United States and lend convertible currencies other than the dollar.

To come here and say "Well, we are abdicating our authority with regard to these provisions and we are going to rely on the Executive to do what we want him to do," does not seem to me to be fulfilling our obligations as Members of Congress. Why should we not express our will in this legislation? I will tell you why I do not think we are expressing it in this legislation. It is because if we do, the bill will have to go to the Senate. It barely passed the other body before, and we do not want the bill to go back there because maybe the bill would not be passed over there. When Secretary Dillon appeared before the committee he was asked why we should not receive interest on money that is loaned by IDA and sometimes reloaned at high interest rates. If you will look on page 11 of the hearings you will see that large amounts of IDA loans are reloaned by recipients at rates of interest up to 12 percent. He said one reason he did not favor a provision for interest was that he did not want to go back and negotiate again. I do not think that is a valid reason for the Congress to accept for not getting interest on money that is reloaned at a high interest rate. If our representatives do not negotiate the way the Congress wants the agreement to be renegotiated, they should go back and negotiate again, and we should tell them what we want. We have had negotiations which resulted in the wheat sale and the test ban treaty and a great many others. I think it would be well for us to send someone back to negotiate further and to make a better deal consistent with our position in the matter.

Those are objections that are not answered in this new bill that comes to us now. It seems to me they are objections which are still valid and should be answered.

My recommendation to the Committee today is that the congressional intent should be insisted upon here and now in this legislation. We should not resign nor abdicate our authority simply because we have some good assurances from the Executive with regard to what he will do and what we hope he will do, but which are not spelled out in the bill we are considering here today.

Mr. KILBURN. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Chairman, we are again being asked to consider approval of U.S. participation in the International Development Association, a welcome supplement to our usual unilateral efforts to maintain the economic and political stability of the underdeveloped countries on this side of the Iron Curtain. It is welcome because the share of the new supplemental subscription to the Association of $312 million to be contributed by the United States represents only 41.6 of the total amount of $750 million involved. The rest will be contributed by 16 other major industrial nations of the free world, a system of cooperation and increased participation by our allies and friends that has been a goal of the Congress for years in discussing foreign assistance programs.

When this bill first appeared on February 26, after careful study by the Banking and Currency Committee, a number of fears and questions were raised on the floor which contributed to the early defeat of the measure. Since that time, with the full cooperation of the Secretary of the Treasury and other witnesses, the Banking and Currency Committee has explored the problems and doubts stemming from our earlier debate and, in my opinion, has satisfactorily answered every one.

Specifically, we have been assured that IDA will not assist countries which expropriate without compensation. In fact, the IDA was ahead of the United States in refusing to extend any further credit to Ceylon in this regard. The record of the Association clearly indicates that loans will not go to countries which are not practicing self-help. No loan has ever been made or is contemplated to be made to any nationalized enterprises, and no Communist country can gain assistance since none except Yugoslavia are members and that country does not qualify for economic assistance. Military assistance from the United States to countries contributing to the funds is extremely limited, is steadily decreasing, and in fact will be completed at least by 1968, in the case of the last two countries involved. There is little fear that other nations are diverting money from military assistance into their share of the burden in the IDA.

Our distinguished colleague, the gentleman from Illinois [Mr. McCLORY] has raised a number of questions in a letter to House Members which I believe deserve comment, since they are questions sincerely raised and important to the issue before us. First, he questions the elimination in this bill of a provision approved by the committee and retained by the House before the vote on final passage in H.R. 9022, the defeated measure. This provision would express the intent of Congress that the U.S. Governor of the International Bank for Reconstruction and Development in carrying out his duties should keep in mind; first, the necessity to reduce any future proportionate share of the United States in any future subscription; second, to the maximum extent possible to use future net income of the Bank for its affiliates; and third, the need to borrow new funds in economically advanced countries other than the United States and lend in other convertible currencies in light of the balance-of-payments problem.

It is my understanding that this section was left out of the bill on the grounds that the committee was sufficiently convinced that efforts were being made to reduce our share, now down from 43.1 to 41.6 percent in this supplemental subscription, that the Bank had already indicated its willingness to use net income for IDA purposes, and that the Secretary of the Treasury, as our Governor on the Bank, was well aware of the balance-of-payments needs of the country. The elimination of course also makes the bill conform to the Senate-passed version, eliminating any conference, although I do not know of any opposition to these proposed efforts in the other body. I want to make it clear, however, that I would not oppose the addition of this sense of Congress provision. I simply want to indicate to our colleague, the gentleman from Illinois [Mr. McCLORY], that the Administration has indicated sufficient agreement with these suggestions, and action is already sufficiently underway, to alleviate any fears in this regard, and that I would dislike seeing any unnecessary time being spent in conference if we can help it.

Second, there is still some question about the fact that IDA loans its money to recipient countries, charging only a three-fourths of 1 percent service charge, while AID charges 2 percent under recent legislation which I supported. Then, it is charged, the money is reloaned at exorbitant interest rates of up to 12 percent annually within the country itself. The reason for the lack of interest rate is the belief that these funds supplied by IDA are needed by underdeveloped countries in a fashion which would prevent a further deterioration of their own balance-of-payments position. It should be pointed out again that while the United States is the largest contributor, three-fifths of the money is supplied by other countries, who are equally unlikely to lend for purposes either unnecessary or constituting a bad risk. Yet they are in agreement on the question of interest payments.

Nor should the figure of 12-percent interest on the loan within a country be mistaken for the usual way of doing business. The fact is that only two loans, one in Paraguay and one in the Republic of China, have been at that rate, and in both cases these were well under the interest rates prevailing within the country for commercial loans. The committee has been assured that while IDA does not approve relending at excessive interest rates, in some cases an interest rate which we would consider to be high is necessary to avoid any disruption of the local banking system or provide windfall profits.

Finally it has been suggested that there is no restriction on the amount of World Bank reserves that can be transferred to IDA and loaned out without interest, although there is a total of $829 million in the reserve fund. In fact, as the committee report indicates on page 8, $271 million are required by the Bank's charter to be kept as a segregated, liquid reserve against liabilities, and could not be legally transferred. The rest of the reserve represents an earned surplus which has been one of the securities offered to private purchasers of World Bank bonds, and its transfer is looked upon as a possible breach of faith and an impediment to future borrowings. The Bank President, however, has indicated that future reserves built up will be used, in some portion, to provide IDA with supplemental strength.

I have attended two long sessions of very thorough hearings on this bill, its predecessor, and on the problems and doubts raised by Members in the past. There is no doubt in my mind that these problems are being solved, and these fears are no longer justified. For years this Congress has discussed and cajoled and reiterated its stand with respect to the need for further cooperation among free world nations in the effort to shore up otherwise susceptible fledgling nations in the path of the Communist threat to our mutual freedom and security. This International Development Association Act, formulated under a Republican President, and which still has the full backing and support of General Eisenhower, should be continued. It should be made the example of how to conduct foreign aid, not the whipping boy for opponents to that measure. I urge its passage.

Mr. REUSS. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. HANNA].

Mr. HANNA. Mr. Chairman, the two most frequently urged changes by responsible critics of the U.S. aid effort have been, first, that we demand that other advanced nations of the free world begin to participate in programs of financial assistance to emerging countries of the free world; second, assistance should be extended on the basis of demonstrated self-help. How does IDA meet these requirements?

There is no program in which our Nation is engaged which more nearly meet these criteria. We know it. More importantly, all the other nations of the free world know it as does the whole world. Should it surprise us then that astonishment and confusion confound our allies when this body refuses continued support to this program. In an adverse reaction to the previous House vote on this measure the San Francisco Chronicle pleaded:

> The United States should encourage intelligently and hopefully a greater activity and acceptance of responsibility in other free countries for development investment in the free world.

Secretary Dillon warned in his testimony before the committee:

> If the United States fails to approve this proposal, the other countries will be released from their commitments. Thus this channel for mobilizing the resources of other industrialized countries for the aid effort on terms identical with our own contribution will be effectively blocked. This will make it difficult—if not impossible—to negotiate further burden-sharing arrangements with other nations.

IDA extends its aid in the form of loans under the guidance of the World Bank. Projects financed require not only solid local planning, but also demand investment of substantial local funds. Secretary Dillon testified on this point as follows:

> The World Bank and IDA have long recognized that no amount of external assistance can lead to growth and development unless the country itself is prepared to follow sound principles and policies. They have declined to provide financing to countries unprepared to take steps which the Bank and IDA thought necessary for orderly development of their economics and fulfillment of the purposes of the financing. They have thus contributed importantly to establishing the principle of self-help which has been the central feature of our own assistance programs ever since the first days of the Marshall plan.

To those in this House who support the principles of broader participation and self-help support for this bill should be enthusiastic. The House of Representatives should at this time reverse what the London Economist reported as a "particularly benighted vote" which recently denied the funds provided in this measure.

Mr. KILBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Chairman, I supported this proposal previously and I support it again. This is not out of an overall approval of every aspect of our economic aid program under AID. I believe there has been a great deal of waste in that program and there have been some excesses. I do not think necessarily this bill is tied in with those provisions. I do think this is, of course, a foreign aid program. I think we should recognize that is true.

Secretary Dillon before the committee stated:

> Well, loans of this type, as I said, can be classified as aid and while they are repayable aid they are certainly classified as aid.
>
> It certainly seems to me that if one is in favor of any aid at all that a program such as this should be the last one to receive attention of that sort because this program does carry with it the contributions of other industrialized countries.

I think, also, we should recognize that in computing the aid necessary as well as the aid asked for by the administration, this authorization was taken into account. Specifically, Secretary Rusk in reply to an inquiry which is to be found on page 104 of the hearings answered a question:

> Was the passage of this bill considered directly in the reduced requests for foreign aid?
>
> Secretary RUSK. Yes, sir; the answer to that question is very clearly and unequivocably, "Yes." It was considered.
>
> We put together our foreign aid request on the assumption that IDA would be available on the increased level. I just did not want to be committed to the proposition that if for some reason we were not to participate and this did not go forward that this $750 million increase would have to be brought over dollar for dollar into a bilateral program.

I think this program has certain merits. Certainly, it should not be overlooked if economic aid is to continue, as I believe it should. I believe most Americans believe we should continue some degree of economic aid. As has been mentioned, other nations share in the program. This is certainly a desirable development—one which I think is in the long-range best interests of the United States. Second, it is a loan program. While, as I have mentioned at the outset, it is aid, it is also to be recognized that it does represent a loan. This is the direction which aid of this type should take.

Mr. KILBURN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DEL CLAWSON].

Mr. DEL CLAWSON. Mr. Chairman, following the adoption of the recommittal motion on H.R. 9022 February 26, 1964, the committee held hearings March 23 and 24 on S. 2214 with testimony from only two witnesses, Secretary Dillon and Secretary Rusk. I have high personal regard and esteem for these two gentlemen and recognize their special capabilities; however, I found no evidence in their statements to prompt a change of attitude with regard to the bill before us today. With the exception of the policy recommendations in H.R. 9022 which would have materially improved this bill, the legislation now under consideration is identical in substance to that which this House turned down in February, and the opposition arguments prevail today just as they did at that time. Members opposed to the bill in February have even greater reason to defeat this present measure.

My voice may carry small significance among my colleagues, but I share the image and the criticism of this Congress as does every individual Member. We should not overlook this opportunity to improve the public image by meeting our responsibilities as they have been delineated here on this floor. I recall very vividly the eloquent speeches on economy delivered during the debate of the tax reduction bill. Inasmuch as its beneficial effects are not being dramatically felt as promised by its proponents, the vigorously voiced support of expenditure reduction should begin today. Right now is the time for action. Today is the day when the image of this House can be conspicuously improved. Prior commitments can be fulfilled today, and we can keep faith with the taxpayers of this country and avoid further indebtedness and increased taxation.

It is now apparent to all that big spending proposals are just around the corner. The domestic demands for waging war on poverty, increased social security and pension benefits, augmented medical and hospital care for the elderly, and a host of others will bring requests for hundreds of millions of dollars that are not currently budgeted. American public interest requires that areas of Federal spending that can be reduced, postponed, or eliminated altogether must be considered immediately. One such area is now facing us. No country in the world will suffer injury to its present economy, nor will projects now in progress be canceled or delayed as a result of our action denying this authorization.

IDA, in its simple analysis, seems to be nothing more nor less than a proxy program of foreign aid proponents. One of the most cogent arguments presented for IDA is the involvement of other nations, 17 we are told, in the funding of available moneys for loans; yet, this very involvement removes further from the Congress the vital controls over foreign aid expenditures that should be jealously guarded. When the more traditional foreign aid programs meet opposition and are phased out, as now demanded by the American public, attempts to influence this body to appropriate funds for the same purposes and in similar amounts will most probably be made through this agency.

Unfortunately supporters of IDA want to take tremendous strides before the agency has even learned to walk. How can a new program be effectively evaluated in its infancy? With no payment required for the first 10 years, it is conceivable that these so-called, soft, interest-free loans might well become outright grants-in-aid during the 50-year amortization period. It is difficult to reconcile IDA's policies with the American public interest. IDA borrows money at the going rate for Government borrowing, then grants interest-free credits to foreign governments that, in turn, relend these funds on hard terms. The justification for this policy is the imbalance-of-payments position of these countries. Are we unconcerned about the imbalance-of-payments problems of the United States? Perhaps IDA should make the hard loans direct to the borrower and save the American taxpayer at least some subsidy with which he is burdened in trying to support IDA's no-interest, 50-year loans. Vast sums, we are told, are loaned to private enterprises in these countries and that no loans are made to government-owned industrial enterprises. Just how reliable are these private loans, or, for that matter, can we expect unstable foreign governments to honor such contracts over the next 50 years? Perhaps these same questions prompted the World Bank to adopt a policy against such lending.

The report includes a statement that the World Bank has in surplus $558 million after deducting $271 million required by charter to be held in liquid reserves against liabilities. We are advised the World Bank cannot loan this surplus because it operates on funds borrowed in private financial markets with this surplus as security for private purchasers of World Bank bonds. If the IDA loans are indeed loans and not grants, could not the World Bank lend its surplus funds and substitute the loan contracts from these foreign government and private agencies for the surplus now used as security against its borrowing, and in so doing still keep faith with the purchasers of its securities? Or, are we to assume that the private financial markets look upon loans made by IDA as loans that will never be paid, thus resulting in grants-in-aid.

Mr. Chairman, it is apparent that the legislation now before us is an attempt to transfer foreign aid from one type of program to another, but with no better implementation nor guarantee of repayment, even though proposed under the guise of a loan. We are being asked to appropriate millions of dollars for interest-free, 50-year loans with no payment for the first 10 years, and that this money be made available by the taxpayers of America through borrowing at high interest rates and by plunging the United States even further into an already abysmal public debt. With the unsettled, confused and muddled condition of world governments today, I believe that the people of America deserve something better from this Congress than to risk their hard-earned money on such a scheme.

Mr. Chairman, I intend to support a motion to recommit this bill and urge my colleagues to do the same.

Mr. KILBURN. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, on February 26 of this year this House rejected and sent back to committee this identical concept of foreign aid.

It will be interesting to check the rollcall to find out how many of our Members have yielded to the heavy pressures that have been asserted to change their votes.

Have conditions changed? Can anyone point to a single fact that can justify a change of position today?

I spoke at length on this bill when it was on the floor in February. My views have not changed. I shall not detail them again today. I am confident most minds are made up on how individuals will vote.

We just cannot afford the luxury of IDA. We should insist on others carrying more of this load. When, oh, when will we realize that constant increases in spending will one day bring down the financial house on us and there will be no one standing by to hand us 50-year loans with little or no interest.

Turning off the lights at the White House will not save us from disaster when this steadily increasing budget breaks through the danger zone.

Clever yarns to American businessmen may divert their attention from the increased spending and lull them as a barbiturate to a feeling of cozy economy. But, the record is clear for all to read if we will but turn on the lights and examine the books.

Let us look at the administrative budget trends.

Federal administrative budget trends, 1955–65

[In millions of dollars]

Fiscal year	Net budget receipts	Net budget expenditures	Surplus or deficit	Public debt
1954–55	60,209	[1] 64,389	−4,180	274,374
1955–56	67,850	[1] 66,224	1,626	272,751
1956–57	70,562	68,966	1,596	270,527
1957–58	68,550	71,369	−2,819	276,343
1958–59	67,915	80,342	−12,427	284,706
1959–60	77,763	76,539	1,224	286,331
1960–61	77,659	81,515	−3,856	288,971
1961–62	81,409	87,787	−6,378	298,201
1962–63	86,376	92,642	−6,266	305,860
1963–64 (estimated)	88,400	98,405	−10,005	311,800
1964–65 (estimated)	93,000	97,900	−4,900	317,000

[1] Includes Federal aid for highways, since 1957 financed from a trust fund.

Source: The Budget of the U.S. Government: 1965.

An anticipated public debt of $317 billion at the end of this fiscal year.

Is there economy in the new obligational authority now contained in the budget and is it still going up? Let us take a look:

The Federal administrative budget new obligational authority

[In millions of dollars]

	Requested	Enacted
1954–55	56,283	57,076
1955–56	58,642	63,198
1956–57	66,291	70,179
1957–58	73,341	76,345
1958–59	72,452	81,365
1959–60	76,807	79,574
1960–61	79,415	86,675
1961–62	80,867	92,862
1962–63	99,303	102,283
1963–64	103,192	[1] 98,317
1964–65	103,789	----------

[1] In the 1965 budget, the President includes $4,200,000,000 for fiscal 1964 for separate transmittal.

Source: The Budget of the U.S. Government, 1965 and prior years.

New obligational authority by function

[In billions of dollars]

	1962	1963	[1] 1964	[1] 1965
National defense	52.4	54.3	53.8	53.7
International affairs	3.4	5.7	3.0	3.6
Space programs	1.8	3.7	5.2	5.3
Agriculture	6.4	7.1	6.4	5.0
Natural resources	2.2	2.4	2.6	2.6
Commerce, transportation	3.1	4.0	2.9	2.8
Housing, communications development	.6	.6	2.0	.5
Health, labor, and welfare	5.0	5.4	5.8	6.6
Education	1.3	1.4	1.9	3.1
Veterans' benefits	5.5	5.5	5.6	5.5
Interest	9.2	10.0	10.7	11.1
General government	2.0	2.2	2.3	2.4
New programs	------	------	------	1.0
Allowances, contingencies	------	------	.4	.5
Total, new obligational authority	92.9	102.3	102.6	103.8

[1] Estimated.

Source: The Budget of the U.S. Government, 1964 and 1965.

The great chairman of the Appropriations Committee, who will be laid to rest tomorrow, on January 21 of this year commented on the budget. Mr. Cannon said:

> Contrary to impressions, this budget is higher, not lower than the current year. It calls for higher, not lower, appropriations.
>
> Contrary to impressions, this budget is above, not below, the magic mark of $100 billion * * *. This budget, while commendable in many respects, does not point to

> any lasting reversal of the upward trend of Federal spending.
>
> Today's budget is higher, not lower. It signifies more, not less, spending.

President Johnson says this budget carries us a giant step toward a balanced budget.

But he fails to reckon in this conclusion these facts:

First. The 1965 deficit will probably again be about $10 billion on the basis of realistic estimates of revenues and expenditures, if his proposed programs are carried out.

Second. In 1966 there will be a further significant revenue loss to overcome as a result of the second step of the tax cut.

Third. Expenditures will mount rapidly in coming years because of the high spending authority asked for 1965—almost $6 billion more than the proposed actual outgo—and the plethora of new programs proposed to be started on a small scale but certain to grow. Some of the new programs are not even included in the budget estimates and others—like public housing—already have been raised by the President beyond the budget proposals. If this budget is enacted as proposed, the unspent authorizations carried into future years will amount to $95 billion. With such a backlog, the expenditures in 1966 are headed for about $105 billion and this would far outrun revenues.

Unless the Congress deliberately stops this extravagance, there will be no balanced budget in the next 4 years—or more.

No, we cannot afford IDA regardless of how attractive some have tried to make her. She will lead us down a primrose path more dangerous to the economy and financial stability of this Nation than some of the walks others have taken in the rose garden at a famous but darkened house on Pennsylvania Avenue.

Others have given you good reason to oppose this bill. I have tried to shed some light on the cost we cannot bear. Three hundred and twelve million dollars will be given away. We do not have it. We must borrow it. No wonder we now are faced with $11 billion a year for interest alone.

Let us be responsible. Let us vote as we did when this bill was before us in February.

Mr. KILBURN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. Frelinghuysen].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the bill. As a member of the Foreign Affairs Committee, perhaps I should be sensitive about the prerogatives of that committee and the fact that our committee did not have direct responsibility for the hearing of testimony and the consideration of this bill on its merits.

However, as the gentleman from Michigan [Mr. Harvey] said, the chairman of the Committee on Banking and Currency did invite members of the Committee on Foreign Affairs to the hearings that were conducted after a similar bill to this was recommitted a few months ago. In my opinion, that motion to recommit was simply a postponement of a final decision with respect to this legislation. All those who voted to recommit were not necessarily opposed to the suggestion here before us to make this additional money available to IDA. Some felt that more information was needed; that information is now available.

Quite obviously, opinions will differ on the merits of this bill. Also, it is quite obvious that there are strong foreign policy implications with respect to this suggestion. In my opinion, we should act favorably on this bill. This is the most palatable form of foreign aid, in my opinion, since it is contingent on aid from other countries. It is one which we strongly support, even if we should not accept the principle of foreign aid in general. I might add that I am not one of those who feel we should lose patience with foreign aid. Certainly this form of aid should receive substantial support.

Mr. KILBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Chairman, in 1960 I voted for U.S. participation in the International Development Association.

I did so because it seemed to be a step toward curtailment and eventual stopping of direct economic foreign aid.

IDA seemed preferable to the waste and ineffectiveness of mutual security. It seemed a more businesslike way of helping undeveloped nations whose balance-of-payments problems precluded obtaining normal loans. Also it seemed logical to join with other countries in sharing the cost of foreign aid.

I had planned to continue my support of the IDA program when legislation came before the House earlier this year to authorize an additional $312 million contribution toward the total of $750 million to be paid in by 17 economically better-off countries.

Mr. Chairman, during the debate at that time, however, a number of questions were raised for which satisfactory answers were not given. So I joined those who voted successfully to recommit the bill to committee.

Now, however, I am reassured on many of these issues. For example, as the committee report states, IDA will not assist any country which expropriates American property without proper compensation. Also, no loans will be made to countries which are not actively trying to help themselves.

Furthermore, no foreign nationalized industries will get loans to compete with private enterprise, and low-interest rate loans cannot be reloaned at high or excessive interest rates.

Also, and of great importance is the assurance that Communist bloc countries cannot benefit by this form of assistance.

So, all in all, much of the concern I had has been dispelled. It is true still that the United States will not be getting sole credit for its help to underdeveloped nations, but frankly where we aid such countries directly ourselves I wonder if any good will is actually engendered.

In short, Mr. Chairman, I am now prepared to continue my original support for IDA and will vote for the bill. I am of the opinion that soft loans to backward non-Communist countries could be helpful in achieving the best objectives of foreign economic assistance.

Mr. KILBURN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Talcott].

Mr. TALCOTT. Mr. Chairman, I seek recognition to support this bill. When this bill came before the House previously, our committee was unable to answer many pertinent questions which were propounded from the floor. Our committee had not done its homework. They jealously requested the bill to our committee without consultation or cooperation with the Foreign Affairs Committee, although IDA is primarily a foreign aid project.

The bill was not convincingly justified last February and I made the motion to recommit the bill to the Banking and Currency Committee.

Since the bill was recommitted, the Foreign Affairs Committee was invited to sit with our committee during the supplemental hearings. Members of the Foreign Affairs Committee were furnished with copies of the hearings and statements of the witnesses as soon as they were available to me.

It seems to me that we cannot abandon all foreign aid—some foreign aid is in our own best interests. Some foreign aid is critical to the continued development of some nations and necessary to some peoples in faraway places whose personal and national needs are dire, but whose fulfillment is important to us.

Our foreign aid program—although noble in conception—has been unbelievably badly administered. Even its goals have been subverted from noble purposes of "helping people in need" to attempting to buy friends throughout the world for purposes of political prestige. The people distributing our foreign aid largess have squandered our resources extravagantly. Our foreign aid administrators have failed grossly to understand the true needs of the nations we have purported to assist. We have woefully neglected to follow through with the nations and peoples to whom we have sent our billions of dollars.

Our traditional foreign aid policy, procedure, and performance needs dramatic modification and improvement.

Unilateral grants and gifts have been ineffectual—often detrimental. Continued grants and gifts will be no more useful. Our taxpayers deserve an effective aid program—or none at all. IDA is potentially useful and effective. Many weaknesses of our foreign aid program can be improved by utilizing the theory and philosophy of IDA—the application of banking principles and techniques instead of "welfare" principles. If our foreign aid program were intended to be charitable, it would be better left to our churches and charitable organizations, such as International Red Cross—who know something about charity. No state can, or has, successfully handled charity.

The banking technique has been an historically successful method for assisting persons, businesses, and governments that are desirous of helping themselves.

Unfortunately, much of our foreign aid was given—with practically no investigation or critical appraisal—to heads of states, who seldom administered the funds as they would their own. There was little concern for project feasibility; practically no followthrough or supervision.

Many aid projects were not feasible, some had no usefulness or utility, some would benefit neither the donor nor donee. Oftentimes neither the Government nor the people of the United States derived any credit for the aid moneys, supplies, or services. In short, our aid program has been administered like a spendthrift spending another's money on a commission.

Our foreign aid program needs to be managed in a fiduciary manner—with new meaningful responsibilities upon both the trustee and the beneficiary. The administrators of our aid programs should be, in effect, the trustees of the U.S. taxpayers' money—they are not the profligate distributors of ownerless, limitless funds. The beneficiaries are not simply welfare recipients; they should be junior partners—with mutual objectives and responsibilities; they should be anxious to account and willing to contribute to the extent of their abilities.

The World Bank has been one of the most effective institutions for helping developing nations. It is a banking institution. But some countries which need the most help, are unable to pay conventional bank interest rates now. Nevertheless, we can and should help, providing the country is willing to make some commitment to help itself. We can help in more ways than by simply providing necessary funds. Money is seldom all that a developing country needs. It usually needs technical advice. It needs also certain encouragement, certain disciplines, certain supervision. The banking technique can supply many of these needs best.

I would like to remind my colleagues of a very narrow but important aspect of IDA which has not been emphasized; namely, the disciplines involved.

Some criticize the lack of interest requirement. The principal of the loans is repayable—we are granting or giving money to the extent of the waiver of interest only. We are, however, encouraging all of the same disciplines required of a regular, interest-paying borrower—application and qualification; project feasibility; capability for, and commitment to, repayment; planning for, and allocation of, funds for regular repayments; acceptance of technological advice. It may be as difficult for one nation to pay three-fourths of 1 percent as for another to pay 6 percent, but each must apply and use the same disciplines. Each nation should appreciate the loan as much as the other.

The discipline required for regular repayment of principal only may soon lead the developing country to achieve a capability of paying a small interest—and later full interest.

The contribution of our banking technique, the introduction of banking disciplines may be more valuable to the developing country and more helpful to our best interests than the money we give through the interest we waive.

The learning of disciplines may be more advantageous to us, the lender. The failure of our foreign aid program has been as much our fault as the nations which have wasted our funds and resources. We cannot blame other countries for our profligacy. There are disciplines which are applicable to the lender as well as to the borrower. I suggest that the lender has an obligation to thoroughly investigate the project to be financed, to ascertain if it is feasible, to determine if it will be beneficial or profitable to the borrower, to evaluate the borrower's capability and plans for repayment, to make certain the funds are properly applied to the project, to assist the borrower in arranging for and making regular repayments.

In other words, the lender has obligations and disciplines which should be respected. IDA provides the means for fulfilling these obligations which an out-and-out welfare or giveaway program lacks.

Through the banking principle and technique, we contribute assets as valuable to these developing nations as money—business and financial disciplines, self-respect, an exercise in the free enterprise system, a better avenue of understanding between the nations.

There are other reasons, which need no reiteration by me now, for supporting this authorization for IDA.

The scheme for inducing other prosperous, industrial nations to carry their share of the burdens of the developing nations is commendable.

There are a number of admonitions. Those of us who vote "yea" today, should be prepared to insist on a commensurate reduction of the "indiscriminate give-away" type of aid—otherwise the benefits of IDA will be diluted. We must be prepared to face the demagogs who later will argue for every new domestic, give-away program on the grounds that we approved aid to foreigners without interest, why not the same for our fellow citizens in need. The argument is not valid, but we will hear it.

We should face each issue as it is presented. IDA is good in theory; it has worked well in practice; it has great potential; we should not terminate IDA now.

Mr. KILBURN. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. Lloyd].

Mr. LLOYD. Mr. Chairman, I wish to voice my support for this bill (S. 2214).

I was concerned by the persuasive arguments in opposition to the bill made at the time the bill was previously before the House particularly by the gentleman from Indiana [Mr. Adair] and by the gentleman from Missouri [Mr. Curtis], and since that vote which returned the bill to committee, I have closely reexamined my previous affirmative vote which was made both in the committee and on the floor of the House. Upon reexamination, I am still firmly in support.

I support it because grassroots America clearly demands that we reduce our bilateral foreign economic aid program to a minimum, if not eliminate it altogether, and demands the absolute elimination of all vagueness and uncertain business practices which may exist in foreign aid. In my opinion, the direction taken through the IDA is the hardheaded way to move toward that objective. I believe IDA represents a responsible alternative by enlisting free, industrialized nations into an organization to share the burden of a loan program, supervised in the nature of a bank loan. The fact that IDA is already in existence, with a 3-year experience record already back of it, further makes it the appropriate organization to do the job.

The Secretary of the Treasury, Mr. Dillon, in testimony before the House Banking and Currency Committee on March 23 stated the following, which I believe to be significant:

> Now, the difference between our AID program and this (IDA) is that we go down and we try to push the countries to adopt good policies and say, "We will give you a loan if you will do that."
>
> The IDA and the World Bank don't do that unless they are invited in and then they will make a loan which they have done for Colombia and to a lesser extent Chile, where the programs so far have been quite good.

On March 24, the Secretary of State, Mr. Rusk, in testimony before the committee, made this observation concerning the supervision and administration of loans made by IDA:

> In administering its funds, the IDA has operated under the strict standards established by the World Bank in appraising projects, in negotiating loans, in supervising procurement, and in disbursing funds. The highly experienced staff of the Bank is also the staff of the IDA.
>
> To insure full mobilization of a borrower's own resources, the IDA usually contributes only part of the funds required for a project. Its loans thus far have averaged less than 30 percent of total project costs. This approach imposes a useful discipline upon the borrowing countries to insure that projects are important and carefully chosen and that local resources are effectively mobilized.

Without being able to personally inspect on the ground the soundness of the loans which have been made by IDA, I have nevertheless as a member of the Banking and Currency Committee, examined on paper the loans which have been made to the 20 recipient countries. The funds loaned to 10 of these countries have been in the greater part loans for highway construction. Certainly, the industrial development of underdeveloped countries is dependent to large degree on adequate transportation arteries, and by making loans for this basic need, we spur economic progress in a world in which we have an inescapable responsibility of leadership.

Of the remaining 10 recipient nations, 6 have received loans principally for water, reclamation, and irrigation development. Here again we are encouraging a basic economic growth, for without water and power, underdeveloped nations without sufficient local financial ability, cannot hope to join the productive world community. Of the four remaining recipient nations, the loan to

Paraguay was made to develop their basic cattle industry, the loan to Tunisia was to provide more adequate educational opportunity through the building of schools, the loan to Korea was to develop railway facilities for the movement of passengers and products, principally coal, a basic resource; the loans to India were for such basics as railways, seaports, water resources, and communications.

I consider these loans to develop the basic economy of the recipient underdeveloped nations to be generally consistent with good banking practices to develop a market, and I am heartened by the fact that this country is not going it alone, but is joined by 16 other free, industrialized nations who are beginning to shoulder, if slowly, a larger share of the responsibility.

Now it may be argued that in the 3-year experience which we have had under IDA, the recipient nations have not increased their wealth or increased their income, and that the prorgam has therefore not achieved its objective. Indeed it appears that the ability of these countries to incur conventional debt service has actually diminished. But I say this is not the fault of IDA. It may well be that we should make a more careful examination of the desire and effort which these countries are making to help themselves, and certainly if the evidence indicates that an applicant country is not making a realistic effort at self-advancement, then no good purpose is served by our trying to do the job for it.

On this point, your committee, however, is assured that it is the established policy of the World Bank and IDA not to operate in countries which are making poor use of their resources. We are further assured that the Bank and IDA have declined to provide financing to countries unprepared to take steps which the Bank and IDA thought necessary for orderly development of their economies and fulfillment of the purposes of the financing.

And so, to discard this program at this time because it has not by itself produced miracles in its short history, is not, in my opinion, realistic. Actually, the amount of money loaned by IDA to this point is infinitesimal in relation to the total economy of the countries to whom this money has been loaned, but that is not to say that it is unimportant, or that within its own scope it has not been effective. In no instance is there proof that there has been a lack of basic economic need or a lack of a fundamentally sound potential.

I have previously alluded to certain fact statements by Secretaries Dillon and Rusk. These men, together with Secretary of Commerce Hodges, Harold F. Linder, President and Chairman of the Export-Import Bank of Washington, and William McC. Martin, Jr., Chairman of the Board of Governors of the Federal Reserve System, certainly a most able and responsible banker, acting as the members of the National Advisory Council on International Monetary and Financial Problems, addressed a letter of endorsement to the chairman of the House Banking and Currency Committee on March 18 of this year, which letter is a part of this record, and from which I would like to emphasize the following:

> IDA was soundly conceived as an affiliate of the International Bank of Reconstruction and Development, to provide long-term loans repayable in hard currencies on repayment terms which are needed by many of the developing countries and which the World Bank could not provide. It is efficiently administered by the World Bank and has conducted its operations effectively.
>
> The IDA is of great value to the United States, not only because its operations complement and support those of the United States in the development field, but because IDA is one of the best ways we have of getting other advanced countries to share with us the financial burden of helping the developing countries to help themselves.

I certainly do agree that this legislation is not only in the province of the Banking and Currency Committee, but also in that of the Foreign Affairs Committee. Since these loans do not carry an interest charge, but only a small service charge, they are in reality foreign aid, and while the $104 million annual appropriation is but little more than one-twentieth the appropriation presently made for economic assistance under the AID program, the two programs are, or should certainly be, tied tightly together. As this country contributes to IDA, so the burden of our AID program should be lightened to that extent. As we contribute $2 to IDA, the other member nations contribute $3. Can we now actually risk the elimination of this multination willingness to accept a responsibility and an opportunity which is in our own vital interest?

Mr. Chairman, it may very well be that some of the IDA loans, upon on-the-spot investigation by a congressional committee might be subject to some criticism on the basis of the soundness of the loan itself. But I am satisfied that under the supervision and administration of the World Bank, and under the most careful scrutiny of the Members of this Congress, which scrutiny perhaps should be increased, the IDA provides the sound and sensible method by which a ladder may be lowered to the underdeveloped nations to enable them to climb toward full self-sufficiency and membership among the productive nations of the world.

Mr. KILBURN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Barry].

Mr. BARRY. Mr. Chairman, when this bill came before the House for consideration several months ago, I was one of those who voted to recommit it. I did so primarily because the bill which was offered on the floor at that time was a substitute for the printed copy before the Chamber, substituted immediately upon the opening of the debate by the leadership. I do not believe that it represented good procedure, for us to debate a substitute bill when the printed copy we had been studying and had before us was different from the bill which we were debating. Under those circumstances there could be no positive assurances that the substitute bill contained everything we thought it contained or did not include something to which we were opposed.

Also, Mr. Chairman, I felt that this bill properly belonged in the Committee on Foreign Affairs rather than the Banking and Currency Committee as, indeed, on page 336 of the House Rules and Manual there appears clear authority that:

> In assigning committee responsibility under the Committee on Foreign Affairs "foreign loans" is the aegis and prerogative of the Foreign Affairs Committee.

So, I believe that this is where this legislation belonged—in the Foreign Affairs Committee.

I notice also in the beginning of the section of the House Rules and Manual with regard to powers and duties of committees it says on page 328 under rule XI that it is mandatory on the Speaker to refer public bills to the proper committee. However, under rule XII, the House itself may refer a bill, to any committee without regard to the rules of jurisdiction.

Mr. Chairman, I have made certain representations to the legislative leadership, as well as to the executive branch of our Government, and have certain assurances that when this bill comes up again there will be an opportunity to get into a fuller discussion as to exactly where this bill belongs and that there be consideration to refer the bill to the jurisdiction of the committee where it properly belongs.

While I reaffirm my previous support of the objectives of the IDA, I would like again to state that it is my hope such legislation will be referred in the future to the committee assigned the responsibility for foreign affairs bills. IDA is a foreign assistance program, rather than a banking matter. This was affirmed by Secretary Dillon in his statement to the Banking and Currency Committee on March 23 when he said:

> There should be no question in anyone's mind—and there is none in mine—that contributions to IDA are a form of foreign aid—repayable aid to be sure, but still aid.

It is my hope that these efforts to have the bill transferred in future years to the Foreign Affairs Committee will gain further momentum, in order to assure a consistent foreign assistance policy. I have already been assured of the consideration and support of this proposal by leaders in both the executive and legislative branches.

However, to emphasize my position in favor of the provisions of the IDA program, I took the initiative to call a meeting of members in opposition to the bill to consult with Secretary Dillon in order to clarify the misconceptions which have circulated recently over IDA loans. I have also been in close contact with General Eisenhower, who has urged the House to approve this amendment.

Most Members of this House will recall that IDA was conceived by the Eisenhower administration. In a letter to Secretary of the Treasury Anderson, August 26, 1958, President Eisenhower outlined a three-point program for consideration at the annual meeting of the International Monetary Fund and International Bank, in which he proposed plans for the IDA. Following a study undertaken by the National Advisory Council, in February of 1960, President

Eisenhower submitted a letter of transmittal to the Congress for the establishment of IDA. In the letter he emphasized the need for capital in less-developed countries that cannot secure loans through normal channels; the great advantages of the IDA program being administered by the World Bank, which has had long experience in sound financing within a framework that safeguards existing forms of finance; and stressed the benefits of multilateral aid in which all industrialized countries can contribute and share the foreign aid burden.

As the former President stated in his recent letter to the Republican House Members, wherever possible the United States should favor loans in place of grants.

These words are as applicable to today's bill as they were in the initial Eisenhower proposal. IDA still has the benefit of the long experience and sound financing policies of the World Bank. IDA represents an international partnership in the aid burden. IDA continues to be immune to political pressures by the international nature of its administration. U.S. interests are assured in all IDA policy through its singly large vote. And only countries not eligible to borrow from other sources, only those in the most difficult financial situation, can borrow from IDA under a sound system which the United States and other countries could not afford to assist individually. Yet, the provisions require strict adherence to the loan contract.

In this way, IDA assures the people of the free world that they are not penalized for poverty, and have an avenue toward economic growth and a hope for material and spiritual well-being.

Many leading businessmen and organizations have expressed their support of this amendment to the IDA. The American Association of University Women recently issued the following statement:

> The record of this affiliate of the World Bank, which provides long-term low interest loans, is playing an increasingly important part in the development of 74 of the poor nations who are members of the International Development Association.
>
> If we fail to meet the agreement made last year with the 16 other supporting countries, to contribute to a capital pool to renew IDA's lending power, we would be reneging on our commitments to this 91 nation group. We would also be defeating one of our own goals as we have urged repeatedly that other industrialized nations assume increasingly greater responsibility in aiding the emerging nations.

The board of directors of the Chamber of Commerce of the United States has reaffirmed their support for the objectives of the International Development Association for these reasons:

> IDA has demonstrated a businesslike approach toward improving the climate for private enterprise in developing countries. Through the multilateral participation of 16 other free world nations, the burden-sharing concept of development assistance has been promoted. IDA makes financial assistance available on a loan rather than grant basis, enabling foreign assistance to be more effectively conditioned on performance than is possible through bilateral agreements. IDA's provision of local currencies for development reduces demands on dollar lending for the same projects and purposes.

Mr. KILBURN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Reid].

Mr. REID of New York. Mr. Chairman, I rise in support of S. 2214. I supported it when it was before the House previously but in a slightly different form. I support IDA again today.

Very specifically, Mr. Chairman, I believe that this is a sound program. It is multinational and not binational. Repayment is in convertible currency or currencies. It involves loans and not grants. Other nations share substantially—58.4 percent—in the costs of the program and more advanced countries can assist the less advanced.

Mr. Chairman, it also is a program that tends to minimize inappropriate political pressures.

Further, I would say this is a program that has always been bipartisan, initiated by President Eisenhower. I served in that administration and participated in the program. I have seen it function, and it works well.

I would like to mention six points:

First. The IDA serves to marshal additional economic development resources for developing countries from the industrialized countries of the free world at a rate of $3 to every $2 from the United States.

Second. The IDA provides assistance on liberal terms which are badly needed by many recipients of IDA credits.

Third. IDA credits have been concentrated in countries which are also of primary interest to U.S. objectives; India, Pakistan, Turkey, Colombia, Chile, Tanganyika, China, and Korea, in that order of IDA commitments levels, and, therefore, are an important supplement to U.S. interests.

Fourth. IDA supports the collective arrangements of the World Bank and donor countries by providing assistance to developing countries which are the subject of consortia and consultative groups. These include the first four countries mentioned in point 3, and the IDA contribution is taken into account in planned levels of U.S. participation in such groups.

Fifth. U.S. contributions to IDA are carefully considered in formulating estimates of U.S. bilateral aid program requirements: thus, the failure of the IDA could result in an increase in those estimates.

Sixth. IDA is rapidly running out of resources with which to make future commitments, and denial of U.S. participation would jeopardize the contributions promised by other industrialized countries. Failure to participate in the proposed increase in IDA resources would undermine confidence in U.S. intentions, vis-a-vis developing countries.

I hope that IDA will be supported in a bipartisan spirit by the House today. It is an important and a well-administered program.

Mr. KILBURN. Mr. Chairman, I take pleasure in yielding 5 minutes to one of the most valuable Members of the House, a very close friend of mine, although on this bill he is wrong, the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, I deeply appreciate the introductory remarks made by my good friend from New York [Mr. Kilburn], who I now call Mr. IDA.

Mr. Chairman, I am disappointed that the chairman of the Banking and Currency Committee [Mr. Patman], is not on the floor. I had hoped he would be here, because I wanted to ask him a question to which I did not get an answer, or at least a good answer, the last time the bill was here. That was why he voted against this program when it was originated. We would not have this program here today if the vote of the gentleman from Texas [Mr. Patman] had prevailed when this program originated. We would not be confronted with this additional handout program which he now supports.

I have been intrigued by all the repeated references this afternoon to Secretary of the Treasury Dillon. I did not know he had a sinecure upon life or on tenure of office. Douglas Dillon, for all of his good intentions, might be gone tonight or tomorrow. To say that Dillon states thus and so is going to happen under this program has no meaning to me. If the use of our money is to be denied governments that confiscate American property; it should be so stated in the bill and not left to the whim of Dillon or anyone else.

The gentleman from Michigan says, I dare you to go out and talk this bill over with your constituents. I am going to be delighted to talk this bill over with my constituents.

Mr. HARVEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HARVEY of Michigan. I did not say I dare you to go out and talk this bill over with your constituents, although I would repeat that now. What I said was that I dare you to go back to your constituents in Iowa and Michigan, with all the regard I have for the gentleman from Iowa, and tell those constituents that this economy-minded Congress they sent down here does not want the $438 million that France, Denmark, Italy, and these other countries will put into the fund.

Mr. GROSS. In the first place, this is not an economy-minded Congress and this is not an economy bill. These are 40- and 50-year loans, bearing not a dime of interest, that will never be repaid. If countries such as Britain, France, Italy, Denmark, and others have so much money to loan they should pay up the billions they now owe this Government and the American taxpayers. Even though our share is 40 cents on every dollar in this loan fund, when they default, as they have in the past and will in the future, we lose the contribution we have made and no amount of sophistry can change it.

I say again, these foreign governments are so enthusiastic about putting out money to these so-called friends of ours, why do they not go ahead and make the loans? How are the British lending their money today? What is their interest rate? It is the British Treasury rate, plus—if they consider there is any risk—an override or a premium on the going rate. If these foreign governments want to lend money so badly to other countries of the world, why do they not get at it and give Americans a rest?

Now I want to ask a question or two of the gentleman from Wisconsin [Mr. REUSS]. Since all the money in the International Development Fund will be used up by 1968 or 1969 at the latest, what is the position of the Banking and Currency Committee as to provision for additional funds for 1968 or 1969? Is it proposed to come back here and sandbag the Congress for more funds in 1968 or 1969 for this proposition?

Mr. REUSS. We will not be sandbagging Congress for more funds because we are not sandbagging Congress for any funds at any time. We are simply suggesting to the Congress that it is about time we got our friends and neighbors among the wealthy countries of the world to contribute to this development.

Mr. GROSS. The gentleman knows that I have only 5 minutes. Cannot the gentleman tell the House whether the committee will be back here in 1968 or 1969 asking for more money for this purpose?

Mr. REUSS. I want to be perfectly honest with the gentleman. If in 1969—5 years from now—the countries of the developing world still need some governmental help from the consortium of free world industrialized countries, I would hope that the Congress of the United States would renew its approval of this free world agency of IDA. Yes, sir, if that is the situation in 1969, I will be back and the gentleman and I can carry on our argument at that time.

Mr. GROSS. I see the distinguished gentleman from Arkansas [Mr. MILLS] on the floor and I am glad he is here because I wonder if this gouging of the taxpayers today for another $312 million meets the criteria that he set forth on the floor of the House when he advocated an $11½ billion tax reduction. I wonder if this conforms to that other road he then said we would have to travel, that is, that road to economy that we would have to travel, if the tax reduction bill went into effect?

Another question: since IDA will not receive repayments, if any, from prior loans until 1971 and in that year only $670,000, and only about $2 million in 1972, how soon do you anticipate that IDA will be on a self-sustaining basis with no requirement for any additional funds?

Mr. REUSS. In answer to the gentleman's question, IDA's loans are long-term loans. They are 50-year loans because it takes several generations for these countries to reach the self-sustaining growth and basis as it took this country in our days as a developing nation.

Mr. GROSS. I understand clearly that they are 50 years, non-interest-bearing loans.

Mr. REUSS. When they are self-sustaining and when IDA's business is complete, every penny will come back to the contributors including the United States.

Mr. GROSS. Of course, that is what you hope, and I say it is a forlorn hope. But you did not put any time limit on it. I tried to get you to do that, but you did not. Let me ask this question. Is the Committee on Banking and Currency going to handle the $750 million request that President Johnson is going to make for the Inter-American Bank, or is some other committee going to do that? And when do you think Congress is going to get that call for another $750 million for the Inter-American Bank that the gentleman, I am sure, is well aware is being cooked up downtown.

Mr. REUSS. The answer is that we have had no suggestion, either from the administration or the Inter-American Bank, that they will be back; but when and if they do come, we will take a good, hard look at the proposal.

Mr. GROSS. Of course, the $312 million here involved will be piled on top of the proposed $750 million, adding up to more than a billion dollars, and all this is to be piled on top of the annual multibillion foreign handout bill now under consideration in the Foreign Affairs Committee.

Mr. Chairman, at this point I call attention to tables that were prepared by the gentleman from Louisiana [Mr. PASSMAN], chairman of the House Appropriations Subcommittee dealing with the foreign aid program.

These tables show the amount of aid the United States has given to the 16 part I member countries of IDA, along with the handouts the United States has made to the part II members of IDA who would be among the recipients of our big-hearted donation of $312 million to this so-called loan fund.

Look at the contributions made by most of these countries and then compare these with the billions the free-wheeling spenders of public funds have ladled out to them through the foreign handout programs.

It is incomprehensible that Congress and this administration, faced with a $9 to $10 billion deficit on June 30, 1964, would give a second thought today to wasting $312 million on so-called loans of 50 years, bearing not a penny of interest, and with not a penny of principal repayment in the first 10 years. These so-called loans are so soft they will have melted away in a few years along with those who are responsible for having made them possible.

I am unalterably opposed to this bill.

The tables to which I have previously referred follow:

Amount of U.S. aid to member countries of the International Development Association

Country	Amount of proposed contribution	U.S. assistance July 1, 1945, through June 30, 1963	Country contribution to IDA in 1963	U.S. assistance in fiscal year 1963
PT. I COUNTRIES				
Australia	$19,800,000	(1)	$3,884,650	(1)
Austria	5,040,000	$1,208,000,000	970,200	$31,400,000
Belgium	16,500,000	1,988,000,000		28,100,000
Canada	41,700,000		7,282,275	
Denmark	7,500,000	928,000,000	1,682,450	24,000,000
Finland	2,298,000	(2)	737,275	(2)
France	61,872,000	9,445,000,000	10,194,800	30,600,000
Germany	72,600,000	5,001,000,000	10,194,800	500,000
Italy	30,000,000	6,006,000,000	3,495,800	300,700,000
Japan	41,250,000	3,824,000,000	6,466,075	172,900,000
Kuwait			646,800	
Luxembourg	750,000	(3)		(3)
Netherlands	16,500,000	2,472,000,000	5,339,950	16,400,000
Norway	6,600,000	1,174,000,000	1,293,600	38,700,000
South Africa	3,990,000		1,942,325	
Sweden	15,000,000	109,000,000	1,942,325	
United Kingdom	96,000,000	8,711,000,000	25,244,450	11,200,000
United States	312,000,000		61,655,825	
Total, pt. I countries	750,000,000	40,866,000,000	142,973,600	654,500,000
PT. II COUNTRIES				
Afghanistan		237,000,000	194,425	19,200,000
Algeria		95,000,000	775,775	79,600,000
Argentina		773,000,000	3,624,775	156,500,000
Bolivia		334,000,000	204,050	69,900,000
Brazil		2,123,000,000	3,624,775	172,300,000
Burma		108,000,000	388,850	15,200,000
Burundi		6,000,000	146,300	1,500,000
Central African Republic		1,000,000	96,250	700,000
Ceylon		88,000,000	583,275	8,400,000
PT. II. COUNTRIES—con.				
Chad		$2,000,000	[4] $96,250	$1,100,000
Chile		840,000,000	679,525	99,200,000
China		4,524,000,000	5,825,050	212,600,000
Colombia		547,000,000	679,525	134,900,000
Congo (Brazzaville)		2,000,000	96,250	700,000
Congo (Léopoldville)		242,000,000	581,350	79,800,000
Costa Rica		105,000,000	38,500	15,500,000
Cyprus		21,000,000	146,300	4,100,000
Dahomey		7,000,000	[5] 96,250	1,060,000
Dominican Republic		100,000,000	77,000	51,700,000
Ecuador		184,000,000	125,125	39,200,000
El Salvador		65,000,000	57,750	23,100,000
Ethiopia		212,000,000	96,250	24,200,000
Gabon		2,000,000	[4] 96,250	1,200,000
Ghana		159,000,000	454,300	3,000,000
Greece		3,516,000,000	485,100	128,800,000
Guatemala		178,000,000	77,000	15,400,000
Haiti		106,000,000	146,300	6,200,000
Honduras		61,000,000	57,750	14,400,000
Iceland		72,000,000	19,250	1,400,000
India		4,718,000,000	7,767,375	821,000,000
Iran		1,422,000,000	873,950	115,900,000
Iraq		69,000,000	146,300	1,000,000
Ireland		146,000,000	583,275	
Israel		962,000,000	323,400	78,900,000
Ivory Coast		13,000,000	194,425	7,900,000
Jordan		414,000,000	57,750	63,600,000
Korea		5,674,000,000	242,550	403,700,000
Laos		328,000,000	[5] 96,250	[6] 36,800,000
Lebanon		88,000,000	86,625	300,000
Liberia		179,000,000	146,300	50,800,000
Libya		206,000,000	194,524	12,500,000
Malagasy Republic		2,000,000	194,425	1,000,000
Malaya		25,000,000	485,100	2,200,000

See footnotes at end of table.

Amount of U.S. aid to member countries of the International Development Association—Continued

Country	Amount of proposed contribution	U.S. assistance July 1, 1945, through June 30, 1963	Country contribution to IDA in 1963	U.S. assistance in fiscal year 1963
PT. II COUNTRIES—con.				
Mali	------------	$11,000,000	[6] $167,475	$4,600,000
Mauritania	------------	2,000,000	96,250	200,000
Mexico	------------	817,000,000	1,682,450	50,900,000
Morocco	------------	[7] 427,000,000	679,525	[7] 75,000,000
Nepal	------------	53,000,000	96,250	4,600,000
Nicaragua	------------	79,000,000	57,750	9,000,000
Niger	------------	5,000,000	96,250	1,400,000
Nigeria	------------	81,000,000	646,800	36,600,000
Pakistan	------------	[7] 2,227,000,000	1,942,325	[7] 372,500,000
Panama	------------	110,000,000	3,850	10,000,000
Paraguay	------------	70,000,000	57,750	10,200,000
Peru	------------	509,000,000	340,725	31,000,000
Philippines	------------	1,851,000,000	970,200	117,700,000
Rwanda	------------	1,000,000	146,300	(8)
Saudi Arabia	------------	[7] 46,000,000	712,250	(7)
Senegal	------------	14,000,000	323,400	5,200,000
Sierre Leone	------------	7,000,000	146,300	3,900,000
Somalia	------------	38,000,000	146,300	9,200,000
Spain	------------	1,742,000,000	1,942,325	61,000,000
Sudan	------------	$76,000,000	$194,425	$11,000,000
Syrian Arab Republic	------------	96,000,000	182,875	400,000
Tanganyika	------------	30,000,000	323,400	12,500,000
Thailand	------------	869,000,000	583,275	94,200,000
Togo	------------	7,000,000	146,300	1,300,000
Tunisia	------------	[7] 364,000,000	290,675	[7] 71,900,000
Turkey	------------	4,164,000,000	1,116,500	317,200,000
Uganda	------------	12,000,000	323,400	7,000,000
United Arab Republic	------------	807,000,000	977,900	198,700,000
Upper Volta	------------	4,000,000	96,250	1,000,000
Vietnam	------------	[7] 1,896,000,000	290,675	[7] 208,100,000
Yugoslavia	------------	2,510,000,000	777,700	113,500,000
Total, pt. II countries	------------	47,881,000,000	46,519,549	4,816,200,000
Grand total, all countries	$750,000,000	88,747,000,000	[9] 189,493,149	5,470,700,000

[1] Military assistance credit sales program participant.

[2] Amount classified.

[3] Included in total for Belgium.

[4] Total amount of annual subscription was unpaid as of Mar. 31, 1964.

[5] Of which the portion payable in local currency, $90,000, was unpaid as of Mar. 31, 1964.

[6] Of which the portion payable in gold or freely convertible currency, $10,875, was unpaid as of Mar. 31, 1964.

[7] Amount of military assistance is classified.

[8] Less than $50,000.

[9] Of which 18 percent is payable in the currency of the country concerned and 14 percent is payable in gold or freely convertible currency.

Mr. KILBURN. Mr. Chairman, I hope the Committee will not think that I am yielding all the time to the opposition. I reluctantly yield 4 minutes to the gentleman from Washington [Mr. STINSON].

Mr. STINSON. Mr. Chairman, I assure the distinguished gentleman from New York that the impression will not be given to the Committee that all the time is being yielded to the opposition. I have been trying to ask a couple of questions all afternoon.

The gentleman from Wisconsin [Mr. REUSS] said a few minutes ago that there would be no money for Indonesia. I should like to invite the attention of the gentleman to House Document No. 156, to the last page, 22. It says at that point, "Countries taking steps to become members of IDA, part II" and Indonesia is listed near the bottom of the page.

While perhaps Indonesia today would not be eligible to receive money under this program, very possibly it could in the near future.

Mr. REUSS. Mr. Chairman, will the gentleman permit me to respond?

Mr. STINSON. I am delighted to yield to the gentleman from Wisconsin.

Mr. REUSS. If the gentleman from Washington will look at the table on page 45, which contains the most recent list of part II countries—as of February 29, 1964—he will see that Indonesia is conspicuous by its absence. This is the latest list.

I add that if by some unforeseeable chance Indonesia should become a member, Indonesia, in my opinion, still would not be eligible under present circumstances for IDA help, because it does not begin to comply with the self-help provision and with the non-Communist requirements of the IDA. There are about five reasons why Indonesia is of no concern here.

Mr. STINSON. I would also invite attention to some of the other countries listed in House Document No. 156. I was not aware that this document had been superseded or was obsolete. The list on page 45, of the hearings are for current members and do not list potential members.

On page 20—and this is a part II member—Ghana is listed. This perhaps would be in contradiction to what was said earlier.

Mr. REUSS. Ghana is a part II member.

Mr. STINSON. Then Ghana would be eligible for aid under this program.

Mr. REUSS. The gentleman neglects to make the vital distinction between membership and eligibility for aid. A country cannot come in and make an application, of course, unless it is a member. Ghana would be ineligible for aid under IDA because it does not begin to comply with the criteria and the requirements of IDA.

Mr. STINSON. Very briefly, what would they have to do in order to become eligible?

Mr. REUSS. In order to become eligible Ghana would have to demonstrate it was taking responsible fiscal and monetary steps to get its economy in order. It would have to demonstrate it was not engaging in risky and anti-free-world political adventures. It would have to fulfill a whole set of criteria, which it does not now begin to fulfill.

If the gentleman will study the IDA loans which actually have been made, and the 20 countries which have received them, he will find that the countries range from Costa Rica to Formosa and are actually doing something about their domestic situations. That is why those countries are eligible, and that is why countries which may be members but do not comply would not be eligible.

Mr. STINSON. The point I was trying to make is that these countries are eligible. In Ghana recently, as members will recall, an American flag was torn down at one of our embassies.

Let us go further and consider the United Arab Republic, which, according to this document, would be eligible under part II. I remind the gentleman that Khrushchev is in the U.A.R. right now.

Mr. REUSS. I remind the gentleman from Washington that the U.A.R. has not received a nickel.

Mr. STINSON. But they would be eligible to receive money under this program under current regulations. Furthermore the United States has only 26 percent of the vote of the association and could not prevent anyone from participating.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Chair advises the gentleman from New York [Mr. KILBURN] that he has 3 minutes remaining from the time controlled by him.

Mr. KILBURN. Mr. Chairman, I yield the remainder of the time to myself.

Mr. Chairman, I hope that the membership of the House will vote against the motion to recommit and then vote for the bill. Before we come to the amendment stage we have a peculiar situation in this bill. The 16 other countries have all agreed to put their money in. Their parliaments, or their congresses, or whatever they have as legislative bodies have passed that legislation. We are the last one to pass it. For that reason, it would probably destroy the legislation if an amendment is put into the bill. It has been very carefully drawn with that in mind. As far as the intent of Congress goes or any amendment with respect to the intent of Congress, that is in the RECORD, so we do not need that in the bill. I hope the membership of the committee will vote against every amendment and vote against a motion to recommit and vote for the bill.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. KILBURN. I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD. As the gentleman from New York knows, when the legislation was on the floor a month or so ago I did not favor the motion to recommit. I favored the legislation at that time. It seems to me that this approach submitted in this legislation is a far preferable approach to the one which we have traditionally had in our regular authorization and appropriation bills for foreign assistance or mutual aid. I think in the long run that it would be better for us to support this approach than the one that we have traditionally in the past. Therefore, I commend the gentleman from New York and others who favor this legislation. I will vote against a motion to recommit and hope to have an opportunity to vote for the bill.

Mr. KILBURN. I thank the gentleman.

Mr. McDADE. Mr. Chairman, I rise in support of S. 2214, legislation designed to authorize the United States to participate in an increase in the resources of the International Development Association. In doing so I should like to bring to the attention of the Members some facts about the organization and its history which I believe are pertinent.

The International Development Association was set up in 1960 as a part of the Eisenhower program and is designed to provide a workable alternative to the bilateral foreign aid program which this Nation has carried on for so many years. This legislation is put before the Members of this body to secure an authorization of $104 million per year for 3 years. The total authorization, $312 million requested, represents just over 40 percent of a $750 million figure designed to service the revolving fund of the International Development Association for 3 more fiscal years.

In voting on this question it is important for each of us to understand that IDA is an association organized as an affiliate of the World Bank and that it has the same officers as the World Bank. The purpose is to provide capital to the less developed countries on easier terms than the World Bank could offer. It is for these developing nations that IDA has set up its loan program to provide that repayments shall be made over a 50-year term on a service charge of three-fourths of 1 percent.

To those who would cry that this was really a gift and not a loan, one need only point out that under this program every 40 cents which we invest creates $1 for investment purposes, and that in lieu of a bilateral aid program we now have 17 member nations shouldering the problems of economic development.

At the present time only those countries which are members of both the International Monetary Fund and the World Bank can be considered as eligible for loans by IDA. It is significant that this fact be noted because membership in the International Monetary Fund, a prerequisite to membership in the World Bank, requires a member nation to make a disclosure of its economic position both internally and with regard to its foreign exchange position. This requirement alone serves to deter Communist nations from attempting to gain membership in either the International Monetary Fund or the World Bank. The net result, of course, is that countries in the Sino-Soviet bloc are not eligible for assistance as a part II nation of the International Development Association. Of those countries which are eligible—membership is broken down into two classes: Those known as part I countries and those known as part II nations.

The part I countries number 17 and are generally in a position to help developing nations. Their subscriptions to IDA are 100 percent in convertible currencies.

The part II nations, which are in a process of development and in dire need of capital, contribute 10 percent of their assessment in convertible currency and 90 percent in local currency.

Voting rights in the Association are weighted upon the amount of subscriptions made by the various nations. Thus, even a part II nation under the bylaws of the Association is required to be given some votes and some voice in the activities of the Association. The important fact to note, however, is that the part I countries represent 64 percent of the total vote and are, therefore, in a position to control the Association as they see fit. The United States, if the Congress approves this authorization, will contribute 41.6 percent and thus retains a percentage of 26.6 percent of the vote in the entire Association. In this connection it is worth noting that in no time in the past has a position taken by the United States not been sustained by the membership of IDA.

I point out to my colleagues this detail of the organization in order that they may better understand the workings and in order that they may see that the U.S. investment not only is sound from a standpoint of the dollars involved, but also from the point of view of voice in the Association. The choice we must make today is one of tremendous consequence. A vote for this authorization for IDA is a vote in favor of the creation of a foreign aid program based upon loans and not grants. A vote in favor of this legislation is a vote to encourage the other prosperous nations of the world to shoulder their fair share of the essential foreign aid program of economic development. A vote in favor of this legislation is a vote to end the bilateral foreign aid program which the American taxpayers have shouldered for so long.

I strongly urge the adoption of this legislation.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of S. 2214 authorizing the United States to participate in the replenishment of the resources of the International Development Association—the IDA. Although I am not a member of the Banking and Currency Committee, the latest report of that committee recommending this bill serves to strengthen my conviction that this bill is in the best interests of the United States. I might add that it is very much in the interests of my own State of Hawaii.

I should like to draw your attention to the fact that the U.S. contribution to the IDA is an investment in the future—not only in the future of the developing countries of the free world but also in the continuing growth of world trade and international prosperity so vital to the maintenance of a high level of economic activity in the United States.

We in the State of Hawaii are well aware of the importance of trade to the health of our community. The people of Hawaii have had long experience as a trading community with all parts of the world. They recognize that the economic development of those countries which have stood still for far too long is imperative if trade among free nations is to grow and develop.

There are tremendous possibilities for our Nation's producers in those countries overseas that are being developed by the efforts of IDA which, as we all know, complement our own bilateral aid programs. However, these possibilities for trade will remain untapped unless we help those free nations, who are willing to help themselves in the basic economic development necessary to raise their standards of living.

I should like to reiterate at this point, Mr. Chairman, two points in the committee report that I found most impressive and worthy of note in light of some questions raised in the last debate in this Chamber on IDA. In the first place, the activities of IDA complement our own foreign assistance program, which is formulated after taking into consideration assistance being extended by IDA. If we do not authorize this increase in the resources of IDA, it appears to me that additional burdens will be placed upon our own aid programs. Secondly, none of the resources of IDA are expended for procurement of goods in or to assist projects in Communist countries. It has been made abundantly clear by previous speakers that none of the Communist bloc countries are members of the World Bank and IDA, and are, therefore, excluded from the benefits of membership.

The IDA provides a practical way of sharing the cost of development of the less-developed countries of the free world. For every dollar contributed by the United States to this effort the other economically advanced countries of the free world contribute $1.40. I find this another compelling reason to give our full support to IDA.

Mr. MORSE. Mr. Chairman, the first stage of a long-term project to increase and improve the quality of the water supply of Managua, Nicaragua, is now underway. This project is necessary to provide for the needs of an expanding urban population and to cut down the incidence of water-carrying diseases, so prevalent in a city where a large portion of the population is without piped water.

This project has been made possible through a $3-million credit from the International Development Association.

When the proposed amendment to the IDA Act came before the House earlier this year, I supported it and voted against the motion to recommit. In retrospect, however, I am delighted that the Banking and Currency Committee had an opportunity to hold additional hearings. These hearings and the committee report have clarified a number of points raised here on the floor and have provided more convincing evidence that this bill is in our national interest and deserves our support.

The IDA was created in 1960 under the Eisenhower administration as an affiliate of the World Bank. It was conceived as a source of development capital for those nations too poor for existing public and private sources of capital.

Managed and operated by the World Bank, the Association has an excellent record of prudence, caution, and sound business judgment. Funds are not made available to countries which are not taking significant steps to help themselves. Funds are not available to countries which have expropriated without affording compensation. Nor are funds available to nationalized enterprises which compete with private enterprise. IDA grants credits only for new projects such as roads, water systems, and irrigation projects which help create the vital economic infrastructure that is essential to industrial and technological development.

For example, in El Salvador a highway project will cut transport costs and provide access to fertile highland regions which are now inaccessible. The possibilities for increased cultivation of the area and greater diversification of agricultural production are limitless.

In Honduras, IDA credits will finance a 62 mile extension of the country's western highway and link areas of that country for the first time. In addition, it will provide the prospect of economic integration of Honduras, El Salvador, and Guatemala.

As important as the projects carried out by the IDA is the principle of its organization. Ever since our foreign aid program was first launched after World War II, we have looked forward to the day when the aid burden would not fall with unequal weight on the shoulders of the United States. That day has arrived; 17 nations are members of the IDA, 17 nations will share this increased authorization. For every $1 of the U.S. contribution, the other nations will provide $1.40. The U.S. percentage of the total authorization has decreased.

If we fail to provide our share, we will undo much of the good work we have done in encouraging the other industrialized nations of the world to help finance the economic development of the emerging nations. If we fail to authorize an additional U.S. contribution of $312 million over a 3-year period, the other contributions will be lost.

Mr. Chairman, while we debate this bill, the gap between the rich nations and the poor widens. It is not in our national interest to allow this trend to continue; it certainly will do us no good to encourage its acceleration. Economic hardship and backward or nonexistent facilities are at the root of much of the discontent and unrest we see all across the globe. In 1960 the United States asserted constructive leadership toward the elimination of this unrest. Let us not be so shortsighted as to withdraw our support from an enterprise which is winning the confidence of our allies and of the newly independent countries.

I urge the House to support S. 2214.

Mr. RYAN of New York. Mr. Chairman, I hope that S. 2214 will be approved by the House. It is designed to encourage other industrialized nations to share in assisting the underdeveloped nations of the free world—a program clearly in our national interest. I think that the House made a serious mistake in voting to recommit H.R. 9022 on February 26. Today we have the opportunity to correct that mistake.

S. 2214, the bill to authorize the United States to participate in an increase in the resources of the International Development Association should be reconsidered.

The bill authorizes the United States to subscribe $312 million, payable in three equal annual installments of $104 million, to the new capital of the IDA. These sums are to be appropriated in fiscal years 1966, 1967, and 1968, respectively. The total new capital is projected at $750 million of which our share is $312 million, or 41.6 percent.

The 16 other countries concerned have promised their contributions. Now they are waiting for our decision. The program cannot be undertaken without U.S. approval because the terms of the resolution call for acceptance by at least 12 of the 17 nations contributing a minimum of $600 million of the total contribution of $750 million. To continue the program needs our approval. It has been argued that the IDA can carry on without additional resources. This is not so. Before 1966, when the new payments begin, IDA will have exhausted her previous subscription. An organization which charges no interest and only three-fourths of 1 percent service charge cannot replenish its coffers in the money market; nor can it rely on repayment of previous lending because each loan receives a 10-year grace period before repayments begin and IDA has been in existence only since 1960. Therefore, reliance must be placed on governments able to replenish the coffers of the organization.

For years we have sought to encourage international cooperation in economic assistance to the less developed nations. Now that we are beginning to achieve it, it seems the height of folly to abandon programs, such as IDA, which carry out our stated objectives.

Gradually, over the years, other nations are assuming more and more of the foreign assistance obligation. IDA is a step in the equitable distribution of foreign aid. From 43.32 percent of the original subscription, our commitment has declined to 41.6 percent of total new contributions to IDA. The United Kingdom's share has dropped from 17.74 to 12.88 percent. Meanwhile, nations which before had done less have acceded to increased contributions as follows:

The Common Market from 20.53 to 26.43 percent.

Other European countries from 4.66 to 4.86 percent.

Other countries from 13.75 to 14.23 percent.

Perhaps other countries could assume more of the financial burden of aiding less developed nations through the IDA, and I hope in time they will, but this will be a gradual process. Nonetheless, encouraging progress has been made in persuading other nations to enter more fully into such programs.

The decline in our portion and in that of the United Kingdom has been assumed largely by the Common Market countries, with smaller increases for other areas. The burden of aid has been spread so that we now donate to the IDA program only $1 for every $1.40 by other nations. As our colleague, Congressman REUSS, has pointed out, it costs the United States a dollar to give a dollar of aid through AID, but only 42 cents to give the same dollar through IDA.

I realize that IDA should not and will not replace our own foreign aid program, but it seems to me important to increase multilateral aid.

I realize that IDA is not the sole answer to the economic problems of the developing world. The World Bank, the Inter-American Development Bank, the International Finance Corporation and our own Export-Import Bank and Agency for International Development—which includes the Development Loan Fund—each in its sphere serves a necessary and significant purpose.

Each of these organizations lends or grants aid for development programs. Perhaps the Export-Import Bank should be treated as an exception since it lends money to aid in the financing of the private foreign trade of the United States, although some of the money so loaned is utilized in development programs. Most of the other organizations lend money at terms not available from the World Bank or from private banking facilities.

IDA offers the developing countries external credits on terms which ease the burden of external debt service for them—credits which are payable over 50 years, with a grace period of 10 years, and bear no interest except for three-fourths of 1 percent as a service charge. Of course, the recipient Government may relend the money to the agency responsible for the project on interest and repayment terms which are customary in the country concerned. The purpose of IDA is not to subsidize projects, but to alleviate the burden of the recipient country's foreign exchange liabilities.

However, IDA insists upon the same strict standards as the World Bank in assessing the soundness of projects and will not lend unless such conditions are met. Much has been made by opponents of S. 2214 that the World Bank has a special reserve of $558 million and a supplementary reserve of $255 million, a total of $813 million as of June 30, 1963, which should be utilized by the IDA before new subscriptions are sought from donor countries. I believe that we cannot permit this surplus to be advanced to IDA because these surpluses were the basis on which many of the Bank's bonds were sold to the public and should remain as a cushion upon which bondholders rely for security.

Congressman REUSS, chairman of the Banking and Currency Subcommittee on International Finance, has maintained that future annual income of the Bank might well be channeled into IDA, but not past surpluses. As I understand the situation, it probably would not be illegal to transfer some—or all—the past surpluses to IDA, but it is my feeling that it would be a bad business practice.

Through September 1963 about 23 percent of all identifiable procurement under IDA loans was made in the United States. Over the long term, however, this portion is expected to rise to about 33 percent of all procurement. If this latter ratio is achieved, it means that 80 percent of the proposed U.S. subscription would be returned to us in the form of increased exports.

If we are to continue our leadership of the free world, we must assume our rightful place among free nations. A 40-percent contribution to the subscription total for IDA is not excessive. One must consider that the United States represents over 60 percent of the productive capacity of the free world and that our gross national product is nearly 50 percent of that of the entire free world. We should be pleased that other nations have accepted more of the obligation than, perhaps, their productive capacity and gross national product alone warrant. Other countries and other peoples are also sacrificing in the worldwide attempt to bring prosperity to other nations.

Mr. Chairman, we have been asked to subscribe to an organization which provides so-called soft loans to countries otherwise unable to borrow additional sums to carry on development programs. These are not grants, but loans, which are to be repaid over long periods without interest except for a service charge. Such loans provide, in many instances, the only possible source of additional development capital. To me it seems more desirable to provide loans of this sort with some prospect of repayment rather than to permit developing countries to saddle themselves with a debt burden it will be impossible for them to service.

As it is evident that IDA will soon exhaust its resources for lending I favor providing additional funds for this worthwhile international endeavor. Since IDA cannot, by the very nature of its loans, raise capital by selling bonds in the market and, since World Bank surpluses as at present constituted, are not properly available to channel to IDA, I see no alternative to new contributions to its capital. I urge passage of this legislation.

Mr. SICKLES. Mr. Chairman, it is most important that we authorize U.S. participation in the International Development Association—IDA—over the next 3 years. The IDA, which is an appendage of the highly successful World Bank, plays an important role in the economies of the developing nation by providing long-term loans on liberal terms. The debt burden of these countries is high and IDA loans are essential to their continued economic progress. Aside from the fact that it is in the best interest of the United States to provide aid to these nations, there are many sound reasons for supporting this increase in the funds available to IDA.

First, it should be emphasized that IDA is not a handout program. It is a self-help loan program which requires eventual repayment of the IDA loans in hard currencies.

Second, IDA provides the opportunity for the United States to join with other nations in providing assistance to developing nations. For every dollar of aid we provide through IDA, our allies provide $1.40 in aid. Under the current proposal we will contribute $312 million to IDA and other nations will contribute $438 million including $90.6 million from Britain; $72.6 million from Germany; and $61.9 million from France. We cannot in good conscience chide other nations for refusing to aid the developing countries and then refuse to join with them in cooperative efforts such as IDA.

Third, the operations of IDA are closely integrated with those of the World Bank and in reality IDA is simply a special fund available to the Bank which is used in cases where the project is economically feasible and is supported by a government following sound policies, but a country in which the external debt situation makes it necessary that generous terms of repayment be offered. IDA operations benefit completely from the wealth of experience accumulated by the World Bank. IDA is a well-managed operation.

As Geoffrey M. Wilson, Vice President of the World Bank and IDA commenting on the operations of IDA in a December 16 address before the Economic Commission of the Council of Europe said:

> We apply exactly the same stringent technical and economic standards in assessing a proposed project and the policies of a borrowing country, regardless of whether the money will be provided by the Bank or from the funds of IDA. We offer IDA's borrowers relief from their balance-of-payment problems, but we do not support uneconomic projects or irresponsible policies.

In summary, Mr. Chairman, investment in IDA represents sound national policy by the United States and it is essential to the economic progress of the developing nations of the world.

Mr. RANDALL. Mr. Chairman, I did not participate in the debate when IDA was considered by this House back in February, although I did, on February 26, support the motion to recommit which prevailed at that time. The bill today again provides for soft loans, for 50 years, with no interest, to the same nations that receive our foreign aid. It is my understanding that 13 of the contributing nations receive foreign aid from the United States. When I say that they "receive foreign aid," I mean grant aid and not loans. The nations that will be the recipients of these IDA loans have already been the recipients of about $90 billion of our foreign aid. I am not certain of the exact percent of IDA that will be put up by the United States, but when all is said and done, from one source or another, the American taxpayer will, in reality, be putting up the greater part of this loan fund. One important reason that the foregoing statement is true is that the countries participating in IDA are themselves recipients of direct grants under our foreign-aid program.

It can scarcely be refuted that, in truth and in fact, IDA loans are nothing more or less than soft loans. There is no interest. There is only a three-quarter percent service charge and the loans are usually for 50 years.

What concerns me, Mr. Chairman, is that by passing the bill today we are but beginning an increased demand for these so-called loan operations which are, in reality, nothing more nor less than gifts.

The new President of the World Bank has indicated more loans will be required in the future. It should be remembered that the staff of IDA is identical with the staff of the World Bank.

Loans of IDA are primarily for public works projects. Even on these projects, while the recipient Government is not charged interest by IDA these same governments often relend to local subsidiary organizations at interest rates that vary from 4 percent to as high as 10 percent per year and with repayment periods of from 15 to 20 years.

It should become increasingly clear that the IDA operation is but another way to add to the foreign aid program but in some particulars it is even worse than foreign aid because under IDA we surrender, for many years in the future, our decision as to the use of the U.S. money invested in foreign countries.

In other words, IDA circumvents most of the restrictions Congress has placed on the regular foreign aid program. In a world which changes almost from day to day, by supporting IDA we will make long range commitments in favor of a few chosen countries but once we make the commitment we lose our power of decision and we cannot retreat from these commitments. We can change the recipients of our regular foreign aid program but once a loan is made we cannot change a commitment under IDA.

It should be pointed out that the charter of the International Development Association specifically prohibits any political considerations with respect to the utilization of this money contributed by the American taxpayers. Why should we give up the conditions and restrictions that we place upon our own aid program such as, for example, to terminate foreign aid to those countries that expropriate American property without compensation?

In conclusion, Mr. Chairman, I am opposed to authorizing increased U.S. contributions to the resources of the International Development Association, because:

The gold outflow will put unnecessary strains on our balance of payments and on the value of our dollar.

The percentage of our contributions, in millions, is far in excess of the percentage of our "voting power" in IDA.

Our "soft loans" are simply used by the recipient nations to relend these funds to local organizations at interest rates from 4 to 10 percent a year, when the recipients are paying no interest and only a small service charge of three-fourths percent;

Under such a loan program we lose most of the restrictions that we have set up in our regular foreign aid program including the provision which forbids aid to countries that confiscate American property and does not pay for that property.

For these and other reasons, Mr. Chairman, that bill should be recommitted to the Banking and Currency Committee.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the International Development Association Act (22 U.S.C. 284e) is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by adding a new subsection (b) as follows:

"(b) The United States Governor is hereby authorized (1) to vote for an increase in the resources of the Association and (2) to agree on behalf of the United States to contribute to the Association the sum of $312 million, both as recommended by the Executive Directors, in a report dated September 9, 1963, to the Board of Governors of the Association. There is hereby authorized to be appropriated out of funds supplied by the Nation's taxpayers or out of funds borrowed on their credit, without fiscal year limitation, $312 million to provide the United States share of the increase in the resources of the Association."

Mr. CURTIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the case has been properly made that the legislative history that has been made since the bill was recommitted has improved the bill in many ways. The bill itself is not changed, and I do not happen to agree that the way to handle a bill is not to make proper amendments simply because of a legislative situation imposed on us by the other body. In spite of the vast improvement in the legislative history, I am not myself completely convinced that the work that has been done on this bill is sufficient so that an increase in these funds at that time would be advisable. During the debate before I made two points: one, that good debt increases wealth or increases income; bad debt, of course, is to the detriment, I might say, not only of those who lend the money but to the debtor, also; that is, the person to whom the money is loaned.

I was disturbed that in the committee report it was indicated that the ability of the undeveloped countries to make conventional loans had deteriorated and their foreign exchange had deteriorated, which indicated to me that good loans had not been made; because good loans, I again point out, would increase wealth and therefore put a country or an individual or corporation in a better position to borrow, and certainly their income would have increased.

Nonetheless a case might be made for this if we dug into the specific loans.

I am happy that in the hearings this time on page 10 we have in annex A a description of these loans. I think it is very important to look at them because they are almost all the type of loans that we make, financed by local bond issues, for roads and for waterworks and for public works for improvement of port facilities, the very kind of loans that lend themselves to bonding and private financing. I am going to repeat what I refer to as Curtis' corollary on Gresham's law. Gresham's law says that bad money drives out good. Curtis' corollary says that public investment funds drive out private investment funds. And as I look through these loans the question comes to my mind what was done toward trying to get these financed in a conventional way?

The United States grew great on debt. This was done through the private sector largely and through municipal bonds privately financed. Private interests in Great Britain lent us a great deal of the money. South America was developed in the 19th century largely this way. And as I look through these items on pages 10, 11, 12, 13, 14, 15, and so on, they all fit these categories. Furthermore, I call the attention of the House to the cost-benefit ratios that the Congress applies as standards for our public works projects in the United States. I think the committee should get into some of these standards to see whether we are really helping these countries by giving them good loans or whether we are really putting them in worse condition by giving them bad loans.

Then finally I would like to call attention to a report that will be out shortly by the Subcommittee on Inter-American Economic Relationships of the Joint Economic Committee on which I serve and read from page 12:

> The capital outflow in the form of U.S. direct investments into the Latin American Republics which had averaged about $262 million per year in the decade 1950–60, fell to $173 million in 1961, and became a net withdrawal of $32 million in 1962.
>
> The withdrawal trend continued throughout most of 1963, but turned about late in the year, ending in a modest amount of net new investment, estimated at $78 million, for 1963 as a whole. The reversal in the outflow of direct investment capital from the third to the fourth quarter of 1963 was largely accounted for, however, by the Venezuelan petroleum industry alone, which the Department of Commerce believes may have been associated with tax payment needs.
>
> Meanwhile, Europe has, to a large extent, turned away from Latin America, with the European outgo to the whole of Latin America estimated at less than $80 million in recent years.

The point is: Here in South America is an area of undeveloped countries. We have this Alliance for Progress. I think we are seeing operating, regrettably, among other things the Curtis corollary of public funds driving out private investment. And this is what I would hope that the Committee on Banking and Currency would get into a little bit more. The committee can do this. This IDA program can be policed. I again say that the matter has been improved considerably with the committee's new report and with the present debate. The legislative history that has been made here in my judgment makes this a much better bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Page 2, line 9:
>
> SEC. 2. Redesignated subsection (c) of section 7 of the International Development Association Act is amended by striking from the first sentence the words ", after paying the requisite part of the subscription of the United States in the Association required to be made under the articles," and by striking from the third sentence the words "of the subscription of the United States".

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when I voted earlier in the session to recommit this legislation to the Committee on Banking and Currency for further study, I made it clear at the time that I support the objectives and general principles of the legislation.

Our participation as a nation in the International Development Association, and its activities, constitute an integral part of our foreign policy. When the bill was on the floor earlier, a number of searching questions relating to foreign policy implications were not answered satisfactorily.

It was apparent then to many Members that the Committee on Banking and Currency had studied the bill as banking legislation, but the committee had not considered the bill thoroughly from the standpoint of its impact upon, and contribution to, our total foreign policy.

The report accompanying the bill which is before us now reflects that the committee has endeavored very diligently to obtain answers to questions which were raised in the earlier debate. I believe the committee has performed a valuable service by examining Secretaries Rusk and Dillon, and extracting from them important answers and assurances concerning the operation of the IDA program.

I continue to believe that legislation of this sort should be referred to, and considered by, the Committee on Foreign Affairs as well as the Committee on Banking and Currency. Clearly, this legislation falls within the jurisdiction of both committees, and the House would do well to call upon the experience and talent of both committees.

If it were possible to do so, I would vote today to refer this bill to the Committee on Foreign Affairs. However, that cannot be done under the rule which applies to this bill.

I believe that the Committee on Banking and Currency has now done its job, and I commend the members of that committee.

Under the circumstances, I intend to vote for the bill today.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I see no reason why anyone who previously voted against this bill should at this time change his mind. If you do, you are voting in my opinion for a bill which is weaker than the one that the House previously declined to accept. You are voting for a bill, as has been pointed out here this afternoon, which does not have the policy guidelines written into it which were contained in the previous legislation considered by this body and refused.

Now, Mr. Chairman, it is true as has been said by members of the committee that there have been assurances given by witnesses to the effect that these policy guidelines would be followed. But I submit that assurances by individuals who may in due course and who will in due course be rotated out of office are a far different thing than guidelines written into the law.

Therefore I say that this bill is weaker than the one previously considered. It is less desirable legislation than that which was previously refused by the Members of the House.

Secondly, permit me to say again that this is foreign aid. I believe virtually everyone has agreed upon that fact now, and it is foreign aid in its least-controlled form. In this type of foreign aid we give more than 40 percent of the amount of money that is to be spent. Then we surrender control over that. In other words, we contribute more than 40 percent of the money but we retain only a fractional voice in the way that money shall be spent.

Again, in spite of what we are told concerning assurances by members of the Cabinet, there are no legislative safeguards written into this bill, such as those relating to compensation for expropriated property, which provisions we did write into the foreign aid bill.

Again, witnesses have said they will act in accord with that philosophy, but it is not in the law.

I question the wisdom very seriously of our acting on the basis, not of the rule of law, not something that is written into the statute books, but, rather, on the basis of what individual appointees have testified before a committee. This should be a government of law, and not a government based upon the opinions and statements of individual men.

Some have said this will result in a reduction in foreign aid. I submit this is not true.

The Committee on Foreign Affairs this morning continued consideration of the foreign aid bill and I can say to you that not a dollar was removed from the authorization as considered this morning.

Reference was made during the course of the committee discussion to IDA, but the fact remains that IDA is not reducing the amount of money that we are about to authorize in the foreign aid bill.

So, those of you who are saying here that by voting for IDA "I am accomplishing thereby a reduction in foreign aid" may disabuse your minds of that philosophy because it is simply not accurate.

Something has been said about the fact that we welcome the participation of other nations in foreign aid, in helping underdeveloped nations. It is very true that we do, but, Mr. Chairman, other nations are doing this, on an increasing scale, and they are doing it principally through means other than IDA.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent (at the request of Mr. Adair), he was allowed to proceed for 2 additional minutes.)

Mr. ADAIR. Mr. Chairman, what I am saying here is that by turning this bill down we are not thereby cutting off the participation of other nations, they can continue on their independent way, but through other multilateral programs as they have in the past. We must always remember that this is just one of a multiplicity of foreign aid programs.

Finally, this matter of our borrowing money at relatively high rates of interest, and lending it through IDA to other countries, then having them reloan it at rather excessive rates of interest is not sound. As the report points out, there are countries which are relending this money at rates of interest from 9 to 12 percent. This is money upon which American taxpayers are paying interest because we have to borrow it and give it to IDA, to make it possible for those countries then to relend it.

We are thereby making it possible for other nations to profit at the expense of American taxpayers. There is no place in this proposed legislation in which there is a restriction against them lending it to a Communist-oriented or socialistic state, if they so desire.

Mr. Chairman, I conclude as I began, by saying there is absolutely no reason for a person who voted against this legislation previously now to change his mind. It is weaker than it was then, and I would urge Members to stand their ground.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I made an earlier statement during general debate on this bill setting forth numerous objections I had to the earlier bill and stating that those objections have not yet been answered. Although I did not serve as a member of this committee, I have undertaken to study all of the material I could find, including a complete and thorough review of the hearings and report of the committee.

I might say also that I have had good cooperation from the International Development Association and that full information has been furnished to me. It is not any lack of information which results in my objections to this legislation. Furthermore, I do not like the suggestion that other Members who do not support this legislation simply are not informed on this subject. Indeed, I am convinced that many of those who are objecting are well informed and their objections are quite reasonable.

I want to suggest again that the committee bill which was presented to us here before, that is, the House bill, H.R. 9022, contained some significant recommendations of congressional intent. Section 3 of that bill referred to the subject of the use of reserve funds of the World Bank and the transfer of such funds by the World Bank to IDA for loaning through the soft IDA loans. This is a significant part of the bill H.R. 9022 which is omitted from the present Senate bill, S. 2214. Yet, this is something that should be decided by the Congress and not left open for consideration by some future board. The Congress should express itself on that. I notice in the hearings on the legislation that the Secretary of the Treasury says that the Board of Governors is going to decide this summer on what to do about the World Bank reserves. However, I feel that the Congress should have something to say about the transfer of reserves from the World Bank to IDA and we should not just delegate that authority to someone else.

Also, I spoke earlier on the subject of receiving interest on moneys that are reloaned. In reviewing the hearings I looked for an answer to that subject in the questioning by members of the committee, and I find there were questions posed by our colleague, the gentleman from Pennsylvania [Mr. McDade] and by another member of the committee, the gentleman from Utah [Mr. Lloyd]. However, it does not appear that the question as to the receipt of interest on IDA loans is satisfactorily answered except by the suggestion that the American delegates do not want to go back and negotiate again. I suggest that if they are not doing what the Congress wants them to do, they should go back and negotiate again. I cannot see for the life of me why any other nation would want to refuse interest on any money being reloaned. And if it is suggested that paying interest would affect the balance-of-payments position of other nations, I suggest that we have a balance-of-payments problem ourselves.

Also, going beyond that, it would not be necessary to require payment of interest in hard cash or dollars but it could be paid in local currency of the land and made available as counterpart funds. We do not know today whether 50 years from now we may not require some of these credits in these foreign countries. I think the will of the Congress, as expressed in the committee amendment originally, was one that should be retained. I would hope that the committee would recommend or offer such an amendment. I would ask the committee also to offer an amendment with regard to the receipt of interest on loans, especially when we consider that some funds are reloaned at interest rates as high as 12 percent per annum as brought out and enumerated on page 11 of the hearings and in the report of the committee. If we do not adopt the amendments I have suggested it is going to be difficult for us to go back to our constituents and say that we supported a grant program of American taxpayers' funds where the money can be reloaned at 12 percent annual interest with not one penny of interest to be returned to the United States of America or to the American taxpayer. It will be hard to explain and I do not think it can be explained by any answers that I have found in the hearings or in the report.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and Mr. Flynt, Chairman of the Committee of the whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association, pursuant to House Resolution 707, he reported the bill back to the House without amendment.

The SPEAKER pro tempore (Mr. Albert). Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DEL CLAWSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEL CLAWSON. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Del Clawson moves to recommit the bill, S. 2214, to the Committee on Banking and Currency.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

Mr. DEL CLAWSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 247, answered "present" 3, not voting 49, as follows:

[Roll No. 126]

YEAS—132

Abbitt
Abele
Abernethy
Adair
Alger
Arends
Ashbrook
Baker
Baldwin
Becker
Beermann
Belcher
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bonner
Bow
Bray
Bromwell
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burleson
Casey
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cramer
Cunningham
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dowdy
Findley
Foreman
Fulton, Pa.
Fuqua
Gathings
Goodell
Goodling
Gross
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Harrison
Harsha
Harvey, Ind.
Henderson
Hoeven
Horan
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Johansen
Johnson, Pa.
King, N.Y.
Knox
Kornegay
Kyl
Langen
Latta
Lennon
Lipscomb
McClory
McCulloch
McLoskey
Marsh
Martin, Calif.
Martin, Nebr.
Meader
Michel
Milliken
Minshall
Montoya
Moore
Natcher
O'Konski
Passman
Pickle
Poff
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Rogers, Fla.
Rogers, Tex.
Roudebush
St. George
Schadeberg
Schenck
Short
Sikes
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Stinson
Stubblefield
Taylor
Thomson, Wis.
Tollefson
Tuck
Utt
Waggonner
Watson
Weaver
Westland
Wharton
Whitener
Whitten
Williams
Winstead
Wydler
Wyman
Younger

NAYS—247

Albert
Anderson
Andrews, N. Dak.
Ashley
Aspinall
Auchincloss
Ayres
Barrett
Barry
Bates
Beckworth
Bell
Blatnik
Boggs
Boland
Bolling
Bolton, Frances P.
Bolton, Oliver P.
Brademas
Brock
Broomfield
Brotzman
Brown, Calif.
Buckley
Burke
Burkhalter
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Carey
Cederberg
Chenoweth
Clark
Cohelan
Conte
Corbett
Corman
Curtin
Daddario
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Flynt
Ford
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Hardy
Harvey, Mich.
Hawkins
Healey
Hechler
Herlong
Holifield
Holland
Horton
Joelson
Johnson, Calif.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
Kirwan
Kluczynski
Kunkel
Landrum
Leggett
Lesinski
Libonati
Lindsay
Lloyd
Long, La.
Long, Md.
McDade
McDowell
McFall
McIntire
Macdonald
MacGregor
Madden
Mahon
Mailliard
Martin, Mass.
Matsunaga
Matthews
Miller, N.Y.
Mills
Minish
Monagan
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pilcher
Pirnie
Poage
Powell
Price
Pucinski
Quie
Rains
Reid, N.Y.
Reuss
Rhodes, Pa.
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Robison
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schneebeli
Schweiker
Schwengel
Secrest
Senner
Sheppard
Shipley
Sibal
Sickles
Sisk
Slack
Smith, Iowa
Springer
Staebler
Stafford
Staggers
Steed
Stephens
Stratton
Sullivan
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Trimble
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser
Watts
Weltner
Whalley
White
Widnall
Willis
Wilson, Charles H.
Wright
Young
Zablocki

ANSWERED "PRESENT"—3

Fisher
Fountain
Randall

NOT VOTING—49

Addabbo
Andrews, Ala.
Ashmore
Avery
Baring
Bass
Battin
Brooks
Burton, Calif.
Celler
Collier
Colmer
Cooley
Davis, Tenn.
Dorn
Elliott
Fogarty
Forrester
Gill
Grant
Harris
Hays
Hébert
Hoffman
Jones, Ala.
Jones, Mo.
Kee
King, Calif.
Laird
Lankford
McMillan
Mathias
May
Miller, Calif.
Morton
Norblad
O'Brien, N.Y.
Pillion
Pool
Purcell
Roberts, Ala.
Rodino
Scott
Selden
Shriver
Van Pelt
Wickersham
Wilson, Bob
Wilson, Ind.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Randall for, with Mr. Rodino against.

Mr. Fisher for, with Mr. Brooks against.

Mr. Fountain for, with Mr. Cooley against.

Mr. Hébert for, with Mr. King of California against.

Mr. Baring for, with Mr. Gill against.

Mr. Bob Wilson for, with Mr. Laird against.

Mrs. May for, with Mr. Celler against.

Mr. Hoffman for, with Mr. Miller of California against.

Mr. Shriver for, with Mr. Fogarty against.

Mr. Van Pelt for, with Mr. O'Brien of New York against.

Mr. Collier for, with Mr. Wickersham against.

Mr. Colmer for, with Mr. Addabbo against.

Mr. Dorn for, with Mr. Jones of Alabama against.

Mr. Andrews of Alabama for, with Mr. Lankford against.

Mr. Pool for, with Mr. Hays against.

Until further notice:

Mr. Elliott with Mr. Morton.

Mr. Ashmore with Mr. Battin.

Mr. Davis, of Tennessee with Mr. Pillion.

Mr. Bass with Mr. Norblad.

Mrs. Kee with Mr. Mathias.

Mr. Harris with Mr. Wilson of Indiana.

Mr. Forrester with Mr. Avery.

Mr. Scott with Mr. Grant.

Mr Burton of California with Mr. Roberts of Alabama.

Mr. Purcell with Mr. Selden.

Mr. FISHER. Mr. Speaker, I have a live pair with the gentleman from Texas [Mr. BROOKS]. If he were present, he would vote "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. RANDALL. Mr. Speaker, I have a live pair with the gentleman from New Jersey [Mr. RODINO]. If he were present, he would vote "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. WATSON changed his vote from "nay" to "yea."

Mr. THOMAS changed his vote from "yea" to "nay."

Mr. MINSHALL changed his vote from "nay" to "yea."

Mr. FOUNTAIN. Mr. Speaker, I have a live pair with the gentleman from North Carolina [Mr. COOLEY]. If he were present, he would vote "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include pertinent extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGAL PROBLEMS OF OCEANOGRAPHY

Mr. HANNA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, I have on other occasions brought before this body's attention my interest in and concern for our advance into the great frontier of the oceans. As part of these previous expressions the point was stressed that the legal framework against which the development of oceanographic resources occurred would have to be strengthened.

In meditating on any future control of marine resources we come face to face with the inadequacies in the slowly developed legal status of the world's oceans. Nobody claims to own or govern the major portion of the proximate two-thirds of the earth covered by the seas. All of the vast resources lying beyond a 3- or 12-mile limit are common property. As long as the single role of these great bodies of water was to provide, on their surfaces, an environment for cheap transportation and a measure of defense such casual and limited law was sufficient and justifiable. Presently, however, with plans, proposals, and projects intruding into this aqueous area seeking management control and eventually ownership over the food, minerals, and other resources found therein, exactness is not only desirable, it is an absolute necessity.

An excellent case in point is demonstrated, Mr. Speaker, in the latest issue of Time magazine. In an article entitled "Looking for the Sixpence," it is revealed that beneath the waters of the North Sea oil geologists are convinced there lies the largest yet discovered pocket of natural gas—one of nature's richest prizes. Bordering the sea are the countries of Norway, Denmark, West Germany, Netherlands, Belgium, and Great Britain. Each would like to be able to lay claim to the greatest portion of the gas field which has not yet been pinpointed. As the president of one of the exploration companies pointed out, the operation is like cutting up a holiday plum pudding. Everyone hopes to get the piece with the sixpence in it. The thorny question of who has control over granting permission to drill and how the mineral rights shall be divided promises to become one of the most hotly contested pieces of international law of recent times.

We predict, Mr. Speaker, this is only one of the opening salvos in a greater and growing field of conflict unless immediate and vigorous attention is drawn to the need for new body of legal concepts and new institutions of courts in which the rights and duties of parties can be peacefully decided.

As activity beneath the sea increases, and it is even now being accelerated, we predict that before long an incident severing one or more of the existing transoceanic cables will occur. To our knowledge no widely distributed disclosure of the exact whereabouts of such cables has been made. It is conceivable that companies owning the cables have reasons not to make public their locations. However, should an independent operation of a country or a company cause a break in the cable and a substantial impairment of service, what rights would the cable company have for damages and where would they enforce such rights against a foreign government agency or a company from a foreign land?

One could summon to the mind many such singular instances which new activities will invoke. It occurs to us, Mr. Speaker, that even now important preliminary research could be underway. Legal disputes in the international rivers of the world would afford rich sources of legal precedents which might find applications by analogy in oceanic waters. There is a significant body of law developed around the fishery activities in international waters that may also contribute to a broader field of conflicting claims, rights, and duties. These potentials should be studied and the total available legal resources should be cataloged and evaluated.

I would agree that ultimately the meaningful adoption, application, and administration of such laws is a matter of international negotiations. This does not mean that our country's best interest would not be served by our being aggressively active in developing the earliest suggestions and preparing to be in the forefront of the emerging new law as a matter of enlightened self-interest. For this and other reasons, fellow Members, I am placing today over the desk of this House a measure providing a modest sum of money to energize the resources of some of our outstanding legal institutions to provide leadership and guidance in the important field of the law of the oceans.

Without the advance of this field in oceanography, Mr. Speaker and Members, bright promises of new riches from the kingdom of the sea are all "pie in the sky."

WHEAT HISTORY CREDIT

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, the farmers of Montana through their State ASC Committee, have expressed their desire for a bill that would amend section 8 of the Soil Conservation and Domestic Allotment Act as amended, to provide for a change in the current legislative provisions for the preservation of wheat history. Section 377 of the Agricultural Adjustment Act of 1938 as amended, now requires that an acreage equal to 75 percent or more of the farm acreage allotments be actually planted to wheat or considered devoted to wheat under a diversion program at least once every 3 years to avoid the loss of wheat history credit.

Legislative provision requiring the use of 75 percent of the allotment once every 3 years became effective with the 1959 crop of wheat. One of the lowest cost ways of getting acreage diverted from the production of wheat would be to guarantee a producer that his allotment will be retained for the farm without the necessity of planting wheat. In many instances farmers will participate in diversion programs but the extent to which they may participate does not enable them to meet the history requirement without also planting some wheat.

One of the most needed and used soil and water conserving practices under the agricultural conservation program is the seeding of grasses and legumes for soil protection or as a needed land-use adjustment measure. However, farmers and ranchers who do this in cooperation with the agricultural conservation program are required to leave the seeding for a minimum of 5 years or else refund their ACP cost share. If they seed down a considerable acreage this may result in their not having enough land available under normal rotation to meet their summer fallow and wheat needs to protect their history.

In some dryland areas, where moisture is variable, as much as 3 years may be required to get a stand of grass and legumes established. Thus, if a producer has planted land down to permanent cover, it may be necessary for him to plow it up before the stand is fully established in order to use the land to protect his wheat acreage.

Wheat farmers recognize the value of farm allotment and are reluctant to lose it even though they might desire to change to another type of agriculture. This tends to limit changes in types of farming.

Mr. Speaker, this bill I have introduced today will amend that section 377 of the Agricultural Adjustment Act of 1938, to provide that where a farmer diverts acreage of wheat from production and plants permanent grasses or legumes on the area, he will be given history credit so he is not forced to plow up permanent cover to protect his wheat history.

THE REAL STORY OF CORPORATE PROFITS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, an attempt is being made by the administration to convey the impression that corporate treasuries are swollen with an abnormally high level of profits. Aside from the fact that the impression is incorrect, its constant repetition by high administration officers lends support and encouragement to the record demands which unions are expected to make in contract negotiations this year. We have been told repeatedly that too rapid an increase in wage and fringe costs could lead to a renewal of the wage-price spiral, with disastrous ultimate effects for our domestic economy and international economic relationships.

Profits must be kept in perspective. While profit margins have been rising, they remain low when compared to those of past years which were regarded as normal. After-tax profits, for example, were 9.5 percent of national income in 1929, and nearly as much in the early postwar years. After a strong business expansion, they only now amount to slightly more than 6 percent of national income. Profits related to sales also have shown a decided drop since the 1947–49 period, as has profits related to net worth.

The potential seriousness of the profit situation is evident if one realizes that in a business downturn, profit margins in many lines of business, which have been slowly rising to normal levels, could shrink almost to the vanishing point.

The importance of profits in the economy primarily arises from the need to finance out of profits the modernization and expansion which our economy needs to increase its productivity and to stay ahead in the competitive race. In the 17th annual McGraw-Hill survey, companies were asked for the first time what minimum rate of return they required for investment in new facilities, as well as for investment for replacement and modernization. Fifty-two percent of the companies answering said that for investment in new facilities, they required a minimum rate—before taxes—of 20 percent or more. A majority of these companies put the rate between 20 and 25 percent. McGraw-Hill estimated that on an after-tax basis, the average rate of return would be about 11 percent.

The rate or return required for modernization and replacement expenditures was slightly less. Forty-six percent of the companies said they required a rate of return of 20 percent or more.

One would, therefore, expect that the gradual improvement in profits within the past several years would lead to a shift in emphasis from expenditures for modernization and replacement to investment for expansion of capacity. This is exactly what has been happening. From 1960 through 1963, the proportion of total capital spending for expansion was 30 percent, with 70 percent devoted to modernization and replacement. This year, however, the split will be 36 percent for expansion and 64 percent for modernizaton and replacement, while in the 1965–67 period, businessmen expect the proportions to be 37 and 63 percent.

I ask unanimous consent that an article from the U.S. News & World Report of May 4, dealing with the profits picture, be included in the RECORD at this point. I also ask unanimous consent that a chart from the latest McGraw-Hill survey of business capital spending plans, showing the minimum rate of return companies require for investment also be included in the RECORD at the conclusion of these remarks.

[From U.S. News & World Report, May 4, 1964]

RECORD EARNINGS, BUT DO PROFIT TOTALS TELL THE WHOLE STORY?

A stir is developing over the record profits of business.

As profits climb, unions are raising their own sights. Union line: Business is in the money, can afford big raises.

Are profits higher than they need to be? Can companies absorb big increases in labor costs without raising prices? Following are some facts that help to get the profit picture in focus.

Now that the profits of business are on the rise, pressure from unions is starting up again.

Unions are getting set to demand big new raises in pay and fringe benefits.

The White House has warned that companies should not raise prices just because wages go up.

Some prices, it is suggested, might even be cut.

Businessmen are supposed to absorb any higher costs out of their margins of profit.

Yet profit margins, while higher than in recent years, and rising, remain low when compared with those of past periods which were regarded as normal.

A QUESTION OF GROWTH

In total terms, measured in dollars, profits are higher now than ever before. The fact is, however, that profits have shown only a fraction of the growth in the remainder of the economy—in total output, wages and salaries, total personal income, national income.

Business executives are warning the country that profits still are too low in light of the purposes for which the money must be used. It is pointed out that profits provide the means with which to pay those who invest in businesses and to finance the modernization and expansion needed to keep up in the competitive race.

The big and rising cost that has cut into profit margins has been the cost of labor.

The facts disclose that a larger and larger share of national income is accounted for by wages and salaries. At the same time, until this current climb in business activity began, a shrinking share of that income has been in the form of profits that could finance the business.

Back in 1929, official figures show, the pay of employees accounted for 58 percent of the national income. Over the years, that share has expanded until it now amounts to 71 percent.

Profits, after taxes, were 9.5 percent of national income in 1929, and nearly as much in the early postwar years. Now profits amount to only a bit more than 6 percent of income. The ratio was down to a little more than 5 percent as recently as 1961.

OTHER TRENDS

Those figures are on total profits after taxes. Now look at the relative trend of profits retained in the business—that is, profits remaining after both taxes and dividends have been paid out of earnings.

In 1963, the profits retained to finance improvements or other needs of the business amounted to 2 percent of the national income. Rarely in the postwar years has the ratio been so low. It was 2.7 percent in 1929, 6 percent in 1948, 3.6 percent in 1955.

Note also what has happened to the margin of profit related to sales and net worth. This is the thing that worries businessmen.

When measured by annual sales, the margin has shown a decided drop. For the years 1947–49, manufacturing corporations marked up an average annual profit, after taxes, amounting to 6.5 percent of sales. By 1961, that was down to 4.3 percent, and even with the improvement during the current prosperity, the margin is not expected to top 5 percent in 1964.

When measured by net worth, the picture is similar. Profits of manufacturing corporations, after taxes, showed a yearly average of 14 percent of net worth in the years 1947–49. That average has declined, reaching 8.7 percent in 1961. In 1964, even with continuing record earnings in dollars, manufacturing companies will not earn more than 10.9 percent of net worth.

Those figures are averages. In some industries and many individual companies, the margin is much smaller.

WHEN A DOWNTURN COMES

The big worry is what happens in 1965, 1966, or whenever this current climb in business activity comes to an end. As long as volume is high and rising, the margin of profit tends to take care of itself. Yet today's margin, at a time of the biggest volume of business ever seen in this country, is still well below that of earlier years.

Businessmen point out that, in a severe business downturn, the profit margin in some lines could shrink almost to the vanishing point.

As it is, in this period of high prosperity, business has been concentrating on cutting costs and stepping up efficiency of operations. Otherwise, even a record volume of business would not have produced an increase in the margin of profit.

Also helping to brighten the prospect for 1964 is a cut in corporate taxes from 52 percent to 50. Next year, the rate goes down to 48 percent. Then, for the first time in years, the Government will have less than a majority claim on business earnings.

The question that businessmen now ask is whether labor unions will demand and get pay increases big enough to offset the whole advantage of the reduction in tax rates.

The profit squeeze of recent years has been relieved by high volume and efficiency measures, but it is pointed out by many businessmen that this relief could be temporary.

Robert C. Tyson, finance committee chairman of United States Steel Corp. said in a speech on April 23: "I am * * * deeply concerned that over the years there seems to have arisen an atmosphere of antagonism toward profits—an attitude that condones the 'squeezing' or 'raiding' of profits by tax gatherers, labor-union leaders, or would be price dictators." Mr. Tyson then added this warning:

"Limit profit, and you limit growth. Kill it, and you kill growth."

TABLE XIII.—*What minimum rate of return do you require for investment?* [1]

Industry	Percent of companies answering							
	In new facilities for expansion				For replacement and modernization expenditures			
	0 to 9 percent	10 to 14 percent	15 to 19 percent	20 percent and over	0 to 9 percent	10 to 14 percent	15 to 19 percent	20 percent and over
Iron and steel	0	23	23	54	8	30	8	54
Nonferrous metals	0	20	27	53	7	7	46	40
Machinery	3	20	17	60	5	16	23	56
Electrical machinery	20	10	5	65	15	20	5	60
Autos, trucks, and parts	10	30	20	40	11	33	11	45
Transportation equipment (aircraft, ships, railroad equipment)	0	20	20	60	0	23	15	62
Fabricated metals	0	23	12	65	14	22	7	57
Instruments	8	8	8	76	8	25	17	50
Chemicals	0	13	23	64	4	33	19	44
Paper and pulp	0	5	5	90	6	22	11	61
Rubber	0	20	40	40	25	50	0	25
Stone, clay, and glass	0	14	33	53	0	10	33	57
Petroleum and coal products	17	25	17	41	38	23	16	23
Food and beverages	12	23	15	50	20	13	11	56
Textiles	0	27	13	60	4	35	23	38
Miscellaneous manufacturing	11	14	23	52	18	12	15	55
All manufacturing	5	18	18	59	10	20	18	52
Mining	0	37	26	37	12	27	34	27
Railroads	0	50	33	17	0	50	12	38
Other transportation	41	35	6	18	53	26	5	16
Utilities	40	50	0	10	45	55	0	0
Commercial	28	28	10	34	30	35	2	33
All business [2]	9	22	17	52	14	23	17	46

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[1] Before taxes.

[2] Does not include communications or gas utilities.

IS FEDERAL DEBT-MANAGEMENT POLICY HAMSTRUNG IN COMBATING INFLATION?

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, in the March issue of the Morgan Guaranty Survey the limitations on the use of Federal debt management policy as a means of combating inflation is discussed. Noting that the present law limits the Treasury to paying an interest rate of not more than 4¼ percent on its securities of more than 5 years maturity, the Survey points out that it would not take much heating up of the economy to carry market rates to a point where the Treasury would be powerless to do long-term financing. The proper function of debt management policy under such circumstances of inflationary stress would be to soak up long-term funds and thus affect the structure of interest rates over the whole maturity spectrum. The Survey recommends that the process of modifying or eliminating the present interest rate ceiling should start now rather than after the market has the Treasury blocked.

The Survey also suggests that expenditure policy may offer important possibilities for combating inflation, which thus far have been virtually unused. Sharp increases in spending have been regularly used when policymakers have felt the economy needed pepping up. There is no reason why discretion in expenditure timing could not be used in the other direction at a time when the economy needs restraint rather than stimulus. Since the scope of the possibilities may not have been explored sufficiently within the Government, the Survey suggests that a study of this subject—particularly aimed at the identification of specific deferrable projects—would be worthy work for the Joint Economic Committee. I could not agree more and, therefore, as the ranking minority member of the committee, I am calling this matter to the attention of the chairman and urging that it be placed on the program of the committee or one of its subcommittees.

I ask unanimous consent that the article from the Morgan Guaranty Survey be included in the RECORD at this point.

[From the Morgan Guaranty Survey, March 1964]

BUSINESS AND FINANCIAL CONDITIONS

The economy, which during much of its convalescence from a mild 1960 chill fretted and fussed like the most nervous hypochondriacs, now is acting like a patient finally convinced that he's solidly on the mend. Confidence in the business outlook is stronger than at any time in the past 4 years.

The medicine that has made the difference appears to be a compound of several ingredients—among them tax reduction, long awaited and now a reality; good news from retail counters, factory order desks, and corporate board rooms; and the elixer of persistently rising stock prices.

Statistics on business performance are virtually without blemish. Consumer buying appears to have carried its end-of-1963 strength into the new year with full force. February's bustling pace of almost 600,000 new car sales highlights the retail performance, but the cash register is busy in virtually all merchandise lines.

Other major components of final demand also look healthy. Home building performed well throughout the winter months. Business investment activity has kicked off all earlier hints of coming softness. This is confirmed by the latest Government survey, which points to a 10-percent rise in plant and equipment outlays this year. Both the Federal Government and State and local bodies are continuing to increase their purchases of goods and services.

All this is feeding back new orders at the manufacturing level. Factories booked a record order volume of $36.7 billion in January, up almost 3 percent on a seasonally adjusted basis from the best previous monthly total. The February survey of the National Association of Purchasing Agents, moreover, suggests that the writing of new business will continue strong.

Against such a background, the Federal Reserve Board index of industrial production, which barely managed to inch ahead from November through January, should begin to move with greater conviction. There also may be further good-sized gains in nonagricultural employment, which after seasonal adjustment rose by more than 700,000 from December to February, as much as in the preceding 8 months.

The firm tone of economic activity has been accompanied by additional selective increases in the prices of industrial goods. Aluminum ingot, which twice in recent months had failed to hold price increases posted by part of the industry, went up half a cent per pound in the domestic market. Prices also have been raised during the past month for a wide range of fabricated aluminum products, copper and brass tube and pipe, and a number of key industrial chemicals.

Price pressures are still the exception rather than the rule, thanks in part to the continuation of conservative inventory policies by business in general. The broad wholesale index so far has remained relatively stable.

Nevertheless, the price rises that have occurred must be read as warning signs of a more generalized problem that could develop if the tax-cut stimulus should oversucceed. In an atmosphere in which union officials are talking with a new militancy about the "big gains" they will seek in wage bargaining this year, it is not too early to look to the remedies that can be used if inflationary fever sets in.

Monetary policy presumably would be the first to be used. It could not, however, be expected to do the whole job alone, and this points up the unfortunate fact that an important auxiliary—Federal debt-management—is likely to be unavailable. Under the law as it now is applied, the Treasury is limited to paying an interest rate of not more than 4¼ percent on any securities it issues of more than 5 years' maturity. Most outstanding Treasury issues of more than 5 years' maturity already yield more than 4 percent (yields are running close to 4.20 percent in the 20-year area). It would not take much heating up of the economy to carry market rates to a point where the Treasury would be powerless to do long-term financing, and therefore unable to perform its proper function—under circumstances of inflationary stress—of soaking up long-term funds and affecting the structure of interest rates over the full maturity spectrum.

The Attorney General has interpreted the interest-rate ceiling law as subject to circumvention by means of discounted prices (for example, sale of a 4¼ percent bond at 98 percent of face value to yield 4.40 percent over a 20-year period). Treasury Secretary Dillon, however, has consistently indicated that he will respect the spirit of the ceiling. Thus elimination of debt management as a policy instrument is by no means a remote contingency.

Since, on the basis of the record, congressional consideration of any proposal to modify or eliminate the present ceiling would take time—probably a great deal of time—the process ought to start now rather than after the market has the Treasury blocked. Administration sponsorship, of course, is essential.

Freedom of debt-management policy and monetary policy to respond to any developing need is critically important because fiscal trends are far harder and slower to turn about—as the tortured route of tax reduction through Congress has most recently illustrated. By the time the smoke from an inflationary fire can be sniffed, it is typically too late for Congress to help damp the flame. Nor is the legislative branch likely to provide a way around its own processes by giving the President standby authority to adjust income tax rates up or down in response to business-cycle developments.

Even so, the fiscal area may offer possibilities hitherto unused for combating inflation. In past times of recession, the executive branch of Government has used the considerable leeway it enjoys in the timing of expenditures and commitments as a means of stimulating the economy. In early 1961, for instance, the Kennedy administration accelerated procurement in a number of Federal agencies and speeded up public works projects to pump money into the spending stream ahead of schedule.

There is no self-evident reason why executive discretion in expenditure timing could not be used in the other direction at a time when the economy needs restraint rather than stimulus. The budgetary accounts of government are so complex that it is difficult, from the outside, to guess what the full potential of this approach might be. Even inside government, the scope of the possibilities may not have been sufficiently explored. A study of this subject—aiming, among other things, at the identification of specific deferable projects—would be worthy work for the Joint Economic Committee, particularly in the present setting.

TAX BASE EROSION

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, for many years we have been confronted by a worsening problem of budget deficits and simultaneously with a soaring national debt that is now almost $309 billion compared to $303 billion a year ago. Interest on the debt for fiscal 1965 will be $11.1 billion. And so it goes.

State and local debts have also been rising rapidly for a number of years and there is no end in sight. The total State debt rose from $7 billion at the end of fiscal 1952 to $21.5 billion—over 300 percent—by the end of fiscal 1962. In the same period local government indebtedness rose from $23 to $59.5 billion—over 250 percent.

One of the reasons for the enlarging deficits and indebtedness is the large number of governmental activities that not only add to governmental expenditure but also erode the tax base by removing the activity, its wealth and income, from the private sector. The net result therefore decreases income and increases expenditures. By reversing the process; that is, moving an activity from the governmental sector to the private sector we tend to decrease governmental expenditure and increase governmental income.

An editorial in the Wall Street Journal of April 30, 1964, entitled "The Generous Grocer" illustrates my point by referring to military commissaries which have grown to be one of the great retail organizations in the world. I will read the article:

[From the Wall Street Journal, Apr. 30, 1964]

THE GENEROUS GROCER

Even before Congress could launch the proposed investigation of the food industry's retail pricing, another part of the Government has provided an argument in the industry's defense.

The Pentagon didn't intend to do so, of course. Yet its operation of a fast-growing chain of military commissaries, as detailed by a General Accounting Office report, reveals facets of price competition in the food business which do not support the suspicion of overcharging held by some officials.

Under the law the military stores are set up only where food is not available from regular retail outlets at reasonable prices. But in view of the intense competition among chainstores, says the GAO, that would rule out a lot of the commissaries; so the Pentagon seems to have taken a liberal view of the restriction.

At present the military operates a nationwide chain of 269 supermarkets, an increase of 38 percent in the past decade. The stores do an annual business of $730 million, putting them in the big league in the food business. They operate in nearly every major city in the United States; there are eight in the Washington area alone.

Not everyone can trade at the commissaries; not quite everyone, that is. They are open not only to servicemen but to civilian employees, most of whom live in surrounding communities. And though the Pentagon argues the stores are a necessary fringe benefit for the Armed Forces, they actually benefit only a small percentage of servicemen, since they don't really help those who eat in mess halls.

The stores' regular customers, however, find the benefit to be considerable. For the Government's generous grocer charges prices that reflect only wholesale food costs plus a small surcharge to cover spoilage, utilities, and some transportation outlays. Other overhead expenses, including the salaries of an army of 11,000 clerks, are picked up by the Government. As a result, says the GAO, the stores last year showed a net loss of $150 million.

With competition like that, the private food retailers might ask plaintively, who can afford to overcharge?

Since this article was based upon a comprehensive study and report by the GAO by request from the Defense Procurement Subcommittee of the Joint Economic Committee, of which I am a member, I will, at the close of my remarks, include the GAO report.

In my opinion this is a serious economic matter which has a great impact upon our tax base. For this reason, I am drafting legislation which I shall introduce shortly, and will request that the bill be referred to the proper committee for consideration as an economic matter which is of vital importance to business, our tax structure, the national debt and annual deficits. Like war, this is too important to be left to the discretion of those whose self-interests is involved. This is too important to be handled through an appropriation rider as has been the case during the past decade.

The GAO report follows:

[Report to the Joint Economic Committee, Congress of the United States, by the Comptroller General of the United States, April 1964]

FAILURE TO CURTAIL OPERATIONS AT GOVERNMENT EXPENSE OF MILITARY COMMISSARY STORES IN CONTINENTAL UNITED STATES WHERE ADEQUATE COMMERCIAL FACILITIES ARE AVAILABLE

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 16, 1964.

Hon. PAUL H. DOUGLAS,
Chairman, Joint Economic Committee, Congress of the United States.

DEAR MR. CHAIRMAN: In accordance with a recommendation of your committee in July 1963 and subsequent discussions with your staff, we have made a review of the criteria established by the Secretary of Defense for the authorization of military commissary stores in the continental United States.

Our review discloses that, although competitive food stores are located near most military commissary stores in the United States, commissary stores have continued in operation and increased in number despite the statutory requirement since 1953 that such stores be authorized only if reasonable prices are not otherwise readily available. The authorization of commissary stores has continued each year because the criteria established by the Department of Defense defeat the purpose of the law. Under these criteria, for example, the prices at all commercial food stores surveyed in the United States during recent years have been found to be unreasonable. In view of the strong competition among commercial grocery stores and their resulting low profit margins, it is apparent that the criteria are illogical. We estimate that under any realistic criteria more than half the commissary stores in the United States would be closed.

In addition, the Department of Defense has expended considerable manpower each year conducting surveys at all commissary stores in the United States for compliance with its criteria, even though it is obvious that such surveys will not in any way restrict commissary operations. The wasted effort connected with these surveys has cost the Government about $100,000 annually, or about $1 million since 1953.

Since commissary store sales prices exclude major operating expenses, we have estimated, as explained in the report, that the military commissary store system in the United States results in a loss to the Government of almost $150 million a year. The justification advanced over the years by the military departments for maintaining a widespread commissary store system has been that the fringe benefit has become, as a practical matter, a part of the pay structure for military personnel and that, consequently, the curtailment of the fringe benefit would represent a reduction in remuneration and would adversely affect the morale of military personnel. While commissary store privileges are available to all military personnel, they obviously are not needed by the vast number of military personnel fed in messhalls, and such personnel would not be affected by limitations on commissary store operations. In any event, we believe that any inadequacy of pay and allowances to military personnel should be brought to the attention of the Congress as a matter to be decided on its merits, apart from the need for commissary stores.

In view of the ineffectiveness of the restriction contained in each annual appropriation law enacted since August 1953 in deterring the continued operation and growth of military commissary stores and in view of the fact that competitive commercial food stores are generally located reasonably close to most military installations in the continental United States, we are suggesting that your committee consider recommending to the Congress the enactment of legislation to establish precise conditions under which the operation of military commissary stores may be authorized. Also, to the extent that the operation of commissary stores may be authorized, the Congress may wish to consider providing for selling prices to be set at the level of competitive commercial retail prices in order to avoid inequities between personnel at installations having commissary stores and personnel at installations not having commissary stores.

Pending action by the Congress to clarify its position with regard to commissary stores, we believe that it would be desirable to omit from future appropriation acts for the Department of Defense the requirement for the annual certification of commissary stores by the Secretary of Defense. This will avoid the expenditure of about $100,000 a year for surveys of the type now conducted for the purpose of authorizing commissary stores.

At your request, the findings in this report have not been submitted to officials of the Department of Defense for comment. Consequently, we have not obtained any written explanations that they may be able to offer.

We believe that the contents of this report will be of interest to other committees and Members of the Congress. Therefore, as previously agreed with you, we are making our customary distribution of the report.

We trust that the report provides you with the information you require. If we can be of further assistance, please let us know.

Sincerely yours,
JOSEPH CAMPBELL,
Comptroller General of the United States.

INTRODUCTION

The General Accounting Office has made a review of the criteria established by the Secretary of Defense for the authorization of military commissary stores located in the continental United States. This authorization is made pursuant to law requiring the Secretary of Defense to certify yearly as to the need for each such commissary store.

Our review originated as a result of a recommendation by the Subcommittee on Defense Procurement to the Joint Economic Committee of Congress in July 1963 that we undertake an investigation of military commissary stores. Our review was carried out at the Office of the Secretary of Defense, at the headquarters of the military departments, and at the eight commissary stores in the Washington, D.C., metropolitan area. The review was made under the authority of the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

At the request of the chairman of the Joint Economic Committee, the findings in this report were not submitted to officials of the Department of Defense for comment. Consequently, we have not obtained any written explanations that they may be able to offer.

BACKGROUND

The Department of Defense operates commissary stores mostly at or adjacent to military installations throughout the world for the purpose of selling groceries, meats, produce, and household supplies to authorized personnel. At June 30, 1963, 269 of these stores were operated in the continental United States, 15 in Alaska and Hawaii, and 193 in other oversea locations—a total of 477 stores. Sales of the commissary stores for the fiscal year 1963 amounted to $972 million, of which $730 million represented sales of stores in the United States. Authorized customers of the commissary stores are predominantly the regular, active-duty Reserve, and retired personnel of the uniformed services. A great number of military personnel are fed in mess facilities on the base and, consequently, do not need to patronize commissary stores. Most personnel who patronize commissaries live in outside communities rather than on the installations at which the stores are located.

According to an Army document on chronological events affecting commissary stores, sales of subsistence supplies to Army military personnel originated with the sutler system. Sutlers were peddlers who followed an Army and sold food and other goods to the troops. After 1825, however, the Army was authorized to sell subsistence supplies to officers at certain frontier posts at cost. The sutler system was abolished in 1866 by a law that directed the Army to sell subsistence supplies to officers and enlisted men at cost. A law enacted in 1867 permitted traders at military posts, but the traders were not allowed to sell subsistence supplies to enlisted men. Under the same law, former sutlers were authorized to operate at frontier posts not in the vicinity of a town. For more than 50 years, until 1923, the selling price of subsistence supplies was only the invoice cost of the merchandise. In 1923 through 1927, certain other items of cost were added to the invoice cost to arrive at the selling price. After 1927 and until January 1, 1952, selling price was again only the invoice cost of the merchandise.

Since the Air Force was separated from the Army and set up as a separate organization in 1947, it has had the same right as the Army to sell subsistence supplies. Prior to 1952, the law did not specify the amount the Navy should charge its personnel for commissary purchases. However, the Navy has sold subsistence supplies for slightly more than the invoice cost of the merchandise.

Effective January 1, 1952, the Department of Defense Appropriation Act, 1952, provided for collecting a surcharge from commissary customers. This provision is repeated in each subsequent annual appropriation act for the Department. Since January 1, 1952, the basic law in conjunction with the annual appropriation act has required that customers of commissary stores pay (1) the bare cost of merchandise (purchase price including transportation) and (2) a surcharge, which has been about 3 percent for many years, to cover the cost of commissary operating equipment, supplies, utilities, and merchandise losses and spoilage. The remaining costs that are not collected from customers are borne by appropriated funds of the military departments. These costs are principally (1) pay, allowances, etc., for military and civilian employees engaged in operating the stores, (2) facilities including store rental, and (3) procurement, inspection, receiving, warehousing, disbursing, accounting, and other administrative functions performed for the stores.

The operation of commissary stores requires participation by numerous organizations within the Department of Defense, and the cost of these organizations attributable to services performed for the commissary stores is generally not determinable. For example, procurement is handled by the Defense Subsistence Supply Center, a component of the Defense Supply Agency, and by purchasing organizations at the installations; and inspection, receiving, warehousing, and issuing are handled by the Defense Subsistence Supply Center and by the appropriate organizations at the installations. The accounting systems of the military departments do not provide for the accumulation of the costs of these various organizations that are chargeable to commissary store operations. Consequently, it is not practical to determine the cost of commissary store operations. However, as commissary store operations in the United States are similar to those of a large chain food store, it appears that the costs of these commissary stores should be at least comparable to the costs of highly competitive food stores, exclusive of such costs as advertising and sales promotion that are not incurred by commissary stores.

On the basis of the foregoing, the published experience of chain food stores in the United States in recent years, and the loss of potential tax revenue to the Government through its operation of commissary stores, we estimate that the total cost to the Government of operating the commissary stores in the United States in the fiscal year 1963 exceeded $170 million. According to the military departments, there were 269 commissary stores in the United States having some 3,000 military personnel and 8,100 civilian employees and a sales volume of $730 million. The sales amounting to $730 million consisted of $709 million for the bare cost of merchandise and a surcharge of $21 million. Consequently, only $21 million of the $170 million cost to the Government was recovered in the surcharge made to commissary store customers. Thus, we have estimated that the unrecovered cost to the Government of operating these commissary stores totaled $149 million for the fiscal year 1963, including $65 million for pay and allowances of military and civilian employees engaged in operating the stores.

Prior to August 1953, specific commissary stores were authorized by the military departments as an administrative matter. Since that date, however, the Secretary of Defense has been required by law to authorize only those commissary stores in the United States for which he certifies that items normally sold in commissary stores are not otherwise available to employees of the Department of Defense at a reasonable distance and a reasonable price in satisfactory quality and quantity. The Secretary of Defense has established criteria for determining whether or not a store should be authorized. A certificate based on these criteria is issued by the Secretary of Defense to the military departments to authorize the operation of specified commissary stores for each calendar year.

The Assistant Secretary of Defense (Manpower), acting on behalf of the Secretary of Defense, is responsible for prescribing the criteria for the authorization of commissary stores and for the certification of those commissary stores that satisfy the criteria.

A list of the principal officials of the Department of Defense with responsibility for the activities discussed in this report is contained in appendix I.

Selected comparative statistics for the commissary stores of each of the military departments are set forth in appendix II.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Unrealistic criteria used to justify authorization of commissary stores in the United States

Although competitive food stores are located near most military commissary stores in the United States, commissary stores have continued in operation and increased in number despite the statutory requirement since 1953 that such stores be authorized only if reasonable prices are not otherwise readily available. The authorization of commissary stores has continued each year because the criteria established by the Department of Defense defeat the purpose of the law. Under these criteria, for example, the prices at all commercial food stores surveyed in the United States during recent years have been found to be unreasonable. In view of the strong competition among commercial grocery stores and their resulting low profit margins, it is apparent that the criteria are illogical. We estimate that under any realistic criteria more than half the commissary stores in the United States would be closed.

In addition, the Department of Defense has expended considerable manpower each year conducting surveys at all commissary stores in the United States for compliance with its criteria, even though it is obvious that such surveys will not restrict commissary operations. The wasted effort connected with these surveys has cost the Government about $100,000 annually, or about $1 million since 1953.

The events leading up to the statutory ban against operating commissary near commercial stores that have reasonable prices and the details of our findings follow.

Criteria developed in 1949 at request of Congress to eliminate commissary stores where commercial prices are reasonable proved ineffective

In April 1949, a subcommittee of the House Committee on Armed Services was appointed to look into the extent to which commissary stores were necessary. During hearings held by the subcommittee, an Assistant Secretary of the Navy, acting for the military departments, stated that commissary stores are not established "* * * where adequate commercial facilities are conveniently available at reasonable prices," and in explanation of this also stated: "Our concern is that at an isolated station where we do not have civilian stores whose prices are kept in line by adequate competition, we must protect our people. Clearly, in Washington, New York, Philadelphia, Baltimore, or any city where you have commercial facilities which sell commodities at reasonable prices the need for the military to run its own shop [commissary stores] disappears.

* * * * *

"We propose to abolish them [commissary stores] where commercial facilities are otherwise available where our people can purchase goods at reasonable prices * * *."

At the close of the hearings, the chairman of the House Committee on Armed Services stated: "The whole theory of the commissary privilege * * * was originally to give it to the people who were at isolated stations who did not have the benefit of metropolitan sales. That is the whole theory and the only justification for it. It was never intended that the Government should go in the business of providing for its personnel where they have the privilege and the opportunity to go to a private place to buy. It was intended on account of the remoteness of stations to accommodate them."

In an exchange of letters between the Assistant Secretary of the Navy and the chairman of the subcommittee, it was agreed that "* * * commissary stores would be discontinued within areas where adequate commercial facilities exist and make sales at a reasonable cost." An Armed Services Commissary Store Regulation submitted to the subcommittee stated, "The establishment of commissary stores shall not be authorized in areas where adequate commercial facilities are conveniently available and sell commissary merchandise at reasonable prices * * *." The chairman of the subcommittee advised the military departments by letter dated August 22, 1949, that the regulation represented the conclusions and decision of the subcommittee as reported to the House Committee on Armed Services.

The report of the subcommittee as agreed to by the House Committee on Armed Services contained the following statements:

"* * * it is the committee recommendation that commissary stores now in operation in areas where it has been determined that adequate facilities are conveniently available at reasonable prices shall be disestablished on or before January 1, 1950. The committee recognizes the fact that commissaries were originally established for the convenience of military personnel who were not conveniently located to comparable civilian facilities. We are of the opinion that the sole justification for the continuance of commissary stores is to provide a convenient means of procuring commissary supplies when such convenience has been lost as a result of being in or associated with the military services.

"[As to the point made by the military departments that one of the purposes of the commissary stores is to augment the pay of underpaid military personnel] * * * we wish to point out that the House Committee on Armed Services has led the way in attempts to increase the pay of service personnel through appropriate legislation.

"The privileges which we have preserved (including retention of the commissary stores that are not to be closed on or before January 1, 1950) are very substantial and are sufficiently attractive to encourage future violations. It is obvious that such violations cannot occur unless military personnel, and other authorized patrons, become a party to the violation. We stress this word of warning, that if such violations continue they will inevitably result in further congressional investigation. The future of resale activity privileges in the armed services is entirely within the hands of those who will continue to enjoy those privileges. They shall either protect them and keep them or abuse them and lose them."

In September 1949, criteria for implementing the previously quoted requirement of the Armed Services Commissary Store Regulation were published. The criteria included the requirement that prices at commercial stores shall be considered unreasonable if they exceed the delivered invoice cost of the merchandise to the commissary stores by 20 percent. The 20-percent figure had been derived from statistics published by a trade magazine to represent the average percentage by which supermarkets marked up the cost of merchandise in 1947 to determine their selling prices. The criteria also prescribed standards to determine when distances to commercial stores were to be considered unreasonable. The commercial stores also had to be adequate as to floor space, capacity to serve additional customers, etc. These criteria were used by the military departments in authorizing commissary stores before August 1953.

In effect, the price criterion worked in this way: The bare cost of merchandise (exclusive of commissary operating costs) was marked up by 20 percent and compared with prices of commercial stores. Any excess of commercial prices, no matter how small, meant that commercial store prices were considered to be unreasonable and, thus, authorization of a commissary store was permitted. The 20-percent markup was used for this purpose only and did not appear in the selling prices charged at commissary stores. As mentioned previously, selling prices at commissary stores were never more than the bare cost of merchandise plus a small surcharge.

After the first application of the criteria of September 1949, 24 commissary stores were closed. Many of these stores, however, were closed because of deactivation of installations. In a letter addressed in March 1950 to the chairman of the House Committee on Armed Services to announce the closing of the 24 stores, the military departments mentioned that they proposed to reopen[1] any store the closing of which would work a hardship on military personnel, and stated that any proposal to close commissary stores in the future should be effected by amending the law. In connection with the last statement, the Army stated in a memorandum to the Armed Forces Policy Council that by taking this stand "* * * the military services and interested veterans' organizations would be afforded a full open hearing of their strong case for continuance of the commissary system."

From that time through August 1953, only one commissary store was closed because of the criteria.

In 1953, the Congress expressed concern with the failure of the military departments to reduce the number of commissary stores. A report of the Senate Committee on Appropriations in July 1953 contained the following statements: "The committee fails to find any justification for the continuation of * * * sales commissaries at military installations which are surrounded by or which abut metropolitan areas * * * The committee also believes that at those military installations which are removed from metropolitan trading centers by longer distances, the operation of * * * sales commissaries should also be curtailed. This could be accomplished by * * * arrangements * * * guaranteeing to the military personnel at such stations that the prices charged would in no instance exceed those prevailing at the nearest metropolitan areas."

Law enacted in 1953 to eliminate commissary stores where reasonable commercial prices are available was thwarted

As a result of the congressional dissatisfaction with the failure to close commissary stores, the Department of Defense Appropriation Act, 1954, approved August 1, 1953 (Public Law 83–179), included for the first time the requirement for certification of the need for commissary stores by the Secretary of Defense. Under this law, which appears unchanged in all Department of Defense appropriation acts enacted since 1953, the Secretary of Defense is required to authorize the establishment or continuation of commissary stores in the continental United States by means of a certification that "items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense." A certificate for this purpose must be issued by the Secretary of Defense to each of the military departments to authorize the operation of specified commissary stores for each calendar year. The law contained no specific guidance as to the meaning of reasonable prices and distances.

Since August 1953, not one commissary store has been closed as a result of this law. On the other hand, the number of commissary stores in the United States has increased under the law from about 210 at the time the law was enacted to 289 certified for operation in the calendar year 1964.

The price and distance criteria used by the military departments to comply with the law are substantially the same as those in force since 1949 and are discussed below.

Faulty price criterion has assured continuance of commissary stores

The method of measuring reasonable prices prescribed by the Department of Defense under law to determine the need for commissary stores not only utilizes an average markup for commissary merchandise of 20 percent which is obsolete and significantly understated but also fails to recognize that the most reasonable prices are those that prevail under conditions of full and free competition. Furthermore, the use of a single average markup factor for the entire United States is inappropriate because it does not recognize that there are varying levels of reasonable prices in the country. For these and other reasons, the prices of commercial retail food stores almost without exception have been found by the military to be unreasonable despite the generally effective competitive conditions experienced by these stores and their resultant low profit margins.

The criterion in force since August 1953 for determining "reasonable prices" is as follows: "The commercial store prices—averaged for the two most adequate and convenient stores 'shall be considered unreasonable' if they are 20 percent or more in excess of the bare cost of merchandise to the commissary stores. The comparative prices are to be determined for a standard market basket."[2]

When this criterion was established in August 1953, the Assistant Secretary of Defense (Comptroller) withheld concurrence on the ground that the 20-percent figure was unrealistic because he believed the Congress intended that reasonable prices were those established by free and adequate competition. Nevertheless, on August 17, 1953, the Assistant Secretary of Defense (Manpower)[3] prescribed the 20-percent figure, presumably on the basis of statements in a memorandum prepared in his office a few days previously. These statements included the following:

"The Comptroller's recommendation would in effect eliminate most commissaries on the basis of definition of reasonable price.

"If the Comptroller's recommendation is followed the DOD will be in the position in effect of eliminating commissary stores by an interpretation that it is doubtful that the Congress intended.

"The OASD (Comptroller) recommendation would also constitute another instance of denying a long-established and accepted benefit, and another abrogation of a tacit contract on enlistment.

"It is recommended that the attached memorandum (prescribing the 20-percent figure) be approved."

The memorandum does not mention whether or not the Department of Defense consulted or proposed to consult with the Congress to resolve the doubtful interpretation.

We were informed by a responsible official that in September 1959 the Office of the Assistant Secretary of Defense (Manpower),[4] for the first and last time since August 1953, raised the question of revising the criteria and asked the military departments to submit their suggestions for updating the criteria. In reply, the Army suggested that the price differential of 20 percent should be changed to 24 percent so as to use the statistics published by Harvard University in September 1959 for markups by commercial food stores. The Air Force replied as follows:

"The Air Force considers commissary stores to be an integral part of military fringe benefits and a morale factor taken into consideration when deciding to make a career of the service * * *. Any further instructions limiting the present criteria would jeopardize continued operations of our commissary stores. Accordingly, it is recommended that no changes be made * * * which would further limit commissary operations."

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[1] At least three of the stores were reopened later in the same year.

[2] The market basket that is priced comparatively for this purpose consists of 82 to 88 "standard items and quantities representing the annual purchases of an average family, as computed by the Bureau of Labor Statistics, U.S. Department of Labor."

[3] At the time this office was known as Manpower and Personnel.

[4] At the time this Office was known as Manpower, Personnel, and Reserve.

No reply from the Navy could be found. The price criterion was not updated and the Office of the Assistant Secretary of Defense (Manpower) informed us that no record could be found of who made the decision to continue using the same criterion.

In reviewing compliance by the Department of Defense with the law over the past 10 years, we found that under its price criterion all commercial stores surveyed, with rare exceptions, were found to charge unreasonable prices. The military departments applied the price criterion in about 2,400 surveys during the past 10 years and about 2,350 or 98 percent of these surveys disclosed that commercial stores charged unreasonable prices. No commissary stores were closed, however, because those commercial stores with reasonable prices were not considered within reasonable distances of the installations. All commercial stores surveyed by the military departments from 1959 through 1963 were found to charge unreasonable prices. Establishments that were found to be charging unreasonable prices included such well-known highly competitive chain food stores as A. & P., Safeway, and Kroger.

As a general rule, the thousands of commercial food stores across the United States, representing many large and small companies, are in strong competition with each other in their respective shopping areas. Recent studies by Cornell University show that profit margins are extremely low in the highly competitive retail food industry. It is apparent that, in general, prices at commercial stores are established under circumstances of full and free competition and should be considered reasonable. It is further evident that any criterion which determines otherwise is not realistic.

Under the Department of Defense (DOD) price criterion, 20 percent is added to the bare cost of merchandise in the commissary stores[5] and the result is compared with the average selling prices charged by two commercial stores. This 20-percent markup factor is based on 1947 data and has not been updated. We found that statistics for food-chain stores published by Harvard and Cornell Universities for the years 1961 and 1962 show that the average markup, measured as a percentage of the cost of merchandise, has risen to 28 percent and ranged from 25 percent in the South to 31 percent in the West. On the basis of these figures, the 20-percent average markup factor is understated by 8 percentage points or by 40 percent. The continued use of this obsolete markup factor of 20 percent to measure the difference between commissary and commercial prices virtually assures the continuance of commissary stores.

Should DOD update its price criterion so as to recognize the current commercial markup of 28 percent, the use of a single average markup factor to measure reasonable prices throughout the United States would nevertheless be improper. It is well established that prices of commercial retail stores vary in the United States depending on the geographical area, extent of competition, individual store pricing policies and costs, and other factors. This is confirmed, for example, by the difference in the average markup noted above of 25 percent in the South and 31 percent in the West. Consequently, the use of an average markup factor of 28 percent throughout the United States would result in closing relatively more commissary stores in the South than in the West, even though the prices of commercial food stores in each area are established under comparable competitive conditions. Moreover, even the use of an average markup factor for each of the geographical areas with varying levels of reasonable prices would be inappropriate because any such average would automatically classify as unreasonable those prices that are barely higher than the average.

The manner in which the military departments determine commercial store prices also produces inappropriate comparisons. These prices are required to be obtained by the military departments from commercial stores on a Tuesday, Wednesday, or Thursday. Our review of the commissary operations in the Washington area disclosed that in almost every case commercial prices were obtained only on Tuesday and Wednesday. However, it is a widespread practice among retail food stores to sell certain items at lower prices on Thursday, Friday, and Saturday, when the majority of the people do their shopping. For example, a market basket was priced on Wednesday, August 7, 1963, and included a price of 99 cents a pound for round steak at a nearby chainstore. On the next day—Thursday—however, the price at the same chain store was 87 cents a pound, an end-of-the-week reduction 12 percent. The selling price of the item at the commissary store was 79 cents a pound. Ignoring the lower commercial prices on these items at the end of the week results in the military departments' computing an unduly high price for the market basket at commercial stores and, thus, overstating the price differentials that exist between commercial and commissary stores. Furthermore, the market basket comparison disregards certain direct or indirect price reductions in commercial store prices, such as discounts by way of trading stamps.

The manner in which the military departments determine commercial prices also appears inappropriate because the prices for individual items are based on the average prices in two stores, whereas many consumers shop in several commercial stores buying those items which are most favorably priced.

The unreasonable results obtained from the price criterion are illustrated by the following examples of commissary stores authorized for the calendar year 1963:

1. The largest commissary store in the United States is operated by the Army at Cameron Station, Va., considered as part of the Washington, D.C., metropolitan area. A Grand Union store is 1 minute's riding time and a Food Fair store 2 minutes' riding time by automobile from the commissary store. Several other well-known chain food stores are located within 10 minutes' riding time from the commissary store. The Army selected Grand Union and Food Fair stores for the survey, averaged their prices for the market basket, and compared the result with the bare merchandise cost paid for the same items by the commissary store. It was found that the prices of the two commercial stores exceeded the bare cost of the items at the commissary store by 35 percent. As only a 20-percent differential was permitted under the price criterion, the prices of the commercial stores were automatically considered unreasonable and the commissary at Cameron Station was authorized to continue its operation. For the fiscal year 1963, the sales of this commissary were $10.4 million. The total cost to the Government for operating this store is not known. However, pay and allowances of military and civilian personnel employed at the store in 1963 that were not charged to customers amounted to $1 million.

2. A commissary store is operated at Fort Myer in the Washington, D.C., metropolitan area. A Safeway store is 1 minute's riding time and a Giant store is 5 minutes' riding time from the commissary store. Within 10 minutes' riding time, numerous well-known food stores are operating in competition with each other. The survey disclosed that the Safeway and Giant prices for a market basket on the average exceeded the bare cost of merchandise to the commissary store by 29 percent. As only a 20-percent differential was permitted under the price criterion, the commercial store prices were automatically considered unreasonable and the commissary was authorized to continue during 1963. For the fiscal year 1963, the sales of this commissary amounted to $7.6 million. The total cost to the Government for operating this store is not known. However, pay and allowances of military and civilian personnel employed at the store in 1963 that were not charged to customers amounted to $640,000.

Distance criterion unreasonably short and not applicable to most commissary customers

According to the distance criterion, the fact that the nearest adequate commercial store is not within 10 minutes' travel time by automobile from the military installation justifies under law the authorization of a commissary store because of unreasonable distance. This travel time, however, is not applicable to most customers of commissary stores, because they live off, and often relatively far from, military installations, generally in communities that have nearby shopping centers. As to the remaining customers who live on the military installations, the travel times used to justify operation of a commissary store are unrealistically short, because under modern conditions, grocery shopping requires less frequent visits to the store, usually only one lengthy visit a week.

The criterion in force since August 1953 for determining reasonable distances from military installations to commercial stores is as follows: "For patrons using a private conveyance, a reasonable distance is not to exceed 10 minutes' travel time from the installation to the nearest adequate commercial store.[6] For patrons using commercial or military transportation, a reasonable distance is not to exceed 15 minutes from the installation to the nearest adequate commercial store, but trips must be scheduled at intervals of not to exceed 30 minutes. When less than 50 families live on the installation, or immediately adjacent thereto, the times mentioned above are 15 minutes, 20 minutes, and 60 minutes, respectively. Travel time is measured from the center of the quarters area of the installation. Where no persons live on the installation, or immediately adjacent thereto, the commercial stores are to be considered as within a reasonable distance."

In September 1959, the Office of the Assistant Secretary of Defense (Manpower, Personnel, and Reserve) raised the question of revising the distance criterion. In a letter to the military departments, the Office expressed the view that the reasonable distance criterion was susceptible to criticism and asked for suggestions, particularly if changes could be made "in such a manner as to cause no reduction in present * * * facilities." However, the military departments proposed no changes in the distance criterion, and the Office made no changes of its own accord.

Over 80 percent of all commissary store customers during 1963 did not live at military installations. For example, commissary stores in the Washington metropolitan area at Fort Myer, Fort McNair, and Andrews Air Force Base reported in total that almost 96 percent of their customers lived off base. Commissary stores are, therefore, patronized mostly by nonresident customers who often travel comparatively long distances to reach the commissary stores. Consequently, the prescribed travel times are of significance to only a small proportion of the customers of the commissary stores who are base residents. As a result, even if prices at commercial stores were considered reasonable, commissary stores could be established solely for the convenience of a relatively small number of base resident customers, and the commissary stores would then be available for the use of the comparatively large number of nonresident customers.

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[5] The addition of 20 percent is made only for purposes of comparison. It is not included in the prices actually charged by the commissary stores. As mentioned previously, selling prices at commissary stores since August 1953 have been the bare cost of merchandise plus a surcharge that has been for many years and is now about 3 percent.

[6] Either one of the same two stores used in the price comparison under the price criterion.

Records of the military departments show that over 96 percent of base resident customers during 1963 had the use of private automobiles. For example, the three commissary stores mentioned above reported that over 99 percent of their resident customers had the use of a private automobile. According to the distance criterion, originally developed in 1949, a commissary store can be justified if resident customers require more than 10 minutes of travel by automobile to reach the nearest adequate commercial store.

The objective of the distance criterion should be to assure that resident customers do not have to travel for unreasonably long times to do their grocery shopping. As the grocery shopping problem for the average family has been considerably reduced by improved transportation facilities, better highways, and the advent of more and larger grocery stores, and as the need for frequent shopping has been largely eliminated through the use of refrigerators and freezers, there has been a change in shopping habits. Grocery shopping for the average family is now ordinarily done once a week over an extended period. This weekly shopping is often supplemented through home deliveries of such items as bread and milk by commercial suppliers. Consequently, under the conditions that exist today, the travel times in the distance criterion appear unrealistically short.

Examples of the unreasonableness of the distance criterion follow:

1. A commissary store at Malstrom Air Force Base, Great Falls, Mont., was authorized for 1963 on the basis that commercial stores were at an unreasonable distance and charged unreasonable prices. According to the military department's survey, of the 2,556 customers, 1,206 were base residents,[7] 1,250 were assigned to but living off the base, and 100 were neither assigned to nor living on the base. All 1,206 resident customers had the use of private automobiles. The travel time from the base was 11 minutes to each of the commercial stores by automobile. Solely because a trip to the nearest adequate commercial facility required an automobile ride of 11 minutes (compared with the prescribed 10 minutes), the reasonable distance criterion was not satisfied.

2. A commissary store at Fort Benjamin Harrison, Indianapolis, Ind., was authorized for 1963 on the basis that commercial stores were at an unreasonable distance and charged unreasonable prices. According to the military department's survey, of the 1,697 customers, 443 were base residents, 786 were assigned to but living off the base, and 468 were neither assigned to nor living on the base. The travel time to the two commercial stores was only 4 and 7 minutes by automobile. Five of the 443 resident customers did not have the use of a private automobile. Consequently, the question of reasonable distance was of concern to only these five resident customers. The criterion was not satisfied, however, because the travel time by public conveyance was 14 minutes to one store and 17 minutes to the other store (compared with the prescribed 15 minutes) and the interval between scheduled trips was 60 minutes to one store and 90 minutes to the other store (compared with the prescribed 30 minutes).

Wasteful expenditure of $1 million since 1953 on annual surveys

Each year since 1953 the military departments have conducted annual surveys at each commissary store in the United States with substantially the same results. For example, the surveys in 1963 for the purpose of authorizing commissary store operations in the calendar year 1964 disclosed that (1) 100 percent of the commissary stores were authorized because commercial store prices were unreasonable; and (2) 74 percent of the stores were authorized because distances to commercial stores were unreasonable. As previously shown in the report, in prior years when the price criterion failed in rare instances to justify authorization of a commissary store, the distance criterion prevented the closing of the store. In combination, therefore, these two criteria succeeded in defeating the purpose of the law.

Although it has been obvious that the criteria are ineffective and that, as a foregone conclusion, prices or distances of all commercial stores will be found unreasonable, the military departments have continued year after year to make these surveys in connection with the certification of commissary stores required by law. This has entailed an obvious waste of manpower. Based on information obtained from the military departments, we estimate that such surveys are costing the Government about $100,000 a year, or about $1 million since 1953.

Under any realistic criteria more than half the commissary stores would be closed

It seems clear that a more realistic implementation of the law would be to recognize that, as a general rule, prices at competitive commercial stores are reasonable. Also, as most patrons of commissary stores live off the base near commercial stores, travel times up to 15 to 20 minutes by automobile for those who do live on the base do not seem unreasonable. According to the military departments' surveys in 1963, over 70 percent of the total number of commissary stores are within 20 minutes by automobile from the nearer of the two commercial stores considered, and over 60 percent are within 20 minutes from the farther of the two commercial stores.

On this basis, we estimate that more than half the 289 commissary stores authorized to operate in the United States in calendar year 1964 could be closed without causing military personnel to pay unreasonable prices or travel unreasonable distances.

CONCLUSIONS

In 1949 the Congress was led to believe that regulations issued by the military departments would restrict the number of commissary stores. However, the military departments established various criteria under the regulations that were ineffective in achieving their ostensible purpose. After it became evident that more effective action was called for, the Congress included in the Department of Defense Appropriation Act, 1954, the specific requirement that the Secretary of Defense authorize by certification the operation of each commissary store only if reasonable prices were not otherwise available at reasonable distances. Nevertheless, the Secretary of Defense continued to use under law essentially the same criteria that had been ineffective under earlier regulations.

We believe it is evident that the criteria distort rather than define the generally accepted understanding of what are reasonable prices and reasonable distances. Consequently, since 1953 the military departments, with the concurrence of the Office of the Secretary of Defense, have been going through the motion of complying with the requirements of the law, even though it was obvious that the criteria would rarely if ever result in closing any commissary stores. These surveys have cost the Government about $1 million since 1953. Continued use of the same criteria will merely perpetuate the waste of about $100,000 a year involved in certifying the operation of commissary stores.

On the basis of the congressional committee hearings leading to legislation covering the authorization of commissary stores, we believe it was intended that military personnel not be unduly inconvenienced or charged unreasonable prices due to lack of competition. This would tend to restrict commissary stores to remote locations. However, despite the restrictions appearing in the annual appropriation acts for the Department of Defense since 1953, no commissary stores have been closed because of this law; instead, the number of commissary stores has increased by about 38 percent. Thus, over the years the commissary store privilege has become an increasingly important fringe benefit to military personnel because of the determination of the military departments not to curtail the commissary store system.

The justification advanced over the years by the military departments for maintaining a widespread commissary store system has been that the fringe benefit has become, as a practical matter, a part of the pay structure for military personnel and that, consequently, the curtailment of the fringe benefit would represent a reduction in remuneration and would adversely affect the morale of military personnel. While commissary store privileges are available to all military personnel, they obviously are not needed by the vast number of military personnel fed in messhalls, and such personnel would not be affected by limitations on commissary store operations. In any event, we believe that any inadequacy of pay and allowances to military personnel should be brought to the attention of the Congress as a matter to be decided on its merits, apart from the need for commissary stores.

RECOMMENDATIONS

In view of the ineffectiveness of the restriction contained in each annual appropriation law enacted since August 1953 in deterring the continued operation and growth of military commissary stores and in view of the fact that competitive commercial food stores are generally located reasonably close to most military installations in the continental United States, we suggest that the Joint Economic Committee consider recommending to the Congress the enactment of legislation to establish precise conditions under which the operation of military commissary stores may be authorized. Also, to the extent that the operation of commissary stores may be authorized, the Congress may wish to consider providing for selling prices to be set at the level of competitive commercial retail prices in order to avoid inequities between personnel at installations having commissary stores and personnel at installations not having commissary stores.

Pending action by the Congress to clarify its position with regard to commissary stores, we believe that it would be desirable to omit from future appropriation acts for the Department of Defense the requirement for the annual certification of commissary stores by the Secretary of Defense. This will avoid the expenditure of about $100,000 a year for surveys of the type now conducted for the purpose of authorizing commissary stores.

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[7] Base residents include those living immediately adjacent to the base.

Appendix I.—*Principal officials of the Department of Defense concerned with the subject matter of this report (since July 1953)*

	Tenure of office	
	From	To
DEPARTMENT OF DEFENSE		
Secretary of Defense:		
Robert S. McNamara	January 1961	Present.
Thomas S. Gates, Jr	December 1959	January 1961.
Neil H. McElroy	October 1957	December 1959.
Charles E. Wilson	January 1953	October 1957.
Deputy Secretary of Defense:		
Cyrus R. Vance	January 1964	Present.
Roswell L. Gilpatric	January 1961	January 1964.
James H. Douglas	December 1959	January 1961.
Thomas S. Gates, Jr	June 1959	December 1959.
Donald A. Quarles	May 1957	May 1959.
Reuben B. Robertson, Jr	August 1955	April 1957.
Robert B. Anderson	May 1954	August 1955.
Roger M. Kyes	February 1953	May 1954.
Assistant Secretary of Defense (Manpower):[1]		
Norman S. Paul	August 1962	Present.
Carlisle P. Runge	February 1961	July 1962.
Charles C. Finucane	July 1958	January 1961.
William H. Francis, Jr	April 1957	June 1958.
Carter L. Burgess	September 1954	January 1957.
John A. Hannah	February 1953	July 1954.
DEPARTMENT OF THE ARMY		
Secretary of the Army:		
Stephen Ailes	January 1964	Present.
Cyrus R. Vance	July 1962	January 1964.
Elvis J. Stahr, Jr	January 1961	June 1962.
Wilber M. Brucker	July 1955	January 1961.
Robert T. Stevens	February 1953	July 1955.
Under Secretary of the Army:		
Paul R. Ignatius	February 1964	Present.
Stephen Ailes	February 1961	January 1964.
Hugh M. Milton II	August 1958	January 1961.
Charles C. Finucane	February 1955	April 1958.
John Slezak	February 1954	January 1955.
Earl D. Johnson	October 1952	January 1954.
Deputy Under Secretary (Manpower and Reserve Forces):[2]		
Arthur W. Allen, Jr	September 1963	Present.
Alfred B. Fitt	July 1961	August 1963.
Dewey Short	December 1958	January 1961.
Hugh M. Milton II	November 1953	August 1958.
DEPARTMENT OF THE NAVY		
Secretary of the Navy:		
Paul H. Nitze	November 1963	Present.
Fred Korth	January 1962	November 1963.
John B. Connally	January 1961	December 1961.
William B. Franke	June 1959	January 1961.
Thomas S. Gates, Jr	April 1957	June 1959.
Charles S. Thomas	May 1954	April 1957.
Robert B. Anderson	February 1953	May 1954.
Under Secretary of the Navy:		
Paul B. Fay, Jr	February 1961	Present.
Fred A. Bantz	June 1959	January 1961.
William B. Franke	April 1957	June 1959.
Thomas S. Gates, Jr	October 1953	April 1957.
Charles S. Thomas	February 1953	August 1953.
Assistant Secretary of the Navy (Personnel and Reserve Forces):[3]		
Richard Jackson	September 1957	January 1961.
Albert Pratt	October 1954	February 1957.
James H. Smith, Jr	July 1953	October 1954.
DEPARTMENT OF THE AIR FORCE		
Secretary of the Air Force:		
Eugene M. Zuckert	January 1961	Present.
Dudley C. Sharp	December 1959	January 1961.
James H. Douglas	May 1957	December 1959.
Donald A. Quarles	August 1955	May 1957.
Harold E. Talbot	February 1953	August 1955.
Under Secretary of the Air Force:		
Brockway McMillan	June 1963	Present.
Joseph V. Charyk	January 1960	March 1963.
Dudley C. Sharp	August 1959	December 1959.
Malcolm A. MacIntyre	June 1957	July 1959.
James H. Douglas	March 1953	April 1957.
Special Assistant for Manpower, Personnel, and Reserve Forces:[4]		
Benjamin W. Fridge	June 1961	Present.
Lewis S. Thompson	April 1959	January 1961.
David S. Smith	October 1954	January 1959.
H. Lee White	February 1953	July 1954.

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[1] Assistant Secretary of Defense (Manpower, Personnel, and Reserve) prior to February 1961; and Assistant Secretary of Defense (Manpower and Personnel) prior to September 1955.

[2] Deputy to the Under Secretary for Manpower prior to September 1963; and Assistant Secretary of the Army (Manpower and Reserve Forces) prior to January 1961.

[3] Assistant Secretary of the Navy for Air prior to October 1954; Assistant Secretary of the Navy (Personnel and Reserve Forces) thereafter until January 1961, when office disestablished and manpower functions transferred to the Under Secretary of the Navy.

[4] Assistant Secretary for Management prior to October 1954.

Appendix II.—*Selected statistics for commissary stores (furnished by the military departments)*

1. COMMISSARY STORES OPERATED—WORLDWIDE

	June 30, 1953 CONUS[1]	June 30, 1963		
		CONUS[1]	Overseas	Total
Army	80	74	98	172
Navy	34	54	35	89
Marine Corps	7	13	1	14
Air Force	90	128	74	202
Total	211	269	208	477

[1] Continental United States.

2. COMMISSARY STORES SALES—WORLDWIDE—FISCAL YEAR 1963

[In thousands of dollars]

	CONUS	Overseas	Total
Army	240,429	107,625	348,054
Navy	127,284	50,283	177,567
Marine Corps	27,810	3,256	31,066
Air Force	334,259	81,438	415,697
Total	[2] 729,782	242,602	972,384

[2] Consists of cost of merchandise, $708,887, and surcharge for those operating expenses that are reimbursed in accordance with law, $20,895.

3. COMMISSARY STORES OPERATING RESULTS—CONUS—FISCAL YEAR 1963

[In thousands of dollars]

	Sales[1]	Cost of sales[2]	Gross profit[3]	Expenses[4]	Net profit or loss (−)[5]
Army	240,429	233,642	6,787	5,720	1,067
Navy	127,284	122,660	4,624	5,175	−551
Marine Corps	27,810	26,885	925	950	−25
Air Force	334,259	325,700	8,559	8,111	448
Total	729,782	708,887	20,895	19,956	939

[1] Including surcharge.
[2] Bare cost of merchandise.
[3] Equivalent to surcharge.
[4] Utilities and other expenses paid for from the surcharge.
[5] Before charging major expenses such as pay, rentals, etc.

4. COMMISSARY STORES CUSTOMERS—CONUS—1963

[In thousands]

	Assigned to base		Others	Total
	Living on base	Living off base		
Army	66	129	186	381
Navy	36	209	(1)	(1)
Marine Corps	18	18	(1)	(1)
Air Force	109	245	119	473
Total	229	601	(1)	(1)

[1] Not reported.

APPENDIX II.—*Selected statistics for commissary stores (furnished by the military departments)*—Continued

5. COMMISSARY STORES PERSONNEL—CONUS—JUNE 30, 1963

	Military personnel		Civilians	Total
	Officers	Enlisted men		
Army	16	92	3,026	3,134
Navy	59	1,571	912	2,542
Marine Corps	10	36	479	525
Air Force	36	1,228	3,667	4,931
Total	121	2,927	8,084	11,132

BROKEN FIELD RUNNING—PART III

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the Chicago Tribune has well exposed the double standard which President Johnson had had on the civil rights bill. In their Saturday, May 9, 1964, editorial they reach into the past and bring out his statements of another day which hardly square with anything that he is saying now. I include the editorial at this point:

SPEAKING OF GIMMICKS

Pushing his battle for the civil rights bill into high gear, President Johnson asserted Wednesday that "those who say this is a political gimmick are doing a gross injustice to the basic convictions of a democratic society."

On previous occasions, Mr. Johnson has defended the bill as morally right in a country where some people are not yet freed from bigotry.

The whole civil rights issue has become pretty well saturated with political gimmickry. But to anybody who knows what Mr. Johnson has said about civil rights bills in the past, this gimmickry is nowhere more apparent than in his own present behavior. The cause which he finds, or at least pretends to find, so virtuous today is one which he once opposed publicly and continued, at least until recently, to oppose privately.

It is curious to find Mr. Johnson accusing opponents of the rights bill of bigotry in view of what he told the Senate on March 9, 1949. Here, as Senator MCCLELLAN has reminded us, is what Mr. Johnson said: "When we of the South rise here * * * to speak against civil rights proposals, we are not speaking against the Negro race. We are not attempting to keep alive the old flames of hate and bigotry. We are, instead, trying to prevent those flames from being rekindled."

Here are other phrases from the same speech:

"We are trying to tell the rest of the Nation that this is not the way to accomplish what so many want to do for the Negro.

"If the law can compel me to hire a Negro, it can compel that Negro to work for me. * * * Such a law would do nothing more than enslave a minority.

"We in the Senate should learn the facts of life. We cannot legislate love."

How can Mr. Johnson talk of gimmicks when today's bill is considerably more far reaching than the one he opposed as being too strong in 1957? True, he teamed up with Senator Knowland in support of a final compromise measure. But his attitude toward the original bill was expressed in a letter dated July 15, 1957, and reprinted recently in the Montgomery (Ala.) Advertiser.

Referring in this letter to the so-called civil rights bill, he wrote that he had voted with Senator RUSSELL, of Georgia, and others to send it to committee instead of having it brought to the Senate floor.

"We lost that fight," he said, "and now we are proceeding along other lines but with the same purpose—that is, to prevent the passage of legislation that would allow the Attorney General to haul our people into a Federal court and prosecute them without a jury trial, and that would make it possible for the Army and the Navy to be sent into the South to enforce this statute."

Mr. Johnson's new look has been so persuasive that one Negro leader called him "the most effective civil rights advocate ever to occupy the White House." That Abraham Lincoln should thus be dismissed in favor of Lyndon B. Johnson as the great benefactor of American Negroes is a remarkable tribute to Mr. Johnson's press agentry, perhaps, but not to his consistency or sincerity.

QUESTIONNAIRE RESULTS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WYDLER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYDLER. Mr. Speaker, because I have the greatest respect for the views of my constituents in the Fourth Congressional District of New York, I mailed a questionnaire, printed at my own expense, to 90,000 homes of registered voters in the district soliciting their opinions on topics of national and international significance. The returns have been most gratifying. Over 14,000 replies, far above the average, have been received, many of them including penetrating and witty comments.

I feel that my congressional district—affectionately known as the Fabulous Fourth—while unique in some ways, is also very close to the heart of American thinking on many issues. It certainly represents "suburbia" and the middle income homeowner. I am, therefore, including in the CONGRESSIONAL RECORD for the information of my colleagues in the House of Representatives a tabulation of the results of my recent questionnaire.

These results are extremely significant because of the unusual way in which the questions themselves were formulated. To make sure that the questions were fair and impartial, I had them reviewed in advance by the presidents of two local colleges. Revisions were made in accordance with their suggestions.

Consequently, I feel confident that this questionnaire is reliable and the results are particularly meaningful to me. For example, the response to question 6 regarding the proposed joint space effort with Russia is extremely important to me as a member of the Science and Astronautics Committee which has charge of our Nation's space program. Similarly, the strong support shown in question 15 for a tax deduction for parents paying tuition for their children attending college, has reinforced the conviction that my bill, H.R. 9854, which is intended to provide such tax relief, has popular support.

The massive response from my constituents, which swamped my office, proved to me that the American people really are interested in their Government. Thousands of respondents mentioned their pleasure at this opportunity to communicate directly with me, telling me they enjoyed doing so and asking for similar questionnaires in the future.

I had announced before the answers were tabulated that I would make the results public. Subsequently, numerous people requested copies of the final figures. I have decided to share with all of the residents of the "Fabulous Fourth" Congressional District the composite thinking of their neighbors.

Those who participated in making this first questionnaire a success have my most heartfelt thanks. I hope their response will encourage others in the future to join in this modern day "town meeting" which provides a clear channel for the voice of the individual American to be heard.

The questionnaire follows:

	Percent—		
	Yes	No	No opinion
FOREIGN POLICY			
1. Do you favor participation of Red China in the U.N.?	13.2	84.3	2.5
2. Do you favor the proposed wheat sale to Russia?	46.7	51.0	2.3
(a) Do you favor such a sale on credit?	6.5	79.6	13.9
3. Do you favor extending foreign aid to Communist-dominated countries?	9.8	86.0	4.2
4. Do you favor withholding voting rights from U.N. members who do not pay their dues?	90.0	7.0	3.0
5. Do you favor increased financial support for the U.N.?	34.2	56.4	9.4
HOMEFRONT POLICY			
6. Do you favor the proposal for a joint space effort by the United States and Russia to achieve a lunar landing?	39.2	54.9	5.9
7. Do you favor Federal civil rights legislation:			
(a) To protect the right to vote?	90.9	6.6	2.5
(b) To enforce school integration?	40.5	51.9	7.6
(c) To enforce equal union and employment rights?	71.8	23.0	5.2
(d) To use the interstate commerce clause of the Constitution to enforce access to public accommodations?	56.5	31.3	12.2
8. Do you favor Federal funds for the improvement of mass transit facilities?	49.0	40.8	10.2
9. Do you favor the gradual elimination of subsidies for farm products?	77.6	14.8	7.6
EDUCATION			
10. Do you favor Federal funds for—			
(a) Public elementary and high school construction?	59.4	38.5	2.1
(b) Public elementary and high school teachers' salaries?	41.1	56.2	2.7
(c) Aid to private elementary and high schools?	34.8	61.8	3.4
11. Do you favor allowing a voluntary, nondenominational prayer to be recited in public schools?	84.8	12.9	2.3

	Percent—		
	Yes	No	No opinion
SOCIAL SECURITY AND TAXES			
12. Do you favor medical care for the aged by—			
(a) Increasing social security taxes to finance such care?	40.8	52.7	6.5
(b) Expanding the present Federal-State programs to aid those in need?	42.0	48.4	9.6
(c) Or do you favor private, voluntary medical plans with no Federal involvement?	41.1	41.0	17.9
13. Do you favor a tax reduction without a reduction in spending?	17.4	76.4	6.2
14. Do you favor a tax reduction when the budget is unbalanced?	18.5	73.5	8.0
15. Do you favor a tax deduction for parents paying tuition for their children attending college?	72.3	24.9	2.8

REPRESENTATIVE DEVINE PRAISED FOR INGENUITY

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I wish to call to the attention of the House an excellent editorial which appeared in the Chicago Tribune on May 6, 1964. It concerns Representative Samuel L. Devine's bill to abolish the State Department and set up a new Department. Judged by our foreign policy or lack thereof, the appeal of such a proposal can be instantly seen.

Many plans have been forwarded. One suggestion is that the Foggy Bottom bureaucrats move their desks out into the halls and no paper be allowed to pass over these desks. Many others abound. As the Tribune points out, however, Representative Devine's proposal has its greatest merit in that "it leaves nothing to chance."

The editorial is as follows:

The State Department—R.I.P.

Representative Samuel L. Devine, of Ohio, a Republican, has made a proposal which bears the hallmark of genius. It is, simply, to abolish the State Department. Mr. Devine asked where in the world, through the exertions of the Department, it could be said that we are winning? "Nowhere," he answered.

He said the Department consisted of some 30,000 faceless people—career, sedentary, odd-ball, self-satisfied, empire-building bureaucrats, who by mass paper shuffling hand down the decisions which make policy that always leads to a dead end.

The same thing has been said by others. Earl E. T. Smith, former Ambassador to Cuba, said that "the fourth floor"—the second echelon of State Department policymakers—perpetrated the blunder which brought Castro to power.

Secretary of State John Foster Dulles sought to bypass this musclebound phalanx of ineptitude in depth by carrying the State Department around under his own hat, transacting its business on flying visits all over the world.

A well-known citizen, once a candidate for high office, had another solution. Asked how he would circumvent the State Department, he replied that he would call the 400 top Department officials together and inform them that record preservation against the possibility of nuclear war had become the Department's main concern.

He continued that he would tell them, therefore, that he had decided to establish a central depot for the preservation of departmental papers in the depths of Montana, and, because of his implicit faith in their capacity and fidelity, he was delegating them to go out and take charge.

"Not a moment," he had planned to say [it then being mid-December], "is to be lost. Go at once."

The diplomatic functionaries, upon arriving in Montana, would find that the center had not progressed beyond a tent city, where they were to be housed in temperatures of 30 or so below zero.

"Before a month had gone by," he predicted, "they would all have resigned or died of pneumonia."

While this scheme has obvious merit, we believe that of Representative Devine would be even more effective. It leaves nothing to chance.

RESULT OF 1964 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I have recently concluded the tabulation of the fourth annual public opinion poll of the 17th Ohio District and I am including the results with these remarks. I received 11,062 replies to my poll and it is significant to note that almost all of them were signed. In addition, several hundred came back from high school government classes which discussed the questionnaire and voted on the issues.

The questionnaires were sent out throughout my seven-county district to a representative cross section of Republicans, Democrats, and independents. Approximately one-third of the citizens who voted in the 1962 general election received the public opinion poll. Every precinct was covered.

Probably the most tangible results of the questionnaire are not reflected in the summary of the results. More than half of my constituents took the time to write comments and give me the benefit of their views. It took several months to read all of these messages and they provided a keen insight into the thinking of the people whom I have the honor to represent. If I could summarize their views into one word it would be "concern." There is a definite concern for the trend in which we are heading both domestically and internationally. My constituents seem to think that Washington bureaucrats and politicians are out of touch with them. Internationally, they appear to be tired of the persistence of our State Department in coddling the Communists and treating Premier Khrushchev like he is a friend.

It has been my goal while serving in the Congress to acquire a firsthand knowledge of the views of my constituency. This is not an easy job—especially when we have sessions such as last year's which went until December 24 before adjournment. This questionnaire has been an effective means of gaining a clearer impression of what my voters think and I appreciate the response that they always give.

The results are as follows:

1964 public opinion poll of 17th District

	Percent—		
	Yes	No	No opinion
1 Do you believe in the principle of deficit spending in nonrecession or depression years?	9.1	83.5	7.4
2. Do you favor continued deficit spending during the approaching fiscal year (July 1, 1964, through June 30, 1965)?	5.9	88.1	6.0
3. Do you favor setting aside a certain percentage of budget receipts each year to systematically reduce the national debt?	85.7	5.0	9.3
4. Do you think the budget should be balanced before major tax cuts are enacted by Congress?	81.0	14.5	4.5
5. In the field of civil rights legislation, do you favor—			
(a) The constitutional provision which provides that States shall determine the qualifications of their electors?	62.9	24.9	12.5
(b) Federal law to require local business establishments such as hotels and restaurants to serve everyone, regardless of race or color?	44.1	45.6	10.3
(c) The right of a property owner to sell his property to whomever he chooses and to rent to whomever he chooses	83.1	10.6	6.3
5. In the field of civil rights legislation, do you favor—Con.			
(d) Racially balancing school districts by means of changing boundary lines or transporting students from 1 district to another to eliminate white districts and colored districts?	18.0	70.5	11.5
(e) A fair employment practices law (so-called FEPC) which would prohibit discrimination in the hiring and firing of employees by business and labor?	52.1	37.2	10.7
(f) Constitutional amendments rather than congressional action to make changes where needed in voting requirements now established by States such as the recent amendment prohibiting poll taxes by States?	72.0	16.9	11.1
6. With regard to medical care for the elderly, which more adequately reflects your views (check 1):			
(a) The King-Anderson bill which would increase social security taxes to pay for certain hospital and nursing home costs for those over 65? *Percent* 16.7			

1964 Public opinion poll of 17th District—Continued

		Percent—		
	Percent	Yes	No	No opinion
6. With regard to medical care to the elderly, etc.—Con.				
(b) The Kerr-Mills approach which would provide medical care for those over 65 who are in need with the cost of the program shared by the States and the Federal Government out of general tax revenues?	32.0			
(c) I do not believe in Federal participation in this field	47.8			
No opinion	3.5			
7. Should the Congress provide for—				
(a) Tax credits for parents paying the expenses of children in college?		60.2	27.7	12.1
(b) Tax credits for students working their way through college?		72.1	18.1	4.8
(c) Tax credits for gifts or donations to colleges and universities?		56.4	26.1	17.5
In the proposals for general Federal aid to education which more adequately expresses your views (check 1):				
(a) I favor a general Federal aid-to-education program for construction and teachers' salaries	12.9			
(b) I favor a general Federal aid-to-education program only if there is no control over local school districts	34.9			
(c) I do not favor a general Federal aid-to-education program	49.4			
No opinion	2.8			
9. If there is a general Federal aid-to-education program, do you feel that public and/or parochial schools should receive the same Federal assistance as private schools?		20.9	67.3	11.8
10. Do you favor a Federal subsidy to encourage and support music and the arts?		11.1	79.0	9.9
11. Do you believe that a constitutional amendment should be passed to permit prayer on an optional and nonsectarian basis in public schools?		81.3	12.9	5.8
12. Do you favor legislation which would regulate farm production through compulsory controls?		5.2	87.8	7.0
13. As a general approach do you favor moving in the direction of less Federal controls on farm operation?		75.5	6.5	18.0
FOREIGN AFFAIRS				
1. Do you favor the sale of wheat and other agricultural commodities to Communist countries?		18.2	71.1	10.7
2. Do you favor granting credit for such sales to the Soviet Union or Communist-bloc countries?		3.3	91.0	5.7
3. The budget for the coming year requests $3,400,000,000 for foreign aid. Should this program be (check 1)—				
(a) Continued at this level?	6.0			
(b) Reduced in scope and amount?	42.8			
(c) Phased out over the next few years?	48.6			
No opinion	2.6			
4. Should foreign aid be given to—				
(a) Communist nations such as Yugoslavia and Poland?		5.3	86.2	8.5
(b) Neutral nations such as India and Indonesia?		40.5	45.3	14.2
(c) Nations who seize property of the American Government or American citizens?		1.6	91.3	7.1

OUR DEPRESSED BEEF INDUSTRY

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. BROMWELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROMWELL. Mr. Speaker, among the papers on my desk this morning were three clippings which could be confusing. Remember that these clippings are of, for all practical purposes, the same date. The Wall Street Journal for yesterday, May 12, contained the following brief article:

BEEF PRICES CONTINUE TO SLIP DESPITE THE GOVERNMENT'S EFFORTS TO BOOST THEM

Farm Secretary Freeman will meet with cattle raisers next Monday to discuss possible additional measures for boosting prices. Over the last 2 months, the Government purchased about $34 million worth of beef to bolster prices. Federal farm officials also persuaded Australia, New Zealand and Ireland to limit beef shipments here.

But heavy marketings of cattle keep nudging prices lower. Beef output runs at a record level, up about 14 percent from last year. Prime cattle, the fanciest grade, sold last week in Chicago for $22 a hundred pounds, the lowest in 18 years. Choice steers, the type that provides the beef most housewives buy, reached $21.50, an 8-year low.

Prices are so low here, Canadian buyers purchased about 3,000 cattle in the United States over the last 2 weeks. These are the heaviest Canadian purchases in at least 3 years, cattlemen say.

On the same day the President was meeting with members of the Newspaper Farm Editors Association. The Washington Post of this morning carried a UPI story on this:

JOHNSON POINTS TO OUTLOOK ON BEEF, PREDICTS GOOD YEAR FOR AGRICULTURE

President Johnson declared yesterday that 1964 "will be a good year" for agriculture. He pointed to voluntary reductions of beef imports as well as expanded Government purchases of meat as being among a number of reasons for optimism.

Speaking to members of the Newspaper Farm Editors Association (NFEA), Mr. Johnson said the combined effect of the lowered imports and Government beef buying "will be the same as reducing imports to the 1958–1962 level."

The President by inference said this was a happier result than legislation, defeated in the Senate at administration urging, which would have imposed a beef import quota.

Now if the two stories appear to conflict in substance it is disturbing because the first story is from a reliable publication and the second is, in addition, a report of utterances of the President. But consider this: the reason the administration has so persistently opposed quota legislation in the livestock field is a reluctance to interfere with the so-called Kennedy round of negotiations under the General Agreement on Tariffs and Trade. These talks have commenced and Time magazine of May 15, 1964, under the headline, "A Disappointing Start," has the following to say:

Further complicating the talks is the failure of the Eurocrats to set a Common Market farm pricing policy, without which it is impossible to discuss agricultural tariffs—an issue vital to the United States because it sends $1.2 billion worth of farm exports to Europe yearly * * * a tacit understanding is also developing that the United States will allow negotiations over agricultural tariffs to be put off until Europe's farm quarrels are settled.

Remembering as we must that the Trade Expansion Act of 1962 was passed on the assurances of the administration repeated over, and over, and over again by spokesmen for the administration, not only in the executive branch, but in this House as well, that the act would result in expanded agricultural exports, this news is more than disquieting. The obvious facts are, of course, that the livestock market in general, and the beef market in particular, are severely depressed, have been severely depressed and remain so; that the Government has been able to do little or nothing about it; that the President is more optimistic than the trade and that the livestock industry has been hazarded to protect our position in negotiations with the Europeans in a way which the Europeans obviously at this juncture neither understand nor care about.

Also on my desk with these clippings is the "Summary Report of the President's Appalachian Regional Commission":

The major opportunity for Appalachia to increase its income from agriculture lies in further expansion of the livestock industry. The development of millions of acres of underdeveloped potential grazing land in Appalachia for use in beef production over the next few years would help to meet the Nation's rising demand for beef.

Accordingly, the Commission has recommended the accelerating of the regional pasture improvement program, involving 9.5 million acres over a 5-year period. The program would be financed through cost sharing for a maximum of 25 acres per farm, with the Federal share up to 80 percent. This program, if carried out effectively, should return to the farmers in the region an additional gross income of approximately $690 million over the 5-year period, and a continuing gross income of approximately $230 million annually.

So we can add one further fact. Not only does our Government not protect the already crippled livestock industry from competition from outside the United States, it deliberately proposes to increase competition inside the United States by artificially, and with public money, stimulating a marginal industry in Appalachia.

The livestock farmers of the United States have reason to fear an administration which not only has no policy with respect to the industry, which has permitted so many fires to start burning in its direction, but which also has a few people lighting new ones.

BARRY GOLDWATER CITES REPUBLICAN GOALS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ALGER. Mr. Speaker, there is a difference between the two major political parties in the United States. No candidate for high office has ever more eloquently spelled out that difference than has BARRY GOLDWATER in the current campaign.

As BARRY has said so often, the real issue in this campaign is "a choice, not an echo." The GOLDWATER campaign is based on solid Republican principles and Republican principles are basic Americanism. We Republicans are united in our belief in the individual; in our dedication to the principle that men can govern themselves without direction and dictation from a powerful centralized bureaucracy.

Senator GOLDWATER set forth his views on Republicanism and the issues in the campaign at one of the most enthusiastic political meetings ever held in New York City last night. This is basic Americanism. This is practical commonsense. This is constitutionalism.

I include, as a part of these remarks, Senator GOLDWATER's speech at Madison Square Garden and commend it to all who are interested in preserving this Republic, constitutional limited government, and the private enterprise system. I would also like to include the news story account of the meeting as written by Earl Mazo in the New York Times:

[From the New York (N.Y.) Times, May 13, 1964]

TEXT OF GOLDWATER'S ADDRESS TO GOP RALLY HERE

When a westerner gets this kind of reception in New York City, the message should be loud and clear even in Washington, D.C. Why, it should even be loud enough to get past the barking of the beagles at Lyndon's White Dog House.

Who said that the twain never shall meet? I think it has. I think that meetings such as this show that East and West can meet, can agree, can get together, can work together—and can win together.

I think we can meet and agree that for the future of every section of this great land, there is going to have to be a Republican President elected in 1964.

I think we can meet and agree that, no matter where you are from, any Republican would be better than what we have in Washington today.

I want to pledge to you, as I have to people across this Nation, that my candidacy is committed to the defeat of Lyndon Baines Johnson in 1964.

I am not interested in tearing down other Republicans. I am interested in building my party and restoring this Republic.

I do not say that the Republican Party must do it my way or I won't play. I want to find ways that we can work together—as a team.

I am not interested in defeating any Republican in 1964. Let me say it again: I am interested in defeating Lyndon Baines Johnson.

I'm not afraid of what any Republican would do to this country. I am afraid of what one particular Democrat is doing to it:

By doubletalking about economy even as he heads toward a huge increase in the national debt.

By wheeling and dealing in cures for poverty while neglecting to solve the real problem, which is unemployment.

By backing and filling in foreign policy; by backing down from our enemies, and by filling our allies with fears and doubts.

TARGETS FOR REPUBLICANS

These are targets for Republicans to shoot at. And any Republican who can't see it, who would rather fight fellow Republicans than fight Democrats is doing nothing more or less than pinch-hitting for Lyndon Johnson.

And let me remind you that when I talk about party unity, I know what I'm talking about. I have campaigned for Republicans, all Republicans, in virtually every State of this Union. I've made speech after speech on behalf of Republicans right here in New York.

I was working for party unity and for party victory then—and I'm working for party unity and victory now.

I think that the heart of this party is sound. I think that the principles of this party are sound.

I have voted for those principles—I have worked for those principles—I have lived by those principles.

Disagree? Of course we Republicans are bound to disagree on this or that point.

But when it comes to basic principles we can and must unite.

And right here and now I'd like to suggest that there is a way to do just that, to clear up the virus of divisiveness that is attacking the bloodstream of our party.

Our party's only really current statement of principle is the 1962 declaration prepared by a joint committee of Senate and House members. These were not men who were trying to make personal points. These were not men trying to read fellow Republicans out of the party. These were men such as THRUSTON MORTON, JOHN TOWER, BOURKE HICKENLOOPER, WALLACE BENNETT, GEORGE AIKEN, and your own KEN KEATING in the Senate. Your Congressman, CHARLES GOODELL, was one of the distinguished members on the House side.

This was a group that showed the real strength and broad appeal of our great party. Here was a group to unite the party, not split and twist it.

SUBSCRIBES TO DECLARATION

And I say this with every ounce of my conviction: I subscribe to that declaration of principle.

And I say this with every ounce of hope I can muster: let all Republicans stand up and be counted on their party's principles, right now. I have done it repeatedly. I will continue to do it.

Let us hear from the others.

I am sick to death of the rule-or-ruin talk that demands loyalty to a faction above loyalty to the party and its national responsibilities. And let's remember that this is a national party now—not a regional one.

The declaration of our party is clear. I stand on it. Most Republicans stand on it. Now let those few who remain on the sidelines stand up and be counted so that we can get on with the job of winning this election.

Here is a way to constructive action. Here is a path to unity. I say it's a path that's broad enough and straight enough for all of us to travel.

This is where I stand. No Democrat is going to crowd me off. And I can assure you 10 times over—no Republican is going to do it either.

Our Republican principles are clear. They are based upon five fundamentals.

We believe in the individual. We believe that men can govern themselves, set their own goals, find their own solutions—without the restraints of dictatorship or paternalism.

Do I subscribe to that? Why, I've spent the past 11 years of my life talking about and working for nothing else but that.

We Republicans believe that the dignity and the freedom of the individual comes from God—not from government.

We believe that government is created to maintain order, to secure the national defense—to do only those things for the people which they cannot do for themselves.

PLEDGES HARD WORK

No man has worked harder for the concrete actions to implement that statement than I have. And I pledge you this: no President would work harder for the same principle than I would if my party and my fellow citizens select me for the job.

We Republicans want to see the power of government returned to the people—that's where it started and that's where it should stay.

Again, I don't give just lip service to that principle. I believe that there are sound courses which a President can and should follow to implement the principle.

Every legislative proposal should be subjected to these rigid tests:

Is the proposal actually responsive to a demonstrated need, or is it responsible mainly to political pressure or political advantage?

If there is real need, can it be met by community action, or individual action? If it can, it should be encouraged in that way. If not, can the need be met at the local level, or the State level, or through regional arrangements? Only when the answer is clearly no, should the Federal Government intrude.

A President, more interested in freedom than in executive power, could restore balance in our Government, return power to the people—and get the needed jobs of this Nation done without regimenting our people or ruining our Federal system.

That Federal system is based upon the responsibility and the constitutional independence of our 50 great States.

An administration that attempts to tear down the constitutional role of the States is tearing down the very structure of our freedom.

And I charge that this Administration is doing just that. I charge that it reaches recklessly for new power at every opportunity.

Let this Administration continue in power and we may well live to see the day that the 50 States of this Nation become just 50 pigeonholes in a new Washington bureau.

SEVERAL APPROACHES

I can suggest several concrete approaches to assure this.

Immediate and serious studies should be made to determine every area in which the administration of Federal programs can to any degree be turned over to State or local governments without injury to the program.

This would not mean abandoning these programs. It would mean assuring their effective administration as close as possible to the people actually affected, as close as possible to the people actually paying the bills.

Parallel studies should be carried out to bring order out of the increasing chaos of competition for tax dollars between State, local, and Federal governments.

Whenever possible we should reject the bureaucratically expensive system of taking money from the States, passing it through a Washington bureau, and then, returning what is left right back where it came from.

Our goal should be to retain tax moneys as close as possible to their point of origin.

Our States must once again be full partners in the Federal system, morally, financially, and legally.

If we cannot stand together in our diversity of region, in our diversity of ways of life, in the diversity of our State and cities—if we cannot stand together in that diversity, our freedom surely shall fall.

START AT HOME

I've heard Democrats telling the world that we are prepared to coexist with a diversity of communism, tyranny and aggression. I'd much rather have tolerance for diversity, like charity, start at home.

We Republicans have spelled out another principle. We believe that "government must act to help establish conditions of equal opportunity for all people and to help assure that no one is denied the requisites for a life of dignity."

Now that is word for word from our declaration of principle.

Under Republicans, more has been done to implement that belief than under any other party.

But there is a vast difference between the Republican way and the way of this present administration.

Real progress was made, under Republican principles and Republican leaders.

It was made without violence without taking matters into the streets—on either side.

Republicans passed laws with which the people of this land could live and through which, in patience, and in understanding, they could seek the meeting of minds and the opening of hearts which are the only ultimate solutions.

Republicans want to see government, as our decleration says, helping the cause of equal opportunity. They do not want to see government as the cheerleader for a frightful game of violence, destruction, and disobedience.

And once again, I point to the Republican principle of getting things done at the local level before calling out the Federal programs—or the Federal troops.

Where are the States which today are witnessing the most violence? I sadly remind you that they are the very States where there is the most talk about brotherhood and the very least opportunity for achieving it.

SAYS OLD LAWS AREN'T AT WORK

I sadly remind you that we are seeing violence today in those very States which are proving that new laws alone are not the answer. There are too many of the old laws which aren't even working.

And there is this above all, the oldest law of all: You cannot pass a law that will make me like you—or you like me. This is something that can only happen in our hearts.

The right to vote; of course. The right to an education; of course. There are laws to secure those rights. But until we have an administration that will cool the fires and the tempers of violence we simply cannot solve the rest of the problem in any lasting sense.

And I say this to you with the deepest possible sense of tragedy and regret—unless we do get such an administration we are going to see more violence in our streets before we see less.

I pray to God that every American, regardless of his race or creed will come to his senses in time to restore some commonsense and common decency to this situation. It badly needs both.

PARTY OF PAYROLLS

The final point of the five basic principles spelled out in our party's declaration evolves from a fact that every American should recognize: the Republican Party is the party of payrolls and production. It is our opponents who are the party of debts, depression, and doles.

The Republican Party understands good times and how to keep them. It understands that if we Americans can't live within our means, we are going to be reduced to living without means.

Our fifth principle states very clearly that government must prudently weigh needs against resources, put first things first, rigorously tailor means to ends, and understand the difference between words and deeds.

The practical application of this should be very clear. A Republican President—at least this Republican President—would be working for a balanced budget in times such as these rather than digging us deeper into the red.

I say that this is the time to be paying off our debts, not piling up new ones.

Now those principles cover our party's approach to the essential dignity of man as an individual, not a zip number on a government chart.

Those principles over our approach to limited government, to local responsibility, to the prudent rather than reckless use of taxes, and to the civilized resolution of civic problems.

I say that those principles are worth fighting for.

I say they are what we should be fighting about—with Lyndon Johnson.

And one other thing. I've spoken so far about the application of Republican principles to pressing domestic needs.

ATTACKS FOREIGN POLICY

How about foreign policy? How about the issue that Lyndon Johnson wants to forget about?

How about a foreign policy so mysterious and so hard to understand that Lyndon Johnson has had to offer us secret briefings to explain it?

Yes. How about that?

I turned those briefings down the minute I heard about them. U.S. Senators have secret information. They just don't throw it around for political advantage the way this administration does.

I say we need less secrecy in our foreign policy, not more.

If anybody needs a briefing, it's the whole American public. Not a briefing full of secrets—but a briefing full of facts.

Facts about Cuba—facts about South Vietnam—facts about Soviet nuclear testing and advances—facts about how far we are willing to go to appease communism—and facts about the strength of our deterrent forces over the next 10 years.

I have spoken at length on all of those topics. My position is clear.

And I say that, in root and base, it is as simple as this: The only way we can keep the peace is to keep our strength.

It is the foreign policy of Dwight Eisenhower and John Foster Dulles that kept the peace. I want to restore that policy. It is the confusion and evasion of Lyndon Johnson that is gambling the peace.

And what does our Republican declaration of principle have to say about this? Is it muddled or unclear? Should any Republican be in doubt about it? Not at all. Just listen:

"In foreign policy, the overriding national goal must be victory over communism, through the establishment of a world in which men can live in freedom, security, and national independence.

"There can be no real peace short of it."

Now I want and I need the support of all Republicans. And I rest my case on this great point. "In foreign policy the overriding national goal must be victory over communism. * * *"

That is our Republican declaration.

I ask only this: Let your support go to the man you feel can best serve that declaration.

And then, let us work together, united and dedicated, so that an American President can tell Nikita Khrushchev: You are wrong. Our children will not live under communism. Your children will live under freedom.

[From the New York Times, May 13, 1964]

Goldwater Sees New Race Strife Unless GOP Wins—At Madison Square Garden, He Says That Republican Would "Cool the Fires"

(By Earl Mazo)

Senator Barry Goldwater of Arizona said last night that effective progress in civil rights would be achieved without turmoil and bloodshed if Republicans were elected to power in Washington.

In a speech prepared for a campaign fundraising rally at Madison Square Garden, Senator Goldwater, the leading candidate for the Republican presidential nomination, indirectly accused the Democratic administration of President Johnson of acting as "cheerleader" for a "frightful game of violence, destruction, and disobedience" over civil rights.

He predicted more violence in our streets until a Republican President is selected to cool the fires and the tempers of violence.

Only then, the Senator added, would it be possible to reach acceptable and lasting solutions to the problems of racial discrimination.

Senator Goldwater reviewed a range of foreign and domestic issues, and repeatedly emphasized the need for Republican unity in the national election in November.

Without mentioning names, he criticized Senator Jacob K. Javits, of New York, and some other liberal Republicans who have indicated that they would withhold their support if Senator Goldwater becomes the party nominee at the Republican National Convention in July.

RULE-OR-RUIN TALK

Senator Goldwater characterized that as rule-or-ruin talk by a faction of the party, and insisted that any Republican who downgrades fellow Republicans is pinch-hitting for Lyndon Johnson.

In answer to liberals who have charged Senator Goldwater with turning his back on the party's 1960 platform, the Senator endorsed and pledged all-out backing for a declaration of Republican principles issued in June 1962 by a 12-member joint committee of Republican Senators and Representatives.

The declaration updated and reaffirmed the 1960 platform. The committee that framed it was headed by Representative Melvin R. Laird, of Wisconsin, principal architect of the 1960 platform and chairman of the party's 1964 platform committee.

Shortly before Senator Goldwater's scheduled appearance here, his campaign headquarters in Washington released a State-by-State breakdown of delegates to the Republican National Convention. These figures showed the Senator to be a runaway leader for the nomination at this point.

About 18,000 well-wishers were reported to have paid from $2 to $1,000 for seats in the huge Madison Square Garden arena, adding approximately $100,000 to the Goldwater campaign fund.

The candidate was flanked on the dais by a dozen Representatives and one Senator. None of the party figures was from New York, where the Republican organization supports Governor Rockefeller for the nomination.

President Johnson is to address a Democratic fundraising meeting at Madison Square Garden on May 28. Admission will also range up to $1,000, but the Democrats expect a net collection considerably greater than that of the Goldwater rally.

In his prepared speech, Senator Goldwater vigorously criticized President Johnson's foreign and domestic operations generally, and called the President a "wheeler-dealer."

The Senator maintained that Mr. Johnson was downgrading the States, gambling with America's security, and playing politics with the antipoverty drive, civil rights, and other matters.

He pointed with pride to the Eisenhower administration's foreign policy as a keeper of the peace.

"I want to restore that policy," he declared.

The rally included band music, folk singing, speeches by Senator Karl E. Mundt, of South Dakota, and others, and the introduction of Mrs. Goldwater.

The mimeographed program called for a demonstration to begin at 9:15 p.m., when the Senator entered the hall. Exactly 15 minutes was allotted to the demonstration.

THE FAIRCHILD GARDENS IN MIAMI, FLA.

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, in the February 4, 1964, Congressional Record, my remarks covering H.R. 9893 for a charter for a national tropical botanical garden, there seemed to be some doubt cast on the value of the Fairchild Gardens in Miami, Fla. There was no intention of doing this as I feel it is a well known and valuable garden and has done excellent work. I was trying to convey that the garden contemplated in my bill will be a comprehensive tropical botanical garden covering many climatic conditions found in the tropics. There is no such garden in the United States at the present time. The bill seeks a garden for national use and benefit. It seeks a research institution covering tropical plants, many of which are not adaptable to Florida.

May I thank the people of Florida for their calling my attention to the matter and for their support of H.R. 9893. I wish them all success in their efforts at Fairchild Gardens.

CUBAN DRUG PROBE NEEDED IMMEDIATELY

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, late last week Cuba sent out bids to major U.S. drug manufacturers in an effort to purchase large quantities of drugs from this Nation. The Department of Commerce has already received inquiries regarding export licensing procedures. One manufacturer alone, Parke, Davis Co., was asked to bid on approximately $6 million worth of drugs, and estimates of the total bidding have run as high as $15 million.

Needless to say, if Castro could purchase any goods from this Nation it would be embarrassing at this time. Castro is clearly trying to undercut current U.S. efforts to halt Western Europe's trade with Cuba.

A full and immediate investigation of this deal should be launched by the House Interstate and Foreign Commerce Committee, of which I am a member. This committee has jurisdiction over the U.S. drug industry and exports as well.

The humanitarian aspects of this deal are questionable. I have been advised that there are no known health crises in Cuba today. The drugs requested are of a quality easily obtainable from manufacturers in other countries. It is the large quantity of these bids which has U.S. authorities disturbed.

Castro needs this sale only to embarrass the United States. The Congress should probe this situation before any such export licenses are granted.

THE BOBBY BAKER CASE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, Don Reynolds, the Silver Spring insurance man, finds himself out in the cold as far as the District of Columbia Life Underwriters are concerned. They dismissed him from membership on the grounds that he has been guilty of conduct unbecoming a member of the association. It is apparent that they frown on the dealings of Bobby Baker who helped Reynolds in the sale of a large life insurance policy, which involved a kickback in the form of a fine stero set. And perhaps they frown on a Washington area insurance man buying radio-TV time on a station in Texas where he obviously would find few prospects for insurance.

The underwriters are, of course, to be commended for their high standards of ethics even though it means, as a Washington Star editorial said the other day, that Reynolds "takes the rap." We may well regret that the Democratic leadership in the Senate does not feel it necessary that such high standards be followed in Government. They apparently have terminated their investigation of the Bobby Baker case, leaving dozens of questions unanswered, many witnesses uncalled, an unsavory mess swept under the rug, and an apparent insistence that their conduct and their ethics are no concern to the general public.

The leadership hope, I suppose, is that people will have forgotten by November. It is a sad commentary on the way business is too often done in Washington.

A DAY OF ACCOMPLISHMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Daddario] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DADDARIO. Mr. Speaker, this has been a significant week in Connecticut for the future of our people and our communities. On Monday, we marked the opening of the new Constitution Plaza development, a 12-acre complex in Hartford. Shortly, we expect to complete approval of the South Central project in New Britain, a major, roughly 90-acre project.

The Constitution Plaza program, which has drawn national attention, is one of the most dramatic in the Nation. It has been a product of long and painstaking effort by many men and women. I am offering for the Record an editorial, "The Day of Accomplishment," from the Hartford Times, which mentions some of the people in Hartford who deserve particular credit, including the late William H. Putnam, a man of great vision, who supported this program fully.

Some of the feeling of the community is expressed in an editorial, "A Look Ahead on a Sunny Day in May," from the Hartford Courant, which I also offer for the Record. The Courant sets forth the satisfaction which all of us, both here in Congress and in the community must feel. For this is a broad scale program, that has required the best services of many men over the years. The support which Congress has given to urban renewal and redevelopment reaches fulfillment in the newness and vigor of this program.

Hartford was designated an All-American City just 2 years ago for the persistent, energetic effort it made to build a new community. It had begun in 1950, when Hartford applied for the first federally sponsored redevelopment project in Connecticut.

For 6 years, community leaders worked out the possibilities and talked with the people about the prospects of urban renewal, and what it could mean for the people. They had the vision to see a finer Hartford, and without vision, it is said, the people will perish. Gradually, their vision prevailed. Business leaders listened and joined up. The local chamber of commerce got behind the planning. A committee for Hartford was formed. And when it went to a vote, the city gave it a smashing "yea" by a 5 to 1 margin.

In all honesty, it should be conceded that an element of competition helped in this progress. For New Haven, which has traditionally been Hartford's most populous rival in the State, was making its own plans and was attaining a great deal of national reputation.

The full and detailed story appeared in the New York Times on May 10, and I offer that for the Record. I would caution, however, that the reporter was somewhat overdramatic. He has portrayed the area which was replaced as a bad slum area. In all truth, it should be pointed out that this was a neighborhood and community area on the fringe of a commercial area, plagued by the nearness of the Connecticut River and by an intermixture of commercial and residential development. The people of the area, moving to other parts of the city and into the suburbs, have established fine new communities.

Many of our cities have recognized the need to undertake a program of urban renewal. Hartford has some nine different projects in being, involving $29.5 million in Federal grants. New Haven has nine projects, involving $68 million. Farmington, one of the finest small communities in the State, has also actively developed its planning activities and qualified for assistance.

The Federal program has drawn the enthusiastic support of all elements of the State. Connecticut's General Assembly voted a program to participate and help the communities in their efforts, now an integral part of most programs. The Connecticut Development Commission has assisted in planning programs. Local communities have developed their plans, earmarked local funds, and done yeoman work in bringing about progress. In all, some 68 communities in Connecticut have urban renewal programs underway, with help from the Federal Government amounting to $236 million. This is a small sum, measured against the total commitments of our national budget, but it is a sturdy bulwark for a future America.

I have mentioned New Britain, which has also worked hard to develop its urban renewal activities. An industrial community, with a worldwide reputation for hardware, New Britain has been planning and working for a better future over many years, with the loyal and constant support of the New Britain Herald and other communications outlets.

New Britain is on the threshold of approval for its south central program, which offers new hope for commercial and industrial development in the city and the very important germination of new jobs. Its planning began in 1956, when Mayor Joseph Morelli named a commission to bring into being a specific plan for modernizing the city. Throughout the intervening years, with the help of such officials as Mayor Julius Kremski and Mayor Thomas Meskill, the city has continued to work for completion of these projects. And the present mayor, James F. Dawson, who was an attorney with the first commission, has the credit for seeing the final approval.

Throughout these years, the urban renewal program has received strong support from Members of Congress who are concerned with our communities. It has been a model of public and private cooperation. Both I and Congressman BERNARD GRABOWSKI, who now represent Hartford and New Britain, have worked with local officials and with the executive agencies to expedite action, to see that the communities met standards imposed by this Congress, and to reach final action. Senator THOMAS J. DODD and Senator ABRAHAM A. RIBICOFF, who is a native of New Britain, have also worked in behalf of these communities.

Today, perhaps, throughout the Nation, some critics have sought to raise a clamor against the concept of urban renewal. These critics are answered ably, I think, in the remarks of Housing Administrator Robert C. Weaver, and I offer for the RECORD the text of the speech which he delivered in Hartford on Monday in a new hotel which is part of the Constitution Plaza complex and which was heard by Hartford's business and civic leaders.

The challenge of our vastly expanded population is great. The accelerated urbanization and industrialization of recent decades has produced a new America of great concentration, but accompanied by congestion, urban decay, continued and increasing demand for public facilities. Renewal is one weapon in the people's arsenal against these problems, one that requires the steady and persistent efforts of fine people over the years. Connecticut's successes this week are a tribute to those people and their sincere and dedicated effort. Those successes are described well in the news stories from the Hartford Times and the Courant which I also append.

The above-mentioned material follows:

[From the Hartford Times, May 12, 1964]

THE DAY OF ACCOMPLISHMENT

The dedication of Constitution Plaza formally completes a regionally important civic work that is a credit to its planners and financiers.

It is also a matter of satisfaction to all who shared in its inspiration and motivation during long years when, actually, few considered that this vast project ever would be started—much less accomplished.

Looking back, one must not fail to compliment the tact, diplomacy, and hard work of those who manned the redevelopment agency under the late William H. Putnam, cooperating to the fullest extent also were the then Mayor James H. Kinsella and the leadership of the chamber of commerce.

Individual citizens gave their time and support unstintingly to the "Big Blue Sky Deal" as redevelopment on the east side once was jokingly called. This didn't start as a big deal, however. It began as a very uncertain enterprise.

The Hartford Times is proud that it first, by pointing out the need, then by urging and backing action, brought together all of the elements of prestige, finance, skill, and community drive that resulted in public acceptance of this effort which once was very much opposed and had stalled.

The ceremonies were inspirational in that they brought again to notice what a city oppressed by rundown sections of blight may do to raise its physical and economic standards.

Large as Constitutional Plaza is, it is just a good start for what must be done downtown and elsewhere to keep Hartford modern and attractive. We are happy to have welcomed Administrator Robert C. Weaver of the Federal Housing and Home Finance Agency and Commissioner Robert L. Slayton of the Urban Renewal Administration.

Now, on to the other jobs, each of them made easier by realization that nothing that is essentially good and sound for Hartford is impossible or will fail of public support.

[From the Hartford Courant]

A LOOK AHEAD ON A SUNNY NOON IN MAY

Had the weather been ordered in advance for yesterday's dedication of Constitution Plaza, it couldn't have turned out better. The azure New England sky with white-puffed clouds, the flags raised up and flapping in a breeze, the band, the words well spoken and mercifully brief, all celebrated another milestone now set in place in the city's three and a quarter centuries of history.

The theme as set by the master of ceremonies, the Traveler's Herbert Kramer, and as signaled by the tolling of the bell of the historic U.S.S. *Hartford* was that of memorializing past, present, and future. What was most promising was the way in which the speakers, on an occasion celebrating an accomplishment now behind us, all nevertheless turned to the future.

Thus at the luncheon that followed the open-air observance Gladden Baker, financial sparkplug of Constitution Plaza, noted the other redevelopment projects already in process or coming soon in the city. And as Dr. Weaver said in the main luncheon speech, the downtown decay now replaced with strong, fresh life came not from lack of wares in the old city, but from lack of people. He stressed the need for more housing in the city, as well as for centers of management, culture, research, and medical and other facilities. All these, on top of today's spectacular achievement, will make Hartford a growing nerve center of New England.

There is, of course, occasion for satisfaction in what has been done. The vast open spaces between striking new buildings, where one may stroll without fear of being run over, the grass, shrubs, trees, and tumbling waters of the fountain, the new offices, shops, and hotel—all these are ours to enjoy. But one returns again to the speakers' common theme, as summed up by Mrs. Grasso when she quoted Antonio's familiar phrase from "The Tempest":

"And, by that destiny, to perform an act whereof what's past is prologue; what to come, in yours and my discharge."

Where a decade ago the city's dust-encrusted brick structures prophesied stagnation, there is now dynamic and prosperous life. But much remains in our discharge. On with the job.

[From the New York Times, May 10, 1964]

HARTFORD OPENS 12-ACRE COMPLEX—CONSTITUTION PLAZA WILL BE DEDICATED TOMORROW—PLAN CONCEIVED IN 1950—BUILT FOR $40 MILLION—URBAN RENEWAL PROJECT HAS SEVEN MAJOR OFFICE BUILDINGS, HOTEL, AND RETAIL STORES

(By Dudley Dalton)

One of the worst slum areas in New England has been transformed into a modern commercial center with the completion of Constitution Plaza, a 12-acre complex in Hartford.

The project includes 8 major office and commercial buildings, covered parking garages for more than 1,800 automobiles, and landscaped walks and plazas.

The $40 million complex, which is being financed by the Travelers Insurance Co., took 4 years to complete. Hartford had begun its urban renewal program in 1950 by establishing a redevelopment agency.

The city planning commission designated the Constitution Plaza site as the first target of the redevelopment effort and 2 years later Federal advance-planning funds were secured to raze the area.

There were many people, however, who felt that redevelopment would only serve to eliminate a picturesque Old World neighborhood, replacing it with a cold commercial center. As a result, the project was held up for 2 more years by legal battles.

PROGRESS IS DIFFICULT

The Front Street-Market Street area, just to the west of the Connecticut River, did have an undeniable charm. It had been in the heart of the city's Italian population for 50 years. About 300 families occupied its century-old tenements, and 107 small business establishments lined its streets and alleys.

But the area was also the heart of the city's derelict population and many lived there in squalor. The entire area was valued at less than $3 million and was returning tax revenues of only $90,000 a year to the city.

It took 4 years more to acquire the land, find a developer, plan the project and float a bond issue of $800,000. Demolition got underway in 1958.

The next 2 years, however, were difficult ones. The Connecticut General Insurance Co. moved out of the downtown area, as did WTIC, the city's largest broadcaster. Also, the Phoenix Mutual Insurance Co., which was in the downtown area, had an option to purchase a suburban tract for its own expansion. On top of this, the redeveloper was unable to obtain additional financing.

STEPS ARE DETAILED

Phoenix Mutual was persuaded to reexamine its plans, and the company decided to remain downtown, buying a tract adjacent to the redevelopment site. The Connecticut Bank & Trust Co., the State's second largest bank, agreed to move its headquarters to the site and the Hartford National Bank & Trust Co., largest in the State, decided to locate a major branch office there. WTIC changed its plans to move out of the area and agreed to build a new broadcasting station there.

Faced with these resounding votes of confidence, the Travelers Insurance Co., which had its seven-building home office in the city's downtown area, organized a separate corporation to finance, construct, and operate the renewal project. Finally, in 1960, the actual building was begun.

The first building, WTIC's Broadcasting House was completed in December 1961. It was designed by Fulmer & Bowers, architects. One Hundred Constitution Plaza, an 18-story building which contains the Hartford National branch, was completed in June 1962. The architectural firms of Charles DuBose and Emery Roth & Sons designed this structure.

By the summer of 1963, three other buildings had been completed. The largest was One Constitution Plaza, a 20-story structure which is 60 percent occupied by the Connecticut Bank & Trust Co. The architectural firm of Kahn & Jacobs designed the building. The other two, both of which were designed by Charles DuBose, was a six-story building housing the Greater Hartford Chamber of Commerce and the Travelers Insurance Co. Research Center—and a one-and-a-half-story structure, 10 Constitution Plaza, which is occupied by Paine, Webber, Jackson & Curtis, stockbrokers.

RETAIL SHOPS PLANNED

This year, the Constitution Plaza shops—a U-shaped complex with more than 100,000 square feet of retail space—and two major parking garages were completed. The Hotel America, a 12-story 310-room hotel operated by the Hotel Corporation of America, was opened last month to complete the project. Mr. DuBose and Curtis & Davis designed the hotel.

The Phoenix Mutual Building, a 14-story elliptical building which is connected to the plaza by a walkway, opened in the fall of 1963. The architectural firm of Harrison & Abramovitz designed this structure.

A newspaper contest was held to choose a name for the project. Out of thousands of entries, the name submitted by Mrs. June L. Martin of Hartford was selected. The name, Constitution Plaza, honors the first written constitution to organize a new government, a pact signed in Hartford 300 years ago.

The project will be dedicated tomorrow with Dr. Robert C. Weaver, Administrator of the Housing and Home Finance Agency, as the principal speaker. One of the highlights of the dedication service will be the unveiling of the ship's bell from the U.S.S. *Hartford*, which is on permanent loan from the Navy and the city of Hartford. It will hang in a crab-apple orchard in the center of the plaza.

ADDRESS BY ROBERT C. WEAVER, ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY, AT LUNCHEON FOLLOWING FORMAL DEDICATION OF CONSTITUTION PLAZA, HARTFORD, CONN., MAY 11, 1964

As never before urban renewal is an issue of public discussion. This is as it should be. No generation should attempt to recast and rebuild its basic environment without careful consideration of the impact of its actions.

On the other hand, discussions of this vital matter must be cast in the frame of reference of the ingredients involved. Any and all such discussions, if they are to be meaningful, should start with consideration of what we want to renew. And that leads us to a definition of the role and function of a city.

As we look to the urban environment of today and envision trends of the future, a new concept of the city emerges. We can no longer think of an independent urban community, or even one that is just the focal point of a metropolitan area. Rather we must think in terms of urban communities that will function as one of many nerve centers of a vast, complex, and delicately interconnected social organism. As President Johnson has stated, "For the problems of urbanization, this is a decade of decision."

Too often we hear references to the central city versus the suburbs, and too many of us accept as inevitable the continuing flight from the city and the decay of core areas. Already urban renewal has shown that this need not be. Where there are vital and attractive commercial and industrial redevelopments in the downtown business, industry, and managerial functions are attracted back to the core cities; and such action is self-sustaining, occasioning greater concentration of similar activities.

Concurrently, as has been demonstrated in a score of cities, attractive townhouses and apartments in desirable settings in the central cities are attracting and holding middle-class American families. Since the passage of the Housing Act of 1961, there has been a new ingredient, the construction of moderate-income housing.

Both of these phenomena—the stabilization of commercial and industrial activity and the return and consolidation of some high-, medium-, and moderate-income families in American cities—demonstrate that people and business will come to, and remain in, the core areas when the latter are revitalized and made functional as well as attractive.

The central city and the metropolitan complex, of which it is a part, must have healthy economic bases if they are to survive and prosper. Such a base is fundamental to all aspects of urban life. It affords the source of employment for people, it attracts capital investment and expansion, it provides the economic raison' d'etre for a central city, at the same time that it affords a major source of tax revenues for the local governmental functions.

The central city, even in this era of suburban growth, has certain unique functions which it can and does perform. Just as many industries find economies and efficiency in horizontally oriented plants of the suburbs, so managerial functions are often best performed in the high-rise structures of the central city. At the same time, small industries, requiring group-supported services of varying types, responsive to changes in style, or dependent upon specialized professional talents, frequently flourish in a core area. Medical research, closely associated with university hospitals and nurtured by a diverse population, is primarily a central city activity. And, of course, urban culture finds its greatest flowering in an environment which is typified by a large concentration of people and institutions.

Contrary to much that has been said recently, there is no dichotomy or conflict between nonresidential and residential urban redevelopment. In both instances slums are cleared and in both instances those families which are dislocated are, in the great majority of cases, relocated into decent, safe, and sanitary shelter. Today most of those displaced by all forms of urban renewal upgrade the quality of their shelter in the process.

The interrelation between nonresidential and residential redevelopment is dramatically revealed by the following data. In the nonresidential redevelopments, 13 percent of the land space, exclusive of streets and public areas, is utilized for public and institutional uses, and 26 percent is devoted to residential building. The important consideration, however, is that the healthy, vibrant, and vital city of tomorrow must have places of employment, cultural centers, efficient modes of transportation, a sound tax base, adequate public services, and attractive and diversified housing. Urban renewal, as it matures and profits from experience, is making a major contribution to these objectives.

Those who criticize overemphasis upon nonresidential redevelopment have the germ of a sound position. Although many of them are recent recruits to concern for people, such a concern is valid. It becomes less impressive, however, when it ignores the fact that working people have a hollow success when there is concern for their shelter but no interest in their ability to pay for what may be provided. Nonresidential redevelopment provides a part of this necessary purchasing power. It is, therefore, as both Democrats and Republicans in the Congress have recognized, an indispensable element in an effective urban renewal program. But I would be the first to object if the urban renewal effort were to become primarily or exclusively a nonresidential activity. Consequently, when in the hearings before the Housing Subcommittee of the Senate Banking and Currency Committee on the housing and community development bill of 1964, I stated that urban renewal must remain primarily a program for residential redevelopment.

Urban renewal, as most federally assisted programs, is a joint effort. Although most of the funds involved come from the Federal Government, it is an activity which always involves local initiative, planning, and execution. In those States, such as Connecticut, Massachusetts, New York, and Pennsylvania, where the State government is ready and willing to contribute to the effort, urban renewal involves the Federal, State, and local government. This is as it should be, and I hope it will become increasingly typical.

This State has recognized its responsibilities, and it is realizing its potentialities. Thus in the May 3, 1964, issue of the Sunday New York Times, devoted to "The Connecticut Way of Life," there is an article entitled "Old Traditions and New Skylines." The subtitle reads, "Connecticut's Cities Build for the Future With $340 Million for Urban Renewal." The article says:

"The earlier years of urban renewal planning are beginning to pay off in Connecticut. As old skylines come down and new ones take their places, families are moving into better homes, businesses are rebuilt, new jobs created, playgrounds put in, new industrial sites occupied, and tax bases strengthened.

"In Hartford, the opening of the deluxe Hotel America, complete with convention facilities, swimming pool, and top restaurant, effectively completes the city's already famous Constitution Plaza. This gigantic renewal project, begun in the mid-fifties, has completely transformed the center of Connecticut's capital city and established itself as a model of public and private cooperation."

The evidence to support that statement stands before us today. Connecticut has not only availed itself of the Federal aids under the urban renewal program, but it has acted to maximize the benefit possible therefrom. Quoting again from the advertisement in the May 3 issue of the Sunday Times where it is noted that, since March 1963, the State has guaranteed some $14 million in new and expanding industries:

"The Connecticut plan is, in short, so conceived as to give an impetus to industrial development without charging the community an exorbitant price for a few new jobs. At the same time, it provides industry with financing it needs to get started, without the threat of bringing the public debt back to roost on the ridgepole of the new industrial resident as soon as he is too well established to move away without disastrous consequences."

This leads us into another controversial issue: Whether or not nonresidential renewal should be financed by loans or grants. There are two questions involved. The first is an issue of feasibility and the answer is far from categorical. There is some nonresidential redevelopment which could be paid out of future increased revenue; others could not. The second issue is more basic. It relates to the desirability of limiting nonresidential redevelopment to those undertakings which could be self-liquidating.

Clearly a program limited to the latter type of financing would be a severely restricted program. It would include fewer public, institutional, or cultural uses and concentrate only upon those things directly supporting business development. In addition, even in the commercially oriented projects, the amount of open space, the concern for esthetics, and the public uses would be markedly restricted.

To affirm that nonresidential renewal should invariably pay its own way through high tax yields is to ignore the essential relationship of these areas to the functioning of the rest of the city. These areas provide the jobs necessary to keep the city functioning, and the taxes necessary for an adequate level of public service in the low-tax-yield residential sections. At the same time, their capacity to flourish as dynamic mercantile centers depends on their ability to attract and to accommodate the urban population for a wide range of purposes—for cultural opportunity and entertainment, for the surge and stimulation of the manifold variety of urban living that such urban centers can afford, for the social and esthetic satisfactions that these centers can provide to the entire urban society.

Let us render unto business the things that belong to business. But let us remember in our redevelopment of these areas that they are more than business complexes. They are also the focal center of the entire community life that requires public investment for the services and amenities and the varied environment essential to a dynamic urban society. Our business areas did not decline for lack of wares on the merchants' shelves. They declined for lack of people and of space to grow, and from the inability of these areas to maintain the inviting environment and the increasing variety that attracts and satisfies the urban population today. This is the basic element that is missing and that must be restored. And it can only be done through the combined use of appropriate private and public resources.

I could choose no better place to illustrate what I mean than this exciting new central plaza that we dedicate here today. Constitution Plaza expresses better than anything we can say how much better we can plan and build for the whole community where private and public resources and vision are joined in a common undertaking. It is a gleaming example of what the modern American city can and is achieving to recreate its urban center and to project its confidence in a dynamic future.

Those who know Hartford need only short memories to appreciate the transformation that has been wrought in this plaza area in less than a decade. We see here a rebirth of both business and civic beauty standing in place of spreading slums and urban decay compounded by recurrent flooding.

More important, Constitution Plaza represents a restoration of confidence and hope in the future of Hartford in place of despair and surrender. Only a few years ago business was fleeing the decay of the central city. Some of Hartford's most substantial firms just picked up and got out. There was no room to expand. Trade declined. Taxes and congestion increased. The population of the city was shrinking. Hartford was on the verge of losing its renown as the insurance capital of the Nation. The future of Connecticut's capital city appeared dismal.

The only recourse for most of Hartford's great business institutions seemed to be to get out or go down. Then urban renewal got underway. It pointed to another way to go and that was up. A movement to rebuild and build anew for Hartford's future was launched.

I do not know what factors, other than desperation, induced Travelers Insurance Co. and other business leadership to stem and reverse this tide of blight. But this was a time when urban communities throughout the country were wrestling with inner city decay and when many of them were launching major efforts to combat it. It was a time when the Federal Government's urban renewal program was coming of age, and when Federal support extended the financial leverage to cities that private investment required to assure the future solvency of its own undertakings.

Hartford made full and responsible use of public resources, Federal, State, and local, to support and stimulate the effort of private capital to save itself. We see here today the eloquent testimony and the financially successful payoff of that kind of private and public cooperation.

It is symbolic, I think, that Phoenix Mutual, which had about given up hope of surviving in this dying city, joined with Travelers and other business concerns in the decision to remain and rebuild. It well befits this plaza that the name of Phoenix should be attached to one of its finest architectural adornments. This is indeed an area that has risen from slums and squalor to become an inspiring pace setter for our urban future.

I also want to pay credit to the vision of all those who have played a role in the recreation of Hartford's downtown area—and our Urban Renewal Commissioner, William Slayton, would particularly want to join me in this. The task was undertaken not as a short-run job to shore up the past for a temporary period, but as a farsighted task of replanning and reconstruction. You enlisted the services of some of the Nation's finest planners, designers, and architects to build into this new Hartford a standard of quality and inspiration that will affect not only the whole community but, by example, the communities of America.

To those who contend that rescuing the economic centers of our cities is merely a dollar-and-cents proposition, I would like to say, as President Kennedy said of Berlin, "come to Hartford." Public support has been an essential ingredient in the realization of this project, but it has not been the primary one. The protection of the area from flooding, the removal of the dead-hand of slum and blighted structures, the provision of streets and other public facilities and public service areas have all been indispensable to creating a new area with a new and lasting life.

But most of what has been done here has been through private investment generated and made effective by public support. The Federal renewal funds that have gone into the Constitution Plaza project total $1,800,000. Measure that against nearly $50 million in building construction alone, and against the rise in property assessments from $2.3 million to $26 million after redevelopment. Measure that also against expanded business, large-scale increases in employment, and the stimulating benefits of an inviting, attractive city center for people's pleasure as well as their productive pursuits.

It is, I think, a very small price we are paying. It is true that the increased tax revenue should more than repay the city for its investment over the years and will, indeed, enable it to reinvest much of that return in bettering the whole community. That is what urban renewal is intended to do. But that is not the whole story. For the tax-producing wealth created here will also over the years repay the people of the Nation as a whole many times what they have invested to help this recently decaying city to live again and grow.

In my enthusiasm about Constitution Plaza, I do not want to leave the impression that because Hartford has done a fine job, it has done the whole job. Constitution Plaza and the renewal projects underway around it are only the genesis of meeting the renewal objectives of Hartford and the urban community around it.

As I said at the outset of my talk, reestablishment of the economic core of the urban area is important not for itself alone, but for its effect on the entire urban community. Regeneration of the business center of a city provides the employment, the income, and the tax base that is often essential to deal effectively with many broader problems.

The neglect and decay of our urban centers has been a large factor in driving wealth out of the central city and creating poverty within it. It has caused the well-to-do to flee to the outlying hinterlands and the lower income people and segregated minorities to be trapped in the deteriorating confines of the older city.

The renaissance of the downtown economy, however, can and must change this pattern. It creates a renewed demand and desire for in-town living. It affords employment opportunity and a need for the services of the lower income and working population. We can, with sound planning and assistance, restore the natural mix of economic levels, based on choice and need, without constraints of income, age, or race.

The ultimate success of Constitution Plaza and the surrounding renewal now going on, therefore, will not be measured solely by its ability to keep its buildings tenanted and to pay its way out. It is apparent that it can do that. It will depend even more on the benefits it extends to the entire urban area in higher living and educational standards and freer choice of housing and employment opportunity throughout the area.

The improvement of the housing and living standards of all the people in the total community is still the end-purpose of any city's urban renewal program. Hartford has underway or in planning renewal projects that begin to reach in the residential field. And it is undertaking a comprehensive community-wide renewal program. This is now its major challenge in translating what has been done into the full scope of what can be done in this community. I feel confident that the vision and enterprise reflected here in Constitution Plaza today will motivate your further and larger renewal progress.

What is happening here in Hartford, I am pleased to say, is now becoming not the exception, but the rule. The imaginative regeneration of our cities is taking visible and exciting form throughout this land—from Philadelphia and Providence to San Francisco, from Boston and New Haven to Pittsburgh and St. Louis, from Atlanta to Baltimore and Kansas City.

We have critics, and, as I said at the beginning, we should have criticism. The urban environment we are creating is for the benefit of the people and should, so far as possible, reflect their hopes and desires. But we also have some criticism from on high that never seems to get down to the Hartfords where things are being done. Such outer-space voices as the U.S. Chamber of Commerce, which has recently deplored this cooperative partnership of public and private enterprise, are rarely echoed, I find, in cities such as this, where chambers of commerce and business leaders have been prime movers in the renewal of our cities.

Urban renewal today is paying off. We are now getting the first dividends on our investment, such as Constitution Plaza, and in most cases, it is well worth the price.

Urban renewal can be bettered—and we intend that it shall be. But it must be continued. It is a basic part of our urban future.

PLAZA DEDICATED—BELL TOLLS, SUN SMILES ON CITY'S NEW SKYLINE

(By Webster Gault)

Constitution Plaza, Hartford's first completed redevelopment project, was dedicated at noontime Monday as 2,000 guests and pedestrians watched and cheered.

It wasn't money which stole the show—though there is more than $40 million of Travelers Insurance Co. financing behind the gleaming, 12-acre renewal project which comprises Hartfords' newest downtown business profile.

A boy, a bell, and the woman who named Constitution Plaza were the real show stoppers to the sun and windswept audience.

LAUNCHES TRADITION

The boy is Peter Kramer, 6, of West Hartford, just recovered from a light case of the German measles. He launched a new Hartford tradition by tossing the first official U.S. coin in the Plaza's fountain. Roger C. Wilkins, president of Constitution Plaza Inc., joined him in the coin toss.

The bell is the original one from the U.S.S. *Hartford*, Adm. David Farragut's flagship during the Civil War. The bell was dedicated in its new home—the Hartford Memorial Orchard, whose crab trees lend vivid spring color to the center area of the Plaza.

The woman is one of the three persons who rang the old Navy bell as it was dedicated. She is Mrs. June L. Martin who named Constitution Plaza in 1959, winning the $500 naming contest sponsored by the Hartford Courant.

WEAVER SPEAKS

The other two bellringers also had principal roles in the dedication ceremonies. They are J. Doyle DeWitt, president of the Travelers Insurance Co., and Robert C. Weaver, Administrator of the U.S. Housing & Home Finance Agency (HHFA). Weaver delivered the principal address at the dedication luncheon, attended by nearly 300 guests, at the new Hotel America, after the outdoor ceremonies.

All the oratory was well-received. But it was the sights and the sounds that probably will linger in this old city's memory.

The dedication day, in full spring regalia, was a sight in itself. And there was that suddenly quiet, respectful moment when the Flag was officially raised in the flag court near the Plaza's fountain. Next up went Constitution Plaza's official flag. The two flag raisers were Wilkins and Gladden W. Baker, chairman of Constitution Plaza Inc. and chairman of the finance committee of the Travelers.

FOOT GUARD BAND PLAYS

Two of the sounds of the day also still linger. One was the "Star-Spangled Banner," which was played by Connecticut's historic Foot Guard Band as the flag was raised. The music captured the audience as if it were a new song.

The other memorable sound was the three peals of the U.S.S. *Hartford's* bell which echoed throughout the crowded plaza. The sound was solemn, and cheerful.

The optimism of the dedication was reflected in the famous words of Admiral Farragut, quoted repeatedly in the dedicatory speeches:

"Damn the torpedoes * * * full speed ahead," did not seem out of place Monday at Constitution Plaza overlooking the Connecticut River.

DIGNITARIES ON HAND

Other principals at the outdoor ceremony were Herbert J. Kramer, second vice president of Travelers, who was master of ceremonies; William L. Slayton, Commissioner, Urban Renewal Administration; Mrs. Ella T. Grasso, secretary of the State, who represented Governor Dempsey; Mayor William E. Glynn; Rabbi Abraham J. Feldman; the Right Reverend Walter H. Gray, bishop of Connecticut; and the Most Reverend Henry J. O'Brien, Archbishop of Hartford. They also participated at the luncheon where Commissioner Slayton introduced Administrator Weaver, his boss. Slayton, in his introduction, urged that Congress let the HHFA become a separate Government department.

In his remarks, Weaver paid tribute to Hartford's redevelopment success story.

COME TO HARTFORD

"To those who contend that rescuing the economic centers of our cities is merely a dollars-and-cents proposition, I would like to say, as the late President Kennedy said of Berlin, 'come to Hartford,'" Weaver told his luncheon audience. And, later, he said:

"I feel confident that the vision and enterprise reflected in Constitution Plaza today will motivate your further and larger renewal progress."

Other highlights of dedication day:

A telegram was read at the luncheon from Carleton F. Sharpe, Hartford's former city manager, now holding a similar post in Kansas City. He congratulated Hartford upon the dedication of the plaza.

As for the "take" so far in the Plaza's fountain, $10.10 was scooped out at its first cleaning a week ago.

WEAVER CALLS PLAZA GEM AMONG CITIES

(By Richard Coote)

"It is a gleaming example of what the modern American city can and is achieving to recreate its urban center and to project its confidence in a dynamic future."

With these words, Robert C. Weaver, Administrator of the Housing and Home Financing Agency, paid tribute to the brick and glass and steel of Constitution Plaza.

The downtown 12-acre business center was dedicated in a pair of ceremonies today under nearly cloudless skies.

Mr. Weaver, speaking to city and State dignitaries and a large group who came to take part in one of the city's proudest moments, said:

"Those who know Hartford need only short memories to appreciate the transformation that has been wrought in this plaza area in less than a decade. We see here a rebirth of both business and civic beauty standing in place of spreading slums and urban decay compounded by recurrent flooding."

Four years ago, work crews began knocking down tenements and stores along Front and Market Streets, two of the city's least presentable downtown business rows. Buildings as tall as 20 stories rose from the rubble on a concrete floor, traced with walkways, malls, and greenery.

Mr. Weaver saw a deeper meaning in the giant renewal project, saying the plaza "represents a restoration of confidence and hope in the future of Hartford in place of dispair and surrender." Only a few years ago business was fleeing the central city. Some of Hartford's most substantial concerns just picked up and got out. The future of Connecticut's capital city appeared dismal.

"The only recourse for most of Hartford's great business institutions seemed to be to get out or go down. Then urban renewal got underway. It pointed to another way to go, and that was up. A movement to rebuild and build anew for Hartford's future was launched. I do not know what factors, other than desperation, induced Travelers Insurance Co. and other business leadership to stem and reverse this tide of blight. But it was a time when urban communities throughout the country were wrestling with inner city decay and when many of them were launching major efforts to combat it.

"Hartford made full and reponsible use of public resources, Federal, State, and local, to support and stimulate the effort of private capital to save itself. We see here today the eloquent testimony and the financially successful payoff of that kind of private and public cooperation. This is indeed an area that has risen from slums and squalor to become an inspiring pace setter for our urban future."

The HHFA Administrator spoke during a luncheon at the Hotel America, following outdoor dedication ceremonies for the giant $40 million renewal project. A decade of planning preceded the initial work of demolition crews to make way for the city's new face.

The work of Architect Charle DuBose and Landscape Architects Sasaki, Walker & Associates, the plaza in its short life has received national acclaim for artistry as well as functional accomplishment.

The dedication began at noon with a concert by the Governor's Foot Guard Band near a fountain on the south plaza.

Among special events was the unveiling of a new adornment, the bell from the U.S.S. *Hartford*, Admiral Farragut's flagship during the Civil War.

The bell, contributed to grace an orchard in the plaza, was presented formally by Mr. Weaver, J. Doyle DeWitt, president of Travelers, and Mrs. June L. Martin, whose choice of the title "Constitution Plaza" won a contest held some time ago to name the redevelopment project.

The invocation for the opening ceremony was by Rabbi Abraham J. Feldman, Congregation Beth Israel, and the benediction at the luncheon, by the Right Reverend Walter H. Gray, Bishop of Connecticut.

Among special guests, in addition to the main speaker, was William L. Slayton, Commissioner, Urban Renewal Administration.

State and city officials taking part included Mayor William Glynn and Secretary of State Mrs. Ella T. Grasso, representing Gov. John Dempsey.

Representing the plaza was Gladden W. Wilkins, president.

Master of ceremonies at the dedication was Herbert C. Kramer, vice president, Travelers.

Speaking for the insurance company, President DeWitt said, "I am here today as an interested neighbor, to salute Constitution Plaza on behalf of the Travelers Insurance Co. A great many people have given the Travelers credit for making redevelopment in Hartford possible. It is true we have a major financial investment in the plaza. But it took much more than money to bring this ambitious project to completion.

"It took the dedication of the voters to the progress of their city. It took a farsighted administration, able staffs, and a concerned press, radio, and television. It took patience, cooperation, education, and plain, hard work."

Concluded Mr. DeWitt, "The plaza is not the end of the road for any of those who believe in the future of this area. It is only the beginning. It is a symbol of what must be done—not the final solution."

Mayor Glynn called Constitution Plaza "without question one of the finest, if not the finest, example in the Nation of the wisdom of urban renewal."

He said it is a marvelous and graphic representation of what could be done through the cooperation of all levels of government, the people of a community and enlightened participation by private industry.

The mayor said, "It has been the needed stimulus to improvement and beautification of so much of our downtown area and will continue so for years to come."

CHIEF JUDGE ROBERT EMMET QUINN

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks I include the comments by Mr. Conrad Philos, president, Federal Bar Association, on awarding their first honorary life membership to Chief Judge Robert E. Quinn, U.S. Court of Military Appeals. This tribute to my good friend Judge Quinn took place at the association's annual dinner at the National Lawyer's Club, Washington, D.C., on May 1, 1964.

Remarks by Mr. Conrad Philos

Altogether too rarely there appears on the scene a superlative spirit who transcends the commonplace and transforms all about him to objects of honor. Such a man is Robert E. Quinn, chief judge of the U.S. Court of Military Appeals. From the outset of his tenure as presiding officer of the supreme court of the military services, he has impressed upon that tribunal the civilian character which the Congress of the United States decreed for it. He has imported to it the force of his personality, the benefits of his training and experience, the light of his wisdom and philosophy, and the joy of his wit and humor.

His opinions have established a tone of judicial philosophy rivaling the efforts of our greatest jurists. In them he has announced the applicability of the Constitution to the men in our Armed Forces; has affirmed man's dependence upon the Almighty; has proclaimed for the military services that justice is the end of all law, civil or military. Through them he has guaranteed the benefits of traditional due process of law for our servicemen; he has elevated courts-martial to a plane equivalent to the district courts of the United States; he has restored civilian confidence in military justice; and he has enhanced the stature of the military lawyer.

His wit and wisdom have enriched our judicial literature. His constant adherence to and insistence upon the rule of law have ennobled our existence. His years of dedicated public service to his native State and country have brought signal honor to our profession, and merit from each of us the highest honor and respect in return.

Now, therefore, in recognition of his attainments as a lawyer and as a judge, the Federal Bar Association grants to Chief Judge Robert E. Quinn this certificate of life membership.

THE QUALITY OF AMERICAN LIFE

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FOGARTY. Mr. Speaker, students and alumni at the University of Rhode Island recently heard an address on the quality of American life by Secretary of the Interior Stewart L. Udall that was both stimulating and inspiring. I would like to share his remarks with you, because in a very real sense, they have meaning for every American in every one of the 50 States of the Union. Stewart Udall needs no introduction to Members of the Congress, whose colleague he was for 8 years as a Representative of the fair State of Arizona. As a Cabinet officer he has been acclaimed for his forthright and eloquent conservation leadership. He has broadened America's concept of conservation from a mere custodianship of individual resources to an understanding of the interrelationships of resources and people, and a concern for the health and beauty of the entire environment. The university of my State of Rhode Island paid tribute to Secretary Udall's intellectual vigor and unique vision by awarding him an honorary degree of doctor of laws on April 18, 1964. I would like to introduce into the Record at this time the opening remarks of Dr. Francis H. Horn, president of the University of Rhode Island; Secretary Udall's speech entitled "America and the Search for a Quality Society"; and the citation for the Secretary's degree from the University of Rhode Island:

Dr. Horn's Introduction for Secretary Udall

It gives me great pleasure today to be able to welcome the Secretary of the Interior, the Hon. Stewart L. Udall to this campus and to our State. As the smallest and most densely populated State in the Nation, Rhode Island has always been concerned with the proper utilization of its natural resources. At this time in our Nation's history when population and industrial growth offer new threats to our fish and wildlife, public lands, streams, lakes, and rivers—it is fitting to have Secretary Udall here to outline his views on conservation. Secretary Udall has taken an active role in pressing for vital conservation projects. Through his writings and a recently published book he has sought to increase public awareness and support for resources conservation programs.

A native of Arizona with a long and distinguished career in the public service, he was nominated to become Secretary of the Interior by President John F. Kennedy.

A lawyer and former school committee member, Secretary Udall served four consecutive terms in the U.S. House of Representatives before his appointment to the Cabinet in 1961.

His speech for today is entitled "America and the Search for a Quality Society." Mr. Udall.

April 18, 1964.

America and the Search for a Quality Society

(An address delivered by Secretary of the Interior Stewart L. Udall at a University of Rhode Island Convocation, April 18, 1964.)

On an October day glowing in New England autumn I accompanied John Fitzgerald Kennedy on his last trip to his native State to hear one of the memorable addresses of his presidency. He came to Amherst College to dedicate a library to Robert Frost, and he remained to reflect on the meaning of poetry and power in contemporary America.

With characteristic eloquence, President Kennedy summed up his hopes for the betterment of the quality of American life:

"I look forward," he said, "to a great future for America—a future in which our country will match its military strength with our moral strength, its wealth with our wisdom, its power with our purpose. I look forward to an America which will not be afraid of grace and beauty, which will protect the beauty of our natural environment, which will preserve the great old American houses and squares and parks of our national past, and which will build handsome and balanced cities for our future. I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishments and which will steadily enlarge cultural opportunities for all our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well."

American power is at an unprecedented pinnacle today: stock market and production indexes are at record heights. In the short span of 3 years our economy has surged from a $500 billion GNP level to $600 billion—the $100 billion increase in this short period exceeds the total GNP for 1963 of every nation in the world save the Soviet Union.

Whether the measure is our latest triumphs of technology, the military power we have amassed, per capita income, or the standard of living of our people, we have achieved a level of material prosperity unmatched in the history of mankind.

However, these badges of success do not still the haunting interrogatory at Amherst: "Does America command respect throughout the world not only for its strength but for its civilization as well?"

Some may say that the burdens are too heavy, the task too great, for us to attempt simultaneously to preserve a stable world and to create a quality civilization. In his provocative speech at the University of North Carolina a few weeks ago, Senator J. W. Fulbright expressed the opinion that we can do both: "The first thing we must do toward raising the quality of American life is to turn some part of our thoughts and our creative energies away from the cold war that has engaged them for so long back in on America itself. If we do this, and then let nature take its course, we may find that the most vital resources of our Nation, for its public happiness and its security as well, remain locked within our own frontiers, in our cities, and in our countryside, in our work and in leisure, in the hearts and minds of our people."

No one can assuredly say that we are in a new phase in the struggle for world stability. But, whether the slackening of the cold war tensions is permanent or not, surely the richest of all nations can increasingly turn its energies toward its agenda of internal neglect—toward a search for those things that will add an element of self-renewal to the American enterprise.

Our nationhood has made a series of seminal contributions to the community of man.

Our ideas of democracy have rippled outward to all shores; and our concepts of self-government have become the watchwords of the worldwide movement that has brought man to the last chapter of the colonial era. More than any other, the American example has inspired a vast revolution of expectations: our melting pot society with its emphasis on universal education and the steady expansion of individual opportunity and individual rights has already left its mark on history.

Yet, we remain unsure of our national purpose. There is an imbalance in our total performance; the prowess of our engineers and scientists—the piling up of material things and military power—has confused our sense of priorities. Our materialism threatens to demean the quality of American life.

President Johnson described the intimate link between poverty and racial injustice when he said: "The world must not be divided into rich nations and poor nations, white nations and colored nations. In such division are the seeds of discord and danger in the decades to come." The President has emphatically declared that the full development of our "human capital" is the first task of the American people—and he has challenged his countrymen to bind up the social lesions that are impairing the vitality of our Nation. It is this view that our civilization will lack authority until we have created an authentic equal opportunity society.

It will take much more than new miracles of science to differentiate our civilization from that of our increasingly affluent world neighbors. Winning the war on poverty will still leave our society undistinguished if we fail also to tackle another poverty problem: the outward appearance of our environment and the inward development of our citizens.

More than we have admitted, we owe the success of the American experience to the success of American education. The real roots of our national power rest in the imagination and idealism and creativity of our citizens. President Johnson's "great society" depends upon developing the full potential of the American mind—and we cannot escape hope to succeed in this task if we continue to starve vital sectors of our educational enterprise.

A paramount tragedy of public life is that we "afford" for our public schools what is left after other public needs are met. As a result, we confer only meager rewards and underling status on our corps of professional teachers, and we cheapen the quality of the instruction of our students.

Our underinvestment in education really deprives us of the only kind of wealth that will prevail in the long run—superior minds trained to distinguish true values and capable of bridging the gulf between the sciences and the humanities. We must make ours the most productive society—productive in terms of human fulfillment. First-rate civilization requires a first-rate system of education.

Edward Durrell Stone recently remarked that it had taken the American people 50 years to convert their country from "one of the most beautiful to one of the ugliest." Lamenting the design of our cities and the destruction of our landscapes, he concluded that "in this period of prosperity and abundance, we can afford everything but beauty."

Fellow Arkansan Fulbright seconded Steve, saying that the United States has been "taking on the physical appearance and cultural atmosphere of a honky-tonk of continental proportions."

We have grown too fast to grow well. Much of the freshness and wonder of our land has been the victim of the overpowering pace of "progress."

And let us not mistake it, when the battle for beauty is irretrievably lost, an idealism that is an essence of greatness also will have been lost. Is it really too late to recapture the sense of balance and order that marked the thinking of Franklin, Jefferson, and Emerson? Unless we make beauty a dynamic part of our national purpose the art of living in this land will lack the aspiration and inspiration that go with greatness.

Thomas Jefferson wrote "from the heart" that the one thing that he envied the nations of Western Europe was their art. Aware that raw courage and physical prowess of the colonists were secondary virtues, Jefferson recognized that America could not hope to influence the affairs of mankind in the long run unless she had a cultural awakening.

Jefferson grasped that British culture was the key to the durability and glory of British power. He accorded Britain more respect than Spain, not because she had destroyed the Spanish Armada or "ruled the waves" or possessed far-flung colonies, but because she could produce such enduring human institutions as the parliamentary system of government, the English common law, and a mode of colonial rule that enabled her to govern diverse areas of the world with enlightenment and humaneness. It was not her kings, but her kingly minds—Shakespeare, Chaucer, Purcell, Christopher Wren, and the rest—that Jefferson envied; not her empire, but the empire of the mind that such men produced. The success of British society, Jefferson divined, was directly related to a flowering of the human spirit that, daily, gave fresh hope to the human enterprise.

The assumption that the arts are at the center of the essential dialogue in a democracy is as valid a premise today as it was two centuries ago. The arts, given the preeminence they deserve, affect our daily lives, permeate our politics, give insight to our science, and renew our aspirations.

The creative output of each age adds a morsel to the experience of the past, deepening man's understanding of his world and of himself.

If we are to have an America of beauty and taste, we need the arts, and need them desperately. We need the contribution they make to the public happiness, we need what they add for variety and livability in our cities, and we need the high impulses which they invoke from the artist.

Our goal should not be imitation, nor an artificially developed cultural elite. Our goal should be the development of elite opportunities and widening horizons for all. We must never settle for a society that measures its gains by an abundance of leisure, but strive always for a rhythm of life in which leisure becomes reflection and reflection is translated into wisdom and art. Our Acropolis must honor the artistic as well as the mechanistic.

To be sure, a creative society will cost more, in terms of private endeavor and in terms of public investments. But Justice Oliver Wendell Holmes—a cheerful taxpayer—summed up the case for public expenditures and the public happiness: "Taxes are the price we pay for civilization."

A postwar cliche is that no price is too great for survival. But survival alone is not our only goal: truth, beauty, the conditions that encourage human dignity and a sense of order are some of the things that make survival meaningful.

Greatness in a civilization is a subtle blend of strength and grace, of power and poetry, of prowess colored by excellence. If we aspire to become a "great society" we must bring balance to our scheme of national priorities, must upgrade our efforts in education, in conservation, in culture.

Above all, we need to arouse the latent creativity to bring it into the mainstream of our national life.

We will meet this final challenge of our age only if we are unafraid of idealism—and have faith in the self-renewing power of the American system.

A half century ago Chicago's inspired city planner and civic leader, Daniel H. Burnham, uttered a challenge vivid enough to serve our day as well as his: "Make no little plans; they have no magic to stir men's blood, and probably themselves will not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever growing insistency. Remember that our sons and grandsons are going to do things that will stagger us. Let your watchword be order and your beacon beauty."

Citation, University of Rhode Island

By authority of the Board of Trustees of State Colleges and upon recommendation of the president and faculty has conferred upon Stewart L. Udall in recognition of distinguished achievements the degree of doctor of laws, given at Kingston, R.I., this 18th day of April, 1964.

Signed: George W. Kelsey, chairman, board of trustees of State Colleges; Francis H. Horn, president of the university.

Stewart L. Udall, with the vigor and directness appropriate to a scion of Arizona pioneers, you have grappled with what you have aptly called "the quiet crisis" of conservation in a gallant effort to save America for its people and Americans from themselves.

As Secretary of the Interior you have mapped plans to preserve our resources of forest, stream, and mountain for the refreshment of our growing population and for the delight of future citizens. Nourished by your own love of the out of doors, trained in a lawyer's clear and pragmatic thinking, and experienced in the ways of legislative action and public opinion from 6 years in the Congress, you are well prepared to rouse the conscience of the American people and to keep them from selling for momentary profit, their birthright of fresh landscapes and far horizons.

Educated in a people's university like our own, the University of Arizona, you have continuously spoken out for the rights of the people—among them the voteless District of Columbians and the disinherited Indians.

Fish and wildlife, public lands, national parks, water power, and mineral resources—in all these areas your global concept of conservation is being felt. We in Rhode Island welcome you to the smallest State in the Union which, perhaps because of its size, has always been conscious of the need to use its resources wisely. Your presence here today confers honor upon us and it is with pride and pleasure that we welcome you to honorary fellowship in this University by conferring upon you the degree of doctor of laws.

April 18, 1964.

Francis H. Horn,
President.

ADDRESS BY HON. L. H. FOUNTAIN BEFORE THE HOUSE OF DELEGATES OF THE MEDICAL SOCIETY OF THE STATE OF NORTH CAROLINA

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Kornegay] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, I wish to bring to the attention of the Congress a most perceptive and thought-provoking speech made by our colleague, the Honorable L. H. FOUNTAIN, before the house of delegates of the Medical Society of the State of North Carolina at its annual meeting in Greensboro. He spoke about the problem of maintaining a proper balance between medical practice, medical research, and the teaching of medicine in the light of the Government's large and increasing expenditures for medical research.

The Representative of the Second District of North Carolina is one of the best informed men in the Congress on the Federal Government's programs for the support of medical research. The work of the Intergovernmental Relations Subcommittee, which he heads, has resulted in important improvements in the management of the grant programs of the Public Health Service and of other Government agencies. Accordingly, it is fortunate that he has addressed himself to this very important and neglected problem of maintaining balance in the field of medicine.

I include Mr. FOUNTAIN's speech in the RECORD at this point:

ADDRESS BY REPRESENTATIVE L. H. FOUNTAIN BEFORE THE HOUSE OF DELEGATES OF THE MEDICAL SOCIETY OF THE STATE OF NORTH CAROLINA AT ITS ANNUAL MEETING, GREENSBORO, N.C., MAY 3, 1964

I consider it a high honor and a great privilege to have been invited here to address the house of delegates of your fine medical society of our great State of North Carolina.

I have great respect for the medical profession. Medicine, to me, is one of the noblest of callings. Over the years I have maintained many close friendships with members of the medical profession.

In this connection, I recall with great pride and warmth that the man who actively managed my campaign for Congress back in 1952 was a medical doctor—a general practitioner; and he was the very same man who brought me into this world.

I'd like to take this opportunity today to discuss with you one of the problems of the medical profession that relates to committee work in which I have been engaged in the Congress. I refer specifically to the problem of maintaining a proper balance among the components of medicine: practice or service, research, and teaching.

Nature represents a remarkable balance with every living creature depending for its existence on something else. Consequently, upsets in nature usually result from the simple but tremendously important fact that this dependence has been interrupted.

A typical example of such an upset in nature's balance was brought about when the mongoose, a nonnative of the West Indies, was deliberately imported from India in the 1870's. Because the mongoose was a "natural enemy" of the rat, which annually destroyed about one-fifth of the sugar crop, it was felt that the introduction of the mongoose would be a great economic boon.

The first five mongooses (I understand that is the plural rather than mongeese) were brought to Jamaica in 1872, and within 10 years they had so increased in numbers and had attacked the rats with such vigor that of the 4 species of rats known to the island, one had disappeared completely; another had become virtually extinct; another had ceased to be a menace to the sugar crop; and the fourth had saved themselves only by taking to the trees, nesting well above the ground where the mongooses did not bother them. In short, the rat problem seemed to be licked.

Accordingly, the mongoose was introduced to all of the other West Indian Islands. And except on a few, where native species with a natural antipathy to the mongoose, kept them from getting a foothold (or perhaps it could be more properly described as a stranglehold), they made such inroads on the rodent population that rats became increasingly hard to find. Then the mongoose began ravaging other mammals, birds that fed or nested on the ground, snakes, lizards, amphibians, land crabs, and in some cases they even took to destroying sugar cane themselves.

Largely because of mongooses, more kinds of animals have been exterminated in the West Indies in a relatively brief period, than on the entire North American continent since 1492. Many other species are virtually extinct. Mongooses, however, are almost everywhere, and no smaller animals are safe from them. Fully grown dogs and cats can take care of themselves, but they are usually kept indoors anyway to keep down the rats and mice who have found houses their only real haven from the mongoose.

Now they are trying to find some way to get rid of the mongoose.

Just as the balance of nature is determined by a mutual relationship between organisms, so too the stability of social institutions is affected by the interrelationship of their parts.

The field of medicine is confronted today by many problems of balance. Today, I propose to touch upon but one: the question of whether the Federal Government's very generous support of medical research has created manpower shortages in other areas, particularly in medical practice.

It is estimated that in the next fiscal year the Federal Government will spend more than $1 billion for medical research and an additional one-third of $1 billion for health-related training. Every citizen is benefited in one way or another by these medical research and training activities, as well as by the Government's related expenditures for preventive and community services, and hospital construction.

While a number of Federal agencies are concerned with health-related research, the National Institutes of Health accounts for more than 60 percent of the total. Similarly, NIH is the principal supplier of training funds in medical and other health-related fields.

Since NIH is now the major source of Federal grants for medical research, I think it useful to review the magnitude of that agency's growth. NIH appropriations, excluding construction funds, have increased from a level of approximately $50 million in 1950 to around $900 million in the current fiscal year, and the President has requested $957.4 million for 1965.

This would mean an NIH budget of over $1 billion for the next fiscal year, including the health research facilities program. More than 80 percent of this money is spent in the form of grants for the support of research and training, with the remainder spent mostly in its own laboratories. The grant supported activities are carried on predominantly in medical schools, hospitals, and other research and educational institutions. Few programs in the history of our Nation have grown so rapidly and have been supported by the Congress so generously.

All of us would agree, I think, as to the propriety and wisdom of Government support for medical research. The Federal Government has a vital interest in fostering research and other activities designed to improve the Nation's health. Moreover, as a major supplier and purchaser of hospital and medical services (in Veterans' Administration, military, and Public Health Service hospitals, and through public assistance and other aid programs) the Government also has a special interest in reducing these costs through efforts to prevent and control illness.

During my years in Congress, I have consistently supported legislation for these vital research programs. At the same time, however, I did not hesitate to speak out when my subcommittee found that these same NIH grant programs were being mismanaged. I firmly believe these programs, like all other Federal programs, must meet the tests of efficient and economical administration if the interest of the American taxpayer is to be protected.

The field of medicine may be said to be in a state of balance when there is an optimum distribution of doctors between the major areas of practice on the one hand, and research and teaching on the other.

We have passed through a period during which the output of our medical schools has failed to keep pace with our population growth. As one result, the hospitals in our large cities are heavily dependent upon foreign-trained doctors; as another consequence, many of our rural areas are inadequately served. It should be recognized, of course, that the productivity of the doctor has been increased through medical advances, including improved drugs and techniques, so that doctor-patient ratios do not tell the full story.

The balance in medicine has been disturbed even more by the massive Federal expenditures for medical research and training. These funds have served principally to divert manpower from medical service to research, and also to some extent from teaching to research. On the training side, the Federal money has not increased the number of doctors. It has, however, increased the supply of some highly trained medical specialists, primarily for research, at the expense of the general practitioner. At the same time, Federal research and training funds have undoubtedly improved the quality of medical education.

Given a situation where the medical school input is relatively constant, it is obvious that the more research money the Government offers under favorable terms, the more likely it is to upset the manpower balance in the field of medicine. An increasing proportion of the limited supply of our future doctors are attracted to research careers. Men already in practice become interested in the new research and training opportunities on a full- or part-time basis. And the doctor who might otherwise be a dedicated teacher finds there is considerably more prestige, recognition, freedom, and perhaps pay in pursuing a research career.

We are not asking the question: "Is research good for society?" The answer to that is a resounding "yes." We are asking instead: "How much research is desirable?" The answer to that question involves two basic considerations: First, the quality and the importance of the research and; second, translating research findings into practice. The second point, relating to how we can take advantage of the fruits of research, is of tremendous importance, but time will not permit our exploring it today. We shall focus instead on the importance and relative quality of research in the context of how much research is desirable for the Government to support.

First. I should like to point out that NIH operates under a highly unusual appropriations pattern. Appropriations for the NIH programs have not followed the usual course by which the President's requests are either approved as submitted or in a somewhat modified form, or they are reduced or denied entirely by the Congress. Instead, except for last year when the President recommended greatly increased funds over the previous year, the President's budget recommendations for the agency have been consistently increased by the Congress during the past 12 years—in many years by more than a third. The President's budget recommendations to the Congress are predicated on the assumption that the grants NIH has already made are worth supporting and are being used efficiently (the latter assumption is open to some question in view of the studies of our subcommittee), and they also allow for the orderly funding of new grants. When Congress increases the President's request, we assume further that many more important research projects are ready to be done and manpower is available to do the research. In terms of our criteria of quality and balance, these may be very questionable assumptions.

In June 1962, our House Committee on Government Operations issued a report on the "Administration of Grants by the National Institutes of Health." In that report, the committee called attention to the fact that, according to the NIH criteria for rating grant projects, the average quality of such projects has been steadily declining in recent years. The proportion of the best projects has declined, while there has been a corresponding increase in the proportion of supported projects in the lowest priority group.

The committee could not escape the conclusion that the large annual increases in the NIH appropriation in past years had probably contributed to the increasing support of lower quality research. It reached this conclusion even though it was aware that all projects supported by NIH were found by consultants to possess scientific merit.

Research projects are reviewed for technical merit by panels of experts at NIH, but projects do not have to compete against one another for support. Each panel, or "study section" as it is called, operates in a narrow field of specialization and has no limitation on the number of projects that it can approve for support. Every project found to be technically sound by the study section in a particular field is approved, assigned a priority rating, and sent to the advisory council of one of the Institutes for final review. The priority rating only comes into play if there are insufficient funds to support all projects.

The NIH review system suffers from the same weaknesses which Dr. Alvin M. Weinberg, the Director of the Oak Ridge National Laboratory, has so ably observed with reference to panels of the President's Science Advisory Committee. Dr. Weinberg wrote in an excellent article entitled "Criteria for Scientific Choice":

"The panel system, however, suffers from a serious weakness. Panels usually consist of specialized experts who inevitably share the same enthusiasms and passions. To the expert in oceanography or in high-energy physics, nothing seems quite as important as oceanography or high-energy physics. The panel, when recommending a program in a field in which all its members are interested, invariably argues for better treatment of the field—more money, more people, more training.

"The panel system is weak insofar as judge, jury, plaintiff, and defendant are usually one and the same.

"The panel is able to judge how competently a proposed piece of research is likely to be carried out; its members are all experts and are likely to know who are the good research workers in the field. But just because the panel is composed of experts, who hold parochial viewpoints, the panel is much less able to place the proposal in a broader perspective and to say whether the research proposal is of much interest to the rest of science."

The review procedures of NIH provide a mechanism for evaluating how well a particular research project is likely to be done. But NIH panels, composed of specialists and advocates of the field under review, do not bring to bear what Dr. Weinberg calls the "external" criteria, concerned with the question of whether the research should be supported at a given level or even supported at all, in terms of its importance relative to other fields of science.

With its great abundance of money, NIH, in effect, awards research grants to virtually every investigator who has the proper academic credentials and institutional affiliation and who submits a research proposal that musters a passing grade from a group of fellow investigators in his particular field of specialization. Under present practice, NIH supports virtually all projects found by its outside consultants to have scientific interest regardless of a project's relative quality and importance. The test is not excellence, but rather a minimum standard of acceptability. The superior projects constitute only one-fourth of all projects that are approved.

I was impressed, in this connection, by the testimony of Dr. Vannevar Bush, now the honorary chairman of the Massachusetts Institute of Technology, when he appeared last winter before the House Select Committee on Government Research. The establishment of the select committee reflected concern in the Congress over the tremendous expansion and possible duplication of science programs in recent years. Dr. Bush said:

"The spectacular success of applied research during the war led to a fallacy entertained by many. It is that any problem can be solved by gathering enough scientists and giving them enough money. To solve the problem of the common cold, assemble a great institution, fill it with scientists and money, and soon we will have no more colds. It is folly to thus proceed. The great scientific steps forward originate in the minds of gifted scientists, not in the minds of promoters. The best way to proceed is to be sure that really inspired scientists have what they need to work with, and then leave them alone."

He added: "If the country pours enough money into research, it will inevitably support the trivial and the mediocre. The supply of scientific manpower is not unlimited."

I think we as a nation must face up to formulating a sharper evaluation of our objectives in the NIH research grant programs. A proper evaluation ought to take into account questions such as these:

Is the meaningful research confined to a relatively small number of gifted people; or are significant contributions made also by a high proportion of those who receive Government research support?

Are the present grant policies and the availability of almost unlimited funds attracting too many medical doctors to research careers, to the detriment of medical service?

Is the Federal Government getting diminishing returns from its ever-increasing research expenditures?

These questions, of course, are basic to the balance in medicine, and ought to be studied carefully. Here is an opportunity for medical statesmanship.

During the past several years, I have had considerable exposure to problems in the field of medicine in connection with my subcommittee duties in the Congress. While this work has been primarily concerned with the management of the Government-supported research programs, the experience has been a broadening one. And my understanding of this complex field of medicine was broadened still further these past few months as my subcommittee has engaged in a study of the safety of drugs, with particular reference to the Food and Drug Administration's handling of the new drug applications for certain drugs removed from the market because of dangerous side effects. Our drug safety study is still in progress, and I am hopeful that our work in this important area will be beneficial to the medical profession as well as to the general public.

As a fairly well informed observer, but not a professional, in the medical field, I personally feel that many research projects that have been brought to my attention are not of the importance or quality that Congress had in mind when appropriating funds for this purpose. Some of these projects, moreover, have involved large amounts of money. Although our committee issued two reports and published two hearings dealing with the administration of the NIH grant programs, I and the committee have received relatively few letters from doctors addressing themselves to the issues I have talked about today.

The mail we have received has been very heavily from grant-supported investigators, most of whom have written to express their fears concerning the Public Health Service grant regulations or the studies of our committee. Within the limits of my office resources, I have tried to reply promptly and responsively to this mail from doctors and other members of the scientific community, because I think it important that the scientist and the politician communicate effectively, and avoid misunderstanding in these matters.

Along these lines, the North Carolina Medical Journal, last July, printed a short editorial entitled "The NIH and L.H. FOUNTAIN," based upon an article which had appeared in another scientific publication. While I am sure the editorial was intended to be helpful, it conveyed the mistaken impression that a controversy existed between the NIH Director and me which might be resolved by a luncheon meeting.

I wrote the editor at the time that I thought the journal could make a real contribution by examining the issues raised by our committee, and by others, with respect to the Government's health research programs. I still think so.

Many articles have appeared in the press in the past few years dealing with the doctor shortage, and some with the unfavorable effects of the Government's large expenditures in support of health research. But there appears to be very little published material concerning the interrelationship of the major components of medicine (practice, research, and teaching) in maintaining a stable balance. Scholarly study of this problem is long overdue.

It is noteworthy also that the Federal Government has recently authorized a new grant program to help enlarge the capacity of our medical schools. However, this latter step, in my judgment, cannot hope to alleviate the shortage of medical practitioners if the stimulus for research activity is continually increased.

I hope that you gentlemen, in your respective medical institutions and through the medical society of our State, will give your attention to the problem of maintaining an appropriate balance. We in the Congress have a real need for such information from informed professionals—especially those who can look at the Federal programs objectively.

ARMED SERVICES DAY

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. STEPHENS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STEPHENS. Mr. Speaker, on Monday, May 11, the Honorable L. Mendel Rivers, of South Carolina, ranking member of the Committee on Armed Services, addressed a gathering of 800 citizens in Augusta, Richmond County, Ga. The meeting was sponsored by the chamber of commerce and has been an annual event of this body to pay tribute to the persons who serve in the armed services. The warm reception of the speech of Congressman Rivers makes it even more important that his thoughts should have a wider audience. Therefore, Mr. Speaker, under permission granted, I include the text of this address in the Congressional Record where it can become a part of the permanent documents of the United States:

Address by Hon. L. Mendel Rivers

The irony about Armed Forces Day is the hypocrisy attached to it. This is my reason for making that statement.

We set aside this day to honor our Armed Forces. Once we had Navy Day, Army Day—each on a separate occasion. However, since the advent of unification, which is synonymous with quadruplication, we have now but 1 day set aside out of 365 or 366, whatever the case may be, to honor those persons now serving as members of our Armed Forces.

Probably the ratio makes sense—that is, the ratio of 1 to 366 represents a fair appraisal of the appreciation that some people have for the job performed by members of our Armed Forces. In other words, on 365 days out of the 366 this year, members of our Armed Forces are exposed to an open season with no game limits. But on this day, it is incumbent upon officials, and elected officials in particular, to say something nice about our Armed Forces.

I find that it take me all the year, working every day, to defend the military against the insidious attacks heaped upon it by the "do-gooders," the "coexistencecrats," the "disarmamentcrats," and other unrealistic stargazers and admixtures of antipathy to a military strength and preparedness.

I am sure you remember the poem, "God and the Soldier We Adore." And I know you remember Kipling's words titled "Tommy Atkins."

Being human, the Armed Forces makes mistakes and many of them. So does General Motors, so does the Georgia Power Co., so does the Augusta Chamber of Commerce, so does the Newport News Shipbuilding Co., so does Mendel Rivers, so does General Foods, and so did and does General Eisenhower.

For as long as I can remember I set aside 1 day each year in Washington and have a luncheon for the Joint Chiefs of Staff. This is to pay honor to the men whose consummate judgments are compelled to plan the military strategy for America and the free world. I have cigars made in their honor and they are the kings for that day. I make this plain to my assembled guests. Everyone from the Speaker of the House of Representatives, who attend, come to pay tribute to the Joint Chiefs of Staff. The Secretary of Defense, the chairman of the Armed Services Committee of the House attends. This is the largest luncheon on Capitol Hill. My guests come from all over America. I do this to point out the awesome responsibility these men have. On their shoulders, on their decisions could rest the survival of humanity.

Now today, throughout the Nation, the editorials in the newspapers will brag about our Armed Forces—and tomorrow, there will be editorials about interservice rivalries, unnecessary duplication, wasteful practices, and criticism of some general for having driven to the golf course in an official car.

Did it ever occur to you that it wasn't MacArthur who lost the battle of Korea? Did you know that war was run by the United Nations? MacArthur's job was not to win. Did it ever occur to you it was not the victorious Army of America who lost the battle of Europe? We lost that victory at Yalta and Potsdam. Did it ever occur to you that it wasn't the military who decided not to invade Cuba? This was from the advice of our friends in the U.N. The military had the victory in the palms of their hands until the President of the United States decided not to occupy Cuba. Yes, my assembled friends, the military of this country has never lost a war. The victories have been plundered by men who wear the civilian clothes.

Today the generals and the admirals are heroes; tomorrow the generals and the admirals will be waste mongers who are building up a military caste system and who are paid far more than they are worth.

Today we pay them great tribute, tomorrow we will castigate them.

If it were an infrequent operation, it wouldn't be so bad, but unfortunately the castigation process continues for 364 days in the normal year with only 1 day set aside for salvation.

I hope that you will understand me when I say that I will not be a party to this form of hypocrisy which pays tribute to the members of our Armed Forces on 1 day a year, and then joins the great clamor for their heads the rest of the time.

If anyone among you is greatly concerned about the operation of our Armed Forces and thinks that they do everything wrong; if anyone among you thinks that the generals and admirals only waste the taxpayers' money and live in the lap of luxury; if there is anyone among you who thinks the draft law is unnecessary; if there are those among you who think that we are the victims of unnecessary duplication in the functioning of our military departments, then I suggest that you now sit back, relax, and close your ears. For I am about to tell you that there is unnecessary waste and duplication in the Armed Forces just as there is waste in every organization in the United States of America, and in every other country in the world.

And I will tell you that there are undoubtedly generals and admirals in our Armed Forces who are not outstandingly competent men.

There are officers in our Armed Forces who should not be officers, but there are also officers among our various industries who should not be officers in our industries in the United States.

And the greatest test of any issue is the result. You are free today. Most of you are gainfully employed. I dare say that most of you eat well and sleep comfortably.

But I can assure you that it is not because the Soviet Union has wished this great happiness upon you.

No, it is because we have men and women who stand ready 24 hours a day to withstand the onslaught of armed attack and at the same time stand ready to retaliate with such devastating force that the initiation of an onslaught is practically unthinkable on the part of the Soviet Union.

The thanks they usually get is the constant criticism by newspapers and everyone else who can write an article and sell it to a magazine. I refer to the articles that appear in Life magazine, for example. According to Life magazine, if we don't have unification of our Armed Forces, the country will go to the dogs because of interservice rivalry.

I can tell you that there is interservice competition, but if anybody took the trouble to figure out why, they would be very happy to discover why this is true. For example, when they were trying to decide, before World War II, whether we were going to have liquid or air-cooled airplane engines, suppose a unified decision had been in favor of an air-cooled engine. Well, if it had, we might still be fighting the Japs because we needed both.

So, people are alive today because of that rivalry.

You can thank God for interservice competition because without it we would be living in the fool's paradise of a single concept of defense that very well could be wrong. But to Life magazine, this is nothing because consolidation, unification, single-thinking, one-thought operations are the panacea for America.

Recently, another leading magazine took great delight in editorializing and showing pictures of a "service fleshpot" in Okinawa.

What did it accomplish? It aroused a great deal of concern among the dependents, friends, families, and sweethearts of servicemen in that area. And after it was all over, it turned out to be a tremendous exaggeration with very little foundation.

The whipping boys of the American people; the whipping boys of the paper-back novels; the whipping boys of the two-bit writers—are our Armed Forces. You can pick up, practically any day, a cheap magazine in this country and you will find therein a diatribe aimed at the armed services or some parts thereof.

But this is understandable. No man ever received fame for being happily married for 50 years; but let him strike his wife with a yardstick, and the whole town would know it.

You don't sell magazines by saying nice things about people.

But I would like to make a suggestion to temper the times just a little. I would like to suggest to the newspapers, the magazines, the pulp writers, the two-bit writers—and also to the intelligent writers and syndicated writers, that they dedicate themselves not 1 day a year, but at least 1 day a month, to the writing of an article telling what's right about the armed services.

In the world of today and tomorrow they can only survive because you and I are willing to fight their battles on the streets, in the newspapers, in the books and in our hearts. If you fail to win their battle, if you fail to give them the support they need, they not only lose, but you could well lose America. Remember the words of the poet, "He who saves his country saves all things."

TRIBUTE TO PRESIDENT JOHN F. KENNEDY

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, in the months that have passed since the tragic assassination of our late, beloved President John F. Kennedy, many words have been written. Just recently, one of the most moving tributes I have seen has come to my attention.

This is a poem written by a young man named William Chester Rhodes. He is the 15-year-old son of a prominent and respected physician, Dr. John Rhodes, of Lehighton, Pa., in my congressional district.

Dr. Rhodes is a member of the medical staff of the famed Gnaden Huetten Hospital and the Palmerton Hospital in Pennsylvania. The boy's grandfather, Justice Chester Rhodes, of Stroudsburg, Pa., is among the most respected jurists in our Commonwealth. Judge Rhodes is now president judge of the superior court in Pennsylvania, who will retire at the end of his present term. Judge Rhodes is voluntarily retiring, but if he had chosen to place his name before the electorate again, I assure you he would have won reelection by a substantial margin.

Although I do not pretend to be an expert on literary matters—and especially on the poetic muse—I was tremendously impressed by this poem by young William Rhodes. It has within it, I think, the emotions and the sorrows that all Americans felt during those dark and ominous days last November.

The poem was passed along to me by my very good friends Attorney and Mrs. John P. Lavelle, of Lehighton, Pa., and I regard it so highly that I have requested permission to insert it in the RECORD of the proceedings of this 88th Congress:

To J.F.K.

(By William Chester Rhodes)

The people lined the streets, you see
To watch a man, a martyr to be.
The assassin's gun rang loud and clear
And suddenly there was a tear
A tear that made the Nation say
A saint has passed along this way.

A futile attempt to keep a flame
Of life alive, and then there came
A final breath
A kiss of death
A mourning nation in disarray—
A saint has passed along this way.

A little hand the coffin caressed—
His son a gallant salute addressed.
A mother and father alive to bear
The anguish of their son's despair.
A woman alone—for in this day
A saint has passed along this way.

He who loved freedom, and freedom for all
Now lies beneath a funeral pall.
A cardinal came from Boston's shore.
To aid this man beyond death's door.
And foreign dignitaries array
To aid this saint pass on his way.

The Government remains, the Nation will stay
Beyond this man—this J.F.K.
And live in memory, indeed he may!
And we were alive to witness this day
He was the saint who passed this way!

WEDDINGS ARE NOT INTERSTATE COMMERCE

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I have today introduced H.R. 11238, a bill providing an exemption from the National Labor Relations Act and the Labor-Management Relations Act, 1947, for certain musical engagements. This amendment is necessitated by recent decisions of the Federal courts extending the coverage of the NLRA to these engagements despite the fact that the National Labor Relations Board has never asserted jurisdiction over these small, casual engagements.

The major types of musical engagement to be excluded are wedding, confirmation, bar mitzvah, and so forth. These activities are primarily intrastate in character. Moreover, the small amount of crossing of State lines that is involved surely does not have the capacity "to disrupt commerce," the avowed congressional reason for passage of the labor acts. The economic relationships are casual in the extreme and involve small numbers of individuals. Their effect on commerce could not be more miniscule.

Those musical activities that have some impact on interstate commerce, such as recording, motion pictures, and the like remain covered by the act. Thus, the proposed amendment specifically provides for coverage where "the employer is a recording company, radio and television broadcasting corporation, a motion picture or theatrical producer."

I believe that the failure of the National Labor Relations Board to assert jurisdiction in this area correctly reflects the congressional intention. Our congressional concern has, quite legitimately, been directed to labor matters that have a national impact, that might serve to burden commerce. Viewed against this standard, application of the Federal Labor Act to musicians performing at a wedding would be a caricature of the legitimate concerns of Congress.

The labor acts were never intended to control these social engagements which are, obviously, local in character and do not interfere in any realistic sense with interstate commerce. A wedding at which four or five musicians perform for an amount approximating $100 is surely not the type of business activity that impelled this Congress to pass the broad regulations of labor relations contained in the Wagner, Taft-Hartley, and Landrum-Griffin Acts. When a local fraternity sponsors a dance, the brothers would be astonished if they knew that they were then dealing with an industry affecting commerce.

There is no stability or permanency whatsoever in the employment relationship. The musicians at the fraternity dance might or might not ever play together again. They have no continuing relationship but are chosen for these casual musical engagements in about the same manner that a pickup softball team is chosen at the annual Elks outing. The clear intent of Congress in passing the labor acts was to regulate the traditional, permanent employer-employee relationship common in American industry, not the chance arrangements that predominate in the musical field. That legitimate area of concern with permanent relationships between employer and employee that underlies these congressional regulations is totally absent in the casual musical engagement.

The judicial decision which in my opinion misconstrued the congressional intent—*Cutler* v. *American Federation of Musicians*, 316 F. 2d 546, Second Circuit Court of Appeals—did not consider, at any length, this critical question of interstate commerce. The court's decision would indicate that the lawyer, the doctor, and other professionals like the musician are engaged in interstate commerce. Indeed, the actual activities of the doctor are remarkably similar to those of the professional musician. Each performs services for different individuals at different times and often at different places; each is paid on the basis of each service performed; each operates within a limited geographical area. None of these important factors was mentioned by the court in ruling in the Cutler ruling. No reference was made to the congressional purpose to be served by this unwarranted extension of interstate commerce to local activities.

Yet, this decision has thrown into confusion the working practices of every musician performing single musical engagements. The American Federation of Musicians has been constantly harassed by the individuals who instituted the Cutler litigation, whose only apparent purpose is harassment for harassment's own sake. The AFM has thus been forced to pay substantial lawyers' fees and other litigation expenses in order to ward off these attacks. These individuals apparently seek personal gain and notoriety at the expense of the thousands of working musicians whose present working conditions reflect the long and often difficult fight that the American Federation of Musicians has made for their benefit.

The American musician has long suffered the devastating attack of unemployment. Job opportunities in this field have diminished and the average earnings of the professional musician are astonishingly low. The American Federation of Musicians has fought hard and against tremendous odds to better the working conditions of our musicians. Unless we assure our musicians a livable wage and the prospect of continued employment, none will enter this field and our future generations will be the losers. The federation deserves the heartfelt thanks of every music-loving American citizen for its valiant efforts to preserve our musical heritage. The AFM needs and well merits our help in this critical hour.

The current attacks on this union that has so faithfully and successfully represented the interests of the American musician show no sign of ending without our help. Despite the onslaught of litigation, the American Federation of Musicians has successfully convinced the courts of the legality of its working practices in all but one situation. This is the method of collection of dues. Over the years, the federation evolved a system which depended upon the forwarding of the members' dues to the union by the so-called leader of the engagement. This method of collection was required precisely because of the casual employment relationship under which a given group of musicians might never play together again. The leader was in fact a working musician just like the other musicians on the engagement whose only distinguishing characteristic was that he had been contacted by the purchaser of the music. In fact, any leader on the very next musical engagement he played, would in all probability be performing as a working musician under the leadership of another musician. This practice stemmed, quite naturally, from the fact that the relatives and friends of a given musician would approach him when they needed musicians for a wedding, dance, or the like. That musician would then contact other musicians and would act as leader for the engagement. Over a period of time, certain musicians who achieved prominence for one reason or another would devote a greater amount of their time as leaders. Yet the practice of working as leader on one engagement and sideman on another still predominates. The decision in the Cutler case stated that leaders who devoted all their time to leading were employers and, by a highly literalist reading of section 302 of the Labor-Management Reporting and Disclosure Act were thereby prohibited from forwarding to the union the dues of the musicians working on their engagements. I believe that this conceptual reading of section 302 completely ignores the real purpose of that statute. The Supreme Court has held that section 302 was intended to prevent bribery of union officials by employers. The application of that statute to the dues practices of the musicians union is thus totally unrelated to its basic purposes. Moreover, the decision gives rise to impossible problems of application. May a man who acts as a leader in all but three or four weddings a year perform this union obligation? Five or six? At what point does the musician who acts as a leader become an employer so that the traditional union practices must be discarded? How can the union possibly operate in an area so filled with uncertainties and confusion? The very fiscal structure of this union has been jeopardized by these vicious attacks and by the highly technical decision of the second circuit.

I urge that H.R. 11238 be passed so that these unjust and unwarranted attacks upon an honored organization be ended. I ask that H.R. 11238 be passed so that the legalistic reading of section 302 in the Cutler decision be corrected. And last, but most important, I ask that H.R. 11238 be passed so that this ridiculous extension of the labor acts to the neighborhood dance and wedding be abolished.

INCREASE THE MINIMUM WAGE TO $1.50

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 10 minutes.

Mr. RYAN of New York. Mr. Speaker, today I have introduced legislation to amend the Fair Labor Standards Act of 1938 to increase the minimum wage to $1.50. This is a necessary step if we are to raise millions of workers above the poverty level. President Johnson has called for "an unconditional war on poverty," and Congress must respond. Since the President's eloquent plea the press, radio and television networks, major magazines, and an increasing number of important books have brought to public attention the plight of that large segment of our population living in poverty.

The proposed Economic Opportunities Act of 1964 is an important bill, for it provides an arsenal of weapons needed to begin the war on poverty. I emphasize the word "begin," for it is obvious that the provisions of this bill, laudable as they are, are capable of fighting only the first skirmishes of this war.

For example, the proposed Job Corps, aims at an enrollment of 100,000 young men. Measure this against the realities of almost a million young people, between the ages of 16 and 21, who are both out of school and out of work. A tidal wave of young people is just about to hit the job market, as the postwar baby boom grows to maturity. These young people, many of them the children of the poor, must not be allowed to become the parents of the poor of the next generation.

The task of eradicating poverty in America is monumental. It will require ingenuity, imagination, and above all a commitment of sufficient financial resources. It will also require a varied arsenal of weapons. One of the most effective weapons in the war against poverty can and should be the amendment of the Fair Labor Standards Act of 1938 to raise the minimum wage of American workers. The 1961 amendments of the act raised the minimum wage of workers covered by the act to $1.25 an hour. This was one step in the gradual rise in the statutory minimum wage that has occurred since 1938.

Statistics show that there are 9.3 million multiperson families in the United States, 1 out of every 5 American families, with yearly incomes below the level of $3,000 a year. About 35 million people are members of families which live below the level of poverty. Another 15 million single individuals live below the level of $1,500 a year. Altogether, there are about 50 million Americans who live in poverty or deprivation despite our expanding economy.

Michael Harrington, whose brilliant book, "The Other America," provided much of the impetus behind the war on poverty, says that "the poor have a worse relative position in American society today than they did a decade and a half ago." Government statistics bear this out—since 1944 the share of total family income held by the poorest fifth of households has actually declined, from 4.9 to 4.7 percent.

One of the enduring myths in this country is that the poor are generally unemployed, and by innuendo, shiftless and lazy. In addition to the unemployed who are living in poverty, there are many employed workers with incomes of $3,000 or less who are underemployed or working at starvation wages. Of course, increasing the minimum wage to $1.50 will not help all those who are living in poverty and working at the same time. For the Fair Labor Standards Act does not cover all employees. Migrant workers, hospital workers, laundry workers, hotel and motel and restaurant employees, to name a few, are for the most part not covered. In 1961, the average weekly income of hotel and motel employees was $45.54; for laundry workers, it was $49.28. This hard core of America's poor deserves to be covered by the minimum wage laws. They deserve at least a fighting chance to join the mainstream of American economic life.

Legislation to extend the coverage of the Fair Labor Standards Act, H.R. 9824, is now pending before the House Education and Labor Committee. Hearings have been completed, and I hope that it will be reported out favorably. Then I urge the committee to take up my bill to increase the minimum wage to $1.50.

I do not understand how we can loudly proclaim a program to begin a war on poverty and fail to establish a statutory wage rate which at least equals the income level which is used to define poverty.

If a worker covered by the Fair Labor Standards Act is paid the minimum rate of $1.25 an hour, he will live in poverty. For if he were to work at this rate 40 hours a week, 52 weeks a year, he would earn only $2,600 a year, which is not only below the level of poverty but less than half of the income, as defined by the Department of Labor, necessary to support a family of four in an urban area at a "modest but adequate" level. Even at $1.50 an hour, he will still be far from the lap of luxury. In fact, poverty will be breathing down his neck, since his wages will be only $3,120 a year.

Mr. Speaker, there are more than a million workers now covered by the Fair Labor Standards Act whose income is below the $1.50 level. The Wage and Hour Division of the Labor Department reports that of the 2,437,000 workers in retail establishments with annual sales of more than $1 million, a quarter or more of which sales are interstate—almost half—48 percent—earn less than $1.50 an hour, or $60 a week.

Mr. Speaker, I think it is clear that if we are to wage the war on poverty with more than pop-guns and band-aids for weapons, we must first make sure that the statutory minimum wage is at least set at the level of poverty. As I have pointed out, $1.50 is not adequate but should be enacted as a first step toward reaching an adequate minimum wage. There is no doubt that in the very near future we must reach a $2 minimum wage. It must be remembered that it has been demonstrated that the statutory minimum wage under the Fair Labor Standards Act gradually has an effect on those wages not covered by the act.

For too long, we have allowed the glitter and sparkle of our general affluence to blind us to the sight of that musty cellar in which dwell the poverty-stricken of America. At last, we are responding to their needs. Let us help many of them to climb out of that dank and fetid cellar by setting a $1.50 minimum wage now.

TFX

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House the gentleman from Tennessee [Mr. Brock] is recognized for 60 minutes.

Mr. BROCK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BROCK. Mr. Speaker, the Pentagon's public affairs plan to exclude the press from access to factual information on the multi-billion-dollar TFX warplane contract and give the American people only an obviously biased viewpoint is deeply disturbing. We are indebted to the gentleman from Wisconsin [Mr. LAIRD] for calling the shocking details of this design to our attention on April 21, 1964, when he inserted in the CONGRESSIONAL RECORD Assistant Defense Secretary Arthur Sylvester's memorandum on March 5, 1964, directing news censorship of TFX developments. With the Pentagon denying the press access to legitimate news sources, it becomes essential that the Senate Investigations Committee renew its probe into the TFX affair to give the public factual information regarding the expenditure of tax dollars by Secretary of Defense McNamara.

In addition to cutting off the press from news sources, this Pentagon news management scheme calls for a rewriting of the history of the TFX affair. The Pentagon memorandum of March 5 directs those selected to release information on the TFX—F-111 tactical fighter aircraft—that:

> The fact that a saving of significant amounts of money will be achieved by development of the F-111 for all three services as compared to the cost of developing separate aircraft for each service will be emphasized.

This is a clever attempt to perpetuate one of the Secretary McNamara's many dogmatic distortions of the original TFX contract award record. He told the Senate Investigations Committee last spring that he saved $1 billion by selecting General Dynamics over Boeing as the TFX contractor. He based this on his opinion that General Dynamics was proposing one aircraft for both the Air Force and the Navy while Boeing, he said, was proposing two. The facts behind the matter do not warrant such an oversimplification. On the contrary a study of prior hearings reveals that the justification based on a stated objective of "commonality" involves some obvious distortions.

Secretary McNamara stated to the McClellan Committee on March 13, 1963:

> If I had approved what was essentially two different airplanes, the prospects of saving $1 billion would have evaporated. The issue of minimum divergence is fundamental. The effort to attain the highest possible degree of commonality lies at the heart of the entire TFX endeavor. (Hearings S. Res. 17, 88th Cong., p. 382).

On this subject Albert W. Blackburn, the civilian expert assigned by Dr. Harold Brown at the Pentagon to see that the services followed the early directive for a biservice plane, had this to say to the committee on May 22, 1963:

> Senator MUNDT. So we are now looking at the man who is the author of the computation that this would save $1 billion?
>
> Mr. BLACKBURN. Yes, sir.
>
> Senator MUNDT. Everybody has picked up your figure and has taken care of it. That, as I understand it, was an estimate regardless of contractor, and regardless of design, that you took of a hypothetical plane, a biservice plane, and said if you can get it and make it work and do the work of two planes, you ought to save $1 billion, and it had no relationship to General Dynamics or Boeing, or any of the other four earlier contractors.
>
> Mr. BLACKBURN. That is right, Senator MUNDT. Yes.
>
> Senator JACKSON. Lest the record be confused, it is my understanding that your statement in response to Senator MUNDT's question of $1 billion savings does not relate, however, to the matter before the committee, that is the proposal by General Dynamics, is this not correct?
>
> Mr. BLACKBURN. This was made relative to a TFX airplane when we did not even know who the bidders might be.
>
> Senator JACKSON. That is right, and I said this represented a figure that you had planned in connection with a joint airplane, and it was before the competition formally got underway.
>
> Mr. BLACKBURN. That is correct.
>
> Senator JACKSON. That is where the $1 billion originated, the $1 billion estimate, rather than $1 billion saving as it relates to the competition between General Dynamics and Boeing?
>
> Mr. BLACKBURN. There was never any question, I believe, Senator JACKSON, of whether there was any real difference between General Dynamics and Boeing to my knowledge as far as savings were concerned." (Id. at pp. 1190, 1191.)

Regarding the invalid basis for the decision and the Zuckert memorandum which contained the original rationale for the McNamara decision, Mr. Blackburn stated to the committee:

> I was very much surprised at the content of the Zuckert memorandum because the reasons there were not in accordance with my understanding of the proposals. Specifically, the matter of commonality difference between the proposals came to me as a great shock, primarily because I had personally been concerned about the Boeing use of common tooling with similar rather than identical parts and had made a trip to the Boeing plant in Seattle in August 1962 to get a better understanding of this approach to a biservice aircraft. I was very much impressed by the initiative and imagination that the Boeing Co. had brought to bear on this problem of meeting different requirements on common tooling while still preserving the inherent cost savings of a joint program. This has been well demonstrated in the most successful jet transport program in the United States—specifically the KC 135/707/727 program. (Id. at p. 1199.)
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> * * * * *
>
> This was of particular concern because, if commonality were in fact a reason for selecting one contractor over the other, the Boeing Co. had noted in their proposal an option whereby structurally identical aircraft as opposed to similar aircraft could be built for both Navy and Air Force, at some penalty in weight, but at reduced development cost. This could still yield an aircraft for the Navy of lighter weight than the General Dynamics proposal. (Id. at p. 1199.)

On the question of commonality Mr. Blackburn testified further:

> Taking these up item by item, the question of commonality: Commonality can be justified only on the basis of cost—cost of development, cost of procurement, and cost of operations. Moreover, these savings are real only if the degree of commonality advertised can be preserved. They are real only if savings in development and production are not outweighed by operational considerations. In the development area, it has been shown that the structural divergencies proposed by Boeing would result in slightly higher development costs than for the earlier Boeing proposal which did not include these divergencies.
>
> The CHAIRMAN. I don't have that statement.
>
> Mr. BLACKBURN. I am diverting here from the original document, just for two or three sentences.
>
> If we take cost credit for Boeing's imagination and initiative in the development of their common tooling concept as demonstrated on the 707 program, and for the lighter weight of the Boeing structure, any differences in the cost of the two production programs for reasons of commonality will disappear. (Id. at p. 1215.)
>
> * * * * *
>
> Mr. McNamara is a man noted for the exploration of options. If, as he says, "Boeing simply does not meet the fundamental requirements of minimum divergence from a common design, no amount of peripheral argument should be permitted to obscure this central and crucial fact"—that is a quotation from his March 13 statement—one can only wonder what kind of peripheral pettifoggery can be put forth to obscure the fact that Boeing included in their proposal an option to build their aircraft with an identity of parts equivalent to that of the General Dynamics proposal and still give the Navy a lighter weight airplane than that proposed by General Dynamics. I have asked the Navy experts if they would still have preferred the Boeing design if this increased identity of parts as shown as an option in the Boeing proposal were to be insisted on. Their answer was unequivocally yes. I think the saving of weight by the Boeing technique was a much more preferable solution.
>
> Thus, it appears that if the Boeing aircraft were to be built as proposed, it might cost as much as $18 million more to develop than a Boeing design with identical structure for both Navy and Air Force planes, but the Navy would be spared more than half a ton of needless structure which it would not be required to carry around for the life of the aircraft. (Id. at p. 1217.)

In this context, I would like to mention the contribution made by the gentleman from Iowa [Mr. GROSS] when he inserted an article from Aviation Week by Mr. George Wilson. This article cites the fact that the Navy is so alarmed about the increasing weight and drag of the General Dynamics' F-111B that it may withdraw from the biservice tactical fighter-bomber program unless Defense Secretary Robert S. McNamara allows substantial design changes.

From the foregoing, it is obvious that there is no factual support for the assertion that the McNamara decision to select General Dynamics over the low bidder for the TFX contract will result in savings of significant amounts of money. But this is what the Pentagon is telling the American people is a fact. Such news management involves gross distortion and the public is entitled to a full disclosure of the true facts behind this sordid affair. I urge the resumption of full hearings by the Senate Investigations Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CELLER (at the request of Mr. GRAY), for the balance of the week, on account of official business.

Mr. Shriver (at the request of Mr. Halleck), for the week of May 11, on account of official business as representative of the House Judiciary Committee, attending the International Conference on Immigration at Geneva, Switzerland.

Mr. King of California (at the request of Mr. Albert), for today, on account of official business.

Mr. Rodino (at the request of Mr. Gray), for balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ryan of New York, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Brock, for 1 hour, today.

Mr. Bromwell (at the request of Mr. Harsha), for 30 minutes, on May 14, 1964.

Mr. Roosevelt, for 30 minutes, on May 14; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Staebler and to include extraneous matter.

Mr. Mills and to include two addresses which were delivered in connection with the 11th National Watershed Congress held recently at Little Rock, Ark.

Mr. Bow to revise and extend his remarks made in the Committee of the Whole and to include extraneous matter.

Mr. Gross to revise and extend his remarks on S. 2214, the IDA bill, and to include certain tables.

(The following Members (at the request of Mr. Harsha) and to include extraneous matter:)

Mr. Morse.
Mr. Barry.
Mr. Pelly.
Mr. Devine.
Mr. Hosmer.
Mr. Broyhill of Virginia.
Mr. Ayres.

(The following Members (at the request of Mr. Charles H. Wilson) and to include extraneous matter:)

Mrs. Kelly.
Mr. Edmondson.
Mr. Morrison.
Mr. Henderson.
Mr. Pucinski in three instances.
Mr. Cameron in two instances.

ADJOURNMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, May 14, 1964, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solmnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 88th Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: William J. Green, Fifth District, Pennsylvania.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2064. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to amend the Commodity Exchange Act, as amended"; to the Committee on Agriculture.

2065. A letter from the Comptroller General of the United States, transmitting a report on an examination which shows that an unnecessary retention of spare parts stocked in western Pacific supply depots is twice the amount of stock necessary because of a policy established by the Ships Parts Control Center, Department of the Navy; to the Committee on Government Operations.

2066. A letter from the Acting Secretary of State, transmitting a draft of a proposed bill entitled "A bill for the relief of Nora Isabella Samuelli and Katherine Nabokoff"; to the Committee on the Judiciary.

2067. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to provide for recognition of 50 years of Cooperative Extension Service work with the people of the United States"; to the Committee on the Judiciary.

2068. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period July 1 to December 31, 1963, pursuant to Public Law 520, 79th Congress; to the Committee on Armed Services.

2069. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 19, 1963, submitting a report, together with accompanying papers, on East Point, La., in partial response to an item in the Flood Control Act approved October 23, 1962 (H. Doc. No. 198); to the Committee on Public Works and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 720. Resolution for consideration of S. 920, an act to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis; without amendment (Rept. No. 1396). Referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 889. Joint resolution commemorating the golden anniversary of the Naval Air Station, Pensacola, Fla., and authorizing the design and manufacture of a galvano in commemoration of this significant event; without amendment (Rept. No. 1397). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 10314. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; with amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 10736. A bill to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. naval hospital, Portsmouth, Va.; without amendment (Rept. No. 1399). Referred to the Committee of the Whole House on the State of the Union.

Mr. PIKE: Committee on Armed Services. H.R. 11035. A bill to authorize the extension of certain naval vessel loans now in existence; without amendment (Rept. No. 1400). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. House Joint Resolution 977. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; with amendment (Rept. No. 1401). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDLER:

H.R. 11226. A bill to amend title II of the Social Security Act to remove the limitation on the amount of outside income which an individual may earn while receiving benefits, and to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits without regard to her age if she is permanently and totally disabled; to the Committee on Ways and Means.

By Mr. BALDWIN:

H.R. 11227. A bill for the relief of certain persons having summer homes in the Pinecrest Recreation Area, in the Stanislaus National Forest; to the Committee on Agriculture.

By Mr. BOW:

H.R. 11228. A bill to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others; to the Committee on Post Office and Civil Service.

By Mr. BYRNE of Pennsylvania:

H.R. 11229. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mr. DUNCAN:

H.R. 11230. A bill authorizing construction of a navigation project at Port Orford, Oreg.; to the Committee on Public Works.

By Mr. FINDLEY:

H.R. 11231. A bill to amend section 175 of the Internal Revenue Code of 1954 to allow the deduction of expenditures for relocations and acquiring interests in land for soil and water conservation purposes where the need for such relocations and acquisition is primarily attributable to the control of or change in the water level of a river or other inland body of water; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 11232. A bill providing for a study of the legal problems of management, use, and control of the natural resources of the oceans and ocean beds; to the Committee on Science and Astronautics.

By Mr. MILLS:

H.R. 11233. A bill to amend the Tariff Schedules of the United States with respect to the dutiable status of watches, clocks, and timing apparatus from insular possessions of the United States; to the Committee on Ways and Means.

By Mr. OLSEN of Montana:

H.R. 11234. A bill to amend section 8 of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

By Mr. PHILBIN:

H.R. 11235. A bill to authorize the disposal, without regard to the prescribed 6-months waiting period, of approximately 11 million pounds of molybdenum from the national stockpile; to the Committee on Armed Services.

By Mr. ROOSEVELT:

H.R. 11236. A bill to provide research, technical, and financial assistance with respect to the disposal of solid wastes to the several States and political subdivisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN of New York:

H.R. 11237. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate to $1.50; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H.R. 11238. A bill to exclude certain musical performances from the coverage of the National Labor Relations Act and the Labor Management Relations Act, 1947; to the Committee on Education and Labor.

By Mr. TUCK:

H.R. 11239. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. TUPPER:

H.R. 11240. A bill to create a Joint Committee on Congressional Ethics, and for other purposes; to the Committee on Rules.

By Mr. ROBERTS of Alabama:

H.R. 11241. A bill to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS:

H.R. 11242. A bill authorizing modification of the Greers Ferry Dam and Reservoir, White River Basin, Ark., in the interest of recreational development, and for other purposes; to the Committee on Public Works.

By Mr. TOLLEFSON:

H.R. 11243. A bill to amend the Tariff Act of 1930 to provide that bagpipes and parts thereof shall be admitted free of duty; to the Committee on Ways and Means.

By Mr. PHILBIN:

H. Con. Res. 300. Concurrent resolution authorizing the disposal of approximately 98,000 long tons of pig tin from the national stockpile; to the Committee on Armed Services.

By Mr. WALLHAUSER:

H. Con. Res. 301. Concurrent resolution expressing the sense of the Congress with respect to public recognition of God; to the Committee on the Judiciary.

By Mr. OSMERS:

H. Res. 721. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. WHARTON:

H. Res. 722. Resolution expressing the sense of Congress in conjunction with the proposed closing of certain Federal Aviation Agency facilities; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII,

Mr. MARTIN of Massachusetts presented a memorial of the Senate of the Commonwealth of Massachusetts memorializing the Congress of the United States to take such action as may be necessary to revoke the directive of the Department of Defense ordering the closing of the Watertown Arsenal, which was referred to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GALLAGHER:

H.R. 11244. A bill for the relief of Wiktor Bogatko; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 11245. A bill for the relief of Mrs. Lili Pavel and her children, Judith and Chaia; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11246. A bill for the relief of Edward S. Corbin; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11247. A bill for the relief of Dorothea Majzik Szilard; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 11248. A bill for the relief of Shirley Borkowf Levin; to the Committee on the Judiciary.

H.R. 11249. A bill for the relief of Sui Tsai Zee; to the Committee on the Judiciary.

H.R. 11250. A bill for the relief of Dr. John James Russell; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 11251. A bill for the relief of Mrs. Lily Ning Sheehan; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11252. A bill for the relief of Brussel Folder; to the Committee on the Judiciary.

By Mr. REIFEL:

H.R. 11253. A bill for the relief of Joanne Irene Taylor; to the Committee on the Judiciary.

By Mr. STINSON:

H.R. 11254. A bill for the relief of Luisa Pono Parinas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

890. The SPEAKER presented a petition of Terutake Oyadomari, Nishihara-son, Okinawa, requesting that reversion of Okinawa be realized as soon as possible, which was referred to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, MAY 13, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, who—though all else fades—remainest the same, Thou who leavest us never, even when we leave Thee, and whose tender mercy is over all Thy works: We come at the beginning of yet another day, praying for strength for our burdens, wisdom for our responsibilities, insight for our time, and faith enough to remove mountains that loom frowningly before us.

We thank Thee for our America which still stands before the oppressed anywhere and everywhere as the symbol of the morning radiance of a joyous hope. For all afar off who sigh for liberty, for all lovers of the common people who strive to break their shackles, for all who dare to believe in democracy and the kingdom of God's love, make Thou our great commonwealth a flaming beacon light and a guide on the path which leads to the perfect union of law and liberty

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 12, 1964, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, as on previous days and under previous orders, there be a morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 10 A.M., THURSDAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m., Thursday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

James D. O'Connell, of California, to be an Assistant Director of the Office of Emergency Planning.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

U.S. COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of George M. Cole, Jr., to be lieutenant, junior grade.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. Humphrey, the Senate resumed the consideration of legislative business.

CALL OF THE ROLL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 218 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ervin
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Lausche
Long, Mo.
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Fulbright], the Senator from North Carolina [Mr. Jordan], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], and the Senator from Rhode Island [Mr. Pastore] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Louisiana [Mr. Ellender], the Senator from Tennessee, [Mr. Gore], the Senator from Alabama [Mr. Hill], the Senator from Washington [Mr. Magnuson], the Senator from Montana [Mr. Mansfield], the Senator from Minnesota [Mr. McCarthy], the Senator from Virginia [Mr. Robertson], the Senator from Florida [Mr. Smathers], and the Senator from South Carolina [Mr. Thurmond] are necessarily absent.

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Arizona [Mr. Goldwater], the Senator from New Mexico [Mr. Mechem], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from California [Mr. Kuchel] is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

AMENDMENT OF COMMODITY EXCHANGE ACT

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Commodity Exchange Act, as amended, which (with the accompanying papers) was referred to the Committee on Agriculture and Forestry.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYH:

S. 2832. A bill for the relief of Ioannis Metanias; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2833. A bill for the relief of Vasilios Mavris; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2834. A bill for the relief of Lee Young Soon; to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself and Mr. Long of Missouri):

S. 2835. A bill authorizing the change in name of the Joanna Dam and Reservoir, Salt River, Mo., to the Clarence Cannon Dam and Reservoir; to the Committee on Public Works.

(See the remarks of Mr. Symington when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

RIGHT OF SELF-DETERMINATION BY THE PEOPLES OF LATVIA, LITHUANIA, AND ESTONIA

Mr. RIBICOFF submitted a concurrent resolution (S. Con. Res. 84) favoring action by the President to bring about the right of self-determination by the peoples of Latvia, Lithuania, and Estonia, which was referred to the Committee on Foreign Relations.

(See the remarks of Mr. Ribicoff when he submitted the above concurrent resolution, which appear under a separate heading.)

RESOLUTIONS

TO PRINT AS A SENATE DOCUMENT THE REMARKS OF FORMER PRESIDENT HARRY S. TRUMAN TO THE SENATE ON MAY 8, 1964

Mr. PELL submitted a resolution (S. Res. 329) authorizing the printing as a Senate document of the remarks by former President Harry S. Truman to the U.S. Senate on May 8, 1964, being the first instance of the operation of a recent amendment to rule XIX authorizing former Presidents to address the Senate, which was referred to the Committee on Rules and Administration.

(See the remarks of Mr. Pell when he submitted the above resolution, which appear under a separate heading.)

INQUIRY INTO FINANCIAL OR BUSINESS INTERESTS OR ACTIVITIES, INCLUDING USE OF CAMPAIGN FUNDS, OF ANY MEMBER OR FORMER MEMBER OF THE SENATE, AND ANY OFFICER, EMPLOYEE, OR FORMER EMPLOYEE OF THE SENATE

Mr. WILLIAMS of Delaware (for himself and Mr. Case) submitted a resolution (S. Res. 330) to inquire into the financial or business interests or activities, including use of campaign funds, of any Member or former Member of the Senate, officer, employee, or former employee of the Senate, which was ordered to lie on the table and to be printed.

(See the above resolution printed in full when submitted by Mr. Williams of Delaware, which appears under a separate heading.)

RIGHT OF SELF-DETERMINATION BY THE PEOPLES OF LATVIA, LITHUANIA, AND ESTONIA

Mr. RIBICOFF. Mr. President, I submit, for appropriate reference, a concurrent resolution favoring action by the President to bring about the right of self-determination by the peoples of Estonia, Latvia, and Lithuania.

The history of the Baltic peoples is not a happy one. In recent times, independence and freedom have flourished in their nations only for the brief span of 22 years—from the end of the First World War to 1940. In the latter year, the brutal force of Soviet troops overran, occupied, and sought to incorporate Estonia, Latvia, and Lithuania into the Soviet Union.

The Second World War brought another oppressor, as Nazi Germany invaded and took control of the Baltic countries. And the end of the war brought no release from bondage for Russian troops again occupied the Baltic lands and again instituted a harsh and oppressive rule.

This concurrent resolution calls upon the President to determine and promote economic and diplomatic policies which will best serve to encourage the growth of independent action in the Baltic States—the withdrawal of Soviet troops—and the development of conditions within Estonia, Latvia, and Lithuania which are the necessary forerunners to free elections and true self-determination.

This Nation is devoted to the principle that every man and every nation has a sacred inviolable right to determine its destiny and do all in its power to reach its goals.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 84) was referred to the Committee on Foreign Relations, as follows:

Whereas the peoples of Estonia, Latvia, and Lithuania have been denied the right of self-determination since the occupation and incorporation of their Nations into the Soviet Union by force in 1940; and

Whereas the United States has consistently refused to recognize the abrogation of the rights of these Baltic peoples, and continues to maintain diplomatic relations with the representatives of free Estonia, Latvia, and Lithuania; and

Whereas it is the policy of the United States to uphold the right of peoples everywhere to determine their destinies through free participation in elected governments: Therefore be it

Resolved by the Senate (*the House of Representatives concurring*), That the President of the United States should determine and promote diplomatic and economic policies which will: (a) encourage the withdrawal of Soviet forces from Estonia, Latvia, and Lithuania; (b) develop the independence of those nations from the Soviet Union, and (c) bring about free elections in Estonia, Latvia, and Lithuania in order that Estonia, Latvia and Lithuania my regain their places in the councils of free nations as sovereign States representative of the desires and responsive to the will of their peoples.

TO PRINT AS A SENATE DOCUMENT THE REMARKS OF FORMER PRESIDENT HARRY S. TRUMAN TO THE SENATE ON MAY 8, 1964

Mr. PELL. Mr. President, on the morning of May 8, the U.S. Senate was honored by the presence of former President Harry S. Truman. We all had the opportunity of extending best wishes to him on that day, the celebration of his 80th birthday.

But, something of even greater significance took place on that day. Once again our great former President, a historian himself, made a bit of history since on that day President Truman addressed the Senate while in session, pursuant to rule XIX, a historic first in the history of our body. In his remarks, Mr. Truman said that this recently amended rule XIX was "unique" and that it was a "good rule." As the author, together with Senators Magnuson, Humphrey, and Cooper, of the amendment entitling former Presidents to address the Senate, I was particularly pleased.

Therefore, Mr. President, because of the unusual historic nature of that occasion whereby President Truman—that distinguished citizen of the world—put into operation for the first time Senate rule XIX as amended, I now submit, for appropriate reference, a resolution which provides that the portion of the proceeding of the Senate that concerns this historic first be printed as a Senate document.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the Record.

The resolution (S. Res. 329) was referred to the Committee on Rules and Administration, as follows:

Whereas by the adoption of Senate Resolution 78, agreed to October 1, 1963, the Senate amended rule XIX of the Standing Rules of the Senate to provide that upon appropriate notice to the Presiding Officer, who shall thereupon make the necessary arrangements, former Presidents of the United States shall be entitled to address the Senate; and

Whereas on May 8, 1964, on the occasion of his eightieth birthday, former President Harry S. Truman came to the Senate floor and addressed the Senate while in session; and

Whereas this address by Mr. Truman constitutes an historic first instance of the operation of the recently amended rule: Now, therefore, be it

Resolved, That there be printed as a Senate document that portion of the proceedings of the United States Senate of May 8, 1964, which includes the remarks of former President Harry S. Truman and the responses by Members of the Senate thereto, together with an appropriate prefatory statement.

Sec. 2. There shall be printed, within the statutory limitation, such quantity of additional copies of said document for the use of the Senate as may be determined by the Committee on Rules and Administration.

AMENDMENT OF INTERSTATE COMMERCE ACT AND THE FEDERAL AVIATION ACT OF 1958—ADDITIONAL COSPONSOR OF BILL

Mr. MONRONEY. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from Indiana [Mr. Bayh] be added as a cosponsor of the bill (S. 1719) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, which I introduced on June 13, 1963.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION ACT OF 1964—ADDITIONAL COSPONSOR OF BILL

Mr. MONRONEY. Mr. President, I ask unanimous consent that my name be added as an additional cosponsor, at its next printing, of the bill (S. 2796) to provide for strengthening and improving the national transportation system, and for other purposes, introduced by Mr. Magnuson (for himself and other Senators) on May 2, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 37 OF MINERAL LANDS LEASING ACT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 5, 1964, the names of Mr. Bennett, Mr. Dominick, and Mr. Simpson were added as additional cosponsors of the bill (S. 2809) to amend section 37 of the Mineral Lands Leasing Act of February 25, 1920, relating to disposition only as provided in such act of deposits of coal, phosphate, sodium, potassium, oil, oil shale, and gas in lands valuable for such minerals, except as to valid claims pursuant to laws under which initiated and existing at the date of the passage of such act, which claims may be perfected under such laws, introduced by Mr. Allott on May 5, 1964.

ADDRESS BY SENATOR NELSON K. DOI, PRESIDENT, HAWAII STATE SENATE

Mr. INOUYE. Mr. President, it gives me great pleasure to submit the text of a speech presented by the president of the Hawaii State Senate, Senator Nelson K. Doi, delivered at the 1964 meeting of the Western Governors' Conference in San Francisco, Calif.

I believe that this is an extremely noteworthy speech on the issue of civil rights, as it relates to the newest State of the Union—Hawaii. It is not only a forward-looking speech, but one which is also very realistic and cognizant of the practical problems facing a State which has been known as the melting pot of the Pacific.

I think the speech sheds the kind of light on a problem which requires more clarification than emotion.

I ask unanimous consent that the speech be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Nelson K. Doi, President of the Hawaii Senate, at the 1964 Meeting of the Western Governors' Conference, May 6, 1964, San Francisco, Calif.

(Session on civil rights)

Governor Rosellini, fellow panel members, and distinguished participants, I am extremely honored to have been invited to participate in today's panel on civil rights. Hawaii has often been cited as the Mecca of racial relations. While the compliment is flattering, it does a disservice both to you and to us. It does a disservice to us because it tends to gloss over problems we still have and tends to make us complacent about their solution. It does a disservice to you because it makes our experiences seem so remote and improbable as to have no application in your own States. Today, in the time allotted to me, I hope to be able to provide you with an adequate distillation of Hawaii's experiences so that you may have a realistic picture of where we are today and may have some understanding of how we reached our present relatively desirable situation, for Hawaii's history bears more than a few pockmarks left by racial prejudice. Finally, I would like to take advantage of this opportunity to share with you Hawaii's message, a message directed not only to those who reside on the mainland of the United States but especially to those of us who live in the Hawaiian Islands.

INTRODUCTION

Hawaii's constitution, like many of the fundamental laws of our States, is very emphatic about the rights of man when it specifies that:

"All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty, and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities."[1]

The fact that the rights of man can be enjoyed to such a high degree in Hawaii, regardless of a man's race, religion, color, racial origin or ancestry, is in large part a product of our history. Equal rights legislation has played a limited but occasionally crucial part in this history.

Today, a little less than a third of Hawaii's civilian population is Caucasian; a little less than a third is Japanese; about 17 percent are Hawaiian or part Hawaiian; 11 percent are Filipino; and 6 percent are Chinese. Another 3 percent includes Koreans, Negroes, Samoans, and others.[2] None of these data are very accurate since a large proportion of our people are really part Japanese or part Chinese or part Caucasian, even though they are arbitrarily listed under a single racial category.

I should note that the term "race" is used rather loosely in Hawaii. I'm sure that sociologists would prefer that we use the term "ethnic background" or some similar phrase, but "race" is the popular term; it is used to refer to a combination of a person's ancestry, cultural background, and racial identification preference. Few Hawaiians are particularly sensitive about identifying their racial antecedents. Observations about a person's race and how that person typifies his race are common in Hawaii. Sometimes these discussions almost take on the form of a game, especially when you try to identify the ancestry of young Katy O'Day, a lovely looking lass who obviously is not Irish.

HAWAII TODAY

I'd like to move on and briefly describe the situation regarding equal rights in Hawaii today in those areas of concern identified by the U.S. Civil Rights Commission and other analysts.

Education is one of the focal points of the civil rights movement. Hawaii's constitution is very specific that "there shall be no segregation in public educational institutions because of race, religion or ancestry,"[3] and this describes the situation as it is. We have one single public school district for the entire State and the schools are all racially mixed, though the population composition varies from school to school. A number of years back we had what were called English standard schools and these served, in large measure, as a device for insulating much of the Caucasian and some of the Hawaiian and part Hawaiian student population from the orientals, though, it must be noted, these schools were never entirely segregated. Our problem today in public education is not that of assuring racial mixing but rather of making certain that we have adequate schooling for all our children, especially those who are culturally and economically disadvantaged. Our university once served a relatively small student body consisting almost entirely of residents of the territory. Today, however, the university serves not only thousands of Hawaiian students of many races but it also serves an increasingly large number of students from the mainland and abroad.

The nondiscriminatory administration of justice and of other government services and facilities has been a matter of great concern in this country. The constitutional mandate in Hawaii concerning justice specifies that:

"No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry."[4]

I think one can fairly say that the instruments of justice in Hawaii are relatively well integrated. In illustration, I may note that the chief justice of the supreme court is an American of Japanese ancestry, as is the current president of the bar association. The chief of the police department in Honolulu is of Chinese extraction. Correctional facilities are not and have not been maintained on a segregated basis. In fact, government facilities in Hawaii are and have for the most part always been integrated, and government services offered to all regardless of race. There is one notable exception to this generalization and that is a special land program to help persons of Hawaiian ancestry.

Medical services and facilities are another area which has been tarnished by discrimination. There is no discrimination in the hospitals, public or private, in Hawaii, and no discrimination that I know of by medical practitioners. Many persons, however, especially older Orientals and Caucasians, probably prefer to go to practitioners of their own race.

The availability of privately owned, public accommodations to people of all races is unfortunately an emotion-packed issue in the United States. Today, in Hawaii, such accommodations are, to the best of my knowledge, available to all regardless of race, though this has not always been the case. There are some places, of course, where the clientele is primarily of one race, but this is mainly a matter of choice. There are no State laws on the availability of accommodations, though I have no doubt that we would pass such legislation swiftly if the need should arise.

The free exercise of the franchise is one of the important avenues to equality. There are no racial restrictions on voting in Hawaii. Every racial group is a minority and few politicians rely solely on an appeal to the members of one group. Politicians talk race a lot and they spend a lot of time designing racially balanced tickets. The lesser politicians blame their defeats, in private, on the members of other races that they think must have voted against them; while the successful ones credit their victories, in public, to the fact that they garnered the support of people of all races. Actually, race is only one of many factors in an election. It is seldom the sole determinant. There is some demonstrable tendency for members of a race to vote for candidates of their own race, within certain limits, but it is not a disciplined effort, nor is it sufficient in itself to get one elected. Today, people of all races are in both political parties and political control is not along racial lines. To illustrate this, I might point out that the Governor is Caucasian; the Speaker's ancestors came from Portugal; mine from Japan. The racial backgrounds of our four county executive officers include Chinese, Hawaiian, Negro, Caucasian, and Indian in various proportions.

Equal employment opportunities are recognized as being fundamental to the basic equality of human beings. There are few remnants of discrimination, if any, left in public service employment in Hawaii. Teachers and civil service employees of all races work side by side. The civil service law is specifically designed to provide equal opportunity for all regardless of race, religion, or politics.[5]

The situation in private employment has been changing rapidly during the past few years. The pre-World War II history of Hawaii was marked by many instances of wage discrimination. In the early 1900's, for instance, for the same job, the Caucasian was paid the most, then the Hawaiian, next the Portuguese, who were treated as a separate group from other Caucasians, and at the bottom, the Japanese. Furthermore, many higher positions were reserved for persons of a particular race.

In 1959 a statute was passed forbidding wage discrimination on the basis of race, religion, or sex.[6] In 1963 the legislature adopted a Fair Employment Practices Act.[7] Today, the limiting of certain occupations or jobs in some of our businesses for people of particular racial extraction is breaking down. In fact, more and more business organizations are finding out that it is good business to have a multiracial staff and management. The two large banks in Hawaii, for example, were organized and controlled by portions of the Caucasian community, while several smaller banks have been organized over the years by various other groups, particularly segments of the Chinese and Japanese communities. It is satisfying today to watch as many of the banks begin to diversify racially. Clearly the multiracial approach improves the balance statement.

Racial discrimination in public housing, which has been and is a real problem in some portions of our country, has not been a problem in Hawaii. In fact, there is relatively little discrimination in the field of private housing, though we still have a few small, exclusive subdivisions left which are all Caucasian, and many neighborhoods in which specific racial groups dominate. This is particularly true in the rural areas and in the plantation communities. And occasionally the racial characteristics of a desired tenant are cited in a house-for-rent advertisement. We also have some problems in providing adequate off-base rental housing at reasonable rates for members of the military and occasionally instances in which Negro and other families have had difficulty obtaining adequate housing have been noted. These are problems which are recognized. The Honolulu Chamber of Commerce, together with others, is working on adequate housing for military families; the NAACP will shortly be seeking to determine whether or not there is a real problem of discrimination in the rental of housing units.

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[1] Hawaii, "Constitution," art. I, sec. 2.

[2] The percentage breakdown is as follows: Caucasian, 32; Chinese, 6.1; Filipino, 10.8; Japanese, 31.5; part Hawaiian, 14.2; pure Hawaiian, 1.5; other, 2.9. From Hawaii Department of Planning and Economic Development, "Racial Statistics for Hawaii" (Statistical Rept. 15, Mar. 31, 1964).

[3] Hawaii constitution, art. IX, sec. 1.

[4] Hawaii constitution, art. I, sec. 4.

[5] Hawaii, Revised Laws (1955), sec. 3-1 and sec. 3-22.

[6] Hawaii, Revised Laws (1955), sec. 94-4.5, as amended.

[7] Ibid., Ch. 90A.

Most discussions of race problems generally touch on social relationships and intermarriage among the races. The range of interracial social relations in Hawaii has vastly increased in recent years. The present generation is much more broadminded than its predecessors. Its members have many more interracial contacts than did their parents, and our children will have many more than we.

There are still, however, some racially restricted private social and business clubs and there is still much talk and many actions which are based on racial considerations which would be irrelevant in a better Hawaii. We still traffic in the easy generalizations about race—usually other races than our own—but generally people are free to associate socially with those whom they choose.

Racial intermarriages are quite common in Hawaii and are accepted by most of its people. They are seldom a matter of social protest or experimentation; in fact, mixed backgrounds are frequently points of pride. Our State director of personnel services, for example, can rattle off with dispatch that she is Portuguese, Chinese, English, Hawaiian, and Tahitian. One personal report indicates the kind of change in attitude that has occurred over time: my parents would have been extremely displeased with me if I had married other than a Japanese girl; my wife and I, however, are not concerned about the racial ancestry of our children's future mates. One of the interesting byproducts of the high rate of intermarriage in Hawaii is that our racial statistics are becoming increasingly meaningless. Even today one has to use all kinds of cautions when citing such data. In a generation or so they won't be citable at all.

HOW THIS CAME ABOUT

Now a moment's comment about how this relatively high degree of racial harmony came about. It has been an extremely complex evolution. Sociologists have a field day in Hawaii analyzing the subject. The generally good interracial relations in Hawaii did not come about because we are inherently better human beings nor have good relations always existed. Neither are such relations the product of our balmy climate; rather there is a complex of reasons. Let me note a few of the more significant reasons as I see them.

The fact that Hawaii had a long history of political independence—it remained independent longer than almost any other Pacific Basin area—and that the native people of Hawaii extended the traditional Hawaiian hospitality and friendship to visitors and newcomers greatly influenced our later development. Because Hawaii was a monarchy and not under the direct political control of a colonial power, the missionaries, the traders, and the merchants all had to seek and obtain the cooperation of the ruling Hawaiians, even though the means employed by those seeking financial advantage were not always above reproach. During this period the tradition of accepting intermarriages was established. In fact, our largest landed estate was left by Princess Bernice Pauahi, who married a mainland Caucasian by the name of Charles Bishop. There was no open strife in Hawaii between native and newcomer nor among natives followed by the withdrawal of the indigenous people from contact with the newcomers such as occurred in the history of the Maoris in New Zealand.

The second significant factor which has promoted racial harmony in Hawaii has been universal suffrage. The Organic Act of 1900 provided the right to vote to all male citizens. This was over the vigorous opposition of the ruling Caucasian elite that had engineered the revolution in 1893 and arranged the annexation 5 years later. Fortunately, Congress did not give in and the Caucasian merchants and professionals had to accept this bitter pill. At that time only the Caucasians, including citizen Portuguese, the Hawaiians, and a few others, could vote; but this critical provision of law made it possible for the children of immigrants to vote in later years, and it is the vote that has in large part changed the political complexion of Hawaii.

The third critical historical factor has been the emphasis on universal education in Hawaii—a tradition established by the missionaries who first came to the islands in the 1820's. Later the strong cultural drive of oriental families to gain education for their children, at whatever cost, reinforced this tradition. Finally, the Second World War and the GI bill made it possible for a great number of Hawaiians of various racial extraction, who would probably never have attended college under prewar conditions, to gain a college education and to pursue professional training at mainland universities. Further, public education, while it has not always been supported as it should have been, and frequently was extremely limited in scope, was always available in some form to children of all races.

The fourth factor—the requirements of the rigidly segregated plantation economy for a seemingly endless supply of docile, hard working laborers—did not of itself produce harmony, but it did give us our multiracial population. Each group that came in—Chinese, Japanese, Korean, Portuguese, Spanish, Filipino—was prejudiced and race and class conscious in its own right, and the plantations themselves practiced racial prejudice. But the members of these groups, especially the children of immigrants, became more assimilated as they gained education in American ways, facility in English, and had increased positive relationships—religious, labor, business, social, educational, and political—with peoples of other races. There are still many prejudiced and narrow-minded people in Hawaii, but these are the people who have surprisingly few meaningful contacts with members of other races or across socioeconomic lines; the people who have not yet been assimilated into our society.

Finally, the Second World War pushed social changes, which had been slowly developing, ahead a generation and with it, racial harmony. Islanders with no previous mainland contacts became acquainted with other portions of the United States and with parts of Europe; thousands of mainland war workers and servicemen lived temporarily in the Islands and many stayed after the war or returned in later years as permanent residents; the question of the loyalty of Americans of Japanese ancestry was finally laid to rest; members of minority groups gained confidence in their own abilities and in their right to participate in the Hawaii community; education, as noted earlier, gained new impetus; the first war brides arrived in the early postwar years; the trend toward unionization was greatly accelerated by the events and the pent-up grievances of the war period; a significant middle class emerged; the mechanization of our agricultural industries began in earnest; progress in aviation revolutionized travel to and from and among the Islands; and many of our people began to have significant relations with people of other races.

HAWAII'S MESSAGE

There is a growing and vital concern in Hawaii about the civil rights of all Americans. With statehood we gained assurance not only that we were entitled to our views but that we were entitled to be heard—that we had a responsibility to speak out. One splendid example of our growing concern with the national civil rights question was the Civil Rights Week organized at the University of Hawaii by the students. The students, who desired to gain a keener and firmer grasp of the problems faced by our country today, brought to Hawaii some of the top spokesmen on civil rights: Muhammed John Ali, of the Black Muslims, William J. Simmons, of the White Citizens Council, James Farmer, of the Congress of Racial Equality, and Martin Luther King, Jr., of the Southern Christian Leadership Council. The whole community responded to this event. The major speeches were broadcast and rebroadcast on television and radio and commentators discussed the various approaches at length.

About the same time, a civil rights conference was organized to further Hawaii's involvement in support of the legislation currently before the U.S. Senate. Several weeks ago a delegation from this conference, composed of a Negro, a Caucasian, and a Hawaiian, visited Congress and urged each Member of the Senate to support the civil rights bill. There has also been an increasing amount of letterwriting to Members of Congress and to friends on the mainland by people from Hawaii urging support of the bill. Our danger, of course, is that of becoming complacent about the civil rights struggle on the mainland. Because we have a fair degree of equal rights, it is all too easy not to be concerned about the other fellow.

Hawaii must necessarily admit to itself and to others that it has been fortunate. Our relatively high degree of equal rights is primarily attributable to a fortuitous combination of historical and cultural circumstances plus the hard work of members of immigrant minority groups and a small group of people—teachers, labor leaders, ministers, and others—who believed that the immigrants and their children should have a fair chance. Because of these circumstances Hawaii has arrived at a fairly mature and desirable stage of racial relations earlier than other parts of the country.

Hawaii has a long way to go yet. We have no cause for self-pride. We still have to wipe out the making of irrelevant judgments by individuals on the basis of race. We still have to eliminate the bitterness among peoples based on past persecutions and the attitudes of superiority which had wide currency in prior years. We still have to equalize the opportunities for people of all races—opportunities which are not equal today because of economic or cultural barriers.

What then can a still very imperfect Hawaii suggest to its fellow countrymen? I think we've had sufficient experience to be able to tell our fellow citizens that equal rights for all citizens is not only a desirable goal—it is a practical goal. Second, we can suggest that the attainment of equal rights takes hard and persistent effort on the part of members of the dominant group and of the minorities. It requires dedicated struggle to overcome the innate selfishness of those who wish to preserve the status quo and their own private share at someone else's expense. Third, we can point out that educational, economic, social and political progress are vital to facilitating the achievement of equal rights for all men; the battle is a multifront affair. Finally, we can offer witness that the increasing attainment of the goal of equal rights is worthwhile for government, for business, for labor, and for society in general, but most of all it is worthwhile for the individual. For the individual from the minority group, equal rights means a chance to fulfill his individual potentialities, a chance to be recognized for what he is—a unique individual created in his Maker's image. For the individual from the dominant majority equal rights for all citizens means true freedom—for I am not fully free as long as my countryman is enslaved by the nefarious web of discrimination. As that web is lifted from my brother, as he gains equal rights, so can I and he became freemen.

This then is Hawaii's message to you and to ourselves: as equal rights are gained and as individuals are accepted and judged as unique beings, so all of us become more truly the freemen and brothers God intended us to be.

THE SENATE RULES COMMITTEE INVESTIGATION OF THE ROBERT G. BAKER CASE

Mr. MILLER. Mr. President, in today's Washington Post is an article entitled "CASE Tells Group To Make Senators Bare Baker Deals."

This article relates the experience of the Senator from New Jersey [Mr. CASE] in advocating before the Senate Rules Committee that Members of the Senate be called before the committee to testify regarding any financial dealings with Robert Baker.

I detect from the article that there is still some question in the minds of some members of the committee as to whether or not the committee has jurisdiction to go into the activities of Members of the U.S. Senate.

I thought this matter was brought to a head and very clearly decided in the presence of almost all Senators by the distinguished majority leader, the Senator from Montana, several weeks ago, and made eminently clear by the resolution covering the investigation to apply to Senators as well as employees of the Senate in the proper sense of the term.

I must say I think the Senator from New Jersey [Mr. CASE] has an extremely good point. I for one hope the committee will act favorably on his recommendation. The Senator from New Jersey well pointed out that this body was put in a bad light as a result of the revelations heretofore made in this case.

I think it is a very unfortunate thing for the U.S. Senate to have any aura that is unfavorable hanging over its head, not to mention any cloud that might still exist over the executive branch of the Government.

I sincerely hope the committee will reconsider its apparent decision not to press the investigation further.

I ask unanimous consent to place the article to which I referred in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASE TELLS GROUP TO MAKE SENATORS BARE BAKER DEALS

(By Elsie Carper)

The Senate Rules Committee opened its doors yesterday on a stormy scene between two liberal Members.

Republican CLIFFORD P. CASE, of New Jersey, and Democrat JOSEPH S. CLARK, of Pennsylvania, fought bitterly across the table over the obligation of the committee to investigate Bobby Baker's relationship with individual Senators.

The committee is preparing a report based on its investigation of the financial operations of Robert G. Baker, who resigned as Secretary to the Democratic majority when the inquiry began.

CASE called the Baker affair a desecration of the Senate and said the committee should insist on each Senator revealing his business and financial dealings with Baker and any offers made by Baker to provide campaign contributions or choice committee assignments in return for votes.

CLARK'S CONTENTION

CLARK contended the committee lacked the authority to require Senators to testify but said he hoped the committee would seek such power in its report.

The committee was scheduled to meet in closed session to hear CASE, but after almost a half hour the doors were thrown open at the insistence of CLARK. He had informed the committee earlier he thought it bad public relations to refuse CASE an open hearing.

He sought the hearing, CASE said, to tell members of the committee face to face how strongly he felt about the committee's responsibility "to get to the bottom of what to me is a sordid affront to the dignity" of the Senate.

"When I hear of an employee of the Senate boasting he has 10 Members of this body in his hand, I do a slow burn," CASE declared.

DEALINGS CITED

"It is difficult for me to contain my anger when I hear talk * * * of Bobby Baker's dealings in committee assignments—granting or withholding his favors * * * of Baker's offering $5,000, to Senators or senatorial candidates for campaign purposes, and attaching strings to these offers in the form of commitments to vote for or against oil depletion allowances or amendments of the filibuster rule."

The exchange with CLARK was set off when CASE read a May 3 column by Roscoe Drummond saying that the committee had spent "arduous hours thinking of ways not to do its work."

EXCHANGE BY SENATORS

CLARK labeled as "an obvious untruth" a statement in the column that the committee had refused to hear CASE. He said Drummond has always been critical of Democrats.

CASE retorted that the invitation to appear came only after the needling in the column and a full month after he had asked to testify.

Committee Chairman B. EVERETT JORDAN, Democrat, of North Carolina, interjected, "I say emphatically the Drummond article had nothing to do with your appearance * * * to say the investigation is a whitewash is absolutely wrong and false."

Senator HUGH SCOTT, Republican, of Pennsylvania, expressed sympathy with the travail that CASE was undergoing.

"Every witness we have had who has tried to get at the truth has been put on trial," SCOTT declared.

"I resent that statement," CLARK replied. "I want the record to show it."

SCOTT maintained that the resolution authorizing the investigation of Baker was broad enough to include Senators. Senator JOHN WILLIAMS, Republican, of Delaware, who offered it, and Senate Majority Leader MIKE MANSFIELD, Democrat, of Montana, had said so.

The opinion of the committee's special counsel Lennox P. McLendon that Senators could not be questioned by the committee on campaign contributions is "not worth a tinker's dam," SCOTT maintained. The Senate has the right at all times to investigate a Senator, he said.

"I will not be stopped. I will not be silent," CASE said, "until I do everything I can to stimulate an inquiry."

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. MILLER. Yes, indeed.

Mr. McNAMARA. We hear much about this Senate investigation of Senators. The indication is that those on the minority side want it investigated. I think it would come with a little better grace if it did not continue to come from the Republican side of the aisle. I think we have had enough of that. If Senators on that side have anything against anyone, they should do something about it, instead of giving us a blanket condemnation.

Mr. MILLER. Let me say nobody—least of all the Senator from New Jersey [Mr. CASE]—has accused any one Member of the Senate. The point is that, in the interest of the Senate, that is what the investigation is designed to remove.

IOU NO. 24: STOCK OPTION WINDFALL FOR POWER COMPANY INSIDERS—ORDINARY STOCKHOLDERS, CONSUMERS UNKNOWINGLY PROVIDE MULTIMILLION DOLLAR WINDFALL

Mr. METCALF. Mr. President, the biggest, most consistently growing industry in the United States is gouging its customers, deceiving the public, diluting the equity of its stockholders, misleading those who are charged with regulating it and helping finance the raucous organizations which would abolish the income tax and United Nations, deny civil rights and destroy the competition which the industry fears.

This mammoth industry—with about 12 percent of all capital invested in business in this county—has additionally been favored with nine Federal tax reductions since World War II, many of which were not passed on to the customers who paid the taxes.

While in face they constitute the most favored industry in the Nation, the investor-owned utilities—IOU's—feign great injury through a multimillion-dollar propaganda campaign which permeates to the most remote crossroads of the Nation.

Using the statements and reports of the industry itself and its leaders, I have discussed some of the facts involved in this sham, in a series of Senate speeches this year. I have attempted, and shall continue, to report facts which I believe have great import to legislators and the public, and news value to reporters. I shall be glad to make available to any Member, reporter, or other person who desires them, copies of the documented statements which I have made.

I also invite members of the press to dig through the heavy veneer of publicity which is the hallmark of the electric light and power industry, and ascertain the facts for themselves. The field, I can assure you, is virtually wide open, and fertile.

THE IOU'S ARE DIFFERENT

For example, much has been written and said in recent years concerning the use, by competitive industries, of restricted stock options, by which company insiders are permitted to purchase stock at a fraction of the price which ordinary stockholders must pay. I have seen no stories, heard no speeches, concerning the use of this device by electric utilities. They, as cost plus contractors assured expenses—including handsome salaries, retirement plans, insurance, and other fringe benefits—and profit, are hardly in the same category as risk businesses which, unlike the IOU's, do not have a monopoly on a necessity for which demand is unparalleled.

My interest in the use of the restricted stock option by the IOU's was generated by queries to me from fellow stockholders and ratepayers of the Montana Power Co. They asked me why the company's dividends are moderate, when its rate of return is the most exorbitant of any major IOU in the country.

I shall use my own case to illustrate the point they make. My 10 shares of stock in the Montana Power Co. have had a market value, in recent months, of approximately $380, or $38 per share. My last quarterly dividend check was $2.80, or 28 cents per share. The $11.20 annual dividend return on my stock is approximately 3 percent of its market value. But the company's rate of return is approximately 9 percent.

One of the principal reasons for the moderate dividend rate is the company's use of the restricted stock option, under which a few company officials have already made huge windfall profits. The Federal Power Commission staff has estimated that the ultimate cost of this no-risk subsidy for Montana Power Co. insiders—provided unknowingly by ordinary stockholders and ratepayers—will eventually be more than $9 million.

As of 1961, 24 IOU's enjoyed the use of the restricted stock option. I have not, as yet, checked the use of the device by the other 23 companies. Possibly additional companies now are benefiting from such a plan. In this case, as in my 23 previous statements, all my facts and findings come from the public record. If a curious reporter chooses to brush aside the power company press releases, and if his publisher decides to shoo out the power company officials and jeopardize his advertising revenue by inquiring into this matter, a good starting point is the form 4 reports of power company insiders, available in the public reference room of the Securities and Exchange Commission, and the form 1 reports in the public reading room of the Federal Power Commission, along with the trade and financial publications.

A $370,000 WINDFALL FOR COMPANY PRESIDENT

On October 5, 1959, the market price of Montana Power Co. stock was $23.75. The president of the Montana Power Co. that day bought 30,000 shares of stock. He acquired 9,000 of those shares at an average price of $11.241. He acquired the other 21,000 shares at an average price of $11.4791.

The 30,000 shares thus cost him $342,230.10.

Had he been required to pay what ordinary stockholders paid that day, the 30,000 shares would have cost him $712,500.

The president of Montana Power Co. thus received a windfall profit of $370,269.90.

On December 19, 1961, the market price of Montana Power Co. stock was $38.75. The president's brother, who is the company attorney, a director and who at that time served as executive vice president, on that day bought 4,500 shares of stock. He paid $21.296 per share, a total of $95,832.

Had he been required to pay what ordinary stockholders paid that day, the 4,500 shares would have cost him $174,375.

The company attorney thus received a windfall profit of $78,543.

On December 3, 1963, the market price of Montana Power Co. stock was 37⅛. A consultant to and director of the company, who until November 1, 1963, served as senior vice president and counsel, that day bought 4,500 shares of stock. He paid $21.296 for 3,000 of the shares, $23.275 for the remaining 1,500.

The 4,500 shares thus cost him $98,800.50.

Had he been required to pay what ordinary stockholders paid that day, the 4,500 shares would have cost him $167,062.50.

On July 2, 1957, he bought 150 shares, on October 2, 1958, he bought 450 shares and on June 16, 1959, he bought 500 shares, all at $33.725. This was prior to the company's 3-for-1 stock split of July 27, 1959. The spiraling market price during this period was $46.25 on July 2, 1957, $60.25 on October 2, 1958, and $73 on June 16, 1959. These three purchases cost him $37,097.50. They would have cost an ordinary stockholder $70,550.

His windfall on the five transactions reported here was thus $101,714.50.

These three officials obtained the windfall profit of more than half a million dollars through exercise of restricted stock options, under which company insiders are permitted to purchase stock at a percentage of its market price when the options were granted years ago. In some cases, company officials paid less than 30 percent of the market value of the stock.

Ordinary stockholders of course must pay the market price. In addition they must pay a brokerage fee. It amounts to about 6 percent of small purchases, with reduced fees for larger transactions. Insiders do not have to pay a brokerage fee.

FAVORABLE TAX TREATMENT

No tax is imposed on these stock option windfalls when the option is exercised. The profits are subject to tax if and when the stock is sold, but at the long-term capital gains rate, which would not be greater than 25 percent and might be considerably less than 25 percent.

The company official pays no income tax on those shares which he gives away.

He can also in many cases deduct the market value of the gift from his personal gross income.

The president of the Montana Power Co., during the past 6 months, has given away 1,954 shares, with a market value of approximately $75,000, leaving him 36,189 shares with a market value of approximately $1,375,000.

The vice president-treasurer of the Montana Power Co. purchased 100 shares of stock, at $12.785 per share, on October 4, 1963, when the market price was 37⅞. He purchased 1,000 shares, at an average price of $22.895, on January 3, 1964, when the market price was 38⅛. He paid $24,173.50 for stock which would have cost the ordinary stockholder $41,887.50. His windfall profit was thus $17,714.

The secretary of the Montana Power Co., from 1960 to 1962, purchased 825 shares of stock, at a per share price ranging from $11.875 to $12.78, although the market price on the three occasions when he purchased the stock ranged from $28.50 to $33. The stock he acquired for $10,068.37 would have cost the ordinary stockholder $24,950. His windfall profit was thus $14,881.62.

The vice president for sales of the Montana Power Co. paid $11.40 per share for 200 shares of stock he acquired on September 13, 1961, when the market price of the stock was $38.50. He paid $11.40 per share for another 200 shares of stock which he bought on April 6, 1962, when the market price was $40.75. The stock he acquired for $4,560 would have cost the ordinary stockholder $15,850. His windfall profit was thus $11,290.

In similar insider transactions, in 1961 and 1963, the assistant treasurer of the Montana Power Co. purchased 1,500 shares of stock for $25,370.50. He bought 500 shares on March 30, 1961, paying $12.19 per share for 300 and $12.78 for 200, when the market price was $34.25. He bought 450 shares on October 2, 1961, at an average price of $15.39, when the market price was $41.50. He bought 550 shares on September 27, 1963, at an average price of $22.24, when the market price was 38⅝. These shares would have cost an ordinary stockholder $57,043.75. His windfall profit was thus $31,673.25.

An assistant secretary of the Montana Power Co. purchased 810 shares on September 25, 1961, at an average price of $12.81 per share. The market price that day was $42. He paid $10,376.10 for stock which would have cost the ordinary stockholder $34,020. On March 27, 1963, he bought 300 shares, at $21.85. The market price that day was $38.75. His windfall profit on these two transactions was $28,713.90.

Mr. President, it is impossible to include at this time the total gain through insider transactions by some of these officials, because of the insufficiency of information provided by them on their form 4 reports to the Securities and Exchange Commission.

Only officers and directors of the company are required to report their transactions. According to the Montana Power Co.'s 1963 form 1 report to the Federal Power Commission, 114 officers and employees of the Montana Power Co. are entitled to buy these cut rate shares of stock under the restricted stock option plan.

Up to 750,000 shares—approximately 10 percent of the total shares of Montana Power Co. stock—can be optioned to company insiders. On December 31, 1963, 479,132 shares had already been purchased, by insiders, via the stock option gimmick. The market value of that amount of stock is now approximately $18 million.

Much of the stock, purchased under this plan, has already been sold or given away by the insiders, despite the company's statement to the Federal Power Commission, in its July 13, 1956, application for approval, that:

> The primary purpose of the plan is not to obtain funds but to secure for the company and its stockholders the added incentive to efficient and progressive management of the company's affairs which is expected to flow from the plan and from the ownership of the company's securities by its officers and other key employees.

The company's restricted stock option plan was approved by company stockholders June 16, 1954, filed with the FPC July 19, 1956, approved without hearing or dissent August 24, 1956. I would point out here that none of the present members of the Federal Power Commission were then members. And it is well known that the Republican administration then in power and the IOU's had, by that time, deemphasized Federal Power Commission surveillance over the electric light and power industry to the point that it was practically nonexistent.

Mr. President, it is also interesting to note, in the company's 1955 annual report, that during that year—prior to approval of the plan by FPC—"options on 37,925 shares were granted to 61 officers and employees, exercisable during or after 1957."

What is the effect of this issuance of cutrate stock to company insiders?

In the first place, it dilutes the equity of ordinary stockholders.

Second, it creates, to use the phrase of J. A. Livingston, financial editor of the Philadelphia Bulletin, a "tax-sheltered elite," who are eligible for "risk free capital gains."

Third, it reduces the company's capital, to the extent that the option price is less than the market price.

Fourth, it encourages company officials to forego rate reductions and reap ever greater profits, so the market value of the stock will increase, thereby increasing their windfall profits when they exercise their options.

Thus, in summary, the ratepayers and ordinary stockholders are required to pay the fare for company insiders' ride on the gravy train.

How did this raid on the ratepayers and ordinary stockholders of Montana Power Co. come into being? The story is summarized in a fascinating footnote which appears in the Federal Power Commission's December 27, 1962, Memorandum Opinion and Order, in which the FPC denied use of the restricted stock option to the Black Hills Power & Light Co.—Docket No. E-7046. In a concurring opinion, former Commissioner Howard Morgan wrote:

> In 1956, on the one and only previous occasion wherein it had an opportunity to consider this matter, and by an action that came close to nonfeasance, this Commission summarily approved the issuance of 300,000 shares of stock under a restricted stock option plan set up for the management of an electric utility. (Montana Power Co.) The authority for that issuance expired in June 1959. Nevertheless, as of December 31, 1961, that utility had issued options on 348,581 shares, and had increased the number subject to option to 750,000, or to 10 percent of its total common stock. Of these totals of optioned shares and shares subject to option, during the period 1957 (when the first options were exercised) to December 31, 1961, that company issued 148,171 optioned shares. The total amount it received therefor was approximately $1.9 million: its resulting loss of capital was approximately $2 million (the difference between the price received for the 148,171 shares, and the annual mid-point price of company's stock during each year in which the options were exercised). I repeat, that $2 million is the amount of capital loss and dilution of stock equity caused by issuance of only 148,171 optioned shares. There are more than 600,000 shares optioned or subject to option still to be issued. The question naturally arises: Has this company reduced its rates to consumers in the period since 1957, a period in which the electric industry claims that nationwide electric costs to consumers have been trending downward? The answer: No, it has not. On the contrary, it has increased them.

The capital loss and dilution of stock equity, which amounted to close to $2 million after sale of 148,171 shares of cutrate stock, is of course much greater now, with the sale to insiders, at the end of last year, of 479,132 shares. The Federal Power Commission staff has estimated that the ultimate cost of the Montana Power Co.'s stock option plan, in capital forgone, will be $9,074,483.

Mr. President, I ask unanimous consent to insert in the RECORD, at this point, the FPC staff study which shows the estimated ultimate cost of Montana Power Co.'s stock option plan.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

MONTANA POWER CO.[1] [2]

Actual experience of a public utility issuing stock options—Capital forgone; annual earning requirements of excess shares; annual revenue requirements of excess shares—Estimated ultimate cost of stock option plan

Capital forgone by company		Annual earning requirements of excess shares	Annual revenue requirements of excess shares				
			Year	Common shares earnings	Revenue requirements	Excess shares	Annual revenue requirements
Shares authorized for option	750,000	68,175 shares (of 148,181 granted and exercised) or 46 percent were excess.	1970	$1.75	$3.64	345,000	$1,255,800
Shares granted and exercised (through 1961)	148,181		1970	2.23	4.64	345,000	1,600,800
Shares remaining for grant and exercise	601,819	Grant and exercise of 750,000 shares in terms of previous experience would yield 345,000 excess shares (750,000×46 percent=345,000).					
Capital forgone (148,181 shares)	$1,792,473	Estimated earnings for 1962=$1.75 per share.					
Average per share	12.10	Assuming plan is consummated and shares exercised by the end of 1969, annual earnings per share in 1970 are estimated to increase by approximately 48 cents per share (8×$0.06=$0.48) or to a level of $2.23 per share.					
Estimated capital forgone (601,819 shares)= 601,819 shares×$12.10 or	$7,282,010						
Capital forgone (148,181 shares)	1,792,473	Estimated annual earning requirements— At $1.75 per share (345,000×$1.75)=$603,750. At $2.23 per share (345,000×$2.23)=$769,350.					
Estimated total capital forgone by company upon consummation of stock options plan	9,074,483						

[1] Adjusted for 3-for-1 stock split in 1959.

[2] Source: "Memorandum Opinion and Order Denying in Part the Increase of Common Stock," Federal Power Commission, Black Hills Power & Light Co., Docket No. E-7046; "Standard Listed Stock Reports," Standard & Poor's Corp., Oct. 3, 1962, June 18, 1962, Apr. 12, 1960.

Mr. METCALF. Mr. President, attempts have been made to justify the restricted stock option on the basis that it is necessary to attract and retain good men in business.

Mr. President, on this point I ask unanimous consent to insert in the RECORD at this point the salaries of Montana Power Co. officers, which range up to $75,000 a year for the company president, and as reported by the company to the Federal Power Commission in its form 1 report for 1963.

There being no objection, the list was ordered to be printed in the RECORD.

Title (a)	Name of officer (b)	Principal business address (city and State) (c)	Salary for year (d)
President and general manager	J. E. Corette	Butte, Mont	$75,000.00
Senior vice president and counsel	Sam B. Chase [1]	do	30,793.38
Vice president	Colin W. Raff	do	27,250.00
Do	George W. O'Connor	do	26,500.00
Vice president and treasurer	J. J. Harrington	do	25,750.00
Vice president	C. H. Kirk	do	26,250.00
Do	L. S. Stadler	do	26,750.00
Do	W. W. Talbott	do	17,625.00
Secretary and assistant treasurer	D. J. McCaig	do	17,625.00
Attorney	R. D. Corette	do	28,000.00

[1] Retired Nov. 1, 1963.

Mr. METCALF. The Montana Power Co. reported to the Securities and Exchange Commission, in its form 10-K report for the year 1962, that "it is impractical to supply detailed payments in connection with the respondent's retirement plan." However, the company did report that its president will be eligible to receive annual benefits amounting to $37,695, if his benefits continue to accrue at the present rate and if he retires at the normal retirement age.

During the time that I served on the House Ways and Means Committee in 1959, Dean Erwin N. Griswold, of Harvard Law School, told us when he testified, that "shareholders rarely know much about the exercise of stock options, and in particular, they are given little direct information as to the actual amount of benefit derived." The same statement could be made today. Congress but gently tugged at the loose reins on stock options when it passed the new tax law this year, although the administration recommended repeal of the restricted stock option provisions in their entirety. Furthermore, the minor modifications in the new law are of no help to the ordinary stockholders and ratepayers of the Montana Power Co., whose restricted stock option plan fits the definition offered to the Senate Finance Committee in 1961 by Vanderbilt University Law Prof. Herman L. Trautman—"a tool of abuse whereby a select few, in varying amounts determined by the controlling group, can and do substantially dilute the equity of investors, who have taken their risks in after-tax dollars."

This abuse, Mr. President, is above and beyond the one concurred with by the utility analyst for Massachusetts Investors Trust, Frank Chutter, an independent utility consultant, Arnold Hirsch, and the National Rural Electric Cooperative Association—that Montana Power Co. has the most exorbitant rate of return of any major investor-owned utility—IOU—in the Nation.

Mr. President, I ask unanimous consent to insert in the RECORD the Federal Power Commission list of 24 electric utilities in the United States with restricted stock option plans in 1961.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Electric utilities in the United States with restricted stock option plans, 1961 [1]

State	Utility [2]	Holding company [3]	States in which utility furnishes service
Arkansas	1. Arkansas Power & Light Co.	Middle South Utilities, Inc.	Arkansas.
Massachusetts	2. Boston Gas Co.	Eastern Gas & Fuel Associates	Massachusetts.
Louisiana	3. Central Louisiana Electric Co.		Louisiana.
Kansas	4. Central Kansas Power Co. (The)	United Utilities, Inc.	Kansas.
Ohio	5. Cleveland Electric Illuminating Co.		Ohio.
Texas	6. Dallas Power & Light Co.	Texas Utilities Co.	Texas.
Vermont	7. Green Mountain Power Corp.		Vermont.
Missouri	8. Kansas City Power & Light Co.		Kansas, Missouri.
Kansas	9. Kansas Power & Light Co. (The)		Kansas.
Louisiana	10. Louisiana Power & Light Co.	Middle South Utilities, Inc.	Louisiana.
Mississippi	11. Mississippi Power & Light Co.	do.	Mississippi.
Missouri	12. Missouri Utilities Co.		Missouri.
Montana	13. Montana Power Co. (The)		Idaho, Montana, Wyoming.
Nevada	14. Nevada Power Co.		Nevada.
Louisiana	15. New Orleans Public Service, Inc.	Middle South Utilities, Inc.	Louisiana.
New Mexico	16. New Mexico Electric Service Co.		New Mexico.
Ohio	17. Ohio Edison Co.	Ohio Edison Co.	Ohio.
Pennsylvania	18. Pennsylvania Power Co.	do.	Pennsylvania.
Texas	19. Southwestern Public Service Co.		Kansas, Oklahoma, New Mexico, Texas.
Florida	20. Tampa Electric Co.		Florida.
Texas	21. Texas Electric Service Co.	Texas Utilities Co.	Texas.
Do	22. Texas Power & Light Co.	do.	Do.
Pennsylvania	23. United Gas Improvement Co. (The)		Pennsylvania.
Washington	24. Washington Water Power Co. (The)		Idaho, Montana, Washington.

[1] "Electric utilities" constitute A and B privately owned companies which numbered 224 in 1961.

[2] Companies which are controlled by a holding company have stock options in the holding company common stock.

[3] Holding companies with A and B electric utilities as subsidiaries number 33. Central and South West Corp. filed a restricted stock option plan with SEC in 1962 which was approved. The subsidiaries are Central Power & Light Co., Public Service Co. of Oklahoma, Southwest Electric Power Co., West Texas Utilities Co.

Source: Moody's Public Utility Manual, 1962; annual reports to stockholders: reports filed with SEC.

CIVIL RIGHTS ACT OF 1963—CLOTURE MOTION

Mr. GRUENING. Mr. President, some of us were very much disturbed—and I include myself in that number—by a statement of the majority leader, as reported in the press, that the Senate was likely to be in session all year in order to pass the civil rights bill.

Senators will recall that during the first session of this Congress we were held until just before Christmas for that very purpose. But we did not achieve it.

I should like to inquire of the majority whip how long it will be before voting will start.

Many Senators believe that the debate, which has continued for more than 8 weeks, has been rather comprehensive. Perhaps more discussion is needed, but it seems to me the time has come when the Senate should vote on some of the proposed amendments.

I should like to inquire of the majority whip as to when he believes that time will come.

Mr. HUMPHREY. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield.

Mr. HUMPHREY. I believe it would be a good idea if the Senate were to begin to vote in about 5 minutes. Voting on the amendments should start at once.

Mr. GRUENING. I share the view of the Senator from Minnesota. Is there any reason why the Senate cannot start voting now?

Mr. HUMPHREY. Under the rules of the Senate, there happens to be the right of unlimited debate, until such time as limitation of debate under a cloture motion can be obtained.

I believe the Senator knows that up until now there has been a feeling there were not enough votes for cloture; but I am happy to tell the Senator that that situation is being quickly erased. The hour for cloture on the bill is fast approaching.

I hope that Senators who wish to see some action in the Senate will give us their support when we find it necessary to file the cloture motion.

Mr. GRUENING. I confess my disappointment that a year and a half ago when a group of us on the Democratic side of the aisle sought to get some amendment to what we considered the administration's Telstar giveaway which turned our first venture into space to a private corporation specifically "organized for profit," with no provision for regulation which some of us felt desirable, we found ourselves gaveled down and clotured in a very short time. There was not adequate time for debate to bring out the evils of this measure. It was rather disappointing to us that some Senators who had been traditionally opposed to cloture, although present in the Capitol, absented themselves in order that cloture could be imposed upon us as a result of their absence.

I remember that on that occasion, my good friend the minority leader, the Senator from Illinois [Mr. DIRKSEN], pointed out after we had been clotured, that it was a long way between the Senate dining room and the Senate. It seems to me that even on an issue as important as this one before us now, which we have debated for over 2 months, we have debated nearly long enough and should now be voted on.

I am prepared, before long, to vote for cloture.

Mr. HUMPHREY. I thank the Senator. His comments are encouraging.

CHICAGO ASSOCIATION OF COMMERCE & INDUSTRY REJECTS U.S. CHAMBER OF COMMERCE ATTACK ON URBAN RENEWAL

Mr. DOUGLAS. Mr. President, the Chicago Association of Commerce & Industry, which is Chicago's metropolitan chamber of commerce, has openly opposed the stand taken by the U.S. Chamber of Commerce against local participation in federally assisted urban renewal and housing programs.

The statement issued by the Chicago association explaining its decision is a mature, responsible, and thoughtful discussion of the need for and the desirability of urban renewal and housing projects. It points out that aside from the essential humane and social needs for the restoration of our cities and the need for better housing, urban renewal pays off in dollars and cents. The association statement cites, for example, the fact that Chicago's redevelopment program already has added over a hundred million dollars in new assessed valuation and that tax yields from recent projects have more than doubled.

I congratulate the association on its characteristically progressive stand in this matter.

I ask unanimous consent to have printed in the RECORD the statement of the Chicago Association of Commerce & Industry regarding Federal participation in urban renewal, dated April 3, 1964, along with a letter which was sent to 45 local chambers throughout the country giving a summary statement concerning the charges made by the U.S. Chamber, together with the answers given by the Urban Renewal Administration, and also an editorial on this subject which was broadcast by WIND radio on April 7, 1964.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHICAGO ASSOCIATION OF
COMMERCE & INDUSTRY,
Chicago, Ill., April 17, 1964.

DEAR FELLOW CHAMBER OF COMMERCE EXECUTIVE: The Chicago Association of Commerce & Industry, a metropolitan area chamber of commerce representing 6,000 leading business firms, has long been an active supporter of the Chamber of Commerce of the United States.

Sharing the common objective of strengthening the role of private enterprise, we usually concur with U.S. chamber policies. Regarding urban renewal responsibility, we agree with the long-range ideal of restoring to States and local communities this responsibility. At the same time, we feel that efforts must first be directed toward devising means of restoring to local governments financial resources for carrying out urgently needed programs of redevelopment and blight prevention, without interruption.

Our chamber has looked upon the U.S. Chamber's current position as unrealistic because it would curtail urban renewal—one of our Nation's most pressing problems—without coming up with practical alternative financing recommendations.

Many of our members also have been disturbed by the nature of public comments on the subject made by spokesmen of the U.S. Chamber in recent months.

It is believed that you will find the enclosed statement of interest. If you concur, you also may wish to express your feelings to the U.S. Chamber, so that their public statements might reflect correctly the actual thinking of local chambers of commerce.

Cordially,

H. HAYWARD HIRSCH.

STATEMENT BY THE CHICAGO ASSOCIATION OF COMMERCE & INDUSTRY REGARDING FEDERAL PARTICIPATION IN URBAN RENEWAL, APRIL 3, 1964

The Chicago Association of Commerce & Industry opposes at this time the stand taken by the Chamber of Commerce of the United States in urging action by member companies and associations to bring about the termination of Federal participation in urban renewal and public housing programs.

While agreeing with the long-range ideal of restoring to States and local communities responsibility for urban renewal, it is felt that such action is premature until means are devised for restoring to local governments the financial resources for carrying out urgent and continuing programs of redevelopment without disruption. The fact is that Federal invasion of the tax field has diminished local taxing sources to a point where continuation of Federal grants today are essential until such time as a major realinement of taxing powers is accomplished.

As the business voice of the Metropolitan Chicago area, the Chicago Association of Commerce & Industry recognizes a dual responsibility to the community: (1) For promoting commercial and industrial growth of the area, and (2) for helping create a better community for all who live and work in the area.

These are viewed as inseparable because what is good for business is good for the community, and what is good for the community is good for business. It is recognized that Chicago's problems are fundamentally the same as those facing virtually every one of our Nation's 212 metropolitan areas which today contain over two-thirds of America's population.

Since World War II, despite high levels of economic activity, no problem facing the American city has presented a greater challenge than neighborhood deterioration and encroachment of blight, directly or indirectly afflicting the vast majority of our citizenry. If unchecked, urban blight stifles the commercial and industrial vitality of communities. It impedes flow of private funds and expansion of free enterprise by depressing the optimism and confidence required for continued capital investment. It demoralizes civic pride of urban residents and creates breeding grounds for crime and juvenile delinquency. It compounds the staggering burden of increasing costs of municipal services while at the same time diminishing local government's financial resources by reducing assessed property valuations and the local tax base.

On the other hand, money spent on urban renewal is a proven catalyst which stimulates private enterprise and attracts further investment by private sector of the economy, contributing toward winning the war on poverty and increasing total employment. The largest percentage of the urban renewal dollar, public and private, goes into labor.

Chicago was a pioneering city which, through positive business and civic leadership working in harmony with Government, developed effective legislative tools and workable programs to arrest the ravages of urban decay. No one can question the dedication to the philosophy of free enterprise by Chicago's outstanding leaders of commerce, industry, and finance; such as Remick McDowell, chairman of The Peoples Gas Light & Coke Co., and the late Holman D. Pettibone, long time director of the U.S. Chamber, former president of the Chicago Association of Commerce and Industry, and chairman of the board, College Title & Trust Co., who labored tirelessly to develop practical approaches toward solving the threat of neighborhood blight to America's accelerating urbanization. It was through their keen judgment, businesslike realism, and facing of facts rather than idealistic delusions, that there emerged workable, rather than theoretical, devices such as land clearance and community conservation laws which today are rejuvenating Chicago and over 600 other cities in America. Passing over sociological benefits and speaking from purely a dollars-and-cents standpoint, the mere economic value of urban redevelopment has justified itself many times over. In Chicago, for example, tax yields from recent projects have more than doubled. Chicago's redevelopment program already has added over $100 million in new assessed valuation, broadening the tax base while improving living conditions and spurring economic growth.

Citing but one of many case studies, which have been duplicated in cities throughout the land, Chicago's Hyde Park-Kenwood community conservation program, the Nation's first such comprehensive plan of urban renewal, is costing $36,700,000 in Federal and local public funds. This program, however, will result in a total private investment of nearly $200 million by property owners and institutions in renovation of existing properties and new construction. A bleak picture of slum envelopment 10 years ago has been dramatically transformed through clearance of pockets of blight, redevelopment, and citizen participation in creating a wholesome environment that will preserve most of the private properties through remodeling and rehabilitation. A recent survey by Chicago Mortgage Bankers Association showed that sales prices of older homes in this neighborhood have risen an average of more than 25 percent in the past 6 years.

Had termination of Federal participation in urban renewal prevailed without provision for alternative methods of generating the "seed money" necessary to attract private investment, this striking success story never could have been achieved.

The Chicago Association of Commerce and Industry is not unmindful of the obligation of States and local governments for carrying their share of responsibility for financing urban renewal. It is hoped that local governments will eventually be able to assume full responsibility.

The Chicago Association of Commerce & Industry's position on urban renewal does favor:

(a) Continuation of the present Federal sharing of local urban renewal costs at this time.

(b) Such Federal grants only where these are part of a comprehensive urban renewal plan and of an overall plan for the city.

(c) Plans which encourage private enterprise to invest in the redevelopment of cleared lands.

(d) Plans which stimulate the entire community to upgrade living standards through private development and private financing.

(e) Continued Federal provisions for low-rent housing for families displaced by public works projects, code enforcement, and other public actions.

SUMMARY

(Following is a summary of the major arguments of the Chamber of Commerce of the United States regarding urban renewal, followed by the Urban Renewal Administration's answers to these charges. While not constituting a part of the official statement by the Chicago Association of Commerce &

Industry, it is felt that the views of both URA and the U.S. Chamber should be considered.)

1. U.S. Chamber: Dollars are not being distributed in proportion to the number of substandard homes or in proportion to preponderance of lower family incomes. Arkansas and Mississippi are examples of low income, substandard States with low per capita Federal grants. A major portion of the Federal urban renewal dollars are being spent in areas where housing is relatively good and incomes are relatively high: poorer areas get the leftovers. For example, the chamber's position compares total grants to Connecticut and New Jersey with those extended to Utah and Wyoming.

Reply by Urban Renewal Administration: The fact is there is a striking correlation between the number of low-income families and the amount of urban renewal grants approved. For example, one-half (49.7 percent) of families with incomes below $4,000 live in eight States. These States account for 46.2 percent of approved urban renewal grant reservations. Also, nearly half (48.9 percent) of the Nation's deficient urban housing units are in eight States. These States account for 54 percent of approved urban renewal reservations. (Allocations of public housing units also show a similar correlation.) The money has, in fact, gone where it is needed.

Citing Utah and Wyoming as States that have not shared in urban renewal is particularly misleading. These two States have not chosen to enact State enabling legislation permitting their cities to obtain urban renewal grants. That is their choice. If these States wish to pass such legislation, their cities will receive Federal assistance on the same basis as cities in other States.

Grants are made to communities that request them and can support the need for them. URA does not play favorites among States or communities. As long as funds are available, any community that applies for a grant and meets the requirements of local, State and Federal laws and regulations, will receive a grant.

These charges appear to be based on the premise that funds should be allocated on the basis of percentage of low-income families to the total within that State, rather than the number of low-income families. This would result in using more money to help fewer people. States with less population and urbanization often have a smaller number of such families than more densely populated States, even though the percentage ratio within the less populated State is higher.

2. U.S. Chamber: Local irresponsibility is actually encouraged. The less the people of each State use their own tax resources the more Federal dollars they get for urban renewal. For each $10 decline in the State and local taxes raised per $1,000 of income there is a rise of $235 in Federal renewal and housing grants.

Reply: Each city must pay one-third (one-fourth for smaller towns) of the cost of a renewal project. It is the same for each city. Any variation between tax rates between cities is unrelated to the proportionate cost of urban renewal, and is the result of other differences in revenues and expenditures in the city's budget. Every community must also have a satisfactory workable program to qualify for urban renewal assistance. This is to assure that it is carrying out through its own resources the basic responsibilities of the locality in eliminating and preventing urban blight.

Some States, such as New York, New Jersey, Massachusetts, Pennsylvania, and Connecticut, appropriate State funds to help carry out urban renewal. These States, however, are among the most active users of the Federal program.

3. U.S. Chamber: If all cities had been allotted their share on the same basis as politically favored cities and towns, the cost of the programs would have been about $109 billion, instead of the $8.8 billion presently committed.

Reply: Grants are not made on the basis of "politically favored cities and towns." As stated under charge No. 1, every city that has requested grants and was eligible under Federal law and regulations has received grant allocations.

4. U.S. Chamber: The Federal Government's service charge for taking your tax money and then returning it for urban renewal and public housing was about 12 percent, or $1 of every $7.50 expended in subsidies.

Reply: Administrative costs for urban renewal are about seven-tenths of 1 percent of the total grant reservations and loan funds administered each year. If private investment in the redevelopment of these areas were to be included, the percentage would be much smaller. The charge of high Federal administrative costs apparently relates cost to actual disbursements which to date are only a fraction of the total funds committed and of the cost of the projects being administered. Such a comparison is misleading.

[WIND radio 560 editorial, Apr. 7, 1964.]

FEDERAL AID FOR URBAN RENEWAL

The Chicago Association of Commerce & Industry has opposed the stand of the Chamber of Commerce of the United States against Federal participation in urban renewal and public housing programs. WIND believes the Chicago association is on firm ground in supporting Federal aid. Our current need is too urgent to await some far-distant, long-range program which would restore responsibility for urban renewal to States and local communities. Business and people suffer if blight is allowed to grow unchecked. Civic pride is demoralized, breeding grounds for crime and juvenile delinquency are fostered. The cost of municipal services rise. Assessed property valuations are lowered along with the local tax base.

On the other hand, expenditures for urban renewal stimulate private enterprise and investment, which in turn help fight poverty and increase employment. We think the U.S. Chamber of Commerce should take a look at what's happened economically in Chicago as the result of urban renewal. Tax yields from recent projects have more than doubled that paid on old slum property on the same sites. Assessed valuation has been increased by over $100 million, broadening the tax base while improving living conditions and spurring economic growth. In the Hyde Park-Kenwood conservation program, for example, some $36 million was spent in Federal and local public funds. Nearly $200 million additional will be spent by private property owners and institutions. If Federal funds had not been available, all this private investment never would have been made.

We think the city of Chicago, therefore, should make every effort to qualify for Federal urban renewal funds. This means that bond issues defeated 2 years ago would once again need to be submitted to the voters—and that they would have to be passed. This is part of a long-range 20-year plan for a new Chicago proposed by the community renewal program. The report said, in part, "It is the city's objective to bring about substantial changes in current trends and conditions so as to reduce future loss of white families while accommodating the growing nonwhite population under the fair-housing policy. With this objective in mind, the policy of the city is to plan for accommodating an ultimate population of about 3,750,000. Accomplishment of this objective will require a combination of public actions in both physical development and social programs." Urban renewal is one of the most crucial problems now on our doorstep. If Federal funds are needed—and there seems no alternative—then let this city begin to qualify for them without further delay.

CIVIL RIGHTS ACT OF 1963

Mr. JAVITS. Mr. President, Senators are still trying to make up their minds on cloture. What has happened in New York could be an illuminating contrast as to how to seek to handle this racial situation with justice.

We have a problem in New York with respect to our schools which is caused in many cases by patterns of housing which are heavily populated by Negroes.

The State commissioner of education, Dr. James E. Allen, Jr., has come forth with a report prepared for him by an advisory committee on human relations and community tensions, composed of three distinguished New Yorkers, Dr. Kenneth B. Clark, professor of psychology at City College of New York—incidentally, himself a Negro; Dr. John H. Fischer, president of Teachers College of Columbia University; and Rabbi Judah Cahn of Metropolitan Synagogue.

The report points out that if New York City pursues its present course, as much as it is trying, it would take far too many years to arrive at the most racially balanced schools we can get, in view of the fact that a large proportion of pupils in New York City schools are Negroes or Puerto Ricans. So the advisory committee, appointed by the State education commissioner, has made recommendations of a far more comprehensive and enterprising character than any previously made.

From what can be determined, the city will probably adopt the recommendations and go ahead with them.

The significant point is that here is an open society in which these problems are put on the table, considered, and then acted upon. Parents, whether pro or con, can have their say in a perfectly open forum. We are doing our best to bring to the people a sense of justice in a situation in which the Government participates and in which different societies participate, which centuries of experience has found to be the best road toward domestic peace and tranquillity. Contrast this with a closed society, which we find in certain areas of the country, notably in the South, where there is resistance to the mandate of the Supreme Court on school desegregation, where compliance with the law proceeds at a snail's pace, and where we are sitting on an explosive keg of dynamite without any real outlet being given to it, except by demonstrations—with all that that implies for the country.

To Senators still hesitating, on this subject, I say, study these two examples as to what our country should be, and as to what—in certain parts of it—it is. Considered on that basis, I do not see how the answer can be refuted. But where the States fail to handle such problems themselves—there are not only States' rights but States' wrongs—we must find other effective ways to act.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. This will require Federal legislation. We have before us what I consider to be a minimal package of such legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report of the Advisory Committee to Commissioner Allen.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 13, 1964]

EXCERPTS FROM REPORT ON SCHOOL INTEGRATION IN CITY

FROM COMMITTEE LETTER

"The problems of desegregating and improving the schools of New York City can be dealt with only when they are seen against the broader objective of making and keeping New York City a community in which intelligent, discerning, and responsible parents will choose to raise their families. This cannot be done, however, without a number of changes in the schools, of which the first and most important is to provide first-rate teaching for every child in every section of the city.

"In addition, the need is urgent to expand and improve the supporting services that undergird and supplement the teacher's work. School plants must be built in larger numbers and more rapidly than in the past. Teaching materials must be improved and furnished more promptly and flexibly. As earlier studies have repeatedly pointed out, the administration of the New York City schools must be decentralized if initiative, originality, and imagination are to be encouraged on as wide a scale as is necessary to cope with the complex and varied tasks the schools face. Decentralization should not, however, become the means to erect regional barriers separating segments of the city. It should not, for example, be used as an excuse to keep children in one administrative unit from entering another if there are good educational and social reasons to warrant such transfers.

"The changes we have proposed do not in every case require additional funds, but many do and the additions will have to be substantial. If the New York City schools are to be as good as they must become, the average expenditure per pupil may have to be raised a third or more over present levels. In the absence of more realistic budgets, most of the good things the schools need will either be impossible or will have to be so meagerly done as to produce virtually no effect upon the city as a whole.

"The money problems of the New York City schools must be faced squarely and responsibly by city, State, and national leaders. Because New York City is so important to the entire country the national aspect of its problems must be viewed as in part a Federal responsibility. At issue here is far more than how to build a few schools or raise teachers' salaries another notch. The whole question of New York City's future as a place to live is now being answered.

"The challenge of finding the ways and means to finance the public schools properly must be accepted not only by the appropriate governmental officers but equally by those leaders of the business community and other segments of city life whose influence so often stimulates and ratifies the major decisions of government. It would be a disgraceful commentary on the values by which we live if the financial capital of the free world should find itself unable to marshal the talents, the money, and the foresight to underwrite the development of its own most precious and promising resources.

"Faithfully yours,

"JUDAH CAHN,
"KENNETH B. CLARK,
"JOHN H. FISCHER,
"Chairman."

SUMMARY OF REPORT

A. Findings:

1. Puerto Rican, Negro, and other students in public schools in New York City suffer extensive and serious ethnic segregation.

2. This segregation increased between 1958 and 1963, and will continue to increase over the next 10 to 15 years, unless deliberate policies are introduced to reduce current levels and prevent future increases in segregation.

3. The board of education has made efforts between 1954 and the present which were intended to reduce segregation. These efforts have had no measurable effect upon the overall number of students attending segregated schools or upon the number of segregated schools in the system.

4. Early in 1954, the board of education introduced new proposals intended to aid in desegregating the public schools. The new proposals, considered singly and in combination, would not reduce current levels of school segregation or prevent future increases.

5. Ethnic segregation cannot be wholly eliminated from the schools of New York City in the foreseeable future, but the adoption of wise and intelligent policies can reduce segregation substantially. The basic requirement is a deep and sustained commitment on the part of the board and its staff to the purpose of reducing segregation throughout the city at the earliest time and at the fastest possible rate.

6. The adopted building program of the board does not treat desegregation as a main factor in choosing sites, although this factor could be utilized.

7. Wise and intelligent policies to foster desegregation must include intensified efforts to raise the quality of school program and teaching in New York City schools to the highest level, which is to say, a degree of excellence second to none in the United States. The purposes of desegregation and increased excellence must be pursued simultaneously. They are absolutely interdependent.

8. The real accomplishment of both objectives is a complicated, costly, and difficult undertaking. It is far beyond what many advocates of change have seemed willing to recognize or acknowledge. Basic changes in the present organization of the school grades and the revision of construction programs are essential to desegregation and improvement, as are new concepts of recruitment, faculty involvement, curriculum design, pupil services, administrative operation, plant use, and interschool communication.

B. Recommendations:

1. Comprehensive 4-year high schools should be built at points well outside existing ethnic ghettoes, to be attended by commuting youths from points all over the city as by local residents.

2. Fifth- through eighth-grade middle schools should replace junior high schools ultimately in the entire system. The purpose of these units should be to furnish improved instruction for older children. They should be so located as to provide for as many children as possible an experience in an integrated school. Shuttle buses should be used to reach these middle schools.

3. Primary units extending from prekindergarten classes through the fourth grade should replace existing elementary schools. These units would still be neighborhood schools, but they would be organized differently and would feed into the middle schools. Many existing elementary schools could be reorganized to contain two or more primary units.

4. Educational complexes should be formed, consisting of from two to six primary units clustered around the middle schools. These should be managed by a single administrator, with assistant administrators in the separate unit buildings. The complexes should integrate educational activities, improve the distribution of facilities and resources, and promote communication between faculties, parents, and students from diverse ethnic backgrounds. Complexes should have a high degree of organizational autonomy over their programs.

5. Eventually, educational parks housed in newly developed structures on cleared sites should replace single middle schools with their educational complexes.

6. Facilities should be equalized in every way, so that mainly Puerto Rican and Negro schools in the city will not continue to be older, more overcrowded, and in greater need of installation of essential facilities than other schools.

7. The new organization of the system should be utilized to stabilize and improve the staffing of the schools. The middle schools and clustered primary units with their new autonomy should be used to attract and retain the best teachers and administrators.

8. Board programs to improve recruitment and advancement of minority group teachers and other personnel should be extended and intensified. As part of this training relations between the system and local teacher training institutions must be greatly strengthened.

9. Preprimary programs of instruction should be introduced on a citywide basis, serving children as young as 3 years.

10. Special schools and programs, particularly those for maladjusted and retarded students, should be studied independently and the findings should be made public. A stronger policy for retaining more such students in their regular schools should be pursued.

11. State and Federal support, fiscal and administrative, should be provided to the city to accomplish these necessary changes. This support should begin after the board of education has demonstrated its new initiative and commitment by taking some of the steps toward desegregation which do not involve additional municipal expenditures.

Our proposals do, we trust, make plain the fact the substantial forces must be reckoned with and redirected if desegregation is to be achieved. If these proposals are adopted and implemented we are confident they will effect some immediate desegregation. More importantly, they would help prevent an increase in the rate of segregation within the schools. To accomplish this, however, they would have to be introduced promptly, progressively, and in an ever more extensive network during the next 5 years.

AMALGAMATED CLOTHING WORKERS OF AMERICA—50TH ANNIVERSARY

Mr. JAVITS. Mr. President, on another subject, a fine editorial was published in the New York Times, on May 9, concerning the 50th anniversary of the Amalgamated Clothing Workers of America, of which we are very proud in New York.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

CIVIC-MINDED UNIONISM

In pleasant contrast to the still chaotic situation on the railroad labor front is the half-century record of responsibility in the men's clothing industry, which the Amalgamated Clothing Workers of America is celebrating as it opens its 50th anniversary convention here today. This union has consistently recognized that its members' welfare was inextricably bound up with the prosperity of the industry and with the betterment of the total community.

Under the leadership first of Sidney Hillman and now of Jacob S. Potofsky, the Amalgamated pioneered in developing machinery for peaceful union-management relations. But it did much more. It was a trail blazer in establishing industry-financed pension and welfare programs, in building union medical centers and cooperative housing developments and in inducing its members to become active participants in campaigns for civil rights and social improvement.

Built by immigrants from Eastern Europe and Italy, the union is now welcoming into its ranks thousands of Negro and Puerto Rican newcomers to the clothing industry. The sweatshops of 1913 are gone; today the union that played a key role in abolishing them addresses itself to the no less challenging problems of the age of automation.

SUDETEN GERMAN DAY, 1964

Mr. HARTKE. Mr. President, I recently received a letter from Dr. Walter Becher, secretary general of the Sudetendeutscher Rat of Munich, the organization which is sponsor of Sudeten German Day, 1964, next Sunday, May 17, in Nuremberg. Dr. Becher's letter invited me to send a message to the assembly there, which is expected to number some 300,000 to 400,000 persons. His letter indicates the scope and meaning of this great gathering and notes its goal of cooperating within the framework of dedication to freedom which motivates the Sudeten Germans now living outside their homeland.

Mr. President, I ask unanimous consent to have printed in the Record the letter by Dr. Becher, and my response, which is being sent to him in German.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Sudetendeutscher Rat e. V.,
March 26, 1964.

Hon. Vance Hartke,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Hartke: I take the liberty to call your kind attention to the Sudeten German Day 1964 which will take place on Whitsuntide, May 17 and 18, 1964, in Nuremberg, West Germany. Three hundred thousand to 400,000 Sudeten Germans are going to take part in it. Principal speakers will be the president of the Sudeten German National Union, Federal Minister of Traffic, Dr. Ing. Hans-Christoph Seebohm, further the president of the Central Union of German Expellees and Refugees, members of the West German Bundestag, Dr. H. C. Wenzel Jaksch, who is a Sudeten German himself, the Bavarian Prime Minister Alfons Goppel, and other members of the Bonn Federal and the Bavarian State Governments.

The Sudeten German Day will take place under the motto: "Reconciliation, But No Surrender." The Sudeten Germans, 3.5 million of whom had to leave forcibly their homeland in former Czechoslovakia in 1945 and 1946, will stress their dedication to a friendly cooperation with the Czech and Slovak peoples, their hope that the East European nations, such as the Czechs, Slovaks, Poles, Ukrainians, Balts, Hungarians, Rumanians, Soviet Zone Germans and East Germans and all others will once again enjoy full freedom and self-determination in their homelands. The Sudeten Germans will also reaffirm their dedication to the cooperation with all free nations and the United States of America.

It would be very kind of you and a great honor for us if you send a few words of message to our Sudeten German Day 1964.

With my best personal regards and every good wish.

Yours very sincerely,
Dr. Walter Becher,
Secretary General.

U.S. Senate,
Committee on Finance,
May 13, 1964.

Dr. Walter Becher,
Secretary General, Sudetendeutscher Rat e. V. Germany.

Dear Dr. Becher: As an American of German descent, I am happy to send greetings to the great assembly marking Sudeten German Day 1964 in the city of Nuremberg.

The memories of those who fled their homes in political conflict nearly two decades ago still hold longing and concern for their native soil. The convictions which separate them from those left behind cannot be discarded, for freedom as we embrace it is dear to us. But this does not prevent extending friendship, cooperation, and hope for freedom and self-determination, for wanting in the words of your slogan "Reconciliation, But No Surrender."

So I am proud to greet you as a citizen of the United States and Member of its Senate, as you rededicate yourselves to freedom and to cooperation with others for its greater extension. Please convey my best wishes to those assembled on Sudeten German Day.

Sincerely yours,
Vance Hartke,
U.S. Senator.

COLLEGE STUDENTS SUPPORT HARKTE EDUCATION BILL

Mr. HARTKE. Mr. President, I have noted previously the wide range of support for the Hartke college student assistance bill, S. 2490, among professional organizations concerned with higher education. But how about the reaction of students themselves?

Several college papers have published editorials on the subject, among them those of the students at Indiana University and Butler University. I have now received a clipping of a two-column editorial, accompanied by a cartoon, from the Daily Collegian of the University of Michigan.

The cartoon has reference to the self-help element whereby the student rather than his parents may take major responsibility for his education through work-study programs, loans, and scholarships. It shows a student in academic cap and rolled-up shirtsleeves, digging away with a shovel labeled "Hartke bill."

The editorial is titled, "Education Act Outstanding." It asserts that "the outstanding feature of this bill which places it above its predecessors, is that it offers help where it is needed the most," and comments that the tax credit approach "gave too much unneeded help to upper-income brackets." It reflects the approval it is receiving on college campuses. Mr. President, I request unanimous consent that this editorial may be inserted in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

EDUCATION ACT OUTSTANDING

The Higher Education Association Act (S. 2490), now before the U.S. Senate, is the best of the current rash of Federal aid to education bills which the Collegian has seen.

The bill, sponsored jointly by Senator Vance Hartke, Democrat, of Indiana, and Senator Paul Douglas, Democrat, of Illinois, has three main provisions: (1) a work-study program for students; (2) Federal guarantees to colleges and private companies that loans to students would be repayed; and (3) an expanded Federal scholarship program.

According to Hartke, "The basic aim of the program is to insure that no capable student will be denied the opportunity for education beyond high school because of his or her parents' inability to meet the financial burden."

The outstanding feature of this bill which places it above its predecessors, is that it offers help where it is needed the most. Senator Abraham Ribicoff's—Democrat, of Connecticut—plan for student tax cuts which was narrowly defeated last February, for example, gave too much unneeded help to upper-income brackets.

The only weakness of the bill is that as it now stands, it would not apply to students in trade or technical schools. However, Hartke said this is something that may be changed before the bill gets out of the Senate Education Subcommittee.

The work-study program is the feature which appeals most.

Under the provision, the Government would provide funds to colleges to hire students for part-time work in jobs connected with their studies.

This would obviously be of benefit to students by providing both money and practical training.

Schools would benefit because instructors could be freed from many lesser jobs for more important work.

As Hartke pointed out, what does it benefit a student to work as a store clerk or gas station attendant in relation to his preparation for a career in teaching or accounting?

The program could even have an effect on the unemployment problem. If more students were employed in academic jobs, there would be more openings available to nonstudents as gas station attendants and store clerks.

It is not a function of government to provide higher education on a silver platter, but it is a function of government to provide the opportunity for education to those who are willing to work. This is what the work-study program accomplishes.

Why not write to Michigan Senators Philip Hart and Patrick McNamara in favor of the bill?

Mr. KEATING. Mr. President——

The PRESIDING OFFICER (Mr. Dodd in the chair). The Senator from New York.

ART COMES TO THE WORLD'S FAIR

Mr. KEATING. Mr. President, the magnificent world's fair is still growing and an important new addition to its many wonderful features will be the

"American Art Today" exhibit scheduled to open on June 15.

This exhibit devoted to contemporary American art works will supplement the many fair exhibits displaying the works of artists from other countries.

The Long Island Art Center, one of the great organizations devoted to enriching the cultural life of the State, is sponsoring the new exhibit. All those associated with this important undertaking deserve the highest commendation for their perseverance and dedication.

Mr. President, I am delighted to be able to call attention to this latest step in making the New York World's Fair the most successful ever.

PROBLEM OF DEFENSE CUTBACKS

Mr. KEATING. Mr. President, a serious problem is shaping up for workers in defense industries throughout the Nation including New York. The latest figures from the Defense Department, for instance, show that New York has gained a slightly larger percentage of defense dollars over the first three quarters of this fiscal year as compared with the last year, up from 8.9 to 9.2 percent. But dollarwise as the overall total of defense procurement is reduced, New York has so far received $8 million less than in the previous year.

What this means is that despite the best competitive efforts of New York's topnotch firms, the defense picture is changing. The amount of money spent and the number of jobs created in such military industrial complexes as aircraft, missiles, electronics, and shipbuilding, are being reduced.

As a result these industries and communities which depend upon them for a livelihood, or at least for a high rate of economic growth, will have to take a new look at the economic situation and perhaps take a new approach, a regional point of view, to meet some of the resulting dislocations.

Mr. President, a series of articles by Leonard Baker which appeared in Newsday recently points to some of the problems of arms cutbacks and emphasizes the need for more effective planning to meet this challenge. These are excellent and perceptive articles and I ask unanimous consent to include them following my remarks in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Newsday, Apr. 20, 1964]

THE PRICE OF PEACE: ARMS CUTBACKS COULD ROCK ECONOMY

(By Leonard Baker)

WASHINGTON.—A defense contract is canceled, so the community's main plant lays off 500 workers.

A military base is closed and its men transferred, so the community loses the income that the base and its personnel produced.

These situations now are becoming almost commonplace, as a growing number of communities across the country, Long Island among them, are learning to their dismay. It is all part of the Nation's gradual cutback in defense spending, a program certain to intensify as long as there is no new heating up of the cold war. What that means economically to the defense worker, his employer and his community is obvious. As Archibald S. Alexander of the Arms Control and Disarmament Agency warns, "It is a very real problem. If preparation is not made to take care of it, it could be very serious."

The figures prompting the concern are these: Since 1961 about 500 military installations have been closed. Many were small with just a few personnel, but some were of significant size. And still more closings are due, in line with President Johnson's promise to shut "every archaic military establishment." Already the number of planes, missiles and ships being purchased is going down. Next year the Government will buy 343 fewer planes, 24,269 fewer missiles and six fewer ships than it is buying this year. Funds for research and development for new weapons will drop $300 million between 1964 and 1965.

It is the first time since the mid-1950's that defense spending has been cut. For the fiscal year 1964, spending for national defense is estimated at $55.3 billion; that figure, in the President's trimmed-down $97.9 billion budget, is expected to fall to $54 billion for the fiscal year 1965. More cuts are seen for the future.

Roswell Gilpatric, former second in command at the Pentagon, estimates that "should there develop a continued easing of the level of East-West tension such as we have seen during the past year," the defense budget could be cut one-fourth by 1970. Johnson, rather than decribing the cutbacks as "disarmament," attributes the reduction to economies that will "further strengthen our defense programs" while saving money.

Most of the cuts in defense spending will come in the aerospace industry (which does 94 percent of its business with the Pentagon) because of the shift from manned bombers to missiles. "You know an airplane is going to wear out and will have to be replaced," an official says, "but once a missile is in place, it stays there and doesn't wear out. You don't have to replace it." Representative CARL VINSON, Democrat, of Georgia, chairman of the House Armed Services Committee, explains it this way: "Simply stated, we are reaching a point in several areas, principally missiles, where we are coming up pretty close to our total needs. And we simply do not need to buy as many of the items as we did before." Another industry that can anticipate being hard hit is shipbuilding (whose companies do 61 percent of their work for the Pentagon), also because of the shift to missiles. And the aerospace and shipbuilding industries generate work for hundreds of subcontractors and suppliers across the Nation.

Defense industries currently employ about 3 million persons, but what is unkown is the rippling effect these workers have in the economy—how many other jobs in the service industries, in the neighborhood stores, in the professional fields are dependent upon the defense worker.

Seymour Melman, professor of industrial engineering at Columbia University and an authority on the economics involved in disarmament, estimates that 19 major defense firms in 6 States have laid off 67,000 workers since the beginning of 1963. Almost 7,000 of these layoffs occurred on Long Island, and most were Republic Aviation Corp. employees. "These layoffs," Melman says, "are the result of weakness in private and public planning to effect a smooth transition from defense to civilian activity."

A major task in meeting the problem is getting the public and Congress to accept the necessity for the cutbacks. When a contract is ended or a military base closed, the local community and its representatives in Congress usually rise up in their wrath to denounce the Pentagon for not giving the community its "fair share" of the defense dollar. A case in point is the announced closing last December of 33 military bases—7 in New York State involving 6,000 jobs. Representative SAMUEL S. STRATTON, Democrat, of New York, quickly denounced the closings, asking: "Why must proposed economies and changes in our defense program always seem to come at the expense of New York State?" Other Senators and Congressmen similiarly complained. In the 1950's and early 1960's, officials concede, this approach often resulted in a base being kept open or a new contract being awarded, but no longer. "You could shift defense contracts around when you had an expanding defense budget, as we had then," an official says, "but not when you have a contracting budget, as we have now."

An obvious solution is to convert defense industries to civilian industries. "Competence for converting from a military to a civilian economy is a basic requirement for the economic and political security of the United States," Senator GEORGE MCGOVERN, Democrat, of South Dakota, said recently. MCGOVERN, who has made this problem a special interest of his, added that such conversion is easier talked about than accomplished. "Many people, including the defense manufacturers themselves," he said, "seriously doubt that these huge industrial giants can produce anything at all for the civilian market."

At Republic, which has laid off 6,298 workers since March 1963, John Stack, a vice president, said: "Naturally, a plant such as an aircraft plant is a plant that can only diversify about so much. By this I mean it is a plant that is suited for building vehicles." Republic, according to Stack, is "putting considerable effort" into finding new products for the commercial transportation field—short-haul aircraft, a monorail, hydrofoils, and the like.

Communities that have existed primarily on the basis of defense expenditures are beginning to worry, however. California has been the envy of the other 49 States because it receives 23 percent of all prime defense contracts, but Irvine H. Sprague, deputy director of the State's department of finance, says of defense contracts: "We do not think that this type of work is the long-range solution to the State's economic problems and we are looking elsewhere for our solutions."

On Long Island, Senator KENNETH B. KEATING, Republican, of New York, recently warned that "the doors of the Pentagon are getting narrower" and that many defense contractors were going to be left outside. Aware of the problem, Nassau County executive Nickerson has established a new department of county development, commerce, and industry. "One of its main purposes," Nickerson said, "is to induce business to come out here."

But mostly the communities, the industries, and the people are unprepared for what is coming. A Senate subcommittee, which studied the problem for several months last year, recently reported: "Very little industry or local planning was underway to handle the inevitable economic and manpower adjustments that would have to be made as defense outlays slackened or were altered in character."

[From Newsday, Apr. 1, 1964]

THE PRICE OF PEACE: PLANNING (AND HELP) SOFTEN THE BLOW

(By Leonard Baker)

WASHINGTON.—In 1961, when the 1,300 residents of the isolated community of Presque Isle, Maine, learned that the Snark missile base there was to be closed, they were confronted with the loss of their only industry, and, with it, $5,500,000 a year in Federal funds.

But what could have been a story of despair and economic depression for the people of Presque Isle was transformed by them into a story of triumph. Through the help of the Pentagon's Office of Economic Adjustment, the community acquired the missile base property and transformed it into an industrial park. Encouraged and helped somewhat by the Federal Government, Presque Isle then began a diligent search for private industry. It succeeded. Where once Presque Isle had 1 major industry—the Federal Government—it now has more than 30. The private payroll and the tax revenues are greater than when the missile base was there. According to James K. Keefe, industrial director for the community: "The economy of Presque Isle now and in the future is considerably brighter and sounder than it has ever been in the past."

Senator Edmund S. Muskie, Democrat, of Maine, who watched over the Presque Isle situation and helped with the liaison between the local people and the Federal Government, explained the successful transformation from a defense-oriented to civilian economy this way: "The people of Presque Isle could have panicked; they could have wrung their hands in despair. They did neither. Calmly and intelligently, they considered the alternative, sought all possible assistance, and embarked upon a program designed to achieve a practical solution to their problem. * * * The Presque Isle story demonstrates what can be done when those faced with a problem have imagination, the willingness to work and perseverance."

Officials here concerned with the problem of the economic impact of a gradually reduced defense budget refer to the story of Presque Isle as the best example of a community facing and overcoming this problem. They cite two ingredients that made the story one of success. One was an early warning by the Government that the Snark base would be closed, and the other was local initiative.

Local initiative is the challenge of the local communities. As in the case of Presque Isle, it sometimes comes after the cutback. In California, which receives 23 percent of all prime defense contracts, an effort is being made to prepare for cutbacks before they come. An "economic forecast" for the next 15 to 20 years now is being drawn up to show the impact within the State of shifts or cutbacks in defense spending. A State law passed last year requires an annual report from the Governor on employment, what actions he has taken to increase employment, and his recommendations for future employment. A State assembly subcommittee is now studying means of adjusting to shifts in defense spending. "California must continue to broaden its economy," said Gov. Edmund G. Brown, "and we in no way are looking to an expanded defense effort as our solution. We do not believe this is the answer for any State."

On Long Island, which has been hit heavily by defense cutbacks, industrial and political leaders have formed the Nassau-Suffolk Development Council to exchange ideas. In Nassau, a new department of county development, commerce, and industry has been formed to attract new industry. And recently Senator Kenneth B. Keating, Republican, of New York, suggested that Long Island form an economic commission "to think about the island's future, its special resources, its advantages and its drawbacks, and chart a domestic-aid plan for Long Island."

Some experts, such as Seymour Melman, professor of industrial engineering at Columbia University, believe that the Government must lead the planning for conversion to nondefense production. Melman urges, for example, that Federal money that otherwise would be spent on arms be diverted into such programs as urban renewal, road construction, and other public works. Defense workers who found themselves laid off would be retrained for other employment. These measures, Melman feels, would cushion the economy against the effects of reduced arms spending while benefiting the Nation as a whole.

Senator George McGovern, Democrat, of South Dakota, has suggested that the Federal Government take the initiative in pushing conversion. He has sponsored a bill calling for a national commission in the Commerce Department to give the transfer to a peacetime economy overall direction. The bill also calls on defense industries to begin the research and development that would eventually lead to the production of civilian products.

McGovern's bill, introduced last year, did not spark too much interest immediately, but interest has been picking up as President Johnson and Defense Secretary McNamara have made evident their intention to cut defense spending. The bill now has 12 cosponsors in the Senate and 20 in the House.

Murray L. Weidenbaum of the Stanford Research Institute, who recently made a study for the Defense Department of the problem of converting a defense-oriented economy to a civilian-oriented one, says: "Our economy does not require defense spending for its continued growth and well-being." He adds, however, "A transition to a more peacetime economy will be successful only if we recognize and take proper account of the job involved in making a major change in the structure of American industry. If we could channel the same scientific and industrial skills to peacetime pursuits that are now devoted to military programs, we would make a most significant contribution to human welfare and progress."

NEW YORK CHAMBER OF COMMERCE REPORT ON PRESIDENTIAL INABILITY

Mr. KEATING. Mr. President, the New York Chamber of Commerce, at its regular meeting of April 16, 1964, adopted a report of its committee on law reform recommending constitutional amendments in the area of presidential inability. Its recommendations consist of an amalgam between a proposal offered by the chairman of the Subcommittee on Constitutional Amendments, Senator Bayh, and other Senators, which would permit the filling of a vacancy in the vice-presidency through presidential appointment and congressional confirmation and one offered by the late Senator Kefauver and myself, which would authorize Congress to establish disability procedures by ordinary legislation and make clear that in cases of disability, the Vice President shall succeed only to the powers and duties, but not the office, of the President.

The report of the chamber of commerce, based as it is upon intensive studies on this subject by the distinguished members of its law reform committee, is an important contribution to the work of those of us in Congress who have been pressing for measures to cure the constitutional silences on disability that stand as a source of potential mischief to the stability of our form of Government. I am personally gratified that the chamber's recommendations largely coincide with my own present view that the most fruitful path of approach lies in combining the best features of Senator Bayh's plan—Senate Joint Resolution 139—with the provisions of the Kefauver-Keating resolution—Senate Joint Resolution 35—giving Congress legislative powers with regard to Presidential inability procedures. I know the chairman of the subcommittee, the junior Senator from Indiana [Mr. Bayh], has been trying to schedule further subcommittee consideration of this problem, and I am as anxious as he for us to thrash out minor differences of detail and reach common agreement on a solution that would be acceptable to the Congress and likely to receive ratification by the required number of States.

Mr. President, I ask unanimous consent that the report of the New York Chamber of Commerce be printed in the Record at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Presidential Inability

The Constitution of the United States leaves unsolved one problem, the proper solution of which may be vital to the safety of our Republic. The problem is how the Presidential duties and powers are transferred in the event a President becomes incapable of carrying out the duties of his office, particularly in the case where he does not understand that he has become incapacitated. Although there has long been an awareness of this problem, and although it has brought forth a multitude of studies and proposed solutions, it is as yet unresolved. It came to the fore during the disability of President Garfield in 1881, and again in 1919 and 1920 during the illness of President Wilson. Most recently it arose during the illness of President Eisenhower. In each case the Vice President was faced with a dilemma. There was a need to exercise leadership, yet a fear of usurping Presidential powers or even the Office itself. These instances pointed out the need of a definite procedure and guideline by which the Vice President might assume the duties of the Presidency during the President's incapacity and thereafter relinquish such duties. It was also realized that there was a need to provide expressly that the Vice President, during any such disability of the President, would assume only the powers and duties of the Office of the President, and not the Office itself, thus perhaps permanently ousting the elected President.

The recent assassination of President Kennedy has again emphasized the importance of a Vice President's quickly and assuredly picking up the reins of Government as they fall from the hands of a faltering President. The urgency may be just as pressing in the case of a President's incapacity as in the case of death, but a Vice President and the Nation have no guidelines in such a case.

BASIC QUESTIONS UNDER THE PRESENT CONSTITUTIONAL PROVISION

The present constitutional provisions relating to succession to the Presidency are found in section 1 of article II which states: "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

The basic questions which the Constitution leaves unanswered are these:

1. Who, or what body, is to decide that a President is unable to discharge the powers and duties of his office?

2. What is the proper procedure for declaring that a President's inability has been terminated?

3. Does the Vice President assume the office of the Presidency in the event of Presidential inability, or does he become acting President, assuming only the powers and duties of the office?

4. Does the problem of succession in the case of disability require constitutional amendment, or can it be resolved by legislation?

SPECIAL AGREEMENTS

Recognizing the problem thus presented, President Eisenhower concluded a memorandum of understanding with Vice President Nixon as to the procedure to be followed in case the President should become incapacitated. Similarly, President Kennedy and Vice President Johnson entered into such an agreement. These agreements were to be effective, however, only during the terms of office of the parties concerned. In substance, these agreements provided that if possible, the President would inform the Vice President of any inability, and the latter would serve as Acting President for the duration of the inability. If the President were unable to communicate his disability, the Vice President, after such consultation as seemed appropriate, would decide the question and assume to serve as Acting President. In either case the President would decide when the disability had ended.

These agreements could serve as no more than an emergency device pending a permanent solution. Not only are these agreements temporary in nature, but they do not cover the case of a mentally ill President who insists that he is well.

PROPOSED SOLUTION

It is almost unanimously agreed that there is a need for a more permanent solution, but there are almost as many proposed solutions as there are people considering the matter. The Committee on Law Reform has studied these alternate proposals, and the New York Chamber of Commerce on January 11, 1961, adopted the first report of this committee. The report recommended that the provisions of the Constitution of the United States relating to the death, resignation, removal, or inability of the President, be amended to provide (1) that the Vice President, in case of inability of the President, shall succeed to the powers and duties of the office of the President, but not to the office itself; and (2) that the determination, commencement and termination of such Presidential inability be by such method as the Congress, by law, shall provide.

The recommendation of the Committee on Law Reform was preceded by, and partially based on, work in the same area by the bar association. Reports were published by the committee on Federal legislation of the Association of the Bar of the City of New York, the New York State Bar Association, and the American Bar Association. The recommendations of all three were in substance the same as the recommendations of the Committee on Law Reform.

In 1962 the American Bar Association reaffirmed its prior stand in support of such an amendment, and recommended interim legislation pending adoption of the proposed constitutional change. Later in 1962 the committee on Federal legislation of the Association of the Bar of the City of New York issued a report which took cognizance of the fact that its prior recommendation was consistent with the position of the American and New York State Bar Associations. It also reaffirmed its prior stand and again endorsed the recommended amendment.

More recently, on January 20 and 21, 1964, the American Bar Association convened the Conference on Presidential Inability and Succession. In addition to the many prominent lawyers who constituted the conference, several Members of Congress participated in the discussion, including Senators KEATING, HRUSKA, and BAYH, the first two being members of the Senate Judiciary Committee, and the latter being chairman of the Subcommittee on Constitutional Amendments of that committee, and Representatives CELLER and WYMAN, the former being chairman of the Judiciary Committee of the House. The conference issued a report stating the general consensus of those attending. The American Bar Association, through a special committee, is now working toward the implementation of such consensus by a constitutional amendment.

The proposal is to amend the Constitution as follows:

"1. In the event of the inability of the President, the powers and duties, but not the office, shall devolve upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office;

"2. The inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may by law provide;

"3. The ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the Cabinet or such other body as Congress may by law provide shall not concur in the declaration of the President, the continuing disability of the President may then be determined by the vote of two-thirds of the elected Members of each House of the Congress;

"4. In the event of the death, resignation or removal of the President, the Vice President or the person next in line of succession shall succeed to the office for the unexpired term; and

"5. When a vacancy occurs in the office of the Vice President the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term.

This proposal varies from the prior recommendations of the bar associations and of the chamber of commerce. The major points on which it varies are:

1. It would put into the Constitution the procedure, subject to any express right of Congress to legislate in the area, for determining the incapacity of the President and the termination thereof, rather than leaving this wholly to be supplied by Congress in the form of legislation; and

2. It provides that when the office of Vice President falls vacant, it shall be filled by nomination of the President with the approval of Congress.

RECOMMENDATIONS OF THE COMMITTEE ON LAW REFORM

Except as to the provisions for filling a vacancy in the office of Vice President, this committee prefers its original proposal, which would leave entirely to Congress the procedure for determining a President's capacity and recovery. This would allow flexibility for any future changes and at the same time would provide enough protection from partisan politics, since any such legislation would need either the approval of the President or the vote of two-thirds of Congress to override a veto. The Committee on Law Reform does not consider this difference as vital, however, and it believes that this more recent proposal is acceptable. The fate of all proposed reform in the past has been that it faltered when its supporters disagreed on the form that the change should take. It is important that this proposal not meet the same fate.

As to the second change concerning filling a vacancy in the Vice Presidency, the committee agrees that this is desirable and endorses it fully. At a time such as the present, it is highly desirable to fill immediately the vacancy left when a Vice President dies or steps into the Presidency. The second highest office in the land should not be left vacant for any extended period of time.

In the opinion of the committee it is essential that there be a clearly defined procedure and line of succession in the case of the incapacity of a President. The committee also believes that a constitutional amendment is necessary in this regard so that the validity of the procedure may not be called into question at a time of crisis. The United States has been fortunate in the past, but in the present day of instant communication and constant tension we cannot afford a situation in which we would be without a Chief Executive. The committee urges that this matter be resolved with all due speed. The Committee on Law Reform therefore, as an acceptable alternative, supports the plan recommended by the American Bar Association. It is assumed that any ambiguity in the proposal will be corrected in its ultimate implementation, and the form of such implementation will make abundantly clear that the Vice President becomes President in case of death, removal, or resignation of the President.

The committee, therefore, recommends the adoption by the chamber of the following resolutions:

"*Resolved*, That the New York Chamber of Commerce recommends that the present provisions of the Constitution of the United States relating to the death, resignation, removal or inability of a President, be amended to provide:

"1. That the Vice President, in case of the inability of the President, shall succeed to the powers and duties of the Office of the President, but not to the Office itself;

"2. That any determination of the commencement and termination of such Presidential inability shall be as the Congress, by law, shall provide;

"3. When a vacancy occurs in the office of the Vice President the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term;

"*Further resolved*, That the New York Chamber of Commerce recommends that as an alternative to the above proposal the Constitution of the United States be amended to effect in principle the proposals of the American Bar Association; and

"*Further resolved*, That interim legislation of the nature recommended by the American Bar Association in 1962 be enacted pending adoption of the proposed constitutional changes.

"Respectfully submitted,

Churchill Rodgers, Chairman; C. Jay Parkinson; H. I. Romnes; H. B. Farr, Jr.; Orison S. Marden; Arthur B. Langlie; Thomas C. Lawrence; Wilkie Bushby; Harold J. Gallagher; Whitney North Seymour; Committee on Law Reform."

GEORGE CHAMPION,
President,
New York Chamber of Commerce.

THE INTERNATIONAL JUNIOR CHAMBER OF COMMERCE

Mr. HUMPHREY. Mr. President, I shall take only a moment of the Senate's time. I have been informed that visiting in the Nation's Capital are some very fine and distinguished representatives of the International Junior Chamber of Commerce.

The Junior Chamber of Commerce of the United States is one of the outstanding organizations of young men in the field of business, professions, and civic life. It has become international in its activities and membership, which, to me, is one of the most reassuring developments for the free world that we can possibly have.

The visitors to the United States are from Brussels, Belgium. Belgium has been a faithful ally of the United States. It occupies an important role in matters of economic development and trade. The center of the Common Market is in Brussels.

We are very fortunate in having the representatives of Belgium, young businessmen and professional men, visit us in the United States, to study our governmental institutions and our economy, as well as our labor movement and our community life.

I take these few moments to pay my respects to the U.S. Junior Chamber of Commerce for its sponsorship of these activities and this development in connection with the International Junior Chamber of Commerce.

When we reach the age where we no longer qualify for membership in the Junior Chamber of Commerce, we can become Senators in the International Chamber of Commerce. I am fortunate to be one of those Senators in the International Chamber of Commerce, as well as a Senator of the United States, both of which I consider to be positions of honor and of great privilege.

HARTFORD'S CONSTITUTION PLAZA

Mr. RIBICOFF. Mr. President, one of the most successful and dramatic urban renewal projects in the country is Constitution Plaza in Hartford, Conn., the formal dedication of which took place on May 11.

Constitution Plaza is a complex of buildings, representing some $50 million in new construction. It is already 90 percent occupied. It replaces what was once a slum area.

From an economic point of view, its impact is tremendous—more jobs, greater retail sales, an increase in tax revenue to the city as a result of assessments going up from $2.3 million before clearance to $26 million after development, are the dollars-and-cents benefits.

From an architectural point of view, the plaza has received international acclaim.

Among the guests at the dedication on May 11 was Administrator Robert C. Weaver, of the Housing and Home Finance Administration, and Mr. William L. Slayton, the Urban Renewal Commissioner. I think Mr. Weaver's statement will be of great interest to Members of the Senate.

I ask unanimous consent that the full text of his statement be inserted in the RECORD, together with an article appearing in the May 3 issue of the Sunday New York Times entitled "Old Traditions and New Skylines."

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

ADDRESS BY ROBERT C. WEAVER, ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY, AT LUNCHEON FOLLOWING FORMAL DEDICATION OF CONSTITUTION PLAZA, HARTFORD, CONN., MAY 11, 1964

As never before urban renewal is an issue of public discussion. This is as it should be. No generation should attempt to recast and rebuild its basic environment without careful consideration of the impact of its actions.

On the other hand, discussions of this vital matter must be cast in the frame of reference of the ingredients involved. Any and all such discussions, if they are to be meaningful, should start with consideration of what we want to renew. And that leads us to a definition of the role and function of a city.

As we look to the urban environment of today and envision trends of the future, a new concept of the city emerges. We can no longer think of an independent urban community, or even one that is just the focal point of a metropolitan area. Rather we must think in terms of urban communities that will function as one of the many nerve centers of a vast, complex, and delicately interconnected social organism. As President Johnson has stated, "For the problems of urbanization, this is a decade of decision."

Too often we hear references to the central city versus the suburbs, and too many of us accept as inevitable the continuing flight from the city and the decay of core areas. Already urban renewal has shown that this need not be. Where there are vital and attractive commercial and industrial redevelopments in the downtown, business, industry, and managerial functions are attracted back to the core cities. And such action is self-sustaining, occasioning greater concentration of similar activities.

Concurrently, as has been demonstrated in a score of cities, attractive townhouses and apartments in desirable settings in the central cities are attracting and holding middle-class American families. Since the passage of the Housing Act of 1961, there has been a new ingredient, the construction of moderate-income housing.

Both of these phenomena—the stabilization of commercial and industrial activity and the return and consolidation of some high-, medium-, and moderate-income families in American cities—demonstrate that people and business will come to, and remain in, the core areas when the latter are revitalized and made functional as well as attractive.

The central city and the metropolitan complex, of which it is a part, must have healthy economic bases if they are to survive and prosper. Such a base is fundamental to all aspects of urban life. It affords the source of employment for people, it attracts capital investment and expansion, it provides the economic raison d'être for a central city, at the same time that it affords a major source of tax revenues for the local governmental functions.

The central city, even in this era of suburban growth, has certain unique functions which it can and does perform. Just as many industries find economies and efficiency in horizontally oriented plants of the suburbs, so managerial functions are often best performed in the high-rise structures of the central city. At the same time, small industries, requiring group-supported services of varying types, responsive to changes in style, or dependent upon specialized professional talents, frequently flourish in a core area. Medical research, closely associated with university hospitals and nurtured by a diverse population, is primarily a central city activity. And, of course, urban culture finds its greatest flowering in an environment which is typified by a large concentration of people and institutions.

Contrary to much that has been said recently, there is no dichotomy or conflict between nonresidential and residential urban redevelopment. In both instances slums are cleared and in both instances those families which are dislocated are, in the great majority of cases, relocated into decent, safe, and sanitary shelter. Today most of those displaced by all forms of urban renewal upgrade the quality of their shelter in the process.

The interrelation between nonresidential and residential redevelopment is dramatically revealed by the following data. In the nonresidential redevelopments, 13 percent of the land space, exclusive of streets and public areas, is utilized for public and institutional uses, and 26 percent is devoted to residential building. The important consideration, however, is that the healthy, vibrant, and vital city of tomorrow must have places of employment, cultural centers, efficient modes of transportation, a sound tax base, adequate public services, and attractive and diversified housing. Urban renewal, as it matures and profits from experience, is making a major contribution to these objectives.

Those who criticize overemphasis upon nonresidential redevelopment have the germ of a sound position. Although many of them are recent recruits to concern for people, such a concern is valid. It becomes less impressive, however, when it ignores the fact that working people have a hollow success when there is concern for their shelter but no interest in their ability to pay for what may be provided. Nonresidential redevelopment provides a part of this necessary purchasing power. It is, therefore, as both Democrats and Republicans in the Congress have recognized, an indispensable element in an effective urban renewal program. But I would be the first to object if the urban renewal effort were to become primarily or exclusively a nonresidential activity. Consequently, when in the hearings before the Housing Subcommittee of the Senate Banking and Currency Committee on the housing and community development bill of 1964, I stated that urban renewal must remain primarily a program for residential redevelopment.

Urban renewal, as most federally assisted programs, is a joint effort. Although most of the funds involved come from the Federal Government, it is an activity which always involves local initiative planning, and execution. In those States, such as Connecticut, Massachusetts, New York, and Pennsylvania, where the State government is ready and willing to contribute to the effort, urban renewal involves the Federal, State, and local government. This is as it should be, and I hope it will become increasingly typical.

This State has recognized its responsibilities, and it is realizing its potentialities. Thus in the May 3, 1964, issue of the Sunday New York Times, devoted to "The Connecticut Way of Life," there is an article entitled, "Old Traditions and New Skylines." The subtitle reads, "Connecticut's Cities Build for the Future With $340 Million for Urban Renewal." The article says:

"The earlier years of urban renewal planning are beginning to pay off in Connecticut. As old skylines come down and new ones take their places, families are moving into better homes, businesses are rebuilt, new jobs created, playgrounds put in, new industrial sites occupied and tax bases strengthened.

"In Hartford, the opening of the de luxe Hotel America, complete with convention facilities, swimming pool and top restaurant, effectively completes the city's already famous Constitution Plaza. This gigantic renewal project, begun in the mid-fifties, has completely transformed the center of Connecticut's capital city, and established itself as a model of public and private cooperation."

The evidence to support that statement stands before us today. Connecticut has not only availed itself of the Federal aids under the urban renewal program, but it has acted to maximize the benefit possible therefrom. Quoting again from the advertisement in the May 3 issue of the Sunday Times where it is noted that, since March 1963, the State has guaranteed some $14 million in new and expanding industries:

"The Connecticut plan is, in short, so conceived as to give an impetus to industrial development without charging the community an exorbitant price for a few new jobs. At the same time, it provides industry with financing it needs to get started, without the threat of bringing the public debt back to roost on the ridgepole of the new industrial resident as soon as he is too well established to move away without disastrous consequences."

This leads us into another controversial issue: whether or not nonresidential renewal should be financed by loans or grants. There are two questions involved. The first is an issue of feasibility and the answer is far from categorical. There is some nonresidential redevelopment which could be paid out of future increased revenue; others could not. The second issue is more basic. It relates to the desirability of limiting nonresidential redevelopment to those undertakings which could be self-liquidating.

Clearly a program limited to the latter type of financing would be a severely restricted program. It would include fewer public, institutional, or cultural uses and concentrate only upon those things directly supporting business development. In addition, even in the commercially oriented projects, the amount of open space, the concern for esthetics, and the public uses would be markedly restricted.

To affirm that nonresidential renewal should invariably pay its own way through high tax yields is to ignore the essential relationship of these areas to the functioning of the rest of the city. These areas provide the jobs necessary to keep the city functioning, and the taxes necessary for an adequate level of public service in the low tax yield residential sections. At the same time, their capacity to flourish as dynamic mercantile centers depends on their ability to attract and to accommodate the urban population for a wide range of purposes—for cultural opportunity and entertainment, for the surge and stimulation of the manifold variety of urban living that such urban centers can afford, for the social and esthetic satisfactions that these centers can provide to the entire urban society.

Let us render unto business the things that belong to business. But let us remember in our redevelopment of these areas that they are more than business complexes. They are also the focal center of the entire community life that requires public investment for the services and amenities and the varied environment essential to a dynamic urban society. Our business areas did not decline for lack of wares on the merchant's shelves. They declined for lack of people and of space to grow, and from the inability of these areas to maintain the inviting environment and the increasing variety that attracts and satisfies the urban population today. This is the basic element that is missing and that must be restored. And it can only be done through the combined use of appropriate private and public resources.

I could choose no better place to illustrate what I mean than this exciting new central plaza that we dedicate here today. Constitution Plaza expresses better than anything we can say how much better we can plan and build for the whole community where private and public resources and vision are joined in a common undertaking. It is a gleaming example of what the modern American city can and is achieving to recreate its urban center and to project its confidence in a dynamic future.

Those who know Hartford need only short memories to appreciate the transformation that has been wrought in this plaza area in less than a decade. We see here a rebirth of both business and civic beauty standing in place of spreading slums and urban decay compounded by recurrent flooding.

More important, Constitution Plaza represents a restoration of confidence and hope in the future of Hartford in place of despair and surrender. Only a few years ago business was fleeing the decay of the central city. Some of Hartford's most substantial firms just picked up and got out. There was no room to expand. Trade declined. Taxes and congestion increased. The population of the city was shrinking. Hartford was on the verge of losing its renown as the insurance capital of the Nation. The future of Connecticut's capital city appeared dismal.

The only resource for most of Hartford's great business institutions seemed to be to get out or go down. Then urban renewal got underway. It pointed to another way to go and that was up. A movement to rebuild and build anew for Hartford's future was launched.

I do not know what factors, other than desperation, induced Travelers Insurance Co. and other business leadership to stem and reverse this tide of blight. But this was a time when urban communities throughout the country were wrestling with inner city decay and when many of them were launching major efforts to combat it. It was a time when the Federal Government's urban renewal program was coming of age, and when Federal support extended the financial leverage to cities that private investment required to assure the future solvency of its own undertakings.

Hartford made full and responsible use of public resources, Federal, State, and local, to support and stimulate the effort of private capital to save itself. We see here today the eloquent testimony and the financially successful payoff of that kind of private and public cooperation.

It is symbolic, I think, that Phoenix Mutual, which had about given up hope of surviving in this dying city, joined with Travelers and other business concerns in the decision to remain and rebuild. It well befits this plaza that the name of Phoenix should be attached to one of its finest architectural adornments. This is indeed an area that has risen from slums and squalor to become an inspiring pacesetter for our urban future.

I also want to pay credit to the vision of all those who have played a role in the recreation of Hartford's downtown area—and our Urban Renewal Commissioner, William Slayton, would particularly want to join me in this. The task was undertaken not as a short-run job to shore up the past for a temporary period, but as a farsighted task of replanning and reconstruction. You enlisted the services of some of the Nation's finest planners, designers, and architects to build into this new Hartford a standard of quality and inspiration that will affect not only the whole community but, by example, the communities of America.

To those who contend that rescuing the economic centers of our cities is merely a dollar-and-cents proposition, I would like to say, as President Kennedy said of Berlin, "come to Hartford." Public support has been an essential ingredient in the realization of this project, but it has not been the primary one. The protection of the area from flooding, the removal of the dead hand of slum and blighted structures, the provision of streets and other public facilities and public service areas have all been indispensable to creating a new area with a new and lasting life.

But most of what has been done here has been through private investment generated and made effective by public support. The Federal renewal funds that have gone into the Constitution Plaza project total $1,800,000. Measure that against nearly $50 million in building construction alone, and against the rise in property assessments from $2.3 to $26 million after redevelopment. Measure that also against expanded business, large-scale increases in employment, and the stimulating benefits of an inviting, attractive city center for people's pleasure as well as their productive pursuits.

It is, I think, a very small price we are paying. It is true that the increased tax revenues should more than repay the city for its investment over the years and will, indeed, enable it to reinvest much of that return in bettering the whole community. That is what urban renewal is intended to do. But that is not the whole story. For the tax-producing wealth created here will also over the years repay the people of the Nation as a whole many times what they have invested to help this recently decaying city to live again and grow.

In my enthusiasm about Constitution Plaza, I do not want to leave the impression that because Hartford has done a fine job, it has done the whole job. Constitution Plaza and the renewal projects underway around it are only the genesis of meeting the renewal objectives of Hartford and the urban community around it.

As I said at the outset of my talk, reestablishment of the economic core of the urban area is important not for itself alone, but for its effect on the entire urban community. Regeneration of the business center of a city provides the employment, the income, and the tax base that is often essential to deal effectively with many broader problems.

The neglect and decay of our urban centers has been a large factor in driving wealth out of the central city and creating poverty within it. It has caused the well to do to flee to the outlying hinterlands and the lower income people and segregated minorities to be trapped in the deteriorating confines of the older city.

The renaissance of the downtown economy, however, can and must change this pattern. It creates a renewed demand and desire for in-town living. It affords employment opportunity and a need for the services of the lower income and working population. We can, with sound planning and assistance, restore the natural mix of economic levels, based on choice and need, without constraints of income, age, or race.

The ultimate success of Constitution Plaza and the surrounding renewal now going on, therefore, will not be measured solely by its ability to keep its buildings tenanted and to pay its way out. It is apparent that it can do that. It will depend even more on the benefits it extends to the entire urban area in higher living and educational standards and freer choice of housing and employment opportunity throughout the area.

The improvement of the housing and living standards of all the people in the total community is still the end-purpose of any city's urban renewal program. Hartford has under way or in planning renewal projects that begin to reach in the residential field. And it is undertaking a comprehensive communitywide renewal program. This is now its major challenge in translating what has been done into the full scope of what can be done in this community. I feel confident that the vision and enterprise reflected here in Constitution Plaza today will motivate your further and larger renewal progress.

What is happening here in Hartford, I am pleased to say, is now becoming not the exception, but the rule. The imaginative regeneration of our cities is taking visible and exciting form throughout this land—from Philadelphia and Providence to San Francisco, from Boston and New Haven to Pittsburgh and St. Louis, from Atlanta to Baltimore and Kansas City.

We have critics, and, as I said at the beginning, we should have criticism. The urban environment we are creating is for the benefit of the people and should, so far as possible, reflect their hopes and desires. But we also have some criticism from on high that never seems to get down to the Hartfords where things are being done. Such outer-space voices as the United States Chamber of Commerce, which has recently deplored this cooperative partnership of public and private enterprise, are rarely echoed, I find, in cities such as this, where chambers of commerce and business leaders have been prime movers in the renewal of our cities.

Urban renewal today is paying off. We are now getting the first dividends on our investment, such as Constitution Plaza, and in most cases, it is well worth the price.

Urban renewal can be bettered—and we intend that it shall be. But it must be continued. It is a basic part of our urban future.

Old Traditions and New Skylines—Connecticut's Cities Build for the Future With $340 Million for Urban Renewal

The earlier years of urban renewal planning are beginning to pay off in Connecticut. As old skylines come down and new ones take their places, families are moving into better homes, businesses are rebuilt, new jobs created, playgrounds put in, new industrial sites occupied and tax bases strengthened.

Specifically, look at the city of Bridgeport. With a gross project cost of $20 million not including new construction, three urban renewals are underway with construction slated to commence before the end of the year on the west side No. 1 project.

Some of the new construction, estimated at $35 million, has already begun in the Lafayette Plaza project, a downtown area adjoining the Connecticut Turnpike which will eventually refurbish the central business district with a major department store, offices, motor hotel, retail shops, apartments.

Contiguous to Lafayette Plaza is the new 11-story Bridgeport People's Savings Bank Building, already in progress. It is the first all-electric office building on the east coast, with electric heating and air conditioning installed by General Electric. It was designed by the firm of Fletcher-Thompson, the architects and engineers charged with planning and coordinating the entire Bridgeport redevelopment program.

As recently as March 16, the White House announced approval of a $23.7 million renewal grant to the city of Stamford, thus giving the official go-ahead to a projected $88 million program that will thoroughly revamp the "Research City's" downtown area. Sponsors will invest some $55 million in such varied projects as 600,000 square feet of new retail floor space, 1200 high-rise apartment units, over 100 relocation housing units, and office and light industrial buildings. Within the 130 acre project area, new streets, parking facilities, flood control measures, pedestrian malls and utilities will be installed. The success of the program is an excellent example of cooperative action by citizens' groups such as the Stamford Chamber of Commerce, Citizens Action Council and the Stamford Good Government Association.

In Hartford, the opening of the de luxe new Hotel America, complete with convention facilities, swimming pool and top restaurant, effectively completes this city's already famous Constitution Plaza. This gigantic renewal project, begun in the mid-fifties, has completely transformed the center of Connecticut's capital city and established itself as a model of public and private cooperation.

Featuring two high-rise office buildings, one the new home office of the Connecticut Bank & Trust Co. and the other with Hartford National Bank & Trust as prime tenant, Constitution Plaza is, in effect, a new city unto itself. Hartford National Bank, in addition to its Constitution Plaza offices, is currently redeveloping its main offices a block away. A 26-story building will rise to headquarter the bank as soon as present demolition is completed.

The renewal program in the city of New Haven continues with magnitude and vigor. Currently, there are nine renewal projects in New Haven, covering over 2,000 acres and involving an aggregate net cost in excess of $100 million. Private investment in new construction completed or underway totals more than $88 million. The city's renewal efforts are diversified, including not only commercial and industrial construction, but residential construction and rehabilitation.

The city of Middletown has completed one redevelopment project, sold its second one for downtown business uses for which construction will soon start, and is moving toward further renewal work through the undertaking of a citywide study of renewal needs.

In Danbury, a 30-acre project oriented to the redevelopment of the central part of the city is now nearing completion. The redevelopment activities are providing substantial acreage within the city for commercial uses, as well as river channel improvements and new bridge construction.

All this is part of the nearly $340 million renewal job being done in Connecticut. Milford is imaginatively redeveloping a large beach front section for residences, shopping center and municipal beach. East Hartford proposes its 122-acre South Meadows area for a shopping and business center. Meriden and New Britain are making use of urban renewal to strengthen their respective central business centers. New housing and industry are going in as well. Across the State to the east, Danielson is taking a look at its center through urban renewal. The Brass City, Waterbury, is undertaking three urban renewal projects. West Haven's once famous Savin Rock resort and amusement center will be redeveloped for recreational, commercial and residential uses.

These Connecticut communities and some 20 others indicate the commitment to urban renewal in Connecticut. Significant progress is shown, for example, in new construction, with well over $100 million in buildings already completed or being built. Some 850 new housing units and 5,500,000 square feet of new commercial, industrial, and public floor space are being provided. New, and predominantly private, urban renewal construction is estimated to reach $1 billion within 10 years. More than 6,000 families have been relocated from substandard housing. Renewal projects have been completed in Washington, East Granby, Farmington, Seymour, and Torrington.

That Connecticut's cities and towns are committed to rebuilding can be seen by noting that at the beginning of 1963 in only four other States were a greater number of urban renewal projects under way. At that same time, Connecticut stood fourth in the Nation in terms of amount of Federal urban renewal grant reservations, with over $188 million reserved.

Connecticut's position in rebuilding its cities and towns is due in considerable measure to the strong support given urban renewal by the State government itself. Initiating a three-way partnership of local-State-Federal participation in renewal nearly 10 years ago, the State through its development commission pays for approximately one-half of the local, municipal share of the cost of a renewal project. Authorized grants and advances now total over $56 million. Twenty-six cities and towns have taken advantage of this assistance in 60 projects. Expanding interest in many other Connecticut communities make it clear that urban renewal is well on its way toward becoming part of the Connecticut way of life.

THE AMERICAN SUGARBEET INDUSTRY

Mr. MUNDT. Mr. President, it now appears that the Department of Agriculture and the Department of State are once again preparing to negotiate away prosperity and growth for another segment of American agriculture. I have previously called to the attention of the Senate the sad plight of the producers of bluegrass seed, and also of our cattle industry.

This time I am referring to the growing and prosperous beet sugar industry which has developed in the United States during the past few years. From information reaching me, I am alarmed when I learn that the Department of State and the Department of Agriculture are in the process of thinking of curbing the production growth of this great segment of our agriculture industry which is so vital to the economy of Midwest farmers who have at the urging of their Government gone into beet production with heavy investments in land preparation and equipment so as to meet the sugar needs of the United States.

With sugar legislation to be considered by the Congress in the next few months, many of us who are interested in sugarbeet production have been eagerly awaiting the administration position and their thinking with regard to sugarbeet production. I am alarmed over the future of the beet industry if what I hear is the true thinking of the administration.

It seems, from reports reaching me, that the current administration thinking calls for an increase in the basic beet sugar quota in 1964 by about 350,000 to 375,000 tons. I understand that this plan for the 1964 expanded beet sugar production is considered by the administration as being acceptable to the beet-sugar industry since it would be implementing the President's request for authority for unlimited marketing of domestically produced sugar this year and would be in line with the prorated 500,000-ton increase in domestic beet and mainland cane quotas this year which has been proposed in various legislative proposals now pending.

Such is not the case, however, for 1965 and later years; the current administration thinking—I should probably say Departments of State and Agriculture thinking—would only permit an increase in the basic beet sugar quota by about 500,000 tons. While this would permit the beet sugar industry to market much of the additional sugar it is producing at the Government's request to meet the continuing threat the world supply-demand situation is causing to U.S. sugar supplies and prices—it is still 250,000 tons a year short of the needed addition of 750,000 tons annually, as established by the beet sugar industry's production projections and which has been recognized in the bills sponsored by Senators from beet-producing areas, myself included, as being the necessary minimum.

Mr. President, if the State Department and Agriculture Department thinking prevails it means that beginning in 1966, there will be heavy production cuts—reductions, if you please. In fact the estimate runs as much as 15- to 20-percent reduction in beet acreage. I say this because it appears to be the thinking of the executive departments that in 1966 the beet sugar industry should be held to its 1965 quota level and not permitted to share in the future growth or expansion of the U.S. sugar market. It is the executive department thinking—State and Agriculture—that all growth should go to foreign producers for an indefinite period. It is the old story of more imports to take away our American markets—we have heard that story so often on this very Senate floor in the past weeks with regard to meat imports, bluegrass seed, and other products.

If the administration thinking prevails for the beet sugar growers after 1966 it would deprive the U.S. beet sugar industry of its present share of total annual U.S. market growth—about 50 percent under existing law—for an unknown number of years and would turn over that growth to sugar interests of foreign countries.

This program would bring to a standstill the U.S. beet sugar industry. There would be no extension of sugarbeet production for new plants in new areas for an indefinite period. Such a freeze on domestic sugarbeet production is and it should be most unacceptable to the beet sugar industry.

Mr. President, at a time when unstable foreign conditions demanded a revision in our sugar production needs, the U.S. Sugar producers, at Government urgings, responded both supply- and pricewise so as to meet consumers' supply and price problems. World sugar production continues to lag behind world consumption. It is estimated that this year production will lag behind consumption by about 1,350,000 tons. World stocks, we are told, will be down at the end of the current world crop year—August 31—to a figure representing only about a month and a half of world needs.

In the face of these facts, Mr. President, the Department of State and the Department of Agriculture are giving thought to curtailing our American beet sugar acreage. They are giving thought to prohibiting American agriculture from contributing to the increase in the gross national product. These planners in the administration are once again selling out the American farmer who today must compete with society when his net income is at its lowest point since 1939—75 percent parity. This is the lowest point in 25 years, and an average loss to the farmer in parity rates of 10 percent, compared with the rates in the 8 Eisenhower years. The income will be driven lower if imports are expanded even more.

Mr. President, just yesterday I received in my office an excerpt of a speech by Secretary of Agriculture Freeman in which he said:

> There is no task of greater importance today than the elimination of poverty—particularly in rural America. In the Nation as a whole, one-fifth of our people live in poverty—but rural America with a third of our population is the dwelling place for half of those stricken with poverty.

These are the words of Secretary of Agriculture Freeman, who speaks against poverty on the one hand, but plans on the other hand to stultify, to prohibit, if you please, the American farmer who produces sugarbeets from expanding his profits and to share in this fight in the war on poverty instead of continuing to be a statistic for those who speak of the poverty stricken.

Mr. President, Secretary Freeman in the same speech said:

> It is a disgrace to humanity when the richest and most powerful Nation in the world cannot find the way to make sure that every person gets a decent break and a fair chance to make good.

Mr. President, with the Secretary of Agriculture and the Secretary of State working against the sugarbeet producers, how do they "get the decent break for a fair chance to make good"? It is time for Mr. Freeman to act instead of talk, and to utilize the resources of the Department of Agriculture, which he administers, to fight for the farmers of America and insure for our American producers that we will have the right to the American markets instead of continually turning those markets over to foreign producers.

I sincerely hope that when the administration sends to Congress its views on sugar legislation that it will be recommendations increasing the opportunities for our American sugarbeet producers instead of curtailing our American opportunities and turning them over to foreign countries. Let us, in America, Mr. President, do as the Secretary of Agriculture says:

> Make sure that every person gets a decent break and a fair chance to make good.

Let the administration expand the opportunities of our American sugarbeet industry instead of curtailing and shrinking them. Let us fight the war on rural poverty to which Mr. Freeman pays lipservice by offering opportunity for the American farmer so he can share in the expanding economy of which we hear so much.

Let me add, Mr. President, that if instead of protecting the needs and the future of the American sugar producer, the administration, in fact, sends to Congress recommendations which conform with the rumors we now hear and which turn our right to produce over to foreign countries, this Senator will certainly do his level best to defeat such recommendations or to amend them so that the American farmer is permitted to produce for the American market. In that effort, I am sure I shall have the support of many other Senators and Representatives in Congress.

Mr. HRUSKA subsequently said: Mr. President, I concur in the remarks made by my colleague from South Dakota [Mr. MUNDT] on the contemplated revision of beet sugar quotas. He is to be commended for his forthright and clear statement of this very vital issue, and the potential damaging and highly dangerous threat involved.

As consumers, we all remember well the sugar crisis of 1963, which was caused by a shortage of foreign sugar. At that time, foreign interests failed to ship to the United States enough sugar to meet consumer needs at reasonable prices. The beet sugar industry responded to executive requests to produce to the hilt in 1963, 1964, and 1965. The result was a saving of millions of dollars for U.S. consumers.

Increases in production far above existing quota levels, as requested by the Government, give rise to the necessity of increasing the domestic beet sugar quota. Without such an increase farmers soon would be required to cut back acreage. Not only is an increase vital to the U.S. sugar consumer, it is vital to the Nebraska farmer who needs sugar beets as a cash crop and as an alternate or replacement for crops now in surplus production. Restrictions in production acreage would affect employment, not just on the farms, but in processing plants and related supplying industries as well.

It must be remembered that nearly one-third of the world sugar production is now under Communist control. Added to this are the continuing threats of political instability in some of the Latin American sugar-supplying nations.

An increase of the basic beet sugar quota would not disturb the quota for the State of Hawaii and the Commonwealth of Puerto Rico or the individual foreign country quotas. A 750,000-ton increase as proposed by S. 2657, introduced by Senator YOUNG, of North Dakota, and cosponsored by myself and other Senators, would still guarantee foreign countries about a third of the total U.S. sugar market of some 10 million tons.

I am disturbed to learn that the State Department and Department of Agriculture may be developing recommendations which would take away the present rights of domestic beet producers to share in the growth of the sugar market in our own country, as well as cut back from the level which the same administration has asked them to produce.

It is also disturbing to hear that the administration is considering giving away virtually all the remaining Cuba quota now in global form to the same countries who failed to ship us sugar that our consumers needed only last year.

This Senator understands that the administration's recommendation will be presented soon, perhaps within the next 2 weeks. It is earnestly hoped that if policies are in fact being developed along these unfair and unwise lines, the administration will reconsider and revise its recommendations before they are sent to the Congress.

The Senator from South Dakota can count on the support of this Senator in any efforts made to defeat any recommendations which will bar American sugarbeet growers from participating in growth market of domestic sugar and which would require them to cut back in beet acreage.

DEL MAR COLLEGE OFFICIAL OUTLINES PLIGHT OF VETERANS OF COLD WAR WITHOUT EDUCATIONAL OPPORTUNITIES

Mr. YARBOROUGH. Mr. President, S. 5, the cold war GI bill, remains unmoved on the Senate Calendar while the 5 million veterans of the cold war are losing their opportunities in life by being denied equal educational opportunities because of the failure of Congress to extend the educational opportunities of the World War II and Korean war GI bills to the veterans of the cold war.

Mrs. Edith B. Trevino, coordinator of veterans' training at Del Mar College, Corpus Christi, Tex., who has been working with veterans for the past 16 years, has written to me under date of May 6, 1964, outlining the plight of the cold war veterans who are without the educational opportunities of a GI bill. This is a touching letter, because Mrs. Trevino herself is a war widow. I shall read several sentences from her letter.

> Many of our young men who have been drafted and served their time continue to inquire about the cold war bill.
>
> What are the possibilities of getting the cold war bill approved and extending time for eligible veterans? My main concern in regards to veterans goes back to World War II, when I became a war widow, June 22, 1944. Every veteran I have helped this past 16 years has been with sincere interest as they have, as I, given part of their life.
>
> I am sure that many of our young men (cold war veterans) will not be able to receive an education without some help from the Veterans' Administration. I feel that I am in a position to say this, since I have talked to several hundred men who have made inquiry in this office concerning this matter.

Mrs. Trevino is coordinator of veterans' training at Del Mar College. She continues:

> I feel approximately 90 percent of the young men I have interviewed will not be able to complete their educational program because they do not have the money and cannot count on assistance from home.
>
> In view of this fact, I strongly urge you to continue pressing for the passage of this bill in every way possible.

This letter is typical of many that I receive from college presidents and deans; from coordinators of veterans' training; from placement bureaus; from every facet of our educational life that is concerned with the education of young men.

Mr. President, I ask unanimous consent that the entire letter may be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

DEL MAR COLLEGE,
Corpus Christi, Tex., May 6, 1964.
Senator RALPH YARBOROUGH,
Senate Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: First may I congratulate you for your victory in this election for which I am sincerely happy. I tried to listen to every speech you made, but my working schedule made this impossible. I wanted so much to talk to you or to your campaign manager while you were in Corpus Christi Saturday, in regard to the cold war GI bill.

I have been a secretary for GI school enrollments since 1948 and with Del Mar College Veterans' Office since 1952, which gives me a total of 16 years serving our veterans who have trained under Public Law 346, 16, 550, 894, 634, and 87–815. In the past 2 years, many World War II veterans have retired from the service and are starting school under Public Law 550. Many of this group will not be able to obtain a degree, or a trade due to the delimiting date of the bill, January 31, 1965. Also many of our young men who have been drafted and served their time, continue to inquire about the cold war bill.

I would like very much to have your viewpoint on this matter. What are the possibilities of getting the cold war bill approved and extending time for eligible veterans. I am not running out of a job here at Del Mar College, for I have duties other than the GI bill and have been assured that I can remain for as long as I wish. My main concern in regard to veterans goes back to World War II when I became a war widow June 22, 1944. Every veteran I have helped this past 16 years has been with sincere interest as they have, as I, given part of their life.

Senator YARBOROUGH, in many of your speeches you talked about education to better our country. I am sure that many of our young men (cold war veterans) will not be able to receive an education without some help from the Veterans' Administration. I feel that I am in a position to say this, since I have talked to several hundred men who have made inquiry in this office concerning this matter. I feel approximately 90 percent of the young men I have interviewed will not be able to complete their education or program because they do not have the money and cannot count on assistance from home.

In view of this fact, I strongly urge you to continue pressing for the passage of this bill in every way possible. I have faith in your ability to assist our veterans in this request.

Yours sincerely,
MRS. EDITH B. TREVINO.

PRESIDENT JOHNSON PUTS NEW LIFE INTO ALLIANCE FOR PROGRESS

Mr. YARBOROUGH. Mr. President, President Johnson's vigorous and clear reaffirmation that the Alliance for Progress will have full administration support and, his statement that there will be 100-percent increase in accomplishment in 1965 was both wise and timely.

With his address to Latin American ambassadors, the President has dispelled all possibility of doubt of this Nation's intent to fully support the Alliance. I congratulate President Lyndon B. Johnson for the vigor and breath of life that he has breathed into the Alliance for Progress.

Our participation in the Alliance for Progress is a struggle for the good of mankind today and in the future and at the same time it is a practical massive war on communism.

I ask unanimous consent that the story from page 1 of the New York Times, Tuesday, May 12, captioned "Johnson Assures Latins United States Seeks Full Democracy," and the text of the President's comments as reprinted in the Times for the same day, be printed at this point in the RECORD.

There being no objection, the article and comments were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1964]

JOHNSON ASSURES LATINS UNITED STATES SEEKS FULL DEMOCRACY—STRESSES IN TALK TO ENVOYS THAT FREEDOM IS A GOAL OF ALLIANCE FOR PROGRESS—VOWS TO CONTINUE AID—JOINS SIGNING FOR $40 MILLION MORE IN HELP—ROSTOW GETS MOSCOSO'S POST

(By Tad Szulc)

WASHINGTON, May 11.—President Johnson assured Latin America today of continued U.S. support "until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle."

In a speech at the White House to Latin-American Ambassadors and Alliance for Progress leaders, the President emphasized that the Alliance's program called not only for economic development and political democracy, but also for a "peaceful democratic social revolution."

Earlier, Ambassadors and chargés d'affaires from 13 Latin American republics joined the President in signing ceremonies for new loan agreements and commitment letters totaling nearly $40 million.

Mr. Johnson also informed the Ambassadors that he would appoint Walt W. Rostow, chairman of the State Department's Policy Planning Council, to serve as U.S. representative on the Inter-American Committee for the Alliance for Progress. This is the newly established steering committee for the program.

CLARIFIES LATIN POLICY

The President's speech clarified the political aspects of the Johnson administration's approach to the Alliance for Progress. This presumably served to help allay doubts and criticism that have arisen in Latin America in the last 6 months.

Much of that criticism was related to an impression that the United States no longer gave political democracy in Latin America as much importance as President Kennedy gave it.

For President Johnson, the several hours that he spent this afternoon with the Latin American diplomats was an opportunity to demonstrate his interest in the hemisphere and his determination to have the United States live up to the Alliance pledges.

He spent an hour with the ambassadors in the Cabinet room discussing Alliance problems. In an extemporaneous introduction to the formal speech that followed the meeting, he said that the ambassadors offered him candid observations on the march of the Alliance that "will be quite helpful in the days ahead."

He announced that he had instructed Secretary of State Dean Rusk to arrange for further such meetings. The ambassadors appeared pleased.

Mr. Johnson said that the ambassadors had pointed out to him the weak points in the Alliance, including the problems of bureaucracy. He remarked that problems of bureaucracy existed in all governments.

Alternating pledges of U.S. dedication with personal touches, the President told the ambassadors that in having them in the Cabinet room he had a better Cabinet than usual.

He asked them to stay on for tea after the signing ceremony for the new aid commitments.

"We are all brothers here," he said, "and it is not often that the family gets together, so I want to ask you to come and have tea with us."

The event was unscheduled—the diplomats had expected only a formal meeting and a formal speech. The atmosphere seemed warm and cordial.

In the speech, the President said that in the 6 months "of extraordinary effort" since he took office, the United States had extended more than $430 million in new assistance to Latin America. This includes funds actually disbursed and those committed.

TWICE AS MUCH ACTION

"In the next year," he said, "there will be twice as much action, twice as much accomplished, as in any previous year."

"We have reached a turning point," he went on. "The foundations have been laid."

He said that "I can now say with confidence that our Alliance for Progress will succeed."

Officials said later that the President was not implying that the administration would seek next year to double the funds for the Alliance, but that he expected that progress could be accelerated because the foundations had been laid in the last 3 years. Mr. Johnson warned, however, that the path ahead is long and the way is hard.

The President was interrupted by applause when he said the United States would pursue the goal of development, diversity, and democracy in Latin America "until every campesino and every worker is freed from the crushing weight of poverty."

In stating the guidelines of U.S. policy in Latin America, Mr. Johnson asserted that nothing would advance the Alliance unless it is guided by firm and resolute regard to principles.

"Those principles must not yield either to immediate expedient or to present danger," he said.

An influential Latin American ambassador who had been privately critical of the Johnson administration's approach to the hemisphere, commented after the speech: "These were the words we were waiting to hear from your President for 6 months."

"With today's speech, the United States has returned to the political leadership of the Alliance that Kennedy initiated," he said. President Kennedy enunciated the Alliance program of U.S. aid for economic and social reform in Latin America.

The aid agreements signed today were routine documents, normally signed by U.S. ambassadors or lesser officials. But the agreements that were ready for signature were brought together for the White House ceremony.

The President said that in the last 6 months the United States had contributed $930 million in new money to the Alliance.

Mr. Rostow will replace Teodoro Moscoso as the U.S. representative on the Inter-American Committee for the Alliance for Progress. Mr. Moscoso resigned last week.

Mr. Rostow is highly regarded in Latin America, particularly because of his theory of "takeoff" in economic development set forth in his book, "The Stages of Economic Growth." An economist, he directed a policy study in 1962 of the Alliance and has since pioneered several new approaches to Latin American development, notably one on the development of new consumer markets. He will continue to hold his State Department post.

[From the New York Times, May 12, 1964]

TEXT OF PRESIDENT'S COMMENTS TO LATIN AMERICAN AMBASSADORS

I have just completed an informal review of Alliance for Progress problems with all the ambassadors and the distinguished head of CIAP, Carlo Sanz de Santamaria. This kind of exchange strengthens our common aim and our combined ability to advance the Alliance. I learned much that will be helpful in the days ahead. I look forward to more such meetings.

On November 18, President Kennedy spoke once again to the hemisphere He quoted Robert Frost, saying "Nothing is true except as a man or men adhere to it—to live it, to spend themselves on it, to die for it." Within a week, his life, consecrated to our cause, had been tragically ended.

It is for us, the living, to insure that the hopes he raised are now regarded, that his passing marked not the death of a dream but a renewal of resolution.

To that purpose I said last November, "Let us make the Alliance for Progress his living memorial."

Today's agreements are part of our pledge. The United States will provide almost $40 million—the countries of Latin America $60 million—for projects in 14 countries.

PURPOSES ARE DIVERSE

They will help eliminate malaria in Brazil and train farmers in Bolivia. They will establish three rural electric cooperatives serving 10,000 homes and farms in the countryside of Colombia. This will bring credit and assistance to 21,000 small farms in the land reform and colonization areas of Peru. They will touch the lives and ease the struggles of 23 million people across the hemisphere.

These are only the latest steps in 6 months of extraordinary effort. Since December the United States has extended more than $430 million in assistance.

In that 6-month period, we have, together, completed more than 52,000 homes and 7,000 classrooms We have produced more than a million and a half schoolbooks and made more than 25,000 loans to farmers.

We have put into operation health programs to care for 4 million people, and food for peace programs to feed more than 10 million of our fellow Americans.

We have built more than 500 miles of roads—trained more than 10,000 teachers and 1,000 public administrators—established 200 credit unions. Three hundred water systems will benefit 10 million people.

PACE WILL DOUBLE

In the months to come, we intend to more than double the pace of this action. For this is the time for action.

And our help is only a small proportion of the resources for growth and the reforms for justice contributed by the countries of Latin America.

These are the tangible tokens of the constancy of our cause since the signing of the Charter of Punta del Este. What we believed in then, we believe in now. What we agreed to then, we agree to now. What we sought then, we seek now.

This is as it must be. Our programs and policies are not founded on the shifting sands of momentary concern or the passing opinions of present officials. They are the inescapable issue of the events of our past and the hazards of our present. They are rooted in devotion to our democratic birthright and dedication to our spiritual beliefs.

They are, in short, the only objectives possible to men seeking to retain freedom and protect moral values while pursuing progress in a world on the march.

Real problems require realistic solutions. Helping to reshape an entire hemisphere requires practical priorities and concrete deeds. But no action, no judgment, no statement will advance our Alliance unless it is guided by firm and resolute regard to principle. Those principles must not yield either to immediate expedient or to present danger.

RENEWAL OF DEDICATION

We renew today, as we do in the acts of every day, our dedication to the principles of development, or diversity, and of democracy.

Franklin Roosevelt, a man whom I served and loved, a man whose precepts I follow, said: "Through democratic processes we can strive to achieve for the Americas the highest possible living standards for all our people."

We will continue to pursue the goal until every campesino and every worker is freed from the crushing weight of poverty.

I have asked the Congress for the funds necessary to meet our obligations under the Alliance for Progress. I will fight for those funds with every resource of my government.

Furthermore, in accordance with the unanimous vote of the Panama meeting of the Inter-American Bank, I intend to ask for $250 million for this year to replenish the Bank's funds for special operations. That Bank, supported first by President Eisenhower, has become a beacon of hope to the oppressed of our lands.

The principle of diversity stems from President Roosevelt's policy of the good neighbor. Within the loose and ample frame of the inter-American system, there is room for each nation to order its institutions and organize its economy, so long as it respects the rights of its neighbors.

In the councils of the Alliance we must guide each other toward the most rewarding course of progress. We do not confuse that duty and responsibility with any desire or right to impose those views on unwilling neighbors.

GUIDED BY BOLIVAR'S WORDS

In devotion to democracy, we are guided by the command of Bolivar that "We must fearlessly lay the foundations of South American liberty; to hesitate is destruction."

Our charter charges each American country to seek and to strengthen representative democracy. Without that democracy, and the freedom it nourishes, material progress is an aimless enterprise; destroying the dignity of spirit it is meant to liberate. We will continue to join with you to encourage democracy until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle.

But the charter of the Alliance is not confined to political democracy. It commands a peaceful, democratic social revolution across the hemisphere. It calls upon us to throw open the gates of opportunity to the landless and despised, the poor and the oppressed. It asks that unjust privilege be ended, and unfair power be curbed.

The United States signed that charter. We are fulfilling that commitment. We have begun an all-out war on poverty. For a just country cannot permit a class of forsaken in the midst of the fortunate.

We are also marching forward in our struggle to eliminate racial injustice, to permit every man, of every race and color and belief, to share fully in our national life.

In the same way we will join with those forces across the hemisphere who seek to advance their own democratic revolution. As we are finding in the United States, it is not easy to change the customs of centuries. Some seek to halt reform and change. Others seek to impose terror and tyranny. But Bolivar's wisdom is our warning—"To hesitate is destruction."

LEADERSHIP ESSENTIAL

I know my country's policies and my country's help are important to the Alliance for Progress. But in 1961 a new hemisphere began to be born. In that hemisphere, success or failure does not hinge on testing each shifting wind or each new word which comes from our neighbors. It depends on the courage and leadership we can bring to our own people in our own land.

The Alliance for Progress is a complex task. It has many dimensions and many directions. But it rests on the hopes of people much like those I have seen in my recent trips through the poverty areas of the United States.

Across this hemisphere there are millions of despairing men and women. They come to birth, they toil, and they die, never knowing a day without hunger. They never feel the joy of rewarded achievement, or the pride that comes from providing for those you love.

They struggle for their self-respect—for their dignity as one of the children of God—against those who exploit them in a world which is closed to their hopes. Faces bent and backs bowed they see ahead of them only that same darkness in which they walk.

We worked for these men and women not because we have to. We work because morality commands it, justice requires it, and our own dignity as men depends on it. We work not because we fear the unjust wrath of our enemy, but because we fear the just wrath of God.

The path ahead is long and the way is hard. We must, in the words of the prophet, "mount up on the wings of eagles, run and not grow weary."

We have reached a turning point.

The foundations have been laid. The time calls for more action not more words. In the next year there will be twice as much action, twice as much accomplished, as in any previous year. I can now say with confidence that our Alliance for Progress will succeed. And the success of our effort—of your country's and mine—will indicate the vision of those who set us on this path.

ABOLITION OF SMALL BUSINESS ADVISORY CENTER, SBA

Mr. McCLELLAN. Mr. President, earlier this year, several Senators, industries, and manufacturers who sought to submit bids on Federal procurement contracts, called to the attention of the Committee on Government Operations a proposal of the Small Business Administration to close the Advisory Service Center.

The complaints made to the committee were based upon the premise that this proposed action might have an adverse influence on Government procurement through the discouragement of competitive bidding by small industries, thus increasing the cost of goods, supplies, and materials required by the Government.

As far back as 1919, President Wilson, recognizing the need for such a service, directed that the Procurement Information Center be established and operated by the Department of the Army, in order to permit manufacturers to procure information with respect to invitations to bid on Army and Navy contracts, and to inspect bid results from the official bid tabulations covering these invitations. This service was carried on for many years in the Department of Defense, but was later transferred to the Small Business Administration, primarily to aid small business firms to obtain necessary information to permit them to submit bids on proposed procurement for which they might qualify.

In conformance with these requests submitted to the committee, the Administrator of Small Business and the Bureau of the Budget were requested, on January 23, 1964, to delay the proposed closing of the Advisory Service Center, scheduled for January 31, 1964, in order to permit the committee and its staff to develop all the facts. Pursuant to this request, the abolition of this service was postponed for 60 days.

In view of the interest expressed in support of the continuation of this service, both on the part of Senators and manufacturers interested in having the Center continued, the staff of the committee was directed to make a study of the entire situation, in order that the committee might determine what further action would be appropriate.

On February 3, 1964, the staff submitted a preliminary report to the committee in the form of Staff Memorandum No. 88-2-7, and, on March 23, 1964, submitted another report, in Staff Memorandum No. 88-2-15. Mr. President, I ask unanimous consent that these staff reports be incorporated at this point in the RECORD as a part of my remarks.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE
ON GOVERNMENT OPERATIONS,
February 3, 1964.

Staff memorandum No. 88-2-7.

Subject: Proposed abolition of Small Business Advisory Center.

Pursuant to the request of the chairman, the proposed closing of the Procurement Advisory Center of the Small Business Administration on January 31, 1964, has been postponed by the Administrator for 60 days to permit this committee to examine the public interest in this matter.

Staff memorandum No. 88-2-5, dated January 24, 1964, provides full details regarding this requested action.

The following communications relating to the proposed hearings have been received by the committee.

From Eugene P. Foley, Administrator, Small Business Administration, Washington, D.C.:

"Your letter of January 23, 1964, asks that we delay the closing, as an economy measure, of the Small Business Advisory Center in order to afford the Committee on Government Operations an opportunity to develop further information on the desirability of terminating this service.

"We are happy, of course, to accede to your desires in this matter. After discussions with representatives of the Bureau of the Budget, we have been asked and have agreed to continue the operation of the Service Center for 60 days so that your committee may examine the public interest in this matter.

"We are anxious to give you and the committee any assistance which may be required."

From Kermit Gordon, Director, Bureau of the Budget, Washington, D.C.:

"Mr. Broadbent has brought to my attention your letter of January 23, 1964, concerning the planned closing on January 31 of the Advisory Service Center of the Small Business Administration.

"Your letter pointed out that the Committee on Government Operations desires an opportunity to develop further facts in this matter, and advised us of your request that the Administrator delay the closing.

"I agree that this is an appropriate and desirable course of action. The Administrator has, accordingly, been asked to continue the operation of the Service Center for 60 days, in order to give your committee an opportunity to review all the facts.

"I appreciate your bringing this matter to our attention, and I am glad to be of assistance to you and the committee."

From Richard W. Webb, Director, Small Business Policy Office of the Assistant Secretary of Defense:

"Receipt is acknowledged of your letter of January 23 requesting that we consider your letter and inclosures addressed to Mr. Eugene P. Foley, Administrator, Small Business Administration, relating to the proposed closing of the Procurement Advisory Center, 811 Vermont Avenue, Washington, D.C.

"The procurement information currently being made available to the advisory center by the military departments and the Defense Supply Agency is of two types—(i) Notices of invitations to bid on prospective procurements and (ii) abstract of bids of completed procurements.

"With respect to the invitations to bid the same information is either published daily in the Commerce Business Daily (copy attached) in accordance with Public Law 87-305, or each procurement installation puts this information on bid boards located in the office of the small business specialist at the issuing installation.

"To obtain personal, direct, and more prompt information with respect to forthcoming procurements, any business concern may make application to have its name included on the bidders' lists. This will assure the firm of receiving, by mail, invitations to bid on all supplies and services. Instructions on how to get on the bidders' lists are published in DOD booklets—one entitled "Selling to the Military" is enclosed. Therefore, it is our judgment that small business firms and others do not have to rely upon the procurement advisory center for information concerning forthcoming procurements.

"With respect to the abstracts of bids—this is a listing of all of the bids received and publicly opened with the bid price of each competitor listed opposite his name. This information is called out at the public opening of all bids at the procurement installation conducting the purchase. It is the practice of the Defense Department to later publish in the Commerce Business Daily the name, address, and contract price of the successful contractor in all unclassified contracts exceeding $25,000 in value. The full abstracts of bids are available for inspection at the address of the contracting office. With respect to direct notice of the outcome of competitive purchases the Defense procurement policy provides:

" 'In the case of all unclassified formally advertised contracts, the purchasing office shall as a minimum, (i) notify unsuccessful bidders promptly of the fact that their bids were not accepted, and (ii) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Notification to unsuccessful bidders may be either orally or in writing through the use of a form postal card or other appropriate means. Should additional information be requested, the purchasing office shall either provide the unsuccessful bidders with the name and address of the successful bidder, together with the contract price, or when workload does not permit, inform the inquirers as to the location where a copy of the abstract of bids is available for inspection.' (ASPR 2-408.1.)

"Thus the bid prices—including abstracts of bids will continue to be available to bidders at the military procuring offices.

"In view of these circumstances we concur in the proposed action by Mr. Foley to close the advisory center as of January 31, 1964."

From Hon. J. GLENN BEALL, U.S. Senate:

"I have received complaints from Maryland businessmen regarding the proposed abolishment of the Advisory Service Center of the Small Business Administration.

"It is my understanding that this Center disseminates information regarding all invitations to bid of the Army, Navy, and Air Force. The abolition of this Center is allegedly justified by the President's economy drive. As much as I support the President in his economic campaign, I fail to see justification here. If this Center is abolished, it could well be a case of saving pennies today and losing dollars tomorrow. I request that the Government Operations Committee schedule hearings to determine the prudence of the Small Business Administration's decision to terminate the services of the Center.

Since this Center apparently has no legislative status and is merely an administrative creation of the Small Business Administration, I feel that it may be wise if the committee also considered giving legislative status to this Center.

"If the committee schedules hearings, I would appreciate having the opportunity to testify."

From Edward Meyers, president, Terminal Musical Supply, New York, N.Y.:

"It has come to our attention that the Small Business Administration has announced the closing of the Procurement Advisory Center in Washington, D.C.

"We have been greatly dismayed by this news since we have relied on our Washington representatives over the past years to provide us with copies of bid invitations of all Defense Department installations throughout the country.

"Our business income to a great extent depends upon supplying the Army and Air Force installations all over the world with musical instruments and supplies. Almost all Government invitations upon which we bid are below the $10,000 limit and we would have no other source of supply for these invitations should the Procurement Advisory Center be closed.

"We are on the agency's bidders mailing list, but we find that for a small business such as we are, it is very difficult if not impossible to take the required steps to insure receipts of all invitations issued. It would also be impossible for us to receive complete bid results from remotely located agencies if this information were not made available to our representatives at the Procurement Advisory Center. These bid results are quite necessary to us if we are to bid intelligently against our competition.

"If we are to supply the Government with good quality musical equipment at low competitive prices, it is imperative that we have a source of information available to us at the Procurement Advisory Center in Washington.

"Any effort by your committee to vigorously oppose the closing of the Procurement Advisory Center would be appreciated."

WALTER L. REYNOLDS,
Chief Clerk and Staff Director.

SENATE COMMITTEE
ON GOVERNMENT OPERATIONS,
March 23, 1964.

Staff memorandum No. 88-2-15.

Subject: Closing of Advisory Service Center, Small Business Administration, and proposed hearings on Government competition with private industry.

ADVISORY SERVICE CENTER, SBA

Pursuant to recommendations of members of the committee, in executive session, January 21, 1964, and at the direction of the chairman, the staff has conducted a study into the need for continuation of the Advisory Service Center, Small Business Administration. Proposed action was postponed at the request of the chairman for 60 days after its scheduled closing, on January 31, 1964.

Following a preliminary staff study of the operations of the Center, and related services performed by the Departments of Commerce and Defense, a conference was held with representatives of these agencies, and of the Bureau of the Budget on March 5, 1964. The following is a report on these activities, with recommendations from the agencies involved:

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
March 20, 1964.

DEAR MR. CHAIRMAN: Representatives of the Department of Defense, the Department of Commerce, the Small Business Administration, and the Bureau of the Budget met with the staff of your committee on the morning of March 5, 1964, to discuss the proposed closing of the Small Business administration Advisory Service Center. Mr. Walter Reynolds at that time requested that the Bureau of the Budget bring together reports from the agencies present at the meeting and send a summary report to you, together with any recommendations we might wish to make. This is the report that was requested.

The Department of Defense report incorporates the Department's January 29, 1964, letter to you in which it is pointed out that small business firms do not have to rely upon the Advisory Service Center for information concerning forthcoming procurements, and that the bid prices, including abstracts of bids, will continue to be available to bidders at the military procuring office, if the Center is closed. The Department's March 13, 1964, report also describes the program of procurement conferences and clinics whereby Department of Defense small business specialists, together with representatives of the Small Business Administration, and to some extent the Department of Commerce, meet with small firms to acquaint them with Defense purchasing procedures.

The report of the Small Business Administration emphasizes the limited scope of the procurement activity covered, generally the same military transactions covered by the Commerce Business Daily. It is also pointed out that personal visits to the center are confined almost exclusively to representatives of approximately 10 concerns who sell the information to the public through publications and sales representation. Requests for abstracts received by mail or personal visits have averaged less than five per week. The Small Business Administration describes the procurement assistance given to small businesses in the field through its 67 offices. In fiscal year 1963, the SBA furnished 20,522 prime contract opportunities, 3,761 subcontracting sources, and 56,992 cases of procurement counseling. The agency also participated in 246 opportunity meetings serving 10,000 small firms. The report states that in the opinion of the agency, the present operation cannot be efficiently performed with fewer than five to six employees and at a cost of less than $50,000 to $60,000 per year. This does not cover the cost of handling and mailing the documents from the procurement centers. The report from the Department of Commerce states that due to a lack of familiarity with the program, the Department is unable to comment on the matter of the center's benefits as against its cost.

The Bureau of the Budget has, over the years, been interested in the subject of competitive bidding on military procurement and the means by which competition can be broadened and the procurement process made more effective. We share the committee's concern over any actions which might significantly reduce competition or impair the military procurement program. We initially considered the closing of the Service Center in this light and have continued to do so in our review of correspondence which has been received from business firms and groups and the reports submitted herewith.

We have reached the following conclusions as a result of our review:

(a) The Advisory Service Center operation is a limited one both as to service to its users and its industry coverage.

(b) The Federal Government's sizable procurement assistance programs give businessmen around the country adequate access to procurement opportunities, bidders' lists, and invitations for bids. The Service Center does not add appreciably to the availability of information on invitations for bids, although about three-fourths of the paper volume involves such information.

(c) The present operation though limited in scope requires the handling of a sizable volume of paper and contact with the public, both of which cannot be handled by two or three clerks alone. Supervision is required, as well as standby help, and some stenographic assistance.

(d) Bidders who are interested in obtaining more detailed information on the results of individual bids at a particular offering may have difficulty in obtaining such information.

We were impressed by the fact that not all users of the information understand the exact coverage of the information flowing into the Center. Some indicated in their letters that invitations to bid in excess of $2,500 were available. Yet, the Center is only authorized to receive invitations to bid in excess of $10,000 and abstracts of bids in excess of $25,000. These limits are identical with those of the Commerce Business Daily. Further, within these limits, not all actions find their way to the Center. As to the industry coverage represented by the bid firms and publications, the statement has been made that 80,000 manufacturers benefit from the Center. Yet it is our understanding that a high proportion of these firms are in the construction and related trades. Construction is a respectable element of military procurement, but it is restricted to a relatively few military procurement offices. The Center's contribution to manufacturers of military goods is not nearly so extensive as it first appears.

A fair question is, "What would happen to the clients and beneficiaries of the Center if it were closed down?" We believe that a number of the firms visiting the Center would continue to serve a substantial part of their clientele. A bid firm which is one of the heaviest users of the Center has 80 field reporters at major procurement centers. The firm with the largest clientele, over 60,000, uses the Center to supplement the information compiled by its field reporters and as a double check on Government building projects. Thus, all of the firms are not relying solely on the Center for this information. It should be emphasized that a bid service's clients are not faced with the necessity of contacting innumerable procurement offices. Most manufacturers bid on certain classes of commodities which are purchased in quantity at a relatively few military procurement offices. There has been a very marked drive in the Department of Defense to concentrate procurement at particular centers and then to assist all businessmen in contacting such centers.

A major point made by the users of the Center is the availability of detailed abstracts of bids. Because these abstracts are frequently voluminous and are costly to reproduce and disseminate, procurement centers are required to make available one copy at the site for inspection by bidders. Another copy is mailed to the Service Center. If the average businessman seeking military business wants full information concerning each bid made in a particular offering he must obtain the information through local bid services, Western Union, or other agents, if he cannot inspect the abstract personally.

In view of the agency reports and our own examination of the Advisory Service Center, we find no justification for continuation of its functions, with the possible exception of those associated with abstracts of bids. We are therefore requesting the agencies to examine the practicability of reducing the scope of the Small Business Administration Advisory Service Center operation to the handling of abstracts of bids. At the same time, the agencies are being asked to explore alternative means of broadening the dissemination of abstracts of bids information and possible locations for such activity.

Sincerely,

KERMIT GORDON,
Director.

In view of the fact that these operating agencies have taken the position that (1) the continuation of the Advisory Service

Center is not essential, (2) the number of employees and the cost of providing this service cannot be materially reduced, and (3) the savings proposed are warranted in the public interest, resulting in savings estimated to total $50,000 to $75,000 per year (not including compilation and working of the information and the paperwork involved), the Chairman has indicated that no further committee action is contemplated at this time.

GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE

As outlined in staff memorandum No. 88–2–5, the staff was also directed to develop information relative to policies adopted and regulations which are now in effect in connection with Government programs which may be in competition with private industry. Pursuant to this directive, the staff requested the Bureau of the Budget to also inform the committee as to any actions already taken or to be initiated in conformity with the objectives of legislative proposals relating to Government competition with private business now pending before the committee, including all actions taken by the administration to eliminate Government services, activities, and operations now being carried on by the Federal Government which should be procured through private industry.

At the staff meeting held on March 5, 1964, the Bureau of the Budget agreed to submit a report relative to the present status of such policy, to review the programs which might be involved, and to take affirmative action to tighten up existing regulations in order to correct any existing abuses. Pursuant to this agreement, the following report has been submitted to the chairman, which is being forwarded to all members of the committee, and to other Senators and individuals who have expressed an interest in this matter, for their information:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
March 23, 1964.

DEAR MR. CHAIRMAN: Mr. Reynolds has informed us of your committee's continuing interest in the efforts of the executive branch to avoid Government activities which compete unnecessarily with private enterprise. We are also familiar with the bills on this subject which have been referred to your committee and with the excellent background study and analysis which was prepared by the committee's staff and published last June as a committee print. In view of the committee's interest, I believe it may be useful to review our current plans related to this program.

For approximately 9 years, executive agencies have been directed in bulletins issued by the Bureau of the Budget to avoid activities which compete unnecessarily with private enterprise. The policy is stated in Budget Bulletin 60–2 and provides essentially that the Government will not engage in commercial or industrial types of activities to provide services or products for its own use if it is feasible and economical to rely upon private enterprise for its needs. Under this policy, the Government has curtailed, discontinued, or avoided starting many activities such as hospital laundries, paint factories, maintenance facilities, the Panama Ship Line, etc.

The Government relies primarily upon private enterprise to furnish most of its needs for commercial and industrial types of products and services, but exceptions are necessary in some instances. Our bulletin provides general guidelines for deciding when an exception is warranted but it is usually necessary to exercise judgment in evaluating many technical and cost factors which frequently are related to the agency's program responsibilities.

We are currently engaged in redrafting our Bulletin 60–2 because we believe some of our guidelines can be improved and that our bulletin can be strengthened and clarified. We also hope to reissue the directive as a budget circular in order to establish the policies and procedures on a more permanent basis. However, no important changes are planned in the statement of the basic policy in Bulletin 60–2.

We shall inform your committee promptly of any significant developments in this area and will provide copies of any documents or directives which are issued on the subject.

Sincerely,

ELMER B. STAATS,
Deputy Director.

Approved:

WALTER L. REYNOLDS,
Chief Clerk and Staff Director.
GLENN K. SHRIVER,
Professional Staff Member.

Mr. McCLELLAN. Mr. President, according to a recent report from the Small Business Administration, it has now been determined that present services afforded by the Advisory Service Center will be reduced, effective on the close of business on May 22, 1964. Beyond that date the service will be limited to providing bid abstract information only.

In view of the legislative situation which has developed in the Senate, the committee was not able to follow through on this matter as it would have under normal legislative conditions. The matter may be pursued, however, if complaints are renewed.

ADDRESSES BY ROBERT MOSES

Mr. PELL. Mr. President, many of us know Robert Moses; and all of us have heard of that brilliant, indefatigable energizer of projects that make the 20th century a more agreeable era in which to live.

I ask unanimous consent to have printed in the RECORD two speeches delivered by Mr. Moses—one, at a luncheon of the National Highway Users, on Friday, May 8; and another, at the opening of the 50th anniversary convention of the Amalgamated Clothing Workers of America, on May 9, 1964.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

REMARKS OF ROBERT MOSES, CHAIRMAN OF THE TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY, AT A LUNCHEON OF THE NATIONAL HIGHWAY USERS, AT THE INDONESIAN PAVILION RESTAURANT, WORLD'S FAIR, FLUSHING MEADOW, MAY 8, 1964

I gather that my role here is by a few words to pave the way for more detailed examination of arterial road problems in the motor age. At the risk of being charged with dogmatism and in the interest of brevity, I suggest that we attempt to agree on a few underlying facts and principles to serve as a basis for a realizable program. These seem to be the 10 underlying facts:

1. We live in an increasingly motorized civilization.

2. The car with internal combustion in its various manifestations is here to stay and must somehow be accommodated.

3. Manufacture of cars is one of our biggest industries and employers of labor. It must increase. It is indispensable. Its diminution would cause serious maladjustments in our economy.

4. Cars must have good roads to ride on, and the building of roads must catch up and keep pace with the output of cars. We have not yet caught up. We are behind and shall keep losing ground unless we act fast. Congestion is here. Strangulation is not far off.

The number of motor vehicles now registered in the country, an estimate made by the U.S. Bureau of Public Roads, in round figures, is 69 million passenger cars and taxis and 13,500,000 trucks and buses. Production increases gradually at about the rate of 2½ percent a year. A larger proportion of cars is scrapped each year. The net result is a gradual increase in registration of about 2,000,000 a year. Total national registrations of passenger cars in 1970 will be about 83,500,000 as against less than 70 million today.

The top carmakers have at last waked up. Their lively exhibits at the New York World's Fair amply demonstrate alertness. The indifference and indeed hostility of the thirties and forties are gone. It is accepted doctrine now that a car without a road is as futile as a ship without an ocean or a plane without air and is kin to the proverbial reveler all dressed up but with no place to go.

5. The car owner and motorist is paying the bill directly or indirectly. He must be prepared to pay even more, but should be guaranteed against large diversions for other purposes. About $3 billion a year has been going into the Federal highway aid trust funds. Increasing taxes to provide a 50-percent increase in Federal aid from 1964 to 1970 would be relatively simple. The main revenue flows from the tax on gasoline. If this tax were increased by 50 percent of the present rate, this would do. This increase in taxes would bring in some $4.5 billion a year now which would be increased in 1970 by some 14 to 20 percent. The maximum might be over $5 billion a year. Federal aid would be increased from the 1963 allocation of $3.3 billion to $4.5 billion.

6. Federal aid of 90 percent for main arteries of a regional, metropolitan, and continental character is fully justified. The 50–50 system should be made 70 and 30. This is indispensable to progress.

7. Public authorities financed by prudent investors are required for many bridges, tunnels, and thruways to supplement Government funds, expedite work, and avoid unimaginative, routine bureaucracy.

8. Commuter mass transportation by rail should be coordinated with highway as well as air and water transportation, but no good purpose is served by attempts to consolidate all transport agencies under one administrative head nationally or regionally. In recent years the railroads have not produced leaders with the ingenuity, courage, and pioneer spirit of their founders.

We must use the pragmatic approach to improved commuter rail service—perhaps by extension of the public authority device—at any rate, with complete frankness and cold arithmetic. If the railroads are to be further subsidized and supported, they must produce convincing proof of a new attitude. Meanwhile, the sideline pundits must abandon their demand for one big all-embracing elephantine transportation monopoly operated by as yet undiscovered geniuses.

If it can be demonstrated that the highway users should, as a matter of logic and enlightened self-interest, contribute out of their tax payments to help specific railroads in special cases. I believe that car drivers and owners can be persuaded to take a large view of the entire transportation problem and help such railroads in exceptional instances to help themselves. Such a broad viewpoint should not, however, be extended to justify all sorts of handouts or to attempt to encompass consolidated transport administration.

9. The monorail has its undeniable uses in special settings, but it is no panacea for conventional travel facilities. I am all for helicopters and hydrofoils, but they are adjuncts, auxiliaries, and incidental aids in the

big movements. Walking isn't bad either and swimming is the best exercise. Still you can't walk back and forth to work or use the six-beat crawl from beach to office. The turbine engine car may make travel cheaper and smoother, if not faster. It may prolong the life of the auto and perhaps revolutionize fuel usage and manufacture, but one thing is quite certain—it will not lessen the demand for good roads.

10. Pay no attention to slanted, irresponsible criticism. I refer you to a horrid picture book entitled "God's Own Junkyard" by Peter Blake, managing editor of the Luce Architectural Forum. By selecting the most ugly, grotesque pictures of land and city scapes, and skillfully avoiding evidences of devoted, intelligent, courageous, and successful planning, Mr. Blake proves to the satisfaction of a sour audience that our expressways, parkways, ribbon parks and landscapes are exclusively the result of unregulated private profit, that manmade America is an unrelieved mess, that the so-called esthetics and amenities have been entirely absent and that only the Blakes can save us.

Blake has not examined factual, honest pictures of progress. He has never visited pleasant scenes, even those near his office. He manifestly doesn't know the points of the metropolitan compass. He has never in my rather long experience offered a single constructive suggestion in any specific instance in the field of major arterial or other public improvements. Wholesale denunciation, smearing and scorn have never built, improved or saved anything yet. Something better is owed to those who love the rocks, rills, and templed hills of our beloved country, who all their lives have met opposition and made sacrifices to produce results that some miserable little scribbler and candid snapshot-taker claims do not exist. Based on these 10 findings, what must we do? It is simple enough to state. Implementation, however, is something else. The three levels of government, the public authorities, the press, the manufacturers, labor, and the engineering societies must impress upon the public the vital need of an expanded highway program which will insure prompt location of all major arteries, immediate acquisition of rights-of-way, forthright plans to move people and business in a humane, orderly, and systematic way, and as early a start on construction as increased appropriations will permit. The picture which presents itself at the moment is not pretty—slowdown in the Federal program, failure of many States to show initiative and courage, municipal indifference and obstruction, adding up to appalling waste through rising cost of land and building in the very bed of rights-of-way.

We need that vaunted, phantom shelf of genuine public works, not made work and boondoggling, ready when a recession, automation, and other temporary threats to full employment become menacing. The RFC and PWA of the thirties, including projects largely but not wholly self-liquidating, left durable facilities which are still in good order and use.

Roadwork must be planned in relation to housing, recreation, and business, but balanced, semipolitical boards to insure cooperation are like all boards—long, narrow, and wooden. Genuine leaders can find ways to work together without being shoveled into new administrative bureaucracies with fine sounding comprehensive objectives announced in the best Madison Avenue tradition, a wonder for the proverbial 9 days.

Why are these obvious realizable step-by-step objectives of metropolitan transportation improvements neglected in favor of grandiose administrative monstrosities? In 1949 the Long Island Railroad was forced into bankruptcy. In 1951 a commission of three, on which I served with the late Judges Robert P. Patterson and Charles C. Lockwood, recommended to Governor Dewey converting the Long Island Railroad, a local commuter, neglected orphan of the Pennsylvania system, into a genuine public authority. Instead, a sort of bastard standby apology for an authority was established to rehabilitate the road and in 1954 it went back to the Pennsylvania with noble stipulations, and a provision that tax exemption would run out in 1966.

Meanwhile, the basic proposal of consolidation of the Pennsylvania and New York Central systems, which would offer an opportunity to do something constructive about commuter as well as continental travel, has been the subject of hearings by examiners lasting 128 days, involving 36,000 pages of testimony, and molders in the Interstate Commerce Commission, one of those curious floating kidneys, neither court nor executive agency, which bedevils the metabolism of the body politic. The rail applicants seem incapable of either initiative or indignation and become picaresque mendicants wailing up and down the streets for handouts and showing their sores and spavins at the entrances to public buildings.

Let me give you another illustration of obstacles piled up in front of public works: The Niagara improvement included power, parks, parkways, highways, railroad grade eliminations and just about everything else at the Niagara River and Gorge from Lake Erie to Lake Ontario. In August 1956, the Power Authority of New York applied to the Federal Power Commission for a Niagara license. The Commission held against it and refused even to consider the application on its merits. In June 1957, the U.S. Court of Appeals for the District of Columbia reversed the Commission and ordered it to consider the application. In August 1957, Congress passed legislation specifically directing the Commission to issue a license to the authority. The Commission refused to schedule hearings until the fall of 1957. Then it consumed 2 months in hearings, took 4,000 pages of testimony and spent 2 more months deliberating to reach a compromise, the apparent purpose of which was to placate obstructionists. The result was to add $25 million to the cost of the project. In the fall of 1958 after the U.S. Court of Appeals ordered the Commission to make findings on the Tuscarora Indian Reservation aspects, it used up another 6 weeks in hearings, took another 2,000 pages of testimony and spent another month deliberating before making a 3-to-2 decision. Finally, in March 1960, the Supreme Court reversed the court of appeals in the Indian case and the Commission's findings became academic. The power authority at last was able to build the project.

Let me turn now to land acquisition for highways. Proper location of rights-of-way is almost never a complex question until prolonged packed hearings, fomented and stimulated opposition and pressure politics enter into the decision. Clearance of rights-of-way is always tough and gets worse with time. Obvious, logical routes become dubious because of understandably stubborn residents, encumbrances with friends in high places and astronomical costs. In such contexts compromises without principle and unhappy alternatives are resorted to by timid officials. These second-rate expedients show up later and become the targets of critics who know nothing of the original circumstances.

The Wrens and Baron Haussmanns, who stubbornly cut wide swaths through the accumulations of centuries in old cities, are few and far between. A stomach for fighting and thirst for martyrdoms are rare among bureaucrats, but fortunately still appear at critical times and in the oddest places. You can draw any kind of picture you like on a clean slate and indulge your every whim in the wilderness in laying out a New Delhi, Canberra, or Brazilia, but when you operate in an overbuilt metropolis you have to hack your way with a meat ax. Do not fall for the cliché that fancy planners lay out entire communities on such clean slates. The framework, including arterial and transportation as well as topographical and water system, is very likely to come first. Industry and residence follow. It is the roadbuilder who usually determines what will come next. If he doesn't know what will flow over his stone stream and crop up beside it, he is a lousy roadbuilder and should be repairing holes in pavement.

Finally, traffic control, which is always in the end a police problem, should be handled by the police, work hours staggered, emphasis shifted from styling to safety, safety regulations drastically raised and amplified and something like status, reward and respect given to those who achieve measurable results.

Major roads are no incidental matter in planning. The road system fixes the pattern of the future. It touches life at all levels. It runs full tilt into taboos and prejudices. And so it becomes harder and harder to find men who can stand the gaff. How can complete honesty and candor be expected in an atmosphere of small politics, expediency and the unwritten law, where there is a conspiracy of silence on controversial questions, where "keep off the grass" and "don't stick your neck out" signs abound, and the unlit lamp and ungirt loin are standard equipment? The solution of the road problem lies with men, not with machines, methods, formulas, laws, trick financing, and magic.

Metropolitan and regional highway programs are bedeviled by real estate and commercial promotion campaigns, as well as legitimate engineering obstacles. Because whale-shaped Long Island runs out east into the Atlantic, with its head in New York and its fluked tail in New England, local boosters have conceived the idea of running a causeway 23 miles long across the Sound to Connecticut and Rhode Island. It would cost as much as over $300 million of somebody's money at a time when every nickel in sight for 20 or 30 years ahead is required to finish projected main east and west and north and south arteries where the fast-growing year-round population demands action. Years hence perhaps, but not today.

There could not conceivably be enough Federal and State money to build the chimerical New England causeway, and no bankers or prudent investors in their right minds would visualize sufficient reliable traffic to make it attractive as an investment. On the basis of conservative guessing, it would take about 50 years to amortize this project. A car or truck driver on a wintry night halfway across this trestle, with Atlantic Ocean spray breaking over it and surrounded by mist, sleet, and gloom, would be just about the most lonesome creature in the known world. This would be a swell picture to offer a prudent investor in authority bonds. At any rate, the legislature has passed a bill to investigate this subject and see what it is all about.

Planners, professors, editors, and pundits advocate long-range, comprehensive and regional programs with all the parts boldly proclaimed and integrated, but they are usually silent when influential elected officials shy away from sensible projects which at the moment are politically embarrassing, and promise another look after election when the public can more safely be taken into their confidence. Builders with ants in their pants and the itch for action, who find this stultifying and even maddening, are admonished that this is the democratic process and little can be done about it. As in so many contexts today, the people ask for bread and they get a stone. They ask for action and get committees, reports, and oratory.

Our New York World's Fair, if it does nothing else, will demonstrate new ideas, processes, and materials and a welcome to youth and originality. The withered hand and the hollow sounding shell with the echoes of the past in it, these cannot any longer dominate roadbuilding and transportation, or any other modern building endeavor merely because they represent tradition and experience. As Browning said, "Greet the unseen with a cheer."

Immense, shattering changes are before us. The turbine or jet car engine is in the offing with revolutionary effects on design and fuel. Is it not a fact that in most major revolutionary power changes involving simplification and economy, the engineers often move cautiously by temporary intermediate steps to what is the obvious objective, for example, from propeller to propjet to jet instead of straight to jet? The auto manufacturers have immense investments, commitments, and sales campaigns underway. They naturally want to cushion the shock of invention.

Sounds engagingly simple, you will say. You will recall the yarn about the cockroaches who, tired of their contemptible place in the animal kingdom, appointed a committee to wait on the head lion who ran the great open spaces. The roaches complained of their miserable crawling life. "Why," said the lion, "don't you get yourself wings like the grasshoppers and fly through the air with the greatest of ease?" "That's all very well." said the cockroach leader, "but how do we get the wings?" The lion roared at them, "On your way, you silly insects. I gave you the idea. Now you work out the details."

The details, my friends, are for your subsequent attention.

Remarks of Robert Moses, President of the New York World's Fair 1964–65, at the Opening of the 50th Anniversary Convention of the Amalgamated Clothing Workers of America, AFL–CIO, Singer Bowl, Flushing Meadow, May 9, 1964

President Johnson, Mr. Potofsky, and friends, some of my most cherished recollections as a public official are rooted in working with the great needle trades on civic projects in which the unions have combined concern for their own members with a generous regard for others. This has been particularly true in the case of cooperative housing, the best hope of comfortable, attractive middle income shelter under other than exclusive public auspices.

I am sure Jack Potofsky will not resent it if on this occasion, and in the presence of so many of his members, I address him as an enlightened non-profit capitalist. The unions today are big business. They have their own management problems. They are among our leading pragmatists.

The fair welcomes the Amalgamated on the occasion of half a century of distinguished service and urges your members to spread themselves over Flushing Meadow to visit our pavilions, exhibits, shows and entertainments, foreign and domestic. We have attempted to assemble here the best the world has to offer in free competition, without the trappings of diplomacy. At this olympics of progress and achievement we devoutly hope that new friendships, based on our common humanity and need, will be formed and cemented, and that as a result peace will be brought nearer to a torn and troubled world.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 577) proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 219 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Lausche
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smith
Sparkman
Symington
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

INVESTIGATION BY COMMITTEE ON RULES AND ADMINISTRATION OF ROBERT G. BAKER

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the rule of germaneness be waived, in order that I may proceed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, on October 10, 1963, I submitted Senate Resolution 212, the purpose of which was to authorize and direct the Senate Rules Committee to conduct an investigation into any type of questionable activities of any employee or former employee of the U.S. Senate. It was specifically understood and agreed at that time that the resolution as drafted was broad enough to include the necessary authority to investigate any such irregularities on the part of the Members or former Members of the U.S. Senate as well as any of its other employees.

This resolution was specifically directed toward an investigation of the activities of Mr. Robert G. Baker; however, at that time it was recognized that other employees as well as Members of the Senate may likewise be involved.

After the investigation had proceeded for several weeks a question was raised as to the scope and authority of the Rules Committee under this resolution. A specific suggestion was made that the resolution was not broad enough to authorize an investigation involving activities of a Member of the U.S. Senate.

When this question was raised, Senator GORE, of Tennessee, and many others including myself went to the floor of the Senate and offered to broaden this resolution if it were considered necessary, since it was clearly our intention that there be no limit to the authority of the Rules Committee.

During the colloquy in the Senate on February 4, 1964, the majority leader, Senator MANSFIELD; the minority leader, Senator DIRKSEN; the chairman of the Senate Rules Committee, Senator JORDAN; as well as many other Members of the Senate all agreed that the resolution as drafted did include Members of the Senate. Based on the stated opinion of the majority and minority leaders and the chairman of the Senate Rules Committee that they accepted and interpreted the resolution in such a broad nature it was decided that no further authority was considered necessary.

Yesterday, however, the Senator from New Jersey [Mr. CASE], appeared before the Senate Rules Committee, and again this same question arose. This time the chief counsel of the Senate Rules Committee rendered an opinion that the resolution as originally introduced and presented to the Rules Committee did not contain any authority whereby the Rules Committee could, even if it wished, investigate alleged improper activities involving a Member of the U.S. Senate.

I cannot conceive of any such ruling or interpretation being made, especially in the light of the historical background of the interpretation of the resolution by the leaders of the Senate and by the chairman and other members of the Rules Committee itself.

However, I am not going to engage in any further argument as to who is right on the interpretation of the original resolution. I do know what my intentions were; and I know what the intent of the Senate was—that is a matter of public record.

But rather than debate this issue further, I am today submitting an amendment to the original resolution which unquestionably will lay to rest forevermore the question of the authority of this committee.

This amendment which I shall offer to the original resolution amends the first sentence of Senate Resolution 212 to read as follows:

> *Resolved*, That the first sentence of Senate Resolution 212, 88th Congress, agreed to October 10, 1963, is amended to read as follows: "That the Committee on Rules and Administration or any duly authorized subcommittee

> thereof is authorized and directed to make a study and investigation with respect to any financial or business interests or activities, or any illegal, immoral, or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member or former Member of the Senate, employee or former employee in the office of a Senator or former Senator, employee or former employee of a Senate committee or subcommittee thereof or of any joint committee the expenses of which are disbursed by the Senate Disbursing Office, officer or employee or former officer or employee of the Senate who receives or has received payment of salary through the Senate Disbursing Office, or any other officer or employee or former officer or employee of the Government who is employed or was formerly employed in either of the Senate office buildings or in the Senate Wing of the Capitol, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest, or any other impropriety of any kind, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities."
>
> SEC. 2. Senate Resolution 291, 88th Congress, agreed to February 10, 1964, as amended, is amended by striking out "May 31, 1964" and inserting in lieu thereof "September 1, 1964".

In addition to amending the first sentence of the original resolution I have added a new section extending the authority of the committee from May 1, 1964, to September 1, 1964. In light of the situation in which we find ourselves, this would be necessary.

Historically the Senate has never been reluctant to investigate all phases of questionable activities involving officials in the executive branch or involving persons in private life.

In this particular instance we are investigating grave questions of impropriety which involve the Senate of the United States itself. There have been questions in the minds of many people as to whether or not the Senate has the nerve or the integrity to carry through this investigation which involves our own house. We cannot afford to leave any doubt lingering in the minds of the American people on this question. We have no choice except to lay before the public every phase of any questionable practice of any description which involves any employee or former employee of the U.S. Senate—and by "employee" I mean to include the Members of the U.S. Senate itself as well as any member of our staffs or any of our committee staffs, et cetera.

I send this amendment to the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will read——

Mr. ERVIN. Mr. President, I object to its immediate consideration.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator withhold that objection to allow me to have it presented to the Senate first?

Mr. ERVIN. There is pending business before the Senate, and the resolution can go to committee in orderly fashion. That is the basis of my objection. I do not mind withdrawing my objection temporarily, provided I am given an adequate opportunity to interpose it a second time before any action is taken.

I cannot agree to immediate consideration.

Mr. WILLIAMS of Delaware. Mr. President, I hope the Senator, upon reflection, will agree to this request. The Senate acted on the original resolution, without sending it to committee. This amendment merely spells out what was understood to be included in the original resolution. That was my intention at that time. It was also the understanding of the majority and minority leaders, as stated in the CONGRESSIONAL RECORD on February 4. There was a clear understanding on the part of the chairman of the Senate Rules Committee as to what was expressed on the floor of the Senate by the Senator from Tennessee [Mr. GORE], who conferred with him as to the interpretation of the resolution.

However, Major McLendon has now ruled otherwise.

I do not question for one moment Major McLendon's comments. He feels that this is the correct interpretation, and he has rendered his opinion. Rather than quarrel with it, I suggest that if it was the intention of the Senate and if it is still the intention of the Senate, that the resolution be amended to correct the misunderstanding. Let us amend it so that the committee can proceed on that premise.

I realize that the Senate has before it another important bill which has taken many weeks and months to discuss. I am not suggesting that discussion of the pending bill be laid aside for any length of time, but over the period we have laid aside the bill for the consideration of nominations. We have laid the bill aside for the consideration of the enactment of scores of more or less noncontroversial bills. Consideration of the resolution would not require more than 5 minutes. I cannot conceive of any Senator insisting that this language should not be a part of the original resolution.

Personally, I believe this resolution is unnecessary. I felt so from the beginning; but a question has been raised, and we are now confronted with a situation in which either we must amend it or abide by the opinion of counsel. Apparently a majority of the committee have decided to accept the opinion of counsel.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. President, I once more commend the Senator from Delaware for his action and his diligence. I agree with him that the resolution is unnecessary, but it may be advisable for the Senate once again to speak out on this issue. But I would also add that that will not solve the problem of the committee. Until the Committee of Rules and Administration is directed by the Senate to follow its own rules and call witnesses, there can be no thorough and complete investigation.

The rules adopted by the Committee on Rules and Administration clearly establish the right of any Senator to call a witness, subject only to the requirement that the testimony shall be relevant to the investigation.

Up to this very hour, the majority of the committee have intentionally and willfully disobeyed that rule and have not called a single witness requested by the minority.

I am for the resolution of the Senator from Delaware, but if it is to be considered—as I hope it will be—I plan to offer an amendment so that the Senate can vote on the question as to whether we can call witnesses, or whether there will be an alleged legal opinion and a ruling and then a partisan vote to close the investigation.

Had the rules which were adopted been followed, there would have been a great probability that the facts which have been unearthed would have made the resolution unnecessary.

While I am for the resolution of the Senator from Delaware [Mr. WILLIAMS], without direction from the Senate which would lead to enforcing the committee's own rules, the investigation will still be thwarted.

I thank the Senator from Delaware for yielding to me.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. Mr. President, I shall yield in a moment to the Senator from New Jersey [Mr. CASE], who is a cosponsor of this resolution, but first I should like to say again that the sole purpose of offering the amendment to the original resolution is to carry out the clear understanding and intention which I had as the author of the resolution on October 10, 1963.

The interpretation of the resolution was clear enough. Our views were expressed in the Senate. The entire Senate accepted the resolution with the interpretation that it gave the committee adequate authority, if it wished, to call any Member of the Senate.

But since the question has been raised by the chief counsel of the committee I feel that this question should be cleared up beyond any question of doubt. Let us spell out the clear intention of the Senate.

I now yield to the Senator from New Jersey [Mr. CASE].

Mr. CASE. Mr. President, I thank the Senator from Delaware for yielding to me.

I am happy indeed to be a cosponsor with the Senator from Delaware of the resolution to amend his original resolution, authorizing this inquiry.

I regret the need for this resolution, but my regret in no way suggests to me that the need does not exist. It does exist.

It is time to put an end to the situation in which one thing is said on the floor of the Senate in the broad light of day about the power of this committee, and another thing is said behind closed doors in committee rooms and acted upon by a committee.

That is what has happened. There is no question about the Senator's original intent when he introduced his resolution of inquiry—as he has expressed it himself. There is no question that this intent was repeated on the floor of the Senate by at least half a dozen Senators, specifically including the Senator from Tennessee [Mr. GORE], and the majority leader, the Senator from Montana [Mr. MANSFIELD]. The Senator from Pennsylvania [Mr. SCOTT] was another. The Senator from Nebraska [Mr. CURTIS] was another.

The Senator from Kentucky [Mr. COOPER] was another. I believe there were others also. They made it clear that it was understood by everyone that this resolution authorized an inquiry into the activity of Senators as well as employees of the Senate—if there is a difference. This is quibbling about names, but Senators were to be included, as the majority leader and other Senators have stated; yet we find that, no later than yesterday, counsel furnished the committee with his opinion. I hold in my hand a story published in the Washington Bureau of the Baltimore Sun that my view as to the duty of the committee in regard to relationships between Senators and Robert Baker, former secretary of the Democratic majority, was disputed by counsel. The article states that the rules group has "no mandate or authority to look into the activities of individual Senators."

This is repeated in other newspaper stories, including one in the Washington Post this morning.

There is no reason for any difference of opinion about this. There is no reason for any confusion. There is particularly no excuse for inactivity by the committee. The chairman of the committee, whom I see in the Chamber at the present moment, my esteemed friend, the Senator from North Carolina [Mr. JORDAN], is quoted on the UPI ticker this morning as having said that I scaled the heights of demagoguery when I demanded that each Senator be asked about his business dealings with Bobby Baker.

Mr. President, I am content to let the whole world decide whether to ask the committee to ask this question of each individual Senator, whether it has any relationship to demagoguery or not. I will stake my reputation on the absence or presence of demagoguery on my conduct and on my record, and on everything I have done or stood for and now stand for, including this particular inquiry, and including this particular request. I suggest that what happens here is only another example of what happens any time anyone suggests that the Senate does not treat Members of this body the same as it treats everyone else.

We should stop applying a double standard, treating other people outside the club in one way and treating ourselves in quite another. I suggest that this sort of thing is the reason for the lack of prestige, as shown by public opinion polls and comments generally about this body.

It is time that we put an end to it in the interest of ourselves and in the interest of this body, in which we have the honor to serve, as well as in the interest of democratic government generally.

I repeat my statement that the committee has the authority to establish beyond question whether this former employee of the Senate had any relations with any Member of the Senate; whether Bobby Baker had any financial or business dealings with any Member of the Senate and, if so, what they were; whether Bobby Baker offered to get for any Senator any campaign contributions or anything of value whatever. The reason for all this is that the Senate is involved. This is not a matter of punishing an individual for culpable action. It is a question of finding out what the truth is, particularly when a statement is made to the effect that Bobby Baker had 10 Senators in the palm of his hand. What does that mean? It is time to get to the bottom of this sort of thing. This is all familiar territory to every Member of the Senate. It is time we looked into the situation. That is why it is essential that this committee should actually be doing its job. I am happy to join the Senator in his effort.

Mr. SCOTT. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I wish to ask a question. Did the able and distinguished Senator from Delaware give any notice to the leadership of the Senate that it was his purpose to offer the resolution at this time?

Mr. WILLIAMS of Delaware. I discussed it yesterday afternoon with the chairman of the Committee on Rules and Administration, the Senator from North Carolina [Mr. JORDAN], and told him that something should be done. He can speak for himself. I understood that he felt it was not necessary. I wish to make it clear that neither do I think it is necessary because I believe the resolution originally was drafted in such broad language that it gave adequate authority to the committee to make inquiry into any questionable operations involving a Member of the Senate.

At the time I submitted the original resolution, I repeated that understanding, and so did the majority leader.

The question, however, seems to be a recurring one, and now we are confronted with the situation that if we accept the opinion of the chief counsel of the committee and take no action we shall apparently be bound by it. I merely wish to make sure that there would be no question left in the mind of anyone that this was my intention when I submitted the resolution. Therefore, it should be brought before the Senate.

The majority leader was not in the Chamber. I discussed the subject with the acting leader prior to bringing it up. I told him I would discuss this subject immediately after the morning hour. The chairman of the Committee on Rules and Administration is present. He can speak for himself with regard to our conversation of yesterday.

I am not becoming involved in any quarrels between members of the committee. I am not raising any other questions. All I am saying is that I am trying to settle this question in clear language so that there will be no question—no shadow of doubt about the fact that the committee does have the authority to include Senators, as both the chairman of the committee and I thought it had in the beginning.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the chronology in this matter makes very interesting reading. Behind the closed doors of the Committee on Rules and Administration is an attempt to conceal from the public, through the raising of a miasma of pettifoggery, exactly what the Senate itself intended to do and what the Senate by its pledged word, through the majority leader, undertook to say was the intent of the Senate and the intent of the committee. If the Senator will permit me to do so, I should like to give the chronology.

The resolution was submitted in October. The majority members of the committee consistently took the position that there were two things the committee could not do. One was to investigate improprieties, unless they involved some form of financial juggling; second, they made sure that there would be no investigation of the relationship of Senators with Bobby Baker.

Mr. President, Bobby Baker used to stand here in the well of the Senate. The question is, Where does the Senate stand now?

On the 4th of February, because of the interpretations that were being given in the Rules Committee, with which some of us disagreed, the controversy came to the floor. I believe that on the night before the Senator from Tennessee [Mr. GORE] rose to propose that the resolution be extended to include Senators. On the following morning there was a gathering of the leadership. I saw it happen myself. The majority leader, the Senator from Montana [Mr. MANSFIELD], the minority leader, the Senator from Illinois [Mr. DIRKSEN], the Senator from Delaware [Mr. WILLIAMS] and other Senators gathered to discuss the subject.

When they returned, the following colloquy took place. It occurs beginning at page 1870 of the CONGRESSIONAL RECORD of February 4, 1964. The Senator from Delaware said that he had discussed the subject with the Senator from Tennessee [Mr. GORE]. He said:

> Mr. WILLIAMS of Delaware. Mr. President, I have discussed the subject with the Senator from Tennessee. If there were any doubt in my mind that the resolution originally adopted was not all-inclusive, I most certainly would support the proposed change in the resolution or any other change necessary to make it so. However, as I have stated earlier, I do not believe that is necessary, because the resolution as offered on October 10 was broad enough to cover Senators as well as all our employees.

He then read the resolution.

Then he said:

> The question that has bothered the Senator from Tennessee arose from discussion in certain quarters that the resolution did not embrace adequate authority should the committee find it necessary to examine activities or association which Senators or members of our staffs may have had in connection with the investigation. In order to lay at rest the question as to whether Members of the Senate and our staffs are covered—

The Senator from Delaware pointed out that the original resolution was all-inclusive, and that the committee had jurisdiction to examine a Senator, or any member of the staff, or any other employee of the Senate.

He also pointed out that the majority leader and the chairman of the committee and other members of the Committee on Rules and Administration held the same view.

The majority leader was present, and he pledged the word of the Senate that the resolution was broad enough. That made legislative history. This is what he said:

> I wish to corroborate what the distinguished senior Senator from Delaware has said. At the time we met to discuss the original resolution, it was to be applied to employees and former employees of the Senate. Since that time I have seen copies of his income tax form and I am sure that we all received the same copies. I wish to inform the Senate that if we did not know it before, we are all employees of the U.S. Senate. Therefore, the original resolution adopted by the Senate would encompass all that the Senator from Delaware has said. So I hope in view of that statement the distinguished Senator from Tennessee would consider withdrawing the resolution so that the Senate could get on with the tax bill.

The Senator from Tennessee [Mr. GORE] then said:

> Mr. GORE. I am now advised by the distinguished chairman of the Committee on Rules and Administration that his interpretation of the resolution comports with the interpretation which the distinguished majority leader and the distinguished senior Senator from Delaware have placed upon it. If the offering of my resolution has brought about a meeting of minds, I am pleased. My purpose has been accomplished, and I withdraw the resolution.

I must admit that at that point I left the Senate feeling that the Committee on Rules and Administration had been thoroughly apprised of the extent of the resolution; that they then knew, beyond peradventure, that they were operating under the interpretation given them by the Senate's own leader and by the author of the resolution. As the Senator from Delaware knows, they did no such thing.

Did they follow their clear instructions? Did they follow the history of the resolution? Did they follow the majority leader, or the Senator from Tennessee [Mr. GORE], or the Senator from Delaware [Mr. WILLIAMS]? Indeed, they did not. Without any notice at all to minority Members, they proceeded to obtain legal opinions, one from counsel for the committee and one from the Office of the Legislative Counsel. If that gentleman is examined, I think it will appear that his opinion might very well have varied, if he had had brought to his attention by minority counsel the colloquy on the floor, in detail, and what it meant.

On the 23d of March, they prepared opinions saying what? That the resolution does not cover Senators; that the resolution does not cover improprieties, except money, dishonesty, and financial juggling; nothing else. Both are nice legal opinions, but they are not worth a tinker's dam, so far as the attention of the Senate is concerned, as we were committed to proceed by the interpretation of the majority leader himself. The committee knew that. They did not advise the minority members until 1 day last week, when a draft of the report was submitted to us. When that draft was submitted, these opinions showed up; so we learned for the first time that they had quietly obtained, back in March, an opinion that they did not have to do what the Senate told them to do. That is what they are relying on now. It is what they intend to bring in. They intend to ignore the Senate; they intend to ignore the people; they intend to ignore criticism which says, "You are covering up. You are engaged in an unwillingness—a studied unwillingness—to investigate the relationship of Bobby Baker with employees of the Senate, including Senators; a man who at one time said, 'I hold 10 Senators in the palm of my hand.'"

The Senate committee, in spite of the expression of the majority leader himself, has refused to do its plain, simple duty, but relies, instead, on a web of legal evasiveness in order to withdraw from its obligation. That withdrawal casts a stain on every Member of the Senate.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Nebraska.

Mr. WILLIAMS of Delaware. I have the floor. I will yield to the Senator from Nebraska.

Mr. SCOTT. I beg the Senator's pardon. I thank the Senator from Delaware for yielding to me.

Mr. WILLIAMS of Delaware. I promised to yield first to the Senator from North Carolina. I shall later yield to the Senator from Nebraska.

The Senator from Pennsylvania [Mr. SCOTT] is correct in stating that at the time the Senator from Tennessee [Mr. GORE] proposed to offer his amendment, he did so in good faith. I said at the time that I thought the resolution already provided adequate authority. Likewise, the majority leader insisted that that was his understanding. The Senator from Montana [Mr. MANSFIELD] came to the floor of the Senate and made that statement lest there be any misunderstanding about the scope of the committee's authority.

I am today only trying to carry out what was the intention of all Senators who supported the resolution at that time, including the majority leader of the Senate. No Member of the Senate has been more cooperative from the beginning than the majority leader. I went to him prior to submitting the resolution and outlined to him my concern over some of the activities of Baker. At no time was there any indication of reluctance on the part of the majority leader to cooperate in having full disclosure. I pay my respects to him and thank him for his cooperation.

The submission of my resolution here today is not in any way intended to be a reflection on anyone.

If the failure of the resolution to have been properly drawn has reflected on anyone I accept it as a reflection on myself for not having made it broad enough and clear enough in the beginning. I can only state that it was drafted with my full understanding at that time that it was broad enough. I am not a lawyer, and I had assistance in having it drafted. But it was drafted with a clear understanding on the part of all Senators who supported it on that day in October that the authority did exist whereby the committee could, if it wished, call Senators.

I do not propose to enter into any argument as to whether Major McLendon is right or wrong. I have my opinion; he has his opinion. He is entitled to his opinion.

I merely wish to say that the majority leader of the Senate has supported the original resolution; the minority leader has supported the resolution; the chairman of the Committee on Rules and Administration, who is now in the Chamber, likewise supported that interpretation of the resolution. All of us agreed that the resolution as it was originally drafted included authority to call any Member of the Senate, if it were so desired. That was the clear understanding of all of us. A legal opinion has since been rendered by the chief counsel of the committee changing this interpretation. I merely suggest that we not quarrel about whether the legal opinion is right or wrong. Let us simply spell it out on the floor of the Senate, so that from this moment on there will be no controversy regarding what the committee can do.

Mr. COOPER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I promised to yield first to the chairman of the committee.

Mr. JORDAN of North Carolina. I will wait until the Senator from Kentucky has spoken.

Mr. WILLIAMS of Delaware. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, there was never any doubt in my mind when the resolution was submitted that it covered Members of the Senate as well as employees of the Senate, if any proof were adduced which would connect them with the activities of Bobby Baker or with any other activity of a similar nature. Later, when the Senator from Tennessee, Senator GORE, raised the question on the floor of the Senate, I was present. I said at that time that it was my view that the resolution covered Members of the Senate as well as employees of the Senate. I may not have said so much on the outside about what has occurred in committee, but I have been present in committee, and I know what has happened there. I want to be as fair as I can in what I say.

No interpretation of the resolution as it related to Senators, was given by the legislative counsel of the Senate. The opinion did not touch on the question of whether Senators were included. The opinion went to the scope of the resolution, as to whether it went beyond the business activities of Baker, and matters related to his activities. Impliedly, it considered the question of whether the resolution dealt with morality. The opinion of Herberg merely said that in his view the resolution went to the business activities of Baker and matters related to such activities. It had nothing at all to do with the issue of whether Senators were included.

Yesterday, when my colleague and friend the distinguished senior Senator from New Jersey [Mr. CASE] appeared before the committee, counsel gave an opinion. If I remember correctly, his opinion dealt only with that part of Senator CASE's proposal that we should go into the subject of campaign contributions. The counsel said in that respect that he did not think we had the authority. I do not know the basis of his opinion, but it was suggested by the Senator from Pennsylvania [Mr. CLARK] that it is because there is a special subcommittee of the Committee on Rules charged with that subject. If I am correct, the counsel, Major McClendon, did not in any way say we could not go into the question of activities on the part of Senators connected with the activities of Baker, or any activities of a similar nature.

I suggest that if Senators have any information about the connection of any Senator with the activities of Baker, or any other activities of that kind, which they believe wrongful or improper, they present us with the proof.

The Senator from Delaware [Mr. WILLIAMS] has come before the committee and given us information. Some of it was connected with one or two Members of the Senate. Other Senators should follow the same course if they have evidence.

It is not sufficient to make general allegations of impropriety or wrongdoing. But if evidence is presented so far as I am concerned, I will do all that I can to see to it that no matter who may be involved—a Member of the Senate or anyone else—we will seek to obtain all the information we can.

Mr. WILLIAMS of Delaware. I thank the Senator from Kentucky.

I will yield to the Senator from North Carolina [Mr. JORDAN], the chairman of the committee, but first I wish to say that I agree fully with what the Senator from Kentucky has said. If any Member of the Senate has information on this subject I believe it is his responsibility to present it to the committee. I tried to do so. I consulted the chairman of the committee, and he has extended to me every opportunity to present any information I might have had, and I did present it to his committee. At the time, I told him that some of my information was well documented and was rather a closed case, so far as the surface indications went. I presented to the committee other information which was not so well documented, and I presented it on that basis and asked the committee's staff to check it out and determine whether it could or could not be substantiated. But I did not present wild rumors.

As the Senator has said, it is very easy to destroy a man's reputation, and it is most difficult to rebuild it. Therefore, rather than mention the names of persons—whether Members of the Senate or Senate employees or persons outside the Senate—it has always been my policy that one must be sure he is correct before any charges are brought.

I have not quarreled about the care and diligence with which the committee wishes to proceed in every case in order to make sure it is correct; and certainly I would regret exceedingly if harm were done to a man's reputation and then we found an error had been made.

I believe all Senators have a definite responsibility. I have tried to cooperate with the committee, and I shall continue to do so.

The amendment I am proposing to the resolution is not anything different from what was originally intended. However, if some believe it does amount to a reflection on anyone it might be said to be a reflection on me as the author of the resolution for not having included such language in the resolution in the beginning. If so, I accept such criticism.

But rather than quarrel with the past let us proceed with the business of correcting any possible misunderstanding.

I now yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I appreciate the courtesy of the Senator from Delaware in yielding to me, to permit me to answer some of the questions which concern me a great deal, in connection with the accusations made about the Committee on Rules and Administration.

Yesterday, a number of the members of the committee were present at a hearing. The Senator from New Jersey [Mr. CASE] was there. The record will show that I said to him that if he had any information concerning any Senator or any charges to make, we would be glad to have them presented. That invitation is still open. So far as I know, no one has presented charges against any Senator, in connection with the activities of Mr. Baker or the activities of anyone else. We are still in business, and we will hear all charges.

But someone must specify the charges to which he has referred. The Senator has made a blanket indictment of Senators, and I do not think that is proper. If he will name the 10 Senators to whom he has referred, let him name them. But he has not yet named them.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from North Carolina yield to the Senator from Delaware?

Mr. JORDAN of North Carolina. I yield.

Mr. WILLIAMS of Delaware. In the proposed amendment to the resolution I am not making any charges. I am only suggesting that we clear up, beyond any shadow of doubt, the authority of the committee to look into such cases if they are called to its attention. That doubt has been raised—perhaps unfortunately so—first as a result of a statement that the committee was not investigating Senators. Now we get the interpretation that the committee has no such authority.

So I am trying to clear up that situation beyond any shadow of doubt so as to make clear that the committee does have such authority and that if there comes to its attention information involving John Doe, the fact that he may be or may have been a Member of the Senate will not preclude an investigation of the charges against him. That is all I am trying to do; and I hope we do not become involved in a quarrel involving differences within the committee. First, let us clear up this matter, because I think the chairman of the committee will agree that on February 4 he concurred in the statements that the committee did have all the authority which this amendment of the resolution would now give it; and the committee could have used this authority if it wished to.

Mr. JORDAN of North Carolina. The Senator from Tennessee [Mr. GORE] took his seat, and I was sitting beside him. He said he intended to withdraw his resolution. Someone asked me if I had any objection to his withdrawing the resolution. I said, "No." That is all I said.

Mr. WILLIAMS of Delaware. On February 4, 1964, the Senator from Tennessee quoted the Senator from North Carolina as stating that he concurred in the opinion that the first resolution did cover the authority as to Senators. If the Senator from Tennessee was in error in making that statement I am sure it was unintentional, but he did make that statement.

Mr. JORDAN of North Carolina. I repeat that the Senator from Tennessee asked me if I had any objection to his withdrawing the resolution; and I said I had no objection to his withdrawing it.

As the Senator from Delaware has stated, he presented to our committee several pieces of evidence; and he has told me, as he has stated on the floor, that in every case it has been investigated to his entire satisfaction and a report has been made on it. So far as I know, that is correct.

Mr. WILLIAMS of Delaware. I have not discussed what the committee has done; but the committee has received the evidence. I have not expressed any fault or compliments upon what the committee has done, nor am I passing any opinion on how thorough its investigation has been. I do not have access to all the information to which the committee has developed, as the Senator from North Carolina well knows. I discharged my responsibilities by turning my information over to the committee; and I made available to the committee all the information I had.

I do not wish to become involved in a controversy among the members of the committee or between them and other Senators.

I did regret that the committee did not see fit to wait for me to present to them the material I was gathering; however, apparently the orders—which came from somewhere—were that copies of my letters to the departments were to be sent to the committee. I would have preferred to have delivered the material personally to the committee, but perhaps the result was that the committee received it sooner and therefore was able to investigate it more quickly than otherwise would have been possible.

As to the extent to which the committee followed up the information contained in the letters I cannot answer.

But certainly the committee was then alerted in that way to some of the matters on which I was checking.

On this premise I naturally did not feel it necessary to follow through with a personal appearance.

Mr. CASE. Mr. President, will the Senator from Delaware yield, inasmuch as my name has been mentioned? I wish to make a comment soon after my name has been mentioned.

Mr. WILLIAMS of Delaware. I yield to the Senator from New Jersey.

Mr. CASE. I, too, with the Senator from Delaware, do not wish to go off on a tangent. The issue is the authority of the committee to deal with Members of the Senate.

Mr. WILLIAMS of Delaware. That is correct.

Mr. CASE. I do not wish to discuss any differences with the chairman of the committee. I still press for clarification of the power of the committee. So I do not wish to refer to the statements made just now about me, although I will say, in passing, that not one line of testimony has been taken by the committee as to the basis of Bobby Baker's statement that he had 10 Senators in the palm of his hand, or that he was offering campaign contributions with strings attached, for example, in connection with a proposed amendment of the filibuster rules, or other things. We shall forget all that, and shall talk now only about the resolution of the Senator from Delaware and the situation which arose on February 4.

The Senator from North Carolina has just said that he was on the floor, and that he heard the interpretation made by the Senator from Delaware, and the acquiescence in it by the majority leader and by other Senators. Furthermore, the Senator from North Carolina sat next to the Senator from Tennessee when the Senator from Tennessee said:

> I am now advised by the distinguished chairman of the Committee on Rules and Administration that his interpretation of the resolution comports with the interpretation which the distinguished majority leader and the distinguished senior Senator from Delaware have placed upon it. If the offering of my resolution has brought about a meeting of minds, I am pleased. My purpose has been accomplished, and I withdraw the resolution.

The Senator from North Carolina sat next to the Senator from Tennessee. He heard that statement made. He made no protest. Can he now be heard to say that he did not hear the Senator from Tennessee say what he said at that time?

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JORDAN of North Carolina. I said a moment ago, and I say again, that I was not on the floor when the colloquy occurred about which the Senator is speaking. I was not on the floor. Someone called and said, "They are discussing an amendment to the rules." I came in and sat down beside the Senator from Tennessee [Mr. GORE]. The Senator from Tennessee said, "We have reached some kind of agreement. I am not going to argue my resolution. Does it suit you?" I said, "It does suit me." That is all I said to the Senator from Tennessee. I think the Senator will verify that. I do not remember anything about the other things that happened before I reached the Chamber which the Senator mentioned. As the Senator said before—and it is quite true—the Senator spoke to me in the corridor about the necessity of submitting another resolution. I did not agree to that.

Mr. WILLIAMS of Delaware. I did not say the Senator agreed to this resolution today. To the contrary, if I understood the Senator correctly the Senator would have preferred not to have the amendment to the resolution. But I did discuss it with the Senator yesterday.

Mr. JORDAN of North Carolina. The Senator is correct. He did discuss it with me, and we reached no conclusion, as far as I am concerned.

Mr. WILLIAMS of Delaware. That is correct.

Mr. JORDAN of North Carolina. The Senator said, "Let us think about it overnight, and talk about it tomorrow." If I am incorrect, the Senator can tell me so.

Mr. WILLIAMS of Delaware. That is right. I did not understand that the Senator agreed to it, then or now.

Mr. JORDAN of North Carolina. Did not the Senator suggest that we think about it overnight?

Mr. WILLIAMS of Delaware. Yes. I said, "Think about it overnight and perhaps you will change your mind," and I hoped that the Senator would. I accept what the Senator from North Carolina said as to the colloquy on February 4. I shall say only this, that at that time, when we were discussing this question, the Senator from North Carolina was in the discussion in the Chamber. Prior to its being discussed by the majority leader, the Senator from Tennessee, and myself, the Senator from Tennessee spoke to the Senator from North Carolina, who was in the Chamber. It was my understanding that the Senator from North Carolina was going to speak for himself; however, Senators were operating under controlled time. I believe the Senator from Illinois had the floor, and perhaps he did not wish to yield or to extend the discussion. Why the Senator from North Carolina did not speak for himself I do not know. But the Senator from Tennessee [Mr. GORE] did speak for the Senator from North Carolina. So as far as I was concerned, I accepted his statement in good faith. It was on that basis that I concurred with the Senator from Tennessee that his amendment to the resolution should be withdrawn. And as the Senator from New Jersey has stated, the Senator from Tennessee very clearly stated:

> I am now advised by the distinguished chairman of the Committee on Rules and Administration that his interpretation of the resolution comports with the interpretation which the distinguished majority leader and the distinguished senior Senator from Delaware have placed upon it.

Our interpretation was that we already had adequate authority. I and other Members of the Senate interpreted his statement as the opinion of the Senator from North Carolina that day. But let us not quarrel with what has been done. As I understand it, we are at the point now where the Senator from North Carolina feels he does not have the authority, even though the Senator from Tennessee withdrew his resolution thinking that he had obtained the concurrence of the Senator from North Carolina. But let us clear it up now.

The Senator should have the necessary authority. We thought he had it. All the Senate has to do is to adopt this resolution, and then there can be no question. This amendment does not relate to any opinions on any questions that have been raised in the controversy between the majority and minority members of the committee or on any other question raised in the Senate, either today or any other day.

All we are suggesting now is that the dispute be cleared up and that the Committee on Rules and Administration have the necessary authority, if I or some other witness appears before the committee and suggests the name of any Senator, to call that Senator in and ask him about the charges.

When I testified before the committee, I testified with the clear understanding that if this investigation went beyond an employee of the committee the authority would cover it; if it went to a Member of the Senate it would cover it. In my testimony I mentioned the name of a Senator or a former Senator, I will not specify which. The committee accepted this information. The Senator did not reject this information. The Senator and his committee accepted this information, and had it not been accepted I would have raised a question then.

I do not want any implication that I think the Senate is an unholy body. I am proud of my membership of the Senate. I wish to say for the record that so far as I am concerned the overwhelming percentage of the employees of the U.S. Government, whether they be in the Senate, in the legislative branch, in the executive branch, or anywhere else, are honestly trying to do a good job. That applies to Members of the Senate on both sides of the aisle.

I paid my respects today to the majority leader. He has cooperated as fully as any Member of the Senate in trying to get to the bottom of this unpleasant situation. Other Senators have cooperated. I shall not name them; it is not necessary. But when we find a rotten apple or find that someone has gone bad we have the responsibility of cleaning up the situation. I am not unmindful of the fact that there has been partisan discussions. Such has existed in the past on both sides of the aisle. But neither political party is perfect. The Teapot Dome scandal developed under a Republican administration. I would resent any man saying that that was a reflection against every Republican solely because it developed in a Republican administration. I would equally resent it being said that this is solely a Democratic problem because this is a Democratic administration.

It should not be considered a partisan situation because the John Doe who went wrong was affiliated with any certain political party. A man should be called to task, whether he be on the Senator's side of the aisle or mine. We must protect the good name of the Government. And we can only do this by taking action when we find someone has done wrong; let us call him to task.

I am merely suggesting that we remove from the minds of the people any doubt but that if there is a question concerning anyone raised it will be checked. What difference if it involves a Member of the Senate or anyone else; no matter how high he is, he is not too high to be held accountable for his actions. We would be derelict in our duty if we did not conduct this investigation of Bobby Baker and his associates. I am sure that the Senator from North Carolina will agree that, whether a man be a Member of the Senate or a former Senator, or whether he be associated with Mr. Baker or not, he should be held accountable just the same. I am sure the Senator will agree to that. That is all I ask the committee to do—just to proceed on the premise that no man is too big in Government to be called to account for his conduct.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. JORDAN of North Carolina. The Senator made a statement a while ago that the record was not accessible to him. The records are available to him. Practically all of the testimony which has been taken has been made public. What has not been made public has been turned over to the Federal Bureau of Investigation. The records are available. We have asked the Department of Justice to participate in any investigation in which it desires to participate. The Department has been active in the case all the time.

Mr. WILLIAMS of Delaware. My statement was not intended as a criticism. I made that statement not as a criticism of the manner in which the committee operated. I do not sit in on the executive committee meetings. I do not know everything which the committee has done. It was merely a statement on my part that Members of the Senate cannot possibly be advised of the extent of the investigation which is being conducted. The Senator recognizes that I have not been present at the executive committee meetings, and I have not asked for or received—and I am not requesting today—the opportunity to read the transcript of the executive committee sessions. I am not asking for these now. That is only a statement of fact.

Mr. JORDAN of North Carolina. The thing that disturbs me about the allegations which have been made is the inference that we are acting behind closed doors. That is not fair.

Mr. WILLIAMS of Delaware. I do not think the Senator can recall a single instance in which I made such an allegation or tried to make it.

Mr. JORDAN of North Carolina. That is the implication the public is getting.

As I said yesterday before the Committee on Rules and Administration, before the cameras, before all the members who were present, we have heard many witnesses. We have taken thousands of pages of testimony. To my knowledge—and I have attended practically every meeting that has been held, as have most other Senators on the committee—there has not been a single Senator, a Member of the Senate nor in the past, that I know of who has been accused of any wrongdoing in connection with Bobby Baker.

I state again that I have no objection to including Senators in the resolution. I do object to having this proposal popped up on the floor without my seeing it. I am not going to have the Senate vote on it at this time, if I can help it, because I want to read it and study it.

Let me tell the Senator something else. I will state this again. I am perfectly willing, so far as I am concerned, as Chairman of the Committee, to have any member on the Republican side, or any Senator, present charges. There have been no such charges. Bobby Baker has been charged with everything in the catalog. We have heard every single witness, so far as I know, on those charges.

I am willing to have this adopted after I have had an opportunity to study it, and make amendments to it, but I do not want to do it now, because I do not know what is in it.

Mr. WILLIAMS of Delaware. I will ask that the amendment to the resolution lie on the desk today. I do not want to send it to committee. I shall ask postponement of its consideration until tomorrow, but I will insist on calling it up later because I think this point should be cleared up, beyond any shadow of a doubt.

I am not entering into a discussion today of how thorough the investigation was as to Mr. Baker. I have said before that, while we know Mr. Baker was the major factor behind the introduction of the resolution, it was not specifically intended to be directed toward him only but to ascertain the extent of improprieties which may have involved any employee or former employee, and that included Members and former Members of the Senate.

I am sure the Senator from North Carolina did not mean to leave an inference to the contrary. The investigation was not intended to mean an investigation only of those who were found to be related to or connected with Mr. Baker. It also meant that if we found similar circumstances, not connected with Mr. Baker, but of wrongdoing, involving another employee or a Member of the Senate, comparable to what Mr. Baker did, we were not going to excuse such activity solely because Mr. Baker was not involved. Mr. Baker may not be the only one involved in the investigation. If we found that a Member of the Senate, for example, was involved with "Joe Doakes," and neither one of them was on speaking terms with Mr. Baker, but there was wrongdoing, it should be brought out.

I am sure the Senator from North Carolina will agree that we were not gunning for one man. We were investigating improper actions, and that was all-inclusive, involving our own Members or any of our employees. This had to be done in order to put our house in order. That is all I am suggesting we do at this time.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JORDAN of North Carolina. I shall make one more observation and then quit, because I do not think it is necessary to prolong this debate. One other employee of the Senate has been investigated. There is a complete record of every transaction he had. His checks have been photostated. His bank accounts have been checked. So we are not confining this investigation to Mr. Baker alone. But those two employees are the only ones the investigation brought to the attention of the committee that have involved any possible wrong-doing. If the Senator has others, bring them in. I do not know of any more.

Mr. WILLIAMS of Delaware. I hope the Senator from North Carolina will not involve this discussion in the question of the extent to which I may have evidence or what I may have presented to the committee. I want to keep this discussion on the right track. However, I will say that there has been evidence concerning more than Mr. Baker and one other employee presented to the committee, and the committee has documented that evidence.

I now yield to the Senator from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. President, may I inquire whether the Senator expects to press for a vote on his resolution at this time?

Mr. WILLIAMS of Delaware. No; I will let it go over until tomorrow. I will withdraw my request that it be considered immediately. However, I want it clear that I do not want the resolution referred to committee. I want it to lie on the desk where it will be here to be called up tomorrow when I can obtain the floor.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield to the Senator from Nebraska.

Mr. CURTIS. I serve notice now that I will offer an amendment to the Williams resolution. I shall demand a yea-and-nay vote, if I can get one. I want the Senate to determine whether or not the majority can deny a Senator the right to call witnesses. My amendment will read as follows:

> After the period at the end of section 1 add the following sentence: "Any member of the committee may request that a witness or witnesses may be called to testify before the committee and all such requests shall be honored by the chairman.

This committee is not in a straitjacket because of any deficiency in language of the resolution. On the one issue as to whether or not we could investigate immorality or other activities not connected with financial transactions, it hinges on a very narrow interpretation of the word "any." The insertion of the word "any" prior to the word "improprieties" would have taken care of it. I do not regard that as an overriding of the intent of the Senate as shown by the legislative history.

I also call to the attention of the Senate the fact that the resolution did not authorize the committee to investigate insurance men, but in the pursuit of our duties we did call an insurance man, Don Reynolds. He was placed under oath. He testified. If we can retreat behind language and say we cannot call Senators because they were not named, we would not have called an insurance man.

I point out that this resolution did not authorize us to call gamblers or owners of gambling casinos, but we did call a Mr. Levenson, of Las Vegas, and asked him to tell us of his transactions with Baker. He took refuge in the fifth amendment, but the committee asserted the power to call him, and there was nothing in the language of the resolution showing that we could investigate gamblers. The resolution did not authorize the Rules Committee to investigate Government contractors, but we did call as witnesses Government contractors. I have in mind one Mr. Bostick. He was asked about his transactions with a Senate employee.

Mr. President, it is clear that there cannot be an investigation if there are limits to it. The only way to get at the facts is to get all the facts. However, to have one important fact missing misleads the public and the Senate, and it is unfair to do it.

When the Senate directed that the committee investigate Senate employees and past employees, the plain intent of that language was that we should follow the facts wherever they might lead and call all witnesses.

So while I support the Senator from Delaware in his amendment to make this objective abundantly clear, I think the record should very well show that the failure of the committee to get all the facts—and there is no investigation until all the facts are obtained—has not been because of deficiency in language.

I hope that this resolution will be called up before long. I, at that time, will offer the amendment which I have read into the RECORD, and I expect to ask for a vote.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am glad to yield to the Senator from North Carolina [Mr. JORDAN].

Mr. JORDAN of North Carolina. I wish to commend the Senator for making that observation, because we did call insurance men, we did call gamblers, we called a great many people. But I want to make the record entirely and abundantly clear that every one of these people was directly connected with a business transaction with Mr. Baker. His trip to Puerto Rico, his trip to the Virgin Islands, his trips to the Carousel and everywhere he went—to the Dominican Republic—wherever he had made transactions and met with gamblers in gambling casinos and everything else, they were traced down to the very end. We called every person we found connected with it. We either interviewed or called in for testimony every person connected with the investigation. I am glad the Senator brought up that question. It is absolutely correct.

We did not just go out and grab anyone we saw and say, "We want to investigate you for something you might have done."

I repeat on the floor of the Senate that we have not issued a blanket indictment against the Senate—against every Senator here—and said, "You might have done something." I am not going to do it, either.

I have no objection to this resolution, after I have had an opportunity to study and amend it if it needs it. But I repeat and emphasize—regardless of what happens to this resolution—we will investigate any Senator that another Senator wishes to present evidence against and testify against him, or anyone else. That offer still stands. It stands today. I cannot do anything else. We have never refused to do it.

Roscoe Drummond's article in the paper, which the Senator from Pennsylvania [Mr. CLARK] brought out in testimony yesterday, reported that we refused to hear the Senator from New Jersey [Mr. CASE]. That was absolutely not true. We invited the Senator from New Jersey [Mr. CASE] to come before our committee. We changed the time to suit him. I do not know what else we could have done in open session. I have been as cooperative as I can be.

I am getting a little bit tired of the insinuations being made about Democrats on that committee.

I have finished.

Mr. WILLIAMS of Delaware. I am not making any insinuations against any members of the majority on the committee, neither have I done so before.

What I am trying to clear up beyond a shadow of doubt is what the intention of the Senate and what my intention as the sponsor of the resolution was at this time. It was also the clear intention of the majority leader and, so I thought, the intention of the Senator from North Carolina [Mr. JORDAN] himself—at least he is so quoted by the Senator from Tennessee [Mr. GORE]. I am only trying to clear up any possible misunderstanding. Then, if there is evidence presented to the committee or the committee has reason to believe that evidence could be developed involving a Senator they could proceed. There would be no question in the minds of any American citizen but that the committee does have adequate authority to do this. If I understood the discussion of the Senator from North Carolina today, even now there is some question in his mind as to such authority. I am delighted that he has indicated his willingness to support a change in the resolution which will clear up this misunderstanding. I shall withhold the resolution until the Senator from North Carolina has had an opportunity to study it overnight. I believe it is a very proper request, but I will want to call it up tomorrow.

Mr. PELL. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am glad to yield to the Senator from Rhode Island.

Mr. PELL. I support the statement just made by my chairman, the Senator from North Carolina [Mr. JORDAN], very much indeed.

I should like to ask a few questions which I believe should be answered for the RECORD which Senators may read tomorrow, and that is in connection with the resolution, this very interesting resolution, and I notice it refers to an investigation—a study and investigation—including activities involving the receiving of money and campaign funds under "questionable circumstances."

In the view of the Senator from Delaware, this does include both parties naturally, not just one party?

Mr. WILLIAMS of Delaware. Oh, certainly.

Mr. PELL. A complete, open record of all contributions, cash, checks, to the campaign committees which support these individuals as well as to the individuals themselves; in other words, the secretary for the minority will open his books as would the secretary for the majority?

Mr. WILLIAMS of Delaware. If the Rules Committee feels that such contributions were made under questionable circumstances, certainly. The only reason this resolution was drafted in such broad nature—if the Senator wishes the truth of the matter—was to make sure that this time it was broad enough. I told the counsel when preparing the amendment to throw in the kitchen sink to make sure everything was included.

Frankly, I am getting slightly impatient with this shadowboxing as to what the committee can or should be doing.

Get the facts—that is the committee's duty—and let the chips fall where they may.

The reason the campaign question arose——

Mr. PELL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Just a moment, I should like to answer the Senator's question first.

As to the reason this question arose about campaign funds and the reason the words "questionable circumstances" were put in—let us face it, Mr. Baker ended up with $30,000 to $40,000 in cash which as yet he has not indicated where he got the cash. Was that money which he obtained from a payoff on certain operations, or was that money which was supposed to have been used in campaigns but which was converted to his own use, or was it underworld money which was being channeled into legitimate enterprises?

All these questions are in our minds. It may be that the committee will never get answers, but we do believe it should try.

I am sure the Senator from Rhode Island recognizes this point. Sure, there is nothing wrong with either the Senator or I, or any American citizen, having $30,000 to $40,000 in hundred dollar bills in our possession and using that money for the payment of legitimate operations, but it is a perfectly proper question to ask him, "Where did you get this money and what did you do for it?" And when that man is a public official that question becomes even more important.

Then when that man takes the fifth amendment by all the lines of reasoning we must proceed and get the answer.

In my opinion the Senate is on trial.

The legislative counsel came up this morning and said he was thinking overnight about the question of this money which was circulating around so freely—the hundred dollar bills, as it was described the piles of it—and he was afraid that if it developed that this was from campaign funds a question could be raised as to whether or not this was covered under the resolution. I wanted to be sure this time that it was all-inclusive. That is the reason it was written in. It was not written in with any other motive in mind. Certainly the finances of a campaign can be examined when they are obtained under circumstances which can be described as "questionable."

Mr. PELL. I have an open mind on the resolution. It could well be voted for. But I invite the attention of Senators to the fact that it does not matter if a sentence is written in ink, as it appears in this copy, or on a typewriter. When it is finally enacted into legislation, it will have the same effect.

I still wonder how the Senator can sensibly investigate the existence of "questionable circumstances," without a general investigation of all the contributions. We may be throwing in the kitchen sink to authorize this, but this resolution does not just authorize——

Mr. WILLIAMS of Delaware. It directs.

Mr. PELL. It directs it?

Mr. WILLIAMS of Delaware. Absolutely. So did the first one.

Mr. PELL. As I interpret this resolution from the author—and I wish to get an answer from him on it—it could be effective and have great merit as I interpret it, but it would mean a general investigation and disclosure of all campaign funds, no matter from what source, whether to campaign committees or to Senators; is that not correct?

Mr. WILLIAMS of Delaware. If they felt committee campaign funds were being accepted under questionable circumstances. Certainly the committee would have a right to go in and examine it.

I will give the Senator another example. I do not know to what extent the committee went into this, but there was a charge made that a Member of the Senate was offered a $10,000 campaign contribution if he in turn would promise to vote on a certain question a certain way. The Senator knows that if such an offer were made it would be a violation of the law. It is illegal for any citizen to offer any public official or candidate for public office a contribution of $10,000, or $1,000, or even $1, in return for a vote in the U.S. Senate.

What has the committee done about that? That specific charge was made. If I recall corrcetly the charge was made by a Member of the U.S. Senate.

Mr. PELL. Not made to the committee.

Mr. WILLIAMS of Delaware. It was made in the press, and the committee can read.

Mr. PELL. To the Senate, on the floor?

Mr. WILLIAMS of Delaware. It appeared in the press.

Mr. PELL. Was it made on the floor? Is the Senator making it now?

Mr. WILLIAMS of Delaware. I will say this, that——

Mr. PELL. Is the Senator making the charge?

Mr. WILLIAMS of Delaware. No, I am not making the charge. I am only quoting the charge as it appeared in the newspaper; I am quoting an example of what the committee can go into. I am amazed the committee has not already checked this, because the charge was made by a Member on the Senator's side of the aisle. As I understand the charge, Mr. Baker had approached a certain candidate for public office and said that he could get him a contribution—I believe it was $10,000—if he would promise to vote a certain way on the oil depletion question. If that were true that was a violation of the law. It should be verified and referred to the Department of Justice. That is an example of what I am speaking of, when I talk about questionable campaign contributions. I am not speaking of legitimate campaign contributions.

The Senator is on the Rules Committee that appraises the propriety of what it should criticize or examine.

Let us not become technical. The Senator has looked this document over. If the Senator has any way of rewording the resolution to make it more workable, I do not object.

Mr. PELL. I am not trying to be technical.

Mr. WILLIAMS of Delaware. When we are through with this investigation, I wish to make sure that no one will be able to hide behind the statement, "We do not have the authority to do this." That is why I used the phrase "kitchen sink."

In my opinion, the resolution originally was broad enough. It was so intended and was so interpreted. However, a question has been raised by the counsel of the committee. I understand that the Senator from Rhode Island and other members of the committee are accepting the counsel's recommendation as being valid.

As I have said, I will not quarrel with their views. The question of whether I agree with them is beside the point. It is a simple matter to change the resolution, if it is necessary to do so. If the Senator has a different method of writing the language I wish he would write it. I have no pride of authorship. All that I want to do is to make sure that the Senator and his committee have the full authority to go into these matters and that he has all the authority he needs. I will cooperate with the Senator, as I have cooperated in the past, to the best of my ability. I will help him to do the job.

Mr. PELL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PELL. For the benefit of Senators who may read this colloquy in the RECORD, does the Senator believe the resolution could be clarified and changed, to get across the thought that the Senator wishes to get across? Does he wish to amend it now?

My question, however, has not been answered. How does one discover questionable circumstances without going into all the contributions? Personally, I believe this could be a very good idea. I might well vote for the Senator's resolution. I wonder whether this interpretation would receive the support of all our colleagues.

Mr. WILLIAMS of Delaware. I do not know how I can make it any clearer. I respect the intelligence of my colleague from Rhode Island. I have every confidence that he can look at a contribution and determine whether it was received under questionable circumstances.

Mr. PELL. Then we would have to go into all contributions.

Mr. WILLIAMS of Delaware. If the Senator wished to do so.

Mr. PELL. Is there any other way of finding out?

Mr. WILLIAMS of Delaware. I am not limiting the committee. I do not intend to limit it. The Senator can go into all the contributions they think necessary. I wish to make sure that they are able to do so.

Mr. PELL. The Senator is directing us to do so.

Mr. WILLIAMS of Delaware. I recognize what the Senator is trying to do. I would suggest that he not push it too far. I would not wish to have all of this case discussed on the floor of the Senate in all of its dirty details. Let us get it into the committee where it belongs. I wish to make sure that the Senator and the committee have all the authority they need to do the job. It has been pushed onto the floor, but it does not belong here. If it has to be done, of course, it can be done that way.

Mr. PELL. All I am asking is a simple question. If the resolution is adopted—and I believe it could be an excellent idea—it would direct our committee to look into the questionable circumstances surrounding campaign funds from whatever sources they were made.

Mr. WILLIAMS of Delaware. If any campaign contributions are received under questionable circumstances the committee could and should look into them.

Mr. PELL. We would have to know the sources of all contributions to ascertain that fact.

Mr. WILLIAMS of Delaware. The Senator would have to know whether a contribution was questionable. Let us find out what it is. If campaign contributions are being made in return for a commitment to vote in a certain way the committee ought to know it. That charge was made in the press. I will see that a copy of that charge is delivered to the committee. I was certain that the committee had received it before; otherwise, I would have sent it to the committee.

Inasmuch as the committee does not seem to have a copy of that charge I will see to it that it is delivered. If there is any truth to it it certainly is a contribution that was made under questionable circumstances. It is a questionable circumstance for any man to offer a contribution to a Senator to vote a certain way.

I might say that the language I am offering is a mere rewriting of the first sentence. The authority and direction was contained in the original resolution, which was approved.

Mr. PELL. I believe the Senator's objectives are excellent.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. I believe I can clarify the question that was raised as to whether there was any effort made to find out whether any money was offered. I have just spoken with a member of the minority staff, who tells me that he did make a request that witnesses be invited to clarify the matter, but that he was overruled by the majority staff. He also repeated the request in executive session of the Rules Committee, and, although he was not overruled, he was ignored.

The suggestion was made that certain contributions were questionable. Let me again inform the Senator from Rhode Island about something which has been made public many times with respect to the matter of campaign contributions.

News items in Oklahoma and California, as well as elsewhere, mentioned a man by the name of Preston Moore in Oklahoma, who had spent $1,500 in the primary campaign, some years ago, of an esteemed finance chairman. He said he had spent the money. The chairman said, "I will send the $1,500 to Bobby Baker." The chairman had sent the $1,500 to Bobby Baker. After some interval, he said to Mr. Preston Moore, "Did you ever get your money?"

Mr. Moore said, "No."

Mr. Moore then got in touch, according to his statement, with Mr. Baker, and said to him, "Where is my $1,500?"

Mr. Baker said, "I spent it for other campaign purposes."

This is all before the committee. They refused to call Preston Moore or the finance chairman involved.

When we say to them, "Let us investigate improprieties," they say, "We can only investigate fiscal irregularities."

When we say to them, "Let us investigate a fiscal irregularity and find out what Bobby Baker did with the $1,500, and let us find out whether he misappropriated it," they say, "Oh, no; we cannot investigate that, because that is a campaign contribution."

They are trying to have it both ways. They zigzag perilously through narrow channels of interpretation. Either they want to investigate irregular campaign contributions or they do not. I say to the Senator they do not. Either they want to go into improprieties, or they do not. I say they do not. Either they want to extend the inquiry into fiscal irregularities, or they do not. I say to the Senator they do not.

Mr. WILLIAMS of Delaware. My instructions to the member of legislative counsel who drafted the resolution was that he should make sure that there would be no authority lacking this time. That is why I am using the phrase "kitchen sink." I wanted it clearly spelled out.

The question has been raised, and we have this situation before use, in which an employee of the Senate—and this has been established by the committee—had $30,000 to $40,000 in cash, mostly in $100 bills, which were used for various purposes. It is a very proper question to ask where he got it. It has been suggested that he did not use the money for the purpose for which it was received. I do not know whether or not that is right. I do not want the committee to be precluded from looking into the question solely because we did not spell it out in the resolution. That is the reason why we should spell it out. Frankly I believe it is wholly unnecessary for us to do this. I thought we had settled this argument on February 4 beyond any shadow of a doubt. However, inasmuch as the chief counsel of the committee has ruled differently, if we let it stand, the American people will not get the facts. The chief counsel has ruled that we cannot question a Member of the Senate, that a Member of the Senate is too sacred. I say no man is too big, not even a Senator, to answer for his official conduct. I yield to the Senator from Washington.

Mr. MAGNUSON. I have not read the resolution this morning, but I am wondering if the Senator is suggesting in his proposal that it might now be a good thing—I am not passing on it—to have the Committee on Rules and Administration conduct an investigation of campaign contributions for the coming campaign.

Mr. WILLIAMS of Delaware. No; I have made no such suggestion.

Mr. MAGNUSON. I was simply asking.

Mr. WILLIAMS of Delaware. I said in the resolution——

Mr. MAGNUSON. I am chairman of the senatorial campaign committee; and if the Senator from Delaware wishes to come to the Old Senate Office Building, the books are wide open.

Mr. WILLIAMS of Delaware. I have made no such suggestion.

Mr. MAGNUSON. The Senator from Pennsylvania [Mr. SCOTT] is running and the Senator from Delaware [Mr. WILLIAMS] is running. I am sure they do not run their campaigns on hot air. They might, but I feel certain they do not.

Mr. WILLIAMS of Delaware. We all use a certain amount of hot air.

Mr. MAGNUSON. I am sure they have a certain amount of campaign contributions. In a State such as Pennsylvania it costs a great deal of money to run a campaign.

Mr. SCOTT. I wish the Senator from Washington would make his appeal for me a little more general.

Mr. MAGNUSON. I was asking if that was the purpose of the Senator's proposal.

Mr. WILLIAMS of Delaware. No, it is not. The only purpose is to spell out in clear language what I thought every Member of the Senate understood in the beginning. In the process of checking the Baker case——

Mr. MAGNUSON. I have no objection——

Mr. WILLIAMS of Delaware. Some $30,000 or $40,000 in cash was discovered, and someone said it may have been campaign funds. That is the reason why I used the words "questionable circumstances." If the Senator from Rhode Island [Mr. PELL] knows of any campaign funds obtained under questionable circumstances let us look into them. That is the purpose of my request to broaden the field. Let us find out if there were any irregularities or any improprieties on the part of any employee or former employee or Member or former Member of the Senate. That is what was intended in the beginning; that is all I am trying to do now.

I do not want it to be said that we cannot touch these things because the money came from a certain source and there is no right to disclose where it came from. I simply do not want the committee to be hamstrung. I want the committee to have adequate authority to examine every detail of any alleged wrongdoing.

The legislative counsel said to me that he did not think it is necessary to include some of the language, but I said, "Let us spell it out so that no one can raise a question again."

Mr. MAGNUSON. I am an oldtime district attorney. Before I could suggest that somebody be indicted, I was required to prove that I had reasonable cause to believe the person had done something wrong. Until that time, I was prohibited from suggesting by innuendo that perhaps he had. Does the Senator believe in that principle?

Mr. WILLIAMS of Delaware. Can the Senator name one single incident in which I have violated that principle?

Mr. MAGNUSON. I think that perhaps now this proposal will be a blanket indictment of the whole Senate.

Mr. WILLIAMS of Delaware. There is no reason why it should be. The only reason why it could be would be if the Senate itself decided that it is too good or too sacred to be investigated.

Mr. MAGNUSON. The Senator is not answering my question. Does the Senator have reasonable cause to believe that any Member of the Senate, in relation to what the Senator is talking about, has done something wrong? If he has such reasonable cause, he ought to name him and name him now.

Mr. WILLIAMS of Delaware. I have not made any such charges on or off the floor of the Senate.

Mr. MAGNUSON. The Senator makes a blanket innuendo charge that something is wrong. If there is—and there may be, and I will support the resolution—the Senator ought to give the names right now, instead of making a blanket indictment of the whole Senate. Many good Members of this body are running for office on both sides of the aisle. They are going to have snide charges made to the effect that Senator WILLIAMS said something was wrong with them. I am saying that they ought to be named now, if the Senator has any evidence to that effect.

Mr. WILLIAMS of Delaware. No one has suggested that.

Mr. MAGNUSON. What is the Senator suggesting?

Mr. WILLIAMS of Delaware. The Senator from Washington is not going to get me into the position of saying that I have made a blanket indictment against the Senate or of any other group. I am only trying to interpret the resolution as it was originally agreed upon by the majority leader of the Senate, to whom I paid my respects a few minutes ago.

I say that we have a responsibility to follow through on this investigation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Not now; I shall yield in a moment.

Mr. MAGNUSON. I will take the floor as a matter of personal privilege.

Mr. WILLIAMS of Delaware. I will yield in a moment.

Mr. MAGNUSON. Mr. President, a point of order.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. I shall yield to the Senator from Washington in a moment.

I say to the Senator from Washington that I am not making any blanket indictment, nor have I tried the case on the floor of the Senate, nor do I propose to do so. I am only trying to have adopted an amendment to the resolution which will clear up beyond any shadow of doubt the fact that the Committee on Rules and Administration, has the authority, if it desires to do so, to examine any question of impropriety even though it may involve a Member of the Senate. I am sure the Senator from Washington would not disagree with that.

I said earlier that I was not making charges against any Member of the Senate. I have no information involving any Member of the Senate. I am proud of the membership of the Senate, and I would resent any such blanket indictment. I will not accept the inference that I am now trying to make such a charge. I would resent a blanket indictment of the employees of the Senate. The overwhelming number of employees of the Senate and the Members of the Senate on both sides of the aisle are honest; they are trying to do their jobs well. I am not pointing up the incident of wrongdoing merely because it happened to be on the part of an employee on the Senator's side of the aisle. Neither do I charge it against the Senator's party.

The Republican Party had its Teapot Dome scandal. I mentioned that earlier. It involved officials of a Republican administration. I am ashamed of that. But I would resent a reference to that as being an attempt to make a blanket indictment of the Republican Party. I would resent anyone making a charge that the Baker incident might involve the Senator's entire party or might be an indictment of all the Members of the Senator's side of the aisle, any more than I would resent such a charge being made against Senators on this side of the aisle. I said that before the Senator entered the Chamber; I again repeat it.

I cannot emphasize this too strongly that the resolution is not intended as an indictment against any individual or group in the Senate. I am not attempting to take part in any differences in the Rules Committee. I am simply trying to clear up beyond any shadow of doubt the fact that the Rules Committee has the authority if they find that any Member of the Senate is involved—and I am using the word "if" advisedly—can investigate.

The question has been asked: Why was not that authority included in the original resolution? The reason why the word "Senator" was not included—and this should answer the point raised by the Senator from Washington—is that we discussed it with the legislative counsel and did not think it necessary. I had no evidence whatsoever that any Senator or any other employee was involved, yet we all recognized that there was a possibility when the investigation took place that it might involve more than one person and that it might even involve a Member or former Member of the Senate. I am sure the Senator would agree with me that if that were the case, the committee should have authority to investigate the entire subject and call in this Senator if it felt such were necessary. If it did involve a Senator, I know the Senator from Washington will agree with me that the committee should have gone into it.

I repeat—my resolution was intended to be broad enough to authorize the committee to look into any matter even if it involved a Member of the Senate. But I felt that if I actually used the word "Senator," and so forth, in the resolution that would be regarded as a blanket indictment of the entire membership of the Senate. So we framed the first resolution in the broadest terms.

As I have said, this new resolution is not submitted now because I have evidence against a Member of the Senate. It is submitted only because of yesterday's ruling by the chief counsel of the Committee on Rules and Administration. I am not a lawyer, but I do not agree with his ruling that if the committee finds a Member of the Senate involved in an impropriety, it is not authorized to investigate such a matter. So my new resolution is not a shotgun authorization to investigate this or that particular Senator. I would resent very greatly indeed a shotgun indictment or a broadscale inquiry about some general subject of that sort, and particularly if the names of Senators were used in that way.

Mr. MAGNUSON. Let me ask the Senator from Delaware whether we are "back down on the farm" now?

Mr. WILLIAMS of Delaware. Yes. If names are mentioned, I believe there should be definite reasons for doing so. I assure the Senator from Washington that I shall never mention the name of any individual, here on the floor of the Senate or elsewhere, unless I have definite evidence beyond the shadow of a doubt, sufficient to back up such use of a particular name. I recognize that a man's reputation is about the most sacred thing he has, and it can easily be destroyed; once it is destroyed it cannot be returned to him.

So I am offering the new resolution today, I repeat again and again, not with the thought that I have any information to take before the committee involving any Member of the Senate. I am offering the new resolution solely in order to clear up the point which has been made; namely, that the public has the impression—and I do not say how the public got it—that where Senators are involved the Senate is not big enough to follow through.

But I do not intend to join in an attempt to smear anyone. I will always oppose such actions. I realize the Senator from Washington did not hear the first part of my remarks, and therefore we were snapping at each other as the result of a misunderstanding.

Mr. MAGNUSON. Oh, we have been snapping at each other for years.

Mr. WILLIAMS of Delaware. But that does not diminish our respect.

Mr. MAGNUSON. And he has repeated his statement that the new resolution is not intended as a blanket indictment of the membership of the Senate.

Does the Senator from Delaware have any reason to believe that a Member of the Senate is involved in this matter?

Mr. WILLIAMS of Delaware. No; and I said that at the beginning.

Mr. MAGNUSON. Very well; the Senator from Delaware has answered my question.

Mr. WILLIAMS of Delaware. I had said that at the beginning of my statement.

Mr. MAGNUSON. Then the Senator from Delaware has answered my question.

Mr. WILLIAMS of Delaware. In further answer to the question of the Senator from Washington I point out that I told the chairman of the committee that as long as the committee is functioning, if any evidence of that nature or of any other nature came to me I would call it to the attention of the committee first.

Mr. ERVIN. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. ERVIN. I wish to inform the Senator from Delaware why I objected to his request for immediate consideration of his new resolution.

Mr. WILLIAMS of Delaware. I am about to withdraw the request.

Mr. ERVIN. First, I thought the leadership should have been notified before the resolution was brought up.

Second—and this is more fundamental—I am supposed to speak today on the pending civil rights bill; and several Senators have asked me whether they could safely leave the Chamber for 2 or 3 hours. I assured them that if the good Lord gave me strength enough to stand on the floor of the Senate and speak for 2 or 3 hours, they could leave for that length of time.

I deeply regret, however, that the senior Senator from New Jersey [Mr. CASE] has left the floor, because I wished to call to his attention these words written by Shakespeare:

> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him,
> And makes me poor indeed.

The Senator from New Jersey has been insinuating that there is such grave reason to believe that Members of the Senate have been guilty of disreputable conduct, that they should be requested to come before the Committee on Rules and Administration and prove their innocence of a charge which he does not dare make.

Mr. WILLIAMS of Delaware. I thank the Senator from North Carolina.

I repeat that I am not making charges against anyone. I appreciate the position of the Senator from North Carolina. Upon the request of the chairman of the committee I will withdraw my request for immediate consideration of the new resolution. Instead, I shall ask that the resolution go over until tomorrow. Therefore, at this time I ask that the resolution be printed and lie on the table, and I shall not ask that the resolution be considered at this time.

As I have stated, I am only trying to clear up beyond any doubt, and if some other Senator has better language for this purpose I shall be glad to join in using it—the apparent misunderstanding of what the majority leader and other Senators said as to the scope and authority of the committee under the other resolution. The acting majority leader was told before the morning hour that I was going to bring this question up here today.

The PRESIDING OFFICER. The question is whether there is objection to the submission of the resolution, in order that it be printed and lie on the table. The other resolution itself is not now before the Senate.

Mr. WILLIAMS of Delaware. That is correct.

I ask whether the Senator from North Carolina will have objection to having the new resolution printed, so it will be available.

Mr. ERVIN. I have no objection whatever. I understand that the Senator from Delaware is not requesting that the new resolution be considered at this time.

Mr. WILLIAMS of Delaware. I am only asking that the resolution be printed and lie on the table.

The PRESIDING OFFICER. Does the Senator from Delaware withdraw his request for immediate consideration of the resolution proposing to amend the original resolution?

Mr. WILLIAMS of Delaware. Yes. I ask only that the resolution be printed in order that it may be available to Members of the Senate. I do not request the immediate consideration of the resolution. However, I do not want the resolution sent to the committee. I wish to have the resolution printed and to have it lie on the table.

The PRESIDING OFFICER. Without objection, the resolution submitted by the Senator from Delaware will be received, printed, and will lie on the table. Is there objection? The Chair hears none. Without objection, it is so ordered; and the resolution submitted by the Senator from Delaware will be printed and will lie on the table.

The resolution (S. Res. 330) submitted by Mr. WILLIAMS of Delaware (for himself and Mr. CASE) was ordered to lie on the table, as follows:

Resolved, That the first sentence of S. Res. 212, 88th Congress, agreed to October 10, 1963, is amended to read as follows: "That the Committee on Rules and Administration or any duly authorized subcommittee thereof is authorized and directed to make a study and investigation with respect to any financial or business interests or activities, or any illegal, immoral, or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member or former Member of the Senate, employee or former employee in the office of a Senator or former Senator, employee or former employee of a Senate committee or subcommittee thereof or of any joint committee the expenses of which are disbursed by the Senate Disbursing Office, officer or employee or former officer or employee of the Senate who receives or has received payment of salary through the Senate Disbursing Office, or any other officer or employee or former officer or employee of the Government who is employed or was formerly employed in either of the Senate office buildings or in the Senate Wing of the Capitol, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest, or any other impropriety of any kind, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities."

SEC. 2. S. Res. 291, 88th Congress, agreed to February 10, 1964, as amended, is amended by striking out "May 31, 1964" and inserting in lieu thereof "September 1, 1964".

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ERVIN obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield, provided that in doing so, I shall not lose my right to the floor or any of my other rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, earlier today I discussed with the distinguished minority leader the procedure in connection with the civil rights bill. At the request of the Senator from Wyoming [Mr. MCGEE], we discussed the possibility of Senate consideration of Senate Resolution 71, to establish a National Commission on Food Marketing, to study the food industry from the farm to the consumer. Many Senators are keenly interested in that measure.

There are on the calendar other measures in which a substantial number of Senators are much interested.

I then indicated to the minority leader that I would have to object to requests for the consideration of calendar measures until the Senate completed its action on the civil rights bill.

So, I believe it only fair to me to state what transpired this morning. I understood that the minority leader was of exactly the same opinion.

As a result, after consultation with the senior Senator from Georgia [Mr. RUSSELL], the minority leader [Mr. DIRKSEN], the Senator from Wyoming [Mr. MCGEE], and myself, we had to deny the Senator from Wyoming an opportunity to have his resolution called up.

I wish to say to the acting minority leader that I request that when Senators ask a Senator who has the floor and is speaking on the civil rights bill to yield for purposes other than a question or for debate on the pending question, objection be made by him. Otherwise, the Senate will make no progress with the bill.

Mr. President, we are going to get on with this legislation, even if we have to take a very firm stand on the enforcement of the rules of this body. So I would hope, whoever occupies, either the minority leader's chair or the majority leader's chair, that if the Senator from Minnesota is absent from the Chamber, or if the Senator from California [Mr. KUCHEL] is not present, there will be objection.

I know that this request will be honored, so that if Senators ask the Senator from North Carolina to yield today for the purpose of discussing a part of the world, or any of our foreign policy problems, or any of our domestic policy problems—all of which I am sure would be very interesting—I should hope that my associate, whoever may be acting as acting majority leader, or acting minority leader, would object. I make that request.

Mr. ERVIN. I assure the Senator from Minnesota that I shall not attempt to extend them the courtesy; and I shall attribute to the pronouncement of the Senator my inability to extend them that courtesy.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. HUMPHREY. I do not like to be put in the position of a disciplinarian on these matters. But there has been discussion already on the part of the leadership, both Republican and Democratic. This is not novel, may I say to the opponents to the bill. The Senator from Georgia, I believe, was likewise informed. I will take the full responsibility.

Mr. ERVIN. I assure the able and distinguished Senator from Minnesota that I have a great deal to say on the bill. I shall be glad to have an opportunity to do so without interruption.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, when my speech was interrupted in a somewhat untimely manner on last Wednesday, I was in the process of discussing the amendments which Congress passed to the Clayton Act in 1914. I pointed out that those amendments to the Clayton Act, which had to do with the right of trial by jury in criminal contempt cases, are now codified in somewhat changed phraseology in sections 402 and 3691 of title 18 of the United States Code.

Under these sections, a respondent, whether a natural person or a corporation, charged with an indirect contempt for violation of an injunction is entitled to a jury trial if the act charged as a violation of the injunction is also a crime under an act of Congress or the laws of the State in which it was committed. It is noted, in passing, that virtually all violations of the civil rights of others constitute crimes under both Federal and State laws.

If H.R. 7152 should be enacted into law, violations of titles I, II, III, and IV, and also of VI by State or local officials involved in the administration of federally assisted programs would constitute crimes under section 242 of title 18 of the United States Code, and would be punishable as misdemeanors by imprisonment for not more than 1 year or a fine not exceeding $1,000, or both.

This is true because section 242 of title 18 of the United States Code specifies in very plain language that any State or local official who willfully deprives any person of any right secured to him by the Constitution or laws of the United States is guilty of a crime.

When the U.S. Government undertakes to prosecute one accused under that statute, the U.S. Government has the burden of making out a case of his guilt beyond a reasonable doubt before the jury is justified in returning a verdict of guilty.

One of the greatest tragedies in the field of the administration of justice in recent years has been the preference of the U.S. Department of Justice for prosecutions of State and local officials for alleged criminal contempts rather than for a violation of this statute. By this process, the United States is able to deny to the accused the right of trial by jury. A resort to prosecutions for criminal contempt is also practiced by the United States in preference to the use of the criminal statute because such action also denies to the accused the right of trial in the district, or even in the State in which the alleged contemptuous act occurred.

This process also enables the Federal Government to deny to the accused the benefit of limited punishment as specified in the statute. It subjects the accused, if found guilty by the judge without a jury, to a punishment which knows no limit beyond the nebulous limit of the eighth amendment, which prohibits excessive fines, and cruel and unusual punishment.

The habit of the Department of Justice in resorting to criminal contempt procedures rather than to criminal prosecutions also denies to the accused the benefit of the constitutional provision which provides that an accused cannot be placed twice in jeopardy for the same offense.

When the Clayton Act was passed, it provided other substantial benefits to persons accused of criminal contempts which also constituted crimes against Federal or State laws, in addition to the benefit of the right of trial by jury.

Sections 402 and 3691 of title 18 of the United States Code confer another substantial right, additional to that of the right of trial by jury, upon a respondent who is a natural person in case he is convicted. While they provide that he may be "punished by fine or imprisonment or both," they set definite limits to his punishment by specifying that he cannot be required to pay a fine to the United States in excess of $1,000 or subjected to imprisonment for a term in excess of 6 months.

One extremely unfortunate provision, however, was inserted in the amendments to the Clayton Act dealing with criminal contempt proceedings. This provision, which is now embodied in sections 402 and 3691 of title 18 of the United States Code, stipulates in express terms that their salutary provisions do not apply "to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

Borah, of Idaho; Norris, of Nebraska; Walsh, of Montana, and the other liberal Senators of that day favored extending the right of trial by jury of all persons charged with indirect contempts arising out of alleged violations of injunctions.

In a magnificent speech pointing out that such right was secured to the people by constitutional or statutory provisions in a number of States, Walsh declared that "the most perfect judicial systems ever known are those of which the jury forms an essential part"; that "trial by jury is the greatest school in self-government ever devised by the ingenuity of man"; that "Jefferson maintained all his life that cases in chancery should be tried before a jury"; that "there is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury as we now know it"; and that "instead of being an attack on the court, the proposal to submit to trial by jury alleged contempts not committed in the presence of the court is a plan to restore to the Federal courts the confidence and good will which the people ought to bear toward them, but which, unfortunately, by a liberal and sometimes inconsiderate exercise of the power to issue injunctions and to punish as for contempt, has, among certain classes of citizens, been all but forfeited."

Senator Borah denounced with rare eloquence the provisions now embodied in sections 402 and 3691 of title 18 of the United States Code denying the right of trial by jury and the protection of limited punishment to persons charged with "contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

In offering an amendment to strike out this provision, Borah said that "the effect of this amendment is to provide for jury trial in contempt cases in actions brought by the Government the same as when actions are brought by private individuals"; that "every argument in favor of the right of trial by jury upon the part of one citizen of the United States is equally applicable to the right of trial by jury upon the part of every other citizen of the United States"; that "the right of the citizen to have his guilt or innocence determined by his peers cannot be changed by reason of the fact that a particular party happens to be a plaintiff in one case and another party a plaintiff in another case"; and that the provision denying persons charged with indirect contempts trial by jury in case the injunction alleged to have been violated was issued in a suit brought by the United States "offends every sense of justice and every principle of free institutions and equal rights."

I should like to emphasize that statement by Senator Borah, because it expresses a truth which no amount of cringing before the demands of the Department of Justice can erase. In a speech in favor of his amendment to strike out this provision giving to the United States rights and privileges superior to those granted to litigants in every other contempt proceeding Senator Borah declared:

> The provision * * * offends every sense of justice * * * and every principle of free institutions and equal rights.

I agree completely with that statement of Senator Borah.

When the United States comes into one of its own courts and prosecutes any kind of proceeding against any of its citizens, the United States already has a tremendous advantage over that citizen. It has the total financial resources of the United States to aid it in its investigation of the charge against the citizen, in assembling the evidence to support the charge, in procuring witnesses to give such evidence, and in presenting its case to the court.

It is, as Senator Borah said, an offense to every sense of justice and to every principle of free institutions and equal rights to give the U.S. Government, in the prosecution of criminal contempt cases against its citizens, the power to deny them the right to a trial by jury.

Another great Senator of that day was Senator Reed, of Missouri, who had a most distinguished career as a trial lawyer before he became a Member of the Senate. As a result of his vast experience as a trial lawyer, Senator Reed was fully familiar with the safeguards necessary to assure justice to every man in the courts of our land.

Senator Reed made these trenchant remarks in support of the Borah amendment to strike from the Clayton Act the provision exempting from the salutary principles of the Clayton Act actions or suits prosecuted by or in the name of the United States:

> I believe that if it is right to submit questions involving the right of life to a jury it is not dangerous to submit to a jury a mere question of contempt. If we can safely repose in a jury the power to try all questions of property, all questions affecting the honor of the citizen, all questions affecting the liberty of the citizen * * * there is nothing unsafe in submitting to the same kind of tribunal, summoned in the same way, the simple question of fact has this corporation

> or that individual violated the order of the Court * * *. So, Mr. President, I feel that it is safe, that it is proper, to support the amendment offered by the Senator from Idaho. I believe that the dignity and authority of the courts will remain unimpaired. At the same time judges inclined to tyrannical practices or who are influenced by prejudice or passion will find a wholesome check has been placed upon unjust and arbitrary punishment.

That is the end of the quotation from the speech of Senator Reed in support of the amendment offered by Senator Borah to strike from the provisions of the Clayton Act now embodied in sections 402 and 3691 of title 18 of the United States Code, the words, "*Provided*, That the provisions of this Act do not apply to contempt committed in disobedience of any willful authority, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States."

The Borah amendment was rejected by the narrow margin of three votes. Events proved that the Clayton Act did not suffice to end many of the abuses of the injunctive and contempt processes in industrial controversies. This is due in large part to the failure of the amendment to extend the benefit of jury trials and limited punishment to persons charged with contempt based on supposed violations of injunctions issued in actions brought in the name of or on behalf of the United States and to persons charged with indirect contempt based upon supposed violations of injunctions enjoining acts themselves, not illegal under Federal or State laws.

I know of no case which illustrates in more graphic fashion the failure of the law to provide for jury trial and limited punishment in cases of criminal contempt proceedings where the alleged criminal contempt does not involve the violation of a Federal or State law, and for this reason the person accused of such contempt is prevented from enjoying the benefit of the right of trial by jury, than the case of Gompers against the United States, which is reported in 233 U.S. 604.

This was not a case prosecuted by the United States, and for this reason would not have fallen into the category of the exception set out in the Clayton Act giving the United States a great advantage over all other litigants, even if that statute had been in force in 1913, when the case was decided.

Mr. Gompers was convicted of contempt in a trial without a jury, and was sentenced to imprisonment for making a perfectly truthful statement in violation of an injunction—namely, that no one was compelled by law to buy stoves manufactured by the plaintiff, which was the Bucks Stove & Range Co. The only thing which saved this great labor statesman from actual incarceration for criminal contempt in a case tried by a judge without a jury was the fact that the Supreme Court held, in an opinion by Mr. Justice Holmes, that prosecutions for criminal contempts were covered by the Federal Statute of Limitations on criminal prosecutions.

This case illustrates the danger to liberty and to the right of freedom of speech in any instance in which the Federal Government, or any private litigant, for that matter, resorts to the injunctive process, and thereby makes it possible not only to send a man to prison without a trial by jury for a criminal act, but also for doing acts which are perfectly innocent under the provisions of criminal law.

Congress saw the injustice being perpetrated upon labor in its efforts to improve wages and working conditions by the provisions of the Clayton Act, denying the right of trial by jury in cases in which an injunction was procured in a suit brought by or in the name of the United States. Congress undertook to remedy these injustices to labor by the enactment of the Norris-La Guardia Act in 1932. One of the salient provisions of the Norris-La Guardia Act is now embodied, in changed phraseology, in section 3692 of title 18 of the United States Code, which reads as follows:

> In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.
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> This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court. (June 25, 1948, ch. 645, 62 Stat. 844.)

I believe that this provision of the Norris-La Guardia Act is just and salutary. It embodies a procedure which secures to a person involved in a labor dispute the right of trial by jury in criminal contempts arising out of that dispute.

It is queer to me that the advocates of civil rights proposals demand that the United States be permitted to use unequal laws for the avowed purpose of promoting equality.

The 14th amendment places an obligation upon the States to refrain from denying to any person within their jurisdiction the equal protection of the laws. When this constitutional phrase is stated in simple language, it means that every State must see to it that its statutes apply in like manner to all men in like circumstances. As the courts have remarked, it guarantees to every person the right to equality of treatment under equal laws.

The Constitution of the United States does not undertake to place upon the Federal Government the responsibility in this field of law which it places upon the States.

With all due deference to all persons who would deny the right of trial by jury under certain provisions of the pending bill, it is a mockery of justice to propose in a bill that the Federal Government should be armed with unequal laws for the purpose of enforcing upon the States the prohibition that they shall not deny to any person within their jurisdiction equal protection of the laws. Yet that is exactly what happens when we have laws like the Clayton Act, which gives the right of trial by jury and the benefit of limited punishment to persons in criminal contempt proceedings when such criminal contempt proceedings arise in litigation between private litigants, and deny the right of trial by jury and the benefit of limited punishment to persons accused of criminal contempt in litigation brought by the United States.

I also assert that the provisions of the Norris-La Guardia Act result in unequal Federal laws in the case of persons charged with criminal contempt.

The provision of the Norris-La Guardia Act which I have read grants the right of trial by jury in all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders involving or growing out of a labor dispute. At the same time it denies the right of trial by jury to persons not falling within the provisions of the Clayton Act, and to all persons not involved in a charge of criminal contempt arising under the laws of the United States not growing out of labor disputes.

In other words, we have, in the Federal law on criminal contempt, one law for one group of people, and another law for another group of people, in violation of the principle that in any just system of jurisprudence the laws shall apply in like manner to all persons in like circumstances.

Mr. President, I wish to refer for a moment to the Clayton Act, especially the provisions of that act which exclude from its beneficent provisions for jury trial and limited punishment persons charged with criminal contempt in suits brought by or in the name of the United States. The injustice of a law which grants the right of jury trial to some litigants and denies the right of jury trial to other litigants charged with identical offenses is well illustrated by the decision of the Supreme Court of the United States in the case of *Hill* v. *United States ex rel Weiner*, 300 U.S. 105. I read from the opinion of the Court:

> The relator, Weiner, was convicted in a Federal district court of violating a decree entered against him and numerous others by that court in a suit in equity brought by the United States under the Sherman Antitrust Act, title 15, U.S.C., sections 1, 2, 4. He, with others, was charged by information with the commission of several specified acts in violation of the decree, constituting criminal contempts. Upon a trial before the court sitting without a jury, he was found guilty and sentenced for certain of the contempts to imprisonment for 6 months in the house of detention, and for other contempts for 2 years additional in the penitentiary. Upon his application and consent, the first part of the sentence was increased from 6 months in the house of detention to a year and a day in the penitentiary, but to run concurrently with the 2 years' imprisonment.
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> On June 5, 1935, he was committed to the penitentiary. At the end of 11 months, he applied by petition to another Federal district court to be discharged on habeas corpus, on the ground that the first court was without power to sentence him for a period of more than 6 months; and, having served that long, that he was entitled to be set at liberty.
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> The district court accepted that view, granted the writ, and ordered the relator discharged (11 F. Supp. 195). Upon appeal, the court below affirmed the order (84 F. (2d) 27).

> The case involves a consideration of sections 21, 22, and 24 of the Clayton Act, title 28, U.S.C., sections 386, 387, and 389. Section 21, so far as pertinent, provides that any person who shall willfully disobey any lawful decree of the Federal district court by doing any act or thing thereby forbidden to be done by him, if of a character to constitute also a criminal offense under any statute of the United States or laws of any State in which the act was committed, shall be proceeded against as thereafter provided. Section 22 provides for trial by the court or, upon demand of the accused, by a jury. If found guilty, punishment is to be either by fine or imprisonment or both, in the discretion of the court, "but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months." Section 24, however, provides that "nothing herein contained [sections 21, 22, 23, 25] shall be construed to relate to contempts committed in disobedience of any lawful * * * decree * * * entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section twenty-one * * * may be punished in conformity to the usages at law and in equity prevailing on October 15, 1914." If section 24 applies, the sentence was within the statutory authority of the court.

Mr. President, this case illustrates the grave injustice of the provisions of the Clayton Act, now codified in sections 402 and 3691 of title 18, United States Code. Under the Antitrust Act, the United States can bring a suit for an injunction to restrain certain monopolies of trade and certain restraints of trade. Under the provisions of the Antitrust Act, an individual or a corporation which is threatened with injury by a monopoly of trade or a restraint of trade in violation of the provisions of the act can also bring a suit to protect its interests.

If the suit is brought by an individual or a corporation, as plaintiff, any person charged with criminal contempt for a violation of an injunction issued in the suit is entitled to a trial by jury before he can be sentenced. Upon his conviction by a jury, the defendant cannot be punished by being imprisoned for more than 6 months or by having a fine of more than $1,000 imposed, or both. However, if the suit is brought by the United States, under exactly the same law—the Antitrust Act—and if a person is charged with a criminal contempt for violation of an injunction issued in the suit, such person is denied the right of trial by jury. Furthermore, he is denied the benefit of the provision of the statute that no man can be fined more than $1,000; and he is denied the provision of the statute which limits the imprisonment to a period not to exceed 6 months. This is made clear by the decision of the Supreme Court in the Hill case in reversing the decision of the lower court. The Court said:

> First. The court below held, and relator here contends, that the limitation of imprisonment to 6 months is not affected by the provisions of section 24.

The defendant was sentenced to 2 years' imprisonment.

The Court also said:

> A similar question was before this Court in *United States* v. *Goldman*, 277 U.S. 229, and was there decided contrary to the views of the court below. In that case, an information was presented by the United States to a Federal district court, charging Goldman and others with criminal contempts committed by acts in violation of an injunction decreed by that court in an equity suit brought by the United States. The information was dismissed on the ground that under section 25 of the Clayton Act, the prosecution was barred by the statute of limitations. This court reversed. Section 25 provides that no proceeding for contempt shall be instituted unless begun within 1 year of the act complained of; but we held that the specific exception contained in section 24—"nothing herein contained"—applied to all provisions of the act relating to prosecutions for criminal contempts, and therefore applied to section 25, "as well as to the other sections," and that the 1-year limitation prescribed by section 25 was without application to a case brought for the disobedience of a decree entered in a suit prosecuted by the United States.
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> That decision controls here. The object of section 24 clearly was to limit the application of the provisions of section 22, and the other sections named, to prosecutions for contempt arising out of cases instituted by private litigants.

Mr. President, regardless of what anyone else may say, I am firmly of the opinion that it is a gross injustice to have a law under which one has the benefit of trial by jury and the benefit of limited punishment in criminal contempt cases arising from suits instituted by private litigants, but under which the accused is denied the right of trial by jury and the benefit of limited punishment. This is the situation if he is convicted of doing exactly the same kind of act, constituting a criminal contempt, merely because the suit, in connection with which the alleged contempt occurs, is brought by the United States of America, instead of by a private litigant.

This injustice is illustrated in the Weiner case. If the antitrust suit in which Weiner was charged with criminal contempt had been brought by an individual or a corporation, Weiner could not have been imprisoned for more than 6 months. However, since the suit was brought by the United States, the court was compelled to hold that, under the Clayton Act, he could be punished by imprisonment for as long as 2 years, or even longer than that, if the sentence had been for a longer period of time.

Any statute makes a mockery of justice when it provides that the rights of an accused are to be determined, not on the basis of his conduct, but, instead, on the basis of the character of the litigant who brings the suit. Yet that is precisely what the Clayton Act provides; and the provisions of the Clayton Act have been continued in force to this very hour, and are now found, as I have said, in sections 402 and 3691 of title 18 of the United States Code.

It is the duty of the Congress of the United States to prescribe the procedures which will govern all controversies in the U.S. courts. Congress is derelict in the performance of its duty, in my honest judgment, when it authorizes such a procedure as the one set forth in the Clayton Act, under which the punishment of an individual is not adjudged on the basis of his own conduct, but is adjudged on the basis of the character of the other litigant.

A moment ago, I stated that in 1932, Congress enacted the Norris-La Guardia Act. In that connection, I read to the Senate section 3692 of title 18 of the United States Code, which embodies the jury-trial provision of the Norris-La Guardia Act, and secures the right of trial by jury to all persons charged with criminal contempts in matters arising out of labor disputes. I regret to state that this provision of the Norris-La Guardia Act has been modified by the provision of the Taft-Hartley Act embodied in section 178(b) of title 29 of the United States Code. This modification provides, in substance, that the jury-trial provision of the Norris-La Guardia Act does not apply to injunctions issued in cases of strikes and lockouts which "imperil the national health or safety."

Mr. LONG of Louisiana. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am delighted to yield to the able and distinguished Senator from Louisiana for a question; but I can yield only for a question, because of the pronouncement made earlier today by the floor manager of the bill.

Mr. LONG of Louisiana. Has the Senator from North Carolina heard the statements, made here on the floor, to the effect that in a great number of States there was no right of trial by jury in connection with criminal contempts?

Mr. ERVIN. Yes.

Mr. LONG of Louisiana. Would the Senator from North Carolina say the provisions of article III of the Constitution and the provisions of the Bill of Rights relating to the guarantee of trial by jury were intended to apply to State governments or were intended to apply only to the National Government?

Mr. ERVIN. They were intended to apply only to the National Government. That was their original purpose. The Founding Fathers realized, what some Senators apparently do not, that the individual needs protection against governmental tyranny. So they insisted on writing the first 10 amendments into the Constitution in order that the people might have protection against governmental tyranny. They wrote those 10 amendments into the Constitution because they believed that the supreme value of civilization is the right of the individual to be free from governmental tyranny. They stated in the preamble to the Constitution that they ordained and established the Constitution to secure the blessings of liberty to themselves and to their posterity.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. Would it not be correct to say that the manner in which the Constitution came into being was an arrangement whereby 13 States created a National Government over and above the 13 States?

Mr. ERVIN. That is undoubtedly true. As a matter of fact, each of those 13 States became a free, sovereign nation 13 years before the Constitution of the United States actually took effect. The States became independent in 1776, and they did not succeed in creating the Constitution until it took effect in 1789.

Mr. LONG of Louisiana. Would it not be correct to say that the provisions in the Constitution relating to trial by jury were part and parcel of an arrangement whereby the Central Government was created, certain powers were given to that Central Government, and the number of limitations within which that Government would operate was spelled out?

Mr. ERVIN. There is no question about that. They created a Constitution for the purpose of giving the Federal Government such powers as were necessary to enable it to function as a central government. And they left all of the other powers either to the State or to the people themselves.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. Would it not be correct to say that the founders of our Nation at that time would have left the matter of whether a State court could have a jury trial, or not have a jury trial, entirely to the State and its people, and that the idea of the Constitution was not at all to seek to regulate the citizens of an individual State, but rather to regulate the relationship of the citizen and his State to the Central Government thus created?

Mr. ERVIN. That is undoubtedly correct.

Mr. LONG of Louisiana. That being the case, would it not be totally irrelevant whether States did or did not require a jury trial in all cases for their citizens?

Mr. ERVIN. They have nothing to do with it. We are here as legislators for the Federal Government. We are not State legislators. It is immaterial to us as legislators what legislation the State has in this or any other field.

The only duty which we have in this connection is to see that the U.S. Government enacts into law rules of procedure governing criminal contempts in all other matters relating to the Federal court, which are fair, just, and designed to accomplish justice. In other words, we ought to see to it that persons who are accused of crime in the Federal court and persons accused of criminal contempt in the Federal court are granted a fair trial.

Mr. LONG of Louisiana. Were not these provisions placed in the Constitution in three different places, which guaranteed a citizen the right of a trial by jury in the Federal court, clearly intended to prevent the Central Government—with the powers granted to it by the State and the people—from using those powers to usurp additional powers so that the Central Government at Washington could wind up with all the powers, including those which it was never intended that it should have?

Mr. ERVIN. There is no question that that is true. I think the best answer ever given to the Senator's question was given by the greatest student of American Government who ever occupied the White House—Woodrow Wilson. Woodrow Wilson pointed out in his campaign for the Presidency:

> Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

If I had the power to do so, I should make every Member of the Senate, before he voted on this bill—which would create the largest concentration of Federal power in government that has ever been created by one piece of legislation—memorize that and repeat it 10 times before he ever voted for the bill.

People have never suffered to any degree at the hands of the State government, with the courts sitting close to the people. Virtually every subdivision of a State government as large as a county or a parish has a State court. People are tried as a rule in the communities in which they live and in which their neighbors live. They are tried under circumstances where they have a full opportunity, without great expense and without great difficulty, to produce the necessary witnesses for their defense on the trial.

On the contrary, Federal courts sit at a great distance from the people in most cases. That is especially true in States where we have great rural areas. People are tried at a place where it is very expensive for them to go, and very expensive for them to procure the attendance of their witnesses.

So we can have very different laws on criminal contempt, or other things, justifiable between courts that operate at a State level and courts that operate at a Federal level.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield for a question.

Mr. LONG of Louisiana. Is it not true that in most instances, the State district court judges are judges elected by the people in that very community?

Mr. ERVIN. That is true. And they are subject every few years to giving an account of their judicial stewardship when they come up for reelection. The Federal judges are appointed for life, and they are virtually free from any control or supervision of any other agency on the face of the earth.

Mr. LONG of Louisiana. Has the Senator ever heard lawyers complain about the tyrannical attitude of some Federal judges, and the life tenure having something to do with the inclination of some of these judges to become arrogant and tyrannical in the exercise of their office?

Mr. ERVIN. I think that charge has been made, and made with justification, with respect to some of our Federal judges throughout the course of our history. As the Senator from Louisiana undoubtedly remembers, Thomas Jefferson said that the Federal judges were thieves of jurisdiction, in that they exercised power that they did not rightfully possess, and also that they were the sappers who were undermining the system of government created by the Constitution.

I do not say that applies to all Federal judges. The great majority of the Federal judges are good men, with a keen sense of justice; but even a good man cannot administer justice under a system of law which is so unequal that it allows the right of jury trial to some men and denies the right of jury trial to other men under the same circumstances, and allows limited punishment for the benefit of some persons convicted, but allows unlimited punishment for other persons convicted of exactly the same character of acts.

Mr. LONG of Louisiana. With regard to the person who would be prosecuting or urging a judge to sentence a man for alleged contempt, would it not be correct to say that in one instance there would be a district attorney of the local community, elected by the people, and subject to periodic election and reelection by those people, as compared to a U.S. attorney appointed out of Washington, who would be privileged to be totally calloused and totally disrespectful of the attitude of the people of the community?

Mr. ERVIN. I think the Senator has put his finger on one of the great differences between Federal and State government and why so many of us fear the concentration of power in the Federal Government in Washington.

I have always felt, in dealing with the State government of North Carolina, that State officials are reasonable men. In dealing with the people they indulge the presumption, until they have evidence to the contrary, that the citizens are honorable people.

I regret to say that too often I have experienced an entirely different kind of treatment at the hands of Federal officials, especially those who are far removed from the people in agencies of the Central Government here in Washington.

Mr. LONG of Louisiana. Would it not be fair to say, when the argument is made that southern juries will not find accused persons guilty to the extent that U.S. attorneys working out of Washington would like to have it done, that that is a deviation from the philosophy that the people are governed by the consent of the governed? In other words, is it not fair to say that those who are seeking to deny southerners the right of trial by juries of their peers are seeking to depart vastly from the philosophy that a government is to be operated by the consent of the governed? Are they not trying to seek consent that someone in New York or Chicago, perhaps, may impose an outrage on someone who never consented to that type of activity?

Mr. ERVIN. First, let me say that I have heard Senators stand upon the floor of the Senate and charge that southern juries would not convict in criminal contempt cases. They cannot cite proof of that allegation. There is no such proof.

As I have frequently said, I maintain all the people are about the same kind of folks, regardless of whether they live below or above the Mason-Dixon line. Southern juries are just as honorable and will keep their oaths as jurors with the same fidelity as persons in any other area of the country.

I agree with the arguments of Senator Borah, Senator Reed, and Senator Norris when the Norris-La Guardia Act was under consideration and when Senator Borah's amendment to strike out the exemption in cases brought by the Federal Government from the Clayton Act was under consideration. They stated that an argument against jury trial in those cases is an argument to be made against jury trial in any case with exactly the same validity.

I spent about a quarter of a century very actively in the practice of law, and, in my judgment, jurors come nearer to avoiding errors when they return a verdict than judges do in ruling upon matters of law. Judges very frequently have their cases reversed because they did not apply the law correctly to the facts. Normally, jurors come closer to making correct decisions. The reason why we have trial by juries in most cases is that the experience of the English speaking people shows that it is the only way by which individuals can be secured against governmental tyranny.

As the Senator from Louisiana so well knows, when the Constitution was written, equity courts, where no juries were employed, had jurisdiction in a very limited area. The only jurisdiction the equity courts had at that time was jurisdiction over private property rights. They had no jurisdiction over activities not connected with private property.

If the Founding Fathers had ever thought that Congress was going to extend the jurisdiction of courts of equity in which no juries are allowed to the extent to which Congress has extended their jurisdiction, they either would never have ratified the Constitution or would have put a provision in it to guarantee the right of trial by jury in equity proceedings.

As the Senator knows and as I read a short time ago, Thomas Jefferson stated there ought to be juries in courts of chancery, which is another name for equity courts.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. As one who has served on the bench with great distinction, can the Senator from North Carolina explain to us briefly how this amendment would affect so-called constructive contempt of court and how it would be changed, if at all, by the amendment to the bill which is now pending?

Mr. ERVIN. The amendment which the Senator from Louisiana has called up, and which is now the pending business before the Senate, as I construe it, would not affect in any manner the present power of the court in contempts committed within the presence of the court, in which contempts are punished in summary fashion without any jury.

The amendment would not affect in the slightest degree the power of the court to compel a party to comply with the judgment of the court, through a civil contempt proceeding. That power would still exist, unaffected, and it could be exercised by the judge without a jury.

The amendment, as I construe it, only affects the power of the court in respect to criminal contempt. It would give the accused the benefit of trial by jury and the benefit of limited punishment in criminal contempts, which are proceedings initiated not for the purpose of compelling a person to obey the order or judgment of the court, but merely to punish a man for a past offense, just as is true of a criminal prosecution.

There is no fundamental difference between a criminal act punishable as a crime, where a right of trial by jury is guaranteed by the Constitution, and a criminal contempt.

Mr. LONG of Louisiana. May I ask the Senator to explain this type of situation? Could the Senator tell me whether under the amendment a man would have a right to be tried under these circumstances? Would he have a right to be tried before a jury if the judge said, "Register John Jones," and the registrar failed to register John Jones?

Mr. ERVIN. No, he would not, because in that situation the court would have the power to imprison a man until he registered the party the court found to be entitled to be registered. The court would have that power without intervention of a jury, because that would be a civil contempt proceeding.

Mr. LONG of Louisiana. The judge would have the power to send for the registrar, have the bailiff bring him before the court, and say to him, "You register John Jones, and I am going to keep you in jail until you register him." Is that correct?

Mr. ERVIN. He would have that power. That power would be to compel obedience to the order of the court, which would be to register a qualified person.

Mr. LONG of Louisiana. Suppose the judge issued an order to the registrar saying, "I order you to quit discriminating in registering people who ask to be registered." Would the judge have the right to call the registrar in and put that man in jail without a trial by jury?

Mr. ERVIN. Yes; he would have the power to put the man in jail without trial by jury for the purpose of forcing him to register any persons the court found were qualified and had been discriminated against in being refused registration.

Mr. LONG of Louisiana. Suppose the judge had issued an order which necessarily involved some discretion, such as deciding whether or not a person was actually qualified to register. Would the burden be upon the judge to first look at the cases and see whether the man had discriminated or whether he had not discriminated, and then decide whether those particular individuals should be registered?

Mr. ERVIN. I believe that due process of law would require that the judge first conduct the hearing and give the election official the opportunity to be heard in the matter. In this hearing, he would make inquiry of two things. First, whether these persons were qualified to vote under the laws of the State in which they had applied to register; second, whether the election official had refused to register them because of their race, color, or national origin, and so forth, after it was apparent to him or it should have been apparent to him that they were qualified.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. ERVIN. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

Mr. LONG of Louisiana. Can the Senator show us the kind of case which would fall outside the court's civil contempt powers which applied to voting rights, for example, wherein he is contending that a jury trial should be ordered?

Mr. ERVIN. Falling outside the criminal contempt field?

Mr. LONG of Louisiana. In other words, can the Senator show us a type of case involving voting rights wherein he would feel a jury trial should be in order, where this amendment would bring about that result?

Mr. ERVIN. There are two different kinds of contempts outside of contempt committed in the immediate presence of the court or disrupting the proceedings of the court. If the object of the court is to compel the election official to perform his duty and register every person that the court has found to be qualified under the law, then he would resort to civil contempt proceedings in which there would be no right to a trial by jury under the bill; but if the object of the court was not to compel the registration of a qualified man by an election official but to punish an election official by imprisonment or fine, then he would be entitled to the right to a trial by jury because that would be criminal contempt; in other words, if the object of the judge is to compel compliance with the judgment, that would be a civil contempt proceeding and there would be no jury trial under this amendment, as I construct it. But if the object of the judge was not to enforce compliance with the judgment of the court but to punish a man either by imprisonment, or by fine, or both, for disobeying an order of the court, then that would mean that the right to a trial by jury would exist.

Mr. LONG of Louisiana. Would it be fair to say that a judge, in seeking to obtain voting rights for someone who had been subjected to discrimination, would have the right to hold that registrar in jail until the registrar did register the person whom the judge felt should be placed on the books?

Mr. ERVIN. Yes; he could take and put him in jail until he registered the person, under a system where the man would automatically procure his own release by complying with the order of the court and registering the person whom the judge had found to be qualified.

Mr. LONG of Louisiana. Could a judge impose a fine upon him, under those conditions?

Mr. ERVIN. Yes. A judge could impose a fine. This could be done in a number of ways. A man could be fined each day until he complied with the order of the court, with the provision that the accumulation of the fine would cease the day he complied with the order of the court, the order could specify that the fine would be void when the man complied with the court's order. The fundamental difference is that the man can procure his own release from the fine or the further accumulation of the fine, by complying with the order of the court, and in the other case he cannot procure his own release except by paying the fine.

Mr. LONG of Louisiana. Would it be fair to say that the provision for which the Senator is contending would save unto a judge the power that a court can contend for, in order to compel compliance with its order, but that it would deny the judge and the court the power to prosecute a man and to punish him for a past violation which partakes of the nature of a trial for a crime?

Mr. ERVIN. The Senator is exactly right in making that distinction. The amendment which the Senator called up makes exactly that distinction. This amendment would not interfere in the slightest with the power to compel the defendant to obey the order of the court and carry out the order of the court. It would merely give the defendant the right to a trial by jury and the right to the benefit of limited punishment in case the court was seeking to punish the defendant because of his past offense.

Mr. LONG of Louisiana. Would it not have the effect of recognizing that a trial for criminal contempt is a trial for a crime?

Mr. ERVIN. The Senator is correct. One strange thing about the ruling in the Gompers case was that Justice Holmes said, in substance, that a criminal contempt was a crime, and that it was barred by the statute of limitations applicable to crimes.

The reason this question has become so acute in recent years is due to two factors:

First. Congress has expanded the jurisdiction of the courts of equity to issue injunctions out of all proportion to the jurisdiction which equity formerly enjoyed. That necessarily results in the issuance of more injunctions, more disobedience of those injunctions, and more proceedings for criminal contempt.

Second. The Department of Justice believes that it is easier to get a conviction in a trial of a party accused before a judge rather than before a jury. Therefore, in cases where the alleged contemptuous act is a Federal crime, the Department of Justice elects to proceed by criminal contempt proceedings, which would deny a man the right to a trial by jury, rather than by criminal prosecution proceedings in which the man would have the right to a trial by a jury under the Constitution.

Mr. LONG of Louisiana. Does it not stand to reason that the Department of Justice would have much more influence with the judge than the Justice Department would have with the jury? In other words, is it not true, for example, that the Justice Department must do business with the judge, and the judge must do business with the Justice Department in making arrangements for whatever help he would get in operating his court? Is it not also true that the Justice Department studies a man's qualifications before he is appointed to the bench, that it passes upon his qualifications, and then makes its recommendation to the President; and likewise when the man is recommended for promotion, that the Justice Department also reviews his record, based on the information available to them, and makes its recommendation as to whether the man should be promoted?

Mr. ERVIN. The Senator is correct. It is one of the unfortunate aspects of our system of Government in its practical operation that a man cannot get appointed to the office of Federal judge without the approval of the Justice Department. It is also one of the unfortunate aspects of our system of Government in its practical operation that a Federal district judge cannot possibly be promoted to circuit judge or a Federal circuit judge cannot possibly be promoted to the U.S. Supreme Court unless the promotion is satisfactory to the Department of Justice.

In saying these things, I do not mean to imply that Federal judges as a rule kowtow to the Department of Justice, but they are under that temptation. A judge is a human being, and unfortunately, a human being cannot lay aside all of his human instincts when he puts on the black judicial robes and ascends to the Federal bench.

Mr. LONG of Louisiana. Is it not true that the U.S. attorney, in pursuing one of these cases, is the representative of the Attorney General of the United States?

Mr. ERVIN. Yes.

Mr. LONG of Louisiana. Is it not true that if the Attorney General is presenting his case, the district judge knows that he is a man who has the power to pass on whether that judge will be promoted?

Mr. ERVIN. There is no question about it.

Mr. LONG of Louisiana. Under those circumstances, does it not stand to reason that the Attorney General would more likely have the power to influence the judge to find in his favor, than he would a juror, who would be drafted into service and then sent back among the citizenry?

Mr. ERVIN. A judge is subject to temptation, whereas jurors are not. A juror comes out of the life of his community and serves temporarily as a juror. After he serves as a juror, he returns into the life of his community. However, the judge remains in his judicial office. No matter how pure his motives may be, no matter how hard he may strive to administer justice, he cannot rid himself entirely of the consciousness that his subsequent promotion is dependent upon the good will of the Department of Justice.

Mr. LONG of Louisiana. I should like to ask the Senator a question relating to the impartiality of a judge as against the impartiality of a juror. If the Senator were defending a man accused of a crime, and in looking over a panel of jurors noticed that one of the proposed jurors was a man who would vote to hang his own grandmother, so to speak, could not the Senator challenge that man and keep him off the jury?

Mr. ERVIN. When a lawyer is defending a man, in a criminal case—and he would have the same right in a case of criminal contempt, if the law allowed a jury trial in criminal contempt cases—he has the right to challenge any juror for cause, if he can show that the juror is biased. If he could not challenge him for cause, he could still exercise a peremptory challenge, because he would have a certain number of peremptory challenges at his disposal. He could use the peremptory challenge if he did not have a reason for challenging the juror for cause. A procedure is provided for insuring a fair and impartial jury to try the case.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. Suppose the Senator were defending a client who was compelled to be tried before a Federal judge who had had a thousand cases before him, and had never decided one case against the U.S. attorney, and suppose the Senator knew that the judge's name was on the Attorney General's desk with a recommendation for promotion to the court of appeals. Could the Senator require that that judge step down on the ground that he could not be an impartial judge?

Mr. ERVIN. A lawyer in such circumstances would have to show that the judge was prejudiced in that particular case under the statute. The lawyer would hesitate to attempt that, because the lawyer would have to appear before that judge again in the same district, perhaps virtually all the time, and the lawyer would be very reluctant to put himself in a position of antagonizing the judge. Judges, being human beings, would certainly have a tendency to become irritated by a lawyer who challenged their capacity for impartiality.

Mr. LONG of Louisiana. Would it not stand to reason that a lawyer, by making the point that no person in his client's position had ever had a chance or had ever won before that judge, could not require the judge to step down?

Mr. ERVIN. The Senator is correct. He would have to show personal prejudice or bias, or something tantamount to prejudice with respect to his particular client.

Mr. LONG of Louisiana. Is it not reasonable to conclude that the judge would resent a lawyer suggesting that the judge was biased? Usually a man who is prejudiced is the first to deny that he is prejudiced. Is that not correct?

Mr. ERVIN. The Senator is correct. He would make a bigger protestation than the one who had no prejudice. The latter would be perfectly willing to step aside. If one were correctly charged with prejudice, he would not step aside unless he were compelled to do so.

I believe that the majority of the judges would appreciate a statute which would provide the right of trial by jury in criminal contempt cases. I say that as a result of my own experience as a judge of a court of general jurisdiction in my home State for 7 years. I preferred jury trials. Sometimes lawyers would make a proposal to let me determine the the guilt or innocence of their clients, or offer to enter a plea for whatever offense I thought the jury would have adjudged him guilty if a trial by jury were had. I always refused to do that because I believe a jury is far more capable of reaching a correct decision in a case than is a judge.

A jury is composed of 12 men summoned from all segments of the community. They are certainly as capable as any judge to hear the facts in the case. They understand motives which inspire actions, and they understand the temptations to which people are subjected. I believe that trial by jury is the fairest way to try a case and ascertain the truth with respect to questions of fact that has ever been devised by the mind of man.

Mr. LONG of Louisiana. Is it not correct to say that when a person accused of crime has had an opportunity to pass upon every person who goes on his jury, and to challenge for cause anyone who can be shown to be prejudiced against him, and to challenge without cause those who cannot be shown to be prejudiced against him, he is in a position to recognize that the proceeding against him has been fair and that society has fairly judged him to be guilty?

Mr. ERVIN. Yes. On a previous occasion I quoted from a profound thinker and a distinguished editor, Gerald W. Johnson, who was a native of my State and a former editor of the Baltimore Sun. I do not quote him verbatim, but what I say is the substance of what he had to say in one of his writings, when this question was previously before the Senate. He said that he could not understand why the advocates of civil rights bills were unwilling to have jury trials in criminal contempt cases. He said that when a man is sent to jail after a trial by a judge, without a jury, there is grave danger that people will make him a martyr. However, if he were sent to jail after a conviction by a jury, there would be no danger of the people's making him a martyr.

It seems to me that that consideration ought to induce everyone to support the right of trial by jury in a criminal contempt case, because the object of a criminal contempt case, as the Senator has so well stated in his questions, is to bring a man to punishment in the same way that a man is punished for a crime.

Mr. LONG of Louisiana. Does not the Senator's statement imply that by denying a man the right to a jury trial, and insisting that a Federal judge can put him in jail without a fair trial, makes a martyr of the man who is punished?

Mr. ERVIN. Yes. There is another consideration, and that is psychological. In my judgment, the psychological implications are past measuring in their importance.

My father practiced as a member of the North Carolina bar for 65 years. I heard him state on many occasions that not only is it important for the courts to be just to persons having business before the courts, but it is equally important for the people to believe that the courts are just to them. To me, that is significant, as was suggested by the Senator's statement.

The American people are accustomed to trials by jury in cases in which persons may be sent to prison or punished by fines. Americans are accustomed to that; they think it is the normal thing—and it is the normal thing. It is abnormal to sentence a person to jail following a trial before a judge without a jury. Sometimes persons are tried before a judge without a jury in cases of petty offenses; but even in those cases, they can exercise their constitutional or legal right to appeal to courts of general jurisdiction, where they may have a trial by jury. For that reason, it is abnormal, in the thinking of most people, that persons should be tried only by a judge and then sentenced to prison, as can be done in some criminal contempt cases.

Mr. LONG of Louisiana. Does not the famous case that has been debated on the floor of the Senate, United States against Barnett, illustrate the point that if a person is to be convicted and heavily punished without a jury trial, not only the people of his State but also the people of the entire section of the country would tend to regard him as a martyr and would rally around him?

Mr. ERVIN. There is no question that there could be that danger. When the case was before the Fifth Circuit Court of Appeals, eight judges passed upon the question. Four judges felt that the defendants were entitled to the right of trial by jury. Four judges disagreed. So the court was split, 4 to 4.

Under an act of Congress so providing, the question as to whether Governors Barnett and Johnson were entitled to a trial by jury was certified to the Supreme Court of the United States.

When the case was considered by the Supreme Court a short time ago, five Justices joined in the opinion of Mr. Justice Clark to the effect that Governors Barnett and Johnson were not entitled to the right of trial by jury, and four Justices filed vigorous dissents, saying that Barnett and Johnson were entitled to the right of a trial by jury under the Constitution.

So 17 judges passed on the question. Nine judges said that Barnett and Johnson were not entitled to a trial by jury; the other eight said they were entitled to a trial by jury under the Constitution.

In that situation, how in the world can a great percentage of the people be convinced that by trying those men without the benefit of a jury to pass on their guilt, justice has been done?

Furthermore, who would try them without a jury? The very judges whose orders were allegedly disobeyed. In other words, the judges would prefer the charge; and then they would act as judges of the charge they had preferred. That is one reason why Congress ought to enact a law to remedy that situation. A judge ought not to be put in the position of assuming the role of prosecutor, the role of judge, and the role of jury to find the facts in a case in which he has been peculiarly concerned, a case in which he has charged disobedience of his own orders.

There is an old expression that Caesar's wife should be above suspicion. If there is any other thing that ought to be above suspicion, it is the administration of justice.

When 17 judges have passed upon the question as to whether men are entitled to the constitutional right of trial by jury, and 9 judges say "no," and 8 say "yes," how can the administration of justice be above suspicions? And how can the administration of justice be above suspicion when the judges whose orders have been allegedly disobeyed are to be the jurors as well as the judges of the case?

Mr. LONG of Louisiana. In that case, were not some of the attorneys of the Department of Justice deeply involved in the events surrounding the incident at Oxford, Miss.? Were not some of them parties to it by reason of having advised and consulted with regard to it? Were not the Government lawyers and the Government judges all parties and participants in the events that occurred in Mississippi, and were they not seeking to assess a man with a great amount of culpability, including the indirect responsibility for the loss of two lives at Oxford? Would not the Senator from North Carolina say that that was tantamount to a serious crime?

Mr. ERVIN. There was one thing on which all nine Judges of the Supreme Court agreed in the Barnett case; and that was, that under the Lausche amendment, which Congress adopted in 1960, the accused, Barnett and Johnson, were guilty of a crime, in that they used threats against the enforcement of a Federal court decree.

I remember that the Senator from Louisiana and I took part on the same side in a debate on that proposal. We favored the Lausche amendment. The Senator from Louisiana may recall that the curious advocates of civil rights had a same notion of what the civil rights bill they were trying to pass should do. They submitted a provision relating to the disobedience of court orders that would apply only to one type of disobedience or threat of violence. The Senator from Louisiana joined the senior Senator from Ohio [Mr. LAUSCHE] in a spirited fight to see to it that the provision was extended clear across the board, so that, if there were to be a law on the subject, it would apply to all men in like circumstances.

Returning to the Barnett case, I construe the majority opinion, which was written by Justice Clark, to hold that Barnett and Johnson were not entitled to the right of trial by jury under the Clayton Act. Although the majority opinion stated that the alleged contemptuous act was a crime under the Lausche amendment, it held that the Clayton Act applied only to the district courts, and not to circuit courts.

From a study of the language of the act, one can reach that conclusion. But I feel certain that if Congress had ever thought trials for criminal contempt were to be held before circuit courts rather than district courts, it would have provided for trials in district courts in cases in which the allegedly contemptuous acts were crimes under Federal or State law.

But in those days, as the Senator from Louisiana knows—not by observation, because he is too young, but by reading—virtually no cases in which witnesses were present were tried in the first instance except in U.S. district courts. That was before the day when the circuit court, which was intended to be an appellate court, was converted into a court for the trial of cases.

Mr. LONG of Louisiana. Would it not be correct to say that while the decision held that a three-judge court would not be assembled according to the law applying to district courts, the whole intent of that law was that it applied to cases in which trials for determining the guilt of men were concerned?

Mr. ERVIN. Yes; there is much curious thinking going on about three-judge courts. The bill contains a provision for three-judge courts. It was argued that the reason why a three-judge court was desired was not to allow the Attorney General to shop around to find a court more favorable than a district court, but rather to expedite the trials by using the time of three judges instead of one.

I believe that instead of being expedited, the dockets of the courts would be clogged if this provision were used to any extent. I understand that the Attorney General did not request the inclusion in the bill of the three-judge court provision, but that it was included at the insistence of a Member of the House of Representatives.

Mr. LONG of Louisiana. Are we to understand that the advocates of the bill, particularly the advocates of the three-judge court proposal, are not sufficiently candid as to admit that the purpose is to overcome the situation which would exist if a single judge were not inclined to decide a case the way they might want it decided?

Mr. ERVIN. I think it has been stated, and has not been successfully contradicted, that the entire purpose of the three-judge court provision is to circumvent certain district courts in the Senator's circuit, for the purpose of obtaining access to one or more circuit court judges in the Senator's circuit.

Mr. LONG of Louisiana. Have there been called to the attention of the Senator from North Carolina articles in which it has been stated that a certain few judges in that circuit seem to be selected repeatedly to hear civil rights cases, and that the ones selected are the ones who seem to be most favorable to the position taken by the civil rights bill advocates?

Mr. ERVIN. Yes. I read the opinion of Judge Cameron, who stated that to be a fact; and I do not believe there has been successful contradiction of the figures he gave in that dissenting opinion. He indicated that panels of the circuit court judges in the circuit were used in so-called civil rights cases, and were composed of the same three of the four judges, in the great majority of cases.

Mr. LONG of Louisiana. Therefore, does not it seem that the advocates of the bill in its present form seek, first, to deny a defendant the right to a trial by jury, although that right is guaranteed and is clearly set forth in three different places in the Constitution and the Bill of Rights; and, second, they seek to have the opinion of a district court judge overridden by the decision reached by a three-judge court?

Mr. ERVIN. I believe that would be the inescapable conclusion if we attribute to the language of the bill its inevitable consequences.

Mr. LONG of Louisiana. Can the Senator from North Carolina state why the use of three judges would expedite the reaching of such decisions?

Mr. ERVIN. No, because instead of expediting the reaching of the decision, I believe the use of a three-judge court would delay it. Three judges would have to reach an opinion before they could take action, whereas if only one judge is used, he can proceed after he reaches his own opinion, when hearing the evidence; and usually that is not too difficult to do.

Having served on an appellate court, I can assure the Senator from Louisiana that sometimes one hears some of the most vigorous arguments ever heard in connection with law suits, when judges with different views argue—sometimes more vigorously than counsel argue before the court retires to consider its opinion.

Mr. LONG of Louisiana. Does the Senator from North Carolina think this provision of the bill would be similar to the Russian troika plan of a few years ago? I refer to the so-called troika plan which Russia attempted to impose upon the United Nations. Is it the view of the Senator from North Carolina that the three-judge court arrangement was proposed by some who felt that it might be found that the decision reached by one judge would not be sufficiently heedful of the demands made by the Department of Justice?

Mr. ERVIN. The Senator from Louisiana presents a most interesting thought. If a three-headed United Nations would not function well, I do not understand why it should be believed that a three-judge court would function better than a one-judge court would function. If the only purpose is the administration of justice, why waste all that judicial talent in trying such cases, when throughout the history of our Nation one judge has always been capable of trying these cases by himself?

I thank the Senator from Louisiana for his very penetrating questions in regard to the various provisions of the bill.

At this point I wish to call attention to another act of Congress which authorizes, under the most curious circumstances, the right of trial by jury in criminal contempt cases. I refer now to the provisions of the Civil Rights Act of 1957. When the civil rights bill of 1957 was before the Senate, the Senate struck a solid blow for justice by adopting the O'Mahoney amendment. The O'Mahoney amendment was set forth in words identical to those of the Talmadge amendment. In substance, the O'Mahoney amendment was like the amendment which has been called up by the able and distinguished junior Senator from Louisiana [Mr. LONG]. The O'Mahoney amendment provided for the right of trial by jury in all criminal contempt cases arising in the courts of the United States; and it provided for limited punishment for all persons convicted of criminal contempts in the courts of the United States.

It repealed the unjust and unfounded provision of the Clayton Act which denies persons accused of criminal contempt, in cases brought by the United States, the right of trial by jury, the benefit of the limited punishment provision, and the benefit of the right of trial in the district and in the State in which the alleged contemptuous act was committed. Unfortunately, when the civil rights bill of 1957 was returned to the House, the House changed it; and that change was later acquiesced in by the Senate.

Mr. President, the writer of the Book of Ecclesiastes said there is nothing new under the sun. But the writer of the Book of Ecclesiastes made that assertion before the House of Representatives removed the Senate-adopted O'Mahoney amendment from the civil rights bill of 1957, and inserted in lieu thereof a new provision, which now is embodied in section 1995 of title 42 of the United States Code. If one is interested in this statute, as it was originally codified, he will find it in Public Law 85-350, part 5, section 151. If that House amendment to the civil rights bill of 1957 had been adopted before the writer of the Book of Ecclesiastes wrote that book, he could never have said, in truth, "There is no new thing under the sun."

Nothing like this—which is the existing law in voting rights cases—is to be found under the sun, anywhere on the face of the earth. Nothing like this is to be found in any lawbook except in the books which contain the acts adopted by Congress in 1957.

I wish to include it in the RECORD. It reads as follows:

CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY

> In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however*—

I digress from reading the statute to remark that whenever legislators use the words, "*Provided, however,*" it is a sure indication that they are in too much of a hurry to put the act into proper English.

I continue with the reading of the statute:

> That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days,

> the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.
>
> This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.
>
> Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

There are three provisos in this statute, which is an indication that those who drew it were in three times as much of a hurry as they should have been. Congress ought not to adopt any law that uses any proviso, because that is a sure indication of haste. It is a sure indication of a desire to conclude a task quickly, regardless of what the final legislation may do. And it is a sure indication of a lack of patience to put things in good, sound, reasonable English.

The amendment made by the House in 1957 is subject to two criticisms. In the first place, if a man has a right to a trial by jury, or should have the right of a trial by jury, that right should belong to him. He should have it as a matter of law. And he should be entitled to it even if all of the judges in the United States want to take it away from him. No man has a right to any legal protection unless it is a legal protection which he can demand for himself as a matter of right.

Instead of observing this sound principle, those who drafted this statute stated that a man should have a right to a trial by jury if the judge gave it to him, and he should have no right of a trial by jury if the judge denied it to him. The law gives a man nothing. It merely leaves it to the judge to say for any reason, or no reason whatever, that the man in the first instance shall or shall not have his case determined by the verdict of a jury. The provision vesting discretionary power in the judge to either grant or deny the right of a trial by jury in the first instance in criminal contempt cases arising under the Civil Rights Act of 1957 is clearly inconsistent with the fundamental principle that courts ought to operate under certain laws applicable in like manner to all men in like circumstances. This provision in this respect is inconsistent with the idea that this country has a government of laws rather than a government of men.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Mississippi for a question.

Mr. STENNIS. I call the Senator's attention to a section of the code on jury trial—and I know the Senator is quite familiar with this—where the Federal law already provides that in the district court when a man is charged with criminal contempt, he is entitled to a jury trial as a matter of right, unless—which is the major exception—the Government is a party to the suit.

Mr. ERVIN. That is provided in sections 402 and 3691 of title 18 of the United States Code, which originated in the Clayton Act.

Mr. STENNIS. It shows that the principle of the right to a trial by jury has already been recognized by Congress. The exception occurs when the Federal Government is a party to the suit. Is it not true in the opinion of the Senator from North Carolina that that is the very type case, in many instances, in which the man is more in need of a jury than he would be in a case between one citizen and another citizen?

Mr. ERVIN. The Senator from Mississippi is correct. If there is any time when a man needs protection against tyranny, it is in a case brought by the Government.

Mr. STENNIS. That is correct.

Mr. ERVIN. Tyranny cannot exist in other cases, in which two individuals are in litigation with each other. Each one of them normally has about the same capacity to carry on that litigation. Each has the right to fair treatment at the hands of the court. In other words, the scales of justice in litigation between individuals start out level.

Mr. STENNIS. Yes. And it is citizen against citizen. But in these cases, there would be the overpowering talent, prestige, force, and power of the Department of Justice on the one side, and the little citizen on the other side.

Mr. ERVIN. That is correct. There is the FBI to do the investigating, and I do not know how many lawyers there are. I never could get the information as to how many lawyers the U.S. Government has scattered through its agencies. There are 600 in the Department of Justice, and in every Federal district there is a U.S. attorney, with one or more assistants. So the Government has all those advantages to start with.

Mr. STENNIS. Yes; and the overpowering prestige and accumulation of experienced talent will be on the side of the Government.

It is incidental, but it is a fact of life, that the Department of Justice takes a major part in the selection of judges and those who may be promoted. It comes through the same channels. That is a part of the facts of life.

So I agree with the Senator from North Carolina that in such a case the little fellow who is going to be grabbed up is in need of the protection of the right of jury trial—not as a matter of gift, not by the will of anyone, but by right—and we are the only ones who can give it to him.

Mr. ERVIN. Yes. The Senator from Mississippi recalls as a matter of history that the right of trial by jury originated in Magna Carta, because the barons of England saw it was unfair to have their cases tried by government judges rather than juries. So they compelled King John at Runnymede to guarantee them the right of trial by juries of their peers. The history of trial by jury shows that even as far back as 1215 the people of England were intelligent enough to know that trial by jury was necessary to protect them against tyranny at the hands of the royal government.

Mr. STENNIS. The Senator is correct.

Will the Senator yield further for a question?

Mr. ERVIN. I am delighted to yield.

Mr. STENNIS. After a study of the bill, is it not very clear to the Senator from North Carolina that the bill was carefully and very cleverly drawn so that a major part of the prosecutions would be through the injunctive process and would bring within the provisions of present law an exception so that there would be no jury trial as a matter of right, because the Government would be a party?

Mr. ERVIN. That is correct. Violations of titles I, II, III, and IV, and of title VI, so far as it applies to State and local officials, would be crimes under section 242, title 18, of the United States Code, and the defendants would be entitled to trial by jury. Also, when charged with criminal contempt, they would be entitled to trial by jury under section 402 and section 3691 of title 18 of the United States Code, which is the Clayton Act, were it not for the fact that such suits would be brought by the United States.

I agree with the Senator from Mississippi in the implication of his question that the purpose of these provisions is to rob Americans of the right of trial by jury, which they would otherwise have under existing law.

Mr. STENNIS. I thank the Senator for a very clear and forceful statement.

Let me ask one more question along that line. We know that the bill was put together by some very intelligent and able lawyers who have specialized in this field of work. Without imputing any personal implications to any of them, is it not true that some of them, perhaps most of them, have never tried a case before a jury?

Mr. ERVIN. That is true of a good many of them.

Mr. STENNIS. It is no reflection on them, but they really do not understand and realize the spirit behind the idea of jury trial unless they have practiced law in court and have been what I call courtroom lawyers, who know the real operations of the courts.

Mr. ERVIN. I will say to the Senator from Mississippi, that in my judgment a man who has had experience in the trial of cases, who has appeared on both sides of civil litigation, for the plaintiff and for the defendant, who has appeared as a State prosecutor and who has appeared for the accused in State prosecutions, is nearly always a believer in trial by jury.

Mr. STENNIS. That comment is well made. That has been my observation.

Let me direct the Senator's attention to section 302, on page 13 of the bill, which is in title III. In view of what the Senator has just said about the way the bill was drafted, to avoid giving parties the right of trial by jury, does it not make the sleeper section 302, which is a hidden section in the bill, all the more powerful and extensive in its application, and more deadly, and should it not be ripped out of the bill line by line because of that very fact, if for no other reason?

Mr. ERVIN. The Senator is correct. Section 302 on page 13 of the bill would give the Attorney General of the United States absolute power to intervene in suits brought by individuals. If the suit remained between individuals, without the Attorney General's intervention, a person charged with a criminal contempt for disobedience of a court order would be entitled to a trial by jury. Not only would he be entitled to a trial by jury, but to limited punishment. Both those rights would be taken from the individual if the Attorney General sought to intervene.

Mr. STENNIS. By merely intervening in the suit the Attorney General would change the whole law with respect to punishment and the right of trial by jury.

Mr. ERVIN. In other words, no guide is laid down as to when the Attorney General should intervene or not intervene. This provision gives him complete power, at his caprice or whim, to do as he wishes. Yet, when he exercises that power by intervening, he robs a litigant of the basic rights which he would otherwise enjoy.

This section gives the lie to the contention that the bill is designed to promote the rule of law rather than the rule of individuals.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. ERVIN. At the present moment, the pending bill would not secure to any person the right to trial by jury under any circumstances except in respect to criminal contempt arising under titles I and II. Jury trials in those cases would be held under the peculiar conditions specified in the Civil Rights Act of 1957. Under the bill in its present form, persons charged with criminal contempt would not have the protection of an indictment by a grand jury under any circumstances, despite the fact that section 1 of title 18 of the United States Code provides, in substance, that there must be an indictment by a grand jury in all felonies, and that a felony is a crime punishable by death or imprisonment for more than 1 year. Under no title of the bill would there be the right to demand an indictment by grand jury before a person could be placed on trial for criminal contempt.

There is a provision in the Constitution that no man shall be placed twice in jeopardy for the same offense. Under the bill a person could be placed twice in jeopardy in any contempt case—in the first instance, for civil contempt, and in the second, for criminal contempt. And, he could be placed in jeopardy a third time, if his alleged contemptuous act also constitutes a crime under Federal law, as it would in respect to the acts of State and local officials under titles I, II, III, IV, and VI. For example, in the case of federally assisted programs administered by State and local officials, a State or local official could be tried and punished a third time for a crime.

I respectfully submit that double and triple punishment for the same act is repugnant to any sound system for the administration of justice. Yet that is precisely what the bill would sanction.

In addition, if a person were convicted of criminal contempt under any provision of this act other than titles I and II, he would be subject to unlimited punishment and the only protection he would have against unlimited punishment would be the eighth amendment which specifies that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

I have spent the major efforts of my life in the study and practice of law and in the administration of justice. I am compelled to make an honest confession that I cannot tell anyone what constitutes a cruel and unusual punishment within the purview of the eighth amendment. I further assert that I do not believe there is a single judge or a single lawyer in the United States who can cite a definite rule by which to determine whether a punishment is cruel and unusual within the purview of the eighth amendment.

It is inconsistent with any sound system of jurisprudence to enact a law subjecting any man to a punishment so unlimited in nature that no member of the bench or bar of the Nation can lay down a fixed rule by which to measure the character of such punishment; yet, that is the kind of punishment which can be inflicted upon a person convicted of criminal contempt under any title of this bill, other than titles I and II, as the bill now stands.

So far as I can determine, there never would have been any proposal, on behalf of the proponents of the bill, made to the Senate that there should be any right to trial by jury in criminal contempt cases arising under any title of the bill, other than titles I and II.

But the able and distinguished junior Senator from Georgia [Mr. TALMADGE] offered a bill which was cosponsored by the able and distinguished junior Senator from Mississippi, the able and distinguished junior Senator from Virginia, and myself, in the identical form of the O'Mahoney amendment of 1957, which provided for a jury trial clear across the board, and for the benefit of limited punishment in accordance with the provisions of the Clayton Act. Then, in order to head off the enactment of that provision into law by Congress, the able and distinguished majority leader, and the able and distinguished minority leader, introduced what is called the Mansfield-Dirksen or the Dirksen-Mansfield amendment in the nature of a substitute.

I had something of a discussion with my good friend the able and distinguished senior Senator from Rhode Island [Mr. PASTORE] as to the interpretation of this amendment in the nature of a substitute, on Wednesday of last week. He and I disagreed as to the meaning of this proposed substitute in one respect.

Really, when all is said and done, our argument came down to the question of which of two interpretations is a correct interpretation of the proposed amendment in the nature of a substitute.

I took the position that the only substantial change from the jury trial provision of the Civil Rights Act of 1957, made by the Mansfield-Dirksen amendment, is the reduction of the permissible imprisonment from 45 to 30 days. Whichever interpretation may be correct, there was that change from the jury trial provision of the Civil Rights Act of 1957.

The curious jury trial provision in the Civil Rights Act of 1957 specifies in crystal-clear language that the accused in a criminal contempt proceeding arising under that act can demand and obtain a trial de novo before a jury if the judge imposes upon him a fine in excess of $300 or imprisonment in excess of 45 days. This being true, the Civil Rights Act of 1957 certainly provides that the accused cannot demand a jury trial as a matter of right unless he is first tried by a judge without a jury and sentenced to a fine exceeding $300 or to a term of imprisonment exceeding 45 days.

I contended in my discussion with the able and distinguished senior Senator from Rhode Island that that construction was also applicable to the Mansfield-Dirksen amendment in the nature of a substitute, because there was no significant change between the 1957 jury trial provision and the proposed amendment in the nature of a substitute, except a reduction in the permissible time of imprisonment from 45 to 30 days.

The Senator from Rhode Island contended that there would be only one trial, and he evidently based his opinion on the fact that the Mansfield-Dirksen amendment omits from its provisions these words which appear in the Civil Rights Act of 1957: "and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases."

The Mansfield-Dirksen amendment in the nature of a substitute omits the words which appear in the jury trial provision of the Civil Rights Act of 1957.

It would substitute for that language the words: "the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed 30 days. If the trial is by jury, the procedure shall conform as near as may be to that in other criminal cases."

My good friend from Rhode Island contended that, owing to the omission of the words I read first and the inclusion of the words I have read now, there would be only one trial for criminal contempt under the Mansfield-Dirksen amendment if it were enacted into law.

I am constrained to say that the court might have some difficulty choosing between the construction put upon the Mansfield-Dirksen amendment by me and the construction placed upon the amendment by the able and distinguished senior Senator from Rhode Island.

There is a rule of construction to the effect that if a statute is susceptible of two constructions, one wise and the other foolish, the court will take the construction which is wise and reject that which is foolish.

As I construe the Mansfield-Dirksen amendment, an accused would not obtain a jury trial as a matter of right unless he was first tried by the judge without a jury and sentenced to pay a fine in excess of $300 or to suffer imprisonment in excess of 30 days. This is my construction of the Mansfield-Dirksen amendment. I admit that this construction gives the amendment a foolish meaning. My good friend from Rhode Island takes another position. He says that a man can be tried only once. If he is tried by a judge without a jury, the judge cannot fine him more than $300 or imprison him for more than 30 days. The Senator from Rhode Island may be correct in saying that that is the correct construction of those words. But if that construction is correct, I think that it is even more foolish than mine.

What does that mean? It means that the Mansfield-Dirksen amendment in the nature of a substitute is even more ridiculous than the jury trial provision in the Civil Rights Act of 1957.

I am frank to confess that until I heard the Senator from Rhode Island speak the other day, I thought the jury trial provision in the Civil Rights Act of 1957 was the most ridiculous thing that had ever been placed on the statute books.

Let us see what the situation would be if we were to accept as correct the interpretation which the able and distinguished senior Senator from Rhode Island places upon the Mansfield-Dirksen amendment.

Under his construction, the judge must decide the nature and extent of the punishment he will give the accused before he tries the case. That is exactly what it means. It means one of two things. It means either that the judge must determine in advance of the trial the nature and extent of the punishment he must give the defendant, when he is totally ignorant of all the facts of the case, or when he already knows what the facts of the case are and has already formed an opinion about the case before he tries it.

It has always been my conception that no judge ought to decide what punishment he will give to a defendant in any case until he has heard the facts of the case, has become acquainted with the character of the defendant's conduct, and has been advised of all the mitigating circumstances urged by the defendant.

Yet the bill would require in one instance that a judge should determine in advance of trial the nature and extent of the punishment he would give the defendant, when he did not know a thing about any of the significant circumstances, and when he was acting entirely out of ignorance.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. STENNIS. For the judge to reach a conclusion at that stage as to the punishment, the judge must conclude that the defendant is guilty. Is that not correct? That is, if he decides to give a jury trial.

Mr. ERVIN. If the judge is to act out of knowledge, instead of out of ignorance, he must form his opinion about the case before he tries the accused for criminal contempt. It is necessary for the punishment to be fixed in advance by an ignorant judge, or by a judge who has already formed an opinion that the defendant is guilty, and also as to the nature and extent of the punishment he deserves.

Mr. STENNIS. The latter is the better course, always, than the course of ignorance. Therefore, is there any safeguard that in that determination the defendant would have the right to be represented by counsel and have the right of compulsory process to bring in witnesses, or the right to have any kind of hearing?

Mr. ERVIN. There is no provision in the Dirksen-Mansfield substitute which would give any person accused of criminal contempt or his attorney the right to say a word in his behalf before the judge decided what the nature and the extent of his punishment should be.

Mr. STENNIS. The judge would not hold any hearing of any kind. Is that correct?

Mr. ERVIN. None whatever. He would either have to act out of total ignorance, or he would have to act under circumstances indicating that he had already formed his opinion about the case, and therefore could not give the defendant a fair trial.

Mr. STENNIS. The Senator has made the situation very clear. He has reached the correct conclusion. Is not all this procedure, without notice to the defendant, an opportunity to be heard, to bring in witnesses, or to be represented by counsel, contrary to the fundamental concepts of justice and due process of law under our system?

Mr. ERVIN. The Senator is absolutely correct. Our system contemplates that no man shall have any sentence imposed upon him by a judge until the judge has learned the facts of the case and has weighed the facts in the light of any mitigating circumstances called to his attention by the defendant or his counsel.

The proposal does violence to that principle because it requires the judge to make up his mind and reach a decision, before he starts the trial of the case, about the character and extent of punishment which the accused should receive.

If a judge does not know the facts of the case and has no opinion on that point, he must reach that decision out of his total ignorance. That does violence to any sensible system of punishment.

On the contrary, if the judge were to act with knowledge, as the Senator suggests by his question, the judge would already know all the facts except such exculpatory facts or such mitigating circumstances as might be presented by the defendant or his counsel. In short, the judge would have to form his opinion in respect to the punishment to be imposed before he conducts the trial.

On the second horn of this unjust dilemma, a judge who tries a person when he already knows how much punishment the person ought to have is doing something that is repugnant to our system of justice. Edmund Burke has expressed it much better than I can. He said:

> Every man is entitled to be tried with the cold neutrality of an impartial judge.

How can a man be tried with the cold neutrality of an impartial judge when the judge is required by law to determine, before he tries him, what the nature and extent of the punishment should be?

Mr. STENNIS. The Senator has expressed it very well. When a judge is conducting a trial before a jury, does he not swear every one of the jurors to give the defendant the benefit of the presumption of innocence and not find him guilty until all 12 are convinced of the defendant's guilt beyond a reasonable doubt? That is different from a judge who would already have determined in his own mind that a defendant was guilty; is it not?

Mr. ERVIN. That is true. It illustrates the fact that when a law is passed to provide for the punishment of people for the purpose of enforcing a policy rather than for the purpose of doing justice, the law travels a crooked and wrong road.

Mr. STENNIS. I thank the Senator from North Carolina for yielding.

Mr. ERVIN. It occurs to me that if the proponents of the bill wish to do justice to persons charged with criminal contempt under the bill, they ought to do so in a forthright manner. They ought to adopt the pending amendment, offered by the Senator from Louisiana [Mr. LONG] and say that every man charged with criminal contempt shall have the right of trial by jury before he can be punished by either a fine or imprisonment. Why not seek our way to justice on the only road that leads to justice, instead of offering an amendment which attempts, I believe, in the words of Shakespeare, to—

> Keep the word of promise to our ear,
> And break it to our hope.

The amendment in the nature of a substitute is an affront to our system of jurisprudence, which is founded on the principle that a man is entitled to due process of law. By due process of law, I mean the right of a person to have a fair trial before an impartial judge and an impartial jury in an atmosphere of judicial calm.

It is absurd to provide that a judge must determine before he tries a case the nature and extent of the punishment which he will impose on the accused, so that he may determine ahead of time whether he will give the person the right of trial by jury or deny that right. That kind of statute is a negation of fair trial. Since we are talking about contempt I assert that the proposed substitute shows contempt for the basic principle on which justice rests.

I have called the attention of the Senate to various acts of Congress which undertake to provide the right of trial by jury in criminal contempt proceedings under various circumstances, and which in some cases undertake to deny the right of trial by jury in criminal contempt cases under other circumstances. I invite attention to the latest statute on this subject. In 1959, the Senate considered and passed what is called the Labor-Management Reporting and Disclosure Act of 1959. At that time, Congress wrote into the law of the United States the following provision for jury trials in criminal contempt cases arising under that act:

> CRIMINAL CONTEMPT
>
> SEC. 608. No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

I am proud to be able to say that the words of that section of the act were written by me. I have always believed in the right of trial by jury for all the accused in criminal contempt proceedings. I am glad to have had a part in writing into an act of Congress a provision guaranteeing the right of trial by jury to persons involved in criminal contempt proceedings arising under the Labor-Management Reporting and Disclosure Act of 1959.

The word "Secretary" used in this act refers to the Secretary of Labor. This provision appears in a law which resulted from the passage of a bill originally cosponsored by the then Senator John Fitzgerald Kennedy and myself and a number of other Senators. In its original form, the bill dealt with the internal affairs of labor unions. It was designed to give to rank-and-file members of labor unions protection against the officers of those unions. It defined the duties of the officers of the unions and the duty of the Secretary of Labor in respect to bringing certain civil actions in the district courts of the United States to compel the officers of labor unions to perform the duties it imposed upon them.

When the bill reached the House, it was amended considerably by including in it many provisions dealing with the external relations between management and labor, in addition to the provisions dealing with the internal affairs of unions. The bill became known as the Landrum-Griffin Act as a result of the changes made in the House.

It is interesting to refer to the circumstances under which section 608 of the Labor-Management Reporting and Disclosure Act of 1959 was adopted.

I wish to read a portion of the CONGRESSIONAL RECORD for April 25, 1959, which reveals the circumstances under which the last law guaranteeing the right of trial by jury in criminal contempt cases was enacted:

> [From the CONGRESSIONAL RECORD for Apr. 25, 1959.]
>
> Mr. ERVIN. Mr. President, on behalf of myself and the distinguished Senator from South Carolina [Mr. THURMOND], I offer an amendment, which I ask the clerk to state.
>
> The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina for himself and the junior Senator from South Carolina will be stated.
>
> The LEGISLATIVE CLERK. It is proposed, at the end of title II on page 35, to add a new section, as follows:
>
> "SEC. 207. No person as defined in section 501 of this Act shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary of Labor or any other person in any court of the United States under the provisions of the Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district court of the United States."
>
> Mr. ERVIN. Mr. President, this amendment, which I offer on behalf of myself and the distinguished junior Senator from South Carolina [Mr. Thurmond], merely provides for jury trials in criminal contempt cases. In that way it would harmonize with the pattern of law which has prevailed in labor controversies since 1914, when the Clayton Act was adopted.
>
> The purpose of the amendment is to make plain that it is not the object of Congress in enacting the present bill into law to change the pattern of legislation which has been in effect since 1914.
>
> The amendment would not in any way affect the power of the court to enforce its judgment by civil contempt proceedings where no jury is employed.
>
> The able and distinguished junior Senator from Massachusetts informed me that he would accept the amendment, and I have made a diligent effort to discuss the amendment with Senators on both sides of the aisle. So far I have been able to find no one in opposition to it.
>
> Mr. JOHNSON of Texas. Mr. President, I am informed that the amendment is acceptable to the chairman of the subcommittee. I yield back the time.
>
> The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN], for himself and the Senator from South Carolina [Mr. THURMOND].
>
> The amendment was agreed to.

This is the last statute granting the right of trial by jury to any person in criminal contempt proceedings enacted by Congress.

It is interesting to note that when I referred to "the able and distinguished junior Senator from Massachusetts" as having "informed me that he would accept the amendment," I was referring to John Fitzgerald Kennedy, the floor manager of the bill in the Senate, who afterwards became a distinguished President of the United States, and who met his death in such tragic fashion last November.

It is also interesting to note that the Mr. Johnson of Texas who joined me in assuring the President of the Senate that the floor manager of the bill was willing to accept the amendment is now President of the United States.

It is also very significant, I believe, to note that I then stated on the floor of the Senate that I had talked to Senators on both sides of the aisle, and I had made diligent efforts to ascertain whether any Member of the Senate was opposed to the amendment which would guarantee the right of trial by jury in criminal contempts arising under the Labor-Management Disclosure and Reporting Act of 1959, and that I had not been able to find anyone in opposition to it.

It is also rather significant to note that the amendment was adopted by the U.S. Senate by a voice vote, without any indication whatsoever of any opposition to the amendment.

Mr. RUSSELL. Mr. President, will the Senator from North Carolina yield?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. ERVIN. I am delighted to yield to the Senator from Georgia for a question.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senator from North Carolina may yield to me, to permit me to make an observation, without in any wise prejudicing his right to the floor.

The PRESIDING OFFICER. Without objection——

Mr. MUSKIE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. RUSSELL. Then, Mr. President, I thank the Senator from North Carolina for yielding to me for a question:

I ask the Senator from North Carolina whether he has ever heard of a greater anomaly or has ever seen a greater demonstration of control of a legislative body by outside pressure than that shown by objection to the inclusion in a bill, which bears the title of "civil rights," of an amendment which provides the greatest of all the legal and civil rights of our people, the right of trial by jury.

I also ask the Senator from North Carolina if it is true that the right of trial by jury is the main difference between the form of government we enjoy, which has enabled us to achieve our greatness and to establish the American way of life, the highest civilization known to mankind, and that of tyranny or a government of men, rather than one of laws.

I also ask the Senator from North Carolina if it is true that the hallmark of freedom is the right to be tried by a jury of one's peers, whereas the Fascist state and the Communist state do not recognize the right and protection of the jury trial.

I also ask the Senator from North Carolina if he knows of any possible reason why—in a so-called civil rights bill which would transform the system of jurisprudence in this country from the ordinary legal processes we have inherited from our forefathers to an alien form of control by injunction and judge rule, rather than a rule by means of which a man can face a jury of his peers—there would be this violent reaction in opposition to the effort to secure this ordinary right in the trial of what really amounts to a criminal charge.

I also ask the Senator from North Carolina if any objection was made in the case of the amendment to which he has referred, when a jury trial was assured for criminal contempts in cases brought under a labor bill, as contradistinguished from the pending bill, which pretends—but it is only pretense and cant and hypocrisy—to be a civil rights bill, but actually would deny the elementary civil right of a trial by jury?

Mr. ERVIN. I will say to the Senator from Georgia, in partial reply to his questions, that when I offered the jury trial amendment which now appears in the Labor-Management Disclosure and Reporting Act of 1959, all the Members of the Senate came running to embrace it—all of them, without exception. The then able and distinguished junior Senator from Massachusetts, later to become President John Fitzgerald Kennedy, accepted the amendment; and the present President of the United States, then Senator Lyndon B. Johnson, of Texas, stood on the floor of the Senate and said the amendment was acceptable, and yielded back the remainder of the time under his control, in connection with the amendment, so that the Senate could adopt the amendment without further delay.

I also would say, in further reply to some of the questions asked me by the able and distinguished senior Senator from Georgia, that 750 years ago the barons of England, recognizing that the only protection the people had against governmental tyranny was to be found in the right of trial by jury, confronted King John, at Runnymede, and demanded of him that he grant them Magna Carta, the great charter, and that he incorporate in it a provision guaranteeing that there be the right of trial by a jury of their peers.

It is a strange thing that those who had some little authority in England 750 years ago had a devotion to the right of a trial by jury and had a recognition of the fact that it is the only protection that people have against governmental tyranny, whereas in the year 1964, 7½ centuries later, the proponents of this bill no longer have any devotion to the right of a trial by jury—at least in criminal contempt proceedings, which are nothing in the world but criminal actions by another name.

For the life of me, I am unable to comprehend how anyone who has any devotion to the principles upon which this great Nation was founded can oppose the right of a trial by jury in any proceeding which is designed to authorize the punishment of any human being by fine or imprisonment.

As the Senator from Georgia well knows, the right of a trial by jury has existed among English-speaking people, and has been venerated by English-speaking people, as the supreme civil right of individuals for 750 years.

As the Senator from Georgia also well knows, on two occasions prior to the American Revolution, the British Parliament, acting on the recommendation and at the urging of King George III and his ministers, passed two laws virtually identical with this bill in one respect which deprived the people of the right of a trial by jury on the merits by transferring jurisdiction of criminal cases to the courts of admiralty, where no jury trials were permitted.

Subsequently, the colonists met twice and condemned the denial of the right of a trial by jury perpetrated upon them by King George III and the British Parliament. And when Thomas Jefferson wrote the Declaration of Independence, he gave the fact that in many cases the colonists had been denied the right of a trial by jury by these acts of the British Parliament as one of the causes why the 13 Colonies should sever the bond which bound them to their mother country.

In light of these facts, it is astounding to hear the proponents of the bill urge upon the floor of the U.S. Senate in the year of our Lord 1964 that any American should be denied the right of a trial by jury in proceedings brought to punish him by fine or imprisonment.

I join the Senator from Georgia in saying that the most precious civil right that any people can enjoy is a right to a trial by jury in any kind of proceeding which is designed to punish them by fine or imprisonment.

Mr. RUSSELL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield for a question.

Mr. RUSSELL. Is this not a right which should be cherished by all Americans of every race, of every creed, of whatever national origin they might be?

Mr. ERVIN. The Senator is correct.

Mr. RUSSELL. Is it not enough to excite grave forebodings, and arouse and generate real fears in the breasts of all of those who love their country and who are concerned about the form of government under which the next generation will live, to see men who are willing to take their dictation, or their opinion, from the Attorney General or from the pressure of certain minority groups, and to seek to turn back the tide of freedom that was put in motion at Runnymede 750 years ago?

Mr. ERVIN. In answer to the question of the Senator from Georgia, I should like to say—what I believe is the truth—that even though people may proclaim themselves to be liberals, if they would deny the right of a trial by jury to any man in any proceeding brought to punish him by fine or imprisonment, they are even more reactionary than King John was before Runnymede.

Mr. RUSSELL. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. RUSSELL. I ask the distinguished Senator from North Carolina if he shares my view that men who would promote so-called civil rights legislation and yet would oppose an effort to preserve this precious freedom of the right of a trial by jury are more to be feared and more subject to suspicion than the Devil quoting Scripture, when they talk for civil rights and yet oppose the right of a trial by jury?

Mr. ERVIN. I believe even the Devil, as bad as he is, would not go so far as to deny people the right of trial by jury. I think even he would think it a fundamental and necessary right.

The Senator from Georgia and the Senator from North Carolina are not the only people who have spoken in this historic Chamber in behalf of the preservation and the extension of the right to trial by jury.

Perhaps the most eloquent speech I ever heard delivered in the Chamber of the Senate by the present President of the United States, Lyndon B. Johnson, was delivered on August 1, 1957, when he pleaded with the Senate to adopt the O'Mahoney amendment, which was identical in form with the amendment proposed by the junior Senator from Georgia [Mr. TALMADGE].

This speech was such an eloquent speech that I think it will bear reading to the United States Senate at this hour when we fight to preserve and to expand the same right that the President of the United States, as Senator from Texas, was fighting to preserve and expand on that occasion. I read from the CONGRESSIONAL RECORD, volume 103, part 10, beginning on page 13355, and ending on page 13356.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ERVIN. Before I read from the CONGRESSIONAL RECORD, I yield to the Senator from South Carolina for a question.

Mr. JOHNSTON. I ask the Senator from North Carolina if he has heard the people, who are supposed to be the ones who desire a fundamental change, crying out to have this right taken away from them?

Mr. ERVIN. I have not. And whenever we hear the people of the United States crying out for the abolition of the right of trial by jury, or for the denial of the right of trial by jury, then we can say that the day has come, which Justice Hand said he feared might come some day, that love of liberty has died in the hearts of the people.

Mr. JOHNSTON. Does not the Senator feel that many of those who drafted this bill so hastily probably are seeing their mistakes but will not acknowledge them?

Mr. ERVIN. I should think that anyone who loved liberty and who had been beguiled for even a moment into supporting any kind of proposal that any human being ought to be denied trial by jury in criminal contempt ought to come to the mourner's bench and get into harmony with the barons at Runnymede and with Jefferson and the other signers of the American Declaration of Independence and the Constitution and the lovers of liberty and the right of individuals to be free from governmental tyranny.

Mr. JOHNSTON. So some persons had not been reading the history of the United States, or they would not have acted so hastily in drafting this legislation. Is that not true?

Mr. ERVIN. I wish I could accept the implication of the question as being a fact. I believe that those who drew up this bill knew what they were doing. I think they were trying to draft the most monstrous blueprint for governmental tyranny ever presented to Congress; but I have indulged in the hope that many Members of the Senate who in a moment of unthoughtfulness accepted this provision of the bill, not realizing all its implications, would change their minds.

Mr. JOHNSTON. The Senator agrees, then, that our judicial department, which is known as the Department of Justice, probably had some hand in it, since the bill would give to the Attorney General unlimited powers to act and almost to become a dictator?

Mr. ERVIN. It is a fair interpretation of this bill to say that, if enacted into law, it would vest in the Attorney General of the United States discretionary power which no American Congress in the history of this Nation has ever been willing to vest in any public official.

I would go so far as to say that, if enacted into law, we might well proclaim the Attorney General of the United States as the uncrowned emperor of America.

Mr. JOHNSTON. The bill would place a great deal of power in him.

Mr. ERVIN. Every day I read in the press that some of the proponents of the bill are meeting with the Attorney General and trying to devise ways and means of getting this bill passed in some form or another.

Titles I, II, III, and IV of the bill purport to create laws for our country. But the bill would make them the personal possession of whoever is the Attorney General of the United States at any particular moment. He could use the laws if he saw fit. He could refuse to use the laws if he saw fit. He could use the laws in favor of some persons, and refuse to use them in favor of some persons under exactly the same circumstances. He could use such laws against some persons and refuse to use them against other persons who had committed the same alleged acts.

One man, the occupant of one office, who is identified as the occupant of the Attorney General's office, out of the 185 million people of the United States, could take the bill, and all the provisions for the enforcement of the bill, and do what he pleased with them according to his caprice or whim, without any legal guidance. All he would have to say would be "yea" or "nay."

I do not think the man who could exercise justly and wisely for the safety of the people, the vast powers the bill would confer upon the Attorney General of the United States, has yet been born on this earth.

Mr. JOHNSTON. Is it not true that at the same time they were getting ready to draft the bill they were asking for some 70-odd additional judges throughout the United States? They asserted that the courts were congested at that time and that the additional judges were needed. Is it not true that the courts today are just as congested as they were then? Most of the requested additional judges were provided about a year ago.

Is it not the Senator's opinion that if the bill is passed 76 more judges had better be added?

Mr. ERVIN. I do not believe 76 more would be adequate. If the provisions of this bill are to be enforced, the Federal Government will have to extend its activities and send abroad in the country large numbers of officials like locusts to eat up the substance of the people. It would extend the hand of Federal regulation into every nook and corner of this Nation. Under the provisions of the bill the people would have their commercial and personal affairs taken out of their hands and regulated by the Federal Government in Washington.

Mr. JOHNSTON. To let the people know who is talking, let me ask this question: Is it not true that the Senator from North Carolina is head of the Subcommittee on Constitutional Right?

Mr. ERVIN. That is true.

Mr. JOHNSTON. Is it not true that the Senator from North Carolina served on the supreme court of his State?

Mr. ERVIN. I was privileged to serve there for 6 years, until I resigned to accept a seat in the Senate.

Mr. JOHNSTON. And the Senator has been here since?

Mr. ERVIN. Yes.

Mr. JOHNSTON. How long did the Senator from North Carolina practice law?

Mr. ERVIN. Since it will be seen that I have lost all the "chlorophyll" from my hair, it will be evident that I have been around a while. I think I started reading Blackstone's "Commentaries on the Law of England" when I was a teenager back in 1914.

Mr. JOHNSTON. Many complex legal questions come before the Judiciary Committee, on which the Senator serves; but whenever there is a constitutional question, we rely on the Senator from North Carolina. Do not all the members of that committee—Democrat and Republican—call the Senator from North Carolina the constitutional lawyer?

Mr. ERVIN. I fear some of my friends are too generous.

Mr. JOHNSTON. But do they not do that? Has not the Senator from North Carolina been called that many times?

Mr. ERVIN. I have been paid many compliments, and I have had some things said about me that I would say were derogatory.

Mr. JOHNSTON. When the Attorney General testified on the constitutional rights bills, is it not true that the Senator from North Carolina was the one who acted as the quizzer of the Attorney General?

Mr. ERVIN. I would say that the Attorney General and I had quite a number of colloquies about bills somewhat similar to this. After we were through discussing one like this, the Attorney General left the discussion, and he has not been back since.

Mr. President, before I yielded to my distinguished friend from South Carolina, I was about to read to the Senate one of the most eloquent speeches ever made in this Chamber for the preservation and expansion of the right of trial by jury, particularly in criminal contempt cases. This speech was made in advocacy of the passage of the O'Mahoney amendment, which was identical to the Talmadge amendment now before the Senate. This speech was so eloquent that after its delivery 51 Members of the Senate voted to adopt the O'Mahoney amendment.

Among them were the present President of the United States, the late President Kennedy, the present able and distinguished majority leader [Mr. MANSFIELD], and many other illustrious Senators.

I now read the speech:

> Mr. JOHNSON of Texas. Mr. President, sometimes in the course of debate we use loose language. But it is not speaking loosely to say that the Senate is approaching a truly historic vote.
>
> By adopting this amendment, we can strengthen and preserve two important rights. One is the right to a trial by jury. The other is the right of all Americans to serve on juries, regardless of race, creed, or color.
>
> But the adoption of this amendment means something even more important. It means the strengthening of the basic purpose of this bill, which is to provide strong guaranties for the right to vote.
>
> I believe we all recognize the fact that in this bill we are stepping into a new field of law enforcement. I am aware of the legal arguments that this is a traditional exercise of the powers of equity.
>
> Those arguments will not be very impressive to our people. No lawyer—no matter how learned—will ever convince them that it is traditional to bring Federal judges directly into the voting cases.
>
> As the bill now stands, it is an effort to convert criminal acts into civil offenses so that they may be punished criminally without a jury trial.

I digress from my reading of the speech to note how true that is of the pending bill.

> In my opinion, our people will accept the necessity for bringing the Federal courts into the election picture. They realize that there is a question of speed involved if the right to vote is to be effective.
>
> But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.

I should like to digress for a moment to emphasize the soundness of that remark:

> But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.
>
> If we were to insist upon criminal contempt proceedings without a jury trial, we would be inviting the very violations we seek to avoid. In my opinion, we could make no greater mistake.

I digress to say, "How true."

> This amendment has been carefully drawn. It leaves the Federal courts with full power to enforce compliance with legitimate court orders. It does not touch, in any manner, the coercive authority the judiciary probably should have.

I digress again to say that that statement, made by the then Senator from Texas, is equally applicable to the proposed perfecting amendment called up by the junior Senator from Louisiana [Mr. LONG] to the Talmadge amendment. I continue to read:

> It says only that a man cannot be branded as a criminal, in the sight of his fellow man, without a trial by jury.
>
> North, South, East, or West, our people will respond to laws that are enacted fairly after reasonable consideration. Those who will not respond can be handled under the ordinary proceedings of criminal contempt.
>
> Mr. President, I believe in the right to vote. I believe in strengthening that right. I believe further that most of our people share my belief or are at least willing to accept it.
>
> And I reject—absolutely reject—the contention that we must concentrate on threats in advance of violation. That is not the way to resolve an issue; it is only the way to create new issues.

> Mr. President, I am not going to engage, tonight, in a lengthy argument on the merits of this amendment. There are on this floor able Senators who have explored every aspect thoroughly. The hour is late, and many Senators are prepared to vote.
>
> But, before the rollcall is had in the Senate tonight, I should like to call the roll of the great men of the past. I do so only because I believe it will indicate the strength of the jury-trial tradition among our people.
>
> It was Thomas Jefferson who said:
>
> "They [the juries] have been the firmest bulwark of English liberties."
>
> It was Alexander Hamilton who said:
>
> "The more the operation of the institution [trial by jury] has fallen under my observation, the more reason I have discovered for holding it in high estimation."
>
> It was the late Senator Walsh, of Montana, who said:
>
> "There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the system as we now know it."
>
> It was the late Senator George Norris, of Nebraska, who said:
>
> "A procedure which violates this fundamental right of trial by jury in criminal cases, even though it be a case of contempt, violates every sense of common justice, of human freedom, and of personal liberty."
>
> Mr. President, these quotations could be continued into the evening, but it would be pointless to do so. The tradition of trial by jury is deep within the heart of our liberty-loving people.

What a wonderful expression. I shall emphasize it by rereading it:

> The tradition of trial by jury is deep within the heart of our liberty-loving people.
>
> Repeal that right, and our laws will become ineffective, except to incite disobedience. Recognize that right, and we shall have one of the strongest and most effective laws in our history.
>
> Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body.

I shall digress to make some observations about the statement made by then Senator Lyndon B. Johnson, of Texas:

> Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body.

We have heard most astounding statements made on the floor of the Senate in respect to what action the Senate is to be permitted to take by way of amendment to the bill. We have been warned by the proponents of the bill that the Senate must not adopt any amendments unless such amendments are first approved by Representative McCulloch. I know that Representative McCulloch is a very fine Member of the House. I know also that he is a wise man. But I am unwilling to take the position of the proponents of the bill, who evidently proceed upon the theory that the Senate must not adopt any amendment to the bill without first obaining he consent and approval of Representative McCulloch.

Despite my strong admiration for Representative McCulloch, and despite my high respect for his intellectual ability I am unwilling to concede, as do some of the proponents of the bill, that the individual wisdom of Representative McCulloch exceeds the combined wisdom of all 100 Senators of the United States. Even if I did not labor under the belief that the combined wisdom of 100 Senators is at least equal to that of Representative McCulloch, I would nevertheless take the position that the Senate could not be true to its oath and to its responsibilities if it were to abdicate its function, in considering legislation, and make complete obeisance to Representative McCulloch, despite the admiration in which he should be held by the Senate and the American people.

The Constitution clearly contemplates than when the Senate is convened as a legislative body, Senators shall exercise their own God-given faculties, and not abdicate the exercise of their God-given faculties to any Member of the House, no matter how wise that Member of the House may be or how high he may be held in their estimation.

In closing my comments, I wish to reiterate what former Senator Johnson said on August 1, 1957, on this point:

> Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body. All I know is that tonight we in the Senate must do our duty as we see it.

I commend those words of former Senator Johnson, of Texas, to the consideration of all the proponents of the bill who urge that the Senators refrain from doing their duty as Senators. I urge them to give their independent consideration to the bill without fear that their action may not be pleasing to any Member of the House of Representatives. I resume my reading of this great speech:

> Mr. President, when the roll is called, I hope this amendment will be adopted by a substantial vote.
>
> Mr. President, I yield back the remainder of the time under my control, on the condition that the minority leader will do likewise.

Mr. President, I have concluded my reading of this wonderful speech advocating the right of trial by jury in criminal contempt cases and advocating the adoption by the Senate of an amendment to secure the right of trial by jury to persons charged with contempt, even in civil rights cases. I sincerely trust that a majority of the Senate will heed the wise advice which the then Senator Lyndon B. Johnson, of Texas, gave to the Senate in 1957, and will vote for the adoption of the amendment called up by the junior Senator from Louisiana [Mr. Long], an amendment which is in the nature of a perfecting amendment to the Talmadge amendment.

Mr. President, on Monday, May 11, I submitted certain amendments—namely, amendment No. 585, amendment No. 586, amendment No. 587, amendment No. 588, amendment No. 589, amendment No. 590, amendment No. 591, amendment No. 592, amendment No. 593, amendment No. 594, and amendment No. 595. These amendments have been printed, and they now lie at the desk.

In order that the Senate may know the provisions of these amendments and may ascertain for itself that the adoption of these amendments would remove some of the legal and constitutional inequities and illegalities from the pending bill, I ask unanimous consent that they be printed at this point in the body of the Record, as part of my remarks, for the information of the Senate, and that the reading of the amendments, under the Senate rules, be waived and that they be considered as having been read in compliance with all the rules of the Senate governing the reading of amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the amendments will be printed in the Record.

The amendments are as follows:

Amendment No. 585

On page 12, line 4, strike out "certifies" and insert in lieu thereof "satisfies the Court by competent evidence after notice and an opportunity to be heard are given to the proposed adverse parties."

On page 12, line 5, strike out the commas, and "in his judgment."

On page 12, line 18, strike out "the Attorney General may deem," and capitalize the article "A".

On page 12, line 19, insert "are" between "persons" and "unable."

On page 12, line 24, strike out "he is satisfied that."

On page 12, line 25, strike out "would" and insert in lieu thereof "is likely".

On page 13, line 1, strike out "might."

Amendment No. 586

On page 17, line 13, strike out "certifies" and insert in lieu thereof: "satisfies the court by competent evidence after notice and an opportunity to be heard are given to the proposed adverse parties".

On page 17, line 14, strike out "in his judgment,".

On page 18, line 1, insert the following between the period and "The": "After notice and an opportunity to be heard are given to them, the district court of the United States may authorize".

On page 18, line 1, change the capital "T" in "The" to a little "t".

On page 18, line 1, strike out "may" and insert in lieu thereof: "to".

On page 18, line 4, strike out "The Attorney General may deem" and capitalize the "a" in the article "a".

Page 18, line 5, insert "are" between "persons" and "unable".

Page 18, line 10, strike out "he is satisfied that".

Page 18, line 11, strike out "would" and insert in lieu thereof: "is likely to".

Page 18, line 12, strike out "might".

Amendment No. 587

Beginning with line 1, page 26, strike out all to and including line 20, page 27, and insert in lieu thereof the following:

"Sec. 602. (a) Whenever any Federal department or agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract (other than a contract of insurance or guaranty) receives from any interested individual a complaint, duly subscribed and executed under oath, alleging that violation of section 601 is occurring in the administration of that program or activity, such department or agency shall transmit such complaint to the Attorney General for such action as he may deem appropriate pursuant to the provisions of this section.

"(b) Upon receipt of any such complaint, the Attorney General may conduct an investigation to determine whether there is probable cause for belief that the allegations contained therein are supported by substantial evidence. If the Attorney General, upon the basis of such investigation, determines that such allegations are so supported, he may institute, in the district court of the United States for the district in which such violation is alleged to be occurring, a civil action to restrain or enjoin the continuance of such alleged violation. Upon application made by any defendant in such action, determination of the question whether the alleged violation in fact is occurring shall be made by an impartial jury of the State and district in which such violation is alleged to be occurring. Section 1291 and section 1254 of title 28, United States Code, shall be applicable for the review of judgments, decrees, and orders entered in actions instituted under this subsection.

"(c) No Federal department or agency may withhold any financial assistance from any program or activity because of any alleged violation of section 601 until it has been determined, by final judgment, decree, or order entered in an action instituted under subsection (b), that such violation is occurring."

Amendment No. 588

On page 35, between lines 20 and 21, insert the following new subsection:

"(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice—

"(1) for any employer to refuse to hire or employ any individual determined by such employer to be unqualified, for reasons other than race, color, religion, sex, or national origin, to perform the duties of the employment for which such individual makes application;

"(2) for any employment agency to fail or refuse to refer to any employer for employment any individual determined by such agency to be unqualified, for reasons other than race, color, religion, sex, or national origin, to perform the duties of the employment for which such individual makes application;

"(3) for any labor organization to exclude or expel any individual from membership for any reason not based exclusively or primarily upon race, color, religion, sex, or national origin;

"(4) for any employer, labor organization, or joint labor-management committee to exclude or expel any individual from any apprenticeship or any training or retraining program if such individual is determined by such employer, labor organization, or joint labor-management committee to be unsuitable, for any reason not based exclusively or primarily upon race, color, religion, sex, or national origin, for employment in the occupation to which such apprenticeship or program relates;

"(5) for any employer to determine, establish, or prescribe, upon any basis not founded exclusively or primarily upon race, color, religion, sex, or national origin, standards for the qualification of any employee or applicant for employment to perform any of the duties incident to any employment; or

"(6) for any employer in his discretion to fail or decline to accept for employment, to discharge from employment, to discipline in any way, or to promote, demote, assign, or reassign, any individual upon the basis of such standards."

Amendment No. 589

On page 36, line 19, immediately after the period, insert the following new sentence: "It shall not be an unlawful employment practice under this title—

"(1) for any person to print or publish, or cause to be printed or published, any notice or advertisement relating to any employment which specifies, upon any basis other than race, color, religion, sex, or national origin, the qualifications required of any applicant for any employment, as determined by the employer concerned; or

"(2) for any employer concerned to determine by any means, upon any basis other than race, color, religion, sex, or national origin, whether any individual possesses the qualifications required for any employment."

Amendment No. 590

Beginning with the comma in line 22, page 39, strike out all to and including the word "occurred" in line 25, page 39.

Amendment No. 591

On page 40, line 22, strike out the word "bring", and insert in lieu thereof the words "refer the matter to the Attorney General, who may if he concurs in the determination of the Commission institute".

On page 40, line 25, strike out the words "bring a civil action in any case", and insert in lieu thereof the words "refer to the Attorney General any matter".

On page 41, line 1, immediately after the word "vote", insert the words "of two Commissioners".

On page 41, lines 3 and 4, strike out the words "bring a civil action", and insert in lieu thereof the words "transfer a matter to the Attorney General".

Beginning with the comma in line 5, page 41, strike out all to and including the comma in line 6, page 41.

On page 41, line 7, immediately preceding the period, insert the following: "upon the filing of an appropriate bond in such amount as the court may deem proper to save the respondent harmless from all costs, damages, and losses resulting from the institution of an improvident action".

On page 41, line 11, strike out the word "either".

Beginning with the word "or" in line 13, page 41, strike out all to and including the word "office" in line 14, page 41.

Amendment No. 592

On page 42, line 16, immediately after the period, insert the following new sentence: "No order of the court may require the payment by any defendant of any sum as backpay unless the liability of the defendant for such payment, and the amount of any such payment, has been determined by a verdict of a jury."

Amendment No. 593

On page 41, line 9, immediately after the word "court", insert the words "of general original jurisdiction (other than the Supreme Court)".

Amendment No. 594

On page 43, between lines 10 and 11, insert the following new subsection:

"(i) In any action or proceeding under this title, no finding or determination may be made to the effect that any person is engaged in, or has engaged in, any unlawful employment practice unless it is shown by or on behalf of the complainant, by a fair preponderance of evidence, that such person in fact is engaged in, or has engaged in, such practice. A showing as to the race, color, religion, sex, or national origin of the complainant, coupled with a showing of differentiation in the treatment accorded to the complainant, shall not be sufficient of itself to establish such differentiation in treatment as an unlawful employment practice within the meaning of this title."

Amendment No. 595

On page 43, line 2, immediately after the period, insert the following new sentence: "In any hearing conducted by a master so appointed by any court such master shall conform to the evidentiary and other rules, and to the practice and procedure, of such court."

Mr. ERVIN. Mr. President, I have given details in connection with the passage of various acts of Congress, and I have attempted to analyze the contents of those acts, which secure to persons charged with criminal contempt the right of trial by jury under varying circumstances, and which in some cases and under other circumstances deny persons charged with criminal contempt the right of trial by jury.

The United States was not much concerned with the question of the right of trial by jury in criminal contempt cases in the early days of this Republic. I think the reasons for that situation will become apparent when we consider the conditions which prevailed in the early days in the various States. It is one of the great truths of life that if we are to understand the laws and institutions of today, we must understand the events of yesterday which gave them birth. Although I do not profess to be an authority on the legal systems of the various States of the Union, I have devoted a considerable amount of time to a study of the legal system of my State of North Carolina, which I am convinced was similar in most respects to those of the other original American States.

It is easy to understand why the early Americans were not much concerned with jury trials in connection with criminal contempt charges. In fact, they were not much harassed by proceedings for criminal contempt. In the early days of this Republic, about the only kinds of contempt which ordinarily were acted upon by the courts were contempts which were committed in the immediate presence of the court and contempts which, in effect, constituted insults of the court, being committed in its presence, and having the effect of obstructing the administration of justice.

Those contempts were punished, in those days, as they are punished nowadays; and it was right that they be so dealt with. That was true because the contempts were committed in the presence of the court, and constituted an offense to the administration of justice itself, and had to be dealt with immediately if the dignity and decorum of the court and its capacity to administer justice were to be preserved. But those contempts were different from contempts in criminal contempt cases. That is true because criminal contempt ordinarily takes place in the absence of the court.

There is another reason why the people of our Republic in the early days were not as much concerned with this question as we are concerned with it today. At the time of ratification of the Constitution, and until comparatively recent years, the jurisdiction of the courts of equity was confined almost entirely to the protection of property rights. Consequently, there were few proceedings in equity; and in the great majority of cases they could be handled without either criminal contempt processes or even civil contempt processes. When a court of equity acquired jurisdiction over such cases, it had the power to enforce its judgment by its decrees, without resorting to contempt processes. But with the vast expansion of the jurisdiction of the courts of equity, an expansion which began about the time of the enactment of the antitrust laws, conditions in this area changed. Congress vested in the courts of equity the jurisdiction over proceedings whose purposes were wholly repugnant to the original purposes of the courts in exercising equity powers. With the multiplication of equity jurisdiction, the occasions for invoking either civil contempt proceedings or criminal contempt proceedings expanded. At about that time—unfortunately, for the cause of the administration of justice—the Department of Justice began to seek to punish violations of Federal injunctions through criminal contempt proceedings. It is easier for the Department of Justice to maintain such proceedings because in them the accused is denied the right of trial by jury, the right of limited punishment, and many of the other rights I have mentioned.

I wish to discuss another reason why, in the early days, the people were not much concerned with proceedings for criminal contempt. In those days, most of those who were punished by laws were punished under a system which has long been out of vogue in this country. In those days, the States had no places in which to imprison people, except the jails of the counties and the parishes. Until about the middle of the 19th century, most of the States did not even have a penitentiary. Consequently, the courts did not and could not resort in very many cases, to punishment by imprisonment, to any great extent. We had a system that came to us from the common law of England under which most felonies were capital offenses, unless the person convicted of the felony could plead the benefit of clergy—that is to say, could plead that he could read and write. If a person was convicted of a felony and could not plead the benefit of clergy, ordinarily he was executed without any further to do, other than the necessary review of his conviction by the courts of appeal of the States or of the country. But if he could plead the benefit of clergy, instead of suffering imprisonment, he suffered branding. When a literate person was convicted of a criminal felony—for example, when he was convicted of manslaughter—it was customary for him to be branded, as the old judgments recite, "on the brawn of the thumb" with the letter "M," so that wherever he went, those who came in contact with him would recognize, from his brand, that he had been branded, following a plea of the benefit of clergy, after he had been convicted of the felony of manslaughter.

The same thing applied to other serious felonies, such as the brand "B" for bigamy and the brand "P" for perjury, and like brands for other offenses. There was very little imprisonment, either for crime or for contempt.

The punishment in lesser offenses in the early days of this country was based upon psychological factors instead of imprisonment. If a man committed one of the lesser crimes, he was taken to the whipping post. And it was the customary procedure for the sheriff of the county, acting under the judgment of the court, to apply to his bare back, as the court records recite, 39 lashes. And I regret to say that in some cases, it appears from the court record that the clerk of the court in recording judgments of this kind spelled the adjective modifying "back" as "bear" rather than "bare."

In that day, people were also punished by being placed in the stocks, the stocks consisting of an elevated mechanism which usually stood upon the courthouse square. The stocks were so made that the culprit who was sentenced to occupy the stocks for a certain period of time—which was usually several hours—had his head placed through the stocks, and the boards were fastened down to the hole through which his head was inserted. He was compelled to sit there for several hours and suffer the ridicule of passersby.

In that day, imprisonment was rarely resorted to, either as punishment for crime or for contempt. The question of the importance of a jury trial in criminal contempt cases was not presented to the American people during the early days of this Republic. It was not until after the tremendous expansion of the jurisdiction of courts of equity began, about the time of the enactment of the Sherman antitrust law in the year 1890.

Since that time, however, the question of punishment in trials for criminal contempt has been constantly arising. It has been dealt with in a number of recent decisions of the Supreme Court of the United States. It has not raised questions of equal importance in the States, because under the laws of all the States—as in my State of North Carolina—about the middle of the 19th century the old methods of punishment passed out of vogue and were succeeded by fines and imprisonment. Statutes were enacted providing for very limited punishment in criminal contempt proceedings. And for this reason, there was no great occasion to litigate the question in the courts of the States.

With the expansion of the powers of courts of equity through repeated acts of Congress extending equitable jurisdiction to cases in which it did not exist at the time of the adoption of the Constitution, and with the extension of the practice of prosecutors to resort to criminal contempt proceeding rather than to criminal prosecutions as a method of punishment, the question of the right of trial by jury in criminal contempt proceedings became acute. There have been many fine discussions of the subject in the decisions of the Supreme Court of the United States since Justice Frankfurter said in an article in the Harvard Law Review in 1923, the rules in criminal contempt proceedings were based upon mistaken notions as to the precedents which had been followed in such cases in England.

Research in this field has shown that as a general rule, in England, criminal contempts were prosecuted as ordinary crimes and were not dealt with in a summary manner as contempts. The Supreme Court of the United States held at an early date that there was no right to trial by jury in criminal contempt cases. I have consistently taken the position that that is so whenever this question has arisen. Unfortunately, however, the Federal courts, unlike the State courts, have resorted to extreme punishment in criminal contempt proceedings, and they have held that the guarantees of the Constitution do not apply to criminal contempts.

At the same time, they have written other opinions in which they have stated, in effect, that criminal contempts are crimes, or, at least, offenses against the United States, and have assimilated them into crimes for the purpose of determining when prosecutions for them are barred by the statute of limitations.

I think it can be truly said that the Federal rules about criminal contempts, except insofar as such rules have been repealed or mitigated in specific cases by acts of Congress, constitute a disgrace to any system of jurisprudence established for the primary purpose of administering justice.

I realize that this is a serious charge to be made against Federal law. I honestly believe, however, that it is true. In the first place, persons charged with criminal contempt are denied the protection of indictment by grand juries, even in cases in which the punishment for criminal contempt will exceed the punishment for ordinary felonies under the Federal law. In the second place, persons charged with criminal contempt in the courts of the United States, in the absence of an act of Congress to the contrary, are denied the right of a trial by jury and are compelled to submit to trials in most cases by the very judge whose orders they are alleged to have disobeyed. In the third place, the person charged with criminal contempt, in the absence of an act of Congress, is denied the right to a venue for trial in the district in which the alleged contempt occurred, or even in the State in which the alleged contempt occurred, where the witnesses are readily available.

That is a most serious handicap to any person in a prosecution of any kind punishable by fine or imprisonment. In the next place, as I have previously pointed out, persons charged with criminal contempt are not protected by the provision of the Constitution which prohibits the placing of any person in jeopardy twice for the same offense.

As I have noted, persons charged with contempt can be punished first by a civil contempt proceeding; then they can be punished a second time by a criminal contempt proceeding; and in cases in which their alleged contemptuous acts also constitute crimes, they can be punished a third time for the crimes. I submit that the possibility of three prosecutions for the same act or omission is something that cannot be justified under any proper regard for the principles of sound justice.

In addition, persons charged with criminal contempt are subject to whatever punishment, by way of fine or imprisonment, or both, the judge may impose upon them, with no limitation except the nebulous limitation of the eighth amendment, which prohibits cruel and unusual punishment.

As I said a short time ago, I do not believe there is a single judge or lawyer within the entire United States who can give us any understandable rule by which we can determine when punishment for criminal contempt becomes cruel and unusual within the purview of the eighth amendment.

These are the reasons why I say the Senate should adopt an amendment to the bill to give the right of trial by jury and the right of limited punishment, to all persons charged with criminal contempt under any of the statutes of the United States. Simple justice requires that the Senate take that course.

One of the members of the Supreme Court who has been much concerned with problems and handicaps to justice arising out of Federal laws in respect to criminal contempt proceedings is Mr. Justice Hugo Black. I may add also that Justice Felix Frankfurter, who unfortunately was compelled to retire from the Court a relatively short time ago by reason of illness, was also concerned with this matter.

Justice Frankfurter, while professor of law at Harvard Law School, investigated this whole subject and wrote an excellent article which appeared in the Harvard Law Review in 1923, in which he pointed out the law in respect of criminal contempt and how the law was based upon a misconception of certain English precedents in this field. I suggested the other day, and reiterate now, that Justice Frankfurter intimated, as much as a judge can intimate such a thing, in his concurring opinion in one of the most famous cases in the field of criminal contempt, Green against the United States, that Congress ought to take action in this field. In that case Justice Frankfurter said in concurring opinion:

> Congress has seen fit from time to time to qualify the power of summary punishment for contempt that it gave the Federal courts in 1789 by requiring in explicitly defined situations that a jury be associated with the court in determining whether there has been a contempt. It is for Congress to extend this participation of the jury, whenever it sees fit to do so, to other instances of the exercise of the power to punish for contempt. It is not for this Court to fashion a wholly novel constitutional doctrine that would require such participation whatever Congress may think on the matter, and in the teeth of an unbroken legislative and judicial history from the foundation of the Nation.

That passage occurs in the concurring opinion of Mr. Justice Frankfurter in Green against United States which is reported in volume 356 of the Reports of the United States Supreme Court, page 193.

I respectfully submit that it should be construed as a suggestion by Justice Frankfurter, a great student of the history of the contempt proceeding, that Congress ought to make a provision for trial by jury in criminal contempt cases.

The greatest argument for some remedial legislation in this field is to be found in the dissenting opinion of Mr. Justice Black in the Green case. The dissenting opinion of Mr. Justice Black was concurred in by the Chief Justice and Mr. Justice Douglas.

Since the dissenting opinion of Mr. Justice Black sets forth the Federal law in respect to criminal contempt, and the tremendous injustice which such law inflicts upon persons charged with criminal contempt in Federal courts, I wish to read what he has to say on the subject. It begins on page 193 of volume 356 of the United States Supreme Court Reports:

> The power of a judge to inflict punishment for criminal contempt by means of a summary proceeding stands as an anomaly in the law. In my judgment the time has come for a fundamental and searching reconsideration of the validity of this power which has aptly been characterized by a State supreme court as, "perhaps, nearest akin to despotic power of any power existing under our form of government." Even though this extraordinary authority first slipped into the law as a very limited and insignificant thing, it has relentlessly swollen, at the hands of not unwilling judges, until it has become a drastic and pervasive mode of administering criminal justice usurping our regular constitutional methods of trying those charged with offenses against society. Therefore to me this case involves basic questions of the highest importance far transcending its particular facts. But the specific facts do provide a striking example of how the great procedural safeguards erected by the Bill of Rights are now easily evaded by the ever-ready and boundless expedients of a judicial decree and a summary contempt proceeding.
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> I would reject those precedents which have held that the Federal courts can punish an alleged violation outside the courtroom of their decrees by means of a summary trial, at least as long as they can punish by severe prison sentences or fines as they now can and do. I would hold that the defendants here were entitled to be tried by a jury after indictment by a grand jury and in full accordance with all the procedural safeguards required by the Constitution for "all criminal prosecutions." I am convinced that the previous cases to the contrary are wrong—wholly wrong for reasons which I shall set out in this opinion.
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> Ordinarily it is sound policy to adhere to prior decisions but this practice has quite properly never been a blind, inflexible rule. Courts are not omniscient. Like every other human agency, they too can profit from trial and error, from experience and reflection. As others have demonstrated, the principle commonly referred to as stare decisis has never been thought to extend so far as to prevent the courts from correcting their own errors. Accordingly, this Court has time and time again from the very beginning reconsidered the merits of its earlier decisions even though they claimed great longevity and repeated reaffirmation. See, e.g., *Erie Railroad Co.* v. *Tompkins*, 304 U.S. 64; *Graves* v. *New York ex rel. O'Keefe*, 306 U.S. 466; *Nye* v. *United States*, 313 U.S. 33. Indeed, the Court has a special responsibility where questions of constitutional law are involved to review its decisions from time to time and where compelling reasons present themselves to refuse to follow erroneous precedents; otherwise its mistakes in interpreting the Constitution are extremely difficult to alleviate and needlessly so. See *Burnet* v. *Coronado Oil & Gas Co.*, 285 U.S. 393, 405 (Brandeis, J., dissenting); Douglas, Stare Decisis, 49 Col. L. Rev. 735.
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> If ever a group of cases called for reappraisal it seems to me that those approving summary trial of charges of criminal contempt are the ones. The early precedents which laid the groundwork for this line of authorities were decided before the actual history of the procedures used to punish contempt was brought to light, at a time when "[w]holly unfounded assumptions about 'immemorial usage' acquired a factitious authority and were made the basis of legal decisions." These cases erroneously assumed that courts had always possessed the power to punish all contempts summarily and that it inhered in their very being without supporting their suppositions by authority or reasons. Later cases merely cite the earlier ones in a progressive cumulation while uncritically repeating their assumptions about "immemorial usage" and "inherent necessity."
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> No justified expectations would be destroyed by the course I propose. There has been no heavy investment in reliance on the earlier cases; they do not remotely lay down rules to guide men in their commercial or property affairs. Instead they concern the manner in which persons are to be tried by the Government for their alleged crimes. Certainly in this area there is no excuse for the perpetuation of past errors, particularly errors of great continuing importance with ominous potentialities. Apparently even the majority recognizes the need for some kind of reform by engrafting the requirement that punishment for contempt must be "reasonable"—that irrepressible, vague, and delusive standard which at times threatens to engulf the entire law, including the Constitution itself, in a sea of judicial discretion. But this trifling amelioration does not strike at the heart of the problem and can easily come to nothing, as the majority's very approval of the grossly disproportionate sentences imposed on these defendants portends.
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> Before going any further, perhaps it should be emphasized that we are not all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees. See *United States* v. *United Mine Workers of America*, 330 U.S. 258, 330–332 (dissenting and concurring opinion). Instead, at stake here is the validity of a criminal conviction for disobedience of a court order punished by a long, fixed term of imprisonment. In my judgment the distinction between conditional confinement to compel future performance and unconditional imprisonment designed to punish past transgressions is crucial, analytically as well as historically, in determining the permissible mode of trial under the Constitution.
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> Summary trial of criminal contempt, as now practiced, allows a single functionary of the State, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in "judgment" on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the State. No official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding or by excessive zeal. Frank recognition of these common human characteristics, as well as others which need not be mentioned, undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses thereby securing the people's liberty.
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> When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true and reflecting impar-

> tially on the guilt or innocence of the accused. He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied what I had always thought to be an indispensable element of due process of law—an objective, scrupulously impartial tribunal to determine whether he is guilty or innocent of the charges filed against him. In the words of this Court: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer." *In re Murchison*, 349 U.S. 133, 136–137. Cf. *Chambers* v. *Florida*, 309 U.S. 227, 236–237; *Tumey* v. *Ohio*, 273 U.S. 510; *In re Oliver*, 333 U.S. 257.
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> The vices of a summary trial are only aggravated by the fact that the judge's power to punish criminal contempt is exercised without effective external restraint. First, the substantive scope of the offense of contempt is inordinately sweeping and vague; it has been defined, for example, as "any conduct that tends to bring the authority and administration of the law into disrespect or disregard." It would be no overstatement therefore to say that the offense with the most ill-defined and elastic contours in our law is now punished by the harshest procedures known to that law. Secondly, a defendant's principal assurance that he will be fairly tried and punished is the largely impotent review of a cold record by an appellate court, another body of judges.

Mr. President, with respect to the argument that a person convicted of criminal contempt can appeal and get relief, I digress from my reading of the dissenting opinion to remark that it is far easier to take a herd of camels through the eye of a needle than it is to secure a reversal of a judgment in a criminal contempt proceeding. This is true because a judge has unlimited discretion as to punishment, and there is no real way to review his determination of guilt. The only relief that can be obtained in an appeal from a lower court in a criminal contempt proceeding is for the appellate court to find that the trial judge was guilty of gross abuse of discretion.

As I suggested, it is much easier to drive a herd of camels through the eye of a needle than it is to persuade an appellate court to hold that a trial judge has grossly abused his discretion. There is no real remedy by appeal for a person convicted and sentenced for criminal contempt in a trial by a judge without a jury.

I continue to read:

> Once in a great while a particular appellate tribunal basically hostile to summary proceedings will closely police contempt trials but such supervision is only isolated and fleeting. All too often the reviewing courts stand aside readily with the formal declaration that "the trial judge has not abused his discretion." But even at its rare best appellate review cannot begin to take the place of trial in the first instance by an impartial jury subject to review on the spot by an uncommitted trial judge. Finally, as the law now stands there are no limits on the punishment a judge can impose on a defendant whom he finds guilty of contempt except for whatever remote restrictions exist in the 8th amendment's prohibition against cruel and unusual punishments or in the nebulous requirements of "reasonableness" now promulgated by the majority.
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> In my view the power of courts to punish criminal contempt by summary trial, as now exercised, is precisely the kind of arbitrary and dangerous power which our forefathers both here and abroad fought so long, so bitterly, to stamp out. And the paradox of it all is that the courts were established and are maintained to provide impartial tribunals of strictly disinterested arbiters to resolve charges of wrongdoing between citizen and citizen or citizen and State.
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> The Constitution and Bill of Rights declare in sweeping unequivocal terms that "The trial of all Crimes * * * shall be by Jury," that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury," and that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury." As it may now be punished criminal contempt is manifestly a crime by every relevant test of reason or history. It was always a crime at common law punishable as such in the regular course of the criminal law. It possesses all of the earmarks commonly attributed to a crime. A mandate of the Government has allegedly been violated for which severe punishment, including long prison sentences, may be exacted—punishment aimed at chastising the violator for his disobedience. As Mr. Justice Holmes irrefutably observed for the Court in *Gompers* v. *United States*, 233 U.S. 604, at 610–611: "These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure * * * and that at least in England it seems that they still may be and preferably are tried in that way."

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from Ohio for a question. I would not put that restriction on the Senator, except for the compulsion placed on the Senate by the floor manager of the bill.

Mr. LAUSCHE. I understand. Has the Senator from North Carolina given thought to the situation which now prevails under existing law, that under the Clayton Act, in criminal contempt proceedings, a trial by jury is mandatory?

Under the Norris-La Guardia Act, Congress has gone beyond what is provided in the Clayton Act and has declared that trial by jury shall be available both in civil and criminal contempt proceedings.

Third, in the Landrum-Griffin Act of 1959, the Senate, comprised of substantially the Members now serving, wrote into the law that trial by jury shall be allowed to labor leaders, did it not?

Mr. ERVIN. Yes; I discussed that point today. I placed in the Record what occurred in connection with the amendment granting the right of trial by jury in criminal contempt proceedings under the Landrum-Griffin Act, and stated that I had offered that amendment myself.

I heard the Senator from Ohio [Mr. Lausche] speak on this subject last week. I have never heard a more eloquent exposition of the injustice of trying persons for criminal contempt without juries than the Senator from Ohio made on that occasion.

Mr. LAUSCHE. Does the Senator from North Carolina know that some Members of this body have taken the position that they will not provide for jury trials under the civil rights bill because it was alleged that in equity, anciently, trial by jury should not be granted in criminal contempt cases, but that those very Senators voted for trial by jury for labor leaders in the Landrum-Griffin bill?

Mr. ERVIN. Yes. That amendment to the Landrum-Griffin bill, which was written and proposed by me and cosponsored by the junior Senator from South Carolina [Mr. Thurmond], was adopted without opposition in the Senate. As I stated in my presentation, I could find no opposition to the amendment on either side of the aisle. That is why I find it strange that only 5 years later there is opposition to granting the right of trial by jury in criminal contempt cases arising under the so-called civil rights laws.

Mr. LAUSCHE. Is it not true that President Johnson was a Member of the Senate in 1959?

Mr. ERVIN. That is correct. He made a most eloquent appeal for the adoption of the O'Mahoney amendment to grant the right of trial by jury in criminal contempt cases under the Civil Rights Act of 1957.

Incidentally, I read that speech into the Record because I thought it was about as fine a speech as I have ever heard on the subject, with the exception of the speech made by the Senator from Wyoming, Mr. O'Mahoney, on that occasion, and the speech made by the distinguished senior Senator from Ohio [Mr. Lausche] in the Senate Chamber a few days ago on the same subject.

Mr. LAUSCHE. Is it not also true that Senator O'Mahoney always took great pride in the fact that he was an exponent of what is known as liberalism?

Mr. ERVIN. That is true.

Mr. LAUSCHE. Is it not true that Senator O'Mahoney, as a liberal, stood on the floor of the Senate and argued that liberalism would be defeated if trial by jury were not allowed in criminal contempt cases?

Mr. ERVIN. That was the position which he took on that occasion and every other occasion throughout his life, so far as I am aware.

Mr. LAUSCHE. Is it not true also that in addition to the demand by former Senator Johnson for trial by jury in criminal contempt, the martyred President, John F. Kennedy, when he was a Senator from Massachusetts, joined the Senator from Texas in that argument?

Mr. ERVIN. He did. He spoke in behalf of the O'Mahoney amendment in 1957.

So far as I personally am concerned, I am willing to grant a verdict of not guilty to every person who claims to be a liberal and who is opposed to the right of trial by jury in criminal contempt proceedings. Such persons are entitled to an acquittal on the ground that they are more reactionary than was King John before Runnymede in this respect.

Mr. LAUSCHE. Yes. Will the Senator express his views about how reconciliation can be made of the inconsistent position that with respect to the Clayton Act, the Norris-La Guardia Act, and the Landrum-Griffin Act, jury trials are allowed in criminal contempt cases, with the attempt to deny jury trials in the pending civil rights bill?

Mr. ERVIN. I do not believe there can be any reconciliation of those different points of view. The only reconciliation that can be made with sound justice is to enact a provision to grant the right of trial by jury to all men in all criminal contempt cases. That is my personal view. I believe it is shared by the Senator from Ohio. I base that belief on the eloquent speech I heard him make on the floor of the Senate several days ago, and on speeches I have heard him make on previous occasions, as well.

Mr. LAUSCHE. Is the conclusion of the Senator from North Carolina based upon the proposition that one of the greatest boasts we have about our system of government is that there shall be equality of treatment of all citizens, regardless of their position, before the courts and also before Congress?

Mr. ERVIN. I certainly share that view. It is one of the firmest convictions I have that any law that is consistent with sound justice must necessarily provide that all men shall be judged exactly alike under like circumstances.

Mr. LAUSCHE. Can it be said that in the Communist nations there is an equal yardstick of justice applying to those who believe in communism as compared with those who do not believe in communism?

Mr. ERVIN. No. As I understand the distinction between the two groups in Communist nations, one group is judged by one standard, and the other by another standard. That is precisely what we do in respect to criminal contempt under the several statutes giving different rights to different persons, as the Senator has pointed out.

Mr. LAUSCHE. Does the Senator from North Carolina understand that the wire services of the Nation have published a story that there are three statutes under which juries are provided, but that in the pending bill juries are not provided? Has the Senator read the news reports on that subject?

Mr. ERVIN. I have not read any news reports today. I do not know when the story to which the Senator refers appeared.

But I have attempted to point out that in the Clayton Act there is a statute of that kind; the Norris-La Guardia Act of 1932 is a second such statute; and the Civil Rights Act of 1957 contains a very peculiar provision in that field. So there are three separate statutes. I say "three separate statutes" because of the approximateness of the provision of the Landrum-Griffin Act of 1959 to the Norris-La Guardia Act of 1932.

Mr. LAUSCHE. Does the Senator know that some important commentators, broadcasting out of Washington on television and radio, in discussing the issue of trial by jury, have not distinguished between criminal contempt and civil contempt?

Mr. ERVIN. I do not know that that is true, but I assume it is, because—unfortunately—as the Senator from Ohio knows, in order to grasp these distinctions, a person must have some knowledge of legal principles and equitable principles, and of the different objectives of criminal contempts and civil contempts. However, I do not understand how anyone could be mistaken about the different objectives of criminal contempts and civil contempts, if he heard the Senator speak the other day and heard him quote from the decision in the Gompers case.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield for another question?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Does the Senator from North Carolina yield to the Senator from Ohio for a question?

Mr. ERVIN. I yield for a question.

Mr. LAUSCHE. Would the Senator from North Carolina be surprised to hear that I have read newspaper articles and columns in which there have been statements or headlines such as "Jury trial in contempt cases denied," without any effort by the writer of the article to state that the issue before the Senate is jury trial in criminal contempt cases?

Mr. ERVIN. I would readily accept the Senator's statement. That is a tragic situation, because if a newspaper reporter or wire service gives such information without distinguishing between the two, it is not enlightening the American people in the way a free press should do. As the Senator from Ohio pointed out in his speech of several days ago, the line of demarcation between civil contempt proceedings and criminal contempt proceedings is very wide, for civil contempt proceedings are designed to secure compliance with the orders of the court, rather than to provide punishment, whereas criminal contempt proceedings are not designed to secure compliance with the orders of the court, but, rather, are designed to punish persons because of their past disobedience. In short, civil contempt proceedings are for the purpose of securing compliance with the orders of courts; criminal contempt proceedings are designed to punish those who are guilty of misdeeds.

Mr. LAUSCHE. Yes.

Has the Senator from North Carolina read in the newspapers or heard on the television or on the radio statements to the effect that under civil contempt proceedings, as distinguished from criminal contempt proceedings, all of the remedies needed to bring into execution the provisions of the civil rights bill are already available?

Mr. ERVIN. I must say that I do not recall reading a statement which made clear the fundamental difference between civil contempts and criminal contempts, and also made clear that those of us who are fighting for the right of trial by jury in crinimal contempt cases are not seeking in any way to impair the capacity of the courts, through civil contempt proceedings, to enforce their orders or judgments. So I believe that any commentator or writer who would make that proposition clear to the American people would be rendering a real service to our country.

Mr. LAUSCHE. So the Senator from North Carolina understands—and so do the individuals who are acquainted with the powers which are vested in a court under civil contempt proceedings—that the courts would be able to compel, by means of putting offenders into prison, all violators of the civil rights bill to do what the civil rights bill requires; is that correct?

Mr. ERVIN. The Senator is undoubtedly correct in the implication of his question. We could actually abolish totally the power of the court to punish for criminal contempt without affecting in the slightest degree the power of the court to enforce its judgments by civil contempt proceedings.

Mr. LAUSCHE. I hope the Senator from North Carolina will understand that I am repeating these questions solely for the purpose of making clear that under the civil contempt proceedings of courts, every privilege and right vested in a citizen under the civil rights bill could be achieved without resorting to criminal contempt proceedings.

Mr. ERVIN. The Senator from Ohio is absolutely correct in that; and he is pointing out the effect of the proposed law in as clear a fashion as it could possibly be explained.

Mr. LAUSCHE. I am sure the Senator understands—and I shall ask him whether he does so understand—that many citizens are of the belief, because of the failure of radio commentators, television commentators, and the writers of newspaper articles to elucidate on the subject, that in the Southern States, unless there is denial of the right of trial by jury, the purposes of the civil rights bill cannot be achieved. I ask the Senator from North Carolina whether that conclusion is correct or is incorrect.

Mr. ERVIN. That conclusion is as far wrong as any conclusion could possibly be. If the amendment which calls for jury trials in criminal contempt proceedings were adopted, as it should be, it merely would give such persons the same right of trial by jury that all Americans consider that all murderers and others charged with the most heinous crimes should have. So if the amendment were adopted, it would not interfere with the power of the courts in the North or in the South or in the East or in the West to enforce their orders and to require compliance with their orders without a jury trial.

Mr. LAUSCHE. Is it not a fact that when an offender was brought before a court, charged with violating a court's order issued in a civil rights case, the court, under the civil contempt proceedings, could put the offender in jail for such length of time as would compel him to comply?

Mr. ERVIN. That is true. If the defendant failed to comply, after he had been imprisoned as a result of a civil contempt proceeding, the judge could leave him in jail until the last lingering echo of Gabriel's horn trembled into ultimate silence.

Mr. LAUSCHE. If that is a fact, what help would it be to those who were seeking protection under the civil rights bill to be denied the right of jury trial in criminal contempt cases and proceedings—proceedings completely distinct and separate from the proceedings in civil contempt cases?

Mr. ERVIN. It would not afford them the slightest help of any kind, for the very simple reason that the court could secure every right awarded by a judgment of the court in a civil contempt proceeding tried by the judge himself, without a jury.

Mr. LAUSCHE. Yes; and that is what was embraced in the Morton amendment—not jury trial for civil contempt, but jury trial for criminal contempt; is that correct?

Mr. ERVIN. That is correct. Neither the Morton amendment—which was rejected by a margin of about one vote—or the pending amendment would interfere in any degree whatever with the power of a court to secure to the party aggrieved any right he had under the decision of the court, after a trial by the judge, without a jury.

Mr. LAUSCHE. I should like to repeat the question which I posed some five or six times when I made my argument here, about a week ago: On the basis of what logic or what morality could three statutes passed by Congress grant jury trials to labor leaders in contempt cases, but refuse to grant the right of jury trial in civil contempt cases?

Mr. ERVIN. We cannot do it and comply with logic and meet the requirements of logic, or even meet the requirements of equal justice under the law. There is no equal justice under the law when a man in a certain profession or in a certain vocation is granted the right of a trial by jury in criminal contempt proceedings and other men are denied the right of a trial by jury in criminal contempt proceedings. Such a system is incompatible with logic. It is incompatible with sound law. It is incompatible with the great goal of America to administer equal justice under the law.

Mr. LAUSCHE. In the opinion of the Senator from North Carolina, can an individual who voted for the granting of jury trials in criminal contempt cases in the Landrum-Griffin bill, where labor leaders are involved, reconcile that vote with opposition to the granting of jury trials in criminal contempt cases in the civil rights bill?

Mr. ERVIN. I am somewhat reluctant to pass on what other men can do. But if they have the kind of conscience which I have, and have the convictions that I hold, and that the Senator from Ohio holds, that there should be equal justice under the law, I do not think they can make any such reconciliation.

Mr. LAUSCHE. This is merely an encomium to the Senator from North Carolina. When the Landrum-Griffin bill was before the Senate in 1959, the Senator from North Carolina wrote the provisions which provided for a jury trial in criminal contempt cases for labor leaders. Is that not a fact?

Mr. ERVIN. That is correct. And I am proud of the fact that I did.

Mr. LAUSCHE. What the Senator from North Carolina and the Senator from Ohio are doing today in arguing for a jury trial in criminal contempt, as distinguished from civil contempt, is completely consistent with what was done by the Senate in 1959, with Lyndon B. Johnson, the present President, and John F. Kennedy, then Senator, approving and voting for what was done.

Mr. ERVIN. The Senator from Ohio and the Senator from North Carolina are fighting at this moment for the same right of trial by jury in criminal contempt cases for which they fought in 1957. I thank the Senator for making crystal clear the fact that we are not seeking to diminish to any extent the power of the court to enforce its judgment in civil contempt proceedings, in which case the judge tries the case without a jury. But on the contrary, we are merely seeking to have equal justice under law administered to all people in criminal contempt cases, when they are haled before the court for the purpose of punishment, and not for the purpose of being compelled to comply with a decree of the court.

Mr. LAUSCHE. The Senator will understand when I ask this question that in my judgment we have departed substantially from the sacred principles promulgated by our forefathers when they wrote the Declaration of Independence and the Constitution, and said there must be equality of treatment at the bar of justice and at the bar of the U.S. Congress.

Mr. ERVIN. I thoroughly agree with the Senator.

Mr. LAUSCHE. I thank the Senator.

Mr. ERVIN. Mr. President, I resume the reading of the opinion of Justice Black in the Green case:

> This very case forcefully illustrates the point. After surrendering the defendants were charged with fleeing from justice, convicted, and given lengthy prison sentences designed to punish them for their flight. Identical flight has now been made a statutory crime by the Congress with severe penalties.[1] How can it possibly be any more of a crime to be convicted of disobeying a statute and sent to jail for three years than to be found guilty of violating a judicial decree forbidding precisely the same conduct and imprisoned for the same term?
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> The claim has frequently been advanced that courts have exercised the power to try all criminal contempts summarily since time immemorial and that this mode of trial was so well established and so favorably regarded at the time the Constitution was adopted that it was carried forward intact, by implication, despite the express provisions of the Bill of Rights requiring a completely different and fairer kind of trial for "all crimes." The myth of immemorial usage has been exploded by recent scholarship as a mere fiction. Instead it seems clear that until at least the late Seventeenth or early Eighteenth Century the English courts, with the sole exception of the extraordinary and ill-famed Court of Star Chamber whose arbitrary procedures and gross excesses brought forth many of the safeguards included in our Constitution, neither had nor claimed power to punish contempts committed out of court by summary process. Fox, The History of Contempt of Court; Frankfurter and Landis, Power to Regulate Contempts, 37 Harv. L. Rev. 1010, 1042–1052; Beale, Contempt of Court, Criminal and Civil, 21 Harv. L. Rev. 161. Prior to this period such contempts were tried in the normal and regular course of the criminal law, including trial by jury.[2] After the Star Chamber was abolished in 1641 the summary contempt procedures utilized by that odious instrument of tyranny slowly began to seep into the common-law courts where they were embraced by judges not averse to enhancing their own power. Still for decades the instances where such irregular procedures were actually applied remained few and far between and limited to certain special situations.
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> Then in 1765 Justice Wilmot declared in an opinion prepared for delivery in the Court of King's Bench (but never actually handed down) that courts had exercised the power to try all contempts summarily since their creation in the forgotten past. Although this bald assertion has been wholly discredited by the painstaking research of the eminent authorities referred to above, and even though Wilmot's opinion was not published until some years after our Constitution had been adopted, nor cited as authority by any court until 1821, his views have nevertheless exerted a baleful influence on the law of contempt both in this country and in England. By the middle of the last century the English courts had come to accept fully his thesis that they inherently possessed power to punish all contempts summarily, in or out of court. Yet even then contempts were often punished by the regular criminal procedures so that this Court could report as late as 1913 that they were still preferably tried in that manner. *Gompers* v. *United States*, 233 U.S. 604, 611.[3]
>
> The Government, relying solely on certain obscure passages in some early law review articles by Fox, contends that while the common-law courts may not have traditionally possessed power to punish all criminal contempts without a regular trial they had always exercised such authority with respect to disobedience of their decrees. I do not believe that the studies of Fox or of other students of the history of contempt support any such claim. As I understand him, Fox reaches precisely the opposite conclusion. In his authoritative treatise, expressly written to elaborate and further substantiate the opinions formed in his earlier law review comments, he states clearly at the outset:
>
> "The first of [this series of earlier articles], entitled *The King* v. *Almon*, was written to show that in former times the offense of contempt committed out of court was tried by a jury in the ordinary course of law and not summarily by the court as at present [1927]. The later articles also bear upon the history of the procedure in matters of

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[1] 18 U.S.C. 3146.

[2] One scholar has argued that even contempts in the face of the courts were tried by jury after indictment by grand jury until the reign of Elizabeth I. Solly-Flood, Prince Henry of Monmouth and Chief Justice Gascoign, 3 Transactions of the Royal Historical Society (N.S.) 47. Although agreeing that contempts in facie were often tried by a jury up to and beyond this period, Fox takes the view that such contempts were also punishable by summary procedures from the early common law.

[3] In passing it is interesting to note that even Wilmot felt obliged to bolster his position by pointing to the fact that a defendant, under a notion then prevalent, could exonerate himself from a charge of contempt by fully denying the charges under oath. In this event he could only be prosecuted for false swearing in which case he was entitled, as Wilmot elaborately observes, to trial by jury. See Curtis and Curtis, The Story of a Notion in the Law of Criminal Contempt, 41 Harv. L. Rev. 51.

contempt. Further inquiry confirmed the opinion originally formed with regard to the trial of contempt and brought to light a considerable amount of additional evidence which, with the earlier matter, is embodied in the following chapters." [4]

Then in summarizing he asserts that strangers to court proceedings were never punished except by the ordinary processes of the criminal law for contempts committed out of the court's presence until some time after the dissolution of the Star Chamber; he immediately follows with the judgment that parties were governed by the same general rules that applied to strangers.[5] Of course, he recognizes the antiquity of the jurisdiction of courts to enforce their orders by conditional confinement, but such coercion, as pointed out before, is obviously something quite different from the infliction of purely punitive penalties for criminal contempt when compliance is no longer possible.

Professors Frankfurter and Landis in their fine article likewise unequivocally declare:

"The Clayton Act [providing for jury trial of certain charges of criminal contempt] does nothing new. It is as old as the best traditions of the common law.

"Down to the early part of the eighteenth century cases of contempt even in and about the common-law courts when not committed by persons officially connected with the court were dealt with by the ordinary course of law, i.e., tried by jury, except when the offender confessed or when the offense was committed 'in the actual view of the court.'

* * * * *

"[U]ntil 1720 there is no instance in the common-law precedents of punishment otherwise than after trial in the ordinary course and not by summary process." [6]

And Professor Beale in his discussion of the matter concludes:

"As early as the time of Richard III it was said that the chancellor of England compels a party against whom an order is issued by imprisonment; and a little later it was said in the chancery that 'a decree does not bind the right, but only binds the person to obedience, so that if the party will not obey, then the chancellor may commit him to prison till he obey, and that is all the chancellor can do.' This imprisonment was by no means a punishment, but was merely to secure obedience to the writ of the king. Down to within a century [Beale was writing in 1908] it was very doubtful if the chancellor could under any circumstances inflict punishment for disobedience of a decree. In any case the contempt of a defendant who had violated a decree in chancery could be purged by doing the act commanded and paying costs;

* * * * *

"Where the court inflicts a definite term of imprisonment by way of punishment for the violation of its orders, the case does not differ, it would seem, from the case of criminal contempt out of court, and regular process and trial by jury should be required." [7]

In brief the available historical material as reported and analyzed by the recognized authorities in this field squarely refutes the Government's insistence that disobedience of a court order has always been an exception punishable by summary process. Insofar as this particular case is concerned, the Government frankly concedes that it cannot point to a single instance in the entire course of Anglo-American legal history prior to this prosecution and two related contemporary cases where a defendant has been punished for criminal contempt by summary trial after fleeing from court-ordered imprisonment.[8]

Those who claim that the delegates who ratified the Constitution and its contemporaneous Amendments intended to exempt the crime of contempt from the procedural safeguards expressly established by those great charters for the trial of "all crimes" carry a heavy burden indeed. There is nothing in the Constitution or any of its Amendments which even remotely suggests such an exception. And as the Government points out in its brief, it does not appear that there was a word of discussion in the Constitutional Convention or in any of the state ratifying conventions recognizing or affirming the jurisdiction of courts to punish this crime by summary process, a power which in all particulars is so inherently alien to the method of punishing other public offenses provided by the Constitution.

In the beginning the contempt power with its essentially arbitrary procedures was a petty, insignificant part of our law involving the use of trivial penalties to preserve order in the courtroom and maintain the authority of the courts.[9] But since the adoption of the Constitution it has undergone an incredible transformation and growth, slowly at first and then with increasing acceleration, until it has become a powerful and pervasive device for enforcement of the criminal law. It is no longer the same comparatively innocuous power that it was. Its summary procedures have been pressed into service for such far-flung purposes as to prevent "unlawful" labor practices, to enforce the prohibition laws, to secure civil liberties and now, for the first time in our history, to punish a convict for fleeing from imprisonment.[10] In brief it has become a common device for by-passing the constitutionally prescribed safeguards of the regular criminal law in punishing public wrongs. But still worse, its subversive potential to that end appears to be virtually unlimited. All the while the sentences imposed on those found guilty of contempt have steadily mounted, until now they are even imprisoned for years.

I cannot help but believe that this arbitrary power to punish by summary process, as now used, is utterly irreconcilable with first principles underlying our Constitution and the system of government it created—principles which were uppermost in the minds of the generation that adopted the Constitution. Above all that generation deeply feared and bitterly abhorred the existence of arbitrary, unchecked power in the hands of any government official, particularly when it came to punishing alleged offenses against the state. A great concern for protecting individual liberty from even the possibility of irresponsible official action was one of the momentus forces which led to the Bill of Rights. And the fifth, sixth, seventh and eighth amendments were directly and purposefully designed to confine the power of courts and judges, especially with regard to the procedures used for the trial of crimes.

As manifested by the Declaration of Independence, the denial of trial by jury and its subversion by various contrivances was one of the principal complaints against the English Crown. Trial by a jury of laymen and no less was regarded as the birthright of freemen.[11] Witness the fierce opposition of the colonials to the courts of admiralty in which judges instead of citizen juries were authorized to try those charged with violating certain laws.[12] The same zealous determination to protect jury trial dominated the State conventions which ratified the Constitution and eventually led to the solemn reaffirmation of that mode of trial in the Bill of Rights—not only for all criminal prosecutions but for all civil causes involving $20 or more. See 2 Story, Commentaries on the Constitution (5th ed. 1891), §§ 1763–1768. I find it difficult to understand how it can be maintained that the same people who manifested such great concern for trial by jury as to explicitly embed it in the Constitution for every $20 civil suit could have intended that this cherished method of trial should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-ranging mandates without giving the accused a fair trial by his fellow citizens it would have provoked a storm of protest, to put it mildly. Would any friend of the Constitution have been foolhardy enough to take the floor of the ratifying convention in Virginia or any of a half dozen other States and even suggest such a possibility? [13]

As this Court has often observed, "The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning," *United States* v. *Sprague*, 282 U. S. 716, 731; "* * *

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[4] Fox, The History of Contempt of Court, VII.

[5] Id., at 116–117. See also, id., at 3–4, 13, 54–55, 71–72, 89.

[6] Power to Regulate Contempts, 37 Harv. L. Rev. 1010, 1042, 1046.

[7] Contempt of Court, Criminal and Civil, 21 Harv. L. Rev. 161, 169–170, 174.

[8] See *United States* v. *Thompson*, 214 F. 2d 545; *United States* v. *Hall*, 198 F. 2d 726.

[9] Although records of the colonial era are extremely fragmentary and inaccessible apparently such contempts as existed were not the subject of major punishment in that period. From the scattered reported cases it appears that alleged offenders were let off after an apology, a reprimand or a small fine or other relatively slight punishment. I have found no instance where anyone was unconditionally imprisoned for even a term of months, let alone years, during that era when extremely harsh penalties were otherwise commonplace.

[10] The following are merely random samples of important and far-reaching Federal regulatory acts now in effect under which a violation of any provision of the act is not only a statutory crime punishable as such but also may be enjoined at the Government's request and punished as a criminal contempt by summary process if the injunction is disobeyed. Securities Exchange Act, 48 Stat. 900, 15 U.S.C. 78u; Natural Gas Act, 52 Stat. 832, 15 U.S.C. 717s; Fair Labor Standards Act, 52 Stat. 1069, 29 U.S.C. 217; Atomic Energy Act, 68 Stat. 959, 42 U.S.C. (Supp. IV) 2280; Federal Communications Act, 48 Stat. 1092, 47 U.S.C. 401; Defense Production Act of 1950, 64 Stat. 817, 50 U.S.C. App. 2156.

[11] As early as 1765 delegates from nine colonies meeting in New York declared in a declaration of rights that trial by jury was the "inherent and invaluable right" of every colonial. 43 Harvard Classics, 147, 148.

[12] In 1775 Jefferson protested: "[Parliament has] extended the jurisdiction of the courts of admiralty beyond their antient limits thereby depriving us of the inestimable right of trial by jury in cases affecting both life and property and subjecting both to the decision arbitrary decision [sic] of a single and dependent judge." 2 Journals of the Continental Congress (Ford ed.) 132.

[13] Although section 17 of the Judiciary Act of 1789, 1 Stat. 73, 83, authorized the Federal courts to punish contempts "in any cause or hearing before the same," it did not, as this Court has pointed out, define what were contempts or prescribe the method of punishing them. *Savin, Petitioner*, 131 U.S. 267, 275. Sec. 17, which contains a number of other provisions, appears to have been a comparatively insignificant provision of the judicial code enacted by the Congress without material discussion in the midst of 34 other sections, many of which were both extremely important and highly controversial.

constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption," *Lake County* v. *Rollins,* 130 U.S. 662, 671. Cf. Mr. Justice Holmes in *Eisner* v. *Macomber,* 252 U.S. 189, 219–220 (dissenting opinion). It is wholly beyond my comprehension how the generality of laymen, or for that matter even thoughtful lawyers, either at the end of the 18th century or today, could possibly see an appreciable difference between the crime of contempt, at least as it has now evolved, and other major crimes, or why they would wish to draw any distinction between the two so far as basic constitutional rights were concerned.

It is true that Blackstone in his Commentaries incorporated Wilmot's erroneous fancy that at common law the courts had immemorially punished all criminal contempts without regular trial. Much ado is made over this by the proponents of summary proceedings. Yet at the very same time Blackstone openly classified and uniformly referred to contempt as a "crime" throughout his treatise, as in fact it had traditionally been regarded and punished at common law.[14] Similarly, other legal treatises available in this country during the period when the Constitution was established plainly treated contempt as a "crime."[15] It seems to me that if any guide to the meaning of the Constitution can be fashioned from the circulation of the Commentaries and these other legal authorities through the former colonies (primarily among lawyers and judges) it is at least as compatible with the view that the Consitution requires a jury trial for criminal contempts as with the contrary notion.

But far more significant, our Constitution and Bill of Rights were manifestly not designed to perpetuate, to preserve inviolate, every arbitrary and oppressive governmental practice then tolerated, or thought to be, in England. Cf. *Bridges* v. *California,* 314 U.S. 252, 263–268. Those who formed the Constitution struck out anew free of previous shackles in an effort to obtain a better order of government more congenial to human liberty and welfare. It cannot be seriously claimed that they intended to adopt the common law wholesale. They accepted those portions of it which were adapted to this country and conformed to the ideals of its citizens and rejected the remainder. In truth there was widespread hostility to the common law in general and profound opposition to its adoption into our jurisprudence from the commencement of the Revolutionary War until long after the Constitution was ratified. As summarized by one historian:

"The Revolutionary War made everything connected with the law of England distasteful to the people at large. The lawyers knew its value; the community did not. Public sentiment favored an American law for America. It was quickened by the unfriendly feeling toward the mother country which became pronounced toward the close of the eighteenth century and culminated in the War of 1812."[16]

Although the bench and bar, particularly those who were adherents to the principles of the Federalist Party, often favored carrying forward the common law to the fullest possible extent, popular sentiment was overwhelmingly against them.[17]

Apologists for summary trial of the crime of contempt also endeavor to justify it as a "necessity" if judicial orders are to be observed and the needful authority of the courts maintained. "Necessity" is often used in this context as convenient or desirable. But since we are dealing with an asserted power which derogates from and is fundamentally inconsistent with our ordinary, constitutionally prescribed methods of proceeding in criminal cases, "necessity," if it can justify at all, must at least refer to a situation where the extraordinary power to punish by summary process is clearly indispensable to the enforcement of court decrees and the orderly administration of justice. Or as this Court has repeatedly phrased it, the courts in punishing contempts should be rigorously restricted to the "least possible power adequate to the end proposed." See, e.g., *In re Michael,* 326 U.S. 224, 227.

Stark necessity is an impressive and often compelling thing, but unfortunately it has all too often been claimed loosely and without warrant in the law, as elsewhere, to justify that which in truth is unjustifiable. As one of our great lawyers, Edward Livingston, observed in proposing the complete abolition of summary trial of criminal contempts:

"Not one of the oppressive prerogatives of which the crown has been successively stripped, in England, but was in its day, defended on the plea of necessity. Not one of the attempts to destroy them, but was deemed a hazardous innovation."[18]

When examined in closer detail the argument from "necessity" appears to rest on the assumption that the regular criminal processes, including trial by petit jury and indictment by grand jury, will not result in conviction and punishment of a fair share of those guilty of violating court orders, are unduly slow and cumbersome, and by intervening between the court and punishment for those who disobey its mandate somehow detract from its dignity and prestige. Obviously this argument reflects substantial disrespect for the institution of trial by jury, although this method of trial is—and has been for centuries—an integral and highly esteemed part of our system of criminal justice enshrined in the Constitution itself. Nothing concrete is ever offered to support the innuendo that juries will not convict the same proportion of those guilty of contempt as would judges. Such evidence as is available plus my own experience convinces me that by and large juries are fully as responsible in meting out justice in criminal cases as are the judiciary.[19] At the same time, and immeasurably more important, trial before a jury and in full compliance with all of the other protections of the Bill of Rights is much less likely to result in a miscarriage of justice than summary trial by the same judge who issued the order allegedly violated.

Although some are prone to overlook it, an accused's right to trial by a jury of his fellow citizens when charged with a serious criminal offense is unquestionably one of his most valuable and well-established safeguards in this country.[20] In the words of Chief Justice Cooley: "The law has established this tribunal because it is believed that, from its numbers, the mode of their selection, and the fact that jurors come from all classes of society, they are better calculated to judge of motives, weigh probabilities, and take what may be called a commonsense view of a set of circumstances, involving both act and intent, than any single man, however pure, wise and eminent he may be. This is the theory of the law; and as applied to criminal accusations, it is eminently wise, and favorable alike to liberty and to justice." *People* v. *Garbutt,* 17 Mich. 9, 27. Trial by an impartial jury of independent laymen raises another imposing barrier to oppression by government officers. As one of the more perceptive students of our experiment in freedom keenly observed, "The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government." 1 De Tocqueville, Democracy in America (Reeve trans., 1948 ed.), 282. The jury injects a democratic element into the law. This element is vital to the effective administration of criminal justice, not only in safeguarding the rights of the accused, but in encouraging popular acceptance of the laws and the necessary general acquiescence in their application. It can hardly be denied that trial by jury removes a great burden from the shoulders of the judiciary. Martyrdom does not come easily to a man who has been found guilty as charged by 12 of his neighbors and fellow citizens.

It is undoubtedly true that a judge can dispose of charges of criminal contempt faster and cheaper than a jury. But such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy. But even setting this dominant consideration to one side, what compelling necessity is there for special dispatch in punishing criminal contempts, especially those occurring beyond the courtroom? When the desired action or inaction can no longer be compelled by coercive measures and all that remains is the punishment of past sins there is adequate time to give defendants the full benefit of the ordinary criminal procedures. As a matter of fact any slight delay involved might well discourage a court from resorting to hasty, unnecessary measures to chastise suspected disobedience. I believe that Mr. Justice Holmes, speaking for himself and Mr. Justice Brandeis, took his stand on invulnerable ground when he declared that where "there is no need for immediate action contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts." *Toledo Newspaper Co.* v. *United States,* 247 U.S. 402, 425–426 (dissenting opinion).[21]

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[14] See, e.g., 4 Blackstone's Commentaries 1–6, 119–126, 280–287. Also pertinent here is Blackstone's oft-quoted laudation of trial by jury "as the glory of the English law * * * [I]t is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals." 3 id., at 379.

[15] See, e.g., 1 Hawkins, Plea of the Crown (6th ed. 1787), 87.

[16] Baldwin, The American Judiciary, 14.

"After the Revolution the public was extremely hostile to England and to all that was English and it was impossible for the common law to escape the odium of its English origin." Pound, The Spirit of the Common Law, 116. And see Warren, History of the American Bar, 224–228.

[17] In 1804 the chief justice and two associate justices of the Pennsylvania Supreme Court were actually impeached for sentencing a person to jail for contempt. In part the impeachment rested on the feeling that punishment of contempt by summary process was an arbitrary practice of the common law unsuited to this country. While the justices were narrowly acquitted this apparently only aggravated popular antagonism toward the contempt power. See 3 McMaster, History of the People of the United States (1938 ed.), 153–16.

[18] 1 Works of Edward Livingston 264.

[19] See, e.g., Sunderland, Trial by Jury, 11 Univ. of Cin. L. Rev. 119, 120; Hartshorne, Jury Verdicts: A Study of Their Characteristics and Trends, 35 A.B.A.J. 113.

[20] See *Ex parte Milligan,* 4 Wall. 2, 122–123; *Thompson* v. *Utah,* 170 U.S. 343, 349–350; *Dimick* v. *Schiedt,* 293 U.S. 474, 485–486; *United States ex rel. Toth* v. *Quarles,* 350 U.S. 11, 16, 18–19; The Federalist, No. 83 (Hamilton); 2 Story, Commentaries on the Constitution of the United States, 544; 2 Wilson's Works (Andrews ed. 1896) 222.

For almost a half century the Clayton Act has provided for trial by jury in all cases of criminal contempt where the alleged contempt is also a violation of a Federal criminal statute.[22] And since 1931 the Norris-La Guardia Act has granted the same right where a charge of criminal contempt is based on the alleged violation of an injunction issued in a labor dispute.[23] Notwithstanding the forebodings of calamity and destruction of the judicial system which preceded, accompanied, and briefly followed these reforms, there is no indication whatever that trial by jury has impaired the effectiveness or authority of the courts in these important areas of the law. Furthermore it appears that in at least five States one accused of the crime of contempt is entitled, at least to some degree, to demand jury trial where the alleged contempt occurred beyond the courtroom.[24] Again, I am unable to find any evidence, or even an assertion, that judicial orders have been stripped of their efficacy or courts deprived of their requisite dignity by the intervention of the jury in those States. So far as can be discerned the wheels of justice have not ground to a halt or even noticeably slowed. After all the English courts apparently got on with their business for six or seven centuries without any general power to try charges of criminal contempt summarily.

I am confident that in the long run due respect for the courts and their mandates would be much more likely if they faithfully observed the procedures laid down by our nationally acclaimed charter of liberty, the Bill of Rights.[25] Respect and obedience in this country are not engendered—and rightly not—by arbitrary and autocratic procedures. In the end such methods only yield real contempt for the courts and the law. The classic example of this is the use and abuse of the injunction and summary contempt power in the labor field. The Federal courts have still not recovered from the scars inflicted by their intervention in that area where Congress finally stepped in and preserved the right of jury trial to all those charged with the crime of contempt.

In the last analysis there is no justification in history in necessity, or most important in the Constitution for trying those charged with violating a court's decree in a manner wholly different from those accused of disobeying any other mandate of the state. It is significant that neither the Court nor the Government makes any serious effort to justify such differentiation except that it has been sanctioned by prior decisions. Under the Constitution courts are merely one of the coordinate agencies which hold and exercise governmental power. Their decrees are simply another form of sovereign directive aimed at guiding the citizen's activity. I can perceive nothing which places these decrees on any higher or different plane than the laws of Congress or the regulations of the Executive insofar as punishment for their violation is concerned. There is no valid reason why they should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth. In my judgment trial by the same procedures, constitutional and otherwise, which are extended to criminal defendants in all other instances is also wholly sufficient for the crime of contempt.

Mr. President, that completes the reading of the illuminating and eloquent dissenting opinion of Justice Black.

I can appreciate the position of the majorities in the Green case and in the Barnett case. They took the position, which has been very consistently taken by Mr. Justice Frankfurter. It is a position to which many appellate judges adhere—that even though there has been error in reaching a decision on a particular point, it is better to leave the correction of that error to a legislative body than it is for the court to assume the power to correct the error after a multitude of other decisions have been based upon it.

I quote from remarks made by Senator Norris of Nebraska when he advocated the adoption of the Norris-La Guardia Act. Senator Norris said:

> I agree, that any man charged with contempt in any court of the United States, * * * in any case, no matter what it is, ought to have a jury trial. * * * It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits in court and heard jury trials, knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts.

In concluding this phase of my remarks, I assert that no sound reason exists for enacting the provisions of the bill into law. This is true because existing Federal statutes afford ample remedies for the protection or vindication of all civil rights created by the Constitution or laws of the United States by means of criminal prosecutions by the United States; private actions at law for damages by the party aggrieved; and private suits in equity for injunctive relief by the party aggrieved.

To be sure, the defendants in the criminal prosecutions are accorded the right of indictment by grand jury, the right of trial by petit jury, and the right to confront and cross-examine adverse witnesses guaranteed to them by article III and the fifth and sixth amendments; the defendants in the private action at law for damages are accorded the right of trial by jury guaranteed to them by the seventh amendment; and the defendants in the private suits in equity for injunctive relief are accorded the benefits of jury trials and limited punishments secured to them by sections 402 and 3691 of title 18 of the United States Code in the event they are charged with contemptuous acts which are also crimes under Federal or State law.

Surely no one who loves the American constitutional and legal systems ought to object to these things. No one should object to the right of a trial by jury in criminal contempt cases where the object of the proceeding is to bring a defendant to the bar of justice for the purpose of punishing him for his past misdeeds, rather than for the purpose of enforcing compliance with the decree of the court.

I yield the floor.

CLARENCE CANNON DAM AND RESERVOIR, MO.

During the delivery of Mr. ERVIN's speech,

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the able and distinguished senior Senator from Missouri [Mr. SYMINGTON] for the purpose of enabling him to introduce a bill in memory of the late Representative Clarence Cannon, of Missouri, and to make any remarks that he may deem appropriate to make at this time, with the understanding that by so doing I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SYMINGTON. Mr. President, I appreciate the gracious courtesy of the distinguished senior Senator from North Carolina.

Mr. President, tomorrow afternoon, the Honorable Clarence Cannon, one of the great statesmen of our time, will be taken to his last resting place in Elsberry, Mo., his hometown in the northeast part of our State for all of his 85 years.

The Nation will honor his memory for the some 53 years he served in Washington; and the more than 18 years during which, with superb effectiveness, he carried the responsibilities of chairman of the House Appropriations Committee.

The people of northeast Missouri could never forget Mr. Cannon's personal friendship, expressed during long and devoted service to all of them over the years of his service in Washington.

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[21] Again this case aptly demonstrates the point. Here the defendants surrendered several years after they had been ordered to appear and serve their sentences. There was no reason for urgent action to punish them for their absence, there was ample time to impanel a jury and prosecute them in the regular manner. As a matter of fact almost a month and a half did elapse between their surrender and trial.

Alleged contempts committed beyond the court's presence where the judge has no personal knowledge of the material facts are especially suited for trial by jury. A hearing must be held, witnesses must be called, and evidence taken in any event. Cf. *Cooke* v. *United States,* 267 U.S. 517. And often, as in this case, crucial facts are in close dispute.

I might add, at this point, that Mr. Justice Brennan has forcefully demonstrated, in my judgment, that the evidence in this case was wholly insufficient to prove a crucial element of the offense charged—namely, notice of the surrender order.

[22] 38 Stat. 738–739, as amended, 18 U.S.C. 402, 3691.

[23] 47 Stat. 72, 18 U.S.C. 3692.

[24] Arizona, Rev. Stat. Ann., 1956, sec. 12–863; Georgia, Code Ann., 1935, sec. 24–105; Kentucky, Rev. Stat. Ann., 1955, sec. 432.260; Oklahoma, Stat. Ann., 1936, Tit. 21, sec. 567; Pennsylvania, Purdon's Stat. Ann., 1930 (Cum. Ann. Pocket Pt. 1957), Tit. 17, sec. 2047.

[25] See Brown, Whence Come These Sinews? 12 Wyo. L. J. 22.

One of the works which will stand as a monument to Clarence Cannon is a multipurpose dam and reservoir—the first in north Missouri—soon to be built in Ralls County, not more than an hour's drive from his farm home in Lincoln County.

Mr. Cannon's standard as chairman of the House Appropriations Committee was that public investment must be recovered with ample margin of benefit to the people; and when the project now known as Joanna Dam was proved to have met this standard, Mr. Cannon became its champion and saw it through to approval by the Congress.

Several years ago, when it first appeared certain this project would be built, a number of leaders in his district suggested that it bear his name.

However, with characteristic modesty, Mr. Cannon declined the honor during his lifetime.

Because of his great interest in the development of Missouri, especially its rural areas, and because this dam, to which he contributed so much will be close to his permanent resting place, on behalf of my colleague, Senator EDWARD V. LONG, of Missouri, and myself, I introduce, for appropriate reference, a bill to rename the Joanna Dam the Clarence Cannon Dam and Reservoir, as a permanent memorial to the memory of our honored and beloved colleague, a great Missourian and a great American, Hon. Clarence Cannon.

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the bill will be printed in the RECORD.

The bill (S. 2835) authorizing the change in name of the Joanna Dam and Reservoir, Salt River, Mo., to the Clarence Cannon Dam and Reservoir, introduced by Mr. SYMINGTON (for himself and Mr. LONG of Missouri), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joanna Dam and Reservoir, Salt River, Missouri, authorized by the Flood Control Act of October 23, 1962, in accordance with the provisions of House Document Numbered 507, Eighty seventh Congress, shall hereafter be known and designated as the Clarence Cannon Dam and Reservoir, in honor of the late Representative Clarence Cannon of the Ninth Congressional District of Missouri. Any law, regulation, document or record of the United States in which such project is designated or referred to under the name of the Joanna Dam and Reservoir, Missouri, shall be held and considered to refer to such project by the name of Clarence Cannon Dam and Reservoir.

Mr. SYMINGTON. Mr. President, I thank the able and distinguished senior Senator from North Carolina for yielding.

Mr. ERVIN. Mr. President, it was a privilege to yield to the distinguished senior Senator from Missouri for the purpose of introducing a bill to name a dam and reservoir in Missouri in honor of the late distinguished Representative Clarence Cannon of Missouri. Representative Cannon had a long and honorable career in public life. All of us who were privileged to know him and to appreciate the fine work he did in behalf of his country over the years will be conscious of the fact that we shall not see his like again. He was a distinguished Member of Congress.

Mr. SYMINGTON. I thank the able Senator from North Carolina for his gracious remarks, especially because of the high regard in which the Senator from North Carolina is held not only in the Senate but throughout the Nation. I know that Mrs. Cannon and her two gracious daughters will be most appreciative of the Senator's statement.

Mr. ERVIN. I thank the Senator from Missouri.

MORE ABOUT THE INTEREST RATE ON ALASKA DISASTER LOANS

During the delivery of Mr. ERVIN'S speech,

Mr. GRUENING. Mr. President, the Seattle Post-Intelligencer, the long-established morning daily of our northernmost major west coast seaport and State metropolis, a member of the Hearst newspaper chain, published this week an excellent lead editorial entitled "Alaska Aid."

It calls attention to the fact which I have spoken of repeatedly—that disaster loans to Alaska are being made at the maximum rate allowable by the Disaster Loan Act. It contrasts, as I have, this maximum 3-percent interest rate with three-fourths of 1 percent made on development loans to private enterprise in foreign countries under our foreign aid program.

Now, the Disaster Loan Act sets no minimum rate of interest. The Administrator of the program has confirmed to me that he could make these loans at any rate he chooses lower than 3 percent. He has, to be sure, indicated that on these loans he would grant no repayment of interest the first year, and no repayment of principal for 5 years. But, under the development loans made to foreign private enterprises, the United States not only grants a three-fourths of 1 percent interest rate, but permits no repayment of principal for 10 years—a period twice as long as that granted our domestic borrowers, who, moreover, have suffered a disaster, which the foreign beneficiaries of our loans have not. This, to me, is an unfortunate example of "the double standard." I cannot see why our American citizens—disaster victims—should not be treated at least as well as those in foreign lands, who have suffered no disaster.

The Seattle Post-Intelligencer supports my view and reports that the Senator from Washington [Mr. MAGNUSON], chairman of the Senate Commerce Committee, who has had more familiarity with Alaska than any other Member of Congress from the 48 older States, does also.

I ask unanimous consent that the editorial, "Alaska Aid," published in the May 11 issue of the Seattle Post-Intelligencer, may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALASKA AID

Senator WARREN G. MAGNUSON has joined Senator ERNEST GRUENING and this newspaper in criticism of the Small Business Administration for charging the maximum allowed interest on loans to Alaska firms.

The law allows the SBA to charge a maximum of 3 percent. The law also allows the SBA to impose less interest—or no interest at all, as in the case of many U.S. loans to foreign governments.

But the SBA is imposing on Alaskans all the interest that the law allows. As Senator MAGNUSON says, "There's no reason why the SBA cannot make the interest rates lower."

Nonetheless Senator MAGNUSON and others in Washington, D.C., defend the pace and degree of the Federal Government's assistance to Alaska generally.

But the Post-Intelligencer believes that the Federal Government's action on Alaska's plight is both slow and piecemeal. Alaska is a special case, our youngest State and one with economic problems that predate the earthquake disaster.

That debate on the civil rights bill is interfering with congressional attention to Alaska is no excuse. The current announcement that four Federal agencies have agreed to help Alaska homeowners only adds to the confusion and may mean that Alaska homeless will be engaged in a game of buck passing. That is usually what happens when more than one Government agency is involved.

There should be a centralized effort on the Alaska problem.

That effort should be fast.

And it should be adequate.

Mr. JOHNSTON. Mr. President, may I make a very brief statement at this time on this same subject?

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. JOHNSTON. Mr. President, I should like to inform the Senator from Alaska——

Mr. ERVIN. Mr. President, I take it that the statement which the Senator from South Carolina [Mr. JOHNSTON] may make will be covered by the same unanimous-consent agreement just made a moment ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I invite the attention of the Senate, and the Senator from Alaska in particular, to the fact that I introduced the bill now known as the Disaster Loan Act. It called for a lower rate of interest. It went to the committee and they discussed it. If the Senator will read the act closely, he will see that it provides that not more than 3 percent can be charged, but any rate lower than that may be charged. Up until that time, the rate of interest could go up to 5 percent. It had been raised to 5 percent. That was about 10 years ago. Some borrowers were being charged a 5-percent rate of interest. We believed that was too much. So we put the figure 3 where the figure 5 had been, with the understanding that borrowers could be charged even less than that amount.

I hope the Senator will continue to tell Senators about the problems in his State, especially in connection with the recent earthquake there. We should let them have these loans as cheaply as they can get them anywhere else in the world.

Mr. GRUENING. I appreciate the important contribution which the sponsor of the Disaster Loan Act has made, because it certainly has been of invaluable merit in cases of disaster. But I still find it impossible to understand why, when our citizens have suffered such a disaster, they should not get as low a rate of interest as is made available to hundreds of private enterprises abroad to the extent of billions of dollars, who have suffered no disaster.

I have called this a double standard. This is a shocking example of it.

I have long held the idea—and it might be reactionary—that Americans should have priority, but they do not even get equality in this field.

I am grateful to the Senator from South Carolina for his contribution in calling attention to his authorship of this valuable act, and making clear the legislative intent that disaster loans could be made at less that the maximum rate of 3 percent interest.

NASSER AND KHRUSHCHEV—FELLOW FISHERMEN IN JORDAN'S TROUBLED WATERS

During the delivery of Mr. Ervin's speech,

Mr. GRUENING. Mr. President, yesterday in addressing the Senate, I called attention to serious developments—which were to me not surprising—in the Middle East. In fact, I foretold them in my 472-page report, which I made to the Senate last year after a 10-week study of our foreign aid program in 10 Middle Eastern countries. It was plain to me, at the time, that Nasser, the dictator of Egypt, whom U.S. aid and support has kept in office, would soon be completely revealed as an ally and associate of the ruler of the Kremlin, Mr. Khrushchev.

The news dispatches emanating from Cairo amply demonstrate that fact.

The Associated Press sent out a story from Cairo on May 11 which was printed in the New York Daily News, under the heading: "K Backs Arabs in Row With Israel on Water." This is both a figurative as well as a literal illustration of the way the rulers of the U.S.S.R. and of the United Arab Republic like to fish in troubled waters.

Israel, a tiny country, a large part of whose surface is desert, desperately needs water for irrigation. By an arrangement postulated years ago, it, as well as its neighbors, Jordan, Syria, and Lebanon, are entitled to a share of the waters of the River Jordan. Actually, the United States is, through our foreign aid program, paying most of the costs of Jordan's irrigation projects.

The Arab nations, under the leadership of Nasser, and now even including Jordan, speaking through King Hussein, intent on Israel's destruction, have already served notice that they would oppose Israel's legitimate right to its share of these waters. Now, Khrushchev has joined them. This unholy alliance and its declared purpose runs directly counter to the ideas on the subject expressed correctly by President Johnson over 3 months ago when, in a New York address, he offered to assist any nations needing water, adding:

> Water should never be a cause for war; it should always be a force for peace. Peace is first on our agenda.

But, more clearly than ever, is it now apparent that if the United States wishes to preserve the uneasy peace in the Middle East and avert a war there, it must reverse the policy which President Johnson has inherited of appeasing and aiding Nasser. Our financial aid has supplied him with the means to wage aggressive warfare in Yemen, where he has been engaged for 20 months at a cost of not less than a half a million dollars a day. It may be conservatively estimated at $300 million to date. Meanwhile, he is also building up a tremendous armament of sophisticated weapons—missiles, rockets, jet planes, tanks, and submarines. His purpose, which he has never ceased to declare, is to destroy Israel.

I ask unanimous consent that the article published in the New York Daily News of May 11, entitled "K. Backs Arabs in Row With Israel on Water," may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

K. Backs Arabs in Row With Israel on Water

Cairo, May 11.—Soviet Premier Khrushchev gave his support to the Arab world today in its opposition to diversion of the Jordan River waters by Israel.

Speaking to the United Arab Republic's one-party National Assembly, Khrushchev said Israel planned to "rob the Arab world of its own water."

Khrushchev called on Israel to implement UN resolutions on Palestine, which would reduce Israel's present frontiers.

The assembly rose en masse in boisterous cheering at Khrushchev's new declaration of support for the Arabs.

The Israelis have announced that some time this summer they will begin diverting waters of the Jordan to irrigate the Negev Desert. The Arabs have threatened counteraction to cut off the headwaters of the Jordan.

The 70-year-old Soviet Premier also assailed British occupation of military bases in Cyrus and Aden. His government supports the "just and reasonable" demands of local populations for the evacuation of these and all other foreign bases, the Soviet leader said.

"The presence of foreign armies is the source of danger, tension, and disputes between countries," Khrushchev added.

He denied that there was any contradiction between the Soviet Union's stated policy of seeking international understanding and its shipments of arms to foreign trouble spots.

"It is true that we give arms for the struggle against imperialism and for the sacred struggle of national liberation," he said. "Our armaments will always be available for peoples seeking self-determination."

The 360 members of the assembly cheered and applauded throughout the speech, which Khrushchev delivered in Russian. It was translated into Arabic by a Soviet interpreter whose polished Arabic has drawn awed praise from Egyptians.

Khrushchev warned the assembly against "imperialist stooges" he said the colonial powers left behind when they gave up their rule in Africa.

In a veiled attack on Communist Chinese efforts to assume leadership in Africa and Asia, Khrushchev said "the unity of all revolutionary forces in the world * * * can never be supplanted by blocs based on color and races." Moscow has accused the Chinese of seeking to bar the Soviet Union from African and Asian councils on racial grounds.

Introducing his guest to the assembly, President Nasser pointedly cited the Russian revolution as a force in Asia.

"Khrushchev," Nasser said, "is one of the leaders of a great revolution which started vast and unlimited transformations of the world's continents, especially in Europe and Asia, and liberated millions of human beings."

Nasser put on a display of pageantry reminiscent of a Hollywood extravaganza for his guest last night.

More than 100,000 exuberant Egyptians jammed a giant German-built stadium for a program of gymnastics, dancing girls, prancing Arab stallions, music from a 380-man military band, and the blare of 27 medieval trumpets.

Khrushchev read the first and last parts of his 20-minute speech and let an interpreter give the rest. The speech praised Egyptian socialism and denounced colonialism in Africa.

At the close, fireworks erupted and fiery lights spelled out slogans of welcome in Russian and Arabic.

"ERROR UPON ERROR" IN SOUTH VIETNAM

During the delivery of Mr. Ervin's speech,

Mr. GRUENING. Mr. President, the Wall Street Journal, a conservative and well-edited publication, carries as its leading editorial in the May 13 issue a discussion of the U.S. role in South Vietnam entitled "Error Upon Error."

I recommend its reading to the Congress and to those who would pursue and continue the folly of our participation in this civil war in southeast Asia.

The final paragraph is worth repeating and commenting upon at this time:

> No nation should count on military success, even limited, in the most unfavorable circumstances. No piece of territory is beyond all price, worth any cost, as the French finally discovered 10 years ago after such great cost. And the United States, for all its great power, cannot forever police the world alone and unaided.

How long is it going to take for our administration in office, which inherited this mess, to face up to the realities? Why should the United States, all by itself, rush into every troubled area in the world, no matter how unfavorably situated, not merely with our heavy financial and material aid, but far more tragic, with the lives of our young Americans?

If the battle is worth fighting—which I dispute—it is certainly not worth fighting all alone. Again and again I have asked, as has Senator Morse: "Where are our SEATO allies?" Their boys are not on the firing line. Our SEATO allies are Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines, seven of them. But we see no British boys on the firing line. The French, having learned by bitter experience that this is a lost cause, are certainly not sacrificing any more of their young men to add to the tragic toll of tens of thousands of Frenchmen whose bones lie in the tropical infested jungles of southeast Asia.

The Australians have sent no contingent to battle with us; neither have the New Zealanders. The Philippines have recently made some promise of a token force of—believe it or not—75 soldiers. That is hardly more than a meaningless gesture, although we should, perhaps, applaud even this gesture if it is translated into action. The people of Thailand, right next door, who might be presumed to have a stake in whatever happens in southeast Asia, have sent not a single soldier to the South Vietnamese front. As for the Pakistanis, to whom we are giving large quantities of money for military aid, to say nothing of hundreds of millions of dollars for economic aid, are using that aid to prepare to fight India over Kashmir, and not the Communists, either from China or in southeast Asia.

Likewise, Mr. President, there is an article in the May 18 issue of U.S. News & World Report, entitled "True Story of War in Vietnam." The various subheads which appear throughout this article are suggestive of what a real mess our war there is. Let me quote them:

First, "Lacking: A Will To Win"—that, of course, refers to the Government of South Vietnam forces.

Second, "Advisers in Combat"—this refers to the fact that our men who are fighting and losing their lives are supposed to be advisers—a piece of totally unjustifiable hypocrisy.

Third, "Officers Picked by Politics."

Fourth, "Luxury in Midst of War."

Fifth, "Cowardice and Laziness."

Sixth, "Graft and Corruption."

Seventh, "Redtape and Delay."

Eighth, "U.S. Equipment Wasted."

Ninth, "Why Villagers Desert."

And what is the conclusion of the writer of this article—Mr. Robert L. Moore, Jr., who, U.S. News & World Report says, lived 4 months with United States and Vietnamese soldiers and went on combat missions with them? His conclusion is as follows:

> Until the Vietnamese military develops the will to win and the courage to face the enemy unflinchingly by day or by night, even if outnumbered, the war against communism in Vietnam will not be won—no matter if we pour in $3 or $4 or $5 million a day in aid.
>
> The only realistic solution that most Americans see in Vietnam is for the United States to take operational control of the war away from the luxury-loving, coup d'etat minded, casualty-fearing Vietnamese officer corps until such time as they can develop the leadership necessary to win the war. If we do not take operational control, we merely waste lives and money in a hopeless stalemate.

What a tragic prospect that is for the American people. I am confident that if a referendum were taken in the United States of our fellow citizens, the position that I have upheld—that we should get out of Vietnam—would be supported overwhelmingly.

My mail continues to run, with impressive unanimity, in favor of my recommendations, which I herewith repeat: We should get out of South Vietnam, make the best possible arrangement; and strive within the United Nations for a negotiated settlement. We should not sacrifice another American boy. I strongly reiterate at this time my conviction that all of South Vietnam is not worth the life of one of our fellow Americans. We have lost far too many already.

I ask unanimous consent that the editorial "Error Upon Error," which appeared in the Wall Street Journal of May 13, as well as the article by Robert L. Moore, Jr., appearing in the May 18 issue of U.S. News & World Report, entitled "True Story of War in Vietnam," be printed in the Record at this point in my remarks.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 13, 1964]

ERROR UPON ERROR

Ten years almost to the day after the fall of Dienbienphu, Secretary McNamara is in Saigon—for the second time in the past couple of months. Yet no matter how many high officials visit Vietnam, or how frequently, nothing gets clarified. Except, that is, the continuing failure of U.S. policy.

Though the conjunction of the Secretary's trip with the anniversary of the French defeat is accidental, it could be unpleasantly symbolic. With a far greater force than the United States has committed, the French fought the Communists for some 8 grisly years, and lost.

Vietnam was then divided North and South, Korea-like, but unlike Korea the border was fluid and not patrolled by large contingents of U.S. or any other troops. The Communists predictably made the most of their opportunity, first as infiltrators and guerrilla fighters; now they are so strong they can and do attack in force.

Today the French wonder aloud how the United States expects to win at the rate it is going. They are not the only ones; American servicemen and reporters have long been saying we are losing the war. U.S. officials are alternately reassuring and gloomy.

Part of the official attitude appears to be that we are not supposed to win in a formal sense; only help the South Vietnamese drive the Communists out and keep them out. But even this limited objective keeps going glimmering. After all the U.S.-supported fighting, the Communists are said to be in effective control of sizable and important parts of South Vietnam.

In view of that, it is almost impossible to figure out what is the U.S. strategy, if any—that is, how it thinks it can in fact drive the Communists out and keep them out. Not that anyone expects the Pentagon to reveal its war plans in detail; it is rather that the evidence indicates the lack of any plan which promises to be workable against the varied and successful tactics of the Communists.

Not even the commitment of many more American soldiers or the bombing of Communist bases in the north, which has been talked of off and on, would be guaranteed to accomplish the objective. In other circumstances perhaps, but not necessarily against this particular enemy, in this particular terrain, with this particular ally.

At the same time the French solution of neutralizing all of Vietnam sounds like a proposal in a vacuum, at least for the present. Why should Ho Chi Minh, the dictator of the north, want to neutralize when he is doing so well as it is? Or if he did want to, we may be sure he would see it as a means of continuing the conquest.

We do not rule out the possibility that the United States may somehow someday turn the tide, any more than we rule out the possibility that the realities of the situation may finally dictate withdrawal. But whatever happens, the U.S. involvement in Vietnam reveals a series of classic military and political errors from which it may be hoped the Government will eventually profit.

First, the United States drifted into the war, initially intending only to advise. It evidently overestimated the fighting capacity of the South Vietnamese troops while underestimating the Communist Vietcong.

Second, the United States got into a war where the enemy chose the field. The field, moreover, is extremely disadvantageous for us not only in terms of terrain but of distance from our shores.

Third, it got into a war without allies, even though the interests of many nations are affected. If its allies care at all, they are willing to let the United States do it. Its only ally, South Vietnam itself, has never given an impressive demonstration of a will to win, on the part of the people, the troops, or the successive governments.

To all this it may well be objected that the alternative was to let South Vietnam go down the Red drain, and perhaps the rest of southeast Asia with it. The objection, we think, begs the real issues:

No nation should count on military success, even limited, in the most unfavorable circumstances. No piece of territory is beyond all price, worth any cost, as the French finally discovered 10 years ago after such great cost. And the United States, for all its great power, cannot forever police the world alone and unaided.

[From the U.S. News & World Report, May 18, 1964]

FROM THE FRONT: TRUE STORY OF WAR IN VIETNAM

(Go out to the frontlines, in the jungles of South Vietnam, and you get a view of the war that Secretary McNamara and other high Washington officials do not see. One American writer did that. Robert L. Moore, Jr., lived 4 months with United States and Vietnamese soldiers, went on combat missions with them. What this writer saw raises important questions about the way that war is being fought. He found incompetence, cowardice, graft—and no will to win—among many of the Vietnamese officers and public officials directing war operations. In this report, he tells why he thinks the war will not be won until the United States takes over control.)

SAIGON, SOUTH VIETNAM.—"In his trips to South Vietnam, Secretary of Defense Robert McNamara was never exposed to the hard, unpleasant facts facing those Americans who are actually fighting the war against the Communist Vietcong."

These words were written by an American who has spent 4 months living in the field with the United States and Vietnamese fighting forces—actually going with them into combat.

From firsthand experience, this on the spot American observer has reached these conclusions:

"The basic problem that America faces in Vietnam is not that of defeating the Vietcong Communists. That could be done in a year or less.

"Our problem is to be allowed to win—to be permitted by our Vietnamese allies to prosecute this war aggressively and end it. This does not necessarily have to involve bringing U.S. battle groups into Vietnam to fight the war. Vietnam has the soldiers and equipment to win.

"But, as U.S. advisers in the field say privately: The war can't be won under the present ground rules because of the inability of most Vietnamese military leaders to lead."

The American who wrote these conclusions is Robert L. Moore, Jr., from Boston, Mass. He was an Air Force nose gunner in World War II. After graduation from Harvard in 1949, he worked in television and in public relations and then turned to writing. His output includes two books.

Last year Mr. Moore got the consent of the Department of the Army to live among the U.S. special forces in South Vietnam to gather material for a book about them. In preparation, he took parachute training at Fort Benning, Ga., went through Special Warfare School at Fort Bragg, N.C.

Now, after 4 months in Vietnam, Mr. Moore is returning to write at length about what he has observed there. But he feels that some of his findings are so important and so timely that they should be published quickly. So he has given U.S. News & World Report permission to quote from the first draft of one article that he is preparing.

The story that Mr. Moore tells is a story of a war that Secretary McNamara has not seen. Mr. Moore says:

"Many U.S. fighting men expressed disappointment that the Secretary did not visit American units in daily combat with the Vietcong and find out at first hand from his soldiers what their problems are.

"The U.S. high command in Saigon does not encourage its men to pass their problems along to the Pentagon chief."

Following, from Mr. Moore's report, are some of those problems that Americans face in Vietnam.

LACKING A WILL TO WIN

One major problem is the attitude of the Vietnamese. Mr. Moore says:

"The will to fight, endure privations and win is just not in the majority of the Vietnamese military officers."

Mr. Moore questions whether some of the high officials and military officers of that country really want to see the war end. Why? He writes this:

"Never before have so many Vietnamese officers and public officials lived so well in such a booming economy—injected as it is with a daily dose of almost $2 million of American money.

"It is obvious to the Vietnamese who are benefiting from this dole that when the war is over this massive aid will cease, or at least be drastically modified."

ADVISERS IN COMBAT

The official role of U.S. Army special forces in Vietnam is that of advisers to Vietnamese combat forces. But Mr. Moore reports that these so-called advisers have suffered more than half the U.S. combat casualties, although they make up only about 6 percent of the total U.S. force in Vietnam.

Here, from Mr. Moore's account, is how the U.S. special forces actually operate:

"The basic special forces combat unit—technically referred to as an advisory unit—is a 12-man team known as an A team. There are 42 such units, directed and supported by four B teams, located in the four military corps areas of South Vietnam, with a headquarters unit known as the special forces operating base in Saigon.

"Each A team is strategically situated in an area dominated by the Communists. Anywhere from 300 to 600 Vietnamese civilians—trained by the special forces—are quartered in an A-team camp and are used to reconnoiter Vietcong positions and raid their concentrations.

"Also in each camp there is a Vietnamese special forces A team which, in theory, parallels the American team in capabilities, composition and organization—that is: 2 officers and 10 enlisted men."

Actually, however, Mr. Moore finds a great difference between the United States and Vietnamese special forces.

OFFICERS PICKED BY POLITICS

Mr. Moore gives this description of the Vietnamese special forces—and of how they are selected: "The Vietnamese special forces—or Luc-Luong Dac-Biet, to use the Vietnamese designation—were primarily a unit of political troops organized under the regime of the late President, Ngo Dinh Diem, to serve as the President's private police and riot squad.

"Coveted positions in this elite group were given out as political favors to the sons of friends and supporters of President Diem and his family. To give the group status and equip it with the finest U.S. military hardware, Diem alined his special forces with U.S. special forces—thus saddling the Americans with Vietnamese teams made up of youths who had no taste for combat and whose only training was as palace guards.

"To make things worse, instead of the Vietnamese going out to learn from their highly trained American counterparts, the Vietnamese team captain was made camp commander over the experienced American, who can only advise.

"Despite the two recent coups, each supposedly dedicated to a more aggressive war effort, the character of the Vietnamese special forces seems to be changing all too slowly. Vietnamese officers move into and out of jail as power changes hands, but their overall quality still stands at a dismally low level."

LUXURY IN MIDST OF WAR

You get this description of how officers of the Vietnamese special forces live in the midst of a war:

"Most of the officers have a batman to serve them tea in bed in the morning. Frequently they refuse to see their American counterpart, particularly if they think he is going to goad them into a combat operation. When they do go out on operations, the officers make their men carry all their equipment. Americans carry their own gear.

"Many 35- or 40-year-old lieutenants and captains—whose lack of political connections accounts for their lack of promotions—are sent to some of the most dangerous areas where the majority of Vietnamese officers refused to be posted.

"With increasing effort by the Vietnamese Government to make the army more effective, it is usually possible now for a U.S. special forces A-team captain to have his Vietnamese counterpart relieved from command. Unfortunately, such officers are merely transferred as camp commander to another special forces team in another corps area to begin anew the same cycle of embezzlement of U.S.-supplied funds and deterioration of fighting efficiency."

COWARDICE AND LAZINESS

Mr. Moore tells of the difficulties often encountered in trying to get Vietnamese officers to go out and fight the enemy: "I participated in six combat operations throughout the four corps areas and the pattern never deviated. As soon as it was ascertained that a Vietnamese patrol was closing in on a Vietcong concentration antinoise discipline disintegrated. Shots were 'accidentally' fired and canteens rattled to let the enemy know that he was being pursued.

"When, in spite of these precautions, the Vietcong appeared ready to dig in and fight, the Vietnamese commander inevitably came up with some excuse for pulling back.

"One excuse for turning from the enemy particularly sticks in my mind. It was uttered by a Vietnamese officer in Tay Ninh Province. We had to ford a river to get at what we judged to be a platoon of Vietcong on the other side. We had a full company. The two American advisers were exuberant at the opportunity of engaging a Vietcong unit. But the Vietnamese officer turned to the Americans and said his men could not cross the river because there were too many alligators in it.

"There are, of course, exceptions to the general rule of cowardice and laziness in the Vietnamese special forces.

"I spent some time in the camp of a U.S. special forces officer who had nothing but praise for his former counterpart, a Vietnamese lieutenant in his early thirties. This Vietnamese officer was an aggressive fighting man, able to inspire great courage and loyalty among the civilian defense troops.

"The American officer wrote a letter of commendation for the Vietnamese officer, recommending that he be given a promotion to captain. Two weeks later the lieutenant was transferred to Saigon and replaced by a more typical Vietnamese officer—a 22-year-old anti-American captain who has failed to go out on a single operation to date.

"U.S. special forces men can hardly be blamed for their bitterness toward the Vietnamese officers who make a difficult job almost impossible."

GRAFT AND CORRUPTION

Among the things that make American soldiers angry are the graft and corruption that are widespread in Vietnam—even in combat areas. Mr. Moore cites a few examples. Here is one:

"In April I visited several camps where Vietnamese camp commanders had under them 200 or 300 Montagnard troops. Montagnards are mountain tribesmen who are the best fighting men in the Vietnamese Army. But the Vietnamese despise the darker skinned and coarser featured Montagnards. These Vietnamese camp commanders made the lives of their Montagnard men so miserable by degrading punishment and cutting down on their food that desertions soared.

"The camp commanders failed to report the deserters until after pay day. They collected from the Americans the pay for the entire camp roster, indicating on the payroll that all the deserters had been paid while in actuality the commanders kept the deserters' pay for themselves.

"Yet if Americans object too strenuously to such things they are severely reprimanded for not being cooperative with their Vietnamese counterparts."

Another example:

"On patrols, one Vietnamese commander made his Montagnards hunt deer instead of Vietcong. The commander drove out on the patrols in a weapons carrier. After several days during which he ate heartily while refusing to give the troops any of the meat they provided, the commander drove his load of deer carcasses into town and sold them. This same camp commander had just tried to jail the interpreter who had told the American captain that the commander had pocketed the pay of almost 100 deserters.

"Such stories are so common that Americans begin to take it for granted that they are expected to put up with Vietnamese graft and cowardice as part of their job.

"One U.S. sergeant told me ruefully: 'They took $1,700 out of my pay for taxes last year, and I have to keep my mouth shut and see it wasted over here.'"

Mr. Moore reports:

"There is little confidence among Americans working at the combat level that corruption will be significantly diminished by the announcement of Maj. Gen. Nguyen Khanh, the new South Vietnam leader, that he will jail embezzlers of up to $1,000 and shoot anyone who steals more than that."

REDTAPE AND DELAY

Mr. Moore says: "The biggest single fault in the Vietnamese military system is its chronic inability to react quickly." He cites "a heartbreaking example":

On March 26, two Americans were reported overdue and presumed down on a flight over a jungle area. Vietnamese rangers were asked to join the ground search.

It took 2 days just to get permission—first from a Vietnamese general and then from the district and provincial political chiefs.

Ranger officers then refused to move until they got reserves to stand by in their absence—and a special round of field rations. This cost 3 more days of delay.

On April 1, the rangers finally were flown to a camp from which they were to start a search. Then came word that a new Vietnamese commander was arriving the next day for an inspection—and the rangers had to provide an honor guard.

It was April 3—8 days after the plane went down—when the search finally got underway.

HOW TO HANDLE SNIPERS: "WITHDRAW"

Here is an example, cited by Mr. Moore, of how Vietnamese can turn U.S. military tactics into tactics of retreat: "If the Secretary of Defense really wants to see at firsthand some of the reasons we cannot win this war in Vietnam without some policy changes, he should spend a week at one of the special forces B teams. They are truly microcosms of the entire war. Most of our basic frustrations and quandaries are reflected in a B team's daily incidents.

"At one B team I found the operations officer laughing wryly over the translation of a recent directive. Vietcong snipers picking off a few men were routing whole companies and battalions. U.S. advisers showed the Vietnamese how to dispatch squads to kill or drive off the snipers. The Americans were pleased when a directive on their methods of dealing with snipers went out from corps headquarters.

"A few weeks later, however, the tactical genius of the Vietnamese military mind came forth in a new communiqué. It instructed units coming under Vietcong sniper fire to withdraw—leaving ambushes in case the sniper charged."

U.S. EQUIPMENT WASTED

Here is another problem reported by Mr. Moore, from his own observations:

"Secretary McNamara talks about sending more supplies and equipment to help the Vietnamese win their war against communism. This is fine, except that by and large the Vietnamese have no concept of maintenance, much less preventive maintenance. Unless Americans are maintaining the equipment here it quickly deteriorates from sheer lack of care—and then the Vietnamese ask for more."

RESCUE—OR FLIGHT?

Vietnamese pilots were taught to fly U.S. helicopters, then eight helicopters were turned over to them. The Vietnamese painted parts of the helicopters yellow—the color of their flag. Then the Vietnamese took over the flying of rescue flights to evacuate Vietnamese wounded from jungle combat areas.

Mr. Moore tells how this worked out:

"I had heard so many stories about the Vietnamese pilots' flying over the evacuation site at 5,000 feet, well out of range of ground fire, and then flying back without even trying to pick up the wounded that I decided to go along on an all-Vietnamese evacuation flight.

"For 15 minutes the chopper pilots circled the clearing. Finally the chopper in which I was riding descended almost into the clearing. Then it popped up into the air like a cork released under water. The crew chief examined the fuselage for bullet holes. There were none. So the chopper started to drop in again. Lower and lower we hovered. I saw a wounded man, smiling, being helped toward the helicopter. Then suddenly the helicopter began to rise again. The last thing I saw was a sudden hopeless expression wipe out the game smile on the wounded man's face. Vietcong ground fire had apparently frightened the Vietnamese pilot off, although he later told me he was afraid the clearing was too small and the rotor blades would hit the trees—this after he was already less than a foot from the ground."

"Over and over again," Mr. Moore says, "U.S. advisers reported the terrible fall in morale among the Vietnamese troops when they realized that their own pilots were afraid to come down in Vietcong-infested jungles to pick up the wounded. The ground troops automatically gave up hope when they saw the yellow streak on the choppers high above."

WHY VILLAGERS DESERT

Vietnamese strategy is to clear an area of Vietcong Communist forces—and then try to hold that area while clearing other areas. But Mr. Moore reports:

"So far, holding operations by the Vietnamese alone have not been successful."

One instance is cited where Americans trained thousands of mountain tribesmen, cleared the area. Then the camp was turned over to the Vietnamese. Result: "Less than 2 months after the Americans pulled out the Vietcong attacked, drove the Vietnamese out of the fort and destroyed it." Another example:

"In a program to get the Montagnards away from the Vietcong—preventing them from feeding the Communists or joining them, either willingly or by impressment—the tribesmen were taken from their villages in the mountains and brought into new villages built around forts garrisoned by Vietnamese troops. But the Vietnamese troops refuse to leave their forts after dark. So the Vietcong come into the villages at about 6 p.m. and stay the night, giving political orientations, eating, imposing taxes, and punishing villagers suspected of cooperating with the Government. In the morning, the Vietcong leave and the Vietnamese troops take over until evening."

"Until the Vietnamese muster the courage to go out at night and patrol the areas they are supposed to be securing, the entire 'clear and hold' concept is a joke.

"With no protection at night, the villagers know that death and torture will be their lot if they cooperate with the Government. Hundreds of tribesmen are moving back into the hills. As long as they are going to be dominated by the Vietcong anyway, they prefer to be in their own home mountains. And then, of course, they are turned into hard-core Communists when the Vietnamese Air Force bombs and strafes their villages because they deserted their Government hamlets to go back to Vietcong territory."

SOLUTION: U.S. CONTROL

After watching the war in Vietnam for 4 months, this American writer has reached this overall conclusion:

"Until the Vietnamese military develops the will to win and the courage to face the enemy unflinchingly by day or by night, even if outnumbered, the war against communism in Vietnam will not be won, no matter if we pour in $3 or $4 or $5 million a day in aid.

"The only realistic solution that most Americans see in Vietnam is for the United States to take operational control of the war away from the luxury-loving, coup d'etat-minded, casualty-fearing Vietnamese officer corps until such time as they can develop the leadership necessary to win the war. If we do not take operational control, we merely waste lives and money in a hopeless stalemate."

AMENDMENT TO ALASKA OMNIBUS ACT

During the delivery of Mr. ERVIN's speech,

Mr. JACKSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 965, Senate bill 2772.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2772) to amend the Alaska Omnibus Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, line 6, after the word "of", where it appears the second time, to strike out "$22,500,000" and insert "$23,500,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 44 of the Alaska Omnibus Act (73 Stat. 141) is amended by striking the word "and" following "1962" and the period at the end thereof and inserting in lieu of the period "; and the sum of $23,500,000 for the period ending June 30, 1966."

SEC. 2. Subsections (b) and (c) of section 44 of the Alaska Omnibus Act are amended by striking "June 30, 1964" wherever it appears therein and inserting in lieu thereof "June 30, 1966" and subsection (a) of section 45 of that Act is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1966".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JACKSON. Mr. President, this bill is an emergency measure to provide urgently needed assistance to Alaska in recovering from the earthquake disaster of March 27. Consideration at this time has been cleared with the distinguished majority leader and the distinguished minority leader.

The bill authorizes grants of up to $23½ million to provide emergency assistance to the State government of Alaska and its local governmental entities.

There has been some discussion that more than $23½ million should be authorized at this time. I wish to state that the question was carefully considered by the Committee on Interior and Insular Affairs at our public hearings on S. 2772, and the members came to the conclusion that the $23½ million would meet the State's essential needs at this time.

I recognize the fact that subsequent to our committee's action there has been further discussion that the amount should be larger. As our committee report states, if more is required we will give prompt consideration to the matter. But I am convinced that the figure of $23.5 million will meet the essential requirements for immediate help to the State government of Alaska. The State government has lost about one-half of its sources of revenue as a result of the Good Friday earthquake and accompanying disasters, including tidal wave and fire.

Mr. President, S. 2772, which was reported unanimously by the Committee on Interior and Insular Affairs, is, as I stated, an emergency measure to enable the State of Alaska and its local governments to carry on local governmental functions.

Never in all our history has the economy of a single State been as hard hit by a natural disaster as that which struck the 49th State 6 weeks ago.

PROMPT ACTION BY FEDERAL GOVERNMENT

The Federal Government has moved promptly to help alleviate the suffering and hardship of our fellow Americans. The present bill, S. 2772, is a measure designed to give emergency help to the public sector, as distinguished from the private sector, of Alaskan life. It would authorize grants to the State of up to $23.5 million to make up, in part, for the revenues the State will lose as a result of the disaster.

Technically, the measure amends the Alaska Omnibus Act, which we enacted in the 86th Congress, by increasing the amount of transitional grants provided in that law and by extending the time for such grants for an additional 2 years, or until June 30, 1966. The figures—both as to the amount and the time—are those submitted by the Bureau of the Budget with the exception of an additional million dollars provided by the committee amendment. This amendment was necessary to offset a short-term drop in the revenues of the Anchorage Independent School District which has not been taken into consideration by the Budget Bureau in submitting its original $22.5 estimate.

The committee amendment was made with the full concurrence of the Bureau of the Budget.

ESTIMATES OF AMOUNTS NEEDED DIFFER

Mr. President, it should be emphasized that the $23½ million is the Budget Bureau's figure for an 18-month emergency period. It is not that of the State. The State of Alaska has estimated that it needs transitional grants amounting to about $46½ million for a 30-month period. However, if the State's estimates are reduced to the same 18-month base used by the Bureau of the Budget, the State total would be about $27 to $30 million.

The Interior Committee conducted public hearings on S. 2772, which was drafted by the Bureau of the Budget and transmitted to the Congress by President Johnson. In its unanimous report urging prompt favorable action on the bill, the committee recognized the fact that the amounts and the time period were estimates. They may be too little; more time may be needed. On the other hand, both figures may be more than actually needed.

The Bureau of the Budget stated unequivocally that its position is that there is no commitment, express or implied, to request appropriations in the full amount of the authorization. Rather, the Bureau stated that initial appropriation requests would be made only on its estimate of the amount needed to carry the State over until the beginning of the calendar year 1965. At that time more facts will be available and a better estimate can be made whether, and in what amounts, additional funds may be needed to offset the State's temporary loss in revenues.

Mr. President, prompt enactment of S. 2772 is urgently needed for the continued functioning of State and local governments in a State of the United States. It is an emergency measure for temporary aid.

I urge immediate approval by the Senate of this emergency measure.

Mr. JOHNSTON. Mr. President, I should like to make a statement at this time.

Mr. ERVIN. Mr. President, I should like to ask unanimous consent to yield to the Senator from South Carolina [Mr. JOHNSTON] and to any other Senators who may wish to comment on this bill, on the same unanimous-consent agreement terms granted to me by the Senate a moment ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, if at a later time the State of Alaska should apply for loans, I believe the Senate should look into the possibility of lowering the 3-percent interest rate we have established. I believe that borrowers in an emergency such as that in Alaska should have the very lowest rate of interest possible under the circumstances.

I do not believe we should lend money to other countries more cheaply than to a State in the United States. For that reason I believe the Senate at this time should let it be known that we believe Alaska and any other State suffering a great disaster should have the lowest possible rate of interest. That is what I am urging.

Mr. BARTLETT. Mr. President, I should like to thank the Senator from South Carolina for his comments.

This particular bill authorizes grants, rather than loans, in the amount of $23½ million and there is no provision for repayment by the State, but I think the Senator's point is well taken.

Mr. JOHNSTON. The State of Alaska may need to borrow more money at a later time.

Mr. BARTLETT. The Senator is correct and I believe he has in mind also loans from the Small Business Administration.

Mr. JOHNSTON. People in the Senator's State well may need to apply for Federal funds through small business loans, is that not correct?

Mr. BARTLETT. Yes, out of the money already appropriated to that agency.

Mr. JOHNSTON. The Senator is correct. Funds are available in case of emergencies such as the Alaska disaster. I think interest rates should be as low as possible.

Mr. BARTLETT. I agree with the distinguished Senator, and I thank him. With respect to S. 2772, the amount of $22½ million was suggested by the administration, and increased to $23.5 by the Interior Committee, with the understanding announced by the Bureau of the Budget that should the State be in need of further funds, the State could come back and would have a prompt and sympathetic hearing before the administration and the Congress. As the Senator from Washington said, there is urgent need for money right now to tide the State and local governments over until such time as they can recover themselves in respect to tax revenues.

I join the distinguished chairman of the Interior Committee in urging prompt passage by the Senate of this administration-approved bill so that the State of Alaska can get funds immediately.

Mr. GRUENING. Mr. President, while I highly approve the administration's approval of a transitional grant to make up for the State of Alaska's lost revenue—lost because of the earthquake disaster of March 27; a catastrophe unprecedented and greater in magnitude than has befallen any State since the beginning of the Nation's history but I feel the amount proposed is inadequate. The loss of business and employment wrought in Alaska's metropolis, Anchorage, in the coastal cities of Seward, Valdez, Kodiak, and Cordova, and in the Kenai Peninsula, will result in a greater reduction of business and personal income which will in turn be reflected in the State's tax revenue, than I believe the Bureau of the Budget has estimated. I am comforted by the assurance, however, that if the sum authorized proves insufficient, the administration is prepared to ask for an additional authorization. The transitional grant is what in our foreign aid program is referred to as budget support. We have been giving it freely in many parts of the world to close the gap between a government's income and expenditure. We have done this in countries which have suffered no disaster, as has Alaska. It is fitting and proper that it be done for one of our own American States.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

Mr. ERVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 220 Leg.]

Aiken
Allott
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McCarthy
McGee
McGovern
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pearson
Pell

Prouty
Proxmire
Ribicoff
Scott
Smith
Sparkman
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

THE CIVIL RIGHTS DEBATE

Mr. MORSE. Mr. President, I rise to speak on several subjects. If a procedure could be devised for ending the filibuster on the civil rights bill, I would not be rising to discuss any subject. However, so long as apparently there is no design for ending the filibuster, I think it is quite proper to discuss matters which are more important at the moment to the American people than a mere procedural sham battle in the Senate.

I said weeks ago that I stood ready and willing to support a move to hold the Senate in session 24 hours, day and night, week in and week out, until the American people became so concerned about the status of their legislative body that they would bring the necessary influence to bear and cause a vote to be taken in the Senate on delivering the Constitution, for the first time in our history, to the American Negro. I am still of the opinion that that is the only way the Constitution will ever be delivered to the Negro.

I am satisfied that if we continue our present procedural course of action, either the filibuster will never end or there will be such a retreat on the bill that as it is passed, it will be such a mushy mess that it will not be digested and will not answer the great domestic crisis that confronts the Republic.

The other night, when a long time was spent in trying to develop a quorum, I moved that the Sergeant at Arms be instructed to issue the necessary warrants to arrest absent Senators. The suggestion did not meet with the favor of more than two or three Senators, although I say, most respectfully, that we meant it as a test as to whether or not the proponents of civil rights mean business or whether they mean merely to continue a parliamentary sham battle.

Failing in that motion, some half hour or so later I made a motion that the Sergeant at Arms be instructed to compel the attendance of absent Senators. That motion seemed to meet with no more favor than my motion to have absent Senators arrested. But at least it served the purpose of making clear that as of that time there was no real determination to draw this issue. I do not believe that that determination has developed up to this hour.

I desire to have my leadership know that from time to time, when quorums cannot be speedily produced, I shall renew my motion to have the Sergeant at Arms instructed to issue the necessary warrants to arrest absent Senators. The parliamentary crisis in the Senate will not be met by having quorum calls merely to produce the pro-civil-righters. Filibusters cannot be broken in that way. We are merely kidding ourselves, and we should stop trying to kid the American people. All the Senators must be produced, the anti-civil-righters as well as the pro-civil-righters. We must make the civil rights bill the sole business of the Senate—and I am ready to do it. We must do it 24 hours of the day and night, for as many weeks as necessary until the American people exercise their ultimate control.

I am worried about the way the bill is being handled at present in the Senate. I believe we shall end with proposals for a watered-down bill that will betray the rights of the Negroes of America, and by so doing will betray the best interests of the American people of all colors. We ought to get the bill behind us. We ought to pass a bill that will give to the Negroes of the country exactly the same constitutional rights that I possess; the same constitutional rights that every white person in America possesses. But the Negroes do not enjoy those rights now because rights exist only to the extent that they exist in practice. So long as the practices in all sections of America, North, South, East, and West, are practices which make second-class citizens out of Negroes, the conclusion is undeniable that we fall short of delivering the Constitution to them.

It is clear that an obligation rests on the shoulders of the civil-righters to tell the American people that they will not support amendments that would water down the bill. But I am deeply worried as to whether or not they will tell that to the American people. I am worried as to whether, if they do tell it to the American people, they will vote that way when the final votes are taken.

I want to get this constitutional crisis behind us, because that is what we are confronted with. This is a constitutional crisis. It has the potentialities of being a constitutional crisis as serious as that of 1862.

I have been criticized for the point of view I express again. I have been criticized for it on the floor of the Senate. I shall not be deterred by any criticism. It is irrelevant, immaterial, and inconsequential to the obligation that rests upon every Senator. We may be entering a period in which protests against the nondeliverance of the Constitution to the Negroes of America will be taken to the streets of America. I repeat that if those protests are taken to the streets of America and violations of law are committed, the senior Senator from Oregon will stand in support of the enforcement of the law and the maintenance of law and order. But that will not change the fact that protests will be made. In many instances, I fear they will get out of hand and that disorderly conduct will result, laws will be broken, violence will exist, and blood will be shed. If that happens, not one Senator can justify ducking out through an exist or escaping down an escape hatch, so far as his duty in this body is concerned. Every Senator has exactly the same duty under the oath of office he took in front of the Senate when he was last sworn in to uphold the Constitution; and upholding the Constitution includes support of making these rights available to every Negro in the country as well as to every white man. That is the issue.

Proposed amendments that would hack away at the historic common law doctrine embedded in the Constitution in regard to public accommodations cannot justifiably be supported by alleged liberals in the Senate—or by conservatives, either. No argument of expediency on the civil rights bill can be justified on moral grounds. No argument of gradualism can be justified on moral grounds. No vote for any civil rights bill or amendment thereto that provides less than the full constitutional rights to the Negroes of the country can be justified on moral grounds.

If the leadership of this body wants to lose liberal votes, here is one it will lose if it offers me only a compromise of constitutional principles by way of amendments that spell out expediency, but do not spell out constitutional rights.

I do not mean to imply a criticism of my leadership. I know it has a very difficult job. But I say most respectfully to my leadership, "You are on an irrefutable ground when you make very clear that you will not be a party to any amendment that seeks to compromise the constitutional rights of Negroes"—for example, any amendment to a public accommodations bill which seeks to chisel away from a common law doctrine embedded in our Constitution that if a businessman holds himself out to offer public service, he cannot discriminate against customers on the basis of the color of their skin. Any amendment which seeks to justify that expediency would be, in my judgment, not an amendment for which a Senator could vote and at the same time could say he was voting to uphold the Constitution of the United States.

It is going to be a long, hard struggle. But I repeat with great pride that there has been no indication from the White House—and I am satisfied there never will be—that the President of the United States will agree to any compromise of the great speech he made last Memorial Day at Gettysburg, Pa.—a speech which no one can read without recognizing that it spelled out exactly what I have just stated, in principle—namely, that the Negroes of this country are entitled to all the constitutional rights that the white men of the United States are entitled to under the Constitution. That is the issue.

I say to my leadership in the Senate that I do not intend to leave my President on the issue of civil rights, because I am satisfied he is unanswerably right. But I will leave my President whenever I think he is wrong.

But let Senators who think the President was wrong in his speech on last Memorial Day, at Gettysburg, Pa., stand up and say so, in attempting to justify or to alibi for watered-down amendments to the civil rights bill.

Mr. President, I have made these introductory remarks; and now I shall proceed to discuss matters not related to civil rights. I would not do so if the leadership in the Senate had hewed out a parliamentary course of action designed to hold us to the civil rights issue until it was disposed of. But I renew the recommendation I made many weeks ago; namely, that certainly the time now has come—in fact, it has long since passed—when the Senate leadership, in charge of the bill, should say to the American people, "The Senate is going to be held in session every hour of the day and night, for as many weeks as it may take to finally dispose of this bill."

I do not think there is any other way to get the American people to recognize the crisis in which we are now living.

I do not think there is any other way ultimately to obtain cloture; and I do not think there is any other way to deliver—for the first time in our history—to the Negroes of this country their full constitutional rights.

So, Mr. President, what are we waiting for? I hope finally the leadership in charge of the bill will follow the course of action that some of us have suggested for some weeks. They have already tried every other way; but I believe we are further tonight from passing a civil rights bill than we were on the day when the debate began; at least, I am satisfied that we are now further from passing the civil rights bill that the Negroes of this country are entitled to have the Senate pass—a bill that will give them their full constitutional rights and will implement those rights—than we were on the day when this debate began.

So tonight I say quite frankly, Mr. President, that I think the anti-civil-righters have gained, and have strengthened their position, in many respects, since this debate began.

We do not have to go very far to obtain proof of that. All we have to do is go into the cloakroom, and listen to the cloakroom discussion of proposed amendments. I am stunned by some of the proposals to chisel away one right after another that the Negroes of this country are entitled to have provided by any civil rights bill that is brought to a vote here in the Senate.

I say to my leadership that I always stand ready and willing to join them in any procedure that will hasten the passage of a fully adequate civil rights bill. But, Mr. President, whom are we wearing out? Whom are we inconveniencing? We begin our sessions at 10 o'clock in the morning, and we have several live quorum calls during the morning, and we have several live quorum calls during the afternoon, so that thereafter Members of the Senate can attend the various black-tie affairs and the saloons in Washington that are called cocktail parties, and can reach a gentlemen's agreement that no live quorums will be had while the guzzling is going on. That is some performance. That is some way to operate a parliamentary body. But, Mr. President, as an old livestock man, let me say I would not even try to operate a dog kennel that way.

I wish to say to Senators on this side of the aisle who are pro-civil-righters that I hope that in the next several days there will be a reappraisal of our parliamentary strategy, and we shall make up our minds as to whether we propose to go forward or continue to retreat—for at present we are retreating.

But we do not win a battle by retreating.

The Senator from Oregon, even though I think it is very important periodically to discuss McNamara's war, would agree on the rule of germaneness being enforced 24 hours of the day and night any time the leadership wants to announce that we will debate civil rights 24 hours of the day and night, and enforce all the rules. But until the leadership in charge of the bill is willing to do that, the senior Senator from Oregon will continue to do as he now does—discuss other subject matters that I think important to the country.

There is no reason why we should not, in the absence of a determination on the part of the leadership to break this filibuster. We cannot break the filibuster, in my judgment, unless we follow the procedure that I have suggested, 24-hour sessions, day and night, and the enforcement of the rules of the Senate every minute of the time.

THE FOREIGN POLICY OF THE UNITED STATES

Mr. MORSE. I turn now to a discussion of some phases of foreign policy. I am greatly concerned about the United Nations. I am greatly concerned about the future of the United Nations. I am concerned about the future of the United Nations because of certain events that are occurring these days in the world that, in my judgment, are weakening the United Nations.

It is with a heavy heart that I point out that my own country is a party to what I consider to be a course of action that is weakening the future of the United Nations. So is Russia. So is the United Arab Republic. So is Great Britain. And so are some other nations—including the United States of America—that, in my judgment, are willingly, intentionally, and wantonly circumventing and flouting the United Nations. When we permit this list of precedents to be established, when we permit these violations of the United Nations Charter to be committed—as they are being committed around the world this very hour—we shall be in a pretty weakened position if at some time in the future we attempt to enforce the charter of the United Nations against some other violator.

Yesterday, the Senator from Alaska made what I think was a truly historic speech in the Senate, entitled "While America Sleeps, U.S. Collision Course in the Middle East." He talked about the course of action of Nasser in the Middle East, which is a course of action that threatens the peace of the Middle East, and thereby the peace of the world. He talked about the aiding and abetting that Nasser is receiving from Khrushchev on his state visit to the Middle East.

The speech of the Senator from Alaska was a brilliant speech. He was joined in colloquy during the delivery of his speech by the Senator from Illinois [Mr. DOUGLAS], the Senator from Michigan [Mr. HART], the Senator from New York [Mr. JAVITS], the Senator from Connecticut [Mr. DODD], and the Senator from New York [Mr. KEATING]—Senators whose great ability and distinguished service in the Senate are recognized by all. All those Senators thought the subject matter of the speech by the Senator from Alaska [Mr. GRUENING] was of sufficient national and international importance to comment upon it, and to commend the Senator from Alaska for the position he took. There was a story in the New York Times about the speech, which I ask unanimous consent to have printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. I have not had an opportunity to check a large cross-section of America's kept press. But I did check these two great examples of the Pravda-like journalism in Washington, D.C., known as the Washington Post and the Evening Star. I find not a line in either paper about the significant speech delivered by the Senator from Alaska, which was joined in by the Senators whom I have mentioned during the colloquy which occurred in the Senate yesterday.

I have read the speech. To me, it is a warning as to the future of the United Nations. If Khrushchev carries out his promises to Nasser, Nasser will be strengthened in his present threat to the peace of the Middle East. He has been making that threat for quite a while. He has been making it perfectly clear that whenever he considers himself strong enough, he will wage a war against Israel.

What will be the position of the United States then? Will we file a complaint with the Security Council of the United Nations? Will we have our answer to the charge that will be made: "What about your threat to the peace in southeast Asia? What about your violation of the peace in southeast Asia? And how about the British in Yemen? How are they going to defend the weakening of their obligations to the United Nations Charter, which bears the signature of the British Empire, if someone files a complaint before the Security Council as to some other nation's threat to the peace and Great Britain urges that United Nations jurisdiction be taken in that dispute?"

What concerns me is that some of the great powers that have signed the United Nations Charter, including the United States, are undercutting the charter, instead of living up to their obligation to make the United Nations a force in maintaining peace in this world. Powerful nations in the world are undercutting the United Nations at this very hour, including the United States. There is no denying the fact that the United States stands in violation of the United Nations Charter in South Vietnam right now, and has for a long time past.

If we are not willing to live up to the United Nations Charter, we are in a pretty weak position to seek to enforce it against others. So I want to bring to an end the weakening of the United Nations Charter. I again ask my Government to lay the South Vietnam issue before the Security Council of the United Nations, and then, if necessary because of a veto, before the General Assembly of the United Nations, to the end of stopping a war rather than making a war and running the risk of expanding that war into a nuclear war.

I want to see my country do that on its own initiative, so that we shall not be confronted in the not too distant future with a charge against us on South Vietnam, or in case we wish to protest the violation of the United Nations Charter, so we cannot be confronted with the comment, "Look who is talking," in light of the United States flouting of the United Nations Charter in South Vietnam.

In a recent speech in the Senate I called upon the United States Ambassador to the United Nations, Mr. Adlai Stevenson, to tell the American people, as their representative in the United Nations, if he believes the U.S. unilateral military action in South Vietnam, which is resulting in the unjustified killing of American boys, can be justified under the United Nations Charter.

Today I sent him a letter setting forth a series of questions, because I do not intend to let the U.S. Ambassador to the United Nations "off the hook" on this issue. As I said the other day, the possible casualty of his job as Ambassador is immaterial and irrelevant, in light of the supreme sacrifice of casualties among American boys in South Vietnam, for the American people to be denied the opinion of a man we have sent to the United Nations as the trustee of the obligations of this country under that charter.

So I say again, "Mr. Stevenson, where do you stand on the war in South Vietnam? Does it produce any problems for you in regard to your carrying out your trusteeship as Ambassador of the United States at the United Nations? Remember, you have obligations that transcend your ambassadorship obligations, for when you sit on the Security Council of the United Nations, you have obligations to the United Nations as well as to the United States."

Mr. President, that is only elementary. The Security Council is made up of ambassadors from member nations that comprise it. Each ambassador really has the duty to advise his government as to whether or not a course of action is being followed by his government or by any government that does violence to the United Nations Charter.

I have also addressed a letter to the Secretary General of the United Nations, Mr. U Thant, for the world is entitled to know from the Secretary General what his position is with regard to threats to the peace of areas of the world—and thereby threats to the peace of the world—in the Middle East, in Yemen, in South Vietnam, or anywhere else, at any time, the course of action of any nation endangers the peace of any region in the world and thereby runs the risk of endangering the peace of the world because of the possiblity of escalation.

South Vietnam is the Achilles' heel of this administration. South Vietnam is the Achilles' heel of our whole foreign policy. I have said before, and repeat tonight, that our military action in South Vietnam is unconstitutional, for no President has the right, under our Constitution, to send American boys into a combat zone, running the risk of endangering their lives, and in this instance resulting in the killing of a considerable number of them, in the absence of a declaration of war.

There has been no proposal for a declaration of war.

I ask the question again of my President, my Secretary of State, and my Secretary of Defense: "When are you going to send one up?"

Until there is a declaration of war, there is no justification either under our Constitution or under international law for sending a single American boy to his death in South Vietnam.

Earlier today, the Senator from Alaska [Mr. GRUENING] made a speech on the same subject, and in the course of his speech he inserted in the RECORD an article from this week's U.S. News & World Report written by Robert L. Moore, Jr., who, the article states, lived 4 months with United States and South Vietnamese soldiers, going with them into combat mission after combat mission in South Vietnam.

I am so glad that the Senator from Alaska made his speech and discussed this article, because it is a shocking report. I understand that a journalistic record for objectivity, dedication to reporting the truth, and the keen insight and analysis of Mr. Moore, will not be challanged by any competent critic in the field of journalism.

Let me say to the Senate and to the administration: Read it. Read it. One cannot read it and conclude with any confidence that we are either right in our policy, or have any hope of winning the war on the basis of the procedures and policies which we have followed to date. If we wish to substitute for those procedures an escalation of the war, get ready to send to their deaths tens of thousands of American boys, and be prepared to run the risk of escalating the war far beyond North Vietnam and into World War III.

As Mr. Moore reports in his article under heading after heading, the entire operation is discouraging. He comes to the final topic "Solution, U.S. Control"—and I quote him:

> After watching the war in South Vietnam for 4 months, this American writer has reached this overall conclusion: Until the Vietnamese military develops the will to win and the courage to face the enemy unflinchingly, by day or by night, even if outnumbered, the war against communism in Vietnam will not be won—no matter if we pour in $3 or $4 or $5 million a day in aid.
>
> The only realistic solution that most Americans see in Vietnam is for the United States to take operational control of the war away from the luxury-loving, coup d'etat-minded, casualty-fearing Vietnamese officers corps until such time as they can develop the leadership necessary to win the war. If we do not take operational control, we merely waste lives and money in a hopeless stalemate.

If we take operational control, Mr. President, we shall have to fight the war. For what purpose? For what purpose should the United States be fighting a war in South Vietnam?

We have a slogan—to stop it from being taken over from communism. The Communists could not care less. They would not know the difference, anyway.

Mr. President, we cannot singlehandedly save Asia from communism. We are surely not receiving any help. But I believe that if we would stop weakening the United Nations and give every indication that we would support the United Nations exercising a peace corps-keeping jurisdiction over South Vietnam, as it does in the Congo, the Middle East, and Cyprus, within the powers of the United Nations Charter, we might bring the fighting to an end; and then with the passage of time—and it may be 10 or 20 years—under some arrangement which for want of a better description I would label a form of United Nations trusteeship, maintain peace in the area until the people there finally develop the ability and the incentive to govern themselves on the basis of exercising their own will as to what form of government they wish.

Mr. President, the account in today's New York Times of Secretary McNamara's arrival in Saigon is one more evidence of the failure of the American war—which I call McNamara's war in South Vietnam. I call it McNamara's war in South Vietnam, as I have said before, because he has drawn the blueprint. He is the one who is operating it. They are his policies. True, the President is following them, which is to be expected, so long as he keeps him as his Secretary of Defense. But we know where the responsibility rests for the policies which are being followed in South Vietnam—on Secretary McNamara's shoulders.

As recently as 3 years ago, it was possible for top American officials at least to move from the Saigon airport into town in normal transportation, but yesterday Secretary McNamara arrived several hours ahead of his announced schedule and he and our Ambassador, Mr. Lodge, covered themselves with bulletproof jackets and rode in a car carrying bulletproof material on its floor. In another security precaution, the car turned into a side street and took a round-about route into town—which is indicative of a great American victory in South Vietnam. That is indicative of the great progress we have made in South Vietnam in 3 years.

Three years ago, one could at least travel in Saigon, if one were a visiting American, without a bulletproof jacket strapped on him. The same newspaper reported that it was pretty hot over there, and the Secretary of Defense decided he would take a swim in the pool.

In order to protect him, they had the pool surrounded by soldiers, with rifles pointed away from the pool, all around the pool. That is more indication of the great victory the United States is winning in South Vietnam. At least we have enough military power, apparently, to protect the Secretary of Defense while he takes a swim. If it were not so tragic, it would be funny. It is a rather tragic posture in which to find the American Republic in South Vietnam. The entrance of the Secretary of Defense into Saigon is but symbolic of what I think represents the collapse of McNamara's war.

It is a pretty good indication of how we are progressing. The United States and its officials are in no better position in South Vietnam than any other colonial power has been in the past 20 years when it has sought to maintain a protectorate or colony by military force.

That is what South Vietnam is. It is a U.S. puppet, with its government controlled by the United States, taking U.S. orders. It is a U.S. protectorate. We are trying to pick up the failure of Great Britain, France, the Dutch, and every other colonial power in Asia of the last 50 years, and we will end with the same failure. Asia will not be run by white men. I do not know why the United States has not learned that lesson. France learned it. Great Britain learned it. The Dutch learned it. They paid a terrible price in material wealth and an even more precious price in blood.

Mr. President, the French fought terrorists and rebels in Indochina and Algeria for years; the British fought terrorists and rebels in Africa, in Cyprus, and Egypt. They were all unsuccessful, just as the United States will be unsuccessful in South Vietnam.

In trying to fight on ground and terms alien to the United States, we are needlessly killing Americans for an objective we eventually will have to abandon. Much is being said about the poor quality of the American planes being used in South Vietnam. They are killing American pilots. But under the Geneva agreement, we cannot replace the equipment used in Vietnam in 1954 with anything but an equivalent. Of course, we have stepped up the level of aid in violation of the agreement.

In fact, the commission or council created under the Geneva accords of 1954 has found North Vietnam in violation of the accords, and has found South Vietnam in violation of the accords. In finding South Vietnam in violation of the accords, it stated that the American military aid which has been made available to South Vietnam is a direct violation of the Geneva accords. Yet the paradox is that the United States says we are in there because of the Geneva accords.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. EASTLAND. The Senator is making a very able speech. I have read in Scripps-Howard newspapers that our American soldiers there do not have modern weapons. Does not the Senator agree that whenever an American soldier is ordered into combat he should have the very best weapons that our country can provide him?

Mr. MORSE. There is no question about it. That is why I have asked why we are trying to fool ourselves or the American people or the world. As the Senator from Mississippi knows. Three or four weeks ago when I first started speaking against the unjustifiable war in South Vietnam I quoted what a very high Marine Corps officer came to tell me. He said, "Senator, I disagree with you. I think we ought to go in there and clean them out. We ought to go in with a full-scale war. What we are doing is that we are in there on less than a full war basis, and we are not giving to our American boys the protection they would have if we were at war. We are making them sitting ducks in the helicopters, which have no cover protection and no ground protection."

Mr. EASTLAND. Why should we not give our boys the best weapons that we can afford? Is it not our duty to do that?

Mr. MORSE. If we make war, we should.

Mr. EASTLAND. Are we not making war?

Mr. MORSE. We should declare war or get out.

Mr. EASTLAND. Are we not making war?

Mr. MORSE. We are making it in an unconstitutional way.

Mr. EASTLAND. Do we not owe it to the boys over there to give them the best weapons that we can produce in this country?

Mr. MORSE. If we are to make war, yes; but we owe it to the American people and to the people of the world to try to bring the war to an end by enforcing peace through the United Nations Charter, not by unilateral action on the part of the United States.

Mr. EASTLAND. Of course, that is something else. However, as long as we are sending American soldiers over there, the very best armament that this country can afford should go with those men into combat, whether we declare war or do not declare war, or whatever the policy is.

Mr. MORSE. We should not send American boys into combat without a declaration of war.

Mr. EASTLAND. I agree. But when we do so, the very best weapons should be given to the men to protect themselves.

Mr. MORSE. There is no question about it. Of course, we have stepped up the level of aid, in violation of the agreement.

If we replace the planes now in use there with later models, it will be contended that that is an additional violation of the Geneva accords. That is why I say we should bring the matter before the Security Council to pass on it. If Russia vetoes it, as we could expect it to do, we should take it to the General Assembly.

The United States, and Secretary McNamara in particular, had better face the fact that the United States cannot win this war 7,000 miles away. Even if we step up the level of the fighting with rocket-firing aircraft and other weapons the Vietcong does not possess, we still will not win. On the contrary, the more we escalate the conflict, the more change there is that this country will become ensnared in an Asian war that will kill even more Americans and last even longer.

As it is now, the Vietcong has no aircraft. We monopolize the air. We are doing it with outmoded planes. But we cannot use better planes without violating the same Geneva agreements we are accusing North Vietnam of violating.

The only answer is to withdraw the American military forces from South Vietnam.

Mr. President, the Senator from Alaska [Mr. GRUENING] earlier today inserted in the RECORD an editorial from this morning's Wall Street Journal.

It needs to be more than inserted in the RECORD; it needs to be read on the floor of the Senate, and I propose to read it with comment. It is a terrific editorial. It is an editorial that not only the Senate but the administration had better contemplate. Its title is "Error Upon Error." The editorial reads:

> Ten years almost to the day after the fall of Dienbienphu, Secretary McNamara is in Saigon—for the second time in the past couple of months. Yet no matter how many high officials visit Vietnam, or how frequently, nothing gets clarified. Except, that is, the continuing failure of U.S. policy.
>
> Though the conjunction of the Secretary's trip with the anniversary of the French defeat is accidental it could be unpleasantly symbolic. With a far greater force than the United States has committed, the French fought the Communists for some 8 grisly years, and lost.
>
> Vietnam was then divided north and south, Korea-like, but unlike Korea the border was fluid and not patrolled by large contingents of United States or any other troops. The Communists predictably made the most of their opportunity, first as infiltrators and guerrilla fighters; now they are so strong they can and do attack in force.
>
> Today the French wonder aloud how the United States expects to win at the rate it is going. They are not the only ones; American servicemen and reporters have long been saying we are losing the war. U.S. officials are alternately reassuring and gloomy.
>
> Part of the official attitude appears to be that we are not supposed to win in a formal sense; only help the South Vietnamese drive the Communists out and keep them out. But even this limited objective keeps going glimmering. After all the U.S.-supported fighting, the Communists are said to be in effective control of sizable and important parts of South Vietnam.
>
> In view of that, it is almost impossible to figure out what is the U.S. strategy, if any—that is, how it thinks it can in fact drive the Communists out and keep them out. Not that anyone expects the Pentagon to reveal its war plans in detail; it is rather that the evidence indicates the lack of any plan which promises to be workable against the varied and successful tactics of the Communists.
>
> Not even the commitment of many more American soldiers or the bombing of Communist bases in the North, which has been talked of off and on, would be guaranteed to accomplish the objective. In other circumstances perhaps, but not necessarily against this particular enemy, in this particular terrain, with this particular ally.
>
> At the same time the French "solution" of neutralizing all of Vietnam sounds like a proposal in a vacuum, at least for the present. Why should Ho Chi Minh, the dictator of the North, want to neutralize when he is doing so well as it is? Or if he did want to, we may be sure he would see it as a means of continuing the conquest.
>
> We do not rule out the possibility that the United States may somehow some day turn the tide, any more than we rule out the possibility that the realities of the situation may finally dictate withdrawal. But whatever happens, the U.S. involvement in Vietnam reveals a series of classic military and political errors from which it may be hoped the Government will eventually profit.
>
> First, the United States drifted into the war, initially intending only to advise. It evidently overestimated the fighting capacity of the South Vietnamese troops while underestimating the Communist Vietcong.
>
> Second, the United States got into a war where the enemy chose the field. The field, moreover, is extremely disadvantageous for

> us not only in terms of terrain but of distance from our shores.
>
> Third, it got into a war without allies, even though the interests of many nations are affected. If its allies care at all, they are willing to let the United States do it. Its only ally, South Vietnam itself, has never given an impressive demonstration of a will to win, on the part of the people, the troops, or the successive governments.
>
> To all this it may well be objected that the alternative was to let South Vietnam go down the Red drain, and perhaps the rest of southeast Asia with it. The objection, we think, begs the real issues:
>
> No nation should count on military success, even limited, in the most unfavorable circumstances. No piece of territory is beyond all price, worth any cost, as the French finally discovered 10 years ago after such great cost. And the United States, for all its great power, cannot forever police the world alone and unaided.

Mr. President, that editorial is from the Wall Street Journal. The Wall Street Journal is one of the most responsible sources of news in the Republic.

The Senator from Alaska [Mr. GRUENING], the Senator from Louisiana [Mr. ELLENDER], and the Senior Senator from Oregon for weeks on the floor of the Senate have been raising the same warnings that the Wall Street Journal sets forth in its editorial this morning.

I say to my administration that there is growing evidence of an awakening America, in spite of the thunders of silence of the press of this country, which for the most part is a Pravda press, a kept press, a press that engages in concealment of the facts from the American people, feeding the American people only what the press wants to feed them. The great constitutional guarantee that our forefathers gave them, freedom of the press, carries with it the obligation to speak the truth and tell the truth. But despite this betrayal on the part of the press of most of the country, the facts are gradually getting through to the American people about the illegal course of action of the United States in South Vietnam; the unconstitutional course of action of the United States in South Vietnam; the course of action of the United States in South Vietnam that violates our obligations under the United Nations Charter.

I say to my administration that once the American people really comprehend what is going on, they will hold this Government to an accounting for this wrong.

The Wall Street Journal is not the only newspaper that is beginning to rise to its obligations in respect to telling the truth. Presiding over the Senate at the present time is the distinguished junior Senator from Wisconsin [Mr. NELSON], in whose State there has been published for years one of the great liberal journals of the United States, the La Follette Progressive magazine, over the masthead of which is printed—I read it as a little boy in Wisconsin, and it made a lifelong impression upon me—the motto of the Progressive. It ought to be the motto of every newspaper in this country, but that is not the case:

> Ye shall know the truth, and the truth shall make you free.

That great progressive periodical is speaking out in opposition to the policy of the U.S. Government in South Vietnam. I know that other liberal periodicals in this country which always seem to be far ahead of the rest of the press, by and large, in fulfilling their obligations under the freedom-of-the-press guarantee of the Constitution, are speaking out. I do not have them on my desk tonight. I had intended to bring them. But tomorrow or the next day I shall place in the RECORD some articles on the course of action of the United States in South Vietnam, articles criticizing that course of action, as the senior Senator from Oregon, the Senator from Louisiana [Mr. ELLENDER], and the Senator from Alaska [Mr. GRUENING] have criticized it for weeks in the Senate—in periodicals such as The Reporter, the New Republic, and The Nation.

But, Mr. President, some of the daily press has been spreading the facts about the unjustifiable course of action of the United States in South Vietnam. I highly commend the journalistic courage of the Scripps-Howard newspapers, which for several weeks have been issuing the same warning that the Senator from Louisiana, the Senator from Alaska, and the Senator from Oregon have been issuing on the floor of the Senate, in regard to the illegal course of conduct of the United States in South Vietnam.

One of the greatest newspapers in this country, in my opinion, the St. Louis Post-Dispatch—has not only been publishing editorials on this subject, but also has been publishing article after article pointing out the facts about the unfortunate course of action of the United States in South Vietnam. The latest editorial that has been called to my attention, as published in the St. Louis Post-Dispatch, was published in it on May 11, 1964, under the title "Why Not the U.N.?" The editorial reads as follows:

> WHY NOT THE U.N.?
>
> The announced U.S. effort to persuade some 25 nations to provide South Vietnam with "practical and material" support in the struggle against the Communist guerrillas again raises the question, and rather insistently, as to why this war is not taken to the United Nations. It could be, as Senator MORSE has been pointing out.
>
> The United States partially financed the French attempt to hold on to Indochina, and when the French were vanquished 10 years ago assumed the burden of helping turn back communism. This country is spending more than half a billion dollars a year and has more than 15,000 military advisers in South Vietnam. A few other countries are providing driblets of aid, but helping the South Vietnamese is almost entirely a U.S. venture.
>
> Now Secretary of State Rusk, with the backing of President Johnson, is planning to seek greater international participation at the current North Atlantic Treaty Organization meeting in Brussels. His list of prospects goes beyond the 15-member NATO group and the eight-nation Southeast Asia Treaty Organization, neither of which has shown interest in becoming embroiled in Vietnam.
>
> Coincidentally with the NATO ministerial meeting in Brussels, Secretary of Defense McNamara is making his fifth visit to Saigon—the second in 2 months—for another firsthand look at "the progress of military and civilian operations," to quote Mr. Johnson.
>
> Coupling the new U.S. policy with Mr. McNamara's trip prompts the conclusion that the situation in South Vietnam is deteriorating faster than is generally realized. Else why these further measures to bolster South Vietnamese morale, for that is what they amount to? The people of Vietnam are war weary and perhaps increasingly inclined to accept a political solution. Is the United States afraid of that?
>
> The effort to throw together this 25-nation anti-Communist alliance seems shortsighted, and possibly hazardous. It is shortsighted because, as most NATO and SEATO members already realize, a clear-cut Western victory on Red China's border is, as a practical matter, almost impossible. And it is hazardous because (unless Mr. Rusk already has private commitments) refusal of the nations to join us would make us look ridiculous. The Netherlands Government already has refused to join us, according to reports, on the logical ground that nations with direct interests in the area ought to act first.
>
> Apparently the United States avoids talk of seeking U.N. intervention because of a fear that such a course would involve dealing with Red China, which we do not recognize and which is not a U.N. member. But that merely blinks at reality. The United States tried unsuccessfully to keep the Cyprus dispute out of the U.N. for fear the Communists would make it a major East-West issue. Is that not approximately what we are trying to do in attempting to drag other Western countries into the Vietnamese morass?
>
> There are, of course, domestic political issues involved. The administration wants to avoid a catastrophe in Vietnam before the November elections, and it wants to keep the China question in the background at least until then. Also, the mounting casualties among Americans are a source of worry. Lining up other countries to share the risks would be reassuring to the administration on all counts.
>
> But it would be no advance toward a permanent settlement. Appeal to the U.N. might be, and if one or more of the countries asked to join us in Vietnam should propose instead that the U.N. be approached, that might well start a movement in the right direction.

Mr. President, I commend the editor of the St. Louis Post-Dispatch for that editorial. I am waiting for the administration to answer his premises; but the administration cannot do so.

I directed my letters of inquiry to the U.S. Ambassador to the United Nations, Mr. Adlai Stevenson, and to the Secretary General of the United Nations, Mr. U Thant, because, as the editorial published in the St. Louis Post-Dispatch points out, to submit this question to the United Nations is to move in the right direction; and I think the Secretary General of the United Nations should make clear to all the world that even though the wrongdoer is the United States, he will not hesitate to ask the United Nations to call the United States to an accounting before the Security Council and, if necessary, before the General Assembly.

I know that one who criticizes his government, as I have been criticizing our Government, for some weeks, here on the floor of the Senate, is likely to be the subject of attempts by the "super patriots" to reflect on his patriotism. But, Mr. President, I will stack my patriotism against that of any "super patriot" in the United States, because

I know of no more patriotic course of action that a U.S. Senator can follow than one which seeks to have our Nation carry out its commitments under the Charter of the United Nations and carry out the purposes of that charter, which is to preserve peace in the world, not make war.

But the ugly reality is that as I speak tonight on the floor of the Senate, the United States is making war in South Vietnam, and thereby is endangering the peace of the world. I think a patriotic course of action calls upon me to seek to change the mistaken course of action of my country in the field of foreign policy.

That is why I have been pleading that this ought to be taken to the United Nations. And that is why I think the time is already overdue when the American Ambassador to the United Nations, Mr. Adlai Stevenson, should speak up and speak out. If Mr. Adlai Stevenson believes that our course of action in South Vietnam is within the United Nations Charter, in my judgment he is disqualified to serve as an American Ambassador to the United Nations. And it would not make any difference anyway, if speaking out might cause him his job. For the Adlai Stevenson that I supported in 1952 and in 1956 is not an Adlai Stevenson that would ever hesitate to express himself or to state his position on a matter of such major moment as the issue which has been raised by American unilateral military action in South Vietnam.

I call the attention of the Senate to another editorial, in the St. Louis Post-Dispatch, on this subject matter under the heading of "Senator Morse's Daily Speech," which reads as follows:

> ### SENATOR MORSE'S DAILY SPEECH
>
> Senator Wayne F. Morse, of Oregon, deserves commendation, in our opinion, for what some critics might regard as a meaningless stunt. Every day, he rises on the Senate floor to make a speech against American participation in the war in Vietnam. "McNamara's war," he calls it, and Secretary of Defense McNamara has replied that he is proud to be associated with it.
>
> Mr. Morse has had no perceptible influence upon American policy by making a daily speech, but we would not conclude that he never will have. The fact is that he is saying some things that need saying, though we do not agree with all he says. Unfortunately nobody appears to be listening very much, but at least the Senator is putting himself on record.
>
> For the few citizens and Senators who bother to read what Senator Morse is saying, it should be illuminating to recall just how the United States got into what appears an almost inextricable position in Vietnam. As the Senator points out, we are there basically because John Foster Dulles decided we should be. President Eisenhower's Secretary of State believed from the start that the United States should take over from France when revolt against French colonialism came to a climax in 1954. The President was willing to approve American military intervention on two conditions—one, that the British cooperate, and second, that Congress approve in advance.
>
> Secretary Dulles went to London to persuade the British, but failed. Vice President Nixon floated a trial balloon to test American public opinion, and it was shot down by widespread opposition to a military venture in Indochina. Nevertheless, Mr. Dulles refused to make the United States a party to the Geneva agreement which ended the Indochina war, and Senator Morse presents evidence to suggest that Mr. Dulles took that course precisely because he intended to establish South Vietnam as an American military base in southeast Asia. Both the United States and the North Vietnamese, Senator Morse argues, have been guilty of breaching the 1954 agreements. He urges that both now respect them, and that the United Nations take over the task of pacifying the area.
>
> We don't know how many readers Senator Morse has for each of his daily speeches on Vietnam, but we commend him for insisting on discussing issues which too many Americans are willing to leave in silence.

Mr. President, I shall not take the time to read it, unless I cannot get unanimous consent to insert the article, but in the New York Times of May 9, in Sulzberger's column, "Foreign Affairs," there appears a column by him entitled, "The Road to Another Dienbienphu." I shall read a paragraph or two. It is in line with the major criticisms that the senior Senator from Oregon has been making about the war in South Vietnam. It reads:

> London.—The extraordinary thing about Indochina in the decade since a fine French Army surrendered at Dienbienphu is that while the desperate game remains the same, the principal players have all switched positions.
>
> France's empire received its deathblow in the battle and was subsequently extruded from Asia and Africa. The collapse of French military power in Vietnam produced a vacuum into which the United States moved.
>
> After long hesitation Washington accepted the old Anglo-French idea of a regional alliance which became SEATO, whose only real strength was the nuclear-armed U.S. Pacific force. SEATO proclaimed unilateral protection of Indochina except for North Vietnam, which was abandoned to the victorious Communists.
>
> Substitution of one Western power for another created temporary stalemate. Nevertheless, after consolidating its position in North Vietnam, communism resumed the initiative with guerrilla incursions into South Vietnam and Laos.
>
> The United States of America—acting virtually alone despite SEATO—inherited the French role of damming the Communist tide. And France, more dynamic and independent-minded under De Gaulle—inherited our own role of omniscient critic and Western champion of "anticolonialism." Western positions were thus curiously reversed.
>
> Starting with an advisory mission similar to that successfully employed against Communist guerrillas in Greece we assumed an increasingly direct military burden in South Vietnam. We sought to assist this with diplomatic action designed to neutralize Laos and block the Communist supply line from North to South; but this effort failed.
>
> Meanwhile, there has been a coincidental switch in Communist positions. At the time of Dienbienphu, although Ho Chi Minh's logistical support came from China, the political direction was Russia's. Moscow has now lost control. The southeast Asian Communist operation is today manipulated by Peiping.
>
> #### PRESTIGE COMMITTED
>
> We have fewer men but just as much prestige committed in Vietnam as France had in 1954. And our allies are of little more use than were France's. In 1954 Britain was preoccupied with a Malayan insurrection and, until too late, the United States feared to intervene. Now, France sits carping on the sidelines and Britain is again preoccupied, this time with Indonesia.
>
> Our political aims differ profoundly, but we seem to have learned little from France's military experience. Like the French we have unsuccessfully sought to seal off guerrilla supply sources. Like the French we have proved unable to capture the allegiance of the Vietnamese people. The pace of fighting intensifies and we seem immutably to be heading toward disaster.
>
> A decade ago we were telling the French that colonialism was doomed and could not be saved by military action. The French are now telling us that military action cannot prevent defeat of our Vietnamese clients, that neutralism is the only way out.
>
> Clearly, to avoid an ultimate defeat that would tarnish our prestige and weaken our Asian influence, we must change our strategy.

Up to this point in the column, I point out that it is an accurate account of historic events. Mr. Sulzberger then—and I shall read it—proposes a way out that, in my judgment, would be disastrous. The way out of that, he proposes, amounts to an escalating of the war and running not only the risk, but also the probability that the escalating of this war into North Vietnam will start a nuclear war.

I repeat tonight what I have said before on the floor of the Senate. There is no doubt as to what is planned if we escalate the war. If we escalate the war, it will be with nuclear weapons, because no American army can win in North Vietnam. No American army can win on the ground with conventional weapons anywhere in Asia. On this point American advisers are overwhelmingly in support of the conclusion I have just stated.

In my judgment, escalating the war by the use of nuclear weapons means the beginning of a nuclear war. That is why I have been heard to say, on the foreign policy question, that this is a crisis that goes far beyond South Vietnam. It is a crisis with worldwide implications. In my judgment, it is a crisis that will determine whether or not Western civilization itself will survive. We are playing with such a danger.

But Mr. Sulzberger is entitled to his view. I disagree with some of the conclusions set forth in the remaining part of the column, but in fairness to him I shall continue reading. He says:

> So long as we permit the Communists to fight according to their own rules, to train and equip guerrillas in a northern safe haven and then send them south, we cannot crush them. Our only hope of military triumph and positive political settlement would be to destroy their aggressive bases. We should never contemplate invading North Vietnam. But it is time to announce that, if aggression is not stopped, we will pulverize its bases and communications.

I ask Mr. Sulzberger, What do you think Red China and Red Russia will be doing if we start that course of action? What makes you think, Mr. Sulzberger, that the United States can continue to commit acts of aggression against North Vietnam and Cambodia and Red China and get bouquets of roses sent in return? How unrealistic can one be?

If this country starts dropping nuclear bombs against another sovereign power, even though a small sovereign power such as North Vietnam, we shall antagonize most of the world. But that is his proposal.

He goes on to say:

> Counterguerrilla action must be moved into the third dimension—an aerial riposte. The time for showdown has come. We certainly don't want holocaust any more than we wanted holocaust in Cuba 18 months ago. But we cannot afford a self-defeating strategy.
>
> The kind of peace that would be purchased by South Vietnam's neutralization would be a humiliating sham. Nevertheless, if such is preferable to the risk of major conflict, we should face that disagreeable truth. Otherwise we must adjust to obvious realities.

That is an interesting hedge in Sulzberger's argument. Of course, if my warning should become a reality, if the use of nuclear weapons against another sovereign power, even though it is a Communist power, should result in a holocaust, Sulzberger is against that.

I warn the country and the Senate tonight that that is the inevitable risk we run. We have another course of action, which I shall describe later.

Sulzberger continues:

> There is no point pretending that a continued policy of neither war nor peace can lead to anything but an ultimate political repetition of Dienbienphu.

Mr. Sulzberger, what about trying to win a peace instead of winning a war? That is the question I would have you answer in an early column in the New York Times. Mr. Sulzberger, what is wrong with the United States returning to the framework of international law, returning to a keeping of our commitments under the United Nations Charter? I would have you answer that in your column, too. Mr. Sulzberger, what is wrong with the United States conforming to its own Constitution and the President sending to the Congress of the United States a proposed declaration of war?

Let my colleagues stand up and be counted. I want my colleagues to stand up and be counted. The silence of most of my colleagues in the Senate is thunderous, but it is not fooling the American people.

We have no right as a Congress to sit by, or stand by, or whatever descriptive term one wants to use, and permit an unconstitutional war, unjustifiably murdering American boys in South Vietnam. So long as it is unconstitutional, the killing of those boys is murder. We have no right as Members of Congress to sit by and permit that condition to continue.

Mr. Sulzberger, answer it in an early column, will you? I am sure the American people would like to read your answer. I agree with much of your column. I agree with your account of the historic facts that have produced the indefensible position of the United States in South Vietnam, but I would have you turn your attention not to the question of the United States saving face—which is the major thesis of your article—but to the issue of the United States helping win a peace by carrying out the obligations which happen to be ours under the United Nations Charter.

Oh, what a glorious message it would be to have go around the world that the United States had laid the South Vietnam issue before the Security Council of the United Nations and called upon the Security Council to proceed to exercise its authority under the United Nations Charter. What if Russia vetoes it? When I ask the State Department, Why not take the issue to the United Nations? the answer I get is, Russia would veto it. That is not the end of United Nations procedure. Let us prove to the world who it is that seeks to establish an order of peace in South Vietnam. If Russia vetoes it, we can then take it to the General Assembly. That ought to be the course of action of my government. Face saving? Since when, in all the great history this Republic has had, has face saving been a consideration on the part of this Government for maintaining a wrong, illegal, unjustifiable course of action?

I know of no other example. I wish to answer this example quickly by a reversal of American course of action. The greatest lesson we could teach the world would be to show that a democracy never hesitates to correct a mistaken course.

I am pleased that I have been able to point out to the Senate tonight that there are journalists in this country who are beginning to present to the American people the facts about the unjustifiable, unilateral U.S. military action in South Vietnam. I am pleased that the Scripps-Howard chain has for some time been living up to its trust under the freedom of press guarantee in the Constitution by telling the American people the facts about South Vietnam. I am pleased that at last the Wall Street Journal, in the editorial which I read a few moments ago, published in that newspaper today, raising the issue which I and the Senator from Louisiana [Mr. ELLENDER], and the Senator from Alaska [Mr. GRUENING] have been raising for several weeks on the floor of the Senate. I am pleased that the great newspaper in St. Louis, the St. Louis Post-Dispatch, in several editorials, several special articles, and many news stories, has been telling its readers the facts about the U.S. mistaken course of action in South Vietnam. I am pleased that such periodicals as the Reporter, the LaFollette Progressive, the Nation, the New Republic, and now in its last issue, the U.S. News & World Report, are beginning to publish the facts.

Earlier in my speech I made reference to the story published in the New York Times of McNamara's trip to Saigon and commented upon the great "victory" we have won in South Vietnam, as contrasted to 3 years ago when any American official could ride in an open car from the airport in Saigon to downtown Saigon in perfect safety; yet our Secretary of Defense had to put on a bulletproof vest, and ride in a car filled with bulletproof equipment. Then, when he took a swim, the swimming pool had to be literally surrounded by soldiers pointing their rifles all around the swimming pool, in a direction away from the swimmingpool, in order to afford security to the Secretary of Defense.

I pointed that out in order to show the great victory the United States has won in South Vietnam in the past 3 years. What a victory. It is about all anyone should need to know, to realize that we are on our way to duplicating France's defeat in Indochina.

I ask unanimous consent that this article published in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCNAMARA OPENS TALKS IN VIETNAM—HE AND AMBASSADOR LODGE USE BULLETPROOF JACKETS ON RIDE FROM AIRPORT

(By Peter Grose)

SAIGON, SOUTH VIETNAM, May 12.—Secretary of Defense Robert S. McNamara went through a detailed audit today of recent U.S. measures to bolster South Vietnam's war against Communist guerrillas.

The Secretary arrived this morning for his fifth visit to South Vietnam. He was several hours ahead of schedule. Discreet but elaborate security precautions provided the only note of tension in a visit otherwise free from the air of crisis or need for urgent decisions that marked his previous trips.

[Two Cambodian jet fighters flew into South Vietnam Tuesday and strafed troops searching for Communist guerrillas, sources in Saigon told the Associated Press. The Vietnamese suffered no casualties in the attack, the latest of a series of incidents with neutralist Cambodia.]

After he had heard senior American officials review steps being taken to strengthen the South Vietnamese Government of Maj. Gen. Nguyen Khanh, Mr. McNamara and Ambassador Henry Cabot Lodge joined Mrs. Lodge for a late afternoon swim at an exclusive sporting club, the Cercle Sportif.

The security measures were ordered following the discovery over the weekend of a Vietcong plot to kill Mr. McNamara as he drove from the airport into town.

BULLETPROOF JACKETS IN CAR

After the official limousine had pulled away from photographers at Saigon's Tansonnhut Airport, both Mr. McNamara and Mr. Lodge put bulletproof jackets over their shoulders and legs. Bulletproof material covered the floor and other areas of the automobile.

As the motorcade and police escort roared over a bridge Vietcong terrorists had planned to blow up, the Secretary's car took a sudden turn onto a side street and followed an unannounced and roundabout route into the center of Saigon.

The police arrested two more Vietnamese believed to be members of the Vietcong assassination squad. Two terrorists were apprehended Saturday night while laying mine and electrical detonation wire under the bridge on the main airport road.

Mr. McNamara made no comment on the plot against his life or the security precautions. In a brief statement, he said his visit was another of his regular meetings with officials responsible for the Vietnamese war effort.

ACTION TO BE REVIEWED

"We will review the progress in achieving the program which we have agreed upon and laid out during my last visit in March," Mr. McNamara said. "We will consider what additional action, if any, is required to fulfill the commitment of my Government to the South Vietnamese Government."

After Mr. McNamara had spent the day in diplomatic and military briefings with American officials, Arthur Sylvester, Assistant Secretary of Defense, said the Secretary had surveyed the whole range of American assistance programs without particular emphasis on any single aspect.

Mr. Sylvester declined to give any judgments or comparisons of the present situation with that prevailing when Mr. McNamara was here 2 months ago.

"This visit should be put into a different context from our previous meetings," he said. "The Secretary is here to check on the status of implementation of the programs to assist the South Vietnamese. He is making an audit of the recommendations which he made to President Johnson after the March visit."

Those recommendations included increased aid for South Vietnamese armed forces, particularly paramilitary units not organized into the regular army but facing constant threat of Vietcong attacks.

Mr. Sylvester said Mr. McNamara would make an oral report to Mr. Johnson on his return to Washington but probably not a formal written report.

The Secretary and Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, who arrived yesterday, are scheduled to leave Saigon late tomorrow after a working meeting with General Khanh.

Mr. McNamara saw only American officials today at a briefing at the U.S. Embassy and a 3-hour afternoon session at the headquarters of the Military Assistance Command.

Besides Mr. McNamara, Mr. Lodge, and General Taylor, those attending the meetings included Gen. Paul D. Harkins, outgoing commander of the assistance command, Lt. Gen. William C. Westmoreland, newly appointed general as Harkins' successor, and Maj. Gen. Richard G. Stilwell, chief of staff. Accompanying Mr. McNamara are Gen. Earle Wheeler, U.S. Army Chief of Staff, John McNaughton, Assistant Secretary of Defense for International Security Affairs, and Michael Forestal of the White House staff.

CAMBODIAN JET RAID REPORTED

SAIGON, May 12.—Two Cambodian jet fighters flew into South Vietnam today and strafed troops searching for Communist guerrillas, reliable sources reported.

The sources said there had been no Vietnamese casualties. The jets, fired upon by the troops, flew back to Cambodia.

The attack took place near Tyninh, 55 miles northwest of Saigon. It was the latest in a series of incidents between South Vietnam and Cambodia. The Communist guerrillas have been using the frontier zone of a neutralist Cambodia as a staging area for attacks on villages and military posts in South Vietnam.

In other actions in the Vietnamese conflict, U.S. sources here reported that Vietcong forces routed a Vietnamese flotilla Sunday in a battle 30 miles off the southern tip of the Cau Mau Peninsula.

Communist gunners abroad armed fishing boats attacked two motorized junks escorting three fishing vessels. They sank one of the junks, forced the other aground and made off with the fishing vessels.

Three crewmen of the flotilla were missing and presumed drowned. Communist casualties were undetermined.

South Vietnamese vessels patrol the 1,000-mile coastline day and night in an effort to keep the Communists from moving in troops and equipment by sea from North Vietnam. The attack on Sunday was the first challenge to the Government for supremacy at sea.

Mr. ELLENDER. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Oregon yield to the Senator from Louisiana?

Mr. MORSE. I am glad to yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I am delighted to know that some segments of the press are now taking note of what is happening in the Far East.

I well remember, several years ago, when I was in South Korea, that I was severely criticized by the Scripps-Howard newspaper for having criticized President Syngman Rhee for his inefficient conduct of the Government of South Korea. When I declared that I felt there was some corruption and undemocratic practices going on in that country, I was not believed. A couple of years later, however, when some 2,000 students revolted against Mr. Rhee, our own State Department discovered that the very thing I had said 2 years earlier was true, that there was a great deal of waste, and that much money was being channeled into private sectors of the South Korean economy.

Today, the situation in South Korea has not improved very much. This is supposed to be a United Nations action. But who is there but us? Two Canadians, two Britishers, two New Zealanders, a brigade of Turks, Ethiopians, and Greeks. To add insult to injury, we are paying for the logistics of those soldiers, except a few—the two from England, the two from New Zealand, and the two from Australia. I believe it is shameful that we must bear almost all the financial responsibility for stabilizing that area.

I discussed this subject with some of our noted generals. As the Senator from Oregon mentioned a moment ago, they are afraid to move out because they may lose face by doing so. And they feel that the military balance may be upset. In the meantime, we are spending today in South Korea, on a yearly average, about a half billion dollars. Up to now, in addition to the amount of money we have already spent in order to carry on the war on our own, we have put up about 95 percent of the cost. The number of American soldiers killed, besides the South Koreans themselves, amounts to 96 percent of the total. This is a U.N. operation in name only.

I say to my good friend, the Senator from Oregon, that our people do not seem to learn from the experience of history. Our allies are often not willing to carry their share of the burden.

What the Senator is saying now, in my opinion, is that if we remain in South Vietnam we shall have another South Korea on our hands. We shall be carrying the whole load there. Our American boys will be the ones to be killed there. Our so-called allies will be standing on the sidelines, watching what is happening. It is a difficult position which we have inherited from the French, who were forced out of Indochina. Our choices are few. The spread of communism must be resisted, according to the generals, but it is unfortunate that our allies will not help shoulder the financial and human burden of this resistance.

Even today we are receiving the gratuitous advice of the French Government about the proper way of conducting our affairs in that area. This is in spite of the fact that the French were ousted from that area and their responsibilities were thrown upon us.

But, Mr. President, I am satisfied that if the course suggested by my good friend, the Senator from Oregon, were to be pursued, we would receive no response from the United Nations. The U.N. is not equipped to fight a war. What member countries of the United Nations would contribute money and soldiers in order to help carry the burden the Senator is now talking about? I do not think any would, except perhaps token forces. We have taken this course alone, and we shall remain on that course alone.

Mr. MORSE. I say to my friend from Louisiana that if his warning proves true, we should completely change our policy vis-a-vis the United Nations. However, I remember very well the warning he gave us about South Korea. He was ahead of most of us. Some of us tried to catch up with him not too long thereafter by reinforcing his position on the floor of the Senate.

I can remember, as though it were yesterday, the speech I delivered on the floor of the Senate against the tyranny of the administration in South Korea. What an attack I received by suggesting that the support we were giving to the administration in South Korea was not producing freedom, but tyranny. We were supporting a police state in South Korea, as we are supporting a police state in South Vietnam tonight.

Mr. ELLENDER. The Senator is correct.

Mr. MORSE. One of the shocking pieces of deception of the State Department and the Pentagon is the propaganda which their mimeograph machines are pouring out to the effect that the United States is supporting freedom in South Vietnam. We are supporting a Fascist military dictatorship.

Mr. ELLENDER. The same thing goes for South Korea.

Mr. MORSE. Yes. That is what we are supporting in South Vietnam. It is a dictatorship. I abhor both fascism and communism as police states. I remember how well the Senator from Louisiana forewarned us about South Korea.

However, so long as we are a member of the United Nations we have an obligation under its charter to call upon it to take jurisdiction. If the United Nations tries to repeat the kind of pattern it set in South Korea, Senators will find the senior Senator from Oregon on his feet on the floor of the Senate advocating whatever corrective measures are necessary to stop the United Nations from imposing any such repetitive burden upon the United States.

Before I close this subject matter, I ask unanimous consent that there may be inserted in the CONGRESSIONAL RECORD an article published in the Sunday Advertiser of Honolulu entitled "MORSE Flays Vietnam War."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORSE FLAYS VIETNAM WAR

(EDITOR'S NOTE.—The following provocative comment on the situation in South Vietnam is reprinted, not necessarily as an indication of agreement or disagreement with all that is said, but to stimulate thought and discussion.)

(From a Senate Speech by WAYNE MORSE, of Oregon)

Richard Nixon's election year prescription for our troubles in Vietnam is more war. He proposes to carry the war beyond the borders of South Vietnam into Laos and North Vietnam.

I would like to see Nixon enter a primary race somewhere and campaign on that platform. The bugle call for sending the Marines into Cuba was greeted in New Hampshire with a thunder of silence, and I am certain that the American people are infinitely less anxious to make war on the mainland of Asia than they are to make war on Cuba.

In this election year, Nixon has trotted out all the old cliches that one might hope had been buried with General MacArthur—"privileged sanctuary," and "no substitute for victory."

The interesting thing about Asia is that the French, British, and Dutch have never discovered what victory is in Asia. France fought for 8 years on the same ground we are now fighting on in Vietnam. Every battle was called a victory; every month was said to bring victory into sight; every year was called the one when the victory would be achieved.

Suddenly, France quit. Her people had had enough.

Now Nixon has decided that the problem with the war over there is that it is not big enough. He wants to expand it. He wants the United States to attack North Vietnam. He wants to replace the shred of legal right we have to help South Vietnam defend herself with a naked aggression by the United States 7,000 miles from home.

General MacArthur was wrong in thinking Red China would tolerate an American advance toward her borders in Korea. Why does Nixon think an American attack on North Vietnam will be greeted any differently by China?

The Nixon prescription for war in Asia will mean an American involvement in war with China that could bleed this country for decades. It is bad enough that Secretary McNamara has promised that we will fight in South Vietnam "forever" without Nixon urging that we will fight in North Vietnam, and very likely in China as well.

It must be remembered that Nixon is a longtime advocate of war in Asia. In April of 1954, when France was passing the word that she had had about enough in Indochina, it was Nixon who spoke in New York City, in his capacity as Vice President of the United States, to suggest that American forces might be sent to Indochina. Nixon was sounding out American opinion on the possibility of replacing the French in Indochina.

His trial balloon turned out to be made of lead. The American people and the Congress did not buy it. Neither did our allies. So direct intervention by American forces was not tried then.

But then Secretary of State Dulles did something else. He refused to sign the treaty whereby France left Indochina, and the country was divided into four parts. He also put the financial backing of the United States behind a puppet of our own, who was elected to carry out American interests in that part of the world.

In effect, the United States created its own protectorate in South Vietnam. Far from limiting our support to the original organizer of its government—President Diem—we encouraged his overthrow when he proved inefficient, and we have since supported two subsequent military juntas.

These puppets have proved no more capable of sustaining themselves alone than were the French puppets. We have had to put American troops in to help keep our men in power.

Now Nixon, the original advocate of direct American military participation in an Asian war, is urging the same thing 10 years later; namely, that we not only defend South Vietnam but that we make war on North Vietnam. Let there be no mistake that this would not be a South Vietnamese war, but an American war.

The first proposal is for air strikes into Laos and North Vietnam. What can we expect them to accomplish? Thanks to the large numbers of American aircraft in South Vietnam, manned by Americans, the Government forces have complete control of the air in South Vietnam. We have dozens of U.S. helicopters and unlimited fighters and bombers, flown by American military personnel. Our control of the air is undisputed.

The Vietcong has no air force at all. It has no air strength. It never has had any airpower to use in that conflict.

If airpower and control of the air were all its advocates claim for it, why is the Vietcong doing so well without it? More important, why do the advocates of air attacks on North Vietnam think they will be successful in disrupting supply and communication lines? If Vietcong bases in South Vietnam cannot be destroyed with air and ground forces together, how are we to destroy bases in North Vietnam with air attacks alone?

The Nixon thesis of air attacks on bases in North Vietnam is only the first installment on direct American fighting in Vietnam. When the air attacks fail, then we will say the only thing left is to send American ground troops to do the job.

This has been a consistent pattern for drawing this country into a war in Asia a piece at a time. Far from being a pattern set down by our enemies, it is the pattern of our own Government.

It must be repudiated by the American people before it is too late, just as they repudiated the invitation to send marines into Cuba.

Mr. MORSE. Mr. President, it is a little embarrassing to put personal references in the CONGRESSIONAL RECORD. However, I owe it to myself and to my supporters and friends to point out that even though there has not been too much vocal support for my position in the Senate, the premises that I have been uttering and the policies that I have been defending are beginning to percolate.

I am satisfied that as the facts become better known, Members of the Senate and Members of the House will begin to hear from home. Then perhaps we shall begin to hear from them on the floor of the Senate and on the floor of the House.

My mail from across the Nation is running better than 9 to 1 in support of my opposition to the U.S. unilateral military action in South Vietnam.

Neither the Congress nor the executive branch of Government can "sell" the Vietnamese war to the American people. If they think they can, I say to them, "Come on up with your declaration of war. Let your elected representatives stand up in Congress and be counted on a declaration of war. You will get your answer from home if you do that."

I ask unanimous consent that such other material as I may have overlooked, dealing with the Vietnam war, which I intended to insert in the CONGRESSIONAL RECORD, may be inserted at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material is as follows:

TEN YEARS LATER

The 10th anniversary of the fall of Dienbienphu, which occurs today, should not go unmarked. It offers an opportunity for reflection on what has happened in Indochina since the end of World War II. The overwhelming of the French fortress in North Vietnam by the Communist-led Viet Minh climaxed a struggle of 7 years and 7 months and ended French power in Vietnam, Cambodia and Laos.

France spent $5 billion (of which the United States contributed $2 billion) to fight the losing guerrilla war; some 100,000 men were killed or listed as missing, and 140,000 wounded. That is the struggle the United States continued after the French debacle, with aid that now runs at the rate of more than half a billion dollars a year and with more than 15,000 advisory troops on the scene.

Long before Dienbienphu was overrun, many Frenchmen knew they could not win by military means over Vietnamese nationalists and Communists, but they still followed a military plan that proved ill conceived. A Post-Dispatch reporter who visited Hanoi, the capital of Communist North Vietnam, several months before the climax at Dienbienphu, wrote that the gloomy outlook was in part occasioned by the fact that the war was raging on fronts other than military—"political, psychological, economic, educational, social."

This is still the case, and it is still the reason why the war may never be won. As Richard Dudman pointed out in this newspaper recently, the United States "is still trying to solve a primarily political problem by military and police techniques." Secretary of Defense McNamara said in March that in Vietnam "political and economic progress are the sine qua non of military success." But such progress is still invisible.

The success of the Communist leader, Ho Chi Minh, in rallying nationalist sentiments against the French at the conclusion of World War II was possible because the people were united in opposition to their colonial masters. The present-day Communist guerrillas are formidable because they have a strong political base; the South Vietnamese do not. If they did, perhaps they would not need American help. They are tired of the long war and it is difficult to blame them.

Recognition of these facts appears slowly to be bringing about a discussion of the alternatives, some of it stimulated by General de Gaulle's proposal for neutralizing Indochina. Senator MORSE has been making speeches regularly on the subject, and in one reprinted in today's Mirror of Public Opinion he urges that the Vietnamese problem be referred to the United Nations. This seems a sound proposal; it has been made before. Why has it not been considered?

Apparently it is feared that intervention by the U.N. would involve Red China, which is not a member and which the United States is still trying to exclude. It is difficult to see how a political solution can be reached in Indochina without consultation with Red China. Indeed, from one viewpoint the entire Vietnamese struggle is a holding action whose solution awaits an accommodation between the United States and China.

Meanwhile, it is appropriate to look back at Dienbienphu and the preceding years, and wonder whether anything has been accomplished. The Geneva agreement of 1954 contemplated, on paper at least, that North and South Vietnam would eventually settle their own fate through elections. But the elections have never been held and meanwhile the North's alliance with communism and the South's alliance with the United States have hardened the division. American power, in short, has replaced French power. But it is much the same sort of struggle, and the future is no brighter unless a political settlement can somehow be achieved.

EXHIBIT I

[From the New York (N.Y.) Times, May 13, 1964]

SENATOR SAYS NASSER AIDS SOVIET DRIVE FOR OIL

(By Hedrick Smith)

WASHINGTON, May 12.—Senator ERNEST GRUENING charged today that Premier Khrushchev's current visit to the United Arab Republic showed that President Gamal Abdel Nasser had been serving as "the Kremlin's stooge" in a drive by Moscow to seize control of the Middle East's oil.

The Alaska Democrat called on President Johnson to change U.S. policies toward the Middle East to prevent such a takeover and to protect Israel.

"With the help of the appeasers in our own State Department, Russia is about to succeed in its centuries-old drive to control the oil of the Middle East and the nations of the Middle East," Mr. GRUENING said in the Senate.

He noted that Mr. Khrushchev, during his visit, had warmly endorsed President Nasser's opposition to a U.S. airbase in Libya, to British bases in Aden and to Israel's use of waters from the Jordan River.

"Khrushchev did not suddenly and unexpectedly come to support President Nasser's drive to throw the British out of Aden and to seize control of oil reserves of the Middle East," the Senator declared. "He has been behind Nasser's moves in that direction for years. Khrushchev has pulled the strings and Nasser has moved."

Senator GRUENING urged President Johnson to summon the leaders of Arab nations and Israel to a joint conference to persuade the Arabs to renounce their pledges to destroy Israel.

The Senator called again for the United States to sign a mutual defense treaty with Israel, backed by the power of the Sixth Fleet.

"We should make it clear beyond any possibility of doubt," he said, "that the United States will not tolerate an Egyptian attack on Israel," and that U.S. power stood ready "for instant retaliation as a deterrent to Cairo's atomic force."

Senators JACOB K. JAVITS, Republican, of New York; PHILIP A. HART, Democrat, of Michigan; PAUL H. DOUGLAS, Democrat, of Illinois; and THOMAS J. DODD, Democrat, of Connecticut, joined Senator GRUENING in voicing fears about President Nasser's role in the Middle East.

"I find it incomprehensible that our State Department should remain silent about Nasser's aggression in Yemen," Senator DODD declared. He was referring to the stationing of about 40,000 soldiers in Yemen to support the republican government there against royalist tribesmen.

"Our aid to Nasser made it possible for him to carry out his invasion of Yemen," Mr. DODD asserted. By providing economic aid to Cairo, Mr. DODD said, the United States has become "an accomplice" to President Nasser's actions in Yemen.

Mr. JOHNSTON subsequently said: Mr. President, at this point I think I should state how I feel in regard to what the senior Senator from Oregon [Mr. MORSE] has been speaking about this evening in regard to South Vietnam. For a long time I have thought we were making a great mistake because of the way we have been proceeding in South Vietnam. I believe the Senator from Oregon is entirely correct when he states that we should have turned over that matter, in the beginning, to the United Nations. Certainly it is not too late to do so now, because that is a duty the United Nations should be performing, instead of letting the United States handle the situation almost alone.

Mr. MORSE. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. MORSE. I cannot begin to tell the Senator from South Carolina how much I appreciate the statement he has just made about the South Vietnam issue, because I know the Senator from South Carolina is one of the most able Members of the Senate in many fields; and his position on foreign policy will carry great weights, not only in his part of the country, but also in many other parts of the country where it will be heeded.

I realize that it is not easy for a Senator to state on the floor of the Senate his disagreement with the foreign policy of our country; but the Senator from South Carolina has always manifested that sort of statesmanship. I commend him and thank him for the courage and the foresight he has displayed in the statement he has just made.

Mr. JOHNSTON. Mr. President, I thank the Senator from Oregon for his complimentary remarks about me; but I do not claim to know too much about foreign affairs. I am not a member of the Foreign Relations Committee; but I try to keep up with what my Nation is doing and with what I think is best.

I well remember the night when the Senator from Oregon was first sworn in as a Member of the U.S. Senate. He and I began our service in the Senate at the same time, as he will recall. Later that evening, I said on the radio that I feared that in the future the United States would feel so big and so strong that she would attempt to run things by herself, without joining the other nations. I also said I thought we would soon win the war, but that winning the war was not everything, and that in the future we would have many problems to solve. I said that for that reason I hoped my country—the country I loved dearly—would not make the mistake of not working with the other nations of the world.

I thank the Senator from Oregon for his kind remarks; and I want him to know that I feel as he does in regard to this matter.

So far as face saving at this time for our Nation is concerned, I believe that when we find we have made a mistake, we should immediately try to correct it in the best way possible.

ST. LOUIS CIVIL LIBERTIES COMMITTEE AWARD TO ARTHUR FREUND

Mr. MORSE. Mr. President, I ask unanimous consent that there may be inserted in the RECORD at this point an article published in the St. Louis Post-Dispatch of Thursday, May 7, entitled "Arthur Freund Gets Liberties Award."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTHUR FREUND GETS LIBERTIES AWARD

Arthur J. Freund, an attorney, received the 1964 award of the St. Louis Civil Liberties Committee last night at the organization's annual meeting at the Chip Room, 1401 Hampton Avenue.

He was cited for "lifelong devotion to the protection of individual liberties" and for what was termed as "almost singlehanded struggle" to alert the public to the danger of three proposed States rights amendments to the U.S. Constitution.

One of the proposals would permit amendment of the Constitution by the State legislatures alone, without congressional action. Another would end all constitutional restraints on the ways the States apportion their legislatures. The third would set up a Court of the Union, composed of the 50 State chief justices, to review Supreme Court decisions.

Freund, former member of the boards of election and police commissioners, has law offices at 7 North Seventh Street. He lives at 6235 Washington Boulevard.

Freund's wife and two daughters, Mrs. Paul Ullman, Jr., and Mrs. Morton S. Binder, witnessed the presentation of the award. Freund received the 1937 St. Louis Award for public service and the Washington University Alumni distinguished service citation in 1955.

Miss Frances Levenson, general counsel of the New York City Commission on Human Rights, principal speaker at the meeting, said the Federal Government must change from a negative to a positive role in housing legislation.

She said implementation of the Executive order by the late President John F. Kennedy forbidding racial discrimination in federally financed housing had been weak and needed more vigorous enforcement.

Miss Levenson said the St. Louis fair housing ordinance is one of the most comprehensive in the Nation. She urged passage of a fair housing law by the State legislature.

Mr. MORSE. Mr. President, this award was given to one of the outstanding leaders of the American bar, one of the great lawyers of our time, a great constitutionalist dedicated to public service. It is an award which is truly deserved. I am proud to be able to call Arthur J. Freund a close personal friend. He is also a great teacher of mine. Although I have never sat in a classroom over which he presided, I have been a student of his sound theories of constitutionalism for a long time.

I am glad to use this medium for extending my congratulations to him and for making the award a matter of historic record in the CONGRESSIONAL RECORD.

I ask unanimous consent, also, that the citation to Arthur J. Freund be printed in the RECORD at this point.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION TO ARTHUR J. FREUND, MAY 6, 1964

The St. Louis Civil Liberties Committee, in presenting you with its 1964 award for your lifelong devotion to the protection of individual liberties, cites you specifically for your almost single-handed struggle to alert the public and your fellow lawyers to the quiet attack on our Federal system of constitutional government in the form of the recent proposals to amend the U.S. Constitution in three different respects, each of which would undermine our Federal constitutional guarantees of liberty, justice and equality. In December of 1962, you were first to be alerted to the dangers represented in the proposals which would (1) permit amendment of the U.S. Constitution solely by the States and without any congressional action or national convention, as is now required; (2) which would remove the power of the Supreme Court to rule on legislative apportionment questions; and (3), which would create a so-called Court of the Union made up of chief justices of the supreme courts of the 50 States and having the power to reverse decisions of the U.S. Supreme Court involving Federal versus State powers.

Like a modern-day Paul Revere riding through the night of indifference among lawyers and responsible citizens, you began a ceaseless campaign by corresponding with and talking to your many friends and acquaintances in positions of leadership throughout the Nation, warning them of the dangers presented by these proposals and urging them to take action.

While you worked and the Nation slept, the proponents of these measures quietly and without any public debate or comment by the press obtained the adoption by the legislatures of 12 States of resolutions to change the form of amending the Constitution and to remove the legislative apportionment power of the Federal courts, and several legislatures adopted Court of the Union resolutions.

By April of 1963, however, your line of minutemen began to take station and their shots were soon heard 'round the country and ultimately felt around the world. The first responsible press coverage of this phenomenon, which Prof. Paul A. Freund has characterized as the greatest threat to the existence of our Republic as we know it in our entire history, appeared in the New York Times on April 14, 1963. Prof. Charles L. Black, Jr.'s, well-written and scholarly analysis of these three proposed constitutional amendments appeared in the April issue of the Yale Law Journal. On April 28, Robert L. Riggs, Washington correspondent of the Louisville Courier-Journal, added to the light of public debate that began to shine on this important and growing threat to constitutional government. On April 27, Chief Justice Earl Warren in a talk at Duke University, ended the total silence among the officials of our Federal Government.

As a result of these opening volleys and as a result of your unceasing effort to enlist the strength of bar associations and other organizations and leaders throughout the country, it is no longer possible for individual State legislatures to adopt resolutions promoting these constitutional amendments without debate and without public attention.

Your role as Paul Revere suits you. You have shown your sensitivity to subtle and subsequently unnoticed threats to individual liberties before. We are proud to salute you as a fellow St. Louisan and we are proud to present you with our award for 1964.

Mr. MORSE. Mr. President, I ask unanimous consent that an editorial published in the St. Louis-Post Dispatch entitled "Lifelong Devotion" be inserted in the RECORD at this point, being a tribute to Arthur J. Freund.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Lifelong Devotion

The few words of the 1964 St. Louis Civil Liberties Committee award to Arthur J. Freund summarize a long story. The words mention his "lifelong devotion" to liberty and his "almost single-handed struggle" to warn the public of the three States rights amendments that have crept quietly through some State legislatures. Mr. Freund is well known for public service, for his work on the election and police boards and his St. Louis award in 1937. Perhaps no one but he knows the exact amount of hard work he put into his opposition to the dangerous States amendments. Out of his efforts, directly and indirectly, grew proper warnings from individual lawyers and teachers of law, the highest Government officials and Justices of the Supreme Court. Arthur Freund has his connections as well as his convictions. It is a fine thing his powers of persuasion have been used so consistently in behalf of its basic liberties.

THE GROWTH OF PENSION TRUSTS

Mr. MORSE. Mr. President, for the past 2 years the Senate Small Business Committee, and its Financing Subcommittee, of which I am chairman, had been studying the growth of large pension trusts and their impact upon small business.

In Chicago, on April 27, a trial opened involving the alleged diversion of more than $1 million from one of these funds to the personal use of certain union officials. This trial raises some disturbing questions about the use of such funds, and its progress will be watched with much interest.

In January of this year, the National Bureau of Economic Research released the results of a study showing that corporate pension funds have reached a total of nearly $67 billion, which is more than the entire gross national product of France—$63 billion.

In growth, these funds have increased by 2,000 percent in assets since 1945, which is phenomenal by any standard.

The SEC's Special Study of the Securities Markets, which was released in mid-1963, pointed out that these funds increased their holdings in securities fivefold between 1954 and 1961, the largest rise in any investor group.

These figures make it clear that pension funds are becoming increasingly significant factors in many areas.

Thus, the attention which the Senate Small Business Committee has been giving to the implications of this growth appears to be justified by their increasing importance.

THE OREGON DUNES

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an article entitled "Boots on the Dunes," written by Hugh Peyton who, I understand, is a former employee of the Forest Service.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Boots on the Dunes

To the EDITOR: President Kennedy is not able to stop in Portland because of the powerful influence of the Negro minority, but he will be able, no doubt, to fly unhampered over the Oregon Dunes. It is hoped that his plane's-eye view of this area will be inspiring and pleasant. He will be insulated by a proper altitude from the anguish and helplessness of the better than 260 homeowners and 39 business operations below him, that are being swept into benevolent and autocratic arms of the Secretary of the Interior as provided for in the insidious dunes bill, S. 1137.

Those people who find themselves threatened with this heartless legislation have not threatened violence or picketing, murder or mayhem, but like the good citizens that they are, have fought valiantly and desperately by all legal means to save their hearths, homes and means of making a living. It has been a fight against an overwhelming wave of propaganda, half truths, and bureaucratic manufactured platitudes that have appealed to many well meaning residents of Oregon. They have never taken the time to read the contents of Senate bill 1137 or noted the impact of this deadly legislation on the rights and freedoms of the people caught within the boundaries of the proposed Oregon Dunes area.

The people caught within the boundaries of this dunes bill must certainly be shocked and amazed to find that their duly elected Representatives in Congress and other residents of Oregon have allied themselves against them to deprive them of their constitutional rights and privileges of ownership of home and business. These citizens of the dunes area have helped develop the community, paid taxes and have shouldered the duties of citizenship during good years and lean ones and deserve better than to be dispossessed by an obviously bureaucratic land grab. Once these bureaucratic seven-league boots have been firmly, legally (?), and irrevocably established in the sands of Oregon, does anyone think that this will end the measured and sickening tread of these aforementioned boots? A piece of the dunes today, then more coastline north and south and more lands to the eastward may well feel the tread of these boots in the months and years to come.

HUGH PEYTON.

REPORT OF THE INTERGROUP RELATIONS COMMISSION

Mr. MORSE. Mr. President, I ask unanimous consent that there may be inserted in the RECORD at this point a press release issued by Mr. Charles W. Bursch, II, chairman of the Subcommittee of the Intergroup Relations Commission, of Portland, Oreg., dealing with a dispute and conflict which the group headed by Mr. Bursch was having with the Portland Housing Authority. It is a release which was sent to me by Mr. Mayfield K. Webb, president of the Portland branch of the National Association for the Advancement of Colored People.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

Intergroup Relations Commission Committee Report on Portland Housing Authority

On January 15, 1964, a committee consisting of Dr. Unthank, Dr. Brown, Mr. Holmes, Dr. Gustafson, and Dr. Bursch was appointed by Chairman Rosenbaum to evaluate reports and documents received by the Intergroup Relations Commission relative to practices and policies of the Portland Housing Authority. After individual review of documents, the committee, with Chairman Rosenbaum, met on February 10, 1964, for discussion and adoption of specific recommendations. Dr. Brown, being out of town, was unable to take part in the February 10 meeting. On behalf of the committee, I submit the following conclusions and recommendations for your examination and possible adoption:

The Housing Authority of Portland has been the focal point of public controversy for some time. In the opinion of your committee, the central aspect of controversy seems to be the fact that present policies of tenant selection and placement have resulted in racially concentrated projects. Other critical phases of HAP practice and policy which have produced controversy and tension center around location of projects in areas of racial concentration, and around communication patterns between HAP and interested community leaders and agencies.

It has not been established that the HAP believes in or works for the segregation of races. On the contrary, various official investigations have produced only negative results. It has been established, however, that tensions arising from the phenomenon of racial concentration in public housing have been aggravated by certain practices of the HAP, and by certain statements from members and staff of HAP. These practices, in particular, make it difficult to disprove charges of discrimination or discriminatory intent. While the record, as it now stands, shows no instances of clearly established discriminatory practice, the situation is tension producing and serious—demanding corrective action. It is not the responsibility of the intergroup relations commission to try, or even to indict the HAP. We propose to enter the fray only in an attempt to ameliorate a regrettable situation.

The intergroup relations commission is charged by city ordinance with responsibility for making recommendations calculated to reduce intergroup tensions. Pursuant to that authority, your committee recommends a finding that certain practices and policies of the Housing Authority of Portland are, in fact, producing intergroup tensions in Portland, and we further recommend the adoption of the following suggestions in the hope and expectation that acceptance of the suggestions by the HAP will reduce present tension levels.

1. All applications should be made on forms provided by the HAP, and should be accepted only when presented in person by the applicant or an authorized representative.

2. Each application form for housing should be stamped with time and date, and upon acceptance for the waiting list should be assigned a serial number in sequence.

3. The person presenting an application for housing should be provided with a receipt showing the time and date of acceptance for the waiting list, and the serial number of the application.

4. All transactions relative to an application on the waiting list should be stamped with time and date, and should carry an indication of which employee processed the transaction.

5. When a vacancy occurs, it should be classified appropriately, and proffers should be made in strict order of seniority among those eligible.

6. The HAP should regularly publish, by serial number, and in some public place, the current waiting list.

7. When a proffer is made, the applicant should be given 3 days in which to respond, and must either accept, reject without stating reasons, or reject with statement of reasons.

8. When an applicant rejects a proffer without stating a reason, or when the HAP finds the statement of reasons unsatisfactory, the application should be endorsed with a new serial number placing it at the bottom of the waiting list.

9. When the HAP finds the statement of reasons satisfactory, the application should be passed over without loss of seniority, to await the next vacancy for which the applicant is eligible.

10. In considering statements of reasons, desire on the part of an applicant to maintain a segregated pattern of personal housing should not be accepted by the HAP as satisfactory.

11. The HAP should establish and maintain an up-to-date roster of leaders of interested community agencies and organizations. Minutes and notices of meetings should be sent to the names on this roster, and the HAP should periodically reaffirm its interest in and desire for, the advice and counsel of such community leaders on matters of mutual concern.

12. When special purpose projects are constructed or acquired, a special effort should be made by HAP to give wide publicity to the limited nature of the eligibility requirements.

The foregoing report was approved by the commission on intergroup relations at its February 19, 1964, meeting. Report submitted by Charles W. Bursch II, chairman of subcommittee.

RELIEF OF CERTAIN INDIVIDUALS

Mr. MORSE. Mr. President, I introduce for appropriate reference a bill for the relief of certain individuals. I ask unanimous consent that it be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the bill will be printed in the Record.

The bill (S. 2836) for the relief of certain individuals, introduced by Mr. Morse, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 2 of this Act is relieved of liability to pay to the United States the amount set forth opposite his name, which amount represents an overpayment of per diem received by him while stationed at Fleet Air Western Pacific Repair Activity, Tokyo and Osaka, Japan. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Sec. 2. The individuals referred to in the first section of this Act and the amount of the liability of each of them, are as follows:

Wilson, Ruddy (2686566), United States Navy Fleet Reserve, $1,708.60.

Gilbert, William L. (2747774), United States Navy Fleet Reserve, $7,154.70.

Hoover, Russel D. (3132792), United States Navy Fleet Reserve, $6,783.20.

Floyd, Fretwell J. (8456082), United States Navy Fleet Reserve, $8,273.20.

Dahlen, Wallace A., lieutenant commander, United States Navy, $7,508.36.

Benson, Leonard R. (3933163), United States Navy Fleet Reserve, $11,218.75.

Raines, James C. (2952599), United States Navy Fleet Reserve, $6,953.80.

Ringstead, Richard G. (3286779), United States Navy Fleet Reserve, $3,821.85.

McKee, Benjamine A. (3466670), United States Navy Fleet Reserve, $6,471.45.

Coleman, Johnny R. (3603289), United States Navy Fleet Reserve, $4,280.85.

Hudson, William J., Jr. (2744556), United States Navy Fleet Reserve, $1,226.70.

Lindley, William R. (814054), United States Marine Corps Fleet Reserve, $10,232.80.

Gorski, William S. (507173), United States Marine Corps Fleet Reserve, $2,843.95.

Zidnak, Leonard G., 1772 Carlyle Street, Memphis, Tennessee, $5,261.55.

Sec. 3. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual listed in section 2 of this Act an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

CONSTRUCTION OF A NAVIGATION PROJECT AT PORT ORFORD, OREG.

Mr. MORSE. Mr. President, for myself and on behalf of my junior colleague from Oregon [Mrs. Neuberger] I introduce for appropriate reference a bill authorizing construction of a navigation project at Port Orford, Oreg. I ask unanimous consent that the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the bill will be printed in the Record.

The bill (S. 2837) authorizing construction of a navigation project at Port Orford, Oreg., introduced by Mr. Morse (for himself and Mrs. Neuberger), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for improving the harbor at Port Orford, Oregon, is authorized in accordance with the recommendations in the report of the Chief of Engineers, Department of the Army, contained in Senate Document Numbered 62, Eighty-eighth Congress. The improvements recommended in such report shall be carried out under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plan recommended in such report and subject to the conditions set forth therein, at an estimated cost of $696,000.

Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THE LATIN LABOR LEADER

Mr. MORSE. Mr. President, recently the AFL–CIO magazine American Federationist published an article written by one of the foremost leaders in the democratic labor movement. He is Serafino Romualdi, whose work on behalf of labor unions in Latin America is one of the most useful efforts being carried on abroad anywhere, by anyone, in the cause of freedom.

Mr. Romualdi's article entitled "The Latin Labor Leader—Democratic and Dedicated," describes the work of the American Institute for Free Labor Development.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE LATIN LABOR LEADER—DEMOCRATIC AND DEDICATED

(By Serafino Romualdi)

The American Institute for Free Labor Development was organized to build democracy in the Western Hemisphere through strong and free labor unions. The institute is 2 years old this spring—time to evaluate what its education and community development programs have accomplished and why, as well as where it intends to go in the future.

The AIFLD opened its doors in June 1962, when the first class of Latin American trade union leaders assembled in a vacant, street-level store in Northwest Washington. Their presence was the result of an education program proposal by Vice President Joseph A. Beirne, which was accepted by the AFL–CIO executive council in August 1960. The proposal was subsequently developed to the point where, in March 1962, I was asked by AFL–CIO President George Meany and Beirne to put the program into action as soon as possible.

Fundamentally, the AIFLD is a projection of the AFL–CIO's keen interest in the development of free labor in Latin America and the Caribbean area. Organized labor is in a strategic position to influence policies which will shape the economic, social, and political future of the nations in the southern half of this hemisphere.

The old concept of confining organized labor's role to matters pertaining to wages and working conditions and, above all, fighting against the employer, is being supplanted by the new concept of labor as a full-fledged partner in a national society, able to work constructively with the government as well as with the employer, offering to both of them its own contribution toward making social and economic progress feasible and obtainable.

There was a time when a Latin American labor leader's primary qualification was his ability to sway listeners to his point of view through oratory. Today, he is becoming a source of constructive contributions for the development of the national economy, enabling wage earners to receive a greater share of the ever-growing fruits of their labor. This new type of labor leader cannot be improvised. To begin with, he must have deep within himself a burning desire to serve his fellow workers and, through them, his own country. But he must also acquire a great deal of technical knowledge and this requires specialized education and intensive study.

A desirable technical development that can aid the emergence of a strong independent labor movement in the Latin American countries now going through the process of economic and social development requires an atmosphere of representative democracy in which all elements of society are encouraged to actively contribute to the general welfare. The concept of the various economic power elements in a free society working together, instead of in opposition, has become the most fundamental credo of the Institute. The idea of labor and management pulling together is seen as a necessity for the continued growth of a democratic society.

In tribute to this concept the Institute was organized on the basis of tripartite participation. American industry provides as much support as the affiliated unions of the AFL–CIO. The third party is the Federal Government which, through the Alliance for Progress, shares in underwriting the cost of the Washington program and supplies much of the funds for the national Institute programs operating in many Latin American countries and the Caribbean.

When the AIFLD endeavor first began, the program consisted only of the training course in Washington. The courses and the people chosen to attend them were considered in terms of a "multiplier" effect; that is, that the Institute would train those who had a capacity for training others. But this approach proved inadequate on two counts.

In the first place, the Institute was not securing a sufficient uniformity in the background experience of students to give the courses continuity. Second, the Institute was not moving fast enough in enabling its trainees to take care of themselves. The Institute does not want to entrench itself in these peoples' native countries, but simply offer them the experience gathered in the decades of trade union activity in North America and then withdraw to let them move their countries forward as they see fit.

The Board of Trustees felt the best answer to these problems would be the establishment of training programs in Latin America itself, programs which, as soon as possible, would be completely operated by local union leaders.

In the early months of 1963, such programs were started in Peru, Colombia, and Venezuela. The response was so positive that, by the end of the year, local programs had been set up in Ecuador, Brazil, Argentina, Bolivia, Honduras (for Central America), the Dominican Republic, Chile, and Uruguay. Other education programs were organized in Mexico and Jamaica (for the Caribbean area) early in 1964.

The national education programs vary according to the country. Where conditions were especially favorable the Institute was able to establish a national center, whose 8- to 10-week resident program was patterned after the Washington school's full-time curriculum. In other countries short-term seminars were held in a variety of industrial complexes. At the present time the Institute is endeavoring to establish both kinds of programs in each country. So far, more than 3,600 men and women have attended these field program courses.

Since June 1962, 215 trade unionists have been trained in the Washington school alone. Another 34 are scheduled to begin the seventh AIFLD course in April.

These Institute graduates are already showing their strength in many countries. Although, for example, "fighting communism" is not the sole purpose of AIFLD, its graduates have found in several cases that they had to fight it if they were going to continue to work for the development of the free labor movement. Graduates already have been challenged by Communist agitators in Venezuela, British Guiana, Honduras, Brazil, Bolivia, and Chile. In each case the challenges were met head on; the graduates not only held their own but eliminated totalitarian elements from a number of important unions.

In August 1963, two graduates were able to bring a Honduran union that had been solidly under Communist control back into the democratic camp, but only after a 9-month fight in which the family of one of the men had been savagely beaten in the street by known Communist toughs.

In British Guiana, another graduate used the parliamentary procedures he had learned in Washington to eject an agent of that country's Marxist Prime Minister from the presidency of the Commercial and Clerical Workers' Union. Incidentally, the Prime Minister, Cheddi Jagan, has been so concerned about the effect of Institute-trained trade union leaders on his attempts to liquidate the country's free trade union movement that he has taken time to attack us, both in a letter to the New York Times and in a London news conference, for training "local Guianese * * * to overthrow my government."

In other positive action, a number of Brazilian graduates from the Washington school have trained their fellow countrymen in short-term seminars reaching more than 200 people.

In setting up the several levels of trade union education, the Institute has been able to give its curriculum a definite hierarchy. The best of those trained in the short-term seminars are selected as candidates for the resident courses at the national centers. The best of the national center graduates further their knowledge by attending the Washington school for an additional 12 weeks of training.

Three courses are held in Washington each year, training a total of some 100 unionists. Many of these men return to their countries to teach in the national programs. It is hoped that in the near future, these national courses will be entirely in the hands of local citizens who were trained in Washington. At the present time, Washington graduates are already taking part in the direction and administration of the Institute programs in the Dominican Republic, Brazil, Uruguay, Colombia, Chile, Peru, Bolivia, and the Caribbean area.

In Peru, of the 27 men that graduated from the first national resident course there, 17 have become secretary generals of their unions.

In Bolivia, one of the Washington graduates is serving as second in command of the AIFLD seminars.

In Colombia, a graduate has become the first secretary general of the recently formed National Federation of Oil & Refinery Workers.

In Washington, the school's 12-week program is divided into two class groups. The first devotes the full period to studies and field trips to industrial centers in the eastern United States. The second group (of about 10 students) spends seveal weeks in Washington and then studies in Europe and the Middle East in a travel program.

The Washington-based group covers the following subject areas:

American Government and democratic institutions. Traditions and means of a free society, with illustrations from the American system; explanation of the functioning of the American Government.

Labor history and American labor movement. Origins and development of present-day American labor organizations; their role in the democratic process. Trade union structure; techniques of organizing.

International labor. The significance of international cooperation and exchange of information by labor groups and the roles played by different international labor organizations, such as the United Nations' International Labor Organization, the International Confederation of Free Trade Unions and ORIT, its regional arm in the Americas.

Labor education techniques. Application of the techniques of teaching, conducting conferences and of audio-visual aids; planning programs and preparing labor education seminars; trade union public relations.

Collective bargaining. Labor-management relations and the process of collective bargaining. Negotiation strategy, grievance procedures, union security issues, and labor-management cooperation.

Threats to unionism and democracy; communism, and other forms of totalitarianism. Analysis of the strategy and tactics of subversion and its effect upon democracy and trade unions. Defense tactics and safeguards.

Labor economics and the economic problems of industry and agriculture. Analysis of the functioning of the labor market and its manpower implications on wages, employment, unemployment, and underemployment. Economic effects on industry and agriculture, with special emphasis on problems of developing nations.

Special Latin American issues, including analysis of Alliance for Progress, Organization of American States and Latin American free trade areas.

Other special issues, including cooperatives, workers' housing, credit unions and community development programs.

Role of unions in a modern democratic society. The economic, political, social and cultural functions of trade unions in a democratic setting.

The European travel program began with the first class of 1964.

The class first spends 3 weeks in the United States at the Washington school to acquire a basic knowledge of the structure and functions of the U.S. labor movement and its role in the Nation's economy. The students then study for 3 weeks in Israel, 2 weeks in Italy, 2 weeks in West Germany. One additional week will be spent in short visits to the ILO office in Geneva, to the Organization for Economic Cooperation and Development, the office of the AFL–CIO European representative in Paris and to the ICFTU headquarters in Brussels.

In Israel, the 3-week program is under the supervision of Histadrut, the country's General Confederation of Labor, in conjunction with the Afro-Asian Labor Institute in Tel Aviv. The curriculum includes classroom work and field trips, with the general objective of observing how a cooperative economy can coexist with free enterprise and how state-run services can operate in an atmosphere of freedom, pragmatic interdependence and competition.

The program in Italy, worked out in cooperation with the Italian Confederation of Labor Unions (CISL), consists of 1 week of lectures at the CISL Center for Trade Union Studies in Florence, with a field trip to a nearby cooperative center and 1 week of visits and roundtable discussions with labor and political leaders in Rome. The main objective of the Italian program is to expose the visitors to the causes and effects, good or bad, of "trade union pluralism" even at the shop level and to the division of the labor movement almost exclusively along political and ideological lines.

In West Germany, the travel program is supervised by the Friedrich Ebert Foundation of Bonn. The three main objectives of this program are:

(a) To obtain from the spokesmen of management and labor firsthand information on the operation of the codetermination policy;

(b) To observe how public services can be operated profitably and efficiently regardless of private or public ownership;

(c) To bring the visitors to West Berlin, and possibly to East Berlin, in order to see for themselves the dramatic and ultimate contrast between the worlds of democracy and totalitarianism.

At the end of their European program the participants return to Washington, where they rejoin the class for a final week of evaluation and exchange of information and impressions with their fellow students and the staff before their graduation.

It should be emphasized that the travel program has been initiated on an experimental basis. A review of its effectiveness will be made at the end of the first year. The program was initiated with the view of giving to a specially selected group of young Latin American labor leaders a multinational exposure to the problems, structure, functions, and achievements of democratic labor, thus broadening their horizons and experiences in preparations for their future positions in their native countries.

AIFLD education is not restricted to classroom studies and related projects but also shows, by example, the role free trade unionists can play in the development of their countries through a social projects program.

The Institute's social projects department is specifically devoted to assisting workers who are helping themselves and in some 15 months of operation has provided several examples of just how it can be done.

In Honduras, the school is complemented by a housing project for the workers of the Tela Railroad Co., a subsidiary of the United Fruit Co. The union had organized its own project and had obtained a U.S. Agency for International Development loan for construction, on land provided by the company as part of a collective bargaining agreement. Institute experts were requested to review the program. They completely redesigned the house, providing 20 percent more living space while cutting the cost by 25 percent down to $2,050 for a three-bedroom home.

Looking back, the Institute substantially helped the union gain its housing, but the initiative lay with the local union leaders. It is interesting to note that shortly after all U.S. aid to Honduras was stopped due to the military coup of October 3, this one program was reinstated on the basis that the people of Honduras should not be penalized for a takeover by a nonrepresentative government.

In Mexico City, on the initiative of the Graphic Arts Union (newspapers and publishing), the Institute is assisting in the construction of the largest housing project in the Western Hemisphere.

The social projects department has programs in nearly every country in Latin America. Although most of them relate to housing, there are many projects designed for food and consumer cooperatives, specialized schools, banks, and savings and loan associations and other institutions needed for the growth of equality in democracy at all levels of society. Under this department, the Institute has been recognized as a registered voluntary agency of the Federal Government, enabling the use of Latin American trade unions as distributive outlets for surplus U.S. foodstuffs under Public Law 480. It is important to note that under the AIFLD food-for-peace program, unions will be providing a service to the general public, not just to organized workers.

The foreign trade unionists who have worked with AIFLD programs, in either the education or the social projects fields, are their own men. Many of their beliefs differ from ours. They take from the Institute only what they themselves feel will benefit their fellow countrymen. We offer our experience; then they are on their own again. But in the eyes of the Institute, and the AFL–CIO, they stand stronger, straighter, and taller, better able to do the job their people expect of them.

ROCKEFELLER JOINS THE IRRESPONSIBLES

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Rocky Joins the Irresponsibles," published in the Berkshire Eagle of Pittsfield, Mass., of April 28, 1964.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Rocky Joins the Irresponsibles

One of the claims put forward by Governor Rockefeller's disciples is that, unlike some of his rivals for the nomination, he is too big a man to compromise his principles for the sake of temporary political advantage.

This claim was given a rather severe shaking by the Governor's conduct during the New Hampshire primary. It was all but demolished in Oregon yesterday when Mr. Rockefeller joined the ranks of Richard Nixon and assorted other irresponsibles who are insisting that the United States should expand the war in South Vietnam by "permitting" the South Vietnamese forces to strike by land and by air at Communist "sanctuaries" in Laos, Cambodia and North Vietnam.

Presumably Governor Rockefeller is well aware that this sort of talk is mischievous nonsense. He is a basically intelligent and well-informed person whose natural inclinations are moderate and rational. He has a well paid staff of knowledgeable researchers who are qualified to acquaint him with the facts in areas where he himself is not competent.

He must know, therefore, that the basic problem in South Vietnam has nothing to do with the so-called sanctuaries from which he says the Communists are deriving their strength. He must know that this is not comparable to the situation that prevailed in the Korean war, where the Chinese "volunteers" were being supplied by bases beyond the Yalu River and where the military situation involved two organized armies confronting each other along a fairly well defined front.

He must know, further, that the guerrilla forces in South Vietnam control more than two-thirds of that country's territory as well as the loyalties of more than half its inhabitants, and that it is therefore nonsensical to suppose they can be wiped out by carrying the war against them into adjacent countries. And he must also know that the South Vietnamese military establishment is utterly unable (not to mention unwilling) to attempt any such adventure without the direct and large-scale participation of American air and ground forces which Mr. Rockefeller carefully stops short of saying we should commit to the cause.

Why, in view of all this, does Mr. Rockefeller talk so glibly about how quickly his plan could win the war in South Vietnam? Partly because our difficult situation there provides a handy political cudgel for flailing at an administration which seems rather invulnerable at the moment to more honest attack. Partly because offering simple solutions to complicated problems always appeals to the less enlightened elements in the electorate. And partly, no doubt, because anything that derogates American policy in South Vietnam tends to derogate Ambassador Henry Cabot Lodge, who is the man to beat in the Oregon presidential primary.

And this, apparently, is sufficient justification for advocating a policy which at best couldn't possibly work and at worst could involve us in a catastrophically foolhardy war with Communist China. It is a rather sorry commentary on Mr. Rockefeller to have to cite as the only extenuating circumstance the probability that he doesn't believe what he is saying.

DR. HOWARD ZAHNISER—CONSERVATIONIST

Mr. MORSE. Mr. President, on May 4 Dr. Howard Zahniser passed away. He was one of America's leading conservationists, serving on the Advisory Committee on Conservation to Secretary of the Interior Stewart Udall, a director of the Citizens' Committee on Natural Resources, a trustee and the Washington representative of Trustees for Conservation, a contributor on conservation to the Encyclopedia Britannica, and executive secretary of the Wilderness Society, and the editor of its excellent magazine, the Living Wilderness. He also was president of the Thoreau Society in 1956 and was an honorary vice president of the Sierra Club. His long and illustrious career in conservation included service with the U.S. Fish and Wildlife Service in the Department of the Interior.

Above all, Howard Zahniser was an active outdoor conservationist, a man who knew the true meaning of conservation. Howard Zahniser was the father of the wilderness bills which have been before the Congress. It was due to his efforts that America became alert to the true meaning and value of wilderness.

When Howard Zahniser passed away quietly in his sleep, America suffered a great and tragic loss.

I would like to pay my tribute to this dedicated citizen who served the interest of all of our people so well and so long by reading from the First Epistle of Paul the Apostle to the Corinthians, chapter 13. This is the perfect tribute to Howard

Zahniser, for Paul the Apostle, 2,000 years ago, described the type of man that he was. Paul said:

> And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith so that I could remove mountains and have not charity, I am nothing.
>
> And though I bestow all my goods to feed the poor and though I give my body to be burned, and have not charity, it profiteth me nothing.
>
> Charity suffereth long, and is kind; charity envieth not; charity vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, and thinketh no evil;
>
> Rejoiceth not in iniquity but rejoiceth in the truth;
>
> Beareth all things, believeth all things, hopeth all things, endureth all things.
>
> Charity never faileth; but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away.
>
> For we know in part, and we prophecy in part.
>
> But when that which is perfect is come then that which is in part shall be done away.
>
> When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things.
>
> For now we see through a glass darkly; but then face to face: now I know in part; but then I shall know even as also I am known.
>
> And now abideth faith, hope, charity, these three; but the greatest of these is charity.

Howard Zahniser had faith, hope, and charity, and he had these sterling qualities in good measure.

On May 1, it was my honor to speak before the Columbia River section of the Society of American Foresters at Bend, Oreg. With the mighty Cascade Mountains as a backdrop, I spoke using the theme "Forests Are for People." The inspiration for much of what I said came from the understanding that Howard Zahniser gave me of the true meaning of wilderness.

In that speech I touched on the many aspects of the utilization and development of our forests for mankind, but I also spoke of wilderness. I believe it appropriate at this point to quote what I said then, for it epitomizes the meaning that Howard Zahniser gave to wilderness.

> We know that our Nation is growing rapidly. Our population is expanding at an unbelievable rate, while our land base—particularly our rich, usable land base—is not expanding; indeed, it is decreasing in size when measured on a per capita basis.
>
> So let us think together about why "forests are for people." And let us think about it against the background of our growing population and shrinking land base.
>
> Forests are for people to have. There are those among us who urge that we keep some of our public forests in a primeval state. They urge that we set it aside and let nature, in its own unique way, work its forces with a minimum interference from man. They want our forests, not as man made them, but as the Creator willed them to be.
>
> There are others who find this concept unacceptable. They believe that it is wasteful to leave forests untouched. They believe that man can and should try to improve on what the Creator has done.
>
> Senator CLINTON ANDERSON, of New Mexico, described eloquently for all of us what wilderness means. He called it "an anchor to windward," and he pointed out, when the wilderness bill was before the Senate, that our ability as a people to preserve some of our forest land showed us and the world at large that we are a strong and rich Nation, that we can afford to keep some of our forests as nature gave them to us. I believe sincerely that this is the right course.
>
> Forests are for people to have and we must always have, not just a little, but a good supply kept forever as nature's workshop.

Howard Zahniser, as he trod the halls of Congress seeking the enactment of the wilderness bill, urged upon us in his humble and sincere way that we in our time take the steps necessary to assure that forever there will be a good supply of wilderness as nature's workshop.

Generations of Americans yet unborn will owe a debt of gratitude to Howard Zahniser. A wilderness bill will be passed, and this will be his gift to future generations—a gift which will become of ever-increasing value to mankind.

Mrs. Morse and I regret deeply the untimely passing of Howard Zahniser, and we extend our deepest sympathies to Mrs. Zahniser and to their children.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. JOHNSTON. Mr. President, the U.S. Senate has now thrown aside all semblance of orderly procedure and has, for all intents and purposes, become a disorganized Committee of the Whole. If the proponents of civil rights legislation earlier this year had paid attention to those of us who opposed bypassing the orderly committee procedures of the Senate, we would not tonight be in the predicament in which we now find ourselves. As the distinguished senior Senator from Oregon has pointed out so many times, the committees of the Senate and the normal procedures requiring committee consideration of bills were established for very good reasons. By ignoring these procedures and by paying no attention to the reasoning of the minority of this body, the Senate has become a Committee of the Whole on civil rights legislation, thereby blocking and hamstringing almost all other activity of the Senate and holding up the business of the country.

If the bill now before us had gone to the Senate Judiciary Committee, where proponents of civil rights legislation overwhelmingly predominate, the bill probably would already have been amended and put into acceptable shape, to be considered expeditiously on the floor of the Senate.

Let us bear in mind that at that time the pending motion was to refer the bill to the Judiciary Committee, with instructions for the Judiciary Committee to report the bill to the Senate in 2 weeks. The lawyers who make up the membership of the Judiciary Committee unquestionably would have agreed, for the most part, that trial by jury was a constitutional requirement that mandatorily should be in the bill. But instead of letting those Members with legal training settle this problem in committee, the more ardent supporters of civil rights legislation demanded that the committee be bypassed. As a result, today we are bogged down in disorderly procedure on an issue involving the most intricate constitutional and legal questions.

The Senate will continue to be crippled in this way on other amendments and other sections of the bill, and all because the orderly procedures of the Senate were bypassed in the beginning. It is not too late to save the good name of the Senate by sending the bill to the Judiciary Committee, where it should have been sent in the first place.

However, since this hardly seems likely to occur, I should like to explore some of the reasons why I feel so strongly that we should adopt the most comprehensive jury-trial provision possible, to insure all of our citizens their constitutional rights.

In short, I am opposed to any of the limiting amendments that restrict the broad proposal giving everyone the right of trial by jury. My position is very simple: I am opposed to limiting amendments on jury-trial provisions, because I am steadfastly in favor of a jury trial without limitation in all criminal cases.

I am for jury trials because the entire history of this country teaches us that the jury trial is our basic guarantee of the things that make American citizenship worth while.

The jury trial, as I have pointed out on previous occasions, actually preceded our Constitution; and I should like to take a few minutes of the time of the Senate to review the history of jury trial in State constitutions and State statutes.

The denial of the right of trial by a jury of 12 men, 12 of their peers of their own vicinity, was one of the grievances complained of in the Declaration of Independence. Almost every State constitution asserted these rights. Those provisions varied in wording and degree, but all of them guaranteed the individual these fundamental rights.

In North Carolina, the first State constitution, stated:

> That, in all criminal proceedings, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself * * * that no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

An article in South Carolina's constitution states very clearly and simply:

> No freeman of this State shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, exiled, or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land.

The Virginia bill of rights contains a specific list of rights guaranteed to accused criminals:

> In all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of 12 men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself.

The constitutions of New Jersey, Georgia, New Hampshire, Massachusetts—all provided guarantees to the criminally accused. In language as widely differing as the States themselves the words nevertheless echoed the rights set forth in the Magna Carta—that is, to give a man the right of trial by jury.

When the delegates assembled at Philadelphia in 1787 to draft a constitution for the Thirteen States, there was no general demand to incorporate such guarantees for the criminally accused in the Federal Constitution, thinking perhaps that such rights came under the jurisdiction of the several States. However, it soon became evident to the delegates that in order to preserve the rights of the States in judicial matters, a provision should be included guaranteeing the right of trial by jury. In the proposed New Jersey plan it was stipulated that:

> No person shall be liable to be tried for any criminal offense, committed within any of the United States, in any other State than that wherein the offense shall be committed, nor be deprived of the privilege of trial by jury, by virtue of any law of the United States.

Charles Cotesworth Pinckney's draft suggested a trial by jury in the State where the offense was committed, and that the trial should be open and public.

Language providing for a trial by jury was finally adopted as the third clause of the second section of article III.

Mr. President, several weeks ago I spoke at length on the entire history of trial by jury as known by our Anglo-Saxon history of jurisprudence. At that time I traced trial by jury from its earliest origins down to its present-day status, including the most recent decision of the Supreme Court, United States against Barnett, with which we are all now very familiar. I pointed out that in our early days, trial by jury was one of the most cherished rights in America, and it has remained so until the present time. I further quoted from one of the dissenting Justices in this case, calling for the disposal of this judge-instituted infringement of the Constitution "root and branch." This, Mr. President, is a Justice's statement with which I can agree.

It is worth noting for the benefit of those who oppose our present struggle to guarantee the continued right of trial by jury to all those accused of violating the various insidious provisions of the civil rights bill we are asked to enact, that 17 judges acting in an appellate capacity were involved in hearing this case—8 judges in the circuit court of appeals and 9 Justices on the Supreme Court. In the circuit court of appeals the eight judges split right down the middle, four in favor of granting trial by jury to these defendants as guaranteed by our Constitution, and four opposed because of previous actions taken by courts, perpetuating trial by jury. In other words, they were following the precedents laid down before. With the judges splitting 4 to 4 in the circuit court of appeals it was no decision at all, so the case was sent to the Supreme Court for final determination.

The Supreme Court, after hearing arguments on both sides, decided by the narrowest possible margin, that is, 5 to 4, to deny these defendants their right of trial by jury. And the five begged the question. They made the statement that they were only following a precedent and gave us to understand that they felt a little different, but that they were following decisions laid down before the decision was rendered.

Mr. President, even this 5-to-4 decision was in part vitiated by a now famous footnote pointing out that some of this five-member majority were of the opinion that if the defendants were sentenced to any punishment greater than that granted to that for petty offenses, then the whole issue would have to be redecided. The five decided the case, but they said that if it was decided as a petty offense, they would have to send the case back.

Mr. President, I have said before and I will say again, and regardless of the arguments by those who would abolish the right of trial by jury, this whole situation is simply untenable. Again, regardless of the protestations of the opponents of jury trial, the dictum included in this footnote means nothing more than that the judge must decide on his verdict, before he even hears the case, to determine whether or not the defendant shall have a trial by jury or the defendant must, in effect, be tried twice—once by the judge and once by the jury.

Mr. President, I have been a lawyer for 40 years and I can think of no parallel situation presently established in our judicial system. All I ask and all my colleagues fighting this battle with me ask, is what is already guaranteed in our Constitution—the right to a trial by jury for all criminal prosecutions. This right is guaranteed not only once in our Constitution, but in three different places, and we have pointed out and spoken at length on all three of these provisions. What the enemies of trial by jury are seeking to do in this instance, ironically in the name of guaranteeing full constitutional rights to all of our citizens regardless of race, creed, or color, is wipe out one of the essential constitutional rights enjoyed by all Americans. That is the right of trial by jury.

One of the provisions which I mentioned which was early incorporated in the Constitution was the sixth amendment. But rather than give my own interpretation of the establishment of this bedrock foundation upon which this right is based, I would like to quote at length from a book entitled "The Sixth Amendment to the Constitution," a study in constitutional development by Francis Howard Heller.

Mr. Heller did extensive research and produced a scholarly treatise dealing entirely with the sixth amendment.

I have used several quotes from Mr. Heller's book, but at this time, rather than be charged with putting my personal interpretation on various acts of the State legislatures and the Continental Congress, I quote verbatim from Mr. Heller's book:

> When the Continental Congress declared "that the respective colonies are entitled to the common law, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law," the common law so appealed to must be understood to include not only trial by a jury of 12 men of the vicinage but also publicity of the proceedings, and the right to witnesses and to the assistance of counsel; in short, all the recognized rights of the accused. The denial of these rights was among the grievances complained of in the Declaration of Independence. The inviolability of these rights was asserted in the constitutional documents of most of the new States, which, while differing in details and degree of emphasis, sounded a common note in including, among the fundamental rights of the individual, guarantees against arbitrary practices in criminal proceedings, safeguards to counteract the might of government when it called the individual lawbreaker before the bar of justice.
>
> The declaration of rights of the new State of Maryland (1776), after reiterating, in language borrowed from the Continental Congress declaration of 1774, the right of its inhabitants to the common law of England and trial by jury, proclaimed "that the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estates of the people," and then enumerated the rights which every man had in criminal proceedings: to be informed of the accusation against him; to receive a copy of the indictment in time to permit him to prepare his defense; to be allowed counsel; to be confronted with the witnesses against him; to have process for his own witnesses; to examine the witnesses, for and against him, on oath; and to have "a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty."
>
> In North Carolina, the first State constitution, in its declaration of rights, stated "that, in all criminal proceedings, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself," and "that no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used."
>
> The New Jersey constitution of 1776 echoed the words of Pennsylvania's Charter of 1701 in its article XVII: "That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to—

Under the provisions of the bill, the costs of the lawyers and witnesses and everything else will be paid for one side, but not for the other side—which seems a little different from what we read in the different constitutions of the various States.

Continuing to quote from Mr. Heller's book—

> while in article XXII it guarantees " * * * that the inestimable right of trial by jury shall remain confirmed as a part of the law of this State, without repeal, forever."
>
> South Carolina furnishes a telling example of the high esteem in which Magna Carta was held at the time, in a single brief article

> of its constitution which obviously was intended to parallel the wording of the great charter:
>
> "That no freeman of this State be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, exiled, or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land."
>
> Georgia included in its constitution of 1777 two disconnected paragraphs, one of which stated the inviolability of the right to trial by jury, while the other guaranteed a trial within the county of commission.
>
> John Jay's constitution for the State of New York (1777) assured the accused's right to counsel and affirmed that "* * * trial by jury, in all cases in which it hath heretofore been used in the colony of New York shall be established and remain inviolate forever."
>
> Earliest in point of adoption, the Virginia bill of rights as framed by George Mason presents in one compact article (art. 8) a detailed list of rights extended to the criminally accused. "In all capital or criminal prosecutions," this article reads, "a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of 12 men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself."
>
> The most detailed provisions are those contained in the declaration of rights of Massachusetts (1780) and the largely identical language of the bill of rights of New Hampshire (1784). Elaborately and circumspectly phrased, these documents in essence guaranteed the accused the right to know the nature of the accusation, to decline self-incrimination, to present his own evidence, to meet the witnesses against him, and to have the assistance of counsel; and in words that hark back to Magna Carta they reaffirmed the right to trial by jury or by the law of the land. In each instance, a separate article limited criminal trials to the vicinity where the alleged offense had taken place.
>
> The New Hampshire articles numbered almost 300 words; while South Carolina used less than 50 words to cover the same subject. This numerical difference alone is indicative of the diversity of substance to be found among the several States. As the perception and interpretation of the common law varied in the several States, as criminal procedures were more or less fair or arbitrary, so differed the sense of urgency with which the inhabitants of the different States viewed the problem of protecting the accused. Hence it is not surprising that the delegates who convened at Philadelphia in the spring of 1787 made no effort to embody details of criminal procedure in the document they were about to propose to the Nation. The original Virginia plan contained no references whatsoever to the procedure to be had in criminal cases. The new Jersey plan, however, with an eye toward the preservation of the rights of the States in judicial matters, proposed "that no person shall be liable to be tried for any criminal offense, committed within any of the United States, in any other State than that wherein the offense shall be committed, nor be deprived of the privilege of trial by jury, by virtue of any law of the United States."
>
> A similar provision was included in Alexander Hamilton's draft; and Pinckney's outline suggested the same two guarantees, and in addition would have stipulated that trials should be open and public.
>
> The committee on detail adopted the essence of these suggestions and embodied them in its draft constitution as section 4 of article XI, in language resembling Pinckney's draft: "The trial of criminal offenses (except in cases of impeachment) shall be in the State where they shall be committed; and shall be by jury."
>
> Without much debate, this section was amended in Committee of the Whole in order to "provide for trial by jury of offenses committed out of any State." It was in this amended form that the provision was sent to the committee on style, which, without further change, incorporated it in the judiciary article of the final document as the third clause of the second section.

Mr. President, all the States had trial by jury cases. I well remember that when I started practicing law, there were not many cases in the criminal courts. It has grown by leaps and bounds so that today we have spread and increased the latitude of what was held to be in interstate commerce. For that reason, more cases are being tried in criminal courts. As we enact more Federal laws on certain crimes—for instance, violation of the income tax laws, since the beginning of income taxes in 1913, where up until that time there were no income taxes, today we find that income tax cases are drifting into the Federal courts instead of into the State courts, because those are criminal actions.

Almost every year more bills are enacted, which builds up more trials to be held in Federal courts from the criminal side of the court. I fear that that situation will continue to exist until what has taken place in the States will be wiped out, to a large extent.

But, when the Constitution was being written, the Founding Fathers did not think so much about the right to trial by jury, because very few cases of criminal action were being tried in Federal courts.

Think how many more we have today than during those days. What do we think the Founding Fathers would have had to say about jury trials if they had found themselves in the same position in which we find ourselves today? I believe they would have clamored more for a jury trial then, than even they did at that time, because of the larger volume of cases going into the Federal courts today.

Continuing the quotation:

> The opponents of the proposed Federal Constitution not only protested the absence of a specific Bill of Rights but also claimed that those guarantees already included were inadequate in nature and scope. The jury trial clause of article III was thus subjected to severe criticism in the debates over the ratification of the Constitution. The attack on this provision used several different approaches. First, those advocating rejection of the proposed document pointed to the appellate jurisdiction of the Federal courts and predicted that it would, "in its operation, destroy the trial by jury. The verdict of an impartial jury will be reversed by judges unacquainted with the circumstances." But the most vocal objections were aimed at the lack of a narrowly drawn vicinage requirement and of an explicit provision saving the right to challenge prospective jurors. In the Virginia convention, Patrick Henry exclaimed that he would have preferred to see trial by jury left out altogether "than have it so vaguely and equivocally provided for." With the forceful eloquence for which he was so justly famed Henry declared that "this great privilege * * * is prostrated by this paper. Juries from the vicinage being not secured, this right is in reality sacrificed. All is gone. Why do we love this trial by jury? Because it prevents the hand of oppression from cutting you off. Has not your mother country magnanimously preserved this noble privilege upward of a thousand years? And shall Americans give up that which nothing could induce the English people to relinquish? The idea is abhorrent to my mind."
>
> Grayson, seconding Henry's attack, cited the example of Rome to show that abandonment of trial by jury would lead to servitude. "It may be laid down as a rule," he stated, "that, where the governing power possesses an unlimited control over the venue, no man's life is in safety. The idea which I call true vicinage is, that a man shall be tried by his neighbors. But the idea here is, that he may be tried in any part of the State. The conclusion * * * is that they can hang anyone they please, by having a jury to suit their purposes."
>
> Similar language had earlier been heard in the Massachusetts convention, where Holmes had not only addressed himself to the deficiencies of the jury-trial provisions but also deplored the absence of other procedural safeguards:
>
> "It is a maxim universally admitted, that the safety of the subject consists in having a right to a trial as free and impartial as the lot of humanity will admit of. Does the Constitution make provision for such a trial? I think not; for in a criminal process, a person shall not have a right to insist on a trial in the vicinity where the fact was committed, where a jury of the peers would, from their local situation, have an opportunity to form a judgment of the character of the person charged with the crime, and also to judge of the credibility of the witnesses. There a person must be tried by a jury of strangers; a jury who may be interested in his conviction; and he may, by reason of the distance of his residence from the place of trial, be incapable of making such a defense as he is, in justice, entitled to, and which he could avail himself of, if his trial was in the same county where the crime is said to have been committed."

Mr. President, all these things the author is speaking about we find in the bill. These trials will not be held in the county, or even in the district, which includes many counties in a great many States. The bill would break down all these things, which were brought out almost 200 years ago.

The quotation continues:

> But what makes the matter still more alarming is, that the mode of criminal process is to be pointed out by Congress, and they have no constitutional check on them, except that the trial is to be by a jury; but who this jury is to be, how qualified, where to live, how appointed, or by what rules to regulate their procedure, we are ignorant as of yet.

All this fits in so well with the bill. This was the situation years ago.

Continuing:

> The mode of trial is altogether indetermined; whether the criminal is to be allowed the benefit of counsel; whether he is to be allowed to meet his accuser face to face; whether he is to be allowed to confront the witnesses; and to have the advantage of cross-examination, we are not yet told. These are matters of by no means small consequence; yet we have not the smallest constitutional security that we shall be allowed the exercise of these privileges.

The author points out the situation so clearly and so plainly, especially to me, that I thought it was absolutely necessary that I read into the RECORD what he had to say. I continue reading:

> In rebuttal of these attacks the proponents of the new Constitution emphatically denied any intention of infringing or abolishing trial by jury, and John Marshall, speaking in the Virginia convention, even asserted that, by virtue of the constitutional provision, trial by jury would be more secure in the United States than in England, for "what part of their constitution is there that the Parliament cannot change?" Various replies were made to those critics who had complained of the lack of a vicinage requirement. Madison suggested that it was impractical: "Suppose a rebellion in a whole district; would it not be impossible to get a jury?" Pendleton in the Virginia convention and Gore in that of Massachusetts pointed out that the role of the jury was not, as contended, to judge character and personalities but to find a verdict on the facts presented in court; knowledge of the neighborhood was no longer essential to the performance of their functions. In all available convention reports, wherever the question of jury trial was raised, allusion was also made to the fact that "it was only by reason of the diversity of practice in the various States that a more detailed constitutional provision was not used," that "the rule could not have been drawn more narrowly without changing the rule of some of the States."
>
> It may be doubted that the objections raised against the trial by jury clause of the original Constitution, as they are reflected in the existing records of the State conventions, would in themselves have been sufficient to bring about the addition of an amendment to the Constitution. Still these criticisms, part and parcel of the louder and wider clamor for a Bill of Rights, indicated that the public continued to demand the maintenance of a fair balance in criminal trials, and to that end the protection of the rights of the accused.
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> With the din of these debates still resounding, the Nation turned to the establishment of its Government, faced at the outset with the task of "impregnably fortifying * * * characteristic rights of freemen (in order that) public harmony be * * * advantageously promoted." For, as was said in a leading Supreme Court opinion nearly fourscore years later, "so strong was the sense of the country of the importance (of these rights), and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition; and, but for the belief that it would be amended so as to embrace them, it would never have been ratified."

It was difficult to secure the ratification of the Constitution of the United States. One of the difficulties was that the Founding Fathers wanted the people to be protected, and they wanted the right of trial by jury more than anything else. Promises had to be made by the leaders that certain protections would be inserted before ratification was had. Several of the States held out for a long time.

The author continues:

> The preparation and introduction in the First Congress of the amendments that were to discharge this political obligation was undertaken by James Madison, who, while campaigning for Congress, had pledged himself to the support of a Bill of Rights to be added to the Constitution. Although himself not convinced of the constitutional necessity for such amendments, he was highly sensitive to their political desirability. "Amendments," he wrote to a political friend during this election campaign, "if pursued with a proper moderation and in proper mode, will not only be safe, but may serve the double purpose of satisfying the minds of well-meaning opponents, and of providing additional guards in favor of liberty."
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> In the formulation of the amendments to be proposed Madison was able to utilize the results of similar efforts in the several States. From 5 of the ratifying States and North Carolina there had come a total of 103 desired changes in the Constitution. Four of the States had included provisions concerning trial by jury and rights of the accused among their proposals. Maryland had submitted a brief but flexible article:
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> "That there shall be a trial by jury in criminal cases, according to the course of proceeding in the State where the offense was committed; and that there by no appeal from matter of fact, or second trial after acquittal; but this procedure shall not extend to such cases as may arise in the Government of the land or naval forces."

They were trying their best at that time to take care of the right of trial by jury and to do what they could to satisfy and pacify the people. I continue to read:

> In New York it had been proposed that among the rights "which cannot be abridged or violated" there should be included "that (except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment) a presentment or indictment by a grand jury ought to be observed as a necessary preliminary to the trial of all crimes cognizable by the judiciary of the United States, and such trial should be speedy, public, and by an impartial jury of the county where the crime was committed; and that no person can be found guilty without the unanimous consent of such jury. But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in possession of a foreign enemy, the inquiry and trial may be in such county as the Congress shall by law direct; which county, in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed; and that in all criminal prosecutions, the accused ought to be informed of the cause and nature of his accusation, to be confronted with his accusers and the witnesses against him, to have the means of producing his witnesses, and the assistance of counsel for his defense; and should not be compelled to give evidence against himself."
>
> The convention of Virginia had recommended the incorporation in the Constitution of the respective clause of their own bill of rights, with only two modifications, the addition of the right to counsel and a parenthetical clause exempting the land and naval forces from the operation of the section. North Carolina made the same proposal in identical language.
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> Madison correlated these various proposals, eliminating those most likely to meet with opposition, and on June 8, 1789, introduced his amendments in the form of nine propositions in the House of Representatives. Three of these proposals referred, in parts, to matters of criminal procedure.
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> By one amendment Madison proposed to expunge in its entirety the trial-by-jury clause of the original Constitution, which had met with such criticism in the Virginia and other conventions, and to replace it by a much longer and more detailed clause providing for trial by an impartial jury of the vicinage, guaranteeing the right to challenge, and affirming the requirement of a unanimous verdict for conviction "and other accustomed requisites."
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> By another proposition trial by jury was to be protected against impairment by any State along with freedom of speech, press, and religion.
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> Still another proposal was to insert a section guaranteeing procedural safeguards other than jury trial. This proposition was drafted in these words:
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> "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with his accusers and with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense"—language which, with only two changes, eventually was adopted as the sixth amendment.
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> On July 21, 1789, Madison's proposals were referred to a committee of 11 on which each State was represented by 1 member, Madison being the member from Virginia. This committee completed its work on July 28, and on August 13, the House, in Committee of the Whole, began consideration of the proposed amendments, examining each one separately.
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> The proposed restriction on State action was discussed first, on August 17. Tucker, of South Carolina, was the principal speaker in opposition, while Madison defended the proposition, calling it the most valuable amendment in the whole list. If there was any reason to restrain the Government of the United States from infringing upon these essential rights, it was equally necessary that they should be secured against the State governments. Livermore, of New Hampshire, moved to rephrase the resolution so as to read:
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> "The equal rights of conscience, the freedom of speech and the press, and the right of trial by jury in criminal cases, shall not be infringed by any State."
>
> And in this form it was passed by the Committee of the Whole.
>
> On the same and the following day, the other two articles touching on criminal procedure were presented for consideration. The committee of 11 had changed the arrangement of these 2 articles by combining them into one proposition—the seventh—consisting of two clauses, to take the place of the deleted clause 3 of article III, section 2. The principal opposition to this proposition was furnished by Burke, of South Carolina; on August 17, he moved to permit an accused to put off the trial to the next session of the court, provided he made it appear to the court that the evidence of the witnesses, for whom process was granted, but not served, was material to his defense; and, on August 18, he moved to replace the word "vicinage" by "district or county within which the offense was committed"; this change, he maintained, would be in conformity with South Carolina practice. Both motions failed of passage, but a proposal by Livermore to secure to the criminal the right of being tried in the State where the offense was committed was accepted.
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> The House of Representatives made no further changes in these articles, and passed them, in the form agreed to by the Committee of the Whole, on August 20. On August 22, they were referred to a committee of three (Benson, Sherman, Sedgwick) appointed to arrange the amendments, presumably to conform with the House decision to add the amendments as supplements rather than to change the text of the original document. This committee reported on August 24, and the rearranged amendments—17 in number—were ordered sent to the Senate on the same day.
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> The Senate consideration of the amendments began on September 2, and lasted for 1 week. Unfortunately, Senator Maclay, of Pennsylvania, whose journal is the principal source of information on the proceedings

of the Senate in the First Congress, was ill during the period the amendments were debated in the Senate; and hence we are without knowledge of the Senate's action on, and individual Senators' reaction to, the proposed amendments. Available records merely reveal that when the amendments were returned to the House on September 10, they contained several changes and deletions, and were accompanied by a request for a conference of managers for the two Houses.

Madison reported this to Edmund Pendleton in a letter which identified the trial-by-jury provisions as a principal stumbling block. "The Senate," he wrote, "have sent back the plan of amendments with some alterations which strike in my opinion at the most salutary articles. In many of the States juries, even in criminal cases, are taken from the State at large; in others, from districts of considerable extent; in very few from the county alone. Hence a * * * (manuscript torn here) like to the restraint with respect to vicinage, which has produced a negative on that clause. Several others have had a similar fate. The difficulty of uniting the minds of men accustomed to think and act differently can only be conceived by those who have witnessed it."

On September 12, 1789, the House appointed as its managers for the conference Madison, Sherman, and Vining. Again, a letter from Madison to Pendleton is our sole source of information on the negotiations of the conference committee: "The Senate," reported Madison to Virginia's Chief Justice, on September 23, "are * * * inflexible in opposing a definition of the locality of juries. The vicinage they contend is either too vague or too strict a term, too vague if depending on limits to be fixed by the pleasure of the law, too strict if limited to the county. It was proposed to insert after the word juries, 'with the accustomed requisites,' leaving the definition to be construed according to the judgment of professional men. Even this could not be obtained. The truth is that in most of the States the practice is different and hence the irreconcilable difference of ideas on the subject."

The conference committee apparently failed to achieve any compromise on the particular subject, for when their report was returned to the House on September 24, the criminal procedure article was still among the points of disagreement. The House insisted on its version, and, by withdrawing its objections to all but one other of the Senate's changes, succeeded in placing its phrasing of this article into the amendments. It was in this form that the article was submitted to, and ratified by, the States.

Any attempt to trace the exact development of the finished product, to ascribe with definitive certainty the authorship of specific words, or to place the responsibility for its ultimate form and arrangement, continues to the present to be frustrated and hampered by the complete lack of information on the proceedings in the Senate. Among Madison's original propositions, three, as we have seen, were related to the subject of criminal procedure. After minor changes by the committee of 11 they were adopted by the House and sent to the Senate. The committee of three, whose task it had been to rearrange the articles as supplements rather than substitution for the original text, had made no significant changes in the wording. Of the three propositions sent to the Senate we hear no more of the original fifth ("no State shall infringe"), and it may be assumed that it was deleted by the upper Chamber.

Mr. President, it is obvious from the material contained in Mr. Heller's book that the inclusion of this right of trial by jury in three separate places in the Constitution had a vast precedence in both common law and constitutions and statutes of the various States that joined together to form this great United States of America. I do no believe anyone could possibly review the almost unanimous agreement of our forefathers on the right of trial by jury, the all-encompassing statutes and constitutions of the various States guaranteeing this right to jury trial, and could conclude that it was anything less than one of the most precious rights guaranteed in the Constitution.

Mr. President, as evidenced by the arguments against the very inclusion of the constitutional guarantee of jury trial, the argument against the right that in some cases juries might not render a just verdict, is as old as this right itself. It is important to note that in the very time this right was being included at three separate places in our Constitution, the opponents of the right of trial by jury, although fortunately for all of us very small in number, were pointing out the same arguments that the opponents of jury trial are using today—that is, that in a certain given instance a certain specific jury might not render a just verdict.

Mr. President, as evidenced by the history of this whole concept this is no argument at all, but merely an effort to eliminate one of our great constitutional guarantees. We are not perfect as human beings. We never shall be. Neither will we find all jurors to be perfect. But I for one think that it is the best way to settle matters, especially when it comes to convicting someone of a criminal act.

As shown by the information I have already reviewed and information I shall subsequently give, there have always been those people who did not believe in our concept of freedom, our constitutional liberties and our system of trial by jury. In almost every instance in the past these people have been defeated in their efforts to eliminate jury trial in the United States.

In more recent days in the great upheaval that swept this country when the labor unions were seeking to use their freedom of speech and freedom of press, they were hampered unmercifully through judicial injunctions handed down by Federal judges. The judges had, of course, at a much earlier date managed to establish the concept that contempt of court was to be tried by the judge himself, in his own discretion and at his own pleasure. The vagueness of the contempt process, the very thin line between civil contempt and criminal contempt, and the ability of the judge to make his own order and then interpret it as he saw fit, placed a fantastic burden on our labor people who were in truth seeking fair play and justice, but in many cases were denied it by the courts, so long as the judges exercised the powers of injunction that they were enforcing at that time.

Subsequently, of course, specific legislation was passed giving these people the right of trial by jury, except, of course, in those particular instances of contempt occurring before the court or in such close proximity of the court to impair the judicial process itself.

At the time these people were given the right of trial by jury, there were, as today, people opposed to this concept who used every imaginable argument, pertinent or not, to defeat the trial-by-jury provisions.

Mr. President, in my opinion, there should be no necessity for statutes requiring trial by jury since, as I have above pointed out, the Constitution itself guarantees in three separate places the right of trial by jury in all criminal cases or prosecutions. But because of this judge-instituted infringement of our Constitution, which I am happy to note that the Supreme Court of the United States has recently limited, and will, I firmly believe, throw out entirely in my lifetime, we must face again and again the question of legislating in specific bills the right of trial by jury.

If the courts were to do their duty and decide the cases according to the Constitution, we should not need any new legislation on this subject. I firmly believe that the Constitution guarantees that right—as the Supreme Court, in a divided opinion, 5 to 4, said. In the circuit court, it was 4 to 4. So one can readily see that even judges on the Supreme Court think that way. In that case, even the Chief Justice, who is such a civil righter, decided with the four in writing the decision. So, we have some hopes that in the future the courts will get back in line and give us our constitutional right.

Mr. President, one of the few things I can say about my life, in court as a lawyer, as a Governor, and as a Senator, is that I am not afraid of a jury. Our forefathers were wise enough to place the very life, liberty and property of all the citizens of America under attack by the Government or fellow citizens in the hands of a jury of their peers and not in the hands of a single judge.

There are many honest judges. Taken as a whole, they are a very fine judiciary. But they are individuals; and when we consider our judges as individuals, we find that they have different ways of looking at things. They have different ways of making decisions. And when they once make a decision, it becomes binding in the future. It is not like the verdict of a jury. If a jury makes a mistake, the verdict does not have to be followed in future cases. But it is customary when a court—the Supreme Court, in particular—renders a decision, to follow that precedent in the future.

That is well illustrated by the fact that for about 100 years, the Supreme Court of the United States, almost all the way down through that 100 years, followed a unanimous decision which stated that the schools could be segregated, but that they must be equal, in the case of the whites, the Negroes, or the Indians—whatever race happened to be involved. They all had to be treated alike so far as facilities were concerned. The Court followed that decision for 100 years. In 1954, that decision was set aside, and the Court ruled that there must be integration. Were the judges all wrong for 100 years? We have it.

Today, in modern America, a man can be tried for his life, and who decides whether he is to die? A jury. Today, in modern America, a man can be tried for a crime, the punishment of which would be life imprisonment, or, for that matter, 150 years in prison, which would far surpass the life expectancy. I have heard of them getting that long a sentence. And who decides whether he breathes the free air of an innocent man or the prison air of a convicted person? A jury. Or, in another case, a man could be sued for all of his worldly possessions and no matter what amount of fortune he had been able to accrue in his lifetime, who could award to his adversary the earnings of a lifetime? The jury.

Our forefathers were wise enough to see and foresighted enough to understand that these things were the essence of life—that no one man, regardless of his competence, his fairness, regardless of his wisdom, could possibly, in case after case, after case, render a perfect judgment satisfying all parties and all wrongs without the assistance of an unbiased jury, drawn from the peers of the person on trial so that he could be judged—not from the lofty pinnacle of the judge's bench, but by his peers—men who operated under the same instructions, rules, and liabilities as the man on trial—and thus was in a far better position to judge his actions than the judge himself.

In the Federal courts the Federal judge has a right, when he charges the jury, to charge the jury on the facts. In my State no judge has a right to go into the facts at all. If he does so, and a good lawyer is representing the defendant, he will be able to get the defendant a new trial if he is convicted. Of course, if he is not convicted, he goes free anyway. But if the judge even makes reference to the testimony, the defendant can get a new trial. It shows how much we depend on jury trials in my State. I think it is a good thing. I wish the Federal judges did not have the right to charge on the facts.

Mr. President, it is beyond my comprehension to understand why, when the juries are entrusted with the decision of the life and liberty of our citizens, why the opponents of these jury trial provisions maintain a jury is constitutionally unable to decide a simple matter of fact whether or not a man has obeyed a court order. As an alternative to the jury trial provisions, the opponents propose a patently absurd solution. They suggest that the judge should first hear a charge, decide the case, issue an injunction, and subsequently, if he felt the defendant did not obey the injunction, bring him back and try him for the violation of the first order the judge himself had written.

One sees very soon that the judge is the legislator, the jury, and the jurist. He does it all with one sweep of the pen. I think it is a little too much power for any man to have. That is the reason why I am pleading tonight for trial by jury in cases under the bill. It would be a simple matter to provide. The way the bill is written, the Attorney General would not have to try a man in the county in which he lived. He would not have to try a man in the State. He would not even have to try a man 50 miles from where he lived. But he could bring him into court perhaps 100 miles away from home and say to him, "You have violated my order. I am going to put you in jail for 45 days and fine you $300."

I think that is taking away rights that an individual should have.

Then if the Attorney General does not find a judge in a district court with whom he is satisfied, he can call in a three-judge court and have the defendant tried 300, 400, or 500 miles away. The court can then issue an order. Then the defendant can be called back into court 300, 400, or 500 miles away and be sentenced for a violation of a law the judge had made.

There is nothing like that today. It is a new kind of law which is being proposed.

I love the laboring people. I have lived my life trying to help the laboring people of my State and Nation. But I am warning the laboring people that if this bill were enacted, and the Supreme Court should uphold it, as surely as I am standing here tonight it would take away from the laboring people of the Nation the law that is on the statute books today which gives them a right of trial by jury and a right to be tried in the county where they live. That is why I am talking about having a trial in the vicinity where a man lives. That is the reason why I read what I did into the Record. I am warning the people what is coming next. This is only the beginning. I hate to think what will happen next.

Any man—judge, philosopher, scholar, or Senator—could issue an order, a writ or a list of instructions and present them to another man and have them at times misunderstood. A judge might very well conceive of one thought or one order and write out another, at least to the understanding of the layman. The man hailed into court for the contempt of such an order, along with everyone else in the community, has misunderstood what the judge intended to say.

Remember, when the judge issues orders, it is not against one man. It is against anybody who violates the order. It is not confined to one man. It is a sweeping order. It brings them all under it. Do not tell me that is going to prove to be successful in the future.

Under the provisions proposed by the opponents of jury trial, however, the luckless defendant would never have a chance of defending himself against the whim of the judge involved.

I dislike to think this would happen, but I can imagine that in many cases the judge would be pretty close to the Attorney General. He would go into court, file the suit, get an order, and go back and convict the defendant. In some instances the Attorney General might talk to the judge before he had the accused brought in, and the defendant would not be present.

Then how could there be a fair trial? But if one is tried before a jury, he has the right to have a lawyer, to bring in witnesses and to prove his case. Such would not be so under the bill now pending before the Senate. I believe that I should speak up and let these things be heard.

Again, we are not talking here about the power of the judge to maintain the dignity of his court, or the enforcement of the orders of his court, but about things that occur outside the court. If this legislation is enacted, covering the vast segments of American life as it does, there could not help but be numerous misunderstandings, numerous violations of both legislation and forthcoming judicial decisions under this legislation.

To deprive our citizens of the right of trial by jury while they are trying as diligently as possible to comply with monstrous legislation such as this, would be unfair, unjudicial, and un-American.

Mr. President, I am aware that jury trials are sometimes difficult and certainly more expensive than having a man tried by a single judge. In fact, shortly I shall discuss some of the things in Mr. Heller's book regarding difficulties caused by some of the interpretations of the sixth amendment provisions for jury trial. But the historical solution to the problem of letting the judge act as judge, jury, and executioner is not the answer. Neither Latin American nor European civil law systems use any device of the nature or proportion of our contempt power. Those who would do away with jury trial in contempt cases, of course, argue that our system is superior in this respect. I think not. In this instance, as in all instances, I think a man accused of a crime should have a jury of his peers, and our Constitution so states. Those who scoff at the Latin American and European civil law legal system disregard the fact that these systems manage to keep away anarchy on the one hand and totalitarianism on the other. I do not think our democracy is so imperfect, our citizens so well behaved, or our judicial system so fragile that we must deny the basic rights guaranteed under the Constitution to our citizens in order to protect a judge's legal authority. I submit that a trial by jury in these cases would work as nicely as in all other cases since this country has been founded. Certainly some of the decisions of juries have been unjust and certainly some imperfect and some innocent citizens have been convicted and some guilty citizens acquitted. But in the vast majority of the cases and for the overwhelming number of citizens, the jury system has proved adequate to protect our system of justice, our laws, and our citizens. The people opposed to granting a trial by jury in these contempt cases constantly cite historical precedence and the very close but binding decisions of the Supreme Court denying the right of trial by jury in certain instances. As I stated before, I fully expect within my lifetime to see the courts themselves, if the Congress fails to act, regrant this constitutional guarantee of trial by jury to all citizens in criminal cases.

But I am impatient for our people to have this right now. As far as the historical foundation for this judge-instituted practice, I believe it has been manifestly overstated. Rarely have I seen any data or arguments set forth to support this assertion, but rather opponents of the jury trial assert the contempt power rests on a solid historical foundation. I think this assertion is open to question and I am certainly not alone in this thought. For instance, in the book, “The Contempt Power,” by Donald Goldfarb, published in 1963 by the Columbia University Press, the author makes the following statement:

> Aside from contemporary, mid-20th-century conflicts, can the contempt power be traced to a proper historical foundation? Or was the comment, made some time ago by one student of the problem, correct that this criminal, arbitrary power is less unassailable than unquestioned historically, though it is “foreign to the whole spirit of Anglo-American jurisprudence”?

Mr. President, that assertion is one that I gladly endorse that this arbitrary power is less unassailable than unquestioned historically and it is “foreign to the whole spirit of Anglo-American jurisprudence.”

I yield to no man in my respect for the Federal judiciary in this country. As a member of the Committee on the Judiciary and chairman of the Subcommittee on Judiciary Improvements, I have worked for years and have done everything in my power to improve the Federal judicial system.

I think we have a Federal judiciary unsurpassed by any other in the world; nevertheless, I would not be in favor of turning over trials in criminal cases to a judge alone without the constitutional protection of a trial by jury. Every type of semantic differentiation is made in an effort to make these cases and criminal prosecutions different from other cases protected by our Constitution. None of the arguments I have seen or heard can hold water in trying to deny the right of trial by jury to these defendants. As I said earlier, I realize the difficulties involved in a trial by jury, the added expense, the additional time required, the necessity for a unanimous verdict, but I would not give up the constitutional right of a trial by jury for such reasons or a thousand others like them.

From the beginning of the country there have been problems involved with trials by jury, but our forefathers never questioned the wisdom of providing these more difficult trials as a means of protecting our citizens. In my opinion, trial by jury is one of the bulwarks in the American freedoms and I, for one, dislike to see this right diminished in any respect.

We have constantly had before our courts this nebulous theory of the right of a judge to try certain cases without a jury, the most recent only several weeks ago, where it is necessary to go all the way to the Supreme Court of the land to determine whether the defendant has the right of a trial by jury.

If the constitutional right of trial by jury were reinstated as it was intended by our forefathers when they wrote it three times in our Constitution, then every lawyer in the land and most of the laymen could tell a defendant whether he had a right to a trial by jury or not. I am in favor of removing all of the gobbledegoop attempting to differentiate certain cases under certain circumstances, between the right of trial by jury and the arbitrary power of a judge to put a man in prison for a certain time or an indefinite time.

As I previously stated, trial by jury has not been an easy question, and to illustrate some of the problems that were involved and were faced by the earlier countries I would like to again quote from Mr. Heller's book on the sixth amendment, especially from the chapter entitled “Trial by Jury,” which begins on page 60. As Mr. Heller states:

> TRIAL BY JURY
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> By the terms of the sixth amendment the defendant in a criminal trial is assured the right to a speedy and public trial by an impartial jury. What interpretation has been placed upon these words by the courts, and what do they import today?
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> What constitutes a speedy trial is necessarily a relative matter. Indeed, one court has said that speed in trying accused persons is not of itself a primal and separate consideration. Justice, both to the accused and to the public, is the prime consideration. Thus the right to a speedy trial may not be asserted merely in order to forestall the ends of public justice. With this characterization the Supreme Court condemned, for instance, the efforts of a defendant who faced several criminal charges to obtain a speedy trial for one offense in an attempt to avoid prosecution for the others.
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> Nor may a defendant claim denial of this right unless he himself has asked for a trial during the period of delay. A defendant cannot acquiesce in the postponement of his trial, and then when the case is called, move that it be dismissed because he had not been given a speedy trial. The courts will assume that a speedy trial would have been granted had it been asked for, and the burden is on the complaining defendant to show that he had not acquiesced in the delay.
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> The defendant's duty to ask for a speedy trial before he may allege denial of this right is not lifted or lessened because he may be confined in prison. A person confined in a penal institution or jail is not immune from, nor is he denied access to, the judicial process, and hence the fact of imprisonment does not by itself raise a presumption that a speedy trial had been denied or that a defendant could not have asked for one had he so desired.
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> The relatively few cases on the right to a speedy trial are thus in agreement that this procedural element continues to be a privilege rather than a right, something that must be asked for, and which furthermore remains subordinate to the broader aims of public justice.
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> Although the Federal court decisions on the right to a “public” trial are even fewer in number, they do not present the same kind of unanimity. It is, of course, plain that a public trial does not mean one which takes place “under the eyes of the movie camera,” and equally clear that it precludes a trial held in complete secrecy, but to what extent a trial court may exercise its discretion in limiting the audience and spectators is a question upon which the cases have differed.
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> In 1912 the Circuit Court of Appeals for the Ninth Circuit declared that the preservation of order in the courtroom or the protection of public morals justified the exclusion of some or all of the spectators from a trial unless it was shown that the defendant was prejudiced thereby, or deprived of the presence, aid, or counsel, of any person whose presence might have been of advantage to him. Thus, by this rule, a burden of proof analogous to that established with respect to speedy trials was imposed upon the defendant.
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> This position was not accepted by another circuit court of appeals when it was presented with the same question. This court observed that, by its very expression, a public trial implied that the public should be at liberty to attend. A status of relationship to the parties or of membership in a group or class, such as the press, could not be made an essential prerequisite to a person's attendance. For, indeed, a prospective spectator might be without any interest whatsoever in the cause being tried, and be desirous only of observing the administration of justice in action. Disorderly spectators could always be ejected, but a defendant should not be required to show that the exclusion of the public had operated to his disadvantage. “A violation of the constitutional right necessarily applies prejudice and more than that need not appear.”
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> The cases were capable of distinction on the basis of their facts; the latter one dealt with a train robbery, whereas the former cases involved statutory rape. However, their conflict as to the nature of the constitutional guarantee could not be rationalized on the grounds of factual differences. The doctrine of the Reagan case, which viewed a public trial as a privilege the abridgment of which could not be claimed without a showing of actual injury, was declared to be the “better” doctrine by some commentators. Nevertheless, by a decision of the same tribunal which originally enunciated the rule, it has today apparently been disavowed, except possibly in application to a strictly identical set of facts.
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> This, the most recent decision with respect to public trial in Federal courts, was *Tanksley* v. *United States*, a rape case in which the trial judge, in reliance on the Reagan case, had excluded the public. The court of appeals, however, decided to treat as a dictum that portion of the opinion of *Reagan* v. *United States* which would place the burden on the defendant to show that denial of publicity had been prejudicial, and accepted the contrary view that the fact of a violation of the constitutional right carried a necessary implication of prejudice. “One of the main purposes of the admission of the public,” the court declared, “is the reasonable possibility that persons unknown to the parties or their counsel, but having knowledge of the facts may be drawn to the trial,” and presumably by their presence aid in the better dispensation of justice.
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> Thus in spite of the propinquity of the two requirements of speed and of publicity in the text of the sixth amendment their judicial construction has given them altogether unequal status. The right to a speedy trial must have been claimed before denial may be asserted. On the other hand, with the possible exception of statutory rape cases, publicity must now be granted, and denial of public trial will, without anything more, result in voidance of the proceedings. One commentator has suggested that neither speed nor publicity today represents an advantage to the accused, that, indeed, most defendants would prefer a private and long-delayed trial, and that this explains the small number of cases in which these guarantees have been invoked. This comment was made, however, before the Tanksley case was decided and, while it is probably borne out by extralegal observations, would not appear to answer the obvious question of why these companion requirements should have received such divergent construction. This may perhaps be made more intelligible if the Tanksley case is considered in conjunction with the series of decisions in which the Supreme Court has extended its supervision over judicial proceedings through the due process clause. Read in that context, speed, once thought so vital when transportation beyond the seas threatened the accused in the American colonies and defendants were rarely permitted the assistance of proper legal advisers, is, indeed, not a primary consideration. Publicity, on the other hand, acquires increased significance in an era in which judicial and public attention increasingly focuses on the fairness of court procedures and equality in the dispensation of justice.
>
> The sixth amendment entitles one accused of crime to be tried “by an impartial jury.” The meaning of the phrase “trial by

jury" within the context of the amendment was set out most clearly by Mr. Justice Sutherland, deciding *Patton* v. *United States:*

> "That it means a trial by jury as understood and applied at common law, and includes all the essential elements as they were recognized in this country and in England when the Constitution was adopted, is not open to question. Those elements were—(1) that the jury should consist of 12 men, neither more nor less; (2) that the trial should be in the presence and under the superintendence of a judge having power to instruct them [the jurors] as to the law and advise them in respect to facts; and (3) that the verdict should be unanimous."

So I contend we would be doing wrong if we took away the right of trial by jury.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MORSE:

S. 2836. A bill for the relief of certain individuals; to the Committee on the Judiciary.

(See the remarks of Mr. Morse when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE (for himself and Mrs. Neuberger):

S. 2837. A bill authorizing construction of a navigation project at Port Orford, Oreg.; to the Committee on Public Works.

RECESS UNTIL 10 A.M. THURSDAY

Mr. COOPER. Mr. President, I move that the Senate take a recess, in accordance with the previous order, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 53 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Thursday, May 14, 1964, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 13 (legislative day of March 30), 1964:

U.S. Coast and Geodetic Survey

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be lieutenant (junior grade)

George M. Cole, Jr.

U.S. Coast Guard

The following-named person to be a permanent commissioned officer in the Regular Coast Guard in the grade indicated:

To be lieutenant

Alexander E. Tanos

The following-named person to be a permanent commissioned officer in the Regular Coast Guard in the grade indicated:

To be lieutenant (junior grade)

George J. Thompson

The following-named officers to be permanent commissioned officers in the Regular Coast Guard in the grade indicated:

To be lieutenants

Max H. Casper
Lloyd D. Wilson

The following-named officers to be permanent commissioned officers in the Regular Coast Guard in the grade indicated:

To be lieutenants (junior grade)

Robert W. Davis
Richard F. Young
Paul Resnick
Arthur C. Foster
Fred M. Lane
Timothy J. Howard

The following-named persons to be permanent commissioned officers in the Regular Coast Guard in the grade indicated:

To be ensigns

Richard Lee Anderson
Robert Leo Armacost
David Neil Arnold
George Allen Bachtell
Jerry Craig Bacon
Kenneth Wilson Bates
Robert Bates
Richard Jay Beaver
William Donald Bishton
Leo John Black, Jr.
Walter Francis Bodner, Jr.
Harry Edward Choate Budd, Jr.
Richard Victor Butchka
Donald Glenn Campbell
Harold Joseph Capell
James Conrad Card
David Elmer Clements
Raymond Edwin Cunningham, Jr.
Robert Thomas Dailey
Ronald Judge Davies
Stephen Henry Davis
Robert Ray Dudley
Stephen Ray Edmondson
Douglas Bright Engel
Dennis Michael Fairbrother
James Warren Featherer, Jr.
Burton Fredrick Folce, Jr.
William Walter Furrer
Thomas Henry Galligan
Gilbert Thatcher George
John Alfred Gloria
Fred Harry Halvorsen
Robert Earl Hammond II
Robert Lee Hanna, Jr.
John Richard Harrald
Richard Walter Hawkins
Robert James Heid
Peter Joseph Heistand
Morris Deen Helton
Richard Dennis Herr
Andrew Ford Hobson
Larry Richard Hyde
Richard Stephen Jarombek
Timothy Virgil Johnson
F. Michael Kien
James William Kunkle
William Richard Ladd
James Matthias Landt
Philip Roland Laut
Martin Lars Lindahl
Arnold Herman Litteken, Jr.
Frank Robert Long
James Milton Loy
Anthony James Lutkus
Richard Edward MacDonald
William George MacDonald
Joseph Michael Maka
Paul Andre Martin
Steven Cecil Martin
Thomas Joseph McCarthy
John Harold McGowan
Edward Vincent McGuire
Michael Joseph Meehan
Earl Joseph Meiers, Jr.
Berne Carre Miller
Martin Conner Miller
James Alfred Monahan
Larry Allan Murdock
Charles Whitacre Murray
John Norman Naegle
Paul Wallace Needham, Jr.
Gary Charles Nelson
Thomas Nunes
Lewis Wentworth Parker
Gordon Grant Piche
Terrance Ross Pietenpol
Stephen Philip Plusch
Donald Francis Potter
Paul Terry Potter
David Leon Priddy
Richard Bernard Ralph
Harold Gaylor Reed
Walter Charles Reissig
William Ellis Remley
Grant Winston Risinger
Frank Elliott Rockwell
Alan Dale Rosebrook
Gary Russell
Thomas Rutter
Norman Thomas Saunders
William Munter Senske, Jr.
James Robert Sherrard
Michael Bruce Stenger
Robert Lynn Sundin
Jerry James Surbey
Kenneth Wells Thompson
William Hepburn Thompson
Peter King Valade
Ronald Arthur Walrod
Richard Carson Waterman
George Ernest Watts
Joseph James Wehmeyer
Thomas Alfred Welch
William Everett Wheelock
William Robert Wilkins
Ralph Carl Yetka
David Zawadzki
Kurt Gutsav Zimmerman

The following-named persons to the grade indicated in the U.S. Goast Guard:

To be chief warrant officers, W–4

Walter R. Goldhammer
Donald A. Nystrom
Leroy F. Lander
Seymour Alexander
Harold D. Gallery
Philip J. Crawley
Frederick M. Rummel
Sidney Cruthirds
Bernard Hogan
Rudolph T. Lenac
Arnold J. Anderson
Hubert Craven
Joseph A. Del Torto
Leo C. Horner
Lewis H. Keeton
Robert N. Filand, Jr.
Curtis J. Olds
Robert L. Roberts
John W. Babcock
Walter H. Becker
Wilbur T. Hutchinson
William R. Bentler
Charles M. McHenry
Robert J. Krueger
Warren E. Riley
Peter J. Monk
Santiago P. Quinones, Jr.
George C. Werth
Thomas O. Cameron, Jr.
John C. Carney
Edmond S. Cinq Mars
Glen C. Furst
William Maki
Alva W. Henderson
Herbert H. Oakes
Christopher D. Elling
Frederick D. Dubrucq
Kenneth T. Outten
Robert S. Gaddy
James D. Walters
Buford A. Norris
Wendell C. Leatherman
Philip L. Regan
Millard W. Foster
Carl A. Simon
Raymond C. Buday
Richard R. Spencer
Boyd M. Smith
Frank E. Smith
Albert Solberg
Raymond J. White
John H. Forbing
Burton B. Watkins
Herman J. Lentz
John C. Horton
William O. Caverly
William T. Dickinson
Henry T. Hutchins
Harold A. C. Duchene
Joseph W. Ellis
Earl R. Gard
Norman W. Zelck
Donald H. Bangs
Starr C. Burgess
Carl F. Michael
Frank B. Wright
Wendell M. Cahill
Michael O'Connell

The following-named persons to the grade indicated in the U.S. Coast Guard:

To be chief warrant officers, W–3

Edgar S. Hutchinson
David A. Corey
John B. Thwing, Jr.
Kenneth E. White
Richard A. Schnase
Richard G. Nelson
Franklin E. Thrall
Edward L. Bailey
Charles W. Mason
John F. Curry
Peter D. Corson
William R. Lipham
William H. Dotson
Kenneth G. Allen
Axel J. Hagstrom
David L. Abbott
John H. Hancock, Jr.
Francis M. Coonrod, Jr.
Donald L. Alsup
Robert J. Ross
John B. Friel
Cyril D. Maxwell
Julian W. Howell

John F. Sutton
Galen B. Nielsen
Norvon B. Freeland
Dale R. Foster
Walter Hamilton
Billy C. Read
Emerson E. Chambers
Thomas L. Wedgewood
William T. White
Kenneth O. Robertson
James G. Wilcox, Jr.
Robert J. Descoteaux
William W. Thurmond
Roland D. Moriarty
John J. Smith, Jr.
Neal G. Nelson
John P. Sanken, Jr.
Robert Casper
Arthur W. Lee
Harold U. Wilson, Jr.
Earle K. Hand
John J. Janda, Jr.
John W. Colton
Gordon H. Dickman
Albert L. Olson, Jr.
Carl L. Lane
James H. Scott
Donald L. Sherman
George P. Asche
Paul L. Lamb
James W. Brawley, Jr.
William Senn
Milton J. Stewart
Johnnie Cox
George F. Garvy
Harold E. Geck
Robert E. Larose
John J. Clayton
Robert E. Nielsen
Frederick H. Muesse
William H. Thorrington
Patrick M. Shellito
Donald B. Fish
Keith R. McClinton
William H. Westin
Clarence A. Long
John E. Kenny
Richard K. Mitchell
James V. Eigo
Raymond G. Herrington
Harold I. Baker
Paul C. Carman
John W. Forster
Myron E. Chesley
John A. Ritter
Michael H. Bower
Alfred L. Hunt
Alvadore C. Grant
Elliott J. Echols
James L. Reynolds
Joseph J. Glynn
Ernest B. Roark
Edward F. Mattingly
Fay K. Thompson
Edward L. Wyman
Fred Pilatsky
Keith R. Bruhl
John W. McKinn
Maurice K. Nelson
Hershel A. Drury
Donn W. Repper
Robert J. W. Collins
Marion K. Reynolds
Carl B. Kaiser
Leroy P. Phelps
Orval K. Halsey
Zigmund F. Golaszewski
Donald C. Ebert
Milton M. Midgette
John Sabath
Karl C. Teater
Theodore L. Turgeon
James C. Bond
Johnnie P. Gilbert
Leon D. Shea
William L. Patterson
Lyle G. Tilden
Joseph W. Dunhour
Donald S. Grisham
Wilbur J. Davis
Louis E. K. Pall
Robert R. Harber, Jr.
Walter A. Evans
William M. Price, Jr.
Charles T. Buckner
Robert L. Sellers
Charles E. Shook
Frederick Jones
James R. Comerford
Edward H. Askew, Jr.
Don E. McDonald
Frank H. Buzzee, Jr.
John C. Lippincott
Norvel E. Cosby
Baker W. Herbert
Paul H. Johannes
George M. Bruner
Herman Schmidt
Norman F. Meunch
Lee R. Green
Jesse H. Burgess
Lester M. H. Roehr
Raymond J. Moen
Kenneth C. Oliver
George A. Menge
Leo O. Madden, Jr.
Hubert A. Anderson
Edward A. Liles
Reckner B. Moe
Marion O. Simmons
Charles W. Price
Calvin W. Pratt
John E. Dunn
Robert H. McGinnis, Jr.
Thomas E. Bockman
Phillip E. Thompson
Arnold M. DeShaw
Joe D. Wright, Jr.
Curtis W. Chamberlain
Robert E. Calimer
James P. McBride
Thomas H. Renfroe
Herbert L. Shuey
John W. Hammack
Lavern G. Ketcherside
Wilfred J. Sellers
George V. Stauffer
Hal H. Watts
Floyd L. Stormer
Sidney M. Sanderlin
Francis X. Dollard
Daniel D. Wiesman
Merlin J. Powers
Edmond R. Harless
Sidney D. Reece
Wayne H. Wiley
Robert H. Fashbaugh
James R. Dugger
Robert G. Brubaker
Robert E. Stephen
Harold O. Stockman
Robert A. Atkinson
Leroy T. Coleman
Archie C. Yano
William A. Liming
Clifford H. Brunner
Willard S. Foust
Gustav R. Froehlich, Jr.
Richard B. Robinson
Edward W. Kinsey
John E. Williams
Clarence E. Curry
Harold Rapp, Jr.
Robert L. Hood
James N. Neville
Stanley P. Sleda
John H. Kittila, Jr.
Magnes L. Campbell
"C" "D" Cofield
Robert J. Whitman
Joseph A. Sporl, Jr.
Vincent G. Carlson
Harold E. Whitwer
Gordon W. Leamons
Harvey W. Willson
Victor Loher
William A. Izzo
Ralph C. Howland
Glenn R. Cox
Clyde F. Skiles
John R. Quinlivan
William J. Merritt
Richard M. Van Gee
Ralph E. Baumann
William L. Taylor
Paul R. Saylor
Laurin J. Wiersema
Edwin L. Brusstar, Jr.
Ivey N. McClure
Joseph A. Kalczynski
Francis J. Taddei
Homer T. Austin, Jr.
Delaney J. Eliott
John H. Lee
Marvin L. Olson
Robert W. Oviatt
Elizabeth F. Splaine
Harold F. McPherson
Chester R. Brooks
Robert H. Piper
Earl F. Hauser
Sam Haas, Jr.
Herbert M. Collins
Melvin W. Ellis, Jr.
Herbert V. Parkin III
Herbert W. Bagg
Valentine Gaida

The following-named persons to the grade indicated in the U.S. Coast Guard:

To be chief warrant officers, W–2

Alfred G. Howe
Robert W. Talley
Cyrus E. Potts
Donald E. Grant
Ted R. Cox, Jr.
Charles E. Fulcher
Alfred E. Schreiber
Edward J. Flynn
William C. McKinley
Owen M. Halstad
Hugh L. Franklin
Donald Burmeister
Thomas J. Hummel
Norman E. Haynie
Orrin E. Starr
George P. Fredriksen
James C. Myers
John P. Higman, Jr.
Herbert E. Roche
Charles C. Stephenson
John S. Drozdz
John E. Cutright
William S. O'Neill
Ian D. Maxwell
Jack W. Beatty
Clarence A. Hall
Thomas A. Fillmore
William E. McLaughlin
William D. Franklin
Paul E. Morin
John Gunsaullas
Eugene A. Emert
John W. Wyant III
Travis B. Hiers
Ralph W. Gentry
William B. Johnson
John A. Bateman, Jr.
Robert C. Knowlton
Lewis C. Moch, Jr.
Ronald A. Sands
Henry E. Prentiss
Chester E. Duffey
Paul S. Johnson
Hebert J. Nuse
Maurice A. Rowe
Alfred E. Janz, Jr.
Gary M. Vaughn
William D. Jackson
Sherman M. Weeks
George M. McWilliams
Rex W. Coulson
Danny H. Perry
James A. Bachtell
James C. Sawyer
Jack E. Arrington
Kenneth W. Capel
Royce P. Stoops
Guy F. Edwards
Gordon R. Mortensen
Harold J. Warren
Warren M. Nix
Donald P. Ivins
Lloyd F. Lawrence
Geoffrey L. Landmesser
Aloysius J. Ralph
Conrad A. Pasbrig
Adrian D. deZeeuw
Jack L. Brolliar
David L. Trax, Jr.
Chester V. Barrett, Jr.
Robert H. Staikoff
Kirk D. Rose
Oren A. Dinsmore
John H. Freie
Vincent H. W. Anderson
Charles M. Saylor
Andrew J. Mullins
Alan R. Hinds
Howard I. Chitwood
John L. Nelson
Emory H. Haynes
Daniel A. Sutyak
Edgar T. Southworth
Ray B. Wallace
Charles C. Miller
Stanley B. Anderson
Chester M. Miller
Harold T. Collins
William R. Shrader
William C. Ray
William H. Speas
Donald O. Tilton
John C. Baker
William F. Hatcher
Harry M. Mohler
Paul G. Terry
Chester Morgan
William Chestnutt

EXTENSIONS OF REMARKS

The First New $75 Savings Bond Bearing the Portrait of Our Late Beloved President Was Purchased by President Lyndon B. Johnson, While the Second and Third Bonds Went to Caroline and John, Respectively, the Next 20 Went to the Kennedy Family, and President Truman Purchased the Next Five

EXTENSION OF REMARKS
OF
HON. JAMES H. MORRISON
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1964

Mr. MORRISON. Mr. Speaker, May 1, 1964, marked not only the opening of the 1964 Operation Security drive for the U.S. savings bonds, but also the offering by the Treasury Department of a new $75 denomination savings bond bearing the portrait of our late and beloved President John F. Kennedy.

It seems to me altogether fitting and proper that U.S. savings bonds—the path that has led so many of our people to financial security and well-being—should honor our martyred President.

Perhaps no man in modern American history so captured the fancy of these same people since the first series E bond was sold 23 years ago today.

Savings bonds have enabled American working men and women to earmark a dollar here and a dollar there into a payroll savings plan until suddenly they found themselves in a position of relative financial security. This is attested to by the millions and millions of Americans who today own and hold more than $47 billion in savings bonds—an investment backlog that not only protects these individuals and their families, but strengthens our communities and our country.

This new $75 savings bond could justly be considered a memorial to that great young man who walked with us, battled for us, and led this great Nation of ours with brilliant leadership. It is a fitting tribute to his belief in America and the fact that through savings bonds so many of our people have been enabled to actually own a share in America.

Israel's Independence Day

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1964

Mr. PELLY. Mr. Speaker, although celebrated in April due to a difference in calendars—it was actually on May 14, 1948—the hopes of millions of exiled Jews around the world were realized when Israel's independence was declared and the ancient Palestine homeland was thrown open for all Jews. There was not much to encourage or sustain an independent spirit; Palestine had become a barren waste over the centuries. But the very thought of Israel has been enough to inspire Jews everywhere with unquenchable enthusiasm. And, as they have often proved, the enthusiasm of the Jews is backed by abundant courage.

In 1948 Israel inherited only 412,000 acres of cultivated land. There were no forests, no electricity, very little irrigation in a parched land. All of the magnificent cities of ancient Israel were gone.

Worse than this, Jews flooding into Israel to escape the horrors of war and the persecution they had known in many other lands were forced to fight for their freedom immediately after arriving. They fought for their very existence against a determined enemy.

Despite these overwhelming obstacles, Israel is today the wealthiest, and most democratic country in the Middle East. A parliamentary system in which all opinions are represented and a constitution that guarantees basic freedoms make Israel unique in that area. Out of the desolate plains and deserts of 1948 are rising bustling new cities like Tel Aviv, Eilat, Ashdod. The Jewish people have at last found a home where they may pursue that peace and happiness desired by all men. It is fitting that we commemorate Israeli Independence Day, May 14.

Hon. Clarence Cannon

EXTENSION OF REMARKS
OF

HON. WILLIAM H. AYRES

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1964

Mr. AYRES. Mr. Speaker, the Nation should mourn the passing of Clarence Cannon. Every man, woman, and child in the 50 States of this country were his constituents. We, of later generations than the distinguished Member from the State of Missouri, have profited from his early devotion to the establishment of a sound economy.

We could very well say that generations yet unborn were also his constituents for he had as great concern for them as he did for those of us who acted as his contemporaries.

The United States has been blessed with many dedicated individuals. Clarence Cannon was in the foremost ranks of these. When you consider his high degree of intelligence, his great sense of historical values, his great courage in the face of great pressures and add these to his dedication, then one can see how fortunate we, as a nation, have been to have had Clarence Cannon as a Member of this most important legislative body.

I will leave the listing of his attainments, in the 21 Congresses in which he served, to those Members who were privileged in having served with him over a longer period of time than was my fortune.

The great thoughts that came from the mind of Clarence Cannon will perpetuate his name for all time. Future parliamentarians will gain added knowledge from his authoritative writings on that complex subject.

The great example that he set in the House of Representatives will spur many of us on to ever-increasing efforts in guarding our economy.

Yes, we mourn the passing of this great American. We have lost a great leader.

The United States of America gives thanks unto God for having pointed Clarence Cannon's steps toward service in the Congress.

National Hospital Week

EXTENSION OF REMARKS
OF

HON. F. BRADFORD MORSE

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1964

Mr. MORSE. Mr. Speaker, in 1921 President Calvin Coolidge first proclaimed National Hospital Day for the purpose of focusing attention on the important role of our voluntary hospitals in American community life. Very appropriately, the day chosen for this observance was May 12, the anniversary of the birth of Florence Nightingale, the nurse who not only served the wounded soldiers of the Crimean War but who also made a significant contribution to the improvement of hospital organization and nursing care in this country.

As we observe National Hospital Week this year from May 10 to May 16, hospitals all over the country are holding open houses and other programs to acquaint the public with their services, facilities, and problems.

What is important to any individual is not the fact that we have 1.6 million hospital beds or that more than 26.5 million persons were admitted to hospitals last year, is that there is a bed available in his community hospital when he or one of his family needs it and that he receives high quality care. Hundreds of communities have been helped through the Hill-Burton program to build badly needed hospitals in recent years. Due to modern research, we have witnessed tremendous advances in the fields of drugs, surgery, and diagnostic techniques. Consequently, hospital care in this country is now better than ever before.

In the Fifth District of Massachusetts which I represent there are 10 hospitals providing an outstanding level of care for the more than 450,000 residents of the area. In addition they provide facilities for the training of nurses, doctors, and medical technicians so vital to an adequate level of health care.

Despite the tremendous advances made by hospitals in recent years, there are still problems to be solved. Administrators are struggling to hold down the cost to the patient, while at the same time improving employee benefits and facilities. Large numbers of specially trained professional people are needed to care for cardiac surgery, radioisotope, and other types of cases requiring expert attention. In many areas of our Nation additional facilities are still needed and in others, modernization of unsafe or inefficient plants is required to meet the needs of a growing population. Here in Congress we must be ever vigilant to provide for the wants of these vital community services. Our hospitals are crucial to the health and welfare of the American people. Today, as communities across the Nation observe National Hospital Week, I want to join in congratulating our hospitals on a job well done and wish them continued success in the future.

A Success in the Foreign Aid Program: An Attack Against Poliomyelitis in Jordan

EXTENSION OF REMARKS
OF

HON. ROBERT R. BARRY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1964

Mr. BARRY. Mr. Speaker, because the geography of Jordan is comprised of vast deserts and arid plateaus, two-thirds of the nation's population of 1,690,123 live a nomadic life. Of the 36,715 square miles which comprise the total land area of Jordan, only one-sixth can be considered cultivable or marginally cultivable under optimum conditions, and this includes grazing land. Yet 80 percent of the population derives its livelihood from agriculture and the marketing of agricultural products. Therefore one of the most important undertakings of the Jordanian Government has been an attempt to settle these nomadic people, thereby hoping to stabilize and develop the economy of the country. To accomplish this feat, schools and community and health centers have been established which the Bedouin may attend, in order to be assimilated into urban community living.

A group of American orthopedic surgeons, working under the aegis of Medico, visited many of these rural health centers and discovered that there was much residual paralysis in evidence throughout the country. Through their suggestions, our AID representative in Jordan proposed that a program of mass polio vaccination be undertaken. Polio statistics show that poliomyelitis has never reached epidemic proportions in Jordan. Yet the cases reported to health centers represent only a partial count of those who contracted the disease, as brought to light by the observations of the Medico team. Therefore, the King of Jordan, Hussein I, endorsed the AID proposal and allocated funds for this purpose. The United Nations Relief and Works Association and the AID contributed like amounts to defray the costs of the program.

Vaccination began on January 18 of this year. Because statistics showed that 95 percent of the cases occurred among children under 5 years of age, it was agreed that only children between the ages of 6 months and 5 years would receive the oral vaccine. Centers were established in the cities while mobile units began an intensive village-to-village tour. Appeals by the King and announcements over the radio and by loudspeaker trucks brought an overwhelming response. The first phase embraced 304,249 children and the second phase, conducted during February and March, reported the vaccination of 282,137. The third part of the polio campaign, begun only on April 4, is, as yet, untabulated.

Of the funds spent on the program to date, the AID, the Jordanian Government, and the UNRWA each contributed $35,000. In addition, the AID allocated $3,000 for the services of a U.S. Public Health Service epidemiologist to assist in formulating plans for the immunization campaign and to help administer and supervise the program.

The Jordanian Director of Public Health and the Director of Maternal and Child Health are now proposing that oral polio vaccine be given to all infants at 6 weeks of age, at the same time smallpox vaccine is administered, the latter being a compulsory requirement throughout the country. Such action would thus prevent an epidemic potential and will reduce the number of future paralytics. Planning such as this and the support given to the program by the Jordanian Government and the Jordanian people certainly acclaims the polio immunization project to have been a "success" of our foreign aid program.

Cameron Voting Record

EXTENSION OF REMARKS

OF

HON. RONALD BROOKS CAMERON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. CAMERON. Mr. Speaker, my third congressional voting record report for the 2d session of the 88th Congress covers the period from March 16 through May 11. It contains comments on legislation to improve fiscal and administrative practices of the National Bureau of Standards, the Food Stamp Act, and the wheat-cotton measure.

It also contains my comments on events which took place in the House on April 9 when many of our Republican colleagues—smarting from legislative defeat—retaliated by bringing the legislative process to a grinding halt.

During the period of this report I introduced two bills. The first would authorize the President to posthumously award the Congressional Medal of Honor to President Kennedy. In the 25th Congressional District, a drive supporting the proposal is being spearheaded by members of the Disabled American Veterans, Frank C. Marpe Chapter 44 of West Covina. To date some 30 veterans' groups, city councils, labor unions, and renowned individuals have adopted declarations of support and I am hopeful that more will be obtained.

STATUE FOR MEXICO

My second bill would authorize the United States to present a statue of Abraham Lincoln to the people of Mexico in commemoration of their country's independence. An identical proposal was recently approved by the Senate and in that body it received strong bipartisan support.

There is no prominent statue of Lincoln in Mexico City although our 16th President is widely respected throughout Mexico. The bonds between our two countries are strong. They are enduring. Our long friendship soared to new heights through the wisdom and guidance of President Kennedy. It was reaffirmed recently during the California meeting between President Johnson and Mexican President Lopez Mateos, a meeting at which I was privileged to be a participant.

It was not long ago that the Senate approved the Chamizal Treaty and thereby righted a grievous wrong which had existed for 100 years.

Our two governments are presently trying to resolve the problem of excessive salinity of Colorado River water which flows into Mexico and destroys the soil of Baja California.

I believe presentation of a statue of Lincoln to the people of Mexico is statesmanship in this same vein. It is an act of good will in a world that is racked by conflict.

SENATE INVESTIGATION

Earlier this month I was asked to testify before the Senate Subcommittee on Frauds and Misrepresentations Affecting the Elderly. In my judgment, a serious study at the congressional level relating to deceptive and misleading—if not fraudulent—practices in the sale of health and accident benefits is long overdue.

The word "benefits" I use advisedly, for many purveyors of health and accident benefits are not operating as insurance companies—which in the main are reasonably well regulated by the several States—but rather operate under the guise of providing direct service—service available only through preselected physicians and preselected locations.

During my service in the California Legislature, I served continually as chairman of a study committee dealing in this general area. In 1961 my committee made a series of 16 recommendations to the legislature, and many of these recommendations are pertinent to the Senate subcommittee's area of inquiry.

METHOD NEEDED

Foremost among these is the need to devise a method whereby the layman—aided by analyses in easy-to-understand language—can evaluate the relative benefits provided by various plans. Hundreds of times I have seen persons drop plans that provide far superior benefits to those being sold by "suede-shoe operators" with a fancy pitch. They drop these plans because they mistakenly believe the salesman and have no objective means to evaluate the relative benefits of the two programs.

At present, it takes too sophisticated a buyer of health benefits to overcome the purveyor's policy of caveat emptor, and I have long contended that the insurance and service plan trade associations in the health and accident field are destroying their industry by this policy of "let the buyer beware."

It is becoming patently obvious to the public that each year the cost of medical care as measured in the Consumer Price Index rises faster than any other item—and there is a direct correlation between this inflationary spiral and the funds that are bilked from a well-meaning and defenseless public in the name of health benefits.

There are millions of persons in this country who at one time or another have had a disservice done them in the name of health benefits. The Senate subcommittee investigating this problem can help protect the American people against such disservice and I will continue to give the Senate all possible cooperation.

Mr. Speaker, under leave to revise and extend my remarks in the RECORD, I include my rollcall report.

ROLLCALL NO. 81—NATIONAL BUREAU OF STANDARDS

There were two overriding issues on H.R. 5838: First, should the National Bureau of Standards be allowed discretionary expenditure of $5,000 annually in undesignated gifts and bequests, and royalties and honorariums to employees; and second, should Government agencies which contract work to NBS be able to transfer funds to the Bureau without requiring approval by the Appropriations Committee. My vote on the bill reflects an affirmative answer to both questions.

To clarify the first issue, the Bureau was not seeking authority to use appropriated funds, but to use funds which it is authorized to accept as gifts. Where these gifts are not specifically designed for a particular purpose, as most of them are, NBS merely wanted to put the money into areas where it is needed most, instead of having the donation revert to the U.S. Treasury. When a donor bequeaths money to a designated recipient it seems only proper that the money go to that recipient.

The second controversial section of the bill involved streamlining the Bureau's administrative and fiscal procedures to bring them into line with those of most other Government agencies. Simply stated, the bill provides that funds for research and development, or procurement, or production of any Government agency may be transferred to and merged with the appropriations of the Bureau—appropriations approved by Congress—when the Secretary of Commerce and the head of the other agency agree to do so, with the approval of the Bureau of the Budget.

COMMON PRACTICE

There is nothing extraordinary about this procedure. It is authorized by statute which specifically grants to any executive department or independent agency of the Government the option to place orders with any other agency for supplies and services, when the head of such an agency determines that it is in the best interest of the Government to do so. Among departments presently operating under this system are the National Aeronautics and Space Administration, the Atomic Energy Commission and the Defense Department.

Simply because the National Bureau of Standards is a lesser known agency and does not operate in the public spotlight I see no reason for it to function under procedures which obstruct efficiency and economy.

Although the Bureau receives little publicity it is an important scientific arm of government. In many ways it is comparable to a university laboratory or research foundation in its relationship with scientists and scientific agencies. Hampering this relationship with cumbersome procedures certainly does not help to put Government on an efficiency basis.

EXAMPLE GIVEN

For the sake of illustration, examine an efficiently operated city in the 25th Congressional District. Within the public works department is a top-flight stenographer. An important rush job comes up in the police department and the stenographer's services are urgently needed. The public works director agrees to loan his secretary to the police chief until the job is done. The city manager approves the arrangement. It would seem ridiculous for the city council to also have to give its approval on such an administrative matter, especially when it had already budgeted the secretary's salary at the start of the fiscal year. No well-run city operates this way.

H.R. 5838, in effect, points out that the Federal Government still has a lot to learn from local government, and I shall continue to do all that I can to promote this learning process and help equip our National Government with the tools needed for economy and efficiency.

Roll-call No.	Date	Bill number	R.B.C.	*Vote*			Brief description
				Yea	Nay	Not voting	
68	Mar. 16		Present				Quorum call by Mr. Hall, Republican, of Missouri (140 Members absent).
69	Mar. 17		Present				Quorum call by Mr. Kyl, Republican, of Iowa (82 Members absent).
70	Mar. 17		Absent				Quorum call by Mr. Derwinski, Republican, of Illinois. (80 Members absent; R.B.C. at meeting with newsmen).
71	Mar. 18		Present				Quorum call by Mr. Findley, Republican, of Illinois (47 Members absent).
72	Mar. 18		Absent				Quorum call by Mr. Norblad, Republican, of Oregon (57 Members absent; R.B.C. on radio program).
73	Mar. 18		Present				Quorum call by Mr. Ashbrook, Republican, of Ohio (62 Members absent)
74	Mar. 19		Present				Quorum call by Mr. Gross, Republican, of Iowa (71 Members absent).
75	Mar. 19		Present				Quorum call by Mr. Haley, Democrat, of Florida (75 Members absent).
76	Mar. 19	H.R. 556	Yea	264	99	70	To permit consideration of bill amending the Organic Act of the National Bureau of Standards.
77	Mar. 19		Present				Quorum call by Mr. Flynt, Democrat, of Georgia (84 Members absent).
78	Mar. 23		Present				Quorum call by Mr. Stinson, Republican, of Washington (116 Members absent).
79	Mar. 23		Present				Quorum call by Mr. Laird, Republican, of Wisconsin (122 Members absent).
80	Mar. 23	H.R. 5838	Nay	151	172	110	Motion to recommit bill amending the Organic Act of the National Bureau of Standards.
*81	Mar. 23	H.R. 5838	Yea	164	162	107	On passage of amending Organic Act of the National Bureau of Standards to improve fiscal and administrative practices.
82	Mar. 24		Present				Quorum call by Mr. Gross, Republican, of Iowa (64 Members absent).
83	Mar. 24		Present				Quorum call by Mr. White, Democrat, of Idaho (84 Members absent).
84	Mar. 24		Present				Quorum call by Mr. Younger, Republican, of California (78 Members absent).
85	Mar. 24	H.R. 10532	Yea	160	193	79	On adoption of amendment restoring $10,000,000 cut in Coast Guard appropriations (1 Member answered "present").
86	Mar. 24	H.R. 10532	Yea	326	20	87	On passage of appropriation bill for Treasury and Post Office Departments, Executive Office of the President, and certain independent agencies.
87	Mar. 25		Absent				Quorum call by Mr. Gross, Republican, of Iowa, (72 Members absent; R.B.C. at meeting with Anthony Bogdanowicz and representatives of the 25th Congressional District Building Trades Council).
88	Mar. 25	H.R. 660	Not voting	357	0	76	Resolution to permit consideration of H.R. 10456, appropriations for National Aeronautics and Space Administration (R.B.C. at meeting of Foreign Affairs Committee to hear testimony of Secretary of Defense McNamara and Gen. Maxwell Taylor, Chairman of the Joint Chiefs of Staff).
89	Mar. 25	H.R. 10456	Yea	283	73	76	On passage of NASA appropriations bill (1 Member answered "present").
90	Apr. 6		Present				Quorum call by Mr. Fascell, Democrat, of Florida (160 Members absent).
91	Apr. 6	S. 1828	Yea	233	39	161	Appropriations for Battle of Lake Erie Sesquicentennial Celebration Commission.
92	Apr. 7		Present				Quorum call by Mr. Kyl, Republican, of Iowa (41 Members absent).
93	Apr. 7		Present				Quorum call by Mr. Hall, Democrat, of Missouri (57 Members absent).
94	Apr. 7		Present				Quorum call by Mr. Gross, Republican, of Iowa (77 Members absent).
95	Apr. 8		Absent				Quorum call by Mr. Gross, Republican, of Iowa (30 Members absent; R.B.C. working in office).
96	Apr. 8		Present				Quorum call by Mr. Gross, Republican, of Iowa (41 Members absent).
*97	Apr. 8		Nay	173	239	21	Motion to adjourn to block consideration of Food Stamp Act of 1964.
*98	Apr. 8	H.R. 10222	Nay	195	223	15	Motion to recommit Food Stamp Act of 1964.
*99	Apr. 8	H.R. 10222	Yea	229	189	15	On passage of Food Stamp Act of 1964.
*100	Apr. 8	H.R. 665	Paired nay	211	203	15	On passage of enabling resolution to permit consideration of H.R. 6196, the wheat-cotton bill; passage of resolution equaled passage of the bill.
*101	Apr. 9		Present				Quorum call by Mr. Hall, Republican, of Missouri (52 Members absent).
*102	Apr. 9		Yea	222	132	79	On question to proceed with legislative business by dispensing with reading of daily. House Journal.
*103	Apr. 9		Present				Quorum call by Mr. Gross, Republican, of Iowa (91 Members absent).
*104	Apr. 9		Yea	232	122	77	On question to proceed with legislative business by dispensing with reading of daily House Journal.
*105	Apr. 9		Present				Quorum call by Mr. Conte, Republican, of Massachusetts (70 Members absent).
*106	Apr. 9		Present				Quorum call by Mr. Younger, Republican, of California (69 Members absent).
107	Apr. 10		Present				Quorum call by Mr. Arends, Republican, of Illinois (109 Members absent).
108	Apr. 10		Present				Quorum call by Mr. Lindsay, Republican, of New York (114 Members absent).
109	Apr. 10	H.R. 10723	Yea	188	131	114	To recommit legislative appropriation bill for amendment to require making a matter of public record the funds and contracts supervised by Capitol Architect.
110	Apr. 14		Present				Quorum call by Mr. Hall, Republican, of Missouri (80 Members absent).
111	Apr. 14	H.R. 10809	Yea	344	21	69	On passage of appropriations for Department of Health, Education, and Welfare.
112	Apr. 15		Present				Quorum call by Mr. Martin, Republican, of Nebraska (88 Members absent).
113	Apr. 15		Present				Quorum call by Mr. Martin, Republican, of Nebraska (96 Members absent).
114	Apr. 15	S. 2394	Yea	347	5	80	On passage of bill to facilitate compliance with the Chamizal Convention between the United States and Mexico.
115	Apr. 21		Absent				Quorum call by Mr. Gross, Republican, of Iowa (77 Members absent; R.B.C. organizing congressional seminar for discussion of economic and military assistance program with David Bell, Administrator, Agency for International Development).
116	Apr. 21		Present				Quorum call by Mr. Westland, Republican, of Washington (75 Members absent).
117	Apr. 22		Present				Quorum call by Mr. Kyl, Republican, of Iowa (90 Members absent).
118	Apr. 22	H.R. 10939	Yea	365	0	67	Appropriations for Department of Defense.
119	Apr. 29		Present				Quorum call by Mr. Curtis, Republican, of Missouri (88 Members absent).
120	May 6		Present				Quorum call by Mr. Gross, Republican, of Iowa (82 Members absent).
121	May 6	H.R. 11134	Yea	312	40	78	On passage of appropriations for Departments of State, Justice, and Commerce.
122	May 7		Present				Quorum call by Mr. Springer, Republican, of Illinois (88 Members absent).
123	May 7	H.R. 10945	Yea	340	3	88	On passage of appropriations for Atomic Energy Commission.
124	May 11		Absent				Quorum call by Mr. Gross, Republican, of Iowa (154 Members absent; R.B.C. attending ceremonies at opening of new West German Embassy).

*Items so marked are considered to be of greater significance, and a brief explanation is included herein.

Speech by Secretary Robert S. McNamara, Before the James Forrestal Memorial Awards Dinner of the National Security Industrial Association

EXTENSION OF REMARKS
OF

HON. NEIL STAEBLER

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1964

Mr. STAEBLER. Mr. Speaker, the current visit of Secretary of Defense Robert S. McNamara to Saigon makes timely consideration of the address he recently made before the James Forrestal Memorial Awards Dinner of the National Security Industrial Association.

In this address Secretary McNamara presents a very thorough and well-documented analysis of the South Vietnam situation. This speech merits study by all of us and I would like to insert it in the RECORD.

The speech follows:

ADDRESS BY SECRETARY OF DEFENSE ROBERT S. MCNAMARA BEFORE THE JAMES FORRESTAL MEMORIAL AWARDS DINNER OF THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION AT SHERATON-PARK HOTEL, WASHINGTON, D.C., THURSDAY, MARCH 26, 1964

This evening I want to discuss South Vietnam with you. In South Vietnam, as you well know, the independence of a nation and the freedom of its people are being threatened by Communist aggression and terrorism. In response to requests from the Government of South Vietnam, the United States since 1954 has been providing assistance to the Vietnamese in their struggle to maintain their independence.

My purpose this evening is threefold. After recalling some facts about Vietnam and its history, I want:

First, to explain our stake and objectives in South Vietnam;

Second, to review for you the current situation there as General Taylor and I found it on our recent trip;

And finally, to outline in broad terms the plans which have been worked out with General Khanh for achieving our mutual objectives in South Vietnam.

I. DESCRIPTION AND HISTORY

Let me begin by reminding you of some details about South Vietnam—that narrow strip of rich coastal mountain and delta lands running 900 miles in the tropics along the South China Sea to the Gulf of Siam. It contains the mouth of the Mekong River, the main artery of southeast Asia. It has a population of about 14 million—almost that of California—in an area slightly larger than England and Wales. South Vietnam does not exist by itself. Mainland southeast Asia includes Laos, Cambodia, and the two Vietnams, together comprising former French Indochina. It also includes Thailand, Burma, and part of Malaysia. The southeast Asian peninsula is a richly endowed land area of over 800,000 square miles—roughly the size of the United States east of the Mississippi—and containing almost 100 million people. And immediately beyond to the east are the Philippines, not far to the west is India, to the north is Communist China, and to the south is what the Chinese Communists may consider the greatest prize of all—Indonesia's resources, territory, and the world's fifth largest population, whose strategic location straddles and dominates the gateway to the Indian Ocean.

The Vietnamese lost the independence they had enjoyed since the 15th century when, a hundred years ago the French assumed control in what is now Vietnam. A quarter century ago, during the Second World War, the Vichy regime yielded French Indochina to the Japanese. In the power vacuum of the war's end, the Communist Vietminh moved rapidly to enhance their position and to build their bases for a power grab in North Vietnam.

The attempt by the French, following World War II, to restore their rule—to buck the trend toward independence as shown in Burma, India, and the Philippines—failed. The returning French encountered a strong military resistance movement which gradually fell more and more under Communist control. For 8 years France sought to control the country while at the same time gradually granting increasing autonomy to non-Communist Vietnamese. Such actions, however, were not enough. In 1954, after the fall of the French stronghold at Dien Bien Phu on May 7, the Geneva Agreements of July 20 were signed ending the hostilities and ending French rule in Indochina. The country was roughly cut in half at the 17th parallel, creating the Communist regime of Ho Chi Minh in the North and a non-Communist state in the South. Although the United States was not a party to those Geneva Agreements, the United States unilaterally declared that it would not violate them and that it would regard any violation by other parties as a serious threat to international peace and security.

Under the Geneva Agreements, it was hoped that South Vietnam would have an opportunity to build a free nation in peace—unalined, and set apart from the global power struggle. But the problems confronting the new government were staggering: 900,000 refugees who had fled their homes in the north at the time of partition in order to escape Communist rule; a long-term military threat from the north, which had emerged from the war with large military forces; a government nearly paralyzed by 8 years of war and lacking sufficient trained officials for effective self-government; acute economic dislocation and lack of government revenues; and persisting pockets of southern territory that had long been held by Communists and other dissident groups. In the face of such problems, hopes were not high for the survival of the fledging republic.

That autumn, a decade ago, President Ngo Dinh Diem of the Republic of South Vietnam turned to the United States for economic assistance. President Eisenhower understood the gravity of the situation; and he determined to give direct American aid to the new Government to enable its survival. He wrote to President Diem on October 25, 1954: "The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means." The United States therefore provided help—largely economic.

On the basis of this assistance and the brave, sustained efforts of the South Vietnamese people, the 5 years from 1954 to 1959 gave concrete evidence that South Vietnam was becoming a success story. By the end of this period, 140,000 landless peasant families had been given land under an agrarian reform program; the transportation system had been almost entirely rebuilt; rice production had reached the prewar annual average of 3.5 million metric tons—and leaped to over 5 million in 1960; rubber production had exceeded prewar totals; and construction was underway on several medium-size manufacturing plants, thus beginning the development of a base for industrial growth.

In addition to such economic progress, school enrollments had tripled, the number of primary schoolteachers had increased from 30,000 to 90,000, and almost 3,000 medical aid stations and maternity clinics had been established throughout the country. And the South Vietnamese Government had gone far toward creating an effective apparatus for the administration of the nation.

A National Institute of Administration had been established with our technical and financial assistance—a center for the training of a new generation of civil servants oriented toward careers of public service as opposed to the colonial concept of public rule.

For South Vietnam the horizon was bright.

Its success stood in marked contrast to development in the north. Despite the vastly larger industrial plant inherited by Hanoi when Vietnam was partitioned, gross national product was considerably larger in the south—estimated at $110 per person in the south and $70 in the north. While per capita food production in the north was 10 percent lower in 1960 than it had been in 1956, it was 20 percent higher in the south.

It is ironical that free Vietnam's very achievements in these 5 years brought severe new problems. For the Communists in North Vietnam, like many others, had believed that South Vietnam would ultimately collapse and fall under Hanoi's control like ripe fruit from a tree. But by the end of 1959, South Vietnam was succeeding, despite all predictions; and the Communist leaders evidently concluded that they would have to increase pressure on the South to make the fruit fall.

At the Third National Congress of the Lao Dong (Communist) Party in Hanoi, September 1960, North Vietnam's belligerency was made explicit. Ho Chi Minh stated, "the North is becoming more and more consolidated and transformed into a firm base for the struggle for national reunification." At the same congress it was announced that the party's new task was to "liberate the South from the atrocious rule of the U.S. imperialists and their henchmen." In brief, Hanoi was about to embark upon a program of wholesale violations of the Geneva agreements in order to wrest control of South Vietnam from its legitimate government.

To the Communists, "liberation" meant sabotage, terror, and assassination: attacks on innocent hamlets and villages and the coldblooded murder of thousands of schoolteachers, health workers and local officials who had the misfortune to oppose the Communist version of "liberation." In 1960 and 1961, almost 3,000 South Vietnamese civilians in and out of government were assassinated and another 2,500 were kidnaped. The Communists even assassinated the colonel who served as liaison officer to the International Control Commission.

This aggression against South Vietnam was a major Communist effort, meticulously planned and controlled, and relentlessly pursued by the government in Hanoi. In 1961, the Republic of South Vietnam, unable to contain the menace by itself, appealed to the United States to honor its unilateral declaration of 1954. President Kennedy responded promptly and affirmatively by sending to that country additional American advisers, arms, and aid.

II. U.S. OBJECTIVES

I turn now to a consideration of U.S. objectives in South Vietnam. The United States has no designs whatever on the resources or territory of the area. Our national interests do not require that South Vietnam serve as a Western base or as a member of a Western Alliance.

Our concern is threefold.

First, and most important, is the simple fact that South Vietnam, a member of the free world family, is striving to preserve its independence from Communist attack. The Vietnamese have asked our help. We have given it. We shall continue to give it.

We do so in their interest; and we do so in our own clear self-interest. For basic to the principles of freedom and self-determination which have sustained our country for almost two centuries is the right of peoples everywhere to live and develop in peace. Our own security is strengthened by the determination of others to remain free, and by our commitment to assist them. We will not let this member of our family down, regardless of its distance from our shores.

The ultimate goal of the United States in southeast Asia, as in the rest of the world, is to help maintain free and independent nations which can develop politically, economically and socially, and which can be responsible members of the world community. In this region and elsewhere, many peoples share our sense of the value of such freedom and independence. They have taken the risks and made the sacrifices linked to the commitment to membership in the family of the free world. They have done this in the belief that we would back up our pledges to help defend them. It is not right or even expedient—nor is it in our nature—to abandon them when the going is difficult.

Second, southeast Asia has great strategic significance in the forward defense of the United States. Its location across East-West air and sea lanes flanks the Indian subcontinent on one side and Australia, New Zealand, and the Philippines on the other, and dominates the gateway between the Pacific and Indian Oceans. In Communist hands, this area would pose a most serious threat to the security of the United States and to the family of free world nations to which we belong. To defend southeast Asia, we must meet the challenge in South Vietnam.

And third, South Vietnam is a test case for the new Communist strategy. Let me examine for a moment the nature of this strategy.

Just as the Kennedy administration was coming into office in January 1961, Chairman Khrushchev made one of the most important speeches on Communist strategy of recent decades. In his report on a party conference entitled "For New Victories of the World Communist Movement," Khrushchev stated: "In modern conditions, the following categories of wars should be distinguished: world wars, local wars, liberation wars and popular uprisings." He ruled out what he called "world wars" and "local wars" as being too dangerous for profitable indulgence in a world of nuclear weapons. But with regard to what he called "liberation wars," he referred specifically to Vietnam. He said, "It is a sacred war. We recognize such wars."

I have pointed out on other occasions the enormous strategic nuclear power which the United States has developed to cope with the first of Mr. Khrushchev's types of wars; deterrence of deliberate, calculated nuclear attack seems as assured as it can be. With respect to our general purpose forces designed especially for local wars, within the past 3 years we have increased the number of our combat-ready Army divisions by about 45 percent, tactical air squadrons by 30 percent, airlift capabilities by 75 percent, with a 100-percent increase in ship construction and conversion. In conjunction with the forces of our allies, our global posture for deterrence and defense is still not all that it should be, but it is good.

President Kennedy and President Johnson have recognized, however, that our forces for the first two types of wars might not be applicable or effective against what the Communists call "wars of liberation," or what is properly called covert aggression or insurgency. We have therefore undertaken and continue to press a variety of programs to develop skilled specialists, equipment and techniques to enable us to help our allies counter the threat of insurgency.

Communist interest in insurgency techniques did not begin with Khrushchev, nor for that matter with Stalin. Lenin's works are full of tactical instructions, which were adapted very successfully by Mao Tse-tung, whose many writings on guerrilla warfare have become classic references. Indeed, Mao claims to be the true heir of Lenin's original prescriptions for the worldwide victory of communism. The North Vietnamese have taken a leaf or two from Mao's book—as well as Moscow's—and added some of their own.

Thus today in Vietnam we are not dealing with factional disputes or the remnants of a colonial struggle against the French, but rather with a major test case of communism's new strategy. That strategy has so far been pursued in Cuba, may be beginning in Africa, and failed in Malaya and the Philippines only because of a long and arduous struggle by the people of these countries with assistance provided by the British and the United States.

In southeast Asia, the Communists have taken full advantage of geography—the proximity to the Communist base of operations and the rugged, remote and heavily foliated character of the border regions. They have utilized the diverse ethnic, religious, and tribal groupings, and exploited factionalism and legitimate aspirations wherever possible. And, as I said earlier, they have resorted to sabotage, terrorism, and assassination on an unprecedented scale.

Who is the responsible party—the prime aggressor? First and foremost, without doubt, the prime aggressor is North Vietnam, whose leadership has explicitly undertaken to destroy the independence of the South. To be sure, Hanoi is encouraged on its aggressive course by Communist China. But Peiping's interest is hardly the same as that of Hanoi.

For Hanoi, the immediate objective is limited: Conquest of the South and national unification, perhaps coupled with control of Laos. For Peiping, however, Hanoi's victory would be only a first step toward eventual Chinese hegemony over the two Vietnams and southeast Asia, and toward exploitation of the new strategy in other parts of the world.

Communist China's interests are clear: It has publicly castigated Moscow for betraying the revolutionary cause whenever the Soviets have sounded a cautionary note. It has characterized the United States as a paper tiger and has insisted that the revolutionary struggle for "liberation and unification" of Vietnam could be conducted without risks by, in effect, crawling under the nuclear and the conventional defense of the free world. Peiping thus appears to feel that it has a large stake in demonstrating the new strategy, using Vietnam as a test case. Success in Vietnam would be regarded by Peiping as vindication for China's views in the worldwide ideological struggle.

Taking into account the relationship of Vietnam to Indochina—and of both to southeast Asia, the Far East and the free world as a whole—five U.S. Presidents have acted to preserve free world strategic interests in the area. President Roosevelt opposed Japanese penetration in Indochina; President Truman resisted Communist aggression in Korea; President Eisenhower backed Diem's efforts to save South Vietnam and undertook to defend Taiwan; President Kennedy stepped up our counterinsurgency effort in Vietnam; and President Johnson, in addition to reaffirming last week that the United States will furnish assistance and support to South Vietnam for as long as it is required to bring Communist aggression and terrorism under control, has approved the program that I shall describe in a few minutes.

The United States role in South Vietnam, then, is: First, to answer the call of the South Vietnamese, a member nation of our free world family, to help them save their country for themselves; second, to help prevent the strategic danger which would exist if communism absorbed southeast Asia's people and resources; and third, to prove in the Vietnamese test case that the free world can cope with Communist "wars of liberation" as we have coped successfully with Communist aggression at other levels.

III. THE CURRENT SITUATION

I referred earlier to the progress in South Vietnam during 1954–59. In our concern over the seriousness of the Vietcong insurgency, we sometimes overlook the fact that a favorable comparison still exists between progress in the south—notwithstanding nearly 15 years of bitter warfare—and the relative stagnation in North Vietnam.

The so-called Democratic Republic of Vietnam, with a greater population than the south and only a marginally smaller area, appears to be beset by a variety of weaknesses, the most prominent of which is its agricultural failure. Mismanagement, some poor weather, and a lack of fertilizers and insecticides have led to a serious rice shortage. The 1963 per capita output of rice was about 20 percent lower than 1960. Before the June 1964 harvests, living standards will probably decline further in the cities, and critical food shortages may appear in some of the villages. Furthermore, prospects for the June rice crops are not bright.

The internal transportation system remains primitive, and Hanoi has not met the quotas established for heavy industry. As for the people, they appear to be generally apathetic to what the party considers the needs of the state, and the peasantry has shown considerable ingenuity in frustrating the policies of the government.

In contrast, in the Republic of South Vietnam, despite Communist attempts to control or inhibit every aspect of the domestic economy, output continued to rise. In 1963, South Vietnam was once more able to export some 300,000 tons of rice. Add to this the pre-1960 record: up to 1960, significant production increases in rice, rubber, sugar, textiles, and electric power: a 20-percent rise in per capita income; threefold expansion of schools, and restoration of the transportation system. One cannot but conclude that, given stability and lack of subversive disruption, South Vietnam would dramatically outstrip its northern neighbor and could become a peaceful and prosperous contributor to the well-being of the Far East as a whole.

But, as we have seen, the Communists—because South Vietnam is not theirs—are out to deny any such bright prospects.

In the years immediately following the signing of the 1954 Geneva Accords, the Communists in North Vietnam gave first priority to building armed forces far larger than those of any other southeast Asian country. They did this to establish iron control over their own population and to insure a secure base for subversion in South Vietnam and Laos. In South Vietnam, instead of withdrawing fully, the Communists maintained a holding guerrilla operation and they left behind cadres of men and large caches of weapons for later use.

Beginning in 1959, as we have seen, the Communists realized that they were losing the game and intensified their subversive attack. In June 1962, a special report on Vietnam was issued by the International Control Commission, a unit created by the Geneva Conference and composed of a Canadian, an Indian, and a Pole. Through it received little publicity at the time, this report presented evidence of Hanoi's subversive activities in South Vietnam, and specifically found Hanoi guilty of violating the Geneva accords.

Since then, the illegal campaign of terror, violence, and subversion conducted by the Vietcong and directed and supported from the north has greatly expanded. Military men, specialists, and secret agents continue to infiltrate into South Vietnam both directly from the north and through Laos and Cambodia. The flow of Communist-supplied weapons, particularly those of large caliber, has increased. These include Chinese 75-mm. recoilless rifles and heavy machineguns. Tons of explosive-producing chemicals smuggled in for use by the Vietcong have been intercepted along with many munitions manufactured in Red China and, to a lesser extent, elsewhere in the Communist bloc. In December 1963, a Government force attacked a Vietcong stronghold in Dinh Tuong Province and seized a large cache of equipment, some of which was of Chinese Communist manufacture. The Chinese equipment included a 90-mm. rocket launcher, 60-mm. mortars, carbines, TNT, and hundreds of thousands of rounds of various kinds of ammunition. Some of the ammunition was manufactured as recently as 1962.

When President Diem appealed to President Kennedy at the end of 1961, the South Vietnamese were quite plainly losing their fight against the Communists, and we promptly agreed to increase our assistance.

Fourteen months later, in early 1963, President Kennedy was able to report to the Nation that "the spearpoint of aggression has been blunted in South Vietnam." It was evident that the Government had seized the initiative in most areas from the insurgents. But this progress was interrupted in 1963 by the political crises arising from troubles between the Government and the Buddhists, students, and other non-Communist oppositionists. President Diem lost the confidence and loyalty of his people; there were accusations of maladministration and injustice. There were two changes of government within 3 months. The fabric of government was torn. The political control structure extending from Saigon down into the hamlets virtually disappeared. Of the 41 incumbent province chiefs on November 1 of last year, 35 were replaced. Nine provinces had three chiefs in 3 months; one province had four. Scores of lesser officials were replaced. Almost all major military commands changed hands twice. The confidence of the peasants was inevitably shaken by the disruptions in leadership and the loss of physical security. Army and paramilitary desertion rates increased, and the morale of the hamlet militia—the "Minutemen"—fell. In many areas, power vacuums developed causing confusion among the people and a rising rate of rural disorders.

The Vietcong fully exploited the resultant organizational turmoil and regained the initiative in the struggle. For example, in the second week following the November coup, Vietcong incidents more than tripled from 316, peaking at 1,021 per week, while government casualties rose from 367 to 928. Many overextended hamlets have been overrun or severely damaged. The January change in government produced a similar reaction.

In short, the situation in South Vietnam has unquestionably worsened, at least since last fall.

The picture is admittedly not an easy one to evaluate and, given the kind of terrain and the kind of war, information is not always available or reliable. The areas under Communist control vary from daytime to nighttime, from one week to another, according to seasonal and weather factors. And, of course, in various areas the degree and importance of control differ. Although we estimate that in South Vietnam's 14 million population, there are only 20 to 25 thousand hard-core Vietcong guerrillas, they have been able to recruit from among the South Vietnamese an irregular force of from 60 to 80 thousand—mainly by coercion and "bandwagon" effect, but also by promising material and political rewards. The loyalties of the hard core have been cemented by years of fighting, first against the Japanese, then against the French, and, since 1954, against the fledgling government of South Vietnam. The young men joining them have been attracted by the excitement of the guerrilla life and then held by bonds of loyalty to their new comrades-in-arms, in a nation where loyalty is only beginning to extend beyond the family or the clan. These loyalties are reinforced both by systematic indoctrination and by the example of what happens to informers and deserters.

Clearly, the disciplined leadership, direction and support from North Vietnam is a critical factor in the strength of the Vietcong movement. But the large indigenous support that the Vietcong receives means that solutions must be as political and economic as military. Indeed, there can be no such thing as a purely "military" solution to the war in South Vietnam.

The people of South Vietnam prefer independence and freedom. But they will not exercise their choice for freedom and commit themselves to it in the face of the high personal risk of Communist retaliation—a kidnaped son, a burned home, a ravaged crop—unless they can have confidence in the ultimate outcome. Much therefore depends on the new government under General Khanh, for which we have high hopes.

Today the government of General Khanh is vigorously rebuilding the machinery of administration and reshaping plans to carry the war to the Vietcong. He is an able and energetic leader. He has demonstrated his grasp of the basic elements—political, economic, and psychological, as well as military—required to defeat the Vietcong. He is planning a program of economic and social advances for the welfare of his people. He has brought into support of the government representatives of key groups previously excluded. He and his colleagues have developed plans for systematic liberation of areas now submissive to Vietcong duress and for mobilization of all available Vietnamese resources in the defense of the homeland.

At the same time, General Khanh has understood the need to improve South Vietnam's relations with its neighbors, Cambodia and Laos; he has taken steps towards conciliation; and he has been quick and forthright in expressing his government's regret over the recent Vietnamese violation of Cambodia's borders. In short, he has demonstrated the energy, comprehension, and decision required by the difficult circumstances that he faces.

IV. A PROGRAM TO MEET OUR OBJECTIVES

Before describing the means by which we hope to assist the South Vietnamese to succeed in their undertaking, let me point out the options that President Johnson had before him when he received General Taylor's and my report last week.

Some critics of our present policy have suggested one option—that we simply withdraw. This the United States totally rejects for reasons I have stated.

Other critics have called for a second and similar option—a "neutralization" of Vietnam. This, however, is the game of "what's mine is mine and what's yours is negotiable." No one seriously believes the Communists would agree to "neutralization" of North Vietnam. And, so far as South Vietnam is concerned, we have learned from the past that the Communists rarely honor the kind of treaty that runs counter to their compulsion to expand.

Under the shadow of Communist power, "neutralization" would in reality be an interim device to permit Communist consolidation and eventual takeover. When General Taylor and I were in Hue, at the north end of South Vietnam, 2 weeks ago, several Vietnamese students carried posters which showed their recognition of the reality of "neutralization." The signs read: "Neutralize Today, Communize Tomorrow."

"Neutralization" of South Vietnam, which is today under unprovoked subversive attack, would not be in any sense an achievement of the objectives I have outlined. As we tried to convey in Laos, we have no objection in principle to neutrality in the sense of nonalinement. But even there we are learning lessons. Communist abuse of the Geneva accords, by treating the Laos corridor as a sanctuary for infiltration, constantly threatens the precarious neutrality. "Neutralization of South Vietnam"—an ambiguous phrase at best—was therefore rejected.

The third option before the President was initiation of military actions outside South Vietnam, particularly against North Vietnam, in order to supplement the counterinsurgency program in South Vietnam.

This course of action—its implications and ways of carrying it out—has been carefully studied.

Whatever ultimate course of action may be forced upon us by the other side, it is clear that actions under this option would be only a supplement to, not a substitute for, progress within South Vietnam's own borders.

The fourth course of action was to concentrate on helping the South Vietnamese win the battle in their own country. This, all agree, is essential no matter what else is done.

The President therefore approved the 12 recommendations that General Taylor and I made relating to this option.

We have reaffirmed U.S. support for South Vietnam's Government and pledged economic assistance and military training and logistical support for as long as it takes to bring the insurgency under control.

We will support the Government of South Vietnam in carrying out its anti-insurgency plan. Under that plan, Prime Minister Khanh intends to implement a national mobilization program to mobilize all national resources in the struggle. This means improving the quality of the strategic hamlets, building them systematically outward from secure areas, and correcting previous overextension. The security forces of Vietnam will be increased by at least 50,000 men. They will be consolidated, and their effectiveness and conditions of service will be improved. They will press the campaign with increased intensity. We will provide required additional materiel. This will include strengthening of the Vietnamese Air Force with better aircraft and improving the mobility of the ground forces.

A broad national program is to be carried out, giving top priority to rural needs. The program includes land reform, loans to tenant farmers, health and welfare measures, economic development, and improved status for ethnic minorities and paramilitary troops.

A civil administrative corps will be established to bring better public services to the people. This will include teachers, health technicians, agricultural workers, and other technicians. The initial goal during 1964 will be at least 7,500 additional persons; ultimately there will be at least 40,000 men for more than 8,000 hamlets, in 2,500 villages and 43 provinces.

Farm productivity will be increased through doubled use of fertilizers to provide immediate and direct benefits to peasants in secure areas and to increase both their earnings and the Nation's export earnings.

We have learned that in Vietnam, political and economic progress are the sine qua non of military success, and that military security is equally a prerequisite of internal progress. Our future joint efforts with the Vietnamese are going to apply these lessons.

V. CONCLUSION

To conclude: Let me reiterate that our goal is peace and stability, both in Vietnam and southeast Asia. But we have learned that peace at any price is not practical in the long run and that the cost of defending freedom must be borne if we are to have it at all.

The road ahead in Vietnam is going to be long, difficult, and frustrating. It will take work, courage, imagination, and, perhaps more than anything else, patience to bear the burden of what President Kennedy called a long twilight struggle. In Vietnam it has not been finished in the first 100 days of President Johnson's administration, and it may not be finished in the first 1,000 days, but, in cooperation with General Khanh's government, we have made a beginning. When the day comes that we can safely withdraw, we expect to leave an independent and stable South Vietnam, rich with resources and bright with prospects for contributing to the peace and prosperity of southeast Asia and of the world.

The Civil Service System

EXTENSION OF REMARKS

OF

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. BROYHILL of Virginia. Mr. Speaker, as my colleagues know, I have always been deeply interested in helping to protect the civil service system of the U.S. Government. Under this system, over the years Government has been able to attract some of the most outstanding citizens in America. Many of these career employees could make more money outside of Government; however, they are dedicated to their jobs, and every American should be grateful for this dedication.

As I have indicated before, I am becoming increasingly concerned that the civil service system is being used for political purposes. I appeared before the House Foreign Affairs Committee only last week to indicate my great concern over the indiscriminate firing of many career employees in the Agency for International Development (AID). I feel sure that politics is the primary concern in the firing of some of these employees.

But even more shocking to me was a release from the Department of Agriculture dated May 8, 1964, indicating those who would receive that agency's Distinguished Service Award. The Distinguished Service Award program has long been recognized as an appropriate way to recognize career employees—that is, those who have distinguished themselves over a long period of years in Government service. I was very greatly surprised—and to say the least, shocked—to see in the list of those to receive this award many political appointees. For example: Howard Bertsch, Administrator of the Farmers Home Administration; Kenneth M. Birkhead, Assistant to the Secretary of Agriculture for Congressional Relations; Dr. Willard W. Cochrane, Director of Agricultural Economics. I am sure he is familiar to most of my colleagues in the Congress. Also, Horace D. Godfrey, Administrator, Agricultural Stabilization and Conservation Service.

I am not questioning for one moment the loyalty and devotion of these political appointees. I recognize that some of them have been in Government service for a long time at the State and local level; however, I am sure that no one would argue that these people have been brought to Washington by this administration and are recognized by everyone as being political appointees.

This will come as a great shock to many of the career people, but I hope they will not despair because it will be my intention—and I am sure many of my colleagues will join me—to do everything possible to protect the civil service system so that we can continue to draw into the Government service outstanding individuals who will devote long and distinguished careers to Government service. I hope that this administration will put a stop to this business of using the civil service system for political gain. I hope that the civil servants will not despair, because I believe this administration will soon realize that they are making a mistake in destroying this great service.

Mobile Trade Fairs

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. PUCINSKI. Mr. Speaker, yesterday it was my privilege to participate in a most impressive luncheon honoring the signing of a contract between the Department of Commerce and Mobile Trade Fairs, Inc., to increase the display of American-made products in foreign ports all over the world.

This unusual contract is the result of legislation sponsored by our very distinguished colleague, the gentleman from North Carolina, the Honorable HERBERT C. BONNER, chairman of the Committee on Merchant Marine and Fisheries.

Mr. BONNER'S legislation makes possible the program of financial and technical assistance toward the development of mobile trade fairs which will carry displays of American-made products to all corners of the world.

Mobile Trade Fairs, Inc., is a not-for-profit organization established jointly by the American Export Lines-Isbrandtsen Lines, Farrell Lines, and Grace Lines. The organization's executive director is Mr. C. H. Betjemann.

Yesterday's impressive luncheon, attended by representatives of America's shipping industry, marked the beginning of a new concept of promoting American exports.

I should like at this time to include in the RECORD the remarks of Congressman BONNER delivered at this inspiring luncheon.

Mr. BONNER'S remarks follow:

REMARKS OF HON. HERBERT C. BONNER, CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES, AT A LUNCHEON HONORING MOBILE TRADE FAIRS, INC., AT CAUCUS ROOM, CANNON HOUSE OFFICE BUILDING, MAY 12, 1964

I consider—as did our late President Kennedy—that the Trade Expansion Act is the most important piece of legislation affecting our economy. American business cannot remain satisfied entirely with the diet afforded by domestic markets. Our products must be marketed and sold in the marketplaces of the world in competition with foreign products.

Unfortunately there has been an apathy and inertia on the part of the most substantial part of our manufacturing firms in attempting to sell their products abroad. Despite the ceaseless efforts of the Department of Commerce in this field, the acceptance of the urgent essentiality of export expansion is being resisted by too large a part of our economy. The consequences of this resistance are alarming, because, without the increased movement of American goods to foreign markets, our economy cannot properly grow and our adverse balance of international payments cannot be corrected. Export expansion is vital.

It is distressing that approximately 90 percent of the manufacturing firms of this country do not even attempt to market their goods abroad. This situation must be reversed if the purposes of the Trade Expansion Act are to be achieved. For this reason, I was most anxious and pleased to sponsor and promote the passage of the Mobile Trade Fair Act, which I believe can itself become a most important legislative enactment.

The resistance of a large part of American business to enter the export field is explained by a number of factors. First of all, many companies have considered the domestic market to afford sufficient opportunities. Secondly, many small, medium, and even large-size companies are fearful of foreign trade, which they consider a complete mystery. It is in connection with this latter point—in dispelling this mystery—that American-flag steamship companies can perform a most worthwhile public service, while at the same time promoting their own interests.

Certainly, there is no other segment of our economy which has as much collective experience in foreign trade as our American merchant marine. Together, the American-flag steamship companies have thousands of employees and agents in every major market of the free world. Our fine American-flag vessels serve every major foreign port on a regular and frequent basis. This experience and service can be made available to all prospective American exporters—and this is what Mobile Trade Fairs, Inc., proposes to do.

Under the mobile trade fair program, American-flag steamship companies would exhibit the products of American companies in the major foreign ports and commercial centers at a nominal cost to the exhibiters. Actually, the exhibits will be carried by the steamship companies without any cost to the exhibiter, and the program will be conducted as a nonprofit venture. Mobile Trade Fairs, Inc., is in an ideal position to remove the mysteries which confound our potential American exporters. It will assist the exporter in any problem which may seem to exist, and will prove to him—I am told—that there is basically no difference and no more difficulty in doing business in Istanbul or Capetown than there is in Raleigh, N.C.

This is no idle scheme. Its possibilities are unlimited, and its success has been proven by Isbrandtsen Co., which conducted four mobile trade fairs in 1961, in connection with its round-the-world service. Isbrandtsen's trade fairs resulted in the American firms which exhibited obtaining approximately $1 million in foreign sales, and the company was awarded the President's E for Export, in the first presentation of that award.

The results of the Isbrandtsen mobile trade fair proved that American-made products are competitive in foreign markets. In many cases they are preferred. It is obvious to me that when American steamship companies assist an American exporter in establishing a market for his products abroad, they will gain a customer. This is definitely a two-way street. The program of Mobile Trade Fair, Inc., is the most positive step I know of for not only promoting our export expansion program but, at the same time, for promoting and fostering the American merchant marine.

I am delighted to have had a part in the passage of the Mobile Trade Fair Act, and I am most pleased that Mobile Trade Fairs, Inc., has now entered into a formal contract with the Department of Commerce under that act to carry forward its program. It is a great personal pleasure to see the act being implemented. I look forward with unlimited anticipation and enthusiasm to the results which this program will achieve.

American steamship companies have a critical role to fill in our export expansion program. They must be prepared to assume the obligations of being an instrument of our foreign commerce. I applaud the tremendous step forward that is now being taken by Mobile Trade Fairs, Inc., and its steamship company participants, American Export Isbrandtsen Lines, Farrell Lines and Grace Line. I also commend the other participants in this nonprofit and public-spirited venture, the Insurance Company of North America, and the banking institutions which are participating.

It is my sincere hope—and indeed my expectation—that this program will soon be embraced by all American-flag steamship companies, and that it will become the unanimous effort of the American merchant marine.

Remarks of Hon. H. R. Gross on U.S. Foreign Policy at Naval Academy Conference

EXTENSION OF REMARKS

OF

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. DEVINE. Mr. Speaker, some 75 colleges and universities throughout the United States were represented at this year's Naval Academy Foreign Affairs Conference, April 22 to 25, entitled "Problems of U.S. Foreign Policy in the European Community."

One of the highlights of the conference was a panel discussion the evening of April 23, the subject of which was "Forces That Shape U.S. Foreign Policy," with particular reference to our policy in Europe.

Participating as a member of the panel was the distinguished gentleman from Iowa [Mr. GROSS], and I am pleased to include the text of his remarks:

FORCES THAT SHAPE U.S. FOREIGN POLICY—WITH PARTICULAR REFERENCE TO EUROPE—REMARKS OF THE HONORABLE H. R. GROSS

As I reflect on the vacillating course which U.S. foreign policy has followed in recent years, I wonder if the title of this evening's discussion is not loaded—or, at least, whether it doesn't imply something that isn't really there.

When we speak of forces which shape national policies, I, for one, associate that term with strength, courage, intelligent purpose, and consistency. And I must admit, it is difficult to find evidence of such characteristics in the performance of what some are pleased to call our foreign policy.

There are, of course, a number of external factors—Soviet military strength, Western European prosperity, European integration, resurgent nationalism, and others—which play some part in what we do and what we accomplish abroad. Even General De Gaulle, by his sturdy determination to advance the national interests of France, belongs in this category.

These forces, if we are going to call them by that name, certainly affect our performance abroad. In recent years, they have challenged our national interests and security at every turn. At times, they made us spin and squirm. They should not, however, determine the objectives of our foreign policy. We must determine these ourselves, with the primary emphasis on advancing the national interests and security of the United States of America.

This has not been done—and this is responsible for the fact that our foreign policy is the laughing stock of altogether too much of the world today. The one force which has the legitimate right to shape our foreign policy—the dictates of our national self-interest—is conspicuous by its absence.

There is, on the other hand, ample evidence that some neurotic passion for international "do-goodism" has possessed our foreign policymakers. Only this can explain the fact that even those who propose to be our friends abroad cannot quite understand our policy, its vacillations, and its overall result: While some of the needs of our own people have gone unanswered, while our national debt has skyrocketed, we have continued to pour our wealth into every open hand overseas whether it belongs to a truly needy person or to some scheming wastrel.

We have built drinking fountains for camels in the Middle East, financed military support for "penny-ante" dictators, built a luxury airport where there is no air traffic, constructed highways for water buffalo traffic, and even supplied an air-conditioned yacht for a foreign potentate who wants to play at being an admiral of a navy.

Were these dictated by our national self-interest? Of course not. And that is why our image in the world has reached a new low. People, no matter who they are, have no respect for those who have no respect for themselves.

Let us turn now to a look at the "Grand Design" of our foreign policy: our plans for the North Atlantic Community.

I will start with the economic side of our policy, and then turn to its military aspects.

Since the end of World War II, we have spent $30 billion on economic aid to Western Europe. This, mind you, does not take into account additional billions for military assistance. We have helped Western Europeans rebuild their financial institutions, their industries, their public facilities, their transportation. Some of our aid even helped them to modernize certain segments of their agriculture.

Further, our policy has supported and encouraged European economic integration.

Finally, in order to enable the Europeans to obtain more of our dollars, we have generously lowered our tariffs. As a matter of fact, 2 years ago a very generous proposal on this point was adopted by the U.S. Senate: A proposal to give the President the authority to lower our tariffs by 100 percent. Fortunately, the House of Representatives took a dim view of that idea. Instead, Congress agreed to give the President enough power to lower tariffs 100 percent on those goods in which the bulk of our trade was with Great Britain.

Through this subtle and clever device—fully understood by the Europeans, I may add—our policymakers expected to push Great Britain into the Common Market. The clever plan backfired.

But what have our policies produced in Europe?

The first obvious fact is that Western Europe is prosperous today—while our internal debt, public and private, on December 31, 1963, reached the astronomical figure of $1.70 trillion.

Second, Western Europe has moved along the way toward economic integration. The Common Market is a reality. Obstructions to trade are coming down within the Common Market—while a high tariff wall aginst American exports is being built outside of it.

In this regard, you will recall that in 1961, the Common Market took the first of three steps to—and I quote—"adjust" their external tariffs. Before we knew it, the tariff on U.S. poultry exports was nearly tripled, and we were confronted with the loss of 60 percent of our market in the country which was a major importer of this American product. Tariff increases affecting pork and lard followed—again reducing our exports. Wheat and feed grains were next on the list.

On February, 25, 1963, the Department of Commerce published a study of 181 items exported by the United States to the Common Market, and concluded that the European Economic Community was, and I quote, "creating increasingly adverse conditions for U.S. suppliers."

But tariffs are not the only way of protecting a national market. Discriminatory regulations, practices, and quotas can be just as effective. And our European friends have not hesitated to use all of these devices. This is the thanks we get for our generosity.

On September 4, 1963, for example, the Department of Agriculture issued what it termed a highly significant study of nontariff agricultural protectionism and concluded that—and I quote again—"all of our major trading partners practice a higher degree of agricultural protectionism through nontariff barriers than does the United States."

These are a few of the facts, ladies and gentlemen—and they tell only the beginning of our economic troubles with Western Europe.

A report issued last September by the research department of one of the largest banks in the world—the Chase Manhattan—predicted that discrimination by the Common Market against the United States and other outside exports will increase rapidly in the period ahead. The report concluded that the Common Market external tariff wall now appears to be considerably more protective than the old national tariffs.

I want to emphasize again that our foreign policy has aided and encouraged the goal of European economic integration—and that thus far we have seen the results of only the first of three steps along that route. What will happen after the next two steps remains to be seen. The outlook, however, is far from encouraging for us.

I am not an ultraprotectionist and I see the value of foreign trade—but not trade based on the confused objectives of our current foreign policy. We have foolishly given away our bargaining power in order to encourage others to do likewise—and we are being taken to the cleaners in return. We lowered our tariffs from an average rate of 53.2 percent in 1931 to 12 percent in 1961—and then granted additional concessions to the Common Market countries on 678 items. We are now beginning to see where our course has taken us. In 1 year alone—in 1963—foreign steel imports have cost the jobs of an estimated 50,000 American workers. In addition, we are losing our traditional markets in Europe and in certain third country areas. And considering the condition of our gold reserves, and the size of our national debt, we cannot afford it.

As I said, I believe in the benefits of world trade—but trade based on a rational policy of national self-interest, not on some impulse to do good or to achieve some "grand design."

Let me mention one more point while I'm on this subject: where is the help that the prosperous countries of Western Europe were supposed to provide to the underdeveloped countries of the world?

The United States has spent some $35 billion on economic aid to areas other than Europe—most of it in the form of outright grants and loans which carry a minimum rate of interest: as low as three-fourths of 1 percent. It is money this Government borrows at an interest rate of more than 4 percent. We were told at one time, when we were asked to vote for economic aid to Western Europe, that the countries of that Continent would help the underdeveloped nations as soon as they themselves got on their feet.

It is true the Germans, the French, the British and others have made loans to the developing countries—but loans which carry interest rates of 6, 7, and even 8 percent. And the Europeans, unlike us, have not indulged in loans with 40- or 50-year maturities. They make intermediate-term loans—5 to 15 years—and they expect them to be repaid promptly and with interest. They undoubtedly will be—and I wouldn't be at all surprised if U.S. aid, in one way or another, makes the repayment of these European loans possible.

Let me turn now to another force which has affected our foreign policy: the Soviet military power.

We took the lead in creating NATO in order to protect Western Europe during the period of post-war reconstruction, and with the hope that it would evolve into an effective mechanism for collective defense which would reduce the demands made upon us in this field.

Where do we stand today?

We are still devoting 11 percent of our gross national product to defense—while prosperous allies like Germany, England, France and others are generally spending less than 6 percent of their respective GNP's for that purpose. If that isn't bad enough, we are still continuing large-scale military aid to some of our NATO allies, and paying in dollars for the support of our own troops in Europe—the two burdens that could have been taken over to a much larger extent by the countries of that Continent.

In the meantime, what has happened to NATO?

The details, of course, are shrouded by the veil of official secrecy, yet this much is known publicly: The integrated military supply system which we have worked hard to establish has not gotten off the ground.

Military contributions of many of the member countries still fail to measure up to NATO requirements and goals. The Der Spiegel affair in Germany certainly exposed the shortcomings of NATO in this respect.

Further, most of the forces earmarked for NATO are not actually under the control of that organization but remain under the control of individual member nations. And, instead of becoming more cohesive, the organization is in effect breaking up. One look at the role played by France, the key to the land mass of Western Europe, will surely underscore that fact.

So where do we stand—and what have our well-intentioned, generous but misguided policies accomplished?

We are still furnishing protection to Western Europe while our allies there are busily reviving old feuds and rivalries, like the Greeks and Turks over Cyprus. While the U.S. taxpayer is groaning under the burden of a $51 billion defense budget, the British and Europeans are conducting over $3 billion worth of business with the Soviet bloc, furnishing our enemy with industrial technology, resources and materials which only strengthen the military threat aimed at us.

I am opposed to war. I am even more opposed to national degradation and slavery. The Communists would have long since enslaved us had it not been for the certain knowledge of the deadly reprisal that awaited them—from the missiles poised in their silos, the Polaris submarines, the strategic bombers of the Air Force, and the 6th and 7th Fleets that are constantly on the alert in Middle East and Asian waters.

The fate of this Nation would long since have been sealed had it depended upon the emissaries of the State Department who roamed the world with checkbooks, spending $120 billion attempting to bribe and buy friends, and succeeding all too often in buying only contempt.

Russia claims to have removed its missiles from Cuba, but we learn later the price was a promise that the United States would not invade and remove the cancer of communism that is now being exported wholesale to Central and South America. Incidentally, in one form or another, we dropped $2¼ billion into Cuba in the 10 years preceding the Castro takeover.

Cambodia, on the strategic flank of South Vietnam and into which we have dumped $365 million, tells us to get out of that country. They are now doing business with the Red Chinese.

To Indonesia, the beneficiary of more of our millions, we sent our Attorney General to beg President Sukarno not to start trouble in southeast Asia. Later, on March 25, before a cheering crowd in Jakarta, Sukarno said: "To hell with U.S. aid." Shortly thereafter it was reported that Indonesia would get some 40,000 tons of surplus U.S. rice. How does this serve our national interest and security?

Into India has gone a flood of American dollars. When 35,000 Americans were being killed in Korea and another 100,000 wounded, we asked Premier Nehru for help and he turned a cold, neutral face. But later, when the Chinese charged across his border, he screamed for help and we sent it.

In the United Nations, Russia and her Communist satellites refuse to pay their legitimate bills so good old Uncle Sam floats a bond issue on the American taxpayers, to add to the $312 billion of Federal debt, and we take the lead in paying the Communist bills.

The world watches as the Marxist tyrant, Nkrumah, Ghana's dictator, misses no opportunity to degrade and humiliate Americans, and the same is true in Zanzibar.

It was American blood that saved Britain and France from being crushed under the Hitler heel, and billions of American dollars that rehabilitated those two countries, yet they are offended when we don't like it because the British sold 400 buses to Castro and the French took the lead in recognizing and trading with Red China.

The Russians say they will bury us, then beg for wheat because they haven't intelligence enough to feed themselves, and we sell them the wheat at bargain prices. Then they reward us by shooting down another of our unarmed planes and harass our military forces moving into and out of Berlin.

I could go on interminably citing chapter and verse of duplicity and contradiction that has been what some are pleased to call foreign policy. Our national interest and security requires no such manipulation as this.

Incidentally, the idea that all problems, foreign and domestic, can be settled simply by resort to a checkbook and public funds, has become a fetish with altogether too many high-ranking Government officials. Confronted with an explosive increase in the crime rate in this Nation, a Justice of the U.S. Supreme Court, instead of addressing himself to the root of the evil, suggests compensation for the victims of criminality or their families.

In conclusion, let me restate my original premise: Advancement of our national interests should be the overriding aim of the foreign policy of the United States. In my opinion, this must be the primary force governing our policy if this constitutional Republic is to survive in the struggle against the Communist world conspiracy.

Who in this audience tonight can name one other government of the world which fails to give top priority to national self-interest in the conduct of its foreign affairs?

As I have tried to show in the time allotted to me, this basic concept has escaped our foreign policy planners. They envision our foreign policy as an instrument for performing good deeds on a global scale—and without regard to the ability of the American taxpayers to carry the burden.

I submit, ladies and gentlemen, that this foreign policy based on international "do-goodism" has been tried and found wanting. I submit that it is time for a change.

Let us return to the concept that appears almost forgotten today—the idea that it is not only morally right but imperative for a nation to give top priority to its own self-interest and security.

I do not advocate isolationism. I do not advocate that we refuse to cooperate with other nations of the world. I insist that our policy be based on strength and courage, and consistent. I advocate that we stand firm in support of what is best for the United States of America in our relations with all foreign governments.

It is this policy, I submit, which can best build and maintain a strong, free America—and which can best secure peace and freedom for the entire world.

The Democratic Party Serves Our Nation

EXTENSION OF REMARKS

OF

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. HENDERSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech made by my colleague, Hon. BASIL L. WHITENER, on May 9, 1964, in Morganton, N.C.:

THE DEMOCRATIC PARTY SERVES OUR NATION

Mr. Chairman and my fellow Democrats, it is an honor that you have extended to me by inviting me to speak again at your county convention. A convention of Democrats is always an exhilarating experience. A convention of Burke County Democrats, however, always gives an extra dose of exhilaration because of the enthusiasm that has been characteristic of the members of our party in your county for these many years.

It is a special pleasure always for me to visit in the home county of my distinguished colleague in Congress, Senator SAM J. ERVIN, Jr. Throughout the Nation this illustrious Burke Countian has established a reputation for leadership in the U.S. Senate. He is recognized as one of the most learned constitutionalists to be found in the United States. His leadership in preserving for the people the fundamental rights laid down in the Constitution has been a source of great joy and appreciation by all North Carolinians who assisted in making his services available to the Nation. We are justly proud of this great American.

The Democratic Party has been chronicled as the party of all the people. This is a frequently uttered statement that sometimes fails to convey to the individual its full impact because of the frequency of its repetition. Like other fundamental principles which we hear stated so often, we sometimes fail to give full evaluation to the breadth of its meaning. Today, however, I am sure that as we think back through the last few years we can all attest with complete accuracy that this party has meant a great deal to every American.

Our party is the party of the farmer, the businessman, the worker, our youth, and our aged. It is the party which envelops the thinking of the liberal, the conservative, and the middle-of-the-road thinker. Out of this amalgamation of thought our party develops principles and procedures which give to the American people the type of leadership which results more nearly in serving the interest of all than could be attained in any other political organization. As a result of this combined thought we can and do move forward on a sound middle ground, giving recognition to time-honored principles and ideals which afford a meetingplace for all who are interested in the progress of our Nation. There is room in our party for all sincere, honest elements who have a fervent desire to observe the fundamental principles and at the same time plan for the future without a violation of those principles.

The great traditions of the Democratic Party are the source of great pride to me. We have championed the cause of the underprivileged and the elderly, and yet we have captured the minds of our young people who look to us for leadership in making our Nation the type of nation that affords to them the opportunities to which they aspire. In every section of our Nation we have found support in the programs and leadership of our party.

In time of war and in time of peace the Democratic Party has offered leadership to our Nation. In peacetime years we have led our people to greater prosperity than they found while under the leadership of our adversary party. In time of great wars we have furnished the leadership which has destroyed on several occasions the enemies of freedom. This record of leadership in times of economic and military crisis has been of such high standard as to commend our party to all of the people of Burke County and the Nation.

One of the most glittering accomplishments of our Nation has recently unfolded before us. The transition which became necessary upon the tragic death of our late President, John F. Kennedy, has been one which has given pride to all Americans and brought consternation to those foreign enemies who oppose our system. This transition is a tribute to our great President Lyndon B. Johnson; it is equally a compliment to the great party of which we are a part and to the magnificent system of government which was laid down by our forefathers in such a way as to accommodate unfortunate situations such as we experienced last November.

When Lyndon Johnson took the oath of office as President in an airplane in Dallas, Tex., last November, he assumed burdens unparalleled in the history of our Nation. How fortunate was our country that this great man, with his wealth of experience in government, was available to move into the highest office in the world today with courage, ability, and confidence. No man in the history of the United States has moved into the White House with greater qualifications and ability than the great man we now look to for leadership of our party and our Nation during the coming years.

Coming to Washington in the early thirties and rising to prominence under the leadership of President Franklin D. Roosevelt, Lyndon Johnson moved on to leadership roles in the House of Representatives and in the U.S. Senate. This proven leadership ability made him a serious contender for the presidential nomination in Los Angeles in 1960. Notwithstanding the heat of battle which had been experienced between Lyndon Johnson and his then opponent, John F. Kennedy, we saw the greatness of the Democratic Party when the heat of battle was cast aside and the young man from Massachusetts laid his hand upon the shoulder of his former adversary and said that "this is the man we want for the No. 2 position in the Nation." How fortunate it was that in his great wisdom during the time when lesser minds would have entertained feelings of hostility the great John F. Kennedy had the vision to override some of his close advisers and bring about the nomination of L.B.J. as Vice President of the Nation.

I believe that the record already established by our tall Texan, who is now the revered President of the United States, is such that he commends himself to people of all political persuasions. We proudly look forward to his unanimous renomination by our party and his overwhelming election by the people of the Nation in the coming November.

The victory which I predict for our party in November is based upon my conviction that the people of America recognize real leadership when they see it. Our President has captured their approval with the forthright positions that he has taken on so many of the problems and opportunities confronting our Government.

Economy in government was one of the first principles enunciated after the Dallas experience. This was not new to the Democratic Party since we had adopted an economy plank in every Democratic platform since the founding of our party. This principle today is more alive than ever in our history primarily because of the action and assurances taken by our leader. Already great savings are underway in every department of our Government. Agencies are being streamlined to meet the challenges of the day, but yet efficiency is being increased, at less cost to the taxpayer than we have seen in many years.

This is all a part of the effort of our party and its leaders to combat inflation and to guarantee as nearly as possible that the American laboring man will have his purchasing power preserved. It is designed to destroy the threat of inflation to his social security, savings, and other assets which he has built up for his retirement years. A direct benefit is being experienced by each American taxpayer because he is receiving more for his tax dollar.

Tax revision and tax reductions were the concept of the Democratic leadership in Washington. We have seen the promise of tax relief brought to reality during the present Congress. This tax relief will be a boon to the individual taxpayer in a direct way in that it lessens the amount that the Government takes from his weekly paycheck. An even greater benefit will be derived by all Americans through business expansion, increased employment opportunities, higher wages, more jobs, and many other ancillary benefits. It does not require the mind of a trained economist to understand the value of the Democratic tax revision legislation. Any citizen can see it daily in his own personal life.

In our own geographical area the economic life has been given a new boost through the recently enacted cotton legislation. Since the textile industry is the greatest employer of people in North Carolina we had a particularly large stake in the deliberations upon elimination of two-price cotton when the measure was before the Congress. I can say to you that it was Lyndon B. Johnson and Speaker John W. McCormack who brought about the enactment of this legislation through their persuasion and logic addressed to Democratic Members of Congress throughout the Nation. While many of us could see no partisan issue involved in this basic economic problem, apparently our adversaries in the Republican Party were determined to make it such. It was a source of great disappointment to all of our people, regardless of their political affiliation, to find that only 10 Republicans were willing to help solve this problem which was created through the machinations of the Eisenhower administration.

The Republicans have frequently said to our textile people that they were the friends of the industry and the people employed in that industry. I say to you that even the most blindly partisan Republican who values his job in the textile industry should now understand that it is the Democratic Party which is interested in the preservation of his job and his earning power.

The cotton farmer of the Southeast can look upon this legislation with a sense of appreciation equal to that of the textile worker. His markets have been diminishing because of the cheap imports of cotton textile products from all points of the compass. His domestic market has been further threatened because of the great inroads being made by manmade fibers in our own country. Without enactment of the Democratic cotton legislation it is my firm conviction that the cotton farmer in America would have been greatly injured in the future by the loss of his basic market. Had President Johnson and the Democratic Members of Congress not had the vision to see that this grossly inequitable two-price system was injurious to the welfare of all the Nation our cotton farmer would have a bleak outlook. I, therefore, appeal to the cotton farmer to evaluate his own personal interest and then make a decision as to whether it is our party or the Republican Party which will best serve him in the days ahead.

A war on poverty has been declared. This administration is concerned with those people who are so poverty-stricken that they cannot educate their children, provide for their own hospitalization, or make preparation for their older years. The byproducts of poverty are equally disturbing to those who have an honest desire to join in the battle which has been outlined by our President. These byproducts are delinquency, violence, unrest, and even subversion. Our Nation cannot afford to take the risk of an enlargement of the problems which are a part of the poverty picture in our Nation.

This poverty battle is carried on in many ways. There are direct approaches and indirect approaches. Each of us must evaluate the proposals which are presented and in the exercise of our own best judgment support those ideas which will, in our judgment, best serve to eliminate hunger and want in this land of plenty. We will not all be expected to agree upon methods and practices, but I think that the very least that can be expected of any American is that he give serious consideration to the proposals that are made. We should not lose sight of the laudable goal outlined by the President when he said that we should make this land of ours a land of opportunity for those who, because of economic misfortune, have not been given the opportunities that have been enjoyed by the rest of us.

These efforts in behalf of the people cannot be brought to a successful end simply by pronouncements from the White House. No one recognizes this more keenly than President Johnson. He realizes that he must have the support of all of the people of the Nation in bringing about a climate which will result in an acceptance by a democratic system of the basic principles which he sets forth.

His zeal in appearing before countless types of audiences in recent months to present his program has been an inspiration to all of us. It has been evidence of his dedication to the cause of making our Government serve the interests of all of the people, regardless of their economic station in life.

As citizens of this free land we owe it to ourselves and to our fellow citizens to give our best thought and energies to making America great. To help fulfill these goals and to accomplish the mission of service to mankind which all of us should accept I respectfully urge that we can best do it through the Democratic Party. We can unite upon the basic issues and move to victory in November. This victory in November of which I speak is not merely a partisan victory, but a victory for all of the people which we can contemplate with accuracy will usher in another era of national accomplishment unparalleled in our history.

The Democratic Party since the day that it was launched by Jefferson and Jackson has been the party of the people. It has become a symbol of States rights and individual freedom. In years of travail it could always be revived again by a return to the principles of Jefferson and Jackson.

In times of depression, aggression, and war Woodrow Wilson, Franklin D. Roosevelt, and Harry Truman carried the Democratic Party banner ahead of the Nation and led us to victory over these threats to our survival. These great men of destiny not only fought our domestic battles in a brilliant manner, but they laid down the foreign policy which was a roadblock to communism and other alien ideologies and implanted the love of freedom in the hearts and minds of people throughout the world.

Their service was characteristic of the men who through the years have dedicated themselves to the philosophy of Thomas Jefferson and Andrew Jackson. Jefferson's philosophy of special privilege to none but equal opportunity to all is still the fundamental precept of our party. Jefferson, as does President Johnson today, realized that to be a great political party worthy of the support of this then young Nation it must be one which would serve the best interests of all the people, and not just of the few.

It was for that reason that he, in his magnificent manner, launched the Democratic Party as the party which would render the broader service which our Nation needed. He led our people to a better understanding of themselves and their part in a democratic system. He convinced the people, more brilliantly than any other leaders in the history of our country, that with independence and freedom obligations fell upon their shoulders. The people responded by strengthening the democratic system in a way never before experienced.

In 1828 a rough-and-ready individual who is a part of the history of Burke County came upon the national scene and carried the torch which had been lit by Thomas Jefferson. His colorful example challenged Americans throughout succeeding generations to keep this torch ablaze. Andrew Jackson, the first log cabin frontier boy to become President of the United States, without the aid of political machines and great wealth, is one of the bright stars in the Democratic firmament. A native of North Carolina, a valiant warrior for the people, Andrew Jackson can well be revered by all of us who take such pride in our great political party.

Jefferson and Jackson loved and led the people of our Nation. They were concerned about the hungry and the poor. They gave to the people hope and dignity. They pointed out to the people the paths through which there could be an accomplishment of the hopes and ideals which brought about the founding of this Nation. They loved liberty and cherished freedom. They struggled to preserve opportunity. They had a vision of a tomorrow which would offer hope and promise to the children of their generation. They recognized their role in plotting the course of progress and power by this new Nation which they were honored to serve.

Yes, you and I as Democrats have a grand heritage, a glorious past, and a bright future. We must never turn the wheels of progress back to the days of monopoly and vested interests. This party of ours must not turn the clock back in many other ways that are recommended to us by extremists of the right and of the left.

The Democratic Party must move forward with courage and leadership because it is the principal vehicle available on which our people can ride to a greater tomorrow. We must rededicate ourselves today, as did Jefferson and Jackson, to human rights, property rights, and individual responsibility. We must preserve the liberty and the freedom which has been given to us, and we will best do this by insisting upon adherence to the constitutional principles given to us so magnificently by the Founding Fathers when they met in Philadelphia many years ago.

We will, and can, move forward to a greater tomorrow under the leadership of Lyndon B. Johnson and the Democratic standard bearers of our Nation in the legislative and executive departments. We can accomplish this purpose only by selecting the right type of leadership. I express the confidence that we will do this as our party has done in the past.

Here in North Carolina we have an equally heavy role to play in seeing that our State government subscribes to the principles which I have mentioned. Our record of service in North Carolina through the Democratic Party has fully measured up to the responsibilities which have fallen upon us as the dominant political force in the Tar Heel State. I have every confidence that whatever the outcome of the 1964 primary election the Democratic Party in Burke County and in North Carolina will have selected as nominees of our party men of vision, stature, character, and ability who will accomplish as far as they have the power, the worthwhile dreams of all of our people.

My friends, the Democratic Party is the party of the glorious past but even more it is the party with a brilliant future. This future is the future of all of our people. I commend you for your zeal in the cause of the party and urge upon you continued diligence as we go forward together trying to meet the goals which appeal to all Americans of good purpose.

Thank you.

Greetings to Bulgarian National Front of America

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mrs. KELLY. Mr. Speaker, in extending my cordial greetings to the Eighth Annual Convention of Bulgarian National Front of America, I am well aware of the fine and patriotic public service this organization is rendering to the righteous cause of the Bulgarian people. The sturdy and stouthearted Bulgarian people certainly deserved and were fully entitled to their freedom. But instead of regaining their freedom from the U.S.S.R., they have been suffering under U.S.S.R. Communist totalitarian tyranny since the end of that war. This tyrannical regime was imposed upon them by the Kremlin, and it is sustained by the brute force of the Soviet Union. The Bulgarian National Front of America, as the largest and the most effectively working organization among Americans of Bulgarian descent, is serving a noble cause in acquainting the public of this great Republic of the inherent inhumanity of communism in Bulgaria. Wishing you a successful convention, I hope for the betterment of the lot of the Bulgarian people.

Watershed Development in the Decade Ahead

EXTENSION OF REMARKS

OF

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. MILLS. Mr. Speaker, it was my privilege to participate in the 11th National Watershed Congress held recently in my home State of Arkansas, at Little Rock.

This Congress, Mr. Speaker, is sponsored by 17 of our leading national farm, conservation, and business organizations. It does not adopt resolutions or promote projects; it serves as a forum for the exchange of ideas and discussion of problems.

Theme of the congress this year was watershed development in the decade ahead.

Because they contain so much information that will be useful to the Members of the House, I should like to introduce in the RECORD the Watershed Congress addresses of Secretary of Agriculture Orville L. Freeman and Hollis R. Williams, Deputy Administrator for Watersheds of the Soil Conservation Service.

The addresses follow:

THE FIRST 10 YEARS OF PROGRESS IN DEVELOPING THE NATION'S WATERSHEDS

(Address by Hollis R. Williams, Deputy Administrator for Watersheds, Soil Conservation Service, U.S. Department of Agriculture, at the 11th National Watershed Congress, Little Rock, Ark., April 27, 1964)

I am honored to participate in the 11th National Watershed Congress.

I feel that I have a right to welcome you to Arkansas, and to Little Rock, even though that is not my charge. For this is my home State, and this is virtually my home city. I was born not so far from here, and I own a farm near my birthplace. Although I have spent perhaps half of my professional life away from here, it was my privilege to head the Soil Conservation Service activities in this State for more than a decade, from 1946 to 1957. This is home, and it's always good to come home.

Let me, then, as a native son, add my voice to the welcome you have already received.

You honor us by your presence. And you honor me by the privilege of this platform. This is a distinguished forum, a forum of national stature and prestige. Because many great Americans and many eloquent spokesmen have preceded me to this platform in the 10 years since first you met, I approach with great humility the task of being your keynoter. This, I would have you know, is a high point in my professional career. I beg your indulgence.

My assignment is to discuss "The First 10 Years of Progress in Developing the Nation's Watersheds." This is a topic of such tremendous scope that I'm sure you understand I shall be able to hit only the highspots. Besides, I do wish to save a few minutes to comment, if I may, on the theme of this Congress, "Watershed Development—The Next Decade." For, as Oliver Wendell Holmes said, "The great thing in this world is not so much where we stand as in what direction we are moving."

And across the front of one of our beautiful buildings in Washington—the National Archives—these words are inscribed: "What is past is prologue."

I submit that the applicable moral of these quotations is this: What has gone before is worth recounting and remembering not for itself but only for its contribution to the fulfillment of all our hopes and dreams for developing the Nation's watersheds.

Some historical perspective is important if we are to understand our decade of progress.

Although the Department of Agriculture was created 102 years ago, it was not until 1936 that the Congress assigned to it some responsibility in watershed work. The Flood Control Act of 1936 authorized and directed the Secretary of Agriculture to initiate a program of "investigations of watersheds and measures for runoff and waterflow retardation and soil erosion prevention on watersheds."

Here, for the very first time, Agriculture was given the upstream equivalent, in principle at least, of the authorization of the Corps of Engineers for "investigations and improvements of rivers and harbors and other waterways for flood control and allied purposes."

For Agriculture this was a "survey, report, and plan" period—not an "action" period. And, it is important to record, plans for upstream programs were essentially limited to land treatment measures and minor structures for land stabilization. This was true even when operations programs were authorized in 11 river basins comprising 31 million acres by the Flood Control Act of 1944.

When work was started in those basins in 1946, it became apparent, as had long been suspected, that the measures authorized by the survey reports would provide very limited flood protection benefits. There was strong and building desire for more positive flood protection in the small tributaries.

As a result, language was included in subsequent Department of Agriculture appropriations to authorize funds for both land treatment and complementary structural measures necessary to achieve desired levels of flood prevention in the tributary watersheds.

That is how floodwater retarding dams got into the picture in the 11 flood prevention watersheds. And it was a time for bell ringing, that day in 1948, when the very first upstream floodwater retarding dam was completed to supplement a land treatment program for flood prevention. This happened in the Cloud Creek tributary of the Washita Basin in Oklahoma.

Many of you were active participants in significant events from this point on. The broadened concept of land treatment combined with dams in the upstream watersheds received immediate and strong public support.

By 1950 more than 300 watershed associations and similar groups were seeking help in developing watershed projects for flood prevention and allied purposes.

The first bill to provide new legislation was introduced by Congressman Bob Poage of Texas in 1952. Pending legislative action, the House Subcommittee on Agricultural Appropriations included $5 million in the Department of Agriculture Appropriation Act for fiscal year 1954 to start a widespread pilot watershed demonstration patterned after the work being done in the subwatersheds of the 11 river basins authorized in 1944.

Legislation to implement the small watershed program permanently was in the making when your National Watershed Congress met for the first time on May 21, 1954. You and the organizations you represent had created this climate. And your efforts, with the help of others, quickly culminated in enactment of the Watershed Protection and Flood Prevention Act, Public Law 566, just a few months later that year—in August 1954.

Thus, 10 years ago the Watershed Protection and Flood Prevention Act launched a hopeful experiment in Federal-State-local teamwork for communitywide resource conservation and development.

You as proponents of the program felt strongly that this kind of locally operated watershed program could be a key that would unlock all manner of community development opportunities.

You envisioned water as the common denominator that would bring rural and urban interests together around local conference tables. Beginning with the obvious mutual problem of flood prevention, such groups gained the experience of cooperation that enabled them to move toward solution of other problems such as supplies of water for municipal and industrial as well as for agricultural use. You saw also the opportunity to develop water for recreational and fish and wildlife developments and for a variety of other purposes meaningful in the orderly, desirable development of community resources.

This was the hoped-for goal for the watershed program at its beginning a decade ago.

I believe the program has measured up to the hopes and dreams of its proponents.

It has demonstrated its effectiveness as a tool in flood prevention, sediment reduction, erosion control, and water management.

It has helped to accelerate land treatment and has, in addition, achieved an important beginning in shifting out of crops land ill suited for cultivation.

It has demonstrated its validity as a workable mechanism of Federal-State-local partnership in resource conservation and development.

It has proved an effective means by which diverse community interests can work together toward common goals.

How well it has demonstrated these values can, in fact, be measured.

The program's popularity among local communities is evident in the large and growing backlog of applications for help.

Its acceptance as a valid and purposeful mechanism for Federal-State-local cooperation is seen in the enactment of a large number of pieces of legislation to enable local people to better participate in the program.

Its merit as a means toward multipurpose development of soil and water resources is shown by the fact that more than 40 percent of the approved watershed projects now combine watershed protection and flood prevention with other purposes such as recreation, fish and wildlife development, irrigation, drainage, and municipal water supply.

Its practical value to the States is further evidenced by the growing willingness and interest of the State governments to make substantial financial contributions to the planning process. Contributions of 25 States totaled more than $2 million in fiscal year 1964.

Part of our decade of progress can be traced to improvements in the original Public Law 566 act. These improvements represent an evolution of purpose that calls for brief review if we are to understand why we are where we are, and where we may be headed.

The first amendment to Public Law 566, embodied in Public Law 1018 enacted in 1956, was an enlightened major step for it recognized that watershed projects, like river basin developments, should be comprehensive in scope and have multiple purposes.

This amendment made it possible for projects to include works of improvement for any beneficial use physically feasible and economically justified. It removed the prohibition against the Department of Agriculture sharing in the cost of water storage for purposes other than flood prevention. It authorized dams with a total capacity of 25,000 acre-feet providing that all capacity above 5,000 acre-feet be for purposes other than floodwater detention.

The amendment recognized that more than agriculture is involved in watershed projects by providing that the Public Works Committees of Congress should approve plans that included dams having more than 4,000 acre-feet of total capacity. It directed the Secretary of Agriculture to allocate costs and to use direct identifiable benefits as a basis for cost sharing for agricultural water management.

Finally, this first major amendment of 1956 recognized the need for credit by authorizing long-term loans to local organizations at a low interest rate for financing non-Federal costs.

The amendment of September 1958 (Public Law 85–865) authorized Federal financial assistance for fish and wildlife purposes.

Public Law 86–468, approved in May 1960, extended the benefits of Public Law 566 to the 11 flood prevention watersheds authorized under the Flood Control Act of 1944.

Public Law 87–170, approved in August 1961, broadened the definition of local organizations to include irrigation or reservoir companies or associations of water users not operated for profit. This made it possible to carry out with established framework projects with irrigation objectives.

That brings our legislative review to more familiar ground—familiar because it is of more recent vintage and therefore fresher in our minds. The Food and Agriculture Act of 1962, Public Law 87–703, approved in September 1962, broadened the watershed act in four important ways.

It added recreational development as a purpose eligible for cost sharing, including water resource improvement, basic facilities for water-based recreation and necessary land for recreational use. It authorized the Department of Agriculture to advance funds to preserve sites. It revised the basis for cost sharing and made it possible for the Secretary of Agriculture to establish rates on a program rather than project basis and to follow the principles of assistance authorized under other Federal programs. Finally, the 1962 amendment extended the benefits of the Water Supply Act of 1958 to Public Law 566 so that capacity for future industrial and municipal water supply can be included in a project with repayment and interest charges deferred up to 10 years.

That rather sums up the Federal legislative evolution. It is a record we can be proud of. We have little to complain of, and much to be thankful for, when we consider the legislative tools that we have sought and have received.

During this period important legislative action was going on in the States. Between 1955 through 1963, 43 State legislatures enacted laws to expedite cooperation between State and local agencies and the Department of Agriculture in watershed project activities. In all, 285 laws were enacted in the 43 States during this period.

Federal appropriations since 1955 have shown a fairly steady rise even though they have not fully met the demand. In fiscal year 1955, the appropriation was $7.3 million. In 1959 it was $25.5 million. In 1964 it was $63.6 million.

The number of applications for watershed project assistance per year has maintained a fairly steady rate but there have been ups and downs in the watersheds authorized for planning and for operations, especially in recent years.

In fiscal year 1959, 82 projects were authorized for planning and 80 approved for operations. In 1961, 93 were authorized for planning and 48 for operations. In 1963, 121 were authorized for planning and 88 for operations. So far this fiscal year, up to April 1, 88 have been authorized for planning and 74 for operations.

The number of States appropriating funds for watershed planning increased from 9 in fiscal year 1959 to 25 this year. At the same time, the amount of non-Federal funds provided by local organizations and State governments for project planning quadrupled. This year, local and State contributions will amount to more than $2.3 million.

Nearly half of the watershed projects approved for operations thus far are in counties known to have unemployment problems and have been so designated by the Department of Commerce or Labor. Project construction work in such counties, of course, provides local employment aside from the increased employment that may result from industrial, recreational, or other products of watershed development.

A large number—233 of the 547 projects approved for operations as of April 1—are multiple-purpose projects, which serve community needs best of all. The projects combine flood prevention with one or more of the following purposes: agricultural water management, recreation, fish and wildlife, and municipal water supply.

There is increasing interest in the recreation potential of watershed projects, especially since the 1962 amendment authorizing cost sharing for this purpose.

We have given preliminary approval for 68 recreational developments in 62 projects located in 29 States. These developments involve cost sharing for added reservoir capacity, land, easements and rights-of-way, and basic facilities. The estimated total cost of recreational developments in the 68 projects amounts to more than $30 million, of which $16 million would come from State and local funds. About 4 million annual user-days are anticipated.

An analysis of the first 500 projects approved for operations shows they involve a total estimated cost of $743 million, of which approximately $441 million will be Federal costs and $301 million non-Federal. Of the $301 million non-Federal costs, about $197 million will be the costs of applying land treatment measures and the remaining $104 million will be costs for land, easements, and rights-of-way, administering contracts, and other requirements of local organizations.

We have made important advances during our decade of progress in developing the Nation's watersheds. Indeed, in some respects our progress has been remarkable. But the job ahead is a tremendous one. Indeed, we have barely made a good beginning.

The best estimate we have is that there are 1 billion acres of land and water that need and are suitable for development as watershed projects.

Local organizations through their applications for assistance indicate that they have recognized this need on less than 15 percent of this vast billion-acre chunk of America.

We have authorized planning assistance for less than 7 percent of this area. We have approved plans for and work has been started on about 3 percent of this job.

Measured only against the size of the job ahead, our decade of progress loses much of its stature. But measured by the difficulties of implementing a great new national program, what we have accomplished in 10 years stands out tall and strong as one of the great achievements in American history.

But the size of the job ahead does indicate that the job has lost none of its urgency. Indeed, the fact that it is 10 years later intensifies the urgency of the job. It is imperative that we speed up our rate of progress.

An essential ingredient is wider public awareness of the value of small watershed projects in the economic development of communities across the land—many of which are doomed to a slow but sure decline and death unless they find a way out of the morass into which they are sinking.

Ten years ago we had to talk of the advantages of watershed projects in terms of ideas and opinions, based on limited experiences. Today we don't need to rely on opinions or guess. We have facts. The program has demonstrated its worth. It has proved itself. We don't think we know what a project will do for a community. We know.

Based on solid experience we can say that the 606 projects we expect to be operating in fiscal year 1965 will help some 1,800 communities develop their land and water resources on about 36 million acres involving a population of 4.1 million people. The protection of 2.9 million acres of flood plain will pay returns estimated at $39 million annually and bring one or more new industries to some 150 communities.

Such a statement, if dinned into every ear from every housetop and courthouse and city hall in the land should be enough to gain the attention of every thoughtful citizen.

Maybe we haven't been dinning enough.

If we haven't, let's get going. For surely only through an informed public can we bring to bear all the forces required to stimulate adequate action and support at local, State, and Federal levels.

I could give you hundreds of examples, of watershed project benefits. Each of you knows of several, I'm sure.

The benefits of every project outweigh its costs. Each project is an investment that returns annual dividends of 8 percent on the average.

These are facts. We can document them. Have the American people ever been offered a better bargain? I doubt it.

To take full advantage of this bargain, this opportunity to invest in the welfare and prosperity of several thousand American communities—and thereby in all of America—that is the challenge.

The challenge is bigger today than it was 10 years ago. For we have in motion a great program that must maintain momentum. We dare not let it slow down or stand still. As Holmes said, "The great thing in this world is not so much where we stand but in what direction we are moving."

Shall we move forward? It's up to you.

Address by Secretary of Agriculture Orville L. Freeman at 11th National Watershed Congress, Hotel Marion, Little Rock, Ark., April 28, 1964

I have looked forward to this opportunity to join with you at your 11th National Watershed Congress, particularly because you are giving emphasis this year to the problems and prospects of watershed development in the decade ahead.

I welcome the chance to look ahead with you, for we have come to one of those rare moments in history where both this Nation and the world of nations seem to pause, to catch the national breath, and to ask if we know where we are going.

In that wasteland of human hopes which the threat of nuclear war created, there seems today to be signs of new life. All of us, as if a terrible ordeal has passed that once took all our energy, feel the beginnings of a new era.

Eric Severeid, a discerning and penetrating commentator of our times, wrote about it this way recently: "It is beginning to appear that history may be offering to this generation of Americans a precious gift, and that if we do not recognize and use this gift we will lay a curse on the generation to come. The gift is time."

Few of us are so expressive, so able to put these feelings into words; but all of us recognize that perhaps we do now have some time to think, to plan, to look ahead, to begin considering more fully the opportunities of civilization as well as the challenge of survival.

Let us use this gift of time well, for it will be ours to use only once.

The challenge of this opportunity will fall heavily upon you and thousands of others of us who are dedicated not only to conserving and preserving but also to using the heritage of land and water resources with which we are so abundantly blessed. It is clear that we can no longer cover the land with concrete and expect the human animal to live gracefully on it. It is clear that we can no longer despoil the water we drink and the air we breathe, and expect man to survive in good health.

And it is clear that we can no longer afford to treat as a problem the abundance which agriculture provides. It is a problem only when we fail to make use of it—only when we look to land and water as a source for food and fiber alone, ignoring other uses if not as basic yet equally important in this new world of abundance.

I think it more proper to say we have never taken the time to fully appreciate or utilize all of the multiple benefits which land and water can produce. We now may be graced with some time to look ahead and to plan—to take full advantage of resources too often thoughtlessly misused or unused in the past.

Thus, you are meeting here as an organization of organizations dedicated to the wise use of water resources—the multiple uses that water serves within a watershed—at a highly appropriate period in history. It is fortunate that 10 years ago so dedicated a group as this one began building the framework which has become the small watershed program of today. Without the support and effort which has gone into the gradual evolution of the small watershed program from a single purpose objective to a multiple number of objectives, we would be much less able today to meet the challenges of the decade ahead. For that, please accept my deepest thanks and congratulations.

As you look ahead to the responsibilities the next 10 years will bring, I want you to know that we also are looking ahead with you at the Department of Agriculture * * * and in the highest circles of the administration.

Since early in this administration we have been aware that agricultural policy—the decisions which affect how we use our soil and water resources—should be responsive not only to the farmer * * * but to all Americans whatever their occupation and wherever they live.

In 1962, President Kennedy presented a food and agriculture program for the decade of the 1960's, which recognized that the farm problem—as we popularly call the task of trying to live with abundance—has three broad dimensions.

Nonetheless, most people still treat it as though it has only one dimension—commodities.

For many years the Nation's efforts to solve agriculture's problem have focused almost exclusively on the problems of various farm commodities. Only since 1961 have we started to think more broadly in terms of the human problems of people on less than adequate farms, to think of communities which need to diversify their economic base if they are to survive, to think of the widespread cancer of poverty in rural America, to think of the growing needs of families and individuals in cities and suburbs for land and water and space where they can relax and play.

We have failed to appreciate that abundance is only a problem when we do not use it. There are no real food surpluses so long as there is hunger in this country or in the world.

We are only beginning to perceive that programs such as the food stamp program can make a nutritious diet available to every American. We have only begun to achieve the real benefits of a sustained and energetic program of trade and aid in our relations with other nations in the world. We have only begun to understand that land and water contain great reservoirs of benefits that can satisfy other appetites than hunger.

These are all aspects of a farm program for the 1960's—and they were drawn in broad outline by President Kennedy early in 1962 when he set down a food and agriculture program for the sixties. The logic of that program is strong and true. Much of it is taking clearer shape today. President Johnson, himself a farmer and a rancher, has made it an integral part of his program and he is giving it powerful support.

It is a three-dimensional policy, which recognizes that:

1. Commodity programs—are designed for the needs of commercial family farm agriculture.

2. Community programs—can develop rural resources to enable people in the country to find work and people in the city to enjoy God's great outdoors.

3. Food programs—which serve those who use food and fiber and in so doing serve those who produce it. School lunch and food stamp programs at home and trade and aid programs abroad provide a wide avenue on which to move the abundant productivity of our farms and ranches.

I want to concentrate today on the second dimension of this multiple program, the community, because community programs are closely associated with the goals of the small watersheds—with the objectives of Public Law 566 as it has evolved.

I would mention commodity programs only briefly to make this point: The food and fiber abundance we enjoy today is the product of the American family farm system of agriculture. The family farm is the most responsive and productive system of producing food abundance the world has ever seen. Yet we need commodity programs to protect and stabilize family farm income while agriculture adjusts to the production revolution now underway. Otherwise we might destroy the very system which has made possible the abundance we are today challenged to put to constructive use.

Commodity programs are, of course, related to the goals of the small watershed program. A knowledgeable farmer will participate in the development of a watershed program to enhance income prospects from his crops. But those with an adequate farm income, protected by commodity programs, will be more likely to participate in developing wildlife habitat and other important nonagricultural benefits which can be provided through the small watershed program.

But, as the makeup of this organization shows, the small watershed program embraces a range of interests far wider than agriculture. You represent a community of interests—farm, conservation of soil, water and wildlife, forestry, industry, recreation, urban and city—all of which depend upon the resources of the watershed.

You represent the community which is one of the essential dimensions of any realistic agricultural policy—and thus the small watershed program is an essential element in the food and agricultural policy of the 1960's.

It is, in fact, one of the key programs to a better life for all Americans, from those who seek to claw their way out of poverty, to those who—more fortunately—enjoy a higher level of income and who look for ways to translate this into activities which bring a more satisfying way of life.

This is so because Public Law 566 is one of the keys to protecting and conserving on privately owned land, our water resources, the most scarce, and the most valuable natural resource we have.

Properly used, as the small watershed program makes possible, this resource serves us all in many ways. For example:

In Alabama, the Chamber County Commissioner's Court saved $28,000 within a year after three dams were completed in the High Pine Creek watershed. The savings resulted from the county being able to build smaller bridges and lower fills on roads in the protected flood plains.

In Arizona, land use changed significantly in the White Tanks watershed project. Farmers converted several thousand acres from cotton and feed crops to vegetables, citrus, and grapes, and income increased from $200 to $400 per acre. Commercial developments include a new electronics plant that will employ several thousand people and a multimillion-dollar harness raceway that includes a racetrack, hotel, restaurant, and other facilities.

Tomorrow, those of you who go on the tour of Six-Mile Creek watershed near Little Rock will see how this project revitalized the economy of the area, including the addition of three new industries.

In Colorado, the Wray watershed project sparked many new developments in the city of Wray, including $230,000 of new construction, $40,000 of improvements to old buildings, and a reduction in street maintenance costs of $5,000 per year.

In New Hampshire, a watershed project made possible construction of a $1 million shopping center that in 3 years is expected to pay to the city of Keene more in additional taxes than the city's $75,000 share of the cost of the project.

In Oregon, the Little Pudding project, although not completed, permitted normal farming operations to resume within a week last April after a 6.5-inch rainstorm. Formerly such a storm would have delayed planting 3 weeks, which would have been too late. The estimated benefit in this single instance was $250,000.

In Kentucky, the Mud River watershed project near Russellville is providing water supply, recreation, and flood prevention. Benefits to date include three new industries and expansion of a fourth and a new water supply for the city of Lewisburg. Recreation assets include: a new boatshop; 15,000 man-hours of fishing and several hundred thousand visitors annually to a 900-acre lake; sale of more than 200 lakeside building lots; construction of 50 cabins, a $45,000 sportsmen's lodge, 30 miles of public roads, a $154,000 bridge, and electric and telephone lines.

These are not handpicked, isolated cases. Similar or other benefits could be cited for every project far enough along to be effective. And they will result from every project to be carried out in the future.

The plain truth, however, is that we must do more in the next 10 years than we have in the past decade. Today, 100 watershed projects have been completed, but there are 2,100 for which applications have been made.

Nonetheless, we can all be pleased that since 1961 progress has been accelerated not only in the number of projects authorized for planning and approved for construction—which have climbed from 264 to 556—but also by broadening the scope of the whole program to become a major conservation instrument.

Prior to the Food and Agriculture Act of 1962, the Federal Government could share the cost of such activities as flood prevention, irrigation, drainage, and fish and wildlife development. The 1962 act, truly one of the significant pieces of agricultural and conservation legislation in our history, enabled the Department to share the cost for multiple-water use. We can help you acquire the necessary land rights and provide the minimum basic facilities for recreation. We can assist in developing municipal and industrial water supplies for future use, with deferred repayment; and we can advance for preserving structure sites within the watershed project.

As you know, President Johnson this year proposed that the limitation on the size of water reservoir be raised from 5,000 to 12,500 acre-feet. The growing demands for recreation and for industrial and municipal water make this a vital addition to the watershed program. We are hopeful that the Congress will soon act favorably on this request.

Thus, what began as a measure to help farmers and the local community to control flooding in upstream watersheds has grown to become a major instrument for the development of a multiple of interests. It is the major instrument for conserving water resources on the private lands of America, and nearly two-thirds of our land area is privately owned. It is the major instrument through which the local community, aware of and responsive to the needs of a changing society, can make water and land serve many interests all at the same time—recreation, industry, farm, wildlife, timber, and municipal needs.

The Congress, in the 1962 legislation, recognized that the soil and water resources in rural America would need to be developed and managed for these many purposes. It also recognized that the financial and technical resources in rural America were limited and inadequate for the task. Thus, in addition to broadening the objectives of the small watershed program, the Congress sought to recapitalize resource development in rural areas through additional programs. These generally are administered today as part of the rural areas development effort in the Department.

We can, for example, make loans to farmers and rural associations for the development of recreation, and for other action that encourages shifts in land use to more profitable outlets.

The cropland conversion program, which provides for recreation development, wildlife habitat, grazing, forests, or water storage on land now producing row crops or hay, has been successfully demonstrated in 141 pilot counties across the country.

Earlier this year I authorized planning assistance in the first 10 resource conservation and development projects in which, as you know, small watersheds play a key role. I also have authorized planning assistance in five rural renewal projects, including one here in Arkansas. These projects are designed to assist local units of government in rural areas where substantial poverty and limited opportunity exists to raise income levels by more intensive development of underused resources.

These programs will provide some of the tools which can be used to fashion broader development and use of our natural resources. This is, as each of us knows, a task of growing urgency.

The pressure on our water resources is building at a fast rate * * * and it will continue to build even faster in the future. By the year 2000, outdoor recreation demands are expected to increase by 228 percent. Industrial needs expand almost daily, and municipal needs will grow as our population and income climbs.

This pressure can be met in two ways: One is through Government programs to preserve on public lands a reasonable balance in the competition for water and land and other resources. This is what we do in multiple use management in the national forests. The other way is through the actions of private citizens acting together locally to preserve, conserve, and use these resources.

The small watershed program is a tool designed for the use of private citizens and local government. It provides a means by which the financial and technical resources of the Nation can be made available to the local community and to the individual citizen. It provides for local control and for local direction. It allows local problems to be met by those who are best able to understand and to solve them. But because it is local and decentralized, it is up to you to make it go. It is up to you to make it work so our natural resource problems can be solved before they become so burdensome that massive Central Government action becomes necessary.

This, then, is the direction and purpose of small watershed programs in the decade ahead. There is time now to consider how we can best go about developing our heritage of natural resources so that we can say to our children: "Here, we nearly lost them for you. But we learned in time. Guard them well, use them well, and they will serve you well."

But this will not happen automatically. On the contrary, great effort and large investment will be necessary. Competition for the tax dollar is more intense than ever before. Programs are being cut back, a general reevaluation and reassessment is underway, the role of Federal contributions in all areas is being carefully reviewed.

You and I know that the small watershed program qualifies as a top priority program under the most rigid set of standards that can be applied. President Johnson, long a supporter of soil and water conservation and watershed development, knows this.

But for us to know this is not enough. Others must be made to know, and to understand, and to act.

I will do my part, but only you can bring about the necessary activity and investment. For more than 10 years now your voice has been heard, and it has had impact. I challenge you today to continue to make your voice heard and your leadership felt. The time to act is here, the small watershed program has been thoroughly tested and proved. Let us now put it to work while there is still time to make possible the multiple use of water, our most precious natural resource.

President Johnson Pays Tribute to Polish Constitution Day on May 3

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. PUCINSKI. Mr. Speaker, during his recent visit to Chicago to participate in the 173d anniversary of Polish Constitution Day, Postmaster General John A. Gronouski brought with him a personal message from President Lyndon B. Johnson.

This message recalled, for more than 115,000 Americans of Polish descent in Chicago, the very inspiring moment last year when President Johnson, then America's Vice President, personally participated in the 172d observance of Polish Constitution Day in Chicago.

Mr. Johnson was received by the largest gathering of Americans of Polish descent to assemble in these annual tributes to Poland's Constitution in Humboldt Park. It is indeed gratifying to know that now as President, Mr. Johnson continues to show his deep and sincere understanding for the Polish people.

Mr. Speaker, I should like today to include in the RECORD President Johnson's personal message to the people of Chicago.

The President's message, which was received with a tremendous ovation, follows:

THE WHITE HOUSE,
Washington, D.C., May 2, 1964.

Hon. JOHN A. GRONOUSKI,
Postmaster General,
Sherman Hotel, Chicago:

Since our earliest history, when freedom-loving Poles helped us win our independence, there has existed between the American and the Polish people a bond that neither time nor trial has been able to erase. Today we are strengthening that bond with the Polish people at every opportunity.

When Postmaster General Gronouski goes to Poland next month, he will be more than my representative. He will be a symbol of my personal determination to bring the people of our two great nations even closer together. May we rededicate ourselves to this effort on the anniversary of the Polish Constitution of 1791.

LYNDON B. JOHNSON.

Interlocking Unilateral Arms Control

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. HOSMER. Mr. Speaker, the May 11 Washington report of the American Security Council was written by me, as guest editor, and discusses currently trends in arms control and disarmament as follows:

INTERLOCKING UNILATERAL ARMS CONTROL

(By Representative CRAIG HOSMER)

Another step toward disarmament without inspection has been accomplished through what is called "interlocking unilateral arms control."

Long before ratification of last year's limited test ban treaty the Kennedy-Johnson administration became acutely aware of the difficulties in reaching formal East-West disarmament agreements.

Russian contumacy and hardheaded refusal to negotiate provisions for "detection/inspection" machinery to spot treaty cheating behind the Iron Curtain has been one stumbling block. All pretense of achieving safeguards had to be abandoned in order to get the Moscow Treaty. The Eisenhower dictum, based on consistent past experience, relative to the danger and futility of signing treaties with Communist countries without "self-enforcing mechanisms" was conveniently sidestepped.

Another stumbling block for Soviet-United States treaties is the basic distrust by the American people of Communist promises which makes Senate ratification extremely difficult. A massive public relations campaign, supported not only by the late President Kennedy's ample prestige, but by all other resources at his administration's command had to be mounted to assure the Senate's consent to the test limitation pact.

HOW IT WORKS

Due to such difficulties resort has been made to a murky mass of tacit understandings in order to conclude arrangements on subjects supposedly of common interest to Washington and Moscow, such as arms control. Except for show window exercises at the United Nations and the 18-Nation Geneva Disarmament Conference, traditional forms of open diplomatic negotiations toward public pacts subject to constitutional ratification procedures essentially have been put on ice. In their place have been substituted what amounts to secret negotiations between the heads of the American state and the Soviet state by means of letters which, from time to time, are evidenced circumstantially by strangely contemporaneous, but seemingly independent, announcements of actions or intentions by the two.

Already referred to in Washington disarmament circles as "interlocking unilateral arms control," the currently employed technique is little more than a 20th century adaptation of the one employed in past times by absolute monarchs in their surreptitious dealings with each other. Similarly, the matter of monitoring the adherence to the tacit agreements in this manner concluded appears mostly to depend on the quality of one's intelligence network.

How is all this working out for the United States today?

SIMULTANEOUS CUTBACK IN FISSIONABLE MATERIALS PRODUCTION

The case history of April 20's simultaneous announcements by President Johnson and Premier Khrushchev of cutbacks in production of fissionable materials for nuclear weapons provides a clue.

The Khrushchev announcement bore a 1 p.m. eastern standard time release hour. The Johnson speech to Associated Press editors in New York was timed for release at 2 p.m. eastern standard time. Almost within minutes afterward inspired rumors began circulating that surely the pair "will share the next Nobel Peace Prize." Editorial comment was a little more restrained, but generally assessed the events as "an advance toward peace well worth hailing."

On the surface, "interlocking unilateral arms control" seems to be working well for the United States, but, perhaps, a peek beneath the surface should be taken to make sure.

Two fissionable products used in nuclear weapons manufacture were the subject of the Johnson-Khrushchev letters and understanding—plutonium, manmade by burning ordinary uranium in large reactors; and, enriched uranium, the fissionable isotope of uranium extracted by highly secret processes at the Atomic Energy Commission's gaseous diffusion plants.

On the subject of plutonium, Premier Khrushchev merely announced that the U.S.S.R. is not going to finish off two production reactors. He did not indicate whether other unfinished reactors, if any, would be completed. He made no reference to reactors in being and now supplying plutonium to nuclear weapons factories, the amount of their production, or how Soviet scientists might be planning to boost it to higher levels. Khrushchev not only promised no cutback whatever in plutonium production, he left entirely open the possibility that the Soviet Union might be increasing it considerably.

In contrast, President Johnson confirmed, on April 20, his order issued in January to shut down and mothball four plutonium producing reactors and slash the U.S. output by 20 percent.

On the subject of enriched uranium, Premier Khrushchev announced—but he did not promise—what he termed a "substantial" cutback in production to be accomplished "over the next several years." What did he mean by the "next several years"? When does it start? When does it end? How big a slash in Soviet production of U^{235} does he believe warrants the adjective "substantial"?

A possible clue to the definition of this word is found in President Johnson's speech. He described the boost of his 25-percent cutback announced in January to 40 percent in April as substantial. Thus, in the semantics of enriched uranium production, a 15-percent variation appears to warrant the euphemistic adjective "substantial."

ONE RABBIT FOR ONE HORSE

This, then, is the substance of the Johnson-Khrushchev unwritten pact:

1. A 20-percent cutback in U.S. plutonium production in return for a zero-percent U.S.S.R. cutback—with no limits on an actual increase by the latter.

2. A 40-percent cutback in U.S. enriched uranium production in return for what may be no more than a 15-percent U.S.S.R. cutback, to begin sometime.

This bargain can be viewed with even more realism if it is not forgotten that one of the late President Kennedy's first official acts after taking office was, in February 1961, to order a 17½-percent reduction in the Eisenhower administration's U^{235} production level. From that point, the combined Kennedy-Johnson cuts amount to 50 percent.

From this perspective President Johnson's try at personal diplomacy appears much less a claim on the Nobel Prize than does a "one rabbit for one horse" swap from which the wily Russians rode away on the steed. Perhaps that is why the AEC's Chairman, Dr. Glenn T. Seaborg, and others have laid heavy emphasis in testimony to Congress and press releases on two claims: (1) that the levels of U^{235} and plutonium production far exceed military requirements; and (2) that the cutbacks really are "economy" moves which would be made anyway, irrespective of what the Soviets do.

If these claims represent the actual facts of the matter, they raise other questions as disturbing as the lopsided relationship between the two countries' cutbacks.

WHAT YARDSTICK WAS USED?

According to the AEC's latest report to Congress in excess of $4 billion have been spent to build its plutonium and U^{235} production facilities. This vast expenditure was justified on the basis of military and civilian needs for the amount of materials these plants can produce. Did the AEC do its work so shabbily that its plutonium figures are 20 percent off and its U^{235} calculations 50 percent in error?

Or does the fault lie in the Department of Defense? Was DOD that much in error in its understanding of our strategic and tactical warhead requirements? If not, has it drastically reduced those requirements? If so, why? Do we no longer seek nuclear superiority over the Soviets? Or, is the nature of the threat so diminished that superiority can be maintained by a relaxed effort? These and a host of similar inquiries are pertinent to the newly stated relationship between defense needs and fissionable materials production.

On the other hand, if the cutbacks really are economy moves, is it fair to ask what kind of an economy yardstick is being used? This question stems directly from last year's comprehensive report to the President on civilian nuclear power by the AEC. Its burden was that burgeoning demands for electrical kilowatts in the decades ahead compels an unswerving devotion to civilian nuclear power reactors—to the extent that by the year 2000 half the Nation's kilowatts are nuclear kilowatts. These reactors will consume massive amounts of enriched uranium. Vast quantities of electrical energy must be devoted to the enrichment process at some point in time.

Nonetheless, we are told that in the interests of economy today's ample TVA and other hydroelectric kilowatts used to power the diffusion plants shall, in effect, be left in the rivers, to be dissipated into the sea, rather than stored in the form of enriched uranium for future years' nuclear power reactors.

Indeed, the cutback may look good in a single year's budget—some $68 to $83 million annually—but beyond the short term it well may be regarded as a shameful waste of precious power resources.

ANOTHER WAY TO LOSE OUR SHIRT?

This and additional steps toward disarmament through the "interlocking unilateral arms control" procedure should be analyzed most carefully.

Recalling the United States past proclivity for losing its shirt at international negotiating tables, before any peace prize nominations are made it would be well to determine if "unilateral interlock" is just another way of losing its shirt by secret letters, speeches, and press releases.

Cameron Voting Record

EXTENSION OF REMARKS

OF

HON. RONALD BROOKS CAMERON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. CAMERON. Mr. Speaker, passage of the food stamp program can rightly be called the opening salvo of President Johnson's war on poverty. If signed into law the plan will permit needy families in participating communities throughout the country to buy food stamps which when redeemed at the corner grocer's will enable them to take home food worth about 40 percent more than the cost of the stamps.

The entire program would be administered at the local level, with all costs to be borne by the Federal Government. Since 1961 the program has been on a pilot or trial basis in 43 communities and has added greatly to the substandard diets of some 400,000 Americans. The cost per person benefiting under the program in 1964 is roughly $2 a week. It is estimated that when the program is expanded it will assist some 4 million persons by 1968, with the cost per person per week dropping to about $1.73.

The Department of Agriculture currently operates a direct distribution program to help the needy. About $200 million annually is spent under this program to help feed some 5.5 million persons. However, direct distribution is limited to foods such as dried milk, wheat, rice, and corn. Americans living in poverty have no chance to gain nourishment from fresh milk, fruit, and vegetables, commodities which most families consider essential as well as commonplace. The program also has all the aspects of the dole or handout. Needy families line up at various distribution points and cart off their packages of dried food in broken-down wagons. The corner grocer is bypassed. He is hurt economically. With a broadened food stamp program it is anticipated that many communities will drop out of the direct distribution plan.

LOCAL CONTROL

Under H.R. 10222 the Secretary of Agriculture can set up a food stamp program only if it is requested by the State government, or by a local community with approval of the State. If a community is suffering the effects of extreme poverty it can also request that it be allowed to continue under the direct distribution plan. To be eligible for the food stamp program a household's economic status must be "a substantial limiting factor in the attainment of a nutritionally adequate diet." The bill specifically provides that eligibility criteria will be established at the local level and approved by the Secretary of Agriculture.

Examine the case of Willie Johnson, as reported recently in a leading national magazine:

> Willie Johnson is a short, stocky West Virginian. He is 55 years old, which means that society expects at least 7 more years of work from him before he qualifies for a social security pension. Like his father, he went into the coal mines at age 13 and worked steadily. Twelve years ago he was earning more than $100 a week. Today he earns nothing. He will probably never work again.
>
> "If a man tries hard enough," the middle-class belief goes, "he will find some work." This is hard to believe in Logan County. It is one of the 230 counties of southern Appalachia * * * where 7 million Americans are gasping from economic suffocation. In Logan County, where mining is the sole source of money, there were 14,000 men in the mines in 1954 when Willie Johnson last held a job. Now there are only 3,500.
>
> Willie Johnson's family is on maximum relief in the county. Each month they get $165. Rent is low, $27 a month (four rooms, leaky roof, no running water). Electricity is $7.50. This leaves $130.50 for everything else.
>
> With eight children at home, it is not an easy choice between shoes, books, and food. Books in the public high school cost $28 a year; this can be prohibitive. When he was in the ninth grade, the oldest son, young Willie, dropped out of school so the younger ones could stay in.
>
> "First 2 weeks we have it right smart," Willie Johnson says of their diet. Breakfast is eggs, salt pork, and brown gravy. Lunch is a bowl of pinto beans. Supper may be two fryers for 10, potatoes, beans, milk for the children and coffee for parents.
>
> The last 2 weeks bring a pinch known to millions of the poor: By then, small catastrophies have occurred—a schoolchild's shoes have literally fallen apart and one has to spend $4 for a new pair that will disintegrate in the first rain, or $8 for a pair that will last. The night they had an unexpected visitor the 10 Johnsons were having berries picked from the back hill, mixed with flour It was the 25th of the month, with a week more to go before the next welfare check

PLAN EXPLAINED

Here is how the food stamp plan will work for Willie Johnson's family of 10:

Willie, the head of an eligible household, applies to his local welfare agency for food stamps. After determining that the family normally spends $25 a week for food, the agency then authorizes Willie to buy with his $25, from an issuing office, food stamps worth a larger amount, say $40. The issuing office, usually a local bank, then forwards the

$25 cash paid by Willie to the U.S. Treasury.

Willie takes his stamps to his local grocery store and buys $40 worth of food. He cannot, however, buy such items as tobacco, luxury foods, soft drinks, alcoholic beverages, or foods which bear labels identifying them as being foreign products. Willie is restricted to purchasing only necessities.

The grocer takes Willie's stamps to the bank and receives $40 for them. The bank gives the stamps to the Federal Government and is reimbursed for the full $40. Thus the Treasury provides about $15 on each $25 worth of stamps issued by the State or local communities, or $1.50 a week per member of the Johnson family. This loss is the net cost of the food stamp program, other than the administrative costs.

OTHER PROVISIONS

H.R. 10222 also sets criminal penalties for chiseling practices, forbids the Secretary of Agriculture to in any way fix retail prices, and forbids discriminating against stamp plan applicants because of their race, religion, national origin, or political beliefs.

President Johnson called House passage of the food stamp bill "a step toward insuring that people can benefit from the Nation's food abundance." It is all this and more. It helps local retail stores and stimulates local business. It provides additional markets for farm products. And importantly, it helps promote the health and dignity of millions of our fellow Americans who are the helpless victims of grinding poverty.

ROLLCALL NO. 100—WHEAT-COTTON BILL

On this rollcall I am recorded as "paired" against the administration's wheat-cotton bill. I paired on the vote so that my colleague, the gentleman from Hawaii [Mr. MATSUNAGA] who was in Hawaii for the funeral of his father, could go on record as supporting the bill. By pairing, we canceled out each other's vote, exactly what would have happened had Congressman MATSUNAGA actually been present on the floor.

In voting against the measure I joined 167 Republicans and 36 Democrats who were opposed to greater Government controls and subsidies in agriculture. My vote was consistent with the one registered on December 4, 1963—rollcall No. 220—when I opposed the Cooley cotton bill.

When the Cooley bill passed the House it carried only provisions for subsidizing cotton textile mills. Already a bad bill when it reached the Senate, it was made even more unpalatable by the addition of a wheat title. The Senate version, now the wheat-cotton bill, was sent to the House where it could register approval or disapproval on the whole package—take it or leave it. I chose to leave it, despite strenuous pressures which were applied by various political leaders and special interest groups.

TEXTILE WINDFALL

The bill's cotton provisions called for as much as $360 million in cash credits to the textile industry. This figure is $100 million more than the entire industry's total profits in 1962. As was pointed out during debate, it is a long cry from the days of relief for the sharecropper to paying dividends out of the U.S. Treasury for shareholders.

Because of high price supports, cotton presently sells for 32.5 cents a pound in the United States, compared with 25 cents a pound for comparable rayon in the United States, and 24 cents a pound for cotton abroad. The bill, which has since been signed into law, permits paying cotton mills a 6 to 8 cents a pound subsidy, and allows the industry to continue using cotton without greatly reducing cotton price supports.

One Senator estimates that under the bill next year's cotton program will cost $753 million, or $187 million over what it would have been had the measure failed.

Another Congressman had this to say about the cotton provision:

> Now what you want to do is give Burlington Mills $28 million so that they can buy some new spindles and put more guys out of work and confound and compound your problem and this is exactly what you are going to do.

From the American Farm Bureau Federation:

> The cotton proposal before you is the most complicated Government farm program that has ever been devised. It would be tremendously expensive and the first big step toward compensatory payments for all of agriculture. The vast Brannan-type subsidies provided for in this bill cannot be justified. The acreage retirement program would be costly and ineffective.

UNFAIR COMPETITION

Proponents of the bill argue that it would help the American textile industry to compete with foreign imports. But this argument doesn't stand up under the facts. The cotton content of finished textile products is so small compared to the cost of the overall product that there is no reason to believe it will increase our ability to compete with foreign materials.

What the subsidy will do, however, is give the American cotton textile industry an unfair competitive advantage over American synthetic and manmade fiber mills. I hold no favoritism for either the cotton or synthetic textile industry, and therefore, cannot support legislation which in my judgment gives one unfair competitive advantage over the other. In the tradition of our free enterprise economy, let their battle be waged in the marketplace, unfettered by Government aid or restrictions.

Following is a letter which I received from Mr. Eugene Remmer, president of Chemetex, Inc., one of America's leading designers of plants and machinery for the synthetic textile industry:

> We have closely followed the developments in regard to the proposed cotton support bill, and are greatly perturbed about the possibility that such an unfair bill might be passed.
>
> The activity of our company is closely related to the manmade fiber field, and legislation which would assure preferential treatment to producers of natural fibers could severely endanger the activities of not only our company, but of several thousand machinery suppliers throughout the country.
>
> Accordingly, we firmly believe that passing of the above mentioned bill would not only severely affect our company and its suppliers, but also the general public. Further development in the manmade fiber field might be severely curtailed in view of cotton's unjust competitive position, because of its artificial support.

WHEAT PROVISIONS

The wheat provisions of H.R. 6196 installed a voluntary certificate program for 1964–65. It guarantees farmers who agree to comply with their acreage allotments price supports of about $2 a bushel on wheat grown for domestic use, $1.55 on wheat grown for export, and $1.30 on wheat used for feed and seed purposes. Nonparticipating farmers would get no support and would have to take the market price of about $1.30 a bushel. The big difference between these provisions and those rejected by farmers last year in a national referendum is that H.R. 6192 is a voluntary program, whereas the referendum program was mandatory.

But are the wheat provisions really voluntary? Voluntarism is achieved through economic pressure. In commenting on a somewhat similar wheat certificates bill, the senior agricultural specialist of the Library of Congress said that "ineligibility for wheat certificates worth 70 cents per bushel—and ineligibility for wheat and feed grain price support loans would be sufficient penalty to assure a high degree of voluntary participation."

H.R. 6196 also denies any share of the wheat export market to farmers who do not want to participate in the program. It has been rightly pointed out that these penalties to noncompliers make a mockery of the word "voluntary."

TAX ON CONSUMERS

The wheat provisions also in effect levy a stiff bread tax on the consumer. There is a close relationship between the price of wheat and the wholesale price of flour. If the level of wheat prices is low, flour prices will be low. If wheat prices are high, if they are held up by Government subsidy, flour prices are high, bread prices are higher and the public is the loser. It has been predicted that with passage of the wheat bill the support price of $2 per bushel, as compared with the 1963–64 support of $1.82, will be reflected in a hike of about 45 cents per hundredweight of flour.

Unfortunately for the American public the legislation was not defeated. But I was constrained to have voted against the bill and will continue to oppose measures which in my judgment hurt the American consumer.

ROLLCALLS NOS. 100-106

On Friday, April 10, 2 days after passage of the food stamp and wheat-cotton bills, the following lead story appeared in the Washington Post, with the headline "GOP Ploys Stall House To Avenge Late Session":

> House Republicans, angry at being held in session past midnight Wednesday for two losing fights, tied the House in knots yesterday and prevented any work being done.
>
> For 4½ hours they forced quorum calls and meaningless rollcalls until the House quit with nothing accomplished.
>
> They finally agreed to meet today on the money bill (legislative appropriations). Whether Republicans avenged two defeats by forcing themselves to answer six rollcalls and

attending an unusual Friday session was another question.

What did destruction of this one legislative day mean in terms of dollars lost by American taxpayers? According to a Michigan Congressman who studied the subject, it costs somewhere between $145,000 and $290,000 a day to run the House of Representatives. It is indeed ironical that many of the Republicans who succeeded in tying the House in knots, who prevented legislators from doing the job the public elected them to do, are the same Members who repeatedly make impassioned pleas for greater economy in Government.

Objective observers agree that the GOP's dilatory tactics were prompted by resentment at being outmaneuvered in the parliamentary process on the preceding day. The Democratic leadership, working entirely within the rules of the House, was able to repeatedly ward off Republican delaying tactics and thwart GOP attempts to divide Democrats by alleging that the two national bills were sectional issues.

The obstructionist retribution displayed by Republicans the next day was certainly not worthy of one of America's great political parties. I opposed the wheat-cotton bill, but it passed the House fair and square. There was no violation of the rules in securing its passage. The majority worked its will, as it should in a democracy. Charges to the contrary are merely the frustrated rantings of Republican legislators who have not learned to respect the American legislative process—the greatest legislative process in the world and one that they ably helped to create in years gone by.

Postmaster General Gronouski's Tribute to Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. PUCINSKI. Mr. Speaker, more than 115,000 Americans of Polish descent had the great pleasure on May 3 to heart Postmaster General John A. Gronouski deliver a stirring tribute to Polish Constitution Day in Chicago.

Mr. Gronouski was the principal speaker at the annual observance of Polish Constitution Day in Chicago's Humboldt Park.

I am very happy to include for the attention of my colleagues Mr. Gronouski's stirring address which was interrupted time and again by thunderous applause of approval from this massive audience.

I might add, Mr. Speaker, that the huge welcome which Postmaster General Gronouski received certainly reflects the high regard that the people of Chicago have for him and those principles of democracy for which he and the administration he serves stands for.

I was particularly impressed with the tremendous ovation generated by this huge throng when Postmaster Gronouski paid tribute to President Johnson for his untiring efforts on behalf of America and the survival of freedom throughout the world.

Mr. Gronouski's address delivered in Chicago on May 3, 1964, follows:

ADDRESS BY JOHN A. GRONOUSKI, POSTMASTER GENERAL, AT THE 173D ANNIVERARY OF POLISH CONSTITUTION DAY, HUMBOLDT PARK, CHICAGO, ILL., MAY 3, 1964

Dear Polonia (dear friends), I welcome you here today on the 3d of May—the celebration of the greatest Polish national holiday.

I am pleased that I can welcome you in the Polish language. Since I only recently began to learn it, my Polish is weak, but as the proverb says, "It is better late than never."

In any case, at the beginning of my speech I would like to raise a cry which has been raised every year by millions of Poles:

Long live the 3d of May.

Long live the Constitution of the 3d of May.

(The above is a translation of Mr. Gronouski's introductory remarks in Polish.)

This is the proudest moment of my life: to stand here, where only a year ago a man stood who is now the President of the United States; to come before you as the first American of Polish descent ever to sit in a President's Cabinet.

It is not a personal triumph for me that this should be so. It is the triumph of America. And next month, when I visit the homeland of my grandparents as President Johnson's representative at the Poznan Fair, the memory of this great observance here today will be clearly in mind. I will never forget this day.

For nearly 200 years—since the Declaration of Independence put forth the revolutionary concept that all men are created equal—the United States has occupied a unique position in the minds of people throughout the world. Here there was sanctuary for the oppressed. Here there was opportunity for the poor. And here there was inspiration for others who dared to dream of freedom in their own lands. The upstart Nation that cared about the individual.

We have not been perfect. We exploited our minority groups. We had to fight a bloody civil war to free the slaves. We denied full citizenship to those slaves even after they were freed. But in spite of it all, our movement has always been forward. Slavery was abolished. Citizenship is becoming a reality to all Americans. And the grandson of an Irish immigrant was elected President of the United States.

And that, ultimately, is the meaning of my appointment as Postmaster General. The Polish people here in the United States have known their share of intolerance, deprivation, and frustration. But they have overcome them all. They have worked long, hard, and honestly. They have died on our battlefields. They have contributed to our industrial might and to our arts and letters. And the tradition of freedom and opportunity has triumphed once again.

On this, the 3d day of May 1964, we are solemnly reminded that it might also have been thus in the land of our ancestors.

One hundred and seventy-three years ago today, the patriots of Poland adopted a constitution that stirred the hopes of the Polish people.

It is no accident that this great Polish document was written only 4 years after the American Constitution, or that they were so similar in content and spirit.

The same spark of freedom that ignited into the American Revolution burned no less brightly in the hearts of the Polish people. Our Revolution was theirs, and to these shores came two of the greatest champions of liberty the world has ever known—Casimir Pulaski and Thaddeus Kosciuszko. Pulaski expressed it far better than I when he declared: "Wherever on the globe men are fighting for liberty, it is as if it were our own affair." He gave his life in witness of that conviction.

The rest is history: a triumph for America * * * tragedy for Poland. Today, after nearly two centuries of struggle, of invasion, of foreign domination, of partition—and always of bravery—the Polish people still are striving for national independence and the rights of free people. The spark of freedom has never been extinguished.

What can we say to these brave men and women who yearn to be free and independent? What can we tell them to give them faith?

We can tell them they will be free because freedom is the wave of the future.

We can respond to the progress that they have already made, by giving all the support that lies in our power. As Poland, both domestically and in its foreign policy, pursues a more independent course of action; as it takes more account of its own national interest and the needs of its people; as it gives evidence of its desire for better relations with us, we are not hesitant in reaching out our hand in encouragement. Our present policy of trade and of exchanges in every field is intended to do just that.

We can let them see that the United States of America has faith in itself and, having that faith, will help spread freedom throughout the world—by example, by competition, and by unyielding determination.

But it will not be the America of the John Birch Society that will spread freedom throughout the world. Nor will it be the America of racial intolerance; or the America of discriminatory immigration policies; or the America that would disregard the needs of its own citizens.

It will be the America that still cares about people—whoever they are, or wherever they may be. It will be the America that still makes it possible for someone from lowly economic beginnings to break through his particular barriers and fulfill his potential.

I suppose if there is one program that has more of my heart in it—and should have more of your hearts in it—it is the war that is being waged today by President Johnson to drive the last vestiges of poverty from the United States.

It is a program more important than many Americans realize.

When I was teaching school at Wayne University just a few years ago, many of my students who came from fairly prosperous homes, couldn't understand what I was talking about when I discussed the great depression of the 1930's.

And so it is with today's poverty. It's easy to talk intellectually about it. It's easy to look at a page of statistics and see that 35 million Americans are living on incomes of less than $3,000 a year—without our understanding what it means; without understanding that these people are trying to raise a family in one room and struggling to buy coal in the winter to keep that room warm. It's easy to look at these statistics from our well-heated homes as we have sirloin steak for dinner. It's easy to say, "Isn't that too bad?" and forget about it because it is so unreal to the life we see around us.

But I know from personal experience what poverty is all about. I know there are 35 million people—35 years after the great depression—who are living the great depression.

We are not talking about statistics; we are talking about people. And I do not have to read statistics to know how these people feel. And neither do many of you. We are talking about people who are today going through the same heartrending experience that my mother and father went through back in the 1930's.

I remember those days only too well—when my father was lucky if he was making $15 or $20 a week; when during the winter we found it necessary to close off most of the house and spend our time in the kitchen because we didn't have enough coal to heat the whole house; when I went to the fifth grade with a dozen patches in my pants because we didn't have the price of a new pair of pants; when I used up cardboard by the bale all through the winter months to make inner soles for my shoes because there were big holes in them and we couldn't afford to get them repaired.

I remember when my father became a traveling merchant and went on the road with $7 worth of merchandise—aspirin and razor blades—to carve out a living for his family. And on many a Saturday night we waited for that special delivery letter to have $10 in it before we knew whether we would have a dinner on Sunday. It sometimes didn't come.

And it may sound silly in this day of so-called affluence, but it won't sound silly to 35 million Americans, when I say that we kept body and soul together selling aspirin. In the summer months, when I worked with my father, I found that during a depression there is a good market for aspirin.

It isn't just the lack of a full belly, or the lack of fuel for the furnace, or the holes in the shoes, or the patches in the pants that are important in the world of poverty. It is the destruction of the morale and self-confidence in the young people. It is the despair they feel when they know they don't have an opportunity to better their lives. It is the humiliation and shame they feel when they know that they are standing there—different from the others in the room who have nice clothes, who can invite people into their homes anytime because they know there is enough food on the table for an extra person.

What concerns me and what concerns President Johnson is what this does to people.

Poverty today is different from what it was in the 1930's. Even then there was at least a glimmer of hope because we knew this was part of a general depression which we hoped would someday end.

After World War II we took it upon ourselves as a Nation to do the most striking thing that can be done to break the poverty cycle: we saw to it that the young men and women who fought in that war had an opportunity to get a college education.

We didn't talk about States rights. We didn't talk about control of education; certainly my education wasn't controlled. We had a GI bill of rights which gave to me a Ph. D. in economics which I could never otherwise have gotten.

The kind of poverty we are talking about now is not the result of a general depression. Today we have the most prosperous Nation in the world. What we are talking about now is the kind of poverty which does not even give hope to its victims—chronic, long-term poverty and unemployment in the garden of prosperity. Today—right here in Chicago—there are children being born who will be the third generation of their family on relief.

It doesn't do any good to talk about expanding the general economy, or to make snide remarks about people not wanting to work. Economic growth is only for those who are able to take advantage of it. And the environment of today's poor does not prepare them to take advantage of new opportunities. New York City, for example, has 50,000 white collar jobs going begging right now, and at the same time has 430,000 people on public relief. Why? Because these 430,000 people are too lazy to work? No. Because these people have been left behind. Because they do not have the training to qualify them for the jobs available.

And these people will always be poor unless we develop a national program which will at least give them an opportunity to break out of this treacherous and damning and demoralizing cycle of poor education, poor housing, poor training and poor health.

Well, we can help them break this cycle and President Johnson has dedicated his administration to that end.

Harry Truman used to say that 14 million Americans had enough resources to hire people in Washington to protect their interests, and that the other one hundred and fifty or sixty million Americans depended on the President of the United States.

President Johnson has made it abundantly clear that he intends to fulfill that responsibility.

We can find many selfish justifications for waging this war on poverty. By putting the unemployed back to work we will bring more money into the economy. By improving the health of the poor we lessen the chances of epidemics. By clearing our slums we improve our cities. By educating the children of the poor we add to our intellectual bloodstream.

These things are obvious. But I refuse to believe that we have to sell the program on that basis. In the long run, we will fight to eliminate poverty because we are still concerned with the individual—be he rich or poor, black or white.

And that, my fellow Americans, is why our system is the wave of the future, and why I am so confident that we will prevail.

Congressman Morris Udall Addresses Oklahoma State University

EXTENSION OF REMARKS

OF

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1964

Mr. EDMONDSON. Mr. Speaker, our colleague, the Honorable Morris K. Udall, recently delivered a principal address at the fourth annual Government Week held at Oklahoma State University at Stillwater.

This annual activity is one of only three such programs held in the United States.

It is entirely student planned and student operated and each year outstanding national political personalities are invited to participate. Representatives of both the Democratic and Republican Parties take part in this unique program.

This year, the Democrats were fortunate in being represented by one of our most eloquent and brilliant spokesmen, Congressman Udall.

The reports I have received on this year's event clearly indicate that every Member of this body should be proud of the thought-provoking presentation which our distinguished colleague from Arizona made to the students and faculty at Oklahoma State University.

Congressman Udall has won recognition as an outstanding political leader in less than two terms in the House. He has demonstrated great parliamentary skill and exceptional legislative ability in several major debates of this session.

Congressman Udall's speech at Oklahoma State University is a masterpiece of penetrating political thought, eloquence, and good humor. I sincerely recommend its reading and for this reason I wish to insert the speech in its entirely in the Record. Congressman Udall's speech follows:

"Old Spooks and New Issues in the 1964 Campaign"—Keynote Address by Hon. Morris K. Udall, Government Week, Oklahoma State University, Stillwater, Okla., May 4, 1964

If there is any hope for the future of this country—and I have never had more hope—it lies in our capacity to capture the enthusiasm of each succeeding generation and to utilize that enthusiasm for the betterment of our government institutions. In my judgment the program of Government Week which begins today on this fine campus is an example which ought to be copied everywhere. I am proud to attempt to sound a keynote tonight.

I can't help but recall that this is the State where the lilacs are supposed to grow so green and the cornstalks so tall. Perhaps Oklahoma has something special in its soil to produce all this vigor and vitality.

Vigor and vitality—those are words we can't utter today without a sharp and almost painful reminder of the event of last November 22. President Kennedy in his brief time on stage gave us a lot to remember, but most of all we remember him for his exuberance and vitality. Suddenly, when the country realized this exceptional young man had been elected President, youth was in style. Those of us who were about his age were astonished to realize that our generation had come to flower so soon. In the 3 tremendous, exciting years that he was in office many of the things we had learned to value were elevated in the national consciousness. Young people wanted to serve in government, in the Peace Corps, in Congress. And I am happy to say that they remain there today, a permanent contribution to our heritage as a nation.

But vigor and vitality—these are the things we think of first when we think of our late President. And I can see this infectious stuff at work in gatherings like yours all over our country. Government and politics are once again attracting the enthusiasm and the energy of our youth. Politics is in fashion once more.

There are other encouraging signs, too. Once men of wealth considered themselves above the hurly-burly of politics. They disdained politicians and held government in utmost contempt. Today we have Kennedys, Rockefellers, and Harrimans giving their time and energies to politics, wearing the title "politician" as a badge of honor which it is. This is remarkable from two standpoints—first, that, assured of lives of ease, they would go to so much trouble to achieve lives of pressure and turmoil; and, second, that the son or grandson of an oil tycoon or railroad baron would have the slightest chance of getting elected to anything. These are evidences, I think, that we do, indeed, have a maturing society and healthy political institutions.

But our Nation can't be governed only by the rich and near-rich. This is a democracy—in spite of what the John Birch Society prints on those little envelope stickers; you know, "this is a Republic—not a democracy"—and we need spokesmen in our government from all levels of society. I am happy to recall that we elected a Missouri haberdasher President a few years ago, and I think this Nation and the world will owe him a debt for generations to come.

Democracy—it's little wonder that Robert Welch and his friends detest the word, for it is such a substantial obstacle to the accession of any kind of power elite such as they would like to impose on our society. Unfortunately, it's also an obstacle to the quick solution of problems which may beset us. We have to contend with public opinion, and the public sometimes shows itself dreadfully uninterested in the hard, tedious homework necessary to get a real understanding of some of these issues. There is no doubt about it, democracy is frightfully slow, ponderous, and inefficient. It's costly and time consuming. In fact, as Churchill said, "Democracy is the worst governmental system ever invented except for all the others." Democracy gives the most to its citizens, but in turn it demands the most from them.

When I was asked to discuss the great issues of 1964 in a frankly political fashion, I was at first taken aback. I'm not used to giving political speeches. Nearly all my speeches are high-level, unbiased, above the partisan fray. But that's what you people want, so I'll have to part from my usual academic manner and speak to you as a Democrat whose goal it is to help my party carry—not 25 to 30 or 40 but all 50 States for President Johnson next November.

Since this audience contains people of all views and parties I might feel a little guilty about the speech I am going to deliver if it weren't that you will be hearing from a distinguished member of the other party—I think it's called the Republican party—the day after tomorrow. I know you will enjoy hearing Senator Curtis, for he is a man who never hesitates to attempt the impossible. That is probably why he consented to appear before you and defend the record of his party.

You know, we make light of political partisanship, and this is all right. We need a sense of humor. This was another of President Kennedy's contributions to our national life. But, even though we joke about it, political partisanship is an important part of our democratic process. It is the raw material from which a democracy grinds out its decisions. I see things one way as a Democrat, having a certain set of values—the right ones—and Senator Curtis sees them another way as a Republican, proceeding from his set of values. Between these axes the grist of democracy is worked. So you see I will really be contributing to the advancement of our society by giving you tonight an old-fashioned Democratic speech in the tradition of Franklin D. Roosevelt with perhaps a little Alben Barkley thrown in, and with appropriate quotations from Socrates, Milton, Jefferson, and Barry Goldwater.

The life of nations, like that of individuals, has a way of ebbing and flowing. There are periods of great movement and intense activity, and there are periods of sitting and waiting. There are periods of challenge when we must act or forever regret it. There are periods when we must consolidate our gains and regain our energies.

In different times we have need of different kinds of leaders. Fortunately, our Nation has come forth on most occasions with men capable of leading us through these various phases. I'm even willing to say that a time or two—and I would certainly include the Civil War period—we did the right thing by electing a Republican. But don't press me for too many examples.

The other day President Johnson expressed something like my view on the Republican Party. "I like small parties," he said, "and I would say the Republican Party is just about the right size."

What kind of time are we in now? In my judgment 1964 is an in-between time—a time neither for resting nor heading out in hot pursuit of new and glittering goals. It is a time of decisionmaking. On those decisions may rest our future as a nation—a leader in world affairs or just another nation which once ranked at the top.

We live today in a world which is enduring a rather peaceful kind of war, as wars go, or a warlike peace. We have neither peace nor war. Understandably a lot of our people don't like this state of affairs, and they would like to change it. I don't blame them; so would I. But I'm afraid some of them don't care too much which alternative we take; I do.

Domestically, we live in a period neither of prosperity—though we have much affluence—nor depression—though we have much poverty—neither of a stable society—though our institutions are quite secure—nor an unstable society—though we have a real social revolution in our midst.

We live in a time when changes in our economy, our population and our relations with other countries of the world hold the seeds of serious trouble unless we make plans now. What decisions we make next fall in electing a President and Vice President, 435 Members of Congress and about 33 U.S. Senators—to say nothing of Governors and State legislators and all the other public officeholders in our land—will have an important bearing on how we proceed with those plans and on what plans we make. I say the Democratic Party offers the best promise that we will make the right decisions. I say your vote next fall—if you're old enough to vote yet—can play an important part in setting our country on the right course. I want to see it a Democratic vote, and now I'll tell you why.

Let me discuss first the domestic issues which face us, and then I'll turn to world affairs.

In my judgment, when historians survey the sixties and seventies, they will judge our leaders and our political parties by the way they approached and handled two great domestic issues.

What do you suppose they are? Well, I'll tell you two so-called issues I'm not talking about.

I'm not talking about socialism, and I'm not talking about the welfare state. These old spooks, these old, time-worn bugaboos are dragged out every even-numbered year and held up to scare the American people. They have no more significance to our economy, our Government, or our society than "black magic" or New Salem witchcraft. These are not issues, and yet you will be told that they are. You will be told that Democrats are profligate, that they're wild spenders, that they want to take this country down the primrose path to socialism, or worse, that we want to weaken the moral fiber of American people through welfare schemes that will rob them of their dignity and their ambition, that we want to wetnurse our whole population from cradle to grave, that we want to take from the diligent and frugal and give to the shiftless and lazy, extracting through ever-higher taxes the good citizens' hard-earned money to finance an ever-growing frankenstein monster of government bureaucracy which stretches its tentacles ever farther, strangling the States, taking lifeblood from our people, incurring national bankruptcy and saddling our poor grandchildren with mountainous debt. You will be told that the Democrats, in their evil, black little hearts, are devoted to alien economic systems, determined to destroy free enterprise, and dedicated to the destruction of liberty and freedom wherever they flourish. And, you will be told that you must fear Washington more than Moscow.

My friends, let me quickly take the sheets off these spooks here and now.

While most of the free nations of the world have Socialists in their parliaments, there are none in our Congress, and I know of no one in a responsible position in our Government who advocates anything like socialism.

Looking at the real test of socialism—government ownership of railroads, utilities, airlines, factories, the means of production—the United States doesn't begin to compare with most of the free nations of the world. In fact, if Barry Goldwater succeeds in selling TVA for $1, as he proposed, we'll be about of business, socialismwise.

Four-fifths of our Federal budget, which you are told is so monstrous, goes to pay the cost of defense and past wars.

The only part of our Federal budget which is really controversial, as between Republicans and Democrats, is that devoted to health, welfare, education, and labor. And this portion of the budget, far from growing, has steadily receded until today, taking inflation into account, it is only half the dollar amount expended for the same programs in 1939. And are even these programs "socialism"? Well, they are if you define "socialism" to mean aid to the blind, medical research, the policing of labor unions, and the school lunch program.

Of course, if Senator Goldwater were here, he would assure you—and perhaps he is right—that the Arkansas River project is socialism.

You might think that this was good for your State, that it would improve commerce and business, create jobs, and develop your resources. Naturally, when we undertake to build dams, aqueducts, water development, and flood control projects in Arizona, this is not socialism at all.

And while I am on this subject, let me discuss another favorite Republican argument—that the Federal Government is growing out of hand, increasing its employees, building up a burdensome debt for our grandchildren to pay, and all the rest. Here are some figures:

Your government payroll grew 382 percent between 1946 and 1961.

The number of employees working for your government grew 172 percent during that period.

Your government's debt went up 393 percent.

The annual expenditures of your government increased 302 percent.

Taxes collected by your government skyrocketed 159 percent.

Terrible, isn't it? Do you think someone ought to drop a bomb on Washington? Well, before you do that, let me point out that I wasn't talking about your Federal Government. I was talking about your government right here in the State of Oklahoma. What do you think about that?

Do you want to know what our monstrous Federal Government was doing in the same period of time? Here are the figures:

The Federal payroll grew too—132 percent, compared to Oklahoma's 382 percent.

Federal employment increased—6.8 percent compared to Oklahoma's 172 percent. And listen to this: I have just received the figures for 1963, and believe it or not, Federal employment is now 9 percent under that of 1946.

The Federal debt did go up—7.2 percent, compared to Oklahoma's 393 percent.

To be sure, Federal expenditures went up—41 percent, compared to Oklahoma's 302 percent.

And Federal taxes went up—no doubt about it—87 percent, compared to Oklahoma's 159 percent.

Now, I cite these figures, not to be critical of Oklahoma, but to point out the failure of critics to take into account the one reason why our government budgets keep going up. That reason is simple—our population is growing. Oklahoma has had to build roads and schools and sewerlines and all the rest—because Oklahoma's population is growing Your Governors and your legislatures have not just maliciously wanted to increase spending, add employees and increase the State indebtedness. They have done so because your State was growing, and your citizens required those services. The same is true of the Federal Government.

These facts tell a far different story from the one you will hear this fall:

On a per capita basis the Federal debt is steadily declining. In 1946 it amounted to $1,900 per person in this country. It is down now to $1,600.

In relation to the size of our economy—in other words, our capacity to carry debt—the Federal debt has dropped even more. It was 128 percent of our total national income for a year. It is down now to 56 percent.

Our Federal employment, per capita, is down. In 1946 it was 19 Federal employees for every thousand population. That figure has dropped to 13, and of those 5 work for the Defense Department, 3 in the Post Office, and 1 in the Veterans' Administration. The other 4 of the 13—650,000 of them—are less than people employed by General Motors.

In the decade from 1952 to 1962 we added a population the size of Mexico without hiring any new Federal employees to take care of their needs.

In the 8 years President Eisenhower was in office he neither recommended nor signed any legislation to cancel out social security, the Federal Housing Administration, aid to the aged and blind, Federal deposit insurance or any other democratic programs which orators of his party—and he too—so often characterize as socialistic. Thus I submit that socialism and the welfare state are not issues in the forthcoming campaign.

Furthermore, I reject as false the slogans which claim that our freedoms are being taken away. All our basic freedoms are intact, and with passage of the civil rights bill they will be even more intact. We can worship where we please. We can say what we please about our elected leaders—and a lot of us do. We can publish newspapers and books and tracts and even hate sheets. We can vote. We can meet and plan how we are going to infiltrate the PTA. We can all exercise—and sometimes do—that great constitutional right to make a fool of ourselves. We can do anything that a free people can do. I say no nation ever had more freedoms than we now enjoy.

I reject, too, the false and simplistic explanation that social legislation leads to socialism, which is one step away from communism, and so forth. This is nonsense. Look at the countries of the world today. According to the fanatics of the far right we have a kind of sliding scale, mysteriously tilted somewhat to the left. At the far left we have the Communists like Khrushchev. Then we have the Socialists, like Norman Thomas or Charles de Gaulle. You know, they have a real planned socialist economy in France now. The Government is even in the automobile business. Then we have, I gather, Democrats like HUBERT HUMPHREY or, getting closer to the center of the scale, HARRY BYRD. On the right side we have Republicans like Senator JAVITS or, moving out a bit, BARRY GOLDWATER. Then we have various gradations of conservatism like the Christian Anti-Communist Crusade and the Arizona Mothers for Earl Warren's Impeachment, and finally we get out here on the very end of the scale with the John Birch Society and outright fascists.

According to advocates of this simplified grading system the way to head off communism is to cluster out here at the far right so you will have the longest possible way to slide before you slither down here to communism. Now I ask you to test this great theory against two questions: First, which of all the world's countries are least likely to adopt communism? I think you will find that our friends Great Britain, France, Sweden, West Germany, Australia—countries such as these—are least likely to adopt communism, even though they have substantial amounts of what BARRY GOLDWATER calls "socialism." In fact, they have many state-owned industries, and they have all sorts of programs such as government medical care and social security. Secondly, which countries are most likely to go Communist? Why, it is the countries where dictators and oligarchies prevail, where any welfare program would be denounced as communism, where the rules are in complete agreement with the philosophy of the John Birch Society.

Is it true, then, that sound, democratically voted legislation leads to socialism, which leads invariably to communism? It is not, and those who use such spurious reasoning do harm to our national discourse.

All right, I have mentioned some of the things I do not regard as issues in the forthcoming campaign. What are the two great domestic issues on which this generation will be judged in the 1964 campaign and in the years ahead?

First, we will be judged in my opinion on how we handle the civil rights revolution. I use that word intentionally, because I believe we are indeed witnessing a real, honest-to-goodness revolution in our country. The Negroes, both in the South and North, have been downtrodden too long, and they are demanding reforms. I believe those reforms will be forthcoming, partly through legislation, partly through changes in social attitudes prompted by necessity, and we will pass this difficult hurdle.

The second issue I would cite is the challenge of employment resulting from our annual population gain of 3 million and our annual job loss to automation of 1 million.

First let me say something about civil rights. There are people in our midst, including one presidential candidate, who would like to sweep this issue under the rug. Senator GOLDWATER, in his book "The Conscience of a Conservative," makes a strong case for the natural rights of employers to operate their plants when struck, and for States to enact right-to-work laws, but he says "civil rights" is simply "a name for describing an activity that someone deems politically or socially desirable." He makes clear he has little sympathy for legislation to protect the rights of American citizens, whatever their color, to attend nonsegregated schools, to receive equality of economic opportunity, or to be accorded normal courtesy and respect in everyday commerce.

What are the facts, and why is this a matter of such urgency today? Here is why:

In the State of Mississippi there are 900,000 Negroes comprising 42 percent of the State's population, yet they have less than 5 percent of the registered voters. The white population, with 58 percent of the residents, has over 95 percent of the registered voters. The Negroes in Mississippi do not fail to vote because of lack of interest. They are discouraged, intimidated, and prevented from registering by every conceivable kind of pressure. This year, to add insult to injury, the Mississippi Legislature has appropriated hundreds of thousands of dollars from tax funds to which Negroes contribute in order to spread false and malicious propaganda all over the country.

Unemployment in this country is high, but more than two out of every three unemployed workers are Negroes.

In many States a Negro of the best character and best education is unable to obtain services provided unquestioningly to white persons of the lowest moral character and least education.

Such conditions are intolerable in a democracy. One thing is very clear. There are going to be changes in our pattern of race relations in this country. We are not going back to the comfortable old patterns of the forties or the thirties, or the 1890's. The time when the Negro "knew his place" and stayed in it is forever gone. We can either handle this revolution honorably and peacefully and start about to make the necessary adjustments or we can let it fester until it erupts into the kind of tragedy they have had in South Africa. The Democratic Party has taken the lead in sponsoring legislation in the current Congress to correct some of these longstanding wrongs. Fortunately many good, sound responsible Republicans have joined in this effort. But vocal among the objectors are men like Senator GOLDWATER and Senator TOWER, of Texas, who sees this legislation as a threat to private property as though the right of property were the one basic right from which all others, including human rights, stemmed. According to this line of reasoning, the State would have no right to restrict the operations of a bawdy house or gambling casino so long as they were conducted on private property.

Right today, a man who owns a motel and restaurant in Oklahoma on his own property is not totally free from Government interference. The State and the Federal Government, through existing laws, fix minimum wages he can pay, maximum hours he can work women employees, minimum wages at which he may employ children; existing laws permit the local government to inspect his elevators and require certain safety practices, limit the size of advertising signs, force him to comply with all the requirements of technical building codes, determine the temperature for his dishwater and the kind of soap he must use, require him to obtain workmen's compensation and unemployment insurance coverage, deduct social security contributions, and match them himself. There are many other present restrictions on the operation of a private business on private property, and I might add that if your proposed right-to-work law passes, the employee in addition will be forbidden to have a union shop even though he might want one.

To all these present "interference with private property," we would simply add one more. The hotel-restaurant owner serving interstate passengers may, if he chooses, refuse service to all citizens who won't pay his room price, to all who are drunk or disorderly. But under the public accommodations section he cannot refuse a Negro, Jew, or Mexican-American for reasons of race or religion. It is a sad fact that many businessmen will now cheerfully serve any gambler, ex-convict or drunk so long as he is white, while refusing to serve a college president if he happens to be a Negro.

Civil rights will be an issue in many congressional races, I suspect, and just possibly on the presidential level, depending on whom the Republicans nominate. It will be argued that the Civil Rights Act—and I expect it will be an act by campaign time—is so drastic that it will wreck the Constitution. Those who may hear these charges should go to New York or California or any of the cities with public accommodations and FEPC laws already on the statute books, and they will find that these laws have had none of the dire consequences predicted by the apostles of fear. In fact, 70 percent of the American people live under such laws today, and they're still free and their institutions are unharmed.

I happen to be one who thinks that neither all the hopes of the proponents nor the fears of the opponents are justified in regard to this legislation. I think we can and must pass the civil rights bill—and then implement it through wise and prudent administration—but I think both the opponents and proponents are going to be disappointed. New York and California both have stronger laws than we are going to enact, yet in those States there are still many problems, many examples of circumventing the law. And, from the standpoint of the opponents, there are still quite a few white men whose sisters haven't yet married Negroes, there are still quite a few school districts with de facto segregation and many country clubs and athletic clubs who have yet to admit their first Negro, and there are still a few Negroes around who haven't done white men out of their jobs.

These laws in New York, California and elsewhere were just a beginning down a long road. The civil rights bill being debated in Congress is also just a beginning toward a more free and open society.

The Democratic Party has among its members many southerners who oppose this legislation; I don't mean to ignore that fact. Our party is the only national party, it is the majority party, and historically it has been a balky and brawling organization without much discipline. Democrats draft the civil rights bill; other Democrats lead the fight against it. It was Oklahoma's favorite son, Will Rogers, who perhaps put it in perspective when he said: "I belong to no organized political party. I am a Democrat." But the majority of Democrats in the Congress saw in 1963 civil rights was a problem that could fester and explode into open conflict. Real social forces were at work, and the time for action was clearly indicated. Twice in the last decade the Democratic majority in Congress took the lead in enacting first-step legislation in the field of civil rights, but it wasn't until last year that the country had come to recognize the need for more thorough reforms. When that time came, President Kennedy and the Democratic leadership in Congress went into action, and the civil rights bill is the result. When the civil rights bill passes, and Negroes at last have real support for their efforts to register and vote, you will hear the voice of the South in new and more modulated tones, and it will be more the voice of reason and of justice.

The second issue I mentioned was the challenge of employment. Let me dramatize the statistics in this fashion. Suppose that I were invited back to speak to you on this same day next year. Two important changes would have occurred:

A million Americans who went to their jobs today would be out of those jobs because machines took their places.

Our labor force—the total number of workers working or looking for work—would have grown by at least 1½ million.

There you have our employment problem in capsule form, and I'm sure you agree it poses some serious problems for our economy. We have right now over 5 percent of our labor force unemployed. We need 2.5 million new jobs every year just to stand still, to say nothing of providing jobs for the 4 million Americans now out of work. Failure to act, in my judgment, would be criminal, and yet you hear many members of the other party saying that if we denounce Government interference with free enterprise loudly enough, the problem will take care of itself. We must maintain an open, incentive economic system but pure free enterprise went out when we passed the first antitrust law.

Our Government is an instrument that belongs to all of us, and we can use it, if we will, to spur our economy, help create jobs, and make our incentive enterprise system better. These problems aren't going to be solved by lectures on thrift or the evils of socialism.

What do the Democrats propose to do about this challenge?

We propose to give the free enterprise system an assist in the same manner as an ill person might be given a blood transfusion. You know, there comes a time in certain illnesses when the patient can't regain his strength without a boost of some kind. Oftentimes one or two blood transfusions will do the trick, and from then on he's on his own, his own body processes picking up momentum until he's a healthy, normal person again. The same can be true of a nation's economy. We propose just such measures to help this languid giant, the free enterprise system, regain his health and vitality.

Democrats are often attacked as "antibusiness" and I think it has been recognized that the greatest drag on our economy in recent years has been the outdated income tax rates. Yet, this antibusiness party in just the last 24 months has provided the business firms of this country with a total of $6.5 billion in annual tax reductions. Let me emphasize this point: If the 7 percent investment credit in the 1962 tax bill had not been passed, if the new liberal depreciation guidelines announced by President Kennedy were not now in effect, if the 1964 tax cut had not been passed, business firms in this year 1964 would be paying $6.5 billion more in taxes than they actually will pay. The "probusiness" party fought these changes and if they had had their way we would have this year $6½ billion less going into new plants, new businesses, higher profits, and new jobs.

In just 3 years of the Kennedy-Johnson administrations the gross national product has risen from $500 billion to more than $600 billion. Personal income has increased 17 percent, or more than $70 billion. We have had an almost unprecedented period of price stability, and corporate profits after taxes represented an alltime peak of $27.4 billion, a 43 percent increase over the rate of early 1961.

But these are accomplishments, not new proposals. We are midstream in the program to create more jobs for Americans. What other measures are needed?

We propose a program of manpower retraining. One of the serious problems we face is the worker whose job classification has ceased to exist. What is he to do? We propose a program supported by the Federal Government to help him gain new skills.

We propose programs to improve the quality and extent of education, particularly in the slums and depressed areas, in order to advance the opportunities of young people to rise above the limitations of unfavorable environments.

We propose a Job Corps for young people, to give them the opportunity to learn useful skills and get a taste of the satisfaction that goes with productive activity, either in the out of doors or in urban training centers.

Finally, we propose an all-out attack on poverty in this land of wealth and affluence. We have the richest nation on earth, and yet we tolerate poverty and unemployment far in excess of most other Western nations. Indeed, some of the free nations of the world have no unemployment and no poverty.

Will the war on poverty be an issue in the coming campaign? You can be sure it will. The Republican leadership in Congress has already made clear it intends to oppose the antipoverty program. Why? It's the same reason they always give. It will take from the rich and give to the poor. It's socialism. It's a devious plan to redistribute the Nation's wealth.

Surely, we have heard this tune enough to recognize how flat it is. We have been hearing it for years. Now let's look at the facts:

They told us the various New Deal programs of social welfare would take from the rich and give to the poor—and ultimately lead us to the leveling of income characteristic of socialism. And what happened? The top 5 percent of our population today receives 20 percent of our income, while the bottom 20 percent gets only 5 percent. The number of millionaires in this country increased more than threefold in the last 10 years alone. The top 9 percent of our population now owns 46 percent of our assets. If this is socialism, I'm afraid Norman Thomas is a capitalist.

Against this picture of great accumulation of wealth must be placed the picture of 10 million families subsisting on a median income of $1,800 a year. This is inexcusable in a nation of such wealth. BARRY GOLDWATER may say that the answer is for these 10 million Americans to get off their behinds and assert themselves or perhaps inherit something but this kind of reasoning is reminiscent of that other great Republican sage, Warren G. Harding, who, in a depression of the 1920's uttered those comforting and immortal words: "When the great masses of people are unable to find work, we have unemployment." These people are not poor because they are lazy. They're poor because our complex society has failed to provide them the education, the job training, the environment, and the job opportunities needed to make them productive units in our economic system.

The poverty program is not a program to reduce poverty by spreading the wealth of others; it is not a program to increase handouts in order to decrease distress. It is not primarily a program to help the poor, but primarily a program to let the poor help themselves.

The Democratic Party intends to wage that war on poverty and it intends to meet the challenge of employment. You may be sure these economic issues will be a part of the forthcoming campaign.

Thus far I have been talking about domestic issues. Now I want to turn to foreign affairs. In my judgment historians will appraise the leaders of this era by the way they handled two international problems:

The first of these is the maintenance of peace with freedom, minute by minute, hour by hour, day by day, in a world capable of destroying itself in the next 30 minutes. We might well reflect for a moment that this year marks the 50th anniversary of World War I and the 25th anniversary of World War II. If the pattern were to continue, we would have a world war this year.

The second problem is our response to the dynamism of four simultaneous world revolutions. These include the political revolution now in progress as the era of empire bows to the era of independence. When the U.N. was formed, it had 51 nations. Today there are 113 members. Also the economic revolution in which 2 billion underprivileged people—earning less than $100 a year, while we sit in an island of wealth with 25 times that amount—are seeking the benefits of modern, industrialized society. And the population revolution, a fearsome phenomenon which threatens to engulf us all as the world's population doubles, and then doubles again faster and faster. And finally, the scientific revolution, with atomic energy, the jet airplane, automation, all combining to release the genie from the bottle, making the world much smaller, more volatile, and more dangerous.

The Republicans' recipe for handling these problems, as indicated in their recent speeches, is very simple and pat. All we have to do is "get tough." That's it. Tell the rest of the world to stop this nonsense right now. Panama wants a new treaty for the canal? We'll go to war with them, a nation of one and a half million people. Cuba shuts off our water? Send in the Marines.

This is the pattern—bluff and blunder. I can't imagine any course of action more inappropriate or more likely to lead to almost unthinkable disaster.

The foreign policy of the Democratic Party is based on two or three hard realities. Let's see what they are.

The first is this. If we are not careful, nuclear war can occur. We tend to put this out of our minds but it is a real and very genuine danger.

It must be avoided while, at the same time, we keep our freedom and our honor. While Khrushchev and our American leaders have shown an awareness of the danger of nuclear war, can anyone guarantee that every national leader with the power to use nuclear weapons will hereafter be a person of restraint and judgment? Here, let me pose a question. Science has always outrun the art of government. Suppose that science had been 10 years ahead of the progress it had in this century and that Hitler had had nuclear weapons and long-range missiles. Can any reasonable person doubt that this madman, as the Allies closed in on Berlin in 1945, would have refrained from using these weapons? And, as nuclear science becomes available to more and more nations, can anyone guarantee that there will never again be a national leader as unstable as Hitler?

Second, communism is no longer a monolithic, centrally directed movement. It has begun to break up, and in its place we see once again that old "ism," nationalism, emerging as the most significant force in foreign affairs.

At the end of World War II the world was left with but two great powers—the United States and the Soviet Union. For the next 18 years we saw a great power struggle, heightened by the rapid development of nuclear weapons and guided missiles. Other nations, lacking these weapons and fearing the consequences of this power struggle, scurried to find shelter in one camp or another. I think we are nearing the end of this period, and evidence of this is to be found everywhere—on our side and theirs.

No longer are our allies jumping when we say jump. To our consternation they sell buses to Castro, they recognize Red China, and they tell us to get out of southeast Asia. But look what's happening on the other side. Red China, instead of blindly following Kremlin policy, has called for Khrushchev's ouster and armed the Russian-Chinese border. Yugoslavia has gone independent and turned 85 percent of its trade to the West. Albania has allied itself with China and ordered Russian troops and naval vessels from its borders. Rumania, Hungary, and Poland are becoming more and more Western in their economic and political policies.

What we see today is a world of increasing diversity—a world a little less dangerous, but with many more problems. Democrats believe in facing facts, pleasant or unpleasant. And I think all Americans would be wise to look at the world as it is—rather than as we might want it to be—and face up to these blunt realities:

The American people through their President and Congress can determine what will and will not happen in our 50 States. The American people, like it or not, can no longer decide what will or will not happen in every other part of the world. Through wise policies and vigorous leadership we can hope to influence events outside our borders, but we cannot expect always to control them.

We have people today who imagine that the United States, by brandishing big sticks, can order other nations to jump when we say jump.

Actually, I don't mean to be too hard on the Republican Party in this regard. To be sure, we have some militant stick brandishers speaking out in that party today, and one of them might get nominated next July. But I would remind you that for the past 25 years this Nation has had a largely bipartisan foreign policy. Men like Dwight Eisenhower, Arthur Vandenberg, Christian Herter, and Walter Judd have played an important part in determining this Nation's broad policies toward the rest of the world. I think responsible Republicans will continue to do so. Surely we are all in the debt of Everett Dirksen for the constructive part he played in the nuclear test ban treaty last fall, and in the financing of the United Nations the previous year. I believe the United States should speak with one voice in its international negotiations, and I believe this should be true, no matter which party controls the White House.

But aren't we losing the cold war? How many times have you heard that question asked, and then answered, in ringing tones, "Yes." The Russians are devious and clever. We are stupid. Their policies always succeed. We always blunder and fail. Well, my friends, I tell you flatly that this charge is false. It's just as false as if I were to tell you that we have lost the fight to polio. A few years ago we had a real problem with polio in this country, and we had real problems with the Communists around the world. We met the problem of polio with the Salk and Sabin vaccines. We have met the problem of communism with alliances like NATO, CENTO, and SEATO, with foreign aid, with military assistance, with the building of a defense establishment second to none. Both polio and communism are still there, we still have to work at keeping them down, but the big battle has passed.

Late last year, the magazine, U.S. News & World Report, which is not widely known as an all-out liberal publication, and whose editor, David Lawrence, has been perhaps the most vocal critic of Presidents Kennedy and Johnson, carried a factual article entitled "Is Russia Losing the Cold War?" This was the magazine's opening statement.

"Everything points to it: After 46 years of communism, Russia is shown up as a land of failure. A food shortage, forcing Russians to turn to the West for help, is just the latest sign. People at home still suffer repression and want. The arms race is going badly, the space race, too. Russia, clearly, has lost the cold war."

Those eternal pessimists who continue to tell us that communism is on the march haven't been watching the front lately. It is true that from the end of World War II to 1956, when Khrushchev came to power, communism did have a great growth. Ten nations and 800 million people went behind the Iron Curtain. Since then the Communists can claim only Cuba—and perhaps Zanzibar—neither of these losses was due to brilliant Communist strategy. And even these countries are showing signs of independence and nationalism.

Sometimes you just can't please. You are damned if you do and damned if you don't. In the past three presidential elections the Democrats have been attacked as the party of war because we were in office during World War I, World War II, and the Korean war. No mention was made of the fact that on those occasions the Republicans voted to a man to go to war. Apparently they would want our citizens to believe that the Republicans would not have shot back when the Japanese attacked Pearl Harbor or the Communists crossed the 38th parallel. However, this year we're hearing another tune. The Democratic Party is no longer the party of war. We're being attacked as the party of peace. Why? Because we haven't yet invaded great military powers like Panama or Zanzibar—a huge and powerful nation almost as big as Tulsa.

This is like a story Alben Barkley told about a schoolteacher who applied for a job in the backwoods of Kentucky. He was asked whether he thought the world was round or flat. "You tell me," he said. "I can teach it either way."

What I have been trying to say this evening is that the Democratic Party is a party of programs, the Republican Party a party of slogans. The next time a Republican orator tells you that he has the ready answer by which we can liberate the satellites before next Christmas, end foreign aid, achieve total victory over communism, repeal the income tax, reduce Federal spending, provide more bombers to replace these unreliable missiles, and balance the budget at the same time—why not ask him just what specific programs he has in mind for those who are out of work and for keeping communism out of Latin America. We can't simply wring our hands or damn the Federal Government. Some kind of action is required. There is work to be done. Words won't do it.

I think the Democratic Party will win this year, electing President Johnson—a reasonable man, a moderate and progressive man—to his first full term, and electing large majorities in the House and Senate. It will do so, not because of personalities, but because the Democratic Party has constructive programs to solve the many problems we face as a nation. It has always been the party of people, the party of action, and the party of progress.

But perhaps you think I'm biased. Perhaps you have the impression I am partisan in my views. In that case I want to call your attention to a survey made last year of the judgment of 75 leading historians on the achievements of American Presidents. Five Presidents were ranked as "great," six as "near great," about a third as "average," half a dozen as "below average," and two as failures.

Of the 5 great Presidents, three were Democrats—Thomas Jefferson, Woodrow Wilson and Franklin D. Roosevelt. One was a Republican—Abraham Lincoln. One was a Federalist—George Washington.

Of the six near-great Presidents, four were Democrats—Andrew Jackson, James Polk, Grover Cleveland, and Harry Truman. One was a Republican—Theodore Roosevelt. One was a Federalist—John Adams.

In all the history of the United States only two Republicans ranked above average. The two Presidents judged as "failures" were both Republicans—Grant and Harding.

There is an evaluation by a group which can hardly be labeled as apologists for the Democratic Party—75 of this Nation's leading historians. And they say that among the "great" and "near great" Presidents in our history, the Democratic Party outranks the Republican 7 to 2.

It's interesting to note that of the Presidents we have had in the past 50 years—not including Presidents Kennedy or Johnson—these historians rank the three Democrats as "great" or "near great," and the four Republicans as "average," "below average" or "failures."

Now, in the light of this appraisal, I ask you students, "Which party has proven itself as the party of programs?" The answer is obvious. As you continue your studies and as you seek opportunities to become a part of this great political process, I hope you, too, will add to the creativity, the imagination and the energy of the Democratic Party.

But whichever party you prefer, choose one of them and get involved. It was Plato who said:

"The punishment of wise men who refuse to participate in government is to be governed by unwise men."

SENATE

THURSDAY, MAY 14, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, Thou hast taught us that the very bodies which house our spirits are to be shrines of the holy. We do not seem to ourselves temples of the sacred, but, rather, very secular houses not fit for Thy dwelling.

Yet Thou seest a temple in each of us—an altar there, even though neglected—and needs, aspirations, yearnings, and capacities, if we would but rise to our best selves.

For our own sakes and for the sake of this needy world, O God, who hast summoned us to serve in a desperate day, cleanse us, and make us right within, that our humble temple may be alight with the divine.

We repent and are heartily sorry that we fall so far short of Thy glory, but are grateful for the eternity planted deep in our hearts, so that we are restless and dissatisfied with all but Thyself.

Even with all our imperfections, give us courage, give us vision, give us wisdom for the serving of these days.

In the Master's blessed name we pray. Amen.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 13, 1964, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, under the conditions heretofore stipulated, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 10 A.M. ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its work today, it take a recess until 10 o'clock on Friday morning, May 15, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 221 Leg.]

Aiken
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Douglas
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Smith
Stennis
Symington
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Fulbright], the Senator from Arizona [Mr. Hayden], the Senator from Missouri [Mr. Long], the Senator from Oregon [Mr. Morse], and the Senator from Georgia [Mr. Russell] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Magnuson], the Senator from Florida [Mr. Smathers], the Senator from Alabama [Mr. Sparkman], and the Senator from South Carolina [Mr. Thurmond] are necessarily absent.

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

Mr. KUCHEL. I announce that the Senators from Colorado [Mr. Allott and Mr. Dominick] are absent on official business.

The Senator from Arizona [Mr. Goldwater], the Senator from New Mexico [Mr. Mechem], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Kentucky [Mr. Cooper] and the Senator from Kansas [Mr. Pearson] are detained on official business.

The PRESIDING OFFICER (Mr. McIntyre in the chair). A quorum is present.

JOINT SESSION OF CONGRESS TO HEAR ADDRESS BY THE PRESIDENT OF IRELAND

Mr. MANSFIELD. Mr. President, last June, President John F. Kennedy visited the Republic of Ireland, where he was accorded the honor of addressing a joint session of the Houses of Parliament. At that time, he extended an invitation to President Eamon de Valera to visit the United States. President de Valera accepted the invitation and will pay us the honor of a visit. He will arrive on May 27.

Mr. President, for the information of the Senate, let me state that on May 28 at 12:30 p.m. there will be a joint session of the two Houses in the Hall of the House of Representatives to hear an address by the President of Ireland. I anticipate that the Senate, as a body, will leave the Chamber at approximately 12:15 to attend the session.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, for the consideration of the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

OFFICE OF EMERGENCY PLANNING

The legislative clerk read the nomination of James D. O'Connell, to be an Assistant Director of the Office of Emergency Planning.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. Mansfield, the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association, and it was signed by the Acting President pro tempore.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate a communication and letters, which were referred as indicated:

PROPOSED PROVISION TO THE BUDGET, 1964, FOR GENERAL SERVICES ADMINISTRATION (S. DOC. NO. 73)

A communication from the President of the United States, transmitting a proposed provision, for the fiscal year 1964, for the General Services Administration (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Authorization of Certain Veterans' Benefits for Disability or Death

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by Reservists while proceeding directly to or returning directly from active duty for training or inactive duty training (with an accompanying paper); to the Committee on Finance.

Disposition of Executive Papers

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, favoring the enactment of the civil rights bill; ordered to lie on the table.

A resolution adopted by a Committee for America (White), of Richmond, Va., remonstrating against the enactment of the civil rights bill; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HAYDEN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 502. A bill to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam (Rept. No. 1023).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN (for himself, Mr. HRUSKA, Mr. FONG, Mr. BAYH, Mr. WILLIAMS of New Jersey, and Mr. JOHNSTON):

S. 2838. A bill to assure that no person charged with an offense against the United States, or with an offense triable in the criminal division of the District of Columbia Court of General Sessions, shall be denied bail solely because of his financial inability to give bond or provide collateral security, and for other purposes;

S. 2839. A bill to assure that all persons convicted of offenses against the United States will receive credit toward service of their sentences for time spent, prior to sentencing, in custody for lack of bail; and

S. 2840. A bill to further implement the constitutional right to bail by permitting persons admitted to bail to make a cash deposit with the court in lieu of providing sureties or other collateral security; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above bills, which appear under a separate heading.)

By Mr. KEATING:

S. 2841. A bill for the relief of Law For Wing, Law Wan Koon Dai, Law Yee Lan, and Law Yee Ping; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. MECHEM, Mr. METCALF, Mr. SIMPSON, and Mr. THURMOND):

S. 2842. A bill to confer jurisdiction on U.S. district courts to hear and render judgment on certain claims; to the Committee on the Judiciary.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. PELL (for himself and Mr. PASTORE):

S. 2843. A bill to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. PELL when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 2844. A bill to amend the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to enforce the duty imposed on each carrier to provide adequate service in connection with the transportation authorized by its certificate of public convenience and necessity; to the Committee on Commerce.

By Mr. PROXMIRE:

S. 2845. A bill for the relief of Rosette Sorge Savorgnan; to the Committee on the Judiciary.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 2846. A bill to amend the Internal Revenue Code of 1954 to exempt sweepstakes conducted by a State from the tax on wagering; to the Committee on Finance.

(See the remarks of Mr. McINTYRE when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 2847. A bill authorizing the Secretary of the Army to convey certain land in the State of Utah to the Cerebral Palsy Center for Multiple Handicapped, Salt Lake County, Utah; to the Committee on Armed Services.

By Mr. WILLIAMS of New Jersey (for himself, Mr. RANDOLPH, Mr. INOUYE, Mr. PELL, and Mr. McGEE):

S. 2848. A bill to establish a program for Federal assistance for college and vocational education loans and a program for Federal undergraduate scholarships; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. AIKEN (for himself and Mr. LAUSCHE):

S. 2849. A bill to amend the act authorizing association of producers of agricultural products, approved February 18, 1922; to the Committee on the Judiciary.

(See the remarks of Mr. AIKEN when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

REQUEST FOR THE UNITED NATIONS TO TAKE STEPS LOOKING TO SELF-DETERMINATION OF ALL PEOPLES

Mr. GOLDWATER submitted a concurrent resolution (S. Con. Res. 85); which was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 85

Whereas the United States of America was founded upon and long has cherished the principles of self-determination and individual freedoms; and

Whereas these principles are the reason d'être of the United Nations, as set forth in the charter of that world organization; and

Whereas the United States and all other member nations signatory to that charter have solemnly pledged themselves, collectively and individually, to make these principles universal and to extend their benefits to all peoples; and

Whereas since 1918 Soviet communism has, through the most brutal aggression and force, deprived millions of formerly free peoples of their rights to self-determination and has enslaved their homelands; and

Whereas the Congress of the United States has unanimously expressed, in Public Law 86-90, approved July 17, 1959, its revulsion at the continued enslavement by the Soviet Union of the peoples of Poland, the Ukraine, Czechoslovakia, Byelorussia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and other lands, all of which now are known as the "captive nations"; and

Whereas the peoples of these captive nations, as well as those of Cuba and other lands since subjugated in whole or in part by Soviet communism, have found little, if any, hope of eventual freedom in the political differences which have arisen between Soviet Russia and its satellite, mainland China, and may look only to the United States and the United Nations for liberation; and

Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion and solution the problem of self-determination for the peoples enslaved by international communism; and

Whereas it is vital to the national security of the United States and the perpetuation of Western civilization in a world threatened by international communism that the hopes for freedom and self-determination shared by peoples of the captive nations be kept alive; and

Whereas the United States, in the case of other colonial states whose people long have enjoyed many personal freedoms and national benefits of a kind which have been denied in the colonies of Soviet communism, already has spoken out strongly in the United Nations in support of the principles of self-determination and individual liberties; and

Whereas, the Constitution of the United States of America, in article II, section 2, vests in the President the power, by and with the advice and consent of the Senate, to make treaties and appoint ambassadors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to demand, at the earliest possible date, that (1) the United Nations enforce its charter provisions which guarantee self-determination to all peoples; and (2) the Soviet Union, as the controlling power in world communism, be made to abide by its United Nations membership obligations concerning aggression and colonialism by ordering the withdrawal of all Soviet and mainland Chinese troops, agents, colonialists and controls from the captive nations and returning to their respective homelands all political prisoners and exiles now in slave labor and prison camps; and be it further

Resolved, That the President of the United States is further authorized and requested to instruct the United States Ambassador to the United Nations to bring before the General Assembly of that body and press for early approval of any measure or measures which would guarantee internationally supervised free elections by secret ballot in the captive nations; and be it further

Resolved, That the President of the United States is further authorized and requested to use all the diplomatic, treatymaking, and appointive powers vested in him by the Constitution to augment and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination for the captive nations.

ABUSES OF THE BAIL SYSTEM

Mr. ERVIN. Mr. President, the realization that our administration of criminal justice in many regards discriminates against the poor is cause for grave concern. Fortunately, in recent years steps have been taken to adjust many inequities. Most familiar is the increased protection given to the right to counsel. The Supreme Court has declared in *Gideon* v. *Wainwright,* 372 U.S. 335, that States must afford counsel to those accused of serious crimes in their courts. The Senate this session passed S. 1057, which would provide compensated counsel for indigents in Federal courts, thereby further equalizing the caliber of representation available to indigents and those who can pay for an attorney.

Similarly, in both State and Federal courts provision is now made to make available to those who cannot afford to purchase them free transcripts of trial proceedings, thereby enabling indigents to perfect appeals.

However, there is one area in which discrimination against the poor still persists. And in this area very little has been done to mitigate the effects of poverty. I speak of the bail system. Our system of bail is based on a monetary deterrent. This being true, those with no funds are precluded from pretrial release no matter how meritorious their claim to be free pending trial.

Several jurisdictions have taken steps to find an alternative to a monetary deterrent. Outstanding among them has been the project of the Vera Foundation in New York City. Other jurisdictions are following the example of this pilot project.

Mr. President, an article appeared in Parade magazine of Sunday, March 1, 1964, entitled "The Bail Scandal" which details the abuses caused by our system of bail and describes the efforts being made by the Vera Foundation to overcome them.

I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BAIL SCANDAL—THIS UNJUST AND ANTIQUATED SYSTEM KEEPS THOUSANDS OF PERSONS, MANY OF THEM INNOCENT, BEHIND BARS UNFAIRLY. IT CAN BE ENDED. HERE'S HOW TO DO IT

(By Lawrence Lader)

This spring, a giant national conference will be called together in Washington to tackle one of the Nation's most rampant but least-known injustices: the bail system. Law enforcement officials, judges, legislators, and Attorney General Robert F. Kennedy will sit down to discuss the antiquated and unfair method under which defendants post bond to guarantee their appearance for trial.

The meeting—the National Conference on Bail and Criminal Justice—will focus a spotlight on an evil which few Americans understand but which affects hundreds of thousands of them yearly. For under the bail system many defendants spend weeks and even months behind bars even though they have not yet been tried or proved guilty. Some are marked for life because of the system's injustices. And although a few cities and communities have launched promising reform programs, the evils extend to almost every corner of the country.

Typical of what happens under the bail system is the case of Daniel Walker, 25, of Glen Cove, N.Y. He was arrested on suspicion of holding up a delicatessen store. Although he protested his innocence, the judge set bail at $10,000. With a wife to support on his $50-a-week salary, Walker could neither raise the money nor borrow it from a bondsman. He was therefore jailed for 55 days until his lawyer convinced the judge to lower bail to $5,000.

During Walker's incarceration, however, the lawyer uncovered two crucial incidents. On the night of the robbery, Walker and some friends had been twice warned by a policeman for being too boisterous outside a bowling alley. The policeman's notebook listed Walker's name and the times: 8:45 p.m. and 9:20 p.m. Yet the robbery took place 20 miles away at 8:35 p.m.

When detectives drove all possible routes at breakneck speed and proved Walker could not have reached the bowling alley 10 minutes later, the judge declared him innocent.

The real tragedy, however, was that a cruel, discriminatory bail system had jailed Walker in the first place. Not only had an innocent man suffered behind bars; his life had been scarred by the resulting publicity. "A few neighbors treated my wife so mean while I was jailed she had to give up our apartment and move in with her parents," Walker says. "My car was repossessed, my credit destroyed. It took me 4 months to find another job." The Walkers now have a baby boy. "It's going to be hard on him when people talk about that 'jailbird,'" Walker says.

TOTAL OF 1.75 MILLION DAYS IN JAIL

In New York City alone in 1962, 58,458 persons spent "the shocking, staggering total of over 1¾ million brooding, degenerating days in jail—people who under our deeply ingrained concepts of law were presumed to be innocent and many of whom later were adjudged innocent," reports Judge Bernard Botein of the New York Supreme Court.

A disturbingly high percentage of defendants in other cities are jailed before trial because of the same bail system—70 percent in the St. Louis circuit court last year, for example. In two California districts studied recently, over half the defendants could not raise $1,500 bail. In Washington, D.C., almost half could not raise $1,000.

The hardest hit are people of limited means, particularly youths. Arthur L. Duke, Jr., 19, was recently jailed on a robbery charge in Des Moines, Iowa, because he could not raise $10,000 bail. Before the actual robber pleaded guilty, Duke had spent 2 months behind bars.

Unable to raise $1,600 bail, Sylvester Pendarvis, 18, was jailed recently for 13 months in New York on a stolen-car charge. When the court finally assigned him a free lawyer, Mrs. Sara Halbert, she produced evidence convincing the judge of Pendarvis' innocence. "The brutal irony of the bail system is that an innocent youth spent 13 months in jail before trial while gangsters gain their freedom in minutes," protests Mrs. Halbert. "In that same court a few days later, an associate of a notorious Brooklyn gang was released immediately on $25,000 bail. Thus the only real difference between a person in jail and a person on bail is money."

"If bail is set beyond his means," states Attorney General Kennedy, "[a man] goes to jail not because he is guilty but because he is poor. This is not equal justice. We must not equate a man's poverty of resources with his guilt of crime."

Yet money is the crux of the bail system. In its ancient form in Britain and the American colonies, bail was a simple matter of security. An accused farmer could leave gold pieces, or even a sheep, with the court to satisfy the judge he would return for trial to get his property back.

But as the Nation grew and defendants could disappear in teeming cities and beyond frontiers, judges increased this monetary security. Bail of $10,000 and $20,000 became common.

Since most defendants could not produce such ready cash, a new business sprang up—that of professional bail bondsman. He supplies money or bond for a defendant in return for a premium fee which varies from State to State but commonly is about $50 on the first thousand dollars, $40 on the second and $30 on each additional thousand. To safeguard his "loan," the bondsman usually makes the defendant turn over collateral ranging from savings bankbooks to the deed to a house. If the defendant has no collateral, he rarely gets bail bond.

BONDSMEN HOLD THE KEYS

As a result, the bondsman has become omnipotent. He, not the judge, decides today whether the defendant is a suitable risk and can produce enough security to go free before trial. "The professional bondsmen are the ones who hold the keys to the jail in their pockets," states Judge J. Skelly Wright of the U.S. Circuit Court of Appeals, Washington, D.C.

Since the bondsman is in business for profit, he has no interest in the merits of a case. He much prefers to bail out a known hoodlum with ample resources than an impecunious youth. Although States like New York limit the premium fees he can charge, at least 10 States have no legal check on his operations. He haunts the courts, paying off lawyers and tipsters for business secured, charging what the market will bear for his bail bonds.

A share of blame for the bail scandal, however, falls on many judges. Although the Bill of Rights states that "excessive bail should not be required," judges often set high bail because of a personal whim. They want to give adolescents "a taste of jail" or keep prostitutes off the street. If a local newspaper headlines a crimewave, they may increase bail sharply even on minor charges.

The most disturbing result of jailing young and impressionable defendants before trial is their contact with hardened criminals. In a case in St. Francois County, Mo., last June, John Howell, 17, charged with stealing tools, was locked in a cellblock with eight or nine men, including an ex-convict. The deputy sheriff reportedly told John's family he would let them know if a bondsman was needed to raise bail. The family never had that chance. Two days later John was beaten to death by his cellmates.

If the penalties of jailing before trial were not enough, justice is perverted even further by the denial of fundamental rights. The defendant jailed because he cannot obtain bail may lose his job and thus the financial means to employ a lawyer and carry on his defense. His opportunity to locate witnesses and meet with his lawyer is severely curtailed.

Finally, when the imprisoned defendant appears before the court, he may suffer prejudice as a prisoner under guard. Judges and juries often react subconsciously to such guilt-by-association.

The bail scandal also affects your pocketbook and that of every taxpayer. For the cost of imprisoning defendants before trial is tremendous. New York City alone spent over $10,600,000 in 1962 on pretrial confinement. Washington, D.C., spent almost $500,000. The national wastage, which is still uncalculated, could top $100 million.

SCHWEITZER WAS SHOCKED

And yet it need not be so. Jolted by the frightening impact of the bail scandal on American justice, a 64-year-old chemical engineer and philanthropist, Louis Schweitzer, of New York, has demonstrated something can be done about it. "When lawyer friends told me adolescents were jailed before trial, 3 years ago, it shocked me to learn how the Bill of Rights had been distorted," Schweitzer says. "No system of equal justice can tolerate this discrimination between rich and poor."

Schweitzer first conferred with Supreme Court Justice William O. Douglas and other legal authorities. Then, in cooperation with New York University Law School, he launched the Vera Foundation and its Manhattan bail project. Its approach was startlingly simple. Since the crux of the problem was bail money whose purpose was to insure the defendant's presence at trial, why not find an equally effective substitute? The project's choice was parole—the defendant's personal guarantee to return for trial based on a study of his character and dependability.

The project established an office at the court building, staffed by a director and a team of N.Y.U. Law School students. The project investigates the parole potential of all cases for the court. It studies charges against defendants and previous criminal records, if any, eliminating from consideration case of rape, narcotics, or other major crimes.

If the defendant seems eligible for parole, he is immediately interviewed. How long has he lived at his present address? How long has he worked at his job? What is his military record? Does he belong to a union or civic organization? Does he attend a church or synagogue? Can his minister, employer, landlord, or other responsible contact vouch for him?

References are checked by phone or by personal visits. Then the checker assesses his findings with the director. When the results add up to a recommendation for parole, a brief summary of the case is presented to the judge.

One critical test of the project's success is that its recommendations have been based on such convincing research—Attorney General Kennedy has praised "its careful scientific approach"—that judges have granted parole in most cases. Even more impressive is the outcome of the first 1,120 cases. Only nine parolees—a startlingly small percentage—failed to appear in court at the appointed time of their trials.

What the Vera study has proved is that parole not only eliminates the discrimination and injustice of the old bail system but works even more efficiently. Mayor Robert Wagner of New York City considers the Vera plan so impressive he is extending it.

OTHER CITIES ARE TRYING IT

Moreover, the plan is spreading to other cities. In St. Louis, the probation office of the circuit court for criminal cases has been testing the techniques for a year. Results are impressive: not one of the first 67 defendants released on parole failed to appear in court at the appointed time.

In Chicago, a plan has operated for a year in the municipal court under the chief public defender, an official entrusted with furnishing free legal assistance to the indigent. Two other cities have just launched similar plans—Washington, D.C., and Des Moines.

But what these cities have done—although the plans do give hope for the future—is only a beginning. The evils of the bail system still plague the overwhelming majority of courts throughout the entire country. The prospect for immediate progress is that the Vera plan can become a model of reform elsewhere. "I would like to see it become a pattern for similar overhauls of the bail system throughout the United States," says Attorney General Kennedy.

The National Conference on Bail and Criminal Justice should be a momentous step in focusing nationwide attention on the bail system's tragedies and abuses. Not only are the American Bar Association and National Association of Attorneys General working closely with the conference; it will also bring together judges, legislators and legal experts from coast to coast in a vigorous drive to extend the American concept of equality under law.

"Through the National Bail Conference," concludes Attorney General Kennedy, "we hope to bring the experience of the Manhattan bail project, and of other promising alternatives to bail, to the attention of communities throughout the country so they may reexamine their bail practices in the interests of justice."

REVISION OF FEDERAL BAIL LAWS

Mr. ERVIN. Mr. President, on behalf of myself and Senators HRUSKA, FONG, BAYH, WILLIAMS of New Jersey, and JOHNSTON, I introduce, for appropriate reference, three bills which would amend the Federal bail laws. The purpose of these bills is to ameliorate the inequity which existing bail laws place on the indigent in comparison with those who are financially secure. They are a result of the Subcommittee on Constitutional Rights' study of the administration of criminal justice. This is a continuing subcommittee study which is examining such other areas of criminal justice as venue, discovery, and police detention and involuntary confessions. An earlier subcommittee study in this field resulted in a pioneer-published report on counsel for indigent defendants.

Mr. President, this is a particularly appropriate time to introduce legislation relating to bail; for on May 27, 28, and 29 there will be held in Washington a National Conference on Bail and Criminal Justice. This Conference is jointly sponsored by the Department of Justice and the Vera Foundation under a grant from the President's Committee on Juvenile Delinquency and Youth Crime. The Vera Foundation, a privately sponsored organization, has conducted an intensive study of the problem of bail administration in New York City. The Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice published, last February, a comprehensive study with legislative recommendations relating to revision of the bail laws. The bills which I introduce today incorporate some of the recommendations of the Attorney General's Committee report. The subcommittee also studied reports of the experience of the Vera Foundation in formulating its recommendations.

I consider these measures particularly appropriate at this time for another reason. The President has issued an urgent call that poverty be fought on every front in this country. The subcommittee's studies in the administration of criminal justice sharply point up some of the handicaps which the poor face in our society. In recent years great strides have been made to erase some of these handicaps. The proposed Criminal Justice Act of 1963, which passed the Senate unanimously and which provides compensated counsel in Federal courts, is one great stride. Provisions for in forma pauperis proceedings are another. In the area of pretrial release, however, the indigent still remains in jail while those whose circumstances are exactly the same except that they have sufficient funds to post bond are allowed to go free pending trial.

I do not claim, Mr. President, that these bills represent a perfect solution to all the problems—and they are many and serious—relating to pretrial release of persons accused of crime. However, I think that legislation in this area is needed. I hope that these bills will provide an incentive for experts in the field to formulate their ideas. I think that if early hearings are held on these bills, from these hearings a consensus as to the best solution to the problem of pretrial release can be evolved.

The first bill provides that no person shall be denied bail solely because of his financial inability to give bond. Rather, such an individual would be entitled to be admitted to bail on his personal recognizance subject to such conditions as the court or commissioner may prescribe to insure appearance. However, if good cause is shown why such a person should not be released on his personal recognizance, such release shall not be granted.

I want to emphasize this last condition. This bill does not provide that all indigents will automatically be at liberty pending trial. What it does do is place the burden on the prosecution to show why an indigent defendant should not be entitled to pretrial liberty. Under existing law that burden is placed on the defense. Rule 46(d) of the Federal Rules of Criminal Procedure provides that "in proper cases no security need be required." Statistics show, however, that this provision is rarely used. In fact, the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has included in its proposed amendments to the rules substantial revision of rule 46. This revision is designed, in part, to promote "the policy against unnecesasry detention of defendants pending trial." A proposed new section (h), requires that "the court shall exercise continuous supervision over the detention of defendants and witnesses within the district pending trial for the purpose of eliminating all unnecessary detention." The section goes on to require a weekly report listing all defendants held in custody pending arraignment or trial for more than 10 days. The Government is required to state the reasons why the individual is held in custody.

The Justice Department also is encouraging release on personal recognizance. The Department issued a directive on March 11, 1963, to the various U.S. attorneys which stated:

> It is the view of the Department that the use of release on recognizance should be broadened in order to preserve the traditional right to freedom before conviction and thereby to insure that a defendant is able to provide financially for his family and his defense and to take an active part in the preparation of that defense.

> U.S. attorneys and their assistants are * * * urged to take the initiative in recommending the release of defendants on their own recognizance when they are satisfied that there is no substantial risk of the defendant's failure to appear at a specified time and place.

This bill does not increase the possibility of flight to avoid standing trial; rather it reduces that risk. This is so because the bill will provide a severe criminal section as deterrent to flight by amending 18 U.S.C. 3446 to make violation of bond a felony in every instance. The bill provides that every defendant released on a personal recognizance bond must be informed of the penalties which will be incurred if the bond is violated. These penalties are a fine not to exceed $5,000 and/or imprisonment not to exceed 5 years.

The present system of bail establishes a financial deterrent to flight. The premise is that if a person suffers financial loss if he violates the conditions of his bail bond, fear of such loss will deter him from fleeing the jurisdiction prior to his trial.

Early bail laws provided that an accused's surety had to be friend or relative. It was thought that the resulting financial loss to a friend would deter the accused from flight. With the advent of the professional bondsman, however, this rationale no longer applies. The accused pays a premium to the bondsman which he loses in any case, and the possibility of financial loss to the bondsman probably has no deterrent effect on the accused. The bondsman, of course, has reason to attempt to secure the presence of the accused, as otherwise he will forfeit the bond. It is difficult, however, for the professional bondsman to keep track of all the persons for whom he has posted bond.

There are other considerations which dictate increased use of pretrial release on personal recognizance. A system which only used monetary bail precludes the indigent from pretrial liberty even though they may present no greater risk of flight than those capable of making bail. This is a serious deprivation in that the indigents are then handicapped in preparing their defense. They cannot seek out witnesses or otherwise assist their attorneys. Furthermore, serious constitutional questions arise when individuals are incarcerated because they are poor while similarly situated individuals who are financially able to make bail are at liberty. Under our judicial system a man is innocent until proven guilty. Pretrial detention is equivalent to pretrial punishment. When pretrial detention is determined on the basis of financial ability to pay for a bail bond, a question is raised as to whether this is an invidious discrimination between the indigent and those with financial resources.

The Supreme Court has not held that a system of pretrial release which discriminates against the indigent is unconstitutional. It has said, however, that bail may only be set in an amount reasonably calculated to insure the appearance of the defendant at trial—*Stack* v. *Boyle*, 342 U.S. 1. In denying an application for release on "personal recognizance" addressed to him as Circuit Justice, Justice Douglas concluded that:

> No man should be denied release because of indigence. Instead, under our constitutional system, a man is entitled to be released on "personal recognizance" where other relevant factors make it reasonable to believe that he will comply with the orders of the court. (*Bandy* v. *U.S.*, 82 S.C. 11 at p. 13.)

Release was denied because Justice Douglas was not convinced of the power of one Justice to set bail in a case pending action on a certiorari application. In an earlier opinion in the same case denying relief on other procedural grounds, Justice Douglas had pointed out that:

> It is assumed that the threat of forfeiture of one's goods will be an effective deterrent to the temptation to break the conditions of one's release.
>
> But this theory is based on the assumption that a defendant has property. To continue to demand a substantial bond which the defendant is unable to secure raises considerable problems for the equal administration of the law (*Bandy* v. *U.S.*, 81 S.C. 197.)

Justice Douglas went on to pose the question which he later answered in the negative:

> Can an indigent be denied freedom where a wealthy man would not, because he does not happen to have enough property to pledge for his freedom?

In this extended litigation, bail had been set for $5,000. Bandy, an indigent, had been confined for 2 years at the time of his petition to Justice Douglas—*Bandy* v. *U.S.*, 369 U.S. 815.

In introducing this bill, I do not assert that a monetary bail system is unconstitutional. I do, however, believe that simple justice requires that indigent persons who are not shown to be likely to violate the conditions of their bond be released pending trial.

Mr. President, I ask unanimous consent that the first bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2838) to assure that no person charged with an offense against the United States, or with an offense triable in the criminal division of the District of Columbia Court of General Sessions, shall be denied bail solely because of his financial inability to give bond or provide collateral security, and for other purposes, introduced by Mr. ERVIN (for himself and other Senators) was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 207 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 3147. INDIGENT PERSONS.

"(a) No person shall be denied bail solely because of the financial inability of such person to give bond or provide collateral security to assure his appearance before any court of the United States or any United States Commissioner.

"(b) Any indigent person in custody before a court of the United States or a United States Commissioner shall, if otherwise eligible for bail and except for good cause shown to the contrary, be admitted to bail on his personal recognizance subject to such conditions as the court or commissioner may reasonably prescribe to assure his appearance when required. Any person admitted to bail as herein provided shall be fully apprised by the court or commissioner of the penalty provided for failure to comply with the terms of his recognizance, and upon a failure of compliance a warrant for the arrest of such person shall be issued forthwith."

(b) The analysis of chapter 207 of title 18, United States Code, is amended by inserting at the end thereof the following:

"3147. Indigent persons."

SEC. 2. The first paragraph of section 3146 of title 18, United States Code, is amended to read as follows:

"Whoever, having been admitted to bail for appearance before any United States Commissioner or court of the United States, (1) incurs a forfeiture of the bail and willfully fails to surrender himself within thirty days following the date of such forfeiture, or (2) willfully fails to comply with the terms of his personal recognizance, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 3. (a) Section 704 of title 16 of the District of Columbia Code (D.C. Code § 16–704) is amended by—

(1) inserting "; indigent persons" after "collateral security" in the heading thereof;

(2) redesignating subsection (b) as subsection (c);

(3) inserting after subsection (a) a new subsection as follows:

"(b) (1) No person shall be denied bail solely because of the financial inability of such person to give bond or provide collateral security to assure his appearance for trial or for further hearing.

"(2) Any indigent person charged with an offense triable in the criminal division of the Court of General Sessions shall, if otherwise eligible for bail and except for good cause shown to the contrary be admitted to bail on his personal recognizance subject to such conditions as the court may reasonably prescribe to assure his appearance for trial or for further hearing. Any person admitted to bail as herein provided shall be fully apprised by the court of the penalties provided for failure to comply with the terms of his recognizance, and upon a failure of compliance with such terms, a warrant for the arrest of such person shall be issued forthwith."

(b) The analysis of chapter 7 of title 16 of the District of Columbia Code is amended by inserting "; indigent persons" after "collateral security" in the fourth item.

SEC. 4. Whoever, having been charged with an offense triable in the criminal division of the District of Columbia Court of General Sessions, is admitted to bail to assure his appearance for trial or for further hearing (1) incurs a forfeiture of the bail and willfully fails to surrender himself within thirty days following the date of such forfeiture, or (2) willfully fails to comply with the terms of his personal recognizance, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. ERVIN. Mr. President, the second bill which I introduce is in the nature of an amendment to 18 U.S.C. 3568.

This law provides that convicted defendants who were unable to make bail prior to imposition of sentence receive credit toward their sentence for any days spent in confinement. The applicability of the law is limited to cases in which the statute under which the defendant was sentenced requires the imposition of a minimum mandatory sentence.

This amendment would delete the requirement relating to the minimum mandatory sentence. That requirement was not in the bill as it was passed by the Senate. However, it was adopted as an amendment in the House and was agreed to thereafter by the Senate. There was no debate on the bill on the floor at any time.

Apparently, the purpose of the House amendment was to restrict the operation of the law to those instances where the courts did not already possess the discretion to apply time served prior to sentencing to the sentence. That would be the case where a statute required a minimum sentence and the court wanted to prescribe the minimum but give the defendant credit for pretrial detention.

The result is somewhat anomalous, however. The law, as amended, provides that it is mandatory to give the defendant credit for presentencing detention in that situation where formerly there was no discretion to do so. However, in every other instance, the judge still possesses discretion as to whether presentencing detention will be applied to the sentence.

It would seem in keeping with the desire to equalize the treatment accorded to those who cannot make bail, to amend 18 U.S.C. 3568 so that it applies to all sentences.

Mr. President, I ask unanimous consent that the second bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2839) to assure that all persons convicted of offenses against the United States will receive credit toward service of their sentences for time spent, prior to sentencing, in custody for lack of bail, introduced by Mr. Ervin (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 3568 of title 18, United States Code, is amended by striking out "where the statute requires the imposition of a minimum mandatory sentence".

Mr. ERVIN. Mr. President, the third bill which I introduce would permit persons admitted to bail to make a cash deposit with the court in lieu of providing sureties or other collateral security. This bill is similar to a proposed revision of the bail laws in Illinois as part of a general revision of the Illinois Criminal Code. It is also similar to a recommendation of the Attorney General's Committee on Poverty and the Administration of Criminal Justice.

This bill would allow persons to be admitted to bail who can afford the usual premium of a bond, but who cannot supply the additional collateral which bondsmen sometimes require.

It also would allow persons to be admitted to bail who can afford a bondsman's premium, but who cannot find a bondsman willing to write a bond for them.

A 1954 grand jury of New York County, conducting an investigation into the activities of professional bail bondsmen, learned that among the reasons for refusal to write a bond are:

> 1. The inability of the defendant or his family to raise the premium or sufficient collateral to cover the bond.
>
> 2. The inability of the defendant or his family to pay a premium greater than that allowed by law. (The grand jury indicted nine bondsmen of whom seven were convicted of charging higher premiums than the law allows.)
>
> 3. The bondsman's insistence upon clearance of the defendant in lieu of collateral, by certain "reliable" individuals. Thus, the professional hoodlum and racketeer is assured bail whereas his less fortunate and generally less dangerous counterpart, the occasional criminal, and often the first offender is denied bail.
>
> 4. Dislike of the defendant or his associates * * * This attitude of the bondsman results in an unofficial black list because other bondsmen, hearing of this, will refuse to write a bond for the out of favor defendant.
>
> 5. Refusal or financial inability of the defendant or his family to retain the attorney recommended by the bondsman.

The grand jury concluded that:

> In the final analysis the fulfillment of the constitutional proscription pertaining to bail, reposed with the professional bail bondsman since he may refuse to write even the smallest bond. The bondsman may act on whim or caprice and his decision is not reversible either in a court of law or by an administrative agency. The Supreme Court may require that a lower court set bail or may itself reduce the amount of bail previously set, but cannot require that a bondsman write a bail bond, no matter how arbitrary the bondsman's refusal.

It is indeed anomalous that while our law provides an absolute right to bail in other than capital cases, this right can be effectively abrogated by the discretion of private persons. A bondsman is not required to write a bond just because a court has set bail in a particular amount.

This bill would obviate the necessity of purchasing a bail bond in cases where the defendant has sufficient funds to pay 10 percent of the amount of his bond.

The deterrent effect of the bail bond would be reduced by this bill only to the extent that insofar as bail bondsmen require collateral in the amount of the bond or a contract of indemnification these requirements would no longer exist. Also, the bondsman would be relieved of any obligation to produce the accused at trial.

However, a deterrent effect is added in that under the proposed bill, most of his deposit will be returned to the defendant if he meets the terms of his bail, whereas under the bondsman system, the premium is not recovered and the defendant risks financial loss through flight only to the extent that he has put up collateral.

More important, constitutional doubts are raised by a system which poses absolute and uncontrolled discretion in the hands of private persons whom the law grants an absolute right to bail. The bondsman cannot be compelled to write a bond.

The bill also applies that in the event of imposition of a fine or court costs, the balance of the deposit which is not used to cover court costs can be applied toward payment of such assessment. A breach of a condition of the bond would result in forfeiture of the whole amount which would be collectable by all available processes of court.

The proposed amendments to the Rules of Criminal Procedure provides for discretionary use of a system such as that embodied in the proposed bill. Amended section 46(d) would provide that the Commissioner of Court "may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond."

Mr. President, I ask unanimous consent that the third bill be placed in the Record at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2840) to further implement the constitutional right to bail by permitting persons admitted to bail to make a cash deposit with the court in lieu of providing sureties or other collateral security, introduced by Mr. Ervin (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 207 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 3147. Cash Deposit

"(a) Whenever the amount of bail has been fixed in the case of any person charged with an offense against the United States, such person shall execute a bond for his appearance, and, in lieu of providing other collateral security or sureties, may deposit in the registry of the court a sum equal to ten per centum of the amount of bail so fixed. Upon the deposit of such sum such person shall be released from custody subject to the conditions of his bond.

"(b) If there is no breach of condition of a bond given by any person as provided in subsection (a), the court shall release such person from the obligation of the bond, but shall retain ten per centum of the sum deposited by such person to defray bail bond costs. The balance of such deposit shall, no judgment for court costs and/or fine being entered against such person, be returned to him. In the event judgment for court costs and/or fine is entered against such person, the balance of such deposit shall be first applied to the payment of such judgment.

"(c) If there is a breach of condition of a bond given by any person as provided in subsection (a), the court shall declare a forfeiture of the full amount of the bail fixed in the case of such person. Notice of the forfeiture shall be mailed to such person at his last known address, and, if such person does not appear as required within thirty days after the mailing of such notice and the forfeiture is not set aside by the court, the court shall render judgment of default against such person in the full amount of the bail. The court may direct that any such forfeiture be set aside if, under all the circumstances, it appears that justice does not require the enforcement thereof. Any judgment of default against such person shall be enforced by all available processes of the court, and the amount deposited by such person in the registry of the court shall be applied to the payment of costs and the balance thereof shall be applied to the judgment.

"(d) Nothing in this section shall limit in any way the application of section 3146 of this title to any person."

(b) The analysis of chapter 207 of title 18, United States Code, is amended by inserting at the end thereof the following:

"3147. Cash deposit."

MUST IT BE BAIL OR JAIL?

Mr. HRUSKA subsequently said: Mr. President, I am very pleased to cosponsor with the Senator from North Carolina [Mr. ERVIN] three bills which are designed to remove some of the discriminatory practices under our Federal bail laws and their detrimental effects on the indigent accused. I wish to commend him for the leadership he is imparting in a very important field of much needed legislation.

It is with high expectation that we greet the national conference on bail and criminal justice, to be held on May 27, 28, and 29 in Washington. The growing awareness of the judiciary, the legal profession, the police and others, of the injustice that results from the administration of the system of bail is a step toward the goal of equal justice under the law. The groundwork has been laid for a highly successful conference, but its work will only begin there.

These bail revisions touch on the sensitive point of contact between the courts and the accused. Fairness is exceedingly important, not only in the standards by which guilt is weighed, but in the procedures by which personal rights are regarded. Penalties for being poor cast a mold for resentment and despair and the scales of justice, however steadily held, cannot be put into true balance again.

It is for this reason that a propitious start on modernization and revision of our system of criminal justice is made by these three bills. The first assures that no person shall be denied bail solely because of his financial inability to post bond. The second requires that any convicted defendant who is confined because he is unable to make bail would receive credit toward his sentence for time spent in confinement. The third permits persons to make a cash deposit with the court in lieu of the usual surety.

Careful note should be made that every person arrested will not be released simply on showing that he cannot afford bail, or is not in position to furnish bond. The court is still in a position to require bail or order detention of that person if there is proper reason in the latter's record or character to warrant such requirement.

This Senator calls attention to the words on this point in the statement of the Senator from North Carolina [Mr. ERVIN]. They read as follows:

> The first bill provides that no person shall be denied bail solely because of his financial inability to give bond. Rather, such an individual would be entitled to be admitted to bail on his personal recognizance subject to such conditions as the court or commissioner may prescribe to insure appearance. However, if good cause is shown why such a person should not be released on his personal recognizance, such release shall not be granted.
>
> I want to emphasize this last condition. This bill does not provide that all indigents will automatically be at liberty pending trial. What it does do is place the burden on the prosecution to show why an indigent defendant should not be entitled to pretrial liberty. Under existing law that burden is placed on the defense. Rule 46(d) of the Federal Rules of Criminal Procedure provides that "in proper cases no security need be required." Statistics show, however, that this provision is rarely used. In fact, the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has included in its proposed amendments to the rules substantial revision of rule 46. This revision is designed, in part, to promote "the policy against unnecessary detention of defendants pending trial." A proposed new section (h), requires that "the court shall exercise continuous supervision over the detention of defendants and witnesses within the district pending trial for the purpose of eliminating all unnecessary detention." The section goes on to require a weekly report listing all defendants held in custody pending arraignment or trial for more than 10 days. The Government is required to state the reasons why the individual is held in custody.

The Senator from Nebraska is in full accord with this statement.

These initial steps will alleviate the inequitable results which are documented in an article in the April 1964 issue of the Kiwanis magazine entitled "Must It Be Bail or Jail?" There is a self-defeating result in determining who shall go free on the basis, not of the degree of the offense, but the dollars in the pocket of the accused. The author, Mr. Murray T. Bloom, makes the point that:

> Bail often seems contrived to benefit the professional criminal rather than the impoverished first offender. In New Yory City, nearly half of all the defendants in criminal cases cannot afford bail; but gambler-racketeers bailed out quickly by bondsmen are able to repeat the crimes for which they were arrested. According to a recent New York grand jury report, bailed-out numbers collectors are "back on the street taking bets a few hours after being arrested."

Progress along these lines striking in the area of poverty and the administration of criminal justice will assure substantial justice for all our citizens.

Mr. President, I ask unanimous consent that the article to which I refer be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUST IT BE BAIL OR JAIL?

(By Murray Teigh Bloom)

In 1963, more than 1½ million Americans accused of felonies or misdemeanors languished for weeks in dreary detention cells because they could not afford bail that would free them until their trial. Many were acquitted or their cases were dismissed. All were victims of abuses in the ancient and honorable institution of bail—providing money or surety to guarantee a man's appearance in court for trial. Vastly profitable and carelessly supervised bail-bonding in this country has brought corruption, injustice, and flagrant violation of legal ethics into our criminal courts.

To consider the inequities of our bail system, the first National Conference on Bail and Criminal Justice will be held next month in Washington, D.C. Its purpose, according to Attorney General Robert F. Kennedy, is "to focus attention on a problem that has gone far too long—at both the local and Federal levels—without active efforts toward solution."

Bail, as practiced in medieval England, was a system whereby a third party guaranteed the appearance of the accused at trial. But in the United States the third party's promise to produce the accused gradually became a promise merely to pay money should the accused fail to appear. This is how the professional bondsman, a private businessman seeking personal profit, entered the picture. Today, says Judge J. Skelly Wright of the U.S. Court of Appeals, "Bondsmen hold the keys to the jail in their pockets. The bad risks (in the bondsman's judgment), and the ones who are unable to pay the fees, remain in jail."

Bail often seems contrived to benefit the professional criminal rather than the impoverished first offender. In New York City, nearly half of all defendants in criminal cases cannot afford bail; but gambler-racketeers bailed out quickly by bondsmen are able to repeat the crimes for which they were arrested. According to a recent New York grand jury report, bailed-out numbers collectors are "back on the street taking bets a few hours after being arrested." John M. Murtagh, administrative judge of the New York Criminal Court, told me: "The closer the bondsman is to the underworld, the likelier he is to be prosperous. Bondsmen have done more than any other group to lower the prestige and destroy the integrity of the criminal court system."

Even worse, the bail system occasionally leads to situations in which the victim is jailed as a material witness, and the criminal released. Dr. Donald R. Cressey, University of California criminologist, tells of a man who was knocked down and robbed. Unable to furnish bail as a material witness, he was detained in jail for 3 months—while the man accused of the crime was released on bail. In another case, a man went to jail in Oklahoma City for 110 days as a witness to a fatal stabbing because he could not post $1,000 bail.

Bail-bonding is a big business and, as practiced by the major U.S. surety companies, quite ethical. Frank E. Wright, president of United Bonding Insurance Co. of Indianapolis, the largest U.S. underwriter of bail bonds, estimates that the bulk of bonds—$225 million worth—is written every year by specialized bondsmen of insurance companies such as his. Insurance experts generally consider underwriting bail bonds as the most profitable form of insurance written in the United States today.

The usual bonding rate is 10 percent; a bondsman who posts a $1,000 bond receives $100 from the bailee as his fee. But in some States the bondsman can collect his fee three and four times from the same client, because legal technicalities require new bail bonds to be posted each time the defendant is to appear before a court in the successive stages of prosecution, and finally for trial itself. Of each $100 he receives, the bondsman, if he represents a bonding insurance company, keeps $60 and sends $40 to his company, of which half goes into a reserve fund to cover forfeited bonds.

In most States, bondsmen have to be licensed by the State insurance department, but there is little supervision over them. In other States, any person may become a bondsman simply by posting property as surety for the bonds he writes; and there are few checks on how much a property may be overpledged. In a St. Louis case, property worth $20,000 was pledged for $670,000 worth of bail bonds by a bondsman who had a record of 12 arrests. In Oklahoma, it is even possible to sell a piece of property after it has been pledged.

Why can't a prosperous defendant post his own cash bond? He can, legally, but the practice is discouraged because most judges want a responsible third party—the paid bondsman—to insure the defendant's presence at trial. Don't the bondsman's securities or property become forfeit if the defendant fails to appear? Actually there is little risk, for bondsmen insist on getting up to 100 percent collateral in the form of savings, real estate, bonds, or insurance policies from the defendant or his family. (Not a single State has a law regulating the amount of collateral a bondsman may receive.)

Even bail forfeitures are far from automatic. A recent investigation ordered by the chief justice of the Chicago Municipal Court disclosed that in a recent 3-year period, only $6,000 was collected in forfeited bail; a rigorously enforced system of collection would have yielded the city treasury hundreds of thousands of dollars. Very often, too, bondsmen have remarkable success in persuading courts that their bonds should not be forfeited. In many cases, a simple excuse such as "sickness" of the bailee will suffice.

In December 1961, Brooklyn bail bondsmen struck against District Attorney Edward S. Silver, who had instituted a firm policy of collecting forfeited bail bonds. By refusing to write bonds, the striking bondsmen hoped to crowd the already jammed Brooklyn City Prison to impossible standing-room-only conditions. But Silver held firm. "Perhaps the time has come," he said, "for the State to clean up this business." The bondsmen soon gave up their strike, but the long overdue clean-up has yet to take place.

The corrupting influences of the bail system have inevitably spread. Police officers have taken kickbacks for informing bondsment of new arrests. For example, a 1961 Jackson County, Mo., grand jury found that most bondsmen paid police 20 percent of their fees for getting them business. Two years ago, Cincinnati Municipal Court clerks were accused of getting 30 percent; the clerks not only called in their favorite bondsmen but also saw to it that the bondsmen were not required to pay the full amount of the forfeited bond if the defendant failed to appear for trial. Unethical lawyers, too, play a role in this anarchic system. In some cases, bondsmen "suggest" to their clients an excellent lawyer with whom they split the fee; those who cannot afford to hire the lawyer get no bail.

The present bail system not only leads to corruption and inequities but also wastes millions of taxpayer dollars. Presiding Justice Bernard Botein, of the New York Supreme Court Appellate Division, points out that, in 1962, in New York City, 58,458 persons unable to post bail spent 1,775,788 days in jail while awaiting disposition of their cases. Since New York detention costs nearly $10 a day per person, millions of tax dollars were unnecessarily spent. There are additional financial and social costs to the city when families have to go on relief because the breadwinner has been removed.

From talks with more than one hundred judges, prosecuting attorneys, and criminal lawyers all over the country, I learned that no one is happy with our bail system—not even some bondsmen. One leading New York bondsman who has bailed out many prominent racketeers volunteered vehemently: "It's a crummy business. I wish they'd outlaw it."

Outlawing is unlikely because the right to bail is guaranteed by the Constitution. "Unless this right to bail before trial is preserved," the U.S. Supreme Court has said, "the presumption of innocence, secured only after centuries of struggle, would lose its meaning."

There is, however, a ray of hope in our national bail-bonding mess. Prof. Caleb Foote of the University of Pennsylvania Law School, a keen student of our bail problems, believes that thousands of men and women who are unable to get bail can safely be sent home until trial. "They won't run away," he says. "If a defendant has lived and worked in a community for a number of years, is currently employed, has a family, belongs to a church or a union—he would appear to be a good risk."

Since 1961, Professor Foote's views have been tried out in New York City by Louis Schweitzer, a wealthy, public-spirited, chemical engineer and industrialist. Upon learning that every year thousands of men and women in the city spent weeks and months in detention cells because they could not afford bail, Schweitzer set up the Vera Foundation (named after his mother) to investigate every indigent defendant to see how good a risk he would be without bail.

Seven New York University law students were hired to check the cases. (Those involving narcotics, homicide, forcible rape, or certain offenses against a minor were not to be considered.) Each defendant is asked how long he has had his present job, how long he has lived at his current address, the names of relatives in New York, and whether he has ever been convicted of a crime. The interviewer verifies the data from other sources, then sends his information and recommendation to the magistrate, the district attorney, and to the lawyer assigned as defendant's counsel.

Judges are now accepting 70 percent of the Vera Foundation recommendations and, of more than 1,800 defendants released without bail, only 14 have not turned up for trial. (This is less than half the percentage of defendants on bail who fail to appear.) Furthermore, the foundation recently reported that of the first 750 men and women allowed to go home without bail, more than 50 percent won acquittals or had their cases dismissed before trial. Thus, nearly 400 defendants were kept from spending time in jail for crimes the courts found they did not commit.

The success of the foundation's Manhattan bail project has already had an effect on judicial practices and community attitudes in other parts of the country. Similar experiments have been started in Des Moines, Chicago, Nassau County (N.Y.), St. Louis, and Washington, D.C.

A bail bond study has been launched by the American Bar Association in 11 major cities. By way of a temporary law that went into effect last January, the Illinois Legislature is experimenting with the use of alternative bail to eliminate bondsmen. For example, when the court sets bail at, say, $500, the accused can either have a surety company write a $500 bond or deposit $50 with the court clerk, of which he would be refunded $45 after disposition of his case. The service charge would be only $5. But the fate of this law is uncertain.

In addition to these developments, a March 1963 report of the Attorney General's Committee on Poverty and the Administration of Criminal Justice has recommended that the Department of Justice take part in all the reevaluations of bail, and that it investigate whether additional legislation is required to regulate and supervise bail bonding. It also suggests that Vera's system of using student workers become a permanent part of the administration of criminal justice, both State and Federal.

However, the job of reevaluating and reforming our bail system is just beginning. "If the reform projects now in existence are to be meaningful and effective," says Herbert Sturz, director of the Vera Foundation, "they must be taken up and carried on, throughout the Nation, by public agencies and officers whose obligation is to guarantee equal justice under the law."

TO CONFER JURISDICTION ON U.S. DISTRICT COURTS TO HEAR AND RENDER JUDGMENT ON CERTAIN CLAIMS

Mr. SCOTT. Mr. President, on behalf of myself and Senators MECHEM, METCALF, SIMPSON, and THURMOND, I introduce, for appropriate reference, a bill to confer jurisdiction on U.S. District Courts to hear and render judgment on certain claims. It is a bill which would benefit a small, dwindling, but particularly deserving group of older retired members of the armed services. It would open the door to the correction of a long-standing injustice to these people. By its terms it would not itself completely eliminate the existing injustice, but it would open a door, which has long been closed, to the restoration of justice to a relatively small group which has made an unusual, perhaps unique, contribution to the security of our Nation.

My bill specifically refers to that small group of officers serving in World War II who had previously served in World War I, who had maintained their competence and availability during the long 23-year period between the wars, and who were again available for leadership, and gave that leadership, in World War II. These are the men who are called, amongst themselves, the "retreads." Aside from our very limited Regular officer corps available at the beginning of World War II, this group provided much of the trained leadership available to us when that great struggle began. Between the wars, the long period of neglect of our military had reduced the numerical size of the Regular Army officers corps to about 14,000. It took a major effort of Congress in 1942 to bring back into service as many as possible of these World War I men whose experience was so urgently needed.

By June 1942, when the 77th Congress enacted the Readjustment Pay Act of 1942, there were about 122,000 Reserve officers on active duty. Through the bill which became Public Law 607 of that Congress (56 Stat. 359), Congress sought to make more nearly adequate the long neglected area of military pay, and to erase discriminatory distinctions between the Regular and Reserve components of the services. In that 1942 act, mileage allowances, subsistence pay, and all other areas were thoughtfully screened, and Regulars and Reserves painstakingly equated in pay, benefits, and privileges. Among the provisions so equated, paragraph 4 of section 15 of the act, the only portion of the act still in effect, reads as follows:

> The retired pay of any officer of any of the services mentioned in the title of this Act who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, hereafter retired under any provisions of law, shall, unless such officer is entitled to retired pay of a higher grade, be 75 per centum of his active duty pay at the time of his retirement.

Originally proposed by the Navy to apply to its Regular and Reserve retirees under the two 1938 Naval Retirement Acts, it was deliberately expanded by the conference, and by Congress, to apply to "any officer of any of the services mentioned in the title of this act." Those services were the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service. It would seem virtually impossible to misunderstand or misconstrue the meaning of the provision or the intent of Congress. Nonetheless, it has been misconstrued by the Court of Claims, not once but three times, by introducing before the word "officer" the extraneous word "Regular." In other words, the court has, by judicial fiat, amended an act of Congress.

If the terminology used, that of "any officer of any of the services," refers only to Regulars, as the decisions contend, then the whole 1942 Pay Readjustment Act becomes invalid, for it used the same terminology in providing for the pay and allowances of all the services. As pointed out by the sponsor of the act and the conference committee members, it is a long stretch of the imagination to assume that Congress, in using such a term, was referring to some 14,000 Regulars, and purposely excluding from the pay, allowances and other provisions of the act the more than 122,000 Reserve component officers then on active duty. Obviously, such a conclusion is not tenable.

My purpose in introducing this bill is to provide a forum in which there can be an objective review of this entire matter. The decisions on this subject by the Court of Claims are so clearly erroneous as to make extended discussion of them needless. It is sufficient to point out that it is unthinkable that Congress, in a year of a tremendous war effort in which the overwhelming majority of the leadership of our Armed Forces were members of the Reserve, would deliberately discriminate against that majority. The very suggestion is an unwarranted reflection on the intelligence as well as the patriotism and fair-mindedness of Congress.

My bill is designed to take a first step toward correcting this situation. I propose that Congress provide a forum for these deserving two World War retirees where their claims may be heard and a fair and objective judgment rendered. I propose that this be done in courts in their own areas, near their homes, thus avoiding the delays and the cost and the crowded condition of the Court of Claims, a condition of which the chief judge of that court is right now complaining to this Congress, and professing his inability adequately to consider the manifold problems already before him. In House Report 1064, 88th Congress, 1st session, dated December 19, 1963, the Judiciary Committee of the other body points out that the Court of Claims has such a backlog of cases that "it will not be able to reduce that backlog with its present facilities for years to come." I submit that it is unfair and needless to submit these few remaining two World War retirees to the delays and the frustrations inevitable under those circumstances. My bill provides a simple solution, that of a review by the district courts, where these few surviving officers can have their cases heard with reasonable dispatch and undoubted fairness.

A careful survey has been made to determine the approximate number of surviving officers who meet the terms of the 1942 Readjustment Pay Act and of the existing laws under which they are now retired. There are about 3,500 of them at the outside, though in actual practice it is doubtful if that many could be found who would seek to take advantage of the opportunity presented by such a law. Virtually all of them have exceeded the biblical lifespan of threescore years and ten. Most of these men gave up a school or a college career to fight for their country in the First World War. They maintained an active interest in the armed services in that long dry spell between the wars, so that they were available as well as competent when again called to the service of the Nation. Almost uniformly, they gave up careers, businesses, professions, most of which they never regained when the shooting was over, in order to serve again in World War II.

I realize that much will be made of the cost of rendering the justice herein proposed. Nonetheless, it is well to point out that, despite the fact that cost has no part in a matter of justice, due to the reduced number of these survivors, their advanced ages and the continuing decimation of their numbers by the scythe of time have reduced those eligible to a very small number. Moreover, my bill will not automatically grant benefits directly, but will simply give to those so electing, and especially to those most needy, a forum in which to present their cases.

I appeal for prompt enactment of this bill, having in mind that this Congress is very probably the last occasion upon which an opportunity will be presented to render to most of these men the justice so long overdue them.

I ask unanimous consent that the measure lie on the desk for 7 calendar days for additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Pennsylvania.

The bill (S. 2842) to confer jurisdiction on U.S. district courts to hear and render judgment on certain claims, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

ESTABLISHMENT OF ROGER WILLIAMS NATIONAL MEMORIAL IN PROVIDENCE, R.I.

Mr. PELL. Mr. President, on behalf of myself and my distinguished colleague, the senior Senator from Rhode Island [Mr. PASTORE], I introduce, for appropriate reference, a bill to provide for the establishment of a Roger Williams National Memorial in the city of Providence.

I would like to say by way of explanation that this is not a new bill. A somewhat similar measure to establish this park was presented to the Senate in 1960 as the last legislative endeavor of my distinguished predecessor, Theodore Francis Green, who had a lively, personal interest in the historical preservation of his home city. As a tribute to its then senior Member, the Senate passed the bill in the closing hours of the 86th Congress. Regrettably, however, the measure failed to win approval in the House in the very short time allowed for its consideration before adjournment.

The bill was presented again in the 87th Congress as S. 1679 and H.R. 7844, but failed to win approval in the House because of adverse departmental comments resulting from technical questions.

I am happy to report, Mr. President, that all of the parties interested in this bill have since cooperated to resolve these technical questions and that the bill which we are presenting today has been redrawn to take these revisions into account.

The bill would authorize the acquisition by the National Park Service of not more than 5 acres of land encompassing what was the heart of the original settlement of Providence. Because the proposed park falls within an urban renewal area, the land can be acquired by the National Park Service at a favorable price. The proposed park would be part of a comprehensive plan for renewal of the historic College Hill area of Providence. Moreover, the bill as now drawn would authorize the Secretary of Interior to cooperate with the city of Providence and with local historical and preservation societies in the maintenance and operation of the park.

Mr. President, this bill is of course a local bill, but it is also a bill of national interest because it would commemorate a figure of towering importance in the development of American thought. The guiding principle of Roger Williams' colony in Rhode Island was tolerance of diversity without surrender of personal identity, and that principle is as vital and as worthy of commemoration today as it was 320 years ago when the charter for Providence Plantations was granted.

The bill which we are introducing today would make just such an appropriate commemoration. It is a sound bill which already has been tested and revised to meet the standards of acceptability of all concerned, thus reflecting a healthy spirit of cooperation between private and public agencies at both the local and Federal level. Because it has been carefully prepared, and because it would authorize a worthy project which already has been too-long delayed, I hope that the committee and the Senate may see fit to give it early and favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2843) to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes, introduced by Mr. PELL (for himself and Mr. PASTORE), was received, read twice by its title, and referred to the Committee on Rules and Administration.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, TO EXEMPT SWEEPSTAKES CONDUCTED BY A STATE FROM THE TAX ON WAGERING

Mr. McINTYRE. Mr. President, on behalf of myself and the senior Senator from New Hampshire [Mr. Cotton], I introduce, for appropriate reference, a bill to exempt State-operated sweepstakes from Federal wagering taxes.

Widespread attention has been focused on the State of New Hampshire in recent months for enacting the first sweepstakes law in the United States in the 20th century. The question of whether or not the State should operate a public lottery received lengthy discussion in every corner of the State and after much consideration, the people of the Granite State voiced their approval for the sweepstakes with the revenue specifically earmarked for educational purposes.

Mr. President, I believe that the New Hampshire sweepstakes represents a sound fiscal experiment which will yield major dividends for our education system. The sweepstakes law requires that all proceeds be divided among the State's 230 public school systems.

The tax exemption embodied in this legislation is in keeping with other exemptions which are now in the law. Gambling in casinos, as well as on-track parimutuel betting, is presently exempted from this Federal wagering tax.

I think it is clear that the intent of the Congress in imposing this tax in 1951 was to exempt certain gambling conducted legally under State supervision. In addition, many corporations and organizations, not operated for private profit are permitted to operate wagering operations without paying the Federal tax. Among these are religious, charitable, and educational corporations, fraternal and benevolent societies, business associations, and chambers of commerce.

Mr. President, I believe that the public purpose of the New Hampshire State sweepstakes entitles it to the same exemption which other worthwhile projects enjoy. There was no State-operated lottery in existence at the time the tax was written on the books and the exemptions were established. Now that New Hampshire has a sweepstakes, it is altogether appropriate that the same exemption be provided for State governments as is provided for other public and charitable enterprises.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2846) to amend the Internal Revenue Code of 1954 to exempt sweepstakes conducted by a State from the tax on wagering, introduced by Mr. McIntyre (for himself and Mr. Cotton), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4402 of the Internal Revenue Code of 1954 (relating to exemptions from the tax on wagers) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting ", or", and by adding at the end thereof the following new paragraph:

"(3) State-conducted sweepstakes.—On any wager placed in a sweepstakes, wagering pool, or lottery—

"(A) which is conducted by an agency of a State acting under authority of State law, and

"(B) the ultimate winners in which are determined by the results of a horse race,

but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents."

(b) The amendment made by subsection (a) shall apply with respect to wagers placed after March 10, 1964.

STUDENT ASSISTANCE ACT OF 1964

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and Senators Randolph, Inouye, Pell, and McGee, I introduce, for appropriate reference, a bill to provide scholarships and facilitate loans to students eager but financially unable to pursue college and vocational education beyond the high school level. I ask unanimous consent that the bill lie on the desk for 1 week, so that Senators may join as cosponsors. Expanding on concepts embodied in earlier proposals by the administration and by the senior Senator from Indiana, this bill authorizes a program of, first, Federal scholarships, and second, federally insured loans which will meet the compelling needs and legitimate desires of both the student and the lending institution.

No Member of the Senate needs to be reminded of the crisis faced by American education today or of the severe threat it poses to the most cherished tradition of this Nation—equality of individual opportunity. In June 1961, 400,000 high school seniors who graduated in the upper half of their classes failed to continue their education. The determining factor for one-third to one-half of these young men and women was lack of financial resources. We will never know who among these people might have become doctors, or scientists, or professors, or electricians, or carpenters, or mechanics. We do know, however, that most of them will find it extremely difficult—and some will find it impossible—to obtain unskilled employment in an economy growing daily in complexity. We also know that most of them will never become fully the creative human beings and productive members of society that they might—and could have been. This irrevocable waste of minds and skills poses a challenge which any nation would ignore at its peril. For the United States, committed to the leadership of an embattled free world in an era of space technology, its disregard could be fatal. The conservation of human resources is not a luxury; nor is it merely a laudable, humanitarian goal to which America has traditionally aspired—it is, at this moment in our history, a matter of basic national security.

We have already taken steps, Mr. President, to ensure that there will be sufficient classrooms, laboratories, and libraries in our colleges and universities. We must now see to it that our most talented young people, whatever their station in life, are enabled to take advantage of these facilities. In the National Defense Education Act, we have made a significant start. But more—much more—must be done.

SCHOLARSHIPS

The bill would provide scholarships of up to $1,000 per year for a period not to exceed 4 academic years. These scholarships would be available for undergraduate college study and for technical, semiprofessional education.

Assuming an average grant of $750 per year, scholarship assistance under this title would reach 100,000 new students each year. The cost would be $75 million each year for newly awarded scholarships, reaching a peak of $300 million in the fourth year, when the program would be aiding 400,000 students. In addition, institutions attended by scholarship holders would be awarded $350 as a "cost of education" allowance.

Distribution of scholarship assistance among the States will be based on per capita income and number of high school graduates.

Selection of students to receive awards will be made by State commissions on scholarships and loans, exercising the twin criteria of ability and need. I wish to emphasize, however, that the ability to profit from further education—whether it be in the arts and sciences or in a specialized, technical field—cannot always be accurately and definitively measured by standard objective tests. Many competent students who may not necessarily be ranked in the top tenth of their class or in the very highest percentiles of those taking competitive examinations need, deserve, and can make highly constructive use of further education. And, perhaps even more important, this Nation needs, deserves, and can and must profit from these people, trained to their fullest capacity. I would strongly hope, therefore, Mr. President, that in formulating specific criteria for the award of scholarships the State commissions will bear these facts very much in mind.

This bill authorizes considerably more money for scholarships than other pending proposals. And yet it still may not be sufficient. Those who preach economy in this field simply do not know the meaning of the word. The need for education is every bit as compelling as the need for a strong national defense. Economy can be practiced in both cases—with equally fatal results.

LOAN GUARANTEE AND INTEREST PAYMENTS

My proposal will authorize the Federal Government to insure loans of up to $1,000 per year for an undergraduate, vocational, or technical student, and up to $2,500 per year for a graduate or professional student. The cumulative limits for one individual are $5,000 and $10,000, respectively. The loans may be made by an educational, financial, or credit institution, and may bear interest not to exceed 6 percent per annum. Repayment of principal is to begin 1 year after the completion of study and may extend for not more than 10 years thereafter. The Federal Government will guarantee repayment of the loan up to 90 percent of the principal amount.

I come now, Mr. President, to the feature which most clearly distinguishes this measure from earlier loan guarantee proposals and which makes it the most feasible and attractive approach for all concerned. Under my proposal, the Federal Government will pay the interest for as long as the borrower remains a student in good standing, and for 1 year after graduation. This, I am convinced, is the only manner in which both student and lending institution can be induced to take significant advantage of this program.

It has been suggested that borrower and lender be given the alternative of either first, deferring payment of interest until repayment of principal begins or second, paying interest during the entire period of the loan. Consider for a moment, Mr. President, how unsatisfactory both these alternatives are and how unlikely it is, therefore, that such an approach would be utilized on any meaningful scale. Take the case of a student who borrows $1,000 a year for 4 years of undergraduate study. Let us suppose this student desired, most understandably, to defer payment of interest until a year after graduation. What commercial institution would be willing to tie up this amount of money for 5 years with absolutely no return? Few, if any, I suspect. If, on the other hand, the student chose the second alternative and undertook to pay interest throughout his college years, his already precarious financial situation would be worsened still further. In his senior year alone, he would have somehow to acquire, above and beyond college expenses, an additional $240 just to pay interest on his outstanding loan.

It therefore seems to me, Mr. President, that such a program is most unlikely to attract commercial moneys in the needed volume unless, as I propose, the Federal Government bears the burden of the interest due in those first critical years. I submit that this is an investment we cannot afford to pass by. Relatively small amounts of Federal money would attract large amounts of private investment funds into student loans. And they would do it in a way which would materially reduce the student's understandable reluctance to incur a large debt for educational purposes.

The allotment of loan assistance will be based primarily on a State's per capita income and the number of students graduating from its high schools.

The loan assistance allotted under this provision will be sufficient to insure loans of $1,000 per year to 150,000 students for 4 years of study. Should the average annual loan be $500—as seems more likely from our experience with the NDEA—300,000 students could take advantage of this program. Within 5 years, $550 million of private investment capital could be directed toward the education of our youth at a cost to the Federal Government of less than a quarter of that sum.

In addition, the amount allotted to a State will be increased by appropriate amounts if that State has loan, loan insurance, or scholarship programs of its own. It is hoped that this will encourage States that have such plans to augment them, and States that do not to develop them.

This loan assistance program, Mr. President, represents a vital supplement to the National Defense Education Act. The funds it will stimulate will reach tens of thousands of students who cannot get an NDEA loan either because of the course of study they are pursuing, the nature of the institution they are attending, or simply because of the limited amount of NDEA money available. Unlike NDEA, this proposal will make assistance available not only for college and university education but for technical and vocational study. Furthermore, there is no limitation on the fields of study that may be pursued by the student. Like the NDEA, there is a partial forgiveness feature enabling borrowing students entering the field of public schoolteaching to receive a 10 percent reduction of their indebtedness for each year they teach, up to a maximum of 50 percent of the total loan. The lending institution would be entitled to collect from the Federal Government sums thus forgiven.

I want to emphasize, Mr. President, that this proposal will in no sense compete with or duplicate the National Defense Education Act. Loans under my bill will not be as attractive to the student as an NDEA loan bearing interest at 3 percent. They will, however, reinforce the NDEA program—assuring students in need that, failing a scholarship, and failing an NDEA loan, they have the commercial loan as a third and certain opportunity.

CONCLUSION

In conclusion, Mr. President, may I say that I can think of no single measure that could make a greater contribution toward breaking the cycle of poverty on which national attention is now so keenly focused. The door to a better and more productive life for our young people born, through no fault of their own, into a life of poverty and severely limited horizons, has no more reliable key than educational opportunity. In a year that will see more than its share of partisan debate, I am proud to submit a bill which all of us here in this body are obliged to consider in the interests, not of our party, but of our Nation.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from New Jersey.

The bill (S. 2848) to establish a program for Federal assistance for college and vocational education loans and a program for Federal undergraduate scholarships, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

AMENDMENT OF ACT RELATING TO ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS

Mr. **AIKEN**. Mr. President, on behalf of myself and the Senator from Ohio [Mr. LAUSCHE], I introduce, for appropriate reference, a bill to amend the act authorizing association of producers of agricultural products, approved February 18, 1922.

WHY THE NEED FOR LEGISLATION?

With the concentration of the marketing and distribution of agricultural products in the hands of fewer buyers, and the resulting dangers of monopolistic practices from such concentration, it has become apparent that it is not only in the best interest of farmers but also in the best interest of our entire national economy that the marketing power of farmers and ranchers be strengthened. The wider use of contract marketing also has created a greater need for strengthening the bargaining position of farmers. Many farmers and agricultural leaders are of the opinion that in the future most agricultural commodities will be produced under contract. Marketing contracts are now being used for many commodities.

The success of these marketing and bargaining associations depends to a great degree on the number of producers who join these associations and the volume of products they produce. Failure to sign a sufficient membership and tonnage results in the associations being unsuccessful in their attempt to obtain recognition from processors and handlers.

Some processors have made it well known that they are opposed to marketing and bargaining associations as they adversely affect the balance of buying power that processors now enjoy. They much prefer to deal with a grower on an individual basis rather than deal with a group of growers who have voluntarily joined together to market their crop.

Processor actions intended to discourage, and interfere with, association membership during the past few years have aroused growers to request Federal legislation to prevent discriminatory practices. Present Federal antitrust legislation does not effectively deal with certain unfair trade practices which are being carried on by some food processors.

Growers believe that they should not have to operate in an economic climate where they fear processor reprisal because they are members of an association which has as its purpose the strengthening of the market power of its farmer members.

WHAT ARE SOME OF THESE UNFAIR TRADE PRACTICES?

First. Threats have been made by representatives of some processing companies that growers will not be offered contracts if they sign association membership agreements. This may eliminate the market outlet for many growers.

Second. Cases have been reported where growers who have joined a marketing association one year have not been offered contracts by processors the following year.

Third. Some processors have encouraged growers to resign from bargaining associations by providing resignation forms and advice on how to terminate their marketing contracts with the association.

Fourth. In some cases leaders of associations have been singled out as examples. They have been offered limited contracts—or no contracts as all—even though they had been reliable, high quality producers for a company for many years. Cases have also been reported where association leaders have received undesirable unloading schedules or have been denied use of company containers in which to harvest and deliver crops.

Fifth. Some processors have employed other discriminatory tactics to prevent associations from reaching their legitimate objectives. As an example, a processor refused to buy from association members located near his processing plant and contracted with new growers at considerable distance from his plant, even though the raw product cost was higher due to hauling charges and quality factors.

Sixth. Some processors have carried on planned and organized campaigns designed to make certain that a marketing association was not successfully organized in their area.

WHAT DOES THE LEGISLATION DO?

The proposed legislation would amend chapter 12 of title 7 of the United States Code by providing for a new section 3, which establishes unlawful practices affecting associations of producers of agricultural products and members thereof.

The effect of the proposed language is to provide a new section 3 to the Capper-Volstead Act, which is the basic legislation that authorizes the establishment of associations of producers of agricultural products and members thereof.

The new section 3 would make it unlawful for any processor, handler, distributor, dealer, or agent thereof, or for any person, doing business in interstate or foreign commerce, who purchases or contracts to purchase agricultural commodities from producers, knowingly to do any of the following:

First, interfere with, restrain, coerce or boycott any agricultural producer in the exercise of his rights to join and belong to an association of producers of agricultural products;

Second, discriminate against any agricultural producer with respect to price, quantity, quality or other terms of purchase of raw agricultural commodities by reason of his membership in, or contract with, such association;

Third, coerce or intimidate any association member or other person to breach, cancel or otherwise terminate a membership agreement or marketing contract with association;

Fourth, pay or loan money, or give any other thing of value, to a producer as an inducement or reward for refusing to or ceasing to belong to such association; or

Fifth, make false reports about the finances, management or activities of such associations, or interfere in any way with the efforts of such associations in carrying out the legitimate objects thereof.

WHAT ARE THE PENALTIES FOR VIOLATION?

Section 4 would provide for a criminal penalty and damages in case any person violates section 3. Any person who was found to be in violation and convicted would be punished by a fine not to exceed $1,000 or imprisonment not to exceed 1 year, or both in the discretion of the court.

Any person who felt that he was injured in his business or property by reason of violation of section 3 could sue in his own district court and could recover triple damages he might have sustained and the cost of the suit including a reasonable attorney's fee.

The proper State courts would not be deprived of jurisdiction of any action that might be taken in them for damages.

WHAT IS THE PURPOSE OF THE SECTION DEALING WITH AFFILIATION OF ASSOCIATIONS?

Section 5 recognizes the right of an association of producers to be affiliated with other agricultural associations or organizations in carrying out its objectives. There is nothing in the law at present which prohibits such an affiliation. However, section 5 would further clarify this matter.

SUMMARY

Because of the increasing importance of marketing and bargaining associations in agriculture, growers feel very strongly that they should have the right to organize voluntary associations of this type without fear of reprisal or the conducting of unfair trade practices on the part of processors or other handlers. They believe there is an urgent need to have legislation which will spell out the law so that appropriate action can be taken in the future to prevent such unfair trade practices. Failure to meet the situation will mean that in the future this type of voluntary marketing association will be severely handicapped in its ability to adequately serve the needs of farmers as it attempts to improve their marketing power.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2849) to amend the act authorizing association of producers of agricultural products, approved February 18, 1922, introduced by Mr. Aiken (for himself and Mr. Lausche), was received, read twice by its title, and referred to the Committee on the Judiciary.

CONDITIONS IN THE MISSOURI LIVESTOCK INDUSTRY

Mr. SYMINGTON. Mr. President, the situation in the livestock industry in Missouri and throughout the Nation continues to be extremely serious. For example, just this morning, I received a call from western Missouri reporting that one livestock producer who topped the market yesterday sold 25 head of "high prime" Black Angus cattle at $21 per hundredweight, an average loss of $100 per head.

Another producer yesterday sold a carload of Choice cattle at $19.75 per hundredweight. This producer had paid $30.50 per hundredweight for these calves, fed them 168 days, and lost an average of $80 per head. He reported that there was "no competition on the market" yesterday. There just were not enough orders and enough buyers to take the cattle being offered.

Although the Department of Agriculture experts for some time have been forecasting the market would improve later this year, Missouri producers are convinced that these forecasts are only causing farmers to hold their cattle longer, resulting in marketing heavier stock, and, therefore, further glutting the market with added hundreds of pounds of meat on every carcass.

The Department of Agriculture and other representatives of our Government have been successful in getting some agreements for reductions of imports, but the reductions negotiated and now in effect are not sufficient.

The Department of Agriculture spokesmen assure me that they are deeply concerned. As evidence of this concern, they point out that an advisory committee has been called in to meet with Secretary Freeman on May 18 and 19 to discuss the cattle problem.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article published in the Kansas City Star of May 6 reporting plans for this meeting.

There being no objection, the article was ordered to be printed in the Record, as follows:

Calls a Beef Parley—Advisory Committee Will Meet With Agriculture Secretary May 18 and 19 To Discuss Cattle Price Problem—Program Fails—Government Purchases Have Not Caused an Upturn

Washington.—Secretary Freeman has summoned an Advisory Committee to a meeting May 18 and 19 to consider what additional action might be taken to bolster depressed cattle prices.

Freeman said the Johnson administration is deeply concerned. Cattle prices have dipped to the lowest level in 18 years, and the low prices have brought demands from cattlemen that imports of meats be cut back sharply.

The 22-member Committee was appointed by Freeman early in March. It is composed of representatives of producers, processors, packers, consumers and the Department.

Following the first meeting of the Committee late in March, the Department inaugurated a beef purchase program in an attempt to bolster producer prices of cattle. So far the Government buying has not brought an upturn in prices. The meat is being donated to needy persons and the school lunch program.

"No one should underestimate the importance of the beef industry to the national economy," Freeman said. "Beef cattle accounts for one-fifth of the total cash receipts received by farmers."

Mr. SYMINGTON. Mr. President, the Government is buying some beef. These purchases were reported in an article in the Kansas City Star of May 9, 1964, and I ask unanimous consent that this article, "U.S. Buying More Beef," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. BUYING MORE BEEF—TO STRENGTHEN DOMESTIC MARKET, GOVERNMENT INCREASES ITS WEEKLY PURCHASE FOR SCHOOLS AND NEEDY FAMILIES—WILL CONTINUE—AGRICULTURE OFFICIALS SAY FURTHER SPENDING IS ANTICIPATED

WASHINGTON.—A substantial step-up of Government purchases of beef was announced yesterday by Charles S. Murphy, Acting Secretary of Agriculture.

Murphy reported that the 11,820,870 pounds of beef bought yesterday for $6½ million is the largest weekly purchase made to date by the Department under a buying program it announced February 29 to help bolster a sagging cattle market.

PEAK FOR THIRD WEEK

The weekly purchase, Murphy said, was made as beef production levels remained at record heights for the third consecutive week.

Last week's purchase amounted to $3,300,000.

A total of 62,502,240 pounds of beef have been purchased for $34 million since the buying program began.

The beef bought yesterday by the Agricultural Marketing Service included 9,471,000 pounds of Choice grade frozen ground beef and boneless roasts for distribution to schools and other eligible institutions. It also included 2,349,870 pounds of canned beef for distribution primarily to needy families.

PRICE RANGE IS CLOSE

The Department said that prices paid ranged from 54 cents a pound to 56 cents a pound for 451 cars of frozen beef and that offers were accepted from 29 of 30 bidders. Delivery is to be May 25 through June 30.

Prices on the canned beef averaged 49 cents a pound for 37 cars. Offers were accepted from 5 of 15 bidders. The canned beef is due for delivery June 1–27.

Offers were invited next week for frozen beef to be delivered in the weeks beginning June 1, 8, 15, and 22, and for canned beef to be delivered in the weeks beginning June 8, 15, 22, and 29.

Mr. SYMINGTON. Mr. President, with the present school term coming to an end, however, need for beef for school lunches is coming to an end until next September. One of our Missouri industries, Trenton Foods, Inc., with a plant at Trenton, Mo., a surplus labor area, has written me suggesting that the Department of Agriculture immediately institute a "sizable purchasing program for canned chopped beef to be produced from full carcass Choice grade cattle which are a burden on today's market."

This suggestion would appear to make a great deal of sense. Mr. Harold Melcher, president of Trenton Foods, Inc., in a letter dated May 11 sets forth the reasons he believes that such a program would help to solve the surplus beef problem.

Knowing of the great interest in this problem not only in Missouri but in all livestock-producing States, I ask unanimous consent that Mr. Melcher's letter be printed at this point in the RECORD. I have already forwarded a copy of the letter to Secretary Freeman.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRENTON FOODS, INC.,
OFFICE OF PRESIDENT,
Kansas City, Mo., May 11, 1964.

The Honorable STUART SYMINGTON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: As you are no doubt aware, there is quite a serious problem in the cattle industry today. It is my understanding that the Department of Agriculture has been working on ways to relieve the oversupply of cattle which is causing a very depressed market.

The Department of Agriculture has been buying fairly sizable quantities of frozen ground beef and boneless roasts for distribution to schools and other eligible institutions. They have also been buying a quantity of canned beef with natural juices for distribution to needy families.

It is our understanding that the frozen product which they have been buying will have to be stored and distributed under refrigerated conditions. This not only is quite expensive but the quantities that can be distributed in a frozen state are very limited. Due to the perishability of frozen product it can only be distributed to the schools; whereas, the canned product can be distributed in many ways, including schools, needy families, etc. At the present time the amount of beef that has been purchased in the canned form has been quite limited and the type of meat used in this product is from lower grade cattle.

It would be our recommendation that the Department institute a sizable purchasing program for canned chopped beef to be produced from full carcass Choice grade cattle which are a burden on today's market. This type of program would help to relieve the oversupply of Choice cattle and, of course, a canned chopped beef product would be quite acceptable and usable not only for distribution to needy families, but could be used very nicely in distribution to schools and other eligible institutions.

There are many advantages to purchasing a canned beef product and I would like to call to your attention a few of these advantages:

1. The cost of preparation and preservation of canned beef is considerably less than for frozen beef.
2. The handling and distribution of canned beef is much more economical and practical than for frozen beef.
3. The storage life of a canned product compared to frozen beef is much greater and the cost of storing is considerably less.

It is my understanding that at the present time the Department of Agriculture is distributing to eligible persons one can of product per person per month. It would be our recommendation that this quantity be increased to three or four cans per month and that the purchasing program be stepped up accordingly to enable the Department to move a sizable quantity of surplus beef into actual distribution.

I would certainly appreciate your consideration on the above matter as we feel that a sizable canned chopped beef program using Choice cattle would help to solve the surplus beef problem with which we are presently faced.

If we can be of any further help in reference to this matter, please contact me. Thanking you for your consideration, I remain.

Yours very truly,
HAROLD S. MELCHER.

Mr. SYMINGTON. Mr. President, the merit of Mr. Melcher's suggestion that Choice beef cattle be purchased for the canning program is further borne out by reports that bulls, and cutters, and canners, the utility grades, in some instances are bringing almost as much as do the Choice cattle.

For example, a livestock producer in eastern Missouri wrote me the first of this week that he had just sold a dozen Choice steers on the St. Louis livestock market for $19 a hundredweight and at the same time had sold a bull for $19.50 per hundredweight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMINGTON. I ask unanimous consent that I may be permitted to continue for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. In previous statements on this problem in the Senate, I have brought reports from experienced producers in Missouri who believe the glut in Choice cattle results in part at least from the fact that there has been an increased demand for ground meat in hamburger, meat pies, and such uses which do not need and cannot use the cuts carrying the fat resulting from the heavier cattle now being marketed.

The sooner, therefore, that we can reduce the numbers of heavy-fed cattle, the sooner that there will be an opportunity for the livestock industry to again return to a profitable basis for the producer.

The problems on beef appear in other types of livestock, hogs, poultry, sheep and lambs. It would be far better to take the necessary steps now, steps such as those recommended above, rather than to let the present conditions continue to depress our farm economy and, therefore, our farm States throughout the summer and into next fall.

WILLIAM L. CARY, CHAIRMAN, SECURITIES AND EXCHANGE COMMISSION

Mr. ROBERTSON. Mr. President, newspaper reports indicate that William L. Cary, Chairman of the Securities and Exchange Commission for the past 3 years, is planning to resign shortly after the end of the fiscal year, in order to return to his position as a member of the faculty of the Columbia Law School.

It has been my privilege, as chairman of the Banking and Currency Committee, to have worked closely with Mr. Cary since his appointment in 1961. Shortly after his confirmation, the Senator from New Jersey [Mr. WILLIAMS], the chairman of the Securities Subcommittee, the Senator from New York [Mr. JAVITS], and I were glad to assist in the enactment of the House Interstate and Foreign Commerce Committee's resolution calling for an extensive study of the securities industry. This comprehensive special study, conducted by Mr. Milton H. Cohen of Chicago and a special staff for the Commission, was carried out with the highest standard of skill and responsibility, and the report which was issued in 1963 will for many years be the leading source of information about the securities industry generally.

Immediately following the issuance of the special study report, Mr. Cary and the other members of the Commission prepared legislation to carry out many of its recommendations.

This legislation also represented an unusual degree of responsibility and good judgment. It was based on careful and thorough consultation with the securities industry. This bill which Mr. Cary transmitted to the Congress, which I considered myself privileged to introduce for him, represented in my judgment a sound balance between the legislative proposals contained in the special study report and the practical problems of getting legislation enacted.

This was demonstrated by the strong support given to the bill by all representatives of the securities industry. A handful of substantive issues were developed before the committee, and these related primarily to other industries, such as the effect of the bill on the banking and insurance industries.

The careful preparation and thorough clearance of the bill is represented in the timetable of the bill in the Senate. It was introduced on June 4, 1963. Extensive hearings were held in the latter part of June. The bill was unanimously reported July 24, and it passed the Senate without objection on July 30.

The Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce held extensive hearings last year and this, considering all aspects of the bill and of the special study report. I am pleased to hear that the House committee has recently voted to report the bill to the House, and I trust the bill can be enacted into law in the very near future.

The special study report and, even more, the sound legislation which I am confident will soon be enacted as the Securities Acts Amendments of 1964 will be a lasting monument to Mr. Cary's contribution to the Government, to the securities industry, and to the investing public.

Mr. Cary, an able lawyer and effective administrator, is interested primarily in teaching, and I have understood from the first that he planned to return to Columbia Law School after a relatively short tour of duty in Washington.

Mr. President, I ask unanimous consent to have printed in the RECORD the biographical sketch the committee received at the time of his nomination.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF WILLIAM LUCIUS CARY

Cary, William Lucius, professor and lawyer; born Columbus, Ohio, November 27, 1910; son of William Lincoln and Ellen K. (Taugher) C., A.B., Yale, 1931, LL.B., 1934; M.B.A., Harvard, 1938; married Katherine L. F. Cooper, 1954; two daughters, Linn, Katherine.

Admitted to Ohio bar, 1934, Massachusetts, also District of Columbia, New York, and Illinois bars; attorney, Squire, Sanders & Dempsey, Cleveland, Ohio, 1934–36.

U.S. Securities and Exchange Commission, Washington, 1938–40; special assistant to Attorney General, Tax Division, Department of Justice, Washington, 1940–42; and counsel, Office Coordinator of Inter-American Affairs, Rio de Janeiro, Brazil, 1942.

Lecturer, finance and law, Harvard Graduate School of Business Administration, 1946–47; professor of law, Northwestern University School of Law, 1947–55; Columbia University, 1955; visiting professor, University of California at Berkeley, summer 1950, Stanford University, summer 1954, Yale University, 1957–58.

Director, Newark (Ohio) Telephone Co., since 1936.

Served as major, U.S. Marine Corps Reserve; with Office Strategic Services in Rumania and Yugoslavia, 1944–45; deputy departmental counselor for procurement, Department of the Army, 1951.

Member: American, New York Bar Associations, American Law Institute, Phi Beta Kappa, Phi Delta Phi.

Elder, Riverdale Presbyterian Church.

Special counsel, Messrs. Patterson, Belknap & Webb, 1 Wall Street.

Coauthor: "Effects of Taxation on Corporate Mergers," 1951; "Cases and Materials on Corporations," 1958.

Office: Kent Hall, Columbia University Law School, New York City. Home: 635 West 247th Street, New York, N.Y.

Mr. JAVITS. Mr. President, will the Senator from Virginia yield at that point?

Mr. ROBERTSON. I am glad to yield.

Mr. JAVITS. I join with the Senator from Virginia in his well-deserved praise of Mr. Cary, who was a constituent of mine and whom I had the honor of sponsoring when he was made Chairman of the Securities and Exchange Commission.

I join the chairman on the Banking and Currency Committee in the hope that Mr. Cary's fine career in government and his fine work for the people of the United States may be crowned by the enactment of the statute which is uniquely a labor of his own.

Mr. ROBERTSON. I thank the distinguished Senator from New York. I had already said that he helped to provide for the study, and then for the proposed legislation based on the study.

I regret an intimation in a news story today that objections had been raised from some sources, and that perhaps Mr. Cary was being eased out.

I do not believe that is true. I believe he has done a fine job, and I hope that the proposed legislation which he primarily sponsored will be enacted into law.

ISRAELI INDEPENDENCE DAY

Mr. DODD. Mr. President, today it is 16 years since the birth of the State of Israel.

Symbolic of the difficulties faced by the Israeli Government since that day of independence 16 years ago is the picture presented us today of an emboldened Nasser bolstered by the warm embrace of the Soviet leader, Khrushchev.

Encouraged, and indeed abetted by American assistance, the Egyptian dictator has moved from his success in Yemen to attacks against the British Protectorate of Aden in pursuit of his goal—control of the oil in the Middle East.

I think it is fitting to mention the current situation as a preface to congratulations to the Israelis in memory of that day in 1948 when the nation of Israel was born, the child of thousands of years of travail and anguish.

This small country has served the free world in these 16 years as a counterbalance in a situation that has been precarious and rocky. It has remained a firm bastion of democratic processes and hopes under difficult conditions. In addition to this, it has exhibited a vitality and growth unprecedented for a new nation.

The genius of the Jewish people was fired in a crucible of despair and discrimination, and its brilliance is a reflection of the joy and of the hopelessness experienced by these people through the centuries.

This genius has found expression in many ways in different countries. It has also found expression in the creation and endurance of the State of Israel, a new nation faced at the outset with a three-pronged attack against its borders, and whose subsequent brief history is replete with attacks and threats of attacks.

Survival alone under these conditions would have been miracle enough, but Israel has also prospered and made contributions beyond what could have been expected from an established country.

To begin with, it has provided a haven for over 1 million Jewish refugees. And in the midst of continuing upheavals, the desert has been made to bloom, economic development has surpassed expectations to confound the scoffers and the doubters, and Israel has become an important seat of learning for this area of the world.

These accomplishments are eloquent evidence of the spirit and industry of the Israeli people.

More importantly, this relatively new country has remained a stable force although surrounded by a world in turmoil which has constantly threatened its existence.

And what about the Western World in this situation? To give praise to Israel for endurance and congratulations for accomplishments is not enough. We must also concern ourselves with the crisis that again threatens the existence of this state and seek ways to solve it.

With the help of Nazi scientists and Russian arms, Nasser is developing a system of weaponry that daily increases the threat against Israel.

The time has come for us to reaffirm our friendship and our ties with this fledgling, yet mature, state. And I hope that on the occasion of this anniversary of independence our Government will do so with action and not with pious and well-meaning words alone. These hardy, determined, and gifted people deserve our thanks for the perseverance and dedication that has marked their history as a nation.

The Israeli people have demonstrated within the confines of their own state that there is no essential enmity between the Arab and Jewish peoples, that they can, on the contrary, live together in peace and harmony. They have also given evidence of a desire to achieve an accommodation with the surrounding Arab States, in the interest of bringing security, stability, and peace to all the peoples of the area.

I believe that we should give every encouragement to such initiatives, and that we should use all of our influence to help bring about a reconciliation between Israel and her Arab neighbors. Let no one say that such a reconciliation is impossible because we have in our own time witnessed the birth of a Franco-German entente after centuries of hostility between the French and German peoples.

The State of Israel has a significance beyond its political importance, a significance that has its roots deep in our spiritual and cultural heritage. We should, in paying homage to the Israelis on the occasion of this date, acknowledge our debt to these people and to their country.

THE DAR REPORT—NO BARGAIN

Mrs. NEUBERGER. Mr. President, it does not appear to me that it is an unreasonable request to have an opportunity to see what one is buying before one buys it. Yet last month the Senate, in effect, did just that, it bought a pig-in-a-poke.

On April 16 of this year, the junior Senator from North Carolina [Mr. JORDAN] brought before the Senate, Senate Resolution 314, authorizing the printing of the 66th annual report of the National Society of the Daughters of the American Revolution as a Senate document. This resolution was agreed to by the Senate. I had asked to be informed before any such resolutions were to be presented again this year, but somewhere there was a slip-up. I would have liked to ask that we at least see the reports.

When I discovered that the resolution had passed the Senate, I tried to get a copy of the DAR annual report. It was a bizarre quest. The Daughters of the American Revolution were contacted, but their copy—I guess they had only one—was sent off to the Smithsonian, where it is edited. A call to the Smithsonian brought the reply that the copy was with the Senate Rules Committee. When the Rules Committee was called, the report had already been passed on to the Government Printing Office. And now the Government Printing Office informs me that the report is being typeset and no copy will be available for 2 weeks.

I believe my stand on the issue of printing such materials for the Daughters of the American Revolution is reasonably well known. In light of the long record of the DAR in attempting to discredit policies of the United States and decisions of Congress, I have failed to see the necessity of using public funds to print and distribute materials dedicated in part to the revocation of policies decided by a majority in Congress. According to Senate Report No. 986, the estimated cost of printing the DAR annual report would be $4,290.86 for 1,500 copies.

President Johnson has been conducting a campaign to cut down on expenditures, including the publication of unnecessary books, pamphlets, and brochures. He was right. I could enlarge on his list. He cited among Government publications that had been weeded out as unnecessary a pamphlet entitled "The Caribbean Forester"—costing only $3,350, and one called "Other People's Homes," a leaflet—costing only $4,200.

And what are the taxpayers getting in their $4,300 DAR book?

No one knows, because there are no copies available.

SILVER SUPPLY DWINDLES

Mr. JORDAN of Idaho. Mr. President, the tempo of silver withdrawals from the U.S. Treasury is quickening—just as those who are familiar with the situation said it would a year ago.

April withdrawals were at the rate of 250 million ounces a year, as compared with actual withdrawal of 182,300,000 ounces last year.

On April 1, the Treasury had on hand 1,488,302,984 ounces of silver.

On April 27, these supplies had declined by 20,317,680 ounces to 1,467,985,404 ounces.

This rate of decline is the greatest since the process began. Last year the decline in silver stocks totaled 182.3 million ounces, in 1962 it was 95.7 million ounces, in 1961, 129.9 million ounces and in 1960, it was 67.7 million ounces.

Just 1 year ago, the Treasury said it had sufficient silver on hand to meet requirements for 15 years.

In March this year, 1 year later, a responsible Treasury official reduced this estimate to 6 years.

On the basis of April withdrawal figures, it is plainly evident that this is not a realistic appraisal of the situation.

For as the supplies of silver near the exhaustion point, industry will step up its acquisition of the metal—just as it did when the supply of nonmonetized silver neared exhaustion.

That situation is fresh in everyone's mind.

The Treasury was warned that its supplies of so-called free silver—the nonmonetized silver—were rapidly being exhausted and that appropriate steps should be taken. The Treasury either failed to recognize the situation or chose to ignore it.

In any event, it continued to be the world's supplier of silver while keeping an artificial price of 91⅜ cents an ounce in effect until November 1961.

At that point, the stocks had fallen to such an extent that the Treasury had no choice except to suspend sales of nonmonetized silver.

This action removed one ceiling on the metal, and within 2 years the world price of the metal rose to the U.S. monetary price of $1.293 an ounce.

This new ceiling will be maintained by the Treasury so long as it can sell silver to industry. It is supplying silver to anyone now, by redeeming silver certificates and freeing silver that had been held in back of such certificates.

But as the April withdrawal figures indicate, the period of time when it can do this is limited.

The result is an impending crisis in silver—but it is not a crisis that happened overnight.

Actually, it began building in the mid-1940's, when consumption of silver began exceeding production. That situation has existed since then.

Between 1949 and 1963, the free world consumed 1,470,869,000 more ounces of silver than it produced.

It was able to act as the world's supplier, because it could draw on the large supplies of silver purchased under the Silver Purchase Act of 1934.

Now those stocks are nearing exhaustion, while the industrial and coinage demand for the metal increases steadily.

Unless the Treasury takes appropriate action immediately, the silver crisis will erupt with perhaps serious consequences.

The situation could be particularly serious if the Treasury makes no provision for maintaining an emergency reserve of the metal.

Silver producers have suggested this reserve amount to at least 500 million ounces. In view of the role silver played in the two World Wars, such a reserve would not be exorbitant.

In World War II, for instance, the total silver utilized exceeded 1,480 million ounces, or almost exactly the amount of silver now held in Treasury.

Silver's role in any future emergency would be considerably broader in scope, because of the importance of the metal in electronics and aerospace industries.

The present situation cries out for immediate action.

Mr. President, on May 2, 1964, Mr. H. F. Magnuson, the vice president of Golconda Mining Corp., of Wallace, Idaho, gave a talk on the problems of the mining industry to the Idaho Young Republican League at Coeur d'Alene, Idaho. Few people in the United States are as well qualified to talk about mining problems as Mr. Magnuson. Idaho is the leading State in the production of silver. Mr. Magnuson is talking about a mineral with which he is familiar. He is taking one of the leading roles in the study of this mineral. Not only has he studied it, but he and his company, along with other companies in that area, are the actual miners and producers of silver and know how important silver is to our national economy, and how vital it is to our Nation's security.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks which were made by Mr. Magnuson at Coeur d'Alene on May 2, 1964.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PROBLEMS OF THE MINING INDUSTRY

(Presented Before Idaho Young Republican League, State Platform Convention and Region IX Leadership Training School—Issues Panel, Coeur d'Alene, Idaho, May 2, 1964, by H. F. Magnuson, Vice President, Golconda Mining Corp., Wallace, Idaho)

It is indeed a pleasure to appear on this panel this afternoon and discuss with you the problems of the domestic mining industry, principally the silver, lead and zinc segments of the industry.

These are problems that are, by their very nature, political issues; for they are problems created by inadequate planning, temporary remedies, and lack of a national minerals policy.

We ask only to be saved from patent medicine cures that create more problems than they solve. We ask that we not be put in the position of another patient who died even though the operation was a success.

We ask a healthy climate and a fair chance to compete. We believe in the free enterprise system, and ask that our Government have as much faith in it as we do.

It is vital to this Nation's security that the mining industry be encouraged to live and not condemned to life as an invalid—kept alive by such palliatives as stockpiling, barter exchange, temporary import quotas, and price subsidies.

We're not crying for a crutch. We only ask that this country share our faith in free enterprise, our belief in the future, and our confidence in our strength and vigor.

Because our present problems have their genesis in shortsighted political thinking in the past, let me review for you a little history.

Today the mining industry is enjoying relative well-being—but let me emphasize that word "relative." A patient who has had major surgery is relatively well if he can sip soup, but it doesn't necessarily mean he can eat rare steak and french fries.

In this period of relative prosperity only about half as many mines are operating in Idaho as in 1948.

In my own district, the $2-billion Coeur d'Alene mining district, only 15 mines were producing last year, as compared with an average of about four times that many between 1950 and 1955.

Employment in Idaho's mining industry has declined more than 30 percent in the past 10 years.

Even today, the combined price of lead and zinc is only about 25 percent above the post-World War II low reached in 1962. The present combined price of lead and zinc is lower than it was in 13 of the past 17 years.

Since World War II three mining industries in Idaho have gone down the drain in face of foreign competition—the antimony, tungsten, and cobalt operations.

So when we say we are in "relative good health" today, let us stress the word "relative."

Why does this situation exist?

There are two reasons: The lack of a national minerals policy and the lack of a healthy climate.

In the early 1950's the Paley Commission declared this country was a have-not Nation in respect to metals and minerals, and it recommended greater reliance on foreign imports in order to conserve domestic supplies of these resources.

It failed to recognize that new ore reserves can be developed only by a vigorous, operating domestic mining industry; not one that is shut down.

As a consequence of that report, American taxpayers were forced to finance development of foreign mines to compete with our domestic mines, and our Government encouraged imports of foreign metals.

At the same time we adopted unrealistic tax legislation pertaining to the deductibility of exploration expenditures that has hampered the exploration for new ore bodies. Now the administration proposes to seal off millions of acres of public land to mining exploration and development.

Is it any wonder that the mining industry has problems?

A man in good health quickly becomes ill if he is forced to go to bed and is cut off from his normal food, and if the doctors gather mournfully around him, nodding to each other and agreeing the end is near. And he gets sicker if he is forced to swallow evil tasting medicines he did not need.

That's the position the mining industry finds itself in today.

In World War II the domestic mining industry, crippled as it was from the effects of the great depression in the 1930's, reopened mines, developed new ore bodies, and poured millions of pounds of lead and zinc into the defense and war effort.

However, following World War II and during the Korean war, this Nation spent more than a billion dollars in foreign aid funds developing foreign lead and zinc mines.

In addition, in 1951, this Government cut import duties on lead and zinc an additional 20 percent through negotiations under the General Agreement on Tariffs and Trade.

Commencing in 1953, after the Korean war, foreign mines that had been developed with American money glutted the markets with low-cost metal, and American mines were forced to curtail production or shut down altogether.

And then began the series of patent medicine cures, each one creating new problems.

To protect themselves from low-cost foreign ores, the domestic mining industry asked for relief under the escape clause of the Trade Expansion Act, and the Tariff Commission concluded that the domestic lead-zinc industry was entitled to relief from excessive imports.

The State Department rejected this recommendation and instead the administration initiated more defense stockpiling and exchanged agricultural surpluses for supplies of metal.

This temporary expedient ended in 1957, and again prices of lead and zinc plummeted. Again the industry sought relief under the escape clause. Once again, the favorable recommendations of the Tariff Commission were rejected. Instead, the mining industry was given a fixed quota plan—but one far more liberal to foreign producers than the Tariff Commission had recommended.

Stockpiling. Barter. Subsidies. Import quotas. These were temporary solutions arising out of lack of a coordinated national minerals policy, each solution creating new problems.

What should such a national minerals policy set forth?

The mining industry asks only that it be given its fair share of the domestic market, and equitable political and economic conditions under which to operate.

It concedes that with the present level of economic activity, surplus inventories of lead and zinc have declined. For this reason, the industry supports legislation now before Congress for a flexible quota system, one that would permit larger imports of lead and zinc when the need exists but protection against excessive imports when the price structure is threatened.

I do not believe we need to be reminded of the role that the mining industry plays in this Nation's security.

In World War II the Government had to furlough soldiers from the Army to work in the mines in the Coeur d'Alenes to produce badly needed lead and zinc.

We found we could not depend upon foreign sources. Nor can we be certain of foreign supplies of lead and zinc in any future emergency.

Our national security depends on a vigorous domestic mining industry, and the industry asks only that it be provided a healthy climate.

It does not ask, as Senator JACKSON of Washington suggested last December, that the Government assume a partnership with mining. We are not asking to be socialized, nationalized, or partnerized. We ask only for a healthy free enterprise system.

We ask that the Government recognize the nature of mining; the fact that the search for new ore bodies is costly and risk capital must be encouraged or provided through taxation policies.

Let me show you what I mean.

In a 10-year period ending December 31, 1958, 4 major mining companies in the Coeur d'Alene mining district made a geological study of more than 1,500 prospective mining properties at a cost of $1,072,857. They selected 59 of these properties for more extensive exploration and spent a total of $10,657,000 in attempting to find commercial ore bodies. Of these 59 properties, only 2 developed into profitable producers.

This is the kind of risk capital the mining industry must have. It is the kind of risk capital that must be encouraged.

It is not encouraged by a tax policy that limits the deductibility of exploration expenditures to $400,000.

Such risk capital is not encouraged when depletion comes under attack by so-called liberal economists. The allowance for depletion permits the accumulation of funds from profitable mining operations to carry on the search for new ore bodies to replace those that are being exhausted. In addition, depletion provides an incentive for such search. Ore bodies are a wasting asset. They cannot be renewed. They can only be replaced by new ore bodies, and the search for these is costly.

What I want to emphasize is that we need tax policies which will encourage prospecting, exploration, and development, for example, the deductibility of total exploration expenditures in full, and the retention of the present allowance for depletion.

Without such policies we stand in danger of being a have-not nation in respect to metals and minerals—not because they do not exist but because they will not be found and developed.

We stand in danger of losing potential mineral reserves through another program—the wilderness preservation program.

In this age of nuclear power and space exploration, we do not know what minerals and metals will be needed in the future, or where they will be found. At the dawn of the nuclear age, for instance, we found ourselves in great need of uranium. Vast quantities were found, not in old established mining districts, but much of it on remote deserts where rattlesnakes had been undisturbed for years.

If we lock up millions of acres of land under a wilderness program, we stand in danger of forever sealing off deposits of ore that may some day be vital to our security or to our economy.

For this reason we oppose the wilderness bill as adopted by the Senate. We reaffirm our beliefs in the concept of wilderness conservation. But conservation means wise use of a resourse, not nonuse.

Because the Aspinall wilderness bill embodies a multiple-use concept, we support it.

Up to this point, I have been outlining issues and problems arising out of the past.

Now let me turn to a relatively new issue, an issue that concerns all of us and one that could explode this summer or fall.

I am referring to the coming crisis in silver.

It is a crisis that is already upon us, although many do not realize it.

It is a stiuation that grows more desperate each day, and one that could erupt within the next few months, despite Treasury Department efforts to sweep it under the rug.

It is a crisis developing from the imbalance between silver supply and silver consumption. It concerns all of us, because it concerns our monetary policy and the increasing shortage of subsidiary coins.

Consumption of silver began exceeding its production in the mid-1940's, and between 1949 and 1963 the free world consumed 1,470,869,000 more ounces of silver than it produced.

This growing consumption of silver is due to a greater demand for subsidiary coins in an expanding economy and increasing population, as well as greater industrial use of silver, especially [illegible] the photographic, electronics, and aerospace industries.

The Treasury Department, however, failed to recognize this situation; or, recognizing it, was reluctant to act. In either event, despite the fact its supply of free or nonmonetized silver was rapidly declining, the Treasury continued to sell silver all during this period at an unrealistic price of 91⅜ cents an ounce.

This continued until November 1961. At that time, the Treasury Department was forced to suspend sales of nonmonetized silver when its supply neared exhaustion. Immediately, the lid the Treasury had been maintaining over the silver price for many years was lifted, and in less than 2 years the world price of silver reached the U.S. monetary price of $1.293 an ounce.

This monetary valuation provides a new ceiling over the market price, as long as the Treasury can supply silver. The Treasury is continuing to supply silver to anyone, by redeeming silver certificates and freeing silver that had been held in back of such certificates.

You are all aware of the much publicized recent run on the Treasury for silver dollars.

This was but a symptom of the impending crisis in silver. As the supply of silver in the Treasury dwindles, and the Treasury supply of silver declined by 182,300,000 ounces in 1963, industry will step up its acquisition of the metal—just as it did when the supply of nonmonetized silver neared exhaustion.

Just 1 one year ago the Treasury stated that it had sufficient silver on hand to meet our requirements for 15 years.

In March 1964, 1 year later, a responsible Treasury official reduced this estimate to 6 years. This is not a realistic appraisal of the situation.

In many cities of the Nation today, coins are at a premium, because our inadequate mints have not kept pace with the demand for coins.

Now, faced with a shortage of silver, eastern silver consuming interests are suggesting that subsidiary coins be made of some base metal rather than silver.

Those who suggest such an expedient forget Gresham's law—that bad money drives out good money. Such a course of action would only drive silver coins into hoarding—just as silver dollars were driven into hoarding—and would only aggravate the coinage problem.

Americans want coins with an intrinsic value—they want coins that clink—not clunk.

I cannot emphasize too strongly that the silver situation is boiling, and that the longer the lid is kept on, the louder the explosion will be. And when it does erupt, silver and our monetary policy will be an issue that neither political party will be able to evade.

I have outlined for you the problems that exist in the mining industry. They are not problems inherent in the industry; they are problems imposed upon the industry by shortsighted governmental policies.

Let me summarize for you the thinking of the mining industry on these issues.

1. The mining industry, if it is to prosper, needs a healthy climate. For 100 years, under the free enterprise system, the mining industry supplied the metals and minerals that made this Nation a first rate power. But this competitive system is threatened by the perils of socialistic experiments, excessive taxation, a managed currency, continued attempts at a managed economy, continued growth of union monopoly power and unwarranted Federal intervention in employer-employee relations.

2. A long-range national mineral policy should be formulated by the appropriate executive departments with the approval of Congress.

3. A healthy mining industry requires a tax policy that provides the incentives which encourage the investment of risk capital necessary for developing ore bodies. These include adequate allowance for depletion and full deductibility of exploration expenditures.

4. The Nation's stockpiles of strategic metals and minerals are national assets of great value and an insurance against requirements of future emergencies. Congress should not abrogate its present control over disposal of these stockpiles.

5. To provide a fair share of the domestic market for American mines, the flexible quota system now embodied in legislation before the Congress should be adopted. This will permit greater imports when they are needed, while protecting domestic miners in time of market weakness.

6. An active, healthy domestic mining industry requires free access to public lands and development of their productivity through private enterprise. Conservation is wise use of resources, not nonuse.

7. To meet the impending silver crisis, we recommend the following:

(a) The amount of silver in the dollar and subsidiary coinage should be reduced substantially;

(b) Acceleration of the replacement of silver certificates by the new $1 Federal Reserve notes, and a new issue of $1 silver certificates based on the decreased silver content of the dollar;

(c) Authorize a crash program for minting of new coins with reduced silver content, including the use of private facilities for minting;

(d) Set aside a strategic stockpile of silver containing a minimum of 500 million ounces of silver to serve as a reserve in emergencies. The need for such a reserve was amply demonstrated in both World Wars. No reserve now exists.

(e) Establishment by Congress of a Joint Committee on Monetary Policy to inquire into these problems and recommend measures to insure adequate supplies of monetary metals.

With these policies, America will have a strong domestic mining industry.

THE CUBAN COMMANDO RAIDS—THEY SHOULD NOT BE PREVENTED

Mr. GRUENING. Mr. President, the morning newspapers carry the news that a group of Cuban exiles made a hit-and-run raid on a Cuban port. It is reported that they destroyed a sugarmill there.

During the Kennedy administration commando raids of this type were frowned upon, and in effect forbidden by it. I dissented from that position, and hope it will not be reaffirmed by President Johnson's administration.

After the failure of the Kennedy administration to dislodge Castro in the Bay of Pigs fiasco, and later contributed to maintaining Castro in power by pulling back after the successful and praiseworthy confrontation with Khrushchev in the matter of missiles, it seemed to me regrettable that the United States took steps to prevent any action by the Cubans themselves.

The question may therefore be asked: "What is left for the Cubans to do?"

The U.S. effort to drive out Castro by economic sanctions has to date been unsuccessful. Our allies have not supported us in these measures, which on the whole is not so surprising, since we have initiated trading with Soviet Russia, by selling our wheat to it. Why, then, estop the Cuban exiles from taking, on their own responsibility and at their own risk, precisely the kind of action that Castro has undertaken in Central and South America?

We know that his trained saboteurs have been blowing up installations in Venezuela and elsewhere, and have undertaken a campaign of subversion, arson, dynamiting, killing, and general sabotage in Latin America.

While I believe the United States should play no part in these Cuban exile-directed commando raids, neither should it take steps to prevent them, as it has done in the past. The Cuban exiles are risking their lives in a praiseworthy effort to weaken the Communist regime, bloodily established and maintained in Cuba, and to contribute to its overthrow to which the United States is supposedly committed.

The United States is now heavily engaged in a bloody war in South Vietnam for the presumed purpose of halting communism there. How inconsistent can we be, if, while doing that at the cost of hundreds of millions of dollars and sacrificing American boys' lives in distant southeast Asia, we impede and forbid the Cubans from seeking to harass, weaken, and help to overthrow the ruthless Communist tyranny 90 miles from our shores.

I wish the Cuban exiles good luck and success.

STUDENT BODY AT UNION THEOLOGICAL SEMINARY, RICHMOND, VA., ADOPTS RESOLUTION SUPPORTING CIVIL RIGHTS BILL

Mr. HUMPHREY. Mr. President, last week it was my great privilege to receive a petition signed by over 400 southern leaders in support of the civil rights bill. These signatures were gathered by leaders of the Presbyterian Church, United States, and their effort surely stands as a great southern manifesto in behalf of human dignity and freedom. I wish to express my feelings of admiration and respect for these courageous Americans who found it necessary to speak out in support of the civil rights bill. It would have been a far easier and safer course to remain silent.

I have now received yet another resolution from a Southern State in support of H.R. 7152. The student body of Union Theological Seminary, Richmond, Va., has adopted a moving and courageous resolution in behalf of human rights. I know that this resolution was not adopted in haste. It was not adopted without debate and discussion. It was only adopted after the bill had been discussed publicly and privately by students of the seminary.

I commend the students of Union Theological Seminary for their actions. This resolution surely indicates that the objectives of this legislation are shared by many of our fellow Americans who reside in our Southern States and that these Americans feel the obligation to express these beliefs. I hope every Member of the Senate will find the few moments required to read this resolution. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION ADOPTED BY THE STUDENT BODY OF UNION THEOLOGICAL SEMINARY IN VIRGINIA ON CIVIL RIGHTS

Whereas, racial injustice and discrimination as practiced in all parts of our country does violence to both the Christian conscience and the Democratic heritage; and

Whereas, a number of students enrolled in this seminary, both citizens of this country and those from other nations, have been degraded and embarrassed when not admitted to restaurants and other public facilities because of their color; and

Whereas, the civil rights bill (H.R. 7152) is now before the Senate of the United States and, if passed, would partially correct injustice and discrimination, and protect the rights guaranteed to individuals under our Constitution, and

Whereas, in any social problem, such as that which exists in our country today, the church has the responsibility actively to support whatever solution seems most in accord with the will of God, even though this solution may be only the best of several imperfect alternatives; now therefore, be it

Resolved, That we confess publicly that as a student body we have sinned against God by our silence in the face of obvious racial injustice and discrimination; and be it further

Resolved, That we commend those who are acting in accordance with Christian principles to bring an end to racial discrimination, especially that which is practiced in the churches of our denomination; and be it further

Resolved, That we encourage congregations of our denomination to support the action of the General Assembly of the Presbyterian Church in the United States; that all be allowed to worship without regard to race, color, or national origin, and be it further

Resolved, That we urge the passage by the Senate of this bill (H.R. 7152) in substantially the same form as that in which it was passed by the House of Representatives; and be it further

Resolved, That we urge the Senate of the United States to delete those sections of H.R. 7152 which exclude church corporations from the provisions of this bill; and be it further

Resolved, That we support those members of our seminary community who are participating in a vigil at the Lincoln Memorial in Washington, D.C.; and be it further

Resolved, That we encourage other means of expressing our position on the bill. These may include: (1) the writing of letters to members of the Senate, to local and denominational newspapers and publications, and to friends, college groups, home churches, and every vital area where correspondence to the Nation's Capital can be provoked, (2) the including of these matters in our preaching, public speaking, and conversation; and be it further

Resolved, That we pledge ourselves to keep informed of the progress of this bill and to seek in every way to know and understand its provisions and implications; and be it further

Resolved, That we remind ourselves and other Christians that the cause which we here take up is what seems only to be the best of imperfect alternatives, that we are not totally right and those who differ with us are not totally wrong, that we must at all times preserve an attitude of Christian love toward those who differ with us and that we must finally seek not the passage of a bill, or the success of a movement but reconciliation in the church and Nation, and be it further

Resolved, That we call for intercessory prayer in our own private devotions, in our chapel services, and in the devotions and worship of members of our denomination for all men involved in this controversy, that by the mercy of God there may come out of our bitterness and strife and freedom, opportunity and liberty which rightfully belong to every citizen of these United States.

THE L.B.J. BRAND ON THE PRESIDENCY

Mr. HUMPHREY. Mr. President, in recent weeks we have witnessed the President of the United States, Lyndon B. Johnson, begin to leave his unique and personal "L.B.J." brand on the Presidency. Each American who has risen to the position of President has contributed his own individual talents and abilities to the growth of this imposing office. I would like to call the attention of my colleagues to a selection of newspaper accounts which describe the personality of Lyndon Johnson and his impact on the American Presidency.

I ask unanimous consent that five newspaper accounts commenting on President Johnson's activities be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Apr. 26, 1964]

INTERVIEW WITH THE PRESIDENT

(By Thomas Vail)

WASHINGTON.—Looking trim and tan, the tall Texan welcomed me warmly in his office. As no one else was present, he asked me to sit near the fireplace so we could talk more intimately.

The only thing unusual about all this was that my host was the President of the United States, and we were together in that famous white oval office in the White House.

"Before we get started on some important matters, you just have to see the tulips," the President said, and out we both went into the White House garden, which certainly is lovely at this time of year.

The President's private photographer snapped a few pictures and we went back to the simple, uncluttered, rather small office where so many great decisions are being made.

Looking as fit and healthy as a man can look, the President began to range over a whole series of problems in his informal, practical way.

As if summing up his whole philosophy of government in a few words, he ended almost every subject with: "People want action. They want results."

If ever there was an action man, L.B.J. is it. Just back from a whirlwind trip into depressed poverty areas in Pennsylvania and West Virginia, the President seemed impatient to get on with the legislation he hopes will alleviate the poverty he had just seen.

The President made several calls to aids and other important Government figures while we chatted. Every call was aimed at getting things done as quickly as possible.

While the Washington press corps is having a field day speculating about five vice presidential possibilities, the President says he is giving no thought to it until the convention this summer.

"I haven't even talked to my wife about it," he said.

Although he has said much of this publicly, the President added an intimate afterthought: "My only thought when I do make up my mind on Vice President will be who will make the best President, because I know something about what can happen to a man in this job."

Obviously concerned over civil rights legislation now being debated in the Senate, the President reflected some optimism, asked me about the situation in Cleveland and went on to say that the problems and the solutions in this field are only just beginning.

It had been a long, hard week for the President, a week which included settlement of the railroad dispute, something he feels was the toughest job he has had to handle as President so far.

But in spite of it, the President showed no signs of tiredness.

Of the Presidents I have met, this is the real pro of all. He leaves theories and intellectual abstractions to others. President Johnson is a product of the soil, of Texas and of his life career in politics. His manners are simple and homey. He is an assured President and politician rolled into one.

One other characteristic I would add is that he is impatient—impatient to get things done.

President Johnson knows there will be a lot to do on civil rights even if a Senate bill is passed.

I got the feeling American policy toward Communist China is not likely to change until the Chinese change some of their tactics.

After several momentous months, President Johnson has clearly learned to pace himself as he has taken hold of the reins securely. As I got up to go, after a long and interesting discussion, he said: "Call me any time. I am always anxious to help."

I left by a small private entrance to the White House, feeling that the President is a man of strength and action. The public image and my personal observations are the same.

[From the Christian Science Monitor, Apr. 27, 1964]

IN THE ROSE GARDEN

President Kennedy was cool and President Johnson is warm.

The younger man, just young enough to be part of the generations below him, was intellectual in thought and reserved in manner. His deeper emotions were private. The somewhat older man, just old enough to belong to the traditions behind him, is outgoing and eager to please. He has less of the instinctive withdrawal from public emotion that marks the young today and helps them to feel less exposed in this uncertain world. He is not a taut New Englander with a sense for the intricacy of things and the limits of action. He is a Texan who is establishing traditions, who is so much a man in a man's world that he is not reluctant to be his full self in public. He also knows what gets votes.

A group of newspapermen and broadcasters were a little startled to meet the new warmth of personality when the President talked to them in the rose garden this past week. They had not expected such intensity of feeling as when Mr. Johnson spoke of the crusade against poverty in the underdeveloped world. Not a few were taken aback, since newspapermen are an astringent lot and troubled with guilt if they feel themselves being persuaded.

The sincerity of the President was plain. He spoke twice of what it meant to be living in the White House, acting and thinking for the whole people and for history. He had thought about what he wanted to say. Some of the most eloquent passages came when he looked away from his reading desk and said things better, more simply and directly personal, than the words any ghost could have written. We reprint the text in the adjoining column.

We knew that Mr. Johnson had a tough political side to his nature. We enjoyed Gene Langley's cartoon in the Monitor recently, showing a man proudly extending an arm that looked like a cruller. "I just had my arm twisted by the President," he triumphantly said. We knew also that the President had a streak of the sentimental—how artless is it, or artful?—when relaxing at the ranch or talking to Cathy May.

But it was less clear what deeper feelings he would stir. It would now seem to be concern for people. In place of the more distant, youthful intellectual passion of Mr. Kennedy which so fired his followers, the new President has more of the open idealism of F.D.R.

[From the Topeka Daily Capital, Apr. 30, 1964]

L.B.J. Makes a Hit

There are some critics of President Lyndon Johnson who like to state, and restate, that he is an avowed liberal, a New Dealer to the *n*th degree, a man who has always backed welfare-state legislation and a worthy successor of Franklin D. Roosevelt.

But these critics, regardless of the degree to which they can prove their contentions, are witnessing a sort of a honeymoon between Lyndon Johnson and so-called big business.

Mr. Johnson, of course, has never been tabbed other than a masterful political campaigner, even by those who are violently opposed to him and his ideas. And never has L.B.J. proved his campaign ability better than he did when he appeared this week before the convention of the U.S. Chamber of Commerce in Washington.

The President was at his homespun best and his words were those of a seasoned political veteran. His delivery was good, too. Those who have described him as an unspectacular speaker would not have hastened to say so at the conclusion of Mr. Johnson's chamber of commerce speech. He was supposed to talk a half hour, but talked twice that long. He was uproariously applauded. He was interrupted by applause and laughter, or both, at least 60 times.

He predicted a $30 billion profit for American business this year, and what businessman is going to argue with such a hopeful statement?

He talked about the railroad strike settlement and the tax cut. Then he said: "But I must apologize to you this morning. We haven't done anything for business this week * * * but please remember this is only Monday morning."

It must have appealed to the convention, too, when the President invited everyone to support his attack on poverty, to help make "taxpayers out of taxeaters."

Some of the President's listeners no doubt came to the meeting with a firm set of convictions that Government has been meddling too much is the affairs of American business and that there is too much regulation. They probably went home feeling the same way. But regardless of political beliefs, they must have felt a high degree of respect for the President on the speaking platform. As a speaker at the U.S. Chamber of Commerce convention, L.B.J. was a decided hit.

[From the Cleveland Plain Dealer, Apr. 29, 1964]

President Sets a Steady Pace

Washington.—Whenever Lyndon B. Johnson refers to his health, no matter how casually or obliquely, a shudder seems to shake his listeners.

It happened again Monday in the middle of a melange of homey aphorisms, fundamental philosophies and impromptu quips which the President delivered in the guise of an address to the annual meeting of the U.S. Chamber of Commerce.

The audience had been laughing heartily and almost continuously. Pacing himself like an oldtime burlesque comedian, Mr. Johnson was reaching deep into his repertoire to produce the ultimate reaction.

Then the President remarked:

"They say I am going to get sick because I am working too hard and all that stuff."

Suddenly the airiness and levity of the occasion evaporated. The frivolity was supplanted by quiet. Faces became serious.

There is, of course, nothing strange about this behavior. The death of John F. Kennedy is fresh in the minds of Americans. So, too, is the heart attack experienced by Lyndon Johnson.

Mr. Johnson's closest friends and associates are constantly admonishing him about his work habits. Just a week ago, Secretary of Health, Education, and Welfare Anthony J. Celebrezze accompanying the Chief Executive on a tour of poverty pockets in Pennsylvania, Indiana, and West Virginia, said to him:

"Mr. President, you went to bed at 2 this morning and at 5:30 a.m., you were back at the airport ready to get going again. It is now 7 p.m. and you still are going. How long do you think any man can maintain this pace?"

Celebrezze's apprehension is understandable. But the fact is that, as far as his physicians can determine, Lyndon B. Johnson is in better shape today than he has been in many years.

It was on July 2, 1955, that Mr. Johnson, 46 at the time, suffered what he personally described as "as bad a heart attack as you can have and still live."

Yet Dr. James C. Cain, specialist in internal medicine at the Mayo Clinic, says that "you would never suspect from an examination that he ever had a heart attack."

This appraisal was corroborated by Dr. John Willis Hurst, the chief of cardiology at Emory University Hospital, who has examined Mr. Johnson at least twice since he became President, and observes: "Whatever his other problems, health is not one of them."

It would not be accurate in the strictest sense to say that President Johnson never gives his heart attack a thought. He still is said to go to sleep in a propped-up position, rather than lying flat.

President Harry S. Truman commented on his appearance last Saturday:

"I have never seen him looking more fit," Mr. Truman remarked. "And he had been through the grinder. I know what it is to follow a popular President who has died in office.

"And I'll say this about Lyndon Johnson. He is much further ahead than I was at this same stage of my administration. I mean he knows his job a lot better and what he is doing.

"In fact, Lyndon Johnson probably was better prepared to assume the Presidency than any man this country ever had in its history."

[From the New York Post, May 5, 1964]

Women in Government

(By Sylvia Porter)

Between January 1 and mid-April, President Johnson announced the appointment of 202 men to vacant Government positions paying $10,000 or more and thus qualifying as top Government posts. Of the total 57 were executive and 145 were U.S. agency appointments.

In the same period, the President named 150 women to positions in the $10,000-and-over pay classification. Of the total 50 were executive and 100 were U.S. agency appointments.

The jobs for the women, as for the men, are across the board—involve finance, education, health, commerce, agriculture, defense, atomic energy, foreign affairs, etc. The women as well as the men come from widely varied backgrounds—medicine, law, economics, education, business, local politics. As are the men, so are some of the women young, some middle age, some widowed or single, most married.

Nothing like President Johnson's drive to bring qualified women into high, responsible Government posts ever has happened to the United States before.

Just consider the minor difference between the number of men and women named to top posts in these weeks and you'll recognize the intensity of Johnson's campaign.

Just ponder the fact that at last count there were 184,308 men in $10,000-and-over Government positions against a scant 8,872 women and you'll see how unprecedented Johnson's attitude is.

What is this all about? What does it reflect and signify?

A first point that cannot be overemphasized is that Johnson is not fooling one bit about this move to raise the U.S. woman's influence in Government to an all-time peak.

He is not just playing shrewd politics—wooing us because we represent 51 percent of America's population and decisively outnumber men of voting age. He is not making just token appointments, selecting a few well-known women for conspicuous posts as symbols.

He means it when he tells his Cabinet, agency heads, and visitors that, "When we fail to utilize womanpower we are ignoring a major national resource," and that "brains and skill come in all types of packages." He is entirely serious when he urges his staff to "search for qualified women wherever you can find them," and warns, "Don't overlook a woman for a high post because she is a woman."

He has been flambouyant about his woman drive because Johnson is a flambouyant personality, particularly when he is emotionally caught up in an issue. And Johnson really does understand and appreciate the enormous strides the U.S. woman has made in our society in a single generation.

This—the upheaval is the economic position of the American woman since the 1920's—is what Johnson's drive reflects. This—and not our potential power at the polls—is the heart of the matter. To inform or remind you:

There are 25 million of us in the labor force today, 36 percent of all women of working age, and we represent one-third of our entire work force.

We are now working in every one of the 479 individual occupations listed in the census, and although we dominate as clerical and service workers, we are also at the top in the professions and industry.

Of every 10 women now working, 6 are married and 5 out of 10 are over 40 years of age. We are a mature work force, we are successfully combining employment and marriage.

Women shareholders outnumber men by about 51 to 49 percent.

Our power in the marketplace is indisputable and so is our towering ownership of savings accounts, life insurance, U.S. bonds.

The adult woman in the United States has lived through an economic revolution without parallel in world history—and yet, until today there has been shockingly meager reflection of it in the Federal Government.

Now Johnson is changing this—and no future President ever will dare to return to the prejudices and discrimination of the past.

Along with his success in selecting women for Government, though, Johnson has met major problems. This story will be told tomorrow.

REMARKS OF SENATOR MANSFIELD AT ALBERT LASKER JOURNALISM AWARDS LUNCHEON

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate an eloquent address given in New York yesterday by our distinguished majority leader, Mike Mansfield. He spoke at the annual Albert and Mary Lasker Foundation Medical Journalism Award luncheon. In his address, he lauded the recipients of this year's awards and pointed out the Nation's continuing obligation to its sick and infirm.

The Albert and Mary Lasker Foundation was incorporated in 1942 to promote medical research, particularly in the fields of heart disease, cancer, and mental illness. For the past 15 years, the foundation has given special awards to congressional figures who have helped to advance the cause of public health, and to outstanding journalists who have kept the public informed of medical progress.

This year's congressional awards went to the Honorable Oren Harris, of Arkansas and the Honorable Melvin R. Laird, of Wisconsin. The journalism awards, worth $2,500 each, went to Bill Burrus of the Dallas Times Herald for a series on mental illness; Gilbert Cant, medicine editor of Time Magazine, for an article on surgery, and Paul Cunningham for a series of programs on mental retardation on NBC television. Each of the award winners is to be congratulated for achieving this high honor.

Senator Mansfield was the principal speaker at this year's ceremony. I commend the foundation officials for having chosen him. In his speech, Mike Mansfield pointed out the important role of Congress in our fight against the ravages of disease. What he did not mention was that he himself has been in the forefront of that fight. Throughout his congressional career, and especially as majority leader under the dynamic administrations of Presidents Kennedy and Johnson, Mike Mansfield has been a tower of strength in this area. Important pieces of legislation which have benefited from his wisdom and compassion include the Community Health Services and Facilities Act of 1961, an act for the training of practical nurses, the Clean Air Act, the Water Pollution Control Act, and the Mental Health and Retardation Act.

Mr. President, I ask unanimous consent that this splendid address by the Senator from Montana be printed at this point in the Record:

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Mike Mansfield, Democrat, of Montana, 15th Annual Albert Lasker Medical Journalism Awards Luncheon, Sheraton-East Hotel, New York, N.Y., Wednesday, May 13, 1964

In the years during which I have been in the Senate, cancer has claimed the lives of many outstanding colleagues. With ruthless impartiality it struck down Robert Taft, Arthur Vandenberg, Brien McMahon, Matthew Neely, Kenneth Wherry, and Richard Neuberger. During the same period heart disease took a similar, cruel toll of my friends and associates.

These deaths have been an intimate reminder that the struggle against needless mortality, against premature death is a continuing one. The struggle is not only the scientist's concern or the doctor's calling. It is a national responsibility.

Each year disease kills 1,700,000 Americans. A survey conducted by the Health Information Foundation documented the fact that the American economy suffered the loss of more than $13 billion in wages and salaries during the period July 1959 to July 1960 because of absences from work due to illness. The loss represented close to 3 percent of that year's gross national product. On an average day 1,800,000 persons were out of work because of disease or disability. Put another way, the annual losses to our economy due to illness and disability are as great as if the U.S. economy were to remain totally idle for more than a week.

President Johnson has declared war on poverty. We are not going to eliminate poverty unless we also attack one of its major concomitants—ill health and disability. The connection is clear and unmistakable. Those parts of the country with the lowest economic productivity has the highest incidence of disease and disability.

Health is a basic human right, irrespective of political belief, income status, race, or religion. To put a price tag on health is to put a dollar sign on life itself.

Congress has been a major force, particularly in the years since World War II, in shaping a national purpose and a deep commitment on the part of the Federal Government to the fuller realization of this right. In the 1940's a Congressman named John Fogarty launched a campaign for increased Federal participation in medical research and for larger appropriations for health programs. The senior Senator from Alabama, Lister Hill, has since taken the lead among my colleagues in the Senate in carrying on this crusade for better health.

President Truman said at another Albert Lasker awards ceremony 9 years ago: "In this battle, there is no room for political or professional rivalries. In a war against disease we cannot tolerate false economy—we cannot tolerate timidity—we will not tolerate indifference."

It is in that sense that you honor, today, two old friends of mine, Congressmen Oren Harris, of Arkansas, and Melvin A. Laird, of Wisconsin, two men who have championed the cause of raising the standard of health in the United States. In addition, you honor representatives of the newspaper, magazine, and television world who have earned coveted Lasker awards for distinguished reporting of medical developments.

All of you who are dedicated to medical research and to the reporting of it to the public play a role in a magnificent story—one of the most exciting in our history. It is a story of an amazing advance in the science and technology of health and also in the distribution of its benefits. Yet, despite this advance the state of America's health remains unfinished business of the Nation. It was so labeled by the late President Kennedy. It is so regarded by President Johnson.

In 1961, in the first of three annual health messages which Mr. Kennedy sent to the Congress, he said:

"The health of the American people must ever be safeguarded; it must ever be improved. As long as people are stricken by a disease which we have the ability to prevent, as long as people are chained by a disability which can be reversed, as long as needless death takes its toll, then American health will be unfinished business.

"It is to the unfinished business in health—which affects every person and home and community in this land—that we must now direct our best efforts."

President Kennedy's special message of February 5, 1963, hailed a new day for the most neglected and ostracized of our citizens, the mentally ill and the mentally retarded. Legislation enacted last October with the support and encouragement of Oren Harris and Melvin Laird provides close to $700 million in Federal funds for a large-scale attack on these twin illnesses. The legislation was described by President Kennedy as "the most significant effort that the Congress of the United States has ever undertaken on behalf of human welfare and happiness." I believe that this legislation stands as one of the great and enduring monuments of his administration.

President Johnson, in a special health message on February 10 of this year, told the Congress:

"Cancer, heart disease, and strokes stubbornly remain the leading causes of death in the United States. They now afflict 15 million Americans—two-thirds of all Americans now living will ultimately suffer or die from one of them. * * * I am establishing a Commission on Heart Disease, Cancer, and Strokes to recommend steps to reduce the incidence of these diseases through new knowledge and more complete utilization of medical knowledge we already have."

And President Johnson has called, again, for action on the hospital and nursing needs of older citizens. No rationalization will conceal the fact that these needs are not being adequately met at the present time. The President has asked for action in this session of the Congress. Insofar as I am personally concerned, I am prepared to see to it that the Congress faces this issue even if it means another 12 months' session. There is not a nation with a modern medical technology which has not already met this problem on something better than a hit or miss basis. There is not an advanced nation in the world, from Canada to Germany, from the Soviet Union to Japan which does not see to it—on a nationwide basis—that older citizens are assured, at a minimum, of a reasonable access to hospital and nursing care, not as a matter of charity but as a dignified matter of right. Other nations have found the means and methods to meet this responsibility toward their elderly. It borders on a national disgrace that we have pled national poverty or raised the specters of ideology as a justification for evading this issue for so long.

At the turn of the century, the great physician Sir William Osler wrote: "Humanity has but three great enemies: fever, famine, and war; of these by far the greatest, by far the most terrible is fever."

Over the past several decades, we have made more progress against disease and achieved more knowledge of the workings of the human body than in all the previous centuries of recorded history combined. If we continue our national investment in medical research, and see to it that its fruits are widely disseminated and made available to those in need the world may well witness a golden age of medicine.

As of now, we are still far short of this goal. We are short of it at home for all of our citizens. And while this Nation is among the one-third of the world which enjoys relatively good health, long life, and high standards of living, two-thirds of the human race has an average lifespan of about 35 years, and is plagued by infectious but curable and preventable diseases of all kinds.

Every minute somewhere in that two-thirds of the world 20 people die from malaria, tuberculosis, or intestinal infections. Twenty human beings—20 persons have died in the last minute who might have lived. We might well ask ourselves, What meaning did nuclear war or a nuclear test ban treaty have for them? What do any of the great world issues which preoccupy us really mean to tens of millions who live, throughout their lives, in or on the verge of ill health, on the verge of an unnecessary and premature death?

And what of the world's 60 million handicapped people? Dr. Rusk has aptly termed rehabilitation "a tool which can penetrate any Iron or Bamboo Curtain to reach the minds and the hearts of men." Have we used to the full what we already know to help in the rehabilitation of the handicapped? The truth is that we have not even done so at home, let alone throughout the world.

Here, then, is a great task which, beyond ideology, beyond boundaries confronts all nations: To use the great enlightenment and available resources of our times to heal the hurt, to cure the sick, to help the helpless.

The question which the world's peoples ask in this connection is not who will bury whom. It is who will give life to whom and to how many? The answer which we give to that question is critical. For there is a fifth freedom to which all peoples aspire. It is freedom from ill health. And both at home and in the world we are called upon to make a great concerted effort to uphold and to advance this freedom.

ECONOMIC IMPACT OF DEFENSE DEPARTMENT ACTIVITIES

Mr. KEATING. Mr. President, I join my distinguished colleague, Senator Javits, in calling for additional consideration and effort on the part of the Defense Department to deal with the problems created by the closing of military bases and abrupt curtailment of Defense Department activities and for a hearing before the Joint Economic Committee on this subject. One of the most obvious examples is the move taken by the Defense Department, with no regard whatever for the economic effect on the community, to relocate and transfer the jobs of the Rome air materiel area from a depressed area to another area of relatively full employment. At the time the decision was made Defense Department officials admitted they did not know what the economic situation in Rome was when the decision was made. Since that time there has been something of an about-face on the part of the Defense Department and high officials now admit that they do have a responsibility to consider economic factors. There is, however, very little evidence to date that the Defense Department and its three-man Office of Economic Adjustment that is supposed to handle this problem has done much more than offer sympathy.

Mr. President, the problem is a continuing one. Just 2 days ago, for instance, a firm in Schenectady, N.Y., was advised to stop work immediately on a project which provided several hundred jobs for several months.

The termination costs of this contract, which was already in midstream, will be very nearly equivalent to the cost of completing at least a part of the job. Nevertheless, what the termination order means is a sharp if perhaps temporary cutback in employment in a city where unemployment is already substantial and where a major military base is already scheduled for a closedown. A hundred men have already been laid off and more will follow in the near future. Yet the item being procured is not obsolete. Additional models will be needed in the future not only by the service which placed the contract, but possibly by several other services as well. In short, there is evidence to suggest that from any angle economic factors might call for a slight cutback rather than complete cancellation of the contract. Yet the decision to terminate was made on entirely different grounds. I have been in touch with the Secretary of the Army about the problem and I am hopeful that the Defense Department will take a wider perspective on the economic implications of an abrupt action in this case.

These are but two examples of the impact—sudden, unexpected and often seemingly very arbitrary—which the actions of the Defense Department can have on a given community. I believe it is indeed time for the Defense Department to undertake an agonizing reappraisal of its attitude toward such moves. The Commerce Committee is planning hearings later this month on some aspects of the question. I am planning to testify at that time and I believe any steps that can be taken to make the Defense Department more aware of the problems created by its policies and more helpful in meeting the difficulties caused by its decisions would be very much in the overall national interest.

ABRAHAM SCHLACHT SALUTES ISRAEL ON 16TH ANNIVERSARY

Mr. KEATING. Mr. President, men of good will the world over recently paid tribute to the State of Israel as it celebrated its 16th anniversary. The significance of this occasion, after so many years of trials and tribulations and in the face of continued hostile threats from Israel's Arab neighbors, cannot be underestimated.

In an eloquent and succinct salute on this historic day, Abraham Schlacht, publisher of the East Side News in New York City, outlined the indomitable will to survive of the people of Israel and their optimistic determination to look to the future in spite of the dangers to their survival. I commend Mr. Schlacht's tribute to all people interested in the well-being of this nation, our only true friend in the Middle East.

I ask unanimous consent that this statement, as printed in the East Side News of May 1, 1964, be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

PUBLISHER SALUTES ISRAEL ON 16TH ANNIVERSARY

(Editor's Note.—On the occasion of Israel's 16th birthday celebration held Thursday evening, April 16, at the Educational Alliance, 197 East Broadway, under the auspices of the New Era Club—Israel Cummings Forum, Abraham Schlacht, publisher of East Side News, delivered before a crowded gathering the following address):

Israeli Consul General Judith Beilin, Rabbi Seymour Nulman, Mr. and Mrs. Israel Cummings, George Palley, Congressman Leonard Farbstein, Mannes Lipski, George Freedman, and dear neighbors:

It is with a deep sense of elation that I stand before you to express my sentiments in regard to Israel's 16th birthday. Mention of this special day makes my heart and yours pulsate with great joy.

It brings to mind the struggles and tribulations of this young nation since it was founded in 1948, and the great progress it has achieved since then.

It is almost hard to believe how a little nation, with all the odds against it, could have overcome most of its difficulties and won the respect and admiration of freedom-loving countries the world over.

Israel may be small in point of wealth, military power, population, or material resources when compared with other nations. But in gallantry and perseverance, in intellectuality and spiritual grandeur, she can match them anytime, if left alone to pursue the paths of peace and good will.

To be sure, Israel is a comparatively young nation. She is only 16 years old. In point of history, such a measure of time is infinitely too short to determine in any way the growth, development, and the future of any nation. But in the case of Israel she has performed wonders which would have been considered impossible 16 years ago.

There were nations that predicted her early death, but these evil prophets were fooled, because they did not have the capacity to understand the undying dedication of the Israeli people.

The citizens of Israel love their land intensely. They are an indomitable people. They have suffered the deepest sorrows and afflictions of any race. They have endured every conceivable torture in the catalog of atrocities. They remember with trepidation how thousands of their fellow victims—fathers, mothers, sons, and daughters—had been forcibly driven out of their homes and into the streets by ruthless storm troopers, compelling them to march, six or seven abreast, with upraised hands for many long hours, to be finally carted away in freight trains to distant places for extinction.

They recall with vividness how many of their beloved ones had been thrown into huge burning furnaces in order to carry out Nazi Germany's attempt to wipe out every remnant of the Jewish race.

No wonder the Israeli people have been hardened, toughened, chastened by their past experiences, and are alert to any imminent danger to their homeland. They face the future grimly, confidently, prepared, because they know that they must not, dare not, experience the horrors of the past. But they cherish their land, the birthplace of their freedom, and their hopes are focused upon the future.

Strangely enough, Israel is faced with a dilemma, with a paradox, with a contradiction. She wants peace with her Arab neighbors, but cannot have it. She extends the hand of friendship, but it is spurned. Notwithstanding the fact that she was created by the United Nations, her Arab neighbors have proclaimed to the world that Israel must be destroyed at such time in the future as is most suitable for them.

The Arab nations seem to pay no attention to the U.N., even though they belong to it and are pledged under the charter to settle their disputes by peaceful means. Since they manifest such indifference to this world organization, and since they look to our country for economic and financial assistance, might it not be a good idea for the President of the United States to intervene and set in motion peace negotiations to adjust the basic differences between Israel and the Arab world. This is a simple suggestion worth reflecting upon.

The Arab world looks upon Israel with dire forebodings—and with good reason. It cannot afford to expose its people with its rampant ignorance and poverty to the gaze of the Israelis, with their splendid culture, their throbbing cities, and their high standards of living. It will exert every conceivable pressure to thwart Israel's attempt to prosper as a nation.

Israel's rapid growth and expansion are a thorn to the Arab countries. Because of that, the Arab leaders are planning to divert the flow of water in Lebanon and Syria so that Israel will not be able to use sufficient water from the Sea of Galilee and thus prevent her from irrigating the Negev Desert, so vital to her existence. King Hussein of Jordan, now visiting the United States, has said the other day that Israel's plans to divert water would "bring more inhabitants to the Negev and thus increase the mortal danger which the Arabs already feel as a result of the existence of Israel."

Israel is at heart a peace-loving nation, which recognizes the folly and futility of war. Some day the Arab nations will learn to their regret that it is better, for the good of all, to live at peace than to be at war. After all that has been said, we must not forget that tonight is a joyous occasion. It is Israel's "sweet 16th birthday." What a fine gesture it would be to pay her homage by purchasing Israeli bonds or making contributions to the United Jewish Appeal. If your duty to this gallant little nation is fulfilled, then you can truly say with pride: "We too have done our share to advance the cause of Israel."

THE NEGRO'S LONG STRUGGLE FOR EQUALITY

Mr. BARTLETT. Mr. President, at this time, as the Senate deliberates the most vital domestic issue of our generation, civil rights, it is fitting that we should continue to explore the background and the compelling history of the American Negro's long struggle for equality.

The history of the movement was documented in a penetrating fashion last Labor Day, September 2, 1963, by the National Broadcasting Co., which canceled its entire regularly scheduled programing to broadcast a 3-hour news special, "The American Revolution of 1963."

Jack Gould, television editor of the New York Times, in reviewing the program, said:

> The program was an exhaustively comprehensive wrap-up of most facets of the Negro fight for civil rights. It must stand as a turning point in TV's journalistic evolution.

In still another of countless favorable reviews of this outstanding report, Harriet Van Horne of the New York World Telegram & Sun said:

> When historians still unborn sift the minutes of the civil rights struggle now raging, let them pay respectful attention to the vital—one might almost say decisive—role played by television. And let us hope that all archives of any consequence will retain a print of last night's unprecedented documentary, "The American Revolution of 1963."

NBC's documentary has been cited by the American Civil Liberties Union, the Americans for Democratic Action, the Women's League for Israel, and the Sigma Delta Chi, the professional journalism society. It also won the American Jewish Committee's Human Relations Award for Mass Media. In addition, it won the George Foster Peabody Award. It is an example of television's unique ability to make history while recording it.

The coverage included statements by Senators James O. Eastland, Democrat, of Mississippi; Strom Thurmond, Democrat, of South Carolina; Hugh Scott, Republican, of Pennsylvania; Russell B. Long, Democrat, of Louisiana; Hubert H. Humphrey, Democrat, of Minnesota; Governors George C. Wallace, Democrat, of Alabama; Ross R. Barnett, Democrat, of Mississippi; and Nelson A. Rockefeller, Republican, of New York; Louis Martin, deputy chairman of the Democratic National Committee; Attorney General Edward W. Brooks, of Massachusetts; State Senator Leroy R. Johnson, of Georgia; Councilman J. Raymond Jones, of New York City; Maj. Allen Thompson, of Jackson, Miss.; Mayor Charles Sampson, of Greenwood, Miss.; Eugene Connor, former police commissioner of Birmingham, Ala.; Rev. Martin Luther King; Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People; Ralph McGill, editor of the Atlanta Constitution; William J. Simons, president of the Citizens' Council Forum; A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters; Malcolm X, a leader of the Black Muslims; Herbert Hill, labor secretary of the NAACP; and Frank Carey, chairman of the Community Relations Committee, Oklahoma City.

A film copy of the entire 3-hour program is now available to historians, Members of Congress, and the public at the Library of Congress. I would like to commend NBC for this important contribution on the subject of civil rights and advise my colleagues that a copy of this documentary is available in the Senate Commerce Committee files.

HANDICAPPED PROVE ABILITY COUNTS

Mr. BARTLETT. Mr. President, a remarkable essay has come to my attention, written by 17-year-old Gail Frances Loudon, of Fairbanks, Alaska. This essay won first prize in a statewide contest under the auspices of the President's Committee on Employment of the Physically Handicapped. Gail in her article points out that the handicapped when given the opportunity "work harder, longer, and often better, to prove to the world, and to themselves, that they are anyone's equal."

Because I know Senators will be interested in reading this essay I ask unanimous consent that it be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

How Handicapped People in My Community Are Proving That Ability Counts

He led us through the greatest war ever known. He brought us from a poverty-stricken nation to a world power. He led us through depression and war to prosperity and peace in a wheelchair; for this man, Franklin D. Roosevelt, was paralyzed from the waist down and could not walk.

Many people view a severely handicapped person as a burden to society, taking and not giving anything in return. History has disproved this. Franklin D. Roosevelt could not walk, but he could lead and he did. Beethoven, though he was stone deaf, heard great classics and gave them to those who could hear. Thomas Edison was deprived of part of hearing but his most popular invention, the phonograph and the record, are of sound.

True, these were exceptional people, but many handicapped are exceptional. Those who have the opportunity, work harder, longer, and often better, to prove to the world, and to themselves, that they are anyone's equal.

Fairbanks has handicapped people earning a living, employed in a variety of fields, and doing their jobs well.

One day a local man found himself going blind due to cataracts compounded with infection. He worked on a Government job in the machine shop as headman. He had to accept a medical retirement. Within a month of his retirement he found a job in a hardware store due to his intensive knowledge of tools. In the same hardware store is a man who was born without an arm, though to see him tie a package you would think he had three arms. At Alaska's largest mining firm is a gold expert, also minus an arm due to an injury in the war. Both of these one-armed men enjoy bowling and are reputed to be quite good at it. They worked hard to develop the skills necessary for their work and recreation.

Then there is a young boy, not quite 21, who lost the tips of his fingers. His main goal was to become an Air Force pilot, but, because of his injury, he can't pass the physical. His dreams, dashed to the ground, are slowly being rebuilt. He is now studying to be an engineer and to build the planes he can't fly.

The woman who runs the society section of our newspaper is almost completely paralyzed due to the polio she contracted as a young girl. For many years she ran a storybook hour on the radio, turning pages with a pencil in her mouth. Now she has worked up a device where she can type her articles.

The employers of handicapped workers are not good samaritans, but levelheaded businessmen who have found that the handicapped can be, at times, the best employees available. From surveys taken, it has been discovered the handicapped take less sick leave than other workers, and that their rate of production is generally higher. Therefore, hiring the handicapped can be a sound investment.

On the whole, Fairbanks hasn't done anythink extraordinary for its handicapped citizens. Fairbanks has just given them, as it does to everyone else, the opportunity to work. The handicapped themselves must take it from there.

SURVEY SHOWS STUDENTS UNABLE FINANCIALLY TO ATTEND COLLEGE

Mr. HARTKE. Mr. President, among the organizations, presenting testimony recently before the Education Subcommittee on S. 2490, the Hartke college student assistance bill, the American Personnel and Guidance Association was represented by two counselors actively advising students on college problems and the president of the association, Mr. Harold C. Cottingham, professor of education at Florida State University. Professor Cottingham's testimony revealed some interesting results of a survey conducted by the association, which is the professional body whose membership includes the country's high school guidance counselors.

The survey was especially undertaken in March of this year to provide facts on which some of the association's testimony would be based. School counselors in 160 high schools in widely scattered parts of the country were asked to respond. One hundred thirty-nine of them answered, from small high schools in the Northeastern United States to large consolidated high schools of 1,000 or more students in the Deep South, from middle-sized high schools of the Midwest to rural and Indian schools in the Plains States and metropolitan high schools in the Northwest. I believe the findings are significant.

Of the 39,000 pupils graduating, 48 percent expect to continue their education, but the range was from 5 percent to 70 percent, and according to Dr. Cottingham the high range of 60 to 70 percent college prospects were found "in some of the more affluent areas." The counselors were asked what percent of their graduates were not continuing for higher education but were academically able. I quote from the testimony:

> This group represented 16 percent of students in the group surveyed. Here again, there was a great range of loss of talent. Some secondary school counselors estimated that as high as 50 percent of their graduating seniors who they felt could profit from post-high-school education are not going on with their education.

Even more significant, Mr. President, for the effects which my bill would produce in financial assistance, is the finding that of those not continuing, and I quote, "more than 25 percent were not going on with their education directly because of financial need," Dr. Cottingham said:

> In short, counselors responding to this survey who are working day by day with these students clearly recognize that there is a substantial percentage of young people in this year's graduating class who will not go on to post-high-school education because of financial need and for no other principal reason.

Mr. President, I call this to the attention of the Senate in order that the need which my bill attempts to meet may be more clearly in focus as we approach the time when the bill is to be reported to the full Committee on Labor and Public Welfare. I trust that not only the 22 Members who have cosponsored the bill with me, but other Members also will note this great need.

THE ECONOMIC IMPACT OF DEFENSE INSTALLATION CLOSINGS

Mr. JAVITS. Mr. President, I have asked the distinguished chairman of the Joint Economic Committee [Mr. DOUGLAS], who is also the chairman of its Subcommittee on Defense Procurement, to hold hearings to deal with two questions relating to the widespread economic impact of closings of military bases throughout the country. As is known, the Defense Procurement Subcommittee has been conducting hearings on the impact of military and civilian supply and service activities on the economy.

The first question is: Who in the U.S. Government is responsible for dealing with the economic impact of such closings on whole communities? My distinguished colleague from New York [Mr. KEATING], who has waged a vigorous fight in respect of this matter in Rome, N.Y., has just spoken and made clear an example of some of the enormous difficulties which are faced by communities. Officials from these communities should have an opportunity to express their views and provide suggestions as to the most effective way to handle these problems.

The second question is: Have resources been provided in the national budget, through congressional appropriations and existing programs to deal with the economic impact upon communities which are suddenly left bereft of their main economic support, after they have rendered great service to the Nation in the maintenance of defense activities located among them for a long period of time?

Mr. President, I ask unanimous consent that the body of the letter addressed to Senator DOUGLAS may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> On April 16, 1964, the Defense Procurement Subcommittee during its hearings on the "Impact of Military and Related Civilian Supply and Service Activities on the Economy," received testimony from Secretary of Defense McNamara on the subject of the closing of military installations throughout the Nation and the effect of these actions upon the economy. As is well known, the level of Federal expenditures for defense, whether in procurement or operation of military installations, has a tremendous impact on the economy. Indeed, in 1963, approximately 10 percent of the gross national product was generated by Federal expenditures associated with the national security.
>
> The budget program of the President as well as recent pronouncements by the Department of Defense has indicated a scheduled "leveling off" of total defense expenditures. The impact upon communities, workers, and industries of such a reduction in defense spending will be significant and the need for new programs to ease the adjustment transition to changes in defense spending are of most urgent nature. Important adjustments are and will be necessary in communities affected by military base closings and in those containing businesses heavily dependent upon Defense Department procurement.
>
> As you will recall, at the April 16th hearing of the subcommittee, Secretary of Defense McNamara, acknowledged the Defense Department's responsibility for the impact of reduced departmental spending and curtailed operation of military installations (pp. 40, 41, 45 of transcript of hearings).
>
> In this connection, the Secretary referred to the role which the Office of Economic Adjustment in the Defense Department fulfills in easing the impact on affected communities. In view of the extremely small size of this Office (a Director and two staff assistants), and its limited operational capacity disclosed by information submitted to the subcommittee by the Secretary of Defense, it may be desirable for the Joint Economic Committee to consider whether this Office is able to implement the assumption of responsibility of the Defense Department in the area of economic adjustment which Secretary of Defense McNamara has acknowledged.
>
> It is my firm belief that the economic impact of Defense Department procurement and installation operation policy deserves very careful consideration by the Defense Procurement Subcommittee, which is already examining the impact of military supply activities on the economy and should be the subject of additional subcommittee hearings in the very near future. I believe the subcommittee should consider the views of Federal officials, community leaders in areas affected by curtailed defense expenditures or important base closings, and involved industry leaders.
>
> I very much hope you will find it appropriate for the subcommittee to set aside some additional time for hearings in the near future on this matter of the economic impact of reduced defense expenditures and military installation closings, which is of such vital importance to our Nation's economy, so that we may have firsthand information from the affected communities' point of view.
>
> Please let me know how you feel about this.
>
> JACOB K. JAVITS.

Mr. JAVITS. Mr. President, the subject is a grave one. The economic impact of curtailed defense installation activities will be felt throughout this entire country. A particular situation cited by my colleague [Mr. KEATING], is the example of Rome, N.Y. There are other examples in our State, on Long Island, and elsewhere, about which we have spoken in the Senate. Many other Senators have observed these situations throughout the Nation.

No one wishes to stand in the way of the most effective national defense and of the most effective operations of our Armed Forces. Nor does anyone wish to stand in the way of an intelligent economic program.

We all understand that there must be openings, closings, consolidations, and efficiencies in this whole field; but in addition to all that, and quite properly, as these activities are carried on by Secretary McNamara, there is an obligation that is owed to communities which are profoundly and directly affected.

I am very glad to say—and I believe it is a real tribute to the Secretary of Defense—that in testifying on April 16, before the Defense Procurement Subcommittee to which I have just referred, the Secretary very frankly stated that he believed the Department of Defense itself should have complete responsibility for dealing with the economic impact on particular communities of the curtailment of operations or the closing of defense activities or installations. He has since submitted to the subcommittee a detailed analysis of the organization and operations of the Office in the Department of Defense which has been created for the purpose of dealing with this matter. The name of this organization is the Office of Economic Adjustment, and it is operated under the Assistant Secretary of Defense (Installations and Logistics).

This particular Office is extremely small and is staffed by a Director and two professional staff assistants. Its undertaking of assistance consists primarily of coordination with other elements of the Federal Government with respect to enlisting advice and aid; and although the will exists, it is questionable whether its resources are sufficient to do the job. An expansion of this Office may be desirable. A review of this matter is necessary. Consequently, if the chairman of the Joint Economic Committee feels that his committee cannot conduct hearings, I trust that another suitable committee of the Senate will look into the question of whether the Federal Government is really fulfilling its obligations to seriously adversely affected communities in the matter of the closing of defense installations or the termination of defense activities. The situation requires the urgent attention of Congress.

AMERICAN ART AT THE WORLD'S FAIR

Mr. JAVITS. Mr. President, in many ways and in many places at the New

York World's Fair, the work of American creative artists is on display. There are several exhibitions of paintings in the various State pavilions, and numerous pieces of sculpture have been created especially for this occasion by some of America's greatest sculptors. The work of American architects and landscape artists is exhibited in the imposing buildings at the fair. American musicians and composers, poets, and other artists have also made distinctive contributions. In sum it is their impact which helps to give the fair its clearly American flavor.

I ask unanimous consent to have printed in the Record a release dated May 6, 1964, from the American Academy of Arts and Letters and the National Institute of Arts and Letters listing in detail the artists and their works who are a part of the New York World's Fair.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

American Art at the Fair

Despite all rumors, false starts, and gloomy prophecies, the New York World's Fair is going to contain a brilliant and comprehensive display of the finest achievement in American art in all fields. The American Academy and National Institute of Arts and Letters, the Nation's highest honor societies of the creative arts, are proud to announce that 29 of their members will have examples of their works at the fair. Painters, sculptors, architects, and landscape architects are to be represented, as well as poets and composers of the highest distinction.

The academy member who has perhaps played the largest part in making the fair a thing of beauty is Gilmore D. Clarke, who serves as consulting landscape architect and engineer. Mr. Clarke, who has been a member of the American Academy of Arts and Letters since 1946, and has served as its treasurer for the past 8 years, is credited with the basic design of the Unisphere. His office, Clarke and Rapuano, has been responsible for the structural design of the pools and fountains (except the Fountain of Industry); the design of all planting, including floral displays, for the Fair Corp., the Garden of Meditation, Pan American Highway Gardens, the U.S. Space Park, and part of the general design of the fair, including lighting, flagpoles, benches, and other elements. He is also chairman of the Committee on Sculpture.

Another distinguished artist, Paul Manship, past president of the academy and one of the world's foremost sculptors, has designed the bronze armillary sphere sundial, 10 feet in diameter, which will decorate the sunken garden and pool in front of the New York City Pavilion. This is to be a permanent part of the park decoration when the fair is over.

Donald DeLue, a member of the institute, has designed one of the most prominent features of the fair, a bronze figure 43 feet high called the Rocket Thrower, which is placed on the main axis of the mall, where James Earle Fraser's statue of George Washington stood at the 1939 World's Fair. Mr. DeLue is also the sculptor of the statue of George Washington which is to stand in the Masonic Center.

Three great American architects, members of the National Institute of Arts & Letters, have left their stamp on the fair in some of its most imposing buildings. Wallace K. Harrison has designed the Hall of Science in the transportation section; Philip Johnson was the architect for the New York State Pavilion, consisting of three units—the Tent of Tomorrow, Towers, and a circular theater. Edward D. Stone has designed the Christian Science Church, the Billy Graham Pavilion, the House of Good Taste, and the Julimar Farm.

Michael Rapuano, landscape architect, also a member of the national institute, has collaborated with Mr. Clarke in many of his projects, and has in addition designed the landscape treatments for a number of the private exhibits at the fair.

Another noted sculptor, Theodore Roszak, who has only this year been elected to membership in the institute, has designed a monumental piece of sculpture entitled "Forms in Transit," which will be located on a mall in the transportation section of the fairgrounds.

The works of many painters among the institute and academy membership will be prominently exhibited at the fair. Thomas Hart Benton, of the academy, will have four large paintings and four drawings in the Missouri Pavilion. The paintings are "Persephone," a large nude observed by an old rustic figure, "Negro Soldier," "Young Fisherman," an Ozark River scene, and "Plan for the Truman Library Mural." The four drawings are also Missouri scenes.

Three other pavilions will contain exhibitions of work by American artists. The largest of these has been arranged by a committee of museum directors headed by John Eastman of the Skowhegan School of Painting and Sculpture for the penthouse gallery at the Better Living Center Building. Mr. Eastman has arranged a loan exhibition of outstanding works by contemporaries, among which the following are by members of the American Academy of the National Institute: John Sloan, "Six O'Clock Rush"; John Marin, pertaining to Deer Isle, the Harbor, Maine, series No. 1, Deer Isle; Edward Hopper, "Room in New York"; Mark Tobey, "Drift of Summer"; Andrew Wyeth, "Distant Thunder"; William DeKooning, "September Morn"; Jack Levine, "Witches' Sabbath"; Stuart Davis, "Pochade"; Ben Shahn, "Blind Accordion Player"; Edwin Dickinson, "Ruin at Daphne"; William Zorach, "Torso"; and Alexander Calder, "Stabile."

The Hall of Education will have an exciting exhibition of contemporary American painters. Among the works to be shown are these by members of the academy and institute:

Leon Kroll, "Reflections," and "The Kitchen Window"; Julian Levi, "Deep Sea Garden," and "Weir No. 2."

This will be a revolving exhibition, and future selections for showing will be made by a committee of artists consisting of Leon Kroll, Julian Levi, and John Koch.

Andrew Wyeth, greatly admired American artist, whose genius led to his being elected a member of the Academy while he was still in his thirties, boasts of still another contribution to the fair. Along with Eugene Ormandy, he compiled a list of the arts which was inserted in the time capsule.

Two world-famous painters, honorary members of the academy institute, will also be represented at the fair. Work by Marc Chagall will be shown in the American-Israel Pavilion and work by Joan Miro will be exhibited in the Spanish Pavilion.

Musicians and poets in the academy and institute have likewise been called upon to contribute to the public's aesthetic enjoyment at Flushing Meadows this summer. The fair song, "Fair is Fair," was composed by Richard Rodgers of the institute. Norman Dello Joio, of the institute, has written the music for the port authority film, and Marianne Moore of the academy, America's beloved poet, has written the story for the film. A recorded reading of the works of Padraic Colum of the academy is to be presented in the Irish Pavilion.

CURTAILMENT OF POSTAL SERVICES—RESOLUTION OF THE NEW YORK STATE ASSOCIATION OF LETTER CARRIERS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record a resolution protesting the curtailment of parcel post service. The resolution was adopted at a meeting of representatives of letter carriers from all sections of New York in Washington, D.C., on May 5 and 6, 1964.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Protesting the Curtailment of Parcel Post

Whereas the curtailment order of parcel post issued by the Post Office Department which commenced on May 4, 1964, is a discriminating order against the postal patrons residing in urban areas and shows an utter disregard for employees' work schedules. The irate leaders of the New York State Letter Carriers Association revealed that patrons served by rural and mounted carriers will continue to receive parcel post deliveries 6 days a week. On the other hand, those in other areas would suffer a reduction to 5 days with a 1-day stoppage of service on a day between Monday and Friday; and

Whereas the public will be further inconvenienced by additional cuts in window service. The Post Office Department anticipating angry public reaction; employees are being indoctrinated by the Post Office Department to advise inquirers or complainants that these measures are not curtailments, but merely adjustments; and

Whereas postal service in England and other Western European nations is acknowledged to be far superior to that of the United States, our service continues to deteriorate at an alarming rate; and

Whereas an additional 15-percent increase in parcel post rates which became effective April 1, 1964, the public was led to believe that this service would show improvement. Not so with the present postal administration, the slogan seems to be "rates up—service down"; and

Whereas letter carriers are aware of President Johnson's request for sane and proper economy. The mailmen charge the Post Office Department with conspicuously violating the intent and purpose of the President's order to give more service at the most economical cost, eliminating unnecessary and unproductive positions. They challenge any postal official to state that President Lyndon B. Johnson ordered any curtailment in service; and

Whereas the postmen further accuse the Post Office Department of employing this latest cut in service as a forerunner to still further reductions in service; and

Whereas it cost 2 cents to mail a letter, businessmen received four trips a day; which is now reduced to three; residential patrons received three deliveries a day, which was reduced to two trips and later to one, and two parcel post deliveries a day to one a day, and now, a further cut to eliminate an entire day, thus adding to an already neglected parcel post service; and

Whereas 400 letter carriers representing all sections of the State of New York meeting in Washington, D.C., on Tuesday, May 5, 1964, and Wednesday, May 6, 1964, do hereby protest the curtailment order; and

Whereas postmen maintain they cannot do the job alone. They recognize that only with an aroused public expressing its indignation immediately by sending letters and telegrams to their elected representatives in Washington can the curtailment order be rescinded. Thereby, proper service would be restored: Be it

Resolved, That the following recommendations enacted here by the delegates assembled be supported by every branch representing the State of New York:

1. Newspaper advertisements;
2. T.V. and radio coverage;
3. Soliciting the aid of business, labor, fraternal and religious organizations;
4. Information supplied to the Government and mayors of the State; and
5. Demand the support of the National AFL–CIO; and be it further

Resolved, That our national president, Jerome J. Keating, call a national conference at the earliest possible date.

RALPH MERIGLIANO,
Secretary.

FRANCE REACTS PROMPTLY TO VIOLATION OF AGREEMENTS

Mr. GRUENING. Mr. President, when Tunisia violated its agreements with France by quickly nationalizing the farmlands held by French citizens and French companies, France reacted immediately by cutting off its financial aid. France had renewed its financial and economic aid to its former colony after an interval of 5 years. This resumption of aid for its former colony by its former colonial master was desirable and praiseworthy. I have believed that the best results could be achieved in Africa in the longrun if the former colonial masters—Great Britain, France, Belgium, Spain, and, we trust, in due time, Portugal—would increasingly assume the major responsibility in assisting their former colonies. The former colonists in considerable degree speak the language of their former "mother" countries. The former colonial powers are familiar with the problems and needs of their former colonies. They have long-established interests there. The serving of these interests can go hand in hand with assistance for the economic development of their now independent former colonies.

However, U.S. aid in Tunisia has been administered particularly under the wise and sympathetic guidance of U.S. Ambassador Francis H. Russell, and has produced good results. Tunisia has made substantial economic and social progress since its independence, largely because of the generally enlightened leadership of President Bourguiba. Under it Tunisia has shown more understanding and friendship for the United States and the West generally than any of the other states that are loosely classified as Arab. Let us trust that he will continue this course and attitude and not succumb to the pressures and incitements of some of his neighbor rulers. In this instance he appears to have acted impulsively. The great cultural legacy of France should never be forgotton by the Tunisians even if past incidents such as the unjustified French bombings in the course of the Bizerte base controversy have interrupted amicable relationships and produced understandable bitterness. But Tunisia needs France's continued economic support and should not lightly jeopardize it.

But what is noteworthy is that France wasted no time in the case of a Tunisian violation of an agreement by cutting off aid. By so doing, France established the broad principle that financial aid is a two-way street; that the acceptance of aid from another country implies responsibility and reciprocity by the recipient country.

The United States might well take a lesson from France. In its foreign aid program, the United States acts differently. It continues aid, despite broken promises, violated pledges, and actions contrary to the interests of the United States. I will not at this time cite the numerous specific examples of much softheaded and counterproductive policies. I shall reserve those for a future time. Meanwhile, I suggest that our consideration be given by our State Department and AID agency to the action of France.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Paris Halts Aid to Tunis to Protest Land Seizure," written by Henry Giniger and published in the New York Times of May 14, 1964.

There being no objection, the article was ordered to be printed in the Record, as follows:

PARIS HALTS AID TO TUNIS TO PROTEST LAND SEIZURE—REBUFFS BOURGUIBA REQUEST FOR HELP IN ACCELERATING NATIONALIZATION PLAN

(By Henry Giniger)

PARIS, May 13.—French-Tunisian relations took a critical turn today with the elimination by France of her budgetary aid to Tunisia

Brushing aside a bid by the Tunisian President, Habib Bourguiba, for continued cooperation, France reacted vigorously to Tunisia's decision to nationalize quickly the remaining farmlands held by French citizens and companies.

Tunisia was accused of breaking her commitments by unilateral action and of brutal attitudes and statements.

Yesterday officials confirmed that aid to France's former North African protectorate had been suspended pending a definite decision. The decision came this morning at a Cabinet meeting presided over by President de Gaulle, who left immediately afterward for his country home at Colombey-les-deux-Eglises. There he will complete his recovery from last month's prostate operation.

TAKEOVER ACCELERATED

French anger is based on the fact that an agreement was signed in March 1963, providing for the gradual transfer to Tunisia of French-held lands. Officials here said that 90 percent of the cost was being carried by France.

A grace period of 5 years was given to those unwilling to sell immediately. But Tunisia decided a few weeks ago that all foreign-held lands would be taken over by the end of the year and a bill to this effect was put through the Tunisian National Assembly on Monday.

The principle of compensation for the seizure was maintained in the new law. But in a speech yesterday President Bourguiba indicated that he wanted France to assume the entire cost of the operation.

Tunisia, which became independent in 1956, has approached France with a proposal to open talks on the matter. But French officials said that this request was made after Tunisia had already decided to break last year's agreement.

In Tunis it was reported that French settlers and companies were considering leaving. The number of French farmers left there is estimated at 800. In addition, more than 100 French-run companies hold land covered by the new law. About 500,000 acres are affected.

ENVOY RETURNING FOR TALKS

The French Ambassador in Tunis, Jean Sauvagnargues, was recalled to Paris for consultations today. It was said that he would return to Tunis in a week after consulting with the Government on further steps.

General de Gaulle's sharp reaction was viewed as a warning that France intended to be treated with consideration when extending aid to other countries.

The strong French stand took on added point because in Algiers important negotiations are under way on Algerian claims to a larger share of the profits from the Saharan oil ventures of French companies. France's aid to Algeria, which achieved independence from French rule in 1962, is a major prop of that country's economy.

In the case of Tunisia the amount of budgetary aid cut off immediately was relatively small. But the Cabinet made a clear threat, in addition, to cut technical and cultural aid as well as Tunisian imports into France.

AGREED TO RENEW AID

In February, France agreed to resume financial assistance to Tunisia after a break of 5 years caused mainly by conflicting positions toward the Algerian war.

Of Government credits of about $20 million, about $9 million was in the form of direct budgetary aid to help Tunisia in such public works programs as schools, hospitals, and roads. This payment was imminent, and it is believed that this is the amount immediately affected by today's action.

The rest of the $20 million was meant for industrial projects. An additional $22 million was provided in the form of government backing for private loans to Tunisia. The allocation of these funds is now doubtful, but no decision has been made.

French cultural aid consists mainly of the presence in Tunisian schools of 1,317 French teachers, two-thirds of whose salaries are paid by France. A French cultural mission maintains purely French schools with 1,000 French teachers paid entirely by France.

In the technical field about 330 French experts in various fields serve in Tunisia and 50 percent of their costs are borne by France.

SALUTE TO J. EDGAR HOOVER'S 40 YEARS AS FBI DIRECTOR

Mr. HRUSKA. Mr. President, I regret that because of official business I was unable to be in the Chamber on Monday when 25 Senators paid tribute to J. Edgar Hoover on the occasion of his 40th anniversary as Director of the Federal Bureau of Investigation. Accordingly, I take this opportunity to join in the congratulations and good wishes extended to this dedicated public servant.

You can stop any man, woman or child on the streets of America and ask, "Who is the top law enforcement officer in the Nation?" Invariably, the response will be, "J. Edgar Hoover."

Here is a man who is known—respected or feared—throughout the United States and the world. Whether a person respects Mr. Hoover or fears him depends on that individual's position regarding law and order.

J. Edgar Hoover has spent his life opposing the lawless. Forty years ago he took command of a small, badly managed and inefficient organization known as the Bureau of Investigation. Today as the Federal Bureau of Investigation, it is the most respected, most competent law enforcement agency in the world.

It has attained its renown because of the constant drive for excellence of J. Edgar Hoover. He set the pattern back in 1924 when he accepted the job of heading the Bureau with the stipulation that merit, not influence, would determine appointments and promotions. He has always insisted that the personnel standards of the FBI be high and strictly enforced. Because of this, the FBI always has been staffed by men and women of integrity—men and women, who, like their leader, put service to country above self.

The United States has grown strong because of men like J. Edgar Hoover. His life epitomizes the attributes, principles, and traits necessary for leadership. The American people are indeed fortunate to have such a man at the helm of our most important law enforcement agency. A lesser man might well have abused the authority of this position. J. Edgar Hoover has never abused this authority, nor has he sought additional power. In fact, he often has counseled against giving the FBI unnecessary authority.

We Americans have been blessed by the service of J. Edgar Hoover for over 40 years. God willing, we will continue to be so blessed for many years to come.

HONDO, TEX., ANVIL HERALD SHOWS GI BILL TO BE SOUND INVESTMENT FOR COUNTRY

Mr. YARBOROUGH. Mr. President, since the cold war GI bill, S. 5, has been pending on the Senate Calendar, it has drawn the attention and support from an amazingly diverse cross section of our Nation. The response in favor of this bill has run the gamut from college presidents to their students; from national publications to the local organizations' newsletters; from the high school student entering the Armed Forces to the retiring veteran; and from the largest metropolitan newspapers in our most populous cities to the rural weeklies. I am happy to report that despite the many and varied interests involved, these sources approach unanimity in their support of the bill.

Today I have from yet another source an article which urges the passage of this worthy legislation. Mr. President, I have an editorial which appeared in the Hondo, Tex., Anvil Herald on Friday, May 8, 1964. Because of the convincing and concise case which this article presents for the cold war GI bill, I ask unanimous consent that this article entitled, "Recommended: A Warmup for the Cold War Bill," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Recommended: A Warmup for the Cold War Bill (S. 5)

The continuing stress on the importance of education for the survival of wage earners makes a sound argument in favor of the cold war bill (S. 5).

It was introduced early last year, with U.S. Senator Ralph W. Yarborough as its principal author. Thirty-eight other U.S. Senators cosponsored it.

The cold war bill would do for veterans of this war what the World War II and Korean conflict GI bills are doing for the men who served in those wars.

President Johnson's call for a study of the future of the draft program indicates that the draft may be ended by 1970. Figures quoted show that only 44 percent of our young men of draft age serve in the Armed Forces and the other 56 percent are not needed.

Senator Yarborough submits that the Nation owes these cold war veterans the same opportunity to prepare themselves for return to civilian life, after their military service, as it now offers World War II and Korean conflict GI's.

The two GI bills making education available to them are a sound investment for the country's economy. Returning servicemen who avail themselves of the educational opportunity make so much more money as a result that they pay taxes amounting to more than enough to reimburse the taxpayers for the schooling they made possible through the bills.

The cold was GI bill would give cold war veterans 1½ days of schooling for each day in service.

A country traditionally and generously mindful of the needs of others might well consider being mindful, once again, of the future needs of its servicemen.

ADDRESS BY JOHN HAY ON RECEIVING THE JOHN BURROUGHS MEDAL AT AMERICAN MUSEUM OF NATURAL HISTORY

Mr. YARBOROUGH. Mr. President, among the most precious treasures of our national heritage must be listed the natural wonders of this great land of ours. There are many public spirited individuals and organizations in the United States dedicated to preserving and protecting these natural wonders for future generations as well as for our own use and enjoyment of which the John Burroughs Memorial Association, Inc., of the American Museum of Natural History is one of the finest.

I ask unanimous consent to print at this point in the Record, as a tribute to those who strive to preserve the natural wonders of the earth for future generations. A short biography of John Burroughs, a statement of the purposes and aims of the John Burroughs Memorial Association, Inc., the list of officers and directors of the association, a list of the books and authors to whom the John Burroughs Medal has been presented, and the address by John Hay, April 6, 1964, upon acceptance of the John Burroughs Medal for his superb book, "The Great Beach."

There being no objection, the material was ordered to be printed in the Record, as follows:

John Burroughs

John Burroughs, interpreter of nature, was the best known and most popular writer of his period in the field he made his own. Born April 3, 1837, in a little farmhouse among the Catskill Mountains, he was familiar with the hard work of farm life as well as the pleasures of woods and streams. His family was poor, and he was obliged to earn his living at an early date by teaching school. A volume of Audubon which came into his hands when he was about 25 proved the inspiration for the study of birds and nature which has been his passion through life. He was a clerk in the Treasury Department in Washington during the Civil War, when he wrote his first book, "Wake-Robin," living over again in them his youthful experiences. After 1873, however, his home was on the banks of the Hudson in the midst of the woods and fields which he most enjoyed, adding daily to his fund of information regarding the ways of nature. Much of this he imparted to his readers in his long series of delightful books, which include accounts of his travels in England, Alaska, and Jamaica, and essays on literature, science, and philosophy, as well as his unrivaled interpretations of nature.

On the occasion of John Burroughs' death in April 1921, Henry van Dyke, in an article in the Review of Reviews, said: "No spring comes and no fall passes but that you will find in John Burroughs something to interpret it and make it more fruitful to your spirit. In every one of his books about nature I find a distinct charm a veracity of observation, a gift of imagination, a companionship that is singularly attractive and satisfying."

The John Burroughs Memorial Association, Inc.

PURPOSES AND AIMS

Only those naturalists who recall the seventies and eighties realize the extent of our indebtedness to John Burroughs. In the first of these decades his was almost the only voice that sang of the out of doors, and his "Wake-Robin" (1871), and later works, (over a million and a half copies of which were printed), reveal a potential relation between man and nature to which we had before been blind.

One of the aims of the John Burroughs Association is to foster good nature writings. With this in mind, and taking the inspirational character of Burroughs' writings as a criterion, an independent jury of experts each year selects a distinguished piece of contemporary nature writing for the John Burroughs Medal.

OFFICERS

Mr. William G. Fennell, president.

Mr. Carl W. Buchheister, first vice president.

Mr. Howard Cleaves, second vice president.

Miss Farida A. Wiley, secretary-treasurer.

Directors: Mr. Carl W. Buchheister, Mr. Howard Cleaves, Mrs. Karl Connell, Mrs. Harry E. Crum, Mrs. Richard Derby, Senator Thomas C. Desmond, Mr. Guy Emerson, Mr. William G. Fennell, Dr. Richard B. Fischer, Mr. Henry B. Guthrie, Mrs. Inez M. Haring, Mrs. Elizabeth Burroughs Kelley, Mr. John Kieran, Dr. Harold Moldenke, Dr. Robert Cushman Murphy, Mr. Rutherford Platt, Mr. Richard H. Pough, Mr. Daniel Smiley, Mr. Edwin Way Teale, Miss Farida A. Wiley.

JOHN BURROUGHS AWARD: BOOKS AND AUTHORS[1]

"Pheasants of the World," by William Beebe, 1926.

"Lives of Game Animals," by Ernest Thompson Seton, 1927.

"Handbook of North American Birds," by Franbk M. Chapman, 1929.

"Peace in the Heart," by Archibald Rutledge, 1930.

"Spring-Summer-Autumn-Winter," by Oliver P. Medsger, 1933.

"Wild Pasture Pine," by W. W. Christman, 1934.

"Recorded Bird Songs," by Charles Crawford Ghorst, 1936.

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[1] All of the books of an author are considered when making an award.

"Oceanic Birds," by Robert Cushman Murphy, 1938.

"Adventures in Bird Protection," by T. Gilbert Pearson, 1939.

"The Life Histories of North American Birds," by Arthur Cleveland Bent, 1940.

"Birds Against Men," by Louis J. Halle, Jr., 1941.

"Birds of the Grey Wind," by Edward Armstrong (England), 1942.

"Near Horizons," by Edwin Way Teale, 1943.

"This Green World," by Rutherford Platt, 1945.

"Snowshoe Country," by Mr. and Mrs. Francis Lee Jaques, 1946.

"Driftwood Valley," by Theodore Stanwell Fletcher, 1947.

"Flight Into Sunshine," by Mr. and Mrs. Allan D. Cruickshank, 1949.

"Birds Over America," by Roger Tory Peterson, 1950.

"The Sea Around Us," by Rachel Carson, 1952.

"The Bay," by Gilbert Klingel, 1953.

"The Desert Year," by Joseph Wood Krutch, 1954.

"Those of the Forest," by Walter B. Grange, 1955.

"Song of the Sky," by Guy Murchie, 1956.

"The Windward Year," by Archie Carr, 1957.

"On the Trail of Vanishing Birds," by Robert Porter Allen, 1958.

"Natural History of New York City," by John Kieran, 1960.

"The Firmament of Time," by Loren Eiseley, 1961.

"Iceland Summer," by George Miksch Sutton, 1962.

"A Naturalist in Alaska," by Adolph Muri, 1963.

"The Great Beach," by John Hay, 1964.

ADDRESS BY JOHN HAY, ACCEPTANCE OF JOHN BURROUGHS MEDAL, PRESENTED BY THE JOHN BURROUGHS MEMORIAL ASSOCIATION, APRIL 6, 1964, IN THE AUDITORIUM OF THE AMERICAN MUSEUM OF NATURAL HISTORY, NEW YORK, N.Y.

I am very proud of the honor you have done me, especially for the company it puts me in. When I was first called a naturalist I was pleasantly startled and also a little disturbed by my inability to measure up to what I felt, and still feel, is a title that requires high standards of knowledge and effort. Let us keep it that way if we can. We cannot all have the kind of training we should like in order to analyze the living world, but we can think of it in terms of its own heights and depths, its everlasting offerings. The naturalist has an obligation to the context of nature, and I should add that neither he nor anyone else will ever understand it unless he makes a personal committment, out of his own experience. Nature is not a matter of mere tranquillity, a kind of weekend reassurance for a city crowd, a retreat, or in terms of society, an object of use. Whatever quiet it has is the quiet of the sea whose partner is violence. Whatever reassurance it may offer is the kind of reassurance vast energies offer to lives that are always subject to chance and exhaustion.

I think that the world of nature has to be approached with respect and anticipation, not so much in terms of the knowledge behind us as the knowledge ahead. In this a naturalist has the role of a leader, not as an expert necessarily, or a representative of scientific mastery, but as one who has practiced living with nature, and who has exposed himself to it like John Muir lashed to a tree so that he could experience a storm. He must encourage us to use our basic senses.

John Burroughs told his readers to have sharp eyes. The people, I have known, who were directly influenced by him were unanimous in emphasizing how he encouraged them to see. Cultivate sharp eyes and ears, he told the children who came to him, and watch for the unexpected. I think I would add, on behalf of his good friend Walt Whitman, learn to include. A friend of mine, who is a distinguished author, told me that the writings of John Burroughs were one of the delights of his youth, that he was so soaked in them that the local countryside became Burroughs' country, and in fact still is; but above all that, he learned through his books to look at things.

To see, and then to interpret takes practice, and practice in depth. I was thinking the other day about the alewives, the fresh water herring that migrate from the sea to spawn, thinking in fact, that neither I nor anyone else would ever finish thought with respect to them. We keep on and on, applying new hypotheses to their behavior in order to try and come up with some simple solution. For example, how do they find their way during migration? Why do the young leave fresh water when they do? The more effort we make, the more we know, knowing at the same time that there never was a final, simple answer to things. The schooling fish circle together as they spawn, migrate, or feed, and so do we, in quest of fulfillment, or understanding, circling in depth, together with the spinning globe. The more we practice, the more we include. It is an education. It is a universal necessity. We invariably fall short of the goal but we are always given the equipment with which to start or start again. Failure and renewal are inherent in evolution. Nature gives a basis for both pessimism and optimism.

This is not the relatively pastoral world that John Burroughs knew. I do not have to go very far into modern anxieties and rifts and complexities to emphasize that in some respects we are more isolated from nature than we ever were, isolated as exploiters, divorced from obligation to what we imagine we have conquered. Also, in honest greed and fascination we build myths of space, knowing that space may destroy us. In other words mankind is still carrying out its own exclusive experiment.

On the other hand we may now have the beginnings of a new sense of mutual obligation as part of a smaller world, and if that is too much to expect, at least a sense of universal participation. Science, as if to compensate for our crowding, has shown us new depths and distances and it has innumerated more fellow lives, human and nonhuman, and added more detailed variety to those lives than we ever dreamed possible. Science, which is no more of an "it" than nature is, but part of man's activity and associative thought, has also given us a world which is both forward and backward in time, taking some tradition and continuity away from us, but releasing us from too narrow a view of the present.

All this transformation of human perspectives is the result of some large and precarious steps in scientific thought. As individuals we might take a few large steps ourselves in order to keep up, in order to use what science has given us. We have a continual right to see the universe for its creative grandeur, manifested in us and in everything around us. Instead of spending all our time running around in a technological squirrel cage attending to our own needs we might use technology to look beyond ourselves. That is a precarious activity, as life itself is precarious, but it also has an element of identification and love.

Whatever we do or don't do, energy manifests itself through every inch of the earth, the great process continues, the earth shifts and cracks, the winds roar, the sea erodes the land the red wings migrate in the spring, the swallows mate, the peepers start their annual symphony. There are laws pertaining to abundance and poverty, to providing and spending, which work themselves out in the circling and schooling of natural lives. All manifest action, the hawk using the currents of the air, the fish in the water, is incomparable. Nature gives us new dimensions, even of pity and terror. Its real depths are beyond our control. I suppose that is one of the reasons why we are always taking up arms against it, almost in anger, while knowing somewhat perversely that there is strength in conflict. What we call "natural resources" of course is likely to mean the things that are most useful to us. We destroy or alter the landscape for our purposes and learn too late just how much we have damaged or impoverished ourselves in the process. We take a chance that nature's primal energy will sustain us. Perhaps it will and perhaps it will not. In any case it survives our claims upon it.

It seems to me that what there is in nature that is not directly controlled by man is just as important to him as what he can exploit. The other lives in the natural world bring life to us. Learning to see, to look at things, may help take the man-centered world away from its own image.

Nature makes science possible, it brightens the arts, its tides are in all experience, and in timeless nature there is no turning back, no nostalgia for anything. Not that we can reject the past, since it is a part of us, but our balance is in the present. We may admire a man who writes with lonely enthusiasm about life in the woods, or what is left of them. We want the challenge of simplicity back again. We want the old associations, away from urban demands and cruelty and noise. But our woods, for which we are directly responsible, are here and now. The universal waters surround us, now. From the atom to the galaxies we are involved as creative beings, trying to understand, trying to see. Our relationship with nature is not ended, only transformed. Ultimately the two of us are not to be separated. In this alliance, the mystery and significance of things are still ahead to learn. Finally, we can't diminish nature by writing it with a small n * * * we can only diminish ourselves.

SENATOR HARTKE'S BILL FOR COLLEGE STUDENT ASSISTANCE IS NEEDED NOW

Mr. YARBOROUGH. Mr. President, the distinguished and able senior Senator from Indiana, VANCE HARTKE, a leader in U.S. Senate efforts to make education available to more American boys and girls, has delivered a speech describing his comprehensive college student assistance bill which sets forth the emergency nature of the need for such legislation.

Every lawmaker, every parent, every educator, and perhaps every student should read this stirring call for action on S. 2490, an education bill introduced by Senator HARTKE and already cosponsored by 21 other Senators. I am privileged to be among that group. As a member of the Education Subcommittee I have participated in extensive hearings on this bill, so badly needed by the higher education students of the Nation.

The Hartke bill exemplifies the kind of legislative leadership that has already earned for the 88th Congress the title of "the education Congress," because of the growing awareness that higher education is today truly a national emergency.

I ask unanimous consent that Senator Hartke's address of Tuesday, May 5, 1964, to the American College Public Relations Association, meeting in our Nation's Capital, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator Vance Hartke to American College Public Relations Association, May 5, 1964, Washington, D.C.

One week ago the "Today" show had as a guest Sidney Eisenberg, who for the past 2 years has written a nationally syndicated column under the title "Dollars for Scholars" for the Bell Syndicate. Mr. Eisenberg, who makes a business of investigating all avenues of financial aid for students wanting to attend college, was recently a witness before the Education Subcommittee in a hearing on my bill, S. 2490, the comprehensive college student assistance bill which I introduced last February.

Because Mr. Eisenberg was very enthusiastic about this bill and invited those who saw the program to write their Senators supporting it, I have received a number of letters from viewers. One letter from New Hampshire says, "My nephew graduates from high school this June and will be able to pay for only 1 year of college on his own. He is a good average student. He is just one of a great many of our young people interested in a college career."

A letter from Michigan says, "I have a 14-year-old boy that hasn't been too good in his school work, but in the last year he has really started doing good work. Now he starts saying he wants to go to college and we may not have the money to do this. I have thought for a long time it's too bad so many boys and girls can't go because they don't have the funds to do it, so they give up in their studies." And an East Chicago correspondent writes, "I have a 15-year-old brother" in a Calumet City, Ill., high school "who would like to go to college. My parents aren't poor, they're sort of in the middle-class bracket; but it will be a problem to pay for all of Danny's education. I know that your bill for the rights of college students would be a solution for my parents and the parents of other future college students."

A great deal of such mail has been coming into our office ever since the bill was introduced on February 3. Although you who are here are professionally concerned with college financing, there are a vast number of people who are no less concerned with college financing from the very unprofessional, but even more personal standpoint of the college parent. As college costs spiral ever upward, these people are becoming more concerned. They are concerned because of the financial problem for families where a college education is a normally accepted pattern of expectations for the children. But increasingly, too, more families are concerned where college is not part of the tradition.

The realization is growing that a college education today is not a luxury just for the wealthy, but a necessity for everyone who can qualify for college attendance. It is one of the anomalies of our day that while we have a high rate of unemployment, well over 5 percent of our working population, there are thousands of jobs unfilled for lack of qualified people. A look at the want ads in any metropolitan paper will show, for example, big display ads seeking to lure engineers and computer people and the like, and there is constant competitive raiding among national companies. The need for college is here, but the means for college are not always available.

What are the ways in which college education can be financed?

They are basically four in number. One, and this is probably the way most students start out, is paying out of savings, savings of parents who have been putting away money for the purpose, or have purchased a special educational endowment policy, or savings of a child's own bank account from part-time jobs and the accumulation of gift money. But there are many people, and we are more acutely aware of this from the recent attention placed on poverty in this country, who do not have savings to draw on.

A second method of acquiring college education is that of scholarship aid. Some 4-year scholarships are available for the very best students, such as those offered by the AFL–CIO on a competitive basis. These are adequate for financing the undergraduate, $2,500 per year. But most scholarship aid is nowhere near this figure. In the 1959–60 college year, for instance, 1,677 colleges gave scholarships out of their own funds in an amount totaling more than $98 million. That sounds like a lot, but it comes to just over $340 per student. When you consider that the average cost for a year of college in a State university is $1,480 and that it climbs to $2,240 in a private institution, there is still a very big gap to be bridged.

The third method is work. There is no way of knowing how many college students are holding part-time, and many even full-time jobs. A great many hold jobs provided by the colleges; in fact, in the 1959–60 college year the amount which colleges provided for paid work done by their students was just about the same as the scholarship assistance, $98 million, and more students received these college-controlled jobs than were given scholarships. Studies on some campuses show that about 90 percent of students work in the summer. More than half of the men work part time, and 40 percent of the women. For the married student, the figure is higher for both.

Then there are loans. The availability of loans for education is much greater than in earlier years, both through NDEA and from other sources. The loan features of my bill are those on which I want to spend the most time today.

Now, in most cases no one of these methods is adequate by itself to provide a college education. Frequently, and you perhaps had the same experience, as I did, students get through school by using a combination of all four—savings, scholarships, loans, and work. There is not much we can do to encourage savings, except to cut taxes as we have done this year and try to wipe out poverty. But the Federal Government's educational policy can aid education in the other three areas. By helping students capable of college work—and I don't mean just the exceptional top-ranking elite academically—through scholarships, loans, and a work-study program, we can move toward the goal President Kennedy set in his education message last year. That goal is to assure that "no student of ability will be denied an opportunity for higher education because of financial need."

This, the tax credit approach to support of college education expense does not do. It would not help any more poor but able students to go on to college. We need to look to the student himself, not to his parent and it is the parent rather than the student who would benefit by a tax credit such as the Ribicoff proposal which so nearly passed the Senate during the tax bill debate. The tax credit would help only tax-paying parents, not students. It looks backward, not forward to the future. Largest benefits would go to the family who are well enough off to send their student to the higher cost private schools. No benefit would derive to a family with numerous children—all of them little tax exemptions—and modest or low income. They have no income tax to take a credit from. In fact, the whole perspective is false so far as education is concerned, because this would not be an education bill at all but only a tax bill.

That is why I introduced my college aid package bill, with a combination of scholarships, expanded NDEA loans, a new loan guarantee program, and a work-study program. It is an education measure, not a tax relief measure.

It is directed toward the student, and toward making it possible for some of the 100,000 to 200,000 capable high school graduates to continue who fail to do so each year for financial reasons. I introduced the bill, which has the backing of the Treasury Department as being much preferable to the Ribicoff tax credit amendment, shortly before that amendment came up for a vote. Senator Wayne Morse, as chairman of the Education Subcommittee, promised then, on the floor of the Senate, that he would hold hearings speedily on this bill as a means of doing something for financial assistance to students. There is no doubt that these assurances had some influence in the vote on the Ribicoff proposal, which was defeated by the narrow margin of 48 to 45. Senator Morse has kep his word, and a series of hearings in the subcommittee has already been concluded, with practically unanimous support except for the American Bankers Association. This includes the Association for Higher Education. The Association of American Colleges, the American Personnel & Guidance Association, the American Association of University Professors, the National Education Association, the AFL–CIO, the Credit Union National Association, the Associtation of State Universities-Land Grant Colleges, and a variety of others. Twenty-one Senators have given their endorsement as cosponsors. There is no doubt that the Education Subcommittee will report the bill favorably to the full Committee on Labor and Public Welfare, and I expect to see a vote on the bill before the end of the session. We have had individual letters of endorsement from about 75 college presidents, letters which will appear in the hearings record.

Since you have each received a copy of the testimony which I gave at the opening of the hearings, together with a short summary of the provisions, I shall not go over them all in detail. But I do want to say some things about the new program, which is one of its four parts, for federally guaranteed college loans. This, I think, has a bearing on your work to some degree, since it might conceivably involve the use of endowment and other college and university trust funds which you work so hard to secure. Under provisions of this part of the bill, it may very well be possible for your institutions to use part of their permanent endowment resources directly in loans to students.

This is because for the first time the Government would establish a Federal guarantee of college expense loans made to the student himself, on a pattern similar to that under which the Federal Housing Administration guarantees home mortgage loans. With a central Federal fund to guarantee the lending institution against default by the student borrower, there would be adequate safety in such loans to make them feasible and legal from endowment or trust funds committed to the institution.

There can be no doubt that there is a great and growing need for loan funds for student use. In 1959–60, colleges and universities loaned an average of $274 each to 52,322 students, while 115,450 loans were made from NDEA funds at an average of $434 per loan. By fiscal 1962, the NDEA loans involved $90 million of Federal funds, to which the colleges added about $7.4 million of their own in matching money. The need is shown in part by the request of the University of Minnesota in the current school year for $1,017,000 for loans to 1,607 students in that one school. This was considerably more than could be granted because of the institutional ceiling fixed by law, which is now $800,000. My bill would enlarge the scope and the sums available, taking off the ceiling and allowing a larger loan limit per student.

The need is also shown by the growth of commercial loan funds in the field, sponsored by some of the largest finance companies such as CIT and Household Finance. In spite of the high rates which they charge under Tuition Plan, Inc., and Education Funds, Inc., their student loan fund subsidiaries, these organizations between them had 72,000 outstanding education loan accounts last year, amounting $114 million. Beginning in 1956 with the Massachusetts Higher Education Assistance Corp., a number of public and private guarantee institutions have been set up in about a dozen States to make loans to students. The United Student Aid Fund, operating through cooperation with State banking associations, now operates as a private guarantee organization in 48 States, although it has been in existence only 3 years. A survey of student borrowers in 1961, confined to loans made by the colleges themselves, showed that 9 out of 10 students involved would be unable to stay in school without the loan.

The idea for student loan guarantees by the Federal Government goes back at least 5 years. In 1959 our present President, then Senator Lyndon Johnson, introduced a bill to provide student loan insurance. President Kennedy called for enactment of such a measure, which I had proposed in the 87th Congress, at the beginning of the 88th Congress when he said: "I recommend that the Congress enact legislation to * * * authorize a supplementary new program of Federal insurance for commercial loans made by banks and other institutions to college students for educational purposes."

As this part of my bill is drawn, the initial funds required on the part of the Government would be only $1 million, a very small cost indeed. The fund would be replenished and maintained by a quarter of 1 percent of interest from the amount paid to the lending institution, whose maximum would not exceed a simple 6-percent rate. The guarantee fund would provide backing for an estimated 110,000 loans to students initially, and could well grow far beyond that number. Students have proven themselves in recent years, under the other private and public loan guarantee programs which have been set up, to be highly responsible in their repayments. The first of these, the Massachusetts program, by 1962 had loaned about $6 million to nearly 13,000 students, with default by only 56 for a total of just over $24,000, a risk ratio that many a bank would like to see in its overall picture.

This is a wholly warranted investment in the future of the student who is capable of absorbing a college education. Just from the standpoint of economics, it makes good sense, since the average earning rate for all college graduates is 50 percent above that for all high school graduates. At present earning rates, this means an added $120,000 over a 40-year working lifetime. On this sum the Government would reap far more in taxes than the total investment of Federal funds in the entire bill. But most of all, it would mean new opportunity for thousands upon thousands of students who today have insufficient resources to see them through their education even though their capabilities are there to profit by it. Estimates are that this year 120,000 students in the top 30 percent of their high school class failed to go on to college, most often for lack of financial ability.

You are interested in financing the colleges. You are seeking, and properly, to build up their institutional strength financially. Among your resources are the contributions of your almuni. If this bill can be enacted, there will be thousands of new alumni in the next few years who would not be among the college graduate population otherwise. And the funds which you are building, because of the loan guarantee provision, may be freed to help do the work of putting them into this complex society with training which will benefit the individual, our society, and the colleges as well. I hope the American College Public Relations Association will do all it can to help us pass this sorely needed comprehensive package of aid to qualified by hard-pressed college students.

PROMULGATION OF REGULATIONS OF RADIOLOGICAL HEALTH BY SECRETARY OF LABOR

Mr. McCLELLAN. Mr. President, I believe that it will be of interest to a number of Senators to be apprised of the fact that the Secretary of Labor has issued regulations to be promulgated under the Walsh-Healey Act relating to radiological health. The regulations under question—41 CFR 50–204—concern potential radiological health hazards.

When the Atomic Energy Act of 1954 was approved by the Congress, exclusive regulatory authority was vested in the Atomic Energy Commission. Subsequently, Public Law 86–373 was enacted in 1959. Under its authority the Atomic Energy Commission jurisdiction might be relinquished to such States as were approved by the AEC and were willing to enter into the required agreement with AEC. The so-called agreement States which have thus far qualified are Arkansas, California, Kentucky, Mississippi, New York, and Texas; but many other States have designated agencies and have petitioned the AEC for approval of the designated agency, so that they may become agreement States.

I have been informed that some radiation sources, principally X-ray and radium, are not under the jurisdiction of the Atomic Energy Commission. However, thus far all agreement States programs include X-ray and radium. The AEC has knowledge of, and is very much pleased with, this bonus of the agreement State plan; and the U.S. Public Health Service has for some time been working with all the States seeking to develop radiological health programs in this area.

For the last quarter of a century, the Secretary of Labor has taken no action with regard to radiation hazards from X-ray and radium, nor has any action been taken in the atomic energy field by the Secretary of Labor, until these regulations were promulgated. It is understood that regulations are now in effect in all States which have not qualified as agreement States. In nonagreement States, the AEC still has jurisdiction and the Secretary of Labor regulations exempt AEC licensees. In agreement States, the AEC has no jurisdiction; and, therefore, the questioned regulations would return jurisdiction of Federal control by another agency—the Department of Labor. In my opinion, the end result of these regulations, if applied to the agreement States, will be that nonagreement States are subject to AEC regulations while agreement States will be subject to Labor Department regulations. Nonagreement States are subject to the Department of Labor regulations only as regards to X-ray and radium.

According to the information I have received, the Labor Department regulations were first published in the Federal Register in August of 1962; but it was not until December 5 and 6, 1963, at a meeting of the Atomic Energy Commission and the agreement States, in Washington, that the States were aware of the problem. At that time the regulations were to become effective on January 6, 1964. The agreement States and other interested parties were successful in obtaining a postponement of the effective date. In the meantime, an informal hearing was held on January 15, 1964, with the Wage and Hour Administrator. Thereafter, the regulations went into effect on February 28, 1964; but application thereof to agreement States was postponed pending the outcome of public hearings on April 13, 14, and 15.

At these hearings, instead of proceeding in an impartial, factfinding manner, witnesses were given the distinct impression that they were being placed on the defensive. The questioning clearly depicted an intention to justify the questioned regulations, and there was a definite tendency to depreciate the statements and representations made by the representatives of the States and by other participants who were testifying in defense of their respective rights to exclusive jurisdiction.

Although I have not had access to the transcript of the hearings held before the Wage and Hour and Public Contracts Divisions on April 13, 14, and 15, I have been informed that the States presented a complete and thorough report of the adequacy, cost, and administration—by trained scientific personnel—of their respective programs. Representatives of the Atomic Energy Commission, the American Medical Association, the Southern Interstate Nuclear Board, the Association of State and Territorial Health Officers, and the U.S. Public Health Service, as well as others, endorsed the States' position and the adequacy of their programs. Only two witnesses appeared in support of the regulations—the Assistant Administrator of Wage and Hour Public Contracts Divisions, Department of Labor; and a representative of the AFL–CIO. During the development of the testimony from these last two witnesses, it was admitted that no comprehensive study of the need for the proposed regulations prior to their enactment had been conducted, and that no study relative to need had been made. It was further admitted by the witness for the Department of Labor that he had no knowledge as to whether the Department had on its staff any scientists, such as chemists, biologists, physicians, et cetera. This witness also indicated that there was no evidence that any of the agreement States programs were inadequate or that a radiation danger existed to the worker in any agreement State.

It is clear to me that these proposed regulations are another grab for power by the executive branch of the Federal

Government by injecting Federal departments—the Department of Labor—in, between, and upon the already existing and highly satisfactory procedures, in order that more bureaucracy may be created and less local and State control be permitted. Doubtless, much propaganda will be generated by the Department of Labor, in attempts to persuade Congress and executive that these regulations are essential to the workers' safety demands, and that these could be more adequately financed under the provisions of the Walsh-Healey Act.

Mr. President, I wish to emphasize that the regulations now proposed to be thrust upon individual States are not based upon a study to determine the need therefor, and that there is not in the Department of Labor a professional staff of highly trained experts who would be qualified to interpret and enforce the regulations.

The action taken by the Department of Labor has already caused considerable expense to States now participating in the program. I am informed that not only has this action jeopardized the excellent agreement State programs, which already have cost the taxpayer millions of dollars, but that the present situation does not reveal any proof whatever to controvert the fact that each and every agreement State is doing an excellent job in the protection of the health and welfare of all its citizens, including the workers subject to the Walsh-Healey Act.

Mr. President, I have repeatedly warned the Senate and the Congress that the pyramiding of one agency operation upon another is costing the American taxpayers billions of dollars annually. These expenditures are needless, and I am convinced that the spending of additional taxpayers' funds for another Federal agency to duplicate a job which already is being accomplished so well, would be directly contrary to the policies of the Congress and the President. I wish to protest vigorously this action, and I deplore the unnecessary expense these regulations will cause, in direct and complete disregard of the need for these regulations.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from Arkansas has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, not only are the States that I have mentioned as agreement States—Arkansas, California, Kentucky, Mississippi, New York, and Texas—involved, but as I have already stated, many other States are vitally interested in this program. At the hearings held on April 13, 14, and 15 of this year, witnesses appeared in behalf of the National Association of Attorneys General, the Southern Interstate Nuclear Board, the Association of State and Territorial Health Officers; the U.S. Public Health Service, Department of Health, Education, and Welfare, the American Medical Association, and others. In addition, representatives from the States of Kentucky, Louisiana, Pennsylvania, Kansas, Florida, North Carolina, Maryland, New Jersey, and Wisconsin submitted testimony setting forth their views in regard to the affect the regulations will have on AEC agreement States.

This matter involves a number of agencies—the Atomic Energy Commission, the Department of Labor, the U.S. Public Health Service, and perhaps others. Since the Committee on Government Operations is specifically instructed to study intergovernmental relationships between the United States and the States and municipalities, I propose to bring the facts to the attention of the committee as soon as the present legislative situation has cleared sufficiently. I believe a complete investigation should be considered by the committee, inasmuch as this matter is of such vast importance to the several States. It is essential that Congress develop all aspects of the program, since it involves serious implications, the expenditure of sums of money wastefully and unnecessarily, and is in duplication and contravention of existing and desirable Federal controls which now are being exercised through the AEC, in some of the States.

I realize, of course, that other committees have certain jurisdictional interest in the various aspects of the program—such as the Joint Committee on Atomic Energy, the Committee on Labor and Public Welfare, and perhaps others; but I am sure that any hearings that may be initiated could be properly coordinated with these committees.

WEST GERMANY'S RELATIONS WITH THE COMMUNIST BLOC

Mr. PELL. Mr. President, I rise to commend and express my wholehearted support of the note of realism which President Johnson has sounded with regard to the relationship between the Federal Republic of Germany and the nations of the Communist bloc, as was reported in an interview with him by a German editor, Karl Heinz Hagen, published in the April 28 issue of the Munich weekly, Quick.

I have more than a passing interest in this interview, because I was a participant in a meeting last year between Mr. Hagen and Mr. Johnson, when the latter was Vice President, and because I, myself, have been suggesting for some time that West Germany's relationship with the Soviet bloc should be on a more realistic basis.

In response to a question by Mr. Hagen, President Johnson declared:

> We will remain flexible; after all, our feet are not embedded on concrete. The Germans should remain flexible, too.

The President also disclosed that he had urged Chancellor Erhard to try to dispel fears, which the Soviet Union may harbor, of a resurgent Germany.

Significantly, too, President Johnson endorsed the concept of expanding West German trade with the Eastern bloc.

Regrettably, there has been within West Germany some adverse reaction to President Johnson's statements. This criticism strikes me as being singularly ironic, inasmuch as West Germany already has a trade volume with the Soviet bloc of more than five times that of the United States with the Soviet bloc countries. Also, as noted by Arthur Krock, the distinguished, wise columnist of the New York Times, the President's statements in their full context were reassuring and considerate of German interests, and provided little basis for the protest which followed.

Notwithstanding the adverse press reactions to President Johnson's interview, I am glad to note that Chancellor Erhard himself responded favorably in a May Day address in West Berlin. The Chancellor declared that West Germany is aware of the "legitimate security interest" of her eastern neighbors, and gave assurances that his government seeks understanding and friendly relations with all countries.

I applaud the spirit of these statements by both President Johnson and Chancellor Erhard, because they display an attitude or rationality and open-mindedness to present-day realities.

I would be the first to recognize, of course, that great restraint and caution must be exercised in any dealings with the Communist bloc. As a former Foreign Service officer who has opposed the Communists on a day-to-day and face-to-face basis, in pressing for local concessions from them, I know only too well that we must not allow ourselves to be carried away with the euphoria of detente.

It does seem to me, however, that a factual approach, based on our actual national interests and on the realities and facts of the world today, is not only consistent with caution; it is, in fact, the very path of caution and wisdom. It seems to me that our ultimate objective of a unified Germany in a stabilized and peaceful Europe can best be attained by reducing present causes of tensions. This in itself involves facing realities.

On several occasions in this Chamber, I have expressed my belief that the West could best pursue our objectives in Germany and in Europe by securing an actual corridor of land access to Berlin, the lack of which has plagued us for 20 years. Robert Murphy, in his recently published "Diplomat Among Warriors," referred to "the failure to obtain written assurances of access to Berlin while Americans still held control of a large part of the Russian occupation zone" and "so the right of a defined access to Berlin was left hanging—and is still hanging."

In return for such a specified grant of a land corridor of access, I believe we could afford to accept the reality of the present borders and government of East Germany. At the same time, we should encourage the formation of various all-German committees in the fields of communications, education, and cultural exchange, just as already exist for trade and the Olympic games. Then, and with a hoped-for reduction of tension between East and West, the way will be paved for attainment of our objective of German unification.

We should be gratified that there is now in the Federal Republic of Germany a government which is more abreast of the times and is receptive to reasonable proposals for rational action.

I would only add that the United States must be free to act in her own best interests in Europe, without being unduly weighted down by exaggerated claims by her allies. In the case of West Germany, we have heard from time to time, from Bonn, protesting voices warning that West Germany must not become a satellite of the United States. I would say, in response, that we in the United States have every right to turn the proposition around, and to insist that the United States must not, in effect, become a satellite of West Germany when it comes to determining our relations with the Soviet Union.

Mr. President, I ask unanimous consent to have printed in the Record a column by Arthur Krock and published in the New York Times of May 8 entitled "The President's Advice to the West Germans"; an article from the New York Times of April 29 entitled "Johnson Bids Bonn Improve Soviet Ties"; an article from the April 30 issue of the New York Times entitled "Erhard Tells Aids To Call Off Criticism of United States, But It Grows"; and an article entitled "Erhard Pledges Peace With East," from the New York Times of May 2.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, May 8, 1964]

THE PRESIDENT'S ADVICE TO THE WEST GERMANS

(By Arthur Krock)

WASHINGTON, May 7.—An interview which President Johnson granted to Chief Editor Hagen of the Munich magazine Quick was brought directly to Mr. Johnson's attention for the first time in the form of a question at his fete champetre news conference yesterday. A complete translation of the interview, now at hand, expands the President's description of it yesterday as "saying no more than I had said publicly," and was reported in the joint communique after he conferred with Chancellor Erhard, of West Germany, at the L.B.J. ranch last December. But the text does not justify the political storm its publication raised in West Germany.

The provocations of this outburst appear to have been not so much Hagen's report of what the President said but the stimulus of his remarks and their timing to (a) West German political critics of the flexible attitude of the Erhard government toward the East-West relations; and (b) to popular sensitiveness in West Germany to Communist propaganda that, when Washington sneezes, Bonn catches cold.

This sensitiveness largely accounts for the sharp comment on the interview by the independent Allgemeine Zeitung, of Frankfurt: "The Federal Republic dislikes being mistaken for South Vietnam." That is an especially ironical reaction, because all the postwar U.S. administrations have been charged with giving Bonn a veto on American East-West policies.

The Frankfurt newspaper made a sounder point with respect to the interview. "We doubt," wrote Chief Editor Tern, "that the method used by [the President] for giving in public foreign policy advice to the chief of government of an allied country is appropriate or fortunate." But the characteristic which impels so many Germans to begrudge owing their postwar economic rehabilitation and military protection to the United States, after their rush to self-destruction under Hitler, was apparent in this other and most unfair comment on the Quick interview by the Frankfurt editor:

"To give the Soviet Government an additional hint of his own readiness for negotiations * * * the President has other possibilities than that of acting at the expense of the Bonn Chief of Government—of all people "

MORE OF THE INTERVIEW

The translation supplies no grounds for such emotional eruptions. This is demonstrated by the following extracts in addition to those already published in the United States:

"Question. Recently it was announced that 7,500 troops would be withdrawn from Germany. Does this mean a decline of American interest in NATO?

"The President. I want to tell you something. A lot of people in this country do not understand why there are so many American soldiers stationed in Germany. A lot of people are of the opinion that there are a great many young German men growing up who could replace these troops; that we should not spend so much money for the defense of West Germany. [But] we have our obligations which we honor and will continue to honor despite the criticism heard in this country. The withdrawal of these troops was just routine.

"Question. There are different opinions current in Germany about the question of trade with the East. What is your opinion of this, sir?

"The President. It is not for me to advise the German Government or people. My personal opinion is that there is nothing objectionable; as long as there is trade going on there is no shooting. Naturally, we would not look favorably on Germany sending war materials to Cuba.

"Question. As to the reunification of Germany?

"The President. I am for [it], but I am not for negotiating with East Germany, not for a Communist Germany [but] for negotiations between the Soviet Union, West Germany, and the United States."

Asked about West Germany's contribution to development aid, the President answered: "It can do more. It is a rich country. It lay destroyed after the war, and we helped to such an extent that today it is competing with us all over the world. We have nothing against this, and we don't want our money back [only] that Germany give the same help [to nations in need] that we gave her."

[From the New York (N.Y.) Times, Apr. 1, 1964]

JOHNSON BIDS BONN IMPROVE SOVIET TIES

(By Arthur J. Olsen)

BONN, April 28.—President Johnson has urged West Germany to seek better relations with the Soviet Union and to allay "understandable" Soviet fears of Germany.

The President offered his recommendation in an interview published in the current issue of the illustrated Munich weekly Quick. He told his West German interviewer that he had given the same advice to Chancellor Ludwig Erhard in Texas in December.

"When the Chancellor was here, I told him: Put yourself in the place of the Russians," President Johnson said in the interview. "Try to understand their feelings. They are worried about the Germans, and that is understandable. The Russians are fearful."

The President said he had urged Chancellor Erhard to do everything possible to establish better relations with the Russians "and above all to allay their concerns."

REMARKS EVOKE COMMENT

The President's remarks were widely commented upon in German political quarters. Their was no Government comment, however, on his recommendation that Bonn pursue an active policy toward Moscow.

There have been serious misgivings in West German political quarters on the policy of seeking a relaxation of tensions, which in West Germany is associated with Chancellor Erhard and Foreign Minister Gerhard Schröder.

In a talk with leaders of the Christian Democratic Party today, Dr. Erhard appealed for a common front, at least publicly, on foreign-policy issues.

The remarks by President Johnson appeared certain, nevertheless, to revive controversy between the advocates of a stiff policy toward the Soviet bloc and those who favor following the President's advice.

The President, who gave the interview in the White House about 10 days ago, used the occasion to emphasize his efforts to ease U.S. rivalry with the Soviet bloc. He noted that he had had several "exchanges of views" with Premier Khrushchev and had twice talked with Anastas I. Mikoyan, a First Deputy Premier.

"We shall continue in the future to probe every way toward peace," President Johnson said. "We shall remain flexible. We don't stand with our feet anchored in concrete. The Germans should not either.

"When the issue is peace, we shall meet the Russians halfway—and even more than halfway when it is necessary."

The President said he was hopeful on the prospects for successful disarmament negotiations in Geneva. He said he was not discouraged by initial Soviet rejection of a proposal to freeze the present levels of nuclear weapons and bombers.

"I have indications that they are more interested in such an agreement than they show," he said.

"Their first reaction was negative as usual. But there is more in my proposal than the public assumes and—I believe—more than the Russians assume. My hope is that after their first reaction they will take up the matter seriously."

President Johnson told his interviewer that the United States has nothing against an expansion of West German trade with the Communist bloc.

"Of course we would not like if Germany would deliver war materials to Cuba," he added. "But we have nothing against worldwide trade."

The President reaffirmed the U.S. commitment to maintain its Atlantic treaty forces in West Germany except for "routine" adjustments. The interviewer reported that the President interrupted the talk to telephone Secretary of Defense Robert S. McNamara to confirm this matter.

Mr. McNamara disclosed that a 500-man "special unit" would be withdrawn from West Germany next autumn, according to Quick. A group of 1,500 soldiers are now packing to go home after a 2-year tour as "reinforcements."

President Johnson said he favored seeking the reunification of Germany by means of negotiations between the Soviet Union and the Western Powers, including West Germany. He declined, however, to discuss Berlin.

"I'd rather not say anything about it," the President said. "It is all quiet there. Let sleeping dogs lie."

[From the New York (N.Y.) Times, Apr. 30, 1964]

ERHARD TELLS AIDS TO CALL OFF CRITICISM OF UNITED STATES, BUT IT GROWS—STORM FOLLOWS SUGGESTION BY JOHNSON THAT BONN IMPROVE SOVIET TIES

(By Arthur J. Olsen)

BONN, April 29—Chancellor Ludwig Erhard has told leaders of his Christian Democratic Party to stop criticizing the United States.

Even as the Chancellor lectured his party colleagues on keeping faith with West Germany's key ally, criticism grew in unofficial quarters against President Johnson's advice that West Germany seek better relations with the Soviet Union. The President made his recommendation in an interview, made public yesterday, with the Munich weekly Quick.

The central theme of the criticism was that President Johnson seemed to suggest that West Germany sacrifice its national interests in the general cause of an East-West détente.

Government officials and responsible political quarters, presumably heeding the Chancellor's demand, maintained silence.

NAMES NOT MENTIONED

At a meeting of the Christian Democratic Parliamentary Executive yesterday, Chancellor Erhard demanded that criticisms of his policies in official party organs cease. Those present said he named no names. However, it was understood that he referred to two recently published commentaries.

One was an attack in the Bayern Kurier, official organ of the Bavarian wing of the Government party, on the flexible Eastern policy of Foreign Minister Gerhard Schröder. The weekly journal is controlled by former Defense Minister Franz Josef Strauss.

The second, an article by Dr. Heinrich Krone, a Minister Without Portfolio, in the quasi-official political-social publication Correspondence, was critical of the U.S. withdrawal of troops from West Germany.

U.S. REACTION SHARP

The Chancellor is understood to have been dismayed by the sharp reaction in Washington to these expressions of uneasiness about the current Western drive to improve relations with the Soviet bloc.

He may have been more chagrined this morning in reading press attacks on President Johnson's advice to West Germany.

The Frankfurter Allgemeine Zeitung, an independent newspaper that usually follows a strong pro-American policy, tartly commented that "the Federal Republic dislikes being mistaken for South Vietnam."

"We doubt that the method used by the U.S. President for giving in public foreign-policy advice to the chief of government of an allied country is appropriate or fortunate," the newspaper said in a commentary written by its chief editor, Jurgen Tern. It added:

"Furthermore, to give the Soviet Government an additional hint of his own readiness for negotiations, the U.S. President has other possibilities than that of acting at the expense of the Bonn Chief of Government, of all people."

In the interview, Mr. Johnson said he had urged Chancellor Erhard last December to take note of the Soviet Union's "understandable" fear for Germany and to do all possible to allay its worries.

The President said he was willing to go "more than halfway" if peace could thereby be secured.

Mr. Tern said it was not clear what Mr. Johnson's appeal meant in practical terms. He inquired rhetorically whether the President wanted West Germany to withdraw its support of an Atlantic alliance missile fleet, to lift its embargo on exports of steel pipe to the Soviet Union or to drop its ideas on military control posts on either side of the border with East Germany.

"Or does he even want to press the Federal Government in the direction of a disengagement in Central Europe?" he asked. "The Federal Government cannot seriously agree to such things."

SOVIET BLAMED

The commentator said the real cause of poor relations between Bonn and Moscow was the Soviet insistence on dictating the terms of any agreement. Under these circumstances, he said, a meeting between Chancellor Erhard and Premier Khrushchev, which some in West Germany believe Washington is urging, would end in failure.

[From the New York Times, May 2, 1964]

Erhard Pledges Peace With East—Red Speaker Also Calls for Accord Among Germans

Berlin, May 1.—Chancellor Ludwig Erhard told a large May Day rally in West Berlin today that the East German Government was seeking to achieve "permanent, just, and peaceful settlements" with the Soviet Union and the other East bloc countries.

West Germany "is aware of the legitimate security interests of our eastern neighbors, in view of the Nazi horrors of the past," he said, "but I want to repeat once more that we seek understanding and friendly relations with all countries on a basis of mutual respect."

Germany would not resort to the use of force in settling any open question, he added.

EAST HAS MILITARY PARADE

As Dr. Erhard was addressing about 300,000 Berliners in their Sunday best on the Square of the Republic, near the wall erected by the Communists, the East Germans staged a military parade half a mile away to the east of the wall.

Units of the armed forces paraded past Walter Ulbricht, the Communist leader, to the tunes of Prussian marches. Heavy artillery, antiaircraft, and antitank rockets, Soviet-made tanks of the T–54 model and other heavy equipment were displayed in a 35-minute show of military power.

The Western allied commandants issued a statement denouncing the "blatantly militaristic demonstration in violation of the quadripartite status of the city." Such a pro forma protest has been routine since the Communists began to stage troop demonstrations on May Day 9 years ago.

Aside from the troop parade the East German May Day rally on Marx-Engels Square at the lower end of Unter den Linden had a less militant air than any similar event since 1958, when Premier Khrushchev issued his first ultimatum against West Berlin.

This year's speeches and slogans were carefully worded to avoid any threat to West Berlin. Alfred Neumann, a politburo member, who was the main speaker, emphasized East Germany's willingness "to do everything possible to contribute toward reaching a detente and an understanding between the two German states and within the world."

He warned party believers that it was essential to stand by the Soviet Union against the Chinese.

The Chancellor's West Berlin audience was smaller than the corresponding gathering in any recent years, although its numbers were still impressive. This, too, was considered to reflect the relaxed political mood.

Throughout West Germany imported laborers marched beside their German comrades on May Day. The police had to step in at Gelsenkirchen in the Ruhr area to head off a street battle between Greek and Turkish workers.

RELEASE OF POLITICAL PRISONERS BY RUMANIA

Mr. PELL. Mr. President, on May 11, I made a statement in this Chamber urging that the United States insist on a general amnesty for political prisoners in Rumania before granting trade concessions now being sought by that nation. My objective in making that statement was to stimulate a diplomatic initiative by the United States to secure humanitarian reform in exchange for economic concessions. I emphasized that, while I applaud the emergence of autonomy in the satellite nations, it should not be courted in the face of continued political repression, particularly since a general amnesty has already been declared in Hungary, where anti-Communist uprisings have been infinitely more pronounced than in Rumania.

I am now happy to note, Mr. President, that the Washington Post of May 13 carried an Associated Press report from Vienna saying that the Rumanian Government has been quietly releasing political prisoners in recent weeks in order to improve the climate of the trade talks with the United States. These wholly unofficial press reports say that between 1,000 and 2,000 persons may have been released in recent weeks, but that as many as 10,000 Rumanians may have been imprisoned for alleged political crimes in recent years. While these press reports may be accurate reflections of an encouraging trend in Rumania, it seems to me we should continue to press for official confirmation of this action and of the Rumanian Government's intentions with regard to the amnesty of political prisoners still being held in confinement.

It seems to me, Mr. President, that we should and have every right to seek such official confirmation before entering into a trade agreement. I ask unanimous consent to have printed in the Record at this point the Associated Press reports of Rumania's action.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post,
May 13, 1964]

Release of Prisoners Clears Rumania Air

(By Hans Benedict)

Vienna, May 12.—Rumania's Communist regime is quietly releasing political prisoners in an effort to improve the climate for forthcoming talks with the United States, diplomatic sources reported today.

Prisoners sentenced to jail or corrective labor terms for political offenses are being freed in growing numbers from prisons and labor camps throughout the country and allowed to return to their homes, the sources said.

The releases are reported numbering between 1,000 and 2,000. They have been underway for about 2 months. They obviously were timed to coincide with Rumanian diplomatic moves to obtain U.S. agreement for the talks that are scheduled to open in Washington May 18.

The U.S. State Department, in announcing the agreement last week, indicated the talks would concentrate on expansion of trade. But the Johnson administration is understood to view its future policies toward Rumania in the light of the regime's recent demonstration of growing independence from the Soviet Union.

But despite its increasingly liberal economic policies, Rumania's domestic political life still is considered one of the most tightly controlled in Eastern Europe.

A recent Western survey indicated that in 1962 about 10,000 Rumanians were in prison and labor camps serving sentences for political crimes.

The majority of these prisoners were convicted of crimes imperiling state security, a broad term that covers nearly every offense from open criticism of the regime of antistate activities such as anti-Communist propaganda and grave economic offenses.

According to the survey, political prisoners have been excluded from amnesties ever since 1859 when the last political amnesty was known to have been granted.

The current releases are being arranged without any publicity.

[From the New York (N.Y.) Times, May 13, 1964]

RUMANIA RELEASING POLITICAL PRISONERS

VIENNA.—Rumania's Communist regime is quietly releasing political prisoners in an effort to improve the climate for forthcoming talks with the United States, diplomatic sources reported today.

Prisoners sentenced to jail or "corrective labor" terms for political offenses are being freed in growing numbers and allowed to return to their homes, the sources said.

The releases are now said to number 1,000 to 2,000. They have been underway for about 2 months. They obviously were timed to coincide with Rumanian diplomatic moves to obtain U.S. agreement for the talks scheduled to open in Washington May 18.

The United States, announcing the agreement last week, indicated the talks would concentrate on expansion of trade.

VIENNA.—A Rumanian Government delegation led by Gheorge Gaston Marin, deputy chairman of the Council of Ministers, left Bucharest today for talks in the United States, the Rumanian press agency Agerpress reported. The delegation includes Mihail Florescu, Minister of Oil and Chemical Industries; George Macovescu, Deputy Foreign Minister, and Mihail Petri, Deputy Foreign Trade Minister.

THE CIVIL RIGHTS ACT OF 1963—LEGISLATIVE ACTION THWARTED BY PROCEDURAL DELAY

Mr. RANDOLPH. Mr. President, the Senate is now in its 55th day of consideration of H.R. 7152. The civil rights legislation now pending should, I believe, be at a stage advanced beyond where it is at this time. I do not attempt to judge the opposition to the pending proposal. It has been an effective block. Senators have differences of opinion and conviction on this important bill. However, I feel that there is a time to talk and, more importantly, their is now a time to act—to act on the amendments which have been offered, and, within a very few weeks, to vote on the bill itself.

Mr. President, the time has arrived—indeed, it is overdue—when Senators should consider this measure strictly on its merits. Again, I do not in anywise deprecate the sincerity of the opposition. It is my feeling that the people of the United States, in very considerable degree, are displeased with the failure of the Senate to come to grips by voting on amendments and then on final passage of the bill. It is trite to say, but it is true, that the Senate will either approve the proposed legislation or disapprove it. I believe the country wants us to do one or the other. The citizens of the Republic have a right to demand a determination of the question.

For that reason, on the 55th day of Senate consideration, I rise to say—and I measure my words—that the senior Senator from West Virginia is ready now, not later, to vote for cloture. I feel that, in the public interest and for the national good, we shall serve the high purpose not only through legislative consideration, but, also, after legislative consideration, by acting forthrightly as men and women of good will. Mr. President, I advocate most vigorously prompt action on the amendments and a vote on final passage. I hopefully express the belief that we are approaching the time when there will be a sufficient number of Senators who will vote to invoke cloture, if necessary.

Mr. President, I ask unanimous consent to insert in the Record a statement released from my office on April 30.

There being no objection, the statement was ordered to be printed in the Record, as follows:

WASHINGTON.—U.S. Senator JENNINGS RANDOLPH, Democrat, of West Virginia, back on an almost normal schedule after an absence of several weeks to recuperate from a successful eye operation, says he is hopeful that the Senate will terminate general discussion of the civil rights bill this week and will move promptly into debate and voting on amendments.

A critic of filibusters and a supporter of cloture to end filibustering, Senator RANDOLPH reaffirmed his support for the program of President Lyndon B. Johnson. This includes, he declares, the civil rights bill originally recommended strongly by the late President John F. Kennedy, passed by the House after his death, endorsed with vigor by President Johnson, and now in its 44th day of being debated in the Senate.

Senator RANDOLPH has told supporters and foes of the civil rights bill alike that if amendments to the measure are debated and voted on expeditiously, and if he believes they will make the bill more workable, he will support some of them.

"But we must not get into a long, fruitless stalemate with a filibuster on amendments and thus again force a delay in decisions on our country's most important unfinished legislative business," RANDOLPH asserted. Then he declared that he does not share the views of those who claim the civil rights bill is unconstitutional as passed by the House with the endorsement of both Presidents Kennedy and Johnson.

"The late President Kennedy was not an unconstitutionalist. President Johnson is not an unconstitutionalist. JENNINGS RANDOLPH is not an unconstitutionalist. The best legal advice in America was available to President Kennedy as it is to President Johnson. And some of the ablest legal minds supported it in the House and others are among the advocates of the proposed legislation now in the Senate.

"I am not saying the civil rights bill cannot be improved by amendments. But I have no doubt regarding its constitutionality."

FINANCIAL DISCLOSURE

Mr. YOUNG of Ohio. Mr. President, in 1958, when I was a candidate for Senator in Ohio, I made two promises to the citizens of my State if they would elect me. One was that I would withdraw altogether from the practice of the law. I kept that promise. On December 15, 1958, my name was removed from my office door, and other than receiving, during 1959 and 1960, a small percentage of some thousands of dollars in attorney's fees owed to me before that date, I have not received any fees whatever from legal work. I have not directly or indirectly, engaged in the practice of law at any time since then.

The other promise I made to the citizens of Ohio was that if elected to the Senate, I would fully disclose my financial holdings, so that citizens of my State would know whether any of my votes or activities as a U.S. Senator were at any time actuated by motives of personal financial aggrandizement, or were definitely and distinctly for the welfare of the people of my State, as I saw that welfare; and that I would always vote in accordance with my conscience and judgment following devotion of my full time and study to the issues before the Senate.

I have kept that promise. Early in 1959, to the embarrassment of members of my family, I fully disclosed my assets. At that time I was a member of the Committee on Agriculture and Forestry; and at that time, as I am now, I was a member of the Committee on Aeronautical and Space Science. I sold at a loss the stock that I owned in Pan American World Airways and in certain sugar corporations, as I believed that the Committee on Agriculture and Forestry dealt with that subject.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Since that time, I have regularly filed with the Secretary of the Senate, Felton M. Johnston, a statement of my financial holdings. The last one I filed was on May 11, 1964, and included with it were certified copies of the income tax returns filed by Mrs. Young and me for the years 1962 and 1963. Copies of those income tax returns are on file with the Secretary of the Senate. Anyone who is interested may see them.

Mr. President, I ask unanimous consent to have printed in the Record a copy of my letter to the Secretary of the Senate, together with an understandable summary of all moneys received by my wife and me during 1962 and 1963. I do not feel that I am engaging in any crusade. I am merely doing what I told the people of Ohio I would do in 1958. Following my election next November, I will issue the same sort of statement, early in 1965.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAY 11, 1964.

Hon. FELTON M. JOHNSTON,
Secretary of the Senate,
The Capitol, Washington, D.C.

DEAR MR. SECRETARY: In 1958, as a candidate for U.S. Senator against the incumbent John W. Bricker, who was the active head of his law firm in Columbus, I promised Ohio citizens if elected I would give up my law practice and devote full time to my duties as U.S. Senator. On December 15, 1958, I had my name removed from my law office door. From that time I completely and entirely disassociated myself from the active practice of law.

In addition, I promised to disclose publicly my financial holdings so that citizens would be able to judge for themselves whether or not there was any conflict of interest and whether or not my position on any legislative proposal was actuated by selfish motives. I have kept both of these promises.

I was the very first U.S. Senator—in fact the very first Member of Congress—to publicly disclose his financial holdings and go ahead and sell securities concerning which there might arise a conflict of interest. I made this disclosure early in 1959 and from time to time since then I have written you completely disclosing my financial holdings. I have authorized you to make these disclosures available to anyone interested. Ohio citizens are in position to judge whether there has been, at any time, any conflict of interest, or whether my votes and actions in support of or in opposition to any legislative proposals have been influenced by any selfish motives on my part.

At the time I first disclosed my assets in 1959, I then sold all stocks I owned in sugar companies and in Pan American World Airways. I think a public servant need not go to that extreme. In my opinion when a Senator discloses his holdings, then citizens he represents many readily observe whether he gives any consideration whatever to his own interest or is faithful to their interests in attending to public business.

Recently, I spoke out in the Senate against the 27½-percent depletion allowance for oil- and gas-producing corporations. I have voted to reduce this depletion allowance and expect to do so every time the opportunity is offered. My views are that the present 27½-percent depletion allowance is unjustified, should be reduced, and within a few years following the first reduction repealed. As my views on this are well known, I decided I need not sell any oil stocks. I am frequently recipient of letters accompanying dividends asking me to write my Congressman expressing strong opposition against measures to reduce the oil depletion allowance.

I am placing in your hands a complete statement of my financial holdings as of this time.

I own U.S. Government bonds in excess of $30,000. I own real estate in Cuyahoga County, Ohio; 80 acres in Mississippi on which there is an oil lease; the Washington residence where I live; and a house and lot in Florida. Am estimating the value of real estate I own above indebtedness thereon at $75,000.

In addition, I own the following shares of stock: 100 United Fruit, 404 DuBois Chemical, 100 Collins Radio, 300 Stauffer Chemical, 100 Clevite Corp., 1,200 Airport Parking Co. of America, 438 Mission Development, 709 Monsanto Chemical, 1701 W. R. Grace & Co., 700 Sinclair Oil, 300 Delta Air Lines, 500 Martin Marietta, 443 Radio Corporation of America, 509 Lucky Stores, 200 Nopco Chemical, 200 Pacific Northern Airlines, 240 British Petroleum, 31 Tidewater Oil, 42 Scurry Rainbow, 236 Robbins & Myers, 160 Atlantic Refining, 100 Canadian Pacific, 200 General Fireproofing, and 130 Ashland Oil & Refining Co.

Also, I place with you herewith certified copies of income tax returns filed jointly by Mrs. Young and me for the years 1962 and 1963. These income tax returns set forth in detail the entire income received by Mrs. Young and me.

Of course, I owe some current bills. I have not owed to any individual or corporation at any time since January 1959 any money whatever on any unsecured loan. As of this date I am indebted on bank loans in the sum of $107,600. This indebtedness is amply secured by collateral worth more than the amount of the loan.

The above, Mr. Secretary, states my financial situation.

Sincerely yours,

STEPHEN M. YOUNG.

Summary, 1963

Senatorial salary	$22, 500. 00
Dividends received on stock and interest on Government bonds	7, 026. 07
Long-term capital gains from sale of stock	15, 263. 91
Received for lectures outside Ohio and for writing articles published in magazines (have refused any honorarium for addressing meetings in Ohio)	1, 527. 75
Fees received for legal services rendered	----------
As of May 12, 1964, approximate balance in checking and saving accounts	2, 039. 34
Other income	----------

Summary, 1962

Senatorial salary	$22, 500. 00
Dividends received on stock	5, 448. 89
Long-term capital gain on sale of stock	5, 083. 29
Received for lectures outside Ohio and for writing articles published in magazines (have refused any honorarium for addressing meetings in Ohio)	2, 885. 38
Fees received for legal services rendered	----------
Other income	----------

LEAVE OF ABSENCE

Mr. JAVITS. Mr. President, I ask unanimous consent that I be granted permission to be absent from the Senate, on official business, as Chairman of the Economic Committee of the NATO Parliamentarians Conference, from Friday, May 15, to Monday, May 18.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further morning business?

TRIBUTE TO "YANKEE FROM THE WEST" WRITTEN BY BURTON K. WHEELER

Mr. MUNDT. Mr. President, happily, one of the pleasant experiences of serving as a U.S. Senator is the fact that one's friendships are not limited to his own political party, or confined by the aisle which separates us, from the standpoint of being representatives of the two political parties of the United States.

During my service in Congress these past 25 years, one of the great friendships that I developed was with a Senator from the other side of the aisle. I have a real friendship, and a deep admiration for former Senator Burton K. Wheeler, of Montana, a neighbor geographically, an opponent politically, but a man who, it seems to me, probably more than any other living individual in today's American political scene, served in the Senate and counsels his fellow Americans in conformity with principles and policies which identify him as being a genuine liberal.

There is nothing artificial or self-contradictory about the liberalism of "Burt" Wheeler. He has faith in his fellow man as a real liberal should have and does not believe private citizens are so untrustworthy that America can prosper and progress only by concentrating political power at the top in our Central Government here in Washington. Some of our latter-day liberals are in reality 20th century Tories who would so expand the power and the purse of the Federal Government that our private citizens tend to become subservient to the rules, regulations, and the rhetoric of political people in both high positions and low.

Burton K. Wheeler was a liberal by any definition of the term. He still is. And because of my admiration for him, along with many others of his colleagues, I have read his great book "Yankee From the West," written by Burton K. Wheeler with the assistance of Paul F. Healy, who is known to many of us.

I enjoyed it. I commend it to anyone who is interested in knowing something about the life of this great midwestern Senator, and about the developments in the era of history in which he served.

I was pleased the other day to see a book review written by John E. Coogan, of West Baden College, West Baden Springs, Ind., published in the Priest magazine, the March 1964, issue.

It seemed to me that this reviewer has really caught some of the significant features which make the book both distinctive and interesting, as well as capturing something about the fine, persuasive, pleasing, sometimes pugnacious, but always persistent personality of Burton K. Wheeler.

Mr. President, I ask unanimous consent that this book review be printed at this point in the RECORD.

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

"YANKEE FROM THE WEST" BY BURTON K. WHEELER WITH PAUL F. HEALY

Burton K. Wheeler, Democratic veteran of four terms in the Senate, is all-American in more ways than one. Born and raised in the shadow of Bunker Hill, he chose the University of Michigan for his law degree. Then taking a bride from the prairies, he continued his westward trek to Montana where, living dangerously, he served his stirring apprenticeship in law and politics.

In Butte he found the Anaconda Copper Mining Co. exploiting workers, corrupting government, and looting "the richest hill on earth"—all for the ultimate benefit of its overlord, Standard Oil. Wheeler, sensing a challenge, spurned all bribes, scorned to be seduced, and refused to be silenced, even under threats against his life. Campaigning for Governor, he promised, "If elected I will not put ACM out of business but I will put it out of politics." Senator Thomas Walsh, hero of the Teapot Dome oil-theft exposé backed Wheeler, declaring "He has been tried by fire. He risked his future, politically and professionally, rather than compromise with wrong and injustice when he was a member of the legislature 10 years ago and he has been hounded ever since with an impossible fury and rancor that knew no bounds."

This time that fury and rancor temporarily accomplished its objective. Wheeler then resumed his law practice until his own efforts and the desire of the ACM to get him out of Montana sent him to the U.S. Senate. There his career was unique. His first major encounter was with Attorney General Harry Daugherty and the Ohio gang, holdovers in the Coolidge administration after the death of President Harding. The outcome of that struggle was that the freshman Senator's leadership drove the gang from office in disgrace.

Felix Frankfurter, then law professor at Harvard, said of the combined efforts of Wheeler and Walsh, "It is safe to say that never in the history of this country have congressional investigations had to contend with such powerful odds, never have they so quickly revealed the wrongdoings, incompetence, and low public standards on such a wide scale, and never have such investigations resulted so effectively in compelling correction through the dismissal of derelict officials."

But Senator Wheeler's most epic contests were with the head of his party, President Roosevelt himself. The first of these was in opposition to F.D.R.'s Court-packing scheme. Because the President was not getting the Supreme Court decisions he thought proper, he proposed to raise irresistibly high the retirement pay of the six justices aged beyond 70. If they still refused to resign, he would name six additional justices to counteract their unfavorable decisions.

A shock wave passed through the country at this attempted subversion of the judiciary. Senatorial opponents of the Court-packing scheme choose the liberal Wheeler, known to have been "for Roosevelt before Chicago," to lead the fight for judicial integrity and legislative responsibility. F.D.R. used charm and pressure in turn. His aid, Tommy Corcoran, finally stormed in upon Wheeler, pounding the table and swearing that the bill would pass. When, after an historic struggle, the ominous measure went down to defeat, the eminent lawyer, Senator Hiram Johnson, of California, cried out "Glory be to God." The galleries burst into applause that the Vice President made no attempt to gavel down.

THE GLORIOUS ISOLATIONIST

Senator Wheeler's other major difference with F.D.R. had to do with our involvement in World War II. The President began by warning Congress that we faced the threat of invasion if Hitler overran Europe. "The islands off the west coast of Africa are 1,500 miles from Brazil," the President explained. "Modern planes starting from the Cape Verde Islands can be over Brazil in 7 hours." Our military, however, knew that in Brazil the Nazis "would be farther away from New York than they were in Berlin." From the Navy came secret evidence to Wheeler that "the man at the other end of the Avenue is going to get us into the war." Roosevelt continued to issue denials, insisting, "I have said this before, but I shall say it again and again and again: your boys are not going to be sent into any foreign war." But shrewd Vice President Garner, from the daily development under his eyes, offered to bet "a grand" that we would be in war after the next presidential election.

To the Senator, struggling against the administration's warward moves, intimates of the President came with the seductive message that Wheeler was F.D.R.'s choice of running mate in the 1940 campaign.

"The convention is going to nominate you for Vice President," declared Leon Henderson, "and you are going to have to take it."

Wheeler refused, explaining that "The President is going to get us into the war and I won't go out and campaign and say he won't."

Of course the attack upon Pearl Harbor abruptly ended the debate. But Wheeler had refused an office that would almost surely have made him President.

This volume "Yankee From the West" has everything. It is a short course in American politics. And it gives us a picture of the kind of statesmen we must have if our country is to endure. Senator Wheeler's career is also a commentary on the liberal versus conservative struggle. He has been charged with having made the "classic swing from left to right." But his own feeling is, "While the times, the issues, and the leaders have changed, my basic outlook has remained the same." In conclusion he remarks, "What bothers me about today's 'liberals' is this: Through the ages, those called liberal fought to take the power from the kings and emperors and to give it to the parliaments; now it is the 'liberals' who are anxious to give more and more power to the executive at the expense of the legislative branch. We must not forget that Hitler was able to become a dictator because he persuaded the Reichstag to vote away their powers—'temporarily,' so they thought."

INTERMOUNTAIN REGIONAL CONSUMER CONFERENCE, SALT LAKE CITY, UTAH

Mr. MOSS. Mr. President, on June 16, Utah will be host to the Intermountain Regional Consumer Conference sponsored by an impressive array of local organizations and by the President's Committee on Consumer Interests.

Representatives of consumer groups, as well as individual consumers from Idaho, Wyoming, Colorado, Nevada, and Utah are invited to attend the sessions which will be held at the Newhouse Hotel in Salt Lake City.

The conference has been called by Mrs. Esther Peterson, Special Assistant to the President for Consumer Affairs, and is being held at the direction of President Johnson. We proudly remind that Esther is one of Utah's most distinguished native daughters.

Earlier this year when President Johnson asked Mrs. Peterson, Assistant Secretary of Labor, to fill his newly created consumer post, he made the point that "For the first time in history, the American consumer's interests—so closely identified with the public interest—will be directly represented in the White House."

This was good news for every American. Although we are all consumers, the consumer cause has been the forgotten cause. Many bills have been passed to help work out the problems of business and labor, and we have devoted long hours of consideration to those problems as they relate to the advancement of our economy. But we have given far too little thought to the important place of the consumer in this picture.

The Utah consumer conference—as the Missouri conference which preceded it—will give the consumer a platform on which to express his views, including his complaints and his proposed remedies, and then will allocate time to review them in the light of the consumer's constructive place in our booming economy. The conference will afford an opportunity first to analyze consumer problems and then to initiate action not only by the Federal Government, but by local private and public groups.

There will be few speeches at the Utah conference. Mrs. Peterson will open the meeting, and then panel sessions will be organized around small discussion groups, about 10, which will consider the concerns of the consumer in the following fields: food and drugs, health, financing, and family and home purchasing. Representatives of the business community and government—local, State, and Federal—will be present to help answer consumer questions.

A late afternoon session will be held to summarize consumer concerns and recommend action. For those who feel that they have not received enough information during the all-day meeting, a consumer clinic will be held in the evening.

This conference, as Mrs. Peterson has emphasized, will truly be a gathering for the consumer, a conference to give him a voice where he will be heard, and where something can be done about his anxieties, his problems, and his ideas.

The conference is being held under the direction of the University of Utah. Organizations and institutions which will cosponsor include: Brigham Young University, Utah State University, Weber College, Utah State Department of Education, Utah Home Economics Association, Utah League of Women Voters, American Association of University Women, Utah Farmers Union, Utah State AFL–CIO, Salt Lake Retail Merchants Association, Utah Council of Retailers, Utah Retail Merchants Association, Utah Automobile Dealers Association, Utah Manufacturers Association, Utah Consumer Finance, Intermountain Implements & Hardware Dealers, Utah Pharmaceutical Association, Utah Retail Grocers Association, Utah Furniture Dealers, Utah Credit Union League, AFL–CIO Ladies' Auxiliaries, Utah AAUW, Salt Lake City AAUW, Utah Farm Bureau Federation, Better Business Bureau, Utah Medical Association, and Utah Mortgage Bankers Association.

This conference has my wholehearted support. I strongly approve of its objectives and its leadership. I have known Esther Peterson for many years, and she is well equipped as a spokesman in the White House for the Nation's consumers. In 1957, before the late President Kennedy chose her as his Assistant Secretary of Labor, she was Washington representative for the AFL–CIO. She is also the wife of a former State Department official and the mother of four children, and has had years of experience in meeting consumer problems for her family, both here in the United States and in oversea posts which her husband has held. She is already making the voice of the consumer "loud, clear, uncompromising, and effective." The Salt Lake conference is another extension of her magnificent efforts in this crusade.

I sincerely hope that the Intermountain Regional Consumer Conference will be well attended by representatives from all of the States involved. Utah's latchstring will be out for all, and our neighbors from Wyoming, Colorado, Nevada, and Idaho will be especially welcomed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 577) proposed by the Senator from Louisiana [Mr. LONG], to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 222 Leg.]

Aiken
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. ROBERTSON. Mr. President, ever since the Talmadge jury trial amendment, on which I am a copatron, was made the pending business, all southern Senators, including myself, have stressed the point that whether you call it a constitutional right or a necessary and inherent safeguard against tyranny, the right of trial by jury has been cherished and preserved ever since the first permanent settlement was started at Jamestown in 1607.

We have before us a civil rights bill which seeks to expand Government by injunction and in doing so creates new crimes which are to be punished in a counterpart of the old British Court of Admiralty to which was referred criminal cases against colonists who refused to pay the import duty on sugar, the tax on tea, and so forth; namely, a judge acting without a jury.

The distinguished Senator from Kentucky [Mr. MORTON] offered an amendment to the Talmadge amendment, which provided for jury trials not in all criminal contempt cases but only in criminal contempt cases arising under the pending civil rights bill. That amendment was defeated by a majority of one vote. Then, the distinguished Senator from Florida [Mr. SMATHERS] offered a jury trial amendment which provides that in all criminal contempt proceedings under the civil rights bill a defendant can demand a jury trial which then must be granted and in the event the defendant does not demand a jury trial, the punishment that can be given the defendant by a judge is limited to not exceeding 45 days in jail and a fine not exceeding $300. That amendment is now the pending business and, Mr. President, I rise to speak in its behalf.

However, before taking up any section of the bill, like title II, for instance, to indicate how vital to thousands of small businessmen the jury trial protection will be, I wish to call attention to what to me is a rather astounding news item which appeared in the Washington Post of Wednesday, May 13. I am sure most Senators listened last Sunday evening to the very popular television program called Meet the Press, when the guest speaker was James A. Farmer, the national director of CORE, the Congress of Racial Equality, and one of its founders. In that program, Mr. Farmer predicted political reprisals against the President and physical violence against the Congress unless the Senate passed—and promptly passed—the pending civil rights bill "without being watered down."

In a long article appearing last Monday in the current issue of Life magazine, that sentiment was echoed and repeated by the leading officer of what is called the Southern Christian Leadership Conference, Dr. Martin Luther King. There is no amendment that has been proposed to the civil rights bill that is more highly objectionable to these two pressure groups than the jury trial amendment because they are not only recommending, but they are demanding the enactment of a law that will deny to a white man the benefit of a trial by jury when a colored man brings against him a charge of discrimination. Both of these pressure groups not only term a jury trial amendment as watering the bill down, but on a previous occasion at least one of them has termed it as taking the heart out of the bill.

As I have pointed out on several previous occasions, we had this same issue before us in 1957 when Senator O'Mahoney introduced a jury trial amendment to the pending civil rights bill which went beyond either the Morton amendment, which the Senate has turned down, and beyond the Smathers amendment, which has not yet come to a vote. But, numerous Senators have called attention to the fact that when the roll was called in the Senate on the O'Mahoney amendment, the then Senator from Massachusetts, Mr. Kennedy, later to become one of the most popular of Presidents, voted for the O'Mahoney amendment, and the then Senator from Texas, Mr. Johnson, later to become as equally a popular President, voted for the O'Mahoney amendment. Hence, my dismay, Mr. President, when I read the following news item in the Washington Post of last Wednesday which urged the adoption of no watering down amendments to the pending bill and which echoed the sentiments of Mr. Farmer, who had said on the previous Sunday evening that this summer would be the hottest summer this Nation had ever seen if we failed to do his bidding to promptly pass the pending civil rights bill.

In the Washington Post news item under the heading of "L.B.J. Asks Rights Bill Pressure," we find these statements:

> President Johnson yesterday called for mobilization of public pressure behind the civil rights bill. He warned that the measure faces defeat unless the people demand its passage. He forecast "some very dark days in this country" if the southern bloc succeeds in killing or diluting the measure.

In order that the Members of the Senate, even though they may have heard Mr. Farmer last Sunday evening on the "Meet the Press" program, may more clearly understand the fact that he is advocating a revolution patterned after the French Revolution when the word "equal" was not equated with equal opportunity, but the equal possession of wealth, if Congress did not first pass the pending civil rights bill without material amendments and then follow that with the distribution of billions of public funds to the nonwhites of the Nation, I wish to quote some of what Mr. Farmer said on that program:

> Mr. SPIVAK. Mr. Farmer, you keep warning the American people that this summer is going to be a longer and hotter summer than the country has ever seen, as far as race relations go. Now is this a threat of more and more demonstrations, or is it a prediction of real serious trouble?
>
> Mr. FARMER. Mr. Spivak, it is not a threat at all. It is a prediction of serious trouble to come, because of the buildup of frustration and anger in the Negro community. That frustration and anger has built up because such little progress has been made within the past year to make a significant breakthrough in civil rights. Also there is a fact that the resistance of the segregationists has increased and the segregationists have organized in the North as well as in the South, and because of this impasse, unless our Nation does something to solve the problems of discrimination in employment, in housing, in schools, then I think there will be a long, hot summer.

Senators will observe that in answer to the first question, Farmer predicted serious trouble if the pending bill was not promptly passed; and the answer to the next question shows that the serious trouble to which he refers does not preclude bloodshed.

Continuing:

> Mr. SPIVAK. Mr. Farmer, there are some observers who say that the Negro revolution is gaining alarming momentum and that nothing will stop it short of bloodshed. Now are you one of those?
>
> Mr. FARMER. Well, I certainly would not agree with the adjective "alarming" there. I think that momentum for the civil rights revolution is a good thing, something to be desired. The more momentum we gather, then the greater are our chances of achieving success. I think that we need momentum, we need the thrust, we need the drive.
>
> Mr. SPIVAK. Now what do you think is the minimum that must be done to stop the demonstrations and to take people off the streets?
>
> Mr. FARMER. Well, now I don't think that anything is going to stop the demonstrations until we have achieved full equality in our country, until we are first-class citizens, until a man is judged not upon the basis of the color of his skin, but upon his individual

> merit. The passage of the civil rights bill will be a step in that direction. But we must understand that this bill, even if passed without being watered down, will merely give us a useful tool with which to work. It will not solve the problems. The millenium will not be here yet.

Again, I call attention to the demand that the bill be passed "without being watered down," and even then, the statement that it will merely be a step in the "right" direction.

Mr. President, this morning I read in the newspapers that there had been agreement between the Attorney General and the distinguished minority leader in regard to a number of amendments. But, strange to say, the news item stated that those amendments would not even be presented to a Republican caucus until next Tuesday, and that they would not be presented to a Democratic caucus until Tuesday or Wednesday, or perhaps later.

Mr. President, I ask this question: Will action on those amendments be delayed for a week, in order to ascertain whether they can be cleared with Mr. Farmer? He has just said he will not take any bill that has been watered down, and that even if this bill, without any material amendments, were to be enacted, it would merely be a step in the direction toward which this revolution is headed.

So I ask my colleagues, Why are we to wait until next week? Will that be in order to ascertain whether Mr. Farmer will agree to let the bill with these amendments be passed? If that is not the purpose, what is the purpose, in view of all the statements, made yesterday on the floor of the Senate, that the time for action has come, that we must stand up and be counted, that cloture must be imposed, and that we must proceed to write the bill into law? I ask these questions; and I hope that, before the end of the week comes, we shall have some satisfactory answers to them.

Mr. President, a moment ago I quoted Mr. Farmer's statement that he demands that the bill be passed, without being watered down. Fortunately, Mr. Farmer's colleague in this threatened revolution, which may not stop short of bloodshed, has given us the answer to what the next step, after the passage of a bill that does violence to the constitutional rights of all white citizens, shall be, namely, to equate equality with the equal possession of property and, therefore, to make contributions, running into the billions of dollars from the Public Treasury to members of the colored race. This is the way that Dr. King described that program in the article he wrote for the May 15 issue of Life magazine:

> Many Americans who consider themselves men of good will are asking: "What more will the Negro expect if he gains such rights as integrated schools, public facilities, voting rights, and progress in housing? Will he, like Oliver Twist, demand more?" What is implied is the amazing assumption that society has the right to bargain with the Negro for the freedom which inherently belongs to him.
>
> The time has come for our Nation to take that firm stride into freedom—not simply toward freedom—which will pay a long overdue debt to its citizens of color. The relevant question is not, "What more does the Negro want?" but, rather, "How can we make freedom real and substantial for our colored citizens? What just course will insure the greatest speed and completeness? And how do we combat opposition and overcome obstacles arising from the defaults of the past?"
>
> Special measures are needed to handle the issue because we have come to a new stage in the development of our Nation and of 1 in 10 of its people. The Negro today is not struggling for some abstract, vague rights, but for concrete and prompt improvement in his way of life.
>
> Certainly the Negro has been deprived. Not all the wealth of this affluent society could provide an adequate compensation for the exploitation and humiliation of the Negro in America down through the centuries. Yet a price can be fixed for settling the debt. I am proposing that the United States launch a broad-based and gigantic bill of rights for the disadvantaged.
>
> Such a bill would immediately transform the conditions of Negro life. The most profound alteration would not reside so much in the specific grants as in the basic psychological and motivational transformation of the Negro. I would challenge skeptics to give such a bold, new approach a test for the next decade. I contend that the decline in school dropouts, family breakups, crime rates, illegitimacy, swollen relief rolls, and other social evils would stagger the imagination.

Mr. President, I depart momentarily from reading the article which was published in Life magazine, to call attention to what has happened in the District of Columbia. The District of Columbia has the highest per capita income of any city in the Nation; yet the District of Columbia has the highest crime rate of any city in the Nation, and has the highest illegitimacy rate of any city in the Nation. Recent statistics show that in 1 year, the crime rate in the District of Columbia increased 43 percent over that of the previous year. Statistics show that for every month during the past 23 months, crimes of violence, such as robbery and rape, have consistently increased in the District of Columbia. There is the answer, if one wants it, to the statement that morality, school dropouts, crimes, and illegitimacy will all be cured if Congress will only appropriate, as Dr. King has stated and advocated, billions of dollars, to be distributed among the colored people of this Nation.

I read further from Dr. King's proposal:

> Change in human psychology is normally a slow process, but it is safe to predict that when a people is as ready for change as the Negro has shown himself ready today the response is bound to be rapid and constructive.
>
> The moral justification for special measures for Negroes is rooted in the robberies inherent in the institution of slavery.

Of course, Mr. President, the next step will be a Federal law that declares all State laws prohibiting intermarriage between whites and nonwhites to be invalid under the provisions of the 14th amendment. For the moment, however, let us concentrate on the two proposals of Mr. Farmer and Dr. King. The first is the immediate passage of the pending bill, without the adoption of any meaningful amendment. The next is a vast transfer of national wealth, through the means of Federal taxation, from the white group that constitutes 90 percent of our population and, of course, owns the bulk of the wealth of the Nation, to the 10 percent of the population which, according to Dr. King, has been unjustly deprived of wealth for a hundred years; and he added:

> Not all the wealth of this affluent society could provide an adequate compensation for the exploitation—

And so forth. Mr. President, there in a nutshell, we have the essence of the French Revolution but with several material differences. In the first place, the peasants of France had a just grievance against an arbitrary and tyrannical King and a system of nobility which denied to the rank and file of Frenchmen equal legal privileges and equal economic opportunities.

In the second place, the rank and file of the French revolutionaries constituted the overwhelming majority of the French people. But there, the differences end. The Farmer-King advocates of revolution equate, as did the French, the term "equality" with equal physical possessions. Never in the history of civilization has any 10 percent of the people of a nation, dissatisfied with the government under which they lived, been able to take over the government from the remaining 90 percent. Reference is sometimes made to the fact that at no time have more than 2 percent of the Russian people been officially recognized as members of the Communist Party which, of course, for a number of years has dominated the Government of the Soviet Union. But the first uprising under the leadership of Kerensky and the White Russians in Russia, was of the masses against a tyrannical czar and a system of special rights for the nobility, under which at least one-half of the people of Russia were in a condition of involuntary servitude. And, it was only after the Revolution had resulted in a dictator that a few people gained control of 200 million people. And that, of course, was the history of the French Revolution.

First the King and Queen were executed and their property confiscated; members of the nobility were executed and their property confiscated, and to a large extent the accumulated wealth of the Catholic church was also confiscated but instead of extending prosperity that program merely extended poverty and to such an extent that the Government was soon without the necessary revenue with which to function. It met that issue by resorting to printing press money which, in turn, produced galloping inflation, and that, in turn, produced a dictator, later known as Napoleon the Great. Under Napoleon the Great, the peasants not only did not get the liberty, equality, and justice for which they had staged a revolution, they got drafted for use in Napoleon's Armies of Conquest until he had bled France white, causing Robert Ingersoll years later to say when viewing his tomb in Paris:

> And I thought of all the widows and orphans he had made; of the tears that had been shed for his glory.

But, Mr. President, let us return to the astounding statements made by Mr.

Farmer on the "Meet the Press" program:

> Mr. Spivak. May I take you for a moment to the civil rights bill. When the civil rights bill was first introduced Senator Humphrey on this program told us that there would be no compromise. Do you see any danger now that there will be compromise on some of the fundamentals?
>
> Mr. Farmer. I think there is a great danger of that. I look with particular misgivings upon the attempts to modify the bill by weakening amendments. A number of those amendments have been proposed, and I think that if the amendments are adopted, that they will cut the heart out of the bill and render it meaningless.

Mr. President, I have read Mr. Farmer's statement last Sunday about amendments, which undoubtedly included the Dirksen amendments. I call attention to the fact that after the Dirksen amendments had been agreed on in a conference, the Senator would not present them to us for a week. Is he trying to obtain Mr. Farmer's approval of those amendments before he presents them or not? That is the question that I should like to have answered.

Again, I call attention to the charge that any meaningful amendment to the pending bill, including, of course, an amendment to provide for jury trials "will cut the heart out of the bill and render it meaningless."

Continuing:

> Mr. Spivak. And what is CORE going to do about it in advance?
>
> Mr. Farmer. Well, we, of course, have notified all of our chapters and our members throughout the country to get in touch with their Senators and let them know that we demand cloture now, we demand immediate passage of the bill, before summer, certainly, and we plan to call upon our chapters to send persons to Washington, D.C., around the end of this month or the first of June for some nonviolent demonstrations to support immediate adoption of cloture and quick passage of the bill.

Listen to those arrogant words: "We demand cloture now, we demand immediate passage of the bill, before summer"—and summer is just a little more than 1 month away—and then comes the threat of demonstrations against the Senate in behalf of cloture and quick passage of the bill.

Continuing:

> Mr. Spivak. Are you going to have a sit-in in the Senate?
>
> Mr. Farmer. No, I am not detailing precisely what we have in mind, except to say that whatever we do in Washington will be disciplined, will be orderly, will be peaceful and nonviolent.

Of course, Mr. Farmer does not admit that there will be any violence when his cohorts move into Washington and against the Senate to speed up action, but violence has occurred everywhere else when there were demonstrations of that kind and if those in authority do not enforce the statutory law that prohibits agitators from marching on to Capitol Square and threatening the Congress, the demonstrators will have every reason to assume that those charged with enforcing that law will look the other way if, as and when violence occurs.

Continuing:

> Mr. Farmer. I think the reappraisal of Booker T. Washington began even during this lifetime. There were Negro leaders, including W. E. B. Du Bois, who strongly opposed his views. I think we must look at Booker Washington in terms of historical context. It was right after the Reconstruction period that he became a leader and he was expressing the view which he thought to be the only reasonable one at that time. There was no possibility of achieving integration. Now there is that possibility. So to express Booker Washington's views now would be hackneyed, outmoded, looking into the past.

Attention is called to the fact that W. E. B. Du Bois, to whom Farmer referred as being strongly opposed to the views of the great Booker T. Washington, was listed at one time by the House Committee on Un-American Activities as a card-carrying Communist. Quite naturally, he did not endorse the views of the great and patriotic American citizen, Booker T. Washington.

Continuing:

> Mr. Spivak. Mr. Farmer, will it affect President Johnson's strength in the coming election if the strong civil rights bill doesn't get through the Congress this time? If the bill is compromised to any extent?
>
> Mr. Farmer. Of course it will. I am sure that Negroes are going to be politically opportunistic in the next election. Let me explain what I mean. They are going to judge all candidates, not by their words but by their deeds, and an important part of the deeds of the President will be his success and effectiveness in getting a strong civil rights bill passed. I am sure that the failure to pass a strong bill will work to the detriment of the President.

There we have the political threat that the Negroes next November will not support the President unless he is effective in getting a strong civil rights bill passed. I am glad, of course, that Mr. Farmer puts this program in its true perspective.

Continuing:

> Mr. Spivak. You think, then, that a Republican can win a large percentage of the Negro vote, today, if a strong civil rights bill isn't passed?
>
> Mr. Farmer. I would say this, that many things can happen between now and November, and Negroes are going to be watching those happenings. We don't know who the Republican candidate is going to be and we will then have to judge and make our decision on the basis of the deeds of the—the comparative deeds of the individuals involved.
>
> Mr. Spivak. I would like to ask you one question on the school desegregation problem. Within the next 7 days, it will be 10 years since the Supreme Court said that schools must be desegregated. In spite of that, I think that less than 10 percent of the Negro children of this country are in white schools. If you had the power, do you think you could desegregate the schools any faster?
>
> Mr. Farmer. If I had the power, certainly, I think I could. I think that schools can be desegregated and desegregated quickly if the powers that be have the will to do so and take a firm stand. This was done in a number of borderline cities. It could be done in the deep South. It can also be done in the North.

Mr. President, there we have the program of bussing Negro children for miles to put them into white schools which became such a hot potato on the House side that it had to be dropped. But, don't ever think that Mr. Farmer and Dr. King have dropped it.

Continuing:

> Mr. Sargent. Mr. Farmer, speaking of being proud of the progress in these various cities, I would like to ask you how proud you are of the Methodists? You are a Methodist yourself, you are the son of a distinguished Methodist preacher and I am sure that you have been watching carefully what the Methodist Church has been doing in the past few days. They have voted to eliminate one Negro enclave within the next 4 years. Do you think this represents real progress on the part of the Methodist Church, or is it simply an effort to salve a troubled Methodist conscience?
>
> Mr. Farmer. I think really, Mr. Sargent, that it represents too slow progress on the part of the church in which I grew up. As a matter of fact, I chose not to be a minister in that church because of continuing segregation there.

Mr. President, I certainly hope that some of the Methodist bishops who have been going all out for the pending bill either heard Mr. Farmer make that statement last Sunday night, or will read it as I have reprinted it above in the Congressional Record. Think how they lost a minister who may be destined to be as prominent in political affairs as the Baptist minister from Harlem, Hon. Adam Clayton Powell. That illustrates one fundamental political principle that I learned many years ago, namely, if we start out to wear the yoke of a pressure group, never think that we can cease wearing it and get any future recognition for past performances. In politics, once we sell our soul to a pressure group, we must stay with that pressure group to the bitter end or it will undoubtedly throw us overboard and cast us into political oblivion.

So we find Mr. Farmer saying that he could not bring himself to be a minister in the Methodist Church because "it represents too slow progress" on the revolutionary principles in which Mr. Farmer believes.

Continuing:

> Mr. Sargent. Mr. Farmer, as a disciple of Gandhi and a student of Thoreau, you have laid commendable emphasis on nonviolence, but you have been quoted as saying that the time might come when, if nonviolence fails, you might consider some form of violence. I hope that I haven't misquoted you there. But could you tell us your idea about how you might judge when a little bit of violence might be proper in order to get the thing moving again?
>
> Mr. Farmer. Well, Mr. Sargent, I have been often misquoted on this. What I actually said in the interview where the quotation came out was precisely what Gandhi had said. Namely that I would prefer to have a man resist injustice with violence than to have him fail to resist out of cowardice. I think that is clear.

There again, Mr. President, do not rule out violence if Mr. Farmer brings 100,000 or 200,000 people into Washington a few weeks from now to put pressure on the Senate because he thinks failure to pass the pending civil rights bill promptly and without watering amendments would be an injustice and he tells us, "I would prefer to have a man resist injustice with violence than to have him fail to resist out of cowardice.”

Mr. President, that we have the exact words of two of the outstanding leaders of what they are pleased to call a revolution. They are demanding immediate passage without amendments of the pending civil rights bill. They will then demand a division of property and it will not be long before they demand a major voice in Government. One of those demands will be home rule for the District of Columbia, where 74 percent of the population is nonwhite and where, under home rule, a white man would have precious little chance to hold any political office whatever in the District government.

At the present time, over 50 percent of the employees in the District government are nonwhites; at the present time, 74 percent of the employees in the Washington Post Office are nonwhite, and yet, proponents of the civil rights bill tell us that title VII, the FEPC section, has no connotation whatever with a quota system under which one test of discrimination will be the percentage of white and nonwhite employees in a given business as compared with the percentage in the local population. And, to illustrate how far those who framed this iniquitous bill would go not only in the prosecution but in the persecution of a white man under the provisions of the FEPC section, he could be accused of a charge of discrimination in a small plant in Jackson, Miss., and prosecuted on such a charge in Chicago, New York, Boston, or any other city in which the main office of that plant might be located. Remember, our colonial ancestors complained bitterly about the injustice of being carried from their homes to England for trial before a hostile judge; they complained bitterly of the act of Parliament under which even when tried at home they could be tried in a court of admiralty by a judge appointed by the King who held office at the pleasure of the King and whose best chances for promotion would be to do the King's bidding.

Yet, all of these violations of the rights of white citizens in this Nation are being advocated by two nonwhite pressure groups and being actively supported on the floor of what used to be called the greatest deliberative body in the world by such a large number of Senators that their principal spokesmen boldly say that if they could just bring this bill to a vote there would be enough Members of the Senate to cram it down the throats of a protesting minority and without a single watering down amendment. Among those whom I understand would vote in that way are some distinguished Members who voted only last year to provide jury trials in all criminal contempt proceedings, arising under title II, or the accommodations section of the bill, in the same manner that all other crimes are handled. Of course, those distinguished colleagues who voted for jury trials in title II then, and now who may vote for a bill that denies all jury trials, have a right to change their minds and a right to change their position on what, to me, is a very vital principle of self-government and what Daniel Webster once referred to as American constitutional liberty.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield for a question.

Mr. HOLLAND. When the Senator refers to Senators who voted last year for the jury trial principle under the public accommodations title, does the Senator refer to the vote in the Committee on Commerce when the jury trial provision was inserted in the bill which was then pending before the committee which, in effect, was the same as title II in the pending bill?

Mr. ROBERTSON. That is the vote to which I refer. And it was a unanimous vote of that committee.

Mr. HOLLAND. Does the Senator then suggest that some members of that committee, who thus voted unanimously for this old principle of jury trials when criminal contempt proceedings might be necessary under the public accommodations provision of this law, now propose to vote against that principle?

Mr. ROBERTSON. The Senator does not like to suggest anything that might be unpleasant to any of his colleagues. But he has a right to cite the record.

At the time of the vote the other night on the Morton jury trial amendment, the chairman of the committee, the Senator from Washington [Mr. MAGNUSON] stated:

> I sponsored in my committee the jury trial amendment on title II. I feel that I am bound to support the principle of jury trial.

So he announced a pair with the distinguished Senator from California [Mr. ENGLE], who could not be present. However, other members of that committee voted against the Morton jury trial amendment.

Mr. President (Mr. BAYH in the chair), I have stated that Senators have a right to change their minds. I do not wish to say anything unpleasant about anyone. I am not the keeper of their consciences nor the guardian of their political futures. But, I do not hesitate to repeat what I have said above, namely, that my observation of an alinement of a pressure group is that you either sink or swim with it. Consequently, I have never alined myself with any pressure group and I never intend to do so.

I always have voted the dictates of my conscience and I challenge any man to point to any vote that I have ever cast in 31 years of service in the Congress in which I evidenced a disregard for fairness and justice for any group whether that group supported me at the polls or not. Therefore, in repeatedly voicing my objections to certain provisions in the pending bill which I think are unconstitutional, to other provisions which I think are undesirable and to still others which I think are impractical and unworkable, I am merely continuing a pattern of political behavior set 48 years ago in the senate of Virginia when, at that time, voting my conscientious views I was often referred to as a liberal and now continuing to vote my conscientious views, I am referred to as a conservative, if indeed, I am not privately referred to as a damned southern reactionary. But, Mr. President, if that be treason, make the most of it.

Mr. President, I can well understand the willingness of the distinguished Senator from Illinois [Mr. DIRKSEN] to vote to impose cloture and then vote to pass the civil rights bill, provided the Senate first adopts one of his amendments which, in effect, says that “nothing in this act shall apply to the State of Illinois” which, of course, is the practical effect of giving priority to State open occupancy and FEPC laws. But, that does not take from under the guns Virginia or any other Southern State against which, of course, the bill is primarily aimed, although the denial of trial by jury is not a regional issue.

The efforts of southern Senators to get their views concerning the obnoxious provisions of the pending bill to those who live north of the Mason-Dixon Line and west of the Mississippi River have been handicapped by reason of the recruits which Messrs. Farmer and King have gained in their revolution. Aside from politicians who enlisted at an early stage, the most valuable recruits of Messrs. Farmer and King have been clerics who are unaware of the constitutional technicalities involved and who in their concentration upon the ends to be achieved have been blinded to the means proposed to be used. They have loudly proclaimed from coast to coast that the immediate passage of the pending civil rights bill, without watering down amendments, is not only a great moral issue but a categorical imperative.

Mr. President, since the debate on the bill started 2 months ago, no one has more clearly demonstrated the fallacy of that position than an able and consecrated lawyer of Richmond, Va., named Charles W. Margolf, who is well versed in both the law and the prophets. Recently addressing the Brandon Woman's Club of Richmond, Va., in a brilliant speech entitled “The Twilight's Last Gleaming,” Mr. Margolf said:

THE TWILIGHT'S LAST GLEAMING?

> “O say can you see by the dawn's early light what so proudly we hail'd at the twilight's last gleaming?”
>
> These words are familiar to us all—but, is the punctuation? I cannot now recall the occasion when I first noticed that I had been thinking of these words as a declaration—Francis Scott Key ended the phrase with a question mark.
>
> Upon reflection this is not surprising for when these words were written our Nation was in its infancy—and at war. The Capital of our country was under attack. The question of whether our Nation would survive was being weighed in the balance and there was grave doubt as to how the question would be resolved.
>
> Today, I think the people who really understand the great principles which breathe the life into our Nation are asking the same question Francis Scott Key asked. I think there are many more Americans who may not really understand those great principles but who nevertheless have a feeling that something is not right. There seems to be a widespread uneasiness, difficult to articulate—a growing feeling of apprehension.

I am not an historian nor an expert on constitutional law. I claim to be only a student of both, and I confess Jesus Christ. These may not be the credentials that will articulate the problem. Nor may these be the credentials that will provide the solution that will sway the balance in the scale where the great issues now seem so precariously balanced. I hope these credentials will at last stir us to a deeper, more objective, honest appraisal of the events now taking place in our country.

The question Francis Scott Key asked in 1814 is, in my judgment, being raised in several areas in this hour of our Nation's life.

One such area is the war that steadily draws closer to our shores—a war that began nearly a half century ago—our opponent, more than that, our mortal enemy, in this struggle is the awesome, insidious force of amoral materialism called communism which relentlessly pursues that end which gave it birth and to which it remains dedicated—the destruction of this Nation because of what it historically has stood for.

Another such area is the struggle that has been going on nearly 30 years in our own land—a struggle between those who believe the purpose of government is to do for people what they cannot do as well for themselves; and those who believe that government is instituted among men, deriving its just powers from the consent of the governed, in order to secure the inalienable rights with which men have been endowed by their Creator.

If communism prevails, man will exist for the state. The state will take from each according to his ability and give to each according to his need. Private ownership of goods, property and the means of production will pass to the state and the state will assume full responsibility for the needs of the citizens and will manage the economy as the state thinks will best satisfy what the state considers to be the citizens' needs.

If the welfare state becomes a complete reality, I submit the results will be the same except that a police state condition may not initially exist. I emphasize the word initially because if the insight of our Founding Fathers was correct, the police state must inevitably follow. You will recall our forefathers believed that individuals should be protected in the ownership of private property and entitled to retain the rewards of their own honest endeavors. These beliefs will compel the self-reliant, industrious, venturesome, responsible citizens to oppose a managed economy in a conforming society that extols mediocrity and adjustment rather than encouraging excellence and achievement. Police state measures will inevitably be required to enforce the concepts on which the welfare state is based.

The cry of "public good" or "national interest" is being heard more frequently. Almost openly now, the "ability-need" theory is being proclaimed. In the name of humanitarian concepts we find our attention being increasingly directed to society, not to the individual.

To those among us who are beginning to believe that the "ability-need" theory is the road to freedom in a society as complex as ours, I ask one question: Who, under that theory, determines what a person's ability enables him to "give"—and who decides what a person's needs are? Those leading us down this road know the answer. Have those among us who have been swept up in their slogans found out? Before we welcome in the "age of the heart," and give our support to a central government's total war on poverty, we had best reexamine the premises carefully and inquire diligently lest we find we have spawned a tyranny that will enslave us with the very chains we, through ignorance or indifference, have helped to forge.

There is not time to advance these thoughts in depth but in the final analysis, and in either case—communism or the welfare state—the ultimate issue seems clear. It is liberty versus tyranny. Man's history could perhaps be summed up in those three words. There is an old French proverb:

"The stairways of time are forever echoing with the sound of wooden shoes going up and patent leather boots marching down."

Thus, I think we come now to my topic. As I read H.R. 7152, entitled the Civil Rights Act of 1963, and more particularly the majority and minority reports of the House Judiciary Committee, and the 300-page transcript of the hearings before the House Rules Committee, it seemed self-evident that the Civil Rights Act of 1963 contained the fatal steps to tyranny and would therefore be defeated in the House by the elected Representatives of a free people. I followed the news accounts of the House debate. With growing alarm I read of its passage; the reasoned voice of objective appraisal of the provisions of the act had gone unheeded. Why? I concluded that widespread recognition of the true import of this legislation will not be forthcoming until the fallacies of the principles being urged in support of the act are first exposed.

I will therefore address my remarks to those principles and the title of my address will be: "The Twilight's Last Gleaming?".

Western civilization rose from the ruins of ancient Greece—but the Western dawn followed 2,500 years after Pericles stood in the twilight of Greece's golden day.

Are we today now standing in our twilight's last gleaming?

Certainly no one questions that eternal vigilance is the price of liberty. Therefore, everyone should at least be willing to ask the question: "Watchman, what of the night?" and to listen honestly for the answer.

Listen carefully—who calls to us "all's well"? Could it be that all has been well so many nights that liberty's watchmen have become less vigilant—less observing of small and subtle changes in the shadows?

Could it be that we who have heard the "all's well," so many nights have been lulled into drowsiness, warmed by freedom's fire, and have not observed whether the watchman's voice is somehow different—or have not responded to his cry of alarm?

Night does not fall in a moment—but we know of a certainty when it has come. Neither is the liberty of a free people lost in a moment—but we may be sure we shall know when it has been lost. If now is the twilight of liberty, the twilight has been deepening for some time.

We would probably all differ as to the moment in our history when the twilight of liberty began but there would be few who have studied the signs carefully who would not agree that the shadows are lengthening.

We are living in a time when criticism is equated to callous contention and is no longer a welcome challenge against which prevailing opinion may test itself to see where error lies.

We are living in a time when dissent is equated to dissonance and is discouraged or discredited though it speaks with a reasoned voice.

We are living in a time when the warning cries of principles forgotten are either drowned out by the clamor of mobs or silenced by the eloquence of hypocrites; though truth may be spoken it falls on ears untrained or which have forgotten how clear is the ring of liberty's bell—and how quiet are the centuries that follow its death knell.

We are living in a time when eloquence is equated to excellence; a time when there is corruption without indignation; a time when circumstances determine principles; a time when character and strength are measured by material might.

We are living in a time when protest, though unlawfully carried on, is condoned because the end sought justifies those means while protest of such means is condemned because it is considered condemnation of the end itself.

We are living in a time when language is being permitted to conceal thought; a time when words are not given concrete meanings; when principles are spoken but not defined nor ideas probed and objectively analyzed. In the name of "politics" we excuse the compromise of principles by our elected representatives and in the name of "party" we cast our ballots.

If we cannot now find the courage to stand for principle, how dare we hope that the courage to stand will come to us when the principles on which our Nation was built have been weakened by the erosion of expediency and compromise?

What are some of the principles that are being attacked and what are some of the principles leading the attack? I state the question this way because both sides of the civil rights controversy rest their case on principle.

First, the leaders of great religions and religious denominations of our country declare: "Discrimination because of color is a blasphemy against God."

Leaders of church and state declare the issue is a moral issue. Certainly moral principle is one of the principles urged in support of civil rights legislation. For Christians, there seems little room for honest debate that the race problems involve moral principles. While I shall not presume to declare what is and what is not blasphemy against God, neither shall I hesitate to admit that I believe moral principles are certainly involved in the race problems.

Christians believe the Bible to be the inspiring word of God and that through its pages God reveals to man the highest moral order to which man can aspire.

The 27th verse of the 1st chapter of Genesis tells us: "God created man in His own image, in the image of God created He him; male and female created He them."

We know what is the great commandment—we know that the second is like unto it—"Thou shalt love thy neighbor as thyself."

Who is my neighbor? Rather than repeat the parable of the Good Samaritan, I will tell another story attributed to J. J. Crittenden, a lawyer from Kentucky of nearly a century ago. While not from the Bible, it might well be.

When God was considering whether or not to make man, He called to His throne the Angel of Justice, the Angel of Truth, and the Angel of Mercy and said to them, "Shall I make man?"

Justice said, "Make him not O God, for he will trample upon Thy laws."

Truth said, "Make him not, O God, for he will pollute your sanctuaries."

But Mercy, kneeling and looking up into the face of God through tear-filled eyes said, "Make him, O God, and I will watch over him in the dark hours of his life." So God made man and said, "O Man, thou art the child of Mercy. Go out and live with thy brother."

Created in the image of God, we are the children of mercy. Let us go forth and live with our brothers. But, does this mean that a Christian cannot in Christian conscience oppose the Civil Rights Act of 1963? I think not. For the reason that while Christians need not ask—who is my brother?—the question posed by the Civil Rights Act of 1963 is not—who is my brother?

Since I am a Lutheran, I will use the recent pronouncement of the National Lutheran Council to point out what I consider the fatal defect in the position of the churches, and the church leaders generally, regarding this legislation.

["From the Richmond News Leader, Feb. 7, 1964]

"LUTHERANS RAP WORSHIP DENIAL ON RACE BASIS

"CHARLOTTE, N.C., February 7.—The National Lutheran Council, urging support of antisegregation legislation, says the church has an obligation to preach the gospel without discrimination or distinction.

"In a resolution which replaced a milder civil rights statement adopted Tuesday, the council said yesterday that 'to exclude from worship or membership * * * any person on the basis of color, culture, class, or caste is to sin against God and man.,

"The resolution noted that 'all Christians have not been quick to offer the blessings of the gospel and of Christian fellowship to all persons of other races.'"

The National Lutheran Council urges support of antisegregation legislation—what is the reason they offer? "The church has an obligation to preach the gospel without discrimination or distinction."

As a Christian I do not propose to argue that the church's obligation is other than as stated. But as a citizen who cherishes liberty, I do propose to argue as forcefully as I can that this obligation of the church is not a reason for supporting this legislation nor can it ever be if we are to remain a free people.

Because the church feels obligated to preach the gospel without discrimination, can never be justification for laws compelling free individuals to live their private lives without discrimination. I do not say individuals are right, in the moral sense, who discriminate. I do say individuals have a right, in the legal sense, to discriminate and, if individuals lose that right they lose their liberty as well.

To expand upon this thought for a moment—we must remember, and never forget, the Civil Rights Act of 1963 is legislation not theology. We are dealing with laws, not appeals from pulpits. Further, we must never forget that it is the Federal Government, not church congregations, which is concerning itself with this legislation. Neither should we forget that government must act through men, men are human and humans have a nature.

If there were time we could review what the Bible reveals to us concerning men and their human nature. Consider for example the story of Esau and Jacob in the 25th and 27th chapters of the Book of Genesis.

1. Esau did not believe his birthright was worth dying for.

2. Jacob's mercy to his starving brother was conditioned on receiving Esau's birthright and Esau gave it for a mess of pottage.

3. The mother, Rebecca, preferred Jacob while the father, Isaac, preferred Esau.

4. Rebecca and Jacob conspired together, knowing full well the law that the blessing belonged to the eldest and, regardless of law, that the father preferred the eldest.

5. Rebecca and Jacob contrived an elaborate deceit to gain the father's blessing. (Do not overlook the fact, should you read the account, that an objective appraisal of the two brothers as to who was best qualified to take over Isaac's holdings would favor Jacob. Thus, Rebecca sought a good end and acted from the best of motives.)

6. Isaac expressed doubt as to who stood before him and the evidence was readily available to resolve that doubt had Isaac demanded it.

7. Jacob even called God to his side to clothe his deceit.

8. Isaac wanted to be sure. Isaac recognized the importance of what his blessing meant, but he also wanted to delay no longer his enjoyment of the venison, this material pleasure that was at hand.

9. Isaac trusted in those qualities of character which all men created in the image of God should possess—truth, honor, integrity—and Isaac said to the disguised Jacob who stood before him, "Art thou my very son Esau?"

10. Jacob lied to his own father, surrendered his honor and compromised his integrity for the material benefits of the blessing.

Here is man's human nature. The story ends with Esau's return and with the realization of what Jacob had done. The account tells us: "Isaac trembled very exceedingly. Too late Isaac realized he had let himself be deceived. Esau said 'Hast thou but one blessing, my father? Bless me, even me also, oh my father.' But—too late, too late—the blessing was gone forever. 'And Esau lifted up his voice and wept.'"

This old, old story has been lived out over and over again by the Jacobs and Isaacs, the Rebeccas and Esaus of every age. I tell it now because I believe that until the day when the minds and hearts of all men everywhere have truly been surrendered by willing and knowledgeable consent to Almighty God, no man can safely assume that his liberty is secure and will remain so nor entrust the preservation of his liberty to others. Any person who entrusts his liberty to other men is either naive in his understanding of human nature or he is a fool.

As Lord Acton rightly observed, "Power does corrupt and absolute power does corrupt absolutely."

While we are thinking about man's human nature and man's propensity to be corrupted by power, let us also recall what Plutarch said: "No beast is more savage than man when possessed with power answerable to his rage."

What, you may say, do these observations have to do with what religious leaders are declaring in support of the Civil Rights Act of 1963? After all, the religious leaders are good men and they are motivated by the very best of good motives. Listen carefully. I do not say that they are not good men nor do I say that they do not have good motives. Let me remind you, however, that these good men are not appealing to men to go out as children of mercy and live with their brother. They are appealing to government to make men live with other men as these men think they should; and they are calling God to their side. It is law, it is legislation, it is government that is now asked to establish the moral good by compelling acceptance of it. Legislation is enacted by men; laws are executed by men; and government acts through men. Is there any power on earth that can assure us that we shall always have good men enacting legislation, enforcing laws and executing the powers of government?

Where shall we find the assurance that the men who enact legislation, enforce the laws, and execute the powers of Government will always have good motives? Unto whom shall we delegate the power to determine what is "good" or what is morally right? One need not reflect long upon these questions to realize that what has been considered "good" by men, even by a majority of men, for that matter men of God, has been found to be evil in a more enlightened age when truth has dispelled the darkness that made some evil in its time an accepted "good."

The race problem may be moral but morality is not the issue in the Civil Rights Act of 1963.

Eugene Carson Blake, the stated clerk of the United Presbyterian Church addressed a group in Metropolitan Methodist Church in Baltimore on Independence Day 1963. This group had gathered for the purpose of proceeding to Gwynn Oak Park to demonstrate against the law of Maryland which permits the owners of private property to exclude whom they wish. The group of Negroes and non-Negroes heard Dr. Blake declare: "I stand with you against any doctrine of private property which constitutes a continuing affront to the dignity of Negro people in the city and county of Baltimore.

Dr. Blake, knowingly, willingly, and deliberately participated in the demonstration at Gwynn Oak Amusement Park. Maryland's law of trespass was read to the mixed group. Dr. Blake insisted upon entering the park with his Negro friend, an elder of the Presbyterian Church. They were refused admittance. Still they persisted. Ultimately they were arrested for trespass. Dr. Blake who had traveled all the way from New York for the express purpose of testing this law pleaded not guilty.

The columnist who wrote the account of this event in the August 1, 1963, issue of Presbyterian Life said, "I saw Eugene Carson Blake hauled off in a paddy wagon, and pride in the Church of Jesus Christ was generated afresh. I saw Blake fingerprinted in the service of Jesus Christ."

The columnist continued: "Eugene Carson Blake has witnessed to his faith. Some wish he hadn't needed to break a law to do his witnessing but he announced to the press while he was wiping fingerprint ink from his fingers—

"'I would not know whether the law is constitutional. All I know is that it is not right.'"

Here then is another principle urged by those supporting the Civil Rights Act of 1963. State laws, such as Maryland's, are not "right," never mind whether they are constitutional.

Before discussing this principle, I should like to mention another that is quite like it. "One may well ask, 'How can you advocate breaking some laws and obeying others?' The answer lies in the fact that there are two types of laws: There are just laws and there are unjust laws. * * * A just law is a manmade code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law."

Thus wrote the Reverend Martin Luther King from his jail cell in Birmingham, Ala., in April 1963 to a group of clergymen who had sympathized with his aims but had deplored his willingness to violate laws.

I agree with the Reverend Martin Luther King that there are just and unjust laws. I agree with the Reverend Carson Blake that laws should be right. Nevertheless, I oppose both of them because of the one thing that remains undefined and which therefore brings into the discussion a value that transcends what both these men, and those who follow them, seek. That value, which transcends "right" and transcends "just," will be lost and, when lost, will cause also the loss of what these men seek.

This transcending value is liberty.

Who shall say what is "just?" Who shall say what is "right?" The answer rolls like thunder across the pages of man's history—from ground made hallowed by the silent graves of the numberless nameless men who died fighting tyranny comes the deafening answer: He who has the power shall decide what is "just"—he who has the power shall decide what is "right."

Therefore, I oppose any attempt by any person or group to take unto themselves authority to decide for the governed what is "just" or what is "right."

I also oppose any attempt by the governed to place in the hands of those who govern, authority to determine for the governed what is "just" or what is "right." Let me be sure that you understand what I have said.

First: I said I oppose any attempt by any person or group to take unto themselves authority to decide for the governed what is "just" or what is "right." To illustrate: Would a free people remain free if Congress were to assume the authority to enact any legislation it saw fit to enact so long as Congress thought the legislation was "right" or "just"? Granted all legislation should be "right" and "just," these words mean different things to different people. Only a fool would subject his liberty to such uncertainties? There are labor leaders and legislators who think it is "right" and "just" that no man should be allowed to work who does not belong to a union. There are leaders in Government who think it is "right" and "just" that Government should take from those who have and give to those who have not.

"Right" and "just" should motivate legislators but "right" or "just" should never be the source of the power to legislate. Should the governed ever permit those who govern to assume authority to pass whatever legislation they think is "right" and "just" Government will, at that moment, become our master, not our servant, and the twilight of liberty will have deepened into night.

There is another objection to the assumption of such authority by those who govern that is equally vital to understand. The U.S. Constitution established a Federal Government of limited powers. The people, voting by States, established the Central Government. In so doing, the powers of the Central Government were stated. The Constitution does not say that Congress may do whatever it thinks "right" or "just." If Congress therefore assumes such power it will have torn the Constitution to shreds and scattered it to the winds of tyranny—no matter how "right" or "just" that tyranny may seek to be. It will have done this by usurping powers not granted by the people. When those who have been granted limited authority exceed the limitations of that authority they go beyond the law defining what their authority shall be. As William Pitt declared, "Where law ends, tyranny begins."

Second: I said I would oppose any attempt by the governed to grant authority to those who govern to determine for the governed what is "just" or "right." To illustrate: Suppose an amendment to the Constitution were submitted to the people amending article I, section 8, which sets forth what Congress shall have the power to do.

"Congress shall have the power to make any law it thinks 'right' or 'just.' "

If this amendment were to pass, of course, the argument would no longer be valid that Congress had usurped powers not granted in enacting whatever laws it thought "right" or "just." But, can liberty be left to such vague limitations on the exercise of power? Those who have the power today might say "yes" but should their power pass to others they might not agree. For example, "separate but equal" was thought "right" and "just" for nearly a century. Slavery itself was thought "right" and "just" for centuries before that. Consider the principles Hitler proclaimed to be "right" and "just" and then remember that "power does corrupt and absolute power does corrupt absolutely."

Ponder for a moment the power that would repose in a Congress that had been granted authority to pass any law so long as they thought it "right" or "just." Should we conclude that we have no objection to reposing such power in our elected representatives, let us at least be honest enough to recognize that we have placed our confidence in men, not in laws.

Were "confidence in men" the lesson history teaches, Jefferson spoke fool's words when he said: "In questions of power, let no more be heard of confidence in men but bind men down by the chains of the Constitution."

The chains of the Constitution would become mere threads to be broken at will by a majority of Congress whenever the whim of popular opinion concluded something was "right" or "just."

If these views I hold are not popular, and they would seem not to be in the present Congress as evidenced by the House vote on the Civil Rights Act, am I to be denied the right to speak them? It is no answer to say the Bill of Rights protects my freedom of speech for the Supreme Court long ago recognized, and rightly so, that freedom of speech is not absolute. Would we have its limitations be what Congress thinks is "right" or "just"? Nor should we stop there. Since the Supreme Court declares laws constitutional or unconstitutional, a majority of the nine Justices would ultimately decide the question.

Would we have the limitation on free speech be what five Justices, not elected by the people and holding life terms, think is a "right" law or a "just" law?

The Constitution may seem old and not suited to our day and time, too narrow to deal with our complex society, and its amending procedures too cumbersome to get done what is thought to be "right" today.

We are being told today that we can no longer let an 18th century philosophy determine 20th century problems. To those who say this, and to you if you would dismiss my thoughts tonight by repeating it, I suggest that these so-called 20th century problems were present in one form or another at least as far back as history has been recorded. I also suggest that there have been very few centuries in all the ages of man where a political philosophy even existed that rose to the heights of the philosophy embodied in our Constitution. Ancient Greece was the first, some seven centuries before Christ, and western civilization the second some 18 centuries after Christ. We will forget at our peril that the 18th century philosophy of our Founding Fathers dealt with liberty for individuals and recognized that, to secure the inalienable rights of individuals, individuals must be protected against government. As Woodrow Wilson expressed it: "The history of liberty is the history of resistance. The history of liberty is a history of the limitation of governmental power, not the increase of it."

When one considers man's history and how man's liberty was lost, the 18th century political philosophy we seem bent on discarding may not be "found" again until the dawn of some new age centuries from now.

Those who speak as I do are accused of wanting to turn the clock back. I have read what history discloses to be the ultimate consequence of the extensions of government. Therefore, I do not want to turn the clock back to where government becomes my master. Centuries may pass before there is another Runnymede, and another Lexington and Concord.

I do want to turn back to those great bedrock principles on which the alabaster cities of the patriot's dream were built. I do want to turn back to the wellspring of our national greatness and the source of our Nation's strength.

"Ye shall know the truth—and the truth shall make you free."

Let us turn to truth wherever it can be found for truth does not become false with the passage of time. The Sermon on the Mount is much older than the 18th century philosophy expressed in our Constitution. Because the Sermon on the Mount may be commended to us today does not mean a turning back of the clock for its wisdom still lies far in the future and its understanding remains, after 20 centuries, a goal still to be sought by men.

The 18th century political philosophy of our Founding Fathers recognized the vital necessity of understanding what George Washington said: "Government is not reason—it is not eloquence—it is force. Like fire, it is a dangerous servant and a fearful master."

The Constitutional Convention in Philadelphia met to devise a document that would create a meaningful union of 13 sovereign governments. Granted that the stated purpose of those freemen who met in that Convention was union, their guiding principle was the preservation of liberty under that union.

To preserve liberty, they created a government of limited powers and reserved all powers not delegated, to the States or to the people.

To preserve liberty, they created a system of three branches of Government in order that these limited powers which were being granted to each branch would be subject to checks and balances by the others; and, to protect the people from that Government, should one branch fail to prove a check on another, they made the people themselves the ultimate repository of all the powers not delegated.

Let us see how one of these checks works out under the Civil Rights Act of 1963.

Article I, section I of the Constitution declares: "All legislative power, under the Constitution shall be vested in a Congress consisting of a Senate and a House of Representatives.'"

Even if we assume that the Constitution gives Congress the power to enact the Civil Rights Act of 1963, the act itself in several sections confers upon the President the authority to confer upon Federal departments and agencies (whose members are not elected by the people but appointed by the President) such authority as he deems appropriate to effectuate, carry out, and compel compliance with various portions of this act.

A cornerstone of the free society conceived by our forefathers was the principle that Congress cannot abdicate or transfer to others its legislative function. As the Supreme Court said in *Panama Refining Co.* v. *Regan*: "This principal is not answered by the argument that it should be assumed that the President * * * will act, for what he believes to be the public good. The question is not one of motives, but of constitutional authority, for which the best of motives is not a substitute."

Let us now recall Eugene Carson Blake's words to the civil rights demonstrators in Baltimore: "I stand with you against any doctrine of private property which constitutes a continuing affront to the dignity of Negro people."

This brings us to another principle urged in support of the Civil Rights Act of 1963—"affronts to the dignity of people"—in a word, respect.

Does Christianity have something to say to us concerning this?

Though Roman law in the day of Christ had attained considerable stature even when measured by our own system of jurisprudence today, surely not all Roman laws were right or just. My reading of the scriptures, however, does not disclose a defiance of law; rather, Christ overcame the law by submitting Himself unto it, even the death of the cross. Though Peter took the sword to oppose the authorities and the laws under which they were acting, wrong and unjust though such laws may have been, Christ stayed Peter's action and healed the ear of him whom Peter attacked.

Christians believe that Christ was the Son of God and unto Him all power was given in heaven and in earth. Christ commands respect from Christian and non-Christian alike, not because He used His power to coerce sinful men to do right but because He chose to endure wrong, rather than use His power to coerce men to do right.

It is the power of love, not law, flowing from Christ enduring the cross which commands the respect of all men wherever His story is told. Respect freely given—not forcefully attained. Christ, perhaps above all men had a right to demand respect. Surely right and justice were on His side. Christ commands respect, not by coercive power, but by forgiving love—not by requiring but by enduring.

The Civil Rights Act of 1963 is offered as a means to a good end. The good end sought is equality. Let us assume equality is a "good" end—a "right" end—a "just" end.

Ends sought may be "right" and "just" but no free man, who wants to remain free, can ignore the means by which ends are attained no matter how "good" or how "right" or how "just" the end may be.

It may well be "right" and "just" and therefore a "good" end that one man should not be permitted to overthrow the established government. Recall the words of Ciaphas, that religious leader of old: "It is expedient for us that one man should die for the people and that the whole nation perish not."

Because that end may be good, I submit it does not justify an unlawful trial as the means to attain it. Because the means of an unlawful trial was condoned that "good" end was attained—established government was not overthrown, but the Son of God was crucified.

It may well be right, and therefore a good end, that all men everywhere should profess Christ as their Saviour, even as Christ himself has commanded. Because that end may be good, I submit it does not justify the inquisition as the means to attain that end. And forget not, that men of God devised the inquisition.

It may be "right," and therefore a "good" end, that all men everywhere should live together as children of mercy and that all affronts to the dignity of others because of race, creed or national origin should be removed. Because that end may be "good," it does not justify laws coercing all men to accept that "good" end.

Equality may be a "good" end, although I submit it is not for two reasons: One, it simply is not possible of full attainment to begin with, and second, to the extent that it is attainable, it can only be so by extinguishment of something far more precious—liberty.

It has been rightly said: "Free men are not equal. Equal men are not free." Even the great Federalist, Alexander Hamilton, recognized this in pointing out: "Inequality will exist as long as liberty exists. It unavoidably results from that very liberty itself."

I would add that history proves if liberty is sacrificed to achieve equality, or for that matter anything else, not only is liberty lost but whatever was sought to be gained by sacrificing it will ultimately be lost as well.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. McCLELLAN. I noticed the comment that the Senator made to the effect that there will always be inequality as long as there is liberty. Will the Senator not agree that it is also true that there will always be inequality so long as the Creator endows one man with 1 talent and another man with 10?

Mr. ROBERTSON. There cannot be a doubt about it. We have an illustration in what we call the Parable of the Talents. One man, who did not have much talent, was given one talent. The man with the most talent was given 10 talents. With the exception of the one-talent man, they all produced. The one-talent man did not do anything. So his one talent was finally taken from him.

Mr. McCLELLAN. He hid his talent.

Mr. ROBERTSON. That is correct. He hid his talent. He did not use it.

We are to use whatever gift God has given us to promote the welfare of the society in which we live.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. McCLELLAN. Will not many of those who are demanding equality have to pay the price of some endeavor to achieve equality?

Mr. ROBERTSON. The Senator is correct.

Mr. McCLELLAN. Does the Senator not agree with me that equality cannot be legislated in all human beings?

Mr. ROBERTSON. That is absolutely true. And the Senator from Virginia has always taken the position that regardless of race, color, or any other difference that exists among men, men who demonstrate superior character and ability should be recognized. But they must earn the recognition. It cannot be conferred upon them by law.

Mr. McCLELLAN. Does not one's willingness to expand some energy and effort have something to do with the status of people, particularly as to their economic status?

Mr. ROBERTSON. That is correct. The Bible tells us that the poor will be with us always. Some people are poor because they are naturally lazy. They do not want to work. They would rather be poor than be more affluent, since that would require a great deal of effort.

Mr. McCLELLAN. That is the point I wished to make. Is it not true that there are those who today have made some measure of success because they paid the price? They worked. They used their intellect. They used their ingenuity. They were frugal, and thus accomplished something. They have accomplished something which we would all like, and that is the feeling of a sense of security. Another, who had the same opportunity, under the same circumstances, frittered away his time, was indolent, indifferent. And yet, he now would like to have equality legislated for him. Is that not true?

Mr. ROBERTSON. That is correct. Certainly that was furthest from the mind of the founder of the Democratic Party, the author of the Declaration of Independence, the greatest political philosopher we have ever had, and the greatest liberal we have ever had in our Government, Thomas Jefferson. Jefferson said that we should have an aristocracy of achievement based upon a democracy of opportunity.

Mr. McCLELLAN. Is it not true that two men can have the same opportunity at the same time, in the same place? And one can seize upon that opportunity and succeed, whereas another man, lacking his ability under those particular circumstances to seize upon the opportunity and to succeed, will be a failure?

Mr. ROBERTSON. He may lack the ability or he may lack the desire to succeed.

Mr. McCLELLAN. For some reason, he does not succeed.

Mr. ROBERTSON. That is correct.

Mr. McCLELLAN. Is it the thought of the Senator that it would be just or right for our system of government to try to legislate equality in the sense of taking away from the man who has been industrious, and who has achieved some measure of success by his own thrift, by self-denial, and frugality, and legislating a division or a leveling off of his success with that of the indolent, the one who did not try, or the one who did not have the ability to succeed?

Mr. ROBERTSON. It would not be. In the first place, we could not undertake such a program except under a dictatorship.

Mr. McCLELLAN. That is exactly correct.

Mr. ROBERTSON. The dictatorships have found to their dismay that instead of distributing wealth, they have distributed poverty. Even in the most extreme dictatorship, in a big nation like the Soviet Union, they have had to relax that program of equality or equal possession in order to get more production.

Mr. McCLELLAN. Are they not having to relax it now, and are they not in economic difficulty because of the system?

Mr. ROBERTSON. They are in economic difficulty because of the system. If they had not measurably relaxed it, they would be absolutely broke today.

Mr. McCLELLAN. From time to time their experience dictates the absolute necessity of relaxing the program. Is that not correct?

Mr. ROBERTSON. Of course. There is another thing that we must emphasize. First, it is not practical for the Government to legislate what we call equality either of brains or character or possessions. Second, such a program cannot be established without loss of liberty. That is what the bill involves. Are we, in the name of legislating respect for people who are not white, and giving them more opportunity, to enact laws which would cause all the people—including them in the end—to lose their liberty?

Mr. McCLELLAN. Does not the Senator from Virginia agree with me that the bill would ultimately do more injustice and more harm, and be of greater disservice, to many of those who are now advocating it, in whose name and for whose benefit, presumably, the proposed legislation is being sponsored, and who are working for its enactment?

Mr. ROBERTSON. That is undoubtedly so. That is bound to be the logical end should we leave established constitutional principles and take unto ourselves the right to determine, as Mr. Margolf has been discussing, whether we shall be the arbiter and the judge of what is good and what is just.

Mr. McCLELLAN. The Senator spoke of dictatorship. Is not the immediate question before us whether those who are charged with criminal contempt shall have a jury trial? That is the immediate issue before us, is it not, in connection with this bill?

Mr. ROBERTSON. The Senator is correct.

Mr. McCLELLAN. Does not the Senator agree with me that whenever, under the law, we sanction by statute, or permit by law, a judge to be the accuser, to be the prosecutor, to be the adjudicator, and to assess the punishment, in effect we establish a dictatorship in that department of justice?

Mr. ROBERTSON. I believe it is undoubtedly true. The Senator from North Carolina [Mr. ERVIN] developed that theme yesterday, when he invited attention to the time when we placed in our statutory laws relating to jury trials in criminal contempt—not committed in the presence of a judge or before a lower court—an exception which would not grant a jury trial when the Government was a party.

Senator Borah offered an amendment to take that provision out of the bill, and it was ably supported by Senator Reed of Missouri, who was regarded as being one of the ablest lawyers ever to have sat in the Senate in the past 100 years.

That power has seldom been used since it was written into the statute, but it was used in a most unusual and technical way in the Barnett case. The Federal Government was not a bona fide party, but it went into that suit. After it got in, it claimed, first, that the action was a proceeding in the circuit court, which was not true, because the order was finally entered in a district court; and second, that a jury trial could not be required, because the Government was a party. Even on that basis, four members out of nine on the Supreme Court stated that it was a constitutional right and that any statute to the contrary was unconstitutional and illegal.

Now we have a proposal to create a number of new crimes and give the Attorney General a free hand to move in on all of them.

Under title III, if anyone has started a suit and asked the Attorney General to come to his aid, he can move in. Under title VII, he can move in any time he wishes to do so. Under the provisions of the Dirksen-Mansfield amendment, under title II, he could not move in under 180 days, or something to that effect, but he would move in to destroy the protection of this statute, that one does not get a jury trial if the Government is a party thereto.

Mr. McCLELLAN. Mr. President, will the Senator from Virginia yield for a further question?

Mr. ROBERTSON. I yield.

Mr. McCLELLAN. I ask the Senator if he has read the front page story published in the Washington Post this morning, entitled "Negroes and Whites Throw Rocks, Insults at Each Other in Cambridge."

Mr. ROBERTSON. I read only the headline. I am not a devoted reader of the Washington Post.

Mr. McCLELLAN. Would the Senator be surprised to know that the story reports that when Gloria Richardson and 12 others were released from jail on bond on disorderly conduct charges, a Baltimore civil rights attorney, Fred Weisgal, demanded jury trials for all of them? Does he not find in that situation a great deal of hypocrisy when demonstrators go out and get charged with something, and then demand a jury trial?

Mr. ROBERTSON. The Senator calls it hypocrisy. I call it hypocrisy at high tide. They wish to have a jury trial if they are put in jail, but if a white man is put in jail, that is a horse of another color.

Mr. McCLELLAN. They wish dictatorship adjudication; is that not correct?

Mr. ROBERTSON. The Senator is correct. They wish to provide in the bill that the white man will not get a jury trial, but if they violate the trespass laws or any other laws, they are only committing misdemeanors, but they must have a jury trial. Of course, they will get it; and they should get it. They are entitled to it. They will get it.

Mr. McCLELLAN. It is agreed by all that they should have a trial by jury, is it not?

Mr. ROBERTSON. Of course.

Mr. McCLELLAN. I am for it. I am for giving them a jury trial, as I know the Senator from Virginia is.

Mr. ROBERTSON. Of course, I am. They would not have to ask me the first time, because I have already said to them, "You should have a jury trial."

Mr. McCLELLAN. Does the Senator agree with me that we do not want to grant a special privilege, while we are denied the very equality which they profess they want?

Mr. ROBERTSON. I believe all States have laws under which misdemeanors go to a police court, or to a justice of the peace, or a county judge, who acts without a jury; but everyone is entitled to an automatic appeal, if found guilty, and defendants can go to a court of law and get a jury trial.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Virginia yield for a question?

Mr. ROBERTSON. I am glad to yield to the Senator from New Jersey, provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. The case cited by the distinguished Senator from Arkansas [Mr. McCLELLAN], did not involve a question of criminal or civil contempt, did it?

Mr. McCLELLAN. One goes to jail just the same. What is the difference, if one goes to jail for disorderly conduct or for criminal contempt? I see no difference.

Mr. WILLIAMS of New Jersey. Was it not said earlier that the court provides for a jury trial in cases described by the Senator from Arkansas, but the court does not provide for a jury trial in contempt situations?

Mr. McCLELLAN. It does not prohibit it.

Mr. ROBERTSON. That is a difference in interpretation. The Constitution provides for a jury trial for all crimes. I should say that when one is put in jail he has been convicted of a crime, and therefore he is entitled under the Constitution to a jury trial, as I construe that rightly. There have been many who have construed it wrongly. At the moment a majority of one in the Supreme Court is against me, but I do not say that makes the majority right.

Mr. WILLIAMS of New Jersey. I thank the Senator.

Mr. ROBERTSON. I admit that my interpretation that the Constitution covers criminal contempts has not been officially adjudicated by the Supreme Court. It may be done in future years. The circuit court of appeals in the Barnett case was divided 4 to 4 on that issue, and the Supreme Court decision was 5 to 4, the majority holding that it was not a constitutional right and Chief Justice Warren and other so-called liberals on the Court stoutly contending that it was.

Mr. WILLIAMS of New Jersey. Does the Senator advocate increasing the size of the Supreme Court?

Mr. ROBERTSON. No; I would not advocate that.

Now, Mr. President, to return to the very remarkable address of Mr. Charles Margolf:

> I make these remarks not because I am white, or you are white. I would say the same thing if you were black. I would like to think I would have the wisdom to see this if I were black, and would have the courage to say it.
>
> There may be some of you who take comfort in the remarks I have made because you see in them support for laws segregating the races. Thus far it may be unavoidable that you should draw that conclusion. So that there can be no misunderstanding let me state to you that I stand opposed to laws that require segregation also. Another word for "require" is coerce. The word coerce is especially applicable when it is Government that does the "requiring," be it State or Federal.
>
> I favor repealing State laws compelling segregation. But, it is for the citizens of the States that have such laws to decide that question; or for three-fourths of the States by amendment to the Constitution to establish its application to all of the 50 States.
>
> Having said this, let us not forget that even though laws may be constitutionally passed to abolish all laws requiring segregation, all citizens should recognize that it does not follow from the abolition of laws requiring segregation that their abolition will produce the end results of eliminating affronts to the dignity of Negro people. Unless laws are passed that compel owners of private property who serve the public to do so without regard to color, the proprietors of Gwynn Oak Park in Baltimore will not likely open their park to Negroes. Until there has been a measurable change in human nature such result can only be attained by passing laws compelling that result. We may all feel that the Price brothers, who own Gwynn Oak Park, are wrong, but we stand on dangerous ground if we say they should not be free to differ with us. As someone has said:
>
> "The freedom which they may not deserve, is the liberty we all cherish."
>
> The late Justice Jackson, in a decision he wrote for the majority of the U.S. Supreme Court upholding the right of Jehovah's Witnesses to refuse to salute our country's flag, said:
>
> "We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. * * * Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

Earlier in that same opinion, Justice Jackson said:

"Struggles to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good as well as by evil men. * * * As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever-increasing severity. As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. * * * Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard."

If the church leaders and others want to urge the election of people to their State legislatures who will abolish segregation laws, I will support them. If church leaders and others want to march in parades and otherwise call attention to what they consider moral wrongs and to petition State governments to abolish segregation laws; and to peaceably assemble to seek redress of grievances, I will not protest. But if church leaders or laymen, white or black, want to defy a law because in their judgment it is not "just" or it is not "right," I will protest if they do not have to serve the sentence or pay the fine or whatever it is that the law provides to make men accountable for their actions.

It was Lord Coke, I believe, who said: "The known certainty of the law is the safety of all." The law cannot be something which each man can decide for himself whether or not it is "right" and, if he decides it is not "right" or "just," he can therefore be excused by our courts from the penalty for breaking it. Should this become established, no man can know what the "law" is and all men are therefore in jeopardy.

To my knowledge, none of the church leaders who have testified in support of the Civil Rights Act of 1963, or who have spoken out urging its enactment into law, have even questioned whether Congress has the constitutional authority to enact this law.

This point seems to me to be of special significance where popular causes are concerned, since it is man's nature that in such causes emotion all too often rules the mind.

Even if it be conceded that there should be a law compelling no one to discriminate because of race, where privately owned businesses serving the public are involved, it does not follow that Congress has the constitutional authority to enact such a law. If Congress has that authority, we must find it in the Constitution itself, not in the opinions of men concerning what is "right" or "just."

In touching upon this matter there is an interesting point that I should like to mention. On March 1, 1875, Congress passed a law relating to privately owned property serving the public. The language and purpose of that law is almost identical to a part of title II of the Civil Rights Act of 1963. On October 15, 1883, the Supreme Court of the United States, in an 8 to 1 decision, declared the 1875 law unconstitutional.

Not long ago, the late President of the United States in a nationwide television address told the country that he was federalizing the Alabama National Guard. He referred to the decision of the Supreme Court of the United States declaring State school segregation laws unconstitutional and said the executive branch must abide by this decision which was the law of the land and he called on all Americans to support our courts and uphold the law of the land.

The late President eloquently pleaded for Americans to support the law of the land, but not long thereafter he was asking Congress to enact legislation which had been enacted into law by Congress 88 years ago, and declared unconstitutional, 80 years ago.

How is it that a decision of the Supreme Court 10 years ago is the law of the land, worthy of our support and acceptance, while a decision of the Supreme Court 80 years ago, that has never been overruled (though there have been previous occasions as recent as 1963 to do so) not only is not worthy of our support but quite the contrary, it is something to be challenged.

The chief witness, thus far, in testifying in support of the Civil Rights Act of 1963 has been the Attorney General of the United States. Our new President has endorsed the act 100 percent and thrown the full weight of Presidential power behind getting it enacted. Thus we find the highest officials in the land challenging the Supreme Court's decision in 1883. They lead this challenge, not by seeking to get the States to amend the Constitution. Rather they lead this challenge by seeking to get Congress to pass a law contrary to the law of the land as it stands at this moment.

This, in spite of the fact that those leading this challenge, and those who have voted and will vote for this law, have all taken solemn oath to uphold and defend the Constitution.

We need not stop there—for even while the Congress has had this subject under consideration, the late President, who had no power under the Constitution to legislate, signed Executive orders accomplishing nearly all of the objectives of this legislation with a stroke of his pen.

No freeman who comprehends the meaning of this and who wants to remain free can fail to shudder at the enormity of its implications.

Justice Jackson's words haunt me. His eloquent statement of historical fact daily becomes more ominous—more like a prophecy of what shall be, rather than what history tells us was.

These are grave moments. Let us not, like Esau, sell our birthright for a mess of pottage, or like Isaac, be deceived when there exist sound doubts as to who stands before us.

But, we will find we have let ourselves be deceived if we think a constitution alone will secure our liberty. Germany had a constitution—it also had courts and a ballot box, and Adolph Hitler rose to power.

Nor let us assume our Republic will stand if we place our confidence in men, even a majority of men—for Hitler ruled Germany with the support, at least for a time, of a majority of his countrymen.

The tyranny of a majority can be just as despotic as the tyranny of a Bonaparte. A majority cried "Crucify Him"—a majority believed the earth was flat. A majority in our own land drank toasts by their warm fires to George III, while Washington spent a bitter winter with his ragged army at Valley Forge.

These are the reasons why our Founding Fathers did not establish a simple majority to change the principles on which the foundations of our country were to rest.

There are many today who believe that the principle of "government by consent of the governed" means that we elect representatives in free elections and that these elected representatives make our laws for us. That because we elect them, we have consented to be governed by them. Not so. The election of representatives is not the end but merely a means to be able to carry out the end. The true and full meaning of the principle of "government by consent of the governed" is that all power derives from the people. This refers not to periodic elections of representatives to make our laws. Rather it refers to the fact that the people, voting by States, shall have the exclusive right to determine what the powers shall be of the legislature to which they elect representatives. The 10th amendment was intended to establish this and it declares: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people."

No matter how good the end sought by the Federal Government and no matter how overwhelming may be the support for reaching that end, if the power has not been given to the Federal Government by the people, voting by States, all who cherish liberty must rise up. This is the eternal vigilance that is liberty's price. It is not easy. It requires courage. It usually also requires considerable sacrifice. Do not suppose that any branch of Government, be it legislative, executive or judicial, will protect your liberty. All branches of Government can act only through men and human nature still reflects the Esaus and Jacobs, the Isaacs and Rebeccas that are everywhere around and among us.

When a HUBERT HUMPHREY or a JACOB JAVITS, to mention both a Democrat and a Republican, say that they are for "freedom," "liberty," "government of laws not of men," "government by consent of the governed," they use the same words I use, but they don't mean what I mean. I know this, not from their words but from their actions which give the real meaning to their words.

You cannot judge any man rightly today, if you ever could by what he says. Those who shout hosannas today may cry "crucify" tomorrow.

This fact is not changed merely because the hosannas are shouted eloquently. Look to a man's actions and conduct and see if these support or belie the principles he has proclaimed—see if his actions provide a definition of what was really meant by the words he may have used.

There is a final proposition I should like to mention. Those who support the Civil Rights Act of 1963 are wont to state that the basic issue is human rights versus property rights. Stated thusly, one feels almost ashamed to argue against this legislation. (Perhaps this is the reason the "issue" is thus stated.) In this country, of all the nations of the world, we place the greater value on human rights because it is our heritage to place the supreme value on the individual—God's noblest creation.

But, I hold this is not the really basic issue posed by this legislation. I submit that those who think human rights versus property rights is the issue have not probed deeply enough. The real issue goes to the very bedrock of the political philosophy of our forefathers. The real issue is liberty versus tyranny. Those bent on this legislation cannot present it that way to the people for, in doing so, their cause would be lost.

As to property rights, they will be lessened considerably—not by voluntary recognition of what is "right," or "just," or "moral," but by coercive power compelling that recognition.

As to human rights, they may, at least initially, be increased, not because the human rights that may be involved command the respect that may be their due, but because coercive power will compel that respect.

In the case of human rights versus property rights, coercion will have produced the gain and the loss.

Coercion is tyranny, no matter how it is clothed. It is tyranny though the coercers call God to their side to clothe their deceit.

Coercion is tyranny and stands, as always it must, opposed to liberty.

Property rights are an essential part of what our forefathers considered essential liberty. Even conceding that human rights are an even more essential part of our philosophy of liberty in this country, it does not follow that coercion applied against the one is a gain for liberty.

The human rights gained, are gained by coercion, and the property rights lost, are lost by coercion. Liberty is lessened in both cases because it is tyranny that lessens the property rights and it is tyranny that seeks to increase the human rights.

If we do not know what it is we believe and what it is we want to preserve, we shall find we have sold our birthright for pottage and when our children, or perhaps the children yet unborn, come to us for the blessing of liberty we, like Isaac, shall tremble exceedingly in the realization that we have let ourselves be deceived—and our children, like Esau of old, will see that the blessing is gone forever and will lift up their voices and weep.

If that which was so proudly hailed is to be engulfed by the night, let it not be because we helped strike liberty's banner thinking we were unfurling her colors to hold back the night.

It was Clinton Rossiter who said "For what shall it profit a nation if it solve all its social problems and lose the character that made it a nation in the first place."

The character of a nation cannot be more or less than the reflection of the character of the individuals who comprise the nation. The character of each individual is measured by the principles which claim his allegiance and is formed by the way he meets adversity. The strong of character choose liberty or death; freedom rather than security or equality.

Freedom imposes the responsibility on each individual for his own welfare, both spiritual and material. Self-reliance is the mark of those who have it; eternal vigilance is the price that must be paid to keep it. Vigilance not only for attempts to restrict its expression in thought, which is spiritual, but vigilance for attempts to restrict its expression in achievement, through paternalism, regimentation, and control of the economy, which is material.

Security breeds softness, both of sinew and purpose, by removing the seeming adversities of the moment which otherwise would require courage to meet. Courage must find opportunities that call it forth or it will disappear and fear and apathy will replace it.

When anything is done for the individual that he can do for himself his capacity thereafter to do that thing for himself, and his initiative to thereafter want to do that thing for himself, is less.

Responsibility necessarily discourages irresponsibility and requires the individual on whom it rests to rise to meet it, thus developing courage, endurance and determination. When responsibility is removed from the individual, irresponsibility is encouraged; expediency rather than principle determines decisions; pragmatism and complacency begin their ascension while honor and duty fall into disrepute; adjustment replaces achievement; mediocrity replaces pride in the craftsmanship of calling; and conformity replaces curiosity and stifles the incentive to pursue the unknown end.

When it is government that does for the individual what the individual can do for himself, even though less adequately, the consequences are not, therefore, either less or changed. Indeed, the consequences are greater because, if government is to do it, individual freedom must necessarily be infringed. Individual freedom can only be infringed when individuals relinquish their rights and abdicate their responsibilities. The consequences are not averted because that which the government would do for us is for our material well-being since the consequences involved are spiritual in nature rather than material.

While government is necessary in order that all may enjoy the fullest expression of liberty, and government must therefore be preferred to anarchy, that government must be held steadfastly to the exercise of only those powers which the governed grant to it in order that government, thus limited, will not end in tyranny. The evils of the tyranny of a popular majority are not less than the evils of a tyrant; for what is popular is as likely to be as ultimately destructive and is equally subject to whimsical change. Minorities must have no fear of mere popular majorities or the right to differ will be lost. The right to differ is no test of freedom unless it can be manifested in "things which touch the heart of the existing order."

Government must therefore be of laws, not of men, for we can have no assurance that we will have good men or that men will have good motives; nor can all men's safety be placed in jeopardy by reason of no man knowing with certainty what the law is.

Individuals of integrity who are uncompromising in honest adherence to these principles will not always please the people, either within our national family or within the family of nations. They will, however, be respected. No one has a right to expect more and without respect the foundations on which individuals and nations build will crumble.

Our liberty has been the real source of our national greatness and the wellspring of our Nation's strength. It is the greatest of all earthly blessings. It is not bestowed by government; rather we are endowed with it by our Creator. Self-reliance, self-discipline and eternal vigilance are its price. If we value anything above it, we will lose it.

Liberty is practiced by the individual. Liberty lives, if at all, in individual hearts. If liberty is not loved more than life—liberty is lost. If liberty dwells not in each heart, no matter what else we may possess we will not fight well enough to preserve it. But if liberty does dwell in each heart, no matter what we are lacking we will fight and, though the fight not end victoriously, we will have fought our best. Liberty asks no more—it cannot be preserved with less.

I yield the floor.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator withhold his suggestion for a moment?

Mr. HOLLAND. I withhold it temporarily.

Mr. WILLIAMS of New Jersey. Mr. President, as has been pointed out, this filibuster has the dubious distinction of being the longest filibuster in the history of the Senate. During the 2 months of debate on the civil rights bill, the Senate has voted upon only two amendments.

The distinguished majority leader and the distinguished floor manager of this bill, the Senator from Minnesota, have repeatedly urged the Senate to fulfill its legislative responsibilities and get on with the consideration of the important pending business. It is evident that an attempt to invoke cloture must be made before this debate will terminate. There is no escaping that fact, just as there is no avoiding a confrontation and a decision on this legislation.

Yet we are told, and I am sure with good authority, that the proponents of the civil rights bill do not have the votes to pass a cloture motion. We have known from the beginning of this debate that 19 Senators from Southern States would oppose this legislation. But their opposition to civil rights is not sufficient to prevent the Senate from acting responsibly. The Senator from Minnesota is quite right in his observation that part of the blame for this disgusting spectacle of the greatest deliberative body in the world gasping for its very life rests with the 81 Senators representing other parts of the country.

Perhaps the bipartisan leadership of the Senate has a very accurate picture of which Senators will support a cloture motion and which Senators will not. But I think that the American people have a right to know exactly where each Senator stands on this issue. His constituents certainly have that right. And, after 2 months of debate on an issue, I believe his colleagues in the Senate have a right to know. Every Senator must face up to the issue and put himself on record.

I am tired of reading news stories and press reports that such-and-such a Senator is or is not in favor of cloture, the other Senators may be listed as "doubtful." This bill will not be passed by doubtful Senators.

No one is advocating an arbitrary end to debate. Two months of detailed discussion in this body, and many more months of discussion of this legislation by the House is a sufficient consideration of any bill. I join with my colleagues on both sides of the aisle who have grown impatient with the reckless abandon of legislative procedure demonstrated here and have called for a cloture vote. I state unequivocally that I will support that motion. I would have voted for it a week ago; I will vote for it tomorrow or whenever it is called up. Other Senators who have not yet made their positions on this issue clear should be advised that the moment of decision is rapidly approaching.

Understandably, there is a great deal of talk currently about closing debate. But the fact is that closing debate is only the beginning; it is the first step which must be taken before the various sections of this legislation can be amended and voted on. The truth of the matter is that passage of this civil rights bill is itself only the first step toward solving the problems of discrimination and injustice. Passage of the civil rights bill will not solve all the problems of the Negro; but it is a beginning. Rather than thinking in terms of ending the debate, Senators should be thinking in terms of beginning to solve the problems. That is the real purpose of a cloture motion on this bill.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 223 Leg.]

Aiken
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis

Dirksen
Dodd
Douglas
Ellender
Ervin
Fong
Goldwater
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye

Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, La.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Monroney

Morton
Moss
Mundt
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Robertson
Saltonstall
Scott
Smith
Sparkman
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. INOUYE in the chair). A quorum is present.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, before I begin my remarks, let me say that about 2 hours ago I gave notice to both of the distinguished Senators from New York that this afternoon I expected to discuss in some detail current problems in the school system of the city of New York; and both of them expressed a desire to be here during the delivery of my remarks.

I observe that the junior Senator from New York [Mr. KEATING] has now entered the Chamber. I hope the secretary for the minority will get in touch with the senior Senator from New York [Mr. JAVITS], because both Senators from New York stated that they desired to be here during this presentation.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield.

Mr. KEATING. The junior Senator from New York has a meeting to which he must go immediately. I am not aware that I had expressed a desire to hear the Senator from Florida. I appreciate the fact that the Senator from Florida told me that he would speak today. I should like to hear him if I could be present, but it is impossible for me to be here and at the meeting as well.

Mr. HOLLAND. Mr. President, if I have misstated the situation, it is merely because I misunderstood the distinguished Senator. When I told him I expected to talk about the school problems in the city of New York, I understood from him that he would be present. Of course, if he must attend to other business, that is understood.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. KEATING. I did not know, of course, when the Senator would speak. I shall try to be present for as much of the time as possible during the Senator's speech.

Mr. HOLLAND. I thank the Senator. I am sure that the Senate would be glad to hear the advice and the comments of both the distinguished Senators from New York on the very serious problems that apparently have developed in connection with the de facto segregation situation in the city of New York and its public school system.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. HOLLAND. I am glad to yield.

Mr. KEATING. It is probably a safe assumption that I would find myself in disagreement with anything which the Senator might say regarding the bill now before the Senate. I can register that disagreement at this point—if that would be helpful to the Senator from Florida.

Mr. HOLLAND. Mr. President, that would be most helpful, because I believe the Senator will find, after he has read the statement that I intend to make, that his disagreement will be with factual relation from the three newspapers of the city of New York—the New York Times, the New York Herald Tribune, and the New York World-Telegram—articles from which I shall ask to have printed in the RECORD at the appropriate time, as well as editorial comment from the New York Times and the New York Herald Tribune.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. HOLLAND. I am happy to yield.

Mr. KEATING. Every one of the newspapers referred to by the distinguished Senator support the bill which is before the Senate. If the Senator from Florida expects to discuss something which has nothing to do with the bill, that is another question. But so far as the bill before the Senate is concerned, every one of the newspapers which the Senator has mentioned, editorially supports a meaningful civil rights bill.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator for his compliments. If that is the case, that means that there is support of a completely double standard, which I shall discuss in the course of my remarks, which too many of the important people and institutions in the northern part of our country are adopting. They are adopting for themselves one standard of integration of schools and are seeking under the bill to adopt another standard for the public school systems of the southern portion of our country.

Mr. KEATING. Mr. President, will the Senater yield further?

Mr. HOLLAND. I yield.

Mr. KEATING. None of the three fine newspapers to which the Senator has referred is characterized by a double standard. They are among our finest journals, and are usually consistent in their editorial policy, whether one is in agreement or disagreement with them. I am sure that in characterizing them as having a double standard, the Senator must be in error.

Mr. HOLLAND. Mr. President, I can well understand how the distinguished Senator would come running to the aid of the distinguished newspapers of New York. I am quoting them because I have a great deal of confidence in what they have to say, both in their news columns and in their editorial statements. But I am quoting them also in support of the thesis which I shall advance—and I think I shall establish it pretty firmly—that a large part of the population of our country is seeking to adopt for itself. That part includes New York City. They would adopt for themselves a standard of integration for public schools which they would by no means accept for the southern part of the Nation. It is that thesis that I shall advance, and upon which I hope the distinguished Senator from New York will be prepared to comment when we reach that stage of the discussion.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. KEATING. I have heard the Senator from Florida advance that same thesis, and on many occasions, I have heard it advanced by others who oppose the bill. I regret very deeply that I cannot be present during all the time today when the Senator again reiterates that argument, but it is impossible for me to be present in view of other commitments which I have made. I shall be present as long as possible.

Mr. HOLLAND. Mr. President, I regret that the Senator cannot be present. Senators would greatly value any comment that he might make on the question.

Mr. President, I observe that the distinguished junior Senator from New York has arrived in the Chamber. I hope that we shall have the pleasure of his presence throughout the discussion of the school situation in New York.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. PASTORE. Mr. President, may we have order again? I should like to hear the colloquy which is about to take place.

The PRESIDING OFFICER. The Senate will suspend. The Senator from New York may proceed.

Mr. JAVITS. Unfortunately, the years have made me the senior Senator from New York.

Mr. HOLLAND. Mr. President, I must have let my remarks be guided somewhat by the fact that the distinguished junior Senator from New York [Mr. KEATING] has a mantle of white, almost as white as that of the senior Senator from Florida, whereas the distinguished senior Senator from New York has a substantial amount of black hair still remaining on his head.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. HOLLAND. I am glad to yield.

Mr. JAVITS. I shall be very vigilant and careful now in listening to the Senator, but I am sure I shall not be charmed out of the position I propose to take. I thank my colleague.

Mr. HOLLAND. I thank my friend. I shall appreciate his presence.

In my first speech against the merits of the pending civil rights bill I stated the reasons why I strongly oppose title IV of the bill which relates to the desegregation of public schools. Senators may recall that I devoted much of my time to protesting that part of title IV which would give to the Attorney General of the United States such unbridled power to bring injunction suits in his sole discretion for the compulsory desegregation of segregated schools. I mentioned in particular my objection to the fact that the decision of the Attorney General to bring such an injunction suit was not reviewable by any judge or court and that he was unlimited in his power to invoke punishment of criminal contempt by trial before a judge without a jury.

In addition to the arguments just mentioned, however, I also called attention to two other objections which I had to title IV. One of these was to the open-end authorization of Federal appropriations to be used in aiding and accomplishing the desegregation of schools in all parts of our Nation.

A second objection that I made was that in view of the fact that de facto segregation exists in most of the great cities in other parts of our country outside the South, as the result of residential patterns, there was little contained in title IV which could be brought to bear in relieving school segregation problems in the great cities of our land.

There was nothing in title IV to relieve those problems except the unlimited authorization for the appropriation of Federal funds to aid in their solution.

I noted yesterday in the New York press a series of long articles about the school segregation problems in the city of New York which exist there in spite of the fact that school integration by law has existed in New York State for many years, and largely as a result of the residential patterns existing in the city of New York under which the Negroes and Puerto Ricans have crowded together in various parts of that great city in such a way as to produce a de facto segregated school system similar to that which exists in other great cities but probably constituting the most serious problem found in any American city.

Immediately after the 1954 Supreme Court decision relative to the desegregation of public schools, the New York City school authorities apparently adopted a program or programs which they thought would be successful in bringing about school integration. When these efforts proved unsuccessful, more recent programs were initiated by the local school authorities, and last February the State Education Commissioner, Hon. James E. Allen, Jr., at the request of the Board of Education at New York City, assigned to a distinguished Advisory Committee on Human Relations and Community Tensions, the problem of evaluation of the integration plans which had been initiated by the board of education. On Tuesday of this week this distinguished advisory committee, chaired by Dr. John H. Fischer, president of Teachers College, Columbia University, with Rabbi Judah Cahn of Metropolitan Synagogue, and Dr. Kenneth B. Clark, of City College, as its other members, gave to the board of education its report which, as stated by the New York Herald Tribune, is "a blistering indictment of the ineffectiveness of board desegregation efforts."

I digress at this time long enough to say that this distinguished board consists of one Negro, Dr. Kenneth B. Clark, of City College; one distinguished rabbi, Rabbi Judah Cahn, of Metropolitan Synagogue; and one distinguished gentile teacher of high standing, Dr. John H. Fischer, president of Teachers College, Columbia University.

Since the report of this advisory committee portrays so clearly the complete ineffectiveness of compulsory integration of public schools by law, and since it also shows the vast worsening of the problem of school segregation in New York City since 1954, I think it is well worthwhile to read the article covering said report as same was printed in the New York Times of yesterday, Wednesday, May 13. The news article in the New York Times is entitled "State Bids City Recast Schools for Integration—Board Criticized—But Allen Panel Says That Total Balance Is Not Possible." The news article, as written by Leonard Buder, covers the subject in detail, and I ask unanimous consent that the whole article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE BIDS CITY RECAST SCHOOLS FOR INTEGRATION—BOARD CRITICIZED—BUT ALLEN PANEL SAYS THAT TOTAL BALANCE IS NOT POSSIBLE

(By Leonard Buder)

A complete reorganization of the city school system was urged yesterday by a State advisory committee to halt the spread of racial imbalance and to improve education.

In a report that was highly critical of the board of education's efforts, the committee called for abolishing the traditional organization of elementary and junior high schools and urged instead the establishing of clusters of schools and of schools set up under a new system of grade divisions.

But the committee also declared that total desegregation—as some civil rights groups have demanded—was impossible and that "neither planning nor pressure can change that fact."

The committee indicated that at least $250 million a year would have to be added to the current outlays to make the city schools "as good as they must become." The 1964–65 operating budget for the schools is about $800 million.

BOARD ASKED REVIEW

The report, which was made public by Dr. James E. Allen, Jr., the State education commissioner, shortly after he gave copies to city school officials was prepared by his Advisory Committee on Human Relations and Community Tensions. The board of education had asked the commissioner to review its integration plans and to make recommendations.

The chairman of the committee was Dr. John H. Fischer, president of Teachers College of Columbia University. The other members were Dr. Kenneth Clark, professor of psychology at City College, and Dr. Judah Cahn, rabbi of the Metropolitan Synagogue.

James B. Donovan, the president of the board, said later: "The comprehensive recommendations of the report, including some new concepts, are in line with the board's enunciated policy on school integration—high-quality education and improved ethnic distribution.

"The urgency of the need for school integration is such, that we must adopt some further action in time for the next school year. We are, therefore, asking the superintendent of schools and his staff to apply immediately to the committee's recommendations the criteria of educational soundness and feasibility and to propose action steps as soon as possible."

Dr. Calvin E. Gross, the superintendent of schools, said he and his staff would "move rapidly." He also said that he would meet today with civil rights leaders to continue discussions on ways to improve the quality of education.

Some school officials, however, expressed doubt privately that the proposed reorganization would be implemented without considerable further study. And a few questioned the feasibility of such a reorganization.

The 48-page printed report, accompanied by 175 pages of supporting data, was harsh in its evaluation of the integration plan proposed by the school board on January 29 and for pairing schools and for earlier proposals that have already gone into effect.

"We must conclude," the committee said, "that nothing undertaken by the New York City Board of Education since 1954 and nothing proposed since 1963 has contributed or will contribute in any meaningful degree to desegregating the public schools of the city.

"Each past effort, each current plan and each projected proposal is either not aimed at reducing segregation or is developed in too limited a fashion to stimulate even slight progress toward desegregation."

IMBALANCE INCREASING

At present, the report noted, 131 elementary schools and 25 junior high schools had enrollments that are 90 percent of more Negro and Puerto Rican—about twice the figure 5 years ago.

"Not a single elementary or junior high school that was changing toward segregation after 1958 by virtue of residential changes and the transfer of whites into parochial and private schools was prevented from becoming segregated by board action," the committee asserted.

Analyzing the board's January 29 integration plan, the committee noted that the chief innovation was the proposal to pair certain predominantly Negro and Puerto Rican elementary schools with white or integrated schools.

Twenty-one pairings were originally contemplated by the board, the report said, but the number was later cut to nine pairs after local opposition developed. Only four pairings were scheduled to be put into effect next fall.

The committee, although it did not oppose pairings, emphasized that such moves would not bring significant desegregation.

Even if all the 21 pairings were put into effect, the report asserted, the proportion of minority segregated schools would be reduced by only 1 percent. Twenty-one percent of the system's elementary schools would still be largely Negro and Puerto Rican.

Similarly, the committee said, if the six zoning changes contemplated on the junior high level were put into effect, the proportion of largely Negro and Puerto Rican junior high schools would decline 1 percent to 19 percent.

At this rate, the report said, the desegregation of all junior high schools—including those that are now largely white—would not be completed until the year 2010.

GAINS WOULD BE LOST

Even the present small desegregation gains would be wiped out eventually by the mounting Negro and Puerto Rican school population and other factors, the committee pointed out. By 1975 the percentage of segregated elementary and junior high schools would rise to 38 and 29 percent, respectively.

In the absence of significant new efforts by the board of education, the report predicted, Negroes and Puerto Rican pupils will form about 70 to 75 percent of the total enrollment by 1980; as compared with 45 percent now.

Even though total desegregation is "simply not attainable in the foreseeable future," the committee declared, "with thoughtful planning, bold policies and vigorous action, there are sound reasons to believe that the spread of segregation can be slowed, its severity reduced and the effectiveness of school programs substantially improved."

In outlining the proposed school reorganization, the committee emphasized that it favored retention of the concept of having

> young children attend neighborhood schools. They also expressed opposition to long-range transportation of elementary school pupils, asserting that this would actually hurt desegregation by driving some white families out of the city schools.
>
> In place of the present elementary school, which runs from kindergarten through sixth grade, the committee recommended the establishment of primary schools that would go to the fourth grade. These would be upgraded schools enrolling no more than 500 students and would occupy present elementary buildings.
>
> ### NEW JUNIOR HIGH PROGRAM
>
> Two-year kindergartens for children 3 and 4 years old, would also be offered in the primary schools. Priority in starting these programs would be given to schools in underprivileged areas, "where the need is greatest."
>
> The conventional junior high school, which covers the seventh through ninth grades, would be replaced by a middle school. This school would cover the fifth through eighth grades and would draw pupils from a wider area, making improved racial balances possible.
>
> Pupils would be transported to these schools by shuttle bus, with the trip taking "not more than 10 to 15 minutes" in most cases.
>
> Senior high schools would again become 4-year institutions under the committee's proposals and would offer both academic and vocational programs.
>
> Most of the new 4-year high schools, the committee said, should be in the north Bronx and in predominantly white sections of Brooklyn and Queens. This, the report said, would draw Negro pupils out of their communities.
>
> The committee also said that wherever possible neighborhood primary schools and nearby middle schools should be combined into clusters or educational complexes. This, the report said, would give children and parents the "dual benefits of a school close to home and membership in a larger, more diverse educational and social community."
>
> Thirty-nine possible educational complexes were specified in the report.
>
> Eventually, the committee said, the middle schools should be placed in educational parks, which would provide a campus-like environment. Although the individual schools would provide for 500 to 1,000 pupils, the parks might accommodate 15,000 children.
>
> "The most practical location for such schools," the report said, "would be in areas where a suitable number of minority group children can be drawn from existing ghetto neighborhoods into parks which will also enroll children from white neighborhoods."

Mr. HOLLAND. Mr. President, the article is so long that I cannot read all of it for comment, but I shall read selected paragraphs from it and permit Senators to examine the entire article if they see fit to do so. I hope that they will, because it is completely enlightening on the problems of public schools in New York City, and upon the fact that the various programs adopted in the effort to cure segregation in its schools have not succeeded.

In spite of those programs which have been carried out over a period of 10 years, the problem is worse than it was when the 10-year period began, after the handing down of the school desegregation decision by the U.S. Supreme Court, 10 years ago.

I read certain paragraphs which I think reflect in general the substance of the article in question:

> A complete reorganization of the city school system was urged yesterday by a State advisory committee to halt the spread of racial imbalance and to improve education.

Another paragraph:

> In a report that was highly critical of the board of education's efforts, the committee called for abolishing the traditional organization of elementary and junior high schools and urged instead the establishing of clusters of schools and of schools set up under a new system of grade divisions.

Another paragraph:

> But the committee also declared that total desegregation—as some civil rights groups have demanded—was impossible and that "neither planning nor pressure can change that fact."

The fact stated by the report is that total desegregation was impossible, and that "neither planning nor pressure can change that fact."

This is the paragraph in the news report published in the New York Times:

> The 48-page printed report, accompanied by 175 pages of supporting data, was harsh in its evaluation of the integration plan proposed by the school board on January 29 and for pairing schools and of earlier proposals that have already gone into effect.

It will be noted that the learned advisory committee not only castigated the most recent plan for integration proposed by the board of education on January 29 of this year, but also concluded, "that nothing undertaken by the New York City Board of Education since 1954 and nothing proposed since 1963 has contributed or will contribute in any meaningful degree to desegregating the public schools of the city."

I invite attention again to that language in the report, which shows clearly that the various efforts made over the period of ten years by a distinguished board of education under the law, which had called for the integration of schools long before that time, and with the benefit of certain State laws relative to housing and other features of racial problems not covered by the present bill had been "that nothing undertaken by the New York City Board of Education since 1954 and nothing proposed since 1963 has contributed or will contribute in any meaningful degree to desegregating the public schools of the city."

Mr. President, I believe Senators will realize that this report is a most devastating indictment of any efforts to attempt to deal with the troublesome problem of segregated schools through laws, or through the expenditure of public money. I believe they will see that for themselves, but I invite attention at this time to the fact that as we go further into the subject, it will appear abundantly clear not only that this distinguished advisory body recommends solutions which would not be regarded as at all acceptable in the southern part of our Nation, but that it admitted in so many words, and several times, that nothing whatever has been accomplished toward bringing about desegregation in the de facto segregated schools of New York City in the past 10 years; that to the contrary, the problems have become much worse in that period of 10 years.

Mr. President, this is a devastating indictment to come from such a source and in such a State, where all the legislation proposed in the pending bill to be enacted on a Federal basis already exists, and where a good deal more legislation designed to deal with racial problems and their solution already exists and has existed for a long time.

The committee even included in its findings the statement that all of the past efforts of the board of education since the school decision of 1954 had failed—I quote again from the report of the committee—"to stimulate even slight progress toward desegregation."

I next read a paragraph which appears under the subtitle "Imbalance Increasing," which reads as follows:

> At present, the report noted, 131 elementary schools and 25 junior high schools had enrollments that are 90 percent or more Negro and Puerto Rican—about twice the figure 5 years ago.

We are not talking about 131 students in an elementary school. We are not talking about 25 students in a junior high school. We are talking about 131 elementary schools in the city of New York and 25 junior high schools in the city of New York.

The statement and finding of this distinguished committee is, in contrast to the efforts to reduce segregation, that about twice the number of schools in the city of New York 5 years ago are now segregated to the extent of 90 percent or more Negro and Puerto Rican pupils, and that instead of making progress under this extensive and carefully worked series of programs—because there have been at least three of them—no progress has been made. On the contrary, the existing problems are worse by a great deal now than they were before. Twice as many primary schools and junior high schools are, in effect, de facto segregated now than was the case 5 years ago.

Mr. President, I continue——

Mr. JAVITS. Mr. President, will the Senator from Florida yield at this point?

Mr. HOLLAND. I am glad to yield to the Senator from New York.

Mr. JAVITS. The Senator knows that I am deeply interested in his views, as I have said many times. I credit the Senator with the same sincerity with which I credit those who take a position contrary to his. But, I believe, it is essential to have the facts made clear, and I should like to submit to the Senate a few facts on this subject.

One of the problems in New York——

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield to the distinguished senior Senator from New York [Mr. JAVITS] for such purposes as he may desire, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I am glad to yield to the Senator from New York.

Mr. JAVITS. I am sure the Senator from Florida will wish to comment on these facts; and I shall be brief.

What has happened in New York is that there has been a remarkable increase in attendance in the public schools of nonwhite pupils—that is, Negroes and Puerto Ricans, who now constitute approximately 44 percent of the total attendance of students in New York City's public schools.

There are 1,037,757 pupils, of whom 440,000 are nonwhite. In the Borough of Manhattan alone, 77 percent of the public school pupils are nonwhite.

In order to achieve substantially desegregated schools in accordance with the 14th amendment, all our schools accept children without regard to race or color. In many schools, the pattern has more and more tended toward a preponderance of Negro and Puerto Rican children over white children.

There are 860 schools in the entire public school system in New York City. Due to the housing pattern, 165 schools have enrollments which are 90 percent or more nonwhite. In another 100 schools, making a total of 265 schools out of 860, one-half the children are nonwhites.

The difference, however—and a basic point between ourselves and areas of the country from which come the opponents of the bill—is that in our city there is no single school which is 100 percent white or 100-percent nonwhite. Eighty-one percent of our schools have full racial diversity.

Thus there is a problem only for about 19 percent of the schools, and these are not segregated by law or by practice. On the contrary, they are completely desegregated so far as the 14th amendment is concerned. But we desire to go even further than that and give the children the advantage of mingling with children not of their own race, giving them the best opportunity for social contacts, and making possible an education under the best auspices.

Compare that with the fact that in 11 of the Deep South States only 1 percent of Negro students are attending integrated schools, and that in the 10 years since the Supreme Court decision those States have been proceeding at what has been flatteringly called "a snail's pace." In the 17 Southern and Border States, according to figures from the most recent report of the U.S. Civil Rights Commission, in 32.1 percent of all the biracial school districts—districts where both white and nonwhite students, even at this time, are permitted to go to school together only 8 percent of Negro pupils attend school with white children; and in 3 States, namely, Alabama, Mississippi, and South Carolina, there is less than one-half of 1 percent admixture of white and Negro children. In Mississippi, complete segregation exists to this very day.

It seems to me, therefore, that the difference between us is that we in New York recognize and deal with the problem, which is the problem of absorbing, in the best way for our country, our State, and our city, many Negro and Puerto Rican children, without any social order of segregation or any effort to maintain it, either by law or practice.

We feel that a Federal law is necessary, because there are areas in the country in which an old, archaic, obsolescent social order of school segregation is sought to be continued by law or practice.

We respectfully submit that there is all the difference between day and night in dealing with the problem within the framework of law and practice, in conformity with the Constitution, no matter how unsuccessful one may be, or how the problem may be proliferated or complicated, and dealing with it in another way, thereby making a Federal law necessary.

That is our case.

I say to my distinguished colleague from Florida, who is a distinguished lawyer, that he has put the problem frankly on the table, as we have also done, I again state that that is our case.

Mr. HOLLAND. I appreciate the candor of the distinguished Senator from New York; I believe I understand his position. I think I also understand the facts. The distinguished Senator from New York will find, later in my statement, that I bring out substantially the same facts as he has stated.

I particularly appreciate the fact that he makes it clear that what he is talking about is a change of social order. He used those words three times in the course of his remarks. It is the change of social order to which the South so strenuously objects. It is a change of social order which the Senator from Florida and those associated with him believe to be not at all necessary to meet the problem brought about by the creation of public schools and, as nearly as possible, provide equal school opportunities for the children of every race, whether they be Negro, Puerto Rican, white, or any other race.

I believe the Senator will find that the Senator from Florida in his statement seeks to bring in all the facts which have been made available to him, both through the report of the Civil Rights Commission and through recent articles in the New York press, indicating the great extent of the problem. The fact that cannot be denied—and I am sure the Senator from New York will not deny it—is that, instead of moving forward, according to the report of the distinguished advisory committee, we have made no progress. Instead of moving forward, conditions are worse than they were 5 years ago. As a result of following these deliberate—and, I am sure, dedicated—efforts to bring about a better situation, the school authorities of New York have not been making progress, but, instead have been sliding backward.

There is no better illustration anywhere in the Nation of the fact that this problem will not be solved by the mere enactment of laws which all of us are asked to obey than what is happening in the greatest city of the country, where this situation exists, which city the distinguished Senator from New York represents so capably.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. HOLLAND. I am glad to yield, under the same conditions.

Mr. JAVITS. I should like, in a little while, to come back and discuss the social order aspect of southern segregation. I say that it involves a social order built upon an unconstitutional system of laws and practices, which never should have developed, but which, nonetheless, persists notwithstanding the Constitution.

Speaking of New York, I believe the Senator misses the fundamental point in his presentation. It is that our Negro and Puerto Rican population has shown such growth that we are bound to have schools with greater Negro and Puerto Rican populations and more problems in making our schools of diverse racial content as the aggregate percentage of the nonwhites going to public schools increases in this material way.

Therefore, in my judgment, although the figures may seem to show that we have greater Negro and Puerto Rican school populations in more of our schools, if we were to approach the problem as it is approached in the South, our situation would be very much worse.

We keep abreast of the situation in New York because of our desire, fortified by law and practice, to observe the mandate of the Constitution. If our southern friends did the same, we would not now be engaged in this long debate.

Mr. HOLLAND. Mr. President, I appreciate the suggestion of my distinguished friend from New York.

I believe he will find, from my later comments, that I have not overlooked the facts that he has mentioned with respect to the vast increase in the nonwhite population. I have quoted from the report of the advisory board in that regard. It shows that not only is the increasing disparity in number in the public schools between nonwhite and white children the result of a vast immigration of colored and Puerto Rican people, but it is also the result of the transfer of literally tens of thousands of white children to private schools, and of white children to parochial schools, as well as the result of the removal of tens of thousands of white families out of New York City into the suburban areas. They are there primarily because of the school problem. The Senator will note, as I go further, that I mention these facts because I have tried to stay within the facts shown in the reporting by the various correspondents in the three newspapers from which I shall quote during the course of my remarks.

Mr. JAVITS. I shall be present and do my utmost to join in the colloquy.

Mr. HOLLAND. I appreciate the Senator's courtesy. There is no argument between the Senator and myself. I am frank to admit that we are striving to better conditions in our own States and throughout the Southland. The Senator from Florida not only served as a member of his local school board many years ago, the first board to build a large, pretentious brick school for Negro children, but also served as chairman of the board of education of his State, which also accomplished a great deal.

I realize that we have not attained perfection, but I have been trying to make clear that two factors persist. The first is that the application of law and the expenditure of a great deal of money in connection with the application of law have not brought about the desired results in the great city of New York.

Second, and this point will be developed later in my remarks—it is very clear that even the distinguished advisory board recommends a solution of the problem which would not be acceptable, even for 1 minute, to the leaders of the radical groups throughout the Nation which are trying to bring about desegragation in all schools, overnight.

Those are the two points the Senator from Florida will attempt to make. He does not object to the interjection of any facts which are not within his possession. He is trying, in the course of his remarks, to cite all the facts which have been made available to him, and he will welcome a supplementation of his own remarks by any additional facts which, undoubtedly, the distinguished Senator from New York [Mr. JAVITS] would have, because the Senator from New York naturally knows much more about his own State and his own great city and the greatest public school system in the Nation, which is the public school system of the city of New York, than does the Senator from Florida.

Mr. JAVITS. I shall continue to listen to the Senator and interject my remarks later.

Mr. HOLLAND. I shall yield, if I am permitted to do so, not only for questions, but also for comments.

Mr. President, it might be well at this time for me to ask that I may yield, from time to time, as the Senator from New York may desire me to do, for questions or for comments, without losing my place on the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield.

Mr. ELLENDER. Did I correctly understand the distinguished Senator from Florida to state that the report indicates that since the Supreme Court decision of 1954—Brown against Board of Education—no progress has been made in the city of New York?

Mr. HOLLAND. Not only has there been no progress, but the condition has worsened so far as concerns the existence of double or more than double the number of de facto segregated schools in the New York City school system as compared with the number that existed in 1954.

Mr. ELLENDER. I cannot speak for all the States of the South; but I can speak for Louisiana and I have heard the statements made by the distinguished Senator from North Carolina [Mr. ERVIN] about conditions in that State. Is it not true that there has been progress in the South since the Supreme Court decision of 1954?

Mr. HOLLAND. There has been great progress in the South, from the standpoint of what the Senator from Louisiana and I would regard as progress, in connection with the increase in excellence of school systems generally. There has been some small progress from the standpoint from which the Senator from New York [Mr. JAVITS] would use that word, in that there has been some small token desegregation of formerly white schools.

In the border States, desegregation has gone a great deal beyond that point. In the border States of Maryland, Kentucky, and Missouri some schools have been almost completely desegregated. But in the States of the Old South, as referred to by the distinguished Senator from New York, perhaps it would be better to say that the only progress that has been made from his point of view has been certain token desegregation, generally as a result of the bringing of suits.

Mr. ELLENDER. Is it not true that until the 1954 decision, the South was proceeding under the then existing law or practice of separate but equal facilities?

Mr. HOLLAND. The Senator is correct in large measure. In my own State and in various other States of the South, including the Senator's State of Louisiana, some years before the desegregation decision, the principle of equal payment of teachers, depending on their education and time of service, prevailed. That was true in several of the States of the South before the 1954 decision. Since that time certain other States may have adopted that system.

Likewise, a general increase in the excellence of the standards of curriculums in the public school systems and in the institutions of higher learning that are segregated, both for the white and for the colored, has been noted in the South. It is fair to say that that has been much more noteworthy in the case of the segregated institutions which colored children and young people attend.

Mr. ELLENDER. My questioning was not intended to indicate that, because there is not a State in the South that has not made rapid progress in the past 15 or 20 years toward obtaining better schools for both whites and Negroes. The point I wished to emphasize was that we in the South are proceeding under existing law—that is, the doctrine that was established in Plessy against Ferguson in 1896. In that case, the Supreme Court held that separate but equal facilities complied with the 14th amendment and that integration was not required. Under that doctrine, the South proceeded to construct separate schools. The separate but equal doctrine was followed consistently in dozens of cases. I cite just a few: Gong Lum against Rice, Cummings against Richmond Board of Education and Berea College against Kentucky.

But in New York, to judge from what the Senator from New York and others have said, there has been integration from the year 1.

Since the 1954 decision, I believe we have made much progress toward integrating schools. But the Senator from Florida states that since the Supreme Court decision of 1954 was rendered, New York has gone backward in the integration of schools. The South has gone forward. The situations just do not add up. In other words, the South is making progress, whereas New York has retrogressed.

Mr. HOLLAND. The Senator is entirely correct; it is going backward in terms of an increasing number of segregated schools.

Mr. ELLENDER. I am talking about integration in schools.

Mr. HOLLAND. That is correct. I would want to limit our statements to that subject, because I am sure the standards of excellence of instruction in the schools of New York have been keeping pace with those to be found elsewhere throughout the country.

Mr. ELLENDER. The subject we are now discussing is the integration of schools.

Mr. HOLLAND. The Senator is exactly correct in his position. I thank the distinguished Senator from Louisiana for his very helpful colloquy.

I shall read another quotation from the report of the distinguished advisory committee:

> Not a single elementary or junior high school that was changing toward segregation after 1958 by virtue of residential changes and the transfer of whites into parochial and private schools was prevented from becoming segregated by board action.

I do not know why the year 1958 was chosen, but I suppose it was because it was only after the program to deal with the subject became effective. At any rate, I have quoted correctly from the report of the committee.

I hope that Senators upon reading the paragraphs I have quoted, will note that instead of helping to solve the problem of segregation in the public schools of New York, the efforts of the school board in the past 10 years in that direction, plus the fact that school integration as a legal matter has long existed throughout New York State, had signally failed to improve the situation existing in the public schools of New York City, and that, to the contrary the number of de facto desegregated schools existing there is now about twice the number 5 years ago.

I read another paragraph from the report, indicating that the population trends in New York City are such as to make the problem increasingly worse in the years ahead. This fact is stated in the following words. I advert now to the one point so truthfully stated by the distinguished Senator from New York. This quotation is from a news report commenting on the advisory committee's report.

> In the absence of significant new efforts by the board of education, the report predicted, Negro and Puerto Rican pupils will form about 70 to 75 percent of the total enrollment by 1980, as compared with 45 percent now.

It is not my purpose to criticize anybody or to throw bricks at anybody. I would much rather have my remarks construed as being in sympathy with the school authorities and the people of New York, who are confronted with a stupendous, tragic problem. However, I am merely commenting on the fact that all the efforts to deal with the problem by law overlook the fact that de facto desegregation results not from law, but in spite of the law, because in spite of open housing legislation in the city of New York, Negroes prefer to live together and white people prefer to live together. The old adage that "birds of a feather flock together" seems just as true now as it has been during all the centuries it has been observed; and it is human nature.

I do not criticize anyone because of it; I think it is just as natural as to wish to breathe—to want to have closeness in school life, in church life, and elsewhere in our society, with people of our own color.

Mr. ELLENDER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. ELLENDER. As I understood the last quotation the Senator from Florida read from the statement, it would seem to me that the city of New York is bearing away from integration.

If the bill as written were to be passed, the school board of New York City would be prevented from busing pupils from one area to another, so as to have what it might regard as a proper balance between the white pupils and the Negro pupils, would it not?

Mr. HOLLAND. The Senator from Louisiana is correct. However, if I read correctly the articles published both yesterday and today in the newspapers, I conclude that New York City is already abandoning, or perhaps has abandoned, that plan, because the opposition of the parents has been very great to such a departure from the old, American concept of schools, under which a mother can take her child, if she wishes to, to the school, three or four blocks from the home, and later can return there for the child, and under which the Parent-Teachers Associations band together and can put on some of their social affairs—all of which would be impossible under some of the conditions being striven for in the city of New York.

Mr. ELLENDER. Can the Senator from Florida point out any portion or section of the pending bill that would improve the integration situation in the city of New York?

Mr. HOLLAND. Only one portion. That is the part of title IV which would make an unlimited authorization of appropriations of Federal funds, to aid in the solution of this problem. Before I conclude, I shall show that the officials of the city of New York are already stating—they did so yesterday, and they did so again today—that they are planning to turn to Uncle Sam, to have Uncle Sam funnel to them the huge amounts of money which would be necessary in order to rebuild their school system; and they indicate that they want $250 million the first year, either from the Federal Government or from the State government. A little later I shall refer further to that proposal. That is the only portion of the bill that would come in the category to which the Senator from Louisiana has referred—in other words, the portion which would provide a completely unlimited, unrestricted authorization—here in the Senate, we call it an open-end authorization—for the appropriation of Federal funds, to aid in the solution of these troubles, not only in New York, but also in Philadelphia, Detroit, Cleveland, Los Angeles, and other cities where such conditions obtain, and, for that matter, also in some of the cities of the South where similar conditions exist, although not to the same degree that they exist in other parts of the country.

Mr. ELLENDER. Mr. President, will the Senator from Florida yield further to me?

Mr. HOLLAND. I yield.

Mr. ELLENDER. My question is in regard to the position of the junior Senator from New York [Mr. Keating]. As I recall, he was of the belief that it would be best to permit the local school boards to handle the matter of racially imbalanced schools, rather than to have such a provision set forth in the law. I say that was his position, because I raised the question about the busing of children from one area to another, in order to achieve a balance as between the Negro pupils and white pupils; and, as I recall, the junior Senator from New York stated that, in his opinion, the best method was to let the local school boards handle that, rather than to have the Federal Government handle it.

Mr. HOLLAND. Mr. President, I do not know what was the opinion of the junior Senator from New York [Mr. Keating]; but I do know what was the opinion of the senior Senator from Louisiana [Mr. Ellender]. In that opinion, the Senator from Louisiana finds himself on the same ground with the noted educator, Dr. James B. Conant, as I shall show later in my remarks, because in his recommendation as to how best to deal with this particular matter—de facto segregation in the great cities of the North; that is the way he puts it—the matter of stricter local control is emphasized as one of the things that will result in a better situation.

Mr. ELLENDER. Yes.

Mr. HOLLAND. Mr. President, while we are discussing the matter of the Negro population and the other nonwhite population of New York City and the fact that that situation is accentuated by the withdrawal of white pupils, to go to private schools or parochial schools, and also by the withdrawal of tens of thousands of white families to other areas—among other reasons, to get away from this particular situation—I believe it enlightening to refer to developments in the District of Columbia.

The figures show—and later I shall perhaps submit further figures—that today, in the elementary schools in the District of Columbia, 87.6 percent of the children are Negro; 12.4 percent are white.

In the junior high schools, 85.9 percent are Negro; 14.1 percent are white.

In the senior high schools, 77.1 percent are Negro; 22.9 percent are white.

In the vocational schools, 87.4 percent are Negro; 12.6 percent are white.

Those figures contrast very greatly with the figures for 1954, because in 1954—and I shall not attempt to show the figures for each type of school; I shall merely give the overall figures, as stated to us from the District of Columbia authorities—the percentage of Negro pupils in the schools of the District of Columbia was 60.8; and the percentage of white pupils was 39.2.

Mr. President, all who have lived in the District of Columbia in the period of time since 1954—and that number includes many Senators—know that many thousands of white families have moved from the District of Columbia; and know how greatly the private schools have prospered and have increased their enrollments, and also have increased in number; and know that the Negro population of the District of Columbia public school system has increased from the percentage of 60.8 in 1954 to the present figure, overall, of 84.5 percent.

Mr. President, the great city of New York—and it is our greatest city, and all of us have great pride in that city—is having exactly the same experience that has been had everywhere else where legal desegregation of the schools has been attempted. In Washington, D.C., it has been accomplished; and the effect in Washington, D.C., has been even greater than that experienced in the city of New York.

Mr. President, again I emphasize the point—and I ask the Senator from New York to listen carefully—that it is not my purpose simply to find fault. My purpose is quite the contrary. My feeling is more one of sympathy, out of comprehension of the immensity of the problem.

I wish to state the reasons why I believe the method proposed by means of the pending bill has been demonstrated to be completely futile. In other words, I refer to an attempt to achieve by law complete desegregation—which the facts clearly show simply cannot be done.

Continuing my statement, I am not so much interested in the fact that the report of this advisory committee was "a blistering indictment" of the efforts of the New York City Board of Education of the last 10 years as I am in the clear showing that the solving of the problem of school segregation by law can never be accomplished since any such program wholly fails to give due weight to the facts of life and the vagaries of human nature. So long as white people prefer to live in communities together with other white people, and Negroes prefer to live among other Negro people, there can be no accomplishment of public school integration by the mere passage or attempted enforcement of laws.

In order that the immensity of the problem existing just in New York City alone may be clear, I ask that there be printed in the Record as a part of my remarks the summary of the report of the advisory committee as printed in the New York Times of yesterday under the heading of "Summary of Report."

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Report

A. FINDINGS

1. Puerto Rican, Negro, and other students in public schools in New York City suffer extensive and serious ethnic segregation.

2. This segregation increased between 1958 and 1963, and will continue to increase over the next 10 to 15 years, unless deliberate policies are introduced to reduce current levels and prevent future increases in segregation.

3. The board of education has made efforts between 1954 and the present which were intended to reduce segregation. These efforts have had no measurable effect upon the overall number of students attending segregated schools or upon the number of segregated schools in the system.

4. Early in 1954, the board of education introduced new proposals intended to aid in desegregating the public schools. The new proposals, considered singly and in combination, would not reduce current levels of school segregation or prevent future increases.

5. Ethnic segregation cannot be wholly eliminated from the schools of New York City in the foreseeable future, but the adoption of wise and intelligent policies can reduce segregation substantially. The basic requirement is a deep and sustained commitment on the part of the board and its staff to the purpose of reducing segregation throughout the city at the earliest time and at the fastest possible rate.

6. The adopted building program of the board does not treat desegregation as a main factor in choosing sites, although this factor could be utilized.

7. Wise and intelligent policies to foster desegregation must include intensified efforts to raise the quality of school program and teaching in New York City schools to the highest level, which is to say a degree of excellence second to none in the United States. The purposes of desegregation and increased excellence must be pursued simultaneously. They are absolutely interdependent.

8. The real accomplishment of both objectives is a complicated costly, and difficult undertaking. It is far beyond what many advocates of change have seemed willing to recognize or acknowledge. Basic changes in the present organization of the school grades and the revision of construction programs are essential to desegregation and improvement, as are new concepts of recruitment, faculty involvement, curriculum design, pupil services, administrative operation, plant use, and interschool communication.

B. RECOMMENDATIONS

1. Comprehensive 4-year high schools should be built at points well outside existing ethnic ghettoes, to be attended by commuting youths from points all over the city as by local residents.

2. Fifth through eighth-grade middle schools should replace junior high schools ultimately in the entire system. The purpose of these units should be to furnish improved instruction for older children. They should be so located as to provide for as many children as possible an experience in an integrated school. Shuttle buses should be used to reach these middle schools.

3. Primary units extending from prekindergarten classes through the fourth grade should replace existing elementary schools. These units would still be neighborhood schools, but they would be organized differently and would feed into the middle schools. Many existing elementary schools could be reorganized to contain two or more primary units.

4. Educational complexes should be formed, consisting of from two to six primary units clustered around the middle schools. These should be managed by a single administrator, with assistant administrators in the separate unit buildings. The complexes should integrate educational activities, improve the distribution of facilities and resources, and promote communication between faculties, parents, and students from diverse ethnic backgrounds. Complexes should have a high degree of organizational autonomy over their programs.

5. Eventually, educational parks housed in newly developed structures on cleared sites should replace single middle schools with their educational complexes.

6. Facilities should be equalized in every way, so that mainly Puerto Rican and Negro schools in the city will not continue to be older, more overcrowded, and in greater need of installation of essential facilities than other schools.

7. The new organization of the system should be utilized to stabilize and improve the staffing of the schools. The middle schools and clustered primary units with their new autonomy should be used to attract and retain the best teachers and administrators.

8. Board programs to improve recruitment and advancement of minority group teachers and other personnel should be extended and intensified. As part of this training, relations between the system and local teacher training institutions must be greatly strengthened.

9. Preprimary programs of instruction should be introduced on a citywide basis, serving children as young as 3 years.

10. Special schools and programs, particularly those for maladjusted and retarded students, should be studied independently and the findings should be made public. A stronger policy for retaining more such students in their regular schools should be pursued.

11. State and Federal support, fiscal and administrative, should be provided to the city to accomplish these necessary changes. This support should begin after the board of education has demonstrated its new initiative and commitment by taking some of the steps toward desegregation which do not involve additional municipal expenditures.

Our proposals do, we trust, make plain the fact that substantial forces must be reckoned with and redirected if desegregation is to be achieved. If these proposals are adopted and implemented, we are confident they will effect some immediate desegregation. More importantly, they would help prevent an increase in the rate of segregation within the schools. To accomplish this, however, they would have to be introduced promptly, progressively, and in an ever more extensive network during the next 5 years.

Mr. HOLLAND. Mr. President, I am trying to save the time of the Senate as well as my own time and strength by not reading in great detail from long reports in the newspapers. The question is one of very critical importance to the people of New York and to the readers of New York newspapers. I shall certainly not try to read the article, but I hope that Senators will read it. It shows what a thorough attempt has been made by a learned and well-balanced advisory committee to try to get at the roots of the trouble and to make suggestions which they think may be helpful.

It will be noted that the report makes it abundantly clear that the expenditure of very large additional sums of money are recommended at once and for the future and which it is stated would amount to an additional $250 million per year for New York City alone.

I believe I should change that amount by stating that while the report speaks of large additional amounts which will be required in the future, it mentions the fact that $250 million is for the pending budget year. I do not believe it is accurate to say that they foretold that $250 million would be ample to meet the problem in each succeeding year. In that respect I wish to correct the statement I have made.

Senators should also note with particular interest the fact that fiscal support of the Federal Government is specifically recommended as an essential element to bring about more substantial integration over a long period of years of the public schools of New York City and that it is quite evident that generous use will be made of the open-ended authorization in title IV of the pending civil rights legislation in order to funnel vast sums of Federal money into New York City alone for the solution of the problem already existing and without considering the vast enlargement of that problem which is prophesied by the report of the advisory committee.

I do not mean to say, by the use of the word "alone," that New York City will be the only city asking for or entitled to receive large amounts of Federal money. The report and the set of circumstances we are discussing relate to New York City. The school authorities are talking about an increase in their budget for this year of $250 million to enable them to come to grips with the problem, with the certainty that large additional sums will have to be spent in future years. As to whether those additional sums to be spent in future years will be less than, the same amount, or greater than the $250 million, I am unable to say. My guess would be that the sums will increase substantially. A very large increase in the size of this problem, due to the continued in-migration of Negro and Puerto Rican citizens has been predicted.

Mr. President, so far I have been quoting solely from the New York Times.

The New York Herald Tribune of yesterday, May 13, likewise gives much space to the discussion of the report of the advisory committee under the headlines "Allen Report on School Integration: What's Wrong and How To Right It."

Dr. Allen is the head of the department of education in the State of New York. He appointed the advisory committee. The title which I have stated is the title of the long report in the New York Herald-Tribune.

In order that the Senate and the general public may have the opportunity to see the serious import of the school desegregation problem in New York City as reported by Terry Ferrer and Joseph Michalak of the Herald-Tribune staff, I ask that the entire article be printed in my remarks as a part hereof.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALLEN REPORT ON SCHOOL INTEGRATION: WHAT'S WRONG AND HOW TO RIGHT IT

(By Terry Ferrer and Joseph Michalak)

The board of education has made virtually no progress toward meaningful school desegration in the last 10 years, and its present integration plans may make matters worse instead of better, the State Education Commissioner said yesterday.

In a special report requested of him by the board last February, Dr. James E. Allen, Jr., the commissioner, proposed a $250 million total reorganization of the system's grade structure to stem mounting segregation and upgrade the city's schools. However, some immediate integration steps could be undertaken at almost no additional cost.

The new grade arrangement would be on a 4–4–4 basis, instead of the present 6–3–3—6 years of elementary school, 3 years of junior, 3 years of senior high school. The new structure would have 4 years of primary school—preceded by 1 or 2 years of nursery school, starting at age 3, and kindergarten.

Junior high schools would give way to "middle schools" of grade five through eight. High schools would be of 4 years. New comprehensive high schools—absorbing vocational courses—would be located outside "ghetto" areas.

The report was prepared for Dr. Allen by his Committee on Human Relations and Community Tensions. The chairman is Dr. John H. Fischer, president of Teachers College, Columbia University. Rabbi Judah Cahn of Metropolitan Synagogue and Dr. Kenneth B. Clark, professor of psychology at City College, are the other members.

The 48-page report was scathing in its criticism of past board efforts at desegregation. It said:

"Nothing undertaken by the New York City Board of Education since 1954, and nothing proposed since 1963, has contributed or will contribute in any meaningful degree to desegregating the public schools of the city. Each past effort, each current plan, and each projected proposal is either not aimed at reducing segregation or is developed in too limited a fashion to stimulate even slight progress toward desegregation."

The Allen committee report, which the commissioner endorsed as his own views, was especially critical of the board's proposed school pairings, announced January 29. They triggered the first massive school boycott by civil rights leaders on February 3.

The board had proposed 31 pairings involving more than 60 elementary and junior high schools. Integration groups felt this was not enough. Angry white parents protested these pairings in a huge March 12 demonstration. Four days later, civil rights groups called a second school boycott.

Of the junior high school pairings proposed—10 at the start, later pared to 6—the Allen committee said yesterday that it would take until the year 2010 to achieve junior high desegregation at the pace the board proposed.

Of the elementary pairings, originally 21, the committee said that "We estimate that the pairing of some 20 elementary schools a year, presuming a very active extension of the board plan, would yield a system that would still be 24 percent minority segregated in 1970." In 1963, the report pointed out, 22 percent of the elementary schools were segregated.

And the report revealed for the first time, the board, under pressure from local white parent groups, had decided to make only four pairings next September.

As pupils from Negro and Puerto Rican minority groups continue to flow into the city's schools, the report said, "We estimate that minority pupils will exceed 50 percent in 1965, 66 percent in 1970, and 70 percent in 1975."

While the board cannot prevent this minority population growth, the report noted, wise and intelligent policies can prevent extreme school segregation.

The report emphasized that the city alone cannot bear the estimated $250 million expense of its recommendations, but must have increased Federal and State help.

Dr. Allen's findings drew a promise of action from the board.

After a 3-hour luncheon discussion with Dr. Allen and his committee, James B. Donovan, president of the board of education, said that the comprehensive recommendations of the report are in line with the board's enunciated policy on school integration—high-quality education and improved ethnic distribution.

Mr. Donovan, who, at a meeting of the board later in the afternoon, was reelected its president, said the urgency of the need for school integration is such that we must adopt some further action in time for the next school year.

He said the board had asked Superintendent of Schools Calvin E. Gross and his staff to apply immediately to the committee's recommendations the criteria of educational soundness and feasibility, and to propose action steps as soon as possible.

After copies of the report had been distributed at Dr. Allen's New York headquarters, 261 Madison Avenue, Mr. Donovan also said he would hold a news conference this morning aboard the liner *Queen Mary* before leaving for a vacation in Europe.

Dr. Gross said he would meet this afternoon at the Roosevelt Hotel with civil rights leaders to continue discussions that he had started April 6. The April meeting was attended by James Farmer, executive director of the Congress of Racial Equality; Roy Wilkins, executive secretary of the NAACP, and the Reverend Milton A. Galamison, chairman of the citywide Committee for Integrated Schools. The Reverend Mr. Galamison's group sponsored the two school boycotts here this year.

A spokesman for Dr. Gross said the same leaders who attended the April 6 meeting had been invited to attend tomorrow's.

The first reaction from civil rights groups to the Allen committee's report were generally more enthusiastic than was the reaction of the Parents and Taxpayers Coordinating Council. PTCC has been organizing opposition to the board's tentative pairings.

For example, June Shagaloff, special assistant for education of the NAACP, called the report a "model for every urban school system in the North."

Miss Shagaloff said the committee had "clearly detailed school reorganization plans to achieve maximum desegregation, complemented by educational excellence." Implementation of them she said, "could result in a school system unparalleled in the country for its desegregated and good schools."

Frederick D. Jones, representative of the 13 local chapters of the NAACP, was restrained. He said, "I believe the recommendations are in the direction we have been seeking."

There was no immediate comment from CORE, which, along with NAACP, plans a demonstration Monday on school integration efforts here. In the past, the organizations have insisted on desegregation of schools in every district in the city.

However, during Dr. Allen's news conference, Dr. Clark admitted total desegregation in areas such as Harlem "does not appear in the immediate future. It cannot be accomplished by mere rhetoric."

Mr. HOLLAND. I shall not weary the Senate by quoting similar paragraphs from the news reports in the New York Herald-Tribune. I am sure that Senators who check the two reports, one against the other, will find some differences, but there is a substantial similarity between the two reports in covering the real facts in this very serious problem.

In these articles—in fact, as a part of the report of the advisory committee—there appears a statement by Dr. Clark, who is the Negro member of the advisory committee, that "total desegregation in areas such as Harlem 'does not appear in the immediate future. It cannot be accomplished by mere rhetoric.' "

The distinguished educator, Dr. Clark might have gone a little further and said that it could not be accomplished by law, because that is the meaning of the entire report.

In a great area such as Harlem, in which there are many schools, because of the fact that tens of thousands of children there must go to school somewhere close to their homes, we cannot hope to do away with segregation in those schools, as Dr. Clark said, by mere rhetoric, or by mere law, or by the mere expenditure of money. Parents will not permit the transportation of their children miles away, as would be necessary in the case of many Harlem children in order to meet the problem.

It also appears that even under this extensive and expensive program recommended by the advisory committee there would be no end of segregation for the preprimary children and the children in the primary schools which would cover children in grades 1 through 4 who would still attend schools in their own neighborhood.

I was particularly impressed with that statement. The advisory committee, having labored mightily and brought forth a report of 48 pages, and having recommended the doing of many things which they thought would help to solve the problem, ended by stating that, so far as the little children are concerned—the preprimary children and all the children in grades 1 to 4—under no circumstances should they be taken out of their own communities, but that, instead, the traditional concept of community schools should still be followed. Even under that far-reaching report, small children up to the fourth grade would still remain in segregated schools in their own communities. I do not know how many of those who have read the articles realize what an enormous departure that constitutes from the thinking of those who have been pressing for integration now.

In this instance we have, in one of the most advanced school systems in our country, in the greatest city of our Nation, a report from a distinguished advisory committee, well balanced in its membership. The committee made a long study and compiled a report and recommendations consisting of 48 pages. The recommendation is made that as to the small children through the fourth grade, there shall still be no departure from the concept of community schools, which is a part of the traditional American philosophy in the field of the public school system.

Mr. President, if such a thing as this were recommended by any of the school systems of the South as a method for solving the problem of integration for our schools in the cities of Atlanta, Richmond, Jacksonville, New Orleans, Nashville, or any of the great cities of the South, a howl would go to high heaven that this is manifestly a trick, that it is not intended to let the little children get together until a time when they are 9 or 10 years of age. But, in this case, it is deliberately planned so that they must stay with the youngsters in their own neighborhood, and generally with youngsters of their own color, through the fourth grade.

Mr. President, I can hear now the wail of anguish and the bitter cry that would go up if a southern Senator should have the temerity to suggest on the floor of the

Senate that any such program should be adopted in order to solve the problems of the great Negro areas in our large cities of the South. It would not be tolerated for a moment. And yet, we have to recognize that this proposal comes from a well-balanced committee of highly trained educators who know the problem as it exists in the city of New York. By the very first thing which they recommend, they protect the young children, and say that the continuance of the present system is a necessity and that it must be observed.

Mr. JAVITS. Mr. President, would the Senator find this a convenient place to yield?

Mr. HOLLAND. I am very glad to yield.

Mr. JAVITS. Mr. President, the Senator has made a number of assertions which I wish to challenge. First, the assertion is made that if southern Senators should propose a plan like that which the advisory committee of Dr. Allen proposed, we would attack it. I do not think that is so.

Mr. HOLLAND. I am sorry. I did not hear the Senator. Will the Senator repeat that statement?

Mr. JAVITS. I said that the Senator made the point that if a southern Senator should propose a plan such as the advisory committee of Dr. Allen proposed, the proponents of the bill would attack it. I do not think that assertion would stand up, for this reason. All that we are asking is for the Federal Government to participate in court proceedings seeking equal protection of the laws as decided by the Supreme Court, based upon the fact that it has been 10 years since the 1954 decision, with only minuscule progress in the effort to have that decision complied with.

Let us remember that in the school cases which have been decided since the 1954 decision, the courts have not required that children be bused from place A to place B, thus necessarily leaping over some school boundary other than one deliberately based on race or color.

It is a fact that in the South, residential patterns differ from the way they apparently have developed in a city like New York. The Supreme Court mandate, which represents the constitutional concept, should be complied with. The Supreme Court has given pupil placement opportunities to southern school boards, thus seeking to take account of various other reasons than race or color for placing children in schools A, B, or C. I point out, therefore, that in our case—and I think this is very important—there is no question of school segregation at all. In other words, where under normal school districting procedures, a white child applies to a school which is heavily Negro, or, what is more pertinent, a Negro child applies to enter a school which is heavily white, there is no barrier whatever, so far as we are concerned. In the New York City situation, we are stretching ourselves ever further to give our children an even better opportunity for education by curing, not segregation, but factual, racial imbalance, not attributable to an order of segregation, either by law or practice.

This is all that is at stake. The Senator has mentioned that children are being taken out of New York public schools and being sent to private schools. Most private schools are not segregated in New York. My own children go to a private school which has Negro children in it. My own children take Negro children home with them and go to their homes in the freest possible way.

In the parochial school system in New York, which has from 400,000 to 500,000 pupils, about one-third of the children in New York City schools, there is no segregation. Most of the children are of one faith. They are Catholic, but there are Negro Catholics, also.

With all due respect, we are trying to compare bananas with pears in the Senator's speech. We are dealing with the problem in New York of trying to improve the educational system even though there is nothing illegal about what is happening now. But from our point of view and from the point of view of many groups there, what we are trying to deal with in the bill is the illegal situation which exists elsewhere and which is contrary to the Constitution. I think we have every right to deal with it in view of the fact that those States have not dealt with it.

Finally, the Senator made two points. The first is that it has not worked in our case. I point out that we have kept abreast of the increase in population among the Puerto Ricans, and have done our utmost, consistent with such increases, not only to make our system work, but also to make it work better. Our system already works, in the sense that it is not a segregated system.

Second, the Senator said that there was no support by the leaders of the civil rights groups. I call the attention of the Senator to the front-page story in the New York Times of today headed, "Rights Leaders for School Plan—See Hope of Rallying All Groups Behind Program."

Mr. HOLLAND. Mr. President, if the Senator will pause a moment, I shall place the article in the Record. The Senator has misunderstood something that I said.

Mr. JAVITS. I would be happy to be corrected.

Mr. HOLLAND. I have complete knowledge on this point. I am very glad to see that the leaders of the groups that have been clamoring for integration are apparently throwing their support behind this plan, which by no means means "desegregation now." I shall bring that out.

Mr. JAVITS. I thank the Senator. In order that it may be part of my remarks, Mr. President, I ask unanimous consent that the news article to which I referred be printed in the Record as a part of my remarks.

Mr. HOLLAND. I have no objection to that. I should like to reserve the right to refer to the same article later, rather than at this stage. This is not the appropriate place in my own outline of remarks.

Mr. JAVITS. Of course. The Senator may wish to include it again where it fits in with his own remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rights Leaders for School Plan—See Hope of Rallying All Groups Behind Program

(By Fred Powledge)

An effort was begun yesterday by some New York civil rights leaders to rally all advocates of integration behind the State education commissioner's plan for reorganizing the city school system.

High officials of the National Association for the Advancement of Colored People and the Congress of Racial Equality called the plan imaginative, comprehensive, and more far reaching than any previous integration plan offered by educators.

Observers noted that the praise was directed at a plan that made no promises of immediate integration, but that spoke of coupling gradual desegregation with increased educational quality.

Furthermore, the plan, made public on Tuseday by State Education Commissioner James E. Allen, Jr., proposed long-range integration, which had previously been condemned by civil rights groups.

Yesterday the plan was compared to "a breath of fresh air" by Frederick Jones, State education director of the NAACP. Mr. Jones and Norman Hill, national program director for CORE, also issued a joint announcement on the plan.

"The recommendations embody the basic, comprehensive, imaginative approach to the problems of de facto segregated and unequal educational opportunities we have been seeking," they said. "The report calls for a fundamental reorganization of schools, classroom curriculums, staffing of schools and extensive preschool programs for all children throughout the city. It provides for basic changes on a short- and long-range basis."

Mr. Hill and Mr. Jones spoke at a press conference called to disclose details of the civil rights march on city hall and the board of education planned for Monday. The two leaders said the purpose of the demonstration now would be to impress Mayor Wagner, Governor Rockefeller, and the school board with the necessity of forming plans to implement the Allen report.

The public praise of the report by the rights leaders and private remarks by other sources indicated that the leaders of the civil rights movement hoped the Allen report would end the movement's internal controversy over school integration.

"The movement has been paralyzed by all this infighting," one observer said yesterday. "Now it has something to bring itself together with."

GALAMISON TO COOPERATE

The Reverend Dr. Milton A. Galamison, who has been at odds with established civil rights groups, has called the report "a giant step in the right direction."

Dr. Galamison said yesterday that he felt the national offices of CORE and the NAACP had been carrying on "a warfare of attrition" against the Citywide Committee for Integrated Schools, which he heads. But he said he was asking his followers to join the Monday march "in the hopes that this will set a standard for mutual cooperation in the future."

Bayard Rustin, the organizer of the march, said the State report might help to relieve some antiwhite pressure in Harlem.

Mr. Rustin, who was at the press conference with Mr. Jones and Mr. Hill, said that if political and education leaders showed they really wanted to implement the report, "the responsible Negro leadership can interpret this to the people in such a way as to deal with some of their frustrations."

> As for the march, Mr. Rustin announced that at least 300 Negro students, some accompanied by white adults, would attend classes Monday at three schools with predominantly white enrollments.
>
> He said the schools would be chosen from among Public School 6, the Silk Stocking school at 45 East 81st Street, and Inwood Junior High School, 650 Academy Street, both Manhattan; Public School 81, at West 256th Street and Riverdale Avenue, the Bronx; Public School 269, at 1957 Nostrand Avenue, Brooklyn, and Public School 164, at 77th Avenue and 137th Street, Flushing, Queens.
>
> Mr. Rustin said that the children would stay in school all day and that they would sit at desks and receive instruction.
>
> Asked how he knew this, he replied that the school board had told him "they were prepared to cooperate."
>
> The organizers of the march said they had sent telegrams to the Citywide Coordinating Council of Parents and Taxpayers and to the Brooklyn Joint Council for Better Education, asking them to participate in the demonstration. Both organizations, which have mostly white members, favor neighborhood schools. Officials of the groups could not be reached for immediate comment.

Mr. JAVITS. Mr. President, may I note finally that the Senator said we are demanding desegregation now. Not even the Supreme Court demands desegregation now. It demands desegregation "with all deliberate speed"; and all deliberate speed, it seems to me, calls for at least a start in 10 years. In many school districts, not even a start has been made in the entire 10-year period since that decision. That is the reason why the Federal Government at long last has to step in, in our judgment, to see that at last a start is made.

We know that there cannot be complete desegregation now. We are not asking for that. That would give us a job which we could not do. We are asking for at least all deliberate speed. We are asking for at least a start within 10 years' time. And that is the fundamental thrust of this bill.

I thank my colleague for yielding.

Mr. HOLLAND. Before I yield to the distinguished majority leader, I wish to make it clear that in my reference to those who are demanding school desegregation now, I had no reference at all to the distinguished senior Senator from New York, but instead, to the demands of several demonstrating groups, several of the more radical racial groups which are making that demand.

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, I understand that the distinguished majority leader wishes me to yield to him for a period of not to exceed 30 minutes for the transaction of other business. I ask unanimous consent that I may be allowed to yield to him for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President——

Mr. MANSFIELD. If the Senator from Florida would make that 30 minutes pliable, it would be appreciated, because the purpose of asking the distinguished Senator from Florida to yield at this time is to allow the Senator from Delaware [Mr. WILLIAMS], after a live quorum call, to call up the resolution which he submitted yesterday and which I understand is now at the desk. So that if the Senator from Florida will give us a little time——

Mr. HOLLAND. Will 40 minutes be enough? I have another engagement late this afternoon, and my distinguished captain allowed me to speak at this time because I thought my remarks would take about 3 hours, which would give me ample leeway. Any longer than 40 minutes would greatly complicate my problem.

Mr. MANSFIELD. Will the Senator allow us to have a live quorum call first?

Mr. HOLLAND. Yes, if that is necessary.

Mr. MANSFIELD. It is necessary.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield for the purpose of a live quorum call, for an interruption of 40 minutes—not to exceed 40 minutes—as requested by the distinguished majority leader [Mr. MANSFIELD].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Florida.

I ask that attachés of the Senate notify all Senators that their presence is urgently requested on the floor.

Mr. McNAMARA. Mr. President, reserving the right to object—is the time to be divided?

Mr. MANSFIELD. Yes, if we can get it.

Mr. McNAMARA. Get what?

Mr. MANSFIELD. If we can get the time, it will be divided equally between the Senator from Delaware [Mr. WILLIAMS], and myself.

Mr. McNAMARA. Mr. President, I have no objection, if the time is to be equally divided.

Mr. MANSFIELD. I thank the Senator from Michigan. I would hope that the usual 20 minutes would not be taken up by a quorum call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

[No. 224 Leg.]

Aiken
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Eastland
Ellender
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McNamara
Monroney
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Robertson
Russell
Saltonstall
Scott
Smith
Stennis
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

INQUIRY INTO FINANCIAL OR BUSINESS INTERESTS OF MEMBERS AND EMPLOYEES OF THE SENATE

Mr. WILLIAMS of Delaware. Mr. President, it is my purpose to call up Senate Resolution 330, which I submitted yesterday.

Mr. JOHNSTON. Mr. President, the Senate is not in order. May we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 330.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object—and I hope that it will not be necessary for me or any other Member of the Senate to object—I am prepared to support the unanimous-consent request of the Senator from Delaware to take up his resolution, provided that the following understandings are incorporated into the request:

First. That when his resolution is laid down and made the pending business, debate on the measure and any amendments thereto shall be limited to 20 minutes in total, 10 minutes per side controlled respectively by the Senator from Delaware and by the Senator from Montana;

Second. That at the expiration of the 20 minutes, the Senator from Montana will be recognized for the purpose of offering a tabling motion; and

Third. That once the tabling motion is disposed of, the parliamentary situation will revert to that prevailing at the time the unanimous-consent agreement is adopted, providing the tabling motion succeeds. If it fails, there shall immediately thereafter be a vote on the resolution itself. And at the conclusion of that vote the situation will revert to that prevailing at the time the unanimous consent agreement is adopted.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. It is a part of the package agreement that the total elapsed time shall not exceed 40 minutes. That was my understanding.

Mr. MANSFIELD. Yes; there will be plenty of time, because it will allow 20 minutes for a quorum call, at the most, plus 20 minutes on the resolution.

Mr. HOLLAND. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CURTIS. As I understand, there will be an opportunity to offer an amendment under the limitation of time.

Mr. MANSFIELD. The Senator is correct.

Mr. CURTIS. Is it planned to dispose of the amendment before the motion to table is made?

Mr. WILLIAMS of Delaware. It would make no difference.

Mr. MANSFIELD. As I understand the situation, the Senator from Delaware is correct. I hope no Senator will object to the unanimous-consent request made by the distinguished Senator from Delaware, so that the Senate may face the issue at once.

The **PRESIDING OFFICER.** Is there objection?

Mr. CASE. Mr. President, may I inquire whether the request of the majority leader includes yea-and-nay votes on the motion to table——

Mr. MANSFIELD. Yes. It is understood that there will be a yea-and-nay vote on the motion to table.

Mr. CASE. And a yea-and-nay vote on the resolution itself, if the motion to table should fail?

Mr. MANSFIELD. I would assume so. I am thinking of the time limitation which the Senator from Florida has given us. If the Senator wishes to face this issue, we had better get down to it now.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request of the Senator from Delaware [Mr. Williams] as modified, that the Senate proceed to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The **PRESIDING OFFICER.** The clerk will read the resolution.

The legislative clerk proceeded to read the resolution.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the resolution be not read, but printed in the Record.

Mr. PASTORE. I think it should be read. It is important.

The **PRESIDING OFFICER.** The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 330), as follows:

> *Resolved,* That the first sentence of S. Res. 212, Eighty-eighth Congress, agreed to October 10, 1963, is amended to read as follows: "That the Committee on Rules and Administration or any duly authorized subcommittee thereof is authorized and directed to make a study and investigation with respect to any financial or business interests or activities, or any illegal, immoral, or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member or former Member of the Senate, employee or former employee in the office of a Senator or former Senator, employee or former employee of a Senate committee or subcommittee thereof or of any joint committee the expenses of which are disbursed by the Senate disbursing office, officer or employee or former officer or employee of the Senate who receives or has received payment of salary through the Senate disbursing office, or any other officer or employee or former officer or employee of the Government who is employed or was formerly employed in either of the Senate Office Buildings or in the Senate wing of the Capitol, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest, or any other impropriety of any kind, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities."
>
> Sec. 2. S. Res. 291, Eighty-eighth Congress, agreed to February 10, 1964, as amended, is amended by striking out "May 31, 1964" and inserting in lieu thereof "September 1, 1964".

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I send to the desk an amendment to Senate Resolution 330 and ask that it be read.

The **PRESIDING OFFICER.** The clerk will read the amendment.

The Legislative Clerk. On page 2, between lines 13 and 14, it is proposed to insert the following:

> Sec. 2. Such resolution is further amended by inserting immediately after the first sentence thereof the following new sentence: "Any three members of the committee may request that a witness or witnesses be called to testify before the committee and all such requests shall be honored by the chairman."

On page 2, line 14, it is proposed to strike out "Sec. 2" and insert in lieu thereof "Sec. 3".

Mr. CURTIS. Mr. President, I shall support the resolution of the Senator from Delaware for two reasons. First, it clarifies the intention of the original resolution; second, it prevents the committee from dying before its work is completed.

I point out, however, that the amendment just read is most important if the investigation is to be thorough. The Senate has debated a number of times the right of a Senator to call a witness. So far in the proceedings of the committee, we have not been successful in that purpose. It is my contention that it is a tradition of the Senate that if a Senator serving on a committee wishes to have a witness called, he is entitled to have the witness called as a matter of right.

The distinguished senior Senator from Arkansas [Mr. McClellan], who perhaps has had more investigative experience than any other Member of this great body, has always maintained the right of a Senator to have a witness called.

As I had originally drafted the amendment, it provided that any one member of the committee could request a witness or witnesses, and the request would be honored. I realize that there have been difficulties in connection with this investigation. I realize that there is a difference of opinion. I realize that, in the minds of many, there are certain political overtones. So out of an abundance of fairness, I have provided in my amendment that any three members of the committee may request that a witness or witnesses be called, and that that request shall be honored. To me, that is fair.

I have offered that amendment not in any way to repudiate the fine tradition of the Senate that any one Senator has a right to have a witness called. I still contend that he has that right. So far, it has been denied in this committee. It has been in dispute.

Out of a spirit of compromise, I hope the Senate will accept my amendment. I can see no reason why it should not, because three Senators would have to agree upon the desirability and necessity of calling a witness and on whether it would serve the purpose involved. Otherwise, the witness could not be called.

Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CURTIS. I reserve the remainder of my time.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment offered by the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announced that the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Ohio [Mr. Lausche], the Senator from Washington [Mr. Magnuson], the Senator from New Hampshire [Mr. McIntyre], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], the Senator from Georgia [Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], the Senator from North Carolina [Mr. Ervin], and the Senator from Oregon [Mrs. Neuberger] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Maryland [Mr. Brewster], the Senator from Arizona [Mr. Hayden], the Senator from Washington [Mr. Jackson], the Senator from Missouri [Mr. Long], the Senator from Montana [Mr. Metcalf], the Senator from Oregon [Mr. Morse], the Senator from Alabama [Mr. Sparkman], and the Senator from Missouri [Mr. Symington] are absent on official business.

I further announce that, if present and voting, the Senator from Ohio [Mr. Lausche], the Senator from Oregon [Mr. Morse], and the Senator from West Virginia [Mr. Randolph] would each vote "nay."

I further announce that if the Senator from Washington [Mr. Jackson] were present and voting, he would vote "yea."

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

Mr. KUCHEL. I announce that the Senators from Colorado [Mr. Allott and Mr. Dominick], are absent on official business.

The Senator from New Mexico [Mr. Mechem], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], and the Senator from North Dakota [Mr. Young] are detained on official business.

If present and voting, the Senators from Colorado [Mr. Allott and Mr. Dominick], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], the Senator from Wyoming [Mr. Simpson], the Senator from Texas [Mr. Tower], and the Senator from North Dakota [Mr. Young] would each vote "yea."

The results were announced—yeas 36, nays 33, as follows:

[No. 225 Leg.]

YEAS—36

Aiken
Beall
Bennett
Boggs
Byrd, Va.
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Douglas
Eastland
Fong
Goldwater
Gruening
Hart
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
McClellan
Mundt
Nelson
Prouty
Proxmire
Russell
Saltonstall
Scott
Smith
Stennis
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—33

Bartlett
Bayh
Bible
Burdick
Byrd, W. Va.
Cannon
Church
Clark
Dodd
Ellender
Fulbright
Hartke
Hill
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Kennedy
Long, La.
Mansfield
McCarthy
McGee
McGovern
McNamara
Monroney
Moss
Muskie
Pastore
Pell
Robertson
Walters
Yarborough

NOT VOTING—31

Allott
Anderson
Brewster
Dominick
Edmondson
Engle
Ervin
Gore
Hayden
Jackson
Lausche
Long, Mo.
Magnuson
McIntyre
Mechem
Metcalf
Miller
Morse
Morton
Neuberger
Pearson
Randolph
Ribicoff
Simpson
Smathers
Sparkman
Symington
Talmadge
Thurmond
Tower
Young, N. Dak.

So the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

Mr. WILLIAMS of Delaware. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I shall take only half a minute to state that it is my intention to move that the resolution be laid on the table.

Mr. WILLIAMS of Delaware. Mr. President, I hope the motion to lay the resolution on the table will be rejected.

I point out that the sole purpose of this resolution is to spell out in clear language—so clear that there can be no misunderstanding by anyone—that the Committee on Rules and Administration has the authority to do what the Senate instructed it to do in October; namely, investigate the questionable activities of a Senator the same as it would those of any other employee. On October 10, 1963, I submitted Senate Resolution 212, and the resolution was unanimously agreed to by the Senate. At that time it was understood by me and by all other Senators who supported the resolution that it was broad enough to authorize and to direct the Committee on Rules and Administration to conduct this investigation of any alleged irregularities or improprieties on the part of any employees of the Senate and that the term "employees" included Members of the U.S. Senate.

However, after the investigation had been underway a few weeks, a question arose as to whether the resolution was all inclusive. This question arose as a result, first, I believe, of an inadvertent statement by the chairman of the committee that the committee would not investigate Senators. Some persons interpreted that statement as indicating that the chairman of the committee believed the committee did not have such authority.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield to me for 10 seconds?

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Does the Senator from Delaware yield to the Senator from Nebraska?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. I wish to point out to the Senate that unless the pending Williams resolution is adopted, the life of this committee's investigation will end at the end of this month. On the other hand, the pending resolution will extend it to September.

Furthermore, unless the pending Williams resolution is agreed to, the temporary victory achieved by getting witnesses called will come to nothing.

Mr. WILLIAMS of Delaware. I thank the Senator from Nebraska.

Mr. President, as I was about to state, in February, the question arose again; and the Senator from Tennessee [Mr. GORE] proposed to offer an amendment to clarify the language of the original resolution. At that time the majority leader, the minority leader, the chairman of the Committee on Rules and Administration [Mr. JORDAN of North Carolina], the Senator from Tennessee [Mr. GORE], and many of the rest of us on the floor of the Senate at that time made statements that an amendment was not necessary, that the resolution was broad enough and clear enough to include authority to investigate Senators. Therefore, on that basis Senator **GORE** did not press that proposal to a vote.

However, earlier this week we found that last March—about 3 weeks after that colloquy in the Senate—the chief counsel of the committee had rendered an opinion in which he stated that in his views the Committee on Rules and Administration did not have authority even if it found some question of impropriety involving a Senator, to call in the Senator and ask him about it. That opinion was kept top secret until this week. Why was this kept secret so long? Certainly that was not our understanding.

It is inconceivable to me that the Senate would authorize an investigation of our employees but then if it were found that a Senator were involved, would stop the investigation.

The only purpose of this resolution is to restate in clear language that the Rules Committee does have the authority to carry out the original intention of the Senate so that if the committee finds in the course of its investigation that there is reason to have suspicion of wrongdoing involving a Senator, it can call the Senator before it and can question him.

Why should it not have this authority? A public office is a public trust, and all public officials are servants of the people. That includes Members of the Senate. As servants of the people none of us are too big to be held accountable for our conduct, and in my opinion a rejection of this resolution here today can only be interpreted as indicating that the Senate feels itself above compliance with the same rules which we are seeking to impose upon our employees.

This resolution should be approved.

Mr. MUNDT. Mr. President, will the Senator from Delaware yield briefly to me?

Mr. WILLIAMS of Delaware. I yield.

Mr. MUNDT. I wish to ask whether my understanding is correct—namely, that a motion to lay the resolution on the table would be a motion which would be heard very eloquently in every precinct in America as stating that although the Rules Committee would have authority to investigate Senate staff members, its investigation would be a bomb shelter for the protection of Senators themselves from such an investigation?

Mr. WILLIAMS of Delaware. That is correct.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I was not present in the Chamber on yesterday when the distinguished Senator from Delaware [Mr. WILLIAMS] submitted his resolution, but I was present when he submitted a resolution on the same subject several months ago. He discussed that resolution with the leadership on both sides. He received the support of the leadership on both sides and the unanimous approval of the Senate for his resolution.

There was agreement that the terms of that resolution were as broad as necessary to permit the Committee on Rules and Administration to inquire into any and all Senate practices and persons, and to recommend to the Senate any changes in existing laws, rules, or whatever, which might be necessary to safeguard the integrity of this body.

Mr. President, I am not a lawyer, but, insofar as I am concerned—and I am speaking as majority leader of this body and on my own responsibility—that is still my understanding of the first Williams resolution, and insofar as the chairman of the Committee on Rules and Administration is concerned, as he made clear on yesterday, it is his understanding that Senators can be heard under the existing resolution if there are specific charges or allegations.

It disturbs me, therefore, that the Senator from Delaware now feels impelled to offer this elaboration. In the proffered resolution he specifies illegal matters, immoral matters, improper activities, campaign matters, or, as he is quoted as saying, "everything but the kitchen sink." I am disturbed further by the fact that this resolution is submitted just at the time when the duly constituted and authorized committee of the Senate is on the verge of making its report to the Senate pursuant to the first resolution of the Senator from Delaware.

I know the Senator well enough to know that he would not wish to do an injustice to any Member of the Senate. Yet, with all due respect, that is clearly the effect of this resolution. At the very least, it casts doubt in advance on the integrity or adequacy of the report of the Committee on Rules and Administration even before it is filed. The distinguished and decent chairman of the committee, the Senator from North Carolina [Mr. JORDAN], and the able members of that committee need no defense from me or anyone else, but I wish to say that I shall not permit any challenge, however inadvertent, to their integrity to go unanswered, and whatever its intent, that would be precisely the effect of the adoption of the second resolution.

The first resolution under which the committee has operated is broad enough to permit any necessary inquiry into the affairs of anyone in the Senate now or in the past. It is broad enough to permit necessary inquiry into all associated with the Senate now and in the past. It is broad enough to permit the committee to develop whatever facts may be necessary in order to recommend to the Senate improvements in laws, rules, or procedures which safeguard the Senate's integrity.

But it is not broad enough to permit any Senator to impugn the character of any or all of his colleagues on the basis of vague suspicions. It is not broad enough to permit any Senator to challenge the integrity of the 99 others on the basis of rumors and innuendoes, which are one of the biggest businesses in this city, without accepting the responsibility for his challenge.

So I say to the Senator from Delaware [Mr. WILLIAMS], the Senator from New Jersey [Mr. CASE], and the Senator from Pennsylvania [Mr. SCOTT], "Name your Senator. Name the Senator or Senators whom you wish interrogated by the committee. Name them now, tomorrow, within the next 48 hours. Name them on the floor. Give the names to the chairman of the committee. State your charges or allegations against them and the basis for them. Be specific about the mishandling of campaign funds. Name the campaigns to the Privileges and Elections Subcommittee."

Mr. President, I say to Senators, "Do you wish the majority leader to appear? If so, what are the charges and the allegations? State them, and I shall be delighted to appear before the committee." I guarantee that the chairman and the majority members of the committee will air specific charges and allegations of that kind in hearings, and, insofar as I am concerned, they will be aired in public.

Insofar as I am concerned, they will be aired in public hearings. The chairman of the committee, the Senator from North Carolina [Mr. JORDAN], made clear yesterday on the floor of this Chamber his willingness to hear such specific charges and allegations, and he will do it under the existing resolution and at once.

I say to all Senators present, "Let us have done with the sly innuendo"——

Mr. CASE. Mr. President, will the Senator yield?

Mr. MANSFIELD. The intemperate inference——

Mr. CASE. Mr. President, a point of personal privilege.

Mr. MANSFIELD. The intemperate inference——

Mr. CASE. Mr. President, a point of personal privilege.

Mr. MANSFIELD. Mr. President, I do not yield the floor for any purpose.

Mr. CASE. Mr. President, a point of personal privilege.

Mr. MANSFIELD. Mr. President, I ask that the Senator be instructed to take his seat.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. CASE. Mr. President, a point of order. The majority leader is out of order.

Mr. MANSFIELD. Mr. President, I do not yield.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. CASE. Mr. President, a point of order. The majority leader is not in order.

The PRESIDING OFFICER. The Senator from Montana has the floor and he does not have to yield the floor.

Mr. MANSFIELD. Mr. President, I say to all Senators, Let us have done with the sly innuendo——

Mr. CASE. Mr. President, I rise to a point of personal privilege.

Mr. MANSFIELD. The intemperate inference, the thinly veiled implication in which some have indulged.

Mr. CASE. Mr. President, a point of personal privilege.

Mr. MANSFIELD. Mr. President, I do not yield the floor.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. CASE. Mr. President, a point of order.

Mr. MANSFIELD. Mr. President, I ask that the Senator from New Jersey be made to take his seat.

Mr. CASE. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, I do not yield for that purpose.

The PRESIDING OFFICER. The Senator from Montana does not have to yield for a parliamentary inquiry.

Mr. CASE. Mr. President, a point of order. I call to order the Senator from Montana.

Mr. MANSFIELD. Mr. President, I do not yield the floor, and I ask that the Senator from New Jersey take his seat.

The PRESIDING OFFICER. The Senator from New Jersey will take his seat.

Mr. CASE. Mr. President, I call to order the majority leader.

Mr. MANSFIELD. Mr. President, I do not yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey will take his seat.

Mr. MANSFIELD. The intemperate inference, to repeat, the thinly veiled implication, the vague hints in which some have indulged——

Mr. CASE. Mr. President, a point of order.

I call to order the Senator from Montana.

The PRESIDING OFFICER. The Senator from New Jersey will take his seat.

Mr. MANSFIELD. Mr. President, I do not yield the floor.

Mr. CASE. The Senator from Montana is not entitled to speak out of order. He is not entitled to speak out of order.

The PRESIDING OFFICER. The Senator from New Jersey will take his seat. In the opinion of the Chair, the Senator from Montana has not violated any personal privilege.

Mr. MANSFIELD. Mr. President——

Mr. CASE. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey will take his seat.

Mr. MANSFIELD. Mr. President, this is the first time in my 12 years in this body that I have been subjected to such treatment, and I do not like it. I should like to continue. Senators have already been hurt by this process and, may I say, I would strongly urge such Members who have been hurt so unfairly to go before the Committee on Rules and Administration and demand that they either put up or shut up. The chairman, I know, will be willing to accommodate any such Senator, and immediately.

Finally, I wish to say, let us be done with resolutions which imply that committees are not doing their duty before we know what they have done—resolutions that imply that the Senate and all within it are covered with dirt from rooftop to cellar. They are demeaning. They are an affront to the entire Senate. And, Mr. President——

Mr. CASE. Mr. President, I call on the Chair to rule.

Mr. MANSFIELD. Mr. President——

Mr. CASE. I appeal from the ruling of the Chair, and I have a right to have that appeal debated, Mr. President.

The PRESIDING OFFICER. The Senator will not be interrupted, nor taken off the floor for the purpose of raising a question of personal privilege.

Mr. MANSFIELD. Mr. President——

Mr. CASE. Mr. President, this is a question of personal order, Mr. President, under rule XIX, to which I direct the attention of the Presiding Officer.

Mr. MANSFIELD. Mr. President, may I call attention——

The PRESIDING OFFICER. In the opinion of the Chair, the Senator from Montana is not violating any privilege of the Senator.

Mr. CASE. Mr. President, under section 4, I appeal from the ruling of the Chair. And that appeal is debatable.

Mr. MANSFIELD. I do not yield the floor for that purpose.

Mr. CASE. That is not necessary, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey will take his seat.

Mr. CASE. I appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Senator from New Jersey will take his seat.

Mr. MANSFIELD. Mr. President, we are operating under the rules of procedure of this body.

Mr. CASE. Mr. President——

Mr. MANSFIELD. I am recognized. I have the floor. I do not yield.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. In the opinion of the Chair, there has been no personal privilege that the Senator from Montana violated. And the Senator from New Jersey will take his seat.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. All in favor say "aye," opposed, "no."

Mr. CASE. Mr. President, this is debatable.

Mr. MANSFIELD. Mr. President, we are operating under a time limit.

Mr. CASE. This is debatable.

The PRESIDING OFFICER. Take your seat.

Mr. CASE. Mr. President, most respectfully, I have the floor under the rules of the Senate.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey will take his seat. Take your seat.

Mr. CASE. Mr. President——

Mr. MANSFIELD. Mr. President, if I may——

Mr. CASE. Mr. President, I appeal from the ruling of the Chair; and I ask that the Chair rule.

The PRESIDING OFFICER. The ruling is very clear to the Chair. The position of the Chair is that the personal privileges of the Senator from New Jersey have not been violated. Under that ruling, the Senator from New Jersey will take his seat, and the Senator from Montana will continue.

Mr. CASE. Will the Chair indulge me to explain again that I think the Chair is mistaken. Under rule XIX, I appeal on the ground that the Senator from Montana has indirectly imputed to me and other Senators conduct or motives unworthy or unbecoming a Senator. That is very clear. Under subsection 4, I have the right to put this question to the Senate. And that matter is debatable.

The PRESIDING OFFICER. The interpretation of the Chair is that there has not been any violation.

Mr. CASE. Most respectfully, Mr. President, I appeal that ruling to the Senate; and I suggest that that appeal is debatable.

Mr. MANSFIELD. Mr. President, may I be heard?

The PRESIDING OFFICER. Under the rule, that question is debatable.

Mr. MANSFIELD. Mr. President——

Mr. CASE. As the maker of the motion, I think I have——

The PRESIDING OFFICER. The Senator from Montana——

Mr. MANSFIELD. Mr. President, I would like to conclude——

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. This is on the appeal.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Are we now dealing with the appeal?

Mr. MANSFIELD. Mr. President, what kind of——

The PRESIDING OFFICER. The question is on the appeal.

Mr. CASE. Then I ask——

Mr. MANSFIELD. Mr. President, I do not yield the floor.

Mr. CASE. I ask for recognition.

Mr. MANSFIELD I would like to finish the remarks allowed to me under the time limitation.

The PRESIDING OFFICER. Under paragraph 4 of rule XIX, the appeal from the ruling of the Chair is debatable. The rule provides that if any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rule, such Senator may appeal from the ruling of the Chair, which appeal shall be open to debate.

Mr. CASE. Mr. President——

Mr. MANSFIELD. Mr. President, we are operating under limited time. I believe we have even gone beyond that time limitation. I did not mention the Senator by name, or even by implication. What he assumes, he assumes on his own.

Mr. CASE. Mr. President, I was mentioned by name.

Mr. MANSFIELD. Mr. President, I would like the privilege which the Senate accorded to me, to finish my remarks which I have been patiently waiting to conclude.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, on the appeal——

The PRESIDING OFFICER. The time has expired. The unanimous-consent agreement is on consideration of the resolution itself.

Mr. CASE. Mr. President, on the appeal I demand recognition.

Mr. MANSFIELD. Mr. President, I move to table the resolution of the Senator from Delaware, as amended; and I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. CASE. Mr. President, I demand recognition.

The PRESIDING OFFICER. The Senate will be in order. The Chair is about to consult with the Parliamentarian.

Mr. CASE. Mr. President——

Mr. HOLLAND. Mr. President——

Mr. CASE. Mr. President, may I be heard on the appeal?

The PRESIDING OFFICER. The time has expired, and under the ruling of the Chair, the Senator from Florida has the floor.

Mr. HOLLAND. Mr. President, I have no intention at all of preventing the termination of this debate, provided it can be terminated quickly. I am perfectly willing to yield to the majority leader to make his motion, provided that the Senator will then give the floor back to me when that vote is concluded, which I understand I am entitled to. I ask if that is correct.

The PRESIDING OFFICER. That is correct.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield to the majority leader long enough to make his motion and for the Senate to vote thereon by yeas and nays.

Mr. CASE. Mr. President, reserving the right to object——

Mr. MANSFIELD. That motion has been made. The yeas and nays have been ordered. I ask for the yeas and nays on the motion to table.

Mr. CASE. Reserving the right to object——

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. CASE. Mr. President, I reserved the right to object. I was on my feet, reserving the right to object——

Mr. MANSFIELD. Mr. President, I ask that the roll be called. There is nothing to object to.

Mr. CASE. On my reservation of the right to object to the request of the Senator from Florida [Mr. HOLLAND], Mr. President——

Mr. MANSFIELD. The motion to table was made before the distinguished Senator from Florida was on his feet. The yeas and nays have been asked for, and, as I understand, have been ordered.

Mr. CASE. Mr. President——

Mr. MANSFIELD. I ask for a vote.

Mr. CASE. Mr President, this is a most shocking and overriding of a Senator's rights.

The PRESIDING OFFICER. If the Senator will permit the Chair to rule——

Mr. HOLLAND. May I be heard? I have tried to be accommodating to the Senator from Delaware [Mr. WILLIAMS] and the majority leader [Mr. MANSFIELD], and all other Senators concerned. I refuse to be accommodating any longer. I am perfectly willing to yield, as I have suggested; so that the Senate may dispose of the motion to lay on the table, if I am permitted to do so. I ask unanimous consent that I may yield for that purpose.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. In the opinion of the Chair, the time has expired. The yeas and nays have been ordered. The Senator from Florida has yielded——

Mr. CASE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida has yielded to the majority leader. The yeas and nays have been ordered. It is the Chair's interpretation that at the present time the Senate should now proceed to vote.

Mr. CASE. A parliamentary inquiry.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CASE. A parliamentary inquiry. Mr. President. Mr. President, a parliamentary inquiry. Mr. President, a parliamentary inquiry. Mr. President, may I inquire as to whether, in the situation that has developed, the result is that the violation of the rules of the Senate by the Senator from Montana, the ruling of the Chair thereon, and the appeal taken by me from that ruling, will go undecided? Because of the situation which obtained at the time the whole matter transpired, will the violation, if one occurred, go unresolved and undecided? Is it possible that the Senate rules are impotent to deal with the violation of those rules by the majority leader?

The PRESIDING OFFICER. The Chair has ruled.

The question is on agreeing to the motion to table the resolution (S. Res. 330) of the Senator from Delaware [Mr. Williams]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announced that the Senator from New Mexico [Mr. Anderson], the Senator from Maryland [Mr. Brewster], the Senator from Washington [Mr. Jackson], the Senator from Missouri [Mr. Long], the Senator from Montana [Mr. Metcalf], the Senator from Oregon [Mr. Morse], and the Senator from Missouri [Mr. Symington] are absent on official business.

I also announce that the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Ohio [Mr. Lausche], the Senator from Washington [Mr. Magnuson], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], the Senator from Georgia [Mr. Talmadge], and the Senator from South Carolina [Mr. Thurmond] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. Jackson] would vote "nay."

I further announce that, if present and voting, the Senator from Oregon [Mr. Morse] would vote "nay."

I further announce that the Senator from California [Mr. Engle] is absent because of illness.

On this vote, the Senator from Washington [Mr. Magnuson] is paired with the Senator from Ohio [Mr. Lausche]. If present and voting, the Senator from Washington would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senators from Colorado [Mr. Allott and Mr. Dominick] are absent on official business.

The Senator from New Mexico [Mr. Mechem], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], and the Senator from North Dakota [Mr. Young] are detained on official business.

If present and voting, the Senators from Colorado [Mr. Allott and Mr. Dominick], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], the Senator from Wyoming [Mr. Simpson], the Senator from Texas [Mr. Tower], and the Senator from North Dakota [Mr. Young] would each vote "nay."

The result was announced—yeas 42, nays 33, as follows:

[No. 226 Leg.]

YEAS—42

Bayh
Bible
Burdick
Byrd, W. Va.
Cannon
Clark
Dodd
Eastland
Ellender
Ervin
Fulbright
Hartke
Hayden
Hill
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Kennedy
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Monroney
Moss
Muskie
Neuberger
Pastore
Pell
Randolph
Robertson
Russell
Sparkman
Stennis
Walters
Yarborough
Young, Ohio

NAYS—33

Aiken
Bartlett
Beall
Bennett
Boggs
Byrd, Va.
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Douglas
Fong
Goldwater
Gruening
Hart
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
Mundt
Nelson
Prouty
Proxmire
Saltonstall
Scott
Smith
Williams, N.J.
Williams, Del.

NOT VOTING—25

Allott
Anderson
Brewster
Dominick
Edmondson
Engle
Gore
Jackson
Lausche
Long, Mo.
Magnuson
Mechem
Metcalf
Miller
Morse
Morton
Pearson
Ribicoff
Simpson
Smathers
Symington
Talmadge
Thurmond
Tower
Young, N. Dak.

So the motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I understand that the distinguished Senator from New Jersey [Mr. Case] wishes to ask me to yield to him, which I shall be glad to do for any stated purpose of which I may approve. What is the subject on which he wishes me to yield?

Mr. CASE. The Senator is always most thoughtful and kind. I would wish the Senator to yield to me only upon condition that he does not lose his right to the floor, and that upon conclusion of my brief remarks as to what went on prior to the vote he may regain the floor, without it being counted as a second speech against him, and with all the rights as though my remarks had not been made.

Mr. HOLLAND. Do I understand correctly that there will be no motions or points of order made?

Mr. CASE. I have no such intention.

Mr. HUMPHREY. Mr. President, reserving the right to object——

Mr. HOLLAND. With that understanding, I ask unanimous consent that the Senator——

Mr. HUMPHREY. Mr. President, I reserve the right to object only for a point of information as to time limitation. Yesterday I announced that it would be the intention of those of us responsible for the leadership to object to such requests, but I understand the matter which concerns the Senator from New Jersey [Mr. Case], and I do not wish to prevent him from making his statement. Would the Senator from New Jersey consent to a time limitation upon his remarks?

Mr. CASE. I believe I shall probably take about 3 or 4 minutes.

Mr. HUMPHREY. I have no objection.

Mr. HOLLAND. Mr. President, with that understanding, I ask unanimous consent to yield to the Senator from New Jersey [Mr. Case] under the conditions already outlined.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I thank the Senator from Florida.

I take this time to say very simply and with the greatest conviction and complete sincerity that I think we have witnessed within the last 15 or 20 minutes one of the roughest, and most unfair exhibitions of the overriding of an individual Senator's rights and minority rights by the majority, by the presiding officer, by the Parliamentarian, and by the majority leader.

The Senate rules are supposed to be the ultimate in perfection for the protection of the rights of individual Senators elected by sovereign States to represent them in the U.S. Senate.

We hear from time to time, almost ad nauseam, about the glories of an individual Senator's rights in this body. We have found that this is true only when they happen to coincide with the wishes of the majority. As we have seen from time to time, even the gentlest and the most magnanimous man, such as our majority leader, in succumbing to what he conceives, I assume, to be the political needs of a certain situation, turns into a tyrant, and the rules do not protect Senators.

I suggest that what happened not be allowed to be regarded as a precedent. It would be most unfortunate. I suggest that the Parliamentarian be asked to demonstrate by a statement, which the presiding officer may make, that this is not possible under the Senate rules. If the fault is in the way in which the Senator from New Jersey attempted to protect his rights, he should be told and advised, because this should not happen to any Senator in the future of the Senate.

I thank the Senator from Florida.

Mr. HOLLAND. I am glad to have yielded to the Senator from New Jersey.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HOLLAND. Mr. President, the beginning of the end of de facto segregation—even under this far-reaching program—would not take place until a child reached the fifth grade at which time instead of going to a neighborhood school the child would go to so-called "middle schools" which would cover grades 5 to 8, inclusive. It would only be when a youngster reached 4-year high school that a more substantial degree of integration would be accomplished by the transport of commuting youngsters from points all over the city to selected locations for new comprehensive 4-year schools which should be built at points well outside existing ethnic ghettoes.

When Senators begin to recognize the immensity of this problem, existing not only in New York City but likewise in other large cities of our Nation such as Chicago, Philadelphia, Cleveland, Detroit, and many others, it should be rather clear that the advocates of this legislation are trying to commit the Congress and the country to a long and expensive program which admittedly cannot be wholly successful and which certainly will be accompanied by vast expenditures and by innumerable and perhaps unsolvable problems.

It is interesting to note that already June Shagaloff, special assistant for education of the NAACP, has called the report a model for every urban school system in the North.

It is also most interesting to note that already opposition to the program of the Board of Education of New York City has been voiced in the courts by suits brought by anxious parents. On Monday of this week there appeared in the New York Herald Tribune an article by Joseph Michalak entitled "Opposes School Pairing—A Negro Mother Fights Integration." I find this article so interesting that I feel I must read it into the RECORD as follows:

A NEGRO MOTHER FIGHTS INTEGRATION

(By Joseph Michalak)

> A Negro mother of two schoolchildren in the Bronx, who thinks that pairing racially different schools is "ridiculous," has become the first member of her race to take legal action against the proposed integration plans of the board of education.
>
> Mrs. Pearlinea Jackson, of 481 East 174th Street, signed a supporting affidavit in Bronx Supreme Court yesterday morning to an existing suit to enjoin the board from its tentative pairing of Public School 58, dominantly Negro and Puerto Rican, with Public School 28, dominantly white.
>
> "This plan is ridiculous," she later said. "Each of my girls would have to go to a different school."
>
> She was referring to her two daughters, Patricia, 9, and Lynnell, 7, who now attend Public School 58, Washington Avenue and 176th Street, situated two blocks from their home. Mrs. Jackson is president of the Parents Association and a teacher's aid at the school.
>
> Under the tentative pairing, Patricia would be transferred to Public School 28, at Arthur and Tremont Avenues, 12 blocks from home. She would not be entitled to free bus transportation unless she lives at least a mile from school (about 20 city blocks).
>
> Mrs. Jackson said she would oppose pairing even if the board offered to transport Patricia because she feels that Public School 58 is a better school and it would be more dangerous for her to go to Public School 28.
>
> "I'm interested in integration," she said, "but my children's schooling comes first. Why should I take my child out of my school and send her to another that doesn't offer as much?"
>
> She noted that Public School 58 offered remedial classes, guidance counselors, health classes and other things that Public School 28 does not have.
>
> Mrs. Jackson said that she and her husband, David, a demolition man for a construction company, are also worried about the walk Patricia would have to make to Public School 28.
>
> She stressed that this would take her through an industrial section and across the "dangerous intersection at Tremont and Webster Avenues, where traffic is controlled by a six-way light."
>
> "Why should I send her to Public School 28, to end up in an early grave?" she asked.
>
> Mrs. Jackson also expressed fear that once the pairing goes through, "there will be nothing to stop the board from sending my girls anywhere in the city."
>
> "If that happens," she said, "I'll have to start thinking about packing up and moving somewhere else."
>
> Mrs. Jackson said her decision "was nothing that happened overnight." She said she had discussed her plans with neighbors—whites, Negroes, and Puerto Ricans—for many weeks and that "they agree with me."
>
> "No one has insulted me or called me an 'Uncle Tom,'" she said. "This is a free country and everyone should say what he feels."
>
> In the Negro community an "Uncle Tom" is a Negro who generally goes along with white men's views while attaining personal success.
>
> Mrs. Jackson's suit supported one filed earlier this year by Theodore Gerritt, president of the Parents Association of Public School 28. Both actions are being handled by Howard Goldfluss, lawyer for Parents and Citizens, an affiliate of the Parents and Taxpayers Coordinating Council.
>
> The council has fought the proposed pairings, which the board of education has delayed pending an evaluation by the State education department. That evaluation will be announced today by State Education Commissioner James E. Allen, Jr., after a private discussion with board members and School Superintendent Calvin E. Cross.

Mr. President, the decision of the advisory board as delivered to the State Education Commissioner, James E. Allen, Jr., and as announced yesterday, has already been discussed by me in my earlier remarks.

I think it is imperative to note at this time that the Board of Education of the City of New York has been striving for 10 years to come up with an effective program of desegregation of its de facto segregated schools and that in spite of this long effort the situation has become decidedly worse during the 10 years rather than better. It is also worthy of note that during this 10 years at least three separate and different approaches have been suggested for use by the board of education, two of which have already proven to be ineffective and the third of which as now suggested by the special advisory committee is a program of many years, of vast expense and of admitted inadequacies even before a start is made.

To review the situation, the board of education attempted a program of transportation of pupils from one district to another of colored and Puerto Rican children from de facto segregated districts to schools in white districts and a similar, but reversed transportation, of white children from their own community schools to the Negro and Puerto Rican districts. The public pressure against such a destruction of the community school concept was so great that that program had to be discarded as admittedly unacceptable as well as ineffective.

The next of the official programs announced by the board of education was that of pairing of schools so as to combine a school which was in a predominantly white community with one which was in a Negro community. I think that the news article in the New York Times covers the ineffectiveness of this program so well that I will quote several paragraphs which deal with that program which apparently will be discarded before it is seriously placed in effect:

> Analyzing the board's January 29 integration plan, the committee noted that the chief innovation was the proposal to pair certain predominantly Negro and Puerto Rican elementary schools with white or integrated schools.
>
> Twenty-one pairings were originally contemplated by the board, the report said, but the number was later cut to nine pairs after local opposition developed. Only four pairings were scheduled to be put into effect next fall.
>
> The committee, although it did not oppose pairings, emphasized that such moves would not bring significant desegregation.

I invite special attention to the next paragraph:

> Even if all the 21 pairings were put into effect, the report asserted, the proportion of minority segregated schools would be reduced by only 1 percent. Twenty-one percent of the system's elementary schools would still be largely Negro and Puerto Rican.
>
> Similarly, the committee said, if the six zoning changes contemplated on the junior high level were put into effect, the proportion of largely Negro and Puerto Rican junior high schools would decline 1 percent to 19 percent.
>
> At this rate, the report said, the desegregation of all junior high schools—including those that are now largely white—would not be completed until the year 2010.

Mr. President, the new and expensive program now suggested by the advisory committee and apparently scheduled for a third attempt to solve this difficult problem has already been discussed by me and I think it is well to indicate that the program now seriously suggested by the advisory committee is one which would be completely unacceptable to the radical desegregation forces if it were announced for even one southern city. This new program is well discussed in the news article in the New York Times and I use the reporter's words rather than mine in describing it:

> In outlining the proposed school reorganization, the committee emphasized that it favored retention of the concept of having young children attend neighborhood schools. They also expressed opposition to long-range transportation of elementary school pupils, asserting that this would actually hurt desegregation by driving some white families out of the city schools.
>
> In place of the present elementary school, which runs from kindergarten through sixth grade, the committee recommended the establishment of primary schools that would go to the fourth grade.

That is, they would include the kindergarten and grades 1, 2, 3, and 4.

> These would be ungraded schools enrolling no more than 500 students and would occupy present elementary buildings.

NEW JUNIOR HIGH PROGRAM

> Two-year kindergartens for children 3 and 4 years old, would also be offered in the primary schools. Priority in starting these programs would be given to schools in underprivileged areas, where the need is greatest.
>
> The conventional junior high school, which covers the seventh through ninth grades, would be replaced by a middle school. This school would cover the fifth through eighth grades, and would draw pupils from a wider area, making improved racial balances possible.

> Pupils would be transported to those schools by shuttle bus, with the trip taking "not more than 10 to 15 minutes" in most cases.
>
> Senior high schools would again become 4-year institutions under the committee's proposals and would offer both academic and vocational programs.
>
> Most of the new 4-year high schools, the committee said, should be in the north Bronx and in predominantly white sections of Brooklyn and Queens. This, the report said, would draw Negro pupils out of their communities.

It is apparent that the new program really seeks to approach desegregation or integration seriously for the first time in the four high school grades—that is, grades 9, 10, 11, and 12.

I continue the article:

> The committee also said that wherever possible neighborhood primary schools and nearby middle schools should be combined into clusters or "educational complexes."
>
> This, the report said, would give children and parents the "dual benefits of a school close to home and membership in a larger, more diverse educational and social community."
>
> Thirty-nine possible educational complexes were specified in the report.
>
> Eventually, the committee said, the middle schools should be placed in educational parks, which would provide a campus-like environment. Although the individual schools would be for 500 to 1,000 pupils, the parks might accommodate 15,000 children.
>
> "The most practical location for such schools," the report said, "would be in areas where a suitable number of minority group children can be drawn from existing ghetto neighborhoods into parks which will also enroll children from white neighborhoods."

It is quite apparent to anyone who studies this far-reaching organizational plan that the committee is on the conservative side in setting up its budget, if it is to be increased only $250 million. It is quite apparent to me that with the added new construction of middle schools and school complexes, and later, school parks, the entire cost of the program will go into the billions of dollars for New York City alone.

I remind Senators again that the same situation exists to some degree in Los Angeles, Chicago, Detroit, Cleveland, Philadelphia, and other large cities of the North.

I further remind Senators that the advocates of this plan are asking Congress to commit itself to a program which would extend over many years and cost billions of dollars. At this time no one can see the end of the program which, according to the report of the able advisory committee at this very time, will be inadequate and will not fulfill the dreams or the hopes of those who sincerely desire to see schools integrated.

Mr. HILL. Mr. President, at this point will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. HILL. The distinguished chairman of that committee, Dr. John H. Fischer, president of the Teachers' College of Columbia University, is one of the most eminent educators in the entire country. Surely there is no college or university or school that is more preeminent in the field of education and in the preparation and training of teachers than the Teachers' College of Columbia University; and I think there is no person in the United States who could speak with more commanding influence and authority on matters in the field of education than can Dr. John H. Fischer.

From the speech of the Senator from Florida—and I congratulate him on it—it is evident that he has done a great deal of work in connection with his presentation of the facts in the course of his very able speech in the Senate this afternoon; and his remarks show that this job cannot be done simply by passing legislation. It has not been done in New York by passing legislation, and it could not be done there in that way, and it could not be done in that way in States other than New York. Is not that the message of the Senator from Florida?

Mr. HOLLAND. That is my belief; and I know there is nothing in the bill that would help in situations such as the one in New York City or would help bring to completion the program announced yesterday, other than the proposed authorization—without any limitation at all—for the appropriation of Federal funds. The Board of Education of New York City has already stated, "Let us go after some heavy Federal funds"; and the editorial published today in the New York Times refers to that. In a moment, I shall place that editorial in the RECORD. It is notice to all of us that what is being proposed is the expenditure of billions of dollars of Federal funds on a program not well delineated, and admitted by its proponents to be inadequate, and one which could never accomplish the desires with respect to integration.

Mr. HILL. And the facts the Senator from Florida has given us today with reference to the situation in New York City confirm the fact that it could not be done in that way; is not that true?

Mr. HOLLAND. I think so, particularly when we realize that both New York City and New York State have had complete integration by law for decades, and have had open housing, by law, for a long time, and that the settlement of Negroes and Puerto Ricans in the great, consolidated communities in which they have congregated shows that even open housing legislation—which is not provided at all by the pending bill—has not solved the basic problem in connection with the efforts to achieve integrated schools in the North—which is the formation of great enclaves in which Negroes and Puerto Ricans settle by choice, and from which white people flee as rapidly as possible.

Mr. HILL. Mr. President, I congratulate the Senator from Florida on his presentation of these facts. The address he has delivered today to the Senate is a most valuable one; and it could not have been presented to the Senate without much labor, tireless efforts, and very careful preparation on his part.

Mr. HOLLAND. I thank the Senator from Alabama for his generous comment.

Mr. President, I have felt justified in going at some length into the developments in New York City for two principal reasons:

First, this New York situation over the last 10 years illustrates better than any words I could use the vast difficulty of the program of desegregation of public schools, the immense expense which is involved and which is now proposed to be saddled upon the Federal Government—at least in large part—and the ultimate fact that even this third plan now announced will not bring anything like a complete solution of the problem as it now exists, and without considering the implications of the rapidly increasing Negro and Puerto Rican populations in New York City. No better showing could be made of the fact—and it is a fact—that the mere existence of law requiring school integration offers no effective solution of the problem.

The second point that I think is quite clear as we view this third New York plan of desegregation is that it frankly proposes a standard of school desegregation which would be entirely different from that which is sought to be forced upon the South, under which the zealous advocates of those who want to reshape the South according to their own ideas, are crying for complete desegregation in southern schools, and are insisting that any token approach to the problem is unacceptable.

It ought to be clearly understood that the advocates of the pending civil rights bill know perfectly well that a double standard of integration of schools—one for the North, another for the South—is involved in this whole program; and any Senators who have missed that point before should see it clearly now, after realizing what is being attempted in New York City.

I wish that time would permit me to go into this whole troublesome problem of de facto segregation in our large city public schools throughout the Nation; but I cannot do so. Suffice it to say that the more I see of this serious problem, the more I feel that the question of bringing a compulsory end, by legal means, to segregation should be recognized as having little to do with the subject which really requires much better schools, much better teachers, much better programs for young Negroes, extending throughout vocational guidance, until they have become stabilized in satisfactory employment. I recall with interest at this time, and with approval, the recommendations made by Dr. James Bryant Conant in his book "Slums and Suburbs," on pages 115 and 116, in recommendations numbered from 8 to 17. The most compelling of these recommendations, to me, are as follows—and last year I quoted some of his recommendations; and at this time I shall quote all of those which apply to the desegregation problem in large northern cities.

Dr. Conant's 13th recommendation is as follows:

> 13. The answer to improving Negro education in the large northern cities is to spend more money and to upgrade Negro schools, many of which are in slums, rather than to effect token integration by transporting pupils across attendance lines. Fully integrated teaching staffs are a necessity, as well.
>
> 14. More teachers and perhaps more pay for teachers are necessary for schools in the

slums than in either the high income districts of the large cities or the wealthy suburbs. Special training programs for teachers in slum schools are needed.

15. No effort should be spared in slum areas to enlist the support of parents in the education of their children. To this end, adult education programs should be improved and expanded.

16. Big cities need decentralized administration in order to bring the schools closer to the needs of the people in each neighborhood and to make each school fit the local situation.

It seems very clear that Dr. Conant, whom I have quoted with approval in an earlier portion of this debate, has no sympathy with the idea of getting rid of the neighborhood school tradition which is so important a part of American life when he prescribes a program for the improvement of Negro education in the slum areas of our large cities. Instead, he calls for better schools, more teachers, better paid teachers, better trained teachers, enrollment of support by parents through adult education programs and the fixing of greater responsibility in the community itself in order to bring the neighborhood school in closer line with neighborhood problems. I hope that Members of the Senate will realize before it is too late that this whole question of segregation in education is full of pitfalls and that certainly there has been no showing made which would justify us in entering into a program so sweeping in its meaning, so dictatorial in its compulsory features and so expensive in its realization as that which is outlined in title IV of the pending Civil Rights Act.

What a tremendous array of good commonsense is contained in those four recommendations, which are based on probably as great a knowledge of the philosophy of the operation and organization of schools as that possessed by any American. We are fortunate to have the benefit of those recommendations by Dr. Conant, whose qualifications in the field of education need not be stated now by me, for he is recognized as one of the leading authorities in that field.

Mr. HILL. Mr. President, at this point will the Senator from Florida yield again to me?

Mr. HOLLAND. I yield.

Mr. HILL. We recall that Dr. Conant was president of Harvard University, one of the greatest universities in the world.

Mr. HOLLAND. Yes; and he has occupied many other important positions in the field of education—including special positions during the war, when he was active in seeing to it that our Nation's quest of victory would be a successful one, as the Senator from Alabama will recall.

Mr. HILL. And since then he has devoted himself very largely to studies of education, so as to be able to advise about what is best to be done. If anyone in America speaks with outstanding authority on the problems in the field of education, certainly it is Dr. Conant.

Mr. HOLLAND. Of course, the Senator is correct. I call attention to the fact that in the introduction to the book from which I have quoted, Dr. Conant makes it clear that one of our greatest foundations advanced adequate funds for him to make this study and to have all assistance—highly professional assistance—that he needed to be sound in his recommendations.

Senators have overlooked his recommendations, the report of the advisory committee in New York yesterday, and the manifest failure in the last 10 years to solve the problems, not in the South, which I have been discussing, but in the rest of the Nation. The admission is made now that segregation is worse in the North than it was 10 years ago. Anybody who has ignored all those facts and hopes that merely by enacting a law we can solve the problem, is only deluding himself. No one with good sense would think that anything could be accomplished merely by passing such an act.

Mr. HILL. Mr. President, I do not wish to anticipate the Senator in his speech. I could not get ahead of him if I wanted to, because he has studied the subject thoroughly and he has his facts marshaled beautifully. But he referred to the fact that later he would discuss the editorial which appeared in today's issue of the New York Times on the subject. Anyone who reads that editorial will know that many readers will consider only one thing—which is what the Senator has suggested—namely, that Federal help is desired.

Mr. HOLLAND. Unfortunately that is so. If we wish to invite the greatest raid on the Federal Treasury that has been made in time of peace, within my time, the invitation can be made now by the passing of title IV of the bill. Other titles of the bill would cause many other raids on the Federal Treasury, but I am speaking now of title IV, through which it is proposed to bring about compulsory desegregation of the public schools of this Nation.

Mr. HILL. The editorial published in today's issue of the New York Times is captioned "Looking Elsewhere for Money." Where is the "elsewhere?" The "elsewhere," of course, is Washington—the Federal Government. The editorial, which does not speak in terms of desegregation or integration, tells of the great need in New York for money, so that New York may have a better school system.

Mr. HOLLAND. The Senator is correct. At least in that plan to spend more money, the advisory committee follows the same path suggested by Dr. Conant. He said that that was the way to approach the problem, to bring about better schools, better trained teachers, better paid teachers, adult education, and to bring the parents to the point where they would be interested in what their children were doing, and all the other things that would be covered in his recommendation.

Mr. President, I could spend a great deal of time today, which is Thursday, May 14, speaking of events that followed the announcement of the new plans for the public schools in the city of New York which was made yesterday. But I think I had better hurry along, because I have too much material to take the time of the Senate or to fill the pages of the CONGRESSIONAL RECORD by reading and commenting upon the many worthwhile things to be found in the articles in today's press.

The first of the articles which I submit is a news report in today's issue of the New York Herald Tribune entitled "Donovan Seeks Integration Aid." Donovan is the chairman of the Board of Education of the City of New York. He is the one to whom the commissioner of schools of New York promptly sent on his report from the advisory committee, which was made to the commission. Donovan looked at the report and promptly fled to Europe. The report of his flight to Europe is pretty well stated in the interview which was held on board the *Queen Mary*, where the reporters pursued him to make sure they could find out what his thoughts were about this far-reaching report.

Without laboring the question, I ask unanimous consent that the entire news article by Mr. Joseph Michalak in today's issue of the New York Herald Tribune, entitled "Donovan Seeks Integration Aid," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DONOVAN SEEKS INTEGRATION AID—SCHOOLS: POVERTY PLAN, STATE AID—BOARD PRESIDENT SAILS FOR EUROPE AFTER FUND PLEA

(By Joseph Michalak)

"If it's important to call a special session of the legislature to reduce the price of a bottle of whisky by $1, then it's important to call a special session to appropriate extra funds for education."

With those 100-proof words, James B. Donovan, president of the board of education, announced that he would soon ask Governor Rockefeller to call a special session to deal with the integration needs of the city school system.

Mr. Donovan spoke at a news conference aboard the liner *Queen Mary*, shortly before leaving for Europe—on the day after a special State committee had called for a major overhaul of the school system that would cost $250 million.

"The problems of education in this city," he said, "are far more important for the legislature to address itself to than is the problem of liquor."

At the same time, Mr. Donovan revealed that he would make a detailed request for Federal funds as soon as Superintendent of Schools Calvin E. Gross worked out a program to deal with integration and improvement of slum schools.

PROMISE

Mr. Donovan said that he had talked with Sargent Shriver, Director of President Johnson's poverty program on Tuesday afternoon, shortly after an advisory committee to State Education Commissioner James E. Allen, Jr., had issued a report calling for the reorganization to further integration and education.

Mr. Donovan said Mr. Shriver promised that as soon as the poverty plan is formulated, the city's plea will get a hearing before Federal officials.

Mr. Donovan praised the Allen report as being long term, comprehensive, and citywide. He said he saw nothing in it that does not fall into the scope of policies enunciated by the board and that he wanted to keep an open mind on the recommendations.

The report also received praise yesterday at another news conference—by leaders of what is now being called the march for democratic schools, to be held Monday to mark the 10th anniversary of the Supreme Court decision outlawing school segregation.

> PRAISE
>
> Norman Hill, program director of CORE; Frederick D. Jones, State education chairman of the NAACP; and Bayard Rustin, director of the march, used such description as "imaginative," "a breath of fresh air," and "profoundly important." The question now, they agreed, is whether the board of education will act on the recommendations.
>
> They emphasized that implementation of the report would not meet all the demands of the civil rights groups, but said it would be a great step in that direction. The goal of the civil rights movement remains complete school desegregation, they said.
>
> They disagreed with a statement in the report that complete desegregation was not possible in the foreseeable future. Such steps as the report proposes might bring about changes that would make complete desegregation possible, they said.
>
> Mr. Rustin announced that the march leaders had asked the Parents and Taxpayers Coordinating Council (PAT) and the Brooklyn Joint Council for Better Education to join the demonstrations that CORE and the NAACP will hold Monday at city hall.
>
> PAT and the Brooklyn council were sponsors of their own demonstration at city hall, in support of the neighborhood-school concept.
>
> Mr. Rustin urged the groups to support those elements in the Allen committee report with which they agreed, even though the report as a whole might go further than they wished.
>
> A spokesman for PAT said the NAACP and CORE had insulted PAT many times and that it was not now going to "join hands" with them. He said that if the civil rights groups had decided that PAT wasn't as bad as they had said, then an apology was in order.
>
> PAIRINGS
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> Mr. Rustin also revealed that the celebrated Public School 6, in the Silk Stocking district on Manhattan's East Side, was one of the five schools being considered for a "study-in" by Negro pupils on Monday.
>
> Mr. Donovan, during his talk with newsmen in the drawing room on the promenade deck of the *Queen Mary*, expressed the opinion that eliminate pairings of racially different schools. These board-proposed pairings have PAT.
>
> However, he noted that "we would not foolishly include pairings in a comprehensive plan like the one proposed by the committee."
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>
> DONOVAN GOING TO YUGOSLAVIA
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> James B. Donovan board of education president and international lawyer who negotiated the release of U-2 Pilot Francis Gary Powers and the Bay of Pigs prisoners, disclosed that he was going to Yugoslavia on a mission that could produce news. But he declined to say what kind.
>
> Mr. Donovan said he planned to spend "a few days" in the Communist country on "legal business" for a client. He left yesterday with his wife, Mary, aboard the liner *Queen Mary* for a short tour of Europe. They plan to return June 1.

Mr. HOLLAND. Mr. President, I call attention to the fact that the article makes it very clear that Mr. Donovan is first going to ask the State to give aid. He said that he is going to ask Governor Rockefeller to call a special session of the New York Legislature to deal with the integration needs of the city's school system at once, without calling attention to the fact that the Governor had theretofore turned down that plea as will appear from the editorial which I shall later place in the RECORD. Then he made the following announcement—and I quote from article:

> At the same time, Mr. Donovan revealed that he would make a detailed request for Federal funds as soon as Superintendent of Schools Calvin E. Gross worked out a program to deal with integration and improvement of slum schools.
>
> PROMISE
>
> Mr. Donovan said that he had talked with Sargent Shriver, Director of President Johnson's poverty program on Tuesday afternoon, shortly after an advisory committee to State Education Commissioner James E. Allen, Jr., had issued a report calling for the reorganization to further integration and education.
>
> Mr. Donovan said Mr. Shriver promised that as soon as the poverty plan is formulated, the city's plea will get a hearing before Federal officials.

Mr. President, I shall not go further into that subject. First, it sickens me to think that the great city of New York, one of the richest cities in our Nation—and, for that matter, in all the world—would as a first thought, through its public official charged with some responsibility in this matter, apparently show no responsibility for raising tax funds themselves, but merely say, "We will ask the Governor of New York to call a special session of the legislature to deal with the problem and give us more money." They also said, "We will ask the Federal Government for more money, and we hope that out of the poverty plan we can get more money to advance the stature of our schools in the city of New York."

I do not believe that the citizens of New York will be very proud of that statement on the part of Mr. Donovan. I think he was wise to get on a ship and take off for Europe at the time he issued the statement. I imagine that while his ears would burn while he was on the ship, he would have been assailed by countless telephone messages and messages of every sort, visitors, and the correspondents of newspapers, radio stations, and television stations to get him to explain why it was that he thought the great city of New York, in order to build an adequate school system, would have to claim poverty and bring its plea of poverty to the point at which it would be placed ahead of the program of the President of the United States.

Mr. President, I do not know how better to kill that poverty program aborning than to have it appear that part of what is intended is to supply sufficient funds to the city of New York to build up its schools to what they regard as an adequate level.

Mr. President, the next item that I mention is the editorial entitled "New Advice on the Schools," which appeared in today's issue of the New York Herald Tribune. The editorial is so enlightening that I think I should read it. It is not long. I quote:

> The Allen report on New York City school desegregation is severely critical. But it is also realistic; the racial situation in our schools has not developed by intention. For what has happened here, as in other great cities, is the result of population trends. The Negroes and Puerto Ricans have flowed in; the white people, in large numbers, choose to leave the city.

Mr. President, I made a statement a short while ago that the American people were leaving the sections where these great migrations occurred—as they have done in the District of Columbia. Here is confirmation of that in the editorial columns of the New York Herald Tribune:

> The Negroes and Puerto Ricans have flowed in; the white people, in large numbers, choose to leave the city.
>
> The result is that we have, in fact, segregated education. But this has not come through policy. The blame for the ghettos rests on the lack of advantage in housing and jobs. All the efforts of the board of education at complete racial integration for the last decade have largely failed not for lack of purpose, but because the problem has been too massive and inscrutable.

Mr. President, I like those words that have been adopted by the editorial writer. I am going to use them for my own. The problem of doing away with integration in education is both massive and inscrutable. After 10 years of effort, the New York City School Board has found that no progress has been the result.

Continuing from the editorial:

> So the present study asserts flatly that total desegregation of the schools is impossible in the foreseeable future. Yet it insists that if nothing further is attempted, the prognosis is for more segregation. Instead of existing 45 percent Negro-Puerto Rican enrollment, we may well have 75 percent by 1980. This city is confronted by the question of what it intends to be.

Mr. President, I hope that Congress and the citizens of the District of Columbia will ponder that same question. What kind of city do we intend to have here, in the Capital of the Nation? What kind of city do we intend to have in New York City, the greatest city of our Nation? That is really the issue behind the whole question.

Mr. President, I understand that we are honored by some visitors, who will be presented by the distinguished Senator from Alabama.

Mr. HOLLAND. Mr. President, I ask that I may yield to the Senator from Alabama [Mr. SPARKMAN] with the understanding that I do not lose my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY ALGERIAN PARLIAMENTARIANS

Mr. SPARKMAN. Mr. President, we are honored by being visited today by a distinguished delegation of parliamentarians from Algeria.

We have just had a meeting with them in the Foreign Relations Committee, and have had a valuable exchange of views and thoughts with them.

I call attention to the fact that there are five parliamentarians—four men, and one lady. The four gentlemen were active participants in the cause of the free world in World War II. All four, including the padre, attained high military rank during the war. I may say incidentally that Gen. Omar Bradley had them at his home today for lunch. He was associated with them during the war.

The young lady, who is still very youthful, fought in the underground movement for Algerian independence. She and her husband fought side by side. He was killed in action. Later, she married the foreign minister of newly independent Algeria. Four months later, he was assassinated. She serves her country well in the Parliament.

We are delighted to have them here. We are honored to have them. Mr. President, I ask that at the conclusion of my remarks, there may be printed in the Congressional Record the biographical information on the visiting Algerian deputies, and also some news releases that have been prepared.

The PRESIDING OFFICER (Mr. Bayh in the chair). Without objection, it is so ordered.

The material is as follows:

Biographical Information on Visiting Algerian Deputies

Abdelkader Ammar-Mouhoub, 52, served with the Allies in World War II campaigns of Tunisia, Italy, France, and Germany in units of the Free French. Received Croix de Guerre with six citations, one of them from U.S. Gen. Mark Clark. Served as a captain in the Algerian Resistance Army and headed a military zone in the Algiers region. Elected to the national assembly as a deputy from Medea. He is a member of the committee on internal affairs and national defense. He was a member of the preparatory commission for the FLN congress.

Omar Ouamrane, 44, one of the outstanding officers in the Algerian Resistance Army, he was colonel of Wilaya IV, the military region of Algiers. He is a member of the CNRA, the National Council of the Algerian Revolution. During World War II fighting in Tunisia and France with Free French units under Allied command he was awarded the Croix de Guerre.

Leon-Paul Durand, M.D., 61, chief doctor with the rank of lieutenant colonel in the 4th Regiment of Tunisian Riflemen during World War II, fighting in Tunisia, Italy, France, and Germany, he won the Croix de Guerre and the Legion of Honor. A Christian, born in Algeria of French parents, Dr. Durand founded in Oran the Algerian Fraternity of French Liberals. He was interned in a prison camp at Saint Leu during the Algerian revolution. Elected as a deputy from Oran, he served as vice president of the committee on social affairs from 1962 until 1963.

Father Alfred Berenguer, 48, was wounded at Cassino, Italy, in 1944, when serving as Catholic chaplain with the rank of captain with a Free French unit of the Allied Command. He also served in Tunisia, France, and Germany during World War II, winning the Croix de Guerre with four citations and the Legion of Honor for his valor. During the latter 3 years of the war of independence, he served as representative of the Algerian Red Crescent (Red Cross) for Latin America. Elected deputy from Tlemcen, he is a member of the committee on foreign affairs and served as its vice president during 1962 and 1963.

Mme. Mohammed Khemisti: When still a schoolgirl she began fighting for independence in the underground. Married to an officer in the guerrilla forces, she served as soldier and nurse with his troops in the mountains until he was killed. She was married again, to Mohammed Khemisti, Algeria's Foreign Minister. Just 4 months after their marriage, Khemisti was killed by a crazed assassin (April 1963). Mme. Khemisti, often called the Algerian Joan of Arc by her countrymen, is an elected deputy in the national assembly. She served as a delegate to the United Nations for several months during 1963. She is attractive and speaks English well. He first name is Fatima.

Parliament of Algeria Sends Group of Deputies in First Good-Will Visit

Washington, D.C., May 11—Five Algerian deputies, the first delegation of parliamentarians from the young north African republic to visit North America began today a 3-week good-will tour of the United States and Canada.

Renewal of World War II friendships with military figures; the needs of 180,000 war orphans; and gratitude for United States and Canadian aid will be stressed as the Deputies, four men and one woman, meet with leaders of civic, veterans, and humanitarian organizations in Washington, D.C., Kansas City, Los Angeles, Houston, Phialdelphia, New York, Montreal, and Ottawa.

President Eisenhower has invited the visitors to his office at Gettysburg to relive with him the Allied actions of World War II in north Africa and Europe in which the four men deputies won top military honors while fighting with Free French units. President Truman is scheduled to greet the Algerians when they visit the Truman Library in Missouri.

The young woman deputy is Mme. Fatima Khemisti, widow of Foreign Minister Mohammed Khemisti, killed by an assassin a year ago. Her first husband, with whom she served in the guerrilla forces as a soldier and nurse, died in battle. Mrs. Khemisti was a member of the Algerian delegation to the United Nations, and often serves as official hostess for President Ahmed Ben Bella. She is a Moslem, speaks English, and is very attractive.

Two of the four men deputies are Moslems and two are Christians. The Moslems, Abdelkader Ammar-Mouhoub, 52, and Omar Ouamrane, 44, were distinguished military leaders during Algeria's 7-year war of independence. Mr. Ammar-Mouhoub is a member of the Committee on Internal Affairs and National Defense of the National Assembly. Mr. Ouamrane is a member of the National Council of the Algerian Revolution.

The two Christians, both born in Algeria of French parents, are Father Alfred Berenguer, 48, a Catholic priest who was wounded at Cassino, Italy, while the chaplain of a Free French unit; and Dr. Leon-Paul Durand, 61, a medical doctor who served as chief surgeon of a Free French regiment during World War II, and founded an "Algerian fraternity" society among Oran's French liberals early in the revolution.

The Algerian deputies will remain in Washington until Thursday when they will fly to Kansas City.

Young Widow Is Called "Algerian Joan of Arc"

Mme. Mohammed Khemisti, a beautiful young Algerian woman, is one of a delegation of five deputies from the national assembly of the young Republic of Algeria now in Washington beginning a 3-week good will tour of the United States and Canada, the first such mission since Algeria won its independence, nearly 2 years ago.

Much younger than the four men in the party, all heroes of two wars, Mme. Khemisti might serve as a living symbol of Algeria, the only new African nation to win its independence by means of revolution. Like Mme. Khemisti, the new state for all its youth and potential has suffered severe hardship and tragedy. The 7-year war for independence remains vivid in the national memory.

Algeria's nationalist uprising against the French began when Mme. Khemisti was still a teenaged student. She worked in the underground in Algiers, early in the struggle, then made her way to the mountains to join a guerrilla unit of the Algerian Liberation Army. There she met and married a guerrilla officer. She wore a uniform and carried a gun and fought with her husband's troops and nursed the wounded. Her husband, a colonel, was killed in action in the mountains.

After De Gaulle returned to power, the French negotiated a cease-fire, and ultimately a peace. Independence was declared on July 3, 1962. Five months later Mme. Khemisti married Mohammed Khemisti, Algeria's Foreign Minister, and one of the men closest to President Ben Bella.

At 33, Khemisti was the world's youngest foreign minister. He was a popular man, tall, thin, good humored, smartly dressed in the European fashion. He and his lovely bride had been married only 4 months when he was shot in the head by a crazed assassin in Algiers. He died 3 weeks later, a year ago last week.

Mme. Khemisti remained in the public eye, continuing to help the bachelor President, Ahmed Ben Bella, as his official hostess on state occasions, serving a tour as delegate to the United Nations, and performing her duties as a deputy in the national assembly.

Tall, stately, and gracious, she dresses fashionably in the mode of Paris—wears her blond hair in a high bouffant coiffure.

Reflecting the influence of French education and more than 130 years of French rule, Algerians often refer to the lovely, twice-widowed veteran of years of guerrilla fighting as "Algeria's Joan of Arc."

When President Kennedy was shot by an assassin, Mme. Khemisti cabled his widow, whom she had met when she traveled to Washington in President Ben Bella's party in 1962. It is said that Mrs. Kennedy was especially touched by the message.

Mr. SPARKMAN. Mr. President, I yield to the Senator from Kansas [Mr. Carlson].

Mr. CARLSON. Mr. President, I associate myself with the remarks made by the distinguished Senator from Alabama [Mr. Sparkman] regarding our guests today.

All of us watched with great interest the fight for freedom and independence that the Algerian people carried on for many years, when they fought to end colonialism.

We wish them well. We are happy that they are visiting the United States. They are to make a rather extended tour of the country. They are to tour the Middle West and the South.

We wish them well in their new government. We hope they have a pleasant and happy trip through all our States.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. JAVITS. Mr. President, I wish to join in welcoming our friends from Algeria. I served for a little while in Algeria during the war. I have some very interesting memories of this very important, strategically located country.

We all join in wishing well to the cause of parliamentarian government. I join with the other Senators in welcoming them.

Mr. SPARKMAN. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, I join in the felicitations which have been so well expressed by my colleagues.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

INQUIRY INTO FINANCIAL OR BUSINESS INTERESTS OF MEMBERS AND EMPLOYEES OF THE SENATE

Mr. JAVITS. Together with other Senators, I am deeply troubled by what occurred here a little while ago, in respect to the Senator from New Jersey [Mr. CASE]. I do not believe that the RECORD has spelled out exactly why the Chair ruled as he did. As we know, the rulings are essentially from the Parliamentarian.

I know I will be pardoned for asking two or three questions.

Mr. HOLLAND. Mr. President, I ask that I be allowed to yield for that particular purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from Florida.

I should like to go into the matter so that we can spell out what occurred, and why. It is critically important to every Senator.

My first question is, Does a Senator, under the rule have a right to interrupt a Senator who has the floor—and we know how sacred that rule is—in order to call him to order under rule XIX, and to ask the Chair to rule whether in his opinion the Senator is proceeding in or out of order?

The PRESIDING OFFICER. The Chair will consult with the Parliamentarian. The present occupant just assumed the chair.

The Chair calls attention to the Senate precedents contained on page 267, in which it is stated at the bottom of the page:

> A Senator who has the floor may not be interrupted or taken off the floor without his consent for the purpose of—

It then enumerates some 17 purposes. On the following page, on page 268, one of the reasons for which a Senator may not be interrupted is No. 11. "Raising a question of personal privilege," which was the question raised by the Senator from New Jersey.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. If a Senator rises and makes the point of order that the Senator speaking is transgressing the rules of the Senate, if in the opinion of the Presiding Officer that is so, may the Senator speaking be required to take his seat and desist?

The PRESIDING OFFICER. Any Member of the Senate may present to the Chair a question as to whether a Senator who is speaking has violated a rule of the Senate, and at that time the Presiding Officer will decide whether such rule has been violated.

Mr. JAVITS. If the Presiding Officer decides that it has been, may he require a Senator to take his seat?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. The Member speaking.

The PRESIDING OFFICER. Subject to an appeal.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. If the Chair decides to the contrary; namely, that the Senator speaking has not transgressed the rules of the Senate, may the Senator who made the charge take an appeal from the ruling of the Chair?

The PRESIDING OFFICER. He may.

Mr. JAVITS. At that point, when he takes an appeal, is it incumbent upon the Chair to require the Senator speaking to take his seat?

The PRESIDING OFFICER. If the appeal is in the affirmative.

Mr. JAVITS. I invite attention of the Chair to the fact that the appeal must first be submitted to the Senate. Is it the duty of the Chair, at that point, to require the Senator speaking to take his seat and to submit the appeal to the Senate?

The PRESIDING OFFICER (Mr. KENNEDY in the chair). When the Senator from New Jersey made his appeal on the ruling of the Chair, the question was debatable and the Chair recognized the Senator from Montana. At that time, the Senator from New Jersey should have taken his seat. That question was debatable. The Senator from Montana at that point made a privileged motion which was to lay on the table, and then requested the yeas and nays. At that moment the time had expired. The time reverted to the Senator from Florida [Mr. HOLLAND] who had yielded. There was no objection at that time, and the Senate voted on the motion to table. As the Chair understands, if the motion to table had failed, the parliamentary situation would have been such that the point of order of the Senator from New Jersey would have been before the Senate and could have been debated at that time.

Mr. JAVITS. That is very important, and I am glad that the occupant of the chair, who ruled on those questions, is now in the chair, because now that the emotion of the moment is over, I believe it is extremely important that every Senator—both of the majority and the minority—should have clearly spelled out what happened, for the right to call a Senator to order is precious and sacred to every single Senator.

I charge myself with having failed—although the situation did not permit it—to be on my feet to join in some effort to understand clearly what happened, and how it did or did not affect the rights of Senators.

In that same spirit, I am grateful to the Senator from Florida [Mr. HOLLAND] for indulging me this time, and I should like to make a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Is it the ruling of the Chair that the expiration of time, on the discussion of the Williams resolution, ended all proceedings, including the proceedings on the appeal, because of the Chair's ruling, in effect, that the appeal was incident to the debate on the resolution, rather than being a separate and independent proceeding subject to debate, and therefore was subject to the limitation of time on the resolution of the Senator from Delaware [Mr. WILLIAMS]?

The PRESIDING OFFICER. The Chair believes that the Senator is correct in his statement that the motion to table which the Senator from Montana made at that time took precedence, and after the statement of the Senator from Montana, the time did expire and the floor reverted to the Senator from Florida. The Senator from Florida did not insist upon his right to the floor, and yielded to the will of the Senate to take a vote on the motion to table.

Mr. JAVITS. I point out to the Chair that the specific question is whether the ruling was based upon the expiration of time allowed by the distinguished Senator from Florida, or whether the making of the motion to table was what terminated the proceedings. I point out to the Chair that in the latter case any Senator, who was made subject to rule XIX, paragraph 4, could, by a motion to table whatever was the pending business, cut off the right of another Senator to raise this issue under rule XIX, paragraph 4.

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. JAVITS. In other words, it was the motion to table which cut off the proceedings.

Then, Mr. President, a final parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. In order to make a motion to table, a Senator must be recognized.

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. JAVITS. The Senator from Montana had been recognized, in the view of the Chair, on the debatability of the appeal?

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. JAVITS. I thank the Senator from Florida. I am very grateful to him for yielding this time to me.

Mrs. NEUBERGER. Mr. President, may I ask another question along this line which has bothered me ever since this debate?

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield to the distinguished Senator from Oregon [Mrs. NEUBERGER], provided that in doing so I shall not lose my right to the floor, in order that she may make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. NEUBERGER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mrs. NEUBERGER. How inviolate is the right of the Senator who has the floor? Are there any circumstances under which a Senator may demand the floor when another Senator already has the floor?

The PRESIDING OFFICER. It is indicated on page 267 of Senate Procedure, that an interruption of a Senator who has the floor is not allowed, except by his consent. It then lists some 17 incidents, and cites the authority, showing when the decisions were made, and indicating when a Senator is not required to yield.

Mr. JAVITS. Mr. President, I should like to make one further observation, if the Senator from Florida will permit me to do so.

Mr. HOLLAND. I yield under the same conditions.

Mr. JAVITS. I would not wish, by my questions and the answers of the Chair, to foreclose my right or the right of any other Member of the Senate, when the situation arose, to appeal from the rulings which the Chair has made. I believe it is important, in the interest of the whole Nation and of every Senator, having seen the events today, that the Chair should have an opportunity to set out in detail—which I do not believe was done—its reasons for acting as it did. That, too, is an essential and sacred responsibility of the whole Senate.

The PRESIDING OFFICER. In responding to the Senator from New York, the Chair intends to place in the RECORD the complete series of rulings which were made, and appropriate authorities for such rulings, within the next 24 hours.

Mr. JAVITS. I thank the Chair.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HOLLAND. Mr. President, when I yielded, I was discussing an editorial published in the New York Herald Tribune today entitled "New Advice on the Schools." I ask unanimous consent that the entire editorial may be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Herald Tribune, May 14, 1964]

NEW ADVICE ON THE SCHOOLS

The Allen report on New York City school desegregation is severely critical. But it is also realistic; the racial situation in our schools has not developed by intention. For what has happened here, as in other great cities, is the result of population trends. The Negroes and Puerto Ricans have flowed in; the white people, in large numbers, choose to leave the city.

The result is that we have, in fact segregated education. But this has not come through policy. The blame for the ghettos rests on the lack of advantage in housing and jobs. All the efforts of the board of education at complete racial integration for the last decade have largely failed not for lack of purpose, but because the problem has been too massive and inscrutable.

So the present study asserts flatly that total desegregation of the schools is impossible in the foreseeable future. Yet it insists that if nothing further is attempted, the prognosis is for more segregation. Instead of existing 45 percent Negro-Puerto Rican enrollment, we may well have 75 percent by 1980. This city is confronted by the question of what it intends to be.

As the Allen committee points out, the schools can't integrate without white pupils. But if these are increasingly lacking, what then?

Well, the report is by no means despondent. It doesn't give up on desegregation; it argues that excellence in program and teaching is interdependent. The trouble, however, is that most people don't yet recognize all the complexities and cost (an extra $250 million a year) involved.

What the committee recommends is complete reorganization, both academic and physical. The whole system would be put on a 4–4–4 grade basis. Comprehensive 4-year high schools, strategically situated and on a citywide basis, are proposed. Junior high schools would be replaced by 4-year middle schools. Elementary schools should be drastically reorganized. There is a plan for clustered "educational complexes."

All this is obviously a long way off, even if the city, State, and Federal governments were willing to rush in with the money. Much of it is perhaps as impractical as the paired schools and wholesale busing of children which have been rejected. And any such overhauling of the existing order will still have to win acceptance by parents and taxpayers.

The next step is for the board of education and Superintendent Gross to settle down to hard facts. They have been told that past and present desegregation programs are worthless, that a considerable amount of segregation is unavoidable, that the best hope is to reorganize and start anew for educational excellence. And the new school year is only 4 months away.

Mr. HOLLAND. After stating in substance the proposed reorganization, the editorial concludes:

> All this is obviously a long way off, even if the city, State and Federal governments were willing to rush in with the money. Much of it is perhaps as impractical as the paired schools and wholesale busing of children which have been rejected. And any such overhauling of the existing order will still have to win acceptance by parents and taxpayers.
>
> The next step is for the board of education and Superintendent Gross to settle down to hard facts. They have been told that past and present desegregation programs are worthless, that a considerable amount of segregation is unavoidable, that the best hope is to reorganize and start anew for educational excellence. And the new school year is only 4 months away.

Mr. President, I believe that nothing could come nearer to recognizing the good advice of Dr. Conant than that last paragraph. The editorialist thought the thing to do was to scrap all efforts for desegregation, to make educational excellence our goal, and start all over.

Mr. President, the next thing I referred to was the news report published in today's New York Times entitled "Donovan to Seek State and U.S. Aid To Revise Schools."

I ask unanimous consent that the entire article may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, May 14, 1964]

DONOVAN TO SEEK STATE AND U.S. AID TO REVISE SCHOOLS—HE PLANS TO ASK GOVERNOR TO CALL A SPECIAL SESSION TO VOTE INTERGRATION FUNDS—SHRIVER IS APPROACHED—PROMISES FAIR CONSIDERATION—SCHOOL HEAD SAYS STATE PLAN REQUIRES MILLIONS

(By Leonard Buder)

James B. Donovan, the president of the Board of Education, said yesterday that he would ask for substantial State and Federal funds to help the school system reduce racial imbalance and improve education.

He said that he intended to ask Governor Rockefeller to call a special session of the legislature this summer to vote additional State aid. As for Federal funds, he said he had spoken to Sargent Shriver, head of President's Johnson's antipoverty campaign.

Mr. Donovan said that "several hundred millions of dollars" would be needed to put into effect the improvements recommended by a State advisory committee and to carry out other new programs.

"If the Governor can call a special session of the legislature to lower the price of a bottle of whisky by $1," he said, "then he certainly should be able to call a special session to appropriate extra funds for education."

REPORTS CONVERSATION

Mr. Donovan said that he talked to Mr. Shriver by telephone Tuesday afternoon to tell him of the committee's recommendations and to point out that Federal aid would be needed. Mr. Shriver, he added, said that when an appeal for funds was officially made it "will receive fair and prompt consideration."

The advisory committee, which had received its assignment from Dr. James E. Allen, Jr., the State education commissioner, called for reorganization of the city school system.

The committee, in its report Tuesday, proposed a system in which primary schools would go through the fourth grade, middle schools would cover grades 5 through 8, and high schools would cover grades 9 through 12. The present setup consists of 6-year elementary schools, 3-year junior highs, and 3-year high schools.

Mr. Donovan told of his plans at a news conference aboard the liner *Queen Mary* before he sailed for Europe on a combined business and pleasure trip.

Facing reporters—and occasionally a curious passenger—in the drawing room on the promenade deck, Mr. Donovan said the board had instructed Dr. Calvin E. Gross, the superintendent of schools, to draw up detailed recommendations and a timetable for implementing the State proposals. Dr. Gross was told to put a price tag on every item, Mr. Donovan said.

The superintendent announced later that he had appointed a committee to analyze the report, but that this would not result in a long delay or another report.

MEMBERS ARE LISTED

Serving on the committee are Dr. Bernard E. Donovan, executive deputy superintendent; Dr. John B. Kind, deputy superintendent for instruction; Adrian Blumenfeld, administrator of school planning and research; and Dr. Jacob Landers, assistant superintendent in charge of coordinating the integration program.

Dr. Gross made the announcement after a 2-hour meeting at the Roosevelt Hotel at which he discussed the State report with civil rights leaders. Among those present

> was the Reverend Dr. Milton A. Galamison, who led the school boycotts on February 3 and March 16.
>
> The superintendent said that the meeting was "one of the best we've had yet." He described the reaction of the rights leaders to the report as "cautious but extremely interested."
>
> Many questions were asked at the meeting, Dr. Gross continued, about "if, how, and when" the State proposals would be put into effect. Decisions on these questions, he said, would have to be made by the school board after they had received recommendations from him and his staff.
>
> Dr. Gross denied, as Mr. Donovan had earlier, that the State report would necessarily persuade the system to drop consideration of its controversial school-pairing plan.
>
> The advisory committee opposed compulsory transportation of young children, as would be required by some pairings of Negro elementary schools with predominantly white or integrated schools. It also said that the board's proposed pairings would not substantially reduce racial imbalance.
>
> However, Mr. Donovan said at his news conference that the system would not "foolishly make one or two pairings that won't fit into the [citywide integration] program."
>
> In explaining his proposed bid for Federal funds, Mr. Donovan noted that the State report had pointed out that since the end of World War II more than 700,000 Negroes and Puerto Ricans had moved into the city and 800,000 whites had left.
>
> It would be just as unfair to expect the city to cope with this problem alone, he said, as it would have been to require Miami to pay the entire cost of settling more than 200,000 Cuban refugees in recent years.
>
> Mr. Donovan said that as soon as the board had figures on what was needed he and other members of the board and Dr. Gross would go to Washington to present their case.
>
> Asked why he had not mentioned the city as a source of additional funds, Mr. Donovan replied that he had previously emphasized the need for more city money.

Mr. HOLLAND. Mr. President, I read two or three paragraphs from the article, which was written by Mr. Leonard Buder, as follows:

> James B. Donovan, the president of the board of education, said yesterday that he would ask for substantial State and Federal funds to help the school system reduce racial imbalance and improve education.
>
> He said that he intended to ask Governor Rockefeller to call a special session of the legislature this summer to vote additional State aid. As for Federal funds, he said he had spoken to Sargent Shriver, head of President Johnson's antipoverty campaign.

The last two or three paragraphs in that article read as follows:

> In explaining his proposed bid for Federal funds, Mr. Donovan noted that the State report had pointed out that since the end of World War II more than 700,000 Negroes and Puerto Ricans had moved into the city and 800,000 whites had left.
>
> It would be just as unfair to expect the city to cope with this problem alone, he said, as it would have been to require Miami to pay the entire cost of settling more than 200,000 Cuban refugees in recent years.

Mr. Donovan was as wrong as he could be in comparing American citizens, Negroes and Puerto Ricans, who have moved into the city of New York and have become new citizens of that city, with the Cuban refugees, whom we have welcomed to the coasts of Florida, because the national policy so provided.

Continuing to read from the article:

> Mr. Donovan said that as soon as the board had figures on what was needed he and other members of the board and Dr. Gross would go to Washington to present their case.
>
> Asked why he had not mentioned the city as a source of additional funds, Mr. Donovan replied that he had previously emphasized the need for more city money.

The board had asked for more money from the city, but had been left out of the budget by the mayor of the city of New York, as will appear from an editorial published in the New York Times, which I shall insert in the RECORD shortly.

The next item which I bring to the Senate from today's press in New York is the news report published in the New York Times entitled "Rights Leaders for School Plan." It is a rather interesting commentary on the fact that these leaders of Negro groups advocate and support and approve the plan, even though it involves continued segregation for the young Negro children up to and through the fourth grade.

I ask unanimous consent that the entire article, published in the New York Times this morning, and written by Fred Powledge, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, May 14, 1964]

RIGHTS LEADERS FOR SCHOOL PLAN—SEE HOPE OF RALLYING ALL GROUPS BEHIND PROGRAM

(By Fred Powledge)

> An effort was begun yesterday by some New York civil rights leaders to rally all advocates of integration behind the State Education Commissioner's plan for reorganizing the city school system.
>
> High officials of the National Association for the Advancement of Colored People and the Congress of Racial Equality called the plan "imaginative," "comprehensive" and more far reaching than any previous integration plan offered by educators.
>
> Observers noted that the praise was directed at a plan that made no promises of immediate integration, but that spoke of coupling gradual desegregation with increased educational quality.
>
> Furthermore, the plan, made public on Tuesday by E. Allen, Jr., proposed long-range integration, which had previously been condemned by civil rights groups.
>
> Yesterday the plan was compared to "a breath of fresh air," by Frederick Jones, State education director of the NAACP. Mr. Jones and Norman Hill, national program director for CORE, also issued a joint announcement on the plan.
>
> "The recommendations embody the basic, comprehensive, imaginative approach to the problems of de facto segregated and unequal educational opportunities we have been seeking," they said. "The report calls for a fundamental reorganization of schools, classroom curricula, staffing of schools and extensive preschool programs for all children throughout the city. It provides for basic changes on a short- and long-range basis."
>
> Mr. Hill and Mr. Jones spoke at a press conference called to disclose details of the civil rights march on city hall and the board of education planned for Monday. The two leaders said the purpose of the demonstration now would be to impress Mayor Wagner, Governor Rockefeller and the school board with the necessity of forming plans to implement the Allen report.
>
> The public praise of the report by the rights leaders and private remarks by other sources indicated that the leaders of the civil rights movement hoped the Allen report would end the movement's internal controversy over school integration.
>
> "The movement has been paralyzed by all this in-fighting," one observer said yesterday. "Now it has something to bring itself together with."

GALAMISON TO COOPERATE

> The Reverend Dr. Milton A. Galamison, who has been at odds with established civil rights groups, has called the report a giant step in the right direction.
>
> Dr. Galamison said yesterday that he felt the national officers of CORE and the NAACP had been carrying on a "warfare of attrition" against the Citywide Committee for Integrated Schools, which he heads. But he said he was asking his followers to join the Monday march "in the hopes that this will set a standard for mutual cooperation in the future."
>
> Bayard Rustin, the organizer of the march, said the State report might help to relieve some antiwhite pressure in Harlem.
>
> Mr. Rustin, who was at the press conference with Mr. Jones and Mr. Hill, said that if political and education leaders showed they really wanted to implement the report, "the responsible Negro leadership can interpret this to the people in such a way as to deal with some of their frustrations."
>
> As for the march, Mr. Rustin announced that at least 300 Negro students, some accompanied by white adults, would attend classes Monday at 3 schools with predominantly white enrollments.
>
> He said the schools would be chosen from among P.S. 6, the Silk Stocking school at 45 East 81st Street, and Inwood Junior High School, 650 Academy Street, both Manhattan; P.S. 81, at West 256th Street and Riverdale Avenue, the Bronx; P.S. 269, at 1957 Nostrand Avenue, Brooklyn, and P.S. 164, at 77th Avenue and 137th Street, Flushing, Queens.
>
> Mr. Rustin said that the children would stay in school all day and that they would sit at desks and receive instruction.
>
> Asked how he knew this, he replied that the school board had told him "they were prepared to cooperate."
>
> The organizers of the march said they had sent telegrams to the Citywide Coordinating Council of Parents and Taxpayers and to the Brooklyn Joint Council for Better Education, asking them to participate in the demonstration. Both organizations, which have mostly white members favor neighborhood schools. Officials of the groups could not be reached for immediate comment.

Mr. HOLLAND. Mr. President, it might be well at this time to quote some of the leaders of various aggressive Negro groups who approve the program, which they would not approve for a moment if it were advanced to apply to Negroes in southern cities. I read this paragraph:

> High officials of the National Association for the Advancement of Colored People and the Congress of Racial Equality called the plan imaginative, comprehensive and more far reaching than any previous integration plan offered by educators.

There is no doubt left that the leaders in the educational field in CORE and NAACP, give their full approval to this program, without perhaps noting that it involves continued segregation for the young Negro children up to and through the fourth grade.

Without taking the time to quote them in great detail, I shall quote what Mr. Frederick Jones, State education director of the NAACP had to say. He compared the plan with a breath of fresh air.

Mr. Jones and Mr. Norman Hill, national program director for CORE, also issued a joint announcement on the plan, as follows:

> "The recommendations embody the basic, comprehensive, imaginative approach to the problems of de facto segregated and unequal educational opportunities we have been seeking," they said. "The report calls for a fundamental reorganization of schools, classroom curricula, staffing of schools and extensive preschool programs for all children throughout the city. It provides for basic changes on a short- and long-range basis."

I shall not read in greater detail the various items which appear in this interesting article, which I understand has already been placed in the RECORD.

An editorial entitled "Looking Elsewhere for Money," published in today's New York Times, relates to this subject. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 14, 1964]

LOOKING ELSEWHERE FOR MONEY

> Departing for Europe just after a State report disclosed need for an additional quarter of a billion dollars to improve education and integration in New York City's schools, James B. Donovan made a comment characteristic of city officials. The newly reelected president of the board of education called upon Washington and Albany to come up with the money.
>
> It is significant that, so far as is revealed, Mr. Donovan did not call Mayor Wagner at city hall. But that was the first and most plausible place to call. Just a day before the mayor made public his executive budget which inadequately increased school funds, Mr. Wagner had promised: "The city government will continue to do what it can, to the very outside limits of its possibilities, to support both our grade and high schools and our City University." But the mayor has not done all he can. The most he has done is allot what he can to education without a tax increase. And this will simply not do the job.
>
> We quote from the State committee report: "If the New York City schools are to be as good as they must become, the average expenditure per pupil may have to be raised a third or more over present levels. In the absence of more realistic budgets most of the good things the schools need will either be impossible or will have to be so meagerly done as to produce virtually no effect upon the city as a whole."
>
> At the recent budget hearings before the board of estimate and city council an appallingly weak and pro forma presentation was made by the school administration. The superintendent of schools, Dr. Calvin E. Gross, was absent from the city on a less important mission. Dr. Bernard E. Donovan stood in for him, thanked the mayor for his inadequate increase, and added that "certain compelling problems" required review and possibly an increase in the amount allocated. President James Donovan, unable to wait his turn to be heard, did leave behind a statement asking for a "greater city investment in the young people."
>
> The shameful facts are these:
>
> Mayor Wagner has declared, as an underlying principle of his new budget, that there would be no city tax increase; his budget is expected to go through virtually unchanged.
>
> The State legislature has already fought out, at length, this question of more school aid, and the result was to stand behind the Governor against a State tax increase.
>
> Any hope of substantial Federal aid to education is extremely iffy; and even if some poverty money comes our way it isn't going to be nearly enough.
>
> So, unless Mayor Wagner changes his mind and agrees to sponsor a tax increase, this report, insofar as it relies on the vital ingredient of money, is already on its way to the pigeonhole.

Mr. HOLLAND. Mr. President, I shall read the opening paragraph and then the closing portion. The opening paragraph reads:

> Departing for Europe just after a State report disclosed need for an additional quarter of a billion dollars to improve education and integration in New York City's schools, James B. Donovan made a comment characteristic of city officials. The newly elected president of the board of education called upon Washington and Albany to come up with the money.

The editorial then develops that thought at considerable length, stating that it is significant that the departing chairman of the school board, Mr. Donovan, made no suggestion that the city try to solve its own problem, but instead turned to the State and Federal Governments. The editorial ends with a recital of what it calls "shameful facts." I quote from the New York Times:

> The shameful facts are these:
>
> Mayor Wagner has declared, as an underlying principle of his new budget, that there would be no city tax increase; his budget is expected to go through virtually unchanged.
>
> The State legislature has already fought out at length this question of more school aid, and the result was to stand behind the Governor against a State tax increase.

The editorialist is referring to Governor Rockefeller, who is now being mentioned for an important national office, in spite of the fact, apparently, that he is not willing to delve into the State coffers to help solve a State problem in his own State of New York.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. If the Governor of the greatest State, or at least the second greatest, and probably one of the wealthiest States of the Union, is not willing to advance State funds to solve a crisis in education and to help solve a race problem, can the Senator from Florida explain to me how he could call upon all the States of the Union, some of which are going to have their funds cut off by the bill, to help advance the cause of education in New York?

Mr. HOLLAND. I appreciate the Senator's question. It is a pithy one, but it is one that I could not answer. The Governor of New York, Mr. Rockefeller, should start scratching his head to try to answer the question.

Mr. LONG of Louisiana. Is the Senator from Florida aware that Louisiana has a per capita income perhaps one-third below the national average, and that the State of New York has a per capita income which is far above the national average, perhaps as much as 50 percent above it?

Mr. HOLLAND. I understand that substantially that situation exists between the good State of Louisiana and the good State of New York.

Mr. LONG of Louisiana. Are we to understand that we are being asked to vote for a bill which is designed to cut off money from a poor State that needs it, in order to help pay taxes to benefit a rich State and enable it to try to solve its integration problems and provide adequate education for all children?

Mr. HOLLAND. The Senator's question is, of course, based upon a proper premise, unless the Southern States were to see fit to desegregate and go much further in that regard than is even suggested by the New York State advisory committee should be done in the city of New York.

Mr. LONG of Louisiana. Can the Senator from Florida see how it would help New York with its problems to further burden the Southern States by imposing Federal orders, Federal practices, and Federal powers upon the Southern States, when the people of New York are capable of providing their own funds for their own educational purposes?

Mr. HOLLAND. I do not see why the State of New York or its able Senators would favor the bill and the things which the bill would do, as the Senator from Louisiana has suggested.

I continue to read the closing part of this able editorial:

> Any hope of substantial Federal aid to education is extremely "iffy"—

I am so glad that the editorial writer has realized the facts of life. I read his comment again:

> Any hope of substantial Federal aid to education is extremely "iffy;" and if some poverty money comes our way it isn't going to be nearly enough.

I am surprised that the editorialist of the New York Times thought that New York would be willing to accept any poverty money from the United States.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Does the Senator from Florida visualize a poverty program that would tax the poor States in order to enrich the wealthy States?

Mr. HOLLAND. I certainly do not; but apparently Mr. Donovan, chairman of the Board of Education of the City of New York, thought so and said so; and apparently the editorialist of the New York Times took him seriously in that regard, because the Senator from Louisiana has heard the statement in that regard that I just read from the editorial in the New York Times.

Mr. LONG of Louisiana. Would not the Senator from Florida think that a poverty program would generally be directed toward imposing a tax on someone who was wealthy in order to help someone who was poor?

Mr. HOLLAND. That is my understanding of what is intended to be done. If that is not the proper understanding, the poverty program will have very rough sledding in Congress.

Mr. LONG of Louisiana. Would not the Senator say that when one proceeds on the theory that poor States should be taxed in order to help the rich States to solve problems they are well able to finance by themselves, it is a poverty program in reverse?

Mr. HOLLAND. It seems so to me. That is why I find it so difficult to understand it. I find it difficult to understand as coming from New York, which is in somewhat the same situation as Florida. Florida has had a great influx of Negro citizens in the past 2 years. The other day I read into the RECORD a statement by the Governor of Florida to the effect that Florida gained 46 percent of its Negro citizens in that period. As between 1950 and 1960, there was an increase of 46 percent of Negro citizens.

We have not asked anybody to help us with that problem, and we do not expect to ask anyone to help us with it.

Florida has one of the finest institutions of higher education for Negroes in the Nation. It also has a public school system for Negroes which is second to none. I placed in the RECORD the other day a statement by one of the deans of the University of Michigan or of Michigan State University to the effect that Negroes who come from southern segregated schools are better qualified and better educated than those who come from the de facto segregated schools in the North.

It seems to me that someone is doing some very poor thinking in New York City to even imagine that this Nation will vote poverty relief funds to the city of New York to take care of its problems of de facto segregated schools. The idea is nonsense. It is ridiculous. Yet it is honored or dignified by editorials in the two leading New York newspapers and by other recognition which is quite unworthy under the circumstances.

Mr. LONG of Louisiana. Has the Senator from Florida ever conceived of a Governor of one of the wealthiest States in the Union coming to Washington, hat in hand, and asking for poverty relief money for the richest State in the Union?

Mr. HOLLAND. I feel certain that neither Governor Rockefeller nor any other self-respecting Governor of the State of New York—and Governor Rockefeller has self-respect—would ever do that. Someone is following some of the reckless, thoughtless planning which seems to be so frequently discussed, especially in the northern part of our country, when anyone talks about racial problems. Talk about racial problems seems to drive some people berserk. There is pretty good evidence of it in the suggestion that New York will have its school problems solved by having the Federal Government pay poverty aid money out of the Federal purse. I am sure Senators will realize that this is pure nonsense and most ridiculous.

Mr. LONG of Louisiana. Is the Senator from Florida aware that the original idea for Federal aid to education was that the rich States ought to help the poor States to provide education, in view of the fact that most of the poor States were making a much greater effort but had very little ability to pay? Is the Senator aware of the fact that the whole idea, in the beginning, was that those who had large amounts of money should help those who had small amounts of money, in order to finance the burden that those having lesser amounts of money were unable to carry?

Mr. HOLLAND. Of course I am aware of that fact. I voted twice, I believe, for a Federal aid to public schools program, predicated on the very thought that the Senator advocates; namely, that the Federal Government should help States that were disadvantaged economically attain a reasonable level—not a high level—on the average, for the education of their children. I well remember the colloquy I had with the distinguished senior Senator from Alabama at the time I voted for one of those programs. The Senator from Alabama commented on the fact that my State would not profit from that particular program, and that it was a proper attitude. I believe he commended the Senator from Florida on one of those rare occasions when the Senator from Alabama has seen fit to commend the Senator from Florida. The Senator from Florida still remembers that and appreciates it.

Mr. HILL. Madam President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. HOLLAND. I yield.

Mr. HILL. I did indeed commend the Senator from Florida, and certainly he was worthy in every way of commendation—just as I have taken pleasure in commending him today because today he has made a most able and challenging address.

Mr. HOLLAND. I thank the Senator from Alabama. He is still, as always, most courteous, Chesterfieldian, and gracious.

The point is that he has put his finger on the crucial point in connection with these proposals for Federal aid to education—which is, that it is to enable States which already are doing, in taxing themselves, far more than the national average in the education of children to raise that level still higher. That is the basis on which I have endeavored to be of assistance.

Mr. LONG of Louisiana. Yet is it not proposed by some that there be a Federal aid to education program—on the ground that there should be a great program of Federal aid to education, one much more extensive than any which the citizens of the States or communities themselves would be willing to have themselves taxed for?

Mr. HOLLAND. The Senator from Louisiana is correct.

Mr. LONG of Louisiana. Is the Senator from Florida familiar with situations in which teachers have demanded pay raises which would cost very large amounts of money, and in which it has been found that the State legislatures have been willing to vote for the pay raises, but have not been willing to vote for the appropriation of the funds the pay raises would require?

Mr. HOLLAND. Yes; several times I have experienced that situation.

Mr. LONG of Louisiana. Does the Senator from Florida think the Federal Government should aid in such situations in which the State legislatures lack the courage to vote the necessary appropriations of funds?

Mr. HOLLAND. Certainly the Federal Government should not do so; and I am endeavoring to call attention to the fact that the principal clause or provision of the pending bill affecting segregation in all parts of the country except the South is found in the part of title IV which provides an open end authorization for the appropriation of billions of dollars of Federal funds—all of the billions which could be wheedled out of Congress—to be used for de facto segregation in the schools of the North.

I thank the Senator from Louisiana for his comments.

Madam President, I have one more article to submit for the RECORD. It, too, is from the New York press; and I find it highly edifying. It was published in the New York World-Telegram & Sun on Tuesday, May 12. The article was written by Woody Klein, and shows the results of interviews had by Mr. Klein with the leaders of great Negro organizations on the progress made in the 10 years since the school desegregation decisions of 1954, in the field of school racial desegregation.

Madam President, I ask unanimous consent to have the entire article from the New York World-Telegram & Sun printed at this point in the RECORD, in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) World-Telegram & Sun, May 12, 1964]

MORE PUBLICITY THAN PROGRESS, CIVIL RIGHTS LEADERS LAMENT

(By Woody Klein)

There has been more publicity than progress.

That is how the Nation's three top civil rights leaders feel about the impact of the Supreme Court's 1954 decision outlawing racial segregation in the schools.

Asked for their views as the 10th anniversary of the famous decision approaches, here is what the three spokesmen told the World-Telegram:

"The decision has not been self-fulfilling"—Roy Wilkins, executive secretary, National Association for the Advancement of Colored People.

"The country is more segregated today than it was 10 years ago. The breakthroughs have only been symbolic"—Whitney M. Young, executive director, National Urban League.

"Progress has been purely token. There is as much segregation, maybe more, than there was before"—James Farmer, national director, Congress of Racial Equality.

Since that 17th day in May 1954, when Chief Justice Earl Warren declared that separate educational facilities are inherently unequal," the struggle has gone on.

There has been a massive effort from New York to Little Rock, to bring Negro youngsters together with whites in the same educational institutions, under the same roofs.

Still, laments Wilkins, more than 90 percent of Negro children in Southern and border States now attend all-Negro schools and de facto segregation in the North has increased.

At the same time, Wilkins said, there is room for some slight optimism.

"The decision has been of pivotal importance in the developing civil rights crisis," he declared. "It was the first sweeping affirmation by a branch of Federal Government of the inherent illegality of compulsory segregation.

"Its impact has been extended far beyond the schoolhouse to public accommodations, to recreational and health facilities, to transportation, to housing and to voting."

MILITANCY STIMULATED

Wilkins said the doctrine had "stimulated the upsurge of Negro militancy in the 1960's" and it had "awakened the conscience of white America to the immorality and injustice of segregation."

Commenting on resistance of white parents to busing their children to distant schools to achieve integration, Wilkins said:

"I don't interpret the opposition of parent groups to busing as wholesale opposition to the civil rights cause. Busing is only one part of the plan for integration."

Wilkins portrayed the Negro community in 1964 as "still restless and angry." He said. "The Negro isn't going to be satisfied with statements any more.

NO TIME

"He doesn't want to be told, 'This is complex and expensive and it will take time,' or 'Be patient.' He says, 'You got me into this box, now you get me out of it. It's not up to me, it's up to you.' "

Young, head of the National Urban League, offered this appraisal:

"In terms of numbers, we're worse off. There has been an increase in segregation in the North and little change in the South."

He asserted that only 9.3 percent of Negro children in the South were going to integrated schools. In the North, he said, the white flight to the suburbs has left many school districts "completely Negro."

THE BEST SERVICES

"The Negro wants integration," he explained, "because quality education is not possible without it. The only way to keep from getting hurt in this society is to be with white people, because they get the best services."

However, Young said the Negro's push for education does not necessarily mean his primary goal is to be with whites.

"If somebody wants to get smart and build 15 Bronx High Schools of Science in Harlem," he said, "you'll get a lessening of the push for integration."

RECENT BREAKTHROUGHS

In the past decade there have been breakthroughs by some Negro students at the Universities of Georgia, Alabama and Mississippi, in Little Rock, and other southern hotspots.

Young said these are important, but only "symbolic." Actually, he said, "there has been little change in terms of the masses."

As for the long-range impact of the 1954 decision, Young declared:

"At least we've begun to establish frank communication and honest dialog about Negro grievances. The white American has been forced to take the Negro seriously."

NECESSITY FOR WHITES

"The white man knows now that he needs integration as much as Negroes. After all, 75 percent of the world's population is nonwhite."

James Farmer of CORE had the most critical view of the apparent impasse in school integration:

"In city after city in the South where there has been supposed desegregation, you have a handful of Negro kids in white schools. The number is kept down to a minimum.

"Under the pupil placement plan, Negro kids are carefully selected. And the South is following a pattern of using urban renewal to create de facto segregation."

NEGROES SHIFTED

Farmer said this is particularly true in Georgia and Tennessee where, he said, large groups of Negroes are being uprooted and placed together in public housing projects.

"The South is imitating the North," he said. "This is the danger. We may be making progress in the battle against legal segregation, but a new pattern of de facto segregation is developing to take its place."

Farmer said he was very much in favor of creating "educational parks" in cities—large campuses with vast educational facilities which serve Negro and white communities.

He said his CORE representatives have gotten a foot in the doors of education boards this year after demonstrations in Cleveland, Syracuse, Kansas City and other large cities.

But the fiery CORE spokesman said he is still far from satisfied with the progress.

"We have just scratched the surface," he declared. "There is a long, long way to go."

Mr. HOLLAND. Madam President, the article gives such interesting quotations from statements by some of the leaders of these organizations, that I believe I should pay particular attention to them, for the purpose of accentuating them in the RECORD.

The first comment is from Mr. Wilkins, executive secretary of the NAACP. I now quote part of the interview which is attributed to him:

> There has been a massive effort from New York to Little Rock, to bring Negro youngsters together with whites in the same educational institutions, under the same roofs.
>
> Still, laments Wilkins, more than 90 percent of Negro children in southern and border States now attend all-Negro schools and de facto segregation in the North has increased.

The Senate will notice that even the head of the NAACP has to recognize the fact of this matter, Madam President, which is that although some progress has been made in the South—if it can be called that—he says that still 90 percent or more of the children in the South and in border States attend segregated schools; but he concludes with the statement that: "de facto segregation in the North has increased."

In my opinion, that is the important statement; and he contrasts that situation with the one which existed in 1954.

Mr. LONG of Louisiana. Madam President, will the Senator from Florida yield again to me?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Are we to understand that those who are trying to force the South to desegregate its schools are actually segregating their own schools, at the same time?

Mr. HOLLAND. That is correct. It would not be fair to say they are doing that deliberately or with that motive; but there has been in New York City—and to a varying degree in other northern cities—a great immigration of Negroes, and also, in New York City, a great immigration of Puerto Ricans. I have read into the RECORD figures which show that in New York City alone, in the last 10 years something more than 700,000 new citizens—Negroes and Puerto Ricans—have moved in; and, at that same time, more than 800,000 white citizens have moved out.

That situation reminds me of Newton's laws of motion. I am sure the Senator from Louisiana had to learn, when he was in school, those three laws, as I did. One of them is that for every action, there is an equal and contrary reaction. All I can say in connection with this field is that the reaction in it is a little more so, in that whenever there is a great concentration of Negroes, generally an even greater number of white people move out or move away. That is shown by recent events in the city of New York, as referred to in the articles I have placed in the RECORD today.

Mr. LONG of Louisiana. Is the Senator from Florida familiar with the fact that the pressure for the integration of the races in the public schools has caused a very great increase in the enrollment in the private schools, both those in Washington, D.C., and those in New York? Is the Senator from Florida also aware that, in fact, the demands upon such private schools are absolutely fantastic—to get them to enroll many more students than they can possibly accommodate?

Mr. HOLLAND. Yes; and I am also aware of the fact that many new private schools have been established, because of the increasing desire of white parents to send their children to private schools, since this integration movement has been underway.

Mr. LONG of Louisiana. Does not that indicate that people feel better satisfied and more secure and more comfortable when both they, themselves, and their children are among others of their own kind?

Mr. HOLLAND. Yes. The white people prefer to live in communities where white people predominate; and the colored people prefer to live in communities in which colored people predominate—just as the parents prefer, as a rule, to have their children associate with others of their own kind.

What the Negroes want is better schools; and I sympathize with that desire on their part, and I am in favor of having them have better schools. I think the study released just yesterday demonstrates better than anything else I have yet seen that what the Negroes really want is improved education—which cannot be accomplished by Federal law.

Mr. LONG of Louisiana. Is not that true of the situation in recent years in the South, where many of the new Negro schools are better than the schools for white students?

Mr. HOLLAND. Yes, I think that is true in recent years, although it was not so much the case some years ago. Some years ago our area was a poor one; and the white citizens there showed preference for their own children—which was quite understandable. But in the last 15 or 20 years the Negro schools have been expanded and improved very greatly and very rapidly—and much more so than the white schools. For example, in my hometown, the new school buildings for Negro children are excellent, and certainly are the equal of any other schools, anywhere. This situation is the source of much comment and considerable complaint—for example, in connection with the swimming pool which has been constructed for use by the Negro children who live there.

The swimming pool, which is, of course, newer than the swimming pool for white youngsters, is a much better one. We hear about that quite frequently.

The Senator is correct. We have been moving ahead at a fast rate for the past 20 years, and perhaps longer than that in some areas, in the improvement of our Negro schools.

I should like to hurry along now to read next from statements by Mr. Young, the head of the National Urban League, on the question of what progress has been made in desegregation in the last 10 years.

Mr. Young is quoted in the article as follows:

> In terms of numbers, we're worse off. There has been an increase in segregation in the North and little change in the South.

Senators will notice that Mr. Young, the head of the most moderate group in that whole field, agrees essentially with Mr. Wilkins, the head of NAACP.

Continuing to read:

> He asserted that only 9.3 percent of Negro children in the South were going to integrated schools. In the North, he said, the white flight to the suburbs has left many school districts completely Negro.
>
> He further stated that "The Negro wants integration because quality education is not possible without it. The only way to keep from getting hurt in this society is to be with white people, because they get the best services."
>
> However, Young said the Negro's push for education does not necessarily mean his primary goal is to be with whites.

That point is of particular importance.

Continuing to read:

> "If somebody wants to get smart and build 15 Bronx High Schools of Science in Harlem," he said, "you'll get a lessening of the push for integration."

Could he have said any more clearly that what is desired is better schools rather than association with white children?

The third quotation is from James Farmer, the head of CORE. These quotations do not come from southern newspapers; they come from the New York World-Telegram and Sun the day before yesterday in a cleanup article based upon interviews made with the heads of the great aggressive Negro organizations. I have quoted from the head of the NAACP and the Urban League. I now quote from James Farmer, the head of CORE. He is quoted as having said:

> In city after city in the South where there has been supposed desegregation, you have a handful of Negro kids in white schools. The number is kept down to a minimum.
>
> Under the pupil placement plan, Negro kids are carefully selected. And the South is following a pattern of using urban renewal to create de facto segregation.

Farmer continued—under subtitle "Negroes shifted":

> This is particularly true in Georgia and Tennessee where large groups of Negroes are being uprooted and placed together in public housing projects.

Now I ask Senators to listen to the following:

> The South is imitating the North. This is the danger. We may be making progress in the battle against legal segregation, but a new pattern of de facto segregation is developing to take its place.

Madam President, I shall not weary the Senate by further quotations from the article, but I think these articles in the three leading New York newspapers in the past few days show beyond peradventure that New York has a much graver problem than we have in the South, and that it has not been accomplishing as much toward solving it as we have. Its own leaders admit that. They are now laying the predicate for a massive raid on the Federal Treasury to correct the situation which they discover in their own de facto segregated schools.

Senators who are asked to pass the proposed legislation should remember words of caution that have been uttered ever since the debate began several weeks ago with reference to title IV. One of the most dangerous features of the bill is the provision in title IV which would give an open-ended authorization for the making of Federal appropriations to help correct segregation problems in every part of the Nation.

Do we need any proof that the large cities of the North, where these problems are so great, are looking to these funds under the terms of this bill? If we needed it before, we do not need it now, because here it is in the editorials published in the New York Times and the New York Herald-Tribune today. Here it is in the reports of the program of the able Advisory Committee, which has reported in such devastating detail the ever worsening situation in the slum areas of New York.

Madam President, I yield the floor.

Mr. LONG of Louisiana. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 227 Leg.]

Aiken
Allott
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Hill
Hruska
Inouye
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, La.
Mansfield
McCarthy
McGee
McGovern
McIntyre
Monroney
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Saltonstall
Scott
Sparkman
Williams, N.J.
Williams, Del.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

THE RADICAL RIGHT AND URBAN RENEWAL

Mr. CLARK. Madam President, the radical reactionaries are at it again. In a propaganda barrage which is long on epithets and cliches, but short—woefully short—on facts, they have selected urban renewal as their newest target. The U.S. Chamber of Commerce, that notorious mouthpiece for the radical right, Human Events, the Reader's Digest, and even some Members of Congress have joined the attack.

A typical example appeared in the pages of the March Reader's Digest. Written by a Member of Congress under the title, "The Mounting Scandal in Urban Renewal," the article castigated supposed extravagance, waste, favoritism, graft, and corruption in the Federal urban renewal program, but behind this smokescreen of adjectives, there was a remarkable shortage of truth.

Since coming to Congress 7 years ago, I have served on the Housing Subcommittee of the U.S. Senate which is responsible for overseeing the Nation's urban renewal programs. Before that, as mayor of Philadelphia, I presided over the largest—and most successful—urban renewal program in the country.

I do not deny that we have a lot to learn in redeveloping decaying cities. I do not deny that mistakes have been made—they are bound to happen in any pioneering enterprise of such vast scope and effect.

I repudiate, however, such irresponsible distortions of the truth as that which appeared in the March Digest under the title of "The Mounting Scandal in Urban Renewal."

Any objective investigation of Congressman DOWDY's allegations in that article will show that the urban renewal program has been thoroughly and repeatedly investigated—and vindicated—by congressional committees and by the General Accounting Office; and while there may have been differences of opinion on procedure in the cases cited in the article, there is not the slightest shred of evidence of fraud or malfeasance. The article, through a clever arrangement of distortions and deceptions, glosses over the fact that within recent months several duly-constituted, responsible, public investigative bodies have stated publicly, as a matter of record, that there exists no basis whatsoever for any charges of graft or illegality in urban renewal. These are:

First. The General Accounting Office, the official watchdog of the Congress of the United States—created by Congress to see that appropriated funds are used legally and in accordance with congressional intent, and famed for its acumen, skill, and honesty in conducting investigations. GAO has kept the urban renewal program and its supervising agency, the Housing and Home Finance Agency, under close, continuous, and critical scrutiny since 1949.

On November 20, 1963, during an exhaustive hearing on urban renewal, conducted by the Subcommittee on Housing of the U.S. House of Representatives, Albert Rains, the chairman of that subcommittee, asked Mr. Louis W. Hunter, Assistant Director of the GAO:

> In all your investigations, have you found any evidence of corruption or crookedness or stealing in this program at either the local or regional level of any type?

Mr. Hunter replied:

> No we have not, Mr. Chairman.

When the chairman asked:

> Have you not found any places in which they are shortchanging the Federal Government on the money or any other type of crookedness of that kind. * * * Have you found any of that in the urban renewal program at all?

Mr. Hunter replied:

> No; none of that type.

When the GAO had concluded its testimony, the chairman again asked:

> In your investigation up to now, Mr. Hunter, in a program of this kind, which is a vast program, I want to ask this question: By and large has this program been administered in keeping with the law?

Mr. Hunter replied:

> From the work we have done I think we could not say otherwise.

Second. The Independent Offices Subcommittee, Committee on Appropriations, House of Representatives, watches our Nation's purse strings as closely as any other body to meet its responsibilities to the taxpayers. The subcommittee chairman, Albert Thomas, of Texas, is an acknowledged champion of frugality and responsibility when it comes to the public's money.

At the conclusion of his appropriations hearings for the fiscal year 1963 budget for urban renewal, Mr. Thomas said:

> It has been fantastic to me, the amount of different properties involved. I think there are around 60,000 to 65,000 pieces of property that have been bought. I have not heard of any public scandal. It is fantastic.

Third. The Subcommittees on Housing of the House and Senate Committees on Banking and Currency, of which I am a member, have had more experience with urban renewal and housing matters than any other body in the Congress.

Beginning with the Housing Act of 1949, which established the first urban renewal legislation, this subcommittee has had responsibility for all of the major subsequent legislation, and has followed the operations and conduct of the program day by day, serving as the eye of Congress for urban renewal program operations.

The most recent urban renewal investigation by the House subcommittee, in October and November 1963, after days of testimony from business leaders, industrialists, chamber of commerce officials, mayors, and other leading figures from cities with urban renewal programs, and after personal inspections by subcommittee members of urban renewal projects in the field, could find no—and I emphasize the word no—evidence of any kind of fraud or illegality, intentional or accidental.

So much for the investigations into urban renewal.

Then why all the hue and cry? Because there is an attempt underway by the radical right to discredit urban renewal—to turn the clock back—and, masquerading under the guise of a return to local responsibility, to perpetuate the slums, city decay, and hopelessness that existed before there was any urban renewal. Everyone is for local responsibility and, as a former mayor, so am I. The Federal urban renewal program provides Federal funds to local authorities so that they can discharge their local responsibilities. What the far right really wants, however, is to keep all redevelopment activity strictly at the local level where they can get at it and kill it more easily.

I believe that these groups are confident that if they can eliminate urban renewal they can go on to discredit and destroy all other Federal aid programs established by law to meet the problems and needs of local communities in the 20th century.

Congressman Dowdy's article bases its charges mainly on alleged irregularities in first, the Erieview project in Cleveland; second, the Columbia Plaza project in Washington, D.C.; third, the Boston renewal program; fourth, acquisition and disposition of land in project areas; fifth, injuries to business and employment; sixth, planning and execution of projects, and seventh, administration of the program.

Here are the facts on these seven points:

1. ERIEVIEW

The article never refers to the numerous statements by the General Accounting Office that the Erieview project was both legal and eligible for urban renewal assistance. For example, GAO Supervisory Accountant Bernard Sacks testified, on November 20, 1963—

> We did not contest the legality of the Erieview urban renewal project. * * * We never challenged whether or not the project qualified.

The Erieview project qualified as a clearance area for urban renewal under the Federal requirements. Cleveland city inspection reports showed that 50 buildings in the project area, or 42 percent, were structurally substandard, and that the majority of other buildings could not be rehabilitated or were blighting influences. The devastating GAO report cited in the article actually concludes by confirming that the area qualified for clearance—even if GAO-suggested standards were to be accepted.

The article obscures the essential facts that first, the Erieview project area was blighted and fully qualified as a clearance area; second, the city of Cleveland conscientiously followed all Federal regulations to minimize the number of sound buildings scheduled for demolition; and third, renewal of the area under the locally, legally, adopted urban renewal plan was necessary to save and revitalize the heart of one of our great metropolitan cities.

2. COLUMBIA PLAZA

The attack on the Columbia Plaza project in Washington, D.C., is based on selection of a few garbled points, from a long and complicated record, in order to create a highly erroneous impression. The article refers to "a $6 million Federal loan and grant"—an incorrect figure—without differentiating between the repayable Federal loan and, separately, a Federal capital grant of $958,226.

The article implies that the extensive blight in the project area could have been cured without public intervention, but does not point out that the principal landowners were unable to do so for 11 years.

The District of Columbia Board of Commissioners determined that the Columbia Plaza area, a vital and economically strategic part of the city, was in need of redevelopment and adopted an official urban renewal plan for the area. The former principal landowners were unwilling to redevelop the area in accordance with this plan.

There was no "backstage" operation as the Reader's Digest claims. Redevelopment Land Agency of the District of Columbia, in accordance with established legal procedures, selected a redeveloper who was willing to follow the urban renewal plan. This was done in the full light of public knowledge, after two public hearings at which there was considerable testimony from various citizens.

3. BOSTON

The Reader's Digest cites a figure of $227,960,000 for the 19 urban renewal projects in Boston, without identification or substantiation. Thus readers assume this is the Federal "involvement." The fact is that slightly more than half that figure—a total of $120,710,664 in Federal grants and reservations—has actually been approved for Boston to date; the source of the Reader's Digest figure is a mystery.

Land now being used for parking is licensed to former parking operators whose lots had to be closed down because of BRA work. It has been the policy of the BRA to allow parking lot operators to continue in business until their land actually was needed for development purposes—at the same rental they were paying before the BRA assumed ownership or, if they had owned the parking lot property, at a fair rental based upon two independent appraisals.

This interim use of land for parking, instead of causing delay of new construction on taxable property, has added thousands of dollars in revenue to the city by the prudent use of vacant land. The alternative would have been to allow the land to lie unused until needed for construction, with a real loss of revenue, additional traffic congestion, and unreasonable expenditures for guard rails, chain-link fences, or paid patrol guards. Furthermore, the city of Boston would have been exposed to greater insurance liability—and increased premiums on public liability insurance coverage.

As for those "maintenance and major repair" expenses the Congressman decries for buildings scheduled for demolition actually, over a period of 7½ years—July 1955 to February 1963—a total of $1,771,041.53 was spent by Boston on the maintenance of thousands of dwelling units and nonresidential establishments in acquired properties in six project areas. This covered such expenses as water and sewerage charges, fuel oil, coal, steam, gas and electricity, wages of charwomen, janitors, elevator operators, public liability insurance premiums, and workmen's compensation.

The costs were paid from rents collected from these units. These were necessary costs to keep up buildings inhabited by human beings. The number of repair or maintenance jobs where the cost exceeded $500 was less than 1 percent of the total number of work orders. Inevitably, these were of an emergency nature, unpredictable and not suitable for individual competitive bidding. But all were placed with well-established reliable business firms who make themselves available for such emergency services, especially during the winter months.

4. LAND ACQUISITION AND DISPOSITION

Land for urban renewal projects is acquired by local renewal agencies through direct purchase involving, if necessary, the use of the power of eminent domain. The use of eminent domain to acquire private property has been widespread in this Nation since its founding days, for highways, schools, dams, military installations, fire stations, parks, railroads, pipelines, irrigation lines, or any other public use deemed necessary.

Urban redevelopment has been declared a public use by the legislatures of 45 of the 50 States, and this has been upheld by the highest courts of most of the States, and by the U.S. Supreme Court. Owners of property acquired for urban renewal purposes enjoy the full protection of the Constitution of the United States and State constitutions in the matter of just compensation for their land.

Urban renewal land is sold according to sound business practice. Independent appraisers set the value; the land is disposed of at prices consistent with the new uses.

There is no Federal subsidy or grant to developers. In addition, not a penny of urban renewal funds may be used for construction.

Inevitably, there is a big difference between the cost to the city of buying, clearing, and preparing built-up land for redevelopment and the resale price for that land. This cost of making land available for redevelopment is borne by the Government to achieve urban renewal's purpose. Without the subsidy the land would remain slum and blighted. But the point must be repeated: The subsidy goes to the city, not to the developer.

The renewal plan often calls for lower densities, new public improvements, landscaping, conversion from nonresidential to residential uses, or changing a built-up slum area to a park, school, playground, or other public use. Thus, the value of the land for its new use often is less than its original cost. This deficit is shared by the Federal Government and the locality. Its purpose—to help hard-pressed cities clear and rebuild their slum and blighted areas—has been affirmed again and again by Congress and four administrations.

The alternative to private rebuilding of slum areas is to let the slums and slum conditions fester and continue unabated. The American people repeatedly have rejected this alternative, with strong bipartisan support for urban renewal, American style.

5. INJURY TO BUSINESS AND EMPLOYMENT

The article makes the freewheeling charge that urban renewal "ruins thousands of small businessmen." A cited study, made by Brown University of 363 businesses displaced in Providence, R.I., during 1955–59, included important findings that are ignored in the article.

First, about two-thirds of these 363 businesses displaced in Providence were displaced by highway programs—not by urban renewal. Second, most of the businesses relocated successfully. Third, the Brown report reveals that only a small minority of those that were relocated told the researchers they would have been better off had they not been displaced.

The article overlooks other studies of urban renewal displacement, such as one made by the University of Connecticut, which found that the majority of businesses displaced by an urban renewal program benefited from the move.

The Providence Redevelopment Agency, reporting for the full 1949–63 period during congressional hearings last year stated that only 11 percent, or 34 out of a total of 303 businesses displaced by 6 urban renewal projects in Providence had gone out of business.

To intimate that waves of tragedy and unemployment follow in the wake of urban renewal is sheer fantasy. Since urban renewal's primary objective is to eliminate blight, inevitably it also eliminates some uneconomic uses of valuable city land. By expanding the usefulness of this land, urban renewal invites new business investment—from which private enterprise most certainly benefits—and also creates new opportunities in such related areas as education, health, culture, recreation, and, of course, housing.

There are factual records of the beneficial effect of urban renewal upon business and employment. In Pittsburgh, some $400 million in private funds has been invested in urban renewal. In Hartford, Conn., the Travelers Insurance Co. has invested about $30 million in the Constitution Plaza project area, and the construction payroll over a 3-year period is estimated at $12 million.

In Washington, D.C., the annual payroll for construction in the renewal area runs $8 million, accounting for the employment of 1,100 workers. In small cities as well as large ones, the story is the same: more business, bigger payrolls stimulated by urban renewal. There is the city of Marshall, Tex., for example, population 24,000, where an industrial foundation has purchased project land and backed expansion of a local manufacturing concern. This has resulted in between 250 and 300 jobs. And the Chamber of Commerce of Morristown, Tenn., population 21,000, states that with the completion of its first urban renewal project, the local freight line reports an increase of 43 percent in traffic.

There are, of course, numerous other examples but the facts are plain: urban renewal creates jobs, especially in the inner sections of our cities where they are needed, and displacement of businesses simply does not significantly affect unemployment totals.

The impact of displacement on small business operators, however, is a serious problem. It has been of major concern to the Urban Renewal Administration, and President Johnson's pending proposals for legislative changes in the program include important improvements in the law to safeguard the interests of affected businesses. As a member of the Senate Subcommittee on Housing, I have also introduced legislation now pending, on this point.

6. PLANNING AND EXECUTION OF PROJECTS

The article states that 20 percent of all urban renewal projects are abandoned without bothering to explain that in only 7 out of some 300 project terminations had such abandoned projects advanced beyond the initial preliminary planning stage. In no cases have Federal funds been used in any land acquisition activities in terminated projects.

The reasons for these terminations are many and varied, such as court rulings invalidating State urban renewal enabling legislation, poor prospects for financing the local share of project costs, or selection of better suited areas for a first project in a locality. Some projects were terminated when their land areas were taken for other governmental purposes—parks, schools, highways—thereby eliminating the need for renewal, when careful planning work revealed the inability of the project to meet URA standards, or as a result of local opposition.

The cancellation of projects is part of the normal operation of an extremely complex national program. A majority of all canceled projects are in communities that have other active urban renewal projects still underway. The termination of individual projects, because they proved to be infeasible after survey and planning studies is one of the purposes for making these studies, as specified by law, before actually undertaking specific project activities.

By mid-1963, in all projects that had been approved for execution, 21,970 acres of land had been acquired, redevelopers had been selected for 12,706 acres, or 57.8 percent of the land acquired, and of the land for which redevelopers had been selected, 10,666 acres, or 84 percent, had redevelopment under contract, underway, or completed. The charge that the program encourages land grabbing and hasty starts simply does not stand up under examination. The complaint, on the other hand, that projects—no matter how infeasible or uneconomical—arbitrarily ought to be pushed through to execution is totally illogical.

7. ADMINISTRATION OF THE URBAN RENEWAL PROGRAM

The article's charge of Federal intervention is an old chestnut. It is put forward by those who would weaken or destroy national programs established by law to aid people and communities in need. Urban renewal is strictly a local program, initiated, planned, and executed by city governments.

The city requests Federal aid—the Federal Government does not "dispense" it. Nearly 750 cities in the United States through their actions and commitments have given the lie to the contention that the country does not want or need urban renewal.

Every major step in a project must be approved by the local governing body. Naturally, in giving financial and technical aid, the Federal Government has to make sure that the money is used properly. This control is established by Congress. Yet Congressman DOWDY, while complaining of too much control, also argues that there is not enough control. The article, in effect, does not choose to recognize the responsibility of Government in urban renewal, its responsiveness to the wishes of the people, and the necessity for administration of the program by loyal Americans dedicated to carrying out the laws of the land.

The urban renewal law has been written so that the elected representatives of the people—not the bureaucrats—make the decisions on urban renewal, determine what kinds of projects a city should undertake, and authorize the money for the projects. This is the very foundation of American democracy, a pragmatic system of federalism that has effectively withstood the test of time.

These are some of the facts in Congressman DOWDY's attempt to find a scandal in urban renewal.

And here are a few of the simpler misstatements:

Article:

> The Housing and Home Finance Agency, having swallowed up $4 billion already, is asking Congress this year for authority to spend $3 billion more.

Fact: President Johnson has asked for a total of $1.4 billion for 2 years. Neither the President nor HHFA has asked for "3 billion". Frankly, I wish they would. This is how much we need to do a thorough job of rebuilding our cities.

Article:

> The city is supposed to pay the other third (of the cost of urban renewal) but rarely pays in cash.

Fact: Cities thus far have paid over $319 million in cash toward their share of the local cost of urban renewal. This is more than 35 percent of the total local cost.

Article:

> Los Angeles and Richmond, Virginia, city councils have rejected projects.

Fact: They have also approved projects—three in Los Angeles, four in Richmond. Localities have many reasons for approving and rejecting projects—and this is their prerogative.

Article:

> People in cities all over American are rediscovering the classic truth that "free Federal money" costs far too much.

Fact: The term "free Federal money" is a favorite term of opponents to all Federal aid programs. It is carefully set in quotes in the March Digest because it is not used by any responsible advocates of urban renewal.

One final fact. Urban renewal is the freely chosen instrument of Congress and the cities of the United States to clear out the slum and blight that has hindered their development; to restore the cities to economic and physical health.

Today, one can see the positive benefits of urban renewal in 1,500 projects all across the Nation. In large cities and small towns, blight and deterioration are giving way to new homes, factories, schools, cultural institutions, hospitals, churches, commercial buildings, and recreational facilities. The removal of slums—the basic purpose of all urban renewal legislation—is clearly visible. In my own State of Pennsylvania, I would hesitate to think where we would be in cities like Philadelphia and Pittsburgh today without the ability, through urban renewal, to cut out the cancer of decay.

The urban renewal program is perhaps the most ambitious undertaking on the American domestic scene today. It reaches into nearly all areas of life. Frequently, it generates controversy and conflict.

All who support it, welcome such controversy. Controversy and free and open discussion often are necessary before a democratic community can reach agreement and consent.

But, to be productive, such discussion must be based on facts, not myths and false stereotypes.

Those chambers of commerce, those mayors—Republican and Democratic—those civic leaders close to the problems of their communities have long repudiated the hackneyed rantings of the U.S. Chamber against this and other Federal programs.

Mr. President, to illustrate my point, I ask that there be printed at this point in the RECORD a letter from the Republican mayor of Oil City, Pa., to the president of the U.S. Chamber of Commerce, an article from the May 8 Washington Post entitled "Congressmen Warn of Peril to Renewal Plan," and a recent survey conducted by the U.S. Conference of Mayors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF OIL CITY,
MAYOR'S OFFICE,
Oil City, Pa., February 19, 1964.

K. LADD PLUMLEY,
Chairman of the Board,
U.S. Chamber of Commerce,
Washington, D.C.

DEAR MR. PLUMLEY: It was with no small amazement that I read the report of your address before the Pennsylvania Supervisors Association recently in which you advised that communities should shun Federal urban renewal assistance on penalty of forfeiting local pride and self-reliance. This puts an erroneous twist on the fact and states half-truths about some pretty stark realities.

The National Chamber has never really understood the problems and the dilemmas of urban leadership today. It fails to recognize that the problems facing our cities are not merely local but are made up also of area and countrywide influences carrying tremendous local impact. It fails to recognize that effective treatment of urban problems calls for a threeway partnership of local, State and Federal agencies, in which the local component is and should be the controlling and managing one.

You obviously haven't got the grassroots feel of it, and never really will be able to do so unless you can see it and touch it first hand at the naked working level. May I urge you, therefore, and other knowledgeable representatives of the National Chamber, to visit Oil City, for example, as a typical case, fully representative of the many, many cities where strong local business leadership has plunged wholeheartedly into the task of marshalling all the resources and facilities available in a massive and effective attack on the deteriorating influences threatening community survival.

At this point, we must call your attention to the erroneous implications evident in the chamber's analysis of the Federal matching fund loans and grants made in Venango County. Your analysis is an attempt to measure the size of the grants against housing needs as such. This ignores the real intent and purpose of our programs.

The chamber analysis has no relevance to the Venango County programs whatsoever, nor to the considerations which motivate them.

Oil City is an old community typical of the Pennsylvania scene. It is facing every known problem of economic and physical obsolescence.

As a civic leader and as mayor I have shared with my fellow businessmen and citizens the will to overcome these problems. Out of this exercise of initiative has emerged a dynamic program for total community rejuvenation second to none. And it is succeeding.

Typically, we, too, draw on all the tools available to us, including comprehensive planning, urban renewal, and the whole spectrum of available assistance. We use these tools intelligently and with telling effect. We are transforming deterioration and gloom into stability and beauty and pride.

After visiting with us, we would like you to tell us specifically how we or anyone else in similar circumstances might have done it in any other way, given the limited resources available to us and to the vast majority of communities like us.

You know as well as anyone that the Federal and State governments have preempted many sources of taxation that otherwise would have been available to cities for meeting their total community responsibilities. We all recognize that, ideally, a complete reform of our Federal-State-local tax structures should be brought about to permit cities like ourselves to save themselves primarily through local resources. Lacking such an ideal tax structure, we must recognize that urban renewal and similar matching loans and grants, when predicated on competent comprehensive community planning and adequate workable programs, are actually grants in lieu of taxes, and in no sense are they politically logrolled plums snatched from the public trough.

Most of us will agree that when the local tax dollar detours, as it does, via the Federal Government before coming back to the localities, it suffers considerable attrition. Such waste could presumably be obviated by applying the tax resource dollar directly to the local requirements. But can you tell us how something so massive and complex as the tax structure can be reformed before it is too late for the cities to do anything about saving themselves?

Meantime, do you really think that private industry and commerce or our wealthiest citizens, operating merely as volunteer private entities, possess the capital resources, the tactical organization, and the legislative machinery necessary for and commensurate with the magnitude of the problem? How would you handle overlapping regional problems? What higher level agency, except Government, could coordinate them?

Indeed, our local industries and commercial houses, and our substantial citizens have already committed their resources to the fullest, with all the attendant risks in doing so, to this Oil City venture, as their counterparts have done in so many other communities. But the problems do outstrip local resources. What would you have us do, then? Would you have us ignore the whole situation and be content to grovel forever in our manmade urban blight and never lift a finger to save our community and the precious human values it contains and represents? I'll wager you would do exactly what we've done. You would come up with the initiative, the guts, the ingenuity, and the sustaining self-respect—together with the matching State and Federal resources—to do the job of creating a more prosperous, efficient and beautiful city and of assuring its survival. What is America but its cities—the nerve centers of commerce, industry and culture—and homes, families, and people? Do you feel that a well-planned, well-managed investment in them is not amply returned? Isn't such investment a good business proposition? Our businessmen, our chambers of commerce and our local government officials think that it is. As a result they have thrown themselves wholeheartedly into the leadership and management of this local-State-Federal partnership in community rejuvenation. They are the chairmen and the members of its operating commissions, committees and official agencies, and of its local government councils. We are all of us rather successful businessmen who know the value of a dollar, who have experienced the anxieties of meeting payrolls and turning a profit. We are basically conservative. But together we share a keen sense of responsibility about this community problem and together we have found the will to tackle it as good businessmen, bringing to bear on it our resources of management talent, experience and business acumen.

Instead of inveighing against the Federal Government, your barbs should be directed against those businessmen whose failure to involve themselves in and to commit their abilities and resources to local affairs, governmental and civic, has created local vacuums into which the higher forms of government inevitably had to step.

But Federal and State assistance even at that, whether financial, technical or legislation-enabling, is certainly not mandatory for any community, no one's forcing anyone to accept it. The assistance is merely available, to be called on at the option of the local jurisdiction, in response to local wishes and local initiatives. Indeed local initiative is a prime requisite without which the local-State-Federal partnership cannot possibly operate; and it is the local jurisdiction which must assume full responsibility for the management and control of any such intergovernmental undertaking.

The federally assisted form which urban renewal has taken may not, to be sure, have the exact shape of the instrument that we businessmen would have chosen for it had we had the political know-how to create something different, or had there been time to shape better weapons with which to fight the monstrous problems which are breathing down our backs.

We will even go along heartily with you in opposition to such ill conceived and politically oriented schemes as the accelerated public works program. This type of Federal assistance, because it represents hasty expediency rather than planned long-term capital investment in our society, does not deserve to be associated with and must not be equated with Federal or State urban renewal programs, open-space conservation and recreation programs, and State industrial development loan programs. So let's come off all this half-informed talk about the evils of urban renewal.

The basic programs are sound and essential, if only because they set the framework for the operation of effective long-term partnerships and working intergovernmental relationships among the local, State, and Federal levels of government. These programs have become a permanent part of our overall governmental structure and are the instruments by which the delicate balance is maintained between the interacting roles played by the public and private sectors of our complex society.

What we want you to do now is to tell us in what other way you would face now an immediately overwhelming reality such as Oil City faces along with hundreds of other communities like it. You have raised negative objections to the whole procedure. What positive and constructive alternatives are you prepared to offer?

Tell us, please tell us, step by step your program for action.

But first, may we cordially invite you to come and see us personally.

Sincerely yours,

Joseph W. Barr, Jr.

[From the Washington Post, May 8, 1964]

CONGRESSMEN WARN OF PERIL TO RENEWAL PLAN

(By Jack Eisen)

Eleven members of the House District Committee—only one less than half its current membership—charged yesterday that committee amendments to the downtown renewal bill would "virtually destroy" the city's renewal program.

The Congressmen, six Democrats and five Republicans, declared that the "primary impact of the amendments seems to be to create a precedent for attacking the whole urban renewal program throughout the country."

The sharp attack on the amendments was included in a statement of minority views on the downtown bill, released yesterday. The majority statement has been drafted but not made public.

NOT PRINTED

James T. Clark, committee clerk, said the bill has not yet been scheduled for House floor action. Copies of the bill have not been printed.

Main sponsor of the amendments is Representative John Dowdy, Democrat, of Texas, chairman of a subcommittee that spent much of last year in a critical and controversial investigation of Washington renewal. Dowdy also has rapped national urban renewal policies.

His amendments were tacked onto the bill after its passage by the Senate. It is these amendments that the 11 committee members want to peel off.

There were indications that more than 11 of the 24 members would have signed the minority views, but sponsors were concerned over the parliamentary situation had the minority actually been a majority of committeemen.

This, it is feared, could result in the House sending the bill back to the District Committee and possible death in a pigeonhole.

It was understood, for example, that Representative William L. Springer, Republican of Illinois, the committee's ranking minority member and a nonsigner, opposes most of the amendments. He was not available for comment.

SIGNERS LISTED

Those who signed were Democrats William L. Dawson, of Illinois; Jeffery Cohelan, of California; Fernand J. St Germain, of Rhode Island; James W. Trimble, of Arkansas; B. F. Sisk, of California; and Charles C. Diggs, Jr., of Michigan, and Republicans James C. Auchincloss, of New Jersey; Ancher Nelsen, of Minnesota; Alvin E. O'Konski, of Wisconsin; Charles McC. Mathias, of Maryland, and Frank J. Horton, of New York.

Their minority views noted support for the unamended bill came from virtually all Government agencies and civic groups interested in Washington's economic health. The 16-page typewritten draft includes a point-by-point analysis of the controversial amendments.

The amendments would restrict the amount of urban renewal activity in the city, change definitions, and establish administrative restrictions.

URBAN RENEWAL AND THE LOCAL BUSINESS COMMUNITY

THE QUESTIONNAIRE

On February 21, 1964, mayors of the 585 cities with populations of 30,000 and over were asked to report on the extent of local "business support and involvement in the urban renewal program" in their communities. The poll was undertaken by the conference of mayors in all cities eligible for membership in the conference.

Noting "a vigorous campaign undertaken by the U.S. Chamber of Commerce against urban renewal," the questionnaire letters asked whether local chambers of commerce had taken official positions on urban renewal issues and if so, how their support or opposition had been expressed.

RESPONSES

As of March 25, 1964, replies to the questionnaires had been received at conference headquarters from 220 cities—big and small. The list of those responding runs across the population range: 147 have populations between 30,000 and 100,000; 50 have populations between 100,000 and 300,000; 19 have populations between 300,000 and 2 million; and 4 have populations of more than 2 million.

The returns in the poll showed that: In 156 of the 220 cities, local chambers of commerce endorsed and actively supported urban renewal programs. In 5 of the 220 cities, local chambers of commerce were on record in opposition to urban renewal. In 59 of the 220 cities, local chambers of commerce had taken no positions on urban renewal.

Many of the mayors who reported uncommitted attitudes by local chambers also noted repeated instances in which other industry organizations and local business leaders, closely allied with their chambers, had actively participated in community committees supporting renewal projects.

IN SUPPORT

Reports from the cities on local chamber support of urban renewal were accompanied by signed statements and other documentary evidence of that support. This is a sampling from the responses:

Cleveland (Curtis Lee Smith, president, Cleveland Chamber of Commerce): "As an officer of the Cleveland Development Foundation since its formation in 1954, we have encouraged the development of Cleveland's urban renewal program."

Nashville and Davidson County (Mayor Beverly Briley): The local chamber has "supported urban renewal in every facet."

Pasadena, Calif. (John E. McCarthy, manager, Pasadena Chamber of Commerce): "This chamber strongly supports the local redevelopment project and was instrumental in having the local agency established."

Waterbury, Conn. (Mayor Joseph F. McNellis): "The Greater Waterbury Chamber of Commerce has been and continues to be an ardently strong supporter of urban renewal."

Modesto, Calif. (Cleveland Stockton, president, Greater Modesto Chamber of Commerce): "The Greater Modesto Chamber of Commerce endorses the action of the city council in establishing a redevelopment agency. The need for urban renewal is not concentrated in any single section, and the problem affects every citizen of the city."

Vallejo, Calif. (Mayor Florence E. Douglas): "Our urban renewal program has had the complete support of our chamber of commerce."

Salem, Oreg. (chamber policy resolution): "The Salem Area Chamber of Commerce supports the concept of urban renewal."

Alexandria, Va. (City Manager Albert M. Hair, Jr.): "The local chamber has "gone on record in support of the renewal program."

Minneapolis (Mayor Arthur Naftalin): "Our chamber of commerce is enthusiastically in support of our programs of urban redevelopment, including urban renewal and public housing."

Lynn, Mass. (Mayor M. Henry Wall): "We have had the backing of the chamber of commerce and other local business in planning our urban renewal program."

Long Beach, Calif. (chamber policy resolution): "The board of directors of the Long Beach Chamber of Commerce has voted unanimously to endorse the creation of an urban redevelopment agency in the city of Long Beach."

Watertown, N.Y. (Manager Ronald G. Forbes): "The local chamber actively supports the program with an urban renewal committee."

Galesburg, Ill. (Manager Thomas B. Herring): "The chamber of commerce and local businessmen have been behind our efforts in this area."

Norfolk (Donald W. Shriver, executive manager, Norfolk Chamber of Commerce): "The chamber has consistently supported (the local urban renewal program) and we have no apologies to offer for this support."

Denver (Mayor Tom Currigan): "The chamber recently voted to vigorously support the downtown urban renewal project."

East Orange, N.J. (Raymond D. Seely, executive director, East Orange Chamber of Commerce): "Our executive board and the membership as a whole are very much interested in urban renewal and are stanch supporters of the program."

Joplin, Mo. (H. Lew Malcolm, general manager, Joplin Chamber of Commerce): "Without qualification, this chamber of commerce supports the urban renewal program in the city of Joplin."

Rome, N.Y. (Mayor William A. Valentine): "Since the beginning of urban renewal project planning, the local chamber has provided a ready source of citizens interested in developing means of improving the city."

Hartford (Arthur J. Lumsden, executive vice president, Greater Hartford Chamber of Commerce): "This organization has worked as a team with our city officials in every phase and effort in urban renewal in Hartford. * * * While we think highly of the national chamber and are members and support them in 90 percent of their activities, we do feel that they have yet to learn that America has changed from a rural to an urban society."

Worcester, Mass. (Mayor Paul V. Mullaney): "The Worcester Area Chamber of Commerce endorses the plan and is cooperative with the city council in efforts to make urban renewal a success."

Independence, Mo. (Earl L. Annis, president, Independence Chamber of Commerce): "The chamber of commerce was the body that called the first meeting to consider urban renewal in 1956. Since then it has always urged and promoted its use."

Malden, Mass. (James W. Coughlan, managing director, Malden Chamber of Commerce): "The Malden Chamber of Commerce supports the urban renewal and redevelopment program."

Paducah, Ky. (Mayor Tom Wilson): "Our local chamber of commerce is a booster of the local urban renewal program."

Columbus, Ohio (Mayor M. E. Sensenbrenner): "Among the most stanch supporters of the urban renewal program in Columbus (is) the Columbus Area Chamber of Commerce."

Cambridge, Mass. (Mayor Edward A. Crane): "The chamber has endorsed every renewal effort."

Stamford, Conn. (Harry Rosenbaum, president, Stamford Chamber of Commerce): "It is rather unfortunate that the U.S. Chamber of Commerce is so out of touch with the constituent members of the organization all over the country."

IN OPPOSITION

Reports of opposition by local chambers to urban renewal included these comments:

Rockford, Ill. (Mayor Ben T. Schleicher): "The local chamber of commerce is, and has been, unalterably opposed to urban renewal * * *. Whether or not this is the position of the entire business community is debatable."

Arcadia, Calif. (Mayor Elton D. Phillips): "Our local chamber of commerce, as well as the present city council, are opposed to the urban renewal program. * * * This does not, however, preclude the possibility of an urban renewal program in the city of Arcadia at some future date when the need might be more apparent."

Champaign, Ill. (Manager W. B. Browning): "The Champaign Chamber of Commerce (has) publicly gone on record as being opposed to the use of Federal funds for renewal purposes. We do not feel that the view of the chamber of commerce in this matter necessarily reflects a majority opinion of the businessmen in the area."

Sioux Falls, S. Dak. (Mayor V. L. Crusinberry): "The position of this city administration and that of the Sioux Falls Chamber of Commerce are opposed to the present urban renewal program."

Lakeland, Fla. (Planning Director George A. Sanford): "The national affairs committee of the chamber has gone on record in opposition to federally aided urban renewal. This has not been, nor is it now, an issue of consequence in our community."

UNCOMMITTED

Reports of noninvolvement by local chambers in urban renewal issues included:

Newark, Ohio (Mayor David R. Evans): "Our city council adopted legislation approving an urban renewal program which was supported by many members of the chamber of commerce. They were not necessarily for urban renewal, but they have always taken the position of supporting council action whenever progress is involved."

San Diego (Mayor Frank Curran): "The local chamber of commerce has not yet taken any firm position on federally supported urban renewal. At this time they might well support the program if it were oriented toward the central area, heavy commercial or industrial development."

Lynchburg, Va. (Manager Robert D. Morrison): "CVI, an organization of industries in the Lynchburg area, backed urban renewal, as did the city's retail merchant association. The chamber of commerce was neutral."

Springfield, Ohio (Urban Renewal Director Harry L. Norman): "The local chamber of commerce * * * has taken no official stand either in support of, or against, local urban renewal programs."

Lansing, Mich. (Albert C. Boyd, executive vice president, Chamber of Commerce of Greater Lansing): "It would appear to me that many of our members are willing to accept the inevitable (if such a term is appropriate) in the case of revitalizing rundown areas of the community."

Evansville, Ind. (Mayor Frank F. McDonald): "The local chamber has not openly opposed urban renewal in Evansville, nor do they contemplate doing so in the future."

La Crosse, Wis. (City Attorney John K. Flanagan): "I am not aware of any formal action taken by the chamber of commerce locally, but I have been advised that the local chamber board of directors, at a recent meeting, voted 14 to 1 to support urban renewal in this community."

INQUIRY INTO FINANCIAL OR BUSINESS INTERESTS OF MEMBERS AND EMPLOYEES OF THE SENATE

Mr. CLARK. Madam President, this afternoon Senators engaged in a spirited discussion, to put it mildly, on the question of the investigation being conducted by the Senate Committee on Rules and Administration under Senate Resolution 112.

I believe—and I hope—that the Committee on Rules and Administration, of which I am a member, will shortly come forward with a very strong report on the questions which it was asked to investigate and which, I hope, will satisfy the Senate, the public, and that section of the press which has been most critical of the action of our committee, that we mean business.

In that connection, I ask unanimous consent that an article entitled "McLendon the Reformer," written by Rowland Evans and Robert Novak, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 13, 1964]

McLendon the Reformer

(By Rowland Evans and Robert Novak)

Unbelievable though it sounds, the Senate's pussyfooting investigation of the Bobby Baker case may yet yield dramatic results.

There is at least an outside chance that the Senate Rules Committee, afraid of its own shadow until now, will recommend rules to transform the ethical climate of the Senate.

If so, most of the credit will go to Maj. L. P. McLendon, a 74-year-old trial lawyer from North Carolina who is the committee's special counsel for the Baker investigation. He has been the one surprise of the case, insisting with the zeal of a crusading youth that the Senate must police its own conduct to restore its reputation.

None of this means that the Rules Committee, McLendon or no McLendon, is about to reopen the inquiry into the affairs of ex-Senate employee Baker and his buddies.

A reopening of the case would entail summoning White House aid, Walter Jenkins, as a witness. This would be an act of political self-sacrifice in an election year not to be expected of a Democratic-controlled committee. No matter how long and how shrilly the Republicans scream "whitewash," the investigation proper is finished.

But a less partisan battle over a deeper issue is just beginning within the committee. This has nothing to do with Bobby Baker or Walter Jenkins or even Lyndon B. Johnson as such, but extends to the way of life in the Senate.

A bipartisan reform faction within the Rules Committee is trying to push through a resolution modeled roughly, but only roughly, after a bill sponsored by Republican Senator Clifford Case, of New Jersey (not a committee member), and moving in three basic directions:

1. Requirements that all Senators must disclose their non-Government income whether from stocks and bonds, professional service, or lecturing, and writing.

2. Some means of policing and regulating Senators' intervention (in behalf of con-

stituents) with agencies in the executive branch of the Government.

3. Authority for Senate investigating committees to subpena Senators themselves, which is now taboo, as witness the record of the Baker investigation.

Surprisingly enough, only four of the committee's nine members now are solidly against such a program. They are Democrats Carl Hayden of Arizona (patriarch and President pro tempore of the Senate), Howard Cannon of Nevada, and Robert Byrd of West Virginia, plus Republican Carl Curtis of Nebraska.

Three committee members—Democrat Joseph Clark of Pennsylvania, plus Republicans John Sherman Cooper of Kentucky, and Hugh Scott of Pennsylvania—almost surely will support reforms. Senator Claiborne Pell of Rhode Island, a first-term liberal Democrat, is chary of sweeping reforms but might possibly come around in favor of part of the reform package.

That could set the stage for a 4–4 deadlock with the deciding vote by Senator Everett Jordan of North Carolina, the committee chairman. Jordan, a live-and-let-live conservative who was Mr. Anonymous of the Senate until the Baker case, is ill cast as a reformer.

Here is where Major McLendon comes in. The old gentleman has been shocked by the financial wheeling and dealing of some Senators (imitated so faithfully by the impressionable Bobby Baker).

Under Jordan's orders, a secret inch-thick report submitted to committee members by McClendon omitted specific recommendations. But the major concluded his report with three principles that left no doubt where McClendon stood.

McLendon's three principles: Senators should identify all sources of income; Senators should be prohibited from dealing with contracting officials in the Government; Senators should be subject to subpena by Senate committees.

These principles are tougher than either the Case bill or anything the Rules Committee will adopt. But they reveal graphically the hard-boiled attitude of the man who will be doing his best to nudge Everett Jordan toward reform.

EMPLOYING THE UNEMPLOYED

Mr. CLARK. Madam President, I request unanimous consent to have printed in the Record a paper recently delivered before the Conference of Business Economists by Dr. Garth Mangum, research director of the Senate Subcommittee on Employment and Manpower, of which I am chairman. In this paper Dr. Mangum gives an excellent summary of the reasoning which led the Democratic majority on the subcommittee to conclude that the Nation can lower its unemployment rate to 3 percent by 1968 without inflation providing we have the wisdom to take the necessary steps to remove certain bottlenecks in the labor market.

There being no objection, the address was ordered to be printed in the Record, as follows:

Employing the Unemployed

(Remarks to the Conference of Business Economists by Garth L. Mangum, research director, Subcommittee on Employment and Manpower, U.S. Senate, May 8, 1964)

I assume that other speakers will describe the unemployment problem as it exists and the outlook for employment under present programs. As a legislative rather than research or administrative body, the concern of the Subcommittee on Employment and Manpower is more appropriately, "How can we employ the unemployed?" As an answer to that question, the subcommittee has recently issued a report based on 8 months of hearings and an examination of much of the pertinent literature. I will not go into the details of our recommendations. You can read them in the accompanying report. Instead, I will address myself to six questions:

1. What are the dimensions of the employment problem?
2. Is full employment feasible under foreseeable demographic, technological and economic conditions?
3. What should be the road to full employment?
4. What levels of employment can be attained without inflation?
5. What are the prospects for adoption of the subcommittee's recommendations?

I. ATTAINING FULL EMPLOYMENT: THE QUANTITATIVE PROBLEM

If the labor force fulfills BLS projections, it will increase by an average of better than 1.4 million per year between now and 1970.

Output per man-hour in the private economy has increased at an average annual rate of 3 percent since 1947. The average rate of increase for the past 3 years was 3.6 percent. If private employment remains the same proportion of the labor force between now and 1970, a 3-percent annual productivity increase would require output to increase at the equivalent of 1.9 million new jobs per year to prevent reduction in employment. If 3½ percent turns out to be a new higher productivity trend, the equivalent of 2.3 million jobs per year will be required.

Labor force growth and productivity increases together then, will require creation of the equivalent of 3.3 to 3.7 million new jobs per year between now and 1970 to prevent unemployment from rising. All of this has nothing to do with reducing existing unemployment from the present 4 million. To the 1.1 to 1.8 million additional jobs needed to reduce unemployment in the present labor force to 4 percent or 3 percent respectively must be added the jobs necessary for the 800,000 to 1,500,000 additional million persons who, according to various estimates, would enter the labor force if employment opportunities were available.

All of this means we have to run very fast just to stand still. Any question as to whether we can fulfill our 1961 promise to OECD to grow at above 4 percent per year throughout the decade is now outmoded. An economy which has never grown at a long-term trend of much more than 3 percent must now grow at between 4 and 5 percent in real terms in order to keep already too high unemployment from rising.

The problem is more than just growth of output, however. If the pattern of consumption investment and Government spending stayed the same industry by industry and production methods were constant, occupation by occupation, output would merely have to grow rapidly enough to keep pace with output per man-hour. Attrition could handle employment declines and new or rapidly expanding industries absorb new entrants to the labor force. This, of course, is not the case. We do not know really what is happening because we do not have data by occupation by industry. The necessity for adjustment is evident in the decline of unskilled jobs, the increase of those requiring long preparation, shifts from goods to services, manufacturing to nonmanufacturing and production to nonproduction employment. An apparently more rapid rate of depreciation may be another indication of a higher displacement rate.

The best simple indication of the adjustment problems faced by the present and probably the future labor force is the fact that between 1957 and 1962, no industry division with a productivity gain averaging 2.5 percent per year or more achieved enough increase in output to prevent a reduction in employment. In other words, employment has fallen in every industry with high productivity gains. The only increases in employment came where output per man-hour was growing slowly.

II. CAN WE EMPLOY THE UNEMPLOYED?

A number of respected people, some of them witnesses before our subcommittee, would reply to the problem I have posed, "You haven't seen anything yet." They look beyond today's 3 to 3½-percent productivity rates to a technology so productive that employment of all of those able and willing to work will be inconceivable. They foresee a stratified society consisting of a small number of menials performing at low wages functions not worth mechanizing, a few skilled workers and technicians working short hours for substantial incomes, and a scarce supply of highly talented, highly educated policymakers seriously overburdened with the responsibility of directing the society. The mass of people would be capable of no productive economic contribution and would be furnished income and activity as a substitute for employment.

Acceptance of this prospect would require belief in some combination of the following premises: (1) a technology several times as productive as our present one; (2) a politically dominant and prosperous majority too near to satiation in its own demands for goods and services to consume the products of an advanced technology and yet unwilling to direct that technology toward the needs of the country's poverty-stricken minority and the world's poverty-stricken majority; (3) large numbers of people lacking the innate ability to absorb the education and training necessary to participate productively in a technologically sophisticated society; or (4) a society too inflexible and unimaginative to grasp its opportunities or to use its knowledge of the job creation process.

I doubt that there are the accumulations of idle bank balances, even among this august and affluent company to suggest inability to increase consumption. There doesn't appear to be widespread demand for the worldwide elimination of poverty, however. While the rate of productivity increase has risen from a prewar 2 percent to a postwar 3 percent and possibly now to a new trend of 3½ percent and a continued rise is likely, there is no evidence of the spectacular acceleration necessary to make manpower redundant.

We cannot assess the ability of the population to absorb education and training until we build a system capable of exhausting the development potential of those not now being adequately trained. So far we have no evidence that there are substantial numbers of people who cannot be supplied with the skills to make a productive contribution. Imagination and flexibility are, of course, always in short supply.

The economics of abundance are interesting to contemplate but we still live in a world of scarcity where priorities in resource use are necessary. Only 1 percent of the population have annual incomes above $25,000. A much smaller proportion can already command more goods and services than they desire to consume. A fifth live in poverty and the remainder find ample outlets for any increase in purchasing power. In addition, 25 years of hot and cold war has left us with a tremendous backlog of unmet public investment needs. It is the view of the majority of the subcommittee that the recent tax cut has given sufficient stimulus to private consumption and investment. Further stimulation should come through public investment. The reason, however, is not that we doubt the ability of the private sector to consume the product of available resources. It is rather the judgment that the highest priority needs are of the type which can be best fulfilled only by the public sector.

We have the needs. We have the economic knowledge to turn the needs into jobs. We even know considerably more about easing the adjustment to technological change than we are doing. The question is not can we employ the unemployed, but will we.

III. WHICH WAY TO FULL EMPLOYMENT?

I suppose there is no one in this group who is not familiar with the debate between the "expansionists and the structuralists" concerning the causes and cures of unemployment. Many of the more recent rounds in this debate occurred before our subcommittee. As we listened to the proponents of the two opposing points of view, we became impressed not with the range of differences but the degree of agreement. Though the explanations of existing unemployment differed substantially, the policy recommendations for reduction of unemployment differed little.

The advocates of the expansionist approach were convinced that the then pending tax cut would be effective in reducing unemployment to 4 percent of the labor force. However, they considered 4 percent to be too high as a long-run goal and thought reduction of unemployment below 4 percent would require programs to attack structural rigidities in the labor market. Those who stressed the structural approach also believed increased aggregate demand and a faster rate of economic growth to be an imperative of reduced unemployment. They expected structural bottlenecks to appear even before 4 percent, however, and placed greater emphasis on the need for education, training, relocation, and labor market improvements. The policy implications differed in emphasis and not in content.

We found ourselves agreeing with both and disagreeing with both. Until the tax cut, the rather substantial post-1960 legislative efforts to reduce unemployment had been primarily structural in nature. The experience under these programs gives clear evidence of the obstacles posed by an inadequate rate of job creation. Training the unemployed does not create jobs. Though some vacancies do exist which can be filled by fitting the unemployed worker to the job, either by retraining or relocation, the jobs looking for workers balance no more than a minor percentage of the workers looking for jobs. A successful employment and manpower policy is impossible except in a buoyant, high-demand economy.

We are also doubtful that the tax cut will be adequate to reach 4 percent unemployment. The original estimates of the impact of the tax cut were based on earlier introduction and higher Federal expenditure levels than now appear likely. The concentration of the tax cut's impact in the first year will probably provide sufficient demand for 1964 but further tax cuts or, preferably, Federal expenditure increases appear necessary if demand levels adequate to 4 percent unemployment are to be attained.

We are also convinced that 4 percent is an unacceptably high level of unemployment as a longrun goal. Considering the example of other predominately private enterprise economies in other free nations which have maintained unemployment levels below 2 percent for long periods of time and our own experience when war forced us to the needed output levels, we are convinced that 3 percent is a more appropriate national goal. Even at 3 percent, pockets of higher unemployment by location, age, race, or other category will demand continued attention.

The Council of Economic Advisers advocates 4 percent only as an interim goal attainable by demand measures after which labor market programs will be necessary for accomplishment of further reduction in employment without inflation. There is some reason to question whether 4 percent is the precise point at which these labor cost-price pressures become serious.

Even assuming adequate levels of demand, the structure of the demand for goods and services generated by expansion will not coincide with the skill structure of the unemployed. Considerable flexibility exists within the labor force and some workers will retrain themselves, others will move to areas where employment opportunities exist and employers faced with product demand and job vacancies will undertake training and subdivide jobs to utilize less skilled workers. However, several years of rising unemployment, the growing group of long-term unemployed, the rapid accretion of young workers and the large number lacking the basic preparation to train for the demands of a more sophisticated technology pose a deep-seated problem. The iceberg may not melt sufficiently from the heat generated by a 4-percent unemployment level of demand.

In general, however, we disagree with the CEA only in that we see no reason to pursue an interim goal with one set of tools, than change toolkits and pursue another goal. We believe that a combination of employment policies for job creation and manpower policies to provide skills and improve labor market operation can achieve 3-percent unemployment with relatively stable prices without a 4-percent way station. We must quickly add that despite what the Council has said, its actions have followed the dual approach. While selling the tax cut was rightly the Council's priority task, as far as I am aware, every program aimed at providing skills and improving the functioning of the labor market has had CEA endorsement.

IV. THE SUBCOMMITTEE'S RECOMMENDATIONS

The greatest obstacle to the attainment of full employment has been our lack of commitment to it as a national goal. Throughout the postwar period, it has never been our knowledge but our will which was lacking.

Throughout the labor shortages of the Second World War, economists and many public policymakers were haunted by the fear of a renewed plunge to depression unemployment levels following a brief postwar boom. As a result, considerable thought was given during the war to the postwar economy. One result was the Full Employment Act of 1945, which, after Senate passage, emerged from the House and conference in emasculated form as the Employment Act of 1946.

The Employment Act made an important contribution in establishing the Joint Economic Committee, the Council of Economic Advisers, and the Economic Report and in giving some mild commitment to maximum employment. Unemployment rates which averaged 4 percent from 1947 to 1953 and 5.6 percent since suggest that the intent of the 1945 proposal at least was never fulfilled. From 1946 to 1952 except for the brief 1949 downturn, inflation was uppermost in policy-oriented minds. From 1952 through 1960, if administration policymakers worried about anything it was prices, not unemployment.

The subcommittee majority believes that, in order to make the Employment Act effective, annual and longer range economic goals should be established and programs and policies undertaken for their accomplishment. We created somewhat of a stir when we recommended 3-percent unemployment by 1968 as one of these goals and maintained that this goal could be accomplished without prices rising any more rapidly than the postwar average. More on that later.

The subcommittee recommended improvements in the employment and manpower policymaking process. To reach and maintain full employment defined as 3-percent unemployment, it was recommended that the President be given discretionary authority to vary tax levels and a stronger role in monetary policy. Available manpower should be put to work filling the vast accumulation of public investment needs both by traditional conservation-public works-urban renewal programs and by a special program to directly employ the hard-core unemployed in rehabilitating the all too often deteriorating environments of their neighborhoods and communities.

Special programs were also recommended for youth and older workers along with protection against discrimination for minority workers. Unemployment insurance improvements were suggested. Substantial improvements in education were recommended with particular emphasis on schools in poverty areas. Retraining prior to rather that after unemployment and greater use of on-the-job training was stressed as a follow-up of recent Manpower Development and Training Act and vocational education legislation. Various employment service and labor mobility improvements were advocated.

The recommendations along with existing programs, we believe, would create the beginnings of a comprehensive employment and manpower policy capable of absorbing whatever technological, demographic or economic shocks the future may hold.

V. CAN WE HAVE FULL EMPLOYMENT WITHOUT INFLATION?

Of course, we have been accused of being "planners" who want "guided capitalism" and "massive government intervention in the economy." The Wall Street Journal characterized the report as "upside-down economics" and "naked knownothingism." However, the friendly critics, and therefore those to whom we are disposed to listen, argue that 3-percent unemployment, while highly desirable, is impossible, especially within a few years, without intolerable pressures on the price level. The question is a valid one and one to which we are obligated to supply an answer.

First, why 3 percent? One of the shortcomings of the Employment Act in its present form is that it is easier to lower the level of the target than it is to reach it. Thus, levels of unemployment from 3 to 6 percent have been held by various people at varying times as consistent with maximum employment. A 3-percent target had become more or less accepted by the more employment conscious in the immediate postwar period. With the rising trends of the past 10 years, a level above 5 percent seems politically acceptable and even the Council of Economic Advisers considers 4 perecnt as an acceptable goal (though adding the 1963 afterthought that this was only an interim goal).

I suppose we are obligated to supply some rational defense for the target chosen. International comparisons are helpful but not definitive. Sweden, France, West Germany, and Japan can point to unemployment under 2 percent over substantial periods of time but this experience is not necessarily applicable to the United States. These countries are smaller and their labor forces are more homogeneous. Employment in a relatively inefficient agriculture is a higher proportion of the total abroad than here. We are also further down the technological road. Nevertheless, the differences do not indicate the need of a 100-percent higher unemployment target.

That some level of unemployment is inevitable is a truism. This level is generally described as frictional unemployment, sometimes defined as "that level of joblessness that could not be reduced significantly in the short run by increased aggregate spending." Since we are recommending substantial improvement in labor market operation and special employment programs aimed at the structure of unemployment, we must reject that definition.

We would define the irreducible minimum as that amount of unemployment necessitated by seasonal fluctuations, movement between jobs, and movement in and out of the labor force. Even the levels of frictional unemployment resulting from these sources is substantially dependent upon the efficiency of labor markets.

A 1959 Bureau of Labor Statistics study attempted to measure the extent of frictional unemployment using data from 1957 when unemployment was 4.3 percent.[1] In a year of relative prosperity with no particular attempt at improving labor market efficiency, the BLS attributed 20 percent of unemployment to seasonal factors, 10 percent to voluntary job changes and 20 percent to new workers or reentrants to the labor market. Only 10 percent was attributed to long-term structural changes. About 50 percent of the unemployment of that prosperity period or about 2.2 percent was denominated as frictional.

It is arguable whether the level or the proportion of the 1957 figure is most appropriate as an estimate of frictional unemployment. At any rate, if this study is correct, the frictional level would be between 2.2 percent and 50 percent of present unemployment or 2.7 percent. Even this is no fixed proportion but would vary with efforts to improve the functioning of labor markets. Three percent seems to leave an adequate margin for error and should be subject to reduction with experience in improving labor market efficiency.

We have argued that 3-percent unemployment can be attained within 5 years without prices rising more rapidly than the average increases during the postwar period. We argue this, however, only if appropriate manpower, labor market and wage policies are coupled with the fiscal and monetary policies of full employment. Some may consider a repeat of the postwar price record to be an unacceptable price to pay for full employment. We do not. The average annual consumer price increase of the entire postwar period has been 2.3 percent. However, if we remove the 1946–48 World War II aftermath and the 1950–51 speculative binge, the average increase was only 1.1 percent. The 3.3-percent jump from 1956 to 1957 is the only peacetime year when prices rose substantially more than 1 percent. The subcommittee majority would not consider a rate double that of the postwar peace years (or in other words a rate equal to the postwar average) too high a price to pay for full employment. It is easier to indemnify the victims of a slowly rising price trend than the victims of substantial unemployment.

However, 1946–48 and 1951–53 were the only years when unemployment dropped below 4 percent. The 3.3-percent price rise between 1956 and 1957 occurred while unemployment was near to but above 4 percent. What evidence do we have that unemployment can be lowered to 3 percent, particularly within the short period of 5 years, without price increases averaging greater than 2 percent. Frankly, none. It is not the success of past attempts to hold the price line during periods of high employment but the fact that prices did not rise more rapidly considering the manpower policies (or lack of policies) of the times which gives us hope.

The inflationary pressures of high employment periods can stem from three sources:

(1) Shortages of goods and services resulting from product market demands which increase more rapidly than output.

(2) The exercise of monopoly power in either product markets or labor markets; or

(3) Skill shortages and labor immobilities.

The wartime legacy of accumulated purchasing power and shortages of goods is an adequate explanation of the 1946–48 price rises. The sharp price rise between 1950 and 1951 while unemployment was falling from 5.3 percent to 3.3 percent followed by relative stability the next 2 years as unemployment fell to 2.9 percent is consistent with a product market demand explanation as well. The 1956–57 rise, though accompanied with a capital goods boom, is usually considered to have been in part an example of monopoly inspired wage-price inflation.

There is little reason to think the product market demands commensurate with 3 percent unemployment, if fairly well distributed between consumption and private and public investment, would require substantial price increases.

In fact, the very productivity increases which have enlarged the problem of maintaining high employment have made goods shortages unlikely. There seems to be little reason to expect a shortage of productive capacity during the next year and no reason to expect that capacity commensurate with a 3 percent level of demand cannot be available in 4 years.

There is more reason to fear pressures of the second type and it is at this threat that the Council of Economic Advisers has leveled its guidepost weapon. We certainly cannot require the unemployed to pay for the failure of public policy in this thorny area. If the guideposts prove ineffective, we should look to the possibility of identifying the focal points of wage-price pressures and dealing with them, hopefully informally, but firmly. Unemployment is too high a price to pay for retention of market power privileges.

It is the specter of wage-price pressures arising from failure of the supply of labor to accommodate itself to the demand for labor which is more directly raised by our 3 percent recommendation. Those who we earlier denominated as structuralists maintain that shortages of the higher level skills most likely to be in demand and lack of a general educational base for retraining among too many of the unemployed will produce wage-price increasing bottlenecks before attainment of even 4 percent unemployment. The Council of Economic Advisers believes 4 percent unemployment without inflation to be possible but expects skill and mobility bottlenecks beyond that point. We have the temerity to opt for 3 percent unemployment but agree with the council that this goal is attainable only with aggressive efforts to relieve skill shortages, develop manpower resources and increase labor mobility.

Observers of low Western European unemployment rates have noted the employment policies or the labor market policies of these nations according to the observers' own predilections. Too few have noted the efforts to coordinate employment and manpower policies to prevent labor shortages from siphoning off demand increases into inflationary waste. Economic and social differences do not allow us to hope for equal success in transferring these policies to our environment. Attainment of peacetime unemployment rates well below 2 percent in several countries does suggest the possibilities of our using similar approaches to attain an unemployment level 50 percent higher.

The CEA in the 1964 Economic Report forecast reduction of unemployment to 5 percent by the end of this year and 4-percent unemployment by some unspecified date in the future. It would be my guess that this year's forecast is about right but that unemployment will fall to about 4½ percent by the following summer and stick there. I would think that improvements in manpower development and labor market operation of the kind we are advocating would allow the unemployment rate to fall on to 4 percent.

The road on to 3 percent would require further job-creating efforts as well as continued skill training and labor market improvements. We have recommended public expenditures rather than tax reduction as the next step in demand stimulation because we believe pressing public investment needs have been too long neglected. But as a further advantage, I would contend that fostering employment through appropriately directed public expenditures is less inflationary than the broad permeative effects of monetary policy and tax cuts.

Our recommendations would, for instance, immediately place in either employment or training some 300,000 out-of-school, out-of-work youth. We would offer direct employment to perhaps 200,000 hard-core unemployed. Early retirement would be available to some 25,000 older long-term unemployed. None of these would involve inflationary labor market pressures. An additional $3 billion a year public investment program would employ an estimated 330,000 persons, 130,000 from the construction industry where unemployment is averaging 12 percent and the remainder in off-site jobs.

The attainment of 3 percent unemployment without inflation would require only some three-fourths million more jobs than the Council of Economic Advisers believes possible without further improvements in labor markets, education, or training. With 5 years to work at it, the massive artillery we are recommending should be adequate to a battle of that size.

VI. WHAT ARE THE CHANCES FOR PASSAGE?

Some of the more favorable press comments on our report have lamented that it was of little use to make such recommendations when there was so little chance for passage of the necessary legislation. Much of the reason for this pessimism closely involve those in this room. Some of you recently heard Prof. Robert A. Gordon of the University of California report on his impressions after several months study of manpower policies in Europe. He noted five major differences:

(1) No advanced economy in Western Europe gives as low priority to the full employment objective, or interprets it as loosely, as does the United States.

(2) Probably no country in Western Europe, not even Germany, attaches as much importance to price stability as does the United States.

(3) Only a few countries, like England and the Netherlands, whose dependence on foreign trade is far greater than that of the United States, give the balance-of-payments objective the priority that it holds on this side of the Atlantic.

(4) The objective of rapid growth is emphasized more in Europe than in this country, and this objective is more likely to be explicitly incorporated into government policy programs.

(5) Nowhere in Western Europe is as much emphasis given to fiscal conservatism as in the United States. No European country takes as a major policy goal the need to have current tax receipts cover all government expenditures on both current and capital account, and in no country in Western Europe, including Germany, is holding down government spending considered a paramount objective in and of itself.

Now, who has been more active in the perpetuation of this unrealistic ideology than the trade associations to which your companies belong. The success of all of your companies depends upon a prosperous economy. In some cases, Government is your major customer. None of this able group of economic advisers looks upon government as an implacable enemy. Though we might disagree over the precise role of government and the desirability of specific programs, I doubt if any of us here would be far apart in our views about the catalytic role of government in a modern industrialized economy.

You do not hesitate to make long-range investment plans for your companies. You do not believe that investment funds must flow only from current revenue. Nor do you hesitate to recommend a bond issue if you are convinced the long-run returns will exceed the servicing costs. Yet your companies support financially and allow themselves to be represented politically by organizations whose party line, if followed, would not only prevent increased prosperity but would weaken or destroy that which exists.

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[1] Joint Economic Committee, Study Paper No. 6, "The Extent and Nature of Frictional Unemployment," 86th Con., 1st sess., Nov. 19, 1959.

One is reminded of a witch doctor employed by a tribal chieftain to mutter ancient incantations and offer sacrifices in propitiation to the tribal gods, while the chieftain manages his practical affairs secure in the belief that his metaphysical obligations have been fulfilled. Fortunately, the incantations have become such a familiar ritual that few consider the content of the words while most feel comforted by the familiar rhythm of the liturgy. Let us hope the gods also accept the obeisance before the altars of economic mythology without replying affirmatively to the priestly appeals.

Despite the rather formidable forces of economic priestcraft, I am not as pessimistic as the newspaper friends to whom I referred above. Compared with the problems, recent legislative efforts may appear feeble. Compared to the record of the past 10 years over which the problems have accumulated, the record of the past 3 years is substantial.

The Area Redevelopment Act, the Manpower Development and Training Act and its recent amendments, the labor adjustment provisions of the Trade Expansion Act, the Vocational Education and Higher Education Acts, the Juvenile Delinquency and Youth Offenses Control Act and the Senate-passed Youth Employment Act and National Service Corps Acts were all aimed at this same set of problems. The latter two failed in getting House approval but the poverty bill may carry them on a triple-sized end run. The surprising patience with which high unemployment has been borne appears to be wearing thin, though subsidence of unemployment below 5 percent may cause a return to apathy.

Some of our proposals would require only administrative decisions. Others would be largely accomplished by pending legislation, some of which stands a good chance of passage, though probably not until next session. We intend to introduce legislation before the end of the session encompassing the rest. Some should stand a reasonable chance of acceptance. Other proposals will take longer.

A knowledge of collective bargaining is more relevant to the legislative process than a knowledge of public administration. How often has a labor union negotiator dropped a radical new proposal on the table, realizing it would frighten management half to death. Then, after hearing the same familiar demand year after year, it does not sound so frightening. Five years later, it is part of the contract. The history of much recent legislation suggests that Congress may not be immune to the same tactic.

Being convinced that we have the answer to the Nation's employment and manpower problems, we, of course, find it difficult to understand the lack of eagerness to grasp our remedies. Nevertheless, we are told that the importunate are ultimately recognized by the highest tribunals:

"There was in a city a judge which feared not God, neither regarded man. And there was a widow in that city; and she came unto him saying, Avenge me of mine adversary. And he would not for awhile, but afterward he said within himself, Though I fear not God nor regard man; yet because this widow troubleth me, I will avenge her, lest by her continual coming she weary me." (Luke 18: 2–5).

Mr. CLARK. Madam President, I also ask unanimous consent to have printed at this point in the RECORD, an editorial published in the March 26 Washington Post entitled "What's Good for GM" and a disturbing article from the Reporter magazine, entitled "Manpower Planning and the New Pariahs."

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1964]

WHAT'S GOOD FOR GM

There are two significant aspects of the decision by the General Motors Corp. to spend $2 billion for the expansion of its productive facilities over the next 2 years, one which is obvious and the other not. The investment by the world's largest industrial corporation will provide 50,000 new jobs and it is, as Chairman Frederic G. Donner said, a measure of GM's confidence in the future of our country. But it also involves a kind of economic planning—Mr. Donner used the term "planned investment"—which can be elsewhere emulated with great profit.

Before GM's decisionmakers committed so huge a sum for expansion, they followed the well-established corporate practice of projecting into the future such relevant economic variables as population, employment, income levels and family formation, planning their investment in light of the best estimates of what is likely to happen. A board of directors, responsible only to a passive body of stockholder constituents, can of course, plan more easily and rationally than our sprawling Federal establishment. But the nature of our democratic institutions need not preclude important elements of planning, notwithstanding the fact that "plan," when used in a noncorporate context, raises more political hackles than most other four-letter words.

One highly useful purpose that can be served by Government planning would be that of incorporating information in a logically consistent framework, indicating economic goals and the policies by which they may be attained. If the Joint Economic Committee of the Congress in cooperation with the President's Council of Economic Advisers were to specify the desired levels of income and employment for the next 5 years, the task of developing a consistent set of policies might be lightened. Monetary, fiscal, and international trade policies could be coordinated in light of the overall targets. And large corporations such as GM—and many smaller ones—would be troubled less by uncertainty over the drift of Federal policies.

Economic planning in its foregoing usage is essentially a method of coping with the persistent problems of uncertainty by making the most intelligent use of the available information. It's good for GM; it might be good for the country.

MANPOWER PLANNING AND THE NEW PARIAHS

(By Ely M. Brandes)

James Dierke, an assistant school superintendent in San Francisco, recently came forth with an unusual proposal for dealing with the problem of school dropouts. He suggested that all high-school students be given duly certified diplomas, regardless of whether they had passed their examinations or not. Dierke was willing to grant that there might be some merit in letting the diplomas so issued be annotated to indicate whether the recipient had mastered the arts of reading and writing, but he deplored any further certification of scholastic achievement.

This modest proposal, it should be noted came in response to complaint by the San Francisco welfare department that the school system's failure to graduate enough students was the immediate cause of the dropout problem. What Dierke was saying with his wry reply, then, was simply that if we have created a society in which the very possibility of any individual's economic usefulness requires his possession of a high-school diploma, the obvious solution is to degrade the diploma to the level of a birth certificate, presented amid appropriate commencement ceremonies some eighteen years after the fact.

How serious or even real is the problem of high school dropouts? For more than a year the Nation's publications have been filled with articles and reports about this social problem of teenagers who are unwilling or unable to complete their high school courses. The articles are full of facts and figures—all undoubtedly valid—detailing the present plight of these young people in finding employment and forecasting an even dimmer future. President Johnson's annual manpower report, which was sent to Congress just a few days ago, states that "* * * nearly a million young people are leaving our educational system each year before completing even elementary or secondary school." The report also points out that "Two-thirds of the unemployed have less than a high-school education. One of every 12 workers with only elementary school is unemployed, compared with only 1 of 70 college graduates.

And yet there is a strange air of unreality about this problem of the dropouts, or at least about the way it has been defined, if one considers that 50 years ago the vast majority of our youngsters left school without obtaining a high school diploma. Has our economy changed to such an extent that we can no longer utilize janitors, hospital attendants, truckdrivers, gardeners, waitresses, and many other workers in the service trades, unless they are high school graduates? True, some jobs that were once rated as unskilled now require, for instance, the ability to read and write and to do simple arithmetic, but on the whole, technology has affected these jobs primarily by making them less burdensome. Generally they are no more complex now than they were 10 or even 50 years ago, although the proportions have changed; 50 years ago 1 job in 8 was unskilled; today the ratio is 1 in 20. Technology has definitely not eliminated these jobs, nor is it apt to do so in the foreseeable future. The service industries, in fact, have provided the greater part of all new jobs in our economy since the end of the war.

The dropout problem was not created by the inability of nongraduates to perform the more or less menial tasks in society. The problem exists because employers will not hire dropouts even for low-grade service jobs if they can possibly avoid doing so.

This is not to say that this normal screening process would not have occurred if the term "dropout" had never gained currency and that many of the same youngsters would have been jobless anyway. But without our penchant for categorization and problem-making, they might have escaped the additional burden of being branded as members of a separate clan of pariahs.

The dropout problem, which has occupied so much of the time and attention of our public officials in recent months, must be seen in its proper perspective as one aspect of a far larger program, that of manpower planning, on which the Federal Government formally embarked in 1962. The Manpower Development and Training Act passed in that year attracted interest primarily because of its training provisions. The public had become aware of structural unemployment, of workers whose skills had become obsolescent through automation, and the act promised specific relief in the form of retraining programs. In fact, this measure was primarily regarded as a companion piece to the Area Redevelopment Act, and both were designed to give immediate assistance to distressed areas.

But that portion of the Manpower Act which dealt with development focuses not on the present but on the future; its avowed purpose, in the words of the first manpower report submitted to Congress by President Kennedy last March, is to anticipate and prepare to meet the country's future manpower requirements. The report further stated that the "act represents a mandate to the Department of Labor for new dimensions of leadership and action in strengthening the Nation's human resources." President Johnson's second annual manpower report states the same problem in almost identical language.

This program represents a remarkable new Federal venture. Though similar to previous governmental programs in the field of education and employment, it goes far beyond them in scope and intent. For the first time, the Federal Government assumes, through this act, a continuing responsibility for defining the Nation's manpower goals and requirements and for initiating policies to meet them. In oversimplified terms, the Federal Government has set itself the task of forecasting the number of square, round, and odd shaped holes that will be open in the future; and it will also seek to supply the necessary pegs in the required numbers.

The entire concept of manpower planning is a relatively new one. It had its origin in the Second World War, and the problems that fostered its growth then were highly practical: the Armed Forces, faced with an influx of millions of men, wanted to base their gigantic task of personnel assignment on something better than pure chance. This first experiment in the efficient use of our human resources was not entirely successful, as anyone who had even a passing acquaintance with the services during this period can attest. But even the failures were instructive.

The new science got a second and even greater boost during the 1950's, when the economists discovered and nearly appropriated it. The occasion of this rediscovery was our involvement with foreign aid, more specifically our concern with the economic problems of underdeveloped countries.

Until then most economists had tended to ignore the qualitative aspects of a labor force and concentrated primarily on measuring its actual or potential size. Even advanced economic models of national economies considered the qualitative aspects of a labor force as fixed, with no speculation about the changes in output that might be affected by an upgrading of that labor force. And it was shown that there can be a crucial labor shortage even in the midst of poverty and distress.

While most of the original work was done for underdeveloped countries, this new knowledge also found quick application in this country. The plight of the depressed areas and the issue of structural unemployment, both of which arose during the late 1950's, were recognized as being basically of a manpower nature, problems of individuals whose economic skills—if they had any—were unsuited for their environment. Measures designed to stimulate total demand and increase our economic growth rate would not necessarily benefit those unfortunate individuals whom progress had somehow passed by. In this context, training or retraining of the affected individuals, if at all possible, appears a more practical way of dealing with the problem. And the Manpower Development and Training Act provides for such training.

OPPORTUNITY: THE BASIC TOOL

But Congress did not wish to stop with remedial actions designed to alleviate current problems; it wanted to plan their future elimination as well. Out of this desire came the development portion of the act. And Congress, unlike the general public, did not underestimate the importance of this long-range portion of the act. A great part of the testimony offered before the Senate Subcommittee on Employment and Manpower concerned the desirability of manpower planning. Practically all the experts who appeared before the committee agreed that such planning was necessary. They emphasized that the basic changes in our economy, notably automation, which had produced the problem of workers unfit for present employment opportunities, would not only continue but would accelerate. And manpower planning, they felt, was the only answer.

The experts recommended indirect methods rather than frontal attacks. The GI bill of rights, whose ostensible purpose was to reward a generation of veterans for service to their country. was in fact a manpower measure by indirection. Another was the soil-bank plan, which paid farmers to keep land out of cultivation and thus reduced the demand for agricultural labor; this in turn increased our industrial labor supply, particularly in the South.

Unfortunately, no brilliant new plans were incorporated into the act, and the development portion of the final manpower bill is devoid of any specific measures. It simply entrusts the Department of Labor with the primary job of manpower planning and requires the President to submit an annual manpower report to the Congress.

The first manpower report, submitted by President Kennedy a year ago, is in many ways a remarkable document. The actual Presidential report occupies only a few pages in a very hefty book. Yet for all its brevity the report managed to make nearly all the good points that can be made on this subject. The Federal Government, Kennedy wrote, has a long tradition—stretching from the Northwest Ordinance of 1787, to the Morrill Act which set aside Federal land for use by land grant colleges, to the GI bill of rights—of actions and programs designed to enlarge people's opportunities for education and training and thus enhance their economic usefulness. Providing opportunity is the basic tool of a free government in this field. Recent events, the late President continued, have made our present arsenal of tools inadequate for the task.

Mr. Kennedy was careful to point up the effectiveness of indirection in manpower policy, and suggested that many parts of his legislative program were really manpower measures. The tax bill and the civil rights bill could make contributions in this field that would be on equal footing with the more direct programs, such as the Youth Employment Act and aid to higher education. He also called for a greater willingness to experiment in this field.

The need for further experimenting will doubtless increase, as President Johnson's second annual manpower report makes clear. It is also worth noting that the importance and scope of the program has become such that the manpower report itself has now become the fourth major executive proposal of the legislative year (after the state of the Union message, the budget message, and the Economic Report).

In his report, President Johnson initiated two major administrative actions. The first is a study of the impact of automation and technological change on workers, unions, and firms, to be conducted by the President's Advisory Committee on Labor-Management Policy. The second is the establishment of a President's Committee on Manpower to appraise, among other matters, the present and future labor-force requirement of the national economy.

The basic method by which the Government's fantastically complicated planning effort is to be accomplished is to provide information that might guide young people in their selection of careers. In other words, to accomplish our goal of producing the right numbers of engineers, physicians, or teachers, we have to know first how many of these we shall need and when.

The Department of Labor is candid enough to admit that we do not have accurate information on this point. But the Department is pretty sure that the increased demand will be for technically trained people; and to qualify our young people for these jobs, at least potentially, it is considered essential to keep them in school certainly through the 12th grade. And here, as the Labor Department begins to view with alarm, we are once more back with the dropout problem. "The country," according to one gloomy official statement, "simply cannot afford to go on permitting 30 or 40 percent of its young people to drop out of school before graduation."

A CONFUSION OF OBJECTIVES

All this sounds eminently logical. But is it, really? During the decade from 1965 to 1975, an average of about 3.8 million Americans will turn 18 each year, as against only about 2.5 million during the 1950's. No matter how rapidly our demand for technically trained people is likely to grow, it could easily be filled by the sheer increase in numbers without any change in the proportion of high school or college graduates. So the present rate of dropouts is not in itself apt to keep us from having all the engineers we need or from attaining whatever heights of technical training we might aspire to.

The dropouts must, therefore, be undesirable for other reasons. What it really boils down to is that their presence is inconsistent with our view of a free society that provides opportunity for all. Furthermore, given the present rate of unemployment, we would rather keep youngsters out of the labor market as long as possible anyway. But granting all this, can we solve the problem simply by issuing a lot of dire warnings to teenagers that a life of economic uselessness awaits them unless they mend their ways? Unfortunately, this is precisely the method we seem to be following. All across the country, special groups have been formed to assist and counsel high school students. These groups will undoubtedly be able to point to many individual success stories, thereby aggravating the difficulties of the millions who are not—and cannot be—so fortunate.

Thus the origin of this problem can really be traced to a confusion of objectives. A measure primarily designed to provide our Nation with more skilled workers suddenly became a program to eradicate ignorance.

The primary danger of our present approach to the dropout problem is that in seeking to reduce its size we are hardening its core. Problems associated with failures cannot be measured solely by counting the afflicted. In dealing or trying to deal with the problem of the dropouts, we are still planning in the dark—partly because we lack sufficient information, but largely because of a tendency to go on approaching the problem as a purely economic one, without giving adequate attention to the social and moral considerations. Put in the simplest terms, we have not yet found a way of raising the quality of our labor force without branding those who are bound to be left behind as pariahs.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HILL. Madam President, Winston Churchill, one of the greatest statesmen of our times—one of the greatest statesmen of all times—in his work, "English-Speaking Peoples," declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

"The difference between bond and free." No few words have thus far so well summed up the question and the case we opponents of the bill have been endeavoring to present in behalf of freedom and liberty as we have known them.

This is the crux of the question before us. Indeed, this is the crux of the question on the entire bill we have been debating.

Sir Winston said:

> We reach here, amid much confusion, the main foundation of English freedom. The right of the executive government to imprison a man, high or low, for reasons of state was denied; and that denial, made good in painful struggles, constitutes the charter of every self-respecting man at any time in any land. Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

These are the words of a contemporary historian, a contemporary statesman, a contemporary spokesman for freedom and liberty. But, as I have previously said, there is nothing new about the principle of the right to trial by jury. It is not something that has come lately into our jurisprudence. It finds its roots in immemorial usage. We find it as far back as in the post days of Christ in the Roman Empire. We find it in the Mosaic law. And I would sincerely hope that after this debate is over we will continue to find it in the law of the 20th century.

In the speech I recently delivered in the Senate on the right to trial by jury, I traced its historic origins and foundations. As we know, it was one of the demanded conditions precedent to the adoption and ratification of our Constitution, which I have many times referred to as our "blueprint for democracy." The history books are full of references to trial by jury by those who brought this Nation into being. The author of our Declaration of Independence, later President of our now young Nation, Thomas Jefferson, referred to trial by juries as one of the principles that formed "the bright constellation which has gone before us and guided our steps through an age of revolution and reformation."

So strongly did Mr. Jefferson feel about the right to trial by jury that on December 20, 1787, he wrote from Paris, where he was serving as Minister to France, to James Madison, frequently referred to as the philosopher and father of the Constitution:

> I like much the general idea of framing a government, which should go on of itself, peaceably, without needing continual recurrence to the State legislatures. I like the organization of the government into legislative, judiciary and executive. I like the power given the legislature to levy taxes, and for that reason solely, I approve of the greater House being chosen by the people directly. For though I think a House so chosen, will be far inferior to the present Congress, will be very illy qualified to legislate for the Union, for foreign nations, etc., yet this evil does not weigh against the good, of preserving inviolate the fundamental principle, that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little States, of the latter to equal, and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by person, instead of that of voting by States; and I like the negative given to the executive, conjointly with a third of either House; though I should have liked it better, had the judiciary been associated for that purpose, or invested separately with a similar power. There are other good things of less moment. I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to which it was addressed; but it is surely a gratis dictum, the reverse of which might just as well be said; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the cause of our present Confederation, which had made the reservation in express terms. It was hard to conclude, because there has been a want of uniformity among the States as to the cases triable by jury, because some have been so incautious as to dispense with this mode of trial in certain cases, therefore, the more prudent States shall be reduced to the same level of calamity. It would have been much more just and wise to have concluded the other way, that as most of the States had preserved with jealousy this sacred palladium of liberty—

Which is the right to trial by jury—

> those who had wandered, should be brought back to it; and to have established general right rather than general wrong. For I consider all the ill as established, which may be established. I have a right to nothing, which another has a right to take away; and Congress will have a right to take away trials by jury in all civil cases. Let me add, that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inference.

Thomas Jefferson wrote these words to James Madison 3 months after the Constitution had been signed, but before it had been ratified. He referred to the right of trial by jury as a "sacred palladium of liberty." He stated his belief that he had no right at all, which another had a right to take away, and he warned that without the Bill of Rights the Congress would have a right to take away trials by jury.

The Bill of Rights was subsequently adopted as the first 10 amendments to the Constitution and embodied what Mr. Jefferson so strongly expressed and declared should be accorded to the people by all governments.

Now, some 177 years later, we more fully appreciate Mr. Jefferson's wisdom and the reasons for his deep concern, for his fears and his apprehensions. Even with the Bill of Rights, we see the very effort of which Jefferson warned being made on the floor of this Senate, in an attempt to limit or destroy the right to which he referred as the "sacred palladium of liberty."

On the following July 31 in the year 1788, after the requisite nine States had ratified the Constitution, Mr. Jefferson again wrote to James Madison, reiterating and declaring his deep belief that the right to trial by jury was necessary as a foundation to any democratic form of government. In this letter, he wrote Mr. Madison:

> I sincerely rejoice at the acceptance of our new Constitution by nine States. It is a good canvas, on which some strokes only want retouching. What these are, I think are sufficiently manifested by the general voice from north to south, which calls for a bill of rights. It seems pretty generally understood, that this should go to juries, habeas corpus, standing armies, printing, religion, and monopolies. I conceive there may be difficulty in finding general modifications of these, suited to the habits of all the States. But if such cannot be found, then it is better to establish trials by jury, the right of habeas corpus, freedom of the press and freedom of religion, in all cases, and to abolish standing armies in time of peace, and monopolies in all cases, than not to do it in any. The few cases wherein these things may do evil, cannot be weighed against the multitude wherein the want of them will do evil. In disputes between a foreigner and a native, a trial by jury may be improper. But if this exception cannot be agreed to, the remedy will be to model the jury, by giving the mediatas linguae, in civil as well as criminal cases.

Mr. Jefferson wrote:

> The few cases wherein these things may do evil, cannot be weighed against the multitude wherein the want of them will do evil.

I have said time and time again, in the debate on this bill, that the effect of its enactment would be to deny an overwhelming majority of Americans their rights, in order to grant certain so-called rights under the bill to a particular group. Is not this, in effect, what Mr. Jefferson was commenting on?

So strongly did Thomas Jefferson feel about the right to trial by jury that again—on March 13, 1789—before the Bill of Rights was adopted, he wrote from Paris to his friend Francis Hopkinson, an accomplished statesman and author, with whom Jefferson frequently corresponded, and in that letter discussed the Constitution and its adoption. After listing the provisions with which he agreed, he stated:

> What I disapproved from the first moment also, was the want of a bill of rights, to guard liberty against the legislative as well as the

> executive branches of the Government; that is to say, to secure freedom in religion, freedom of the press, freedom from monopolies, freedom from unlawful imprisonment, freedom from a permanent military, and a trial by jury, in all cases determinable by the laws of the land.

Later, on July 11, 1789, just 10 days before the adoption of the Bill of Rights, Thomas Jefferson wrote from Paris to Tom Paine, regarding the political situation in France. Mr. Jefferson was apprehensive regarding several political actions by the French National Assembly and the people of France, which he deemed necessary for the country's survival. In discussing these with Tom Paine, Jefferson wrote:

> Another apprehension is, that a majority cannot be induced to adopt the trial by jury; and I consider that as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.

Thomas Jefferson knew, as did so many of his contemporaries, of the long and bitter struggles by the people of England against the tyrannical suppression, intimidation, and punishment that led to the wresting from King John, at Runnymede, in the year 1215, of the right to trial by jury. Mr. Jefferson and many of his contemporaries, who fashioned the Constitution, our blueprint for democracy, were a part of the history of this struggle by the English people to secure and preserve such basic legal safeguards as the right to trial by jury and the right to confront and cross-examine witnesses.

They knew that these basic safeguards were the best security of a people against governmental oppression, that trial by jury, as Mr. Jefferson put it, was "The only anchor by which a Government can be held to the principles of its constitution."

They knew of Chief Justice Jeffreys, the hanging judge; and they were familiar with the history of the court of star chamber.

They knew that it was the court of star chamber that convicted and took the heads of Sir Walter Raleigh and Sir Thomas More, with procedures and "evidence" that no court today would allow.

Such tyrannical suppression and judicial abuse were one of the prime causes of the Revolutionary War, and led to the Declaration of Independence and the founding of this Nation. During the reign of George III in England, he infamously distinguished himself by passage of the Sugar and Stamp Acts, which the Colonists placed second only to his court of star chamber. It is almost inconceivable that more than 300 years since its abolishment, we now find the proponents of this bill in the midst of an effort to resurrect those days, and destroy the hard-won Bill of Rights, and to do so in the name of so-called civil rights. Before the proponents of this bill continue their headlong rush to turn the clock back some three centuries, I think it would be well for all of us to be reminded of the conditions at that time, and to see what we would be inviting.

The court of star chamber was established under the Tudors by an act under Henry VII in 1487. A king's council had sat in a somewhat similar capacity for about three centuries before the time of Henry VII, and the act passed under his reign established a committee of the council which sat in the starred chamber at Westminster—hence its name.

The statute passed in 1487 designated that certain members of the council, including the Lord Chancellor and two judges, should constitute a law-enforcement committee, and prescribed that the court would confirm its jurisdiction in the type of cases coming before it. The statute also identified the star chamber with the sitting of the King's council or any part thereof.

The infamous history attached to the star chamber actually came about sometime after its establishment. Originally, the court of star chamber was created as the protector of the weak and the common against the strong and the aristocratic. As a part of the King's council, and actually an outgrowth of it, the court of star chamber handled cases not remedied by the common law, and, therefore, did not operate within the limits of the rules and procedure prescribed by the common law. The strict rules of the common law, as well as the unalterable rules of chancery, produced injustices; and the aggrieved had no other remedy except to petition to the King for his "extraordinary help."

Until the time of Elizabeth I, the star chamber sat as an open council or a public court. For a time it operated and was constituted as provided for in the statute passed under Henry VII. Then, as time went on, the number of members of the court varied. As this happened, frequently the two judges required by the statute were the only members of the court present. Then, it came to pass that proceedings would be heard by only one judge, and finally, in some instances, before the secretary to the court alone. During Elizabeth's reign, cases were heard in private.

The jurisdiction of the court of star chamber has been defined thus:

> The star chamber took notice of such offenses as riot, forgery, maintenance, perjury, fraud, slander, and conspiracy; crimes which were for the most part unknown to the early common law.

Because its procedures were apart from the common law, it was to a large extent natural that this became the seeds for the abuse that later developed. The star chamber dispensed with juries. It applied torture and could inflict any punishment, except death. Yet, it took the heads of Sir Walter Raleigh and Sir Thomas More. It became the weapon of royal displeasure against political opponents.

Political opponents were railroaded into a court of star chamber, and there the clerk of the court or the secretary of the court, carrying out the whim and the will of the King, proceeded to enforce the punishment, whether it was to decapitate the defendant, put him in irons, into some foul prison for the rest of his days, put him on the rack, torture him, or dispense whatever punishment he might care to dispense. There was no right of trial by jury; there was no right of confrontation of witnesses; there was no right of habeas corpus; there was no right of bail or bond. The accused was entirely the victim of the court of star chamber, a court that could not have been possible and certainly would not have been possible and could not function as it did if the accused had had the right of trial by jury.

Madam President, following the civil war in England, at the time of Henry VII when the act was passed creating the court of star chamber, there was undoubtedly need for some forceful instrument to suppress the lawlessness following the war, and to effectively curb offenses against the public order. As the country returned to peace, however, the tribunal referred to in the Star Chamber Act looked elsewhere for ways to use and abuse its powers. As time went on, literally nothing escaped the power of the court. The principal grievance under the Tudors was that jurisdiction was usurped, but the methods of enforcing submission grew in terror with succeeding reigns. Jurors, although seldom used, when in the rare times they were used, were punished for returning decisions contrary to the council's wishes. Hearsay evidence was commonly the basis of conviction; witnesses were brought in, hearsay testimony was received, the tongues of witnesses poured out false testimony, on the one hand, while, on the other hand, their hands were behind them to receive the pay and the bribes. The witnesses did not get all the money; they got merely a part.

Cases coming before the court were a convenient source of revenue to the Crown. Fines were appropriated by Henry VII and the Stuart Kings for their own personal use. Perhaps one of the greatest injustices of the system under the star chamber court was the admissibility of hearsay evidence and the encouragement of volunteer witnesses who could not be examined by the accused, except at great risk to himself. I make that statement for the reason that if the accused sought to examine the witness who was testifying against him, the result usually was that the witness lied against the accused all the more. The accused had no redress or right that in any way could protect him from the deceit and false testimony of the witness. Perhaps all he did was to irk him a bit by questioning him. So the witness let him have it. He poured out more and more falsehood against him, and the accused had no redress and no protection. In fact, the rules of the system permitted the witness to do so.

Ruthless severity accompanied the illegal and arbitrary jurisdiction exercised by the King's council in its star chamber sittings.

To obtain evidence, the court of star chamber could and did send out commissions to collect hearsay reports and to obtain witnesses. If the examination of a party took place before the commissioners in the country, the court placed restrictions upon the method of examination, but witnesses could be compelled to testify or be imprisoned.

If the witness did not come in and voluntarily testify to what the court wanted him to, he was put in prison.

The commissions were apparently only some among the many commissions established for the special purposes by the Crown. But the court of star chamber itself furnished the Crown with its chief source of arbitrary conduct. As the Historian Holdsworth has put it:

> It was clear * * * that, even after the passing of the petition of right, the powers of the King to commit his subjects to prison and to keep them in prison were very large. In fact, so long as he had a court, like this court of star chamber, which he could count upon to obey his commands, opposition on the part of the judges could, to a large extent, be disregarded.

Historians credit the trial and subsequent death of Sir Walter Raleigh, being typical in procedure and method of the star chamber under the Stuarts, as leading to the downfall of the court and to the move in favor of the rights of individuals against the state.

By 1639, "the storm that was to destroy this court and the Court of High Commission was beginning to threaten. Archbishop Laud, an active judge in both courts, was sent to the Tower. Another active member took fright and went off to the coast and reached The Hague on the last day of 1639, while the escape of Wren was prevented by the House of Lords."

Christopher Wren was the great architect who designed St. Paul's Cathedral and the original buildings of William and Mary College at Williamsburg, Va. The foremost building of the college is the Wren Building, which was named for Christopher Wren.

In other words, if the House of Lords had not intervened, Wren might have met his end.

The court of star chamber was abolished by act of Parliament in 1641.

Madam President, as I have said, Thomas Jefferson and his compatriots knew so well the efforts of tyrannical kings, subservient parliaments, and star chambers to deny the English people their legal safeguards and their legal rights. They knew that tyrants on the bench could be as dangerous as tyrants on the throne. And because of this tyranny, they and their ancestors fled England for a new place, for a place called America, for a new way of life, for a way of life that would give them the rights and the safeguards they were denied in the mother country. Indeed, our Declaration of Independence proclaims as one of the reasons for the separation from the mother country the deprivation of certain rights and safeguards, and specifically lists the deprivation of right to trial by jury.

Yes, those who drew our Constitution and formed this Nation were constantly mindful and aware of the denials that they and their ancestors had suffered in the mother country, and also the abuses and denials they suffered after they had fled the mother country and after they had come to America. They were mindful of the British Parliament's enacting the Sugar Act and the Stamp Act, whereby they were deprived of the right to trial by jury in cases arising under the revenue and trade laws.

The flagrant abuse of the rights of the colonists under the Sugar Act was described by Edmund Sears Morgan in his book, "The Birth of the Republic," in these words:

> Customs officers in America had always been a bad lot. For 30 years they accepted bribes to overlook illegal cargoes of molasses. After the passage of the Sugar Act it would still have been possible for the officers to look the other way and pocket a modest fee when contraband goods were landed or loaded. But in 1766, as a part of Rockingham's general attempt to pacify the Colonies, the duties levied on molasses were reduced from 3 pence a gallon to a penny. This was no more than a standard bribe, and, consequently, the collectors could no longer levy a private toll on this item. There lay open to them, however, a new and more lucrative kind of grant, in which they would enjoy the full protection of the law.
>
> Violations of the Sugar Act were punished by seizure of the offending vessel and cargo. Both would be sold and the proceeds divided: a third to the English Treasury, a third to the Governor of the Colony, and a third to the customs officers responsible for the seizure. * * * (The new commissioners had) the dubious distinction of exploiting the possibilities to the utmost. * * * Their favorite method was to follow a lax procedure for a time and then, suddenly shifting to a strict one, seize all vessels that were following the practice hitherto allowed.
>
> There was very little risk involved for the officers, because the Sugar Act provided that they were to be free from any damage suits if they could show probable cause for a mistaken seizure, and the juryless admiralty courts in which cases were tried would generally certify such a probable cause.

Again I ask the proponents of the Mansfield-Dirksen amendment before us, which would limit and cripple the guarantee of jury trial, to take a close look at the condition and situation existing at the time of the Sugar Act before rushing headlong on to turn back the clock of time some 200 years. For remember, the conditions with which our colonists were confronted at that time were all part of the tyranny, the abuse, and the oppression that led to the Revolution and to our break with the mother country.

In 1763, various orders in council were used by the then Prime Minister, Lord Grenville, which were intended to increase revenue by revamping the customs service and the admiralty courts which gave it effect. The order in council of October 5, 1763, reorganized the customs service, made the Navy available to it for enforcement of its laws, and secured royal approval for a uniform plan for establishing courts of admiralty in the Colonies.

Before this, an order in council of June 1, 1763, provided for distribution of seizures made at sea. On October 12, 1764, a new order regarding seizures made at sea was issued. Under this order, of all seizures made in the Colonies, one-third went to the King, one-third went to the Governor, and the other went to the seizor himself.

On April 5, 1764, a revenue act was passed by the Parliament increasing the customs duties on many items, including sugar. This act entrusted to the courts of admiralty—meaning courts without juries—the responsibility of enforcing "acts" of Parliament relating to the trade and revenues of the British Colonies in America.

In his work on Practice and Jurisdiction of the Court of Admiralty, Hall states that the practice of the court was settled by an act of Parliament in 1648 as follows:

> The Court of Admiralty shall have cognizance and jurisdiction against the ship or vessel, with the tackle, apparel, and furniture thereof; in all causes which concern the repairing, victualing, and furnishing provisions for the setting of such ships or vessels to sea; and in all cases of bottomry, and likewise in contracts beyond the seas concerning shipping or navigation or damages happening thereon, or arising at sea in any voyage; and likewise in all cases of charter parties or contracts for freight, bills of lading, mariners' wages, or damages in goods laden on board ships, or other damages done by one ship or vessel to another or by anchors, or want of laying of buoys except always that the said Court of Admiralty shall not hold pleas or admit actions upon any bills of exchange or account between merchant and merchant or their factors.

The act expired in 1660 but it pretty well delineates the jurisdiction of admiralty, which was in rem—which means it was against the thing.

Helen J. Crump in her work, Colonial Admiralty Jurisdiction in the 17th Century, published in London in 1931, states that:

> In 1696, the navigation acts gave admiralty criminal jurisdiction over offenses against their provisions. And in 1698, their old jurisdiction over the crime of piracy was given statutory basis. Juries were not a part of the court procedure. This fact caused a dispute between William Penn and Robert Quary, vice admiralty judge of Maryland and Pennsylvania. The court over which Quary presided used no jury, though the great law of 1682 required one in all cases; the admiralty judge was not appointed by Penn nor by the government of the colony, as were the other judges, but by the Governor of Maryland, who was vice admiral for the provinces of Maryland, Pennsylvania, and West Jersey; the law administered by the court was merchant and marine, containing much civil law, and not the common law of the province, and the proceedings of the court were partly in Latin.

There was no trial by jury. The proceedings of the court were partly in Latin.

Dumbauld in "The Declaration of Independence and What It Means Today," 1950, pages 130–133, remarks on the question of admiralty courts as follows:

> Trial by jury has never been available in admiralty courts. In like manner, offenses against excise laws and acts of trade were determined without a jury in England.
>
> When the Sugar Act of April 5, 1764, entrusted to the courts of admiralty and vice admiralty the task of enforcing acts of Parliament relating to the trade and revenues of the British colonies in America, and when the act of 1768 (8 Geo. III, c. 22) increased the number of such courts having jurisdiction of offenses under those laws, the area of trial without a jury was considerably enlarged.
>
> Penalties for smuggling imposed by judges dependent on the Crown, without benefit of possible acquittal by a sympathetic jury, presented a very painful prospect, and the colonists were vigorous in their protests against those acts to "extend the power of the admiralty courts beyond their ancient limits."

In other words, it was to extend the powers of these courts. People vigorously protested over the extension of powers for these courts, providing for no trial by jury.

These were some of the acts leading up to the colonists' break with the motherland to seek a new way of life elsewhere. And, having witnessed this judicial tyranny, oppression, and injustice, they were careful and insistent that express provisions be made in the document that would guide their lives and their destinies to guarantee the basic safeguards and rights, including right to trial by jury.

The Constitution was framed after 30 years of colonial and national ferment and political experiment, during which every intelligent American had become a student of government. As a result, the Constitutional Convention brought together the best informed group of statesmen that ever was assembled by democratic processes in the world's history. These men were not afraid of drastic change. Many of them attended the First Continental Congress that adopted the Declaration of October 14, 1774, denouncing this action of the British Parliament on the ground that American colonists were entitled to the privilege of being tried by their peers according to the course of that law.

At that meeting in Philadelphia, during the debates in the Constitutional Convention, there developed a marked difference of opinion over the views expressed by Hamilton and those which Jefferson communicated to James Madison as to the type of Federal Government to be created by the Constitution—whether the people should have the right to local self-government regarding matters that wholly related to the State, or whether the country should be ruled by a strong Central Government. Hamilton favored a strong Central Government, whereas Jefferson and Madison respected and insisted on State sovereignty. Fortunately, the views of Jefferson and Madison prevailed.

When the drawn Constitution reached the Virginia Ratifying Convention, Patrick Henry opposed ratification. He felt that even with the safeguards incorporated in the Constitution, it still infringed on the individual rights of the people and on the sovereignty of the individual and respective States. And there was opposition elsewhere in other Ratifying Conventions regarding the assurance and written guarantee of certain basic rights, which many felt had been omitted from the Constitution or were not strongly protected and assured. This led to the Bill of Rights, the first 10 amendments to the Constitution, and a gentlemen's agreement that it would be the first order of business of the First Congress after the Constitution was ratified. Indeed, if there had been no such agreement, there would have been no Constitution.

The sixth amendment in the Bill of Rights, which as I have said was a condition precedent to the adoption of the Constitution, provides for trial by jury, but the authors of that document enshrined the guarantee in the body of the Constitution itself. This became section 2 of article III of the Constitution, and it cannot be read too often in this day of clamor and expediency as a reminder of the blood and sweat and toil with which the Constitution was written. I read it again at this time:

> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States, between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming lands under Grants of different States; and between a State, or the Citizens thereof, and foreign States, Citizens, or Subjects.
>
> In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.
>
> The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Mr. LONG of Louisiana. Madam President, will the Senator from Alabama yield for a question?

Mr. HILL. I am glad to yield to the Senator from Louisiana for a question, under the usual stipulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Did the Senator hear the statement the other day made by the Senator from Pennsylvania, to the effect that there was no guarantee of a trial by jury in relation to certain matters in State courts in the Thirteen Colonies at the time the Constitution was adopted?

Mr. HILL. Whatever may have been the provisions in any one of the Thirteen Colonies, there can be no question that when the representatives of the colonists drafted the Constitution of the United States for all the people in the Colonies, they made it specific, definite, and clear, in unquestionable and unmistakable language, that the trial of all cases shall be by jury.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Does the Senator recognize the fact that whatever the practice may have been in the various courts of the Thirteen Colonies at that time, this matter was totally irrelevant?

Mr. HILL. It had nothing to do with it whatever. We might as well go back to what it was like under the British Crown. The Colonies were under the British Crown at that time. The Governors were appointed by the British Crown. They were subject to the British Crown.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Would not the Senator say that there would be a great difference between the manner in which a State handled a local matter within the State, as between itself and its own people, and the matter of a State protecting itself from a sovereign power above it which it was creating at that point?

Mr. HILL. The Senator is correct. To illustrate what I believe the Senator has in mind, as he knows, in all the States, our judges are elected by the people. They are elected for specific terms, limited to 4 or 6 years; then they must be reelected by the people. The people have this referendum, so to speak; whereas, in the Federal Government, as the Senator knows, judges have what amounts to life tenure.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Is it not correct that within the States each State could decide for itself whether a jury trial should be ordered in a certain case; and, in the event that a judge might try a case and violate the rights of citizens, that judge would be answerable in short order to his own people at a local election, in which they would pass on the question of whether he had violated his discretion?

Mr. HILL. The Senator is exactly correct. The people of the United States have no way to hold answerable a judge who was appointed in the Federal system. The only way his tenure could be terminated would be by impeachment by the House of Representatives, and conviction by a two-thirds vote of the Senate. The people back home in some local judicial district have no way to hold a judge accountable or responsible for his actions in any way.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Does it not stand to reason that the provision that any citizen should be entitled to be tried before a jury was intended to be an impediment to the Central Government, thus created, using the powers thus given to further expand its own powers?

Mr. HILL. The Senator is correct.

Mr. LONG of Louisiana. Madam President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Would it not seem likely that when the Federal Government finds some loophole, some way to get around the protection of the right to a trial by jury, it is in effect bypassing the very guarantees which were placed in the Constitution by our forefathers, to prevent the Government from becoming a government by usurpation, and to protect the function of the Government from becoming one of consent?

Mr. HILL. What the Senator says is true. The language of the original Constitution, in section 2, article 3, is very clear. It does not refer to the trial of crimes, to the trial of some crimes, or to the trial of certain crimes. It refers to the trial of all crimes. It states that the trial of all crimes shall be by jury. The Founding Fathers, when they wrote those words, intended that the trial should be by jury.

As the Senator knows, they insisted upon the 10 amendments, the Bill of Rights; and in amendments 6 and 7 they reemphasized the right of trial by jury.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Does not the Senator agree that the provision that the trial of all crimes shall be by jury referred to the trial of crimes against the Federal Government, the Central Government, rather than to the trial of crimes against the State or local government?

Mr. HILL. It refers to crimes under the Federal Government. This was the Constitution of the Federal Government. It left to the States the setting of their own rules of procedures and regulations and requirements as to what they might wish to do with regard to crimes committed in States and local communities.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Is it not correct to say that there is very little in the Constitution undertaking to tell a State how it shall regulate its activities? Inasmuch as the States existed already, they had already made their arrangements for regulating their own activities. Is that not correct?

Mr. HILL. Yes. The philosophy and concept of the Federal Constitution was that the Federal Government would be granted such power as it had to have to carry out the purpose of that concept, and that all the other powers should be reserved to the States, for the States to exercise according to their own will and in their own way. The Senator well knows that that is what was embodied in the 9th and 10th amendments, in the Bill of Rights.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Was not the purpose of the States in creating the Central Government somewhat like that of the nations of the world creating the United Nations, when they spelled out in the United Nations Charter what the functions of the United Nations were to be?

Mr. HILL. Yes.

Mr. LONG of Louisiana. Would it not be correct to say that when the many nations of the United Nations created that body, it would be irrelevant to ask what the practices on the trial of cases and what the procedure was in the World Court in the trial of cases?

Mr. HILL. Yes. Those procedures have nothing to do with the other nations. That was something that was irrelevant so far as the governments of the various nations in the United Nations were concerned.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG of Louisiana. When someone undertakes to say that the States did not require trial by jury in all cases, including criminal contempt, is not that situation somewhat parallel to the fact that the nations created the United Nations and provided how it is to try its lawsuits in the World Court, without in any way suggesting that the World Court should act in the same way that the Supreme Court of the United States or the supreme court of a State or even a district court of a State should operate?

Mr. HILL. The Senator is exactly right. The parallel he draws is sound. He is absolutely correct.

Mr. LONG of Louisiana. When the majority on the Supreme Court of the United States undertook to spell out practices in the States at the time the Constitution was adopted, were not those practices every bit as irrelevant as the practice of a court of our Nation would be in trying to set out what the practice of the World Court should be, when it was specifically set forth in the Charter of the United Nations?

Mr. HILL. The Senator is absolutely correct. It is almost ridiculous to think in terms of one government trying to set out what the other government should do. One government has all the rights and powers reserved to it. The other government must meet its duties according to its own purposes.

Mr. LONG of Louisiana. Is it not fair to say that it made no difference whether a State court required a trial by jury or no trial by jury?

Mr. HILL. It is wholly irrelevant. The men who wrote the Constitution, the Founding Fathers, were not dealing with what the individual States did so far as their own laws or trials were concerned. They were dealing with the rights the people should enjoy, the liberties they should have, and the freedoms they should have, as the Constitution and the Government set up under the Constitution might affect those rights, those liberties, and those freedoms.

Mr. LONG of Louisiana. Does it not stand to reason that the protection of the right of trial by jury in article III of the Constitution was in all probability intended to prevent the very sort of usurpations of Federal power without authorization by the Constitution that we have seen in the 170-odd years since the adoption of the Constitution?

Mr. HILL. The Senator is absolutely correct. As I said a little earlier, the Founding Fathers were familiar with the procedures in the admiralty courts under the Crown, under the Sugar Act, and under the Stamp Act, and they were seeking to do everything in their power to make sure that no such perversion of power would take place under the Constitution.

Mr. LONG of Louisiana. When the Founding Fathers came to the Bill of Rights, and twice secured the right of trial by jury, would not the Senator say that they were trying to close any remaining loopholes by which the Central Government might seek to arrogate unto itself powers never intended, and to prevent that from happening?

Mr. HILL. They put such a safeguard into the Constitution in three different places. They put the right of trial by jury into the Constitution in three different places in order to make absolutely certain that there could be no question of this right under the Federal Government, which was established through the Constitution of the United States.

I thank the Senator.

Madam President, I have quoted the language of section 2, article III, of the Constitution. As has been brought out, the Founding Fathers and the people of the United States, at the time the Constitution was adopted, felt so strongly that they sought to put the absolute guarantee of the right of trial by jury in the sixth and seventh amendments to the Constitution, in the Bill of Rights.

So we see, Madam President, how conscious those who authored and ratified our Constitution and brought this government of laws into being were of trial by jury. Thomas Jefferson referred to it as "the only anchor ever yet imagined by man by which a government can be held to the principles of its constitution." We find trial by jury in at least three places in the Constitution.

Madam President, in my speech some days ago, I cited the history of the labor injunction to show the development of certain sections of the United States Code pertaining to criminal and civil proceedings and jury trials. I have also cited judicial expressions during that period to give some idea of how the courts have followed and thought on the question of the injunctive process and jury trials. I have done so because we are now faced with the same question that presented itself on those occasions. The question is simply whether or not we by our actions assure the American people—north, south, east, and west—the right to trial by jury in criminal contempt prosecutions.

In 1957 and in 1960 I took the floor of the Senate to defend the right to trial by jury. Recently in this debate I spoke at great length in behalf of this great principle. I want to make it abundantly clear again at this time that I am strongly for protecting the safeguard of jury trial to the American people, and feel this would not and cannot be accomplished by crippling or limiting it in any way. I oppose the amendment offered by Senator DIRKSEN and Senator MANSFIELD, which is before us, because it would limit one's right to jury trial, and in so doing would do harm to that basic right and guarantee.

As applied to the so-called civil rights bill we have been debating, the adoption of the amendment before us would mean that a jury trial would be allowed only if the fine exceeded $300 and the imprisonment more than 45 days in jail. In all other cases under the several titles that would be involved in H.R. 7152—and there are some 13 titles in the bill—the accused would be denied right to trial by jury if the proceeding is brought for or in the name of the United States. Under most titles, it is contemplated that suits will be brought in the name of the United States or for the United States.

Title 18, section 3691, of the United States Code provides in part—

> Whenever a contempt charged shall consist in willful disobedience of any lawful writs, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to a trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

But the section continues in paragraph 2:

> This section shall not apply to contempts committed in the presence of the court, nor so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

The bill is so written that under most of its titles either the U.S. Government will bring the suit or the suit will be brought in behalf of the U.S. Government, so as to fall under the provision I have just read, denying the guarantee set forth in the first part of this section, which provides that the accused, upon demand therefor, shall be entitled to a trial by jury.

So when we consider the Dirksen-Mansfield amendment, we are talking about a "piece" of a right to trial by jury. And whether or not this "piece" is even made available to the accused is determined by a Federal judge, appointed for life, as the distinguished Senator from Louisiana [Mr. Long] has so well pointed out, and/or a politically appointed Attorney General, who determines what the amount of fine and imprisonment may be.

Let me emphatically state that I am against a "piece" of the right to trial by jury for the people of my home State of Alabama, for the people of Louisiana, for the people of Delaware, and for the people of the other States.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Can the Senator from Alabama tell me for a certainty whether the present Attorney General has ever tried a case before a jury?

Mr. HILL. I will give the Senator an honest answer to his question. I do not know whether the present Attorney General has or has not tried a case before a jury. But so far as I am aware, I know of no instance in which he has tried a case before a jury.

Mr. LONG of Louisiana. Does the Senator from Alabama know of any case that the present Attorney General has ever tried, other than one before the Supreme Court of the United States?

Mr. HILL. So far as my knowledge is concerned, I know of no case, other than one before the Supreme Court of the United States, that the present Attorney General has tried.

Mr. LONG of Louisiana. Would it not seem that before the Attorney General asked Congress to dispense with the right of all Americans to be tried before a jury, he might well spend a little time acquainting himself with the jury system, including the selection of jurors and the trying of cases before them, so that he might understand how the jury system works?

Mr. HILL. I should say, as has often been said, that there is no teacher like experience. The Senator from Louisiana has thrown out a most challenging suggestion. Any lawyer who has been in a courtroom and has had the experience of trying cases before juries recognizes how important and how vital to our American system of justice, liberty, and of freedom is the right of trial by jury.

I thank the Senator.

Let me emphatically state again, as I have stated so many times in the past, that I am against denying the right to trial by jury to any American in any section of the country.

I have stated my opposition to the Dirksen-Mansfield amendment before us because it does not afford the full protection and guarantee of this basic right of trial by jury.

Winston Churchill declared that the right of trial by jury makes the difference between bond and free.

Thomas Jefferson called it the "only anchor by which a government can be held to the principles of its constitution," and referred to it as the "sacred palladium of liberty."

In a letter to Col. William Duane written at Monticello on March 28, 1811, Thomas Jefferson further declared that:

> The last hope of human liberty in this world rests on us. We ought, for so dear a state, to sacrifice every attachment and every enmity. If we find our Government in all its branches rushing headlong, like our predecessors, into the arms of monarchy, if we find them violating our dearest rights, the trial by jury, the freedom of the press, the freedom of opinion, civil or religious, or opening on our peace of mind or personal safety the sluices of terrorism, if we see them raising standing armies, when the absence of all other danger points to these as the sole objects on which they are to be employed, then indeed let us withdraw and call the Nation to its tents.

Madam President, I am sure that my friend and colleague, the distinguished and brilliant Senator from Louisiana [Mr. Long], will agree with me that the time is indeed now to "withdraw and call the Nation to its tents."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 14, 1964, he presented to the President of the United States the enrolled bill (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

RECESS TO TOMORROW, AT 10 A.M.

Mr. HILL. Madam President, under the previous order of the Senate, I now move that the Senate stand in recess until 10 a.m., tomorrow.

The motion was agreed to; and (at 8 o'clock and 1 minute p.m.) the Senate took a recess, under the order previously entered, to tomorrow, Friday, May 15, 1964, at 10 o'clock a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 14 (legislative day of March 30), 1964:

Office of Emergency Planning

James D. O'Connell, of California, to be an Assistant Director of the Office of Emergency Planning.

HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Isaiah 55: 3: *Incline your ear and come unto me; hear and your soul shall live.*

Eternal God, our Father, who art the nearest of all companions and the wisest of all counselors, we rejoice that Thou art always responsive to our many needs when we approach Thee with a humble spirit and a contrite heart.

Enable us by Thy grace to be more impervious to those devastating fears and anxieties which so frequently assail us and disturb our peace.

Grant that Thou wilt strengthen the life of our Republic and cause it to be more firmly rooted in those spiritual ideals and principles of the Founding Fathers who took God into account and sought to reverence and obey those divine laws which cannot be broken.

May we have men and women at the helm of the Ship of State who are not steering her by the rush candles of expediency and self-interest but by the eternal stars of lofty idealism.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2772. An act to amend the Alaska Omnibus Act.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

May 13, 1964.

The Honorable John W. McCormack,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: I hereby tender my resignation as a member of the House Committee on Government Operations.

Respectfully yours,
Albert W. Johnson.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT TO COMMITTEE

Mr. ARENDS. Mr. Speaker, I offer a privileged resolution (H. Res. 723) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That IRENE B. BAKER, of Tennessee, be, and she is hereby, elected a member of the standing Committee of the House of Representatives on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR WEEK OF MAY 18

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask for this time in order to ask the majority whip if he will inform us of the program for next week.

Mr. BOGGS. Mr. Speaker, in response to the request from the distinguished minority whip, the program for the House for the week beginning Monday, May 18, is as follows:

Monday is Consent Calendar day. In addition to that, we have four suspensions: First, H.R. 11037, amending the Alaska Omnibus Act providing funds for the public administration of certain facilities there.

H.R. 9653, extension of authority of Postmaster General to lease real property.

House Joint Resolution 1020, a gold medal for Henry J. Kaiser.

House Joint Resolution 889, commemorating the golden anniversary of the Naval Air Station at Pensacola, Fla.

S. 920, which will be considered under an open rule with 1 hour of general debate. This deals with international reciprocity for amateur radio operators.

On Tuesday, the Private Calendar, to be followed by H.R. 11202, Department of Agriculture appropriations, 1965.

On Wednesday, the 1965 appropriations for the independent offices.

On Thursday and the balance of the week, the late distinguished Member from Missouri, Mr. Cannon, will be eulogized, followed by H.R. 10041, the Hospital and Medical Facilities Amendments of 1964. That will be considered under a rule with 3 hours of general debate.

Conference reports will be in order at any time.

Mr. ARENDS. I thank the gentleman from Louisiana.

Mr. BOGGS. In addition to that, Mr. Speaker, the Committee on Ways and Means has reported eight bills unanimously, and the chairman of that committee informs me he may seek permission to call them up at some time during the week. They were reported unanimously, as I said, by the Committee on Ways and Means. I will put the numbers and description of the bills in the RECORD.

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, with reference to the bills out of the Committee on Ways and Means, will we have some notification prior to their being called up?

Mr. BOGGS. Yes. It will be put in the RECORD. If the gentleman would like, I will be very happy to read them now.

Mr. GROSS. No. I do not ask for that.

Mr. BOGGS. Yes. It will be made a part of the RECORD as of now.

Mr. GROSS. But I would like to know when they are to be called up on the floor. If the leadership could give us some indication the day preceding that, it would be helpful to us to know.

Mr. BOGGS. I am certain that the distinguished chairman of the Committee on Ways and Means will be glad to do that.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The bills referred to are as follows:

BILLS REPORTED FROM COMMITTEE ON WAYS AND MEANS

H.R. 4198, SHELLEY: Free importation, instant coffee.

H.R. 9688, BALDWIN: Responsibility for placement and foster care of children.

H.R. 10463, GRIFFITHS: Suspension of duty, metal scrap.

H.R. 10465, MILLS: Personal and household effects.

H.R. 10466, MILLS: Assistance for returning nationals.

H.R. 10468, MILLS: Suspension of duty, shoe lathes.

H.R. 10473, KING of California: Foster care in child-care institutions.

H.R. 10537, HARVEY of Michigan: Suspension of duty, natural graphite.

ADJOURNMENT OVER TO MONDAY, MAY 18

Mr. BOGGS. Mr. Speaker, I renew my request and ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE ON RULES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file various reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE SUGAR ACT

Mr. BARRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARRY. Mr. Speaker, within the next few months this Congress must come to grips with the vital national problem of the foreign sugar supply provisions of the 1962 Sugar Act.

Just how Congress deals with this sugar problem will have a direct impact on business and thousands of union jobs.

If there is an increase in the beet sugar allocation this would entail loss of thousands of jobs in cane sugar refineries in eastern industrial States and might force the closing of at least one major refinery. It would also increase the price of sugar for consumers and impair the balance of U.S. imports and exports which would directly affect many American industries.

When the Sugar Act was up for amendment 2 years ago, the mainland producers agreed with the rest of the sugar industry that their quotas would not be changed before 1967. The law, passed by Congress in 1962 and now in effect, was based on that agreement.

The domestic beet sugar producing industry has recently announced a drive to amend the law at this session of Congress in order to increase its share by at least 750,000 tons or about 28 percent of their present quota. This increase would mean a corresponding loss to the domestic cane sugar refining industry which would otherwise refine and market this tonnage.

HOW THE SUGAR ACT OPERATES

The Sugar Act apportions the American sugar market between domestic and foreign suppliers, approximately 60 percent to domestic and 40 percent to foreign. The domestic share is in turn apportioned among the beet sugar area, the mainland cane area—Louisiana and Florida—and the three offshore producing areas, Hawaii, Puerto Rico, and the Virgin Islands. The foreign share is divided among 25 countries which are assigned specific quotas in the law and a global quota. The global quota is an amount reserved for Cuba whenever diplomatic relations with that country are resumed; until such time, this global quota is made available to other foreign countries, with a preference for Western Hemisphere countries and countries that purchase U.S. agricultural commodities.

Prior to the beginning of each year, the Secretary of Agriculture is obliged to announce a national consumption estimate for that year. This sets the total amount which is apportioned under the quota system. Last December, the Secretary announced a national consumption estimate for 1964 of 9.8 million tons. This resulted in the following breakdown among suppliers:

Domestic:	
Beet sugar area	2,698,590
Mainland cane area	911,410
Hawaii	1,110,000
Puerto Rico	1,140,000
Virgin Islands	15,000
Subtotal domestic	5,875,000
Foreign:	
25 quota countries	2,420,659
Global quota	1,504,341
Subtotal foreign	3,925,000
Grand total	9,800,000

Whenever the Secretary determines that a country, or a domestic producing area, cannot meet its quota, he is empowered to reallocate the amount of the deficit. The law assigns nearly one-half of any such deficits to the Philippines and opens up the remainder to countries of the Western Hemisphere on a first-come, first-served basis with special consideration to those purchasing U.S. agricultural commodities.

This is the basic system of marketing quotas. As a means of apportioning domestic production among individual sugar growers, the law also provides for acreage allotments, or "proportionate shares." Total acreage allotted is calculated on the basis of what is required to produce the amount of beet and cane sugar which can be sold under the respective marketing quotas.

To offset the higher production costs of domestic production and thus enable domestic producers to compete with foreign producers, the Sugar Act provides for payments to growers according to the tonnage of sugar produced. These payments are financed from a tax of one-half cent per pound levied on sugar processed or imported for domestic consumption. When the price of imported sugar remains under the domestic price, an import fee equal to the difference is imposed upon the importer and returned to the Treasury.

BENEFITS TO LABOR AND BUSINESS

Of what actual importance is this to business and organized labor? The port of New York is the largest center of cane sugar refining in the world. Raw cane sugar ranks second in tonnage among the commodities imported through the port—by far the most important food product. In 1962, more than 1,500,000 tons of sugar moved into New York, requiring some 150 ships.

This sugar was destined for five of the Nation's largest refineries—the Brooklyn plant of the American Sugar Co., Domino sugars; the Long Island City plant of the National Sugar Refining Co., Jack Frost sugars; the Brooklyn plant of SuCrest Corp., SuCrest sugar; the Yonkers plant of Refined Syrups & Sugars, Inc., Flo-Sweet sugars; and the liquid sugar plant of the Pepsi-Cola Co. in Long Island City.

The raw sugar imported into the port of New York was valued at more than $190 million. According to the latest studies, the one and a half million tons of sugar imported generated an estimated $80 million more in business for the New York area.

New York's sugar refining industry has played an important role in the progress of the business community of the city for more than 300 years. The five refineries, alone, provide direct employment for nearly 5,000 individuals and maintain an annual payroll of approximately $25 million. In addition, there are hundreds of home office employees of sugar companies whose jobs depend on the importation of sugar.

Another segment of New York labor also benefits from imports of raw cane sugar. For example, each year over 3 billion pounds of sugar products move out of these refineries by barge, truck, and rail providing many man-hours of employment to transportation workers alone.

Housewives buying small packages of sugar; the industrial users—bakers, confectioners, canners, bottlers, ice cream manufacturers, and other food processors—located in New York, New Jersey, and the other surrounding States rely heavily on New York sugar refineries to fill quickly their divergent sugar needs at reasonable prices. New York and New Jersey, with a total sugar consumption of more than 2.6 billion pounds annually, is the Nation's most important sugar consuming market.

DIRECT IMPACT OF LABOR AND BUSINESS

What would be the direct impact on business and labor concerned with the importation of sugar into the port of New York if 750,000 tons of sugar quota were taken away from the foreign suppliers?

First of all, there would be a loss of incoming cargo. Second, there would be a loss of outgoing cargo due to a reduction of exports. Here is why:

The sugar-producing nations depend on the sale of raw sugar to the United States to help earn the dollars needed to import manufactured and agricultural goods from the United States. These goods, $4.2 billion worth in 1962, must flow out through U.S. ports.

Any drop in U.S. imports of raw sugar will, most assuredly, be followed by a decrease in U.S. exports to sugar-producing nations. Sugar is the third most important dollar earner for all of Latin America.

New York and New Jersey, in 1961, exported an estimated $455 million worth of manufactured and farm goods to the sugar-producing nations, most of it through the port of New York. These exports of everything from highly intricate electronic equipment to clothes and malt provided an estimated 50,000 jobs and $275 million in wages and farm income. In New York State alone, 86 cities export goods to sugar-producing countries. In New Jersey, 88 cities are exporters to these countries.

DIRECT IMPACT ON REFINERY WORKERS

There would definitely be a reduction of jobs at the five New York cane refineries. It is true that sugar taken away from the foreign suppliers and given mainly to the beet producers would provide additional employment for the beet industry. But this would be a poor exchange for organized labor, and especially for east coast can refinery workers who would lose their jobs to the beet industry mainly in Western States, creating a great employment problem on the eastern shores.

The proposed 750,000-ton reduction in the foreign sugar quota represents 24 days or 2,880,000 man-hours of work for the entire cane refining industry and a loss of more than $9,300,000 in refinery workers' wages alone.

The harmful consequences of lopping 750,000 tons of sugar from the foreign quota can be graphically measured in stark terms if the full impact were to be concentrated on the port of New York. Such a cutback in importation would be enough to eliminate approximately one-half of the business and job-stimulating activities of the fleets carrying sugar to the port, and to wipe out two or three of New York's cane sugar refineries, some 2,500 refinery jobs, and the $12,500,000 in annual payroll.

Of course, New York would not by itself suffer the full impact of the beet "raid" on foreign sugar quotas. Nonetheless, it is fair and factual to state that New York's share of the sugar import loss would result in a serious reduction of jobs at the five New York refineries.

U.S. cane refinery workers are among the highest paid and receive some of the highest benefits in American industry. They are also assured of year round employment. In contrast, the beet processing factory jobs are seasonal, at lower pay, with lesser benefits.

For example, cane refinery production workers average around $3 an hour and fringe benefits are in the neighborhood of 75 cents an hour. The New York plants provide steady employment throughout the year. According to the latest Government studies, beet production workers receive an average of $2.20 an hour on a seasonal basis, primarily during a 4-month period—October through January. U.S. production workers as a whole are paid an average of $2.49 an hour, the Bureau of Labor Statistics reports.

The replacement of cane sugar by beet sugar will result in higher prices to the unionist as well as to all consumers. Besides being one of the most highly subsidized farm commodities, beet sugar must be shipped into the highly populous east coast by truck and train from the western beet States. This combination—high subsidies and freight costs—results, in times of normal supply, in a higher cost of sugar to the housewife and the industrial user.

IMPACT OF PAST BEET QUOTA INCREASES

We are already beginning to feel the impact of past increases in beet sugar quotas. Beet sugar, in ever-increasing quantities, is being shipped into States traditionally served by cane refineries.

For example, 1,255,669 100-pound bags of beet sugar were shipped into New York and New Jersey during 1963. In 1962, 175,012 100-pound bags of beet sugar were shipped into the two States. Beet deliveries increased by over 700 percent.

So this is a continuing fight—a fight to protect the jobs of organized labor as well as a fight to get prices down to a reasonable level for all consumers and to keep them there.

HOW IMPORTANT ARE SUGARBEETS TO AMERICAN AGRICULTURE?

Latest publications of the U.S. Department of Agriculture indicate the following:

Farms: Sugarbeets were produced on less than 1 percent of the Nation's farms in 1962—23,078 out of 3,688,000. Four States had over 50 percent of these farms—Colorado, Idaho, Michigan, and California. The range was 4 sugarbeet farms in New Mexico to 4,023 in Colorado.

Acreage: Sugarbeets accounted for less than four-tenths of 1 percent of the Nation's harvested cropland in 1962—for sugarbeets 1,104,700 acres; for all crops 287,567,000. In no State did sugarbeets account for as much as 4 percent of the acreage harvested.

Production: Three States—California, Colorado, Idaho—produce 55 percent of the crop, 10 States over 90 percent, and the remaining 10 States, less than 10 percent of the crop.

Income: Sugarbeets accounted for six-tenths of 1 percent of total cash receipts from farming in 1962—for sugarbeets $208.9 million, for all commodities $35,921 million.

Government payments: Direct Federal payments to sugarbeet producers totaled $43,458,510 in 1962—equivalent to one-fifth of their cash receipts. Over 50 percent of the payments went to farmers in 3 States—California, Colorado, and Idaho.

THE IMPORTANCE OF TRADE WITH THE CANE SUGAR PRODUCING NATIONS

Imports of raw sugar contribute materially to the economic well-being of the port. The dollars foreign nations earn by selling sugar to the United States are used to buy the products of American agriculture and industry.

Total U.S. exports to cane sugar producing nations in 1962 were valued at $4.2 billion—up $119.3 million from 1961. Agricultural exports alone were valued at $761 million. The United States had a favorable balance of trade with these nations of $713.2 million.

These nations import large quantities of the important American export crops—wheat, rice, tallow, soybeans and soybean oil, barley, cotton, tobacco, grain sorghums, corn, and lard.

The United States exported 186.6 million bushels of wheat to these nations in 1962. Exports of wheat were valued at $337.4 million; rice, $41.3 million; corn, $14.0 million; barley and barley malt, $4.2 million; grain sorghums, $3.5 million; and fodders and feeds, $14.4 million.

Exports of soybeans and soybean oil were valued at $22.3 million; tallow, $11.2 million; and lard, $3.1 million.

Over 700,000 bales of American cotton, valued at $101.7 million, were exported to these nations in 1962. Exports of tobacco and tobacco products were valued at $54.1 million.

Exports of dairy products were valued at $27.5 million; meat and meat products, $12.2 million; livestock and poultry, $8.3 million; vegetables and preparations, $15.8 million; and fruits and preparations, $9.9 million.

The $501.3 million earned by nations exporting raw sugar to the United States contributed materially to the continued growth of our export business.

In the Nation as a whole, 1 out of every 10 workers owe their jobs to export and the output of 1 out of every 6 acres harvested goes abroad.

In closing, I would like to add the views of the Washington Post from their April 26 editorial:

FILLING THE SUGAR BOWL

> The housewife who purchases a 5-pound bag of sugar is seldom concerned whether its crystalline contents were derived from cane grown in Latin America, cane grown in the United States and its possessions or domestic sugarbeets. But the question of imports is not viewed with casual indifference by the domestic producers and those whose fortunes are bound up with imports of raw cane sugar. They are now locked in a furious combat, and the task of the disinterested observer is to determine where the public interest lies.
>
> The issue over which legislative lobbyists are spilling blood is how the 9.8-million-ton U.S. sugar market is to be divided. Under the Sugar Act of 1948, as most recently amended, the Government determines how much sugar shall be produced domestically and how much and from where sugar shall be imported. This year more than 58 percent of the market has been allotted to domestic producers with nearly half of that share awarded to the rapidly growing sugarbeet industry.
>
> Because of the cessation of Cuban imports and a sharp rise in the world price, there have been demands that the domestic quota be increased at the expense of the "global quota." In December the Department of Agriculture asked Congress to suspend domestic marketing quotas, a request which in practice would sharply increase the share of the sugarbeet producers. Other legislation would increase the domestic sugar quotas by from 750,000 to 1 million tons. Are these measures in the public interest? We think not.
>
> Increasing the domestic quotas will do nothing to help the consumers in the short run, and in the long run they would be clearly disadvantaged. With the foreign quotas reduced, the effectiveness of the check on domestic price increases would be weakened. And as sugarbeet production would expand most rapidly, the consumers would bear a heavy burden as a result of the high subsidy which is paid on every pound of beet sugar produced.
>
> Even more disquieting is the impact on the cane sugar producing countries, particularly the Latin American members of the Alliance for Progress. The United States already has a sizable export surplus in trade with those countries, and any move which would reduce their import would defeat the purpose of the Alliance. Moreover, the country which is complaining that the Common Market is discriminating against agricultural imports should not close its doors to the efficient producers of tropical cane sugar.
>
> Although the issues tend to be obscured by masses of technical details, it is clear that a reduction in the foreign sugar quotas will work against the interest of the consumer and weaken this country's political position.

THE 150TH ANNIVERSARY OF NORWEGIAN CONSTITUTION

Mr. FRASER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 302) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the concurrent resolution, as follows:

> Whereas one hundred and fifty years ago, on May 17, 1814, the Norwegian Constitution was adopted at Eidsvoll, Norway; and
>
> Whereas through the years the Kingdom of Norway has demonstrated its firm dedication to the high ideals of representative democracy, individual freedom, and social justice; and
>
> Whereas the peoples of Norway and the United States are joined in warm and abiding friendship bred of common purpose and shared ancestry; and
>
> Whereas the Congress of the United States recognizes the significant contributions made by Norway to the achievement of closer cooperation among the countries in the Atlantic partnership: Therefore be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That the congratulations and best wishes of the Congress of the United States are hereby cordially extended to the Norwegian Storting, upon the occasion of the one hundred and fiftieth anniversary of the adoption of the Norwegian Constitution.
>
> SEC. 2. The Clerk of the House shall transmit a copy of this resolution, through the Department of State, to the President of the Norwegian Storting.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

Mr. FRASER. Mr. Speaker, next Sunday, May 17, is the 150th anniversary of the signing of the Constitution of Norway in 1814. We are very conscious in 1964 of the tremendous contribution of Norway to the growth of our country and to the strength of the Western World.

Thousands of our sturdiest pioneers who opened up the West came to the United States from Norway. Since 1820 more than 800,000 settled across the land, mostly in Minnesota, Wisconsin, and North and South Dakota.

Think of the great men from Norway or of Norwegian background who have contributed to our Nation and the world: Leif Ericson's visit to North America in 1000 A.D. marks the first contact between the Old and New Worlds. I have urged this Congress to take action to set aside October 9 each year as Leif Erikson Day, not as a public holiday, but a day for appropriate ceremonies in schools and churches to recognize this great Norwegian explorer.

Other famous men include: Knute Nelson, Governor of Minnesota from 1892 and U.S. Senator from 1895; O. E. Rolvaag, author of the great story of pioneer life, "Giants in the Earth," and his son, the Honorable Karl Rolvaag, present Governor of Minnesota; Thorstein Veblen, the famous economist; Eric Sevaried, journalist and commentator; Gen. Lauris Norstad, former Supreme Commander of the NATO forces in Europe.

Can there be any doubt of the debt our country owes to the people of Norway for giving sons and daughters who have become such a strong and vigorous part of our Nation's life?

So it is that we should pay tribute to the people of Norway at this time. This resolution is but a token of our deep respect for their nation and their ideals. Their "Fourth of July" calls attention to one of the great documents in the history of Western man—the Constitution of Norway of May 17, 1814.

The people who came here from Norway did not have to be taught the responsibilities of democracy. They brought with them deep convictions about freedom, justice, integrity, and the rule of law.

Probably the largest "Syttende Mai" celebration in America will occur in Minneapolis, Minn., next Saturday night at Northrup Auditorium at the University of Minnesota. King Olaf V of Norway will be represented by Bishop Fridtjof Birkeli of the Stavanger diocese in Norway. We are indeed honored.

Mr. Speaker, Norway is today a beacon light for peace and freedom in the world. This resolution will show the people of Norway that the friendship of the United States and the common bonds of the people of these two great nations are warm and enduring.

Mr. PELLY. Mr. Speaker, the United States enjoys the presence of a large number of citizens of Norwegian ancestry, very peaceful and beneficial citizens indeed. One reason that Norwegians have fitted so well into our American system is that Norway has long enjoyed great freedom itself under a democratic constitution. The Norwegian people have never suffered under a despotic ruler. Like America they have a firm historical experience with local government, representative institutions, and personal responsibility for affairs of the nation.

Norway's independence day is May 17. On that day in 1814 Norway's greatest men drew together in a historical meeting at Eidsvoll and wrote the constitution which has formed the basis for Norwegian Government ever since, including the famous Storting, the Parliament, and a bill of rights comparable to our own.

May 17, 1814, marked the beginning of many peaceful, progressive years for Norway, and with each passing year the peoples of America and Norway draw closer together. We watched with helpless anger the Nazi invasion in 1940. We rejoiced immensely when Norway was liberated in 1945. Today we have cast our fortunes together on the world stage, bound tightly to mutual defense and cooperation through the North Atlantic Treaty Organization. It is certainly appropriate that we Members of Congress pause to wish Norway and all Norwegian people the best wishes and continued happiness on Norwegian Independence Day.

GENERAL LEAVE TO EXTEND

Mr. FRASER. Mr. Speaker, I ask unanimous consent that I may extend my remarks at this point in the RECORD and that all Members have 5 days in which to extend their remarks on the subject of the concurrent resolution just passed.

The **SPEAKER.** Is there objection to the request of the gentleman from Minnesota?

There was no objection.

TVA-TYPE POWER PROJECT URGED FOR APPALACHIA

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter and tables.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, there has been much discussion recently in the press, on radio and television, and in the Congress concerning the pitiful plight of persons in pockets of poverty in the Appalachian region. This is a real and pressing problem which is heavy on the conscience of every one of us. I abhor poverty and unemployment as much as any man because I see too much of it and its impact in my own district. I will not take a back seat in any honest and sincere effort to find a reasonable and workable solution to these problems. But, it makes my blood boil to see any unscrupulous group attempt to play on the poverty and misery of fellow Americans to pervert compassion into a vehicle to serve their own infamous goals of destroying our traditional pattern of private enterprise.

Mr. Speaker, I have just read one of the most shocking memorandums which I think ever came out of the Department of the Interior. This was a statement by Marcus Abelson, Director of the Northeast Division of the Technical Review Staff of the Department of the Interior, transmitting a memorandum entitled, "A Dynamic Program for Economic Development of the Appalachian Region." Since this document came to my attention, I have done a little more investigating and find that the memorandum was actually prepared by the National Rural Electric Cooperative Association and the American Public Power Association.

My curiosity was first aroused on this subject when I read an article in the St. Louis Post Dispatch by Thomas Ottenad, dated February 26, 1964, entitled "TVA-Type Power Project, Co-ops Urged for Appalachia." Mr. Ottenad stated:

> The Federal Government has been urged to take the lead in building electric powerplants and establishing agricultural and other cooperatives as a means of attacking poverty in hard-hit Appalachia.

He then goes on for some 20 column inches to summarize some of the details of the proposals of this group of public power advocates which were made to Franklin D. Roosevelt, Jr., in his capacity as Chairman of the President's Appalachian Regional Commission.

Mr. Speaker, in order that all of our colleagues may have the benefit of knowing and understanding just how far these groups would go to take advantage of poverty to put their wornout schemes for public power into effect, I would like to include the memorandum prepared by NRECA and APPA and circulated by an official of the Department of the Interior in the RECORD at this point in my remarks.

U.S. DEPARTMENT OF THE INTERIOR,
Boston, Mass., March 16, 1964.

To: Members of NEFC.
From: Regional Coordinator.
Subject: Appalachia.

For your information, there is enclosed a copy of a report on a program for development of the Appalachian region.

MARK ABELSON.

A DYNAMIC PROGRAM FOR ECONOMIC DEVELOPMENT OF THE APPALACHIAN REGION

Today one of the most significant challenges which confronts America is: Can this Nation fulfill its responsibilities with a fifth of the Nation's population impoverished? One of the areas where this problem is most acute is the Appalachian region, which has suffered serious economic decline since the end of World War II. Unemployment has reached as high as 30 percent in some labor market areas in Appalachia. This is a black mark on our economic system.

In the 1930's, when a similar situation existed in the valley of the Tennessee River, Franklin D. Roosevelt moved to eradicate a needless waste of human and physical resources by pressing for the creation of the Tennessee Valley Authority. When F.D.R. sent the TVA Act to Congress he said: "This in a true sense is a return to the spirit and vision of the pioneer. If we are successful here we can march on, step by step, in a like development of other great natural territorial units within our borders."

For 30 years the TVA has been functioning in that area, and though by no means finished with the job it set out to do, the TVA speaks for itself in its record of accomplishments.

In 1933, the year TVA was established, the per capita income in the Tennessee Valley area was 45 percent of the national average; by 1962 it had risen to 66 percent of the national average. The steady increase in per capita income in the valley has, among other things, resulted in $20 billion in added Federal income tax payments from individuals in the valley in the period 1933–63.

Now, President Johnson has declared war on poverty and has singled out Appalachia as one region that demands immediate action. Because of the attention which has been focused on the economic ills of Appalachia, the eyes of the Nation and the world will watch the program for this region with keen interest. Success or failure here will be an indicator of whether or not the American economic system has the ability to cure its ills as well as provide a pattern for meeting similar problems in other parts of the world.

If the Federal Government is to assume a proper role in bolstering the unsteady and uncertain economy of Appalachia it must assure a sizable expansion of investments in wealth-producing functions of that region. Presently over one-quarter billion dollars per year are being poured into Appalachia in various forms of the dole, creating no new wealth, fostering a welfare society, and breaking down the basic human values of the people.

The dole cannot continue. Unless the Federal Government can come up with a program of resource development, human and physical, which will bring permanent benefit to the region through creation of a sound base for economic growth, failure is unavoidable.

We propose a program which will shift the balance in Appalachia from exploitation to conservation, from unemployment to economic development, from poverty to prosperity. This program will not be a panacea, but a long term expanding investment in and for the people of Appalachia and for the people of the United States.

FEDERAL APPALACHIAN DEVELOPMENT CORPORATION

An effective program for the Appalachian region must envision at least two objectives: (1) stimulation of non-Government industrial and commercial enterprise to build payroll capability and (2) establishment of a self-sustaining source of cash flow to finance capital improvements in the broadest sense of the term, i.e., public works, community facilities, industrial and municipal water supply, and sewage treatment facilities, and, of prime importance, educational facilities and financial support of their utilization at all levels of attainment.

Because of the relatively large number of States and localities involved, we believe that this total marshaling of the natural and human resources of the Appalachian region can best be achieved by an independent, Federal Government corporation with broad authority in the field of resource development and with independent financing powers based on self-liquidating bonds.

The mountainous terrain of Appalachia, and its proximity to eastern population centers, indicates good prospects for water and land resource development oriented toward recreation and electric power development, but with substantial emphasis also placed on impoundments for industrial and municipal water supply. Sewage treatment facilities and water distribution and sewage collection systems for the smaller communities are also needed. These are the kinds of projects that, in part at least, will be paid for by user charges over a period of years, assuming a simultaneous accelerated economic growth.

The sale of hydroelectricity from multiple-purpose reservoirs will supply some cash flow but statistics indicate that by 1980 only 9 percent of the region's electric energy will be derived from water power. Nonetheless, such projects do not substantially reduce the demand for fuel, and constitute valuable peaking capability to complement and assure the most efficient operation of fuel-fired steam stations.

The construction and operation of educational facilities, and the subsidization of their use—apparently the most critical need of Appalachia—are not a self-liquidating program and must be financed from other sources, but of course would be aided by a broadening of the industrial base.

We are of the strong opinion that utilization of the region's historically basic resource—coal—in very large size steam electric generating stations, with the payment of a part of the power sales revenue into an "Appalachian Development Assistance Fund," would tend to reestablish mining payrolls, add powerplant construction and operation payrolls, attract new industries and create a self-sustaining cash flow to fund land and water resource development and the construction and operation of needed educational facilities—all to be programed in close cooperation with the State and local governments.

Preferably, the development corporation would generate the power and transmit it over Federal transmission lines to major load centers for delivery at wholesale. The power could be sold to all types of utilities—privately, publicly, and cooperatively owned. Financing of generation and transmission facilities by a public corporation through the issuance of bonds sold in the private money market would provide these advantages, among others: (1) power would be produced at the lowest possible cost; (2) funds could be made available to the development corporation for other regional development programs; (3) power could be sold to all utilities, public and private; and (4) thermal power could best be integrated with publicly developed hydro resources. Although construction of some transmission lines would be needed to deliver power to load centers, existing lines also could be used to "wheel" power, where feasible.

Appalachia possesses 39 percent of the Nation's recoverable bituminous coal. Using modern, extra-high voltage transmission techniques, electricity can be economically delivered to load centers 1,000 miles from the source of generation. Thus, economic interconnection of Oregon and Arizona is feasible. Consolidated Edison Co. has announced that it will forgo installation of thermal capacity and substitute power purchased from a Labrador hydro station 1,135 miles from New York.

Our studies indicate that publicly financed plants in Appalachia can deliver wholesale electricity anywhere in the eastern one-half of the United States, except the Tennessee Valley, cheaper than it is now generated at major load and population centers. (See table "Power Marketability.") And, these calculations include the payment into an "Appalachian Development Assistance Fund" of one-half mill on each kilowatt-hour so delivered.

The possibilities for such a plan are enormous. FPC studies show that from 1965 through 1980 the eastern United States will consume some 19 trillion kilowatt-hours of electricity. Powerplant capacity will increase during the same period from 129 to 320 million kilowatts, a 148-percent increase. Thus, approximately 60 percent of the above 19 trillion kilowatt-hours, or some 11.4 trillion kilowatt-hours, will be generated in new plants. At one-half mill per kilowatt-hour, the full potential of such an increase would, if achieved, pour $5.7 billion into the Appalachian Development Assistance Fund during this 15-year period. What we contemplate is a complex of large-scale, low-cost generating stations throughout Appalachia.

With respect to reestablishing non-Government payrolls, the United Mine Workers Journal calculates that for each additional million tons per year of coal mined, 400 new jobs are created. Assuming that, under modern conditions, the ratio of coal consumption to plant capacity is about 2,500 tons per megawatt per year, the growth potential for the eastern United States during the next 15 years is 460 million tons per year or 184,000 new coal mining jobs alone by 1980.

We recognize, of course, that 100-percent achievement of the calculated potential could not be realistically expected. Assuming, however, that a substantial fraction of the potentially available new jobs and cash flow assistance available from coal resource utilization were achieved, we believe the program well worth undertaking via a Federal Government resource development corporation, which could obtain its financing in large part from the sale of bonds in the private money market, much as municipalities, State governments, and the TVA sell bonds for various self-liquidating projects.

ESTABLISHMENT OF COOPERATIVES

The predominantly rural nature of Appalachia suggests that a bold new approach is required to fill voids which exist in developing much of the area's natural and human resources.

Studies of the region have clearly established that to achieve the end result of raising the income and living standards, there first must be comprehensive programs to prepare for utilization of the natural and human resources of the area. Among these programs, in addition to the development of coal as described already, would be those that dealt with reforestation and timber management; control of flooding, erosion, and water management; more efficient agriculture; upgrading education with emphasis on vocational training and retraining; and public facilities.

As basic as these programs are to breaking the poverty cycle in Appalachia, there must be some vehicle available to transform resource development into permanent economic progress. We believe that nonprofit cooperatives are the best vehicle for this task in the rural and marginal areas of the region. Cooperatives could provide many advantages other than economic. They stimulate initiative and leadership and promote self-confidence and pride of ownership. And cooperatives insure that economic benefits are retained in the area.

A rural cooperatives agency should be established, preferably in the U.S. Department of Agriculture, to assume a major role in assisting the people of Appalachia to make fuller use of their resources. This agency should have the responsibility of helping to organize the nonprofit cooperatives in rural Appalachia which are needed to fill existing voids. Moreover, the agency should have the authority to provide capital either in the form of loans or grants, or both, and to provide technical assistance.

City	Lowest present busbar cost [1] (mills per kilowatt hour)	Alternative delivered cost [2] (mills per kilowatt hour)	Savings per kilowatt hour [3] (mills)
Bangor, Maine	12.35	5.50	6.85
Boston, Mass [4]	7.79	5.50	2.29
Buffalo, N.Y	9.51	5.00	4.50
Chicago, Ill	6.34	5.00	1.34
Detroit, Mich	6.46	5.00	1.46
Duluth, Minn	7.68	5.50	2.18
Kansas City, Mo	6.42	5.00	1.42
Little Rock, Ark	5.76	5.00	.76
Manchester, N.H	8.28	5.50	2.78
Miami, Fla. [4]	5.50	5.50	0
Milwaukee, Wis. [4]	6.04	5.00	1.04
Minneapolis, Minn	5.55	5.50	.05
New York, N.Y. [4]	7.82	5.50	2.32
Philadelphia, Pa	6.88	5.00	1.88
Portland, Maine	8.57	5.50	3.08

[1] Lowest present busbar cost computed to be that cost of newest plant addition of utility serving community. (The figures in this do not reflect system average busbar costs which would be considerably higher after older, less efficient plant costs are averaged in.)

[2] Computed on the basis of most efficiently operated publicly financed plant in Appalachian region with charge for transmission costs and line loss (1½ mills for cities within 600-mile radius of Appalachian region; 2 mills for cities within 900-mile radius).

[3] Savings estimated would, in practically all cases allow sufficient saving to return 0.5 mill to Appalachian region for development of other than power facilities.

[4] Present busbar cost estimated on basis of 75- to 80-percent plant factor.

Source: "Steam Electric Plant Construction Cost and Annual Production Expenses," Federal Power Commission, 1961.

Mr. Speaker, I will not dignify this assault on the intelligence of the Congress by taking the time to refute the assertions one by one. I will only say that these groups are suggesting that at the same time the Nation's taxpayers are being asked to foot the bill for hundreds of millions of dollars to finance an Appalachian poverty program, the Congress is being asked to destroy a large source of tax revenues from taxpaying electric utilities and another large source of potential taxes by creating tax free cooperatives in the region.

In order to round out this picture, Mr. Speaker, I would also like to include in my remarks at this point the article in the St. Louis Post-Dispatch to which I referred a few moments ago.

TVA-TYPE POWER PROJECT, CO-OPS URGED FOR APPALACHIA

(By Thomas W. Ottenad)

WASHINGTON, February 26.—The Federal Government has been urged to take the lead in building electric powerplants and establishing agricultural and other cooperatives as a means of attacking poverty in hard-hit Appalachia.

The proposal was outlined yesterday by a group of union officers and representatives of power and cooperative organizations in a private meeting with Franklin D. Roosevelt, Jr., Under Secretary of Commerce. Roosevelt is Chairman of the President's Appalachian Regional Commission, which is drafting remedial plans for the area.

Some observers believe that the plan submitted yesterday has more merit than some of the major ideas being considered by Roosevelt's group. Its big advantage, in their view, is that its power projects would be self-liquidating and it would produce large-scale revenue to help finance construction of schools and other needed improvements.

Key to the plan is establishment of an independent, Federal corporation, similar to the Tennessee Valley Authority, to build large steam electric generating stations. Power would be offered for sale to cities in the East and Middle West where demands for electricity are increasing rapidly.

DEVELOPMENT FUND

The second principal element of the program calls for part of the revenue from power sales to go into an Appalachian development assistance fund. The fund would be used to finance schools and other community facilities needed if the area, which has suffered for years from declining industry and increasing unemployment, is to become self-supporting.

Advocates believe that within 15 years the plan could pour $5.7 billion into the development assistance fund. This is based on a contribution of half a mill for each kilowatt-hour of electricity sold and Federal Power Commission estimates that 60 percent of the electricity used in the eastern United States in the next 15 years will have to come from new generating plants.

The proposal would seek to capitalize on the Appalachian area's large resources of coal by using it as fuel for electric generating plants. The region, including parts of 10 States, possesses 39 percent of the Nation's recoverable bituminous coal.

The plan estimates that the growth potential in demand for coal in eastern United States in the next 15 years is 460 million tons a year. If demand reached this level, it would provide 184,000 new coal mining jobs by 1980. The study forecasts that development probably will be somewhat below this maximum level, however.

Development of coal-fired generating plants, it said, "would tend to reestablish mining payrolls, add powerplant construction and operation payrolls, attract new industries and create a self-sustaining cash flow to fund land and water resource development and the construction and operation of needed educational facilities."

Proponents of the proposal are confident it is feasible. They cite figures to show that publicly financed plants in Appalachia can deliver wholesale electricity anywhere in the eastern half of the United States, except the Tennessee valley, cheaper than it is being generated in major population centers.

They estimate that the delivered cost of power from Appalachia at 5 to 5.5 mills a kilowatt hour. This would be substantially less than the rates available in most of 15 eastern cities studied. Rates ranged up to 12.35 mills per kilowatt-hour. Only Little Rock, Miami, and Minneapolis showed rates of less than 6 mills, and none was below 5.5.

This system would use recently developed extra-high-voltage transmission techniques by which electricity can be delivered economically at distances up to 1,000 miles. From a point near the center of the Appalachian region in southwestern Virginia a radius of 600 miles takes in every major city on the Atlantic seaboard from central Florida through New York City and includes St. Louis, Chicago, Milwaukee, Detroit, and Philadelphia.

The proposed Federal Development Corporation would operate the generating plants transmitting power over Federal transmission lines. It would be authorized to issue bonds to finance construction of the plants. The bonds would be paid off from revenue obtained through the sale of power.

Broad authority would be given to the corporation to undertake capital improvements such as public works, schools, community facilities, industrial and municipal water supply, and sewage treatment facilities.

Other features call for creation of a Federal rural cooperative agency similar to the Rural Electrification Administration and for stimulation of private industry in the Appalachian area.

Like the REA, the proposed agency would help finance co-ops designed to improve timber production, control flooding and land erosion, and provide better educational and vocational training programs, and other public facilities. It was recommended that it have authority to provide capital in the form of loans and grants.

Those who joined in presenting the proposal to Roosevelt included representatives of the National Rural Electric Cooperative Association, American Public Power Association, AFL–CIO United Automobile Workers Union, AFL–CIO Textile Workers Union, and the industrial union department of the AFL–CIO.

Mr. Speaker, the special ad hoc subcommittee of the Public Works Committee is presently considering H.R. 11065, the so-called Appalachian Regional Development Act.

ARMED FORCES DAY, 1964

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RICH. Mr. Speaker, each year the observance of Armed Forces Day gives us an opportunity to assess the condition of our military arm. And at military installations across the land the public has an opportunity to get a firsthand look at the weapons and equipment needed for defense in the 1960's.

Of course, no one person could take in the whole array in 1 day, or even 1 month. A striking characteristic of America's defense forces is the incredible diversity within each separate branch of service.

Army weapons range in size from the little M–16 .22 caliber rifle to the Pershing guided ballistic missile, capable of delivering a nuclear warhead accurately to a target 400 miles away. Between these two extremes are a wide variety of weapons designed to cope with any situation. Army helicopters mount rockets and machineguns. Lightweight self-propelled artillery pieces can be carried by air and parachuted to earth. Guided antitank missiles are available, as well as a shoulder-fired missile that can track and destroy low flying aircraft.

The Army's ability to move has also been greatly increased. Army aviation has an increasing number of planes and helicopters for moving men and equipment around in the zone of operations. New trucks, tanks, and armored personnel carriers are replacing the older models of Korean vintage. More artillery pieces are being mounted on tracked vehicles for rapid battlefield movement. Mobility has always been of great military value, and now that nuclear weapons can be used on the battlefield mobility is essential to survival.

No less important than the hardware is the new organization of Army divisions. There are four basic types: infantry, armor, airborne, and mechanized. They are organized in such a way that component units can be added or detached to tailor forces for a particular job.

Contrary to the hopes of us all, the period since World War II has given us no respite from the relentless pace of technological development. If anything, the changes have been more profound than during the prewar period. Modern military hardware is immensely more complicated, and expensive.

The same process of change has been taking place in the other services as well. Who would have believed in 1945 that within 10 years a Navy crew would be tending a nuclear reactor in a submarine which was breaking all previous speed and endurance records; or that within 15 years after 2 atomic bombs were hoisted aloft by 2 B–29's a nuclear powered submarine would be on patrol capable of firing 16 ballistic missiles from underwater at approximately the same range, and each carrying a warhead more powerful than both of the first bombs together. And the various missile launchers mounted on the decks of surface ships must appear strange indeed to the men who recall the familiar silhouette of gun and turret.

In the Air Force there has been a complete changeover from reciprocal engines to jet power since World War II. More and more the job of the pilot is being automated. Some members of the Strategic Air Command climb into airplane cockpits, others take elevators down to underground missile command posts.

But we have learned that gadgets alone will not fill all of our needs. How ironic it is that as our technology has made incredible advances, our needs for the most simple forms of conventional force have also increased. Each branch of service has inaugurated programs in counterinsurgency warfare, which pits man against man in the most primitive circumstances. Some of our modern equipment is next to useless in this form of conflict. For example, most of our modern jet aircraft fly too fast and we have had to use World War II models and even trainers.

Such is the complex world in which we live. Most of our defense budget is spent on weapons designed to deter war. They will be successful only if they are never used. Lethal gas was first used in World War I by the Germans partly because the Allies were so poorly prepared in this area. After this experience, the Western nations would not again be caught off guard. As a result, in World War II no gas was used even though the Axis powers had an abundance of such weapons. The aggressors could see they had nothing to gain by the use of gas and were effectively deterred.

A similar situation exists today not only with respect to chemical weapons, but in the field of strategic nuclear war. By keeping prepared we are providing the best insurance against attack. It is largely for this reason that the enemies of freedom are resorting to lesser forms of military pressure.

Much credit for our outstanding military forces goes to the scientists and engineers who have seemingly worked miracles. But it takes people to operate the equipment, people who know they may be called upon to give their lives. On Armed Forces Day of 1964 this Nation thanks the nearly 2,700,000 men and women on active duty for the vital part they are playing in keeping this Nation secure.

FOURTEEN THOUSAND SIX HUNDRED PANAMANIANS EMPLOYED IN CANAL ZONE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Bow] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOW. Mr. Speaker, in the voluminous publicity following the January 9–11, 1964, Red-led Panamanian assaults on the Canal Zone there was included much hostile propaganda against the United States. Using the technique of the reiterated "big lie" in the mass news media, those unfounded attacks served to mislead some of our officials but aroused the suspicions of many well informed leaders throughout the Nation.

I know no one in or out of the Congress whose factual and objective addresses and statements over a period of years have done more to alert the people of our country to the realities of the situation at Panama than those of my distinguished colleague from Pennsylvania [Mr. Flood].

In contrast with the untrustworthy performance of most organs of the major press, the Christian Science Monitor has steadily endeavored to present isthmian questions objectively, thereby rendering a tremendous public service.

The latest contribution of the Monitor is a newsstory by Ralph K. Skinner, its isthmian correspondent, who supplies specific information on the employment of Panamanians in the Canal Zone. Because of his long residence in the isthmus Mr. Skinner's writings always reflect digested knowledge and disciplined judgment rather than hastily gleaned impressions and irresponsible journalism.

Mr. Speaker, it is both significant and illuminating that the vast sums paid to Panamanians for labor and supplies for the canal enterprise, together with large gifts and grants accorded by our Government to that country and its people, have enabled Panama to lead all other Latin American countries in per capita earnings. This fact is wholly ignored by radical Panamanian politicians and their Red collaborators as well as by mushy sentimentalists and Communist sympathizers in the United States.

The $1,930,000 annuity of the United States to Panama under treaty is not the sole benefit which that country receives from the operation of the Panama Canal, although Panamanian officials strive to make it appear as the sole benefit. Their false stand is not only untrue but eminently unfair and unjust, and should be fully countered by our official representatives in dealing with canal problems; and certainly should be stressed in the mass news media of the United States. If our official representatives in their discussions and negotiations with Panamanian representatives concerning the Canal Zone and canal have urged these facts, the Congress has no knowledge of it.

The simple truth of the matter is that our Government has been most generous and considerate in dealing with Panama but our country has been unwilling to surrender its indispensable treaty powers over the canal to fanatical and politically motivated demands. Our responsibility and obligations are too great to make concessions that would drive the United States from the isthmus and convert Panama into another Cuba.

The indicated news story follows:

[From the Christian Science Monitor, May 1, 1964]

FOURTEEN THOUSAND SIX HUNDRED PANAMANIANS EMPLOYED IN CANAL ZONE

(By Ralph K. Skinner)

PANAMA CITY.—In connection with the May Day celebration of Labor Day, the Panama Canal organization has released some interesting facts concerning Panamanian citizens employed in the Canal Zone by the U.S. Government.

There are 14,600 Panamanians employed in the Canal Zone, and 27,000 more qualified Panamanians have registered with personnel officers for possible employment opportunities there.

Although hundreds of Panamanians are employed as laborers and in clerical positions, some are doctors, nurses, engineers, administrators, and teachers.

High echelon Panamanians in the Canal Zone often earn in excess of $10,000 a year, and salaries of $6,000 to $8,000 are not uncommon in this group.

AVERAGE FIGURE

Minimum salary paid to any Panamanian citizen employed by the U.S. organizations in the Canal Zone is $149 a month. The average salary in April was $213.

After July 1, the average will be more than $240 a month because all Panamanian citizens working in the Canal Zone will receive a pay increase of nearly 12 percent from the U.S. Government at the start of the fiscal year.

In the Canal Zone a Panamanian schoolteacher with a bachelor's degree receives a salary of $605 a month after 6 years' service. The Minister of Education of the Republic of Panama receives $500 a month.

SALARIES COMPARED

With an advanced degree the Panamanian schoolteacher in the Canal Zone gets $652 a month at the end of 6 years' service.

Professors in the Panama Government's Normal School get $230 a month, in comparison.

After 5 years service, a Panamanian accountant in the Canal Zone receives $576 a month salary. His opposite number in Panama receives $330.

A responsible spokesman for the Panama Canal organization said the average retirement pay of Panamanians retired from the Canal Zone is higher than the current average salary of a man employed in Panama.

OTHER BENEFITS

Panamanians employed in the Canal Zone by the United States have excellent retirement and insurance plans as well as more than 5 weeks annual leave with pay allotment.

The traditional Labor Day speeches denounce what is described as U.S. exploitation of Panamanian labor in the Canal Zone.

There is a minimum wage law in Panama of 40 cents an hour in the city and 25 cents an hour in the rural areas, but it is not strictly enforced.

The Panama Government itself does not comply with the minimum, claiming financial inability to pay such a wage scale.

TAX REFORM—VALUING OF MUTUAL FUNDS AT THEIR REDEMPTIVE PRICE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I am introducing a bill today which would provide that mutual fund shares be valued at their redemptive price for estate and gift tax purposes.

The U.S. Treasury Department currently considers the value of a mutual fund share as the asked price at which a holder wants to sell the share but never gets. My bill would set the value of the share at the lower bid price which the holder actually gets when he sells his share.

The policy of the Treasury in overclaiming the value of mutual fund shares is an outrage. This particularly works a hardship on the people of modest means who commonly invest in mutual funds. This situation is typical of why the U.S. tax structure is badly in need of reform and a return to commonsense. Valuing a share of a mutual fund at more than the taxpayer can sell it for is just plain ridiculous. This is the sort of thing that destroys confidence in government.

MISLEADING INFORMATION ON MARKET NEWS SERVICE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, U.S. Department of Agriculture officials have attempted to justify the New Market News Service which the Department inaugurated last August as a response to public demand.

In a letter dated July 12, 1963, to the gentleman from Mississippi [Mr. WHITTEN], chairman of the Subcommittee on Agriculture of the Appropriations Committee, Mr. S. R. Smith, Administrator of the Agricultural Marketing Service, U.S. Department of Agriculture, discussed the results of a survey and stated:

> We received replies from over 100 organization or persons. About two-thirds of them favored the proposal. The remaining one-third was split about evenly between those opposing the proposal and those who did not take a position either way.

In a letter dated September 20, 1963, to Senator HOLLAND, Agriculture Secretary Orville L. Freeman stated:

> This notice (proposing the New Market News Service) received wide circulation—102 replies were received; 68 favored the proposal, 19 opposed, and 15 were noncommittal.

In a letter dated October 22, 1963, to the gentleman from California [Mr. MOSS], chairman of the Foreign Operations and Government Information Subcommittee of the Government Operations Committee, Mr. Freeman stated:

> The Department acted only after discussion with the Agriculture Appropriations Subcommittee of the House Appropriations Committee and after a request for public comments which resulted in overwhelming approval of the plan for expanded use of the existing leased wire service.

I have a complete set of photo copies of the survey replies in my files. I have examined each of them carefully, and my findings are at sharp variance with the analyses set forth by Secretary Freeman and Administrator Smith.

I have searched in vain to find the 68 favorable responses to which Mr. Freeman referred. They simply do not exist. There was no overwhelming approval. Only 21 can fairly be considered to favor the proposed New Market News Service. Sixty-eight asked for more information. Twelve opposed the proposal, and thirteen others made various noncommittal comments. In all, 114 replies were received.

The erroneous and misleading interpretation which Secretary Freeman placed on the survey results illustrates dramatically the hazard of placing a wire news apparatus at the disposal of the Secretary of Agriculture.

If you put on your brightest rose-colored glasses and read imaginatively between the lines, it might be possible to interpret about 40 of the replies as being favorably inclined. To say that 40 favored the proposal, however, would not be fair. Even so, this would still be considerably short of the number which the USDA officials said favored the proposal.

Mr. Speaker, I gave some thought to inserting in the RECORD the full text of all replies, so the Members of this body could see for themselves and make their own judgment. To save printing expense, I am not doing so at this time but invite anyone interested to examine my file of photo copies. I am sure this examination will show that my analysis is fair.

The best way to measure the true attitude of the organizations and persons responding is to find out how many of them actually signed up for the New Market News Service.

As of April 2, 1964—about 9 months after the service was begun—only 8 of the 114 had actually signed up. This is an 8-percent signup.

The important conclusions are these:

First. Less than 20 percent of those responding to the notice actually recommended that the New Market News Service be established. Claims to the contrary by USDA officials are gross exaggerations and misleading.

Second. Only 8 percent of those responding—actually a total of 8—had actually signed up for the service by April 2, 1964.

At last report a grand total of 53 organizations and persons had signed for the service. Four of the signups were by the privately-owned PAM market news service which is trying to stay in business despite the unfair competition it now faces at the hands of the USDA. The other 49 are mostly in the meat field.

To me, this modest and meager response and limited signup does not justify this intrusion of Government in wire news dissemination, especially when the intrusion amounts to unfair competition to private enterprise news services and as such poses a long-range threat to press freedom.

Here are several of the letters sent to USDA in response to the notice proposing the new Market News Service:

OKLAHOMA DEPARTMENT OF
AGRICULTURE,
May 28, 1964.

Mr. G. R. GRANGE,
Deputy Administrator, Marketing Services,
U.S. Department of Agriculture,
Agricultural Marketing Service,
Washington, D.C.

DEAR MR. GRANGE: In reading over your notice of consideration to permit "drop" connections to USDA teletype circuits, it seems to me that by bypassing the local State market news agency, you practically eliminate all contact these agencies might have. I cannot see where you will speed up the service by any appreciable amount as we are in constant contact with the news media in this State and have received no complaints of slow service. I do not believe our coverage could be more extensive than it is at present, as we contact weekly and daily papers as well as radio and TV stations in the State.

Oklahoma feels that as long as we can disseminate this information with a reasonable amount of efficiency, we would like to retain as much personal contact with these people as possible with as little bypassing as possible.

Yours truly,
LEW MEIBERGEN,
President,
State Board of Agriculture.

DEPARTMENT OF AGRICULTURE,
STATE OF MISSOURI,
Jefferson City.

Mr. G. R. GRANGE,
Deputy Administrator, Agricultural Market News Service, U.S. Department of Agriculture, Washington, D.C.

DEAR GEORGE: I am afraid most average to smaller firms would think the cost excessive for direct hookups with the USDA Market News Service circuit. Further, most information is now available through commercial sources (ticker tape).

DON THOMASON,
Commissioner.

STATE OF OREGON,
Department of Agriculture,
Salem, June 3, 1963.

Mr. G. R. GRANGE,
Deputy Administrator, Marketing Services, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. GRANGE: I have your letter of May 23 with copy of a press release and a Federal Register announcement asking for comments on permitting a direct hookup with the USDA Market News leased wire circuit.

This appears to me a logical extension of present market news services, to those who value its market information and are willing and able to pay for the necessary costs of obtaining this directly, rather than through your branch offices with the elapse of time required for that handling and dissemination.

I hope none will construe this as providing more rapid release of market news to a minority which can afford to pay for it. Even now, a number of operators in outlying districts obtain market news by phone from your branch offices at this extra cost to them.

I feel that any improvement possible in the obtaining and rapid dissemination of market news should be made, on a basis available equally to all interested persons. In this instance, in addition to individual direct hookups, I can visualize the possibility of several interested firms or persons at an outlying point banding together to obtain this service at a central point readily available to all of them.

I hope you will be able to make this direct hookup wire market service available soon to any who are interested in making use of it.

Sincerely,
J. P. SHORT,
Director, State Department of Agriculture.

MARYLAND STATE BOARD
OF AGRICULTURE,
DEPARTMENT OF MARKETS,
College Park, Md., June 11, 1963.

Dr. GORDON M. CAIRNS,
Dean, College of Agriculture, Symons Hall, Campus.

DEAR DEAN CAIRNS: On May 23, 1963, you sent Mr. Mahoney the enclosed material from George Grange asking for comments or recommendations by June 15 on the proposed expansion of USDA market news leased wire circuits through direct private hookups.

Because the Salisbury wire has been reduced to carrying poultry markets only, we decided the cost to handlers of other commodities would be prohibitive. With this in mind, we contacted the Eastern Shore poultry processors and Dover Poultry Products in Baltimore, giving the details and asking for their comments.

In a word, the reaction was "unfavorable." The replying organizations felt they already had adequate market news coverage of their own, that this innovation would not warrant the additional expense, or a combination of both reasons applied.

Sincerely,
JOHN L. CROTHERS, Jr.,
Marketing Specialist.

STATE OF MONTANA,
DEPARTMENT OF AGRICULTURE,
Helena, Mont., June 12, 1963.

Mr. G. R. GRANGE,
Deputy Administrator, Marketing Services, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. GRANGE: Reference is made to your letter of May 21 in which you seek comments on the contemplated direct hookup with the USDA market news leased wire circuit.

I have contacted members of the grain trade in Montana and also the Montana Stockgrowers Association in this regard. I forwarded a copy of your letter and the memorandum to both of these groups. From such information, their opinion seems to be, that such additional costs would not be warranted in this instance. I hope this information will be of some value to you in your determinations along this line.

Sincerely yours,

C. Lowell Purdy,
Commissioner of Agriculture.

Chicago, Ill., *May 29, 1963.*
Deputy Administrator,
Marketing Service, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

Dear Sir: You are forcing me to avail myself of an added expenditure in my egg business. Until now I have been satisfied to know that my competitors out in the rural as well as city areas were receiving your market service by circular the same as me. Now my competitors will have access to your New Market News Service since they have more money than me and can afford to use your service to beat me.

Yours truly,

Russell Oren.

P.S.: I buy shell eggs directly from country points and candle them, and sell them directly to retail outlets.

Buster's Egg Farm,
West Brookfield, Mass., June 14, 1963.
Deputy Administrator,
Marketing Service, Agricultural Marketing Service, Washington, D.C.

Gentlemen: In regards to comments on the USDA New Market News Service we think this service would be of no value and would be another waste of Government funds to get it inaugurated. We also feel a poll should be made to find out how many firms would be subscribers to this service.

Thanking you kindly.

Very truly yours,

Lionel Grise, Jr.

The Milwaukee Journal,
May 29, 1963.
U.S. Department of Agriculture,
Agricultural Marketing Service, Midwest Information Office, Chicago, Ill.

Dear Sirs: I have received your letter requesting comments on the New Market News Service.

I have consulted our farm editor and he feels it would be inadvisable for us to take this service in view of the extensive farm coverage we are now receiving from our regular news sources.

Thank you very much for informing us of the proposed service.

Best wishes,

Dick Leonard,
Managing Editor.

Becker Brokerage Co.,
Chicago, Ill., May 31, 1963.
To: Deputy Administrator, Marketing Service, U.S. Department of Agriculture, Washington, D.C.

Sir: At first glance it appeared to me that your new type of marketing news service, in addition to the mail circulation system, would be an excellent idea. However, upon further thought in this matter I feel that your present system of mailing to all parties requesting market information is the best and only fair way of communicating with the people.

Upon speaking to a number of individuals, practically all voiced disapproval of your anticipated new system which would allow commercial firms, cooperatives and other interested persons to obtain direct hookups with the news teletypewriter circuits. Some individuals were quite violent in their opposition to it since it would burden them with additional expenditures in order to keep up with wealthier competitors.

We tend to agree with these people that oppose this new news service, but wish to commend you on your efforts.

Hope this commentary will be of interest to you.

Sincerely,

Philip D. Becker,
Vice President.

LAW AND ORDER IN OUR COUNTRY TODAY

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. Roosevelt] is recognized for 30 minutes.

Mr. ROOSEVELT. Mr. Speaker, we are fast approaching the summer of 1964 and looking forward to all the traditional joys that summer brings to most Americans—but will it also be another summer of discontent to a segment of our citizenry? We have just observed Law Day, and it could not pass without bringing to mind the present state of "law and order" in our country today, as reported daily by nationwide news media.

With all the condemnation of the current militancy of certain civil rights demonstrators, I think it behooves those of us who are advocates of civil rights legislation to examine in detail the apparent reasons for most, though not all, of these sometimes violent, sometimes disobedient, yet always persistent actions which now confront our consciences. There is much talk about a whiplash of white reaction to Negro violence, and one politician is trying to make the most "political hay" as possible out of what he sees as a trend. There are, indeed, some solid voting analyses which show that this whiplash does exist. It seems to me that it is time, therefore, to raise the question and ask of all our fellow citizens whether this so-called whiplash is really justified and to examine whether they want to be a part of any such irresponsible indignation.

I would be the first to condemn disobedience of the law. However, I would also be the first to join with our deprived citizens to plead, to implore, to reason and, finally, to demand equal treatment under the law. I think it is time we, as freedom-loving citizens in every sense of the word, ask ourselves: "Could I remain complacent when required to fulfill all the obligations of citizenship—payment of taxes, service in the Armed Forces, adherence to all ordinances, statutes, and proclamations—and not enjoy all the rights and privileges to which I am entitled?" If anyone can answer "yes" to this searching question, then I question his conception of the basis upon which our great Nation was founded and has survived these many years.

The phrase "freedom now" is more than a catchy slogan—it is the earnest desire and goal of Negro Americans. I believe that once this truth is fully recognized and accepted by the rest of America, solutions will unfold rapidly. Yes; I condemn the violence and inconveniences to others, and the resultant misunderstandings; yet, I say one cannot deny another man the rights and privileges guaranteed him by our Constitution and expect that man—if he be a man—to accept such a denial without petitioning for a redress of grievances—violently or nonviolently. Rather than alienate us from the civil rights movement, these current sporadic outbursts should solidify our position of support behind those responsible leaders who have never lost their faith in the fundamental American philosophy—the philosophy we so eloquently proclaim to the world. To maintain that faith, now is the time to aline ourselves with the proven, responsible leaders of the civil rights movement in the country. We must supply them, not just with promises but with action now, and assurances of continued and increased action to show that we are on the road toward a better America for all its citizens. When we fail in these assurances, our inaction represents postponement and uncertainty, leaving the responsible Negro leadership with nothing to offer, while the pressure upon them increases from the more militant—thereby allowing the radical and violent to step in and fill the void.

As Americans, we are proud of our heritage—a free Nation conceived in liberty and dedicated to justice. Are we now to ignore that heritage? Are we now going to turn our backs on our fellow American citizens? I would hope not. In fact, my faith in my fellow Americans is such that I know this will not be the case. It requires a mere reexamination of causes to ascertain what has precipitated our current unrest, and a rededication to the principles of the Founding Fathers. Our late and beloved President, John F. Kennedy, said, "let us begin"; our present courageous leader, President Johnson, has said, "let us continue." I sincerely hope we will respond.

LIBERALIZED DEPRECIATION AND THE FEDERAL POWER COMMISSION—A SCHOLAR'S VIEWPOINT

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. Thompson] is recognized for 20 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, in recent weeks, I have brought to the attention of the House the regulatory position of the Federal Power Commission in regard to tax incentives for industry under its jurisdiction.

We should be able to expect that this Commission, an independent agency created by Congress, would comply fully and completely with the law. We expect all citizens to comply with the law as written by Congress, and certainly no Government agency should ignore the intent and purpose of congressional action.

However, the Federal Power Commission has seen fit to deny industry under its jurisdiction certain tax incentives authorized by the Congress. This situation led to congressional action in regard to investment tax credit, which I discussed on the floor of the House this past April 15.

Fortunately, groups other than the Members of Congress are becoming aware of the actions of this agency. On the subject of liberalized depreciation a most scholarly and thorough article extending some 40 pages appears in the Virginia Law Review, March 1964 issue.

Liberalized depreciation allows a higher tax deduction in the early life of a facility than would be allowed under ordinary, straight line depreciation. But in later years, the higher initial tax deduction is offset by the allowance of a lesser deduction. This results in a tax deferral and not a tax saving. The obvious and accepted purpose of this enactment was to stimulate all segments of the economy by creating a tax incentive for businesses to increase their productive facilities. Irrespective of our intent, a mere majority of the Federal Power Commission in the Alabama-Tennessee decision recently wrote off the books for regulated industry that section of the Internal Revenue Code of 1954 pertaining to liberalized depreciation. As I stated on Monday, April 20, 1964:

> These recent actions of the Federal Power Commission not only fly in the face of the intent and purpose of Congress in enacting liberalized depreciation but are directly contrary to the will of Congress toward Federal tax incentives as expressed in the 1964 tax bill respecting the investment tax credit.

This statement is precisely the conclusion of the Virginia Law Review article. Respecting the legislative history of liberalized depreciation the Law Review article said:

> Clearly the bill was intended to have general application, and there is no reason to suppose that Congress intended to exclude public utilities from the benefits. Indeed, what evidence there is suggests that those Members of Congress who considered the effect of the section on public utilities assumed that the utilities would be among the direct beneficiaries of it.

As I pointed out April 20, 1964, the necessary inference resulting from the passage of section 203(e) of the Revenue Act of 1964, prohibiting Federal regulatory agencies from denying the investment tax credit incentive to regulated transportation companies, is that all Federal tax incentives were and are intended by Congress to inure to the benefit of all companies, including the regulated transportation industry. This tax policy, reaffirmed in respect to the investment tax credit, applies to all tax incentives; it must for there is no valid economic theory which would justify a different approach for liberalized depreciation or, for that matter, consolidated tax return treatment either. The thoughts expressed in the Virginia Law Review on this subject again coincide with my prior remarks:

> It might well be argued that in enacting this section Congress has rejected the contentions made by Chairman Swidler that increased levels of investment in the natural gas pipeline industry are best achieved by lowering rates, not by providing additional funds for capital outlay. Since the decision of the majority in Alabama-Tennessee hinges on the line of reasoning urged by Chairman Swidler before the Senate Finance Committee, the enactment of section 203(e) would seem to be a powerful argument against the Commission's adoption of flow-through for the treatment of section 167.

To the contention that liberalized depreciation was not intended to apply to specific industries, the article commented:

> But the specific congressional direction that the analogous relief device of the investment tax credit should apply to public utilities, enacted over the express opposition of the Chairman of the Federal Power Commission, is powerful authority to use in rebuttal.

The conclusion of the article reflects the thinking of the scholar with no special interest to urge other than the law of reason:

> It is submitted that the Commission's present position conflicts with congressional intent and should be reversed.

Perhaps the real reason for the complete reversal of policy on the part of the majority of the present Commission is explained by reasons other than its interpretation of the merits of the arguments. This law school article puts its finger on the nexus of the problem when it said:

> No doubt this about-face would not have occurred without the change in the membership of the Commission.

WARREN COMMISSION

The SPEAKER. Under previous order of the House, the gentleman from Nebraska [Mr. BEERMANN] is recognized for 30 minutes.

Mr. BEERMANN. Mr. Speaker, last week I reported to the House regarding the case of Prof. Norman Redlich, an admitted member of a Communist front who has been hired as a $100 a day consultant to the Warren Commission. Professor Redlich is a national council member of the Emergency Civil Liberties Committee, cited by the House Committee on Un-American Activities and the Senate Internal Security Subcommittee as a Communist front organization.

Additional information has been brought to my attention concerning the Emergency Civil Liberties Committee and Professor Redlich's Communist front activities. This new information makes all the more astounding the hiring of this man by a Commission entrusted with the responsibility for investigating the assassination of President Kennedy.

First, let me submit another citation bearing out the Emergency Civil Liberties Committee's Communist front status. It is a remarkable citation, coming from J. Edgar Hoover in his book "Masters of Deceit." Mr. Hoover is scheduled to testify before the Warren Commission this very day. I would commend a reading of his book to the members and staff directors of the Commission, who thus far have chosen to remain silent in the face of public revelations concerning Professor Redlich's hiring.

On page 89, of his book, in a chapter titled, "Who Are the Communists," Mr. Hoover cites the Emergency Civil Liberties Committee as a typical Communist front, manipulated and exploited by the Communist Party. As I read Mr. Hoover's description of the ECLC, keep in mind that this is the group that now can boast that it has a national council member placed on the staff of the Warren Commission. I quote Mr. Hoover:

> The value of fellow travelers and sympathizers lies in their alleged non-Communist affiliation. That is why, in most instances, Communist leaders do not attempt to recruit them into the party. They are more valuable outside as financial contributors, vocal mouthpieces, or contacts between party officials and non-Communists. They constitute in fact, fronts for, and defenders of, the Communist Party.
>
> The role these individuals can play for the Communists is clearly illustrated in front organizations, where they serve as sponsors or officials. Behind the scenes is a Communist manipulator. Consider, for example, one such organization. In October 1951, the Daily Worker announced the formation of the Emergency Civil Liberties Committee with 150 founders (from 39 States), including 50 who were educators, clergymen, and professionals.
>
> One of the committee's first official moves was to petition the New York State Commissioner of Education to forbid the New York City Board of Education from enforcing its newly enacted ban on suspected Communist teachers. Gradually, as the old Civil Rights Congress, a well-known front became discredited, the Emergency Civil Liberties Committee took over its work.
>
> The names of the group's 150 founders have been exploited by the party to fight its battles.

Thus does J. Edgar Hoover, Director of the U.S. Government's chief security agency, write of the Emergency Civil Liberties Committee and the "value of fellow travelers and sympathizers" with "alleged non-Communist affiliations" to the Communist Party. Who cleared a national council member of a Communist front group, a group specifically described as such by two congressional committees and the Director of the FBI, for this sensitive position? Who hired Professor Redlich in the first place, despite the fact that his Communist front affiliation was openly revealed in his job application? And why does he remain on the staff of the Commission, despite public revelation of his Communist front affiliations?

The Warren Commission's action thus far in this case is in itself mystifying. Here we have a high-level Commission, headed by the Chief Justice of the United States, appointed to investigate the facts of a Presidential assassination and to dispel rumor and mystery regarding that tragedy. But instead of doing everything possible to remain above criticism, the Commission appears to be creating mysteries of its own. Viewed in its most favorable light, the hiring of Norman Redlich was an instance of appalling judgment. Now, by its silence in the face of public criticism of the Redlich hiring, the Commission has raised public doubt as to its motives and purposes. Surely a Commission whose purpose is to provide full disclosure of facts will disclose those facts and must take action regarding a matter so serious as the hiring of a Communist front member to its staff.

Last week I noted that Professor Redlich's name appeared in an advertisement by the Emergency Civil Liberties Committee appearing in the New York Times of April 13, 1964. I stated that the name of Waldo Frank, an organizer of the so-called Fair Play for Cuba Committee, appeared with that of Professor Redlich. Such an association between a founder of the Castro-Communist Fair Play for Cuba Committee and a member of the Warren Commission staff cannot but raise grave doubts regarding the Commission's investigation. The accused murderer, Lee Harvey Oswald, was an avowed Marxist with a record of activity with the Castro-Cuban committee.

In fact, Professor Redlich's association with Waldo Frank comes not through the April 13 advertisement, but through their joint sponsorship of yet a second cited Communist front organization, the National Committee To Abolish the House Un-American Activities Committee. Frank and Redlich are so listed in a February 21, 1964, issue of the "Abolition News," the official bulletin of this Communist front.

Professor Redlich's association with Waldo Frank in such activities is of long standing. On January 2, 1961, in the Washington Post, and again on February 9, 1961, in the New York Times, Redlich and Frank are listed in advertisements as signers of a petition addressed to the 87th Congress, asking that the Un-American Activities Committee be abolished.

As was pointed out in the April 6, 1964, issue of Newsweek and elsewhere, Communist and leftwing sources throughout the world are directing a campaign to sow doubt concerning the assassination of President Kennedy—doubt that would reflect on the United States and on our national institutions. It was to circumvent just such sowers of doubt that President Johnson created the Warren Commission.

Leading the sowers of doubt in this country is the publication, National Guardian, which published a brief by one Mark Lane. The National Guardian-Lane thesis is a fantastic story which seems to implicate everyone but Lee Harvey Oswald, the admitted Marxist, in this crime of the century. From the beginning Communists and their fellow travelers have attempted to direct world attention away from the fact that the murder of President Kennedy was committed by one whose mind was poisoned by Communist indoctrination and lies. The National Guardian has been in the forefront of the attempt to obfuscate the truth regarding the Kennedy assassination and to spread rumors and half truths reflecting on this country and our institutions.

In view of this effort by the National Guardian, how are we to interpret the fact that among Professor Redlich's associates in the Emergency Civil Liberties Committee, as a cosigner to the April 13 New York Times advertisement, is one Russ Nixon, who was recently identified in the Washington Post as an official with the National Guardian? At one time Mr. Russ Nixon was Washington editor of this pro-Communist weekly, and is now general manager of the National Guardian.

We therefore see an association between Professor Redlich, a Warren Commission staff member, and the chief enemies of the Warren Commission's efforts—those who would deliberately sow seeds of doubt that would damage America's institutions and our country's reputation throughout the world.

Here then is a Communist-front member with long-standing association with pro-Communist individuals and organizations; yet he has direct access to information and data regarding a matter of the highest national interest. This is the information and data now kept secret from the American people, but which is wholly available to a Communist-front council member.

Does the Warren Commission expect this flagrant placement of a Communist-front member to be passed over and ignored by the American people or their representatives? Does it expect to "ride out" criticism of this astounding appointment—this appointment that carries with it great danger to the national interest and the national security itself? If this is the Warren Commission's attitude, then it grossly misunderstands its duty and the people's right to know. The Commission cannot long ignore the questions posed by the Redlich hiring, nor the growing demand for his dismissal. The very purpose which President Johnson sought to achieve by appointing the Commission is being thwarted, if not mocked, by the Commission's role in hiring and retaining Prof. Norman Redlich on its staff.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. BEERMANN. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Has the gentleman made any effort to find out who it was on the Warren Commission that hired Redlich?

Mr. BEERMANN. An effort was made, yes.

Mr. WYMAN. With what success?

Mr. BEERMANN. So far it has been a little hard to get information.

Mr. WYMAN. Has the gentleman made inquiry of the counsel for the Commission, Mr. Rankin?

Mr. BEERMANN. Yes, on Tuesday, May 5, as part of my statement in the CONGRESSIONAL RECORD, I asked these questions and I expected a reply:

1. What is Redlich's purpose in serving as "consultant" on the Commission? Lee Oswald was a "Communist lawbreaker"—perhaps the most notorious "Communist lawbreaker" of the century.

2. Since the Emergency Civil Liberties Committee's alleged purpose is "to defend the cases of Communist lawbreakers," is Redlich carrying out any part of this mission as a member of the staff of the Warren Commission?

3. Why was Redlich hired—and who hired this national councilman of a Communist-front organization as a $100-a-day consultant to one of the most important factfinding commissions ever created by a President?

Mr. WYMAN. Does the gentleman know how Mr. Redlich first came on the payroll of the Government as an employee of this Commission?

Mr. BEERMANN. Reportedly he applied for the job and was hired on December 20. I would like to add I am quite interested in finding out how much of the taxpayers' money has been spent on this individual who is listed on the executive committee of a Communist-front organization.

Mr. WYMAN. My point is, If the gentleman will permit, of course, this man's record must have been well known by members of the Commission at the time he was hired.

Mr. BEERMANN. Yes. His affiliation was on his application.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BEERMANN. I yield to the gentleman from Missouri.

Mr. HALL. I would like to commend the gentleman on what he has brought up on the floor here. This is an extremely unseemly and untimely thing that has been done. There have obviously been many peculiar things as to the construction and the function of the so-called Warren Commission since its inception albeit as worthy as the purpose might be. However, the gentleman has today clearly brought out the accessibility of this man Redlich to material available and testimony before the Warren Commission. Does the gentleman know whether or not that testimony is labeled "top secret" in all of these printed volumes under the Classification and Security Act?

Mr. BEERMANN. I thank the gentleman for his remarks. In response, I understood from news stories that Chief Justice Warren said it might be 20 years before the full truth of President Kennedy's assassination might be known. I have the feeling that, perhaps we may learn the whole story, including the investigation of Professor Redlich, within the next 30 days. I would hope we would know this some time in June and I have the feeling we will know.

Mr. HALL. I think the gentleman, as distinguished as his dissertation is, misses my point. My simple query is as to whether or not the gentleman has knowledge as to how the hearings at this time are labeled under the Classification and Security Act and in case that information is not available to you, my point is that they are labeled "top secret" and the stamp of authorization for such classification is stamped on these individual volumes.

Mr. BEERMANN. But it is still available to one Norman Redlich.

Mr. HALL. That is my point. How, under the name of anything that is sensible and logical and reasonable, in this day and age of classified security, be it military or otherwise, a person who is a known member of a Communist front—an admitted member, if you please—could get the necessary "top secret" clearance by any agency of the United States is a matter for serious conjecture on the part of good government and the American people. There is no way a man could get any such type of clearance by our investigative agency or those responsible in Government for clearing those who handle "top secret" material, if they know he is an admitted member of a Communist front organization or of any of the list of subversive organizations carried by the Attorney General.

Mr. BEERMANN. I assure the gentleman from Missouri that we will press for this information, and I thank him for his enlightening contribution to this discussion.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BEERMANN. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, commend the gentleman for taking this time. It is utterly inconceivable to me that a man such as Redlich, with the known record of his past affiliations and associations, should have been picked for what I understand to be the second position on the staff of the Warren Commission. I do not see how this could possibly have occurred. Having occurred, I do not see how Redlich's employment could have gone on so long.

It seems to me that the situation as set forth by the gentleman from Nebraska and amplified by the gentleman from Missouri [Mr. HALL], in respect to Redlich's dealing with classified information, is one which should have been corrected weeks and weeks ago. It may be possible—there is a report to this effect—that it will be corrected next week, but this has gone on far too long and whoever is responsible for the hiring of this individual should be held to account.

Again I commend the gentleman for taking this time to state the situation.

Mr. BEERMANN. I thank the gentleman from Iowa for his participation, and I reiterate that we will press for the best information we can possibly get.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. BEERMANN. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I, too, wish to commend the gentleman for a public service in bringing this series of disturbing facts to the attention not only of Members of the House but also of all the people of the country.

Along the line of the comments made by the gentleman from Missouri, I should like to inquire whether the gentleman knows if Redlich was ever investigated by any Government agency?

Mr. BEERMANN. Personally, no; but it seems, from the reported newspaper accounts, that he must have been cleared. This, I do not understand.

Mr. WYMAN. And this clearance involved procedures relating to the Department of Justice?

Mr. BEERMANN. To my knowledge, the Department of Justice has not said that Professor Redlich's organization was on the subversive list. However, the Senate Internal Security Subcommittee cited this organization in 1956, and the House Committee on Un-American Activities did in 1957.

In addition the ECLC was clearly labeled a "front" organization in J. Edgar Hoover's book, "Masters of Deceit."

Mr. WYMAN. The forces of hatred that contributed to the death of the late President Kennedy were Marxist-Leninist. These are the very same forces that have caused many of the members of the ECLC to have connections with Communists. These are forces from the left, and not from the right. That is why I should like to inquire whether the gentleman knows whether the Federal Bureau of Investigation—whether it ever ran a test or a check on this fellow Redlich at anybody's request.

Mr. BEERMANN. As of this time, no. The additional questions have been helpful here today.

I would like to thank the gentleman from New Hampshire for adding to and participating in this serious discussion. I know his background, and his reputation as a constitutional lawyer, and it would be very helpful if the gentleman would lend further aid.

Mr. WYMAN. As the gentleman probably knows in the Steve Nelson and other Communist cases in the Supreme Court these leftwing and Communist-front organizations raise a great holler one after another and one phony protest after another. It seems to me it is utterly inexcusable if a known member of this type of hate group is knowingly hired to work on the staff of a commission which is trying to find out the answer to this very serious problem facing our country. I think we ought to look pretty carefully to see whether this fellow Lee Oswald had any greater connection with Castro through Mexico than has yet been reported to be the case. I think the American people are entitled to this information, and I want to commend the gentleman again for his work.

Mr. BEERMANN. I would like to point out I think it should not have been necessary for a Member of Congress to have brought this to the attention of the public. There should never have been any question about anyone on the staff so that we would have to take this method to find out what the situation is.

Mr. WYMAN. I cannot understand the reluctance of anybody on this Commission or on the staff to disclose to a Member of Congress and the public any information concerning any staff employee. It seems to me these facts should be public property. Although there may be certain disclosures to the Commission in the course of taking the testimony which would not be revealed in the Commission's discretion, I cannot see how it would not be in the best interest of the American people to know something of this nature because our people do not yet know all of the facts about the assassination of an American President, and this is a terribly serious problem.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield to me?

Mr. BEERMANN. I yield to the gentleman from Illinois.

Mr. ANDERSON. I want to join my colleagues on the floor this afternoon in commending the gentleman from Nebraska for airing this important matter. I stayed behind, and I have listened with great interest to what the gentleman from Nebraska has had to say on this subject this afternoon. Just this morning I received in my mail a letter from a constitutent who was greatly concerned about the very matter you have been discussing. His letter enclosed a clipping which refers to the fact that apparently a Member of the other body has indicated that there may be a second representative of a Communist-front organization on the staff of the supersecret Warren Commission investigating the assassination of President Kennedy.

I have heard some mention of this other man who has been discussed here today, but my question is: Has the gentleman from Nebraska heard anything about a second individual? Have your inquiries yielded any information on that point?

Mr. BEERMANN. I saw the newspaper article to which the gentleman refers, and that is as much as I know about it at the present time.

Mr. ANDERSON. I understand the gentleman is going to continue not only his interest in this matter but in the investigation of some of the charges that have been made.

Mr. BEERMANN. The gentleman from Illinois is correct.

Mr. ANDERSON. I wish to take this opportunity publicly again to commend the gentleman for his interest in this regard.

Mr. BEERMANN. I thank the gentleman for his interest. His participation has emphasized the seriousness of this situation.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BEERMANN. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I know very little about the facts in connection with this man Redlich nor do I know anything about the truth of the charges that have been made. A very serious question has been raised, and I think the Members of Congress are entitled to know, as are the people of America, the background and nature of this individual who apparently is in the employ of the Warren Commission on the investigation of the assassination of our late President. In order to clarify the RECORD in regard to one of the matters brought up a few moments ago, I think the gentleman from New Hampshire wanted to know whether or not any clearance had been granted to this man by the Department of Justice, which implies the Federal Bureau of Investigation. I am not in a position at this time to speak for or on behalf of the Federal Bureau of Investigation other than to draw on my experience as a former agent many, many years ago. I would say this to the gentleman, however; the Federal Bureau of Investigation has never in the past nor do I believe at any time in the present been in the business of issuing clearances. They conduct investigations at the request of certain Government agencies and in their investigations they demonstrate they are truly a factfinding organization and whatever facts they may have dug up would, of course, be revealed to that agency of the Government which requested the investigation. I do not believe that the Federal Bureau of Investigation is in the business of granting clearances.

Mr. WYMAN. Mr. Speaker, will the gentleman yield so that I can reply to that comment?

Mr. BEERMANN. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I did not suggest that the FBI was in the business of granting clearances. They are an outstanding investigating agency for the Federal Government and make their report on the facts disclosed therein, which are confidential and classified and are not available for public inspection.

My point is—and I addressed my remarks to the question of whether or not a check, an investigation, had been made by the Department of Justice concerning Redlich, and if so, whether or not it had been reported to the chairman of the Commission. If such was the case, and if these were the facts, I think it was inexcusable on the part of the Commission to hire a man with such a record, because just as plain as the nose at the end of your face, he is apparently thereupon a security risk.

Moreover, it is not a question of citation, of who has been cited by whom. The problem is one of loyalty to the United States of America and a basis in fact for reasonable doubts about it. Anyone who has, over a period of years, knowingly been active in Communist-dominated or heavily Communist-infiltrated organizations raises by that conduct, by that record of association a doubt about his loyalty. It is not guilt by association at all. It is a security problem. What is involved in the last analysis is dependability, reliability to America should be become involved in a showdown with the Communist bloc that can happen any day.

When a problem as serious as that of determining whether or not Communist connections existed in relation to an assassination of an American President is the issue before a factfinding commission, no person with a record of membership in an organization or active in an organization itself active on behalf of Communist causes over a period of years, should be an employee of the Commission or should have access to its classified materials. The exercise of discretion to hire such an individual is incompatible with the responsibility, even the duty of objectivity, that is absolutely obligatory upon all of the members of the Commission.

Mr. DEVINE. Mr. Speaker, if the gentleman will yield further to me, the inquiry of the gentleman from New Hampshire is most proper and I would join him in such an inquiry that should be made to determine whether or not the Department of Justice or the FBI were requested to make an investigation and whether they in turn did report to the Commission.

Mr. BEERMANN. I believe a full field investigation has been made, and I believe it may be in the hands of the Commission. But my point is—I do not know if all its members have had time to study it—why was it even necessary when Redlich's ECLC affiliation was on his application?

Mr. DEVINE. Mr. Speaker, I agree with the gentleman. I have received inquiries from some of my constituents about the employment of this man. There is also the very important question whether or not the findings of this Warren Commission ultimately will be in the hands of the American public. I have made an independent inquiry concerning this matter, of certain people. I am not in a position to reveal at this time who they are, but reasonable assurances have been given that the President of the United States will receive the report of the Warren Commission in the not too distant future.

I believe it may well be during the month of June. Further, there is a suggestion that shortly thereafter, and I should presume with the permission of the President, the results will be revealed to the American public.

Now, going back to the matter about which the gentleman from Nebraska is speaking today with respect to this particular individual who has been, apparently, employed by this Commission, I also understand from some sources that this matter, too, is of concern and that perhaps some information will be revealed within the next week or two concerning who was responsible for the employment of this individual, what his actual background has been, and perhaps there will be some further action.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BEERMANN. I thank the gentleman from Ohio and appreciate his help. His broad background has contributed immeasurably to a better understanding of the subject under discussion today.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BEERMANN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not think there is any question about who is responsible for the hiring of this man. He was hired by the Commission or some member of the Commission. It has to be that way. The question is: If in ignorance they originally hired this man with the record that he has, as stated by the gentleman, why did the Commission not dispense with his services long ago? His affiliations and associations were a matter of record as the gentleman from Nebraska has stated.

Mr. BEERMANN. Mr. Speaker, I thank the gentleman and as usual his perceptiveness has come through as demonstrated by his ability to put his finger squarely on the pertinent point of our discussion.

I hope we will soon find out why the Commission has not acted in the manner he suggests.

THE 1964 WHEAT PROGRAM

Mr. QUIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, yesterday I received the May 12 press release from the Department of Agriculture indicating the 1964 wheat program signup time was extended for 1 week.

I have no criticism of this action of the Department of Agriculture, but I surely take exception to the propaganda statement at the end of the release which I quote:

> This—the new wheat program—is one-third more than he—the wheat farmer—would have received in the absence of no new legislation enacted for this year's crop.

This is purely conjecture on the part of the Secretary of Agriculture.

The release goes on to say that the wheat price support would have been $1.26 without new legislation. To claim that the farmers market price for wheat would have been at this level is pure speculation on the part of the Secretary. All indications are that, without new legislation, the market price for wheat would have been between $1.55 and $1.60, if not higher. Even officials of the Department of Agriculture admitted earlier this year the market price would have been at least $1.35. These statements are just as accurate as the statement of the Secretary last year that wheat planted in 1964 would be more than 70 million acres. Instead, without new wheat legislation, it is anticipated the acres would be only about 54 million.

If this Congress had passed the legislation which Congressmen DOLE, SHORT, and myself have introduced, together with 17 of our colleagues, the wheat farmer would have received more income and the Secretary of Agriculture would not have the power to drive down market prices as he does under the new wheat legislation. However, what I am criticizing today is this use of USDA press releases to make purely political propaganda statements.

ARMED FORCES WEEK

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, this week we honor our Armed Forces for the job they have performed in keeping this country free. We declare our pride in their valor and their strength. We rededicate ourselves to the task of keeping them second to none. But is that enough?

The planners in Washington these days, Mr. Speaker, seem to have the idea that we can be second to none only if we have the biggest and best intercontinental ballistic missiles. We are, therefore, concentrating on these nuclear missile developments at the expense of conventional and tactical weapons.

Since today's wars are not being fought with ballistic missiles, this conventional-weapons weakness of ours, developed since 1961, is a national tragedy.

All around the world today, there are "wars and rumors of wars." Cyprus is a bone of contention between Turkey and Greece. The whole Middle East is uneasy. Africa is a hotbed of revolution and counterrevolution. India is torn between Moslem and Hindu. Indonesia is threatening the new state of Malaysia. South America is threatened by internal subversion. In none of those bubbling caldrons of warfare are ballistic missiles available.

If and when war comes, only the so-called conventional—or at the most, tactical—nuclear weapons will be used; the very weapons we are neglecting.

This is a bitter chapter in America's defense history. It is not that we are spending less. We are spending more. Our defense budget is larger than it ever was. But, as the eyes of the defense spenders are fixed on the moon, they are apparently blind to what is going on here on earth.

In Vietnam, for example, one pilot—Capt. Edwin Gerald Shank—wrote to his wife:

> We are flying World War II aircraft that have seen the limit of their usefulness. We are dangerously close to returning to the days of Billy Mitchell when we were reduced to flying old crates that are not safe to fly. I believe he called it criminal negligence—the airplanes we fly are over 20 years old.

If I know our American pilots, they are getting the best out of the antiquated crates supplied to them. If I know our American mechanics, they are patching up and getting those planes to hold up to the limit. But is this not the phoniest of economies?

And what of the parents and wives of the pilots whose planes crash because a wing comes off due to metal erosion and old age?

And what sort of defense planning was it that found us woefully short of bombers when war in Cuba threatened?

I certainly support the action of the House Armed Services Committee this week in deciding to hear testimony from Defense Secretary McNamara on the use of obsolete planes in South Vietnam. Many of us on the committee are disturbed over the state of our military equipment which, if defective, endangers the lives of American servicemen.

I would recall the pleas of some of us last February in this very Chamber for restitution of a modest $6 million for development of the COIN aircraft by the Navy. This aircraft was proposed specifically for the kind of war we are fighting—and losing—in Vietnam. It is designed for aerial reconnaissance, close support of ground troops, helicopter escort and many other light logistic tasks. Its short takeoff and landing capabilities permit its use from the unprepared fields and roads encountered in Vietnam. In addition to its combat capability, without any modifications, the aircraft can carry two litter patients and three additional passengers or upwards of 4,000 pounds of cargo.

It should again be pointed out that many millions of dollars have been invested in the design and testing of this aircraft by private firms at no cost to the Government. The limited sum of $6 million, which can still be earmarked for this plane, would produce several aircraft for test purposes with results available in 18 months. Let me point out, too, that Convair of San Diego, which has had to lay off many employees and is virtually bereft of Government work because of the vicissitudes of Mr. McNamara's whims, could easily undertake this assignment.

Finally, the COIN aircraft would be useful in any type of brushfire, guerrilla warfare, and is not limited in value to any single portion of the world. I would urge again that funds be made available for its development.

In this Armed Forces Week, as we salute the men and women in uniform to whom we owe so much, let us demand that our defense planners get down to earth again and plan for the conflicts that face us today—not the moon landings of some vague tomorrow. All the moon's dead craters are not worth the life of one American pilot killed by criminal negligence.

ECONOMIC BOYCOTT OF CUBA IS PROGRESSING

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the Department of Commerce has altered export procedures for food and medicine sales to Cuba. This step involves shifting export of such commodities from the general licensing category, to the special license classification. Prior to this action, drug manufacturers need not obtain advance permission from the Commerce Departent before selling drugs to Castro. Now U.S. drug houses must await Department approval before any sale can be made.

This stiffened policy in effect clamps Castro's chances to get U.S. goods while this Nation seeks the cooperation of its allies in halting their sales to Castro. The Cuban dictator has tried to undercut us, and rigid enforcement of our export procedures will further U.S. efforts to strangle Castro's economy.

The timing of the Commerce Department move is good. Only yesterday when I spoke before the House recommending that steps be taken to investigate this matter, anti-Castro raiders had made a successful hit on the Cuban coast and Brazil announced a diplomatic break with Cuba.

As a member of the House Interstate and Commerce Committee, I feel that the Congress is entitled to a full investigation and review of any sale of drugs to Communist Cuba. Government officials and other involved parties should be given the opportunity to clarify and assure the American people that this Nation will take all steps necessary to topple Communist Cuba.

HENRY J. KAISER OF HAWAII

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, last week I introduced House Joint Resolution 1021, a companion measure to House Joint Resolution 1020, which would authorize the expression of appreciation of the Congress of the United States by the issuance of a gold medal to Henry J. Kaiser, one of Hawaii's and the Nation's greatest citizens.

Henry J. Kaiser is best known as the "miracle man of World War II," who organized his shipyards on a production line basis, and whose genius in production contributed so significantly to the winning of the war. He is also known and recognized as the greatest industrialist in the history of mankind. He has been the largest dam builder in the world, the largest road builder, and the largest shipbuilder. He is one of the three largest producers of aluminum. He owns Willys Corp. in the automotive field. His Kaiser engineers firm is probably unequaled in its field today. The Kaiser Foundation Hospitals operate the most extensive group health plans in America today.

Hawaii proudly claims this industrial genius as its own because he not only lives in Hawaii but has helped to build Hawaii.

Mr. Kaiser went to Waikiki in the winter of 1950 for a brief "rest" but no sooner there than he was phoning his Oakland headquarters for top associates in these companies to join him for whirlwind expeditions around the islands to develop various ideas and new products. He took hundreds of scenic pictures and fell in love with the melodies, romance, beauty, and people of Hawaii. He began publicly extolling Hawaii as the world's greatest undeveloped vacation paradise.

He was shocked the next time he and Mrs. Kaiser wanted to visit Hawaii that Waikiki hotels were turning away would-be visitors by droves; passenger ships were booked a year in advance. The Kaisers solved their personal problems of a place to live in Honolulu by purchasing a Kahala beach home in February 1954. But Kaiser publicly expressed outrage at the shortage of hotel rooms.

> Hawaii is too wonderful to deprive so many people from enjoying the islands.

He declared.

> It is nonsense to say there is no more room left to build more hotels on Waikiki Beach. Why not extend the world-famous beach and build a great vacation industry?

Kaiser shortly began backing his words with action. He spotted a slum—politely called "blighted area" and "eyesore"—off Ala Moana and Kalia Road and was joined by his community-building partner, Fritz B. Burns, in buying this area, and then the adjoining Niumalu Hotel property in the spring of 1955. The new Kaiser-Burns Development Corp. became Waikiki's biggest private landowner—with 20 acres to build into a vacation center, exclusive of the farflung beach and lagoon which he proceeded to build.

Kaiser's lightning impact on Hawaii was described as "revolutionary." A Honolulu newspaper editorial of December 1, 1954, stated:

> Henry J. Kaiser, a friendly newcomer to Hawaii, has lifted the curtain for a preview of what can only be described as dazzling. This friend of Hawaii has the vision to see what can be done and he is willing to back

> up his vision. He has given it new conceptions—given 500,000 friendly visitors a year and the income from this source will be no less than $250 million a year. Tourism will dwarf agriculture.

An editorial on April 27, 1955, said:

> The Kaiser development is one of the most important in this rapidly expanding tourist center—it is an announcement that, in the opinion of a man who is a prophet as well as an industrialist, Hawaii is a natural vacation land; that its climate, its scenic charm, and recreation lure will draw increasing numbers to its shores.

Kaiser's confidence spurred others to build new hotels and businesses, so that by January 25, 1956, an editorial stated:

> The milestone in Hawaii's history—was marked by the entry into these islands of Henry Kaiser.

In only 3 months, summer of 1955, Kaiser's local workers, including 40 Hawaiian Samoans, palm-thatched 70 guest cottage units, built swimming pools, created lush tropical gardens, and, in mid-September 1955, the initial Hawaiian Village Hotel was opened.

In another 3 months, four hotel structures sprung up—clusters of Waikiki Beach lanais.

To get all official clearances to build a new beach, Kaiser meantime had to go through the Territorial Legislature, Governor, attorney general, Public Land Commission, Harbor Board, and, in Washington, both Houses of Congress, Cabinet departments, and President Eisenhower, who signed the authorization bill in July 1955.

Immediately, Kaiser moved in earthmovers and floating equipment and began reshaping the map of Waikiki. Unsightly ocean-front reefland was filled in; a 4-acre lagoon was dredged out with island in the center; Waikiki's first water ski basin was scooped out; a wide, half-mile-long stretch of new sandy beach was created.

Kaiser kept chafing that Waikiki had no convention hall whatever; he declared that major conventions could be drawn to Hawaii that would double the existing tourist business. So in 45 days he built Waikiki's first convention auditorium in the style of a Polynesian chief's long house, seating 1,000 persons. Conventions were signed up.

Simultaneously, in May 1956, he set a goal to build a 100-room, million-dollar hotel in 90 days; he put three separate crews to work, and opened it to guests in 89 days.

In November 1956 he was driving piles for a $5 million, 14-story, 260-room Ocean Tower Hotel. Three months later, in February, Honolulu had an unprecedented overflow of visitors, and Kaiser, declaring "tourists can't be forced to sleep on park benches," finished up the hotel at the rate of a floor a week, accommodating waiting visitors as fast as furnishings were rushed into each new room.

He kept advocating that Hawaii go after its share of 13,000 conventions held annually in the country and saw a chance for Honolulu to score "a first in the world" when his Kaiser Aluminum men developed a new kind of aluminum dome. The dome auditorium was erected at the Hawaiian Village in just 2 days—20 working hours—with seating for 2,000 persons. Formally opened by a Honolulu Symphony-Polynesia on February 17, 1957, the dome was forerunner to others built around the world, including the American Exhibition Dome at Moscow.

With more Kaiser construction speed unleashed, a $1,500,000, 13-story Village Tower Hotel with 156 rooms was built in 5 months and opened in January 1958.

Kaiser-Burns meantime invested some $200,000 in architectural-engineering plans for more hotels and revealed that the Hawaiian Village was master planned for an ultimate of 5,000 rooms—around a $60 million center and double the number Kaiser found at Waikiki when he first was shocked at the shortage of hotels there.

Kaiser built 2 new 17-story hotels for the village at a cost of approximately $5 million to accommodate jet year 1960 visitors. The hotels have 439 units, nearly all suites, increasing the center's accommodations by 65 percent and making it possible for the Hawaiian Village to accommodate 3,000 guests nightly, approximately 150,000 a year. The 1,100-room Hawaiian Village Hotel was sold in 1961 to Hilton hotels as Kaiser turned to residence construction.

In running, unremitting campaigns spread over 5 years, Kaiser was promoting travel to Hawaii. He reached combined listening audiences and readers by national television, radio, newspapers, magazines, and other media totaling a staggering number in excess of 1,000 million people with music and publicity for the "loveliest fleet of islands that lies anchored in any ocean." He formed a record company, and at the outset, marketed 60,000 Alfred Apaka Christmas records in a month to carry Hawaiian allure to mainlanders. He addressed the American Society of Travel Agents' national convention in New York, personally enlisted all big travel wholesalers and major airlines in the country, distributed half a million brochures, thereby unleashing a nationwide "sell Hawaii travel" drive. He sent Hawaiian Village entertainers to the mainland annually. He enticed a stream of the greatest names of entertainment, motion pictures, broadcasting, advertising, and public opinion to the islands to enlist their talents in making known the wonders of this crossroads of the Pacific.

Kaiser established radio station KHVH and television station KHVH-TV in Honolulu in March and May 1957 and proceeded to get a firsthand feel of broadcasting which carried over into his nationwide radio-TV activities.

He has acquired the first mobile television tape unit for Hawaii for the production of island shows to be presented over national TV networks.

To accentuate the Polynesian atmosphere, Kaiser built a fleet of six pink catamarans—the largest one in the world being a 100-footer which became a combination sailing and Pearl Harbor cruise boat. He brought in candy-stripped gala Jeeps for tourists.

Kaiser Foundation Medical Center was built during 1958—with 150 hospital beds and outpatient clinics. Resembling a luxury hotel overlooking the sea at Ala Wai yacht harbor, the 10-story center has been recognized as 1 of the world's most modern and beautiful hospitals—provided Honolulu at a cost of more than $4 million. Thousands of local people joined the Kaiser Foundation health plan and are provided their medical care by a group of local physicians and specialists.

On April 23, 1958, Kaiser announced Permanente Cement Co. would establish the new major basic industry of cement production for the islands in Oahu's Waianae area. A 3-month battle raged in connection with zoning. The new $13,500,000 Permanente cement industry began production that August. It obtains its limestone from coral lands at Maili and its plant operates at Nanakuli. Permanente employs some 200 persons in Hawaiian operations, expends more than $1 million a year in payrolls, and some $1,195,000 in local purchases, and generates $340,000 annually in taxes.

Little dreaming it would lead into the building of a complete resort city, Mr. and Mrs. Kaiser in December 1958 obtained a 7½-acre estate at the jungled end of Portlock Road on Oahu with a panoramic 900 feet of waterfront on the side of Koko Head. Here they built a Hawaiian "outdoor living" house with separate units for guests, employees, and boating-barbecue activities.

Driving often out to Portlock, Kaiser's imagination gradually took fire over the creative possibilities of developing the 6,000 acres of Bishop estate lands that encircle Koko Park, Manuanalua Bay, the Blow Hole, and Makapuu Point.

Bishop estate trustees and Kaiser on March 30, 1959, made an agreement whereby Kaiser planned to develop a new integrated resort city of 50,000 people, representing an investment of $350 million—and named Hawaii Kai. The master planning and exploratory work have aroused Kaiser since then to raise his sights considerably for the ultimate city, which now is expected to exceed 75,000 in population.

Kaiser bought a million-dollar floating dredging plant and fleet of other vessels and assembled a million dollars worth of heavy earth-moving equipment, and with 200 men manning them, started building Hawaii Kai. He is on the job himself usually at sunrise and back later or around sunset. He calls the project one of the greatest challenges of his life.

The new Kaiser Hawaii Kai Development Co. has been linked to the $2 billion system of Kaiser companies by being made wholly owned by the parent Kaiser Industries Corp. and Henry J. Kaiser Co.

In turn, the various Kaiser companies are doing a concerted job of encouraging the industrial and commercial development of the islands, since they have thousands of customers who are manufacturers or engaged in a wide range of businesses—many of which might find opportunities in Hawaii.

Kaiser's "build Hawaii" drive erupted to national press attention again in 1959 when he went before the Civil Aeronautics Board hearing in Honolulu and presented a sweeping case for additional competitive airlines to be granted franchises for vastly expanded jet passenger flights to Hawaii and throughout the Pacific.

The Hawaii of the next 10 years that Mr. Kaiser predicted that day is an island paradise that will have 1 million citizens and a million tourists a year—an economy of enormously more employment, business, and industries—its No. 1 industry serving vacationists. In Mr. Kaiser's words:

> I know of no vacation paradise in the world that can exceed the Hawaiian Islands in yet-untouched potentialities.

The people of Hawaii proudly join in urging the approval of the resolution honoring one of its most celebrated and deserving citizens, Mr. Henry J. Kaiser.

KEY WEST NAVAL BASE GUARDIAN OF SOUTHERN APPROACHES TO UNITED STATES

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FASCELL. Mr. Speaker, in the tumult of affairs, both foreign and domestic, which beset our Nation during these critical times, it should behoove us well to survey our defense posture in the continental United States, gage its reliability and effectiveness, and take stock of our position in realistic terms free from the enmeshments of petty politics, international intrigue and propaganda, and the staggering statistics of economics. In this vein, it is my privilege to furnish to my colleagues of the Congress a report of the activities and capabilities of a bastion of strength at the southern extremity of our great country.

Sweeping south and westward from the tip of the Florida mainland for a distance of about 100 miles are the Florida Keys. These are small tropical islands, basking in the warm suns and seas, connected by a thin thread of concrete highway and bridges known as the "Overseas Highway." At the extreme end of this chain of islands lies Key West; renowned among fishermen and fabled with stories of pirates and buccaneers. Perhaps it deserves to languor in its remote, tropical beauty, where the idyllic climate and environment are so conducive to rest, relaxation, and recreation.

But such is not the case, and during the foreseeable future it appears that Key West will be an outpost, a sentinel, to guard the heartland of America from attack, as well as a springboard of offensive power should any enemy of our country commence hostile military actions. I deem it unnecessary to review the dangerous confrontation of great powers which occurred in the Cuban crisis of 1962, nor to dwell on the virulent menace of the present Government of Cuba. Let it be said that our military men have recognized the strategic and tactical aspects of these situations, and have moved to more fully exploit and protect the interests of the United States.

The Key West, Fla., area from a military standpoint, embraces an area of land roughly 15 miles long and 2 miles wide, which includes several small islands adjacent to Key West. This small dot of land, surrounded by seas, is about 90 air miles from Cuba, and its strategic importance in regard to surveillance and military operations in the areas of the Caribbean Sea and Gulf of Mexico, cannot be overemphasized.

It is vulnerable in a sense, because it is somewhat isolated, yet it is a sensitive instrument of our intelligence, a staging area for our defense readiness and, should the need arise, it is our first line of defense should overt enemy action take place in the Caribbean area.

I am gratified to note that our military leaders have recognized the strategic and tactical importance of Key West, as well as the sensitive nature of the international relations incidental to the deployment of forces. In recognizing and weighing the implications of this situation and the tremendous ramifications vitally affecting the security and best interests of the United States, the Department of Defense, and particularly the U.S. Navy, has carefully selected the officers it has assigned to meet the extraordinary demands of duty and responsibility placed on the principal commanding officers in the Key West area.

The senior officer in rank at Key West is Rear Adm. L. J. Kirn, U.S. Navy, who assumed his duties on July 1, 1963, as commander, Key West Force. In this capacity, Rear Admiral Kirn is responsible for the direction of all military activity in the Key West area. The components of the Key West Force include submarines, surface ships, and aircraft of the U.S. Navy and U.S. Air Force. Rear Admiral Kirn is himself a naval aviator, and his duties and authority include the position of Commander Fleet Air, Key West. Louis Joseph Kirn was born in Milwaukee, Wis., on June 8, 1908. He attended high school in Milwaukee, was graduated and commissioned ensign on June 2, 1932, from the U.S. Naval Academy. In October 1941 he was ordered to duty as executive officer of Scouting Squadron 3, aboard the U.S.S. *Saratoga*. He assumed command of that squadron in May 1942, and participated in the Guadalcanal and Solomons operations in the Pacific. For heroism during that period of service, he was awarded the Distinguished Flying Cross, the Gold Star in lieu of a second Distinguished Flying Cross, the Navy Cross, and the Air Medal.

The Navy Cross citation reads as follows:

> For extraordinary heroism as squadron commander of a group of dive bombers and torpedo planes in aerial combat against enemy Japanese surface forces in the Solomon Islands area between September 16 and October 5, 1942. Leading his squadron in repeated attacks against enemy vessels, he and his valorous comrades in the face of heavy and accurate antiaircraft fire, scored a direct hit with a thousand pound bomb on an enemy destroyer, which sank within 5 minutes.

Rear Admiral Kirn has attended the Naval War College, Newport, R.I., and the Imperial Defense College, London, England. In February 1957 he assumed command of the U.S.S. *Currituck*—AV-7. Six months later he transferred to command of the attack aircraft carrier *Randolph* and in March 1958 was ordered detached for duty as chief of staff and aide to commander, Carrier Division 4. His selection for the rank of rear admiral was approved by the President on July 18, 1958, and on February 14, 1959, he became commander, Carrier Division 19.

On July 1, 1963, Rear Admiral Kirn assumed duty as commander, Key West Force with headquarters at the U.S. Naval Base, Key West, Fla. Also, on this date he assumed the following additional duties: Commander, U.S. Naval Base, Key West, Fla.; operational commander of CINCLANT Joint Air Reconnaissance Coordination Center located at the Boca Chica Naval Air Station, Key West, Fla.; commander, Key West ASW group, and naval control of shipping officer, Key West, Fla. On January 15, 1964, he assumed additional duty as commander, Fleet Air, Key West, Fla.

Rear Admiral Kirn is the senior military commander of the Key West military complex which consists of 76 separate commands and activities. They are:

Navy shore based	15
Navy fleet shore based	21
Marine Corps	3
Air Force	5
Army	3
Coast Guard	1
Home-ported ships (Navy)	25
Home-ported ships (Coast Guard)	3
Total	76

In the echelon of command and chain of responsibility for air operations which are vital to the adequate defense of the United States, is the U.S. Naval Air Station, Key West, Fla. The officer chosen by the U.S. Navy to meet the demanding responsibilities of commanding this naval air station, is Capt. Charles D. Fonvielle, Jr., who assumed his duties as commanding officer on June 30, 1963, 1 day prior to Rear Admiral Kirn assuming his duty as commander, Key West force.

Assignment as commanding officer of the U.S. Naval Air Station, Key West, constitutes another tribute to the leadership capabilities of Captain Fonvielle who has compiled an outstanding record in his career of naval service. Captain Fonvielle is 46 years of age and is a native of the State of Oklahoma. He graduated from the U.S. Naval Academy in 1941, and was serving aboard the destroyer U.S.S. *Cummings* at Pearl Harbor on December 7, 1941. He witnessed the dastardly attack, on that day of infamy, which we hope and pray will never again be inflicted in any like manner on the United States. Captain Fonvielle won his wings as a naval aviator in 1944 and at the end of World War II was serving as commanding officer of Escort Carrier Air Group 38 aboard the U.S.S. *Bairoko*. During the Korean conflict, his leadership potential was recognized and he was ordered to duty as commanding officer of Fighter Squadron 74 flying in combat from aboard the aircraft carrier *Bon Homme Richard*. After being steeped in the command aspects of naval aviation, his capabilities were furthered by duties as head of the Warfare Analysis Branch of the program analysis group of the Office of the Chief of Naval Operations, followed by a course for senior officers at the Industrial College of the Armed Forces. Captain Fonvielle was then assigned to duty on the NATO staff of commander in chief, eastern Atlantic.

It is manifest from the foregoing that Captain Fonvielle has a deep and comprehensive wealth of knowledge and experience in command, research and development, management and administrative functions, and logistics of military operations. These facets of his capabilities have been tempered and fused with the personal associations, protocol, international relationships resulting from the incidental to command, particularly in regard to joint commands of NATO forces.

These attributes of Captain Fonvielle have been recognized and appreciated by his superiors and are all involved in his position as commanding officer of the U.S. Naval Air Station, Key West, Fla. Although not publicized and rather quietly done, our military posture and capabilities at Key West have been tremendously increased during the past 18 months with primary emphasis on the air defense aspects and the capabilities of our aviation forces to inflict irreparable injury upon any would-be aggressor. The responsibilities of his position are enormous when it is considered that Captain Fonvielle is not only charged with the welfare, morale, discipline, and military efficiency of several thousand officers, men, and civilian employees, but carries on also a business, as it were, of a valuation of about $30 million, operating on an annual budget of over $3 million, not including pay of the servicemen, and now pending are construction projects at the Naval Air Station, Key West, Fla., in the amount of $10,500,000. Certainly the business aspects of this position of command alone rivals that of any private business concern in the United States today.

It is worthy of note that at the U.S. Naval Air Station, Key West, Fla., a joint command is an operation which is unique at military installations within the United States. Both Army and Air Force units are tenant commands and perform critical services in the overall functions of the air defense of the United States in this area. The U.S. Air Force operates at the U.S. Naval Air Station, Key West, Fla., in conjunction with the Navy, radar systems, and air defense interceptions of the Air Defense Command. Facilities and equipment as well as aircraft of the Navy and the Air Force, are utilized jointly in order to expedite and effectuate this mission and to achieve the highest degree of efficiency and skill. Also comprising an essential part of the air defense of the United States at Key West are units of the U.S. Army which man antiaircraft missile batteries deployed in various locations. These missile batteries maintain their own separate radar systems and fire the Hawk antiaircraft guided missiles.

In addition to the outstanding competency of Captain Fonvielle, the Department of Defense has been assigning to the U.S. Naval Air Station, Key West, Fla., the highest quality of junior officers and men so that we now have there, an integrated, extremely skilled, and efficient military force. These developments and the strengthening of our garrison there are continuing with the ultimate goal of not only overcoming any possible military action against the United States in the area, but also to serve as a deterrent to any would-be aggressor in that any such military action contemplated against the United States would be suicidal.

Stationed on a relatively permanent basis at the U.S. Naval Air Station, Key West, Fla., are various operating squadrons of aircraft. One of these is a fighter squadron which flies the F4B Phantom aircraft recognized as the fastest and finest military aircraft in operation today. Its high performance far exceeds that of any aircraft in use by other countries, and it holds the world speed record of over 1,600 miles per hour and the altitude record of over 90,000 feet for manned conventionally powered aircraft. Since time is of the essence in most air operations today, it is worthy of note that with this aircraft, Cuba is only about 2 minutes away from Key West. A helicopter squadron conducts low-level antisubmarine warfare training and participates in search and rescue operations. An air development squadron tests, evaluates and develops operational requirements and capabilities of highly sophisticated aircraft weapons systems to devise the ultimate combat readiness of our aviation forces. Another squadron is primarily concerned with antisubmarine warfare, and develops proficiency in the deadly and intricate skill of detecting and sinking enemy submarines through the use of the latest developed electronic instruments and weapons systems.

Also, detachments of combat-ready fighter-interceptors are deployed in rotation to U.S. Naval Air Station, Key West, at frequent intervals. The aircraft of these detachments are maintained on what is called the hot pad. They are fully armed and fueled and the pilots live and are constantly on duty in a trailer a few feet away. In answer to an alarm of an unidentified aircraft on radar, the pilots "scramble" and through frequent drills and practice scrambles, the time has now been reduced to about 180 seconds between the alarm and the aircraft being airborne to intercept a target. These aircraft carry air-to-air rockets of the most modern design and types, and are capable of utilizing conventional and nuclear weapons. Highly complex and intricate radar and electronics systems cause these aircraft to have the finest weapons systems in military use in the world today, and our technicians are constantly improving these weapons systems to maintain this superiority.

In times of peace, it is a natural proclivity of citizens of a republic such as ours to lapse into a state of complacency. However, the cold war continues to exist and the malevolent and deadly threat of communism continues to jeopardize our liberties. Fortunately, this great Nation has consistently produced in our years of trial and turmoil, leaders of outstanding capabilities in both civilian and military positions who have protected and preserved the freedoms and precious heritages granted to us by our forefathers. In this category, I consider it a privilege, as well as a pleasure, to convey to my colleagues of the Congress a tribute to those officers and men of our Armed Forces whose conscientious dedication to duty and patriotism rises above the more mundane pursuits of the common man. These military officers and men, so well exemplified by the team of Rear Adm. L. J. Kirn, U.S. Navy, and Capt. Charles D. Fonvielle, U.S. Navy, and the military personnel serving under them at the U.S. Naval Air Station, Key West, Fla., not only deserve the admiration and respect of all citizens of the United States, but through their sacrifices and untiring efforts to protect and safeguard our beloved country should cause inspiration to all of us in our own dedication and forthright action in furtherance of liberty, justice, and freedom for all.

In further tribute I should like to bring to the attention of my colleagues an article which appeared in the Key West Citizen on April 10, 1964.

SECOND TO NO OTHER AREA

The strategic importance of Key West in the present-day world was brought into sharp focus by Rear Adm. Louis J. Kirn, commander, Key West Force and commander, U.S. Naval Base, in a speech before the Venice, Fla., chapter of the Navy League.

The admiral told the group that the Caribbean area is second to no other area in strategic importance, including the Mediterranean, southeast Asia, and the Berlin wall.

Key West, being the southernmost major base located on U.S. soil places it in the position of being, as it has been called for many years, the Gibraltar of the Caribbean.

Admiral Kirn cited Communist Cuba as the threat "at our southern doorstep" and traced Key West's history to show that its proximity to Cuba has given it a historical role as the guardian of the southern approaches to the United States.

With the explosion of the Cuban crisis in the fall of 1962, Key West became even more of a strategic value to the defense of our Nation.

Key West is, indeed, fortunate to have as the commander of the military forces in this area a man such as Admiral Kirn who so fully grasps the situation in the area and who is not reticent in pointing out the strategic value of the city in the defense of the Nation.

When a military man includes such frank appraisals in public remarks it tends to build a firm feeling of confidence in the ability of the military to meet any situation which may arise and goes far toward cementing friendly relations between the civilian and military.

Key West is proud to be in a position to be called of such strategic value to our Nation. Key West appreciates the contributions of the military personnel stationed here.

Key West appreciates, too, commanders who do so much to foster complete understanding of the importance and the problems surrounding national defense.

AUTOMATION—FRIEND OR FOE

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I offer for the RECORD and the review of my colleagues an article authored by myself entitled, "Automation—Friend or Foe." It was heretofore published in the April, 1964, edition of the "Advanced Management Journal":

AUTOMATION—FRIEND OR FOE?

(By Representative ARNOLD OLSEN, Democrat, of Montana)

Automation, like the little girl in the nursery rhyme, has at once its good and bad sides, "good" because it is technological advance in the form of automation which makes this Nation a leader in the world community, and "bad" because, as we all know, automation can be blamed for unceremoniously throwing men and women out of work and posing a threat which could eventually undermine the very fabric of our society.

To make matters worse, we do not even have agreement that a problem exists. For example, let me quote some of the figures which are being cited in regard to job losses as a result of automation. Mr. John I. Snyder, Jr., president of U.S. Industries and cochairman of the American Foundation of Automation and Employment, testified before Congress recently that the Bureau of Labor Statistics' figure of 200,000 jobs lost each year through increased productivity is an underestimate; he puts the figure at 40,000 jobs each week or some 2 million jobs lost in 1 year. Some people believe that Mr. Snyder's estimate is high, and well it might be.

AUTOMATION VERSUS NEW MANPOWER

Moreover, projections attributed to the Labor Department's Office of Manpower and Training (OMAT) would seem to confirm the high rate. According to OMAT, by 1970, automation and increased productivity will enable 1960's economic output to be produced with 22 million fewer workers than were employed in 1960, and since the labor force is expected to increase by 13 million persons over the decade, some 35 million more jobs will be needed just to prevent the present unemployment rate from rising. According to Seymour Wolfbein, of the Labor Department: "We are witnessing a head-on collision between advancing automation and technology and a tidal wave of manpower for whom job opportunities must be available."

Now, let me give the other side of the story. The philosophies, as you will see, are quite divergent. Lawrence Fertig, the economist, writing in the Scripps-Howard newspapers, tells us: "If the prophets of doom are right about the terrible effects of automation, then unemployment rolls should be expanding tremendously each year and by now there ought to be at least 10 to 15 million workers looking for jobs." Mr. Fertig goes on to observe: "Today there are just about as many unemployed as there were 5 years ago * * * and in those 5 years industry has given jobs to three and a half million new workers who came of age and entered the labor force."

Mr. Fertig contends that "automation creates many more jobs than it eliminates—and does so pretty fast." He asks, "How could industry give work today to 69 million people (now 70 million, as stated in the President's state of the Union message) when a decade ago only 61 million could find work?" The obvious answer, Mr. Fertig says, is "that advancing technology cuts the cost of manufacture and eliminates some manufacturing jobs so that the labor force for the production of services of all kinds can expand. Also, workers must be found for completely new industries which have developed since the war—and will continue to develop."

Supporting Mr. Fertig's views are many others who believe that jobs will not be lost but rather their nature will change. Direct cost dollars released by increased efficiency will be put to work to create more jobs for all.

So, we ask ourselves, who is right and who is wrong in this debate? For my part, I think the problem is sufficiently serious that we cannot afford to take chances. I am convinced that we in the Federal Government should lead the way and proceed at once to reexamine the whole subject with a view to throwing light on what we are doing and where we want to go.

GOVERNMENT EMPLOYMENT EXPERIENCE

Recently, the Subcommittee on Census and Government Statistics, of which I am privileged to serve as chairman, held extensive hearings on the "Use of Electronic Data Processing Equipment in the Federal Government." In our hearings and in our report on the subject, House Report No. 858, the subcommittee was most anxious to explore the effect of EDP automation upon the Federal worker and upon his job security. Now, of course, this is only a small segment of the automation problem, but since 2,500,000 Federal workers are involved, it certainly deserved our best efforts.

The first thing we found was that there is a disproportionate emphasis in the man/machine ratio in the Federal agencies. Almost everyone seemed to be paying more attention to equipment and gadgets than to the people working in this field, and, consequently, machine technology may be progressing beyond the ability of people to use it. As one witness testified, it will take the technicians until 1970 to catch up with today's machines. In general terms, present day equipment is engineered several years ahead of the capabilities of the persons working with it.

In regard to displacement of Federal workers by automation, we found differing opinions. The U.S. Civil Service Commission felt "that remarkably little unemployment has been created to date in the Federal Government by automation." The National Federation of Federal Employees (NFFE), through the testimony of its president, Vaux Owen, considers automation "to be one of the causes of the disturbing problems of unemployment." The president of the American Federation of Government Employees (AFGE), John F. Griner, viewed "with a measure of satisfaction the ability of Government agencies to exert to a large extent control over adverse effects," but has "serious misgivings as to how long that control can be continued." The AFGE believes that "the real and alarming effect of automation may not be felt during the transition period in which the program is still operating. Instead, it may become apparent only after some years to come." Still another view was expressed by John E. Johnson, vice president of the Radio Corp. of America, when he said, "The computer has stemmed the tide of constantly rising costs and has alleviated the severe shortage of clerical personnel in both industry and Government." He goes on to say, "We could not have increased the gross national product from $260 billion in 1949, to $554 in 1962 (over $600 billion now), without EDP on hand to overcome the shortage of data processing personnel."

After hearing testimony from some 30 Federal agencies, our subcommittee concluded that so far the departments and agencies of the Federal Government have been doing a good job in easing the impact of EDP automation on the Government employee. They have done this by planning an orderly transition from manual to automated methods and by training employees to handle the new types of work. Planning and training, you see, are two essential weapons in combating the effects of automation, and these will continue to be important in the future of not only Federal employees but of all working people—an alertness to change and effective planning in adjusting and overcoming resistance to the change. What we do not want is the "meat ax" approach which often results in costing more than it saves because of abrupt terminations of large groups of experienced people and expensive rehiring and retraining after the mistake has been made.

INDUSTRIAL EXPERIENCE

Now, the Federal Government has been very fortunate, so far, as compared to other employers. Take, for example, the mining industry in my own district of Montana. Automation is creating extremely serious problems there.

Old skills in the mining, processing, smelting, and beneficiation of metals have been largely eliminated. Unemployment of the highly skilled is the direct result of machines and automation, eliminating the uses of those old skills. Retraining in new vocations is imperative for reemployment. I want to emphasize that we pay the cost of unemployment, whether we want to or not. There are several ways—direct costs, such as unemployment insurance and industry unemployment benefits; indirect costs, such as welfare and retirement programs and surplus food programs. But, the most important cost is the human cost. This cannot be measured in dollars. Being unemployed and dependent upon unemployment and welfare programs saps a person's morale, and is a cloud over the aspirations of the young people. It is my own personal observation that standing in line for a relief check or a surplus food authorization has had a most demoralizing effect upon personal friends and acquaintances. We can't stop automation, but we can and we must care for human beings. The only answer is new jobs and new skills to fill the jobs. Unemployment insurance benefits are just an insurance hedge against the disaster of unemployment. Nobody gets any satisfaction out of collecting on an insurance policy. Training in anticipation of mechanization and automation would be the best remedy. Certainly in government we should try to set that kind of an example.

Take coal mining as another example. A. H. Raskin, a specialist in labor and national affairs, suggests that we "visit the rotting men and rotting communities in the coal-rich hollows of West Virginia, Pennsylvania, Tennessee, and Kentucky" (the general area referred to as Appalachia). Mr. Raskin goes on. "Talk to the miners made obsolete by the machine, the once-proud men whose high wages and industry-financed pensions made them the smoot-smudged aristocrats of American labor only a dozen years ago. Today some scratch out a perilous subsistence in played-out pits—dogholes, the miners call them where the seam is too poor to make large-scale mechanization worthwhile. They keep a shotgun by their lunch pails to fend off roving bands of armed pickets from the union they once fought to build. And, they pray that the lack of even the most elementary safety precautions won't bring a mountainside down on their heads."

Take the example of another basic industry—steel. Recently the financial section of the New York Times carried the headline, "Nation's Steel Producers Rush To Embrace the Latest Technological Advances." The headline says, "New Processes and Automation Speeding Production of Steel." To quote: "With computer operation, the speed and degree of control over a mill and its product are raised far beyond human reaction ability. For instance, if the computer detects an error on a finishing roll stand it can correct it by making compensating adjustments on the next roll stand only a few feet away and a fraction of a second away." The article tells us that a "forward-looking" oxygen furnace can do in 30 or 45 minutes what the conventional open hearth furnace would take 6 to 8 hours to perform with comparable savings in man-hours and jobs.

These examples might touch some of us closely and might be somewhat remote to others, but if you want to rub elbows with automation, stop in one of the prominent downtown department stores and ride its automated elevators. Thousands of elevator operators are being displaced simply because it is cheaper to pay for the machinery than to pay the labor cost of operators. Thus, we have the two-edged sword—automated devices and mounting labor costs and as pointed out recently in the Washington Daily News: "Together, these two force the installation of automatic devices which otherwise might not be economically sound or at least might be delayed for another generation. First to suffer are the least skilled and ill educated who constitute the bulk of our unemployed."

Now, there may be little or no agreement about the various aspects of these problems, but we can all be sure that automation is here to stay. As stated recently by Thomas J. Watson, Jr., chairman of the board of the International Business Machines Corp., "Let's conclude the debate as to whether we have a problem. We have. The time has come to find workable solutions."

COMMISSION ON AUTOMATION NEEDED

I was very pleased to hear the President say in his state of the Union message that he planned to establish a high-level Commission on Automation. Only recently, Senator Humphrey introduced legislation to carry out the President's proposal. Senator Humphrey's bill will create a Commission on Automation, Technology, and Employment made up of Representatives of Congress, the executive branch, and the public at large. The Commission will go into most of the matters discussed here and, I hope, come up with findings and reports which will point the way to solutions to at least some of these problems. To quote from the state of the Union message: "If we have the brain power to invent these machines, we have the brain power to make certain they are a boon and not a bane to humanity."

Equally important, it seems to me, is that we approach the problem of automation with complete objectivity. We should beware of the charlatans and prophets of doom, on the one hand, as well as those who prefer to ignore the seriousness of the problem, on the other. Some of these people are not realistic. They remind me of the fellow who went to the doctor and said, "Doctor, if I give up smoking, stop drinking and chasing after women, will I live to be a hundred?" The doctor is said to have responded, "Well, maybe, but in any case it will seem that long."

For my part, I am confident that automation will always be with us (as really it has for some time) and that we will find ways of mastering this new technology as we have mastered other "revolutions" in the past. I concur with Henry Ford II who stated recently, "The solution is to raise the educational level of our people so that they are capable of handling work that demands less of their muscles and more of their brains."

But, in resolving the automation problem, we may have to accept some fundamental changes in our thinking about men and machines. As Mr. Ford said, we will not only have to educate ourselves better, but I am convinced that we will also have to take a good look at some of our attitudes toward jobs and employment opportunities. One thing is certain—the labor force of the future will have to be more mobile than it has been in the past. The high capital outlay costs for computers and other machines will necessarily limit the number of installations and labor must necessarily move to those places where there are job opportunities. Recent experience in the Federal Government—in the Defense Department, the Post Office Department, and the Treasury Department where a considerable amount of reorganization and relocation is now going on—attests to the fact that, as automation takes hold more firmly, we can expect that our labor force will be quick to search out and accept job opportunities in other labor markets. It is quite possible that in the future the Government may have to assist workers in moving from one labor market to another.[1] Certainly, this would be preferable to adding displaced workers to the already swollen ranks of our unemployed in the areas of declining employment opportunity.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Thompson of Texas, for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Beermann (at the request of Mr. Arends), for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Bennett of Florida and to include extraneous matter.

Mr. Johnson of Wisconsin.

Mr. Robison.

Mr. Cooley.

(The following Members (at the request of Mr. Arends) and to include extraneous matter:)

Mr. McLoskey.

Mr. Hall.

(The following Member (at the request of Mr. Harsha) and to include extraneous matter:)

Mr. Skubitz.

(The following Members (at the request of Mr. Green of Pennsylvania) and to include extraneous matter:)

Mr. Fraser.

Mr. Rivers of South Carolina.

Mr. Rogers of Florida.

Mr. Hawkins.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2214. An act to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

ADJOURNMENT

Mr. GREEN of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, May 18, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2070. A letter from the Assistant Secretary of the Interior, relative to stating that an adequate soil survey and land classification of the lands in the Mann Creek project, Idaho, has been completed, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

2071. A letter from the Deputy Assistant Secretary of Defense (Properties, and Installations), relative to letters dated January 21, 1964, and February 4, 1964, with respect to certain additional construction projects for the Air National Guard to be undertaken within the $15,970,000 lump sum authorization contained in section 701 of Public Law 88–174; to the Committee on Armed Services.

2072. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill entitled "A bill to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training"; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10926. A bill to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; without amendment (Rept. No. 1402). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10936. A bill to designate the Veterans' Administration center at Bonham, Tex., as the Sam Rayburn Memorial Veterans Center; without amendment (Rept. No. 1403). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 146. A bill to designate the Veterans' Administration hospital at Jackson, Miss., as the John Elliott Rankin Memorial Veterans Hospital; with amendment (Rept. No. 1404). Referred to the Committee of the Whole House on the State of the Union.

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[1] A recent study by the U.S. Civil Service Commission shows that when a Federal employee transfers from one geographic area to another, his average out of pocket cost is $558. Such costs serve as deterrents to a more mobile labor force.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 2434. A bill to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes; with amendment (Rept. No. 1405). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 8251. A bill to amend section 612, title 38, United States Code, to authorize dental services and treatment in cases where discharges were corrected by competent authority from dishonorable to conditions other than dishonorable; with amendment (Rept. No. 1406). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 8925. A bill to amend title 38 of the United States Code in order to provide that a disability which has been rated at or above a certain percentage for 20 or more years may not thereafter be reduced below such percentage; with amendment (Rept. No. 1407). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Vetrans' Affairs. H.R. 10610. A bill to provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs; with amendment (Rept. No. 1408). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10611. A bill to provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs; with amendment (Rept. No. 1409). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPINALL: Committee on Interior and Insular Affairs. H.R. 11037. A bill to amend the Alaska Omnibus Act; with amendment (Rept. No. 1410). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG: Committee on Rules. House Resolution 724. Resolution for consideration of H.R. 5130, a bill to amend the Federal Deposit Insurance Act and title IV of the National Housing Act (relating to the insurance of savings and loan accounts) with with respect to the maximum amount of insurance which may be provided thereunder; without amendment (Rept. No. 1411). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:

H.R. 11255. A bill to validate certain payments of per diem allowances made to members of the Coast Guard; to the Committee on the Judiciary.

By Mr. BECKWORTH:

H.R. 11256. A bill to amend title II of the Social Security Act to eliminate the provisions which presently prevent a woman from simultaneously receiving both a full old-age or disability insurance benefit and a full wife's or widow's insurance benefit; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 11257. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mr. CLEVELAND:

H.R. 11258. A bill to amend the Internal Revenue Code of 1954 to provide that for estate and gift tax purposes the value of stock in an open-end investment company shall be its redemption price; to the Committee on Ways and Means.

By Mr. CURTIS:

H.R. 11259. A bill to promote private enterprise in the United States by the curtailment in the competitive operation of military commissary stores; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 11260. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by firemen for meals which they are required to eat at their post of duty; to the Committee on Ways and Means.

By Mr. HARVEY of Indiana:

H.R. 11261. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mr. McDADE:

H.R. 11262. A bill relating to the status of volunteer fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 11263. A bill to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYMAN:

H.R. 11264. A bill to amend the Internal Revenue Code of 1954 to exempt sweepstakes conducted by a State from the tax on wagering; to the Committee on Ways and Means.

By Mr. FINO:

H.R. 11265. A bill to amend the Internal Revenue Code of 1954 to exempt State-conducted lotteries from the taxes on wagering; to the Committee on Ways and Means.

By Mr. CLEVELAND (by request):

H.R. 11266. A bill to amend the Internal Revenue Code of 1954 to exempt sweepstakes conducted by a State from the tax on wagering; to the Committee on Ways and Means.

By Mrs. KELLY:

H. Con. Res. 303. Concurrent resolution relating to the sesquicentennial of the Norwegian Constitution; to the Committee on Foreign Affairs.

By Mr. RYAN of Michigan:

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress with respect to participation by the United States in the International Convention Relating to International Exhibitions; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARBSTEIN:

H.R. 11267. A bill for the relief of Pietro Mannino; to the Committee on the Judiciary.

H.R. 11268. A bill for the relief of Alfredo M. Fernandez; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 11269. A bill for the relief of Frida and Jacobo Goldstein; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

891. By the SPEAKER: Petition of Vincent Vespia, city clerk, Providence, R.I., relative to the city council going on record as endorsing H.R. 10937, relating to the Social Security Act; to the Committee on Ways and Means.

892. Also, petition of Seitoku Tomigawa, Gushikawa-son, Okinawa, requesting the reversion of Okinawa to its fatherland; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Florida Times-Union Is Award Winner

EXTENSION OF REMARKS
OF
HON. CHARLES E. BENNETT
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 14, 1964

Mr. BENNETT of Florida. Mr. Speaker, today I bring to the attention of the House of Representatives and to the Nation a great service by a distinguished daily newspaper. Mr. Speaker, the Florida Times-Union, of Jacksonville, Fla., has been named winner of the coveted Mental Health Bell Award of the National Association for Mental Health, Inc.

The national award is made in recognition of distinguished year-round editorial support in the fight against mental illness.

Stanley E. Taylor, president of the Mental Health Association of Duval County, nominated the Times-Union, now serving its 99th year of publishing for readers through Florida, Georgia, and the South, for the award. The unselfish service of Mr. Taylor, Mr. Harry Gonzalez, also of Jacksonville, who is president of the Florida Association of Mental Health, and all members of these mental health groups, is to be commended. I am pleased to have the opportunity to bring this to your attention.

Brazil's Break With Cuba

EXTENSION OF REMARKS
OF
HON. PAUL G. ROGERS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 14, 1964

Mr. ROGERS of Florida. Mr. Speaker, credit is due the new Government of Brazil for ending diplomatic relations with the Communist regime of Cuba.

This action taken by the Brazilians is a great victory in the struggle for freedom in this hemisphere. Brazil is one of Latin America's largest and most influential nations. Prior to the fall of leftist Joao Goulart's regime this nation witnessed Brazil pursuing a path which seemed to be taking it away from the democratic community of this hemisphere. The United States and the other nations of this hemisphere were all greatly relieved when Goulart's government fell, and was replaced with the new regime of President Umberto Castello-Branco.

Now that another nation of our sister continent has had the foresight to end its relations with Castro, other nations yet maintaining recognition of Cuba should follow Brazil's example. Those nations which still dignify Castro by extending him recognition are Chile, Bolivia, Mexico, and Uruguay.

I urge that stepped-up measures be taken by this Nation in the OAS as well as unilaterally in order that these four remaining Latin American countries may do as Brazil has done and end recognition of Castro. To do so will further isolate Communist Cuba in this hemisphere.

Uniform Daylight Saving Bill Will End Confusion

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. FRASER. Mr. Speaker, on Monday I introduced H.R. 11206, a bill to provide a uniform period of daylight saving time. This bill should end the confusion caused by different areas starting daylight saving time on different days.

Two weeks ago the first group of States and cities went on daylight saving time. Many others will not shift until a month later.

The Fraser uniform daylight saving bill will have all daylight saving time begin at 2 a.m. on the last Sunday of April and continue until 2 a.m. on the last Sunday of October each year.

The Federal Government has regulated standard time since 1918. Regulation of daylight saving time would end the disruption of schedules of buslines, airlines, railroads, and television and radio stations. The transportation industry is especially affected because of passenger inconvenience and additional expense caused by the time differences.

In Minnesota, one city, Duluth, was torn between starting daylight saving with other Minnesota cities at the end of May, or earlier when its twin port, Superior, Wis., went on daylight saving.

Twenty-four States put it into effect on the last Sunday in April while five other States do it later. Some States leave it up to local authorities to decide when to put it into effect. This leads to the ridiculous situation often reported: a 35 mile stretch of road between Steubenville, Ohio and Moundsville, W. Va., a traveler passes through seven time changes.

Mr. Speaker, the Fraser bill is short and simple. It is only 14 lines long. It will end confusion. I set it out at this point in the RECORD so that other Members may read it and consider its merits:

H.R. 11206

A bill to provide a uniform period for daylight saving time

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to save daylight and to provide standard time for the United States", approved March 19, 1918, as amended (40 Stat. 450; 15 U.S.C. 261–264), is amended by adding at the end thereof the following new section:

"SEC. 6. Whenever the standard time in any time zone, or any part thereof, is advanced one hour by any State or a political subdivision of any State, such advanced time, generally known as 'daylight saving time', shall commence at 2 o'clock antemeridian on the last Sunday in April of each year and shall end at 2 o'clock antemeridian on the last Sunday in October of each year."

A Tribute to William J. "Bill" Williams

EXTENSION OF REMARKS

OF

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. HAWKINS. Mr. Speaker, I have just written a letter to my constituents in praise of my field coordinator and staff of my district office, and briefly describing the numerous programs and activities through which we are helping our community to become a better and more prosperous place. I believe my colleagues will find the following of interest:

A TRIBUTE TO WILLIAM J. "BILL" WILLIAMS

Every day in the year, I as your Congressman, and the people who work in my office, listen to public views, problems, complaints, and suggestions that range all the way from where to get a babysitter to how to qualify for the old age pension.

The man who directs our local Los Angeles office, supervises the staff, and stands in for me during my absence attending Congress 3,000 miles away, is William J. "Bill" Williams. In paying this tribute to him, I want to involve both you and me in how we benefit from the unselfish devotion of this young man.

In the first place, Bill is the one who usually listens to what you have to say when you consult my office. It is, therefore, important that he not only be patient and sympathetic, which he is but also possess the ability to get things done.

For this work, Bill is highly qualified. In his short 33 years he has graduated from two colleges and is presently completing his work on a doctorate degree at the University of Southern California. He has taught school, served in our Armed Forces overseas, worked for labor, and acted as my legislative aid when I was a member of the California Legislature.

So he is more than a college man. He is a person of practical experience and a great coordinator of community programs.

Thus, while I have fought to have enacted into law a vocational education law, a new mental health program, more job-creating agencies, and youth activities, to mention a few, Bill Williams has been busy in our community to see that these programs are made available to those who need them.

Under his direction more than 2 years ago we organized a coordinating council on economic development to spearhead an antipoverty campaign in our area.

From this council, which started with only 25 members, we have now involved over 175 persons in an advisory capacity, developed a host of capable community leaders, set up a mental health committee which has already obtained $25,000 to start a clinic in the district to help depressed persons, held several small business clinics for businessmen, provided job counseling and placement for over 2,000 young people, and obtained grants totaling over $1 million to undertake action programs to provide more jobs, training, schools, and better housing.

Nor have we neglected cooperation with private businesses and industry. For example, Mr. Williams has worked in conjunction with the Pacific Telephone Co. to develop a program to train our youth for jobs in this great industry and open up new opportunities for advancement.

On the other hand, we have been equally concerned with helping elderly people and family heads. Our office has been their information center and many have been assisted in qualifying for various pension, training, and medical programs. Through private trade schools, Mr. Williams has obtained numerous free scholarships for vocational training which opened jobs for many who had been turned down in the past because they were over 40 years of age. Also, hundreds of social security benefit claims have been settled satisfactorily and better housing for the elderly located.

Assisting Mr. Williams in the local office is a capable team of coworkers consisting of Mrs. Mary Higginbotham, Mrs. Jerrell Hogans, and Miss Shirley Reid—all residents of our community and persons who believe in our creed: All persons are important.

In my efforts to be "everybody's Congressman," I am pleased to pay this fitting tribute to a great field coordinator whose help has made possible what progress we have achieved, whose commanding qualities have helped our community to become a better and more prosperous place—one who is certainly our unsung hero and faithful friend—William J. "Bill" Williams.

Israel Independence Day

EXTENSION OF REMARKS

OF

HON. ROBERT T. McLOSKEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. McLOSKEY. Mr. Speaker, May 14 marks the 16th anniversary of the founding of Israel as an independent sovereign state.

As an American citizen I congratulate the people of this relatively new independent nation and commend them for their splendid achievements. Throughout history the Israelites have been subjected to persecution and tyranny, but they have always had the ambition and courage to rise from the smoldering ashes of hate and tyranny.

This has been accomplished by the hard work and ingenuity of the people themselves. The task has not been easy, but they are now beginning to see the fruits of their labors.

I am proud that as a citizen of our great land our Nation has helped in a small measure to make Israel what it is today.

It is our hope that the nation of Israel will continue to progress and that the friendship existing between our two nations shall continue in harmony and peace.

Exporting Democracy Via the Credit Union Movement

EXTENSION OF REMARKS

OF

HON. LESTER R. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. JOHNSON of Wisconsin. Mr. Speaker, on May 8, some 600 representatives of the Credit Union National Association (CUNA) had the privilege and pleasure of hearing a very interesting and inspiring address by my Wisconsin colleague, Congressman Robert Kastenmeier.

In his address at CUNA's 30th annual meeting, which was held in Madison, Wis., Congressman Kastenmeier detailed the very valid accomplishments of the credit union movement both at home and abroad. As he pointed out, when we export the credit union idea, we are exporting democracy as well as a means of providing low-cost credit.

Under leave to extend my remarks, I would like to include Congressman Kastenmeier's speech in the Record:

Speech Given by the Honorable Robert W. Kastenmeier at the 30th Annual Meeting of CUNA

It is a pleasure for me to welcome you to CUNA's 30th annual meeting. I extend you this welcome on behalf of the citizens of Wisconsin, and especially for those of us who live in the Second Congressional District, which includes Madison. We in Wisconsin are proud that the international credit union movement has made its headquarters in our State capital. I like to think that your predecessors found the progressive traditions of our State compatible with their own ideas. It seems to me the progressive tradition and the credit union movement have this much in common: they both are founded on a deep respect for the individual.

Looking over this assembly today, I think it is apparent that the roots of CUNA, planted here 30 years ago, have taken firm hold. In 1934, only a thin network of credit unions stretched across the country. In 1964, not only are there credit unions in every State of the Union, and in every Province of Canada, but there are thousands more overseas. As delegates to this historic meeting, you give testimony to the growth that has taken place in the last three decades. You are proving that the credit union movement is still vital; in a very real way the strength of the movement depends on yourselves and people like you around the world who are working so diligently to extend the influence of credit unionism.

It is heartening to me that the leadership of CUNA has taken as its goal the organization of credit unions not only in the United States but in the rest of the world as well. The story that CUNA is writing in Central and South America is one of the most impressive of all emanating from our foreign aid program. It is of great significance that when we in the United States export the credit union idea, we are exporting more than a means of providing low-cost credit. When we send credit union experts overseas, we are exporting democracy.

Overseas, in Latin America, for example, democracy does not have universal acceptance. The credit union technicians being sent to Latin America have all the skills necessary to operate credit unions in a businesslike way. But they need another skill that is just as crucial. They must possess the ability to win people to the idea of the democratic process. Working with the people to overcome their economic problem, the credit union experts also make them believers in democracy. For the first time, these people become active participants in the democratic process; and the United States wins one more skirmish in the war for the uncommitted people. I am convinced that every successful credit union overseas provides an exercise in democracy.

By dwelling at some length on the accomplishments overseas, I do not mean to slight what has been done in the United States. Here at home, the contribution toward understanding of the democratic way of life, although real, is not of the same magnitude as it is overseas. Instead, I should say one of the most important byproducts of credit union development in this country is the encouragement given the cause of the consumer. There has been in the past few years a remarkable increase of concern for the consumer—both within Government and without. Although the subject of consumer affairs has been of interest to many of you for years I think you will agree it has not generally been a matter for discussion in our country until recently.

I think it is fair to say that the late President Kennedy is responsible for this upsurge of interest. He launched the Era of the Consumer. You will remember that one of his early actions was the establishment of the consumer advisory council. In March 1962, he sent Congress a special message on consumer affairs, the first special message on that subject ever submitted. President Johnson has also shown an awareness of the problems of consumers: first by sending his own special consumer message to Congress, and second, by appointing Mrs. Esther Peterson as his Special Assistant for Consumer Affairs. The appointment marks the first time that a representative of consumers has been admitted to the highest councils of Government. Were it not for the past work on behalf of consumers by organizations such as CUNA, these recent achievements would not have been possible.

It is gratifying to me that I find CUNA among those endorsing the truth-in-lending bill. I am happy to be a cosponsor of this legislation in the House. In the Senate, as you know, the bill is sponsored by its author, Senator Paul Douglas of Illinois. I am happy to say that it has been favorably reported from Senator Douglas' subcommittee. The opponents of the bill are working very hard to convince members of the Senate Banking and Currency Committee to vote against the bill. It is our hope that in spite of their efforts it will be reported favorably to the Senate. I have always been amused by the position taken by some organizations which claim that their members are violently opposed to the truth-in-lending bill. In one case, I saw a poll of a group of businessmen in my district showing they were in favor of the bill by more than 2 to 1. Nevertheless, I was assured by their State organizations that these same businessmen were adamantly against it. As a lawyer from a small town, I have seen the effects of elaborate credit schemes presented to the unwary. Too often the result is either garnishment or bankruptcy. The truth-in-lending bill will provide a means to end the exploitation of the users of consumer credit. I should think reputable merchants would gladly support this bill.

There are other issues confronting the consumer today that have received excellent publicity in credit union publications. Among these would be the truth-in-packaging bill, for example. Just yesterday I submitted testimony to a congressional committee on another issue of serious consequence to consumers; namely, the status of food marketing. We appear to have reached a crossroad in the development of our food distribution system. Because of the dominance of the large food chains, both the consumer and the small producer may be suffering from the lack of competitive markets. This issue, of course, is not related to the consumer credit field. But the credit union movement deserves praise, in my opinion, because it willingly recognizes that the education and counseling of its members should embrace the whole range of consumer matters, not merely those relating to saving and lending.

Just as credit unions aid the average citizen immeasurably, so too can they aid the underprivileged of our own country, the poor. Credit unions in low-income groups are taking on the difficult task of eliminating economic illiteracy. I think it is accurate to say that economic illiteracy must rank with the problems of unemployment, education, health, and housing as one of the factors keeping millions of Americans locked in poverty. President Johnson has declared war on poverty. It is clear from the programs you have initiated that CUNA already has joined in the battle. Once the poverty program becomes enacted, and I predict it will become law before very long, the vast resources of the Federal Government will be directed in an unprecedented way toward the elimination of poverty. You should be proud that the Federal Government is now preparing to overcome poverty with the same determination that has motivated the credit union movement for years.

Your willingness to combat poverty, your eagerness to organize new credit unions, both at home and overseas, your support of consumer legislation such as truth in lending, and your efforts to educate and counsel your members about the whole range of consumer problems—all these programs give an indication that the credit union movement of today is vigorous and alive to its responsibilities. As delegates to this meeting, you are the official policymakers of CUNA. While you review and adopt policy during the next 2 days, I should ask you to keep uppermost in your mind this single fact: the key to the success of the credit union movement has been man himself. Be ever vigilant for opportunities to extend credit union services to the billions of people around the world. I urge you to evaluate carefully the results of your programs, not so much on a dollars and cents basis, but in the light of how they help people. Credit unions are working historic changes; they have grown strong by satisfying the desire of all men to become economically self-sufficient. When a man can stand on his own feet, confident in his ability to meet his obligations, then he is ready to commit himself to democracy. And it is only when he has made this democratic commitment that he can hope to be truly free.

The Flight Service Station at Elmira Can Be Eliminated Only at Great Risk to Flying Safety

EXTENSION OF REMARKS

OF

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. ROBISON. Mr. Speaker, under the leave to extend my remarks in the RECORD, which was granted me May 11, I include the following statement which I presented May 12 to the Transportation and Aeronautics Subcommittee of the House Committee on Interstate and Foreign Commerce. The subcommittee, chaired by the gentleman from Mississippi [Mr. WILLIAMS] received testimony on the proposal of the Federal Aviation Agency to phase out more than 40 flight service stations (FSS) in the Nation, including one at Chemung County Airport, Elmira, N.Y. The plan has met with strong opposition from the pilot users of the airport who live not only in Chemung County but in many surrounding countries and in northern Pennsylvania as well.

The statement follows:

STATEMENT BY REPRESENTATIVE HOWARD W. ROBISON, 33D DISTRICT, NEW YORK, TO THE SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, HOUSE OF REPRESENTATIVES, MAY 12, 1964

Mr. Chairman and members of the subcommittee, may I begin by commending you for agreeing to inquire into the wisdom of the Federal Aviation Agency's announced plan to consolidate—in the interest of "economy"—a substantial number of existing flight service stations now serving the air-safety requirements of thousands of "general aviation" pilots at some 297 locations across our Nation.

My study of how this consolidation plan developed indicates that it originated during congressional hearings on the FAA's 1964 appropriation request with a proper desire on the part of some members of the Appropriations Committees to inquire into ways and means for reducing the cost of operating our present national Air Traffic System.

I believe, Mr. Chairman, that my record during my nearly 7 years of service in the Congress indicates that I am as interested as anyone else in true economy in Federal spending—and I think that all of us here are particularly obligated, in view of the present deficit nature of the Federal budget, to redouble our efforts in pursuit of that goal.

However, Mr. Chairman, my intensive study of this proposal has led me to a firm conviction that, if it is carried out, we would be practicing "false economy", and doing so, perhaps, at the risk of human life.

Although I, personally, do very little private flying, I have come to realize—these past few months—from what has been told me by those who do, and who do so in ever-increasing numbers, how very important the flight service stations are to the overall aviation picture, and what vital functions they perform in the interest of air safety.

My particular concern stems from the proposed closing of the flight service station now serving pilots at Elmira, N.Y.—in my congressional district—and the tentative "remoting" of its services to Wilkes-Barre, Pa.

The FAA seeks to claim that the essential pilot briefing, dispatching, and flight-following services now provided by the Elmira FSS, will be continued—without any detriment to safety and convenience—after the proposed consolidation with the Wilkes-Barre FSS, through direct "landlines" connected with the control station at Wilkes-Barre, and direct toll-free telephone service for pilot briefings and flight-plan filing between Elmira and Wilkes-Barre. The FAA also seeks to claim that such a consolidation will produce an annual "savings" of $40,000—but it has been unable or unwilling, as yet, to give me or anyone else concerned a detailed breakdown or justification for that projected amount.

Let's take a closer look at the Elmira FSS. There is presently no U.S. Weather Bureau airport station at the Elmira-Corning Airport where it is situated. The nearest such station is at Binghamton, N.Y., some 65 miles distant. The Elmira FSS has, thus, been the main source of local weather conditions for general aviation pilots using the Elmira-Corning Airport as well as 14 other smaller airports located within a radius of 70 miles from Elmira-Corning.

It is especially important—I believe—to stress at this point that this region of New York State that we are talking about is a part of the so-called Finger Lakes section of the State, a section notoriously subject (because of its lakes and hills), to rapid and unforeseeable weather changes and to violent, local storms. In the summer months, especialy, the Elmira area may be subject to sudden thundershowers and gusty winds, accompanied by rapid reductions in ground visibility, at the very time that the sun is shining and there is unlimited flying visibility at both Binghamton and Wilkes-Barre. Or, of course, a reverse situation could be true, and these facts need instantly to be made known to transient aircraft and especially so to those pilots thereof unfamiliar with our terrain.

Within this same 70-mile radius, there are approximately 250 active pilots, all of whom—along with transient aircraft—now depend upon the Elmira FSS for local weather observations, pilot briefings, preflight services, emergency in-flight services (orientation), flight-following services, emergency search and rescue coordination and "notam" (notice to airmen) services. The specialists—and they are "specialists"—who serve in the Elmira FSS have an essential familiarity with our peculiar terrain and weather problems, and possess an unique ability to carry out their prime responsibilities for the safety of those who depend upon them that, in my judgment, cannot be safely "remoted."

In this same connection—in stressing local service—I should like to point out that roughly 30 percent of the pilot briefings now being conducted by the Elmira FSS are of the over-the-counter or face-to-face type—a method considered far superior to the kind of briefings that could be conducted by telephone or radio from a remote location, particularly for the relatively inexperienced or uncertain pilot of whom there are more and more in this fastest growing segment of the aviation community.

Even the more routine services that the more experienced pilot might need or desire from an FSS would tend to be less accessible and efficient—especially during peak hours of activity when a pilot calling a remote facility over that "toll-free" phone would be apt to get a busy signal and be required to accept a long standby delay or else take off without the desired information, and perhaps into unknown and unnecessary peril.

In any remoting plan, Mr. Chairman, there is also an ever-present danger of a communications breakdown which, however temporary, could have serious consequences to the cause of air safety.

But these arguments—and others I might make—may well only be repetitious in that they could also apply to other FSS facilities scheduled for consolidation. While they must all be considered by you gentlemen in your study of the overall problem, I do not wish to intrude upon your time so I shall try to confine the balance of my remarks more directly to the Elmira situation.

The Elmira FSS—you should be aware—also happens to serve a different and unique but important aviation activity which is uncommon to most other FSS facility areas—that of soaring. The sport of motorless flying is part of the history of the Elmira-Corning area. An established soaring facility on Harris Hill near the airport, and the location nearby of a major manufacturer of sailplanes or gliders, as they are more commonly known, attracts hundreds of sailplane pilots to the area each year. The Elmira FSS now renders—and will continue to need to render—vital safety services to the glider pilots and in connection with the several glider competitions scheduled at different times each year. And all this is an important part of the economic base of our community.

Is there a need for continuation of the Elmira FSS as a separate facility, Mr. Chairman? Well, if user figures are any indication, there certainly is. Perhaps it would be well to cite these figures for the Elmira FSS—and to compare them to user data for the Wilkes-Barre station, as well as for that at Williamsport, Pa., a tentative alternate location for remoting services.

The FAA's own figures for total FSS operations for these stations for the calendar year of 1963 are as follows:

Elmira	$34,205
Wilkes-Barre	22,088
Williamsport	24,992

Total aircraft operations for the same year—again from the FAA were:

Elmira	$67,288
Wilkes-Barre	43,705
Williamsport	46,309

These figures for Elmira for 1963, represent a 16-percent increase in user demand; and the tentative figures for the first quarter of 1964 show a further 30-percent increase in user demand over the first quarter of 1963.

Now, it may well be, Mr. Chairman and gentlemen, that there is some justification for reducing the total number of FSS facilities where geographical spacing, weather service requirements, and the like might permit. I am not sufficiently familiar with the overall picture to say that there is not, and I strongly suspect that it was this possibility that members of the Appropriations Committees, last year, wished the FAA to inquire into, and that they did not thereby mean to imply any "mandate" to the Administrator of the FAA to embark upon any wholesale emasculation of the FSS program, which is about what the Administrator's announced and tentative plans for further consolidations seems to amount to.

However, if there is to be a consolidation program—and if it is to be a wise and responsible one—then I think that consideration should be given to the retention of the more active FSS facilities—such as at Elmira in our area—as representing "key" or "hard-core" stations, and to peculiar weather and terrain conditions of the type I have attempted to explain to you as pertaining in our area, as well as to the local availability of information from U.S. Weather Bureau stations (there are U.S. Weather Bureau stations at both Wilkes-Barre and Williamsport, but none at Elmira as I have said).

On this basis, the Elmira FSS fully qualifies as a "key" facility whose retention is eminently desirable, and this opinion is not mine alone, but is unanimously shared by the several hundred private pilots and aircraft owners who have contacted me on this issue.

Mr. Chairman, "economy" in Government is essential—but so is air safety, and we compromise with that cause not only at our peril but at the peril of others who must depend upon us to make the right decisions.

I thank you for the privilege of making this statement.

Timber Industry Supports H.R. 3846 With Cooley Amendment

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. COOLEY. Mr. Speaker, I am sure the House knows of my interest in the land and water conservation bill (H.R. 3846). In an effort to expedite the enactment of this bill, and at the same time to allay the fears of the private forest industry against indiscriminate forest land acquisition, I have proposed an amendment which I intend to offer when the bill reaches the floor.

I am happy to inform the House that the organizations representing the private forest industry have accepted my amendment and have notified me that they are now prepared to lend their support to early enactment of this bill with the amendment.

For the further information of the House I am inserting at this point in the RECORD a supplemental statement on this subject delivered today to the Rules Committee, embodying a letter from Mr. Bernard L. Orell, chairman of the Forest Industries Council:

SUPPLEMENTAL STATEMENT OF HON. HAROLD D. COOLEY, OF NORTH CAROLINA, ON H.R. 3846, SUBMITTED TO THE HOUSE RULES COMMITTEE, MAY 14, 1964

On May 6, 1964, I submitted to the Rules Committee a statement in support of a rule on H.R. 3846, the land and water conservation bill, and discussed an amendment which I propose to offer when the bill reaches the floor.

I said then that I hoped my amendment would remove a substantial body of opposition to the bill's enactment.

I am happy to be able to report to the committee now that it appears to have done so.

In a meeting at Portland, Oreg., last week, the National Lumber Manufacturers' Association accepted and endorsed the amendment and adopted a resolution in support of H.R. 3846 with inclusion of the amendment.

On the basis of this action by the private forest industry, I intend to do my utmost to see that the amendment is adopted and becomes a permanent part of the legislation.

I hope that the other agencies, organizations, and State and Federal governmental units which are interested in the enactment of this important bill will also accept the amendment and work for its adoption as part of the bill.

Following is the full text of a letter from Mr. Bernard L. Orell, chairman of the Forest Industries Council, informing me of the action taken last week in Portland. The council is composed of the American Paper & Pulp Association, the American Pulpwood Association, and the National Lumber Manufacturers Association.

MAY 12, 1964.

The Honorable HAROLD D. COOLEY,
Chairman, House Agriculture Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. COOLEY: The forest industry throughout the Nation is pleased and encouraged with your remarks on May 6 before the Rules Committee and sincerely hopes your amendment is adopted. It will substantially remove the widespread fears of an expanded national forest land acquisition program without congressional authorization.

At the meeting of the National Lumber Manufacturers Association last week in Portland, Oreg., H.R. 3846 was a major topic of discussion. Your suggested amendment was analyzed and completely endorsed by the delegates from all over the Nation.

Attached is a copy of your Rules Committee statement as sent to the lumber industry throughout the Nation to get support for the amendment. A similar release has been sent throughout the pulp and paper industry.

Your amendment will remove the roadblock that causes our opposition to this bill which is basically one with objectives that we have consistently supported. I am sure that with the amendment, the forest industry can lend its support to the bill's enactment.

Sincerely,

B. L. ORELL.

John M. Rivers: Model Broadcaster

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. RIVERS of South Carolina. Mr. Speaker, John M. Rivers, president of WCSC–TV of Charleston, S.C., has again shown himself to be a man of charitable nature and with a strong sense of public duty.

Several weeks ago, word reached Mr. Rivers that the USS *Forrestal* was very anxious to acquire some equipment so that they might have television broadcasts aboard ship. Without hesitation, he removed surplus television equipment from the WCSC–TV studios and presented this equipment to the *Forrestal*. The television cameras and controls he gave them have a replacement value of over $50,000.

Mr. Speaker, by deeds such as this we are shown that all is not a "vast wasteland." What a pity that more broadcasters do not follow his lead, rather than spending their time belittling our military, giving them no praise and earning none themselves.

John Rivers—to whom I am not related—has well earned any praise given him. Aside from his personal deeds, his station personifies community responsibility. In hurricanes and other emergencies, they are always with us, offering directions and comfort. His radio programing represents a degree of quality and taste seldom found in this day.

In short, John M. Rivers is the image of the model broadcaster.

Governor Wallace Vote in Indiana

EXTENSION OF REMARKS

OF

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. HALL. Mr. Speaker, last week, I called the attention of this House to what I believed to be a biased account of the recent Indiana primary by the Columbia Broadcasting System. I made particular reference to CBS's reliance on former Democrat employee, Lou Harris, who made the allegation over CBS–TV that the Wallace vote in Indiana was inflated by an 11 percent Republican crossover.

I pointed out the previous statement by the Indiana Governor that any Republicans who attempted to cross over would be challenged and forced to sign an affidavit, and I urged CBS to count the affidavits which had been signed to determine the true number of Republican crossovers.

I have now received a reply from Mr. Fred Friendly, president of CBS news, a reply which in my opinion raises more doubts than it resolves. I ask unanimous consent to insert in the RECORD Mr. Friendly's letter and my reply, and I leave it to the judgment of fairminded persons in the news profession to determine if my original charge was right or wrong.

CBS NEWS,
COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., May 8, 1964.

The Honorable DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HALL: Your statement on the floor of the House on May 6 concerning what Louis Harris said on our report of the Indiana primary, on Tuesday, May 5, has come to my attention. I thought you might be interested in knowing on what evidence Mr. Harris based his findings.

There was substantial evidence of a Republican crossover vote of nearly 15 percent. On a statewide basis, there were 14.9 percent fewer Republican votes and 14.9 percent more Democratic votes than in 1960. To put it another way, there were over 29 percent more Democratic votes than Republican, as compared with a virtually equal vote total for each party in 1960.

In our Indiana primary precinct analysis, in which we carefully scrutinized 42 individual precincts which, in aggregate, reflect statewide characteristics, we found individual evidences of crossover. To take one example, precinct No. 1 in Bicknell in Knox County, Tuesday night, showed a Democratic total of 76.8 percent of all votes cast. In 1960, this same precinct voted only 48.4 percent Democratic. We might add that in this precinct Tuesday night, Governor Wallace was the victor with 60 percent of the Democratic vote.

Still another direct connection is a breakdown of our precincts relating the Wallace vote with the amount of change between Democratic and Republican voting from 1960. In those precincts where there were from 1 to 10 percent more Democratic votes than in 1960, Governor Wallace received 29.3 percent. And, finally, where crossover was heavy as in the case cited above—where the Democratic increase from 1960 was 20 percent or more—Governor Wallace won 46.5 percent of the vote.

These figures are based on our 42 model precincts, which, we might add, were accurate as to the State outcome by one-tenth of 1 percent. Our Indiana primary precincts showed a 29.7 percent share of the Democratic vote for Governor Wallace, as against a final total as reported by the Associated Press of 29.8 percent.

We might also point out that affidavits were required of crossover voters only when they were actually challenged by Democratic poll watchers. Our own information is that the poll watchers did not challenge in most cases, and this is verified by the New York Times which reported that "it appeared that the Democratic poll watchers were failing to follow their instructions to challenge Republican switchers."

I hope that this evidence will convince you that there were indeed serious grounds for reporting, as Mr. Harris did, that there were substantial crossovers by Republicans in some parts of Indiana in last Tuesday's primary. And I would like to think that you no longer believe, if you ever did, that CBS News would broadcast reports that had any partisan bias whatsoever. We do not and never will.

Respectfully,

Fred Friendly.

Congress of the United States,
House of Representatives,
Washington, D.C., May 13, 1964.

Mr. Fred W. Friendly,
President, CBS News, Columbia Broadcasting System, Inc., New York, N.Y.

Dear Mr. Friendly: I have your letter of May 8, 1964, with its "explanation" of how CBS and Mr. Lou Harris arrived at the conclusion early in the evening of the Indiana primary that there was a "11 percent Republican crossover for Governor Wallace."

May I say that your explanation raises more doubts than it resolves, and that what I hoped was a single case of poor reporting, appears to be based on reasoning that could make it a steady habit. I must preface my comments by again referring to the fact that pollster Lou Harris has a history of sympathy for Democratic causes as evidenced by his previous employment with President Kennedy and the Democratic National Committee. I note a careful avoidance of these facts in your reply of May 8. This seems in conflict with your statement that CBS News "has not and never will" broadcast reports with a partisan bias.

Having high regard for all the exotic equipment to which CBS constantly refers for making election computations, I'm amazed that you apparently took only one statistic—a comparison between relative GOP and Democratic votes cast in the 1960 primary—and made this the basis for your allegation (now raised to a 15-percent Republican crossover). (I'm not amazed when I remind myself it was not you, but Lou Harris.)

To form such a conclusion, you (Lou Harris) obviously have to assume that approximately the same relative number of Democratic and Republican voters turn out to vote in primary elections regardless of the contests involved, regardless of the drawing power of the candidates, regardless of the national import given to the outcome of each party's race, and regardless of whose ox is being gored.

I find it incredible to believe that the CBS News staff (for which, with the exception of Lou Harris, I have the highest respect) would not take these other factors into consideration and indeed assign to them far more relative importance than a simple comparison of turnouts in the previous primary.

By your (Lou Harris') reasoning, the overwhelming Kennedy victory in the Wisconsin 1960 Democratic primary was the result of a massive Republican crossover.

In that primary election a total of 843,000 Democrats turned out and only 339,000 Republicans voted—far below the usual GOP turnout in a primary. Would you say this represented a heavy Republican crossover? That is exactly your reasoning in Indiana, where Senator Goldwater had only token opposition.

The point I make is, why does CBS find it so impossible to credit the larger Democrat vote in Indiana to the simple fact that there was a crucial, exciting, and attention-getting Democrat presidential primary—which could be expected to draw more Democrats out to the polls by any impartial observer, let alone a trained news staff. Perhaps you are beginning to see why I question your use of Democrat Party stalwart Lou Harris.

Then too, if there was a Republican crossover, on what basis does Mr. Harris automatically assume that it went to Governor Wallace as opposed to Governor Welsh? I recall that most Republican Congressmen from Indiana voted for the civil rights bill. Would that not suggest at least the possibility that the Republican crossover, if any, did not give undue advantage to either Wallace or Welsh? Would an objective reporter not raise this possibility instead of making a flat accusation on the same night that meager raw data was being compiled? What about the overwhelming Wallace vote in traditionally Democrat Gary?

And if you go one step further, have you thought about the possibility of a Democrat crossover for Stassen in order to embarrass Senator Goldwater? Did Mr. Harris even delve into this possibility? Certainly not, for his interest lies in promoting Democrat Party causes, and "myths."

I do not ask that you take my word for any of these facts. Check previous election records yourself. Find out whether party turnouts vary greatly depending on the contests involved and their national import. Only please don't let Lou Harris do your researching.

To further prove my point that the CBS conclusion about a Republican crossover was based on a false premise, I make the prediction that the Democrat Party turnout in next Tuesday's Democrat primary will be substantially greater than the turnout in the 1960 Maryland primary. If this is so, your reasoning would have to attribute this to a Republican crossover. Yet both you and I know that Republican crossovers are prohibited in Maryland.

The most discouraging factor in all this is that millions of Americans rely on the three major networks for a good portion of their news and have a right to expect and receive hard factual reporting, not inaccurate or biased speculation.

Yet, today the two major newsmen on NBC, when speaking before various private audiences, candidly identify themselves as liberals and Democrats. The two "prestige" newsmen at ABC, Howard K. Smith and Ed Morgan, are both avowed liberals, and Democrats.

If we cannot expect objective, fair reporting from CBS, to whom can the American people turn for a fair presentation of the facts in the coming political campaign? Can the networks not produce news and commentary which presents the American people with a fair basis on which to make a sound, intelligent, and considered choice next November. Must the networks filter out the news and allow the political preferences of their top newsmen to be reflected in their reporting and commentary?

Because I believe the single incident of the Indiana reporting as well as these overall aspects to be a crucial issue, I plan to make widespread dissemination of both your letter and my reply, and any subsequent reply you wish to make.

I also deeply regret that while you saw fit to authorize a televised interview on this matter with Wells Church, you chose not to use the interview on CBS evening news, and thus denied your audience an opportunity to draw their own conclusions.

Sincerely,

Durward G. Hall,
Member of Congress.

A Reclamation Program Is Needed for Reclamation

EXTENSION OF REMARKS
OF

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1964

Mr. SKUBITZ. Mr. Speaker, on March 23, 1964, the American Farm Bureau Federation held its national natural resources conference at Wichita, Kans. The conference was privileged to have as its guest speaker the able and distinguished Congressman from Pennsylvania, John P. Saylor, ranking Republican member of the Committee on Interior and Insular Affairs.

Congressman Saylor's address, touching upon the various aspects of water legislation is clear, concise, and most interesting. It should be required reading for every Member of this body.

Mr. Speaker, under leave to extend my remarks I would like to include Congressman Saylor's address, as follows:

A Reclamation Program Is Needed for Reclamation

(Remarks of the Honorable John P. Saylor, Member of Congress, before the National Natural Resources Conference, American Farm Bureau Federation, Wichita, Kans., March 23, 1964)

When my good friend John Taylor asked me to make a few remarks to this fine conference meeting, he said he wanted me to "cover the waterfront." But, to do an adequate job of covering all the various aspects of water legislation with which we are concerned in the Congress would take more time than we have available today. For this reason, I will confine most of my remarks to the reclamation program. However, before getting down to the specifics of that program about which I want to share some thoughts with you, let me take just a few minutes to highlight a few pieces of pending legislation in which you may have some interest.

First, let's look at H.R. 9032, known as the Federal Water Project Recreation Act. As you all know, this bill was introduced by my very good friend and the distinguished chairman of the House Interior Committee, Wayne Aspinall.

Let me say here, as an aside, that I think we are fortunate to have Wayne Aspinall as our committee chairman because of his sincerity and integrity. I will admit that sometimes I find it necessary to fire his retrorockets when he is in orbit on some of these Federal programs and bring him back down to earth a bit; but, by and large, we have usually enjoyed a cordial working relationship.

With those kudos behind us, H.R. 9032 was written to provide uniform policies and a fixed formula with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water research projects and to provide the Secretary of the Interior with authority for development of reclamation projects under his control.

It was felt that some kind of legislation was needed because the applications of recreation benefits to water projects had been developing in a somewhat helter-skelter way for a number of years. There was no clear and definitive congressional expression of policy guiding the Department of the Interior in this matter. The Interior Committee ordered the bill favorably reported, with amendments, on February 19 of this year and it is now pending on the House Union Calendar.

H.R. 9032 is significant because the functions for which benefits may be included in the evaluation of any given water resource project are just as important as the functions to which costs may be allocated in apportioning the cost of joint-use facilities. It should be recognized that an increase in the functions for which benefits may be included correspondingly increases the likelihood that the project which may have previously been unfeasible may now be feasible—in that benefits will exceed costs. This is particularly true if the added benefits does not involve a commensurate increase in cost. It should also be remembered that the inclusion of added functions to which joint costs may be allocated has a different and distinct impact on the price to be charged for any hydroelectric power produced in the operation of a project.

In terms of the general purpose, I think this legislation may bring some degree of order out of the chaos now existing relative to recreation and fish and wildlife benefits. There are, however, some shortcomings of the bill which should be kept in mind. For example, the formula concerning joint costs together with the provisions for nonreimbursable allocations of other costs can lead to excessive assignments of costs to the Federal Government far beyond anything we have seen before. In addition, it would seem that the provisions of recreation facilities by the Federal Government should be looked at from an overall standpoint and each proposed recreation facility should be weighed in terms of priority with other needed recreation facilities. Furthermore, recreation benefits should not be used as a ruse for making projects possible which would otherwise be unfeasible.

There is an amendment added by the Irrigation and Reclamation Subcommittee and approved by the full committee on which I find myself in disagreement with my chairman; and I will do my utmost to have it changed on the House floor. This amendment is found in section 2 of the bill and would prohibit appropriation of funds for construction of recreational facilities or the acquisition of land for recreational purposes which have not been specifically authorized previously at existing Federal water resource projects without further negative action by the Congress. Either the House or Senate Committees on Interior and Insular Affairs, or both, would have 60 days from the date on which the Secretary of the Interior submits a report on a proposed recreational development in which to disapprove of any such proposed development. If either committee does not disapprove the proposed development within the 60-day period, the Secretary would be authorized to proceed with an appropriation request.

While I firmly believe the Secretary of the Interior should come back to the Congress for authorization to proceed with the construction of or the purchase of land for recreational facilities at projects already authorized, this authority should be granted by a positive act of the Congress rather than by a negative veto by congressional committees.

This same basic issue of positive congressional action—rather than negative congressional or committee veto—is also involved in such important issues as the Westland amendment to the Northwest regional preference bill and the proviso added by our committee recently to the Missouri River basin authorization bill requiring authorization or reauthorization of any new projects in the Missouri River basin.

During consideration of the Missouri River basin authorization bill by our committee, my distinguished chairman was rather insistent upon the proviso requiring affirmative reauthorization and he pointed out—I think I can quote him exactly—"I see no reason why we should not be absolutely consistent in our approach to other projects." By the same token, I cannot see why we should not be absolutely consistent in our approach to other legislative proposals requiring affirmative congressional action.

Therefore, at the appropriate time in consideration of H.R. 9032, I will suggest this provision be changed to require positive congressional authorization rather than expressing a negative congressional veto. It is my sincere wish that my chairman will see his way clear to support my efforts to be consistent.

I have only a couple of things to say about other water bills in which you may have an interest. The first one is S. 1111, the Water Resources Planning Act on which the Irrigation and Reclamation Subcommittee of our committee is holding hearings today and tomorrow. The Senate passed the bill last December 4.

Basically this legislation would establish a Water Resources Council to formulate, for presidential approval, standards of evaluation and appraisal for Federal water resources projects. It also provides for establishment of river basin commissions and authorizes a Federal grants-in-aid program to assist States in water resources planning.

This problem of water resources planning on a broad basis has been considered by several different groups in recent years and many recommendations have been made such as the Second Hoover Commission in 1955, the Presidential Advisory Committee on Water Resources Policy in 1956, and the Senate Select Committee on National Water Resources in 1961. Legislation has also been considered on this general problem in previous sessions of Congress, but no final action has been taken. Personally, I hope this bill will also never receive final approval because I do not think it is the proper answer for the problem.

Next, the water research center bill, S. 2, would establish water research centers at land-grant colleges and State universities to stimulate water research and to promote a national program of water research. This bill was passed by the Senate last April and by our committee early this year. Unfortunately, the House Rules Committee did not see fit to grant us a rule on this bill. For this reason its future is somewhat in doubt.

Now let's talk about reclamation.

I think the time has come for all of us to realize that there is a desperate need for a reclamation program for reclamation. What do I mean by that?

The Federal reclamation program was begun over half a century ago for the basic purpose of reclaiming the arid, barren lands of the West in order to make them more productive. In the ensuing decades, and particularly in the past few years, the policies and programs of the bureaucrats in the Bureau of Reclamation have wandered so far afield from this basic goal that it seems reclamation has become of only incidental importance. The present officials of the Bureau of Reclamation have become so preoccupied with attempts to develop unnecessary hydroelectric power projects and Federal power transmission grids that their thinking has become as arid and barren as the western lands they were formerly charged with reclaiming. As a result of this, and other unfortunate policies, there is a serious danger of the honest reclamation program falling into disrepute with many Members of Congress and other thinking individuals. In fact, at a recent hearing before our committee, one of my colleagues from the eastern part of the United States suggested the Bureau of Reclamation change its name to the Bureau of Federal Power. For this reason I repeat, a reclamation program is needed to reclaim the Bureau of Reclamation for its original purpose before it is too late.

One of the first steps which might be taken would be to enact legislation which would clarify the amortization of the irrigation portion of multiple-purpose hydro developments in order to ease the burden on the Nation's taxpayers. This problem was recently brought to mind again when the Irrigation and Reclamation Subcommittee was having hearings on H.R. 3672 to authorize the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa reclamation projects. In questioning Mr. F. M. Clinton, a regional director of the Bureau of Reclamation, about Savery-Pot Hook, I pointed out that of the $15 million allocated to irrigation in the project almost $13 million would have to be repaid by power revenues. Mr. Clinton indicated the first need for funds from power revenues to cover this irrigation obligation would not be required until 50 years after the end of a 10-year development period or until the year 2024.

To this statement I replied, "What you are telling this committee and the Congress, in other words, is that from now until 2024, the $12,910,000 will be loaned to this project free of interest." And Mr. Clinton answered in the affirmative.

In other words, this means that for 60 years the taxpayers of the United States are subsidizing the interest payments on that $13 million worth of irrigation facilities in the projects for a small group of people who will directly benefit. Savery-Pot Hook is only one of the three projects in question, but this same principle of subsidy applies to almost every Federal project in the West.

When the reclamation program first began, the irrigators who would benefit directly were required to repay the total allocated costs in a 10-year period without interest. But, through a series of subsequent acts of Congress, we have now arrived at this point where they repay only a small portion of the irrigation costs allocation still without interest, in 50 years, plus a 10-year development period. The remainder—and usually this is by far the vast majority of the irrigation allocation—is repaid from power revenues and still this is without interest. Frequently the anticipated revenues from irrigation are not adequate to repay costs allocable to irrigation. Accordingly the irrigation costs beyond the ability of water users to repay must be paid by revenues from the sale of hydroelectric power or the sale of water.

The so-called Collbran formula, which was developed in 1952 for the Collbran reclamation project in Colorado, is in part responsible for this situation. The formula provides that the construction costs allocated to irrigation but beyond the ability of the water users to repay be liquidated from power revenues after the costs allocated to power have been repaid. This might be considered as a balloon payment at the end where nothing is paid on the principle for 50 years and then a large payment or a balloon payment is made at the end to pay off the irrigation allocation.

This problem was recognized as far back as 1955 by the Second Hoover Commission. In the Task Force Report on Water Resources and Power, volume II, page 632 and 633, it is stated:

"The task group objects to practices which manipulate the returns from project investment, to provide low-cost power and irrigation subsidy. Methods of cost allocation which relieve power revenues of their share of the burden of payment of project cost, particularly where there are features whose cost is nonreimbursable, is one such practice. The recapture of the interest component where the return of interest on power investment is used to pay irrigation costs, resulting in the subsidy by the general taxpayer not only of irrigation but of power by paying interest on the entire capital investment, is another such practice. The currently proposed Collbran formula, under which the part of the cost of a project allocated to power would be paid off within a 50-year period and then payments made to retire the interest-free investment in the project, should be examined with care. Under certain conditions its application may result in a large subsidy being imposed on the taxpayer, but the objectionable feature, to the task group, is the long delay in a return on a portion of the Federal investment. Too much can happen in a 50-year period, if all are to be treated fairly, to defer payment on a project whose eventual cost is very likely to be underestimated at the time of authorization.

"If power installations are to be charged with the cost of a portion of the irrigation development, in addition to those strictly applicable to power, then it is obvious that power cannot be sold at minimum rates."

This type of subsidy is not only unfair to the general taxpaying public but it is also unfair to the vast majority of the Nation's irrigators. It may be noted in the Statistical Abstract of the United States for 1963 that there are over 33 million acres in the United States under irrigation, while, at the same time, there is a little more than 3 million acres under irrigation from Federal reclamation projects. In other words, over 90 percent of the irrigated land of the United States is being provided by hardworking farmers using their own initiative and relying on non-Federal methods of meeting their problem while paying the full cost of their obligation. Before some Federal bureaucrat attempts to challenge my use of national irrigated acres data since the Federal reclamation program applies only to the West, let me say that over two-thirds of the Nation's irrigated land is located in the West. So, even considering only those western acres, it is still grossly unfair to the seven farmers doing it on their own as compared with the one farmer who is depending on the Federal Government.

The repayment formula for Federal water projects should be changed in such a way as to require that the irrigation allocation beyond the ability of water users to repay should be concurrently amortized with the power costs so that an incremental payment would be made annually to the retirement of both elements of cost. Furthermore, there can be little justification in my mind for the continuation of the policy of charging no interest on the portion of the irrigation costs which is repaid from power revenues. It is all right for the Federal Government to charge no interest to the water users for the small part of the allocation which they must repay. But, I propose that the repayment formula be further changed to require an interest charge be placed on the amount of the irrigation cost allocation of any Federal water project which must be repaid from power revenues. This interest charge should be identified with the rate of interest applied to power portion of the project.

There are other facets of a needed reclamation program for the Bureau of Reclamation that will be necessary to save this activity from total repudiation. Let's hope it is not too late to begin.

SENATE

Friday, May 15, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Honorable Abraham Ribicoff, a Senator from the State of Connecticut.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, who in human hearts hast set the unquenchable impulse to build altars of worship and temples of praise: With so many tendencies in our natures that pull us downward by the gravitation of evil, we are grateful that across the national concerns of this Chamber there is a pathway, worn by many feet, leading to this wayside shrine of prayer.

As in this new day we bow in reverent acknowledgment that in Thee we live and move and have our being, so take the dimness of our souls away that we may find new joy in the loveliness of the world about us, in the strength which comes from friendship, in the conquest of difficulty, and in the enriching satisfactions of selfless service.

We ask it in the spirit of the One who is the Truth and the Life and the Way. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 15, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Abraham Ribicoff, a Senator from the State of Connecticut, to perform the duties of the Chair during my absence.

Lee Metcalf,
Acting President pro tempore.

Mr. RIBICOFF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 14, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 302) relating to the sesquicentennial of the Norwegian Constitution, in which it requested the concurrence of the Senate.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements therein not to exceed 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 228 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Miller
Monroney
Morse
Mundt
Muskie
Neuberger
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, Del.
Williams, N.J.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Maryland [Mr. Brewster], the Senator from Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Fulbright], the Senator from Alabama [Mr. Hill], the Senator from Washington [Mr. Jackson], the Senator from Louisiana [Mr. Long], the Senator from Utah [Mr. Moss], and the Senator from Georgia [Mr. Russell] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Magnuson], the Senator from Michigan [Mr. McNamara], the Senator from Montana [Mr. Metcalf], the Senator from Wisconsin [Mr. Nelson], the Senator from Rhode Island [Mr. Pell], the Senator from Florida [Mr. Smathers], the Senator from Texas [Mr. Yarborough], and the Senator from North Carolina [Mr. Ervin] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent by leave of the Senate on official business as Chairman of the NATO Parliamentarians Conference.

The ACTING PRESIDENT pro tempore. A quorum is present.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Saturday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM SATURDAY TO 10 A.M. MONDAY NEXT

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 10 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, has there been an order for a morning hour?

The ACTING PRESIDENT pro tempore. Yes.

Mr. HUMPHREY. So the Senate is now in the morning hour?

The ACTING PRESIDENT pro tempore. That is correct, and there is a 3-minute limitation.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. RIBICOFF) laid before the Senate the following letters, which were referred as indicated:

Report on Strategic and Critical Materials Stockpiling Program

A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program, for the period July 1 to December 31, 1963 (with an accompanying report); to the Committee on Armed Services.

Report on Certain Construction Projects for the Air National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on certain construction projects for the Air National Guard (with an accompanying paper); to the Committee on Armed Services.

Report on Unnecessary Procurement Due to Failure To Identify and Utilize Certain Available Missile Space Parts

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement due to the failure to identify and utilize available missile spare parts, 8th U.S. Army, Korea, Department of the Army, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Packaging Costs Incurred in the Procurement of Certain Repair Kits

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary packaging costs incurred in the procurement of repair kits from Hamilton Standard Division, United Aircraft Corp., Windsor Locks, Conn., Department of the Air Force, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

Certification of Adequate Soil Survey and Land Classification, Mann Creek Project, Idaho

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification of the lands in the Mann Creek project, Idaho (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Amendment of Bankruptcy Act To Permit Husband and Wife To File a Joint Petition in Certain Proceedings

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend the Bankruptcy Act to permit a husband and wife to file a joint petition in ordinary bankruptcy and chapter XIII (wage earner) proceedings (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

The petition of Seitoku Tomigawa, Speaker of the Gushikawa-son Assembly of Okinawa, praying for a reversion of the Okinawan Government to the fatherland; to the Committee on Foreign Relations.

Two resolutions adopted by the Misato Village Assembly, and the Cinowan City Assembly, both of Okinawa, favoring the return of the Okinawan Government to Japan; to the Committee on Foreign Relations.

JOINT RESOLUTION INTRODUCED

A joint resolution was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (by request):

S.J. Res. 177. Joint resolution to provide for recognition of 50 years of Cooperative Extension Service work with the people of the United States; to the Committee on Agriculture and Forestry.

CONCURRENT RESOLUTION

THE 150TH ANNIVERSARY OF THE ADOPTION OF THE NORWEGIAN CONSTITUTION

Mr. HUMPHREY submitted a concurrent resolution (S. Con. Res. 86) relative to the 150th anniversary of the adoption of the Norwegian Constitution, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

SESQUICENTENNIAL OF THE NORWEGIAN CONSTITUTION

Mr. HUMPHREY. Mr. President, I submit a concurrent resolution which would extend the congratulations and best wishes of the Congress of the United States, to the Norwegian Storting, on the occasion of the 150th anniversary of the adoption of the Norwegian Constitution.

The Norwegian Constitution was adopted on May 17, 1814, by a constitutional assembly meeting at Eidsvoll. There are many parallels between Norwegian history and our own, in the formation of our respective Constitutions.

The delegates to the Norwegian Constitutional Assembly were young in mind as they were young in age. But they were mature in mind as they were strong in character. They had the ability to make decisions and were well equipped to shape the destiny of their country.

Christian Magnus Falsen—the "father" of the Norwegian Constitution—was the "Jefferson" of Norway. Falsen was deeply imbued with the ideals of the then new American Constitution, and with our history. He named his first child "George Benjamin"—"George" for George Washington, and "Benjamin" for Benjamin Franklin. The heroes of this brilliant 31-year-old statesman were unmistakable.

Printed first among all the documents contained in the appendix to the assembly protocol published in the anniversary year, 1814, there is a letter of February 25, 1814, from a citizen of Bergen:

> Inspired by the most sincere desire to be of use to my native land I hope that the Congress will not take it amiss when I take it upon myself with all due honor and respect to transmit to you herewith the laws of the United States of North America which I acquired during my visit to the said country and from which it would please me greatly to think that you might extract something which would serve to the future good of our dear Norway.

The Norwegian Constitution drew from the same well of truth which inspired our own. It is firmly founded on the principle that sovereignty resides with the people, that all just power derives from the consent of the governed.

Europe was reactionary in 1814. Norway had been caught in the backwash of the Napoleonic wars. There were many struggles ahead of it between King and Parliament. But the Constitution of Norway has been more than adequate to provide for the continued growth and strength of Norway, bringing it to the very forefront of examples of a free and democratic nation. As the Norwegian author Knut Tvedt has written of their constitution, it is "stable, solid, true enough to last for an infinite future." It is likewise flexible enough to provide for "the political conflicts and spiritual struggles which are part of a vigorous nation."

Mr. President, the Kingdom of Norway is firmly dedicated to the ideals of representative democracy, of individual freedom and social justice. Its past history and present example must be a guiding beacon to other new nations today struggling for freedom and independence.

The Kingdom of Norway makes an outstanding contribution to the leadership of the partnership of the Atlantic nations. The peoples of the United States and Norway are joined in a warm and abiding friendship, born of common purpose and shared ancestry. I believe we honor ourselves in extending congratulations on this Constitution Day in Norway. I ask unanimous consent to have the concurrent resolution printed in the Record.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 86) was referred to the Committee on Foreign Relations, and, under the rule, was ordered to be printed in the Record, as follows:

Whereas one hundred and fifty years ago, on May 17, 1814, the Norwegian Constitution was adopted in Eidsvoll, Norway; and

Whereas through the years the Kingdom of Norway has demonstrated its firm dedication to the high ideals of representative democracy, individual freedom, and social justice; and

Whereas the peoples of Norway and the United States are joined in warm and abiding friendship bred of common purpose and shared ancestry; and

Whereas the Congress recognizes the significant contributions made by Norway to the achievement of closer cooperation among the countries in the Atlantic partnership: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the congratulations and best wishes of the Congress of the United States are hereby cordially extended to the Norwegian Storting, upon the occasion of the one hundred and fiftieth anniversary of the adoption of the Norwegian Constitution.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution, through the Department of State, to the President of the Norwegian Storting.

APPOINTMENT OF COMMITTEE TO MAKE ARRANGEMENTS FOR THE INAUGURATION OF THE PRESIDENT AND VICE PRESIDENT ON JANUARY 20, 1965

Mr. HAYDEN. Mr President, in accordance with Senate Concurrent Resolution 71, approved by the Senate on April 16, 1964, and by the House on April 20, 1964, authorizing the making of arrangements for the inauguration of the President and the Vice President of the United States on January 20, 1965, I appoint the Senator from North Carolina [Mr. Jordan], chairman, the Senator from Alabama [Mr. Sparkman], and the Senator from Massachusetts [Mr. Saltonstall] as the three members of the committee on the part of the Senate.

ARTICLE BY SENATOR HUBERT H. HUMPHREY, IN THE NEW REPUBLIC, ON FACTS AND MYTHS ABOUT FEDERAL DRUG POLICIES

Mr. HUMPHREY. Mr. President, from time to time, I have presented public statements about the need to further protect the public health by sound, fair regulation of drugs.

In the current issue of the esteemed journal of opinion, the New Republic, it is my pleasure to contribute an article on this subject.

My theme is the need to recognize the difference between fact and myth in U.S. Government drug policies.

I ask unanimous consent that the text of my article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New Republic magazine,
May 16, 1964]

Myths About Federal Drug Policies

(By Hubert H. Humphrey)

(Note.—Hubert H. Humphrey, senior Senator from Minnesota and majority whip in the Senate, is chairman of the Subcommittee on Reorganization and International Organizations. He is also a registered pharmacist.)

One of the most delicate balancing acts in the U.S. Government is performed in its so-called fourth branch—the regulatory agencies. None has a more difficult or important mission—protecting the public health—than the Food and Drug Administration. In regulating the vast drug industry, for example, FDA must both encourage the development of powerful new drugs and help minimize their possible danger.

So long as the FDA contented itself with routine inspection and mild scientific review, industry praised it. Now that the agency appears to have recovered from its "tired blood," its image has changed. It is pictured as an "octopus," grabbing for power. We are told that firm drug regulation is unnecessary, harmful, illegal, unfair. Such criticism is old hat to most conscientious regulatory agencies, but it should be answered, lest the FDA be pressured back into feeble ineffectuality.

In many respects, FDA—undermanned, underappreciated—has done a remarkable job. The object of its regulation—the American drug industry—is, in most respects, a model of dynamic, enlightened free enterprise. The mass of its products—which you and I buy with confidence at our neighborhood pharmacy—are universally respected as the best, the purest, available anywhere in the world. Drug research and development have helped transform diagnostic, curative, and restorative medicine. The result has been incalculable victories over pain, disability, and death.

But from here on opinions divide. Facts are blurred by widely advertised fictions, and it is these fictions which I wish to examine.

Myth No. 1: Drugs are as safe as can reasonably be expected.

The record says otherwise. FDA now admits that many drugs, for example, MER/29 (an anticholesterol agent), Altafur (against bacteria), and Entoquel (for baby diarrhea) should never have been released. Other drugs should have been removed from the market much earlier, when side effects mounted. These include Marsilid (a psychic energizer), which caused not less than 253 cases of liver damage, including 54 deaths, and Orabilex (a gall bladder dye), which took 17 lives in the Baltimore-Washington area alone. Other dangerous drugs have silently disappeared from the market, unbeknownst to anyone, including FDA.

What is known is that, 2 years after MER/29's voluntary withdrawal, the company and three scientists pleaded nolo contendere to criminal charges of suppressing and altering test results. In another case, a Maryland physician who received $13,000 in 1 year for his assembly-line reports on drugs (favorable, naturally) is now awaiting criminal trial for inventing test results.

While much drug testing in recent years has been superb, other testing has been slipshod, poorly planned, poorly controlled, and poorly conducted. Many scientific reports in testing have consisted of worthless, unsubstantiated testimonials.

Myth No. 2: The Kefauver-Harris law corrected all major drug problems.

Like most myths, this one is grounded on some fact. The worst abuses were corrected; others remained untouched in the final version of the bill. In any event, law does not administer itself. FDA has shown a disturbing tendency to follow the line of least resistance when the agency's authority is contested. Much depends on the agency's future willingness to use its authority. Beginning in October of this year, after the law's 2-year transitional period, FDA can rule off the market—or require relabeling of—many drugs which, doctors say, are safe, but worthless. How vigorously the agency will use this power to evaluate drug efficacy remains to be seen.

Myth No. 3: Now that FDA has been given increased funds and manpower, it is bound to do a better job in drug regulation.

This, naturally, is FDA's pet myth, and there's some truth in it. For example, only now does FDA have the resources to fulfill what has heretofore been an almost impossible assignment for its overworked career servants. But the agency's principal lack in past years was not manpower; it was will power. Unlike its crusading founder, Dr. Harvey W. Wiley, the agency got into the habit of playing it safe. It picked easy targets. In two decades, FDA rarely volunteered a word to Congress about any abuses by a powerful adversary—some makers of prescription drugs.

Skeptics still feel that FDA may compromise with the public health at the first loud bark. At industry's behest, reportedly, FDA still insists on virtually absolute secrecy for its files on new drug applications, thus keeping outsiders from learning how good or bad these applications have been. (Secrecy, it may also be added, arbitrarily denies to medicine crucial, unpublished information which may save patients' lives.)

Myth No. 4: Professional organizations cooperate closely with the Food and Drug Administration on drug safety and efficacy.

How nice this would be if it were so. But FDA's contacts with most professional organizations—psychiatric, pediatric, cardiovascular—have been limited, haphazard, and largely ineffectual.

In a revealing letter to a Senate subcommittee cf which I am chairman, FDA confirmed this disturbing fact: its staff could not recall more than four instances (in 24 years) in which a professional organization (or as many as two or more doctors simultaneously) had ever bothered to contact FDA about the safety of any of thousands of drugs.

Myth No. 5: Large-scale misuse and abuse of otherwise useful drugs has been corrected.

Not so, say doctors. They point to experience with antibiotics and tranquilizers—the two largest categories of prescription products. Antibiotics have for years been wastefully (and sometimes dangerously) used for trivial ailments like colds, for which they were never intended. In 1963, Hobart Reimann, M.D., Hahnemann Medical College, Philadelphia, testified before our subcommittee that 90 percent of all antibiotics were probably being misused. Was this shocking charge new? No, 9 years earlier, another expert, Ernest Jawetz, M.D., wrote that, perhaps, 95 to 99 percent of antibiotics were being misused. Nine years went by, with some hits, some runs, and lots of errors.

The remarkable tranquilizer age was born 10 years ago. A beneficent revolution has been achieved in mental hospitals, thanks to these and other invaluable psychopharmacologicals. Yet, outside of these institutions, millions of average citizens who, doctors say, don't need and shouldn't use these powerful drugs, have been encouraged by skillful promotion to consume them as if they were peanuts.

Patients, and even doctors, have not been properly informed as to serious side effects, including habituation, which even some mild tranquilizers may cause.

FDA and the profession agree that, in the final analysis, proper use of drugs is medicine's—not Government's—responsibility. But FDA should have learned to communicate far more effectively to busy doctors who are deluged with reading and listening matter.

Myth No. 6: Most commercially generated stories about miracle drugs can be relied upon with complete confidence.

A leading science writer told drug companies just the opposite at a symposium last year. You led us down the primrose path on 90 percent of drug stories, he said, "and the other 10 percent are subject to reevaluation." Both doctors and science writers condemn phony news about dramatic breakthroughs and fabulous new discoveries. Premature and extravagant claims may needlessly build up false hopes among desperate victims.

Fortunately, there is a good deal of accurate drug news about genuine drug advances in, for instance, the battles against cancer and mental illness. But sometimes a drug version of Gresham's law operates—unjustified claims of spectacular successes drive out of circulation accurate, conservatively worded news.

Myth No. 7: The new Federal drug laws and regulations have slowed down drug research, reduced the number of new drugs, and crippled drug progress.

This assertion is similar to the calamity howling which greeted the new law in 1938. None of the dismal consequences foreseen at the time by some pessimists in industry ensued. Of course the 1962 law, with its more exacting requirements, does slow down the frenzied rush of poorly tested new drugs to the market and does reduce the number somewhat. But the real result may be more, not less, progress.

Mere numbers of new drugs, Commissioner George Larrick states, "mean little." What counts is their quality, whether they offer genuine advantages over existing therapy.

Contrary to still other myths, most new drugs have not been for lifesaving—but rather for lesser—conditions; they have not really been new, they have been me-too variations and combinations of some of the existing 8,000 drugs. Interestingly enough, because of the new law and regulations, companies are less inclined to dissipate their energies; they are concentrating on what the doctor and the patient really want—truly original and superior drugs.

Myth No. 8: FDA wants to interfere with private medicine.

This hobgoblin is designed to frighten the medical profession, whereas previous myths were invented to tranquilize the unwary.

FDA does not have the slightest desire to tell any doctor how to practice medicine. The agency wants to do what the law requires of it—assist the practitioner in a way this is impossible for him to attempt personally. What FDA can do is to take a broad overview of a drug's value in relation to its risks. The agency can do this by reviewing the world literature (particularly the evidence from carefully controlled studies), and by tapping the judgment of the most qualified experts.

Some are alarmed that FDA may drive off the market more drugs which, they feel, have ample benefits, despite considerable risk. They are proposing a new, so-called review board to peer over FDA's shoulder. This proposal is put forward despite that fact that: (a) any company can now request a hearing to contest an FDA withdrawal decision, and (b) the courts possess ample review power. To superimpose still another review could immobilize FDA.

TRIBUTE TO HOWARD ZAHNISER

Mr. HUMPHREY. Mr. President, on Tuesday, the 4th of May, the sun set in the western sky. During that evening some were born, while others passed on. One who left us as he slept was Howard Zahniser—"Zahnie," as he was known to his friends, and I am proud to count myself as one of his friends.

Zahnie—a young 58—served with distinction as executive director and editor of the Wilderness Society and its publication the Living Wilderness. The present wilderness bill and all of the past wilderness bills which have been considered by the Senate are the result of Howard Zahniser's dedication to an ideal, to use Carl Schurz's words, "Ideals are like stars; you will not succeed in touching them with your hands. But like the seafaring men on the desert of waters, you will choose them as your guides, and following them you will reach your destiny."

Howard Zahniser knew well the meaning of these words. He followed his ideals and he will reach his destiny.

It was my honor to introduce the first wilderness bill. It was the product of many hands, but the principal hand and mind were those of Howard Zahniser. The wilderness bill embodies a concept. It embodies the concept of a living wilderness. Two times the Senate of the United States has put its overwhelming stamp of approval on this legislation. It has done so because we recognize that our responsibilities require that as a nation we do more than feed the arteries of commerce and trade, that we do more than make this a government of laws and rules and regulations. One of the most compelling aspects of the case for wilderness which Howard Zahniser presented to me was not that we were preserving a bit of wilderness for people to see, but that we were preserving a historic part of America where nature in its own way would record on into time that this is the world the Lord created.

To me, it shall be an everlasting tragedy that Howard Zahniser did not live to see the enactment of the wilderness bill. But I am confident that Zahnie would not have viewed this as a tragedy. He knew that the idea of wilderness was an enduring one and he had the faith that ultimately we would enact a policy containing sound guidelines which will provide forever for the American people the necessary safeguards to protect the publicly held wild, wilderness, primitive and canoe areas that comprise the wilderness system. I share this idealism and this faith.

In the business of legislating, many citizens come before the Members of the Senate and its committees. In all of my years in the public service, I have never known a man the likes of Howard Zahniser. Always considerate, always willing to listen to the other fellow's point of view, always constructive, always fair—he was a man who thought nothing but well of even those who would do harm to the concepts that he advanced.

In his passing, Howard Zahniser has left for all time to come a legacy to future generations which neither time nor man will ever erase. He has dramatized for all Americans the beauty that is nature's, but even more, he has shown us how we can be sure that future generations will know the natural glory that has been ours.

Very few of us succeed in reaching out and touching ideals—for they are like stars—Howard Zahniser has done this. My life has been richer by far because I can say that I knew Howard Zahniser. Mrs. Humphrey and I join in extending to Mrs. Zahniser, and to their children, our condolences on his untimely passing.

FIFTEENTH ANNUAL OBSERVANCE ON ARMED FORCES DAY

Mr. SALTONSTALL. Mr. President, the 15th annual observance of Armed Forces Day, on May 16, gives each American the opportunity to view at first hand our extensive defense capability and degree of military readiness, while at the same time paying honor to the more than 2 million men and women in uniform to whom we have entrusted the responsibility for protecting peace, both here at home and in foreign lands.

The principal objective of our national policy is, and always has been, the attainment of peace. Peace to us means far more than the absence of hostilities or open conflict on a battlefield. It presupposes the existence of conditions under which each individual can enjoy the inalienable rights to "life, liberty, and the pursuit of happiness" and can be sure that his Government stands ready to protect these fundamental rights. In the vernacular of our enemies today, the concept of peace with liberty and justice for all is without meaning and without substance. They must deny their people the fundamental freedoms which we cherish. While we have built a Military Establishment to be used only when threats to our freedom arise, our enemies are dependent on military force to extend their sphere of domination and to maintain and protect their authoritarian control when it is established.

We are today engaged in a unique kind of struggle to maintain and further the peace. We have at our disposal the mightiest and most destructive arsenal of weapons ever devised by man. But their use poses the threat of our total annihilation or at least a degree of devastation and destruction never before witnessed. We are required therefore to maintain a diversified Defense Establishment capable of defeating or deterring any sort of aggression, from the limited type of conflict which we are currently witnessing in Vietnam, to the type of all-out holocaust which could have followed as a result of the deployment of Soviet missiles on Cuba.

As the leader of the free world nations, our defense commitments extend far beyond the continental boundaries of the United States. Our Armed Forces must be stationed all over the globe, ready at a moment's notice to move into any one of the numerous areas of actual conflict or potential flareup. The dedicated men and women serving in these danger areas have a precarious existence, and their tasks are awesome. But their deployment serves as a constant reminder to any would-be aggressor that we are ready and willing to defend the interests of the free world wherever and whenever a threat arises. As President Kennedy said in his Armed Forces Day message last year:

> Today, our service men and women are serving throughout the world as guardians of the peace—many of them away from their homes, their friends and their families. They are visible evidence of our determination to meet any threat to the peace with measured strength and high resolve. They are also evidence of a harsh but inescapable truth—that the survival of freedom requires great cost and commitment, and great personal sacrifice.

More than one half of our total national budget each year is appropriated for defense purposes. A large portion of this money is used here at home for the training of military personnel, and for the procurement of the most modern, effective equipment with which to equip our Armed Forces.

The precarious international situation necessitates large expenditures for research and development of new, advanced weapons, both nuclear and conventional. The contributions of military personnel charged with responsibilities in these areas are vital to our national security.

The important role which our Armed Forces play in the pursuit of our national goal of peace with justice too often goes unnoticed or at best is generally taken for granted. We think today of all the dedicated men and women who have served in the defense of our country, and pay special tribute to those who are hospitalized as a result of this service.

On Armed Forces Day, when our military bases open their doors to the public, we all have an excellent opportunity to focus our attention on the tasks of these dedicated guardians of peace and freedom—our men and women in uniform—and to show them that we are appreciative of their constant vigilance which has kept our Nation strong over the years.

ORDER OF BUSINESS

Mr. COTTON. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. COTTON. The unanimous-consent request for a morning hour was made, I believe, before the quorum call, so the Senator from New Hampshire was not present to reserve the right to object, and to make inquiry. Therefore, the Senator from New Hampshire now wishes to make a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. COTTON. Does the fact that under the unanimous-consent agreement for a morning hour there is a limitation of time for 3 minutes for each Senator speaking preclude the raising of a point of order during those 3 minutes by another Senator? In other words, because the time is controlled, does it preclude the raising of a point of order?

The ACTING PRESIDENT pro tempore. That would depend upon the circumstance under which the point of order was being made. When a Senator is recognized, he has the floor and holds it for a period of 3 minutes. Another Senator who raises a point of order has a right to do so only with the permission of the Senator who has the floor at the time, except under certain conditions.

Mr. COTTON. In other words, do I correctly understand that it is the ruling of the Chair that if a Senator who obtains the floor for 3 minutes under a unanimous-consent agreement says something which causes another Senator to desire to call him to order, the other Senator cannot do so because the time is controlled?

The ACTING PRESIDENT pro tempore. Under rule XIX, a Senator could be called to order.

Mr. COTTON. Even though time were controlled.

The ACTING PRESIDENT pro tempore. Even though the time were controlled; that is correct.

Mr. COTTON. I thank the Presiding Officer.

Mr. HUMPHREY. Mr. President, I ask to be recognized only because I seek further clarification relating to the parliamentary inquiry made by the distinguished Senator from New Hampshire [Mr. COTTON]. It was my understanding that the Chair ruled that when a Senator desires to make a point of order, the point of order can be made only while there are conditions of controlled time, such as a unanimous-consent agreement for control of time, and that the point of order can be made only if the Senator speaking or operating under controlled time yields for that purpose. Is that correct?

The ACTING PRESIDENT pro tempore. Unless the Senator is called to order under rule XIX.

Mr. HUMPHREY. May I ask the Chair to give an explanation of that? Is it not true that under rule XIX the Chair would call to order any Senator who appeared to have transgressed the rules?

The ACTING PRESIDENT pro tempore. The Chair has discretion to rule whether the speaker is transgressing or not. This is a decision to be made by the Chair, and it is subject to appeal.

Mr. HUMPHREY. Does the decision of the Chair which is within his discretion come at the initiative of the Chair, or does it come when a Senator has made a point of order?

The ACTING PRESIDENT pro tempore. Under the rule, the Chair can rule on his own initiative, but under custom and generally, the Chair awaits the initiation of the complaint by another Senator.

Mr. DIRKSEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. DIRKSEN. I made a suggestion to the acting majority leader that yesterday there was a full contingent of Senators present in the Chamber when this question was before the Senate.

If there are to be any rulings, or interpretations of the rules in any respect, I respectfully suggest that there should be a quorum call to bring Senators to the Chamber so that they may know what the rulings of the Chair are. Of course, they can read them in the RECORD, but I believe that Senators would like to participate in the discussion.

For clarification purposes, I now respectfully make that suggestion to my friend the Senator from Minnesota.

Mr. COTTON. Mr. President, will the Senator withhold that request for one moment?

Mr. HUMPHREY. Yes, indeed.

Mr. COTTON. My query was not made for the purpose——

The ACTING PRESIDENT pro tempore. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COOPER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. COOPER. I have just entered the Chamber. Is this discussion in relation to the incident which occurred yesterday?

Mr. HUMPHREY. Not particularly.

Mr. COOPER. I believe the Senator from New Jersey [Mr. CASE] should have an opportunity to be present in the Chamber, so I should like to suggest the absence of a quorum.

Mr. HUMPHREY. I do not yield for that purpose.

Mr. COTTON. Mr. President, I should like to make it crystal clear that the purpose of the inquiry which I have just made was not to reopen, or to resurrect, or in any way to renew whatever controversy occurred in the Senate yesterday. It was made for only one purpose. If the limitation of time of Senators by unanimous consent deprives another Senator of certain privileges which he would otherwise have under the rules, if the Senator who has the floor were not speaking under limitation of time, I believe we should know it. By inference, this may have something to do with yesterday's controversy. I do not deny that if that incident had not occurred, I would not be making this inquiry today; but it seems to me that the point which should be settled, if a limitation of time deprives a Senator of any privilege he would otherwise enjoy, Senators will be extremely careful about unanimous-consent agreements limiting time. That was the sole purpose of my inquiry. It was not to renew yesterday's controversy.

Mr. COOPER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. COOPER. My purpose is not to renew the controversy, either. However, listening to the tenor of the questions, it seemed to me that I could not escape feeling that they had some bearing on what happened yesterday. The

Senator from New Jersey [Mr. Case] is not in the Chamber now; and I feel that he should be called. For that reason I feel that he should be given an opportunity to be in the Chamber; and I therefore suggest the absence of a quorum.

Mr. HUMPHREY. Let me say that I was primarily directing my comments to the relationship of the questions asked by the Senator from New Hampshire, because I clearly understood what his purpose was. He came into the Chamber during the morning hour. He was not present when the request for the morning hour was made. There had been no quorum call prior to that. He was concerned as to whether Senators would lose any procedural rights as a result of certain unanimous-consent agreements.

When I heard the ruling of the Chair, I wished merely to develop the point that if Senators were to lose procedural rights because of unanimous-consent agreements, they would have no way to protect themselves. I do not intend to become involved in the rather stormy argument which originated yesterday, but I asked the Senator from New Hampshire to remain in the Chamber so that this point might be clarified. If we are to go into the question, I believe the participants might wish to be present. I was trying to clarify for the Record what I thought was a justified inquiry of the Senator from New Hampshire.

Mr. McCLELLAN. Mr. President, will the Senator from Minnesota yield?

The ACTING PRESIDENT pro tempore. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, if we are to go into the question raised yesterday, I ask the majority leader if we may first proceed with the morning hour until it is completed, so that Senators may transact the business they may have in mind.

Mr. HUMPHREY. I believe that would be a very good idea.

Mr. McCLELLAN. Let us proceed.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas [Mr. McClellan] has the floor.

SOVIET-CHINESE RIFT

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. Mr. President, in the May 9 issue of the New York Times, there is published a letter written to the editor by Cyril A. Zebot. Mr. Zebot is a professor of economics at Georgetown University, and a fugitive from the tyranny and oppression of Tito in Yugoslavia.

In this letter, Mr. Zebot discusses the Soviet-Chinese rift, and he points out that this rift between the Soviets and the Chinese should not be used as the basis for the relaxation of alertness and strength by the West.

He states:

> By customary Western standards, open controversies of the scope and intensity of the current Soviet-Chinese verbal exchanges, in which Khrushchev has personally taken part, are not easily settled. In fact, there are widespread expectations in the West that the estrangement between Moscow and Peiping may be irreparable.

Mr. Zebot goes on to point out that Tito's party was expelled from the Cominform, and that the separation appeared complete and irreversible and permanent.

Yet we now know that except for some minor differences Tito and Communist Yugoslavia are accepted fully into the family of Communist nations.

He concludes:

> These tensions are real. But they are not such as to justify either adventurous responses or complacency on the part of the West. Rather we should remain composed but anxious enough to try so to influence these tensions that they will contribute to the evolution of more freedom and justice and a safer peace in the world.

Mr. President, I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Soviet-Chinese Rift—Dispute Considered No Basis for Relaxation by West

(The writer of this letter, a professor of economics at Georgetown University, is the author of a forthcoming book, "The Economics of Competitive Coexistence.")

To the Editor:

By customary Western standards, open controversies of the scope and intensity of the current Soviet-Chinese verbal exchanges, in which Khrushchev has personally taken part, are not easily settled. In fact, there are widespread expectations in the West that the estrangement between Moscow and Peiping may be irreparable.

Such, however, need not be the logic of quarrels and insults among the Communists. Tito's party was expelled from the Cominform and the separation appeared complete and irreversible. Yet for all purposes, Tito has since been accepted back into the fold of the world Communist movement by all Communist parties except the Chinese and their few scattered satellites.

The evolving ideological and organizational differences in the world Communist movement may indeed provide a more flexible framework to accommodate a wider and larger assortment of actual and potential Communists throughout the world. Thus peacefully separated, all the world's Communists may continue to work, in a greater variety of ways, for what still are their essentially similar domestic and global objectives.

For all of them, the utopian Communist end may continue to justify all the means short of those whose use would clearly be likely to destroy their own end.

REDUCING DIFFERENCES

When the Chinese Communists eventually come around to admitting that war, in the nuclear age, is such a means, their differences with Moscow may be reduced to manageable proportions.

In the meantime it is possible that the Moscow-Peiping controversy may evolve or erupt into a more ominous form of competitive coexistence between the two separated Communist blocs. The dynamics of this might force Moscow to revert to a more Stalinist posture at home as well as in relation to its satellites and the rest of the world.

Whichever way the controversy may turn, detour or return, the West has no discernible reason to relax in anticipation of some favorable outcome that is not clearly in sight. Those who read such relaxing implications into Senator Fulbright's provocative speeches on American foreign policy were carried away by wishful thinking.

If Milovan Djilas could comment on the evolving Soviet-Chinese controversy, he would be likely to view it from a longer perspective as a major manifestation of the same basic contradiction within the Communist system which has produced a growing variety of tensions within the Soviet Union and inside other Communist-dominated countries.

These tensions are real. But they are not such as to justify either adventurous responses or complacency on the part of the West. Rather we should remain composed but anxious enough to try so to influence these tensions that they will contribute to the evolution of more freedom and justice and a safer peace in the world.

Cyril A. Zebot.

Washington, *April 30, 1964*.

PROPERTY DISPOSALS IN THE VIRGIN ISLANDS

Mr. McCLELLAN. Mr. President, as Members of the Senate know, the Committee on Government Operations operates under a very broad mandate. Among other things it is charged with the responsibility of "studying the operation of Government activities at all levels with a view to determining its economy and efficiency." This responsibility, along with the committee's legislative oversight functions in connection with the operation of our surplus property program led, earlier this year, to an inquiry into several problems that arose in connection with the proposed disposal of certain property in the Virgin Islands. At my direction, the staff of the committee prepared a memorandum covering these problems in cooperation with the General Accounting Office. The memorandum indicated that hearings would be necessary to resolve some of the issues presented if the committee had sufficient time to pursue the matter. In view of the procedures obtaining on the Senate floor since the staff memorandum was circulated, however, it has not been possible for the committee to make a final determination as to what action will be taken with regard to the problems that have arisen in the Virgin Islands, and particularly on the island of St. Croix.

It should be noted, Mr. President, that the status of some of the matters discussed in the memorandum has changed since the memorandum was submitted in January of this year. It is understood, for example, that the proposal to lease 1,700 acres of land owned by the Virgin Islands Corporation by National Bulk Carriers for the purpose of establishing an orange-growing industry on St. Croix—discussed in the memorandum—was withdrawn in March of this year.

Mr. President, I ask unanimous consent that the staff memorandum referred to above may be inserted at this point in the Record, including an appendix thereto setting forth certain background material.

There being no objection, the staff memorandum was ordered to be printed in the Record, as follows:

Property Disposals in the Virgin Islands

The chairman directed the staff of this committee to make a preliminary study of certain problems that have arisen in connection with the disposal of certain property in the Virgin Islands. These involved:

1. The proposed sale of the power and water facilities of the Virgin Islands Corporation to the Government of the Virgin Islands. In August 1962, the board of directors declared the power and water facilities of the Virgin Islands Corporation as excess. The property was transferred to GSA for disposal to the Government of the Virgin Islands, based on the fair market value on or before April 1, 1964.

A group of Virgin Islands residents has urged that a cooperative be formed to acquire the St. Croix facilities either by private financing or through the Rural Electrification Administration.

2. The proposed sale of 1,700 acres of the land owned by the Virgin Islands Corporation, now largely devoted to sugar cane production, as surplus property. Lawrence Harvey, an official of Harvey Aluminum, acting as an individual, and National Bulk Carriers, were the high bidders. GSA reports the Corporation has rejected all bids, and a proposed lease of the 1,700 acres to National Bulk for 20 years, after transfer of the property from the Corporation to the Government of the Virgin Islands, with a total rental equaling the high bid of Harvey is under consideration.

3. The substantial financial incentives granted to Harvey Alumina Virgin Islands, Inc. by the insular government. These included (a) tax exemptions and subsidy benefits for 16 years; (b) the insular government to reimburse Harvey Aluminum up to $3 million for the cost of constructing an access channel to the plant site; (c) the insular government has conveyed to Harvey a plant site of 700 acres, together with an adjacent 500 acres known as Krause Lagoon area, alleged to have been donated to the Government of the Virgin Islands for a wildlife refuge in perpetuity; and (d) the authority to operate certain power and water facilities for the insular government as part of the alumina operation.

4. Other controversial matters involved include (a) inefficient management of the Government of the Virgin Islands which raises doubts as to its ability to manage the power system; (b) whether the Virgin Islands Corporation should be continued as a Federal agency until its charter expires on June 30, 1969; (c) the sale of properties on St. Croix known as Peters Farm to a firm in which the present Governor at one time had an interest; (d) charges of conflicts of interest by the Governor of the Virgin Islands through certain property transactions; and (e) failure of the local housing authorities to accept a federally-financed 350-unit public housing project, due to claim that construction specifications were not met.

The General Services Administration commented as follows with regard to the status of items 1 and 2:

GENERAL SERVICES ADMINISTRATION,
January 15, 1964.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the request of Mr. James Calloway for a report on the status of the following properties in the Virgin Islands: "The electric power system and the water distillation system on the islands of St. Croix and St. Thomas; 1,700 acres of land on the island of St. Croix."

The electric power system and the water distillation system for the islands of St. Croix, St. Thomas, and St. John were reported to General Services Administration on October 23, 1963, by the Virgin Islands Corporation for disposal to the government of the Virgin Islands by negotiated sale. The report of excess contains a condition that if a negotiated sale to the Virgin Islands government cannot be accomplished for any reason, the Virgin Islands Corporation wants to reexamine the entire situation to consider possible alternatives, including possible withdrawal of the report of excess.

Our New York regional office is presently arranging for an appraisal of the property, and at such time as the appraisal is completed and approved the property will be offered to the Government of the Virgin Islands at the appraised fair market value. If price and other conditions of sale are satisfactory, an explanatory statement concerning the proposed sale will be submitted to your committee and to the Committee on Government Operations of the House for review pursuant to the provisions of section 203(e)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(e)(6)).

With respect to the 1,700 acres of land on the island of St. Croix, we are informed that the Virgin Islands Corporation proposed to make a sale pursuant to authority contained in section 4 of the Virgin Islands Corporation Act (63 Stat. 352), as amended (48 U.S.C. 1407c). General Services Administration has no knowledge of the circumstances of the proposed sale. However, we have been informed by the Office of Territories, Department of the Interior, that all bids received were rejected and that there has been no sale of this property.

Sincerely yours,

ROBERT T. GRIFFIN,
Assistant Administrator.

1. TRANSFER OF THE POWER AND WATER FACILITIES OF THE VIRGIN ISLANDS CORPORATION TO THE GOVERNMENT OF THE VIRGIN ISLANDS

The Congress has not appropriated the funds requested by the Corporation for expansion of the power and water systems to supply the islands' growing power loads. The Senate Committee on Appropriations on a number of occasions urged the Department of the Interior to explore the possibility of interesting private industry in the facilities. In August 1963, however, the Board of Directors voted to declare the Corporation's power and water facilities as excess. This declaration, made to the General Services Administration, was voted in order to bring about the transfer of the power and water facilities, based on their appraised fair market value, to the Government of the Virgin Islands. A target date of April 1, 1964, for completing the transfer was set by the board.

At June 30, 1963, the Corporation's power and water facilities had a combined book value (total acquisition costs less accumulated depreciation) of $7.6 million. Including construction in progress, the power facilities comprise eight diesel generating units with a total capacity of 6,842 kilowatts at St. Croix and eight diesel generating units and a steam turbine unit with a combined total capacity of 12,425 kilowatts at St. Thomas. There are also extensive electric power distribution systems.

Sale of St. Croix power facilities to a cooperative

A group of Virgin Islands residents has urged that a cooperative be formed to acquire the St. Croix power facilities. The group engaged a consultant who in the fall of 1963 reported that a cooperative venture for this purpose was feasible. In November 1963 the president of the St. Croix Chamber of Commerce indicated that adequate private financing for the proposed cooperative was available. However, the group's consultant in his report indicated that part of the capital required to acquire and expand the St. Croix power facilities could be obtained from the Rural Electrification Administration.

Local opposition to transferring the power and water facilities to the insular government

For the following reasons doubts have been expressed as to the ability of the Government of the Virgin Islands to efficiently manage, operate, and finance expansion of the Corporation's power and water facilities.

Management

Many activities of the Government of the Virgin Islands are not efficiently administered and responsible citizens have expressed concern whether the local government could manage the power system. (The local telephone system, operated by the insular government, was in a deplorable condition when it was sold in 1959 to the International Telephone and Telegraph Corp.)

Financing

Section 8(b) of the Revised Organic Act (48 U.S.C. 1574(b)) authorizes the Government of the Virgin Islands to issue up to $10 million of revenue bonds carrying interest at not more than 5 percent. Such bonds could be used by the insular government to finance operation and expansion of the power system. It is reported, however, that the estimated costs of acquiring and expanding the system over the next few years considerably exceed the $10 million bonding authorization. In view of the fiscal history of the Government of the Virgin Islands it may not be possible for the insular government to market revenue bonds.

Private interests have demonstrated a considerable interest in acquiring the Corporation's power and water facilities. It appears that such action would have resulted in greater assurance of efficient management and adequate financing of the islands' expanding power and water distillation facilities. Further, means were not provided for determining through competitive bidding processes whether responsible private firms would agree to purchase, operate, and expand the facilities at more advantageous financial terms than those proposed by the Secretary of the Interior for the transfer. The Secretary suggested arranging a down payment of not more than 10 percent of the selling price, a payout period of at least 20 years, and a rate of interest on the unpaid balance which does not exceed the rate of interest paid by the Federal Government.

There is also for consideration whether the Virgin Islands Corporation should be continued as a Federal agency until its charter expires on June 30, 1969. (H.R. 2919, introduced by Mr. WESTLAND on January 28, 1963, would dissolve the Virgin Islands Corporation. This measure is pending before the House Interior and Insular Affairs Committee, but no action has been taken or scheduled on the matter.)

2. SALE OF 1,700 ACRES OF LAND

Proposal to grow oranges on St. Croix

In the summer of 1962 National Bulk Carriers, a private firm, expressed interest in acquiring between 1,500 to 2,500 acres of the Corporation's landholdings for the purpose of establishing an orange-growing industry on St. Croix. In view of this interest, the Corporation in September 1962 offered to sell 1,700 acres of its landholdings mostly devoted to cane production. Lawrence Harvey, an official of Harvey Aluminum (Incorporated), acting as an individual, offered a high bid of $1,071,000; National Bulk offered to pay $870,000. The government of the Virgin Islands, acting under its statutory authority to acquire assets of the Virgin Islands Corporation by matching the highest bid therefor (48 U.S.C. 1407c(a)), then announced that it would exercise its right to acquire the 1,700 acres and lease them to National Bulk. However, in May 1963 the Corporation's board of directors rejected all bids for the land. The Board took this action after a Department of Agriculture survey team recommended that the Corporation's sugar operations be continued. Subsequently, a draft lease was negotiated whereby National Bulk was to lease the 1,700 acres from the Corporation for 20 years, paying a total rental of $1,071,000 over that period. There is some doubt, however, whether the Corporation's Board of Directors now will approve the arrangement.

The National Bulk interests have from 7,500 to 10,000 acres of land in Panama devoted to orange growing. National Bulk's proposal called for manufacturing orange concentrate in Panama and shipping the Panamanian concentrate to the Virgin Islands for mixing with St. Croix concentrate. The combined product (limited in the draft lease to 90-percent Panamanian concentrate) was expected to qualify for duty-free entry into the United States. Section 301 of the Tariff Act of 1930, as amended (19 U.S.C. 1301a), provides for the entry, duty-free, into the United States of products having at least 50 percent of their value added in the Virgin Islands or other insular possessions of the United States.

On January 29, 1963, Senator CLINTON ANDERSON introduced Senate Resolution 77 which declared it to be the sense of the Senate that no further action should be taken by the Board of Directors of the Virgin Islands Corporation to dispose of that parcel of 1,700 acres of land on St. Croix until such time as the Senate Committee on Interior and Insular Affairs has had an opportunity to consider certain pending legislation relating to the authority of such Corporation to dispose of its assets. On the same day Senator ANDERSON introduced a bill, S. 586, which would repeal the authority of the Board of Directors of the Virgin Islands Corporation to dispose of the assets of the Corporation. Both measures are pending before the Committee on Interior and Insular Affairs.

3. FINANCIAL INCENTIVES GRANTED TO HARVEY ALUMINUM

A controversial question in the Virgin Islands is whether the insular government should have granted substantial financial incentives to Harvey Alumina Virgin Islands, Inc. (Harvey) to locate a $25 to $35 million plant for processing bauxite into alumina at St. Croix. Harvey's contractual arrangement with the insular government was ratified by the Senate of the Virgin Islands in Act No. 814 approved February 20, 1962. In October 1963 Harvey had constructed storage facilities and was engaged in large-scale earth-moving operations at the site.

Industrial incentive program subsidies provided for 16 years

The insular government has an industrial incentive program to promote the economic development of the Virgin Islands under which tax exemption and subsidy benefits are provided to qualified applicants generally for 10 years. Harvey was allowed benefits under this program for a 16-year period.

The insular government agreed to pay Harvey a nontaxable subsidy of 75 percent of its income taxes paid to the treasury of the Virgin Islands. Harvey also became entitled to subsidies comprising 100 percent of all other import taxes and other taxes paid to the insular government. In addition, Harvey was exempted from paying property taxes, and certain other taxes.

Construction of access channel to the plant site

The insular government agreed to reimburse Harvey up to $3 million for the costs of constructing an access channel, termed "the channel project," to the plant site. The $3 million is to be paid over a 6-year period from the net Federal internal revenue collections provided to the government of the Virgin Islands pursuant to section 28(b) of the Revised Organic Act of the Virgin Islands. In the absence of sufficient funds from that source, or from other funds available to the insular government, it was agreed that Harvey could offset the amounts due to it for the channel project against its income taxes otherwise payable to the insular government.

As late as October 1963 the channel project was still being designed and dredging operations were not yet underway.

Land provided to Harvey

The insular government conveyed to Harvey a plant site of 700 acres together with some 500 acres in the adjacent Krause Lagoon area, site of the channel project. A taxpayer's suit has been filed in the Virgin Islands alleging that the Krause Lagoon properties were donated to the government of the Virgin Islands for a wldlife refuge in perpetuity and that the insular government illegally conveyed the Krause Lagoon properties to Harvey.

Because part of the 700 acres conveyed to Harvey disrupted the flight pattern to the Alexander Hamilton airfield at St. Croix, the Virgin Islands Corporation transferred 104 acres of land to the insular government at no cost so that a new flight pattern could be established.

Harvey's contribution to the economic development of the Virgin Islands questioned

Considerable local opposition to Harvey's establishment was expressed by the Chamber of Commerce of St. Croix. In contrast, it is reported that the natives of the Virgin Islands generally favored Harvey's establishment.

Some of the leading citizens of St. Croix believe that the substantial incentives provided to Harvey are not commensurate with its expected contributions to the economic development of the Virgin Islands. Initially, it was indicated that about 1,200 to 1,500 workers would be required during the construction period, and about 400 workers would be employed subsequently to operate the facilities. Not less than 75 percent of Harvey's employees engaged in operating the plant are required to be residents of the islands. If upon Harvey's request suitable employees cannot be located by the insular government within 3 business days, however, Harvey is free to disregard this contract limitation. Rumors were current in the fall of 1963 that Harvey would bring in workers from British Guinea rather than use natives of the Virgin Islands. It is reported that citizens seeking information on the Harvey transaction were repeatedly frustrated in their efforts during several meetings ostensibly called to discuss the proposal. In late January 1962 several leading citizens of St. Croix met with Governor Paiewonsky who assured them that the proposed contract with Harvey would be discussed at a public meeting before it was consummated. Then on February 9, 1962, the Governor signed the contract with Harvey without holding the promised meeting. A public hearing was held on February 14, following the signing, and then only a condensed résumé of the contract with many salient points deleted was made available. It is reported that an attorney for the citizens was denied the opportunity to ask a series of questions at the February 14 meeting, and other citizens who had registered to speak were not allowed to continue if their opening remarks indicated that they questioned the value of the Harvey contract. As a result of the Harvey transaction two taxpayers suits have been filed, which:

(1) Challenge the right of the Virgin Islands government to expend public money to reimburse Harvey for the cost of constructing and dredging a channel and turning basin to provide access to its plant and in maintaining the channel.

(2) Challenge the government's right to give 1,200 acres of public land to Harvey as an inducement to install and operate an alumina plant on St. Croix.

The District Court of the Virgin Islands dismissed both cases for failure to state claims upon which relief can be granted, holding that petitioners, as taxpayers, lacked standing to bring these actions. Appeals from both cases are now pending before the U.S. Court of Appeals, Third Circuit.

4. OTHER CONTROVERSIAL MATTERS

Peters Farm

Recently a local newspaper questioned the insular government's sale of the properties on St. Croix known as Peters Farm to a firm in which the present Governor at one time had a financial interest.

In January 1955 the buildings and 60 acres of land comprising the local hospital were leased to the St. Croix Real Estate Development Corp., a subsidiary of the West Indies Investment Co., for a 30-year period at $200 a month. Ralph M. Paiewonsky, the present Governor, headed the subsidiary. The St. Croix Development Corp. agreed to convert the hospital buildings into kitchenette apartments and to invest $500,000 in developing as many rental apartment units on the adjoining lands as found practical.

The properties were not developed as contemplated but since no time period was established for compliance with the lease requirements, it is not certain that the lease was breached. Other questions concerning the lease involve (1) the legal status of the St. Croix Development Corp. when the lease agreement was executed (the corporation was not fully incorporated at that time), (2) the validity of an option to purchase the properties included in the lease, and (3) the authority of the administrator for St. Croix to execute the lease.

Former Governor Merwin objected to the Peters Farm lease and in 1960 introduced legal proceedings to recover the land and buildings for the insular government. Governor Paiewonsky was inaugurated on April 5, 1961. In the course of Senate hearings on his nomination, Governor Paiewonsky indicated that he would dispose of his 7 percent interest in the West Indies Investment Co. and he later indicated that such disposal had been accomplished.

In Septemebr 1962 Peters Farm was sold to the West Indies Investment Co. for $100,000. It was agreed that West Indies would construct apartments on the properties, and that the insular government in turn would rent the apartments as a means of providing housing for its employees.

The GAO reports that no construction activity was observed at the site as of November 1963, and it is not certain that all terms of the sales agreement have been complied with.

A 350-unit public housing project not accepted by the insular government

A 350-unit public housing project, constructed on St. Croix and financed with Federal funds, was completed by the contractor in 1962. However, the local housing authority has not acecpted the project from the contractor, claiming that the construction specifications were not met. The project remained unoccupied through November 1963.

STAFF RECOMMENDATION

In view of the controversial nature of the problems raised above it would appear that hearings will be necessary to resolve the issues involved if the committee is interested in pursuing the matter further.

The staff, in cooperation with the General Accounting Office, which has audit responsibilities with regard to the Virgin Islands, has developed the above information as a preliminary outline of the problems involved for consideration by the committee. In carrying out its audit responsibility the General Accounting Office submits annual reports on the Virgin Islands Corporation as well as periodic reports on the government of the Virgin Islands.

The attached appendix contains general background material on the Virgin Islands and is included in this memorandum for the information of committee members.

JAMES R. CALLOWAY,
Professional Staff Member.

Approved:

WALTER L. REYNOLDS,
Chief Clerk and Staff Director.

APPENDIX

The following background material on the Virgin Islands is presented for the information of committee members:

The Virgin Islands are an unincorporated territory of the United States with a population of about 42,000 inhabitants. The three major islands are St. Thomas (the seat of government), St. Croix, and St. John. Tourism, trade, and manufacturing are the chief industries.

Government of the Virgin Islands

The insular government has powers as set forth in the Revised Organic Act of the Virgin Islands, as amended, approved July 22, 1954 (48 U.S.C. 1541). Executive power is vested in a Governor appointed by the President of the United States with the advice and consent of the Senate. The Executive power is exercised under the supervision of the Secretary of the Interior. The Revised Organic Act also provides for a unicameral legislature of 11 members to be elected biannually.

A fiscal year 1963 budget with expenditures of over $18 million was submitted to the insular legislature by the Governor. Most of the funds available to the insular government are provided to it under Federal statutes.

The Naval Service Appropriation Act, 1922 (42 Stat. 123), authorized inhabitants of the Virgin Islands to pay to the local treasury the Federal income taxes applicable to their income from within the Virgin Islands. Since 1954, pursuant to section 28(a) of the Revised Organic Act (48 U.S.C. 1642), the Treasury of the Virgin Islands has also collected the Federal income taxes due from the Islands' inhabitants with respect to income derived from sources within the United States. Income tax collections of the insular government totaled $7.5 million in fiscal year 1963. The Federal customs duties levied on products entering the Virgin Islands are also transferred to the Treasury of the Virgin Islands pursuant to the latter authority. In fiscal year 1963 the insular government's revenues from customs duties collected by the U.S. Treasury on products entering the Virgin Islands totaled $1.1 million.

Section 28(b) of the Revised Organic Act (26 U.S.C. 7652(b)), also provides for the insular government to be paid the net Federal internal revenue collections on products of the Virgin Islands (chiefly rum) imported into the United States. In fiscal year 1963 the insular government derived $7.7 million from this source.

Gross receipts taxes, real property taxes, and excise taxes are the principal local taxes imposed by the insular legislature. In fiscal year 1963 revenues from these three sources totaled $2.5 million.

Significant Problem Areas

Inadequate schools, housing, and medical facilities are among the chief problems of the insular government. Schools in the Virgin Islands are chronically overcrowded and are not yet accredited. Until recently a large number of teachers lacked college degrees. A considerable number of the island's inhabitants live in obviously substandard houses, often without running water or plumbing. Virtually free medical care is provided to the islands' inhabitants, but hospitals and clinics are overcrowded; medical care often must be obtained from nearby Puerto Rico.

Nearly all services provided in the continental United States by the Federal Government, States, and local governments are administered in some form by the insular government. The lack of technically qualified residents and the wide array of services offered hampers effective operation of local programs. Another factor is that most services are performed on each of the three major islands, thus increasing the costs and complexity of administration.

Virgin Islands Corporation

The Virgin Islands Corporation was chartered in 1949 as successor to the Virgin Islands Company. Management is vested in a 7-member board of directors which has elected the Secretary of the Interior as its chairman. Other members include the Secretary of Agriculture, the Administrator of Small Business Administration, the Governor of the Virgin Islands, and three businessmen appointed by the President of the United States. Headquarters of the Corporation are at St. Croix.

The Corporation's principal activities include producing and milling sugarcane on St. Croix. The Corporation is also the sole supplier of electric power in the Virgin Islands and on St. Thomas, and operates newly constructed salt water distillation facilities producing about 300,000 gallons of potable water a day.

The Corporation manages certain Navy-owned properties on St. Thomas. These properties, which comprise the former naval submarine base and the Marine Corps air facility, were placed under the management of the Secretary of the Interior by the Secretary of the Navy effective January 1, 1948. At first the properties were managed under a permit from the Secretary of the Interior by a unit of the local government. As a consequence of serious mismanagement of the properties, the Secretary of the Interior was required effective July 1, 1954, to transfer the management responsibility to the Corporation.

The Corporation's revenues from the former Navy facilities are available solely to operate and rehabilitate the facilities. These revenues totaled about $434,000 in the fiscal year ended June 30, 1963.

In 1963 the properties were declared excess by the Department of the Navy. This action was taken in order to permit their transfer to the Government of the Virgin Islands and the Virgin Islands Corporation. As part of the transfer process about 30 long-term leases were canceled by the Department of the Interior, a matter on which the Subcommittee on Territories and Insular Affairs of the Senate Committee on Interior and Insular Affairs held hearings in October 1963.

TERMINATION OF THE CORPORATION'S SUGAR OPERATIONS

In May 1963 the Board of Directors of the Virgin Islands Corporation announced that the Corporation's sugar operations on St. Croix will be terminated on June 30, 1966. This decision, if carried out, will end the production and milling of sugarcane on that Island, for the Corporation operates the only sugar mill on St. Croix.

The Corporation is the islands' largest producer of sugarcane, growing about 70 percent of the islands' output in fiscal year 1963. There are 128 private growers, including 3 large growers who produce about 12 percent of the islands' cane.

The following factors are among those pertinent to the Board's decision to end sugar operations on St. Croix.

1. The number of private cane growers has declined in the last 6 years from about 323 to 128.

2. Cane growing operations are profitable, since pursuant to the Sugar Act of 1948 (7 U.S.C. 1100), producers are paid about 60 percent of the sales value of the raw sugar output milled by the Corporation. However, the Corporation has incurred substantial losses from its milling operations. As a result of low cane yields, attributable to insufficient rainfall, not enough cane is produced for profitable milling operations. About 15,000 tons of raw sugar are produced in an above-average year, compared with the annual consumption of about 10 million tons in the United States.

3. The Corporation's sugar operations were started as a relief program by the predecessor Virgin Islands Company following the bankruptcy of the last private sugar mill on St. Croix in the early 1930's. Until 1949 the Company produced Government House rum. The Corporation, first chartered in 1949, is prohibited by law from producing rum and hence, despite favorable current sugar market prices, has scant prospects of earning a profit from sugar operations.

4. A relatively low wage, starting at 50 cents an hour, is paid to cane cutters, whereas wages of 90 cents to $1.25 an hour otherwise prevail in the Virgin Islands. Local inhabitants refuse to work as cane cutters, and, therefore, the Corporation as well as private cane growers import workers from the British West Indies, mostly on a seasonal basis. About 640 workers were imported for the 1963 cane harvest.

Local critics of the proposal to terminate the Corporation's sugar operations on St. Croix point out that this may substantially reduce certain Federal subsidies now paid to the insular government. Section 28(b) of the Revised Organic Act of the Virgin Islands (26 U.S.C. 7652(b)), provides that the insular government shall be paid annually as a grant the net Federal internal revenue collections on products of the Virgin Islands imported into the United States. These revenues, which increased from $3.9 million in fiscal year 1954 to $7.5 million in fiscal year 1963, are derived chiefly from Virgin Islands rum shipped to the United States. Rum is manufactured from molasses, and molasses is a byproduct of sugar milling. The privately owned rum industry on St. Croix may be adversely affected if the local source of molasses is discontinued. Further, there is some question as to whether rum manufactured entirely from molasses imported into the Virgin Islands will be considered a Virgin Islands product for purposes of the matching funds provision of section 28(b) of the Revised Organic Act.

Mr. McCLELLAN. Mr. President, I invite the attention of Senators to a report of the Comptroller General to the Congress on the audit of the Virgin Islands Corporation for fiscal year 1963. In that report, dated April 1964, the Comptroller General comments at length on the proposal to transfer the Corporation's electric power and salt water distillation facilities to the government of the Virgin Islands at a price based on the facilities' appraised value, rather than on their fair market value as determined by the competitive bidding processes. The report points out that the government of Virgin Islands is authorized to acquire corporate assets offered for public sale by matching the highest responsible bid therefor, and questions the advisability of conducting an expensive appraisal in view of this authority. The Comptroller also comments on the Corporation's decision to purchase a new generating unit estimated to cost about $600,000 and to expand the Corporation's salt water distillation facilities at an estimated cost of $200,000 despite the fact that the Corporation's Board had voted to transfer the power and water facilities to the government of the Virgin Islands.

Mr. President, I ask unanimous consent that extracts from this audit report be printed at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

POWER AND WATER FACILITIES TO BE DISPOSED OF BY THE GOVERNMENT OF THE VIRGIN ISLANDS WITHOUT COMPETITIVE BIDDING

(Extracts from a GAO audit report, Apr. 1, 1964)

In August 1963 the Board of Directors voted to declare excess the Corporation's electric power and salt water distillation facilities which at June 30, 1963, had a book value of $7.6 million. This action was the first step in disposing of the facilities to the Government of the Virgin Islands under statutory authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(e)). That act permits the Administrator to transfer surplus Federal property to States, territories, and possessions on a negotiated basis, in return for the fair market value thereof. Consulting engineers were to appraise the facilities as part of the process of establishing their negotiated fair market value, and the proposed transfer is now expected to occur on or about July 1, 1964.

We believe that, as an alternative to these disposal actions, the Board should have offered to sell the facilities under provisions of the Virgin Islands Corporation Act, as amended (48 U.S.C. 1407(a)). That act authorizes the Government of the Virgin Islands to acquire corporate assets offered for public sale by matching the highest responsible bid therefor. Had such action been taken by the Board the fair market value of the facilities could have been established by competitive bidding processes rather than by the techniques of appraisal and negotiation which, no matter how well performed, usually are not as desirable. Also, it would have been possible to compare the financial terms offered by responsible private enterprisers with the 20-year payment terms proposed by the Chairman of the Board.

Demand for electric power in the Virgin Islands has increased significantly in recent years, and the estimated capital requirements for meeting the islands' expanding power loads through 1971 range up to $20.5 million. These requirements were discussed in our report to the Congress dated May 17, 1963, on the audit of the Virgin Islands Corporation for the fiscal year ended June 30, 1962.

In our May 17, 1963, report we pointed out that offering to sell the Corporation's power and water facilities to a responsible private enterpriser seemed to present the best prospects for adequate financing and management of the islands' expanding power needs. Such action would not have foreclosed a transfer of the properties to the Government of the Virgin Islands for, under the provisions of the Virgin Islands Corporation Act, the insular government can acquire any corporate assets offered for sale by the Corporation's Board of Directors by matching the highest responsible bid therefor. The Department of the Interior, which sought continued Federal appropriations to finance expansion of the Corporation's power and water facilities, proposed as an alternative that the facilities be transferred at fair market value to the insular government. The Department expressed the belief that the decision as to whether the Virgin Islands power facilities should be operated by the local government, an authority, a cooperative, or a privately held corporation should be made by the Virgin Islanders themselves, after the facilities were transferred to the local government.

The board voted to declare the facilities excess in August 1963, after it became evident that the Congress would no longer provide the funds necessary to expand the islands' power facilities. Subsequently, the Corporation formally advised the General Services Administration, in October 1963, that the power and water facilities were excess. The Secretary of the Interior, acting in his capacity as chairman of the board of directors, urged the Administrator of General Services to grant the Government of the Virgin Islands favorable financial terms. To this end the Secretary suggested arranging a down payment of not more than 10 percent of the selling price, a payout period of at least 20 years, and a rate of interest on the unpaid balance not to exceed the rate of interest paid by the Federal Government.

In its comments dated February 6, 1964, the Department of the Interior advised us that the power and water systems were being appraised at considerable expense by a competent private engineering firm engaged by the General Services Administration. According to the Department, the engineering firm was instructed to appraise the power and water facilities at the value the Department could reasonably expect to obtain if the facilities were in fact advertised.

Our position that plans to dispose of the Corporation's power and water facilities should have been predicated on a public sale was based on the belief that an appraisal to determine the fair market value of property disposed of by the Government, no matter how competently performed, is usually appropriate only in the absence of effective competition as to price. Moreover, the Department advanced no reason as to why it was necessary to determine the fair market value of the Corporation's power and water facilities through an appraisal, at considerable expense, when the insular government by statute may acquire any of the Corporation's assets offered at public sale by matching the highest responsible bid therefor.

ADDITIONAL EXPENDITURES TO EXPAND THE POWER AND WATER FACILITIES AUTHORIZED BY THE BOARD OF DIRECTORS

During consideration of the Supplemental Appropriation Act, 1963, approved May 17, 1963, the Congress rejected the Corporation's request for an appropriation of $3.35 million to expand its power facilities, including $600,000 for a new 3,000-kilowatt diesel generating unit for the island of St. Croix. Subsequently, on July 3, 1963, the Department of the Interior advised the Governor of the Virgin Islands that it would be necessary for the insular government to finance immediate expansion of the Corporation's power facilities. The Department proposed to reserve for this purpose $1 million of the internal revenue collections on products of the Virgin Islands imported into the United States; such collections are paid to the insular government as an annual grant pursuant to section 28(b) of the Revised Organic Act of the Virgin Islands, as amended (26 U.S.C. 7652(b)). The $1 million was expected to cover the costs of (1) purchasing a 3,000-kilowatt diesel generating unit for the island of St. Croix and (2) preparing plans and specifications for a 5,000-kilowatt steam generating unit for the island of St. Thomas.

The Department's proposal, however, was not implemented after the President of the Corporation announced that substantial earnings had been realized from fiscal year 1963 operations. Instead, the Board of Directors voted to spend about $600,000 of corporate funds to acquire the 3,000-kilowatt diesel generating unit for St. Croix; this action was taken at the same meeting at which it was decided to declare the power and water facilities excess. In addition, the board authorized the expansion of salt water distillation facilities at an estimated cost of $200,000, an amount earlier provided for this purpose by the Supplemental Appropriation Act, 1963, approved May 17, 1963.

Inasmuch as the board voted to declare the power and water facilities excess, as part of the process of transferring them to the Government of the Virgin Islands, we believe that the board should have called on the insular government to finance the acquisition of a new generating unit for St. Croix and the expansion of the St. Thomas salt water distillation facilities.

In its comments on February 6, 1964, the Department of the Interior advised us that purchase of the generating unit had to be made promptly in the summer of 1963 and could not wait until the expected transfer of the power system to the local government in the spring or summer of 1964. The Department also pointed out that the Corporation still has the complete utility responsibility for the Virgin Islands and, in the interim pending transfer, should meet this responsibility to the best of its ability. The Department further stated that sale of the power system to the insular government remained a proposal, one which the Department hoped and expected to execute but still an event not absolutely certain to occur. The Department believed that it was not reasonable to expect a prospective buyer to begin to improve property before he is certain he will be the new owner. Favorable expected earnings for fiscal year 1964 were also cited as playing a part in the decision to proceed to order the new equipment, since the prospect of such earnings showed that the Corporation could fulfill its clear obligation to this extent.

For the following reasons we question the soundness of the position taken by the Department of the Interior on this matter:

1. It does not seem appropriate for the board of directors to authorize expenditures totaling about $600,000 for the purchase of a new generating unit after the Congress denied the Corporation an appropriation for this purpose.

2. The decision to spend corporate funds for a new generating unit will reduce the amount of funds which the Corporation could reasonably be expected to return to the Treasury in the period immediately following disposal of the power facilities.

3. The parties could have agreed that any funds contributed to the Corporation by the insular government to expand the power facilities would be returned in the event of their sale to a responsible private enterpriser.

Further, we noted that the insular government has acted to expand the power facilities even though their transfer from the Corporation has not yet been consummated. The Governor of the Virgin Islands stated on January 13, 1964, that he had invited four major manufacturers to submit proposals for a 7,500-kilowatt steam generating plant for St. Thomas and that he was preparing to award a contract for such a plant. The Governor stated also that delivery could be made 1 year after the date a contract is signed. In addition, it was announced in October 1963 that $1.5 million of the internal revenue collections available for expenditure by the Government of the Virgin Islands in fiscal year 1964, subject to approval by the Department of the Interior, had been reserved for financing acquisition and immediate expansion of the Corporation's power system. Accordingly, we believe that the Board should have called on the insular government to finance expansion of the facilities scheduled for transfer to it.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

Mr. HUMPHREY. Mr. President, will the Senator withhold his request until it can be determined whether other Senators wish to speak under the 3-minute limitation during the morning hour?

Mr. COOPER. I believe I should insist on the quorum call.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 229 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is present.

Is there further morning business?

DR. JAMES P. STEELE GIVES PATIENTS AIR-AGE CARE

Mr. McGOVERN. Mr. President, I have just read a most interesting account in Today's Health, of May 1964, entitled "Where Rural Patients Get Air-Age Care."

It is the story of Dr. James P. Steele, of Yankton, S. Dak., who has been making effective use of his pilot skill to give prompt medical care to patients in need in his area. On numerous occasions, Dr. Steele has flown other specialists to nearby hospitals, to provide care urgently needed by patients.

He says of himself:

> I'm just one of those lucky individuals who happens to be in a profession I love and, like many others, found I could help more ill people by flying to where they are.

Dr. Steele becomes president of the South Dakota Medical Society in June. He is also vice chairman of the Council of the American College of Radiology.

Mr. President, I ask unanimous consent that the article referred to be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Today's Health, May 1964]

WHERE RURAL PATIENTS GET AIR-AGE CARE

(By Howard G. Earl)

The call came slightly before 9 o'clock in the morning to Sacred Heart Hospital in Yankton, S. Dak. The voice on the telephone termed the case urgent. A woman was bleeding internally and her physicians wanted radiologic help to diagnose the ailment.

The woman was in Antelope Memorial Hospital in Neligh, Nebr., 80 miles away. But distance was no deterrent here. James P. Steele, M.D., director of the department of radiology at the hospital, prepared for immediate departure. He drove to the Yankton airport, boarded his private plane, and 40 minutes later was at the bedside of the stricken woman.

Technicians and nurses had prepared the patient for the X-ray examinations by the time Dr. Steele arrived, and after a suitable period of dark adaptation for his eyes, during which the doctor was able to obtain a history and perform a physical examination with her physician, the fluoroscopic and X-ray examination was begun.

The patient was found to have a bleeding ulcer. In consultation with the patient's doctor, a course of treatment was decided upon and started. Without air-age travel it is conceivable that the patient's condition could have remained undiagnosed long enough to have made the outcome much less fortunate.

Such occurrences are not unusual any more in any section of the United States. In fact, the number of doctors who use airplanes and even helicopters to reach their patients has grown so much in the last 10 years that there is a large organization called the flying physicians. This group of men and women use the speed and ease of the air age in innumerable ways to bring good medical care to the American public. The group is composed of doctors in all types of practice. Not only do they use their planes as a means of transportation to patients in outlying districts, but they use them also for many other diverse endeavors, such as transporting patients, relatives, and medications.

Many times the diagnosis and treatment of a patient's ailment is not so easily determined as in the case of Dr. Steele and the Neligh woman. Often Dr. Steele takes along specialists in other fields to give him help and consultation.

"Not every small hospital in the country," points out the doctor, "can make use of full-time specialty services and many of them do not need such full-time services. However, when the need does arise, it is urgent and everything that can be done to reduce the time between the onset of the patient's symptoms and the beginning of definite care is of great help."

Dramatic cases do not come Dr. Steele's way every day, although an airborne doctor is an exciting and glamorous picture to conjure in one's mind, and one that carries with it visions of hair raising experiences, lifesaving missions, adventure, and drama with every flight.

"There have been times," says Dr. Steele, "when the specialized diagnostic services probably have saved lives. We would prefer to say, though, that they have been a great benefit, and leave it there."

No doctor today can be completely trained and expert in every field of medicine. All doctors use the advice and help of other doctors. Even the specialists call upon others in their field and the general practitioners to help them with specific problems. The radiologist, through experience and specialized training in using a particular diagnostic medium, is called upon many times by all other branches of medicine to help in the diagnosis and treatment of patients.

Dr. Steele has been flying since 1941, but first started using a plane in his medical practice in 1952 when he was asked to provide periodic consulting visits to several hospitals in the area around his hometown of Yankton.

The first hospital requesting a program of radiological consultation was the Antelope Memorial Hospital in Neligh, Nebr. Next to join the group was St. Michael's Hospital in Tyndall, and then came Dakota Hospital in Vermillion, and Pioneer Memorial Hospital in Viborg, all in South Dakota. These hospitals range from 25 to 40 beds.

Dr. Steele pilots his Beech Travelaire himself, except when the weather demands instrument flying. Then he usually takes along a professional pilot, since instrument flying these days is just about a two-man job. An average visit enables him to see about 15 patients. At times he takes other specialists along. They also work as consultants to the physicians at the other hospitals. He keeps in daily contact with the other hospitals and physicians by telephone to discuss what the X-ray films have revealed and treatment recommended by himself and other specialists who may have been asked to review the cases.

Dr. Steele has no plans for adding more hospitals to his flying circuit. "However, like any physician," he explains, "we are ready to serve patients wherever they are whenever we can reach them."

Dr. Steele has used his plane several times to transport patients to larger medical centers for treatment that was not available because of the lack of necessary equipment in the smaller hospitals. Air transportation not only saves times but it is much easier on the patient in many instances.

"Last summer a group of the Sisters from one of our hospitals was involved in an automobile accident in which one of the Sisters was killed, and four were seriously injured," recalls Dr. Steele. "This took five of the nursing staff of seven from the small hospital and created an acute emergency for the patients in the hospital at the time."

The doctor took one of his own planes and a physician colleague piloted one of his, and the two of them not only transported the injured Sisters to larger hospitals for specialized treatment and care, but flew in nurses and other Sisters to take over the duties of the accident victims in the hospitals where they served.

"On various occasions we have flown blood, drugs, serums, and other supplies to hospitals as well as using my plane to pick up repair parts for vital hospital equipment," says Dr. Steele. "One night we had just started on a group of about 20 patients when the X-ray machine went out of order We called a repairman in a city some 100 miles away and by the time I could get in my plane and get to his hometown, he was at the airport waiting for me. Within 2 hours we were back at the problem site, the trouble repaired, and the examinations on the remaining patients were started."

It happened that two of the patients had serious diseases and treatment was instituted within 24 hours. "To say that this was lifesaving would probably be an overstatement," explains Dr. Steele, "but it certainly did speed up by days, or perhaps by even weeks, the finding of disease and decreased the amount of suffering of the patients."

The doctor reveals a scientific reluctance to cite categorically lifesaving episodes. He prefers to talk about some nerve-testing experiences in the air, although he never refers to them as dramatic encounters.

"Dramatic encounters?" exclaims Dr. Steele. "I do not believe in having such things in an airplane. I want to be an old pilot, not a bold one. We sometimes go up and turn around and come home again because of weather conditions. Occasionally, we must leave our plane at one of the towns and drive back to Yankton in a rented car."

The doctor thinks there are better places to find excitement than in an airplane. But he did reminisce about the time he was forced to land his plane in a sleet storm. He spent 2 hours pouring buckets of hot water over the wings and tail surfaces to keep them from getting coated with ice.

Dr. Steele believes that flying in and out of small airports isn't always the most nerve-settling experience. There are such things as coming in over telephone wires along the highway in strong, gusty winds, finding the airport runway full of gopher holes and landing on what looks like firm ground only to find that a heavy rain a few hours before had turned the runway into a sodden mud hole. This means the airplane stays on the ground until the sod dries sufficiently for a safe takeoff. Then there are times when there is so much snow that he cannot use his Travelaire and must take his small Cub plane equipped with skis.

Each of the hospitals serviced by Dr. Steele has its own X-ray equipment, although not so elaborate as the apparatus at Sacred Heart which is located just across the hall from the doctor's office. "Actually," says Dr. Steele, "there is not much in this line that is portable. The plane just carries us to the outlying hospitals where we examine the patients."

In addition to flying visits to the hospitals in his circuit where he does fluoroscopic examinations of the patients, films are mailed to Dr. Steele's office practically every other day for his interpretation. He dictates reports on these and mails them back to the senders usually within a matter of a few hours after their arrival at his office.

Air travel is timesaving for the doctor but it in no way implies that the radiologist has more leisure minutes in his day. It merely means he is able to see more patients because his planes fly him to four hospitals. Without a plane, he would be limited to practice at Sacred Heart in Yankton.

On the days when he flies, the doctor's schedule often begins upon his arrival at Sacred Heart at 8 in the morning and ends about 10 in the evening. On such a day he might work at the base hospital until noon, then fly to Tyndall to visit patients and return by 2 p.m. He may remain at Sacred Heart until 4 p.m., then fly to Neligh, returning to Sacred Heart about 9, and spend another hour or two in his office completing unfinished business.

A glance at Dr. Steele's office tells a great deal about the man. Small and comfortable, it is located midway down the corridor of the radiology wing of the hospital. Light boxes (illuminators) for studying X-rays line the west wall, evidencing the medical specialty of the man. At other places along the walls hang the documents which may be found in most physicians' offices. One is a diploma Dr. Steele received upon his graduation from the University of Louisville School of Medicine.

Another gives proof of his internship in the service of the U.S. Navy in 1943–44. Three others proclaim Dr. Steele's residency training periods in Louisville, St. Louis, and Ann Arbor.

The office appointments reveal another side of the radiologist—the side of the sportsman. Mounted on the north wall is the proud, colorful head of a pheasant, indicating the doctor's enthusiasm for hunting.

"I am an avid hunter," he admits. On a filing cabinet is a model boat. The doctor enjoys boating of all kinds and is particularly happy when guiding a sailboat over the waters of the lake created by Gavins Point Dam. Finally, model planes bespeak his love for flying.

"I do like to spend time with my family, too," says the doctor with a twinkle, evidencing that his family does play an important role in his busy life.

How much time there really is for family life is a matter of conjecture. In addition to his many duties directly connected with his profession, he is president-elect of the South Dakota Medical Society, and will become president in June. He also is vice chairman of the Council of the American College of Radiology.

Dr. Steele has his own summation of himself. He says: "I'm just one of those lucky individuals who happens to be in a profession I love and, like many others, found I could help more ill people by flying to where they are."

WISCONSIN LEGISLATIVE REAPPORTIONMENT

Mr. PROXMIRE. Mr. President, Gov. John Reynolds of Wisconsin has won the first State case in the Nation providing for legislative reapportionment by a State supreme court.

Governor Reynolds deserves great credit for winning the prime victory in the Nation on the State level for the principle that each man's vote should be equal.

Governor Reynolds' fight has been hotly contested every step of the way by a State legislature that fought furiously to maintain its historic prerogative to determine its own apportionment.

Governor Reynolds' fight has been won after literally years, beginning several years ago, prior to his election as Governor, when he started this battle for equal representation, as the State's attorney general.

The Governor's victory was won because of his stubborn and courageous refusal to abandon a tough cause that engendered obvious anger from a legislature on which the Governor had to rely for much of his program.

The Wisconsin State Supreme Court also deserves the esteem and gratitude of citizens throughout the Nation for blazing the way to equal votes for all citizens in State legislatures throughout this Nation.

A big reason for Governor Reynolds' smashing victory was his wise selection of brilliant young Madison Attorney Roland P. Day. Day fought this case before the supreme court on five principal issues, and won on every one, although each was hotly contested.

Mr. NELSON subsequently said: Mr. President, I wish to join my senior colleague [Mr. PROXMIRE] in commending the Governor of Wisconsin, Governor Reynolds, for successfully concluding the first prosecution of a reapportionment case to the supreme court of our State since the U.S. Supreme Court decision in the Tennessee case. The Governor is entitled to particular credit since he initiated the case, shortly after the U.S. Supreme Court decision, when he was the attorney general. He pursued and prosecuted the case to a successful conclusion, and Wisconsin became the first State to achieve its apportionment under the mandate of the State supreme court. It is unfortunate that it was necessary to go to court to achieve this apportionment, but I think it is fortunate that the principle has been established that our people are entitled to fair representation based upon population.

That precedent, I am sure, will henceforth assure us of proper and equal apportionment across the Nation. Wisconsin was a well-apportioned State in the first place. As of 1956, Wisconsin was the best legislative-apportioned State in the Nation, and ranked among the first half dozen, as of this date, prior to the Supreme Court decision. So the Governor, I believe, is entitled to particular credit for insisting that the letter of the Constitution be complied with. Despite the fact that we are one of the best apportioned States in the Nation, he insisted that the letter of the Constitution be complied with, and that we have the best possible apportionment under the Constitution.

NELSON REYNOLDS COMMISSION TO WISCONSIN STATE EFFICIENCY

Mr. PROXMIRE. Mr. President, my colleague, the junior Senator from Wisconsin [Mr. NELSON], conceived and instituted, when he was Governor of Wisconsin, a study of program budgeting for our State. Under his successor, Gov. John Reynolds, this has just reached fruition in Wisconsin, and has received the warm approval of Wisconsin newspapers. It could result in great economy and greatly improved efficiency.

I ask unanimous consent that an editorial entitled "New Budgeting Process To Better State Efficiency" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW BUDGETING PROCESS TO BETTER STATE EFFICIENCY

"Program budgeting" is a forbidding phrase full of meaning for taxpayers. It measures the cost of government, not in terms of payroll and supplies and equipment, but in terms of actual work done and service rendered and results obtained per dollar. It is the only way by which legislators, as well as concerned taxpayers, can really know what the State government is up to nowadays.

Its introduction this summer will be a major advance by Wisconsin in the cause of efficiency and an act of leadership. Despite its advocacy by all modern expert opinion, only three other States so far have caught up with the idea.

Legislators, of course, do not admit that they don't know what they are doing when they budget by traditional methods, but that is nearly the fact. Traditional emphasis is all on the portion by which an existing appropriation is proposed to be increased—on new employees, typewriters, etc., not on what present employees have been doing. An agency that says it can manage without an increase tends to escape budget review altogether. Thus any item that once gets into the budget is usually there to stay, regardless.

Traditionally, too, only general fund appropriations get scrutiny. An agency subsisting wholly or in part on segregated or revolving funds—its own or other revenues automatically reverting to it—or on Federal funds is off scot free to the extent of that support. Program budgeting will correct this by showing how all receipts from all sources are to be used and what results they will buy.

This development is a story of intelligent bipartisanship. It began with the business practices advisory committee, the task force of experts from private industry, mostly Republicans, that Democratic Governor Nelson recruited in 1959–61. The mainly Republican legislative study committee on efficiency and economy gave it a push in 1961–63.

Last year Democratic Governor Reynolds and the mostly Republican joint finance committee of the legislature both approved the concept. This year Reynolds directed the bureau of management in the department of administration, created by Nelson, to work out the system in detail and get ready to start using it. It is now ready.

QUALITY AND PRICE STABILIZATION

Mr. PROXMIRE. Mr. President, the Green Bay Press-Gazette, of Green Bay, Wisc., has published an excellent article entitled "Quality, Price Stabilization Is Being Cut Both Ways." The article was written by Ralph De Toledano. In the article, Mr. De Toledano endorses the quality stabilization bill. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Green Bay (Wis.) Press-Gazette]

QUALITY, PRICE STABILIZATION IS BEING CUT BOTH WAYS

(By Ralph De Toledano)

While the Congress writhes over the civil rights bill and the Nation squirms over Senator FULBRIGHT'S efforts to make over our foreign policy in Neville (Umbrella) Chamberlain's image, the committees on Capitol Hill are considering legislation which may affect the average citizen far more—at least in the pocketbook nerve.

Behind the scenes, the big wheels of Congress and the White House are trying to find a formula that will make the pending quality stabilization bill suddenly disappear. The measure presents great problems to a politically oriented administration. On the one hand, to slip in the sharp shaft will lose much support for President Johnson. On the other, outright espousal runs into a wall of uninformed prejudice which the demagogs can use to great advantage.

For those who came in late, quality stabilization will give a new lease on life to the Nation's small businessmen and independent merchants. It will make things far more difficult for the discount houses which today are rapidly approaching the monopoly stage. On an arithmetical basis, there would be no problem if these were the only facts. But carefully planted propaganda has convinced the legislators that quality stabilization will raise prices and hurt the consumer. If this is so, the case has never been properly argued—at least not to my satisfaction—but this makes little difference. What counts on Capitol Hill, as I have often noted, is not the reality but the appearance.

REVELRY WOULD BE SHORT

If the entire economy is jeopardized by price wars, the consumer may briefly have a period of shopping revelry. But no one gets something for nothing. A blow to the economy always hits the consumer in the small of his wallet. Prices may temporarily be lower, but not so low as income. The unemployed have little chance to enjoy a bargain—as many of us learned in the great depression years.

The administration counts noses instead of benefits. It is convinced that by favoring the discount houses it will win votes come November. The small merchants, however, also vote—which is why such certified liberals as Senator HUBERT HUMPHREY are bucking the administration in their efforts to bring about passage of a quality stabilization bill aimed at protecting the economy and guaranteeing to the consumer a dollar's worth of goods for a dollar spent.

That this problem of the small merchant—the backbone of the private enterprise system—the monopolist, and the consumer is not strictly American can be seen in the dispatches from overseas. The British are attempting to cope with it, and running into as much demagoguery as we are. Prime Minister Douglas-Home is facing a revolt within his party and paradoxically an assault from the Laborites in his efforts to slip the knife into 300,000 small British merchants by opening the door to discount houses.

AIMS QUESTIONED

Why the P.M. should be so busily at work undermining British ways of business is a question to be posed by the Mad Hatter. Obviously, he believes there are more votes to be won by posing as an advocate of lower prices than by maintaining a system which has helped keep Britain relatively solvent and acted as a restraining force on the nationalizers and the Socialists.

Some U.S. correspondents in England have reported the battle there as one in which the nasty manufacturers, seeking to dictate high prices, are pitted against the noble retailers, who will be able to lower prices. The Douglas-Home measure before the House of Commons simply offers Great Britain the kind of shoddy business practices which compel the housewife to be a one-woman bureau of standards and comparison shopper if she wants to get value received for money spent.

This, of course, does not apply to all discount houses. But by and large, the rule has become one of caveat emptor—let the buyer beware, in old Roman days.

History has moved ahead. It may be that the quality stabilization bill is not all that its proponents say. But it enforces a degree of responsibility on the merchandiser, the retailer, and the discounter. What it says, in effect, is that brand-labeled goods must be uniform in quality whether purchased at your neighborhood store or at a superdiscounter.

RUMANIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, Rumanians celebrate May 9 as their Independence Day.

In 1881, Rumania became a kingdom, taking its place among the powers of Europe. While this day is not celebrated today in Rumania, which is controlled by the Soviet Union, I believe it appropriate that we recognize it as another day commemorating the spirit and traditions of freedom.

The Rumanians constitute one of the largest of all ethnic groups in the Balkan Peninsula. They have lived in their historic homeland since time immemorial, and for centuries they have had to defend their homes against invaders and conquerors. They have also had to struggle hard and ceaselessly for their freedom and independence. Since the end of the Middle Ages, they had faced some formidable and fierce adversaries. Considering the forbidding conditions under which they faced these foes, they did well; but early in modern times the invincible forces of the Ottoman Turks overran their country. Thus conquered, the people of Rumania were subjected to the oppressive Turkish rule, which they had to endure for four centuries.

But they never lost sight of their national goal, their freedom and independence. In the first part of the 1800's, they staged several revolts; but each time they fell short of their goal, and were ruthlessly punished for their attempts to free themselves. But in the middle of the century the Crimean War—1853–56—provided them with a welcome opportunity.

At the conclusion of that war, in 1856, the Sultan of Turkey was pressed by European powers to allow the luxury of autonomous status in the two principalities in which they lived. But simple autonomy was not their goal; what the Rumanians wanted was full freedom and independence. So, under autonomous status, they continued their struggle.

During the Russo-Turkish War of 1877–78 they revolved against the Turks; and on May 19, 1877, the people of Rumania proclaimed their independence. The successful conclusion of that war in 1878, in which they fought on the side of the victorious Russians, guaranteed their freedom and independence.

That was more than fourscore years ago; and since then the Rumanians have had their ups and their downs. For a while, their country was prosperous, and they lived in peace; but at other times they were poverty stricken, and were robbed of their freedom. Unfortunately, the latter has been their lot since the end of the last war. Even before that struggle was over, their country was overrun by Soviet forces and its Government was undermined by Soviet agents. Before long, a Moscow-supported puppet government was installed, all opposition to this government was banned, and freedom of any kind was prohibited. For nearly 2 decades, Rumanians have been the Soviet Union's captive subjects—a helpless satellite nation behind the Iron Curtain. Fortunately, they are not despondent, even under such unenviable circumstances; and they still cling to their national ideals—freedom and independence. On the 87th anniversary of their Independence Day, let us hope for their freedom from Communist tyranny.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The hour designated for morning business has expired, under the provisions of the unanimous-consent agreement for that purpose, which reads as follows:

Ordered, That there be a morning hour wherein statements will be limited to 3 minutes, and that the morning hour will be in operation for 1 hour, but that that period may be further extended by the majority leader and/or the minority leader at the end of 1 hour, if, at that time, other Senators are waiting to be heard for the morning business: *Provided, further*, That the morning hour period will not authorize the meeting of committees under rule XXV.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended, because other Senators are waiting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEADERSHIP QUALITIES OF PRESIDENT JOHNSON

Mr. CLARK. Mr. President, the leadership qualities of President Johnson are being increasingly recognized by the press throughout the Nation.

I hold in my hand four editorials. One of them was published in the Philadelphia Inquirer of April 18. It is entitled "Honoring 121 High-School Seniors"; and it pays tribute to the President for his activities in connection with high-school seniors and education.

The second editorial was published in the New York Journal-American; it deals with President Johnson's leadership in the field of poverty.

The third and fourth editorials are from the Nashville Tennessean. The first deals with President Johnson's leadership in the railroad strike. The second editorial deals with the helping hand President Johnson has held out to Appalachia, which includes a substantial part of my State.

I ask unanimous consent that these editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, Apr. 18, 1964]

Honoring 121 High School Seniors

President Johnson's action in setting up a system to honor outstanding scholars graduating from secondary schools—public and private—represents a commendable recognition of the desirability of providing additional incentives and rewards for academic achievement.

The Inquirer shares the President's belief that the Federal Government can perform a valuable role in formally recognizing high school scholars—and those in institutions of higher education as well. In this case the honor will be enormously enhanced by the relatively small number of students—121—who may qualify each year.

No monetary award is to be given, but the winners—the first group of whom are to be named next month by a Presidential commission—will be invited to the White House to receive a medallion. We believe that the idea is an attractive one which should, perhaps be expanded substantially in the future. High school youngsters are already honored for their scholarship by the National Honor Society and by various other awards distributed both on a local and national scale.

We hope that the President and his advisers will consider the program—in its present form—as a basis for a broad system of educational incentives and honors, some of which may be awarded each year in every first-rate school district in the country.

Meanwhile, high school seniors, their parents, and the Nation will await eagerly announcement of the first Presidential scholars. They will be a truly select and highly honored group.

[From the New York Journal-American, Apr. 28, 1964]

Target: Poverty

President Johnson has fired a big opening salvo on the "war on poverty" by requesting Congress to appropriate $1 billion for aid to the depressed Appalachia region.

Congress should react to the request with the urgency it merits.

Anyone who has visited the lovely valleys of Appalachia and witnessed the economic misery of its proud mountain folk must surely appreciate the need for swift and effective action to revitalize the area.

It is equally true there are other regions, notably in the blighted areas of our larger cities where similar action is badly needed. But Appalachia is as good a place to start the "war" as any, and perhaps what is done there would provide a model for antipoverty measures in other stricken areas.

The President wants the money—$220 million of it in the coming fiscal year—for road building, worker reeducation and training, medical care, powerplants, and research for new uses of coal. He should get it.

[From the Nashville Tennessean, Apr. 21, 1964]

President Shows How Leadership Can Prevail

In being able to announce an agreement between railroads and their operating unions, President Johnson has again demonstrated remarkable talent for getting things done. The country is properly grateful for his efforts to avert a national rail strike.

When the President decided to intervene, there were those who counseled him that agreement in the 4½ year controversy was impossible; that the Chief Executive would only lose face, and that the time limit he asked of both sides was far too short.

But President Johnson is a firm believer that reasonable men can resolve any differences if they try hard enough, and he used his great skill as a persuasive and conciliatory leader to get both sides down to marathon talks on the thorny issues which have thwarted countless previous sessions.

After 13 days of White House bargaining—7 less than the President had been promised—the two sides reached accord on agreements the Chief Executive called "just and fair." The terms, he said, take account of the modernization necessary for railroads to survive and prosper, and they take account of the human needs and human aspirations which are affected by technological progress.

The 4½ year chronology of the work rules dispute has made gloomy reading. At the time the President stepped in, pessimism was almost universal that the processes of collective bargaining in the rail industry were weakened beyond repair and that there almost certainly would be a railroad strike which would wreak vast damage on all concerned.

Now, the impossible has been made possible. The President and all parties to the dispute have acted in high responsibility and with a great degree of concern for the public interest.

It remains for the agreement to be put into contract terms. Then the members of the five operating brotherhoods must ratify the agreements. It is most earnestly hoped that ratification will follow as a matter of continuing responsibility—that having come this far, the two sides can finally mark an ending to this long chapter of conflict on work rules.

The final agreement represents compromise on the part of both sides, and while there may be those who wish for more, or less, it is, as the President said, a fair agreement. Both parties can honorably support it as far, far better than the alternative.

A long, bitter and costly railroad strike would have done vast damage to the national economy, to the railroads, and to the operating unions. In this event the specter of Government imposed solution would have been immediately raised, and the future of collective bargaining would have been seriously impaired.

A practical and beneficial way has been found to avoid the alternative. For this the country can breathe a sigh of relief and applaud the determination of the President to tackle the impossible in search of solution. This is leadership of the most effective kind.

[From the Nashville Tennessean, Apr. 26, 1964]

President Offers a Hand of Help to Appalachia

President Johnson was reported as deeply moved by the grinding poverty which he saw on his trip Friday into the Appalachian region. He immediately asserted he will ask Congress next week for a $1 billion long-range aid plan for Appalachia.

The commitment to Appalachia as a part of the President's fight on poverty generally is a welcome one. The House is now considering the administration's omnibus bill which calls for a fiscal year appropriation of $962.5 million for the war on poverty. Various other measures are in the works to provide for resource development in which the regions could share.

It was noted during the President's visit into the Kentucky area that nobody was asking for handouts. "They have so little to build with, but they seem determined to be sef-reliant," said Labor Secretary Willard Wirtz who accompanied the President.

That is the keynote to the problem. While the region has the natural advantages which could become the base for a thriving industrial complex, it lacks the means to capitalize on these natural endowments. Much of the Appalachian region is isolated and remote insofar as transportation is concerned. It needs development of roads and waterways. It needs facilities to control and exploit an overabundant rainfall. It needs economical power in sufficient quantities to support industry.

If these things can be accomplished, programs to use more fully the region's great natural resources—coal, timber, and arable land—and its great human resources will follow as a matter of course.

A major job of physical surgery will have to be done on the region to make it accessible to private enterprise which, in the long run, will be the source of the new jobs which are needed.

The people of the Appalachian region are a proud people who would be self-reliant if they could; who look upon the dole as a basic matter of survival, not a choice. The vast majority would work if jobs were available.

A Marshall plan for putting the region on its economic feet is a welcome step. Pumping vitality into the region will not be accomplished overnight. But a long journey starts with a step, and Congress should provide the means without delay, to provide for a decent level of human existence and then concentrate on the long-range steps necessary to solve the region's basic illness.

Appalachia can become a participant in the Nation's economic growth only if it is provided with the means for capitalizing on its own resources, natural and human.

President Johnson has advanced the hopes that the region will soon be sharing from a national investment in opportunity which will provide tools for the job of growth and the salvage of a resource—humanity.

RUSSIANS AND MISSILE INSTALLATIONS IN CUBA

Mr. DOMINICK. Mr. President, a short time ago the newspapers carried articles—from "highly informed sources" in the administration—stating that the Russians were about to leave Cuba, were turning over to the Cubans the installations of missiles, and were removing from Cuba the more sophisticated variety of surface-to-air missiles. No supporting evidence for those statements was given; and substantial evidence indicates that those statements constitute wishful thinking, rather than factual information.

A recent article, written by a highly qualified columnist, Virginia Prewett, bears out this inconsistency, and points out that the Russians, instead of leaving Cuba, are remaining; that more Russians are entering Cuba; and that, instead of pulling the missiles out of Cuba, they have simply been shifted to other locations.

Because the article bears so directly on this situation, I ask unanimous consent that it be printed in the Record.

The article is entitled "Soviet Exit in Cuba Still Is Unconfirmed."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Rocky Mountain News, May 7, 1964]

Soviet Exit in Cuba Still Is Unconfirmed

(By Virginia Prewett)

No evidence of the Russian military and missile withdrawals from Cuba hinted this week by Washington officials can be confirmed among Cuban eyewitness informants.

The Pentagon on Monday also refused to confirm the hints, it is learned.

Rather than withdrawing its antiaircraft missiles from Cuba, the Russians have recently taken five shiploads of shallow-draft vessels loaded with them from the island of Cuba itself to the Isle of Pines, Cuba's prison island 25 miles south of Cuba proper. This is learned from the U.S. Citizens Committee for a Free Cuba, which confirmed its information from direct sources that include 18 Cuban eyewitness escapees during late April.

The U.S. State Department and other Washington official sources have been leaking hints that Russia is withdrawing its military forces and missiles from Cuba as a prod to Russia to do just that, in the opinion of observers here.

With rumors rife of an internal explosion against Castro due in May the U.S. State Department is exceedingly nervous lest the Cuban people should erupt before the Russians get out, say this source. The United States is committed to intervene in any "Cuban Hungary," it is recalled.

The Russian missiles were taken to Nueva Gerona, on the Isle of Pines' Bay of Siguanea. This area is "under ironclad Russian control," according to Paul D. Bethel, executive secretary of the Citizens Committee for a Free Cuba. The island has few Cuban inhabitants outside the big political prisons. Russia can build a Caribbean Gibraltar there.

"If the Russians mean to remove the missiles, taking them first to the Isle of Pines makes no sense whatever," says Bethel, "Russia's ocean-going vessels cannot dock in the shallow water around the small island. The missiles would have to be lightered to the Russian ocean freighters, an absurdity when they could have been loaded directly at Port Mariel, the big military port near Havana."

The Citizens Committee for a Free Cuba has verified the following information:

Russian and Polish military personnel have come to Cuba in the past few months. The Russians have continued, even stepped up military construction, especially on the coast north of Havana, where heavy electric or electronic equipment has been installed.

Large quantities of new Russian military equipment have arrived through Port Mariel in the past 2 months. Convoys of as many as 100 trailer trucks carrying 90 tons of materiel each have speeded it to Havana, to Nuevitas, in central Cuba, and to sites in eastern Cuba, near the U.S. naval base at Guantanamo Bay.

Mr. DOMINICK. Mr. President, I suggest that it is time for the administration to give the full facts in regard to Cuban armament; the degree of Russian control; the amount being expended by Castro and his bandits to export subversion to other countries; the number of students of other countries being trained in guerrilla warfare, in schools operated by Cubans, and located in Cuba; the volume of arms exported to other countries; and other information important in connection with permitting the American people to know the full menace which Castro and his fellow Communists pose, not only to us, but also to the entire free world.

As another example of the apparent effort of the Defense Department to keep our country in confusion as to the menace we face from communism, I ask unanimous consent to have printed at this point in the Record an article entitled "Seven Hundred Overlooked—Russ Bomber Total Doubted." The article was written by Dan Partner, a highly capable and qualified staff writer for the Denver Post, and was published in the Denver Post on April 23, 1964. Two of the significant statements in the article are as follows:

> The Defense Department countered with statistics that, apparently by design, overlooked some 700 Russian bombers.
>
> Nor is there an estimate of the number of bombers that could attack U.S. targets on one-way missions and then fly on to foreign bases—in Cuba, for example.

There being no objection, the article was ordered to be printed in the Record, as follows:

Seven Hundred Overlooked: Russ Bomber Total Doubted

(The following interpretive article by the Denver Post's military affairs analyst discloses that the U.S. Defense Department has overlooked some 700 Russian bombers in its recent estimate of Soviet air strength.)

(By Dan Partner)

The true strength of the Russian bomber fleet, known only in the Kremlin, has become part of a major political issue in the United States, to the confusion of the citizenry.

In a slap at Gen. Curtis LeMay last week, the U.S. Defense Department downgraded the Soviet air force in announcing figures comparing the relative strategic strength of the United States and Russia.

The Air Force Chief of Staff has told a House subcommittee the United States definitely was superior, but not as superior as it was a few years ago. Russia, he said, is narrowing the gap.

The Defense Department countered with statistics that, apparently by design, overlooked some 700 Russian bombers.

In its statement last Tuesday, the department said the United States has 540 strategic bombers "maintained constantly on alert which could take off and fly to their targets in the face of a surprise missile attack."

"In contrast, it is estimated the Soviets could place over this country, on two-way missions, no more than approximately 120 heavy bombers plus perhaps an additional 150 medium bombers, the targets for which would be limited to Alaska and the northwest areas of the United States," the statement read.

At first glance, this evaluation appears to be far below that of the North American Air Defense Command, the triservice organization which teams with Canada to provide detection and defense for North America against manned bombers.

NORAD briefing officers at the Colorado Springs headquarters long have estimated the Soviet bombers at 1,000, a figure considered conservative and one approved by the Department of Defense for public consumption.

The highly regarded Institute for Strategic Studies, London, estimates the Soviet strategic striking power at 1,590 long-range and medium-range bombers. In its 1963–64 edition of "The Military Balance," the Institute reports that as of October 1963 the Russians had 70 four-engine turboprop Bears; 120 four-jet Bisons; and 1,400 twin-jet Badgers, 400 of which were assigned to the Russian Navy.

The distortion in numbers apparently is the result of the Defense Department's limitation of the threat to Soviet aircraft capable of making "two-way missions." This is interpreted to mean that the 270 invading bombers could reach their targets and then return to their home bases.

The statement minimizing the threat fails to mention the number of bombers which could be refueled in flight. Nor is there an estimate of the number of bombers that could attack U.S. targets on one-way missions and then fly on to foreign bases—in Cuba, for example.

The addition of these bombers could more than double the estimate of 270 made in the April 14 statement.

If Russian bombers can reach only targets in Alaska and the Northwest, the United States is wasting billions of dollars maintaining missile and aircraft bases designed to protect major metropolitan centers in the eastern portion of the country.

Air defense installations in the East and Northeast, which actually are stronger than those in the West and Northwest, include Nike-Hercules and Bomarc ground-to-air missiles and jet fighter-interceptor aircraft.

In addition to these defenses, NORAD long has sought a new manned interceptor to meet the threat of improvements in Soviet bomber fleet—such as the air-to-ground missile.

The Russian bombers carry missiles, similar to the Hound Dog carried by U.S. Strategic Air Command B–52's, with a range of more than 300 miles. An extension of that range would put them out of reach of today's air defense weapons—the bombers could launch their missiles at defensive installations and then move in to bomb the prime targets.

NORAD wants a fighter that can fly 3 times the speed of sound and with a combat radius of 1,000 miles or more to get at the standoff bombers before they can fire their missiles.

PASS CIVIL RIGHTS BILL WITHOUT MAJOR CHANGES

Mr. YOUNG of Ohio. Mr. President, for approximately 2 months now the Senate has been considering civil rights legislation. The issues have been fully and fairly debated and all Senators have been given ample opportunity to express their views during the past 8 weeks or longer.

Much important business of the Government has come to a halt because of the seemingly unending debate on this bill in the Senate. Needed appropriation bills are being held back because of this debate. We, who are Senators of the United States, must exercise our responsibility to millions of Americans and get down to the business of voting on this important legislation. I, for one, fervently hope that this can be done without the necessity for invoking cloture. However, if this cannot be, then I strongly urge leaders on both sides of the aisle to immediately take steps toward closing extended debate so that the Senate may have the opportunity to express its will in this vital matter—one of the most important pieces of proposed domestic legislation to come before the Senate in many years.

There are many amendments to be voted on and each of them should be thoroughly considered. However, I fervently hope that the Senate will pass the bill without major changes. There just cannot be any compromise on civil rights. There is nothing immoderate, arbitrary, or dictatorial in providing a comprehensive civil rights law.

Mr. President, I assert that right now, today, I am ready to vote for cloture. I feel that it would be definitely in the public interest and for the general welfare of citizens of our Nation were a resolution for cloture to be offered and voted on without much, if any, further delay.

Mr. President, WRFD radio and WRFD–AM radio in Worthington, Ohio, one of Ohio's famed radio stations, recently broadcast an editorial entitled "Pass Civil Rights Bill Without Major Changes." I believe this excellent editorial concisely states the case for this legislation and for the necessity of voting on it as soon as possible. I commend it to my colleagues and ask unanimous consent that it be printed at this point in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PASS CIVIL RIGHTS BILL WITHOUT MAJOR CHANGES

Seven weeks and some 4 million words have passed since the civil rights bill was called up for debate in the Senate and the heated parliamentary battle we have been witnessing proves one point. We need more rational analysis of this far-reaching measure and less emotional argument.

Viewed without emotion, certain points are clear. The measure now being debated is not a totalitarian bill * * * and it is unfair of opponents to stigmatize it with this description. Nor is it a final answer to our Nation's serious and longstanding racial problem. But the bill is a major effort to extend to America's 20 million Negroes the rights enjoyed by the white majority, and to do so by legal means.

For all its length and complexity, the bill is not impossible to understand. It seeks to assure rights in clearly defined areas.

Voting is one area. The bill would prohibit discrimination against Negroes seeking to register and vote in Federal elections. For the record, many States have stronger, much broader laws and Ohio is one. The State constitution assures all citizens voting rights in local, State, and Federal elections.

In the area of employment, the civil rights bill would outlaw racial discrimination on the job. It would grant the Negro equality of opportunity, not preferential treatment. This section of the bill requires that companies and unions treat workers of both races on the same basis. It does not require a hiring policy to achieve a racial balance. Here again, much the same law is already in effect here in Ohio.

The controversial section dealing with public accommodations would prohibit discrimination by businesses whose operations affect interstate commerce or whose practices of discrimination are supported by State laws, local ordinances or custom. This section says, in effect, that a business open to the public is open to all the public. It denies the power to discriminate. A similar law already prevails here in Ohio.

The civil rights bill would also permit a cutoff of Federal funds to any program discriminating against Negroes. But it would not threaten individuals with the loss of social security or veterans' benefits if they, as individuals, chose to discriminate.

The bill would grant the Attorney General more power to move in school segregation cases, but it would not force the busing of students from one neighborhood to another to eliminate alleged de facto segregation. The law, as now written, specifically rules out Federal action in this area.

The bill would not limit the right of an individual to sell or rent his home to anyone he chose, even if the home is covered by an FHA or VA-insured loan. But it would apply to the small group of veterans who financed their homes with money borrowed directly from the Veterans' Administration.

Under the proposed bill, an individual could be sent to jail without a jury trial for disobeying a court order directing him to comply with the law. But the same thing can happen in any case of criminal contempt, so the civil rights measure is not taking away any right which now exists.

In short, the civil rights bill is not the ominous threat to liberty that opponents claim it to be. It covers clearly defined areas, and it seeks to gain for Negroes only those rights already enjoyed by other Americans. In many instances, it is actually weaker than State laws already in effect. Such a law can hardly be branded totalitarian.

Perhaps it is regrettable that we need a civil rights bill; that we must, at this late date, create a law guaranteeing to a minority rights they should enjoy without special protection. But a look at the record proves the need. Negroes have been denied rights in each of the areas covered by the bill; they are entitled to those rights; and the Federal Government has a responsibility to act. Through the bill, it seeks only to outlaw the unjust power to discriminate.

Given this fact, we urge prompt action by the U.S. Senate. There has been ample time to talk and we have heard millions of words. Now it is time for the Senate to begin voting—which is the real business of a legislative body—and to pass the civil rights bill without major change.

GRAIN SHIPMENTS TO AUSTRIA

Mr. WILLIAMS of Delaware. Mr. President, on May 20, 1963, I brought to the attention of the Senate the fact that 40 million bushels of grain had been shipped to Austria under Public Law 480 and that 24 million bushels of that amount had never reached its destination but had been diverted elsewhere.

This grain had been sold to Austria at greatly reduced prices as a part of our aid program.

I made the charge then that 24 million bushels, or about $32 million in value, had been sold in Western Europe for dollars.

This resulted in a multimillion-dollar windfall for someone, and I said that this illegal diversion could not have happened without the knowledge of some Americans.

After that statement, various departments insisted that the transaction had been properly handled and that no American public officials or grain dealers were involved. I took exception to that statement and insisted that a further examination be made.

I ask unanimous consent that there be printed at this point in the RECORD a letter from the Inspector General confirming that the shortage did exist and that the case has been referred to the Department of Justice, and further that an article published in an issue of this week of the Wall Street Journal confirming the evidence now being presented to the jury also be printed in the RECORD.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
INSPECTOR GENERAL, FOREIGN ASSISTANCE,
Washington, D.C., January 29, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: On December 5, 1963, I sent you a copy of the latest joint Agriculture-State investigative report on the diverted Austrian feed grains.

I am now enclosing another report on this matter which we sent to the Department of Justice on January 24, 1964.

Sincerely yours,

J. K. MANSFIELD.

[From the Wall Street Journal, May 15, 1964]

COURT SUBPENAS GRAIN EXPORTERS' RECORDS ON DIVERTED 1959–62 SHIPMENTS TO AUSTRIA

WASHINGTON.—A Federal district court in New York has ordered major U.S. grain exporters to produce all their records relating to diverted shipments of Government-owned grains destined for Austria in 1959 through 1962.

Trade sources said the Government is trying to find out whether the U.S. exporters helped European importers sidetrack the grain and reap windfall profits for all. The diverted grain totaled around 568,428 metric tons of mostly corn and barley valued at about $30 million.

The exporters include five New York concerns: Bunge Corp., Louis Dreyfus Corp., Continental Grain Co., Garnac Grain Co. and Alfred G. Toepher (also of Hamburg, Germany). Also included are Cargill, Inc., of Minneapolis, and C. B. Fox Co. of New Orleans.

The subpenas were issued beginning last week; some of the exporters are to furnish the records today, others tomorrow and Friday.

It's understood the Agriculture, State, and Justice Departments forwarded results of their investigations of the grain diversion to the New York court about 2 months ago.

All the exporters acknowledged their records had been subpenaed. "I cannot supply the records," said an official of one company. "I would need a truck to move them; if they want, they can put me on the stand." But other concerns said they'd have the records in court on time.

A spokesman for C. B. Fox Co. said his company's subpena specified no date. Furthermore, not all the wanted records have been preserved, he said. "We thought this investigation was all over and that we had been given a clean bill of health," he explained, though "we'll be glad to supply all we have."

The grain diversions occurred from 1959 through 1962, an exhaustive Agriculture Department investigation concluded, and all but less than 2,000 tons has been traced. Instead of being shipped to dollar-short Austria as ordered, the Government-owned grain was diverted to other, richer West European markets, such as West Germany, where an expanding livestock industry holds feed grain prices high.

The diverted grain was to be shipped to Austria under a federally financed barter program that swaps U.S. farm surpluses for defense stockpile minerals and materials produced abroad.

The grain destined for Austria was part of $220 million of American farm commodities, mostly wheat and feed grains, shipped to various countries under 106 barter contracts. Of the total, about $53 million of grain was consigned to Austria; of this, about $30 million never got there.

The Government contends it received all the stockpile materials it contracted for in the 106 agreements and that there has been no loss of Federal money. Nevertheless, U.S. officials are probing to see whether any Federal laws were violated.

The Agriculture Department discovered that the grain had been diverted from the Austrian destinations in 1962 while reviewing records. The review was aimed at paving the way for another barter transaction with Austria. After months of trying to account for inconsistencies in the records, an inquiry was launched by the Department last January.

As a result, at least four Austrian grain importers have been charged by the Austrian Government with violations of Austrian law, and two others are suspected of complicity, according to a House Appropriations Committee report based on Agriculture Department findings.

"Investigation clearly shows that West German grain importers conspired to obtain the diverted grain and at least one of these importers is conclusively identified," the committee report said. It didn't name any firms.

The conspiracy was hatched, the committee study went on, because West Germany wasn't eligible to receive feed grains under the barter program. "These German importers were motivated to obtain the grains at the lower prices available under the barter program," the report said.

Mr. WILLIAMS of Delaware. I am glad to note that the Department of Justice and the various agencies of Government, even though they appeared to be very reluctant to handle the problem in the beginning, are at last beginning to take appropriate action to hold accountable those who are responsible for this shortage.

It was absurd for anyone to have tried to claim that 24 million bushels of grain could be lost without some of the officials or grain dealers being aware of it.

INVITATION TO HAVE BATTLESHIP "MISSOURI" SERVE AS GUEST OF HONOR FOR SEAFAIR OBSERVANCE

Mr. MAGNUSON. Mr. President, Seattle has extended an invitation to a historic lady to be its guest of honor for the Seafair observance in early August.

I refer to the memorable and mighty battleship *Missouri*, now berthed across Puget Sound, at our Navy Yard in Bremerton. She has been open to visitors there, and will be again, once her role of taking part in Seafair, at Seattle, has been concluded.

This newest honor for the *Missouri*, which already has done so much for the United States and the rest of the free world, is predicated upon agreement by the Secretary of Navy that she can and should be the guest of honor in Seattle.

I have written to Secretary Nitze, urging acceptance of this invitation, extended through the editorials and news stories carried in the Seattle Post-Intelligencer and Marine Digest.

I ask unanimous consent that the editorials and the article be reprinted at this point in the CONGRESSIONAL RECORD.

There being no objection, the editorials and the article were ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Apr. 23, 1964]

WHY NOT "MIGHTY MO"?

The Navy reports that it is having difficulty finding an aircraft carrier available to serve as flagship to the 1964 Seafair fleet.

Under these circumstances, the Post-Intelligencer cannot think of a more suitable, more impressive focal point for U.S. Navy representation at this year's Seafair than the battleship U.S.S. *Missouri*.

Even if an aircraft carrier were available it would not be such an eminently suitable selection as the *"Mighty Mo."* In World War II this great ship became a symbol of American armed might. With signing of the Japanese surrender on her deck, she became a symbol of peace. In her honored retirement at the Puget Sound Naval Shipyard she has grown into a floating American shrine of the Great War.

There could be no better time to display this shrine here than in the year of the death of the great general who represented our country aboard her at the Japanese surrender.

We are not suggesting, of course, that the *Missouri* be recommissioned to sail into Seattle. We urge that the great, old ship be freed from her layup at Bremerton and gently shepherded by attending tugs along the 15½-mile route from her moorage to pier 91. At the conclusion of her Seafair display she should be escorted back to her Bremerton home.

We are confident that such exhibition here of the *"Mighty Mo"* would lend honor to the ship, impact to Seafair and inspiration to her visitors.

We also feel that her Seattle visit would focus such attention on her that our neighbor city of Bremerton would gain from the increased number of tourists and local people who would make the ferry pilgrimage later to stand on her decks.

The Post-Intelligencer recommends to the Navy and to Greater Seattle, Inc., that they join in a program to bring the battleship U.S.S. *Missouri* to our port for Seafair, 1964.

[From the Seattle Post-Intelligencer, Apr. 23, 1964]

SOUGHT FOR SEAFAIR: NO DIFFICULTIES SEEN IN TOW OF "BIG MO" HERE

(By Don Page)

The Navy should experience no technical difficulties in towing the battleship U.S.S. *Missouri* to Seattle as the star attraction of this year's Seafair fleet, a Seattle tugboat executive said yesterday.

Paul Pearson, vice president and Seattle general manager of the Foss Launch & Tug Co., suggested that the 888-foot battleship could be towed the 15½ miles from Bremerton to Seattle and back as part of a naval exercise. The Puget Sound Naval Shipyard has tugs that could handle such a tow.

Such an exercise might not be any more expensive, Pearson commented, than the flyovers of military planes that are approved routinely for many civil celebrations.

Since the start of Seattle's Seafair celebration, the Navy has cooperated with the dispatch of a Seafair flotilla to this port as its contribution to the pageantry of the event.

The Post-Intelligencer suggested April 23 that in this year of General MacArthur's death the ship where he accepted the surrender of Japan should be towed to pier 91 as the historic centerpiece of the Navy Seafair fleet. Greater Seattle, Inc., welcomed the proposal and announced plans to discuss it with the Navy. Navy authorities also are reported to be studying the proposal with interest.

[From the Marine Digest, May 2, 1964]

BRING THE "MIGHTY MO"

We like the Seattle Post-Intelligencer's proposal that the *"Mighty Mo,"* the battleship U.S.S. *Missouri*, be brought to pier 91 in Seattle as flagship of the 1964 Seafair.

The Navy reportedly is having trouble finding an aircraft carrier to serve as a flagship. The PI's point is well taken when it says it cannot think of a more suitable, more impressive focal point for U.S. Navy representation at this year's Seafair than the *Missouri*.

Little expense would be involved in the move. The *Missouri*, now at the Bremerton Naval Shipyard, is already opened and conditioned for visitors. Tugs could easily bring her across the sound to pier 91, with the event the occasion for an outstanding marine parade of pleasure and work craft.

As a symbol of peace and as a tribute to General MacArthur, who took the Japanese surrender aboard the *Missouri's* decks, the historic battleship would attract thousands of visitors.

We hope this program can be carried out.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed. The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment (No. 577) proposed by the Senator from Louisiana [Mr. LONG], to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. WILLIAMS of Delaware. Mr. President——

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware.

Mr. WILLIAMS of Delaware. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 230 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Miller
Monroney
Morse
Mundt
Muskie
Nelson
Neuberger
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del
Young, N. Dak.
Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. TALMADGE. Mr. President——

The **ACTING PRESIDENT** pro tempore. The Senator from Georgia is recognized.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], without affecting my rights to the floor in any way whatsoever, and without being charged with a second speech.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. I am glad to yield to the Senator from Illinois.

The **ACTING PRESIDENT** pro tempore. The Senate will be in order. Senators will take their seats.

Mr. DIRKSEN. Mr. President, first, I thank the distinguished Senator from Georgia for yielding time. Secondly, for purposes of the RECORD, I ask unanimous consent, if consent be required, with respect to any unresolved matters which developed parliamentarily and otherwise yesterday, that the status quo of any question and any related matters be preserved; that the right of the distinguished Senator from New Jersey [Mr. CASE] with respect to his request and his demand for an appeal be preserved unimpaired; that on his request at some future time he be permitted to raise the question that was raised; and that it shall become the business of the Senate until disposed of.

The **ACTING PRESIDENT** pro tempore. Is there objection?

Mr. MANSFIELD. Mr. President, I did not understand the latter part of the unanimous-consent request. As the Senator knows, there is pending before the Senate at the moment the civil rights bill. We hope to be able to dispose of that bill, without becoming involved for any length of time in other business.

Yesterday a special situation arose. At that time, thanks to the graciousness of the distinguished senior Senator from Florida [Mr. HOLLAND], and with the concurrence of the Senate as a whole, 40 minutes were devoted to a discussion of the resolution offered by the distinguished Senator from Delaware [Mr. WILLIAMS]. That was done, with the further understanding that at the end of that time H.R. 7152 would again become the pending business. It was further understood that at the end of the discussion on the Williams resolution it would be my intention to move to table the resolution; that if the tabling motion failed, the Senate would have an opportunity, I assume by a yea-and-nay vote, to vote on the Williams resolution itself, as amended, at that time.

Therefore, I would hope that if the Senate gives its consent to the unanimous-consent request of the distinguished minority leader, Senators will keep in mind that the pending business is the civil rights bill, and that there will be some kind of time limitation imposed, so that this important legislation, the civil rights bill, would not be displaced for any considerable period of time.

Mr. DIRKSEN. Mr. President, in general response to the distinguished majority leader, I might say, first, that the distinguished Senator from New Jersey may or may not wish to revive the discussion of the unresolved questions. Second, everyone knows his deep and abiding interest in the pending civil rights bill. I am quite confident that there would be no abuse of time. If, however, the Senator from New Jersey wishes to suggest a time limitation, that will be perfectly agreeable to me.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I should like to offer a suggestion. If and when the question is raised, I suggest that at that time serious consideration be given to a time limitation in connection with the unanimous-consent request, because of the situation in which we find ourselves concerning the pending business. If the Senator would deviate from an open end agreement to that extent, I believe it would serve the best interests of all Senators in the consideration of the pending business.

Mr. DIRKSEN. I shall abide by any suggestion made by the distinguished Senator from New Jersey.

I believe I ought to add to my request that he ought to give ample opportunity, by way of notice to the majority leader, as to when he expects to call these matters up for consideration, if he does.

Mr. CASE. Mr. President, reserving the right to object, in the first place, I do not believe any Senator need be concerned about my desire to make progress with the civil rights debate and the consideration of the pending business. It is pretty well known that I am eager to dispose of it as early and as effectively as possible. Furthermore, I have no desire to speak at great length on any matter that may be brought up.

I am a little reluctant, however, to consent to any agreement for a limitation of time, in view of the complications under the present status of the rules, in which a Senator might become involved.

If it is thought that an open end agreement would be abused, I offer as the best evidence to the contrary not only my word, but also my known record of my desire to get on with the civil rights business. That record is equal to that of any other Senator. I have no reason to be anything but cooperative.

I should be happy to dispose of the question now. However, I understand that the Parliamentarian is preparing a statement about what occurred yesterday. Therefore, I do not wish to rush the situation.

I believe that all Senators, in the cooler light of the day after, are in a better position to dispose of the controversy. It has involvements. It affects limitations on time. It affects the attitude of certain Senators toward the bill. Senators have said to me that they are seriously considering not voting for cloture because of the implications that have been raised with respect to the right of a Senator under the Senate rules. This is a very serious matter. I hope that we may be able to leave the question open, and that a time agreeable to the majority and minority leaders will be set, upon receipt of notice from me.

Mr. MANSFIELD. Mr. President, reserving the right to object, there is much merit in what the distinguished Senator from New Jersey has said. However, I point out to him that he and I are only two Senators; and that other Senators, who may not be present today, may or may not have divergent views. The Senator is correct when he states that the Parliamentarian has been requested to prepare a statement, to try to bring this controversy to a more understandable conclusion so far as the Senate as a whole is concerned. It is my understanding that the Parliamentarian is working on that statement today. I hope it will be forthcoming before too long. The question is a difficult one, and I believe a solution of the situation which developed yesterday should be made perfectly clear to the membership as a whole.

With the understanding that we might get into some difficulties with an open end unanimous-consent request, but with the assurances of the Senator from New Jersey that he desires it that way, I am willing to go along with him, if the rest of the Senate is.

Mr. SCOTT. Mr. President, reserving the right to object—and I do not intend to object—I hope that the matter of full and free time of discussion will be borne in mind as being important to the individual rights of every Senator, including those whose names were mentioned yesterday. Perhaps there is the realization that tempers rose a little above normal yesterday.

One Senator said to me this morning—and he had been leaning toward cloture—that he is now unalterably opposed to cloture. As one who favors cloture, I believe it is important that the right of every Senator be preserved, and that his minority rights and his civil rights be not impaired in the Senate while we are pleading for the civil rights of all persons everywhere. This contest has shaken some Members of the Senate, and in that degree may have interfered with or weakened in some degree the known purposes of the majority and minority leaders and many other Senators to get on with the bill and to obtain cloture.

I withdraw my reservation.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

CIVIL RIGHTS ACT OF 1963

The **ACTING PRESIDENT** pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I am thoroughly apprised of how difficult it is to oppose a bill which, as the title imports and as the general atmosphere of emotion and misunderstanding leads the average person to believe, is calculated to promote the further security of the civil rights of Negro citizens. The mere designation of the term "civil rights" to a legislative proposal automatically clothes that measure with a certain aura of sanctity and respectability. Everyone is for civil rights, and one who opposes any measure which is so denominated is apt to be labeled "anti-Negro" and called a "bigot," "racist," or "hate monger." However, the so-called civil rights bill will not accord civil rights to anyone, but the practical results of this bill, if enacted as presently written, will be the according of preferential treatment to non-whites, especially in the hiring, firing, and promotion of employees. Columnists and commentators of the press media have, on the whole, I believe, not presented a fair picture of the civil rights bill. Millions of Americans who have never read the civil rights bill have rallied to the battle cries of "justice," "civil rights," and "equal rights," without any knowledge of what is actually involved in the legislation. It is not difficult to understand, therefore, why so many people have been swept by the current emotional hysteria into supporting a bill concerning which the mere reading thereof will not reveal the many pitfalls and booby traps therein, but which requires the most careful study, reflection, and research if one is to grasp its full significance and impact.

There should be no distinction, of course, between the civil rights of Negroes and the civil rights of white persons. However, nonwhite citizens presently possess every civil right guaranteed to other citizens under the Constitution. In some areas, those civil rights have not been enforced in the past, but court decisions in recent years have been righting the wrongs that have previously been committed. The right to trial by jury, habeas corpus, service on juries, the right to own property, the right of an accused to be confronted with the witnesses against him, freedom of contract, the right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, are among the civil rights of American citizens, and these are assured to Negroes as well as to whites by the Federal Constitution, the Federal Bill of Rights and subsequent amendments. The 1957 and 1960 Civil Rights Acts, which I supported, were especially geared to the protection of Negro voting rights. Sufficient time has not yet transpired to allow a proper judgment as to the adequacy of these two congressional statutes, and perhaps the real need lies not in the direction of new legislation, but rather in the direction of enforcement and impartial application of the laws already on the statute books.

Moreover, I am not sympathetic with some of the tactics which have been used to bring this measure to its present stage of development. I believe that the majority of the people look with disapproval upon the actions of those individuals who conduct sit-ins, who form human walls in obstructing the entrance to private business establishments, who lie down in the streets and chain themselves together to obstruct traffic, who incite children to absent themselves from school to take part in so-called nonviolent demonstrations, and who converge upon the city jails to demand that law violators be immediately released from custody. I do not believe that any group should be permitted to make a choice as to what laws it will obey and what laws it will disobey. I believe that willful acts of civil disobedience, planned and committed by organized pressure groups, threaten the peace of communities in which men have their homes and constitute a step toward anarchy.

I have failed to be impressed by the kinds of demonstrations which have taken place in various parts of the country. So often a majority of the demonstrators are teenagers, and, in many instances, children, and by and large they have responded to an appeal to the emotions rather than to the intellect. Many of them probably have only a vague idea as to why they are demonstrating. Undoubtedly, some very sincere and conscientious people have participated, but the demonstrations have commanded their share of comedians, do-gooders, cranks, beatniks, and so forth, who seek publicity. I think it can be said to the credit of the Negro that in many of these demonstrations a number of the most troublesome participants have been out-of-town white agitators. It is my frank opinion that we should stop kidding ourselves that such activities are in the finest tradition of American freedom. No one argues with the fact that Americans have the constitutional right to petition the Government concerning their grievances, but they have no right to take the law into their own hands or to threaten the peace of the community or visit serious inconvenience upon the public.

The present civil rights bill is largely a product of the threats and the fears that have accompanied demonstrations, and the Senate is being repeatedly reminded by the leaders of the so-called revolution that, unless it passes the bill, quickly and without change, as it was passed by the House of Representatives, some sort of direct action will be taken. I deplore the ill-disguised attempts to intimidate, and pressure, and stampede the Congress into taking hasty and ill-considered action on any measure; if the Congress, out of expediency, or out of fear, bows to such pressure, then government by the mob is just a step away.

I disapprove the action taken by the Senate to avoid referring the bill to the appropriate standing committee, or even to a specially constituted committee, when the bill came over from the House. Regardless of the significance of this bill, it clearly did not warrant treatment different from that given to other bills which come before the Senate. Such procedural departures and parliamentary irregularities can lead to the destruction of the committee system as a functional part of traditional legislative mechanics. Moreover, the reports of standing committees may be regarded by the courts as the best exposition of legislative intent in a case where otherwise the meaning of a statute is ambiguous or obscure. It is particularly important that the courts be furnished with committee reports to aid them in determining congressional intent with reference to legislation so controversial as is the civil rights bill and which poses so many unsolved questions of what word after word, term after term, and phrase after phrase really means. There will be no such Senate committee report available. Of course, the courts will have the House Judiciary Committee report, but it deals only with the bill as it went to the House floor—not as it came from the House floor. The House report is a very cryptic report, and virtually all of it is a section-by-section analysis, which is only descriptive of the legislation. The section entitled "Purposes and Content of the Legislation" consists of only one paragraph. There need be no illusion as to the difficulty of enforcing this legislation—if, indeed, it is capable of enforcement—and the courts will have been deprived of scholarly majority and minority reports to aid them in the hotly contested litigation that will take place in innumerable cases in the next decade if this bill is passed as it is presently written.

Mr. President, I intend later to offer several amendments to the bill, which, if adopted, will eliminate those provisions which I consider to be unconstitutional, unwise, or unenforceable.

Mr. TALMADGE. Mr. President, I congratulate the able and distinguished Senator from West Virginia for what I regard as one of the most logical, sane, sensible, and courageous statements I have heard during the time I have had the pleasure of serving in the U.S. Senate. I congratulate him most heartily.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished junior Senator from Georgia for his kind remarks.

Mr. TALMADGE. Mr. President, throughout history, the jury trial has been recognized as the foremost safeguard of the citizens against judicial tyranny and governmental oppression.

This right was demanded of King John, at Runnymede. It was demanded of King George by the American colonists; and its denial was one of the principal grievances against England which led to the War for American Independence.

In order that this right be made secure for all time, provisions for trial by jury were written into the Constitution and the Bill of Rights by our forefathers—not in one instance, but in four instances.

The right of trial by jury is as sacred to the American people as freedom of religion.

It is as sacred to the American people as freedom of speech and of the press.

I submit, Mr. President, that no other right is more important than trial by jury to the preservation of one's life, liberty, and property. Without this protection, "life, liberty, and property" become hollow and meaningless terms.

In the recent history of the United States, we have seen taking place in our Federal courts a return to oppressive proceedings not unlike those of the star chamber and the admiralty courts. We have seen all-powerful judges bring citizens before the bar of justice to be dealt with in an unjust manner—in a way that goes against the constitutional guarantee of a trial by a jury of one's own peers.

We have seen this take place in our Federal courts in the handling of criminal contempt cases arising out of labor disputes. In fact, Mr. President, the abusive use of the labor injunction in punishing for contempt reached such proportions that the Congress felt propelled to take steps against it. Thus, we have the Clayton Act and the Norris-La Guardia Act, which to a large degree restrain the arbitrary power of Federal judges in punishing persons accused of criminal contempt in connection with labor injunctions. Most important, they gave such persons the right to a trial by jury. This is in keeping, I believe, with our Constitution.

But, Mr. President, in the 55-page, 11-title bill the Senate is now considering, 5 of those titles would authorize the Attorney General of the United States to file suits, at the expense of the taxpayers of the United States, and with the assistance of a myriad of Federal attorneys, against any one of the 190 million citizens of the United States of America, and to have them jailed without any right of trial by jury. The Attorney General could jail a barber for not shaving the face of someone that he thought the barber should shave. The Attorney General could jail the owner of a hamburger stand or the owner of a hotdog stand, at will, for not serving a hamburger or a hotdog to someone whom the Attorney General thought he should serve. He could jail all the voting registrars of the United States of America, without regard to the area in which they resided, and without any right whatsoever of trial by jury.

Mr. President, the bill would give the Attorney General of the United States power to file suits in the name of the Government of the United States against all of the school board members in America, and jail them without trial by jury. Such an act, to the junior Senator from Georgia, Mr. President, almost a thousand years after Magna Carta and Runnymede, and almost 200 years following Thomas Jefferson's Declaration of Independence, is utterly inconceivable. The greatest and most fundamental right of freemen anywhere on the face of the earth is the right of trial by jury. It is strange, indeed, that we should be discussing a bill labeled "civil rights," that would do more to destroy the civil rights and constitutional liberties of all of our citizens than any act that has been proposed in the Congress of the United States since the dawn of history. The greatest guarantee against oppression that our people have is the right of trial by jury. The greatest guarantee against tyranny that our people have is the right of trial by jury. If we are to strike that down, and at the same time authorize the Attorney General of the United States to file suits against all 190 million American citizens in the name of the Government of the United States, at a cost to the taxpayers of the United States, it will be a retrogression of liberty that would take us back to the tyranny of the middle ages and trial by inquisition.

Mr. President, it is my strong belief that persons accused of criminal contempt, in all instances, outside the presence of the court, of course, should be afforded the same basic right given to persons in labor cases; that is, the right of a trial by jury. This view is in accord with the thinking of many of the Nation's outstanding legal and constitutional scholars, including Supreme Court Justices Frankfurter and Black, and many others. That thinking also is in accord with the thinking of the President of the United States when he was a Member of this body in 1957. He then made the concluding speech in the debate on the issue. He strongly endorsed at that time an amendment which was identical, paragraph for paragraph, sentence for sentence, and line for line with the amendment which the Senator from Georgia has pending at the desk at the present time. It was also endorsed in 1957 by the late lamented John F. Kennedy, a former President of the United States, when he was a Member of this body. He was a cosponsor of the amendment at that time.

I wish to get back to Justice Black's reiteration of his position in favor of jury trial in contempt cases in his dissenting opinion in the recent case of United States against Ross Barnett. Mr. Justice Black said:

> No provisions of the Constitution and the Bill of Rights were more widely approved throughout the new Nation than those guaranteeing a right to trial by jury in all criminal prosecutions. Subsequent experience has confirmed the wisdom of their approval. They were adopted in part, I think, because many people knew about and disapproved of the type of colonial happenings which the Court sets out in its appendix—cases in which, as reported by the Court, people had been sentenced to be fined, thrown in jail, humiliated in stocks, whipped, and even nailed by the ear to a pillory, all punishments imposed by judges without jury trials. Unfortunately, as the Court's opinion points out, judges in the past despite these constitutional safeguards have claimed for themselves "inherent" power, acting without a jury and without other Bill of Rights safeguards, to punish for criminal contempt of court people whose conduct they find offensive. This means that one person has concentrated in himself the power to charge a man with a crime, prosecute him for it, conduct his trial, and then find him guilty. I do not agree that any such "inherent" power exists. Certainly no language in the Constitution permits it; in fact, it is expressly forbidden by the two constitutional commands for trial by jury. And, of course, the idea that persons charged with criminal offenses such as criminal contempt are not charged with "crimes" is a judicial fiction. As I said in Green, I think that this doctrine that a judge has "inherent" power to make himself prosecutor, judge, and jury seriously encroaches upon the constitutional right to trial by jury and should be repudiated.

Those were the words last month of U.S. Supreme Court Justice Hugo Black.

Mr. Justice Black took strong exception to the majority decision in the Barnett case, which we know was split five to four. He urged judicial obedience to the constitutional command that all people charged with crime, including those charged with criminal contempt, must be given a trial with all the safeguards of the Bill of Rights, including indictment by grand jury and trial by jury. We note that he did not say "some people." He did not say that jury trials should be provided in some cases of criminal contempt. He said "all people" and "all cases." He did not say that we should have the right of jury trial if the accused were sentenced to jail for more than a given number of days or if an accused were fined more than a given number of dollars.

Mr. President, it is strange indeed to me how any Senator could follow the logic of the argument that the constitutional guarantee of trial by jury could be weighed on a scale of seconds in time or cents in money. It is utterly ironical to the Senator from Georgia how anyone could advance a proposal that a judge could sentence a man to pay a fine of $300 without a trial by jury but could not sentence one to pay a fine of $300 and 1 cent without the right of trial by jury.

It is utterly inconceivable to the Senator from Georgia how anyone could think that a judge could imprison a man for 30 days without a jury trial but could not imprison one for 30 days and 1 second without a jury trial. The Constitution of the United States makes no such mental aberration in any of its language, and it is strange to the Senator from Georgia how anyone could bring up such a distorted view of justice under law in our society in the enlightened age in which we live. I do not believe any reasonable person would condone weighing so basic a right as that of trial by jury in terms of dollars and cents or certain periods of time.

In the strongest language possible, Mr. Justice Black called for the repudiation of the idea that judges should have the power to decide criminal contempt cases without a jury. Said he:

> It is high time, in my judgment, to wipe out, root and branch, the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury. It will be a fine day for the constitutional liberty of individuals in this country when that at last is done.

Mr. Justice Black's decision in the Barnett case was relatively short although it went straight to the heart of the matter with which we are here confronted now. Mr. Justice Black did not have to elaborate in Barnett for we know his strong feelings on this matter from reading his dissenting opinion in Green against United States, which was delivered by the Supreme Court in March of 1958. His argument here is one of the most forceful ones I have ever read on this subject. It is both eloquent and in my opinion, constitutionally sound. Mr. Justice Black was joined in his dissent in Green by the Chief Justice and Mr. Justice Douglas.

Mr. Justice Black began his opinion by declaring:

> The power of a judge to inflict punishment for criminal contempt by means of a summary proceeding stands as an anomaly in the law. In my judgment the time has come for a fundamental and searching reconsideration of the validity of this power which has aptly been characterized by a State supreme court as, "perhaps, nearest akin to despotic power of any power existing under our form of government." Even though this extraordinary authority first slipped into the law as a very limited and insignificant thing, it has relentlessly swollen, at the hands of not unwilling judges, until it has become a drastic and pervasive mode of administering criminal justice usurping our regular constitutional methods of trying those charged with offenses against society. Therefore to me this case involves basic questions of the highest importance far transcending its particular facts. But the specific facts do provide a striking example of how the great procedural safeguards erected by the Bill of Rights are now easily evaded by the everready and boundless expedients of a judicial decree and a summary contempt proceeding.

Note that I quoted from a decision of the Wisconsin Supreme Court which declared that the power of judges to punish for contempt without trial by jury is "perhaps, nearest akin to despotic power of any power existing under our form of government."

I could not be more in agreement. There is no power greater than that held by a judge when he brings someone before him to answer to a charge to criminal contempt. A judge hears the evidence, either accepts it or throws it away, directs such questions to the defendant as he sees fit, serves as both accuser and prosecutor and determines the guilt or innocence of the accused person. And, finally, he determines the punishment. How can such a procedure as this be consistent with the Constitution?

Of course, it is not, and notwithstanding a long string of precedents to the contrary, Mr. Justice Black recognized this fact. He rejected these precedents, and urged the remainder of the court to also reject them.

Mr. Justice Black declared that if there ever were a group of cases which begged for reappraisal, it seemed to him that those approving summary trials of charges of criminal contempt are the ones.

These cases, declared Black, incorrectly assume that the courts have always had the power to punish all contempts summarily, and their erroneous conclusions have been perpetuated in later cases which merely cited earlier ones as precedent, without authority or reason.

Pointing out that he was not at all concerned with the power of the courts to impose imprisonment for the purpose of compelling a person to obey a valid court order in such instances as this, the defendant of course carries the keys to his own freedom in his willingness to comply with the courts directive. This procedure provides a civil remedy which has been employed for centuries to secure compliance with judicial decrees.

The Congress, in the Norris-La Guardia Act, thought enough of the rights, liberties, and constitutional prerogatives of labor unions to specifically write into the Norris-La Guardia Act that in labor relations cases members would be entitled to a jury trial not only in situations where criminal contempt was involved, but also in cases involving civil contempt.

What Mr. Justice Black was concerned about, and what I am concerned about in urging the adoption of my amendment, is the criminal punishment for disobedience of the court order which involves a long and fixed term of imprisonment. Mr. Justice Black was concerned, as I am, over giving judges so much power in criminal contempt proceedings. He declared:

> Summary trial of criminal contempt, as now practiced, allows a single functionary of the State, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in judgment on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the State. No official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed, if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other governmental officials. Fortunately, they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding, or by excessive zeal. Frank recognition of these common human characteristics, as well as others which need not be mentioned, undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of Government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses, thereby securing the people's liberty.
>
> When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true and reflecting impartially on the guilt or innocence of the accused. He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied what I had always thought to be an indispensable element of due process of law—an objective, scrupulously impartial tribunal to determine whether he is guilty or innocent of the charges filed against him. In the words of this Court: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer."

Mr. Justice Black raised a question of how judges can fairly administer justice when they are trying charges which they themselves preferred against the defendant. In my opinion, it cannot be done and should not be attempted.

I wish to repeat the words of the Supreme Court which were quoted here by Mr. Justice Black. Said the Court in at least four instances:

> No man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome * * *. Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer.

Mr. President (Mr. INOUYE in the chair), under our normal system of procedure, when judges have an interest in a cause, they can be disqualified because of that; but under the proposed criminal contempt procedures the judges would have an inherent interest because it is they who would prefer the charges. It certainly conflicts with any procedure otherwise known in law, when judges are requested and required to disqualify themselves when they have an interest in the case or even are related within certain degrees of consanguinity to people who do have an interest in the outcome of such proceedings.

In addition to the inordinate powers held by trial judges in criminal contempt cases, Mr. Justice Black further pointed out that the power is subject to little, if any restraint in the appellate courts. He declared that even at its best "appellate review cannot begin to take the place of trial in the first instance by an impartial jury subject to review on the spot by an uncommitted trial judge."

Moreover, Mr. Justice Black also pointed out:

> As the law now stands there are no limits on the punishment a judge can impose on a defendant whom he finds guilty of contempt except for whatever remote restrictions exist in the eighth amendment's prohibition against cruel and unusual punishments or in the nebulous requirements of reasonableness now promulgated by the majority.
>
> In my view the power of courts to punish criminal contempt by summary trial, as now exercised, is precisely the kind of arbitrary and dangerous power which our forefathers both here and abroad fought so long, so bitterly, to stamp out.

Let us hear more from Mr. Justice Black on the constitutional guarantee of the right to a trial by jury in all—not some, Mr. President—criminal prosecutions:

> The Constitution and Bill of Rights declare in sweeping unequivocal terms that "The trial of all crimes * * * shall be by jury," that "In all—

In all—not some—Mr. President—

> criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury," and that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury." As it may now be punished, criminal contempt is manifestly a crime by every relevant test of reason or history. It was always a crime at common law punishable as such in the regular course of the criminal law. It possesses all of the

> earmarks commonly attributed to a crime. A mandate of the Government has allegedly been violated for which severe punishment, including long prison sentences, may be exacted—punishment aimed at chastising the violator for his disobedience. As Mr. Justice Holmes irrefutably observed for the Court in *Gompers* v. *United States*, 233 U.S. 604, at 610-611: "These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure * * * and that at least in England it seems that they still may be and preferably are tried in that way."

Later, in his opinion in Green, Mr. Justice Black scoffed at the contention that our forefathers meant to exempt the right to a trial by jury in criminal contempt cases from the Constitution and Bill of Rights. He declared:

> Those who claim that the delegates who ratified the Constitution and its contemporaneous amendments intended to exempt the crime of contempt from the procedural safeguards expressly established by those great charters for the trial of "all crimes" carry a heavy burden, indeed. There is nothing in the Constitution or any of its amendments which even remotely suggests such an exception.

I quote further from Mr. Justice Black:

> In the beginning the contempt power, with its essentially arbitrary procedures, was a petty, insignificant part of our law involving the use of trivial penalties to preserve order in the courtroom and maintain the authority of the courts. But since the adoption of the Constitution it has undergone an incredible transformation and growth, slowly at first and then with increasing acceleration, until it has become a powerful and pervasive device for enforcement of the criminal law. It is no longer the same comparatively innocuous power that it was. Its summary procedures have been pressed into service for such far-flung purposes as to prevent unlawful labor practices, to enforce the prohibition laws, to secure civil liberties, and now, for the first time in our history, to punish a convict for fleeing from imprisonment. In brief, it has become a common device for bypassing the constitutionally prescribed safeguards of the regular criminal law in punishing public wrongs. But, still worse, its subversive potential to that end appears to be virtually unlimited. All the while the sentences imposed on those found guilty of contempt have steadily mounted, until now they are even imprisoned for years.
>
> I cannot help but believe that this arbitrary power to punish by summary process, as now used, is utterly irreconcilable with first principles underlying our Constitution, and the system of government it created—principles which were uppermost in the minds of the generation that adopted the Constitution. Above all that generation deeply feared and bitterly abhorred the existence of arbitrary, unchecked power in the hands of any government official, particularly when it came to punishing alleged offenses against the state. A great concern for protecting individual liberty from even the possibility of irresponsible official action was one of the momentous forces which led to the Bill of Rights. And the fifth, sixth, seventh, and eighth amendments were directly and purposefully designed to confine the power of courts and judges, especially with regard to the procedures used for the trial of crimes.
>
> As manifested by the Declaration of Independence, the denial of trial by jury and its subversion by various contrivances was one of the principal complaints against the English Crown. Trial by a jury of laymen and no less was regarded as the birthright of free men. Witness the fierce opposition of the colonials to the courts of admiralty in which judges instead of citizen juries were authorized to try those charged with violating certain laws. The same zealous determination to protect jury trial dominated the State conventions which ratified the Constitution and eventually led to the solemn reaffirmation of that mode of trial in the Bill of Rights—not only for all criminal prosecutions but for all civil cases involving $20 or more. I find it difficult to understand how it can be maintained that the same people who manifested such great concern for trial by jury as to explicitly embed it in the Constitution for every $20 civil suit could have intended that this cherished method of trial should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-reaching mandates without giving the accused a fair trial by his fellow citizens it would have provoked a storm of protest, to put it mildly.

The bill would greatly broaden the power of the Federal Government to enter the daily lives of our citizens in virtually all areas of human endeavor, in their private conduct, from the cradle to the grave. Under title VII the Federal Government would assign to itself the power, the duty, and the responsibility of policing the wisdom of employers and of labor unions on the hiring and firing policies in their own private businesses.

Along with it goes the right of a Federal judge to put the employer, the foreman of a plant, or the business agent of a labor union in jail, and to incarcerate him at will for as long as he sees fit without giving that person the right of trial by jury.

Mr. President, that seems to the Senator from Georgia unthinkable, after our ancestors wrested that right from our mother country by a war of revolution. We should not turn the clock back now and create a police state, and jail any one of the 190 million American citizens because a person refuses to serve a hamburger or a hotdog to a citizen, or because he refuses to shave or cut the hair of someone the Attorney General thinks should receive that service. Liberty must be preserved under any and all conditions. It is that plea that I am trying to make to the Senate at the present time. We should not turn back the clock by authorizing an omnipotent Federal power to jail citizens at will because they choose to regulate their own private lives and property as they see fit and proper.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Mississippi.

Mr. STENNIS. The Senator is making a very fine address on the principle of jury trial. He understands it as a lawyer and as a man of experience in public affairs.

The bill, as I heard the Senator say in another speech, is, in his opinion, far-reaching in effect, and creates new crimes of various kinds of discrimination, even though the crime of discrimination is not defined. The Senator has said that he believes there was a conscious effort to avoid and circumvent the jury trial provision of our Constitution and our ordinary laws.

Have any of those who propose this measure and this pattern of operation ever suggested that jury trials should be abolished in the trial of charges against a person who is tried for murder, larceny, burglary, or any of the social crimes, like rape, or anything of that kind? Has the Senator ever heard a suggestion like that?

Mr. TALMADGE. As the Senator knows so well, being an outstanding former judge and a great outstanding former lawyer, a pickpocket, a procurer, a burglar, a bootlegger, a rapist, a murderer, or a traitor is guaranteed the right of trial by jury.

No Senator has raised his voice in an effort to repeal that right of trial by jury. The proponents wish to provide, in five titles of the bill, a method whereby an American citizen could be put in jail because they want that person to serve a hotdog to someone that they think ought to be served a hotdog.

Mr. STENNIS. It would include a group of people in the United States who are not directly involved in the business of keeping a hotel or motel, or in the operation of a theater, or anything else; a large group of people would be included.

Mr. TALMADGE. The Senator is entirely correct.

Mr. STENNIS. I wish the Senator would enlarge on that point, to show how far the no-jury-trial provision could operate and would operate.

Mr. TALMADGE. For example, I might walk into a shoeshine parlor in Washington, D.C., if the bill became law, and demand that whoever shines shoes there shine my shoes. For some reason of his own he may not see fit to shine my shoes. My shoes may be too dirty for him. He may feel ill. He may wish to go home. He may have a date with his girl friend. He may have one of a thousand reasons why he would not care to shine my shoes. Under this bill, if I told him to shine my shoes, and he refused to do so, I could have the Attorney General jail him without any right of trial by jury.

Mr. STENNIS. Mr. President, this question has been argued before. A fellow Senator said to me the other day, after I had spoken on this subject, "You must not trust your judgment."

Let me point out some facts. Those who wrote the Constitution of the United States and who put this provision of the right of trial by jury into the Constitution were not thinking of any particular judge at that time; they were not trying to limit the power of a judge. Rather, it was a principle of government that they were writing into the basic law of the land, because they were interested in preserving, under all circumstances, certain basic rights. The people of the United States have never seen fit to change the provision in the Constitution for a trial by jury. Is that correct?

Mr. TALMADGE. The Senator is correct. As the able Senator knows, when laws are enacted, they serve for all time, for all people, under all conditions. They apply equally to the like and the unlike, to the just and the unjust.

Thomas Jefferson gave his great admonition to trust no man, but to tie him down with the chains of the Constitution. The Senator from Georgia thinks that was a wise admonition. He prefers to follow the advice of Thomas Jefferson, instead of some of the thoughts that prevail among certain leaders of the mob at the present time.

Mr. STENNIS. Is it not true that if we really want to change this system and not have a jury trial apply in criminal cases, the people can, acting through their States and Congress, change the law very readily?

Mr. TALMADGE. Certainly. They can do so by constitutional amendment. In his famous Farewell Address, George Washington advised the Nation for all future years not to change the Constitution by usurpation, or by judicial decree, but if it became necessary to change the Constitution in any instance, to do it by the appropriate process, rather than by usurpation.

Mr. STENNIS. Did not the Founding Fathers write two provisions into the Constitution whereby such amendment can take place by being originated in Congress by those who represent the people in the Federal Government, or in the State legislatures, where the people at the State level are represented by their representatives. But in either case, it must be approved by the States at the State level.

Mr. TALMADGE. The Senator is correct. In the final analysis, the Constitution rests in the hands of the people. It cannot be amended without their approval.

Mr. STENNIS. Can the Senator recall an instance in which anyone has ever suggested a change in the provision of the Constitution that guarantees a jury trial?

Mr. TALMADGE. No one has ever proposed a constitutional amendment to that effect. But devious, cunningly contrived bills are introduced, that seek to disguise the effect. An able lawyer would require weeks of study to analyze this 55-page, 11-title bill, and reach the conclusion that in five parts of the bill Federal judges would be authorized to put people in jail and keep them in jail as long as they saw fit, without any right of a trial by jury whatever.

Mr. STENNIS. Is it not true that such questions have arisen before in connection with emotionally charged subjects? The civil rights bill certainly involves an emotional approach. Did not the same question arise in the course of the debate on the Norris-La Guardia Act when the question concerned how labor was to be treated? The labor groups then demanded and obtained from Congress the right of a trial by jury.

Mr. TALMADGE. That is entirely correct.

Mr. STENNIS. There are injunction suits; but in prosecutions for criminal contempt, they obtained a jury trial under the mandate of Congress.

Mr. TALMADGE. The Senator is absolutely correct. But I point out that the Norris-La Guardia Act goes beyond criminal contempt. It guarantees to labor unions the right of a trial by jury in civil contempt, which goes beyond the amendment that has been proposed by the Senator from Mississippi, the Senator from Georgia, and other Senators. I concur in that proposal.

No Senator has risen in the Chamber and said, "We want to repeal the provisions of the Norris-La Guardia Act." If he did, the Senator from Georgia would object.

But the same Senators who voted for the Norris-La Guardia Act, the Landrum-Griffith Act, and the Clayton Act, which acts contain a provision for jury trial, are now trying to railroad a bill through the Senate that would deny to 190 million citizens the right of a trial by jury, and permit them to be jailed at any time the Attorney General filed a suit to prosecute for the failure to serve someone a hotdog or a hamburger, to cut someone's hair, to shine his shoes, or to do something in a social way that the Attorney General of the United States thought meet and proper.

Mr. STENNIS. Is it not correct that the amendment offered by the Senator from Georgia seeking to grant a jury trial in criminal contempt cases would not affect the judge's power to declare in his order, or his judgment, what the defendant before him should do as an affirmative matter? It would give him the power to put the disobedient person in jail until he complied with his order. The Senator's amendment would not touch, topside or bottom, that power of the judge.

Mr. TALMADGE. No. It would not affect that power. He could enforce compliance with the order, or imprison someone for as long as he saw fit, until he complied with the order of the court.

Mr. STENNIS. The Senator believes that is a valid power.

Mr. TALMADGE. That is correct.

Mr. STENNIS. And it should be left as it is.

Mr. TALMADGE. I think that is an excellent power. That is meet and proper. I point out that the Norris-La Guardia Act goes far beyond the amendment offered by the Senator from Georgia, the Senator from Mississippi, and others. The Norris-La Guardia Act gives the right of a trial by jury to members of labor unions, even in cases of civil contempt. The amendment of the Senator from Georgia does not go that far. Under the amendment offered by the Senator from Georgia, a judge could exercise the power of criminal contempt to preserve order in his courtroom, or within the immediate area of the court. Also it, would authorize the judge to exercise the power, under criminal contempt procedures, to enforce compliance with summons and process, and matters of that kind.

What the Senator from Georgia seeks to do is to insure to all defendants the right of a trial by jury when the judge sets himself up as grand jury, prosecutor, witness, petit jury, executioner, and everything else and says, "You have violated my order. I am going to punish you for a crime." Then, he hauls the defendant into court, and violates every provision that the Founding Fathers devised in the Constitution to protect the freedom of our people by means of our juries in court proceedings.

Mr. STENNIS. There is one point that I think ought to be emphasized many times. We are told, the press is told, and the people are told by the proponents of this measure, "The proponents of the bill agree to a jury trial. The proponents of the bill are offering an amendment that would provide for a jury trial."

The Senator is familiar with the amendment providing for the split-level jury trial, which is offered as a substitute for the Talmadge amendment.

Mr. TALMADGE. A hybrid, mongrelized method.

Mr. STENNIS. If the judge should find the accused guilty, he must find that he should receive a certain extent of punishment before he could ever decide that he was entitled to a jury trial.

Mr. TALMADGE. That is correct.

Mr. STENNIS. Does the Senator not think that is a mockery, and an injustice to the defendant to start with? He must be found guilty by the court before the court has heard the evidence.

Mr. TALMADGE. It is the greatest judicial travesty that the Senator from Georgia has ever heard in all his legal experience. As the Senator has pointed out, it would require the judge, before he even proceeded with the hearing, or heard one word of evidence, to make two determinations. First, the judge must determine in the secret, inner channels of his own mind and heart whether or not the defendant was guilty. After determining that the defendant was guilty, he would next have to determine the severity of the punishment that he intended to impose upon the defendant. After reaching those two conclusions in the secrecy of his own mind and heart, he could order a trial and go forward with hearing the evidence. The judge would have to make these two decisions before he heard one witness or one line of evidence.

Mr. STENNIS. Is it not true that approaching the subject in that way in an effort to determine the guilt or innocence of the accused, is the very reverse of the processes that we follow under what is ordinarily called due process of law?

Mr. TALMADGE. Of course, it is. As the Senator knows, having been an able judge, under the American system of jurisprudence every man is presumed innocent until he is proved guilty.

But under the substitute amendment that has been offered by the distinguished majority leader and the distinguished minority leader, the judge would have to determine the defendant's guilt or innocence, and then would have to determine the severity of the sentence to be imposed. At that point, after making both those determinations, the judge would proceed with the trial of the defendant; and if at that point the judge had decided to find the defendant guilty, and had also decided to impose on the defendant a sentence of more than 30 days in jail or a fine of more than $300, the judge would have to call in a jury. But when he did that, everyone would know, then and there, that the judge believed the defendant guilty, and also believed that a severe sentence should be imposed on the defendant. The result would be a travesty on justice; it would more nearly resemble the proceedings in medieval times.

Mr. STENNIS. And at that time the judge would have sworn in all the jurors; and they would have sworn to give the defendant a fair trial, with the presumption of innocence, and not to convict him until they were convinced beyond a reasonable doubt by the evidence submitted by the witnesses in court that the defendant was guilty—even though at that particular time the judge would already have determined in his own mind that the defendant was guilty. Is that correct?

Mr. TALMADGE. The Senator from Mississippi is entirely correct.

Mr. STENNIS. Is not a defendant entitled to a presumption of innocence, both from the judge and from the jury, and no presumption of guilt, until the evidence presented before the jury shows and convinces them beyond a reasonable doubt that the defendant is guilty?

Mr. TALMADGE. That is correct.

Mr. STENNIS. And at the trial the defendant is entitled to produce witnesses in his own behalf, and to have their testimony carefully considered by the jury, is he not?

Mr. TALMADGE. That is correct.

Mr. STENNIS. But under the bill, would the defendant have such a right, in the proceedings before the judge?

Mr. TALMADGE. No, he would have no right whatsoever, unless the judge, of his own volition, and out of the charity and kindness in his heart, gave the defendant any portion of his constitutional rights. Otherwise, they would all be out the window.

Mr. STENNIS. Can the Senator from Georgia imagine anything more contradictory of and contrary to our system of the administration of justice than such a procedure?

Mr. TALMADGE. Certainly I cannot. It is inconceivable to me that in the year 1964, such a system of judicial procedure would be proposed or could be operated in this country, which purports to have freedom for all its citizens, the right of trial by jury for all its citizens, and the presumption of innocence for all its citizens. I cannot understand the logic on the part of anyone who would seriously propose such a system of procedure to regulate the 190 million American citizens in their most intimate activities in their daily lives and in their private conduct and in human relations.

Mr. STENNIS. Mr. President, I thank the Senator from Georgia for yielding to me. During this debate we have not heard a finer or more down-to-earth statement on this subject than the one the Senator from Georgia is making.

I also wish to mention briefly the fine argument on the question of jury trial, which was presented the other day by the Senator from Ohio [Mr. LAUSCHE]. In speaking in behalf of the amendment of the Senator from Georgia [Mr. TALMADGE], which provides for the right of trial by jury, the Senator from Ohio [Mr. LAUSCHE] said the "liberals" are blowing out the lights of freedom, one by one. I believe he is correct.

Mr. TALMADGE. I thank the Senator from Mississippi for his important contributions in connection with this matter. I agree with him fully. Certainly we would be blowing out the lights of freedom if we were to pass this bill and were thus to deny to all 190 million of the American citizens the right of trial by jury.

We hear that judges must have the power to summarily punish for criminal contempt of court, in order to uphold and preserve the dignity and authority of the court. Mr. Justice Black eloquently makes short-shrift of that contention:

> Apologists for summary trial of the crime of contempt also endeavor to justify it as a "necessity" if judicial orders are to be observed and the needful authority of the courts maintained. "Necessity" is often used in this context as convenient or desirable. * * * "Stark necessity" is an impressive and often compelling thing, but unfortunately it has all too often been claimed loosely and without warrant in the law, as elsewhere, to justify that which is truth is unjustifiable. * * *
>
> When examined in closer detail the argument from "necessity" appears to rest on the assumption that the regular criminal processes, including trial by petit jury and indictment by grand jury, will not result in conviction and punishment of a fair share of those guilty of violating court orders, are unduly slow and cumbersome, and by intervening between the court and punishment for those who disobey its mandate somehow detract from its dignity and prestige. Obviously this argument reflects substantial disrespect for the institution of trial by jury, although this method of trial is—and has been for centuries—an integral and highly esteemed part of our system of criminal justice enshrined in the Constitution itself.
>
> Nothing concrete is ever offered to support the innuendo that juries will not convict the same proportion of those guilty of contempt as would judges. Such evidence as is available plus my own experience convinces me that by and large juries are fully as responsible in meting out justice in criminal cases as are the judiciary. At the same time, and immeasurably more important, trial before a jury and in full compliance with all of the other protections of the Bill of Rights is much less likely to result in a miscarriage of justice than summary trial by the same judge who issued the order allegedly violated.
>
> Although some are prone to overlook it, an accused's right to a trial by a jury of his fellow citizens when charged with a serious criminal offense is unquestionably one of his most valuable and well-established safeguards in this country * * *.
>
> The jury injects a democratic element into the law. This element is vital to the effective administration of criminal justice, not only in safeguarding the rights of the accused, but in encouraging popular acceptance of the laws and the necessary general acquiescence in their application. It can hardly be denied that trial by jury removes a great burden from the shoulders of the judiciary. Martyrdom does not come easily to a man who has been found guilty as charged by 12 of his neighbors and fellow citizens.
>
> It is undoubtedly true that a judge can dispose of charges of criminal contempt faster and cheaper than a jury. But such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy.

In summarizing his position, Mr. Justice Black declared that he saw no justification for permitting courts to try persons charged with criminal contempt any differently than their trial of anyone charged with violating the criminal laws of the State. He declared:

> In my judgment trial by the same procedures, constitutional and otherwise, which are extended to criminal defendants in all other instances is also wholly sufficient for the crime of contempt.

Mr. President, let us heed the admonition of Mr. Justice Black.

Let us denounce and reject any and all efforts to deprive citizens of this country of the right to a trial by jury. In this matter, we can take no middle ground. We cannot compromise.

At this point, Mr. President, I should like to have printed in the RECORD the complete text of Mr. Justice Black's eloquent and learned opinion in the Green case.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

> Mr. Justice Black, with whom the Chief Justice and Mr. Justice Douglas concur, dissenting.
>
> The power of a judge to inflict punishment for criminal contempt by means of a summary proceeding stands as an anomaly in the law.[1] In my judgment the time has come for a fundamental and searching reconsideration of the validity of this power which has aptly been characterized by a State supreme court as, "perhaps, nearest akin to despotic power of any power existing under our form of government."[2] Even though this extraordinary authority first slipped into the law as a very limited and insignificant thing, it has relentlessly swollen, at the hands of not unwilling judges, until it has become a drastic and pervasive mode of administering criminal justice usurping of our regular constitutional methods of trying those charged with offenses against society. Therefore to me this case involves basic questions of the highest importance far transcending its particular facts. But the specific facts do provide a striking example of how the great procedural safeguards erected by the Bill of Rights are now easily evaded by the ever-ready and boundless expedients of a judicial decree and a summary contempt proceeding.

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[1] The term "summary proceeding" (or "summary trial") is used in its ordinary sense to refer to a "form of trial in which the ancient established course of legal proceedings is disregarded, especially in the matter of trial by jury, and, in the case of the heavier crimes, presentment by a grand jury." 3 Bouvier's Law Dictionary (8th ed. 1914) 3182. Of course as the law now stands contempts committed in the presence of the judge may be punished without any hearing or trial at all, summary or otherwise. For a flagrant example see *Sacher* v. *United States*, 343 U.S. 1.

[2] *State ex rel. Ashbaugh* v. *Circuit Court*, 97 Wis. 1, 8, 72 N.W. 193, 194–195.

I would reject those precedents which have held that the Federal courts can punish an alleged violation outside the courtroom of their decrees by means of a summary trial, at least as long as they can punish by severe prison sentences or fines as they now can and do.[3] I would hold that the defendants here were entitled to be tried by a jury after indictment by a grand jury and in full accordance with all the procedural safeguards required by the Constitution for "all criminal prosecutions." I am convinced that the previous cases to the contrary are wrong—wholly wrong for reasons which I shall set out in this opinion.

Ordinarily it is sound policy to adhere to prior decisions but this practice has quite properly never been a blind, inflexible rule. Courts are not omniscient. Like every other human agency, they too can profit from trial and error, from experience and reflection. As others have demonstrated, the principle commonly referred to as stare decisis has never been thought to extend so far as to prevent the courts from correcting their own errors. Accordingly, this Court has time and time again from the very beginning reconsidered the merits of its earlier decisions even though they claimed great longevity and repeated reaffirmation. See, e.g., *Erie Railroad Co.* v. *Tompkins,* 304 U.S. 64; *Graves* v. *New York ex rel. O'Keefe,* 306 U.S. 466; *Nye* v. *United States,* 313 U.S. 33.[4] Indeed, the Court has a special responsibility where questions of constitutional law are involved to review its decisions from time to time and where compelling reasons present themselves to refuse to follow erroneous precedents; otherwise its mistakes in interpreting the Constitution are extremely difficult to alleviate and needlessly so. See *Burnet* v. *Coronado Oil & Gas Co.,* 285 U.S. 393, 405 (Brandeis, J., dissenting); Douglas, Stare Decisis, 49 Col. L. Rev. 735.

If ever a group of cases called for reappraisal it seems to me that those approving summary trial of charges of criminal contempt are the ones. The early precedents which laid the groundwork for this line of authorities were decided before the actual history of the procedures used to punish contempt was brought to light, at a time when "[w]holly unfounded assumptions about 'immemorial usage' acquired a factitious authority and were made the basis of legal decisions."[5] These cases erroneously assumed that courts had always possessed the power to punish all contempts summarily and that it inhered in their very being without supporting their suppositions by authority or reason. Later cases merely cite the earlier ones in a progressive cumulation while uncritically repeating their assumptions about "immemorial usage" and "inherent necessity."[6]

No justified expectations would be destroyed by the course I propose. There has been no heavy investment in reliance on the earlier cases; they do not remotely lay down rules to guide men in their commercial or property affairs. Instead they concern the manner in which persons are to be tried by the Government for their alleged crimes. Certainly in this area there is no excuse for the perpetuation of past errors, particularly errors of great continuing importance with ominous potentialities. Apparently even the majority recognizes the need for some kind of reform by engrafting the requirement that punishment for contempt must be "reasonable"—that irrepressible, vague and delusive standards which at times threaten to engulf the entire law, including the Constitution itself, in a sea of judicial discretion.[7] But this trifling amelioration does not strike at the heart of the problem and can easily come to nothing, as the majority's very approval of the grossly disproportionate sentences imposed on these defendants portends.

Before going any further, perhaps it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees. See *United States* v. *United Mine Workers of America,* 330 U.S. 258, 330–332 (dissenting and concurring opinion). Instead, at stake here is the validity of a criminal conviction for disobedience of a court order punished by a long, fixed term of imprisonment. In my judgment the distinction between conditional confinement to compel future performance and unconditional imprisonment designed to punish past transgressions is crucial, analytically as well as historicaly, in determining the permissible mode of trial under the Constitution.

Summary trial of criminal contempt, as now practiced, allows a single functionary of the state, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in "judgment" on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the state. No official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding or by excessive zeal. Frank recognition of these common human characteristics, as well as others which need not be mentioned, undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses thereby securing the people's liberty.

When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true and reflecting impartially on the guilt or innocence of the accused.[8] He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied what I had always thought to be an indispensable element of due process of law—an objective, scrupulously impartial tribunal to determine whether he is guilty or innocent of the charges filed against him. In the words of this Court: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. * * * Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer." *In re Murchison,* 349 U.S. 133, 136–137. Cf. *Chambers* v. *Florida,* 309 U.S. 227, 236–237; *Tumey* v. *Ohio,* 273 U.S. 510; *In re Oliver,* 333 U.S. 257.

The vices of a summary trial are only aggravated by the fact that the judge's power to punish criminal contempt is exercised without effective external restraint. First, the substantive scope of the offense of contempt is inordinately sweeping and vague; it has been defined, for example, as "any conduct that tends to bring the authority and administration of the law into disrespect or disregard."[9] It would be no overstatement therefore to say that the offense with the most ill-defined and elatstic contours in our law is now punished by the harshest procedures known to that law. Second, a defendant's principal assurance that he will be fairly tried and punished is the largely impotent review of a cold record by an appellate court, another body of judges. Once in a great while a particular appellate tribunal basically hostile to summary proceedings will closely police contempt trials but such supervision is only isolated and fleeting. All too often the reviewing courts stand aside readily with the formal declaration that "the trial judge has not abused his discretion." But even at its rare best appellate review cannot begin to take the place of trial in the first instance by an impartial jury subject to review on the spot by an uncommitted trial judge. Finally, as the law now stands there are no limits on the punishment a judge can impose on a defendant whom he finds guilty of contempt except for whatever remote restrictions exist in the eighth amendment's prohibition against cruel and unusual punishments or in the nebulous requirements of "reasonableness" now promulgated by the majority.

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[3] The precedents are adequately collected in note 14 of the Court's opinion.

Much of what is said in this opinion is equally applicable to contempts committed in the presence of the court. My opposition to summary punishment for those contempts was fully set forth in my dissent in *Sacher* v. *United States,* 343 U.S. 1, 14.

[4] "I * * * am quite willing that it be regarded hereafter as the law of this Court that its opinion upon the construction of the Constitution is always open to discussion when it is supposed to have been founded in error, and that its judicial authority should hereafter depend altogether on the force of the reasoning by which it is supported." Chief Justice Taney, *Passenger* Cases, 7 How. 283, 470 (dissenting opinion).

[5] Frankfurter and Landis, Power to Regulate Contempts, 37 Harv. L. Rev. 1010, 1011.

It also seems significant that the initial decisions by this Court actually upholding the power of the Federal courts to punish contempts by summary process were not made until as late as the final decades of the last century, almost a full century after the adoption of the Constitution. Since that time the power has been vigorously challenged on a number of occasions. See, e.g., *Toledo Newspaper Co.* v. *United States,* 247 U.S. 402, 424 (dissenting opinion); *Sacher* v. *United States,* 343 U.S. 1, 14 (dissenting opinion). Within the past few years there has been a tendency on the part of this Court to restrict the substantive scope of the contempt power to narrower bounds than had been formerly thought to exist. See, e.g., *Nye* v. *United States,* 313 U.S. 33; *Bridges* v. *California,* 314 U.S. 252; *In re Michael,* 326 U.S. 224; *Cammer* v. *United States,* 350 U.S. 399. Cf. *In re Oliver,* 333 U.S. 257. In substantial part this is attributable to a deeply felt antipathy toward the arbitrary procedures now used to punish contempts.

[6] Perhaps the classic example is the much criticized decision in *In re Debs,* 158 U.S. 564. For some of the milder comment see Lewis, "A Protest Against Administering Criminal Law by Injunction—The Debs Case," 42 Am. L. Reg. 879; Lewis, "Strikes and Courts of Equity," 46 Am. L. Reg. 1; Dunbar, "Government by Injunction," 13 L. Q. Rev. 347; Gregory, "Government by Injunction," 11 Harv. L. Rev. 487.

[7] See, e.g., *Beauharnais* v. *Illinois,* 343 U.S. 250; *Perez* v. *Brownell, ante,* p. 44.

[8] A series of recent cases in this Court alone indicates that the personal emotions or opinions of judges often become deeply involved in the punishment of an alleged contempt. See, e.g., *Fisher* v. *Pace,* 336 U.S. 155; *Sacher* v. *United States,* 343 U.S. 1; *Offutt* v. *United States,* 348 U.S. 11; *Nilva* v. *United States,* 352 U.S. 385; *Yates* v. *United States,* 355 U.S. 66.

[9] Oswalt contempt of Court (3d ed. 1911), 6.

In my view the power of courts to punish criminal contempt by summary trial, as now exercised, is precisely the kind of arbitrary and dangerous power which our forefathers both here and abroad fought so long, so bitterly, to stamp out. And the paradox of it all is that the courts were established and are maintained to provide impartial tribunals of strictly disinterested arbiters to resolve charges of wrongdoing between citizen and citizen or citizen and State.

The Constitution and Bill of Rights declare in sweeping unequivocal terms that "The Trial of all Crimes * * * shall be by Jury," that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury," and that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury." As it may now be punished criminal contempt is manifestly a crime by every relevant test of reason or history. It was always a crime at common law punishable as such in the regular course of the criminal law.[10] It possesses all of the earmarks commonly attributed to a crime. A mandate of the Government has allegedly been violated for which severe punishment, including long prison sentences, may be exacted—punishment aimed at chastising the violator for his disobedience.[11] As Mr. Justice Holmes irrefutably observed for the Court in *Gompers* v. *United States*, 233 U.S. 604, at 610–611: "These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure * * * and that at least in England it seems that they still may be and preferably are tried in that way." [12]

This very case forcefully illustrates the point. After surrendering, the defendants were charged with fleeing from justice, convicted, and given lengthy prison sentences designed to punish them for their flight. Identical flight has now been made a statutory crime by the Congress with severe penalties.[13] How can it possibly be any more of a crime to be convicted of disobeying a statute and sent to jail for 3 years than to be found guilty of violating a judicial decree forbidding precisely the same conduct and imprisoned for the same term?

The claim has frequently been advanced that courts have exercised the power to try all criminal contempts summarily since time immemorial and that this mode of trial was so well established and so favorably regarded at the time the Constitution was adopted that it was carried forward intact, by implication, despite the express provisions of the Bill of Rights requiring a completely different and fairer kind of trial for "all crimes." The myth of immemorial usage has been exploded by recent scholarship as a mere fiction. Instead it seems clear that until at least the late 17th or early 18th century the English courts, with the sole exception of the extraordinary and ill-famed court of star chamber whose arbitrary procedures and gross excesses brought forth many of the safeguards included in our Constitution, neither had nor claimed power to punish contempts committed out of court by summary process. Fox, "The History of Contempt of Court"; Frankfurter and Landis, "Power to Regulate Contempts," 37 Harv. L. Dev. 1010, 1042–1052; Beale, "Contempt of Court, Criminal and Civil," 21 Harv. L. Rev. 161. Prior to this period such contempts were tried in the normal and regular course of the criminal law, including trial by jury.[14] After the star chamber was abolished in 1641 the summary contempt procedures utilized by that odious instrument of tyranny slowly began to seep into the common-law courts where they were embraced by judges not averse to enhancing their own power. Still for decades the instances where such irregular procedures were actually applied remained few and far between and limited to certain special situations.

Then in 1765 Justice Wilmot declared in an opinion prepared for delivery in the Court of King's Bench (but never actually handed down) that courts had exercised the power to try all contempts summarily since their creation in the forgotten past. Although this bald assertion has been wholly discredited by the painstaking research of the eminent authorities referred to above, and even though Wilmot's opinion was not published until some years after our Constitution had been adopted, nor cited as authority by any court until 1821, his views have nevertheless exerted a baleful influence on the law of contempt both in this country and in England. By the middle of the last century the English courts had come to accept fully his thesis that they inherently possessed power to punish all contempts summarily, in or out of court. Yet even then contempts were often punished by the regular criminal procedures so that this Court could report as late as 1913 that they were still preferably tried in that manner. *Gompers* v. *United States*, 233 U.S. 604, 611.[15]

The Government, relying solely on certain obscure passages in some early law review articles by Fox, contends that while the common-law courts may not have traditionally possessed power to punish all criminal contempts without a regular trial they had always exercised such authority with respect to disobedience of their decress. I do not believe that the studies of Fox or of other students of the history of contempt support any such claim. As I understand him, Fox reaches precisely the opposite conclusion. In his authoritative treatise, expressly written to elaborate and further substantiate the opinions formed in his earlier law review comments, he states clearly at the outset:

> "The first of [this series of earlier articles] entitled "The King v. Almon," was written to show that in former times the offense of contempt committed out of court was tried by a jury in the ordinary course of law and not summarily by the court as at present [1927]. The later articles also bear upon the history of the procedure in matters of contempt. Further inquiry confirmed the opinion originally formed with regard to the trial of contempt and brought to light a considerable amount of additional evidence which, with the earlier matter, is embodied in the following chapters. * * *" [16]

Then in summarizing he asserts that strangers to court proceedings were never punished except by the ordinary processes of the criminal law for contempts committed out of the court's presence until some time after the dissolution of the star chamber; he immediately follows with the judgment that parties were governed by the same general rules that applied to strangers.[17] Of course he recognizes the antiquity of the jurisdiction of courts to enforce their orders by conditional confinement, but such coercion, as pointed out before, is obviously something quite different from the infliction of purely punitive penalties for criminal contempt when compliance is no longer possible.

Professors Frankfurter and Landis in their fine article likewise unequivocally declare:

> "The Clayton Act (providing for jury trial of certain charges of criminal contempt) does nothing new. It is as old as the best traditions of the common law. * * *
>
> "Down to the early part of the 18th century cases of contempt even in and about the common law courts when not committed by persons officially connected with the court were dealt with by the ordinary course of law, i.e., tried by jury, except when the offender confessed or when the offense was committed 'in the actual view of the court.' * * *

* * * * *

> "[U]ntil 1720 there is no instance in the common law precedents of punishment

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[10] See pp. 202–213, infra.

[11] In accordance with established usage 18 U.S.C. 1 defines a felony as any "offense punishable by death or imprisonment for a term exceeding 1 year." By this standard the offense of contempt is not only a crime, but a felony—a crime of the gravest and most serious kind.

Of course if the maximum punishment for criminal contempt were sufficiently limited that offense might no longer fall within the category of "crimes"; instead it might then be regarded, in the light of our previous decisions, as a "petty" or "minor" offense for which the defendant would not necessarily be entitled to trial by jury. See *District of Columbia* v. *Clawans*, 300 U.S. 617; *Callan* v. *Wilson*, 127 U.S. 540.

[12] Cf. *New Orleans* v. *Steamship Co.*, 20 Wall. 387, 392 ("Contempt of court is a specific criminal offense."). And see *Michaelson* v. *United States ex rel. Chicago, St. P.M. & O.R. Co.*, 266 U.S. 42, 66–67; *Pendergast* v. *United States*, 317 U.S. 412, 417–418.

"Since a charge of criminal contempt is essentially an accusation of crime, all the constitutional safeguards available to an accused in a criminal trial should be extended to prosecutions for such contempt." Frankfurter and Greene, The Labor Injunction, 226.

[13] 18 U.S.C. 3146.

[14] One scholar has argued that even contempts in the face of the courts were tried by jury after indictment by grand jury until the reign of Elizabeth I. Solly-Flood, Prince Henry of Monmouth and Chief Justice Gascoign, 3 transactions of the "Royal Historical Society" (N.S.) 47. Although agreeing that contempts in facie were often tried by a jury up to and beyond this period, Fox takes the view that such contempts were also punishable by summary procedures from the early common law.

[15] In passing it is interesting to note that even Wilmot felt obliged to bolster his position by pointing to the fact that a defendant, under a notion then prevalent, could exonerate himself from a charge of contempt by fully denying the charges under oath. In this event he could only be prosecuted for false swearing in which case he was entitled, as Wilmot elaborately observes, to trial by jury. See Curtis and Curtis, "The Story of a Notion in the Law of Criminal Contempt," 41 Harv. L. Rev. 51.

[16] Fox, "The History of Contempt of Court," VII.

[17] Id., at 116–117. See also, id., at 3–4, 13, 54–55, 71–72, 89.

otherwise than after trial in the ordinary course and not by summary process."[18]

And Professor Beale in his discussion of the matter concludes:

> "As early as the time of Richard III it was said that the chancellor of England compels a party against whom an order is issued by imprisonment; and a little later it was said in the chancery that 'a decree does not bind the right, but only binds the person to obedience, so that if the party will not obey, then the chancellor may commit him to prison till he obey, and that is all the chancellor can do.' This imprisonment was by no means a punishment, but was merely to secure obedience to the writ of the King. Down to within a century [Beale was writing in 1908] it was very doubtful if the chancellor could under any circumstances inflict punishment for disobedience of a decree. * * * In any case the contempt of a defendant who had violated a decree in chancery could be purged by doing the act commanded and paying costs; * * *.
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> * * * * * *
>
> "Where the court inflicts a definite term of imprisonment by way of punishment for the violation of its orders, the case does not differ, it would seem, from the case of criminal contempt out of court, and regular process and trial by jury should be required."[19]

In brief the available historical material as reported and analyzed by the recognized authorities in this field squarely refutes the Government's insistence that disobedience of a court order has always been an exception punishable by summary process. Insofar as this particular case is concerned, the Government frankly concedes that it cannot point to a single instance in the entire course of Anglo-American legal history prior to this prosecution and two related contemporary cases where a defendant has been punished for criminal contempt by summary trial after fleeing from court-ordered imprisonment.[20]

Those who claim that the delegates who ratified the Constitution and its contemporaneous amendments intended to exempt the crime of contempt from the procedural safeguards expressly established by those great charters for the trial of all crimes carry a heavy burden indeed. There is nothing in the Constitution or any of its amendments which even remotely suggest such an exception. And as the Government points out in its brief, it does not appear that there was a word of discussion in the Constitutional Convention or in any of the State ratifying conventions recognizing or affirming the jurisdiction of courts to punish this crime by summary process, a power which in all particulars is so inherently alien to the method of punishing other public offenses provided by the Constitution.

In the beginning the contempt power with its essentially arbitrary procedures was a petty, insignificant part of our law involving the use of trivial penalties to preserve order in the courtroom and maintain the authority of the courts.[21] But since the adoption of the Constitution it has undergone an incredible transformation and growth, slowly at first and then with increasing acceleration, until it has become a powerful and pervasive device for enforcement of the criminal law. It is no longer the same comparatively innocuous power that it was. Its summary procedures have been pressed into service for such farflung purposes as to prevent unlawful labor practices, to enforce the prohibition laws, to secure civil liberties and now, for the first time in our history, to punish a convict for fleeing from imprisonment.[22] In brief it has become a common device for bypassing the constitutionally prescribed safeguards of the regular criminal law in punishing public wrongs. But still worse, its subversive potential to that end appears to be virtually unlimited. All the while the sentences imposed on those found guilty of contempt have steadily mounted, until now they are even imprisoned for years.

I cannot help but believe that this arbitrary power to punish by summary process, as now used, is utterly irreconcilable with first principles underlying our Constitution and the system of government it created—principles which were uppermost in the minds of the generation that adopted the Constitution. Above all that generation deeply feared and bitterly abhorred the existence of arbitrary, unchecked power in the hands of any government official, particularly when it came to punishing alleged offenses against the state. A great concern for protecting individual liberty from even the possibility of irresponsible official action was one of the momentous forces which led to the Bill of Rights. And the fifth, sixth, seventh, and eighth amendments were directly and purposefully designed to confine the power of courts and judges, especially with regard to the procedures used for the trial of crimes.

As manifested by the Declaration of Independence, the denial of trial by jury and its subversion by various contrivances was one of the principal complaints against the English Crown. Trial by a jury of laymen and no less was regarded as the birthright of freemen.[23] Witness the fierce opposition of the colonials to the courts of admiralty in which judges instead of citizen juries were authorized to try those charged with violating certain laws.[24] The same zealous determination to protect jury trial dominated the State conventions that ratified the Constitution and eventually led to the solemn reaffirmation of that mode of trial in the Bill of Rights—not only for all criminal prosecutions but for all civil causes involving $20 or more. See 2 Story, Commentaries on the Constitution (5th ed. 1891), sections 1763-1768. I find it difficult to understand how it can be maintained that the same people who manifested such great concern for trial by jury as to explicitly embed it in the Constitution for every $20 civil suit could have intended that this cherished method of trial should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-ranging mandates without giving the accused a fair trial by his fellow citizens it would have provoked a storm of protest, to put it mildly. Would any friend of the Constitution have been foolhardy enough to take the floor of the ratifying convention in Virginia or any of a half dozen other States and even suggest such a possibility?[25]

As this Court has often observed, "The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning," *United States* v. *Sprague,* 282 U.S. 716, 731; "* * * constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption," *Lake County* v. *Rollins,* 130 U.S. 662, 671. Cf. Mr. Justice Holmes in *Eisner* v. *Macomber,* 252 U.S. 189, 219-220 (dissenting opinion). It is wholly beyond my comprehension how the generality of laymen, or for that matter even thoughtful lawyers either at the end of the 18th century or today, could possibly see an appreciable difference between the crime of contempt, at least as it has now evolved, and other major crimes, or why they would wish to draw any distinction between the two so far as basic constitutional rights were concerned.

It is true that Blackstone in his commentaries incorporated Wilmot's erroneous fancy that at common law the courts had immemorially punished all criminal contempts without regular trial. Much ado is made over this by the proponents of summary proceedings. Yet at the very same time Blackstone openly classified and uniformly referred to contempt as a "crime" throughout his treatise, as in fact it had traditionally been regarded and punished at common law.[26] Similarly, other legal treatises available in this country during the period when the Constitution was established plainly treated contempt as a "crime."[27] It seems to me that if any guide to the meaning of the Constitution can be fashioned from the circulation of the commentaries and these other legal authorities through the former Colonies (primarily among lawyers and judges) it is at least as compatible with the view that the Constitution requires a jury trial for criminal contempts as with the contrary notion.

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[18] Power To Regulate Contempts," 37 Harv. L. Rev. 1010, 1042, 1046.

[19] "Contempt of Court, Criminal and Civil," 21 Harv. L. Rev. 161, 169-170, 174.

[20] See *United States* v. *Thompson,* 214 F. 2d 545; *United States* v. *Hall,* 198 F. 2d 726.

[21] Although records of the colonial era are extremely fragmentary and inaccessible apparently such contempts as existed were not the subject of major punishment in that period. From the scattered reported cases it appears that alleged offenders were let off after an apology, a reprimand, or a small fine or other relatively slight punishment. I have found no instance where anyone was unconditionally imprisoned for even a term of months, let alone years, during that era when extremely harsh penalties were otherwise commonplace.

[22] The following are merely random samples of important and far-reaching Federal regulatory acts now in effect under which a violation of any provision of the act is not only a statutory crime punishable as such but also may be enjoined at the Government's request and punished as a criminal contempt by summary process if the injunction is disobeyed. Securities Exchange Act, 48 Stat. 900, 15 U.S.C. 78u; Natural Gas Act, 52 Stat. 832, 15 U.S.C. 717s; Fair Labor Standards Act, 52 Stat. 1069, 29 U.S.C. 217; Atomic Energy Act, 68 Stat. 959, 42 U.S.C. (Supp. IV) 2280; Federal Communications Act, 48 Stat. 1092, 47 U.S.C. 401; Defense Production Act of 1950, 64 Stat. 817, 50 U.S.C. App. 2156.

[23] As early as 1765 delegates from nine colonies meeting in New York declared in a Declaration of Rights that trial by jury was the "inherent and invaluable right" of every colonial. 43 Harvard Classics 147, 148.

[24] In 1775 Jefferson protested: "[Parliament has] extended the jurisdiction of the courts of admiralty beyond their antient limits thereby depriving us of the inestimable right of trial by jury in cases affecting both life and property and subjecting both to the decision arbitrary decision [sic] of a single and dependent judge." 2 Journals of the Continental Congress (Ford ed.) 132.

[25] Although sec. 17 of the Judiciary Act of 1789, 1 Stat. 73, 83, authorized the Federal courts to punish contempts "in any cause or hearing before the same," it did not, as this Court has pointed out, define what were contempts or prescribe the method of punishing them. *Savin, Petitioner,* 131 U.S. 267, 275. Sec. 17, which contains a number of other provisions, appears to have been a comparatively insignificant provision of the judicial code enacted by the Congress without material discussion in the midst of 34 other sections, many of which were both extremely important and highly controversial.

[26] See, e.g., 4 Blackstone's Commentaries 1-6, 119-126, 280-287. Also pertinent here is Blackstone's oft-quoted laudation of trial by jury "as the glory of the English law. * * * [I]t is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals." 3 id., at 379.

But far more significant, our Constitution and Bill of Rights were manifestly not designed to perpetuate, to preserve inviolate, every arbitrary and oppressive governmental practice then tolerated, or thought to be, in England. Cf. *Bridges* v. *California*, 314 U.S. 252, 263–268. Those who formed the Constitution struck out anew free of previous shackles in an effort to obtain a better order of government more congenial to human liberty and welfare. It cannot be seriously claimed that they intended to adopt the common law wholesale. They accepted those portions of it which were adapted to this country and conformed to the ideals of its citizens and rejected the remainder. In truth there was widespread hostility to the common law in general and profound opposition to its adoption into our jurisprudence from the commencement of the Revolutionary War until long after the Constitution was ratified. As summarized by one historian:

"The Revolutionary War made everything connected with the law of England distasteful to the people at large. The lawyers knew its value: the community did not. Public sentiment favored an American law for America. It was quickened by the unfriendly feeling toward the mother country which became pronounced toward the close of the 18th century and culminated in the War of 1812."[28]

Although the bench and bar, particularly those who were adherents to the principles of the Federalist Party, often favored carrying forward the common law to the fullest possible extent, popular sentiment was overwhelmingly against them.[29]

Apologists for summary trial of the crime of contempt also endeavor to justify it is a "necessity" if judicial orders are to be observed and the needful authority of the courts maintained. "Necessity" is often used in this context as convenient or desirable. But since we are dealing with an asserted power which derogates from and is fundamentally inconsistent with our ordinary, constitutionally prescribed methods of proceeding in criminal cases, "necessity," if it can justify at all, must at least refer to a situation where the extraordinary power to punish by summary process is clearly indispensable to the enforcement of court decrees and the orderly administration of justice. Or as this Court has repeatedly phrased it, the courts in punishing contempts should be rigorously restricted to the "least possible power adequate to the end proposed." See e.g., *In re Michael*, 326 U.S. 224, 227.

Stark necessity is an impressive and often compelling thing, but unfortunately it has all too often been claimed loosely and without warrant in the law, as elsewhere, to justify that which in truth is unjustifiable. As one of our great lawyers, Edward Livingston, observed in proposing the complete abolition of summary trial of criminal contempts:

"Not one of the oppressive prerogatives of which the crown has been successively stripped, in England, but was in its day, defended on the plea of necessity. Not one of the attempts to destroy them, but was deemed a hazardous innovation."[30]

When examined in closer detail the argument from "necessity" appears to rest on the assumption that the regular criminal processes, including trial by petit jury and indictment by grand jury, will not result in conviction and punishment of a fair share of those guilty of violating court orders, are unduly slow and cumbersome, and by intervening between the court and punishment for those who disobey its mandate somehow detract from its dignity and prestige. Obviously this argument reflects substantial disrespect for the institution of trial by jury, although this method of trial is—and has been for centuries—an integral and highly esteemed part of our system of criminal justice enshrined in the Constitution itself. Nothing concrete is ever offered to support the innuendo that juries will not convict the same proportion of those guilty of contempt as would judges. Such evidence as is available plus my own experience convinces me that by and large juries are fully as responsible in meting out justice in criminal cases as are the judiciary.[31] At the same time, and immeasurably more important, trial before a jury and in full compliance with all of the other protections of the Bill of Rights is much less likely to result in a miscarriage of justice than summary trial by the same judge who issued the order allegedly violated.

Although some are prone to overlook it, an accused's right to trial by a jury of his fellow citizens when charged with a serious criminal offense is unquestionably one of his most valuable and well-established safeguards in this country.[32] In the words of Chief Justice Cooley:

"The law has established this tribunal because it is believed that, from its numbers, the mode of their selection, and the fact that jurors come from all classes of society, they are better calculated to judge of motives, weigh probabilities, and take what may be called a commonsense view of a set of circumstances, involving both act and intent, than any single man, however pure, wise and eminent he may be. This is the theory of the law; and as applied to criminal accusations, it is eminently wise, and favorable alike to liberty and to justice." *People* v. *Garbutt*, 17 Mich. 9, 27. Trial by an impartial jury of independent laymen raises another imposing barrier to oppression by government officers. As one of the more perceptive students of our experiment in freedom keenly observed, "The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government." One De Tocqueville, "Democracy in America" (Reeve trans., 1948 ed.), 282. The jury injects a democratic element into the law. This element is vital to the effective administration of criminal justice, not only in safeguarding the rights of the accused, but in encouraging popular acceptance of the laws and the necessary general acquiescence in their application. It can hardly be denied that trial by jury removes a great burden from the shoulders of the judiciary. Martyrdom does not come easily to a man who has been found guilty as charged by 12 of his neighbors and fellow citizens.

It is undoubtedly true that a judge can dispose of charges of criminal contempt faster and cheaper than a jury. But such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy. But even setting this dominant consideration to one side, what compelling necessity is there for special dispatch in punishing criminal contempts, especially those occurring beyond the courtroom? When the desired action or inaction can no longer be compelled by coercive measures and all that remains is the punishment of past sins there is adequate time to give defendants the full benefit of the ordinary criminal procedures. As a matter of fact any slight delay involved might well discourage a court from resorting to hasty, unnecessary measures to chastise suspected disobedience. I believe that Mr. Justice Holmes, speaking for himself and Mr. Justice Brandeis, took his stand on invulnerable ground when he declared that where "there is no need for immediate action contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts." *Toledo Newspaper Co.* v. *United States*, 247 U.S. 402, 425–426 (dissenting opinion).[33]

For almost a half century the Clayton Act has provided for trial by jury in all cases of criminal contempt where the alleged contempt is also a violation of a Federal criminal statute.[34] And since 1931 the Norris-La Guardia Act has granted the same right where a charge of criminal contempt is based on the alleged violation of an injunction issued in a labor dispute.[35] Notwithstanding the forebodings of calamity and destruction of the judicial system which preceded, accompanied, and briefly followed these reforms, there is no indication whatever that trial by jury has impaired the effectiveness or authority of the courts in these important areas of the law. Furthermore it appears that in at least five States one accused of the crime of contempt is entitled, at least to some degree, to demand jury trial where the alleged contempt occurred beyond the courtroom.[36] Again, I am unable to find any evidence, or even an assertion, that judicial orders have been stripped of their efficacy or courts deprived of their requisite dignity by the intervention of the jury in those States. So far as can be discerned the wheels of justice have not ground to a halt or even noticeably slowed. After all the English courts apparently got on with their business for six or seven centuries without any general power to try charges of criminal contempt summarily.

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[27] See, e.g., 1 Hawkins, "Pleas of the Crown" (6th ed. 1787, 87).

[28] Baldwin, "The American Judiciary," 14. "After the Revolution the public was extremely hostile to England and to all that was English and it was impossible for the common law to escape the odium of its English origin." Pound, "The Spirit of the Common Law," 116. And see Warren, "History of the American Bar," 224–228.

[29] In 1804 the chief justice and two associate justices of the Pennsylvania Supreme Court were actually impeached for sentencing a person to jail for contempt. In part, the impeachment rested on the feeling that punishment of contempt by summary process was an arbitrary practice of the common law unsuited to this country. While the justices were narrowly acquitted this apparently only aggravated popular antagonism toward the contempt power. See 3 McMaster, "History of the People of the United States" (1938 ed.), 153–162.

[30] 1 "Works of Edward Livingston" 264.

[31] See, e.g., Sunderland, "Trial by Jury," 11 Univ. of Cin. L. Rev. 119, 120; Hartshorne, "Jury Verdicts: A Study of Their Characteristics and Trends," 35 A.B.A.J. 113.

[32] See *Ex parte Milligan*, 4 Wall. 2, 122–123; *Thompson* v. *Utah*, U.S. 343, 349–350; *Dimick* v. *Schiedt*, 293 U.S. 474, 485–486; *United States ex rel. Toth* v. *Quarles*, 350 U.S. 11, 16, 18–19; The Federalist, No. 83 (Hamilton); 2 Story, "Commentaries on the Constitution of the United States," 544; 2 Wilson's Works (Andrews ed. 1896), 222.

[33] Again this case aptly demonstrates the point. Here the defendants surrendered several years after they had been ordered to appear and serve their sentences. There was no reason for urgent action to punish them for their absence, there was ample time to impanel a jury and prosecute them in the regular manner. As a matter of fact, almost a month and a half did elapse between their surrender and trial.

Alleged contempts committed beyond the court's presence where the judge has no personal knowledge of the material facts are especially suited for trial by jury. A hearing must be held, witnesses must be called, and evidence taken in any event. Cf. *Cooke* v. *United States*, 267 U.S. 517. And often, as in this case, crucial facts are in close dispute.

I might add, at this point, that Mr. Justice Brennan has forcefully demonstrated, in my judgment, that the evidence in this case was wholly insufficient to prove a crucial element of the offense charged; namely, notice of the surrender order.

[34] 38 Stat. 738–739, as amended, 18 U.S.C. secs. 402, 3691.

[35] 47 Stat. 72, 18 U.S.C. sec. 3692.

I am confident that in the long run due respect for the courts and their mandates would be much more likely if they faithfully observed the procedures laid down by our nationally acclaimed charter of liberty, the Bill of Rights.[37] Respect and obedience in this country are not engendered—and rightly not—by arbitrary and autocratic procedures. In the end such methods only yield real contempt for the courts and the law. The classic example of this is the use and abuse of the injunction and summary contempt power in the labor field. The Federal courts have still not recovered from the scars inflicted by their intervention in that area where Congress finally stepped in and preserved the right of jury trial to all those charged with the crime of contempt.

In the last analysis there is no justification in history, in necessity, or most important in the Constitution for trying those charged with violating a court's decree in a manner wholly different from those accused of disobeying any other mandate of the State. It is significant that neither the Court nor the Government makes any serious effort to justify such differentation except that it has been sanctioned by prior decisions. Under the Constitution courts are merely one of the coordinate agencies which hold and exercise governmental power. Their decrees are simply another form of sovereign directive aimed at guiding the citizen's activity. I can perceive nothing which places these decrees on any higher or different plane than the laws of Congress or the regulations of the Executive insofar as punishment for their violation is concerned. There is no valid reason why they should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth. In my judgment trial by the same procedures, constitutional and otherwise, which are extended to criminal defendants in all other instances is also wholly sufficient for the crime of contempt.

Mr. TALMADGE. Mr. President, in 1957 the Senate approved a jury trial amendment exactly like the one which I now support. After that historical vote in the Senate, I declared on this floor that I was heartened to see that the majority of the Senate declared in no uncertain terms that the American people will not surrender their cherished constitutional guarantee of trial by jury. I pointed out that this is a guarantee that is expressed four different times in the Constitution of the United States.

This Senate, in that vote in 1957, demonstrated that it believed along with Winston Churchill that:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and freedom.

One of the most outstanding speeches made in favor of trial by jury in criminal contempt cases, in addition to those made by the late John F. Kennedy, and Lyndon B. Johnson, who is now our President, was delivered by the late Senator Andy Schoeppel, of Kansas. Senator Schoeppel was a stanch defender of individual liberty, and he recognized that there is no greater guarantee to that liberty than trial by jury.

Speaking in behalf of the jury trial amendment of 1957, Senator Schoeppel declared with great truth:

> To deprive citizens anywhere in the country of the right to trial by jury, even though the primary aim may be to preserve some other right or privilege by that means, is like burning down the barn to kill the rats. Or, to put it in other terms, the cure is simply worse than the disease. In no case can the limitation or elimination of jury trials serve the cause of democracy and individual freedom which we cherish.

Senator Schoeppel prepared an excellent statement supporting the right to a trial by jury, not only in criminal cases, but in all cases when a person's freedom and property are placed in jeopardy.

Mr. President, at this time, I would like to read Senator Schoeppel's statement, for I believe it to be an aluminative discussion of the basic issue now before the Senate. Said Senator Schoeppel:

TRIAL BY JURY: WHAT IT MEANS TO AMERICANS

(Statement by Senator Schoeppel)

I have been extremely interested in the legislation now before us, namely, the civil rights matter.

I have some misgivings about the way some of these matters have been approached, and have tried to be constructive, fair, and objective in approaching the subject.

One important phase of this proposed legislation has been discussed at length, and that is the jury trial.

Many positive views have been expressed, alarms have been sounded, I think not without justification.

Because I feel strongly about this subject, I want to present today some of my own views on trial by jury, and what it means to America.

"The trial of all crimes, except in cases of impeachment, shall be by jury";—with these words, deeply embedded in the heart of the American Constitution, our Founding Fathers guaranteed to all succeeding generations the precious heritage of trial by jury.

It is important today, I think, when this right to trial by jury is being threatened from a wholly new angle, to consider what trial by jury meant to the men who wrote it into our Constitution, to consider exactly what Madison, Franklin, and their coworkers had in mind when they made the procedure an integral part of American government.

So important did these men consider the right to trial by jury that, interestingly enough, there was almost no debate in the Constitutional Convention on the subject. No one thought to question the right—not one of our Constitution makers even considered limiting it.

The reason for their unanimity on the subject is not hard to discover, however, for one of the main grievances which the colonists had against the British was precisely the denial of trial by jury.

The British, in accordance with the technical organization of their judicial system, permitted courts of admiralty to judge violations of the smuggling regulations—and these admiralty courts dispensed with juries completely. Thus, American colonists were sentenced by judges appointed far away in England—they were being deprived of the right, first mentioned in Magna Carta, to a trial by their own peers according to the law of the land.

Technically, the British were breaking no laws in setting up a separate procedure, with no juries, just as technically it is not unconstitutional for judges without juries to sentence offenders in various types of contempt cases.

But it was as clear to our Founding Fathers, as it is to many people here today, that British efforts to eliminate trial by jury, like the current ones, were in effect a deliberate attempt to eliminate through a technicality one of the cherished rights of the individual.

From this original emphasis in American history, trial by jury has always meant something more than just a judicial procedure.

To these early Americans, whose political thinking laid the foundation for our great Republic, trial by jury in a nearby court was, in fact, an integral part of local democracy and self-government.

Americans were, and of right ought to be, as Jefferson put it, their own rulers, judging and governing one another as peers, not merely the subjects of judges and Governors from across the ocean. Local self-government, the independence and initiative of separate communities from Maine to California—that is the spirit which has guided American progress from the first birth pangs of colonial revolt to the present responsibilities of free world leadership.

Americans today are not unmindful of this, their heritage. Trial by jury is one of the most precious of individual liberties and, at the same time, one of the most significant of local responsibilities. It is a privilege for which there is no substitute.

To an individual accused of a crime, any kind of crime, there can be no greater protection than the knowledge that he cannot be punished, fined, or imprisoned until the facts of his case have been put before a jury of 12 of his fellow men.

And even to the individual who has committed no crime and has no intention of committing any, the knowledge that his freedom cannot be seriously abridged except by a jury trial provides the fundamental guarantee of his own position as a free American citizen.

From the point of view of the community, trial by jury represents a basic principle of law enforcement; namely, that the community itself shall not be denied the right to consider the facts and situations which may arise and endanger it.

Juries are chosen from the lists of qualified citizens in any area—those people are quite rightly assumed to be people with a real interest in administering the law and in protecting the community from crime and injustice.

To assume, as some people are now suggesting, that the verdicts of certain juries in certain areas are not correct is to say that those areas or those people are not capable of judging true from false, right from wrong.

In effect, it is to say that those areas are not capable of governing themselves, but should be put under the control of judges, who, like colonial Governors, are supposed to know better than the citizens themselves what is good for them.

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[36] Arizona, Rev. Stat. Ann., 1956, sec. 12–863; Georgia, Code Ann., 1935, sec. 24–105; Kentucky, Rev. Stat. Ann., 1955, sec. 432.260; Oklahoma, Stat. Ann., 1936, title 21, sec. 567; Pennsylvania, Purdon's Stat. Ann., 1930 (Cum. Ann. Pocket Pt. 1957), title 17, sec. 2047.

[37] See Brown, Whence Come These Sinews? 12 Wyo. L.J. 22.

How can any American suggest that?

Moreover, the use of juries serves not only to administer justice, but also to spread enlightenment to all who come in contact with it. In this connection, I should like to quote from one of the most astute observers of American institutions, a European who could appreciate the privileges which we have always taken for granted. "The American jury," Alexis de Tocqueville wrote, imbues all classes with a respect for the thing judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity—every man learns to judge his neighbor as he would himself be judged." And this is especially true of the jury in civil cases, for while the number of persons who have reasons to apprehend a criminal prosecution is small, everyone is liable to have a lawsuit. The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist.

"It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society. * * * I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use that they have made of the jury in civil causes."

This educational role that jury trials have played throughout American history is an added argument against any effort to abridge it. Changes have come in American society because people have been continually able to educate themselves to the needs of the times.

Certainly the present moment, when far-reaching social, political, and economic changes are being sought by the supporters of the civil rights bill, is the worst of all possible times to eliminate such a potent educational influence.

There is another important consideration which we can also not afford to ignore. At the time when the Constitution was written, when our ancestors put such clear stress upon trial by jury, the individual States were small; the total American population was only about 3 million.

Then the power of the Federal Government was not great—today it is perhaps the strongest organization in the whole world.

This growth in our country and in our Government has provided many persons with greater opportunities—politically, economically, and socially—but, at the same time, it has reduced the power of the individual against the Government, and indeed, against all the other large organizations of the time.

It is, therefore, particularly urgent today that we should preserve and cherish the rights guaranteed in the Constitution and the Bill of Rights.

In a day when substantive rights are continually being refined and reduced, there is a greater necessity than ever to maintain the procedural rights outlined in the Bill of Rights.

To deprive citizens anywhere in the country of the right to trial by jury, even though the primary aim may be to preserve some other right or privilege by that means, is like burning down the barn to kill the rats. Or, to put it in other terms, the cure is simply worse than the disease. In no case can the limitation or elimination of jury trials serve the cause of democracy and individual freedom which we cherish.

Let us remember that no government can function when it is afraid to trust the careful and honest decisions of its citizens serving as jurors.

Let us realize that America has grown great and strong precisely because America has always valued the rights of the individual and the responsibilities of the community as the very source of all liberty.

That is what trial by jury has represented throughout the course of American history. That is what trial by jury means to every responsible citizen today.

It is a right that should not be sacrificed to any expediencies of our time, but should be handed on to our descendants as it was to us, a precious testimonial of our faith in individual liberty and human dignity.

To that end I am determined not to dispense with this important American right in this or any other type of legislation wherein it might be considered.

Mr. President, let me repeat for emphasis these words of our late and beloved friend, Senator Schoeppel:

> Let us remember that no government can function when it is afraid to trust the careful and honest decisions of its citizens serving as jurors.

Justice Felix Frankfurter recognized this principle when he wrote in 1924 that "the heart of the problem is the power, for all practical purposes, of a single judge to issue orders, to interpret them, to declare disobedience, and then to sentence."

It will be recalled that Mr. Justice Frankfurter, in the Green case, urged Congress to act to assure jury trials in criminal contempt cases. He stated, on page 193 of that decision:

> Congress has seen fit from time to time to qualify the power of summary punishment for contempt that it gave the Federal courts in 1789 by requiring in explicitly defined situations that a jury be associated with the court in determining whether there has been a contempt. It is for Congress to extend this participation of the jury, whenever it sees fit to do so, to other instances of the exercise of the power to punish for contempt.

Mr. Justice Frankfurter made luminously clear his views on this question. I urge the Senate to heed the words of Mr. Justice Frankfurter:

> The heart of the problem is the power for all practical purposes of a single judge to issue orders, to interpret them, to declare disobedience, and then to sentence. The restraining order and the preliminary injunction invoked in labor disputes reveal the most crucial points of legal maladjustment. Temporary injunctive relief without notice or, if upon notice relying upon dubious affidavits, serves the important function of staying defendant's conduct regardless of the ultimate justification of such restraint. The preliminary proceedings, in other words, make the issue of final relief a practical nullity. In labor cases, complicating factors enter. The injunction cannot preserve the so-called status quo, the situation does not remain in equilibrium awaiting judgment upon full knowledge. The suspension of activities affects only the strikers, the employer resumes his efforts to defeat the strike and resumes them free from the interdicted interferences. Moreover, the suspension of strike activities, even temporarily, may defeat the strike for practical purposes and foredoom its resumption, even if the injunction is later lifted. Choice is not between irreparable damage to one side and compensable damage to the other. The law's conundrum is which side should bear the risk of unavoidable, irreparable damage. Improvident denial of the injunction may be irreparable to the defendant. For this situation the ordinary mechanics of the provisional injunction proceedings are plainly inadequate. Judicialy error is too costly to either side of a labor dispute to permit perfunctory determination of the crucial issues; even in the first instance, it must be searching. The necessity of finding the facts quickly from sources vague, embittered, and partisan, colored at the start by the passionate intensities of a labor controversy, calls at best for rare judicial qualities. It becomes an impossible assignment when judges rely solely upon the complaint and the affidavits of interested or professional witnesses, confrontation, and cross-examination.
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> But the treacherous difficulties presented by an application for an injunction are not confined to the ascertainment of fact; the legal doctrines that must be applied are even more illusory and ambiguous. Even where the rules of law in a particular jurisdiction can be stated, as we have tried to state them, with a show of precision and definiteness of contour, the unknowns and the variables in the equation—intent, motive, malice, justification—make its application in a given case a discipline in clarity and detachment requiring time and anxious thought. With such issues of fact and of law, demanding insight into human behavior and nicety of juristic reasoning, we now confront a single judge to whom they are usually unfamiliar, and we ask him to decide forthwith, allowing him less opportunity for consideration than would be available if the question were one concerning the negotiability of a new form of commercial paper. We ease his difficulty and his conscience by telling him that his decision is only tentative.
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> Since the charge of criminal contempt is essentially an accusation of crime, all the constitutional safeguards available to the accused in a criminal trial should be extended to prosecutions for such contempt.

As I stated previously, the Senate, in 1957, apparently thought along the same lines as Mr. Justice Frankfurter. For, at that time, it voted 51 to 42 to assure jury trials in criminal contempt cases.

I cannot understand the change of heart now, but I would urge this Senate to repeat history, to listen to the words of Lyndon B. Johnson in 1957—who said:

> I do not believe that our people will accept the concept that man can be branded a criminal without a jury trial.

Mr. President, one of the most comprehensive summations of the history of our cherished right of trial by jury which I have ever had the pleasure to read was made in an address in 1957 to the bar association of the State of Wisconsin by the then president of the association, W. S. Henley.

It would be extremely beneficial to this Senate in placing this issue in its proper prospective to give consideration to the full picture of the place of trial by jury in our civilization.

With this in mind, I wish now to read from the text of Mr. Henley's excellent remarks:

> The subject of trial by jury is, in my opinion, the most vital issue before the American public today. We are being awakened to past encroachments and far greater threats for the future to this inherent right of every citizen. On the other hand, we are told that if the judges are not permitted to enforce the criminal laws by injunctions and citations for contempt without the right of a jury trial, this will result in anarchy.

Let us consider this issue briefly in the light of history and of the opinions of leading statesmen and great leaders of the bar in the past.

II

Historians disagree as to the origin of trial by jury. Some writers insist that the jury was of pure Anglo-Saxon origin and attribute it to Alfred the Great who reigned from 871 to 901. Others attribute its origin to various sources, including the Franks, the Normans, and the Celts.

The true answer appears to be that forms of trial resembling the jury system are to be found in the primitive institutions of practically all nations. Our ancestors' sense of justice and fairplay developed long before their civilization had advanced sufficiently to preserve a written record of trials.

III

The jury system as it is known to the common law developed in England from the 11th to the 16th century. In 1085, William the Conqueror used the jury system, as it then existed, in compiling the Domesday Book.

Originally, a jury trial was not a right but a privilege to be granted or withheld as a favor of the king. Henry II, a wise and just king who reigned from 1154 to 1189, encouraged trial by jury to make his royal courts more efficient and more popular than the courts of the feudal lords, which were not permitted to use juries. King John exacted expensive presents from those seeking trial by jury. However, under article 36 of the Magna Carta granted at Runnymede in 1215, such writs were no longer to be sold and bought but given as of right.

Kings and their ministers who considered a jury's verdict unjust preferred charges against such jury and tried them before the star chamber court which operated without a jury. Such proceedings became so oppressive and infamous under Charles I that the star chamber court was abolished in 1641, and the King was beheaded for his oppressive acts. The right to punish jurors for verdicts considered to be unjust was abolished by Parliament and the remedy of granting a new trial substituted therefor.

Embracery, consisting of corruption of a jury, was a statutory offense in England as early as 1360, but the prosecution thereof was so rare that when a case occurred in 1897, no precedent could be found upon which to draw an indictment.

In many early trials, judges intimidated juries. We have the familiar account of "Bloody" Judge Jeffries who, being displeased with the verdict of a jury, caused them to be placed in a cart, carried outside the city limits and dumped into a ditch. Regardless of whether the jury's authority was challenged by the crown, judges or by Parliament, the power of juries always eventually prevailed due to the confidence of the people in their verdicts.

Courageous and able leaders at the bar such as Bacon, Burke, Coke, Erskine, and others too numerous to mention have led in the struggles to place unlimited trust in the verdicts of juries, and public opinion sustained them and enabled the jury system to become the most dependable known method of trial.

In one of his sublime orations Edmund Burke declared that the whole state and power of England, her King, Lords and Commons, her Army and Navy were ordained and established for the purpose of getting 12 honest men into the jury box; in other words, to do justice between man and man, and to abolish force between individuals.

IV

Wherever English people migrated, they carried the jury system with them as one of their inherent rights. This resulted in the jury system being established throughout a large part of the world, including America, Australia, New Zealand, India, and South Africa. Our colonial courts recognized the right to a trial by jury at a very early date in a case by the Supreme Court of Pennsylvania.

In 1765 the British Parliament, at the instigation of King George III and his minister, enacted the Stamp Act and placed its enforcement under the Court of Admiralty, thereby depriving the American colonists of trials by jury in the matter of its enforcement. This aroused the resentment of the American colonists and on October 19, 1765, 9 of the 13 Colonies met in New York and adopted the Colonial Declaration of Rights to the effect that "trial by jury is the inherent and invaluable right of every British subject in these colonies," and condemned Parliament for depriving the colonists of such rights.

Thomas Jefferson in the Declaration of Independence charged George III with tyranny and usurpations in that the American colonists had been "deprived in many cases of the benefits of trial by jury." Our ancestors realized that the best part of our inheritance from England was the right to trial by jury, without which their liberty could not be preserved.

V

Section 2 of article III of the Constitution provides: "The trial of all crimes, except in cases of impeachment, shall be by jury." Randolph and Mason did not regard this provision as adequate protection and refused to sign the Constitution.

At the Virginia Constitutional Convention strenuous objection was raised by Patrick Henry and others to the ratification of the Constitution on the ground that trial by jury should be more clearly and more fully guaranteed. The history of the efforts of tyrannical Kings and of Parliament to deprive the English people of the benefits of trial by jury and of encroachments thereon was cited as a warning to the people of Virginia as to what might happen here. Patrick Henry in discussing this said: "I know of no way of judging the future but by the past."

As a result the Bill of Rights was prepared to be offered as amendments to the Constitution. Amendment 5 provides for indictment by grand juries. Amendment 6 provides that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed * * *." Amendment 7 provides for juries in civil suits at common law where the value in controversy shall exceed $20.

Jefferson advised the Virginia Convention to defer ratifying the Constitution until the proposed amendments were first adopted. However, upon the assurance of John Marshall, George Washington and others that the amendments would be promptly adopted, the Virginia Convention ratified the Constitution by a very close vote. The tradition of flagrant abuses of power by judges caused the makers of the constitutions and the legislatures in nearly all of the States to exercise diligence in undertaking to see that the right of trial by jury was preserved for the benefit of all those whose liberty might be placed in jeopardy in any manner.

VI

We have grown up in an age when trial by jury is taken for granted. Little do we realize the struggles and sacrifices endured by our ancestors to enable us to enjoy this great privilege. Nor do we stop to analyze what this privilege means to us.

The jury uses its commonsense in analyzing facts and weighing the evidence; the composite judgment of 12 laymen drawn from all walks of life is far more likely to represent the truth, than the judgment of one or more judges. The American system of government is based upon a proper separation of powers. Judges are able to perform their duty more efficiently by having the same confined to questions of law.

The jury system is the last vestige of pure democracy. No other part of our system of government comes as close home to the citizen as service upon a jury. There can be no more wholesome patriotic experience. It has served to keep our democratic form of government alive, active, and vigorous. It is indeed government of the people, by the people, and for the people. Without it, democracy would be doomed to perish from the face of the earth.

Joseph Choate, one of the greatest American trial lawyers, in delivering his annual address as president of the American Bar Association on August 18, 1898, stated:

> The truth is, however, that the jury system is so fixed as an essential part of our political institutions; it has proved itself to be such an invaluable security for the enjoyment of life, liberty, and property for so many centuries, it is so justly appreciated as the best and perhaps the only known means of admitting the people to a share, and maintaining their wholesome interest in the administration of justice; it is such an indispensable factor in educating them in their personal and civil rights; it affords such a school and training in the law to the profession itself; * * * that there can be no substantial ground for fear that any of us will live to see the people consent to give it up."

He warned members of the bar against tinkering or tampering with trial by jury.

"For I cherish, as the result of a life's work nearing its end, that the old-fashioned trial by a jury of 12 honest and intelligent citizens remains today, all suggested innovations and amendments to the contrary, the best and safest practical method for the determination of facts as the basis of judgment of courts, and that all attempts to tinker or tamper with it should be discouraged as disastrous to the public welfare."

VII

Trial by jury, as it is known in America and England, has never been permitted in countries controlled by dictators.

In ancient Rome the jurors were selected exclusively from the senators. Wherever the Roman or civil law prevails, jury trials, as known to common law, are not matters of right.

In a Russian trial, whether civil or criminal, there is no jury and no rules of evidence. Witnesses are not sworn since the state is atheistic. Almost anything is admitted in evidence, including hearsay. No objections to questions are made.

In his address to the Reichstag, on July 13, 1934, Hitler, in excusing himself from resorting to a bloody purge, said:

"If anyone faces me with the reproach that we should have used the regular courts for trial, I can only answer that in that hour I was responsible for the fate of the German nation, and therefore I myself was the German people's supreme tribunal."

It is one of the saddest facts of history that the fate of the German nation might have been different if justice had been administered by the people instead of being centralized in the hands of a dictator.

If we preserve, unimpaired, trial by jury, what has happened in Germany and Russia may not be repeated here. We, therefore, should always cherish and forever preserve in America the sacred right of trial by jury.

Winston Churchill in his "History of the English-Speaking Peoples," volume 2, page 186, states:

"Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free."

VIII

Today we are faced with the greatest threat to the right to trial by jury that has existed at any time since the adoption of the Constitution. This has come about in a very subtle manner by the extension of the jurisdiction of courts of equity so as in effect to invest them with the enforcement of criminal laws.

At the time of the drafting of the Constitution, courts of equity had never been vested with power to enforce the criminal laws and the Founding Fathers did not deem it necessary to provide a constitutional guarantee for trial by jury in equity.

By a gradual process of authorizing the enforcement of criminal laws by injunctions, courts of equity have been vested with concurrent jurisdiction to enforce criminal laws and are gradually usurping the police power of the State and Nation.

Beginning with the Interstate Commerce Commission Act of 1887, Congress has adopted 28 statutes vesting the right in Federal judges to enforce various criminal laws by injunction. This encroachment has been gradual and limited to the field covered by each specific act. Nevertheless, many statesmen and leaders of the bar have issued warnings against such encroachments.

S. S. Gregory, president of the American Bar Association, in his address to the association in 1912, had this to say:

"To say that the commission of an offense against the laws of the United States or at common law may be enjoined, and then the person charged with the commission of that offense may be tried upon information for contempt without a jury, is a clear evasion of these salutary constitutional guarantees. * * *

"Where the law prohibits an act, the effect of enjoining against its commission is merely to change the procedure by which the guilt of the person charged with doing the act thus prohibited shall be ascertained and his punishment fixed. By enjoining against the commission of crime and then proceeding on a charge of contempt against those accused of committing it, the administration of the criminal law is transferred to equity and the rights to trial by jury and all other guarantees of personal liberty, secured by the Constitution, are prohac vice destroyed."

The real question involved is whether trial by jury shall be retained in all essentially criminal prosecutions in the Federal courts.

IX

The pending civil rights bills multiply by many times the existing encroachments upon the right to trial by jury.

It is claimed that the proposed legislation would be more effective than the time-honored method of trial by jury. This same reason was given for the establishment of the Court of Star Chamber. Originally the jurisdiction of the Court of Star Chamber was invoked in cases where it was thought that juries might not convict. History records the results. Its methods grew to be cruel and tyrannical. The lesson taught by the history of the Star Chamber is that the rights and liberties of the people would not long survive in any country where the administration of law is committed exclusively to the boundless discretion of one person.

The present-day government by injunction is an attempt to revive the methods of Star Chamber Court. The commission of crimes is defined by statute, but when a judge takes over the function of the criminal court, a decree of the judge is substituted and often enlarges the statute by interpretation. In proceedings for contempt for an alleged violation of an injunction, the judge is the lawmaker, the injured party, the prosecutor, the judge, and the jury. It is only natural that under such circumstances, the proceedings may be effective notwithstanding it is contrary to the basic concepts of the fundamental rights of every American citizen.

Two persons may be charged with identically the same act alleged to be a crime—one is given the benefit of a trial by jury, and the other is tried by a judge without a jury, because the court has issued an injunction commanding all persons to obey the law. While there is a technical distinction as a practical matter, the liberty of each man is placed in jeopardy, and one enjoys the benefit of his basic right, and the same right is denied the other.

It is contended that the pending proposal to amend the civil rights legislation so as to guarantee trial by jury for contempts committed out of the presence of the court—grants a new right not originally enjoyed in a court of equity. Mr. Justice Sutherland in delivering the opinion of the U.S. Supreme Court in the case of *Michaelson* v. *United States* (266 U.S. 42, 69 L. ed. 162, 45 Sup. Ct. 18) in dealing with the history of permitting trial by jury in criminal contempt proceedings states:

"So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure."

The fact that there have been repeated encroachments upon the right of trial by jury since 1875 does not justify further encroachments on a wholesale basis. We should revert to the fundamental basic concepts of liberty and preserve the spirit as well as the letter of the Constitution.

We should remember that the same argument is being made today as was made in the times of the Star Chamber Court. William Pitt said: "Necessity is the arguments of tyrants. It is the creed of slaves." Unlimited power is apt to corrupt the minds of those who possess it.

There is no limit placed upon either the fine or imprisonment that may be imposed by a judge for violation of criminal contempt. The Star Chamber Court was repeatedly used for political purposes. It cannot be denied that politics and emotionalism actuate those who would resort again to Star Chamber procedures.

Under the provision of section 402 and section 3691 of title 18 of the United States Code where an indirect contempt of court is also a violation of a criminal law, jury trials are granted; but such provisions do not apply to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name, or on behalf of, the United States.

Why should the citizens be entitled to a jury trial in a case brought or prosecuted by an individual, and not entitled to a jury trial in a case prosecuted in the name of the United States? The history of the struggle to preserve our liberties demonstrates that the greater the power of the prosecutor, the more necessary is the protection of a trial by jury. If an exception in favor of the Government is sound in a contempt proceeding, it would logically follow that trial by jury should be abolished in every criminal case where the Government prosecutes.

In the pending civil rights legislation, the Attorney General of the United States is vested with power to institute and to prosecute suits on behalf of any person whose civil rights he believes to be violated without due request and even without the consent of such party. The U.S. Government is not the real party in interest, yet by virtue of assuming to bear the cost and the burden of litigation on behalf of any minority group, it would automatically circumvent and deny the right to trial by jury.

It has always been the privilege and duty of members of the bar to uphold the rights and liberties of American citizens whenever threatened. Thirty-two of the thirty-seven persons who signed the Constitution were members of the bar.

The right to trial by jury is a matter of special interest to lawyers. If the right to trial by jury is to be preserved to posterity in its full vigor and in the spirit intended by those who drafted the Constitution and the Bill of Rights, it behooves us to put forth every effort in our power to turn back the threatened encroachments and to do everything in our power to preserve unimpaired the guarantees of trial by jury.

The privilege that we enjoy of appearing before juries in the arena of justice places on us a grave responsibility to our fellow citizens and to posterity in these troublesome times.

As I have already pointed out on this floor, Mr. President, the right of trial by jury is given to parties to labor disputes. That is done by means of various statutes, including the Clayton Act and the Norris-La Guardia Act. Those statutes were outgrowths of what, to Congress, seemed to be judicial abuses of the injunctive process in connection with the handling of labor problems.

Mr. THURMOND. Mr. President, will the able Senator from Georgia yield?

Mr. TALMADGE. Mr. President, I am delighted to yield to the distinguished Senator from South Carolina without losing any of my rights to the floor, and without my subsequent remarks being considered a second speech.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Without objection, it is so ordered.

Mr. THURMOND. We generally consider that titles I, II, III, IV, and VII deny the right of trial by jury. I believe it is very generally accepted that such is the case. Does the Senator agree with me?

Mr. TALMADGE. That is correct. The distinguished Senator from South Carolina and I had a detailed colloquy earlier in the debate in which the Senator pointed out the specific language, line by line, and sentence by sentence, that would deprive defendants of the right to a trial by jury in such instances.

Mr. THURMOND. I would now like to consider a provision in title VI which, it appears, would also deny the right of trial by jury, and which has probably been overlooked in the bill. I should like to ask the able Senator, if he has a copy of the bill before him, to turn to page 26, section 602, line 12, where the following language occurs:

> After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement.

It is clear that the Government could withhold funds or refuse to continue assistance under any of the Federal programs.

Mr. TALMADGE. The Senator is entirely correct about that point. The only thing that the Federal agency must determine is whether or not in its judgment, discrimination is involved. As the Senator well knows, the meaning of "discrimination" is not even defined out in the bill. The term is as broad as any Federal agency wishes to make it.

Mr. THURMOND. The discretion in determining what discrimination might mean in such a case would be exercised by the particular agency concerned.

Mr. TALMADGE. The Federal agency involved; and subject only to their peculiar notions as to what may or may not be discrimination.

Mr. THURMOND. What might not be considered discrimination by the head of one Government agency might be considered discrimination by the head of another agency. Is that not correct?

Mr. TALMADGE. That is not only possible, but it is also probable.

Mr. THURMOND. For example, if the head of the Department of Health, Education, and Welfare saw fit to withhold funds for educational purposes, he could make his determination as to what is discrimination and as to whether or not such discrimination had existed in the particular locale that might be concerned.

Mr. TALMADGE. The Senator is entirely correct. For example, he could say that the school lunch program denied students an opportunity to eat together, and that in his judgment such action might constitute discrimination. For that reason funds for the school lunch program, or the entire school program itself, could be withheld at the discretion of the head of the Department of Health, Education, and Welfare, and that would cover not only the area affected, the city or county, but entire States. And, if it were desired, the term would be broad enough to cover an entire region, including any and all States in the Union. That is how broad the power would be, since the discretion would rest with the Department head.

Mr. THURMOND. If the Director of the Veterans' Bureau determined that there was discrimination in some program in a particular locale, he might use a different standard entirely?

Mr. TALMADGE. That is correct.

Mr. THURMOND. He might adopt standards that could affect a veteran who had served in World War I, World War II, the Korean war, or the war in Vietnam, and who perhaps had lost both legs or both eyes. A bureaucrat in Washington would be allowed, without any law or guideline, to determine in his own judgment what constituted discrimination, and to say that any payments to which that veteran might be entitled would be cut off.

Mr. TALMADGE. The delegation of power would be broad enough to give any Federal agency the power to do as it might see fit.

Mr. THURMOND. Coming down to the next sentence of section 602, following the one I read—

> (2) By any other means authorized by law.

I am wondering if possibly that provision has been overlooked. I point out, on the question of the right to trial by jury in criminal contempt cases, that by no means have we yet gone into the full implication of some parts of the bill that could lead to enforcement of racial integration policy through the courts, wherever that is probable or possible. There arises the question of criminal contempt of a court order, and the present lack of a constitutional right of a trial by jury, as the Constitution has been interpreted by the Supreme Court, by a 5 to 4 margin. For example, under title VI, which we are now discussing, this has been referred to time and again in the debate as the title authorizing the cutting off of funds to enforce racial integration. That is the chief phase of it that we have discussed in relation to the cutting off of funds.

Mr. TALMADGE. It is a provision that has been referred to in some form.

Mr. THURMOND. That is, the withholding of funds.

Mr. TALMADGE. That is correct.

Mr. THURMOND. It is possible that we may not have brought out an important point, namely, the sentence which I have just read:

> By any other means authorized by law.

That provision could be the means for administrative enforcement of the broad and unreasonable language of section 601. That is the section on the preceding page, which states:

> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Whenever we have rigid enforcement of the broad effect and undefined language of section 601, it may well be that our position in regard to the right to trial by jury in criminal contempts would be as seriously needed in relation to title VI as in relation to any other section or title of the bill. I refer to the fact that on page 26 of the bill the word "may" is used. That is in line 6:

> Such action may be taken by or pursuant to rule, regulation—

And so forth. This word is used in line 6, in relation to the mandate given to all departments and agencies to effectuate the provisions of section 601 of the preceding page, that is, page 25.

Enforcing authorities might do two things. First, they might cut off financial assistance or effectuate compliance by any other means authorized by law. That provision is found on page 26, line 18.

This is far more significant than might appear on the surface. For example, if a department or agency head did not wish to cut off funds and completely stop whole projects, he might have the general counsel get together with the Department of Justice to enforce provisions of section 601 by any other means authorized by law, as is provided for on page 26, line 18.

The Attorney General and many departments and agencies have statutory rights to go into court to protect the interests of the United States and to enforce lawfully adopted policies and procedures. Regulations issued under title VI and approved by the President would become enforceable as a part of this body of policies and procedures.

If a department or agency head should elect to proceed by the enforcement route rather than by cutting off funds, a report to Congress would not be required for 30 days following the action taken, because that procedure relates only to the cutting off of funds. This might foster more cases of enforcement of section 601; and wherever the court order would be entered in the enforcement process, this debate on jury trials in contempt cases would be most pertinent to title VI.

I am wondering if the Senator from Georgia agrees with that interpretation.

Mr. TALMADGE. I believe that interpretation is a logical conclusion. I had not noticed the particular language to which the Senator referred in line 18.

Every time I read this bill I discover something new and drastic which had escaped my attention prior to that time.

The Senator from Georgia has been impressed with this particular title, title VI, as being the most inhumane and sadistic proposal that has ever been proposed in a free country. The idea that an entire State could be starved out by the Federal Treasury at the whim or caprice of any Federal official has always been completely abhorrent to the Senator from Georgia. It sounds like something proposed in a dictatorship or some Communist country to authorize a Federal official, at will, to repeal or amend all legislation and all appropriations that have ever been made by the Congress.

There is no limitation of power in it. The grant is absolute. It is extreme. It is harsh. It is punitive. It is drastic.

If one saw fit to use that power for that purpose, he could control elections merely by saying, "If you do not vote right in the next election, we are going to withhold all your old-age assistance funds, all your highway funds, all your impacted school program funds, and all your school lunch funds." In any area that he saw fit, some tyrant, if he wanted to do so, could compel virtually any State to knuckle under and surrender to his whim and caprice.

I thank the Senator for pointing out a new drastic provision that had escaped my eye heretofore.

Mr. THURMOND. Under title VI, if it should be adopted, the rest of the bill practically would not be needed; would it?

Mr. TALMADGE. If title VI were adopted, all Congress would do would be to appropriate the money and say, "This is $100 billion we are turning over to you, which is tax money levied from the 190 million American citizens, to do with as you see fit. You can withhold it. You can starve them. You can beat a State into subjection to make it conform to your ideas, and not what the people of that sovereign State desire."

Mr. THURMOND. Is it not true that more than 100 laws would be amended if title VI were adopted?

Mr. TALMADGE. I have not the slightest idea how many laws would be amended. I believe the Attorney General, in testifying before the committee, stated that hundreds of programs would be affected.

It would amend virtually every legislative act that has been enacted from the founding of our Republic down to the present time and would amend all the appropriation acts that are now in existence. That is how broad it is.

Mr. THURMOND. Under title VI, subject to ineffective limitations, each agency would be permitted to establish its own controls, its own sanctions, its own penalties, including termination of or refusal to grant or continue the existence of programs, and any other means authorized by law.

Mr. TALMADGE. That is correct. We have a saying for that in Georgia—it is the entire "kit and caboodle." This title would turn all authority over to Federal agencies, lock, stock, and barrel.

Mr. THURMOND. Among the types of programs affected under title VI, I shall mention only a few: Loans by all Federal agencies, Farm Credit Administration, Federal land banks, banks for cooperatives, production and commodity credit, Small Business Administration, Federal National Mortgage Association, school lunch programs, Hill-Burton hospital construction, highway construction, child welfare services, social security, community health services, school fellowships in research, school and college construction, aid to the blind and disabled, vocational education, agricultural experiment stations, Federal Reserve System, national banks, Federal Civil Service, Federal contracts, Federal benefits—I could continue indefinitely.

Mr. TALMADGE. The Senator could go on and on. Offhand, I think of farmers. I do not think the Senator mentioned that particular category.

Mr. THURMOND. I mentioned some phase of farming. I did not mention aid to farms for reducing acreage, and other benefits.

Mr. TALMADGE. The Senator is correct. Every Federal program of every kind and character would be affected.

Mr. THURMOND. I invite the able Senator's attention to page 54 of the bill, title XI, line 9. We have heard very little about this title. It contains a provision which completely supports the argument just made and gives it added legal significance. I invite the Senator's attention to section 1101, which reads:

> Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

The procedures outlined in the Administrative Procedure Act, especially referred to in title VI, relate primarily to the rights of defendants to judicial review of agency actions. These rights are not so strong as they might be when we think in terms of the right to trial by jury and individual rights in court procedures. However, when we think in terms of a department or agency enforcing a new and broad policy pronounced by Congress and having the power to institute court actions under existing law, as though section 601 were a part of all the laws that have been enacted pertaining to that department or agency, except where contracts, insurance or guarantees are concerned, we are in a field where a complete and separate study would have to be made to tell us the extent to which title VI could be enforced.

Mr. TALMADGE. I agree with the Senator. The object of that language is not at all clear. It seems to have been thrown in as an afterthought to provide that if everything were not covered, it was the intention to cover everything, plus whatever anyone could dream up in the future. To me, that seems to be the purport of the language.

Mr. THURMOND. Has the Senator any idea why the right to a trial by jury was not embodied in this proposed legislation? It is a fundamental part of our basic law of the land and Constitution.

Mr. TALMADGE. It is inconceivable to me, at this late date, after Magna Carta, after the Declaration of Independence, after the Constitution of the United States, after the Bill of Rights, that a 55-page 11-title bill should be brought to the Senate with provisions harkening back to the old star chamber trials of England for which Charles I lost his head. I am completely unable to understand it.

Mr. THURMOND. Does it make sense, under the American system of jurisprudence, under the Anglo-Saxon system of jurisprudence, from which we took our system, to prosecute a man and incarcerate him in jail and assess a fine against him, without giving him the right to trial by jury by 12 of his peers and countrymen?

Mr. TALMADGE. It certainly does not. Liberty, freedom, and the right to a trial by jury are one and the same. Without the right to a trial by jury, tyranny and oppression would take its place.

Mr. THURMOND. It seems that when the label "civil rights" is attached to a piece of legislation, half the Members of Congress are willing to go along with it, possibly without giving the proposed legislation the due and careful consideration it should have, believing it to be something good and helpful and beneficial to mankind merely because the term "civil rights" is very attractive. It is very appealing terminology. I believe in civil rights. I am sure the able Senator from Georgia also believes in civil rights.

Mr. TALMADGE. Indeed I do.

Mr. THURMOND. The Senator has been a great Governor of a great State, and a student of the history of government.

Mr. TALMADGE. I thank the Senator for his kind remarks.

Mr. THURMOND. He knows how our country was founded, and how it was formed, and the importance of its citizens having civil rights. The first 10 amendments to the Constitution constitute the finest civil rights legislation anyone could ask for.

Mr. TALMADGE. Those are basic civil rights for all the American people.

Mr. THURMOND. The Senator is correct. Those are the basic civil rights of the country. But merely because this is called a civil rights bill, does that necessarily mean that genuine civil rights are provided for in the bill?

Mr. TALMADGE. On the contrary. This bill is the very antithesis of a civil rights bill.

One, and only one, new right would be granted to the American people by the proposed legislation. It would grant to the American people the right to trespass upon private property, against the wishes of a property owner. That would be the only new right granted. Everything else, every provision, every page, every paragraph, every line in the bill would further expand Federal power, which would deny liberty and freedom to all the American people. That is what this so-called civil rights bill would do.

Mr. THURMOND. Under the terms of the bill would not the individual's rights be denied him, and would not those rights, which now rest at the State level be shifted to the National Government?

Mr. TALMADGE. The Senator is entirely correct. The blessing of liberty provided to the people by the Constitution in every area of the country, and now resting in the city hall, the grand jury, the petit jury, the county courthouse, the State capital, would be vested in a Federal official on the banks of the Potomac River. If this bill should be enacted, Congress would say to the Federal agency, "This power is yours. Our people do not have sense enough to handle their own business. They cannot regulate their own affairs. We want you to do it for us."

Mr. THURMOND. Mr. President, I shall discontinue asking further questions at the moment, in order that the able Senator from Delaware [Mr. Williams] may make some remarks.

Mr. TALMADGE. I thank the distinguished Senator from South Carolina for his illuminating questions. He has pointed out many serious inequities in the bill. He was an outstanding judge, and lawyer, and Governor of his own State, before he came to the Senate. I thank him greatly for his great contribution to this debate.

Mr. THURMOND. I commend the able Senator from Georgia. After the Senator from Delaware [Mr. Williams] has finished his remarks, I have another point to make.

INVESTIGATION OF ROBERT G. BAKER AND ASSOCIATES BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware [Mr. Williams], provided that in doing so I shall not lose my right to the floor, and that it shall not count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, last week Mr. Fred B. Black, Jr., a prominent Washington influence peddler and a business associate of the former Senate majority secretary, Mr. Robert G. Baker, was convicted for the nonpayment of his Federal income taxes.

In the course of this trial it was established that the Howard Foundry Co., of Chicago, Ill., which since 1948 had owed the Federal Government nearly $3 million in excess profits arising out of World

War II contracts had paid Mr. Black $150,000 to have this Government claim transferred out of the Department of Justice and back to the Department of the Air Force where they had reason to believe that they could get more lenient consideration.

After the trial this part of the story was released to the press by the Department of the Air Force, but what was not disclosed at the trial or disclosed by the Government press release or developed by the testimony of Mr. Black before the Senate Rules Committee was that this same company, the Howard Foundry Co., which had purchased the services of this influence peddler, has over the past several years been delinquent in its Federal income taxes.

The Treasury Department confirms that Mr. Frank C. Howard, Sr., the top official of this company, owes the Government $289,343.01; this represents delinquent taxes for the years 1950 to 1962.

In addition the Howard Foundry Co., as a corporation, is likewise delinquent in the payment of its Federal income taxes; however, the Treasury Department has clamped a cloak of secrecy on the exact amount which they owe. They admit that the tax delinquency of the company is "a substantial amount." The Internal Revenue Service has referred certain of its collection matters to the Department of Justice.

I asked the Treasury Department for a list of the names of all others who in addition to Mr. Black may have interceded on behalf of the tax delinquencies of this company or its officials, but I was advised that such information was not available to me as an individual Member of the Senate.

I quote the Treasury Department's refusal to furnish the names of any public or political officials who may have intervened in this case:

> With regard to the names of the Washington lawyers representing this company, a list of all Government employees, Members of Congress and their employees, or officials of the two national parties who may have interceded or made recommendations in connection with transactions involving the Howard Foundry Co., the service regards such information as privileged and it is not our practice to publicly disclose such information except to the extent that publicity necessarily results from legal proceedings.

As evidence, however, that Mr. Black was employed to use his influence on this tax case I quote from a letter signed by Mr. Black under date of July 30, 1956, and addressed to Mr. Fred C. Howard, Sr., president of this company. It should be noted that both Mr. Frank C. Howard, Sr., and the company itself were in tax trouble:

> I have been thinking about your problem with the Internal Revenue Department and I want you to know that inasmuch as you have been so completely fair with me that I take this opportunity to offer you whatever talents I may possess to help you in this direction. If you do decide that you need me you may be assured that the only cost will be whatever expense is attached thereto. I will not expect any personal compensation for whatever I do either successfully or unsuccessfully, if you call on me.

In his recent testimony before the U.S. district court in Washington Mr. Frank C. Howard, Sr., the chairman of the board of the Howard Foundry Co., confirmed that his company in 1956 was confronted with an unpaid claim of approximately $3 million, which at that time was pending in the Department of Justice. They arranged to pay Mr. Fred B. Black, Jr., a business associate of Mr. Robert G. Baker, $150,000 in return for his assistance in having this claim transferred from the Department of Justice to the Department of the Air Force for collection where more lenient treatment was expected.

Based on court testimony Mr. Black arranged this transfer through the former Assistant Secretary of the Air Force Dudley C. Sharp and two colonels of the Air Force. It was suggested that these colonels had already been contacted and were expected to be most cooperative in having convenient arrangements made for more lenient terms.

The result is that as of this date the Howard Foundry Co. still owes the U.S. Government for excess profits during World War II, including interest, a total of $2,758,484. There has not been a single payment made on this outstanding account since 1959. Furthermore, the Howard Foundry Co. throughout all of these years in which it has been delinquent, both in its income taxes as well as in the repayment of its excess war claims, has been receiving lucrative defense contracts. These defense contracts have ofttimes been awarded to this company by the same agency which was supposed to be collecting its delinquent obligations.

There is in my mind a serious question as to the propriety with which these claims of the U.S. Government, both as related to the $2,869,000 excess war profits claim as well as the income tax obligations, have been treated.

Some explanation should be forthcoming as to why this company and its officials have for the past 15 years been allowed to remain delinquent in their income tax obligations as well as in the nearly $3 million claim for excess war profits made during World War II.

The average American citizen is required to pay his income taxes and his debts to the Government, and when he is found to be delinquent the Department does not appear to be reluctant to attach his wages. Why was not a similar effort made to collect these multi-million-dollar claims owed by the Howard Foundry Co.?

The suggestion that any individual or company can escape its payment of its legal obligations and lawful taxes to the U.S. Government by hiring the services of a prominent influence peddler is shocking.

Mr. Fred Black, the recipient of this $150,000 payment, was a partner with Mr. Robert G. Baker in many of his business ventures. For instance:

Mr. Black and Mr. Baker are partners in the Serv-U Corp., a vending machine company which has been unusually successful in placing its vending machines in defense plants.

Mr. Black and Mr. Baker through their interest in the Serv-U Corp. are automatically partners in the Carousel Motel, Ocean City, Md., since this motel is now owned by the Serv-U Corp.

Mr. Black and Mr. Baker together borrowed several hundred thousand dollars from the Fidelity National Bank and Trust Co. to finance their many joint ventures.

One of the witnesses which appeared before the Senate Rules Committee has likewise made the charge that Mr. Black was the middleman in transferring several thousand dollars to Mr. Robert Baker, which money allegedly was to be used as campaign funds.

This witness offered to make this charge under oath, but for some reason neither Mr. Black nor Mr. Baker were questioned on this point.

I ask unanimous consent to have incorporated in the RECORD at this point a copy of the letter dated July 30, 1956, addressed to Mr. Frank Howard and signed by Mr. Fred B. Black, Jr.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> JULY 30, 1956.
>
> Mr. FRANK HOWARD,
> *Howard Foundry Co.,*
> *Chicago, Ill.*
>
> DEAR FRANK: Now that I have returned to Joplin for a few days and have time for a personal letter to you, I want to express my appreciation for the associations that we have had. Really it has been a most rewarding personal experience to have worked for you. I have often thought that the continued confidence you showed in me was one of the greatest compliments I have ever had paid to me and I know that on many occasions that this confidence on your part had to be somewhat in the nature of blind faith. Even though I knew your company's situation was desperate you still showed such good faith that it is a good measure of my personal satisfaction in successfully completing the assignment for you.
>
> I have been thinking about your problem with the Internal Revenue Department and I want you to know that inasmuch as you have been so completely fair with me that I take this opportunity to offer you whatever talents I may possess to help you in this direction. If you do decide that you need me you may be assured that the only cost will be whatever expenses is attached thereto. I will not expect any personal compensation for whatever I do either successfully or unsuccessfully, if you call on me.
>
> I will, on an attached paper, provide you with an expense account which will bring you up to date as of July 25, 1956. Upon receipt of payment of same you then will have no further expense obligation to me as concerns the past completed assignment. I will reiterate our situation and agreement as concerns the activity which I am presently carrying forth in behalf of your company; namely, that I am and expect to stay on your payroll at $200 per week; that I be reimbursed for actual expenses. A copy of these expenses are attached hereto also and marked "item 2," and further that we will negotiate any commission handled by me personally in result of the work that I am in the process of doing.
>
> In accordance with our agreement as concerns the assignment mentioned earlier in this letter which has been successfully completed, I will reiterate my understanding of the amount and the method of payment agreed upon. The understanding is that

commencing August 1, 1956, you will remit to Blyco Corp., Post Office Box 211, Joplin, Mo., the sum of $2,500 per month for 60 successive months. That will total $150,000.

In order that you may evidence the meeting of our minds in this regard, I am sending this letter in duplicate, so that you may sign the copy and return it to me. Please add your title as chairman of the board of the company, because as I understand it, your instructions to the company officials are verbal, and you prefer not to have a written memo in the company files setting this out.

May I say in conclusion that I am satisfied personally as to our arrangement and I again want to assure you of my every continued good wish for you as to a successful business future.

Very truly yours,

Fred B. Black, Jr.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that a letter dated May 7, 1964, addressed to me by the U.S. Treasury Department be incorporated in the Record at this point in my remarks. It is signed by Bertrand M. Harding, Acting Commissioner of the Internal Revenue Service.

There being no objection, the letter was ordered to be prined in the Record, as follows:

U.S. Treasury Department,
Internal Revenue Service,
Washington, D.C., May 7, 1964.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: This replies to your letters of April 15 and April 20, 1964, concerning the Howard Foundry Co., Mr. Frank C. Howard, Sr., and Mr. Frank C. Howard, Jr.

As you know, I am prohibited by law from furnishing you specific information regarding the income tax liabilities of any taxpayer, except to the extent that the matter has become a matter of public record. I would be most happy, however, to make our files available to the Senate Finance Committee or the Joint Committee on Internal Revenue Taxation, of which committees you are a member.

I can tell you that taxes in a substantial amount are owed by this taxpayer, that no offer in compromise has been accepted, or is being considered, by the Internal Revenue Service; and that the Service has referred certain collection matters to the Department of Justice with recommendations for legal action on behalf of the Government.

Income tax returns have been filed, and there are no trust fund (withholding and social security) taxes outstanding. The company is meeting its current tax filing and payment requirements of trust fund taxes in the manner provided by law.

With regard to the names of the Washington lawyers representing this company, a list of all Government employees, Members of Congress and their employees, or officials of the two national parties who may have interceded or made recommendations in connection with transactions involving the Howard Foundry Co., the Service regards such information as privileged and it is not our practice to publicly disclose such information except to the extent that publicity necessarily results from legal proceedings. This is not to affirm that any intercessions or recommendations were received from persons outside the Federal Government. As I previously stated, we will be more than happy to supply this information under conditions in which the entire matter can be reviewed.

Notices of Federal tax liens have been filed against Frank C. Howard, Sr., for the years 1950–62 in the amount of $289,343.01. Since receipt of these accounts in 1963, our collection people have been proceeding with collection and have been exploring with the taxpayer and his representatives ways and means for resolving this problem. I believe substantial progress has been made toward this goal.

I will write you further with regard to your questions concerning Frank C. Howard, Jr.

With kind regards,

Sincerely,

Bertrand M. Harding,
Acting Commissioner.

Mr. WILLIAMS of Delaware. Mr. President, I next ask unanimous consent to have printed in the Record at this point a letter dated May 5, 1964, from the Department of the Air Force, signed by Col. James M. McGarry, Jr., Assistant Director for Legislation and Investigations.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Air Force,
Office of the Secretary,
Washington, May 5, 1964.

Hon. John J. Williams,
U.S. Senate.

Dear Senator Williams: The Secretary of the Air Force has asked me to respond to your inquiry concerning the Government's claim against the Howard Foundry Co., of Chicago, Ill.

The following represents a summary of the Howard Foundry Co. matter:

In 1948 the War Contracts Price Adjustment Board determined that during the years 1944 and 1945 the Howard Foundry Co., of Chicago, Ill., had made excess profits of $3,350,000 arising out of World War II contracts. This amount was subsequently reduced to $2,869,000 by tax credits. The company attempted to meet this obligation by making monthly payments to the Army. Although the company paid $1,769,682 in this fashion, the rate of payment was insufficient to reduce the principal amount appreciably. Repeated demands were made for more substantial payments, but the company was in such financial condition that it could accelerate reduction of principal only by sale of basic capital assets.

In October 1955 the Army, convinced that the company would be unable to meet its total obligation in any reasonable timespan, transferred the matter to the Department of Justice for further attempts at collection. In the course of the Justice Department's review of the matter, consideration was given to filing legal proceedings against Howard Foundry which might have caused the company to cease operations. However, a review of work orders at the foundry and a check with a number of Defense prime contractors convinced the Air Force that Howard Foundry was an important source to Air Force contractors of castings and forgings.

Since the Air Force was in a better position than the Department of Justice to monitor the financial operations of the company, the Air Force took over debt collection responsibility from the Department of Justice on November 15, 1956. This followed months of discussion among representatives of the Government and Howard Foundry Co.

In accepting this responsibility the Air Force obtained from Howard a confessed judgment note for the total amount of the obligation, which note was examined and approved by the Department of Justice. A schedule of payments from the company was arranged at $25,000 per month; a ceiling was placed on executive salaries; payments of dividends were prohibited; and the sale of any assets without prior approval of the Air Force was forbidden. From 1956 until January 1959, when the company discontinued payments, the Air Force received an additional $650,000 from the company. At this point the total sum paid by the company to the Army and Air Force was $2,419,680, of which $774,680 applied to principal and $1,645,000 to interest, leaving an unpaid balance of $2,094,981 due as of January 1959. The balance includes interest at a rate of 6 percent as required by law.

At present, the total sum owed the U.S. Government for excess profits, including interest to date is $2,758,484. From 1959 to the present, the company has made no payments to the Government because of insufficient earnings.

We are advised the Internal Revenue Service, assisted by the Department of Justice, and in consultation with the Department of the Air Force, has been attempting to enforce certain tax obligations of the Howard Foundry Co. under conditions which would permit the company to continue in business as a supplier to defense contractors. In this connection, it is our understanding that the Department of Justice and the Internal Revenue Service currently have under consideration proposals from the Howard Foundry Co. regarding collection of the tax liabilities as well as the excess profits obligations.

In view of the testimony adduced at the recent trial of *United States* v. *Fred B. Black, Jr.*, the Secretary of Defense and the Secretary of the Air Force have requested the Attorney General to authorize the Federal Bureau of Investigation to conduct an investigation into this matter. This investigation will proceed promptly.

Your interest in this matter is appreciated.

Sincerely,

James M. McGarry, Jr.,
Colonel, USAF, Assistant Director for Legislation and Investigations, Legislative Liaison.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the Record at this point an article entitled "The Untouchables" published in today's Evening Star.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE UNTOUCHABLES

The Senate Democrats, with nine notable exceptions, stood together yesterday and killed a resolution which would have specifically enlarged the scope of the Bobby Baker investigation to include Senators. The inescapable result is to lend powerful support to the already strong suspicion that this is not truly an investigation but is, indeed, a coverup.

It has been a long time since the Senate has witnessed a spectacle such as yesterday's—especially the shouting match between Majority Leader Mansfield and Senator Case of New Jersey. Our sympathies are with Senator Case. He was trying to open up the so-called investigation and to extend the present cutoff date of May 13 to September. Senator Mansfield claimed that the resolution already is broad enough to include Senators—a point of view that is not shared by Chairman Jordan and Counsel McLendon of the investigating committee. The net effect of the majority leader's effort, however, was to rally support for tabling the resolution.

The Senate did approve a modified resolution which, for the first time, gives Republican Senators on the committee the right to call witnesses. This doesn't mean a great deal, since the investigation will end in 16 days. But the Republicans should do what they can with this opportunity.

It may be helpful to point out why some Senators themselves are widely assumed to be involved in Bobby Baker's get-rich-quick record as a Senate employee. Mr. Baker has been a child of the Senate in a very unusual way, rising from teenage page boy to secretary to the majority and in the course of his rise amassing, at least on paper, a considerable fortune. Part of it came from enterprises shared with prominent Democrats.

Under these circumstances, it is reasonable to conclude that at least some Senators have been involved in Baker's projects. One way to get the facts would have been to conduct an investigation devoted to finding out, not to covering up. Another would be for Senator WILLIAMS, who has led the drive for this investigation, to take the floor and discuss the Baker case "in all its dirty details," as he has said he may do.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. The able Senator from Georgia is delivering a magnificent address. I hope every Member of the Senate will read it.

Mr. TALMADGE. I thank my friend.

Mr. THURMOND. I should like to ask the able Senator if he knows of any reason why a person who is charged with violating a court order issued in a civil rights case should not be given a trial by jury, when a person who violates a court order in a labor case is given a trial by jury.

Mr. TALMADGE. I know of no reason.

Mr. THURMOND. Does the Senator know of any distinction by reason of which a person is given a trial by jury in one case and is not given a trial by jury in another case?

Mr. TALMADGE. I cannot understand any distinction. I believe that American citizens ought to be treated alike by the law and in the eyes of the law. I believe that the law should so provide.

Mr. THURMOND. Mr. President, in 1940 Congress passed what is known as the Clayton Act, a labor act. Section 21 of that act reads:

> SEC. 21. Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided.
>
> SEC. 22. In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event a court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; * * *.

Under that act, if the defendant were charged with violating a court order, upon his demand he would be given a trial by jury. Is that correct?

Mr. TALMADGE. He would. I approve of that; and I believe all Americans ought to have the same right.

Mr. THURMOND. In the Norris-La Guardia Act of 1932, which is another labor act, section 11 reads:

> SEC. 11. In all cases arising under this act in which a person shall be charged with contempt in a court of the United States (as herein defined), the accused shall enjoy the right to speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided*, That this right shall not apply to contempt committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court * * *.

It is generally acknowledged that when contempt is committed in the presence of the court, or so near to it or in the vicinity of the court as to interfere with the operation of the court, or where an act of disobedience is committed by an officer of the court with respect to an order or process of the court, the court has the right to try the case on the spot.

Mr. TALMADGE. The Senator is correct. That procedure is for criminal contempt. It is to preserve the dignity and decorum of the court. I feel that the courts should have that right. The amendment which is at the desk, and which the Senator from South Carolina and I, along with other Senators, have cosponsored, is drawn along the same line.

Mr. THURMOND. Other than that exception, however, the statute provides that the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

Mr. TALMADGE. The Senator is entirely correct.

I wish to point out one thing further, which the Senator may be coming to, namely, that the act gives the right of trial by jury not only in criminal contempt cases but also in civil contempt cases.

Mr. THURMOND. The Senator is eminently correct. I was coming to that point.

Mr. TALMADGE. This point should be reemphasized, because it is important to note that a double standard is being used for American citizens. One yardstick is used with respect to one group of citizens and another yardstick for another group of citizens.

Mr. THURMOND. The amendment, which has as its chief sponsor the able Senator from Georgia, and others—including myself—merely provides for a trial by jury in criminal contempt cases.

Mr. TALMADGE. That is correct. It would apply to all American citizens, wherever they may reside, whatever their color may be, whatever their religion may be. All of them ought to be treated alike. We ought not to use a different standard, as the Senator has pointed out.

Mr. THURMOND. The Norris-La Guardia Act of 1932 goes even further than giving jury trials to labor unions for violations in criminal contempt. It also includes civil contempt.

Mr. TALMADGE. That is quite true.

Mr. THURMOND. Section 608 of the Landrum-Griffin Act of 1959 reads as follows:

> No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary—

Meaning the Secretary of Labor—

> or any other person in any court of the United States under the provisions of this act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

Mr. TALMADGE. That is true. I well remember how that particular amendment got into the bill. I am sure the Senator from South Carolina does, also. The distinguished senior Senator from North Carolina [Mr. ERVIN] offered the amendment, and the late, lamented John F. Kennedy, former President of the United States, then a Senator, was floor manager of that particular bill. The then Senator Kennedy accepted the amendment offered by the Senator from North Carolina. It was agreed to unanimously by the Senate without even a yea and nay vote. The Senator from South Carolina remembers that incident, does he not?

Mr. THURMOND. I certainly do.

Mr. TALMADGE. I assume the Senator from South Carolina was one of the Senators voting for the amendment.

Mr. THURMOND. That is correct.

Mr. TALMADGE. So was the Senator from Georgia. I was highly pleased when the then Senator Kennedy accepted the amendment, and when it was agreed to unanimously by the Senate.

Mr. THURMOND. I feel very strongly that a man who is charged with a crime, or with criminal contempt should be granted the right of a trial by jury. A man can be charged with a crime. He can be put in jail. He can be fined. Some people try to make a distinction between a crime and contempt. But I think it is perfectly clear that the Constitution provided, in article III, section 2, clause 3, that:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

It says, "all crimes." In my judgment, the only proper interpretation that could be placed on that is that the Founding

Fathers did not want to allow a man to be tried, put in jail, and fined without the right of a jury trial.

Mr. TALMADGE. I agree with what the Senator stated. I am sure that the unfortunate individual who is incarcerated thinks it is criminal. And some of them have been incarcerated for as long as 4 years. The accused is incarcerated to the same extent, whether he is a criminal or whether he is not. His liberty is taken away from him. His property is taken away from him. He should have the protection of the right of a trial by jury.

Mr. THURMOND. Whether it is a crime or not, it is certainly a prosecution.

Mr. TALMADGE. Indeed it is.

Mr. THURMOND. Under the sixth amendment.

Mr. TALMADGE. That is correct. And he is branded a criminal in the community in which he lives by being incarcerated in jail and fined, or deprived of his property, as the case may be. It is done by the courts; and he ought to have every protection of the law wrapped around him.

Mr. THURMOND. It is clear that after the Constitution was adopted, questions were raised as to what the effect would be, in view of the debate that had taken place as to whether a jury trial should be afforded. The sixth amendment to the Constitution provides that there shall be a jury trial. Three of the first ten amendments to the Constitution—known as the Bill of Rights—refer to a trial by jury.

Mr. TALMADGE. That is correct.

Mr. THURMOND. The sixth amendment provided:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury.

If contempt is not a crime, it certainly involves a prosecution. It must fall under some terminology. But, after all, this is mere verbiage. It is mere terminology.

Mr. TALMADGE. The poor, unfortunate accused would find that he would have a police record for the rest of his life if he were put in jail for contempt of court. As the Senator knows, there is no limitation whatever on the power of the judge to punish for criminal contempt. I have read several cases, in one of which the defendant was sentenced to 4 years' imprisonment; in another case, the sentence was 3 years. In another case, it was 18 months.

The only limitation on that power that I can see in the Constitution—unless Congress approves the amendment we have offered—is the eighth amendment which prohibits cruel and unusual punishment.

Mr. THURMOND. This provision refers to a trial by jury. What does criminal contempt mean? Does it not mean a contempt involving a crime?

Mr. TALMADGE. It means that the judge has decided to punish the individual for a judge-made law, a judge-made criminal prosecution. That is what it is. So it is a crime that is judge-made, judge-created, judge-initiated, judge-tried, and judge-penalized.

Mr. THURMOND. If criminal contempt is a contempt involving crime, does not the Senator feel that that would fall within article III, section 2 of the Constitution?

Mr. TALMADGE. I do.

Mr. THURMOND. Also the sixth amendment to the Constitution.

Mr. TALMADGE. I fully agree. I have read and quoted from some outstanding authorities today—Justice Frankfurter, Justice Black, and the famous trial lawyer, Mr. Choate, Mr. Justice Douglas, Chief Justice Warren, and many other authorities. They think it involves a crime, and that it ought to have the protection of a constitutional provision.

Mr. THURMOND. As I said a moment ago, 3 out of the first 10 amendments refer to the protection of a jury, so to speak. The fifth amendment provides:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury—

In other words, before a person can be incarcerated or have his liberty taken away from him, before he is jeopardized, or even fined, the fifth amendment provides that there should be a presentment by the grand jury. A defendant would not even be tried unless there were reasonable cause to try him.

Mr. TALMADGE. That is correct.

Mr. THURMOND. He would not be put to that expense. His standing in the community would not be jeopardized. They would not infringe upon his reputation and character by even trying him unless there was the presentment of a grand jury.

The sixth amendment provides for a trial by jury. The seventh amendment provides that even in civil cases if the value of the property is more than $20, the right of a trial by jury shall be preserved.

So we can see the trend of thinking of those who wrote the Constitution back in 1787, and the first 10 amendments, which were adopted in 1791. We can see that our forefathers had in mind that a litigant, if he had a matter of any importance at all, even from a civil standpoint, would get a jury trial. And if he were charged with a crime or were prosecuted, he would have the right to a trial by jury.

Mr. TALMADGE. It is perfectly obvious from reading the Constitution of the United States, the Declaration of Independence, and the history of that era, that our forefathers thought more of the right of a trial by jury than they did of any other civil right they possessed. They were determined to preserve it for themselves, for posterity, and for all time to come.

Mr. THURMOND. Was it not in 1957 that Congress for the first time passed a bill that did not give a complete jury trial, but gave what might be called a split-level jury trial?

Mr. TALMADGE. I remember the hybrid version. The Senate adopted an amendment which was line for line and word for word similar to the one the Senator from South Carolina and I and other Senators cosponsored. The Senate adopted that amendment by a vote of 51 to 42. The late President Kennedy, then a Member of the Senate, was a cosponsor of that amendment. So was the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD]. So was the Senator from Idaho [Mr. CHURCH], and so was the late Senator O'Mahoney of Wyoming.

But when that amendment reached the House of Representatives, the House amended it, so as to make it a hybrid version. The hybrid version provided that the judge could not impose a sentence of more than 45 days or a fine of more than $300 without a jury trial. I have always thought it was wrong and not in accordance with the precedents of our country and not in accordance with our constitutional provisions.

I do not believe our constitutional guarantees can be weighed in terms of 1 second of time or 1 cent of money. It would be a strange situation if a judge could fine a defendant $300 without a jury trial, but could not fine him $300 and 1 cent without a jury trial; or if a judge could incarcerate a defendant for 30 days without a jury trial, but could not incarcerate a defendant for 30 days and 1 second without a jury trial. I do not believe our constitutional guarantees should be weighed on the scales of either dollars and cents or time.

Mr. THURMOND. I believe the Senator from Georgia is absolutely correct.

So at that time—for the first time in the history of this country—Congress provided by law for a complete right of trial by jury in only some cases. As the Senator from Georgia has pointed out, under that amendment if the sentence were 45 days or less in jail or a fine of $300 or less, the defendant would not receive a jury trial; but if the length of incarceration or the amount of the fine exceeded those limits, the defendant would have the right to be tried by a jury. What sort of procedure was there involved? It was not a labor law, was it?

Mr. TALMADGE. No. The pending bill purports to be a measure for civil rights. Of course, the term "civil rights," has great appeal; all persons will say they are in favor of "civil rights." But when one starts to read the bill and when one finds that it would do just the opposite of what its proponents say it would do, then the rub comes.

Mr. THURMOND. Yes.

In all our labor statutes, Congress has provided for the right of jury trial, has it not?

Mr. TALMADGE. Yes, in connection with both criminal contempts and civil contempts. I applaud those acts, and I hope no one will try to have them repealed.

Strangely enough, none of those who oppose our efforts to have jury trials provided under this bill has tried to have Congress repeal the Norris-La Guardia Act or the Landrum-Griffin Act. If such an attempt were made, I would vigorously oppose it.

The other day, when one of the chief sponsors of the bill was asked whether he would favor the Talmadge amendment, he said he opposed it. Yet he voted for that labor bill.

Mr. THURMOND. Is it not inconsistent for one to favor the right of trial by jury for all persons who were involved in labor disputes, but to oppose trial by jury for other persons?

Mr. TALMADGE. Of course it is inconsistent. The same right should be provided for all 190 million of the American people.

Mr. THURMOND. Does the Senator from Georgia believe it right to have such a "split-level" provision enacted into law? Or does he believe it right to provide that jury trials shall be available to all persons charged with crime?

Mr. TALMADGE. In my judgment the so-called split-level provision certainly violates the spirit of the Constitution of the United States. Certainly the Constitution is violated unless trial by jury is provided for all our citizens; and recently four of the nine Justices of the U.S. Supreme Court so held.

Mr. THURMOND. But the pending bill, which is a power grab bill, would result in a shift of power from the State level to the Federal Government, and from the citizens to the Federal level, and would deny the right of trial by jury in five of its titles—that is to say, in titles I, II, III, IV, and VII; and today we have shown that the right of trial by jury would also be denied by the provisions of title VI. Therefore, now we find that the right of trial by jury would be denied, under this bill, by six of its titles; and those titles are the six key titles of the bill, are they not?

Mr. TALMADGE. The Senator from South Carolina is eminently correct. The pending bill is not at all a civil rights bill; it should be appropriately labeled "a bill to regulate the lives of American citizens." That is what it would do.

Mr. THURMOND. Would not the bill bring about tremendous concentration of power in the Federal Government?

Mr. TALMADGE. Yes; to an extent without parallel in the history of our country. Every Federal agency would then sit in judgment over the lives of all the citizens of the United States; and in connection with the expenditure of Federal Government funds, the bill would create a police state over the lives of all the people of the United States. The bill is utterly fantastic in terms of the tremendously great power it would vest in the Federal Government.

Mr. THURMOND. Was not the main purpose in writing the Constitution of the United States in 1787 and in establishing the Federal Government and in setting up our Republic—and it is a republic—to give the people the greatest possible measure of freedom?

Mr. TALMADGE. Of course that was the purpose; and the Constitution was designed so as to have the people governed by the consent of the governed. But the pending bill takes exactly the opposite approach; namely, that the people cannot be trusted to govern themselves, and that, instead, an allwise group of officials would be wiser than the people would be, and that, therefore, the Federal Government officials should have absolute power to rule all the American people.

Mr. THURMOND. Mr. President, the Senator from Georgia is an astute student of history. I ask him whether it is true that throughout the years and the centuries tyranny has resulted when any one person—such as a king, a kaiser, a potentate, or an emperor—or a small group of persons, such as the Politburo in Russia—was given the power to control the people?

Mr. TALMADGE. That is entirely true. Throughout history, the people have lost their liberty, not through oppression by other citizens, but through oppression and tyranny by government.

Mr. THURMOND. It is government that has deprived the people of their liberty, throughout all the ages, is it not?

Mr. TALMADGE. Of course that is true.

Mr. THURMOND. Would not the pending bill result in having a large proportion of the people of the United States—both the white people and the colored people—deprived of their freedom?

Mr. TALMADGE. The Senator from South Carolina has correctly stated the effect of a large portion of the bill.

Mr. THURMOND. Mr. President, again I commend the Senator from Georgia for his excellent analysis of the bill and his keen insight into just what would happen if the bill were to be passed. He is making a most valuable address on this subject, and I hope all Senators will take the time to read it.

Mr. TALMADGE. I am grateful indeed to my able friend for his contribution to the debate and his questions, which have helped to penetrate the devious language of the bill and to let the American people know that the bill would really regulate all Americans rather than grant liberty to them.

Mr. President, today I have attempted to review the right of trial by jury and its relationship to the liberty of the people not only in America, but the liberty of people everywhere where the right of trial by jury has been abused. Our own country has witnessed, to some extent, the abuse of injunctive power and government by injunction. Particularly our labor unions saw a great deal of government by injunction which limited their rights. That was the reason why the Congress, by the Norris-La Guardia Act of 1932, wrote into law the provision that defendants in labor dispute cases should have the right of trial by jury, not only in criminal contempt cases, but civil contempt cases as well.

A similar right was written earlier into the Clayton Act. In 1959, the Congress of the United States wrote such a jury trial provision into the Landrum-Griffin Act.

Mr. President, the so-called civil rights bill, which is an 11-part, 55-page bill, would regulate the most intimate human relationships and private conduct conceivable. It would set up an entirely new code of conduct to cover the people of the United States. For the first time the police power of an all-powerful national government would attempt to regulate and set the qualifications for voting in every State in the Union.

It would authorize the Attorney General to jail all of the registrars in America if their conduct did not meet with his pleasure. It would authorize the Attorney General also to file suits at will against virtually every private business establishment in this country if they did not operate their motels, their hotels, their restaurants, their barbershops, or their masseur parlors in accordance with the wishes of the Attorney General. It would authorize the Attorney General to jail the operators of all such establishments without the right of a jury trial. It would authorize the Attorney General to file suits against every public school in the United States of America and to jail the officials of those schools without the right of trial by jury. It would grant to the Federal Government many other powers that are completely unheard of in the history of American jurisprudence. It would authorize, in six titles of the 55-page bill, the denial of jury trials in criminal contempt cases.

Mr. President, I hope that the Senate, in the year 1964, will not turn back the clock to the star chamber trials of early English history or to the days of the inquisitions. I hope the Senate will realize that the most fundamental right of free men and free women is the right of trial by jury.

Wherever there is trial by jury, liberty and freedom exist. Wherever the right of trial by jury has been restricted, curtailed or denied, there has been tyranny. I hope the Senate will stand firm and reject any proposal providing for the exercise of the police power of the National Government over the private lives of all American citizens. I hope the Senate will reject the proposal to deny our citizens their right to a trial by jury.

NATIONAL DAY OF PRAYER FOR HUMAN RIGHTS

During the delivery of Mr. TALMADGE's speech,

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that a proclamation of the Catholic Youth Organization, both the teenage group and the young adult group, the National Newman Club Federation, and the National Federation of Catholic College Students proclaiming May 17 the National Day of Prayer for Human Rights be printed in the RECORD, together with a letter addressed to the National Council of Catholic Youth from the Speaker of the House of Representatives, JOHN W. MCCORMACK.

There being no objection, the proclamation and letter were ordered to be printed in the RECORD, as follows:

PROCLAMATION FOR NATIONAL DAY OF PRAYER FOR HUMAN RIGHTS

Whereas the question of human rights is a moral and religious issue, demanding the attention of all Christians;

Whereas at the present time, the Congress of the United States is engaged in deliberations on the enactment of legislation which seeks to recognize the dignity of man, the brotherhood of men under the Fatherhood of God, and the establishment of laws which protect the human rights of all men;

Whereas many have been blinded to the true meaning of human rights, and ascribe to a philosophy which holds property rights to supersede human rights;

Whereas it is only through prayer that the final answer to man's intolerance toward his fellow man will be found: Now, therefore,

The National Council of Catholic Youth, composed of the Catholic Youth Organization, the National Newman Club Federation, and the National Federation of Catholic College Students, hereby proclaims that Sunday, May 17, 1964, be known to all as the National Day of Prayer for Human Rights.

In testimony whereof, we hereunto set our hands this 8th day of May 1964.

CHUCK RUCKER,
Catholic Youth Organization Teenage.
JULIUS C. GILBERTSON,
National Newman Club Federation.
DEAN MUNSON,
Catholic Youth Organization Young Adult.
JAMES J. O'DONNELL,
National Federation of Catholic College Students.

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 7, 1964.
NATIONAL COUNCIL OF CATHOLIC YOUTH,
Washington, D.C.

MY DEAR FRIENDS: The question of civil rights is one that should properly cause concern to all of us. The operation of our Government and the thinking of our people should be directed toward the democratic ideal as enunciated by Thomas Jefferson: "Equal and exact justice to all men, of whatever state or persuasion, religious or political." The thoughts and words and actions of each one of us must be inspired by a passion for this perfection of justice, and by adherence to and carrying out of the moral law, and by a warm brotherly concern for any individual or group that may be suffering from the occasional or systematic violation of the principle.

We stand before the world as outspoken champions of freedom, and of the equality of men before the law.

As the late President John Fitzgerald Kennedy well stated in his message to the Congress, in substance, the civil rights question is a moral one. How true that is.

Let us strive to see, in each man, a human being as vulnerable, as sensitive, as valuable, as ourselves. Each one of us should constitute himself a champion of the other man's right to his own individuality, to his religious beliefs and the expression of them, to his political opinions, to his racial and regional and cultural identity. We must concern ourselves with his rights, with his welfare, as with our own. By this imaginative and emotional identification of our welfare with that of our neighbor, we may approach the religious and democratic ideal of brotherhood and of civil rights, for no person was consulted before they were born as to the color of their skin.

In sending the above message, I congratulate the National Council of Catholic Youth on the position they have taken on this all-important moral, political, and social question. I particularly congratulate them on setting aside May 17, 1964, as the National Day of Prayer for Human Rights. Such action is consistent not only with the word of God, but the decency of man.

Very sincerely yours,
JOHN W. MCCORMACK,
Speaker.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 231 Leg.]

Allott
Bartlett
Beall
Bennett
Bible
Cannon
Carlson
Case
Church
Clark
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
McNamara
Miller
Mundt
Nelson
Neuberger
Pastore
Pearson
Prouty
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Williams, Del.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. JORDAN of North Carolina. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina [Mr. JORDAN] is recognized.

SESQUICENTENNIAL ANNIVERSARY OF NORWEGIAN CONSTITUTION, MAY 17

Mr. HUMPHREY. Mr. President, will the Senator from North Carolina yield to me, without in any way losing his right to the floor, or prejudging any of his rights?

Mr. JORDAN of North Carolina. Mr. President, I am glad to yield to the Senator from Minnesota under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Chair lay before the Senate, House Concurrent Resolution 302, and I ask for its immediate consideration. This resolution has been cleared by the minority and majority leaders. The Senator from New York [Mr. KEATING] and other Senators will have something to say about it.

The PRESIDING OFFICER. The concurrent resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 302) relating to the Sesquicentennial of the Norwegian Constitution.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. SPARKMAN. Mr. President, reserving the right to object—and I have no intention of objecting—I did not understand what the resolution was.

Mr. HUMPHREY. This is a very important resolution. It is a concurrent resolution commemorating the 150th anniversary of the Norwegian Constitution. Since May 17 is Norway Independence Day, I thought it would be fitting and proper if Senators joined their esteemed colleagues in the other body in paying proper respect to the valiant, courageous, and great people of Norway.

Mr. SPARKMAN. Mr. President, I join the Senator from Minnesota in the tribute he pays to one of the great nations of the world. I have no objection. I did not understand what the resolution was.

Mr. KEATING and Mr. MAGNUSON addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. KEATING].

Mr. KEATING. Mr. President, this resolution came before a subcommittee of the Committee on the Judiciary of which I am a member. In our deliberations we concluded that the distinguished Senator from Minnesota [Mr. HUMPHREY] had authored a most worthwhile resolution.

I have always been proud of the fact that Norwegian Constitution Day happens to fall next to my own natal day. In fact, I feel it almost makes me a Norwegian in spirit.

I have always admired the Norwegian people. Many have emigrated from Norway to take their place in our Nation and to become prominent in the arts, in industry, and in Government—indeed throughout the Nation.

If I may speak parochially we rate very highly Norwegians who live in the State of New York. I know of the deep interest which the Senator from Minnesota has always taken in the Norwegian people. I am privileged to join him in urging that the Senate take favorable action on the concurrent resolution. I commend him wholeheartedly for bringing such a timely and appropriate resolution before this body. The Norwegian constitution was drawn up, as was our own, by a special gathering. A distinguished group of Norwegians met at Eidsvoll in 1814. On May 17, after 6 weeks of drafting, the Norwegians announced the fruit of their endeavors, a 110-article constitution modeled on American and French precedents. Prince Christian Frederick became their ruler as Norway took the first steps toward independent nationhood.

Mr. President, it is an anniversary that we honor with special appreciation, in that the Norwegian people are still enjoying freedom and representative government in close friendship and alliance with the United States.

I thank the distinguished Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from New York. Now I should like to yield to a distinguished Senator of Norwegian ancestry, the honorable and distinguished Senator from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. President, I thank the Senator from Minnesota. I had also prepared a resolution on this subject, but I did not believe it would deserve as much consideration as one passed by the House. Perhaps other Senators had resolutions prepared on the subject, but this one will answer the purpose for all.

I, too, join in commending House and Senate for taking recognition of what we call the 17th of May—the Norwegian Fourth of July.

My mother was born in Norway. Bill Magnuson, my father, was a Swede.

Senators will recall that that was the day when the Norwegians threw the Swedes out of Norway and declared their independence. I remember that on every 17th day of May my father always had business elsewhere. He always took a trip somewhere. Therefore, there was never any argument around the house when my mother hauled out the big Norwegian flag and put it on the front porch.

Norway has become a great country.

I say to the Senator from New York [Mr. Keating] that the Irish pay a great deal of attention to the Norwegians. The Norwegians ruled Ireland for about 90 years, and gave Ireland a great deal of its culture. I suppose many Irishmen today owe their spunk and humor and good feeling to some infusion resulting from the Norwegian invasion.

Mr. KEATING. They are still being infused.

Mr. MAGNUSON. The Irish finally kicked out the Norwegians. Thereupon they went to northern Scotland, and the Scots kicked them out, too. Finally a group landed in what is now Iceland. In Iceland more Norwegians were born, and of that group some went to Greenland. Some members of the group that migrated to Greenland left to come down to America, and discovered America.

The Senator from Minnesota and I have always tried to have a statue of Lief Ericson placed in the appropriate place in the District of Columbia—this is no lessening of the fame of Christopher Columbus' achievement—looking out to sea, as the discoverer of America.

It is very fitting for the Senate to adopt the resolution now before it. I join in urging its approval.

I shall have some copies of it made and sent to people in the Puget Sound area, where many Norwegians are engaged in the lumber and fishing business. They are pioneers in the State of Washington. Many of them came from the State of Minnesota.

I hope that on this good occasion the Senator from Minnesota will salute not only the Norwegians in our two States, but also in Wisconsin. There are many of them in North Dakota. They have contributed a great deal to the northern areas of the United States, much of the development of which is due to the strength, perseverance, and character of the Norwegian people who have immigrated there.

Mr. HUMPHREY. The Senator from Washington, in his typical gracious and informative manner has given us a great deal of the history of the travels of the Norwegians, the Vikings, the pioneers of Christian civilization in the early days of medieval Europe, and also the pioneers of European culture.

After having listened to the Senator from Washington, I can understand, since the Norwegians had gone to Ireland, why the Irish are credited with being adept at blarney. The Norwegians are interesting, loquacious, and charming people. They brought with them all those qualities, which have literally spread throughout the earth. As the Senator from Washington has indicated, they migrated to Scotland, Ireland, to the rockbound coast of New England, to New York, to the Midwest, to the West, and to Hawaii. There seems to be no area of the world where the great spirit of those people has not found a home.

Mr. HART. Mr. President, on that point, I wonder whether the Senator from Minnesota would yield briefly to the senior Senator from Michigan [Mr. McNamara] for the purpose of correcting the record.

Mr. HUMPHREY. Of course, I am glad to yield to the great Irish historian, the Senator from Michigan.

Mr. HART. The senior Senator from Michigan would like to correct the record.

Mr. McNAMARA. Mr. President, I rise only to correct the record. The Senator from Washington said that the Norwegians ruled Ireland for 90 years. That obviously is not correct. That could not be true.

Mr. HUMPHREY. The Senator from Minnesota appreciates the correction of the record by the Senator from Michigan. I now yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I am very glad to associate myself with the eloquent remarks of the senior Senator from Minnesota and of the senior Senator from Washington. Alaska, the 49th State has been particularly fortunate in having received many sturdy sons of Norway. It is one of the factors which have contributed to the development and growth of our farthest west and farthest north area.

Through the years, as Alaska, from the time of the purchase, began to be settled, the greatest migration from the States came from the northern tier of States, beginning with Wisconsin, which is so well represented by the Senators from Wisconsin [Mr. Proxmire and Mr. Nelson]; Minnesota, which is so ably represented by the majority whip; the Dakotas, Montana, Idaho, and Washington.

These sons of Norway have made a great contribution to Alaska. We do not know what we would have done without the Olsens, the Jensens, Pedersens, Andersens, Stokkes, Mathiesens, Lockens, Rasmussens, Aamodts, Amundsens, Johansens, Nordensens, Lillegravens, Hunsbedts, and others. It is a pity that this migration has ceased. It stopped because the Norwegians had the wisdom to harness electric power and develop their great economy. As a result, the unemployment which caused them to emigrate no longer exists to the same extent. We are glad it happened, for the Norwegians have made great contributions to Alaska and to all America.

Since Alaska became a State, it has begun to get some immigration from Texas. Texans have begun to feel a little crowded in their State and have started to come to spacious Alaska. However, the greater part of the immigration from "down below" has come from the sturdy Scandinavians to whose character the Senators so ably testify.

Mr. HUMPHREY. I now yield to the newly adopted son of Norway, the distinguished Senator from South Dakota.

Mr. MUNDT. Mr. President, I thank my friend from Minnesota.

First, I should like to join in the salute to the free and independent and democratic country of Norway, with its wonderful historic record of achievement, and to salute also the pioneers who came from Norway to do so much in building up the democratic processes of America.

South Dakota is the locale of two of the great books in American literature dealing with the days of the pioneer. One of the books is "A Son of the Middle Border," by Hannibal Hamlin Garland. It tells of the early pioneers, many of them Norwegians, who came out into the prairie and started building what has become the garden spot of America.

Not to be outdone, another great author, Ole Rölvaag, whose name is familiar, I am sure, to the distinguished Senator from Minnesota, wrote a book called "Giants in the Earth," in which he recounted the same type of experiences and adventures by our early pioneers.

To people who live in urban areas, and who have never commingled with pioneers or sons of pioneers, I commend the reading of these books, because they will give them an understanding of the characteristics and the sturdy character prevailing among American pioneers.

Out in the metropolis of Sioux Falls, S. Dak., which is one of the largest cities in the area outside of Minneapolis and St. Paul, there has been developed a real relationship with Oslo, Norway. A group of Norwegian singers have had an annual songfest, which has proved so successful that it has been put on tape. It has been sent by the Voice of America and heard all over Norway. Some of our fine Norwegian singers have visited in Oslo. We are expecting a return visit by the Norwegian singers of Norway.

To show how much South Dakotans think of Norwegians, not only do we salute Norway on its independence day, but our present Governor is a great Norwegian by the name of Archie Gubbrud. We are now engaged in an exciting Republican primary contest between two Scandinavians running for Governor on the Republican ticket. So, I am sure we shall again have a Norwegian in the statehouse in Pierre serving as our Governor for the next 4 years.

This is indeed a tribute to the fact that not only have the Norwegian people in our area been great farmers, great businessmen, great lawyers, great teachers and people who have worked faithfully in the field of religion, educational, and social work, but they have also taken an active part in public affairs, and in many instances have established their capacity to serve their fellow people in high office.

I join in the salute to Norway on its independence day.

Mr. HUMPHREY. Mr. President, I desire to say to the Senator from South Dakota that his remarks with reference to the distinguished Governor of South Dakota are quite appropriate. He is a fine gentleman. I am sure the Senator would want the Senator from Minnesota to make note of the fact that the distinguished Governor of Minnesota is Karl Rolvaag, the son of the author of the book "Giants in the Earth," Ole Rolvaag.

Mr. MUNDT. He barely became Governor, because he defeated a Swede by the name of Anderson.

Mr. HUMPHREY. Mr. President, Anderson is of Swedish descent, and Rolvaag is of Norwegian descent. The saying is, "What is the difference between a Swede and a Norwegian?" And the answer is, "91 votes."

I yield now to the Senator from Nebraska.

Mr. CURTIS. I would be derelict in my duty if I did not rise to pay tribute to those members of the Norwegian race. I grew up in a section of the country where the history of the Scandinavian people is the history of the country.

I cannot let the record stand without mentioning the Swedes and the Danes.

Mr. HUMPHREY. I join the Senator.

Mr. CURTIS. They are great people. We have always contended that Leif Ericson was a Swede.

Mr. HUMPHREY. That is always debatable.

Mr. CURTIS. We have likewise always contended that the Vikings were Swedes. It is rather difficult for me to take a position on this question, that there are more Danes than there are Swedes in Nebraska. I have weighed the matter very carefully. I think all three groups are right. They are wonderful people. I am happy to join in the festivities.

I thank the Senator.

Mr. HUMPHREY. I salute the Senator on his judicious decision, noting that the Vikings were possibly both Swedes and Norwegians.

Mr. CURTIS. In any event, they led the way toward the settlement of this country 500 years before anyone else thought of it.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, my State, like many others that have been mentioned, has attracted many fine Norwegian people—people who came to this country because of their religion, at a time when it was difficult to practice their religion.

I would like, in summing up, to state a very short couplet, that "Norwegian is legion."

Mr. HUMPHREY. Mr. President, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I very much appreciate the fact that this resolution has come before the Norwegian Syttende Mai, the 17th of May. One of Wisconsin's and America's finest editors—the last of the truly great crusading American editors—is my old boss, a great Norwegian, William T. Evjue, owner, editor, and publisher of the outstanding Madison Capital Times. In Wisconsin, a very large percentage of our people are of Norwegian extraction. They are very proud of it. I doubt if any State in the Union has as large a percentage of Norwegians as the State of Wisconsin.

Mr. HUMPHREY. Oh, no.

Mr. PROXMIRE. The State of Minnesota may rank third, fourth, or fifth, but Wisconsin is first.

Our State is known as the outstanding dairy State in the Nation.

Mr. KEATING. Oh, no.

Mr. PROXMIRE. New York has some claim to fame, but our State is the outstanding dairy State.

Mr. KEATING. Brooklyn is one of the biggest Norwegian cities in the world.

Mr. PROXMIRE. The Senator is talking about Brooklyn, Wis., which has far more Norwegians proportionately than does Brooklyn, N.Y.

At any rate, the Norwegians have brought a great deal to Wisconsin. They are great farmers, they are great cheesemakers. They are great, warm friends. They are wonderful people in every sense. On Sunday, Syttende Mai—May 17—there will be a unique parade in Stoughton, Wis., an oasis of Norway in Wisconsin. This is a parade which will bring back the touches of old Norway, Oslo, itself. The people in the parade will wear Norwegian costumes.

Mr. HUMPHREY. Will the Senator be there?

Mr. PROXMIRE. I shall try to be there. The lovely culture of Norway has been transported to Wisconsin in a beautiful way. I am sure that the 4 million people of Wisconsin—so many of whom are Norwegian—would certainly want me to support this resolution with great enthusiasm. And I do.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. I do not think I could claim any Norwegian blood, unless it came from centuries back in England.

I am sure Alabama has some Norwegians. But certainly it does not rank with Wisconsin, Minnesota, or New York. But I want to say one word about this great nation in recent times. I refer to the great assistance they gave to the free world during World War II. The resistance that Norway put up under the most difficult circumstances was a high water mark in the conduct of the affairs of World War II.

Even in the more modern day, there was no person more instrumental in bringing to fruition the great American-European-Western Alliance that we now call NATO, than was the Foreign Minister of Norway, Mr. Lange. And I think we all owe a debt of gratitude to Norway, not only for its contribution back through the centuries to the liberty of the whole world, but also in more recent days in formulating one of the greatest defense organizations in the world, and helping to strengthen and preserve the free world.

Mr. HUMPHREY. I am sure the Senator from Alabama would want to add the name of that great man who contributed so much to peace and free world strength—the first Secretary General of the United Nations, Trygve Lie.

Mr. SPARKMAN. That is correct. I had the pleasure of serving in the United Nations under the secretaryship of Trygve Lie. I have his picture hanging on my wall. He was a great man. Of course, by naming one or two individuals, we do not intend to exclude the many others who participated.

Mr. HUMPHREY. Mr. President, I now yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I thank the distinguished Senator for yielding.

In Hawaii, 10,000 miles away from Norway, we also have our Andersens and Johnsons. I have been told that many Norwegians came to America and made a name for themselves. The story is told that Johnson went to Hawaii and made a name for himself. And when he was asked as to what he did first, he replied that he changed his name from "Yonson" to "Johnson."

Mr. President, Hawaii is very far away from Norway, but in the early days of our sugar industry, we looked to Norway for skilled help from men who could operate our sugar factories, and men who could work our plantations. We went to Norway. We recruited many Norwegians and brought them to Hawaii. With their assistance, we built our tremendous sugar industry. We owe a tremendous debt of gratitude to the Norwegians who came to Hawaii.

I would like to add my tribute to the Norwegians who came to our country.

Mr. HUMPHREY. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, on the occasion of their independence day, I should like to add my word of respect, admiration, and appreciation for the contribution that the people of Norway have made, particularly, since I have learned from the Senator from Washington of the early association of the Irish and the Norwegians. I have always had a great affection for the Norwegians, but this new information—at least, new to me—adds a new note of esteem.

I appreciate what my esteemed colleague had to say concerning the great piece of classic literature by Ole Rolvaag.

When I was coming upstairs in the elevator a few minutes ago I noticed that the college student who was operating the elevator was reading that book—as I did when I was a college student, some years ago. As the Senator from South Dakota [Mr. MUNDT] has said, it gives an excellent picture of the contributions, the sacrifices, and the heartaches of the early Scandinavians who opened up our part of the country.

I thank the Senator from Minnesota for yielding to me.

Mr. MAGNUSON. Mr. President, will the Senator from Minnesota yield briefly to me?

Mr. HUMPHREY. I yield.

Mr. MAGNUSON. Much can be said about the important contributions made by the Norwegian people. For example, a relative of my mother's wrote several important books. Her pen name was Osteno; her real name was Ostensaas. She won the Nobel Prize for her "Wild Geese"; and her book "The Mad Carews" was written about Scandinavians in Wisconsin. All her books dealt with our times. She taught at the University of Minnesota.

Of course, I, too, have read Rolvaag's "Giants in the Earth."

Mr. HUMPHREY. Mr. President, I am deeply indebted to my colleagues for the comments they have made.

I am highly honored by the fact that my own mother was born in Kristiansand, Norway. So, for me, the pending resolution takes on added significance.

I ask unanimous consent to have printed at this point in the RECORD the text of a radio broadcast recorded by me for Minnesota stations dealing with Norwegian Constitution Day.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

The 150th Anniversary of Norwegian Constitution Day—Radio Broadcast of Senator Humphrey

I am delighted to have this opportunity to address Norwegians—and all those of Norwegian descent—at the 150th anniversary of Norwegian Constitution Day.

The Norwegian Constitution, adopted on May 17, 1814, is one of the world's great and enduring documents of human freedom and democracy. It draws from the same well of fundamental truth as our U.S. Constitution—both hold that just power derives from the consent of the governed. Our two nations—the United States and Norway—have been linked continuously by the same democratic ideals and aspirations. The people of both have been adequate to the trust of self-government.

Meeting in a country that had undergone great hardships in the aftermath of the Napoleonic wars and working against a European political climate that was reactionary, the bold framers of the Norwegian Constitution held out for liberty and self-government. They would be proud of the lasting quality of their work. It has been described by a Norwegian author as "a stable, solid, and true enough document to last for an infinite future, and also flexible enough to provide room for the political and spiritual struggles of a vigorous people."

In these days, when struggling nations are tempted by shortcuts to power that defer freedom and democracy for their people, Norwegian Constitution Day has a meaning far beyond Norway. It points up once again that no one can have liberty who does not trust it. The founding fathers of Norway have inspired the leaders of many nations in the past 150 years and their democratic nation is one of the greatest assets of a free and peaceful world.

Med de hjerteligste onsker for Norges Grundlovsdag, for frihet og Norges fremtid.

Thank you.

Mr. LAUSCHE. Mr. President, will the Senator from Minnesota yield briefly to me?

Mr. HUMPHREY. I am glad to yield.

Mr. LAUSCHE. During the war, I was the mayor of Cleveland; I became mayor on December 7, 1941. At that time the war against the United States broke out; and our country was in great peril, everywhere. We watched to see with what bravery various peoples in the world would stand against the might of Hitler. We watched little Norway, with her small population of approximately 2.5 or 3 million. Like a gem she stood up, with brilliant facets of courage, sacrifice, and deprivation. In our darkest hour, the Norwegians demeaned themselves most vigorously and bravely in defense of the cause of freedom throughout the world.

Persons of Norwegian ancestry are among the most important and most valued citizens of Cleveland; they include some of the most distinguished leaders there. It is scarcely credible that so small a country, populationwise, could have contributed so many giants of industry. Many of them are leaders in the industrial and economic development of the world. Among them, in Ohio, was Randolph Eide, who was born in Norway, and became head of the Ohio Bell Telephone Co. There was also Knudsen, who occupied a most distinguished position in the marshaling and mobilization of our military strength, in coping with the problems that confronted us.

These Vikings of modern times, hardened and stimulated by an environment that was not a soft one, have set an outstanding example for peoples throughout the world, in giving of themselves unselfishly for the preservation of the freedoms we cherish so deeply.

Therefore, Mr. President, I am pleased and honored to join my colleagues in paying tribute to these brave, noble people.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 302) was agreed to

The preamble was agreed to.

AMENDMENT OF FEDERAL BAIL LAWS

Mr. FONG. Mr. President, I am delighted to cosponsor with the distinguished chairman of the Constitutional Rights Subcommittee, the senior Senator from North Carolina [Mr. ERVIN], three bills to amend the Federal bail laws. These bills would ease the financial burden which the Federal bail laws place on indigent defendants.

The first bill provides that no person shall be denied bail solely because he is financially unable to post bond. Rather, any indigent defendant may be released on a personal guarantee, subject to such conditions as the court or commissioner might reasonably prescribe to assure his appearance—unless there is good cause shown why the indigent defendant should not be released.

It is simple justice that indigent persons who are not shown to be likely to violate the conditions of their bond be released pending trial.

The second bill would provide that any convicted defendant who is confined because he is unable to post bail would receive credit toward his sentence for time spent in confinement. This, too, is required by simple justice.

The third bill would allow persons admitted to bail to make a cash deposit with the court instead of having to supply sureties or other collateral security often required by professional bail bondsmen. It would also allow bail to those who could not find a bondsman willing to write a bond for them.

It is unjust that while our law provides an absolute right to bail in other than capital cases, this right can be very easily nullified at the discretion or mere whim of private persons; for a bondsman is not required to write a bond just because a court has set bail, and the bondsman's decision may not be reviewed by a court no matter how arbitrary his refusal.

These measures are a result of a continuing study on the administration of justice by the Subcommittee on Constitutional Rights, of which I am a member.

Present bail laws discriminate against the poor, so that only the defendant who has money can be free before his trial to prepare his defense.

For this reason, I believe the Federal bail laws are in urgent need of revision. Present laws violate the spirit of the sixth amendment to the Constitution which forbids imposition of excessive bail. They contradict our heritage of equal justice under the law.

It is appropriate that these bills guaranteeing defendants in criminal trials equal justice with respect to bail are introduced as the Senate debates the historic civil rights bill which would guarantee equal justice under the law of the land, the U.S. Constitution, to all citizens of this country.

It is appropriate that these measures guaranteeing equal justice to rich and poor alike be considered by the Senate as a part, and indeed a vital part, of the war on poverty, and that we should carry this war on poverty to the field of the administration of criminal justice.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

THE RIGHT OF TRIAL BY JURY

Mr. SYMINGTON. Mr. President, several people have asked about my position on the question of providing jury trials in criminal contempt cases arising under the civil rights bill.

I support the right of jury trials; and I believe the best amendment to that end is the Mansfield-Dirksen amendment, which provides that a judge must grant a jury trial in cases in which the fine is in excess of $300, or the jail sentence is in excess of 30 days.

In a long line of decisions, the Supreme Court has held that a defendant in a criminal contempt action is not entitled to a jury trial as a matter of constitutional right. In this connection, in my own State of Missouri, State law gives the right to try a criminal contempt action without a jury.

The amendment in question actually would create a right to jury trials in situations in which that right previously did not exist.

I believe that the right of trial by jury is so fundamental to our free society that it should not be denied in a criminal contempt action arising under the civil rights bill. As the bill now stands, a judge would have unlimited power to punish for contempt.

At the same time, however, I recognize our obligation to protect the integrity of our Federal courts in the enforcement of their orders.

In my opinion, the Mansfield-Dirksen amendment establishes a proper balance between these two competing considerations, by placing a limit on the punishment which could be imposed in a criminal contempt case tried without a jury. In addition, this amendment takes into consideration the decision in the recent case of United States against Barnett, in which a majority of the Supreme Court intimated that there should be some upper limit on the inherent power to try a criminal contempt action without a jury.

THE ROLE OF THE UNITED STATES IN SOUTHEAST ASIA

Mr. FONG. Mr. President, a sobering report on the role of the United States in southeast Asia—and the leadership the United States has yet to provide there—has been written by William H. Ewing, editor of the Honolulu Star-Bulletin.

There is much food for thought in the perspective and forthright analysis made by Mr. Ewing after a visit to that region of the world.

A widely traveled and widely respected newsman, who served at one time as Washington bureau chief of the Star-Bulletin, Mr. Ewing has performed a real public service in outlining the difficult, yet necessary, task that lies ahead for the United States.

His report, titled "We Should Grasp the Vietnam Nettle," is prefaced by the following introduction:

> Back from a 23-day, 21,000-mile visit to Australia, New Zealand, southeast Asia, and the Philippines, the editor of the Star-Bulletin finds this vast region waiting vainly for leadership from the United States.
>
> He reports three known and one unknown factors, the unknown being the position of this country. The known are: the Communist drive to dominate southeast Asia; the ambition of President Sukarno to lead a third great force, neither Communist nor western; and the virtual disappearance of British power and authority from this part of the world. Neither factor can be decisive; only the United States can provide this leadership.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Ewing's report which appeared in the May 12, 1964, issue of the Honolulu Star-Bulletin.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WE SHOULD GRASP THE VIETNAM NETTLE

(By William H. Ewing)

As the plane flies north, the tip of the Malayan Peninsula slides under the leading edge of the right wing even before Indonesia, Malaysia's self-proclaimed enemy, has emerged from the trailing edge. Or the little jet splits the thin air at 40,000 feet flying eastward while, a few miles to the north, lies the 17th parallel and communism; under the plane, and to the south, is partitioned South Vietnam, propped up halfheartedly by the United States against infiltration, terror and open invasion from the north. These are the close quarters of conflict in the southwest Pacific; they are the points where explosion has broken out; how extensive the outbreaks become, and the direction they take, will affect the future of the entire Pacific world, and, indirectly, that of the entire globe.

Tensions grow in this area as a policy of laissez-faire, or "Let nature take its course," is followed by the West, its leader being, of course, the United States. New Zealand, and Australia are quietly rearming against the threat of Sukarno. Australia especially realizes the open invitation of its vast unpopulated areas to burgeoning Indonesia. Java, alone, less than half the size of Nevada, has six times as many people as the entire continent of Australia, which is about as big as the United States.

It seems incredible that the United States, with so much of its own at stake, should be willing to play almost the role of a bystander merely waiting to see what happens. In 1947, with Europe in ruins, the United States undertook the Marshall plan. The billions we extracted from our taxpayers' pockets and poured into Europe was the best investment we ever made. It not only spoiled the confident expectation of Stalin that a devastated Europe would turn inevitably to communism; it also re-created the industry and trade on which capitalism must sustain itself.

Today we face a situation in the Pacific less dramatic but in many ways as critical as that in Europe 17 years ago. British power is all but gone from the Pacific; be it said for the British nevertheless, that, thinly spread though they are, with commitments in Europe, Africa, and the Middle East, they are facing up to their obligations in Malaysia. If Sukarno invades, as he threatens to do, the British will fight, and so will Australia and New Zealand. So far the United States has refused to admit that it is committed to defend Malaysia as a member of the Southeast Asia Treaty Organization.

Sukarno, however, seems unlikely to make formal warfare against Malaysia against these odds. He has only to look across the South China Sea to Vietnam to observe how much easier, cheaper, and, perhaps, more effective can be the results of infiltration, and terrorism. He is employing both tactics in Borneo; meanwhile he is busily selling the idea to the West that, despicable though he may be, he is preferable to communism, which, so the story goes, would certainly follow were he to go.

To date the United States has bought this line from Sukarno. Our Foreign Service rationalizes him; its members speak of Sukarno the way a certain type of social worker talks of the criminal who never had an equal chance in life: not really a bad boy at heart but simply a product of his environment. Sukarno grew up under colonialism, therefore he hates colonialism, and he cannot be blamed for this; he wants to lead his people, which is the instinct of all true patriots; and he genuinely believes he can create a third great force in the world to balance off communism and Western capitalism.

These same Foreign Service diplomats tend to overlook, however, the methods Sukarno is using to pursue his ends. His guerrillas operating across the border in Malaysia are as cruel and ruthless as their victims are innocent and helpless. He poses as anti-Communist yet his MIG-21 fighter planes come from Russia, this in itself being a subtle form of alliance, since he must depend on Russia for the spare parts to keep his planes flying. Not long ago a responsible American labor leader visited Indonesia and was shocked to find its workers operating under a Hitler-like regimented autocracy; being paid 50 cents a day and glad to have it. More recently diplomats from Tokyo to Wellington were shocked by the story—which was true—that Sukarno had told the U.S. Ambassador to "take your aid and go to hell." Washington, however, appeared not to be shocked; though an Ambassador is the personal representative of the President, our State Department's attitude seemed to be that of the social worker, that the President of Indonesia was really not responsible for his bad manners. The fact of being born on the wrong side of the tracks was not his fault.

Australia could take the lead in the Pacific world but seems unlikely to do so in view of its racial policies. Australia has a population of less than 11 million, and half of these are clustered in and about four cities—Sydney, Melbourne, Brisbane, and Adelaide. With an all-white immigration policy, Australia is endeavoring to fill its vastness and develop its untold riches by importing Europeans. But the Europeans have little stomach for the "Outback" and its hardships; they cling to the cities which grow larger while the interior remains largely untouched. The huge Northern Territory, for example, owned by the Federal Government in Australia, has an area of over half a million square miles yet fewer than 50,000 inhabitants. True, some of it is desert but it is also true that nobody quite knows what is there.

Some Australians like to think of themselves as a nation of pioneers but this is less than a true picture. The Australians profess to dislike the English, or "Pommies," as they are called, yet there is still discernible in Australia a very English yearning for coziness. Each of the larger cities has become a tight little island in itself, and its inhabitants do not stray very far from its borders. When they do they move outward, not inward.

Both Australia and New Zealand suffer from underpopulation and its inevitable companion, overemployment. An employee who loses his job for whatever reason does not have to look far for another; the newspapers publish page after page of help-wanted advertisements every day. We in the United States sometimes become alarmed at the extent of our unemployment; a visit to Australia and New Zealand is a reminder that, socially, a certain degree of unemployment is healthy. A man with a job in our country is likely to make a real effort to keep it, to the benefit of himself and his employer as well; and the availability of people wanting work is always an encouragement to the creation of new industry.

New Zealand, with stronger ties to England, is turning more toward the United States as the last bonds of empire wither. New Zealand still has a strong spiritual relationship with England, and may always have. But probably because of this close tie, the New Zealanders realize better than any that the long arm of England, or home, as many of them still call it, even those who have never been there, has been withdrawn for the last time. The United Kingdom has problems of its own.

Nobody, certainly not an American, could hope for a more hospitable reception than he is likely to receive in either New Zealand or Australia. The Australian is proud of the vastness of his country, and likes to think it will develop as another North America, and maybe it will. Some New Zealanders are typical of certain islanders everywhere; though never having left their shores they are sure theirs is the best land on earth, so why venture further? Others feel hemmed-in and isolated; they are not a crossroads, like Hawaii, but are at the end of the line. People who come to New Zealand are "not going anywhere." But the supersonic airplane, the quest for farther places, the discovery of the natural beauties of New Zealand by people the world over may change this isolation sooner than its residents think. It would not be at all surprising to hear, in 10 years' time, the same sort of groans from New Zealand that now emanate from some Hawaii kamaainas—the complaint of "overdevelopment." Wellington and Auckland and Christchurch, they will be saying, are lost forever to the tourists—just like Waikiki.

The racial policies of Australia, particularly, because of its size, geographical location, and the potential of its development, are at once an anachronism and a paradox. To say that white people only may immigrate to one of the great undeveloped areas of the earth is an anachronism in the 2d half of the 20th century because if there is one thing that enlightened people recognize as essential to peace it is that racial barriers must come down. It is a paradox simply because this is the Pacific. We are accustomed to the traditional division of the world into the Eastern and Western Hemispheres. A more accurate projection, geographically and ethnically, is to combine Asia and Oceania. For Australia to proclaim itself a white man's island with Asia next door is like having Japan where the United Kingdom stands, proclaiming that none but people of the Japanese race might enter and stay.

The Australians are trading with Japan and would like to trade more. They recognize the tremendous energy and initiative of the Japanese, and some of them would like to see it turned loose on Australia. Their unwillingness to admit the Japanese, while eagerly trading with them, is somewhat reminiscent of the Honolulu corporations which welcome the shrewd business acumen of orientals to their boards of directors but draw the color line when it comes to admitting them to their clubs.

Australia, however, may find itself sooner than it thinks in the clutch of circumstance beyond its control. It is illogical to believe that Australia will be allowed to develop itself as a white man's continent while the Malay Archipelago is bursting at the seams next door with people. The drive of history may prove stronger than what may be a minority, though highly vocal, of the Australian people.

Bangkok is the bland, serene, majestic, smiling face of Asia. There is something about this city not quite like any other. It is not westernized like Tokyo nor in any part does it seem to have a slum or the poverty usually found in oriental cities. It is comfortably filled but it is not bursting, like Hong Kong or Tokyo; it moves at a modest pace and there is time for courtesy and the smile traditionally associated with the Thai people. Theirs is a city of over 2 million, set down at a point where it cannot help becoming a crossroads of air travel for all the world. Another 10 years, or even 5, and it will be another Tokyo, for already it bristles with new construction and the traffic jams grow tighter despite new and wider roads. Bangkok is booming; granted peace it is certain to become one of the truly great cities of the world.

Yet if the Thais are to survive the tide of communism that threatens all of the southeast Asian peninsula, they must have help. Their flat, fertile acres are among the world's richest, and would go far toward meeting the demand for food from often-impoverished China to the north. But the Thais generally are not a warlike people. Some of their hill tribes have a tradition of fierce independence and a willingness to fight on any and all occasions. But the Thais of Bangkok and the low country are the mildest-mannered people alive, Indeed, the height of rudeness is to raise one's voice, much less let off a shot in anger.

On the other hand, nowhere on a visit to 10 cities in 5 countries, in conversations with people certainly in position to know, did I find anyone who believed that Thailand could survive if Vietnam fell. Military people as well as statesmen link our aid to Vietnam inextricably with the fate of Thailand. So that our stakes in Vietnam are not merely Vietnam alone but Thailand as well with its 200,000 square miles and its 27 million people. And it would be hard to separate what happens to the southeast Asian peninsula from the rest of the Pacific to the south, and particularly Australia and New Zealand.

I found our position in Saigon to be, as well as I could judge, well in hand. True, the situation was static; we did not seem to be winning the war but neither were we losing it. The announcement that General Westmoreland would succeed General Harkins was made while I was there, and there has been some speculation that the new commander will press the war more vigorously. However, so far as I could tell General Harkins had succeeded administratively in setting up an orderly assistance program, and it seems doubtful that General Westmoreland or anyone else is going to do much more until there is a change of heart in Washington.

We have never seemed able to make up our minds how far to go in Vietnam, or in which direction. Yet the stakes are so great we can hardly afford to allow ourselves to lose. If we are to lose in Vietnam—which we might readily do through some neutralist government's coming to power—we should almost certainly have to make some accommodation for the defense of Thailand, if that were possible. Any change in Vietnam would be disastrous, if not catastrophic, not merely because General Khanh seems to have won the confidence and respect of those working with him, but simply because of the change. If General Khanh is our man—and we have accepted him as such—we ought to make sure it is generally understood that we intend to see that he remains in power.

We are fighting the enemy in Vietnam on his grounds and on his terms, a remarkable pair of advantages to hand over to any opponent. The stock question of the Saigon visitor is, "Where is the war?" and the answer, just as stock, is "That's the problem. Where is the war?" The war is being fought as the American Indian wars might have been fought had the Apaches, having raided the white settlement, been able to merge themselves into the settlement before the cavalry arrived. The Apaches couldn't so lose themselves so the cavalry hunted them down. The Vietcong can and do lose themselves in the country villages by hiding their weapons and terrorizing the villagers before the government troops arrive. Anyone who reveals anything to the government forces is likely to find himself and his family cut up and their heads put up on poles as an object lesson to others. The most remarkable fact about this remarkable war is that the Vietnamese villagers continue to resist at all, knowing as they do how the odds are stacked against them and against those who would help them if they could.

One measure considered as a means of evening the odds is the use of a nerve gas on both friend and foe alike in the villages. Such gases exist in many national arsenals; they simply immobilize those affected for a few hours and leave no permanent ill effects; and, if put to use in Vietnam, would enable the troops who followed the gas to make a distinction between friend and enemy. The decision on using such a weapon would have to be made, of course, at the highest level. An affirmative decision would certainly be met with a torrent of abuse in many countries, Western as well as Communist. However, a fairly large segment of the populations in Asian countries already believe we used germ warfare in Korea—though we did not—merely because of Communist Chinese and Soviet propaganda. Such criticism would be based on emotion, since these gases are neither deadly nor permanently disabling. And, besides, how are you supposed to deal with people who will chop up a whole family for no purpose except to frighten its neighbor?

One of the more gratifying results of this trip was to discover a new kind of public servant in our oversea services. He is decidedly not an ugly American; he is more nearly a reluctant American, though even this term is less than accurate because it is not the individual American who is reluctant but the country he represents. This American is overseas not as a colonizer but as a benefactor; he is helping to spend his own country's money to the benefit of the country he is assigned to as well as his own country and the world. For these Americans, whether in the Peace Corps, in one of the many administrative offices or in uniform, there is no 8-hour day, no 5-day week, no time and a half for overtime. Though some of their assignments are unpleasant enough, I never heard or heard of anyone complaining. It is a dismal thought, as it must be dismal to them, to think that, unless there is a greater resolution for more vigorous action in Washington, before long all their efforts may have come to naught.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. JORDAN of North Carolina. Mr. President, it is my firm belief that the debate in which we are now engaging will make a great contribution to the knowledge of the people of this country about the importance of democratic government and the principles which make democracy the best system of government yet devised by man.

There is no doubt in my mind that a new awareness is being shown among the people of the United States of the importance of democratic principles and the importance of constitutional government.

Within the last 2 weeks we have seen several proposals made in connection with how the principle of trial by jury could be preserved at a time when there is a great clamor for change which could endanger many of our basic constitutional principles.

There is no doubt in my mind that if the Congress ever agrees to compromise the basic right of trial by jury we will seriously endanger some of the basic principles which have made this Nation the greatest Nation on earth.

Recently, a book entitled "Two Ways of Life" came to my attention.

The book was published in 1962 and it was written by Prof. William Ebenstein, of Princeton University, a well-known author of many widely used college textbooks.

In 1962 Professor Ebenstein published this new book primarily to be used as a textbook for high school students.

The book is designed to give high school students a review of democracy and communism and to explain the Communist challenge to democracy.

I think it is an excellent book and one which all of us would do well to read and think about even though it has been many years since some of us sat in a classroom.

It is well written book and in simple, very readable language. It relates the differences between communism and democracy.

I think chapter (1) of the book entitled "The Doctrine of Democracy" includes some passages of which we should take special note in our current debate on the question of trial by jury.

I would like to read two short passages from the book, the first being, "The Course of Democracy in England," and the second being, "American Democracy."

The section, entitled "The Course of Democracy in England," reads as follows:

> No country has contributed so much to the growth of free government as England. One of the greatest documents in the history of human liberty is the English Magna Carta ("the Great Charter"), which King John was forced to sign in 1215.

I might add at that point that when I say that King John was forced to sign the Magna Carta, the statement is historically correct. He signed it because of the injustice and the tyranny which prevailed at that time, and the people rose up and demanded that they be protected by the right to jury trials. He had one recourse. He could lose his head or help to establish the right to jury trial.

I continue to read from the section to which I have referred:

> The key principles of individual rights and liberties stated in Magna Carta—such as no taxation without representation, no unlawful arrests, and the right to trial by jury—were incorporated in the American Constitution centuries later and have been included in most democratic constitutions since. Even though Magna Carta was designed chiefly to protect the rights of the nobility, its provisions marked an important step in limiting royal authority.
>
> In the 17th century the changeover from absolute monarchy to representative governments in England became final. First, in 1628, Parliament passed the Petition of Right, reaffirming the ancient liberties of Englishmen, and protesting against their violation by King Charles I. Then, when the violations by the king persisted, the Puritan Revolution of the 1640's decided the matter in favor of Parliament and against royal authority. The monarchy was overthrown and a commonwealth was established.
>
> Later, in 1689, upon setting up a new monarchy in England, Parliament passed the Bill of Rights, the third and last chapter in the development of English liberty. The English Bill of Rights of 1689 is the ancestor of all similar charters enacted later in other countries, including the United States. It stressed again the importance of individual freedom in its political, legal, and religious forms. It also laid down the principle—since then never challenged in England—that political authority rests with an elected body, Parliament, and not with the king. At that time, however, suffrage, or the right to vote, was slanted in favor of men with property, particularly landed property. So the Bill of Rights did not suddenly turn England into a democracy in which everybody over the age of 21 had the right to vote. But it laid the foundations for such a democracy by affirming that all political authority was in Parliament, elected by the people who had the right to vote. By dint of much struggle, the suffrage was broadened throughout the 19th and 20th centuries. Finally, by 1928, all British citizens over 21 had gained the right to vote.
>
> The difficulties involved in the growth of democracy are illustrated by the English example. The story of English political liberty is a saga of six centuries of drama and conflict. If it took the English people—whose political genius is recognized by the whole world—six centuries to develop real democracy, the conclusion must be that democracy is a very complicated form of government that demands a high level of political and social maturity.

The section entitled "American Democracy" read as follows:

> The roots of American democracy are several, but in the main they are British. The British immigrants to America brought with them strong beliefs about individual freedom and government by consent, and they were able to put these beliefs into practice. Long before the American colonies became independent of Great Britain, self-government in domestic matters was well established. It was only after the British Government persistently violated principles recognized in Britain itself—such as "no taxation without representation"—that the colonists were driven to revolt.
>
> The English political thinker John Locke, whose "Two Treatises of Government" (1960) is the best-known defense of representative government, strongly influenced such leaders of the American Revolution as Thomas Jefferson, Thomas Paine, and George Washington. The main argument of American colonial leaders was simple. If self-government was proper for British subjects in the British Isles, it was also proper for British subjects who migrated to North America. Once independence was won, it was natural for Americans to continue and to strengthen the ideals and practices of representative government.
>
> Another important element in American democracy is tied to the distinctive character of American history. In older European countries like England and France, democracy has been the accepted way of life for many years. But English and French history also contain all the preceding phases of political development which were not democratic. The case of American history is different. From its very beginning the American Nation was conceived and born in the democratic ideal. Whereas in older countries the democratic experience is part of the nation's history, American democracy is American history. An opponent of democracy in other countries can look back in history and point to the predemocratic period of his nation's development as the "good old days." In the United States, a person cannot do that, since there is no predemocratic American history.
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> The Declaration of Independence is the first instance in history in which an entire nation committed itself to the ideals of "life, liberty, and the pursuit of happiness." "Life and liberty" were also recognized in the English Bill of Rights; but the addition of "the pursuit of happiness" in the Declaration of Independence showed that America was more than a system of law and government. It heralded a new way of life in which every human being had an inalienable right to pursue happiness in his own way.
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> This commitment of America to a new way of life shone like a beacon of hope for the millions who came here from all over the world. They sought in the United States better economic conditions. But—more importantly still—they came in search of the American dream: equal opportunity for everybody regardless of social background or religion, and the opportunity to make one's life without disturbance, as long as one did not interfere with the rights of others.

Mr. President, I invite attention to these passages from this book for a specific reason.

They, in some measure, put into perspective for our young high school students the place that liberty and justice—and more specifically, jury trials—have had in the development of democratic government through the years.

We should give serious thought to this matter before we take action which would compromise and endanger one of the most basic rights of all—the right to trial by jury.

As the debate on the proposed civil rights bill, H.R. 7152, progresses, I am deeply impressed with the widespread change of opinion about this measure.

I say this because I am thoroughly convinced that the general public has very little conception of the many far-reaching implications this measure would have, if enacted into law in its present form.

As time passes, as the public becomes better acquainted with the provisions of the bill, and as the public realizes just what is involved, I am sure we shall find a majority of the people of this Nation opposed to its enactment. I am certain of that, with the bill in its present form.

As all of the Members of the Senate know, a great many proposals are put before us in every session of the Congress.

In fact, literally thousands of bills are introduced each year in the Congress. I do not believe that the general public is aware of this fact. I do not believe that the general public realizes the vast number of proposals the Congress is asked to consider and to act upon from year to year.

But more important, it is a difficult, if not almost impossible taks to arouse the public's interest in the various proposals which come before us for action.

For the most part, an individual citizen is not greatly concerned about a measure which does not directly affect him.

There is no trouble stimulating interest in a tax bill, for example. But on the other hand, it is difficult to arouse widespread interest in a program which the Federal Government might sponsor in the field of forestry research, or any number of other specialized efforts.

Over the years, the term "civil rights" has become a slogan. It is a sort of catchy phrase. It has become fashionable for everyone to be in favor of civil rights.

The fact is, we have reached the point where the term "civil rights" has become almost all embracing in what it means. In many ways, this term can say everything and mean nothing. It is easy to accuse someone of being for or against civil rights without ever being specific in any respect.

I believe that because of the general connotation the term "civil rights" carries, in this day and time, it is difficult for the public to have a meaningful understanding of just what H.R. 7152, as approved by the House of Representatives, means in terms of the effect it would have if enacted into law.

I regret to say that a very small percentage of the general public is aware of the fact that this measure, if enacted into law as approved by the House of Representatives, could have far-reaching and drastic results for every single person in the United States.

Mr. President (Mr. McGOVERN in the chair), not many bills acted upon in this

Chamber really affect every citizen of the United States, but this bill could completely change the form of our laws which deal with criminal acts in a great many cases, as well as in others, and could take away the rights which people have always had and to which they are entitled, but which they do not know could be literally wiped out by this piece of proposed legislation, should it be enacted.

(At this point, Mr. NELSON took the chair as Presiding Officer.)

Mr. JORDAN of North Carolina. At the time the bill was approved by the House of Representatives and sent to the Senate there was a great outcry over the Nation in support of the so-called civil rights bill. There was a great demand for the Congress to enact a civil rights bill into law.

It has only been since we started this debate in the Senate that the public is beginning to get some idea of all of the things that are involved.

The debate we are now engaging in is the only way we have of informing the public of what is actually involved, and also it is the only means we have of analyzing the bill and bringing its many and far-reaching provisions into clear focus for the public to see and consider.

As we go along, it is amazing to me to see how the public in general is reacting to this measure.

I dare say that if a poll had been taken 3 months ago we would not have found one person out of a hundred who was aware of the fact that the bill, as approved by the House of Representatives, would very seriously endanger the long cherished right of trial by jury.

I think the picture has changed as a result of this debate; and I am confident that every citizen who becomes aware of the fact that the bill, as approved by the House of Representatives, and in the form in which the Senate is now considering it—because no changes have been made in it—would seriously endanger his right to a trial by jury will become strongly opposed to this proposal.

I mention this, Mr. President, because the people of this Nation have a right to know about all of the things that are involved in the measure which we are being asked to approve.

I think all of the people have a right to know that this measure, if enacted into law as now written, would jeopardize many of the basic rights all freemen have always insisted upon and have fought and died to preserve.

We can call it anything we wish, we can put any label on it we like, we can wrap it up in any kind of package we wish, but we cannot get away from the basic fact that the bill, as approved by the House of Representatives, would take away in many cases the basic right all of us have to a trial by jury.

This is the reason that I have always felt that the Congress must be most careful in the way it goes about dealing with the entire question of individual rights.

When we destroy an individual's rights, we destroy them for others also. We cannot take rights away from one individual without taking them away from another individual. We cannot enact laws to suit one person. If we did, we would not have enough people to interpret them. We hardly have enough people now to interpret what laws we enact.

I think we need to take a long hard look at history and recognize the fact that when any government begins tampering with the basic rights of its people then trouble, discord, and tyranny will surely follow.

I think this is perhaps the reason that the people of the Southern States of the United States have for the most part been deeply concerned about how the Federal Government goes about any work it engages in in this field.

I do not intend to go into any lengthy discourse on the drastic events of the Civil War or the terrible years of the Reconstruction Era which followed, but I do think that all of us should take a look at history and learn a lesson from those experiences.

The history books are available to read, and they show very clearly that when the Federal Government follows a policy of brute force in dealing with local problems and problems which involve basic human relations trouble starts and nobody wins in the end.

In my own State of North Carolina, Federal troops were not withdrawn until 12 years after the close of the Civil War.

For 12 years the Federal Government followed the policy that it would force North Carolina and other Southern States to follow the dictates of the Federal Government. It finally dawned upon those in authority that this was no way to accomplish what they wanted to accomplish. They finally realized that in the final analysis the problems of human relations must be solved by the people themselves.

I think it would be a tragic mistake for the Congress—in a day and time when we have developed the know-how to split the atom and send man into outer space—to again create conditions where we could have a repeat performance of the strife and discord we experienced in the Reconstruction Era.

I am in no way suggesting that if this bill is passed that we would again have Federal troops stationed in all of our communities. I am in no way suggesting that the degree of discord and ill feelings would be anywhere near what it was in the Reconstruction Era, but I am saying that when we bring into play the full force and power of the Federal Government for the purpose of solving basic problems of human relations we are going to create more problems than we are going to solve.

For these reasons, I believe we are now engaging in the most important debate the Senate has had in many years.

I regret very much that H.R. 7152 was not sent to a committee of the Senate where testimony from experts and other citizens could be heard, discussed, and considered.

I think it is most unwise for the Senate of the United States to act upon such a far-reaching measure as H.R. 7152 without very careful and deliberate analysis and consideration.

I am led to believe that had the bill been sent to committee before it came to the floor of the Senate, it probably would have been enacted into law by now, and we could be taking care of other business of the Senate. All the time that Senators have spent on the bill on the floor could have been spent in committee in rewriting some of the provisions that are causing so much debate on the floor.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. JORDAN of North Carolina. I am glad to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. Is it not true that what we have been doing in the Senate during the time that the bill has been under consideration has been virtually what we would have done in committee, with a much smaller group; and that therefore it could have been done more expeditiously than it can be done in the Senate as a whole?

Mr. JORDAN of North Carolina. There is no question about that. The same thing is true of other bills. I am a member of the Committee on Agriculture and Forestry. Sometimes weeks are required to hear all segments of the agricultural economy of this great Nation. People come to testify to what they believe to be the best way to write a law. That is done before the bill is brought to the Senate.

All of us realize that what suits the people of North Carolina or Alabama does not necessarily suit the people of California, because differences in climate and water conditions and a great many other things must be taken into consideration. Out of it all we get a good piece of legislation, without a great deal of debate in the Senate.

Mr. SPARKMAN. Is it not true that in committee the various provisions of the bill could have been gone into very carefully, and could have been modified? Then, when the committee had finished its considerations, the committee would have issued a report, which would have told the Senate why the committee decided to do thus and so, and not something else. Is that not correct?

Mr. JORDAN of North Carolina. Of course.

Mr. SPARKMAN. Is that not most helpful to Senators in the consideration of legislation?

Mr. JORDAN of North Carolina. There is no question about that. If that were not eminently true, there would be no committees at all. When our forefathers set up Congress, they provided for committees on various subjects, consisting of men who were experts in the field. When we need that kind of testimony, we call in experts. That situation has arisen in the Senator's committee. It has arisen before our committee.

We might think we know a great deal. But we soon find that we do not know a great deal about many things. We discover that we must call in experts. In this case, that was not done. We were told. "There it is. Take it as it is, or leave it."

Mr. SPARKMAN. The Senator has heard, I know, that someone has gotten together a batch of amendments. I have heard it said over the radio and read in the press that 70-odd amendments will be offered to the bill. They are spoken of as a "package." Is it not true that someone has realized—as a result of the exposition that we have attempted to give to some of these measures—the shortcomings, the bad parts, and the vicious parts of the bill. Someone has come to the conclusion, apparently, that the bill is not properly drawn the way it is now. Does the Senator think that is true?

Mr. JORDAN of North Carolina. There is absolutely no question about it. I know as little about it as does the Senator. I heard on the radio that there is a "package" of amendments.

Mr. SPARKMAN. That is complete hearsay.

Mr. JORDAN of North Carolina. That is pure hearsay.

Mr. SPARKMAN. It is freely discussed. I do not know whether the Senator was present a few nights ago when I made the statement that someone had said something about a filibuster. Senators were talking about carrying on this debate. They were not yet ready for the debate to be stopped. They had not yet drafted their "package." The Senator knows that they are still working on it.

I heard a report to the effect that it would be submitted to a Republican conference on Tuesday. I do not believe it will be submitted to a Democratic conference. I have just been informed that we will have a look at it. I am surprised that we are to have an opportunity to see it before it reaches the floor.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. BENNETT. I understand that the set of proposed amendments was worked out with the acting minority leader, who is managing the bill, and with the Attorney General. I am sure that they share as much responsibility for it as does the minority leader, in whose office it was drafted. I assume that the amendments will receive equal attention on both sides of the aisle.

Mr. SPARKMAN. I did not intend to imply that the "package" was a Republican product. I said it was discussed by various Senators, including the majority leader, the minority leader, the floor manager of the bill, and other Senators who have been brought into the discussion. The point I was making is that the great mass of Senators do not know what the bill which we must consider, will be like in its final analysis.

I made the statement that I had heard from a good friend of mine—I believe it is the minority leader himself—who told me that it would be put up to the Republican conference on Tuesday. I have not heard that it would be put up to us. I was not certain that we, who constitute the minority, were to have an opportunity to see it at all. But I am delighted to know that on Tuesday morning at 10 o'clock, all the Democrats are invited to a caucus. I am delighted that we shall have an opportunity to be present at its unfolding on Tuesday morning. The point I wish to make is that 70-odd amendments will be thrown at us at one time.

I heard a Senator make a statement today regarding cloture. He said in effect that cloture is approaching with very little delay, if any. He said, "We are ready for it today." Yet, the issue is not even before the Senate.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. BENNETT. To the extent that it would require the votes of most of the Republicans to invoke cloture, the Senator from Alabama can be reassured that the Republican Senators will take a long look at the 70 amendments before cloture is invoked.

Mr. SPARKMAN. I believe that to be true. The Senator from Utah is a thorough Senator. I do not say that as pertaining to the Senator from Utah alone. But Senators generally, regardless of whether they are Republican or Democrats, will want to know what is contained in the amendments.

All Senators will wish to make a thorough study of the amendments. I assume that some of those amendments are rather complex.

Mr. BENNETT. It is the understanding of the Senator from Utah that it required many days of work by a group of experts to get the amendments in shape. We Republicans expect to spend at least 3 or 4 days of study on the 70-odd amendments. They will not be rammed through on Tuesday morning.

Mr. SPARKMAN. I felt certain of that. I merely say again that this time is being spent profitably, in spite of all of the demands that arise for a vote. It is expected that we shall carry the burden of continuing the discussion. I do not mind it. I enjoy discussing a vital subject, such as the Senator from North Carolina is discussing today, namely, the question of basic civil rights. There is involved the question of whether a person who is accused of a crime, or is about to be subjected to a criminal penalty for criminal contempt, has a right to a trial by a jury of his peers, who would say whether the criminal penalty should be assessed against him.

I enjoy this discussion. It is having an impact all over the country. I believe we are making headway. I believe that the people of the country are beginning to realize more and more that there are provisions in the bill that would take away from American citizens, the right of a trial by a jury of his peers which has come down to us through the ages, as the Senator from North Carolina has correctly stated.

Does the Senator from North Carolina agree with me that even though all this time was spent in trying to get the bill into shape, a Senate committee would have gotten it into shape, had it gone to the Senate committee, and certain amendments would probably have emerged from the committee?

Mr. JORDAN of North Carolina. I am glad that this colloquy developed at this point in my remarks. It sets forth very forcefully the fact that, as the distinguished Senator from Utah has pointed out, experts are working on these problems.

The radio and television reports are to the effect that the Attorney General has participated in the conferences, and that other experts have been consulted. I have not been present. I assume that the Senator from Alabama has not been present.

Mr. SPARKMAN. I have not the slightest idea what any one of the 70-odd amendments do.

Mr. JORDAN of North Carolina. Neither have I. But I am absolutely convinced, and I think the distinguished Senator from Alabama would agree with me, that had not Senators debated the bill fully and had it been passed when it was first presented to the Senate, in the form it is now, it would have been unfortunate. The proponents themselves admit that there ought to be 70 amendments to the bill. They are obviously admitting that there is something wrong with it.

People ask, "Why do you continue to filibuster?" This is no pleasure to me. We stay here some nights until midnight, as the Senator knows; and the Senate assembles early in the morning. We have early morning committee meetings. We think it is our duty to our country, to posterity, and everyone else to see that the bill is corrected as much as possible, so as not to wreck the very foundation of our legal process.

Mr. SPARKMAN. The Senator from North Carolina is absolutely correct.

I believe he is also correct in what he said about the tragedy of not submitting the bill for committee study. Of course, it is true that now that is water over the dam; but I think it shows clearly what should be done in the future.

A few minutes ago the Senator from North Carolina spoke of the futility of trying to legislate changes that people are not ready and willing to accept. As I recall, North Carolina was formerly quite a prohibition State; North Carolina was one of the States that was very strongly in favor of requiring prohibition by law, was it not?

Mr. JORDAN of North Carolina. That is correct.

Mr. SPARKMAN. That was also true of Alabama; both of our States believed very strongly in prohibition, did they not?

Mr. JORDAN of North Carolina. Yes; and they tried their very best to enforce the prohibition law.

Mr. SPARKMAN. Yes. But later it was found that it was impossible to enforce a law in which the people did not believe, and which they were not willing to accept. Is not that correct?

Mr. JORDAN of North Carolina. The Senator from Alabama is absolutely correct. That law was a noble experiment. I would not say it was not a good law. I believe it did a great deal of good. Nevertheless, many persons violated it because they did not like it, and they would not obey it. The result was to drive the sales to the mountain areas of our State.

Mr. SPARKMAN. And also to the speakeasies.

Mr. JORDAN of North Carolina. Yes.

Mr. SPARKMAN. We know that in many parts of the country, particularly in the great northern cities, little effort, if any, to enforce that law was made.

Mr. JORDAN of North Carolina. Yes. Finally the American people voted it out.

Mr. SPARKMAN. Is there not some analogy between at least some parts of the pending bill and the prohibition law? In other words, are not the proponents of the pending bill trying to legislate changes in the mores and customs and, literally, in the thinking of our people, contrary to what they have grown up with and have lived with during the years?

Mr. JORDAN of North Carolina. I think there is no question about that. I have strongly maintained and I firmly believe that good people favor many of the things which they believe the pending bill would bring to pass. If the bill would really bring them to pass and if the bill contained only good provisions, not the bad ones we know are in the bill and would be most harmful, neither the Senator from Alabama nor I would be opposing the bill. But the bill calls for developments which have not yet been accepted by many of the people.

Mr. SPARKMAN. Yes, including the people of entire communities.

Mr. JORDAN of North Carolina. Yes.

Mr. SPARKMAN. Regardless of what the people in one part of a State or in many parts of a State may believe, in the long run the answer must depend upon what the people of the various communities are willing to accept; does not the Senator from North Carolina agree?

Mr. JORDAN of North Carolina. Yes.

A moment ago the Senator from Alabama spoke of the experience with the prohibition law. In my State there is, today, the local option. In other words, a community or a county can vote on the question of whether alcoholic beverages are to be sold within its borders. That change has been made in recent years, because many of the cities say the counties have no right to prohibit such sales in the cities, if the cities wish to allow such sales to be made. The people of the cities also say, "And we do not think we should require the counties to establish liquor stores in the areas outside the cities, if the people in those rural areas do not want such stores established there." As a result, the local option change has been brought about.

Mr. SPARKMAN. But the pending bill is not proposed to be established on that basis, is it?

Mr. JORDAN of North Carolina. No.

Mr. SPARKMAN. The bill would require the same rule to be applied everywhere, would it not?

Mr. JORDAN of North Carolina. Yes.

Mr. SPARKMAN. Will it work?

Mr. JORDAN of North Carolina. I do not think it could possibly work. I do not believe it would be possible to have the same rule applied both in rural counties and communities and in large cities. I do not believe such an effort could ever be successful.

Mr. SPARKMAN. I have said that the bill seeks to establish the same pattern everywhere. However, of course, I point out, in that connection, that we realize that some of the provisions of the bill would not be applied equally everywhere, would they?

Mr. JORDAN of North Carolina. That is true.

Mr. SPARKMAN. That is true of many of the provisions of the bill, is it not?

Mr. JORDAN of North Carolina. Yes.

Mr. SPARKMAN. By the way, this bill is really 11 bills in 1, is it not?

Mr. JORDAN of North Carolina. Yes.

Mr. SPARKMAN. Some of the provisions of the bill do not provide for uniformity of application. In that connection, I think particularly of the provision in regard to school desegregation. Is not the Senator from North Carolina familiar with the fact that the bill does not include a requirement for the busing of students in order to break down so-called racial imbalance in the schools in certain areas?

Mr. JORDAN of North Carolina. I am well acquainted with that situation, insofar as the bill is concerned.

Mr. SPARKMAN. I am sure the Senator from North Carolina realizes what would be the result in impacted, segregated areas, such as Harlem, does he not?

Mr. JORDAN of North Carolina. Certainly.

Mr. SPARKMAN. In short, would not the bill insure that Harlem would continue to be segregated?

Mr. JORDAN of North Carolina. I cannot see that anything else could happen under the bill as it now stands; and I am certain that the people of that area do not want that to happen.

Mr. SPARKMAN. They have made very many protests, have they not?

Mr. JORDAN of North Carolina. Yes. So I would not attempt to force on a great many persons something they do not want.

Mr. SPARKMAN. Yes.

Furthermore, why should such a rule be enforced in one area, but not be enforced in another area? The Senator from North Carolina knows that in our part of the country, we do not have such impacted areas segregated. Our principal minority group is composed of the Negroes; and the Negroes and the whites live in the same general communities in the South, do they not?

Mr. JORDAN of North Carolina. Of course they do; and in most areas in the South they are good neighbors and friends, and work together and live together in harmony, and get along just fine.

Mr. SPARKMAN. It is not generally feasible to draw school district lines without including the members of both races, is it?

Mr. JORDAN of North Carolina. I do not see how it could be done, unless many shifts—which would inconvenience a great many people—were made.

Mr. SPARKMAN. Furthermore, the Supreme Court has ruled that would be illegal, if it were done for that purpose, has it not?

Mr. JORDAN of North Carolina. Yes, if it were done for that purpose. The Supreme Court made that ruling quite recently.

Mr. SPARKMAN. However, district lines in an area such as Harlem would carve out segregated school districts, will they not?

Mr. JORDAN of North Carolina. Necessarily they would.

Mr. SPARKMAN. The same thing is true in the District of Columbia, where there are great areas which might be called ghettoes.

Mr. JORDAN of North Carolina. That is absolutely correct.

Mr. SPARKMAN. The same thing is true in Chicago, the city which has been described by the Civil Rights Commission as the most highly segregated city in the United States. Is the Senator aware of that fact?

Mr. JORDAN of North Carolina. I know that statement was contained in the report of the Commission. That is the information we have.

Mr. SPARKMAN. The Senator is aware of the fact that there has been a great deal of protest in the city of Chicago over the question of breaking down racial imbalance by transporting schoolchildren, and that at least those who were interested apparently in preserving ghettoes in segregated Harlem, in segregated Chicago, in segregated Cleveland, and in other areas of the United States, have made certain that those segregated areas will not be broken down by including a provision in the bill against the transportation of students from one school to another in order to break up the racial imbalance; is not that correct?

Mr. JORDAN of North Carolina. There is absolutely no question about it. The bill is discriminatory in a great many of its sections.

Mr. SPARKMAN. Is there not a provision in title VII, the so-called "FEPC" title, that the Federal law shall not apply to any State having an FEPC law?

Mr. JORDAN of North Carolina. That is absolutely correct. As the Senator well knows, some of the laws on the books of States are almost a sham. They are not enforced at all.

Mr. SPARKMAN. The debate has revealed that a case has never been brought under one of those laws. Does not the Senator know that from time to time the claim is made that the purpose of a Fair Employment Practices Act is to make certain that the Negro is given equal job opportunities with white people?

Mr. JORDAN of North Carolina. Yes.

Mr. SPARKMAN. The Senator is familiar with the fact that we have placed in the RECORD from time to time figures showing that the ratio of unemployment among Negroes in States having FEPC laws is higher as compared to the unemployment ratio of whites in those particular States? The unemployment ratio of Negroes is higher in every single FEPC State, except one, than it is in the non-FEPC States, including all the Southern States which do not have FEPC laws?

Mr. JORDAN of North Carolina. That statement is absolutely correct, according to the Government's own records. I believe they are published by the Department of Commerce.

Mr. SPARKMAN. Yes, I believe the Senator is correct. They are published by the Bureau of the Census.

Mr. JORDAN of North Carolina. One of the agencies of government obtains the facts; and they show that those purposes cannot be enforced by law. As the Senator has said, there is only one State having an FEPC law which does not have a higher unemployment record for the Negroes than the non-FEPC States. Those who say, "You Southerners ought to correct your mistakes," ought to consider the two to three times greater unemployment rate among the colored people in the States which have FEPC laws as compared with those that do not.

Mr. SPARKMAN. The Senator has heard, as I have, a great deal about the State of Mississippi, particularly during the past 2 or 3 years. Sometimes we get the idea, and sometimes I believe the image is created, that Mississippi is a State which is grossly unfair to the Negro. Mississippi is not my State, but I have been impressed with figures which show that the State of Mississippi has one of the best employment records, so far as the Negro is concerned, of any State in the Union. I believe I am correct in saying that the employment record of that State exceeds that of any of the so-called FEPC States.

Mr. JORDAN of North Carolina. I believe that is correct. If I am not mistaken, Mississippi has one of the highest percentages of employment.

Mr. SPARKMAN. It also has the highest percentage of Negroes in the United States.

Mr. JORDAN of North Carolina. It has the highest percentage of Negro population in the United States.

Mr. SPARKMAN. And yet it has one of the best employment records. I do not say it is the best but I believe I am safe in saying that it has a better employment record, so far as the Negro is concerned, than have any of the so-called FEPC States. Certainly its record exceeds all except one. It may exceed that.

Mr. JORDAN of North Carolina. Does not that statement prove that the people who govern and control those States have a deep concern for the population of the States, and that they have not passed over any one segment, race, or people? They have as deep a concern for the colored people as they have for the whites.

Mr. SPARKMAN. The Senator is absolutely correct. The Senator from Louisiana [Mr. ELLENDER] first assembled the figures with relation to employment as between the so-called FEPC States and the non-FEPC States, and placed them in the RECORD. It must have surprised the advocates of the proposed FEPC legislation. I believe it surprised most of us to find the great discrepancy between the two.

When a bill is placed before the Senate containing a provision that would clamp down Federal law upon the State of Mississippi, for example, but would let run loose the State of California, the State of Minnesota, the State of Illinois, the State of Michigan, the State of Wisconsin, the State of New York, and all the other States that have FEPC laws, but which have, according to Government statistics, a much greater imbalance as between the employment of whites and nonwhites, does not the Senator feel that that is a discrimination within itself?

Mr. JORDAN of North Carolina. There is no question about that. I, for one, do not wish to be a party to enacting any piece of proposed legislation that would discriminate against one man, much less one city, one county, or one State. I think we should pass laws that are fair to everyone. That is the reason why I, as well as the Senator from Alabama and many other Senators who are opposed to the bill in its present form are still insisting that a person accused under the provisions of the bill should be accorded the right of trial by jury. That is the way the law is written today.

Mr. SPARKMAN. The Senator has said that that is the way the law is written today. That is the way it has been since 1787, when the Constitution was first drafted.

Mr. JORDAN of North Carolina. The Constitution of the United States does not provide that if a defendant should be sentenced to a term of 29 days in jail—if the month has 30 days—he would not have the right to a jury trial, but if he would be sentenced to a term of 31 or 32 days, he could have a jury trial. I do not know anyone who would want to stay in jail a month.

Mr. SPARKMAN. Is not what the Senator has said an example of the unfairness and unreasonableness of the so-called trial-by-jury amendment sponsored by both the majority and the minority leadership?

Mr. JORDAN of North Carolina. Cutting down the term of imprisonment from 45 to 30 days is not very generous to people who must stay in jail. I should like to remove the provision altogether.

Mr. SPARKMAN. I do not know whether the Senator from North Carolina would agree with me or not, but I have made the statement that rather than agreeing to the Dirksen-Mansfield amendment, I would rather have no amendment on the subject of the right to trial by jury, because that provision would give the judge the power to accuse, to try, to testify against, to prosecute, to convict, and then to pass sentence on a person without his having any of the rights that are guaranteed to him in the sixth amendment of the Constitution.

Mr. JORDAN of North Carolina. A great deal has been said—and I mentioned it in my remarks—about the Magna Carta. That was a long time ago.

Mr. SPARKMAN. In 1215.

Mr. JORDAN of North Carolina. In 1215. That was a long, long time ago. It was exactly what the barons were fighting for, because the King had absolute power over the lords he happened to control. If he decided he did not like someone, he said, "Take him over to the chopping block and chop his head off." That is what would happen. The lord had no recourse. They finally grew tired of it——

Mr. SPARKMAN. Understandably so.

Mr. JORDAN of North Carolina. Understandably so. The power was abused to such an extent and with respect to so many people that they all arose and said, "We are going to take away your monarchy, and get our rights in a court of justice where our peers can decide." I know there are many smart men in the world. There is no question about it. There is a saying that two heads are no better than one if they are both blockheads. I have heard that story. But 12 people do not usually make a mistake as often as 1 man.

Mr. SPARKMAN. I would rather risk 12 men.

Mr. JORDAN of North Carolina. I would rather risk the decision of 12 honest people of plain learning.

The Senator is an eminent jurist and a great lawyer. The Senator knows that a lawyer has a right to reject any juror if he does not think he is competent or if he thinks he is prejudiced or could not give a fair trial. The other side has the same right. Nothing could be fairer than that.

Mr. SPARKMAN. The Senator is correct. Conversely, since the judge handles criminal contempt, the defendant has no opportunity to object to the judge's sitting. The judge is the jury. He is the jury, he is the judge, he is the prosecutor, and he is the prosecuting witness.

Mr. JORDAN of North Carolina. Let us go a little further into the question of jury trial. Mr. Hoffa was tried in the great State of Tennessee recently in a jury tampering trial. He was convicted, and he is now under sentence. To show how much we respect the jury and how much dependence is placed on the jury, it is a crime even to try to influence the verdict of any 1 person on the jury, let alone the 12 jurors. I never heard of all 12 members of a jury being tampered with, but tampering with even 1 of them is enough to justify sentencing a person to the penitentiary for a long time.

Mr. SPARKMAN. I thank the Senator for yielding to me.

Mr. JORDAN of North Carolina. I thank my colleague for the fine remarks he has added at this place in my remarks, because they fit into the remarks I have been making at this point. I thank him very much.

In recent weeks, I have rather carefully observed how the various news media of North Carolina have handled this whole story.

As a matter of routine, the newspapers, the television stations, and the radio stations have carried daily accounts of the debate, but for the most part these accounts have dealt with the various "maneuvers" and procedures of the opposing sides. Regrettably, very little has appeared in the press about the various provisions of the bill itself.

In fact, I know of only one newspaper in North Carolina which has even attempted to analyze the bill on a section-by-section basis.

I think this is very commendable, and I only wish that all of the newspapers in the United States could carry an objective analysis of each and every provision in the bill.

I also wish that every television station in the United States could broadcast similar analyses.

I think it would be most enlightening for all of the radio and television stations to broadcast debates on all of the provisions of the bill in which views of both of the proponents and the opponents could be fully aired.

I may add at this point that some opportunity has been afforded for Senators on both sides of the question to express their views in front of the Capitol. I think it has been of great benefit to the public to hear the views of various Senators as they have expressed them, and the discussions by the commentators later in the afternoon, and perhaps at night. I think it is a very fine thing.

There is no doubt in my mind that if this kind of thing could be done, we would find a situation in which an overwhelming majority of the public would be strongly opposed to the bill as it is now written. I emphasize the words "as it is now written," because I, myself, am not opposed to any reasonable civil rights bill, and I do not know of anybody else who is. But we are opposed, and I am opposed, to this bill as it is now written and to many of the provisions in it.

It has been a revelation to me to see the reaction of so many people with whom I have corresponded about this bill.

A great many people have written me or have visited with me and urged me to support the bill. They tell me that I should be in favor of "civil rights."

They urge me to support this bill, and when I ask them if they are aware of what is in the bill I find that a very small percentage have any conception of the provisions of the bill.

Every time I study the bill I find something in there that I did not know was in it. Many provisions that affect so many people are skillfully hidden in the bill. They do not show up at first glance. I do not see how any ordinary layman could read the bill once or twice and know what is in it. It has taken hours of study on my part, and there are still many provisions in it that I do not understand.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. SPARKMAN. What is the Senator going to do when the 70 new amendments confront him next week or the week after that?

Mr. JORDAN of North Carolina. I cannot answer that question. I do not know. It will require more time and more study and conscientious, hard work, to know that the new provisions would do.

I also have found that when I furnish these same people copies of the bill and ask them to read it and let me know how they feel, they find they are opposed to a great many of the things the bill would do if it were enacted in its present form.

I have sent out several hundred copies of the bill to educators, preachers, lawyers, and people in all walks of life. I have received a great many replies from them. A great many of them write back—and this is quite amusing—and say, "Now, tell me, what does it do to me, and what does it mean?" I can understand that question, because it is amusing.

I find this to be true among average citizens who are by no means experts in legislative processes or the technical terms of legislative bills. Even among average people, the proposed measure, as it is now written, says in plain English language enough that anyone who can read and write can see that H.R. 7152 has so many blades that it could cut in a dozen different directions at the same time.

I am sure, Mr. President, that as this debate goes on we shall find a definite trend of opposition—certainly against many sections of the bill.

For this reason, I hope that those of us who are genuinely concerned about what this bill would do if enacted into law will be given ample opportunity to discuss in detail all of the provisions of the bill.

Senators who have been opposing, and still are opposed to the pending bill as now written, are not debating it merely to impress someone. We feel a genuine concern that the bill should be amply debated until the people of the country know what is in it, and what it would do to them, and understand that their representatives in Congress wish the bill to be properly amended.

I say this because if the bill is enacted into law in its present form it has the potential of putting the Federal Government in the position of bringing direct force and action against every citizen of the United States.

It has been interesting to me, Mr. President, to notice some of the developments which have taken place during this debate.

For a long time no mention was made of the fact that our basic right to trial by jury would be seriously endangered if the bill were enacted as approved by the House of Representatives.

Once the Senator from Georgia [Mr. TALMADGE] and other Senators offered amendments which would correct this basic weakness in the bill, a great deal of attention was turned on the entire question of every citizen's right to a trial by a jury of his peers.

Once the amendment was offered, it suddenly occurred to a great many people that the entire question of a right to a trial by jury would be compromised if the bill were enacted as approved by the House.

I have stated on the floor of the Senate before that if there is any law on the books that an adult citizen knows anything about, how the law operates, and how justice is handled and meted out, he knows the meaning of the right to a trial by jury. No one wishes to have the right to a trial by jury taken away from him, or from anyone else. Every citizen hopes that he will never become involved in a trial which will necessitate a jury trial, but I have never found anyone who would wish to do away with the right to a trial by jury if he were to be brought into court and required to stand trial.

At the present time, every citizen knows that he will get fair treatment from a jury of 12 of his peers, those who know him in his neighborhood who might be asked to decide his fate.

Even during the time the Talmadge amendment was discussed along with alternate suggestions, there were still those who argued that the need for immediate and drastic action was such that it would justify running the risk of endangering this basic right.

I believe that those who would argue such a case are making a very serious and very basic mistake.

In this connection, Mr. President, the Greensboro, N.C., Daily News published a most interesting editorial in its issue of April 28, 1964.

Mr. President, I should like to quote from this editorial because I believe it is extremely well done and required a great deal of thought. It shows the realization which is taking place among many fine newspapers in the country of the dangers, of which they were not aware a few weeks ago, which could creep into our system of justice if this one section of the bill should be enacted.

The editorial is entitled "Chipping Away at Jury Trials." It says "chipping away"—to indicate that all rights would not be abolished at once. One right would be taken away at a time, and soon they would all be lost. That is the history of dictatorship. The rights of the people are not always taken away at once.

The editorial reads as follows:

> A source of real disturbance, which should apply to all American citizens, is possible abandonment of long guaranteed rights under the strong pressure for enactment of a civil rights bill.
>
> It may well be that those who are pressing most vigorously for this legislation now will in months or years to come suffer most from lack of the very provisions which they would knock out to gain their current objective.
>
> There is, for instance, the right of trial by jury. We have only recently had a foretaste of what is to come in the U.S. Supreme Court's 5 to 4 decision in the criminal contempt case involving the former Governor and Lieutenant Governor of Mississippi. The narrow majority denied the appellants' right to a jury trial but pointed the way out by citing the limits to which judicial action alone applied. The four dissenting jurists—Chief Justice Warren and Justices Black, Douglas, and Goldberg—who all along have been the stalwart champions of individual rights, held a jury trial to be inviolate on criminal charges, straight across the board.
>
> In another of those anomalies for which politics and all that rests upon politics are famous Georgia's Senator HERMAN TALMADGE offered an amendment assuring just that in the pending civil rights bill. Evidently his proposal met with considerable support and could have stymied action still further in the Senate, for Senate majority and minority leadership has come up with a compromise amendment, cleared, they say, with the Justice Department, which limits action a judge may take in criminal contempt cases to a fine of not more than $300 or a prison sentence of 30 days or less. In any more serious case, which would entail more severe punishment, jury trial is assured.
>
> Yet in acceptance of that limitation the basic principle of jury trial is violated; and to that we strenuously object. If a jury trial is basic and guaranteed in principle, it should apply across the board and should

not be modified or tampered with in political expediency or under heavy pressure which can be—and is likely to be—evanescent. Chipping away at basic rights is dangerous business indeed; and the very people who think they are benefiting today may be victimized tomorrow.

But, regardless of what Congress does, judicial review may, ironically, afford continued protection. U.S. Supreme Court minority opinions have a way of becoming majority opinions with the passing of time. And the minority opinion in the Barnett-Johnson cases is there for guidance.

Mr. STENNIS. Mr. President, will the Senator from North Carolina yield to me?

Mr. JORDAN of North Carolina. I am delighted to yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator from North Carolina for his excellent discussion of this problem. The Senator is a layman, not versed in the law as such, but he knows a great deal about the law. He has given a fine dissertation on the subject of the real merits, the principles involved, and the fundamental liberties which go with the jury trial system. I commend him as well as thank him. That part of his speech which I did not get to hear I shall certainly read in full.

Mr. JORDAN of North Carolina. I thank the Senator from Mississippi very much.

Mr. President, I yield the floor.

URBAN RENEWAL

During the delivery of the speech by Mr. JORDAN of North Carolina,

Mr. WILLIAMS of New Jersey. Mr. President, few States in the country have utilized the federally assisted urban renewal program to a greater extent than New Jersey. This is evidenced by the 56 New Jersey communities with 117 projects under contract on December 31, 1963; $227 million of Federal capital grant allocations or reservations are involved in these activities.

We, in New Jersey, think that urban renewal is good for our cities, large and small. We have seen the benefits the program has brought to our communities, all over the State. These local efforts have the support of businessmen, municipal officials, and just plain citizens.

The fact that most New Jerseyites support the program does not mean we think the program is perfect; it is a relatively new kind of activity so that as we gain more experience, we ought to be able to improve its operation, especially in the area of family relocation.

Among the cities in New Jersey that have particularly good urban renewal efforts is Camden. At the end of the year, Camden had six projects under contract, four in planning and two in execution, representing almost $5 million in Federal capital grants. These projects will help renew and revitalize almost 70 acres of land. The impact on Camden can be tremendous. Recently, the Camden Courier-Post ran an excellent editorial on urban renewal, appropriately captioned "City-Suburbia Need Is Mutual," which I ask to have printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Camden (N.J.) Courier-Post, Apr. 7, 1964]

CITY-SUBURBIA NEED IS MUTUAL

There are some doomsters among planning experts who would write off blighted cities as a lost cause.

"Why bother wasting money on attempts to revitalize an outmoded concept—the central city?" they ask.

"Rising incomes and automobiles have opened up vast areas on the suburban fringes. Minority groups now in the city slums are expected to join this outward movement as incomes rise further and housing discrimination is reduced."

Those who doubt the wisdom of pouring money into slum clearance and urban renewal projects view such expenditures as "a futile exercise in nostalgia and an uneconomic effort to redeem a 'sunk' investment which might better be written off."

The man whose agency has committed almost $4 billion to slum clearances in the last 15 years, Federal Urban Renewal Administrator William L. Slayton, disagrees.

Although the larger cities may continue to lose people and manufacturing to the suburbs, Slayton contends they can still survive as major cultural and entertainment areas, financial centers and special market outlets.

He acknowledges manufacturing and wholesaling will continue their exodus from the urban core to outlying areas "where they can function with greater efficiency" and that certain types of retailing and consumer services, appropriate to the shopping center scale, will follow consumers to the mushrooming suburbs.

"But the core of the central city is the only part of the metropolitan area that supports the facilities and services that depend on a citywide clientele," Slayton insists.

"Concert halls, museums, purveyors of unusual merchandise, full-line retailers and many others can survive only in the central business district. The fine restaurants, amusement facilities and hotels largely dependent upon visitors must be concentrated in center-city."

Over the years heavy industry concentrated in the downtowns of the Nation's blighted cities virtually vetoed those areas for residential use. The blight spread through adjacent neighborhoods in an inexorable march. It has happened in Camden and in other New Jersey cities, large and small.

"The new downtown, without heavy industry, will offer real attraction for housing—particularly for the elderly, single persons, childless families and higher income groups," Slayton predicts. "The core of the city should be a source of the heterogeneity, opportunity and excitement that can happen nowhere else.

"Cities and their regions must face a problem of transition to a changing economic structure and a new climate and new opportunities can be created through the removal of the slums, the decay and the obsolescence of the old city."

In Camden, there is more than just a glimmering of hope. There is guarded and unguarded optimism. There are plans well in progress on the drawing boards. There is a determined team comprising the city administration, the Delaware River Port Authority, the Pennsylvania Railroad, the New Jersey Highway Department, the Greater Camden Movement, and sundry bodies. Here is the picture:

1. The port authority will spend millions to tear down the Chinese Wall which carries Pennsylvania Railroad traffic to and from its railhead on the Delaware River south of Federal Street. The new railhead will be at the railway's Pavonia yards in East Camden.

Elimination of the present railhead will enlarge and reactivate the presently idle riverfront area once used by ferries. At least one developer is interested in constructing a vast waterfront project comprising high-rise apartments, amusement park, auditorium, marina and promenade. The demolition of the railroad Chinese Wall will open another area to development of such concepts outlined by Urban Redevelopment's Slayton.

2. The port authority will convert the PRR commuter line with stops at Camden City Hall, downtown Camden, Collingswood-Westmont, Haddonfield and on through lower Camden County, into a high speed line with new cars and stations. (Ultimately, the line may branch into Gloucester County and along the PRR passenger line into Burlington County.) This may induce more commuters to use rail transportation and alleviate traffic jams and crowded parking, thus encouraging more suburbanites near the extended speedline routes to shop, transact business and use the envisioned recreation facilities in the city.

3. The State highway department will extend the North-South Freeway from the Walt Whitman Bridge to the Benjamin Franklin Bridge, partly underground on Penn and Linden Streets. This will have two salutary effects: It will facilitate motor traffic to and from North Camden and alleviate morning and early evening traffic jams on Broadway and Admiral Wilson Boulevard.

4. The Greater Camden Movement, a nonprofit organization comprising influential public and private leadership, is poised to attack blight in central Camden by launching a pilot neighborhood concept redevelopment project. Hal H. Holker, GCM's executive vice president, said the initial undertaking will be an area about 1 mile square and will be only a two-block walk from approximately 20,000 jobs. Holker, who held a similar job with the Greater Trenton Council, asid that "excessive blight in center-city areas requires a partnership of public and private leadership in Philadelphia, Trenton, and Pittsburgh." There are new skylines in those cities. Across the Delaware, the PRR Chinese Wall from 15th Street to the Schuylkill was razed and now the area north of its site is rapidly being replaced by new high-rise office buildings, apartments, and hotels. Farther east, the ambitious Society Hill redevelopment project is working its way toward the Delaware, where unused piers are being demolished to make way for housing projects and a promenade.

5. Camden city planners are up to their elbows working on ways to integrate the city's needs with other agencies plans. And the housing authority will provide public housing for the elderly.

There should be no dog-eat-dog competition between city and suburbia, here or anywhere. Suburban shopping centers are easily accessible by automobile and provide spacious parking lots and a variety of excellent stores. But there is a lack of adequate public transportation to some of them. Shoppers who don't have cars must rely on friends or use public conveyances which zero in on the city.

Moreover, a city has the greatest concentration of jobs and of ratables. And in a county seat, such as Camden, the county and State courts are situated with the inevitable concentration of law offices, supply stores, and restaurants.

Suburbia and city need each other in many ways.

Therefore there should be a spirit of interdependency, a clear understanding of the other's problems, and acceptance of the obvious fact that what is good for one is good for the other.

Mr. SPARKMAN. Mr. President, before the Senator from New Jersey departs from the subject about which he has spoken, I should like to ask the Senator from North Carolina if he would yield to me in order that I might propound an inquiry to the Senator from New Jersey, with the understanding that the rights of the Senator from North Carolina to the floor will not be in any way jeopardized.

Mr. JORDAN of North Carolina. I yield with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. The Senator has made a brief statement with regard to urban renewal. He has told something about the great program underway throughout the State of New Jersey. The Senator is aware, of course, that urban renewal is undergoing a considerable attack from some quarters at the present time, is he not?

Mr. WILLIAMS of New Jersey. Yes. It will always be thus. A noble idea will always have its detractors.

Mr. SPARKMAN. The Senator is aware of the fact that one of the problems before the Subcommittee on Housing, of which he is a member, is this year considering the extension of urban renewal and the authorization of additional funds for urban renewal. Is that correct?

Mr. WILLIAMS of New Jersey. Yes. I am sure it is not in any way the fault of the subcommittee or the distinguished Senator from Alabama that we are temporarily halted in dealing with some of the needs of the urban renewal program.

Mr. SPARKMAN. I am certainly hopeful that if and when the pending business is disposed of, we may be able to hold some committee meetings and make a disposition of this and other matters that are of importance in the field of housing; but the Senator from New Jersey knows, of course, that it is wholly impractical to try to hold committee meetings under present conditions, when the Senate is meeting from 10 o'clock in the morning until late at night each day.

In the face of the attacks which have been made on urban renewal—and I know that a good many things happen in individual projects that may be unfortunate—it appears to me at times that a great many people overlook a most important part of the program; namely, that it is not a Federal program that is imposed upon the cities, the people, the counties, the States, and the municipal governments. It is a cooperative program between the Federal Government and the lower echelons—I do not like to say "lower echelons," because I consider the State and local governments as being on the same level, so far as sovereignty is concerned. Anyway, it is a cooperative program between the Federal Government and the several States and, through the States, the separate municipalities.

Mr. WILLIAMS of New Jersey. And, of course, it involves the area of private activity.

Mr. SPARKMAN. Is it not true that before any city can engage in urban renewal, the State must have a law that authorizes urban renewal throughout the State?

Mr. WILLIAMS of New Jersey. State implementation comes first.

Mr. SPARKMAN. Is not a city ordinance required to implement it?

Mr. WILLIAMS of New Jersey. Yes. The next item I shall place in the Record is a description of the urban renewal program, as a result of the earthquake damage at Anchorage, Alaska, involving a 350-acre area, that the city council has just acted upon.

Mr. SPARKMAN. So such a program requires local action.

Mr. WILLIAMS of New Jersey. Yes.

Mr. SPARKMAN. I am sure the Senator has read some critical articles and has received the same impression I have, namely, that a person reading it, not being familiar with the program, would get the idea that the Federal Government comes in and imposes the program upon the cities and States.

Mr. WILLIAMS of New Jersey. Far, far from that. I agree with the Senator. The initiative comes from the community. After the implementation process in law, the community must fashion its program.

Mr. SPARKMAN. And it is the community that must decide on what area is run down or has deteriorated to the extent that it needs to be cleaned up, what slums need to be cleaned up, and what part of the city needs to be cleaned up. All that is for local determination; is it not?

Mr. WILLIAMS of New Jersey. Absolutely.

Mr. SPARKMAN. Does not the local government pay a substantial part of the cost of the program?

Mr. WILLIAMS of New Jersey. It does. That is one of the most enlightening features of the program—it draws forth local resources to match other resources at the Federal level.

Mr. SPARKMAN. Has the Senator had the same experience I have had in observing in so many cities of the country that downtown areas that were decaying, rotting away, have, under urban renewal programs, been rebuilt and revitalized?

Mr. WILLIAMS of New Jersey. I certainly have. In some places the process is painful. People lose patience. Progress is not as rapid as we might wish. But it has had a great effect on many communities in my State.

Mr. SPARKMAN. I am pleased that the Senator from New Jersey has placed this material in the Record and is placing in the Record other material of a similar nature. It is most unfortunate that word gets about which is contrary to the facts.

Mr. WILLIAMS of New Jersey. I agree with my distinguished chairman. One of the happiest parts of my duties in the Senate is working with the Senator from Alabama on the Housing Subcommittee of the Committee on Banking and Currency. I believe I should put through a call to the mayor of Camden, N.J., Alfred Pierce, one of the first cities to benefit under the program. I know we shall be able to learn a great deal from his experience as chief executive of one of the major cities of New Jersey.

Mr. President, the recent 200,000 megaton quake which virtually obliterated downtown Anchorage destroyed 20 years of economic growth in Alaska's largest city and most dynamic center of trade. Fortunately, it could not destroy the initiative necessary for complete recovery.

Among the private businesses spearheading the all-out drive to restore Anchorage's economic vitality is the nationally recognized New Jersey consulting firm of Candeub, Fleissig & Associates. The firm has proposed a preliminary $50 million urban renewal plan calling for a 350-acre central business district. The plan has already received the approval of the city council and will be submitted to the Federal Urban Renewal Administration within the near future. Federal approval will release the funds to acquire land, to rebuild, and to relocate. Moreover, actual work can begin during the current building season. As presently planned, the year 1970 will mark a new, revitalized Anchorage, the creation of which will be attributable to the initiative and pioneering leadership of firms such as Candeub, Fleissig & Associates in cooperation with the citizens of Alaska and the Federal Government.

Mr. President, I ask unanimous consent that there be included in the Record at this point a description of the Anchorage renewal plan submitted by the New Jersey firm.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Newark, N.J.—Planner Isadore Candeub, who is taking part in the rebirth of the central business district of quake-rocked Anchorage, Alaska, reports that merchants and officials there are starting to replace their old trade center with an even greater one.

Candeub is president of the nationwide consulting firm of Candeub, Fleissig & Associates.

Anchorage, a valley port leading to Cook Inlet and surrounded by snow-capped mountains, is Alaska's largest city and most important trade center. The 200,000 megaton shock wrecked 20 years of economic growth.

The heart of the 100,000 population trade area is the long, narrow downtown Anchorage business section which, apart from its scenic background, looks like any other "Main Street, U.S.A."

Already, Candeub reports, much of the rubble has been cleared away, fissures filled, waterlines laid, and "business as usual" signs are out.

Moreover, the city council has approved a preliminary $50 million urban renewal plan for a reconstructed 350-acre central district, submitted by Candeub, Fleissig & Associates.

A top 9-man team, gathered from 6 of the firm's 14 offices throughout the country and under Candeub's personal direction, flew into Anchorage to prepare the plan. The preliminary plan was prepared within 1 week and submitted to the Alaska State Housing Authority and Anchorage City Council. The city council voted approval on April 16, with submission to Federal officials scheduled shortly.

The Candeub-Fleissig plan would convert the long, narrow business strip into a modern, compact shopping center.

New office structures and apartment buildings would be developed in a fringe around the rehabilitated business section.

Attesting to the trade at Anchorage's disposal, one area, soil-shifted by the quake and considered unsuited for structures of substance, may provide facilities for 2,000 cars.

Covered promenades would permit wintertime Alaskan shoppers to walk from their parked cars into newly designed stores without exposing themselves to the elements.

Another area similarly affected by the quake would be converted into a frontier tourist center of relocated log cabins, a museum, and other attractions designed to cause the passing traveler, seeking Alaska's famous game or fish, to tarry in Anchorage awhile.

Explaining why his planning team was able to meet the tightest urban renewal timetable on record, Candeub said, "Our firm's experience with disaster such as towns ravaged by floods or mine cave-ins, is that in a crisis people respond fast—and we had plenty of cooperation."

The Federal Government, which has to approve the plan formally, also wants speed, Candeub commented. Officials of the Federal Urban Renewal Administration, not waiting for normal paperwork and communications, flew into Anchorage, going over plans and making recommendations as his staff drafted them, Candeub revealed.

With formal approval will come the actual funds to acquire land, providing property owners and merchants with the means to rebuild or to relocate, and to start construction within the current building season, Candeub added.

By 1970, a target date for completions of all phases, a new, more vital Anchorage business area should have replaced the old, he said.

WHILE SENATE TALKS, NEW JERSEY YOUTHS ACT

Mr. WILLIAMS of New Jersey. Mr. President, it is a fortunate thing indeed that while we here in the Senate engage in seemingly endless debate on civil rights and equal opportunity, there are dedicated people throughout the country who are busy doing something about these problems. One such group, young members of the Congregation B'nai Jeshurun in Newark, are fighting right now where this battle is going to be ultimately won—in the local community. In giving of their time to tutor Negro boys and girls, these Jewish youngsters are setting a fine example for all of us. Their story is contained in an article in the New York Times of April 26, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JERSEY NEGROES TUTORED BY JEWS—YOUTHS SEEK A MEANINGFUL APPLICATION OF JUDAISM

NEWARK, April 25.—A group of Jewish youths here have been tutoring some 20 Negro boys and girls in elementary and high school subjects as part of a program for the "meaningful application of the teachings of Judaism."

The Jewish youth are members of the Congregation B'nai Jeshurun. In explaining the project, Rabbi Barry H. Greene, associate spiritual leader of the congregation, quoted Maimonides, the 12th-century Jewish philosopher and doctor, who wrote:

"The advancement of learning is the highest commandment."

"We are dedicated to the preservation and the meaningful application of the teachings of Judaism," Rabbi Greene said. "We are translating our convictions into deeds."

Every Saturday morning from 9:45 to 12, about 20 Negro boys and girls from the 4th to the 12th grades share the classrooms of the 116-year-old temple. On hand to greet them and work with them are members of the youth group, 15 to 18 years of age.

While other junior members of the congregation are attending religious classes and Saturday morning services, the Negro children are tutored in simple arithmetic, spelling, physics, Latin, English, geography, history, algebra, and reading.

The tutorial project was started 2 months ago at the suggestion of Stuart Rosengarten, of South Orange, a junior at Columbia High School. A member of the mitzvah corps, a youth group sponsored by reform congregations, Stuart lived and worked last summer among the needy in Puerto Rico.

The program was publicized in the area's schools and the boys' club at Stella Windsor Wright Home, a city housing project. The response, Rabbi Greene revealed, was "spontaneous and heartwarming."

"I think my teacher expects more work from me now and she will get more work from me," an 11-year-old child wrote to the rabbi. "There are such nice people here to help that I think I better come here every Saturday."

Rabbi Greene said the success of the program here had prompted the New Jersey region of the National Federation of Temple Youth to start similar projects in other areas of the State.

Mr. JORDAN of North Carolina. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 232 Leg.]

Allott
Bartlett
Beall
Bennett
Bible
Cannon
Carlson
Case
Church
Clark
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hayden
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Long, Mo.
Mansfield
McGee
McGovern
McIntyre
McNamara
Monroney
Mundt
Nelson
Neuberger
Proxmire
Ribicoff
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. TOWER obtained the floor.

MARKING OF GRAVESTONES OF SERVICEMEN KILLED IN VIETNAM

Mr. TOWER. Mr. President, there are certain circumstances under which the Federal Government pays for headstones for the graves of American servicemen. But under present regulations it is not possible for the words "Killed in Vietnam" to be placed on such gravestones.

This matter was called to my attention by the widow of one of the gallant servicemen who recently has lost his life for freedom in Vietnam. She was informed that since we are not officially at war in Vietnam, she would have to bear the expense of having the name of the place of her husband's death placed upon his gravestone.

I happen to think that such an expense is not one which the Federal Government should place upon the survivors of American servicemen who die to protect the liberty of all Americans.

Therefore, I introduce, and send to the desk, for appropriate reference, a bill which provides that, in any case in which the Secretary of the Army is authorized and directed to furnish an appropriate headstone or marker, at the expense of the United States, for the unmarked grave of any member of the military service whose death occurs in the Republic of Vietnam, the Secretary shall, when requested, cause to be inscribed, at the expense of the United States, on such headstone or marker, an appropriate inscription showing that the death occurred while the serviceman was serving in Vietnam.

Mr. President, I ask unanimous consent that the bill be allowed to lie on the desk until the close of business on the coming Wednesday, in order to provide an opportunity for other Members to join me in sponsoring the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be held at the desk, as requested.

The bill (S. 2850) to provide for the inscribing of certain information on Government furnished headstones or markers in the case of members of the military service who die in the Republic of Vietnam, introduced by Mr. TOWER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. TOWER. Mr. President, I ask unanimous consent that at this time I may yield briefly to the distinguished Senator from Pennsylvania [Mr. SCOTT], to permit him to comment on the bill I have just now introduced. I also ask unanimous consent that I may do so without losing my right to the floor, and without having my subsequent remarks counted as a second speech by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Texas for his courtesy.

I rise to request that my name be added to the bill just now introduced by the Senator from Texas; I wish to be recorded as a cosponsor of the bill. As I understand the spirit in which the bill is introduced, it is to accord this honor to those who have died in Vietnam for the common cause of freedom.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Texas yield briefly to me?

Mr. TOWER. Mr. President, I ask unanimous consent that at this time, I may yield to the distinguished Senator from North Dakota, without thereby losing my right to the floor and without having my subsequent remarks counted as a second speech by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of North Dakota. Mr. President, I ask that my name be recorded as a cosponsor of the bill the Senator from Texas has introduced; and I desire to endorse the bill.

Whenever one of our servicemen loses his life in Vietnam, certainly it is proper that he receive the same consideration as that given to any of our servicemen who lose their lives in any other war.

After all, the fighting in Vietnam is a war; and we should do all we can to ease the heartaches of the loved ones of our servicemen who die there.

Mr. TOWER. I thank the Senator from North Dakota.

THE MIDDLE EAST SITUATION TODAY

Mr. SCOTT. Mr. President, recently I addressed the annual policy conference of the American Israel Public Affairs Committee. On the same platform the previous day was Mr. I. L. Kenen, the executive director of that organization.

Since so many things of importance have developed in the Middle East since that time, I ask unanimous consent to have Mr. Kenen's speech of May 3, 1964, printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY I. L. KENEN, EXECUTIVE DIRECTOR, AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, NATIONAL POLICY COMMITTEE, MAYFLOWER HOTEL, WASHINGTON, D.C., MAY 3, 1964

We met just a year ago today. What has happened since our last policy conference?

Last year, our conference warned that the arms race threatened new war in the Middle East. We called for guarantees against aggression. We urged arms for Israel to preserve the balance. And we condemned the misuse of our economic aid to subsidize preparations for aggression.

That was on May 5, 1963.

Three days later, on May 8, the late President Kennedy offered public reassurances in a press conference. He said that the United States supports the security of both Israel and her neighbors and that "in the event of aggression or preparation for aggression, whether direct or indirect, we would support appropriate measures in the United Nations and adopt other courses of action on our own to prevent or to put a stop to such aggression."

What was the reaction in Congress?

Congress took our concern about Egypt very seriously. In the fall, Congress voted to bar aid to countries preparing for aggression (the Farbstein-Gruening-Javits amendment). The legislation did not mention any country, but Members of the House and Senate made the legislative record in floor debate. They indicted Egypt by name, both because of belligerence against Israel, and intervention in Yemen.

Despite the substantial congressional vote, the administration was reluctant to stigmatize Egypt as an agressor because it considered the amendment an impediment to flexibility in the conduct of our foreign policy.

It is intended, therefore, that economic aid to Egypt will continue.

Egypt's foreign currency reserves are vanishing, partly because of disproportionate expenditures for the military and partly because of imprudent purchase of commodities.

Egypt needs new transfusions of hard currency. It has been asking the International Monetary Fund for new stabilization loans, similar to those granted in 1961 and 1962. The bankers at the IMF, however, have been telling Egypt that it must mend its uneconomic ways—that it must cut down on the import of unnecessary consumer goods—that it must ration its hard currency—and that it must pay off the claims of businessmen whose property Nasser seized in his nationalization program.

Bankers are much tougher than diplomats. They insist on fiscal conditions. They will not interfere if Nasser insists on being the neighborhood's incorrigible delinquent. He can redeem himself if he opens up a savings account at the corner bank and makes regular deposits.

History repeats. In 1958, the World Bank told Nasser that he could not get any credit unless he payed off the stockholders for the Suez Canal. Once Nasser agreed, the loan to widen and deepen the Suez was approved—even though Egypt refused to open the Suez Canal to Israel shipping—for it was then argued that it was right to impose fiscal conditions on loans and aid, imprudent and dangerous and counterproductive to impose political conditions. (You will recall that Congress protested against that policy by voting for what is called the Douglas-Keating amendment to bar aid to countries engaged in boycotts and blockades.)

But once Egypt complies with the IMF's conditions, the United States will resume loans to Egypt. In the meantime, it should be stressed that there has been no interruption in the shipment of wheat and other surplus commodities.

Now many of us feel strongly that this program of unconditional aid to Egypt indirectly increases Israel's peril because it enables Egypt to divert its own resources to pay for Soviet weapons and German missiles.

And so our next question is: What is happening to U.S. aid to Israel?

The administration has been reluctant to extend new military aid to Israel. The 1962 decision to lend Israel $23 million to finance the purchase of the Hawk, an antibomber missile, and to train Israelis in its use, has not been broadened. And economic aid to Israel is being reduced in the current foreign aid bill because, it is said, Israel's economy continues to prosper.

American aid to Israel passed the billion dollar mark in January. It has consisted of grants, loans, and surplus foods, but over the years the emphasis has changed.

Grants have virtually disappeared. The interest rate on loans has risen from three-fourths of 1 percent to 3½ percent—and Israel is being pressed to finance more and more of its development through loans at conventional interest rate.

In 1962, U.S. aid to Israel totaled $82 million—of which $45 million was a development loan; $11 million was an Export-Import Bank loan; $26 million was for surplus foods.

In 1963, the figure was $78 million. In the current fiscal year—1963-64—development loans are dropping from $45 million to $20 million, although about $23 million has been loaned to Israel for the Hawk.

But in the next fiscal year, it has been reported that there will be a further reduction in development loans and there will be a reduction in surplus food sales to $15 million. Israel is hopeful that this figure will be fixed at $26 million, the same as last year.

These cuts are advocated because of the improvement in Israel's economic position.

Now, it is true that there is a steady improvement in Israel's balance of trade. In 1948, Israel's imports were about 10 times the size of her exports. Last year, exports had risen to the point where imports were just about double the size of Israel's exports. But let us not be carried away. There is still a 2-to-1 deficit.

In Washington we are constantly told that Israel's foreign currency reserves have been rising. Thus, Israel's foreign exchange rose from zero in 1952 to $582 million last March. In contrast, Egypt's foreign exchange position has been sliding rapidly, from $1.408 billion in 1948 down to $752 million in 1952, when Nasser came to power, and down to $189.2 million last March.

But all these calculations ignore the unpleasant fact that because of the arms race, and because of her tremendous immigration and development burden, Israel has had to borrow very heavily. Today, Israel's foreign currency reserves of $582 million are not high when we look at her foreign exchange debt, and when we consider Israel's exposed strategic position.

Every Israeli—man, woman, and child—carries the highest per capita foreign debt of anyone in the world—more than $300 per person—and this is partly because of the imperative need to buy expensive weapons to counter the threat from Egypt.

Under such circumstances, it is logical to urge our Government to reconsider its aid policies:

1. Is it premature to cut economic aid to Israel at this time?

2. Is it right to continue unconditional economic aid to Egypt?

3. Has the time come to extend military aid to Israel?

Our State Department officials apparently believe that they are now using up a lot of our influence in the Near East to avert a conflict over water. They say that we must not roll up the waters further by any action which might put an excessive drain on our influence in the region.

What influence, you will ask?

Well, last year the Department of State told Congress that our influence in the Near East was higher today than ever before. Is this true? And how did it come about? I think the answer may be found in President Kennedy's brilliant personal diplomacy.

Mr. Kennedy was able to gain the confidence and admiration of many government leaders everywhere, partly because he worked to reduce cold war tensions and partly because his fine mind enabled him to appreciate and understand their problems. And it is true that Mr. Kennedy did win the respect and confidence of Arab leaders like Nasser, Hussein, and Feisal.

Yet Mr. Kennedy admired Israel, sympathized with her needs and shared her alarms.

How then does one explain this curious paradox?

The explanation, I think, may be found in Mr. Kennedy's general approach to problems, both domestic and international. He deprecated pressures. And he refrained from pressures which Arabs might regard as inimical and hostile. I remember a speech which he made in the Senate in June 1960, when he said:

"We must formulate, with both imagination and restraint, a new approach to the Middle East—not pressing our case so hard that the Arabs feel their neutrality and nationalism are threatened, but accepting those forces and seeking to help channel them along constructive lines, while at the same time trying to hasten the inevitable Arab acceptance of the permanence of Israel."

Let us recall what happened in 1960.

In 1960, at our first policy conference, we adopted a policy statement which we then took to both the Democratic and Republican conventions. The Democratic platform included endorsements of the concept of direct Arab-Israel peace negotiations and the resettlement of Arab refugees.

It is true that Mr. Kennedy did call for a new peace initiative. But when he began it, after he took office in 1961, it took a different and disconcerting form.

Now we do not have the official texts of the letters he wrote to the Arab leaders. We do have the texts the Arabs published. According to their texts, Mr. Kennedy indicated that the Jordan River issue was still open. He spoke of repatriation of the Arab refugees. He did not speak of resettlement or negotiations. He said U.S. policy was anchored in the U.N. resolutions. And out of this there evolved the Joseph E. Johnson mission for a poll or plebiscite of the Arab refugees in order to implement paragraph 11 of the 1948 resolution.

Later that year, despite the Democratic platform, to say nothing of the U.N. Charter, our U.S. delegation voted against the Afro-Asian resolution calling for direct Arab-Israel negotiations, much to our deep disappointment.

And yet, just as Mr. Kennedy would not press the Arabs, he would not press the Israelis either—if they felt that the pressure was contrary to their security. And by 1962, I think Mr. Kennedy had come to realize that the Arabs would not change their attitude toward Israel and toward peace. The Arabs were not willing to carry out the Johnson refugee plan. Moreover, the Israelis regarded it as a threat to them. And so, late in 1962, the White House halted the drive for that proposal.

In 1962, when the administration could not dissuade Nasser from adding to its bomber fleet, it was decided to let Israel have the Hawk—a defensive weapon needed to bring down these planes. It also decided to support the Israel water plan.

On the other hand, the administration would not implement the Douglas-Keating amendment, which Mr. Kennedy, himself, had cosponsored in 1960 in the Senate, and it would not implement the Farbstein-Gruening-Javits antiaggression amendment.

Thus, it may be said that Mr. Kennedy was able to appreciate divergent interests. And so the State Department has maintained that U.S. influence in the Near East has grown.

Well, some of us have been skeptical. Some of us thought that perhaps we were hoarding influence, unwilling to risk its dissipation. In foreign policy, it is said, you cannot hoard influence. Influence, unused, begins to vanish. On the other hand, influence used effectively gains strength.

But the United States wants to ration our influence—to exercise it on priorities like stopping Communist penetration, preserving the flow of oil and dividends from the Near East, maintaining communication lines and bases.

Let's take a closer look at American policy.

Stopping Communist penetration has long been the major objective of U.S. policy everywhere. But this is especially important in the Near East because the U.S. income from oil investments totaled $846 million in 1962—and that is one-fourth of all U.S. income from all oversea investments. And so the United States is determined, because this income affects our balance-of-payments position, to do what it can to shield oil investments from instability, especially the kind engendered by communism which leads to nationalization.

Prior to 1958, U.S. policy tried to curb communism by lining up allies in a divided world. Since 1958, after sputnik soared into space and the Baghdad Pact collapsed, Washington has tried to bar communism by competition for the favor of neutrals. As a result, the United States has itself adopted a neutral posture wherever there is regional rivalry. It is reluctant to aline itself with either side, lest the Soviet Union identify itself with the other. The United States tries to avoid initiatives which, it is feared, might, counterproductively, lead to polarization, Moscow at one end, the United States at the other. This is especially true in the Near East, where the United States has always weighed its involvement and identification with Israel in terms of Arab reaction and possible Soviet exploitation.

Such a policy inevitably is vulnerable to pressure and threat. It is often dictated by fear rather than hope.

How does this policy succeed? Who is really winning the Near East?

Here we enter the area of speculation and we encounter the most controversial issue of all. How do we evaluate Nasser? And is communism really losing ground in the region?

Well, you can argue both sides. Hussein seemed to be doing this in Washington a fortnight ago. One day he blamed Zionism for the alleged advance of Moscow in the Near East. The next day he condoned Nasser's neutrality on the ground that the Communist threat in the Near East is really receding.

Mythmakers tell us that Arab nationalism and the religion of Islam are effective barriers against the spread of communism—that Nasser is really anti-Communist. We are told, however, that we must continue our aid and our friendship for Nasser in order to give him an alternative to communism.

In truth, Nasser today has many choices—the Communist Chinese, the French, the Italians, the Germans, as well as Washington. It seems to us that this should actually free him from dependence on both Moscow and Washington. But this also tends to reduce and minimize our own influence in Egypt, despite our vast economic aid program, which averaged $4 million a week in 1963.

Now it may be true that Nasser is not a Communist and does not accept Communist ideology. But Nasser's army is dependent on Soviet weapons and no army is independent of its source of supply. Nasser, as well as Ben Bella, has embarked on a program of nationalization which is steadily restricting the capitalistic sector in Egypt. Nasser is the prophet of Arab socialism, which increasingly resembles the Soviet system. Moreover, Nasser has steadily propagated hatred against what he calls imperialism. That is translated to mean the United States, just as much as it means Britain, and much more than it means Zionism, i.e., the State of Israel.

So a rising generation of Arabs are being taught to hate the West.

Finally, as we have often emphasized, Nasser's position in Yemen, which he shares with Khrushchev, provides Moscow with a launching pad for Soviet penetration all down the East Coast of Africa—Somalia, Tanganyika, Zanzibar, Ethiopia, and the Sudan.

Surely, our experience in Yemen tests the efficacy of our tactics and the accuracy of our intelligence. From the beginning, Yemen was a focus of concern. The United States feared that the Yemen war would spread, engulf Saudi Arabia, weaken Aden, and dismantle Western oil rigs in the Persian Gulf.

And so, as we often do when we try to prevent Soviet exploitation of a local or regional conflict, we tried to embrace both sides—both Nasser and Feisal. We walked two tightropes instead of one. But, unfortunately, they were many Arab deserts apart. Our Government swiftly recognized Nasser's puppet in Yemen, even as our Air Force sent parachutists to provide a protective canopy for Feisal's palaces and exchequer.

Hopefully, the State Department believed our recognition of the repubican regime would speed the end of foreign intervention in Yemen and dilute Soviet influence. But the assumptions were wrong. Saudi Arabia did halt military assistance to Yemen, but Nasser still has about 40,000 men bogged down in that country. One does not know whether to be glad or sorry. Ambivalent diplomats are both.

In 1961, Nasser was alone. He had lost Syria. And he thought he would bag an easy satellite in Yemen. But he miscalculated. The Egyptians are not popular in Yemen. The tribesmen hate their napalm bombs. The tradesmen don't like their bureaucracy. The Egyptians today are not regarded as saviors. They are invaders, to be ambushed and cut off and massacred.

The United States, as you know, broke with England on this issue, in order that we might have a presence in Yemen and thus thwart the Soviet Union from gaining an exclusive position. The State Department recently told the House Committee on Foreign Affairs that Nasser's intervention in Yemen was comparable to our own 1958 intervention when we saved Lebanon and Jordan. This is a highly dubious analogy. Egypt, it is said, responded to the appeal of a government it had recognized. But suppose next summer 100,000 Arabs in Galilee were to set up an Arab regime in Nazareth, be recognized by Egypt, and summon her aid. Would this be legitimate? Many diplomats are coming to concede that our recognition of the republican regime in Yemen was wrong—that we recognized that regime prematurely—before it had control over the territory it claimed, contrary to all diplomatic practice.

But if the Egyptian threat to Saudi Arabia has been temporarily contained, Nasser has been sounding new and strident threats against the British position in southern Arabia and in Aden. He demands elimination of the British from the port which they built up over generations—ever since 1839—a port which guards the Indian Ocean and the southern end of the Red Sea.

What dispensation in holy writ in international law, or in the U.N. Charter, sanctifies the myth that all soil, water and sky—from Casablanca clear to the Persian Gulf—belongs to Nasser's Arab world? Where is it inscribed that the name of the Persian Gulf should be changed to the Arabian Gulf? The New York Times suggests that the British might lease Aden. But to whom should the rent be paid? Who has the title? Who are the real owners of this strip of rock—is it the Portuguese, who ruled in the 16th century; the Turks, the Yemeni, the Dutch? Who are the natives? Somalis, Indians, Pakastani, Yemeni, Jews, Adeni? What title do the Egyptians hold?

Now the British are not the only targets of the anti-Western campaign. On February 22, Nasser suddenly disconcerted Washington by demanding a liquidation of NATO bases from Libya. The threat was directed not only against the British base at Tobruk but at the large and important Wheelus Field base—the U.S. base which our Government considers indispensable to the training of NATO flyers who come down from West Germany. There is no other terrain better suited for the purpose. Manifestly, we reject Nasser's pressure against us in Libya—and we should equally reject Nasser's pressure against the British in Aden and against the Israelis in Israel.

Our original fears about Nasser's intentions to expand from Yemen seem to be coming true, judging from his recent speeches. And the initiative we took to avert this expansion may have been the wrong one. No one can be complacent about Nasser's continuing threat to the West—and his service to our enemies.

And what shall we say today about Nasser's threat to Israel? Has it been contained? Or does it gain force?

Last year, the menace of a new war against Israel was diminished by the conflicts which raged within the Arab world. Soldiers of Arab states were shooting at each other. We counted many conflicts: Moroccans versus Algerians; Egyptians versus Saudi Arabians; Yemeni versus Yemeni; Egyptians versus Jordanians; Iraqi versus the Kurds; Syrians versus Lebanese; the Baathists of Syria and Iraq against Nasser. It needed no computer to estimate that more Arabs were killed by Arabs in 1963 than in any other year of contemporary Arab history.

But last fall, the scene suddenly changed. The Baath party, which might have become a northern counterweight balancing Nasser, collapsed because of inexperience and incompetence. Pro-Nasser leaders took over in Iraq and the remnants of the Baath party in Syria were isolated and endangered. The

Syrians screamed for military action to halt Israel's water diversion.

And now Nasser adopted a new technique. With one-third of his army frozen in Yemen, Nasser did not dare to answer the bugle call of Arab hotheads. Instead he convened all the Arabs in summit conference to consider a more realistic course. He told them they could not hope to destroy Israel unless they were united. He exploited the opportunity to seize Arab leadership. He abandoned his subversive campaign to overthrow the kings and feudal rulers who would not fly his socialist pennants. He now called upon Arab leaders to bury their differences in order that they might concentrate on doing away with Israel.

The effect was to avert the immediate danger—but to postpone and enlarge it for the future. There is to be a united military command. In addition, there is to be a worldwide propaganda offensive against Israel and there are to be spite projects to divert the Banyas and Hasbani Rivers.

Nevertheless, diplomats breathed a sigh of relief. They believed that the Cairo conference marked a turn for the better. Mr. Talbot made that point to the House Committee on Foreign Affairs. Indeed, he called the Cairo communique "a constructive and realistic statement." He said categorically that the Arabs propose to seek their goals by peaceful means. But are our diplomats right? On what intelligence does the Department predicate this assurance to the American people?

It is true that there was a lull after Cairo. But within a few weeks after the Cairo Conference, Arabs began to use ugly words. Nasser keeps telling us that war with Israel is inevitable. He insists that it will be a defensive war because he contends that the Israelis will start it in order to prevent the diversion of the northern tributaries of the Jordan River. But then he says that the Arabs will impose the time and that they will impose the place. He said in Yemen, just a few days ago, "By God, we will not rest until we redeem Palestine for the Arab nation." And 3 days ago he told a West German correspondent that war was unavoidable.

Will the Arabs really undertake to cut off Israel's water supply? Their engineers—who know better—are proposing to spend $220 million to force water to turn around, roll backwards and uphill, up and around mountains—a foolish, spiteful, monstrous effort to subtract water from Israel's legitimate water supply. Once again they propose to add waste to waste—the inevitable product of hatred and war which has levied a huge toll in human and material resources in the Near East for the last 20 years.

Meanwhile, the very fact of the Cairo Conference was in itself a massive propaganda stroke. It symbolized, revived, and reinforced the concept of a single Arab nation endowed with a vast heritage from which all intruders—especially imperialists—must be expelled.

King Hussein, carrying an invitation to visit the United States, was swiftly given a proxy to act as the Arab spokesman. And when he arrived here last month he dismayed and angered his friends because he now sounded like Cairo radio.

Hussein asked for a revision of U.S. policy, although no Arab country has received as much economic aid as Jordan on a per capita basis. He hinted that he might turn to the Russians if he didn't get the arms and dollars he wanted from Washington. That is the Nasser technique he learned from Cairo.

His threat backfired and was resented. He attacked Israel's water diversion program, although he is the beneficiary of a similar program which is consistent with it. Both plans fit into the Eric Johnston unified Jordan-Yarmuk development, which allows 60 percent of the water to the Arabs and which has enabled Jordan to build the East Ghor Canal, with substantial American aid.

Hussein has deceived the American public by pretending that the Israel development, which has not yet begun, is responsible for increased salinity in the lower Jordan River. Take his complaint about salinity with many grains of salt. He knows very well that his own Yarmuk development is responsible for the deterioration of the quality of the water in the lower Jordan.

Now it is unnecessary for me to debate Hussein's line before this audience. All of us know that there is a double moral standard. What is right for Jordan is wrong for Israel. Jordan may take water. Israel may not. Arab nationalism is benign. Israel nationalism is malignant. Arabs may mobilize Moslems all over the world to stand up for Arab nationalism and against Israel. But Jewish nationalism is to be decried and denounced as evil. Arabs may pick and choose U.N. resolutions, insisting that Israel accept them—while the Arabs reject those which may happen to favor Israel. The Arabs may go to war against the partition resolution of 1948 and invoke it as holy writ in 1964.

And the new Arab myth, which has become a central Arab propaganda theme, is that the Arabs love the Jews. They just hate Zionists. It is relevant to reflect that no Jews have survived in Jordan to bask in Hussein's affection. If Hussein had a sincere reverence for Judaism, he would long ago have carried out article 8 of the Jordan-Israel armistice agreement and admitted pious Jews to worship at the Western Wall of the Temple, the one shrine sacred to the Jewish people. He might have displayed more reverence for the graveyard on the Mount of Olives, the hospital and the institution of learning on Mount Scopus.

Our committee reacted sharply to the offensive speech by Hussein which was delivered here in Washington before a new pro-Arab lobbying committee, because of his impertinent and arrogant sermon to American Jews about their duties to their own country. One hopes that he will think better of the course he has taken. One hopes that he may inherit from his grandfather rather than from his uncle.

And yet we must be concerned that most people do not know that he is twisting the truth. He is heard and seen by a vast audience and many may be enticed by his propaganda—even as many are bewildered by the offensive mural at the World's Fair—a mural which does not recall the 73 Jewish doctors and nurses ambushed at Sheikh Jerrah, the 35 university students slaughtered at Kfar Etzion.

Back in 1953, Mr. Dulles made a historic speech after a tour of the Near East. He said that we must overcome the Arab resentment caused by the creation of the State of Israel. That statement was a blunder. In effect, Mr. Dulles was encouraging the Arabs to intensify their resentment—for the more they resented, he implied, the more we would do to allay their resentment.

Today, the Arabs seem to be applying the same kind of pressure. They have invented the astounding myth which juxtaposes Mr. Kennedy as their friend and champion and Mr. Lyndon Johnson as their foe. They bitterly complain because Deputy Under Secretary of State, U. Alexis Johnson, has reaffirmed Mr. Kennedy's pledge that the United States would not stand idly by if aggression were committed. They complain because Mr. Rusk has said that we will try to settle Israel-Arab disputes. They are angry because the President went to the Weizmann dinner to offer Israel and any other state cooperation on the desalinization of water.

What is behind all this fury?

The Arab propaganda offensive is designed to shatter Western nerves. The Arabs probably know that they cannot persuade the United States to withdraw support from Israel's water development. Their purpose is to intimidate the Department of State—to pressure President Johnson into proving that he is not their enemy—to cause the United States to refrain from taking any concrete measures which may be vital to preserve the balance of strength, to defend the peace and to defend the tortured truth. The Arab buildup of the water crisis is deliberate—to worry American diplomats into saying: Let us not do anything which might make things worse by creating new issues and giving the Arabs new cause for resentment. But sometimes—often—quiet diplomacy is a mistake.

The United States should make a public statement on water, reaffirming clearly and vigorously that we continue to support the Jordan-Yarmuk development. It would be a lot easier for the United States to adhere to that position if it rejects tendentious and misleading distortions. Quiet diplomacy is self-defeating, if it encourages others to misinterpet our views and to draw self-serving conclusions.

The United States could make it very clear that our Government would oppose and lend no aid to any projects which are inconsistent with the overall water program and prejudicial to the peace. The United States could formalize the guarantee of Israel's survival implied in the Kennedy and Alexis Johnson statements.

It will be argued that if the United States and Israel entered into such an arrangement, the Soviet Union would offer a similar one to Egypt. How much further does the Soviet Union need to go to guarantee the integrity of the Arab States? The Soviet Union is arming Egypt and Syria and Iraq. It recently used its veto in the U.N. Security Council to protect Syria from censure. And the Soviet Union threatened to intervene on the side of the Arabs in the Suez crisis in 1956. Once again, there is the implication that we will not take a necessary initiative for fear that it will bring the Russians in on the other side. Thoughtful people will speculate about the strength of a guarantee if we are reluctant to say it out loud. A guarantee is meant not to assure friends; it is intended to warn aggressors. It must be blunt and plain.

If our guarantee is to mean anything—if it is to have a deterrent effect—then we should no longer hesitate to provide Israel with military aid.

If we do not—if, on the contrary, we cut economic aid to Israel, if we continue unconditional economic aid to Egypt and other Arab States, then we may actually be weakening our guarantee instead of reinforcing it.

But diplomats who refuse to take the Arab war threat as seriously as we do are opposed to any drastic measures. For they believe that there will be no war and that there is even hope for a settlement and a peace. "Well, how do we attain it?" we ask. You will get several answers to this question. Sometimes you will be told that the initiative rests with Israel, that Israel ought to do something to prove to the Arabs that Israel wants to live among them in peace. Israel must somehow prove that she is not expansionist and aggressive. But how does one prove one's sincerity and one's desire for peace to people who refuse to sit at the same table?—and who refuse to look you in the face?

Then we hear the suggestion that Israel might show its good faith by offering to take back Arab refugees if they want to come back.

It is conceded that such a gesture will not bring an Arab-Israel peace today or tomorrow. Perhaps, we are told, the Arabs might reciprocate by modifying the boycott and ending the Suez blockade. For, we are told, an Arab-Israel peace won't come until the

Arabs feel that they are strong enough to negotiate from strength. Intelligent Arabs, it is said, privately concede that Israel is a sovereign state and that some day they will have to deal with her. But they insist they will make peace with Israel only when they are strong enough and are able to win concessions from Israel.

But what kind of concessions? What can Israel pay as a price for peace? Can she give up any of her little 8,000 square miles? About the only concession that Israel might make has to do with the Arab refugees and repatriation and compensation.

Now there is a self-evident contradiction in these two positions. Israel has little to offer the Arabs. What is the sense of offering any concessions if they will not bring any return? It would seem logical for Israel to insist that her neighbors renounce war before there is any barter in considerations and concessions.

Nevertheless, Israel will probably face renewed pressure on the Arab refugee issue next fall at the U.N.

The U.N. resolution adopted last fall at the United Nations was the worst since 1959, repeating the repatriation slogan of the 1948 U.N. resolution. This, of course, is unfortunate. Sterile political debate over slogans and propaganda shibboleths does not help the Arab refugees. What does help them is the continued care of UNRWA, which is providing food, medical care, housing, education, scholarship and training—with the result that trained Arab refugees who want to work are really being absorbed in the developing Arab economies of Jordan, Syria, Kuwait, Libya, and Iraq.

Secretary-General Dag Hammarskjold once said that economic development will gradually solve the problem of the Arab refugees. He predicted that they would be absorbed in the Arab economies as these economies developed. His prediction is coming true, although the Arab States do not like to admit it.

But much, of course, will depend on our own Government. This year, the United Nations will again debate the extension of UNRWA. Congress grows more and more impatient with the waste of money. And if the United States speaks at the U.N. as if it were a hard-headed taxpayer rather than as an indulgent philanthropist, we might make further progress.

I think all of us are reconciled to a long struggle before Israel can win a peace settlement. I am not a pessimist. But there is no indication that our Government will undertake any initiative to summon the Arabs to the peace table for direct negotiations.

This does not mean, however, that we should abandon the demand. We must continue to press for this policy. There is no alternative to it. Unrealistic? But the call for direct negotiations is to affirm Israel's sovereignty and its right to the complete protection of the U.N. Charter—and to expose that it is the Arabs who threaten war, the Israelis who plead for peace.

Let me summarize the position.

We think that our Government underestimates Nasser's intentions and the extent of the threat. Nasser is the real expansionist, the real imperialist in the Near East. The Arabs mean to win their war against Israel, either by military action or by the erosion of international good will.

We must do what we can to strengthen Israel and those whom Nasser threatens. At the same time, we must resist the propaganda effort to weaken the American people's commitment to Israel. For one fact is of high importance. The Arabs will make peace with Israel only when they become convinced that they cannot wear out or undermine the American commitment to Israel. This is vital for the peace. Anything less is to enlarge the danger of war.

SENATOR GOLDWATER'S VICTORY IN THE NEBRASKA REPUBLICAN PRESIDENTIAL PREFERENCE PRIMARY

Mr. CURTIS. Mr. President, I rise to congratulate our beloved colleague, Senator BARRY GOLDWATER, on his victory in the Nebraska Republican presidential preference primary which was held on Tuesday, May 12, 1964. The Nebraska primary is advisory in nature and it is so conducted that it gives everyone voting in the Republican primary an opportunity to freely state their preference as to whom should be nominated for the Presidency.

The Associated Press tabulation of last Tuesday's primary, as of late afternoon the following day, gives these results:

Goldwater	67, 369
Nixon	42, 811
Lodge	22, 113
Rockefeller	2, 311
Smith	172
Scranton	372
Romney	93
Wallace	249
Stassen	23
Hruska	239

It will be noted that Senator GOLDWATER defeated former Vice President Nixon by a vote of 3 to 2, that his edge over Ambassador Lodge was a little over 3 to 1, and that he defeated Governor Rockefeller by more than 30 to 1.

In order to appreciate the significance of this Goldwater victory, it is important to know how our presidential preferential primary works. Under Nebraska law, write-ins are not only permitted but encouraged. Write-ins are commonplace and traditional in this primary. There are no voting machines used in Nebraska and all ballots are paper ballots. The theory of the Nebraska law is that the voter should have every opportunity to advise as to his choice for President. Back in 1952 and prior thereto, the State statutes provided that when you wrote in your preference you also had to put an "X" at the name of your preference in order to have it counted. This has been changed so that all the voter has to do is to write his choice on the paper ballot.

In Nebraska this procedure is not just theory. It is a practice readily used by all voters. For instance, in 1960, 74,356 Nebraska Republicans wrote in the name of Mr. Richard Nixon. Another 2,028 wrote in the name of Nelson Rockefeller, and 1,068 wrote in the name of Senator BARRY GOLDWATER.

In 1956 it was a foregone conclusion that Nebraskans were for General Eisenhower for the traditional second term and there was no significant write-in.

The best illustration of how Nebraskans have exercised their right to express themselves on the whole range of possible candidates was in the Republican preferential primary of 1952. Incidentally, in 1952 more care had to be taken for a write-in because in addition to writing the name of the voter's choice in the proper place, it was also necessary to mark it with an "X" to have it count. A considerable number of votes were thrown out because of the failure to comply with that. The legislature has since corrected it and the "X" is no longer required.

In 1952 in the Republican preferential primary in Nebraska, the voters advised on 9 or 10 candidates. All of these candidates were write-ins except two. One Mary E. Kenny was an unknown but the other name printed on the ballot was Harold E. Stassen, a man who had served as Governor in a nearby State and who, at that time, enjoyed considerable prominence and popularity, and who had been the winner of the Republican preferential primary over Dewey, Taft, and four others in the previous presidential election. The result of the 1952 race was as follows:

Harold E. Stassen (printed on the ballot)	53, 238
Mary E. Kenny (printed on the ballot)	10, 411
Dwight Eisenhower (write-in)	66, 078
Robert A. Taft (write-in)	79, 357
Douglas MacArthur (write-in)	7, 478
Earl Warren (write-in)	1, 872
Albert Wedemeyer (write-in)	7
Thomas Dewey (write-in)	32
Robert Kerr (write-in)	51
Howard Taft	283
Scattering	394

These figures are most significant. They illustrate not only the custom and tradition of Nebraskans to use the advisory preferential primary to express their choice for presidential nominee, but it illustrates that they are used to this write-in system and freely and totally exercise it. It will be noted from the foregoing figures on 1952 that 219,201 Republicans voted their preference, but the very significant fact that of that number 155,269 were write-ins. The fact that a name is printed on the ballot offers no inside track to victory. These 1952 figures which I have set forth show that Governor Stassen ran third with 53,238 votes, but that 66,078 Republicans wrote in and made their "X" for General Eisenhower, and 79,357 did so for Robert A. Taft. I again point out that at that time they also had to put the "X" there.

This all adds up to the fact that the Nebraska preferential primary law is one of the best gages for determining the sentiment as to whom the voters would like to have nominated as candidate for the Presidency on their ticket. Unlike other poll taking, it is restricted to the members of the party—Republicans in this case—and the voting is done in secret and is impartially tabulated.

As one who strongly believes in Senator GOLDWATER, I was exceedingly pleased to see him the victor, as he was, in Nebraska last Tuesday.

This vote shows a number of things. It shows a strong preference for Senator GOLDWATER over his closest rival and it shows that he is preferred over the combined strength of Nixon, Lodge, and Rockefeller.

As someone who has watched Nebraska politics for a long time, I want to say that any man who can defeat Richard Nixon in a Republican primary in Nebraska is a good man and entitled to all honor and praise. Richard Nixon is greatly loved and admired by Nebraskans and has been since he came to the

House of Representatives. In addition to his very sizable write-in in 1960, he proceeded in 1960 to prove himself to be one of the most popular candidates ever to run in Nebraksa. The people of Nebraska were very good and generous to me in 1960 and I received 352,748 votes as a candidate for the Senate, which was the second highest vote ever given a senatorial candidate in Nebraska. Mr. Nixon, however, received 380,553 votes in that November election, defeating Mr. Kennedy with 63 percent of the State's votes.

Mr. Nixon had a good campaign in Nebraska. He made a personal appearance in the State 5 days before the primary. Extensive letterwriting was carried on for him and a heavy program of broadcast spot announcements. His campaign spokesman was one of Nebraska's ablest and most distinguished citizens, Mr. Fred Seaton, former Secretary of the Interior in the Eisenhower Cabinet. They conducted a good, clean campaign. Nebraskans regard Mr. Nixon as a conservative. It is interesting to note that the combined Goldwater-Nixon vote was about 4½ times the Lodge-Rockefeller vote. Mr. Goldwater's impressive lead over Mr. Nixon, and his outdistancing Lodge and Rockefeller and all the rest, indicate that the grassroots Republicans want Senator Barry Goldwater as their nominee.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TOWER. Mr. President, one of the main concerns of the disputants to H.R. 7152 is the want of trial-by-jury processes. The right to have disputes at law settled by a trial before an impartial judiciary is fundamental in our system. Historically, the jury trial has evolved into a right flowing to the individual, deriving its basic concept from the Constitution of the United States and the constitutions of the several States.

The jury system tends to keep the law in touch with the common facts of life. It has for hundreds of years been constantly bringing the rules of law to the touchstone of contemporary experience.

It has been said that jurymen are ofttimes swayed by prejudice. Still, this does not conclude the matter. In a jury of 6 or 12 men, the prejudice of each one may be worn down by the others, whereas there is no one to combat the prejudices of one judge trying a case.

Jurymen, moreover, tend to come more frequently into contact with their fellow man and with the everyday affairs of life which concern the courts. Their collective judgment and experience equip jurors for the task of evaluating the facts of a given case.

The right to be tried by his equals, selected impartially from the people, gives an accused more confidence that he will be dealt with fairly.

It is widely accepted that litigants are in general more satisfied with the verdict of a jury of 12 men than with the decision of 1 judge or a bureaucratic tribunal.

In general, the jury system throws a more complete safeguard about the rights of the individual.

The essential fact, however, is that in 1776 the jury system was an established colonial insitution in both civil and criminal cases, and was esteemed a valuable right.

FEDERAL CONSTITUTION AND AMENDMENTS

The Federal Constitution, as submitted to the various State legislatures for approval, contained one section relating to juries; article 3, section 2, clause 3. That section provides:

> The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

The Constitution submitted to the States met with strong opposition, particularly from Thomas Jefferson and Patrick Henry. Much of the objection was directed to the absence of a Bill of Rights. The result was a Bill of Rights, the first 10 amendments to the Constitution, submitted to the States in 1789 and ratified in 1791. Three of the ten amendments, the fifth, sixth, and seventh, relate to juries and jury trials.

The fifth amendment provides:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger * * *.

The sixth amendment provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed * * *.

The seventh amendment, applicable to civil cases, provides:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of common law.

THE 14TH AMENDMENT

The provision of the 14th amendment that "No State shall deprive any person of life, liberty, or property without due process of law" does not, however, extend the provisions of the Constitution—article 3, section 2, clause 3—and the 5th, 6th, and 7th amendments to State judicial procedure, *Adamson* v. *California*, 332 U.S. 45 (1947).

In this case, Adamson, a citizen of the United States, was convicted, without recommendation for mercy, by a jury in the Superior Court of the State of California of murder in the first degree. Sentence of death was affirmed by the supreme court of the State.

The provisions of California law which were challenged permit the failure of a defendant to explain or deny evidence to be commented upon by the court and by counsel, and to be considered by the court and by the jury. These were challenged as invalid under the 14th and 15th amendments.

The question the court had to decide was whether or not the provisions of the California State constitution and its penal law abridge the guarantee against self-incrimination and of due process.

The court, in answering the question in the negative, said:

> The clause of the 5th amendment is not made effective by the 14th amendment as a protection against State action. The clause in the Bill of Rights is for the protection of the individual from the Federal Government, and its provisions are not applicable to the States. As a matter of fact, the 14th amendment forbids a State from abridging privileges of citizens of the United States, leaving the State free, so to speak, to abridge, within the limits of due process, the privileges and immunities of State citizenship.
>
> A right to a fair trial is undoubtedly guaranteed by the 14th amendment. However, the due process clause does not include all the rights of the Federal Bill of Rights under its protection. The purpose of due process is not to protect the accused against a proper conviction, but against an unfair conviction. The Court held that the State may control such a situation as this, where the defendant remains silent, with its own ideas of efficient administration of criminal justice.

The 14th amendment does, however, prohibit a State from taking any action, through its legislature, court, or executive or administrative officers which operates to deprive any person of his life, liberty, or property without due process of law.

"Due process of law" is a broad term which has been variously defined as a procedure in accordance with "those canons of decency and fairness which express the notions of justice of English-speaking people even toward those charged with the most heinous offense," *Rochin* v. *California*, 342 U.S. 165 (1952), as a precedure "consistent with the fundamental principles of law and justice," *Herbert* v. *Louisiana*, 272 U.S. 312 (1926); and as a procedure which does not offend "some principle of justice so rooted in the tradition and conscience of our people as to be ranked as fundamental," *Snyder* v. *Massachusetts*, 291 U.S. 97 (1934).

PROVISIONS OF STATE CONSTITUTIONS

Broad general provisions respecting the right of trial by jury in both civil and criminal cases are contained in the constitutions of all the States except Louisiana. In the constitution of that State—1921—there is a specific guaranty of the right of trial by jury in criminal cases—article 7, section 41—and the use of juries in civil cases is recognized in the provision—article 7, section 42—that the legislature may provide for the drawing of jurors in both civil and criminal cases.

In most of the State constitutions the language employed follows that used in the sixth amendment to the Federal Constitution. The language provides generally as follows:

> In all prosecutions the accused shall have the right to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed and the right of trial by jury shall remain inviolate or the right of trial by jury as heretofore enjoyed shall remain inviolate.

The constitutions of many of the States contain additional references to jury trials—providing for or authorizing the legislature to provide for waiver of jury trials in civil and criminal cases—other than capital offenses—conditioning the right to a jury trial on the seriousness of the offense, on the amount in controversy, or on a specific demand, permitting the use of fewer than 12 jurors in specific cases, and altering the ancient requirements of unanimity.

Now, Mr. President, before turning to the historical development of the contempt power, which I shall subsequently do in some detail, I will discuss the origin and development of trial by jury as we know it.

TRIAL BY JURY

Modern scholars agree that trial by jury as we know it today had its origins in medieval England in the first century and a half of Norman rule when William the Conqueror and his heirs sought to strengthen their hold upon the foreign land which they had conquered.

The Anglo-Saxon system of justice which William discovered in England at the time of the conquest had elements that foreshadowed the use of juries. The courts were presided over by a reeve—sheriff—and 12 senior thanes—lords—usually acted as the judges. According to a law of Aethelred (c. 981), they "swear on the relic that is given to them in hand, that they will accuse no innocent man, nor conceal any crime." The customary method of asserting innocence was for the accused to bring forward 12 compurgators, who would swear together on his sound character and good reputation. These two elements, combined with a reliance upon openness in all dealings presented the legal background upon which the Normans built a formalized procedure.

The earliest clear use of the jury is found in the sworn inquest, originally a Frankish, or perhaps even Roman, practice whereby the ruler sent out his agents to question people throughout the kingdom on any matter of government or administration which interested him. William the Conqueror instructed his agents to summon a number of reliable, knowledgeable men in "every shire and hundred," put them on oath to tell the truth, and then ask about land holdings, property, previous tax assessments, and similar matters. These sworn inquests provided the material for the Domesday Book, which recorded the names and properties of all landholders. One of the most famous of these inquests was held during William's reign on Pennenden Heath, where Lanfranc, Archbishop of Canterbury, reclaimed the lands which had been taken from the archbishopric by William's ruthless half brother, Odo of Bayeux. For 3 days all the important men of the county were heard, swearing that Lanfranc was the lawful holder of the lands in dispute.

The function of the jury as essentially a local factfinding board continued through the reign of Henry II in the inquest on sheriffs to inform the King about the conscientiousness of his representatives and through the reign of Richard I in the assessment by local juries of the Saladin tithe of 1188, the first tax on income and personal property, needed to finance Richard's crusade.

The scope of the jury was greatly expanded by Henry II as a means of indicting those who had violated the King's peace by robbery, thievery, murder, arson, or counterfeiting. In these assizes, the itinerant justices were assigned definite schedules and areas in which they were to try in the King's name all men accused by their neighbors of these misdeeds. Henry II also initiated three new actions whereby the decision of a jury would determine whether anyone had been wrongfully ousted from possession—as distinct from title—and if so, would immediately reinstate him.

Thus the jury was originally developed not to give a verdict but to supply evidence on an oath, as witnesses do today. Insofar as this evidence amounted to an indictment, the juries were parallel to modern grand juries. Until the 13th century, the indictment by jury was followed by a trial by ordeal, battle, or compurgation—in which the accused endeavored to produce as many men as possible to swear to his innocence. Only as the men came to doubt the validity of ordeals, as the church refused to preside over the ordeals which thus could not be said to reflect God's will, and as men became willing to accept the opinion of a second, deciding jury—which might contain the same personnel as the indicting jury—did trial by jury become universal. Ironically, however, all men were still thought to be entitled to God's verdict through ordeal rather than to be forced to rely upon mere human decision, and trial by battle was not formally abolished in England until the 19th century.

Trial by jury was always a privilege offered only by the king in his courts. The feudal lords were not permitted to offer jury trials but were themselves the judges in their own courts. As a result, since many cases involved alleged malpractices by the lords, litigants relied more and more on the king's courts with their relatively impartial juries. This increased appeal to the royal courts, caused almost entirely by the innovation of jury trials, was perhaps the greatest single factor in the development of a strong central administration in England, an administration which, moreover, was never wholly dependent upon the feudal classes for its services nor ever wholly divorced from the middle classes who helped to administer its justice.

MAGNA CARTA AND TRIAL BY JURY

Clause 30 of Magna Carta provided:

> No freeman shall be taken or (and) imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him, except by the lawful judgment of his peers or (and) by the law of the land.

Modern scholars are agreed that this did not refer specifically to trial by jury at that time. Rather, it was intended to put an end to rapacious King John's habit of taking hostages, levying exorbitant fines, and imprisoning nobles without even consulting his own council of barons. But both in its immediate effect and in its later interpretation, the clause did contribute to the idea that every man was entitled to a legal hearing before any penalty, detention, or dispossession.

ATTAINT OF JURORS AND STAR CHAMBER

The greatest threat to jury trial in the Middle Ages was the decreasing strength of the kings who controlled the royal justice. For whenever a weak king came to the throne, the feudal nobles did not hesitate to bribe or threaten jurors flagrantly. Many kings, often handicapped by the need of noble support for foreign wars, had not the power to check these mighty barons.

The process of attaint, originally devised to provide extra protection to the defendant, constituted one royal weapon against the corruption of justice. It was really an extension of the original concept of the jury as a panel of witnesses rather than judges. When the jury gave a verdict that seemed to contradict the known facts, the jurors themselves could be tried or attainted for perjury, convicted, and imprisoned. This practice, although originally intended to remedy abuses, lent itself very easily to further abuse, since the feudal lords were also able to attaint juries who decided against them. The result was that jurors occupied a very precarious position and that litigation often dragged on for as much as half a century. Actions for attaint were not finally prohibited until the famous Bushell case of 1670 when a judge attempted to imprison a whole jury for a verdict with which he disagreed. By that time, juries were clearly recognized as decision-making rather than evidence-giving bodies, and therefore the charge of perjury was no longer applicable. Actually, with the coming of the strong Tudor and Stuart governments the lengthy process of attaint had fallen into disuse.

The Tudor and Stuart method of insuring fair juries was more direct, but perhaps also more repugnant to our own ideas of justice. The court of star chamber, which had gradually developed from the king's privy council and was comprised of certain privy councilors, bishops, and judges, was in 1487 given specific jurisdiction to hear and settle in closed session any disputes, legal, judicial, administrative, in which the interest of the king was involved. Originally the star chamber performed a useful task, settling disputes between and punishing important barons who might otherwise have escaped through common law loopholes, looking into cases of alleged jury corruption, handling many administration matters equitably and efficiently, and in general reinforcing rather than competing with the other branches of royal justice.

But, as with many other institutions founded in the best of faith and very well equipped to handle certain immediate problems, the star chamber tried to extend its potentially unlimited power into fields where it should never have gone. Under Charles I the bishops on the court undertook to punish religious writers with whom they differed, to try to enforce a censorship on all printed matter, and to mete out cruel and unusual punishments for minor political offenses. The star chamber had clearly outlived its usefulness as a method of controlling rebellious barons and was becoming an instrument for religious and political persecution. The star chamber with its denial of the trial by jury which Englishmen had come to feel was their right constituted one of the main grievances against Charles I, and was an important element in his fall. One of the first acts of the Parliamentary Party after it had gained the upper hand was to abolish the star chamber in 1641, and to assert the right of every Englishman to a fair and open judgment by his peers.

Nevertheless, unscrupulous judges continued to use the threat of attaint and fines against jurors with whose verdicts they disagreed. In the famous trial of William Penn, the Quaker, in 1670, the judge and court officials threatened the jurors with starvation, fines, and other punishments if they did not declare the defendant guilty of speaking at an unlawful—that is, Quaker—meeting. When the jury absolutely refused to alter its verdict, the judge had them all taken to Newgate Prison, where they remained until the court of common pleas declared their commitment illegal.

Another instance of the power which judges could wield over juries fearing punishment themselves is shown by the bloody circuit of Judge Jeffries in 1686. Jeffries headed an ecclesiastical commission which set out to punish all nonconformist sympathizers of Monmouth's rebellion. He browbeat and threatened juries ruthlessly, with the result that over 300 people were killed and over 800 sold into slavery. This abuse of the right to a fair jury trial was an important contributory cause of the glorious revolution, which deposed James and his heirs from the throne forever.

TRIAL BY JURY IN ENGLAND DURING THE FRENCH WARS

During and after the French Revolution a panicked fear of revolutionary elements led to repressive censorship and severe curtailment of civil liberties in England. But fortunately there were also men like Charles James Fox who continued to place faith in the people and who eventually won several important victories for the principle of trial by jury.

In 1793, Parliament passed an act suspending habeas corpus for a year in certain cases. This act, renewed several times, abrogated the ancient privilege conferred by the writ, and therefore in effect denied the accused the right to a jury trial before detainment. Although most of the upper classes accepted this as necessary protection against revolutionaries, Charles James Fox never ceased to protest this invasion of civil liberties and the denial of trial by jury. Fox himself was expelled from the Privy Council in 1798 for proposing the toast "Our sovereign—the people." But within a decade, the crisis abated, his words were heeded, and habeas corpus and the right to trial by jury were restored, never again to be suspended in England.

Fox himself was responsible for the extension of the scope of jury trials in libel cases. Since the libel laws represented the principal restriction upon freedom of speech in England, it had been customary for the judge in a libel case to decide himself whether a given publication was a libel and leave to the jury only the question of whether the accused had actually been responsible for its publication. Juries resented their inability to answer what usually was the most controversial question of the case, and in the case of the Dean of St. Asaph the jurors deliberately declared a man innocent of publication simply because they did not consider the material libelous. In 1792 Fox was responsible for a new libel law which extended the power of juries to decide the whole question, as to law as well as fact. In principle, it was a victory for democracy and trial by jury, although in practice the juries tended to be less tolerant in their interpretations of libel than the judges had been.

TRIAL BY JURY IN MODERN ENGLAND

Since the beginning of the 19th century, there has been no threat to the right of trial by jury in criminal cases. The grand or indicting jury was eliminated in some instances by the 1873 Judicature Act and almost entirely abolished by the 1933 Administration of Justice Act. In civil cases jury trial was no longer considered necessary as a rule, so that today less than 10 percent of civil cases in England are tried by jury. These changes, which came about during the 19th and 20th century judicial reforms, were made in the interests of economy, efficiency, and equity for all. On the whole, they have accomplished their purpose and have not been criticized. But the growth of so-called administrative law, that is, of legal decisions made by various boards or commissions upon disputes to which they themselves are a party, like income tax, community planning, and education, has led to widespread demands for a comprehensive administrative code, with more provision for appeals, and perhaps even some juries. Although nothing has yet been done, it is clear that the absence of jury trials in this ever increasing area poses many threats to property, if not actually to life and liberty.

TRIAL BY JURY IN COLONIAL AMERICA

Although the same conditions on the whole held in colonial America as in 18th century England with respect to the administration of justice and trial by jury, the attitude of the colonists was from the first different. Being in no position to fear feudal exactions or exploitations, the colonists looked upon the King not as their protector but rather as himself the potential aggressor upon their rights. It was in this spirit that they protested every effort to limit trial by jury as an act of royal tyranny.

In 1696 Parliament had reorganized the admiralty courts so that they would be better able to cope with the flagrant smuggling in and out of all the Colonies which was the American reaction to the Navigation Acts. The admiralty courts, which were not a part of the traditional common-law system, did not provide for trial by jury, and as a result, English or English-appointed judges frequently sentenced colonial merchants and seamen arbitrarily. The more effective the courts became, the more the colonists resented them and the more they came to insist upon trial by jury as a fundamental right.

The Stamp Act of 1764, offensive enough in its imposition of taxation without representation, added insult to injury by providing that all violations were to be tried in the admiralty courts. Americans, who looked upon trial by jury as one of the fundamental rights to which all men were entitled, did not accept the British view that Parliament was completely sovereign and could constitutionally pass any measure it chose. In American eyes, the Stamp Act was, among other things, a clear deprivation of the right to trial by jury. The reaction against it was so strong, as exemplified by nullifications by various legislatures, the Virginia resolutions proposed by Patrick Henry, the Stamp Act Congress, and, above all, by a boycott of all English merchandise, that within 2 years the Stamp Act was repealed.

The final British effort to tamper with the traditional jury trial in the Colonies came with the Act for the Impartial Administration of Justice, one of the intolerable acts, passed in 1774 as a retaliatory measure after the Boston Tea Party. This act provided that certain offenders were to be transported to England. This repudiation of the colonists' own right to judge their fellow citizens was one of the last acts which made reconciliation with England almost impossible and thus provoked the war for American independence.

JURY TRIAL IN THE CONSTITUTION

Although there was no controversy or conflict involved in the establishment of trial by jury in article III, section 2, of the Constitution, there was some discussion of the need to provide jury trials in civil cases. The colonists appreciated the fact that even in civil matters, the protection of a jury would be needed against extensions of power comparable to that of the admiralty courts, but they hesitated to include this protection for civil cases in the Constitution itself because of differing State regulations. It was the fundamental importance which all Americans attached to the right of trial by jury that led them later to include further guarantees of its use in criminal cases by the sixth amendment and in civil cases by the seventh amendment. Wisely they guaranteed not trial by jury, with the result that in many cases defendants may choose to dispense with juries in the interests of speed or economy, but in none of the above circumstances should they be forced to undergo a Federal trial without a jury.

TRIAL BY JURY AND THE ALIEN AND SEDITION LAWS

Devotion to the principle of trial by jury was so deeply inbedded in the minds of the colonists that even when the panic over the French Revolution hit America and the alien and sedition laws were passed, trial by jury was guaranteed to any citizen accused of seditious activity. Aliens, however, were subject to deportation without trial if the President judged them dangerous to the country, even as in some instances they are today.

But even though the letter of jury trial was maintained, and even though Claiborne of Tennessee insisted that the jury be allowed a general verdict, as the Fox's libel law, in effect the spirit of jury trial was consistently violated. For example, in the trial of the Democrat James T. Callender, a critic of the Federalist administration, Supreme Court Justice Samuel Chase was patently unfair, and permitted a jury to sit in which there was not one single member who was not an ardent Federalist. There were also attempts to discredit Congressmen who criticized the Government, like Matthew Lyon of Vermont. His triumphant reelection showed the unpopularity of the law. The defeat and ultimate failure of the Federalist Party in the following elections was a further indication that Americans had come to repudiate all partisan or political abuses of the principle of trial by jury.

TRIAL BY JURY IN WARTIME

The greatest pressures upon trial by jury in American have, with few exceptions, come in periods of wartime. It is clear, however, that on the whole trial by jury has come to be more respected with time, and perhaps also with the fact that more recent wars have been far removed from the American scene.

During the Revolutionary War when there was real fighting over most of the Colonies, it is undeniable that many Loyalists were tarred, feathered, ridden out of town on rails, deprived of property, and even life with no semblance of jury trials. Tories were usually first regulated by local groups, then by the military power, and finally by the State legislatures and Congress. Even after the war they often had to give proofs of loyalty and might still be arbitrarily banished or dispossessed. In general, however, although jury trial was ignored, the opinion of the majority prevailed, and once satisfied that the Loyalists had repented and that independence was achieved, the majority was not especially cruel or bloodthirsty.

During the War of 1812, the issue of trial by jury could be said to have arisen in that the British Navy seized American sailors for use on their own ships, allowing no trial or jury verdict of any sort. Although in accordance with British nationality laws, these acts, which were responsible in no small measure for the Anglo-American war, were in effect a violation of the rights of an American citizen to trial by jury or at least the benefit of habeas corpus, before detention. After the fall of Napoleon and the end of the war, the practice was stopped.

During the War Between the States, Lincoln unhesitatingly adopted the view that military necessity overrode civil liberties and pressed Congress to pass acts permitting the suspension of habeas corpus and permitting arbitrary arrests for suspicion of seditious activity. But despite his insistence that in theory military courts could sit and that suspects could be detained at will, in practice these measures, largely preventive, were leniently enforced. A total of perhaps 25,000 persons was arrested, briefly detained, and then released without charges. In February 1862, a wholesale pardon of political prisoners was issued. In the celebrated case of Vallandigham, a Democrat opposing the continuation of the war, who was denied habeas corpus and tried by military tribunal, the Supreme Court refused to take cognizance of the military records—in theory, a great check to civil justice—but in practice Vallandigham's punishment was only a banishment to the Confederacy. When he did return to the North, despite the sentence, to rail against Lincoln, he was not further molested. The equally well-known case, Ex parte Milligan, is the only instance in which the Supreme Court actually denied the jurisdiction of the military to try a man suspected of plotting a hostile military expedition. As Judge David Davis wrote:

> Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration. * * * Martial law can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction.

Milligan was released and won a suit for damages. On the whole, then, although the precedent established for martial law in wartime was dangerous, the actual administration of the emergency legislation was moderate. No one met death or even served out a full sentence of imprisonment and fine under these treason laws.

During the First World War, there was no suspension of habeas corpus or military trials without juries. Espionage and sedition laws were passed, covering a wide field of activities and potentially limiting freedom of speech and of the press very seriously. But these cases were all tried by juries. In fact, there was an emphasis upon leaving all settlements to popular feeling. There were no efforts of any sort to influence and mitigate the full force of indignation against offenders. As a result, the principle of trial by jury was reinforced, although the contrast between Deb's 10-year sentence for pacifism and Vallandigham's brief banishment for real sedition may indicate that popular juries are often more severe in periods of crisis than is an apparently arbitrary executive.

During the Second World War, the most conspicuous violation of the right to trial by jury was the deportation of the American citizens of Japanese origin from the west coast. A preventive measure devised in good faith by the President as a military necessity in case of Japanese invasion, the deportation was upheld as constitutional by the Supreme Court in, I think, one of the most deviously reasoned decisions I have read.

In Ex parte Endo, however, the Court held that a Japanese-American citizen whose loyalty had been proven could not be detained. The Supreme Court did not, however, uphold the lengthy imposition of martial law in Hawaii. There has been criticism of these opinions from both sides. In the difficult cases where a line must be drawn between individual right and military necessity, perhaps the last word is that of Justice Jackson:

> The chief restraint upon those who command the physical forces of the country, in the future as in the past, must be their responsibility to the political judgments of their contemporaries and to the moral judgments of history.

TRIAL BY JURY IN PEACETIME

With the exception of the Reconstruction Era, trial by jury has been a cherished right in the United States in peacetime. Occasionally it has been neglected or abused in moments of political, religious, economic, or racial stress, but more moderate elements have always reappeared to affirm its spirit as well as its letter.

The Reconstruction era provides the most flagrant example in our history of a peacetime suspension of the right to trial by jury through the establishment of military government in areas where fighting had clearly ended. The excesses of the military governors, of the carpetbaggers, and scalawags who surrounded them are well known. Deliberate repudiation of all the principles upon which the Constitution was conceived, the Reconstruction acts are today condemned by most historians. And, indeed, within a quarter of a century the men who were responsible for this transgression upon trial by jury, and, upon almost every other civil right, had been repudiated by the whole Nation.

In my perusal of jury trial amendment consideration in 1957, I noted with particular interest a layman's article written as a result of his jury trial service. The article by Mr. Clarence K. Streit, editor of Freedom and Union, gives a keen insight into the importance of the jury trial system. The article reads as follows:

SERVING ON THE JURY

(By Clarence Streit)

> Jury service is a duty most citizens apparently seek to escape, or wish they could. When I was summoned to serve as a juror in the Federal courts in Washington, D.C., during June, I, too, felt it was a burden. I don't any more.
>
> Jury duty is the kind of basic common experience that all citizens—bar none—should have at least once. True, a juror spends much time waiting to be called on a case, but sitting through a trial as a member of the jury, and then seeking with the other 11 jurors to reach a just and unanimous verdict is a very enlightening and enriching experience. Nothing else can give the education on some basic problems that jury duty does.

WHAT JURIES FACE

> Perhaps the most educational factor in jury duty is the obligation the 12 jurors are under to do justice as each individually sees it, and yet to be unanimous. In most trials there is much to be said for both sides. The evidence is conflicting, leaves much to be

desired. The 12 jurors vary in their mentalities, temperaments, characteristics, general education, and degree of experience or ignorance in the questions at issue. On their verdict can depend the life or liberty of others, large amounts of money, or important considerations of the public good. They may be so divided in their individual verdicts that it takes them several days of discussion among themselves to reach a unanimous verdict. In such conditions, many virtues are needed in the jury room.

WHERE UNANIMITY TAKES VIRTUE

I have just sat as 1 of 12 jurors—none of whom had ever met before—locked up in the jury room for 3 days, trying to reach a unanimous verdict in a case involving the shooting of one man by another and a claim for $100,000 damages. I recall no other personal experience, shared with so many others, which required in us each and jointly such a combination of fairness, commonsense, moral courage, tact, openmindedness, patience, malice toward none and charity for all—especially the jurors who differed most stubbornly with you—good humor, soul searching through the night, tolerance, balance, willingness to listen to others and change one's verdict in the light of further knowledge, readiness to rake over and over the case in the frail hope of finding some overlooked fact or consideration that might bring agreement, respect for even a minority of one on any given point combined with respect for the view of the great majority—in short, a decent respect for the opinions of others together with firmness in the right as God gives to each one to see the right. It was reassuring to find how widespread, at least in a latent state, these virtures were in 12 strangers, drawn at random from the community, and forming a fair sampling of it.

JUSTICE EASIER FOR SUPREME COURT

What else do we have that can teach, exercise, and strengthen so much political, social, moral, and religious virtue as does serving on a jury? Even the Justices of the U.S. Supreme Court—with profound respect to them—are not called on to equal what the jury is expected to do for justice. There are 9, not 12. They are all highly educated, and trained, the same sex, and race. A typical jury is composed of both sexes, all adult ages, two races, persons ranging in education from grade school to university, and divided among at least half a dozen occupations. Most important of all, the Supreme Court has the privilege of doing justice by a 5-to-4 vote, but the jury has to do justice, individually and collectively, 12 to 0.

A MUST FOR FOREIGNERS

The Supreme Court is rightly considered one of the things in Washington to be seen by foreigners who would understand the United States. Some way should be found for acquainting them also with the working of the jury system. Justice rests on it.

Merely to look at the cross section of the community drawn at random to serve on the jury panel is to learn how alive are the words, "We the people of the United States, in order to * * * establish justice. * * *" The foreigner would gain still more insight into American life, if he could then see how a jury of 12 is picked from this panel to try an actual case, and how it functions. He would be even more impressed if he could pierce the secrecy of the jury room while the 12 try to reach a verdict, but this is necessarily impossible.

IDEA FOR FILM

The U.S. Information Service should have—if it doesn't—a good educational film designed to show how a typical jury panel and jury are chosen, how the jury operates, and the discussion in the jury room before it reaches a verdict. Such a film would be highly educational, in fact, for most Americans. Meanwhile, I would warmly recommend seeing "Twelve Angry Men," all of whose drama unfolds in the jury room. The title, however, misleads. It should be "Twelve Jurors."

CROSS SECTION

The 800 summoned with me for jury duty were young, middle-aged, and old, two-thirds white and a third Negro, and rather more men than women. About 300 served; the rest were ineligible, disqualified, or excused. The District allows a woman to be excused permanently merely by claiming this privilege as a woman. When Chief Judge Bolitha Laws, who presided over the selection of the panel, asked if any desired to invoke this, I was pleased to see that only three used their sex to escape duty. All were white.

LAWYERS SHOULD BE JURORS

Lawyers are among those who are disqualified by their profession from jury duty. The reasons are evident; still, it seems to me a mistake not to require them at some time to have jury experience. No one needs this more than lawyers. It should be part of their training.

I believe it would be in the interests of justice to require that no one could be admitted to the bar, or made a judge, or permitted to teach law, who had never served as a juror. Surely the education of anyone who makes his career in the field of justice should include some personal experience as a juror. Special provision should be made to assure that those who are most concerned professionally with juries should have personal knowledge of the kind of problems that are faced in the jury room.

IN THE JURY BOX

Once the jury panel for the month is chosen, it is divided by lot into two groups, one to serve in criminal and the other in civil cases. I drew the latter. After 2 days of waiting, I was among 24 called to report at courtroom 2. There the case to be tried was explained, and counsel for each side asked if any of us knew about it, or knew those involved, or had any reason to believe he could not give an impartial verdict. Each counsel could reject without cause three of us, but knew only the name, address, and occupation of each, and could hardly have identified any by name or race. Thus 12 of us were soon chosen and sworn in.

RACE RELATIONS

My first case as a juror would have interested particularly—and astounded—any foreigner. The plaintiff was a Negro, who charged he had been shot by one of the defendants, the manager of a cafe, and sought from him and his brother, its owner, $50,000 in compensatory and $50,000 in punitive damages for lasting injury he had suffered. The defendants were Negroes, so were their counsel and all save the technical witnesses, but the plaintiff's counsel was white. The jury was composed of eight men and four women, including one Negro and two Negresses. The judge, John D. Martin, a southerner born in Memphis, Tenn., was on loan from the Memphis district. The case took several days before it went to the jury, which had sole power to decide whether the defendants were liable, and if so, the damages.

The first thing a jury does on retiring to its room is to elect a foreman to preside and speak for it. I was chosen for this post. We voted and discussed our differences for more than 20 hours, locked in the jury room. This time was spread over 3 days. No one slept well the nights in between. The case was difficult, the evidence contradictory, and we found room to differ even on the rules of law the judge had told us to apply. We were deadlocked. Tempers grew edgy at times, and once one woman broke into tears.

The case involved race relations—especially in the jury. We had to live in very close contact with each other for days. I am happy to report that from the time the jury was chosen until it was finally discharged—as unable to reach a unanimous verdict—there was never the slightest thing to indicate that there is a race problem in the United States * * * let alone that segregation is a hot issue, and Washington is more southern than northern.

MODEL JUDGE

Judge Martin was a model of benign fairness. He showed equal respect, and equally kindly consideration for all concerned. He told us his fetish was the jury system. He said when he discharged us that, though disappointed at our inability to reach a verdict (as we were, too), he was pleased at the thorough consideration we had given the case. Had he been able to listen to our discussion I think it would have confirmed his faith in juries. It did mine.

THE BLIND COULD SEE

A blind man would never have known from listening either to the trial or, were that possible, to the prolonged deliberations of the 12 jurors, that the people he heard were from 2 races, or which person was white and which colored. He would have seen what no Communist could have seen, so incredible would it have been to the latter, that racial considerations led no juror of either color to favor the side whose lawyer had his own color. The blind would have seen, too, that never during the trial or jury deliberations did anyone ever seem to be acting on his good behavior, to mislead a foreigner, or making any effort to produce this very pleasing picture of unquestionably equal citizenship. That picture came out as naturally as a sunrise. I heard no juror comment on it. I doubt if any except me even noticed it. Yet it would have seemed unbelievable to any foreigner, even non-Communist, who witnessed it, and it would have astonished many Americans.

Mr. President, the Constitution provided that every man should be entitled to a jury trial in criminal cases. The pending amendment proposes to give that right. The amendment proposes to preserve to individuals, the citizens of this Nation, this very precious constitutional right.

The right of trial by jury is indeed a basic and fundamental civil right. Since the year 1215, the right of trial by jury in Anglo-Saxon jurisdiction has been one of the most sacred of personal liberties.

I think it can be fairly said that one of the very reasons why our forefathers declared our independence, and fought a revolution, was because of the denial of a trial by jury. This is clearly seen by the fact that one of the charges against King George III, in the Declaration of Independence, was the admiralty law denial of a fair and just jury trial.

Mr. President, an action for criminal contempt is a crime, and the Constitution of the United States provides that crimes must be tried by a jury—this right is inherent, as I have mentioned, in Anglo-Saxon jurisprudence from the date of the Magna Carta to the present time. The fact that the right has been encroached upon by the Federal Government, wherein citizens are denied the right to a jury trial in criminal contempt proceedings, does not invalidate this right. On the contrary, the involvement of the Federal Government is all the more reason why an individual American citizen should be accorded the constitutional right of trial by jury. The Federal Government is indeed a powerful force, especially when its force is arrayed against one individual.

The civil rights bill now pending will vest in the Federal Government—in its appointed officials—more power than ever before vested. There can be little doubt that, upon the enactment of this bill in its present form, the most powerful Federal Government official will be the Attorney General of the United States. The Attorney General will be afforded more power than a President has ever had in the entire history of our Nation.

I contend then, Mr. President, that if we are to empower the Federal Government and its officials with unlimited power and control, the very least we can do is to insure the individual American, who will be affected, the right of a trial by jury.

It has, of course, been widely stated by proponents of this bill that certain rights are to be conferred upon different classes of citizens, that this is the purpose of this bill. This is not what will happen, Mr. President. New rights will not be given individual Americans. Cherished, historical ones—ones that our citizens have fought and died for—will be taken away. Fundamental liberties, which have been responsible for the development of our Nation as the greatest and the most free, will be denied.

Mr. President, we can never secure greater rights for some Americans by destroying basic constitutional rights of all of the American people. To contend otherwise would be to invalidate the spirit and letter of the Constitution and the Bill of Rights.

One of the basic themes that runs through the Constitution is that while it assures rule by the majority, it also assures protection for the minority. If we are to begin making special concessions to groups that demand legislation, regardless of the constitutionality of it, it will be at the expense of orderly government in this country.

I might point out that the Constitution has served us well for almost two centuries now. I think that any time we enact legislation, it should be within the letter and the spirit of the Constitution.

Mr. President, it borders on the incredible that we are, in this pending civil rights bill, being asked to nullify the clear intent of our Founding Fathers and encroach upon enumerated constitutional freedoms.

Our constitutional rights are not to be sometimes denied and sometimes enjoyed, depending upon the political expediency of the day. One of the principal arguments used in behalf of the civil rights bill has been essentially this: "If we do not pass a bill like this, we will have mobs on the streets again this summer, and these mobs will be larger and more unruly than those of the past." I do not think this is the proper atmosphere in which to legislate. I think it means that we give emotional consideration to a measure—that we legislate in an emotional atmosphere, rather than considering the measure on its merits and whether or not it does violence to the Constitution. I do not believe we ought to legislate under this type pressure. It is not good for the Republic. It is not an orderly process. It gives no thought to the basic rules under which this Government is supposed to operate; that is, the Constitution.

Instead of the sometimes to be denied, sometimes to be enjoyed approach to constitutional rights, I submit that the approach should be one of continual recognition of those sacred rights, one of all inclusiveness. Constitutional rights should stand, unchanging, and unyielding, without encroachment, without exception.

Proponents of the pending civil rights bill, Mr. President, have made no case for the new and sweeping power to be given the Federal Government, and its officers. It is becoming apparent, I believe, that the American people are recognizing the inconsistency of those who on the one hand characterize themselves as liberals in the field of civil rights, and on the other hand advocate the denial of jury trial for all Americans in certain criminal cases.

I do not believe anyone, Mr. President, should advocate the denial of any right—particularly the denial of the right of trial by jury.

Jury trial opponents, I believe, feel that southern juries will not see that justice is done. This is an argument with which I take sharp issue, one I will not accept.

Certainly it can be said that the jury is not infallible in all respects, and that it does have its imperfections. However, I believe it can be stated unequivocally that while such imperfections do exist, history has clearly proven that the jury trial right is the ultimate protection for the innocent. The jury trial has borne the test of long experience. Changing times, a changing society, has not made senseless our forefathers' vision, when they so farsightedly avowed that the very best way individual freedom could be protected was through the procedure of a public trial before an impartial jury.

Mr. President, I believe that legislation should be enacted to guarantee trial by jury, in all contempt cases where facts are to be determined, excluding, of course, direct contempt committed in the presence of the court. The enactment of such legislation, I believe, would provide an effective procedure for preserving, for protecting the rights of the individual American citizen. Its enactment would constitute significant and constructive civil rights legislation, in the spirit of the Bill of Rights and the Constitution itself.

Mr. President, I can conceive of nothing more fundamental to the preservation of freedom in our country than the right of trial by jury for a crime.

Mr. President, it is my fervent hope that the Senate will be able to adopt a suitable jury trial amendment to the bill to preserve this ancient and evolving process of trial by jury.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. TOWER. I yield.

Mr. STENNIS. I thank the Senator from Texas for his contribution to the debate. He has made a real contribution in the way of his presentation of the history of jury trial, its development, and the spirit of it, as well as the wisdom of its application at the present time. His approach is one that has not been developed in the debate so far on jury trial. His contribution has made it really worthwhile. I am sure that Senators who have not heard it will read it. The Senator from Texas spoke at a time when he had duties of another nature to perform. I thank him for his presence to make that speech.

Mr. TOWER. I thank my friend the Senator from Mississippi.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho [Mr. CHURCH] without losing my right to the floor and without the resumption of my speech being charged as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDAHO POWER

Mr. CHURCH. Mr. President, by the summer of 1969, the needs of preferential customers of Federal power in southern Idaho will exceed the available supply. Southern Idaho is part of the Bonneville Power Administration. The BPA has a surplus of power in Washington and Oregon during the summer season, when it is needed in southern Idaho. Conversely, southern Idaho has a surplus during the winter season, when Washington and Oregon need it.

BPA is required to operate at a profit to return the money it has borrowed from the Federal Treasury. Logically then, as any good businessman ought to recognize, it should tie the two areas together, to make the best use of the available power in each area. BPA has proposed to do just that, by asking, in this year's budget, for $1 million to initiate designs and surveys for such a two-way transmission line.

Thus, the BPA is seeking to make the best use of public resources in a businesslike way. But even as it seeks to do so, certain Idaho businesses have joined with the private utility companies to cry "foul." The J. R. Simplot Co., which uses a chemical, or "wet" process, for its phosphate processing, is chief among them.

BPA has signed a contract to deliver power, at 2.2 mills, to expand the Monsanto Co.'s plant at Soda Springs, which would open up a whole new dimension for the phosphate industry in Idaho. Simplot claims the contract constitutes "unfair competition" which will force a cutback in Simplot's expansion plans.

Mr. President, the Lewiston, Idaho, Morning Tribune has balanced the conflicting claims so cogently and definitely that I recommend their editorial "Monsanto Deflates Argument" to anyone in doubt about this question, and ask that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Monsanto Deflates an Argument

The strenuous campaign to prevent the Bonneville Power Administration from extending electric service to southern Idaho suffered a heavy blow Friday when the Monsanto Co., said its electric furnace phosphate operations would be neither comparable nor competitive with wet acid operations of the J. R. Simplot Co. plant at Pocatello.

Monsanto also said it had tried and failed to obtain adequate power supplies from private companies under "satisfactory terms which met our requirement." This was denied yesterday by Utah Power & Light Co., which said it had offered Monsanto power at 4.6 mills per kilowatt-hour. Monsanto has signed a contract with BPA to buy power at 2.2 mills.

The Simplot Co. has applied heavy pressure against Monsanto, and against extension of a BPA line to southern Idaho, by announcing it is abandoning plans to expand its operations because of the threat of Monsanto competition.

Monsanto made public at Soda Springs Friday a statement by its vice president, Edward J. Bock, to a congressional committee considering the BPA line extension.

"Electric furnace phosphates, such as Monsanto produces," Bock said, "go to medicinal, food, detergents, and industrial uses where high quality characteristics and low impurities are important. Wet acid phosphate goes primarily to fertilizer markets where purity and quality requirements are of a much lower order. In 43 years of experience our electric furnace phosphorus has not been able to compete with wet process phosphates in fertilizer markets. We have contemplated entering the phosphate fertilizer field, but only with the wet process."

This statement would seem to demolish a Simplot Co. argument that was not very sound at the outset. Simplot simply was pleading for special protection to squeeze out competition from a potential rival firm which needs an abundance of low-cost power to develop phosphate resources in southern Idaho. Now it would appear that the Monsanto Co. would not even be competitive with Simplot operations because the two firms produce different products for different markets. Surely this vital fact will help southern Idahoans understand the nature of the private owner companies' determined campaign to maintain a monopoly in the area.

Meanwhile, familiar myths were promoted vigorously in the guise of new arguments in the dispute. The Salt Lake Tribune, for example, argued editorially that it opposed an extension of BPA lines into southern Idaho because BPA power is "federally subsidized" and said that BPA "losses totaled $75 million" in the last 6 years because its power rates are unreasonably low.

This is not true. BPA is returning to the Federal Treasury, with interest, all the "subsidies" granted by Congress in the form of investments in Northwest power projects. BPA is still well ahead of schedule in repaying the Federal investment. Its books still show a healthy reserve fund, though it has lost money in operations in recent years. These recent losses have not been caused by the low power rates of BPA. They have been caused because BPA has been unable to sell all of the secondary or interruptible power it has for sale. The chief reason it has not been able to sell this power at a profit has been that Congress thus far has failed to authorize an intertie line which would make temporarily surplus Northwest power available to customers desperately seeking more power in California and the Southwest.

Even Kinsey M. Robinson, the wise chairman of the Pacific Northwest Power Co. board at Spokane, joined the fray on behalf of the private power firms.

He said extension of a BPA line to southern Idaho would permit "easier eventual linking of the Bonneville, Missouri Valley, and Colorado River Federal power systems." California and Tennessee Valley systems then could be added, he said. "Then, this intertie of Federal systems would have the private and non-Federal public systems under its thumb. It would create a national power system not too different from that in Soviet Russia."

Robinson understands as well as anyone in the country that a national power grid eventually is necessary and inevitable. Regional power grids, such as the Pacific Northwest network which serves public and private power interests alike, have demonstrated for years the tremendous economic benefits which result from wheeling power where it is needed, when it is needed. Technological developments permitting the transfer of power over much longer distances without serious line losses guarantee that national power grids are certain to come. Private and public power interests alike are busy planning them now.

The real question is not whether the power grids will spread across the Nation, but whether they will be operated to carry public power, private power, or a combination of both. The sensible solution is to assure that they carry both.

In this connection, it is notable that Idaho Power Co. still has not made a clear, public reply to the repeated urgings of BPA to quote rates it would charge to wheel Bonneville power over company lines to southern Idaho. As BPA has learned in the California intertie dispute, private firms are extremely wary of quoting realistic terms for wheeling low-cost Federal power over their own lines. They tend to sharpen their pencils only when the Federal Government moves to build its own lines.

In the case of southern Idaho, of course, Idaho Power Co. and Utah Power & Light have demonstrated repeatedly that they don't want any competition from BPA power under any circumstances. They want to preserve, as a monument to what they call "free enterprise," a segment of the Nation which is almost completely free of public power competition.

The desire is understandable, naturally, from the power companies' point of view. The question is whether the public, which needs low-cost power to develop more basic industries in southern Idaho, will see through the smokescreen of arguments to discover where its own interest lies.

NOTICE OF HEARINGS ON S. 2274, TO CREATE A NATIONAL ECONOMIC CONVERSION COMMISSION

Mr. McGOVERN. Mr. President, I would like to call the Senate's attention to hearings that will begin on May 25 and 26 on S. 2274, a bill to create a National Economic Conversion Commission. This legislation is designed to meet the economic problems involved in shifts or reductions in our military budget.

On Thursday, the senior Senator from New York [Mr. Javits] expressed his interest in the holding of hearings to look into the economic impact on communities of the declining level of defense spending. Senator Javits put his finger on the problem when he asked:

> Who in the U.S. Government is responsible for dealing with the economic impact of (the closing of military bases) on whole communities?

Senator Keating also expressed his interest in this problem and pointed to several areas in New York State in which the impact of defense cutbacks has already been felt.

S. 2274, which is sponsored by myself and 13 other Senators, and which has the bipartisan sponsorship of 28 Members of the House of Representatives, is designed to provide a Federal agency with just the responsibility that the New York Senators rightly say is required. I, therefore, invite the distinguished Senators from New York and other Senators to join in sponsoring this measure and to testify on its behalf before the Commerce Committee.

This bill has been pending since October 31, but the current civil rights debate has made the holding of hearings extremely difficult. Nevertheless, because of the rising sense of urgency felt by many Senators, Senator Magnuson, chairman of the committee, has decided that we can no longer put off meeting our responsibilities in this matter.

Senator Javits has asked the Joint Economic Committee to conduct hearings in this area. He said, however, that "if the chairman of the Joint Economic Committee feels that his committee cannot conduct hearings, I trust that another suitable committee of the Senate will look into the question of whether the Federal Government is really fulfilling its obligations to adversely affected communities in the matter of the closing of defense installations and the termination of defense activities."

The Commerce Committee hearings, scheduled to begin a week from Monday, will deal with this question; so I urge my colleagues in the Senate to participate in these deliberations.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWER (for himself, Mr. Scott, Mr. Young of North Dakota, and Mr. Stennis):

S. 2850. A bill to provide for the inscribing of certain information on Government furnished headstones or markers in the case of members of the military service who die in the Republic of Vietnam; to the Committee on Interior and Insular Affairs.

RECESS TO TOMORROW, AT 10 A.M.

Mr. TOWER. Mr. President, under the previous order of the Senate, I now move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 18 minutes p.m.) the Senate took a recess, under the order previously entered, to tomorrow, Saturday, May 16, 1964, at 10 o'clock a.m.

SENATE

Saturday, May 16, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. Maurine B. Neuberger, a Senator from the State of Oregon.

Rev. Fred M. Chapman, pastor, First Baptist Church, Midlothian, Tex., offered the following prayer:

We lift our voices unto You in prayer, our Eternal Father. To You we give praise, the God of all mankind, the Creator and Ruler of the universe.

It is with hearts of contrition we bow before You. We recognize Your holiness and our sinfulness. We know that You are absolute, and we know that we are completely dependent upon You. Have mercy upon us and cleanse us from all sin.

To You we give thanks for all our blessings. We are especially thankful for our Nation, for our forefathers, and for our sustaining fathers. We thank You for our system of government, the Constitution, and the freedom it affords.

We petition You, our Father. We pray for this great Senate and each Senator. We pray your guidance upon this body as it deliberates the great issues of the day.

May all that is done here today bring glory to God and honor to all men everywhere.

In the name of Jesus Christ we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 16, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Maurine B. Neuberger, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

Lee Metcalf,
Acting President pro tempore.

Mrs. NEUBERGER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 15, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 14, 1964, the President had approved and signed the following acts:

S. 1005. An act to amend paragraph (2) (G) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations; and

S. 1193. An act to amend section 309(e) of the Communications Act of 1934, as amended, to require that positions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Madam President, I ask unanimous consent that at the conclusion of a quorum call, there be a morning hour, under the usual circumstances, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO MONDAY, AT 10 A.M.

Mr. MANSFIELD. Madam President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Has permission been granted for the Senate to take a recess, on the completion of its business today, until 10 o'clock Monday morning next?

The ACTING PRESIDENT pro tempore. Permission has been granted.

CALL OF THE ROLL

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 233 Leg.]

Allott
Bartlett
Bayh
Bennett
Bible
Cannon
Carlson
Case
Church
Clark
Curtis
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fong
Gruening
Hart
Hayden
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Lausche
Long, Mo.
Mansfield
McClellan
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morton
Mundt
Nelson
Neuberger
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Walters
Williams, N.J.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Maryland [Mr. Brewster], the Senator from Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Fulbright], the Senator from Washington [Mr. Jackson], the Senator from North Carolina [Mr. Jordan], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pastore], and the Senator from South Carolina [Mr. Thurmond] are absent on official business.

I also announce that the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Alabama [Mr. Hill], the Senator from Washington [Mr. Magnuson], the Senator from Montana [Mr. Metcalf], the Senator from Rhode Island [Mr. Pell], the Senator from West Virginia [Mr. Randolph], the Senator from Missouri [Mr. Symington], the Senator from Georgia [Mr. Talmadge], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that the Senator from California [Mr. Engle] and the Senator from Florida [Mr. Smathers] are absent because of illness.

Mr. CARLSON. I announce that the Senators from Vermont [Mr. Aiken and Mr. Prouty] and the Senator from Kentucky [Mr. Cooper] are absent on official business.

The Senator from Maryland [Mr. Beall], the Senators from Delaware [Mr. Boggs and Mr. Williams], the Senator from Arizona [Mr. Goldwater], the Senator from New Hampshire [Mr. Cotton], the Senator from Illinois [Mr. Dirksen], the Senator from Iowa [Mr. Hickenlooper], the Senator from California [Mr. Kuchel], the Senator from New Mexico [Mr. Mechem], the Senator from Kansas [Mr. Pearson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from New York [Mr. Javits] is absent by leave of the Senate on official business as Chairman of the Economic Committee of the NATO Parliamentarians Conference.

The ACTING PRESIDENT pro tempore. A quorum is present.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON:

S. 2851. A bill for the relief of Vasilios Manousakis and Eleni Manousakis; to the Committee on the Judiciary.

REPRESENTATIVE GEORGE MAHON, OF TEXAS, NEW CHAIRMAN OF HOUSE APPROPRIATIONS COMMITTEE

Mr. MANSFIELD. Madam President, all of us were deeply shocked at the passing of our old friend and colleague, Clarence Cannon, who was chairman of the House Committee on Appropriations. However, despite the feeling of Congress, we are very pleased and happy that to step into the breach we had a man of the caliber of Representative George Mahon, of Texas.

Many Members of this body served with Representative Mahon and know him as a man who is understanding, tolerant, and reasonable, who does not seek notoriety and publicity, but who does a good, sound job, day in and day out.

In some respects he is not as well known as he should be and this, I know, is a matter of personal preference; but so far as Congress and Texas, his State, are concerned, we know him as a man of devotion, dedication, ability, and experience.

I feel that the Nation is fortunate, under the sad circumstances, to have a man like George Mahon, the tall Texan with his ability, devotion, and dedication, to step into the breach and fill the place left by our late beloved colleague, Clarence Cannon.

Because of my high respect and great admiration for this great Texan and American, I ask unanimous consent that an article by William S. White, which appeared in last evening's Washington Star, entitled "The Passing Scene—All Nice Guys Don't Finish Last," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

All Nice Guys Don't Finish Last

(By William S. White)

Not even in politics do nice guys always finish last. For distinguished evidence of this there is Representative George Mahon, of Texas, who has just ascended to the chairmanship of the House Appropriations Committee in succession to the late Clarence Cannon, of Missouri.

For more than 20 years Mr. Mahon has been a significant Member of Congress. For most of these years he has had a responsible hand in the allocation of countless billions of dollars and a critical and decisive role in defense appropriations alone running to more than $450 billion.

For a decade, at least, he has been among the 10 or 12 men who really run Congress, as head of the appropriations subcommittee which has the military directly in its charge. Now, as chairman of the entire committee, his writ runs everywhere and he is unquestionably among the topmost six of Congress.

DOES JOB QUIETLY

In spite of it all, he has been Mr. Anonymous, quietly doing his job, bearing a staggering responsibility for the military safety of this Nation and its allies around the world, and never making the headlines. Ask the first six people you meet to tell you who is George Mahon and from all six you will very likely get the reply: "Who, indeed?"

Mr. Mahon, a tall, shy, reticent and soft-spoken man of 63 who at a glance could pass for 45, is a leathery product of west Texas who could easily be either the fellow in the white hat or the black hat in any Dodge City of television. His simple, undemanding demeanor masks one of the wisest and most sophisticated minds in the United States in the strategic fundamentals of warfare as seen from the ultimately controlling vantage point held by such political masters of all high strategy.

It is said of him, and rightly so, that he knows the byways of the Pentagon far better than any Secretary of Defense we have ever had—because while Secretaries come and go, Mr. Mahon has stayed on and on.

Still, if you met him you might think him a reserved country schoolteacher or, possibly, a sedate rancher in town to see the banker about a loan. It is the Mahons of Congress—the quiet, little-noticed, deeply responsible men who are content with the power and never mind the pomp and publicity—who are its last and best justification.

Mr. Mahon is never seen at the glittering Washington parties. Celebrated hostesses know him not. Nor is he invited to the intimate affairs of the diplomatic and bureaucratic sets. They, too, know him not. And the more fools they, for within the modest 7-gallon Stetson he wears is a capacity for real decision over real matters a hundredfold greater than in the more socially aggressive guests who are in the curious order of things, asked in his stead.

In reality, Mr. Mahon to, say, an Assistant Secretary of State, is about what a commanding general of an Army group is to an aide de camp wearing his shoulder cord over the gilt bars of a second lieutenant. But reality escapes many people here—and this is fine with such as George Mahon. For they have the work to do.

JUSTIFICATION OF FACTS

Moreover, the Mahons as a class, and George Mahon specifically, are also the last and best justifications of the very two congressional facts of life now under the widest attack from reformers: The seniority system and the one-party system believed by many to be so notably evil.

But for the seniority system, mere personal, popularity polls and log rolling, and not the hard competence that can only come from long experience, would choose the committee chairmen of Congress. And but for the one-party system, with all its faults, men like George Mahon could never survive long enough to reach that place of power from which the Mahons alone are able to disregard the little local pressures and passing hysterias and so to concentrate on the great and timeless national issues.

At this point they are in fact statesmen; and only politicians some of the time and then only incidentally. They are nice guys, yes; but they are something far more. They are indispensable guys.

Mr. ROBERTSON. Madam President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Virginia.

Mr. ROBERTSON. I join the distinguished majority leader in commending the elevation of this great Representative from Texas. It was my privilege to serve with him in the House commencing in 1934. I came to know him very well when we made the trip to the Philippines in 1935 for the inauguration of the first President of the Philippines in the fall of that year.

I had many contacts with Representative Mahon in the handling of the defense appropriation bill. Senators will remember that during the 2 years that the late Senator Chavez of New Mexico was ill, I substituted as chairman of the Defense Appropriations Subcommittee.

George Mahon is one of the ablest men in the entire Congress. There is no more patriotic, dedicated American citizen.

The Nation is fortunate that he will now head what is probably the greatest committee in the entire Congress, because appropriations are bound to be the lifeblood of any government. Whether it is in the Constitution or not, appropriation bills originate on the House side, and the Senate acts later.

Mr. SALTONSTALL. Madam President, will the majority leader yield?

Mr. MANSFIELD. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I wish to add to what has been said that I have sat across the table in many conferences with Representative Mahon on defense matters. I have always found him to be a very honorable man, a man who was willing to make concessions, who saw the other point of view. I am very happy to be able to serve with him now as chairman of the House Committee on Appropriations. I know we shall be able to get along, and I know we will get results.

I join the majority leader in putting into the Record the article of William S. White of last night, which I personally read, and whose expressions I share.

Mr. CURTIS. Madam President, will the majority leader yield to me?

Mr. MANSFIELD. I yield to the Sentor from Nebraska.

Mr. CURTIS. Representative Mahon is really a pillar in the House of Representatives. He is fair. He is thorough. He does his homework. He is courteous and considerate to all Members. He is a man of great knowledge and experience and well respected. It is fortunate that an individual of this type can assume this grave responsibility.

Mr. MONRONEY. Madam President, will the majority leader yield?

Mr. MANSFIELD. I yield to the Senator from Oklahoma.

Mr. MONRONEY. I join the distinguished majority leader and other Members of the Senate in strongly approving the selection of Hon. George Mahon, of Texas, to be successor to the late distinguished Clarence Cannon, deceased, who was the chairman of the House Appropriations Committee.

I served with the distinguished Representative Mahon, of Texas, for 12 years and know of the great work he has done in the House of Representatives. Now he is chairman of the Appropriations Committee. He knows as much about the $50 billion budget and all the technicalities of the needs and requirements of all branches of the service as do the admirals and generals in the Pentagon. His dedication to civilian control of the military has been very pronounced. He is a frugal man, insisting on 100 cents for every dollar's appropriation, with his expertise, knowledge, and study of defense needs on the Military Appropriation Subcommittee. He has shown a dedication always and an intense interest to carefully and considerately allocate Federal funds to the many divisions of Government that come before the full Appropriations Committee. He has been a leader of men, and distinguished himself in this important capacity.

NATIONAL ECONOMIC CONVERSION COMMISSION—ADDITIONAL COSPONSORS OF BILL

Mr. McGOVERN. Madam President, one of the important problems facing the country's economy is the possible reduction and changes in the character of our defense establishment. Many communities across the country have become dependent either upon defense contracts or on military installations. Termination of such contracts or military installations can produce painful distress in terms of disrupted payrolls and loss of business. I believe that we all recognize that the opportunity to reduce unneeded spending and unneeded military installations is one upon which we should seize and which should not be lost sight of because of any impact it may have on the economy.

What is needed is intelligent planning to provide alternative uses for manpower and resources when they become excess to our military security needs.

It is for that reason that I introduced S. 2274 last October, which would create planning machinery for that purpose.

I am happy to ask unanimous consent that at the next printing of the bill the names of the distinguished senior Senator from Indiana [Mr. HARTKE] and the junior Senator from Connecticut [Mr. RIBICOFF] be added as cosponsors to the bill.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. McGOVERN. Madam President, this brings to 15 the number of Senators cosponsoring the proposed legislation. Some 28 Members of the House of Representatives—Republicans and Democrats alike—have since introduced identical measures. I am pleased that on a week from Monday, May 25, the distinguished chairman of the Senate Commerce Committee, the Senator from Washington [Mr. MAGNUSON] will begin hearings on the proposed legislation.

I urge attention and support of the Senate for those hearings.

CIVIL RIGHTS—A RELIGIOUS AND MORAL ISSUE

Mr. HUMPHREY. Madam President, we all know that a strong bipartisan effort was highly significant in bringing about the passage of H.R. 7152 by the House of Representatives. We know, too, that Members of both parties will be responsible for the passage of this bill in the Senate. This is but one reflection of the fact that support for the achievement of equal justice under law comes from every corner of the American population.

Madam President, another development in this struggle for equal rights is the outstanding leadership we are witnessing on the part of the churches, synagogues, and the religious leaders of America.

The injustices suffered by American Negroes and other minority groups have awakened Protestants, Catholics, and Jews to an awareness that the institutions which should be in the forefront of the fight for equality of opportunity—the churches—cannot be silent. The churches and synagogues and the religious leaders of our land are speaking out. They are saying that this great issue of human rights is not primarily a political or partisan issue but fundamentally a religious and a moral question.

They are saying this every day, Madam President, through sermons, church publications, resolutions, and worship services similar to the Church Assembly on Civil Rights, which is held daily at the Lutheran Church of the Reformation on Capitol Hill.

Madam President, the support of men and women of religious faith can be decisive in determining the future of civil rights in this country. In order that their expressions of support be made a part of this historic debate, I ask unanimous consent that 53 statements on civil rights, representing 29 religious groups and denominations, may be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Armenian Church of America]

EMANCIPATION OF THE WHITE MAN

(NOTE.—The following editorial was reported in lieu of an official statement.)

There is no question that the fight for social justice to Negro citizens must be fought on two fronts, and the less obvious but more decisive battle is that which is being waged, or should be waged, in the conscience of white men and women, who must first rid themselves of the accumulated racial prejudice of the past centuries before a worthy solution to the problem can be effected.

A full century has passed since the Gettysburg Address and the emancipation of Negro slaves.

It is now time for the total emancipation of white men and women and children from the rusty chains of their own un-Christian racial prejudice and intolerance. (The Armenian Church, a monthly published by the diocese of the Armenian Church in America, September 1963.)

BAPTIST BODIES—AMERICAN BAPTIST CONVENTION, MAY 1963

(a) The church and racial tensions:

We reaffirm our stand that not only should all American Baptist churches be open to all followers of Jesus Christ regardless of their race but that we should earnestly and actively seek to win all unchurched persons within our community to Christ and to the fellowship of the church. We reaffirm our belief that all persons should be given the opportunity to develop the knowledge and skills needed for church leadership and that all positions of leadership within the local church and on area and national levels should be open on the basis of qualification without regard to race.

(b) Civil rights:

1. Voting rights: The universal right of a qualified citizen to vote is one of the most cherished bases of our democracy. To deny a citizen the right to vote solely because of his race, creed, color, or national origin is contrary to our democratic principles and violates our Christian concept of oneness under God. We, therefore, urge the enactment of appropriate Federal and State laws to assure the equal and unhindered right to qualify, register, and vote.

2. Education: We urge the Federal Government to make available technical and financial assistance to aid public school districts which encounter unusual difficulties in the process of desegregation in compliance with the Constitution.

3. Civil Rights Commission: We urge the continuation and strengthening of the Civil Rights Commission until such time that the President and Congress determine that no major constitutional violation of civil rights exists.

(c) Employment:

We commend our denominational agencies for their progress in fair, nondiscriminatory employment practices. These agencies have set an enviable standard for our churches and all our constituency. We urge them to continued effort in this direction.

We urge our local churches to adopt nondiscriminatory employment practices as their policy and to implement them when engaging pastoral and professional leaders. It is both right and reasonable for the church to engage all staff on the basis of experience, training, and competency, and not race. Local churches should recognize that they may challenge and set the standard for employment practices in their community and in industry, commerce, and municipal agencies by their example. We commend all employers who have already adopted nondiscriminatory practices.

We urge local churches as corporate bodies to exercise their influence to secure local, State, and Federal fair employment practices legislation. We urge American Baptist laymen to exercise their faith by using all their persuasion to introduce and establish just and equitable employment practices.

We strongly urge the general council and those responsible for securing hotel and meeting-hall facilities for annual and other meetings of the American Baptist Convention and its boards and departments, to request that the employment practices of those responsible for these facilities adhere to the principles of fairplay in hiring personnel for the various categories of service, without regard to race, color, creed, or national origin.

(d) Housing: Believing that this is God's world, and accepting all that His creation and sovereignty imply, we believe it incompatible with Christian teachings and beliefs to deny housing to any on the basis of race.

We urge that our fellowship champion open occupancy through legislation and personal practice; that local churches urge their members to work in their community to accomplish the following:

1. Encourage church members to list their houses with real estate dealers who have adopted nondiscriminatory practices.
2. Encourage laymen to use their influence as Christians and businessmen to the end that mortgage loans will not be denied to any person because of race.
3. Organize neighborhood and civic groups dedicated to dealing realistically and openly with racial change in a community.
4. Urge newspapers, chambers of commerce, PTA's, and ministerial groups to advocate open occupancy.
5. Publicize the fact that property values need not decline as racial change occurs.
6. Encourage real estate brokers to adopt nondiscrimination practices in the sale and rental of housing.
7. Introduce and encourage legislation making discrimination illegal in the sale and rental of housing.

We urge our churches, institutions and agencies to make certain that their funds deposited in lending institutions be placed in those that do not deny mortgage loans to any person on the basis of race.

We further urge that in all American Baptist sponsored housing there be public and open declaration that persons of all races are welcome as residents.

(e) Demonstrations against racial segregation: While we regret the need for "sit-ins" and "kneel-ins" and other nonviolent demonstrations, we deplore even more the injustices which provoke and make them necessary to awaken a nation from apathy and summon it to action in eliminating every form of segregation and discrimination.

The way to end demonstrations is to correct the abuses which evoke them, to establish communication between white and Negro leaders, and to negotiate in good faith and with a sense of urgency which a world in ferment requires if change is to come in a peaceable way.

BAPTIST ACTION FOR RACIAL BROTHERHOOD

(NOTE.—The American Baptist Convention announced a program for action, based upon a resolution unanimously passed at the American Baptist Convention in Detroit last May, to be known as Baptist Action for Racial Brotherhood.)

1. Suggested confirmation by all constituent churches of their readiness to accept and welcome as members individuals of all races.
2. Enrollment of present members in personal action of one or more individual steps for racial brotherhood.
3. Individual or group financial contributions to leading organizations working constructively in the field of civil rights.
4. Reciprocal visits with families of other races.
5. Reciprocal church delegation visits with congregations predominantly of other races.
6. Support of comprehensive civil rights legislation on the Federal, State, and local levels.
7. Participation in or initiation of local interfaith committees or conferences of clergy.
8. Taking part in nonviolent demonstrations for civil rights.
9. Encouragement of nondiscrimination practices in housing and in other facilities.
10. Affirmative action to assist in overcoming handicaps of minority citizens resulting from past discrimination and segregation.
11. Special aid to those who have innocently suffered exceptional loss due to racial tensions.
12. Circulation of information literature folders, including Martin Luther King's "letter from Birmingham jail," reports of the "Challenge to Religion," from the interfaith Conference on Race in Chicago, Ill., January 1963, and material on civil rights legislation.
13. Suggested inclusion of the aims of the program in individual and church prayers.
14. Requesting program content within all American Baptist Assembly sessions at Green Lake, Wis. in 1963, and at the national convention at Atlantic City in 1964.
15. Encouragement of seminary leadership of their students and alumni in all phases of racial brotherhood.
16. Providing consultants to meet with local churches on any special problem situations.

NATIONAL BAPTIST CONVENTION, U.S.A., INC.

Almost any American tourist of Europe and other eastern countries meets with the question of the attitude of America toward the intermingling of the races composing the population of the United States.

Some of these peoples are quite "scathing" in their remarks concerning the American claim of democracy and Christianity on the one hand and the treatment America permits to be accorded her minority peoples on the other.

For many years Negroes have been puzzled as to the attitude they should adopt regarding the sincerity of the American claim of the policy of "justice to all and special privilege to none."

When, however, the Supreme Court issued her memorable decision outlawing segregation in the public schools, the race took heart and reorganized her thinking with regard to America being in truth "The land of the free and the home of the brave."

Negroes love America and entertain no bitterness toward her despite the vicious wrongs some commit against them in certain sections of the country. They have too long agonized in prayer for her security. They have given too freely of their blood to vouchsafe her institutions—not to love her with undying devotion. They believe the Supreme Court on May 17, 1954, justified the faith, the hope, and the love they exercise toward this country.

SEVENTH DAY BAPTIST CHURCHES, GENERAL CONFERENCE, AUGUST 1963

The General Conference of Seventh Day Baptist Churches in the years 1956, 1957, and 1958 has affirmed the conviction that Christian love transcends differences of race, color, or position in life; has expressed itself as in harmony with the Supreme Court decision concerning race; has urged conduct in the spirit of Christ in the period of adjustment and planning; and has stated its belief that equality should extend to schools, housing, the ballot, and business and employment opportunities, and that this equality should be promoted by peaceful means.

Therefore, Seventh Day Baptists commit themselves to practice racial equality within their congregations as the only basis on which the church may offer moral advice to the state.

SOUTHERN BAPTIST STATE CONVENTIONS

(There follows a report carried in the January 1963 issue of Home Missions, an official publication of the Southern Baptist Convention. It is doubtless as the editor of that publication has said: "The most significant group of reports Southern Baptists have ever produced on this subject, simply because of their number and the fact the reports are from State instead of national groups, and therefore closer to the man in the pew.")

In North Carolina

In a historymaking action, the North Carolina Baptist Convention voted in Raleigh to hold a joint meeting with the State's Negro Baptist convention in 1964.

This was believed to be the first such joint meeting of major Negro and white church groups ever to be planned in the South.

The meeting has already been approved by the Negro church body—the North Carolina General Baptist Convention.

The action came after O. L. Sherrill, executive secretary of the Negro convention, had told the messengers that "interracial cooperation is a major challenge to the Christian churches of our country today."

"This is not just a courtesy call," Dr. Sherrill said of his appearance at the convention. "I am here to say that the Christian church has reached a crossroads in the interpretation of the mission of the church."

Christians, he said, can no longer afford internal strife but have to "think of a tremendously sick world and the care that must be given through our combined efforts."

In another address, W. R. Grigg, secretary of the Department of Interracial Cooperation, said, "While others are experiencing open conflict, North Carolina Baptists have quietly but surely found ways of keeping lines of communication open and have discovered methods of cooperation in spite of racial prejudices and other kindred barriers."

Grigg stated that the church people "can and should get acquainted on a person-to-person basis" with those of other races.

He noted that three Baptist colleges in the State—Wake Forest, Mars Hill, and Meredith—"have now removed all racial barriers to reception of students."

Also the convention's Christian life committee submitted a report commending communities that have "taken steps, peacefully, to comply with the decision of the Supreme Court regarding the integration of public schools." (RNS.)

In Oklahoma

Calling for "an honest look" at changes in today's world and in Christianity, a southern Baptist leader described the effects of racial prejudice on missionary efforts in an address to the Oklahoma Baptist Woman's Missionary Union annual meeting at Shawnee.

"The day of the proud superiority of the white man is gone, and along with it that brand of Christian missions masquerading as a benevolent, paternalistic ministry to the colored peoples of the world" declared Mrs. William McMurray, of Birmingham, Ala., promotional director for Woman's Missionary Union, auxiliary to the Southern Baptist Convention.

"The arrogance of the white man in his claim to superiority has been more obnoxious to the African and Asian than the claim itself," she said. "Humility is a Christian virtue to which we have paid only lipservice in our conduct toward the dark-skin people. The truth is racial prejudice and discrimination are practiced and condoned in most of our churches."

"Every unfortunate incident involving racial discrimination in the United States is played up in the newspapers of the world," Mrs. McMurray pointed out. "The significant changes which have taken place for the betterment of race relations usually go untold. Be that as it may, Christian America should face the fact that there is nothing in our Constitution or the Bible that places a stamp of approval on color discrimination.

"The treatment of the Negro in the United States has not only been a hindrance to our foreign policy but has proved to be a stumbling block to the work of the missionary overseas," she continued.

In Arkansas

Walter L. Moore, pastor of Vineville Baptist Church of Macon, Ga., spoke to the Arkansas Baptist State Convention in a sermon on missions. He mentioned also the effect of headlines about America's racial tensions on mission work overseas.

Baptist Press reported it was perhaps on account of such statements as these that the Arkansas convention adopted this resolution on human rights:

"We reaffirm our belief in the Christian doctrine of the dignity of man, the flower of God's creation, and believe that human personality everywhere is worthy of respect and love. We further rejoice in every victory toward this end."

In Georgia

While the Georgia pastor spoke to Arkansas Baptists, his own convention, when it met at Macon had gathered expecting the integration of Mercer University to be a major issue, since a trustee committee was studying the administration's suggestion to integrate.

However, it did not come before the convention, which adopted without debate a statement from its resolutions committee saying it would be unwise to take action until the committee has completed its work.

In Texas

The Christian Life Commission of the Baptist General Convention of Texas presented recommendations, which were adopted, deploring the sinful silence of Baptist churches in the Mississippi racial crisis and upheld the U.S. Supreme Court decision of public school prayer.

The recommendation on race relations said all Baptists should acknowledge their share of the blame "for the sinful silence concerning the moral and spiritual principles involved in human relations."

The adoption of the recommendation by the convention appeared to have sparked a student vote at Baylor University in Waco favoring integration of the school. Trustees have announced they are studying such action.

In Arizona

The Arizona Southern Baptist Convention adopted a resolution on man's dealings with other men. It read, "We believe in the dignity of all men, and that prejudice, whether it be social, racial, political or economic, is inconsistent with the teachings of Jesus

Christ. * * * We prayerfully suggest that the members of our churches walk circumspectly in the world, be just in our dealings, and exemplary in our deportment."

In Mississippi

The Mississippi Baptist Convention was offered a resolution on "human relations and modern tensions." It said, in part, "We desire a more realistic portrayal of our Christian human relationships be expressed. * * * We affirm an intelligent good will toward all men everywhere and * * * we believe in the solution of all our problems by rightful means."

However, the resolution was tabled. Given as explanation for tabling it was this: "Any resolution at this time regarding this matter would be open to all types of interpretations and misinterpretations on the local and national level."

In Alabama

The president of the Alabama Baptist State Convention, Howard M. Reaves of Mobile, in his address to messengers, asked Christian people in Alabama to take a stand for law and order in any racial crisis which may arise.

He emphasized he spoke only as an individual. He said he thought he expressed the beliefs and feelings of tens of thousands of Christians of all denominations in saying to Alabama's incoming Governor:

"If and when days of tension come to Alabama, as they came some weeks ago to Mississippi, we look to you as the chief executive of the State to take a stand for law and order."

SOUTHERN BAPTIST CONVENTION, CHRISTIAN LIFE COMMISSION, FEBRUARY 29, MARCH 1, 1960

The commission wishes to again reaffirm its historic emphasis upon the Biblical principle of the value of human personality as taught by our Lord. In the light of recent efforts on the part of Negro citizens in many areas in securing equal rights, especially the right to vote, the commission urges our Southern Baptist people to make use of every opportunity to help Negro citizens to secure these rights through peaceful and legal means and to thoughtfully oppose any customs which may tend to humiliate them in any way.

CHURCH OF THE BRETHREN, ANNUAL CONFERENCE, 1963

THE TIME IS NOW

The deepening crises in race relations all across the land confront the Christian church with its sharpest challenges to integrity and discipleship in this century. A revolution in relations between the races is upon us. We can neither stop it nor delay it. We can only hope to help guide it by active participation in it as concerned and courageous Christians.

The time is now to understand that racial reconciliation is built only on the foundation of racial justice, that justice delayed is justice denied.

The time is now to heal every broken race relationship and every segregated institution in our society—every church, every public accommodation, every place of employment, every neighborhood, and every school. Our goal must be nothing less than an integrated church in an integrated community.

The time is now to practice as well as to preach Christian nonviolence. In this revolution let us not only support and uphold the courageous Negro and white leaders of nonviolence, but let us take our share of initiative, leadership, and risk in helping guide the revolution over the precipitous trail of nonviolence.

The time is now to recognize Negro disappointment and even outright rejection of white Christians, their churches, and their faith. Few white Christians have suffered with their oppressed Negro brothers in efforts to obtain racial justice.

The time is now for us to confess to God our sins of delay, omission, and obstruction for racial justice within and outside the church. Our witness has been weak, despite the courageous witness of a few of our number. Our witness has not matched our basic belief that every child of God is a brother to every other.

The time is now for action, even costly action that may jeopardize the organizational goals and institutional structures of the church, and may disrupt any fellowship that is less than fully obedient to the Lord of the church. In such a time the church of Jesus Christ is called upon to put aside every lesser engagement.

The call of Christ is for commitment and courage in such a time as this. This call comes to every one of us, every congregation among us, and every community in which we live. We can dodge neither the revolution nor the call of Christ. Let us respond in works as eloquent as our words, in practices as profound as our prayers, in action as heroic as our gospel.

Trusting in the Lord of the church for his continuing truth and power which strengthen us for every good work, we propose the following first steps to implement this declaration of concern:

1. That this annual conference engage in an act of confession, repentance, and dedication regarding racial brotherhood and nonviolence;

2. That the officers of this conference establish a continuous prayer vigil seeking God's guidance in our concerns for racial brotherhood and nonviolence during the remaining hours of the conference;

3. That the moderator of annual conference send a pastoral letter to each congregation emphasizing the moral issue in the racial situation and lifting up the concerns of this paper;

4. That the General Brotherhood Board take whatever urgent steps and risks it deems necessary and wise in order to move the church forward and to involve it more deliberately in the movement for immediate racial justice, brotherhood, and freedom, including such activities as participation in appropriate Christian forms of reconciliation, negotiation, demonstration, and nonviolent direct action; and that the board appropriate the necessary funds to implement this program;

5. That each of the agencies and institutions related to the Church of the Brethren—Annual Conference Central Committee, the General Brotherhood Board, regions, districts, congregations, Bethany seminary, colleges, hospitals, and homes for the aged—immediately and thoroughly examine its policies and practices and take any necessary steps at once, both to eliminate any forms of racial discrimination and to adopt aggressive policies for racial justice and integration;

6. That we emphasize with the strongest possible urgency the use of the method of nonviolence rather than violence in achieving racial justice in our country and that we call upon the major organizations leading the movement for racial justice to launch a nationwide educational effort as quickly as possible to counsel all Americans regarding the importance, philosophy, and method of nonviolence.

7. That each local church is called upon to affirm by specific council action the already established annual conference policy that membership within the Church of the Brethren will be accorded without regard to racial background or national origin.

The time is now for every member of the church to be used by God to heal the brokenness in all peoples and races whom God hath made of one blood to dwell on all the face of the earth.

DISCIPLES OF CHRIST INTERNATIONAL CONVENTION, OCTOBER 1963, REGARDING SUPPORT OF IMMEDIATE BROTHERHOOD ACTION IN MORAL AND CIVIL RIGHTS

Whereas the International Convention of Christian Churches (Disciples of Christ) has across the years repeatedly gone on record as supporting the ideal of an integrated church in an integrated society; and

Whereas it is the conviction of this assembly of the international convention that the cause of racial groups suffering from discrimination is inescapably the cause of all Christians who believe every child of God is a brother to every other; and

Whereas it is the further conviction of this assembly that God calls the Christian churches (Disciples of Christ) now, not merely to verbal commitments, but to immediate action that will help those who have been denied full citizenship and human dignity to achieve their valid desire for equal opportunity; and

Whereas the National Conference on Religion and Race, meeting January 14–17, 1963, composed of leaders of the major religious faiths in the United States including representatives of our own brotherhood, has issued a call to all religious groups in the country to move immediately toward interracial fellowship and justice; and

Whereas the General Board of the National Council of Churches of Christ in the U.S.A. has appointed a commission of 25 representative denominational leaders and has authorized this commission to take bold and aggressive action in the area of moral and civil rights for all citizens and has urged all Protestant and Orthodox communions to participate in a general mobilization to move the Nation "steadily toward the moral goal of full human rights for all"; and

Whereas in response to the National Council of Churches' call the administrative committee of the international convention created a Coordinating Committee on Moral and Civil Rights which recognizes that while its first task is to seek justice for those who, because of race, have been deprived of their moral and civil rights, it should keep constantly in mind its responsibility to initiate processes of reconciliation, understanding and assistance of whatever sort needed for those who suffer physical injury or deprivation, misunderstanding, loss of position or social standing because of their involvement in the tensions inherent in this crisis"; and

Whereas a number of the major agencies of the Christian Churches (Disciples of Christ) and many of the ministers of the brotherhood have already committed themselves to cooperation in this developing interdenominational effort to the fullest extent that their consciences will allow: Therefore, be it

Resolved, That this Assembly of the International Convention of Christian Churches (Disciples of Christ) * * * now stands on record as giving full support to the action of the Administrative Committee of the International Convention in setting up its Coordinating Committee on Moral and Civil Rights; and

That it commends the ministers and agencies who have committed themselves to participating in a cooperative program pointed toward immediate achievement of justice and ultimate attainment of brotherly love in the field of race relations; and

That it endorses in principle a brotherhood program that includes such elements as the following:

1. Support of appropriate civil rights legislation,

2. Shipments of food and clothing and other forms of economic aid to persons, including ministers, suffering because of their participation in the current push for racial justice,

3. Prayerful and critical self-examination on the part of all brotherhood agencies and institutions to insure policies that encourage the fullest interracial participation and eliminate all traces of enforced segregation,

4. The providing of financial aid to brotherhood agencies and institutions "if and when" they should lose financial support because of their policies of nondiscrimination or their overt efforts to secure full moral and civil rights for all,

5. Exploration of adult education programs that could help inadequately trained members of minority groups find better employment opportunities,

6. Development of an expanded citizenship education program, particularly in those geographic areas where the franchise has been denied to Negro voters,

7. Fair share participation in interdenominational and interfaith programs in moral and civil rights including the program directed by the National Council of Churches Commission on Religion and Race; and

That it commends to the churches the raising of a special fund of at least $300,000 among the Disciples of Christ to support this intensified and augmented program through special offerings "to show our concern" on two Sundays, October 20 and 27, 1963; and,

That it appeals to all congregations, pastors and agencies that have not already committed themselves to the support of a nondiscriminatory policy to do so as soon as possible and especially urges the administrations and boards of trustees of the few remaining institutions of higher learning related to our brotherhood which have not already fully integrated their student bodies and staffs racially to take immediate action to this end; and be it further

Resolved, That this Assembly of the International Convention urges all Disciples of Christ to face the problems of racial understanding and justice with humility and penitence, admitting the tardiness of their action in support of full moral and civil rights but committing themselves to decisive action without further delay; and

That it challenges congregations, ministers and agencies to face the risks involved in a strong program in moral and civil rights frankly but without faltering, turning frequently to God in prayer so that His will can be brought to bear on today's problems with wisdom, courage, and love.

A Statement by the Presiding Bishop of the Protestant Episcopal Church

Recent events in a number of American communities—Birmingham, Chicago, Nashville, New York, and Raleigh, to mention only the most prominent—underscore the fact that countless citizens have lost patience with the slow pace of response to their legitimate cry for human rights. Pleas of moderation or caution about timing on the part of white leaders are seen increasingly as an unwillingness to face the truth about the appalling injustice which more than a tenth of our citizens suffer daily. While we are thankful for the progress that has been made, this is not enough.

Our church's position on racial inclusiveness within its own body and its responsibility for racial justice in society has been made clear on many occasions by the general convention. But there is urgent need to demonstrate by specific actions what God has laid on us. Such actions must move beyond expressions of corporate penitence for our failures to an unmistakable identification of the church, at all levels of its life, with those who are victims of oppression.

I think of the words we sing as we hail the ascended Christ, "Lord and the ruler of all men," and of our prayers at Whitsuntide as we ask God to work His will in us through His Holy Spirit. And then in contrast to our praises and our prayers our failure to put ourselves at the disposal of the Holy Spirit becomes painfully clear. Only as we take every step possible to join with each other across lines of racial separation in a common struggle for justice will our unity in the Spirit become a present reality.

It is not enough for the church to exhort men to be good. Men, women, and children are today risking their livelihood and their lives in protesting for their rights. We must support and strengthen their protest in every way possible, rather than to give support to the forces of resistance by our silence. It should be a cause of rejoicing to the Christian community that Negro Americans and oppressed peoples everywhere are displaying a heightened sense of human dignity in their refusal to accept second-class citizenship any longer.

The right to vote, to eat a hamburger where you want, to have a decent job, to live in a house fit for habitation: These are not rights to be litigated or negotiated. It is our shame that demonstrations must be carried out to win them. These constitutional rights belong to the Negro as to the white, because we are all men and we are all citizens. The white man needs to recognize this if he is to preserve his own humanity. It is a mark of the inversion of values in our society that those who today struggle to make the American experiment a reality through their protest are accused of disturbing the peace. And that more often than not the church remains silent on this, our greatest domestic moral crisis.

I commend these specific measures to your attention:

1. I would ask you to involve yourselves. The crisis in communities North and South in such matters as housing, employment, public accommodations, and schools is steadily mounting. It is the duty of every Christian citizen to know fully what is happening in his own community, and actively to support efforts to meet the problems he encounters.

2. I would also ask you to give money as an expression of our unity and as a sign of our support for the end of racial injustice in this land. The struggle of Negro Americans for their rights is costly, both in terms of personal sacrifice and of money, and they need help.

3. I would ask you to take action. Discrimination within the body of the church itself is an intolerable scandal. Every congregation has a continuing need to examine its own life and to renew those efforts necessary to insure its inclusiveness fully. Diocesan and church-related agencies, schools, and other institutions also have a considerable distance to go in bringing their practices up to the standard of the clear position of the church on race. I call attention to the firm action of the recent convention of the diocese of Washington which directed all diocesan-related institutions to eliminate any discriminatory practices within 6 months. It further requested the bishop and executive council to take steps necessary to disassociate such diocesan and parish-related institutions from moral or financial support if these practices are not eliminated in the specified time. I believe we must make known where we stand unmistakably.

So I write with a deep sense of the urgency of the racial crisis in our country and the necessity for the church to act. Present events reveal the possible imminence of catastrophe. The entire Christian community must pray and act.

Arthur Lichtenberger,
Presiding Bishop.

Whitsuntide, 1963.

Protestant Episcopal Church, the National Council, October 9–11, 1962

In the light of recent events in Mississippi, the National Council of the Protestant Episcopal Church gratefully takes note that law and order are being restored in that troubled situation. We quote what one of our Mississippi clergy has said, "None of us can stand in the presence of Jesus of Nazareth, look Him squarely in the eye, and say that a Negro should not be admitted to the University of Mississippi." We affirm our complete agreement with this sense of the uncompromising claim of Christ, and our support of our church people in their obedience to it.

This church calls upon its members to face seriously their obligation to conform to Federal and Supreme Court orders in regard to giving all students equal access to our public schools.

All acts of violence and irresponsible and wanton destruction are abhorrent and totally indefensible in the eyes of Christ and His church.

We thank God for the courageous actions of all who have worked for justice, law, and order, and who now labor in the long process of reconciliation. We support our laity, clergy, and church bodies who have spoken and acted in the name of Christ and as responsible citizens.

Above all, let us pray that all in the situation may find in Christ such a measure of courage, wisdom, and faith that wrong will be righted, and healing will take place.

Resolutions Adopted by the House of Bishops, Protestant Episcopal Church, Toronto, Ontario, August 12, 1963

I

Resolved, That the House of Bishops of the Protestant Episcopal Church urges the Congress of the United States to pass such civil rights legislation as shall fairly and effectively implement both the established rights and the needs of all minority groups in education, voting rights, housing, employment opportunities and access to places of public accommodation.

II

Resolved, That the House of Bishops of the Protestant Episcopal Church, mindful of the church assembly to be held in Washington, D.C., on August 28, 1963, in cooperation with the march on Washington for jobs and freedom, (a) recognizes not only the right of free citizens to peaceful assemblage for the redress of grievances, but also that participation in such an assemblage is a proper expression of Christian witness and obedience; (b) welcomes the responsible discipleship which impels many of our bishops, clergy, and laity to take part in such an assemblage and supports them fully; (c) prays that through such peaceful assemblage citizens of all races may bring before the Government for appropriate and competent action the critical and agonizing problems posed to our Nation by racial discrimination in employment, in access to places of public accommodation, in political rights, in education and housing.

III

Resolved, That the House of Bishops of the Protestant Episcopal Church commends to all people the presiding bishop's letter dated Whitsunday 1963, as appropriate and helpful in the present racial crisis; and that we support the presiding bishop in this wise and timely expression of Christian leadership.

The Board of Bishops: The Evangelical United Brethren Church

(A pastoral letter from the board of bishops, the Evangelical United Brethren Church addressed to each local congregation to be read in the churches at the morning worship services on Reformation Sunday, October 27, 1963—or the nearest practical date)

The board of bishops of the Evangelical United Brethren Church calls the attention of all of our ministers and lay people to the action of the 40th session of the general conference adopting the following paragraph which is recorded in the Discipline of the Church under the title, "Human Relations."

"The church respects human personality which is inherent in every race, nation and creed. We believe that the Bible teaches that there is no basis whatsoever for a belief in the superiority or inferiority of any people. Therefore, the church protests against all acts and practices of discrimination which are based upon racial, national, creedal or social differences. 'He has made from one, every nation of men to live on all the face of the earth' (Acts 17: 26).

"The church, following the example of Jesus Christ, upholds the rights and privileges of every individual as clearly defined in the Bible. The church calls upon all her members to commit their attitudes, their actions, and their influences in faithful witness to this fact. The church opposes segregation which is based upon differences of racial or national origin as a sin against God and man. The church must continually examine her teachings and practices to be certain that no violations of human rights are being committed within her fellowship or by the church toward the world. The church must motivate, inspire and encourage the establishment of fair practices, legislation and law enforcement which is in harmony with the Gospel as revealed in Jesus Christ.

"Christian people, under the leadership of the church, must work for the establishing of equal opportunities for employment, education, housing, public accommodation and other privileges of citizenship and must cooperate with other organizations which seek these ends, so that, in harmony with the spirit and teachings of Jesus, men may live together in love and fellowship." (Paragraph 940 Discipline, 1963 edition).

We, the bishops of the Evangelical United Brethren Church, as your servants in Christ, respectfully urge all of our people to be aware of this declaration made by the highest legislative body of the church which nurtures us in the Christian way. We invite an intelligent approach to the problems we confront in this time of revolutionary changes putting into creative action, where we live and work, this pronouncement. We recognize that the heart of the race question is moral and spiritual and that Jesus Christ exerts now a transforming force and a reconciling power where He is given the opportunity to do so. As of old, "He is our peace."

The church is called to prayer for divine guidance and strength that wisdom far beyond the human may come in this hour of need. We unite in earnest prayer in response to the promise of the New Testament: "If any of you lacks wisdom, let him ask God, who gives to all men generously and without reproaching, and it will be given him. But let him ask in faith, with no doubting" (James 1: 5–6).

THE BOARD OF BISHOPS,
R. H. MUELLER.
J. GORDON HOWARD.
H. R. HEININGER.
H. W. KAEBNICK.
PAUL M. HERRICK.
W. MAYNARD SPARKS.
PAUL W. MILHOUSE.

A PRAYER

Almighty God, "in whom we live and move and have our being." Thou hast made "from one every nation of men to live on all the faces of the earth." In infinite love for this world Thou didst give Thine only Son that whoever believes in him should not perish but have eternal life.

Through Christ thou hast bidden us to pray for the coming of Thy blessed kingdom, in which Thy righteous will shall be done on earth. We have treasured these words and now pray for a deeper understanding of their meaning for our times.

Grant us the Holy Spirit's direction and empowering that with conscience alerted, and intelligence at work, we who know the abundant life may be willing to share our freedom with our brothers and sisters for whom Christ died. Make us glad for the heritage of the fathers who opposed the institution of slavery as an infamous evil.

Grant, we beseech Thee, to our generation sensitivity of moral insight. Give to us wisdom as we take our responsibility as Christian citizens. Help us correct practices which are wrong in Thy sight and which harm our fellowman.

May the love of Christ constrain and renew Thy church. Open Thou the doors of our churches to all who need Thee, without discrimination based on the accident of color.

Touched by the Holy Spirit's presence make Thy church a redeeming fellowship where manmade barriers of class and race are transcended. Through the gathered and gathering community make a saving impact upon our world so full of hate and tensions caused by disobedience to Thy holy will.

Open our minds and our churches to Christ who alone can abolish the patterns which create hostility. Renew Thy church and let that renewal begin in us, Through Jesus Christ, our Lord. Amen.

INDIANIA YEARLY MEETING OF FRIENDS

TWO RECOMMENDATIONS APPROVED BY INDIANA YEARLY MEETING IN SESSION, AUGUST 12, 1963

1. In light of the fact that the Indiana yearly meeting representatives to the recent sessions of the Five Years Meeting, with the other Yearly Meetings' representatives, approved the statement on race, which will soon be distributed to every local meeting in the Five Years Meeting, your committee recommends that these sessions of Indiana yearly meeting further endorse this statement with special reference to the portion which states:

"Segregation in all its forms is contrary to the spirit and teaching of Jesus. Certainly there should be no place in the Society of Friends for racial discrimination or enforced segregation. Now in 1963 we are called upon for practical, and dramatic acts of love. As a Society of Friends we need to make certain that all people regardless of color or nationality are invited to worship with us and are encouraged to unite with us, if they are so led. Friends need to be completely open and active in treating all people as children of God in public accommodations, employment on merit, in the selling and buying homes, and particularly in our Friends schools and institutions."

The remainder of the statement is equally important; however its spirit and intent is implied in the foreread quotation.

2. Your committee recommends that Indiana yearly meeting encourage and commend those Indiana Friends and local meetings who already are at work influencing community and legislative action for assuring all members of minority groups respect, dignity, equal treatment and justice. In Christian love we support those who are led to take their place in negotiations, peaceful demonstrations and conferences meeting in the midst of racial conflict and tension. We need to be behind or in the forefront (as the case may be) of every effort to eliminate discriminatory practices and injustice within the church, on the one hand, and positively active in spirit and in deed mobilizing our resources and developing and implementing plans to assure every human his rightful place in society consistent with Christian principles, on the other hand.

HERBERT D. PETTENGILL,
Social Order Committee of Indiana Yearly Meeting of Friends.

THE 5 YEARS MEETING OF FRIENDS, JULY 14–21, 1960

We humbly recognize that our society as a whole has not been true to this basic Christian belief. Too often pioneering in racial equality has been left to the few. But in this day of racial crisis every member of the Society of Friends should be concerned that all races have equal opportunity to participate with one another in worship, education, housing, employment, and voting, and to join in our fellowship.

The Christian way to combat injustice is to act in the spirit of love and forgiveness which Christ both lived and taught, admonishing us "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use and persecute you." (Matthew 5: 44.) In recent months and years our Negro brothers in Christ have practiced to a remarkable degree these precepts of the Master as they have opposed injustice nonviolently and in the spirit of Christian love. We are grateful to them for their leadership in demonstrating the relevance of Christ's teaching in our time and in our own communities.

Race prejudice and hatred are spiritual and moral diseases not confined to any one section of one country or to any one nation. In God's world there is no place for discrimination or prejudice because of racial or national origin, economic circumstance, or religious belief. We believe that there is something in every man which can respond to the love of God, and that every man has the God-given right to walk over the earth in dignity and self-respect. We have the opportunity and the obligation to help secure this right for all.

THE 5 YEARS MEETING OF FRIENDS, 1963

Statement on race

The deepening crises in race relations all across the land confront the Society of Friends and all religious groups with their sharpest challenge to integrity in this century. A revolution in relations between the races is upon us. We can neither stop it nor delay it. Concerned and courageous Christians must participate actively.

Segregation in all its forms is contrary to the spirit and teaching of Jesus. Certainly there should be no place in the Society of Friends for racial discrimination or enforced segregation. Now in 1963 we are called upon for practical and dramatic acts of love. As a Society of Friends we need to make certain that all people regardless of color or nationality are invited to worship with us and are encouraged to unite with us, if they are so led. Friends need to be completely open and active in treating all people as children of God in public accommodations, employment on merit, in the selling and buying of homes, and particularly in our Friends schools and institutions. Friends meetings are strongly urged to scrutinize all contracts, and investments and employment practices in which they may now, or in the future, be engaged to the end that they shall in no way countenance, or give support to, discriminatory practices, and that in calling persons to positions of leadership either in our meeting or in the Society of Friends, the members of Friends who are Negro shall be considered as would any other Friend on the basis of qualification for such leadership.

PHILADELPHIA YEARLY MEETING OF FRIENDS, 1961

Jesus taught, and exemplified by His life, that love is the highest law and that every individual, of every race and nation is of supreme worth.

The Religious Society of Friends recognizes the divine spark in every human being and we are deeply concerned with the racial and religious discrimination that exists in our local communities. We are equally concerned with the suffering, the waste of talents, and the antagonisms which result from segregation and which block spiritual and cultural growth. Under these conditions, the majority group as well as the minority group suffers.

In our country today, individuals and groups are set apart from the mainstream of American life on the basis of their religious background, the color of their skin, or the country of their birth. In large ways and small, such persons are denied full participation in our community life.

We believe that everyone should have real equality of opportunity in securing an education, in finding employment best suited to their abilities or in buying or renting a home. In all of these areas of life, minority groups now repeatedly experience frustration and humiliation. If American society is really motivated by religious and democratic ideals, there is no place for discrimination.

We are encouraged by signs of a growing practice of integration in many Friends' institutions, but we should work to end the segregation which still exists in many other Quaker institutions, such as boarding homes and welfare agencies. Effort should be made to continue the trend of integration of Friends' schools. We should welcome minority group members into our meetings, where their absence indicates a weakness in the heart of the society. We ourselves must be willing to employ members of all groups on their merits. We should seek to change the segregated practices of clubs or recreational organizations in which Friends participate. We should work to end discrimination in all housing. When offering our own properties we should consider doing so on an open occupancy basis, ever mindful of our responsibilities for social education in our neighborhood.

Greek Orthodox Statement on Racial Equality

The Greek Orthodox Church is against segregation of any kind, and believes in the full equality of all races and peoples. Our church believes, moreover, that all Americans, regardless of faith and color, should be granted equal opportunities for public education and for employment in all fields of endeavor, consistent with the best of their abilities and qualifications; and that all should enjoy equal advantages and be the beneficiaries of equal public accommodations and facilities in all circumstances.

In this spirit we call upon our citizens of all faiths, and upon all those who cherish truth and justice, to oppose every depression and demonstration of bigotry. We also urge all our fellow citizens to desist, in word or action, from whatever might seem to further the circulation of false reports, rumors, or representations that distort our mutual relations and the progress of our common welfare.

But the Christians of America should feel they have a special mandate to work for equal rights for all in order to prove that the legions of Christ can meet in His name a great challenge by upholding these rights wherever and whenever they are endangered. Christian love is not a semantic symbol; it is a commandment to which we must conform our actions as Christians and strive in every way to make a reality, consistent with the will of God which was expressed by His Son Jesus Christ when He said "Love ye one another."

The whole question of integration and equal rights for all rices, and humane understanding among them, has an ethical basis linked not only with our own national security but also with our relationships with half the nations of the earth. Justice, peace, and equality are not meant to be merely noble words; they are meant to be the basic and workable concepts of humanity, which will teach us to help and respect each other.

The present integration conflict in the South is wasteful and unproductive. The American Negro has great talents which he should be given every opportunity to develop for the further cultural enrichment of America, to which he has already contributed so much. Wherever the Negro has been given real opportunities, or has had the initiative to seize them himself, he has excelled. We see this perhaps most dramtically in the fields of music, the performing arts, and athletics; but in a less spectacular way it is true of all fields of endeavor, none of which should be closed to or made difficult for the Negro.

We must point out, however, that in the heat of the integration problem, the great gains that have been made over the years toward equal opportunities for Negroes may tend to be overlooked or minimized. We therefore urge patience and forbearance upon all concerned, for the bitterness and the hurts which accompany and follow the extremities of violence, defeat or retard the ultimate goal of equality for all dictated by the democratic processes which have been and always must remain the bases of the American will and government.

August 1963.

Archbishop Iakovos,
Primate of the Greek Orthodox Church of North and South America.

Commission on Social Action of Reform Judaism

HUMAN RIGHTS: RESOLUTION ADOPTED JUNE 3, 1963

The spiritual mandate of our prophetic Judaism compels us to translate into reality the sacred ideal of the brotherhood of man and the Fatherhood of God. Judaism not only condemns all racial bigotry; it affirms the belief in the sanctity of man created in the image of God. Judaism thus places a moral responsibility upon its adherents to affirm this equality as children of the one universal God.

Aware of and sharing the increasing and justifiable impatience within the Negro community, we avow and declare our continuing support of our fellow citizens' just demands for complete human rights now.

We urge, therefore, a speedup in the process of school desegregation throughout the country. All too often this process has been impeded by specious appeals for gradualism and by acquiescence in de facto segregation in our Nation's public schools;

Complete support for those legislative proposals affecting civil rights which were presented to the Congress of the United States by the President in June of 1963. The citizenry of our Nation must bring to bear on their Representatives in Congress every legitimate pressure to see to it that the techniques of filibuster and political expediency not be used to prevent the enactment of such urgently needed legislation to safeguard human rights;

The strengthening of interreligious and interracial programs of action in every community along the lines of the National Conference on Religion and Race.

The rising social revolution in which all Americans are now irrevocably involved makes clear that we must learn to live together as brothers if we are to live together at all.

In the final analysis, racism is a moral evil and not merely a legislative failure. It is, then, the people of America more than her institutions who now stand on trial before the bar of judgment. The decisive factor in bringing justice to all is what each of us does and feels and thinks. We urge the men, women, youth, and children of our movement to do all that is in their personal power immediately to redeem the humanity of every American.

Remarks of Rabbi Joachim Prinz at the March on Washington for Jobs and Freedom

I speak to you as an American Jew.

As Americans we share the profound concern of millions of people about the shame and disgrace of inequality and injustice which make a mockery of the great American idea.

As Jews we bring to the great demonstration, in which thousands of us proudly participate, a twofold experience—one of the spirit and one of our history.

In the realm of the spirit, our fathers taught us thousands of years ago that when God created man, he created him as everybody's neighbor. Neighbor is not a geographic term. It is a moral concept. It means our collective responsibility for the preservation of man's dignity and integrity.

From our Jewish historic experience of three and a half thousand years we say:

Our ancient history began with slavery and the yearning for freedom.

During the Middle Ages my people lived for a thousand years in the ghettos of Europe.

Our modern history begins with a proclamation of emancipation.

It is for these reasons that it is not merely sympathy and compassion for the black people of America that motivates us, it is above all and beyond all such sympathies and emotions a sense of complete identification and solidarity born of our own painful historic experience.

When I was the rabbi of the Jewish community in Berlin under the Hitler regime, I learned many things. The most important thing that I learned in my life and under those tragic circumstances is that bigotry and hatred are not the most urgent problem. The most urgent, the most disgraceful, the most shameful, and the most tragic problem is silence.

A great people which had created a great civilization had become a nation of silent onlookers. They remained silent in the face of hate, in the face of brutality, and in the face of mass murder.

America must not become a nation of onlookers. America must not remain silent. Not merely black America, but all of America. It must speak up and act, from the President down to the humblest of us, and not for the sake of the Negro, not for the sake of the black community but for the sake of the image, the idea, and the aspiration of America itself.

Our children, yours and mine, in every school across the land, every morning pledge allegiance to the flag of the United States and to the Republic for which it stands and then they, the children, speak fervently and innocently of this land as the land of "liberty and justice for all."

The time, I believe, has come to work together—for it is not enough to hope together, and it is not enough to pray together—to work together that this children's oath—pronounced every morning from Maine to California, from North to South—that this oath will become a glorious, unshakable reality in a morally renewed and united America.

Statement of the Synagogue Council of America on Race Relations

"Have we not all one Father? Hath not one God created us?" (Malachi 2: 10.)

The ethical preachments of the prophets of Israel are universal, applicable to every human being regardless of race, religion, or creed.

Centuries ago our rabbinic sages, in commenting on the verse from Genesis describing the divine creation of man from the dust of the earth, observed that God took earth from all corners of the world with which to fashion man so that no man could claim superiority because of the color of his skin.

It is our desire to integrate human beings into a whole society, free from destructive divisiveness and delusions of superiority. Racism has no place in Jewish belief or practice.

Our all pervasive concern is the advancement of our horizon of American democratic living by providing the maximum conditions for growth, personal fulfilment, and ability to contribute to the strengthening of community life to every citizen of our country. That which stultifies growth of the individual, or of our country, must be eliminated. Where there is racial or religious discrimination there is also personal suffering, a breakdown of communications, community and national stagnation and decline, economic disability, and reduction of our effectiveness in the realm of international affairs.

We cannot hold out the hope of a brighter future to the oppressed peoples of the world, nor can we speak of the blessings of democracy to the developing nations of the world, if we are not prepared to eliminate racism and religious bigotry from our own shores.

It is our fervent hope that religious leaders of all races, will affirm and support those efforts now being made within our country to eliminate racial and religious bigotry, as well as condemn those individuals and groups who seek to perpetuate these evils.

A CHRISTIAN AFFIRMATION ON HUMAN RELATIONS

(Approved by the church council, the American Lutheran Church, October 1961, as a policy statement and for commendation to congregations for study and individual affirmation. Recommended by commission on research and social action, based on statements adopted in 1958 by the National Lutheran Council and by the three bodies which united to form the American Lutheran Church.)

We believe that: God created one human family and that all men everywhere, whatever their color, culture, class, or caste, are inseparably related and bound together as members of that one human family.

All men are created in the image of God and are equally precious in his sight.

Jesus Christ, himself the God-man, who was born, lived, died, and rose again, lives now as the Saviour and Lord of all men everywhere, whatever their color, culture, class, or caste.

All men are by nature selfish and in rebellion against God; and that only through God's reconciling grace can they be set free from the dominion of sin to live as one in Christ.

Jesus Christ came to bring salvation to all men; and that, therefore, it is the obligation of the church everywhere to communicate the Gospel without discrimination or distinction.

Since the church is created by God, the decisive factor in its policies and practices is not the will of men as conditioned by social, economic, or cultural patterns but rather the eternal will of God as revealed in Christ Jesus.

Through the Gospel, the Holy Spirit establishes the fellowship of believers and to that fellowship calls all men; and that to exclude from worship or membership in the local congregation any person on the basis of color, culture, class, or caste is to sin against God and man.

Christians ought to exercise their social responsibility by acting in their own communities to remove whatever injustices exist and to insure for all persons, without discrimination, just and equal opportunities, especially in housing, employment, education, and access to social welfare services.

THE LUTHERAN CHURCH IN AMERICA

The Lutheran Church in America is a new church body which came into existence in July 1962. There has not been opportunity, therefore, for this church to issue convention approved statements on race relations. Predecessor church bodies have spoken forthrightly on this matter. Moreover, in the midst of the present crisis in race relations, the executive council, the president, and many of the synods of the Lutheran Church in America have set forth their testimony. In addition, through its representatives to the National Council of the Churches of Christ in the U.S.A., the Lutheran Church in America has participated in the actions of that common agency of the churches. It should be emphasized that the church must act as well as speak if what has been said is to be an encouragement in the struggle for justice.

EXECUTIVE COUNCIL, JUNE 1963, STATEMENTS ON RACE RELATIONS

Whereas the Church of Jesus Christ must heed God's call to practice love and justice in human relations; and

Whereas predecessor church bodies of the Lutheran Church in America has expressed themselves against the evil of segregation and discrimination on the basis of race (Augustana Lutheran Church—1948, 1956; the United Lutheran Church in America—1952, 1956, 1958); and

Whereas action compatible with the Christian responsibility for love and justice is necessary: Therefore be it

Resolved, That the executive council, acting in behalf of the Lutheran Church in America:

1. Affirm the 1952 statement of the United Lutheran Church in America and the 1956 statement of the Augustana Lutheran Church, regarding race relations, pending a pronouncement by a convention of the church on this matter;
2. Declare its conviction that any segregation or discrimination on the basis of race in the congregations, agencies and institutions of the church is in violation of God's will;
3. Commit itself to work for eradication of such segregation and discrimination wherever they may exist;
4. Call on the congregations, synods, institutions, boards, commissions and auxiliaries of the church to develop within their assigned areas of responsibility programs of self-examination and action leading to justice in race relations;
5. Urge members of the congregations to initiate and support efforts at reconciliation between the races in their communities and to support proper legislation designed to assure equal opportunity for all citizens in housing, education, employment, voting, and access to all facilities serving the public; and
6. Authorize and request the president of the church to send to all the ministers of the LCA and their congregations, a pastoral letter expressing the conviction and concern of the church on the fundamental moral issues of love and justice in race relations.

GENERAL CONFERENCE MENNONITE CHURCH OF NORTH AMERICA

LETTER SENT TO ALL REPRESENTATIVES AND SENATORS, JULY 1963

The peace and social concerns committee of the General Conference Mennonite Church of North America is taking this opportunity to register with you concern about the racial discrimination and injustice which exists in our country today. "Equality and justice for all" has been a motto of our country for centuries. It is time to put this ideal into action. Effective civil rights legislation which guarantees equal economic, social, and educational opportunities to each American citizen, regardless of race, is a must this year.

In 1959 the delegates from the various congregations of our denomination adopted the enclosed statement, "A Christian Declaration on Race Relations." It is designed to speak to the churches of our conference. We are sharing it with you to inform you of our official position on this issue.

We believe that race prejudice causing race discrimination and injustice is sin. Biblical teaching and Christian theology support our position. But even from human points of view, one should accord to every man the dignity and justice he deserves as a human being regardless of race or creed. Nineteen hundred and sixty-three might go down in history as a year in which great advances were realized in the whole area of race relations in the United States. May we count on you to help realize these high objectives through your vote for civil rights legislation.

Sincerely,

ESKO LOEWEN,
Chairman, Dean of Men, Bethel College, North Newton, Kans.
DAVID HABEGGER,
Secretary, First Mennonite Church, Pastor, Upland, Calif.
VERN PREHEIM,
Executive Secretary, Peace and Social Concerns Committee.

(The position on race relations of the General Conference Mennonite Church as adopted at Bluffton, Ohio, August 17, 1959.)

OUR PLIGHT

Fear and hate, pride and suspicion, and strife and violence have from time immemorial set man against man, one racial group against another, nation against nation, and Christian brother against Christian brother. Within our own Nation closed schools, riotous mobs, restricted housing, and segregated churches give unmistakable evidence that sinister feelings are tearing us asunder, leaving in their wake all the tragic consequences of discrimination against racial and minority groups (Mexicans, Negroes, Jews, American Indians, oriental peoples, and others).

Christian people cannot remain silent under conditions like these. Our failure to exercise Christian love at home has weakened our mission outreach. How shall we extricate ourselves from the tangle of such unhappy social relations How shall we seek a society where people of all races and nations enjoy equal privileges and responsibilities?

OUR FAITH

It is clear that before God all mankind is one. He created man in His own image. "God is no respecter of persons; but in every nation he that feareth Him, and worketh righteousness, is accepted with Him (Acts 10: 34, 35). "And (He) hath made of one blood all nations of men for to dwell on all the face of the earth" (Acts 17: 26).

God does not make distinctions on the basis of physical features. He does not look on "the outward appearance" but looks "on the heart" (1 Samuel 16: 7). "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus" (Galations 3: 28).

Before God all men without exception are sinners (Romans 3: 23) and all stand in need of God's redeeming grace. There is therefore no room for condescending pride or scorn of any person or group. Racial prejudice is sin.

In Christ all barriers of race and nation are shattered for time and eternity because He calls men through the experiences of forgiveness and of commitment to a new unity, in His body, the church. Here the gathered of all nations are united in love under the one head, Jesus Christ. To this church He has entrusted the ministry of reconciliation, man with God, and man with man.

The early Christian community understood that within the church there can be no significant difference of race or nationality. Even the deep-rooted barrier between Jew and Gentile was overcome by the power of the gospel. To the astonishment of many, the Holy Spirit came upon all who repented. By the power of the Spirit the early church broke the barriers of class, race, and nation.

OUR GUILT

We confess that we as a conference fellowship have sinned and are guilty of the spirit of exclusiveness.

Is it not somewhat disturbing that our conference body assembled here is almost exclusively a white group?

Have we wrapped around ourselves a robe of self-righteousness, afraid lest a free Christian brotherhood of love dilute our Mennonite customs and culture?

Have we in our church-sponsored institutions—schools, hospitals, homes for the aged—accepted people because they were human beings in need of our love and we in need of theirs? Or have we inwardly and outwardly discriminated against them because of race or nationality?

How concerned have we been about hateful, discriminatory practices against minority groups in our communities? Is it not ironical that the law courts of our land should manifest a more sensitive conscience on such discriminatory practices and surpass the church in proclaiming a just view of race?

OUR COMMITMENT

By the grace of God we as individuals and congregations will strive sincerely and prayerfully to love every person as we are loved by Christ. Each person is infinitely precious in the sight of God and as God's child he must be as precious to us. Always mindful of this, we will reach out in service to our fellow men, irrespective of race, language, or color of skin.

We will conscientiously strive to free ourselves from pride, condescension, and scorn toward any group whether it be racial, national, economic, or religious.

We are strengthened in these concerns by a firm conviction that the historic Christian peace witness is now demanded. Peacemakers are surely needed in the midst of the present deadly racial warring of man against man. We will therefore surrender ourselves completely to the love of God that we may become channels of His reconciling purpose to build a brotherhood of love in Christ Jesus—a brotherhood which is open to all men.

We call on our member congregations and our conference institutions to examine themselves and to purge themselves from prejudiced attitudes and practices toward racial and other minority groups. We further ask them to oppose such prejudice wherever it appears in their local congregations, institutions, and communities. To give reality to this confession and commitment we request:

1. Each congregation of our conference prayerfully to consider adoption of the following: As a congregation under the Lordship of Christ and by the grace of God we declare that "In every nation he that feareth Him, and worketh righteousness, is accepted with Him" (Acts 10: 35). Such a person of whatever color or national origin is therefore welcome to us as brother and member, coworker and leader.

2. Each conference-related institution prayerfully to consider adoption of the following: As an institution under the Lordship of Christ and by the grace of God we declare that we will in our personnel and admission policies and in our programs of service give consideration to all persons without regard to color or national origin.

AFRICAN METHODIST EPISCOPAL ZION CHURCH

BOARD OF BISHOPS, AUGUST 3–9, 1963

The African Methodist Episcopal Zion Church, founded 167 years ago on the principle of freedom, and having participated in the freedom movement, working as abolitionists before the Emancipation Proclamation and full freedom since 1863, hails the engagement of the religious forces of the world in the new thrust for freedom by churches and churchmen since January 1963.

The American Negro and a large number of white Americans are committed to the slogan "Freedom Now." After negotiations have failed, lines of horizontal communication broken, and hostility to desegregation programs has been announced, we heartily approve of the direct action, nonviolent demonstrations, selective buying campaigns, and voter registration drives now popular across the country.

The African Methodist Episcopal Zion Church urges that the mind of Christianity be not occupied only with philosophical and theological problems if it is to bring the races of men together. It must set itself to grapple in earnest with the complexities of life and the problems which they create for the Christian conscience.

BOARD OF CHRISTIAN EDUCATION, JUNE 1962

We are on the side of righteousness and social justice—and allied with every respectable group that is struggling in the field of social action trying to bring the ethics of Jesus to bear upon the ills of our disjointed social order.

We are with the NAACP, CORE, the Southern Christian Movement and all others who will do moral battle against the demon of injustice.

We are with the peaceful demonstrators, the stand-ins, sit-ins, kneel-ins and lie-ins. We support any and all decent effort put forth in the American tradition, and designed to bring a full measure of first-class citizenship. We are thoroughly committed to the moral struggle for freedom in all areas of American life. And as a church, we have been waging battle against all forms of injustice for more than a century and a half.

Our love, as an ethnic group, for America has been demonstrated, in sweat, blood, tears, sacrifice, and death, in all of her wars for survival. We are jealous about our country's reputation before the eyes of the world. Also, we are determined to see to it for the good for us all, that the inspired preachments of her Constitution and Bill of Rights concerning equality and justice and the pursuit of happiness, for all citizens become a living reality.

GENERAL CONVENTION ON CHRISTIAN EDUCATION AND NATIONAL CHRISTIAN YOUTH COUNCIL, AUGUST 1962

The quadrennial session of the general Convention on Christian Education and National Christian Youth Council of the African Methodist Episcopal Zion Church views with Christian social concern and alarm the inequities, injustices, and inhumanities meted out to many on account of race, color, and national origin. We deplore the vast discrepancy between professed faith and ideals, and practice. As Americans, we are thereby losing the democratic, moral, and spiritual leadership of the world.

We reaffirm our faith and conviction in the "Church's Responsibility for Freedom" explicit in the organization of our church in 1796 and its history until now. We pledge ourselves as individuals and groups committed to the task of bringing to realization by nonviolent efforts equality of opportunity in education, in voting rights and privileges, in housing, in transportation, in employment and upgrading, and in laws and their administration by legally constituted authorities.

Unprecedented ventures are being made to implement Judeo-Christian ideals with social action, legislation, court decisions, and a climate for human rights and equality.

As a result of this revolution, increasing freedoms and job opportunities are now being offered and filled irrespective of race, color, or national origin. We therefore urge our members and constituents to continue the struggle to transform the race relations jungle; and in the meantime for youth to pursue their education with a high sense of dedication and excellence without interruption.

We pledge our time, talent, and resources to cooperate with all who genuinely demonstrate their high commitment to substitute interracial brotherhood for the welter of racial distress.

CHRISTIAN METHODIST EPISCOPAL CHURCH

COLLEGE OF BISHOPS, JULY 1963

To the Beloved Brethren and Sisters of the Christian Methodist Episcopal Church:

We your chief pastors, after much prayer, meditation and some soul searching, address you today on the crisis which has developed in our beloved country over the struggle of our people to walk in dignity as first class citizens of the United States of America.

One hundred years after the Emancipation Proclamation, on the basis of the color of our skin, we are still denied the elementary rights of citizens. We are convinced that "racial prejudice, discrimination and segregation are in absolute conflict with the word of God and are inherently immoral and sinful." We are also convinced that organized religion has been remiss in its duty in this field. We believe the time has come for concerted action on the part of the church to remove all barriers to full freedom for all men everywhere. We also believe that citizenship in our Nation should be determined on the basis of personal character, patriotic loyalty, mutual good will; and not by race, color, or other considerations.

We are heartened by recent actions taken by Jewish, Roman Catholic, Protestant, and Orthodox groups on the national level. Many of the communions have already or are preparing to enter the field of direct action in which social action groups have been engaged for some time. We know that our Founding Fathers, in the Declaration of Independence, the Preamble to the Constitution, the Constitution, and the amendments to the Constitution set forth the proposition that God, as the Creator, Ruler, and Redeemer, is the ultimate reference in the light of which man relates himself to God, to other men, and to the universe.

It is not surprising that long years of denial of equal economic opportunities, denial of the use of the ballot in some, equality before the law, harassment, and brutality by officers of the law in some areas, discrimination in public accommodations and segregation and discrimination in education, have brought Negroes almost to the end of their patience. In despair they have taken to the streets in demonstrations, marches, sit-ins, kneel-ins, and other forms of protest. We take the position that God's will is the source of the law that determines the rightness and wrongness of human relations.

From every side we are called upon to give guidance and a word of hope. In an attempt to comply with these many requests we have come together today and called in for consultation and advice leaders from all the annual conferences. Out of our combined judgment we are addressing this communication to you.

Our church takes its position with the people of good will who seek to eliminate segregation and discrimination on the basis of race in all areas of our national life. It is the studied opinion of the College of Bishops that God our Heavenly Father has created all men for His glory and has made of one blood all the races of men. We, therefore, call upon our people to support all civic and social organizations seeking to establish justice and equity for all people. We subscribe wholeheartedly to efforts made by the NAACP, Southern Christian Leadership Conference, Student Christian Nonviolent Committee, the National Urban League, and other organizations and movements for racial equality. We commend the courageous men and women of all races, and in every section of our great country, who are giving their support to the struggle being made by the American Negro for freedom and justice. We especially commend our young people for their courageous, orderly, nonviolent, and Christ-like spirit in seeking redress to many injustices heaped upon them.

SUGGESTIONS FOR IMPLEMENTING CONCERNS OF THE CHRISTIAN METHODIST EPISCOPAL CHURCH IN THE STRUGGLE FOR CIVIL RIGHTS AUTHORIZED JULY 23, 1963

God's concern has been always for the world where men strive, hate, suffer, love, and die. And the Church is never more truly representative of its Lord than when it evinces a concern for people consistent with the creative purpose and will of God in making men of one flesh and blood and in his own image.

As a denomination, we believe that the unprecedented struggle for dignity and equality by underprivileged peoples around the world and particularly in the United States is consistent with the will of God for human life as revealed in Jesus Christ. Consequently, we add our witness to that of the National Council of the Churches of Christ in the U.S.A.'s pronouncement on race and endorse President J. F. Kennedy's civil rights bill and urge our local congregations to make full use of their power in support of efforts to remove whatever practices and procedures that negate the divine endowment and constitutional equality of all men.

The Christian Methodist Episcopal Church in this national consultation on the concern for the struggle for first class citizenship issues the following statement on implementation of our program and efforts for full rights and human dignity:

We urge our individual members in local communities to become concerned and informed on the current issues, problems, and movements in the area of race relations;

We urge each individual to serve as a one-man committee to disseminate known information and seek other sources and resources for information and help in the solution of the problem;

We call upon each individual in this period of crises to register as a voter and encourage all others in our community to join in a total effort for full citizenship for all;

That individuals register their concern and conviction in whatever manner is appropriate on the side of human dignity, identifying themselves with the movements for freedom, equality, and justice;

That we seek ways and means of influencing government officials on all levels to stand up and be counted for justice.

At the local community level, we urge:

1. All local churches to relate themselves to all forward movements for full citizenship.

2. To initiate negotiations and consultations where possible and demonstrations and direct action where necessary, using the nonviolent method.

3. To sponsor civil rights meetings in our local churches.

4. We urge local churches to take life memberships in the NAACP and give financial support to other national civil rights organizations.

5. As a denomination we hereby make our position clear in the area of civil rights. We as a denomination urge each local church to appoint a Christian Social Action Committee to direct the program of the church on racial justice and harmony.

6. As a denomination we seek unity of purpose and program.

7. That the National Committee on Christian Social Action be enlarged to become the Commission on Christian Social Action with authority and funds to implement these recommendations.

8. That we take advantage of our relations in the committee on cooperation and counsel of the Methodist Church and the C.M.E. Church.

9. That we establish a public relations office for the purpose of disseminating to all mass media our program and action.

10. That we sponsor a national workshop on race and religion to provide the leaders of the church with program and technique in social action.

11. That we explore the possibilities of a united witness with other Methodist religious bodies.

12. That we provide for the full financial support of our ministry in order that they may be free to lead fearlessly and with dignity in the struggle without fear of economic reprisals.

Cooperation with other denominations

1. That we solicit the aid of every denomination in our individual communities of all races to remove the barriers which prevent full participation of all citizens in world brotherhood.

2. That we join and support State and local councils of churches and State and local councils of human relations.

3. That our youth, who are now highly motivated, be encouraged to cooperate with youth organizations seeking democratic implementation of the Constitution of the United States.

Cooperation with social agencies

1. That we support such social agencies as the NAACP, SCLC, Urban League, CORE, SNCC, and USNSA.

2. That we seek to influence the selection of the leadership of community organizations to insure the selection of persons of integrity and character.

3. That we continue to give support programwise and through annual contribution from the general church and annual conferences to the national civil rights effort.

At the trifaith level

1. That we press for the continuation of conferences on race and religion on all levels, patterned after the National Conference on Race and Religion.

2. That our church leaders make joint periodic statements with other Christians and Jews regarding racial justice.

3. That we join with Catholics and Jews in initiating negotiations and demonstrations to secure these rights for all.

General

That we in this conference serve notice to the world that we will move forward as Christian witnesses * * * giving our minds, bodies, and souls, that "This Nation under God shall have a new birth of freedom."

THE METHODIST CHURCH

COUNCIL OF BISHOPS, NOVEMBER 13, 1963

The Methodist Church stands for the equal rights of all racial, cultural, and religious groups. We confess with deep penitence that our performance as a church has not kept pact with our profession. The right to choose a place of residence, to enter a school, to secure employment, to vote or to join a church, should in no way be limited by a person's race or culture.

The Methodist Church must build and demonstrate within its own organization and program a fellowship without racial barriers. The church must also work to change those community patterns in which racial segregation appears, including education, housing, voting, employment, and the use of public facilities. To insist that restaurants, schools, business establishments, and hotels provide equal accommodations for all people without regard to race or color, but to exempt the church from the same requirements is to be guilty of absurdity as well as sin.

We urge our pastors upon whom rests the responsibility of receiving persons into the church, to receive all who are qualified and who desire to be received without regard to race, color, or national origin, and we individually and collectively pledge them our support as they do so. The Methodist Church is an inclusive church.

We decry, on legal as well as Christian grounds, the denial to any person of any color or race the right of membership or the right to worship in any Methodist Church. Further, to move to arrest any persons attempting to worship is to us an outrage.

We call upon all Methodist institutions where such has not been done, to bring their racial policies and practices in line with the Christian principles of racial inclusiveness to which we are committed.

We affirm the legality and right of those minorities who are oppressed anywhere in the world, to protest, to assemble in public, and to agitate for the redress of grievances, provided this is done in an orderly way. A public march as a vast petition for attention and justice is in line with the principles on which this Nation was founded. The recent march in Washington provided a spectacular and well-directed move of this kind.

SECOND METHODIST CONFERENCE ON HUMAN RELATIONS, AUGUST 26–30, 1963

The General Conference of the Methodist Church met in 1960 and adopted a statement which was carried in the January–February 1961 issue of the Interracial News Service. Since the general conference will not convene till later this year, the following action, taken by delegates to the Second Methodist Conference on Human Relations under the auspices of 11 Methodist agencies or boards, is carried in lieu of republishing the 1960 statement.

THE CALL TO INVOLVEMENT—THE CHURCH

We are deeply troubled in our proclamation of the gospel to the world by the conflict between our confession and our practice of race relations in the life and structure of our church. We must have the courage to sense God's judgment, and to examine our complacent indifference. We must become so definitely identified and involved in the struggle for justice and human righteousness that we bear within ourselves the suffering of those who are victims of injustice.

The Methodist church is now called to an inner suffering which will allow for its own change. It is called to a losing of what it has been and for a risking of what it is. Thus we will be freed from our preoccupation with our own structure and from an absorption in our own life.

The Methodist church is called to change now—to remove the symbol and fact of racial segregation in order that it may give itself as a living sacrifice in an age when the Holy Spirit might use its body.

The call to suffer is to all Methodists, regardless of race or color.

We must all of us desire a oneness so much that we do not hold back for the lack of a blueprint for its immediate effectiveness.

The hour is upon us to stride forward in faith. Problems inherent in inclusiveness must be solved; such as acceptance of the principle of inclusiveness in all aspects of local church life, pulpits open to all ministers, salary and pension adjustments, adequate and continued representation.

We, therefore, urgently recommend:

1. That the 1964 general conference be requested to call upon all jurisdictional conferences to take immediate steps to effect the transfer of the annual conferences of the central jurisdiction into regional jurisdictions.

2. To call upon the regional jurisdictions to merge the central jurisdiction annual conferences so transferred with existing or newly created annual conferences of the regional jurisdictions. These transfers and mergers shall be completed not later than 1968.

3. It is recommended, further, that the commission on interjurisdictional relations and the committee of five be requested to work out an overall plan to facilitate the transfers and mergers incident to the abolition of the central jurisdiction.

4. That the council on world service and finance provide the funds, equitably apportioned to all conferences, in order to remove present inequalities in salaries and pensions between the conferences of the central jurisdiction and the rest of the church.

5. That in every conference bishops and cabinets carefully prepare the ground for the assignment of pastors and district superintendents without regard to race.

6. That in every local church membership, service and office be clearly available to anyone who is willing and able, without regard to race.

7. That we make it perfectly clear on all levels of the church's life:

(a) That in our schools and colleges there shall be no racial line for teachers or students.

(b) That our hospitals and homes shall be available to physicians, interns, residents, nurses, administrators, and patients without regard to race.

(c) That in our homes for young and old those who minister and those who are ministered to shall be selected without regard to race.

(d) That all agencies, boards, and commissions shall be constituted and shall secure and promote staff members and employees without regard to race.

(e) That the name of the church and funds from its budgets shall be withdrawn from any institution pursuing a policy contrary to this recommendation.

Concerning Federal Civil Rights Legislation in 1963

(Statement of A. Dudley Ward, associate general secretary, General Board of Christian Social Concerns, the Methodist Church)

The people called Methodist have an overwhelming interest in encouraging the passage of strong and meaningful civil rights legislation by the 88th Congress. This interest is deeply religious and broadly human. The social, political, and economic health of the entire Nation greatly depend upon the removal now of long suffered civil injustices from the daily lives of millions of our fellow citizens.

The Methodist Church shares with all elements of the Hebrew-Christian tradition a common faith that God is father to all mankind. Under God all men are brothers. God shows no partiality among the races and nations of men. He plays no favorites. Neither should we, His children.

In accordance with this fundamental faith, we believe the best society for men is one in which all citizens are granted equal opportunities to exercise personal liberties and to seek personal fulfillment. We know that Government cannot provide its citizens with personal fulfillment, but it can and should provide for those rights and liberties without which personal fulfillment is impossible. When any section or group in a society denies any other group the basic rights of citizenship, then we believe the proper redress is to be had at law. The question of majority or minority status is quite irrelevant to this issue—it is a question of basic right for all citizens. It is shameful beyond calculation that equality before the law in such areas of fundamental human necessity as public accommodations, education, voting, employment, and housing, should have been so long denied to certain minority and racial groups in our land.

The general conference, which is the governing body of the Methodist Church, has unequivocally declared its opposition to such denial of basic human rights. (See resolution on human rights, passed by the general conference of the Methodist Church on May 9, 1960; pp. 529, 632, Daily Christian Advocate, proceedings of the general conference of 1960.) Meeting in Denver in May of 1960, the general conference declared without qualification "for the equal rights of racial, cultural, and religious groups." (Discipline, 1960, par. 2020.) This same general conference called on the entire membership of the Methodist Church to work actively "to eliminate discrimination and enforced segregation on the basis of race, color, or national origin." (Discipline, 1960, par. 2026.) In this connection, the general conference specifically mentioned the areas of housing, schools, employment, and community acceptance. (Ibid.)

The churches of this Nation must work primarily by the method of persuasion, under the law of love. The Congress, on the other hand, establishes law in the political order to be enforced by the administrative power of government. These are very different functions, but they are supplementary in the struggle for equal rights and opportunities for all citizens in our society. Other institutions and groups also have their own unique contributions to make in this struggle for basic human justice and dignity.

The inescapable implication of the Methodist position in these matters is that the guarantees of law should extend to those basic civil rights and liberties without which meaningful citizenship does not exist. Such rights and liberties include, as a minimum, equal opportunities in the following areas: Voting, employment, education, public accommodations, and housing.

Discrimination solely on the basis of race, religion, or national origin, in any of these areas, is an unjustified and an unjustifiable denial of constitutional liberties under our form of government. They are also a denial of the implications of the religious faiths professed by the great majority of Americans. Food, shelter, education, and work are basic necessities for all. Discrimination against any of our citizens as they seek these necessities is raw injustice. Such discrimination wastes both our economic and our human resources.

Many States and hundreds of cities in our land have already desegregated public accommodations. We read of a few such places where some degree of civic upset occurred before the desegregation took place. We read of practically none where civic upset took place after desegregation took place. We also note that the great majority of desegregation actions have occurred without untoward incident. This lends credence to the view that the American people are ready, as a whole, to accord to all citizens their full rights in our society. There is no justification for allowing an arbitrary few to perpetuate the denial of these rights in some localities and sections. The Congress can remedy this situation now by firm and fair legislation.

On the basis of its official voted positions the Methodist Church calls upon the Congress now to guarantee the basic human and civil rights mentioned here to all our people. It is a matter of simple right and justice.

The Methodist Church, Woman's Division of Christian Service of the Board of Missions, January 1962

We believe:

1. We believe that God is the Father of all people, and all are His children in one family.

2. We believe that the personality of every human being is sacred.

3. We believe that opportunities for fellowship and service, for personal growth, and for freedom in every aspect of life are inherent rights of every individual.

Moravian Church in America, Southern Province, Provincial Synod, 1959

THE CHURCH AS A BROTHERHOOD

The church of Jesus Christ, despite all the distinctions between male and female, Jews and non-Jew, white and colored, poor and rich, is one in its Lord. The unitas fratrum recognizes no distinction between those who who are in the Lord Jesus Christ. We are called to testify that God in Jesus Christ brings His people into being out of "every race, kindred, and tongue," pardons sinners beneath the Cross and brings them into one body. We oppose any discrimination in our midst because of race or standing, and we regard it as a commandment of the Lord to bear public witness to this and to demonstrate by word and deed that we are brothers and sisters in Christ.

Moravian Church in America, Northern Province, 1961

Whereas the action of the Provincial Synod of 1956, pages 212 and 213 of the journal of said synod lucidly and effectively states the position and spirit of the northern province of the Moravian Church in America: Therefore be it

Resolved, (a) This synod reaffirm the position and spirit of our church as stated (in actions adopted in 1956 and 1957); and that

(b) The provincial elders' conference enthusiastically urge every pastor in the northern province to present the (aforementioned actions) during Brotherhood Month (February 1962); and

(c) That this synod encourage the elders and pastors of our congregations to arrange for a pulpit exchange and/or some other brotherhood event with a local congregation having a nonwhite pastor during Brotherhood Month each year.

Statement of Hugh B. Brown, President, Church of Jesus Christ of Latter-day Saints (Mormon)

During recent months, both in Salt Lake City and across the Nation, considerable interest has been expressed in the position of the Church of Jesus Christ of Latter-day Saints in the matter of civil rights.

We would like it to be known that there is in this church no doctrine, belief or practice that is intended to deny the enjoyment of full civil rights by any person, regardless of race, color or creed.

We say again, as we have said many times before, that we believe that all men are the children of the same God and that it is a moral evil for any person or group of persons to deny any human being the right to gainful employment, to full educational opportunity, and to every privilege of citizenship, just as it is a moral evil to deny him the right to worship according to the dictates of his own conscience.

We have consistently and persistently upheld the Constitution of the United States, and as far as we are concerned this means upholding the constitutional rights of every citizen of the United States.

We call upon all men everywhere, both within and outside the church, to commit themselves to the establishment of full civil equality for all of God's children. Anything less than this defeats our high ideal of the brotherhood of men.

NATIONAL CONFERENCE ON RELIGION AND RACE

AN APPEAL TO THE CONSCIENCE OF THE AMERICAN PEOPLE

We have met as members of the great Jewish and Christian faiths held by the majority of the American people, to counsel together concerning the tragic fact of racial prejudice, discrimination and segregation in our society. Coming as we do out of various religious backgrounds, each of us has more to say than can be said here. But this statement is what we as religious people are moved to say together.

I

Racism is our most serious domestic evil. We must eradicate it with all diligence and speed. For this purpose we appeal to the conscience of the American people.

This evil has deep roots; it will not be easily eradicated. While the Declaration of Independence did declare "that all men are created equal" and "are endowed by their Creator with certain unalienable rights," slavery was permitted for almost a century. Even after the Emancipation Proclamation, compulsory racial segregation and its degrading badge of racial inequality received judicial sanction until our own time.

We rejoice in such recent evidences of greater wisdom and courage in our national life as the Supreme Court decisions against segregation and the heroic, nonviolent protests of thousands of Americans. However, we mourn the fact that patterns of segregation remain entrenched everywhere—North and South, East, and West. The spirit and the letter of our laws are mocked and violated.

Our primary concern is for the laws of God. We Americans of all religious faiths have been slow to recognize that racial discrimination and segregation are an insult to God, the Giver of human dignity and human rights. Even worse, we all have participated in perpetuating racial discrimination and segregation in civil, political, industrial, social, and private life. And worse still, in our houses of worship, our religious schools, hospitals, welfare institutions, and fraternal organizations we have often failed our own religious commitments. With few exceptions we have evaded the mandates and rejected the promises of the faiths we represent.

We repent our failures and ask the forgiveness of God. We ask also the forgiveness of our brothers, whose rights we have ignored and whose dignity we have offended. We call for a renewed religious conscience on this basically moral evil.

II

Our appeal to the American people is this:

Seek a reign of justice in which voting rights and equal protection of the law will everywhere be enjoyed; public facilities and private ones serving a public purpose will be accessible to all; equal education and cultural opportunities, hiring and promotion, medical and hospital care, open occupancy in housing will be available to all.

Seek a reign of love in which the wounds of past injustices will not be used as excuses for new ones; racial barriers will be eliminated; the stranger will be sought and welcomed; any man will be received as brother—his rights, your rights; his pain, your pain; his prison, your prison.

Seek a reign of courage in which the people of God will make their faith their binding commitment; in which men willingly suffer for justice and love; in which churches and synagogues lead, not follow.

Seek a reign of prayer in which God is praised and worshiped as the Lord of the universe, before whom all racial idols fall, who makes us one family and to whom we are all responsible.

In making this appeal we affirm our common religious commitment to the essential dignity and equality of all men under God. We dedicate ourselves to work together to make this commitment a vital factor in our total life.

We call upon all the American people to work, to pray and to act courageously in the cause of human equality and dignity while there is still time, to eliminate racism permanently and decisively, to seize the historic opportunity the Lord has given us for healing an ancient rupture in the human family, to do this for the glory of God.

REV. DR. EUGENE CARSON BLAKE, NATIONAL COUNCIL OF CHURCHES

I wish indeed that I were able to speak for all Protestant, Anglican, and Orthodox Christians as I speak in behalf of full justice and freedom for all, born or living under the American flag.

But that is precisely the point. If all the members and all the ministers of the constituency I represent here today were ready to stand and march with you for jobs and freedom for the Negro community together with all the Roman Catholic Church and all of the synagogues in America, then the battle for full civil rights and dignity would be already won.

I do, however, in fact, officially represent the Commission on Religion and Race of the National Council of Churches.

For many years now the National Council of Churches and most of its constituent communions have said all the right things about civil rights. Our official pronouncements for years have clearly called for "a nonsegregated church in a nonsegregated society." But as of August 28, 1963, we have achieved neither a nonsegregated church nor a nonsegregated society.

And it is partially because the churches of America have failed to put their own houses in order that 100 years after the Emancipation Proclamation, 175 years after the adoption of the Constitution, 173 years after the adoption of the Bill of Rights, the United States of America still faces a racial crisis.

We do not, therefore, come to this Lincoln Memorial in any arrogant spirit of moral or spiritual superiority to "set the Nation straight" or to judge or to denounce the American people in whole or in part.

Rather we come—late, late we come—in the reconciling and repentant spirit in which Abraham Lincoln, of Illinois, once replied to a delegation of morally arrogant churchmen. He said, "Never say God is on our side, rather pray that we may be found on God's side."

We come in the fear of God that moved Thomas Jefferson, of Virginia, whose memorial stands across the lagoon, once to say:

"Indeed, I tremble for my country, when I reflect that God is just."

A REPORT OF THE PRESIDENT'S TEMPORARY COMMITTEE OF SIX ON RACE

(By the National Council of the Churches of Christ in the U.S.A.—Approved by the General Board on June 7, 1963)

The mounting tide of vigorous actions to secure full civil rights for all American citizens has at long last moved into the center of this Nation's attention and has precipitated an unmistakable crisis.

The crisis must be seen as having three aspects which are distinguishable but intertwined:

A crisis involving the entire Nation and the fundamental concepts of freedom and justice that are integral to American democracy;

A crisis involving the entire religious community of the Nation and the deepest convictions concerning our common humanity and the inescapable obligation to act always out of respect and compassion for our fellow men; and

A crisis involving the obedience of the church to its Lord Jesus Christ, and therefore involving the integrity of the church as the agent of God's reconciling purpose in His world.

The Church of Jesus Christ can make no compromise with discrimination against or segregation of peoples on the basis of race, and still be faithful to her Master. God came to make his dwelling among men in the person of a man. He went to his death and rose again for every man.

It must also be said that while many Christians have worked hard in this cause, the church has not been free from sin in this serious issue. Many churches are closed to Negroes and other ethnic minorities; church institutions discriminate, and we have not taken vigorous enough action in the public domain.

Up to now there always has seemed to be time for gradual change, and modest tokens of progress in racial justice were accepted as the best we could do.

But now, in the providence of God, the issue is being sharply focused in every corner of the Nation. Negro citizens, in action groups, and spontaneously, aided by some white fellow citizens, are moving quickly and with great commitment to action that often means suffering, harassment and sometimes death.

The basic issue has not changed, but it is becoming more obvious to the Nation as a whole. It is one issue which the conscience of America must face as a moral challenge.

As the demands for equal treatment take shape in the struggles in Oxford and Birmingham and Huntsville, Chicago, Los Angeles, Philadelphia, and New York, and in almost every city in the country, the entire Nation is faced with the threat of violence and a developing mood of frustration.

Negro citizens begin to suspect that they will have to bear the brunt of pain alone. Many white citizens feel that there is no way in which they can be effective in changing their own communities quickly enough to meet the rightful demands of Negroes for full citizenship.

* * * * *

Now is the time for action—even costly action that may jeopardize the organizational goals, and institutional structures of the church, and may disrupt any fellowship that is less than fully obedient to the Lord of the church. Increasing numbers of Christians who are moved to witness to their convictions in this crisis may suffer personal indignities, alienation and physical suffering. But this may be the price required for the tardy obedience of Christ's people.

Words and declarations are no longer useful in this struggle unless accompanied by sacrifice and commitment.

Therefore we recommend that the general board authorize four specific actions as implementation of this intention on the part of Protestant and Orthodox Christians in this hour of decision:

1. To invite Roman Catholic and Jewish ecumenical leadership to share with us in action to aid in desegregation of American life, where possible in association with the continuing committee on religion and race.

2. To urge every member communion to impress upon its people the serious nature of the present hour, and to press vigorously for their involvement in every phase of the struggle for justice including negotiation and demonstration. In order to do this in good faith, we call every communion and all units of the National Council of Churches to examine their structures and practices in order to

eliminate discrimination and injustice within the church.

3. As the first actions of a continuing strategy of corporate witness:

(a) To commit ourselves, as members of the general board, to engage personally in negotiations, demonstrations, and other direct action in particular situations of racial tension.

(b) To invite Roman Catholic and Jewish leadership to join us in making a united presentation before congressional committees on the subject of civil rights legislation.

(c) To issue a call to Protestant and Orthodox church leaders and an invitation to religious leaders of all faiths to assemble in Washington as soon as is strategic. The purposes of this assembly shall be:

(1) To demonstrate our solidarity in support of racial justice implemented through civil rights legislation;

(2) To witness to the fact that this is a national moral issue and not a regional problem.

Each communion would devise the manner of communicating this invitation and making arrangements in Washington for its own constituency.

4. In order to insure appropriate attention to the immediate and long-term aspects of the crisis, the general board requests the president of the National Council of Churches of Christ in the United States of America immediately to appoint a commission on religion and race. This commission shall have the following purposes:

To focus the concern, the conviction, the resources and the action of the member communions in issues of religion and race;

To provide a national interdenominational liason with interfaith and other concerted efforts;

To focus and mobilize the resources of the units of the National Council of Churches;

To assist the Nation to see this crisis in its moral dimension.

* * * * *

The commission shall report regularly to the general board, the general policy and strategy committee, and the general program, field and planning committee. This commission shall be related to the office of the general secretary. The membership of this commission shall be interracial and consist of 25 persons of moral convictions, compassionate concern, and demonstrated leadership. Appropriate staff of the council and constituent communions may serve as consultant members without vote. The general secretary, in consultation with the president and the chairman, shall secure the chief staff person of the commission, who shall be directly responsible to the general secretary. Such additional staff and expert consultants as may be needed shall be employed on nomination of the chief staff person. The employment of staff to be in accordance with the personnel practices of the council. The general secretary, after consultation with the chief staff officer of the commission and the executive officers of the major units, shall determine appropriate staff coordinating structure.

Until such time as staff is secured for the commission, we request Jon L. Regier in behalf of the general secretary to head an emergency staff for this commission, assisted by Arild Olsen, Robert Dodds, Oscar Lee, Miss Carrie Meares, and James Hamilton, and also other staff as may be loaned by the units of the council and by the denominations.

The commission and its staff shall formulate an adequate budget to accomplish properly the purposes for which the commission is brought into being. The general board looks to its member communions for basic financial support and requests the assistant general secretary for finance and the committee on denominational support to seek the funds necessary.

PRESBYTERIAN CHURCH IN THE UNITED STATES

GENERAL ASSEMBLY APRIL 25–29, 1963

Recommendations

1. That this general assembly reaffirm the position of previous assemblies that enforced segregation of the races is discrimination which is out of harmony with Christian theology and ethics, and that the church in its relationship to cultural patterns should lead and not follow. The attention of the general assembly is called to the biblical and theological basis for this position as outlined on pages 187–198 of the 1954 minutes of the general assembly, and this statement is commended to local churches for their prayerful study.

2. That the general assembly commend every Presbyterian institution, whether church, college, children's home, home for the aged, conference center, board, or agency of the church which has abolished racial barriers; and that it again urge that a nondiscriminatory policy be adopted by all other such institutions and be made known to the public.

3. That Presbyterian churchmen, Negro and white, in their local communities seek to establish a realistic communication between the two racial groups, to reestablish a relationship of mutual trust and affection, and together prepare to prevent such episodes as have shamed our region, not waiting for equality and justice to be accomplished by force, or the passions of people to be goaded to violence; and that Negro and white churchmen assume proportionate responsibility for racial evils in society and for the solution of such problems which we face together in these rapidly changing times.

4. That Presbyterian churchmen in local communities, while recognizing the right of citizens to criticize their leaders, protest in their own way defamatory statements and vindictive acts against those public officials whose decisions and actions are for the purpose of upholding the law and keeping the peace.

5. That both the clergy and the laity be reminded that this report is not mandatory but pastoral and prophetic in character; it should be studied in local churches, and its subject matter should be discussed freely, vigorously, and affectionately; thereby opening minds to the promptings of God's spirit, who is able to unite in Christ people of every temperament and every persuasion.

THE UNITED PRESBYTERIAN CHURCH U.S.A.

GENERAL ASSEMBLY, MAY 1962

The right to vote

While the present administration has demonstrated concern and leadership for civil rights in such areas as employment, interstate transportation, public accommodations, and in efforts to mitigate violations of voting rights, the Civil Rights Commission's report gives documented evidence of continued widespread violations of voting rights on the basis of race.

For example, it is common practice in some counties for boards of registrars (1) not to function for extended periods of time; or (2) to process white applicants normally but to delay Negro applicants indefinitely. In other instances, Negroes with 4 or more years of college have been denied the right to register as voters on the grounds of inadequate literacy qualifications, while white registrants of grade school education or less were approved. Present legislation and executive power are inadequate to rectify these violations of basic voting rights.

The 174th general assembled urges further vigorous leadership by both executive and legislative branches of Government to help eliminate racial restrictions of voting rights by any of the States.

SOCIAL DELIVERANCES, 1963

New approaches to racial problems

In January 1963 the National Conference on Religion and Race convened over 600 religious leaders of the major faiths for 4 days of cooperative study and commitment to bring the resources of the religious communities to bear upon the unresolved problems of segregation, discrimination, and race prejudice.

Among other things, the National Conference on Religion and Race produced, in the religious groups represented, deep self-searching as to their own policies and practices with respect to racial and cultural integration. Among United Presbyterian delegates these questions have been raised:

1. What orderly arrangements can be made to help our communion cooperate with the planned follow-up of the National Conference on Religion and Race?

2. What plans can our communion make for counseling with boards and agencies of the general assembly on such questions as:

(a) Are our facilities, staff, and services operating in a fully integrated manner?

(b) Are the funds at our disposal being used in such a way as to promote, or inadvertently to support, segregated institutions and practices in the civil order?

(c) Is it feasible for a percentage of the endowment and investment funds of the boards and agencies to be used positively to further in society the goal of racial integration?

(d) Is it feasible for all contracts for goods and services entered into by the boards and agencies to contain a non-discriminatory clause applicable to the contracting agency from which the goods and services are purchased?

(e) What else can be done to help the institutional life of our denomination manifest our commitment to a nonsegrated church in a nonsegregated society?

3. How can orderly and responsible counsel be given to judicatories (and the field staffs of boards and agencies that work with the judicatories) to implement in the total life of our church its commitment to a work and witness that breaks down the barriers to racial integration within the life of the church and the common life of our society?

4. How can the interfaith cooperation, so manifest at the National Conference on Religion and Race, be continued and enhanced at regional and local levels, to help destroy the barriers of racial segregation in our society?

The momentum of the conference needs to be accelerated within the religious communities of our Nation and extended into the social, political, and economic life of our society. Our Nation cannot wait much longer to bring to reality its promise of "liberty and justice for all." To accomplish this, more vigorous national and local leadership is needed to complement in the political and economic structures of our country the efforts of churches and synagogues to end racial prejudice and discrimination.

The 175th general assembly—

Commits the services and resources of the United Presbyterian Church in the U.S.A. to help achieve the intent, and extend the spirit, of the National Conference on Religion and Race; and directs the office of the general assembly, the general council, the boards and agencies, to cooperate in this endeavor;

Calls upon every session, presbytery, and synod to initiate or cooperate in efforts to bring together the leadership of the major faiths in their locales to discover the problems, define the issues, and take the indicated action to bring about positive resolution of actual, incipient, or unacknowledged racial problems;

Petitions the President of the United States to call a White House Conference on Civil Rights at the earliest feasible time so as to bring together the political, economic, professional, and religious resources of our Nation in a new and creative effort to move our entire society toward the day when the color or national origin of its citizens will be irrelevant to their assumption of the rights and responsibilities of citizenship.

A Statement From the United Presbyterian Church on Civil Rights

United Presbyterian Church,
Office of the General Assembly,
Philadelphia, Pa., July 15, 1963.

My Dear Congressman: The deepening moral crisis in all dimensions of our common life due to the exclusion of Negroes and other minority persons from full participation has erupted into a full-scale social revolution. This is a crucial hour for the U.S. Congress, as for all other institutions in our land.

The time for deploring, for placing blame, for temporizing, for seeking credit, has passed. If every segment of our national life does not now assume its full responsibility for ending the discrimination, and segregation affecting American citizens of color, we may find that history has left us in its dust.

Recently, the major religious bodies have gone beyond pronouncements. They have allocated proportionately large sums of money and appointed special commissions with staff and budget to bring their own institutional practices in line with their public utterances. They have recognized that only a massive assault on segregation and discrimination within their own inner structure is equal to the urgent demands of God and the events of the times.

As we seek to correct our own failures, we appeal to the legislative branch of our Government in these extraordinary circumstances to accept its crucial role in rectifying the injustices of three centuries.

We do not claim to be political statesmen. But we do believe the American people are politically sophisticated enough to recognize the temptation of both political parties to try to derive political advantage from the civil rights struggle. While this temptation is understandable as normal to the noble art of politics, it is obvious that our situation is not normal. It has changed drastically. There is no time for "politics as usual."

Neither party can pass effective civil rights legislation by itself. Therefore neither should attempt to claim credit if the effort is successful. But elements in either party can effectually block a major step in the solution of our Nation's most vital domestic problem. If meaningful and effective civil rights legislation is not enacted by this session of Congress in time to permit it to go on and deal with other vital issues, or if systematic efforts to make one party look good and the other bad are indulged in, irreparable damage will be done.

In times of overriding national crisis in the past both our legislative and executive branches of Government have been able to put country above party. The moral dimensions of our present crisis are sharp and clear and the consequences of failure are unmistakable. We have confidence that the vast majority of our legislators can rise to the demands of the present occasion.

The hour for greatness is upon the Congress of the United States, as it is upon all of us. We pray that you will do everything in your power to enable the Congress to be equal to that hour, and to enact promptly a program of civil rights that is both effectual and enforceable.

Yours sincerely,
Eugene Carson Blake,
Stated Clerk of the General Assembly.
Theophilus M. Taylor,
Secretary of the General Council.
John Coventry Smith,
General Secretary, Commission on Ecumenical Mission and Relations.
Kenneth G. Neigh,
General Secretary, Board of National Missions.
William A. Morrison,
General Secretary, Board of Christian Education.

The Reformed Church in America

GENERAL SYNOD, JUNE 1963

"We hold these truths to be self-evident That all men are created equal and * * * endowed by their Creator with certain unalienable Rights * * * among these * * * Life, Liberty, and the pursuit of Happiness." Today these words from our Declaration of Independence are receiving what may well be their severest test. Time has run out. The Negro wants equality. Eloquent but nebulous declarations of good intentions can no longer be proffered him as promissory notes. Hollow admonitions to patience followed by resumption of status quo are like the pitcher that took too many trips to the well. The Negro wants freedom and equality now. And he is willing to pay a fearful price for it. In Time's words (July 7, 1962):

"Negroes faced snarling police dogs. They went to jail by the thousands. They risked beatings (and stampings) as they sat at bench counter stools. They were bombed in their homes. They were clubbed down by cops. They sent out their children to battle men."

The shocking brutality of hoodlums and law-enforcement officials determined to deny the Negro the elementary human right of protesting injustice, has appalled many Americans of good will, both North and South, who have been inclined to shrug off the Negro's struggle for equality as the Government's business. We are on the verge of serious, widespread insurrection. Grave as this is, however, it is not an iota as grave as the fact that the weight of morality is no longer with those whose chief concern is preserving law and order (i.e., status quo). We have reached a point where almost any choice seems freighted with tragic possibilities.

The record of the Reformed Church in America with respect to our national race problem is better than many. We are rightly proud of our credo on race relations. It has gained us the respect of concerned persons within and without the church and served as a model for other Christian groups. But our deeds lag far behind our words. We have been slow to implement the credo. Some of our people have actively resisted its call to further the Negro's hope of finding decent housing in a neighborhood in which he can afford to live. This is pivotal, for implicit in confining the Negro within ghettos of substandard housing is the problem of crippling discrimination in opportunity for adequate education and consequently in employability and economic independence.

These conditions pose a specific problem for the church. Without open occupancy as a working principle our church communities fall into a pattern of de facto segregation, which allows local congregations no opportunity to demonstrate to all men that "* * * all of you who had yourselves baptized into Christ have taken on the character of Christ. There is no room for Jew or Greek, there is no room for slave or freeman, there is no room for male or female; you are all one in Christ Jesus." (Galatians 3: 27b, 28—Moffatt.)

It is no use to say we believe in the communion of saints unless we also are ready to take responsibility to make this a reality. Today this means to do all we can to make open occupancy a reality. It is indefensible for one who proposes Jesus Christ as Saviour and Lord either to accept disfranchisement, segregation, discrimination, and tyrannical suppression of the right to protest injustice as a matter of course for Negroes or to dismiss these as the business of government. As members of the body of Christ, who came "to proclaim liberty to the captive" conscience binds us to speak out against these wrongs and to join our efforts to those of the oppressed to do away with these injustices. We cannot remain above the battle nor assuage our consciences merely by pointing accusing fingers at the South.

The witness of Reformed Church missionaries to the Gospel of Jesus Christ is weakened by current relations, between whites and Negroes. It is serious enough that some of our missionaries hesitate to take their furlough in the United States. They fear that a trip home will be construed by the people among whom they minister as an endorsement of racial injustices.

As steps to bring about better race relations, we recommend:

1. The Reformed Church in America reaffirms its responsibility, as delineated in the credo on race relations, to exercise strong, active moral leadership among its constituency against all forms of racial injustice, especially with regard to implementation of the credo and that the 1963 General Synod delegates assume personal responsibility for this in their classes and congregations.

2. The Reformed Church in America conveys to the President of the United States its hearty agreement with all steps taken thus far by his administration to eliminate racial injustice, and urge him to place with greater clarity and surer resolution the immense moral influence of his Office on the side of the Negro's struggle for freedom and (against) injustice by directly and firmly reminding all Americans of their duty.

3. We commend the Negro sit-inners and other nonviolent demonstrators for their courage, their willingness to suffer for the sake of freedom, and their self-discipline and nonviolence in the face of extraordinary provocation.

As the Negro becomes more and more successful in his efforts to end social injustices based on race, the present struggle for leadership among conflicting Negro groups will become acute. Thus, it is important that wise leadership be recognized and encouraged. The Southern Christian Leadership Conference under the leadership of Dr. Martin Luther King, demonstrates, we believe, a laudable determination to bring about the end of racial injustice through the application of Christian principles.

Therefore, we recommend that:

4. General synod commend and encourage the Southern Christian Leadership Conference in its pursuit of justice for the Negro and its determined efforts to gain it through nonviolent means, and that this be communicated to them by the stated clerk.

5. A gift of money accompany our expression of commendation and encouragement to Southern Christian Leadership Conference, the money to be raised by an offering taken at the general synod meeting on Tuesday night.

6. We take time for a silent prayer for forgiveness and guidance for ourselves and for wisdom and courage for all those who must make critical decisions centering around our racial tensions.

Address by His Eminence Francis Cardinal Spellman

When we speak of all races, creeds, and colors we touch upon something which is on everyone's mind today, and about which it is impossible to remain silent on such an occasion as this—and that is the crying need for full justice and equality for our fellow American citizens who are Negroes. The inequities inflicted upon them have been a festering problem in our society for many decades. There is simply no reason—there never was and there never can be—why the color of a man's skin should limit his opportunities in a society that boasts of freedom.

The Negro is asked to give as much as any other man for his country. He has a right to receive back from his country in equal measure. On my trips over many years to visit our soldier-sons all over the world, I have seen white and Negro soldiers serving our country, suffering the same hardships and confronting the same hazards of war. Yet contrary to every Christian principle and in downright defiance of the glorious American ideal of equal justice for all, some of those same Americans who risked their lives for America—for you and for me—are denied the right to vote, the right to receive an adequate education, the right to live where they desire and their means enable them to live and to receive the normal courtesies befitting their dignity as human beings.

They are denied these rights for only one reason—the color of their skin. How lamentable that some Americans who would die together today, will not eat together, will not travel together, will not live together. This is an outrage which America cannot tolerate. Doors cannot continue to close in the faces of Negroes as they search for jobs, as they strive for membership in some unions, as they seek the chance for specialized job training. Surely the spirit of justice and equality which lives in the very heart of our great Nation will not permit these inequities to continue.

People today are restless and impatient with the painfully slow progress that has been made in solving this problem of racism. The tradition of America is to get things done promptly and efficiently. Her tradition is also to get them done peacefully. In other lands, and unfortunately also in our own, violence has often been the companion of change. That is not the right way in America. That is not the American way. We must accomplish what has to be done working together, as one people with a common ideal, working calmly but with determination to progress and to succeed in making our ideals a reality.

These ideals could be effectively realized if all Americans regardless of religion would drop the barriers of discrimination, if employers would hire qualified Negroes—and provide training opportunities so that more Negroes may become qualified, and freely admit Negroes to unions and to apprenticeship programs.

In the field of housing, the excellent laws against discrimination in New York City and New York State must be supplemented by the active interest and vigilant efforts of all our citizens. Different races can live side by side harmoniously. While emphasis is placed on trouble spots, we can point to many areas where integrated living goes on as it should. One such is the area in the northeast Bronx where both the Parish of Our Lady of Grace and the neighborhood as a whole have taken the initiative to demonstrate that people of different races and colors can live together in mutual respect, go to school together, worship together, and be full American citizens enjoying the blessings of democracy in action.

Pope John XXIII—in that wonderful manner of his, distinguished by faith, love and warm friendliness—made a declaration on this very point. In his encyclical, "Peace on Earth," he states: "even though human beings differ from one another by virtue of their ethnic qualities, they all possess certain essential common elements and are inclined by nature to meet each other in the world of spiritual values, whose progressive assimilation opens to them the possibility of perfection without limits. They have the right and duty, therefore, to live in communion with one another."

Invocation of Most Rev. Patrick O'Boyle, Archbishop of Washington, D.C., at March on Washington for Jobs and Freedom

In the name of the Father and of the Son and of the Holy Ghost. Amen.

Our Father, who are in heaven, we who are assembled here in a spirit of peace and in good faith dedicate ourselves and our hopes to You. We ask the fullness of Your blessing upon those who have gathered with us today, and upon all men and women of good will to whom the cause of justice and equality is sacred. We ask this blessing because we are convinced that in honoring all Your children, we show forth in our lives the love that You have given us.

Bless this Nation and all its people. May the warmth of Your love replace the coldness that springs from prejudice and bitterness. Send in our midst the Holy Spirit to open the eyes of all to the great truth that all men are equal in Your sight. Let us understand that simple justice demands that the rights of all be honored by every man.

Give strength and wisdom to our President and Vice President. Enlighten and guide the Congress of these United States. May our judges in every court be heralds of justice and equity. Let just laws be administered without discrimination. See to it, we implore, that no man be so powerful as to be above the law, or so weak as to be deprived of its full protection.

We ask special blessing for those men and women who in sincerity and honesty have been leaders in the struggle for justice and harmony among races. As Moses of old, they have gone before their people to a land of promise. Let that promise quickly become a reality, so that the ideals of freedom, blessed alike by our religious faith and our heritage of democracy, will prevail in our land.

Finally, we ask that You consecrate to Your service all in this crusade who are dedicated to the principles of the Constitution of these United States. May we be sensitive to our duties toward others as we demand from them our rights. May we move forward without bitterness, even when confronted with prejudice and discrimination.

May we shun violence, knowing that the meek shall inherit the earth. But may this meekness of manner be joined with courage and strength so that with Your help, O Heavenly Father, and following the teaching of Christ, Your Son, we shall now and in the days to come live together as brothers in dignity, justice, charity, and peace. Amen.

Statement of Archbishop Patrick O'Boyle, Representing Sponsoring Agencies of the Interreligious Convocation on Civil Rights, to President Johnson, April 29, 1964

Mr. President, I wish to report to you this afternoon the feelings of all of us after our tremendous gathering last evening. Thousands of American citizens, representing all religious faiths, assembled to testify to one thought. This was our common conviction that civil rights deeply involve the moral and religious convictions of our Nation.

Our convocation was not political. We neither made promises nor uttered threats to any elected official. Our sole concern was to insist that effective civil rights legislation is morally right. We appealed to the conscience of our Nation and its legislators.

There are times in history when greatness is barely adequate. Men are asked almost routinely to do what earlier might have seemed heroic. So far as civil rights are concerned, we are in such a time. At long last, our Nation has seen in full clarity the wrong that it has done our Negro brothers. In conscience, we can do no less than redress this wrong, fully, completely, and without equivocation.

Such was the sense of our convocation. We tell this to you, Mr. President, since you represent all Americans. We know that you agree fully with this moral and religious view of our racial crisis. Our prayers and support will be with you as you guide our Congress to an early enactment of a law that protects the God-given rights of man.

Text of Catholic Bishops' Letter on Race

Nearly 5 years ago, we the Catholic bishops of the United States proclaimed with one voice our moral judgment on racial discrimination and segregation. This judgment of November 1958 simply reaffirmed the Catholic position already made explicit in a much earlier statement in 1943. In the present crisis, we wish to repeat those moral principles and to offer some pastoral suggestions for a Catholic approach to racial harmony.

We insist that "the heart of the race question is moral and religious. It concerns the rights of man and our attitude toward our fellow man. * * * Discrimination based on the accidental fact of race or color, and as such injurious to human rights, regardless of personal qualities or achievements, cannot be reconciled with the truth that God has created all men with equal rights and equal dignity."

We reaffirm that segregation implies that people of one race are not fit to associate with another "by sole fact of race and regardless of individual qualities. * * * We cannot reconcile such a judgment with the Christian view of man's nature and rights." These principles apply to all forms of discrimination and segregation based on prejudice. In our immediate and urgent concern for the rights of Negroes, we do not overlook the disabilities visited upon other racial and national groups.

PEACE ON EARTH

It is our strict duty in conscience to respect the basic human rights of every person. Our beloved pontiff of blessed memory, Pope John XXIII, stated this fact in his encyclical "Peace on Earth." He proclaimed that, "in human society, to one man's right there corresponds a duty in other persons: the duty; namely, of acknowledging and respecting the right in question." He not only condemned racial discrimination but asserted that "he who possesses certain rights has likewise the duty to claim these rights as marks of his dignity."

Respect for personal rights is not only a matter of individual moral duty: it is also a matter for civic action. Pope John stated: "The chief concern of civil authorities must * * * be to insure that these rights are acknowledged, respected, coordinated with other rights, defended and promoted, so that in this way each one may more easily carry out his duties."

We know that public authority is obliged to help correct the evils of unjust discrimination practiced against any group or class. We also recognize that every minority group in America seeking its lawful rights has the obligation of respecting the lawful rights of others. On this point, Pope John wrote:

"Since men are social by nature they are meant to live with others and to work for one another's welfare. A well-ordered human society requires that men recognize and observe their mutual rights and duties. It also demands that each contribute generously to the establishment of a civic order in which rights and duties are evermore sincerely and effectively acknowledged and fulfilled."

DEMANDS OF CHRISTIAN CONSCIENCE

These truths being understood, no Catholic with a good Christian conscience can fail to recognize the rights of all citizens to vote. Moreover, we must provide for all equal opportunity for employment, full participation in our public and private educational facilities, proper housing, and adequate welfare assistance when needed.

But more than justice is involved. There is also the divine command: "Thou shalt love thy neighbor as thyself." Our present holy father, Pope Paul VI, at the beginning of his pontificate, reminds us that "Revelation teaches us to love all men, whatever their condition, for they have all been redeemed by the same Saviour; and it obliges us to offer to those who have least the means of arriving in dignity at a more human life."

It is clear that the racial question confronts the consciences of every man, no matter what his degree of direct or indirect involvement. Indeed the conscience of the Nation is on trial. The most crucial test of love of God is love of neighbor. In the words of the beloved apostle: "If anyone says I love God and hates his brother, he is a liar. For how can he who does not love his brother, whom he sees, love God whom he does not see?"

We can show our Christian charity by a quiet and courageous determination to make the quest for racial harmony a matter of personal involvement. We must go beyond slogans and generalizations about color, and realize that all of us are human beings, men, women, and children, all sharing the same human nature and dignity, with the same desires, hopes, and feelings. We should try to know and understand one another.

To do this we must meet and talk openly and sincerely and calmly about our natural problems and concerns. There are many ways in which such meetings can come about peacefully and naturally and fruitfully. For example those in the same type of work can readily discuss the problems caused by racial barriers. Physicians of one race can talk with those of another. So can businessmen, teachers, lawyers, secretaries, farmers, clerks, and other workers. Parish and diocesan societies, political gatherings, and civic and neighborhood associations can be common meeting grounds.

BREAKING DOWN BARRIERS

Our important task is to break down the barriers that have caused such grievous misunderstandings in the past. Where barriers have existed for many decades deep misunderstandings have all too often arisen. These should be faced, not in a spirit of debate, but with a desire to open doors of understanding.

It is only by open and free exchange of ideas that we can understand the rights and obligations that prevail on both sides. Such knowledge is the prelude to action that will remove the artificial barriers of race. We must act to remove obstacles that impede the rights and opportunities of our Negro brethren. We should do our part to see that voting, jobs, housing, education, and public facilities are freely available to every American.

We can do this in our own area of work, in our neighborhood, in our community. We may act through various lay organizations of the church, as well as with civic groups of every type. In many parts of the Nation there are interracial committees representing the major religious faiths as well as the important aspects of civic life. We bless and endorse such efforts to secure interracial harmony and to implement it in everyday affairs.

RACIAL JUSTICE AND LOVE

But civic action will be more fruitful, and its results more lasting, if all our citizens openly and explicitly proclaim the religious basis of racial justice and love. Accordingly, we repeat simply: Love one another, for this is the law of God. Revere in every man his human dignity, for this is a gift of God.

United, as men and women of every faith and race, we can heal the ancient wounds of division. Thus our Nation will reflect its true greatness, a greatness founded on the moral principle that all men are free and equal under God.

In all these endeavors, we must remember that they labor in vain, who seek to work without Almighty God. Our daily prayer for guidance will give us that confidence and courage we need to seek racial justice and harmony in our land. Above all, it is our prayer that the love of God may infuse our thoughts and actions, so that we may revere in every man the image of the eternal God.

NNCF—National Newman Club Federation,
Washington, D.C., May 7, 1964.

To Newman Club Chaplains and Presidents:

Sunday, May 17, 1964, marks the 10th anniversary of the Supreme Court decision in *Brown* v. *the Board of Education* in Topeka, Kans., the decision which declared segregation in American schools illegal and ordered integration "with all deliberate speed." Since this ruling, slowly, painfully, not always peacefully, the walls of separation have fallen. Ten years have passed and again we reach the point of crisis: Today we await not a judicial decision but an act of the legislature.

In an effort to commemorate the 1954 decision and to place emphasis on the fact that this is not a political issue but is primarily moral, the National Federation of Catholic College Students and the National Newman Club Federation join in urging that every Catholic student in college or university study offer his mass on Sunday, May 17, for the intention of the enactment of meaningful civil rights legislation and for charity and justice on the part of the American people in enforcement of this legislation.

We further urge that the homily delivered at the masses which the students attend treat of the moral implications of the struggle for human rights, the dignity of man, and the brotherhood of all under the fathership of God. The need for this instruction may not be apparent, but we have been appalled in recent months by the obvious dearth of interest on the part of the Catholic student in this issue. Our campuses, we fear, are populated by the fanatic who knows no spiritual motives and by the student who knows the theological and philosophical answers but who will not dirty his hands. One imminent bishop has remarked that, "in religion and race parleys, the college and university level representation is completely negligible," We deplore the truth in his words.

It is our belief that offering the Mass for the intention of human rights, and the devotion of the sermon to the subject will motivate students to wrestle with their consciences, to analyze their own roles in the civil rights movement and to have the courage to act.

Thanking you for your help and asking your prayers for our efforts, I remain,

Sincerely,

Julius C. Gilbertson,
President.

National Federation of Catholic College Students,
Washington, D.C., May 7, 1964.

To College Presidents, Student Body Presidents, NFCCS Moderators and Delegates:

Sunday, May 17, 1964, marks the 10th anniversary of the Supreme Court decision in *Brown* v. *The Board of Education of Topeka, Kans.*, the decision which declared segregation in American schools illegal and ordered integration "with all deliberate speed." Since this ruling, slowly, painfully, not always peacefully, the walls of separation have fallen. Ten years have passed and again we reach the point of crisis: Today we await not a judicial decision but an act of the legislature.

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It is our belief that offering the mass for the intention of human rights, and the devotion of the sermon to the subject will motivate students to wrestle with their consciences, to analyze their own roles in the civil rights movement and to have the courage to act.

Thanking you for your help and asking your blessings on our efforts, I remain,

Sincerely,

James J. O'Donnell,
President, NFCCS.

National Day of Prayer for Human Rights

Whereas the question of human rights is a moral and religious issue, demanding the attention of all Christians; and

Whereas, at the present time, the Congress of the United States is engaged in deliberations on the enactment of legislation which seeks to recognize the dignity of man, the brotherhood of men under the fatherhood of God, and the establishment of laws which protect the human rights of all men; and

Whereas many have been blinded to the true meaning of human rights, and ascribe to a philosophy which holds property rights to supersede human rights; and

Whereas it is only through prayer that the final answer to man's intolerance toward his fellow man will be found: Now, therefore,

The National Council of Catholic Youth, composed of the Catholic Youth Organization, the National Newman Club Federation, and the National Federation of Catholic College Students, hereby proclaims that Sunday, May 17, 1964, be known to all as the National Day of Prayer for Human Rights.

In testimony whereof, we hereunto set our hands this 8th day of May 1964.

——— ———,
Catholic Youth Organization Teenage.

——— ———,
Catholic Youth Organization Young Adult.

——— ———,
National Newman Club Federation.

——— ———,
National Federation of Catholic College Students.

STATEMENT OF NATIONAL CATHOLIC WELFARE CONFERENCE

CATHOLIC POSITION ON RACE

The Catholic Church has continuously stated that the matter of racial discrimination is a question of morals, not politics or genetics. This has been the teaching of Popes, bishops, and lay leaders in this Nation and abroad. The bishops of the United States declared formally in 1958 that the heart of the race question is moral and religious. It concerns the rights of man and our attitude toward our fellow man. We must repeat the principle embodied in our Declaration of Independence, that all men are created equal in the sight of God. By "equal" we mean that they are created by God and redeemed by His divine Son. This fact confers upon all men human dignity and human rights.

In 1963 the American bishops once again affirmed that personal rights, besides being a matter of individual moral duty, are also a matter for civic concern. Public officials, they said, are obliged to help correct the evils of unjust discrimination, for the racial question confronts the conscience of every man no matter what his degree of direct or indirect involvement. They recall the words of Christ to His Apostle John: "If anyone says 'I love God' and hates his brother he is a liar. For how can he who does not love his brother, whom he sees, love God whom he does not see?"

The American bishops have not been the only parties to point out that racial discrimination cuts across the whole notion of Christianity. Pope John XXIII, in his great encyclical "Pacem in Terris" stated the Catholic belief in plain language:

"The conviction that all men are equal by reason of their natural dignity has been generally accepted. Hence racial discrimination can in no way be justified, at least doctrinally or in theory. And this is of fundamental importance and significance for the formation of human society according to those principles we have outlined above. For, if a man becomes conscious of his rights, he must become equally aware of his duties. Thus he who possesses certain rights has likewise the duty to claim those rights as marks of his dignity. * * * First among the rules governing relations between political communities is that of truth. But truth requires the elimination of every trace of racism, and the consequent recognition of the principle that all states are by nature equal in dignity."

These statements show conclusively that the Catholic Church not only regards the question of racial discrimination as a moral question upon which the church has a right to speak, but that the church also feels a moral obligation as a teacher and protector of truth to guide civil authorities to the realization of their obligation. Thus, by taking part in political activity to gain these ends, the Catholic Church and its leaders believe that they are most properly sticking "to their own knitting."

This does not mean that the Catholic Church, or any other religious group that espouses racial justice, is a political group. It means, simply, that these groups are precisely religious groups concerned with religious matters. As Archbishop Patrick O'Boyle, of Washington, stated at the White House reception for religious leaders following the interreligious convocation at Georgetown University April 28: "Our convocation was not political. We neither made promises nor uttered threats to any elected official. Our sole concern was to insist that effective civil rights legislation is morally right." The archbishop reiterated that "civil rights deeply involves the moral and religious convictions of our Nation."

Catholics, like everybody else, have practiced discrimination. Individually, none of them claim to be perfect; but as a body, the Catholic Church sees its obligation to guide its members and to act as a Christian leaven in the whole society. As Archbishop Lawrence J. Shehan, of Baltimore, stated in a pastoral letter of March 1, 1963:

"With humility and regret, we Catholics must acknowledge that we have been all too slow in the correction of our shortcomings, although in the light of the experience of many of our forefathers, we should have been particularly sensitive to the unjust inequalities suffered by other groups. For this reason, we have a special obligation to place ourselves in the forefront of movements to remove the injustices and discriminations which still remain."

ON RACIAL JUSTICE—PASTORAL LETTER OF MARCH 1, 1963

(By Archbishop Lawrence J. Shehan, of Baltimore)

In the month of November 1958 the bishops of this country at their annual meeting issued a statement entitled "Discrimination and the Christian Conscience."

After noting the rather remarkable progress made by our Negro fellow citizens, particularly during and after the Second World War, toward such goals as political equality, fair educational and eocnomic opportunities, good housing without exploitation, and a full chance for social advancement, the bishops went on to say that in more recent years "the issues have become confused, and the march toward justice and equality has been slowed, if not halted, in some areas. The transcendent moral issues have become obscured and possibly forgotten."

"The heart of the race question," they declared, "is moral and religious: It concerns the rights of man and our attitude toward our fellow man. If our attitude is governed by the great Christian law of love of neighbor and respect for his rights, then we can work out harmoniously the techniques for making legal, educational, economic, and social adjustments. But if our hearts are poisoned by hatred, or even by indifference toward the welfare and rights of our fellow man, then our Nation faces a grave internal crisis."

Among the signers of that document was my beloved predecessor, Archbishop Keough, who was then serving as chairman of the administrative board of the National Catholic Welfare Conference. That the statement served as an expression of his personal conviction on the subject of racial discrimination, no one who knew him could doubt.

Coming from a part of the country where such discrimination had never been a major issue, he at first found it difficult to realize the urgency of the problem here, in a State which lies midway between North and South, whose northern boundary has long symbolized the social barrier between two so diverse sections of this country.

His gentle and charitable mind found it particularly hard to believe that some of his people would not be convinced and guided by the statement of principle issued by the bishops of this country as their official teaching on the subject of race relations.

Moreover, the illness which weighed so heavily upon the Archbishop during the latter years of his tenure prevented him from coming to closer grips with the baffling racial problems and from issuing public directives on this subject to his priests and people. Events, however, which have occurred during the past 18 months have brought to me the conviction that I ought at this time to speak out in reverence for his memory and in fulfillment of my own duty of conscience.

A pastoral letter on this subject, moreover, seems particularly appropriate in this year when we are observing the centenary of the Proclamation of Emancipation issued by President Lincoln on January 1, 1863. With that document, this country formally undertook to correct and undo the moral and social evil of slavery which had afflicted it from the beginning.

The breaking of the shackles of bondage, however, was only the beginning of the process to which this country stood committed. The document by which our forefathers declared their political independence clearly stated the principle by which they justified their rebellion and guided their action in forming a new government: that all men are created equal and are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness.

The struggle to give adequate expression to this principle has been long and arduous. There has been, however, real progress during the past century and as noted by the American bishops—particularly during the last generation. Yet it is no exaggeration to say that in hardly any State of the Union has complete social, political, economic, and educational equality been established. In some States, the barest beginnings have only recently been made, under intense Federal pressure. Here in our own State, recent experience has shown that much—very much—remains to be done; that grave wrongs still need to be righted.

Nothing should be more evident to the fairminded citizen than the fact that the equality proclaimed by our Declaration of Independence, and the freedom described by it as unalienable requires, as a very minimum of justice, the right to equal accommodations, both on public property and within those enterprises licensed and protected by the State for the service of the general public.

Yet our proposed State law of equal accommodations has thus far been emasculated by our State legislators. In our own see city, although there is glaring public evidence of the failure to recognize the right of equal accommodation as properly belonging to the Negro, we are—for the present at least—without such an ordinance.

In this, the oldest and most venerable see in the United States, it should be particularly disconcerting to all of us to know that the recently invalidated equal accommodations ordinance failed to receive the support of some Catholic legislators who represent districts heavily Catholic in population.

Does this mean that many of our own people have failed to recognize the serious duty of justice which flows from the basic equality of men of all races and all social conditions?

Such a failure is all the more regrettable since our Christian faith imposes upon us all a special duty of both justice and charity toward all men no matter what may be their racial and social origin. By the very terms of Christian teaching, we believe that all men are God's special creatures, made to His image and likeness. We believe that the Son of God, Jesus Christ, the God-man, came into the world to save all men; that on the Cross of Calvary He shed His blood to redeem all of us from our iniquity—all, without any exception.

In our eyes as Christians, then, there is a fundamental bond that links us all together in the sight of God and in the order established by Him. We have an essential duty in justice to recognize and to respect equally the rights of all men.

As Catholics, we have an even higher and more sacred duty to all those who are "of the household of the faith." In his Epistle to the Galatians,[1] St. Paul tells us: "You are all children of God through faith in Christ Jesus. For all you, who have been baptized into Christ, have put on Christ. There is neither Jew nor Greek; there is neither slave nor freedman"—and today St. Paul would certainly have added: There is neither black nor white; neither brown nor yellow—"for you are all one in Christ. Therefore, you are no longer strangers and foreigners, but you are citizens with the Saints and members of God's household. You are built upon the foundation of the apostles and prophets with Christ Jesus as the chief cornerstone. In Him, the whole structure is closely fitted together and grows into a temple holy unto God; in Him, too, you are being built together into a dwelling-place for God in the Spirit."[2]

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[1] Galatians 3: 28.

Nay more, according to the testimony of the same apostle, by faith and by baptism we have been incorporated into the mystical body of Christ. For although Christ has given us different functions within His Church, He has done this "for the building up of the body of Christ," which is His Church, of which Christ himself is the head; "for from Him the whole body derives its increase to the building up of itself in love."[3]

Within this household of the faith, this temple holy to the Lord, this dwelling place of God in the Spirit, this mystical body of Christ, there can be no room for racial discrimination and the bitterness and rancor that inevitably grow out of it.

In this year, when the minds and hearts of men are turning longingly and hopefully toward the goal of Christian unity, it is particularly important that justice and charity, without any discrimination or prejudice or antipathy, should shine brightly within the Church of Christ. There is, we know—and there can be—only one center of Christian unity: Christ and His mystical body.

But how can that body be recognized for what it is unless there is within it unity without division or dissension, and unless within and between its members there shine the justice and charity of Christ?

Within the time and space available to me in this letter, it is impossible to set forth in detail the extent and the nobility of the duty of justice and charity incumbent upon us as members of Christ's mystical body. Under the circumstances of today, however, it may be useful if I attempt to state briefly the minimum that is required of us as members of Christ's Church in this archdiocese.

There is, I hope, no need to say that in our churches and in our parochial life generally there must be not only no racial segregation, but also no distinction of rank or place or treatment based upon racial difference "* * * because we are members one of another. Do not grieve the Holy Spirit of God in whom you were sealed for the day of redemption."[4] "For now the justice of God has been made manifest * * * through faith in Jesus Christ upon all who believe. For there is no distinction: as all have sinned and need the glory of God."[5]

In our schools, both elementary and secondary, the same general policy holds. As Catholic schools, they are meant primarily, although not exclusively, for Catholic students—for all Catholic students insofar as facilities can be made available—without racial or any other discrimination.

This means that in the registration of students a common policy, approved by our Catholic school board, must be followed in the case of all Catholic children living within the boundaries of every parish fortunate enough to have its own school. The same policy must govern all transfers from one school to another. Within the school, identical academic standards must apply to all students, and all must be treated with equal justice and charity.

In our diocesan organizations and institutions of charity, a sincere effort has been made over a period of years to eliminate discrimination and to effect true integration. Longstanding social and cultural patterns have at times made this process difficult. With the opening of the new St. Vincent's Home, we believe that the last traces of discrimination in this field will have disappeared.

It is some months now since all our Catholic hospitals gave formal approval and acceptance to the policies of nondiscrimination I specifically proposed. This means that they have agreed to admit and treat applicants for medical and surgical service without distinction in their outpatient departments; to follow the same procedure in admitting patients into the hospital, and in assigning beds to them; that there shall be no discrimination practiced in handling applications for membership on medical, surgical, and nursing staffs; that advancement within each staff will be governed only by ability, training, experience, and character; that a policy of integration and nondiscrimination is to be effective for all employees of the hospital.

In older and outmoded hospital plants, it has sometimes been difficult to eliminate some customs based on age-old prejudices and social patterns, but now that the last of our hospitals is acquiring a modern building, we are confident that the final traces of segregation and discrimination will disappear.

Some of these policies have been in effect in each of these fields for a long time. We do not claim that any of them go beyond mere justice. I have spelled them out in some detail because of questions which have been raised from time to time.

The duty of justice and charity applies not only to our churches, our schools, our charitable organizations and institutions, and our hospitals, but also to all of us as individuals. It must guide us in our personal relationships—within our block, our neighborhood, our community; in our social and fraternal organizations; in the business we may conduct; in the labor unions to which we may belong; at work and at play; in all the circumstances of everyday life.

Particularly lamentable is the unreasonable and automatic panic too often fanned by unscrupulous and disreputable real estate brokers and speculators, which accompanies the arrival of a Negro family in an area previously occupied by white families only. The fight that occurs not only unfairly prejudges the new neighbors, but it also works an economic hardship on departing property owners, destroys the community, undermines church life, and hits hard at substantial investments made in schools, rectories, convents, and recreational facilities, as well as in the actual places of worship.

Nor can we afford to overlook the crippling effect that division and dissension within our community have on our efforts to meet what is perhaps the most alarming problem of this and every other large city of the country—crime.

This is not the place to go into the sources or causes of crime within our midst. Suffice it to say that no part or group of our people has a monopoly on those sources or causes.

What should concern us is that the problem is so great as to call for the best minds and the combined intense and persistent efforts of the ablest leaders of all elements within the community. In saying this, we reflect in no way on the police force of either city or State. On the contrary, we have complete confidence in the integrity and ability of both the heads and the ranks of our police departments.

But this problem is one that requires the continuing scrutiny and efforts of the community as a whole. It will not be met adequately if there is dissension, division, suspicion, between the two chief racial groups of our citizens.

Even to enumerate our present duties and policies brings vividly to our minds our past defects. Those defects we frankly admit.

With humility and regret, we Catholics must acknowledge that we have been all too slow in the correction of our shortcomings, although in the light of the experience of many of our forefathers, we should have been particularly sensitive to the unjust inequalities suffered by other groups. For this reason, we have a special obligation to place ourselves in the forefront of movements to remove the injustices and discriminations which still remain.

We are all aware of the present grave social problems which have had their origin in racial prejudices and tensions, and which are fed by longstanding racial antipathies.

These problems cannot be suddenly solved or wiped out by wishful thinking or good intentions. They are community problems. They, therefore, cannot be successfully met by any one part of the community nor any one group, however highminded and earnest. They call for the combined thought and planning and cooperation of all of us. They require patience and understanding and good will, and persistent effort on the part of everyone. They call for a sense of justice, above all in that part of the community in which the evil had its origin, and a spirit of charity on both sides.

In their 1958 statement, the bishops of this country, while calling for concrete plans for the elimination of discrimination and the establishment of equal justice and opportunities, urged that such plans be based upon prudence—the virtue which inclines us to view problems in their proper perspective.

The problems we inherit today, they noted, are rooted in decades, even centuries, of custom and cultural patterns. When we are confronted with complex and far-reaching evils, it is not a sign of weakness or timidity to weigh carefully the proposed remedies and reforms.

Some changes are more necessary than others. Some may be easy to achieve; others may seem impossible at a given time. It is the mark of wisdom, rather than of weakness, to study problems fully and to form plans carefully.

Prudence will indeed guard against the rashness which may endanger solid accomplishment—but prudence must never serve as an excuse for inaction or unnecessary gradualism, or as a reason for not holding a straight, steady course toward our goal of full justice.

In this letter, my dearly beloved people, I have spoken chiefly of our duties of justice, because they are so basic to our relations with our fellow men. During this season of Lent, it is well for us to ponder these duties and to reflect on our conduct to see whether our attitude and our acts measure up to what God requires of us.

Lent, furthermore, is a season of repentance when, having seen clearly our shortcomings, we seek to bring about the needed reforms.

But Lent is also a season when the church places constantly before us the mystery of our Redemption—the mystery of that infinite love of God for us which seeks from us in return not only love for Himself, but also love for our fellow men. In that magnificent passage from the First Epistle to the Corinthians which formed the lesson of last Sunday's Mass, St. Paul has shown us what our Christian love for each other must be:

"Charity is patient, is kind, does not envy, is not pretentious * * * rejoices with the truth, bears all things, hopes all things, endures all things. If I have not charity I am nothing, I have become as sounding brass or a tinkling cymbal." These words of the apostle serve as a commentary of our Lord's saying: "By this shall all men know that you are My disciples, that you have love one for another."[6]

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[2] Ephesians 2: 19–22.

[3] Ephesians 4: 12.

[4] Ephesians 4: 25, 30.

[5] Romans 3: 21–23.

In this era of the Second Vatican Council, Pope John has given us an example not only of the charity but also of the wisdom and courage which we here in the Archdiocese of Baltimore need for the solution of the problems of race prejudice and discrimination which we find within our civil community and also within our Catholic community, our own particular "household of the faith."

It has been due to the wisdom of our present Holy Father and his two great predecessors that the council presents to the world a true image of the unity and universality of the church as Christ must have meant it.

In the hall of the council, men of all races and nations take their places in perfect equality—in the College of Cardinals, in the ranks of archbishops and bishops, and of priest superiors of religious orders.

All speak with equal freedom; all vote with equal force.

To help us allay some of the prejudices which beset this country, it may be well to recall that some of the most effective voices within the council have been those of African archbishops and bishops who by birth stand much closer to the hills and plains and wilds of Africa than the Negroes in our midst.

The charity of Pope John has not only transfused the council, giving to it its unique pastoral spirit, it has also overcome many of the prejudices and antipathies of countless non-Catholic brethren, giving to them a new vision of the church. It has awakened in all of us new longings and new hopes for Christian unity. Such charity within ourselves could enable us to purge from ourselves whatever racial prejudices and antagonisms we may still retain, and could help us to give to our non-Catholic Negro brethren such a vision of Christ's church as might open for them the door to spiritual truth.

Finally, the courage with which Pope John, in the face of so many difficulties and adverse predictions, called into being this council, which may well prove to be one of the great turning points of the church's history, should lead us to face our own problems full of Christian faith and confidence and fortitude.

In that ecumenical spirit of Christian renewal which, in the words of Pope John, is meant to restore to the church its simple, pure lines of her pristine beauty, let us—priests and people of this archdiocese—face boldly and confidently the task that is before us, certain that with God's help we shall achieve in the church of this archdiocese a holy unity, free from all stain of prejudice and from every defect of division or discrimination.

Rev. Dr. Martin Luther King, Jr., Southern Christian Leadership Conference, at the March on Washington for Jobs and Freedom

Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our Nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

There will be neither rest nor tranquillity in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the fundations of our Nation until the bright day of justice emerges.

And that is something that I must say to my people who stand on the threshold which leads to the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds.

Again and again, we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers as evidenced by their presence here today have come to realize that their destiny is tied up with our destiny.

NEVER BE SATISFIED

There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities.

We can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating "for whites only." We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote.

No; we are not satisfied and we will not be satisfied until justice rolls down like water and righteousness like a mighty stream.

Now, I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells.

Continue to work with the faith that honor in suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

Now, I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this Nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the State of Mississippi, a State sweltering with the people's injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

This is our hope. This is the faith that I go back to the South with—with this faith we will be able to hew out of the mountain of despair a stone of hope.

Syrian Antiochian Orthodox Archdiocese General Assembly, August 1963

Whereas this archdiocese believes in the inherent rights and liberty of the individual, and that discrimination on the basis of race, national origin, or religion is unjust in any or all forms; and

Whereas this archdiocese believes in the rights of the individual to be treated in full equality with his fellow man, and to be employed on the basis of his individual ability without regard to his race, national origin, or religion; and

Whereas love cannot be legislated into the human heart—notwithstanding the proposed civil rights legislation contemplated by the Congress—and the only meaningful solution to any and all discrimination and civil strife must come through the eternal and abiding spirit of love and understanding taught by Jesus Christ; and

Whereas the year 1963 marks the 100th anniversary of the issuance of the Emancipation Proclamation; and

Whereas on August 28, 1963, there shall be held in the Nation's Capital a march dedicated to seeking the full equality of opportunity for all citizens: Be it therefore

Resolved, That an urgent appeal be made to all people of good faith for the recognition of the full equality of all men, regardless of race, national origin, or religion, and that such recognition should be continuously manifested in a spirit of dedicated love which is and was always intended by our Savior Jesus Christ; be it further

Resolved, That this archdiocese hereby urges a day of prayer to be held on August 28, 1963, calling forth all men of good will to pray for the success of that which was proclaimed 100 years ago, and supplicating Him who nearly 2,000 years ago, was marched to the cross for the eternal liberty and freedom of each soul, to bless and guide this great Nation toward nondiscrimination and racial peace forever.

Unitarian Universalist Association Board of Trustees, October 14, 1963

The Board of Trustees of the Unitarian Universalist Association, recognizing the seriousness of the deep racial crisis which has gripped the United States in recent months and weeks, and reaffirming the traditional concern of Unitarians and Universalists for the supreme worth of every human personality, the dignity of man, and the use of the democratic method in human relationships, respectfully urges that the Congress of the United States enact meaningful, comprehensive civil rights legislation to redress the legitimate grievances of the Negroes and members of other minority groups.

To this end, we endorse the substance and intent of H.R. 7152 and S. 1731 to strengthen voting rights, make discrimination in public accommodations unlawful, speed public school desegregation, establish a Community Relations Service to mediate racial disputes, extend the life of the U.S. Commission on Civil Rights for 4 years and give it added responsibilities, authorize withholding of Federal funds from programs that are administered in discriminatory fashion; and establish as a permanent Commission the President's Committee on Equal Employment Opportunity.

We urge especially that the Congress erase the humiliation which accompanies the members of minority groups when they are refused accommodations or service in hotels, motels, restaurants, business establishments or places of amusement, and that a public accommodations law cover all establishments, of whatever size.

In addition, we urge that amendments be made to the bill to add a permanent Fair Employment Practices Commission to cover hiring, firing and promotion in all types of employment and membership in labor organizations engaged in interstate commerce. And, further, that the bill be amended to give the U.S. Attorney General power to bring civil suits in all cases where Americans are denied their constitutional rights

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United Church of Christ, General Synod, July 5, 1963, a Call for Racial Justice Now

Therefore the general synod, in session in Denver, Colo., seeking to bring the light of the Christian gospel to bear on the present crisis in race relations confronting our country and the world, and thankfully recalling the long-established positions of the Congregational Christian Churches and the Evangelical and Reformed Church and now the United Church of Christ in the field of relations between the races, on July 5, 1963, takes the following actions:

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[6] John 13: 35.

A. The general synod calls upon the members of the United Church of Christ to uproot intolerance, bigotry, and prejudice within our own lives and to replace them with good will and the determination to strike down immediately the barriers which divide men on account of race. The general synod calls upon all members to make it plain to all the people with whom we live and work that the church and the members thereof stand for brotherhood.

B. The general synod believes that the United Church of Christ must free itself of segregation.

1. To this end, and understanding that the decision must be made for itself by each local congregation, the general synod urges the churches to declare officially and publicly that their fellowship is open to all who qualify for membership without any restrictions as to race, class, or ethnic background. The general synod also urges the churches to declare officially and publicly a policy of calling pastors and employing church staff members without any restrictions as to race, class or ethnic background. When these actions are taken, the general synod asks that a report be made to the secretary of the church.

2. The general synod urges the conferences and the associations of the United Church of Christ to become fully integrated "with utmost dispatch."

3. The general synod promises to utilize to the full the contribution that its Negro members and other racial and minority groups can make to the life and work of the United Church, giving these persons their share of leadership opportunities and responsibilities.

4. The general synod calls upon institutions related to the church to desegregate forthwith.

C. The general synod proposes to mobilize the manpower and means of the church for racial justice.

1. To this end, the general synod requests the president of the church, after consultation, to appoint a committee consisting of 11 nonnational-staff persons, including in its membership both white and Negro persons who are trusted throughout the church and have competence in the field of race relations. The life of this committee shall extend until the next meeting of the general synod.

2. The general synod votes to give to that committee the power to decide how the resources of the church contributed for this purpose will be used in the effort to secure racial equality and social justice both at home and abroad.

3. The general synod accepts the offer of the Council for Christian Social Action and the Division of Church Extension of the Board for Homeland Ministers to provide the services of Dr. S. Garry Oniki; approves Dr. Oniki's appointment as executive coordinator of this effort; and suggests that the work and program of this committee normally be implemented by committing it to one of the existing agencies so that money can be conserved for actual program needs. In other cases, the committee would be authorized to borrow on a temporary basis experienced staff from the instrumentalities.

4. The program which this committee shall project could include but need not be limited to:

a. Mobilizing the whole membership of the church, to join where possible with our Protestant, Roman Catholic, and Jewish brethren, on a community basis, to meet the need of the situation on the local level;

b. Providing bail bonds for those who are arrested as they demand social justice;

c. Providing legal defense for such persons;

d. Providing economic aid to persons who lose their jobs because of their participation in activities in behalf of racial equality;

e. Providing financial aid for institutions whose support is threatened by those who oppose an "open policy" of service;

f. Mobilizing the United Church of Christ, its individual members, congregations, associations and conferences to press for the adoption of legislation to guarantee civil rights;

g. Supporting and commending those church members who successfully begin the integration of their own immediate neighborhoods;

h. Extending the program of voter registration;

i. Urging Christians to give all possible assistance to small businesses in making the transition to nonsegregation;

j. Providing other emergency or long-term help, the need for which only the future will reveal.

(NOTE.—All this work, where at all possible, shall be undertaken in cooperation with the National Council of Churches, State and local councils of churches, the National Conference on Religion and Race, and other interreligious and community groups.)

GENERAL SYNOD, JULY 10, 1963, A RESOLUTION ON FAIR EMPLOYMENT PRACTICES AND CIVIL RIGHTS LEGISLATION

The fourth general synod urges all instrumentalities, conferences, associations, churches and church-related institutions:

1. To review their current employment policies in respect to the calling of ministers, the employment of professional personnel and other staff, and to take affirmative steps to implement fair employment practices;

2. To further fair employment practices by including nondiscriminating provisions in all contracts and agreements;

3. To purchase services from and, in the investment of funds, to give preference to those firms which follow fair employment practices;

4. To advocate, demonstrate and involve themselves in support of the principles of the proposed Civil Rights Act of 1963 and the legislation providing for Federal fair employment practices and to urge their Senators and Representatives to support such legislation on a nonpartisan basis in this session of Congress.

The fourth general synod approves the authorization of a committee by the executive council to evaluate the policies and practices in the United Church of Christ in respect to fair employment, to initiate procedures for prompt and effective achievement of fair employment policies and practices, to give attention to:

a. Location of specific job opportunities,

b. Use of personnel records with the churches,

c. Special emphasis on locating qualified persons regardless of race in recruitment of personnel,

d. Initiation of in-service training for purposes of promotion,

e. Discovery of potential existing leadership,

f. Development and training of leadership,

g. Promotion and upgrading of personnel on the basis of ability, and

h. Transmittal of information about nondiscriminatory practices and procedures to agencies used for recruitment of personnel, and expects the committee to report periodically to the executive council of the general synod.

The fourth general synod instructs the Council for Christian Social Action to present testimony in support of civil rights and fair employment practices legislation before committees of Congress.

POLICY OF FINANCIAL SUPPORT

General synod declares its policy to be to contribute funds only to institutions and churches which as of July 1, 1964, have a policy of openness without respect to race, national background, or ethnic origin, and further urges the instrumentalities, conferences, and churches to adopt and pursue such a policy in respect to contributions.

LOCAL STUDY AND ACTION

General synod urges ministers and local churches to study the findings of the National Conference on Religion and Race to cooperate in interfaith action on race in their communities.

BOARD OF HOMELAND MINISTRIES, JULY 11, 1963

Recognizing that the church always lives by the mercies of God rather than by its own merits and that we can never dissociate ourselves from the guilt of humanity, we nevertheless believe that in the providence of God times come when traditional wrongs become intolerable. As in past history the church has learned to reject infanticide, the burning of heretics, and chattel slavery, so we believe now it must learn swiftly to reject the crime of racial segregation, above all within its own household. Without claiming virtue for ourselves or breaking Christian fellowship with those who differ from us, we believe that the minimum claim of Christian conscience upon this board for homeland ministries is that we cease to subsidize the perpetuation and extension of racial segregation: Therefore be it

Resolved, That the board of directors of the United Church Board for Homeland Ministries authorizes the following actions:

1. That we express to the educational institutions of the United Church of Christ our appreciation of the excellent progress made toward overcoming both official and de facto segregation—progress which has brought all colleges and seminaries to the point where no formal barriers to an open policy of enrollment remain; that we take note of the considerable number of such institutions which, without any official statement of policy, have developed an integrated pattern of life on their campuses (which practice is accepted in lieu of an official statement so far as the application of this vote is concerned); that in the case of the two or three institutions whose position is uncertain the officers of the board be authorized to inform them that any institution which, by July 1, 1964, shall have failed to adopt officially a policy of accepting qualified students without any disadvantage due to racial background and which shall have failed to present to the general secretary of the division of higher education and the American Missionary Association a satisfactory plan and timetable for the implementation of this policy, shall forfeit its claim to financial appropriations by this board; and that we further lay upon the conscience of these institutions the responsibility to seek qualified students and faculty from disadvantaged groups and to free themselves from organizations with charters requiring segregation.

2. That in the case of the health and welfare institutions the council on health and welfare services be urged to grant and continue membership in the council only to institutions which, by July 1, 1964, have adopted a policy which is racially nondiscriminatory with respect to staffs and services and which have presented to the general secretary of the division of health and welfare services a satisfactory plan for the implementation of this policy.

3. That the division of church extension be requested to submit to the policy and planning committee at its October meeting proposals with respect to its several departments which would:

a. Deny building aid to any church or conference which will not certify to a policy of open membership or fellowship with other churches without discrimination because of race or color, said policy to be effective as to all applications for aid received subsequent to July 1, 1964.

b. Deny aid to any new church organization after July 1, 1963, or to a conference for a new church to be organized after that date, or to an established church, unless the church or conference, as the case may be, will certify to a policy of open membership or fellowship without discrimination because of race or color.

c. Provide methods to encourage, and require if possible, churches engaged in building programs to contract with contractors who can certify to compliance with fair employment practices so far as race and color is concerned.

4. That the officers of the board be encouraged to inquire into the employment practices of any corporation or organization with which the board does business, and that said officers be authorized to withhold the patronage of the board from firms in which standards of fairness in employment appear to be unsatisfactory.

5. That authority be given to the president and the executive vice president, acting jointly, to authorize members of the board of directors and staff to testify in the name of the board before congressional committees holding hearings on civil rights legislation.

6. That the officers of the board be urged to continue their examination of the board's program with the purpose of detecting any additional points at which it may be involved in supporting the pattern of racial segregation, and that the officers be requested to report their findings at the October meeting of the directors.

We pledge to execute this policy resolutely but with no trace of hostility. We know well that some changes will be costly, though not nearly so costly as segregation has been. Where fidelity causes exceptional difficulties, we will make special efforts to provide skilled counsel, to maintain fellowship with our brothers in distress, and to bear one another's burdens in Christ.

STUDENTS AND FACULTY IN GREATER BOSTON AREA SUPPORT CIVIL RIGHTS BILL

Mr. HUMPHREY. Madam President, several days ago I received a petition signed by more than 600 graduate students and faculty members from five greater Boston universities in support of the civil rights bill and urging limitation of debate on the measure. The petition was presented to me by Miss Rochele Sosne of Brooklyn, N.Y., a graduate student at Boston University's School of Social Work.

It is most encouraging to receive this vote of confidence and support for H.R. 7152. It further demonstrates that the American public are tired of the procrastination being demonstrated by the Senate in reaching a decision on this question. As these petitions demonstrate, the time to begin voting on H.R. 7152 has arrived.

On behalf of the many members of the Senate supporting a strong and effective civil rights bill, I thank the faculty and students of Harvard University, Brandeis University, Tufts University, MIT, and Boston University for this petition urging immediate and affirmative action on the civil rights bill.

I ask unanimous consent that a press release relating to this petition may be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Press Release

A petition supporting the hotly debated civil rights bill and urging a vote for cloture on the measure, signed by more than 600 graduate students and faculty members from five Greater Boston universities, will be presented to Senator Hubert H. Humphrey, the majority whip, by a Boston University coed in Washington, Tuesday, May 12.

Miss Rochele Sosne, of Brooklyn, N.Y., a graduate student at Boston Unversity's School of Social Work, will fly to Washington from Boston with the petition, which was initiated by the joint civil rights committee of students and faculty at the Boston University School of Social Work. Miss Sosne is cochairman of the committee.

The petition, which carries the signatures of graduate students and faculty members from Harvard University, Massachusetts Institute of Technology, Brandeis University and Tufts University, as well as Boston University, reads as follows:

"The civil rights committee of students and faculty of the Boston University School of Social Work wishes to express support for the House-passed civil rights bill presently before the Senate. While we respect the rights of Senators to debate this bill, we are also strongly in favor of efforts to limit this debate by securing a vote for cloture."

The signers of the petition represent the following graduate schools and departments at their universities:

At Harvard, the Harvard College observatory, the east Asian research center, the department of music, the division of medical science, the chemistry department, the mathematics department, and the department of geological sciences.

At Brandeis—the Department of Sociology, the Department of Anthropology, the Department of Chemistry, the Department of Biology and the Department of Mathematics.

At Tufts—the Fletcher School of Law and Diplomacy, the Department of Psychology, the Department of Chemistry, the Departmentment of Education, the Department of Economics, Crane Theological School, and the Department of Drama and Speech.

At Massachusetts Institute of Technology—the School of Architecture and Planning.

At Boston University—the School of Social Work, the Law-Medicine Research Institute, the Department of Psychology, the Department of Mathematics, the College of Liberal Arts and the School of Law.

Members of the Boston University Joint Civil Rights Committee include Dean John McDowell of the School of Social Work, 83 Banks Road, Swampscott, Mass.; Prof. Leonard Bloksberg, School of Social Work, 42 Nash Street, Watertown, Mass., committee cochairman; Miss Edna-Ann Katz, School of Social Work instructor, 650 Huntington Avenue, Boston, Mass.; and graduate students, Oyvind Tutvedt, 225 Newbury Street, Boston; John Glaser, 85 San Gabriel Drive, Rochester, N.Y.; Margaret Gorham, 147 Freeman Road, Orchard Park, N.Y.; Marcia Standley, 2854 Louis Road, Palo Alto, Calif.; Richard Norcross, 42 Shirley Road, Waltham, Mass.; Carol Rogers, 39 East Bacon Street, Plainville, Mass.; Susan Hyman, 69–10 108th Street, Forest Hills, N.Y.; Henry Borenstein, 180 Evelyn Road, Newton, Mass.; Mary Maynard, 1315 Gregory Street, Wilmette, Ill.; Arlene Demirjian, 418 McKinney Avenue, Bridgeport, Conn.; Ruth White, 1725 Arkansas Street, Baton Rouge, La.; and Helen Garretson, County Line Road, Chagrin Falls, Ohio.

ADDRESS BY SENATOR HUMPHREY TO AMERICAN INDIAN CAPITAL CONFERENCE ON POVERTY—MAY 9, 1964

Mr. HUMPHREY. Madam President, I was privileged to deliver the keynote address to the American Indian Capital Conference on Poverty which met at the Washington Cathedral from May 9 to 12, 1964. I addressed my remarks to the problem of "Poverty and the American Indian."

In that address, I noted that poverty is the everyday life of the American Indian. The average income for Indian families living on reservations is $1,500 per year and unemployment among Indians is seven or eight times the national average. I emphasized the urgent need for creation of new jobs and the expansion of educational opportunity as the only sensible approach to this great national problem.

Madam President, I wish to congratulate the organizers of this conference. The dedication and concern of the participants was evident and their labors were productive and challenging. In particular I should like to commend the honorary chairmen of the conference, Lawrence E. Lindley and Walter S. Wetzel. I believe that each Member of Congress has a new awareness of the special problems which must be faced in terms of combating Indian poverty in a meaningful and effective fashion.

Madam President, I ask unanimous consent that my keynote address may be printed in the Record, and that the program of the American Indian Capital Conference on Poverty may also be printed as part of my remarks.

There being no objection, the address and the program were ordered to be printed in the Record, as follows:

Poverty and the American Indian

Poverty is the everyday life of the American Indian. No other groups in American life is so victimized by poverty.

The average income of Indian families on reservations is $1,500 a year—unemployment is 7 or 8 times the national average—most families live in small huts or hogans with no sanitary facilities—young adults stay in school an average of only 8 years—the Indian life span of 42 years is far short of the national average of 62—Indian babies have only half as much chance as others in this country to reach their first birthdays.

I could give you more figures but these point up the problem sharply enough—the American Indian is in miserable shape and needs all the help we can give him.

To be sure, American Indians do not make up a large percentage of the 40 million persons who live in poverty in this country—but their small numbers do not diminish their importance. The Indians and their reservations must be prime targets in the war on poverty that President Johnson has asked us to undertake.

And, we are going to make that move on poverty an allout war.

There is nothing new about the evils of poverty. Its destructive toll on the human spirit—even more than its social cost in welfare and disease—has torn at our sense of justice. What is new about poverty is that it is not necessary.

We are able to do more about poverty than we ever could before. America's resources are so developed that we have the means and the knowledge to bring people into an adequate sharing of our total social and economic life.

Americans no longer have to live in poverty and it is wonderful that this is so. It will be nothing less than criminal negligence if our knowledge, and our resources, are not used to help people help themselves.

Poverty is distributed among different groups and exists in separate pockets. The American Indian represents only one of various special situations—each will require a specially developed program.

The American Indian presents a special case in two important respects. First, the Federal Government is deeply involved because it has the major responsibility for Indian affairs and is the trustee for reservations where the majority of the Indians live; and, second, Indians have special cultural problems which make it more difficult to integrate them into the economic life of a modern society with its rapid technological developments.

The Federal Government's authority—and its acknowledged responsibilities for Indian affairs—should give antipoverty workers an effective base from which to operate.

We know that sustained poverty breeds cultural alienation. Educators, for example, now frequently refer to children of the poor in cities as culturally deprived. One could say the same about the children—coming from poor homes and going to crowded schools—on our Indian reservations.

The American Indian, because his cultural problems are so difficult, provides a more critical laboratory in which to learn to deal with these problems. Indian reservations can become excellent pilot projects or models of what can be done—and how to do it—in the war on poverty.

Addressing the subject directly, we might ask how poverty on Indian reservations developed and why it has continued for so long.

Reservations are too small to support the number of Indians living on them. Only about 2 percent of the 52 million acres in reservations are suitable for farming and—even under the best agricultural management—this land would not provide a living for more than half of the Indian population.

Federal effort in the past has been too heavily directed to custodial care, resulting in little development of the land and its people. A special study group pointed this out in 1961. It indicated we may have been well motivated in the past but were poorly informed.

Indian culture has revolved around a limited agriculture and—except for hunting and fishing—has not been job oriented. The relationship of the Indian to the land is deep and mystical. It is more than living space. It is his spiritual home and he doesn't think of it in economic terms.

Education has been inadequate on the reservations and Federal policy has diverted most of the funds into preparing Indian young people for jobs away from home. Those that left permanently were torn from their people—and as a result—the reservations regularly lost potential community leaders.

One word above all others describes the plight of the Indian—that word is "isolation." Indians are isolated physically and geographically. They are isolated economically and socially. The institutions of health, welfare, and education have not reached them effectively.

In recent years more has been done to deal directly with Indian poverty. The Bureau of Indian Affairs has abandoned the custodial idea—Congress has voted more money to raise Indian living standards, provide health and welfare services, and develop educational and economic opportunity—and Federal policies have been focused on development of reservation resources and the Indians themselves.

These new policies mean improved housing with provisions for the Indians to build and to own homes. They mean summer work projects for young people and full-time employment for men in roadbuilding and forest programs, and on soil conservation and irrigation projects. Reservations now are included in accelerated public works and area redevelopment programs.

These new policies mean easier credit for tribal enterprises—a change that has stimulated industrial development on or near the reservations and broadened the economic base. At least 25 small industries have been developed in the past 3 years. Indians—using these new sources of capital—now are running small businesses, motels, canneries and sawmills. Bright economic opportunities will continue to develop if these programs are adequately funded and carried through.

These new policies have put most of the money where it ought to go—into education. The outlays for education make up about half of the expenditures of the Bureau of Indian Affairs. The Bureau operates a system of elementary, secondary and vocational schools for 47,500 Indian children.

These schools have a big job in helping Indian children bridge a cultural gap between tribal life and our modern, complex society. They also are faced with the special problem of giving special attention to children considered both culturally deprived and disadvantaged by poverty.

In some other respects these schools face the same problems as school systems elsewhere—the need for more classrooms to keep up with the population—the need to raise the level of instruction—the necessity for better guidance and counseling services—the need for better libraries—and the need for new methods in teaching English as a second language.

Indian children are not the only persons requiring education. The Bureau also has an education program for more than 24,000 adults—only a handful of the undereducated and undertrained on our Indian reservations.

In listing what has been done for the Indian to raise his economic status and improve his general welfare, one cannot overlook the U.S. Public Health Service. This agency, in carrying out its responsibilities for Indian health, has included hospital construction in its program. Tremendous improvement has been made in water sanitation although there still is a long way to go. Unsafe water has been blamed in many instances for the spread of communicable diseases that have taken such a toll on Indian reservations.

Life expectancy for Indians is far short of the 62 years now enjoyed by the rest of the population—but it has been increased since 1940 by 11 years. The tuberculosis rate for Indians is six times higher than for the rest of the population—but it has been cut almost in half since 1954.

It is quite remarkable how the critical economic condition of the American Indian is a mirror of the poverty problem the United States faces. It presents the whole poverty problem in miniature.

This brief rundown on what the Bureau of Indian Affairs has done to combat poverty on our Indian reservations shows why the agency has been able to do so much to help develop President Johnson's poverty proposals for Congress. The experience the Bureau has had with poverty, the lessons it has learned, and the principles it has established are providing guidelines for what we must do elsewhere.

This brief rundown also shows that the neglect of the American Indian has been deplorable. However, I think we have been able to diagnose the causes of his poverty and now have the proper remedies.

The time has come to wage all-out war on poverty in all sections of this Nation. We must be certain that 400,000 American Indians no longer have to face serious unemployment, inadequate education, poor housing, disease, and income problems that have made their reservations some of the Nation's worst pockets of poverty. We must continue our best efforts until our American Indians are able to participate fully in all the benefits and opportunities of a society that fulfills their old sense of freedom in new terms.

American Indian Capital Conference on Poverty—An Extended Meeting of the Council on Indian Affairs

(Held at the Washington Cathedral, Mount St. Alban, Wisconsin and Massachusetts Avenues NW., Washington, D.C., May 9–12, 1964, Honorary chairmen: Lawrence E. Lindley and Walter S. Wetzel)

"The war on povery is not a struggle simply to support people, to make them dependent on the generosity of others. It is a struggle to give people a chance. It is an effort to allow them to develop and use their capacities * * * so that they can share, as others share, in the promise of this Nation," (from President Lyndon B. Johnson's message on poverty to the Congress of the United States, Mar. 16, 1964.)

FRIDAY, MAY 8, 1964

Registration of conference members 4 p.m. to midnight. Lodging information: Conference headquarters, Alban Towers Hotel, 3700 Massachusetts Avenue NW.

Steering committee and workgroup chairmen meet 7:30 p.m. College of Preachers dining room, 3510 Woodley Road NW., Washington Cathedral.

SATURDAY, MAY 9, 1964

Registration of conference members, 8:00–9:30 a.m. (Registration will continue throughout the day.) Alban Towers Hotel, 3700 Masssachusetts Avenue NW.

Call to order, 9:30 a.m. Gymnasium, St. Albans School, 3551 Garfield Street NW.

Presiding: Lawrence E. Lindley, chairman, Council on Indian Affairs.

Greetings to the conference: Walter S. Wetzel, Blackfeet Tribe, National Congress of American Indians.

Preliminary statement: Clifford L. Samuelson, chairman of the steering committee.

Plenary session of the conference, 10 a.m. to 12 noon, gymnasium, St. Albans School, 3551 Garfield Street NW.

Presiding: Raymond Nakai, chairman, Navajo Tribal Council, Window Rock, Ariz.

Introduction of keynote speaker: Daisuke Kitagawa, National Council, Protestant Episcopal Church.

Keynote address: "Poverty in Our National Life," the Honorable HUBERT H. HUMPHREY, U.S. Senator from Minnesota.

Response address: "Poverty in American Indian Life," Robert Burnette, Rosebud Sioux Tribe, executive director, National Congress of American Indians.

Remarks: Jack T. Conway, President's Task Force on Poverty.

AMERICAN INDIAN SUNDAY, MAY 10, 1964

Morning worship. Service of Holy Communion and sermon, the Washington Cathedral, 9:15 a.m. The service will be celebrated in American Indian languages and English.

Celebrant: The Venerable Vine V. Deloria, Sr., archdeacon, Missionary District of South Dakota.

Sermon: The Reverend Webster Two Hawk.

Participating clergy: The Reverends Wilbur A. Bearsheart, Noah Broken Leg, William J. Hanks, Harold D. Jones, Sidney U. Martin, Stephen Moccasin, Moses Mountain, Reginald

D. Rodriguez, George W. Selwyin, George A. Smith, Andrew A. Weston.

Offertory anthem: The Navajo Choir, St. Christopher's Mission, Bluff, Utah. The offering from this service will go to the scholarship program for American Indian boys and girls.

Chartered buses leave for the Department of the Interior, 10:30 a.m. Conference members gather at Pilgrim steps, south transept of the cathedral to board buses.

Buses arrive at the Department of the Interior, Virginia Avenue and C Street entrance; 11 a.m. Conference members who have boarded the first three buses may go to the All States Cafeteria, 514 19th Street NW. Conference Members boarding bus No. 4 may go to the Francis Scott Key Dining Room, 600 20th Street NW. The conference is not serving Sunday lunch.

Return by foot to the Department of the Interior: 12:30 p.m. Enter the building at the Virginia Avenue and C Street NW., entrance and show your conference badge to the guard.

A preview of an exhibit of contemporary American Indian and Eskimo art. Department of the Interior Museum, 7th floor: 12:30 to 2 p.m. This invitation was extended to the conference by Commissioner of Indian Affairs Philleo Nash. Mrs. Stewart Udall will receive the conference members.

Buses will leave the Department of the Interior from the Virginia Avenue and C Street NW. entrance to return conference members to the Washington Cathedral, 2 p.m.

Full conference photograph will be taken at the Pilgrim Steps of the Washington Cathedral, 3 p.m. Please be present.

Procession of conference members will gather at Pilgrim Steps before going to the Cathedral, 3:30 p.m.

Service of evensong, 4 p.m.

Old Testament lesson reader: The Honorable John O. Crow, Deputy Commissioner of Indian Affairs.

New Testament lesson reader: The Reverend Mitchell Whiterabbit, United Church of Christ.

Welcome to the cathedral: The Very Reverend Francis B. Sayre, Jr., D.D., dean of the Washington Cathedral.

Address: The Honorable Stewart L. Udall, Secretary of the Interior.

No further activities are planned for conference members this evening.

Lunch period, 12 noon to 2 p.m. (box lunches will be served to conference members at the amphitheater. In case of rain, lunch will be served in the gymnasium, St. Albans School).

All workgroups will meet simultaneously, 2 to 4:30 p.m.

I. Education: Hearst Hall Library, National Cathedral School for Girls. Chairman: Francis McKinley, director of community services, Ute Tribe of the Uintah and Ouray Reservation, Fort Duchesne, Utah.

II. Health: College of Preachers Lounge. Chairman: Pete Homer, Colorado River Tribal Council chairman, Parker, Ariz.

III. Employment: College of Preachers dining room. Chairman: Irwin Santiago, Governor, Laguna Pueblo, Laguna, N. Mex.

IV. Housing: College of Preachers common room. Chairman: Marvin Mull, San Carlos Apache Tribal Council chairman, San Carlos, Ariz.

V. Community mobilization: Washington Cathedral Library. Chairman: Mrs. Pauline Tyndall, Omaha Tribe, director, Sun Hawk Products Co., Macy, Nebr.

Drafting committees for each workgroup will meet in their respective rooms, 4:30 to 5:30 p.m.

Dinner period, 4:30 to 7:30 p.m., (dinner will not be served by the conference. See mimeographed list of restaurants in the area.)

Program of Indian arts and culture,[1] 7:30 to 10 p.m., gymnasium, St. Albans School, 3551 Garfield Street NW.

Sponsored by: National Congress of American Indians.

Speaker: Alvin M. Josephy, Jr., member of the board of editors, American Heritage magazine.

Master of ceremonies for the Indian dance program: John Folster, Turtle Mountain Chippewa Tribe.

Conference recesses until Monday morning, 10 p.m.

MONDAY, MAY 11, 1964

United Scholarship Service, Inc., breakfast for their students, alumni, board of directors, selections committee and staff, Alban Towers Hotel, dining room, 7:30 to 9 a.m.

Workgroup meetings, 9:30 a.m. to 12 noon:

I. Education: Guildhall, St. Alban's Church. (Note change of meeting place.)

II. Health: College of Preachers lounge.

III. Employment: College of Preachers dining room.

IV. Housing: College of Preachers common room.

V. Community mobilization: Washington Cathedral library.

Lunch period, 12 noon to 1:30 p.m. (Lunch will be served for conference members at Satterlee Hall, St. Alban's Church.)

Workgroups meet in the same rooms used for their morning sessions, 1:30 to 3:45 p.m.

All members will leave the Washington Cathedral for Capitol Hill by chartered buses. Meet at the Pilgrim Steps, South Transept of the Cathedral, 4 p.m.

The conference members have been invited to the U.S. Capitol for a reception. Room S207, U.S. Capitol Building, 4:45 to 6 p.m.

Buses will leave from the east front of the Capitol Building to return to Alban Towers Hotel, 6 p.m.

Dinner period, 6:30 to 8 p.m. (Dinner will not be served by the conference. See mimeographed list of restaurants in the area.)

Drafting committees for each workgroup will meet in their respective meeting rooms.

Plenary session of conference, Alaska, 8 to 10 p.m., gymnasium, St. Alban's School, 3551 Garfield Street NW.

Presiding: Francis McKinley, Ute Tribe, Uintah and Ouray Reservation, Fort Duchesne, Utah.

Panelists

Clarence Antioquia, Tlingit, Sitka, Alaska. Employment Assistance Technician, Bureau of Indian Affairs.

Robert L. Bennett, Oneida Tribe, Area Director, Bureau of Indian Affairs, Juneau, Alaska.

The Reverend Jules Convert, S. J., Little Flower Roman Catholic Mission, Kaltag, Alaska.

The Right Reverend William J. Gordon, Jr., D.D., Bishop of Alaska, Protestant Episcopal Church, Fairbanks, Alaska.

William L. Hensley, Eskimo, Kotzebue, Alaska. Student at George Washington University, Washington, D.C.

Mrs. Stella Martin, Tlingit, Grand Secretary, Alaska Native Sisterhood, Juneau, Alaska.

Howard Rock, Eskimo, editor, Tundra Times, Point Hope, Alaska.

TUESDAY MAY 12, 1964

Plenary session of the conference, 9 a.m. to 12:45 p.m., gymnasium, St. Albans School, 3551 Garfield Street NW.

Presiding: Roger Jourdain, chairman, Red Lake Chippewa Tribal Council, Red Lake, Minn.

Reports of workgroup findings and recommendations: Workgroup chairmen.

Remarks: Jack T. Conway, President's Task Force on Poverty.

Break.

Introduction of Commissioner: Paschal Sherman, Ph. D., Colville Tribe, chairman of the trustees, American Indian Civil Liberties Trust.

Comments on conference findings and recommendations: The Honorable Philleo Nash, Commissioner of Indian Affairs.

Adjournment, 12:45 p.m.

Closing statement: Clifford L. Samuelson, chairman of the steering committee.

Adjournment of the meeting of the council: E. Thomas Colosimo, secretary, Council on Indian Affairs.

Lunch period, 1 p.m. (Lunch will be served for conference member at Satterlee Hall, St. Alban's Church.)

Afternoon: Reports and findings of this meeting will be carried to the President of the United States and to the Members of the Congress.

Meetings of participating organizations, as desired. The following rooms have been reserved for such meetings: College of Preachers dining room, Washington Cathedral Library.

A RESOLUTION OF THE COUNCIL ON INDIAN AFFAIRS

(Resolution regarding the organization and planning of a 1964 meeting of the Council on Indian Affairs to develop an American Indian program against poverty, adopted January 21, 1964)

Resolved, That the representatives of the constituent bodies of the Council on American Indian Affairs, present at the meeting January 20–21, 1964, agreed that instead of the regular meeting of the Council on Indian Affairs in April 1964, there be held an extended meeting of the Council on Indian Affairs in May 1964 to define the role of education in a program against poverty among American Indians within the broader context of health, housing, employment, and community mobilization; and be it further

Resolved, That the representatives present at this meeting of the council accept the invitation of officials of the Washington Cathedral to use the housing and facilities of the Cathedral for such a meeting, and that this session be held on date or dates in May 1964, best suited to take advantage of American Indian Day scheduled at the Washington Cathedral on May 10; and be it further

Resolved, That the representatives present at the meeting of the council agree that the following matters be given emphasis in the planning and development of such a session:

1. Throughout this session, special attention shall be given to the fullest expression by American Indians themselves of the needs of American Indian reservations and communities.

2. Leadership for this meeting shall be recruited from the widest range of informed persons, both Indian and non-Indian, including particularly tribal officials, Indian persons in the trades, professions, and arts, and other Indians whose qualifications and experience give them understanding of the problems involved. Efforts shall be made also to involve new leadership outside of Indian affairs, especially persons concerned with the same kinds of problems in non-Indian life.

3. The meeting shall be particularly directed to the task of discovering ways in which the Indian tribes and other organized Indian groups, and the voluntary agencies, can make a substantive contribution to a program against poverty among American Indians. In this process, it shall seek the cooperation and the participation of local, State, and Federal governmental agencies

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[1] If there is an overflow crowd, a similar program will be held at Whitby gymnasium, corner of Wisconsin Avenue and Woodley Road, during this time.

whose work is, or might be, directed to these problems.

4. The findings of this meeting shall be made available to Indian communities, the general public, officials at every level of government, business, labor, the churches, and other organizations, to persons in the "helping professions," and to all concerned with human well-being and welfare.

5. Resolutions and recommendations emitting from this meeting of the council shall be directed to all member organizations and these organizations shall be encouraged to formulate all feasible long-range programs to implement the findings and pronouncements and urged to follow up on immediate opportunities while still in Washington.

6. This special meeting shall incorporate careful consideration of the suggestion that the year 1965 be designated as American Indian Education Year with the possibility of a national conference in the field of Indian education; and be it further

Resolved, That the representatives present at this meeting of the council agree upon the following policies and procedures for implementing this special emphasis for this meeting:

1. The chairman of the council shall promptly appoint a general chairman for the program of the council and a steering committee of not less than five persons. This committee may co-opt such resource persons or additional members as desired.

2. Constituent bodies of the council and other interested organizations shall be promptly informed by the steering committee of the council of the extended meeting of the Council on Indian Affairs.

3. The steering committee shall keep member organizations regularly informed of the development of plans for the council meeting and of its progress in implementation.

(After passage of this resolution, it was referred to the constituent members of the Council on Indian Affairs for their independent action.)

The Council on Indian Affairs is a national coordinating council of voluntary organizations and church bodies meeting regularly three times a year. This conference is an extended meeting of the Council on Indian Affairs. The public is welcome at all plenary sessions of the conference, the cathedral services and the program of Indian arts and culture. Work groups are for conference members only.

Cooperating members of the Council on Indian Affairs:

National Congress of American Indians.

Department of Indian Work, National Council of Churches.

Arrow, Inc.

American Friends Service Committee.

Division of Research, General Federation of Women's Clubs.

Bureau of Catholic Indian Missions.

American Civil Liberties Union.

Board for Homeland Ministries, United Church of Christ.

Friends Committee on National Legislation.

National Council, Protestant Episcopal Church.

Indian Rights Association.

United Scholarship Service, Inc. (cooperating organization).

Members of the steering committee: Clifford L. Samuelson, chairman, Miss Pam Coe, secretary, Robert Burnette, Russell E. Carter, E. Thomas Colosimo, Robert V. Dumont, William L. Hensley, Theodore Hetzel, Mrs. Alvin Josephy, Miss Hazel Saunooke, J. B. Tennelly, S.J., Miss Tillie Walker.

Coordinators: Mrs. Helen M. Scheirbeck, Reinhart B. Gutmann.

Public relations adviser: Bernard Cherin.

The steering committee thanks these volunteers: Mrs. J. W. Anderson, Mrs. Gardner Jackson, the boys of St. Albans School, the women of St. Albans Church, the staff of the Washington Cathedral, Charles White Eagle.

The dean and chapter of the Washington Cathedral have kindly put at the disposal of the conference, the Washington Cathedral building and facilities at Mount St. Alban, Washington, D.C.

EXHIBITS AND SALES

American Indian arts and crafts will be sold in the cathedral's gift shop for the benefit of the United Scholarship Service, Inc. Individual tribes will have booths on the cathedral grounds. The trophy room, gymnasium, St. Albans School will house an exhibit of the Bureau of Indian Affairs and related agencies.

LEGISLATIVE PROGRAM

Mr. HUMPHREY. Madam President, I have consulted with the majority leader this morning with reference to the schedule of the Senate between now and the end of May, and I should like to inform all Senators of those plans, so that each Senator may make appropriate plans for the proper use of his time between now and May 31, bearing in mind, of course, his own responsibilities.

The Senate, starting the week of May 25, will meet through the 28th; that is, the 25th, 26th, 27th, and 28th; to transact regular Senate business. I have some suspicion that it may be the pending question.

Mr. ROBERTSON. Madam President, may I ask for an explanation? On those days, will it be possible temporarily to set aside the civil rights bill for the consideration of an appropriation bill and other items? I have in mind the Treasury and Post Office appropriation bill, in which I know the majority leader is interested, because it has reference to silver dollars and the money to be provided for that purpose. We should like to finish our work on that bill if possible. Does it mean that it could be taken up during those days?

Mr. HUMPHREY. It does not, if I may say so respectfully to my beloved friend the Senator from Virginia. I hope that committees will adjust to their schedules so that they can meet in the early morning.

One of the reasons why the Senate has been meeting at 10 a.m., instead of earlier, is to permit Senate committees to conduct their business in the early hours of the morning.

It is also very beautiful in Washington in the early morning. I know that Senators enjoy the beauty of the early morning hours.

Mr. ROBERTSON. I concur in that statement. In my earlier duck-hunting days I learned that the sun rises very beautifully, especially over one's quarry. I can stand 14- and 16-hour days, but in the Committee on Banking and Currency I have noticed that some of the younger members do not seem to want to appear at 8 o'clock in the morning, for some reason or other, and the committee has been handicapped in meeting for that reason.

Mr. HUMPHREY. I say to my good friend from Virginia that very few men I know have the strength, vigor, and vitality of the distinguished Senator from Virginia.

Mr. ROBERTSON. I thank the Senator very much.

Mr. HUMPHREY. I shall not be critical of any Senator who tries to keep pace with the Senator from Virginia and falters in the attempt, because it would be an almost superhuman accomplishment to keep up with my friend from Virginia.

Mr. JOHNSTON. Madam President, will the Senate take a recess for Memorial Day?

Mr. HUMPHREY. I was about to come to that announcement of good news. There is no one to whom I would rather make this announcement under any conditions than to one of the outstanding Members of this body and one of my close personal friends, for whom I have unbounded admiration—the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Does he wish to ask for additional time?

Mr. HUMPHREY. I ask for 1 more minute to give this good news flash.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. When the Senate completes its business on Thursday night, it will go over until noon on Monday, June 1.

That will give Senators an opportunity to participate in Memorial Day services, go home to their families, and have an opportunity to take care of those engagements which I believe many Senators had planned in view of the earlier announcement.

The only change is with respect to Thursday. On that day there will be good, hard business, as usual, scheduled in the Senate.

Mr. SALTONSTALL. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SALTONSTALL. It was my understanding—and perhaps I misunderstood the Senator from Minnesota—that the minority leader told the Republican policy group there would not be any important business, or any business, as I understood, taken up on Thursday, May 28. We understood that a joint meeting of the two Houses would be held on that day to hear President de Valera of Ireland.

Mr. HUMPHREY. That could possibly be, but I doubt that it would take the entire day.

Mr. SALTONSTALL. Does the Senator expect to have some business transacted on that day?

Mr. HUMPHREY. Yes; into the evening of Thursday the 28th of May. Senators will be able to get away early enough to keep their respective engagements on Friday, Saturday, and Sunday.

Mr. ELLENDER. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ELLENDER. What about next week?

Mr. HUMPHREY. The Senate will be very busy.

Mr. ELLENDER. The Senator did not say so. That was understood, was it?

Mr. HUMPHREY. Yes; that was understood.

Mr. ELLENDER. Therefore, all of next week the Senator expects to have the Senate meet at 10 a.m. Is that correct?

Mr. HUMPHREY. Yes; at 10 o'clock.

Mr. ELLENDER. And finish each day as has been done this week? Is that correct?

Mr. HUMPHREY. Perhaps a little later, so that the Senate can make progress with the pending business.

Mr. ELLENDER. The same is true of the week of the 25th, except for Thursday, Friday, and——

Mr. HUMPHREY. Except for Friday, Saturday—and, of course, Sunday we have off anyway.

Mr. ELLENDER. Then the Senate will go over until Monday at noon, is that correct?

Mr. HUMPHREY. Yes.

Mr. SALTONSTALL. Madam President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. SALTONSTALL. It has been called to my attention by the assistant to the minority leader that there was some thought of having a memorial session for the late President Kennedy in the first of that week. Does the Senator wish to make any statement on it?

Mr. HUMPHREY. The majority leader has handed me a note. He states that business will be conducted as usual in the early part of the week, until Thursday. Apparently a change has been made.

Mr. SALTONSTALL. I thank the Senator.

Mr. CLARK. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. Did I correctly understand the Senator to say that there will not be the "Salute to Kennedy" on Monday and Tuesday, May 25 and 26?

Mr. HUMPHREY. I would prefer to have the Senator withhold that question for the present, until a definite answer can be obtained from the majority leader. I understand that the plan has been changed. The majority leader asked me to announce that regular business would be conducted in that week from Monday through Thursday, rather than to follow the plan of the Kennedy anniversary salute.

Mr. CLARK. Then, as I understand, no date has been set for the Kennedy salute. Is that correct?

Mr. HUMPHREY. Yes. That is the situation.

Mr. CLARK. The Senator does not believe that there will be any votes during that week, does he?

Mr. HUMPHREY. I would hope so. Hope springs eternal, particularly in the spring. I should like to have those hopes realized.

Mr. CLARK. I thank my friend for his wishful thinking.

Mr. HUMPHREY. And my unbounded optimism, too, would the Senator add?

Mr. CLARK. Yes. However, I am sure it would be very difficult to develop a quorum.

Mr. HUMPHREY. It will be accomplished, difficult though it may be. Because it is difficult, it is that much more of a challenge.

INTERNAL SECURITY—COMING EVENTS CAST THEIR SHADOWS BEFORE THEM

Mr. MUNDT. Madam President, I ask unanimous consent to have printed in the RECORD at this point a very discouraging and distressing news item concerning the Atomic Energy Commission.

Another retreat is being made from the standpoint of protection of our internal security in this country.

It has been my experience, in about a quarter of a century in public life, that every time an executive department, agency, or bureau lets down the bars and makes it easier for Communists and Communist sympathizers or fellow travelers to infiltrate the Government, those devious people always accept the opportunity with great alacrity. Thus it is seen how coming events cast their shadows before them.

I am sure that is what will happen in this case. There is a feeling in some quarters that Communists have ceased their efforts at espionage, and that they no longer engage in sabotage against free governments. Therefore the agencies will no longer take advantage of the FBI screening process, but instead develop clearance policies which are as full of holes as the seining nets of commercial fishermen. I believe the result will be some shocking disclosures of Communist infiltrations in the future.

I call attention now to an announcement that the doors are being opened and the welcome signs are being erected for people who are only a little bit Communist, or who have recently turned back their memberships. Obviously security officials who construe their duty to be "to clear people" rather than to protect our national security are playing with fire and asking for trouble.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AEC REPORTED TAKING NEW VIEW OF SECURITY

CHICAGO, May 1.—The Atomic Energy Commission has so loosened its security standards that a person who belonged to the Communist Party in 1944 would probably be cleared for employment in 1964, a Washington attorney said today.

"The concept of security has come a long way since the nightmarish aberrations of the early Eisenhower years," Harold F. Green said in an article in the current Bulletin of the Atomic Scientists.

Green, who also is a professor of law at George Washington University, was granted previously classified information by the AEC specifically for his study of the agency's "Q-clearance" security program.

The "Q-clearance" enables an employee to handle files marked "secret," "confidential" and "official use only." It does not allow them access to "top secret" information.

Green said the AEC has in several cases granted security clearances to persons unable to receive clearance from other Government agencies and to persons who were discharged from other agencies on security grounds.

"The overall attitude of security officials has changed perceptibly," he said. "Six years ago, most would have described their basic mission as keeping subversives and security risks out of sensitive positions.

"Today they would say: Our mission is to clear people."

(In Washington, the AEC said its personnel security program affords "reasonable and realistic assurance" that all persons selected for employment "meet prescribed standards of character, associations and loyalty."

(The AEC noted a statement by Green that "there is no known instance of subversive penetration of the AEC program in its 17-year history.")

A person with "substantially derogatory information" in his background has a much greater chance of obtaining an AEC Q-clearance than a "secret" clearance from almost any other Government agency, he said.

"Even membership in the Communist Party in 1944 * * * becomes of relatively little significance in 1964, assuming 'good behavior' for a sufficiently long period of time," Green said.

A TRIBUTE TO ADMIRAL FELT

Mr. FONG. Madam President, today is Armed Forces Day. On this Armed Forces Day, a grateful nation pays tribute to the men and women who serve our country in the Army, Navy, Air Force, Marine Corps, and Coast Guard. It is most fitting that we set aside this day to honor our service men and women serving throughout the world as guardians of the peace.

On this occasion, I wish to pay appropriate tribute to a most distinguished military officer—Adm. Harry Donald Felt. When he retires on July 1, 1964, he will have served 6 years as commander in chief, Pacific.

CINCPAC, a unified command, is, geographically, the largest U.S. military command in the world. It covers more than 40 percent of the surface of the earth, extending from the west coast of the United States and Alaskan waters westward to Japan, Ryukyus, the Philippines and Formosa, to the Asian mainland proper.

The U.S. Army Pacific, the Pacific Air Forces, and the Pacific Fleet are component commands under the commander in chief.

From his headquarters at Camp H. M. Smith, just outside the city of Honolulu, Admiral Felt commands our fighting forces throughout the vast Pacific. At the same time he wears a number of additional hats, such as U.S. military adviser to SEATO—the Southeast Asia Treaty Organization—and ANZUS—the adviser to SEATO—the Southeast Asia Security Pact.

In his various capacity, Admiral Felt has served with great distinction through strenuous times and numerous crises in the Pacific. He has contributed immeasurably to promoting the peace, strengthening the defenses, and safeguarding the national security in this region.

Because CINCPAC operates out of Hawaii, we in the civilian community in the islands have come to know and to admire "Don" Felt since he assumed command on July 31, 1958. He has won the respect of the people of Hawaii by his professional integrity, tactful understanding of local community needs, and friendly cooperation in military-civilian affairs.

As he reaches his retirement age of 62 within a few weeks, I wish to voice a tribute of "well done" to a great American and an outstanding military leader.

COMMENT ON ADDRESS BY SENATOR GOLDWATER BEFORE COLUMBUS, GA., LAWYERS CLUB

Mr. RUSSELL. Madam President, during the past several days, the State of Georgia has been honored by the visits of a number of prominent and distinguished Americans.

One of the recent visitors to our State was our distinguished colleague from Arizona [Mr. Goldwater], who delivered a most thought-provoking address to the annual Law Day ceremonies of the Lawyers Club of Columbus on May 1.

The Senator's appearance before the Lawyers Club was devoted to a learned discussion of a matter that should be of great concern to all citizens; that is, the growing threat to the division of powers that is the foundation of our constitutional system of government.

As the Senator from Arizona pointed out, some of the ways in which the division of powers is being altered and upset are generally recognized, such as the concentration of more and more power in the Federal Government at the expense of the States and their subdivisions, and the growing authority of the executive branch largely at the expense of the legislative branch.

But some of the effects of the over concentration of power in the hands of the Central Government are more subtle and have not received enough attention. I was particularly intrigued by the Senator's discussion of what he termed the "cultural loss" to the country as a result of the increasing control over purely local affairs exercised by the vast Federal bureaucracy sprawling along the banks of the Potomac River.

I also found most pertinent, particularly in view of the present situation in this body, the Senator's candid comments on how he believes Congress may be helping to upset the division of powers as between the legislative and executive branches.

Madam President, whether or not one agrees with the political philosophy and views of the Senator from Arizona, his remarks will be of interest to all thoughtful students of our system of government. I ask unanimous consent that it be printed in the Record at this point in my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Barry Goldwater Before the Columbus Lawyers Club, Civic Auditorium, Columbus, Ga., Friday, May 1, 1964

Let me say that it is most appropriate to be discussing the principles of sound constitutional government here in Georgia. Your State has sent to the Senate two of our most able and distinguished authorities on constitutional government, Richard Russell and Herman Talmadge. They are fine gentlemen and their knowledge of the Constitution and of the rules of the Senate is respected by all who know them and have the privilege of working with them.

Today, in many ways, the government of law that was the meaning of the American Revolution, and has been the essence of the American experience stands challenged and even shaken.

On the one hand we see redress for grievances being sought in the streets—being fought out, rather than being thought out. This sort of action symbolizes false solutions through the fiat of violence. Actually, it solves no problems. Its major violence, in fact, is to the very hope of solving problems which go far beyond the letters of laws, into the spirit of laws and—even deeper—into the hearts of men.

Beyond that we see violence being done to the very concept of government by which we have built a house of liberty without equal in this world. It is to that concept of government, and the dangers to it, that I wish to address my remarks today.

Government is never an end in itself. Every form of public control is but a means toward human purposes. The state is made for and by men. Men are not molded for the state. The just state derives its just powers from the consent of the governed. Its powers are limited so that liberty may live. Its powers are balanced so that justice may prevail. Its powers are sufficient but they are decentralized so that difference may proceed without disorder.

In that concept, which is simply the concept of our own constitutional order, there is freedom's answer to tyranny's thrall over the minds of men, their property and their persons.

America's government and America's freedom means just this: We consent to be governed. We do not elect to be ruled.

The process of self-government, however, is profoundly challenged in the world at large and even in the will of some of our own people.

The reason is beyond momentary political aberrations or disturbances. The reason is that the sort of freedom we know in this land is an exception in the long story of mankind. It is a vibrant chapter but not a title or a theme.

The reason is that this sort of freedom is strenuously demanding, not comfortably self-sustaining. Men, before, have wearied of such demands and have sought comforts instead. Men, before, have lost patience with freedom's deliberations and have sought instead the forced efficiency of faceless authoritarianism.

Impatient men, as well as power-seeking men, may choose such paths. Tyranny wears many masks.

In the Communist world it wears the mask of an irrational world view which has declared and wages unalterable war upon all other views and versions of man and his world.

In the free world it may wear the mask of political efficiency righteously demanding the perfection of its program and recklessly spending the freedom of its citizens to pay for it.

Only the shortsighted will make of the tensions in America's own system a purely partisan matter. There is partisanship, to be sure, but it is of a new order and a new dimension. It is not the partisanship of party against party at its essence. It is the partisanship of balance against imbalance, of decentralization against centralization, of deliberation against dictation.

And it is of only that order of partisanship that I wish to speak tonight. I do it in confidence that the political affiliations we may share, or in which we may differ, still permit a wide degree of agreement on some fundamental problems. If, on the other hand, we disagree, then party labels are not the reason. Philosophies of government are.

Since the war between the States, the American political system has experienced seismic rumblings at two levels.

At one level, the ground has shifted seriously and significantly beneath the structure of State powers. These powers, the fuel for the federal system itself, have been siphoned off into the National Government, the Central Government—to the Capital in Washington and away from the State capitals.

The shift is shared both by those who do not jealously guard and wisely use their local power and by those who, from the outside, attack it in the name of central planning.

The results are often described most broadly as overconcentration of power in the central authority. But there are other and more subtle effects to which we have, I feel, given too little attention.

There is, for instance, a distinct cultural loss. The structure of the Federal system, with its 50 separate State units, has long permitted this Nation to nourish local differences, even local cultures. Technological standardization may have done more than anything else to level them off but, still, in the structure of State power there has always been the guarantee that some minorities could preserve their dissident voices, in the local forums. And from those dissident voices have come the continual enrichment of our national debates, our national ways.

Or, we might look upon the 50 States as 50 laboratories in which men, in their own and local ways, test and probe the ways of civil government, developing new tools and techniques and, above all, developing their own skills. Those that develop well become available to the Nation as a whole. Those that fail or are warped in ways that make them unsuitable to the Nation as a whole, can be buried in their own backyards.

There are those who say that the cost of 50 governments is too great to bear in this supposedly complex age. And yet, how better to meet complexity than with a diversity of resource? And how can we measure the cost of what we gain from our States against any scale of dollars that might be rechanneled and centralized as a result of weakening State responsibilities? The ledger sheet that the structure of State power must satisfy is the well-being and the freedom of the people who live in those States.

Regard for the Federal system, and the 50 States that make it a system, is first of all a regard for the due process of law as a fundamental of political order. It is a regard also for the wisdom of the people themselves. It is confidence in their ability to use that wisdom to solve their problems, in their own best ways.

The Federal system, with its base in the States, tolerates many differences without, of course, tolerating impairment of nationally agreed freedoms. It does not demand, in other words, that all citizens adopt a single best answer to any problem—but it does tend to prevent them from adopting any single worst answer.

But the decline of State power is by no means the only shift in the political ground upon which our freedom has been built.

Although it may not as dramatically burst out in the headlines as does the tension between the Central Government and State government, the tension, the veritable warfare between the legislative and executive branches of government presents a major disturbance in the ground of freedom today.

Again, the factors involved must be shared between those who would give legislative powers away and those who would take them away. Only recently, a colleague of mine in the U.S. Senate flatly described the legislatures of America—all of them, State, local, national—as the major stumbling block in the democratic process.

The charge is fantastic. What it says is that representative government which is the essence of freedom itself is the enemy of freedom. And the solution which my colleague offered was as fantastic. He said that an increase in executive power would be the answer—an increase in the very centralization of power which always has been contrary to broadly based democratic processes.

After hearing such a statement as that, I can assure you that I view the teaching of governmental history as an urgent task!

The whole history of freedom has been simply the history of resistance to the concentration of power in Government.

Over three decades, however, our own resistance to such concentration has been less than complete. The growing imbalance between legislative and executive powers attests to that and proves it.

The power of Congress to initiate legislation has slowly passed to the executive. It has become increasingly difficult for Congress to say "No" to the major items of a President's legislative agenda.

The Congress may represent the people directly, but the executive has found ways to reach them even more effectively, even if indirectly.

Into executive agencies, for instance, has flowed a vast power for public relations, for public pronouncements. The pocketbook powers of patronage have flowed to it also. Vast contracts make the executive branch a far-from-silent partner in many enterprises. Its appeal need no longer be to reason alone. It can appeal also to power.

Meantime, the Congress has become inhibited. Men who are elected to represent the people find themselves the targets of abuse when, in representing them, they oppose major legislative programs. They are called "do nothing" representatives. Actually, by such resistance they may be doing the very best job they can and may be representing the actual wishes of their constituents perfectly.

Today the great debates in Congress rarely concern the truly significant questions of whether a program should be initiated or discontinued, what the general purposes and goals of our foreign policy should be, what major goals we should set for our Defense Establishment, what principled guidelines we should establish for economic growth and security.

When Congress debates such matters, the restless executive whispers and then shouts that time is being wasted. Too many people have listened to the criticism without analyzing it. Too many echo it.

Congress, more and more, simply concerns itself with the question of how much?

Foreign aid is a perfect example. Not once have we as a nation paused to debate the great issue of a doctrine to truly and surely guide our programs. There is no such doctrine. There are, instead, flurries of programs. And the flurries of debate that attend them are not on "why" and "whether," but only on "how much" or "how little."

The Senate's record in treatymaking is no more impressive. It has rejected only two treaties since the end of the First World War. It would be comforting to say that the reason is simply that every treaty has been a good one. It would be far more practical, however, to probe our conscience to see if the reason has not been a rubberstamp syndrome in which the Senate simply feels it must not, out of some awed deference for the Presidency, exercise its full partnership in these grave matters.

There can, for instance, be no truly bipartisan foreign policy at all, if the Congress is asked to delegate its support after the fact of formulation but is never asked to participate in the process prior to that.

There has been a tendency to view the two trends toward centralization of Government power—the erosion of state power and the erosion of legislative power—as independent of one another. Actually, they are closely related. They are interrelated.

The problem and the interrelationship can be seen this way: The State governments and the Congress, by and large, stand together on one side of the battleline. They face, across that battleline, the executive branch and, usually, the judiciary branch, the Supreme Court. Its decisions have clearly shown that it has no disposition whatsoever to support the States or the Congress against the Executive or to prevent the Congress from abdicating more and more of its powers despite the delegation of those powers to them by the Constitution itself.

The dynamics of the battle are clear in many instances. When the court acts to subjugate state powers, the President feels obliged to use his powers to implement the decision. On that side of the battleline there is concerted action.

But, on the other side, even where Congress has the power to act in preservation of, or enhancement of state powers it has become reluctant to do so. On that side of the line there is no concerted action—there is, too often, not even the opportunity for action, so bogged has Congress become in executive proposals.

But, some say, if Congress will not reassert itself, why bother, why not just let the Executive go ahead and carry the ball? Or the question might be, "Is there any way in which the imbalance can be redressed?"

On that latter, I say there surely are ways. Congress can take positive actions to reduce the policymaking authority of the executive branch. It can restore to the States authority over policy areas now staked out by the Supreme Court. It can debate and decide fundamental questions of direction as well as details of program. It can, and should, submit legislative budgets on behalf of the Nation as a whole and not rely solely upon the massive, often unarguable budget of the executive branch. It can take care that all efforts to reform its procedures be channeled toward strengthening, and not weakening, its ability and responsibility to directly represent the people.

But should it? What, again, is wrong with executive rather than representative government?

First there is the danger of arbitrary government. Concentration of power in any single area tends to shrink competing centers of power capable of resisting arbitrary decisions. Should this erosion of balancing powers ever become final, those who would disagree with the Executive, for whatever reason, would not have to be consulted or considered. The politics of humane compromise would give way to the unchecked power of politicians.

Decisionmaking would become more and more secret. Already such secrecy has cast shadows on our governmental processes. But an open society demands and must have open decisions, open debate, open dissent, and open ways to illuminate conflicting views.

Finally, local self-government would stand no chance of survival in a system of executive government. Differences in policies, values, and beliefs would be submerged beneath the weight of national majorities which can hardly be expected to have the restraint necessary to allow diversity on important matters of public policy. Evolution of wise policies would be replaced by a series of sharp clashes between embattled local minorities and rampaging national powers.

To understand the greatness of America is to understand the greatness of our federal system and representative, balanced government. To misunderstand it is to forsake it.

America is still just a moment, even if a glorious moment, in the long span of history. We have sustained the form of our Government, and the fruits of its freedom have sustained us, for nearly two centuries.

The burden of responsibility that such freedom places upon people never lessens. There is in no chapter of our freedom a line, sentence, or paragraph that even suggests security from responsibility.

We have given ourselves in our freedom the liberty of opportunity, not the luxury of letting down.

This year and the years after do not mark way stations at which, wearily, we can afford to rest and relinquish these responsibilities.

A whole world, much of it unsure of freedom, unsure that it really can work, watches us. Our own history and heritage watch us.

We must say "no" to apathy, "no" to convenience, and "yes" to our conscience. We must say that "yes," this free land, this free form of government, will endure, that our will to make it work will prevail and that one day, in God's good time, the liberty we love and live will be proclaimed throughout the world.

FOUR ALASKANS LOST IN TRAGIC CRASH

Mr. BARTLETT. Madam President, on the evening of Saturday, April 25, a C–123 National Guard plane took off from Valdez, Alaska, one of the towns which suffered severe damage in the recent earthquake, carrying Maj. Gen. Thomas P. Carroll, the adjutant general of Alaska, Lt. Col. Thomas Norris, Maj. James Rowe, and T. Sgt. Kenneth Ayers. The plane traveled a few hundred yards over the glassy calm of Valdez Bay and then hit the water where it remained for a few minutes and then disappeared.

All four aboard the plane were killed.

I take this opportunity to express to the families of the four men who died my deepest regrets and sympathy in this time of sorrow. Because of the personal friendship I have enjoyed over the years with General Carroll I want to comment briefly on his career and service to Alaska and his country.

Tom Carroll, who was nominated for the position of adjutant general of the Alaska National Guard by territorial Gov. Mike Stepovich on November 1, 1957, began his military career by enlisting as a private in the South Dakota National Guard in February 1937. He was called to active duty with the 34th Infantry Division, South Dakota National Guard, in February 1941. He returned from Europe in February 1943, and was commissioned a second lieutenant in June. After serving in various capacities as an officer he was released from active duty in 1946.

Following his discharge from the Army, Tom Carroll went to Alaska where he was employed as an accountant for the Alaska Railroad from 1946 to 1950. In 1950 he changed jobs and became an employee of the Reeve-Aleutian Airways and he joined the newly organized Alaska National Guard as commanding officer of Headquarters and Service Company of the 207th Infantry Battalion at Anchorage. In November of 1954 he was promoted to major and was appointed the commander of the 207th Infantry Battalion. From 1955 until his appointment as adjutant general he served in a full-time civilian capacity as State maintenance officer for the National Guard. When appointed adjutant general he was serving in the grade of colonel but he was federally recognized as a brigadier general in December 1958, and as a major general in March 1961.

Throughout his military career Tom Carroll received a number of decorations and awards. These included the Silver Star; Bronze Star with oak-leaf cluster; Purple Heart with oak-leaf cluster; Distinguished Unit Citation; Combat Infantryman Badge; and the French Fourragere.

At the end of the war and before migrating to Alaska, Tom married Kathleen Roberts, of Londonderry, North Ireland. Kathleen, his four sons and his mother, Mrs. Etta Edris, survive General Carroll and our hearts go out to them in this time of family tragedy and great sadness.

General Carroll was killed after performing what I am sure must have been one of the most difficult tasks of his career in connection with the Alaska earthquake. The Alaska National Guard performed brilliantly in the aftermath of the terrible disaster—so much so, their performance was reported and commended in the May issue of the National Guardsman. I ask unanimous consent that the article entitled "The Big Shake" by Larry Zoeller be printed in the RECORD at the conclusion of my remarks.

Tom Carroll's home was Douglas, Alaska, but I know he had not spent much time there since the quake as he was traveling about the State surveying the damage and supervising the activities of his guardsmen. I am sure his long absence from home in recent weeks makes it all the more difficult for his family now.

In addition to his family, the Alaska Guard, and the State have suffered a terrible loss. For all of us who knew him admired him and felt a deep affection toward him. All of us shall miss him.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG SHAKE

(By Larry Zoeller)

"I'll have to admit—those Scouts were just a 'scosh' better than my men." (That was an Active Army lieutenant talking.)

"You couldn't con them into anything. They did exactly what they were told. I've got nothing but praise for these guardsmen." (That was another Active Army officer.)

"From the very first dark, cold night of March 27, when families began streaming into the Guard quarters, it seemed that your airmen knew just what to do in the various situations to accommodate and make it as pleasant as possible for every individual who was displaced and evacuated to the Air Guard emergency quarters—these men doing their jobs in the warehouse were as valuable as civil defense and Red Cross." (This, in a letter from an earthquake refugee who had stayed at the Anchorage Air National Guard base.)

These were words and impressions that followed the Alaska National Guard, Army, and Air—"conventional" troops and airmen as well as the unique, colorful, Alaska Scouts—in the aftermath of the earthquake that ripped through the 49th State with more than 10 million times the force of an atomic bomb.

In factual, chronological order, it went like this:

At 5:30 on the evening of Friday, March 27, the Alaska Army National Guard was putting the finishing touches to its packing as it completed another successful 2 weeks of field training at Fort Richardson, near Anchorage. There were not only the two Scout Battalions, but the more "conventional" 3d Battalion, 297th Infantry; the 216th Transportation Company, a medium truck outfit; the separate 910th Engineer Combat Company, and smaller Ordnance, Signal, and Special Forces detachments. As usual, the Scouts were confronted with their unusual problem of getting home to 61 scattered, remote villages by diverse means: airlift by the Alaska Air Guard's 144th Air Transport Squadron, plus charted nonscheduled airlines and a leap-frogging system of bush pilots, in addition to dogsleds and skin boats.

A few minutes later, all plans had changed. With the earthquake, which reportedly destroyed 80 percent of Anchorage business district, the entire force of about 1,350 men was alerted immediately and held in place (about 250 Scouts who already had done their field training by participating individually in Active Army Exercise Polar Siege weren't at camp with the others).

REACTION IS PROMPT

Minutes after the big quake struck, Maj. Gen. Thomas P. Carroll, adjutant general of Alaska, left for Anchorage and the State civil defense office. Equipment was gathered that was certain to be needed, and State Headquarters officers were placed at Army Alaskan Command Headquarters to coordinate with the Active Army.

One hour after the quake, National Guard troops were en route to the city to assist local authorities in securing the downtown area and establishing radio communication between various city and State agencies. Active Army troops from Fort Richardson had arrived downtown a little earlier, but there was some confusion before they could be placed in the proper positions and as they tried to find out which of the various agencies was in control. The guard, wise to the ways of the community and used to working with State and city authorities as a part of its State mission, waited a short while and coordinated with the civil defense authorities in Anchorage. Consequently, when the guardsmen arrived in town they had assigned missions.

The National Guard command post was established in the public safety building where coordination with the city police and civil defense authorities could be accomplished.

Roadblocks were set up in cooperation with Active Army troops to cordon off the downtown area. Guardsmen also were placed near buildings that were severely damaged, to bar entrance to anyone who might try to return to salvage—or steal—personal property. Others were sent to guard the area where a gas line had broken; still others, sent to keep refugees and children out of a high school that was considered unsafe.

About 60 guardsmen were positioned in the residential section called Turnagain where so many homes (including one belonging to an Air Guardsman) had been jolted off their foundations to slide into a ravine.

At the height of the emergency the Army National Guard had some 700 men on duty in Anchorage, not counting support personnel and additional troops still awaiting their tours at Fort Richardson. This almost matched the Active Army contingent of about 750.

Meanwhile, other Army Guardsmen returned to the Anchorage Armory where they set up radio communications. After determining that the armory was safe for use and clearing away some of the debris, the guardsmen reported the building to civil defense as a shelter area.

GUARD TROOPS AIRCREWS RELAY INFORMATION

An hour after the earthquake hit the Fort Richardson area, Seward's 2d Platoon, 216th Transportation Company, was put on State duty and ordered to hit the road for homes where they could be sure they were badly needed. Thirty miles outside of Anchorage on the Seward highway, the convoy came to an impassable landslide. The guardsmen turned back and reported the condition of the highway to Fort Richardson—the first news on the condition of the highway received there.

Zero ceilings kept the Air Guard C–123's from flying the unit to Seward until Saturday morning. Even then, the flights that took the 216th home and Company C of the 3d Battalion to its home base—stricken Kodiak—were made at minimal ceilings, forcing the aircraft to twist through mountain passes. Arriving over Seward at about 2 p.m., the Air Guard aircraft made the first air reconnaissance of the destruction of the city before landing. The same was true of the aircraft that traveled to Kodiak; both returned to Anchorage with vital information on the condition of these two areas.

At Seward, the unit immediately opened the armory as a refugee center and turned it over to the skeletal detachment of Active Army personnel stationed at the Army's Seward recreation area. The guardsmen helped set up the recreation center as refugee quarters and assisted in search and rescue missions. The unit's cooks worked with the Army, setting up emergency messes to feed all those made homeless as a result of the disaster. Guard electricians set to work on vital generators at the Seward hospital. With the arrival of Active Army units, the guardsmen worked with them in establishing guard posts, evacuation routes, and search areas.

At the same time, something of the same activity was taking place at the even more devastated area of Kodiak. The armory was opened immediately and it soon became the focal point of all activity. Since the business district was obliterated by four huge earthquake-induced waves that struck without warning, the Guard armory was the only major structure remaining that could be used. The Guard relieved a company of Marines from the nearby naval base of security responsibilities for the city, and established telephone communications to essential points.

The National Guard Bureau immediately extended the Army National Guard's field training status 3 days to keep it on active duty. At the end of that time—Thursday, April 2—the units which by this time were helping mostly with the job of cleaning up and getting things moving again in Anchorage, reverted to State duty.

As soon as possible, the Scout battalions were moved to their homes, since they all had to be moved by air and it was feared that the spring breakup would hold up the movement for as much as a month if they weren't moved right away. By Wednesday, April 1, thanks to the begging, borrowing and ingenuity of Col. Charles W. Casper, U.S. property and fiscal officer for Alaska, they all were on the way to their remote villages.

AIRMEN DIDN'T WAIT FOR ORDERS

At Kulis Air National Guard Base, adjacent to Anchorage International Airport, things were quiet at 5:30 p.m., March 27. One of the unit's aircraft had just landed after a trip to Dillingham, Alaska, where it had dropped a load of food and supplies to the natives, hard pressed this winter because of a bad fishing season. The base detachment commander, Lt. Col. William S. Elmore, and most of the key members of his staff, were away at a conference in the "South 48."

When the quake struck, Capt. Herb Bredow, pilot of the returning C–123, had changed his clothes and was walking out to his car and his waiting wife. At first he laughed, for small tremors that made you feel as though you've had "one too many" are common in Alaska. But then he was knocked to the ground and held there. His car bounced wildly about; buildings rose and fell and bulged in and out. As soon as the quake was over, Captain Bredow sent his wife home, not realizing that his area, Turnagain, was the hardest hit.

While he and other available guardsmen were making a survey of the base, turning off broken water lines, gas and electricity, another guardsman ran across the base to tell them that the International Airport terminal was badly damaged and the control tower had collapsed with people trapped inside. The Air Guardsmen quickly started the base's wrecker and emergency entry vehicle to the scene, while others, realizing the need for communications to any aircraft that might be preparing to land—unaware of the earthquake—started up a C–123 to use as an emergency tower. The guardsmen inspected the runways and then let an airline pilot, with whom they had been able to make contact, land. Then they closed the runways to all other traffic, notifying all the bases they could contact to relay the message. The C–123 continued to serve as a control tower for several hours.

Within a few hours after the quake, the Air Guard had notified civil defense authorities that crews were available for most of the Guard's aircraft and the 144th Air Transport Squadron was standing by for any emergency flights that might be necessary.

Meanwhile, key NCO's were setting up emergency powerplants and heaters while others prepared the dispensary for the injured, and set up beds in the warehouse facility for refugees. The noncoms had help in accomplishing these missions because, within 20 minutes after the quake, other Air Guardsmen started arriving at the base, without an official call, leaving families that were often in need themselves—but they wanted to help.

With matters at the base under control, Air Guardsmen answered requests from civil defense authorities for teams to patrol the city area to report damage, such as downed powerlines, and to inspect buildings for trapped people. As more Air Guardsmen reported to the base and their services were not required there, they were directed to civil defense for assignment.

REFUGEES AIDED; EASTER BUNNY REMEMBERED

In answer to a local radio station announcement that the Guard base was receiving refugees and had food, heat and light, women and children started arriving at Kulis. By midnight, 97 people were housed in the warehouse.

At 8 a.m. Saturday, the two C–123's took off, carrying Army Guardsmen home to Seward and Kodiak. On the way home, one of the Air crew who hadn't heard from his family and hadn't had time to get home to see them asked for a detour over his homestead. His house was still standing, and as they flew low over it, the guardsman's wife and children ran out to wave. The officer served 3 more days before he got home to his family.

In addition to being the first aircraft into Seward and Kodiak, the Air Guardsmen were the first to get into Valdez, another of the especially stricken communities. A C–123 landed on about half the runway—all that was still usable—with a load of fuel oil, and took off again to carry valuable information back to Anchorage.

The first flights to take the Army Guardsmen home began the long series of airlifts for the 144th that was to mount up to some 25 missions or 77 sorties, using up 68 flying hours by Wednesday, April 3, with its aircraft carrying everything from passengers to fuel oil to emergency generators. A total of 201 passengers were airlifted in the squadron's 8 in-commission aircraft and 131,045 pounds of cargo was carried—and it was still going on in mid-April.

But these are just some of the many facets of the story of the National Guard in the Alaskan earthquake. There were countless "human angles." For instance: The Eskimo scouts, lost in the darkness and confusion, yet who stayed at their sentry posts, no matter what, letting no one through, for as long as 36 hours without rest or food. Or the Air Guardsmen who wouldn't think of the 35 or 40 kids, staying in their warehouse, missing the Easter bunny. So the guardsmen ran down to one of the department stores that had suffered major damage, and picked up great armloads of candy and Easter baskets that had been thrown to the floor. The management was glad to donate the merchandise since the Guard had offered so much assistance just a couple of days before. Guardsmen who could be spared stayed up most of Saturday night, coloring eggs and hiding them so that the children could have their Easter celebration.

Or the fact that scouts from remote villages, and other Army and Air Guardsmen alike, often knew nothing of how their families had fared, yet stayed on duty without a murmur.

Eskimos who live in villages whose population is counted by tens, and who normally don't see one automobile in a year, directed jammed city traffic and handled crowds like experts.

There were things that gladdened the guardsmen's hearts, too—that let them know they were needed and appreciated. For instance, the hearty welcome they got when they arrived at Seward and Kodiak. There were Active Army people there, and Marines, but it wasn't like having men who were members of the community helping out. As Colonel Casper, who directed much of the operation at Anchorage, put it: "When the Guard contacted the civilian population it calmed them to know they were talking to some of their own."

OTHER STATES LEND A HAND

And then there was the help from the Guard of other States.

The 146th Air Transport Wing, California Air National Guard, at Van Nuys, sent a C–97 to Alaska on March 29, carrying 18,000 pounds of medical and emergency supplies. Three more Air Guard heavy transports were dispatched the next day—one from Van Nuys and one each from the wing's two other squadrons in Salt Lake City and Phoenix. On April 4 and 5, two Van Nuys aircraft carried about 30,000 pounds of food and clothing collected by a local radio station in conjunction with the Salvation Army. Even a prefabricated building donated by a local concern for use as the Alaska civil defense headquarters was flown to Alaska subsequently.

The Washington Army National Guard's seagoing forces embarked on a mission to aid in the rehabilitation of earthquake-torn Alaska on April 10.

A crew of 16 men of the 144th Transportation Battalion (Terminal), including 12 who took off from their civilian jobs, left Tacoma aboard a 100-foot harbor tug which they delivered to officials in Alaska. The tug will be used by the Alaska Railroad, a Government agency, to help clear away and restore the dock and pier areas in the Anchorage area. The 2,000-mile trip took approximately 14 days.

The overall impression of the Guard's Alaskan operation was one of discipline and order. It seemed that wherever the Guard went, commonsense, organization, and efficiency became the rule. Immediate, directed action was the guardsmen's answer to every situation. They were ready and they got the job done.

Perhaps the best example of this attitude can be found near the end of an account of the disaster by someone who lived through it, Capt. Dempsey Anderson of the 144th Air Transport Squadron. Hardly had the earthquake tremors stopped when he was gathering the lessons learned from this operation—getting ready for the next one. He wrote: "Every story is a lesson and as a result of these lessons, we pass on to other Guard units, who may have the misfortune of a disaster, the following recommendations:

"Investigate standby power requirements and have it available.

"Have standby communication nets with assigned frequencies to civil defense and other agencies.

"Investigate the possible use of electric battery-type emergency lights in critical areas similar to the ones used in hospitals, etc.

"Have emergency food supplies on hand, not forgetting water.

"Familiarize key personnel in the emergency procedures for shutting down and securing utilities on the base.

"Inform personnel of their duty to report to their base or armory first before heeding any other call over the radio.

"Include in training requirements a semiannual briefing to all personnel on the duties and responsibilities for the Guard in the event of a natural disaster."

That about sums it up. The Guard was ready for this contingency. It will be ready for the next. But then, that's what we have the Guard for.

TILT

Mr. BARTLETT. Madam President, an interesting analysis of the tsunami waves which hit Alaska coastal communities after the Good Friday earthquake has been made by a University of California scientist, Dr. William G. Van Dorn, associate research oceanographer.

It is almost impossible to envision the forces which were released in those few horrible minutes on March 27. According to Dr. Van Dorn, a large block of the earth's surface, covering at least 60,000 square miles, was physically and literally tilted. It was this tilt which perhaps caused the fearful waves that struck Alaska and California that were felt as far afield as Japan.

I ask unanimous consent that an article describing Dr. Van Dorn's findings be made a part of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TILTING LAND BLAMED FOR ALASKAN TSUNAMI

SAN DIEGO.—The tsunami waves which battered the Alaskan coastline Good Friday evening were caused by the sudden tilting of a section of the earth's crust larger than the State of Florida, a University of California Scripps Institution of Oceanography scientist, recently returned from the disaster area, has found.

Dr. William G. Van Dorn, associate research oceanographer and a specialist in wave mechanics, flew to Alaska 3 days after the March 27 earthquake to attempt to reconstruct the events which took place during and immediately following the earth tremors. He spent nearly 2 weeks interviewing eyewitnesses, studying aerial photographs, and flying to as many of the rugged and uninhabited islands as he could reach.

His purpose was to reconstruct the source of the tsunami, or wave action, which swept its devastating power as far south as California.

Dr. Van Dorn found that a large block of material, at least 400 miles long, 150 miles wide, and encompassing 60,000 square miles, tilted on an axis running northeast-southwest and nearly parallel to the Alaska Peninsula. The tilted landmass lies mostly under about 100 fathoms of water off the west coast of the State.

The southeast edge of the land mass, running from the city of Valdez through Cordova and Middleton Island, was forced up as much as five and a half feet in some areas. At the same time, the northwest edge extending from the Kenai Peninsula to

Kodiak Island, sunk by a like amount. The entire island of Kodiak settled 5 feet below its previous level.

The tilting of this huge block produced a giant seiche, an effect similar to that of kicking water in one end of a massive bathtub, Dr. Van Dorn said. A great torrent of water surged from the south edge to the north edge of the land mass. Almost immediately, most of the wave action was then reflected with great force back to the south and down the coast of Canada and the United States.

In spite of the slumping of the deltas on which the towns in the Prince William Sound are built, the damage would have been minor had it not been for the gigantic seicheing action in the long narrow fiords. Dr. Van Dorn said Seward, located on a fiord about 30 miles long, 2 miles wide, and about 100 fathoms deep, was struck first by a cross seiche, causing minor damage, and then by a longitudinal seiche which pushed the fishing fleet up into the town.

"The cross seiche was misleading rather than a warning," Dr. Van Dorn said. "Everyone thought the waves were over but then, 30 minutes later, the longitudinal seiche, coming the length of the fiord, swept in and wrecked the town. This pattern was repeated in nearly every fiord and bay in the sound."

Dr. Van Dorn said his findings will probably be amended by further investigations which may take a year to complete.

"This is the first time that a large scale tsunami has been generated in an area where there were many people living and also where there exists a fairly detailed geodetic control," he said. "New land elevation surveys and many eyewitness accounts of the wave history will make it possible to put together the most complete picture ever obtained of the tsunami generation process."

ALASKA STUDENTS ARE BACK IN SCHOOL

Mr. BARTLETT. Madam President, one of the unsung tales of the Alaska disaster is how, with extraordinary speed, the Anchorage schools were put back into operation after the earthquake.

The earthquake struck on Good Friday, March 27. All weekend and throughout the following week the schoolteachers, principals, engineers, board of education officials and school district employees labored to get the schools in shape. Debris was cleared, repairs were made, areas of severe damage were sealed off, utilities were placed back in operation. One short week after the disaster 10 elementary schools were reopened. In but 8 more days the serviceable schools in the Anchorage vicinity were opened and all students in both grades and high school levels were continuing their education.

I ask unanimous consent, Madam President, that a chronological account of this extraordinary effort be made a part of the Record at this point.

There being no objection, the account was ordered to be printed in the Record, as follows:

Back to School

While the school district is coping with problems of reconstruction, we can look back with pride at the rapid, sure, and efficient way the schools were put back into safe operation. The credit belongs to many—school district personnel, Federal, State, and local officials.

Following is a calendar of those memorable 24-hour days beginning with March 27:

Friday, March 27: By 6:30 p.m. John Winn and his buildings and grounds crew and Dick Benner, transportation supervisor, were checking buildings, making emergency shutoffs and investigating for fires; Don Fridley, assistant superintendent, made a personal spot check of every building and many principals made a security check of their own schools.

Saturday, March 28: Early a.m. and the administration building was set up as the nerve center for "Operation Back to School." Essential staff members worked throughout the weekend.

Sunday, March 29: Special meeting of the board of education at 2 p.m. to hear a preliminary report of building conditions; principals attended a special planning session at 4 p.m.; superintendent of schools met with Federal, State, and local officials concerning emergency measures and planning.

Monday, March 30: Four teams from the district corps of engineers, accompanied by school district and architects' representatives, began survey of all Anchorage, Chugiak, and Eagle River schools to assess damage.

Tuesday, March 31, through Sunday, April 5: As the district engineers conducted their structural survey, city and utility specialists tested the water and electricity in each building. Minor repairs were completed by AISD staff and by Thursday the district engineers' safety report was ready. Plans could now be completed for opening schools. Necessary repairs were made; in cases of extensive damage areas were sealed off. Utilities were brought back into operation one by one. Arrangements were underway for Government Hill and Denali to double shift with Mount View and Fairview, special education students at Chugach, and West High at East High.

Monday, April 6: 1 week since the disaster and 10 elementary schools went into session. Testing and repair work continued on the remaining schools.

Tuesday, April 7: Three more elementary schools in operation in Anchorage and opening of Eagle River Elementary School.

Wednesday, April 8: All secondary schools opened. West High begins to double shift at East High and Denali to double shift at Fairview.

Thursday, April 9: 2 more elementary schools in session bringing the total number of schools in operation to 21.

Monday, April 13: Three Anchorage Elementary schools return to operation, including Government Hill which is double shifting at Mount View. Students at Chugach School begin to double shift in order to make room for special education classes which began today. Chugiak Elementary School, after a 1-week battle with a dry well, goes into operation.

Tuesday, April 14: 12 school days after the largest earthquake in North America, Airport Heights School, the last in the district went back in session. This school suffered only minor damage but was out of operation while it housed evacuees from other disaster areas.

This calendar can only begin to indicate the continuous hours of planning and labor behind the early reopening of the schools. The speed and efficiency reflect the fine cooperation of agencies such as civil defense, the district corps of engineers, department of health, city officials, and the local utility companies.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed. The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments (No. 577) proposed by the Senator from Louisiana [Mr. Long] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. Talmadge] for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. ELLENDER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answers to their names:

[No. 234 Leg.]

Allott
Bartlett
Bennett
Bible
Byrd, W. Va.
Cannon
Case
Church
Clark
Curtis
Dodd
Dominick
Douglas
Eastland
Ellender
Fong
Gruening
Hart
Hayden
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Long, Mo.
Mansfield
McClellan
McGovern
McIntyre
McNamara
Miller
Monroney
Morton
Mundt
Nelson
Neuberger
Pearson
Proxmire
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Walters
Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. HUMPHREY. Madam President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. Magnuson entered the Chamber and answered to his name.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. EASTLAND. Madam President——

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. ROBERTSON. Madam President, will the Senator yield for a question before he starts his address? I should like to ask him several questions.

Mr. EASTLAND. I am happy to yield for that purpose.

Mr. ROBERTSON. Does the Senator plan to continue his wonderful discussion of April 30 on the issue of trial by jury?

Mr. EASTLAND. Yes.

Mr. ROBERTSON. The Senator from Virginia recalls with pleasure that wonderful address. He knows that the remarks of the Senator today will be of the same high caliber.

Before the distinguished Senator from Mississippi starts his address, the Senator from Virginia would like to know whether or not the Senator agrees with our colleague, the Senator from Georgia [Mr. TALMADGE], who in an excellent speech yesterday on the same issue indicated some of the people who would be affected if a genuine and bona fide jury trial provision is not inserted in the bill.

He said:

> In the 55-page, 11-title bill, the Senate is now considering, 5 of those titles would authorize the Attorney General of the United States to file suits, at the expense of the taxpayers of the United States, and with the assistance of a myriad of Federal attorneys, against any one of the 190 million citizens of the United States of America, and to have them jailed without any right of trial by jury.

Does the Senator agree with that statement?

Mr. EASTLAND. Yes. I think that is a fine statement.

Mr. ROBERTSON. The Senator from Georgia [Mr. TALMADGE] then said:

> The Attorney General could jail a barber for not shaving the face of someone that he thought the barber should shave. The Attorney General could jail the owner of a hamburger stand or the owner of a hotdog stand, at will, for not serving a hamburger or a hotdog to someone whom the Attorney General thought he should serve.

Does the Senator agree with that statement?

Mr. EASTLAND. Yes, I agree with that statement. In the case of a barber, a personal service is involved. So it would involve involuntary servitude. It would be a form of slavery.

Mr. ROBERTSON. Prohibited by the 13th amendment.

Mr. EASTLAND. Prohibited by the 13th amendment to the Constitution.

Mr. ROBERTSON. The Senator will agree that in 1883 the Supreme Court overruled the accommodation bill that was passed then. Is not that decision still the law of the land?

Mr. EASTLAND. Yes.

Mr. ROBERTSON. Only 10 years ago the Supreme Court held that separate but equal schools were illegal and would have to be desegregated. We are told that is the law of the land. If that is the law of the land, why is not the decision that was handed down back in 1883 still the law of the land?

Mr. EASTLAND. It is. This bill is unconstitutional.

Mr. ROBERTSON. We are asked to enact title II, the counterpart of what the Court said in 1883 was illegal. Is that not correct?

Mr. EASTLAND. Yes. It involves the same principle, and it is unconstitutional for the same reason.

Mr. ROBERTSON. The Senator from Georgia [Mr. TALMADGE] said yesterday that under this bill the Attorney General "could jail all the voting registrars of the United States of America, without regard to the area in which they reside and without any right whatsoever to trial by jury."

Does the Senator agree with that statement?

Mr. EASTLAND. I agree.

Mr. ROBERTSON. The Senator from Georgia [Mr. TALMADGE] continued:

> The bill would give the Attorney General of the United States power to file suits in the name of the Government of the United States against all of the school board members in America, and jail them without trial by jury.

Does the Senator agree with that statement?

Mr. EASTLAND. Yes; I agree with that statement.

Mr. ROBERTSON. In that excellent address of yesterday, the Senator from Georgia quoted from the speech of a very able and beloved former Member, Andy Schoeppel.

Mr. EASTLAND. Senator Schoeppel was one of the most able Senators who ever sat in the Senate.

Mr. ROBERTSON. Is it not correct that in 1957, when a Republican Attorney General had framed a civil rights bill that did not provide for jury trial, Andy Schoeppel stood on the floor of the Senate and, in an eloquent speech, demanded that a jury trial provision be put in the bill?

Mr. EASTLAND. That is correct. He was one of the great men and one of the great Senators in the history of this body. He was a great lawyer. He was independent of all outside influence.

Mr. ROBERTSON. The point I am making is that he had the courage of his convictions. Did not the Senate go along with him in 1957?

Mr. EASTLAND. Yes.

Mr. ROBERTSON. Did not that 1957 bill also provide for title III, which would have allowed the Attorney General to inject the Government as a party in any number of operations? And did not the Senate take that provision out of the bill?

Mr. EASTLAND. What my friend says is correct.

Mr. ROBERTSON. Is it not true that we are asked to put into the bill an FEPC provision which was not in the 1957 bill?

Mr. EASTLAND. That is correct.

Mr. ROBERTSON. Is it not correct that we are asked to put in the bill title III, which the Senate took out in 1957?

Mr. EASTLAND. That is correct.

Mr. ROBERTSON. Is it not true that we are asked to put in title II, which was not even suggested in 1957, and which the Supreme Court since 1883 has declared to be unconstitutional? Are we not asked to put that back?

Mr. EASTLAND. That is correct. We are being asked to change our minds.

Mr. ROBERTSON. We are being asked to change our minds. What does the Senator propose to say about that?

Mr. EASTLAND. I shall discuss it today, and on other days.

Mr. ROBERTSON. Has the Senator from Mississippi changed his mind?

Mr. EASTLAND. No; I have not changed my mind. I am staying with the Constitution.

Mr. ROBERTSON. The position of the Senator from Virginia and that of the Senator from Mississippi will be very close together.

I thank the Senator for yielding.

PERSONAL STATEMENT BY SENATOR RUSSELL

Mr. RUSSELL. Mr. President, will the Senator from Mississippi yield to me, to permit me to submit a unanimous-consent request?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. EASTLAND. I yield.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senator from Mississippi may yield to me, to permit me to make a brief statement in the nature of a statement of privilege, with the understanding that that will not in anywise affect his rights to the floor.

Mr. EASTLAND. And also with the understanding that my subsequent remarks will not count as a second speech on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I regret very much that in the course of this debate there has arisen what I am sure it will be agreed is a misunderstanding as to a commitment that it is claimed or implied I made with respect to a vote on the so-called jury-trial amendment. I have particular reference to the amendment proposed by the Senator from Illinois [Mr. DIRKSEN], the minority leader, and the Senator from Montana [Mr. MANSFIELD] the majority leader.

I am glad the distinguished majority leader is in the Chamber. I tried to contact the minority leader this morning, but was informed that he was not in the Capitol today; and therefore it was impossible for me to get him to the floor.

However, earlier in the week, I did tell the minority leader that I intended to make a statement on this situation, as soon as it was possible for me to do so. I would have made it yesterday, but for the fact that I was compelled to be away from the Capital.

Mr. President, I refer, first, to an article published on May 13, 1964, in the New York Times. The article is entitled "Rights Backers Seeking Cloture Within 2 Weeks." The article, which was written by E. W. Kenworthy, is rather long. I shall read excerpts from it, and ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RUSSELL. I shall read a portion of the article:

> The more ardent civil rights supporters were in angry mood as the Senate session began today. They had been nursing their wrath for the last week as the southerners dragged out the debate on amendments to the bill providing for jury trials in contempt of court cases.
>
> Their anger was fanned by newspaper accounts of an outburst yesterday by Senator HUBERT H. HUMPHREY, of Minnesota, the Democratic floor manager of the bill. Mr. HUMPHREY had laid the blame for inaction on the bill at the door of the nonsouthern Senators who permitted the 19 southern opponents to bring the Senate's business to a halt.

> The anger this morning was directed first, at these Senators and, second, at Senator Richard B. Russell, Democrat, of Georgia, the leader of the southern forces, who some believed had taken advantage of courtesies extended him.

I shall refer later to what the writer apparently had in mind as "courtesies." After describing some debate that took place on the floor of the Senate, the writer of the article states:

> Finally Senator Mansfield took the floor. In a voice tense with unwonted anger, the normally patient Montanan said that the debate had become "an exercise in futility."
>
> One man, or a small group of men, has the power "to run the Senate and thwart the will of the majority" he said.
>
> The man to whom Mr. Mansfield referred was Mr. Russell, and there was plenty of evidence today that Mr. Mansfield and Mr. Dirksen believed the southern leader had taken advantage of them. Their anger arose from two incidents.
>
> Last Wednesday night, when the Senate voted on a southern-supported jury trial amendment, the two leaders agreed to allow Mr. Russell "live pairs" for two absent southerners. By arranging a live pair, the vote of a present Member is canceled by that of a Member not present.
>
> As a result of this agreement, Mr. Mansfield lost two votes he would have had. Yet Mr. Russell refused Mr. Mansfield's request to permit the vote of a late-arriving Senator to be recorded against the amendment.
>
> Last Thursday night—

That is an error; and the whole article is dotted with errors. The writer should have said Wednesday. Continuing to read from the article:

> Mr. Mansfield and Mr. Dirksen thought they had an understanding with Mr. Russell to start voting tomorrow on the remaining jury trial amendments.
>
> However, last Saturday Mr. Russell said he did not believe there would be any voting this week. And this morning he said he would not permit a vote this week unless he saw enough—

Mr. President, a similar statement, but much briefer, at least as to my alleged participation in the agreement, appears in an article published in the Baltimore Sun of the same date, May 13, 1964, by Mr. Peter J. Kumpa, in which, in his summation, he wrote:

> 1. A meeting was set for tomorrow morning in Dirksen's office to give final and formal approval to the leadership and administration agreement on changes in the bill.
>
> 2. Liberals in both parties denounced the windy southern delay and demanded cloture action as soon as possible.
>
> LONGER SESSIONS WEIGHED
>
> 3. Senator Russell, Democrat, of Georgia, the Dixie leader, announced after a southern caucus, that his forces will talk through this week to prevent any voting on the pending jury trial issue.

What I am about to read is the pertinent paragraph:

> 4. Angry Senate leaders believed that Russell had gone back on his word. They were convinced that the southern leader had given assurance of more jury trial voting this week but Russell denied this.

On the next day, Thursday, May 14, in the Baltimore Sun under the daily report by Mr. Kumpa on the pending debate, the following small paragraph occurs:

> Senate leaders expected the vote would be finished on that issue—

The writer refers to the jury trial amendment. Continuing to read from the report—

> this week and believed they had an agreement with Senator Russell, Democrat, of Georgia, the Dixie floor general.
>
> Russell said they had misunderstood him. Privately, Senate leaders felt Russell had gone back on his word.

Mr. President, I shall rely on the Record as to statements made on the floor of the Senate to show that any feeling that the leaders may have had to that effect was wholly without warrant or justification and is disproved by their own words in the debate on the floor of the Senate.

I refer first to the alleged courtesies that had been extended to me. Mr. Kenworthy apparently refers to the pairs. I refer now to the Record of Friday, May 1. I read from the statement made by the majority leader. His statement appears under the heading "Announcement of Possible Vote on Wednesday, May 6," and is on page 9810 of the Congressional Record. The statement is as follows:

> ANNOUNCEMENT OF POSSIBLE VOTE ON WEDNESDAY, MAY 6
>
> Mr. Mansfield. Mr. President, for the information of Senators, and on behalf of the distinguished minority leader, the Senator from Illinois [Mr. Dirksen], and myself, I express the hope—and we feel that the hope is a valid one—that it will be possible for the Senate to vote on the pending question on Wednesday next.

That understanding referred to the Wednesday before the one that is referred to in the so-called breach of faith charge. It refers to Wednesday, May 6. Continuing to read from the statement:

> The purpose of making the announcement is to give notice to Senators that such is our intention. We feel very much encouraged that the vote will take place on Wednesday next; and we wanted the Record to show that an announcement had been made.

The Senator from Illinois [Mr. Dirksen] then made the following statement, which also appears on page 9810 of the Record:

> Mr. Dirksen. Mr. President, I concur in the hope expressed by the distinguished majority leader. Probably the only other question that ought to be explored would be the hour on Wednesday that we might use as a target for the purpose of reaching a vote. I gather that it should come late in the afternoon of that day.
>
> Mr. Mansfield. That would be my assumption at the moment. While we have no way of pinpointing the time, it would be my guess that the vote would be late in the afternoon.

Then I made a brief statement on the floor of the Senate. I shall read that statement:

> Mr. Russell. Mr. President, I understand the desire of the distinguished majority leader and the distinguished minority leader to have some votes on the pending bill. I perhaps do not share their anxiety to the same degree. But I am sure that we can find some way whereby the Senate can vote, even though this vitally important amendment has not been discussed at the length which its importance would justify.

I referred at that point to the Dirksen-Mansfield amendment. Continuing to read:

> I wish to say, however, that if there is a question of timing involved—

And that was the time of the day that had been referred to by the minority leader—

> if we have a vote, it may be necessary to call upon the leadership to arrange pairs for one or two Senators who have engagements that will take them out of the city. I should like to have an understanding that if a vote can be reached then, pairs will be arranged for at least the two Senators whom I have in mind who may be compelled to be out of the city.
>
> Mr. Dirksen. Mr. President, I assure the distinguished Senator from Georgia that, so far as the minority leader is concerned, I shall be more than glad, since I believe almost everyone knows my views, to provide a pair for whomever the Senator has in mind.
>
> Mr. Mansfield. Mr. President, I give the same assurance.

I then made this statement:

> Mr. Russell. I thank the Senators. With that statement, I think the Senate may look forward, unless something unforeseen happens, to an opportunity to express itself on some phases of the pending business in relation to the jury trial amendment. Of course, other amendments may be offered that will require additional votes.

Whereupon the majority leader stated:

> We understand.

Mr. President, while I do not like to discuss private conversations had with Senators on the floor of the Senate, sometimes it is necessary to do so. I had discussed this matter with the majority leader and the minority leader and told them I could not make any firm commitment. I told them I would try to see if there could not be some votes on Wednesday, May 6, relating to jury trial amendments. I told them a perfecting amendment would be offered to the Talmadge amendment, the general jury trial amendment, for which the Dirksen-Mansfield amendment had been offered as a substitute. That amendment was offered by the Senator from Kentucky [Mr. Morton] and others on that day.

I call attention to the Daily Digest in the Congressional Record of Friday, May 1, 1964, which describes the action of the Senate—or rather the work of the Senate, since no votes were taken that day:

> Civil rights: Senate continued to debate H.R. 7152, proposed Civil Rights Act of 1963. Pending at recess was question of adoption of Morton perfecting amendments (for himself and others) to Talmadge amendment on trial by jury in criminal contempt proceedings. Yea-and-nay vote was ordered on these Morton amendments en bloc.
>
> Majority leader announced his hope that some voting will be taken on amendments to the bill on Wednesday, May 6. The modified Mansfield-Dirksen substitute amendment for the above-described Talmadge amendment that was the pending question at recess last night is now in abeyance until action has been completed on perfecting amendments to the Talmadge amendment.

I have read from the Congressional Record of May 1.

Some voting did take place on Wednesday, May 6. There was a series of votes with respect to the Morton perfecting amendment. I am sure Senators will recall that those votes were rather close. On the first attempt the amendment failed of adoption by a tie vote.

With regard to the charge that I objected to the unanimous-consent request by the majority leader that the Senator from Utah [Mr. Moss], who came into the Chamber after the result had been announced, be permitted to be recorded as voting. I only called attention to the rule. This is one case in which the Senate finds it necessary to protect itself from its own generosity. It is one instance in which a Senator cannot vote, even by unanimous consent, when the result of the vote has been announced and a Senator asks to be recorded. I refer to rule XII, which specifically provides that not even by unanimous consent may a Senator vote after the result has been announced.

There is sound reason for that rule. I am sure there were precedents which brought about its adoption. As I say, the rule protects the Senate from its own generosity.

I did not raise any objection. I did rise to point out the rule, but it was not necessary. I saw the Parliamentarian advising the Presiding Officer at the time that the Senator from Utah could not vote, even by unanimous consent.

So the talk about my repaying courtesies by way of objecting to unanimous-consent requests is sheer poppycock. It has no foundation, and it could not even occur under the rules of the Senate.

What I have read from the RECORD of May 1, when the matter of voting on May 6 was first discussed, shows that I did not agree that votes would be taken, but I did state that there could be no vote unless pairs could be arranged. So I do not think I violated any courtesy. I try not to allow any Senator to be more courteous to me than I am to him. So absolutely no question of courtesy was involved that justified the statement in the article by Mr. Kenworthy.

It was said that subsequent to the vote on the so-called Morton amendment I had agreed to a vote on the following Wednesday, which would have been May 13. I invite the attention of Senators to page 10203 of the CONGRESSIONAL RECORD to a colloquy that occurred after the defeat of the Morton amendment. The RECORD shows that the Senator from Washington [Mr. MAGNUSON] directed this statement to the Senator in charge of the bill, the Senator from Minnesota [Mr. HUMPHREY].

> Mr. MAGNUSON. I merely wish to ask the acting majority leader, for the benefit of several Senators who have inquired, what the program will be for the remainder of the evening. Considering the fact that the Senator from Kentucky has said he would make a brief explanation, the Senate could probably vote on his amendment. Perhaps there will be other speakers.

I think this reference should be clarified by saying that it refers to the amendments of the senior Senator from Kentucky [Mr. COOPER] which were offered after the conclusion of the Senate action and vote on the amendment proposed by the Senator from Kentucky [Mr. MORTON] and others.

Then the acting majority leader and Senator in charge of the bill [Mr. HUMPHREY] said:

> Mr. HUMPHREY. The Senator from Kentucky has indicated that he would take a very short period of time, probably less than 15 minutes.
>
> Mr. COOPER. At most, I hope 15 minutes.
>
> Mr. HUMPHREY. I do not know how much time the opposition will take. It is the intention of the leadership to have the Senate remain in session until the debate on the amendment offered by the Senator from Kentucky is concluded and a vote has been had. I am hopeful that that can be done in not too long a time from now.
>
> After that, I would suggest that the Senator from Washington make another inquiry. It is my understanding that the Senate will not reach the point of voting on the Dirksen-Mansfield substitute, unless there is a change of heart—and I hope there will be.

I was on the floor, Mr. President. I now read the brief observation that I made:

> I do not know whether the Senator from Minnesota had me in mind, even though he was looking at me when he made his remarks. However, I can tell him that it will be impossible to vote on the Mansfield-Dirksen substitute until after the President has returned from his charge and attack on poverty in some of the Southeastern States. Some Members of Congress are likewise interested in fighting poverty. At least, they wish to be present when the engagement is had. They will not be present tomorrow, and not until late on Friday. Therefore, it will be impossible to vote before Saturday. I have never thought that Saturday was a very good day for a vote. For that reason I believe it very unlikely that there will be a vote on the Dirksen-Mansfield substitute until after the Members of Congress who have gone forth to do battle on poverty have returned to Washington.

That was a rather poor attempt at humor. But I stated clearly that there would be no vote on the Dirksen-Mansfield substitute. There was nothing in that statement that I had not already said to the Senator from Minnesota in private conversation. I do not recall whether I discussed it with the Senator from Montana [Mr. MANSFIELD] or the Senator from Illinois [Mr. DIRKSEN] at that time. But I made that statement.

The Senator from Minnesota then said:

> Mr. HUMPHREY. It would be within the realm of possibility if there were not extended debate, to vote on the Cooper amendment, and on the substitute also.
>
> Mr. RUSSELL. I do not preclude a vote on the amendment offered by the Senator from Kentucky.
>
> Mr. HUMPHREY. I was thinking of this evening.

In other words, that we would have a vote that evening.

> Mr. RUSSELL. It is highly likely that the Senate will vote on the Cooper amendment. I was referring specifically to the substitute proposed by the Senator from Illinois and the Senator from Montana. I hope I have placed the names in correct order. I try to alternate. I do not know which Senator is the leading spirit in connection with the amendment. One time I will call it the Dirksen-Mansfield amendment; on another occasion, I refer to it as the Mansfield-Dirksen amendment.
>
> I think it is highly unlikely that there will be a vote on the substitute amendment in the next day or two.

Mr. President, all that conversation took place immediately after the vote on the Morton amendment and after the Cooper amendment had been called up. I had told a number of Senators who were speaking with me that there would be no vote on the Mansfield-Dirksen amendment that evening or that week.

After the vote on the Cooper amendment, which occurred in a relatively brief period, I was invited into the Republican cloakroom, where a conference was in progress between the floor leadership of the bill and the leadership of the Senate as to the procedures and as to the possibilities of a vote.

I was standing in the rear of the Chamber, talking with the Senator from Mississippi [Mr. STENNIS], when either the majority leader or the minority leader requested me to step into the Republican cloakroom to participate in that conference.

I said to the Senator from Mississippi [Mr. STENNIS]: "How about coming along with me into the cloakroom?"

Not only were the leaders present, but a number of Republican Senators also—which of course is not unusual at that hour of the evening in a Republican cloakroom; and I suggest that it is not unusual for a considerable number of Democratic Senators to be in the Democratic cloakroom at that hour of the evening.

There was some discussion as to when a vote might take place. I stated frankly that if there were any way that I could prevent it that there would be no vote that week. I also said that on either Monday or Tuesday of the following week; which was the 11th and 12th, I planned to call a meeting of the Senators associated with me in the effect to resist this terrible pending legislation to see what their attitude was.

I do not like to go into private conversations, but it is almost necessary to do so in the light of the charges which have been repeated, and which I understand will appear over the weekend in a summation to be published in some of the metropolitan press.

A number of Senators were present. The Senator from Iowa [Mr. HICKENLOOPER] was present. The Senator from New York [Mr. JAVITS] was in the cloakroom, standing by. The Senator from California [Mr. KUCHEL] was there. The Senator from North Dakota [Mr. YOUNG], the Senator from South Dakota [Mr. MUNDT], and the Senator from Washington [Mr. MAGNUSON] were present. Undoubtedly, there were other Senators present. Some 12 to 15 Senators were in the room.

I was asked about the prospects for voting that night and on the following day. I stated that with so many Senators out of the city it would be impossible to have a vote; that I was not in a position to make any agreement for a vote; and that I would call the meeting to which I have just referred.

The majority leader, as I recall, then stated, "How about Monday?"

I was preparing to say that I could not agree to Monday, that I did not know whether all of our Senators would be available on Monday for a conference, but that I would try to give an answer by Tuesday, when the minority leader spoke up and said that a number of Senators were out of the city, or would be out of the city, on Monday; and that it would be impossible to vote then.

There was further discussion back and forth, and finally the Senator from Illinois, I believe—it must have been the Senator from Illinois, because the Senator from Montana expressed the hope on the floor of the Senate for a vote on Monday—said that there could not be a vote before Wednesday.

The Senator from Montana and the Senator from Illinois then left the Republican cloakroom and started into the Chamber. They said they intended to make a statement on the floor. I said to them, "Do not make any statement to the effect that any agreement has been reached with respect to voting on this amendment, because I have not made and cannot make any agreement now as to voting on the substitute."

The Senator from Montana then came into the Chamber. I do not believe this happened immediately after the meeting in the cloakroom concluded, because perhaps a little business intervened. Some Senators made statements and put certain matters in the Record. A quorum call was started at my suggestion. Then, the quorum call was suspended at the request of the Senator from Minnesota [Mr. Humphrey]. The majority leader thereupon asked the Senator from Minnesota to yield to him. The Senator from Montana then made this statement:

> Mr. Mansfield. For the information of Senators it is thought that it might be advisable at this time to make a statement as to what the program will be for the remainder of the week and the first part of next week.
>
> Mr. President, is my understanding correct that the pending business is the Mansfield-Dirksen amendment?
>
> The Presiding Officer. The Senator is correct.
>
> Mr. Mansfield. And that before any other business can be taken up, that amendment will have to be disposed of, unless in the meantime perfecting amendments are offered to the Talmadge amendment?
>
> The Presiding Officer. The Senator is correct.

That possibility was specifically discussed in the conference in the cloakroom. After we had lost the fight to preserve the sacred heritage of jury trial by a tie vote, no one thought that we would abandon the effort to change the opinion of at least one Senator. That is not very unusual in this body. Changing one vote would change the result.

Thereupon the Senator from Montana said:

> Mr. Mansfield. I have discussed this matter with the distinguished minority leader, the Senator from Illinois [Mr. Dirksen], and the floor managers in charge of the bill, my distinguished colleague from Minnesota [Mr. Humphrey], and the distinguished Senator from California [Mr. Kuchel].

I point out that the majority leader could not have been under the impression that I had made any commitment, because he did not mention my name as among those with whom he had discussed his plan for the following week.

The majority leader continued:

> It appears that the best we can look forward to in the way of a possible vote—and this implies no commitments and no understandings—is the possibility of a vote either late Monday or at a fairly early hour on Tuesday. We do not know whether or not this estimate has too much validity, but it is our best combined judgment at this time.
>
> Our purpose in making this announcement is to put the Senate on notice as to what the situation may well be insofar as a vote on the Dirksen-Mansfield amendment is concerned.
>
> I thank the Senator from Minnesota for yielding.

Then the minority leader rose to say:

> Mr. Dirksen. Mr. President, will the Senator yield?
>
> Mr. Humphrey. I yield.
>
> Mr. Dirksen. Mr. President, we know that from time to time Senators make commitments in advance.

Mr. President, I point out that this is in accord with my recollection of what transpired. The Senator from Illinois had said that he did not see how there could possibly be a vote on Monday, because there would be a good many absentees on that day. He continued:

> It is the desire of the leadership to accommodate them always insofar as possible. That is the reason for the statement by the majority leader. We shall know better perhaps on Monday, at which time a further announcement will be made.
>
> So, I think we shall let the matter stand.

I point out that the minority leader did not at that time claim that any agreement had been reached for any vote. He said:

> We shall know better perhaps on Monday, at which time a further announcement will be made.

I had told the majority leader and the minority leader that I would hope to have a meeting of our group on either Monday or Tuesday, and that then I would confer with them further as to what the prospect would be for a vote on the substitute amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. The distinguished senior Senator from Georgia has almost total recall. What he has said about the meetings is correct. He was called into the Republican cloakroom at the request of the minority leader and the majority leader. His recollection of what took place there, I can confirm. No commitments were asked for. No commitments were given.

Since I have sat in the majority leader's chair I have lived in hope and quite often in despair. To a great extent I have had to act on the basis of assumptions. More often than not my assumptions have turned out to be erroneous. However, as the Senator from Georgia has indicated, on the basis of the statements made on the floor of the Senate, both in the previous week and last week, no comment was made by the majority leader or the minority leader, as I recall, or by anyone else, to the effect that there was a commitment or an understanding. There was none. We were operating on the thesis, the last time, that certain Republican Senators would not be available on Monday morning. Another Senator would have to be absent on Tuesday afternoon. That accounts for the fact that in my statement I had held out a hope—and only a hope—that there might be a possibility of a vote on Monday or early Tuesday. I admit that perhaps the statement was too sanguine, but under the circumstances it was the best I could do.

So far as pairs were concerned, the distinguished Senator from Georgia very graciously suggested that if there were the possibility of a vote, there were two Senators whom he had to protect and who had to be assured of live pairs. Without hesitation the minority leader and I agreed to that arrangement, and we did so publicly.

Mr. RUSSELL. And they lived up to it without any question when the hour came.

Mr. MANSFIELD. After the arrangement had been publicly made, another Senator came to me and said that he had to be in a certain place on a certain day. He said if he could have a live pair, he would keep his engagement; if not, he would remain here. I told him that I would do my best to see to it that he had a live pair. Fortunately we were able to honor our commitment.

The Senator from Georgia is correct when he states that no commitments and no understandings were had. The leadership was operating on a "happenstance" basis.

The record will bear out the fact that the distinguished Senator's recall of the conversations, held at the request of the leadership—not at his request—has been exact. I hope that this will clear the record and make more understandable what the position of the distinguished Senator from Georgia was and what the statements and thoughts and feelings of the leadership were on these occasions.

Mr. RUSSELL. I thank the Senator from Montana. From one of his exemplary character and integrity, I would have expected nothing else. I am grateful that he is making this statement to the Senate to clarify the situation.

I do not know where among the leadership these statements were made, apparently piecemeal. They were published in the Baltimore Sun on two different days. In light of the statement of the Senator from Montana, I shall not continue to read from the Record. I shall content myself by saying that I am grateful to the Senator from Montana for his statement confirming my recollection of events.

When the time comes for me to go out of this Chamber, whether I go voluntarily, whether my commission is revoked by the electorate of Georgia, or whether I am carried out in a box, I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

My father used to tell his seven sons that all of them could not be brilliant, all of them could not be successful, but all of them could be honorable. We had that drilled into us. I have tried to follow that course throughout my life.

I have made many mistakes. Once or twice I have forgotten statements I had made. But in all matters of this kind, if I entered into a gentlemen's agreement, I tried to live up to it to the very letter and spirit of the agreement.

I shall not read further. There are other confirmatory statements by other Senators in the Record of Tuesday, May 12, to show that it was absolutely impossible for me to have made any statement that could have led any reasonable and fair-minded person to believe I had entered into any agreement as to voting on the following Wednesday.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. The distinguished Senator from Georgia is a man of honor and a man of determination. When he gives his word, it is as solid as gold; and when he is determined, he is like a bull in a china shop. I wish there were occasions when he was not quite so determined, because he makes it extremely difficult for the leadership, and makes a job which is not easy in the first place that much more difficult. But the Senator is always honorable.

I am glad this matter has been clarified. While I have no authority to do so, I think I am safe in assuming that the remarks I have made would be confirmed and supported by the distinguished minority leader, the distinguished Senator from Illinois [Mr. Dirksen]; the deputy minority leader, the distinguished Senator from California [Mr. Kuchel]; and the deputy majority leader on the Democratic side, the distinguished Senator from Minnesota [Mr. Humphrey].

Mr. RUSSELL. I thank the Senator from Montana. He does, indeed, have a difficult task serving as majority leader of the Senate. It is difficult under any circumstances. Unfortunately, as any Senator will agree, the Senate is composed of 99 prima donnas and himself.

Mr. MANSFIELD. I would not disagree.

Mr. RUSSELL. There are a great many temperamental Members of the Senate of the United States, all of them believing that they are personages of consequence—and they are; otherwise they would not have been sent here by the electorate of any State.

I cannot think of a more difficult post to fill than that of majority leader of the Senate. If a man were paid according to the sum total of his annoyances and frustrations and according to the hours of his labor, the salary of the Senator from Montana would compare favorably with the largest salary of any person connected with the Government and the highest salary scales paid the heads of many huge industries and corporations.

I try not to add to the Senator's burdens, because I know how great they are. It gives me great pleasure when there are instances—and they occur, perhaps intermittently—when I can support the distinguished Senator in any of his legislative programs. I try to do so procedurally in all instances.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. It gives me great pleasure when we can cooperate, as we do on most occasions, on matters affecting the welfare of the country. But rather than an increase in salary, I would be willing to take a decrease in salary if, in return, I could get more in the way of cooperation in this Chamber.

Mr. President, I should like to speak on another subject.

Mr. RUSSELL. Mr. President, I had promised to yield first to the Senator from Kansas.

Mr. CARLSON. Mr. President, unfortunately, I was absent from the Senate attending conferences on the Kennedy round of the International Trade Common Market when some of the preliminary work was done in regard to voting; therefore, I missed the vote on that particular occasion.

So far as I am personally concerned, I wish to compliment the distinguished Senator from Georgia for making his statement concerning what happened. Anything he says, I firmly believe and accept in full confidence. I have the highest regard for his integrity, as does every other Member of the Senate.

One of the fine things about serving in this body is that it gives one an opportunity to test out individuals. As I listened to the discussion between the distinguished majority and the distinguished Senator from Georgia, I could not help thinking that it is a great honor to serve in a body composed of men and women of character, men and women who are dedicated to serving their country, and serving it with great integrity.

Mr. RUSSELL. I am profoundly grateful to the distinguished Senator from Kansas, whose high character is recognized throughout the country. He is one of the great lay leaders in religion in this Nation, as well as one of our ablest and most experienced legislators. I appreciate his kind remarks. "Praise from Sir Hubert is praise indeed."

Exhibit 1

[From the New York Times, May 13, 1964]

Rights Backers Seeking Closure Within 2 Weeks—Senate Leaders Buoyed by Accord on Amendments—Johnson Urges Support

(By E. W. Kenworthy)

Washington, May 12.—The bipartisan civil rights forces in the Senate gathered themselves together today and resolved to halt the Southern filibuster and bring the bill to a vote.

If the plans announced by the coalition leaders are resolutely adhered to, there is a possibility that closure can be imposed in 10 days or 2 weeks and that the bill can be passed before the Republican National Convention, which opens July 13.

President Johnson, meanwhile, issued a strong appeal for public pressure in support of the civil rights bill after Mike Mansfield, of Montana, Senate Democratic leader, told him that "progress on the bill to date is nil."

Yesterday several civil rights leaders were wallowing in a slough of despond and futile anger over their inability to silence the southern foes of the bill.

Today they were still angry, but their anger had direction.

And despondency had given way to optimism—a result of an agreement reached by the Justice Department and Senator Everett McKinley Dirksen, of Illinois, on a package of amendments.

If Mr. Dirksen, the Republican leader, can get commanding support for his amendments from his party colleagues, the votes will be in sight for closure. Mr. Dirksen was confident today that he could get this support.

"I see a little dawn like a sheen behind the darkness," he told reporters after a luncheon conference with the Senate Republican policy committee.

Yesterday and today, Mr. Dirksen said, closure had been talked of by Senators who would not have countenanced the idea a week ago.

"There comes a moment," he said, "when there's a feeling in the air that the time has come for action, and we have just about gotten there."

SUPPORTERS ARE ANGRY

The more ardent civil rights supporters were in angry mood as the Senate session began today. They had been nursing their wrath for the last week as the southerners dragged out the debate on amendments to the bill providing for jury trials in contempt of court cases.

Their anger was fanned by newspaper accounts of an outburst yesterday by Senator Hubert H. Humphrey, of Minnesota, the Democratic floor manager of the bill. Mr. Humphrey had laid the blame for inaction on the bill at the door of the nonsouthern Senators who permitted the 19 southern opponents to bring the Senate's business to a halt.

The anger this morning was directed, first, at these Senators and, second, at Senator Richard B. Russell, Democrat, of Georgia, the leader of the southern forces, who some believed had taken advantage of courtesies extended him.

Senator Paul H. Douglas, Democrat, of Illinois, began by saying, "the impression is going out over the country that the advocates of civil rights on the Senate floor do not mean business."

He said the country was tired of the debate, which he said did not illuminate the subject but only protracted the battle. He said the time had come for those who believed in limiting debate to think of filing a cloture petition.

Senator William Proxmire, Democrat, of Wisconsin, agreed, saying that the filibuster had become the longest on record. If the filibuster continues much longer, "it will bring the Senate of the United States into disrepute," he said.

Senator Jacob K. Javits, Republican, of New York, said it was "an open secret that we don't have the votes" for closure.

The votes of two-thirds of the Senators present and voting are required to close debate. If all 100 Senators are present, 67 votes are needed for closure.

Mr. Javits had two proposals.

First, he suggested that President Johnson begin to apply pressure. "He could demand of his party that it vote for closure." Mr. Javits said.

Second, he suggested that national organizations supporting the bill should "call on Senators marked as doubtful" on the closure issue. Most of these are middle western Republicans.

COTTON DECRIES FILIBUSTER

Senator Kenneth B. Keating, Republican, of New York, said, "All we want is the opportunity to vote." He added that one Senator, who was not certain whether he would vote for the bill, had told him he was ready to vote for closure.

Senator Norris Cotton, Republican of New Hampshire, asserted that he could not vote for the bill as it stood but declared that the filibuster was "an abuse of the legislative process."

Finally Senator Mansfield took the floor. In a voice tense with unwonted anger, the normally patient Montanan said that the debate had become "an exercise in futility."

One man, or a small group of men, has the power "to run the Senate and thwart the will of the majority, he said.

The man to whom Mr. Mansfield referred was Mr. Russell, and there was plenty of evidence today that Mr. Mansfield and Mr. Dirksen believed the southern leader had taken advantage of them. Their anger arose from two incidents.

Last Wednesday night, when the Senate voted on a southern-supported jury trial amendment, the two leaders agreed to allow Mr. Russell live pairs for two absent southerners. By arranging a live pair, the vote of a present Member is canceled by that of a Member not present.

As a result of this agreement, Mr. Mansfield lost two votes he would have had. Yet Mr. Russell refused Mr. Mansfield's request to permit the vote of a late-arriving Senator to be recorded against the amendment.

Last Thursday night Mr. Mansfield and Mr. Dirksen thought they had an understanding with Mr. Russell to start voting tomorrow on the remaining jury trial amendments.

However, last Saturday Mr. Russell said he did not believe there would be any voting this week. And this morning he said he would not permit a vote this week unless he saw enough votes to pass an amendment by Senator George A. Smathers, Democrat, of Florida. This amendment would allow the accused to request a jury trial in criminal contempt cases.

Debate on the jury trial issue began 3 weeks ago today.

DIRKSEN OUTLINES PLANS

Mr. Dirksen indicated today how he and Mr. Mansfield intended to deal with both the jury trial issue and closure.

He said he would talk with Mr. Russell about getting an agreement to vote on the jury trial amendments. If he cannot get an agreement, he said, the leaders will have to consider a motion to table—that is, to kill—the Smathers and other perfecting amendments in order to bring up the Mansfield-Dirksen amendment.

This amendment would allow a judge discretion to grant a jury trial in cases of criminal contempt under the bill and would limit him to penalties of not over $300 in fines and 30 days in jail in a nonjury trial.

A tabling motion is not debatable and is regarded as an extreme weapon.

PLAN TO CURB DEBATE

As for halting the filibuster, the leaders' plans are tied to the agreement on a series of amendments that Mr. Dirksen has reached with the bill's floor managers and the Justice Department.

Tomorrow there will be a final meeting on the amendments in Mr. *Dirksen's* office. Then he will take the amendments to a conference of all Republicans, probably Thursday.

Mr. Mansfield and Mr. Humphrey are also expected to consult the Democrats on the amendments.

If the amendments are approved by both party conferences, the leaders will be ready to file a petition for closure of debate.

Mr. Dirksen said that the votes of 25 of the 33 Republicans would be necessary. He was confident his amendments would win over the seven or eight who have said they could not vote for closure unless the House bill were modified.

PARLIAMENTARY PROCEDURE ON SENATE RESOLUTION 330, AMENDING BAKER CASE RESOLUTION

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, because of the complexity of the parliamentary situation that prevailed on Thursday last and the questions which were raised as to the Chair's rulings, I requested that the Parliamentarian prepare a summary of the proceedings which were involved. That has been done, and copies have been sent to the minority leader, the distinguished Senator from Illinois [Mr. Dirksen] and the distinguished Senator from New Jersey [Mr. Case].

There have been a number of requests for this summary, and after a discussion with the minority leader and with his concurrence it seems to me that it should be made generally available. Therefore, I ask unanimous consent that a memorandum on the rulings and procedures involved in the difficult situation on Thursday last be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Parliamentary Procedure on Senate Resolution 330, Amending Baker Case Resolution

Summarizing the situation that occurred last evening, the reason of the rulings of the Presiding Officer (Mr. Kennedy, of Massachusetts), was briefly:

Paragraph 1 of rule XIX of the Standing Rules of the Senate provides in part:

"No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer."

Senate Procedure, pages 267 and 268, states:

"A Senator who has the floor may not be interrupted or taken off the floor without his consent for the purpose of * * *."

Seventeen instances are then cited, among them being (No. 11) raising a question of personal privilege, and (No. 14) making a point of order.

Citations supporting these rulings are given. It is clear beyond any doubt that the Senator from New Jersey [Mr. Case] was not entitled to demand the right to raise a question of personal privilege or to make a point of order when the Senator from Montana [Mr. Mansfield], who had the floor, refused to yield for that purpose.

Paragraph 4, rule XIX provides that if a Senator calls another Senator to order for the use of improper language, the Presiding Officer shall express an opinion as to whether the language, in fact, violated any rule of the Senate.

In the colloquy last evening when the Senator from New Jersey called the Senator from Montana to order, the Presiding Officer expressed the opinion that the Senator from Montana had not violated any rule of the Senate. From this ruling the Senator from New Jersey took an appeal. All this occurred while the Senator from Montana had the floor and had refused to yield for any interruptions.

The Presiding Officer held that an appeal in such a case was debatable.

Pending further interruptions by the Senator from New Jersey over the refusal of the Senator from Montana to yield for any such purpose, the latter moved to lay on the table the resolution, as amended. Notwithstanding the fact that a motion to lay on the table is not debatable under paragraph 1 of rule XXII, some further discussion ensued, during which the Presiding Officer said:

"The Senator from Florida has yielded to the majority leader. The yeas and nays have been ordered. It is the Chair's interpretation that at the present time the Senate should now proceed to vote."

In reply to a parliamentary inquiry by the Senator from New Jersey, the Presiding Officer stated that he had ruled that the question was on agreeing to the motion to table the resolution, as amended, and directed the clerk to call the roll.

The rollcall resulted in an affirmative vote of 42 yeas, nays 33. The action of the Senate in tabling the resolution carried with it all collateral matters connected therewith, including the appeal taken by the Senator from New Jersey.

The position that the tabling of the resolution, as amended, carried with it the appeal is based upon precedents of the Senate which hold that an amendment which has been laid on the table carries with it an amendment pending thereto. Decisions of the Senate to this effect were made on October 9, 1929; April 27, 1953; August 2, 1954; March 11, 1960; April 4, 1960; and September 1, 1960.

If the motion to table the resolution, as amended, had been rejected or had not been made, while under the agreement the time for consideration had expired, the pending question on the resolution, if later taken up for consideration, would be on the appeal taken by the Senator from New Jersey.

Debate on the resolution, as amended, was terminated by the motion of the Senator from Montana to lay it on the table, such a motion, under the first paragraph of rule XXII being expressly held to be not debatable.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. CARLSON. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. CARLSON. Mr. President, I deeply appreciate the courtesy of the distinguished Senator from Georgia.

It should be evident, as we conclude the 57th day of debate on H.R. 7152, the civil rights bill, that some amendments must be approved before a final resolution of the bill can be reached.

It is difficult to legislate in the field of civil rights because of the emotional nature of the issues involved. The minority leader, the distinguished Senator from Illinois [Mr. Dirksen], has been working with the majority leadership and others in an effort to resolve some of the differences between those who favor the House bill without amendment and those who feel that the bill must be amended if it is to be constitutional and effective.

The Senator from Illinois has dedicated himself to working out a meaningful civil rights bill. In an effort to arrive at some satisfactory solution to the final determination of this emotional issue, the minority leader receives both bouquets and brickbats.

As one Member of the Senate, I commend the minority leader and other Senators who are resolved to arrive at a solution of this most difficult problem.

On Tuesday, May 12, there appeared in the Washington Daily News an editorial entitled "Civil Rights Amendments." I shall read the editorial into the RECORD:

[From the Washington Daily News, May 12, 1964]

CIVIL RIGHTS AMENDMENTS

It has become fairly general practice to term suggested amendments to the civil rights bill as proposals to "water down" that document.

While some opponents apparently would prefer to water the bill clear out of existence, others are sincerely concerned to get a law which will work, after it is passed.

The bill passed by the House was pushed through, we are confident, in expectation the Senate would tighten it up at the seams. This is the purpose, for instance, of the long series of amendments offered by Senator EVERETT DIRKSEN of Illinois, certainly no segregationist but rather a longtime defender of civil rights. All of these deserve open-minded consideration and at least some should be included in the final version of the bill.

Provisions of whatever bill is passed not only have to be enforced; they have to be accepted by the great majority as fair and reasonable.

Proponents of extravagant rules should remember prohibition. Moderate legislation might have helped the cause of temperance. Fanatic provisions of the Volstead Act made law violation fashionable and created a gang empire which, 30 years after repeal, still remains a national menace.

I appreciate very much the courtesy of the Senator from Mississippi.

Mr. EASTLAND. Mr. President, when I last spoke on the matter of trial by jury in cases of criminal contempt, I completed reading the brief that was submitted in the case of *United States* v. *Ross R. Barnett et al.*, Supreme Court of the United States No. 107, October term 1963, by the attorneys who represented Ross Barnett and Paul B. Johnson. I pointed out that this brief was the most comprehensive and brilliant document that had ever been prepared and presented on the subject of the constitutional right of an individual citizen to a trial by jury in cases of criminal contempt. I commend its text most highly to everyone who is interested in this profound question and who wants to follow the intent and purpose of our Constitution.

Another most interesting brief was also filed amicus curiae in the Barnett case. This brief was prepared by the American Civil Liberties Union, and it also advances the proposition that all trials for criminal contempt actions should be conducted with a jury. This brief is much shorter than the one submitted for the defendants in this action, and I should like at this time to read certain pertinent portions thereof.

ARGUMENT

I. A JURY TRIAL IS AN INDISPENSABLE COMPONENT OF A FAIR TRIAL; THIS IS ESPECIALLY SO IN CRIMINAL CONTEMPT ACTIONS

The jury system has long been recognized as one of the fundamental procedural safeguards of our system of jurisprudence. Its history dates back at least to the Magna Carta, where it was provided:

"No freeman shall be taken, or imprisoned, of disseised, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land."

Blackstone attested to its vital place in the common law with these famous words:

"[T]he trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And if it has so great an advantage over others in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases! * * * [I]t is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals." 3 Blackstone, Commentaries—379.

The importance of trial by jury in our system was recognized even before the Revolution. The Declaration of Rights issued in 1765 by nine of the thirteen original Colonies stated:

"That trial by jury, is the inherent and invaluable right of every British subject of these colonies." 43 Harvard Classics 147, 148.

One of the enumerated grievances contained in the Declaration of Independence was that laws had been adopted,

"For depriving us in many cases, of the benefits of Trial by Jury."

The great regard which the draftsmen of the Constitution attached to the right to jury trial in criminal cases is evidenced by the fact that it is twice mentioned there, both in Article III, Section 2 and in the Sixth Amendment. Hamilton, urging the adoption of the Constitution, described jury trial as the "very palladium of free government." "The Federalist," No. 83. Later, Justice Story noted that,

"When our more immediate ancestors removed to America, they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law which had fenced round and interposed barriers on every side against the approaches of arbitrary power. It is now incorporated into all our State constitutions as a fundamental right, and the Constitution of the United States would have been justly obnoxious to the most conclusive objection if it had not recognized and confirmed it in the most solemn terms." Story, "Constitution," section 1779 (4th ed. 1873).

The importance of jury trial in our system of justice derives from the fact that in a very real sense the tribunal of last resort in questions of fact is the people themselves. De Tocqueville expressed this fact with his usual insight:

"The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government. * * * He who punishes the criminal is * * * the real master of society. * * * All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury." 1 De Tocqueville, "Democracy in America" (Reeve trans. 1948 ed.), 282–283.

Chief Justice Cooley set forth many of the reasons why jury trial is a necessary element of a fair trial:

"The law has established this tribunal because it is believed that, from its numbers, the mode of their selection, and the fact that the jurors come from all classes of society, they are better calculated to judge of motives, weigh probabilities, and take what may be called a commonsense view of a set of circumstances, involving both act and intent, than any single man, however pure, wise, and eminent he may be. This is the theory of the law; and as applied to criminal accusations, it is eminently wise, and favorable alike to liberty and to justice." *People* v. *Garbutt*, 17 Mich. 9, 22 (1868).

This Court has often been called upon to reaffirm the vital place which the right to jury trial has in our Constitutional framework. The classic statement is contained in the landmark case *Ex parte Milligan:*

"The great minds of the country have differed on the correct interpretation to be given to various provisions of the Federal Constitution; and judicial decision has been often invoked to settle their true meaning; but until recently no one ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is now assailed; but if ideas can be expressed in words, and language has any meaning, this right—one of the most valuable in a free country—is preserved to every one accused of crime who is not attached to the army, or navy, or militia in actual service.

"This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of state or political necessity. When peace prevails, and the authority of the government is undisputed, there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution." 4 Wall. [71 U.S.] 2, 122–24 (1866).

And in confirming the indispensibility of trial by jury even in civil cases, this Court said:

"With, perhaps some exceptions, trial by jury has always been, and still is, generally regarded as the normal and preferable mode of disposing of issues of fact in civil cases at law as well as in criminal cases. Maintenance of the jury as a fact-finding body is of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment of the right to a jury trial should be scrutinized with the utmost care." *Dimick* v. *Schiedt,* 293 U.S. 474, 485–86 (1935).

Only recently, the Court has stated that,

"This right of trial by jury ranks very high in our catalogue of constitutional safeguards." *United States ex rel. Toth* v. *Quarles,* 350 U.S. 11, 16 (1955).

In a judgment striking down a court martial conviction obtained against a civilian dependent of a member of the Armed Forces, an opinion joined in by four of the Justices of this Court stated:

"Trial by jury in a court of law and in accordance with traditional modes or procedure after an indictment by grand jury has served and remains one of our most vital barriers to governmental arbitrariness. These elemental procedural safeguards were embedded in our Constitution to secure their inviolateness and sanctity against the passing demands of expediency or convenienences." *Reid* v. *Covert,* 354 U.S. 1, 10 (1957) (Opinion of Black, J.).

That the right to jury trial has proved to be a crucial safeguard against the abuse of criminal process in a wide variety of contexts needs no elaborate citation of authority. But this right is even more important in the case of criminal contempt because of the novelty of the method of prosecution. There is an obvious built-in unfairness in permitting a judge, in order to "vindicate his authority" and who thus is the aggrieved party, to act as prosecutor, witness, jury, and judge. It is elementary that no man can be judge in his own case and that no man is permitted to try cases where he has an interest in the outcome. *In re Murchison*, 349 U.S. 133, 136 (1955). Yet in criminal contempts, the judge, with the full panoply of his power, is an unequal match for the defendant. The judge's power to punish contempt is virtually limitless as to the scope of the offense, the means of punishment and the procedure employed. The only effective restraint upon him is the often ineffectual right of judicial review, where the sole question is whether the judge has abused his discretion. The judiciary, as the final bastion against oppression, must be free of even the slightest suggestion of unfair practices.

It has been argued that because of the favored position of these defendants in the eyes of Mississippians, no jury will be found to convict them. But the administration of impartial justice, and not the rendering of swift and easy convictions, is the business of the courts. Every procedural safeguard in the Constitution makes it more difficult to secure convictions, just as every other provision in the Bill of Rights affords an added measure of protection against the coercive power of the Government, whether existing or potential. That a particular Constitutional liberty may in some cases make it possible for the guilty to escape punishment has never been a reason for not invoking it. Experience has taught us that such a sacrifice is necessary to the vindication of a critical Constitutional principle. In the oft-quoted words of Mr. Justice Holmes:

"We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part." *Olmstead* v. *United States*, 277 U.S. 438, 470 (1928) (dissenting opinion).

Finally, it may be argued that these defendants do not deserve a jury trial because of the flagrant nature of the contempts charged against them. But this Court has often rejected the proposition that because a particular defendant is a "bad man" his constitutional rights are not worth protecting. Unsavory characters may occasionally be benefited in order to affirm an important liberty.

II. SUMMARY TRIAL OF CRIMINAL CONTEMPTS IS NOT "NECESSARY" TO VINDICATE THE AUTHORITY OF THE COURT OR FOR ANY OTHER REASON

As Mr. Justice Black observed in *Green* v. *United States*, 356 U.S. 165, 213 (1958), some who defend summary trial of the crime of contempt attempt to justify this procedure as a "necessity" if judicial orders are to be obeyed and the authority of courts is to be maintained. Even if there were such a "necessity," it is doubtful that it would permit a deviation from the Bill of Rights. But in fact, no "necessity" exists that conceivably warrants this extraordinary method of trial.

In the first place, criminal proceedings are unnecessary to assure compliance with lawful court orders. Civil contempt has always been the appropriate remedy to assure such compliance. As long as a defendant faces imprisonment for refusal to comply, a court's order will eventually be satisfied. Long ago, this Court described the limits of the power to punish for contempt as "[t]he least possible power adequate to the end proposed." *Anderson* v. *Dunn*, 6 Wheat. [19 U.S.] 204, 231 (1821). See also *In re Michael*, 326 U.S. 224, 227 (1945); *In re Oliver*, 333 U.S. 257, 274 (1948). The remedy of criminal contempt is a power in excess of the end proposed, compliance with court orders.

Related to the claim that compliance with court orders necessitates a summary trial is the assertion that a judge is able to dispose of a criminal contempt faster and cheaper, and thus more swiftly vindicate his authority. This idea misconceives both the purposes of the criminal law and of the Bill of Rights. Whatever speed and economies might result can hardly justify abandonment of a basic Constitutional protection. As Mr. Justice Black stated:

"Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy." *Green* v. *United States*, 356 U.S. 165, 216 (1958) (dissenting opinion).

Even more important, once there is no longer any question of compelling compliance with a court order—the province of civil contempt—there can be no justification for swift disposition. In such cases, there is ample time to provide the defendant the full benefit of all Constitutional safeguards. This was recognized by Justices Holmes and Brandeis when they declared that "when there is no need for immediate action contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts." *Toledo Newspaper Co.* v. *United States*, 247 U.S. 402, 425–26 (1918) (dissenting opinion). The instant case provides a dramatic example of the absence of any need for haste. It is now almost a year since the incident involving James H. Meredith's admission to the University of Mississippi that led to the citation of these defendants for contempt of the Court of Appeals. Meredith has been graduated, and there is no present violence or any other reason which would justify a hasty trial for criminal contempt.

Equally unavailing is the contention that jury trial for criminal contempt, especially where racist sympathies exceed respect for federal courts, will subject judges to personal abuse and to courtroom disturbances because no jury will be likely to convict the miscreants. However, the present suit does not involve contempts in the presence of the court or so near to it as to disrupt proceedings. That category of contempts is not pertinent to the disposition of the present case. Moreover, Congress has specifically excluded this category when granting jury trials in certain types of criminal contempt. 42 U.S.C. section 1995; 29 U.S.C. section 528; 18 U.S.C. sections 402, 3691, 3692.

The claim of "necessity", so clearly unpersuasive in the general run of cases, takes on a peculiar coloration in the present context. Lurking in the background of this case is the unarticulated premise that unless these defendants are criminally punished for violation of the order of the Court of Appeals, irreparable damage may befall the movement to secure civil rights for Negroes in the South and elsewhere. The idea is, no doubt, that only punitive action will prevent certain Southern officials from intervening with the authority and power of their offices to head off attempts to comply with judicial orders entered on behalf of Negroes. This claim lacks any validity and reflects a misunderstanding of the purposes of criminal contempt as well as the struggle of the Negro for equality. The resources of the law, including civil contempt, are sufficient to coerce governors and private citizens into compliance with lawful orders of federal courts. The subsequent invocation of the criminal process can have little or no added effect on the Government's ability to assure that such edicts are obeyed. The only purpose of such process is to punish violators for past acts, a punishment that surely need not be hasty or expeditious.

It should be obvious from recent events that the Negro civil rights movement does not depend on the criminal law. Within recent years, indeed recent months, the Negro has made historic gains in hundreds of communities in more than a score of States with the assistance, as far as we have been able to determine, of Federal criminal contempt in only one episode. See *Kasper* v. *Brittain*, 245 F. 2d 92, 97 (6th Cir.), cert. den., 355 U.S. 834 (1957); *Bullock* v. *United States*, 265 F. 2d 683 (6th Cir.), cert. den., 360 U.S. 909, 932 (1959).

The paucity of such cases involving criminal contempt is particularly significant in light of the varied circumstances under which Negroes have sought vindication of their rights and the numerous court orders entered for this purpose. This strongly indicates that the availability of criminal contempt is unimportant to the success of the civil rights movement and that the just claims of the Negro can be achieved without subverting the constitutional rights of any criminal defendant.

Finally, it may be suggested that a jury trial will virtually assure the acquittal of these defendants because a white Mississippi jury would not hold them in contempt for flouting an order to admit a Negro to the University of Mississippi. This may be so, but it is irrelevant to the present issue. Securing convictions is not the only goal of the criminal law. The means by which convictions are obtained has a claim of equal stature. This faith remains the cornerstone of our system of criminal law. *Mapp* v. *Ohio*, 367 U.S. 643 (1961); *Gideon* v. *Wainwright*, 372 U.S. 335 (1963). Only by adherence to it in all cases will the safeguards of the bills of rights be preserved for the benefit of all defendants who are hailed before the criminal bar. See Wechsler, "Toward Neutral Principles of Constitutional Law," 73 Harv. L. Rev. 1 (1959).

III. THE POWER TO PUNISH CONTEMPT WITHOUT A JURY TRIAL RESTS UPON AN HISTORICAL ERROR WHICH SHOULD NOT BE PERPETUATED AS A CONSTITUTIONAL PRINCIPLE

The constitutionality of the power to punish contempt summarily and without trial by jury has been bottomed on the assertion that it derives from the earliest origins of the common law, antedating the adoption of the Constitution. Blackstone asserts that the power derives from "long and immemorial usage." 4 Blackstone, "Commentaries," *288. However, modern scholarship has discovered that this historical interpretation is at best dubious. In a notable series of essays, Sir John Charles Fox, Senior Master of the Chancery Division, has revealed that until the early part of the 18th century contempt was regarded as an ordinary proceeding attended with all of the procedural safeguards of a criminal trial. He details many instances where such cases were punished only upon indictment and after trial. Fox, *The King* v. *Almon*, 24 Law Q. Rev. 184, 191; 266, 270 (1908); Fox, "Eccentricities of the Law of Contempt of Court," 36 Law Q. Rev. 394, 396 (1920). Fox's researches included an examination of the original rolls of the English courts and it was his conclusion that the power to punish contempt summarily, is without historical basis. Fox, "The Summary Process to Punish Contempt," 25 Law Q. Rev. 238, 242–44 (1909).

The earliest assertion of the power appears in the proceedings of the infamous Court of Star Chamber. Fox, *The King* v. *Almon*, 24, Law Q. Rev. 266, 270 et seq. (1908); Hudson, Star Chamber ([2 Hargrove] Collectanea Juridica) 117. After the abolition of the Star Chamber in 1641, no instance of summary punishment appears until 1721. Thereafter, there are a few widely scattered instances of the use of the power until the so-called "judgment" of

Lord Chief Justice Wilmot in *The King* v. *Almon* (1765). In his opinion, Wilmot states that the power to punish contempt summarily,

"Stands upon the same immemorial usage as supports the whole fabric of the common law; it is as much the lex terrae and within the exception of Magna Charta as the issuing any other legal process whatever. I have examined very carefully to see if I could find out any vestiges or traces of its introductions but can find none. It is as ancient as any other part of the common law; there is no priority or posteriority to be discovered about it and therefore cannot be said to invade the common law but to act in an alliance and friendly conjunction with every other provision which the wisdom of our ancestors has established for the general good of society." Wilmot, "Notes of Opinions and Judgments," 243, 254 (1802).

The prosecution involved in the case was later dropped and Wilmot's "judgment" was merely the draft of an undelivered opinion. Had it not been included in the publication of Wilmot's works ten years after his death, it would never have acquired the force of precedent. Fox notes the striking similarities between Wilmot's unfounded assertions in his 1765 opinion and Blackstone's statement in the fourth volume of his "Commentaries," published in 1769, quoted supra, p. 11, and concludes that the former had great influence on the latter. Fox, "The Summary Process to Punish Contempt," 25 Law Q. Rev. 238, 247, 253–54 fn. (k) (1909). Wilmot's opinion was not even cited in the English reports until 1821 and was not accepted as a leading authority until cited by Chancellor Lyndhurst in *"Ex parte Van Sandau,"* 1 Ph. 445, 454 (1844). Ironically, Wilmot's "judgment" has become the most widely cited authority for the proposition that the power to punish contempt summarily derives from the earliest origins of the common law. Not only was the historical basis of Wilmot's opinion erroneous, but, in addition, it rested upon a misconception of terminology. For as Frankfurter and Landis point out, Wilmot confused "immemorial usage" to punish criminal contempt with "immemorial usage" to punish only after a jury verdict. Their article states: "For a hundred years the law has been seeking to extricate itself from his confusion." Frankfurter and Landis, "Power to Regulate Contempts," 37 Harv. L. Rev. 1010, 1049 (1924).

Thus, Wilmot's historical error, perpetuated by Blackstone, has had its influence on the development of American Constitutional law. The case at bar presents the question whether Wilmot's erroneous assertion as to the common law origins of the power to punish contempt summarily should be forever enshrined as a Constitutional principle. Ancient historical error, in this case the fiction of "immemorial usage", should not furnish the precedent for a limitation of the right to jury trial, perhaps the most important single liberty guaranteed by the Constitution.

But even assuming that the English common law courts did possess the power to punish contempt summarily, our Constitution represented a radical departure from past practice. The Founders rejected many prevalent political and legal institutions and determined upon a new experiment in democratic government. The very concept of a written Constitution, alien to the English system, is reason enough for rejection of a sub silentio transplanting of summary punishment for contempt into American law. Mr. Justice Black has eloquently advanced this thesis:

"[O]ur Constitution and Bill of Rights were manifestly not designed to perpetuate, to preserve inviolate, every arbitrary and oppressive governmental practice then tolerated, or thought to be, in England. Those who formed the Constitution struck out anew free of previous shackles in an effort to obtain a better order of government more congenial to human liberty and welfare. It cannot be seriously claimed that they intended to adopt the common law wholesale. They accepted those portions of it which were adapted to this country and conformed to the ideals of its citizens and rejected the remainder. In truth there was widespread hostility to the common law in general and profound opposition to its adoption into our jurisprudence from the commencement of the Revolutionary War until long after the Constitution was ratified." *Green* v. *United States,* 365 U. S. 165, 212 (1958) (dissenting opinion) [citations omitted].

Article III, section 2, of the Constitution provides:

"The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury * * *."

The Sixth Amendment provides:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury."

There is no implicit exception regarding contempt anywhere in the Constitution. Can it be denied that criminal contempt, carrying as it does a fixed sentence of imprisonment, as opposed to the indeterminate sentence of civil contempt, is within the meaning of the terms "all Crimes" and "all criminal prosecutions"? This Court has rejected any semantic distinction between the crime of contempt and other crimes. For instance, it has been held that a criminal contempt is within the Federal statute of limitations. *Gompers* v. *United States,* 233 U.S. 604 (1914). In that case, the Court, speaking through Mr. Justice Holmes, said:

"These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure, and that at least in England it seems that they still may be and preferably are tried in that way." 233 U.S. at 610–611 [citations omitted].

Similarly, it has been held that criminal contempt is an "offense against the United States" within the presidential power of pardon. *Ex parte Grossman,* 267 U.S. 87 (1925).

This Court has often stated that the words of the Constitution are to be interpreted in their ordinary meaning:

"The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary meaning as distinguished from technical meaning; where the intention is clear there is no room for construction and no excuse for interpolation or addition." *United States* v. *Sprague,* 282 U.S. 716, 731 (1931).

In "normal and ordinary", as distinguished from "technical" usage, there can be no difference between criminal contempt and any other crime. The Seventh Amendment, which guarantees a jury trial in all suits at common law where the amount in controversy exceeds $20, presents a reductio ad absurdum of a construction which asserts that the Constitution excepted criminal contempt, punishable by a definite term of imprisonment, from the right of jury trial. Surely such a strained and unwarranted interpretation, based upon erroneous history, is incompatible with Constitutional principles and should be rejected by this Court.

IV. THE DOCTRINE OF STARE DECISIS DOES NOT IMPEDE A RULING THAT THE CONSTITUTION BARS A SUMMARY TRIAL FOR CRIMINAL CONTEMPT

Although criminal contempts have been tried summarily in the United States from the beginning, no substantial obstacle flowing from the doctrine of stare decisis bars this Court from returning to the correct Constitutional principle.

Mr. Justice Brandeis, in a famous passage, defined the extent of the Court's obligation to adhere to prior rulings:

"Stare decisis is usually the wise policy because in most matters it is more important that the applicable rule of law be settled than that it be settled right. * * * But in cases involving the Federal Constitution, where correction through legislative action is practically impossible, this Court has often overruled its earlier decisions. The Court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function." *Burnet* v. *Coronado Oil & Gas Co.,* 285 U.S. 393, 406–08 (1932) (dissenting opinion).

In that case, Mr. Justice Brandeis referred to scores of cases in which the Court had overruled prior decisions. These decisions span virtually the Court's entire history and touch every aspect of its business. E.g., *The Genesee Chief,* 12 How. [53. U.S.] 443 (1851), overruling *The Thomas Jefferson,* 10 Wheat. [23 U.S.] 428 (1825); *Legal Tender Cases,* 12 Wall. [79 U.S.] 457 (1871), overruling *Hepburn* v. *Griswold* 8 Wall [75 U.S.] 603 (1870). In many of these instances, earlier decisions were overruled even though correction might have been secured by legislation. E.g., *Rosen* v. *United States,* 245 U.S. 467 (1918), overruling *United States* v. *Reid,* 12 How. [53 U.S.] 361 (1851). See generally, Douglas, Stare Decisis, 49 Colum. L. Rev. 735 (1949).

Bowing before "the lessons of experience and the force of better reasoning," this Court has altered longstanding rules in order to rectify its own errors even to the present day. *Erie R.R.* v. *Tompkins,* 304 U.S. 64 (1938), overruling *Swift* v. *Tyson,* 16 Pet. [41 U.S.] 1 (1842); *West Virginia State Board of Education* v. *Barnette,* 319 U.S. 624 (1943) overruling *Minersville School Dist.* v. *Gobitis,* 310 U.S. 586 (1940); *Brown* v. *Board of Education,* 347 U.S. 483 (1954), overruling *Plessy* v. *Ferguson,* 163 U.S. 537 (1896); *Mapp* v. *Ohio,* 367 U.S. 643 (1961), overruling *Wolf* v. *Colorado,* 338 U.S. 25 (1949); *Gideon* v. *Wainwright,* 372 U.S. 335 (1963), overruling *Betts* v. *Brady,* 316 U.S. 455 (1942), are only a few of the many cases in which this Court has revised Constitutional decisions of the first magnitude.

The principles underlying stare decisis are particularly attenuated here. The issue presented is of constitutional dimensions and therefore is primarily for this Court. Moreover, no arguable questions of social and economic policy need be debated; as shown above, demonstrable historical error has for almost two centuries prevented defendants in criminal contempt actions from receiving the benefit of the Bill of Rights. In this setting, this Court certainly need not fear that it is exceeding its authority by acting as a "third branch of the legislature." This Court's obligation is undiluted by any of the other policies associated with stare decisis. In urging this result, Mr. Justice Black has stated:

"No justified expectations would be destroyed by the course I propose. There has been no heavy investment in reliance on the earlier cases; they do not remotely lay down rules to guide men in their commercial or property affairs. Instead they concern the manner in which persons are to be tried by the Government for their alleged crimes. Certainly in this area there is no excuse for the perpetuation of past errors, particularly errors of great continuing importance with ominous potentialities." *Green* v. *United States,* 356 U.S. 165, 197 (1958).

The unbroken line of cases permitting summary trials in cases of criminal contempt are a monument to the ease with which historical error can be perpetuated, even in matters of the utmost gravity. This Court should recognize that error has been committed and that the error can be cured with no substantial infringement of the policies supporting continuity of decision. By rejecting the device of summary trial in criminal contempt actions, it will reaffirm the vitality of the "scheme of ordered liberty" that must at all costs be preserved.

CONCLUSION

The right to jury trial is one of the most crucial safeguards against tyranny and oppression contained in the Constitution. To dispense with that right and to permit a summary trial in cases of criminal contempt is justified neither by necessity nor by history. Indeed, the historical basis for the power to punish contempt summarily is a fiction which this Court should disavow. Adherence to precedent should not prevent this Court from correcting past errors, especially where a great constitutional principle is at stake.

Mr. President, unfortunately, the cogent and powerful arguments advanced in these two briefs to establish the principle that the Constitution guarantees to every citizen an absolute right to a trial by jury in cases of criminal contempt was convincing to only four of the members of the U.S. Supreme Court. It was known from the dissenting opinions in the Green case the position that Justices Black, Warren, and Douglas would take on this particular issue. Therefore, it was fitting and proper that a Justice who had ascended the bench after the Green case would write the dissenting opinion in the Barnett case, and the major dissent was written by Mr. Justice Goldberg. He first advanced the proposition that the defendants were entitled to a jury trial as a statutory right under existing Federal law. I am not at this time particularly concerned with this proposition and it does not directly relate to the basis upon which I predicate my arguments for the adoption of the Talmadge amendment. My argument is based on an absolute and unqualified constitutional right to a trial by jury in cases of criminal contempt, and Justice Goldberg advances the minority views sustaining this constitutional theory in this language.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the dissenting opinion of Mr. Justice Goldberg.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Mr. Justice Goldberg, with whom the Chief Justice and Mr. Justice Douglas join, dissenting.

In response to the certified question, I would answer that defendants have both a statutory and a constitutional right to have their case tried by a jury.

A. THE STATUTORY RIGHT TO A JURY TRIAL

Defendants claim that 62 Stat. 844, 18 U.S.C. Section 3691, entitles them to a jury trial in this case. That statute provides in relevant part that "the accused, upon demand therefor, shall be entitled to trial by a jury" whenever the alleged contempt "shall consist in willful disobedience of any lawful writ, process, order, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress," except if the alleged contempt is "committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States." The statutory right to a jury trial thus turns on three essential factors: (1) the source of the order; (2) the nature of the alleged violation; and (3) the character of the party that "brought or prosecuted" the "suit or action." I conclude for the reasons stated below that the District Court was the source of the basic order in this case; that the nature of the alleged violation would make it a criminal offense under 74 Stat. 86, 18 U.S.C section 1509; and that the "suit or action" in the case was brought and prosecuted not by the United States, but by James Meredith, a private party. It follows that defendants have a statutory right to be tried for their alleged contempt by a jury of their peers.

1. The source of the order

The show-cause order entered by the Court of Appeals on January 4, 1963, specified three earlier orders which defendants allegedly violated.[1] The acts committed were alleged to be "for the purpose of preventing compliance with this Court's [the Court of Appeals'] order of July 28, 1962, and of the similar order of the United States District Court for the Southern District of Mississippi, entered on September 13, 1962, and were in willful disobedience and defiance of the temporary restraining order of this Court [the Court of Appeals] entered on September 25, 1962." A brief analysis of the background and content of each of these three orders is necessary to an understanding of the problem.

After James Meredith was denied admission to the University of Mississippi, he filed suit in the United States District Court for the Southern District of Mississippi, which denied the requested relief. On appeal, the United States Court of Appeals reversed the judgment and directed the District Court to order Meredith's admission. The mandate of the Court of Appeals was then stayed by a single judge of that court. The Court of Appeals immediately recalled its mandate, issued a new one explicitly directing the District Court forthwith to issue a permanent injunction compelling Meredith's admission to the University, and vacated the stay granted by the single judge. On July 28, 1962, the Court of Appeals, in aid of its appellate jurisdiction, issued its own preliminary injunction,[2] "[p]ending such time as the District Court has issued and enforced the orders herein required and until such time as there has been full and actual compliance in good faith with each and all of said orders." The Court of Appeals' preliminary injunction, which ran against "the defendants * * *, all persons acting in concert with them, as well as any and all persons having knowledge of the decree," was substantially the same as the permanent injunction which the Court of Appeals directed the District Court to enter. A single judge again stayed the mandates of the Court of Appeals, but on September 10, 1962, Mr. Justice Black, after consultation with the members of this Court, vacated all the stays issued by the single judge of the Court of Appeals.[3]

Three days later, on September 13, 1962, the District Court, declaring that the "matter was now before [it] by virtue of the mandate of the U. S. Court of Appeals for the Fifth Circuit and the Mandate of Mr. Justice Black," issued a permanent injunction as directed by the Court of Appeals.[4] This injunction was substantially identical to the preliminary injunction issued by the Court of Appeals on July 28, 1963.

At this juncture, therefore, two substantially identical injunctions appear to have been in effect: the "preliminary" one issued by the Court of Appeals on July 28, 1963; and the "permanent" one issued by the District Court of September 13, pursuant to the mandate of the Court of Appeals. The show-cause order subsequently entered against defendants by the Court of Appeals alleges separate violations of both injunctions. It seems clear, however, that any act allegedly committed by contemners in violation of the preliminary injunction would necessarily have violated the permanent injunction as well. This Court has held that a single act or course of conduct alleged to be in violation of two identical orders cannot be punished as two separate contempts. See *Yates* v. *United States*, 355 U.S. 66. Also see *United States* v. *Costello*, 198 F. 2d 200. This is no less true if the two orders were issued by different federal courts, especially if the earlier order was designated "preliminary" and the later one "permanent." I would conclude therefore that, at least for purposes of a contempt conviction, the preliminary injunction entered by the Court of Appeals on July 28, 1962, to protect its appellate jurisdiction, was superseded by the substantially identical permanent injunction entered by the District Court on September 13, pursuant to the mandates of the Court of Appeals and Mr. Justice Black.

It is argued, however, that the preliminary injunction entered by the Court of Appeals on July 28, 1962, explicitly applied until James Meredith's "actual admission" to the University. This part of the Court of Appeals' order must be construed in the context of the other orders entered on July 28, 1962, and the immediately preceding days. During this time the Court of Appeals was attempting finally and definitively to secure James Meredith's admission to the University. To accomplish this, it concluded, correctly I think, that there should be no lapse in the operation of the substantive terms of the injunction until the desired end had been achieved. Therefore, the Court of Appeals announced the terms of the injunction which would be in effect from that time until Meredith's admission was secured. It also issued a mandate requiring the District Court to incorporate these terms into a permanent injunction. The operative effect of these orders was that, in the event that the District Court's permanent injunction failed fully to incorporate the substantive terms of the Court of Appeals' preliminary injunction, then the unincorporated provision would remain in effect as an order of the Court of Appeals. But in the event that the District Court's permanent injunction fully incorporated the substantive terms of the Court of Appeals' preliminary injunction, then the injunction would become an order of District Court. In this way, the Court of Appeals was assured that each of the substantive terms of its injunction would remain in effect from the time of the order until Meredith's admission and that none of the terms of the injunction would simultaneously be incorporated in orders of two courts. The District Court's permanent injunction did in fact incorporate all the substantive terms of the Court of Appeals' preliminary injunction. Thus, so long as it remained in effect, as it did until Meredith's admission, it necessarily superseded the Court of Appeals' preliminary injunction. It follows from this, that defendants' acts which allegedly violated both the Court of Appeals' order of July 28, 1962, and the District Court's order of September 13, 1963, must be deemed only alleged violations of the District Court's permanent injunction of September 13, 1962. Any allegation of contempt of the Court of Appeals' preliminary injunction of July 28, 1962, must be deemed without legal significance for purposes of this proceeding.

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[1] The show-cause order is printed infra, at 33, as Appendix A to this opinion. The relevant orders in this case are also reported in 7 Race Relations Reporter 739 ff.

[2] The "preliminary injunction" was actually "issued" on July 27, 1962, as part of an opinion signed by Judge Wisdom. The order, which is printed infra, at 36, as Appendix B to this opinion, is dated July 28, 1962.

[3] 83 S. Ct. Rep. 10.

[4] The District Court's permanent injunction is printed infra, at 39, as Appendix C to this opinion.

The third and last order which defendants were accused of violating was "the temporary restraining order of this Court [the Court of Appeals] entered on September 25, 1962."[5] That order specifically named defendant Barnett and others and temporarily restrained them "and all persons in active concert or participation with them" from "interfering with or obstructing" compliance with the Court of Appeals' order of July 28, 1962, and with the District Court's order of September 13, 1962. It also restrained them from committing other designated acts which were not specifically covered by the earlier orders (e.g., instituting civil or criminal actions against Meredith). Defendants, however, were not accused in the show-cause order of violating the entire temporary restraining order of September 25, 1962, but only that part of the order restraining them "from interfering with or obstructing the enjoyment of rights or the performance of duties under the order of this Court [The Court of Appeals] of July 28, 1962, in the case of *Meredith* v. *Fair*, and a similar order of the District Court for the Southern District of Mississippi in that case." Each specified violation in the show-cause order related to the permanent injunction of September 13, 1963, and the preliminary injunction of July 28, 1962. Defendants, in their notice of "the essential facts constituting the criminal contempt charged," Rule 42(b) Fed. Rules Crim. Proc., received no notice that they were being charged with violating any provisions of the Court of Appeals temporary restraining order of September 25, 1962, other than those derived directly from the earlier orders.

With respect to the alleged contempt here charged, therefore, the Court of Appeals' temporary restraining order added nothing to the earlier orders, except to name specifically one of the defendants. But this was obviously unnecessary, as the Government must concede. Governor Barnett must be deemed included within the coverage of the earlier orders enjoining "all persons acting in concert with [the named defendants], as well as any and all persons having knowledge of the decree." Were this not so, Governor Barnett's alleged contempts of the earlier orders would have to fall, as would Lieutenant Governor Johnson's alleged contempt of all the orders he is accused of violating, since he was not specifically named in any of them.

Thus, unless form is to prevail over substance, we must conclude that there has been no independently alleged violation of the Court of Appeals' temporary restraining order of September 25, 1962. That order therefore has no bearing on whether defendants have a statutory right to a jury trial.

In sum, therefore, I conclude that the District Court's permanent injunction of September 13, 1962, superseded and replaced the Court of Appeals' substantially identical preliminary injunction of July 28, 1963, and that the Court of Appeals' temporary restraining order of September 25, 1963, as it is relevant here, added nothing to the earlier orders. Thus, although the show-cause order alleged contempts of two orders of the Court of Appeals and one order of the District Court, I would hold that for purposes of deciding whether 18 U.S.C. section 3691 is applicable, defendants have been charged with violating only one order, which was issued by a "district court of the United States."

Even if I were to agree with the Court, however, that defendants were effectively charged with contempt of all three orders, my conclusion would remain the same. The statute does not say in negative terms that whenever the alleged contempt "shall consist in willful disobedience of any lawful * * * order" of any Court of Appeals, the accused shall not be entitled to a trial by a jury. It says in affirmative terms that whenever the alleged contempt "shall consist in willful disobedience of any lawful * * * order * * * of any district court * * * the accused * * * shall be entitled to trial by a jury." Defendants here are charged with disobedience of an order of a District Court. The fact that they are charged also with disobedience of orders of a Court of Appeals should not defeat their statutory right to a jury trial.

2. The nature of the alleged violation

The second relevant question in deciding whether defendants have a statutory right to a jury trial is whether "the act or thing done or omitted also constitutes a criminal offense under any Act of Congress." 18 U.S.C. section 3691. This is not in dispute here. The question certified by the Court of Appeals specified that "the acts charged as constituting the alleged disobedience were of a character as to constitute also a criminal offense under an act of Congress." While the Court is not bound by the facts assumed in a certified question, it is clear here that contemners' alleged acts would constitute violations of 18 U.S.C. section 1509.[6] The Government does not dispute this.

3. The character of the party which brought the suit or action

The third and final question in deciding whether defendants have a statutory right to a jury trial is whether the alleged contempt was "committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States." 18 U.S.C. section 3691.

The Government contends that it entered the case on September 18, 1962, and that the Court of Appeals' temporary restraining order of September 25, 1962, which was issued on its motion, was thus an order entered in a suit or "action brought or prosecuted in the name of, or on behalf of, the United States." My previous conclusion—that the Court of Appeals' order of September 25, 1962, was of no legal significance so far as the charged contempts are concerned—provides a complete answer to the Government's contention. If I am correct in concluding that the only operative order was the permanent injunction entered by the District Court on September 13, 1962, at a time when no one claims the United States had any formal interest in the case, then it necessarily follows that defendants are charged with contempt of an order entered in a suit brought in the name of, and on behalf of, a private party, and not the United States.

Even assuming, arguendo, that the Court of Appeals' order of September 25, 1962, had some independent legal significance, I could not conclude, as the Court does, that it was "entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States." The Court of Appeals' order authorizing the United States to participate in the case, authorized it to participate "as amicus curiae," not as a private party. It also authorized the United States "to submit pleadings, evidence, arguments and briefs and to initiate such further proceedings, including proceedings for injunctive relief and proceedings for contempt of court." The Court of Appeals entered the temporary restraining order of September 25, 1962, on motion made by the United States pursuant to this authorization. But the applicable statute does not exempt from the protection of a jury trial "contempts committed in disobedience of any lawful * * * order * * * entered" upon motion by the United States. It only exempts contempts committed in disobedience of "any lawful * * * order * * * entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States." The touchstone of the exemption is thus the party who brought or prosecuted the basic suit or action, not the party upon whose motion the violated order was entered. This reading of the statute is buttressed by the repeated references in the congressional debates to suits where the United States is a "party." See, e.g., 48 CONGRESSIONAL RECORD 8780, 8785; 51 CONGRESSIONAL RECORD 9672, 14413, 15946.

The Government contends, however, that it was, in effect, a party to the suit, because of:

> "[t]he critical fact * * * that in instituting and prosecuting those proceedings the United States was asserting an interest of its own separate and distinct from that of the plaintiff in the original action. The interest of the United States was the sovereign's independent concern for preserving the integrity of its courts and vindicating their authority."

But this alone does not convert the United States from an amicus curiae into a party. A traditional function of an amicus is to assert "an interest of its own separate and distinct from that of the [parties]," whether that interest be private or public. It is "customary for those whose rights depend * * * on the outcome of cases * * * to file briefs amicus curiae, in order to protect their own interests." Weiner, Briefing and Arguing Federal Appeals (1961) 269. This Court has recognized the power of federal courts to appoint "amici to represent the public interest in the administration of justice." *Universal Oil Products Co.* v. *Root Rfg. Co.*, 328 U.S. 575, 581. In this case the Government was serving essentially in that capacity. Its ultimate interest—securing compliance with the courts" orders requiring Meredith's admission—was identical with the interest of the private plaintiff, and it was invited by the court to render necessary aid in that direction.

The Government's argument thus goes too far. "After all, a federal court can always call on law officers of the United States to serve as amici * * * to represent the public interest in the administration of justice." Ibid. The Government has "an interest of its own" in vindicating its authority in every instance where the orders of its courts are violated, no matter how private or insignificant the suit. (This is evidenced by the fact that criminal contempt proceedings are typically prosecuted by the sovereign, not the private litigant.) In this respect every criminal contempt proceeding is actually (or at least potentially) a "suit or action brought or prosecuted in the name of, or on behalf of, the United States." Such a reading would, of course, make the statute dead letter. It would bestow no "right" to a jury trial at all.

We are dealing here with a remedial statute broadly designed to afford the right to a jury trial in all but a narrowly limited category of contempts constituting violations of criminal statutes. Accordingly, the statute should be construed to effectuate its basic purpose, and its exemptions should not be unduly expanded by judicial construction. The Government concedes that the precise problem involved here—the United States entering a private litigation as amicus curiae and obtaining the order allegedly violated—"did not arise in the course of the legislative history." In my view, therefore, since a reading of the statute inclines against applying the exception here, and since there are no countervailing policy considerations, the statutory exemption should be read so as not to apply to defendants.

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[5] The Court of Appeals' temporary restraining order is printed infra, at 42, as Appendix D to this opinion.

[6] The statute provides in relevant part that:

"Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

The foregoing satisfies me that the alleged contempt was of an order of a District Court; that the alleged acts also constitute a criminal violation under an Act of Congress; that the relevant order was not entered in a suit or action brought or prosecuted in the name of, or on behalf of, the United States; and that, accordingly, defendants are entitled to a jury trial pursuant to 18 U.S.C. section 3691. Insofar as there may be lingering doubts concerning the application of that statute to the circumstances here, I would resolve those doubts in favor of the statutory right to a jury trial in order to avoid the grave constitutional questions inherent in the practice of punishing contempts such as the one here charged without trial by jury. Since the Court has not accepted this statutory analysis, I must consider these constitutional questions.

B. THE CONSTITUTIONAL RIGHT TO A JURY TRIAL

The Court, in denying defendants' constitutional claim to a jury trial, rests on the history of criminal contempts relied on in its past decisions. The most recent of these decisions is *Green* v. *United States*, 356 U.S. 165, which was decided by a closely divided Court.[7] The Court said:

"The principle that criminal contempts of Court are not required to be tried by a jury under Article III or the Sixth Amendment is firmly rooted in our traditions." Id., at 187.

"Against this historical background [of the power to punish criminal contempts summarily at the time of the Constitution], this Court has never deviated from the view that the constitutional guarantee of trial by jury for 'crimes' and 'criminal prosecutions' was not intended to reach to criminal contempts." Id., at 186.

A review of the original sources convinces me, however, that the history relied on by the decisions of this Court does not justify the relatively recent practice of imposing serious punishment for criminal contempts without a trial by jury. My research, which is confirmed by the authorities cited in the Appendix to the opinion of the Court, suggests the following explanation as to why criminal contempts were generally tried without a jury at the time of the Constitution: the penalties then authorized and imposed for criminal contempts were generally minor; and the courts were authorized to impose minor criminal penalties without a trial by jury for a variety of trivial offenses including, but not limited to, criminal contempts.

1. Criminal contempts at about the time of the Constitution

In 1821, this Court recognized that there were "known and acknowledged limits of fine and imprisonment" for criminal contempt, *Anderson* v. *Dunn*, 6 Wheat. 204, 228.[8] What these limits were at about the time of the Constitution can best be derived from the contemporary statutory and case law.

When the Bill of Rights was ratified, at least five of the original 13 States had specific statutory limitations on the punishment which could be imposed summarily for criminal contempts. The Connecticut statute permitting summary punishment for certain types of contempts contained a proviso "[t]hat no single minister of justice shall inflict any other punishment [for criminal contempt than] * * * putting them in the stocks, there to set not exceeding two hours; or imposing a fine, not exceeding five dollars."[9] The Delaware statute permitted a contemner to "be fined in any sum not exceeding Five Pounds"; it did not permit imprisonment for criminal contempt.[10] The Maryland statute permitted the court to hold the contemner "in close custody until the said process, rule or order, shall be fully performed" (civil contempt), but it permitted no punishment "exceeding ten pounds current money."[11] The New Hampshire provision permitted imprisonment for contempt not exceeding 10 days and a fine "not to exceed ten pounds."[12] The South Carolina statute permitted a fine not exceeding 10 pounds for any contempt "by word or gesture," and a fine "at the discretion of the said court," for anyone who shall "strike or use any violence in the said courts";[13] it did not permit imprisonment.[14]

Within a short time after the ratification of the Bill of Rights other States enacted statutes containing specific limitations on the punishments which could be imposed summarily for criminal contempts. These statutes which appear to be codifications of existing practices and court decisions rather than newly created legislative limitations,[15] shed additional light on the practice at about the time of the Constitution.

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[7] In *Green* v. *United States*, 356 U.S. 165, "petitioners [did] not contend * * * that they were entitled to a jury trial." Id., at 187. The Court did, however, explicitly consider the issue.

[8] See *Duane* v. *United States*, Fed. Case No. 14,997 (1801): "We confine ourselves within the ancient limits of the law [of criminal contempt], recently retraced by legislative provisions and judicial decisions."

[9] An Act Concerning Delinquents, May 1667, 1 Conn. Pub. Stat. Laws (1808), 231–232. The statute also permitted "imprisonment, binding to the peace or good behavior to the next county court." Ibid. (County courts met twice annually, see id., at 208.) This was apparently a civil contempt sanction permitting imprisonment only until the contemptuous conduct terminated, limited in any event to about six months. The criminal contempt section was part of a more general title which permitted a judge to try "any matter of a criminal nature * * * where the penalty does not exceed the sum of seven dollars." Id., at 230.

[10] An Act against drunkenness, etc., apparently enacted in 1737. 1 Laws of Del. (1797), 173. The criminal contempt section is part of a general statute permitting trial without a jury for a number of petty offenses, e.g., "drunkenness" (five shillings); "prophane cursing and swearing" (five shillings and three hours in the stocks); blasphemy (two hours in the pillory "and be branded in his or her forhead with the letter B, and be publicly whipt, on his or her bare back, with thirty-nine lashes well laid on"). Id., at 173–174.

[11] Act of Nov. 1785, Chapter LXXII, I Md. Laws (Marcy 1811), 595–596.

[12] Act of Feb. 9, 1791, New Hampshire Constitution and Laws (1805), 95. See id., at 9. See also N.H. Acts and Laws (1696–1725), 15.

[13] Act of 1731, No. 552, Grimke's Laws of S. Carolina (1790), 129. It is unclear whether this discretion was limited by decisional or statutory law.

[14] Although finding no general statutory limitation on the punishment which could be imposed for criminal contempt in Massachusetts, I have found the following data which suggests that the punishments there imposed were probably not out of line with those imposed in the other colonies. See 1 Mass. Acts and Resolves (1692–1714), 282–283, Act of June 18, 1697, limiting to 10 shillings the punishment which could be imposed by a justice of the peace for criminal contempt in refusing to obey a summons; id., at 335, Act of June 22, 1698, limiting to 40 shillings the punishment which any court could impose upon jurors who refused to obey a summons; id., at 354–355, Act of Dec. 10, 1698, limiting to 40 shillings (or imprisonment for 48 hours, or "by setting in the stocks not exceeding four hours") the punishment for disobeying the order of a justice of the peace to assist in apprehending an offender. See also case of John Mathews, cited in Colonial Justice in Western Massachusetts (1639–1702): The Pynchon Court Record (1691), 243 (fine of five shillings for "refusinge to obey a summons"; "contemptuous and high carriage"; "commanding [the server of the summons] off his ground and holding up his sickle at him"); *Case of Samuell Fellowes*, id., at 271 (1671) (fine of five pounds for "contemptuous carriage in Corte"); *Case of James Carver*, id., at 288 (1678) (fine of 60 shillings for "horible abusive Cariage," including threats, striking the constable with his fist and "saying he would kill him and beate out his Braines etc."). But see *Thwing* v. *Dennie*, Quincey's Reports (Mass. 1761–1772), 338 (committed to prison for a period of time not specified in the court's opinion for "in a most savage Manner attempt[ing] to snatch" papers from the hands of his courtroom opponent, thereby tearing some essential documents); Act of Oct. 20, 1663, Mass. Colonial Laws (1672), 133, relating to the payment of fines for Prophanation of the Sabbath, Contempt or Neglect of Gods Publick Worship." The Act provides that: "in case any person or persons so sentenced, do neglect or refuse to pay such Fine or Mulct as shall be legally imposed on them, or give security in Court * * * every such person or persons so refusing or neglecting to submit to the Courts Sentence, shall for such his contempt be Corporally punished, according as the Court that hath cognizance of the case shall determine: And where any are Corporally punished, their Fines shall be remitted." Compare the penalties sometimes imposed by the "Court" of Assistants of Massachusetts Bay Colony, which was a legislative and executive body as well as a judicial tribunal (cases cited in the Appendix to the opinion of the Court, ante, at ——).

Although finding no colonial statute designating the punishment for criminal contempt in Maine, I have found a rule of court promulgated in 1649 which states that contemners "shalbe fined according unto the discretion of the Court." 1 Maine Province and Court Records 137. I have found no rule permitting imprisonment for criminal contempt.

In 1647, the Rhode Island General Assembly enacted a statute prohibiting the "use [of] words of contempt against a chief officer, especially in the execution of his office." The penalty for this offense was being "bound to his good behavior, so to remain for three months space, or the next court following." Trial was by a jury of "his peers," and not by summary proceeding. R.I. Code of Laws (1647) 24. Cf. 52.

[15] See e.g., *Thew's* case (N.Y. Supreme Court, 1763), in Goebel and Naughton, Law Enforcement in Colonial New York (1944), 243 (fine of 200 pounds for contempt in refusing to answer questions); *Dobbs' and Paulding's* case (N.Y. Supreme Court, 1764), ibid. (fine of 200 pounds for contempt in refusing to answer questions); *Mosier's* case (Suffolk Court of Oyer and Terminer, 1717), id., at 606 ("John Mosier [was ordered to be] committed into ye sheriffs Custody and to suffer a weeks imprisonment for affronting the Kings Justices in Going to Hold court." He was released, however, the following day);

The New Jersey statute permitted a contemner to be punished by a fine "not exceeding fifty dollars."[16] The Kentucky statute specified that "[n]o court or judge shall, for any contempt against such court or judge, pass judgment for, decree, order or inflict, or cause to be inflicted, any fine exceeding the sum of 10 pounds, nor any imprisonment exceeding one day, without the trial by jury to assess the quantity of such fine, and determine the duration of such imprisonment."[17] The Pennsylvania statute permitted an unspecified fine and if the contemner "shall be unable to pay such fine, such person may be committed to prison by the court for any time not exceeding three months."[18] The New York statute permitted a maximum fine of $250 and imprisonment for 30 days in summary proceedings for criminal contempts.[19]

The Alabama criminal contempt statute declared that:

"Whereas, the trial by jury in all penal, as well as criminal cases, is both a safe and adequate mode of investigation and decision, and should only be suspended in cases of absolute necessity. Be it enacted, that no court shall, for any contempt against such court, * * * inflict * * * any fine exceeding the sum of twenty dollars, nor any imprisonment exceeding twenty-four hours, without the trial by jury, to assess the amount of such fine, and determine the duration of such imprisonment."[20]

The Virginia statute was quite detailed. It contained the following proviso:

"That no court shall, without the intervention of a jury, for any such contempt of misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice therein, impose any fine on any person or persons, exceeding fifty dollars, or commit him, her or them, for a longer period than ten days: And provided, That in any case of aggravated contempt * * *, the court may impanel a jury, without any indictment, information or pleadings, in a summary manner, to ascertain the amount of fine or term of imprisonment, proper to be inflicted for such offense, and may impose the fine or imprisonment ascertained by the jury in manner aforesaid."[21]

The laws of other States similarly limited the maximum penalties which could be imposed summarily for criminal contempts.[22]

The available evidence of the practice in criminal contempt cases also suggests that punishments were trivial.[23] This practice was described by Chief Justice Kent in 1809 as follows: "There is no such thing as an abuse of this power in modern times. The case probably is not to be found. An alarm cannot be excited at its existence, in the extent now laid down. * * * The tendency of the times, is rather to induce the courts to relax, than increase in the severity of their ancient discipline, to exercise their power over contempts with extreme moderation." *In the case of John V. N. Yates,* 4 Johnson's Rep. (N.Y. 1809) 317, 375–376. And, in 1916, the Supreme Court of Iowa summarized a century and a quarter of practice in criminal contempt cases in the following terms:

"The authorities may be searched in vain for any precedent, under our constitutional form of government, holding it to be in the power of a state to clothe its courts with authority to visit infamous punishment upon any person for contempt or in any proceeding whatever, other than the orderly process of trial." *Flannagan* v. *Jepson,* 158 N.W. 641, 643–644.

2. *Petty offenses at about the time of the Constitution*

This Court has recognized that:

"At the time of the adoption of the Constitution there were numerous offenses, commonly described as 'petty,' which were tried summarily without a jury, by justices

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King v. *Mary Richardson* (N.Y. Kings County Court, 1693, id., at 605 (unspecified fine for unspecified contempt); *King* v. *Tiebout* (N.Y. Court of Quarter Sessions, 1695), ibid. (unspecified fine for unspecified contempt); *Tenbroek's* case (N.Y. Supreme Court, 1729), id., at 606 (fine of 10 pounds for contempt in "having privately given victuals to the jury"); *Feree* v. *Strome,* 1 Yeates' 303 (Pa. 1793) ("repremanded [and] dismissed without any fine" for failing to respond to subpoena); *Respublica* v. *Oswald,* 1 Dallas' 343 (Pa. 1788) (imprisonment for one month and fine of 10 pounds for contempt by publication); *Territory* v. *Thierry,* 1 Martin (La. 1810), 55 (imprisonment for 10 days and fine of $50 for "grossly and indecently abusive" contempt by publication); *State* v. *Noel,* T. U. P. Charlton's Reports 43, 65 (Ga. 1806) (fines of $50 and $10 for "contempts in disobeying the order of" the Superior Court); *Case of Priest and Bonet* (1702), cited in Scott, Criminal Law in Colonial Virginia (1930), 173 (three hours in stocks for fighting near the court); Case of *Thomas Smith* (1697), ibid, one hour in stocks for threatening the foreman of a jury); Case of *Matthew Kelley* (1773), id., at 174 (fined five pounds for refusal to obey a warrant); *Case of Mary Russell* (Oct. 6, 1703), cited in id., at 172 (ordered to jail until she gave bond for future good behavior for claiming that she had "received as little justice as she would have in hell with the devil sitting as judge"); *State* v. *Stone,* 3 Harris and McHenry's Reports (Md. 1792), 115 (fine of 20 shillings against a lower court judge for refusing to obey the mandate of a higher court); *State* v. *Keene,* 11 La. 596, 601 (fine of $50 and imprisonment "during the space of ten days," for a contempt described by the court in the following terms: "We do not remember a case of grosser contempt, and we doubt whether any are to be found in the books." The annotation of the official court reporter states that "The maximum punishment for a contempt of court, committed by a party to a suit, is ten days imprisonment and a fine of fifty dollars, and the costs." Ibid. *Monroe* v. *Harkness,* 1 Cranch (C.C. 1803), 157–158 (imprisonment for six days for violating an injunction) *United States* v. *Caton,* 1 Cranch (C.C. 1803), 150 (fine of $5 and ordered to give security of $100 for his good behavior, for refusing to answer questions, behaving in an "insolent manner," and threatening "some of the grand jurors"); *Case of John Rousby,* Proceedings of the Provincial Court of Md. (1675), Arch. of Md. LXV 585 (fine of 100 pounds of tobacco for contemptuous speech by an attorney in court); *Case of John Cherman,* Proceedings of the Charles County Court of Md. (1660), Arch. of Md. LIII 84 (fine of 10 pounds of tobacco for contempt in "Prophainly takinge the name of god in vaine in Open Courte"); *Case of Jon Seybrey,* Chancery Court Proceedings (Md. 1669), Arch. of Md. LI 8 (fine of 12 shillings, sixpence for failure to respond to summons); *Case of Lewis Morrice* (1698, New Jersey Court of Common Right), Journal of the Courts of Common Right and Chancery of East New Jersey (1683–1702), 311 (fine of 50 pounds for resisting arrest and denying the authority of the court); *United States* v. *Duane,* Fed. Case No. 14,997 (1801) (imprisonment for 30 days for aggravated contempt by publication); *United States* v. *Emerson,* Fed. Case No. 15,050 (1831) (fine of $5 for fighting and shouting in court); *United States* v. *Carter,* Fed. Case No. 14,740 (1829) (fine of $1 for threatening a witness); *United States* v. *Caton,* Fed. Case No. 14,758 (1803) (fine of $5 for refusing to answer questions and behaving in an insolent manner before a grand jury); *Weiberg* v. *The St. Oloff,* Fed. Case No. 17,357 (1790) (fine of $20 for "refusing to obey the process of the court, and in confining in irons a suitor whilst under the protection of the laws."). See also additional authority cited in the Appendix to the opinion of the Court.

[16] Act of June 13, 1799, Elmer, Digest of N.J. Laws (1838), 59.

[17] Act of Dec. 19, 1793, 1 Digest of the Stats. of Ky. (1822), 301.

[18] Act of Apr. 3, 1809, Laws of Pa. (1808–1812), 55–56.

[19] N.Y. Rev. Stats. (1829) 276, 278. More extensive punishment was permitted upon indictment and trial by jury.

[20] Territorial Act of 1807, Akin's Digest of the Laws of Ala. (1833–1835 Supp.), 87–88.

[21] Act of Apr. 16, 1831, Supp. of the Rev. Code of Va. (1833), p. 144. The appendix to the opinion of the Court correctly notes that the punishment sanctioned for other categories of contempt within this statute—violence or threats of violence to judges, witnesses or jurors, misbehavior of court officers, and disobedience of a court order—was not specifically limited. Ante, at 42.

At the time of the enactment of this and similar statutes, there were generally no factual disputes for resolution by a jury in criminal contempt cases; for if the alleged contemner denied under oath the factual allegations against him, the contempt charge was dismissed, and he was subject to indictment for perjury. See, e.g., Curtis and Curtis, The Story of a Notion in the Law of Criminal Contempt, 41 Harv. L. Rev. 51, 63–64; 4 Blackstone, Commentaries, 288; *Wells* v. *Commonwealth,* 21 Grattan's Rep. (Va. 1871), 500.

"Contempt of court was sharply reproved [in Colonial Virginia]. The least that was required was an open apology, and the court often added a fine, or commitment to prison, usually to last until bond for good behavior was furnished. Sometimes an hour or two in the stocks was prescribed." Scott, Criminal Law in Colonial Virginia (1930), 171–172.

[22] E.g., Rev. Stats. of Mich. (1846), Tit. XXI, c. 96, pp. 428–430 (30 days imprisonment, $250 fine); Chase, Stats. of Ohio (1788–1833), c. 823, sections 49, 53, pp. 1701–1702 (fine of $200); Iowa Code (1850–1851), Tit. 18, c. 94, section 1600, p. 237 (one day imprisonment, $50 fine); Wis. Rev. Stats. (1849), c. 87, section 8, p. 439 (30 days imprisonment, $250 fine); Mo. Rev. Stat. (1835) 160, Act of Mar. 7, 1835, section 58, p. 160 (10 days imprisonment, $50 fine); Minn. Terr. Rev. Stats. (1851), c. 92, section 12, p. 456 (six months imprisonment, $250 fine); Miss. Stats. (1840), c. 40, section 26, p. 486 (imprisonment during "the term of the court at which the contempt shall have been committed"; courts held two terms annually; $100 fine); Thomson's Digest of the Laws of Fla. (1847), 3d Div., c. 1, section 2, p. 321 (30 days imprisonment, $100 fine); Ark. Stats. (1838), c. 43, section 38, pp. 234–235 (10 days imprisonment, $50 fine); Battle's Rev., Pub. Stats. of N.C. (1873), Act of 1868, c. 24, section 2, p. 257 (imprisonment for 30 days, fine of $250); Laws of Vt. (1824) 259, Act of Nov. 11, 1818, c. 31, section 27 (fine of $200).

Cf. Georgia Stats. (Feb. 1799), an Act to amend an Act, entitled "An Act to revise and amend the Judiciary System of the State," section 26, p. 30, limiting the punishment which courts may impose "in case of a jury committing a contempt" to "a sum not exceeding one hundred dollars." See also section 19, p. 26, providing for "an attachment against * * * defaulting witnesses" and limiting the punishment to $300. See also Georgia Stats. (1851) 647, Act of Dec. 14, 1811, section XXVII, limiting the punishment which could be imposed by justices of the peace for criminal contempts to "any sum not exceeding $2, or imprisonment for a term not exceeding two days for each offense."

[23] See, *e.g.*, cases cited, supra, note 14.

of the peace in England, and by police magistrates or corresponding judicial officers in the Colonies, and punished by commitment to jail, a workhouse, or a house of correction." *District of Columbia* v. *Clawans,* 300 U.S. 617, 624.

New Jersey statutes, for example, permitted trial by a judge for offenses such as "profanely swearing" (punishable by a fine of "one half of a dollar," four hours in the stocks, or four days in the "common gaol"); "excessive use of spirituous, vinous, or other strong liquor" (fine of one dollar, four hours in the stocks, or four days in "gaol");[24] and disorderly conduct (three months in the workhouse).[25] In New York, trial by jury was not required for offenses such as unlicensed practice by a physician (fine of five pounds),[26] "offering copper coins of known inferior quality or weight" (fine of six pounds or five times the value of coins, whichever is less);[27] "drunkenness or swearing" (fine of three shillings or four hours in the stocks);[28] and false pretenses (imprisonment for six months).[29] Maryland statutes permitted trial by a judge for offenses such as refusal by the mother of a bastard child to "discover" the father (fine of 30 shillings),[30] and disorderly conduct (three months in the workhouse).[31] Virginia permitted summary punishment for offenses ranging from improper issuing of notes (fine of 25 shillings)[32] to disorderly conduct (20 lashes and three months' imprisonment).[33]

This history has led the Court to conclude that "the intent [of the Framers] was to exclude from the constitutional requirement of a jury the trial of petty criminal offenses." *Schick* v. *United States,* 195 U.S. 65, 70. It has similarly led the Court to conclude that "[e]xcept in that class or grade of offenses called petty offenses * * * the guarantee of an impartial jury to the accused in a criminal prosecution * * * secures to him the right to enjoy that mode of trial from the first moment, and in whatever court, he is put on trial for the offense charged," *Callan* v. *Wilson,* 127 U.S. 540, 557, and that "the severity of the penalty" must be considered in determining whether a violation of law, "in other respects trivial and not a crime at common law, must be deemed so serious as to be comparable with common law crimes, and thus to entitle the accused to the benefit of a jury trial prescribed by the Constitution." *District of Columbia* v. *Clawans,* 300 U.S. 617, 625.

3. Criminal contempt in recent years

There has been a dramatic increase in recent years in the severity of the punishment imposed in the federal courts without trial by jury for criminal contempt. For example, in *Green* v. *United States, supra,* and *Collins* v. *United States,* 269 F. 2d 745, sentences of imprisonment for three years were imposed; in *Piemonte* v. *United States,* 367 U.S. 556, a sentence of imprisonment for 18 months was imposed; in *Brown* v. *United States,* 359 U.S. 41, a sentence of imprisonment for 15 months was imposed; in *Nilva* v. *United States,* 352 U.S. 385, a sentence of imprisonment for one year and one day was imposed; and in *Levine* v. *United States,* 362 U.S. 610, a sentence of imprisonment for one year was imposed.

4. Historical conclusions

The available evidence seems to indicate that (a) at the time of the Constitution criminal contempts triable without a jury were generally punishable by trivial penalties, and that (b) at the time of the Constitution all types of "petty" offenses punishable by trivial penalties were generally triable without a jury. This history justifies the imposition without trial by jury and no more than trivial penalties for criminal contempts. The Court, in light of the history reviewed here and in the appendix to the opinion of the Court, has failed sufficiently to take into account the possibility that one significant reason why criminal contempts were tried without a jury at the time of the Constitution was because they were deemed a species of petty offense punishable by trivial penalties.[34] Since criminal contempts, as they are now punished, can no longer be deemed a species of petty offense punishable by trivial penalties, defendants' constitutional claim to trial by jury should not be denied on the authority of the history of criminal contempt at the time of the Constitution nor on the authority of the past decisions of this Court which relied on that history.[35] Their claim should be evaluated by analyzing the real nature of criminal contempts and applying the policy of the constitutional requirement of trial by jury in "all crimes" and "all criminal prosecutions."[36]

5. The nature of criminal contempts and the policy of trial by jury

I wish to make it clear that I am not here concerned with, nor do I question, the power of the courts to compel compliance with their lawful orders by the imposition of conditional punishment—commonly referred to as civil contempt. In such cases, it may be said that "the defendant carries the keys to freedom in his willingness to comply with the court's directive."[37] Nor am I here concerned with the imposition of the trivial punishments traditionally deemed sufficient for maintaining order in the courtroom. Cf. *Ungar* v. *Sarafite,* 376 U.S. ——. I am concerned solely with the imposition, without trial by jury, of fixed nontrivial punishments after compliance with the court's order has been secured.

Thus limited, criminal contempts are not essentially different from other "crimes" or "criminal prosecutions." In each case punishment is imposed for a past violation of a mandate of a coordinate organ of government:[38] criminal contempt involves punishment for violation of an order of a court; "crime" involves punishment for violation of a statute enacted by a legislature.[39] I can see no greater need for certain and prompt punishment of the former than of the latter.[40]

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[24] Elmer's Digest of N.J. Law (1838), Act of Mar. 16, 1798, secs. S–11, pp. 588, 589.

[25] Paterson's Laws of N.J. (1800) 410. See also id., at 329, 333.

[26] 4 Colonial Laws of N.Y. (1760) 455.

[27] 1787 Laws (N.Y.), c. 97.

[28] 1 Colonial Laws of N.Y. (1708) 617.

[29] 1785 Laws (N.Y.), cc. 40, 47, 31.

[30] 1752 Md. Sess. Laws 5.

[31] 1785 Md. Sess. Laws, c. 15, sec. 15.

[32] Act of Oct. 1777, c. 24, sec. 2.

[33] 1785 Va. Stats. (Oct. Sess.), c. 1, sec. 8; c. 4, sec. 3; c. 59; 1787 Va. Stats. (Oct. Sess.), c. 48, sec. 13.

[34] See *Green* v. *United States,* 356 U.S. 165, 209–210 (dissenting opinion of Mr. Justice Black):

"I find it difficult to understand how it can be maintained that the same people who manifested such great concern for trial by jury as to explicitly embed it in the Constitution for every $20 civil suit could have intended that this cherished method of trial should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-ranging mandates without giving the accused a fair trial by his fellow citizens it would have provoked a storm of protest, to put it mildly. Would any friend of the Constitution have been foolhardy enough to take the floor of the ratifying convention in Virginia or any of a half dozen other States and even suggest such a possibility?"

[35] The "historical error" on which the imposition of serious penalties for criminal contempts without a jury trial rests is not of the same character of duration as the "historical error" discussed in *Green* V. *United States, supra,* at 185, 190, 202. There the alleged "error" occurred before the adoption of the Constitution and has been a part of English and American law for almost two centuries. The Court was not prepared to overturn "at least two score cases in this Court." Id., at 190. Here the "error" has only recently become manifest and has never been explicitly legitimated by this Court.

The imposition of serious penalties for criminal contempts is a relatively recent phenomenon. From the foundation of the Republic until 1957 I am aware of only two isolated instances of imprisonment for longer than six months for criminal contempt brought to the attention of this Court. *In re Savin,* 131 U.S. 267 (one year); *Hill* v. *United States ex rel. Weiner,* 300 U.S. 105 (two years). Since 1957, however, our attention has been called to at least six instances where imprisonment of a year or more was imposed. *Nilva* v. *United States,* 352 U.S. 385 (one year and one day); *Yates* v. *United States,* 355 U.S. 66 (one year); *Green* v. *United States,* 356 U.S. 165 (three years); *Brown* v. *United States,* 359 U.S. 41 (15 months; *Levine* v. *United States* 362 U.S. 507 (one year); *Piemonte* v. *United States,* 367 U.S. 556 (18 months). By holding that no nontrivial penalty may be imposed for criminal contempt without a trial by jury, we would be correcting a fundamental, but only recently manifested, historical error.

[36] An analogous situation is presented by the criminal enforcement of the laws relating to the sale and taxation of liquor. At the time of the Constitution violation of the liquor laws of the various States generally carried with them trivial penalties and were deemed petty offenses, triable without a jury. E.g., failure to pay tax, see Pa. laws of 1712–1713, § 2 (five pound fine); Pa. Laws of 1719, § 4 (20 shilling fine); 1756 Md. Sess. Laws, 12 (20 pound fine); unlicensed sale of liquor, see New York Laws of 1781, c. 27 (10 pound fine); 1757 Md. Sess. Laws, 6 (30 shilling fine); selling liquor above price fixed, see Pa. Laws of 1718, c. 235 (40 shilling fine); selling liquor to minors or slaves, see Pa. Laws of 1721, § 3 (five pound fine for third offense); Md. Laws 1735 (10 shilling fine); or at prohibited places, see 4 Colonial Laws of New York (1768) (five pound fine). Now, however, violations of at least some liquor laws are punished so severely that they cannot be deemed trivial offenses. Certainly no one would argue that it is constitutionally permissible to impose without trial by jury severe punishments for violation of these laws simply because trivial punishments were imposed without trial by jury at the time of the Constitution for violation of similar or even identical laws. See *District of Columbia* v. *Clawans,* 300 U.S. 617, 625.

[37] "Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees. See *United States* v. *United Mine Workers of America,* 330 U.S. 258, 330–332 (dissenting and concurring opinion). Instead, at stake here is the validity of a criminal conviction for disobedience of a court order punished by a long, fixed term of imprisonment. In my judgment the distinction between conditional confinement to compel future performance and unconditional imprisonment designed to punish past transgressions is crucial, analytically as well as historically, in determining the permissible mode of trial under the Constitution." *Green* v. *United States, supra,* at 197–198 (dissenting opinion of Mr. Justice Black). But see Goldfarb, The Contempt Power (1963), 49–67.

It may be true that a judge can dispose of a charge of criminal contempt, or any other criminal charge, more expeditiously and more cheaply than a jury.

"But such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy." *Green* v. *United States, supra,* at 216.

Nor are criminal contempts substantially different from other crimes when measured by the "tests traditionally applied to determine whether [a given sanction] is penal or regulatory in character." *Kennedy* v. *Mendoza-Martinez,* 372 U.S. 144, 168. In the Mendoza-Martinez case, the tests were enumerated in the following terms:

"Whether the sanction involves an affirmative disability or restraint, whether it has historically been regarded as a punishment, whether it comes into play only on a finding of scienter, whether its operation will promote the traditional aims of punishment-retribution and deterrence, whether the behavior to which it applies is already a crime, whether an alternative purpose to which it may rationally be connected is assignable for it, and whether it appears excessive in relation to the alternative purpose assigned." Id., at 168–169.

Criminal contempt, when punished by a nontrivial penalty, certainly "involves an affirmative disability or restraint" under any reasonable definition of these terms. The sanction imposed for criminal contempt has always been "regarded as a punishment" designed to deter future defiances of the court's authority and to vindicate its dignity.[41] No "alternative purpose" has been suggested to justify its existence. Scienter is generally required to support a charge of criminal contempt.[42] And the behavior to which a charge of criminal contempt applies is generally "already a crime."[43]

In my view, therefore, there is no justification, either in the history or policy of criminal contempt or in the history or policy of the Constitution, for treating criminal contempt differently from other "crimes" or "criminal prosecutions." If a criminal contempt (or any other violation of law) is punishable only by a trivial penalty, then the Constitution does not require trial by jury. If a violation of law is punishable by a nontrivial penalty, then the Constitution does require trial by jury whether the violation is labeled criminal contempt or anything else.[44]

C. APPLICATION OF THE CONSTITUTIONAL RULE TO THE FACTS OF THIS CASE

It remains only to apply this conclusion to the facts here. Although the certified question does not specify the severity of the punishment which could be imposed upon the defendants if the allegations against them are proved, it would defy reality to assume that the contempt with which they are charged is a "trivial" one punishable by a minor penalty. The Solicitor General of the United States described the nature of the contempt to this Court in oral argument in the following words:

"[T]he Governor and Lieutenant Governor of a state sought to carry the whole panoply of the state against a final adjudication by the federal courts. The contempt with which they are charged was rioting, loss of life, and the need for federal troops to uphold the law of the land."

One judge in the Court of Appeals said: "Never before has such a charge been brought by or in a Court of Appeals * * * against either a state officer or a private citizen."[45]

The certified question indicates that "the acts charged as constituting the alleged disobedience were of a character as to constitute also a criminal offense," punishable by imprisonment for a year. 18 U.S.C. section 1509. Another judge in the Court of Appeals said that: "Respondents are charged with what amounts to a crime." These indicia, taken together with the severity of the sanction imposed in the civil contempt case which grew out of the same conduct[46] compel the conclusion that the contempt here charged was not "trivial." It was extraordinarily serious, among the most serious in this Nation's history. If Green's contempt—jumping bail—was punishable by imprisonment for three years, and if Piemonte's contempt—refusal to answer a question before a grand jury—was punishable for imprisonment for a year and a half.[47] it would be wholly unrealistic for us to assume that under the standards of punishment sanctioned by this Court in the past the present contempt may be characterized as a petty offense punishable by no more than a trivial penalty.[48] For these reasons, I would answer the certified question in the affirmative and remand the case to the District Court so that the accused may be tried by a jury and receive at a trial all the safeguards which our Constitution affords a criminal defendant.

In sum, therefore, I conclude that defendants' trial should be by a jury. This would accord with the basic policy of Congress, that contempts which are also crimes should be tried by a jury. And it would accord with the fundamental policy of the Constitution, that contempts which are punishable as crimes must be tried by a jury.[49]

I reject the Government's "necessity" argument, that "the independence of the Federal courts * * * would be seriously undermined if their orders could be nullified by an unsympathetic jury." That is but another way of putting the oft-rejected assertion against trial by jury, that some guilty men may be acquitted. This possibility, however, is the price we have chosen to pay for our cherished liberties. "The imperative necessity for safeguarding these rights * * * under the gravest of emergencies has existed throughout our constitutional history, for it is then, under the pressing exigencies of crisis, that there is the greatest temptation to dispense with fundamental constitutional guarantees which, it is feared, will inhibit governmental action." *Kennedy* v. *Mendoza-Martinez,* 372 U.S., at 165. "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." *Ex parte Milligan,* 4 Wall. 2, 120–121.

Mr. EASTLAND. Justice Black wrote a separate dissent, with Mr. Justice Douglas joining, in regard to the constitutional issue involved in the Barnett case. I ask unanimous consent that that dissent be printed at this point in the RECORD.

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[38] "Under the Constitution courts are merely one of the coordinate agencies which hold and exercise governmental power. Their decrees are simply another form of sovereign directive aimed at guiding the citizen's activity. I can perceive nothing which places these decrees on any higher or different plane than the laws of Congress or the regulations of the Executive insofar as punishment for their violation is concerned. * * * Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth." *Green* v. *United States, supra,* at 218–219 (dissenting opinion of Mr. Justice Black).

[39] In this case defendants' conduct is alleged to be a violation of both a court order and a legislative enactment.

[40] "I would go as far as any man in favor of the sharpest and most summary enforcement of order in Court and obedience to decrees, but when there is no need for immediate action contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts." *Toledo Newspaper Co.* v. *United States,* 247 U.S. 402, 425–426 (dissenting opinion of Justice Holmes, concurred in by Justice Brandeis).

[41] See, e.g., 4 Blackstone, Commentaries, pp. 283–285.

[42] See, e.g., In re Rice, 181 F. 217. Scienter was charged in this case, see Appendix A, infra, at 33.

[43] The behavior with which defendants are here charged is already a crime. Ante, at——.

[44] I need not at this juncture consider what constitutes a trivial penalty. The Court considered this problem in *District of Columbia* v. *Clawans,* 300 U.S. 617. Respondent there was sentenced "to pay a fine of $300 or to be confined in jail for sixty days" for engaging in the business of selling second hand property without a license, an offense "punishable by a fine of not more than $300 or imprisonment for not more than ninety days." Id., at 623. The Court of Appeals for the District of Columbia Circuit in a unanimous en banc decision, noted that "[i]f, instead of three months in jail the punishment provided were six months or a year, the problem would be simpler. So, also, if the punishment were, let us say, ten days in jail." It held, however, that imprisonment for three months "cannot be said to be petty or trivial." 84 F. 2d 265, 268. That decision was reversed by a divided Supreme Court. The Court said: "[W]e may doubt whether summary trial with punishment of more than six months' imprisonment, prescribed by some pre-Revolutionary statutes, is admissible without concluding that a penalty of ninety days is too much." 300 U.S., at 627–628. The Court also cautioned:

"We are aware that those standards of action and of policy which find expression in the common and statute law may vary from generation to generation. Such change has led to the abandonment of the lash and the stocks, and we may assume, for present purposes, that commonly accepted views of the severity of punishment by imprisonment may become so modified that a penalty once thought to be mild may come to be regarded as so harsh as to call for the jury trial, which the Constitution prescribes, in some cases which were triable without a jury when the Constitution was adopted." Id., at 627.

[45] The opinions of the judges in the Court of Appeals are not reported.

[46] The civil contempt judgment provided for a fine of $10,000 a day against Governor Barnett and $5,000 a day against Lieutenant Governor Johnson unless they complied with the court's order by a certain fixed time.

[47] See *Green* v. *United States, supra,* and *Piemonte* v. *United States, supra.*

[48] The right to trial by jury depends not on the severity of the punishment actually imposed, but rather on the severity of the punishment which could legally have been imposed. *Clawans* v. *District of Columbia,* 300 U.S. 617, 623.

[49] An answer to the certified question does not prevent defendants, if they are convicted, from raising other issues, not included in the certificate, on appeal from their convictions.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

Mr. Justice Black, with whom Mr. Justice Douglas joins, dissenting:

For many reasons I cannot agree with the Court's opinion. In the first place, Congress has never expressly given the Federal Courts of Appeals jurisdiction to try and punish people for criminal contempt of court, and I am unwilling to hold that such a power exists in these courts in the absence of a clear and unequivocal congressional grant. The business of trial courts is to try cases. That of appellate courts is to review the records of cases coming from trial courts below. In my judgment it is bad for appellate courts to be compelled to interrupt and delay their pressing appellate duties in order to hear and adjudicate cases which trial courts have been specially created to handle as a part of their daily work.[1] And in particular, I believe that it is highly disruptive and downright injurious to appellate courts for them to attempt to take over and try criminal contempt cases, surcharged as these cases almost always are with highly emotional quarrels. Compare, e.g., cases cited in *Green* v. *United States,* 356 U.S. 165, 199, n. 8 (dissenting opinion). Appellate courts are too useful a part of our judicial system to be subjected to such unnecessary ordeals. I say unnecessary because trial courts are as qualified and capable to try criminal contempt cases as they are to try others.

Assuming, however, that a U.S. court of appeals does have jurisdiction to try criminal contempt cases, I agree for the reasons set out in part A of my Brother Goldberg's dissenting opinion that Congress has commanded that defendants in those cases be accorded a right to trial by jury. His powerful arguments on this point stand unanswered by the Court. Even in construing statutes governing civil cases we have taken pains to resolve all doubts in favor of trial by jury as guaranteed by the seventh amendment.[2] We should certainly be equally alert to construe statutes governing trials for criminal contempt so as to protect the right of jury trial guaranteed for the "trial of all crimes" by section 3 of article III of the original Constitution and for "all criminal prosecutions" by the sixth amendment.

I think that in denying a jury trial here the Court flies in the face of these two constitutional commands. My reasons for this belief were stated in *Green* v. *United States,* 356 U.S. 165, 193 (dissenting opinion), and in other opinions cited in the margin which I have written or to which I have agreed.[3] No provisions of the Constitution and the Bill of Rights were more widely approved throughout the new nation than those guaranteeing a right to trial by jury in all criminal prosecutions. Subsequent experience has confirmed the wisdom of their approval. They were adopted in part, I think, because many people knew about and disapproved of the type of colonial happenings which the Court sets out in its appendix—cases in which, as reported by the Court, people had been sentenced to be fined, thrown in jail, humiliated in stocks, whipped, and even nailed by the ear to a pillory, all punishments imposed by judges without jury trials. Unfortunately, as the Court's opinion points out, judges in the past despite these constitutional safeguards have claimed for themselves "inherent" power, acting without a jury and without other Bill of Rights safeguards, to punish for criminal contempt of court people whose conduct they find offensive. This means that one person has concentrated in himself the power to charge a man with a crime, prosecute him for it, conduct his trial, and then find him guilty. I do not agree that any such "inherent" power exists.[4] Certainly no language in the Constitution permits it; in fact, it is expressly forbidden by the two constitutional commands for trial by jury. And of course the idea that persons charged with criminal offenses such as criminal contempt are not charged with "crimes" is a judicial fiction. As I said in Green, I think that this doctrine that a judge has "inherent" power to make himself prosecutor, judge, and jury seriously encroaches upon the constitutional right to trial by jury and should be repudiated.

In Green the Court affirmed a 3-year sentence imposed for criminal contempt. But now in note 11 of its opinion in the present case the Court has inserted an ambiguous statement which intimates that if a sentence of sufficient "severity" had already been imposed on these defendants, a majority of the Court would now overrule Green in part, by holding that if a criminal contempt charge is tried without allowing the defendant a jury trial, punishment is constitutionally limited to that customarily meted out for "petty offenses."[5] I welcome this as a halting but hopeful step in the direction of ultimate judicial obedience to the doubly proclaimed constitutional command that all people charged with a crime, including those charged with criminal contempt must be given a trial with all the safeguards of the Bill of Rights, including indictment by grand jury and trial by jury.

Whatever is included within the scope of "petty offenses," certainly if the present defendants committed the acts with which they are charged, their crimes cannot be classified as "petty," but are grave indeed. These defendants nevertheless, like others charged with crimes, should have their cases heard according to constitutional due process, including indictment and trial by jury. Nothing less can measure up to the kind of trials which Article III and our Bill of Rights guarantee. It is high time, in my judgment, to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury.[6] It will be a fine day for the constitutional liberty of individuals in this country when that at last is done.

Mr. EASTLAND. Mr. President, I respectfully submit that on any issue as fundamental and basic as the right of a trial by jury and the freedom of an individual citizen from unjust incarceration in prison that when the supreme judicial body of our Nation is divided by a 5-to-4 margin on the constitutional right of a citizen to such a safeguard, the least that Congress could do when enacting statutes that would set up a new character of cases from which criminal contempt actions should arise is to write into the statute the assurance that one who might be charged with criminal contempt would have an absolute right to a jury trial under all circumstances. The most that Congress should and ought to do is to adopt the language of the Talmadge amendment and state in positive language that all citizens of the United States, under every possible situation or circumstance where a case of criminal contempt can arise, is absolutely entitled to a trial by jury. I urge the adoption of the Talmadge amendment.

Mr. President, all of the proposed trial by jury amendments, be it the Smathers perfecting amendment to the Talmadge amendment; the Cooper perfecting amendment to the Talmadge amendment; the Mansfield-Dirksen substitute, or the basic Talmadge amendment, definitely affect and are related to title II of H.R. 7152.

Both the Talmadge amendment and the Mansfield-Dirksen substitute affect title II of H.R. 7152. Title II is the one which deals with "Injunctive relief against discrimination in places of public accommodation." Section 204 of this title gives to the Attorney General the power to bring actions "whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted, first, by the person aggrieved, or second, by the Attorney General for or in the name of the United States if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action.

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[1] What I have said above, of course, has no application whatever to the useful practice, authorized by statute, by which circuit judges sometimes sit on District Courts and district judges sometimes sit on Courts of Appeals. See 28 U.S.C. 2284, 291, 292.

[2] See *Simler* v. *Conner,* 372 U.S. 221; *Dairy Queen, Inc.* v. *Wood,* 369 U.S. 469; *Beacon Theatres, Inc.* v. *Westover,* 359 U.S. 500. The seventh amendment provides: "In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, then according to the rules of the common law."

[3] See also, e.g., *In re McConnell,* 370 U.S. 230; *In re Murchison,* 349 U.S. 133; *Offutt* v. *United States,* 348 U.S. 11; *In re Oliver,* 333 U.S. 257; *Ungar* v. *Sarafite,* 376 U.S. ——, —— (Douglas, J., dissenting); *Piemonte* v. *United States,* 367 U.S. 556, 565 (Douglas, J., dissenting); *Levine* v. *United States,* 362 U.S. 610, 620 (dissenting opinion); *Brown* v. *United States,* 359 U.S. 41, 53 (Warren, C.J., dissenting); *Yates* v. *United States,* 355 U.S. 66, 76 (Douglas, J., dissenting); *Nilva* v. *United States,* 352 U.S. 385, 396 (dissenting opinion); *United States* v. *United Mine Workers,* 330 U.S. 258, 328 (opinion of Black and Douglas, JJ.).

[4] See *Green* v. *United States,* 356 U.S. 165, 193 (dissenting opinion), and opinions cited, supra, n. 3.

[5] "Some members of the Court are of the view that without regard to the seriousness of the offense, punishment by summary trial without a jury would be constitutionally limited to that penalty provided for petty offenses." Ante, p. 14.

[6] Of course, "it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees." *Green* v. *United States,* 356 U.S. 165, 197 (dissenting opinion). It was this kind of conditional imprisonment for the purpose of compelling obedience to a valid court order that was involved in *Watson* v. *Williams,* 36 Miss. 331, which the Court stresses so heavily at the concluding part of its opinion. In that Mississippi case Watson refused to deliver property to minor children whose guardian he had been. The court entered an order "commiting the plaintiff to the jail of Lowndes county for safe keeping, until he comply with the order of the court." Id., at 340. As I said in *Sacher* v. *United States,* 343 U.S. 1, 22 (dissenting opinion), with respect to this kind of conditional civil contempt order, I agree with this statement of Mr. Justice Holmes: "I would go as far as any man in favor of the sharpest and most summary enforcement of order in Court and obedience to decrees, but when there is no need for immediate action, contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts." *Toledo Newspaper Co.* v. *United States,* 247 U.S. 402, 425–426 (dissenting opinion).

An order issued by the court pursuant to this language would subject the defendant thereto to a proceeding for contempt if the order were not met with. The reason criminal contempt is appropriate follows from the language that appears in criminal statute enacted in 1960 as title I of the Civil Rights Act of 1960 "Obstruction of court order."

Mr. President, I deny that the character of protection provided for in the criminal contempt provisions of the Civil Rights Act of 1957 are adequate to protect those who might be charged with violations of the public accommodations section of the pending legislation.

I deny that the provisions of the Mansfield-Dirksen substitute are adequate to effect the needed protection and constitutional right. Only the language of the Talmadge amendment, an unqualified right to a trial by a jury in cases of criminal contempt is meet and proper under the circumstances. This is all the more true when one considers the basic unconstitutionality of the title here discussed.

Mr. CARLSON. Mr. President, will the distinguished Senator from Mississippi yield for a question?

Mr. EASTLAND. I am glad to yield to the Senator from Kansas for a question.

Mr. CARLSON. I should like to get an expression of the views of the Senator from Mississippi on a question which has been suggested by a citizen of my State. The Senator from Mississippi is chairman of the Senate Judiciary Committee. I hold in my hand a letter written by R. B. Parriott from Wichita, Kans., who writes:

> Would it be possible to get an amendment to the civil rights bill that would specify the following: If the government brought suit against an indiivdual or firm charging discrimination and the charges were later proved to be without foundation (i.e., the accused was found to be completely innocent) that the Government would then be required to reimburse the accused for all of his expenses, including time, that were required to defend himself against the charge.

I assume that there will be many instances where suits and other actions will be taken under the pending bill if it should become law, and I was wondering if the Senator from Mississippi, as chairman of the Judiciary Committee, has any thoughts on this subject.

Mr. EASTLAND. Yes. I believe it is meritorious. Such an amendment has been offered. If the distinguished Senator from Kansas would also offer an amendment, it would certainly be meritorious.

Mr. CARLSON. I was checking the list of amendments. Do I correctly understand from the distinguished Senator from Mississippi that this amendment is already pending?

Mr. EASTLAND. I understand it is pending and that is the reason I said that if the distinguished Senator from Kansas would offer the amendment, I believe it would accomplish much good.

Mr. CARLSON. It seems to me that it has much merit. If a man who has been charged with a crime is proved to be absolutely innocent, and the charges are proved to be completely without foundation, he should be entitled to some protection and redress, in view of the charges which had been placed against him. I shall offer the amendment.

Mr. EASTLAND. If my good friend from Kansas will look further, he will see on every side elements of tyranny in the bill.

ALICE IN WONDERLAND

During the delivery of Mr. Eastland's speech,

Mr. McGOVERN. Madam President recently I read an account in the Omaha World-Herald, written by an Alice Widener, for a publication called U.S.A. I have never heard of either Alice Widener or her publication, but after reading her article I believe it should be entitled "Alice in Wonderland."

Actually, her account as printed in the Omaha paper is entitled "How Lefties Aided McGovern."

The article then proceeds to attack the senior Senator from Pennsylvania [Mr. Clark] and me because we had the campaign support of the Council for a Livable World.

The Senator from Pennsylvania, who first came to national prominence as the courageous, effective, and hard-hitting reform mayor of Philadelphia, needs no defense. For myself, I am proud of the confidence which the council demonstrated in my candidacy in 1962. Their membership is composed of some of the Nation's greatest and most respected scientists, including those who developed our nuclear defense capability. They happen to be scientists with a conscience who believe that they have a political responsibility as citizens along with the rest of us.

They have pledged a percentage of their income to be used to support those candidates that they believe will make a worthwhile contribution to the cause of peace. In my case their contributions were made through a committee of Washington friends.

Although "Alice in Wonderland" somehow imagines that anyone who favors a livable world must be a "lefty" or a "pacifist," to use her words, the members of the council are neither. They do not favor unilateral disarmament, as she falsely asserts, nor are they pacifists. Indeed, their executive director, Col. Ashton Crosby, has just completed a distinguished career as an officer in the U.S. Army. If the council members were pacifists, they would hardly have backed me—a World War II pilot with a record of 35 bombing missions.

Writing in reply to another groundless attack, Colonel Crosby has stated:

> The council is not a pacifist organization, neither the directors nor I as a retired regular officer with the well-being and security of our country foremost in mind, would ever advocate pacifism or unilateral disarmament.
>
> As the council becomes more effective in its operations—

Writes the colonel—

> it will come under attack increasingly from those groups or individuals who for one reason or another are opposed to all measures leading to the easing of international tensions and arms limitations. The council recognizes this as a measure of its success.

One of the most ridiculous points raised by Alice Widener is her question: "Do the people of South Dakota know they have the Council for a Livable World to thank for their first Democratic Senator in 26 years?"

The answer to that silly question is that the people of South Dakota are not so easily fooled as Miss Widener. It is a cheap insult to the intelligence of South Dakota voters to suggest that their votes are for sale to anyone. South Dakotans are much better equipped, it seems to me, to evaluate their candidates for public office than is Miss Widener, scrounging through her New York office for something to write about.

I was born in the State of South Dakota. I have lived there all my life. I believe the people of that State are fully capable of evaluating both my faults and my strengths.

I have waged four, hard, uphill campaigns in what is normally a Republican State, always with a much smaller campaign budget than any one of my opponents.

Although Miss Widener may find this hard to grasp from her vantage point in New York City, I have won three of those four campaigns.

I imagine that Miss Widener somehow feels that she is contributing to my political defeat as obliging Republican editors, such as the Omaha editor, reprint her material. But I suspect that the voters of South Dakota will again look carefully at my weaknesses as well as whatever strengths and merits I may possess. I hope that by 1968 they will find the merit list to be a little longer than the list of mistakes.

Madam President, I ask unanimous consent that the article published in the Omaha World-Herald, to which I have referred, and written by Miss Widener, a letter to me dated May 13, 1964, written by Colonel Crosby the executive director of the Council for a Livable World, as well as a letter to the editor of an Omaha paper written by Mr. H. V. Jorgensen, a contractor of Winner, S. Dak., may be printed in the Record.

There being no objection, the article and letters were ordered to be printed in the Record, as follows:

HOW LEFTIES AIDED McGOVERN

(By Alice Widener)

I thought I was relatively immune to political shock—but what I've just found out in a letter addressed "To Readers of the Bulletin of Atomic Scientists" from a thingumajig called "Council for a Livable World" is the living end.

Hold your hats, hang on to your right senses, and let me tell you the tale of this Council for a Livable World which, according to its letter dated April 24, 1964, is a lobby for the election of "good" Senators and Representatives, and which "acts as an agent for transmitting checks from our supporters, made out directly to the candidate."

The confessed activities of this council ought to clear away any sentimental illusions about the intellectual independence of certain liberal Senators who call for thinking unthinkable thoughts and for the "reform" of Congress as an outdated hindrance to the executive and the intellectual elite.

Among the holier-than-thou critics of Congress has been Senator JOSEPH S. CLARK, of Pennsylvania, a strong supporter of the leftwing Fund for the Republic.

Here is what the lobbying Council for a Livable World says about Senator CLARK on page 4 of its January–February 1964 Washington bulletin that was mailed out to readers of the Bulletin of the Atomic Scientists:

"The hearings on the economic impact of arms reduction on the U.S. economy, which the council was instrumental in initiating, were held from November 6 through December 5 by the Senate Subcommittee on Employment and Manpower (JOSEPH CLARK, chairman) * * * John Silard (general counsel of the Council for Livable World) acted as special consultant to Senator CLARK."

The Council for a Livable World is all for banning the bomb, for a minimal nuclear deterrent, and for other pacifist programs leading to unilateral U.S. disarmament. Its board of directors includes such leftwingers as Dr. Leo Szilard, Bernard T. Feld, Jerome D. Frank, James G. Patton and others.

What shocks me is that this lobby not only initiated the hearings held by Senator JOSEPH CLARK, but also its paid counsel acted as special consultant to the Senator. What intellectual objectivity.

Can you imagine the howls of outrage among liberals if counsel for the American Medical Association were to act as special consultant to the chairman of the Senate committee studying medicare?

Here's more about the Council for a Livable World. Its April 24 letter to readers of the Bulletin of the Atomic Scientists states:

"In the 1962 congressional election, the council transmitted over $20,000 to GEORGE MCGOVERN, former Director of President Kennedy's food-for-peace program, who was running for the Senate in South Dakota. He was elected with a margin of a few hundred votes, the first Democratic Senator in South Dakota in 26 years."

Do the people of South Dakota know they have the Council for a Livable World to thank for their first Democratic Senator in 26 years?

At any rate, if you read the council's letter and bulletin, you will quickly catch on to what its "peace" proposals are. Why not find out about this lobby for yourself? Its address is 301 Dupont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C.

COUNCIL FOR A LIVABLE WORLD,
Washington, D.C., May 13, 1964.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: I have been asked by a number of Senators within the past few months as to what precisely the council stands for and what it is trying to do. Essentially the council is striving to further the development of interest between the scientific and political communities in the area of foreign affairs and, by recommending financial support to intelligent and thoughtful persons running for the Senate, contribute in some measure to constructive U.S. foreign and defense policies.

The council is an organization devoted to developing realistic and practical programs in the fields of arms control and the easing of international tensions, taking into consideration the national and international political climate. The council stresses the concept of responsibility and is well aware of the practicalities and limitations inherent in disarmament negotiations and the necessities of safeguarding our national security. Our programs are advanced within this context.

During the past few months the council has been under attack by columnist Holmes Alexander. His remarks have included the following statements:

That the council is an extremist group favoring unilateral disarmament.

That the council favors disarmament in the face of the enemy.

That the council backed Stuart Hughes in the 1962 Massachusetts Senate election.

The council never, at any time, recommended or solicited support for Mr. Hughes. The council has never at any time advocated unilateral disarmament or disarming in the face of the enemy.

The council is not a pacifist organization. Neither the directors nor I as a retired regular officer with the well-being and security of our country foremost in mind, would ever advocate pacifism or unilateral disarmament.

As the council becomes more effective in its operations, it will come under attack increasingly from those groups or individuals who for one reason or another are opposed to all measures leading to the easing of international tensions and arms limitations. The council recognizes this as a measure of its success.

Sincerely,

H. ASHTON CROSBY,
Executive Director.

MAY 11, 1964.

EDITOR THE PUBLIC PULSE,
Omaha World Herald
Omaha, Nebr.

DEAR SIR: Just finished reading good old "Nightmare Alice" Widener's knife-thrusting article about GEORGE MCGOVERN. I am checking on the council, as it is the first time I ever heard of it, but I do feel that it is my duty to inform the readers of your paper that the Council for a Livable World did not elect our first Democratic Senator in 26 years, as she states.

The voters of South Dakota elected Mr. MCGOVERN, by going to the polls and casting their vote for the man of their choice. I realize that many of "Nightmare Alice's" group do not have much truck in this practice of letting the common man vote, as they do not consider the average citizen capable of self-rule, but fortunately they have not yet rewritten the Constitution of the United States of America.

Incidentally, you have a fine newspaper, and give excellent news coverage for the whole Midwest.

Sincerely yours,

HARRY V. JORGENSEN.

Mr. CLARK. Madam President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. Madam President, I congratulate the Senator from South Dakota on the statement he has just made.

It occurs to me that Alice Widener, whom my friend the Senator from South Dakota so aptly compares to Alice in Wonderland, must have been spending quite a bit of time in her New York office talking to the Mad Hatter. I can think of no other way in which she could have become so grossly misinformed.

I share the admiration expressed by the Senator from South Dakota for the Council for a Livable World, and for their brilliant executive director, World War II veteran, Col. H. Ashton Crosby, who has an outstanding record in combat—as does the Senator from South Dakota.

I do not know whether I regret it or not. I never got into combat, but I spent 4 years in the Air Force in the China-Burma-India theater and was quite glad to get back with a whole skin.

This kind of cheap demagoguery indulged in in this column, I am happy to say, has no effect whatever in the Commonwealth of Pennsylvania.

It was tried in my election of 1962, when I was accused by right wingers and Birchites, and indeed by some who cannot be fairly categorized, as being soft on communism, soft on Red Cuba, soft on Red China, and as the unilateral disarmament candidate, the effort being made to hold me up to contempt.

I am happy to recall to my colleagues in the Senate that while our Democratic candidate for the governorship in that election was unfortunately defeated by some 450,000 votes, I was able to surmount this rightwing hate tide and still win by a majority of 103,000.

I am delighted to have had the support of so fine an organization as the Council for a Livable World, which favors general and complete disarmament under enforceable world law. I strongly join in such a program, as did President Kennedy, and President Eisenhower before him, under the leadership of Christian Herter, his Secretary of State, and as does President Johnson. It would indeed be a far more livable world if Miss Widener were to retire to private life and the program of the Council for a Livable World became a reality.

Mr. McGOVERN. I thank the Senator from Pennsylvania for his helpful comment. I also thank the Senator from Mississippi for his courtesy in yielding to me.

"DISASTER AT HOME AND ABROAD"—"THE DOUBLE STANDARD" WHICH DISCRIMINATES AGAINST AMERICANS

During the delivery of Mr. EASTLAND's speech,

Mr. GRUENING. Mr. President, will the Senator from Mississippi yield to me, with the understanding that my remarks will appear elsewhere, and that his parliamentary situation will not be prejudiced?

Mr. EASTLAND. I yield with that understanding.

Mr. GRUENING. Mr. President, ever since the unprecedented earthquake disaster which struck my State of Alaska I have been urging the Federal agency which has the major share in making disaster loans to take advantage of the provisions of the Disaster Loan Act to give Alaskans economically ruined or seriously hurt the benefit of a low interest rate. The agency is the Small Business Administration. It is headed by a competent and dedicated public servant, Mr. Eugene Foley. I have the highest regard for him. He has been interested and active in his capacity as Disaster Loan Administrator ever since the March 22 earthquake and succeeding tidal waves, and for that I am appreciative and grateful.

However, we differ on one important policy question. He is making loans to disaster victims in Alaska at the maximum rate permitted by the act; namely, 3 percent. The act specifies that in cases of disaster, loans shall not exceed 3 percent. The act sets a maximum, but not a minimum. The Administrator could establish an interest rate at 2½ percent, 2 percent, 1½ percent, 1 percent, three-fourths of 1 percent, or no percent. He could make a loan without interest that would merely require repayment of principal.

Mr. Foley has admitted to me that he has that power. Moreover, it is clear from the text of the act that he has that power.

Furthermore, in a colloquy in which I engaged on the floor of the Senate last Wednesday with the distinguished senior Senator from South Carolina [Mr. OLIN JOHNSTON], who was the author of the Disaster Loan Act, he made it clear that it was his intent and purpose that disaster loans be made at less than the maximum rate. His statement, which makes clear the legislative history, appears on pages 10819 and 10820 of the RECORD.

I have been urging Administrator Foley to give disaster-stricken Alaskans an interest rate of three-quarters of 1 percent. I have asked for that interest rate because that is the rate that our development loans to private industry are carrying in foreign countries. To date we have made loans totaling about $1¾ billion to various private industries in Asia, Africa, South America, and indeed all over the world. We have made such loans to individuals and businesses that have suffered no disaster. It seems that we are going to continue to do so.

For only this week the House voted a $312 million increase for the International Development Loan Association, which had previously been approved by the Senate. The House had rejected this earlier. But, in response to President Johnson's prodding, the House reversed its previous action and provided the additional millions for the so-called soft loans to be granted to private enterprise in foreign countries. Moreover, on these loans carrying interest at only three-quarters of 1 percent there is the additional bonanza of not requiring any repayment of principal for 10 years.

Now Mr. Foley has offered to give our Alaska disaster victims who want and need disaster loans in order to get back on their feet, a suspension of interest for 1 year and of capital repayment for 5 years. He has also offered to consolidate this loan with any previous loan made at a higher interest rate with the new one at 3 percent. So far, so good. But still these terms are obviously far less generous than those freely handed out abroad to enterprises which have suffered no disaster. I find this "double standard" incomprehensible. So I renew my request to Mr. Foley, and indeed to all the various Federal lending agencies which are being approached by our Alaska disaster victims. They, too, could establish interest rates lower than 3 percent.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. EASTLAND. I agree with the Senator. He says loans are made to Latin America at three-quarters of 1 percent. That is true. It is under the Alliance for Progress, and that is what it should be. That is what should be provided for Alaskans. But does the Senator realize that when the banks put their tab on it in Latin America and it gets to anybody's business or enterprise or home, the interest rate is 9 percent?

Mr. GRUENING. That is correct. The Senator may recall that in the earlier debate on foreign aid I sought to rectify that situation. I offered an amendment providing that when we loaned money at a certain rate of interest, the maximum rate of interest which could be added to it for reloaning to the private sector would be 5 percent. In other words, if we loaned money at three-quarters of 1 percent, to a foreign government that money could not be reloaned by it to private enterprises in that country at more than 5¾ percent.

Mr. EASTLAND. A banker in Latin America told me that the bank above him put 6 percent on it. He did not know why. He said, "I put 2¼ on it. I do not know why. The wage scale here is so low that people cannot use the development money."

That situation certainly should not apply to Alaska. I am in full agreement with the Senator from Alaska—it requires cheap interest rates to recover from disaster.

Mr. GRUENING. That is correct.

Mr. EASTLAND. It must be done in the case of the State of the Senator from Alaska and in every other disaster area of the country.

Mr. GRUENING. Let me recall what happened to my proposed amendment.

Over the objections of the administration and its spokesmen, on the Senate Foreign Relations Committee, the Senate approved my amendment by a 76 to 14 vote, which I thought was something of an achievement. But when the measure went to conference the "boys" in the State Department rushed up to the conferees and said, "This will ruin the program, if we prevent the foreign government from relending at more than 5 percent more." So these, to me, improper procedures of taking a bite out of our lower interest loans, continued.

Mr. EASTLAND. From my observations in Latin America, I would say that it was a banker's setup, the bankers get it all.

Mr. GRUENING. It is really a nullification of our generously intended help.

Mr. EASTLAND. The Senator knows that excessive interest rates can destroy any business. That has happened in Latin America. It is entirely different from the State of Alaska. I hope the interest rates can be brought down. I agree entirely with what the Senator has said.

Mr. GRUENING. Does the Senator from Mississippi see any justification for denying to our fellow Americans who have suffered an unprecedented disaster, many of whom have been ruined, who have lost their homes, the contents of their homes, and even the lots on which their homes stood, and have also lost their businesses, their inventories, and the lots on which these businesses stood—a treatment equal to that given abroad where there has been no disaster? Alaskans have had loans on both home and business at the bank, and when they seek to borrow once again, they are charged this maximum interest rate. Why should they not have three-quarters of 1 percent interest?

Mr. EASTLAND. I believe what the Senator is describing is dreadful, when we try to help any fellow American in any disaster area. We must see that the interest rates are held down, because that is the key to the whole problem.

Mr. GRUENING. Loans are made abroad. They are not disaster loans. They are made freely to business enterprises abroad who do not suffer in any way.

Mr. EASTLAND. The interest rate on disaster loans should be held down.

Mr. GRUENING. In the Chilean earthquake disaster, what did Uncle Sam do? He made an outright grant of $20 million, with no interest whatever, and no repayment required of any kind. On top of that Uncle Sam made a loan of $100 million at three-quarters of 1 percent. Moreover, the principal payments need not begin for 10 years, and it is questionable whether that loan will ever be repaid. We have no way to collect it, whereas in Alaska if the victim should recover the Government would have a lien or mortgage on his property and could and would foreclose on it. This is a double standard which to me is shocking and incomprehensible.

Mr. EASTLAND. The Senator is correct. There is a double standard. I do not see any sense in a man who has suffered from the disaster of this magnitude being charged a maximum rate of interest to rehabilitate himself. There is something wrong with that principle. We must get rid of those who think that way. Some changes must be made.

Mr. GRUENING. I appreciate the helpful contribution of my friend the Senator from Mississippi. I am glad that he has alined himself with others of our colleagues and still others who feel this way.

Consider the plight of the Alaskan who has lost his home, its contents, and even the lot on which it stood, and similarly his business building, its inventory, and the lot on which it stood. On both those investments he already had substantial loans outstanding. There are quite a few such cases.

Is there any justification, even when the law specifically permits it, to burden him with anything less generous than we give and apparently will continue to give to people in scores of foreign countries who have suffered no disaster?

The difference between 3 percent and three-fourths of 1 percent may well spell the difference between failure and recovery.

Finally—and highly pertinent—is the fact that the reestablished and economically restored Alaskan, as soon as he is rehabilitated and restored, starts paying taxes to the Federal Treasury, to the State, to the municipality, and to the school district, while there is no corresponding recovery from the beneficiaries of our foreign development loans, if indeed those loans are ultimately ever repaid.

Mr. President, to me this "double standard," this discrimination against fellow Americans, this unfair treatment accorded these victims of an unprecedented disaster, is incomprehensible and disgraceful.

Further support for my view comes from a responsible and conservative source, the Wall Street Journal. I have before me an editorial entitled "Disaster at Home and Abroad," from the Wall Street Journal of May 15, 1964. I believe it would be well if I were to read it because it will appear in the Record and it will be visible on Monday but I believe the Senate should have the benefit of hearing it now.

The editorial reads:

[From the Wall Street Journal, May 15, 1964]

Disaster at Home and Abroad

So far as we know, no Alaskans are actively advocating secession, but some of them do think they might be better off as foreigners. And not necessarily friendly foreigners, either.

This attitude has been evoked in the 49th State by administration of the Federal aid program designed to help Alaska recover from its disastrous earthquake. Specifically, by the Government's insistence on charging the statutory maximum interest rate of 3 percent on disaster loans.

It's not that a 3-percent rate is especially high; even the Federal Government often must pay more than that when it borrows. What irks Alaskans is that Washington is so much more generous with its loans to foreign governments, offering longer repayment periods and a much lower interest rate—three-quarters of 1 percent.

That might not be so galling if the Alaskans could see more evidence that foreign aid is winning us firm friends around the globe. As it is, aid programs frequently seem to be followed chiefly by Red-flag waving, anti-U.S. riots—and fresh demands for aid.

Even so, Alaska might be better able to accept the situation if more foreign aid were really used productively. Instead, in many cases, aid merely finances foreign government graft and mismanagement, or is ploughed into airlines or other projects that may increase a nation's prestige but are hardly calculated to make it self-supporting.

Alaskans, grappling with the aftermath of earthquake, are certainly no strangers to disaster. Even more than other Americans right now, they have reason to wonder if much of foreign aid doesn't deserve that description.

Mr. EASTLAND. Mr. President, does the Senator from Alaska believe that it is right to do this when a man has been wiped out?

Mr. GRUENING. I do not believe so. When a man has been wiped out both in his home and in his business and he still owes money on both it certainly is most unfair.

Mr. EASTLAND. Is it not to the interest of the country to charge him a low rate of interest if he can retire his debt and get back into business and become solvent and thus contribute to the economy?

Mr. GRUENING. Precisely so. That money will come back to the Government as soon as he is rehabilitated, when he starts paying taxes.

Mr. EASTLAND. We send money to Ben Bella and what do we get back?

Mr. GRUENING. What about Sukarno, who says, "To hell with your aid"? Yet we continue furnishing aid to him.

And, of course, there is Nasser, Egypt's dictator, now in obvious alliance with Khrushchev, who are now jointly conducting an aggressive war in Yemen, where Egypt's armed forces, supported by Russian planes, are utilizing the dollars that we pour in, intended to relieve poverty along the Nile.

Mr. President, I thank the Senator from Mississippi for his courtesy in yielding to me.

TOWARD JUSTICE FOR THE POOR: THE MANHATTAN BAIL PROJECT

Mr. ERVIN. Mr. President, on May 14, I introduced three bills which would revise the Federal bail laws in order to ameliorate the inequitable burden which existing bail procedures place on the poor.

When those bills were introduced, I remarked on the salutary work being done by the Vera Foundation, a privately sponsored organization, which has instituted an exhaustive study of and a pilot project on bail administration in New York City. The Vera Foundation has recently published a report on its highly successful project with an outline of its plans for the future.

As this report points out, "bail is generally a door to pretrial liberty for the rich, to pretrial detention for the poor."

Although it has been feared that providing an alternative to financially secured pretrial liberty would result in a failure of many to appear for trial, the foundation has proved that a defendant's background is a more reliable criterion on which to release a defendant than is his ability to buy a bail bond. During the first 30 months of the foundation's study, 3 percent of those released on bond failed to appear for trial. Only 1 percent of those investigated by the foundation and released on their own recognizance failed to appear.

Mr. President, in order that Members of Congress may become more familiar with the work of the Vera Foundation, I ask unanimous consent that its report, entitled "Toward Justice for the Poor: The Manhattan Bail Project," be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Manhattan Bail Project

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted," eighth amendment to the Constitution of the United States.

The practice of depositing money or collateral—better known as bail—to obtain the release of an accused person pending his trial was an accepted custom in early Anglo-Saxon law, as it was in the American Colonies, and it was perhaps natural that the authors of our Bill of Rights should accept it too. The only problem, to those who wished to safeguard the rights and liberties of coming generations of Americans, was to prevent the imposition of excessive bail.

But, as thoughtful minds have examined the effects of this practice on the dispensing of justice, they have observed that bail is generally a door to pretrial liberty for the rich, to pretrial detention for the poor.

Those who can afford bail are free: to earn their wages and support their families, to assemble their witnesses and prepare their defenses, to lead their lives.

Those who cannot afford bail, on the other hand, have no alternative but to await trial from a jail cell. For these persons poverty is, in fact, a punishable offense.

This is not the only unjust feature of the bail system. Sometimes the accused person has money and collateral and still is unable to purchase a bail bond, simply because the bondsman refuses to write it. It is the professional bail bondsman, a private businessman, and not the judge, who usually decides when a defendant shall go free and when he shall remain in jail.

In *Pannell* v. *United States*, a recent District of Columbia Circuit Court decision, Judge Skelly Wright commented on this practice.

"The effect of such a system is that * * * professional bondsmen hold the keys to the jail in their pockets * * * the bad risks, in the bondsmen's judgment, and the ones who are unable to pay the bondsmen's fee, remain in jail. The court and the commissioner are relegated to the relatively unimportant chore of fixing the amount of bail."

The bondsman is responsible to no one and is subject to no review. He can refuse to write a bail bond whenever he chooses—because he "mistrusts" a defendant, because he dislikes members of a given minority group, or because he got up on the wrong side of the bed. A bail bondsman is not obliged to have valid or sensible reasons.

AN APPROACH TO THE PROBLEM

For the first time in this country alternatives to the bail system are being seriously examined in an experiment known as the Manhattan bail project. Launched in October 1961 by the Vera Foundation, in cooperation with the New York University School of Law and the Institute of Judicial Administration, the bail project is a 3-year demonstration program designed to bring about improvement in bail administration. For the past 2 years the project has been assisted in this work by a $110,000 grant from the Ford Foundation.

The Manhattan bail project is based on the hypothesis that the courts will be willing to grant release on recognizance—release on one's honor pending trial, called pretrial parole in New York—instead of setting bail if they can be given verified information about a defendant's reliability and his roots in the community. In the past, courts have rarely had access to this kind of information in making decisions about bail.

Members of the Vera Foundation's staff set about planning the project with great care. Discussions were held with judges, prosecuting and defense attorneys, city officials, and professors of constitutional law. Specific proposals on procedure were examined against the experience of these persons who are directly involved in the judicial process. The project itself took shape around the findings of this preliminary research.

HOW THE PROJECT WORKS

The procedures that were worked out are quite simple:

1. When an arresting officer brings an accused person into the detention pens adjoining Manhattan's criminal courts, a law student checks the defendant's previous criminal record and the current charge against him.

2. If his record indicates that he is eligible for bail, and if he has not been charged with crimes such as homicide, narcotics offenses, or certain sex crimes—offenses excluded from the experiment because of the special problems they pose—the accused is interviewed to determine whether he is a likely parole risk. The defendant is asked what his job is and how long he has held it, whether he supports his family, has contact with relatives in the city, and is in good health.

3. A point system helps evaluate the answers to the questionnaire, and if the accused appears a good parole risk, the above information is verified by phone or in the visitors' section of the courtroom. Vera staff members speak only with those persons whom the accused has agreed should be consulted. An interview generally takes 10 minutes and verification about an hour.

4. If the case is still considered a good risk after verification, a summary of the information is sent to the arraignment court, where a recommendation that the defendant be released on his own recognizance is submitted to the judge.

5. When a defendant is so released, project staff members notify him in writing of the date and location of subsequent court appearances. If the parolee is illiterate, a fact indicated by the questionnaire, he is telephoned as well as notified by letter. If he is literate in a language other than English, he receives a letter in his native tongue. Often a friend or employer agrees to help get the defendant to court. If so, this person is notified as well.

6. During the first year of the project, a control group was established. Law students checked each questionnaire number against a random number chart to determine whether the case was experimental or control. If the case fell in the control half, the law student withheld the parole recommendation. If the case fell in the experimental half, the law student handed the recommendation to the judge. (After the first year, the control group was eliminated in order to allow more widespread use of recommendations.)

RESULTS OF THE PROJECT

During the project's first 30 months in the Manhattan courts, 2,300 defendants were released on their own recognizance upon the recommendation of Vera staff members.

Ninety-nine percent of these defendants returned to court when required, only 1 percent failed to appear.

During this same period, about 3 percent of those freed on bail failed to appear in court. Thus, it appears that verified information about a defendant's background is a more reliable criterion on which to release a defendant than is his ability to purchase a bail bond.

The control group demonstrated how accused persons who are considered good risks fare when they are not recommended for pretrial parole. While the court granted pretrial parole in 60 percent of the project's recommended cases, it did so in only 14 percent of the parallel cases in the control group. In other words, judges paroled four times as many accused persons with the aid of verified information.

Of the first 750 parolee dispositions, 53 percent were either acquitted or had their cases dismissed. Forty-seven percent were found guilty, and of these only one convicted person out of six was sent to prison.

Since this ratio of favorable dispositions among parolees is higher than among criminal prosecutions generally, the results of the project are suggesting a startling conclusion: that determinations in court of a defendant's guilt and of his sentence are influenced by whether he enters the court from jail or from the street. This highly significant possibility is being investigated further by the bail project's staff.

THE WIDENING EFFECTS OF THE PROJECT

The Manhattan bail project is having an effect on judicial practices and community attitudes in New York and in other U.S. cities.

In January 1964 the Board of Estimates of the city of New York allocated $181,600 to enable the Office of Probation to take over from the Vera Foundation the work of the Manhattan bail project and to extend the pretrial parole operation permanently to the criminal courts in the Bronx, Queens, Brooklyn, and Richmond, as well as in Manhattan.

Other communities, dissatisfied with the way bail is administered have launched pretrial parole experiments modeled on the Manhattan bail project. These include Des Moines, Chicago, Los Angeles, St. Louis, the District of Columbia, and Nassau County, N.Y. Inquiries come in from cities throughout the country.

As an outgrowth of the work of the Manhattan bail project the Criminal Law Section of the American Bar Association has established a Committee on Bail which at present is carrying out studies in 11 cities. These are Baltimore, Boston, Chicago, Detroit, Los Angeles, Miami, Minneapolis, New Orleans, Philadelphia, San Francisco, and St. Louis.

Perhaps the most significant development is the National Conference on Bail and Criminal Justice, sponsored by the Department of Justice and the Vera Foundation under a grant from the President's Committee on Juvenile Delinquency and Youth Crime. Judges, police, prosecutors, defense attorneys, legislators, and other interested persons from the 50 States will participate in the conference, to be held in Washington, D.C., in May 1964. In preparation for the conference, data from the Manhattan bail project and the other pretrial parole programs are being tabulated and analyzed; surveys on bail practices have been conducted in 25 jurisdictions across the Nation; and comparative studies are being made of pretrial release procedures in other countries.

Additional studies in connection with the National Bail Conference concern such areas as the role of the bail bondsmen, the youthful offender, the crediting of preconviction jail time against sentence, and various nonpecuniary alternatives to bail which will insure the defendant's appearance in court (for example, release by day and jail by night).

PLANS FOR THE FUTURE

The Manhattan bail project has shown that many persons charged with misdemeanors and felonies can be successfully released without bail pending trial. A logical next step, and one allowable under existing law in New York City, is to experiment with an increased use of the summons in place of the arrest process in certain offenses and misdemeanors. The use of the summons further extends the scope of pretrial liberty. One great advantage accrues to the accused who is summoned: if acquitted, his record is free from the stigma of arrest. A record of arrest narrows job opportunities, restricts access to public housing, hurts one's reputation, and increases the likelihood of severe treatment if arrested in the future. Furthermore, in cases initiated by a summons the question of bail is circumvented. Vera Foundation's next venture will be a 3-year Manhattan summons project to be conducted in cooperation with the courts and the New York City Police Department.

Other plans for the future include an evaluation of the Manhattan bail project as well as the coordination of other pretrial release projects now in progress. A field coordinator will visit cities, law schools, and bar associations interested in setting up their own pretrial release programs, and will give guidance when requested.

PUTTING THE LAW TO WORK FOR THE POOR

The poor generally tend to view the law as an instrument which society uses impersonally and often cruelly against them. They frequently misunderstand and mistrust the law, and consequently lose its benefits. The poor should be helped to realize that the law can work in their interest. This realization is essential if impoverished Americans, frequently living outside the awareness of the rest of society and outside the protective mechanisms of the law, are to be given chances for better lives.

To this end the labyrinth of laws, regulations, and procedures of government and service agencies needs to be reexamined. Some regulations and procedures are required, others are merely permitted by administrative order, some are mandatory by statute, others grow from an individual's interpretation of a statute. Legal analysis can reveal situations where flexibility is possible and where adjustment or a new concept can be introduced in the interest of equal justice for all.

THE VERA FOUNDATION

The Vera Foundation was established in 1961 by Louis Schweitzer, a chemical engineer and industrialist.

According to its charter, the purposes of the Vera Foundation are:

"1. To seek and further the equal protection of the laws for the indigent by research into neglected aspects of court procedures, law enforcement, and the nature of crime; by freely sharing the results of such research with jurists, lawyers, correction officials, and the public; and by furnishing voluntary financial assistance on a case basis to the indigent accused; and

"2. To develop and conduct exclusively educational programs for the furtherance of law, justice, and civil liberties in the United States."

The directors of the Vera Foundation are: Louis Schweitzer, president; William P. Schweitzer, vice president; Harry J. Rudick, secretary-treasurer; and Herbert J. Sturz, executive director.

For further information write to: Vera Foundation, 30 East 39th Street, New York 16, N.Y.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ELLENDER. Mr. President, before speaking from my prepared text, I should like to state briefly some of the reasons why I feel the bill which the Senate is now considering should not be passed; and, if it is passed, why a jury trial should be provided in any case wherein punishment by jail term or fine can be meted out. I would exclude contempt in civil cases. However, where the contempt means punishment to the offender, I say that amendment VI of the Constitution should be respected, and offenders should be given the right of trial by jury.

Mr. President, we from the South are not against the Negroes. I have lived among them all my life. We are primarily interested in protecting and preserving our way of life. When I say that I mean in accord with the Constitution. What made our country great is doubtless the dual sovereignty that is exercised by the States and by the Federal Government. Let us not overlook the fact that the Constitution of the United States is a creature of the States. Congress has no right to enact any laws which are in conflict with the Constitution. It is specifically provided in the Constitution that any rights which are not given to the Federal Government are retained by the States.

So far as I am concerned, I have never objected to the right of the Negro to vote. When I was a member of the Louisiana Legislature, in 1936, I was instrumental in having a State law enacted doing away with the poll tax. Of course, that applied to all citizens, including Negroes.

What I am contending for today, and what I have contended for in the past on the floor of the Senate is to prevent, if I can, the long arm of the Federal Government reaching into the States and taking away from them rights which belong to them. As you know these are the residual powers which the drafters of the Constitution went to such great lengths to protect.

In the matter of voting, the Constitution provides specifically that the setting of qualifications of voters shall be by the States and not by the Federal Government. This is article I, section 2. Any lawyer reading title I of the bill is bound to conclude that there is an encroachment by the Federal Government upon the State's rights to fix qualifications. It is provided specifically in the bill that in the event education shall be made one of the tests for voting, a sixth grade education shall be the test. If that had been the law when my father became 21 years of age, he could not have voted, because he was a fourth grader, and my mother likewise.

Under title I, as it is written, it is specifically provided that if a test is given to determine the qualifications of a voter, the test must be in writing. That would, in my opinion, exclude the right of the State to make provisions for qualification tests. If the Supreme Court should hold title I constitutional, there is no question in my mind that the States would be deprived of the right to determine qualifications.

That is what we are complaining about. That is what we have been talking about for the past 9 weeks. I am very hopeful that it will sink into the craniums of some of our colleagues in the Senate. A Senator need not be a lawyer to read title I and come to the conclusion that it would take away from the State the right to fix qualifications. It is true that under the 15th amendment a State cannot deny a citizen the right to vote, but in order to be able to vote he must be qualified under the State laws. That is all the 15th amendment means.

Mr. President, many Senators have stated that during the more than 100 years since Abe Lincoln issued his famous Emancipation Proclamation, the South has been moving slower and slower in granting Negroes their rights and that we have been in violation of the law. I do not say this disparagingly of the Negroes, but before the Civil War and after the Civil War, Negroes were considered chattels. They were considered in the same category as one would treat any salable object, such as land, and other property. The Supreme Court of the United States, in the famous Dred Scott decision, decided that since Negroes were slaves they were chattels, and even free Negroes were not citizens. In order to remove that stigma, if we may call it that, it was necessary for Congress and the people to adopt the 13th and 14th amendments to the Constitution, to end slavery and grant citizenship to the Negroes.

It has been stated many times on the floor of the Senate that we from the South have taken too much time to accord to the Negroes their civil rights. But the South has never refused to accord to the Negro his civil rights as defined in the first bill that was ever enacted by Congress to give to the Negro his civil rights. What were those civil rights? They were far different from what is included in the bill now before the Senate. The phrase "civil rights" came about through an act that was passed by Congress in 1866. At that time such an act was necessary, as I stated a moment ago, because Negroes were not considered citizens. They were not considered American citizens because they were slaves.

I shall read from the first act that was passed by Congress, known as the Civil Rights Act of 1866. The rights conferred in that act were correctly referred to as civil rights; but from that time on, even voting rights were considered civil rights, when, as a matter of fact, voting is a privilege accorded to the citizen if he complies with State laws; that is, in respect to qualifications.

I shall read an excerpt from the act of April 9, 1866, but before I do so—I am merely glossing over the subject now; I expect to make an extended speech about it later—I wish to dispel from the minds of many people throughout the country, who are desirous of having the present bill passed because a great moral issue is involved, ideas that are not correct. It is not a moral issue that is involved. The issue involved is: Shall the Constitution prevail? That applies to at least four or five sections of the bill which seek to take away from the States rights that are theirs in accordance with the Constitution.

I shall read from the act of 1866:

> *Be it enacted, etc.*, That all persons born in the United States * * * shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other; any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

I contend that that act indicated specifically what the civil rights were that were to be bestowed upon the Negroes. The only purpose of the act was to grant legal capacity to the freed Negroes. Why was it enacted? It was because, as I have just said, the famous Dred Scott decision declared not only slaves but all Negroes to be noncitizens, and as persons who could not enjoy the same rights as the white citizens of the United States.

Since the first bill was enacted, we have been hearing about the civil rights to be granted to Negroes. Today, the pending civil rights bill covers everything. It is a misnamed bill, as I have said before.

Another statement often made on the floor of the Senate, but which is absolutely untrue, is that we from the South have been treating the Negro illegally and unconstitutionally. That is not true. We have followed the law strictly. In 1896, in the famous case of Plessy against Ferguson, the Court enunciated the doctrine of separate but equal facilities. In dozens of cases the doctrine of separate but equal facilities was recognized. Not only were those laws interpreted in that manner in connection with the question of riding in the same cars with whites or the question of being served separately in restaurants, and so forth, but that doctrine was also recognized in many school cases in which it was specifically held that any State—whether in the North, in the South, in the East, or in the West—was within the purview of the law if it provided for its colored citizens separate but equal facilities. I need only mention the cases of Gong Lum against Rice and Cumming against Richmond Board of Education.

Some Senators speak of the equal-protection clause of the 14th amendment; but, as I have previously stated, even in the District of Columbia, schools were segregated until 1954. It has been held that the equal-protection clause applies to State action, not to individual action. Therefore, if a person runs a restaurant in the city of New Orleans or in the city of Washington, D.C., or in any other part of the United States, he has a right to permit only the persons he desires to enter his establishment to come into it. On the other hand, the pending bill would take away this right and make him subject to criminal contempt if he violated the injunction. Mr. President, that is where I part company with some Senators from the North; and before this debate is over, I hope we shall be able to make them see the light.

Mr. President, I reiterate with all the force at my command that if the pending bill were to be enacted as it is now written, it would bring on more strife than any we have experienced in the past. Imagine the situation, Mr. President, if the long arm of the Federal Government were to reach into the States and if officials of the Federal Government were to say to the people there, "You have got to do this" or "you have got to do that; and if you don't, the Federal Government, in its own name, will seek redress."

Furthermore, if there were a violation by anyone—whether one of the parties to the proceeding or someone else—that person would be subjected to criminal prosecution, through the injunctive process.

Mr. President, in my opinion that procedure should be the same as that in the case of a violation of a criminal law specifically placed on the statute books. No one will deny that if a crime is defined under Federal law, the accused is entitled to a jury trial. The only exceptions are in cases in which the U.S. Government is a party; in those cases, the accused can be tried by a judge alone. But I repeat that any person charged with an offense that could result in his being sentenced to jail or his being subjected to a fine, if the case were not in the category of a civil injunctive process case, should by all means be entitled to a jury trial.

Mr. President, under no circumstances can the pending bill properly be compared with the 1957 act and the 1960 act, which deal with the voting rights of Negroes. The only matters involved in those acts are the rights of qualified citizens, including Negroes, to vote—that is all; and any person who violates those laws can be punished.

But the pending bill includes title II, on public accommodations; and that title would cover practically all citizens who are in charge of, or who own, any public accommodations.

The pending bill also includes a title on the desegregation of schools. It would involve many thousands of citizens who were not affected by the 1957 act or the 1960 act.

Of course one of the worst of the titles of the pending bill is the FEPC title—the so-called fair employment title. Under it, officials of corporations or other persons employing as many as 25 persons could be sent to jail if they "discriminated"; and in order to find out whether they had "discriminated," they would have to keep voluminous records. In my opinion, that would be an interference with the private business of our people and outside the constitutional grant of power to the Congress.

Mr. President, as I have previously pointed out, the Federal Government has tried, through Executive order, to enforce an FEPC in Government contracts but that effort never succeeded, and it will not succeed. In the past, Congress has on two occasions rejected the proposed enactment of an FEPC law.

The FEPC provision of title VII of the pending bill was never requested by the late President Kennedy, but was included in the bill by some of the framers of this nefarious and pernicious piece of proposed legislation. If this provision remained in the bill and became law, and if the Supreme Court were to make the mistake of holding it constitutional, we might as well hang black crepe on the doors of private enterprise.

Mr. President, I am reminded that in 1945, soon after the close of World War II, three bills were proposed to Congress. One was an amendment to the Fair Labor Standards Act. Under the guise of raising wages, a very innocent looking clause was proposed which would give the administrator of the act the right to go into the business of every employer in this Nation. If a man had a cotton gin, a large textile mill, or any other kind of business, the administrator would have been empowered to say to that employer, "You will pay your floor sweepers, which are in the lowest grade, the minimum rate fixed in the law," which I believe at that time was 65 or 75 cents an hour. A grade higher would have been provided, and under that grade the employer would have had to pay so much additional per hour. There would have been another grade a little higher, for which the pay was so much higher. There would be four or five grades. All of that procedure would have been compulsory, without the consent of the employer. These grades were to be established by a governmental agency.

The same year we were confronted with the nefarious FEPC proposal, which would have forced employers to hire people not of their choosing.

A third proposal was presented to the Congress. It was in the same category as the one which was suggested to the White House only 2 or 3 months ago.

The proposal was made by a commission of Americans not appointed by the President or by the Congress, but merely a group of people who got together and wished to study the situation. In effect, that commission said that if private enterprise does not provide jobs for people, Congress should enact legislation whereby the Government would give those people employment.

Mr. President, those were the three proposals. The first would fix the wages that employers throughout the country would be required to pay according to grades established by the Government. It would have classified employees and fixed rates of pay.

Then the FEPC proposal would have forced employers to hire people not of their choosing. Finally, if private enterprise failed or was unable to provide the necessary jobs so that all Americans could be employed, the Government would have been required to step in and provide jobs for the unemployed.

Mr. President, if in 1945 those three bills had been enacted into law, it would have meant the death knell of private enterprise. There is no question in my mind that the equal employment opportunities proposal, if enacted and rigidly enforced as provided in the bill, would give to the employers of our country such great problems and added financial drain that its effect would be to stifle business and I am sure many would discontinue their businesses.

Mr. President, what made our country great in the economic field is that employers were given a free hand to produce what the market desired and to employ people of their own choosing. It is true that there were some abuses of the system in the past. I was coauthor of a bill which would fix minimum wages when necessary. I was also a coauthor of the Taft-Hartley Act, which protected labor and protected business. I believe that those acts have worked well.

Mr. President, I have made a short preliminary statement to the Senate to point out that the bill covers practically every phase of our economy and will affect it in many ways. If the bill were enacted and placed in the hands of some administrators who did not use good judgment in administering it, those administrators could doubtless put many of the companies which have meant so much to the economy of our country out of business.

Mr. President, as I said, since the bill will affect such a large number of Americans in every phase of our economy, and in order to protect them, it is necessary that we provide the right of trial by jury so that Americans will not be persecuted.

Under the so-called Dirksen-Mansfield amendment, the judge would make the decision as to whether or not an accused should have the right to trial by jury. If the judge should decide that the punishment should be 30 days or less, or $300 or less, he could then try the case; but if he decides the punishment should be in excess of that $300 or confinement in excess of 30 days, he must grant the right of trial by jury.

The amendment to the Talmadge amendment now being considered, instead of having the judge make the decision as to whether or not there shall be a trial by jury in cases involving no more than $300 or 30 days in jail, provides that the accused shall have the right to say, "Judge, you are a just man. I am sure you will give me a fair trial. I do not desire a jury trial." But if he has any doubt about it, he can say, "I want a trial by jury," and the judge will have to respect that right.

That is the only distinction between the two amendments. In other words, the modifications proposed by the Talmadge amendment would put in reverse what the Dirksen-Mansfield amendment would do.

There has recently been published by the Columbia University Press a book entitled "The Contempt Power," by Ronald Goldfarb. This book deals with the historical development of contempt powers of English and American courts in their administration of justice. The author not only discusses this development, but also the wisdom of maintaining the contempt power of such a broad scope as obtains today in the United States. This aspect of judicial power has historically been considered as inherent in the judiciary itself. There is no doubt that this contempt power has been meshed in the common law and yet has remained separate and apart from the common law. The fact that the common law has tolerated this engraftment should in no way be considered as an improvement of the law.

While the merits of maintaining the contempt powers of the court have been debated, I do not wish to enter into that argument except coincidentally in discussing a more narrow aspect of the problem. I can find sufficient justification for maintaining the contempt powers of the court if sufficient safeguards are erected to guarantee fair and just trials for all citizens of this country. These guarantees can best be obtained and made effective by the insistence of trial by jury being stipulated as a prerequisite to the maintenance of such summary and extraordinary powers.

It is indeed strange that the so-called liberals of yesterday who clamored for legislation to restrict the injunctive and contempt powers of the Federal courts in labor disputes, are today advocates of the same remedies to change another social condition only because they consider this particular cause unjust. Is not the right of the southerners protected by the first and sixth amendments equally with the rights of labor unions and their members? There has been much discussion in this Chamber about applying the Constitution and the laws "equally across the board." If the advocates of this equal treatment of all people under our Constitution are to be taken seriously, I do not see how they can insist upon denying jury trials to persons held in criminal contempt of the Federal courts.

While one may not agree with Governor Barnett's beliefs and actions, he must agree that he should be given the same and equal treatment which the Congress recognized as the right of labor leaders under the Norris-La Guardia Act, the Clayton Act, and the Landrum-Griffin Act. I will cite just a few provisions of these acts to illustrate this point.

Section 608 of the Landrum-Griffin Act declares:

> No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

Section 11 of the Norris-La Guardia Act declares:

> In all cases arising under this Act in which a person shall be charged with contempt in a court of the United States (as herein defined), the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

If the president of the United Auto Workers Union, or the president of AFL-CIO is entitled to a trial by jury for violating an injunction issued by a Federal court, why should not the Governor of Mississippi be entitled to the same legal rights, which I maintain are constitutional rights? The fact that some people feel that in some cases southern juries would not convict is no reason whatever to deny them the equal protection of the law, and certainly their constitutional right to a trial by jury. I do not believe that southern juries would be any more prejudicial than any other jury in this country, but even if, assuming for the sake of argument, some jurors may tend to sympathize with the persons who would be accused of violating this bill, is that not a great part of the reason for trial by jury in the first instance?

It makes little sense to provide for a trial by one's peers unless one is willing to assume that his peers will have a similar understanding of the local circumstances. It will be recalled that soon after World War II, the Uniform Code of Military Justice was adopted, which provided that enlisted men could be appointed to courts martial. This was obviously done because it was felt that these enlisted members of the military court would have a better understanding of the conditions in which another enlisted man was required to conduct himself. It was felt that people in like situations would have a better understanding of their fellow citizens and would be able to give them a more just and fair trial.

In discussing the right of jury trials for labor people, I believe it should be borne in mind that in the vast majority of cases arising out of labor disputes the members of the juries in those large industrial areas would most likely be union members, or in some close relationship to union members. And yet the Congress was willing to trust these jurors with having sufficient integrity to participate in those trials.

This right of trial by jury has been an integral part of Anglo-Saxon law for hundreds of years, as I pointed out in a discussion of the subject in the Senate on May 2. It is the citizen's act of participation in the administration of justice which gives him that sense of responsibility and citizenship necessary in a democracy. In this time, when the Government gets further and further away from the average citizen, I believe it would be unwise to remove one of the few institutions in which he can participate in his government.

In discussing the particular provision of the Mansfield-Dirksen amendment relative to jury trials, it is proposed that where the sentence would be less than $300 and 30 days in jail, the judge should be permitted to try the case without benefit of a jury. It is claimed by the proponents of this amendment that this is a similar provision which was contained in the earlier civil rights bill. I would like to state emphatically that such is not the case. In the earlier bill, the provision principally concerned voting registrars and not the thousands of ordinary people who would be covered under the present bill.

I did not agree with the previous so-called civil rights bill in this respect, nor do I agree with the present one. I can never agree to take away the constitutional right of every American citizen to be tried by jury. The fact that the common law has been corrupted over a long period of time does not in any way detract from a person's right to trial by jury as guaranteed by the sixth amendment. The Constitution does not make any distinctions between contempt cases and other criminal cases. It is evident to me that where the court can impose punishment by way of fine and imprisonment, whether as a result of the violation of a criminal statute or in violation of an injunction issued by a court, the sixth amendment of the Constitution should apply. The exception is where the accused commits an offense in the presence of the court or in violation of a civil injunction.

At the risk of being repetitive, I should like to discuss a few aspects of the contempt power of the courts and cite a few illustrations which the author of "The Contempt Power" has mentioned in his book. I shall quote a few paragraphs from this book, beginning on page 12:

> As society became more diverse and extensive, the English kings found it necessary to have their kingly governmental powers exercised by representatives. The courts of early England acted for the king throughout the realm. And their exercise of contempt powers derived from a presumed contempt of the king's authority. Violation of their writ or disobedience to their officers violated the peace and flouted the king they represented. Though the king acted through others, in a mystical way he was presumed to be present and subject to being contemned.
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> The contempt power of the equity courts had a similar origin. The equity chancellor dispensed justice in the place of the king, and his orders obtained their validity because of the use of the great seal, disobedience of which was considered a grievous contempt of the King. Since the lord chancellor had no individual power, he used the king's seal as a basis for his own judicial power. "The decree of his court derived its force from the fact that it was granted by the keeper of the King's seal, and was executed by means of a writ sealed with that seal." Disobedience of the king's seal was contempt of the King, much as contempt of the lord of the court, and contempt of a maritime court was contempt of the admiral of that court.
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> This engraftment, from a power of the courts as adjuncts of the King to one inherent in the courts themselves, was described in the decision of an Irish judge in 1813. The process of attachment, he reported, was one used by the judges of the Aula Regis, by which those who interfered with the King's peace were brought before the court and punished. Derived from Norman law, it was resorted to "because disobedience of their orders was a contempt of the King himself whose ministers they were * * *. By the Norman law it was established that nothing could be done but by the King's writ." So, the origin of the courts' power was from this presumed contempt of the King's authority. Under the Norman kings, an offender's personal property was forefeited to the King's mercy. Later, this was changed to a fine, which in turn was later refined into a procedure whereby the offender was imprisoned until the fine was paid. This is akin to the current practices with contempt. For civil contempt, the offender is imprisoned until he purges his act of contempt. * * * For criminal contempt, the offender of today may be fined or imprisoned, or both, and nonconditionally.
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> Gradually, any questions about the right of the judiciary to punish disobedience, obstruction, or disrespect (and they were few) were answered with the claim that this was an inherent right of English courts. Necessity then became with maturity the mother of this claimed innate, natural right of courts. The natural inclination to claim this power as one innate in judicial institutions was but one step in the rise in power of the courts, and later the Parliament, in England. The King had pointed the way. But, the subsequent increase in the use of the sealed writ by private parties, to secure their personal judicial rights, disolved the dread symbol of sovereign powers which originally issued from this process. Gradually, this procedure became but a part of the court's machinery for administering justice between private parties—a step in the judicial, as opposed to the executive process.
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> The roots of English law, from which the contemporary contempt doctrine sprouts, are thin but deep in history.
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> In the 13th century, contempt action was taken for such acts as defaults or misfeasance of parties, assaults and disturbances in court, insults to judges, and misconduct

by officers of the law. However, in all the cases reported, contempt was treated procedurally "in the ordinary course of the law." Summary punishment was meted out only where the accused person confessed his guilt. Then a jury trial was unnecessary. Further collating the cases, he reported that until the 15th century innumerable contempts "which would have been dealt with by summary process in the 18th century were being tried * * * in the ordinary course of law." A Scottish jurist traced the cases up to the time of Henry V, and concluded that criminal contempt cases in the King's bench until that time were dealt with by procedures not summary. With the Star Chamber came nonjury procedures, and the treatment of contempt by interrogatories of the court. This latter procedure was cited by Justice Wilmot in the Almon case as the nub of due process, far better than capricious juries. Yet with the abolition of the Star Chamber, it was legislated that all matters theretofore handled by that court would be treated "by the common law of the land and in the ordinary course of justice * * *." Summary process was exercised only in limited cases where it was deemed appropriate because of the immediacy and physical relation of the contemptuous act to the courts.

Justice was as strict as it was swift. In a case in 1631, a man threw a brickbat at the Chief Justice after being convicted of a felony. Though he missed the judge, his right hand was cut off and fixed to the gibbet, and he was immediately hanged in the presence of the court. It was said that such misconduct must be summarily punished by courts because without this power of punishment they could not perform, and the kingdom would stand still if "justice" was not immediate—and, of course, custom and necessity called for it. Other contempts were punishable, but only in the ordinary nonsummary course of the law. It was not until the time of Blackstone and the 18th-century writers that contempt was summarily punished, without question as to where it was committed. Before then, those contempts which were summarily punished were committed in the face of the court. The very view of the court was considered to supply a basis for the conviction.

Blackstone was a friend of Justice Wilmot, the author of the Almon case; and an analysis of this case explains the sudden change in the then current law of contempt, and its impact on the future. The legal status of contempt of court was given not only enunciation but also an authoritative and pervasive application in this much criticized but more quoted decision which, though decided in 1764, was not published except posthumously in 1802 in the notes of Justice Wilmot, the author of the opinion. Before this case, it was accepted that orders of a court were not to be disobeyed, and that acts hindering the administration of justice were punishable. Statutes were extant which allowed private redress for the scandalizing of governmental figures. But Justice Wilmot in *Rex* v. *Almon*, extended the then contemporary contempt doctrine and gave the world an opinion full of dicta which was later seized upon, quoted and requoted, and made sacrosanct, until years later when discerning scholars found and pointed out his error. His doctrine now lives, a venerable product of stare decisis and years of acceptance, though somewhat limp from recent criticism.

Almon was a bookseller who was tried in 1765 for publishing an alleged libel about Lord Mansfield. Justice Wilmot, who wrote an opinion which held Almon in contempt for the article, had been elevated to his position by a cabinet which was under the strong influence of Lord Mansfield. It is reported that he deemed criticism of the lord as bordering on sacrilege. One of the charges Almon had made against Lord Mansfield related to a court action involving a person named Wilkes. When Justice Wilmot's judgment granting an attachment against Almon was about to be delivered, it was discovered that it referred by some error or confusion, to *The King* v. *Wilkes*, instead of *The King* v. *Almon*. Then, it has been written: "Mr. Justice Wilmot urged the defendant's counsel, Sergeant Glynn, 'as a gentlemen' to consent to an amendment, to which Sergeant replied that as 'as a man of honor' he could not."

The action was abandoned and the opinion was never delivered. In 1802, Justice Wilmot's son published the notes of his father which included the stillborn, misnomered opinion, *The King* v. *Wilkes*. In this opinion was the language which has been so controversially referred to ever since:

"The power which the courts in Westminster Hall have of vindicating their own authority is coeval with their first foundation and institution; it is a necessary incident to every court of justice, whether of record or not, to fine and imprison for a contempt to the court, acted in the face of it, I Ventris I, and the issuing attachments by the supreme courts of justice in Westminster Hall for contempts out of court stands upon the same immemorial usage as supports the whole fabric of the common law; it is as much the lex terrae and within the exception of Magna Carta as the issuing (sic) any other legal process whatsoever. I have examined very carefully to see if I could find any vestiges or traces of its introduction but can find none. It is as ancient as any other part of the common law; there is no priority or posteriority to be discovered about it and therefore (it) cannot be said to invade the common law, but to act in an alliance and friendly conjunction with every other provision which the wisdom of our ancestors has established for the general good of society. And though I do not mean to compare and contrast attachments with trial by jury, yet truth compels me to say that the mode of proceeding by attachment stands upon the very same foundation and basis as trial by juries do—immemorial usage and practice."

Sir John Fox, in his classic treatise on the subject, has pointed out that though the early common law deemed disobedience to the king's writ a contempt, and the courts eventually used the king's seal to make their process effective, what started out as contempt of the Lord of the Court became contempt of the administration of justice instead, when the Almon case extended concepts of contempt as it did. He pointed out that the summary power to punish, which Justice Wilmot condoned, was beyond the embrace of previous contempt practice. It has been suggested that the power to commit for contempt derived from a statute which empowered sheriffs to commit persons who resisted their process. But this was after trial in the customary fashion. Justice Wilmot reasoned "that if resistance to a minister of the court is punishable" in this way, "a fortiori libeling a judge in his judicial capacity is so punishable."

Rationalizing the power of judicial contempt as a product of the divine right of kings, Sir John Fox reports Wilmot's reasoning thusly:

"By our constitution the King is the fountain of justice and * * * he delegates the power to the judges * * * arraignment of the justice of the judges is arraigning the King's justice * * * it is an impeachment of his wisdom in the choice of his judges * * * it excites dissatisfaction with judicial determinations and indisposes the minds of people to obey them * * * this is a most fatal obstruction of justice, and calls for a more immediate redress than any other * * *"

His dream was to keep a blaze of glory around the court, that it would never be contemptible in the eyes of the public.

Justice Wilmot's proof of the supreme fairness of this contempt procedure lay in his reasoning that in the summary procedure before the court the party could acquit himself by his own oath, whereas a jury might improperly convict him upon false evidence. This logic, if not specious, lacks convincing certitude. In fact, later scholars have concluded that the idea that a sworn denial of a charged contempt cleared the contemnor, subject only to a charge of perjury, came into the law toward the end of the 17th century during the adoption of star chamber proceedings by the King's bench courts. It was an anomaly which was discarded by the end of the 18th century.

The analysis of the Almon case is as long and complicated as it is interesting. Suffice it to note the circumstances, that one may evaluate its influence upon the articulation of the law of contempt of court, as well as the propriety of its departure from the previous confines of the power.

For years, the situation remained static. Until the 19th century, there were only two other cases of contempt of the court which arose out of the courts, and which were treated by summary procedures. Interestingly, both involved libels of Lord Mansfield. However, in writing his famous legal treatise, Blackstone consulted his friend Justice Wilmot concerning the law of contempt. He reported then that the law was such as Wilmot had reasoned, but cited no authorities to support the conclusion. So, it has been accurately concluded:

The present law of contempt in this country has been founded * * * upon the statements of Blackstone in his "Commentaries" and Sir John Eardley-Wilmot in *King* v. *Almon* which concerned a contempt by publication. Oddly enough, neither of these authorities forms a legal precedent, for the opinion of justice * * * Wilmot was never delivered, as the case was dismissed because of technical difficulties. It also appears that in all probability the statements made by Blackstone merely represented the views of Judge Wilmot, and that it may be said that the present scope of the summary power is due almost exclusively to the opinion of one man.

By the 20th century, the law of Wilmot had, like fine wine, aged to the point of unquestioning respect. English courts adopted the Almon decision, cited it, and extended it beyond even Wilmot's probable intent.

The sometimes blind inheritance of common law in American legal attitudes bore this Almon-phenomenon of England to the United States, where it was early inculcated as a rule of law. The sanctity given by Blackstone's approval of Justice Wilmot's opinion added to its prestige in the United States. Since the American colonists were by and large a product of the common law environment of England, it was very natural that their courts were endowed with procedures copied from mother England.

The distinction between civil and criminal contempt of court has long plagued American courts, as it did their English counterparts. The English view was that criminal contempts were positive acts of deliberate interference with the law and as such were public offenses, while civil contempts involved merely passive inaction in regard to civil obligations and could result only in private injury. The core of the problem in their view was apparently its social effect and was, therefore, characterized as civil or criminal.

In 1904, the U.S. Supreme Court attempted to distinguish civil and criminal contempts. In the case of *Bessette* v. *Conkay*, 194 U.S. 324 (1904), a district court had issued an injunction against certain parties to a pending suit. Bessette, who was not a party to this suit, was subsequently convicted of contempt of court for acts violating its injunction. The Supreme Court was asked to decide the proper form of appeal. Until that time contempt was not reviewable except upon writs of certiorari or prohibition questioning the jurisdiction of the lower court. There was no jurisdiction to review criminal cases on appeal. The Supreme Court interpreted intervening Federal statutes as extending the jurisdiction of the appellate courts to cover criminal cases through means of direct appeal of the whole record of the lower court, or by writ or error, raising only questions of law. The court then classified contempt as criminal and therefore within this extension of appellate jurisdiction.

Since Bessette was not a party to the original suit out of which the injunction and the contempt arose, he could not bring a direct appeal on the record of the original case, but he could raise questions of law through a writ of error; the record of the lower court as to the facts in the original case would remain conclusive. The Supreme Court admitted it may not always be easy to classify a particular act as belonging to either one of these two classes; it may have characteristics of both. The Court conceded it is often impossible to decide whether a court order is to secure the private remedies of a person or to carry out its own work. The Court stated that contempts in general are criminal in their nature and that the mode of the trial does not change the nature of the proceeding or take away from the finality of the decision. In so deciding the Court classified contempts according to whether the aim was to punish a wrong to the court or to preserve or enforce the rights of private parties.

The Court again considered the problem of the distinction between criminal and civil contempts in the case of *Gompers* v. *Bucks Stove & Range Company*, 221, U.S. 418 (1911). This case was similar to many others which came in the era of the development of powerful labor unions. In the early years, injunctions were liberally issued against interference by labor leaders with court orders concerning action by organized labor. Disobedience to these orders was treated as contempt. In the Gompers case, the Court had to decide whether a contempt was civil and could consequently be reconsidered on the merits of the record as a whole. The Court relied on the Conkay case holding that contempts are neither wholly civil nor altogether criminal. It declared:

> It is not the fact of punishment, but rather its character and purpose that often serve to distinguish between the two classes.

Then, the Court went on to set out its formula for classification:

> If it is for civil contempt the punishment is remedial, and for the benefit of the complainant. But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court. It is true that punishment by imprisonment may be remedial, as well as punitive, and many civil contempt proceedings have resulted not only in the imposition of a fine, payable to the complainant, but also in committing the defendant to prison. But imprisonment for civil contempt is ordered where the defendant has refused to do an affirmative act required by the provision of an order which, either in form or substance, was mandatory in its character. Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he had refused to do * * *. On the other hand, if the defendant does that which he has been commanded not to do, the disobedience is a thing accomplished. Imprisonment cannot undo or remedy what has been done nor afford any compensation for the pecuniary injury caused by the disobedience. If the sentence is limited to imprisonment for a definite period, the defendant * * * cannot shorten the term by promising not to repeat the offense. Such imprisonment operates, not as a remedy coercive in its nature, but solely as punishment for the completed act of disobedience.

Mr. President, I wish to read a few excerpts from the decision in the case of Gompers against Bucks Stove Co., from page 443 through page 447, as follows:

> It is true that either form of imprisonment has also an incidental effect. For if the case is civil and the punishment is purely remedial, there is also a vindication of the court's authority. On the other hand, if the proceeding is for criminal contempt and the imprisonment is solely punitive, to vindicate the authority of the law, the complainant may also derive some incidental benefit from the fact that such punishment tends to prevent a repetition of the disobedience. But such indirect consequences will not change imprisonment which is merely coercive and remedial, into that which is solely punitive in character, or vice versa.
>
> The fact that the purpose of the punishment could be examined with a view to determining whether it was civil or criminal, is recognized in *Doyle* v. *London Guarantee Co.*, 204 U.S. 599, 605, 607, where it was said that "While it is true that the fine imposed is not made payable to the opposite party, compliance with the order relieves from payment, and in that event there is no final judgment of either fine or imprisonment. The proceeding is against a party, the compliance with the order avoids the punishment and there is nothing in the nature of a criminal suit or judgment imposed for public purposes upon a defendant in a criminal proceeding." *Bessette* v. *Conkey*, 194 U.S. 328; *In re Nevitt*, 117 Fed. Rep. 448; *Howard* v. *Durand*, 36 Georgia, 359; *Phillips* v. *Welch*, 11 Nevada, 187.
>
> The distinction between refusing to do an act commanded—remedied by imprisonment until the party performs the required act; and doing an act forbidden—punished by imprisonment for a definite term; is sound in principle, and generally, if not universally, affords a test by which to determine the character of the punishment.
>
> In this case the alleged contempt did not consist in the defendant's refusing to do any affirmative act required, but rather in doing that which had been prohibited. The only possible remedial relief for such disobedience would have been to impose a fine for the use of complainant, measured in some degree by the pecuniary injury caused by the act of disobedience. Rapalje on Contempt, §§ 131–134; *Wells* v. *Oregon Co.*, 19 Fed. Rep. 20; *In re North Bloomfield Co.*, 27 Fed. Rep. 795; *Sabin* v. *Fogarty*, 70 Fed. Rep. 483.
>
> But when the court found that the defendants had done what the injunction prohibited, and thereupon sentenced them to jail for fixed terms of six, nine and twelve months, no relief whatever was granted to the complainant, and the Bucks Stove & Range Co. took nothing by that decree.
>
> If then, as the court of appeals correctly held, the sentence was wholly punitive, it could have been properly imposed only in a proceeding instituted and tried as for criminal contempt. The question as to the character of such proceedings has generally been raised, in the appellate court, to determine whether the case could be reviewed by writ of error or on appeal. *Bessette* v. *Conkey*, 194 U.S. 324. But it may involve much more than mere matters of practice. For, notwithstanding the many elements of similarity in procedure and in punishment, there are some differences between the two classes of proceedings which involve substantial rights and constitutional privileges. Without deciding what may be the rule in civil contempt, it is certain that in proceedings for criminal contempt the defendant is presumed to be innocent, he must be proved to be guilty beyond a reasonable doubt, and cannot be compelled to testify against himself. *Boyd* v. *United States*, 116 U.S. 616; *United States* v. *Jose*, 63 Fed. Rep. 951; *State* v. *Davis*, 50 W. Va. 100; *King* v. *Ohio Ry.*, 7 Biss. 529; *Sabin* v. *Fogarty*, 70 Fed. Rep. 482, 483; *Drakeford* v. *Adams*, 98 Georgia, 724.
>
> There is another important difference. Proceedings for civil contempt are between the original parties and are instituted and tried as a part of the main cause. But on the other hand, proceedings at law for criminal contempt are between the public and the defendant, and are not a part of the original cause. The court of appeals recognizing this difference held that this was not a part of the equity cause of the *Bucks Stove & Range Company* v. *The American Federation of Labor et al.*, and said that: "The order finding the defendants guilty of contempt was not an interlocutory order in the injunction proceedings. It was in a separate action, one personal to the defendants, with the defendants on the one side and the court vindicating its authority on the other."
>
> In this view we cannot concur. We find nothing in the record indicating that this was a proceeding with the court, or, more properly, the Government, on one side and the defendants on the other. On the contrary, the contempt proceedings were instituted, entitled, tried, and up to the moment of sentence treated as a part of the original cause in equity. The Bucks Stove & Range Company was not only the nominal, but the actual party on the one side, with the defendants on the other. The Bucks Stove Company acted throughout as complainant in charge of the litigation. As such and through its counsel, acting in its name, it made consents, waivers and stipulations only proper on the theory that it was proceeding in its own right in an equity cause, and not as a representative of the United States, prosecuting a case of criminal contempt. It appears here also as the sole party in opposition to the defendants; and its counsel, in its name, have filed briefs and made arguments in this Court in favoring affirmance of the judgment of the court below.
>
> But, as the court of appeals distinctly held that this was not a part of the equity cause it will be proper to set out in some detail the facts on this subject as they appear in the record.
>
> In the first place the petition was not entitled *"United States* v. *Samuel Gompers et al."* or *"In re Samuel Gompers et al.,"* as would have been proper, and according to some decisions necessary, if the proceedings had been at law for criminal contempt. This is not a mere matter of form, for manifestly every citizen, however unlearned in the law, by a mere inspection of the papers in contempt proceedings ought to be able to see whether it was instituted for private litigation or for public prosecution, whether

it sought to benefit the complainant or vindicate the court's authority. He should not be left in doubt as to whether relief or punishment was the object in view. He is not only entitled to be informed of the nature of the charge against him, but to know that it is a charge and not a suit. *United States* v. *Cruikshank,* 92 U.S. 542, 559.

Inasmuch, therefore, as proceedings for civil contempt are a part of the original cause, the weight of authority is to the effect that they should be entitled therein. But the practice has hitherto been so unsettled in this respect that we do not now treat it as controlling, but only as a fact to be considered along with others as was done in *Worden* v. *Searls,* 121 U.S. 25, in determining a similar question. Thus considering it we find that the petition instituting the contempt proceeding was entitled in the main cause *"Bucks Stove & Range Company, plaintiff,* v. *the American Federation of Labor, et al., defendants, No. 27,305, Equity,"* and that the answers of the defendants, every report by the examiner in chancery, every deposition, motion and stipulation, every order—including the final decree and the amended decree, were all uniformly entitled in the equity cause. Not only the pleadings in the original cause but all the testimony, oral and written, was, by reference in the petition, made a part of the contempt proceedings. The trial judge quoted largely from this oral testimony thus introduced in bulk, as the severity and character of the sentence indicate that he was largely influenced by this evidence which disclosed the great damage done to the complainant's business by the boycott before the injunction issued.

It is argued the defendants' answers concluded with a statement that as questions of criminal and quasi-criminal intent were involved, a jury was better qualified to pass on the issues than a judge, and in the event he should be of opinion that the charges had not been sworn away, they moved that issues of fact should be framed and submitted to a jury. Such a motion was not inconsistent with the theory that this was a proceeding for civil contempt in equity, but was in strict accord with the practice under which questions of fact may be referred by the chancellor to a jury for determination.

Following the confusion which still remained in distinguishing civil and criminal contempts, the Federal Rules of Criminal Procedure were amended to indicate the procedure used in criminal contempt cases. There were still no clear distinctions between civil and criminal contempts.

Rule 42 of title 18 of the United States Code is as follows:

TITLE 18, UNITED STATES CODE: RULE 42

RULE 42. CRIMINAL CONTEMPT.

(a) SUMMARY DISPOSITION.

A criminal contempt may be punished summarily if the judge certifies that he saw or heard the conduct constituting the contempt and that it was committed in the actual presence of the court. The order of contempt shall recite the facts and shall be signed by the judge and entered of record.

(b) DISPOSITION UPON NOTICE AND HEARING.

A criminal contempt except as provided in subdivision (a) of this rule shall be prosecuted on notice. The notice shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. The notice shall be given orally by the judge in open court in the presence of the defendant or, on application of the U.S. attorney or of an attorney appointed by the court for that purpose, by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides. He is entitled to admission to bail as provided in these rules. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a verdict or finding of guilt the court shall enter an order fixing the punishment.

It is important to note that contempt committed in the presence of the court is to be tried in a summary manner, and without any of the formalities of law as to arraignment, indictment or trial by jury being observed. This in itself would not be important except for the fact that there has always been the extension of the presence of the court to include other places than the courtroom itself. This so-called constructive presence of the court has in effect denied all of the constitutional guarantees that a citizen is entitled to expect under the Constitution.

In section B of rule 42, it is important to note that the defendant is entitled to a trial by jury in any case in which an act of Congress so provides. In other words, in the absence of an act of Congress, the defendant is not entitled to a trial by jury.

Section 3691 of title 18 of the United States Code provides that:

TITLE 18, UNITED STATES CODE, SECTION 3691

SEC. 3691. JURY TRIAL OF CRIMINAL CONTEMPTS.

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases. This section shall not apply to contempts in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or behalf of, the United States (June 25, 1948, ch. 645, sec. 1, 62 Stat. 844).

The important part of this section which has relevance to the pending civil rights bill is the provision which states that trial by a jury will not be allowed in any contempt committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States.

This illustrates the distinction I pointed out previously—that what is happening is that the Attorney General and his workers want to take the short course rather than follow the law as it now stands. Any time a criminal contempt procedure is followed in the name of the United States of America, present law does not apply. That is why we are anxious to make sure that any time any citizen is accused of criminal contempt, wherein he may suffer fine and imprisonment, he shall, as provided in the Talmadge amendment, be entitled to a jury trial. With the bill as it is now written, the sky is the limit. There is no limitation as to jail or fine. That is why I think it is necessary for us to put provisions in the bill to protect individuals.

In most cases of enforcing the provisions of the pending bill, the U.S. Government would be the party bringing the complaint and, therefore, no jury trial would be available under this section.

In the case of *United States* v. *United Mine Workers,* 330 U.S. 258 (1947), the court held that the same act may constitute both a civil and criminal contempt and that the disposition of both in one proceeding is proper, even though the defendant's procedural rights may become obscured. This case points out the fact that the constitutional right against double jeopardy can be and has been clearly violated by being penalized as a civil offense and also as a criminal offense.

In the case of *Penfield Company of California* v. *The Securities and Exchange Commission,* 329 U.S. 706 (1947), a district court ordered the defendant to produce certain documents. Upon his refusal, he was adjudged in contempt and an unconditional fine was imposed, indicating that the contempt was criminal. The Commission appealed and asked that a remedial penalty calculated to coerce compliance with its order be substituted. The court of appeal held that the nature of the relief requested is determinative of the proceeding. The purpose of the court's power was to bring about compliance with the SEC's orders. The circuit court decided the case was not one of criminal contempt, but solely of civil contempt and therefore, substituted imprisonment for the fine ordered by the district court.

This was a classic example of how some judges respond, how they like to use their power.

The Supreme Court affirmed this decision and said that the dual function of contempt is to vindicate the public interest and coerce or compel a specified conduct. This decision of the Supreme Court merely confused more so the law of contempt by mixing the two purposes.

I have cited these cases to show how unsatisfactory the law of contempt is in the United States. It is still in a state of confusion even with the many decisions to act as a guideline and the statutes provided in title 18 of the United States Code. I believe that it is a fair statement to say that it is not a small part of the problem that judges, regardless of how high their position, are anxious to maintain their raw power by the device of contempt. It is one thing to permit a judge to punish for direct contempt of court, which is contempt in the presence of the court, and it is another thing to permit a judge to punish all manner of crimes within his jurisdiction and without the traditional safeguards which are enumerated in the Constitution.

Now, Mr. President, I would like to quote a short passage from the book "Problems of Contempt of Court," by C. H. Thomas. This book grew out of a dissertation prepared by Mr. Thomas in fulfilling the requirements for the degree of doctor of philosophy in political science at Johns Hopkins University.

Mr. Thomas, in discussing the loss of constitutional protection and the guarantees provided in the Bill of Rights, states that:

> The courts have repeatedly recognized that criminal contempts are criminal offenses, and a consideration of their character certainly proves that they are very similar to other unlawful acts, in that there is a prosecution looking to the punishment of the offender, not only as retribution for his misdeeds but also to deter the commission of acts of a similar character by others. Yet although frequently admitting the criminal character of contempts, the courts have never recognized that constitutional guarantees applied to contempt prosecutions.
>
> The contempt power may be said to invade five of the customary constitutional guarantees: trial by jury, freedom from self-incrimination, double jeopardy, excessive punishments (amendment 8), and, in some cases, freedom of speech and press (amendment 1). The contempt power may also be said to violate the due process of law clause (amendment 5).
>
> Of these the most important guarantee is trial by jury, because of the common belief of Anglo-Saxons that trial by jury is the guarantee of their freedom, that it is the dearest right, forced by might from reluctant medieval monarchs and nobles, and made more secure by the abolition of the court of the Star Chamber and the overthrow of the Stuarts. In this country trial by jury conjures up remembrances of the struggles for freedom against the determination of libels as a matter of law instead of fact. In addition, the ordinary man, who is more realistic than casuistical, sees only the fact that, in the ordinary out-of-door contempt, a man has been punished for a criminal act, without trial by jury, a right which he is entitled to believe cannot be constitutionally taken away from him. To the ordinary man the judiciary seems to have simply legislated unto itself the power to dispense criminal law in defiance of constitutional guarantees. Moreover, his point of view is certainly substantiated by the punishment of violations of the prohibition laws as legislative authorization of contempt. "The second point of attack is generally against the use of interrogatories in contempt prosecutions. Under the present concepts of the contempt power the court has the authority to examine the accused as to his guilt or innocence of the charge, and the defendant must either answer these questions or be guilty also of a direct contempt of court. This power has always been open to question, and even Blackstone, stanch supporter of judicial authority, was forced to admit in his Commentaries:
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> "It cannot have escaped the attention of the reader that this method of making the defendant answer upon oath to a criminal charge is not agreeable to the genius of the common law in any other instance."
>
> It may also be pointed out that in Blackstone's time the contemnor could secure a jury trial in the law courts by swearing that he had not committed the contempt, for his answers could not be traversed and the contempt proven, so that the only prosecution possible was for perjury, in which case he was entitled to a trial by jury. At the present time this ancient rule is no longer in force, having been gradually dropped by judicial decision.
>
> Objection has also been taken to the contempt jurisdiction upon constitutional grounds in that punishment for many of the more serious out-of-door contempts also expose the accused to double punishment for the same offense by prosecution in criminal proceedings. Thus the contemnor may be twice tried and punished for the same act, simply because one act is termed an offense against the judicial authority of the State, whereas the other is denominated an offense against the State itself. So if the contemptuous act committed by the contemnor was the unlawful sale of liquor he may be punished twice for the one sale, once because in violation of a law of the legislature, and once because in violation of a "law" of the judiciary.
>
> Objection to the summary jurisdiction may also be taken upon the grounds that the punishment for contempt violates the excessive punishment clause of the Constitution. This is of course only a minor consideration, which may be raised in but a few instances. This objection is due to the fact that in some jurisdictions, such as the Federal, the judiciary has the authority to fix the amount of punishment within its own discretion, and that occasionally this punishment has been rather severe, as in the Toledo Newspaper case in which the paper was fined the sum of $7,500.

The United Mine Workers case, which I have already discussed, also falls in this latter category of excessive fines. You will recall in that case that John L. Lewis was fined $10,000 and the United Mine Workers was fined $3,500,000. The Supreme Court in the Mine Workers case sustained the district court's judgment of $10,000 against Mr. Lewis, but reduced the three-and-a-half-million-dollar fine against the union to $700,000 and the payment of an additional fine of $2,800,000 unless the union could show that within 5 days after the issuance of the mandate that it had fully complied with the temporary restraining order and the preliminary injunction.

I ask, in all honesty, under what criminal statute could such a heavy fine be meted out? Yet, as I have just indicated, there is absolutely no limitation under the bill as it was originally placed before the Senate and before the House. The sky is the limit, with respect to either fine or imprisonment, or both.

Mr. President, I ask unanimous consent that excerpts from the opinion be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> II
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> Although we have held that the Norris-La Guardia Act did not render injunctive relief beyond the jurisdiction of the district court, there are alternative grounds which support the power of the district court to punish violations of its orders as criminal contempt.
>
> Attention must be directed to the situation obtaining on November 18. The Government's complaint sought a declaratory judgment in respect to the right of the defendants to terminate the contract by unilateral action. What amounted to a strike call, effective at midnight on November 20, had been issued by the defendant Lewis as an "official notice." Pending a determination of defendants' right to take this action, the Government requested a temporary restraining order and injunctive relief. The memorandum in support of the restraining order seriously urged the inapplicability of the Norris-La Guardia Act to the facts of this case, and the power of the district court to grant the ancillary relief depended in great part upon the resolution of this jurisdictional question. In these circumstances, the district court unquestionably had the power to issue a restraining order for the purpose of preserving existing conditions pending a decision upon its own jurisdiction.
>
> The temporary restraining order was served on November 18. This was roughly 2½ days before the strike was to begin. The defendants filed no motion to vacate the order. Rather, they ignored it, and allowed a nationwide coal strike to become an accomplished fact. This Court has used unequivocal language in condemning such conduct,[1] and has in *United States* v. *Shipp*, 203 U.S. 563 (1906), provided protection for judicial authority in situations of this kind. In that case this Court has allowed an appeal from a denial of a writ of habeas corpus by the circuit court of Tennessee. The petition had been filed by Johnson, then confined under a sentence of death imposed by a State court. Pending the appeal, this Court issued an order staying all proceedings against Johnson. However, the prisoner was taken from jail and lynched. Shipp, the sheriff having custody of Johnson, was charged with conspiring with others for the purpose of lynching Johnson, with intent to show contempt for the order of this Court. Shipp denied the jurisdiction of this Court to punish for contempt on the ground that the stay order was issued pending an appeal over which this Court had no jurisdiction because the constitutional questions alleged were frivolous and only a pretense. The Court, through Mr. Justice Holmes, rejected the contention as to want of jurisdiction, and in ordering the contempt to be tried, stated:
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> "We regard this argument as unsound. It has been held, it is true, that orders made by a court having no jurisdiction to make them may be disregarded without liability to process for contempt. *In re Sawyer*, 124 U.S. 200; *Ex parte Fisk*, 113 U.S. 713; *Ex parte Rowland*, 104 U.S. 604. But even if the circuit court had no jurisdiction to entertain Johnson's petition, and if this Court had no jurisdiction of the appeal, this Court, and this Court alone, could decide that such was the law. It and it alone necessarily had jurisdiction to decide whether the case was properly before it. On that question, at least, it was its duty to permit argument and to take the time required for such consideration as it might need. See *Mansfield, Coldwater & Lake Michigan Ry. Co.* v. *Swan*, 111 U.S. 379, 387. Until its judgment declining jurisdiction should be announced, it had authority from the necessity of the case to make orders to preserve the existing conditions and the subject of the petition, just as the State court was bound to refrain from further proceedings until the same time. Revised Statutes section 766; act of March 3, 1893, chapter 226, 27 Statute 751. The fact that the petitioner was entitled to argue his case shows what needs no proof, that the law contemplates the possibility of a decision either way, and therefore must provide for it." 203 U.S. 573.
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> If this Court did not have jurisdiction to hear the appeal in the Shipp case, its order would have had to be vacated. But it was ruled that only the Court itself could determine that question of law. Until it was found that the Court had no jurisdiction, "it had authority from the necessity of the case to make orders to preserve the existing conditions and the subject of the petition."
>
> Application of the rule laid down in *United States* v. *Shipp*, supra, is apparent in *Carter* v. *United States*, 135 F. 2d 858 (1943). There a district court, after making the findings required by the Norris-La Guardia Act, issued a temporary restraining order. An injunction followed after a hearing in which the

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[1] "If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the "judicial power of the United States would be a mere mockery." *Gompers* v. *Bucks Stove & Range Co.*, 221 U.S. 418, 450 (1911).

court affirmatively decided that it had jurisdiction and overruled the defendants' objections based upon the absence of diversity and the absence of a case arising under a statute of the United States. These objections of the defendants prevailed on appeal, and the injunction was set aside. *Brown* v. *Coumanis*, 135 F. 2d 163 (1943). But in Carter, a companion case, violations of the temporary restraining order were held punishable as criminal contempt. Pending a decision on a doubtful question of jurisdiction, the district court was held to have power to maintain the status quo and punish violations as contempt.[2]

In the case before us, the district court had the power to preserve existing conditions while it was determining its own authority to grant injunctive relief. The defendants, in making their private determination of the law, acted at their peril. Their disobedience is punishable as criminal contempt.

Although a different result would follow were the question of jurisdiction frivolous and not substantial, such contention would be idle here. The applicability of the Norris-La Guardia Act to the United States in a case such as this had not previously received judicial consideration, and both the language of the act and its legislative history indicated the substantial nature of the problem with which the district court was faced.

Proceeding further, we find impressive authority for the proposition that an order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings.[3] This is true without regard even for the constitutionality of the act under which the order is issued.

* * * * *

The right to remedial relief falls with an injunction which events prove was erroneously issued, *Worden* v. *Searls, supra*, at 25, 26; *Salvage Process Corp.* v. *Acme Tank Cleaning Process Corp.*, 86 F. 2d 727 (1936); *S. Anargyros* v. *Anargyros & Co.*, 191 F. 208 (1911);[4] and a fortiori when the injunction or restraining order was beyond the jurisdiction of the court. Nor does the reason underlying *United States* v. *Shipp, supra*, compel a different result. If the Norris-La Guardia Act were applicable in this case, the conviction for civil contempt would be reversed in its entirety.

Assuming, then, that the Norris-La Guardia Act applied to this case and prohibited injunctive relief at the request of the United States, we would set aside the preliminary injunction of December 4 and the judgment for civil contempt; but we would, subject to any infirmities in the contempt proceedings or in the fines imposed affirm the judgments for criminal contempt as validly punishing violations of an order then outstanding and unreversed.

* * * * *

The trial court properly found the defendants guilty of criminal contempt. Such contempt had continued for 15 days from the issuance of the restraining order until the finding of guilty. Its willfulness had not been qualified by any concurrent attempt on defendants' part to challenge the order by motion to vacate or other appropriate procedures. Immediately following the finding of guilty, defendant Lewis stated openly in court that defendants would adhere to their policy of defiance. This policy, as the evidence showed, was the germ center of an economic paralysis which was rapidly extending itself from the bituminous coal mines into practically every other major industry of the United States. It was an attempt to repudiate and override the instrument of lawful government in the very situation in which governmental action was indispensable.

The trial court also properly found the defendants guilty of civil contempt. Judicial sanctions in civil contempt proceedings may, in a proper case, be employed for either or both of two purposes: to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained. *Gompers* v. *Bucks Stove & Range Co., supra*, at 448, 449. Where compensation is intended, a fine is imposed, payable to the complainant. Such fine must of course be based upon evidence of complainant's actual loss,[5] and his right, as a civil litigant, to the compensatory fine is dependent upon the outcome of the basic controversy.

But where the purpose is to make the defendant comply, the court's discretion is otherwise exercised. It must then consider the character and magnitude of the farm threatened by continued contumacy, and the probable effectiveness of any suggested sanction in bringing about the result desired.[6]

It is a corollary of the above principles that a court which has returned a conviction for contempt must, in fixing the amount of a fine to be imposed as a punishment or as a means of securing future compliance, consider the amount of defendant's financial resources and the consequent seriousness of the burden to that particular defendant.

In the light of these principles, we think the record clearly warrants a fine of $10,000 against defendant Lewis for criminal contempt. A majority of the Court, however, does not think that it warrants the unconditional imposition of a fine of $3,500,000 against the defendant union. A majority feels that, if the court below had assessed a fine of $700,000 against the defendant union, this, under the circumstances, would not be excessive as punishment for the criminal contempt theretofore committed; and feels that, in order to coerce the defendant union into a future compliance with the court's order, it would have been effective to make the other $2,800,000 of the fine conditional on the defendant's failure to purge itself within a reasonable time. Accordingly, the judgment against the defendant union is held to be excessive. It will be modified so as to require the defendant union to pay a fine of $700,000, and further, to pay an additional fine of $2,800,000 unless the defendant union, within 5 days after the issuance of the mandate herein, shows that it has fully complied with the temporary restraining order issued November 18, 1946, and the preliminary injunction issued December 4, 1946. The defendant union can effect full compliance only by withdrawing unconditionally the notice given by it, signed John L. Lewis, president, on November 15, 1946, to J. A. Krug, Secretary of the Interior, terminating the Krug-Lewis agreement as of 12 o'clock midnight, Wednesday, November 20, 1946, and by notifying, at the same time, its members of such withdrawal in substantially the same manner as the members of the defendant union were notified of the notice to the Secretary of the Interior above mentioned; and by withdrawing and similarly instructing the members of the defendant union of the withdrawal of any other notice to the effect that the Krug-Lewis agreement is not in full force and effect until the final determination of the basic issues arising under the said agreement.

We well realize the serious proportions of the fines here imposed upon the defendant union. But a majority feels that the course taken by the union carried with it such a serious threat to orderly constitutional government, and to the economic and social welfare of the Nation, that a fine of substantial size is required in order to emphasize the gravity of the offense of which the union was found guilty. The defendant Lewis, it is true, was the aggressive leader in the studied and deliberate noncompliance with the order of the district court; but, as the record shows he stated in open court prior to imposition of the fines that "the representatives of the United Mine Workers determined that the so-called Krug-Lewis agreement was breached," and that it was the union's "representatives" who "notified the Secretary of the Interior that the contract was terminated as of November 20." And certainly it was the members of the defendant union who executed the nationwide strike. Loyalty in responding to the orders of their leader may, in some minds, minimize the gravity of the miners' conduct; but we cannot ignore the effect of their action upon the rights of other citizens, or the effect of their action upon our system of government. The gains, social and economic, which the miners and other citizens have realized in the past are ultimately due to the fact that they enjoy the rights of free men under our system of government. Upon the maintenance of that system depends all future progress to which they may justly aspire. In our complex society, there is a great variety of limited loyalties, but the overriding loyalty of all is to our country and to the institutions under which a particular interest may be pursued.

We are aware that the defendants may have sincerely believed that the restraining order was ineffective and would finally be vacated. However, the Government had sought a declaration of its contractual rights under the Krug-Lewis agreement, effective since May 29, 1946, and solemnly subscribed by the Government and the defendant union. The restraining order sought to preserve conditions until the cause could be determined, and obedience by the defendants would have secured this result. They had full opportunity to comply with the order of the district court, but they deliberately refused obedience and determined for themselves the validity of the order. When the rule to show cause was issued, provision was made for a hearing as to whether or not the alleged contempt was sufficiently purged. At that hearing the defendants stated to the court that their position remained then in the status which existed at the time of the issuance of the restraining order. Their conduct showed a total lack of respect for the judicial process. Punishment in this case is for that which the defendants had done prior to imposition of the judgment in the district court, coupled with a coercive imposition upon the defendant union to compel obedience with the court's outstanding order.

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[2] "It cannot now be broadly asserted that a judgment is always a nullity if jurisdiction of some sort or other is wanting. It is now held that, except in case of plain usurpation, a court has jurisdiction to determine its own jurisdiction, and if it be contested and on due hearing it is upheld, the decision unreversed binds the parties as a thing adjudged. *Treinies* v. *Sunshine Mining Co.*, 308 U.S. 66, 60 S. Ct. 44, 84 L. Ed. 85; *Sunshine Anthracite Coal Co.* v. *Adkins*, 310 U.S. 381, 403, 60 S. Ct. 907, 84 L. Ed. 1263; *Stoll* v. *Gottlieb*, 305 U.S. 165, 59 S. Ct. 134, 83 L. Ed. 104. So in the matter of Federal jurisdiction, which is often a close question, the Federal court may either have to determine the facts, as in contested citizenship, or the law, as whether the case alleged arises under a law of the United States."

[3] *Howat* v. *Kansas*, 258 U.S. 181 (1922); *Russell* v. *United States*, 86 F. 2d 389 (1936); *Locke* v. *United States*, 75 F. 2d 157 (1935); *O'Hearne* v. *United States*, 62 App. D.C. 285, 66 F. 2d 933 (1933); *Schwartz* v. *United States*, 217 F. 866 (1914); *Brougham* v. *Oceanic Steam Navigation Co.*, 205 F. 857 (1913); *Blake* v. *Nesbet*, 144 F. 279 (1905); see *Alemite Mfg. Corp.* v. *Staff*, 42 F. 2d 832, 833 (1930).

[4] See *Leman* v. *Krentler-Arnold Co.*, 284 U.S. 448, 453 (1932); *Bessette* v. *W. B. Conkey Co.*, 194 U.S. 324, 329 (1904); *McCann* v. *New York Stock Exchange*, 80 F. 2d 211, 214 (1935). In accord in the case of settlement is *Gompers* v. *Bucks Stove & Range Co.*, 221 U.S. 418, 451–2 (1911): "* * * when the main cause was terminated * * * between the parties, the complaint did not require and was not entitled to any compensation or relief of any other character."

[5] *Leman* v. *Krentler-Arnold Co.*, 284 U.S. 448, 455–456 (1932); *Gompers* v. *Bucks Stove & Range Co.*, 221 U.S. 418, 443–444 (1911); *Parker* v. *United States*, 126 F. 2d 370, 380 (1942); *Judelshon* v. *Black*, 64 F. 2d 116 (1933); *Norstrom* v. *Wahl*, 41 F. 2d 910, 914 (1930).

[6] Cf. *Doyle* v. *London Guarantee Co.*, 204 U.S. 599 (1907). See also *In re Chiles*, 22 Wall. 157, 168 (1874).

We have examined the other contentions advanced by the defendants but have found them to be without merit. The temporary restraining order and the preliminary injunction were properly issued, and the actions of the district court in these respects are affirmed. The judgment against the defendant Lewis is affirmed. The judgment against the defendant union is modified in accordance with this opinion, and, as modified, that judgment is affirmed.

Mr. ELLENDER. Mr. President, as I said at the beginning of my remarks on the contempt power of the courts, that although a great deal of thought should be given to curbing its scope, I am primarily interested at this time in curbing its abuse. This can best be done by providing that every American has the right to trial by jury, regardless of the type of case.

This is nothing new or revolutionary; it is only a return to the Constitution. If there had been any intention to exclude contempt proceedings, I think that the Constitution would have indicated that.

The problem grows more acute every year with the enlargement of the equity powers of the courts and its corresponding use of the injunction.

Mr. President, what I have been talking about concludes part 1 of the speech that I intended to deliver this afternoon. Members of the Senate staff are very tired, and all the pages want to go home. I know that the clerks are very anxious to go home, too. I am sure that my good friend from Kansas [Mr. CARLSON] is tired of sitting there listening to me.

I shall content myself, therefore, with concluding part 1 of my prepared speech now, in the hope that in the near future I shall be able to resume.

RECESS UNTIL 10 A.M. MONDAY

Mr. ELLENDER. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 10 o'clock a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 45 minutes p.m.) the Senate took a recess, under the previous order, until Monday, May 18, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate May 16 (legislative day of March 30), 1964:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers of class 1, consuls general, and secretaries in the diplomatic service of the United States of America:

Bernard Rosen, of California.
Melbourne L. Spector, of New Mexico.

The following-named persons, now Foreign Service officers of class 2 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

E. Allen Fidel, of Texas.
Ernest E. Ramsaur, Jr., of California.

Henri André Weismann, of New York, for reappointment in the Foreign Service as a Foreign Service officer of class 2, a consul, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

The following-named persons for appointment as Foreign Service officers of class 2, consuls, and secretaries in the diplomatic service of the United States of America:

Thomas R. Byrne, of Pennsylvania.
Thomas Stern, of Virginia.

The following-named persons, now Foreign Service officers of class 3 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

G. Wallace LaRue, of Missouri.
Karl E. Sommerlatte, of Florida.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

M. Gordon Daniels, of Texas.
Melville A. Sanderson, Jr., of Florida.
Nicholas G. W. Thorne, of Connecticut.

Anthony G. Barbieri, of New York, for promotion from a Foreign Service officer of class 6 to class 5 and to be also a consul of the United States of America, to be effective April 12, 1964.

Edward J. Rankin, of New Jersey, for appointment as a Foreign Service officer of class 5, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons, now Foreign Service officers of class 6 and secretaries in the diplomatic service, to be also consuls of the United States of America:

William M. Clevenger, of New Jersey.
Charles E. Duffy, of Iowa.
André J. Navez, of Massachusetts.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Robert L. Barry, of Pennsylvania.
Jack R. Binns, of Washington.
Norman M. Bouton, of Indiana.
M. Bruce Hirshorn, of Pennsylvania.
James E. Leader, of Delaware.
J. Hal Lesh, of Indiana.
Robert B. Morley, of New Jersey.
James R. Newcomer, of Oregon.
Martin Rosenberg, of New York.
William A. Weingarten, of New York.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Laurence Desaix Anderson, Jr., of Mississippi.
Peter T. Beneville, of Colorado.
James N. Bumpus, of California.
John Dodson Coffman, of Pennsylvania.
Donald C. Ellson, of Indiana.
Harry J. Gilmore, of Pennsylvania.
Godfrey Harris, of California.
Donald Furse Herr, of Ohio.
Bruce Kinsey, of Illinois.
Edward Kreuser, of Pennsylvania.
Joseph Edward Lake, of Texas.
Donald Floyd McConville, of Minnesota.
Paul M. Leo, of Massachusetts.
Arnold Nachmanoff, of New York.
James F. Ragan, Jr., of California.
Miss Sarah I. Rowley, of Michigan.
Alexander K. Sleght, of Connecticut.
Walter E. Stadtler, of New York.
Gordon L. Streeb, of Colorado.
Miss Joan F. Thielbar, of New Jersey.
Alexander F. Watson, of Massachusetts.
Murray David Zinoman, of New York.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Joseph B. De Cola, of Ohio.
Don J. Donchi, of New Jersey.
Richard A. Gardiner, of Utah.
James H. Morton, of Illinois.
John L. Washburn, of Maine.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

James L. Clunan, of New Jersey.
Charles L. Daris, of California.
Robert S. Driscoll IV, of New York.
Miss Genta A. Hawkins, of California.
Joel Evan Marsh, of New York.
Robie M. H. Palmer, of Vermont.
John M. Yates, of Washington.

The following-named Foreign Service Reserve officers to be consuls general of the United States of America:

Warde M. Cameron, of Utah.
Leonard J. Saccio, of Connecticut.

The following-named Foreign Service Reserve officers to be consuls of the United States of America:

David H. Barnhart, of Arizona.
Herbert Baumgartner, of Florida.
Richard W. Berg, of Virginia.
Alfred V. Boerner, of Maryland.
Kenneth R. Boyle, of Alabama.
George N. Butler, of Florida.
Edward F. Conyngham, of Washington.
Lyle D. Copmann, of Nebraska.
C. Harlow Duffin, of Maryland.
Richard A. Gard, of Connecticut.
Wallace E. Gibson, of Virginia.
Donald G. Gould, of Maine.
John E. Graves, of Michigan.
William L. Grenoble, of Virginia.
John L. Griffiths, of California.
Ray E. Lee, of Texas.
James M. McDonald, Jr., of New Jersey.
Stanley D. Moss, of Florida.
Collin E. Ostrander, of Minnesota.
Paul P. Paxton, of Virginia.
Herman Stein, of California.
William Wohlfeld, of Ohio.

The following-named Foreign Service Reserve officers to be consuls and secretaries in the diplomatic service of the United States of America:

Seth T. Crawford, of Massachusetts.
Daniel M. Roche, of Colorado.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

Leonard J. Baldyga, of New York.
John R. Challinor, of Illinois.
Stephen F. Creane, of Virginia.
Charles B. Dickens, of Wisconsin.
David Hakim, of Pennsylvania.
Donald K. Kanes, of Texas.
Bernardo H. Knight, Jr., of Virginia.
Donald E. Reilly, of California.
William F. Roy, of Idaho.

Samuel H. Ordway III, of the District of Columbia, a Foreign Service Reserve officer, to be a vice consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Alan W. Ford, of California.
Robert A. Jellison, of Indiana.

Philip F. O'Connor, of the District of Columbia.

Ashton J. O'Donnell, of California.

William E. Phipps, Jr., of the District of Columbia.

Stanley J. Siegel, of Missouri.

Hans N. Tuch, of Illinois.

Ernest G. Wiener, of Virginia.

Dorwin M. Wilson, of Michigan.

William L. Yeomans, of Maryland.

David M. Zimmerman, Jr., of Maryland.

Barry Zorthian, of Virginia.

The following-named Foreign Service staff officers to be consuls of the United States of America:

Wallace Clarke, of California.

E. Lewis Crosson, of Texas.

Miss Edna Grenlie, of Wisconsin.

Teodor J. Lopatkiewicz, of California.

William A. Mucci, of Connecticut.

Harry V. Scott, of Maryland.

In the Air Force

The following Air Force officer for reappointment to the active list of the Regular Air Force, in the grade indicated, from the temporary disability retired list, under the provisions of section 1211, title 10, United States Code:

To be colonel

Ritchie P. Stimpson, 4843A.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be majors

Warren R. Aiken, AO567207.

Frank Bailey, AO2065127.

Vincent N. Bergman, AO745272.

Warren S. Bradford, AO434486.

Nathan J. Hirsh, AO724043.

To be captains

Mitchell C. Davitt, AO2228370.

William F. Delaney, AO2250892.

Roy R. Oakes, AO3006416.

Leslie R. Shears, AO3009137.

To be first lieutenants

George A. LaFrance, AO3115488.

Alan G. Schreihofer, AO3097431.

Subject to medical qualification and subject to designation as distinguished military graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Rallin J. Aars
William A. Alter III
Robert P. Ash, Jr.
Bernard J. Auer
George H. Bailey
Stephen J. Bangs
Julio E. Barety
Joseph A. Barrett III
Bruce L. Bauer
Frederick M. Beatty
Paul A. Beck
Eugene B. Becker
Frederick A. Becking, Jr.
Lyman D. Bedford
Ronald B. Begg
Karl T. Benson
Charlie T. Berger
Richard A. Biggs
Arden L. Blaylock
Neil M. Bleakley
David M. Block
Carl F. Bloemker
Bernard W. Bonnivier, Jr.
James F. Boomer
Jerry L. Brasier
Kurt H. Brown
Richard T. Brown
John C. Bruno
William R. Buntin
Marion E. Burns
John F. Carey
Sammy R. Carroll
Roger S. Case, Jr.
Anthony J. Cataliotti
Clyde H. Clark, Jr.
Richard A. Cline
William L. Cogley
Robert L. Collier
Christopher M. Collins
Michael F. Cooney III
Robert A. Cordano
William H. W. Crawford III
Jerry L. Crosby
Walter M. Crumpler
Eldon B. Curington
Robert C. Dailey
Donald E. Danko
Alvin B. Davis
Walter E. Y. Davis
Billy E. Deames
Alfred E. Deiger
Thomas J. Dix
George W. Dixon
Richard G. Donovan
Walter L. Doughton, Jr.
William F. Douglass
Harlan J. Drewry
Jerry R. Dubois
Clifton P. Dunnegan, Jr.
John D. Edburg
Louis R. Egea
Marshall A. Eto
Robert S. Feingold
Charles M. Felton, Jr.
Daniel V. Flatten
Thomas W. Floyd
John L. Forbis
Cameron W. Foster
Henry B. Foster III
Stephen H. Foster
Mark B. Foxwell
Richard R. Frank
Ronald J. Freimark
Gary L. Fulton
Wilbur F. Furr
Anthony F. Germann
Thomas A. Gibbs
Vernon P. Gillespie
Peter M. Gillon
Kenneth E. Gilmore
Joseph J. Giuseffi
William L. Glenn, Jr.
Darrel I. Gosse
Donald A. Grissom
William M. Guy
Ronald H. Hagen
James W. Hagenbrock
Gary W. Hahn
Jeffrey N. Hale
Herschel E. Hansen
John W. Harniman
Travis E. Harrell
William A. Harris
Charles B. Harrison
Hubert E. Hart, Jr.
Robert E. Heath II
Harris E. Heggerston
John A. Hern
David W. Hess
John Z. Higgs
Charles M. Hill
Gary R. Hinkle
William T. Hinman, Jr.
James A. Hintz
Ronald E. Holtman
David W. Howe
Frank L. Howe
Richard L. Jager
Norbert R. Janes
John F. Johnston
Heikki Joonsar
George Y. Jumper, Jr.
Grover B. Junkin
James T. Karam, Jr.
Richard O. Keller
Gene A. Kent
Richard P. Kent III
Kenneth C. King, Jr.
Frank R. Kiolbassa
Eugene W. Kipp
Peter P. Klute
Aado Kommendant
Gerald J. Koons
Ants Koppel
Donald R. Kuhlman
Thomas Y. Kumashiro
Clarke R. Lambert
Robert L. Lambert, Jr.
Patrick R. Lancaster III
George E. Laurey
Robert Leggat
John J. Lenihan
Fook W. Leong
Tryon S. Lindabury, Jr.
Charles E. Loflin, Jr.
David R. Logue
William M. Lucianovic
Michael L. Lutich
George D. Lynn
Michael G. MacNaughton
Jerry L. Mangum
William T. Mauldin
William H. May
John R. McClure
James H. McCormick
Jerry A. McEwen
Michael S. McGrady
James F. McKinney
Jon M. Menzel
James T. Menzies, Jr.
Robert A. Miller
Malcolm G. Mitchell
James H. Moore, Jr.
James L. Moore
James M. Morgan
John J. Moynihan
Mickey L. Murdock
Voy J. Nicholson
Edward M. Nigro
Charles J. Nolan
James G. O'Brien
William E. O'Brien
Dennis D. Olson
Eugene M. Pabst
Jerry D. Page, Jr.
Ellis G. Parker
Stephen R. Parkinson
Bruce A. Parsons
Dennis T. Patnaude
Edwin P. Pearce
Thomas H. Pickens, Jr.
Harlan S. Pinkerton, Jr.
Thomas W. Poe, Jr.
John S. Prater
James T. Procopio
Terry G. Pullin
James P. Qualey, Jr.
Richard L. Railston
Douglas S. Reed
Richard K. Reinhardt
Frank H. Richardson
Douglas C. Roach
Robert E. Roberts
Joseph S. Rodero
David R. Rolston, Jr.
Robert W. Russ
Jon M. Samuels
Bowen Sapp
Earl J. Scalet
William G. Schafer
James E. Schnabel
Joseph C. Scollan
Robert J. Segars
James F. Setchell
William N. Shepherd
George C. Shoemaker, Jr.
Ethan C. Shumate
Murray H. Siegel
Paul S. Skabo
Robert D. Skees
George A. Smith, Jr.
Jesse D. Smith
Robert D. Smith III
Ralph H. Soderburg
Simeon C. Sparkman, Jr.
James R. Spurger
Randall C. Stephens
Vinson P. Stouck
John J. Strano
Vibert L. Strock, Jr.
Tommy R. Stroud
Michael J. Talbot
James T. Talley
Phillip A. Terry
William F. Terry
Jerry R. Tiahrt
Richard P. Tomasovic
Alford P. Tribble
Wilfred I. Tsukamoto
Warren M. VanderBurgh, Jr.
John F. VanDomelen
Gerald H. Walker
Steven E. Warner
Jack L. Whicker
Louis E. White
William D. Whitney
Roger K. Wilkinson
Harris E. Williams
Jonathan D. Williams
Roger Williams
James D. Wilson
George R. Winters II
Omar R. Wiseman
John R. Wohnsigl
William H. Worley, Jr.
Melven M. Yoshimoto
Leslie J. Zambo

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be major, USAF (Medical Service)

James R. Gamble, Jr., AO716406.

To be first lieutenants, USAF (Medical Service)

Kerry H. Alley, AO3096786.

Frank J. Holub, AO3112265.

Robert L. Johnson, AO3112209.

Wilfred F. Loebig, Jr., AO3111791.

Lowell J. Miller, AO3112546.

James J. O'Connell, AO3113028.

Michael D. Saleebey, AO3112208.

Ben Tadano, AO3112944.

To be captains, USAF (Medical)

Howard E. Biggs, AO5701672.

Benjamin E. Box, AO3005485.

Donald F. Cohill, AO3112292.

Melvin D. Flamm, Jr., AO3091360.

Bert M. Franks, AO3091634.

Osilio J. Galindo, AO3004103.

Joe V. Gonzalez, AO3004406.

Ronald L. McGowan, AO3090101.

Charles R. O'Briant, AO3111608.

Charles T. Polis, Jr., AO3125008.

Irwin A. Silberman, AO3077183.

Theodore L. Strehan, AO3124285.

Karl Sturge, AO3124598.

James G. Urban, AO3091353.

Glen C. Warren, AO3011610.

William R. Welhaf, AO3110549.

Frank W. Young, AO5301181.

To be captains, USAF (Dental)

John R. Anderson, AO3113855.

Roy W. Andrews.

Marvin L. Baer, AO3110953.

Cecil E. Brown, Jr.

Robert A. Burch, AO3111746.

John E. Doran, AO3090682.

Philip J. Holmes, AO2247710.

Malcolm D. Jendresen.

Frederick W. Kerr III.

George L. Kunberger, AO3113623.

William S. Leichtman, AO3124039.

William R. Opderbeck, AO3113313.

Sanford Salz, AO3113304.

Wilbur C. Skaer, Jr., AO3113250.

Robert R. Strunk, AO3045668.

John D. Vogel, AO3113488.

William L. Wardle, AO3078573.

To be first lieutenants, USAF (Dental)

Rill G. Banks, AO3124564.

Glenn E. Gordon, AO3124493.

Mark J. Miller.

Edgardo Vila-Pescador, AO3125100.

To be captains, USAF (Nurse)

Lydia L. Buckner, AN2243080.

Robert E. Linn, AN3076063.

Delores R. Matson, AN3076799.

Warren T. Pearce, AN3075902.

David E. Robertson, AN3077272.

Bernice M. Wilson, AN3076312.

To be first lieutenant, USAF (Nurse)

Paula A. Voigt, AN3114080.

To be first lieutenant, USAF (Medical Specialist)

Elinor E. Rubinovitz, AM3123287.

To be captains, USAF (Veterinary)

Howard H. Erickson, AO3091412.

Dallas W. Rhoads, AO3091064.

To be captains, USAF (Judge Advocate)

Robert A. Babcock, AO3071760.
Oris D. Dearborn, Jr., AO3103012.
Jack L. Finder, AO3071896.
Stanley M. Samuel, AO3102740.
Edward A. Squires, AO3082387.
William A. Sumpter, AO3103091.

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Robert Louis Abbott, Jr.
Gilbert John Achter, Jr.
William Regan Ahern, Jr.
Donald John Alberts
Gerald Oak Alfred, Jr.
David Earl Ammerman
Gary LeRoy Anderson
George William Anderson
Kenneth Allen Anderson
Roland Duane Andrews
Joel Stuart Aronoff
Nicholas Thomas Arshinkoff
Edward Herbert Badenell
Lester Howard Baer
Jack Douglas Baker, Jr.
Jeffrey Dennis Baker
Norman Dean Baker
Arthur John Balazs
Larry Lennox Ball
Dewey Jay Barich
Barry Lee Barnes
Robert Philip Barrett
Frank Robert Bartlett
Paul Neely Batterson
Joseph Anthony Bavaria
Curtis Kingdon Bayer
Walter Albert Becker
Richard Allan Bedarf
Paul Anthony Belmont
Richard Joseph Bennett
Bruce Michael Bertram
Lawrence Edward Besch
Herbert Lowell Bevelhymer
Bobby Beverly, Jr.
Claude Allen Billings
David Michael Bittenbinder
Ronald Glenn Bliss
Darryl Milan Bloodworth
Raymond Stewart Blunt
William Herbert Bode
Dennis Lee Boesen
William Henderson Boggs
John Lawrence Boles, Jr.
Charles Glen Bolin
Jerry Dan Shipp Bolt
Richard Arthur Bourgeois
Francis Thomas Brady, Jr.
George Harrison Branch III
John Carlisle Breeding
James Harold Brown
John Douglas Brown
Mark Llewelyn Brown
Richard James Brown
Ralph Thomas Browning
George Henry Bruns III
Jerold Edels Budinoff
Ronald Lee Bunch
Malcolm Acie Burgess
Hathorne Abbott Burnham
Lanny Lee Burrill
Mart Hansen Bushnell
Daniel Edward Busse
Jerome J. Butler III
Peter David Caldarelli
Alfred Quincy Campbell III
Angelo Vincent Cappuccio, Jr.
Philip Cardenas
Douglas Spencer Catchings
Robert LaVerne Christopher
Jack McCauley Christy
Joseph Edmund Chu
William Pelligrino Cioffi
Michael Shane Clark
Robert David Clark
Robert Francis Clements
Charles Clifford Clifton
John Mitchell Cobeaga
Camden Arthur Coberly II
Robert William Coburn
Alan Roy Cochrane
Howard Jeffrey Cohen
James Lawrence Cole, Jr.
Glenn Holloway Coleman
Benjamin Adriance Collins, Jr.
Lloyd Harvey Colvin
David Leslie Colwell
Louis Stephen Comadena
Leland W. Christopher Conner
Bernard James Cooney
Wayne Dennis Corder
Anthony Covais
Clark Allan Crane
Stephen Bruce Croker
Robert William Crowder
Don Wayne Cryer
John Houston Cunningham
James Loyd Curd, Jr.
Jerome Thorpe Daley
Charles Franklin Davis
James Joseph Davis
John Joseph Davis, Jr.
Robert Edward Dempsey
John Denko, Jr.
Guy St. Germain Dennis
Dale Delano Desmond
William Patrick Dickey
Gary Yates Dickinson
David Ernest Diefenbach
Terrence Lee Dillon
Harald Osvald Dogliani
Paul Francis Dole
William Marr Douglass
Lee Alan Downer
Ronald Billy Drinkwater
Joseph Edward Driscoll
John Michael Duffy
Brett Mason Dula
Ronald Eugene Dullen
Roger Benton Dunn
Richard Wall Durbin
Patrick William Durick
Julio Abelardo Echegaray
Thomas Ernest Eggers
Clarence Lewis Elder, Jr.
Richard Holt Ellis
James Douglas Erickson
John Howe Erkkila
James Wayne Evatt
Christopher Neilson Fach
Gabriel Richard Faimon
William Stephen Fairhurst
Lewis Mark Fant
Aubry Lynn Fargarson
Matthew Howard Feiertag
Gerald Harry Felix
Samuel Prestley Finch III
Daniel Frederick Fink
James Vincent Fiorelli
Rupert Gary Fisk
Bruce Louis Fister
Barry Gene Flanary
Richard Lee Flechsig
James Howard Fleming
William Grover Barringer Flood
Terrence Frederick Flower
James Theodore France
Donald Bradford Frazee
Alfred Lionel Freathy
Clarence Tau Yuan Fung
Michael Joseph Galbreath
Gary Parke Ganong
Raleigh Aracelio Garcia
Billy Blaine Garrett
George Francis Gates III
Joseph Anton Gili
Michael James Gilliom
Jerome Alexander Gittlein
Phillip Ahrens Glenn
John Lee Golden
Roy Carlton Good
Jeffrey Blair Gordon
Robert McMahan Gower
Donald Douglas Graham
James Lewis Graham, Jr.
Ralph Howard Graham
John Walter Graves
Richard Curtis Gray
Michael Norman Greece
Gaylord Bruce Green
Raymond Lawrence Greene
William Leo Greenup
Frederick Drew Gregory
Evan Joseph Griffith, Jr.
Ronald Vernon Growden
Guy Dennis Gruters
Lawrence Glass Gunn
Richard Hilton Hackford, Jr.
Robert Jack Haley
Donald Charles Hall
Kenith Virl Hallmark II
Ronald Paul Halloran
Vernon Handel
Charles Handley
Patrick Clell Hardee
Larry Wayne Harris
Edwin Lee Harvey
Frank Neal Hawkins
Richard Earl Hawley
Roger Carlos Head
John Patrick Hehman
Donald Roy Heide
Jimmy LeRoy Heisz
William Todd Helmich
Kenneth Moritz Helmig
Fergus Henderson
John Michael Henry
Thomas Roger Herbst
James Thorald Hermanson
Ronald Samuel Hershel
Allen Forrest Herzberg, Jr.
George Merritt Hess, Jr.
David Imel Hickman
Gregory Gerard Hildebrandt
Charles Thomas Hill
James Frank Hinkel
Ellwood Parker Hinman III
John Martin Hoffman
Charles William Hoilman, Jr.
Michael Robert Holcomb
Charles Holder III
Gerald Lee Holmes
Willie James Honea
Byron Royce Hooten
Marvin Bruce Hopkins
Philip Johnson Horton
Robert John Hovde
Jackson Lynn Hudson
LeRos Ennis Hull, Jr.
Ronald Edwin Hulting
Vincent Joseph Hurley
Robert Scott Inglis
James Covington Ingram, Jr.
Terry Christian Isaacson
John Randolph Jacobs
Gordon Todd Jagerson
Max Frederick James
Robert Varnes James
James Milton Jefferson
Douglas Haig Jenkins, Jr.
Robert Thomas Jobin
Hugh Kenneth Johnson
Jeffrey Wade Johnson
William Clarence Jones, Jr.
Paul Garrett Kaminski
Daniel Lewis Kearns
Robert Ford Keating
Jay Wilford Kelley
Robert Merrill Kern
Campbell Augustus Kidd, Jr.
Gerald Hennick King
Donald Morse Kingsley III
Wayne Robert Kirschling
Timothy Eads Kline
Reid Merray Knutson
Clifford Russell Krieger
Richard Donald Krobusek
Alva Ray Krogman
Thomas Edward Kullgren
Edward Stephen Kurz
Keith Nathan Lacey II
David LaCroix
Allen Leonard Larson
Perry Edward Lash
William Spong Lawhorn
Robert Grant Lawrence
James Franklin Lemon
Robert James Lemon
Raymond Leo Lennon, Jr.
Robert Levins III
Jeffrey Alan Levy

Herbert Louis Linkner, Jr.
Bruce Verne Linscott
Joseph Julian Liro
Robert Alfred Lodge
Raymond Ernest Albert Longo
Peter LoPresti
John George Lorber
Edward Vincent Lorenzen, Jr.
Keith Edward Luchtel
John Anthony Lukasik
James John Lydon
Dennis Oscar Madl
Thomas Proffitt Mahan, Jr.
Frederick Vincent Malmstrom
Harvey Manekofsky
James Douglas Manning, Jr.
Max Michael Manning
Thomas Dale Mansfield
Elmond Joseph Martin
Larry Neil Martin
Rodney Leland Martin
Alfred Joseph Mateczun, Jr.
Gary William Matthes
Paul Martin Matthews
Charles Lee Maxwell
Stephen Kirby Mayo
Patrick Gibson McAdoo
Trusten Allan McArtor
Lawrence Joseph McCarthy
Fred Valgene McClintock
James Theodore McComsey
Ronald Verne McCoy
Stuart Boardman McCurdy
Jarrett Bryan McGehee, Jr.
James Winfield McIntyre
John Wayne McKenney
William Allen McKenney III
Kevin Joseph McManus
Thomas Mitchell McNish
Edward John Mechenbier
Anthony Leonedas Mellos
Chester Durell Mercer
Francis Barnes Midnight
Gregory John Miheve
John Richard Mikels
David Emil Miller
Ernest Earl Miller
Michael Irvin Miller
Kristian Michael Mineau
Lawrence Joseph Mink
Dennis William Montgomery
Larry Albert Moore
Roy Elsworth Moore
Earle Lee Moreland, Jr.
Richard Thomas Morris
Thomas Henry Morris
James Peter Morrison
David Campbell Mueh
Stephen Phelan Muller
Thomas Charles Mummert
John Edward Murray, Jr.
LeRoy Charles Nauton, Jr.
Roger Philip Neeland
Martin James Neuens
Charles Edward Noyes
David Francis O'Brien
Carey Law O'Bryan III
Timothy Francis O'Keefe, Jr.
Gary Sidney Olin
Frederick Shoyer Olmsted, Jr.
Stephen Ronald Olsen
John Franklin Osborn
Frank Coffee Packer
William Edward Palikainen
Donald Lee Palky
Jack Casella Paterno, Jr.
Freddie Ray Patterson
Kurt Bellmer Pauer
Michael Daniel Pavich
Dennis Sigmund Pazdan
Harry Jonathan Pearce
Edward Taylor Pegg
Guillermo Perez
Martin Samuel Pesut
David Paul Pierce
James Barrie Pierce
Richard Edwin Porter
Eugene Walter Pottenger
Michael James Povich
Jon Ernest Prenez
Larry Leon Priest
Alexander H. Purcell III
John Michael Quigley
Thomas Tweeten Rauk
James Moore Raver
Addison Clark Rawlins III
Joseph John Redden
Dorman Ralph Reed, Jr.
Charles Russell Register
Richard David Reinking
James Henry Renschen
James Alvin Richmond
Karl Wendell Richter
David J. Rickel
Edward David Risch
David Horace Risher
Richard Stephen Ritchie
Colin Keith Robbins
Michael Richard Robbins
Philip Arnold Roberts
Lawrence Reed Robinson III
Raymond Elmo Rodgers, Jr.
Joseph Eugene Rodwell
Alan Victor Rogers
Alexander Mansfield Ross
Edmund Rossnagel
Douglas Allen Rotman
Ronald Nels Running
Milton Russell Rutter
Gary Charles Ryser
Theodore Teruo Saito
William Takashi Sakahara
Robert Lambert Salas
Raymond Paul Salzarulo, Jr.
Kenneth Boone Sampson
David Bruce Samuel
Gary Fox Sanderson
Cary Victor Sandstrum
Robert Lewis Sansom
Laird William Schaefer
Gerard Kenneth Schlegel
John Edward Schuhmacher
Usto Francis Eugene Schulz
Carver Lynn Sears
James Francis Sears
William Thomas Sehorn
Philip Logan Shadle, Jr.
Clarence William Sheward
James Richard Shively
John Nolan Shriner
David Franklin Sicks
William David Sieg
William Kenneth Skaer, Jr.
Robert Rissler Skinner
Richard Hugh Slye
Donald Bruce Smith
Gary Mark Smith
George Glenn Smith
Gordon Carl Smith
Henry James Smith
J. D. Smith
Larry Neal Smith
Charles Wayland Smyth, Jr.
Kenneth Oliver Snapp, Jr.
John Christopher Sowers
James Nelson Spangler
Wayne Chris Spelius
Donald Ray Spoon
Will Stackhouse III
Henry Albert Stevens III
George Murdoch Stevenson IV
James William Stewart
Dennis Ward Stiles
Leroy William Stutz
Laimons Sudmalis
James Edward Sue
John Lynn Sullivan, Jr.
Dennis John Sultany
John Joseph Sweeney, Jr.
William Paul Sweetay
Anthony Hollis Taylor
Frederick Paul Tedesco
Mack Thies
Arnold Robert Thomas, Jr.
Raymond Milton Thomas
Douglas Leighton Thompson
Thomas Harry Tietenberg
Thomas Arthur Till
Randall Keith Toffel
Robin Gene Tornow
William Dwight Tracy
Alan Robert Trent
Daniel Stapleton Trial
Joe Eusario Trujillo
Alan Dean Tuck, Jr.
Patrick James Tuffey
Maurice Edward Underwood, Jr.
Randall William Vaeth
Jan George Van Bennekum
Michael Arthur Vandette, Jr.
Paul Sherwood Van Sickle
James Peter Ver Streate
Frederick Henry Wagner IV
Fred Wyeth Walker
James Russell Wallace
Richard Casmer Walsh
Thomas Henry Walsh, Jr.
Daniel Elias Ward
William James Ware
Harold Eugene Watson
Thomas Lloyd Webster
Rodney Allen Wells
Clarence Joseph Welter, Jr.
Kenneth Oliver Wentzel
Timothy Oscar Westover
Hugh Carter Whatley
James Franklin Wheeler
James Blair White
William Charles White
Horace Tufts Whitman II
Kenneth Paul Wicks
James Larry Widger
Karl Cropp Widmayer III
Dennis William Wiedemeier
John Arthur Wiles
David Beryl Williams
John Joseph Williams
Hugh Hardy Williamson III
Larry Allen Willis
John Franklin Wilson
Kelly Thomas Wilson
Ronald Kent Wishart
William Michael Wittress, Jr.
John Walter Wojnaroski
Thad Allison Wolfe
Richard Wolniewicz
James Michael Wood
Robert Vernon Woods
Allen Lee Workman
Thomas Paul Wright, Jr.
Edward Alan Young
James Rader Young II
Truman Richards Young, Jr.
Alan Robert Zaiser
Kenneth Bernard Zella
Gerald Anton Zionic
Nicholas Michael Zopolis

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties of medical service officers. Date of rank to be determined by the Secretary of the Air Force:

John Carl Hauth
Hugh Nelson Smith

The following cadets, U.S. Military Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties of medical service officers. Date of rank to be determined by the Secretary of the Air Force:

Leo Patrick O'Connell
Woods White Rogers III

The following cadets, U.S. Military Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Kent Richard Allen
Robert Joseph Almassy
Jacob Carl Armstrong, Jr.
William Francis Bailey

Robert Lawrence Blair
Gary Monroe Boutz
James David Brown
James Richard Burnham
Thomas Earl Bush
Albert Arthur Caporaso, Jr.
Thomas Spencer Crain
Robert Thomas Crowder II
Salvatore Joseph Culosi
Donald Douglas Dailey
David Bennett Dews
John Stephen Donovan
Peter Lloyd Drahn
Frank Ralph Giordano
Michael Joseph Gray
Michael Edward Harlan
Tommy Wade Harman
George Frank Hromyak, Jr.
Mont Hubbard, Jr.
Tyler Bennett Huneycutt III
Nicholas Boehm Kemp
Franklin Delano Knight
Randall Phillips Kunkel
John Barrett Kyle
Emil Theodore Lechner
Jon Thomas Little
Henry Coval Liverpool, Jr.
George Ernest Lonsberry
Donald Alexander MacIsaac
Lassiter Albert Mason, Jr.
Jeffrey Lynn Merrill
Leroy Mills
John Quincy Mulvaney
William Thomas Murphy
Gregory Michael Olson
Kenneth Kevin Ordway
David Russell Perkins
Richard Edmund Peterson
Richard Edward Plymale
Richard Allan Puckett
David LeRoy Ramsay
John Wallis Raymond
Jere Michael Richardson
John Robert Rogers
Howard Kane Schue
Richard Stephen Schuley
Kenneth Lansing Scott, Jr.
Jerry Lee Shelton
Ronald Howard Smith
Leo Vincent Spinelli
Henry Larry Strickland
Jeffrey Victor Sutherland
Richard Joseph Tiplady
Edward Stanley Topor
William Charles Van Buskirk
Frank Clarence Watson
Sigmund Tatar Weiner
Clifford Earl Williams
Richard George Williams
Karl Robert Wilson
Edwin George Winborn

The following midshipmen, U.S. Naval Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

John Melvin Cremin, Jr.
Gayle Thomas Kelley
Jeffrey Michael Miller
James Leroy Williams

HOUSE OF REPRESENTATIVES

MONDAY, MAY 18, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Proverbs 3: 5: *Trust in the Lord with all thine heart; and lean not upon thine own understanding.*

Most merciful and gracious God, whose resources of wisdom and power are inexhaustible, may we be blessed this day with the clear and commanding conviction that truth and righteousness and justice are virtues that can never be destroyed.

Grant that the Members of Congress may have a large share in maintaining the moral and religious principles of our beloved country lest the forces of atheism and agnosticism cause us to go down in defeat.

May their deliberations and decisions help to establish a commonwealth of freemen, strong and great in the love of God and man, walking in the ways of peace and sustained by a radiant vision of its ultimate triumph.

To Thy name we ascribe all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 14, 1964, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 7, 1964:

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

On April 11, 1964:

H.R. 6196. An act to encourage increased consumption of cotton, to maintain the income of cotton and wheat producers, to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes.

On April 27, 1964:

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

On May 14, 1964:

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (allias John Mihai);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Doctor Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 302. Concurrent resolution relating to the sesquicentennial of the Norwegian Constitution.

The message also announced that the President pro tempore, pursuant to Senate Concurrent Resolution 71, had appointed Mr. JORDAN of North Carolina, Mr. SPARKMAN, and Mr. SALTONSTALL, as members on the part of the Senate, to the Joint Committee To Make Arrangements for the Inauguration of the President-elect and Vice-President-elect on January 20, 1965.

THERE WILL BE A KEE IN CONGRESS

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, in my brief service in Congress, it has been a source of great inspiration to serve with the first lady ever to represent the State of West Virginia in the Congress, Mrs. ELIZABETH KEE. We all regret that she has reached the decision not to run again this year. At a later date, I am sure there will be an occasion and opportunity for Members to express appreciation to the gentlewoman from West Virginia [Mrs. KEE] for her distinguished service in this body since 1951.

We had a primary election in West Virginia last Tuesday. It was not quite as earth shaking as the Presidential primary of 1960. But it did produce some significant results, not the least of which was the nomination of Mrs. KEE's able son, James Kee, as the Democratic candidate for West Virginia's Fifth Congressional District seat which Mrs. KEE now holds. With a registered Democratic majority of over 3 to 1 in West Virginia's Fifth Congressional District, I am confident that James Kee will join us next January as a new Member of the 89th Congress.

Jim Kee won the Democratic nomination by rolling up 28,456 votes, as against 16,733 for Harry G. Camper, Jr., and 11,040 for Robert J. Staker. Jim is already well known to most of us, having served as Mrs. KEE's administrative assistant. He will continue the tradition of outstanding service which was started by the late Representative John Kee, who served in this body from 1933 to 1951, and was chairman of the House Foreign Affairs Committee.

Jim Kee was born in Bluefield, W. Va., and was educated in the public schools in Bluefield. He later attended Greenbrier Military School, Southeastern University School of Law and the School of Foreign Service at Georgetown University. He served in the Army Air Force during World War II. He has a gold life membership in the American Legion and is at present vice commander of the American Legion of the department of the District of Columbia. Among his many other accomplishments, Jim Kee is former national president of the Conference of State Societies and served as chairman of the State Societies' Participation Committee of the 1961 Inaugural Committee. He was recently elected to his fourth term as president of the West

Virginia Society in Washington, and is past national president of the Alumni Association of Greenbrier Military School.

During his foreign service career, Jim Kee was a Staff Foreign Service officer assigned to international conferences with service in Washington and Canada, as well as having served in the American Embassy in Uruguay. In 1962, he was presented the Award of Honor as Son of the Year by the Sons' and Daughters' Day Foundation, Inc.

An Episcopalian, Jim Kee is married to the former Helen Chapman of Welch, W. Va. They are the parents of three daughters and have two grandchildren. He makes his home at 105 Oakhurst Avenue in Bluefield, and in this area at 5441 16th Avenue, Hyattsville, Md.

Mr. Speaker, I am proud to make this announcement concerning the future of the West Virginia delegation in Congress. We look forward to welcoming Jim Kee as a Member of this body.

ELECTION OF CHAIRMAN OF COMMITTEE ON APPROPRIATIONS

Mr. MILLS. Mr. Speaker, I offer a resolution, House Resolution 725, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 725

Resolved, That George H. Mahon, of Texas, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE LATE DR. VLADIMIR MACEK

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, over the weekend Dr. Vladimir Macek, exile head of the Croatian Peasant Party and leader in anti-Communist groups throughout the free world, passed away here in Washington. Dr. Macek had lived in Washington since 1947, having fled Yugoslavia in 1945 as a refugee from Communist oppression.

He had a long and honorable career, serving as a member of the Yugoslav Parliament in Belgrade, acting as the head of opposition parties in that country, and in 1941 becoming Vice Premier in a Yugoslav Government. During World War II he was held in a concentration camp by Nazi authorities and, as I have indicated, fled the country in 1945 to escape the Soviet-directed takeover of Yugoslavia by Dictator Tito.

He was extremely active throughout his years of exile in numerous organizations dedicated to opposing the spread of communism and the colonial control the Soviet Union exercises in Eastern Europe. He was interested in securing freedom for all the people of Yugoslavia and in restoring legitimate democratic government to that land. His passing thins the ranks of the stalwart leaders who serve as the voice of the oppressed millions in Communist-dominated Eastern Europe.

The passing of leaders such as Dr. Macek makes it necessary for us to rededicate ourselves to the cause of freedom that he so consistently served. I wish to express to his family and loyal supporters the necessity of their continuing their efforts in his memory to bring about the goal for which he so steadfastly strived.

We recognize that the race is not always to the swift. Exiles now in the free world who are working to restore freedom to their native lands must pass on the banners of leadership to succeeding generations until ultimate victory of freedom over communism and, self-determination of peoples over autocratic rule is achieved.

It would be especially timely, Mr. Speaker, to have the foreign policy of the United States reverse its present practice of accommodation of communism and work effectively with the exiled leaders of Communist-held lands to carry an economic, psychological, and diplomatic cold war offensive against the Red colonial empire until the peace and security of all the world is fully guaranteed. Such an effective, affirmative program would prove that valiant leaders such as Dr. Macek did not live in vain.

VIETNAM

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, some of us in the House of Representatives are beginning to be deeply disturbed by information filtering through to us from our personnel in Vietnam, indicating that they are being supplied with obsolete equipment and that the effort being made there on our part is far from sufficient.

I was personally dismayed some weeks ago, after being invited to join a small bipartisan group of Members of the Armed Services Committee, who proposed to travel to Vietnam, inspect the area, and the operations in that country, and judge the situation for themselves, to be told shortly after the return of Secretary McNamara from one of his visits to Vietnam, that authority for the trip would not be granted.

It makes me wonder just what is being hidden with respect to our operations in Vietnam. I shall be particularly interested in finding out this Wednesday, if the Secretary of Defense, or the White House, played a significant role in the denial of authority for the trip to Vietnam which I had expected to make. It seems to me the time has arrived when we, as Americans, must decide whether we want to win, or get out in Vietnam.

MUTUAL DEFENSE AND DEVELOPMENT PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 307)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Last January, in my budget message to the Congress, I pointed out that this budget made no provision for any major new requirements that might emerge later for our mutual defense and development program. I stated then that if such requirements should arise I would request prompt action by the Congress to provide additional funds.

That need has emerged in Vietnam. I now request that the Congress provide $125 million in addition to the $3.4 billion already proposed for foreign assistance. Seventy million dollars is required for economic and $55 million for military uses in Vietnam.

Since the 1965 budget was prepared, two major changes have occurred in Vietnam:

First, the Vietcong guerrillas, under orders from their Communist masters in the north, have intensified terrorist actions against the peaceful people of South Vietnam. This increased terrorism requires increased response.

Second, a new government under Prime Minister Khanh has come to power, bringing new energy and leadership and new hope for effective action. I share with Ambassador Lodge the conviction that this new Government can mount a successful campaign against the Communists.

In March, Prime Minister Khanh declared his intention to mobilize his nation. This intention has now been confirmed by his new and enlarged budget for 1964. It provides for:

Expanding the Vietnamese Army, civil guard, self-defense corps, and police forces, and integrating their operations with political, economic, and social measures in a systematic clear-and-hold campaign.

Greatly expanding and upgrading the Vietnamese civil administrative corps to increase the Government's effectiveness and services at the village, district, and Province level. Local government capacity, responsiveness to popular needs, and initiatives are to be strengthened.

Better pay scales for the men and adequate budgets for the organizations engaged in this struggle of many fronts.

Manifold expansion of training programs, to provide teachers, health workers, agricultural, financial and administrative staffs for the rural areas.

These and other measures, if promptly carried out, will require an increase of about 40 percent in Vietnam's domestic budget expenditures over the 1963 level—a far greater expansion of Vietnamese effort than was assumed in the assistance plans submitted in January. Under present circumstances, Vietnam's domestic revenues cannot be increased proportionately. Severe inflation resulting from a budget deficit would endanger political as well as economic stability, unless offsetting financial actions are taken. We expect the Vietnamese Government to take all possible self-help measures to deal with this problem internally, but substantial increases in economic assistance also will be required. We must share the increased costs of the greatly intensified Vietnamese effort.

Our more direct support of the expanded Vietnamese military and civil operations also must keep pace with the intensified Vietnamese effort. On the civil side—through AID's counterinsurgency program—this means more fertilizer, medical supplies and services, repair parts and replacements for war-damaged railway rolling stock, school supplies and building materials, well-drilling equipment and teams to bring fresh water to the villagers, and enlarged advisory staffs in the provinces.

On the military and paramilitary side, additional equipment, ammunition, training and supplies will be needed as the organization and functioning of the armed forces improves. Additional aircraft, pilot training for the Vietnamese and airfield improvements are required. Increased activity will require additional ammunition. Additional support equipment is required for all forces.

The vigorous decisions taken by the new Government of Vietnam to mobilize the full resources of the country merit our strongest support. Increased Communist terror requires it.

By our words and deeds in a decade of determined effort, we are pledged before all the world to stand with the free people of Vietnam. Sixteen thousand Americans are serving our country and the people of Vietnam. Daily they face danger in the cause of freedom. Duty requires, and the American people demand, that we give them the fullest measure of support.

We have reviewed the entire budget for mutual defense and development programs once again to determine whether we can accommodate within it these added requirements. We cannot. In fact, recent events in Brazil and elsewhere may add to the economic programs originally planned. Military programs have already been cut to the bare minimum. We cannot respond to the new situation in Vietnam within the limits of the original budget proposal without unacceptable danger to our other basic security interests.

I am today forwarding to the Speaker of the House of Representatives amendments to my 1965 budget increasing my request for appropriations for supporting assistance from $335 million to $405 million, and for military assistance from $1 billion to $1.055 billion. Both of these increases are covered by the budget's allowance for contingencies, so that they will not affect overall budget totals.

I ask the Congress to enact authorization for supporting assistance and military assistance sufficient to permit appropriations in these amounts.

I strongly urge the Congress to provide this additional $125 million to Vietnam, and to appropriate the full $3,517 million now required for our mutual defense and development programs.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 18, 1964.*

RECESS ON THURSDAY, MAY 28, 1964

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, May 28, 1964, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Republic of Ireland.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, is there to be legislation on that day?

Mr. ALBERT. There will be no legislation that will involve this request, I will say.

Mr. GROSS. I recall the last permission that was given for recessing the House and the application that was made of that authority. So there will be no legislation on that day? Is that what the distinguished gentleman from Oklahoma says?

Mr. ALBERT. Will the gentleman bear with me in my statement that this is only for the purpose of receiving the President of the Republic of Ireland and will not in any manner affect the handling of any legislation, if there is legislation, on that day.

Mr. GROSS. And only one recess on that day. Is that correct?

Mr. ALBERT. I would think there would be only one, but I would ask the gentleman not to pin me down. This is done only for the purpose of receiving the President of Ireland.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will report the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN DISTRICT OF COLUMBIA

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SAINT-GAUDENS NATIONAL HISTORIC SITE, N.H.

The Clerk called the bill (H.R. 4018) to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDITIONAL COMMISSIONERS OF THE U.S. COURT OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE JOHN MUIR NATIONAL HISTORIC SITE, CALIF.

The Clerk called the bill (H.R. 439) to provide for the establishment of the John Muir National Monument.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTABLISHING FORT BOWIE NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 946) to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORITY OF POSTMASTER GENERAL TO LEASE PROPERTY

The Clerk called the bill (H.R. 9653) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2109 of title 39, United States Code, is amended to read as follows:

"§ 2109. Time limitation on agreements

"Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964."

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BARRY. Mr. Speaker, I rise in support of H.R. 9653. This bill continues, in effect, the provisions of section 2103 of title 39, United States Code, which contains the Post Office Department lease construction authority and the related authority to acquire and dispose of real estate which, under present law, will terminate on July 22, 1964.

The continuance of this dual authority as one of the alternative methods of obtaining space for postal needs is vital to the Department's space acquisition program.

The lease construction program enables the Department to spread the cost of space over the entire period of occupancy. This has become a common practice with most companies in private industry. During this same period, the rental costs are reflected as an item of costs of the postal service and are paid, for the most part, from revenues from the users of the mails.

The Department uses a 30-year lease for the larger lease facilities—over 100,000 square feet—where the postal service needs are firm for 30 years or more, and when a special purpose building is needed with built-in features peculiar to the postal service. In the absence of these conditions, the Department generally uses a lease of a lesser term.

It is well established that the annual rental rates are substantially less under 30-year leases than the rates would be if H.R. 9653 is not enacted and the Department is compelled to return to the 20-year lease, authorized by section 2102 of title 39, United States Code.

A Post Office Department survey, included as exhibit A on page 21 of the hearings, shows that the annual percentage of the cost of rent of the initial cost of the project is 4.5 percent in favor of a 30-year lease over a 20-year lease for the identical facility. If occupancy goes up to 40 years, the advantage is 25.9 percent in favor of the longer term lease and 43.9 percent if occupancy goes up to 50 years. It is not unusual to expect that the occupancy of many of these buildings will continue for at least 50 years.

Exhibit C of the Department's survey, which may be found on page 22 of the hearings, converts the percentage figures into actual dollars of savings attributable to the use of the 30-year term. This exhibit shows that if the Department had been compelled to use the 20-year lease terms, with renewal options, on the 25 projects where the 30-year term was actually used, the additional rental cost to the Government over the 30 years would have been $10,420,860. The exhibit shows that if occupancy had continued to 40 years, the additional cost attributable to the use of the basic 20-year term would be $22,885,720, and that this amount would increase to $42,502,870 if occupancy were extended to 50 years.

It might be well to point out here that less than 1 percent, in terms of number of Post Office Department leases, is for 30-year terms. About 90 percent is for 10-year terms and the remainder for 15- to 20-year terms. However, the 1 percent includes virtually all the Department's large and important facilities not located in Federal buildings.

It seems clear that the 30-year basic lease term has greater value to the Government than does the 20-year term and, of course, is more economical.

To achieve the lowest possible rents, a lease construction program must be competitive. True competitive bidding requires that all bidders bid on the same project and on the same site. Thus, it is obvious that the site must be controlled by the Post Office Department in order to have true competitive bidding. If the Department loses its land acquisition and land disposal authority on July 22, 1964, it also loses its basis for true competitive bidding.

It is abundantly clear to me that the continuation of the lease construction program, under section 2103, is but one of the several necessary tools of management the Post Office Department needs in its space acquisition program.

Mr. Speaker, I urge that the Members give favorable consideration here today to H.R. 9653.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The Clerk called the bill (H.R. 9938) to amend the Watershed Protection and Flood Prevention Act, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by striking out "more than five thousand acre-feet of floodwater detention capacity" and inserting in lieu thereof "more than twelve thousand five hundred acre-feet of floodwater detention capacity".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BANK FOR COOPERATIVES

The Clerk called the bill (H.R. 10419 to amend further the Farm Credit Act of 1933, as amended, to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 36(b) of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134l(b)), is amended by adding the following sentence at the end thereof: "For any fiscal year that a bank for cooperatives is subject to Federal income tax under chapter 1 of the Internal Revenue Code of 1954, it shall pay in money instead of class C stock such portion of its patronage refunds as will permit its taxable income under said chapter 1 to be determined without taking into account savings applied as provided in (2), (4), and (6) of subsection (a) of this section.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

U.S. DISTRICT COURT AT MONTPELIER AND ST. JOHNSBURY, VT.

The Clerk called the bill (S. 980) to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 126 of title 28, United States Code, is amended to read as follows:

"Court shall be held at Brattleboro, Burlington, Montpelier, Rutland, Saint Johnsbury, and Windsor."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELOCATION OF ANIMAL QUARANTINE STATION

The Clerk called the bill (H.R. 1642) to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clinton to provide for the establishment of a new station and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS Mr. Speaker, reserving the right to object, I would like to ask someone who is knowledgeable on this bill as to why some of the land previously was acquired at 75 percent of the appraised fair market value, and is the remainder to be sold on that basis.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SALE OF LAND IN GRAND JUNCTION, COLO.

The Clerk called the bill (H.R. 6601) to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I believe the gentleman from Colorado is the sponsor of the legislation. Is it his best judgment that the proceeds from the sale of this land by the Federal Government will be adequate to purchase additional land and build the new facility?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, it is my hope that it will be. All I can say to my friend from Michigan is that this property lies in the heart of Grand Junction, which is the largest town in that part of the United States, western Colorado, and eastern Utah. It is not convenient for the use which was intended. It is surplus to the needs at the present time, except for storage. It should sell for a good price. It is my hope that the Department, when they come back and ask for any facilities will keep the facilities within reason and that the moneys received will take care of the complete cost of the transaction.

Mr. FORD. It is my understanding that the land to be sold, which is currently owned by the Government, will be sold at not less than fair market value?

Mr. ASPINALL. The gentleman is correct. Otherwise it would have to be declared excess.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized to convey by quitclaim deed, for not less than fair market value, all right, title, and interest of the United States in and to lots 23 and 24, block 119, in the city of Grand Junction, Colorado, and the improvements thereon and to apply the proceeds of such sale to the purchase of other land in or near Grand Junction and the construction thereon of similar improvements.

With the following committee amendment:

> Strike the period at the end of line 9 and add the following: "after coming into agreement with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF SPECIAL MILK PROGRAM

The Clerk called the bill (H.R. 9747) to permanently extend the special milk programs for the Armed Forces and veterans' hospitals.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by striking in subsections (a) and (b) the words "December 31, 1964,".
>
> Amend the title so as to read: "To extend for three years the special milk programs for the Armed Forces and veterans hospitals".

With the following committee amendment:

> Strike the period at the end of line 5 and add the following: "and inserting in lieu thereof 'December 31, 1967'."

Mr. BEERMANN. Mr. Speaker, I do not have a copy of the bill, but I thought that the language "to permanently extend" was stricken and that there was another 3-year program.

The SPEAKER. The Chair will state to the gentleman that there is an amendment to the title and for the information of the Members, and without objection, the Chair will ask the Clerk to report the amendment to the title.

The Clerk read as follows:

> Amend the title so as to read: "To extend for three years the special milk programs for the Armed Forces and veterans hospitals".

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To extend for three years the special milk programs for the Armed Forces and veterans hospitals."

A motion to reconsider was laid on the table.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I urge speedy and favorable consideration of H.R. 9747, which is a bill I am sponsoring to extend our very worthwhile veterans' and Armed Forces dairy program.

This measure provides for a 3-year extension of the program, under which surplus butter, cheese, nonfat dry milk and fluid milk are made available to servicemen and hospitalized veterans to supplement their standard rations of dairy products. Since the program was inaugurated in 1954, it has been extended three times by the Congress. However, unless this bill is enacted into law, the program will expire on December 31 of this year.

During 1963, the U.S. Armed Forces and veterans' hospital patients increased their consumption of milk over the standard rations by 581 million pints under this program. Total consumption of fluid milk by personnel in the Army, Navy, Air Force, Marines, Coast Guard, U.S. Merchant Marine Academy and veterans' hospitals was more than three times what it would have been if only standard ration purchases of fluid milk were made.

Mr. Speaker, under agreements made by the Commodity Credit Corporation with the Army Quartermaster Corps and the Veterans' Administration, a part of the increase is paid from CCC funds. Since this increase in milk consumption diverts fluid milk from the manufacture of dairy products, the CCC has to purchase less butter, cheese, and nonfat dry milk under the price-support program.

Last year, the CCC's share of the cost of this program was $4.08 per hundred pounds of milk, which added up to payments of $25,500,000 to the cooperating agencies. This figure is approximately the amount the CCC would have paid to purchase, handle, and store butter and nonfat dry milk produced from an amount of milk equal to the increase in consumption of 581 million pints brought about by this program.

Since the beginning of the veterans' and Armed Forces dairy program in November of 1954, milk consumption has increased by 4,693,489,000 pounds—or about 4,366 million pints. Payments by the CCC total $193,706,000.

Mr. Speaker, in addition to increasing the consumption of fluid milk, this program has significantly raised the amount of butter, cheese, and nonfat dry milk being consumed by our servicemen and hospitalized veterans. From 1954 through 1963, some 230,294,000 pounds of surplus butter, 18,736,000 pounds of surplus cheese and 700,000 pounds of surplus nonfat dry milk have been removed from CCC stocks for use in the program.

I am sure that everybody agrees it is better to utilize our surplus dairy products to improve the diet of our servicemen and hospitalized veterans rather than to let these nutritious foods lie in Government storage. According to a recent survey, milk leads the list of preferred foods in our soldiers' diets. I feel we should continue to make these nutritious dairy products available in abundance to our servicemen and hospitalized veterans.

Mr. Speaker, on February 28 of this year, Secretary of Agriculture Orville Freeman wrote you to recommend passage of legislation to extend the veterans and Armed Forces dairy program. A copy of that letter was included in the testimony on the proposal when hearings were held on April 9 by the House Dairy Subcommittee, of which I am chairman.

In that letter, Secretary Freeman said:

> We recommend that section 202 of the Agricultural Act of 1949, as amended, be made a continuing part of the act by eliminating the December 31, 1964, termination date for section 202.
>
> Section 202 requires Commodity Credit Corporation to donate dairy products (including milk), acquired under price support programs, for increased consumption by military personnel, veterans hospital patients, and personnel of the Coast Guard and Merchant Marine Academy. Transfers of dairy products under this authority have helped to reduce CCC's inventories of dairy products. Also a supplemental milk program operating under sections 201 and 202 of the act has more than doubled the consumption of milk by personnel of the participating agencies. This has helped to keep down CCC purchases of manufactured dairy products. The donations of dairy products and supplemental milk programs are expected to amount to $40 million of CCC funds in the fiscal year 1964.
>
> It now appears that CCC will continue to carry out extensive dairy price support operations under the 1949 act. Elimination of the termination date of section 202 will make it possible to continue the veterans and military uses of additional milk and dairy products as long as these uses will aid in accomplishing the objectives of the act, without the necessity of repeated extensions of this section by congressional action has been done every few years since 1954.

Mr. Speaker, the members of the Dairy Subcommittee are in complete agreement concerning the benefits of this program and the need for its extension. So are the members of the full House Agriculture Committee, as is witnessed by the fact that both the subcommittee and the full committee unanimously voted to favorably report out the legislation extending the program.

However, it is the feeling of the committee that permanent extension of the program, as advocated by the Secretary of Agriculture, would result in the establishment of still another Federal program which is not subject to congressional review and revision. We live in rapidly changing times. A program which serves a useful purpose in the 1960's may need to be extensively revised in order to meet the needs of the 1970's or the 1980's.

Once a certain program has been established, it tends to perpetuate itself. And if it has been made permanent, a program may continue to operate past the point of usefulness.

Furthermore, if we do not provide for congressional review of these programs by the appropriate committee and subsequently by the House and Senate, we invite an erosion of the duties and responsibilities of the legislative branch of our Government.

Mr. Speaker, for these reasons, the Dairy Subcommittee decided to recommend a 3-year rather than a permanent extension of the veterans and Armed Forces dairy program. The full House Agriculture Committee concurred, and the bill which we are considering today will extend the program from its present expiration date of December 31, 1964, to December 31, 1967. I urge speedy passage of this measure.

PROTECTION OF NATIONAL FORESTS AND NATIONAL GRASSLANDS

The Clerk called the bill (H.R. 7588) to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill or a member of the committee several questions. First I would like to know whether or not U.S. Commissioners are paid on a fee basis or on a straight salary basis. I ask that question because if they are paid on a fee basis and this legislation passes they will have the opportunity of a great deal more work, many more cases and the probability that substantially more in fees will be paid and that they as Commissioners would be the beneficiaries. Does anybody know whether Commissioners who would get additional responsibility in these cases are or are not on a fee basis?

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. JOHNSON of California. To the best of my knowledge there are supposed to be no additional costs in making this change.

I do believe the Commissioners are paid a fee at the present time for their services. However, I may be wrong on that.

Mr. FORD. That was my understanding. And, if we give to the Commissioners a great deal more work to perform such as this proposed legislation might do, it might open the floodgates to substantial additional revenue for Commissioners because there could be, and probably will be, many more violations brought before them as Commissioners.

Mr. JOHNSON of California. If the gentleman will yield further, I do not think there will be much additional cost here. Further, I doubt whether it would amount to a fee being paid to the Commissioners for a specific case.

I do believe the Commissioners are now on a salary.

The National Park Service uses this type person at the present time, and it does not apply to the National Forests or the national grasslands areas.

Mr. FORD. In my opinion the purpose of the legislation is good. But I do have some questions, based on my best recollection, that U.S. Commissioners are paid on a fee basis. If they are on a fee basis, and with some possibility of the expansion of their work, they would be the beneficiaries of violations and convictions.

Mr. Speaker, until this point is resolved, and resolved categorically one way or the other, we ought to put the bill over for 2 weeks. In the meantime I shall talk to the gentleman from California [Mr. JOHNSON] and we will attempt to ascertain from the Committee on the Judiciary what the facts are.

If the Commissioners are performing these duties on the basis of a fee, I believe there should be some limitation written into this bill so that we do not get into an unwholesome situation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I should like, when the bill is called up again, for someone to explain why it is stated on page 2 of the report that the dockets of most U.S. courts are crowded. How can the dockets of the U.S. courts be crowded, in view of the fact that the Congress added something like 100 new Federal judges a year or so ago. Why are the dockets of the courts of the United States so crowded in view of all the judges that have been named, additional judges?

Mr. FORD. I think someone from the Committee on the Judiciary is better qualified to answer that than I.

Mr. GROSS. If the gentleman will yield further, this is one of the reasons given for the necessity of the bill.

Mr. JOHNSON of California. If the gentleman will yield further, that is quite true. I can say for the California Federal courts that they are considerably behind in their calendars.

Mr. FORD. Mr. Speaker, in light of our colloquy, I ask unanimous consent to withdraw my reservation and I now ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INCREASED FEES FOR NAVAL OCEANOGRAPHIC PUBLICATIONS

The Clerk called the bill (H.R. 10319) to amend title 10, United Code, to authorize increased fees for the sale of U.S. Naval Oceanographic Office publications.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7394 of title 10, United States Code, is amended to read as follows:

"§ 7394. Price of maps, charts, and navigational publications

"All maps, charts, and other publications offered for sale by the United States Naval Oceanographic Office shall be sold at such prices and under such regulations as may be determined by the Secretary of the Navy. Money received from the sales shall be covered into the Treasury."

(b) The analysis of chapter 639 of title 10, United States Code, is amended by striking out the following item:

"7394. Price of maps, charts, and nautical books."

and inserting the following item in place thereof:

"7394. Price of maps, charts, and navigational publications."

SEC. 2. The proviso under the subtitle "Bureau of Navigation" in the Act of February 14, 1879, ch. 68 (20 Stat. 284, 286; 44 U.S.C. 279a), is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORT DECEASED DEPENDENTS OF THE ARMED FORCES

The Clerk called the bill (H.R. 10320) to amend section 1485 of title 10, United States Code, related to the transportation of remains of deceased dependents of members of the Armed Forces, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) The catchline and subsection (a) of section 1485 are amended to read as follows:

"§ 1485. Dependents of members of armed forces

"(a) The Secretary concerned may, if a dependent of a member of an armed force dies while the member is on active duty (other than for training), provide for, and pay the necessary expenses of, transporting the remains of the deceased dependent to the home of the decedent or to any other place that the Secretary determines to be the appropriate place of interment."

(2) The analysis of chapter 75 is amended by striking out the following item:

"1485. Dependents of members of armed forces; death while outside the United States."

and inserting the following item in place thereof:

"1485. Dependents of members of armed forces."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSE OF CADMIUM FROM THE NATIONAL STOCKPILE

The Clerk called the bill (H.R. 10774) to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the cadmium authorized to be disposed of by Public Law 88-8, the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately five million additional pounds of cadmium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read a third time and passed, and a motion to reconsider was laid on the table.

INDEPENDENCE NATIONAL HISTORICAL PARK

The Clerk called the bill (H.R. 7096) to authorize the exchange of certain property at Independence National Historical Park, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand correctly that the Federal Government is going to exchange 15,700 square feet of property for 9,300 square feet in the city of Philadelphia?

Mr. MORRIS. Mr. Speaker, if the gentleman will yield, that is approximately correct. If I may respond to the gentleman further, it will also mean a savings of approximately $125,000 to the Federal Government.

Mr. GROSS. Please tell the House how this comes about.

Mr. MORRIS. Because it will cost approximately $325,000 to rehabilitate the property the Federal Government owns, and under this it will cost only $200,000 to build buildings on the site that has to be acquired from the Redevelopment Agency. This land, even though it is a smaller plot, it is land of equal value, as determined by appraisal.

Mr. GROSS. Then it is not worth as much, is it?

Mr. MORRIS. The appraisers say it is land of equal value and it is worth about the same amount as the Government land.

Mr. GROSS. It will cost the Government $200,000 plus the differential in the exchange of property?

Mr. MORRIS. There is not any differential in the exchange of property. I may say to the gentleman from Iowa it will cost $200,000 if we get the property exchanged. If we do not get the property exchanged, it will cost $325,000. In other words, the gentleman from Iowa and the Congress is saving the taxpayers $125,000 by agreeing to let them exchange this land.

Mr. GROSS. I hope the gentleman is right.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey on behalf of the United States a certain tract of land, or any interest therein, being a portion of Independence National Historical Park project B, embracing fifteen thousand six hundred and fifty square feet, more or less, and situate on the northeast corner of South Fifth Street and Marshall Court (formerly Manning Street), city of Philadelphia, Pennsylvania, together with the improvements thereon, to the Redevelopment Authority of the City of Philadelphia in exchange for property, or interest therein, owned by the authority of approximately equal value and which the Secretary deems necessary for use in connection with the Independence National Historical Park. Property conveyed by the Secretary pursuant to this Act shall thereupon cease to be a part of the park, and the property acquired in exchange therefor shall thereafter be a part of the park, subject to all the laws and regulations applicable to the park.

The bill was ordered to be engrossed and read a third time, was read a third time and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF CENSUS ENUMERATORS FOR TELEPHONE TOLLS AND CHARGES

The Clerk called the bill (H.R. 9425) to amend title 13, United States Code, to authorize reimbursement of census enumerators for certain telephone tolls and charges.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to make inquiry of someone on the committee, or the author of the bill.

Could you explain, for the benefit of the membership of the House, just what prompts the need for this legislation?

Mr. OLSEN of Montana. At the present time, under the law the census enumerators may be reimbursed for the cost of long-distance telephone calls; but the telephone companies have now created a new category, which is a local toll charge. For that expenditure the census enumerators cannot be reimbursed. The enumerator can leave his house, get into his car, drive down to a phone booth and by telephone do his business on the pay telephone and be reimbursed not only on what is a local call, but a local toll charge as well.

We want to facilitate his doing his work, so he can from his own private phone be reimbursed for long-distance calls as under the present law, and be reimbursed for any local toll charge.

Mr. FORD. May I ask, is there any record kept of the individuals that the enumerator calls, and the reasons for the calls? Is there any limitation on the number of calls?

Mr. OLSEN of Montana. There is a record kept. We have a typical record shown on pages 6 and 7 of the hearings. One is the example of reimbursable calls which are long-distance calls, and on page 7 an example of nonreimbursable calls under local toll charges.

These things are spot checked. If you will look at the amount of charges you will see that anyone, to make any money by false claims, would have to make a great many of these calls, because the charges are in the 10- and 15-cent category. So a spot check is an easy check to find out if the call is actually made.

Mr. FORD. Does the individual enumerator keep a list by name of the individuals he calls? Does he have to specify the purpose? Is there any limitation on the length of the calls?

Mr. OLSEN of Montana. There is a policy of limitation on the length. But let me say this, with a local toll charge which is either a 10- or 15-cent charge, a limitation of time is not as general as it is with long-distance phone calls. But, certainly, if any individual line item became larger than 10 or 15 cents, there would be questions having to be asked about such cases. The bill lists all the phone numbers called, but does not list the names of the party who is being called.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has not brought out very clearly the fact that an enumerator may want to call his office for additional information. Of course, he can go to a toll booth and call, but this takes time and expense. There is now the situation in many cases of limited calls on private telephones. This would give the enumerator authority to use the telephone in such a home where he is carrying out the enumeration of the census and be reimbursed. This will not amount to a great deal of money. We also have the situation around Washington, D.C., and all other cities where there is a small toll charge to call to and from suburban areas. This would take care of that situation.

Mr. FORD. Is the gentleman who is a member of this committee satisfied with the bona fides of this legislation?

Mr. GROSS. Yes, I am, I will say to the gentleman.

Mr. FORD. Is there any indication as to how much the estimated cost would be as a result of this legislation?

Mr. GROSS. I have forgotten the amount, but there is not very much involved.

Mr. OLSEN of Montana. Mr. Speaker, if the gentleman will yield, it is estimated that there will be a savings in that there will be less travel allowance to the enumerators if they are granted this reimbursement.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law prohibiting the expenditure of public money for telephone service, the Secretary, under such regulations as he shall prescribe, may authorize reimbursement for tolls or charges for telephone service from private residences or private apartments to the extent such charges are determined by the Secretary to have been incurred to facilitate the collection of information in connection with the censuses and surveys authorized in this title."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GOLD MEDAL FOR HENRY J. KAISER

The Clerk called the joint resolution (H.J. Res. 1020) authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. McFALL. Mr. Speaker, at the request of a Member who cannot be present at this time, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPROVING A CONTRACT NEGOTIATED WITH THE NEWTON WATER USERS' ASSOCIATION, UTAH, AND AUTHORIZING ITS EXECUTION

The Clerk called the bill (S. 1584) to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proposed contract designated "R.O. Draft 1/31/63; 3/12/63," negotiated by the Secretary of the Interior with the Newton Water Users' Association, Utah, to extend the period of repayment of the reimbursable construction cost of the Newton project and to establish a variable repayment schedule is approved and the Secretary of the Interior is hereby authorized to execute such contract on behalf of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE BIG FLAT UNIT OF THE MISSOULA VALLEY PROJECT

The Clerk called the bill (S. 1687) to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to negotiate and execute an amendatory contract amending the existing repayment contract between the United States and the Big Flat Irrigation District dated April 2, 1945, by reducing the construction charge obligation of the district in the amount of $7,190, representing the unmatured charges as of December 30, 1962, against one hundred and sixty-four and three-tenths acres of irrigable land presently classified as nonproductive. The reclassification of the lands of the Big Flat unit of the Missoula Valley project, Montana, dated January 1963, is hereby approved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INFORMATION RELATING TO SECOND-CLASS MAIL PUBLICATIONS

The Clerk called the bill (H.R. 5481) to provide for more uniform application of section 4369 of title 39, United States Code, which pertains to filing of information relating to second-class mail publications.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4369(a) of title 39, United States Code, is amended by striking out ": *Provided, however,* That trade publications serving the performing arts need only to furnish such information to the Postmaster General".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This is the last eligible bill on the Consent Calendar.

AMENDING THE ALASKA OMNIBUS ACT

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11037) to amend the Alaska Omnibus Act, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 44 of the Alaska Omnibus Act (73 Stat. 141) is amended by striking the word "and" following "1962;" and the period at the end thereof and inserting in lieu of the period "; and the sum of $23,500,000 for the period ending June 30, 1966."

SEC. 2. Subsections (b) and (c) of section 44 of the Alaska Omnibus Act are amended by striking "June 30, 1964" wherever it appears therein and inserting in lieu thereof "June 30, 1966"; and subsection (a) of section 45 of that Act is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1966".

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Colorado [Mr. ASPINALL] is recognized for 20 minutes.

Mr. ASPINALL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H.R. 11037 is an emergency measure to provide sorely needed financial assistance to Alaska which is recovering from the March 27 earthquake and tidal disturbances.

Our bill will increase by $23½ million the amount Congress authorized in the Alaska Omnibus Act of 1959 to help the new State in assuming burdens which were borne by the Federal Government while it was a territory. The 1959 statute authorized the sum of $28½ million in transitional grants to be expended over a 5-year period ending June 30, 1964, for such purposes as construction and maintenance of certain highways, the administration of justice, and management of fish and wildlife resources. The initial amount had been nearly expended at the time Alaska suffered the earthquake disaster. Until that catastrophe occurred, the Governor of Alaska had no intention of asking for additional transitional funds. Through careful management, Governor Egan and all those working with him—on a bipartisan basis—had brought the State through its first 4¾ years of existence in a satisfactory financial condition. On March 27, the portion of the State which is inhabited by 50 percent of its population and which provides over 50 percent of its governmental revenues, estimated at $55 million annually under normal circumstances, suffered serious damage. I doubt if any State has ever been stricken with such a serious natural disaster. As a result, it will be some years before the State's revenues will enable it to carry on its normal functions of government through either its grant-in-aid programs or locally financed programs.

The Federal Government acted promptly to ease the suffering and hardship. Over $50 million in emergency disaster relief funds were immediately made available. I do not want to have any confusion between that sum and the amount provided in this bill. Our bill will authorize grants to the State of up to $23½ million to make up, in part, for the revenues the State will lose as a result of the disaster. It has no relationship to the $50 million emergency relief fund.

Dr. Seidman, spokesman for the Bureau of the Budget, advised our committee that the $22½ million was "based on the general assumption that the emergency period in State and local government finances will last about 18 months, with the major portion of the problem occurring during the next few months."

The total is made up of the following amounts:

First. An estimated loss of $4.8 million in State income taxes arising from write-off of casualty losses.

Second. An estimated loss of $4.4 million in State income taxes arising from unemployment and a decline in business.

Third. An estimated loss of $3.75 million to local governments in property and other local taxes.

Fourth. An estimated $9.55 million needed for extraordinary operating expenses of the State government and its local subdivisions plus the expenses of continued operation of certain airports.

The additional $1 million is needed to offset a short-term drop in the revenues of the Anchorage Independent School District. At the time the bill was introduced, April 27, 1964, the extent of damages to the assessment base of the school district had not been ascertained. It is now believed that $1 million will tide the school district over until the tax base has again been stabilized.

Mr. Speaker, I want to make it abundantly clear to our colleagues that this $23½ million authorization will not cure all of Alaska's ills. Within the next few days or weeks additional legislation will be forthcoming to authorize funds for construction and rehabilitation purposes but prompt enactment of H.R. 11037 will permit the normal functioning of the State government.

This bill passed our committee by a unanimous vote. It has the blessings of the Alaska congressional delegation, the Governor of the State, the Alaska Legislature, and the Bureau of the Budget. I want to impress our Members with the urgency of the bill and hope for its prompt enactment.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend the gentleman from Ohio.

Mr. BOW. This perhaps has nothing to do with this particular bill.

I was somewhat disturbed last week when I received a communication from a former constituent now living in Alaska who has been buying a home in an area which was one of the areas which suffered the worst destruction by the earthquake. His home was completely destroyed and probably will be condemned and not be occupied. He is called upon to continue to make his payments through the FHA, and they have been unable to secure any relief or help from any Government agency. Is there in this bill or any other bill that the gentleman knows of an arrangement through which a person in this situation can go to some organization to receive help to rehabilitate a home?

Mr. ASPINALL. May I say to my colleague there is nothing in this bill that treats of this situation. This legislation treats purely of Government services.

I noticed in yesterday's paper that the Federal agencies of Government interested in the matters which the gentleman from Ohio now brings to our attention are preparing to take care of these situations. It must be done that way as I see it. We are preparing for some additional legislation in an omnibus bill which will be taken up by the Committees on Interior and Insular Affairs in both bodies in the next few days.

Mr. BOW. So it is contemplated that something will be done for situations of this kind?

Mr. ASPINALL. It is contemplated to help these people out because without it many of them will lose all they have.

Mr. BOW. And still have a responsibility on the mortgage.

Mr. ASPINALL. That is correct.

Mr. BOW. I thank the gentleman.

The SPEAKER pro tempore (Mr. Albert). The time of the gentleman has expired.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, I urge the support of this legislation in spite of its many shortcomings. Basically this is an operation in futility. When the Governor of Alaska appeared before our committee, in response to questions by myself and other members, he admitted that the amount of $23.5 million was not sufficient to take care of the needs of Alaska during the next several years and that all that was being requested in this bill was sufficient funds to take care of Alaska for the next 18 months. When I asked the Governor the total amount that would be necessary to provide the Government fulfillments due to loss of revenue as a direct result of the earthquake, he stated that for the next 3 years it would take $44.5 million and that was the amount he felt ought to be in the bill. But the Director of the Bureau of the Budget said they could only come in and request the amount for the ensuing 18 months. Since this is only an authorization bill and since we are faced with reality, what we are going to do after we pass this bill is wait until the next session of Congress and then do the same thing over and over again. If I had my way, I would have amended the bill and seen to it that the full amount that was necessary to take care of the needs of Alaska until they are completely rehabilitated would have been provided in this authorization act.

Mr. ASPINALL. Mr. Speaker, will my colleague yield?

Mr. SAYLOR. I will be happy to yield to the distinguished chairman of the full committee.

Mr. ASPINALL. I wish to join my colleague in his last statement. That would have been my way of doing this, also. In fact, I think the committee desired it that way. But under the circumstances, which my colleague so well knows, we were unable to do it because of procedural matters.

Mr. SAYLOR. That is correct.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I want to endorse what the chairman of the committee has said, that we should have included in this bill the amount necessary to carry the Government along in this period in which they are going to be in rather distressed circumstances. Had it not been for the existing situation I think we should have included in this authorization bill a sufficient amount all at one time so that the Congress would know what the bill finally was going to be.

Mr. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Alaska.

Mr. RIVERS of Alaska. The procedural obstruction, I understand, arises because of the situation in the other body.

Mr. SAYLOR. That is correct.

Mr. Speaker, one of the things brought to our attention in the committee several weeks before this bill was considered, is this. We had representatives before the committee from the Geological Survey. They had come before us on an entirely different matter. They indicated that one of their responsibilities was to predict earthquake areas. They showed us a map they had prepared many years ago and had predicted an earthquake would occur and the area in which that earthquake would do the most damage. They placed an overlay on that Survey map. Mr. Speaker, it is almost uncanny that the earthquake with the resulting damage occurred where an agency of the Federal Government charged with this responsibility indicated it would occur.

I hope the people of the State of Alaska will take advantage of all the facilities of the Federal Government, including those of the Geological Survey, and make sure that if facilities are rebuilt, public and private, in the State of Alaska, they will not be rebuilt where the Geological Survey indicates that earthquakes will occur.

Mr. Speaker, this bill will take care of Alaska for the next 18 months. It will take care of the needs of that great State. I hope the bill will pass.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Speaker, I wish to speak in support of H.R. 11037 to increase by $23.5 million the amount heretofore authorized to assist the State of Alaska and to extend by 2 years the time during which the Federal Government may provide services and property normally incidental to statehood.

Due to the earthquake and tidal wave which struck Alaska on March 27, 1964, the need of this legislation is very great. The disaster greatly reduced normal State revenues and the grants and assistance of the Federal Government are especially necessary in view of the State's inability to help the various local communities and the extraordinary expenses of repairing the damage.

It is estimated that it will cost more than $200 million for earthquake reconstruction. I think that various Government agencies and the administration are doing their utmost to assist in rebuilding public facilities. The real and difficult problem is in the private ownership field.

In this connection, my distinguished colleague from the State of Washington, Senator Jackson, has introduced retroactive earthquake insurance. I favor legislation of this type to help individuals, but I remember what the Senator from

Alaska [Mr. Bartlett] told 600 businessmen in Seattle right after the Good Friday tragedy. He asked prompt aid and predicted that sympathy for Alaska would soon cool. Tears, he said, are like dewdrops on the rose, when next the summer breeze comes by, the flower is dry, or words to that effect.

Time is passing and sympathetic action to assist Alaskans in connection with their personal losses seems more remote. America's sympathy has cooled off.

Last week the House passed the International Development Association authorization bill after previous rejection. That legislation provided for soft loans payable over 50 years and no interest in some cases.

Cannot we do as well for our own in the distressed area of the 49th State.

Let me cite excerpts from a letter which describes the losses of homeowners and their situation. This letter was from Mrs. Lowell Thomas, Jr., to the editor of the Sioux Falls Argus-Leader. It describes first hand what the situation is and what people face in parts of Alaska:

> And there is so much to do here now, one doesn't quite know where to begin. The most difficult problem we private citizens face is the total loss of our homes. Over 300 families in Anchorage alone are involved, and as the law stands at the moment we either must declare bankruptcy or continue paying FHA mortgages on destroyed homes. (Their insurance does not cover earthquake damage.) Many of our friends simply cannot afford to buy new homes and carry this burden as well. All the Federal Housing Authority tells us is that we can have a "90-day moratorium" on payments, period. We are all concerned that Congress will vote emergency aid to the State for road and public facilities reconstruction, but will forget about the hundreds of private howeowners who are the backbone of our present economy and our hopes for the future.
>
> Another way in which we could use a great deal of help—our local Alaska Crippled Children's Treatment Center will have to close its doors in 2 or 3 months unless we find some outside help. This has been my special baby for the last 3 years—it is the only place in Alaska where our deaf children can learn to read lips and talk (we employ 12 therapists), and where children with cerebral palsy, or any other crippling disease can obtain physical therapy, and learn in many ways to lead normal lives. It has always been a hard job to finance the center because we just don't have any philanthropists or big businesses here, and this year we put on an all-out Easter seal drive to try to raise over $30,000. Big emphasis was to be placed on Easter weekend, so the Good Friday quake dashed our hopes for the drive. And there will be no money available to charity in this community this coming year. I hate to beg for help in the form of contributions, but I only do so because so many of you sincerely wanted to help, and because it will be a real tragedy to have to close the doors on over 1,000 handicapped kids. Actually the biggest help of all would be if any of you knew if any organizations in your communities might like to adopt the Alaska Crippled Children's Center this year—perhaps helping us in little ways over the coming months. (It takes $100,000 a year to keep the center going.)

Mr. Speaker, as I said at the start, I support this bill, but in doing so, I want to urge that the Congress recognize that never before in history has a section of our country suffered from a natural disaster such as has central Alaska. I hope that with the passage of H.R. 11037 Members will not feel they have discharged their full responsibility. Let us do for Alaskans what Alaskans would do for us if we had lost our homes and property.

Mr. ASPINALL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alaska [Mr. Rivers].

Mr. RIVERS of Alaska. Mr. Speaker, I rise in support of H.R. 11037 to amend the Alaska Omnibus Act, which is Public Law 86–70. This legislation would provide financial support to the State and local governments of Alaska in order that essential State and local governmental services can be continued during the reconstruction period, with which Alaska is confronted.

This support would give the Alaska Legislature an opportunity to budget and appropriate funds basically necessary for the functioning of the State government at a most critical period in Alaska's history. Otherwise the State of Alaska will not be able to provide the executive and administrative support required to formulate and carry out an effective reconstruction program.

The Alaska Omnibus Act, Public Law 86–70, was enacted in 1959 after passage of the Alaska Statehood Act to complete the change in Alaska's status from a dependent territory to a sovereign State of the United States. The statute has some 50 sections, most of which are technical in nature. Section 44, however, authorizes certain money grants, totaling $28.5 million to the new State to assist it in assuming some of the burdens formerly borne by the Federal Government. These grants are to terminate with the end of this fiscal year, June 30, 1964, under the law as it stands.

Section 1 of H.R. 10037, as amended by the committee, would add an additional $23.5 million to the authorizations, and would extend the termination date to June 30, 1966.

This section also adds an additional 2 years to the period within which the President may transfer to the State property, real or personal, which has been used by the Federal Government to perform services which the State is taking over.

In brief, the funds authorized by this legislation now before us would, to the extent appropriated, be turned over to the State and pursuant thereto a portion would be passed on to local governments within the disaster stricken area. The need is great and time is of the essence, so I very much appreciate the fact that the gentleman from Colorado [Mr. Aspinall], the distinguished chairman of the Committee on Interior and Insular Affairs, with the cooperation of the leadership, has brought this before us for action in such a timely manner. I also wish to thank all my colleagues for their sympathetic interest and cooperation in behalf of Alaska during its time of great need.

Other provisions of section 44 of the Omnibus Act authorize Federal agencies to continue to perform functions, until the State is able to take over, upon request of the Governor of Alaska and the approval of the President. The time period in which Federal agencies may continue to provide these services is also extended to June 30, 1966, by section 2 of H.R. 11037.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 11037.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

A motion to reconsider was laid on the table.

Mr. RIVERS of Alaska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 2772, to amend the Alaska Omnibus Act, a bill identical to the one just passed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 44 of the Alaska Omnibus Act (73 Stat. 141) is amended by striking the word "and" following "1962" and the period at the end thereof and inserting in lieu of the period "; and the sum of $23,500,000 for the period ending June 30, 1966."
>
> Sec. 2. Subsections (b) and (c) of section 44 of the Alaska Omnibus Act are amended by striking "June 30, 1964" wherever it appears therein and inserting in lieu thereof "June 30, 1966" and subsection (a) of section 45 of that Act is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1966".
>
> Passed the Senate May 13 (legislative day, March 30), 1964.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11037) was laid on the table.

GOLD MEDAL FOR HENRY J. KAISER

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 1020, authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser.

The Clerk read as follows:

> Whereas Henry J. Kaiser, world-famous industrialist and humanitarian, has devoted his full life to the business of serving and building people; and
>
> Whereas he has demonstrated to the peoples of the world that individual initiative and private enterprise are the bulwark and foundation of democracy; and
>
> Whereas he pioneered a new approach to solving the problems of providing medical care for the average man by applying the instruments of private enterprise; and
>
> Whereas Henry J. Kaiser's remarkable wartime record of building ships, planes, weapons, and military installations set the pace for the rest of the Nation to supply her the

necessary materials she needed for victory; and

Whereas his generous use of imagination and spirit of cooperation have helped solve the problems of labor with realistic understanding and consequently have earned for him the respect of labor, management, and the public; and

Whereas Henry J. Kaiser has helped peoples of the world to rise to freedom and a more ample life by searching the globe for areas of human want and need—and then fulfilling them: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America bestow upon Henry J. Kaiser a Congressional Medal of National Honor and therewith express the admiration, respect, and appreciation in which he is held by the Congress, by the people of the United States, and by the people of the world for his contributions to upholding the dignity of man.

SEC. 2. The President of the United States is hereby authorized and requested to present to Henry J. Kaiser in the name of the people of the United States of America, at an appropriate program of presentation, a gold medal of appropriate design. The Secretary of the Treasury shall cause such a medal to be struck and furnished the President. The sum of $2,500 is hereby authorized to be appropriated for the purpose of paying for the medal and incidental expenses in connection with the presentation.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **WIDNALL**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **PATMAN**. Mr. Speaker, today I am going to talk about an old friend. I like to talk about old friends. The fact that this one happens to be an authentic, great American gives me even keener pleasure.

I am going to discuss some of the achievements of Henry J. Kaiser. At the same time I am asking the Congress to approve House Joint Resolution 1020 authorizing the issuance of the Congressional Medal of National Honor to him for the incredible number of contributions he has made in the varied fields of business and construction, but, more importantly, for his efforts in upholding the dignity of man.

This year marks the 50th anniversary of Mr. Kaiser's first company. Today the journals of history have not closed their pages on Henry Kaiser's career. They had better not. Although he turned 82 only last week, he is like a young man in dreaming up new projects. Many of these will add to the enviable role he has played in contemporary history.

His urge—or should we call it his surge—to keep America great by building men of character and responsibility and worthy creations continues to flow into every corner of the globe. He might be called a one-man public works project of the world. New companies—new services—on every continent—that originate in his mind and stem from his efforts.

For the moment, let us look at some of the deeds that history has etched under his name: providing medical care for the average man by using the instruments of private enterprise; showing the world how U.S. money, men, and materials can work in full partnership with all peoples of all countries; giving this Nation the military equipment and industrial spirit she needed for victory during World War II; demonstrating how labor and management can work harmoniously as a team to provide America with her necessary goods and services; and inspiring our youth to develop their full potential.

Some other enviable accomplishments by any man's measurement—Mr. Kaiser and his men have worked on 1,000 projects worth more than $5 billion; moved enough earth to completely cover Manhattan Island with a layer 4 feet deep; poured enough cement to top that 4-foot earth mound with a slab of concrete 9 inches thick; produced enough power to provide the requirements of 10 cities of San Francisco's size; bored tunnels beneath the earth and sea that would reach halfway between New York and Philadelphia; and stopped enough water in reservoirs behind his dams to raise the level of Lake Michigan 11½ feet.

But what Henry J. Kaiser has built are not only dams and roads and bridges or whole cities or new companies to produce aluminum, steel, cement, gypsum and automobiles, or enough ships set stem to stern that would stretch from Pittsburgh to Cleveland, but what he has built in his vast proliferating empire is a worldwide respect for the industrialist, the manufacturer, and financier. And he has built men of strength and character.

You of this Congress know that I have fought for the small businessman for decades. On occasion I have opposed many of the practices of big business and big businessmen. But not on a single occasion has anyone brought to my attention any act of Henry Kaiser's that would in any way hurt the small independent businessman.

There is strength, character, and integrity in whatever Henry Kaiser does. These are old-fashioned traits which would not become extinct as long as Henry Kaiser is doing business.

In concluding, I would like to remind the Congress of the superb job—one that the skeptics said could not be done—which played an important part in our winning World War II. Namely, building thousands of ships at a time when the Nazis were sinking them by the dozens every day. He collected the finest engineering brains in the country and gave them a problem, "How do we turn out ships faster than the Germans can sink them?" They gave him the answer on paper. This man Kaiser took the paper plans and made them come true; the dream, reality.

I remember those days—and I remember the pleasure our great wartime leader, Franklin D. Roosevelt, enjoyed whenever he mentioned the accomplishments of Henry Kaiser and his organization. We won—and believe me they helped us to win.

I ask that the Congress give the gentleman the Congressional Medal of National Honor. He has earned it.

Mr. **MILLER** of California. Mr. Speaker, will the gentleman yield?

Mr. **PATMAN**. I yield to the gentleman from California.

Mr. **MILLER** of California. Mr. Speaker, I would like to associate myself with what the gentleman has just said about Henry Kaiser. I have known the Kaiser Co.—its headquarters are in Oakland, Calif.—ever since it was a comparatively small construction firm. Henry Kaiser has built a great empire but, as has been stated, he has never lost sight of the human beings who constitute this country. He established the first hospital of its kind as a foundation to giving medical service to the people who worked for him. This has been so successful it has been expanded to take care of others.

I feel that Henry Kaiser, who over the years through his great contributions to America, is deserving of this recognition.

Mr. **PATMAN**. I thank the gentleman.

Mr. **HÉBERT**. Mr. Speaker, will the gentleman yield?

Mr. **PATMAN**. I yield to the gentleman from Louisiana.

Mr. **HÉBERT**. Mr. Speaker, I wish to associate myself with my distinguished colleague from Texas, and my old friend and colleague from California, for taking this opportunity to pay tribute to Henry Kaiser.

I have known Henry Kaiser for some 20 years. When I met him I was immediately impressed with his dynamic leadership, his great talent. Through these years, extending for more than two decades, I have seen Henry Kaiser continue to contribute to his country and to the world. He has been a fine and outstanding individual.

I am particularly pleased that Henry Kaiser has seen fit to come to New Orleans in the parish of St. Bernard and establish there the greatest aluminum plant in the entire world. It is a fine contribution. It is something which commends itself to the community and the advancement of that community.

I also take cognizance of the fact that this year we celebrate the 150th anniversary of the Battle of New Orleans. The battle won for the United States the entire Mississippi valley. In this connection, through the efforts of Mr. Kaiser and his associates, the great Chalmette National Cemetery in Louisiana has been preserved. It has been an excellent association personally with him here and personally be with the people in Louisiana, and I join in the many fine and deserving tributes that are being paid him here today.

Mr. **PATMAN**. I thank the gentleman.

The **SPEAKER** pro tempore (Mr. ALBERT). The gentleman from Texas has consumed 9 minutes.

Mr. **WIDNALL**. Mr. Speaker, when this bill was presented to our committee, there were a number of us who felt that a bad precedent was being set. To the best of my knowledge, this is the first time that an industrial giant has been the one selected for a gold medal by the Congress of the United States. We feel if this takes place, there are hundreds of others who are industrial giants in this country who have made similar contributions by way of obtaining employment for many thousands and by way of helping in the growth of our country and also aiding considerably in many charitable programs. For that reason there are a number who voted "present" at the time this bill was presented to our committee. I have nothing at all personally to say against Mr. Kaiser who will be the recipient of this medal. I do feel that the Congress should think about the establishment of a precedent and the fact that once it is done, there will surely be countless demands for other gold medals to be awarded for other industrial giants, as I say, who have made many contributions to the growth of our country.

Mr. Speaker, at this time I yield 1 minute to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Speaker, I want to join in support of this resolution. It has been my good fortune to know Mr. Kaiser from the time when he got his first paving contract in Mount Vernon, Wash. A very good friend of mine, Mr. Alonzo Ordway, who is now senior vice president of the Kaiser Co., was then a recent graduate of engineering from Wisconsin, and he became associated with the Kaiser interests in that little paving contract in Mount Vernon, Wash., in 1913. I have had the privilege and pleasure of watching the growth of that industry and Mr. Kaiser's activities ever since. I know there are a lot of industrialists who are deserving in this country, but I know of no other industrialist who has as many activities in so many different fields as Mr. Kaiser and with the degree of success. I recommend this resolution which I am sure is deserved.

Mr. WIDNALL. Mr. Speaker, I yield 7 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I wonder if the gentleman from New Jersey or some other member of the committee can tell me how many similar medals have been awarded to other so-called leaders of industry in this country?

Mr. WIDNALL. To the best of my knowledge, this is the first one.

Mr. GROSS. This is the first one?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PATMAN. The gentleman is mistaken about that. I have a list of industrialists and it is a rather impressive list, and I will be glad to read them if you would like me to read the list of those who have had this very thing.

Mr. GROSS. How many of them are there who have received this same medal?

Mr. PATMAN. Quite a number of them—I guess 15 or 20.

Mr. GROSS. Fifteen or twenty—awarded by the Congress?

Mr. PATMAN. That is right—awarded by the Congress.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I wish to say that at the time this was presented to our committee there was no information available as to whether or not any other person had received a similar medal.

Mr. GROSS. Does the gentleman know where this particular egg, which is sought to be hatched here today, was laid? Does the gentleman have any idea where this one originated?

Mr. WIDNALL. I believe the gentleman should ask the sponsor of the resolution.

Mr. GROSS. This one originated with the gentleman from Texas?

Mr. PATMAN. It certainly did. I am proud of it.

In 1963 I made a speech on the floor when Mr. Kaiser was 81 years old. I made a speech when he was 80 years old. I have known him over a long period of time. He is one of the greatest men I have ever known.

Mr. GROSS. The gentleman said that a little while ago. I do not yield further at this time. I have only a few minutes.

If my memory serves me correctly, the Government at one time had at stake more than $200 million in the Kaiser holdings. That has been quite a few years ago. I do not remember all of the details of how this man got to be a multimillionaire, but it seems to me he got that way out of the United States, he got that way out of the U.S. Treasury, on loans and credits extended to him.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Not right now. I shall be glad to yield to the gentleman later, if he can contribute something with respect to the Federal financial dealings which went on with Kaiser some years back.

If my memory serves me correctly, some $44.4 million of Government credits were extended to the Kaiser group for the production of the Kaiser-Frazer automobile. I am sure anyone will agree that was a huge success because we see so few Kaiser-Frazer cars all over the highways. I hope that financing turned out all right for the Government. I do not know.

From what I remember of the Kaiser dealings, there were millions upon millions of dollars borrowed from the Reconstruction Finance Corporation. There were plants sold to Kaiser by the War Assets Administration, at a cost of perhaps a few cents on the dollar.

The point I am trying to make is that I question whether this gentleman is an industrial giant on the basis of having hewed it out himself, as have other leaders of industry in this country.

If I remember correctly, Kaiser bought surplus ships at the end of World War II. And if my memory serves me correctly, there was a lot of lead used in the ballast of some of those ships.

There was a time when some of us tried to get the Justice Department—in 1949, 1950, and 1951, which was, of course, after World War II and around the time of the Korean war—to take some action to recover on the lead, which was then a precious metal. If I remember correctly, enough lead was recovered by the buyers from some of those surplus ships to pay the purchase price. Why lead was ever used for ballast in the ships I do not know, but it was and in some instances the ship's log was either missing altogether or did not list the lead ballast as was required.

Mr. Speaker, I cannot support this resolution. I should have liked to have had time to go through the record of the Kaiser financial dealings during and after World War II, but I simply did not have time. I do not believe this kind of precedent ought to be set, and I must oppose the resolution.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Speaker, reference has been made to the amount of Government loans or assistance that the Kaiser Corp. may have had. It would seem to me it is an emblem of patriotism that Henry J. Kaiser should have taken the initiative to do those things in which the U.S. Government and the United States of America was deeply interested and willing to support financially. Mr. Kaiser has a theme of "Find the Need and Fill It." There was a need in 1945, and Mr. Kaiser continued his look into the future of metals and entered the aluminum business. He was the only industrialist—out of more than 200 who were asked, urged, and pleaded with by the U.S. Government to take over and operate wartime-built aluminum manufacturing facilities, he was the only one who answered the call. Some of the old associates of Mr. Kaiser felt that this would be his downfall and they spun off from their association with him, much to their later regret. I think it is a compliment to him that Henry J. Kaiser should have engaged in these activities which proved so essential in building America's industrial might.

Ten years ago he came to a small community in West Virginia, Ravenswood, on the Ohio River to build the great Ravenswood works of the Kaiser Aluminum & Chemical Corp. That is a magnificent plant, which has contributed greatly to the economic development of the area. In addition, the Kaiser Corp. has built a school, and has played a major role in building a new county hospital. We West Virginians know at first hand Mr. Kaiser's great industrial genius and public spirit.

I believe, Mr. Speaker, that Henry J. Kaiser would undoubtedly have been highly successful in any field he had chosen to concentrate. In fact, he has been successful in practically all fields of endeavor he has entered. He is a wonderfully competitive man. He describes problems as "opportunities in work clothes."

It seems to me, Mr. Speaker, that we should vote for this resolution today because Henry J. Kaiser has amply demonstrated by his works and his influence that he is head and shoulders above many other men we rate as "outstanding" in their respective fields. The world is far better for Mr. Kaiser's presence, imagination, and productive genius.

I support this resolution enthusiastically, Mr. Speaker, and I hope it will be adopted.

Mr. WIDNALL. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Iowa [Mr. SCHWENGEL].

Mr. SCHWENGEL. Mr. Speaker, I have long been interested in the Congressional Medal idea. Some of the members of the committee will recall I appeared before them with two propositions. One was to provide and give a Congressional Medal of Honor to a great American who, I think, along with others, where a precedent has been set, earned a Congressional Medal of Honor, namely, Carl Sandburg. He, at the invitation of this House, became the first and only private citizen ever to speak before the Congress on a commemorative occasion. He spoke pretty eloquently on that occasion. I could make quite a speech on the contribution he has made and why he should have a Congressional Medal of Honor. I have also introduced a resolution to call for a Congressional Medal of Merit to be awarded periodically by a committee of the Congress in consultation with other knowledgeable people in the general area of the humanities, literature, arts, and industry. It would seem to me if you are going to start this kind of precedent, you ought to have the counsel and advice of these people so that you do not set a bad precedent, which I think you are doing with this bill.

I am opposing this bill vigorously because I think we are setting a bad precedent by comparison with other great industrialists down through the years who, in my opinion have made a much greater contribution in this area which we are trying to recognize here than has Mr. Kaiser. I am willing to concede that he has made a great and a significant contribution, as have many other people in private enterprise, through the critical periods and times which our country has gone. I say to you that this is a bad precedent and I would hope that every Member of the Congress would think very carefully on this before they would act on this bill. I would rather see us act on a proposition whereby we could have before us continually the consideration of names of people who might be entitled to this kind of recognition by this great legislative body, but to do it in this way and a seemingly somewhat haphazard way might get us, as I suggested earlier, in real trouble. Therefore it is my hope that you would take this into consideration and you will vote down this proposition and give this general area of legislation more consideration than apparently has been given to this idea. As I see it, Mr. Speaker, if we pass this bill we will be making one man happy and making hundreds of other people who also have made significant and meaningful contributions very unhappy.

This bill should not pass this House.

Mr. Speaker, I yield back the balance of my time.

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I would like to ask the gentleman from Texas [Mr. Patman] to read for the Record the list of those who have received awards in the past.

Mr. PATMAN. Mr. Speaker, will the gentleman yield for that purpose?

Mr. WIDNALL. I yield.

Mr. PATMAN. Mr. Speaker, I have these names from the Library of Congress, industralists and inventors:

Cyrus W. Field: For the laying of the Atlantic cable, granted by an act of Congress March 2, 1867.

Joseph Francois: For perfection of life-saving appliances, granted by an act of Congress August 17, 1888.

Orville and Wilbur Wright: for services to science of aerial navigation, granted by an act of Congress March 4, 1909.

Orville and Wilbur Wright: for pioneering in aviation, granted by an act of Congress December 18, 1928.

Thomas A. Edison: In recognition of achievements, granted by an act of Congress May 29, 1928.

Eugene B. Ely: For his contribution to the develoment of aviation, granted by an act of Congress February 6, 1933.

Glenn H. Curtiss: For distinguished service in the development of aviation, granted by an act of Congress March 1, 1933.

Howard Hughes: For achievements in advancing the science of aviation, granted by an act of Congress August 7, 1939.

Robert H. Goddard: For creative achievements and historic pioneering of research on rockets, missiles, and jet propulsion, granted by an act of Congress September 16, 1959.

In addition to that there were some not exactly related to the construction business:

Robert Frost in 1960.
Thomas A. Dooley III in 1961.
Bob Hope in 1962.
Sam Rayburn in 1962.
Gen. Douglas MacArthur in 1962.
Robert H. Goddard in 1959.
Rear Adm. Hyman Rickover in 1958.
Irving Berlin in 1954.
Dr. Jonas Salk in 1955.
Alben W. Barkley in 1949.

I believe, Mr. Speaker, if the gentleman would get the Library to furnish a list of all of them he would find that these are typical, but that there are probably 50 or 75 in all.

Mr. WIDNALL. Mr. Speaker, I would like to call the attention of the gentleman from Texas to the fact that there is only one in the entire list that he has read who could be called an industrialist. That is Howard Hughes who has been involved in a great many industrial transactions. The others were inventors or poets or those who had conquered the elements and who in one way or another were outstanding in a field in which they made significant contributions to the welfare of mankind. It is entirely different from the precedent-making award being requested today.

Mr. PATMAN. Cyrus Field was a construction man.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield.

Mr. GROSS. I do not recall any on that list just read who made a fortune through use of the Government Treasury.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the gentleman from Iowa made several statements that are rather "iffy." But they are without documentation or firsthand information to support them. He just heard about them.

Mr. Speaker, I want to tell you something about Mr. Kaiser that I believe is uncontradicted. No. 1: He has not bought anything from the Government that he did not pay for with interest. Nobody ever accused him of not paying his debts. It is true that he had a great many dealings with the Government. He had to—a man who built more ships than anybody else in the world. And the Government asked him to do it. So, necessarily, he had lots of contracts with the Government.

Mr. Speaker, no one, not even a congressional committee or not even—I will ask the gentleman to listen to this—not even an individual Member of Congress, has been able to point his finger at Henry Kaiser and say, 'You did a wrong about this contract; you did not deliver; you did not do the right thing; you did not pay your debts."

Mr. Speaker, no individual Member of Congress and no congressional committee has ever been able to do that.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. How many ships did he buy, and how much lead did he salvage from these ships?

Mr. PATMAN. I suspect the gentleman from Iowa may be nit picking. For his benefit I will list a few of Mr. Kaiser's accomplishments.

CHRONOLOGICAL HIGHLIGHTS IN THE GROWTH OF THE KAISER COMPANIES

In 1914: Henry J. Kaiser Co., Ltd., organized to perform paving operations in British Columbia.

In 1916: Kaiser Paving Co., incorporated in Washington.

In 1921: Kaiser headquarters moved to Oakland, Calif.

In 1923: Kaiser Paving Co., entered sand and gravel business near Pleasanton, Calif.

In 1927: Cuban Government awarded Kaiser $20 million contract for highways.

In 1928: Construction of Mississippi levees through 1930.

In 1931: Pipelines in Kansas, Texas, Oklahoma, New Mexico, Arizona and Montana built, 1931–33, by Bechtel-Kaiser Co., Ltd. Henry J. Kaiser joined in the formation of the Six Companies, Inc., to construct Hoover Dam in Nevada.

In 1934: Columbia Construction Co., formed by Kaiser managership to build Bonneville Dam on the Columbia River.

In 1938: Kaiser organization sponsored joint venture group to build major portion of Grand Coulee Dam in Washington.

In 1939: Permanente Corp. incorporated and a cement plant constructed for building of Shasta Dam in California. Up to the start of World War II, Kaiser and associated firms had built more than 1,000 projects totaling $383 million.

In 1940: Kaiser entered the shipbuilding field, designing, constructing and operating yards. By 1946, seven Kaiser shipyards had produced 1,490 ships, including 50 small aircraft carriers, approximately one-third of America's war-produced fleet.

In 1942–45: Permanente made record cement deliveries to the Pacific war theaters. Henry J. Kaiser Co., purchased assets of Fleetwings, Inc., to supply military air frames. Kaiser Steel's Fontana plant constructed to supply steel plate for ship construction. Artillery shell plants built and operated at

Fontana and Denver, Colo. Henry J. Kaiser Co., formed gypsum business with Standard Gypsum Co., Inc. Permanente Metals Co., produced magnesium incendiary "Goop."

In 1945: The first publicly held company, Kaiser-Frazer Corp., organized to manufacture autos.

In 1946: Shipbuilding activities ended. The Permanente Metals Corp., entered aluminum business by leasing plants at Baton Rouge, La., and Spokane, Wash., from the WAA.

In 1947: Cement became a publicly held company.

In 1949: The Permanente Metals Corp., renamed Kaiser Aluminum & Chemical Corp.

In 1950: Kaiser Steel Corp., went into a $125 million refinancing program, paid off its RFC loan 20 years ahead of schedule and became a publicly held stock company.

In 1952: Kaiser engineers entered nuclear engineering field with construction of additions to the Hanford plutonium plant for the AEC.

In 1953: Kaiser-Frazer became Kaiser Motors, Inc., which acquired Willys-Overland Motors, Inc., and renamed Willys Motors, Inc. Chalmette aluminum reduction plant completed in Louisiana.

In 1955: Willys discontinued passenger car manufacture to concentrate on production of "jeep" vehicles. Industrias Kaiser Argentina organized, first vehicle produced a year later. Kaiser Metal Products began manufacture of missile parts. Kaiser Aluminum embarked on major expansion program, building plants at Ravenswood, W. Va., and Columbiana, Ohio.

In 1956: Kaiser Industries Corp. created under reorganization by which Henry J. Kaiser Co. became a wholly owned subsidiary. Kaiser Gypsum entered insulating board field by acquiring Fir-Tex plant at St. Helens, Oreg. Willys-Overland do Brasil reorganized.

In 1957: Work begun on Kaiser Center in Oakland, Calif.

In 1958: Cement completed plant at Lucerne Valley and acquired Bellingham, Wash., plant.

In 1959: Steel completed $214 million expansion at Fontana. Aluminum completed 4-year $400 million expansion program with opening of Gramercy, La., works. Kaiser Center occupied. Kaiser Hawaii-Kai Development Co. started work on $350 million resort-residential city near Honolulu.

In 1960: Rosario, N. Mex., gypsum plant and Hawaiian cement plant opened. Heavy Construction Division renamed Kaiser Engineers International. Shipbuilding resumed through National Steel & Shipbuilding Co.

In 1961: Hawaiian Village Hotels sold. Willys-Overland do Brasil and Industrias Kaiser Argentina each produced their 100,000th vehicle.

In 1962: Volta River hydroelectric project started and Volta Aluminum Co., Ltd., organized. Aluminum dedicated Argentina plant. Steel joined in development of Australian iron ore deposits. Willys introduced Wagoneer and Gladiator. Broadcasting division's FM radio station in San Francisco started.

In 1963: Willys Motors, Inc., renamed Kaiser Jeep Corp. Steel's long range sharing plan adopted at Fontana. Cement doubled Cushenbury plant capacity and opened new Montana plant. Gypsum entered eastern market with Nova Scotia ore deposits and construction of Florida plant. Aircraft and electronics division became Kaiser Aerospace & Electronics Corp. Aluminum added five domestic plants and continues worldwide expansion. Cement and steel entered international field.

If the gentleman from Iowa is attacking, the gentleman should have something with which to attack.

Mr. GROSS. Did not the gentleman from Texas go into these questions during the hearings on this resolution?

Mr. PATMAN. If the gentleman from Iowa expects Members of Congress to pay any attention to what he says in his attacks, the gentleman ought to have it supported by information that he can document.

The gentleman from Iowa does not say that any of this is true, that which he has related here to the Members of the House. What the gentleman has stated falls into the category of "they say he said it." They just heard it. It is hearsay. It is "they say." That does not represent proof.

Mr. Speaker, we do not want to condemn a man for that, especially a great industrialist like Henry Kaiser who helped to save our country in time of war. Who can say that our country would have been saved if a man like Henry Kaiser had not risen up and was able to produce the ships faster than the Nazis could sink them. No other man offered to do that, no other person in World War II or any other war has ever performed in such a patriotic way as that.

Mr. Speaker, the gentleman from Iowa mentioned something about buying things from the Government. We can take, for example, the Fontana Steel Co. Henry J. Kaiser bought that from the Government and paid 100 cents on the dollar for it. Other steel companies received a reduction, a traditional reduction, of 20 percent. Henry Kaiser did not take it. He paid the Government 100 cents on the dollar. Every bit of the assets that he purchased from the Government—and he purchased a lot—was done through competitive bidding in open competition, with every corporation and every individual in the United States free to bid and every individual throughout the world free to do likewise. He bid for the property that the War Assets Administration had to offer and he was the best bidder or the Government would not have sold to him. When he bought it, he paid for it. He used it in the interest of the people.

Insofar as the Kaiser automobile is concerned, he was going into a business there that is a somewhat monopolistic business. We have to take into consideration the "big three." We all know who they are. Does anyone think that they could get into that business today? Of course they cannot. He undertook it. He salvaged some, the jeep. They are made in many countries of the world and the United States. They are a great help to our people and represent a great assistance.

Mr. Speaker, with reference to the Kaiser car, you can say anything you want to about it, but it was a good car. We see them on the road today. But, do not expect Mr. Kaiser or anyone else to buck the motorcar industry which is monopolistic and be able to get by with it.

Mr. GROSS. And not with money out of the U.S. Treasury.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I am delighted to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I am also very pleased to join the gentleman from Texas in this recognition of the accomplishments of Henry J. Kaiser. He is one of many who contributed so much in the war against fascism. His contributions in my part of the country are recognized by all of the people there. I do not know how the war effort would have ended if it had not been for Henry Kaiser and his contributions.

Mr. Speaker, I am pleased to join in support of this deserved resolution of congratulations and commendation for Henry J. Kaiser, one of America's great industrialists, who became 82 last Saturday, May 9.

Mr. Kaiser's activities are well known and regarded in my home city of Portland, Oreg.

His was a dramatic example of industrial production in the field of shipbuilding during World War II.

In the relatively short period of 107 days, the Swan Island Airport became a huge shipbuilding facility. A Kaiser yard across the Columbia River in neighboring Vancouver, Wash., launched its first vessel in 5½ months after the time the yard site, then a dairy farm, was acquired.

In Kaiser company schools unskilled thousands were trained before being sent into production lines. The yards eventually employed 100,000. Half of nearly 1,500 vessels—from landing craft to baby aircraft carriers—produced by the Kaiser effort were produced at these 2 yards.

The Kaiser shipyard made headlines when the 10,500-ton liberty ship the SS *Joseph N. Teal* was built and launched in 10 days' time.

The baby flattops with a 36-plane capacity, performed in superior fashion at Saipan where, I am told, they set a record for continuous operation by a naval task force inside an enemy area. They stayed 23 days under almost continuous fire.

Winston Churchill has been quoted as saying that the baby flattops "were the most effective instrument in destroying the submarine menace."

At one point all Kaiser yards were producing at the rate of 32 freighters a month with the application of auto industry mass production techniques and new welding techniques.

For the United States, World War II began nearly a quarter of a century ago. Memories dim, Mr. Speaker, but the record of American industrial production during that war is unmistakable, and Henry Kaiser did much to write that indelible record of accomplishment in the war against fascism.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, I commend the great American in the well now for this resolution.

Mr. Speaker, Henry Kaiser in my book is one of the great Americans of our times.

Mr. Speaker, I strongly commend the gentleman from Texas, the great chairman of the Banking and Currency Committee [Mr. Patman], for this opportunity to give deserved recognition to one of the outstanding Americans of our times. I do not think that appraisal of Henry Kaiser, and his place in the history of the 20th century, is an exaggeration. In peace and in war his contribution to the strength of his country, and to the well-being, dignity, and contentment of all his countrymen and countrywomen has been immeasurable. In a very real sense all Americans are indebted to him.

When the Nation in perilous times on the Atlantic and on the Pacific needed ships, ships that seemed beyond human power to produce in sufficient number, Henry Kaiser performed the miracle, and all the world wondered and all America cheered.

Whenever the ugly head of discord was raised to cause dissension between management and labor always was there the sound counsel and the patriotic example of Henry Kaiser, most successful of America's industrialists, to protect and advance the partnership, on a fair and equal basis, of management and labor as the most certain safeguard of the Nation's future.

Mr. Speaker, our beloved Sam Rayburn was born on January 6, 1882, and 24 days later, on January 30, 1882, the immortal Franklin Delano Roosevelt was born. In this same year of 1882, on May 9, Henry Kaiser was born. To me, a lowly and humble member of the natal class of 1882, it is inspiring and uplifting to note that these three men who worked so closely together, each in his own sphere of dedicated service, to help fulfill for our country her destiny to mankind all were born in the year 1882.

Henry Kaiser is 11 days my junior, and I am impressed and thrilled by the energy and the tireless drive of his youthful years since passing the 80 mark. He has not learned to look backward. At 82, he still dreams and as he dreams of a future more filled with human richness than any period of the past he works and works and works to make the dream come true. To this remarkable youngster 11 days my junior goes my applause, my admiration, and my affection.

As chairman of the African Subcommittee of the Committee on Foreign Affairs, I should make mention of the continuing influence of Henry Kaiser, of his son, Edgar, and of the Kaiser Corp.'s in bringing into ever closer understanding the new emerging nations of Africa and our own Republic. I think that American business on the whole has met the challenge of trade with and mutually helpful relations with Africa and her people. I think American buisnessmen have made it crystal clear that ours is not the lust for land or unreasonable profit or any advantage of any sort, but is the plain and honest desire to participate in the manner and to the extent the Africans desire in the glorious adventure of building with them new and powerful and rich nations with which we can live in peace and trade with mutual profit.

This long has been the dream of Henry Kaiser, and may the good Providence that guides us all give to him and to the gentleman from Illinois, 11 days his elder, the time to witness the coming true of the dream in all its brilliance. Certainly no American is held in higher regard in Africa than Chad Calhoun, who since his retirement as a Kaiser vice president, has been giving himself tirelessly, devotedly, and with Kaiser integrity and vision to the Volta project in Ghana.

Mr. Speaker, I am sure a majority of the House will vote for this meritorious resolution as the sentiment of the resolution is clearly that of the majority of the House. I trust the required two-thirds vote will be cast for the resolution despite the fact that this being a Monday there are many absentees.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I would like to call the attention of the gentleman in the well to the fact that among other things which Henry Kaiser pioneered was building the so-called baby flattops which acted as the escort vessels for our shipping across the Pacific. In one case baby flattops won a battle in the Philippines that contributed a great deal to the success of our country in that part of the world.

Mr. PATMAN. I thank the gentleman from California.

Mr. Speaker, with further reference to the question that the gentlewoman from Oregon [Mrs. Green] brought up, it has not been mentioned here, but Henry Kaiser did as much to defeat fascism in the world as any other living man about whom I know or of whom I have any recollection of having been mentioned. Of course, fascism is just as bad as communism. We have communism on the left and fascism on the right.

The Fascists and related groups have gone so far over to the right they have probably passed the 180 degrees. The Communists have done the same thing, so they are the same. The Communists represent a dictator form of government. The Fascists and the Communists represent the same type of government, a dictatorial form of government. And the Fascists were the ones we were at war with. I do not believe the gentleman can name any person throughout the world, industrialist, engineer, or construction man, who has accomplished any more than Henry J. Kaiser has accomplished to save this country in time of need and in time of trouble.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. There has long been a controversy between the various branches of the services as to who won the war. It is interesting to have the gentleman tell us today who did win the war.

Mr. PATMAN. I did not say that. The gentleman puts words in my mouth. I just said that the gentleman could not name any person who accomplished more in that direction.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. HOLIFIELD. It is well known to people on the west coast the tremendous effort that was made, and the results that were accomplished in the building of Liberty ships by the Kaiser people during the war. Another thing that is not so well known is the fact they pioneered the first great prepaid medical plan in the United States of the scope I am speaking of. Over a million people today are members of the prepaid industrial medical care plan. These people who are talking about socialized medicine should look at the Kaiser plan and see that the Kaiser plan by employer and employee contribution has given over a million people the kind of medical attention they need without going to the government for it.

Mr. PATMAN. We had some dark days in World War II when the Nazis were trying to crush the other powers, including the United States of America. The casualty lists were long. At one time the Nazis were sinking our ships faster than we could build them. It was Henry J. Kaiser who, with his imagination and his ability as an engineer, was able to get the brains together and build these ships faster than the Nazis could sink them.

Mr. Speaker, this resolution should be passed unanimously.

At this time I would like to insert in the Record a statement I made last year at this time, as a tribute on his 81st birthday:

HENRY J. KAISER—THE MAGNIFICENT AMERICAN

Mr. Patman. Mr. Speaker, if we had Congressional Medals of Honor for top drawer industrialists whose contributions to American victory in war and in peace was far beyond the call of duty I would nominate Henry J. Kaiser among the first and the most worthy. It is a source of considerable satisfaction to me that the occasion of Mr. Kaiser's 81st birthday, May 9, 1963, gives me an opportunity to review briefly a career that does all America proud. Here is a life that presents itself in the brightest and the most inspiring colors to American manhood, to American ambition, to American patriotism especially, and to the American ideal of the public interest. This is not a typical American success story, although it has many of these dramatic aspects. It is rather the story of American character and individualism, of American fight and achievement. I keep repeating the word "American" because Henry J. Kaiser exemplifies an elemental energy released for the good of us all under our system of free enterprise. He is unique not because he is the only one of his extraordinary human dimensions, but because he is the greatest of them all in our century.

This country has a vast school of what the magazine stories call tycoons and executives, and empire builders and czars, and the Nation has reason in perhaps 99 percent of these phenomenal men of success to be proud of their talent, their know-how, and their often prodigious accomplishments. What makes Henry J. Kaiser my candidate for a hypothetical Medal of Honor is not only that he stands first among the greatest of them, but that on a dozen or more fronts where our

Nation's war efforts were concerned, and in moments of extreme crisis and industrial danger, he risked his name, his reputation, his financial, and personal resources, for the good of his country.

Henry J. Kaiser would in any case have been a millionaire many times over and his personal fortunes would have been great and secure without taking risks not too carefully calculated in order to bring military victory to this country. For the support of his sound and brilliant and highly inventive and original convictions in the fields of ships and planes and construction and management, Henry J. Kaiser did what Thomas Jefferson said our Founding Fathers did. He pledged to his country, his fellow Americans, what the Founding Fathers so nobly pledged to each other—"our lives, our fortunes and our sacred honor."

For this I honor him.

For this, Mr. Speaker, I believe this Congress, this House, should honor him.

For this the whole country owes Henry J. Kaiser an immense debt of gratitude.

For this we all stand humbly before the literally massive inventory of his immense works for freedom and progress and bow our heads in deference, in respect, and in profound and affectionate acknowledgment.

For this genius of the industrial age to build, for example, a $44 million naval air station at Corpus Christi, Tex., back in 1941, was only a drop in the bucket. To me it seems that nothing short of the wildest forces of nature and time and the finger of Jehovah have changed the face of the earth as much as Henry J. Kaiser has changed it. With the difference that, under God's guidance, and with the cooperation of the American ideal of venturesomeness, and the needs of the hour, his achievements proved constructive and of strategic meaningfulness to the free world. It seems to me that for Henry J. Kaiser the building of the pyramids, for instance, would have been hardly a week's work even under the conditions that prevailed in the days of the pharaohs. Only a few years ago when he was 79 he began the construction in the wastelands of Hawaii of a whole complex of facilities for a community of 50,000 people.

In war or in peace this man is an asset to mankind.

Millions of people, tens of millions, in many parts of the earth owe their comfort, their peace of mind, their creature satisfactions in a hard workaday world, to the profound genius of this unselfish and remarkable American.

For Henry J. Kaiser has every right to the title "The Magnificent American," in an era when the "ugly American" seems to be the image swallowed by a large section of world opinion. He is a magnificent American and a model of American inventiveness, ingenuity, integrity, and drive, not only to our own youth and to generations of youth yet to come, but a symbol to the whole world of the kind of greatness we produce.

It is a greatness without greed.

It is greatness driven by the passion for achievement.

It is greatness that concerns itself with what is best for other people; for one's country; for industrial integrity. He is the very embodiment of efficiency and productivity.

What Henry J. Kaiser has built is not only dams and bridges, manufacturing plants, and whole cities; not only has he moved mountains of earth, and mined tons of bauxite for aluminum, ore, and other metals. What Henry J. Kaiser has built in a vast proliferating empire is that respect for the industrialist, the manufacturer, the financier which so many in these professions have done so much to tear down.

Wherever Kaiser stood and stands there is character.

Even when a project out of a vast collection of enterprises failed to measure up to its promise and collapsed, the circumstances surrounding the failure rather emphasized the decency and the self-respect, the high honor and the rugged honesty of this eminently successful businessman of our century.

The man I am talking about is the man who, at one point, built a third of this Nation's shipbuilding program in World War II, according to one estimate, and who, the report said, "set the pace for the rest of it." From some six shipbuilding yards at San Francisco, Portland, Oreg., and Vancouver, Wash., he put upon the oceans whole fleets of 10,500-ton Liberty ships when German submarines had pushed the free world with its back to the wall, and death-dealing enemy subs all but ruled the high seas. In that tragic hour Kaiser became industrially the Nation's No. 1 hero, and in fact, from my perspective, he became, besides, the Nation's actual No. 1 shipbuilder. In whatever he did he brought change using the immediately discovered technology of the hour to advance the cause and the strength of his country. Thus he set up the first vertical steel operation, from mine to rolling mill, in California. He saw and made effective such a light metal, for instance, as magnesium in the use of airplane manufacture. He created the world's biggest single cement plant.

Wherever Kaiser stood there the war was being fought on a mighty industrial front and there it was being won.

Tankers and transports, Liberty ships and cargo vessels, skidded down the ways. I hesitate to use the word but much of this seemed to happen as if by magic. How to produce, as if overnight, 679 Liberty ships, 56 tankers, 30 transports? Kaiser did it and that was only a starter. He did it with a magnificently organized team of engineers, planners, workers, every one of whom seemed to have been invested with some of the dynamic sense of purpose that drove this pugnacious and restless genius. Where the enemy used slave labor Kaiser used patriots. Where the enemy used terror Kaiser used leadership. For Kaiser a ship a day had become a commonplace. Of course today we know it was far from magic. It was expertise. It was what is sometimes called know-how.

Kaiser's mastery of men, then as now, depends, of course, on character and decency. But his mastery of the vast program of war production that he took upon himself depended upon his acceptance of factors that frightened the very wits out of less audacious enterpreneurs. He knew, under the pressure of crisis, what to abandon and what to retain. He knew how simplicity and simplification could speed up production when production held priority over detail and the time factor was of the essence. He always saw beyond the immediate need into the future. He always dreamed on the grand scale. Then, with the fury of an indefatigable dynamo that mastered him, he brought the dream into being. Thus tens of millions of people, fighting men, women and children, warriors on the seas, on the ground and in the air, survived, lived and made do with what he wrought until at long last victory was the free world's reward.

The Kaiser statistics on production present an overwhelming volume of evidence that startle the imagination. Of course whole worlds of industry and fighting men were involved in war and helped to bring victory. Nor was Kaiser the only tycoon who wrought wonders in the area of materiel and production. America's industrial genius was nationwide, for this country had made an enormous investment in human capacity and human dignity. But as I scan the horizon of our time and recall the endless turmoil of the years I find that Henry J. Kaiser among the greatest of America's industrialists stands out as the ablest and noblest of them all.

Yet his beginnings were modest to the point of poverty. Millions of youth everywhere had relatively more opportunity than was afforded to him, and surely have it today. Inheritance gave him nothing and education not much more. In Canajoharie, N.Y., he was the youngest of four children. He made a kind of living as a photographer developing and printing pictures of visiting tourists and vacationists at Lake Placid, N.Y. In this way he met his bride, and through his prospective father-in-law, Edgar Fosburgh, a lumberman of Norfolk, Va., gave up photography—Fosburgh's idea—and struck out on what Fosburgh hoped would be a more dignified and more lucrative career. The area selected, farthest from Lake Placid, was the Pacific Northwest. The plan was for young Kaiser to make good on his own and talk marriage once his salary had reached a minimum of $125 a month. Kaiser went and returned in what was for him the historic year of 1907 and claimed his bride. He had the job. He had the salary. Moreover, he had a house for his bride in Spokane, Wash., fully furnished and ready for occupancy—something of a modern-day Cinderella story.

Success is the Kaiser trademark.

The Northwest adventure was the beginning of Henry J. Kaiser's career in the construction business. The rest is the most fabulous individual chapter in the history of industry in the United States; and this country is rich in fantastic success stories. Kaiser altered basically the great machine workhorses of the construction business Machine methods were revolutionized so that oil-and-gasoline energy and hard steel replaced human sweat and muscle and the backs of men. He made new and revolutionary use of the diesel engine. He could see that to which greed was blind. For instance, he could see that putting tires on wheelbarrows not only brought him greater cooperation and respect from his human work force, but yielded him greater profits because of more loads carried. For him humaneness became a helpmate to achievement.

The fast-growing Kaiser human and mechanical machine paved whole communities in California better and faster for less.

Then came the massive breakthrough creating gargantuan construction projects that are the majestic monuments to architecture and engineering on the American scene in the 20th century: In 4 years he and associated contractors built Boulder Dam. This, on May 29, 1935, was 2 years before the date called for in the Government contract. Then Bonneville Dam sprang up across the deep channel of the Columbia River. On occasion whole cities were built to house the workers. I offer it as a purely personal opinion that under Henry J. Kaiser, construction as a science had developed more in the hands of this one man than it had developed in all the centuries before back to the building of the Chinese Wall.

I ask: How can we estimate what it is that America owes to him?

I ask: How great, in terms of dollars and statistics, is the gratitude coming to Henry J. Kaiser from the whole free world?

It was after Bonneville Dam that Grand Coulee Dam literally changed the skyline of this continent. For here was something as monumental for its day as anything man had ever constructed in the whole history of time. The least that can be said of it is that it is the greatest dam ever built. Everything about Grand Coulee was unprecedented in terms of size, proportions, quantities, dimensions. It seemed to add new meanings to the ordinary digits in arithmetic. Kaiser and his fellow contractors employed hammerhead cranes weighing 368,000 tons. A Niagara of cement poured from these unheard-of giants of mechanization. In the concrete Kaiser and his associate contractors embedded, as if for eternity, supports for an 1,180-foot-high, four-track trestle. The concrete came from a mixing plant of a size never known before. Finally when Grand Coulee stood out, like a tamed monster for the good of man, there it was far ahead of the deadline date.

In my day I have wandered over many bridges and I am not sure how many of these Kaiser built. But I do find something personal and intimate in the knowledge, for instance, that when one drives over the San Francisco-to-Oakland Bay Bridge, the piers that form the base are the work of this greatest of all American builders in our age.

I could go on like this detailing an enormous inventory of 20th century construction that has meant revolutionary changes in everything from light metals to wheelbarrows, and from diesel engines to executive management, and that involve whole nations and continents. The story is a biography that has yet to be told in all its drama, its color, its intriguing human excitement, and the grand scale on which Kaiser operated. I have only to add one more point. For Kaiser had to overcome not only the merciless eccentricities of uncertain wild forces in nature: wind and rain, cold and heat, storms and floods; he had a far greater obstruction than all of these put together. Again and again and still again he had to overcome an almost impassable, and frequently an absolutely impassable, mountain of human stupidity. With the amazing drive that pushes him on he was able now and again, against high rank and uniformed prestige in authoritative places, to plow through this obstructive blunt wittedness. He did it like one of the best oiled of his great bulldozers pushing through a mountain of heavy sludge. In the end the doubting Thomases, the faltering addicts to the past, the simply deep-frozen minds of inferior men in magnificent offices, saw that Henry J. Kaiser had not only vision, but practicality. And the proof was there in steel and concrete as if for the ages.

Let me finally end this tribute with the simple observation that without the peradventure of a doubt Henry J. Kaiser is one of the greatest Americans in our history. He did what he did on character and understanding and his service to the whole of mankind surpassed the cumulative accomplishments of a whole 5-foot shelf of monarchs and worldshakers.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Texas. I believe he has put this matter out fairly and squarely before this body.

Mr. Speaker, my associates in the House today have reminded us of some of the many accomplishments of this great American—this Henry J. Kaiser—and for all of these contributions he should be so honored by the Congress and presented with the Congressional Medal of National Honor by the President of the United States.

There is, however, one contribution Mr. Kaiser has made to the welfare of his neighbors that is not as widely known or recognized as his dramatic shipbuilding record, his excellent labor-management relations, or his "impossible" engineering and construction feats. I speak of the highly respected Kaiser Foundation medical care program, a nonprofit organization.

It is the largest prepaid direct service medical and hospital plan in the country that serves not only many Kaiser employees, but hundreds of thousands of people in the Pacific States and Hawaii. Its total membership is more than 1 million members. Federal employees and their dependents comprise the largest group, with approximately 180,000 members, or nearly 20 percent of the total enrollment. No other group, including Kaiser employees and their dependents, make up more than 5 percent of the total.

I want to explain briefly to you how this outstanding health plan works, but before I do so, you should know how and why such a program began.

As Mr. Kaiser himself explained long ago:

> I have always been interested in medicine. My mother died in my arms when I was 16. She suffered from Bright's disease, and I think she might have been saved or spared if she'd had the proper medical care. My father went blind and that could have been prevented. I made up my mind that if I had the opportunity, I would work for more medical care for more people at lower cost.

Mr. Kaiser put his principles and his dream to work some 30 years ago. The story of the Kaiser Foundation health plan began in the remote back stretches of the southern California desert in the depression years of the early 1930's. Construction workers were building an aqueduct and moving their campsite as the ribbon of concrete stretched across the wastelands. Lack of medical service for treatment of industrial injuries and illness was a major problem facing the contractors and their crews. The nearest doctor was more than 200 miles away.

At the contractors' request, a young surgeon named Dr. Sidney R. Garfield organized a small team of physicians and built a 15-bed hospital in the desert. Although the scope of their practice consisted of treating injuries and illness at the construction site on the traditional fee-for-service basis, they offered economical services by pooling skills, equipment, and personnel. This arrangement appeared sound until unusual problems arose. Few workmen had cash for treatment of nonindustrial illness and injuries; industrial insurance carriers transferred most of the seriously injured patients to distant metropolitan hospitals. Income from individual fees could not meet the cost of hospital maintenance and staff salaries.

The contractors joined them in persuading insurance carriers to drop fees for service in favor of prepayment at a monthly rate of $1.50 for each employee. This new financial arrangement was such a success that the doctors soon were able to expand the plan to prepaid medical coverage for nonindustrial illness and injuries.

Similar programs later were organized first for Kaiser employees constructing Grand Coulee Dam in 1938 and then for 90,000 warworkers at Kaiser's west coast shipyards and steel mills during World War II. Again these programs proved themselves self-sustaining and financially sound.

Immediately after the war, former warworkers and a number of labor unions asked Henry J. Kaiser and the cooperating physicians to open this kind of program to the general public. They decided to accept this new challenge and in 1945 opened health plan enrollment to groups and individuals on a voluntary basis. Then the plan had only about 10,000 members. By the end of 1963, membership had topped 1 million.

As an indication of the importance Mr. Kaiser attaches to his medical care program, he emphasized:

> Of all the things I've done, I expect only to be remembered for my hospitals. They're the things that are filling the people's greatest need—good health.

Mr. Speaker, briefly, this is how the plan works:

The health plan contracts with all subscribers to arrange necessary hospital and professional care on a prepaid basis for themselves and their families. To carry out this commitment, it then contracts with Kaiser Foundation hospitals for hospital facilities and services, and with one of four independent medical groups for professional services.

The contracts between the health plan and the medical groups and the hospital organization link these organizations together in pursuing one objective: To provide the public with a comprehensive, high quality medical and hospital care plan on a nonsubsidized and self-sustaining basis, at costs which the average family can afford.

For this plan, Mr. Speaker, for Mr. Kaiser's dedication to providing medical service for his employees and his neighbors, this Congress should honor him with the Congressional Medal of National Honor.

Mr. BOGGS. Mr. Speaker, when we hear someone speak of Kaiser today, there are those of us who will immediately recall Henry J.'s swashbuckling days of building dams and daring engineering projects during the depression years, or producing ships, shells, and aircraft for our Nation's military effort during World War II. But there are many more of us who immediately conjure up an image of a highly diversified group of companies doing business in every corner of the globe.

It seems like they have been working with the peoples of foreign lands for decades, but it has been only 10 years ago this month that Henry J. Kaiser took that fast trip around Latin America with our New Orleans mayor that started the international era of the Kaiser organization.

Indeed, it was out of this journey that Industrias Kaiser Argentina and Willys Overland do Brasil were born. They are now the largest automobile manufacturing facilities in Latin America, together employing some 16,000 citizens of those countries and producing a combined total of close to 100,000 automotive units each year. And it is these very companies that today are being cited as classic examples of enlightened American capitalism.

It was Henry J. Kaiser who saw the needs of the people of Argentina—both in terms of low-cost transportation and the need for an industrial-based economy. But this is not unusual. Long has Mr. Kaiser used the needs of others as a basis for the investment of his resources. It is explicit in one of the company's slogans—"Find a need and fill it."

Mr. Kaiser saw and heard that the people and Government of Argentina themselves were aware of these needs, and he heard them ask for assistance to meet them. At the same time, national pride would force them to reject any and all attempts at colonialism or the economic imperialism that might have existed.

Peoples needs are not necessarily met simply by the investment of capital and technical know-how to build and operate an automobile plant. What the people were looking for, and what Henry J. Kaiser offered them, was partnership.

What Kaiser means by partnership and what Kaiser's international philosophy is, is eloquently stated by Mr. Kaiser's elder son, Edgar F., now president of Kaiser Industries Corp.:

> We must make our investment of heart and soul, as surely as we make our investment of money. Our returns must be in terms of people, their aspirations, their hopes and ideals, as much as on the balance sheets.

Whenever possible, Mr. Speaker, I know that Kaiser's participation in a foreign country is based on a full partnership with the people and government of each foreign land—wherever its men, money, material, and know-how are working.

For this meaningful international business philosophy that so ably demonstrates to the peoples of the world that individual initiative and private enterprise are the bulwark and foundation of democracy, this Congress must respond and fully express our appreciation in the name of every American to Henry J. Kaiser.

Mr. HORAN. Mr. Speaker, In Spokane, Wash., we have every reason to be most proud of Henry J. Kaiser. It was to our part of the country that Henry repaired when he fell in love with Bessie Fosburgh and, after proposing marriage to her, was banished by her father unless within a year he could fulfill three conditions: Own a house, show a bank balance of $1,000, and be earning $125 a month. It was to Spokane, Wash., that Henry went to achieve this. After the year had passed, he returned East to claim his bride with all three conditions duly fulfilled.

It is generally known that Henry was one of the most prominent builders of the six companies that constructed Grand Coulee Dam. One interesting sidelight of Henry Kaiser's imagination and efficiency is the fact that he put rubber tires on the wheelbarrows that the men on that job used on certain parts of the dam. This was at that time a new innovation. It was not only easier on the men but it was a morale booster for them, and it saved money for the contractor. There are many interesting stories told of Henry's ingenuity in getting the payrolls together at certain times. But, as always, all of his efforts generally met with success.

Today the name Kaiser is a big one in Washington and I would like at this time to include the Kaiser activities in our great State of Washington.

FACTS ABOUT HENRY J. KAISER AND THE KAISER COMPANIES

Kaiser today, May 1964

Active companies and subsidiaries	60
Employees	67,904
Annual payroll	$448,888,000
Stockholders	136,000
Plants and facilities	153
States and possessions	25
Foreign countries	17
Products and services	300
Annual sales	$1,368,941,000
Assets	$2,043,121,000

KAISER IN WASHINGTON

Spokane: Kaiser Aluminum & Chemical Corp., Trentwood rolling mill, fabrication plant, products, building products, circles, plate, sheet, tubing, employment, 2,016.

Mead reduction plant: Primary aluminum, 176,000 tons per year, employment, 1,628.

Mead south plant: Raw materials, calcined coke production; total employed, 4.

Treatwood: Department of metallurgical research.

Seattle: Permanente Cement Co., two cement distribution plants; production and storage capacity, 160,000 barrels; total employed, 40.

Glacier Sand & Gravel Co. (wholly owned subsidiary of Permanente Cement Co.; two ready-mix concrete plants (Duwamish and Northlake); total employment, 106.

Kaiser Gypsum Co., gypsum products plant, products, gypsum board products, 180 million square feet, annual capacity; plaster, 20,000 tons annual capacity; total employment, 103.

Bellingham: Permanente Cement Co., cement manufacturing plant; annual capacity, 1,900,000 barrels; employment, 158.

Tacoma: Kaiser Aluminum & Chemical Corp., primary aluminum plant (temporarily closed); annual capacity, 41,000 tons; employment, 6.

Steilacoom: Glacier Sand & Gravel Co. (wholly owned subsidiary of Permanente Cement Co.); sand and gravel production.

Vancouver: Kaiser Aluminum & Chemical Corp.; aluminum culvert fabrication plant, total employment, 8; Glacier Sand & Gravel Co., production of ready-mix concrete.

Pasco: Permanente Cement Co., cement distribution plant, production and storage capacity, 17,000 barrels.

Hanford: Kaiser Engineers Division (division of Henry J. Kaiser Co.), new production reactor, Atomic Energy Commission.

Vantage: Kaiser Engineers Division: dam, joint venture.

Mr. MORRIS. Mr. Speaker, it is with full satisfaction that I have the opportunity to pay tribute to Henry J. Kaiser. This Congressional Medal of National Honor has long been overdue to a man who has contributed so much to keep America a land of free men dedicated to the principles of private and unshackled enterprise. If we look at Mr. Kaiser's record we see that he has bucked a bigger industry—a bigger government every time he has sought to create a new company or build a new project or provide better services to the people.

His struggle for a share of the market has always stimulated free competition. He has not won every battle, of course, but he has won a victory—a victory in the sense that he has awakened the minds and spirits of men to produce more than they thought was possible.

The journal of history also should mark Henry J. Kaiser as a man who has built men. He has done so by not placing boundaries on the talents of the men he has chosen to be on his team. Mr. Kaiser himself has said: "Our success originates in the fact that here we try to develop extraordinary talents in ordinary people." It always has been a source of constant amazement to me, Mr. Speaker, that Mr. Kaiser has, by his own admission, found and surrounded himself with men who know more than he does.

Henry Kaiser is of the opinion that in most people there is greater talent, greater capacity and altogether more resources than in most cases are commonly utilized. Often it is the policy of the enterprise or of personal attitude of the management which hampers the possibilities for developing the abilities of an ordinary person to full flowering. For example, one gives a person considerable responsibility, but not at the same time the authority and right of independent action which is the basic condition for fully releasing the personal ambitions and channeling them into action.

In order to systematically avoid this braking of the progress of the company, through not letting people completely develop their abilities, Henry Kaiser has introduced special methods. Each company within the Kaiser organization is an independent unit whose management must make the decisions about the affairs of the enterprise. At the same time these persons are, of course, cognizant of what the interests of the entire group requires, and they consider these factors in making their decisions.

This is what Henry Kaiser has given America—men—men who will work and men who will succeed because they have been inspired to give outlet to their inner strengths—to achieving the best within themselves.

Mr. PELLY. Mr. Speaker, 10 years ago the House Committee on Interstate and Foreign Commerce, of which I was then a member, was holding hearings on a bill to provide Federal mortgage loan insurance for hospitals and medical facilities. It was during those hearings that I became acquainted with Henry J. Kaiser. And I remember, almost as though it was yesterday, his testimony. It was a rewarding experience to listen to him because so obviously to me he possessed three qualities which comprise his character and account for his success and accomplishments. One of these qualities was knowledge of his subject, another was his personal dedication to the subject, but what was remarkable, and impressed me most, was the simplicity of the man. Therein was his greatness and the greatness of one of the giant builders and industrial creators of this age. In a way this simplicity seemed to me almost incongruous. It was the simplicity—a sort of gentleness and sweetness of character—which made the impression on me that caused me to remember his words and the statement he made—which as I say—was 10 years ago.

One or two times in the intervening years I have seen Mr. Kaiser, but mostly I have followed and read with great interest of his long career and eventual retirement. Always, may I say, when his name has appeared I have felt a sort of warm feeling due to the admiration I held for him as a great American and a man that typifies the finest tradition of success. If there were more Henry J. Kaisers there would be less economic depressions. He is a personal all-out war against poverty. He is "Mr. Production" himself.

Therefore, Mr. Speaker, when I saw that a resolution had been introduced to honor Henry J. Kaiser, I felt impelled to associate myself and become a cosponsor of this legislation. Passage of this measure will constitute a tribute to Mr. Kaiser, not alone from Members of Congress, but by and through them a tribute on behalf of the entire American people to the greatest industrial builder of our time and to a true humanitarian who so richly has won the honor and respect of his fellow men.

Mr. HANNA. Mr. Speaker, there are many young men today who believe they must bind themselves over to a large corporation or a massive Government structure in order to guarantee their families the economic necessities and protection to sustain themselves. They erroneously feel that they need this type of security rather than strike out on their own to earn the rewards of their toil. Of course, it has been proven time and again that success—and security—are available to all if they would but seek it.

Perhaps, Mr. Speaker, the youth of our Nation should be reminded of one of our greatest industrial leaders—Henry J. Kaiser, the man whose ever-surging rush to achieve, to build, to accomplish, has nourished the industrial muscle of America. His industrial contributions are a part of history, but Mr. Kaiser lived and acted by a set of principles that were recently explained in an article in Reader's Digest. The youth of our Nation would indeed be richer, Mr. Speaker, if they were to follow the advice of this wise and distinguished gentleman:

First. Most people use only one-tenth of their total capacity for work and original thought. Harness your full powers and you will be amazed at the results.

Second. If you persevere, and push, and hang on long enough, you will wear down the opposition.

Third. Decide what your real dreams are—then reach for them. They are closer than you think.

Fourth. Serve the public. Find projects that fill public needs. The more people who benefit, the better it is for you, too.

Fifth. You seldom accomplish very much by yourself. You must get the assistance of others.

Sixth. Achieving success demands total effort. Beware of distractions.

Seventh. Conduct your affairs as if you expect today to be your last day alive.

Mr. COHELAN. Mr. Speaker, I take great pleasure in joining the distinguished gentleman from Texas [Mr. PATMAN] in urging adoption of this resolution which would bestow a Congressional Medal of National Honor on a great American, Henry J. Kaiser.

Mr. Kaiser is far more than a world-famous industrialist whose remarkable record during World War II of building ships, planes, weapons and military installations set the pace for this Nation.

He has devoted his full life to the business of building and serving people.

He has pioneered a new plan to meet the problems of medical care for the average man—a plan which has made a great and creative impact in the West.

He has been a leader in promoting cooperation and understanding between labor and management.

He has been a good neighbor and an ambassador of good will to people around the world.

And he has demonstrated to the peoples of the world that individual initiative and a concern for the welfare of others are the bulwark and foundation of democracy.

Henry Kaiser is a man of whom America can be proud. This medal can only be a small token of our appreciation but it is richly deserved and I urge that this resolution be approved.

Mr. MORRISON. Mr. Speaker, no person can possibly join in honoring Henry J. Kaiser without a feeling that by so doing he is also honored. It is certainly with a sincere and deep sense of humility that I rise today and join in paying tribute to a man who is truly one of our greatest Americans.

The "greatest builder of modern times," Henry J. Kaiser was born 82 years ago on May 9, 1882, of German immigrant parents. His life has been a rare blend of true greatness, lovable humility, and the genius for creative capacity that God touches few men with.

Starting in the great western frontier of our Nation, the "building era" saw Mr. Kaiser participating in the building of the world's mightiest dams—Hoover, Grand Coulee, Bonneville and Shasta, and such other projects as the piers of the San Francisco Bay Bridge, levees on the Mississippi River, and pipelines in the Northwest, Southwest, and in Mexico.

He burst onto the national scene during World War II when he accepted the challenge of the war effort and produced more vessels—and far quicker—than any other shipbuilder. There were 58 shipways in the 7 Kaiser-built and operated yards in California, Oregon, and Washington. These yards produced 1,490 ships, including nearly one-third of the entire American production of merchant shipping and 50 small aircraft carriers. The Kaiser yards established a worldwide reputation for phenomenal speed in shipping construction, averaging one ship each day.

Henry J. Kaiser has built factories that are producing iron and steel, aluminum, automobiles, cement, gypsum, chemicals, refractories, aggregates, and metal products. He constructs both massive projects and whole communities of homes. There are 60 active companies and subsidiaries in the Kaiser empire employing 70,000 people with an annual payroll of almost one-half billion dollars.

My own State of Louisiana has benefited immensely from the genius of Henry J. Kaiser. The Kaiser Aluminum & Chemical Corp. is one of Louisiana's major industries. The company's heavy investment in new and expanded production facilities has truly given Louisiana an important position in the Nation's aluminum industry and the investment has also brought many benefits to Louisiana and to its people. A procession of oceangoing vessels daily brings bauxite from the island of Jamaica to Kaiser aluminum plants at Baton Rouge and Gramercy. It is a lucrative trade for my State, one that each year adds many millions of dollars to the State's economy.

Mr. Speaker, Henry J. Kaiser has devoted a lifetime to making America great, strong, and safe. His is a rare genius that has enriched us beyond measure. America has needed Henry J. Kaiser, and America will need his type of genius in the future. Fortunately, as we pay tribute to him today, we know that his legacy will always be with us.

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GUBSER. Mr. Speaker, I am proud to join in support of House Joint Resolution 1020. Earlier this year, I was pleased to author House Joint Resolution 984 which, like the bill under consideration, pays well-deserved tribute to a fantastic and great American, Henry J. Kaiser.

We have all heard the famous saying, "The difficult we can do immediately; the impossible may take a little longer." Mr. Speaker, the author of this phrase must have had Henry J. Kaiser in mind when he wrote it, because the industrial accomplishments of this farsighted gentleman almost constitute achievement of the impossible.

I am privileged to have several Kaiser industries in my own congressional district. One is the Kaiser aluminum foil plant and an aluminum research and development facility. At Palo Alto, there is the Kaiser aerospace and electronics plant. Early this summer we will welcome a new Kaiser Foundation Hospital to Santa Clara County. The most extensive Kaiser facility in my district is the famous Permanente cement plant—the second largest in the Nation.

Kaiser industries are good neighbors, as we in the 10th Congressional District know. They provide steady employment under working conditions which are a credit to enlightened management and they are always among the first to support any local enterprise.

Though all of the business ventures of Henry J. Kaiser are legend in our industrial history, the story of Permanente is one of the most fabulous.

In the 1930's, Mr. Kaiser was successfully building dams, highways, and byways in the West and elsewhere. In the late 1930's, he encountered a problem in obtaining a satisfactory price on cement from western producers. Kaiser found it impossible to bid some jobs because of the lack of firm price quotations. His appeals to the producers were unsuccessful. So, in characteristic Kaiser fashion, he told them he would have to build a cement plant.

Mr. Kaiser came to Washington early in 1939 to see then Secretary of the Interior Harold Ickes. He said:

> Mr. Ickes, you will soon be asking for bids on the cement needs for Shasta Dam in connection with the central valley project—nearly 6 million barrels. I do not have a cement plant in being, but I will build one and have the cement delivered at the site before the deadline if you will write your specifications so that a nonproducer of cement at the time of the bid can qualify.

Mr. Ickes checked with the Solicitor and the Comptroller General. They said this could be done if the guarantees that Mr. Kaiser proposed were met.

Mr. Kaiser bid $1,700,000 below the next bidder and was awarded the contract. The other bidders attempted to intercede, but were unsuccessful. Mr. Kaiser built the cement plant in record time and met the delivery date.

This Permanente plant at Los Altos is now the second largest cement facility in the United States. Mr. Kaiser's Permanente Cement Co. currently produces cement at five facilities in the West, providing employment to thousands of people.

Mr. Speaker, at the conclusion of my remarks I shall insert an article in the Record concerning Permanente Cement Co. This article appeared in the Globe Trotter and is entitled, "Cement and Gypsum."

Mr. Speaker, no resolution bestowing honor upon an American has ever been more justified than this one. I am pleased to have been present on this day to assist in this congressional action which expresses the gratitude of the entire Nation through its Congress for the tremendous contributions which Henry J. Kaiser has made to mankind.

Cement and Gypsum

When Permanente Cement Co. was organized 22 years ago it had no plant, no markets, not a single customer. Now, in 1961, it is one of the largest producers of building materials in the West and a husky member of the Kaiser family of industries.

In the beginning, the success of the company appeared doubtful. Oldtimers in the industry contended that no additional capacity was needed on the west coast, and they predicted trouble for a new producer that dared to enter the market. But Permanente held two important "hole cards." First, in the Los Altos Hills overlooking San Jose, Calif., it owned an abundant supply of limestone. Second—and more important—it was backed by able and determined men who felt the quickening pulse in the construction camps of the West. In the forefront was Henry J. Kaiser, and with him were his coventurers at Hoover and Bonneville Dams.

Permanente took aim at a contract to supply 5,800,000 barrels of cement for construction of Shasta Dam in northern California, a project of the U.S. Bureau of Reclamation. It submitted a bid of $1.19 a barrel, which was 29 cents a barrel less than a competitive bid entered jointly by six established firms. Permanente won the contract and the Bureau of Reclamation saved $1.7 million.

On Christmas Day, 1939, just 7 months after the award of the Shasta contract, the company's two-kiln plant, built in record time, produced its first bag of cement. Rated capacity was 2,500,000 barrels a year.

Within 2 years the capacity was doubled, and the four-kiln plant became the largest cement installation in the world. Most of the new capacity was requisitioned for defense work and, when war broke over Pearl Harbor, Permanente was heavily involved in supplying construction projects in the Pacific. Storage silos were built in Honolulu in 1941 and, with company-owned ships, Permanente pioneered the economical method of bulk distribution which is now predominant in the cement industry. The Hawaiian storage plant became a pivotal factor in the distribution of more than 7 million barrels of Permanente cement which were delivered to the Pacific by the end of the war. So important was the cargo that cement-carrying ships were invariably placed in the highly screened center of the conveys. It was in this period that the company earned a reputation that was later expressed in the slogan: "On the job, on time."

In the postwar years, Permanente—like industry in general—faced the uncertainties of establishing itself in civilian markets after 6 years of close association with military activities. A vigorous marketing program was evolved, which included the development and distribution of a full line of portland cement types. It also included complete service to contractors: on-time delivery, technical assistance, and an expanded force of experienced sales representatives.

One significant step in the development program was Permanente's entry into the growing Pacific Northwest. A bridgehead in the area was provided by Glacier Sand & Gravel Co., an aggregates and ready-mix producer, which was purchased in 1944. Two years later a distribution plant was installed in Seattle, followed by another in Portland. Supplied by company ships from California, these plants served local markets and shipped fleets of cement-laden barges to the big dam jobs on the Columbia River.

Permanente's second decade, beginning in 1950, was marked by almost constant expansion and diversification to meet the challenges and opportunities for growth. In Alaska, contractors rushing to build strategic airbases and early warning systems faced a costly problem in the manual handling of sacked cement. Permanente stepped forward with new bulk distribution plants in Anchorage and Fairbanks, sending barges up the Inland Passage from Seattle. The move saved hundreds of thousands of dollars in defense costs—and it won a strong, new market for Permanente. To supply these markets, the company in 1951 added a fifth kiln to its plant in the San Francisco Bay area, giving it a capacity of 7 million barrels.

The West was growing—and at twice the national rate, surpassing even the most optimistic hopes of the 1940's. Everywhere, it seemed, opportunities abounded. One of them—a major opportunity—opened up in 1952 with the purchase of Kaiser Gypsum Co. as a wholly owned subsidiary of Permanente. The purchase brought with it products closely related by nature and markets to Permanente's cement operations. It also included gypsum product plants in Long Beach and Redwood City, Calif., and a huge gypsum reserve on San Marcos Island in the Gulf of California.

Almost immediately plans were drafted to expand gypsum operations in order to strengthen the company's position in its markets through plant modernization, the addition of strategically located new plants, and new product lines. The plans materialized in 1954 with a new gypsum products plant at Seattle, and a year later the old Redwood City plant was being replaced by a much larger installation at Antioch, in northern California. Three major developments came in 1956:

Capacity of the Long Beach facility was expanded by 60 percent.

The wood-fiber insulating products plant at St. Helens, Oreg., was purchased by Kaiser Gypsum, thereby providing the company with about one-fifth of the insulating board capacity in the West.

A big new gypsum ore carrier, the SS *Harry Lundeberg* was built and put into operation.

As a consequence of the program, total gypsum and insulating capacity was increased to more than 700 million square feet of board products and more than 100,000 tons of plaster. Kaiser Gypsum, once a small producer, became one of the two top producers among six competing in the West.

Cement operations, too, moved ahead to meet the immediate as well as long-range needs of the construction industry. A sixth kiln was added at Permanente in 1956, bringing annual capacity to 8,500,000 barrels, where it now stands as one of the largest cement plants in the world. In early 1957, the company entered the highly competitive southern California market, where the Lucerne Valley plant operates at a capacity of 2,700,000 barrels a year.

Altogether, from 1955 through 1957, Permanente Cement invested more than $45 million in new plants and facilities. Yet as the company's second decade in business drew to a close, still another ambitious expansion program began to take shape.

For its markets in the Pacific Northwest, Permanente had sought a strategically located plant, adaptable to a pattern of long-range, flexible operations. Such a plant would increase the cement available to California by reducing shipments to the Northwest. In mid-1958 the problem was solved with the purchase of the Olympic Portland Cement Co., Ltd., at Bellingham, Wash. The same year brought about distribution of cement from the Long Beach silos, construction of a distribution plant on Guam in the western Pacific, and improvement of other facilities.

Thus far, the company's major ventures into expanded production had taken place along the Pacific Coast. However, the pattern shifted westward in April 1959, with the announcement of plans to construct a large cement manufacturing plant in Hawaii. Completed in 1960, it uses land-based coral as raw material and serves a market now strong in its own right. The completion of the plant added 1,700,000 barrels to the company's annual capacity, which is now 14,800,000 barrels—highest for the industry in the West.

The year 1960 also marked another major forward step for Kaiser Gypsum, which completed its fourth gypsum products plant in New Mexico.

Mr. SHEPPARD. Mr. Speaker, on May 9 of this year Mr. Henry J. Kaiser celebrated his 82d birthday. As you might expect, this industrialist spent this day as usual working for one of his 60 companies that now make up the Kaiser industrial complex.

My first association with Henry J. Kaiser goes back to the early days of World War II when I was privileged to help Mr. Kaiser locate his steel plant at Fontana, Calif. It was wartime and the West needed steel for ships. Mr. Kaiser had started building ships on San Francisco Bay, first because the British were losing ships faster than they could get them, and then because the United States got into the war.

The Government said any new defense plant must be located at least 60 miles inland, and I knew that Fontana had much to offer. It was rural. There was room. There were three railroads—Southern Pacific, Santa Fe, and Union Pacific. There were people. Even with the surrounding towns, though, there were not enough people. Kaiser Steel hired everybody who could do anything. Kaiser Steel went back east to Pittsburgh and other steel centers and hired others with know-how who wanted to try mixing orange groves and steelmaking. What this huge facility has done for the Fontana area can be indicated by a few figures. The gross payroll paid to employees in some 15 surrounding communities came to $60 million in 1962. Approximately 8,000 workers at Fontana share in this payroll.

By war's end, the plant had produced over half a million tons of plate for vitally needed ships, steel for artillery shells, and steel for our allies. Postwar, the plant expanded rapidly. The initial $50 million war facility grew into today's half-billion-dollar enterprise, now serving the needs of the growing West from its 3-million-ton ingot capacity.

One of Henry J. Kaiser's many accomplishments and contributions concerns this steel company. While Mr. Kaiser and his company long have been recognized for their labor relations, a very significant agreement between Kaiser Steel and the United Steelworkers of America emerged just a year ago at the company's Fontana plant. It may prove with time the opening of a new era of labor-management relations. This agreement will show you very forcefully the spirit Mr. Kaiser has drilled into his team of coworkers.

Mr. Speaker, you may recall that I reported to this august body the agreement reached by Kaiser and the steelworkers that established a cost-sharing plan for its employees at Fontana.

At that time I explained to you the purpose of the plan, which put the employees on a "get paid as you earn" basis, similar to the Government's "pay as you go" tax plan. Employees do not have to wait 2 or 3 years for productivity or other determinations to be made before receiving wage or benefit increases, always with the ever-impending threat of strike or lockout. Under the plan, productivity and any other efforts of employees to reduce manufacturing costs are measured monthly. Employees are paid 32.5 percent of such savings in the form of extra pay each month.

Also, employee job and employee income are protected by establishment of an employment reserve or pool where employees displaced by automation are engaged until assigned to another appropriate job.

Both of these radical changes are being made without destroying seniority or other rights bargained for under the existing contract.

Today the plan has been in operation for 12 months, and it seems we can now draw some conclusions as to whether the Kaisers and the Steelworkers were on the right track. Listen, Mr. Speaker, to these brief results: After provision for some of the price adjustments and employment security costs called for in the plan, the net savings achieved during the first year from March 1, 1963, through February 29, 1964, have amounted to over $10,500,000. These have ranged from a monthly high of $1,480,000 in June 1963, to a low of $529,000 in January 1964. The employees' share of these savings, after the addition of certain other incentive earnings called for by the plan, has amounted to almost $3,800,000, ranging from $505,900 in June 1963, to $212,900 in January 1964. From these amounts, deductions have been made for the wage and benefit reserve which was established under the plan to cover the cost of future wage and benefit increases. The balance has been distributed monthly as a cash payment. Since individual employees may receive such payments at differing rates, it is difficult to assess the impact on individual earnings, but taking an average, the cash distributions for the first year amounted to approximately 41 cents per hour, or roughly 16 percent of base earnings. These averages ranged from a high of 66 cents per hour—25.8 percent—in April 1963, to a low of 20 cents per hour—7.9 percent—in January and February of this year. In total, over $3,500,000 was distributed to employees under this provision.

During the year, coverage under the plan rose from 3,939 in the first month to over 5,000 at the end of 1 year. This increase is accounted for by a rise in total employment, the replacement of terminated incentive employees by new employees who are automatically covered by the sharing plan, and by the voluntary transfer of groups of former incentive employees to sharing plan coverage.

These results indicate to me that the Kaisers have started something worthwhile. It appears to be something others might want to take a look at, not from the possibility of copying the mechanics and procedures of the plan itself, since it was designed only for the Fontana plant, but others I am sure will gain from the new and friendly attitudes that exist between management and labor. It is indicative that the number of grievances argued for by the union have declined dramatically. The members of the long-range sharing plan committee themselves concluded:

> We have reason to conclude that the plan has made a definite contribution to free and responsible collective bargaining at Fontana and our own relationship with the Steelworkers, and we fully expect that this progress will continue in the future.

Mr. Speaker, this seems to me to be a culmination of Henry J. Kaiser's lifelong ambition to have people work together in harmony so that they might meet the human challenge of technology. As Mr. Kaiser himself has said:

> If you don't work out something on the cost side, workers will have no alternative but to fight for a share of the profits. And that must not happen. Management should decide what to do with profits.

As you know, my companion resolution to honor Mr. Kaiser with a Congressional Medal of National Honor says:

> Whereas his generous use of imagination and spirit of cooperation have helped solve the problems of labor with realistic understanding, and consequently have earned for him the respect of labor, management, and the public.

These words spell out Mr. Kaiser's contributions to labor peace, Mr. Speaker, but his total gifts to mankind encompass demonstration of private enterprise at work for democracy; pioneering medical care programs for the average man; his almost superhuman wartime accomplishments, and, finally, the sum of his lifelong deeds—"upholding the dignity of man." For these things, Mr. Speaker, we should honor Mr. Kaiser.

Mr. HAGEN of California. Mr. Speaker, I take great pleasure in joining with those advocating the passage of House Joint Resolution 1020, which provides for the award of a medal to Mr. Henry J. Kaiser.

In 1942 Mr. Kaiser and associates were, as were all of us, greatly dismayed by the tragedy of sinkings by German U-boats of allied cargo vessels. The submarine menace was so severe it threatened the success of the war effort. Mr. Kaiser wanted to do something about this menace, and in 1942 he initiated the program for small aircraft carriers, subsequently to be termed escort carriers.

He came to Washington. The Navy high command rejected Mr. Kaiser's proposal for small aircraft carriers and told him to go back to building his ships because the Navy would take care of the escort and security problem of those cargo vessels. Mr. Kaiser pursued the escort carrier idea. People other than Mr. Kaiser discussed the program with President Roosevelt. Mr. Roosevelt, knowing full well the tragedy going on on the high seas where vast quantities of material and thousands of lives were lost and threatened, directed the Maritime Commission to produce 100 of the baby flattops. The Navy still opposed the idea and the contract was reduced to 50 carriers. Mr. Kaiser delivered these carriers at the rate of one per week for 1 year.

Subsequently highest Navy officials testified to the decisive effect of these baby flattops and leaders of the world, including Winston Churchill, singled out their performance as vital in the winning of the war on the high seas. Further, it has been said that the successful invasion of Leyte by General MacArthur's forces in October 1944, was in large measure saved by the performance of six of Mr. Kaiser's escort carriers against the main element of the Japanese fleet in the Battle off Leyte Gulf.

I join in the tribute today to Mr. Henry J. Kaiser. His imagination, perseverance, and determination as depicted in this baby flattop story have earned him the applause and thanks of the people. It is one of many contributions that Mr. Kaiser has made and for which I pay my respects today.

Mr. TOLLEFSON. Mr. Speaker, along with several other Members of the House

I introduced a resolution similar to that which we are considering today. I am convinced that Henry J. Kaiser is and has been one of the industrial giants of our generation. He has contributed tremendously to the economy of our Nation and served her well during periods of emergency. I know of no one who has contributed more to the welfare of the country during wartime or peace than he. It seems to me that he is entirely deserving of the recognition envisioned by the pending resolution, and I urge my colleagues to support it.

Mr. VAN DEERLIN. Mr. Speaker, I would like to join with my many colleagues in paying tribute to one of the Nation's leading business, civic, and philanthropic leaders, Henry J. Kaiser.

I would especially call attention to the comprehensive benefits and widespread use throughout this country's Western States of the Kaiser Foundation's medical care program. It is well known that Mr. Kaiser values the work of the foundation above even the many fine products which have evolved from his industrial and business genius. And with good reason. Today, one million men and women subscribe to the family and group health plans sponsored by the foundation. Among group subscribers are longshoremen and warehousemen, faculty and staff members of educational institutions, utilities employees, retail clerks, Federal, State and local government employees, culinary workers, and employees from a wide range of industrial firms.

Under the foundation's several health plans, subscribers are provided with hospital and professional care on a prepaid basis. More than 900 physicians, representing general practice and all major specialties, stand ready to offer the fruits of their training. In addition, a dozen Kaiser Foundation hospitals and 2,200 beds are ready to receive ailing beneficiaries.

By virtue of the foresight and business acumen of Mr. Kaiser, his foundation has become financially self-sufficient, as well as a boon to millions of people who have benefited from its services.

Mr. Speaker, the Henry J. Kaiser Foundation is a most remarkable offspring of a most remarkably brilliant and humane American.

Mr. CHARLES H. WILSON. Mr. Speaker, one of my fondest and most honored privileges as a Member of Congress was to support the authorization of a gold medal—the Congressional Medal of National Honor—for Henry J. Kaiser.

The awarding of this medal to Henry Kaiser is long overdue. His overwhelming accomplishments toward Allied victory in World War II alone have earned for him our respect and tribute in the manner H.J. Res. 1020 authorized.

Moreover, his private medical care program and his imaginative solutions to age-old labor-management problems single out Henry J. Kaiser as a man who has contributed to the welfare of all mankind for all times.

He has indeed helped his neighbor, not only by his physical accomplishments, but more significantly, by his ability to inspire all men to rise above their physical adversity and mental despair and look within themselves for new strength, courage, and resoluteness.

Mr. Speaker, I would like my friends to listen to a few excerpts of an interview with Mr. Kaiser that a Christian Science Monitor reporter wrote some time ago. The reporter catches what I think is the essence of the man:

> "My mother used to say," Henry J. Kaiser told this correspondent at the beginning of a long interview, "that if she could only give me one thing, it would be joy in work."
>
> Norman Vincent Peale once said that Mr. Kaiser would have made an outstanding preacher—but that if he had become one, American industry would have lost one of its most brilliant figures. Neither field—preaching nor industry—has been the loser. Given the opportunity, Mr. Kaiser enjoys probing the spiritual implications of his work.
>
> These implications, as he sees them, are the limitless possibilities of human achievement.
>
> Somebody was standing beside him at Bonneville Dam once and asked, "How did you do it?" Mr. Kaiser said one word, "Faith."
>
> But he tells the story somewhat differently. He says he did it because he put the work in charge of young men who didn't know that it couldn't be done. There's a saying of Jesus that he likes to quote more than any other: "All things are possible to him that believeth." Mr. Kaiser takes this literally.
>
> How does a man, though, decide what is the impossible thing he ought to tackle? What leads a man to his career?
>
> Mr. Kaiser started speaking thoughtfully, almost to himself.
>
> "What to do?" he mused. "For 8 years * * * I didn't know what it was that I should do. I found the greatest thing is something simple.
>
> "It is to fill human needs.
>
> "It is not to work for profit. To meet human needs is always the sound thing to do."
>
> He looked for an example and took it from his early entry into the highway construction business.
>
> "We could not get the amount of cement we needed," he said. "The western cement makers said they had 7-million-barrel capacity and were using only 6. What they meant, of course, was at their price. So we went into the cement business.
>
> "It was the same with shipbuilding.
>
> "The British couldn't get ships as fast as their ships were being sunk. There was a need. So we made ships.
>
> "The only reason we are in the Hawaiian Islands is that there is a need. * * *
>
> "There's no such thing as security. You find the way if you are interested in meeting human needs."
>
> Mr. Kaiser saw a new field for needmeeting in South America.
>
> "In August 1954," he said, "I traveled 75,000 miles on three trips around South America. I saw that it must be industrialized. The United States has grown great by selling people on the idea that they can have more things, and if they need more and haven't the money, they can have credit.
>
> "I had no trouble with Peron. He knew what I could do. So we went down there to make automobiles.
>
> "Today about 90 percent of the auto is made in Argentina. At first it was 40 percent. Next year it will be 100 percent. Orders are stacked up—for jeeps, trucks, passenger cars."

Mr. Speaker, Henry J. Kaiser is a leader of men, a leader completely and unselfishly devoted to making our world a more livable place. This Congress should take the leadership initiative and honor this dedicated human being. I trust that House Joint Resolution 1020 can be introduced again at a later date, and that it will meet with the approval of my colleagues.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD, and may also have 5 legislative days in which to extend their remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore (Mr. ALBERT). The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker pro tempore announced that, two-thirds having voted in favor thereof, the bill was passed.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 143, not voting 138, as follows:

[Roll No. 127]

YEAS—150

Albert
Aspinall
Ayres
Baldwin
Beckworth
Bell
Blatnik
Boggs
Bonner
Brooks
Brown, Calif.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cameron
Carey
Cederberg
Chelf
Clark
Cohelan
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Dingell
Downing
Duncan
Everett
Fascell
Finnegan
Flood
Flynt
Foreman
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gill
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gubser
Hagen, Calif.
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Hébert
Hechler
Holifield
Holland
Horan
Hosmer
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Karsten
Kastenmeier
Kee
Landrum
Leggett
Libonati
McFall
Madden
Mahon
Mailliard
Matthews
Miller, Calif.
Minish
Moore
Moorhead
Morgan
Morris
Moss
Murphy, Ill.
Natcher
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pool
Pucinski
Purcell
Rains
Randall
Reid, N.Y.
Rhodes, Pa.
Rivers, Alaska
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan, N.Y.
Secrest
Senner
Shipley
Sickles
Siler
Sisk
Slack
Smith, Calif.
Smith, Iowa
Staggers
Steed
Stephens
Stinson
Stratton
Sullivan
Talcott
Teague, Tex.
Thompson, Tex.
Tollefson
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
Weltner
Westland
White
Whitener
Whitten
Wilson, Charles H.
Wright
Young
Younger
Zablocki

NAYS—143

Abbitt
Abele
Abernethy
Adair
Alger
Andrews, N. Dak.
Arends
Ashbrook
Auchincloss
Barry
Bates
Becker
Beermann
Belcher
Bennett, Fla.
Berry
Betts
Boland
Bow
Broomfield

Brotzman
Brown, Ohio
Broyhill, N.C.
Burleson
Byrnes, Wis.
Casey
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Corbett
Cramer
Curtin
Daddario
Dague
Derounian
Derwinski
Devine
Dole
Dowdy
Dwyer
Ellsworth
Findley
Fisher
Ford
Gary
Gibbons
Glenn
Goodell
Goodling
Griffin
Gross
Grover
Gurney
Hagan, Ga.
Haley
Hall
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Herlong
Hoeven
Horton
Hull
Hutchinson
Ichord
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Jones, Mo.
Keith
Kilburn
Kilgore
King, N.Y.
Kornegay
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
McCulloch
McIntire
MacGregor
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
Miller, N.Y.
Milliken
Mills
Morse
Murray
Nedzi
Nelsen
O'Konski
Ostertag
Pike
Pillion
Pirnie
Poage
Poff
Quie
Reid, Ill.
Reifel
Rich
Riehlman
Roberts, Tex.
Robison
Roudebush
Rumsfeld
St. George
Saylor
Schadeberg
Schneebeli
Schweiker
Schwengel
Short
Shriver
Sibal
Sikes
Skubitz
Smith, Va.
Stafford
Taylor
Teague, Calif.
Thomas
Thomson, Wis.
Tuck
Tupper
Utt
Van Pelt
Waggonner
Weaver
Whalley
Wharton
Widnall
Wydler
Wyman

NOT VOTING—138

Addabbo
Anderson
Andrews, Ala.
Ashley
Ashmore
Avery
Baker
Baring
Barrett
Bass
Battin
Bennett, Mich.
Bolling
Bolton, Frances P.
Bolton, Oliver P.
Brademas
Bray
Brock
Bromwell
Broyhill, Va.
Bruce
Buckley
Burton, Utah
Cahill
Celler
Chenoweth
Clawson, Del
Collier
Colmer
Conte
Cooley
Corman
Cunningham
Curtis
Diggs
Donohue
Dorn
Dulski
Edmondson
Edwards
Elliott
Evins
Fallon
Farbstein
Feighan
Fino
Fogarty
Forrester
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Garmatz
Giaimo
Gilbert
Grabowski
Grant
Griffiths
Halleck
Halpern
Hanna
Healey
Henderson
Hoffman
Huddleston
Jones, Ala.
Karth
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Knox
Lankford
Lesinski
Lipscomb
Lloyd
Long, La.
Long, Md.
McClory
McDade
McDowell
McLoskey
McMillan
Macdonald
Martin, Mass.
Matsunaga
May
Meader
Michel
Minshall
Monagan
Montoya
Morrison
Morton
Mosher
Multer
Murphy, N.Y.
Nix
Norblad
O'Brien, N.Y.
Osmers
Pepper
Pickle
Pilcher
Powell
Price
Quillen
Reuss
Rhodes, Ariz.
Rivers, S.C.
Roberts, Ala.
Rodino
Rooney, N.Y.
Roosevelt
Rostenkowski
Ryan, Mich.
St Germain
St. Onge
Schenck
Scott
Selden
Sheppard
Snyder
Springer
Staebler
Stubblefield
Taft
Thompson, La.
Thompson, N.J.
Toll
Wallhauser
Wickersham
Williams
Willis
Wilson, Bob
Wilson, Ind.
Winstead

So (two-thirds not having voted in favor thereof) the motion was rejected

The Clerk announced the following pairs:

On this vote:

Mr. Bob Wilson of California and Mr. Rhodes of Arizona for, with Mr. Bray against.

Until further notice:

Mr. Garmatz with Mrs. Frances P. Bolton.
Mr. Keogh with Mr. Bennett of Michigan.
Mr. Fallon with Mr. Morton.
Mr. Buckley with Mr. Osmers.
Mr. Friedel with Mr. Schenck.
Mr. Celler with Mr. Cahill.
Mr. Long of Maryland with Mr. Broyhill of Virginia.
Mr. Farbstein with Mr. Halpern.
Mr. King of California with Mr. Lipscomb.
Mr. Addabbo with Mr. Conte.
Mr. Barrett with Mr. Springer.
Mr. Murphy of New York with Mr. Fino.
Mr. Kluczynski with Mr. Chenoweth.
Mr. Gilbert with Mr. Wallhauser.
Mr. Corman with Mrs. May.
Mr. Kirwan with Mr. Taft.
Mr. Matsunaga with Mr. Avery.
Mr. Healey with Mr. Quillen.
Mr. Donohue with Mr. Anderson.
Mr. Grabowski with Mr. Bromwell.
Mr. Rostenkowski with Mr. McLoskey.
Mr. St. Onge with Mr. Michel.
Mr. Ryan of Michigan with Mr. Knox.
Mr. Fogarty with Mr. Cunningham.
Mr. Feighan with Mr. Norblad.
Mr. MacDonald with Mr. Burton.
Mr. Multer with Mr. Bruce.
Mr. Sheppard with Mr. McDade.
Mr. O'Brien of New York with Mr. Collier.
Mr. Grant with Mr. Snyder.
Mr. Hanna with Mr. Wilson of Indiana.
Mrs. Griffiths with Mr. Meader.
Mr. Monagan with Mr. McClory.
Mr. Selden with Mr. Curtis.
Mr. Giaimo with Mr. Fulton of Pennsylvania.
Mr. Rodino with Mr. Del Clawson.
Mr. Toll with Mr. Battin.
Mr. Thompson of New Jersey with Mr. Frelinghuysen.
Mr. Brademas with Mr. Oliver P. Bolton.
Mr. Ashmore with Mrs. Baker.
Mr. Powell with Mr. Hoffman.
Mr. Colmer with Mr. Brock.
Mr. Dulski with Mr. Mosher.
Mr. Elliott with Mr. Minshall.
Mr. Evins with Mr. Martin of Massachusetts.
Mr. Roosevelt with Mr. Montoya.
Mr. Rooney of New York with Mr. Morrison.
Mr. Lesinski with Mr. Forrester.
Mr. Reuss with Mr. Diggs.
Mr. McDowell with Mr. Dorn.
Mr. Lankford with Mr. Nix.
Mr. Fountain with Mr. Baring.
Mr. Andrews of Alabama with Mr. Cooley.
Mr. Edmondson with Mr. Edwards.
Mr. Henderson with Mr. Pepper.
Mr. Wickersham with Mr. Winstead.
Mr. Willis with Mr. Williams.
Mr. Ashley with Mr. Stubblefield.
Mr. Bass with Mr. McMillan.
Mr. Huddleston with Mr. Scott.
Mr. Roberts of Alabama with Mr. Staebler.
Mr. Thompson of Louisiana with Mr. Pilcher.
Mr. Price with Mr. Jones of Alabama.
Mr. Karth with Mrs. Kelly.
Mr. Rivers of South Carolina with Mr. St Germain.

The result of the vote was announced as above recorded.

The doors were opened.

GOLDEN ANNIVERSARY OF NAVAL AIR STATION, PENSACOLA, FLA.

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 889.

The Clerk read the House joint resolution, as follows:

Whereas the city of Pensacola proposes to celebrate with appropriate ceremonies the golden anniversary of the Naval Air Station, Pensacola, Florida, on June 13, 1964; and

Whereas, while there was limited naval aviation activity prior to the establishment of a school for training of naval aviators at Pensacola, the Naval Air Station, Pensacola, is regarded as the first home for naval aviators; and

Whereas the training programs of the Naval Air Station, Pensacola, have significantly contributed to the defense of the United States and, through its training programs for friendly governments, has contributed to the defense of the free world; and

Whereas a celebration of the character planned will contribute greatly to the educational and cultural welfare and to the defense of the people of the United States by highlighting the great traditions of naval aviation which have been handed down through the years and which must be kept intact in today's troubled world; and

Whereas appropriate recognition is taken of the contributions, the interest, and the warm friendship shown by the people of Pensacola and Escambia County through these fifty years for the personnel of the Naval Air Station, Pensacola, Florida; and

Whereas the Congress of the United States recognizes with appreciation the significance of these events toward maintaining world peace through strength of naval aviation and through the greatness of the hearts of the Navy men who have given naval aviation that strength: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to design and manufacture, and to accept payment therefor from private sources, a galvano of appropriate design commemorating the golden anniversary of the Naval Air Station, Pensacola, Florida. The payment of such cost, if any, to the Government shall be reimbursed to the appropriation of the Bureau of the Mint, by the Fiesta of Five Flags and Naval Aviators Homecoming Celebration, 330 Brent Building, Pensacola, Florida.

The SPEAKER. Is a second demanded? [After a pause.] The question is on suspending the rules and passing the House joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the House joint resolution was passed.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, House Joint Resolution 889 is a joint resolution by which the Congress will commemorate the golden anniversary of the naval air station at Pensacola. It authorizes the design and manufacture of a galvano or medallion in commemoration of this significant event. There would be no cost to the Government for the design and manufacture of this galvano since local interests would defray the expense.

It is planned that the galvano will be presented in Pensacola on June 13 during the celebration of the "Fiesta of Five Flags," an annual pageant commemorating the founding and early history of Pensacola.

The fact that the galvano is to be presented on June 13 explains the reason the resolution is being brought to the House under suspension of the rules. Delays have been encountered in getting the bill to the floor, and it is important that the matter now be expedited. I am very appreciative for the help of the Committee on Banking and Currency, and particularly of that given by the distinguished gentlewoman from Missouri, Mrs. Leonor Sullivan.

On January 20, 1914, the U.S.S. *Mississippi* steamed into Pensacola Bay with the whole of naval aviation aboard. It comprised 7 aviators, 23 enlisted men, and 7 aircraft. Upon arrival at the old Pensacola Naval Yard—located at the site of a naval shipyard founded in 1837—they established the first U.S. naval aeronautical station.

Now, 50 years later, the Navy's air arm includes 24,853 officers and 196,169 enlisted men, exclusive of the Marine Corps air arm which encompasses 6,404 officers and 40,165 enlisted men. There are now 71 naval air bases worldwide and 12 reserve bases, and 6,976 aircraft. This is a far cry, indeed, from the tiny beginning on the shores of Pensacola Bay 50 years ago.

I consider it highly appropriate that the Congress join in commemorating the work of the naval air station at Pensacola and its contributions to the defense of the United States.

JAMES P. SPRUILL

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an article appearing in the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, in 1950, I had the privilege of appointing James P. Spruill, of Plymouth, N.C., to West Point. Mr. Spruill was a fine, intelligent, and popular young man in his community. He did well at the Academy.

It is with the deepest regret that I read in today's paper of his death in Vietnam a month ago while serving his country in an effort to assist that small, beleagured nation.

The story appearing in the Washington Post of Monday, May 18, includes excerpts from Captain Spruill's letters to his wife. They are worth reading for they reassure all Americans of the selfless dedication of our military men to the cause of liberty. His confidence in the ultimate victory in South Vietnam should give us confidence. The thoughtfulness revealed in his suggestions for the improvement of guerrilla warfare shows the highest type of imagination and initiative.

In their sorrow, Captain Spruill's mother, wife, and bereaved family may take some proud comfort from his sacrifice to the cause of freedom.

Mr. Speaker, I ask unanimous consent to extend my remarks in the Record at this point and to include this news story.

Widow Says U.S. Captain Urged Viet Night Fighting

New York, May 17.—An American Army captain, killed in Vietnam a month ago, wrote to his wife that "we must stand strong and give heart to an embattled and confused people. This cannot be done if America loses heart."

Barbara A. Spruill, of Suffern, N.Y., widow of Capt. James P. Spruill, made public today portions of his letters to her. In a letter to the editor of the New York Herald Tribune, she expressed the hope "that all Americans would have an opportunity to read them."

Spruill was killed April 21.

"Above all, this is a war of mind and spirit," he wrote. "For us to despair would be a great victory for the enemy.

"At the moment my heart is big enough to sustain those around me. Please don't let them back where you are sell me down the river with talk of despair and defeat. There is no backing out of Vietnam, for it will follow us everywhere we go.

"We have drawn the line here, and the America we all know and love best is not one to back away."

Following are other excerpts from his letters, published by the Herald Tribune:

"It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledgling American Army in its fight for freedom and internal order.

"Two of these 'advisers' are well known—Von Steuben and Lafayette. It is heart warming to think that we continue their tradition of sacrifice.

"There are many moments of frustration in Vietnam. Ineptness, dishonesty, lack of spirit, confusion, and laziness cause them. But that is exactly why we are here. It is exactly in places and in circumstances such as this that communism gains its foothold.

"I know that you read nowadays of defeat or of lack of progress. None of this bothers me because I am convinced that we can win it and win it decisively—on the ground and in the night.

"I have a project. It is a proposal to train * * * men in night combat and that they be employed as a mobile strike force at night. It is in the night that the myth of the invincible guerrilla must be destroyed. The people are afraid then. I can feel it. When the night becomes more ours than theirs, events will take a dramatic turn.

"To continue to fight in the day is foolish, for the day is ours for all intents and purposes. It is in the night that they are strong and it is in the night that their back can and must be broken. Choppers (helicopters) do not and cannot fight at night, but soldiers can and will, and it is soldiers who will win this war, not choppers.

"I still maintain that we can beat them in a year or less if we fight them at night and maintain constant pressure on them at night. Little emphasis is given this aspect."

INTERNATIONAL RECIPROCITY FOR AMATEUR RADIO OPERATORS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 720 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, House Resolution 720 provides for the consideration of S. 920, a bill to amend sections 303 and 310 of the Communications Act of 1934, as amended. The resolution provides an open rule with 1 hour of general debate.

The passage of S. 920 would permit the United States to enter into reciprocal agreements with foreign countries whereby U.S. amateur radio operators may receive authority to operate their amateur radio stations in those foreign countries in return for the United States granting similar privileges to amateur radio operators of those nations while in the United States. The Communications Act of 1934 in sections 303 and 310 embodied congressional policy against granting such authority to aliens. However, it now seems that it would be best to grant such authority on a reciprocal basis in order to keep better track of such stations and operators in this country. Therefore, in order to enter into such agreements it would be necessary to amend the act, particularly those sections referred to above. As the contents of the bill will be fully explained to general debate I will not go into greater detail here.

Mr. Speaker, I favor and urge the adoption of House Resolution 720.

Mr. Speaker, I have no requests for time on this side and there is no opposition to the rule that I know of, and now yield to the gentlewoman from New York [Mrs. St. George] 30 minutes and reserve the balance of my time.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this resolution makes in order the consideration of the bill, S. 920. As has already been stated, this bill comes from the committee without any opposition and I, for one, know of no opposition to the rule. There has been a question in some people's minds as to the safety to our own country from allowing these radio operators to operate here. But I understand from the report and from reading the letter from Mr. Katzenbach, Deputy Attorney General, that he feels any danger that might have been in the original bill has been eliminated in this one and that the proper precautions have been taken.

On page 9 of the report, there are some things that I think we ought to consider at least and see what the objections originally were.

It says:

1. While reciprocal agreements—presumably entered into with the more friendly nations—might mitigate security problems, consideration of national security would remain in individual cases especially since we

> are here dealing with aliens rather than our own citizens.
>
> 2. Congress—if it enacts such legislation should assure itself that appropriate security measures will be undertaken by such agencies as it specifies.
>
> 3. The Commission has no expertise or staff to handle security investigations and security determinations should not be made by the FCC.
>
> 4. While the Commission would prefer simply to refer the names of those requesting such authority to an appropriate security agency and have that agency tell us whenever a request should be denied on security grounds, we are willing—should Congress so desire—to check with whatever security agencies Congress deems appropriate—and to receive information and/or recommendation from such agencies bearing on the security issue.

This I gather has been satisfied and the bill, the purpose of which is to permit the United States to enter into reciprocal agreements whereby U.S. amateur radio operators may receive authority to operate their amateur radio stations in foreign countries in return for granting amateur operators of those countries similar privileges in the United States, and the conclusion reached is that the committee believes that with the security safeguards written into this legislation which is now before us, enactment of this legislation is in the national interest.

For this reason, Mr. Speaker, and I have no requests for time, I believe it is almost unanimous that the rule should be adopted.

Mr. Speaker, I yield back the balance of my time.

Mr. MADDEN. My Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL RECIPROCITY FOR AMATEUR RADIO OPERATORS

Mr. ROGERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 920, with Mr. O'Hara of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. Rogers] will be recognized for 30 minutes and the gentleman from California [Mr. Younger] will be recognized for 30 minutes.

Mr. ROGERS of Texas. Mr. Chairman, I yield myself 3 minutes.

The purpose of the bill is to permit the United States to enter into reciprocal agreements whereby U.S. amateur radio operators may receive authority to operate their amateur radio stations in foreign countries in return for granting amateur operators of those countries similar privileges in the United States.

Present law does not permit the Federal Communications Commission to authorize aliens to operate amateur radio stations in the United States. Therefore, under present law it would be necessary for the United States to enter into a formal treaty in each instance of a reciprocal arrangements and this would require formal ratification by the U.S. Senate. This procedure which was followed in the case of Canada is time consuming and unnecessarily formal.

The bill would accomplish the purpose of facilitating reciprocal agreements with foreign nations by amending section 303—dealing with radio operators—and section 310—dealing with radio stations—of the Communications Act of 1934 to permit the FCC to authorize alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico, provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis.

The bill, S. 920, sponsored by Senator Goldwater, has the support of the American Radio Relay League, which includes nearly 100,000 United States and Canadian amateurs in its membership. The total number of amateur radio operators in the United States and Canada is in excess of 250,000 persons who are licensed either by the United States or by Canada.

When hearings were held by the Committee on Interstate and Foreign Commerce on February 20, 1964, Mr. Herbert Hoover, Jr., president of the league, testified in support of S. 920 and two House bills, H.R. 7309 and H.R. 9305, introduced by Representatives Cederberg and Brown of California. Commissioner Rosel H. Hyde testified that the Commission does not object to the legislation in its present form and expects to be able to handle applications for authorizations without any increase in staff or budget. It is anticipated that approximately 400 to 500 requests annually for such authorizations will be received by the Commission.

In addition, the record contains a number of letters relating to the legislation including a letter from the sponsor of the bill, Senator Goldwater, who, because of other commitments was unable to testify in person.

The chairman of the full committee, the gentleman from Arkansas [Mr. Harris] will discuss the bill in detail and touch on the security questions involved, which I know will be of interest to all of the Members.

Mr. Chairman, I reserve the remainder of my time.

Mr. YOUNGER. Mr. Chairman, I just want to say, as far as the committee is concerned, we had no opposition to the legislation at the time of the hearings. I know of no opposition to it now. I am not concerned at all about the security question, because we will only grant licenses to those aliens whose countries will grant licenses to our people. We must remember that we, in their countries, are aliens to them.

Mr. Chairman, I have no requests for time on this side.

Mr. ROGERS of Texas. Mr. Chairman, I yield such time as he may desire to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. Harris].

The CHAIRMAN. The gentleman from Arkansas is recognized for as long as he wishes to talk within the limitations.

Mr. HARRIS. Mr. Chairman, I suppose the appropriate thing to do would be just to echo what has been said by the chairman of the subcommittee, the gentleman from Texas [Mr. Rogers], and the gentleman from California [Mr. Younger], and give reassurance that this is a good bill which ought to be passed and then sit down and let it go through. However, I do want to say this further for the Record:

The committee held hearings on this after it was sent to us from the other body. We developed the subject thoroughly. There were some questions raised by some members of the committee to make certain that the security angle was adequately covered. All members of the committee are satisfied that it is.

I would like to say something with reference to the statements of the distinguished lady from New York [Mrs. St. George] a moment ago when she read from a letter which we incorporated in the report on page 9 thereof which had to do with national security aspects. As a result of this letter she referred to, the committee in the other body with the approval of the other body amended the original bill in order to make it abundantly clear that there would be no problem with reference to security. In order that the Record may show what was done, I want to say the committee included these two provisos, and I quote from page 3 of the bill beginning at line 15:

> *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request.

The amendment was added because it was felt that we should make it abundantly clear that there would be no problem in connection with other national security.

After the committee heard the reports that were received during the course of the hearings, the bill was reported by the committee unanimously.

As the chairman of the subcommittee remarked a moment ago this is the Goldwater bill. I can assure you that it has nothing to do with the political situation. Senator GOLDWATER has been an avid amateur radio operator for many, many years. He did not start just last year or just recently. I do know that he has an amateur radio station in his plane because he has directed messages to me en route from across the country from time to time.

When I was in Geneva last November as a delegate to the International Telecommunications Conference I was indoctrinated and learned that amateur radio operations are conducted on an international basis. The headquarters of the organization are in Geneva. It was related to me there how this legislation would work and why there was an imperative need for it.

I think we would be in a better position to keep up with alien operators if this legislation is enacted because there are a great many aliens who would like to operate their stations in this country and I would suspect that under the present situation there might be some who would try to operate from time to time without such permission. So I should think, Mr. Chairman, the House should unanimously approve this proposal.

We do have a letter which I want to include in the RECORD at this point as part of my remarks from the Department of State in which they advise that they will undertake immediately to inform appropriate committees of the Congress of any bilateral agreements concluded under the provisions of this legislation along with the terms and conditions thereof.

That matter referred to follows:

DEPARTMENT OF STATE,
Washington, May 15, 1964.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: In answer to your recent inquiry on procedures which the Department would propose to follow in implementing S. 920, which concerns reciprocal amateur radio operations, I am pleased to inform you that in each instance the Department would undertake immediately to inform appropriate committees of the Congress of any bilateral agreements concluded under the provisions of this legislation, along with the terms and conditions thereof.

Sincerely yours,
FREDERICK G. DUTTON,
Assistant Secretary
(For the Secretary of State).

Mr. HARRIS. Mr. Chairman, this legislation is of great interest to a large number of persons in the United States and all over the world who are commonly known as radio hams. These persons are amateur radio operators who operate radio stations all over the world. They are in regular communication with each other.

There are about one-quarter million such persons in the United States and Canada alone, and another estimated 112,000 in the rest of the world. Roughly, 100,000 of the United States and Canadian amateur operators are organized in the American Radio Relay League.

The bill, S. 920, was passed by the Senate unanimously toward the end of the first session of this Congress. Specifically, it would amend the Communications Act of 1934 to permit the Federal Communications Commission to authorize alien amateur radio operators to operate their amateur radio stations in the United States provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis.

When our committee held hearings on this legislation, Mr. Herbert Hoover, Jr., the president of the American Radio Relay League testified in support of S. 920 and two house bills, H.R. 7309 and H.R. 9305, introduced by our colleagues Representatives CEDERBERG and BROWN of California.

At hearings Commissioner Rosel H. Hyde, a longtime member of the Federal Communications Commission, testified that the Commission had no objection to the legislation in its present form. The Commission anticipates that it will receive approximately 400 to 500 requests annually for authorization under this legislation.

The Communications Act at present prohibits the granting of permits for licenses to aliens for the operation of radio stations. This prohibition makes it impossible for the United States to enter into reciprocal agreements with other countries to give U.S. amateurs of those countries reciprocal operating privileges. Some 31 countries have extended this operating privilege to U.S. amateurs in spite of the absence of reciprocal privileges for their citizens. Many other countries, however, have refused to extend such privileges except on a reciprocal basis. This lack of reciprocity not only works to the disadvantage of U.S. amateurs but also has given rise to some international ill will and misunderstandings on the part of amateurs of other nations.

The reciprocal agreements which would be entered into pursuant to this legislation will be negotiated by the Department of State through regular diplomatic channels. The agreements will be in the nature of executive agreements rather than formal treaties and, therefore, do not require the formal ratification by the U.S. Senate. However, as I stated, the Congress will be kept fully informed with agreements negotiated by the Department of State.

Our committee and the other body have given careful attention to the question of security that may be involved with regard to operation of radio stations by aliens in this country. The departments and agencies concerned with the national security have given every assurance that this legislation will in no way adversely affect our security.

The bill provides that whenever the Federal Communications Commission receives an application from an alien for an authorization to operate an amateur radio station, the Commission shall notify the appropriate agencies of the Government of such fact. The agencies are directed forthwith to furnish to the Commission such information in their possession as bears upon the question of national security. The Commission may then grant the requested authorization, unless it shall determine that information received from such agencies necessitates a denial of the request.

Commissioner Hyde testified that the proposed procedure had the approval of the Departments of Defense, Justice, and State, as well as the Central Intelligence Agency. These agencies are at this time considered to be the appropriate agencies within the meaning of that term used in the bill.

An additional security feature of the bill is that the Commission would have the authority to deny an application or revoke a permit granted without any formal proceeding. Furthermore, the bill gives wide latitude to the Commission in imposing such terms and conditions as the Commission may deem necessary in the public interest. For example, the Commisison could restrict operation by an alien amateur to a specific location or area, to specific frequencies, or to specific hours of the day. It could require all transmissions to be in English or require logs of all operations to be submitted at regular intervals.

Mr. Chairman, this legislation is of great interest to amateur operators all over the world. These operators are a great force for better international understanding. They have made outstanding contributions to maintaining communications in cases of emergency. For example, after the recent earthquake in Alaska, communications between Alaska and the mainland were helped greatly through the operation of amateur radio stations.

As another example, I personally experienced the usefulness of amateur radio operations when I was able to speak with members of my family in Arkansas while I was in Antarctica. This communication was made possible through an amateur station in California which acted as a relay between Antarctica and Arkansas.

The committee knows of no opposition to this legislation. It has the support of all the departments and agencies of the Government and I believe that the enactment of this legislation is very much in the public interest, and I am pleased to join the gentleman from Texas [Mr. ROGERS] and the gentleman from California [Mr. YOUNGER] in commending it to the House.

Mr. RHODES of Arizona. Mr. Chairman, I strongly support S. 920 to authorize international reciprocity for amateur radio operators.

Today, amateur radio operation is an international problem. The extensive travel of Americans abroad and our military personnel stationed overseas show the potential for this legislation. Over 250,000 U.S. amateurs will benefit from this bill's enactment, as will international good will which is daily enhanced by the thousands of contacts made by U.S. amateur radio operators with those in foreign nations.

Several foreign nations extend the privilege of operating stations in their countries to U.S. amateurs, even though we do not extend reciprocal privileges for their citizens. Most other countries could be expected to do likewise, if this bill were to become law. Thus a good deal of international ill will and misunderstandings could be prevented by passage of S. 920.

I have examined the sections of this bill dealing with security considerations and have noted the approval of the Departments of Defense, Justice, State, and the Central Intelligence Agency. The latitude given to the FCC on the basis of reports furnished by these agencies to deny permits or to modify, suspend, or revoke the permits of an alien amateur seems broad enough to protect national security, while at the same time benefiting U.S. amateurs, contributing to international understanding, and imposing few, if any, costly requirements on any Government agency. For those reasons, I support the bill and urge my colleagues to join in its approval.

Mr. WIDNALL. Mr. Chairman, I support the objectives of S. 920. The bill affords us a unique opportunity to assist our own amateur radio operators in obtaining further reciprocal agreements for operation in foreign countries, and at the same time, foster a significant quantity of international good will by extending the same privileges to alien radio operators.

I am confident that the security features placed into the bill are sufficient protection against any efforts to make use of this new privilege for improper purposes. As the committee report notes, the Federal Communications Commission will only grant permission after clearing the application with the appropriate agencies, the Departments of Defense, Justice, and State, as well as the Central Intelligency Agency. In addition, the Commission has the administrative leeway to regulate the use of the radio authority after clearance in terms of our national interest.

The United States and Canada have over 250,000 amateur operators, as compared to 112,000 in the rest of the world. These men and women make use of their skills not merely to enjoy a hobby, but to work for the public interest. Only recently I had the privilege of attending the sixth annual dinner and hamfest of the East Coast VHF Society, held in my district, and I was singularly impressed with the public service consciousness of our American "ham" operators.

It is through legislation such as this, so often unnoticed in the daily press, that Congress proves its responsiveness to the legitimate needs and desires of our people, as it acts in the national interest. I urge passage of the bill.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all Members who may wish to do so may revise and extend their remarks in the RECORD following the remarks I shall make.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ROGERS of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended—

(1) by inserting "(1)" immediately after "(l)"; and

(2) by adding at the end of such subsection the following: "(2) Notwithstanding section 301 of this Act and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided,* That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

SEC. 2. Subsection (a) of section 310 of the Communication Act of 1934 is amended by adding at the end thereof the following: "Notwithstanding section 301 of this Act and paragraphs (1) and (2) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided,* That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. O'HARA of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis, pursuant to House Resolution 720, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

VIRGIN ISLANDS CONTRACT WITH INTERNATIONAL PUBLICATIONS, INC.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include certain pertinent material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, on May 11, our colleague, Representative WESTLAND, placed in the RECORD an item regarding a contract between the Virgin Islands government and Mr. Robert Lodge, doing business as International Publications, Inc. This article was critical of the negotiations between Mr. Henry L. Kimelman, commissioner, Virgin Islands Department of Commerce, and Mr. Lodge relative to Virgin Islands advertising in the Caribbean Pavilion at the New York World's Fair.

In order to present Mr. Kimelman's views on the issue I am including in today's CONGRESSIONAL RECORD a copy of a memorandum, dated May 4, 1964, prepared by Mr. Kimelman for the Honorable Ralph M. Paiewonsky, Governor of the Virgin Islands. In his memorandum Mr. Kimelman explains step by step the procedures followed in the preparation and implementation of the contract. Mr. Kimelman's memorandum reads as follows:

MAY 4, 1964.

MEMORANDUM

To: The Honorable Ralph M. Paiewonsky, Governor of the Virgin Islands.
From: Henry L. Kimelman, commissioner of commerce.
Subject: Full facts in connection with Lodge agreement, February 16, 1964, and subsequent controversy.

This is a memorandum in reply to your request for the full facts in connection with the agreement entered into between the Government of the Virgin Islands through its Department of Commerce and Mr. Robert Lodge.

On December 12, 1963, the legislature passed bill No. 1960, which subsequently became act No. 1055. This legislation authorized participation of the Virgin Islands government in the Caribbean Pavilion of the New York World's Fair of 1964–65, established a special World's Fair fund and appropriated $25,000 therefor.

Section 2 of this act specifically states: "The commissioner of commerce is authorized to make such arrangements concerning the subleasing of space at the exhibit, and the organization of displays, concessions entertainment and similar matters as he believes will further the objectives of the legislature in authorizing Virgin Islands participation and will reduce the cost of such participation."

Section 3 of this same act states: "That purchases and contracts for the purpose of operating the Virgin Islands exhibit may be made by the commissioner of commerce without advertising and bids."

With opening date of the New York World's Fair scheduled for April 22, 1964, it was obvious to the legislature and the Governor that time was a vital factor. We proceeded to negotiate with the Caribbean Exposition Corporation, owners of the Caribbean Pavilion and concluded contractual arrangements with them in accordance with act No. 1055 on January 21, 1964, 92 days before the scheduled official opening of the fair.

On that date, our site was barren, indeed snow covered. The Caribbean Pavilion opened 91 days later, a day prior to the official opening of the World's Fair with a luncheon hosted by our department for over 100 leading travel agents, travel press and transportation executives.

The sugar mill, stone walls, and large color photographs comprising our Virgin Islands government exhibit was complete. A ribbon-cutting ceremony was held and a radio broadcast of the opening ceremonies was transmitted to the Virgin Islands. We were ready for business on time and at a location which is by any standard the "Times Square" of the World's Fair grounds, at the corner where the Avenue of the Americas meets the Unisphere.

The advantages of the Virgin Islands' participation in the World's Fair are clear enough. May I quote the comments of the managing editor of the Home Journal on Friday, February 7, 1964:

"I had little or no intention of going to the New York World's Fair but after hearing the persuasive plans of Commerce Commissioner Henry Kimelman concerning the participation of the Virgin Islands in this $1 billion world production I feel that I should go to the fair to help save the honor of the Virgin Islands. Not to do so would be criminal. The Virgin Islands exhibit in the Caribbean Pavilion will be beautiful, functional, and profitable to the Virgin Islands and should be another boost to tourism.

"Virgin Islanders in New York will be proud of this tribute to their native land and Virgin Islanders here at home should run—not walk—to the nearest travel agency to make plans for the trip.

"The fair will be fun, to be sure, but the fair will also mean many millions of dollars in tax revenue from rum sales over the 2 years run of the fair that otherwise would probably take until 1970 to realize from present sources. The fair will also mean a tremendous boost to tourism and local businessmen are pitching in to help the cause. Virgin Islanders with vision can prepare for big things as a result of the fair."

In addition to our prime contract with the Caribbean Exposition Corp., we concluded contracts with both rum distillers in the Virgin Islands, with Caribair, the Virgin Islands manufacturer of women's perfume, approximately 30 gift shops, Hertz Rent-A Car, Pivar Real Estate, 10 Virgin Islands hotels, and a concession lease agreement. We also concluded an agreement with Lodge for the printing and distribution of 500,000 copies of a three-island overall promotional piece of literature to supply the requirements of the approximately 8 million people it is estimated will visit the Caribbean Pavilion.

After all of the negotiations and the making of the aforementioned agreements, the construction of our exhibit building, the building of our display installation, etc., the only item that has given rise to controversy is the agreement between the government of the Virgin Islands and Robert Lodge.

In connection with our planned participation in the World's Fair, notices were mailed to all tourist interests, including the press, on December 16, 1963. Public participation was not only solicited, but encouraged and invited. Two public meetings were held in St. Thomas and two in St. Croix. Comments and recommendations were repeatedly asked for. Press releases were issued in connection with advance notices of each of these meetings. Hundreds of form postcards were mailed as well as solicitation by telephone to all of the press, shops, hotels, etc. There is no question that this department did everything in its power to make the World's Fair project a community project and to invite not only participation but any and all suggestions that would help make our Virgin Islands exhibit outstanding.

Specific charges have been directed at me in connection with the Lodge agreement principally from "parties at interest." These are my comments:

STATEMENT

1. "For the record, the entire, long and in my opinion, unethical story began shortly after you had appointed Henry L. Kimelman as Commissioner of Commerce. One of Kimelman's first actions was to appoint Robert Lodge to coordinate a joint advertising campaign encompassing the Virgin Islands government, transportation industries, and individual businessmen dedicated to the tourist industry."

COMMENT

This is an outright falsehood. When this complaint was made in 1961 by this same source I wrote you, on November 3, 1961, as follows: "Lodge was never authorized to represent me personally nor has he any official connection with the department of commerce." I reiterate that Mr. Lodge was never appointed by me for any purpose in any way, shape or form.

STATEMENT

2. On November 26, 1962, Judge Walter A. Gordon of the District Court of the Virgin Islands handed down a judgment of $10,088.65 plus attorneys' fees against Lodge and in favor of the Hearst Corp. for advertising rum in their magazines and not paid for. We felt that this judgment handed down by Judge Gordon would certainly end any connection you, as Governor of the Virgin Islands, or your commissioner of commerce would have in the foreseeable future with Lodge. Not so.

COMMENT

I was not aware until April 30, 1964, a few days ago, that a judgment had been entered by the district court against Mr. Lodge. I became aware on April 2, 1964, from Mr. Harman's "Sammy Glick" letter that Hearst magazines was suing Mr. Lodge. I queried Mr. Lodge about this matter. He advised me that he had a counterclaim against Hearst for nonperformance on their part in connection with his dealings with them. Certainly I would have had no possible reason for suspecting that Lodge might be judgment proof. He lives in a substantial home which I would estimate to be worth $150,000, drives quality cars and appears to be a successful publisher and entrepreneur. Whatever his controversy with Hearst, the government of the Virgin Islands is in no way involved.

STATEMENT

3. "Kimelman says that Lodge is to pay the government of the Virgin Islands $10,000 for the exclusive advertising rights at the World's Fair. It has been said, and not denied, that Kimelman or his agents or employees have contracted with Lodge for a full page of advertising in the name of the government of the Virgin Islands. If this is so, simple mathematics show: Lodge pays government $10,000; government pays Lodge $11,500; net gain for Lodge, $1,500."

COMMENT

Completely inaccurate. The contract with Lodge concluded on February 6, 1964, does not commit the government of the Virgin Islands to purchase any advertising whatsoever, rum, or tourism in the special World's Fair publication Lodge was to produce. During his subsequent solicitation Lodge approached our advertising agency to suggest to them the placement of an advertisement for both tourism and rum. The agency's planning board saw no need whatsoever for tourism advertising in this publication. Our agency recognized properly in my opinion the opportunity for a Virgin Islands rum advertisement in this publication. It should be particularly noted that contract with the Caribbean Pavilion called for exclusive use of Virgin Islands rum at the bar, or bars, in the pavilion during the entire period of the World's Fair. The agency's planning board felt that this medium giving distribution of 5 million pieces of literature to visitors who were being made Virgin Islands rum conscious was an excellent choice for advertising Virgin Islands rum.

In the early days of March the agency telephoned me as chairman of the Virgin Islands Rum Council to obtain my confirmation. I concurred in this advertisement provided there were funds available in the contingent rum advertising account, and provided they had the approval of the other active members of the Rum Council, they could place this advertisement. They received such approval and on March 20, 1964, deputy commissioner and the executive director of the rum council in the department of commerce approved a half-page, not a 1-page, insertion. This accounted for $5,750 and not $11,500, as stated. Mr. Lodge subsequently reduced the size of his World's Fair publication to half its contemplated size and, consequently, the advertising cost to the government was reduced to half of $5,750 or $2,875. This advertisement order was subsequently canceled on your instructions.

STATEMENT

4. "And with his financial background, who can be sure that Lodge will pay the government $10,000. He still had the more than $10,000 judgment hanging over his head."

COMMENT

See reply under No. 2. The Lodge contract called for a $5,000 payment within 7 days of signing which has been received as per contract and deposited in the special World's Fair account of the government of the Virgin Islands.

STATEMENT

5. "On March 31, the Comptroller of the Virgin Islands, Peter Bove, branded this entire action illegal and added, 'It would appear to be in the best interest of the government to cancel this contract and to take other steps commensurate with the responsibilities involved now.' "

COMMENT

The Attorney General advised both of us at a meeting in your office on April 2, 1964, that I had the legal authority to enter into this agreement with Mr. Lodge. Apparently the comptroller, Mr. Peter Bove, was unaware of the provisions in act No. 1055 dispensing with the conditions of advertising and bids in view of the urgent time schedule.

STATEMENT

6. "Lt. Cmdr. Harry Harman III, in his 'Sammy Glick' letter of March 16, quoted in part 'All of us knew, i.e., that Bob Lodge "is a crook," and that no sensible businessman would have any thing to do with him".' "

COMMENT

All one has to do is pick up a current copy of St. Thomas's This Week or St. Croix' This Week and they will see advertised therein such prominent shops as Cavanagh's, the Continental, A. H. Riise, Bolero, Spanish Main, Casa Venegas, Bluebeard's Castle, Virgin Isle Hilton, Buccaneer Hotel, etc., and such famous national and international advertisers as Grants and Teachers Scotch, Seagrams, Omega and Rolex watches, Zeiss and Leica cameras, etc., ad infinitum.

Whereas Lodge has been depicted by competitive interests as a drifter and irresponsible, he is in fact an energetic, effective, and by all appearances the most successful publisher in the Virgin Islands. He publishes This Week publications in other Caribbean islands and I am informed is presently organizing the publication of This Week issues in capital cities in Europe.

It is important to bear in mind that in response to my requests to the entire community to come forward with suggestions for making our World's Fair participation fully effective, it was only Lodge who developed and put forward the idea to produce an overall three-island piece of promotional literature for distribution at the Caribbean Pavilion at the World's Fair. In our negotiations he agreed to provide up to 5 million copies in the quantities as we required them during the 2-year period. I suggested that he offer $10,000 for the exclusive right of distribution, which offer he then made.

As you are aware it was my intention to grant to Lodge the exclusive right of distribution but in the rush of preparing the contract language granted Lodge the exclusive right to publish and not exclusive distribution of said publication. In effect, the word "exclusive" appeared by accident in the wrong place and this escaped both us and Lodge's attorney.

It was my opinion that we had a moral obligation to Lodge to grant him exclusive distribution of his publication.

After consulting the Attorney General, you advised me about February 24 or 25 that you did not consider that Lodge had an exclusive distribution contract. You instructed me to notify Mr. Lodge that his contract was not and would not be made into an exclusive distribution, and I subsequently did so notify Mr. Lodge.

It was then made publicly known that distribution proposals for World's Fair publications would be entertained from others. The only party evidencing any interest prior to the publication of Mr. Peter Bove's press release, which was simultaneously issued upon delivery of his letters to you of March 30 and April 1, was Mr. Ariel Melchoir, the publisher of the Daily News and Virgin Islands magazine.

The Comptroller, Peter Bove, in his letter of March 30, took the position that the contract was illegal and recommended immediate cancellation. The headlines in the local newspapers on the public debate in this issue started after the press release in the Daily News of April 3, 1964.

I met with Mr. Melchoir on March 19, 1964, and advised him that we would be pleased to either distribute his magazine free or to have it sold at our concession. This conversation was confirmed in my letter to him of March 19, 1964, and I quote in part as follows:

"Once again I should like to reiterate that we shall be very happy to distribute the Virgin Islands magazine under a similar agreement as we have with Mr. Lodge, or shall be very happy to arrange to have it sold at our concession. We await word from you as to what you have decided in this connection."

On March 25 I wrote Mr. Melchoir again and I quote in part as follows:

"Our agreement with Mr. Lodge does not preclude the distribution or sale of the Virgin Islands magazine in the Virgin Islands exhibit at the World's Fair. As I told you at our meeting in my office on the morning of March 19, and in my letter of the same date, we shall be pleased to arrange to have the Virgin Islands magazine distributed free of charge at the Virgin Islands exhibit under some arrangement similar to that worked out with Mr. Lodge, or to have it sold at the concession at our exhibit under some satisfactory arrangement.

"As you can appreciate, time is running out and we must conclude arrangements before April 1, 1964."

This office has had no reply to either of these letters to date.

We considered the agreement with Mr. Lodge especially favorable to the government because to our knowledge the Virgin Islands government has historically been required to pay for any type of literature which was purchased and distributed free. The Lodge contract conversely assured us of 5 million copies of literature for free distribution and in addition paid to government for this privilege.

The government for many years purchased tens of thousands of copies of the Virgin Islands' magazine at 75 cents per each copy. We have been purchasing approximately 10,000 copies per year of Mrs. Jeanne Perkins Harman's "Here's How" at 39 cents per each copy for a publication that promotes only St. Thomas; and we also purchase a tourism advertisement. The government also incurs considerable additional expense in handling and mailing these publications.

At the time the Lodge contract was consummated we desperately needed additional money to handle the increased costs of our Virgin Islands display which ran $16,000 more than our projection. The primary consideration, however, was Lodge's agreement to produce and in our judgment, his ability to produce the 5 million copies we required. The secondary benefit of $10,000 for the exclusive distribution was an additional advantage that would prove helpful in reducing the cost of the government's participation pursuant to act No. 1050. Mr. Lodge proposed and offered a service that nobody in the Virgin Islands, or anywhere else was proposing or indeed indicated any interest in.

To me the Lodge negotiation was a matter of business judgment. I have had considerable experience in this never, never land of public relations, advertising and sales promotion. Immediately prior to accepting your appointment as commissioner of commerce I was a consultant to Hilton Hotels International in this field. Prior to that, I was president and general manager of the Virgin Isle Hotel. I was for 6 years a member of the board of directors of the 6,000-member American Hotel Association and a member of its public relations committee. For 3 years I was cochairman representing all U.S. hotels to the American Society of Travel Agents. Mr. Tom Smith, partner of Horwath & Horwath, one of the world's largest hotel accounting firms, has been kind enough to refer to me in industry speeches as the man who did more to promote tourism to the Virgin Islands and the entire Caribbean than anyone else during the 1950's.

My considered judgment which reflected my past experience was that the contract consummated with Lodge was extremely advantageous for the government of the Virgin Islands. As for Lodge, he was assuming a 2-year obligation with considerable potential liability. Simple mathematics indicated that at $11,500 per page, with only 10 advertising pages available for sale, income or advertising revenues could not exceed $115,000. From that must be deducted commissions to the advertising agencies involved, at least $50,000 to $60,000 for printing 5 million copies, selling expense, overhead, etc.

My opinion was that his potential profit, if a "howling" success, would not exceed $35,000 over the entire 2-year period. As a matter of fact, I hoped it would be successful, remembering also that the government would derive income tax from his profits. We are of the belief that an entrepreneur who conceives an idea for rendering a public service and takes a calculated risk therein is entitled to a profit if all goes well.

In the final analysis this did not turn out to be the golden opportunity despite the 6- to 8-week jump that Mr. Harmon now claims Mr. Lodge had before offer was made to others. He has had to reduce the size of his publication to half the original size which now means a maximum revenue of only $57,500 for the 2-year period.

After Mr. Bove's letters of March 30 and April 1 to you, Mr. Lodge wrote me on April 2, 1964: "In view of all the unfavorable criticism, both to you and me, I hereby offer to pass on my contract to any other publisher for the costs of the contract, plus actual 'out-of-pockets' I have spent. You can publish this if you wish."

We issued a press release to this effect immediately. As of May 4, 1964, no one has come forth to accept or evidence any interest in Mr. Lodge's offer.

The first rumbles of a possible controversy occurred in late February when your office was called by the publisher of the Daily News. It was at that time that you advised me that you would not consider Lodge's contract exclusive. I was interviewed by radio station WSTA and radio station WBNB, channel 10 television, and the Virgin Islands Times. I am told that the following evening the WSTA commentator reported the complaints as "sour grapes" on the "Town Crier" program. WBNB, both radio and TV channel 10, while not using these exact words, in effect took the same sour grapes position and supported the action of your commissioner of commerce.

For more than a year I have been advising you of my plan and desire to return to my private interests. In your office in St. Croix, during the latter part of October 1963, I advised you that I definitely planned to resign as of December 31, 1963. Although you expressed your desire that I reconsider and continue as your commissioner of commerce beyond that date, you respected my wishes and advised that you would seek a replacement.

Due to my continuous urgings the legislature on December 12, 1963, passed on your recommendation act 1050, which authorized participation for the Virgin Islands at the New York World's Fair. We agreed with the legislature that I would remain in my position long enough to complete the Virgin Islands exhibit and participation, as it was made clear that this legislation was predicated upon my remaining to complete arrangements for such participation.

On February 13, 1964, I again submitted my resignation as commissioner of commerce to become effective March 31, 1964. You, in turn, wrote me on February 25, and I quote in part as follows:

"No one will ever understand the personal and financial sacrifice you made when you accepted this position to devote your full time to the demanding job of commissioner of commerce, as I do. The greatest satisfaction you must have now is the feeling in your own heart that you have labored hard under most difficult conditions and served your fellow Virgin Islanders with distinction and accomplished an outstanding job in every respect.

"Those of us in government and a great many other citizens, especially those who are connected with the tourist industry, have great admiration for your ability, enthusiasm, and devotion to duty. As a result of your untiring efforts and work, the economy of the Virgin Islands today is in a stronger and healthier condition. We look to the future with confidence and renewed hope.

"Your recent project of getting the Virgin Islands into the world's fair in a choice area and at little cost with both government and industry cooperating together with the many problems and details of arrangement for the beautiful displays, is commendable. These displays will reflect credit to the Virgin Islands before the millions of visitors who will view our section of the pavilion. This, I am sure, is appreciated by most Virgin Islanders, and must be a source of great satisfaction to you.

"Since the fair opens on April 22, 1964, it is only reasonable and fitting for me to ask you, the architect of this world's fair project, to defer the effective date of your resignation to May 31, 1964."

In view of your many kindnesses during my tenure in office, I wrote you on March 3, 1964, that I would remain in office until May 31, 1964, "to oversee the culmination of our plans for participation in the New York World's Fair and to coordinate planning for all divisions and including our advertising and sales promotion program for fiscal 1965." I also stated at that time that "I shall always be ready and willing to serve you and the people of the Virgin Islands whenever you feel there is some special task for which my services are required or for which the government needs me."

Under your administration as Governor of the Virgin Islands and my appointment as your first commissioner of commerce, we have seen tourism grow from a $25 million industry in fiscal 1961 to a projected $48 to $50 million industry in fiscal 1964. This increase in tourist expenditures of almost $25 million in these past 3 fiscal years, is, in itself as an increase only, equal to the total tourist expenditures for the entire United States Virgin Islands in any fiscal year up to and including fiscal 1961, when we came into office. Per capita income in 1963 reached a new peak of approximately $1,700—the highest in the entire Caribbean area, and doubled the per capita of income 3 years ago. Government revenues have doubled in these same 3 fiscal years, and for the first 9 months of fiscal 1964, government revenues are 40 percent ahead of the like period in 1963. Total bank deposits in the Virgin Islands are at an alltime high, and total bank loans are at an alltime peak of approximately $40 million—an increase of almost 150 percent as compared with 1961.

The department of commerce you created, with the consent of the legislature continues to be the motivating force, stimulating and continually expanding the record economic growth and development of the Virgin Islands.

I realize that businessmen cannot be thin-skinned when they accept appointments in government service. I do, however, think it is outrageous that the prodigious effort and energy, that I and my staff, have contributed to this world's fair enterprise, and the plaudits we have received from many sources including the press, businessmen, construction workers, policemen, custodial workers, and so forth, and Virgin Islanders residing in New York should be accompanied by the strident discord and confusion generated by Lieutenant Commander and Mrs. Harry Harman III.

I certainly hope that the foregoing comments will satisfy any fair-minded person that my actions were taken with the objective in mind of obtaining the most advantageous arrangements for the government and people of the Virgin Islands.

Submitted May 4, 1964.

HENRY L. KIMELMAN,
Commissioner of Commerce.

NATION ON THE MARCH

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, the President recently declared in a speech in New Jersey that the Democrats have put this Nation on the march. Yes, Mr. President, America is on the march all right, but in the wrong direction for the future good of our people.

Our fine American sons are marching into the jaws of death on foreign cold fronts today, away from their farms, factories, families, and friends, 11 long years after the third Democrat hot war in 45 years.

Yes, we are on the march, losing the respect of many nations on this side of the Iron Curtain, due to our vacillating foreign policy toward Cuba and elsewhere, and by interfering in other nations' business outside of this hemisphere.

Yes, we are on the march to spend and waste even more billions on the ineffective, giveaway, so-called foreign aid program than the $2,700 already spent for each average American family to pay, or for their children to pay, some day, some way, or else.

Yes, our American dollar is on the march downward in purchasing power, because of the reckless, wasteful spending route we have traveled at breakneck speed for more than three decades, to the end that many foreign nations have long ago lost confidence in the stability of the American dollar, hence they have demanded gold for their exports to us, and thus they have during the past several years, drained our gold supply down to the danger point. Yes, our precious American gold is also on the march, out.

Yes, we are marching down that very same reckless, spending road on which many nations across the seven seas marched, all the way to their destruction, causing their currency to depreciate until it took a handful of paper bills just to buy a loaf of bread. Our American dollar is now depreciating, month after month.

Yes, we are on the march, increasing our present Federal debt of over $313 billion by an additional $20 billion at the end of fiscal year 1965, and as a comparison, may I remind you, Mr. President, that the actual estimated value of all the farms in the entire United States is only $143 billion.

Yes, Mr. President, we are on the march to bankrupt more and more private American taxpaying industries, including our meat-producing industry, because your Democrat foreign freetraders finally got their way, and we are in complete dictatorial control in Congress and at your present abode at 1600 Pennsylvania Avenue. So I ask you, Mr. President, is it any wonder that bankruptcies are up over 50 percent over what they were in 1960, and mortgage foreclosures are about double what they were in 1960, since which time your party has occupied the White House and has had a large majority in Congress.

Now, Mr. President, as you well know, the Republicans in Congress went on a march early in the last session, and led the fight to reduce the 1964 fiscal year budget by $6,300 million, a saving of over $130 for each American family on an average. Congress would not have passed the Federal income tax reduction bill had we not done so; and we are continuing on that march to preserve and protect our American blessing of freedom spelled out by our Founding Fathers, in order that our children and their children might not live in bondage, dictated by an all-powerful central government, like those poor souls back of the Iron Curtain.

Mr. President, while you must glory in your consoling claims and platitudes, I admonish you to remember that a great majority of mature Americans are deep, serious thinkers. They cannot, and will not, be marched down a blind alley, even by the President.

Hence, a multitude of awakened Americans in both parties will be found marching together, chin up, toward the bridge where only trusted Americans, henceforth, will be put on guard.

FALSE ECONOMY IN THE POSTAL SERVICE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, in yesterday's—May 17, 1964—edition of the Philadelphia Inquirer this headline appeared on the front page: "Post Office Savings Don't Spell Service to Many Businessmen."

This appears to have become a universal theme song among patrons of the postal service.

Our once proud and efficient postal service, dying slowly for the past 4 years, may soon become a corpse if the administration does not abandon its false economies that can bring about an early death with resultant chaos in the business world, to say nothing of distressing inconvenience to the taxpayers of the Nation.

I refer, Mr. Speaker, to the Postmaster General's recent curtailment of window and other services on Saturday and, in some of the larger cities, Sunday services. The Postmaster General, with great praise to himself, describes the move as one of economy—perhaps in the hope that economy will prove a magic word to divert public attention from the deplorable mail service we now suffer. And many admit it is deplorable.

Mail is subject to unconscionable and unreasonable delays, even though the first-class postage rate has advanced 150 percent in the last 31 years; an advance greater than that of the cost of living, of many commodities basic to the national economy, and services essential to human welfare. As postal rates have advanced, the quality of postal service has declined, and at an alarming pace.

When I came to this body nearly 4 years ago, a piece of first-class mail sent to me from York, just 90 miles distant, arrived on the first delivery the next morning. Today, that is not wholly true—much of such mail gets here a day later. The same is true with mail from my office to York.

Residents of the 19th Pennsylvania Congressional District write me constantly complaining of unreasonable mail delays of from 1 to 3 or 4 days from nearby Philadelphia and New York. Ironically, they state that letters bearing ZIP code numbers, the Postmaster General's red herring that he tries to draw across the trail of poor service, are sometimes later than those without the ZIP number.

Frankly, I am not an expert on postal service and do not know if morale in the postal service is low, if there is inadequate supervision, or if the service is filled with incompetents who feel sure of their employment under an administration which will forgive any sin as election time nears. Let me give you an example of downright incompetence, ignorance, or indifference—take your choice.

In my district there is a borough, East Berlin. Although mail I address to East Berlin invariably carries Pennsylvania in quarter-inch bold face type as part of the address, some pieces are sent to East Berlin, Germany, or are returned to my office with notice that I must affix foreign postage at the rate of 11 cents an ounce. Complaints to the Postmaster General have brought indifferent and inadequate replies which seem to shrug off this incompetence as just one of those things.

Mr. Speaker, prompt and adequate mail service is essential to the business community which President Johnson importunes to accelerate the economy. Remember, it is business and not Government that regulates our economy. It is the just right of a people who pay one of the highest postage rates in the world to expect adequate service, but we are confronted with the sorry fact that the postal service is slowly deteriorating and disintegrating.

In a recent issue, the New York Times remarks facetiously that "in neither snow nor rain nor heat nor gloom of night shall pigeons be allowed to roost on the general post office at 33d and 8th Avenue."

Continuing, the Times states that bids have been asked for electronic birdproofing the building at an estimated cost of between $44,000 and $55,000. This war on pigeons comes in the wake of, first, a building-cleaning project in 1962 at a cost of $174,490; second, a scare-pigeon program that involved the use of silhouettes of husky tomcats painted black and white and hung from wires; third, the use of corrugated cardboard to jam shut little niches between the massive building's Corinthian pillars and caps, bronze grillwork, ledges, and keystones.

I can only suggest, Mr. Speaker, that if we are sincerely interested in economy, the Fish and Wildlife Service rather than the postal service should be called upon to reduce the pigeon population. I assure you it could have been done at a very, very small fraction of the cost reported.

On second thought, possibly the Department is toying with the idea of returning to the use of pigeons as carriers. Properly trained, they at least would not fly to East Berlin, Germany, when the message is clearly directed to East Berlin, Pa.

I can only suggest, sir, that the Post Office and Civil Service Committee take action at this time to find out why we cannot have reasonable postal service. This would be a laudable undertaking in the interests of all the people who now are subjected to abominable service in the sacred name of "light bulb" economy.

HIGH PRESSURE SELLING OF $100-CAMPAIGN-DINNER TICKETS TO CIVIL SERVICE EMPLOYEES

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, the high-pressure selling of $100 campaign dinner tickets to civil service employees is once more in the headlines, with new wrinkles by the Democratic National Committee which reveal a determination to stretch the rules of political activity by Government employees all out of shape. I want to include in my remarks articles by Joseph Young, of the Washington Star, and Jerry Kluttz, of the Washington Post, which reveal the blatant nature of the latest efforts at collecting contributions from Government employees.

Over the past several months, complaints have come to me in letters and telephone calls in which civil service employees have recited their experiences. Hoping that attitudes had changed under the new administration, I have refrained from discussing these matters. However, as a result of the revived activity which is now admitted, I am today writing the President, reciting the facts which have come to my attention. It is my intention to place my letter in the RECORD after it has been received by the President.

Under unanimous consent, I insert the Star and Post articles at this point in my remarks:

[From the Washington (D.C.) Star, May 17, 1964]

DRIVE STEPPED UP TO SELL EMPLOYEES $100 TICKETS TO AFFAIR FOR JOHNSON

(By Joseph Young)

The Democratic National Committee is stepping up its drive to get Government career employees to attend the $100 a ticket affair in honor of President Johnson on May 26 at the District of Columbia Armory.

Thousands of career employees in grade 9 and above have received "invitations" from the Democratic National Committee in the past few weeks. Many thousands of others had received invitations and followup letters during the past 3 months.

And the Democratic National Committee apparently has devised a new wrinkle to pressure Government careerists into attending.

During the past week employees of grade 13 and above in the Agency for International Development, which is seeking legislation to "select out" employees without regard to civil service laws, received invitations.

The invitations they more or less expected. But what chilled them was their civil service grade number written in ink on the corner of the invitation cards.

AID employees feel this is a not-too-subtle way of telling them their agency expects them to attend if they hope to avoid the fate of being "selected out" of their jobs, should AID get this authority.

While letters sent to Government employees at their homes, soliciting funds for political purposes, are not a violation of Federal laws, it is a violation if names of employees were furnished by the agencies for which they work.

It long has been taken for granted that many agencies do furnish such information to political organizations, but this is very difficult to prove.

However, the situation regarding AID employees and the fact that their grades were written on their invitations suggest the information may have come from AID.

AID officials emphatically deny the information came officially from the agency.

They acknowledge there are hundreds of organizational charts bearing the names of AID employees, their grades, job duties, etc., that are intended for "official use only," and that someone at AID could have furnished a chart to the Democratic committee. They declare, however, that if this happened it was without the approval of AID.

[From the Washington (D.C.) Post, May 18, 1964]

HOUSE COMMITTEE TO MAINTAIN VIGIL ON PROMOTIONS

(By Jerry Kluttz)

Invitations: Employees in the high grades report they have received invitations to attend the $100 Salute to President Johnson scheduled for May 26 at the National Guard Armory here.

An employee in the Agency for International Development was particularly intrigued by his invitation; his grade was written on its upper left-hand corner. He and his colleagues in grades 13 and above would like to know who supplied the Democratic National Committee with their names, addresses, and grades.

Several more wives of employees have called to protest that their husbands are being pressured to buy tickets; not one, but two tickets. But generally, employees report ticket-buying is on a voluntary basis and that pressures, up to now, are far less than they were at the Democratic gala last year.

U.S. BUILDING AT NEW YORK WORLD'S FAIR

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, over this past weekend I had the opportunity to be included in the congressional group that visited the New York World's Fair, at our own expense, incidentally. It was an exciting, well organized, and interesting experience, and I do not want my remarks regarding the one glaring disappointment to overshadow the basic fact that this fair is something that all Americans can and should be proud of.

This disappointment of which I speak, is the one exhibit which should have aroused the most pride among those of us from the Congress who made the trip. I speak of the U.S. Building at the World's Fair. Not only is this exhibit intended to typify the best things about our country, but this Congress has a vested interest in its ability to do so, to the extent of a $17 million investment paid for by all the taxpayers of America.

Although the U.S. exhibit is under the jurisdiction of the U.S. Department of Commerce, I came away with the impression that our "Foggy Bottom" State Department played a far greater part in determining its contents, use, and purpose.

About the only thing really indicative of America that I observed was a square dance group located in the unfinished portion of the building, which was otherwise architecturally beautiful, large, and impressive.

Most of the rest of the exhibit is devoted to facsimiles of old newspapers plastered upon the walls that make up the outer periphery of the exhibit. Aside from the lack of imagination that produced this kind of wall-to-wall coverage, the stories these newspaper articles tell is not of America's greatness, not of the American free enterprise system, not of America's great traditions. Rather these reproduced newspaper headlines and stories are designed to play up all out of proper proportion, America's difficulties, political and social propaganda, and prattle.

Starting at one end of the corridor and reading across to the other, one reads mostly stories of our poverty, our civil rights controversies, our areas of so-called social concern, and, in general, an all-out effort intended to accentuate the negative and ignore the positive.

Then we were treated to a dissertation about the Peace Corps and all our domestic shortcomings, along with the reasons why all of them would be solved by adopting all the New Frontier proposals.

Then we were taken on a ride in moving carriages through a dark tunnel, and given some more "brainwashing" by the use of slides and movies. Although this is supposed to be an American exhibit, I had the impression that most of the hired help were foreign students who have a difficult time with the English language, let alone be expected to know American history. They seemed long on authority and overequipped with two-way radios and long hair.

The one art exhibit to which we were exposed consisted of what I can only describe as hideous 6- by 8-foot murals of surrealistic paintings. They looked like something my 3-year-old granddaughter might have produced if she were turned loose unattended with a few buckets of paint and hands to smear with.

I cannot help but compare this Federal exhibit, financed by American tax dollars, with the exhibit sponsored by my own State of Missouri, which I believe to be one of the outstanding exhibits at the fair. If ever there were a reason for placing greater trust in States' rights than in an ever-growing Federal bureaucracy, a comparison of these two exhibits will show why there is so much sentiment today for the former. I hate to think of our underwriting the balance of the fair to the extent we have used the taxpayers' money.

THE COMMUNISTS HAVE THE SAME OLD STORY

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALGER. Mr. Speaker, the weekend news from Laos is another example of how the Communists ignore treaties and agreements. Perhaps the outbreak of fighting in Laos will help convince the administration that you cannot do business with the Communists.

The Democrat leadership has proven time and again it does not understand the nature of communism nor the Communist goal to rule the world. We Republicans warned that forcing a coalition government on Laos would mean the eventual takeover of that country by the Communists. For speaking the truth when Laos was sold out at Geneva, we were branded as warmongers. Today's headlines show that the Communists are running true to form in breaking their agreement. Another Asian nation will be swallowed up by the Reds because American leadership is weak.

At the same time that Red aggression is overwhelming Laos, and Khrushchev is in Africa calling for revolution and stirring up more hatred for the United States, our President is talking of further cutbacks in our weapons on the promise of the Russians that they will do the same. Our foreign policy, under the present shortsighted leadership, is becoming absolute nonsense with the result that freedom everywhere in the world is in greater jeopardy than at any time in recent years.

American boys are dying now in Vietnam because of Red aggression. Communist missiles are being aimed at Dallas and all other major American cities from Cuba. Africa is in ferment, brewed with the poison of Communist propaganda spewed by the leader of the Communist conspiracy. We cannot wait until just a few weeks before the election for some dramatic grandstand play by the administration to win votes. We must take a firm stand now to make the Communists understand that America is on the side of freedom and we will make no more deals with the enemies of freedom. We are ready and able to defend our own land and we will take whatever action is necessary in joining with others who are willing to take a stand against Red enslavement. A strong, determined, understandable policy now is the best guarantee we have for peace. The appeasement, vacillation, and weak-kneed policy of the past 4 years is bringing all-out war dangerously close.

All the trouble in the world today is being fomented by the Kremlin and the Communist bloc, yet the Democrat administration is still trying to sell us on the idea we can trust the Communists, make treaties with them, do business with them. The record of history proves otherwise.

TEXAS NUN CITES BRAINWASHING IN SRA TESTS

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I have spent a great amount of time in the past 3 years studying the so-called psychological testing in our schools. I am glad to say that many other conscientious Americans throughout the Nation have also been taking a hard look at these brain-picking tests. I have received literally thousands of letters from interested parents, teachers, and even guidance counselors who are alarmed at the trend in this facet of modern education.

One of the most comprehensive and best analyses of these tests has been done by a Texas nun, Sister Mary Kateri Larkin, who points out that the Science Research Associates publication "Reading for Understanding" is written in such a way as to "belittle man's mind, attack morality, demote God and downgrade religion, education, and our Government." She amply cites chapter and verse to back up these serious charges. By innuendo, suggestion, and emphasis, many of these brain-picking tests induce young students to mock patriotism, parental authority, and our free enterprise system. I think Sister Mary Kateri Larkin has done an outstanding job and I include her report with these remarks:

SRA—FACT OR FALLACY

(By Sister Mary Kateri Larkin)

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INTRODUCTION—SRA VERSUS UNITED STATES?

"And Pilate said: 'What is truth?' "

These words once again reflect a widespread and unfortunate attitude toward many of the vital and critical issues of our times, none more important, we feel you will agree, than that of education,

For this reason, we strongly urge you who are dedicated to truth, to read and examine carefully—completely—the following material, giving it the fullest benefit of the very real and essential contribution your qualified judgment will provide in this urgent matter.

The need has never been greater.

PART 1: EVIDENCE

Excerpts from "Reading for Understanding Kit."

[Quotation marks added for emphasis.]

Reading for understanding (*selections*)

C—Circle, D—Diamond, S—Square, T—Triangle.

C 98–3: "Self-sacrifice is a poor doctrine to preach," for it leads to "hypocrisy" and "self-deception." If a person convinces himself that he likes some object A, when he really prefers B, then he will think that he is practicing self-denial in:

A—Choosing either.
"B—Renouncing A."
C—Embracing A.
D—Renouncing B.

T 98–4: "Pity" is often a "perception" of "our own misfortunes in those of others;" it is a "shrewd foresight" of the evils into which we may fall. We "succor" others in order "to engage them to succor us" in similar circumstances; and the services we render them are, to speak properly, a good which we do to ourselves by

"A—Anticipation."
B—Solicitation.
C—Virtue.
D—Perception.

T 98–1: The ideas of Aristotle on astronomy and physics have long ago been repudiated or enlarged, "but his ethics and politics" are even today read and revered by scholars in every Western nation. "Can we infer" from this "that his insight" into the "social sciences" was "greater than that" into the "natural sciences, or should we infer rather that the social sciences have not progressed in the over 2,000 years since Aristotle? The latter inference is probably the safer one to make." In the "300 years" since the beginning of modern science the "chemists" and "physicists" have "by rigorous thought" and "controlled experiment" devised theories of the nature of matter which have given man "an unprecedented control" of his "environment." As yet, "very few examples of this type of thinking can be found" in the area of

"A—Human affairs."
B—Mathematics.
C—Medicines.
D—Modern science.

C 99–2: When you speak of the favor of God, we may as fairly hope for that as yourselves. "Neither our pretension nor our conduct" is in any way "contrary" to what man believes of God nor practices with his fellow man. "But this is not important." "Of God we believe, and of man we know, that by a necessary law of His nature He rules wherever He can." And it is not as if we were the first to make this law, or to act upon it when made. "We found it existing before us" and shall leave it to exist forever after us. "All we do is to make use of it," knowing that you or anyone else, having the same power as we have, would do the same as we do. Thus, as far as God is concerned, we have no fear and no reason to fear that we shall

A—abide by laws not inspired by God.
"B—suffer disadvantage at the will of God."
C—interpret wrongly the will of God.
D—rule of the world in the name of God.

C—circle, D—diamond, S—square, T—triangle.

T 100–1: Nineteenth-century scientists discovered that both living and nonliving cells are composed of the same chemical atoms. "Living cells were inferred to obey mechanical laws of causation, just as nonliving cells do." Consequently, there arose "a mechanistic theory of human life which asserted that mental activity consists solely" of "responses" to "peripheral stimulation," so that "man is not free to determine his actions." "Proponents" of this theory "thus removed the basis of"

A—causation.
"B—morality."
C—mechanism.
D—determinism.

T 100–9: As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. "The diversity in the faculties of men, from which the rights of property originate," is not less an insuperable obstacle to a uniformity of interests. "The protection of these faculties is the first object of government". From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different

A—Economic groups.
"B—Pressure groups."
C—Social classes.
D—Political interests.

D 100–10: "It is doubtful whether one can ever distinguish information from propaganda in an objective way." "As in the case of liberty and license," "it must be a subjective distinction" in which "propaganda" is "any opinion" which is:

"A—Intentional."
B—Political.
C—Disliked.
D—Popularized.

T 99–10: No man believes that he can be lost, or that the crime in him is as black as in the felon; every man thinks a latitude safe for himself which is nowise to be indulged to another. "We permit all things to ourselves," and "that which we call sin in others":

A—Is that which we do not do.
B—We know to be criminal.
C—We permit of no man.
"D—Is experiment for us."

S 97–1: It is a common practice to call a man good if he refrains from committing sinful acts. "It matters not that he may never perform an action" that "will be of benefit to humanity, for virtue consists" of:

"A—Not doing."
B—Keeping busy.
C—Helping others.
D—Noble motives.

T 97–2: The age of hero-worship is past, and "we regard men merely as the creatures of circumstances;" and, "with Cicero," are ready, "not to praise Regulus" for his "self-sacrifice," but to "ascribe all credit to his":

A—Insight.
"B—Times."
C—Ability.
D—Ingenuity.

D 97–1: Proteus, the Greek god "whose appearance continually changed," would always "be a stranger" in our world. We "could never completely let down our guard with a person who seemed so inconsistent" from day to day, for in order that we may feel at home with anyone, he must be characterized by a certain degree of:

A—Unexpectedness.
B—Ingenuity.
C—Morality.
"D—Monotony."

C 97–10: "Ambition fulfilled leads to gloom and depression." "It is the struggle against odds which impels and inspires us; the achieving of the goal" for which we have striven "is an occasion which":

A—Induces great happiness.
"B—Brings emptiness in its wake."
C—Crowns our glory.
D—Answers our needs.

D 97–5: We prize but little what we share only in common with the rest, or with the generality, of our species. "When we hear of blessings," we think forthwith of:

A—Material prosperity.
B—Gain disproportionate to effort.
C—Widespread happiness.
"D—Superiorities over others."

C 98–8: "Shall we be satisfied with the definition that a moral man is one who obeys the rules and laws of his society? Machiavelli said that the "wise man will not always tell the truth" but "will strive to preserve" his "reputation as an honest man because he can take advantage of people only if they trust him. Is conscience only" what Mr. Mencken once called it—"That still small voice which whispers":

A—God knows your thoughts?
B—"Somebody may be looking"?
C—You may be wiser than others?
D—To thine own self be true?

D 96–4: "We are loath to admit" that we are "motivated by selfishness" and "by passion. We would have others believe" that "our selfish behavior" is "actually" the result of "idealism" and that "all our emotional actions" are the end product of:

A—Instinct.
B—Habit.
C—Ambition.
D—"Reason."

D 96–1: It is a peculiarity of man that he feels compelled to find a rational justification for life, to find that value for which life is worth living. "But man does not live by thought." He may well be a rational animal, but "it is man's animal nature that accounts for living," for "life begins" in "single-celled animals" for which "the imputation of thought processes would be ridiculous." Yet "they live and fight" for life with such determination that "a philosopher would be dwarfed by comparison." The "search by the philosopher" for the "rational cause of the will to live is a confession of the weakness of our species," for "life requires no such justification. The human being is in one sense lower than the other animals whose apparent belief that life is good" is "so immediate" that "they require no interposition" of:

A—Determination.
B—Morality.
C—Evolution.
D—"Thought."

D 99–1: There are still "a few physicists" who "predict a return to prominence" in scientific thinking "of the concept of causation. Recent work demonstrating" the "need for a concept of indeterminacy" furnishes this group:

A—Logical proof of causation.
B—Empirical evidence that they are right.
C—Inspiration for further research.
D—"Little basis for this prediction."

D 96–8: The notion of "innocence" implies "a certain lack of knowledge of worldly things." After "one's naivete" has been "eradicated," he may "turn back" from his secular pursuits in an endeavor "to recapture the innocence of his youth," but, "insofar as recovering innocence" intends a "state of mind," it is:

A—Synonymous with "penitence."
B—"A contradiction in terms."
C—An indication of guilt feelings.
D—Inferior to sophisticated awareness.

C 96–7: The author suggests that "perhaps so many of our young people have turned from the church in disillusionment because they cannot escape making an inevitable comparison between the religious rites of their youth and those practiced by savage tribes." He thinks that "it is difficult to study anthropological literature thoughtfully without" its:

A—Strengthening one's superstitions.

B—"Distinguishing religion from superstition."

C—Corrupting one's mind.

D—Corroding one's faith.

S 96-9: All his life this man has been completely incapable of experiencing profound emotion. "He has deliberately sought suffering," hoping that "therein" might "lie a sense of reality" deep and true. "Still he sees only the sham and superficiality of life, having learned one thing only from grief":

A—The bitter dregs of truth.

B—How to transcend it.

C—"How shallow it is."

D—That it was worth it, after all.

C 96-10: Nature has placed man under the "empire of pleasure and pain. We owe to them all our ideas; we refer to them all our judgments," and all the "determinations of our life." Utility is an abstract term. It expresses the property or tendency of a thing to prevent some evil or to procure some good. "Evil is pain," or the cause of pain. "Good is pleasure," or the cause of pleasure. That which is conformable to the utility, or the interest, of an individual is what tends to augment the total sum of his happiness. "What is it to offer a 'good reason'" with respect to a "law"? It is "to allege the good or the evil" which the law tends to produce: "so much evil, so many arguments against it; remembering that good and evil are nothing else than":

A—Utility and inutility.

B—"Happiness and unhappiness."

C—Godliness and ungodliness.

D—Morality and immorality.

S 100-6: According to Emerson, "thoughts are the result of action rather than vice versa." It may be an elementary fact that all truths of our society must be observable functioning relationships before they are:

A—Applicable to society.

B—Improved by the technician.

C—Maintained with certainty.

"D—Discovered by the student."

T 99-5: "A planned fight for a fixed purpose is something that the true warrior detests." "Even cowards" might be "motivated to fight in such a rational situation. The true warrior exults in spontaneous combat. He fights, not for gain," but for:

A—Profit.

B—Survival.

C—Ideals.

"D—Sport."

D 99-3: There is an ever-widening disparity between the creator and his creation—"insignificant men" and "magnificent works. Here is greatness fathered by":

"A—Paltriness."

B—Immortality.

C—Inventiveness.

D—Despondency.

C 96-2: "Descartes" showed "real doubt concerning the existence of this or that particular object" but he did not point to an interruption in the "general belief that at least some external objects exist. He pointed out" that "some of our experiences are illusory but not that all of them are." Actually, his habits of action indicate that he found no such interruption and that he really believed:

A—In the infallibility of reason.

"B—In the existence of the external world."

C—That the world around us is merely illustory.

D—That only God existed.

C 99-1: Increasing emphasis on "the irrational and unconscious motivations of man" had led some pessimists "to strip rationality of all value," indeed, "to denty its existence." The new findings, of course, must be recognized in any adequate theory of human behavior, but the discovery that the flowers of human life are rooted in dark soil in no way refutes the:

"A—Importance of sunlight."

B—Notion of unconscious motivation.

C—Need to prevent erosion.

D—Irrationality of their blossoms.

S 98-3: The human brain is best equipped to form associations under conditions of contiguity of time and space of the elements to be associated. "When interaction is required between temporally and spatially distant elements, the brain is":

A—Quite adequate and thorough.

"B—Altogether slow and unfit."

C—Both inquisitor and judge.

D—Aided much by human understanding.

D 99-4: It is "virtually impossible for a person effectively to oppose" the "climate of opinion" and to "resist the intrusion into his own thinking" of opinions contrary to his own. If these contrary opinions are "greatly publicized," they "unavoidably" become stimuli for every individual, who must ask of himself whether the opinions are just. The character of the answer is determined by the character of the question. The individual "will soon find himself thinking along the lines represented in his opponent's opinions, in order to oppose them. Before long" the individual "discovers that he now holds the opinions held" a short time before "by the opponent," while still opposing his "latest statements." Thus it is that:

"A—Uniformity of opinion is developed."

B—Political adversaries are defeated.

C—Differences of opinion are developed.

D—Alternative opinions are considered.

T 99-6: Our senses are our only means of communication with the external world. Often "our impressions" of outside reality "are inaccurate or incomplete," either "because our senses" have given us "no information" about some aspect of a thing or because they have given us "false information". "Of the conflux of potential stimuli" which surround us at any one time, "relatively few are made known to us sensorially." And, as we have said, "even if our senses do apprehend something, their apprehension":

A—May not produce a sensation.

B—Is disproved when we see the object.

"C—Is not much to be relied on."

D—Is never transmitted to our mind.

D 98-6: In normal times the judicial decisions of lower tribunals are bound by "strict rules and precedents, but" the "decisions of the Supreme Court"—where the legal questions are ambiguous and the precedents conflict—"must of necessity reflect the":

A—Attitudes of the people.

"B—Convictions of the Justices."

C—Will of Congress.

D—Spirit of the Constitution.

C 29-2: The "members of Congress, the Chief Executive," and "the judges of the Supreme Court must be guided by their own opinions of the Constitution." Each public officer who swears to support the Constitution swears that he will support it, not as it is understood by others, but as:

"A—He himself understands it."

B—The Founding Fathers intended.

C—The majority of officials decide.

D—New necessities require.

S 100-2: The "curriculum" offered in our school involves "so much duplication and so many valueless courses" that it is time for the curriculum to be worked on carefully by a man with a:

A—Book.

B—Drill.

C—Spade.

"D—Hatchet."

T 97-3: "It is generally conceded that democracy as a form of government has its disadvantages." The "democratic state" is "far from a utopia"; yet there are those to whom "democracy is a religion." They are "fanatical in their expectations" of the blessings that democracy will bring. They allow their "ability for rational thinking" to be "superseded by":

A—Their nationalism.

"B—Hopes and dreams."

C—Well-reasoned arguments.

D—Political theories.

T 100-3: Do not accuse social science of denying the metaphysical problems toward which its investigations point. The social scientists, while recognizing the existence of such problems, state that "their factual knowledge is as yet so incomplete that to speculate far beyond the data would yield only meaningless results." Until they have established a "hierarchy of ever more general scientific laws, firmly grounded in fact," their answer to the more "inclusive metaphysical questions" must be:

A—Here is the best opinion.

B—No one will ever know.

C—We are not interested.

D—"We are ignorant."

S 100-4: A "university professor" who has been made painfully aware, perhaps by his wartime experiences, of social and economic miseries "finds himself filled" with "an enervating sense of guilt" as he pursues the "study of the early Greek epic." "He is only one of a class of intellectuals" who today find "they can no longer truly believe in":

A—The value of a college degree.

"B—Scholarship for its own sake."

C—The existence of social inequality.

D—The rights of the common man.

D 96-5: The "advancement" of the science of "logic has been retarded" because "logicians have confined their interest to relations between words, neglecting the relations between actual objects or events represented by the words." "Recent theories of logic wrongly presume that truth may be discovered through the manipulation of":

A—Characteristics of things rather than relations between things.

"B—Ideas of things rather than the things themselves."

C—Relations between things rather than the things themselves.

D—Relations between ideas rather than the ideas themselves.

S 96-2: To suppose "universal laws" of nature "capable of being apprehended by the mind" and "yet having no reason" for their "special forms, but standing inexplicable and irrational," is "hardly a justifiable position." "Uniformities" are "precisely" the "sort of facts" that "need to be accounted for." That a pitched coin should sometimes turn up heads and sometimes tails calls for no particular explanation; but if it shows heads every time, we wish to know how this result has been brought about. "Law is par excellence" the thing that:

A—Is known only intuitively.

"B—Wants a reason."

C—Cannot be defied.

D—Must change as new facts turn up.

PART 2.—LETTER OF INQUIRY TO THE PUBLISHER—DR. PARKER'S RESPONSE TO INQUIRY

November 15, 1962.

Dr. Don H. Parker,
Consultant, Science Research Associates,
Chicago, Ill.

Dear Sir: Attached you will find a copy of selections from your publication "Reading for Understanding" in which I discovered most objectionable material, objectionable for anyone of any age, much less for the young readers for whom they were intended.

How do you justify, educationally or otherwise, printing statements such as I have underlined, the works of authors who suggestively belittle man's mind, attack morality, demote God, and downgrade religion, education, and our Government—to quote only a few:

"Of God we believe * * * that by a necessary law of His nature, He rules wherever He can."

"Self-sacrifice is a poor doctrine to preach, for it leads to hypocrisy and self-deception."

"Democracy places control in the hands of the mediocre masses."

"The Members of Congress, the Chief Executive * * * must be guided by their own opinions of the Constitution" (not as the Founding Fathers intended).

"But man does not live by thought * * * it is man's animal nature that accounts for living. * * * The human being is in one sense lower than the other animals."

Isn't brainwashing by slanted, distorted slurs and false philosophies a high price to pay for "aiding the student in improving his ability to get meaning from his reading"?

According to your SRA staff associate here, a similar complaint was made to your company about a year ago, and you protested that it was all a misunderstanding. Forty cards were pulled out of the series, and new cards were printed which could replace the old just for the asking. Yet, a year later, the box which I just examined (in full use in a seventh grade classroom) still had the original cards, and the school had never been alerted by you. Presumably, unless one is fortunate enough to stumble on the truth, the brainwashing goes on.

I do not believe that a company such as yours should be supported by any responsible educator.

Very truly yours,
Sister **Mary Kateri Larkin**.

Dallas, Tex.

Science Research Associates, Inc.,
Chicago, Ill., December 6, 1962.

Sister **Mary Kateri Larkin**,
Dallas, Tex.

Dear Sister Mary Kateri Larkin: Please pardon my tardy reply to your letter of November 15 but I have been out of town attending the National Council of Teachers of English. Since I am not the author of this material, I am turning your letter over to our executive editor, Dr. Lawrence V. Willey. I am sure you will be hearing from him soon.

Thanking you for your interest in improvement of educational opportunities for students, I am

Sincerely,
Dr. **Don H. Parker**,
Consultant,
Multilevel Materials of Instructions.

PART 3.—DR. LAWRENCE V. WILLEY'S RESPONSE, TOGETHER WITH BROCHURE ATTACHMENT: "A REPORT ON THE ATTACK AGAINST SRA'S READING FOR UNDERSTANDING KIT"—FORM B, DECEMBER 1962

December 17, 1962.

Sister **Mary Kateri Larkin**,
Dallas, Tex.

Dear Sister Mary Kateri Larkin: Don Parker has referred your letter of November 15 to me. We apologize for the delay in letting you know that we have carefully studied your criticisms about "Reading for Understanding." Our editorial staff is concerned that you found materials in RFU objectionable.

After reviewing each of your comments, it became apparent to us that the general purpose for RFU has not been made clear to you. The passages on which questions are based are not designed for indoctrination. We may not agree with many of the ideas expressed in the selections. The purpose for the passages is to provide reading material about which questions can be asked to help children develop critical reading skills to improve their understanding of what they read. Children must learn how to read and understand all types of materials. For that reason selections have been included in RFU which represent various points of view about a number of topics. Students should certainly not accept the ideas included in the passages. Instead they should concentrate on determining what the passages contain and make critical judgments about the ideas in them. RFU has proven useful in hundreds of classrooms in serving the purpose for which it was designed.

The RFU program was developed and tested over 15 years by Mrs. Thelma Gwinn Thurstone, professor of education at the University of North Carolina. Mrs. Thurstone is well known in education and a highly respected authority in reading and testing. She has worked on several projects for the Federal Government in which her loyalty and devotion to democratic ideals and principles were recognized. We are proud that Mrs. Thurstone is an SRA author.

In view of my explanation of the purpose for RFU and the stature of its author, Mrs. Thurstone, I hope that you will reconsider its use in your classroom. A copy of an explanatory statement on RFU is enclosed for your information. If we can provide you with additional materials on RFU, please let us know.

Sincerely yours,
Lawrence V. Willey, Jr.,
Executive Editor.

Form B.—"A report on the attack against SRA's 'Reading for Understanding' kit"

(Prepared by the Department of Information, Science Research Associates, Inc., Chicago, Ill., December 1962)

"Reading for Understanding" first came under attack in the fall of 1961, in Ventura County, Calif., when rightwing extremists charged that it contained material which was "un-American," "pro-Communist," and "subversive."

From there it spread across the country, showing up in such places as western Pennsylvania, Philadelphia, and other eastern communities. This phase of the attack subsided in the early spring 1962.

A new outbreak of a similar nature developed in the San Gabriel Valley of southern California in the fall of 1962 and, although it is affecting a somewhat larger number of school districts than a year earlier, seems to be pretty much confined to California.

This report is an attempt to outline something of the scope of the RFU controversy and provide educators with the information needed to cope with similar attacks should they break out in their areas.

What Is the RFU?

"Reading for Understanding" is a specialized set of reading materials especially designed as a device for teaching critical and inferential reading to students in grades 3–12. The emphasis throughout is on helping youngsters comprehend the significance of what they read, to make valid inferences from what they read, and to think critically about what the author is saying.

This is accomplished through the use of a series of 4,000 reading selections of graduated difficulty, which have been printed, 10 to a card, on 400 color-graded cards. Each selection contains an incomplete statement and four possible answers. The student is asked to select the one answer which would make the statement complete and accurate insofar as the information provided in the selection is concerned.

The student is not expected to agree with everything on the printed cards, but he is expected to learn to understand what the author has written. For this reason the kit is considered a useful tool in helping children distinguish between fact and propaganda.

Who Is the Author of the RFU?

"Reading for Understanding" was developed over a period of 15 years by Thelma Gwinn Thurstone, professor of education at the University of North Carolina. Mrs. Thurstone, a highly respected authority on tests and measurements and on problems of teaching reading, is also the coauthor of a number of SRA tests, including the SRA tests of educational ability (TEA); the SRA primary mental abilities tests (PMA); the SRA verbal form intelligence test and the Thurstone test of mental alertness, and has worked on various high level projects for the Federal Government.

How Is the RFU Used?

Materials in the reading for understanding program are not designed to teach basic reading skills or even facts in the subject areas covered by the selections.

RFU is designed to provide the student with challenging and stimulating exercises in reading comprehension as part of a developmental reading program for all students—those who are good readers as well as those who are average or poor readers.

The RFU is largely a pupil-operated kit, enabling each student to start at his own level and move as far and as fast as his ability will allow. However, since it contains materials that can be used in third grade as well as materials that can be used in high school and college, and because it has many thought-provoking selections among its 4,000 paragraphs which are ideally suited for class discussion and group evaluation, each teacher has been urged—in the teacher's handbook—to adapt the program to meet the needs of his students and the curriculum of his school.

How Were the Reading Selections Chosen?

The 4,000 paragraphs used in the RFU were selected to emphasize points in reasoning, inference, interpretation, or meaning, and were drawn from a pool of about 4,400 which had been prepared for final evaluation and calibration of difficulty.

Most of these items were adapted (through extensive rewriting) from published writing in a wide range of subject areas, including: Education, politics, history, art, religion, science, business, sports, agriculture, and current events. A few paragraphs were taken verbatim from their original source, and a few were written by the author or her research assistants.

Once they were selected, the paragraphs, individually and as a set, were carefully edited for meaning, vocabulary, appropriateness of content for the school level at which they were to be used, and for the suitability of the answers. The paragraphs were then administered to students at appropriate grade levels, and those that proved inadequate in actual use were rejected.

What Communities Have Been Involved in the Controversy Over the RFU?

Perhaps the most significant district outside of California to become embroiled in the issue was Philadelphia. However, in this district, as in Los Angeles and many others, when harried school officials had an opportunity to review the kit and evaluate its contents, the RFU was restored to use.

A statement by Dr. Allen H. Wetter, superintendent in Philadelphia, a letter released by the Pennsylvania Department of Public Instruction, and other supportive material is contained elsewhere in this report.

What Are the Charges Which Have Been Leveled Against the RFU?

It has been charged that items in the RFU are subversive, anti-American, and pro-Communist; that they express a negative attitude toward the American way of life and toward the approved moral sentiments and social attitudes which we want our children to learn.

In some cases items have been singled out as being in bad taste and in others the charge has been simply that the kit contains items which are controversial. In the main, however, the anti-American theme is the one which has been most prevalent.

There has been no agreement among critics of the RFU as to what items or how many items are objectionable. The number has ranged from as few as 6 to as many as more than 300.

What Is SRA's Answer to the Charges Which Have Been Leveled Against the RFU?

To the charge that items in the RFU are subversive, un-American: SRA has branded these charges as patently untrue and categorically denies that there is anything in the RFU which could be interpreted in this manner by any reasonable individual.

During the years in which the RFU was developed and then edited and published by SRA, the items were carefully scrutinized by dozens of writers, assistants and editors in Mrs. Thurstone's office and at SRA. There was never the slightest question raised about the possibility that any of this material might contain subversive or Communist propaganda. Furthermore there has never been any question raised about Mrs. Thurstone's loyalty or the loyalty of any member of the SRA staff.

To the charge that some of the items are controversial: If to publish stimulating, thought-provoking material designed to make American children look critically and carefully at what they read instead of accepting it at face value without understanding is to publish controversial material, then SRA pleads guilty, and gladly so. We would not be able to meet our obligations as an educational publisher in a free society were it otherwise.

To all other criticisms of the RFU, SRA has this to say

SRA has dedicated itself for many years to the preparation and publication of test and curriculum materials for use in classrooms throughout the country. We are widely regarded as a pioneer in the development of high quality, modern learning materials. Our reputation is of the highest order and we intend to keep it that way by continuing to develop and publish effective and useful new learning tools and by improving those already in our catalog.

In addition to the extensive editing and checking which went into the RFU before publication, SRA editors continue to check it periodically to see whether it is in need of updating or revision.

This revision process always includes a careful review of the many thoughtful criticisms, suggestions and reactions offered by responsible teachers and other school people.

We welcome such criticisms or suggestions and actively encourage the users of our materials to submit them to us because we believe that this is an important and effective way of improving our products and meeting our responsibilities as an educational publisher.

A revision of the RFU has been scheduled and in the development stage for nearly 2 years. When it is completed it will take into account at least two suggestions which have been made by a number of school people and by members of our own staff, i.e., that more material is needed to achieve maximum effectiveness at all grade levels and that the kit would be more flexible if published in two additional units—one for the elementary grades and one for the higher, or secondary level—as well as in the comprehensive grade 3–12 format now used.

Accordingly, thousands of items are being added, new teachers' handbooks are being written and the kit will be offered in separate junior and senior editions of about 4,000 items each.

In the process of making these changes, the 4,000 reading selections in the present kit were thoroughly reviewed and revised wherever necessary to meet the editorial standards of the company and to make them coincide more closely with the maturity level of the students who will use them. The kit was then reprinted and is now available as a general edition, the third part in the three-part revision.

The junior edition is expected to be available early next year and the senior edition in 1964.

What does Mrs. Thurstone have to say about "Reading for Understanding"?

"Our newspapers and magazines and our radio and TV programs are full of verbal material presented to the reader or listener which he must sort out and evaluate critically. Before he can do this, he must understand as precisely as possible what the material means. Probably very few people could agree on every issue which is being written and talked about nowadays and so it becomes necessary for the individual learner to acquire the ability to evaluate the material for himself."

What do educators have to say about the RFU?

"The Philadelphia public schools believe that critical thinking and critical reading skills are basic to democracy. The schools recognize that from among the 4,000 items in 'Reading for Understanding,' the six which have been criticized require skillful teaching, but also believe that they are appropriate for consideration of mature and capable students. Their use is restricted to such students."—Dr. Allen H. Wetter, superintendent of schools, Philadelphia, Pa.

"It is propaganda, not education, to show youngsters only one side of a question. * * * I should like to see kindergarten-age youngsters exposed to some controversial ideas in school. How else are we going to educate a democratic populace to go to the polls and resolve controversy intelligently?"—Dr. George Beauchamp, professor of education, Northwestern University, Evanston, Ill.

"Pupils are less likely to be able to complete controversial statements from their own background of experience. * * * They are forced to read a controversial statement carefully to complete it in such a way as to preserve its meaning rather than express a truism."—Mrs. Lillian Stevenson, reading consultant, Glencoe schools, Glencoe, Ill.

[From a UPI news story, Oct. 24, 1961]

"I repeat, we have always had the highest respect, from the standpoint of educational soundness, of your products. 'Reading for Understanding' is, in my opinion, one of the finest programs I have ever seen to challenge students through a psychologically sound, developmental, thoughtful reading series."—J. Roy Barron, supervisor, instructional materials, Santa Barbara City Schools, Santa Barbara, Calif.

"Occasional controversial statements are most useful as a springboard for launching class discussions of social sciences, in particular."—Sister Mary Suzanne, Christ the King Catholic School, Chicago, Ill.

What do those who have studied the RFU have to say about it?

(From a review of the "Reading for Understanding" kit which appeared in the Journal of Counseling Psychology, vol. 8, No. 3, 1961, Laurence Siegel, Miami University, author.)

"Reading for Understanding" is more a teaching tool than a test in the usual sense. It combines certain elements of the much-discussed paper-and-pencil (rather than mechanical) teaching machines and a diagnostic pretest with the purpose of aiding students from the third grade through the college level to improve their ability to get meaning from reading.

The rationale underlying the program is that practice with feedback is required to improve reading comprehension. Thus the program consists of practice exercises arranged to provide a completely individualized program of instruction. These materials were designed to be a part of a developmental reading program for good, average, and poor readers rather than for teaching basic reading skills. Each practice exercise is a short test consisting of items homogeneous in difficulty. The primary object of these tests is instruction rather than measurement.

The first step in the program involves administration of the placement test requiring up to 50 minutes for completion. The purpose of this preliminary step is to determine the student's present level of comprehension and hence the point at which his reading practice ought to begin.

Once assigned to a practice level, the student works largely on his own by completing sequences of 10 paragraph comprehension items. These are arranged in a multiple-choice format as a self-correcting exercise. Each practice level consists of four such sequences. Assuming satisfactory performance on the fourth sequence within a given level, the student progresses to the next more difficult level. The entire program contains 100 levels.

The 4,000-paragraph comprehension items in the "Reading for Understanding" program were calibrated for difficulty by the following sequence of steps: (1) Expert judges first separated the pool of preliminary items into four scholastic levels. (2) The items thus assigned to a level were administered to groups of students actually at that level. (3) The position of each paragraph comprehension item on a scale of "difficulty" was calculated. The latter step was facilitated by including groups of "linkage" items (i.e., items judged to be appropriate to one of the other scholastic levels) during experimental administrations. The normal deviates corresponding to the percentages of students at different scholastic levels answering linkage items correctly were inserted into a regression equation yielding weights so that items at all levels could be assigned values on a continuous scale of difficulty. These weights were subsequently used to divide the 4,000 items into 100 difficulty steps each containing 4 sets of 10 practice items.

The diagnostic test administered to students prior to the practice program contains 100 items selected from the program pool and covering an educational range from third grade through the sophomore year in college.

Two studies of the effectiveness of the "Reading for Understanding" program are reported in the manual. The first of these was a rather extensive study conducted with over 700 students in grades 5 through 12. One class at each grade served as a control group whereas the remaining classes were experimental groups using the program. In all instances but one, the mean difference in postprogram performance of these groups was statistically significant favoring the experimental group. The one exception, yielding a chance difference, was the ninth-grade group wherein experimental classes had only 25 practice lessons rather than the 40 recommended.

The second study involved only the students in the experimental classes of the fifth and sixth grades described above. The average improvement recorded on the reading section of the Stanford Achievement Test ranged in six classes between 1.20–1.85 grade levels in contrast with an anticipated gain of 1.0 grade level. Although parallel data for the corresponding control groups are not cited in the manual, the obtained gains in experimental groups do reflect favorably upon the program.

Minutes of a special reading committee meeting of the Division of Instructional Services, Sweetwater Union High School District, January 1962

Each member of the committee read the material in the laboratory, "Reading for Understanding." Each member made notes regarding his/her reactions to statements in the laboratory. The committee then met and discussed the content of this laboratory in detail. Where questions had arisen in the minds of the committee readers, the selections were studied by the committee as a whole. The following decisions were reached:

1. The laboratory definitely stimulates one's thinking and forces the reader to be alert and to improve his comprehension skill.

2. While the laboratory contains some statements which by interpretation might be considered controversial regarding government, politics, education, and journalism (particularly in secs. 80–100), there are also some strong statements in favor of democratic principles as we interpret them in the United States.

3. The laboratory material in general meets a definite need in our reading courses, i.e., getting students to think as they read and to evaluate what they read.

4. In order to work in sections 80–100, a student would need a mature mind. It was generally felt that those students who reached these sections should be mature enough and should have had enough experience in critical thinking to handle them.

5. The interpretation of some material in the laboratory could have been improved had the author of the laboratory shown the source of each paragraph used.

6. We should continue to use this laboratory in our reading courses, but an introduction to the work should be prepared by the reading consultant and used by each reading teacher. This introduction should include the following:

(a) The statements and paragraphs used in this laboratory are merely excerpts from books and articles of various writers. A reader cannot get the full thought of the book or article unless he can read the article in its entirety.

(b) Therefore, you, as a reader, will find statements with which you will agree and statements with which you will not agree.

(c) The purpose of this laboratory is to encourage you to think logically as you read. You will have to reach an answer based upon the statements presented. You may not agree with all statements and that is good because you are learning to read critically.

There were some differences in opinion by committee members on the three following items and no final decisions were made:

1. Whether or not all students should work in this laboratory. Some members felt rather strongly that because the laboratory started on the third grade level and because all students liked the work, all students should do some work in it. No definite conclusion was reached.

2. It was suggested that because of reading difficulty, the second section of the laboratory might be removed from use in the seventh grade. However, some were opposed to this and felt that the entire laboratory should be used in the seventh grade.

3. Whether or not all reading teachers should be given the background for the work done by this special committee. It was recommended that should the principals decide that all reading teachers be informed, this should be done in the regular reading committee meetings.

Letter from Richard A. Gibboney, director, Bureau of Curriculum Development, Department of Public Instruction, Harrisburg, Pa., to a local school district

JANUARY 23, 1962.

DEAR SIR: The curriculum planning committee of the department feels that "Reading for Understanding," published by Science Associates, Inc., is useful in a well-planned reading program.

School board members and administrators should bear in mind the recommendations of Governor Leader's conference on instuction and the recent report of the Governer's committee on education which strongly supported the good teaching of controversial issues in the public schools. It is interesting to note that both committees were composed of large numbers of laymen representing such groups as business, labor, civic associations, and the judiciary. The participants in these conferences realized that the survival of a democratic society is in no small way determined by the willingness and intelligence with which it faces controversial issues.

Joyce Schuller in her UPI dispatch on October 24 from Chicago gives a condensed and misleading statement on communism and disappointed ideologists in her lead paragraph. The complete statement from the SRA card is quoted in full in the eighth paragraph but only after a negative attitude has been created in the reader's mind by the sensational lead sentence. This article provides an excellent reason why schools should teach critical reading rather than let this skill develop by chance.

The specific reasons for the committee's support of these reading materials are given in the statements which follow:

1. The organization and structure of these materials demand the use of one's reasoning ability to arrive at the logical inference to a statement.

2. The publisher designed these reading exercises to aid the student to improve his ability to get meaning from his reading.

3. Many of the statements easily arouse our emotions about patriotic, religious, moral, ethical, psychological, and sociological situations. It is necessary for the reader to evaluate the statements critically. Certainly in a world which uses propaganda techniques, the ability to read critically is a necessity.

4. Our democracy is strong enough so that we do not have to follow authoritarian institutions and remove all controversial statements from our books, magazines, newspapers, and other printed material.

Suggestions to the teachers, supervisors, and administrators who are using or may use the "Reading for Understanding" materials:

1. Read the material before using it in the classroom.

2. Select carefully the highly controversial statements or questions and use them as a basis for discussion from time to time. This provides an excellent opportunity to discuss the merit of the statement itself from different viewpoints.

3. Vigorously defend what you believe to be good teaching practices. Sincere professionals dedicated to intellectual integrity can better choose the content of the curriculum than hysterical groups or individuals who wish only to indoctrinate the next generation with their particular view on religious, economic, or political issues.

4. Ardently support the democratic system, honestly explaining its characteristics, advantages, and obligations.

5. Be aware that censorship and authoritarian techniques are inconsistent with America's fundamental freedoms.

The committee feels that the district acted in an unwise manner in hastily withdrawing the SRA materials from use before the faculty, administration, and the board had had an opportunity to assess the charges and to give its considered opinion on the educational value of the materials in question. Every time an administration or a board capitulates to charges without taking time to exercise its professional obligation to the education of its students it weakens itself and becomes an easier target for the next individual or group which objects to policies of the district. The department is happy to take a stand on this issue. We wish to point out that we have done nothing that the district could not have done for itself.

Braden sets the record straight—Teach the truth, the whole truth

OCEANSIDE.—President Thomas W. Braden of the State board of education issued a statement yesterday intended to make his ideas on public school indoctrination crystal clear.

The Oceanside publisher, who last week accepted Gov. Edmund G. Brown's offer to reappoint him to the board for another 4 years, expressed fears that a recent news service story might be twisted out of context.

The story discussed Braden's disagreement with the belief of Dr. Max Rafferty, incoming State school superintendent, that students should be indoctrinated with patriotic ideas. Here is Braden's full statement on the issue:

"I wish to make my position crystal clear with regard to the educational standards of the public schools in California. A statement attributed to me by one of the news services has been twisted out of context and may be used to the detriment of Governor Brown's great educational achievements, thus harming the finest educational system in the country. My position is as follows:

"I have a profound belief that it is the function of California schools to reinforce in the minds of our boys and girls those American ideals which are under attack by our Communist enemy.

"But I believe just as deeply that the function of the schools is not propaganda but education. The difference between education and propaganda is the difference between the United States and its totalitarian enemy.

"That is why I am proud to be the chairman of the State board of education which has introduced for the first time in our public schools the study of the dangers of communism. It is a basic tenet of our American civilization that the truth shall make you free. Our job is to teach the truth, the whole truth, and nothing but the truth."

Are we alone?

The attacks on SRA and its products appear to be part of a much broader attack on the schools, on those that run them, and on those that manufacture or publish materials that are used in them. We are not alone in being the object of some of these attacks, neither are we alone in standing up to our critics. Earlier in this report you read supportive statements and material written by educators in defense of the RFU. The following clippings contain additional useful information:

[From the Chicago Sun-Times, Nov. 24, 1961]

Teachers call for fight against book burnings

PHILADELPHIA.—The National Council of Teachers of English called Thursday for an all-out fight against a wave of book burnings throughout the Nation.

The council's committee on censorship and controversy said at the organization's 51st convention that censorship threatens to remove some of the classics from the reading list of high schools and colleges.

The committee, formed to combat the increasing censorship, held its first meeting to plan methods of combing a rising tide of emotionalism which presented a danger of sterilizing our bookshelves at the high school level.

Teachers were told they could combat anonymous telephone calls and letters to the schools by refusing to consider the protests unless the complaining person identifies himself and the book involved and states specifically his objections to it.

The committee said books recently attacked include such classics as Mark Twain's "Huckleberry Finn," Nathaniel Hawthorne's "The Scarlet Letter," Pearl Buck's "The Good Earth," Voltaire's "Candide," W. Somerset Maugham's "Of Human Bondage," and Thomas Wolfe's "Look Homeward Angel."

[From the San Francisco Examiner, Dec. 2, 1962]

Book censors get teacher challenge

A call to battle against self-appointed censors who banish worthwhile books from the Nation's schools was sounded in Berkeley yesterday by David H. Russell, newly elected president of the National Council of Teachers of English.

Russell, a professor of education at the University of California, said that each school should appoint a teacher committee to consider citizen complaints against books.

Armed Group

This committee, said Russell, should be armed with a questionnaire for full identification of the objector, whom he represents, how much of the book he has read and whether he is aware of the judgment of literary critics.

The committee should also inform the community on book choices, and enlist public support, thus creating a climate in which "malicious gossip, ignorant rumors, and deceptive letters to the editor will not be circulated without challenge," Russell said.

Single Call

Russell noted that school authorities tend to yield to noisy minorities. Even a single anonymous telephone call has been known to cause the removal of a book from a school.

The wouldbe censors have, in some instances, forced the removal of the works of Plato, Mark Twain and William Faulkner, Russell added.

His views on censor banishment are contained in a pamphlet being distributed to high schools throughout the Nation.

PART 4: LETTER OF REBUTTAL TO DR. WILLEY'S RESPONSE, AS PUBLISHED BY "THE WANDERER," APRIL 30, 1964

JUNE 23, 1963.

EDITOR, THE WANDERER:

I am attaching SRA's response to my letter to them concerning "Reading for Understanding" (Dr. Parker and Dr. Lawrence V. Willey's letters and a very lengthy report defending their position), also my own comments on the same herein, in the light of Catholic principles of education.

From Dr. Willey's statement, it can be seen that the material is of a controversial nature, and even erroneous in some instances.

"The passages on which questions are based are not designed for indoctrination. We may not agree with many of the ideas expressed in the selections. The purpose for the passages is to provide reading material about which questions can be asked to help children develop critical reading skills to improve their understanding of what they read. Children must learn to read and understand all types of materials. For that reason selections have been included in RFU which represent various points of view about a number of topics. Students should certainly not accept the ideas included in the passages. Instead they should concentrate on determining what the passages contain and make critical judgments about the ideas in them."

First, I would question the statement that children must learn to read and understand all types of materials. Whether Dr. Willey thinks so or not, there are many reading materials which are not suitable for children. Even on the adult level there are areas which must be approached with caution, and sometimes, not at all, by the average reader, if special training is lacking.

To find out what is necessary in the presentation of such material to young students, we need go no further than the words of Pope Pius XI in his encyclical "On the Christian Education of Youth":

"And if, when the occasion arises, it be deemed necessary to have the students read authors propounding false doctrine, for the purpose of refuting it, this will be done after due preparation and with such an antidote of sound doctrine that it will not only do no harm, but will be an aid to the Christian formation of youth."

Is it unreasonable to question what effect the material content of this educational tool will have on the minds and morals of the children who read it should "due preparation" and "an antidote of sound doctrine" not be possible?

In the report, it is suggested that the discussion method be used as a remedy for the material being swallowed whole by the pupils:

Letter from Richard Gibboney, director, Bureau of Curriculum Development, Department of Public Instruction, Harrisburg, Pa., to a local school district, January 23, 1962

"Suggestions to the teachers, supervisors, and administrators who are using or may use the 'Reading for Understanding' materials:

"Select carefully the highly controversial statements or questions and use them as a basis for discussion from time to time. This provides an excellent opportunity to discuss the merit of the statement itself from different viewpoints."

This would be fine if it were a question of one statement. In actual fact, dozens of such items are involved here. But all the children must be equally protected beforehand. How is this possible by "discussion from time to time," when from the very first lesson, a variety of controversial and fallacious items are being evaluated by the children?

Besides this, there are many factors which make this method highly impracticable in the average classroom situation. How long does the discussion take, and how is the particular class discussion material decided upon? A great deal of time would be needed to cover material so diverse and broad in scope, "covering a wide range including: education, politics, history, art, religion, science, business, sports, agriculture, and current events" (report). Then, too, the subtle and often immoral character of this material would make lengthy discussions absolutely indispensable for a true evaluation and sound understanding (as required by the Holy Father) of the humanistic and secularistic doctrines which are ordinarily repudiated by Holy Mother Church through the Holy Office and her learned theologians. I do not know of any class schedule on the grade or high school level which allows such excessive time for even major subjects, much less an unnecessary aid.

With respect to the reading time itself, when does the discussion take place? Certainly not during the regular reading period when group basal reading is being given by the teacher, during which time the independent reading group is using the aid, each student reading a separate card with entirely different material on it.

Also, if every fallacious or controversial point is analyzed before the pupils read independently, what becomes of their critical judgment, the goal and aim of RFU? As we have seen, discussion after the pupils have been exposed is completely ruled out by the requirements of the encyclical which demands "due preparation" in advance.

To me, learning basic truths and sound doctrine is a far greater guarantee of an ability to distinguish between fact and propaganda in the future than these false philosophies poured into young minds—and they can still look for a logical answer. The development of a child's critical faculties by using stimulating, thought-provoking material is a concept of much merit, but it is imperative that texts be used which are valid in themselves (either from the affirmative or negative point of view) and valid in their conclusions. The usual answer choices would be given, one correct, one obviously wrong, and two so closely shaded in meaning to the correct answer as to demand critical evaluation. If the pupil arrives at the correct answer, he will have exercised good critical judgment, with the certainty that he is not in error. If he fails to get the correct answer, he will know he is in difficulty, and can ask privately about it. Only then is there no danger that he will be in error and remain in it.

There are comments from other educators in this report which agree with Director Gibboney and SRA, but I think the opinion that sums up the logical conclusion to this line of thought is that of Dr. George Beauchamp, professor of education, Northwestern University, Evanston, Ill., as follows:

"It is propaganda, not education, to show youngsters only one side of a question. * * * I should like to see kindergarten-age youngsters exposed to some controversial ideas in schools. How else are we going to educate a democratic populace to go to the polls and resolve controversy intelligently?"

Pope Pius XI could write encyclical on that from the grave. In conclusion, a word on SRA resistance to criticism:

The report states that criticisms are welcomed from "responsible teachers and other school people." Why are parents excluded? Aren't they responsible? Who has more right to give an opinion than the parents who are responsible before God for the education of their children? Granted that parents who are not highly educated will not be able to explain or appreciate the fine points of literature, it is quite another thing to infer that they are not able to form a right judgment on what is right or wrong. In conferring this grave and primary responsibility on parents, God did not require an M.A. or Ph. D. degree, or even a college education, but only a right conscience and cognizance of the norms of morality which every decent parent possesses—and might I add, the grace to fulfill this serious obligation.

Director Gibboney is even more specific about the nonschool people:

"Vigorously defend what you believe to be good teaching practice. Sincere professionals dedicated to intellectual integrity can better choose the content of the curriculum than hysterical groups or individuals who wish only to indoctrinate the next generation with their particular view on religious, economic, or political issues."

Is it possible that all those who disagree with the director are hysterical? Rather, isn't there some likelihood that the individuals wish their particular view taught because their particular view is based on the law of God and His 10 Commandments, and a firm belief in the eternal verities? A considerable number of professionals allegedly dedicated to intellectual integrity can be found today denying those same absolutes, yet claiming greater competence in choosing curriculum material than those who believe in truth.

How is it that even grammar school children are given the credit for the ability to make critical judgments by SRA in RFU, but grownups are not?

I am also attaching material on SRA's psychological testing program for your perusal. I am opposed to the content of these tests in that they are completely negative in approach, such as: "My teachers don't like me; my father is a tyrant; I wonder if I am normal in the way my mind works; my nose is ugly; there is constant quarreling and bickering in my home; etc., etc." These tests suggest personal problems which are best left to the careful private guidance of parents and qualified teachers or counselors. These tests also contain material which is basically degrading and low in moral tone, such as the suggestive remarks: "I wonder if high school students should pet and make love; how far should high school students go in love relations? I want to know about venereal disease."

If a child were not dissatisfied, critical, anxious or depressed before starting the test, he would have plenty of reason to be so by the time he finished. It is seriously wrong to expose children en masse without discrimination to such a program, and I seriously doubt that even in the individual case where a child really needs psychological evaluation because of psychiatric difficulty, such a debased, negative approach is healthy or of therapeutic value.

Moreover, in either group or individual testing, parents are definitely excluded, and bare information, if any, is given to them regarding the questions asked or results obtained.

I believe that even were the SRA reading program entirely sound, support of this outfit is morally untenable because of this immoral testing program which is a fixed policy of this company.

Sincerely yours,
Sister MARY KATERI LARKIN,
SAN ANTONIO, TEX.

P.S.—Your newspaper is as wonderful as ever. God bless you.

Conclusion

The Truth—The Whole Truth—And Nothing but the Truth

Do you not hold the proposition that as American citizens we have a serious obligation to do all in our power to provide a sound education for every American child? An education not merely comprised of basic skills or proficiencies in the various fields of knowledge, but one founded on fundamental principles of truth recognized by all men of decent character regardless of particular religious affiliation, all men of basic religion?

To support Science Research Associates, Inc., a company whose educational policy includes the "Youth Inventory Test" and "Reading for Understanding," both of which undermine the moral fiber of those subjected to them (and their name is legion), completely fails to fulfill that obligation.

The mind of our youth is the future of our country.

A WILDERNESS APOSTLE

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SAYLOR. Mr. Speaker, these words by the late Howard Zahniser exemplified his life:

> We are facing a frontier.
>
> We are not slowing down a force that inevitably will destroy all the wilderness there is. We are generating another force, never to be wholly spent, that renewed generation after generation, will always be effective in preserving wilderness.
>
> We are not fighting progress. We are making it.

No man can live by himself, or attain goals unaided. He is the sum total of himself and those men and women with whom he comes into daily contact. These influences develop us all in various ways—some good, some fair and some in even lesser light.

When I met Howard Zahniser in the early fifties, we were engaged in a gigantic struggle between powerful political and economic forces. The plans for the invasion of Dinosaur National Monument were included in the plans for the Upper Colorado River storage project—their aim was to flood forever Echo Park in that monument.

As a true lover of the outdoors, as a real champion of our national parks and monuments, Howard Zahniser joined me in that fight. It meant long hours and hard work, but that was of little concern to the great battler. I feel certain that those of us who believe in the inviolability of our national parks and monuments would not have been successful without the legwork and writings of Howard Zahniser.

After we had won the Echo Park battle and the park system was saved, "Zahnie" came to my office and we had a long discussion about a matter that was near and dear to his heart, "The Wilderness."

"Zahnie" was disturbed because after careful research he determined that the wilderness areas in this country, by whatever means they had been called, were not protected by any laws, but by executive orders issued by various Secretaries of the Agriculture down through the years could be changed by another Secretary just as easily as they had been established.

After many revisions, I introduced the first wilderness bill in the House of Representatives. At the same time, Senator HUMPHREY of Minnesota introduced a companion bill in the Senate.

Our initial bills were met with violent opposition and some compromises and changes were made. Progress was slow, but Howard Zahniser was patient—ever believing, ever knowing that eventually, as in all great controversies, right will prevail. He knew that someday his Congress would pass a wilderness bill.

Howard Zahniser knew he had a serious heart condition, but he also knew that he had a great challenge. He therefore paced himself so that he would be able to do all that was necessary for the passage of wilderness legislation.

Just a day before his untimely passing he told some of his friends that he believed that he would live to see that bill become law.

As I worked with "Zahnie," as I knew him, my respect and admiration for him grew and grew. I realized that I was truly in the company of one of God's great noblemen. My life, and I know the lives of those who worked with Howard Zahniser, is better because of it.

One of his writings which I like, and one which "Zahnie" was particularly fond, is as follows: It appeared in the summer-fall 1957 edition of the "Living Wilderness."

FOREVER WILD

> We who are striving for wilderness preservation are not engaged in a rear-guard action. There are those who tell us that we are, and they include some of our most earnest champions against what Bob Marshall so vividly described as "the tyrannical ambition of civilization to conquer every niche on the whole earth." They say that we cannot hope to see areas of wilderness last forever, that the best we can do is to slow down the progress of mechanization, roadbuilding, and developments, and preserve as long as possible the benefits of an inevitably disappearing resource. If these valiant followers of Roland winding a gallant horn were right in their vision we should certainly be with them, championing their cause, though apparently lost it might be. But we believe they are wrong, for we see before us a farther vision, a hope for the preservation of wilderness in perpetuity.
>
> We realize only too well civilization's "tyrannical ambition." In fact, we are convinced that civilization is indeed destined to occupy for its own purposes "every niche on the whole earth." But in this very prospect we see an opportunity to establish an enduring program for wilderness preservation. We see in it a recognition of the fact that in the absence of positive action there would eventually be no wilderness left. And in this recognition we see a realization also that in order to preserve wilderness we must act deliberately. It is this realization, accompanied by determination so to act, which gives us our far vision, our high hope, for thus we see wilderness preservation becoming an aspect of our culture. Civilization's ambition can thus encompass wilderness protection, and so sublimated can make preservation its prevailing purpose.
>
> American conservationists today are the vanguard of what surely must become a program in perpetuity. The tenseness of our responsibility and opportunity is in our necessity to fashion wisely a policy and program that will successfully keep the wilderness forever wild. We could miss this opportunity. We could fail. We could be forced to retreat. We could become the rear guard of an inevitably disappearing resource. But we are not that now. It may seem presumptuous for men and women who live only 40, 50, 60, 70, or 80 years to dare to undertake a program for perpetuity, but that surely is our challenge. The wilderness that has come to us from the eternity of the past we have the boldness to project into the eternity of the future. As champions of this forward movement we should realize that we are indeed working to fashion the kind of policy and program that will insure now—before it is too late—the preservation of wilderness forever wild. We are working for the future.

On his passing one of the staff members of the Wilderness Society, Kathleen Riordan Starr, wrote this poem:

HOWARD ZAHNISER

(Kathleen Riordan Starr, of the Wilderness Society's staff, May 5, 1964)

I had just learned to pronounce his name when he passed away.
As a stately oak in the wilderness crashes to the forest floor,
So did this man of courage and dedication die, an irrevocable loss to wilderness.
We seedlings in the wild, being imbued with his love of mankind and nature,
Will grow taller and stronger in our loss of mighty oak.
His life gives us new life.
His end is our beginning.
His esthetic values are our values, to hold even dearer at his departure.
His goodness, his beautiful soul, his shining ideals carry all of us onward and forward
To help insure to public trust the unspoiled beauties of the virgin lands he so dearly loved.

Mr. Speaker, what greater tribute to this "apostle of the wilderness" could there be than to have the Congress this year pass Howard Zahniser's dream legislation—a wilderness bill?

OPERATION OF AMATEUR RADIOS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, I support the bill currently under consideration, S. 920, because it is a fine example of an international exchange program at the local level.

S. 920 would enable the United States to conclude reciprocal agreements for authorizing the operation of amateur radios. This would permit U.S. amateur operators to operate in foreign countries.

The lack of this authority at the present time undoubtedly works to the disadvantage of American radio operators. And I am sure that it also leads to international misunderstanding and ill will.

I believe that the security provisions of the bill are sound and will adequately safeguard our national interests. For this reason I can see no reason why this bill should not be approved.

As a former "ham" radio operator, I take added interest in this proposal. I know how beneficial this legislation can be for the thousands of Americans who enjoy this interesting and most worthwhile hobby.

SMALL BUSINESS SUBCOMMITTEE ON FOUNDATION STUDY COMMENDED

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Evins] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EVINS. Mr. Speaker, House Small Business Subcommittee No. 1—the Subcommittee on Foundations, under the chairmanship of our distinguished colleague, Congressman Wright Patman—is continuing its investigation and study of small business problems associated with the operations of the hundreds of tax-exempt foundations operating in this country.

Information thus far developed by this subcommittee has proved to be of great interest to many Members of the Congress, various Government agencies, colleges, universities, teachers, and professional men, as well as the owners of thousands of small businesses and the public generally.

Almost daily our committee receives communications from the public commending the committee for its work and expressing appreciation for the information made available through reports of this subcommittee.

In this connection, I ask unanimous consent that a representative number of these letters be reprinted in the body of the Record. Twenty-five of these commendatory letters follow:

Hon. Joe L. Evins,
House of Representatives,
Washington, D.C.

Dear Congressman: Many thanks for the three reports you mailed to me pertaining to the select committee's study of "Tax Exempt Foundations, etc."

As a member of the committee I wish to state that you as well as other members of same are doing a splendid service for the people of this country and by all means should be given more publicity by the press, TV and radio in regards to this matter.

Very truly yours,

R. C.

Cincinnati, Ohio.

Hon. Joe L. Evins,
House of Representatives,
Washington, D.C.

Dear Mr. Evins: Your work on these tax exempt foundations is very good. I showed it to a lawyer friend of mine and he was completely amazed. To try and bring about some fair resolution of the problem will take time and work; however, I can sincerely and honestly promise you that you have had unknown and unseen helpers for some time. In the very near future the results of your efforts will bear fruit.

Very sincerly yours,

H. B.

Campbell, Calif.

Hon. Joe L. Evins,
House of Representatives,
Washington, D.C.

Dear Chairman Evins: Thank you so very much for mailing to me the third installment, "Tax Exempt Foundations and Charitable Trusts: Their Impact on Our Economy." I received this valued document today—I have just merely run through it so far. I shall before our meeting April 24, 1964, check it closely.

You people are doing an expert and wonderful job. We are grateful to you. Keep up the good work.

Sincerely,

T. B.

Minneapolis, Minn.

Hon. Joe L. Evins,
House Office Building,
Washington, D.C.

Dear Mr. Evins: I am grateful to you for sending me the third installment of the subcommittee's report to the Small Business Committee, on "Tax Exempt Foundations and Charitable Trusts."

This will prove of great interest to me. I especially am interested in knowing more about the proposed tax exempt foundation of the Du Pont Florida fortune.

Where there is immense wealth which consequents heavy estate taxes and all this is avoided by setting up a charitable foundation with the control of the assets still remaining intact, this is simply causing the Federal Government a huge loss of income each year, and in addition we have activities by these tax exempt foundations that are not in the public interest.

Yours very truly,

J. K.

Davenport, Iowa.

The Hon. Joe L. Evins,
Select Committee on Small Business,
House of Representatives,
Washington, D.C.

Dear Mr. Evins: Thank you for sending the interim report of December 31, 1962, on "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy."

The worthwhile work your Committee has done throws a spotlight on the use of charitable foundations and their misuse as well.

That your work and the Committee's are valuable seem very certain to me, and I do want to thank you, Congresman Evins.

C. K.

Chicago, Ill.

Hon. Joe L. Evins,
Washington, D.C.

Dear Mr. Evins: I do want to let you know I really appreciated the Committee books on tax exempt foundations. I believe this is a worthwhile investigation and should be continued. You can bet these books will reach many others here.

Sincerely,

L. L.

Ravensdale, Wash.

Mr. Joe L. Evins,
Chairman, Select Committee on Small Business, House of Representatives, Washington, D.C.

Dear Mr. Evins: Thank you for your recent mailing of the second installment report on tax-exempt foundations. I have always been very interested in the subject and particularly, in the competitive nature of some of the foundations in the field of private enterprise. For example, I find it unbelievable that the Rand Corp., Santa Monica, Calif., could obtain all its revenues from the Government, yet be in direct competition with taxpaying businesses for research and development. My disbelief is heightened by recognition of the fact that this corporation has failed for several years to file the required schedules which the Internal Revenue Department has directed them and all other foundations to supply.

My concern over the tax-exempt foundations is not such that I wish to urge their elimination, but rather that they obey the laws as enacted by the Congress. In addition, possibly their life should be limited to a fixed number of years such as 40 or 50. Such a move, in my opinion, would prevent the distortion of the original purposes for which many foundations were founded.

Yours very truly,

H. H.

Dallas, Tex.

The Honorable Joe L. Evins,
Select Committee on Small Business.

Dear Sir: The studies on tax-exempt foundations of the 87th and 88th Congresses came this week in answer to my request from Chairman Patman. I find them very enlightening and thank you for sending them.

It certainly seems some legislation should be put through to curtail the abuses brought out in the studies. If a person like myself were to try any such methods, I would be in jail before tomorrow morning.

Yours truly,

J. G.

Richmond, Va.

Hon. Joe L. Evins,
House Office Building,
Washington, D.C.

Dear Mr. Evins: This report on tax exempt foundations is a very effective piece of work and you deserve great credit for putting it through.

Very truly yours,

D. S.

New York City.

Hon. Joe L. Evins,
Select Committee on Small Business,
House Office Building,
Washington, D.C.

Dear Sir: We appreciate receiving your recent mailing of the chairman's "Report on Tax-Exempt Foundations," dated December 31, 1962, also the previous mailing of the report of October 16, 1963. We are requesting extra copies of the 1962 report from the Government Printing Office for distribution to our friends and business associates.

May we suggest that you mail a brief summary of every report to all of your constituents. If this information would be widely distributed among the taxpayers periodically, we believe it would provide voter support to eliminate the tax-free status of all foundations.

We do not wish to prevent wealthy people from donating to charity but we believe they should be required to pay taxes like the rest of us do and not be permitted to use their tax-exempt money to compete with our legitimate business enterprises.

Yours very truly,

J. H.

Los Angeles, Calif.

Hon. Joe L. Evins,
U.S. Congress,
Washington, D.C.

Dear Congressman Evins: Many thanks for the copy of "Tax-Exempt Foundations."

The report was an eye opener and I sincerely hope that you and Senator Patman will succeed in having a law passed that will prevent so much swindling of the small folks whose income cannot be hidden from the IRS.

Thanks again.

Cordially yours,

S. B.

North Hollywood, Calif.

The Honorable Joe L. Evins,
Member of Congress, House of Representatives, Washington, D.C.

Dear Congressman Evins: Thank you for sending the two reports on "Tax-Exempt Foundations and Charitable Trusts."

The need for rectification of the abuses exposed therein is immediate.

God bless your committee and you.

Sincerely yours in Christ,

Rev. R.

Washington, D.C.

The Honorable Joe L. Evins,
House of Representatives,
Washington, D.C.

Dear Mr. Evins: My very sincere thank you and deep appreciation for sending me your committee report, "Tax-Exempt Foundations and Charitable Trust: Their Impact on Our Economy." You sure have done an outstanding service to our Nation—it is a much-needed study and a terrific job done. It is my prayer that Senator Byrd and his committee would consider this report in the tax deduction bill and get a united Congress to act on seeing that these tax-exempt foundations pay their taxes and face the issue that they have misused their tax exemption and such practice is detrimental to our Republic's survival.

Sincerely,

E. H.

Albuquerque, N. Mex.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Sir: If they are available for distribution, will you please send me a copy of the first installment of your report—"Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy."

I shall be happy to remit the proper charge for the document. Thanking you in advance for your kindness, and I want to especially express my gratitude to you and your committee for the work you have done. It is to be hoped that your work will permeate the consciousness of those who should take note of the apparent erosion of the tax base.

Yours truly,

R. M.

Pittsburgh, Pa.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Mr. Patman: I read recently of your protest of the loophole in the tax laws which allows extremely large estates, such as that of Alfred I. du Pont, to place all the estate and income thereof in a foundation, thus excluding it from the income-tax laws. I hope that you are successful in plugging this loophole.

Very truly yours,

W. R.

Syracuse, N.Y.

Hon. Wright Patman,
House Office Building,
Washington, D.C.

Dear Sir: I read in today's paper your concern about the money being diverted from the Treasury to the so-called foundations. Indeed, the tax free foundations are a major concern to me as I note the way in which they operate. It would appear that some important laws tightening up on foundations are in order. Certainly, investigation is clearly called for.

I am thrilled to read the newspaper report of your concern and wish you well.

Sincerely yours,

G. M.

Austin, Tex.

Hon. Wright Patman,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Patman: Your efforts to eliminate the unfair tax advantages of so-called nonprofit foundations are certainly worthy of commendation.

It would seem to me that publication of financial statements should be required of all nonprofit organizations in order for them to obtain a tax free status. Can you tell me if there has been any proposed legislation in this direction?

Very truly yours,

J. C.

Drexel Hill, Pa.

Hon. Wright Patman,
Washington, D.C.

Dear Congressman Patman: How refreshing it is to see a courageous public representative being vigilant and practicing democracy in the full sense of the word.

Thank you for your consistent efforts in trying to plug the loophole in exempting foundations and trusts in regards to taxes.

Cordially and sincerely,

B. R.

New York City.

Representative Wright Patman,
Washington, D.C.

Sir: I am in the position of not knowing all that I should about the laws that are in force or that should be regarding this subject. If the story is correct I wish to thank you and your committee for keeping watch over the interests of the public at large.

I am not opposed to persons who are fortunate enough to enjoy the benefits of wealth. I hope some day to have more than just enough to get along on, myself.

But the fair share rule should not only apply to those who cannot take advantage of the foundation route to accrue that wealth.

Thank you.

Yours truly,

T. M.

Jackson, Mich.

Congressman Wright Patman,
Washington, D.C.

Dear Congressman: I wish to express my appreciation to you and your committee for the report sent me regarding your investigation of the foundations set up to escape taxation in the United States.

I have watched with great interest your work and I believe ultimately it will produce some constructive results for the taxpayers of the United States.

Yours sincerely,

C. T.

Birmingham, Ala.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Mr. Patman: Thank you for having forwarded to me the third installment of your report, the preceding ones of which I have read with considerable interest and attention.

You are to be commended for your thorough and serious work, as well as the courage that it must have taken to broach a topic so removed from the public discussion.

Sincerely,

E. U.

Deerfield, Ill.

Hon. Joe L. Evins,
House Office Building,
Washington, D.C.

Dear Congressman Evins: On behalf of the 24 standard railway labor organizations, I want to congratulate you on the recent report by the chairman of your Subcommittee No. 1 of the House Small Business Committee, dealing with the Alfred I. du Pont estate and the Nemours Foundation.

This report is clear, thorough and factual, in the highest tradition of congressional inquiry.

Sincerely yours,

D. S.

Washington.

Representative Joe L. Evins,
House Office Building,
Washington, D.C.

Dear Representative Evins: Thank you very much for the information on the tax-exempt foundations. I will read every page.

Please do not get discouraged. The American people are the most wonderful God ever made and they will become aroused sufficiently in time to save this Nation and the world at the same time.

We are fortunate in having men like you in office and as the wheel of time turns, more and more good men will return to government.

Again, thank you and may you have many years of happiness.

Sincerely,

Dr. B.

Miami, Fla.

Dear Sir: I thank you for the information with respect to tax-exempt foundations. I am reading the reports with a great deal of interest, and am surprised that so little attention has been paid to such an unreasonable accumulation of wealth in this country in the hands of tax-exempt foundations as to jeopardize small business.

Yours very truly,

D. P.

Orlando, Fla.

Representative Wright Patman,
House Office Building,
Washington, D.C.

Dear Mr. Patman: I am in receipt of your foundation report and you are to be congratulated for the manner in which this was handled.

It is a pity that the full light of publicity cannot be given to these reports for it is incredible what is being done by these nonprofit organizations.

I would like to be kept informed on the balance of the investigation.

Very truly yours,

E. F.

Los Angeles, Calif.

IMPORTED BEEF A HAZARD

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Purcell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PURCELL. Mr. Speaker, American consumers are faced with a health hazard they have no way of recognizing. The hazard is created by imported frozen beef, primarily from Australia and New Zealand, which is not labeled in any way as being different from fresh beef produced domestically. Because so many housewives purchase ground beef in the supermarket and freeze it in their refrigerator or home feezer, much of this beef is frozen, thawed, and refrozen before it is cooked.

All authorities I have been able to locate advise that food should not be refrozen without cooking once it has been thawed to a temperature of 40° or higher. In fact, the Department of Agriculture has advised me in the past few days that they plan to revise this 40° figure down to 36° as a result of the information now available to them. The Department now says it is their opinion that once food has completely thawed to a temperature of 36° or higher, it is not likely to be fit for refreezing.

I am not talking about an insignificant amount of beef, or about beef which is confined to any one area of the country. It is used nationwide. Figures available to me indicate that we imported about 1 billion pounds of boneless frozen beef from Australia and New Zealand last year. Best estimates are that half of this was used to make hamburger. Four out of five pounds of hamburger is sold at retail for use in the home. So we can safely assume that between 400 and 500 million pounds of frozen beef per year is being ground into hamburger and sold to the American housewife. She is never told that this is not good fresh beef. She has no way of knowing that this meat was cheap grade beef slaughtered and frozen halfway around the world, shipped to the United States, thawed and ground into hamburger, and then sold to her.

The housewife in many cases, then takes his meat home, thinking it is fresh, and freezes it, more properly she refreezes it, for later preparation and serving to her family.

The authorities on this subject say that, in addition to not refreezing meat which has been thawed, it should be cooked immediately after it has been thawed the first time. Who knows how long this thawed hamburger has been on the meat counter before it was purchased in the first place? How long does it lay in the grocery cart, and then in the paper bag on the way home before it is frozen again? Or, if it is not frozen at home, how long does it remain in the refrigerator before it is used? I am convinced that most housewives will be shocked to learn that they are unknowingly keeping meat which has been frozen and thawed in their refrigerator for several days before preparing it for their families.

Something must be done about this, and it must be done immediately. The American consumer is entitled to know what is in the package he or she buys at the market.

There is no present requirement that the imported frozen meat used in hamburger be labeled as such, or that any notice of this be given to the purchaser. For this reason, the housewife has no way of knowing what she is buying.

This is a health hazard.

I urge the Federal Government to take whatever action is possible under present law to correct the present deplorable situation, and I urge the Congress to act promptly in the absence of effective present law. I would also strongly urge housewives to contact their Members of Congress demanding action to protect the health of their families.

AMERICAN FOREIGN SERVICE OFFICERS CONTRIBUTE IMPORTANTLY TO OUR UNDERSTANDING OF INTERNATIONAL POLITICS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Delaware [Mr. McDOWELL] is recognized for 10 minutes.

Mr. McDOWELL. Mr. Speaker, the wisdom with which our foreign policies are framed and the skill with which they are carried out depend upon the men and women who direct our foreign affairs day by day. That they perform well is vital, for upon them rests the welfare, progress, even survival, of our people and, to a great extent, that of the peoples of the free world.

The attest of eyes and ears as to political activities of foreign governments is one of the more important functions of our Foreign Service officers. The on-the-spot analyses prepared and submitted to higher authority in Washington by our diplomatic officers abroad is essential to the effective practice of diplomacy.

In the field of foreign affairs, the President, the Secretary of State, and other high officials carry a fearful burden of responsibility for prompt and courageous decisions which are the more difficult for being essentially irreversible. Political leadership alone, however, cannot cope unaided with the complexities of foreign affairs. It must be underbraced by professional careerists, drawn from all segments of society, who are equipped to understand and use the instruments of modern-day diplomacy.

Throughout our history, Delawareans have served at all levels in the Department of State. I was pleased to note that O. Ammon Bartley, Jr., a Foreign Service officer, formerly a resident of Dover, Del., returned recently from Malaya after 2 years as vice consul in the American consulate in Penang. Mr. Bartley also served for 2 years as a political officer and second secretary of the American Embassy in the capital city, Kuala Lumpur.

Born in Preston, Md., Mr. Bartley graduated from Dover High School and Wesley Junior College, both located at Dover, Del. His father, the Reverend Dr. O. A. Bartley, was president of Wesley Junior College from 1924 to 1950. Dr. Bartley was subsequently appointed as superintendent of the Dover district of the Methodist Conference and served from 1950 to 1956; he is presently pastor of the Colesville Methodist Church of Silver Spring, Md.

Foreign Service Officer Bartley received his bachelor of arts degree from Drew University in 1950 and served as a graduate assistant in history at the University of Delaware from 1950 to 1951.

I include as part of my remarks a profile as to Mr. Bartley's activities abroad which was directed to my attention by the Office of Media Services of the Department of State:

[From the Department of State, Office of Media Services, Washington, D.C.]

FOREIGN SERVICE OFFICER DRAWS PRIZE ASSIGNMENT: COVERING MALAYAN POLITICS

WASHINGTON.—Keeping an eye on the political situation in the country where he is stationed is one of the prize duties a Foreign Service officer can draw when assigned abroad. A duty, moreover, important to the U.S. Government.

Take the case of O. Ammon Bartley, Jr., 35, a Foreign Service officer from Delaware, who recently returned from Malaya, in southeast Asia, where he spent 2 years as a vice consul in the American consulate in Penang and 2 more years as a political officer and Second Secretary of the American Embassy in the capital city, Kuala Lumpur.

In the latter capacity, Bartley's job was to report on the activities of all opposition political parties in Malaya (which has since joined with Singapore, North Borneo, and Sarawak to form the newly established country, Malaysia). Part of the job was to cover elections in Malaya for the Embassy.

In an interview here after his recent return, Mr. Bartley told about a typical trip he made to cover a by-election in the small city of Kuala Trengannu. Accompanied by his wife, a valuable assistant, he drove over the mountain chain backbone of Malaya and down to the east coast city, arriving the day before the election. The campaign was reaching a climax; all three candidates were exerting themselves in the homestretch; and the Prime Minister himself was scheduled to deliver a major speech that evening in support of the Government candidate.

Malaya has three main groups of people within its population—Malayans, Chinese, and Indians. Political parties reflect these different ethnic strains as well as ideological differences. In the Kuala Trengannu District all the parties were Malayans. The incumbent member of Parliament from this district had been a national hero and a member of an opposition party. He had died in office, making a by-election necessary to fill his seat in Parliament.

Bartley's job was fourfold: (1) To learn the platforms of the participating parties, (2) to sound out the philosophies of the party leaders, (3) to assess public opinion on the platforms and the leaders, and (4) to meet the leaders personally in order to judge their political potential.

When he arrived in Kuala Trengannu, Bartley went first to interview the state secretary, the senior civil servant in the state in which the city is located (Malaya is a federation of states somewhat like the United States).

"State secretaries usually know everything that goes on in their states but are also usually models of discretion," says Bartley.

Next he arranged a meeting with the head of the Government Party in the state, who was friendly, but since the Prime Minister was scheduled to speak that night, and since Bartley already knew the Government Party's platform for the most part, they had a very short meeting.

He then went to the headquarters of a devoutly religious opposition party, a Muslim organization with a platform based on Islamic law and the "Will of Allah." Walking in unannounced, he found a darkened room full of people, who fell suddenly silent at his presence. He asked to see the ranking party leader. A man guided him down the hall to an office in which sat the third ranking man of the party in Malaya. He and two of his aids took Bartley down the street to a private house, where they served him tea—a sign that they were willing to talk—and began to talk.

Bartley had an interesting interview and gained considerable insight into the extent to which Islamic law and the Koran motivate this political party.

Instead of going to the headquarters of the third party, which had been based on the personality of the dead hero rather than on ideology and which was now falling apart for lack of leadership, he walked around town talking to people in the streets about the election. Later he went to the big government party rally in a park where the prime minister was to explain his program for the creation of Malaysia, the key question facing the country at that time.

Bartley stood in the crowd as the temperature passed the 100° mark. Everyone in Kuala Trengannu was there. His last job, he realized, would be to determine what these people thought of the Malaysia proposal.

The prime minister gave a dazzling speech to a rapt audience. Afterward, Bartley sampled opinion in the crowd. On election day he drove around town and sampled more opinion. That evening he went to the counting hall to watch the counting of votes. The members of the election commission counted the votes by hand in front of checkers from all three parties. Crowds gathered outside in the darkness to await the results. The counters sat at a great table and counted the night through.

By early morning it had become clear that the government candidate had won. Bartley went back to his room to catch up on his sleep. Then came the hard job, the goal of this and all such trips—analysis.

As Bartley puts it: "It would be foolish to send an American officer 10,000 miles to find out who won an election. A subscription to a Malayan newspaper would provide that information. The important thing is to know why people believe, feel, and vote as they do and how they are likely to react in the future. With a lot of on-the-scene legwork and a lot of thought a Foreign Service officer can often discover forces at work in a foreign society which will vitally affect international relations and, in particular, the interests of the United States."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. ALBERT), for an indefinite period, on account of official business.

Mr. EDMONDSON (at the request of Mr. ALBERT), from May 18 to May 21, on account of death in family.

Mr. FOUNTAIN (at the request of Mr. MILLS), for today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. McDOWELL (at the request of Mr. ROGERS of Texas), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mrs. DWYER (at the request of Mr. HARVEY of Michigan), for 10 minutes, on May 20, 1964.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BURKE.

Mr. ROGERS of Texas.

Mr. HARRIS during his remarks on S. 920 and to include a letter from the State Department.

(The following Members (at the request of Mr. HARVEY of Michigan) and to include extraneous matter:)

Mr. ALGER.

Mr. SIBAL.

(The following Members (at the request of Mr. ROGERS of Texas) and to include extraneous matter:)

Mr. RAINS.

Mr. EVINS.

Mr. DINGELL.

Mrs. KELLY.

Mr. CELLER.

Mr. BROWN of California.

ADJOURNMENT

Mr. ROGERS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 33 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 19, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2073. A communication from the President of the United States, transmitting amendments to the appropriation requests made in his 1965 budget for mutual defense and development programs, increasing the request for military assistance from $1 billion to $1,055 million, and supporting assistance from $335 to $405 million (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

2074. A communication from the President of the United States, transmitting a reduction totaling $8,850,000 in the appropriation requested in the fiscal year 1965 budget for the Peace Corps (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

2075. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations) transmitting additional projects relating to a letter dated February 4, 1964, with respect to certain projects to be undertaken in regard to the Army National Guard, pursuant to 10 U.S.C. 2233a(1) and relating to Public Law 88-174; to the Committee on Armed Services.

2076. A letter from the Chief, National Guard Bureau, Departments of the Army and the Air Force, transmitting the annual report of the Chief of the National Guard Bureau for fiscal year 1963; to the Committee on Armed Services.

2077. A letter from the Comptroller General of the United States, transmitting a report on a review disclosing certain weaknesses in the administration of the requirement for the workable program for community improvement for the city of Cincinnati, Ohio, by the Housing and Home Finance Agency; to the Committee on Government Operations.

2078. A letter from the Comptroller General of the United States, transmitting a report on a review disclosing unnecessary procurement due to the failure to identify and utilize available missile spare parts in the 8th U.S. Army, Korea, Department of the Army; to the Committee on Government Operations.

2079. A letter from the Comptroller General of the United States, transmitting a report on a review disclosing unnecessary packaging costs incurred in the procurement of repair kits from Hamilton Standard Division, United Aircraft Corp., Windsor Locks, Conn., Department of the Air Force; to the Committee on Government Operations.

2080. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

2081. A letter from the executive secretary, American Chemical Society, transmitting the annual report of the American Chemical Society for the calendar year 1963, pursuant to Public Law 358, 75th Congress; to the Committee on the Judiciary.

2082. A letter from the Director, Administrative Office, U.S. Courts, transmitting a draft of a proposed bill entitled "A bill to amend the Bankruptcy Act to permit a husband and a wife to file a joint petition in ordinary bankruptcy and chapter XIII (wage earner) proceedings"; to the Committee on the Judiciary.

2083. A letter from the director, American Legion, transmitting the financial statement of the American Legion for the year ending December 31, 1963, pursuant to Public Law 47, 66th Congress; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HERLONG: Committee on Ways and Means. H.R. 5739. A bill to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies; with amendment (Rept. No. 1412). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Appropriations. H.R. 11296. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1413). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLSWORTH:

H.R. 11270. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. KILGORE:

H.R. 11271. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OLSON of Minnesota:

H.R. 11272. A bill to assure orderly marketing of an adequate supply of livestock products; to encourage increased domestic consumption of livestock products; to maintain the productive capacity of the livestock industry; to avoid the feeding of livestock to undesirable weights; and to prevent declines in live-weight prices received by livestock producers; to the Committee on Agriculture.

By Mr. ROUSH:

H.R. 11273. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. SICKLES:

H.R. 11274. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. SLACK:

H.R. 11275. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 11276. A bill to designate the Joanna Dam and Reservoir now under construction on the Salt River near Joanna, Mo., as the "Clarence Cannon Dam and Reservoir"; to the Committee on Public Works.

By Mr. ULLMAN:

H.R. 11277. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations Children's Fund (UNICEF) to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. COOLEY:

H.R. 11278. A bill to amend the Commodity Exchange Act, as amended; to the Committee on Agriculture.

By Mr. FOREMAN:

H.R. 11279. A bill to amend section 109 of title 4 of the United States Code with respect to the withholding of State income taxes from the income of certain individuals; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 11280. A bill to amend title II of the Social Security Act to increase the amount of annual earnings includible in determining benefits, to strengthen the actuarial status of the disability trust fund, to increase the amount that recipients of benefits may earn without deductions from their benefits, to permit payment of child's insurance benefits after attainment of age 18 in case of a child attending school, to liberalize the conditions under which disability benefits are payable, provide for payment of certain disabled widows, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 11281. A bill relating to the determination of sale price of a rebuilt television picture tube; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 11282. A bill to amend chapter 15 of title 38, United States Code, to liberalize certain provisions of law relating to veterans' pensions; to the Committee on Veterans' Affairs.

By Mr. LINDSAY:

H.R. 11283. A bill to prohibit vessels operating on certain interstate waters within New York City and the State of New Jersey from carrying certain outdoor advertising; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE:

H.R. 11284. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 11285. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 11286. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. SICKLES:

H.R. 11287. A bill to designate the Veterans' Administration hospital being constructed in the District of Columbia as the Melvin J. Maas Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. WHITE:

H.R. 11288. A bill to amend the Agricultural Marketing Agreement Act of 1937 to permit the issuance of marketing orders for onions for canning or freezing; to the Committee on Agriculture.

By Mr. THOMAS:

H.R. 11296. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes.

By Mr. PATMAN:

H. Con. Res. 305. Concurrent resolution authorizing the printing of additional copies of volume I of the hearings before the Committee on Banking and Currency, House of Representatives, entitled "The Federal Reserve System After 50 Years"; to the Committee on House Administration.

By Mr. SICKLES:

H. Res. 726. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. COOLEY:

H. Res. 727. Resolution to grant additional travel authority to the Committee on Agriculture; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to a study of north coastal multipurpose water projects; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to provide adequate benefits to members and survivors of the Philippine Scouts; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to Federal and State water rights; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to urging the President of the United States to use the influence of his Office to prevent the closing of the Watertown Arsenal; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to urging the adoption of H.R. 10440, relating to poverty in the United States; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 11289. A bill for the relief of Carlo Antonio DeLuca; to the Committee on the Judiciary.

By Mr. HEALEY:

H.R. 11290. A bill for the relief of Gaetano Cordaro; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 11291. A bill for the relief of Ferrum Trading Co., Inc.; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 11292. A bill for the relief of Christos Bitsakis; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 11293. A bill for the relief of Mrs. Surpik Sulukciyan; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11294. A bill for the relief of Cho Seung Man and Kim Chul Hee; to the Committee on the Judiciary.

By Mr. WALLHAUSER:

H.R. 11295. A bill for the relief of Mrs. Adelina Marcelo Miranda Gepac; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

893. By the SPEAKER: Petition of Mrs. Felix Irwin, National Society of the Daughters of the American Revolution, Washington, D.C., relative to transmitting resolutions adopted by the 73d Continental Congress of the National Society of the Daughters of the American Revolution, April 20–23, 1964; to the Committee on the Judiciary.

894. Also, petition of Seitoku Nagamine, Tomigusuku, Okinawa, requesting return of Okinawa to Japan; to the Committee on Foreign Affairs.

895. Also, petition of Toshio Chinen, Ozato, Okinawa, requesting return of Okinawa to Japan, to the Committee on Foreign Affairs.

896. Also, petition Sojitsu Okuhara, Yonahara, Okinawa, requesting return of Okinawa to Japan; to the Committee on Foreign Affairs.

897. Also, petition of Seijiro Kohagura, Ginowan, Okinawa, requesting return of Okinawa to Japan; to the Committee on Foreign Affairs.

SENATE

Monday, May 18, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. Daniel K. Inouye, a Senator from the State of Hawaii.

Rev. Michael Daves, minister, First Methodist Church, Holiday, Tex., offered the following prayer:

O God, who art like water in a dry place and food to a starving man, we come to Thee before undertaking the work of this day. Thou art our God, and greatly to be praised. We acknowledge our dependence upon Thee as our Creator, Redeemer, and Sustainer.

We pray that we shall not be afraid of the world, remembering that it is Thy creation, and stands under Thy care. Deliver us from faithless anxiety, and give us grace to cast every care on Thee. May we not only see Thy truth; may we also do Thy truth.

Guard and guide our Nation in these challenging times. Bless our leaders as they strive to implement laws for the common welfare. Renew in all of us the pioneer spirit of our forefathers. May we dream dreams and have visions, always praying for the coming of the kingdom that is above all nations, even the kingdom of our Lord, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 18, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Daniel K. Inouye, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

Lee Metcalf,
Acting President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 16, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Stanley E. Rutkowski, of New Jersey, to be Comptroller of Customs at Philadelphia, Pa., which was referred to the Committee on Finance.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of a quorum call, there be a morning-hour period, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ORDER FOR RECESS TO NOON ON TUESDAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 12 o'clock noon, Tuesday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 235 Leg.]

Allott
Bartlett
Bayh
Beall
Boggs
Burdick
Carlson
Case
Clark
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Fong
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Neuberger
Pearson
Proxmire
Randolph
Robertson
Saltonstall
Scott
Simpson
Sparkman
Stennis
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Maryland [Mr. Brewster], the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Nevada [Mr. Bible], the Senator from Arkansas [Mr. Fulbright], the Senator from Louisiana [Mr. Long], the Senator from South Dakota [Mr. McGovern], the Senator from Oregon [Mr. Morse], the Senator from Rhode Island [Mr. Pastore], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Georgia [Mr. Russell] are absent on official business.

Also I announce that the Senator from West Virginia [Mr. Byrd], the Senator from Oklahoma [Mr. Edmondson], the Senator from North Carolina [Mr. Ervin], the Senator from North Carolina [Mr. Jordan], the Senator from Washington [Mr. Magnuson], the Senator from New Hampshire [Mr. McIntyre], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Rhode Island [Mr. Pell], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], the Senator from Georgia [Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], the Senator from Texas [Mr. Yarborough], and the Senator from Ohio [Mr. Young] are necessarily absent.

I further announce that the Senator from Idaho [Mr. Church] and the Senator from California [Mr. Engle] are absent because of illness.

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from Kentucky [Mr. Cooper], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are detained on official business.

The Senator from Utah [Mr. Bennett] is necessarily absent to attend the funeral of a friend.

The Senator from New Hampshire [Mr. Cotton], the Senator from Nebraska [Mr. Curtis], the Senator from Arizona [Mr. Goldwater], the Senator from New York [Mr. Javits], the Senator from California [Mr. Kuchel], and the Senator from New Mexico [Mr. Mechem] are necessarily absent.

The Senator from South Dakota [Mr. Mundt] is absent on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business, under a 3-minute limitation, is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Inouye in the chair) laid before the Senate the following letters, which were referred as indicated:

Proposed Transfer by Navy Department of Battleship to the USS Massachusetts Associates, Inc., Boston, Mass.

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, that the Navy Department proposed to transfer the battleship *Massachusetts* (BB 59) to the USS Massachusetts Associates, Inc., of Boston, Mass., for use as a permanent World War II memorial; to the Committee on Armed Services.

Report on Military Construction, Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on military construction, Army National Guard, for the year 1964 authorization (with an accompanying report); to the Committee on Armed Services.

Financial Statement of the American Legion

A letter from the director, the American Legion, Washington, D.C., transmitting, pursuant to law, a financial statement of that organization, for the year ended December 31, 1963 (with an accompanying report); to the Committee on Finance.

Report on Weaknesses in Administration of Community Improvement Program in Cincinnati, Ohio

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on weaknesses in administration of requirement for the workable program for community improvement for the city of Cincinnati, Ohio, Housing and Home Finance Agency, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"Resolution Urging the President of the United States To Use the Influence of His Office To Prevent the Closing of the Watertown Arsenal

"Whereas on April 23, 1964, Secretary of Defense Robert S. McNamara announced that the Watertown Arsenal would be closed and that its closing would be phased over a 3 year period with the physical properties of the arsenal turned over to the General Services Administration in September 1967; and

"Whereas the closing of the arsenal would not only mean the loss of 1,836 civilian jobs with serious effect upon the economy of the Commonwealth, but it would also mean the loss of thousands of skilled hands and loyal hearts that had been molded into a compact efficient working unit, a unit that had its beginning 147 years ago when the arsenal was first opened, and today stands ready, willing and able to skillfully perform any job that may be assigned to it: Therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully urges the President of the United States to use the influence of his office to prevent the closing of the Watertown Arsenal; and be it further

"*Resolved*, That copies of this resolution be forwarded by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress, and to each Member thereof from this Commonwealth.

"Adopted by the house of representatives May 5, 1964.

"WILLIAM C. MAIERS,
"*Clerk.*

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO ADOPT H.R. 10440, RELATIVE TO MOBILIZING THE HUMAN AND FINANCIAL RESOURCES OF THE NATIONS TO COMBAT POVERTY IN THE UNITED STATES

"Whereas there is pending before the Congress of the United States a bill (H.R. 10440) relative to mobilizing the human and financial resources of the Nation to combat poverty in the United States; and

"Whereas although the economic well-being and prosperity of the United States have progressed to a level surpassing any achieved in world history and although widely shared throughout the Nation poverty continues to be the lot of a substantial number of our people; and

"Whereas it is the policy of the United States to lend a helping hand to those in need and to afford everyone the opportunity to live in decency and dignity: Therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to adopt H.R. 10440, relative to mobilizing the human and financial resources of the Nation to combat poverty in the United States, and as a first step in this direction further urges the Congress to increase social security benefits by 20 percent; and be it further

"*Resolved*, That a copy of this resolution be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress, and to each Member thereof from this Commonwealth.

"Adopted by the house of representatives, May 6, 1964.

"WILLIAM C. MAIERS,
"*Clerk.*

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION 2

"Joint resolution relative to memorializing the Congress of the United States to provide adequate benefits to members and survivors of the Philippine Scouts

"Whereas in 1901 by an act of Congress the Philippine Scouts were made a component part of the U.S. Army; and

"Whereas since that time the Philippine Scouts have served this country in times of war and peace with honor and great courage; and

"Whereas the most notable contribution of the Philippine Scouts was made during World War II when they fought the enemy in Bataan and Corregidor during which campaigns half of their number lost their lives in defense of our freedom; and

"Whereas the active duty pay and the retirement benefits paid to members of the Philippine Scouts has always been markedly lower than that received by members of the regular U.S. Army; and

"Whereas during the Bataan campaign the Philippine Scouts were promised pay equal to that of the regular U.S. Army when Gen. Douglas MacArthur said: 'War is a great equalizer of men. Every member of my command shall receive equal pay and allowances based on the U.S. Army pay scale regardless of nationality'; and

"Whereas either H.R. 268 or H.R. 3795 introduced in the 1st session of the 88th Congress would fulfill the promise made to the Philippine Scouts and would recompense them for their sacrifices made in behalf of our country: Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to consider the disparity between the compensation of the regular U.S. Army and that of the Philippine Scouts whose contributions to our freedom were no lesser in magnitude and that the Congress enact either H.R. 268 or H.R. 3795 to remedy this inequality; and be it further

"*Resolved*, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President of the United States, to the President pro tempore of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"ASSEMBLY JOINT RESOLUTION 8

"Joint resolution relative to the use of Federal tax revenues on alcohol for State's alcoholic rehabilitation programs

"Whereas the disease of alcoholism is continuing to cause untold misery and great economic waste among the people of the State of California; and

"Whereas the disease of alcoholism ranks fourth among health problems in the United States, behind mental illness, heart disease, and cancer; and

"Whereas the disease of alcoholism contributes greatly to the problem of law enforcement in California both at the State and at local levels; and

"Whereas the State of California has instituted rehabilitation and education programs in an attempt to combat the disease of alcoholism; and

"Whereas the State rehabilitation and education programs have not been able to achieve their full potential due to grossly inadequate monetary funds; and

"Whereas the Federal Government receives approximately 90 percent of all tax revenues from alcohol consumed in the State of California: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Congress of the United States is respectfully requested to enact legislation providing for the appropriation of 5 percent of the alcohol tax revenue to the States for the encouragement of the solution to problems created at the State and local levels by the disease of alcoholism, provided that the States which are recipients of this appropriation be limited to those which adopt a program of research, education, treatment, and rehabilitation of the alcoholic; and be it further

"*Resolved*, That the chief clerk of the assembly be directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION 3

"Joint resolution relative to the Federal Manpower Development and Training Act of 1962

"Whereas even in periods of high unemployment, many jobs remain unfilled because of shortages of qualified workers; and

"Whereas there is a critical need for more and better trained workers in many vital job classifications; and

"Whereas skills of many workers have been outdated by automation or other technological developments, foreign competition, relocation of industry, shifts in market demands, and other economic changes; and

"Whereas it has been forecast that there will be an unusually rapid growth in the work force in the next several years; and

"Whereas in recognition of these problems the U.S. Congress in 1962 enacted the Manpower Development and Training Act of 1962, which instituted a program of training workers for job opportunities discovered through a research program and other methods authorized by the act; and

"Whereas this training consists of school and on-the-job training programs set up by the States, private, or public agencies, employers, trade associations, labor organizations, and other industrial and community groups; and

"Whereas under the act trainees may be paid training and other allowances by the States under the direction of the Secretary of Labor while in training; and

"Whereas under the provisions of the act, as amended, the Federal Government has been, and will be, until June 30, 1965, paying all of the operating costs of training programs for unemployed persons and the cost of training, subsistence, training allowances, and transportation allowances granted under the act, but after June 30, 1965, under the provisions of the act the States will be required to pay 33⅓ percent of such costs until June 30, 1966, when the States will be required to pay 50 percent of such costs; and

"Whereas since unemployment has become an increasingly serious and nationwide problem since 1962, it is appropriate that the Federal Government continue to provide full Federal financing after June 30, 1965: now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature requests the Congress of the United States to provide full Federal financing under the Manpower Development and Training Act of 1962 after June 30, 1965; and be it further

Three joint resolutions of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION 6

"Joint resolution relating to levee maintenance

"Whereas structures and facilities constructed by the United States for local flood protection are maintained under rules adopted by the Secretary of the Army (pt. 208, ch. II, of title 33 of the Code of Federal Regulations); and

"Whereas these rules prescribe general standards which apply on a nationwide basis without regard to peculiar local problems; and

"Whereas these rules contain a general prohibition against brush, trees, and wild growth on project levees; and

"Whereas the waterways of the Sacramento and San Joaquin Rivers and their delta have been made possible by a unique system of levees which present special problems of maintenance peculiar to that system only; and

"Whereas this region constitutes one of the most important recreation areas in California; and levees devoid of trees, brush, and wild growth constitute a jeopardy to the recreation values of this area; and

"Whereas the State of California is presently engaged in a pilot levee maintenance program which will find ways to effectively preserve both recreation and flood control values: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States and the Secretary of the Army to authorize the U.S. Army Corps of Engineers to join with the State of California in more active participation in the State pilot levee maintenance program; and be it further

"*Resolved*, That the U.S. Army Corps of Engineers is requested to assist the State Resources Agency Committee for Delta Recreation Planning with the implementation of the State pilot maintenance program and with the determination of the validity and acceptance of newly developed standards that would utilize controlled levee vegetation to satisfy the multiple needs of recreation and flood control; and be it further

"*Resolved*, That the U.S. Corps of Engineers should be authorized to reconstruct levees in the pilot maintenance areas, consistent with the purposes of the State pilot maintenance programs; and be it further

"*Resolved*, That a report should be prepared to be submitted to Congress through the Chief Engineer's office; such report should be fully coordinated with and include the findings of the Resources Agency Committee for Delta Recreation Planning; and be it further

"*Resolved*, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President of the United States and President pro tempore of the Senate of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in Congress, and the Secretary of the Army."

"ASSEMBLY JOINT RESOLUTION 9

"Joint resolution relating to Port San Luis

"Whereas Port San Luis, Calif. (San Luis Obispo Harbor), is the only deepwater port for a distance of 100 miles to the south and over 100 miles to the north of the harbor; and

"Whereas under authorization by Congress in 1958, the U.S. Corps of Engineers has made a review report, showing that "a need exists for harbor facilities for deep-draft and shallow-draft vessels at Port San Luis, and that such a harbor would be used to capacity; and

"Whereas Port San Luis is presently partly protected by an existing Federal breakwater and the corps' report shows a proposed plan for providing more nearly complete protection for the harbor through the improvement of the existing Federal breakwater and the construction of another breakwater and other aids to navigation which would result in a benefit-over-cost ratio of 4 to 1; and

"Whereas the complete report is contained in House Document 148, 88th Congress, 1st session, the document being a letter from the Secretary of the Army transmitting favorable reports on the project by the Chief of Engineers, Department of the Army, together with favorable comments by five governmental departments of the State of California; and

"Whereas local participation is assured by the Port San Luis Harbor District Commission, which has already negotiated a purchase agreement to buy for $500,000 the land needed for the complete project, and which has agreed to pay one-half the cost of the proposed new breakwater, as well as the entire cost of shoreside facilities as required for the project; and

"Whereas the project will benefit the three defense installations which are within 50 miles of Port San Luis, Vandenberg Air Force Base (missiles), Camp San Luis Obispo, and Camp Roberts; and

"Whereas House Resolution 7341, 88th Congress, 1st session, was introduced by Congressman TALCOTT 'to provide for the modification of the existing project for San Luis Obispo Harbor, Calif., including its renaming as Port San Luis, California': Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California (jointly)*, That the Congress of the United States is requested to authorize the Port San Luis project as an aid to the defense posture of the United States, as a necessary element contributing to the economic growth of the United States, and as a factor in expanding the employment opportunities of the Nation and the State; and be it further

"*Resolved*, That the chief clerk of the assembly is directed to transmit a copy of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

To the Committee on Government Operations.

"HOUSE RESOLUTION 212

"Resolution relative to use of Federal tax revenues on alcohol for State's alcoholic rehabilitation program

"Whereas the disease of alcoholism is widespread and is imposing misery and great economic injury upon the people of the State of California; and

"Whereas the disease of alcoholism ranks fourth among health problems in the United States, behind mental illness, heart disease, and cancer; and

"Whereas alcoholism aggravates and contributes greatly to the problem of law enforcement and welfare aid in California both at the State and at local levels; and

"Whereas the State of California has instituted rehabilitation and education programs in an affirmative effort to eradicate the debilitating disease of alcoholism; and

"Wherease the State rehabilitation and education programs have been handicapped and frustrated from achieving their full potential due to insufficient monetary funds; and

"Whereas the Federal Government receives approximately 90 percent of all tax revenues from alcohol consumed in the State of California: Now, therefore, be it

"*Resolved by the Assembly of the State of California*, That all members respectfully request the Congress of the United States to enact legislation providing for the appropriation of 5 percent of the alcohol tax revenue to the States for the encouragement of the solution to problems created at the State and local levels by the disease of alcoholism, provided that the States which are recipients of this appropriation be limited to those which adopt a program of research, education, treatment, and rehabilitation of the alcoholic; and be it further

"*Resolved*, That the chief clerk of the assembly be directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolution adopted by the Yomitan Son Assembly, Tomigusuku Village Assembly, Yonahara Town Assembly, and Ozato Village Assembly, all of the island of Okinawa, favoring the reversion of the administrative power of Okinawa to Japan; to the Committee on Foreign Relations.

The petition of C. R. Mead, of Westport, Conn., relating to the citizen's oath; to the Committee on the Judiciary.

A petition signed by sundry members of St. Thomas Episcopal Church, of Farmingdale, Long Island, N.Y., praying for the enactment of House bill 7152, the civil rights bill, without crippling amendments; ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (for himself and Mr. CANNON):

S. 2852. A bill for the relief of the Moapa Valley Water Co., of Logandale, Nev.; to the Committee on the Judiciary.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 2853. A bill to provide for research into and development of practical means for the utilization of solar energy, and for other purposes; to the Committee on Aeronautical and Space Sciences.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. GORE:

S. 2854. A bill to authorize the Secretary of the Army to convey certain lands at the Old Hickory lock and dam, Cumberland River, Tenn., to the Tennessee Society for Crippled Children and Adults, Inc.; to the Committee on Public Works.

By Mr. MAGNUSON:

S. 2855. A bill for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.; to the Committee on the Judiciary.

By Mr. BOGGS:

S. 2856. A bill for the relief of Teresa Marangon; to the Committee on the Judiciary.

MOAPA VALLEY WATER COMPANY BILL

Mr. BIBLE. Mr. President, on behalf of my colleague the junior Senator from Nevada [Mr. CANNON] and myself, I introduce, for appropriate reference, a private bill for the relief of the Moapa Valley Water Company of Logandale, Nev. The relief provided would be the forgiveness of accrued interest through December 31, 1964, on loans obtained from the Farmers Home Administration for the construction of a sanitary culinary water system.

For approximately 30 years this small agricultural community in southern Nevada has had to transport potable water from Las Vegas, a distance of 60 miles. The only natural water available runs in open canals for approximately 25 miles and has been condemned by State and county health departments as unfit for human use.

In 1958, after extensive studies by Farmers Home Administration and construction company engineers, a culinary water system involving a 17-mile flow line of thin-walled plastic pipe was approved. Financing was obtained in part from Farmers Home Administration.

The original pipe approved for use in the system unfortunately did not prove strong enough and was subject to continual splitting. In addition a flash flood in 1960 washed away a sizable section of the thin-walled pipe. Continued recurrent splitting has necessitated the complete replacement, at considerable additional expense, of stronger, more durable pipe. Because of the many recurring difficulties, the additional financial strain involved in repair and maintenance, and the limited financial resources of this small community, it has been impossible for the company to make payments on either the principal or interest to date. Because of FHA's responsibility for approval of the inadequate original thin-walled pipe, this community should not have to bear the burden of interest repayment while shouldering the expense of replacing the system.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2852) for the relief of the Moapa Valley Water Company of Logandale, Nev., introduced by Mr. Bible (for himself and Mr. Cannon), was received, read twice by its title, and referred to the Committee on the Judiciary.

RESEARCH INTO AND DEVELOPMENT OF PRACTICAL MEANS FOR THE UTILIZATION OF SOLAR ENERGY—STATEMENT BY SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, I introduce a bill which would authorize the establishment of an office of solar energy in the Department of Interior, and ask that it be appropriately referred.

I urge the Members of the Senate to devote their attention to what I have long felt to be of considerable importance—the harnessing of solar energy—the world's greatest potential free-energy source. I encourage support of this bill for the establishment of an office of solar energy within the jurisdiction of the Department of the Interior.

I need not enlarge upon the ways we now exploit this bountiful source of power other than to cite the fact that the harnessing of solar energy has been of prerequisite importance to many of our space accomplishments.

While the accomplishments are historically significant, they are at the same time but nominal examples of what could be accomplished with a determined effort to develop and apply solar energy to many terrestrial tasks.

With each passage of several days, the energy in the sunlight falling upon the earth exceeds that of all the energy in the fossil fuels that man has burned to date—and that still remaining underground.

This bountiful and omnipresent energy of the sun is free energy, which, if unused, is wasted energy. It is energy that could be put to use to serve many earthly tasks that go unattended today for want of conventional power in many places that are too remote from available power generation sources. It is energy which could heat or cool homes, pump irrigation water, refrigerate foods, operate communications systems, and a host of other tasks, anywhere and everywhere.

In this regard I would like to call to the attention of the Senate a recent publication in the University of California's Engineering and Sciences, titled, "Introduction to the Utilization of Solar Energy," published by McGraw Hill in 1963.

This is an important publication because it features the past and present efforts of man to harness the free energy of the sun to perform many important tasks. There is a fund of information in this publication for both the technician and the casual reader who wishes to increase his knowledge of this important field of scientific endeavor. The material is presented by a number of people who have specialized in the development of techniques for harnessing solar energy. One of the foremost authorities on the subject, Dr. Farrington Daniels, professor emeritus of the Solar Energy Laboratory of the University of Wisconsin, was chosen to write the introduction to the book and in his remarks he emphasizes the need for research in the field. I quote from the latter part of the introduction:

> There is no new era of solar prosperity just around the corner, and the economic utilization of solar energy is full of difficulties. But there is sufficient promise to justify a greatly expanded research effort. There is an important need now for solar energy devices in the nonindustrialized countries; it is inevitable that in the future there will be a need in the industrialized countries also. Solar heating and cooling, solar engines, and solar distillation of salt water are technically possible now. Moreover, we do have efficient conversion of sunlight into chemical energy and into electricity. For practical large-scale use of the sun's energy, cheaper materials and new ideas are needed. Technical breakthroughs have occurred in several areas already—in cheap and stable plastics, in reflecting plastics and transparent plastics which are opaque in the infrared, in selective black coatings for boilers and heating units which permit attainment of higher temperatures, in photosynthesis, and in solar batteries for the direct production of electricity.

Mr. President, there is a good chance for further advances if the problems are defined and if enough research effort is devoted to their solution.

During the past year, I have noted with interest the activities of both agencies of Government and those of private institutions and enterprise, where varied efforts are being made to adapt solar energy to serve many specific power requirements. Not the least significant of these efforts have been those of the Agency for International Development which is wisely seeking ways in which solar energy can be put to work in power-short countries that are engaged in development programs.

While each of these individual efforts have met with varying degrees of success, there has been no central agency that is in a position to offer guidance and support in the execution of these important pioneer endeavors.

The harnessing of solar energy is a magnificent challenge to our country's technical capabilities. It is entirely fitting that we should seize upon the opportunity to apply our technology to the task of harnessing and exploiting this promising free-energy source, but if we are to be leaders in this endeavor, we must apply our technology in an efficient and organized way.

On February 15, 1962, I introduced an identical bill to provide for research and the utilization of solar energy devices and technology. It is the purpose of this bill to establish an Office of Solar Energy whose obligation would be to foster and coordinate the research, development, and utilization of solar energy to serve many terrestrial power needs. This office would logically be located within the jurisdiction of the Department of the Interior, because of its interest and experience in the development of power and energy sources. This office is singularly suited to serve the important and needed function of coordination and administration over this much needed endeavor in the national interest.

In order that work may begin on this immediately, I urge the Secretary of the Interior to use the authority granted to him by the Reorganization Act of 1950, plan No. 3, to establish this Office of Solar Energy by executive decree.

Mr. President, I ask unanimous consent that this bill in its entirety be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2853) to provide for research into and development of practical means for the utilization of solar energy, and for other purposes, introduced by Mr. Humphrey, was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in view of the increasing requirements of the Nation for energy in relation to available and foreseeable supplies, it is the policy of the Congress and the purpose of this Act to provide for the development of practicable, low-cost means of utilizing solar energy in judicious combination with fossil fuels and nuclear energy in order that the total energy resources of the Nation may be maximized.

Sec. 2. (a) In order to carry out the purpose of this Act, the Secretary of the Interior, acting through such agencies of the Department of the Interior as he may deem appropriate, is authorized—

(1) by means of research grants and contracts as set forth in paragraph (4) of this section and by use of the facilities of existing Federal scientific laboratories within the monetary limits set forth in section 10 of this Act, to conduct research and development work, to make careful engineering studies to ascertain the lowest investment and operating costs, and to determine the best designs and conditions of operation of devices and techniques for the practical utilization of solar energy for purposes other than high-temperature solar furnaces;

(2) to study methods, circumstances, and conditions for efficient and economical use of solar energy, directly and from storage, conversion, or otherwise;

(3) to acquire, by purchase, license, lease, or donation, secret processes, technical data, inventions, patent applications, patents, licenses, land and any interest in land (including water rights, easements, and leasehold interests), plants and facilities, and other property or rights; except that (A) the land, property, or rights so acquired shall not be more than is necessary to conduct the experiments, demonstrations, and other activities herein provided for in carrying out this Act, and (B) no land or other property shall be so acquired from private or other non-Federal sources if there is any comparable existing land or property of the Federal Government which is or can be made available to the Secretary of the Interior for the purpose of this Act and the use of such existing Federal land or property would avoid the duplication of facilities which would result from such acquisition;

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.);

(5) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(6) to engage, by noncompetitive contract or otherwise, chemists, physicists, engineers, and such other personnel as may be deemed necessary (including personnel of the Federal Government loaned or detailed on a reimbursable basis for the purpose of this Act), and any educational institution, scientific organization, or industrial or engineering firm deemed suitable to do any part of the research or other work, and to the extent appropriate to correlate and coordinate the research and development work of such personnel, educational institutions, scientific organizations, and industrial and engineering firms: *Provided*, That any personnel so engaged who become employees of the Department of the Interior shall be appointed in accordance with the civil service laws and compensated in accordance with the Classification Act of 1949, except that, to the extent the Secretary deems such action necessary to the discharge of responsibilities under this Act, personnel may be employed and their compensation fixed without regard to such laws: *Provided further*, That no personnel so engaged (except personnel whose compensation is fixed by law, and scientific and technical personnel up to a limit of $19,000) to whom the Classification Act of 1949 is inapplicable, including personnel decribed in the preceding proviso, shall be paid a salary at a rate in excess of the rate payable under the Classification Act of 1949 for positions of equivalent difficulty or responsibility; and

(7) to cooperate with any other Federal, State, or municipal department, agency, or instrumentality, and with any private person, firm, educational institution, or other organization, in effectuating the purpose of this Act.

(b) The Secretary shall establish a Solar Energy Advisory Board composed of five members selected by the Secretary from individuals in private life who are specially qualified through scientific training and distinguished scientific accomplishment to advise with regard to the conduct of activities authorized by this Act. It shall be the duty of such Board to consult with the Secretary with regard to such activities, review the action taken and the progress made pursuant to this Act, and furnish advice with respect to such action. The Board shall meet at the call of the Secretary at least once in each year for that purpose. Members of the Board shall receive no compensation for services rendered by them as members of the Board, but shall be reimbursed for travel and other expenses necessarily incurred by them incident to the performance of their duties as members of the Board.

SEC. 3. Research undertaken by the Secretary of the Interior under the authority contained in this Act shall be coordinated or conducted jointly with the Department of Defense to the greatest practicable extent compatible with military and security limitations, to the end that research and development under this Act which is primarily of a civil nature will contribute to the defense of the Nation and that research and development in the same field which is primarily of a military nature and is conducted by the Department of Defense will be made available to advance the purpose of this Act and to strengthen the civil economy of the Nation; and all research undertaken by the Secretary of the Interior under the authority contained in this Act, including research conducted jointly with the Department of Defense pursuant to this section, shall be financed with the appropriations authorized by section 10 of this Act. Similarly, the fullest cooperation by and with the Department of Commerce, the Atomic Energy Commission, the National Aeronautics and Space Administration, and other departments and agencies of Government in research shall be carried out in the interest of achieving the objectives of the program.

SEC. 4. The Secretary of the Interior is authorized, for the sole purpose of this Act, to dispose of all energy and other products produced as a result of his operations under this Act (including, with the consent of the Secretary of Defense, any energy or other products produced as a result of operations conducted jointly with the Department of Defense under section 3), in accordance with the regulations prescribed by him under section 7.

SEC. 5. All moneys received as a result of activities under this Act shall be paid into the Treasury as miscellaneous receipts.

SEC. 6. The Secretary of the Interior shall make reports to the President and the Congress, at the beginning of each regular session of the Congress, of the action taken or instituted by him under the provisions of this Act, including full and complete information concerning inventions and other scientific or technical developments resulting from activity undertaken pursuant to this Act. The report shall include suitable recommendations for further legislation.

SEC. 7. The Secretary of the Interior shall issue such rules and regulations as may be necessary or appropriate to effectuate the purpose of this Act.

SEC. 8. Each grant agreement or research contract entered into under this Act shall contain provision for audit and review of expenditures thereunder by the Comptroller General or his duly authorized representative; and the Comptroller General or any such representative shall have access for purposes of such audit and review to all relevant books, documents, papers, and records of the person, firm, institution, or organization with whom the agreement or contract was made.

SEC. 9. (a) Whenever any invention is made in the performance of any work under any contract or agreement under this Act, and the Secretary of the Interior determines that—

(1) the person who made the invention was employed or assigned to perform research or development work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research or development work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Secretary unless the Secretary waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into under this Act with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Secretary a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) No patent may be issued to any applicant other than the Secretary for any invention which appears to the Commissioner of Patents to have significant utility in the utilization of solar energy unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract entered into under this Act. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Secretary.

(d) Upon any application as to which any such statement has been transmitted to the Secretary, and the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Secretary, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Secretary files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Secretary unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Secretary is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Secretary to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Secretary thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Secretary within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Secretary of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Secretary unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Secretary under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Secretary to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Secretary stating that he had no objection to the issuance of such patent to the applicant therefor.

(f) Under such regulations in conformity with this subsection as the Secretary shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract entered into under this Act if the Secretary determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Secretary shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Secretary of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Secretary within the Department of the Interior. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Secretary its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(g) The Secretary shall determine, and promulgate regulations specifying, the terms and conditions upon which licenses will be granted by him for the practice by any person (other than an agency of the United States) of any invention for which the Secretary holds a patent on behalf of the United States.

(h) The Secretary is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Secretary has or may acquire a license of use.

(i) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

SEC. 10. There are authorized to be appropriated such sums, but not more than $10,000,000 in all, as may be required (1) to carry out the provisions of this Act (including research conducted jointly with the Department of Defense under section 3) during the fiscal years 1962 to 1968, inclusive, (2) to finance for not more than two years beyond the end of such period any grants, contracts, cooperative agreements, and studies which may therefore have been undertaken pursuant to this Act, and (3) during the same additional period plus one more year, to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act. Departmental expenses for direction of the program authorized by this Act and for the correlation and coordination of information as provided in paragraph (4) of section 2 shall not exceed $2,000,000, and not more than $2,500,000 shall be expended for research and development in Federal laboratories. Both of such sums shall be scheduled for expenditure in equal annual amounts insofar as is practicable. Not more than 10 per centum of the funds available in any one year for research and development under this Act may be expended in cooperation with public or private agencies in foreign countries in the development of processes useful to the program in the United States. Any contracts or agreements made pursuant to this Act shall provide that the results or information developed in connection therewith shall be available without cost to the program in the United States.

CIVIL RIGHTS—AMENDMENTS

Mr. COOPER submitted two amendments (Nos. 603 and 604), intended to be proposed by him to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which were considered as having been read, ordered to be printed, and lie on the table.

AMENDMENT OF FEDERAL BAIL LAWS—ADDITIONAL COSPONSOR OF BILLS

Mr. ERVIN. Mr. President, I ask unanimous consent that the name of the junior Senator from Missouri [Mr. LONG], a member of the Subcommittee on Constitutional Rights, be added as a cosponsor of the bills, S. 2838, S. 2839 and S. 2840, which would amend the Federal bail laws.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Leonard L. Sells, of Virginia, to be a member of the Subversive Activities Control Board, for the remainder of the term, expiring August 9, 1964, vice James R. Duncan, resigned, and for a term of 5 years expiring August 9, 1969.

John H. Kamlowsky, of West Virginia, to be U.S. attorney, northern district of West Virginia, for a term of 4 years, vice Robert E. Maxwell, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, May 25, 1964, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may be absent from the Senate on Tuesday, May 19, Wednesday, May 20, and Thursday, May 21. I must be absent on official business both in the State of Washington and in San Francisco, on Wednesday, at the World Trade Conference. At that conference I shall, as chairman, represent the Senate Committee on Commerce.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS—NEWSPAPERS SPEAK UP

Mr. HUMPHREY. Mr. President, those of us in the Senate who support an effective civil rights bill are finding more encouragement every day in expressions of support by church leaders, civic groups, and thousands of American citizens who know how important it is for the Senate to pass this bill.

We are also encouraged, Mr. President, by the fine editorials on civil rights which have appeared in American newspapers—North, East, South, and West. Representative of this newspaper support is a group of 30 editorials from newspapers in 14 States and the District of Columbia. These newspaper editorials are assembled in chronological order, from the day after the House of Representatives passed the civil rights bill through the middle of April. I ask unanimous consent that the editorials be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 11, 1964]

CIVIL RIGHTS VICTORY

Passage of the Civil Rights Act of 1963 by the House of Representatives is a victory for the administrations of President Kennedy and President Johnson, for the coalition of liberal Democrats and Republicans who steered the measure through the shoals of amendment and—lest it be forgotten—for millions of Americans deprived of a full life because of racial discrimination.

What the House leadership recognized during lengthy committee hearings and during the voting the last 2 weeks was that rights are indivisible. The right to register and vote in a national election cannot be separated from the right of equal opportunity to get a job; the right to compel desegregation of public schools for the benefits of children cannot be separated from the right to compel service in a restaurant or hotel for the benefit of their parents.

The sum of these rights and freedoms, without deductions, is what we recognize as citizenship. Where these rights are undercut, there democracy is that much less effective.

That articulate Negro spokesman, James Baldwin, is fond of saying, "Civil rights isn't a Negro problem—it's a white problem." The action in the House yesterday recognized the truth of that aphorism. Without regard to race, the victory can be shared by all Americans.

[From the Washington Post and Times Herald, Feb. 12, 1964]

MILESTONE

The House of Representatives has earned the country's gratitude. Its passage of the civil rights bill late Monday evening is a legislative act of great significance. If the measure is endorsed by the Senate and signed into law by the President, it will mark a milestone in the long effort to deal with the most vexing and frustrating of American domestic problems—relations between races of different color in a land dedicated to the proposition that all men are created equal.

The civil rights bill will not of itself solve this problem. It will not automatically confer equality of opportunity on a race long subjugated and impoverished and undereducated. But it will give to that race a promise for the future and an assurance of good faith. It will give to the world a reaffirmation of the American ideal. And it will provide an atmosphere in which men of good will of the white and colored races can work together to overcome the terrible social ills spawned by racial discrimination.

House action on the bill after 10 days of vigorous, arduous debate is a triumph for Republican as well as Democratic leadership. Congressman CELLER, the chairman of the House Judiciary Committee which studied and recommended the bill, and Congressman MCCULLOCH, the ranking Republican on that committee, worked together in the best sort of bipartisanship. Proponents of the bill on either side of the aisle defended it ably against every sort of obfuscating, and crippling attack. The outcome represents a real victory for reason.

And now the Senate. There can hardly be any serious doubt that the vote in the House of Representatives reflected the sentiment of the country. A hundred years after the Emancipation Proclamation, Americans are at last determined to cut the cancer of racial discrimination out of the body politic. In the name of elementary decency and democracy, let the Senate debate this bill rationally—and then, when every view has had a fair chance to be heard decide the issue democratically by majority rule.

[From the Washington Post and Times Herald, Feb. 20, 1964]

LAW AS EDUCATION

The leader of the Senate minority, Senator EVERETT DIRKSEN, has promised, regarding the civil rights bill, "to cooperate as best I can, within the limitations of the convictions that I hold." This is, of course, all that can fairly be asked of him. But since his expressed opinions, especially about the public accommodations section of the bill, suggest temporizing and delay, one must hope that they have not yet hardened into conviction and can be influenced by argument.

Senator DIRKSEN has indicated that he will offer an amendment to the legislation as passed by the House to make compliance voluntary in connection with the ban on racial discrimination in hotels, motels, restaurants, and places of public entertainment. The purpose would be to see whether compliance could not be obtained by persuasion.

Persuasian has already been given a good long trial. The trouble with it is that it persuades the reasonable and the magnanimous, leaving the obdurate unchanged—and sometimes at a temporary competitive advantage as a result of their obduracy. One great virtue of a general ban on discrimination is that it is applied equally and equitably to all, thus making compliance, or at least acceptance, a great deal easier.

Those who reason that changes in racial prejudice can best be brought about by education tend sometimes to forget that law is one of the most potent of educative influences. When the Congress of the United States says, in legislation, that all Americans, regardless of color, are entitled to equal access to all places seeking public patronage, it preaches and teaches in the most effective way possible that racial discrimination is morally wrong and contrary to sound public policy. Conversely, when the Congress of the United States withholds such legislation, as it has done for many years despite patient petition by the Negro people, it encourages and fosters what it fails to forbid.

Delay is now the most deadly enemy of a rational and healthy adjustment of race relations in the United States. For further delay in the enactment of a civil rights law can say to segregationists only that their recalcitrance is succeeding; and it can say to Negroes only that their petitions have been ignored. Such conclusions must lead, inevitably, to violent conflict and deepened wounds.

Senator DIRKSEN has it in his power, through generous cooperation with the administration, to bring about an expeditious and healing resolution of the civil rights controversy. If he will throw the weight of his leadership on the side of genuine debate, not delay, and on the side of democratic decision, not evasion, of a crucial issue, he can spare the Senate a bruising filibuster and the country an embittering division. We hope that he will heed some wise words spoken on the Senate floor on Monday by the majority leader, Senator MANSFIELD:

"We look in vain if we look backwards to past achievements which might spare this Senate the necessity of a difficult decision on the civil rights question. We hope in vain if we hope that this issue can be put over safely to another tomorrow, to be dealt with by another generation of Senators. At this moment in the Nation's history, it is the Senate's time and turn."

[From the Des Moines Register, Feb. 24, 1964]

HOW RIGHTS BILL AFFECTS IOWA

The civil rights bill approved by the House is aimed primarily at problems of discrimination in the South, but in two respects the measures has important application to northern areas. The public accommodations and fair employment sections could strengthen the attack against discrimination in these areas in Iowa.

Iowa's chief weapon for combating discrimination in privately owned public accommodations is the State civil rights law. The law bars discrimination against persons in "inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barbershops, bathhouses, theaters and all other places of amusement."

The measure passed by the House bars discrimination in almost all of the same kinds of public accommodations, provided they serve transients or are touched by interstate commerce:

Inns, hotels, motels, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, gasoline stations, motion picture houses, theaters, concert halls, sports arenas, stadiums or other places of exhibition or entertainment.

Places not specifically mentioned can be covered by the measure if they are located within, or are part of, an establishment that is covered. For example, the facilities of a barbershop or beauty parlor in a hotel serving transient guests must be made available on a nondiscriminatory basis.

Iowa law relies on filing criminal charges for enforcement of the State civil rights act, the maximum penalties being a fine of $100 and imprisonment for 30 days. The law often is not enforced because few persons are willing to become parties to criminal actions.

The proposed Federal law emphasizes civil actions to enjoin operators of public accommodations from discriminating. Either the person discriminated against or the U.S. attorney general could ask Federal court for an injunction, restraining order or other court decree for preventive relief. The proprietor would be subject to penalty only for contempt of court if he disobeyed the court order.

The Federal Government would rely mainly on local officials to enforce the law and, when the Attorney General is asked to intercede, would attempt to get voluntary compliance. The Attorney General is required to notify State or local officials of complaints and afford them a reasonable time to act under such State or local laws before bringing Federal action. The Attorney General may also call on Federal, State, or local services to bring about compliance by voluntary procedures before going into court.

The proposed Federal law thus provides a milder, but probably more effective, remedy than does the Iowa law. The measure emphasizes civil remedies and persuasion in contrast to the criminal prosecution required by the Iowa statute.

The same general approach is followed in the section of the Federal bill barring discrimination in employment. The section covers employers whose businesses affect interstate commerce if they have at least 25 employees, labor unions with at least 25 members, and employment agencies. Complaints of discrimination would be heard by a Federal Equal Opportunity Employment Commission, which would hear evidence and bring civil actions in Federal court to prevent discrimination. Court action could be taken only after the Commission has attempted conference, conciliation, and persuasion to bring about an end to discrimination.

The Federal measure takes the existence of State and local fair employment practices commissions into account by requiring the Federal Commission to enter into agreements with the local and State agencies under which the Commission shall refrain from bringing a civil action in cases covered by such agreement.

No agreements could be entered into on a statewide basis in Iowa because there is no State agency with authority to administer Iowa's fair employment practices law. The Iowa law bans job discrimination, but enforcement is by the courts following the filing of criminal charges.

The House-passed bill provides for a superior system that emphasizes use of education and persuasion and noncriminal enforcement. Only the larger Iowa employers, those with 25 or more employees, would be subject to these procedures.

If the measure becomes law, Iowa will find it advisable to establish a statewide fair employment practices commission with authority to enter into agreements with the Federal Commission and to apply techniques of conciliation to all cases of discrimination.

[From the Rocky Mountain News (Denver) Feb. 24, 1964]

MANSFIELD'S FORLORN IDEAL

Senator MANSFIELD, the majority leader, tried last week to set the tone for Senate debate on the civil rights bill.

He made a hopeful and altogether reasonable plea, which boiled down to this: Let each Senator examine his conscience and then debate and vote accordingly. But act on the bill, one way or another, on its merits—without ruses, filibusters or other tactical maneuvers.

The next day the Senator virtually admitted defeat for his hopes when he predicted that when the civil rights fight begins we'll be on it not for weeks but for months.

Most aspects of the issue have been debated for years in Congress. Each Senator knows precisely what is in the bill already passed by the House.

But it is evident that the opposition to the bill is making ready to employ every parliamentary device possible to stall a final vote. The cogent message Senator MANSFIELD delivered last Monday fell on deaf ears, although everything he said must be obvious to every Senator, whether he is against the bill or for it. For example:

"Great public issues are not subject to our personal timetables * * * we do not compel them; they compel us."

"We hope in vain if we hope that this issue can be put over safely to another tomorrow."

"At this moment in the Nation's history it is the Senate's time and turn."

"It would be a tragic error if this body as a whole were to elect the closed-eyes course of inaction."

"To act on this issue on the basis of the white or black vote, the North, the South, East, or West vote is as illusory as it is cynical. There is no political profit in this issue * * * there is moral perfection on this issue in none of us and in no place—North, South, East, or West—in the land."

The Senator's eloquence and good sense were aimed at the passionate extremists on both sides. And the Senate would be wise to heed what he said.

[From the Fargo Forum and Moorhead News, Feb. 26, 1964]

FOES OF CIVIL RIGHTS BILL USING BIG LIE TECHNIQUE

Opponents of the civil rights bill have adopted the "big lie" technique in their last-ditch efforts to defeat the bill in the U.S. Senate.

A full page ad carried Wednesday in the Fargo Forum would have the citizens of North Dakota and Minnesota believe that Congress is going to turn the United States into a dictatorship if it passes the bill.

This shows how little faith the opponents of civil rights have in the fundamental philosophy of America, that all humans are born equal and should be treated as equal when it comes to spending Government money, when it comes to voting for the President and Vice President and Members of Congress, and when it comes to education financed by public funds.

The civil rights bill also tries to guarantee that citizens of this country will not be insulted by being refused service because of the color of their skin, or being refused a chance at employment because they were not born white.

It is difficult to believe that citizens would accept as the truth the outrageous charges made by the Coordinating Committee for Fundamental American Freedom in its ad. In big, black type, this organization implied that the total Federal budget was being used to inject the Federal Government into every phase of private and public spending.

The only reason that Congress is considering the civil rights bill is because the Southern States have refused to accept as equals the Negroes who were freed from slavery 100 years ago.

The bill, if passed, would not require an employer to go out and look for Negroes to put on the payroll if they did not apply. It provides for equal employment opportunity from employers having 25 or more employees and labor organizations having 25 or more members. No court shall require admission or reinstatement of an individual to a labor organization or the hiring, reinstatement, or promotion of an individual by an employer if the labor organization or employer took action against an individual for any reason other than discrimination on account of race, color, religion, or national origin.

This language is fairly simple to understand, and in no way gives the Federal Government the right to operate on whim or fancy in dictating employment policies.

The Coordinating Committee for Fundamental American Freedoms has a perfect right to oppose the civil rights bill. That is why the Forum accepted its ad, but we feel compelled to speak out against its big lie technique.

The new Congressman from the eastern district of North Dakota, Representative MARK ANDREWS, voted for the civil rights bill in the House. We hope that Senator MILTON R. YOUNG and Senator QUENTIN N. BURDICK vote for the bill in the Senate. We know the Minnesota Senators, HUBERT HUMPHREY and EUGENE MCCARTHY, will vote "aye."

We have enough faith in the American form of government to know that Congress would not surrender its rights to the President and to the Attorney General. There are no primary criminal sanctions provided in the legislation. Diligent and effective effort has been made to surround each provision with judicial safeguards and administrative limitations in order that fundamental rights and liberties be protected, according to an outline of the measure sent to us by Representative ANDREWS.

Where individuals or governmental authorities fail to shoulder their obligations to protect each individual's constitutional rights, as has been done in the South, then it is the duty of Congress under constitutional authority to correct that wrong.

Hundreds of thousands of citizens are denied the basic right to vote. Decent hotel and eating accommodations frequently lie hundreds of miles apart for the Negro traveler. Parks, playgrounds and golf courses continue to be off limits to Negroes whose tax moneys go to support them.

The people who oppose the civil rights bills claim that their rights are being overridden. What about the rights of the taxpaying Negro citizen?

Just because there is no pressing racial problem in this part of the country, we cannot close our eyes to the evils which Congress seeks to correct with the civil rights bill.

We know that there are a great many North Dakotans who at this late moment are becoming concerned about the civil rights bill because of the accommodations section. They never realized before that the State law is just as tough as the proposed Federal law. Before you write your Senators, in opposition to the bill, take another look at our Declaration of Independence and the first 10 amendments to the U.S. Constitution, the Bill of Rights. Let us not be swayed by the "big lie" technique which is going to predominate the news from Washington and the propaganda from the South just as long as the civil rights bill is an issue in the Senate.

[From the Minneapolis Morning Tribune, Feb. 29, 1964]

THE SENATE GIRDS ITSELF FOR BATTLE

With the tax reduction bill out of the way, the Senate braces itself for the impending struggle over civil rights. The wheat and cotton subsidy bill is scheduled for consideration first, but this amounts only to postponement of the inevitable.

In the preliminary skirmishing, advocates of the House-passed bill won a victory when, by a 54 to 37 vote, the Senate decided to put the bill directly on its agenda, bypassing the Judiciary Committee. The committee chairman, Senator JAMES O. EASTLAND, Democrat, of Mississippi, is an implacable enemy of civil rights legislation and would have smothered the bill with inattention.

Bypassing his committee, though, is only a first step toward passage of the bill. The real crisis will develop when the South organizes its filibuster and settles down for a grinding test of physical—and oratorical—endurance.

The filibuster could be broken up by cloture (cutting off debate) but this would require 67 votes, 22 of which would probably have to come from the Republicans. But a successful cloture move might involve compromise bought at the price of weakening of the bill, so the pro-civil-rights strategy may be aimed at letting the filibuster exhaust itself.

One certainly emerges: If there is to be victory for the civil rights bill, it will have to be a bipartisan victory.

It is not likely that in a presidential election year, there will be no maneuvering for partisan credit and advantage as the bill passes through dangerous waters. But if there is to be a reasonable chance of safe passage, its supporters in both parties must specialize in teamwork.

[From the Winston-Salem (N.C.) Journal and Sentinel, Mar. 1, 1964]

WHY FILIBUSTER?

Now comes the filibuster—the talk, talk, talk, day after day, week after week, perhaps month after month, to keep the Senate from voting on a civil rights bill.

We do not like the filibuster at any time. We do not like it when that windy maverick, Senator WAYNE MORSE, of Oregon, uses it to frustrate legislation that is repugnant to the northern liberals. And we do not like it when some of our favorite conservatives—notably our own SAM ERVIN and Senator RICHARD RUSSELL, of Georgia—use it to frustrate legislation that is repugnant to some people in the South.

The filibuster makes a travesty of the legislative process by preventing the majority from expressing its intent on matters of grave national interest.

It is unworthy of the Senate, "the greatest deliberative body in the world." It is unworthy of America. If the legislators of some of the new nations in darkest Africa availed themselves of this kind of wordy obstruction, we Americans would smile and say they obviously were not ready for self-government.

We therefore cannot help wondering whether the participation of our own North Carolina Senators in the filibuster is in the best interest of this enlightened State.

North Carolina has made a good record in its handling of the civil rights problem. Successive Governors in Raleigh have dealt firmly and fairly with racial matters and kept the State moving forward in step with the times. The mayors of most of our cities and our business, professional, religious, and educational leaders have worked hard and courageously to assure orderly progress in race relations.

Thus, North Carolina has presented an attractive face to the Nation—the face of a State whose leaders and people are willing to move forward in the spirit of the law on even the most intractable problem.

This being so, North Carolinians may well feel uneasy over what seems about to happen in the Senate. Senator ERVIN, it appears, is resolved to join in the filibuster. This will inevitably identify North Carolina in the eyes of the Nation with some of the most unreasonable forces in the South. It will tend to associate this State in other people's minds with the States of the other filibustering Senators where fraud, deceit, and even mob violence have been used to obfuscate the laws and keep the Negro in eternal abasement.

Is is fair to North Carolina? Is it wise?

Beyond this, there seems to be an inconsistency in what Senator ERVIN and the other organizers of the filibuster are now contemplating.

For 10 years—ever since the Supreme Court gave its ruling against segregation in the public schools—they have been denouncing legislation by the judiciary in the field of civil rights. With considerable brilliance and cogency, Senator Ervin and the others have argued that this field was reserved for legislation by Congress.

But Congress is now ready and eager to legislate in the hope of meeting a problem of the highest urgency. The House passed the civil rights bill which is now before the Senate by the heavy majority of 290 to 130. From every appearance, a substantial majority of the Senate is ready to proceed toward a vote after all due deliberation.

Is it consistent for those who have been claiming this field for congressional action to join now in a maneuver to prevent such action?

Not that anyone should expect Senator Ervin and his North Carolina colleague, Senator Everett Jordan—or any other Senator, for that matter—to swallow the bill whole.

Parts of the bill, especially the provisions on voting rights and school attendance, would, of course, make little or no change in the way the racial problem is already being handled in North Carolina.

Other parts—notably titles II, VI and VII covering discrimination in places of public accommodation, the withholding of Federal aid to areas where discrimination is officially condoned, and the establishment of an Equal Employment Opportunity Commission—raise disturbing questions for many people in this State.

Senators Ervin and Jordan would therefore have ample reason to challenge these provisions and to use their considerable talents to have them deleted or tempered.

But this effort should stop short of aiding and abetting a filibuster.

In fact, it would be a happy event for the State, the Senate, and the Nation, if the two North Carolina Senators would declare that they will not be parties to the filibuster maneuver.

Such a stand, it seems to us, would enhance the good repute of North Carolina. It would raise the stature of the two Senators in the Nation. It would be a service to the Senate and particularly to those other southern Senators who will otherwise feel compelled to go through with the tedious talky-talk of the filibuster largely for the bamboozlement of their more gullible constituents. And it would help put a worthy end to an unworthy expedient.

[From the Seattle Post-Intelligencer, Mar. 2, 1964]

L.B.J. in Dixie

In a speech delivered in Florida the other night, President Johnson voiced some of the bluntest remarks he has yet made on the civil rights problem. His words were, in effect, a warning—his statement that full participation in our society can no longer be reserved to men of one color cannot be construed as anything less.

Florida's population has been greatly expanded and enriched by migrations from throughout the Nation, but it is essentially a southern State—a fact which serves to emphasize the impact of the President's remarks. The new President, a southerner himself, is making it unequivocally clear which direction he intends to head in this historic domestic issue.

His administration, he said, is pledged to protect the constitutional rights of every American and it will press forward with legislation to that end. Such forthrightness is to be applauded—and we hope the forces of parallel sentiment in the legislative branch are equally resolute.

[From the Seattle Post-Intelligencer, Mar. 6, 1964]

"Last Ditch," Georgia

Senator Richard B. Russell, Democrat, of Georgia, is a distinguished Member of Congress whose words should always be taken at face value. Thus when he says that if advocates of the civil rights bill are able to enact the measure into law it will be over our last-ditch resistance, then that is exactly what should be done.

In other words the announced determination of the bill's antagonists should be at least equalled by that of its backers. The bill, already passed by the House, is expected to be called up for debate in the Senate next week and a formidable southern filibuster is clearly in the works. All the skill and persistence at the disposal of the pro-civil-rights faction will be required to overcome this.

Senator Russell's last-ditch opposition to the measure becomes especially interesting in view of his concession that in his home State there is undoubtedly an increase in sentiment in favor of civil rights legislation. And he casts a curious aspersion on the political maturity of his constituents by insisting that this development is due to brainwashing.

The Senator, however, is girding for his role as ringmaster of the all but inevitable filibuster circus. We can be confident that he will bring all his years of accumulated wisdom, experience and prestige to the task. It is a deep pity that the Senator does not devote these undoubted talents and qualifications to a more fitting goal.

[From the Des Moines Register, Mar. 11, 1964]

Smokescreen on Civil Wrongs

Americans are being bombarded these days with an advertising and pamphlet campaign purporting to show that the civil rights bill now before the U.S. Senate is really an attempt to expand the role of the Federal Government. One of the newspaper advertisements appeared in the Register March 9.

Spearheading the campaign is the Coordinating Committee for Fundamental American Freedoms. In this particular advertisement, the committee makes no attempt to uphold segregation and indulges in no racist diatribes. Its strategy is to attempt to capitalize on the fear of big government with such labels for the civil rights measure as "the Socialists' omnibus bill" and description of it as "a cynical design to make even the least of us, black and white, subject to the whim and caprice of government bureaucrats."

Secretary of the committee is John Satterfield, a Mississippi native who is former president of the American Bar Association. Satterfield does not speak for the ABA in these activities. He speaks for the State of Mississippi. Satterfield is registered with Congress as a lobbyist for the Mississippi State Sovereignty Commission at a salary of $2,000 a month. The sovereignty commission is a State agency, supported by public funds, dedicated to supporting the segregationist way of life.

Among the recipients of funds from the sovereignty commission are the private white citizens' councils and their campaign for racial integrity. The sovereignty commission has been one of the main sources of financial support for the Coordinating Committee for Fundamental American Freedoms.

We hope no one will be taken in by the "Federal dictatorship" line being peddled by this outfit in connection with the civil rights bill. The measure gives the Federal Government very little authority for dealing with discrimination that has not been exercised for years by numerous State and local governments, and in part by the Federal Government.

The measure establishes a method under Federal law for coping with discrimination in public accommodations and employment that is far less comprehensive and has lighter penalties than the State laws Iowans have been living under, in some cases for more than 80 years.

The civil rights bill passed the U.S. House by a 290 to 130 margin. The 152 Democrats and 177 Republicans who supported it are hardly supporters of socialism.

The big government issue is in this case a smokescreen attempting to cloud the fundamental issue of civil wrongs based on race discrimination. It should not be allowed to obscure the need for further Federal action to secure human rights.

[From the Washington Post and Times Herald, Mar. 11, 1964]

Last Parade

The atmosphere in the U.S. Senate, upon the commencement of the debate on the civil rights bill, is one that will give unhappiness to many citizens. The accents in which some of the opponents of this bill speak are the accents of men laboring under a persecution complex. They struggle under a total misapprehension as to the prevailing attitude of the rest of the country toward the South. Whatever there is in this bill that is objectionable to the South, there is nothing in it that is the product of a punitive, vindictive regionalism of the kind that poisoned the relations between the sections in the years after the Civil War. This is not a bill that was conceived in the intention to do something to the South.

It is saddening to see Senators, of whom the whole country otherwise has a right to be proud, speaking in the accents of a narrow and provincial racial antipathy. It is depressing to see men of national and international fame making their obeisance to the idols of a racist cult which has kept these otherwise great leaders from assuming their proper place in national and world affairs.

Some of them have paid a high price for their fidelity to these ancient and obscene gods. Perhaps, but for this form of worship, many of them would have spoken ere this from the White House. Not the least good that will be served by the passage of this bill will be its tendency to diminish the futile struggle to perpetuate the doctrines of racial hate. If the bill goes as far as some of its foes say it goes there can be little purpose in continuing the fight after this last defeat. Then, perhaps, southern Senators, hitherto condemned to speak in the language of racial extremists, may abandon their sectional myths and take their high place in the leadership of the Nation.

The civil rights bill is a measure of sufficient importance to warrant adequate debate and discussion and no one wishes it to be adopted without full consideration. It is, however, idle to suppose that the threat of unnecessary delay has not been made or that the prospect of a prolonged filibuster is not before us. It is plain that the opponents of this bill intend to obstruct as long as they can the ordinary process of legislation.

Senator Russell was eloquent in his denunciation of those who sit down in the streets and block the movement of people. He was persuasive in his objection to the resort to undue influence to bring about legislative action. He was most articulate in objecting to the extralegal means employed in the streets by those who wish the act passed. How strange that he sees no impropriety in the use of undue influence, and the employment of threats of obstruction to prevent the passage of the bill. In a broad philosophic sense there surely is not much difference between those who sit down in streets and stores to hurry the bill and those who figuratively sit down in legislative bodies to hinder it. Both bring to bear upon the legislative process an irrelevant and extra-legal pressure. Congress, to be sure, should not legislate out of fear of street demonstrations; nor should it decline to legislate (as it often has done) out of fear that Senators will abandon the appeal to reason and embrace the tactics of sheer physical obstruction and filibuster. It may be more polite to stage a sitdown in the

Senate than it is to stage one on the streets. The impulse is the same—to force a majority to do under coercion what it is unwilling to undertake by deliberation.

The pain of witnessing this debate, so demeaning to many Senators held in much affection in this community is diminished only by the hope that this may be a last parade of those racial obscenities that the passage of this bill will make into relics of the past.

[From the Kansas City Times, Mar. 11, 1964]

AN AD AND SENATE DEBATE ON CIVIL RIGHTS

On Monday the Star carried a full-page advertisement which violently denounced the civil rights legislation now pending in Congress. As its readers are well aware, this newspaper has consistently supported efforts by law, wherever appropriate, to halt discrimination against our Negro citizens. It has done so at every level of government—local and State, as well as national. It has no intention of deviating from that policy.

This particular advertisement was published in line with the Star's long-established practice of making space available for the expression of opinions with which it may editorially disagree. It so happens that the practice in question has just been affirmatively endorsed by the highest Court of the land.

In the course of the U.S. Supreme Court's unanimous decision, purging the New York Times of libel with respect of an advertisement it had carried, Justice William J. Brennan discussed the basic issue of public policy here involved. He wrote that any action calculated to discourage newspapers from carrying editorial-type advertising matter might shut off an important outlet for the promulgation of information and ideas by persons who do not themselves have access to publishing facilities.

In that case, by a coincidence, the advertiser had been bitterly critical of the handling of some racial demonstrations in Montgomery, Ala. There could hardly be a better illustration of how freedom of speech cuts both ways. For it obviously would be impossible to deny the proponents of one point of view the right to speak through advertising columns, without imposing a similar restriction on their opponents.

As the Star sees it, Monday's advertisement sponsored by an organization calling itself Fundamental American Freedoms, Inc., was based on a fantastically distorted interpretation of the civil rights proposals currently before Congress. The advertiser contended, in effect, that the right to treat certain Americans as second-class citizens simply by reason of race is a personal prerogative which must not be disturbed through the legislative process.

To make its point, the advertisement resorted to the familiar scare technique, founded on the wildest sort of imputations. The reader is asked to suppose that this is a Socialist plot, designed to subvert our traditional liberties and, by use of the total Federal budget, to establish a virtual dictatorship. Bits and pieces of fact are thus blown up into an unrecognizable edifice of fright, presumably timed to affect the Senate debate on the civil rights bill.

Apparently, according to such a thesis, fundamental American freedoms do not extend to a substantial segment of the population of the United States, distinguished from the rest only by the color of its skin. The right to humiliate these people and refuse them various birthrights of other Americans, it would seem, is a matter of individual choice, itself to be protected by law—or, rather, by the absence of any law to the contrary.

This line of argument seems to us wholly fallacious and to rest on a perversion of the plain meaning of the relevant passages in the Bill of Rights. The Star hopes that the pending civil rights legislation will be approved by the Senate as it emerged, after careful consideration, from the House. We recognize, however, that to assure enactment there may have to be some compromises, especially, perhaps, in bringing the public accommodations section of the bill under interstate commerce and leaving its application otherwise to State and local law.

Although we would prefer to have the measure as it stands, we are prepared to consider legitimate amendment proposals on their merits. The great thing is to get an intolerable human situation generally corrected, as far as this can be done by statute. At the same time the Star believes in the right of others to explain and advocate a different position, even though that position is stated in the most crudely emotional terms. The American Negro clearly has as large a stake in the protection of freedom of speech as anyone else. It is part of the system in which he rightly aspires to an equal share.

[From the New York Press, Mar. 13, 1964]

THE FORCE OF FILIBUSTER

In the civil rights bill now being discussed in the U.S. Senate there is room for argument and there is need to debate the nuances of the 11 titles. It may also be proved desirable to modify language for the sake of clarity and principle.

So if Senator RUSSELL's hardy band of 18 southerners would address themselves to the provisions of the bill, they could make a contribution. Senator STENNIS has questioned the constitutionality of the title banning discrimination in public accommodations. And Senator ELLENDER, speaking on the voting title, has admitted that some registrars in his State of Louisiana do keep Negroes off the rolls.

Unfortunately, however, some speakers have already touched on the passions rather than the issues. When Senator RUSSELL says that "I see no room for compromise on our part" and that "we will fight to the last ditch," he only echoes the Confederacy's lost cause. When he says that the bill would "destroy the free enterprise system," he is guilty of exaggeration beyond the call of southern duty.

And when he sets the tone for the filibuster by unearthing the most discredited racial arguments, he is sinking to an old low. Phrases such as "amalgamation and mongrelization of the races" bespeak false theories advanced by rabid racists.

The southern bloc has a right to debate fully and fervently. But the time is past for parliamentary stalling. Sending the bill back to Senator EASTLAND's Judiciary Committee would be putting it into a noose. In the last 10 years 120 civil rights bills have been strangled in committee. Since last June the committee has held only 11 days of hearings on the bill and heard only one witness, the Attorney General.

The place where the bill can now be properly debated is on the Senate floor. And here a distinction should be made between free speech and filibuster. They are not synonymous; filibuster is the antithesis of reason. It can only be used to obstruct. A filibuster is the legislative equivalent of force.

Where the tyranny of a minority prevents genuine argument and a free vote, there an antidemocratic process is at work. The Senate—on this, the key bill to insure the constitutional rights of all Americans—should insist on responsible government.

[From the St. Louis Post-Dispatch, Mar. 16, 1964]

A POINT BY SENATOR ELLENDER

On the third day of the Senate's civil rights debate, Senator ELLENDER, of Louisiana, actually illuminated the purpose of title I of the proposed legislation, though that may not have been his purpose.

The Senator argued it would be unconstitutional for the Federal Government to require States to provide the same literacy and other voting tests for whites and Negroes. Senator ELLENDER said the Constitution gives the States the right to establish voter qualifications. Almost incidentally, he acknowledged that in some southern areas officials had kept Negroes off the voting rolls by discriminatory use of tests because the whites feared they might be outvoted.

It is true that the Constitution allows the States to provide for voter qualifications—but the Constitution does not permit States to provide one qualification for one voter and a different qualification for another. The 14th amendment requires equal protection of the laws in each State. Where voting tests remain unequal, the Government has the right and the authority to order equality in voting law and its application. That is the precise purpose of title I, and its supporters may thank the Louisiana Senator for making the point so clear.

[From the Seattle Post-Intelligencer, Mar. 17, 1964]

SOUTH WIND

The civil rights battle in the Senate is off to an anticipated start. A leader of the segregationist forces has conceded that some southern registrars are deliberately keeping Negroes off the voting rolls.

This extraordinary admission was made by Senator ALLEN J. ELLENDER, Democrat, of Louisiana. But perhaps even more extraordinary was his apparent rationalization of this. He observed that in counties where Negroes outnumber whites, the whites are afraid they will be outvoted.

The fact that thousands of Negroes, through the disenfranchisement he has so explicitly acknowledged, are similarly outvoted escaped the Senator's attention.

Senator ELLENDER spent a considerable part of 1 day's debate on civil rights by engaging in the filibuster tactic of inaudibly reading a long speech to an almost empty Chamber. This, perhaps, is a suitable forum for his oratory.

[From the Winston-Salem Journal, Mar. 18, 1964]

A TIME FOR REASON

With his usual legal skill and eloquence, Senator SAM ERVIN has taken issue with one of our editorials which deplored the use of the filibuster in the Senate, whether by northern liberals or by southern conservatives.

The Senator's letter, which we publish today, will repay a reading. Long as it is, however, it omits certain cogent facts about the civil rights situation:

1. The Nation faces a problem which is becoming increasingly urgent and dangerous. Millions of our fellow citizens are petitioning their Government for a redress of grievances. These grievances have been festering for most of the past century. Nevertheless, the petitioners have, with very few exceptions, stayed within the law in their striving for redress.

2. For more than 10 years, Senator ERVIN and those now joined with him in the Senate have criticized the courts for legislating on the civil rights issue and maintained that this is a field reserved for Congress.

3. Congress is now eager to legislate. The House of Representatives, after 9 days of statesmanlike debate, has passed a civil rights bill by a majority of more than 2 to 1. A substantial majority in the Senate is ready to take up this bill—to scrutinize, reason together, and in due course vote.

These are the circumstances in which Senator ERVIN has joined the small group of

Senators who propose to lie down on the tracks and keep the legislative train from starting.

Call this a filibuster or an educational debate, its effects could be disastrous.

In North and South, the hopes of the civil rights moderates for legal redress may turn to despair, with consequences that none of us would like to contemplate.

In these circumstances, the Federal Government would inevitably intervene in the States—with troops, marshals, court orders, and all the other resources of the Federal executive and judiciary.

Finally, in the Senate itself, an exasperated majority might well find the votes to stop the educational debate and ram the civil rights bill down our throats pretty much as it stands.

This would be a pity. For, though we do not agree with much of what Senator ERVIN says about the bill, we believe the Senate should give most careful scrutiny to title II, the public accommodations section; title VI, which provides for the withholding of Federal funds from areas where discrimination is tolerated, and title VII, which establishes an Equal Employment Opportunity Commission.

Here, in the moderation or elimination of these provisions, it seems to us, is an opportunity for real statesmanship on the part of Senator ERVIN and his North Carolina colleague, Senator EVERETT JORDAN.

Total obstruction on the race issue has never been the tradition in this State.

By withdrawing from the small minority who offer nothing but total obstruction and then reasoning together with the reasonable Members of the Senate, the North Carolina Senators might perform a great national service.

The result might well be a law that would exercise the danger of racial strife and prove no more unbearable to the citizens of North Carolina than the Civil Rights Acts of 1957 and 1960.

[From the Cincinnati Post and Times Star, Mar. 18, 1964]

OK, ENOUGH'S ENOUGH

For long enough, the Senate has been fiddling around with a simple issue—whether to take up for debate and possible amendment the House-passed civil rights bill.

In the course, theoretically, of deciding whether even to consider the bill, the commander of the southern filibusterers, Senator RUSSELL, made a proposal. He urged a Federal program for the voluntary relocation of Negroes around the country, so the race problem would be equally distributed.

This sounded like the favorite dodge of the late Senator Bilbo, of Mississippi, who used to propose regularly that all Negroes be shipped off to Liberia, or some other place in Africa.

Of course, Senator RUSSELL wouldn't vote for the civil rights bill even if the Senate rashly adopted his scheme.

Instead of filibustering the motion to consider the bill, the Senate should be debating the bill itself—line by line, section by section.

If the Senate must talk so long, let it talk about the specifics of the measure. Eight days of haggling over whether to start the real debate is enough.

[From the San Francisco Chronicle, Mar. 19, 1964]

NINE DAYS OF FILIBUSTERING

The Senate has now listened to 9 days of filibustering discussion of the civil rights bill.

The filibustering has not been aimed to prevent a vote on the bill, however; nothing as direct or understandable as that. It is a filibuster on a moton to take the bill up.

In other words, the southern opposition hasn't yet begun to debate civil rights; it is mocking the Senate by its endless resistance to the procedural question of calling the civil rights bill off the calendar.

Nine days of this kind of stalling in the Senate is boring to most people, anguishing to many who hope against hope for the passage of the civil rights bill, and frightening to some who observe in it the implacable tactic of the southern Senators to delay action till the inevitable day of adjournment for the political conventions.

The filibuster is a device for using the privilege of unlimited debate to frustrate the desire of a majority of the Senate to act on legislation. Unlimited debate is not a privilege that anyone wants taken away from the Senate, for it is a mighty weapon of protection against rashness and injustice. Yet when the filibuster is used as it has been used the past week, it raises the issue cf whether the American people are to be permitted to enjoy representative government in an area of legislation which happens to offend a dozen or so Senators of sufficiently determined lungpower.

"We are making a public shame of ourselves," said Senator JOSEPH S. CLARK, of Pennsylvania, in the debate yesterday. "I beg, I plead with my colleagues to let us stop it."

The Senator is right in warning of growing public impatience. As filibusters are prolonged, they invariably focus public impatience and disgust. But that apparently means nothing to the hierarchy of southern Senators who have dedicated themselves to the defeat of this due and just extension of equality for Negroes in the exercise of their right to vote, to travel, and to spend their money for food and other amenities in public places.

[From the St. Louis Post-Dispatch, Mar. 19, 1964]

A FLIGHT FROM FACT

Standpat southern segregationists have often been accused by historians of trying to retreat from reality. As Senate debate proceeds on the House civil rights bill, the retreat becomes one from fact.

In a rash of letters to this newspaper from Jackson, where the Mississippi Sovereignty Commission runs an official propaganda mill, writers charge that the rights bill is frightening and dictatorial, that it would give the Attorney General more power than has ever been given to one man, and that it would penalize a citizen for just thinking of discrimination. The writers challenge us to read the bill, which they must not have done.

A Florida newspaper, repeating the kind of tirade familiar in a few southern areas, cries out that Federal inspectors would crawl through the countryside enforcing the idea of racial balance in schools, employment, and public accommodations. The idea of racial balance nowhere appears in the bill.

Such appalling misstatements may seem incredible. But what is to be expected from white supremacy followers when a leader, Senator RUSSELL, of Georgia, proposes relocating southern Negroes in equal proportion among the States—and sees nothing dictatorial or frightening in that? What would Senator RUSSELL think of resettling northern whites in Georgia?

Clearly, as Senator HUMPHREY notes, the Russell relocation scheme is only a Dixie decoy meant to focus attention on nonsense rather than sense, of which the Dixiecrats are lacking in this debate. Rational men will focus, instead, on facts.

It is a fact that, in every case in which the Attorney General is given new power by this legislation, his power is only that of going to court. He may sue in behalf of voting rights or school integration for those who fear or cannot afford to sue for themselves. He may sue to open public accommodations to all. But in every case it will be up to a court, not to the Attorney General, to determine the extent and means of law enforcement.

It is also a fact that law enforcement is to be provided through a civil and not criminal action, leading first to injunctions against law violations rather than punishment.

It is a fact that efforts toward conciliation are proposed before court action in every applicable case. The Attorney General is expected to use Federal or local mediation agencies to seek the voluntary opening of public accommodations. The proposed Equal Employment Opportunity Commission would be required to hold hearings and attempt mediation before going to court in job cases.

It is a fact that every legal action would be subject to court review. This is of particular importance in title VI, which authorizes Federal agencies to cut Federal aid to any program misused for discriminatory purposes. These agencies also would first be required to seek voluntary acceptance of nondiscriminatory practices.

It is a fact that each section contains many other safeguards against undue extensions of governmental power. The accommodations section excludes hotels, restaurants and theaters not engaged in interstate commerce. It excepts private clubs and owner-occupied places with fewer than five rooms for rent. The fair employment section would apply only to employers with more than 25 employees, after 4 years. The school section expressly provides that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Indeed, it is a fact that the House gave extraordinary consideration to the sentiments and suspicions of critics of the bill. The equal employment section would not apply to atheists or Communists. As an information gathering body, the Civil Rights Commission would be wrapped in rules of fair procedure that the House never demanded of its own investigative committees. And no one could be penalized in employment because he opposed the purposes of the rights bill.

Obviously, nobody can be punished for thinking of discrimination. Nobody is going to be told whom to hire or fire; the law merely says "do not discriminate." The Government is not given power to seek racial balance, but only power to seek equal treatment under law. And the Attorney General is given the bare minimum of authority to help defend equal rights which ought to have been afforded to every American long before now.

The pretense that the contrary might be true represents a massive effort to keep the Nation from searching its conscience, and from determining finally whether the facts of civil liberty in this country measure up to the pretensions. It is time to face facts. As the late historian Carl Becker wrote, "Realities are less dangerous than fancies." In time even the fanciful segregationists might find it so.

[From the Twin City Sentinel, Winston-Salem, N.C., Mar. 21, 1964]

EQUALITY OF MAN: MYTH OR REALITY?

Senator STROM THURMOND, speaking on the floor of the U.S. Senate the other day, challenged the principle expressed in the Declaration of Independence that all men are created equal. He suggested that Thomas Jefferson picked up the idea from a couple of deranged Frenchmen, and he described it as a misconception, myth, and illusion.

Now Mr. Jefferson, if he were alive today, would be the last to deny the Senator his say. He would likely quote to him the dictum of another deranged Frenchman, Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it."

But he might also twit the South Carolinian a bit for twisting history and for his lack of faith in the principles upon which this country was founded.

It is true that Jefferson, the principal author of the Declaration, was influenced by the egalitarian ideas of Montesquieu and Rousseau, whose philosophies contributed to revolutionary ferment in both America and France. History has not branded them as deranged.

But Jefferson's political theory was principally that of Locke, whose words the Declaration echoes. Both wrote simply of political freedom and political equality. And Locke was preceded by Hobbes and Hooker, the latter a churchman who simply gave expression to ideas which had been prevalent among church writers during the religious wars in France.

Indeed, the fundamental theories of the Declaration may be traced as far back as the theories of Protagoras and the Sophists (481–411 B.C.). Three centuries later, Cicero gave expression to the theory that all men in a state of nature have certain equal rights. And history tells us also that the philosophical bases of the Declaration were all in existence by the time of St. Augustine.

So Thomas Jefferson does not deserve all the blame for ideas that irk the likes of Senator THURMOND.

The Declaration was, and perhaps remains, the most revolutionary document in history. For by it a nation for the first time founded its life on democratic idealism. And as such, it is Jefferson's surest guarantee of immortality.

Yet there was a certain expediency connected with the Declaration. It answered the question of individual political rights, but it did not in 1776 apply to everyone the nonpolitical conditions of individual liberty. It did nothing to change the chattel condition of Negroes in that day.

The Declaration contained theories which were equivalent to promises. As new governments were formed, these promises were converted into constitutional rights. Over the years these rights have been steadily extended and only now are they being extended in full measure to American Negroes.

Jefferson himself recognized that the spread of liberty would be gradual but inexorable. In his last letter in 1826, written for a Fourth of July celebration, he said:

"All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred ready to ride them legitimately by the grace of God. These are grounds for hope for others."

The American Negro today holds this hope and is staking his future upon it. It is a pity that Senator THURMOND and those who share his view of the equality of man under God and the law as a myth have not yet lifted the scales of the past from their eyes.

[From the Minneapolis Morning Tribune, Mar. 26, 1964]

VIOLENCE IN JACKSONVILLE: A SYMPTOM

The flareup of racial violence in Jacksonville, Fla., is symptomatic of a growing Negro impatience with the status quo. This impatience does not always manifest itself in street rioting, by any means. Sometimes it takes the form of school boycotts or angry picketing or nuisance sitdowns.

But the temper of many Negroes is obviously shortening. Their capacity for restraint is wearing thin. The passive resistance philosophy of Dr. Martin Luther King seems to exert a less potent spell on the rising generation of Negroes, whose preference for activist techniques is often made apparent.

Some of these techniques are to be roundly condemned—the resort to violence, for example. Yet it is not enough to condemn. One should also try to plumb the depths of the Negro's mind and analyze the ferment of impatience—the sense of bitterness and frustration—which obviously motivates so many demonstrations.

For example: Most Negroes have a profound personal involvement in the civil rights bill. They are eager that it be passed—promptly. Yet as they look toward Washington, they see the Senate devoting 14 days of debate, not to the bill itself, but to the question of whether or not the bill should be considered. And they perceive the probability of a full-blown filibuster which could result in weeks—perhaps months—of further delay.

This is the very stuff of which bitterness and frustration are made. Washington is a good distance from Jacksonville. Yet does the Senate have no responsibility for the street violence which measured, in a sense, the Negro's deepening sense of disillusionment with the progress brought by patient waiting?

[From the Lewiston (Idaho) Morning Tribune, Mar. 27, 1964]

GAIN IN THE CIVIL RIGHTS BATTLE

The Senate's 50-to-34 refusal yesterday to send the civil rights bill to the Judiciary Committee for a 10-day review represented an encouraging but inconclusive triumph for the measure.

The vote did not provide an accurate measure of sentiment on the bill itself. The 19 southern Democrats in the Senate who are pledged to fight the bill to the end voted or were paired solidly against delaying the bill in committee. But advocates of referral varied in their objectives. Senator WAYNE MORSE, Democrat, of Oregon, announced he wanted the bill amended in committee to get a stronger measure. Senator BARRY GOLDWATER, Republican, of Arizona, made clear he wanted it referred to weaken it. Senator EVERETT DIRKSEN, Republican, of Illinois, Senate minority leader and still the key man in the fight, voted for referral but did not disclose his reasons.

In a speech at Moscow Wednesday, Senator FRANK CHURCH, Democrat, of Idaho, provided a particularly succinct appraisal of the bill's chances for passage.

He predicted that the filibuster against the bill probably will continue for another month—though a good share of the discussion to resume Monday will be genuine debate rather than mere filibuster.

At the end of the month, CHURCH predicted, the key issue finally will be joined on the question of shutting off further debate. The supporters of the bill will need a two-thirds majority to stop debate. The question is whether they can obtain 20 to 25 Republican votes for cloture.

"If they do," CHURCH said, "the bill will pass in its present form. If they don't, then it will have to be amended. In any case, I believe that a meaningful civil rights bill will pass."

As the Senate debate drones on, any doubts about the wisdom of bypassing the Judiciary Committee should be resolved. Surely every conceivable argument that can be found or imagined against this bill will be aired by the filibuster team. The merits of the bill will be explained to the Senate also in adequate, if not equal, detail.

The battle of civil rights will delay and obstruct other important congressional work for a long time. But this is by far the most important issue facing the Nation, both in its domestic policies and in its international implications. It is a battle that had to be fought out some time, and it already has been postponed past the stage of emergency. Once the battle for civil rights is fought to the finish and substantially won in Congress, the most serious and persistent barrier to effective congressional action will be gone for the foreseeable future.

It will be a frustrating time for the Nation, this time of filibuster. But a solid victory at last for the basic rights of all citizens is well worth waiting for a little longer.

[From the Raleigh (N.C.) News & Observer, Mar. 29, 1964]

THE APPEAL TO PREACHERS

The reaction of some southern Baptist lay leaders and ministers to President Johnson's appeal on the civil rights bill is interesting and sad, too. It may be that this legislation goes too far as it now is written, but to completely reject it and the President's appeal is to suggest the irrelevancy of religion to the most perplexing problem of our day.

The bill is with us only because the civil rights problem is with us—not in Washington, but in Raleigh and every other community, South and North. There was a time in this country when the clergy accounted for a good deal of the character and intellect and toughness that made up local leadership. Preachers played a major role in solving local problems.

In his appeal to Baptist leaders for help the President recognized that this still ought to be the case. He may have asked some to do more than they can do. Certainly he addressed some who are doing all they can do. But the appeal was valid and deserved more than an Alabama response which characterized it as an effort to enlarge Federal power. It was worth more than a Georgia minister's reply that he did not appreciate the gesture made by the President.

At nearly every gathering of ministers the lament is heard that religion must be made more relevant to the times. To a great extent the civil rights issue characterizes our times. It is with us and will grow until it is solved or explodes as in Jacksonville this past week. Ministers ought to assume a bigger role in it than praying over the hurt and the dead that follow the violence.

[From the Rocky Mountain News, Mar. 31, 1964]

NEW REALITIES?

Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, chairman of the Senate Foreign Relations Committee, caught the headlines last week with a sensational and controversial speech in which he urged that our Government's foreign policy be shifted away from old myths and be guided henceforth by new realities.

But within 24 hours of his speech this Senator who ventured to define "new realities" worldwide gave evidence that he does not fully comprehend new realities here at home.

He was recorded against the Senate taking up the House-passed civil rights bill. Subsequently, he voted to send the bill to the Judiciary Committee for a study which would have even longer delayed the Senate's facing up to the new realities of the race problem in this country today.

A week before his foreign-policy speech, FULBRIGHT discussed the civil rights issue in the low key that has been characteristic of his record in the race-relations field. He said:

"This is not a plea for segregation in perpetuity. But it is a plea that my colleagues recognize that the eternal problems posed by any racial or religious minority yield ultimately only to the slow conversions of the human heart and mind, and more urgent remedies, such as are suggested in the pending proposed (House-passed civil rights) legislation, are destined to aggravate the situation."

We do not mean to say that because Senator FULBRIGHT apparently has trouble understanding the new realities at home, he cannot be trusted to comprehend his "new realities" abroad. We likewise do not wish to deny that a foolish consistency is the hobgoblin of little minds.

We do not mean to indicate that Senator Fulbright's suggested foreign-policy changes are not worthy of study.

We only wish, sorrowfully, that he had been able to understand how important it is for the Senate to study, debate, perhaps amend and finally pass a civil rights bill that is designed to meet the new realities of race relations here at home.

[From the Denver Post]

Time To Stand Firm on Rights Bill

During his press conference last week, President Johnson gave an important boost to the civil rights bill passed by the House of Representatives early last month.

He endorsed the House version, as it stands, and said he hoped that version would pass the Senate without amendments. He denied that he had inferred any deals to water down the bill or that he was willing to compromise.

"There will be some Senators," he said, "who will want to strengthen it, some who will want to weaken it. But so far as this administration is concerned, its position is firm, and we stand on the House bill."

Even if he expects to have to compromise later on, the President had no choice but to stand firm at this stage in the struggle over the bill.

To have done otherwise would have been to invite a major drive for compromises, even before compromises were due, and to weaken the chances that the strong features of the bill would survive.

Actually the civil rights bill as it stands is the result of a series of compromises—in the Justice Department when it was prepared, in the House Judiciary Committee and again—though to a lesser extent—when it was passed on the floor of the House.

In preparing the version that passed the House, the Judiciary Committee was implementing the most important compromise of all—a compromise of Republicans and Democrats that made the bill a bipartisan measure.

We believe the bipartisan bill that passed the House can pass the Senate without further compromise.

There will undoubtedly have to be a filibuster, but that need not be fatal to the bill. The leaders of the Senate can let the filibuster run its course for a couple of weeks, and then set out to break it by scheduling round-the-clock sessions.

We cannot tell now if the necessary two-thirds vote will be available to invoke cloture to bring the bill to a vote. But, even without cloture, the Senate leaders can ultimately bring the bill to the floor by wearing out the filibuster.

Once the bill reaches the floor, there will be more votes than the majority necessary to pass it in its present form. If the Senate leaders make up their minds to spurn compromise, as the President has done, the chances for passing a strong and fair bill will be very much improved.

[From the Las Vegas Sun, Apr. 2, 1964]

It's Really a Very Simple Bill

Various newspapers throughout the country recently ran a full-page advertisement which carried the headline, "$100 Billion Blackjack—The Civil Rights Bill."

The ads call the bill the greatest grasp for executive power conceived in the 20th century. The bill is also called the "Socialist's omnibus bill."

Appearing on the ads as sponsor is the Coordinating Committee for Fundamental Freedoms, Inc., headed by William Loeb, a legal resident of Nevada and publisher of the Manchester, N.H., Union-Leader. Secretary is John G. Satterfield, former president of the American Bar Association. He lives in a town called, appropriately enough, Yazoo City, Miss.

A recent investigation by the Christian Science Monitor discloses that $120,000 of the funds for the full-page ad campaign came from the Mississippi State Sovereignty Commission, created 8 years ago by the Mississippi Legislature to protect the sovereignty of Mississippi and her sister States * * * and prevent encroachment by the Federal Government.

It should be well known by now that any effort made by the Federal Government to guarantee to all citizens the rights held out to them by the Constitution is "encroachment," in the view of Southern White Citizens Council.

Mississippi's political leaders are desperately engaged in a campaign to try to convince the rest of the Nation that they shame and even kill persons who are members of minorities groups. Second-class citizenship can be conferred at will, they believe, without regard to the Bill of Rights or the Constitution.

This, of course, is a lot of hogwash. There is nothing socialistic about the civil rights bill. It does not interfere with private property rights, nor does it confer upon the Attorney General or the President untoward or dictatorial powers.

It seeks to give Negroes and other minorities the basic rights and freedoms enjoyed by other citizens of the United States. It empowers the Attorney General to go before the Federal courts and ask that basic rights of all citizens be observed and protected.

It is true that it will interfere with the right of the white supremist to impose glaring indignities upon those who are weaker than they. It interferes with their present right to impose economic as well as social shackles upon the Negro unfortunate enough to live in their midst.

Can the Mississippi Sovereignty Commission or the Coordinating Committee for Fundamental Freedoms come before the American public with clean hands, asserting truthfully that all Negroes enjoy the full benefits of citizenship?

Can either say that, left to the tender mercies of the Mississippians, Alabamians, or even some residents of Detroit, Chicago, New York, or Nevada, the Negro will be allowed to live as the Constitution says he can, in pursuit of happiness?

The answer is, of course, "No," and as long as this is the case, there is a need for civil rights legislation.

[From the St. Louis Post-Dispatch, Apr. 2, 1964]

A Long Hot Summer?

Senator Mansfield's gloomy assessment is that a southern filibuster may force civil rights debate far into the summer, even past the party conventions. The Democratic leader admits he anticipates the worst and hopes for the best. It may be a calamitous summer if his anticipation is more realistic than his hope.

The U.S. Senate is sitting on top of a social and political powder keg. Recent violence in St. Augustine, and school demonstrations by opposed groups in New York, are only a small indication of what may happen if the Senate dallies too long with civil rights. Negroes have been led to expect that they can achieve within this generation the ideal of equal treatment espoused by this Nation. In State after State they have proved their dedication to this ideal. They expect action from Congress and they have a right to expect it.

On the other side, too, potential trouble is being built up. A powerful, misleading and even vicious propaganda drive is in operation against the civil rights bill. The white supremacy gang is hoping for support from northerners frightened by their propaganda and by unexpected Negro pressure. What violence there has been so far has come mostly from this side, and who is to say that the end is in sight?

A Senate decision on civil rights is absolutely required, both to establish definite national policy and to remove the subject from the field of bitter controversy. It will be a long, hot summer with unpredictable consequences if the Senate allows a filibuster to run on and on, distorting the fundamental issues and inciting thoughts of violence by extremists.

The filibuster represents an insult to the Senate itself. How can it permit a handful of platitudinous orators to obstruct the majority will? Civil rights proponents now number 62 Senators, but unless they can find five more votes for cloture, they can be suppressed by half as many. Senators who speak so much about democracy could hardly provide a more obnoxious example of the opposite. No such method of rebuffing a majority vote exists anywhere else in the world.

The southern talkathon represents the tactics of pressure and force, quite as much as, if not more than, civil rights demonstrations do. There is no effort to reach agreement, no real deliberation, and no solution while the filibuster continues. Republican Leader Dirksen, who rejects so stoutly the "pressure" from civil rights supporters, has yet to speak out against this far less excusable pressure from his filibustering colleagues.

Are there not men of reason in the Senate, southerners included, who can understand the grave perils to our social fabric that will arise from a prolonged demonstration of senatorial paralysis? Are there not Senators who appreciate that resort to the physical force of a filibuster, like resort to the physical force of a sit-in demonstration, is no real answer to a democratic problem, but arouses passions and reactions that may prove uncontrollable?

Nobody objects to ample debate. But by every consideration for the public good, let there be a vote and a decision on civil rights. A Senate which cannot decide is a Senate that holds the match to a powder keg of social unrest.

[From the Salt Lake Tribune, Apr. 19, 1964]

The Decision Nears

Militant Negro leaders, who are organizing such civil rights demonstrations as a "stall-in" at the New York World's Fair, have been cautioned by top figures in the civil rights movement that irresponsible activities can only hurt their cause.

President Johnson made this point at a news conference last week. So did Senator Humphrey, the Democratic whip, and Senator Kuchel, his Republican opposite number. So, too, did Attorney General Kennedy.

But Kennedy also said that the white community must act to relieve the Negro's desperate frustrations.

Though the Senate has been debating the legislation for more than a month, there is still no sign of a readiness to put anything to a vote. In fact, there probably can be no vote unless the Senate invokes cloture and brings the southern filibuster to an end. And since cloture requires a two-thirds vote, backers of the move must have Republican support.

Senator Dirksen, the GOP leader, is working on compromise amendments designed to satisfy most of his 32 fellow party members and thus provide the necessary votes for cloture. He offered 10 amendments last week, but withheld the most controversial one pending a further study by liberal Republican Senators. These amendments relate to the section of the bill forbidding discrimination in jobs and union membership. Two liberal Republicans, Senator Case, of New Jersey, and Senator Javits, of New York, who earlier considered Dirksen's proposals to be crippling, are now reported to see some merit in his position.

However, no matter what evolves from the Dirksen-Case-Javits study, "no compromise" backers of the civil rights bill are likely to regard the proposed amendments as a retreat.

President Johnson urges passage of the legislation because it "is morally right" and because it is needed to move the issue from the streets into the courts.

The argument of moral rightness cannot be overemphasized. But it also must be stressed that violence on the streets—or a "stall-in" blocking the highways to the World's Fair—is neither morally right nor politically wise.

The "stall-in," it should be noted, is opposed by Negro leaders of the major civil rights organizations. The Brooklyn chapter of the Congress of Racial Equality, which is organizing the demonstration, has been expelled from the parent organization. But that does not lessen the damage the "stall-in" could do to the whole civil rights movement.

The time is fast approaching when the Senate must reach a decision. The racial issue, as Attorney General Kennedy said, is the most important facing all sections of the Nation today. We believe the Senate will be derelict in its duty if it does not approve an equitable and workable bill acceptable to the House. That would move the racial issue from the streets into the courts.

PERSONAL STATEMENT RELATING TO ROLLCALL NO. 226

Mr. JACKSON. Mr. President, in connection with rollcall No. 226, taken on Thursday, May 14, I was absent on official business. Had I been present, I should like the Record to show, I would have voted "nay."

AMERICAN SUCCESS STORY AWARDS

Mr. BEALL. Mr. President, on April 15, the 12th Annual American Success Story Awards were presented by the Free Enterprise Awards Association, Inc., to 10 men who overcame obstacles and competition and rose from the ranks to own or head giant industries. The list of distinguished citizens includes one of our Maryland businessmen, Mr. Edward Krock, chairman of the Baltimore Paint & Chemical Co.

As a Marylander, I am also proud of the fact that the awards were presented by another Marylander, Mr. Talbott T. Speer, who is the chairman of the Free Enterprise Awards Association. Mr. Speer rose to own one of America's oldest newspapers, the 237-year-old Maryland Gazette, a newspaper chain and the Baltimore Business Forms, Inc.

The presentation ceremonies were held at the Waldorf-Astoria Hotel, New York City. Mr. Speer read the citations, which stated that the recipients had "won an enduring place in the history of American endeavor by achieving success, despite adversity, through industry, sacrifice and ethics, symbolizing the success possible to all under our free enterprise system." Mr. Speer cited the recipients for their dedicated work in civic, religious, and philanthropic causes and contributions to their fields.

The 10 recipients of this outstanding award once worked as reporters, teachers, newsboys, and at odd jobs.

Selected as examples of the success possible to all under America's free enterprise democracy, they each spoke in praise of America's freedoms and opportunities.

In this day when, in some quarters, patriotism seems lacking, it is refreshing to read of these Americans who appreciate the basic principles established by our Founding Fathers.

The recipient who is head of one of our big Baltimore industries is the son of Russian immigrants. Edward Krock had to leave school at the age of 15 to sell papers to help support the family. At the age of 16, he bought an abandoned jail and sold the jail bars for scrap. Now, a great success, a financial genius, director in numerous corporations, Edward Krock stands as a shining example of self-made success in the American tradition. He was cited for this—and for his generous aid to religious, cultural, college, and youth causes.

Today, Edward Krock's varied, giant, worldwide industries have over $600 million in assets. He is proud of the fact that he plays a real-life game of monopoly, directing teams of efficiency experts, buying, selling, and rehabilitating scores of companies—and saving jobs for thousands of our workers.

Edward Krock is on the board of directors of Republic Corp., Beverly Hills, Calif.; B.S.F. Sales Co., Wilmington, Del.; Boston & Maine Railroad; Defiance Industries, Defiance, Ohio; Telepro Industries of New Jersey; American Dryer Corp., Philadelphia; Mercantile National Bank of Chicago; Guaranty Bank & Trust Co., Chicago; Fifth Avenue Coach Lines, New York City, and other important corporations.

In my opinion, Edward Krock is richly deserving of the honor bestowed upon him by the Free Enterprise Awards Association.

LOS ANGELES GENEROUS IN ITS HELP TO ALASKA

Mr. BARTLETT. Mr. President, after the Good Friday disaster in my State, Alaskans received generous and substantial help from people and communities across the country. No help was more generous or more appreciated than the donations of money, clothing, and food from the people of Los Angeles. These were collected through the public-spirited efforts of Metromedia's radio station KLAC, flown up to Alaska by the California Air National Guard and the Strategic Air Command, and turned over to the Salvation Army for distribution. To each of these groups and to the citizens of Los Angeles, all Alaska owes its thanks.

Mr. President, I ask unanimous consent that an account of the KLAC Alaska relief drive be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

KLAC Alaskan Relief Drive Acclaimed by Alaskan Citizens

"This is money from heaven." So spoke handsome, silver-thatched Lt. Col. Dan Rody, his voice choked with emotion, as he unashamedly wiped away a stray tear that overflowed from his glistening eyes. "The people of Los Angeles just have to be the finest souls on earth. They provide us with all of these wonderful supplies, which we are going to need to carry on our program for the earthquake victims, and now this check for $3,000. I hardly know what to say, except a heartfelt thanks, and God bless you all."

Colonel Rody is a man looked up to in Anchorage. He has, for several years, participated in many phases of welfare and development of the rugged frontier in the North as district commander for the Salvation Army in Alaska, but certainly his finest hour came on Good Friday, March 27 of this year. Within minutes after the devastating quake rocked our 49th State, Colonel Rody and members of his staff were in action, providing immediate relief and aid to victims.

Such action was carried on around the clock and is still going on—to this the contingent who accompanied the KLAC Alaskan emergency relief shipment to Alaska will quickly testify. Colonel Rody, members of his staff, and the Alaskan Civil Defense authorities, along with the Anchorage city fathers, were out en masse in the early morning cold and snow as the first of the four planes set down at Elmendorf Air Force Base in Anchorage on Sunday. Colonel Rody immediately took charge of the unloading of the plane, and met each of the following aircraft from the California Air National Guard and the 15th Air Force of the Strategic Air Command. Planes included C–97's from the California Air National Guard and sleek, multiengined KC–135 super jets—nicknamed "Chrome-Domes"—from the Strategic Air Command out of March Air Force Base in Riverside. Each plane was loaded wall-to-wall with food, clothing, blankets, and other serviceable supplies sorely needed in a State that faces the Herculean task of rebuilding and, in many cases, starting from scratch.

The supplies and money raised by KLAC from the good people of Los Angeles will all find their way into the hands of deserving parties throughout Alaska, Colonial Rody assured the large contingent of southern California radio, television, and newsmen that accompanied the four planes north. Luckily the Salvation Army had a reasonable amount of supplies in their warehouses when the quake struck—but supplies were beginning to run low, and the Los Angeles shipment would provide the needed "shot in the arm" for replenishment of stockpiles.

"But this money. You have no idea what a welcome sight it is," Colonel Rody told reporters. "When this tragedy occurred there were certain things we needed to help people out that we had to purchase. We went to the merchants of Anchorage and made the purchases, and we signed chits for the merchandise. Frankly, I was worried—because we didn't have a dime—and I didn't know how much we would get from national headquarters. This is money from heaven."

In less than a week Metromedia's KLAC and KLAC–FM raised more than 50 tons of serviceable supplies and $3,000 in cash from the people of Los Angeles through on-the-air appeals. A huge operational plan was put into effect, under the personal direction of KLAC vice president and general manager, Alan Henry, who coordinated the entire drive. Under Henry's guidance the Salvation Army, the California Air National Guard, the Strategic Air Command, the U.S. Marine Corps, as well as countless civilian groups, geared into action and collected, sorted, crated and shipped the much needed material north in record time.

The first plane left for Anchorage Saturday and after a refuel and service stop at McChord Air Force Base in Tacoma arrived in Anchorage early Sunday morning. Within a matter of minutes the plane was unloaded and the supplies were rolling into the Salvation Army warehouse in Anchorage. The second plane arrived Monday morning, the third midmorning on Monday, and the fourth and final shipment on Wednesday. Military and civilian officials escorted members of the press around the devastated areas and an official press conference and acceptance of the shipment was conducted Sunday afternoon.

The Metromedia group covering the event included, from KLAC, Newsman Frank Bingman and Publicity Director John Dickson, and from KTTV, a camera crew of Forrest Travis and Danny O'Reilly. The group split into two working crews with Dickson, Travis and O'Reilly moving on to Fairbanks—after flights over Seward, Whittier, and Kodiak—on Monday, and Bingman remaining behind to give additional coverage in the Anchorage area.

While in the Fairbanks area the group visited the fishing village of Valdez, and several top-secret military installations including radar picket "Dew Line" sites. They also discussed the Alaskan defense system with Brig. Gen. Andy Lipscomb, commander of the Yukon Defense Command at Fort Wainwright in Fairbanks. General Lipscomb took the Metromedia group on a tour of the post and out into the bush area where members of his command, including the famous ski troops, were training. It should be noted that the military of the United States acted with extreme swiftness in all areas hit by the quake and have remained on duty continuously since shortly after the tremors ceased on March 27.

The Travis/O'Reilly camera crew shot more than 3,000 feet of sound on film with Dickson reporting what they saw, much of which will be shown on the seven stations of the Metromedia television system. Additionally, the footage will be made into a documentary of the KLAC Alaskan emergency relief story to be released on the nationwide Metromedia seven-station hookup.

PROGRESS ON THE WATERFRONT

Mr. BARTLETT. Mr. President, the railroads of the Nation, as they labor to settle their long drawn out dispute over work rules, could well draw a lesson from the 5-year-old agreement now in effect between the Pacific Maritime Administration and the International Longshoremen's & Warehousemen's Union. This agreement has literally revolutionized the west coast longshore industry. The west coast docks are as heavily automated as any in the world, and the longshoremen have as much security as any longshoremen anywhere in the world. What the men wanted was "no layoffs and a bite out of the machine." What the industry wanted was automation and streamlined operations. Neither obtained all that they wanted, but both agreed on a compromise agreement that provides relative job security, hand in hand with orderly modernization.

The agreement, now 5 years old, is strongly endorsed by both labor and management.

Mr. President, I ask unanimous consent that an article from the December 1960, issue of Atlantic Monthly, written by William Glazier, describing this milestone in labor-management relations may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlantic Monthly, December 1960]

AUTOMATION AND THE LONGSHOREMEN—A WEST COAST SOLUTION

(By William Glazier)

(On October 18 management and labor reached an agreement which, when ratified by the local unions, will insure harmony between the longshoremen and the west coast maritime employers until 1966. William Glazier, administrative assistant to the national officers of the International Longshoremen's & Warehousemen's Union, here explains the complicated issues which had to be resolved by the new contract.)

Americans in all walks of life are increasingly aware that a technological revolution is sweeping American industry. Automation has become a magic word, and if we are to believe what we are told, it holds out the promise of fantastic increases in productivity and in the capacity of the economy to support a higher standard of living, a promise of less backbreaking toil on the job, of more leisure and a better life for all. But revolutionizing industry is necessarily a disruptive process, imposing enormous strains upon labor-management relations.

Last year almost 2 million organized workers were either on strike or engaged in tense negotiations with employers over disputes arising from the introduction of new methods and new machines. Conflicts over automation all boil down to the same thing: how new labor-displacing machines are being introduced and what unions are demanding to minimize their impact on the workers.

Last year's steel strike and the east coast dockers' strike were both in part the result of differences over how to handle the major technological changes now going on in these industries. The same can be said for the railroads' campaign against featherbedding. American industry's enormous investment in new and more advanced plant and equipment since World War II is now beginning to bear fruit, and we are witnessing only the beginning of the painful adjustment of industrial relations to a radically changing environment at the place of work.

Probably one of the most interesting and novel approaches to the many complex problems arising out of technical change is that evolving in the west coast longshore industry. The collective-bargaining agreement reached on August 10, 1959, between the Pacific Maritime Association and the International Longshoremen's & Warehousemen's Union, and especially the provisions on mechanization, is of important significance for labor and business leaders throughout America.

More than 10 years ago, in an article entitled "Conflict on the Waterfront," by Clark Kerr and Lloyd Fisher, the Atlantic reported on the transformation of labor relations that had taken place on the west coast waterfront. This was the beginning of a new era in labor-management relations in the Pacific ports and the end of one of the most turbulent and combative episodes in American labor history. The white-capped west coast longshoremen and their cocky, Australian-born leader, Harry Bridges, had been synonymous, to most people, with violent and unrestrained labor power interlarded with radical political views. On the other side, the men then dominating the old shipowners' association made no secret of their determination to stamp out the union by whatever means they could employ.

Yet, in the decade since 1949, the shipowners, joined together in the reorganized Pacific Maritime Association, and the ILWU have not only successfully maintained the lull in the fighting but have moved ahead to negotiate major collective-bargaining improvements without a single coastwise shutdown. Longshore wages for the standard 6-hours-straight-time day have risen to $2.82 an hour; the normal work shift has been reduced to a guaranteed 8 hours; an elaborate medical and dental care program has been instituted; and vacations and pensions are being enjoyed for the first time.

The west coast longshoremen, with incomes averaging about $6,500 in 1959, have done well under the "new look." The shipowners and operators have also prospered as trade expanded on the foundation of increasingly stable labor-management relations.

By now the revolution in industrial relations which the Atlantic reported so accurately a decade ago has lost its novelty, and the union and the employers are at the present time tackling the technological changes in cargo handling which are dramatically beginning to remake the whole face of the longshore industry.

The aim is to create a framework within which the industry can bring about an increase in productivity by introducing new methods and new machines, while at the same time guaranteeing the workers on the docks and in the ships' holds their job security, along with a share of the benefits from technical progress. By comparison, both the widely publicized decision by the meatpacking unions and the Armour Co. to investigate the problems created by technological unemployment and the joint study committees set up in the steel industry are much more limited.

It has generally been the position of management that sharing the benefits of technological change, as agreed to by the west coast longshore employers, is as much outside the scope of union bargaining as are the investment decisions which bring the new machines into being. A recent survey conducted among the presidents of selected nationwide firms revealed that 75 percent feel that "The company is entitled to all of the savings resulting from the introduction of laborsaving equipment"; and fewer than 10 percent of them believe that the company is obligated to compensate workers displaced by mechanization.

Labor's own thinking in this area seems to be confined almost exclusively to proposals for moderating the impact of labor-displacing machines. Few, if any, national unions have affirmatively accepted technological changes as part of a program of sharing the benefits. This explains why Arthur Viat, west coast regional director of the Federal Conciliation Service, recently commented that the ILWU–PMA plan "will affect the course of labor relations in the United States for years to come."

In 1957 the ILWU conducted a survey in each major west coast port to determine how rapidly new methods of cargo handling were coming into the industry and what the effect was upon the longshoremen's work opportunities and earnings. The union survey found that, although new methods—in the form of large-size van and container loads, the increased use of bulk handling of cargoes, which were formerly manhandled in sacks and drums, and the employment of new and more powerful lifts and other equipment, both shoreside and in the ship's hold—were impressive in moving many more tons of cargo with fewer man-hours of labor, they had not swept the industry, and their impact upon the men was far from catastrophic. The signs, however, were clear: this was the pattern for the future.

Meeting at Portland, Oreg., in October 1957, representatives of the longshore locals spent 5 days examining the many implications of the new mechanized methods. And they were bluntly informed by the union leadership that their own refusal to modify port working rules on such matters as the number of men on a job, the pace of work, and similar conditions had helped drive the shippers to the new labor-displacing methods.

These were no trivial changes longshoremen were facing. One thousand tons of general cargo, handled in the conventional manner of loading or discharging a ship, customarily requires 120 to 150 gang-hours of labor. (Longshore ship gangs on the west coast normally consist of about 12 men.) The same cargo, completely unitized—particularly by loading it in large vans or containers at the place of origin—might require 10 to 30 gang-hours. In addition, the gangs could, theoretically at least, be cut to one-half or one-third their present size. The result would be fewer men working fewer hours and stowing more tons of cargo.

West coast longshoremen, unlike factory workers, are accustomed to unique freedom. They enjoy a choice of working or not working on any day without jeopardizing their employment. Each is insured an equal share of all the available work and the right to select jobs as they are posted in the hiring and dispatch hall or to replace himself simply by calling the hall for a substitute.

Customarily, longshoremen find their job security in a combination of controls which place as many men as possible on each job and for as long as possible. In an industry where the factory is here today and sails tomorrow, today's job is squeezed for everything it will produce. Who knows when the next ship will dock and how much work it will furnish? Not surprisingly, longshoremen have been unyielding against machines. Every labor-displacing innovation in cargo handling is a challenge to job control and job security, and arguments that the new methods lessen the backbreaking toil have fallen on deaf ears.

To the shipowners, the savings in labor costs from mechanization are only one part of the benefits of technical change. Minimizing the hours which a ship spends in port is the key to profitable ship operations. A ship is a floating warehouse, and when it is not at sea, costs continue and earnings go down. Speedier loading and discharge not only improve the ship's turn-around time, but in the long run will increase the number of trips a vessel can make each year. The savings in capital investment and the increase in earnings resulting from speedier turn-around could well be impressive.

As far the public interest is concerned, quite apart from the general benefit the community receives from improved productivity in any segment of American industry, there is the taxpayers' enormous direct investment in the maritime industry. In San Francisco, for example, over 40 percent of the general cargo flowing through the port is either for the military or for various subsidized foreign aid programs; in these instances, savings in cargo costs from improved productivity would be passed on to the Federal Government.

The question put to the union delegates at the Portland caucus was: "Do we want to stick with our present policy of guerrilla resistance [to change], or do we want to adopt a more flexible policy in order to buy specific benefits in return?" It was acknowledged by the ILWU officers that the union did have the economic strength and the cohesion to resist and delay mechanization within certain limits. But was this the wisest policy to pursue? ILWU President Harry Bridges argued that, whether the men liked it or not, changes were going to take place "the easy way or the hard way." He insisted that the union would be in the best possible negotiating position if a flexible approach was adopted before mechanization spread further. But he predicted that the strength and the resources of the union would be dissipated in costly losing battles if a rigid hold-the-line program was adhered to. After hours of debate the men voted unanimously to explore with the employers the benefits to be gained if they were to adopt a cooperative policy for orderly introduction of new mechanical methods and changes in working rules.

As a result of the union-management discussions which followed the caucus, an informal understanding was reached before the end of 1957, giving the employers a free hand to mechanize, with appropriate changes in the working rules, while the union was guaranteed that the registered work force would be maintained—less normal attrition—and that there would be a sharing with this work force of a portion of the savings resulting from increases in productivity. The longshoremen put it simply: "No layoffs, and a bite out of the machine."

The employers really had one goal—latitude under the contract to introduce new mechanized methods and to utilize them efficiently. The union's objectives were more numerous. They included guarantees against individual speedup, breaching of safety rules, lay-offs, and reduction in take-home pay. The union also hoped in the long run to use the mechanization agreement in order to reduce the length of the work shift and to establish a guaranteed work opportunity or to support a guaranteed wage. Noticeably absent, however, were the customary union demands for retraining programs, unemployment benefits, severance pay, and aid in finding new employment or in relocating displaced workers and their families. None of these are necessary, because layoffs are no threat.

However, the PMA and the ILWU soon discovered that it was easier to agree in principle to share the benefits of increased productivity than it was to figure out how to measure those elusive mechanization benefits. With all the good will in the world, and with the aid of a productivity study in the port of San Francisco conducted by a branch of the National Academy of Sciences, the answers still continued to elude negotiators on both sides as the contract came to an end on June 15, 1959, a year and a half after the basic principles had been agreed to.

The employers' association, pushed by those leaders in the industry who were already introducing new methods, was anxious to get a firm agreement which would unfreeze the working rules on these new operations. Postponement of the issue would have meant another year of expensive guerrilla fighting. The union leaders, however, were committed to getting a share of the machine in 1959, and they weren't ready to sell a liberalization of work rules for a few cents more in wages.

After several months of intensive bargaining, an agreement was finally reached, despite the absence of the requisite measurement data. The PMA, conceding that the time had passed for more talk, proposed to establish a million-dollar fund (approximately 1 percent of the annual industry payroll) as the downpayment on the men's share of the benefits that would flow from new methods.

The final mechanization agreement provided that the parties would have 1 year, to June 15, 1960, to continue their studies of "actual changes made by laborsaving machinery, changed methods of operation, or proposed changes in working rules and contract restrictions." In addition, the downpayment into the mechanization fund had been increased to \$1½ million, which the union accepted as payment for all the changes made, or to be made, prior to June 1960.

The \$1½ million is really the first installment of a "sharing the benefits of mechanization" fund. It has been agreed that the fund will be put on a continuing basis once the PMA and the ILWU agree on a formula which measures the changes in productivity and determines each employer's contribution to the mechanization fund. The employers further agreed to maintain the 1958 registered regular work force less the normal attrition of about 2 percent a year. This means no layoffs, despite the introduction of laborsaving machines.

Under the decasualization system which has existed on the west coast waterfront since 1934, each fully registered longshoreman gets an equal share of all the work available. When shipping is booming and the work pie is big, each man's slice increases; when the pie is smaller, each of the roughly equal individual slices is smaller. Men are not laid off when business declines; they remain on the rolls, dividing up the poverty as they once did the prosperity.

It is this unique system which permits the industry to guarantee continued employment. The men are employees of the whole industry, and the impact of declining work opportunities because of any one company's introduction of new methods is spread through the whole work force. Furthermore, in most ports there is a pool of extra men drawn from the unemployed of other industries. Although large in numbers, this group does only about 10 percent of the work on the coast. They will not participate in the benefits of the mechanization program, and the chances are that in the future their work opportunities will be reduced, unless the mechanization program happens to coincide with an overall increase in shipping.

The registered men, although guaranteed against layoff by the mechanization agreement, are, of course, not guaranteed against a reduction in their earnings or in the work available to them. To meet this, the union is proposing that the fund be used, as far as possible, to maintain 35 hours of work each week. When, as a result of mechanization, work falls below this level, the present retirement age of 65 would be progressively lowered to 62, with full pensions. These earlier retirements, financed by the fund until the men become eligible for their regular pensions at age 65, would increase the work opportunities for the younger men. Should this prove inadequate, the fund would then be used for supplementing wages.

As to work rules, in the first year of the contract the employers are free, after negotiation and agreement or arbitration, to make whatever operational changes they think necessary. This right, however, is restricted exclusively to changes related to new labor-saving devices; the working rules and practices on all conventional operations have been frozen for the time being.

The effect of this important restriction will be to permit the necessary modifications in rules to come about in an orderly and piecemeal fashion, relating the demands upon the men for change to a new practice, which, in turn, is contributing directly into the coast machinization fund.

Although it is clear that the ILWU–PMA approach reflects certain unique features in the structure and operation of this industry, it bears comparison with the policies followed by John L. Lewis and the miners.

A good many years ago the United Mine Workers adopted a policy of actively encouraging the modernization of the coal mines in exchange for better wages, hours, and conditions. In the last decade, the mining of bituminous coal has undergone an amazing transformation as the result of the startling rate at which mechanization has taken place in the industry. In 1950 a miner was producing 6.77 tons of coal each day; in 1958 the national average was just under 12 tons. Meanwhile, over the years the miners have established one of the highest hourly wages of any industrial workers in the world. Along with high wages came an elaborate pension and medical care program, improved working conditions, and reduced hours. But the approximately 400,000 miners employed in the bituminous coal industry in 1942 have today been reduced to 200,000, and production is not too much below what it was 10 years ago. Lewis himself has accepted shrinking employment and a declining union membership as the price of technological advance.

In both the west coast longshore industry and in the coal mines, the increase in labor productivity comes about from mechanization; new machines are taking over tasks formerly performed by hand, but a man is still required to control and operate the machine. However, in auto and steel production, in the chemical and petroleum industries, and in many offices all over the country automated processes are being introduced which are self-regulatory and which eliminate human control. Another machine does the job of machine operation and supervision.

It really matters little to the individual worker whether the process displacing him is called mechanization or automation or is merely better planning on the part of management. The specter of unemployment comes into the work place when changes are introduced. What is novel about automation is the increased scale and speed of labor displacement.

There are few union leaders who do not recognize that technical advance is the key to raising living standards; but unharnessed technological change possesses a vast potential for social catastrophe. The pattern resulting from the introduction of more advanced and automated production processes is a pattern of growing discrepancy between growth in production and growth in employment. Jobs in manufacturing are not keeping pace with man-hour increases in productivity, to the misfortune of both new recruits and established workers. This helps to explain why some unions, by insisting upon prior consultation by management before new and more technically advanced methods are introduced, hope to control the rate at which new machinery is introduced, and thereby to minimize the impact upon their members.

There is no point in ignoring the serious questions which are raised by suggestions to control technology. A recent roundtable discussion was directed in part of the proposal that there be "some kind of public appraisal, planning and control of the most powerful, dangerous and influential products of technology." The proposal was sharply attacked by Clark Kerr, president of the University of California, as "impossible," "unwise," and "one of the greatest potential attacks on freedom of thought I have ever heard about."

On the other hand, it is widely charged that a major showdown is shaping up precisely because the unions are trying to halt or severely slow down the trend toward more efficient ways of doing and making things. Yet, if labor were to adopt the John L. Lewis policy, what would management offer as a quid pro quo?

Education and retraining to handle new jobs, moving displaced workers to other company plants or helping them find jobs elsewhere, instituting or increasing severance pay—these are the kinds of policies which have been proposed or instituted in a few of the firms already embarked on automation programs. It is doubtful, however, whether these even begin to meet the problem of job security as the average rank-and-file worker sees it; nor do such policies hold out the promise of any direct sharing of the benefits of technical change with the workers most affected.

For example, we have to anticipate, until it is demonstrated to the contrary, that the new and more highly skilled jobs created by introducing an automated process will not be filled by retraining the semiskilled workers who have been displaced. These new positions will most likely be filled by retraining and promoting the top skilled men of the old production line, supplemented by new skilled men. Upward transfers outside of this small group will probably be few. Most of the employees who formerly filled the many semiskilled jobs which were eliminated will be laid off; a few will be demoted to jobs as materials handlers.

The pat formula repeats that automation will enable management to cut costs and prices and thus expand sales and output. New jobs will be created as a result, and more goods will become available at lower prices. In this way, it is contended, workers and the whole Nation will eventually benefit. But there is no good reason to expect this to happen under all market situations or in all phases of the business cycle. Improved productivity can result in any one of numerous combinations of price, production, profit, and wage movements. The trouble lies with the more general economic arrangements of our society, which do not include machinery to deal with technical changes smoothly and without creating unemployment. We can only hope for an expanding economy, which would provide a balance between growing productive capacity and the demand for goods at a level high enough to maintain full employment.

Changing tools and changing techniques are shaping and reshaping our society. To what extent will today's union movement inhibit or accelerate this process? Can we anticipate that, as technological change makes work itself more repetitious and boring, a union, through its role in helping determine the conditions at the place of work, might offer workers the means of rediscovering themselves as creative, productive human beings? And in what manner can we hope to impose social considerations on this evolution which are broader than the current thinking of labor and management in this field?

One conclusion, at least, appears to be abundantly clear: the labor movement has the initial responsibility to orginate the kind of creative thinking called for by the technological revolution.

COURAGEOUS BUSINESSMEN ENDORSE WAR AGAINST POVERTY

Mr. DOUGLAS. Mr. President, I wish to express my appreciation to three leading businessmen who have put aside partisanship and have ignored the possibility of criticism from many of their colleagues, to support a program of national action against poverty. These three business leaders, C. Virgil Martin, head of the Carson Pirie Scott Department Stores, of Chicago; Tom Nichols, an executive of the Olin Mathieson Co., of New York; and Ralph Besse, of the Cleveland Electric Illuminating Co., testified recently before the House subcommittee holding hearings on President Johnson's war against poverty bill.

Mr. President, I ask unanimous consent to have printed in the RECORD an article on this subject, written by Irving Dilliard, the famous journalist, and also urging enactment of the truth in lending bill. The article was published in Chicago's Sunday American of April 26. I also commend Chicago's Sunday American and its distinguished columnist, Irving Dilliard, for their consistent attention to the sometimes unpopular, but nevertheless fundamental, problems of our society. Chicago and the Midwest have benefited greatly from the Chicago Sunday American's publication of Mr. Dilliard's progressive and informed column.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Chicago's Sunday American, Apr. 26, 1964]

THE COURAGE TO SPEAK OUT

(By Irving Dilliard)

It takes a brave businessman to speak out with a view on a national issue opposite to the official position of the U.S. Chamber of Commerce. It takes a businessman so brave that one comes along once in a blue moon. Yet right now we have the impressive spectacle of three business leaders joining in a stand that runs counter to the business line on the Johnson administration's war-against-poverty bill.

These three businessmen—and they deserve far more public notice than they have received—represent three kinds of business and industry in three major cities. They are: C. Virgil Martin, head of the Carson Pirie Scott Department Stores, of Chicago; Tom Nichols, an executive of the Olin Mathieson Chemical-Drug-Aluminum-Munitions-Paper Co., of New York; and Ralph Besse, of the Cleveland, Ohio, Electric Illuminating Co.

CRITICIZED AND PRAISED

Messrs. Martin, Nichols, and Besse had the courage of their convictions to tell a House subcommittee that poverty is a national problem and that it must be tackled with national leadership and Federal funds. They were criticized at once by Republican Congressmen for holding views so heretical, but Oregon's Democratic Congresswoman, EDITH GREEN, commended them on their vision and courage, as they deserved to be.

Poverty is a national problem. There is not a State among the 50 that does not feel its blight although the depressing effects are far worse in some areas than others. Senator DOUGLAS' truth-in-lending bill would make war on poverty in every State in the Union. It should be passed as a companion measure of great potential benefit.

After gathering dust for 2 years in the Senate Banking Subcommittee, the Douglas bill has at last been reported to the full committee, but only by the hairline vote of 5 to 4. The bill, which would require all lenders to disclose the full cost of loans in dollars and cents as well as in terms of annual interest charges, was stalled 4 to 4.

The favorable four, all Democrats were DOUGLAS, of Illinois, CLARK, of Pennsylvania, PROXMIRE, of Wisconsin, and WILLIAMS, of New Jersey. One southern Democrat, ROBERTSON, of Virginia, joined three Republicans in opposition: BENNETT, of Utah, SIMPSON, of Wyoming, and DOMINICK, of Colorado. Then the one uncommitted Senator, Democrat MUSKIE, of Maine, voted on the DOUGLAS side and this meritorious bill finally had a subcommittee majority.

POOR ARE VICTIMS

Poor people frequently turn to loan companies to try to keep themselves financially afloat. When they are assured that the interest rate is only 3 percent, without the explanation that it is 3 percent a month, not 3 percent a year, they are outrageously victimized. To protect the hard-pressed borrower, the Douglas bill would require the lender to State that a $100 loan with a $16 repayment charge would be about 32 percent on a 12-month basis.

The country owes a debt of gratitude to the three businessmen who testified for the Johnson antipoverty bill. We owe another debt to Senator MUSKIE for breaking the deadlock on the truth-in-lending bill. Now Senator DOUGLAS' much-needed legislation should move forward for the benefit of all, including especially those who are out of work.

ARTHUR J. FREUND RECEIVES CIVIL LIBERTIES AWARD

Mr. DOUGLAS. Mr. President, I have learned with pleasure that the distinguished St. Louis attorney, Mr. Arthur J. Freund, has recently been cited by the St. Louis Civil Liberties Committee for his "lifelong devotion" to liberty and his "almost singlehanded struggle" to warn the public of the three States rights or "disunity" amendments which threaten our Federal system.

Several times I have called attention in the Senate to his work. His alert watchfulness and his skilled legal analyses of the disunity amendments have been of great value to many of us. Mr. Freund is a lawyer who insists that the legal profession has the highest obligation to be the vigorous protector of our liberties and our Constitution.

I am delighted to see his accomplishments recognized; and I ask unanimous consent that an article and an editorial published in that great newspaper, the St. Louis Post-Dispatch, of May 7 and May 8, be printed in the RECORD.

There being no objection, the article and the editorial were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, May 7, 1964]

ARTHUR FREUND GETS LIBERTIES AWARD

Arthur J. Freund, an attorney, received the 1964 award of the St. Louis Civil Liberties Committee last night at the organization's annual meeting at the Chip room, 1401 Hampton Avenue.

He was cited for "lifelong devotion to the protection of individual liberties" and for what was termed an "almost singlehanded struggle" to alert the public to the danger of three proposed States' rights amendments to the U.S. Constitution.

One of the proposals would permit amendment of the Constitution by the State legislatures alone, without congressional action. Another would end all constitutional restraints on the ways the States apportion their legislatures. The third would set up a Court of the Union, composed of the 50 State chief justices, to review Supreme Court decisions.

Freund, former member of the Boards of Election and Police Commissioners, has law offices at 7 North Seventh Street. He lives at 6235 Washington Boulevard.

Freund's wife and two daughters, Mrs. Paul Ullman, Jr., and Mrs. Morton S. Binder, witnessed the presentation of the award. Freund received the 1937 St. Louis Award for public service and the Washington University alumni distinguished service citation in 1955.

Miss Frances Levenson, general counsel of the New York City Commission on Human Rights, principal speaker at the meeting, said the Federal Government must change from a negative to a positive role in housing legislation.

She said implementation of the Executive order by the late President John F. Kennedy forbidding racial discrimination in federally financed housing had been weak and needed more vigorous enforcement.

Miss Levenson said the St. Louis fair housing ordinance is one of the most comprehensive in the Nation. She urged passage of a fair housing law by the State legislature.

[From the St. Louis Post-Dispatch, May 8, 1964]

LIFELONG DEVOTION

The few words of the 1964 St. Louis Civil Liberties Committee award to Arthur J. Freund summarize a long story. The words mention his "lifelong devotion" to liberty and his "almost singlehanded struggle" to warn the public of the three States rights amendments that have crept quietly through some State legislatures. Mr. Freund is well known for public service, for his work on the election and police boards and his St. Louis award in 1937. Perhaps no one but he knows the exact amount of hard work he put into his opposition to the dangerous States amendments. Out of his efforts, directly and indirectly, grew proper warnings from individual lawyers and teachers of law, the highest Government officials and Justices of the Supreme Court. Arthur Freund has his connections as well as his convictions. It is a fine thing his powers of persuasion have been used so consistently in behalf of its basic liberties.

PRESIDENT JOHNSON AND THE ERA OF GOOD FEELING

Mr. GRUENING. Mr. President, in the May 9 issue of the Saturday Evening Post, Stewart Alsop has an excellent commentary on President Johnson.

He points out that in his nearly 6 months in office, Lyndon Johnson has shown his genius in getting the support of all kinds of people who are on opposite sides of vital public issues. In consequence, the country, Alsop feels, may be entering a second "era of good feeling"—repeating the era, a century, and a half ago, during the presidency of James Monroe.

I ask unanimous consent that the article entitled "A Second Era of Good Feeling?" written by Stewart Alsop, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SECOND ERA OF GOOD FEELING?

(By Stewart Alsop)

WASHINGTON.—President Johnson is currently admired by such remarkably diverse personalities as Senator RICHARD RUSSELL of Georgia, and the Reverend Martin Luther King; Henry Ford and Walter Reuther; Dean Acheson and Walter Lippmann; Keith Funston of the New York Stock Exchange, and Joe Rauh of the ultraliberal Americans for Democratic Action; and so on.

The President is admired, in short, by people with diametrically opposed views on basic domestic and international issues. At first, this was not very surprising—a new President always enjoys a honeymoon. But it is surprising now, and more surprising with every day that passes.

It is almost 6 months, after all, since President Kennedy was killed, and it is 6 months until the next election. Yet that contradiction in terms—a presidential honeymoon in a presidential election year—still continues, to the dismay of the Republicans. How in Heaven's name does Johnson do it?

Part of the explanation certainly lies in the kind of man Johnson is. There is something overwhelming about Johnson, the more so now that he has the aura of the Presidency about him. Like Theodore Roosevelt, he instantly becomes the center of any stage, "the corpse at every funeral, the bride at every wedding." Added to a glandular energy which is like a force of nature, he has a passionate desire to be liked by everybody, from kings to camel drivers. He will go to almost any lengths to win over a past or potential enemy, and the combination of Johnsonian characteristics makes him peculiarly difficult to resist.

Take, as examples, a couple of past enemies—Rauh of ADA, and Reuther of UAW. Rauh is a spokesman for the liberal intellectuals, Reuther for labor's leftwing. In 1960, both were bitterly opposed, first to Johnson's presidential candidacy, and second to President Kennedy's choice of Johnson as his running mate. Now, when Johnson's name is mentioned, both Rauh and Reuther tend to coo like a couple of contented turtledoves—and with good reason.

In recent weeks Rauh has been constantly in and out of the White House, to confer with the President on civil rights strategy, and he attests, with rather surprised admiration, that the President has a "deep emotional commitment" on the civil rights issue. As for Reuther, the President's recent speech to the UAW convention "might have been written by Walter himself," as one UAW man subsequently remarked.

It is—or always has been—a cardinal rule of politics that you can please one group, like Rauh's pro-civil-rights liberals, or Reuther's left laborites, only at the cost of wholly alienating another group, like the southern leadership or the businessmen. Instead, there is more pro-Johnson feeling among businessmen than there has been for any incumbent Democratic President for 30 years. And despite that "deep emotional commitment," there is none of the bitter feeling against Johnson among the southern leaders that there was against Kennedy.

Partly this is a reward for effort. Literally hundreds of leading businessmen have picked up the telephone in recent weeks to hear: "The President is calling." A businessman who has recently enjoyed a cozy, status-enhancing chat with the President, is unlikely to grow puce with rage when he hears his name, which was the standard businessman's reaction to the names of the last three Democratic Presidents.

As for the southerners, many of them are close friends of the President—Senator RUSSELL started Johnson on the road to the Presidency by backing him for majority leader. The President has been at pains to preserve the relationship, civil rights or no civil rights.

But aside from his own efforts, there is another reason why Johnson can retain the admiration of both Joe Rauh and the southerners, Walter Reuther and the businessmen. Unlike any Democratic President in modern history, Johnson is identified in southern minds as a southerner, and in business minds as a businessman.

At a recent business gathering in Detroit, a leading businessman tried to explain to this reporter the startling difference between the attitude of business to Kennedy and to Johnson. "Johnson just sort of looks like a businessman," he said. "Kennedy didn't. Anyway, we just have a gut feeling that he understands business problems." There is a similar gut feeling among the southerners. "We know Lyndon has to have a civil rights bill," says one. "But we also know that he won't really put the knife to the South."

Lyndon Johnson has, in fact, a peculiar genius for giving people with sharply conflicting interests a "gut feeling" that he is really on their side. This complicates the Republican problem, which begins to look like an insoluble problem anyway, and not only because of Lyndon Johnson's winning ways. For it begins to seem possible that President Kennedy's murder, just because it was the most morally disgusting event of the postwar years, may have ushered in another "Era of Good Feeling."

The first era of good feeling was presided over by another southern President, James Monroe. It prevailed for a few years after the War of 1812, when in a reaction to trouble and turmoil, sectional and partisan passions were forgotten.

There was more trouble on the horizon then, of course, including the trouble that led in time to civil war. There is plenty of trouble on Lyndon Johnson's horizon today, as the articles in this issue about Bobby Baker and Gov. George Wallace, of Alabama, suggest. This year's campaign could turn out to be a pretty nasty one. The racial crisis could also take a nasty turn, and so could the war in Vietnam.

But anyone who can remember the depression years, or the McCarthy era, or even the political atmosphere a year ago, will probably agree that this country is more rational in its political mood than it has been for a long time. President Kennedy's murder was like a slap in the Nation's face, but the slap may have been therapeutic, as a slap in the face can sometimes be. If the result is a second era of good feeling, Lyndon Johnson, like James Monroe a born conciliator, is peculiarly suited to preside over it.

VIVID ACCOUNTS OF THE ALASKA EARTHQUAKE DISASTER

Mr. GRUENING. Mr. President, a very well written account of the disastrous earthquake in Alaska is published in the current issue of the Saturday Evening Post. It gives a vivid idea of what some of our fellow Americans in Alaska went through.

I ask unanimous consent that the article be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Alaska? The Chair hears none; and it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, there is also a valuable article in the May issue of the Postmasters Gazette, the official magazine of the National Association of Postmasters of the United States, which gives an account of the excellent work performed by our Post Office Department in the earthquake stricken area, particularly in post offices that were either demolished or crippled. It is gratifying to have recorded how quickly and praiseworthily the postmasters and their coworkers there moved to reestablish normal service.

I ask unanimous consent that this article likewise be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Mr. President, finally, an editorial published in the Anchorage Times touches on one of the as yet unsolved problems left in the earthquake's wake.

I ask unanimous consent that the editorial entitled "Wilderness Blights Heart of Downtown," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Anchorage Daily Times, May 14, 1964]

WILDERNESS BLIGHTS HEART OF DOWNTOWN

Driving past the three blocks of wilderness on Fourth Avenue is a gloomy experience.

This big expanse of nothing is silent proof that something terrible hit our town, and some big changes are in process right now.

Only a few weeks ago this wilderness was a beehive of activity. It was alive and throbbing day and night. Goods and services were available in great variety. The stores were close together and small, making for informality. People were always much in evidence. Nobody had occasion to be lonely.

The area was picturesque and often was the center of tourist interest because of the unique mixture of people, new and old buildings, and diverse goods and services.

All the things that made this a lively and interesting area have now been removed. The ground is barren. At night the three blocks loom as a black spot where not long ago was a dazzling array of neon lights that made for gaiety. Some people may be happy because an area they called Skid Row has gone. That has no bearing on the problem of this wasteland.

These lots are in the heart of the downtown area. What is to become of them? What are they good for? How will this area affect other parts of the city?

Overzealous geologists have put what could be a permanent taboo on the land. They held it to be an area unstable for rehabilitation or future use as business or residential districts.

Professional planners and perhaps some public officials were inspired by the geologists' opinion to envision the land as a park, or a parking lot.

There has even been talk of an urban renewal project that would take the land away from its owners forcibly and put it to just such use.

Such proposals don't augur well for the future. Downtown Anchorage may be sacked instead of saved.

This land must be restored to use as quickly as its stability has been reestablished.

As a park the land stands to become a deserted area of little use other than to the planners. Little use means few people and those who brave the solitude at night may be sitting ducks for the half-pint criminals who rob and beat passersby.

As a parking lot the land would have better use and would render the downtown area less harm.

But the best use probably would be to rebuild the land with new buildings marked by a variety that will avoid the monotony of modern glass fronts and angles.

It would be best if the rebuilt area could be made to accommodate a variety of enterprises and functions so that life would be restored both day and night.

This is something that will take some careful planning on the part of downtown landowners and businessmen if it is to come to pass. Someoe must discover that planning is too important to leave to the longhaired professionals.

EXHIBIT 1

HOW A STRICKEN STATE MET CHAOS

(By Bard Lindeman)

With the coming of spring to Alaska, the long darkness was ending. Light was returning to the land. Over all the huge State, snow still blanketed the frozen peaks and valleys, and the icy earth was still ironhard with frost. But each day the sun rose a little earlier, stayed a little longer, and its warmth was working a subtle alchemy not only in the earth but in the spirits of men. Courage and new hope, a lifting up and a strengthening, came with the approach of Easter and its unfailing promise that soon the ice would break up, the snows would melt, and the white land would be green again.

The time for the big work was drawing near and the rugged, ever-optimistic Alaskans were getting ready for it. Contractors pored over blueprints and sought the ear of friendly bankers. Construction crews tuned their heavy equipment, getting ready to move with the thaw, to start building new homes, stores, banks, office buildings, docks, wharves and roads. Chuffing under the shadow of snow peaks and lurching across high trestles spanning ice-locked streams, the Alaska Railroad hauled ton after ton of new supplies and machinery to oil drillers, loggers and mining camps over 470 miles of track.

Everywhere the lengthening days, the growing warmth, worked their magic spell. Beside its mountain-locked bay, tiny Valdez, an old gold-rush town now calling itself "The Switzerland of America," made ready for its annual catch of fish and tourists. Cordova looked ahead to its carnival, the Festival of the Iceworm, and proudly flaunted its title as "Razor Clam Capital of the World." Seward, once a dying town, torn by political strife, had made a surging comeback under a new city manager, William Harrison, who had somehow managed to bring the warring factions together. Now the little town was preparing to celebrate its selection as an All-American city. In the town of Kodiak and in all the little Aleut villages along the shores of Kodiak Island, men were busy readying gill nets, patching seines, painting and fitting out the 400 sturdy, blunt-nosed boats that make up the island's fishing fleet. Soon, the red salmon would be running in the Copper River and in all the bays and inlets along Prince William Sound, fighting their way up icy streams to their spawning grounds. From Cordova to Kodiak canneries would start working around the clock and there would be jobs for all.

In Anchorage, where Alaska's brains, money, and know-how are concentrated in a city that looks upon itself as a future "Chicago of the North," there was an air of confidence. Bankers anticipated a rise in business, for Alaska's progress is based on easy credit. Stores stocked up in readiness for a rush of customers—regardless of price, Alaskans demand all the goods and services that the citizens of the "lower 48" enjoy. Even the city's unemployed were blithe in spirit. In the shabby bars along Anchorage's Fourth Avenue hundreds of jobless truck drivers, masons, mechanics, carpenters, electricians, painters and day laborers confidently ordered more beer, sure in the knowledge that the long hibernation was nearly over and that they would soon be at work on regular payrolls.

This, then, was the mood of Alaska—buoyant, confident, full steam ahead—on Good Friday, March 27, 1964, in the hours before the second-greatest earthquake ever recorded came rumbling up to lift the State's central mountains, smash and drown a dozen coastal towns, wreck great portions of its rail and highway net, shatter the tallest buildings of its biggest city, and send hundreds of crumpled houses tumbling toward the sea in landslides and tidal waves. It was the greatest catastrophe ever to befall an American State, and in the fog-hung dawn of Saturday morning there was only one comfort. The damage was mainly to property and to men's hopes. The toll of 117 dead and missing was incredibly light.

In Anchorage, Good Friday dawned under leaden skies, with a rising thermometer bringing fitful flurries of light snow. It was still snowing late in the afternoon as the streets filled with the automobiles of homegoing shoppers and office workers. In a few minutes it would be the "happy hour," that quiet time of the day when kids come in from sledding to shed their ski suits and snow boots and lie before the television sets, the time when wives and husbands chat and sip a ritual Martini together while dinner simmers on the stove and the sun gilds the great snow peaks beyond the picture windows. Downtown in the fancy lounges where the contractors drink, and in the rough saloons where the construction stiffs hang out, the happy hour was already in full swing. In some saloons, from 5 to 6 o'clock is "two-fer time"—two drinks for the price of one—and in these places men stood three deep at the bar, for Anchorage drinks as it works, with a two-fisted, headlong drive.

As the town's clocks inched past 5:36 the first sharp shock was felt. Nobody panicked. Each man looked at those nearest him, gave a short nervous laugh—and waited. Earthquakes in the past have been no great terror to Alaskans. Anchorage citizens have long known that their town stands on trembling earth. Faint tremors are frequent, and more than 100 times in the past 30 years, quakes of varying intensity have shaken the city. They were accepted as a fact of life in the north—mildly exciting and mildly frightening—but far less damaging to the nerves than the long months of darkness and the bitter cold.

In the living room of his home in College Heights, Bob Oldland, Anchorage city manager, home after a hard day at city hall, reached for the martini his wife held out to him. Suddenly the martini was not there and Mrs. Oldland was swaying away from him.

"It's only a little earthquake," he said, half annoyed by the look of quick anxiety on her face. Then all at once he was on the floor, trying to shield with his body the baby who had been flung from the sofa. The house was rocking and plunging like a small boat in a heavy sea, and the stove was dancing across the kitchen floor. As the shudder stopped, he ran for his car, and began to call on his car radio for all city department heads.

In the book of Matthew it is written that at the moment Christ died on the cross "the veil of the temple was rent in twain and the earth did quake, and the rocks rent." In the little Catholic Church of St. Anthony, the Reverend Joseph E. Shirey was reading from a missal held by acolyte Dan Brennan the special words of the Good Friday service. Then the floor began to shake beneath his feet, and the acolyte was struggling to hold the missal still. "I knew that I could no longer read with decorum," Father Shirey said afterward. He faced the congregation. "Let us pray," he said calmly. With Brennan beside him he turned and knelt before the altar. Above them the heavy baldachin, the canopy over the altar, swung wildly, clanging against the wall, above the heads of four kneeling choir boys. At the right of the altar the statue of the Sacred Heart fell with a crash. Behind him as the church shuddered with a teriffic vibration, Father Shirey could hear the murmuring voices of his congregation, quietly praying. Finally the earth grew still. Brennan took up the missal, found the place in Exodus XII and Father Shirey once more began to read the service.

In George Rosetta's Blue Mirror Lounge on the ground floor of the 14-story McKinley Apartments, tallest building in Anchorage, business was brisk.

"We had a full house," Rosetta remembers. "Thirty-five or maybe, 40, and they were giving us a rush. Most of them were Federal people, living in the apartments upstairs, and they were loosening up a little more than usual, because they had a long holiday ahead." Saturday was coming up, then Sunday, and Monday was Seward Day, when Alaska celebrates its purchase, in 1867. Government employees don't work on Seward Day.

"When the first shake came," Rosetta says, "they all shut up talking and looked at each other with that 'earthquake stare.' You know, that look that means you are scared, and don't want to show it and are wondering when it will stop—or if it will ever stop. Well, it didn't stop. It got worse, and people started falling off the barstools, and the bottles behind the bar began to fall and smash. I used to live in San Francisco and I know about earthquakes, so I yelled to them to get under the big beam that runs through the middle of the room, or in the door. Those are the safest places when you're inside in a quake. The men behaved fine, but some of the women wouldn't move. They just hung on to the bar screaming and crying, and I had to pull them loose. Then the corner of the room fell in, and a steam pipe in back broke and steam started hissing and clouding up the place, and then everybody hit for the door and about this time the shaking quit."

Down on Fourth Avenue at the Union Oil station, Walter Keck was pumping gas into the tank of a taxicab when the taxi began to jump and plunge and the hose jerked out. He knew that this meant a bad one, and he ran into the middle of the street to be safe from falling walls. There, staggering drunkenly as the street rolled beneath him, he watched as a block-long row of saloons, pawnshops, pool halls, little restaurants and the Denali Theatre began to sink slowly below the level of the street.

"Nobody hollered," Keck said. "All you could hear was the glass breaking and the groaning of the timbers as the buildings went down. I remember thinking, 'There ain't no dust. There ought to be a lot of dust from those old buildings.' But there wasn't any dust.

"As the bars began to go," Keck continued, "the 'Oley Joes' that had been drinking in them came piling through the doors into the street. (An Oley Joe is an Indian or an Eskimo who speaks no English. He tells the bartender, "Oley, Joe," meaning he wants an Olympia beer.) They were flopping and falling down, grabbing onto automobiles trying to steady themselves, but the cars were rocking and rolling all over the place and they couldn't hold on. It's funny now to think about. But it wasn't funny then."

To many an Anchorage citizen it was not funny then or now, nor will it ever be other than a dreadful memory. In Turnagain-by-the-Sea, where the city's wealthiest bankers, lawyers, doctors and contractors lived, magnificent houses sat on a high bluff rising above the ice-clogged waters of Knik Arm, their picture windows facing the great snow peaks to the North. Here were the city's finest homes—and the most unsafe.

In her $70,000 house, filled with treasures brought from the ends of the earth by her husband, Mrs. Lowell Thomas, Jr. had kicked off her shoes and lain down on a bed to rest for a moment after a long day of work on the Easter Seal drive. On the bed nearby, her 8-year-old daughter Anne, tired from a day of outdoor play, chatted happily. In an adjoining room David, 6, lay barefoot on the rug, watching television. Somewhere over the mountains to the north, Lowell, her husband, was flying his plane to Fairbanks to make a speech to a group of Young Republicans—the opening gun in his race for Congress.

"Somehow I knew from the first that the shock was going to be very bad," "Tay" Thomas said later. "The moment I felt it I called to David. I grabbed him and Anne by the hand, and we ran down the stairs and out the front door."

Moving fast is all that saved them. As they left the door, the house, the yard and all the earth around them began to slide slowly toward the sea. Tall spruces and hemlocks, aspens and birch trees were going down in a tangle. Beneath them the earth was heaving, breaking, rising in great toadstool-shaped columns and sinking back again. Between Tay Thomas and Anne a crevasse opened. Clutching desperately, Tay pulled her daughter across the widening crack.

"We were lying sprawled in the snow, barefoot, thinly clothed, on a block of slanting earth that was moving toward the water," Tay Thomas recalls. "I remember thinking, 'We will go into the water, and in that cold water at this time of the year nobody can live more than a minute.' " David kept crying, "Mama, Mama, I'm going to get frostbite."

"The earth was sliding beneath us, and we were sliding on the slanting surface of the snow, desperately trying to cling on. Then slowly the sliding stopped. Far above us and many yards away stood the steep, high cliff from which our house had torn away. There, I knew, was solid ground, and somehow we had to make our way there and climb up."

Scrambling through the jumbled upheaval of black, frozen earth, and snow, Mrs. Thomas and the children made their way to the cliff face.

"There was no way up," she said. "One tall spruce leaned against the cliff, its roots in the ground that had broken away. We tried but we could not climb it. We were trapped there with the cliff above us and the sea behind us and there was no way out. I asked the children to pray, and each one did, a simple prayer asking God to help us. Then all at once we knew that we would be all right. Somehow we would get out."

Not long after, as Mrs. Thomas and her children scrambled along the cliff face, hunting a safe path to the top, a young man whom she did not know, and whose name she never learned, came down and helped them to solid ground.

Near them, as they made their way toward the cliff, they had seen the wrecked house of their friend and neighbor, Dr. Perry Mead, Jr., half buried in the frozen earth. Two of the Meads' five small children, Penny, 8, and Paul, 4, clung to the roof of the shattered house. Both were crying with fright, and she called to them not to be afraid, that help would come to them.

A HEROIC 12-YEAR-OLD

She did not know until long after that, in the lower rooms of the house, two other Mead children had been trapped. When the quake occurred, 12-year-old Perry Mead III had been baby-sitting with his younger brothers and sisters. As the house started down he had got Penny and Paul out and had hoisted them to the rooftop. He had then gone back to the basement playroom to carry out his baby brother, Merrell, age 2 A week later their bodies were found in the shattered basement.

Human courage takes many forms. At Providence Hospital Sister Phillias, supervisor of nurses, was herself a patient, recovering from a delicate back operation performed a few days earlier by Dr. Mead. In her hospital bed she rode out the quake. Then, as the lights of a stream of cars bringing the injured from the darkened city gleamed on her windows, she tried to get up. But her own nurses had been too well trained to let her risk injury that might cripple her for life.

The next morning her door opened quietly. It was Dr. Mead. With deft, steady hands he changed her bandages. When he finished she saw that he was crying. In the night she had learned that two of the young doctor's own children were missing and presumed dead.

"I'm sorry," he told her. "I just can't hold it in. I may not be any good here today, but I had to do what I could."

All through the long night, in the snow and the 20° cold, nearly every man in Anchorage had been doing what he could. At the airport a half hour before the quake, Mayor George Sharrock, slim, quiet, precise and spectacled, had gone with a committee of citizens to say goodby to Mrs. Carol Elizabeth Brady, flying to Florida to represent Alaska in a Mrs. America contest. Afterward he had stopped to talk to Bob Baker, president of the Matanuska Valley Bank. Baker was worried. The 33-foot tides that raced through Knik Arm—the highest in the world next to those of the Bay of Fundy—were carrying away the Turnagain bluffs at an alarming rate, he said. Ever since last spring's thaw, great chunks had been falling away from the backyards of these handsome homes. Couldn't the city put some sheet piling along the bluffs? He'd see, the mayor said.

"We've got to do something," Baker said. "Bob Atwood's whole house is likely to go at any minute."

A few minutes later Atwood's house did go. And Atwood himself, clutching in one hand the trumpet on which he had been practicing, was fighting to free his half-buried body while his front yard heaved and pitched and slid away beneath him.

Mayor Sharrock was in his car three blocks from his own home in Turnagain when the trees along the street began to sway and fall as if pushed by a high wind, and the road began to undulate like slow waves on the sea. Sharrock slammed on the brakes and stopped, clinging desperately to the wheel as the car plunged like a bucking horse. When the earth stilled he drove on over the broken road to find his family safe, his home intact. He turned at once and headed for town and the public-safety building, which housed police and fire headquarters.

A thousand thoughts flowed through his mind—how to get search-and-rescue parties quickly into the ruins to bring out the dead and injured; how to protect the living from further injury and property from looting or further damage; how to get the water, lights, telephones and sewers functioning again. There was a certain bitter irony in the situation. Here was a massive task for civil defense—and Anchorage's formal civil defense consisted of exactly one woman secretary. A few weeks earlier the director had resigned. A hostile city council had been questioning the civil defense appropriation of $26,000, half of which would be reimbursed by the Federal Government—which made the city's cash outlay less than it spent on the office of dogcatcher.

"Also," the mayor said later, "the things we had learned about civil defense had little to do with the present realities. The Federal regulations required us to prepare for an atomic holocaust, to have some plan for taking care of radiation injuries, for keeping a population alive in fallout shelters. This was different, this was civil defense at the grassroots, city government doing its job under a condition of great emergency."

How the Anchorage city government, aided by the Salvation Army, the military from Elmendorf Air Force Base and Fort Richardson, the Red Cross, and its own citizen volunteers, did its job in the next 72 hours was a miracle of planning and performance under pressure. Two hours after the quake, mountain climbers, ski-club members, and dog-sled racers from the city's population had joined with Fort Richardson mountain troops in a night search of the ruins, and Alaska National Guard scouts stood guard over shattered areas. Long before dawn on Saturday, light and power crews had the city's two power turbines working again, public-works crews were digging in the frozen earth to repair broken water mains, telephones were coming back into service. And on the air the city's four radio stations were calming the populace, passing the word to the homeless where shelter might be found, advising how water could be purified, urging all citizens to get their typhoid shots, and broadcasting thousands of personal messages to unite separated families. As frantic queries poured in from around the world asking news of loved ones, the Salvation Army took over the task of checking the list of missing, organized a ham radio network, and passed on thousands of messages of assurance or consolation.

The tremendous energies stored up in the long, dull winter months burst into one prodigious effort to repair, rebuild, get the State and city going again. By Sunday evening, squads of architects and construction engineers had surveyed the town, marking buildings that must be demolished, those that were safe, and those that must be repaired before they could be inhabited again. By Monday, merchants were allowed to go into the shattered business section to salvage their goods and fixtures, and by Tuesday, the work of demolition had begun.

On Wednesday Mayor Sharrock, still quiet, precise, and unperturbed, was able to give an accurate résumé of what Anchorage had suffered—7 killed or missing and believed dead, 108 injured, and $198,963,000 in damages, with $100 million wiped off the tax rolls of a city already burdened with $34 million of bonded debt.

"We have not lost faith and courage," said City Manager Bob Oldland, "but we do need an extraordinary amount of help. So do our friends and neighbors in other stricken Alaskan cities and towns."

In the little cities far to the south the damage had been even greater, in proportion to population, than the destruction in Anchorage. Valdez, with its 1,200 population, counted 32 dead or missing in the great tidal waves that followed the earthquake and wiped its waterfront clean. The village of Chenega, where the Indian fishermen bear Russian names, was gone, its houses and boats smashed by a 40-foot tidal wave, its dead and missing totaling 23.

In Seward, with a population of 1,800, 17 were known dead or missing after 2 great waves roared through Resurrection Bay to pile boxcars, engines, cranes, and shattered oil tanks in a jumble of steel along its waterfront. In Kodiak, with 23 dead and missing, not a hull was left intact of the fishing fleet that once supported a multimillion-dollar industry.

From his trailer headquarters at Anchorage, nervous, chainsmoking Gov. William A. Egan struggled to aid the little outlying towns. With damage to highways alone set at $100 million his estimate of total loss and damage to the State stood at $500 (later $750) million. Of this the State was prepared to issue $50 million in bonds. The rest must come in varied forms of Federal aid. President Johnson promptly made available $5 million in emergency relief funds, and shortly thereafter Congress authorized another $50 million to help rebuild public facilities. But much more is needed.

As State and city governments totaled their losses and looked hopefully to Washington for aid, the citizens themselves went about the task of burying their dead, rescuing their possessions from damaged stores and houses, and taking up the threads of life again. In the week after the earthquake, teams of young men, organized by the Rotary Club and supervised by the homeowners themselves, climbed through the ravines and hillocks of the great Turnagain slide, bringing out everything they could, from family portraits to plumbing fixtures.

At St. Mary's Episcopal Church the first funeral service was held on Tuesday morning. Lee Styer, 18, had been walking in front of the new five-story J. C. Penny building when a concrete slab from the crumbling structure struck and crushed him. To those who thronged the church for the simple funeral service, the words of the prayer book had a special meaning: "God is our hope and our strength. Therefore will we not fear, though the earth be moved, and though the hills be carried into the midst of the sea."

In Alaska the earth had moved, and the hills had been carried into the midst of the sea, and no Alaskan could be found who no longer feared an earthquake. Many, in their fear, were leaving. All were jittery as, in the days that followed the great upheaval, minute aftershocks were felt. On the Friday following the massive shock, a strong quake was felt in Anchorage, Seward, and Valdez. This time men, women, and children alike lunged in panic into the open.

"I don't mind admitting it," said Bob Greenlagh, big, tough contractor whose $40,000 house was left hanging on the brink of the Turnagain slide. "I spook easy now."

Though quick to spook when the earth rumbles, most Alaskans—through faith, or foolhardiness, or a profound conviction that another big one cannot happen in a thousand years—are determined to stay in the far, cold land they have learned to love. They know the facts now. The Nation's top geologists and seismologists have made clear, in layman's language, the hazard that exists. Great areas of Alaska lie above or near an earthquake belt that curves along the Pacific shoreline as far south as Chile. Tomorrow, or in a thousand years, a great convulsion deep in the earth may occur again, changing shorelines, tumbling mountains, burying men and all their works.

Anchorage, built on 30-foot bluffs, is particularly vulnerable. The city is located between two arms of Cook Inlet—Knik Arm and Turnagain, which Capt. James Cook mistook for the Northwest Passage. The land beneath Anchorage was once an ancient seabed. There, millions of years ago, the ocean laid down a blue mud over which ice age rivers washed a surface stratum of firm-packed sand and gravel. The mud, geologists say, is stable enough when at rest. But heavy shaking by earthquake action turns it into jelly that slumps and slides and flows like water. The greatest damage in the Anchorage area, the geologists point out, was caused by the twisting slide of the blue-clay cliffs into the deep trough of Knik Arm.

Anchorage residents are comforted by this analysis. If it is true, they point out, their city withstood the earthquake shock well. All they now must do is move back a few blocks from the unstable bluffs, and they will be safe. Maybe, the geologists answer. But how far back? Their damage maps show that the frozen earth was broken into gigantic blocks far back from the bluffs. The spring thaw has already started. Thaw water, soaking down the saturated clay, forms a lubricant and movements sufficient to destroy a heavy building could take place at any time.

Men like Walter Hickel, who built the Turnagain subdivision, listen to such warnings with impatience. "We know all that now," says Hickel. "We know it and accept it, and we aren't going to abandon this city. We are going to build back right where we are. All it will take is some soil analysis, and some intelligent engineering.

"We have built a great city here and we are going to keep on building. Many of the streets you ride on today were moose trails 5 years ago. And the moose trails you see today will be the streets of tomorrow. We are right where San Francisco was in 1906. We've been hit with a great disaster, and some people will get scared and leave. But for every man who leaves, two men with guts will come in here to help us build. What could a man accomplish if he worried about something that may not happen again for 1,000 years? This is our home, and we are going to stay."

EXHIBIT 2

POST OFFICES DEMOLISHED IN MANY ALASKA CENTERS, BUT PM'S MOVE SWIFTLY TO RESTORE NORMAL SERVICES

Incomplete reports received by the Postmasters Gazette and the association's Washington office from officers of the Alaska chapter tell of the terrible earthquake and the catastrophe it brought to the people of the State.

Through the reports run a spirit of courage and determination to clear away the wreckage, restore normal life and make Alaska "The Great Land," the Indian version of the State's name.

Postmasters, whose offices were destroyed or damaged, went right back to work finding temporary quarters and the mails never ceased to move, though under irregular schedules.

Postal service officers and postal inspectors hurried to help, and aid came from the regional office at Seattle.

Reports came to association officials from Alice R. Brusich, of Ward Cove, chapter secretary and member of the NAPUS National Committee; President William Lamme, of Kodiak; Editor Everett Wilde, of College; Tony Schwamm, acting postmaster at Anchorage; and Hollis Henrichs, of Cordova.

No postmaster was hurt but some lost their homes. Several post office buildings were destroyed. A clerk at Seward is left with five children after losing her husband off a boat at Kodiak. Postal Inspector Ken Johnson of Anchorage lost an expensive home, and so did a number of employees.

Mrs. Brusich wrote that "This is a terrible blow to our State and many of us are still dazed. All are busy trying to maintain communication and restore facilities in the areas hit."

CHAPTER CONVENTION

She said that the chapter convention would be held at Anchorage July 8-10 as scheduled and Postmaster General Gronouski would attend. Host Tony Schwamm is going ahead with plans.

Postmaster Schwamm, whose city was hit hard, said that the main post office building was not seriously damaged, but bookcases, lighting fixtures and much equipment were shaken into a tangled mass. Greatest damage was to the airport terminal, which was thrown out of line and some of the walls collapsed.

He added: "Saturday morning after the earthquake all the carriers and clerks reported for duty and together started cleaning up the mess at the main office and terminal. Deliveries and collections were made. One of the wonderful things in life were the compliments we received when all the carriers were seen on the streets. It gave the people a new spark. We have been advised by many patrons that relatives to whom they had written in the States received their letters before telegrams previously sent to them. We cannot commend too highly the postal workers here."

Immediately following the disaster, NAPUS chapter officers hurried off airmail letters to postmasters in areas hit by the earthquake. Airmail transportation was back in full operation and Editor Wilde compiled a report for his paper, which is summarized in a letter to the Postmasters Gazette.

Here are excerpts from the reports:

Seward: Clarence Larsen, past president. "The Larsen family made out fine on Good Friday; we were all home at the time. The post office suffered only slight damage. The husband of Clerk Frances Jones was on a boat at Kodiak and it is now presumed that he was swept overboard. She is left with five children at home. Clerk Eleanor Billens' home is a total loss. Other clerks suffered only minor losses. Their dedication to their jobs went far beyond the call of duty.

"Since some had lost everything I put out a call that we would not conform to standard practices. We had mail written on paper bags, everything. They should make collectors' items. Easter Sunday I took an hour off for church and that would make quite a story. Clerk David Carlson lost his house and warehouse—swept out by tidal wave, luckily he was vacationing in Phoenix. The wave picked up boxcars and flung them half a mile from the tracks. It is incredible the damage that a quake, followed by tidal waves and fire, can do to a town that is just preparing for Good Friday services in the community church where the 'Seven Last Words' were to be sung. * * *."

RUSH TO HILLS

Kodiak: President Bill Lamme: "Just checking out when the earthquake struck. Clerks ran out the back but my wife, Lilian, and Clerk Ruth were up front. We started for the back as pipes and fluorescent fixtures set up a terrible racket. When lights fell on us we huddled between two cabinets instead, and rode the quake out. The concrete floor rolled under our feet. We had not known that an evacuation warning had been given as there was no power. As we started uptown we met a mass of cars and people running out of town for higher ground and learned a tidal wave was expected. We drove to our home atop the hill overlooking the boat harbor and watched from the window. The first wave came in a a half hour and the second at about 8 o'clock. The post office is on high ground although several businesses were lost from the same block. Our office backyard is a maelstrom of bunkhouses, boats, and buildings.

"We started working mail again the next day and dispatched every day. Most people did not write until Tuesday, 4 days later, not knowing we were dispatching and because they were not allowed into the damaged area by guards. Actually letters got out long before telegrams did. As I type this a coffin is passing in a station wagon, a reminder that death and life go on."

LATE INFORMATION

Late information from Postal Service Officer Bryant Brady and President Bill Lamme indicate that the Afognak Post Office "went to sea" and that Postmaster Martha Nelson is operating from temporary abode. Lamme also states that the Old Harbor office sailed around in reckless abandon and came to rest in a new location. Postmaster Sophia Simenonoff recovered all valuables and is now operating out of the Kodiak post office while all 241 people of Old Harbor were evacuated to Anchorage.

The store and post office at Ouzinkie collapsed but most valuables were recovered and Acting Postmaster Merrle Carpenter has established office in a small building in a higher location. Lamme states that a note to Mrs. Carpenter, "Still acting?" brought the response "Yup."

The Moose Pass post office on the road between Anchorage and Seward, is completely cut off by fallen bridges, writes Postmaster Delbert Wolfe. He states that the Hope, Cooper Landing, and Moose Pass offices were shaken but suffered no damage.

Cohoe: Freda Lewis, postmaster. "Cohoe was shook up with only minor damage. The piano slid around the living room, plants landed on their faces and water splashed out of the toilet. I went outside, planning to get in the car but it was jumping around so much I couldn't catch it."

Homer: Arlene Kranich, postmaster. "Personal loss in the area was not great, broken dishes, I have a broken finger. The post office is a shambles of tipped over cabinets. The school is a total loss, they say."

Valdez: Durwood Huls, postmaster. "It is understood that the new post office has received structural damage but is probably basically all right. Also that Woody's new home, just completed, also received some damage. The town of Valdez, of course, received a near fatal blow."

The offices at Chenega, Paul Kampkoff, postmaster, and Afognak, Martha Nelson, postmaster, were wiped out along with the towns. The postmasters nor any employee were not hurt.

THE BANKRUPTCY OF U.S. FOREIGN POLICY IN THE MIDDLE EAST

Mr. GRUENING. Mr. President, in a thought-provoking article published in the New York Times for May 17, 1964, the able correspondent Dana Adams Schmidt, writing from Beirut, Lebanon, under the title "Russia and Egypt Find Common Goal in Mideast," comes to the conclusion that:

> The old U.S. policy toward Mr. Nasser has completely failed. It has neither persuaded him to do certain things, like withdrawing his troops from Yemen, nor to refrain from doing others, like attacking the British in Aden.

Repeatedly on the floor of the Senate I have pointed out that U.S. policies toward President Nasser offer the classic example of the failure of any policy of appeasement toward a dictator. I have also pointed out long ago that President Nasser was playing Russia's game. This has now become even more evident by Nasser's newest gambit in Aden where he is instigating local tribesmen to attack the British.

We have helped neither Egypt and her people nor ourselves through this policy of appeasing the quest for power in which President Nasser has been engaged for a dozen years. Our hundreds of millions of dollars in economic aid to Egypt have now gone toward the waging of a bitter, cruel, and bloody war in Yemen.

Now President Nasser is showing his true colors—and they are red. It should come as no great surprise to any student of events in the Middle East, since Nasser seized political control of Egypt in 1952, that he is and has been acting as Khrushchev's cat's-paw. He has now come out openly and seeks to throw the British out of the Middle East and control that oil-rich area.

As Mr. Schmidt points out:

> The oil of the Persian Gulf is United States and Western European oil as well as British.

It is time that those in the State Department who have been busy appeasing President Nasser realize that in so doing they are in fact appeasing Russia and helping it to get a stranglehold on the oil resources of the Middle East. Both Nasser and Khrushchev are playing this dangerous game for their own ends with U.S. dollars.

I repeat, Mr. President, it is high time to call a halt to aggression in the Middle East. The Congress has declared clearly in the "anti-aggressor" amendment to the current foreign aid law that it is opposed to using U.S. dollars to arm aggressors. Let the will of the Congress be carried out. Let us stand firm against the Russian-Egyptian drive to control Middle Eastern oil reserves. Economic aid to Nasser's Egypt should be cut off now before it is too late.

I ask unanimous consent to have Mr. Schmidt's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA AND EGYPT FIND COMMON GOAL IN MIDEAST

(By Dana Adams Schmidt)

BEIRUT, LEBANON, May 16.—President Nasser and Premier Khrushchev, sitting side by side at the site of the Aswan High Dam this week, embodied the parallel interests of Egypt and the Soviet Union.

Egypt, an ambitious but underdeveloped leader of the pan-Arab nationalist movement; the Soviet Union, an economically and politically ambitious force in the Middle East—both for different reasons want to force the British out of the great military, naval and air base at Aden.

That is important enough in itself. The power concentrated at Aden radiates out into Africa and the Middle East and serves as Britain's halfway station to the Far East.

But it is above all because it serves as a shield for Britain's privileged economic and political position in the Persian Gulf, with its immense oil interests, that Mr. Nasser and Mr. Khrushchev would like to destroy Aden. Kuwait, Abu Dhabi, Bahrein, Qatar—those are the joint Egyptian-Soviet objectives.

Meanwhile, the British in Aden are not merely embattled. They have launched a counteroffensive against their foe insofar as he takes the tangible form of the Red wolves of Radfan, the Nasser-backed tribal guerrillas who have been harassing traffic on the Aden-Dhala road.

SKILLFUL PROPAGANDA

That is the overall picture in the Middle East. President Nasser's greatest resource in this struggle is propaganda, which he is using with consummate skill in several ways.

First, in leading a public campaign against the imperialists in Aden and even inspirng infiltration across the border, he is obscuring in the eyes of the world—and above all of the Arab world—his political and military failure in Yemen. In Yemen he has not only failed to win the tribesmen who form the majority of the population but has also failed with 40,000 men, tanks and airpower to subdue them.

By brandishing the anti-imperialist banner he is also trying to distract the attention of the Arab world from Palestine, where the Israelis have begun to draw water from the Jordan River. President Nasser cannot stop them any more than he can destroy the royalist Yemeni tribesmen. His plan for diverting the headwaters of the Jordan River will take years to carry out and even then would be dependent on his ability to stand off Israeli military interference.

Mr. Nasser's explanation now is that once the imperialists have been kicked out of the Middle East it will be easy for the Arabs to deal with Israel. The implied connection between British bases in Aden and elsewhere and the Israelis is probably specious, but it serves the purposes of Nasserite editorial writers.

President Nasser's diversionary propaganda has, however, not yet been altogether successful. Baathists in Damascus, who are always looking for ways to discredit Mr. Nasser, and independent Arab journals here have seen to that.

ARABS STRESS RIVER

Indignant that the Arabs should have to stand idly by while Israelis unilaterally take water from the river, which has acquired great importance as a nationalist symbol, they go right on writing about the Jordan.

Aden is distant and peripheral. Even for Mr. Nasser it is hard to build a campaign there into a vibrant cause. One can only say he is showing his usual skill in turning a bad situation to advantage.

Having Premier Khrushchev around is, of course, a great help in this business of propagandistic sleight of hand.

The Arabs are flattered by the Soviet leader's attention in such a long (16-day) state visit. President Nasser is cast as a friend of one of the most powerful men on earth. His own prestige necessarily soars by association.

The Arabs are close enough to their colonial past to like anything that discomfits the West.

To the Arabs there is no moral issue between East and West. They have known both good and evil from the West and thus far only good in the form of economic assistance from the East.

In the face of all this, the British in Aden have rolled up their sleeves in a "Battle of Britain" spirit. They have had "a jolly good bash" at the dissident tribesmen, which, if it did not destroy the dissidents, at least freed the road in question. They have done it with professional military skill.

Now Duncan Sandys, Britain's Colonial Secretary, has gone back to London to seek reinforcements in both troops and money. The British Government is expected to put Britain's presence on a more acceptable political basis by setting independence as the goal within a specified time limit.

But the British are aware that no matter how they turn they will always be wrong in the eyes of Arab nationalists, that they can stay where they are only as long as they are willing to be tough in defending their position with force.

The only chink in British defenses is uncertainty as to whether the Government in London will stand fast in the face of leftist and some-not-so-leftist disparagement of the Aden base or of the federation of feudal sultanates and emirates that serve as its outer buffer. No one is sure what the attitude of a Labor government might be.

The British are grieved also that they have not been able to persuade the United States to share their view of Mr. Nasser and the Yemeni Republic and the threat they constitute not only to British but to Western and more particularly to U.S. interests.

Mr. Khrushchev doesn't mind being used by Mr. Nasser; he is using Mr. Nasser. Who will come out ahead remains to be seen. Meanwhile Mr. Nasser's Arab nationalism can do much against their common enemy, the British in the Middle East, that neither the Communist Party nor Soviet diplomacy can do.

Indeed, Mr. Khrushchev's avid interest in getting the British out of their Aden base and other positions is one of the strongest arguments in the British view of sitting tight.

In addition, the Soviet image as projected by the Aswan Dam is of great value to the Soviet Union in the Middle East, Africa, and Asia. The dam is a symbol of what the Soviet Union wants to stand for in the eyes of the underdeveloped world. With his hand on the mighty dam, Mr. Khrushchev can face Asians and Africans and say: "What did the West ever do for you compared with this?" And he can subtly evoke Mr. Dulles' tragic error.

It is also true that the Soviet Union wants to close the small penetration the Chinese Communists seem to have made in Syria and to make sure that no others are made. Hence, Premier Khrsuhchev's praise for President Nasser's halfway socialism, his assertion that every nation, presumably including Baathist Syria, can find its own way to socialism. The dogmatic Chinese could never endorse that.

The Nasser-Khrushchev offensive has been carefully orchestrated to hurt the British but spare the United States. For this there are several reasons. Mr. Khrushchev presumably would not like his Middle Eastern enterprise to interfere with his overall detente in relations with the United States. Mr. Nasser knows that the United States to a large extent feeds Egypt—a task the Soviet Union would not like to attempt—and has just rejected a bid by R. A. Butler, Britain's Foreign Secretary, to put pressure on Mr. Nasser by cutting off food. The United States is in any case less vulnerable than Britain because it has no territorial bases in the Middle East.

But the whole of the West, including the United States, is involved. Aden serves the military purposes of the North Atlantic Treaty Organization as well as of Britain. The oil of the Persian Gulf is United States and Western European oil as well as British.

For the United States, as Britain's principal ally, as Egypt's principal source of food and as the Soviet Union's principal antagonist in the world, the Nasser-Khrushchev campaign raises grave questions.

POLICY HAS FAILED

The old U.S. policy toward Mr. Nasser has completely failed. It has neither persuaded him to do certain things, like withdrawing his troops from Yemen, nor to refrain from doing others, like attacking the British in Aden. All U.S. initiatives toward solving the Yemen problem, whether directly or through the United Nations, have been frustrated by Mr. Nasser.

Should the United States, then, go on feeding Egypt? Would it not be opportune at least to cut down the flow? Should the United States go on not only recognizing but also economically assisting the Yemen Republic, which disregarded the pledge it gave at the time of recognition not to interfere in Aden territory? Is Mr. Nasser so much the wave of the future that the United States must appease him and his puppets at any cost and in spite of all provocations?

The tragedy of U.S. Middle Eastern policy is that it has never been either one thing or another. In dealing with Mr. Nasser, some experts hold, one either goes the way of building the Aswan Dam or one goes the way of the Suez campaign.

The United States has done neither. It has not helped Mr. Nasser enough to make him independent of Soviet help, nor has it opposed him sufficiently to destroy him.

A HIGH SCHOOL COUNSELOR LOOKS AT S. 2490

Mr. HARTKE. Mr. President, recently I invited the attention of the Senate to testimony on S. 2490, the Hartke college student assistance bill, by a college vocational guidance counselor, Mrs. Josephine Ferguson, of Valparaiso University. On the same day, also as a witness on behalf of the American Personnel and Guidance Association, the Education Subcommittee heard Miss Carolyn Steel, a high school counselor in Minneapolis. The association they represent is a supporter of the bill.

As one who deals directly with the students themselves as they are thinking about the possibilities and the problems of college education, Miss Steel cited specific cases from her own experience. Each of them in its own way was a most pointed illustration of the need for scholarships, loans, and work study aid which my bill provides. I should like to note the stories of two young people whose need she presented in some detail.

Judy, Miss Steel told the subcommittee, is a Minneapolis Negro girl who graduated last year in the top tenth of her class, was active in school organizations, and had good college capabilities. Her stepfather deserted Judy and her mother when she was nine; and they have existed to a large extent on Aid to Dependent Children funds, which of course ceased for Judy by the time of her graduation. Even though she received a $250 scholarship, the cost of a year at the University of Minnesota, in spite of living at home, would be around $700. Judy's aim is psychology or prelaw; but because of finances, she took a full-time job, and began this year with only one course in night school. Miss Steel summarizes:

> She thinks that she will work another year and try to save some money and continue with night school. One can guess that she will give up her ideas of going into a field that takes 6 or 7 years and settle for something less. She probably will also find it hard to give up the security of a full time job for the financial insecurity that goes with full time attendance at college. Funds from S. 2490 might make Judy a full time college student and make another job open for someone else.

Allen took his first quarter last fall at the University of Minnesota Institute of Technology. With a high school standing in the top 15 percent and in the top quarter of college freshmen on aptitude tests, Allen wants to be an engineer. Two years ago, his stepfather lost his job in the Minnesota iron mines; he then relocated in Minneapolis, and last winter took on a second job in a filling station. The family wants Allen to go to college; but with four children and a low family income, Allen felt he had to go to work, to be able to pay for tuition and books; and his grades suffered. He dropped out for a quarter. Now he is discouraged, and is thinking of staying out for a full year. His stepfather felt unable to endorse a National Defense Education Act loan for Allen, and he was not eligible for other financial help. With the aid of S. 2490, he would have a much better chance.

These are only two cases, Mr. President, out of thousands which could be related by Miss Steel and other counselors. There is great need for aid to students faced with mounting college costs.

I sincerely hope S. 2490 will be favorably reported and favorably acted upon by the Senate.

RUSSIAN BUILDUP IN CUBA CONTINUES

Mr. DOMINICK. Mr. President, last week I had an opportunity to place into the RECORD one or two articles which cast extreme doubt upon the claims of highly informed sources in the Department of Defense that Russian troops were removing themselves from Cuba.

I have recently received a letter and accompanying intelligence report from Cuban intelligence which would indicate that the Russians not only are not removing themselves from Cuba but they are, in fact, increasing their military buildup in that island.

The opening paragraph of this letter states:

> Despite misleading statements to the effect that the Soviet Union has practically withdrawn all of its troops from Cuba, the fact is that the Russian military buildup continues on the island.

The intelligence report confirms this, insofar as Cuban intelligence is concerned, from sources within the island.

Let me make explicitly clear that the reports I am spreading on the RECORD are not from intelligence sources in the United States. They are reports from Cuban intelligence sources.

The report reveals what I believe will be of extreme interest to a number of Senators—namely, the specific locations of the build-ups in Cuba, including the underground and underwater submarine pens at the Bellamar Caves; and reference is made to the ability of Russian submarines to enter these caves without surfacing. Reference is also made to the degree of security maintained around what are alleged to be missile sites on the island.

This report should be of extreme interest to the United States as a whole. It bears upon the attitude of the Department of Defense and the information it has given out, and conclusively shows that Cuba is both a center for Communist subversion in Latin America and South America—as we have indicated—and a military menace not only to ourselves but to all the free world, by means of such strongly armed Communist fortifications.

Mr. President, I ask unanimous consent that this intelligence report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INTELLIGENCE REPORT ON CUBA SUBMITTED TO GEN. MAXWELL D. TAYLOR, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, BY DR. NESTOR CARBONELL, JR., ATTORNEY AT LAW, LL.M. HARVARD 1958, WHO HAS SERVED AS SPECIAL REPRESENTATIVE OF CUBAN EXILE GROUPS TO THE ORGANIZATION OF AMERICAN STATES

(1) A high sense of duty, as a freedom-loving Cuban concerned over the fate of this hemisphere, prompts me to write you this letter in order to alert U.S. authorities to the new political and military fraud which the Soviet Union is attempting to perpetrate in the strategic island of Cuba.

(2) According to reliable reports received from diplomatic and underground sources in Cuba, Russia is pretending to withdraw all of its troops from Cuba, when in reality there are still more than 15,000 Soviet-bloc soldiers and technicians digging in deeper on the island. Notwithstanding the fact that there has been a reduction of Soviet-bloc military personnel since the October crisis, the bulk of the occupation forces still remains in Cuba.

(3) In order to give the impression of a massive evacuation of its military personnel, the Soviet Union has been "rotating" its troops and moving most of them from populous areas to secluded bases, many of which have underground facilities provided with special electrical and ventilation systems.

(4) The following are some of the bases, camps, and military installations where there are reportedly concentrations of Soviet-bloc soldiers and technicians. For the sake of brevity, I shall only refer to those located in the extreme provinces of Cuba; namely, Pinar del Rio and Oriente:

PINAR DEL RIO PROVINCE

San Julian airbase; "La Guatana" camp, near San Luis; "La Coloma" camp; underground installations in the area of Soroa; strategic installations in "Los Portales"—cave, located in "La Guira" farm, near San Diego de los Baños; the 12-mile long "Great Cavern of Santo Tomas," converted by the Russians into the military reserve warehouse of the western zone; strategic base, provided with underground silos for offensive missiles, in the area of "Suset" farm, between Artemisa and Cayajabos; Mariel naval base; general headquarters of the western zone located in la Gobernadora hills; Electronic Control Center in Blanquizar hills (also known as Anafe plateau) between Caimito del Guayabal and Guanajay, etc.

ORIENTE PROVINCE

Military camps in the area of Manati and Puerto Padre; Holguin airbase, provided with underground hangars and protected by a chain of camps and installations; strategic military zone, provided with underground silos for offensive missiles and submarine installations, in the coastal area of Cabo Lucrecia, Punta de Mulas and Banes; strategic bases of Mayari, Pinales de Mayari and Mayari Arriba; military installations between Baltony sugar mill and the naval base of Guantanamo; strategic base of Las Mercedes; military installations in "Potosi" farm, north of Victoria de las Tunas, etc.

(5) The Soviet Union not only keeps in Cuba the bulk of its forces, but also continues to increase or enlarge its strategic bases. In this connection, it is of interest to refer specifically to the famous Bellamar Caves, located north of Matanzas Province. These caves connected through newly built tunnels with Matanzas Bay, have been reinforced and converted into a submarine base, with adjacent underground fuel and arms depots.

(6) Matanzas Bay is so deep, that the submarines do not have to surface in order to reach the pens, which are provided with a special system of gates controlling the flow of water. The pens are finished, but we do not have, as yet, any evidence of Soviet submarines operating from this base.

(7) The military constructions in the area of the Bellamar Caves began more than 2 years ago. At that time, Cuban officials closed some of the galleries of the caves, alleging that they were being enlarged for tourist purposes. Security measures were later enforced under the pretext that gold deposits had been found in the excavations. In the final stage of the military constructions, Soviet specialized personnel replaced the Cuban engineers and workers. At present, most of the Bellamar Caves, as well as the adjacent tunnels and submarine installations, are under Soviet control.

(8) In connection with the submarine installations, it is of interest to refer to the May 1963 Interim Report on Cuba issued by the Senate Preparedness Subcommittee, which states that "advanced Soviet submarine bases could be established in Cuban ports with very little effort."

(9) The Bellamar complex is protected by a chain of military installations located in the mountains bordering on Yumurí Valley, just by San Juan River; in Margot Mines, near the town of Cidra; in the quarries close to the town of Limonar; in the hills adjacent to Canimar River, and in Hicacos Peninsula. The electronic equipment covering this area are mainly concentrated in the mountains bordering on Yumurí Valley.

(10) I am submitting this report in the hope that it will merit a careful investigation. My sole interest is to collaborate with the authorities of this great country, committed by the congressional joint resolution of October 3, 1962, "to prevent in Cuba the creation or use of any externally supported military capability endangering the security of the United States," and "to work with the Organization of American States

and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

NESTOR CARBONELL, Jr.

MAY 1, 1964.

INACTIVE DEFENSE FACILITIES IN NEW YORK

Mr. KEATING. Mr. President, the Defense Department is now maintaining in the State of New York, or expects to continue to hold, 108,847 acres of land which is currently inactive or at this time is scheduled for inactive status; 108,052 acres are currently inactive, but the Defense Department has no plans for disposal of the land; 795 acres will be inactivated within the next few years; but the Defense Department indicates that it has no present plans for disposal of them and intends to keep them for possible Defense Department use.

In other words, Mr. President, a total of 108,847 acres of land in New York will shortly be held by the Defense Department, serving no Defense Department need that has yet been indicated, paying no taxes, and contributing no community services of any kind.

Mr. President, this is a substantial amount of land. In terms of the jobs that might be created on that land if defense facilities were operating there, it is a great deal. In terms of taxes that might be paid if privately held, it is a lot, also. I am urging the Defense Department to consider the possibilities for this property as soon as possible, so that New York can have either the jobs or the taxes that this land might offer. New Federal facilities on this land would be one way of saving the Government money and putting these unused properties to work again. I am also studying other methods of coping directly with the hardships caused by this retention of idle, untaxed land.

Mr. President, I ask unanimous consent to include in the RECORD, following my remarks, the text of the communication on this subject from the Defense Department.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
INSTALLATIONS AND LOGISTICS,
Washington, D.C., May 14, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: This is in reply to your letter of May 4, 1964, concerning the amount of land held by the Department of Defense in the State of New York in an inactive status and for which no disposal plans have been made. In addition, you expressed interest in properties which have been scheduled for inactivation within the next 3 years but which are to be retained for other possible use.

The properties held by the Department of Defense in New York which are inactive but which are not at present the subject of disposal action are:

	Acres
Camp Drum, Watertown	107,675
Camp Hero, Montauk Point	362
Auburn Ordnance Shell Plant, Auburn (leased)	15
Total	108,052

Defense properties in New York which were announced for closure but which are to be retained by the Department of Defense for other possible use are:

	Acres
Fort Slocum, New Rochelle	123
Fort Tilden, N.Y.	312
Fort Totten, N.Y.	147
Miller Field, Staten Island	213
Total	795

In connection with the Seneca Army Depot, this installation consisting of 10,688 acres of land is considered to be in an active status and, accordingly, is not included in the above list of inactive properties.

We trust this information will prove helpful. We shall be happy to furnish additional information on these properties if you so desire. Your interest in this matter and your continued support of our national defense efforts are greatly appreciated.

Sincerely yours,
EDWARD J. SHERIDAN,
Deputy Assistant Secretary of Defense (Properties and Installations).

THE STATE OF THE ECONOMY

Mr. LONG of Louisiana. Mr. President, when Congress passed the Revenue Act of 1964, the largest revenue bill ever to be passed by Congress, it provided for the largest tax reduction we shall probably see in our lifetimes; perhaps the largest to be made in many generations.

When the Revenue Act of 1964 was passed, many of us had high hopes that the fiscal policy then adopted would do much to continue the prosperity the Nation was enjoying; that it would avoid a recession that, in some respects, might have been regarded as overdue; that it would increase American production and American income; and that it would also help to solve our fiscal and monetary problems, including the problem of the outflow of gold from American reserves.

Since that time, the economic indicators and information coming to us from financial sources have demonstrated that the Nation is enjoying the type of increased employment and production that had been hoped for; that the trend is extremely favorable; and that we are experiencing the type of prosperity we had hoped would result from the revenue legislation.

All this speaks well for the fiscal policy of President Johnson and of the late President Kennedy, who initiated this proposal.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Trends Reverse Forecasts," written by Eliot Janeway, and published in the Evening Star of today, May 18, 1964; and an article entitled "Steel Output Best in Year."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, May 18, 1964]

AS JANEWAY VIEWS IT: TRENDS REVERSE FORECASTS

(By Eliot Janeway)

NEW YORK.—Last autumn, the dollar was in trouble. Here and abroad, bankers were warning of a run on the dollar, and Washington was getting ready for a money squeeze.

There's no fear as infectious as fear for the value of money. Our bond market, which reflects confidence in money, was sick; and our stock market, which reflects confidence in the use to which money is put, was jittery.

By contrast, every currency on the continent of Europe looked strong, and the entire economy between the Iron Curtain and the English Channel looked rich. Because everything in Europe looked so rosy, while the outlook here was growing murky, money wanted to leave here and go there. This was making a bad situation worse. Specifically, it was making a weak dollar weaker still.

Veterans of market storms know that many big changes come as surprises—especially as political surprises which break the continuity of familiar economic ups and downs. Johnson's Presidency has brought us a major surprise of this kind. The change it has brought has certainly broken all continuity with 1963 market forecasts and performances.

SEEKING HAVEN HERE

For 1964 is seeing not the threatened run on the dollar but, instead, a flight to the dollar. Hard cash is pouring out of Europe and seeking a haven here. The financial history of 1964 is taking form as a reversal of the forecasts of 1963.

The way this big change is working out is as surprising as the charge itself. When the dollar was weak, the word was that the beneficiary of money trouble here would be gold. And so it would have been, if only because the United States bulks so large in the world's consumption of hard goods. A money squeeze here would have curtailed our consumption and put the rest of the world on short rations. Commodities would have been worth less and, therefore, gold would have been worth more.

HAVING MONEY WOES

But Europe fits differently into the world economy. Now that she's having money trouble, while the dollar is strong again, gold is dead and gone as the market beneficiary of financial strain and retrenchment. Instead, its basic commodities, like copper and hides, that are going to a premium as the sicker currencies go to a discount.

The theory on which Europe is shipping money out and taking commodities in is simple and sensible. First of all, it respects the trendmaking role of the United States in world markets. The momentum of the business improvement here is feeding on the liquidity coming in from abroad. When business here is good, and the United States is an active buyer abroad, consumers in smaller economies must be prepared to bid up and to pay higher for their needs.

Fear of inflation is Europe's other motive for dumping paper money and accumulating hard goods. But no one there expects money trouble to undo the Americanization of consumption and of living standards. All that will happen is that commodity prices will rise as currencies depreciate.

Meanwhile, because we're doing so well should make us not smug but wary. Any time the flow of money here slackens or the strength of commodity prices falter, it will be a warning that we're stumbling again.

STEEL OUTPUT BEST IN YEAR

CLEVELAND—Some of the slack in steel orders from automobile manufacturers is being taken up by rising demand from the construction industry, Steel magazine reports.

The metalworking weekly said steelmakers now expect June shipments to drop no more than 5 percent, compared with their forecast of a 10-percent dip a few weeks ago. Reasons for the revision, it added, include:

Automobile manufacturers have reduced steel buying less than anticipated.

Appliance makers and other producers of consumer durables are continuing to buy light, flatrolled steel products at a good rate.

Structural fabricators, railroad carbuilders, machinery manufacturers and shipbuilders are placing big orders for shapes and plates.

The magazine said steelmaking operations are at the highest level in 11 months, with this week's output expected to exceed the 2,492,000 tons produced last week.

"This month's production will be about 11 million tons, highest since May 1963," Steel said. "Next month's output may drop to 10.2 million tons, but it will boost the first half's total to 61.2 million tons—2 million more tons than in the first half of 1963."

Steel said market analysts predict a 10-percent drop in steel production and shipments for July, but expect the month's performance to be better than that during July of last year.

"The downturn in July will reflect sharply reduced automotive steel buying, model changeovers in the appliance industry and vacation shutdowns by other big steel-consuming industries," the publication said.

NATIONAL COMMISSION ON FOOD MARKETING

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 967, Senate Joint Resolution 71.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Commerce with an amendment on page 2, after line 4, to insert:

(b) The President shall designate a Chairman from among the members of the Commission.

At the beginning of line 7, to strike out "(b)" and insert "(c)"; at the beginning of line 10, to strike out "(c)" and insert "(d)"; in line 23, after the word "of", to strike out "subsistence" and insert "subsistence,"; on page 3, line 14, after the word "farming", to insert "and other food production"; on page 4, line 6, after the word "of", to strike out "opinions." and insert "opinions pertinent to the study."; in line 8, after the word "is", to strike out "authorized—" and insert "authorized by majority vote—"; on page 5, line 15, after the word "to", to strike out "request" and insert "require"; in line 17, after the word "agency", to strike out "available"; in line 19, after the word "authorized", to insert "and directed"; on page 6, line 20, after the word "as", to strike out "it deems" and insert "are"; in line 21, to strike out "its business" and insert "business, except as otherwise provided"; after line 21, to strike out:

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) The Chairman of the Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

And, in lieu thereof, to insert:

SEC. 6 ADMINISTRATIVE ARRANGEMENTS.—(a) Without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, the Chairman of the Commission is authorized to appoint and fix the compensation of an executive director, and the executive director, with the approval of the Chairman, is authorized to appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

On page 8, line 10, after the word "payments", to strike out "(5 U.S.C. 46c)" and insert "(5 U.S.C. 46e)"; in line 14, after the word "the", to strike out "Commission:" and insert "Commission."; and, after the amendment just above stated, to strike out "*Provided further*, That the Commission shall not be required to prescribe such regulations."; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) The President shall designate a Chairman from among the members of the Commission.

(c) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(d) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and other food production and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency; and

(5) The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

(b) The Commission shall recommend such actions by Government or by private enterprise and individuals as it deems appropriate.

(c) The Commission shall make such interim reports as it deems advisable, and it shall make a final report to the President and to the Congress by July 1, 1966.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any member thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case or refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of business, except as otherwise provided.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) Without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, the Chairman of the Commission is authorized to appoint and fix the compensation of an executive director, and the executive director with the approval of the Chairman, is authorized to appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

(b) The Chairman is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission.

(e) Ninety days after submission of its final report, as provided in section 4(c), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $2,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Mr. McGEE. Mr. President, the pending measure, Senate Joint Resolution 71, contains the proposal of the President to create a bipartisan National Commission on Food Marketing, to be made up of 15 members.

The good that will come from this resolution, the benefits to the Nation, will accrue from the actions of the National Commission on Food Marketing that will be established because of this resolution.

To understand the necessity for such a commission and such an investigation, it is necessary to assess the developments that have occurred in food marketing since the end of World War II. This is not a story of gradual change and improvement, but rather a new phenomena of complete change that is a very significant development in the lives of most Americans.

The food marketing industry is today one of our giant industries, involving expenditures of $70 billion annually at retail and employing about 11 million wage earners. In the days before the war the bulk of grocery sales were made by the small, neighborhood grocery store. Such a store might have averaged 800 square feet of floor space and stocked about 870 different items. Today, the air-conditioned supermarket, with background music and a mammoth parking lot, contains 20,000 square feet of floor space and stocks 6,000 items.

A very significant fact is that in the development of the supermarket more than 140,000 of the small, neighborhood grocery stores have gone out of business.

With the advent of these new giants on the retail level comes an equal accumulation of size and power at the other end of the commercial scene, the purchase from the producer or his agents. In the hearings conducted by the Commerce Committee we heard many instances of chainstore buyers contracting for the entire amount of a farmer's crop or that of a marketing association or cooperative. In these cases the purchasers have often demanded and received considerations that the suppliers thought unfair but were unable to refuse for fear of losing the sale of their entire year's effort. In fact, we heard several reports of producers who were afraid to testify before the committee for fear of reprisals by the food chain purchasers.

Mr. President, no one would deny that the new merchandising phenomena that is the chainstore has brought many benefits to the Nation and to the consumer. Certainly the results of mass purchasing and high volume can bring impressive savings to the consumer. And this can be demonstrated by the fact that our Nation leads the world in food costs as a percentage of income. Today's American wage earner spends but 18.5 percent of his take-home pay to feed his family, the lowest percentage in the world. But at the same time that food costs have fallen in comparison to the cost of living, the percentage of the food dollar that winds up in the hands of the farmer has steadily decreased also. Today the farmer is in the worst price squeeze he has been in for 30 years.

Since 1947 farm prices for food have dropped 12 percent but retail food costs have increased by 29 percent. Since that year the farmers have increased their production by 40 percent. At the same time the annual consumer food cost has increased by $26.2 billion. I would point out, Mr. President, that of that $26.2 billion, 88.5 percent or $23.2 billion went to processors and marketing agencies and only $3 billion to the farmer.

I realize that part of this cost may be attributed to the increasing amount of preparation that the consumer now demands in his food products, TV dinners, precooked foods, precut chicken, and the like. And the labor costs of the processors and stores have also risen, but the productivity of the average worker—aided by modern machinery and new techniques—often has risen too, to offset the wage increases. The National Commission will find no shortage of unknown factors when they begin their investigation.

But to mention one field where there is a real urgency for an accounting I would point out that the American cattleman has lost more than $2 billion since his prices started to fall about 2 years ago. I believe that he is entitled to know why his prices have dropped to the point where he can no longer make a living while at the same time the price the housewife is paying for her beef has not dropped at all. And beef is not the only area where there seems to be little relationship between the price paid the producer and that paid by the consumer.

In the history of our Nation there are many instances where power has been consolidated and used to the detriment of the public interest. And in many of these cases these practices were well entrenched before any action was taken to correct them and, as a consequence, much harm was done and many inequities suffered by the consuming public because no one knew or could prevent these abuses of our free enterprise system.

I believe that President Johnson's call for an investigation now is a prime example of a lesson learned from the past. We shall now be able to provide the public with the assurance that the Government is fulfilling its duty to protect their interest and we are doing it with speed and efficiency.

We do not know at this time what is the relationship between the phenomena of the food chainstore and the increasing cost squeeze on the farm front. But I believe we deserve to know if a relationship exists, and, if it does, what can be done to make sure this new force on our commercial front works for the public interest within the realm of our traditional free enterprise operations.

By this action today we shall add to our knowledge an important body of facts concerning operations that affect all Americans. Armed with this knowledge, we may be able to make such adjustments as are necessary to retain the balance that is necessary if all who would compete in the marketplace are to have a fair chance to succeed on the strength of their ability and initiative.

We have not suggested that a way be found to guarantee everyone the right to an income, but rather that he have the right to compete on terms of equality and without restraints with his fellows for that income. When that is the case, the American system shall be immeasurably strengthened, and we all—consumer, producer, and the middleman—will be the stronger for it.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MORTON. Mr. President, I attended many of the hearings, which were presided over by the Senator from Wyoming. We heard from the agricultural community and also from the National

Association of Chain Stores, which includes most of the big supermarket operations. They are agreeable to the resolution. They sympathize with the plight of the farmer and realize that his return has been diminishing for several years. The fact is, of course, that much of the drudgery of the kitchen has been transferred to the producer and manufacturer of food products.

The big chains operate on a very low margin—something like 1 percent—and they, along with the agricultural industry, welcome a bipartisan approach such as this. I trust that Congress will pass the joint resolution.

Mr. McGEE. I thank the Senator from Kentucky for his help and leadership in connection with this measure.

One of the very striking elements in the hearings was the way in which all segments connected with the problem came to our support in trying to solve it. I refer to the Farmers Union, the American Farm Bureau Federation, the National Grange, the National Federation of Independent Businesses, the American Stockyards Association, the American National Cattlemen's Association, the Wool Growers, the Cattle Feeders, the National Association of Food Chains, the National Association of Retail Grocers, labor unions—nearly everyone who is in any way connected with the problem.

As the Senator from Kentucky has mentioned, this is testimony to the fact that all would like to learn the facts and to dispel any false assumptions which may have been drawn.

The distinguished Senator from Nebraska [Mr. Hruska] has spoken to me on the floor about a modification of one of the clauses in Senate Joint Resolution 71. He has made a very helpful suggestion. I am willing to accept it.

Mr. HRUSKA. Mr. President, the discussion which I had with the distinguished chairman of the subcommittee referred to subsection (4) of section 4, on page 3 of the joint resolution, in which reference is made to the changes in public policy which would be considered appropriate to achieve a desired distribution of power, as well as desired levels of efficiency.

The question that arose in my mind was whether the "distribution of power" referred to the several segments of the food industry or to the power possessed by the Federal agencies which have jurisdiction over those segments.

The suggestion was made—and I understand the chairman is agreeable to the suggestion—that there be inserted on line 17, after the word "power" the words "among Federal agencies".

That would definitely mean that the "distribution of power" referred to the power of the Federal agencies which have jurisdiction over segments of the food industry.

Mr. McGEE. Yes.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. DOMINICK. I welcome the Commission which is provided for in the joint resolution.

I wonder whether it is the Senator's impression that the Commission would give any assistance in solving the problems of the livestock industry. It is my understanding that it will take a considerable length of time for a report to be issued. Is that not correct?

Mr. McGEE. The interim reports will be made in order; and the first item of business on the agenda is the red-meat problem. We hope this will be a matter of high priority with the Commission.

Whether the Commission's efforts can have quick enough impact is another question. In my opinion, this investigation should be undertaken, regardless of how soon its impact may be felt, because of the depth and importance of the problems. It is our hope that the study will move rapidly.

Mr. DOMINICK. At what time does the Senator expect the first report to be received?

Mr. McGEE. At this time, I have no way of answering the Senator's question, for the reason that the measure still has not been sent to the White House and the Commission has not yet been established. I think the answer will depend somewhat on that action. Once the Commission is created, I should imagine that in the course of a number of weeks, rather than interminable months, it would be possible to receive an interim report on the meat problem.

Mr. DOMINICK. I am sure the Senator is aware that feeders are now offering about 17 or 18 cents for producers' calves that are now reaching the market, and have been threatening to lower that price to 14 or 15 cents, which would extend the problem that now faces feeders, banks, and some of the other industries that are trying to keep the feeders going. They are seeking to extend aid to the producers before this fall.

This is a perfectly good mission, which should be of value over a period of time. My concern is whether it will have an impact on the thinking of Senators in such a way as to cause them to believe the problem will be solved by virtue of the passage of the joint resolution, because I am sure Senators will agree that is not so.

Mr. McGEE. Indeed, not. Actually, we want to get to the bottom of the problem, by asking questions and finding the right answers, rather than to leave anyone with the suggestion that the particular price problems at the moment have been resolved. We know the cattleman is affected now by forces preying upon depressed cattle prices, which involve imports, overproduction, and a carrying of extra heavy steers for a long time on local feed lots. These are forces that will not be reversed by magic. The joint resolution makes no pretention of doing so. Thus, we are interested in answers, and we do not expect a solution overnight.

Mr. HRUSKA. Mr. President, the point raised by the Senator from Colorado is especially pertinent. Not only are we confronted with the forces of the imports of beef and overproduction of beef domestically, but we also have as one of the proposals in the so-called Appalachia war on poverty the improvement of pasture land for cattle raising. The goal is to increase in a short number of years the gross income of farmers within that area, to the extent of some $230 million from beef and cattle marketings. The program would be financed by Federal grants and subsidies, in the main. So we get into that phase of the problem from the standpoint of increasing the present overproduction of beef, which, according to the Department of Agriculture, is the chief cause of the drop in the market prices of cattle.

I hope that in due time that proposal will be checked into by the Commission, and that its report will bear out the idea that its investigation is not something that will cure the problems of the cattle producers, late in the summer—in August and September, when the producers will begin the marketing of their present stock cattle.

Mr. McGEE. The Senator from Wyoming fully understands the problem, and thanks both the Senator from Nebraska and the Senator from Colorado for their contributions to the discussion.

Mr. President, I ask unanimous consent to have printed at this point in the Record a statement by the chairman of the Committee on Commerce [Mr. Magnuson], who would have made the statement himself, had he been present. I also ask unanimous consent that letters which he intended to place in the Record be printed therein.

There being no objection, the statement and the letters were ordered to be printed in the Record, as follows:

Statement by Senator Magnuson

The action which the Senate takes today in passing Senate Joint Resolution 71, to establish a Presidential Commission to investigate food marketing, may have as great and as beneficial an impact on the American economy of the future as any other act of the 88th Congress.

Make no mistake about it, the American farmer is besieged by high costs and low farm prices. The Senate Commerce Committee heard compelling testimony from cattlemen relating to the recent disastrous drop in livestock prices, but cattlemen are not the only victims of the upheavals in our food marketing system.

I have heard from livestock producers in the State of Washington and from poultrymen, dairymen, berry growers, wool growers, wheat growers, pear, apricot, cherry, peach, and prune growers.

Without exception they have urged the enactment and speedy implementation of the Food Marketing Commission as proposed in Senate Joint Resolution 71.

The Governor of Washington, Governor Rosellini, and his director of agriculture, Joe Dwyer, have taken the lead in pleading the cause of the Washington farmer and grower. "For many years," writes Governor Rosellini, "I have shared the increasing concern of farm leaders and spokesmen over the revolutionary changes in the food marketing structure and their effect upon the individual farm operator."

And Director Dwyer emphasizes the particular sensitivity of Washington agriculture to the revolutionary changes in the structure of food marketing:

"Because of its geographic location and the character of its agriculture, the State of Washington is particularly sensitive to these changes. Ours is a developing agriculture, without the full stability of agriculture in many of the older areas of the Nation. Ours is also a diversified agriculture, producing many products that are in direct competition with the products of other areas and nations. And because of our location, many of our most important products must find their markets in distant areas and must move to those markets through the full channel of the marketing process. They are thus subject to the full impact of concentrated buying power, integration, freight rate differentials and the increasing spread between producer and consumer prices."

It is clear that nothing less than the very survival of the family farmer and grower is at stake. It is therefore of the most critical importance that a vigorous and fearless commission be established at once and that it seek out the answers and solutions to the farmers' distress.

STATE OF WASHINGTON,
Olympia, April 20, 1964.
Hon. WARREN G. MAGNUSON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR WARREN: President Johnson said in his message on agriculture to the Congress on January 31 that a bipartisan study of market power in the distribution of food "is a pressing need if American agriculture is to be strengthened."

For many years I have shared the increasing concern of farm leaders and spokesmen over the revolutionary changes in the food marketing structure and their effect upon the individual farm operator.

I strongly support the proposal embodied in Senate Joint Resolution 71 to create a Presidential commission to study and appraise these changes.

Only by fully exploring both the character and extent of these developments and their effects will we be able to properly discharge our responsibility to farmers and consumers.

Sincerely,
ALBERT D. ROSELLINI,
Governor.

STATE OF WASHINGTON,
DEPARTMENT OF AGRICULTURE,
Olympia, April 20, 1964.
Hon. WARREN G. MAGNUSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: No single element has had a more profound effect upon agriculture in the State of Washington than the tremendous changes that have occurred in recent years in the marketing of food products.

Because of its geographic location and the character of its agriculture, the State of Washington is particularly sensitive to these changes. Ours is a developing agriculture, without the full stability of agriculture in many of the older areas of the Nation. Ours is also a diversified agriculture, producing many products that are in direct competition with the products of other areas and nations. And because of our location, many of our most important products must find their markets in distant areas and must move to those markets through the full channel of the marketing process. They are thus subject to the full impact of concentrated buying power, integration, freight rate differentials, and the increasing spread between producer and consumer prices.

I strongly believe that a comprehensive study of the changes in the food marketing structure and the effect of those changes upon the farmer and the consumer is imperative.

I endorse Senate Joint Resolution 71 which will create a bipartisan Presidential commission to conduct this study and provide us with a basis for sound and constructive decisions for the protection of agriculture, business, and the consumer.

Sincerely yours,
JOE DWYER,
Director.

APRIL 20, 1964.
SIGMUND H. RESTAD,
Director, Division of Agriculture,
Palmer, Alaska:

I strongly support Senate Joint Resolution 71 establishing bipartisan Presidential Commission to study food marketing structure, integration, contract farming. If you concur please wire or write Senator WARREN MAGNUSON, chairman, Commerce Committee, indicating importance to agriculture your State.

JOE DWYER,
Director, Department of Agriculture.

(Same telegram sent to Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming.)

SPOKANE, WASH., *April 22, 1964.*
Senator WARREN MAGNUSON,
Washington D.C.:

Washington Wheat Commission urges your strong support Senate Joint Resolution 71 establishing Commission, study food marketing structure, particularly farmer's share food dollar and wide variance between that and consumer's price.

WAYNE GENTRY,
Administrator.

SEATTLE, WASH., *April 22, 1964.*
Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.:

DEAR SENATOR: The Washington State Fryer Commission which represents over 300 fryer growers and processors, support you in your endorsement of Senate Joint Resolution 71, and urge its immediate passage.

Happiness.
WASHINGTON FRYER COMMISSION,
CHARLES L. SHAFER, *Chairman.*

WASHINGTON STATE FRUIT COMMISSION,
Yakima, Wash., April 20, 1964.
Hon. WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Information has reached us that you are soon to enter a bill in the Senate known as Senate Joint Resolution 71 for the purpose of establishing a committee and procedure to, among other things, study, and analyze the effects of the great concentration in retailing upon farm prices and farm product marketing.

Please be assured that, as manager of the Washington State Fruit Commission, I am very much aware of the need of this study on the part of Government, and I wholeheartedly endorse your resolution.

Sincerely yours,
FRED H. WESTBERG,
Secretary-Manager.

WASHINGTON DAIRY PRODUCTS COMMISSION,
Seattle, Wash., April 23, 1964.
Hon. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: On April 22, in regular session, the members of this organization gave full and careful consideration to the provisions of Senate Joint Resolution 71.

They were in unanimous agreement that the establishment of a National Commission on Food Marketing to study the food industry from farm to the consumer would be to the best interests of all farmers, including dairy farmers, as well as the consuming public.

Consequently, they voted to support the joint resolution and to ask you for your views in the matter.

Yours truly yours,
FRED OLSEN,
Secretary.
WAYNE MUNKRES,
Chairman.
EVERSON, WASH.
CURTIS L. BLACK,
Vice Chairman.
CHEHALIS, WASH.
LOWELL V. ANDERSON.
ELLENSBURG, WASH.
HOWARD A. ESVELT.
DAISY, WASH.
LEVI L. CAYS.
SEQUIM, WASH.
HARRY A. LINDSEY.
NACHES, WASH.
SCOTT WALLACE.
CARNATION, WASH.

WASHINGTON STATE DAIRYMEN'S
FEDERATION,
Puyallup, Wash., April 20, 1964.
Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: It is our understanding that the resolution requested by President Johnson for establishment of a bipartisan commission to study changes in agricultural marketing is in your committee. We would appreciate receiving the details of the resolution. The information we have indicates the resolution is broad in directing a study of integrated farming, chain store buying, marketing margins and other related questions. Many of us in agriculture need to know what the changes are, what they mean and how far these trends will go. With this information we can make more realistic decisions on our own adjustments.

The Washington State Dairymen's Federation supports the formation of the Commission.

Sincerely,
W. O. HARTILL,
President.
BOB COOK,
Manager.

WASHINGTON-OREGON BERRY
GROWERS ASSOCIATION,
Puyallup, Wash., April 20, 1964.
Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: It is our understanding that the resolution requested by President Johnson for establishment of a bipartisan commission to study changes in agricultural marketing is in your committee. We would appreciate receiving the details of the resolution. The information we have indicates the resolution is broad in directing a study of integrated farming, chain store buying, marketing margins and other related questions. Many of us in agriculture need to know what the changes are, what they mean and how far these trends will go. With this information we can make more realistic decisions on our own adjustments.

The Washington-Oregon Berry Growers Association supports the formation of the Commission.

Sincerely,
BOB COOK,
Manager.

YAKIMA, WASH.,
April 22, 1964.
Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing in reference to Senate Joint Resolution 71 and urging speedy completion of hearings and passage by the Senate and House of this resolution.

I represent and speak for four Federal marketing orders, the Washington Apricot Marketing Committee, the Washington Cherry Marketing Committee, the Washington Peach Marketing Committee, and the Washington-Oregon Prune Marketing Committee.

The soft fruitgrowers in the State of Washington are interested in this resolution because they are faced with rising costs of production and yet soft fruit is returning the growers less money than it did 10 years ago. We realize fruit is not as influential on a national scale as beef, however, it is very vital to the fruitgrowers of the State of Washington, which are many hundreds in number, and who are affected by this price squeeze in the same manner as the cattle feeders. These grower marketing order committees feel that the consumer is getting a bargain in fruit prices compared to the other items purchased.

We are not necessarily pointing a finger at chainstores specifically for excess profits, such as some other commodity organizations have, but it is the general feeling among fruitgrowers that chainstores often contribute to forcing the fruit prices lower than they should have been if the law of supply and demand had not been tampered with. These large and powerful chainstore complexes have enough buying power to partially influence the supply and demand on specialty crops which are not marketed on a national scale.

We urge speedy passage of Senate Joint Resolution 71 and subsequently a complete investigation to determine if chainstores actually are influencing the law of supply and demand. We would like to see the consumer get a bargain on food, but not at the expense of putting the producer out of business due to unfair pricing practices.

I would be happy to discuss this program with you further if you wish.

Thank you in advance for your cooperation.

Sincerely yours,
STONE FRUIT MARKETING COMMITTEES,
DEE SMITH,
Manager.

WASHINGTON STATE COUNCIL
OF FARMER COOPERATIVES,
Seattle, Wash., May 1, 1964.
Senator WARREN G. MAGNUSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Washington State Council of Farmer Cooperatives which represents 145 farmer cooperatives in this State supports Senate Joint Resolution 71, a bill to establish a National Commission on Food Marketing. A study of market power in the present food marketing system will be most helpful, not only to farmers, but also to consumers as they would gain more information regarding the farmer's position in the total economy of the country.

A strong agricultural economy is most important to the Nation. The Commission as proposed in Senate Joint Resolution 71, and the outline of assignments merit the support of the Senate Commerce Committee and all Members of Congress.

Very truly yours,
H. M. OLSEN,
Executive Secretary.

WESTERN FARMERS ASSOCIATION,
Seattle, Wash., May 1, 1964.
Re Senate Joint Resolution 71, National Commission on Food Marketing.
Hon. WARREN G. MAGNUSON,
U. S. Senate,
Washington, D.C.

DEAR WARREN: Our association is very much interested (affirmatively) in this proposed legislation. We are not only interested in the price spread between what the farmer receives and the consumer pays, but are particularly concerned over the disadvantage at which the farmer frequently finds himself through lack of bargaining power with the large mass buyer.

I note, WARREN, that Kenneth D. Naden (a longtime friend and acquaintance), executive vice president of the National Council of Farmer Cooperatives, presented testimony before your committee under date of April 22. Mr. Naden is well informed on this subject, represents the major farm cooperatives of our country, and I know can be most helpful to you and your committee should you see fit to call upon him.

Incidentally, Scoop advises me that we have a luncheon date on Tuesday, June 2, when I expect to be in Washington, D.C.

With my kindest personal regards.

Sincerely yours,
HARRY J. BEERNINK,
General Manager.

NORTHWEST WASHINGTON FARM
CROPS ASSOCIATION,
Mount Vernon, Wash., April 20, 1964.
Senator WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The Northwest Washington Farm Crops Association, consisting of 366 active member growers of fruit and vegetable crops in the three-county area of northwest Washington, namely Skagit, Snohomish, and Whatcom Counties, hereby request your support of Senate Joint Resolution 71.

In view of the economic position of the industry we feel a study and appraisal of the situation is timely and necessary.

Yours very truly,
RAY A. SCHINK,
Manager.

CIRCLE LAZY H RANCH,
Ellensburg, Wash., April 20, 1694.
Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Regarding Senate Joint Resolution 71 which would create a commission supposed to come out of your Commerce Committee this week.

As I understand this, it will create a committee to study our declining cattle market. Personally, I am all for it. After all, the cry is that imports are the fault. Who are the importers? As near as I can figure, our big packers are the producer as well as the importers playing monopoly and if left unchecked, will create a serious impact on our economy. It has already caused many feeders to go broke and if left unchecked, will break many small packer-feeders as well.

The chainstores are perhaps one of the farmers worst enemies as they not only set the price on beef and other farm commodities but they get by with it. I can't go along with the cry that there is a surplus of beef. Nobody knows of its spoiling in the coolers yet.

Thanks to you, Senator, for your interest in this matter.

Sincerely,
LAURENCE MELLERGAARD.

P.S.—We are still hoping to build the steamplant, so anything that you can do to build the tieline will be greatly appreciated as it will help our endeavor.

YAKIMA, WASH.,
April 20, 1964.
Senator WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate, Washington, D.C.:

We support Joint Resolution 71, which will create bipartisan commission to study, appraise, and evaluate the dynamic changes which have taken place in the food industry. Points of study: production, marketing, transportation, and labor costs.

CLAY WHYBARK,
Secretary-Manager, Washington-Oregon Canning Pear Association.

ELLENSBURG, WASH.,
April 20, 1964.
Senator WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.:

We support Senate Joint Resolution 71 and appreciate your action on our behalf.

PHIL KERN,
Secretary, Washington Wool Growers Association.

BOTHELL, WASH.,
April 15, 1964.
Senator WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am a 45-year-old housewife who has voted for you twice in the last decade. I, and several other housewives, wish to persuade you to do whatever you can to stop the food prices from rising. We know that the producers get no higher prices for their products, and that we housewives keep having to pay more and more for food in the stores. So who is profiting from this?

We wish you to help find out the reason for the steady rise in prices, and to prevent this robbery from continuing.

Thank you.

Yours truly,
MRS. RAY DURBIN.

RESOLUTION FAVORING SENATE JOINT RESOLUTION 71

Whereas Senate Joint Resolution 71 would authorize an investigation by the Federal Trade Commission of the purchasing, processing, marketing and pricing practices of the food chainstores; and

Whereas at the present time 10 national food chains control over one-half of the beef that is marketed at the retail level in the United States; and

Whereas farmers and ranchers are subjected to prices which are deliberately set and manipulated by these giant food chains, which has resulted in the closing of competitive livestock markets and bankruptcy of independent producers and distributors; and

Whereas in our opinion this investigation is of the utmost importance and long overdue: Now, therefore, be it

Resolved, That Thurston County Pomona Grange No. 8 urge the passage of Senate Joint Resolution 71 at this session of Congress, and that copies of this resolution be sent to Senators MAGNUSON and JACKSON, also Senator MCGEE, of Wyoming, and to the Washington State Grange.

JAMES NELSON,
Master.
JEAN PETERSON,
Secretary.
OLYMPIA, WASH.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments will be considered and agreed to en bloc.

Mr. HRUSKA. Mr. President, I offer amendments to the committee amendment, and ask that they be read.

The ACTING PRESIDENT pro tempore. The amendments of the Senator from Nebraska to the committee amendment will be stated.

The legislative clerk read as follows:

On page 3, line 17, after the word "power", it is proposed to insert "among Federal agencies".

On page 3, line 18, after the word "as", to insert "their".

The ACTING PRESIDENT pro tempore. Without objection, the amendments to the committee amendments are agreed to.

The joint resolution, as amended, is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 71) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) The President shall designate a Chairman from among the members of the Commission.

(c) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(d) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and other food production and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power among Federal agencies as well as their desired levels of efficiency; and

(5) The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

(b) The Commission shall recommend such actions by Government or by private enterprise and individuals as it deems appropriate.

(c) The Commission shall make such interim reports as it deems advisable, and it shall make a final report to the President and to the Congress by July 1, 1966.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any member thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay the witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of business, except as otherwise provided.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) Without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, the Chairman of the Commission is authorized to appoint and fix the compensation of an executive director, and the executive director, with the approval of the Chairman, is authorized to appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

(b) The Chairman is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission.

(e) Ninety days after submission of its final report, as provided in section 4(c), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $2,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

The title was amended, so as to read: "A joint resolution to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer."

Mr. McGEE. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BIPARTISAN NEWSLETTERS NOS. 52 THROUGH 56

Mr. HUMPHREY. Mr. President, the bipartisan floor leaders of the civil rights bill make a practice of placing each week's newsletters in the Record. I ask unanimous consent that newsletters Nos. 52 through 56 be printed at this point in the Record.

There being no objection, the newsletters were ordered to be printed in the Record, as follows:

Bipartisan Civil Rights Newsletter No. 52, May 12, 1964

(The 36th day of debate on H.R. 7152; 53d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum disaster: The first three quorum calls yesterday were made in 20 minutes each, but when the fourth one was called after 6 o'clock, it took 1 hour and 11 minutes for 51 Senators to get to the Chamber. A fifth quorum, called at 10:16, required more than an hour and a half.

Fulfillment of their quorum obligations is the only way that most supporters of civil rights can presently contribute to the passage of the bill. When they fail to meet these obligations, the civil rights struggle suffers a defeat, and the prospects for a post-convention session grow stronger.

2. Tuesday's schedule: The Senate will convene at 10 this morning and will stay in session until late tonight. Live quorums should be expected throughout the session. Floor captains for Tuesday:

Democrats: Hart, 10 to 1; Morse, 1 to 4; Dodd, 4 to 7; Proxmire, 7 to close.

Republicans: Javits, all day; Miller, all day.

3. In 1955 Justice William Douglas and Robert F. Kennedy, then a Senate staff member, toured the Soviet Union. A year later Mr. Kennedy described one of their interesting discoveries in the Soviet Union:

"In every city that we visited there were two different school systems. There was one set of schools for the local children—those of different color and race from the European Russian children. State and collective farms were operated by one group or the other, rarely by a mixture of both.

"Although work is supposedly being done to minimize the differences, many of the cities we visited were still split into two sections, with the finer residential areas being reserved for the European Russians. European Russians coming into the area receive a 30-percent wage preferential over local inhabitants doing the same jobs. The whole picture of segregation and discrimination was as pronounced in this area as virtually anywhere else in the world." (New York Times magazine, April 8, 1956.)

4. More true crimes stories: The following remarks by a supporter of the civil rights bill may be interesting, in view of the attempts by the enemies of the bill to distract attention from racial discrimination by telling bloodcurdling stories about crime in New York City:

"The Federal Bureau of Investigation crime statistics indicate clearly that the streets of New York City are actually safer than those of a number of southern cities, including Atlanta and Savannah, in Georgia, from which some of the severest criticism on this issue has been directed toward us.

"New York City's crime rate for serious offenses * * * per 100,000 inhabitants was 1,509.7. What the southern Senators fail to note is that the crime rate was higher in the following 18 southern metropolitan areas:

"Amarillo, Tex., 1,751.1; Atlanta, Ga., 1,796.3; Baton Rouge, La., 1,654; Charleston, S.C., 1,891.2; Charlotte, N.C., 1,592.9; Corpus Christi, Tex., 1,920.6; Fort Lauderdale-Hollywood, Fla., 1,778.6; Galveston-Texas City, Tex., 1,529.5; Greenville, S.C., 1,639.1; Houston, Tex., 1,637.2; Jacksonville, Fla., 1,584.7; Laredo, Tex., 1,645.7; Lubbock, Tex., 1,713.9; Miami, Fla., 2,322.2; Pensacola, Fla., 1,631.5; Richmond, Va., 1,593; San Antonio, Tex., 1,579.2; Savannah, Ga., 1,513.4." (Congressional Record, May 5, 1964, p. 10057.)

Bipartisan Civil Rights Newsletter No. 53 May 13, 1964

(The 37th day of debate on H.R. 7152; 54th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Civil rights Senators got back on the track yesterday, making four quorums in an average of 22 minutes.

2. Wednesday's schedule: The Senate will be in session from 10 this morning until late tonight. Opponents of the civil rights bill have said that they will continue to prevent a vote on the Mansfield-Dirksen jury trial amendment this week. Floor captains for Wednesday:

Democrats: Hart (10 to 1), Kennedy (1 to 4), Muskie (4 to 7), Nelson (7 to close).

Republicans: Cooper (all day), Curtis (all day).

3. A short lesson on evaluating the "Educational Debate." Opponent: "I have had the privilege of spending approximately 25 years of my life in courtrooms * * * for 7 years I was honored to serve my State in the capacity of a superior court judge. Since North Carolina provides the right of trial by jury in respect to the issues of fact in all civil cases, regardless of whether they involve equitable or legal elements, and in all criminal cases whatsoever, I spent most of my time presiding over jury trials. There is no objection that can be urged against trial by jury in a civil rights proceeding that cannot be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is surprising that any American would take such a position." (Congressional Record, May 8, 1964, p. 10425.)

The following is from an opinion by the North Carolina Supreme Court: "Under North Carolina General Statutes, Section 5–1 which supplants the common law in authorizing contempt proceedings, the proceeding is sui generis, criminal in its nature, and which may be resorted to in civil or criminal actions and entitles persons charged to no jury trial. In contempt proceeding authorized by Section 5–1 of the general statutes of North Carolina arising out of defendant's failure to obey an order restraining intimidation of employees crossing a picket line the court had jurisdiction to render a judgment of fine and imprisonment without a jury trial." (*Safie Mfg. Co.* v. *Arnold,* 228 N.C. 375; 45 S.E. 2d 577.)

Bipartisan Civil Rights Newsletter, No. 54, May 14, 1964

(The 38th day of debate on H.R. 7152; 55th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three quorum calls were made on Wednesday within the allotted time.

2. Schedule for Thursday: The Senate will convene at 10 a.m. and will be in session until very late in the evening. Floor captains for Thursday:

Democrats: Burdick (10 to 1), Williams (1 to 4), Morse (4 to 7), McCarthy (7 to close).

Republicans: Hruska (all day), Boggs (all day).

3. The first amendment in Mississippi: On April 8, 1964, Gov. Paul H. Johnson of Mississippi signed House bill 546 into law. It provides:

Section 1. It shall be unlawful for any person, singly or in concert with others to engage in picketing or mass demonstrations in such a manner as to obstruct or interfere with free ingress or egress to and from any public premises, State property[1] owned by the State of Mississippi or any county or municipal government located therein or with the transaction of public business or administration of justice therein or thereon conducted or so as to obstruct or interfere with free use of public streets, sidewalks or other public ways adjacent or contiguous thereto.

Sec. 2. Any person guilty of violating this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500 or imprisoned in jail not more than 6 months, or both such fine and imprisonment.

On April 9, 1964, 52 people were arrested for picketing in Greenwood. This number includes five school children aged 9, 10, 11, 11, and 13, and a Negro minister who is a candidate in the June 2 primary congressional.

On April 10, 1964, 55 persons were arrested for picketing in Hattiesburg.

4. Quote without comment: "The power to fine and imprison for contempt, from the earliest history of jurisprudence has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the wide provisions of the common law. A court without the power to effectively protect itself against the assaults of the lawless, or to enforce its orders, judgments or decrees against the recusant parties before it, would be a disgrace to the legislation, and a stigma on the age which invented it." Mississippi High Court of Errors and Appeals, *Watson* v. *Williams,* 36 Miss. 331 (1858).

Bipartisan Civil Rights Newsletter No. 55, May 15, 1964

(The 39th day of debate on H.R. 7152; 56th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator

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[1] County or municipal courthouse, city halls, office buildings, jails or other public buildings or property.

HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard. Four quorum calls were made on Thursday within the allotted time.

2. Schedule for Friday: The Senate will convene at 10 a.m. and will be in session until late evening. Floor captains for Friday:

Democrats: MCINTYRE (10 to 1), WILLIAMS of New Jersey (1 to 4), NELSON (4 to 7), CHURCH (7 to close).

Republicans: BENNETT (all day), CASE (all day).

3. Knitting that won't be stuck to: The opponent of H.R. 7152 who was disappointed to learn that American religious leaders are supporting civil rights on "supposedly moral grounds," and who suggested that they "stick to their own knitting," will be even more disappointed when he sees a collection of 53 statements representing 29 religious groups, to appear soon in the RECORD.

4. Recommended reading: From a group of articles on education and civil rights in the Saturday Review, May 16, 1964, by Ralph McGill, Harry Ashmore and others:

"For a brief measure of time after the school decision by the Supreme Court of the United States in May of 1954, there was a period of silence and hope. But much of the silence was sullen. And hope was soon to be rebuffed by defiance and demogoguery at high-decibel levels.

"Statutory and constitutional segregation of U.S. citizens by race was dead and on view on the highest pinnacle of law. But the vultures of prejudice, hate, and greed were soon to come and tear at it, vainly seeking to destroy the evidence of that death.

"The decision of May 1954 * * * was as if a call loan, on which the South and the Nation had been paying exorbitant interest rates, had suddenly been called.

"There is no quick adjustment of this debt. But it should be obvious that the sooner the Negro comes to the ballot, to education, and to jobs, the better. Then, and only then, can the bill be settled. As the Negro rises in the economy and the life of the community, the fears and myths will mainly disappear." (Ralph McGill.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER, No. 56, MAY 16, 1964

(The 40th day of debate on H.R. 7152; 57th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights supporters met five quorum calls with extreme ease on Friday. An average of only 11 minutes was required for each of the calls.

2. Schedule for Saturday: The Senate will convene at 10 a.m. and will be in session until late this afternoon. Floor captains for Saturday:

Democrats: CLARK (10 to 1), DOUGLAS (1 to 4).

Republicans: CARLSON (all day), FONG (all day).

3. Southern Negroes at the bottom of economic ladder: The individual income of Negroes in the South is only two-fifths that of comparable whites. In other regions, the income of Negro citizens is about three-fourths that of whites.

Median income of persons 14 years and over with income by region and color, 1950 and 1960

1960

	White	Non-white	Dollar difference, white and non-white	Non-white percent of white
Northeast	$3,304	$2,441	−$863	73.9
North central [1]	3,090	2,263	−827	73.2
South	2,473	995	−1,478	40.2
West	3,298	2,474	−824	75.0

1950

	White	Non-white	Dollar difference, white and non-white	Non-white percent of white
Northeast	$2,246	$1,662	−$584	72.2
North central [2]	2,143	1,652	−491	77.1
South	1,647	739	−908	44.9
West	2,114	1,445	−669	68.9

SOUTH AS A PERCENT OF OTHER REGIONS

	1960		1950	
	White	Non-white	White	Non-white
Northeast	74.8	40.8	73.3	45.6
North central	80.9	44.2	76.9	44.7
West	74.9	40.2	77.9	51.5

[1] Includes also Maryland, Delaware, Texas, Oklahoma, West Virginia, and the District of Columbia.

[2] Ibid.

NOTE.—The table also shows that southern Negroes have incomes of about ⅖ that of nonsouthern Negroes. On the other hand, white persons in the South have incomes close to ⅘ that of white persons in the non-South.

Source: Hearings before the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, 88th Cong., 1st sess., on S. 773, S. 1210, S. 1211, and S. 1937, at p. 443.

Original source of figures: U.S. Department of Commerce, U.S. census, 1950 and 1960.

THE BOBBY BAKER PROBE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a series of editorials relating to the investigation of Robert G. Baker, as follows:

An editorial entitled "Senate Takes the Fifth," published in the Washington Post of May 16, 1964; an editorial entitled, "Muffling the Baker Probe," published in the Philadelphia Inquirer of May 16, 1964; an editorial entitled "The Senate Wants No Probe," published in the Philadelphia Bulletin of May 16, 1964; an editorial published in the National Observer of May 17, 1964; an editorial entitled "Money Changers in the Temple," published in the New York Herald-Tribune of May 16, 1964; and an editorial entitled "Better To Put Out the Fire," published in the Wilmington, Del., Evening Journal of May 16, 1964.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 16, 1964]

SENATE TAKES THE FIFTH

The Senate had a right to refuse to investigate itself, but by doing so it has exposed its own Members to unnecessary suspicion and controversy. It has said in effect that the misconduct of a Senate employee, former Majority Secretary Bobby Baker, must be scrutinized and exposed. But Senators will not be asked to testify in regard to his operations because this might lead to embarrassing disclosures in regard to their own activities.

Aside from the inflammatory exchange between Majority Leader MANSFIELD and Senator CASE, the ambivalence of the Senate on this issue was demonstrated by Thursday's voting. The Senate first decided by a vote of 36 to 32 that the Republicans should have the right to subpena witnesses in the Rules Committee investigation of the Baker affair. But this amendment was part of a larger resolution by Senators WILLIAMS and CASE designed to extend the investigation until September. Upon the insistence of Senator MANSFIELD, the Case-Williams resolution was defeated, carrying down with it the GOP subpena rights previously approved.

So the investigation will end on May 31 without any examination of the witnesses the minority wanted to call. It will end without clearing up the report that Mr. Baker suggested to Senator MCINTYRE of New Hampshire that "some people" would be willing to pick up a $10,000 campaign debt. Nor has any testimony been taken about an allegation that Mr. Baker deceived the Democratic Steering Committee in the allocation of committee assignments, even though Senator HUMPHREY, the Democratic whip, had requested such an inquiry.

The cover-up aspects of the investigation cry out so loudly that it may be difficult to get a hearing for the reforms that the Rules Committee is expected to recommend. The public has relatively little interest in Mr. Baker's finances as such. What it especially wanted to know was whether Mr. Baker did indeed, as he is said to have boasted, hold 10 Senators in the hollow of his hand. It wanted to know whether he juggled campaign funds to influence votes on the floor.

By cutting off inquiry into these matters from the people who are in the best position to testify—Senators themselves—the Senate has in effect taken the fifth amendment against self-incrimination. The investigation will peter out on May 31. The issue will remain, and if innuendo flourishes where facts have been hidden the Senate will carry a heavy portion of the blame.

[From the Chicago (Ill.) Tribune, May 16, 1964]

BURIED BUT NOT DEAD

A straight party lineup of 42 Democrats has defeated a Republican attempt to let light and air into the firmly sealed room where the Johnson administration has locked up the Bobby Baker scandal. There is a good reason for this collective agoraphobia (fear of bringing things out in the open). The reputation of Baker's political playmates, among them inmates of the White House, would have gone into severe decline if the truth were known.

The Democrats flunked the test of integrity on a resolution submitted by Senator WILLIAMS of Delaware. The so-called investigation of the Baker affair was entrusted to the Senate Rules Committee, which has a Democratic majority of 6 to 3. Its chairman, Senator JORDAN of North Carolina, has not only refused to summon witnesses at the request of the Republican minority, but has stated that his committee "is not investigating Senators."

This interpretation of the committee's authority was challenged not only by Senator WILLIAMS, whose original resolution initiated the inquiry, but by Senator CASE, of New

Jersey. CASE said the integrity of the Senate and the reputation of its Members were impugned by Baker's boast that he had at least 10 Senators "in the palm of his hand."

WILLIAMS then offered a supplementary resolution which would have made unmistakably clear the power of the committee to call every Senator before it and ask each if he had any business or financial dealings with Baker and if he got anything of value from Baker. The resolution would have extended the investigation until September 1, instead of permitting it to expire at the end of this month.

The majority leader, Senator MANSFIELD, was able to steamroller the 24 Republicans and 9 Democrats who supported the resolution. The vote followed one of the most violent and unseemly scenes in the Senate in many years, with MANSFIELD and CASE engaging in shouted exchanges of bad faith, personal insult, and overriding of senatorial and minority rights.

The vote to end the Baker inquest comes as no surprise to us. We had predicted the outcome Thursday. But the Democrats now must assume the full responsibility for a vote which is nothing less than a confession that they dare not expose themselves to the truth. Here is a campaign issue that will not down—a political party which has convicted itself by pleading nolo contendere.

The Baker case has exposed the shabby morality of a party which makes an elaborate pretense of virtue. As Secretary of the Senate majority and protege of Lyndon Johnson, Baker drew a salary of $19,600. But a few years later, when he was obliged to resign under fire, his net worth was listed at more than $2 million. He had a law business, an insurance business, a vending machine business, motel and real estate promotions, and a "finders" racket on the side, as intakes for cash far beyond his salary. He also had interests in a mortgage guarantee company and a Washington bank.

The testimony was that he twisted the arm of an insurance colleague in order to confer a $588 phonograph set on Johnson as a "sweetener" in selling Johnson a life insurance policy. The insurance man also stated that Johnson's administrative assistant persuaded him to buy $1,208 in advertising time on the Johnson radio-television station in Austin, Tex., because it was expected of him. The time was worthless to him because his business was in Washington.

The good name of the Senate and its Members of both parties is blackened by the refusal of the Democrats to face the music. What is hidden in this scandal must be portentous indeed when the President's party publicly shames itself by running from the truth.

[From the Philadelphia (Pa.) Inquirer, May 16, 1964]

MUFFLING THE BAKER PROBE

Senators who are determined to choke off the Bobby Baker inquiry without having Members of the Senate drawn into it were given quite a scare on Thursday.

They had thrown at them a resolution which would have extended the investigation, now scheduled to expire at the end of this month, to September 1. It would also have brought all Senators within the specific scope of the inquiry, subjecting them to questions about any financial dealings they may have had with the former secretary of the Senate majority and any campaign contributions Baker may have helped to obtain for them.

The resolution was killed by a vote of 42 to 33 but only after Senator CLIFFORD CASE, of New Jersey, a backer of the resolution, had engaged in a knock-down-and-drag-out fight with the Democratic leader, Senator MIKE MANSFIELD.

But, if the Senators who want to steer clear of involvement in the Baker probe consider this development a victory, they will have to learn some hard facts of political life. For the Baker mess remains a major political issue, and it has been made more so by the frantic attempt by Democratic Senators to run away from it.

There was no reason why the Rules Committee, under the original resolution authorizing an investigation into Baker's private business dealings, could not look into possible link-ups with Senate Members. But Chairman JORDAN chose to keep the probe narrowed to Senate employees and any conflict of interest involving them. Trails leading to sacrosanct senatorial doors were quickly closed off, and efforts by Senator CASE, Senator JOHN J. WILLIAMS, and others, to expand and extend the inquiry were treated with disdain.

Bobby Baker pursued very lucrative business ventures while on the Senate payroll. The public has a right to know if he used his influence and his relations with Members of the Senate to advance his personal business interests. Obtaining the answers might or might not embarrass certain Members. But shutting off the answers, by halting the inquiry prior to its completion, only accentuates public resentment and suspicion, and could have profound political reaction.

[From the Philadelphia (Pa.) Bulletin]

THE SENATE WANTS NO PROBE

The U.S. Senate, one would like to think, is the firm defender of probity, honest disclosure, and due process.

Such a day as Thursday, however, makes it difficult to keep this view. It was a day of loudmouthed wrangling, of voting strictly along party lines, and of avoiding any possibility that inquiry might reveal improprieties damaging to the image of the majority party.

This, of course, had something to do with Bobby Baker, the former secretary of the majority (Democratic) caucus, who has been under investigation for months for deals which seem to have made him wealthy far beyond the emoluments of his office. It has been obvious to anyone older that the Bobbsey Twins that Baker could not have attained this affluence without the friendship of some Senators.

Extending the probe to look into the conduct of Senators as well as Baker and other employees was clearly the approach that Senators concerned with the Senate's rectitude should have welcomed. A resolution to authorize this was put in by a dependable exponent of probity in government—Senator JOHN J. WILLIAMS, Delaware Republican. Most of the fight for it was put up by Senator CLIFFORD P. CASE, New Jersey Republican. These two do not always see eye to eye; this time they were in full, and honest, accord.

The campaign to avoid revealing any skeletons in the Democratic closet was loudly carried on by the majority leader, MIKE MANSFIELD, of Montana, a man whose integrity has never been questioned, ably assisted by TED KENNEDY, freshman Senator from Massachusetts, who had the luck to be presiding temporarily.

There were rough words before these two Democratic leaders steamrollered through a vote to table the Williams amendment—and the vote was then baldly partisan. Even such "good government" people as Pennsylvania's Senator JOSEPH S. CLARK voted, in effect, to suppress full disclosure.

It was an occasion of which the Senate cannot be proud.

[From the National Observer, May 17, 1964]

SIN AND THE PARTISANS

Bobby Baker's fortunes won't get wider examination, at least for now, despite a Republican attempt to extend the Senate investigation.

The Democratic leadership defeated such a proposal charging partisanship and a screaming match developed between Democratic leader MANSFIELD and Republican Senator CASE.

The episode did no one any credit but it did manage to obscure the question of improper activities on the part of Senators during the Democratic Mr. Baker's heyday. No doubt the Republicans were making a partisan point, but they are also performing as an opposition should.

Sin is nonpartisan most places and we presume the Senate is no different. But we wonder why the Democrats, who usually profess such worry about lack of congressional action, are so unworried this time around.

[From the New York Herald Tribune, May 16, 1964]

MONEYCHANGERS IN THE TEMPLE

That intemperate shouting match the other day between two normally mild-mannered Senators, Majority Leader MANSFIELD and New Jersey Republican CLIFFORD CASE, showed how raw senatorial nerve ends have been rubbed by the Bobby Baker case. And the 42–33 vote against broadening the inquiry to include improper activity by Senators was a pretty good indication of why the nerve ends are so raw.

The Baker noninvestigation has been marked from the start by a tremulous reluctance to let it go further than it absolutely has to. Senator JORDAN'S well-remembered remark, "We're not investigating Senators," has set its tone and marked its limits—despite the transcendent fact that it was Baker's relationship to the Senate—and to Senators—that attracted the public spotlight in the first place. It's not the peccadillos of one former Senate employee, however influential, that's of paramount public concern. Rather, it's the ethical standards of the Senate itself. For Baker was the Senate's creature, and the Senate Baker's teacher.

One of Baker's levers of power was his handling of Democratic campaign funds. In adamantly refusing to investigate the way these were handled, the majority is tacitly acknowledging that it doesn't want the facts brought out.

Sadly, one of the prices we pay for elective democracy is the corruptive influence of the contributions without which campaigns can't be waged. The average voter, by not contributing, leaves the official dependent on money from those who give in the expectation of getting. Pass this money through the hands of a Baker-type operator, and it's easy to see why Senators who get it might want any inquiry tightly lidded.

But it's the public's business that the Senate conducts. It was the Senate Members' own choice to take the public stage and assume a public trust. And it's the public right to know what role moneychangers have played in the temple of democracy.

[From the Wilmington (Del.) Evening Journal, May 16, 1964]

BETTER TO PUT OUT THE FIRE

The Democrats in the majority on the Senate Rules Committee did neither the Senate nor their party a service by their too-evident eagerness to wind up the Bobby Baker inquiry. Their Democratic colleagues have compounded the original error by voting down, on a straight party-line vote, Senator WILLIAMS' resolution to include Senators in the investigation.

"Error" is the word because the Democratic majority has handled this issue badly whether or not it is trying to keep something—or some things—from coming to light. If there is nothing to hide, then there is no reason to fear the most sweeping probe the Republicans can dream up. If there has been wrongdoing, then the right and only sensible thing to do is expose it and deal with it as speedily as possible.

It's a natural deduction that where there's smoke, there's fire. The Democrats, by seeming to show more concern over the smoke than the cause of it, have created the impression they know something has been smouldering away somewhere and they don't want it discovered.

The resolution Delaware's senior Senator brought in the other day was surely comprehensive. He proposed to amend the original resolution which applied to Senate employees, by including in the probe "any illegal, immoral, or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member or former Member of the Senate, employee, or former employee of the office of a Senator * * * Senate committee or subcommittee thereof." Included also were all who had been paid through the Senate Disbursing Office or employed in either Senate office building or the Senate wing of the Capitol.

Senator Williams' resolution came under attack from several sides. It was charged that it was a blanket indictment of the whole Senate, that it amounted to an authorization for a whole new investigation, and that it was badly drawn and full of loopholes. We doubt that the public will be impressed by the first charge, which is nonsense. As for the second, what's wrong with touching all the bases? As for the third, let the Democrats produce a better draft—one without loopholes.

The anger displayed by Democratic Senators will do nothing to repair the damage that has been done. A skeptical public will not be led to see things their way because they complain that Senator Williams is playing partisan politics. The fact is that the Senate ought to investigate itself—and until it does the Democrats who control it will continue to be under suspicion.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments (No. 577) proposed by the Senator from Louisiana [Mr. Long] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. Talmadge], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 236 Leg.]

Allott
Bartlett
Bayh
Beall
Bible
Boggs
Burdick
Carlson
Case
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Gore
Gruening
Hart

Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McNamara

Metcalf
Miller
Monroney
Morton
Moss
Neuberger
Pearson
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

The ACTING PRESIDENT pro tempore. A quorum is present.

The Senator from Virginia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield, with the understanding that he will not thereby lose any of his rights to the floor?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield under those conditions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that, because of the rule of germaneness, I may proceed out of order for a period not to exceed 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISCLOSURE OF INCOME AND ASSETS BY SENATOR CHURCH

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Idaho [Mr. Church] had intended today to make on the floor of the Senate a complete disclosure of his assets. Unfortunately, he has been confined to his home, with the flu. So he has asked that I request unanimous consent to have his statement printed in the Record. I ask unanimous consent that the statement of the Senator from Idaho be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Church

During the war, it was often emphasized that a good officer never ordered a man to assume any burden, undertake any mission, or face any danger, that he, himself, would be unwilling to accept personally. It was a good rule to follow in time of war, and it has equal validity in time of peace. In fact, it is one of those standards commonly used to measure individual and institutional behavior.

As such, it is applicable to Congress. When we insist, as we often do, that a man who has been nominated to a Cabinet post must, as a condition to his confirmation, make a full disclosure of his business interests and private holdings, we in Congress ought to be willing to do likewise. When we go a step further, and require the appointed officers of the Senate itself to make such a disclosure, then it becomes incumbent upon us to observe the same rule ourselves.

We have thus far failed to do this, either through the adoption of an appropriate rule, or the enactment of any of the disclosure bills which have been so long gathering dust in various "pigeonholes." We continue to uphold a double standard, imposing full disclosure requirements upon others of high station in the Government, but refusing to apply a like requirement upon ourselves.

I have kept hoping that this regrettable shortcoming of ours might be remedied. But as the months have turned to years, and one session of Congress has followed upon another, without any action being taken, I have finally concluded that to wait for the adoption of some uniform rule, equally applicable to all Members of Congress, might well mean waiting indefinitely.

So I have decided to make a voluntary disclosure of my own. A few of my colleagues have already chosen this course, and I note, with approval, that they come from both sides of the aisle: Mike Mansfield, Democrat of Montana; Joseph Clark, Democrat of Pennsylvania; Jacob Javits, Republican of New York; Kenneth Keating, Republican of New York; Hugh Scott, Republican of Pennsylvania; Stephen Young, Democrat of Ohio; William Proxmire, Democrat of Wisconsin; Clifford Case, Republican of New Jersey; Philip Hart, Democrat of Michigan; and Wayne Morse, Democrat of Oregon.

Some who object to the practice of volunteering a full public disclosure of personal assets, contend that Senators are as much entitled as any other citizen to own stocks and bonds, or to engage in business ventures, or to practice law on the side, and that, therefore, their private holdings ought not to be treated as a public affair.

But this argument misses the point. No one maintains that a Senator should refrain from making business investments, as other citizens freely do, so long as conflicts are avoided between his private interests and his public responsibility. But since a Senator must vote on legislation which affects every segment of the economy, there is no way to draft a workable conflict-of-interest statute, and make it effective when applied to Congress. Our long experience with this kind of prohibition amply proves its impracticability.

If a solution is to be found, we must look for it in the field of full disclosure. Let each Senator make public his personal holdings and his sources of income. Then the voter may compare the Senator's record in office with his financial holdings and determine for himself whether the Senator has voted his private pocketbook interest or the general public interest, in the discharge of his duties.

This is a fair test. The commonsense judgment of the American people can be relied upon. Some rich men in this Senate have voluntarily listed all of their holdings; they are willing to submit to this test. Should those of us without substantial means be less willing? I should think not.

My own disclosure, I must confess, will not take much time, or occupy much space in this Congressional Record.

I own no stock or bonds, and have no interest in any private business. I am not a member of any law firm, and have not engaged, directly or indirectly, in the practice of law since my election to the Senate. Apart from my salary, I have no source of income other than semiannual interest from a dwindling savings account and modest earnings from lecture fees, magazine articles, and other writings. This supplementary income has averaged about $2,000 a year, during the 8-year period I have served in the Senate, but it has not been sufficient to close the gap between what I am paid and what it has cost me to keep my family and meet the out-of-pocket expenses of my office. Consequently, my combined savings accounts which totaled $15,569.23 when I left the law practice to enter the Senate, have been drawn down, over the years, to my current balance of $6,833.17.

In making this disclosure, I am not, in any sense, registering a complaint, nor am I attempting to make a case for increasing congressional salaries. That question is still before the House of Representatives, and I will reckon with it, on its merits, if and when it comes to the Senate.

It is not the question of salary, but the question of congressional expense which is so little understood. To begin with, living costs in Washington are unusually high. Nonetheless, $22,500 a year, even when reduced to $18,000 after taxes, ought to provide an ample income for any Member of Congress. And indeed it would, if Congressmen had expense accounts like businessmen have, or, for that matter, like other employees of the Government enjoy. Most people assume that a congressional office involves no special expense, or that the costs are fully covered by Government allowances. Neither assumption is true.

I have yet to find a Senator, from a large or small State, whose annual stationery allowance is adequate to meet his need. The Government pays for only three trips home each year; the extra half dozen come out of the Senator's own pocket, and a single, roundtrip fare from Washington, D.C., to Idaho, by air, is about $300.

Then there are the other costs of incumbency for which every Member of Congress must spend his own pay—the statewide newspaper subscriptions, film clips, and news photographs and radio tapes, all of which are necessary if effective two-way communication with the constituency is to be maintained. And when the constituents, themselves, come to the National Capital, as they do in a steady stream, they are entitled to be hospitably received. If no more than a plain lunch in the Senate dining room is offered, it is surprising what the monthly total turns out to be.

I have tried to keep these news media and constituent costs to a bare minimum, but they regularly exceed $3,000 a year.

Such are the sources and extent of my income and such is the character of my office expense. It remains for me to disclose my property holdings. They consist of an equity interest in a brick-and-frame, split level dwelling house, located in Bethesda, Md., against which there is a mortgage, bearing 5 percent interest, with a balance of $22,380.61 outstanding, as of May 15, 1964. I own the furnishings in the house, together with two cars, a Ford and a Rambler.

I carry the usual insurance coverage, including medical insurance for my family, and I make a monthly contribution to build my entitlement in the Federal retirement fund.

It is somewhat chastening to have to acknowledge so modest an estate in this Chamber, which has often been referred to as a "rich man's club." But at least it can be said that I need not worry about conflicts of interest. Moreover, I know my situation is typical of that faced by many Members of Congress who must live on their salaries. So if this statement does no more than to place their problem in a clearer perspective, it will have served a good purpose.

No one should expect to make money serving in the Congress, but many are those who are not even making ends meet.

Still, I believe each Senator and Congressman, whatever his income may be, should fully disclose it, together with his business interests and property holdings, each time he commences a new term of office. The disclosure requirement we impose upon others, we should willingly assume ourselves. It is time for Congress to end the double standard. The sooner we do, the better.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON. Mr. President, I rise to continue my advocacy of the inclusion in the pending civil rights bill of a provision for trial by jury.

Yesterday, the press gave great prominence to the fact that it was the 10th anniversary of a very momentous decision by the Supreme Court, rendered in a case called Brown against Board of Education. Consolidated with the Brown case for argument on appeal was a somewhat similar case from Prince Edward County, Va.

An enthusiastic supporter of the decision in Brown against Board of Education, writing in the Washington Post of yesterday, said that not only did that case attempt to cure racial discriminations of this day and generation, but it even went back to 1619. Then he proceeded to charge Virginia with being responsible for slavery and everything that has been done to the colored race since that time.

That shows how extreme some advocates of this bill can be. I do not know where and when slavery started; but the very earliest recorded history shows that when one tribe achieved mastery of another tribe, the members of the conquered tribe were forced to work for the conquerors. We are told that the pyramids in Egypt were built by slaves. Nobody knows when the Book of Job was written; but when God permitted the Devil to test Job's faith, one of the things the Devil did was to let a hostile tribe run off with all of Job's slaves. That left Job, as a farmer, rather handicapped.

We read about maid servants and man servants of the patriarchs of Israel. We know the oldest sons of Jacob sold their younger brother, Joseph, into slavery. Later, after Joseph located them in the land of Goshen, and after they prospered and multiplied until there were a million and a half of them, the then Pharaoh put all of them into bondage.

The story is told that in the days of Pericles, when Athens was supposed to give the world a model of free government, there were in the city of Athens more slaves than free men.

I understand there soon will be a proposal to increase the pay of Members of Congress. History records the fact that when the Goths and the Vandals destroyed Rome, every Roman senator had an average of 400 slaves.

We know that all through history there has been this institution. Christ gave wonderful instructions about love, and gave the commandment, "Do unto others as you would have them do unto you"; and the second greatest commandment was "Love thy neighbor as thyself." But St. Paul, the greatest interpreter of Scripture, did not say, "Abolish your slaves." He said, "Slaves, obey your masters."

I mention that in passing, because it seems to me the proponents of the bill might discuss it without saying that Virginia was responsible for slavery and for all the treatment the colored race has received since then. Virginia never had one slave ship—not one. Virginia did not have a shipyard that could build that kind of ship. We wanted river boats to come up the James, the Rappahannock, and the York, to take our tobacco to Liverpool.

I do not know who brought the first slaves in 1619, but I know who brought the rest of them. They were brought in ships from Massachusetts and Connecticut.

I am not saying that to be unkind to those States; I am just trying to keep history in its proper perspective.

Thomas Jefferson was so much opposed to slavery that he urged his friend James Madison to offer to the new Constitution a provision prohibiting slavery. When he offered it, delegates from Massachusetts and Connecticut said, "We will walk out if you do not withdraw that." So he was forced to withdraw it.

In 1857, when there was slavery in this country, the Supreme Court rendered a decision on the question whether a slave was a chattel and whether a runaway slave could be repossessed. The runaway slave involved was named Dred Scott. Some assert that the decision of the Supreme Court in 1857 started the war, and that the war was over slavery. We knew that the Court was absolutely, 100 percent right, from the constitutional standpoint; namely, that slavery was a matter for State control. There was not one word about it in the Constitution, and therefore the States that had slavery and had not abolished slavery were entitled, under the Constitution, to treat slaves as property. And if one ran off with his owner's horse or cow or wagon, the owner could get it back. If a slave went off on his own legs—and many of them were sneaked off by some people; there was a big underground movement to get them away—the owner was entitled to get the slave back.

But the war was fought over a principle of constitutional government—namely, the right of the States, rather than the Congress, to act on this problem. The decision in the Dred Scott case was a momentous one; but it was entirely different from the momentous decision of which the 10th anniversary was celebrated on yesterday. In the first decision, the Court was absolutely right from a constitutional standpoint. The second decision overrode every other decision on that subject by the Supreme Court or by any other court, including State courts in Massachusetts itself.

But what was the difference psychologically? The Dred Scott decision offended the Abolitionists. It offended the northern area which had no slaves. It offended the new territory which had come into the Union, which had been taken from the Northwest Territory to which Virginia claimed title, and then ceded to the Nation. The Legislature of Wisconsin passed a resolution defying any marshal of the United States to come into their State to recapture a slave. The Wisconsin Legislature said the Dred Scott decision would not be enforced there. But today, 10 years after the Brown against Board of Education decision, some wish to erect a great monument to it.

In 1857, the Court's decision in the Dred Scott case was not considered by some to be the law of anything, not even the law of that case. In 1857, after a southern Democrat from Maryland wrote the decision, Abraham Lincoln said, "Defy it. They cannot enforce it. We challenge them to enforce it. It is wrong."

From a moral standpoint, we realize that it was unfortunate. From a legal standpoint, it was right. But a war followed it. One of the essential principles on which that war was fought was whether a State had a right to secede. The decision at Appomattox was that a State could not secede. No State has tried to secede since then. But a number of States were for it. South Carolina threatened to secede in 1860. In Pennsylvania, when the Government tried to put a tax on their moonshine whisky, many of the people did not want to pay it, and said they were going to secede; but they did not.

I now come to the point of the so-called momentous decision in 1954. It was a momentous decision, because it rewrote the Constitution. It so expanded the application of due process of the 14th amendment that we find the Supreme Court relying on that interpretation in its attempts to strike down any State law it pleases. I defy anyone to point to a place where the Supreme Court has fixed any limitation on its power against striking down a State law which it did not like. It has given hope and encouragement to Members of Congress to propose and try to force through so-called progressive legislation, any so-called civil rights legislation which they believe would be good for the country or would be politically expedient under the due process clause of the 14th amendment.

So we find even another equal accommodations section written into the original bill, based on the 14th amendment.

Then the issue got so hot that certain of the proponents thought perhaps they had better pull that section out, and rely on the commerce clause, and send that part of the Kennedy omnibus bill to the Senate Committee on Interstate Commerce.

So, 10 years ago, a precedent was set by the Supreme Court for rewriting the Constitution in accordance with its idea of current rights—civil rights, sociological rights, and whatnot.

As I pointed out, that decision completely ignored both the Court's prior rulings and the facts in the Virginia case which was decided in the same opinion.

I am sure Senators know the high esteem in which I hold David Lawrence. I have known him since the time when he was a favorite White House reporter, in World War I. I meet with him at our breakfast group every Wednesday morning, and he makes fine contributions to our discussions of the moral problems that confront us. In his daily columns published in the New York Herald-Tribune—reprinted, I am glad to say, by the Washington Evening Star—and in his weekly editorials, he makes splendid contributions on the political problems that confront us.

I was pleased to read his contribution this morning on the real meaning of the decision of the Supreme Court in that school case 10 years ago. After I read it, I shall read the facts in the Virginia case which were completely ignored in that decision.

So now the Supreme Court tell us that its decision in the Brown case is the law of the land, despite the Court's decisions in the civil rights case in 1883. Although those decisions never have been reversed, today the Court says they are to be ignored. Therefore, the proponents of the pending bill insist that the Senate pass it, and say the Supreme Court will take care of that problem later on.

Here is what David Lawrence said this morning, under the heading, "Ten Tragic Years."

> Ten tragic years have passed since the Supreme Court of the United States on May 17, 1954, rendered a decision declaring that any State law permitting segregation by race or color in public schools violates the provision of the 14th amendment which guarantees "equal protection of the laws" to all citizens.
>
> No such ruling had been proclaimed before. Indeed, the highest Court in the land had consistently upheld the doctrine laid down by the supreme tribunal in 1896 that it was constitutional to provide "separate but equal" facilities.
>
> The legal debate in those 58 years turned on the question of whether the separate facilities were in fact "equal." Nor has this dilemma been resolved since the 1954 decision.
>
> Who is to say, for instance, that either the spirit or the letter of this decision has been fulfilled in the last 10 years, even in many northern cities where, by the accident of geographical districts, public schools are predominantly Negro or predominantly white?
>
> Will the High Court someday decree that the Federal Government must rearrange the population of a city or a State so that Negro and white students will be allocated to the classrooms in the same proportion as the two races make up the whole population?
>
> Temporarily—to placate political opposition—the proponents of "civil rights" inserted in the bill passed by the House a clause saying that "'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance." But the words of the Supreme Court nevertheless are clear and unequivocal. The 1954 decision says:
>
> "We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."

Mr. President, I wish the Senate to bear that point in mind. When the Court said, "We believe that it does," I ask: Does what? Is it true that when schoolchildren of the two races are not mixed up, those of the minority race are deprived of a vital educational right?

In the Farmville case, in which there was voluminous testimony, pro and con, on that subject, the court was unanimously of the opinion that the preponderance of the evidence was that no such result had ever occurred. The Supreme Court calmly ignored that opinion, and quoted from a book by a Swedish Socialist to sustain its position, although the book was not in evidence, and no one had ever been able to cross-examine the author on that subject. But that was the main basis on which the decision was rendered.

I continue reading the David Lawrence article:

> If the principle set forth by the Supreme Court is accepted, then we must concede that desegregation has not yet been achieved and that the mandate of the Supreme Court is still being ignored. The Court in 1954 pointedly affirmed a lower court ruling which said:
>
> "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."
>
> But after 10 years has this sense of inferiority been removed when there are so many areas in which predominantly Negro schools still prevail?
>
> Some cities have endeavored to deal with the problem by using buses to transport children from Negro areas to attend school in other parts of the city which are predominantly white. To make room for them, white children have, in many instances, been reassigned and prevented from attending the schools in the neighborhood where they reside. But will "racial imbalance" ever be corrected?

Again I pause to call attention to a news item from New York about a recommendation to correct the imbalance by building new schools in Harlem, for instance, and busing children across the city. It is proposed to add $150 million a year to defray the cost of constructing these schools, and their operation, in New York City; and the further suggestion has been made that the money come out of the Federal Treasury. Mr. President, can you beat that?

I proceed with reading Mr. Lawrence's article:

> The New York Herald Tribune, which for 10 years has consistently supported the movement for desegregation of public schools, conceded in an editorial last week that no solution has been found. Commenting on a special report just issued by James E. Allen, Jr., commissioner of education for the State of New York, the Tribune said:
>
> "The Allen report on New York City school desegregation is severely critical. But it is also realistic; the racial situation in our schools has not developed by intention. For what has happened here, as in other great cities, is the result of population trends. The Negroes and Puerto Ricans have flowed in; the white people, in large numbers, choose to leave the city.

I pause again, to call attention to the fact that more than 80 percent of the pupils in the public schools in the District of Columbia are now nonwhite. Why is that? It is because of the integration of the schools, to the point where many of them have more nonwhite pupils than white pupils. I can remember the time when my oldest boy was a student at Western High School. At that time there was not one colored pupil in that school. In those days Western High won all the prizes for drills, football, and for everything else. It was the top school in the District. Frankly, it compared very favorably with our choice private schools, such as Episcopal High School and St. Alban's.

Today, nearly all the students at Western High School are nonwhite, and it has not won a single prize in recent years in competition with other schools. The reason why the proportion of the white students in the schools has dropped below the proportion of the white population in the city is that so many of the white children are either going to schools in Virginia or in Maryland or are attending private schools. They have been taken out of the schools in the District.

I do not know how the imbalance, so-called, can be corrected in the District of Columbia, because at the moment 74 percent of the population in the District of Columbia is nonwhite. That is the largest percentage of any city in this hemisphere. However, the suggestion has been made that the children be bused from one area to another.

I continue the read Mr. David Lawrence's article:

> The result is that we have, in fact, segregated education. But this has not come through policy. The blame for the ghettos rests on the lack of advantage in housing jobs. All the efforts of the board of education at complete racial integration for the last decade have largely failed not for lack of purpose, but because the problem has been too massive and inscrutable. So the present study asserts flatly that total desegregation of the schools is impossible in the foreseeable future.

Of course it is impossible, unless Congress will put up, let us say, $150 million a year, to transport white pupils in New York schools great distances to integrated schools, or to transport a large number of pupils from Harlem and other places where there is a large concentration of nonwhites.

David Lawrence continues:

> Meanwhile, there has been an extension of the fight against segregation. The concept of "equal protection of the laws" now has been applied by many States to prohibit racial discrimination in hotels, motels and eating places. The Congress of the United States for several months has been struggling with a civil rights bill designed to abolish discrimination not only in public schools and in places of public accommodation, but in the employment practices of private enterprises.
>
> Negro leaders have been conducting demonstrations to agitate for these changes. Ministers of the Gospel have participated in such demonstrations, and many of them have gone to jail for disorderly conduct. Pastors have become lobbyists in the Halls of Congress. Intemperate speeches are being made constantly which inflame passions on both sides. And even organizations that call themselves nonviolent participate in demonstrations that eventually end up in violence.
>
> These tragic occurrences are due in large part to a failure to realize that conformity by coercion is a dubious formula in a democracy. Respect for law emerges only when there is human understanding. The American people have been taught to believe that they have a system of law under a written Constitution which they alone can change by the method prescribed in the document itself.
>
> Even assuming that the Supreme Court of the United States has the right—which many will dispute—to reverse earlier decisions at will, it may be said that a third legislative body; namely, the Supreme Court itself, now rewrites the Constitution. This is contrary to the concepts set forth by our forefathers when they deliberately formulated a written Constitution to take the place of the unwritten process then and now prevailing in England. We need stability in our system.
>
> The travesty of the 14th amendment, moreover, has been imprinted upon the minds of many citizens. The amendment was never legally adopted. After the War Between the States was over, Members of the House and Senate from the South were arbitrarily expelled and denied their seats.

Mr. President, how true we know that is. Congress deliberately passed a resolution declaring that Virginia, the Mother of Presidents, was not capable of self-government; and Virginia was designated as Military District No. 1, to be governed by the conquering Federal army.

To return to Mr. Lawrence:

> State legislatures had been recognized as legal members of the Union when they adopted the 13th amendment abolishing slavery. But suddenly these States, after rejecting the 14th amendment, were declared "out of the Union," and were served an ultimatum by Congress stating that, until they ratified the 14th amendment, they would not be "readmitted" to the Union.
>
> This procedure was brazenly unconstitutional, and the Supreme Court of the United States for nearly 100 years has studiously avoided ever taking a single case out of the many presented to it that would have required a ruling on the validity of the process by which the 14th amendment was ratified.
>
> So again today what we are witnessing in America is the unreasoned attitude of an impatient mob. For years we saw the same thing when angry citizens gathered together and said, "Lynch him—he's guilty anyway." The mob couldn't wait for the courts or for the normal legal procedures. It insisted upon asserting itself arbitrarily because it had the power.
>
> Today other impatient agitators do not want to wait for the courts or for constitutional processes to function. They violate the laws of trespass again and again because the penalties are minor and the opportunities for notoriety and dramatization are considered worthwhile.
>
> But what has this done to the feelings of people on both sides of the controversy? It has intensified friction.
>
> We have lost 10 years. We have missed an opportunity to educate the citizenry through the art of persuasion, the science of reason and the virtue of orderly discussion.
>
> We must try to understand the human aspects of the whole problem, because a solution will come in no other way. The right to freedom of association is well defined. It is a principle that can be made to apply to every controversy over human relationships whether they involve race or color or religion. We must recognize that human beings have their likes and their dislikes. They will associate with one another if they respect one another.
>
> Human associations cannot be dictated by law. They must evolve naturally and on the basis of individual behavior and achievement.
>
> Time was when the church concentrated on spiritual matters and taught love. Time was when the pastors recognized that to participate in political controversies was not their function and that church and state should remain apart. Time was when individual citizens in local councils could sit down together and endeavor to improve living conditions in the community. To resolve human differences it is important first to understand them fully.
>
> We are dealing not merely with a legal problem, but with a human problem. Laws cannot abolish human habits, traditions or heritage. Laws can make available the means of promoting better relationships and can persuade State and local governments to try to provide better and better facilities for education and for housing.
>
> But we have on our hands today a major problem that the mob can never settle. We have had 10 tragic years of mob psychology. May we hope and pray that the next 10 years will elevate the debate to the level of human reason and human love.

Mr. ELLENDER. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield for a question, with the understanding that I shall not lose the floor.

Mr. ELLENDER. A while ago, my good friend from Virginia mentioned the Dred Scott decision. That decision was handed down before the Civil War.

Mr. ROBERTSON. Yes, in 1857.

Mr. ELLENDER. Is it not true that under that decision, Negroes were considered as chattels—property?

Mr. ROBERTSON. That is true; and under the Constitution they were, too.

Mr. ELLENDER. Is it not true that supposedly in order to grant him rights of citizenship, it was necessary to enact the 14th amendment?

Mr. ROBERTSON. Yes. The 13th amendment abolished slavery; the 14th amendment gave the Negro the rights of citizenship.

Mr. ELLENDER. The rights of citizenship are what I am talking about.

Mr. ROBERTSON. That is correct.

Mr. ELLENDER. Is it not true that in 1866, Congress enacted the first civil rights act, which provided as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons born in the United States * * * shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other; any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

Mr. ROBERTSON. That is true; that was an act of Congress.

Mr. ELLENDER. The point I wish to make is that the rights provided in that act were really civil rights, were they not?

Mr. ROBERTSON. The Senator is absolutely correct.

Mr. ELLENDER. That is the act from which the present bill derives its name. The rights provided in the act of 1866 were really and truly civil rights, whereas the provisions of the present bill are far removed from what we know and what were described in the act of 1866 as civil rights.

Mr. ROBERTSON. The Senator from Louisiana is correct. I have frequently said that while enforcement may be a little tedious, a little slow, and a little expensive, I do not know of any constitutional right enjoyed by any white person in this country and denied to any colored or nonwhite person that cannot be reached under existing Federal law or State law.

Mr. ELLENDER. Senators have stated on the floor of this Chamber that the Emancipation Proclamation of President Lincoln freed the slaves—freed the Negroes. But is it not also true that in the face of the Dred Scott decision, although the Negro was declared by the Emancipation Proclamation to be free, he was not altogether recognized as a citizen having the right to deal with property and other things, which are described in the act of 1866; a law or an act was required to make it possible for him to be a citizen, as he was declared to be under the 14th amendment?

Mr. ROBERTSON. That is correct.

Mr. ELLENDER. The Senator from Virginia has traced the history of slavery. He stated that the Bible records its existence. He has mentioned Roman civilization and Greek civilization. But I remind the Senator that he does not have to go so far back.

It was my privilege to visit practically all of Africa in 1953, and again in 1962. There now exists in central Africa—what is known as tropical Africa—slavery of the worst kind. In most of tropical Africa today, women are considered chattels. They can be purchased or exchanged, just as one can exchange a horse or a goat or a sheep. I do not say this in derogation of the Negro race; but it is the truth.

The same thing that prevailed prior to the Civil War and soon thereafter in this country now exists on the Continent of Africa. All one needs to do is visit that area, and he will find that a man can purchase a woman of his own choosing. He can purchase young girls ranging from 10 to 15 years or from 15 to 25 years of age, if he has the price to pay for the females.

In 1953, in the country of Liberia which has been free and independent for over 100 years, I met a chief who had at least 40 wives. I was told that any of his wives could be bought for about $40.

In other areas, I came across paramount chiefs who had bought as many as 300 women to serve as his wives. Actually they were nothing but slaves, and were bought and sold, or traded for cattle. That situation exists in Africa today.

I mentioned Liberia, for that nation represents one of the worst examples. It was not very long ago that slavery existed not only between the men and women, but between the Liberian politicians and their subjects.

I have had my staff do some research into the economic history of Liberia, where every imaginable civil right has been granted to the inhabitants since the country came into being. I wished to see how the groups which are clamoring for these so-called rights had performed when all the things they are asking today are placed in their hands.

Mr. President, I ask unanimous consent that I be allowed to insert in the Record an excerpt from the product of that research.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt From Economic History of Liberia

In the meantime (1927–30), rumors flourished that conditions of slavery and forced labor existed in Liberia. The Monrovian Government persistently denied that such conditions were tolerated. American Secretary of State Henry Stimson wrote the American Minister in Liberia, "It would be tragically ironic if Liberia, whose existence was dedicated to the principle of human liberty, should succumb to practices so closely akin to those which its founders sought forever to escape."

The American State Department suggested that the Monrovian Government appoint an International Commission of Inquiry To Investigate the Slavery Charges. Bending to the pressure of public opinion, Liberia announced in 1930 the creation of such a Commission. One member was named by the United States, one by the League of Nations, and a third by the Liberian Government.

The Commission report cited numerous abuses, the most severe being an organized system of forced labor for the nearby Fernando Po cocoa plantations. It charged that, in order to provide cheap labor for the planters on the Spanish island, certain Liberian officials, including Vice President Allen N. Yancy, sent police to procure native boys from the countrysides. Recruiting agents for the planters agreed to pay a number of Liberians, including some relatives of President Charles D. B. King, $45 for each man supplied.

The report revealed evidence of a practice known as pawning, regarded by the Liberian Government as an old native custom. To obtain money, people would sometimes pawn a human being, usually a child relative. These pawns were given into servitude for an indefinite period, without compensation or privilege. In effect, they were slaves to the pawnholders until the debt was paid, which sometimes meant years. Excessive forced labor within Liberia in connection with the road program was also revealed in the Commission's report.

After the Commission findings were released, American Secretary of State Stimson informed President King that the United States was profoundly shocked and demanded prompt reform. When reform was not forthcoming, a second admonishment was delivered to Liberia, declaring that: "Unless there is instituted by the Liberian Government a comprehensive system of reforms, loyally and sincerely put into effect, it will result in the final alienation of the friendly feelings which the American Government and people have entertained for Liberia since its establishment nearly a century ago." As a result, impeachment proceedings were instituted against Vice President Yancy, and President King resigned, being succeeded by the Secretary of State, Edwin Barclay. Barclay was subsequently elected to the presidency.

The United States declared that recognition of the Barclay government would be dependent on the attitude taken by Liberia toward the report of the International Investigating Commission. The Liberian Legislature did enact laws prohibiting the export of labor and pawning, creating a public health service, reorganizing the administration of the hinterland. But, as Author Raymond Buell comments, "Such measures were largely international window dressing." Early in 1932, a revolt of the Kru people had erupted, and the Liberian troops proved guilty of grave excesses in quelling the disturbance.

Confronted by the slavery charges and a deteriorating financial situation, Liberia requested advice in giving effect to the recommendations that the International Commission had set forth. The Council of the League of Nations set up a Liberia Committee, composed of representatives of eight member states, working with a U.S. representative. Two major problems loomed before this committee. One, to formulate a program of league assistance for Liberia. Two, to secure a modification of the 1926 Firestone-inspired loan agreement in order to ease the financial burden on the Liberian Government. The representative from the United States was instructed to assist in the adoption of reforms for the permanent improvement of Liberian conditions. Again, the United States was asking reform in Liberia; it had been asking reform since the birth of the Negro republic.

Mr. ROBERTSON. Mr. President, no one could condemn slavery more than the junior Senator from Virginia does. No one could advocate equal rights under the law more zealously than I do. By equal rights under the law, I mean equal opportunities, not equal possession of property. I do not mean some special privilege that a group obtains; I mean a recognition that the fundamental principles of life, liberty, and the pursuit of happiness should be equally enjoyed by everyone.

I have been trying to point out—but very ineffectually, I fear—that we are trying to promote by legal enactment certain principles of morality—"Do unto others as you would have them do unto you. Love thy neighbor as thyself." I have all due respect for the ministers who have been referred to as lobbyists. We learned from a newspaper article that there would be a group of them here today. I have not yet seen them; but we are told they are coming here to call on Senators, to urge them to vote for the bill "without watered-down amendments." I do not know what they call "watered-down amendments."

I did make a little talk the other day about what Mr. Palmer and Dr. King call "watered-down amendments." They said one of them which would "take the heart out of the bill" was the one to remove from the bill the provision that, in connection with the attempt to expand government by injunction, defendants in criminal-contempt cases should be denied jury trials. They call that "cutting the heart out of the bill." I do not know what they would call the amendment of the distinguished majority leader [Mr. Mansfield] and the distinguished minority leader [Mr. Dirksen] which proposes that a man cannot be placed in jail for more than 30 days or fined more than $300 without having a jury trial.

But they do not want that. They want an indefinite sentence and an indefinite fine. That is the manner in which the bill was written. I do not know whether they will temporarily accept this substitute, and then try to have it cut out in conference.

I return to the discussion of desegregation, as covered by the decision of the Supreme Court in Brown against Board of Education, in 1954. That decision is really the foundation upon which this proposed legislation is based. Practically everything in the bill is based upon it and the 14th amendment. Even title II of the accommodations section was originally based on that. Some have said it still can be justified. If it were permissible to construe the 14th amendment in any way they please, it would cover a lot of the so-called justification of the courts and legislative bodies. But all of us know there are only two kinds or categories of laws. One is based on treaties; the other is based on acts of Congress.

So, for fear that someday some court might reverse the Court's decision in Brown against Board of Education, the proponents of the bill wish to make the Court's decision in Brown against Board of Education the actual law of the land, by confirming it in the bill. There is some question whether a private school that gets tuition money from the Federal Government, the State government, or county government is a public school. So, the proponents wish to write into the bill a new definition of public schools to have it cover all the parochial schools, if the Federal Government ever gives them any money—in fact, all the schools, such as the one operated at Farmville, which receives some Government aid, although that school is chiefly supported by a private foundation. The proponents tell us the school boards will not need the right of jury trial, under title IV of the bill, which would give the Attorney General authority to move against any school board in any county or any city in the Nation. It is proposed that when the Federal Government is a party to the suit, the Attorney General may bring an action before the court without a jury. So, when the Attorney General intervenes—and he will, if we include such authority in title IV, he can proceed without a jury trial against any or every school board in any county or in any city in the Nation that has not fully desegregated its schools. And there are plenty of them that have not; let us make no mistake about that.

We cannot stress too much the importance of a jury trial. It is mentioned in five titles of the bill. On Friday, the junior Senator from Georgia [Mr. TALMADGE] made a fine speech in which he outlined the various ways in which people could be proceeded against under the bill. I recapitulated—in questions asked on Saturday of the distinguished Senator from Mississippi [Mr. EASTLAND]—the points covered by the Senator from Georgia.

When one talks about busing children miles across a city, to mix the races, he is not talking about desegregation; he is talking about integration. In a brilliant decision in a South Carolina case, Chief Judge John J. Parker, then chief judge of the Fourth Circuit Court of Appeals, held that nothing in the decision in the case of Brown against Board of Education compels integration. The prohibition was against segregation, and elimination of segregation by law was all that was required.

Judge Parker has passed on to his heavenly reward; but he left behind him a reputation of having been one of the greatest judges we have had in generations. I think it is a tragic commentary upon the power that has been acquired in recent years by the labor unions and by the NAACP, and similar pressure groups, that no man who does not have their approval can be appointed to serve on the highest Court of our country.

My predecessor, Senator Carter Glass, made a wonderful speech on behalf of the confirmation of the nomination of Judge Parker to be a member of the Supreme Court. President Hoover had nominated him. Judge Parker had a wonderful record as a district judge and as a circuit judge. Everyone knew his character and his outstanding ability.

The Senate rejected the nomination. When it did so, Senator Glass predicted that never again would anyone who did not have the approval of the labor unions and the NAACP serve on the Supreme Court—and none ever has. In view of the way our Government is now operated, I can predict none ever will. But that does not detract from the fact that Judge Parker was one of our greatest jurists. In the South Carolina case to which I referred, he wrote an opinion, which is crystal clear, in which he said that nothing in the Brown against Board of Education case demanded affirmative integration.

Mr. THURMOND. Mr. President——

Mr. ROBERTSON. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I should like to ask the able and distinguished Senator from Virginia if he knows of any civil right that is above or more important than the right of trial by jury.

Mr. ROBERTSON. I do not. For 700 years the right of trial by jury is supposed to have been the hallmark of freedom. It came down to us. It was not spelled out in the Magna Carta in 1215, but that document was its real origin. We claimed that right; so our Founding Fathers wrote into the Constitution the provision that "The trial of all crimes"—and certainly they intended to include criminal contempt—"shall be by jury." Then they included in the Constitution the sixth amendment.

Mr. THURMOND. Mr. President, I heartily agree with the able Senator. Is it not true that even before our country won the Revolutionary War, and decided that it would separate, and declared its independence from Great Britain, among the grievances our Founding Fathers wrote into the Declaration of Independence was the denial of the right of trial by jury?

Mr. ROBERTSON. That is absolutely correct. That provision was based on the Virginia Bill of Rights, which had been adopted prior to the signing of the Declaration of Independence.

Mr. THURMOND. Later, when the Constitution was written, did not our Founding Fathers provide in article III, section 2, clause 3 that the right of trial by jury would be guaranteed to the people?

Mr. ROBERTSON. That is absolutely true.

Mr. THURMOND. Does not the sixth amendment to the Constitution also provide that if an accused is being prosecuted for a crime, he shall have the right of trial by jury?

Mr. ROBERTSON. That is correct.

Mr. THURMOND. Does not even the fifth amendment provide that if a man is charged with a crime of any consequence, there must be a presentment by a grand jury before the accused can even be indicted to be tried for that crime?

Mr. ROBERTSON. Yes. Under the fifth amendment, if an accused is tried, he cannot be forced to give testimony against himself. But if criminal contempt cases are not crimes, an accused person could come before a court, and if he should try to testify, he could be forced to give evidence against himself. If he were an honest man, he could be forced to give testimony that would hurt him in the trial. He would be required to tell the truth about the charge, even if, as a result, he would be given a jail sentence.

So we would not only wipe out the rights provided in the sixth amendment; but also we would wipe out the rights provided in the fifth amendment, if a crime were involved. If a crime is charged, the accused is entitled to his rights under the sixth amendment.

Mr. THURMOND. Do not the fifth amendment, the sixth amendment, and the seventh amendment refer to the right of trial by jury? The seventh amendment provides that in a civil case, if the value of the property involved is over $20, a man shall have the right of trial by jury.

Mr. ROBERTSON. The Senator is correct.

Mr. THURMOND. So 3 of the first 10 amendments to the Constitution of the United States, which are known as the Bill of Rights, refer to the right of trial by jury.

Mr. ROBERTSON. Those provisions show the importance of the subject to our forefathers, who wrote the Constitution, and to those who sat in Congress and submitted those 10 amendments to the people. The people ratified those amendments through their State legislatures.

Mr. THURMOND. Does that not show the great importance that our leaders in those days placed upon the right of trial by jury?

Mr. ROBERTSON. There can be no doubt about it. It seems most unusual that we must stand here day after day to plead with Senators not to pass a bill that would deny that cherished right.

I am so happy to see on the floor of the Senate our distinguished colleague, the Senator from Florida [Mr. SMATHERS], and I am so happy to support his amendment. The Senate turned down the amendment offered by the distinguished Senator from Kentucky [Mr. MORTON].

That amendment ought to have been adopted, for it was written in exactly the same language as that in which the jury trial provision of the public accommodations section, last year, was written. The Smathers amendment is a little different; it provides that if an accused demands a jury trial, it must be given to him. What could be simpler or fairer than such a provision?

I am really speaking in behalf of the Smathers amendment; but I would prefer the broader language of the Talmadge amendments, of which the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. ERVIN], and I are joint sponsors. Those amendments would give the right of jury trial in all criminal contempt cases; and they are the same as the provision for which we voted in 1957, by means of the O'Mahoney amendment.

Mr. THURMOND. Is not the able Senator from Virginia amazed that some people would today try to deprive citizens of our country of the right of trial by jury, when that right has been a fundamental aspect of the structure of our Government since the Declaration of Independence was written?

Mr. ROBERTSON. Yes, I am very much surprised. Anyone who has ever been elected to the Senate has had to have been in public life for some time. He must love public life. He would not wish to come in, and then go right out. He would like to remain here, I believe.

As I said the other day, I am not the keeper of anyone's political future; but I wonder how I could go back home and could tell the people I represent why I had voted to deny them the constitutional right of trial by jury.

Mr. THURMOND. Can the Senator tell me why there is a desire not to give the right of trial by jury in civil rights cases, when the opposite has been true in relation to labor cases? In every instance when the question of contempt has arisen in labor cases, Congress has provided the right of trial by jury. For example, under the Clayton Act of 1914, the Norris-La Guardia Act of 1932, and the Landrum-Griffin Act of 1959, if a man was held for contempt for violating a court order, Congress provided that he would be entitled to a trial by jury. Yet, in relation to civil rights proposals, it seems there is a great desire not to give the right of trial by jury. Can the Senator explain why there seems to be a willingness to give the right of trial by jury when a man is charged with contempt in a labor case, but a lack of willingness to do so if an accused is charged with violating the so-called civil rights statutes?

Mr. ROBERTSON. I would not want to go that far. I can give an answer in reference to such labor cases. Has the Senator ever heard of an organization called the Political Action Committee of the CIO?

Mr. THURMOND. I certainly have.

Mr. ROBERTSON. Does the Senator know about the job that committee did upon a man who once was the most popular vote-getter in California—Bill Knowland—in relation to his attitude toward right-to-work laws? Does the Senator know what the voters in Ohio did to John Bricker as a result of his attitude toward right-to-work laws? Do we need any more explanation than that? When the unions said, "We want a right to trial by jury," Congress gave it to them. They said, "We will see whether you remain here or not." That is the reason why Congress provided the right in the acts I have mentioned.

Mr. THURMOND. How could anyone justify denial of the right of trial by jury in a civil rights case, and yet be willing to give the right of trial by jury in a labor case?

Mr. ROBERTSON. I shall permit my distinguished friend to answer his own question; otherwise I might violate the language of protocol.

Mr. THURMOND. I thank the able Senator from Virginia, and I commend him for the fine presentation he is making.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, I should like to ask the able Senator if he saw in this morning's newspaper an article with respect to what the realtors of America think about the bill.

Mr. ROBERTSON. I saw the article. I also received a letter from that organization. They said they thought it was a pretty bad bill, and that they were against it.

Mr. SMATHERS. I wonder whether I may read a portion of the article to the able Senator, and then ask if he agrees with the conclusion arrived at by the organization to which I referred.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that that question may be asked of me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. The article is by the United Press International, and reads:

> RIGHTS BILL DRAWS FIRE OF REALTORS
>
> (By Robert Barkdoll)
>
> A powerful segment of the real estate lobby came out formally against the civil rights bill yesterday and called on its 77,000 members to petition their Senators to vote against it.
>
> The National Association of Real Estate Boards, representing most of the Nation's real estate agents, opposed the bill now before the Senate on grounds that it threatens the right of property owners to "use, rent, and dispose of property" as they see fit.
>
> Members of the association have been speaking out against the House-passed bill for months. The national organization took a formal stand in a resolution adopted last week and in a followup statement yesterday by association President Ed Mendenhall, of High Point, N.C.
>
> Mendenhall said the association was not opposed to civil rights, but that the bill "would result in an unlimited extension of Federal power into the civil liberties of every citizen." He urged association members to contact their Senators in opposition to it.
>
> Under the public accommodations section of the bill, discrimination would be barred in hotels, motels, and other places providing lodging for transients, except homes—occupied by the owner—which do not rent more than five rooms.
>
> Also affected would be restaurants, gasoline stations, and amusement centers that serve interstate travelers or that handle goods moving in interstate commerce.
>
> A spokesman for the National Association of Home Builders, an organization representing housing constructors, said his organization did not intend to become involved in the civil rights battle and would take no stand on the bill.
>
> Both the Home Builders and the Real Estate Association opposed the late President John F. Kennedy's 1962 order prohibiting discrimination in federally assisted housing. Since then, the homebuilders have pretty much lived with the order, while the real estate organization has continued to speak out on the issue.
>
> Mendenhall noted in his statement that the Real Estate Association had not previously taken a stand on the bill, although many local boards and associations had been fighting similar laws at the local and State level.
>
> He said recent Senate debate had shown a wide range of opinion among Members of that body on the bill's effect in many areas, including real estate. The real estate chief also referred to the bill's "broad-brush intent to interject Federal Government into the everyday life of most segments of our economy."

I interrupt myself at that point, to say this demonstrates the worth of the extended discussion with respect to this particular bill, because, as the president of the Real Estate Association said, since the bill has been debated on the floor of the Senate to the extent that it has, in pointing out the evils of the bill as they will finally be felt by the average citizen throughout the country, the association has learned, from the debate, that in its interests and in the interests of the American community, it believes it must oppose the bill.

The article continues:

> Mendenhall said there had been "a dramatic turn in public opinion" against laws that he described as threatening property rights "under the guise of creating a new right for individuals of minority groups."

Does not the Senator from Virginia agree with the conclusions arrived at by the president of the American Association of Real Estate Boards?

Mr. ROBERTSON. Those were the conclusions arrived at. He wrote me a letter to the same effect. I agree with the conclusions. I was especially impressed by what he said about the accommodations title, title II. When the Commerce Committee reported that measure, last year, it was with a jury trial amendment in it. If we are to enact such a title, I think it should have in it a jury trial amendment. That is the reason why I am supporting the jury trial amendment of my distinguished colleague from Florida [Mr. SMATHERS].

Mr. SMATHERS. I thank the distinguished Senator. I wish to commend him on the splendid job he is doing with respect to the need for the jury trial amendment.

Mr. ROBERTSON. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I am glad to yield to the Senator for a question.

Mr. ERVIN. I wish to call the Senator's attention to paragraph 1 of subsection (b) of section 201, on page 6 of the bill, which defines some of the so-called places of public accommodation as follows:

> any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

I ask the Senator from Virginia if this so-called exception was designed to exempt the fictitious constituent of the senior Senator from Vermont [Mr. AIKEN], Mrs. Murphy, from the coverage of the bill?

Mr. ROBERTSON. I could not draw any other conclusion. Mrs. Murphy was included. If anyone from New York or any other Northern State came to a Southern State, or vice versa, and stayed in Mrs. Murphy's roominghouse, she would be held to be engaged in interstate commerce, and she would be required to take in anybody who came, whether she wanted to or not.

Just as in the case of the labor unions which insisted on the right to have a jury trial, this provision was included because there were many Members of Congress who did not want to go home to their "Mrs. Murphys" and tell them, "We have put you out of business. Why? We have required you to take everybody who applies to you, and you cannot discriminate against them for a number of reasons." Mrs. Murphy would say, "But that would put me out of business. I won't stand for it."

So what did they do? They provided an exemption for Mrs. Murphy if she rented five rooms or less; but if one of those roomers had breakfast the next morning with Mrs. Murphy, she would be held to be engaged in interstate commerce.

Mr. ERVIN. I ask the Senator from Virginia whether the so-called exemption for the benefit of Mrs. Murphy fails to describe the nature of the five rooms that are mentioned in the exception?

Mr. ROBERTSON. Yes. That is characteristic of the bill. Everything would be left to regulations and to discretion. Who knows what "discrimination" means? Nobody really knows.

Mr. ERVIN. Would not a bedroom fit the description of a "room"?

Mr. ROBERTSON. That would be a room.

Mr. ERVIN. Would not a bathroom fit the description of a "room"?

Mr. ROBERTSON. Well, it is called a bathroom.

Mr. ERVIN. Would not a sitting room fit the description of a "room"?

Mr. ROBERTSON. It would.

Mr. ERVIN. Is it not true that if a widow who resided in her own home made it a practice to rent out to one tourist a sitting room, a bedroom, and a bathroom, and to another tourist a sitting room, a bathroom, and a bedroom, she would be required to receive anyone who came there whether she wished to do so or not?

Mr. ROBERTSON. That is correct. I believe the Senator mentioned six rooms that would be rented. So she would come under the bill.

Mr. ERVIN. Does the Senator from Virginia agree with the Senator from North Carolina that Mrs. Murphy's protection against intrusion of her home by an unwanted guest would be very slight?

Mr. ROBERTSON. Yes, very slight. It would be still slighter if we do not put the jury trial amendment in the bill.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that the whole object of the bill is to prevent what the proponents of the bill call "discrimination"?

Mr. ROBERTSON. That is the whole theme—"discrimination."

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that discrimination refers to a mental process?

Mr. ROBERTSON. It is bound to be so.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that every person who is to be condemned for an "illegal" act under the terms of the bill would be condemned for such act because of the state of his mind, rather than for the quality of the external act performed by him?

Mr. ROBERTSON. Yes. That is one of the great fallacies and unworkable features of the bill.

The attempt would be to read a man's mind, and then accuse him of the crime of discrimination.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I am glad to yield to the Senator from South Carolina, under the usual stipulations.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Without objection, it is so ordered.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that in the ultimate analysis, the bill is one which is intended to compel Americans to conform in their thoughts in respect to matters of race to those of the administrators of the bill in Washington?

Mr. ROBERTSON. Yes. The administrators would issue the regulations, and they would have the force and effect of law. The first bill provided that the President would issue the regulations. Then it was rewritten, so as to provide that the administrators would issue them, but the President would approve them. Every department would have its own regulations. There would be no uniformity about them. It would be a physical impossibility for the President to know all the details and to approve them, except in a superficial and general way. Many other laws enacted by Congress would delegate to any bureaucrat we could name the power to enact more laws and to put more people in jail under those laws.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that the most outrageous examples of tyranny in history were the cases in which governments acting at the instance of established churches, undertook to control the thoughts of men in the religious field and to make them conform to the usages of the established churches?

Mr. ROBERTSON. I certainly do, because my ancestors in Virginia were friends and supporters of Thomas Jefferson. They believed in religious freedom. They left the Church of England, and they were put in jail for doing so.

Senators must not say anything uncomplimentary about a State; but we can say that there was a time when witchcraft allegedly was practiced in some sections of the country, and the authorities believed they were promoting religious principles when they ducked the so-called witches in the water; and some were even burned.

Mr. ERVIN. Does not the Senator from Virginia recall that the history of Scotland teaches us that the Government of Scotland, in conjunction with the established Church of Scotland, undertook to control the thoughts of the Scottish covenanters in the religious field?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Virginia recall that the established Church of Scotland, in collaboration with King Charles II, used the troops of King Charles II to hunt down Scottish covenanters among the crags and moors of Scotland, and that the troops actually slew them because the contents of their minds did not harmonize with the desires of the established church and of King Charles II?

Mr. ROBERTSON. That is clearly established history; certainly that is true.

Mr. ERVIN. Does not the Senator from Virginia know that millions of American citizens trace their ancestry to the Huguenots, of France, and that history shows that the Huguenots were hunted down and slain because they were unwilling to conform the contents of their minds to the established church and the Government of France?

Mr. ROBERTSON. The Senator is correct. Not only were they hunted down, but all of their property was confiscated. So they had to leave the country. Many who came to South Carolina and other places in America were completely bankrupt; but they were determined to keep their religious freedom.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that virtually every adherent of every religion now existing in the United States is a descendant of persons who were dissenters from the established churches in the lands of their origin?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that one of the main reasons why our original settlers came here was in order that they might not be compelled by law to have their thoughts on religion conform to the desires of the established churches and to the governments in the lands of their origin?

Mr. ROBERTSON. The Senator is correct. The settlers landed at Plymouth Rock because of their desire to have religious freedom. Other settlers came into the valley of Virginia. They were what we call the Scotch-Irish. They were not Irish Catholics, though; they were Presbyterians from Scotland. They had lived in two Irish counties which were Presbyterian. They were so persecuted by the Catholics that they emigrated in great numbers to America, and came to Virginia. When they arrived in Virginia—before there was religious freedom in Virginia—they made an agreement with Governor Gooch of Virginia. They said to him, "We will protect you lowlanders from the Indians if you will let us have our own Presbyterian churches." The Governor said, "It is a deal. And we will not tax you or persecute you for being Presbyterians."

One of those who participated in that understanding was John Caldwell. He had a daughter who married a Calhoun, and they had a son who became the famous Senator Calhoun, of South Carolina. His fiery nature came from old Dr. John Caldwell, who was a Presbyterian preacher.

Mr. ERVIN. Does not the Senator from Virginia recall that the history of England demonstrates that Catholics were jailed in England for practicing their religion and for accepting the beliefs of their religion, against the will of the Church of England, backed by the British Government?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that in light of the history of religious denominations now existing in America, it is past comprehension why some present-day ministers of the gospel wish the American Government to pass laws to control the thoughts of men?

Mr. ROBERTSON. I agree.

Mr. ERVIN. Does not the Senator from Virginia agree with me that racial relationships can be solved in a satisfactory manner only by mutual cooperation, mutual understanding, and mutual tolerance, on the local level, where people live?

Mr. ROBERTSON. I agree. We cannot legislate morality; we cannot make men love each other merely by passing laws.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that one of the saddest aspects of contemporary American life is the indication that some ministers of the Gospel now seem to have more faith in the coercive power of manmade laws than they do in the persuasive power of the Gospel of Christ?

Mr. ROBERTSON. Yes. The Senator may remember some of our discussions on maintaining law and order, when the late Senator Kerr of Oklahoma, was convinced that we were getting better and better, and I was pessimistic about the increase in juvenile delinquency, in broken homes, in the increase in crime, and whatnot. It is a fact that right here in the District of Columbia, where Congress controls, major crimes have increased 43 percent in the past year. This city holds the record for rape, robbery, illegitimacy, and any other undesirable record one can think of—right here in our Nation's Capital.

Certainly, someone is failing to reach this generation by the only process by which it can be reached: through the heart. We shall never reach it by passing laws.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that it is rather absurd to expect Congress to pass a law controlling the minds and spirits of men and in one fell swoop to correct the imperfections in man, which the Gospel has not been able to correct in 2,000 years?

Mr. ROBERTSON. Certainly.

We know that a very able man who happened to be President at the time was ridiculed and blamed for the worst depression we have ever had. He was unfortunate enough to call prohibition a noble experiment. We remember what Al Smith and others had to say about it. They were against prohibition. They complained about it. Bootleggers were permitted to operate up North. There was so much dissatisfaction with the law, that finally it was repealed. Temperance is a virtue. It is moral. How was temperance supposed to be promoted? Apparently by passing the Volstead Act. But instead of promoting temperance, we promoted bootlegging and all that went with it.

Mr. ERVIN. Is it not a fact that Congress passed the Volstead Act so that the Federal Government might regulate the contents of a man's stomach?

Mr. ROBERTSON. Yes.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that it is the height of folly to expect that a government which could not regulate the contents of a man's stomach would regulate the contents of a man's mind?

Mr. ROBERTSON. The argument reduces itself to what Cicero would call an absurdum. We arrived at an absurdity when we talk about passing a law to control what is in a man's mind.

Mr. ERVIN. I thank the Senator from Virginia for yielding to me.

Mr. ROBERTSON. I appreciate the Senator's asking me these questions.

Speaking of Mrs. Murphy, I have before me a little list of what title II embraces. It includes:

(1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) Any restaurant, cafeteria, lunch room, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) Any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

Subsection 201(d) declares:

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of a State or political subdivision thereof.

Mr. President, I welcome the suggestion offered by my distinguished friend from North Carolina, who is one of our ablest lawyers, and possibly the best constitutional lawyer in the Senate. I wish to return now to my central theme.

Mr. HILL. Mr. President, will the Senator yield, before he leaves his present discussion?

Mr. ROBERTSON. I yield.

Mr. HILL. Does not the bill also cover hamburger stands and hot dog stands?

Mr. ROBERTSON. Yes. One can hardly single out any establishment that is not included. Of course no jury trial is provided.

Mr. HILL. No jury trial is provided. Was not the bill written in this form so there would be no jury trial under at least five of the main titles of the bill?

Mr. ROBERTSON. The five main titles were written in a very clever way, if I may say so. The general statement is made that when the United States is a party, no jury trial is provided. In any school desegregation case, all that the Attorney General would need to do would be to have someone say, "My child has been discriminated against, and I am not financially able to prosecute." Then the Attorney General would say, "Don't worry. I will move into the case right away."

Under five of the titles, in one way or another, the Government would become the prosecutor. The Government then would fall back upon the general statement that when the Government is a party, a person is not entitled to a jury trial.

Senators have presented able arguments in that connection. The late Senator Borah, of Idaho, and the late Senator Reed, of Missouri, spoke on this point. Senator Borah tried to remove that provision. In the past it has never been abused.

Now it is proposed that we pass a comprehensive statute which would prevent a jury trial in practically all these cases.

A judge might be prejudiced against a person, but under the bill he could still try the case. If a judge were sympathetic to a person who came before him, the Attorney General could take the case anywhere he pleased, in the entire circuit.

In an FEPC case, he would prosecute the case anywhere in the country where the main office of the firm was located. A suboffice might be located in Mississippi; but he could prosecute the case in Chicago, for example, if the main office was located there.

Mr. HILL. In other words, a person could be made to travel thousands of miles from his home, could he?

Mr. ROBERTSON. Yes. Because it was a misdemeanor, he could not issue a subpena for witnesses to attend a trial at that great distance. Of course, he could take depositions, if he wished. He would not have the assistance of witnesses or friends to help him. All that is provided by the bill.

Mr. HILL. The Attorney General could deny the accused the right of confrontation, in other words, could he?

Mr. ROBERTSON. Yes.

Mr. HILL. He could be tried and convicted before a judge, without benefit of a jury trial, and never even would know who his accuser was? Is that correct?

Mr. ROBERTSON. The Senator is correct. Every case would be a separate case. It would not be necessary to proceed against a man three times before he would be financially wrecked, even if he won every case that had been presented against him. We know what Mr. Hoffa has been up against, when the Government moved in on him two or three times. I do not know what those cases have cost him. An estimate has been made that he has spent about $500,000 in his defense. I believe six of the unions have said that he should defend himself, and should pay the cost of the defense out of his own pocket, and should not use Teamster funds for that purpose. But a man could spend money out of his pocket, and could still go to jail, of course.

Mr. JOHNSTON. Mr. President, the bill does not even provide that the man shall be tried in his own district, does it?

Mr. ROBERTSON. That is correct. If the Attorney General thought the judge were friendly to the defendant, he could take the case anywhere in that circuit. The fourth circuit, for example, includes the States of Virginia, Maryland, West Virginia, and the Carolinas.

If it were an FEPC case, it would be possible to carry it thousands of miles from a man's home. A suboffice could be located in one State, but the Attorney General could take the case to the State in which the main office was located.

Mr. JOHNSTON. The Senator mentioned the Hoffa case. I believe the first Hoffa trial was had in Florida. Did not the Government proceed against him in Florida?

Mr. ROBERTSON. There have been so many trials, that I do not remember.

Mr. JOHNSTON. Then there was one in Michigan. Finally, the Government fished around to find the best place in which to try Hoffa. Is that correct?

Mr. ROBERTSON. The Government proceeded against him in many jurisdictions. I do not know why. I know one jury finally convicted him.

Mr. JOHNSTON. That is correct.

Mr. ROBERTSON. That illustrates what it costs when the Federal Government starts to proceed against a person.

Of course, these would be felony cases, not misdemeanors. Some people will spend half of what they have, or more, rather than be branded a criminal by being sent to jail. Some people do not want that to happen to them. They do not want their grandchildren to say about them, "He was a nice man, but I remember when we went to see him when he was in jail."

If a Federal judge sends a man to prison, he must serve the sentence. He cannot get out of jail, except on appeal.

Mr. President, since this is the 10th anniversary of the Court's decision in the famous case of Brown et al. against Board of Education, as to which so much has been done and is undertaken to be done, I invite attention to the fact that in that case the Court ignored all the facts in the Virginia case which was consolidated with it, and all the rulings and sound legal arguments that were presented by the three-judge court.

One member of the three-judge court was Judge Dobie, formerly a great teacher of law at the University of Virginia, and a brilliant member of the Fourth Circuit Court of Appeals. Another was District Judge Albert Bryan, now a member of the Fourth Circuit Court of Appeals, and entitled, in my opinion, to be a member of the Supreme Court. The third was Judge Hutcheson, who was one of the ablest district judges Virginia had for a long time. He is now retired.

The opinion in that case, which was styled Davis et al. against County School Board of Prince Edward, et cetera, was written by Judge Albert Bryan, who discussed at length both the testimony and the meaning of the 14th amendment. The exact style of the case was: "Davis et al. against County School Board of Prince Edward County, Va., et al., before Dobie, circuit judge, and Hutcheson and Bryan, district judges." In that case, Judge Bryan said:

> Prince Edward is a county of 15,000 people in the southern part of Virginia. Slightly more than one-half of its inhabitants are Negroes. They compose 59 percent of the county school population. At the high school plane the average pupil attendance is 386 colored, 346 white. For themselves and their classmates, a large number of these Negro students, their parents, or guardians now demand that their county school board and school superintendent refrain from further observance of the mandate of section 140 of the Constitution of Virginia and its statutory counterpart, the former reading: "White and colored children shall not be taught in the same school." Defendants' adherence to this command, it is averred, creates a positive discrimination against the colored child solely because of his race or color, constituting both a deprivation of his privileges and immunities as a citizen of the United States and a denial to him of the equal protection of the laws. The prohibition is denounced as a breach of the Civil Rights Act and as inimical to section 1 of the 14th amendment of the Federal constitution.
>
> Demandants pray a declaration of the invalidity, and an injunction against the enforcement, of the separation provisions. In the alternative, they ask a decree noting and correcting certain specified inequalities between the white and colored schools. That the schools are maintained with public tax moneys, that the defendants are public officials, and that they separate the children according to race in obedience to the State law are concessa. The Commonwealth of Virginia intervenes to defend.
>
> Plaintiffs urge upon us that Virginia's separation of the Negro youth from his white contemporary stigmatizes the former as an unwanted, that the impress is alike on the minds of the colored and the white, the parents as well as the children, and indeed of the public generally, and that the stamp is deeper and the more indelible because imposed by law. Its necessary and natural effect, they say, is to prejudice the colored child in the sight of his community, to implant unjustly in him a sense of inferiority as a human being to other human beings, and to seed his mind with hopeless frustration. They argue that in spirit and in truth the colored youth is, by the segregation law, barred from association with the white child, not the white from the colored, that actually it is ostracism for the Negro child, and that the exclusion deprives him of the equal opportunity with the Caucasian of receiving an education unmarked, an immunity and privilege protected by the statutes and Constitution of the United States.

I invite Senators to pay special attention to the following statement in the opinion in the Prince Edward County case, which, as I have said, was completely ignored by the Supreme Court when it handed down its decision. Judge Bryan wrote:

> Eminent educators, anthropologists, psychologists and psychiatrists appeared for the plaintiffs, unanimously expressed dispraise of segregation in schools, and unequivocally testified the opinion that such separation distorted the child's natural attitude, throttled his mental development, especially the adolescent, and immeasurably abridged his educational opportunities.

Mr. President, all those witnesses appeared for the plaintiffs. Mind you, this case was going to the Supreme Court on that record. Additional witnesses are not heard before the Supreme Court; the Supreme Court must take the record as it is made in the lower court, and is bound by it—or is supposed to be bound by it. In that case, the Supreme Court was not bound by it; it ignored the testimony. I continue to read from Judge Bryan's decision:

> For the defendants, equally distinguished and qualified educationists and leaders in the other fields emphatically vouched the view that, given equivalent physical facilities, offerings and instruction, the Negro would receive in a separate school the same educational opportunity as he would obtain in the classroom and on the campus of a mixed school. Each witness offered cogent and appealing grounds for his conclusion.

Now I invite attention to the verdict of the three judges who heard the testimony and who listened to the witnesses as they were cross-examined:

> 1. On this factual issue the Court cannot say that the plaintiffs' evidence overbalances the defendants'. But on the same presentation by the plaintiffs as just recited, Federal courts have rejected the proposition, in respect to elementary and junior high

schools, that the required separation of the races is in the law offensive to the national statutes and Constitution. They have refused to decree that segregation be abolished incontinently. We accept these decisions as apt and able precedent. Indeed we might ground our conclusion on their opinions alone.

I depart from the reading of the opinion by Judge Bryan, to emphasize what I am about to read:

But the facts proved in our case, almost without division and perhaps peculiar here, so potently demonstrate why nullification of the cited sections of the statutes and constitution of Virginia is not warranted, that they should speak our conclusion.

Regulations by the State of the education of persons within its marches is the exercise of its police power—"the power to legislate with respect to the safety, morals, health and general welfare." The only discipline of this power by the 14th amendment and the civil rights acts of Congress is the requirement that the regulation be reasonable and uniform. We will measure the instant facts by that yardwand.

It indisputably appears from the evidence that the separation provision rests neither upon prejudice, nor caprice, nor upon any other measureless foundation. Rather the proof is that it declares one of the ways of life in Virginia. Separation of white and colored children in the public schools of Virginia has for generations been a part of the mores of her people. To have separate schools has been their use and wont.

The school laws chronicle separation as an unbroken usage in Virginia for more than 80 years. The General Assembly of Virginia in its session of 1869–70, in providing for public free schools, stipulated "that white and colored persons shall not be taught in the same school, but in separate schools, under the same general regulations as to management, usefulness, and efficiency." It was repeated at the session 1871–72, and carried into the code of 1873. As is well known, all this legislation occurred in the period of readjustment following the Civil War when the interests of the Negro in Virginia were scrupulously guarded. The same statute was reenacted by the legislature of 1877 and again in 1878, still within the Reconstruction years of Virginia. In almost the same words separation in the schools was carried into the Acts of Assembly of 1881–82, and similarly embodied in the code of 1887, in the code of 1919, and now it is placed in the code of 1950, in a single section, 22–221, in the same words: "White and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness, and efficiency." The importance of the school separation clause to the people of the State is signalized by the fact that it is the only racial segregation direction contained in the constitution of Virginia.

Maintenance of the separated systems in Virginia has not been social despotism, the testimony points out, and suggests that whatever its demerits in theory, in practice it has begotten greater opportunities for the Negro.

I emphasize the following statement in the opinion of Judge Bryan:

Virginia alone employs as many Negro teachers in her public schools, according to undenied testimony, as are employed in all of the 31 nonsegregating States. Likewise it was shown that in 29 of the even hundred counties in Virginia the schools and facilities for the colored are equal to the white schools, in 17 more they are now superior, and upon completion of work authorized or in progress, another 5 will be superior. Of the 27 cities, 5 have Negro schools and facilities equal to the white and 8 more have better Negro schools than white.

So ingrained and wrought in the texture of their life is the principle of separate schools, that the president of the University of Virginia expressed to the Court his judgment that its involuntary elimination would severely lessen the interest of the people of the State in the public schools, lessen the financial support, and so injure both races. His testimony, corroborated by others, was especially impressive because of his candid and knowledgeable discussion of the problem. A scholar and a former Governor and legislator of the State, we believe him delicately sensible of the customs, the mind, and the temper of both races in Virginia. With the whites comprising more than three-quarters of the entire population of the Commonwealth, the point he makes is a weighty practical factor to be considered in determining whether a reasonable basis has been shown to exist for the continuation of the school segregation.

In this milieu we cannot say that Virginia's separation of white and colored children in the public schools is without substance in fact or reason. We have found no hurt or harm to either race. This ends our inquiry. It is not for us to adjudge the policy as right or wrong—that, the Commonwealth of Virginia "shall determine for itself."

On the second phase of this case, the inequality in the Negro schools when compared with the white, the defendants confess that the buildings and facilities furnished for Negro high school education are below those of the white school. We think the discrepancy extends further. We find inequality also in the curriculums of the schools and in the provision for transportation of the students.

Undoubtedly frankness required admission by the defendants of their dereliction in furnishing an adequate school plant and facilities for the Negro. His high school is the Robert R. Moton. It is composed of one permanent brick building and three temporary, one-story, frame buildings. No gymnasiums are provided, no shower or dressing rooms to accompany physical education or athletics, no cafeteria, no teachers' rest room and no infirmary, to give some of the items absent in Moton but present in the white high school. Moton's science facilities and equipment are lacking and inadequate. No industrial art shop is provided, and in many other ways the structures and facilities do not meet the level of the white school.

In offerings we find physics, world history, Latin, advanced typing and stenography, wood, metal and machine shop work, and drawing, not offered at Moton, but given in the white schools. While the school authorities tender their willingness to give any course in the Negro school now obtainable in the white school, all courses in the latter should be made more readily available to the students of Moton.

In supplying school buses the Negro students have not been accorded their share of the newer vehicles. This practice must cease.

In the allocation of new conveyances, as replacements or additional equipment, there must be no preference in favor of the white students.

2. On the issue of actual inequality our decree will declare its existence in respect to buildings, facilities, curriculums, and buses. We will restrain immediately its continuance in respect to the curriculums and conveyances. We will order the defendant to pursue with diligence and dispatch their present program, now afoot and progressing, to replace the Moton buildings and facilities with a new building and new equipment, or otherwise remove the inequality in them.

The frame structures at Moton were erected in 1948 and 1949 as temporary expedients, upon the advice and authority of the State board of education. Through the activities of the school board and the division superintendent, defendants here, $840,000 has been obtained, the land acquired, and plans completed, for a new high school and necessary facilities for the Negroes. Both local and State authorities are moving with speed to complete the new program. An injunction could accomplish no more.

A decree will be entered in accordance with this opinion.

Chief Justice Warren, in writing the opinion in the Brown case, completely ignored both the interpretation of the 14th amendment made by the lower court, and likewise the opinion of the lower court, that careful consideration of all the testimony showed beyond any question that the attendance in separate schools caused no sense of frustration or the other imaginary ailments subsequently relied upon by the Supreme Court to sustain its opinion in Brown against the Board of Education.

I plan to end my discussion today on the same note on which I commenced it; namely, to stress that we have had 10 years of experience with the so-called noble experiment. The Supreme Court overruled not only the previous decisions of that Court, but also those of all other courts, on the question of the application of the 14th amendment. It deliberately amended the Constitution by reading into the 14th amendment something its framers never intended to be there, and something the Congress that proposed it did not intend to be there, as evidenced by the fact that even after the 14th amendment had been adopted, Congress provided, and continued to provide for many years, segregated schools in the District of Columbia.

At a subsequent date, I intend to go more fully into the meaning of the 14th amendment. I shall also take up title II, to which reference has been made this morning. I think that title would cause a great deal of hardship, either with or without a jury trial provision. And without a jury trial provision, it would be disastrous to many small operators, boardinghouse keepers, filling station operators, hotdog-stand owners, and so forth.

I repeat that we must insist upon the inclusion in the bill of a provision for the right of trial by jury in all proceedings under the bill when the defendant demands a jury trial, as provided in the amendment submitted by the Senator from Florida [Mr. SMATHERS].

Mr. President, I yield the floor; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 237 Leg.]

Allott
Bartlett
Bayh
Beall
Bible
Boggs
Burdick
Carlson
Case
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson

Johnston
Jordan, Idaho
Keating
Lausche
Long, Mo.
Mansfield
McCarthy
McClellan
McGee
McNamara
Miller
Monroney
Morse
Morton
Neuberger
Pearson
Proxmire
Robertson
Saltonstall
Scott
Smith
Sparkman
Walters
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

ADDITIONAL FUNDS FOR MUTUAL DEFENSE AND DEVELOPMENT PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 307)

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Last January, in my budget message to the Congress, I pointed out that this budget made no provision for any major new requirements that might emerge later for our mutual defense and development program. I stated then that if such requirements should arise I would request prompt action by the Congress to provide additional funds.

That need has emerged in Vietnam. I now request that the Congress provide $125 million in addition to the $3.4 billion already proposed for foreign assistance; $70 million is required for economic and $55 million for military uses in Vietnam.

Since the 1965 budget was prepared, two major changes have occurred in Vietnam:

First. The Vietcong guerrillas, under orders from their Communist masters in the North, have intensified terrorist actions against the peaceful people of South Vietnam. This increased terrorism requires increased response.

Second. A new government under Prime Minister Khanh has come to power, bringing new energy and leadership and new hope for effective action. I share with Ambassador Lodge the conviction that this new government can mount a successful compaign against the Communists.

In March Prime Minister Khanh declared his intention to mobilize his nation. This intention has now been confirmed by his new and enlarged budget for 1964. It provides for:

Expanding the Vietnamese Army, Civil Guard, Self-Defense Corps, and police forces, and integrating their operations with political, economic and social measures in a systematic clear-and-hold campaign.

Greatly expanding and upgrading the Vietnamese civil administrative corps to increase the Government's effectiveness and services at the village, district, and province level. Local government capacity, responsiveness to popular needs, and initiatives are to be strengthened.

Better pay scales for the men and adequate budgets for the organizations engaged in this struggle of many fronts.

Manifold expansion of training programs, to provide teachers, health workers, agricultural, financial, and administrative staffs for the rural areas.

These and other measures, if promptly carried out, will require an increase of about 40 percent in Vietnam's domestic budget expenditures over the 1963 level—a far greater expansion of Vietnamese effort than was assumed in the assistance plans submitted in January. Under present circumstances, Vietnam's domestic revenues cannot be increased proportionately. Severe inflation resulting from a budget deficit would endanger political as well as economic stability, unless offsetting financial actions are taken. We expect the Vietnamese Government to take all possible self-help measures to deal with this problem internally, but substantial increases in economic assistance also will be required. We must share the increased costs of the greatly intensified Vietnamese effort.

Our more direct support of the expanded Vietnamese military and civil operations also must keep pace with the intensified Vietnamese effort. On the civil side—through AID's counterinsurgency program—this means more fertilizer, medical supplies and services, repair parts and replacements for war-damaged railway rolling stock, school supplies and building materials, well-drilling equipment and teams to bring fresh water to the villagers, and enlarged advisory staffs in the provinces.

On the military and paramilitary side, additional equipment, ammunition, training, and supplies will be needed as the organization and functioning of the armed forces improves. Additional aircraft, pilot training for the Vietnamese and airfield improvements are required. Increased activity will require additional ammunition. Additional support equipment is required for all forces.

The vigorous decisions taken by the new Government of Vietnam to mobilize the full resources of the country merit our strongest support. Increased Communist terror requires it.

By our words and deeds in a decade of determined effort, we are pledged before all the world to stand with the free people of Vietnam. Sixteen thousand Americans are serving our country and the people of Vietnam. Daily they face danger in the cause of freedom. Duty requires, and the American people demand, that we give them the fullest measure of support.

We have reviewed the entire budget for mutual defense and development programs once again to determine whether we can accommodate within it these added requirements. We cannot. In fact, recent events in Brazil and elsewhere may add to the economic programs originally planned. Military programs have already been cut to the bare minimum. We cannot respond to the new situation in Vietnam within the limits of the original budget proposal without unacceptable danger to our other basic security interests.

I am today forwarding to the Speaker of the House of Representatives amendments to my 1965 budget increasing my request for appropriations for supporting assistance from $335 to $405 million, and for military assistance from $1.0 to $1.055 billion. Both of these increases are covered by the budget's allowance for contingencies, so that they will not affect overall budget totals.

I ask the Congress to enact authorization for supporting assistance and military assistance sufficient to permit appropriations in these amounts.

I strongly urge the Congress to provide this additional $125 million to Vietnam, and to appropriate the full $3,517 million now required for our mutual defense and development programs.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 18, 1964.*

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discriminaton in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. What is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 577), proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513), proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. McCLELLAN. I thank the Chair.

If I correctly understand the pending business, these are the amendments which would serve as perfecting amendments to the Talmadge amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. These amendments, as I interpret them, would provide for jury trials in criminal contempt cases when requested by the defendant; in other words, if the defendant requested a jury trial, the court—under the provisions of these amendments—would be compelled to grant it.

If no jury trial were requested by the defendant, the provisions of these amendments would limit the punishment, or provide a maximum punishment that could be assessed by the court, or by the judge hearing the criminal contempt matter; and the maximum punishment under these amendments, if I correctly interpret them, would be a $300 fine or 30 days in jail.

Mr. President, I support these perfecting amendments. I do so for two reasons. I do not believe it would be constitutional to subject anyone to trial on a criminal contempt charge without recognizing and honoring the constitutional right to a trial by jury. For that reason, of course, I support the principle, and I will support these amendments.

Again, if we are going to permit a court to assess the penalty if a jury trial is not requested or granted, I believe it would be well for the law to fix the maximum punishment or penalty that a court or judge could impose. So those are two basic reasons for supporting the amendments. If the Talmadge amendments cannot be adopted in their present form, I also support them; and then I would support the amendments that are now the pending business.

I have spoken once or twice before on this issue. Unfortunately, on neither occasion did I finish my remarks. There is so much that can be said, because so much is involved. When we talk about the liberty of citizens and taking away that liberty for even a limited period of time, and incarcerating a person in jail for 30 days or 45 days, we are talking about something which cannot be taken lightly, even though in a relative sense 30 days or 45 days—as compared to the lifetime of an individual—might not be a vitally important period of time.

But, Mr. President, the shame or disgrace that many good citizens would feel—in fact, every Senator would feel it if he were sentenced to jail for 30 days or 45 days for any offense—would certainly be most humiliating and would leave a mark of discredit upon the character of the one so penalized. Thus, we are dealing with human liberty.

We hear a great deal about human rights. This bill is supposed to be a bill—I say "supposed"; I do not say it is—to provide for civil rights. So we hear a great deal about "civil rights."

I should like to think in terms of civil liberty and personal liberty, when we are dealing with the liberty of an individual and the question of whether he shall be free, whether he shall stay out of jail, whether he shall be placed in jail, or whether he shall be adjudged guilty of a crime. If the charge is criminal contempt, it is a crime of criminal contempt, just as larceny is a crime of larceny—crimes which the laws propose to punish by taking away the liberty of the accused, and placing him in jail.

When we start doing that, when our goal, our objective, and our declared purpose, as means of law enforcement, are to compel obedience to the orders of a court, then I believe we should not place the power, the duty, or the responsibility for the whole process in the hands of one judge.

In the first instance, the judge would become the accuser, because it is anticipated that it would be an order of the court which, it would be alleged, the accused had violated. Therefore the court which issued the order must necessarily issue the citation for contempt. The citation for contempt would be the accusation.

Therefore, the judge who had made the order, who claimed the defendant had violated his order, would make the accusation which would bring the defendant into court. The accusation would become the charge of the offense that the defendant was alleged to have committed. The judge who issued the charge, who made the order, and who decided that it had been violated, would issue the citation for contempt which would bring the defendant before him, to be tried.

No Member of the Senate would wish to be tried by his accuser. All of us would seek a fair and impartial trial. Taking into account the elements which compose human nature, it is rather hard to conceive that a judge who made an order and who thought the order had been violated and who issued the charge of contempt could even begin the trial with a fair and impartial attitude.

When a jury is impaneled to try a petty thief, the lawyer for the defense asks a prospective juror if he knows anything about the case, if he has heard of it, if he has any opinion about it, if he knows the defendant, and if he has an opinion about the guilt or innocence of the defendant. Then he goes even further, and asks the prospective juror, on his voir dire examination, "Will you require the Government to prove beyond a reasonable doubt the guilt of the accused before you find him guilty?"

If the prospective juror does not agree to do that, or if he says he already has an opinion, or if he says he has a prejudice in such cases, or if he indicates that he cannot be impartial in his judgment, or if he indicates that he has a preconceived idea as to the guilt of the defendant, he is held not to be a competent juror, and he can be excused from service on the jury; and it becomes the duty of the court to excuse such a prospective juror.

Unless the Talmadge amendment, or a comparable amendment dealing with this issue, is adopted—in other words, if the bill remains as it was when passed by the House of Representatives, and if no amendment to change this provision is adopted—the accused could be tried before the judge who made the accusation, who could not be impartial, who would not be impartial, and who would have a preconceived idea of the accused before the contempt citation was issued.

I believe that a person charged with violating an order of the court is entitled to as much consideration as that we accord to a petty thief. He should have a fair trial.

I do not understand why it is necessary to single out a person in this instance, and say—because he is charged with violating a court order—that he is not entitled to his constitutional right of trial by jury. There is an alleged reason for it—though not a valid reason. The reason given is that in some places, so it is claimed, it is impossible to get a jury to convict.

We can go to many places in the United States where it is difficult to get a conviction in certain cases. I have not heard anyone suggest that in areas where juries habitually turn criminals loose, or where law enforcement is weak, jury trials should be abolished. No one is offering such an amendment to the pending bill.

This particular issue is being singled out. We are asked to let one man determine whether a person shall go to jail.

Mr. President, I have not really begun my speech; but this subject moves me. To tell the truth, it really starts one thinking. We think in terms of American jurisprudence and our system of justice that requires trial by jury. When we consider it, we really begin to think about it. It makes one shudder to think what is about to happen and what will be the ultimate consequence, what the bill will lead to, if we break the barrier now in existence, and have Congress give its sanction to one-judge verdicts, with the judge as the accuser. One does not have to have a formal speech prepared in order to speak on this subject.

Mr. McCLELLAN. Madam President (Mrs. NEUBERGER in the chair), on Tuesday of the week before last, I devoted approximately 4 hours to a discussion of the history, development, and importance of trial by jury.

On Monday of last week, I again devoted some 4 hours to a discussion of this subject, principally to the observations, views, and comments of leading jurists and distinguished legal historians, scholars, and practitioners, concerning this very fundamental bulwark of American liberty.

A considerable portion of the material I presented on last Monday was taken from the admirable work entitled "Civil Justice and the Jury," written by Charles W. Joiner, associate dean of the University of Michigan Law School. As I pointed out previously, Dean Joiner presents a strong defense of the jury system. His work includes not only his own excellent views, but also the views of famous judges, lawyers, and scholars—the expressions they have made over the past 200 years in supporting and commending our jury system.

Madam President, in my remarks on Tuesday, 2 weeks ago tomorrow, I stated that Dean Joiner's book carries a foreword by the Chief Justice of the United States, Earl Warren. I take this occasion to say, Madam President, that quite often I do not agree with the Chief Justice of the Supreme Court on some of the opinions he has rendered and written in vital cases which have been before the Court, and have been decided by it since Mr. Warren became the Chief Justice of the Court; but in the foreword to which I have just referred, he speaks with some eloquence and with obviously unchallengeable wisdom.

At that time, when I previously made reference to it, I read only the last paragraph of Chief Justice Warren's eloquent and persuasive statement. I was so impressed with that paragraph that I then reread the whole article. I have come to the conclusion that all of it—not just the last paragraph or a single paragraph, but all of it—is well worth the attention of all Senators.

Madam President, I do not believe the record of the debate on the pending issue is complete without having the whole article printed in the RECORD. Ths is a very good point at which to insert it. Having read it two or three times, I have developed a liking for the ring of it. It reads very well, even when one reads it silently. It reads even better when one reads it aloud. That is what I shall do.

Accordingly, before I continue my discussion of the views and observations of other outstanding jurists, scholars, and practitioners concerning trial by jury, I shall read the complete statement by the Chief Justice of the United States, which I believe serves as a very forceful preface to the quotations I shall read from other learned jurists and practitioners and historians with respect to jury trial in the United States.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a question?

Mr. McCLELLAN. On the premise of the unanimous-consent agreement entered into previously, I yield to the distinguished Senator from Louisiana, without losing my right to the floor.

Mr. LONG of Louisiana. Is the Senator about to read from the opinion in the Green case?

Mr. McCLELLAN. Oh, no. This is from a foreword written by the Chief Justice of the Supreme Court. I have not read it yet. It is from a foreword to a book recently published, written by Charles W. Joiner. The title of the book is "Civil Justice and the Jury."

Mr. Joiner is associate dean of the University of Michigan Law School. Apparently, it is a new publication. Chief Justice Warren wrote the foreword for it. The book was published in 1962. It deals with what we have before us with respect to jury trials. Some people would like to abandon or abolish the jury system.

I shall place in the RECORD some very fine opinions expressed by those who certainly are as able as any of us who are serving in the Senate today, and who will have to resolve the issue on the pending amendment or on some other amendment in the bill, during the course of its further consideration.

There are those who take the view that all we are doing is filibustering, merely filling the air with words; that we do not have any sincerity of purpose except to prevent enactment of the bill. But even if we are to be overwhelmed, Madam President, let us at least expose the flaws in the bill, so that those who are determined to pass some kind of so-called "civil rights bill" will be awakened to what they are doing, and will not blindly destroy a system of jurisprudence, including the right of trial by jury, one of the most sacred rights guaranteed a citizen under the Constitution. Let us make the record, so that he who reads may judge. He cannot read it if it is not in the RECORD. So I propose to put it in the RECORD.

Now I shall read what Chief Justice Warren said. He first expressed these profound sentiments:

> Freedom and justice for the individual—grounded upon a just system of laws and protected by the courts—are the keystones of America's strength.

The Chief Justice wrote that as a preface to a book on civil justice and jury trials. Then he wrote:

> This is the American concept, and it is our main claim to moral leadership in the world community.

He wrote of freedom and justice for the individual, grounded upon a just system of laws.

Madam President, that system of laws is premised on the Constitution. It includes the guarantee of jury trial in all criminal cases, and also in civil cases in which the amount involved is more than $20.

Apparently we are asked to place more value on $20 in a civil suit than on 30 or 45 days in jail; we are asked to believe that a jury trial is not important and that we should let a judge decide whether a person shall go to jail.

I continue to read from the foreword by Chief Justice Warren:

> However, the real test of our system is the extent to which our ideals are given actual concrete reality in the lives of our people. A system of laws, however just, that exists only in theory, is a slim basis for a claim to moral leadership.

I ask these questions: Does the right of trial by jury exist only in theory? Is that what the system means? Does it mean that the theory is good, but in reality it is not necessarily so? The Chief Justice wrote that it is "a slim basis for a claim to moral leadership" if it "exists only in theory."

Then he wrote:

> It is a weak reed to support our national strength.

I agree with him. If the Constitution provides for trial by jury—as it does in three places—it is only a weak reed to support our national strength if we adhere to it only in theory, but not in practice.

He also wrote:

> We must not forget that the role of the courts is not merely to define the right; it is also to administer the remedy. Unless the remedy is actually applied to persons and things, the right is merely a pious idea.

In other words, the Constitution provides for a jury trial; but unless a citizen is actually given the right of trial by jury, the right of trial by jury is merely a pious idea.

The Chief Justice then wrote:

> With these thoughts in mind, we are challenged to reexamine our system of justice, to determine whether it is based upon sound procedures and systems, and whether we are presently approaching or receding from our goal. That purpose is well served in this study of "Civil Justice and the Jury."

That was what Chief Justice Warren wrote, after he had read this book. He continued as follows:

> Nowhere does government touch the lives of the people more intimately than in the administration of justice, and nowhere is it more important that the governing process function with efficiency and commonsense. Nothing we can say or do is so important as the way we administer justice. And when I say we, I mean the lawyer and the layman, too.

It is really no wonder, it is not surprising at all, in view of this foreword that the Chief Justice wrote to the book, "Civil Justice and the Jury," that we find him joining with Justice Goldberg, Justice Douglas, and Justice Black in the dissenting opinion recently rendered in the Barnett case.

That was one time when the liberals on the Court really rose to the defense of true liberalism—trial by jury, not trial by the accuser. I find it strange that some of the members of the Court who are inclined toward so-called conservatism could not also have seen the light. But the truly great liberals of the Court, recognizing the danger to personal liberty, took a position of protecting the right of trial by jury.

In this foreword, Chief Justice Warren continued:

> The courts represent the one institution which has been entrusted in a particular way to our keeping—lawyer and layman alike. It places a tremendous obligation on us to make our Federal and State systems work, for without an efficient judiciary, there can be no real justice. It is primarily the law and its adequate and fair administration that makes individual liberty possible.

Madam President, what is fair administration? The fathers of the Constitution had in mind, when they provided for trial by jury, that it was a better system to protect human rights, to protect civil liberties, to protect civil rights, and to protect individual rights and individual liberties. All of us should read that statement by the Chief Justice again and again. I wish every Senator would read it and meditate upon its meaning. I re-read his last statement:

> It is primarily the law and its adequate and fair administration that makes individual liberty possible.

Then Chief Justice Warren continued, as follows:

> The men and women who are called upon to serve on juries in both our Federal and State courts—

All of this was a prelude to his discussion of the jury trial and of the place of the jury in our system of justice—

> have maintained a standard of fairness and excellence throughout the history of our country.

That is the judgment and declaration of faith, so to speak, of the highest judge in the land. That is his comment, taken from his views about the jury system. That does not mean, of course, that there has never been a miscarriage of justice before a jury. It does not mean that a juror has never been bribed. It does not mean that in the same circumstances jurors have not been loyal to the oath they took. It does not mean that every juror who has ever been impaneled did not enter the jury box with a prejudice or perhaps an ulterior motive as to how he would decide the case. The human equation enters into all these considerations, of course. But, taking into consideration the element of human nature that it is in all of us, what the Chief Justice was stating was that, notwithstanding the frailties of human beings, there has not yet been—and his implication certainly is that there cannot be—a better system devised by men for the administration of justice than trial by jury.

Certainly if trial by jury should be preserved, maintained, and observed anywhere, it is in the cases in which an adverse judgment, a judgment of guilty, might carry with it incarceration of the defendant in prison or in jail.

Mr. LONG of Louisiana. Madam President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I gladly yield for a question.

Mr. LONG of Louisiana. Is not this one more way in which the Chief Justice, like others of his stature, is telling us that the personal liberties of citizens, as well as their freedoms, are safer in the hands of a jury than they are when entrusted to courts of one judge or three judges? After all, judges are human beings who are sometimes subject to varying degrees of prejudice and other shortcomings to which the Seantor has referred.

Mr. McCLELLAN. The Chief Justice there was recognizing and emphasizing the fact that judges are human beings and that they are possessed of as many frailties and human weaknesses as are laymen, including those who may be called upon to serve as jurors. But he was also emphasizing the odds favoring the administration of justice when the issue of guilt or innocence is entrusted to 12 persons, instead of to 1. There is far less likelihood that an innocent person will be found guilty by a jury of 12 persons than there is that an innocent person may be adjudged guilty by the judgment of 1 man, because it takes the unanimous verdict of 12 jurors to convict; whereas it is not likely that 12 jurors would make a mistake against an individual and adjudge him guilty, as it would be if that decision were left to the mind, the judgment, and the wisdom of 1 man. That is what our jury system means. The defendant—the accused—is protected, first, by a presumption of innocence; second, by the requirement—by a burden upon the Government or upon the State, as the case might be—to establish guilt by competent evidence beyond a reasonable doubt.

What may convince one judge that there is guilt beyond a reasonable doubt, might fail to convince 12 individuals who are serving as jurors. It might convince five. It might convince six. It might convince 11. But trial by jury means that 12 citizens serving as impartial jurors must be convinced beyond a reasonable doubt before the defendant can be incarcerated.

We are tampering with something that is precious. We are tampering with something that every man who loves freedom truly cherishes. And yet we dare to tamper with it in this particular bill.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. Is it not true that the big difference between a citizen's right to be tried before a judge when accused of crime, and his right to be tried before a jury is that in one instance the citizen has a right to pass upon those who will sit in judgment on him, as to whether he thinks they will give him a fair trial and will judge his case fairly. He does not have this right when he is hauled before a judge for trial. And in the second instance, not one man, but a group of 12 must unanimously agree, in order to find him guilty.

Mr. McCLELLAN. That is correct. The defendant in a criminal trial can participate through his lawyer, or himself, or both, in the selection of those who will try him. In a circumstance such as this, if the judge whose order he is supposed to have violated decides that he wants to charge him, he has no alternative. He must go before that one person, who in this instance is the judge, and the accuser. He has got no right to participate in the selection of those who will try him as to whether they will be fair and impartial. That right is completely denied him.

We cannot overemphasize the right of a trial by jury which is involved here. We are proposing to tamper with that right.

As the Senator will recall, the four members of the minority in the decision of the Supreme Court in the Barnett case referred to the duty of the court to try and adjudicate criminal contempt cases without a jury is a myth. They said that there was no basis in law for it, that they had usurped over the years a power that they did not have under the Constitution. That is the effect of their holding.

Justice Goldberg, speaking for the minority, said:

> A review of the original sources convinces me, however, that the history relied on by the decisions of this Court does not justify the relatively recent practice of imposing serious punishment for criminal contempts without a trial by jury. My research, which is confirmed by the authorities cited in the appendix to the opinion of the Court, suggests the following explanation as to why criminal contempts were generally tried without a jury at the time of the Constitution: the penalties then authorized and imposed for criminal contempts were generally minor; and the courts were authorized to impose minor criminal penalities without a trial by jury for a variety of trivial offenses including, but not limited to, criminal contempts.

I quote from Chief Justice Warren:

> The men and women who are called upon to serve on juries in both our Federal and State courts have maintained a standard of fairness and excellence throughout the history of our country.

I call the attention of the Senator from Louisiana [Mr. LONG] to the fact that Chief Justice Warren then stated, speaking of jurors:

> They have demonstrated a vision and a will toward the administration of justice that is a wellspring of inspiration. It is, therefore, with confident anticipation of their continued service as jurors, and with the highest respect for our jury system, that I welcome this further analysis and study of the history and operation of the civil jury in our country.

Yes, Madam President, we are tampering with something sacred.

When the Chief Justice of the United States stated that, "it is primarily the law and its adequate and fair administration that makes individual liberty possible," he was following in the best traditions of the Founding Fathers of our Nation. An analysis of the debates at the Constitutional Convention of 1787 indicates that much attention was devoted to a discussion of the national judicial system, in general, and to trial by jury in particular.

Referring to the debates on what later became the judiciary article, article III of the Constitution, Charles Warren, one of our great legal historians and the biographer of the Supreme Court, in his remarkable work, "The Making of the Constitution," recounts the inclusion of the requirement of trial by jury in criminal cases in the judiciary article, and observes that this article "was amended by the Convention, on August 28, 1787, and adopted without debate or dissent." After quoting the language in question, he notes that—

> This section (with slight verbal changes made by the committee of style, in its report of September 12) became article III, section 2, clause 3, of the present Constitution; and in this manner the principle of jury trial in criminal cases was imbedded and guaranteed forever.

We are testing that guarantee. Does it hold today? Is that guarantee now valid? Can we rely on it? Have we, in our modern sophistication, concluded that in certain cases in which the incarceration of a person is involved we shall abandon the right of trial by jury? Have we decided that it has now become necessary in the enforcement of law and in the administration of justice to abolish that right so far as cases that might arise out of the pending proposed legislation are concerned?

It is of interest that in the recent Barnett case, to which we have referred, the minority members of the court quoted from a previous decision in which it was said:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

If we keep the Constitution, respect what it states, and make it a living instrument, we shall not abolish the right of trial by jury either by direct legislation specifically providing for abolition or by indirection, as we are now attempting to do.

Mr. Warren further stated in his book to which I referred:

> There was considerable dissatisfaction expressed later in the convention because the same guarantee was not extended to jury trials in civil cases.

Obviously at that convention the writers of the Constitution placed the right of jury trial in relation to crime in a more sacred category than the right of jury trial on issues related to material things. Today we wish to minimize, degrade, and downgrade the importance of that principle. I wish to repeat what Mr. Warren said:

> There was considerable dissatisfaction expressed later in the Convention because the same guarantee was not extended to jury trials in civil cases.

He said further:

> The lack of such a provision became one of the chief sources of attack on the Constitution in the debates over its adoption in 1788 and, to allay this feeling, the seventh amendment was proposed in 1789 and later ratified by the States.

In the original draft of the Constitution the right to trial by jury was not provided for civil cases. But our Founding Fathers believed so strongly in the right of trial by jury that they became concerned that the Constitution provided for jury trials only in criminal cases. So they went further and proposed the seventh amendment to the Constitution, which provides jury trials in civil cases where the amount involved is more than $20, and guarantees the right to jury trial in such cases.

The Constitution expressly and specifically provides that in civil cases where more than $20 is involved, the litigants on either side of the case is entitled to a jury trial.

Madam President, who among us thinks that the personal liberty of an individual and his incarceration for 30 days or 45 days is less sacred than a $20 bill and a penny? To argue that our Founding Fathers intended that the litigants in a civil action where the amount involved was $20 and 1 cent should have the guarantee of the right to a jury trial but an accused person in a criminal contempt case should not be entitled to such a right almost reaches the point of ridiculousness. How can we reconcile the attitude of our Founding Fathers in respect to the right to trial by jury in civil cases with the creation of a device called criminal contempt under which an alleged offender could be punished by incarceration in jail for 30 days or 45 days? Is that all right? We are told that the punishment is insignificant. Not enough is involved to require a jury trial. Who believes that? Not a person within the sound of my voice believes it, and no one has the power of argument or logic to dissuade those who disbelieve it. There is no doubt about it.

In effect, we are tampering with the Constitution. Though the Court was divided 5 to 4 on the issue, I point out that very often minorities have been correct. Some claim that that is what the bill is all about. The minorities are right. In my judgment, the minority of the Supreme Court was correct and our Founding Fathers were correct when they wrote the Constitution. Not a one of them intended otherwise than that the right of a trial by jury should be afforded to a man accused before he is tried, sentenced, and incarcerated after an adjudication of guilt.

Mr. HILL. Madam President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. The Senator has spoken of the seventh amendment. He has said that the amendment provides for a right of trial by jury in civil cases where the amount involved is $20 or more. Is it not true that Mr. Charles Pinckney, of South Carolina, who was one of the delegates from the State of South Carolina to the Constitutional Convention, who signed the original draft of the resolution adopting the Constitution, and who was afterward a Member of the House of Representatives when the House considered the submission of the first 10 amendments, including the seventh amendment, to which the Senator has addressed himself, declared that those 10 amendments would be submitted, and that they would become a part of the Constitution? But for that assurance, and if we did not have the sixth amendment, the seventh amendment, and the other amendments which constitute the Bill of Rights, there would have been no Constitution. Is that true?

Mr. McCLELLAN. There would not have been a Constitution at that time. What would have happened afterward I do not know, but at that time there would have been no Constitution submitted for ratification.

It would not have been approved for submission for ratification.

Mr. HILL. We would not have had the Constitution we have had for 175 years, and under which this country has grown and prospered and become the mightiest nation on the face of the globe.

Mr. McCLELLAN. We would not have had it at that time. What would have happened later, if the debate had gone on, if the issue had not been resolved at that time, if there had not been approval of the Constitution at the Convention for submission and ratification, I do not know. But the fact is that it occurred. The Constitution became the greatest document ever stricken by the hand of man. We still revere it. It will still be revered so long as we keep it on the pedestal of esteem, respect, and reverence to which it is entitled. When we degrade it, when we undertake to detract from it, when we undertake to circumvent it, when we undertake to ignore or abolish it, by indirection, if not by direct repeal of its provisions, we weaken it. We do not change the virtue of it, but we weaken it in its application and in its strength to preserve that which it created.

The Constitution became the anchor on which we could build this Nation of freedom, of freemen. It became the anchor or foundation upon which our liberties rest. We dare not tear, we should not risk tearing away from those moorings and undertake now to manipulate. That is what we are doing—trying to manipulate it. We have heard of "jockeying for position." There is a little attempt to jockey here in this situation, hoping to get some advantage for this particular bill. If there is jockeying and manipulation here, it will be done again. This will not be the last time. So we shall be moving in the direction of the destruction of that which we cherish.

It is not worth it. Granted the worst that has been said or can be said about the mistreatment of any minority, about the lack of equality, if that is the term one wishes to use, of any minority—with which I do not agree at all; but acknowledge it for the sake of argument—it still does not justify destroying the Constitution that has made us the greatest nation on earth.

Some remedies may be needed. Assuming they are needed, why must the jury system be destroyed? Why must one freedom be destroyed in order to grant another? I do not believe it has to be done. I do not believe it is right to do it.

If the sentiment is as strong as some say it is for this character of legislation, and if it is as just as its proponents proclaim it to be, I have faith in the American people in the North, South, East, and West, and I have faith that juries will uphold the law. We do not have to resort to this kind of manipulation and tactics and erosion of the processes of the Constitution to insure that justice will be done in the land.

Mr. HILL. Madam President, will the Senator yield for a question?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. The Constitution provides lawful, legal, constitutional means to change the Constitution. If in the wisdom of the people they think the Constitution should be changed, does the Senator think for 1 minute that the people of the United States would ratify an amendment denying the right of trial by jury?

Mr. McCLELLAN. I cannot conceive that they would. I do not believe the standard of citizenship in the United States has so deteriorated or that the character of the American people has so deteriorated up to now that the people would be willing to vote for a constitutional amendment to abolish the jury system in either criminal or civil cases. I do not believe they would do it. If they would, then, in my judgment, they have ceased to understand, appreciate, cherish, and be willing to sacrifice to the extent that it is necessary to protect and preserve freedom.

Mr. HILL. Will the Senator yield further for a question?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. The Senator speaks of freedom. Does the Senator agree with the great statesman, Winston Churchill, when, in writing his "A History of the English-Speaking Peoples" he declares:

> Trial by jury of equals for offenses known to the law, if maintained, makes the difference between bond and free.

Mr. McCLELLAN. That was the concept of our Founding Fathers. If a man is charged with criminal contempt and a jury of his peers convicts him, who will gainsay the justice and the righteousness of that decision? It is hardly subject to challenge. I do not say justice will not sometimes miscarry in jury trials. It will, so long as jurors are human beings, with all the frailties inherent in human beings. The judgment of all human beings may err. The judgment of a jury collectively may err. That of an individual juror may err.

On rare occasions a juror might be influenced by improper considerations. But that would also hold true of a one-judge court. He is no different. He is human, too.

So what is the safe thing to do? One of the gospel hymns that has the strongest appeal to me of any I recall is one entitled "I Will Cling to the Old Rugged Cross." I will cling to the Constitution of the Founding Fathers. That is the safest thing to do.

I do not mean to be sacrilegious when I make that reference:

> I will cling to the old rugged cross
> Till my trophies at last I lay down.

I will cling to the Constitution of my fathers, of the Founding Fathers of this Nation, so long as I have a public duty to perform. Who wants to abandon it? I do not.

Mr. President (Mr. KENNEDY in the chair), in discussing trial by jury in relation to the national judiciary, Alexander Hamilton, in Federalist No. 83, states:

> The friends and adversaries of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government. For my own part, the more the operation of the institution has fallen under my observation, the more reason I have discovered for holding it in high estimation; and it would be altogether superfluous to examine to what extent it deserves to be esteemed useful or essential in a representative republic, or how much more merit it may be entitled to as a defense against the oppressions of an hereditary monarch than as a barrier to the tyranny of popular magistrates in a popular government—

I do not know how Alexander Hamilton could have given us a more penetrating warning than when he makes a comparison of his observation—

> the more reason I have discovered for holding it in high estimation; and it would be altogether superfluous to examine to what extent it deserves to be esteemed useful or essential in a representative republic, or how much more merit it may be entitled to as a defense against the oppressions of an hereditary monarch than as a barrier to the tyranny of popular magistrates in a popular government.

That is what we are proposing to do here, to substitute the popular magistrates in a popular government for a jury trial.

He goes on further and states:

> Discussions of this kind would be more curious than beneficial, as all—

Not just a few, Mr. President, but all—

> are satisfed of the utility of the institution and of its friendly aspect to liberty.

Mr. President, the question of trial by jury was very much in the minds of the Founding Fathers of this Nation, and many questions were raised concerning it during the debates on ratification in the States. It appears that there were many who were not satisfied with the language of the Constitution and who feared that the right to a jury trial would be denied them.

That is a strange thing. There was that constant apprehension among the men who wrote the Constitution that they might somehow fail, in the language of this great document, to make secure the right of trial by jury. That is what they were trying to do. As they deliberated about it and as they discussed it and as they drafted it and redrafted it and weighed it, and as they considered what the consequences would be, what it would do, how it would work how it could be applied, they had the constant apprehension among them that perhaps they had not made sure that a citizen would have the right of trial by jury. When they had finished, there was not any shadow of doubt about what they intended the Constitution to mean if it were properly construed and applied.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Alabama for a question.

Mr. HILL. Cannot the Senator imagine that the Founding Fathers had in mind the thoughts so well expressed by the eminent French philosopher de Tocqueville when he declared:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Mr. McCLELLAN. That is true. Here is the wholesome thing about a jury trial, especially when one is accused of an offense against society. That is what a criminal charge is. It is an offense against society, when one is so accused. The bill is supposed to have its impact on the social intercourse between citizens of the country—minority groups, majority groups, groups of different color, groups of different religious faith. That is what the bill is undertaking to do.

When a person violates a court order, he is charged with an offense. The offense is criminal contempt. It is an offense against society. The bill undertakes to regulate the social and economic action of citizens.

The person is charged with an offense against society. The purpose of a jury trial is to have society, through members of it—not officers, not continuing officers, not those vested with official powers—people who are selected to serve only for the purpose of adjudicating the issues, and determining the innocence of a person, or determining, as the case may be, the failure of the government of the State to produce evidence which convinces a jury of that person's peers that he is guilty beyond a reasonable doubt.

That is where society comes in, where it is drawn into the issue. It is not the judge who has been placed in a position of power by appointment. Judges are appointed; they are not elected by the people. They are appointed. I am not complaining about that process. After all, a man who is being charged and is being tried has no direct way of participating in the appointment of the judge. Of course he votes for his Senators. He helps elect two Senators to the Senate. The Senate confirms the appointment of the judge by the President. However, that is certainly a very remote contact with the judge who may try him.

When he is given the opportunity of a trial by jury, he participates in the naming of those who will judge him. He participates by ascertaining, through interrogation of the prospective jurors, a juror's state of mind, his background, his prejudices, his bias, if any, his inclination, which may appear from his characteristics or mannerism in answering questions, and from the evasion or lack of clarity or frankness as he answers questions. The person accused is given an opportunity to exercise a certain number of preemptory challenges. He participates in the selection of the tribunal that will pass judgment upon his guilt or innocence. Society is brought into play. Citizens are brought in for a day, so to speak, to be the judge of whether the Government has produced proof sufficient to convince them beyond a reasonable doubt of the defendant's guilt.

Do we wish to abandon that course of action? It is said that the bill contains a great many good things. We had better look beyond that expression.

Mr. HILL. Mr. President, will the Senator yield.

Mr. McCLELLAN. I yield.

Mr. HILL. Under the jury system, the jury has no personal interest in a case; in other words, when the judge is passing on a case of this kind, he may have taken some offense.

Mr. McCLELLAN. The Senator means in a case that would grow out of the pending bill, if enacted?

Mr. HILL. Yes.

Mr. McCLELLAN. The Senator is correct. The judge has an interest and an official responsibility. He may very well have a personal interest.

Mr. HILL. Is it not true that under the pending bill he sits as the accuser, as the prosecutor, and as the judge, and then fixes the punishment?

Mr. McCLELLAN. That is correct. That is not the process of justice in a democracy where men are free.

Mr. HILL. That is why we have the institution of trial by jury, is it not?

Mr. McCLELLAN. The Senator is correct. That is why some of us are standing here today fighting with all the force we can command against this intrusion upon individual liberties.

Albert Beveridge, the biographer of John Marshall, in his four-volume work on that great Chief Justice, tells us that George Mason, one of the leading delegates to the Constitutional Convention from the great State of Virginia, and author of the Virginia Bill of Rights, during the Virginia debate on ratification, asked the question, "Is not a jury excluded absolutely?"—by the Constitution. Continuing, he asked whether even if a jury were possible in national courts, where is there any right, under the Constitution, to challenge jurors? "If I be tried in the Federal court for a crime which may affect my life, have I a right of challenging or excepting to the jury?"

Beveridge then goes on to describe the oratory of the great Patrick Henry who rose to new heights, as follows:

> As he closed, the daring of the Patrick Henry of 1765 and 1775 displayed itself. "Shall Americans give up that (jury trial) which nothing could induce the English people to relinquish," he exclaimed. "The idea is abhorrent to my mind. There was a time when we should have spurned at it. Old as I am, it is probable I may yet have the appellation of rebel. As this government (Constitution) stands, I despise and abhor it," cried the unrivaled orator of the people.

Mr. President, that is how the great men who founded this Republic felt about trial by jury.

It was because of the strong, unwavering, and uncompromising position of those same men, the fathers of our Republic, that we were given in the Constitution the guarantee of the right of trial by jury. They were not even satisfied by the provisions of article III of the Constitution, and they were not afraid to express their doubts over whether or not their right to trial by jury was guaranteed. They were apprehensive, and their great goal was to make secure the right to trial by jury. They did not hesitate, in those days, to express their views. They were laying the foundation for a structure of liberty that had never been equaled up to that time and has never been equaled or surpassed since.

We have much to cherish and much for which to be thankful. The basic premises upon which our Republic was founded have been the bulwarks of strength that have made the Republic secure and have preserved it up until now. If we begin to knock them down one at a time, it will be like removing the supports from a great structure. Remove one from the foundation, then another, and still another, and ultimately the edifice, no matter how beautiful, no matter how imposing it may be, will collapse, crash, crumble, fall. We cannot trifle with such a structure.

It is said that we can get by with the proposed change. Yes, we may get by with it temporarily. But the structure of the Constitution is not prepared to withstand the storms of strife and contention that may prevail against it, as it would be if we did not take this prop out from under it. If we take out one and then take out another, ultimately the structure will be unable to withstand the torrents of prejudice, the torrential usurpation of power, and the withdrawal of the abolition of liberties that it grants and makes secure.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HILL. Does not the Good Book tell us and admonish us:

> Remove not the ancient landmark, which thy fathers have set.

Mr. McCLELLAN. That is true. I spoke of removing stones as an illustration or a parable, in the sense of removing the stones of the foundation upon which the structure rests. The Senator from Alabama has given a Biblical presentation of the same idea. It is far more beautiful and far more eloquent than anything I have said.

But as we undertake to relate matters to potential happenings and consequences of our human experience, about the knowledge that we have gained in the course of the progress of civilization, we hardly reach the heights of eloquence and profoundness that we find in Biblical illustrations. Ours are more thoughtful; that is true; but they are compelling from the standpoint of being logical and the truth being established by the occurrence of events within our own knowledge, in our own lifetime, and of our understanding of how they operate and what their impact may be.

Mr. President, obviously I shall not be able to finish my address today, but at this time I shall return to a discussion of the views and observations of distinguished jurists, scholars, and practitioners on trial by jury and the jury system. I have diverted briefly because I felt that we should not permit ourselves to forget how highly our Founding Fathers valued this great bulwark against tyranny and injustice.

Again, I wish to quote from a current publication by Dean Charles W. Joiner, of the University of Michigan Law School. He refers to the jury system as one of the checks and balances and points out that:

> The division of function between judge and jury creates a system of checks and balances built into the typical jury trial and unique in our system of judicial administration.
>
> Jury decisions on facts and the application of law to facts seem to be an ameliorating influence on the trial process. The harshness of legal doctrine is often softened by the jury. I do not think we should consider this idea as a strong reason for sustaining the jury, but if it is impossible to make the law less harsh—and I think it is impossible at times to soften a law simply by writing it more accurately and with more definition—we ought to have a system for trying lawsuits that will tend to mitigate the harshness that we otherwise are unable to eliminate.

He says further:

> We have seen in Michigan how over a period of 10 years the jury of the community tended to apply the indefinite standards of the law along the line of community desires. Some years ago, but within this 10-year period, the Supreme Court of Michigan was constantly reversing trial judges for failure to direct verdicts in cases involving contributory negligence. This meant that in cases in which the Supreme Court said that there ought to be a directed verdict as a matter of law on the ground of contributory negligence, the trial juries were bringing in verdicts in favor of the plaintiff, even though they were properly instructed on contributory negligence.

I point out that in a trial by jury in criminal cases, if in the opinion of the court a crime has not been proven, if the evidence has been insufficient to sustain a conviction of the defendant, or identify him with the crime, or if under the law the facts are undisputed, or the acts of the defendant do not constitute a crime, it is the duty of the judge to instruct the jury to return a verdict of acquittal. So, it is a check-and-balance system.

Dean Joiner, in his comment in the book, says:

> In the first instance we found juries wanting to apply a community standard. They had a tendency not to hold a plaintiff 100 percent responsible when there was only contributory negligence.

While this deals with civil cases, it points out how the thing balances out, how the judge and the jury, each performing their separate function, and functioning as directed by law under our judicial system, work as a check and balance, and thus further serve the cause of justice, rather than detract from it.

He stated:

> They had a tendency not to hold a plaintiff 100 percent responsible when there was only contributory negligence.

Under some State laws, we have the statute of comparative negligence, where the amount of recovery is diminished in proportion to the contributory negligence of the plaintiff.

He goes on to say:

> In later instances we have found that the juries return a number of verdicts for the defendant when the court is not directing them. The latest study in Detroit showed that there was a substantially higher number of defendants' verdicts after this change. So the jury can work to relieve the harshness at both ends. Although the new view may seem harsh, the jury tends to ameliorate this by taking the middle ground. This was true in earlier cases as well, for the jury then tended to take the middle ground also.

Another title in the book is, "The American Citizen and the Jury." Dean Joiner says:

> The jury is a vestige of nonprofessional government, an institution in which nongovernmental people play a significant part in the governmental process. Here private citizens on an ad hoc basis exercise part of the dispute resolution responsibility of government, thus minimizing any biases of governmental bureacracy. It is popular because it gives private citizens a broad participation in government. A significant job is performed without hiring new governmental employees or creating a new hierarchy. The jury provides for citizen participation in government unequaled elsewhere. If democracy is really to work—and it has worked pretty well for 170 years—our citizens must not only be informed at election time but must know the meaning of making responsible decisions. Through the jury more private citizens participate in responsible decisionmaking than in all government put together. Certainly the decision of a juror is a responsible one, and he realizes it; and when he has seen the difficulty in making it, he cannot help but understand some of the problems that others, such as government officials, face when they have to make even more significant decisions than his. However, responsible decisionmaking by jurors is possible only when they have the qualifications for decisionmaking.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HILL. Does the Senator agree with the statement of Mr. Goldfarb, of the Department of Justice, in his book published recently by the Columbia University Press entitled "The Contempt

Power," in which book Mr. Goldfarb makes the following declaration:

> It could well be suggested that, most peculiarly, in contempt cases the jury has a valuable role. First, it brings the public's attention and interest to a dispute which is usually an official, governmental one. Public enlightenment, even if only through jury representation, has been characterized as an "indispensable element in the popular vindication of the criminal law." This participation hopefully encourages popular understanding and acceptance of the administration of justice. Second, the jury may serve as an insulation between the alleged offender and the offended party, who is sometimes the judge and sentencer.

Mr. McCLELLAN. That is correct.

Dean Joiner has one section of his book which deals with the subject "The Jury as the Conscience of the Community."

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. HILL. Will the Senator agree with Mr. Goldfarb on this statement:

> This conservative deliberation in an otherwise unlimited, uncontrolled situation allows the jury to function as a wall against possible abuses by governmental powerholders upon individuals. The general public may look with skepticism upon a judicial process which allows one man to be judge, prosecutor, victim, and jury, but as Justice Black aptly pointed out, there is inclined to be less false martyrdom where a jury convicts.

Mr. McCLELLAN. I agree with the comment. The more we think about this issue and contemplate the consequences of what is proposed to be done here, the more we need to go back and reevaluate, reappraise, and reassess our own thinking and our own consideration of what our duty is, and the value that has been placed on the right of trial by jury throughout the whole history of this country. Dean Joiner has a title in his book, "The Jury as the Conscience of the Community." In this respect, he said:

> In this section I will try to show that the jury has a second significant function that can be served in no other way than by drawing a number of persons from the community at large. This is the function of acting as the conscience of the community in dispute resolution.

A judge might well exercise the function acting as the conscience of the community. I do not say that he would not or could not. But I do say that it is more likely that 12 good men, tried and true, duly selected by the jury processes to serve in a given case, will more often reflect the conscience of the community than would a single judge.

Mr. Joiner states:

> "Conscience of the communty" involves bringing a cross section of the communty into the process of dispute resolution. An understanding of the ideas involved in this section necessitates an acceptance of four major premises. When these are accepted, I think the conclusion is inevitable:
>
> 1. The jury as we know it is drawn from the community at large.
>
> 2. The judge is also selected from the community.
>
> 3. Most laws are written in very general terms.
>
> 4. The law requires communitywide acceptance.

Mr. President, I have not elaborated under each one of those four reasons that the author has assigned. He has provided a very able comment in support of each one. He closes by saying:

> These four premises, that the jury comes from the community and is a reasonably fair cross section of that community, that the judge is an expert coming from the elite of the community, that the law is often very general in its terms, needing precise interpretation and application in individual cases, and that it needs to have strong popular support in the community itself, lead inevitably to the conclusion that the litigious process must somehow involve the community and that the jury is probably the best device possible to bring out this community spirit, this community consciousness of the law. Imperfect as the jury system may be, it is far better than having harsh, rigid standards that are not perfectly applicable to a case before the court, or having an unsympathetic member of an elite interpret the laws. It is the jury that helps resolve disputes in accordance with the law which it has interpreted in a way that will maintain popular support for it and the legal system, thus helping to build and shape the application of general laws in a way that will be widely accepted.
>
> Almost 100 years ago, Mr. Justice Hunt, speaking in support of a unanimous Supreme Court of the United States, expressed this thought:
>
> "Twelve men of the average of the community, comprising men of education and men of little education, men of learning and men whose learning consists only in what they have themselves seen and heard, the merchant, the mechanic, the farmer, the laborer; these sit together, consult, apply their separate experience of the affairs of life to the facts proven, and draw a unanimous conclusion. This average judgment thus given it is the great effort of the law to obtain. It is assumed that 12 men know more of the common affairs of life than does one man, that they can draw wiser and safer conclusions from admitted facts thus occurring than can a single judge."

Mr. President, I assume that there will be further opportunity to speak, and if anyone is still in doubt, surely there is further necessity for discussing the issue. I hope that there will be further discussion of it before a vote is taken on the pending amendment or on any other amendment involving the issue, because the subject is too important for us to make any mistake about it. I believe the more some of us discuss it and the more those others who do not discuss it reflect upon it, the more likely we will come to a correct decision.

Mr. President, there seem to be other Senators who want to speak this evening. I dislike to impose upon their rights, and thus I feel I should bring my address today to a conclusion, so as to give them an opportunity to participate in the debate on the vital issue now before the Senate.

So much has been said that I think there is more heat than hate existing. A few days ago I made reference to some of the editorials appearing in one of the great newspapers of my State, the Arkansas Democrat. I commented on one of them in particular. I find there is another that I think has a proper place in the RECORD of this debate. It appeared in the Arkansas Democrat of last Tuesday, May 12, 1964. It reads:

> [From the Arkansas Democrat, May 12, 1964]
>
> SUGGESTION FOR PRESIDENTIAL LECTURE
>
> Next time President Johnson feels the urge coming on him to lecture the public on its duties, we wish he'd turn his attention to the U.S. Supreme Court—then to the Senate for its perfunctory approval of Presidential nominees to the Court.
>
> The President delivered what the AP called a "scorching blast" at hate in a speech in New York City last weekend. He said hate is a national menace.
>
> What the President loosely calls hate is the feeling roused by the results of the Supreme Court's racial rulings in the past 10 years. The Senate bears responsibility for this because it has failed to use its coequal power with the President to name the Court Justices.
>
> But there's very little real hate among Americans toward people. They are too innately kind and generous. They may hate things—like communism and crime, as they should.
>
> People often say they hate someone when what they actually feel is dislike, anger, indignation, scorn or repulsion. Hate, says Webster's Dictionary of Synonyms, "implies extreme aversion, especially as coupled with malice" and includes such other feelings as rancor, vindictiveness or fear.
>
> A great many Americans resent the Supreme Court's upheaving racial decisions. They are angry, indignant, sometimes bitter about them.
>
> And they feel the same way about racial agitators who defy local authority, often break down peace and order and cause rioting and violence. But very few Americans feel the blind wrath of hate.
>
> If President Johnson wants to call this hate, let him take much of the blame home to himself. For he is aggravating it with his civil rights bill, which would impair all rights to force the demands of willful peacebreaking and lawbreaking agitators on the nation.
>
> If he wants to remove this "hate," let him take his pressure from behind the civil rights bill and speak out for Court and senatorial and House respect of the Constitution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 238 Leg.]

Aiken
Allott
Bartlett
Bayh
Bible
Boggs
Burdick
Cannon
Case
Clark
Cooper
Cotton
Dodd
Douglas
Ervin
Fong
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Neuberger
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Walters
Williams, N.J.
Williams, Del.

The PRESIDING OFFICER. A quorum is present.

PROPOSED FEDERAL PAY INCREASE

Mr. LAUSCHE. Mr. President, I wish to express opposition to the bill which proposes a pay increase for Federal employees, judges, Cabinet members, Members of Congress, and others. I do so on the basis that one of the principal concerns of all responsible officials is the need of holding the line against price increases which may be precipitated by the improper judgment of vendors or by unjustified wage increases as they are related to the recommendations made by the President and the Council of Economic Advisers. Whatever I have heard spoken on this subject has been directed primarily against the need to avoid inflation. All persons occupying responsible positions, excluding those concerned with the international threat, have rather uniformly stated that our primary problem in this period is to stop the pent-up powers that are ready to explode and cause inordinate increases in the prices of goods which the public buys.

Because we are concerned about private employment for the unemployed, it occurs to me that one of the best methods of providing work for the unemployed would be to guarantee an expanded market in which our people would be able to buy, and in which producers throughout the world would be desirous of buying our goods because of their favorable price. With that premise, I suggest that that is no justification for Members of Congress to ask for a 33⅓-percent pay increase, for Congress to set an example that would induce labor leaders and manufacturers to disregard the plea that has been made about fixing prices and wages at a point where the increased cost shall not be beyond the productivity of the labor placed into the goods

I shall read excerpts from the economic report transmitted by the President to Congress in January 1964. In that report, President Johnson said:

> A series of specific price increases in recent months—especially in manufactured goods—gives me some cause for concern.
>
> I do not anticipate a renewal of the price-wage spiral—a spiral that would weaken our expansion and worsen our balance-of-payments position.

The President further said:

> I count on the sense of responsibility of the Nation's industrialists and labor leaders (1) to extend the excellent price and cost records of recent years and (2) to maintain price and wage policies that accord with the non-inflationary guideposts that I have asked the Council of Economic Advisors to reaffirm in its attached report.

The President further said:

> On the heels of solid increases in real wages, plus the rise in take-home pay under the tax cut, I see no warrant for inflationary wage increases. Accordingly, I shall keep a close watch on price and wage developments with the aid of an early warning system which is being set up in the appropriate agencies.
>
> I shall not hestitate to draw public attention to major actions by either business or labor that flout the public interest in noninflationary price and wage standards.

On March 23, in Atlantic City, the President said:

> Broader public interest today, more than ever, requires that the stability of our costs and our prices be protected. The international position of the dollar, which means our ability to do what we need to do beyond our borders, demands that our prices and our costs not rise. We must not choke off our needed and speedy economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business, and it is also the responsibility of labor.

The President further said:

> I speak as President of the United States, with a single voice to both management and to labor, to the men on both sides of the bargaining table, when I say that your sense of responsibility, the sense of responsibility of organized labor and management, is the foundation upon which our hopes rest in the coming great years.

I take these words of the President at their full value. I take it for granted that, except for the threats to our international security at the present time, there is no problem of greater vitality than to stop any forces that might lead to inflation.

I wish to quote one of the high authorities of our Government, who is supposed to be an expert on this subject. He is Mr. Heller, the President's adviser on economics. In Detroit, Mich., on March 23, 1964, Mr. Heller spoke about the great growth in our economy, and then warned about the dangers that will come unless we guard against inflationary forces.

He said:

> Three years have added $100 billion and then some to our annual rate of output. Full shares have been dealt to both business and labor—more than $16 billion of added profits and some $55 billion of added labor income, at annual rates. At the same time, the consumer was benefiting from a more stable price level in the United States than in any other advanced country in the world.

Mr. Heller further said:

> It is hard, then, to dim the luster of the current profits performance. What makes the rise in profits—and cash flow—particularly gratifying is that it is being achieved in a setting of essential price stability; wage-rate increases that are roughly keeping pace with productivity advances; and briskly rising total labor earnings.
>
> No better setting has existed in the entire postwar period for a price-wage-dividend policy which will achieve fair shares, simultaneously, for the consumer, the wage-earner, and the stockholder.

It will be noted in the statements which I have quoted, that the consumer is mentioned intermittently. That is a very significant aspect of these statements. We have more than the interest of the manufacturer, the industrialist, and the worker. We have the interest of the large number of consumers in our country who form an important segment of our society and economy. Unless they are protected, we may find ourselves in a position where the labor leaders will be demanding inordinate wage increases. The manufacturer has received his profit, but all at the expense of the consumer. In my judgment, this is contrary to the interest and the security of our Nation.

Mr. Heller then continues:

> What could destroy this balance? Either the resumption of inflation or the ballooning of costs, or the interlocking of the two in a renewed price-wage spiral. Whether the economic promise of the mid-1960's is endangered by these forces is my final point of inquiry today.

Mr. Heller states:

> In today's vigorously expanding economy, it would be less than prudent not to keep an eye cocked on the price-wage front. Past prosperities have often generated upward pressures on the price level—and our responses to the "problem of inflation" tend to be governed, not surprisingly, by past experience.
>
> We face 1964–65 against a background of several years of stability in prices and unit-labor costs.
>
> Two other important factors enter to satisfy the continuing desire for higher incomes and profits without excessive wage increases and without higher price levels:
>
> First, the good productivity growth record of recent years—3.2 percent currently, compared with 2.8 percent during the 1955–57 period.
>
> Second, the tax cut, which provides a significant continuing bonus in take-home pay and net profits. Its addition of 5 to 10 cents in workers' hourly take-home pay in 1964 compares with a 1963 median wage increase of 9 cents an hour (in "major collective bargaining situations"). And its sizable boost to profits has already been noted.
>
> But responsible public policy must also recognize the possibility that stronger markets will whet the appetite for higher prices—and higher profits will whet the appetites for higher wages—in a strongly advancing economy. Even in the face of greatly improved public understanding of the relation between wages and costs, between costs and prices, between prices and the balance of payments, the temptations of the market will not disappear.
>
> It is against this background that the administration has underscored the importance of the price-wage guideposts—the standards for noninflationary wage and price behavior which expresses the public interest—in wage settlements that stay within the bounds of productivity advances; in price decisions that are consistent with overall stability of the price level.

It is on this premise that I rise today to make an appeal that Congress not pass the Federal pay raise bill. It is our responsibility to set the example for the Nation in the fight to stop inflation. If we pass an extravagant wage increase, nothing but chaos and havoc can be the consequence.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. It has been suggested that we will also be asked to reduce taxes further. Is that correct?

Mr. LAUSCHE. It is my understanding that some statement has been made that we will reduce taxes further. Frankly, I cannot understand how these things can be done without ultimately endangering the very existence of our economic structure and our system of government.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. The newspaper reports are to the effect that the House Ways and Means Committee plans to start immediately to study the problem of doing away with excise taxes. I agree with the Senator. I do not see how we can continue to reduce our revenues and increase the cost of Government, and maintain any fiscal stability. I agree with the Senator that if we get a big raise in salary at this time, it will be rather difficult to tell the labor unions not to insist on an increase in wages, and it will be rather difficult to ask management not to grant it. We set the example, as the Senator said.

Mr. LAUSCHE. I concur entirely with what the Senator from Arkansas said, that we cannot continually spend more than we take in without going into bankruptcy. The management of government is no different than the management of a home. The home that spends each year more than they take in is destined for an accounting and for an atonement. And it is usually a very painful one.

There was once the philosophy that we ought to tax in an amount equal to the amount necessary to run government. That philosophy was thrown overboard. A new one was adopted that provided: "Tax and tax, and spend and spend."

We now have the philosophy: "Spend more; tax less; and everyone will be in better shape."

We may be in better shape for a brief period, perhaps for a year. But the time to answer for those misdeeds is sure to arrive.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. There are those with tremendous influence in government today, who advocate what they call active deficits as a way of life for government. In other words, they advocate that we should continually spend more and more, and thus keep a stimulated economy.

Mr. LAUSCHE. The economic adviser whose name I mentioned, Mr. Heller, somewhere made the statement that the bureaucratic hue on public spending must be dismissed and abandoned.

Mr. McCLELLAN. By that Mr. Heller means keeping a balanced budget and living within our income. That is what he means by "puritanical view."

Mr. LAUSCHE. Yes. He sort of condemned what is known as the "puritanical" approach to the operation of Government. Whether he meant what he said, I do not know. He said that morality in the management of the fiscal affairs of the Government is an antiquated concept and should be discarded. I cannot agree with that statement.

Mr. McCLELLAN. He implied that it is an obsolete standard of ethics and morality.

Mr. LAUSCHE. Yes. That is what he advocated.

Mr. President, today's issue of the Washington Post reports that the guidelines which were set down by the President and the Economic Advisory Committee, advocated by Mr. Heller, are being abandoned in the wage negotiations in Detroit. Those guidelines will not be maintained. Instead, they will be violated.

In Cleveland there is a strike of building-trades men. A concession of a 75-cent-an-hour increase in wages was made to 11 unions, I believe. They accepted the increase. The 75-cent-an-hour increase is an amount in excess of what the guidelines of the President and the Advisory Committee reported. Six or seven other trade unions refused to accept that 75-cent package and are asking for something more than a dollar. That action is in violation of the guidelines set down.

I now come to the principal aspect of my discussion. Is it proper and advisable for the Congress to pass a pay bill which would grant to Congressmen a pay raise of $7,500 a year, raising the salary from $22,500 to $30,000?

Other high public officials would be granted similar increases. The pay raise contemplated for Congressmen would be a 33⅓ percent increase. In 1955 the salary of Congressmen was raised from $12,500 a year to $22,500. That increase was practically a 100-percent pay raise.

The salary of the Chief Justice of the U.S. Supreme Court was raised from $25,500 to $35,500 in 1955. The salaries of the Associate Justices were increased from $25,000 to $35,000 a year. The salaries of Cabinet officers were raised from $22,500 to $25,000 in 1956.

I shall not attempt to state the proposed salary increases for all public officials, but the bill would give a liberal and, in my opinion, an unjustified salary increase to members of boards, members of commissions, Members of Congress, members of the courts and others whom I cannot immediately identify.

As a Congressman, if I should now retire while my salary is $22,500 a year, I would be entitled to a pension of 2½ percent for each year of service. I have been in the Senate for 8 years, so I would be entitled to 20 percent of $22,500 as a pension.

If the proposed pay raise is granted, and I should continue to serve another 5 years in the Senate, my pension would be calculated at the $30,000 level, which is proposed, instead of the $22,500 present level. If I remained in the Senate an additional 5 years, my total service would be 13 years, and I would receive a pension calculated at 13 times 2½ percent—which would be 32½ percent—of $30,000, instead of $22,500.

As Senators know, we are granted a $3,000 expemption on our income taxes. In other words, $3,000 of our income is not taxed.

We are granted a stationery allowance of $1,800, and whatever portion of that amount we do not spend, we are allowed to retain.

During each session of Congress we are granted two trips to and from our homes with reimbursement. We are allowed $100 a month to maintain an office at home, even though that office may be connected with the law office that a Congressman may be running.

We are allowed to practice law or to engage in business. I concede that there is not much time to do so, but the privilege exists.

Finally, I pose the question as to how many Congressmen would quit if we failed to raise their salaries to $30,000. As I said once before, they could not be driven out with a shotgun.

Yet the argument is made that unless salaries are raised, good men will not run for the office. The raising of salaries will have no impact whatsoever on the quality of men who are willing to serve. The same caliber of men will be running. For every position that is available there will be 100 candidates.

I should like to refer again to the salaries of Federal judges. As I have said, the salary of a Justice of the Supreme Court is $35,500. The salary of a district court judge is $22,500. But what about their pensions? They pay nothing into the pension fund. We pay 6½ percent of our salary. A Federal judge at the age of 70 years, with 10 years of service, can retire and receive full pay for the rest of his life. A Federal judge at the age of 65 with 15 years of service, without having paid anything into the pension fund, can go on the inactive list, as they call it, and receive full pay each year.

The U.S. Supreme Court Judges receive $35,000 a year. The U.S. district judges receive $22,500 a year.

Can someone argue that judges cannot be obtained to go on the Federal bench? I ask Senate colleagues, How many applicants do they receive for each Federal judgeship that is vacant? Have you ever heard of a lawyer that would decline to accept a judgeship? I have not. I have had 20 years of experience in high office, and I know that the applicants have been innumerable and endless in asking my intervention to receive appointments to Federal judgeships.

Are we going to be able to turn down inordinate demands of others when we become most liberal in granting to ourselves the taxpayers' money? I think the administration and the Congress will be absolutely defenseless.

When I argue in favor of stability in prices and wages, how will I be able to do so in the future, if I vote for the 33⅓-percent increase, when the guidelines of the President call for no further increase than 3.2 percent? I simply will not be able to do so if I render myself defenseless by this act.

I want to direct my attention now for a moment to the situation that prevails in the State governments. It is argued that we must raise the salaries of Federal employees. I ask my colleagues to listen particularly to some information which, in my opinion, will be startling to them.

On the basis of reports made in October 1962, the average weekly earnings of full-time State employees, except those in education, was $91 a week. For the same period in 1962, the average Federal employee's wage was $113.

Throughout the country the average weekly compensation of State employees is $91, and the average weekly compensation for Federal employees is $113.

In Ohio, the average State employee's salary is $86. Ohio must compete with salaries and wages paid Federal employees, who in Ohio are now earning $117 a week. In Ohio the average pay of the Federal employee is $117 a week, as against $86 a week for the Ohio State employees.

This is true not only of Ohio but of practically all the States in the Nation.

I observe present on the floor the Senator from Arkansas [Mr. McCLELLAN]. I am looking to see if I can find the situation which prevails in his State.

The average weekly earnings in Arkansas are $65.62——

Mr. McCLELLAN. Is that for the State government?

Mr. LAUSCHE. The State government. The average weekly earnings of Federal employees in Arkansas is $97.58 a week. So there is a difference of $32 a week.

What is the problem that arises? The Federal Government is pirating from the State of Arkansas its employees. It is also being done in Ohio.

I see also present on the floor the Senator from Indiana [Mr. BAYH]. I am taking a look to see what the situation is that prevails in his State with respect to wages paid by the Federal Government and by the State government.

In Indiana the average State employee's wage is $79.94. The average Federal employee working in Indiana receives $105.02 a week.

If one examines the salaries of judges in the States, of prosecuting attorneys, of cabinet members, of Governors, he finds practically the same disparity to prevail. Yet this liberal Congress—and it is most liberal in taking the taxpayer's money and giving it away—instead of solving the problem is going to make it more difficult all the time.

No, I will not support the pay raise bill that is before Congress. I will not do so because I feel the Congress of the United States should set the example for States, industry, and labor leaders to guard against the menace of inflation. If the menace materializes, Mr. President, there will be agonizing cries throughout the country. People with annuities, with pensions, with Government bonds, with fixed income, with deposits in the bank placed there as nest eggs for old age, will find themselves robbed of their thrift and savings through a lifetime.

Inflation will eat away their money, and eat it away rapidly. These are not my words. They are deducible from what the President of the United States has said, what the Economic Advisory Committee has said, what Mr. Heller has said about the need of guarding against pentup inflationary forces.

Why did I run for the office of mayor, Governor, and Senator? Was it because of the pay, or was it because I wanted the dignity, the honor, and the ability to serve my fellow men? I would venture to say that, so far as the $22,500 salary is concerned, if we made a tabulation of the 535 Members of the House and of the Senate, it would be found that $22,500 exceeded the income most of them had in private practice or whatever occupations they were in.

If we have reached the stage that people will not serve their Government except through the inducement of extravagant pay, our country is in trouble. That was not the psychology which dominated the founders of our country. Public service was considered an honor. They wished to give it for the purpose of establishing our system of government and serving their fellow men.

I wish we could make a test of it and say to Members of Congress, "Those of you who do not feel you are being paid enough, quit." How many would quit?

Finally, Mr. President, I campaigned for reelection in 1962. Did I say to the people of Ohio at that time, "I am not being paid enough. My salary should be increased to $32,500 or at least to $30,000"? I did not say it and I am sure that if I had I would not now be in the Senate.

I wonder whether there is any one of the 535 Members of the Senate and House who, when he was begging for reelection from the people of his State, said to them, "If you will elect me I shall go to Congress and while there will vote myself this pay increase."

No one said it and I am sure that if he did he likewise would now be without a post in this Congress.

The object was to get elected.

The bill may be enacted, but it will not be enacted as a result of my vote.

Mr. President, I ask unanimous consent to have printed at the end of my remarks certain tables from which I gave statistical information.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Average weekly earnings of full-time State employees, except in education, October 1962

Rank and State	Full-time State employees	Average weekly earning
All States	1,068,715	$91.42
1. Alaska	3,129	147.38
2. California	93,619	124.69
3. Hawaii	5,924	114.38
4. Nevada	2,705	111.60
5. Michigan	34,315	109.71
6. New York	109,104	104.94
7. Washington	20,468	101.68
8. Wisconsin	16,972	101.48
9. Oregon	15,863	99.54
10. Illinois	44,654	98.85
11. Colorado	11,741	98.36
12. Utah	5,803	97.16
13. Connecticut	20,352	96.07
14. Arizona	8,313	96.03
15. Vermont	3,917	95.79
16. Montana	5,925	95.72
17. Minnesota	19,075	94.67
18. Wyoming	3,355	94.15
19. Massachusetts	37,710	93.13
20. New Jersey	28,670	92.99
21. Idaho	5,392	91.50
22. New Hampshire	5,191	89.46
23. New Mexico	6,799	88.61
24. Iowa	16,532	88.13
25. Pennsylvania	77,405	87.63
26. Rhode Island	7,399	86.68
27. Ohio	46,838	86.56
28. Maryland	20,100	86.30
29. North Dakota	4,511	85.55
30. North Carolina	28,555	85.36
31. Kansas	14,223	84.90
32. South Dakota	4,986	84.90
33. Maine	8,997	82.69
34. Kentucky	19,385	80.91
35. Indiana	23,126	79.74
36. Georgia	20,435	79.44
37. Missouri	23,757	79.06
38. Virginia	30,470	77.71
39. Nebraska	9,717	76.59
40. Texas	46,862	76.50
41. Florida	30,989	75.19
42. Alabama	17,229	75.16
43. Louisiana	31,197	74.59
44. Delaware	4,886	73.96
45. South Carolina	15,003	73.00
46. Oklahoma	16,520	72.72
47. West Virginia	15,598	68.64
48. Mississippi	12,638	67.99
49. Arkansas	11,767	65.42
50. Tennessee	20,605	65.08

Source: Bureau of the Census, "State Distribution of Public Employment in 1962," April 1963; Washington, D.C. Computed from October 1962 full-time equivalent employment and total payroll, for functions other than education.

Average weekly earnings of Federal employees covered by unemployment compensation, 1962

Rank and State	Average Federal employees	Average weekly earnings
All States	2,504,131	$113.29
1. District of Columbia	212,830	136.32
2. Alaska	14,796	135.22
3. Alabama	67,684	121.11
4. California	266,249	118.57
5. Maryland	77,436	117.97
6. Ohio	95,740	117.12
7. Hawaii	27,771	116.36
8. Oregon	22,724	116.04
9. New Jersey	59,783	115.99
10. New Hampshire	13,934	115.80
11. Pennsylvania	136,036	114.93
12. Utah	30,237	113.87
13. Tennessee	39,533	113.35
14. New York	185,735	113.07
15. Florida	55,880	112.83
16. Washington	52,416	112.82
17. Massachusetts	68,196	112.72
18. Colorado	39,097	112.37
19. Virginia	87,809	112.05
20. New Mexico	26,044	111.98
21. Michigan	48,105	110.72
22. Connecticut	16,113	110.58
23. Nevada	7,216	109.82
24. Arizona	22,806	109.47
25. Rhode Island	13,695	109.21
26. Oklahoma	47,220	108.69
27. Missouri	56,048	108.62
28. Wyoming	6,023	108.49
29. Delaware	4,204	108.11
30. Illinois	106,954	107.92
31. Montana	11,528	107.31
32. Louisiana	26,249	107.05
33. Texas	129,770	106.15
34. Georgia	65,545	105.79
35. Indiana	35,776	105.02
36. Vermont	3,522	104.84
37. Minnesota	28,015	104.33
38. Idaho	9,053	103.80
39. Kentucky	32,884	103.65
40. Wisconsin	23,092	102.65
41. South Carolina	28,141	102.37
42. West Virginia	11,699	102.18
43. Mississippi	19,465	101.82
44. Nebraska	19,402	99.41
45. Kansas	25,091	98.66
46. Arkansas	16,630	97.58
47. Maine	9,243	97.34
48. Iowa	20,325	97.15
49. North Dakota	8,504	96.38
50. South Dakota	11,364	95.83
51. North Carolina	37,007	93.17
52. Virgin Islands	14,210	91.19
53. Puerto Rico	9,302	87.62

Source: U.S. Bureau of Employment Security, from tabulations of State agencies.

Mr. LAUSCHE. Mr. President, I yield the floor.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I wish to reply to President Johnson's message to Congress on South Vietnam.

I wish to reply, first, by stating that I completely disagree with his proposal, and to say most respectfully that the President should be seeking to send to the Congress, instead, a proposal for declaration of war. The President of the United States should not be sending to the Congress a subterfuge proposal, a policy of intention, a policy of carrying on a war by Executive action rather than congressional action.

That is my major reason for my complete opposition to the proposal of the administration to continue the conduct of an unconstitutional war in South Vietnam, and to the proposal of the administration to continue to kill American boys unjustifiably in an unauthorized war in South Vietnam.

For what purpose, Mr. President? I repeat, for what purpose?

The need for additional funds to prop up the Khanh government in South Vietnam is only one of many such requests that will be made so long as we continue our fruitless and fatal policy in that country. It is as fruitless and fatal as were the French wars in Indochina and Algeria, and will come to the same end.

We are already financing the Khanh government at the rate of some $550 million a year. This additional money would raise the figure to $675 million. That is more than $49 a year for every person in South Vietnam, and it is exclusive of the cost of our own large military force there.

The effort to keep a "front" government in power is costing the American people well over a billion dollars a year.

Mr. President, we have already poured into that sink-hole over $5½ billion, including $1¼ billion to $1½ billion that we gave to France before its defeat at Dien Bien Phu. All we are doing is picking up the great mistakes of France, Great Britain, the Dutch, and the Belgians in Asia.

It is colonial, no matter what it may be called. Colonialism in the world is as dead as a dodo. American colonialism has no possible chance to succeed, either. This is American colonial policy, and I do not care what semantics the President of the United States uses to describe it.

Despite that huge expenditure, the policy that requires it has not been either explained or justified to the American people.

The President's message stating that more money is needed should be read alongside the report of Robert Moore in the current issue of U.S. News & World Report, in which he said:

> Never before have so many Vietnamese officers and public officials lived so well in such a booming economy, injected as it is with a daily dose of almost $2 million of American money. It is obvious to the Vietnamese who are benefiting from this dole that when the war is over this massive aid will cease, or at least be drastically modified.

The request for more money should be read in light of Moore's additional report that the war effort of South Vietnam is characterized by a lack of will to endure privation on the part of its officers, the selection of officers and commanders for political reasons, the expenditure of U.S. money on luxury living, and by graft and corruption from the huge American aid program.

It is corruption, tyranny, and a willingness to live off the American taxpayer that are defeating the Khanh government as much as anything.

If the administration expects anyone to believe we are supporting freedom in South Vietnam, it should be doing something to bring about the free elections throughout all of Vietnam that were supposed to be held 8 years ago.

I am greatly disappointed that my President in his message to Congress seeks to rationalize and to justify his request for this additional support to Vietnam in the name of freedom.

What freedom exists in South Vietnam?

Where is the freedom in South Vietnam?

We are supporting a totalitarian, military, tyrannical, puppet government in South Vietnam. If anyone believes that the South Vietnam people are free, they could not be more wrong.

I should be glad to support the exportation to South Vietnam and elsewhere in the world of the sinews of economic freedom, but I am not going to support tyranny. I am not going to vote in the Senate to kill American boys to support tyranny in South Vietnam—or anywhere else in the world.

I regret that the administration is not urging free elections in South Vietnam.

Oh, there was some nonsense published in the papers the other day about how there will be an election in South Vietnam.

On the floor of the Senate, I state, "Tell the American people what kind of election it would be."

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. It will be a Russian type election. That is the kind of election they will have. It will be the kind of election Diem had, giving the people a list of candidates on which there is only one way to vote, and saying to them, "You vote for them."

Free elections in South Vietnam? They do not have the slightest comprehension of what political freedom means.

I disagree with the President's message. It seeks to leave the impression with the American people that we are supporting freedom in South Vietnam. We are supporting tyranny. We are supporting a military tyrant.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I stated on the floor of the Senate a while ago when he branded me a traitor that this little tinhorn military tyrant in South Vietnam—this General Khanh—is a despot. The United States is strengthening the arm of a tyrant in South Vietnam. Before I go any further, I wish to warn the American people from the floor of the Senate this afternoon, that I am satisfied the plan is on the way eventually to escalate this war into North Vietnam. Of course, we have the clear obligation under the United Nations treaty to take it to the United Nations and not to commit an act of aggression. We have already been caught committing an act of aggression against Cambodia, and the Prince of Cambodia kicked us out. That ended for all time the fallacious domino theory of John Foster Dulles. Cambodia and Burma have left us, and we all know that, except for South Vietnam and Thailand, there is nothing left to the domino theory of John Foster Dulles.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am glad to yield to the Senator from Arkansas.

Mr. McCLELLAN. When was that promise or suggestion of free elections made? Was it about the time that we were told we would have all of our troops home next year?

Mr. MORSE. This was in the last 3 weeks. But they will not be free elections. Those are interesting semantics being used. They said there were going to be elections. From that terminology, the American people would believe that those would be free elections of course. But they are not free elections, they are not free elections over there. It is the Russian type of election which one gets in that part of the world.

No, the sad thing is that my Government should be taking this issue to the United Nations now, and not be talking about a President's message which seeks to beef up the unilateral, military American action in South Vietnam and lead to the probability of escalating the war into North Vietnam.

I hate the Government of North Vietnam. I hate all Communist governments. But, Madam President, I recognize the unanswerable truth in international law that Communist governments have the same right of international sovereignty that a free government has. North Vietnam has the same right of sovereignty which the United States has, and if the United States becomes a party to escalating the war into North Vietnam, then the United States stands convicted of aggression. On the other hand, if we believe North Vietnam has committed aggression, the only legal recourse of the United States is to go to the United Nations with our complaint.

Until we do, we are violating our signature to the United Nations Charter. Before I complete these remarks I shall read the letter I sent to Adlai Stevenson, and the letter I sent to Mr. U Thant, asking when action will be taken within the United Nations in connection with the United States unilateral military action in South Vietnam, which I consider to be completely and totally illegal and without the slightest justification in international law. Senators will note that there is not a word in the President's message which justifies our course of action in South Vietnam on the basis of any international right. We have done it unilaterally; that is all. We are proceeding on our own. Yet we profess that we seek to preserve peace in the world. The sad fact is that in Southeast Asia the United States is a threat to the peace of the world.

Mr. GRUENING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. GRUENING. Does not the Senator from Oregon fear that we will also be involved in Laos, which now seems to be in the throes of a political upheaval?

Mr. MORSE. There is that great danger. As I said in my letter to Mr. U Thant, I believe there is the great danger of our starting another Korea. If that is so, Senators know what the casualties will be. If we start a war against North Vietnam—and I must repeat this on the floor several times, as I have in the last several weeks repeated it several times—the great danger is that the United States will use nuclear weapons, to the everlasting shame of the United States.

If we start to use nuclear weapons in South Vietnam, we shall increase the probabilities of starting a nuclear holocaust. I am greatly concerned about this. Let us look at the position in which we are putting Mr. Khrushchev. I believe he has designs to follow courses of action which amount also to forms of aggression.

The Senator from Alaska made a very brilliant speech last week on the floor of the Senate, on which I have already commented, in regard to the alinement which is being developed between Khrushchev and Nasser. The clear implication is that we may be confronted with a threat to the peace of the world, first in the Middle East, and then in the other part of the world.

When that develops, shall we go to the United Nations and say, "Mr. U Thant, you must do something about Khrushchev in the Middle East." Can we not hear Mr. Khrushchev say, "Look at who is talking. It is the United States. What about your action in South Vietnam?"

This is a two-way street in international law, Madam President.

I wish my Government to return to its pledge under the United Nations Charter. I want my Government to make perfectly clear that we want peace in South Vietnam. There is all the difference in the world between a peacekeeping corps through the United Nations in South Vietnam and making war. Pursuing peace is one thing. Prosecuting a war is another.

The sad fact is that the United States is aiding in the prosecution of war in South Vietnam. American boys are dying. It is uncalled for. There is bound to be, in the weeks ahead, a great debate across this Republic, because the American people, in my judgment, must exercise the final say as to whether the United States is to make war in South Vietnam. We have a glorious opportunity to put into application our pledge to the United Nations and, incidentally, to put Russia on the spot.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRUENING. If our justification for beefing up our war in South Vietnam is that there is a danger of a Communist takeover, will we not be told that we must do the same thing in neighboring Laos?

Mr. MORSE. Certainly.

Mr. GRUENING. Then we will be taking on all of southeast Asia.

Mr. MORSE. We will be at war on a full scale.

Mr. GRUENING. We are at war there now, though undeclared.

Mr. MORSE. Yes; if we get into North Vietnam and into Laos, does anyone think Red China will send us bouquets?

Mr. GRUENING. Of course not.

Mr. MORSE. Let us be realistic. We are at a great crossroads in Asia. The great danger is that the United States will go down in history condemned for starting a major conflict in Asia, when what we ought to do is say to the United Nations that we will help the peacekeeping corps.

Before I have concluded my speech I shall point out again—it is necessary to repeat this over and over again—that our alleged allies have walked out on us in southeast Asia. Australia, New Zealand, Pakistan, Thailand, Great Britain, France, and the Philippines, all signatories to SEATO, have no boys fighting in South Vietnam. The foreign minister of Pakistan said in Washington not so long ago, before the Press Club, that Pakistan has no intention of going into South Vietnam. He did not say he would turn down hundreds of millions of dollars in American military aid and economic aid, so that Pakistan can keep itself in a position of making war, not against Red China, with which Communist country Pakistan has entered into agreements, but against India.

Mr. GRUENING. Which we are also supplying with military aid.

Mr. MORSE. Of course I am opposed to military aid for India. I am opposed to building up two powers in that area of the world who will use military aid to make war against each other over Kashmir.

I say most respectfully that the Pentagon is running the foreign policy of our country more than the State Department is running it.

I do not intend to substitute military policy for foreign policy as the posture that the United States will take before the world in the field of foreign policy.

It is not pleasant to stand on the floor of the Senate in such complete disagreement with the policy of my Government. However, that happens to be my trust. I intend to live up to my trust. As one who swore to uphold the Constitution of the United States, I do not intend to support my Government in a policy which I consider to be unconstitutional. Until the President of the United States gets a declaration of war passed by Congress, in my judgment he is acting outside the framework of the Constitution in asking for this escalation of the war in South Vietnam.

I very much regret that the administration has fallen prey to what the late Senator McMahon used to call the "checkbook reflex" in foreign affairs. It holds that money will buy anything. In this case it assumes that any policy can be made to succeed if only enough money is spent on it. But I predict that three times more than $675 million a year will not keep an American puppet in power in South Vietnam. What the Congress and the American people desperately need is not a request for more money, and not an inquiry into the American military equipment being used. What is needed is a thorough inquiry into the objectives of this money and military expedition, and an inquiry into the policy that necessitates them, for the present policy in South Vietnam will always necessitate more American money and more American military forces.

If we were to go through with this program, we would bog ourselves down in Southeast Asia for a minimum of the next 25 years. In fact, Great Britain, France, and the Dutch know what it means to be bogged down in Asia. But their people, at long last, made it clear to their governments that they should get out. I say to my Government: Once the American people understand the unreasonableness and the unsoundness of this policy—it will take time—their final verdict will be: "Get out. Stop killing American boys. Take this problem to the United Nations in keeping with what we profess to be the basis of American foreign policy; namely, that we believe that disputes that threaten the peace of the world should be settled by resort to the rule of law, not to the jungle law of military force and might."

That is the great challenge that faces the United States. Instead of marching forward to that great day when the rule of law will prevail in the settlement of disputes among nations, the United States today, in the form of a Presidential message, is in full retreat from the rule of law, and in support, once again, of the jungle law of force. It is regrettable; it is sad; but it is the fact.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Alaska.

Mr. GRUENING. Is it not true that before the French finally decided that the war in Indo-China was a lost cause, they had lost 125,000 of the flower of their youth?

Mr. MORSE. They lost more than that, when you consider that in killed, wounded, and missing their casualties were around 240,000.

Mr. GRUENING. Thousands upon thousands of the young men of France were wantonly sacrificed, were they not?

Mr. MORSE. Yes.

Mr. GRUENING. Are we not about to do the same thing?

Mr. MORSE. We shall lose thousands if we follow the course of action that is proposed. The life of even one American boy is too precious to lose.

Mr. GRUENING. I could not agree more with the Senator from Oregon. I have said, I shall repeat now, and I shall continue to repeat that South Vietnam is not worth the loss of the life of one American boy.

Mr. MORSE. I join the Senator from Alaska in that statement.

Mr. GRUENING. I cannot understand why the administration does not understand that it is embarking on a course that will be highly dangerous to this country.

Mr. MORSE. We have a clear duty to American boys to resolve this difference short of war. That is why I am asking the Secretary General of the United Nations to tell us where he stands because, as I commented last week in a speech on the floor of the Senate, he issued a statement from the United Nations that the problems in South Vietnam called for a political solution, not a military one. I could not agree with him more, if I understand what he means. I want to be certain that I understand what he means.

The problems in South Vietnam call for a political solution, not a military solution. Do we think we shall have an acceptable political solution after the passage of an undetermined period of time and the killing of thousands more people in South Vietnam, plus whatever number of American boys are killed? We shall have the same problem to resolve then. Why not do it now?

It is an old story. As a former arbitrator, I have always been at a loss to understand why both sides to great industrial disputes, when they know that eventually they will have to sit down and settle a dispute by applying the rules of reason, feel that they must engage in the jungle law of industrial strife, with all the loss that it incurs, and then eventually and exactly where they could have been in the first place had they been willing to use the principles of voluntarism for the settlement of their disputes.

Mr. President, before any administration asks Congress to finance a war, it must first ask for a declaration of war, setting forth the causes that require it. Until the administration is willing to present such a declaration to Congress, the request for additional funds should be rejected.

It is said that North Vietnam is sending cadres into South Vietnam, and that South Vietnam is training cadres—although the United States is doing the same thing. It is also said that Cambodia likewise is violating the Geneva accords of 1954, which is the allegation of the United States.

So is Cambodia, and I think Red China is, too. We should not forget that the commission created by the Geneva accords has already found that North Vietnam and South Vietnam are violating those accords, and in so doing it points out that the American military aid to South Vietnam is in violation of the Geneva accords.

What we ought to do is to complain before the United Nations that the Geneva accords are being violated. We did not sign the Geneva accords. Dulles was powerful enough to persuade South Vietnam not to sign them, so South Vietnam is not a party to the Geneva accords, either. But if we believe that a violation of the Geneva accords is threatening the peace in southeast Asia, the United States ought to appear before the United Nations with a bill of particulars and a complaint, asking the United Nations to take jurisdiction.

Of course, such a complaint would be considered first by the Security Council. Officials of the State Department have said that Soviet Russia would veto such a request. But let us put Russia on the spot. I think Russia would veto the request.

But that would not be the end of United Nations jurisdiction. If Russia refused to let the Security Council function under the charter, there would still remain the General Assembly. At that point, the United States should call for an extraordinary meeting of the General Assembly and lay the issue of South Vietnam and southeast Asia before the General Assembly. We should let the countries of the world, through the General Assembly, take such action as they deem appropriate in the premises. That would be following the rule of law. That would make all the difference.

As I have said so many times in the last few weeks while I have been discussing this subject on the floor of the Senate, I am not an "overnighter." I believe that the SEATO nations—those I have already named in this speech—ought to join the United States in helping to maintain a peacekeeping corps in South Vietnam until the United Nations can move in. We could then support the United Nations peacekeeping corps as we do in the Congo, as we do in the Middle East, as we do in Cyprus; although in this instance I would go even further and be perfectly willing to make American boys available for that corps. But that would be an entirely different corps. It would not be a warmaking corps; it would be a peacekeeping corps. It would establish a demarcation between the warring factions. It would say to both sides, "You will have to fight through us if you fight at all." That would make all the difference. Such a corps would fall within the authority and the power of the United Nations.

Do not give me the argument that this could not be done until after the elections; that it would be necessary to wait until after the elections; that it would not be good politics until after the elections, because someone would try to make something out of it if the United States came out clearly for peace. No election is worth winning if it is necessary to win it by coming out for war.

Those who argue thus have little faith in the American people. I have abounding faith in the American people. Get the facts to the American people, and the American people will support peace; enforcible peace; peace through the application of the rule of law, not the military might of the United States or of Russia.

That is why I say we are at a crossroads. I am one Senator who does not think American history would be well served by any such argument of political expediency as: Wait until the election is over.

The American people are entitled to have a government 365 days of the year, including the 365 days of an election year, which will keep faith with our treaty obligations, which will keep faith with our commitments, which will keep faith with our ideals.

The talk to the effect that we cannot follow the program that I am outlining in South Vietnam until after the election, is cheap politics. It has no place in a consideration of what we ought to do in South Vietnam.

Mr. President, in the absence of a declaration of war that would show why we are pursuing a war in South Vietnam, the United States should accept its responsibilities under the United Nations Charter and ask for a United Nations peacekeeping force to be sent to Vietnam.

I have written to our United Nations Ambassador, Adlai Stevenson, and asked him whether he believes that our present course of action in South Vietnam is consistent with our obligations to the United Nations.

The letter is under date of May 14, 1964, and reads as follows:

DEAR MR. AMBASSADOR: I am enclosing tear sheets from the CONGRESSIONAL RECORD for the dates of May 6 and May 13, in which I raise questions concerning your position on the U.S. war in South Vietnam.

As you know, I consider the unilateral military action the United States is conducting in South Vietnam to be completely unjustified under international law and incompatible with our obligations under the United Nations Charter.

I realize that your position as U.S. Ambassador to the United Nations is a delicate one. Nevertheless, I think the American people are entitled to know whether or not you agree with the policy of our Government in sending American boys to their death in South Vietnam in absence of a declaration of war. If you do, I think you should say so publicly so that those of us who disagree with such a policy can take your position into account in the oncoming nationwide debate on United States-South Vietnam policy.

Yours respectfully,

WAYNE MORSE.

I also sent a letter to the Secretary General of the United Nations under the same date, May 14, 1964. The letter reads as follows:

MAY 14, 1964.

His Excellency U THANT,
Secretary General of the United Nations,
United Nations, N.Y.

DEAR MR. SECRETARY GENERAL: I am enclosing tear sheets from the CONGRESSIONAL RECORD for the dates of May 6 and May 13, in which I make reference to you in connection with the U.S. military policy in South Vietnam.

The oncoming nationwide debate in the United States on U.S. policy in South Vietnam is bound to raise many questions as to the obligations, if any, of the United Nations to intervene in the South Vietnam crisis.

Some of us in the Congress are of the opinion that the United States cannot reconcile United States unilateral military action in South Vietnam with our country's treaty obligations under the United Nations Charter. We think that such a course of military action on the part of the United States is a threat to the peace in Asia and may run the risk of enlarging the war into another Korea. We also think that if such military action is permitted to continue without any attempt on the part of the United Nations to intervene to stop the war, there is bound to develop a growing lack of confidence in the effectiveness of the United Nations as an international law instrumentality for maintaining peace in the world.

I realize full well that your position as Secretary General of the United Nations is not only a difficult one but is also a restrictive one. Nevertheless, I think it is important to the future of the United Nations that the prerogatives of your office be exercised to their maximum degree in seeking diplomatic understandings through the intervention of the United Nations aimed at bringing to an end the war in South Vietnam.

Yours respectfully,

WAYNE MORSE.

On March 27, 1964, the distinguished Senator from Virginia [Mr. ROBERTSON] wrote a letter to the Special Assistant to the President, the Honorable Lawrence F. O'Brien. Senator ROBERTSON has given me permission to make use of his letter publicly, which I shall do this afternoon.

The Senator tells me that he has yet to receive an answer to the substance of the letter. All he has received from the White House is an acknowledgement of the receipt of the letter. Senator ROBERTSON's letter of March 27, 1964, reads as follows:

> DEAR LARRY: The proposal last night of the Secretary of Defense that we be committed to an all-out war in Vietnam disturbs me very much. In the first place, regardless of how quickly and how easily we may win such a war, I am far from being convinced that the permanent gain would be worth the price of the life of one Virginia boy. My limited contacts with the people of southeast Asia lead me to believe that they lack our capacity for self-government and most of them look upon public office as an opportunity for self-enrichment.
>
> In the second place, I am far from being concinved that the winning of an all-out war in Vietnam would be either easy or cheap. With far more men than I hope that we would ever commit to such an effort, and with the expenditure of vast sums of money, including more than a billion dollars of our aid, France lost the war against the Communists in Vietnam and those Communists were far weaker then than they are today. The primary reason that the French failed was that they could not cut the supply lines of the Communists. And, there was a vital political reason that France lost. She consistently refused to give the people of Vietnam any voice in their own government, although we begged France time after time to do so. The same political mistake is now being repeated in South Vietnam. We begged that government to put into effect land, and other reforms, but to no avail. We do know that those previously in charge of the government lined their pockets with our gold, but the extent to which they did so, we probably never will know.
>
> In light of the foregoing views, I would respectfully hope that the President, before making the McNamara war plans official, will take two preliminary steps:
>
> 1. Assure himself that McNamara, who recently has assumed the additional duty of chief of all military experts on all technical problems, has a definite blueprint for cutting the supply lines of the Communists in Vietnam, and
>
> 2. That he will ask Congress to approve the Vietnam war.
>
> The excuse that Congress was bypassed when we started the Korean war because we were ordered into action by United Nations was a little thin, and the secret decision that we would fight that war with conventional weapons only, was very disastrous. Because of it, for the first time in our history, we spent thousands of lives and billions of dollars on a war that we did not win. And, what do we have in South Korea today to show for that effort? A people without capacity for self-government and very hostile to us.
>
> With best wishes, I am,
> Sincerely yours,
> A. WILLIS ROBERTSON.

The Communist-led rebels there seem to be obtaining most of their equipment and supplies by capturing American stores from Government forces, and through desertions from Government forces. I am sure this is why the Secretary of Defense has said the war must be won in South Vietnam itself, rather than by expanding it. Yet he, and the Secretary of State—and now I believe the President—are holding in abeyance the possibility of expanding the war into North Vietnam. The moment they do this, they commit an act of aggression, and subject themselves to the jurisdiction of the United Nations.

Mr. President, nothing can be said to justify the President's failure to date to send to Congress a resolution asking for a declaration of war, for under the Constitution he has no right to seek to carry on an Executive war in South Vietnam. He has no right to conduct a unilateral war in South Vietnam that kills American boys in the absence of a declaration of war.

I am sure that the Secretary of Defense would like to hold the war to South Vietnam. But the signs are clear and the probabilities are great that it will not be confined to South Vietnam. In fact, we already know of the forays that we have conducted outside of South Vietnam.

I am a little weary of the alibis about poor navigation. When American planes carrying firebombs burn a Cambodian village and kill 16 people and then a plane is shot down killing an Amercian pilot, I do not buy the argument that it was all a mistake.

Let us be realistic about this subject. Making war is an ugly thing. I wish to remove my country from making war. I wish to see my country make peace. I want to see my country use the United Nations Charter as it was envisioned by such great men who have previously served in this body—such men as Arthur Vandenburg, Alben Barkley, and a long list of others who brought forth the San Francisco Charter, supposedly—and I still pray that they were right—the greatest instrumentality for promoting the ending of disputes that threaten the peace by the application of the rule of law.

Such a war as is being conducted in South Vietnam requires political steps, not military ones, and more American money and supplies will more likely accentuate the problems than relieve them.

There is plenty of money in the foreign aid pipeline, if we wish to look at the available money, but another objection I have to the President's message today is that it is another attempt to escalate not only the war in South Vietnam, but also foreign aid. I disagree completely, as I said at the beginning, with every premise that the President lays down in an attempt to justify his request for additional millions to be spent for escalating a war in South Vietnam. I recognize also that his proposal is a proposal to escalate foreign aid. I do not accept his argument that he has cut the program to the bone at $3.4 billion, plus the millions that he has asked for in his special message. There are hundreds of millions of dollars that can be cut from the foreign aid bill, and should be cut. However, if the President wanted to propose more increases in economic projects that would export abroad economic freedom instead of bullets, the senior Senator from Oregon would vote for more money than the President is requesting. I would vote for more than $3.4 billion in the right kind of economic aid to the underdeveloped areas of the world, including South Vietnam.

But it would be money that would be invested by way of repayable loans in sound economic projects which would help to raise the standard of living of the ignorant, the illiterate, the diseased, and the hungry in the underdeveloped areas of the world who must enjoy economic freedom before they will even have any understanding of our talk about political freedom. We are only kidding ourselves if we think we can export political freedom. It cannot be done. But we can export economic freedom out of which, as I have said so many times and will keep on saying during the debate, grows political freedom.

The President does not need the money requested even to carry out a design that I think is unjustified—a unilateral military action in South Vietnam. Why, they have so many hundreds of millions of dollars in the pipeline for foreign aid that they have not yet been able to find ways of spending it.

May I say to the President, "Cut down the military aid to Pakistan, the military aid to India, the military aid to Turkey, the military aid around the world to country after country, and we can save the American taxpayers hundreds of millions of dollars."

When the foreign aid debate gets underway, I shall propose amendments that will seek to accomplish that very end.

I repeat today that I disagree with everything that the President has said in his message that seeks to leave the impression that he is offering a foreign aid bill at the lowest possible figure. I consider him to be completely wrong in that position. The American taxpayers are entitled to have foreign aid cut down to at least the figure of $2.5 billion. If he would go along with eliminating unnecessary military aid in various parts of the world, he could cut it even further than that.

In closing, I wish to comment briefly on two interesting articles, one of which was published in the New York Times on Sunday, May 17, entitled "How To Avoid Disaster in an Election Year" by James Reston. I have already said that I do not agree with the argument; that the fact that there is a campaign this year for the Presidency of the United States has any bearing whatsoever on what American foreign policy should be, because that argument is really based upon a motivation of expediency. So I offer a caveat to that part of Mr. Reston's argument in which he said:

> The facts are that we are now committed; we are not winning; we are not thinking

about southeast Asia as a whole but about Vietnam, Laos, and Cambodia separately (though all of them are under pressure from the same source in Communist North Vietnam and Communist China), and we are neither prepared to accept defeat nor to extend the war to North Vietnam.

In short, we are trapped in the midst of incompatible forces, none of which is likely in the foreseeable future, either to vanish or prevail.

Neither President Johnson nor Ambassador Lodge, both involved against all expectations in the presidential campaign of 1964, is likely to risk at this time a policy of attack on the Communist north or retreat in the non-Communist south.

Nor are they willing, even if it were possible, to consider negotiating the neutrality of the whole area. They are trapped by the good intentions but presumptions of the past and the foreign and domestic politics of the present into trying to avoid aggression or defeat. No wonder, then, the conversations at the White House this week were solemn.

I reject all those premises. Those premises have absolutely no basis for consideration as to what American foreign policy in South Vietnam should be. They are proposals of cheap politics, politics of expediency, politics of compromise of principle, politics irreconcilable, with the ideals of this Republic and the professing of this Republic that we believe in facing issues that threaten the peace of the world by the application of the rule of the international law.

But we have walked out on that ideal in South Vietnam. We are repudiating that ideal today, and the President's message of today is the last repudiation of that ideal. I regret it. That is why I said at the beginning that I disagree with every premise of the President's message with regard to his position on South Vietnam.

Mr. President, I ask unanimous consent that the entire Reston article be inserted at this point in the RECORD because, except for the political-end-justifies-the-means argument at the end, Mr. Reston has set forth a factual account of the sad and shocking situation in South Vietnam—an account which I think eloquently supports my position that this country ought to change its course of action, and not follow the course recommended by the President of the United States today, but a course of action that is required of us by the United Nations Charter.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO AVOID DISASTER IN AN ELECTION YEAR

(By James Reston)

WASHINGTON, May 16.—There have been some solemn meetings at the White House this week about Vietnam. Secretary of Defense McNamara went to Vietnam from Germany last week because the reports on the war there were disturbing, and he did not come back reassured.

A number of things have contributed to the anxiety. The Communist Vietcong troops have recently increased the tempo of the fighting around the South Vietnamese capital of Saigon.

The movement of Communist troops from the north along the Ho Chi Minh trail through Laos to the south has increased and they are getting bolder. The most recent example was the sinking of a well-guarded aircraft carrier at the dock close to the center of Saigon.

THE PROBLEM OF DEFEATISM

More serious, the desertion rate among the South Vietnamese has recently gone up, indicating a rising spirit of defeatism and, of course, taking American arms to the enemy.

Coincidentally, religious friction has broken out again in South Vietnam between the Buddhists and the Roman Catholics. One Buddhist leader named Tri Quang is now a center of political opposition to the new head of the South Vietnamese Government, Gen. Nguyen Khanh, on whom the United States is now counting, and the Papal Nuncio in Saigon, Monsignor Asta, who has been a stabilizing influence, is being transferred out of the country.

Meanwhile, this unsatisfactory situation in South Vietnam seems to be affecting adversely the western position in both Laos and Cambodia. Recently, Cambodian jet planes have been penetrating into South Vietnam, and there are other indications that the Cambodians feel that the balance of power in the whole of southeast Asia now favors the Communists.

The situation in Laos, according to official reports reaching here, is even worse. Instead of the moderates gaining in that country, the pro-Communist forces could, it is conceded here, easily take over the whole country any time the Communist strategists in North Vietnam decided it was appropriate to do so.

LESSON FRANCE LEARNED

In historical terms none of this should be so surprising. Washington is slowly finding out what Paris learned in southeastern Asia long ago. After 70 years in that territory, the French came to believe three things: First, that however much the Vietnamese differed among themselves or with the Chinese, they tended to hate each other less than the white man; second, that no major source of Western power could be established in that peninsula right up against the Chinese border, without the acquiescence of the Chinese; and third, that the Vietnamese Communists were tough soldiers.

The French put 400,000 soldiers into the area in the first Indochina war, which ended just 10 years ago. They had substantial help from the United States at the end. That war cost the French twice as much money as the United States put into France during the Marshall plan days, and, what is more important, it cost them 172,000 casualties. But they still lost.

It is not, therefore, astonishing that the United States, with some 15,500 troops who are giving support to a country that has had three governments in the last 6 months and innumerable changes of military and civilian command in the provinces, should be having trouble.

Much could be said about the presumption of thinking American money and advice would win by the end of 1965 a war the French themselves, with all their men and money directly involved, could not win, but that is irrelevant to the present.

THE HARD DILEMMAS

The facts are that we are now committed; we are not winning; we are not thinking about Southeast Asia as a whole but about Vietnam, Laos, and Cambodia separately (though all of them are under pressure from the same source in Communist North Vietnam and Communist China), and we are neither prepared to accept defeat nor to extend the war to North Vietnam.

In short, we are trapped in the midst of incompatible forces, none of which is likely in the foreseeable future either to vanish or prevail.

Neither President Johnson nor Ambassador Lodge, both involved against all expectations in the Presidential campaign of 1964, is likely to risk at this time a policy of attack on the Communist north or retreat in the non-Communist south.

Nor are they willing, even if it were possible, to consider negotiating the neutrality of the whole area. They are trapped by the good intentions but presumptions of the past and the foreign and domestic politics of the present into trying to avoid aggression or defeat. No wonder, then, the conversations at the White House this week were solemn.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD another article from yesterday's New York Times, entitled "United States Stepping Up Its Efforts To Save South Vietnam—Long, Hard War Is Expected," by Hanson W. Baldwin.

There being no objection, the article was ordered to to be printed in the RECORD, as follows:

UNITED STATES STEPPING UP ITS EFFORTS TO SAVE SOUTH VIETNAM—LONG, HARD WAR IS EXPECTED

(By Hanson W. Baldwin)

Secretary of Defense Robert S. McNamara returned from his fifth visit to South Vietnam last week singing a very different tune from the cheerful notes that followed many of his preceding visits.

It was a dour, even a mournful tune, and nearly all observers in Washington and Vietnam agreed that, if anything, it was not mournful enough.

The war in South Vietnam has been dubbed by many in Washington "McNamara's war" because of the frequency of the Secretary's visits to Saigon, and because of his identification with the policies the United States is following. More properly, it should should be known as Taylor's war, since Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, is probably even more closely identified than Mr. McNamara with the policies and tactics followed up until now.

Cynical observers believe that, in the midst of an election year, President Johnson is quite content to have the Vietnamese war—a hard, long drawn out struggle—so identified. Mr. McNamara thus becomes somewhat of a political lightning rod.

NATION'S RESPONSIBILITY

Nevertheless, there is little disagreement among top officials in Washington about the importance of the war and its outcome to U.S. interests in southeast Asia. It should, they think, be called America's war. South Vietnam remains, in their view, a cornerstone of the entire anti-Communist edifice we have tried to build in southeast Asia.

If the Communists triumph in South Vietnam, either by bullets or negotiation, it is probable that Laos, Cambodia, Thailand, Burma, and perhaps even Malaya and the Philippines, will swing sharply toward communism, and the position of the United States in the Far East will be materially weakened. Even more important, the United States may be dubbed a "paper tiger" a label that hurt us materially in Asia after the Korean war, unless Washington demonstrates that this country can successfully meet the Communist tactics of subversion, terrorism, infiltration, and internal revolt, the tactics of insurgency.

Thus, Mr. McNamara's somber report, which indicates a protracted war, increased U.S. military and economic aid to South

Vietnam and a probable increase (Saigon reports said a 50,000-man increase) in the size of the South Vietnamese Army, reflected, inferentially, the administration's estimate of South Vietnam's political and psychological importance.

VIETCONG GAINS

Mr. McNamara found that, in nearly everyone's opinion, the actual fighting in South Vietnam has been "hotting up," in the jargon of the Pentagon. The Vietcong have extended their control over large sections of the countryside since the overthrow of the Diem Government. In the last few months the Communists have demonstrated a capability and willingness to slug it out in daytime, with large forces against the numerically superior South Vietnamese. The ratio of weapons lost to weapons captured continues adverse to Saigon; Government defections are still significant. Large North Vietnamese troop movements into Laos, reported a month or so ago, apparently presage a reinforcement of the Vietcong and both trained men and weapons continue to flow into South Vietnam from Laos and Cambodia.

The Vietcong have stepped up terrorist tactics, particularly in the provinces, in an obvious and in many cases all too successful effort to frighten the peasants into aiding them. Mr. McNamara wore a bulletproof vest from the airport into Saigon last week, a fact the Communists are certain to try to exploit to the detriment of American prestige. At night the Communists still control large parts of the country; and the monsoon season with rains and low visibility which will hamper, though not prevent, air operations will soon start.

The Vietcong in South Vietnam today are estimated to have a trained hard core of full-time professionals, organized in battalions, numbering 22,000 (official estimate) to 40,000 (unofficial but possibly more accurate estimate). These numbers have increased, despite heavy casualties allegedly inflicted on the Communists since 1962. The Vietcong battalions are supported by 100,000 to 125,000 part-time guerrillas, or active supporters; and the Communists are helped passively by a very large part of the population and—negatively—by the apathy of the Saigon intellectuals to the war and their opposition to General Khanh's government or to any government.

The South Vietnamese have been maintaining armed forces of about 380,000 men—about 200,000 in the regular active forces, the rest in the civil guard, civil-defense corps and other paramilitary units. This force is generally judged insufficient, based on experience factors in counterguerrila wars, to unequivocally master the Vietcong.

Faced with these and other grim facts, Washington and Saigon nevertheless have reasonable confidence that the United States, with increased and improved effort, could ultimately reduce the Communist menace in South Vietnam and make it possible for a Saigon Government actually to govern most of a fairly stabilized country.

The doubts expressed did not question the U.S. capability of achieving this limited victory, but they were concerned with the scope and scale of American efforts, the methods employed, and the off-again-on-again nature of public pronouncements.

Many of the military always have wanted to do more in Vietnam than they have been allowed to do; and many undoubtedly regard Mr. McNamara's proposals for increased aid as inadequate and almost "too late with too little." They note that U.S. military police battalions, withdrawn from South Vietnam only last December in what many regarded then as a political gesture, are now about to be returned, and that talk then of withdrawing most of the U.S. advisers in another year or so has now been abandoned. Plans now contemplate increased commitment of U.S. personnel and money—not less.

What is clearly developing in Vietnam and in this country is a sense of military frustration and public confusion, reminiscent, in some ways, of the latter stages of the Korean war during the truce talks. A long drawn out counterinsurgency or counterguerilla war can only be won if military morale remains high and public support is assured.

Yet the military morale of the South Vietnamese forces, shaken by repeated shifts of their commanders, and by regrouping of their forces for political purposes, is in some units apathetic. And some American military men in this country and in Vietnam feel and express a sense of frustration.

The frustration arises from many factors: that the military are being told to fight with "one arm tied behind the back"; that Mr. McNamara's repeated visits and the close supervision of the Vietnamses situation by the Pentagon and State Department have led to overcontrol and interference from Washington; that the Communists are allowed to maintain three secure "sanctuaries" out of bounds to anti-Communist forces—North Vietnam, Laos, Cambodia; and that some of the equipment, notably some aircraft, used in Vietnam is obsolescent and dangerous. In other words, the feeling is growing in the military that the military efforts in Vietnam do not have adequate support from Washington.

In this country public and congressional support for the war appears to have been somewhat reduced by its protracted nature, the failure of Washington to "sell" the public an understandable goal, some resentment at the conditions imposed upon our military forces, and particularly the alternate optimism and pessimism of Pentagon pronouncements and the misleading and sometimes distorted picture released by Washington of conditions in South Vietnam.

NEW APPRAISAL

Faced with this somewhat gloomy military, political and psychological situation, the administration pulled in its belt a notch last week, and prepared to increase its efforts in South Vietnam.

To replace the obsolescent B-26 and T-28 aircraft used in Vietnam, the first of about 75 Navy Douglas Skyraiders were en route. Metal fatigue and old age, and tactical utilization for which the planes were never intended, apparently led to structural failures in flight.

More important than the new planes is the effort to improve and beef up the South Vietnamese Air Force, which to date has played a singularly ineffective role. A new commander has been appointed, and the U.S. Air Force is expected to broaden and increase its training role of South Vietnamese pilots.

An intensification of the training program and an increase in South Vietnamese village defense forces to provide better protection for the peasants against Vietcong terrorism are planned. The regular Vietnamese ground forces may also be increased.

U.S. aid and advice in the nonmilitary field—with finances and economics, in psychological and political aspects, in health and agricultural activities—are also to be emphasized.

DIRECT SUPPORT

There is admiration for the energy and apparent breadth of vision of General Khanh. All current efforts are devoted to strengthening his government; no alternatives are now seen. U.S. policies appear to be based on "sink or swim with Khanh." If there should be another coup—or if General Khanh should be assassinated—there appears to be general agreement that the anti-Communist struggle in Vietnam might well be fatally undermined.

The nagging question remains—whether what we are doing, even given our newly expanded plans, is enough to bolster General Khanh against a serious internal threat heavily supported from without. Most military men probably would answer that question in the negative. Sooner or later, they feel, the United States must fish or cut bait in South Vietnam; i.e., utilize greater effort, including U.S. combat forces in South Vietnam, and/or deny to the Communists the sanctuaries outside the country they now enjoy; or cut losses and withdraw.

The beginning of strong Communist attacks in Laos last week, aided by North Vietnamese troops, and, according to some accounts, by the Chinese Communists, indicated that some additional action might not be long delayed. The dispatch of U.S. troops to Thailand to bolster that country, shaken by events in Laos and Vietnam, has long been under consideration and, if the Communists approach the Mekong, is probable.

Thus southeast Asia once again is influx and the future position of the United States in Asia is at stake.

Mr. MORSE. Mr. President, my only comment is that what this military writer points out presents an accurate picture of what is in front of us if we settle the conflict in South Vietnam by war. Note the emphasis as the article is read—"Long, Hard War Is Expected."

No one knows how long. As I said earlier in my speech this afternoon, it will probably be 25 years. But what does the phrase "long, hard war is expected" in this article mean? Thousands of dead American boys. I repeat—thousands of dead American boys.

As the Senator from Alaska said a few moments ago, and as he has said many times before, one dead American boy is one too many. I join him in the statement that South Vietnam is not worth the life of a single American boy. But we are at the crossroad. The President of the United States is asking Congress to support him in escalating the war in South Vietnam that is going to kill an increasing number of American boys. On this issue I leave him. I will be no party to his proposal.

My colleagues have heard me say before, probably ad nauseam to them, but I am going to keep right on saying it, whenever the United States follows a course of action in foreign affairs that cannot be squared with principles of morality, of moral obligations, we are then following a course of action in foreign policy which cannot be justified—and history will so record.

This country should make every attempt to seek to settle the dispute in South Vietnam by a resort to existing procedures of international law—and the United Nations Charter ought to be the starting point—by resorting to efforts to make peace rather than prosecuting a war. We ought to be the leading nation in the world in following a course of action designed to make peace, not war. That is what is wrong with the President's message. It is a message that purposes warmaking, not peacemaking. It is a message that is pregnant with danger of an expanded conflict throughout Asia, which can lead to a great nuclear holocaust. It is a mistaken message. It is a mistaken approach.

Mr. President, what concerns me is that I fear we are undermining the United Nations. I fear we are undercutting the United Nations. I fear we are weakening the United Nations. I believe most people who think recognize it is our best hope for maintaining peace. I am at a complete loss, and have been for months here in the Senate, to understand why my government is bent on a course of action that circumvents the United Nations.

I close by saying that, although I am highly critical of the President in the matter of foreign policy, his opponents may not rejoice. They have no cause for rejoicing because the senior Senator from Oregon, a Democrat, counts himself out so far as supporting the President of the United States on South Vietnam is concerned. I shall continue to support the President on all matters in which I think he is right; and to date that has been about 97 or 98 percent of the time.

No Republican can take any comfort in what I am saying this afternoon, because all the leading Republican candidates would outdo the President in resort to military action. Most of the Republican candidates want to move into North Vietnam now. At least my President is holding that in abeyance, although he is not willing to say we will not do it. He ought to say we will not do it. In fact, he ought to say we are going to change our course of action; we are going to lay this issue before the United Nations; we are going to stay in there while the United Nations has it under consideration, to see to it that the Vietcong do not take over South Vietnam in the meantime.

I have laid out these premises this afternoon, delicate as I know they are, but I close by saying I have done it because I consider it my trust. Whenever I lack the willingness to stand up on the floor of the Senate and disagree with my President when I think he is wrong, I shall be performing a disservice to the President at that time. The President is entitled to receive from U.S. Senators an expression of their honest judgment on each major issue that comes before them.

My honest judgment is that the President's message is a great mistake and is a message which I hope the Congress will not implement.

As a member of the Committee on Foreign Relations, I shall do all that I can to see to it that if an attempt is made to push this matter through the committee, we have a thorough consideration of it. There are some great leaders in the country, in the churches, in the universities and in the body politic who should be brought in to testify as to what they think of McNamara's war in South Vietnam which the President has supported by this unfortunate message today.

Mr. President, I yield the floor.

THE AIR FORCE AND THE CITY OF GLASGOW, MONT., SPONSOR LAW DAY

Mr. MANSFIELD. Mr. President, the city of Glasgow, Mont., has undertaken a unique relationship with the personnel of the Glasgow Air Force Base located within 16 miles of the city.

On May 6, 1964, the USO, with the cooperation of the U.S. Air Force and the city of Glasgow, sponsored Law Day whereby nine airmen from Glasgow Air Force Base took over the reins of the city government.

For that day, these nine designated airmen assumed the positions of mayor, police judge, treasurer, council president, and members of the council.

This is an extraordinary way to effectuate better relations between the military and civilians, between the base and the town, so to speak, by means of which a better understanding can be acquired on the part of both.

I was very much interested in the last paragraph of a letter written to Col. Edward D. Gross, the base commander of the Glasgow Air Force Base in Montana, by one of the outstanding mayors of any Montana city, Dr. R. J. Rasmussen.

That paragraph reads as follows:

> We all enjoyed the day to the fullest and it would be most difficult for me to express my personal gratitude for the opportunity to know and work with these fine gentlemen. Their appearance, interest, and conduct was beyond reproach. As I told them at the conclusion of the day, if they are representative of the men and women of the Air Force, our pride and praise should know no bounds.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter written by Dr. Rasmussen to Colonel Gross, together with a list of those in the Air Force who participated for a day in the city government of Glasgow, Mont.

There being no objection, the letter and the list were ordered to be printed in the RECORD, as follows:

CITY OF GLASGOW, MONT.,
May 12, 1694.

Col. EDWARD D. GROSS,
Base Commander,
Glasgow Air Force Base, Mont.

DEAR SIR: On May 6, 1964, the USO with the cooperation of the Air Force and the city of Glasgow sponsored Law Day whereby nine airmen took over the reins of city government.

The men were given an orientation on the structure and functions of the Glasgow city government followed by a tour of as many of the facilities in our physical plant as time would allow. The Military Affairs Committee of the chamber joined with the city officials in sponsoring an excellent steak dinner in honor of the airmen just prior to a city council meeting conducted by the airmen "city officials for a day."

I am attaching a list of the airmen and the offices to which they elected members of their group. Additionally there will be attached a summarized form of the minutes of their meeting.

We all enjoyed the day to the fullest and it would be most difficult for me to express my personal gratitude for the opportunity to know and work with these fine gentlemen. Their appearance, interest and conduct was beyond reproach. As I told them at the conclusion of the day, if they are representative of the men and women of the Air Force, our pride and praise should know no bounds.

Very truly yours,
R. J. RASMUSSEN,
Mayor.

AIRMEN REPRESENTATIVES FOR LAW DAY, WEDNESDAY, MAY 6, 1964

A2c. Andrew Tate, 91st Food Service Squadron, mayor.

A1c. Richard G. Heeringa, 91st Combat Support Group, treasurer.

A1c. Henry R. Webber, 91st Combat Defense Squadron, police judge.

S. Sgt. Eugene Leborne, 91st Transportation Squadron, council president.

A2c. James P. Thornsberry, 91st Supply Squadron, councilman.

A2c. Robert D. Allbright, 91st Weather Squadron, councilman.

A1c. William E. Davis, 91st Bomb Wing, councilman.

A1c. Richard McCastland, 91st Civil Engineering Squadron, councilman.

EARLE H. HARBISON, JR.

Mr. SYMINGTON. Mr. President, a number of former residents of Missouri are rendering a high degree of service to their country through their employment with the Federal Government.

As an example, we have been notified that Mr. Earle H. Harbison, Jr., of the Central Intelligence Agency, a native son of Missouri, has been selected to receive the William A. Jump Memorial Foundation award for 1964 in recognition of outstanding service in the field of public administration, and for notable contributions in this field to the efficiency and quality of the public service.

I congratulate Mr. Harbison for this notable achievement; and also his parents, Mr. and Mrs. Earl H. Harbison, Sr., long-time residents of Clayton, Mo.

I ask unanimous consent to have printed in the RECORD a summary of Mr. Haribson's accomplishments.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DISTINGUISHED CAREER SERVICE IN FEDERAL PUBLIC ADMINISTRATION

Mr. Earle H. Harbison, Jr., Assistant for Administration, Intelligence Directorate, Central Intelligence Agency, has been named the 1964 top career Federal employee under 36 years of age in the field of public administration.

On May 19 he will receive a Distinguished Career Service Award in Public Administration given by the William A. Jump Memorial Foundation, Washington, D.C., to recognize and encourage interest, growth, and high level performance by young administrators and potential future executives in the public service. The award has been given each year beginning in 1950 in honor of the late William A. Jump, budget and finance officer of the U.S. Department of Agriculture, recognized throughout the Federal Government, and nationally, for his outstanding leadership and distinguished contributions to effective public administration.

Mr. Harbison's outstanding services contributed directly to his organization receiving a Presidential commendation last year. He has been an employee of CIA since 1949 and has served in successively more responsible intelligence and administrative positions. In recognition of his executive potential he was selected in 1960 to attend the Harvard University Graduate School of Business Administration's Program for Management Development. Mr. Harbison was singled out as one of the outstanding young officials whose qualities of leadership and imagination made him a prime prospect for future executive assignments. This evaluation has been proved in the past 2 years in his demonstrated outstanding contributions and key role in the new and rapidly expanding activities of the most critical importance to the Nation.

Mr. Harbison is president of the Washington University Alumni Chapter in Washington, D.C., and is active in church and community affairs. He is a graduate in political science of Washington, University, St. Louis, Mo., and earned an LL.B. degree at George Washington University, Washington, D.C.

Mr. and Mrs. Harbison reside in Alexandria, Va., with their two sons, Douglas, 10, and Keith, 7. Mr. Harbison's parents, Mr. and Mrs. Earle H. Harbison, Sr., are longtime residents of Clayton, Mo.

ARMED FORCES DAY—ADDRESS BY SENATOR RUSSELL, CHAIRMAN OF THE ARMED SERVICES COMMITTEE, TO A JOINT MEETING OF THE SAVANNAH CIVIC CLUBS, MAY 15, 1964

Mr. JACKSON. Mr. President, in recognition of Armed Forces Day, the senior Senator from Georgia [Mr. RUSSELL], chairman of the Armed Services Committee, addressed a joint meeting of Savannah Civic Clubs on May 15.

In his speech, Senator RUSSELL expressed concern over signs of growing opposition to the maintenance of an adequate defense program for the Nation.

I invite the attention of Senators to his warning, and I ask unanimous consent that excerpts from the remarks of the Senator from Georgia may be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SPEECH BY SENATOR RICHARD B. RUSSELL, CHAIRMAN OF THE ARMED SERVICES COMMITTEE, TO A JOINT MEETING OF SAVANNAH CIVIC CLUBS, FRIDAY, MAY 15, 1964

"Over the last 15 years Congress has approved strong defense programs because the people recognized the very clear danger to our safety and survival that the expansionist methods of the Communists presented. It is somewhat alarming to me to note signs that the maintenance of an adequate defense may be difficult in the days and years ahead.

"One manifestation of this is an argument styled 'overkill' that is being articulated by some of the intellectuals in this country and which has been embraced by some Members of Congress. This argument is that the atomic weapons in our stockpile and the systems we have to deliver them are adequate to kill every person on earth and that consequently the United States should make drastic reductions in its defense budget and in its Armed Forces. A full analysis of this argument and the fallacies on which it is based require more time than I shall take now. For the present it is sufficient to say that this line of reasoning is based on some oversimplifications and some assumptions that could be highly dangerous to our future security.

"Another symptom that in the decade ahead there will be more opposition to our defense program is a campaign of criticism against those most directly associated with strong military programs. A spate of books, movies, and newspaper and magazine articles has attempted to portray senior military officers as being indifferent to the financial consequences of their recommendations and requirements, and as aspiring to power exercised under our system of government by civilians. Those of us in Congress who have vigorously supported powerful Armed Forces have been accused of having sinister motives, of being captives of defense industries in our States, or of being obsequiously compliant with the wishes of military leaders in the hope of securing additional military installations for our States.

"For myself, I have no apology for espousing a strong national defense. I shall continue to do so. Moreover, more than 30 years of experience with military personnel causes me to reject and to resent the unfair charges against them. I have a profound sense of appreciation for the leadership and the talented services of the persons who man our Armed Forces, many of whom could earn a great deal more in private life than they earn in the discharge of their military duties.

"I am convinced that a strong defense has brought us to a point where there are signs of trouble in the Communist field. It would be foolhardy for us to assume that the danger has passed and that henceforth all will be sweetness and light. The surest way to have war is for us to relax, to become complacent, to dissipate the strength of our Armed Forces."

Referring to the Cuban crisis of the fall of 1962, RUSSELL said: "I fully supported the U.S. action at that time, but I thought then, and I am convinced now, that we could and should have gone further. That particular episode is history now, but I hope we remember the lesson of being resolute when the security of the United States is threatened in such a clear and direct way."

RUSSELL expressed the hope that the study recently ordered by President Johnson looking to the eventual elimination of the draft would result in a more effective and fairer system for meeting military manpower needs.

"If such a system can be developed I will enthusiastically support it," RUSSELL declared, "but I fear there is no simple solution and I think it would be highly unrealistic to assume that the draft can be abolished in the foreseeable future.

"In fact, there is no painless way to national security. If our young people become inculcated with the idea that somebody else should serve for them and that sacrifices are for other people the results could undermine the national will to defend ourselves. All of us should do everything within our power to encourage the thought that military service is an obligation to be cheerfully discharged instead of a burden to be grudgingly borne," he said.

Senator RUSSELL said that the pace of technological development and scientific progress has become so rapid that military equipment almost becomes obsolescent in the time between the decision to buy it and placing it in the hands of the troops. He warned that a Nation that stops modernizing its military establishment "may be disarmed, not deliberately, but in fact because the progress of our adversaries in developing new weapons has been unchecked.

"In terms of dollars spent, the research and development programs of the Department of Defense are substantial. More than $6 billion of the approximately $51 billion to be expended in the next fiscal year is intended for research and development. If one could single out any one system that we most need to perfect today I think my choice would be an effective antiballistic missile system. This task is almost unbelievably difficult. To be effective such a system must have almost a hundred percent kill capability—if three or four missiles are directed toward a city and the system permits one of them to penetrate, the damage this one missile can do is so extensive as to be hard to comprehend."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 980. An act to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury;

S. 1584. An act to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes;

S. 1687. An act to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District; and

S. 2772. An act to amend the Alaska Omnibus Act.

JAMES DALEO RECEIVES HONORARY DEGREE OF DOCTOR OF LAWS

Mr. SYMINGTON. Mr. President, recently Salem College, Salem, W. Va., in tribute to the 15th anniversary of the American Humanics Foundation, designated an academic convocation to honor the program and its leaders.

One of those honored was a distinguished citizen of Kansas City, Mo., Mr. James Daleo. I want to join in saluting this outstanding humanitarian and wish him many more years of service to his country, profession, and fellow man.

I ask unanimous consent that the remarks in connection with the conferring of the honorary degree of doctor of laws on Mr. Daleo be printed in the RECORD, and also a short statement on the American Humanics Foundation.

There being no objection, the remarks and the statement were ordered to be printed in the RECORD, as follows:

REMARKS OF DR. K. DUANE HURLEY, PRESIDENT OF SALEM COLLEGE, CONFERRING OF HONORARY DEGREE OF DOCTOR OF LAWS, JAMES DALEO

"His word is as good as his bond."

All too few are the men of which this can be said in modern times. But this honoree today is one who can be characterized in this way.

A man of intense loyalties, devoted to his family and close friends, with a stalwart reputation for absolute honesty and integrity, James Daleo has labored faithfully for the welfare of the oncoming generations, not seeking the spotlight, personal praise, or plaudits.

Because of his sincerity of purpose and performance, we single him out for special recognition.

With respect and pride, following the enthusiastic recommendation of the American

Humanics Foundation and the directive of the Salem College Board of Directors, I confer upon you—James Daleo—the time-honored degree of doctor of laws. The hood which is now placed upon you, is the appropriate symbol of that degree, and this diploma gives you permanent record of the action here taken.

CITATION FOR JAMES DALEO, ATTORNEY AT LAW, AS PRESENTED BY ZENON C. R. HANSEN, EXECUTIVE VICE PRESIDENT OF THE WHITE MOTOR CO., LANSING DIVISION

I count it a privilege and an honor to present to you a candidate who in every way exemplifies the spirit we are saluting here today, and one who merits our finest recognition.

James Daleo, of Kansas City, Mo., is an outstanding lawyer, having a reputation among the bench and bar of being not only one of the most competent criminal trial lawyers in America but one whose integrity has never been defiled.

From the outset he has applied himself with diligence and intensity to every task which he deemed worthy. He not only received his LL.B. at the age of 19, but was the youngest person to receive a masters from Georgetown University, at the time of his graduation, and was admitted to the bar before age 21, one of the youngest men in America ever to be so admitted.

It is significant that apart from his legal affiliations, all other programs to which he has given his time and talents are related to the welfare of his fellow man.

He is a member of the local, State, and American Bar Associations, the American Judicature Society, the Association of Immigration and Nationality Lawyers, the National Association of Claimants Compensation Attorneys, and is Missouri State chairman of the criminal law section of the American Bar Association, denoting his stature in his profession.

The roster of his personal affiliations is revealing because of its impact in service to mankind. He is a member of the board of directors of the Kansas City Area Council of the Boy Scouts of America and has served as its legal counsel for 27 years; is serving or has served on the boards of the Juvenile Improvement Association, the Boys Club of Kansas City, the Kansas City Safety Council, the Catholic Community Library, the Honorary Directors Association of Rockhurst College, the National Conference of Christians and Jews, the Kansas City Commission on Human Relations, and the Kansas City Commission on International Relations and Trade. He has served as a port commissioner in Kansas City. He is legal counsel for Alpha Phi Omega and the American War Dads and for the Crest Lyn Home for Exceptional Children. He is one of the stalwarts in the Youth Council of Kansas City, an unusual organization assisting young people of minority nationalistic backgrounds. He serves the American Humanics Foundation as legal counsel, trustee, and a member of the executive committee.

Because of his devotion to the betterment of life for young people everywhere;

Because of his stature as a God-fearing and community-serving citizen;

Because of his successful exemplification of high principles in the practice of his profession;

Because of his discipline in diligence;

Because of his outstanding reputation for integrity;

Because of his modesty in high office;

And because of his tireless service to the American Humanics Foundation and to the schools and young people that it serves, we recommend him as worthy of recognition, and I am privileged to present him to you as a candidate for the degree of doctor of laws.

STATEMENT BY THE AMERICAN HUMANICS FOUNDATION

The American Humanics Foundation came into being to provide effective college preparation for young people willing to enter youth-serving careers but unable to find colleges offering a needed curriculum. It was incorporated in November of 1948 and began operation as a college department in 1949. Its sole purpose is providing desirable education in the field of youth leadership training at the professional level.

Its graduates serve on staffs of youth agencies in 34 of our 50 States, including Hawaii and Alaska; and three serve overseas. About 65 percent have entered professional scouting and serve as Boy Scout staff members in councils of all sizes. Others are serving through the YMCA, YWCA, YMHA, Girl Scouts, Camp Fire Girls, Boys Clubs, Catholic Youth Organizations, Jewish Centers, Junior Achievement, juvenile court and probation, neighborhood centers, recreation, hospitals, reform schools—almost all the sound youth programs of our Nation.

This foundation has not resulted from a single major philanthropy but is made possible by the annual gifts of those who have great concern for quality youth leadership and have joined together to do a needed job which they could not do alone.

This is its 15th year, its pilot college program being launched at Missouri Valley College, Marshall, Mo., in 1949, at Salem College, in Salem, W. Va., in 1953, and at Oglethorpe University in Atlanta in 1955.

Its program is twofold: providing desirable college preparation for young men and women entering areas of youth service; and giving personal help on a loan fund basis to those who find it necessary in order to complete college training. The foundation has accomplished its objectives by affiliating with three colleges and endowing each such college with a complete department, providing the faculty to teach the major subjects, supplying the related library resources, and underwriting the cost of the field trips and workshops which are used to equate theory with reality. Currently there are 158 students enrolled as humanics majors in the three colleges in which the foundation now operates.

In tribute to the 15th anniversary of the foundation's work, Salem College designated an academic convocation to honor the program and its leaders, conferring honorary degrees on three who have been outstanding in their interest and concern. Citations setting forth the worthiness of the candidates reveal them to be outstanding citizens of America likewise, meriting tribute from a grateful nation.

GEORGETOWN UNIVERSITY'S 175TH ANNIVERSARY BALL

Mr. BOGGS. Mr. President, Georgetown University and its alumni association on Saturday presented the 175th Anniversary Ball in joint celebration of the founding of the university and the adoption of the Constitution of the United States.

This ball was the social highlight of the anniversary year, a 15-month celebration which will officially end on December 3 when President Johnson is scheduled to make the closing address.

As an alumnus of Georgetown Law School, I am naturally very much interested in the various events which make up the anniversary year.

And since my State, Delaware, was the first to ratify the Constitution, the joint celebration has special significance for me plus 23 students and 78 other alumni from Delaware who call Georgetown alma mater. One of these distinguished alumni, Judge Daniel L. Herrmann, of Wilmington, is marking the 25th anniversary of his law school graduation this year, and he and Mrs. Herrmann were at the Delaware table Saturday night.

The great age of the university was effectively underscored at the ball by a pageant of American history enacted by the Old Guard Fife and Drum Corps, 1st Battalion, 3d Infantry, U.S. Army.

The 175th anniversary observance is being carried out under the theme "Wisdom and Discovery for a Dynamic World." Georgetown already has a proud history of contributing both wisdom and discovery to its home city of Washington and the Nation, and I have confidence it will strengthen and expand its role in the years to come. I salute the president of the university, the Very Reverend Edward B. Bunn, S.J., for his inspired leadership of the university and its 7,100-member student body, and I also congratulate the Reverend George H. Dunne, S.J., for his outstanding work as director of the 175th anniversary program.

Mr. President, a news story appearing in today's issue of the Washington Post gives the highlights of Saturday's ball, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YEAR 1789 WAS THE YEAR THAT WAS HISTORICAL

(By Louise Durbin)

Georgetown University has a birthday party Saturday night, when some 3,000 alumni, students and friends turned out to celebrate the university's 175th anniversary at the Sheraton-Park Hotel.

Since 1789, the mutual anniversary of Georgetown University's founding, the ratification of the Constitution, and the inauguration of the First President of the United States, "the history of Georgetown University has been inseparably entwined with that of the United States," master of ceremonies, Paul Hume, reminded the audience.

Thirteen princesses, students of Georgetown representing the Original Thirteen States, were presented to the university president, the Very Reverend Edward B. Bunn, and the guests.

The princesses, who, with their escorts, then led the dancers onto the ballroom floor, were: Jane Staudt, of Delaware; Barbara Bitzer, of Pennsylvania; Mary O'Brien, of New Jersey; Ann McCarthy, of Georgia; Marina Forstmann, of Connecticut; Marlene Stacy, of Massachusetts; Anne Donnelly, of Maryland; Margaret Dennis, of South Carolina; Kathleen Roseborough, of New Hampshire; Dona O'Bannon, of Virginia; Motria Voyevidka, of New York; Elizabeth Sparrow, of North Carolina; and Natalie Hindle, of Rhode Island.

Guests entering the Sheraton Hall walked through replicas of Georgetown gates to the grand ballroom, where a copy of the campus statue of founding father John Carroll oversaw the evening's events.

In the grand ballroom, an enormous photograph of the Healy Building served as a backdrop for Lester Lanin's orchestra which played for dancing.

The stage in the Cotillion Room of the Sheraton-Park had been converted into the familiar Old North Porch of the campus.

Honored guests of the evening, who represented the States which were the Original Thirteen Colonies, included Mr. and Mrs. A. J. Donahue, Jr., Connecticut; Mr. and Mrs. James Flood, Delaware; Mr. and Mrs. Thomas B. Finan, Maryland; Representative Joseph Martin, Massachusetts; Mr. and Mrs. Robert J. Funesti and Mr. and Mrs. Donald F. O'Donnell, New Hampshire; Senator and Mrs. Clifford P. Case, New Jersey; William Creech, North Carolina; Colonel and Mrs. H. G. Thomas, Pennsylvania; Mr. and Mrs. J. A. McKenna, Rhode Island; Senator and Mrs. Strom Thurmond, South Carolina, and General and Mrs. Philip C. Wehle, Virginia.

Cochairmen for the ball were the Reverend John F. Devine and the Reverend Anthony J. Zeits.

WHO IS MAKING MONEY ON THE CATTLE CRISIS?

Mr. HRUSKA. Mr. President, since the beginning of the cattle crisis several months ago, there have been suggestions of profiteering at various stages of the marketing of beef. Today we have approved an investigation of certain marketing practices in an effort to gather more information on this important subject.

The highly regarded agricultural magazine, Farm Journal, decided last month that "because the Government probe will drag on for months or years," it would conduct its own investigation.

Accordingly, Writer Ovid Bay followed a fed steer from a Dodge County, Nebr., farm and an Omaha packingplant to a supermarket in Cincinnati, keeping careful track what happened to the animal and the price every time he changed hands along the way.

The Farm Journal's conclusion: While many beef feeders are losing money on cattle, it could find nobody making a financial killing on the situation. The chief beneficiary, said Writer Bay "is the consumer—at the farmer's expense."

Because of the careful detail with which the article, "Who's Making Money on Your Beef?" has been prepared, I ask unanimous consent, Mr. President, that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

One of the concluding observations of the author is "To say the least, the business of processing and selling beef is a complicated one." This Senator agrees. He, as well as most Americans, will look forward to the National Commission on Food Marketing to shed official light on this business at an early date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Farm Journal, June 1964]

WHO'S MAKING THE MONEY ON YOUR BEEF?

(By Ovid Bay)

We've just had a big hassle on beef imports; now Congress is about to investigate how the food industry buys and prices food. Farm Journal decided to do some investigating of its own right now, because the Government probe will drag on for months or years. These were the instructions I got: Follow a steer from a feedlot through a packinghouse and into a chainstore right to the meat counter. Tell what happens to the animal and the price every time he changes hands along the way. Find out why steaks from a Choice 1,050- to 1,100-pound steer, which brings 19 cents to 21 cents per pound at the farm, often sell for over a $1 per pound at the meat counter. * * * See if you can find out how the packer and the chainstore decide what the price of dressed beef will be today and tomorrow. And get going—this is Friday and we go to press in 12 days.

AT TED PANNING FARM—$215.31

I started on the 240-acre farm of Mr. and Mrs. Ted Panning in Dodge County, Nebr. They grow corn, alfalfa, and soybeans, and raise about 300 hogs a year in addition to feeding cattle.

As we sorted out the top end of 42 Montana yearlings that he bought late last October, Ted explained that he had paid an average of $24.05 for them at an average weight of 616 pounds—$148.15 a head. "I don't have accurate feed records," he said. "But, I figure the gain cost me about 22 cents per pound, not counting all the overhead."

When Ted's cattle and I hit the Omaha Stock Yards, it was a rainy, dreary Monday morning with an estimated 14,000 cattle on hand and a slow market.

After the usual bickering and dickering, Willard Howl, head cattle buyer for Armour & Co., Omaha, bought 17 of the Panning steers at $20.50 per hundredweight, with 3 others out at $19.50. Salesman was Bill Yancey, Bowles Commission Co., Omaha.

The steer I'd picked to follow weighed 1,073 pounds, so at $20.50 he brought $219.96. Less marketing costs of $4.65 he netted Ted $215.31 at the market. Add the average feeder cost of $148.15 and cost of gain per steer of $102.08 and each steer cost Ted $250.23. So, he lost $34.92 per head on the average.

AT THE PACKINGHOUSE—$242.50

Next, we moved into the Armour packing plant at Omaha. The 17 steers averaged 664 pounds cooler weight for a 61.45 dressing percent.

Nine out of the seventeen carcasses met the specifications of the Kroger Co. in Cincinnati, Ohio. Three were too heavy (over 700 pounds), 1 graded "Good," and 4 had bruises which discounted the 17 for an average loss of 98 cents per steer to Armour.

The steer I had selected yielded a high-quality, 660-pound carcass. It had about 0.7 inch of fat over the ribeye and graded about "Middle Choice."

The records in Armour's accounting office at Omaha show that it costs them a total of $18.46 to process one steer. Labor and fringe benefits account for $9.50 of this, and the remaining $8.96 goes for overhead such as buildings, equipment, administration and sales, taxes, etc.

"That $9.50 per steer looks like too much labor costs," I commented to Ed Clarke, beef plant department manager, as we watched 120 people move about 170 cattle an hour through the killing and dressing line. But Hubert Lockard, who has been working for Armour since 1925 and is president of local 8 of the Packinghouse Workers Union, had a different view of it. We found him splitting steer carcasses with an electric saw. He makes $3.54 an hour at this, and after 39 years is one of the highest paid men in the plant.

We figured that Lockard is making $141.60 per week, or $7,363 a year without any overtime. He admitted that this is more than double what he was getting 10 or 15 years ago, but points out that the 6 men in the line splitting cattle are handling as many cattle as 13 men used to and at a faster clip. That's primarily due to the electric saws and better equipment provided by management and Armour stockholders.

Here's what's happened to Armour's labor costs since 1947:

Wage rates and fringe benefits are up sharply. In 1947, the average common laborer at Armour's plant in Omaha was making $1.02 an hour. By 1953, the rate for all workers under contracts was up to $1.63, plus fringe benefits averaging 35 cents an hour, to total $1.98. By 1963, these figures had climbed to $2.72 for wages and $1.12 for fringes to total $3.84 per hour—an increase of 276 percent in 15 years.

I moved on to the sales department where I found that carcasses like the one I had just left were being sold by the packer at 34 cents a pound.

"How do you really arrive at the price of beef? I asked Dick Shay, Armour Beef Co., as he and other beef salesmen stayed on the phones haggling with one buyer after another all day long. "It is sometimes charged that chainstore meat buyers set the price every Tuesday, and you just record the orders as they come in."

This brought him off his chair.

"Chainstore buyers don't call us up and set the price on anything," Shay exclaimed. "You see us here on the phones talking to meat buyers all over the country—big ones and little ones—us trying to get the last fraction of a cent and them trying to pay the least possible."

I watched and listened as Shay called prospective customers, and it was a two-way street so far as I could tell. He was initiating most of the calls, but there was a lot of beef to sell that day. When a store is short of its needs, Shay gets some calls from meat buyers. Even so, it's a matter of dickering, not dictation, Shay says. For instance, here's how we got 34 cents for these carcasses today.

"On checking around, we found that the dressed beef market was sluggish on the east coast and we still have to keep on selling; the run of fat cattle continues to include large numbers too heavy for most of the store buyers; and the dressed beef market on choice 600- to 700-pound carcasses closed at 34 to 34½ cents in Chicago yesterday," he said. "In Omaha, we average about one-half cent below Chicago (freight differential) so I figure 34 cents is all I can get for these carcasses today. I hope tomorrow will be higher."

AT THE CHAINSTORE, $301.11

We moved on 931 miles to Kroger's meat warehouse in Cincinnati. It supplies 73 stores in the area with carcass beef. Here the carcass went into Kroger's tenderay process which tenderizes the meat through controlled temperature and humidity over about 44 hours. The shrink in transit and in tenderizing brought the weight down to 656 pounds.

Then I followed the carcass out to Kroger's Hyde Park Plaza retail store. Kroger cuts their beef at the stores.

"It's the waste fat and bone, and the processing cost of beef that kills us," said Joel Greenisen, as we started cutting up the carcass. "Beef takes more labor per pound than any other meat to prepare for the meat counter. Poultry ranks second and pork, third."

I saw what he meant about waste fat and bone, as I watched them separate and weigh 124 pounds of fat, 57 pounds of bone, and 4 pounds of waste. Add 4 pounds of "cutting shrink," and you get 189 pounds—with a total value of only $3.06—off our 656-pound carcass. You have to see it to believe it.

This left 467 pounds to sell—only 43.5 percent of the 1,073-pound steer ended up as beef over the counter. (Just 16.6 percent of the 656 pounds was steak.)

The meat department in the Hyde Park Plaza store is staffed by seven people and can process about 20 sides of beef in 8 hours, along with pork and broilers.

I pointed out to Dick Federle, head of the department, that his meatcutters were getting a wage increase of $4 a week effective May 5—at the very time cattle feeders were taking heavy losses.

"Yes, and that will bring them up to $3 an hour, $120.60 a week, or $6,271 a year," he replied. "Is that too much for a man with a family and city living expenses, trying to own a home and send his children to college? No one suggested an increase for meatcutters when cattle went to 30 cents a pound."

On checking, I found this history on wages of meatcutters.

In 1949, $1.27 per hour for a 48-hour week, fringes worth 13 cents an hour; in 1959, $2.39 per hour, 40-hour week, fringes worth 67 cents; in 1964, $3 per hour, 40-hour week, fringes worth exactly $1 per hour. And Kroger has a profit-sharing plan that can sometimes amount to as much as 5 percent of an employee's salary.

Kroger records show that it costs them a total of $10.44 per hundredweight to process and sell beef, or $68.48 for this carcass. Add the $224.40 Kroger paid Armour, and the $18.56 for moving the carcass to the warehouse and the store, and the $68.48 for all processing and overhead and we get $311.44 total cost.

So, taking the Kroger list for "regular" prices, our 467 pounds of meat plus the fat (2 cents) and bone (1 cent a pound) would have a total return of $375.54. Their price list for "sales" reduces the total return to $269.22. If they sell 70 percent of our carcass on "sale" and 30 percent at "regular" prices, total return is $301.11. With total costs of $311.44, that means a loss of $10.33.

They'd make a profit of $10.94 if they sold 50 percent on "sale" and 50 percent at "regular" prices but wouldn't move as much volume.

"We're now selling about 70 percent of our beef tonnage at special sale prices which run 3 or 4 days a week instead of just weekends," stresses Robert Braunschweig, who is in charge of all meat merchandising for Kroger. "Only 30 percent goes at regular prices now, but it used to be about 50 percent."

Why sell so much beef on "sales," I asked. "In response to the heavy oversupply of beef, we moved 27.3 percent more beef through all our stores in 1963 than we did in 1962," stressed Braunschweig. "The only way we've found to get people to pick up that much beef is to feature beef more often—in big ads and at lower prices."

Price, of course, is a big factor. And it's been dropping steadily. Kroger averaged 55.99 cents for every pound of beef it sold in 1962, 52.04 cents in 1963 and 48.55 for the first 4 months of this year.

At Chicago, Choice steers on the hoof have dropped from an average $27.67 in 1962 to $23.96 in 1963 and off to $21.63 to May 1 this year.

Over this 28-month period, the average Choice steer has dropped about $6 per hundredweight. On the hoof; the carcass, at retail, about $7.50.

To say the least, the business of processing and selling beef is a complicated one. In reporting the various steps along the way, I tried to make an honest appraisal for you after looking at all their records.

At any rate, looking back over the whole journey from Ted Panning's place in Nebraska to the retail meat counter in Cincinnati, it seemed to me that everybody is making a little money or losing less than Ted. And that the chief beneficiary, at Ted's expense, is the consumer.

Box score on this steer

FEEDER	
Ted Panning sold 1,073 pounds at 20½ cents	$219.96
Less trucking, marketing costs	4.65
Total	215.31
Cost as feeder $148.15 plus feed cost of $102.08	250.23
Loss	34.92
PACKER	
Cost to Armour & Co., Omaha	$219.96
Total labor and overhead in Omaha plant	18.46
Total cost	238.42
Sale of 660-pound carcass at 34 cents to Kroger	224.40
Value of byproducts and hide	16.10
Total return	240.50
Net return	2.08
FOOD CHAIN	
Cost of carcass to Kroger, Cincinnati	$224.40
Freight to Cincinnati and branch store	18.56
All costs of processing at $10.44 per hundredweight	68.48
Total cost	311.44
Sale value, 70 percent at "sale," 30 percent "regular"	301.11
Loss	10.33

If 50 percent of carcass moved at "sale" price, 50 percent "regular," return would be $322.38, or a profit of $10.94.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

AMENDMENTS NOS. 603 AND 604

Mr. COOPER. Mr. President, I send to the desk two amendments to H.R. 7152.

I submit today an amendment to title VI of H.R. 7152. Section 601 of title VI declares that no person shall be subjected to discrimination on the ground of race, color, or national origin, under any program or activity receiving Federal financial assistance.

Section 602 directs each department and agency, empowered to extend Federal assistance to any program or activity, to effectuate section 601 by refusing to grant or continue assistance, or by terminating assistance, if discrimination is practiced in a program or activity receiving Federal financial assistance.

The reasoning supporting title VI is clear—it is that public programs and activities, supported by taxes levied against all, must be available to all people, whatever their race, color, or national origin.

I believe the principle is correct. But as I have said on the Senate floor on several occasions, title VI raises a number of questions. It must be admitted that it would employ an unusual sanction—one that has not been employed in our system of law. It would undoubtedly affect in some cases those who were innocent of discrimination. If the title is maintained in the bill, it would seem to me that criteria should be provided to assure that action taken by any Federal department or agency shall be fair, and that it shall be directed to the actual program or activity, and that one alone, in which the discrimination occurs, and to the smallest political subdivision in which it occurs. Furthermore, if the assistance is not granted through a State or political subdivision of a State, the action taken should be directed to the particular enterprise or establishment to which assistance is provided. These are the criteria and limitations which my amendment would provide.

I understand that title VI has been discussed in the conferences which have been held by Senator DIRKSEN, Senator MANSFIELD, and others, and that they may recommend amendments to title VI. Nevertheless, I submit my amendment because I stated on the Senate floor on April 27 in a colloquy with the senior Senator from Rhode Island [Mr. PASTORE], the senior Senator from Vermont, [Mr. AIKEN], and others, that I believed that title VI should be amended to provide criteria. I suggested on that day the very criteria which are now incorporated in the amendment that I now offer. On April 21, I had written the Attorney General directing to him a number of questions regarding title VI, and I received an answer from the Attorney General on April 29 which was very informative and which may be found in the CONGRESSIONAL RECORD of May 5.

It has also occurred to me that title VI might be used as an additional means of enforcing title VII. As title VII prescribes the procedures for preventing discrimination in employment, I think it should be made clear that title VI should not apply to employment practices, and this my second amendment would prohibit.

I ask unanimous consent that the amendment may be printed and lie on the table.

I also ask unanimous consent that the amendments be considered as read for the purpose of compliance with the cloture rule.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be considered as having been read.

The amendments are as follows:

AMENDMENT No. 603

On page 26, line 6, immediately after "activity.", insert the following: "No such action shall be taken unless and until the department or agency concerned makes a finding that the failure to comply with the provisions of section 601, or with a requirement adopted pursuant to this section, is pursuant to an established pattern or practice. Such action shall be limited to the particular program or activity is which a failure to comply with the provisions of section 601, or with a requirement adopted pursuant to this section, is found to be occurring.".

On page 27, line 1, immediately after the comma, insert the following: "(1) such action shall be limited to the particular institution, enterprise, or establishment, or to the county or other political subdivision of a State, whichever is the smallest entity involved, in which such a failure to comply is found to be occurring, and (2)".

AMENDMENT No. 604

On page 27, between lines 20 and 21, insert the following new section:

"SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization covered by title VII of this Act if such employment practice may be the subject of a complaint filed under such title."

THE DANGER OF TRADING WITH COMMUNISM

Mr. HRUSKA. Mr. President, since last summer the United States has been drifting into a dangerous direction of increasing trade with the Soviet Union and its satellites without sufficient regard for the consequences.

Additional evidence of this came to light recently when it was announced that this country and Rumania will begin a round of appropriately described "ground breaking" talks this week. According to administration officials "These talks will deal primarily with economic subjects, especially trade, but will also cover other matters which affect relations between the two countries."

This is not to be a minor conference. High-level representatives from both sides will be in attendance. In the opinion of some, it may become the most important development in our relations with Eastern Europe since World War II. The significance of these talks is readily acknowledged. Of particular note is the possibility that they may provide the precedent and form the basic pattern for foreseeable future U.S. relations with East European satellites.

Regardless of what they signify for the future, one thing is certain. These conversations carry with them a powerful, if not conclusive, inference that the administration is ready to ditch all efforts aimed at choking Communist economic and political expansion through economic embargo. The growing speculation that this Nation is on the verge of abandoning its present policy on East-West trade in favor of a new and profoundly more dangerous one has been nearly confirmed. Indeed, with each passing day, our actions give credence to the impression that we are not just willing but eager to invade Communist markets.

The administration's maneuvering over the past few months leaves little doubt that we are about to see a most neatly executed flanking movement of the Congress. While the Congress sketches our trade policy with its legislative brush, the executive branch is busily painting a whole new foreign trade picture. Because of this, we, as legislators, must come to grips with two problems, one small and one large.

The smaller one is that the Congress is not moving forward briskly with a meaningful review of the issues involved in trade between East and West. Considering the complexity of the problems involved and the need for moving cautiously and judiciously, this is not a critical issue. The concern here is that the due deliberation does not succumb to unwarranted deadlock and delay.

The larger and intolerable problem is the undermining by the administration of the work already done by Congress in this area. This reckless disregard of the expressed will of the Congress has left our trade policy in a state of confusion.

Historically, the Congress has favored strict controls on trade with the Communists and has supported efforts to persuade our allies to adopt similar controls. There was a time when the administration leaders shared this view. When the Trade Expansion Act was before the Congress, they claimed that one of its principal aims was to wage economic war against the Communists. One of the three purposes actually listed in the act is "to prevent Communist economic penetration." Apparently, at least one of the trade goals of the administration is to sell Congress a bill of goods from time to time. Now, it is obvious that the administration has moved away from this position, but where it has gone no one can tell. All we have heard to date is an accumulation of confusing and conflicting reports. All we have to guide us is a trail of ambiguities and contradictions.

If the policy of the administration still is aimed at containment, then let that policy be clearly established by deed as well as by word. If the President still embraces the philosophy that Communist economic and political expansion must be choked off whenever and wherever it appears, then he must destroy the illusion that has been created by the announcement of the United States-Rumanian parley and similar gestures. If such clarification is not forthcoming, the few feeble attempts we have made to bring our allies' trade policies more in line with our own will be words thrown aimlessly at the wind. If the record is not set straight, our friends will be at liberty and indeed will be encouraged to accelerate their dealings and negotiations with the Communist bloc. Unless there is a prompt declaration that we aim to throttle all Communist economic penetration, matters soon will drift beyond our power to restore solidarity so that a united front can be presented.

If, on the other hand, the President envisions a new approach to the problem, let him lay it before the Congress and the people openly and directly. The present indecisiveness can only immobilize us with the result that the conflict with the Communists ultimately will be lost by default.

To allay any doubts he may have as to the mood of Congress on this issue, I commend to the President the analysis of congressional opinion on trade with the Communist bloc just completed by the Georgetown University's Center for Strategic Studies.

Drawing on reports from both Houses and comments from congressional leaders, the analysis concludes:

> The prevailing opinion in Congress, to the extent that it can thoroughly be gaged at this period, has been consistently in favor of strict controls and an effort to persuade our allies to adopt similar controls.

Congress, the study found, also appears to be in general agreement that the West has not and is not now using effectively its preponderant economic strength; that the growing disparity between trade policies of the United States and its leading Atlantic allies should be resolved; and that the United States should take the lead in coordinating free world trade policies.

EXECUTIVE SHARED CONGRESS VIEW

Until the last year, it should be noted, congressional views on the wisdom of restricting trade to the Soviet bloc have been shared, generally, in the executive branch. As the Georgetown study by Samuel F. Clabaugh and Richard V. Allen points out:

> With few exceptions, the United States has followed these (Export Control Act of 1949 and Battle Act of 1951) policies in the control of its own exports. The complete failure to secure comparable controls from other countries receiving U.S. aid is reflected in the statistics. In 1961 U.S. exports to the Sino-Soviet bloc amounted to only $125 million, while total free world exports to bloc countries amounted to $4.99 billion, or 40 times as much; and during the Korean war the exports of free world countries to the Sino-Soviet bloc amounted to 800 times that of the United States. If this were to be shown graphically, it would be the height of a single brick in proportion to the Washington Monument.

Clabaugh and Allen suggested these possible reasons for the current disparity between U.S. and Allied policy:

> The failure of the United States to press its Allies, individually or collectively, to apply similar controls, or to use what leverage it had to that end; the differences between Congress and the executive; and the conflict within the executive department among the various agencies.

The Johnson administration seems to have forgotten the reasons for imposing trade restrictions on the Soviet bloc. These were instituted as countermeasures against Soviet economic, political, and military moves. As Clabaugh-Allen recall, "it was the severe penalty of the British and American counterblockade of East Germany in February 1949 that led the Soviet Union to lift its blockade of West Berlin."

The West could hope for political concessions in return for increased trade, of course, only if the trade restrictions were severely pinching the Soviet Union. The pinch was on only a short time, since our allies did not maintain our strict trade restrictions.

Canada and Australia, for instance, cannot continue to supply large quantities of wheat to the Soviet Union if the West is to attempt to extract political concessions for lifting trade restrictions.

TIME FOR REEXAMINATION

The time has come to reexamine the notion that trade, by definition, promotes friendly relations. It may be true that trade promotes friendly relations with some peoples. This is not necessarily true in the case of the Soviet Union or the East European Communist nations.

For one thing, trading between European nations has historically been the cause of many wars, rather than any kind of insurance against them. For another, lend-lease trade to the Soviet Union during World War II did not promote friendly relations. For still another, free societies are much more accessible to traders than closed societies. In the case of the Soviet bloc, Western traders deal exclusively with government businesses and officials, not with the general populace. Promoting friendly relations is not easy.

The Soviet Union, for example, explained to its people that its purchases of wheat from the United States were the result of bad weather only. The wheat purchase was characterized as an evidence of strength of the Soviet economy, not weakness. The United States, on the other hand, according to the Soviet version, had to sell the wheat to strengthen its own economy. It is difficult for the American people to make friends on this basis.

Unfortunately the guidance coming from the executive branch now is so contradictory that it is producing more confusion than illumination. How, for instance, can we persuade our allies not to trade with the Communists, when we ourselves sell wheat to Russia?

Sino-Soviet trade with our allies has increased alarmingly in recent years. Most of the free world trade comes from European nations.

In one decade, the free world exported some $32 billion worth of critical materials, machine tools, electronic equipment, large diameter pipe and transport equipment to Russia. This played a significant part in the Soviet Union's dramatic industrial expansion and its so-called sputnik offensive against the West. Mig's and missiles, tanks, Sputniks, Luniks, all these Soviet advancements, owe at least part of their success to the increasing Soviet trade with the West.

RUSSIA STILL HAS HEADACHES

Despite these successes, however, the Soviet Union still has big headaches. Its agricultural production is low; its gold supply reportedly has dwindled; there are shortages of synthetic fiber, abrasive materials, sulphuric acid, and chemicals generally.

These shortages perhaps have been a principal factor in the Soviet decision to seek expanded trade with the West. Premier Khrushchev has set a goal of 200 new chemical plants in the next 7 years and modernization of another 500 in the same period. If he succeeds, chemical fertilizers may ease Khrushchev's agricultural headaches. The total cost of this program would be $3 billion per year, 40 percent of which Khrushchev hopes to get from the West in long-term credits.

As we all have read, Great Britain and other European allies are eager to meet his requirements, even to the point of providing long-term loans.

What does this picture add up to? It would appear that the Soviet Union has launched one spectacular industrial offensive against the West with the West's own help—and failed. Having failed in the first round, it is now seeking more Western aid for an even greater effort at industrial expansion. The optimists tell us that this time the Soviet leadership will not combine any new industrial spurt with an offensive against the West. Where they get their optimism is beyond me. Certainly they cannot draw it from the lessons of history.

The Johnson administration apparently has decided to go along with the Western European plan to increase its trade with the Soviet bloc. Secretary of State Rusk, in a statement on March 13 before the Senate Committee on Foreign Relations, described a policy of selective expansion of trade with the Soviet bloc.

FLEXIBILITY IN LOGIC

That statement is remarkable for its own flexibility in logic. Mr. Rusk tells us that the Soviet Union is so close to self-sufficiency that it does not need American or Western trade. Yet, "in time of crisis, we should be ready to reduce or even to embargo trade, as one form of response to Soviet pressure." If the Soviet Union is so close to self-sufficiency, what would be the use?

Secretary Rusk says that "even the full 2½ million tons—of wheat—the Soviet Union at first considered buying from us for its own use would have amounted to no more than 3½ percent of normal Soviet bread grain production." Buying wheat from the United States was "convenient" for the Soviet Union, he said, "but not vital."

In the case of the East European Communist countries, however, Mr. Rusk finds a rise of only 2 percent in Western imports to the satellites to have been of "considerable qualitative importance to their industrialization programs."

The United States, in other words, trades with one Communist power, the Soviet Union, because the Soviet Union really does not need it and trades with a group of other Communist powers in Eastern Europe because Eastern Europe does. And it is inconsistently urged that while a 3½-percent increase in the Soviet wheat supply means nothing in building up the Soviet economy, a 2-percent increase in trade with Eastern Europe turns out to be "of considerable qualitative importance" in its industrialization.

The administration justifies its interest in trade with Eastern Europe on the premise that the Communist regimes there are trying to reduce their economic dependence on the U.S.S.R. Presumably increasing the East European dictatorships' independence from the Soviet Union makes them somehow more respectable and somehow agents of the free world in the cold war against the Soviet Union. If the Soviet Union is self-sufficient economically and much stronger militarily, what is the value of splitting East Europe away?

WHAT BENEFITS TO THE UNITED STATES?

In the past decade and a half, it is hard to put one's finger on the specific benefits the West has gained from increasing East European independence. Moreover, I find no assurance that any of the East European dictatorships would be less inclined to support the Soviet Union in a significant showdown with the West, simply because of the trade relationships developed with us.

Recent refugees from Eastern Europe, the best available authorities on problems there, have repeatedly cautioned us that increasing trade with the East European dictatorships merely strengthens the dictators and tightens their grip on the people. As spokesmen for the people, the refugees have demanded that we stop all trade and aid with the Communist dictatorships. The people of Eastern Europe, they say, are ready to make whatever sacrifices are necessary to rid themselves of the dictatorships whose weaknesses are merely masked by the trade with the West.

There is something to be said for the theory that a total interruption of trade is the only effective method of dealing with a war-oriented, dictatorial enemy. Anything a totalitarian government permits to be imported might well be considered, by definition, essential and strategic.

As for the age-old debate about using food embargoes as a weapon, we have recent precedents in both directions. In the early 1920's, the United States helped to feed millions of Russians while the Soviet dictatorship was killing other millions of Russians. During World War II, Prime Minister Winston Churchill blocked U.S. moves to send food through the British blockade to French, Belgians, and Dutch:

> Let Hitler bear his responsibility to the full and let people of Europe who have grown beneath his yoke aid in every way the day when that yoke will be broken—

Churchill said.

On trade with Communist China, Secretary Rusk uses the same fact he used to justify increasing trade with the Soviet Union to justify the exact opposite.

Communist China is not "highly vulnerable to a policy of total denial of U.S. trade," he said. So the United States should not trade with Communist China.

Here the total trade embargo is imposed, however, for political reasons, Mr. Rusk says. Communist China, North Vietnam, and North Korea, all victims of the U.S. embargo, are "actively engaged in aggressive activity," Secretary Rusk says.

> When regimes are engaging in aggressive activities of such character and intensity, we must design our trade policies accordingly. Our complete trade embargo is a reflection of these relationships—

the Secretary said.

Since both the Soviet Union and Communist China are the only nations significantly dependent on U.S. trade, it would appear that the administration has decided to reward the Soviet Union for its assumed lack of aggressiveness and to punish Red China for its aggressiveness.

NEW CUBAN CRISIS

But has the Soviet Union renounced its aggressiveness? The Cuban missile crisis is not 2 years behind us. And now Khrushchev snarls he will support Castro if we clash with Cuba over the antiaircraft missiles left behind by the Soviet Union.

As for trade with Cuba, Secretary Rusk tells us that the U.S. restrictions are intended "to reduce Castro's will and ability to export subversion and violence to the other American States." If trade restrictions can have this effect on Cuba, why can they not have the same effect on the Soviet Union and the East European satellites? Or does the administration believe that the Soviet Union and the satellites have abandoned their intentions to export subversion and violence? The point is that mere trade restrictions cannot hope to halt Castro's export of subversion and violence to the rest of the Western Hemisphere.

A second reason for restricting trade with Cuba, Mr. Rusk tells us, is "to make plain to the people of Cuba that Castro's regime cannot serve their interests." Would not restrictions on trade with the Soviet bloc accomplish the same purpose with the people of the Soviet Union and with the people of East European states?

It would seem to be a fair conclusion that the administration is less interested in using all the pressures at hand to help the captive peoples of Eastern Europe and the Soviet Union than it is in helping the captive peoples of Cuba.

To summarize, the Secretary of State is using the same instrument to get diametrically opposite results in various Communist countries—thereby defying all logic and sowing confusion in Congress, among our exporters, and among the public. We can only hope he is confusing the Communist world as well.

At another point in his presentation, Secretary Rusk noted that the U.S. imports account for only 3 percent of our gross national product. The United States, therefore, would appear to be as self-sufficient as the Soviet Union if one is to use this generalized criterion.

STATISTICS MISLEADING

Therefore, it would seem that from our standpoint there is no economic justification for increasing American trade with the Soviet bloc. The point, of course, is that trade is much more valuable to the United States than the cold statistic "3 percent of gross national product" indicates. By the same token, Soviet trade with the West is much more important to communism than is indicated by the cold statistic that Soviet imports from all free world industrial countries are running at the rate of only one-half of 1 percent of Soviet gross national product.

What is needed is a qualitative judgment of the goods going into the Soviet Union. One-half of 1 percent of the gross national product, if it is in technologically advanced items vital to the Soviet economy, like chemical plants, could be an important prize.

It is time, Mr. President, for the Congress to assert its will and arrest the dangerous trend of trading with an enemy sworn to bury us.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional rights to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I shall discuss further the civil rights bill, particularly as it pertains to the jury trial amendment.

I shall begin my remarks today by commenting on a very interesting situation which has arisen in the Maryland Eastern Shore town of Cambridge.

Senators know that on Monday evening of last week, Governor Wallace held a political meeting in Cambridge. A large group of mobsters also, on the same evening, held a gathering in that town, as a protest against Governor Wallace's presence in the State of Maryland. About an hour after Governor Wallace's departure from Cambridge, the Negro gathering became rather emotionally stirred up; and many of its members, in violation of a court injunction against demonstrations, proceeded to march on the area of town in which Governor Wallace had delivered his speech. The demonstrators were met by a detachment of National Guardsmen; and, in the brief encounter which ensued, several of the mobsters were arrested. It might be worth mentioning that 9 of the 14 arrested were not even from the State of Maryland. They were what is known as outside agitators.

At any rate, these people were arrested and jailed on charges of disorderly conduct. And here is where the interesting part begins.

Mr. President, I hold in my hand a picture of several of the Negroes arrested in Cambridge, among them Mrs. Gloria Richardson, a leader of the militant integrationist group in that town. In order to introduce the point I wish to make, let me quote for Senators the caption which appears below the picture, as it appeared in this morning's Washington Post. It reads as follows:

> Cambridge Negro leader Gloria Richardson stands in courtroom talking to Lawrence Cundiff, of the Cambridge Student Nonviolent Coordinating Committee. Mrs. Richardson was charged with disorderly conduct for her part in Monday night's demonstration. She was released on $100 bond when she asked for a jury trial.

Mr. President, the interesting part of this caption appears in the last sentence, which says that "she was released on $100 bond when she asked for a jury trial."

Is it not a remarkable coincidence that this woman should be looking to the institution of jury trial for the protection of what she feels to be her constitutional rights, at precisely the same time when we in the Senate are waging a desperate battle to save the very same institution for all our people?

Mrs. Richardson was acting in violation of a court order forbidding demonstrations in Cambridge. So far as this Senator knows, she has not been charged with criminal contempt of court, but merely was charged with disorderly conduct. However, she might just as well have been charged with criminal contempt of court, and may yet be so charged. In such a case, she would have assumed a position almost identical to the one with which defendants under this bill would be faced.

The first thing that came to her mind was the right of trial by jury. But if she were to fall in the category which she and her kind wish to create for defendants under this bill, she would have no real right to trial by jury. The judge could call her in, charge her with contempt of court, and sentence her to 30 days in jail, without ever coming within a mile of a jury.

I am happy that Mrs. Richardson has this right to a trial by jury. She should have it, because—after all—it belongs to her under the Constitution of the United States. The thing I am not happy about is that some Senators are bent on taking that right away from her. They would do so by taking it away first from one group of citizens, so that at some future date another Congress would find it just that much easier to take it away from still other groups of citizens, for still other reasons.

It seems to me that, under the precedent which would be created by this bill, we could also pass a law making participation in violent street demonstrations a Federal crime subject to the same sort of injunctive powers as those proposed by the leadership. We could provide in such a law that the judge could cite for criminal contempt any demonstrator who was arrested for disturbing the peace, in violation of his injunction. Then the judge could punish the violator to the extent of 30 days and $300 without recourse to a jury trial. After all, what is good for the discriminator should also be good for the demonstrator.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield for a question, with the understanding that it will not affect my right to the floor, and will be without prejudice to the Senator from Alabama.

Mr. HILL. Is it not true that the bill as it passed the House of Representatives, as it is now before the Senate, and as it is advocated by certain groups, and by certain leaders among those groups, such as Mrs. Richardson, provides no limitation at all upon the penalty that a judge could impose?

Mr. LONG of Louisiana. There would be absolutely no limit. In this grave situation, Mrs. Richardson, under the provisions of the bill, could have been arrested and charged by the judge with violating his order against demonstrations. He could have tried her himself, without benefit of jury; he could simply have said, "I have seen you here before. You are well known to me. I have told you to stop this kind of activity. I will try you, and I will sentence you to jail for a year." Nothing could have been done about it. Mrs. Richardson might have appealed, on the ground that the judge had sentenced her to cruel and unusual punishment; but I should say that a sentence of up to a year would probably be upheld.

Mr. HILL. She could not have asked for the right of trial by jury, could she?

Mr. LONG of Louisiana. No. As it is, Mrs. Richardson has a right to be tried by a jury of 12 persons. She has a right to have and consult with counsel. She has a right to pass on who shall serve as jurors in her case. If a prospective juror might be inclined to be prejudiced or to give her an unfair trial, she would have a right to challenge him. In fact, she would have the right to challenge any of the prospective jurors, even without cause, by saying, "I do not want you to serve on this jury."

This case would be a good example of one in which the judge who issued the order would be the one most inclined to find her guilty. That very judge would perhaps be the person who, if he were brought into court as a prospective juror, would be challenged for cause, on the basis that he knew something about the case, and that he had an opinion on the matter. That being the case, this woman could very well lose her rights and be placed in jail. On the other hand, she might very well be acquitted if she had the benefit of a jury trial.

Mr. President, one of the elements which will be decided by our votes on the various amendments which have been and will be introduced on the subject of the right to trial by jury in criminal contempt cases is whether we feel as a practical matter, irrespective of divergencies of opinion on the constitutional question, that such actions should be thought of as criminal prosecutions under article VI of the Bill of Rights. What the courts may or may not have said on this matter and what technical interpretations may or may not be made of the constitutional provisions are important factors in their own right. But there is still another vital factor that lies in our hands alone. That factor has to do with what course we think the future of jury trials in this country ought to take and what sort of precedent we believe ought to be set in this matter.

On this point, I should like to refer to an excellent statement on this subject made in the 1957 debates when this question was very much a factor. The statement from which I shall read two brief extracts was one delivered by the distinguished Senator from Idaho [Mr. CHURCH], who happened to be one of the cosponsors of the so-called O'Mahoney amendment which sought to guarantee the right to trial by jury in such cases. At the time, July 24, 1957, the Senator was engaging in colloquy with the late Senator Estes Kefauver who was also fighting for the preservation of the right of trial by jury in criminal contempt cases. He said in part:

> I agree wholeheartedly with the Senator. I should like to thank the Senator for his participation in the debate, and for the clarity of his remarks.
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> I wish to say to the Senator from Tennessee particularly that he has very deftly and very lucidly pointed out that the essential character of a criminal contempt action is made no different by cloaking it with equity terms in an injunctive procedure, and the Congress of the United States implicitly recognized that fact when it provided that jury trials should be accorded in cases of criminal contempt, because such cases are essentially criminal in nature. The guarantee of the Constitution for jury trials in criminal cases could be circumvented entirely if we used the device of an equitable proceeding to do the same thing which is normally done by a criminal case, where a jury trial is accorded and guaranteed by the Constitution.

Mr. President, the observations of the Senator from Idaho at that time are excellent ones. They parallel exactly the views being taken on this question by the junior Senator from Louisiana in the present debates. Mr. President, I read further from the Senator's remarks:

> The debate which has thus far occurred has made it clear that this bill, in its present form, will empower the Federal Government to commence and prosecute injunctive actions in any case that may now, or hereafter, come within the scope of the rights conferred by the 14th and 15th amendments to the Constitution. I concur with those who have urged that we ought not to attempt to differentiate among the civil rights conferred by the Constitution, making one type of legal remedy available to enforce the right of vote, but denying that remedy in other civil rights cases. By the same token, I think it necessary and proper that the Federal Government be empowered to use the injunction to better prevent the denial of any civil right to any citizen.
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> But, Mr. President, the bill before us goes much further than authorizing Government-procured injunctions to prevent the denial of any civil right. The bill before us avoids a jury trial not only in preventive civil contempt cases, but also in punitive criminal contempt cases.
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> I can support the avoidance of a jury trial in any civil rights case, where civil contempt is involved, and the object of the action is to safeguard the civil right in question by compelling compliance with the court's decree. To be sure, such actions may result in punishment by way of fine or imprisonment, but their purpose is to secure the civil right denied. The defendant holds the key to his own cell, and can always go free by complying with the order of the court. Thus the denial of a jury trial is not only consistent with normal injunctive procedures, but works no real hardship beyond the capacity of the defendant to avoid.
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> I cannot, however, support the denial of a jury trial in cases of criminal contempt. These cases are punitive in nature. They are not directed toward the achievement of any civil right, but rather toward the punishment of those accused of violating a court decree, for past acts that can no longer be rectified. In other fields, under our present Federal law, a man accused of criminal contempt is generally entitled to a jury trial. I see no reason why such a fundamental protection ought to be denied in like cases simply because they may happen to fall within the broad scope of title III of this bill.

The Senator from Idaho was one of the leaders and one of the cosponsors of the movement to which this Senator now subscribes. I applaud him on the excellent contribution he made to the protection of our fundamental rights to trial by jury in these sorts of cases.

Mr. President, as I mentioned above, the Senator from Idaho was engaging in a colloquy with the late beloved Senator from Tennessee, Mr. Kefauver, on that particular occasion; and I should like now to refer to an excellent letter written to Mr. Kefauver on this subject. The letter is particularly meaningful because it was written, not by a southerner, not by an opponent of the 1957 act, but by an active member of the ADA, the NAACP, and the American Civil Liberties Union. It is from a Mr. Yole B. Bernstein, a Philadelphia attorney, of whom the Senator said:

> He favors integration at all levels. Nevertheless, Mr. Bernstein commends me for my stand in favor of a proper amendment to provide jury trials in connection with the civil rights legislation, pointing out eloquently that we should not sacrifice one liberty to gain another.

Mr. President, because the letter is rather lengthy, I shall quote mostly from those parts which bear directly on the question of right to trial by jury in criminal contempt cases under the civil rights bill:

> To set the record straight let me premise this discussion with the statement that I am unalterably in favor of integration at all levels, just as soon as possible (and maybe just a little sooner than that). I have worked, as the national organizer of the student branch of the Americans for Democratic Action, to set up prointegration groups in your State and other States in the South. I am now an attorney active with the Philadelphia branches of the ADA, NAACP, and American Civil Liberties Union. However, let

me emphasize that in this letter I am speaking as an individual and not as a member of any of these groups for I find myself in disagreement with their stand with relation to the above-mentioned jury-trial provisions. I find myself in an odd position in holding these views as I am advocating a position that is held by many of those who would oppose all civil rights legislation. But I have learned that one cannot refuse to speak his convictions merely because his enemies agree with him. Just because the Communists profess a belief in civil rights, we should not be afraid to advocate civil rights, and just because the KKK profess the belief in jury trials in civil rights cases is not reason to oppose such jury trials.

It is not an easy decision. The right to a jury trial and the right to vote and be free from discrimination are both basic values. However, I think it is time that we learned that we cannot take away one right in order to try to secure another. I think that it was Franklin who said that he who would give up liberty for a little safety deserves neither liberty nor safety. It is time we learned that we must look at yesterday and toward tomorrow and not only at the expediency of today, and that we must not have one stand for our friends and another for our enemies. Liberty is for both friend and foe alike or it is not liberty.

The problem arises when we say that the individual accused of contempt shall not have benefit of a jury trial, and may be tried by the judge issuing the injunction (the same judge who determines whether the individual should be arrested for allegedly violating that injunction), or by another Federal judge also without a jury trial. It is true that this is not strictly a criminal trial, but, if the accused is found to be guilty, he may be sentenced to a long term in jail, so irrespective of what name you give it, the law, prior to your vote for the amendment would have provided for the placing of a man in prison without benefit of a trial by a jury.

The argument against jury trials in civil rights injunction cases is usually twofold: The first being that there is no constitutional question involved and that, if you are against trial without jury in contempt cases, you should change the whole contempt law and not merely that portion involved in the civil rights legislation. The second, which is the main thrust of the argument, is that today southern juries may or will not correct violators of Federal antidiscrimination injunctions, and that, since the factual question of guilt is rarely in dispute and that since the right to vote, etc., is so basic and cannot be safeguarded if convictions cannot be secured, the proposed civil rights legislation should not provide for trial by jury in contempt cases.

The first argument presented above is, in my opinion, without merit. The mere fact that trial by jury in contempt cases is not deemed to be required by the Constitution does not indicate the wisdom or lack of wisdom of this position. If Congress is willing to extend trial by jury (for whatever motives) beyond what is deemed to be constitutionally required, the liberals should praise the decision as a fuller measure of freedom, and not condemn it as unnecessary or unwise. And the proposition that it has generally been the law to refuse jury trials in contempt cases of this sort does not require the conclusion that we must work only to amend the whole contempt trial law. Of course, we should do this, but meanwhile, if we are opposed to convictions without jury trial, we should oppose this concept wherever we can, and not merely cry all or nothing.

The whole question, it seems to me, rests upon one point, and only one point. It is worth allowing individuals to go to jail without trial by jury in order to attempt to make more secure the right to vote and be free from some forms of discrimination, and whether trial by jury will harm the securing of these rights. As I have said before, it is a tough decision and one where liberals can honestly disagree, although to me, the answer is clear.

I think that it is incumbent upon us to look deeply into the value of convictions for civil rights violations, and their effect on guaranteeing civil rights. I believe that the mere fact that there is a Federal injunction will deter many from acting in violation of it. (Previous Federal injunctions, i.e., "white primaries," desegregation of graduate schools, etc., worked in many instances.) Irrespective of whether they agree or disagree with the injunction, the strength of the Federal mandate will deter some, and the risk of a trial, jury or otherwise, will deter others. (In this point Osmond Frankle, ACLU counsel is in agreement. He also questions the desirability of contempt convictions without jury trials.) I also believe, from some personal observations in the South, that some juries will convict, although not all will, where guilt is shown. But law that does not have the support of the community will have little positive effect and could cause harm if unintelligently enforced. Law is only part of the picture. If a man is convicted without benefit of a jury trial, and that conviction does not have the support of at least a large minority of the community, you will create a martyr and not an example. Of course, in the short run, you may make more secure the right to vote, but at what cost? I am fully in support of the civil rights legislation, as laws are needed, but not laws that take away some freedom to try to get some other.

Placing a man in jail is the absolute denial of his civil rights and liberties. This must be done to some men to protect others, but we should not abrogate any man's liberty without absolute necessity, and without as many safeguards as possible, especially if we are to take away his liberty in the name of liberty. We have fought too long and too hard for jury trials to permit them to be disregarded without serious misgivings. The fact that a jury will not convict a guilty man is no more reason to eliminate jury trials than it would be to eliminate trials themselves. The fear that the jury will not agree with the law, or is sympathetic toward the defendant should not cause us to bypass the jury.

We should, of course, attempt to get as impartial a jury as possible, and this can be done by challenges at the trial itself. If we cannot get 12 relatively impartial men in the entire community, especially if the prosecuting officers are Federal and not local, we should look toward a new solution to the problem (i.e., cutting down the representation of those areas that deny others the right to vote) but not eliminate jury trials. To bypass the jury in this situation would be unwise, for a logical extension of this argument would be that a man should never be tried by members of his own race, or nationality, or religion, or sex, or economic group, etc., since they might be sympathetic to the defendant. We all would balk at trying southern violators by northern juries, or vice versa. If we ever get to the State where we are willing to say that we should refuse jury trials because juries won't convict, we will have taken away a basic right for which we have fought for many centuries. It is my belief that civil liberties dictates, as does the spirit of the Constitution, that no man be placed in jeopardy or jail unless he has the right to a trial by a jury of his peers if he so desires.

I also believe that the argument that there is little factual disagreement in these contempt cases and that therefore juries would not be necessary is, to my way of thinking, invalid. There will be factual questions to be decided, and besides, the jury historically, serves two purposes: to determine the physical facts and to look at the entire situation and to apply the general law to the particular circumstances which only the community can know. Of course in the South this may mean a low rate of convictions, but civil liberties is not measured by the number of convictions, even when those convictions are aimed at enforcing civil rights. I have no sympathy for those who would try to deprive another of his rights, but my sympathy does go out to those rights, and it is for that reason that I believe that we cannot circumvent jury trials, no matter what the cause. Appeal provisions and safeguards are not enough. Every lawyer knows that in the main, what happens during the trial will prevail. No matter how fair the procedures, or how thorough the appeal, the very elimination of the jury, in my opinion, deprives the accused of the fair trial civil liberties demands. I have great respect for the Federal judges in the country, but I also know that history has produced a Webster Thayer, and his sort also. I do not want to allow freedom versus jail to be left up to one man.

Let us look at history for a moment. Consistency is not always wise, but in the area of personal liberty, there is no greater cornerstone than equal rights for both friend and foe. There cannot be one justice for us and one for them.

Before the Constitution was written, William Penn was indicted for speech against the crown. The jury in this case, although pressured unmercifully by the bench, refused to convict, reserving the right to interpret the law as well as the facts. This case has come down to us as a hallmark of liberty. Also, before the Bill of Rights was written, John Peter Zenger was tried for criminal libel. The attorney for the defense (Andrew Hamilton, Alexander Hamilton's brother) admitted the facts that constituted guilt under the law, but demanded that the law be changed by the jury. This acquittal is another hallmark in our fight for liberty. How many of us would have voted to convict John Brown even though he was, in fact guilty under the law? How many of us would have voted to convict the violators of the Fugitive Slave Act, or would have sat back while permitting a judge, without a jury, to decide guilt or innocence? In fact, no jury was permitted under this act, a fact which roused the Abolitionists to arms. As I have said, there is not two brands of freedom, according to who is in the driver's seat.

But let us look a little closer into the use of the injunction and contempt itself. The major case which liberals though wrongly decided was the Debs case. When the Government could not gain a conviction against Gene Debs for his participation in the Pullman strike (they first tried to convict him for conspiracy; this conviction required a jury trial), they turned around and sentenced him, without benefit of a trial by jury, for contempt, Debs having allegedly violated a Federal injunction. Governor Altgeld, of Illinois, decried this trial without jury, as did one of the greatest liberals of all times, Clarence Darrow. The liberals, like Debs, Altgeld, and Darrow, who had to fight to establish the right to trial by jury, condemned the injunction-contempt-no-jury-trial procedure one of our greatest threats to liberty. Yet, today, all seems to have been forgotten by the liberal.

Labor, historically harassed by injunction-contempt proceedings, fought hard and long and finally got through Congress the Norris-

La Guardia Act. Among its provisions are the following:

"In all cases arising under this act in which a person shall be charged with contempt of a court of the United States * * * the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed (except where the contempt was by an officer of the court or in the court's presence)."

This was considered another landmark for liberalism.

Today, it appears as if labor and the liberals have forgotten the past as well as the possible future. Let us suppose someday Congress decides to take away our rights, not by criminal statute, but by contempt action without trial by jury. A minority could be destroyed this way, as well as helped. Also, why not injunctions against all crimes? We could get convictions without worrying about juries.

This is, of course, not too likely to happen, but as I have tried to point out, we cannot have one set of rules when the Government is going our way and another set when it is going against us. Procedural consistency is too valuable to allow it to be controlled by the particular ideology in power, even if we agree with those in power and even if we unalterably oppose those against whom it is aimed. The ends, no matter how desirable, do not justify the means.

Associate Justice William O. Douglas in his book "Almanac of Liberty" wrote the following with regard to the above-mentioned William Penn case:

"Shortcuts are always tempting when one feels his cause is just. Shortcuts have always been justified on the ground that, the ends being worthy, the means of reaching it are not important. Shortcuts, however, are dangerous. If they can be taken against one person or group they can be taken against another. Our greatest struggle has been to provide procedural safeguards that will protect us against ourselves and make it certain as possible that reason and calm judgment will not be swept away by passion and hysteria. Experience shows us that it is the William Penns of the world, not the criminals, who suffer most when the procedural safeguards for fair trials are relaxed."

We cannot give up civil liberties for civil rights. It is not enough that all men are equal, unless all men are free. The liberal must, and I congratulate you, Senator Kefauver, for realizing this, work for a society where all men are equal and all men are free. It took us too long to build the strong road of jury trials to now cut into the wilds of contempt trials.

The right to vote will come, as will the end of discrimination, irrespective of the jury-trial provisions. Perhaps it will take a little longer by taking the main road (although we can never know unless we try). If we don't guarantee jury trials, we may find ourselves in the position that Justice Black spoke of when he dissented against the Illinois race libel law. There he said that if any minority group rejoices at that method of trying to provide civil rights they should remember the old adage: "Another such victory and we are undone."

By voting for jury trials, you have been consistent with your high principles. It is true that politics makes strange bedfellows but so does courage, and by voting for the civil rights legislation with jury trials you will have declared the principle that there shall be no denial of civil liberties, either on the grounds of race, religion, sex, creed, or national origin, or on the grounds that someone is your enemy.

Sincerely,

YALE B. BERNSTEIN.

In this Senator's opinion, Mr. President (Mr. BAYH in the chair), if the proponents of this bill displayed some of the good sense exhibited by Mr. Bernstein, we would probably have completed the debate weeks ago. This is the sort of attitude which could produce real compromises and allow the Senate to produce a bill which would be both workable and safe. But, unfortunately, the political pressures—both real and imagined—have closed many minds to the type of levelheaded thinking that is so very sorely needed at this time.

Mr. President, the political pressures behind this bill have become so intense, and have produced such a closed-mindedness among some of the proponents, that they are willing to sacrifice many of our fundamental freedoms in deference to it. To win support from various minority groups in this fall's elections, many are acting as though they would risk losing one of our most sacred traditions, benefits and rights—namely, trial by jury.

The Senator from South Dakota [Mr. MUNDT] invited attention to this danger, in a speech on the jury trial provisions in the 1957 act; and the same situation occurs at this time—just as it did 7 years ago. The Senator's brief comment hit the nail so squarely on the head, that I should like to quote it to the Senate:

> Opponents of the jury-trial amendment soberly claim that its addition would emasculate the civil rights bill, that southern jurors might be reluctant to convict. This argument is as old as it is shortsighted. It is the same justification that was given for the establishment of the star chamber, for the ruthless acts of Parliament depriving colonists of jury trial, for the opposition to jury trial for workers involved in labor disputes. Historically viewed, it stands as the favorite argument of the absolutist, an indispensable tenet of tyranny or mobocracy.

I trust that the Senator from South Dakota will take no offense at my having quoted him in this regard. His remarks were part of an article written by Columnist George Sokolsky, dated July 23, 1957.

In fact, Mr. President, there is another brief statement made by one of our most distinguished colleagues in 1957 which I should like to quote. It is a statement on the subject of trial by jury in criminal contempt cases; it was made by the junior Senator from Arkansas [Mr. FULBRIGHT]. At the time of his statement, on July 23, 1957, the Senator from Arkansas was making reference to part III of the 1957 civil rights proposal, which had to do with the same jury trial issues we face today. He said:

> The only real parallel to the situation sought to be created by part III of this bill is the labor situation which prevailed at the time of the passage of the Norris-La Guardia Act. Then there was no specific Federal labor legislation. Our Federal courts established Federal labor law by injunction of U.S. attorneys.
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> Partially to correct the abuses of this unusual enforcement procedure, Congress enacted the Norris-La Guardia Act in 1932. In 1935, the further corrective step was taken of legislating a very specific Federal statute in the field of labor relations. The Wagner Act spelled out in great detail the specific rights, conduct, and procedures which Congress intended to be followed in the settling of labor disputes. In addition, it created an administrative agency to determine labor disputes before the courts could exercise the injunctive powers conferred by the act.
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> Only after the administrative agency had exercised its full jurisdiction, held hearings, and issued orders was a court empowered to issue an injunction to enforce the agency orders.
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> We should not now—25 years after George Norris and Robert Wagner focused the attention of Congress upon the evils of government by injunction—return to that practice in a field as complex and delicate as civil rights.
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> This would scarcely be progress. It would surely create a precedent for some future Congress in some other field, to seek legislative shortcuts which disregard basic individual rights and liberties.
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> I find no support for what part III would have us do in the field of civil rights in any of the Federal statutes which have been referred to in our debates. I do find, and with alarm, a very close parallel to the situation which existed in the field of labor disputes before passage of the Norris-La Guardia and the Wagner Acts.
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> I am sure no Member of this body will want to trade, in the name of expediency, the right of all individuals to be free from government by injunction—in its most vicious, abbreviated form—for what is claimed to be a more effective method of protecting civil rights. I, for one, consider the legislative scheme contrived in part III of this bill to be a distinct step backward in the vital relations of man and his government.

Indeed, Mr. President, we would be reverting to the status of the law before the right of jury trial was accorded to freemen—in fact, it was before men became freemen. By crippling our system of justice in this way, we would be quite likely to take away from our citizens even their status as freemen, for truly this plan is one which can very easily lead us down the road to tyranny. I know that the jury system is not popular with some lawyers. My observation is that most of such lawyers have never gone down the courtroom and tried a lawsuit. They are book lawyers, or they are teaching lawyers—and I say that with all respect to them. The lawyers who go down to the courtroom and try the lawsuits, and fight there the battles of the people, especially after they have done so for several years, are the lawyers who have a fine appreciation of just what the jury system means as an institution, and not merely as it relates to the guilt or innocence of a particular individual. As history has proved, when we make inroads on the jury system, we take something away from the American way of life.

This is but another way of saying that when we sacrifice our existing rights, for the sake of speeding up the wheels of justice, we are actually spending away many of our fundamental protections and safeguards against tyranny.

The general concept or theory of spending this freedom in order to buy that one is discussed very expertly in an excellent article I read last summer in the publication New Republic, with which

I am sure that my colleagues are quite familiar. The article is by Mr. Robert Bork, and it questions the wisdom of abandoning long-established freedoms, such as the right to private property, the right to privacy, the rights of free enterprise, and the right to trial by jury, in order to create new pseudorights and conveniences for the militant minority groups. Mr. Bork admonishes us to proceed most carefully in this direction, lest we shake and destroy the very foundations on which all our rights and freedoms rest. The author, Mr. Bork, is a man who personally favors integration of the races and condemns racial discrimination. Yet, in a most forceful manner, he points out the extreme dangers we would create for ourselves and for our constitutional system of government, if, in the effort to attain social justice, we succeed also in unbalancing and subverting the delicate constitutional system of order by which we have become a great and enduring Nation. These are his expert comments on this vital subject. I shall now quote his comments; and I ask my colleagues to note how similar Mr. Bork's approach to the bill as a whole is to Mr. Bernstein's approach to the particular subject of trial by jury:

> Passions are running so high over racial discrimination that the various proposals to legislate its manifestations out of existence seem likely to become textbook examples of the maxim that great and urgent issues are rarely discussed in terms of the principles they necessarily involve. In this case, the danger is that justifiable abhorrence of racial discrimination will result in legislation by which the morals of the majority are self-righteously imposed upon a minority. That has happened before in the United States—prohibition being the most notorious instance—but whenever it happens, it is likely to be subversive of free institutions.
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> Instead of a discussion of the merits of the legislation, of which the proposed Interstate Public Accommodations Act outlawing discrimination in business facilities serving the public may be taken as the prototype, we are treated to debate whether it is more or less cynical to pass the law under the commerce power or the 14th amendment, and whether the Supreme Court is more likely to hold it constitutional one way or the other. Heretical though it may sound to the constitutional sages, neither the Constitution nor the Supreme Court qualifies as a first principal. The discussion we ought to hear is of the cost in freedom that must be paid for such legislation, the morality of enforcing morals through law, and the likely consequences for law enforcement of trying to do so.
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> Few proponents of legislation such as the Interstate Public Accommodations Act seem willing to discuss either the cost in freedom which must accompany it or why this particular departure from freedom of the individual to choose with whom he will deal is justified. Attorney General Kennedy appears to recognize this but to wish to avoid these questions, for, in speaking on behalf of the bill before a congressional committee, he went so far as to state that the law would create no precedent. That of course is nothing less than an admission that he does not care to defend the bill on general principles.
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> There seems to be a strong disposition on the part of proponents of the legislation simply to ignore the fact that it means a loss in a vital area of personal liberty. That it does is apparent. The legislature would inform a substantial body of the citizenry that in order to continue to carry on the trades in which they are established they must deal with and serve persons with whom they do not wish to associate. In part the willingness to overlook that loss of freedom arises from the feeling that it is irrational to choose associates on the basis of racial characteristics. Behind that judgment, however, lies an unexpressed natural-law view that some personal preferences are rational, that others are irrational, and that a majority may impose upon a minority its scale of preferences. The fact that the coerced scale of preferences is said to be rooted in a moral order does not alter the impact upon freedom. In a society that purports to value freedom as an end in itself, the simple argument from morality to law can be a dangerous non sequitur.
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> Prof. Mark DeWolf Howe, in supporting the proposed legislation, describes southern opposition to "the Nation's objectives" as an effort "to preserve ugly customs of a stubborn people." So it is. Of the ugliness of racial discrimination there need be no argument (though there may be some presumption in identifying one's own hotly controverted aims with the objective of the Nation). But it is one thing when stubborn people express their racial antipathies in laws which prevent individuals, whether white or Negro, from dealing with those who are willing to deal with them, and quite another to tell them that even as individuals they may not act on their racial preferences in particular areas of life. The principle of such legislation is that if I find your behavior ugly by my standards, moral or esthetic, and if you prove stubborn about adopting my views of the situation, I am justified in having the state coerce you into more righteous paths. That is itself a principle of unsurpassed ugliness.
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> Freedom is a value of very high priority and the occasions upon which it is sacrificed ought to be kept to a minimum. It is necessary that the police protect a man from assault or theft but it is a long leap from that to protection from the insult implied by the refusal of another individual to associate or deal with him. The latter involves a principle whose logical reach is difficult to limit. If it is permissible to tell a barber or a rooming house owner that he must deal with all who come to him regardless of race or religion, then it is impossible to see why a doctor, lawyer, accountant, or any other professional or business man should have the right to discriminate. Indeed, it would be unfair discrimination to leave anybody engaged in any commercial activity with that right. Nor does it seem fair or rational, given the basic premise, to confine the principle to equal treatment of Negroes as customers. Why should the law not require not merely fair hiring of Negroes in subordinate positions but the choice of partners or associates in a variety of business and professional endeavors without regard to race or creed? Though such a law might presently be unenforcible, there is no distinction in principle between it and what is proposed. It is difficult to see an end to the principle of enforcing fair treatment by private individuals. It certainly need not be confined to racial or commercial matters. The best way to demonstrate the expansiveness of the principle behind the proposed legislation is to examine the arguments which are used to justify it.
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> Perhaps the most common popular justification of such a law is based on a crude notion of waivers: Insistence that barbers, lunch counter operators, and similar businessmen serve all comers does not infringe their freedom because they "hold themselves out to serve the public." The statement is so obviously a fiction that it scarcely survives articulation. The very reason for the proposed legislation is precisely that some individuals have made it as clear as they can that they do not hold themselves out to serve the public.
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> A second popular argument, usually heard in connection with laws proposed to be laid under the 14th amendment is that the rationale which required the voiding of laws enforcing segregation also requires the prohibition of racial discrimination by business licensed by a governmental unit because State action is involved. The only legitimate thrust of the State action characterization, however, is to enable courts to see through governmental use of private organizations to enforce an official policy of segregation. There is a fundamental difference between saying that the State cannot turn over its primary election process, which is actually the only election that matters, to the private and all-white Democratic Party and saying that a chiropodist cannot refuse a Negro patient because a State board has examined him and certified his competence. The State action concept must be confined to discerning State enforcement of policy through a nominally private agency or else it becomes possible to discern the hand of the State in every private action.
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> One of the shabbiest forms of argument is that endorsed by James Reston when he described the contest over the public accommodations bill as one between human rights and property rights. Presumably no one of liberal views has any difficulty deciding the question when so concisely put. One wishes nonetheless that Mr. Reston would explain just who has rights with respect to property other than humans. If A demands to deal with B and B insists that for reasons sufficient to himself he wants nothing to do with A, I suppose even Reston would agree that both are claiming human rights and that this is in no way changed if one of the humans is colored and the other is white. How does the situation change if we stipulate that they are standing on opposite sides of a barber chair and that B owns it?
>
> A number of people seem to draw a distinction between commercial relationships and all others. They feel justified, somehow, in compelling a rooming house owner or the proprietor of a lunch counter to deal with all comers without regard to race but would not legislate acceptance of Negroes into private clubs or homes. The rationale appears to be that one relationship is highly personal and the other is just business. Under any system which allows the individual to determine his own values that distinction is unsound. It is, moreover, patently fallacious as a description of reality. The very bitterness of the resistance to the demand for enforced integration arises because owners of many places of business do in fact care a great deal about whom they serve. The real meaning of the distinction is simply that some people do not think that others ought to care that much about that particular aspect of their freedom.
>
> One of the Kennedy administration's arguments for the bill is that it is necessary to provide legal redress in order to get the demonstrators out of the streets. That cannot be taken seriously as an independent argument. If southern white racists—or northern ones, for that matter—were thronging the streets, demanding complete segregation of commercial facilities, it is to be hoped that no responsible politican would suggest passing a law to enable them to enforce their demands in court. In this connection, it is possible to be somewhat less than enthusiastic about the part played by moral lead-

> ers in participating in demonstrations against private persons who discriminate in choice of their patrons. It feeds the danger of the violence which they are the first to deplore. That might nevertheless be tolerable if they were demonstrating against a law that coerced discrimination. They are actually part of a mob coercing and disturbing other private individuals in the exercise of their freedom. Their moral position is about the same as Carrie Nation's when she and her followers invaded saloons.
>
> Though the basic objection is to the law's impact upon individual liberty, it is also appropriate to question the practicality of enforcing a law which runs contrary to the customs, indeed the moral beliefs, of a large portion of the country. Of what value is a law which compels service to Negroes without close surveillance to make sure the service is on the same terms given to whites? It is not difficult to imagine many ways in which barbers, landlords, lunch counter operators, and the like can nominally comply with the law but effectively discourage Negro patrons. Must Federal law enforcement agencies become in effect public utility commissions with the supervision of the Nation's business establishments or will the law become an unenforcible symbol of hypocritical righteousness?
>
> It is sad to have to defend the principle of freedom in this context, but the task ought not to be left to those southern politicians who only a short while ago were defending laws that enforced racial segregation. There seem to be few who favor racial equality who also perceive or are willing to give primacy to the value of freedom in this struggle. A short while back the majority of the Nation's moral and intellectual leaders opposed all the manifestations of McCarthyism and quite correctly assured the Nation that the issue was not whether communism was good or evil but whether men ought to be free to think and talk as they pleased. Those same leaders seem to be running with the other pack this time. Yet the issue is the same. It is not whether racial prejudice or preference is a good thing but whether individual men ought to be free to deal and associate with whom they please for whatever reasons appeal to them. This time "stubborn people" with "ugly customs" are under attack rather than intellectuals and academicians; but that sort of personal comparison surely ought not to make the difference.
>
> The trouble with freedom is that it will be used in ways we abhor. It then takes great self-restraint to avoid sacrificing it, just this once, to another end. One may agree that it is immoral to treat a man according to his race or religion and yet question whether that moral preference deserves elevation to the level of the principle of individual freedom and self-determination. If, every time an intensely felt moral principle is involved, we spend freedom, we will run short of it.

Mr. President, despite the fact that Mr. Bork's frame of reference for his excellent remarks is the public accommodations section of the bill, his logic and reasoning apply as well to any other section of this proposed legislation. In fact, it seems to this Senator that they apply particularly well to the question of the right of trial by jury, which runs through not only one title, but five of the titles, of H.R. 7152.

Mr. President, it seems to this Senator that every one of his colleagues, particularly those who are proponents of this measure, should make a careful study of these remarks by Mr. Bork. His argument that this sort of bill would put this Nation in a position of spending away and wasting its limited supply of freedoms is a compelling one. It reaches beyond the emotion of the moment, and takes a sober look at the consequences and overtones of this proposed legislation, and offers a profound argument against its passage.

Yet, Mr. President, the Senate is faced with an atmosphere of pressure from street demonstrators, mobs, and radical integrationist groups whose activities defey the law, and make objective thinking on this matter doubly difficult. If, by any stretch of the imagination, these professional integrationists and agitators were pressuring for something that the average Negro really wanted, the pandemonium they are creating might make more sense. But the fact is that they are no more representative of the Negroes' desires than the ADA is representative of the desires of most northern whites or than the Ku Klux Klan is representative of the desires of most southern whites.

What a startling contrast we find between persons such as Messrs. Bork and Bernstein and the rabid, professional integrationists who, in the form of mobs, roam our streets.

It is high time, Mr. President, that this administration and this Congress and this Nation take a good hard look at the rabble-rousers, to see what is their true character and what is their true set of values. Only then can we judge the total nature of their actions and of their demands. In brief, what they now want is a government by mob—their mob. It is tragic how very little thought is being devoted to the consequences, the bitterness, and the hatreds which follow in the wake of such mobs.

The Negro columnist Davis Lee described the beginnings of this tragic development more than 4 years ago, in an editorial which I shall read to my colleagues at this time. Remember, Mr. President, that the words I shall now read are those of a Negro—not a white man. It seems to me that if the proponents of this bill were to listen more to the words of people like Mr. Lee, and less to those of the radical, extremist groups, we might not today have a situation in which good, conscientious Senators are in favor of proposed legislation that could destroy many of our fundamental rights.

Mr. Lee has this to say, Mr. President:

> Racial prejudice, bigotry, and intolerance is on the increase in this great country of ours. Rape, murder, floggings, denial of elementary rights, and a rising tide of hatred is sweeping our land.
>
> The black man and the white man have squared off at each other. The smiles and the friendly feelings that once existed between the two races have disappeared. The lines of communications, that once was a great help to both groups, have been broken off.
>
> It appears on the surface that our highly developed educational system, and our religious institutions, have all failed in doing the job of disseminating knowledge and the true spirit of brotherhood that they were established to do. There seems to be no educational, religious, moral, or economic force in existence in this Nation to restore the reason, sanity, and balance that both races need so badly at this time.
>
> One begins to wonder just what has happened to our people. No one has more to lose than us, and we have everything to gain by being sensible, intelligent, and reasonable.
>
> Let me state here that I am not an Uncle Tom, and I feel that I am a full-fledged, true-blooded American, who is entitled to enjoy every right, every privilege, and opportunity that is enjoyed by any other American. But I don't believe that we will ever achieve our full potentiality by pressure, agitation, and force. I am opposed to forced integration, and I am opposed to forced segregation. You don't enjoy the friendship, help, counsel, and good will of those that you make mad.
>
> This race issue has gotten out of hand to the extent that our race has been set back from 15 to 25 years, and the only ones who have benefited are the pressure groups and a few unscrupulous politicians. Those of us who have gone abroad with these agitators have become willing tools of the Communists. They have set out to divide us, and then conquer us.
>
> Practically everyone knows how some Negro newspapers and the NAACP have tried, and are still trying, to destroy me because of my views. They have, by pressure, forced many people to shun me, and have caused me to lose thousands of dollars worth of business.
>
> Recently Mr. Constantine Brown, famous columnist for the Washington Evening Star, quoted an editorial of mine. He wrote me that the NAACP hit the ceiling, and that a Negro paper in Baltimore told him to stay clear of me, that I am not the owner of Lee Publications. However, it doesn't matter to me who hits the ceiling, I am going to lay it on the line in this editorial.
>
> The white man has done more for the Negro than the Negro would have done for him had their positions been reversed. The southern white man has done more for the Negro than the Negro was able to do for himself, and there are thousands of southern white people who are still doing for the Negro more than he can do for himself.
>
> When we were first brought to this country we could not speak the English language, but the southern white man through patience and understanding taught us the grand Anglo-Saxon language. When we were first brought to this country we were worshipping the cow, the sun, and the moon—everything was God to us but the true and living God.
>
> The southern white man taught us to believe in the real God, and in Christ, the Saviour of all men, black and white. This one revelation changed us from a savage into the likeness of God with a soul to save.
>
> One we embraced Christianity we became a different people, and through our simple religious concept, thousands became our friends and benefactors. We had God on our side and in our corner. White people began to cultivate us as friends, as trusted and loyal people. The slaveowners had so much faith in us, that when they went off to the War Between the States over us, they left black men behind to care for their wives and children.
>
> They could not have paid us a finer tribute than this. No slaveowner was afraid that we would force our attention upon his wife. We were people of character; we had demonstrated that we could be trusted.

The southern white man, after emancipation, did not inaugurate this system of segregation that we have now. The separate church was started by Richard Allen, founder of the great African Methodist Episcopal Church. In fact, by his doctrine in which he urged Negroes to establish their own churches, schools, and businesses, he may rightfully be regarded as the father of Negro progress in this Nation.

Following his teachings and examples, Negroes everywhere began to establish their own churches. One hundred years ago there were more Negro members at the First Baptist Church in Newnan, Ga., than there were white members, but the Negro members wanted their own church, and they asked their white pastor for letters to join a Negro church.

Right after emancipation Negro and white kids attended the same schools in many southern communities. It was the Negro leaders of that day who felt that our kids would do better in our own schools.

No fairminded person, black or white, will deny that the Negro has made his greatest strides in the South, and the only Negroes who are leaving the South today for other sections of this Nation, are the misfits, the square pegs in round holes. The educated, intelligent Negroes realize that the South offers our race its greatest opportunity, and that our best friends are here.

The Negro enjoys the kind of individual respect in the South that he does not enjoy in any other section of this Nation. There are a very few banks in the South that Negroes do not carry the keys to. In many towns and cities, the leading white businessmen never go into a barbershop operated by whites. They go to the barbershop operated for them by Negroes.

Recently I interviewed a Negro in Lawrenceville, Ga., who graduated from the University of Georgia at Athens, Ga., 40 years ago. No one objected to him attending the university because everyone knew that he was seeking an education, and not forced integration.

Because of the interest that southern white people have in us, the southern Negro owns more businesses, more homes, has finer schools, and controls more wealth than do the Negroes anywhere else in the world.

In our city we have a total population of 42,000. About 9,000 of these are Negroes. We employ more Negroes than any other Negro business. And all of the Negro businesses combined in our city do not employ 100 Negroes. This means that our people are dependent upon the white people for their livelihood and survival. This is true throughout the South, and throughout this Nation.

One begins to feel that the southern Negro has not only been misled, but he is a tool. He has been poisoned against true, tried, and trusted friends and benefactors. He has been made to feel and to believe that white people are his enemies, that they are against his best interest. These pressure groups have sowed well the seeds of suspicion. Their mass appeals have created in our people the kind of bitterness and resentment never seen before in this Nation. They have done such an effective job that many Negroes who knew better won't listen to a Negro leader now unless he carries two guns and curses white people out.

Many Negro preachers are preaching integration and race hate instead of preaching Jesus Christ and true brotherhood. A large number of our teachers are for forced integration even though it may result in them losing their jobs. Yet no sensible person is going to take biscuits off his own table.

Unemployment among Negroes has reached an alarming stage, and is still mounting because of pressure, agitation, and because of the changed attitude of our people.

We can enjoy the dignity of man, and receive all of the courtesies, respect to which we are entitled, if we will just use a little commonsense. Be tactful, diplomatic, courteous and act intelligent. You can still catch more flies with molasses than you can with vinegar.

There is one thing that should keep us on an even keel during this crisis. If you need several hundred dollars, need your home financed, need a car financed, or need any real help, to whom will you have to go to get it?

The Negro who has money, property, and security is not going to help the less fortunate members of his race. Eighty percent of the Negroes in the South are wholly dependent upon the white people for survival, and this is true throughout the Nation. When you are the other fellow's equal then you don't have to go to him for help. So be sure that you don't need him before you start popping off. You don't have to be an "Uncle Tom," be a man, but be a sensible man.

Pressure and agitation are not going to solve our problem.

Mr. President, I ask this question: Where could a more sensible and a more moderate statement be found—anywhere? Here is the very key to the Negro's quest for a better life. His answer is not agitation. His answer is not the destruction of our property rights. His answer is not the watering down of our free enterprise system or the abandonment of our system of trial by jury. These are the very institutions which Negroes have been struggling for the past hundred years to win for themselves and their children. But if in the process the Negro succeeds in bringing about the destruction or the emasculation of these institutions, then, in the final analysis, his efforts will have obtained him nothing. If, in the process of obtaining for himself the equal protection of the laws, he brings about a society whose nature is one of lawlessness and disrespect for the law, then he will be far worse off than he ever has been in the past.

As Mr. Lee pointed out so very convincingly, the Negro's best bet—and, indeed, his only hope—is to work toward a basic status of acceptability. If, by his extremist actions, he makes himself personally unacceptable, then his race as a whole will be shunned and excluded by the white majority.

It is just such an issue as the one before us today—the issue of the fundamental right of jury trial—which could and probably will trigger enough resentment in the white race to outweigh 10 times over whatever small advantage might come to the Negro through a limitation on the right to trial by jury in contempt cases under this bill. Consider what is to be gained—a few more convictions, perhaps, of defendants who are alleged to have "discriminated." Then consider what might be lost—the good will, the friendship, the sympathy, and the empathy of tens of millions of Americans who one day in the near future will wake up and will find that their constitutional rights to trial by jury have been tampered with. The consequences are not likely to be pleasant for the Negro in this country.

This same result will occur in connection with provisions throughout the bill, when people begin to wake up and to realize what title II has done to their rights of private property, what title VII has done to their system of free enterprise, and so forth, through the 11 sundry titles of the bill. As Mr. Lee wrote, the Negro will find himself face to face with an angry, resentful, and perhaps vindictive white population. In such a case he will have lost not merely 10 or 15 years of progress and good will; he will have been set back several generations.

Already we have seen strong evidence of this result in the so-called "white backlash"—this despite the fact that the people have yet to come under the impact of any of the radical proposals of H.R. 7152. Should this bill be enacted in anything similar to its present form, this Nation will really see a backlash; and it is this Senator's prediction that the impact of the giant counter-reaction to forced integration would be felt not only by the Negroes themselves, but most certainly by those proponents whose extremist actions in support of this bill have been the cause of the dilemma.

It is wholly obvious that in the past 4 years since the publication of Mr. Lee's wise words, pressure and agitation have not solved the Negro's problems. The main thing they have done is to undermine and to weaken this Nation's concept of law and order. Columnist David Lawrence studied this question some months ago; and in one of his editorials he came to the conclusion, as does this Senator, that "constitutional guarantees become worthless if the process of law and order is forsaken, and we substitute the pressures of the mob in the precincts of government itself."

He came to this conclusion in the following way; he wrote:

We pride ourselves on being a Nation governed by law. We boast of a society based on order—preserved by the volition of the citizenry or, if necessary, by force of law.

Yet we see minority groups today pretending that they cannot express their will effectively except through marches in the streets or "lie-down" and "sit-in" demonstrations which interfere with motor traffic or the carrying on of private business.

What has become of our famed system of communication for the expression of ideas on controversial questions—through the press, through television, through radio, in meeting halls and auditoriums, and even in the pulpits? Have all these facilities been unavailable to minority groups?

Why have so many clergymen, Negro and white, forsaken the pulpit and the spiritual way of inculcating ideas of justice and morality? One minister, a white man of prominence, who was himself arrested as a participant in a demonstration, told a congressional committee the other day that everything was peaceful until the counter demonstrators arrived on the scene.

But isn't it natural that counter demonstrators should want to express themselves, too?

Church organizations have passed resolutions and individual ministers have preached sermons on civil rights. The Negro has not

> been without champions in every walk of life. Why, therefore, have so many Negro ministers become the active leaders and managers of street demonstrations that have resulted in disturbance of the peace, arrests, bloodshed, and death?
>
> Do the Negro ministers—those who on Sundays encourage the members of their congregations to participate in the marches—really feel that people of other races cannot be impressed with the merits of their cause except through so-called "nonviolent demonstrations" which so often lead to violence?
>
> The dangers of the course which certain Negro leaders have adopted must in due time become apparent. If the only way to get attention for any cause is to organize provocation demonstrations, what lesson does this teach to a Nation which believes in a government of "law and order"? Will not other groups of citizens, intent on attaining their objectives, be encouraged to adopt similar tactics?
>
> The coming demonstration on the streets of Washington itself, it is estimated, will consist of at least 100,000 Negroes. Whether the Capitol grounds themselves are invaded is irrelevant. If the President continues to acquiesce in such stunt tactics, the time will come when the mob spirit will replace orderly assembly and discourage reliance on our system of free communication—the media of printed and spoken words.
>
> Why can't the demonstrators gather in big stadiums and listen to an exposition of views by their leaders? Are we approaching the day when in democratic America the slogan "law and order" is to be shunted aside with a dishonest rationalization that to disturb the peace is the only way to secure redress of grievances?
>
> We hear the cry: "But we've waited a hundred years, we can't wait any longer."
>
> Yet what happened in those hundred years? Was there no Congress or Supreme Court in session to proclaim the law of the land in the usual manner? Was anyone prevented from challenging the laws or the court decisions in a formal way through the judicial or legislative processes established by our Constitution? Was there in those decades no discussion in the press and no public debate on the principles involved in the racial controversy? Would the ruling in the 1954 desegregation decision of the Supreme Court have been achieved earlier if Negro demonstrations had been organized and many participants had been arrested for disturbing the peace?
>
> Government is, in fact, a system developed by evolution. We believe in rule by the majority. The minds and hearts of a majority, however, cannot be won by disregarding the fundamental precepts of government itself—that law and order must be preserved while the facilities of debate and lawful communication are made available to all citizens, no matter how unpopular their causes may be.
>
> But constitutional guarantees become worthless if the process of law and order is forsaken and we substitute the pressures of the mob in the precincts of government itself.

Already, because of the pressures and the threats of the mob, we are hard pressed to maintain one of our most basic constitutional guarantees—that of trial by jury for all crimes and in all criminal prosecutions.

So let us refer once again to some of the specific factors involved in the protection of this particular guarantee for all generations to come—both white and Negro.

One of the specifics which ought to be cleared up immediately is the fact that we are discussing the right to jury trial only as it relates to Federal law. Proponents have taken much pleasure and satisfaction in quoting the rules of the various States on this subject. But this is only intended to confuse the matter, for these State rules and regulations have nothing at all to do with the subject of this debate.

The thing with which we are concerned, Mr. President, is the structure of the Federal law under the Federal Constitution. Our concern is with the sort of precedent we set under the provisions of article III and amendment VI of the U.S. Constitution. Reference to State regulations concerning the procedure for trial and punishments involving violations of State law has no real place here, except to help confuse the public.

Mr. President, in spite of the occasional unpredictability of jury verdicts, we are truly fortunate in having a jury trial system which seeks to preserve rule by law, rather than rule by men. No better or safer or more acceptable system has yet been devised to determine the facts of a case. No system of verdicts has been more generally acceptable to the people themselves, for in it the people find security from courtroom tyranny.

Whatever faults the system may have, they have proven to be endurable. The institution is so imbedded in our society and in our concepts of justice that no other system would be endurable. Few persons who really took time to study the matter in all its aspects would even care to predict that our society would remain either peaceable or democratic if the right to trial by jury were taken away from us.

As I have stated previously, I do not believe that the jury system is above reproach or above criticism. One criticism is that juries are drawn from the middle class in our society, and therefore are not truly representative of the lower classes and the upper classes. Another criticism is that jury trials are too time consuming. Another is that sometimes juries will not convict a guilty man, and so forth. The criticisms are many, Mr. President, but, as we all know, the alternatives are few. In fact, there is no really safe or satisfactory alternative to the system of trial by jury.

Blackstone, who must be given much of the credit for influencing the American colonists in their high regard for the jury system, wrote:

> But in settling and adjusting a question of fact, when entrusted to any single magistrate, partiality and injustice have an ample field to range in—either by asserting that to be proved which is not so, or by more artfully suppressing some circumstances, stretching and varying others, and distinguishing away the remainder. Here, therefore, a competent member of sensible and upright jurymen, chosen by a lot from among those of the middle rank, will be found to be the best investigators of the truth and the surest guardians of the public justice. For the most powerful individuals in the State will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression will be examined and decided by 12 indifferent, not appointed until the hour of the trial; and that once the fact is ascertained the law must of course redress it.
>
> This, therefore, preserves in the hands of the people that share which they ought to have in the administration of public justice, and prevents the encroachments of the more powerful and wealthy citizens.

Mr. President, let me add that it also prevents encroachments by the Government, as well. But to give away part of our right to trial by a jury of our peers is to give away part of our freedom from tyranny. This becomes particularly dangerous when we note that all through history, tyranny has proven again and again that it is capable of entering through even the smallest crack in the door.

Even now, Mr. President, the Justice Department is asking to be granted tyrannical powers. The real question is whether we in the Congress will be foolish enough and shortsighted enough to open the door to their demands. All we need do, to recognize the danger facing us, is study the position taken in the Barnett case by the Government attorneys, a position unfortunately endorsed by five of the Court's nine members, but strongly criticized by the Court's foremost liberals.

On this subject of the constant efforts being made by the Justice Department to subvert the right of trial by jury, I should like to quote briefly from an excellent editorial written after the case was in the courts, but before the decision had been rendered.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I am glad to yield to the Senator from Louisiana, under the usual stipulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The Senator from Louisiana has just quoted from Blackstone. I wonder whether he would also agree that the following quotation from Blackstone might also go along with the one he has just given us:

> The trial by jury ever has been, and I think ever will be looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases.
>
> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Is not that interesting? The Senator has made a most absorbing speech in the Senate, tonight. He has brought out many interesting, compelling and challenging facts, but nothing more interesting than the statement made by Mrs. Glorida Richardson when she was arrested, very recently, in Cambridge, Md. What did she say? She did not say, "I am going in now before the judge, as I would be forced to do, were I a defendant under this civil rights legislation."

Instead, she said, in effect: "Oh, no. I do not wish to be treated in the way a defendant would be treated under the civil rights legislation which I am trying to get Congress to pass. No, No. I do not want that kind of treatment. That is not the kind of treatment I want. I want the American citizen's right to a trial by jury, and I demand that right to a trial by jury."

The Senator from Louisiana and the Senator from Alabama will be the last two persons in this country to deny her that right; is not that correct?

Mr. LONG of Louisiana. Yes; the Senator is absolutely correct. I agree with him.

Mr. HILL. We not only want her to have the right to a trial by jury, but we want those who would be accused under this proposed statute to have their right to a trial by jury, as well, just as the Founding Fathers thought they had guaranteed that right, under the Constitution, to every American citizen. Is not that correct?

Mr. LONG of Louisiana. The Senator is 100 percent correct; and I thank him very much for his contribution.

Mr. HILL. Would not the Senator also agree with Lord Camden, one of the great jurists of all time, when he said:

> Trial by jury is the foundation of the British Constitution; take that away and the whole fabric will soon molder into dust.

Mr. LONG of Louisiana. I agree.

Mr. HILL. The Senator is familiar—because I have quoted it before—with Sir Winston Churchill's immortal statement, as a leader of the free world, as recorded in his book "English Speaking Peoples," when he declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

In other words, the question of trial by jury not only goes to the subject of giving the accused a fair, impartial, and just trial, but also goes to the very foundations of our free system of government; is not that correct?

Mr. LONG of Louisiana. The Senator is correct. I thank him very much for interjecting these questions at this point. They certainly support the argument I have been trying to make this evening.

Mr. HILL. Will the Senator yield for one other quotation?

Mr. LONG of Louisiana. I am glad to yield.

Mr. HILL. The Senator knows of the eminent French philosopher De Tocqueville, who came to America and studied our institutions. He was greatly challenged by them, because he wished to know just what the effect of these free institutions would be in America. When he returned to France, he wrote the treatise, "Democracy in America," in which he declared:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Mr. LONG of Louisiana. The Senator from Alabama is absolutely right. The power to punish remains with the people. When that right is taken away from the people, and is given to the government, the government is then in a position to be as tyrannical as it cares to be with the people. As the Senator has indicated in his statement, other constitutions in the world sound as good as ours. If one reads the Russian Constitution and the constitutions of the fundamental law in many Iron Curtain nations and various totalitarian states, they sound as good as ours, on their face—and perhaps better; but under them the power does not reside in the people; therefore, the people of those countries cannot be protected in the way that the people of this country are.

The beautiful words the Senator from Alabama has quoted mean little when one man who is in a position to be arbitrary, or even tyrannical, has the power to brush aside those protections and to punish people for what he imagines to be offenses against his orders.

Mr. HILL. Under H.R. 7152, the so-called civil rights bill, the Government would be this judge; am I not correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HILL. The Government's judge would be the accuser, the prosecutor, the judge; and he would also fix the penalty. It would be his order that he would decree had been violated; and therefore—being a human being and having more or less a personal interest in the matter—he would very likely feel resentment—or something of that kind, because his order had been violated and was not fully and wholeheartedly carried out; is that not correct?

Mr. LONG of Louisiana. The Senator is correct. Undoubtedly, there are many Government attorneys who feel that this would be a very difficult law to enforce. Many people who regard it as being morally wrong would differ with it, or disagree with it, and would regard it as being tyrannical, and would feel that the law would be hated and despised in many quarters. Therefore, feeling that they had a difficult job to do in attempting to enforce this law they would feel that they must find a way to bypass all the traditional constitutional guarantees that have stood the Nation in good stead since it became an independent nation—188 years ago.

Mr. HILL. Every tyrant has always sought to justify the means by the end. Of course, he has considered the end to be great and purposeful; and therefore, he has decided to use tyrannical means to attain that end; is not that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HILL. As Madam Roland said, "Oh, liberty. How many crimes are committed in thy name." That tells this story, does it not?

Mr. LONG of Louisiana. The Senator is entirely correct; and I thank him.

Mr. President, I should like to quote now from the editorial comment, as follows:

> The American people might well have been shocked by the position which the Department of Justice took in the criminal attempt case against Mississippi's Governor Barnett. Evidently they were not shocked. But this at best is a tribute to the inuring effect of an age in which shock is relentlessly piled on top of shock.
>
> The essential question is whether the Governor is entitled to a jury trial for violating a Federal court order opening the University of Mississippi to James Meredith, or whether he can be summarily tried by the judges. In a summary trial there is no indictment and no jury.
>
> Solicitor General Cox, representing the Government in the Supreme Court earlier this month, argued against a jury trial. The thrust of his argument was that juries, at least southern juries, cannot be trusted in racial cases, and that therefore they should be dispensed with. Contempt trials without juries, he contended, "are indispensable to upholding the rule of law" and to the safeguarding of minority rights.

I pause for a moment, to interject this question. What would the attitude of the Attorney General have been if, instead of that situation, in which the Attorney General prosecuted Governor Barnett in the Federal court, the State of Mississippi had prosecuted Robert Kennedy in a State court? How would Robert Kennedy have looked on the right of trial by jury in the State court, if someone had suggested that a tyrannical judge, appointed for life, should have had the right to try him and incarcerate him without the right of a trial by jury?

I suspect that the Attorney General of the United States would have been very much upset by the prospect of being treated unfairly and unjustly by a biased and prejudiced local official, whether a judge or any other official of the State of Mississippi, who might have presumed to pass on the question of the freedom of the Attorney General.

When the shoe is on the other foot, and when one views the possibility of having the same methods used against him, then one tends to look at the situation from an entirely different point of view.

I continue to read from the editorial:

> This is a fallacious argument. Criminal contempt prosecutions are not designed to obtain compliance with a valid court order. That can be done in a civil contempt proceeding by putting a man in jail and keeping him there until he obeys the order. No one disputes this. The significant point is that he can obtain his freedom simply by obeying the order.
>
> Criminal contempt is a different kettle of fish. Its purpose is to punish a man for past disobedience, much as he might be punished for committing any other crime. The difference is that in the latter situation no one would suggest that he should be denied a jury trial—even though a Mississippi jury in a racial issue might refuse to convict him.
>
> On March 31, 1958, the Supreme Court in a 5-to-4 ruling upheld the summary trial and conviction of two Communists for criminal contempt. Justice Black was joined by the Chief Justice and by Justice Douglas in

a powerful dissent. (Justice Brennan dissented in a separate opinion.) After pointing out the difference between civil contempt, designed to obtain compliance, and criminal contempt, designed to punish, Justice Black observed:

"Summary trial of criminal contempt, as now practiced, allows a single functionary of the state, a judge, to lay down the law, to prosecute those whom he believes have violated his command (as interpreted by him), to sit in 'judgment' on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the state. No official regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution."

To the argument that courts surely have this summary power because they have always been thought to have it, Justice Black retorted: "There is no valid reason why they [the courts] should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth."

But back to Governor Barnett. Once again this issue of the right to a jury trial is before the High Court and the public should not be unaware or indifferent.

For our part, we would like to suggest two things. If the Department of Justice is right in its contention that juries are not to be trusted in criminal contempt cases in Mississippi, it follows as a matter of law that they are not to be trusted in any other State. Second, it is wrong to think that minority rights are served by denying jury trials in summary proceedings. The real effect is to threaten, if not to subvert, the rights of all of us.

It seems to this Senator that too many officials in high places of responsibility are far more concerned with expediency than with constitutionality. They are more dedicated to swift justice than they are to the preservation of our tried and true legal institutions. They are interested in an expedient, a system of law enforcement which for the most part is taken out of the hands of the people.

Mr. President, such an expedient would be a poor substitute for the tried and tested traditional system of jurisprudence in this country, under which our Constitution guarantees a man who is accused of a crime the right to a trial by jury. Such an expedient would be a poor and a dangerous substitute for the trust and confidence which any democratic government should place in its people. Furthermore, by logical extension, if it were adopted at any point in this field, there is no reason why it should not be adopted in the whole field of criminal law. In fact, there is very serious danger that if we were to adopt this expedient in any area, we might find it impossible to stop until it had been extended to virtually all crimes in the book. If there could be a Federal court injunction against the commission of the crime of illegally interfering with the right of a citizen to vote, there could also be, with equal propriety, a Federal court injunction against the commission of murder within a particular district; or there could be a Federal court injunction against armed robbery, or against rape, or against reckless driving.

Or why not pass a law which would allow for a general injunction against income tax evasion, and would provide that any defendant could be tried and sentenced by a judge without a jury? This is the sort of thing that government by injunction would mean. It has always seemed to this Senator that any form of government by injunction is bad. Federal Government by injunction, usurping State jurisdiction, is particularly bad, because any infringement of the basic principle of States rights, as embodied in our traditional form of government, and as expressed in the 10th amendment to the Constitution, is a step toward totalitarianism, toward the establishment of a central, monolithic state and the withering away of the Federal principle embodied in the Constitution of the United States.

It is too bad that the ardent advocates of this great revolutionary measure choose to attempt to impose upon an unsuspecting public the right of the use of injunctions by which citizens of the Nation could virtually be shorn of the great protections otherwise thrown around them by our Constitution. There is a basic preference, among people in a democratic society, to control their own affairs as much as possible. In the field of criminal prosecutions, as Ronald L. Goldfarb suggests in his book "The Contempt Power"—

> Such a preference is, to a great degree, based upon a faith in the unprovable value of procedural due process. One can only guess whether convictions would decrease or sentences be less severe, when the decisionmaking process was circumscribed by our constitutional safeguards of criminal procedure. However, a comparison with experiences in totalitarian states makes such a guess an educated and a pointed one. Moreover, a spreading of responsibility into more popular channels is consistent with the ideal of a government which is as much of and by the people as for them. The cliche which enjoins that justice must include the appearance of justice is more than the hollow hypocrisy it may resemble.

In fact, in many circumstances the appearance of justice, combined with a reasonable amount of the commodity itself, may be even more vital than the actual dispensation of total justice, handed out in an obnoxious manner. In other words, the people have a basic need to participate in their own system of justice. If they are denied this privilege, they have good cause to feel that the "justice" to which they are subject is foreign in nature, and therefore not really acceptable. This is what Mr. Goldfarb means when he says democratic government must be not only for the people; it must also be of and by the people, if it is to remain workable as a democratic institution.

But this bill proposes a system in which—in theory, at least—government would still be for the people, but would become less and less "of and by" the people. Of course, this is not what our public wants. This is becoming more and more evident every day in the developments of the national trend on the question of the forced integration bill now before us. If the people even remotely understood the consequences and the overtones of the bill concerning the power of injunction and the contempt power, the trend of opposition would certainly be spurred on to even greater heights.

Mr. President, I am not suggesting that the contempt power be done away with. Within its proper bounds, it is a useful—and perhaps a necessary—instrument of justice. But in criminal prosecutions, the constitutional provisions of article III and amendment VI demand that it be buttressed by a jury.

Whatever the need for the contempt power, it must be channeled into the constitutional standards by which all of us are bound.

Mr. President, I state quite frankly that if this bill or any other measure that we could consider would give or would better secure to the American people any civil right they do not already possess, while not destroying any that now exist, I would support it wholeheartedly and without reservation. But, unfortunately, that is not the case with the proposals we find in this bill.

Mr. President, I submit that if the sponsors of this proposed legislation really sought an effective means to protect and preserve civil rights, they would—rather—be urging the enactment of the Smathers and Talmadge amendments now before us, to guarantee a jury trial to all persons accused of contempt of court for alleged acts committed outside the presence of the court.

Even when we consider the lofty motives which its sponsors say move them to urge the enactment of H.R. 7152, it cannot be shown that it would do one thing to better guarantee the fundamental rights of the American people. To the contrary, it is totally negative, and it fails to offer any concrete program of tangible benefit designed to solve our problems.

One must look beyond the facade of idealism, to see the ultimate potential of the powers contained in this bill.

To illustrate, I suggest a comparison between the noble language which created the infamous Spanish Inquisition and the sordid history of its methods of actual operation. I suggest a similar comparison with respect to Hitler's gestapo and Stalin's secret police. Just as those tyrannical organizations ignored the basic human rights of the German people and the Russian people, so does this bill ignore the basic procedural rights and the basic substantive freedoms of the American people. To compound the injury, it also ignores the basic constitutional principle of the preservation of States rights, the preservation of the power of a State over matters such as public order within its own borders. That is another of the major evils of the proposed legislation.

To overthrow the rights of the States, in any area, is a step—and a long step, Mr. President—toward complete federalization, toward statism, toward totalitarianism.

Mr. President, in America there are some people who do not really care what means they employ to gain their particular objective in the enactment of this proposed legislation. But there are in America today those who do care—who still care—about the basic, fundamental, constitutional rights guaranteed to us by our Founding Fathers.

It is for these people that I and my colleagues wage our continuing battle, so that in the final analysis this Nation may rededicate itself to the broad, constitutional guarantee of trial by jury.

Mr. President, it seems to this Senator that, under the enforcement provisions of the so-called "compromise," we would witness a shocking result, in which the burden of proof would necessarily fall on the accused. We would see a reversal of the age-old maxim that man is presumed innocent until proven guilty. At the accuser's complaint of "suspected" discrimination, a politically appointed Attorney General would "in his judgment" determine whether there was a cause of action; and he then would be empowered to initiate action against the accused if he so decided. At no stage of the inquisition would the accused be allowed the right to have the charges brought against him determined by a jury of his peers. I contend that to substitute any such rules of procedure for the established maxims and precepts of law necessary to a democratic government and system of justice—and fundamental to all free people—would be nothing short of a return to the English courts of star chamber proceedings. To do so would be not only to turn back the hands of justice many centuries, but to completely stop them for many centuries and generations to come.

The transposition of the burden of proof from plaintiff to defendant is not mere idle speculation on the part of this Senator. This result has already been achieved in at least one decision rendered by the Supreme Court. Mr. Ronald Goldfarb in his book, "The Contempt Power," explains the matter as follows:

> In a recent case, the Supreme Court dealt with this problem. In the McPhaul case, the Court was called upon to review a conviction for contempt of a congressional committee. The defendant's claim was that there was insufficient proof that subpenaed records of the Civil Rights Congress (an organization alleged to be subversive) were: relevant to the committee's inquiry; in existence; or in his possession and control. The trial court refused to instruct the jury that they must find these three facts to be proved beyond a reasonable doubt. Instead, the court instructed the jury to ignore these facts "because if the defendant had legitimate reason for failing to produce the said records he should have stated the reason for noncompliance with the subpena." In other words, the Court gave defendant the responsibility of coming forward with exculpatory evidence. On certiorari, the majority of the Supreme Court, following certain past decisions, upheld the contempt conviction. Relying on analogous precedent that records kept in a representative rather than a personal capacity are not subject to the personal privilege of the self-incrimination clause, as well as the primacy of the House of Representatives' committee work, Justice Whittaker, for the majority, agreed that the defendant should have, in effect, proved part of the Government's case against himself by cooperating in the gathering of evidence for his own future conviction. The Chief Justice and Justices Black, Douglas, and Brennan dissented on the ground that the majority's decision "marks such a departure from the accepted procedure designed to protect accused people from public passion and overbearing officials." The presumption of innocence is shifted by giving defendants the burden of proof on the issue of the willfulness of his refusal.
>
> This point was recognized in an earlier Federal case. Dealing with exactly similar facts, the Court there overruled a contempt conviction, pointing out: "The defendant can here legally be jailed only for a contempt in failing to produce the sought-after books when they are fairly shown to be presently within his power and controls. He cannot legally be jailed for contempt for invoking his constitutionally protected privilege not to be a witness against himself." Admonishing that this case was a step backward, the minority in the McPhaul case warned: "when it comes to criminal prosecutions, the Government must turn square corners. If Congress desires to have the judiciary adjudge a man guilty for failure to produce documents, the prosecution should be required to prove that the man * * * had the power to produce them."
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> The case, though turning on what appears to be a narrow question of statutory interpretation, really underscores the very basic implication of the contempt power—that is, the constant tug between governmental power and individual freedom, a philosophical and political problem recurring again and again in the garb of legal decisions about the contempt power.
>
> The case above deviates from past Federal court treatment of this problem. As far back as 1894 one Federal judge wrote: "Accusations for contempt must be supported by evidence sufficient to convince the mind of the trior, beyond a reasonable doubt, of the actual guilt of the accused, and every element of the offense."

Mr. President, under the order previously entered, and after consulting with the acting majority leader, I yield the floor.

RECESS UNTIL TOMORROW, AT NOON

Mr. INOUYE. Mr. President, under the previous order of the Senate, I now move that the Senate stand in recess, until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 8 o'clock and 3 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, May 19, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 18 (legislative day of March 30), 1964:

TO BE COMPTROLLER OF CUSTOMS

Stanley E. Rutkowski, of New Jersey, to be Comptroller of Customs at Philadelphia, Pa.

EXTENSIONS OF REMARKS

Tribute to the National District Attorneys' Association and Garrett H. Byrne

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. BURKE. Mr. Speaker, it gives me a great deal of pleasure to have the opportunity at this time to pay tribute to the National District Attorneys' Association and to Garrett H. Byrne, recently elected president of the association. The work of this association and of this group of dedicated and able public servants is something that should give us all a great deal of pleasure, for it is such men as these who are doing perhaps more than any others to give life and meaning to the great ideals by which we live in this country.

The motto of the district attorneys' association says it well: "Organized Law Enforcement Versus Organized Crime." I think it is very important for us, in this time of increased technology and complexity in everyday life, to realize that it is not enough to simply declare our belief in the great ideals of democracy, equal justice under law, opportunity for all, and the rule of law; such ideals are only as good as they work out in practice. And, to very great extent, the way they do work out depends on those who enforce our laws. An ideal or a particular law may be wise, salutary, and even noble, but it may be something else again when it is applied. The law enforcement officials of our country have the difficult and important responsibility of applying the laws that we have enacted, and they have done an extraordinary job of it. One of the reasons the record has been so good is just such organizations as the National District Attorneys' Association.

This association, made up of over 1,700 law enforcement officials in every State, was formed in 1950 in New Orleans to provide a means for coordinating the activities of prosecuting attorneys all over the Nation, for exchanging vital information in the fight against crime and corruption, for the fostering of uniform laws on important aspects of civil and criminal law, and for bringing together, in close personal contact, various law enforcement officials around the country. I think it would not be unfair to say that, prior to the formation of the district attorneys' association, there was not very much cooperation between the various district and county attorneys; they simply did not know each other very well, or at all, not even in the larger jurisdictions. They were frequently unaware of the particular problems in other areas, and of the methods used elsewhere to combat problems they themselves might be facing. What a waste of effort and lost opportunities in the fight against crime.

But a great deal has changed since the formation of the district attorneys' association: 16 county and prosecuting attorneys from 12 States attended the organization meeting in New Orleans in November 1950. There are over 1,700 members now from every State in the Union and membership is growing constantly as its activities expand. In the years since the founding in 1950 we have seen constantly increasing efforts to effect genuine cooperation and coordination among the prosecuting attorneys across the Nation; uniform laws, such as the Uniform Support of Dependents Statute and the Uniform Rendition of Witnesses Act, have been sponsored successfully by the association; old-fashioned barriers that used to separate prosecutors have been broken down in the meetings and conferences sponsored by the association. How valuable these personal meetings have been. Through the association, prosecutors are personally acquainted with their counterparts in sometimes distant counties and cities, and take advantage of this friendship to consult with these others in the solution of their daily problems. The beneficial results in the fight against crime and corruption are incalculable.

It is heartening to realize that the association has proven so beneficial that its meetings have been expanded to include midyear conferences as well as the annual meetings, and that the bulk of the discussions and reports at these meetings comes from the members themselves, and not outside speakers, as once was the case. Monthly publications now flow from the association and it cooperates actively with other professional groups, such as the American Bar Association and outstanding law reviews, in the furtherance of the general goal of law enforcement. It is also heartening to note the interest taken by the Department of Justice in this group from the very start. The Attorney General attended the first annual meeting of the association in 1951 and the Federal Bureau of Investigation regularly sends representatives to its meetings.

I also wish to pay particular tribute to Mr. Garrett H. Byrne, the distinguished district attorney for the county of Suffolk in Massachusetts.

Mr. Byrne was born November 27, 1897, in Boston, Mass., is married and has one son, Garrett M., who is a practicing attorney in Washington, D.C.

His career as a member of a prosecuting agency started in 1933 when he was appointed an assistant district attorney by the late William J. Foley. After many years of experience as first assistant district attorney under Mr. Foley, he was appointed district attorney in 1952 by the late Governor of the Commonwealth, Paul A. Dever. Garrett Byrne was elected district attorney for his first 4-year term in 1954, reelected in 1958, and again in 1962 without opposition. The most outstanding case handled by his office, which includes Suffolk County, the city of Boston, the city of Chelsea, the city of Revere and the town of Winthrop, was the prosecution involved in the Brink's robbery.

Mr. Byrne was elected president of the National District Attorneys' Association in 1963, after achieving a laudable record as the association's executive vice president for 1962. It indeed speaks well of the association that it has chosen such an able, dedicated, and experienced man as Mr. Byrne to guide it during this year, because it is due to just such men as he that the association owes its splendid record and its future hopes.

It has been my privilege to count Garrett Byrne as a close personal friend for many years. I have thus been able to personally observe his primary devotion and dedication to his wonderful family, the extension of his deep understanding and wise counsel whenever friends have called upon him, his heartfelt sympathy and compassion to all he has encountered in the full discharge of his duties and his unswerving compliance with the highest standards of his most challenging office. The development and application of these attributes in the daily pursuits of his private and professional life have indelibly marked Garrett Byrne as one of the most esteemed and efficient district attorneys in the history of the great Commonwealth of Massachusetts.

The 35th Anniversary of the Jewish Ledger

EXTENSION OF REMARKS

OF

HON. ABNER W. SIBAL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. SIBAL. Mr. Speaker, this year marks the 35th anniversary of the Jewish Ledger, the remarkable newspaper which serves the Jewish community in the State of Connecticut.

The paper is remarkable for a number of reasons, but most particularly because of its editor, Rabbi Abraham J. Feldman of West Hartford. Rabbi Feldman has been the Ledger's editor and guiding light since it was founded. Regular readers find in its columns stimulating articles, thoughtful comments, and a flow of varied reports on the contributions individuals and the Jewish community in general are making to the growth, prosperity, and cultural improvement of Connecticut.

I am proud to bring the Ledger's achievements to the notice of the Congress and to salute this newspaper and its outstanding editor on this happy occasion.

A Tribute to the Science Fair

EXTENSION OF REMARKS

OF

HON. WALTER ROGERS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. ROGERS of Texas. Mr. Speaker, it was my great pleasure recently to visit here in the Capitol with two young ladies from Pampa High School in Pampa, Tex., who had been chosen to represent our Texas Panhandle region at the National Science Fair held May 6-9 in Baltimore.

No one could help but be impressed by the scholarly attainments of these young ladies, by the obvious high quality of instruction in science which had enabled them to attain such distinction, and by their enthusiastic interest in pursuing future careers in science.

The two girls are Miss Cynthia Ann Plaster, 17-year-old daughter of Mr. and Mrs. John N. Plaster, and Miss Avril Doucette, 16-year-old daughter of Mr. and Mrs. A. P. Doucette, of Pampa. It was a special treat for me to be able to visit with these young ladies because they are both from my hometown.

Cynthia Ann and Avril won trips to the National Science Fair by having been named winners in the seventh Texas Panhandle Science Fair held earlier this year in Amarillo. For Cynthia Ann, this year's trip to Baltimore was her second in 2 years to the National Science Fair, she having again won one of the two top places in the regional fair. Avril's trip to the national event was her first, and she was honored by being awarded a fourth prize in the botanical sciences section.

On their brief trip to Washington, the two girls were accompanied by Mr. C. C. Dugger of the faculty of Amarillo College, which conducts the regional science fair in Amarillo; by Mr. Wendell Watson, a teacher at Pampa High School; and by Air Force Sgt. Leo Warden, a photographer now assigned to duty in Washington and formerly assigned to Amarillo Air Force Base. Sergeant Warden, a most thoughtful young man, had met the Panhandle group in Baltimore and made arrangements for them to visit Washington during a lull in proceedings at the Science Fair. Thanks to his interest, I was able to meet the group.

Because of meetings in Baltimore, Mrs. Elaine Ledbetter, of Skellytown, Tex., also a teacher at Pampa High School, was not able to come with the others to Washington. She is nationally recognized for her energetic work as a member of the Science Fair Council, the 21-member panel which has given direction to the development of science fair activity in the United States.

The complexity of the projects submitted by high school students who compete in the science fairs would do credit to students on a much higher scholastic level. Only a person himself skilled in scientific matters would be capable of understanding and evaluating the worth of many of the ambitious projects undertaken by the high school sophomores, juniors, and seniors who participate in science fairs. For example, Avril Doucette's project was titled, "Texas Panhandle Soil Algae as Antibiotics." Cynthia Ann Plaster called her project, "Inhibition by Antihistamines and Analgesics of E. Coli."

The science fairs in this country are coordinated by Science Service, a nonprofit institution for the popularization of science, which has a most important objective the furtherance of scientific interest among the Nation's young people. At the first National Science Fair in 1950, 30 young people participated from 13 areas. At Baltimore this month, 420 high school students from 222 areas took part—including the winners from national fairs held in Japan and Sweden.

Mr. Joseph H. Kraus of Washington, coordinator for Science Service of the National Science Fairs since they were first begun, said that one followup study made of science fair finalists indicated that more than 90 percent continued their educations at the university level and that more than half had gone on to obtain doctorates in science. A new study is being made.

Having been able to observe personally the great worth of the science fair program, I wish to congratulate all of those who have had a part in this most worthwhile activity—the Science Service, the sponsors of the regional and national science fairs, the schoolteachers who have taken such an important direct interest in the program, and the high school students themselves.

Report to the People of the 12th Congressional District of New York

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mrs. KELLY. Mr. Speaker, periodically, during each session of Congress, I report to the people of my district on the progress of legislation in the U.S. House of Representatives, and on the way in which I have discharged my duties as their Representative in Congress. This is my report on the current status of the 2d session of the 88th Congress.

THE YEAR OF CHANGE: 1964

The year 1964—and the second session of the 88th Congress—opened under the dark cloud of tragedy which scarcely a month earlier had befallen our Nation. The brutal murder of President Kennedy, that monstrous deed, had shaken the entire civilized world to its roots. In a flash, the assassin's bullet tore away from us the life which had such great promise, the hand which rested so steadily at the helm of our Nation, the heart filled with hopes of peace and seasoned with the trial of power and responsibility. Each one of us I know recoils with pain at the very remembrance of that tragic day.

It is a great tribute to the enduring qualities of our Nation, and the resiliency of our form of government, that the transition of power was accomplished so smoothly and effectively. President Johnson, a man of vast experience in government, pledged himself to carry out President Kennedy's program. The Congress, deadlocked for months on various appropriations bills, responded vigorously. Continuity of our Government's policies was thereby assured. National and world affairs moved on.

MY WORK AT THE UNITED NATIONS

I returned in January from New York, where I was serving as U.S. Delegate to the United Nations General Assembly under President Kennedy's appointment. The work at the United Nations was demanding, the pace frequently burdensome. I was delighted to learn, therefore, when I returned to Washington, that my efforts contributed something to the implementation of our Nation's foreign policy, to our quest for peace and security in the world. Because I think that you will be interested in them, I would like to share with you the letters which I received from Secretary of State Dean Rusk and Ambassador Adlai E. Stevenson, U.S. delegate to the United Nations.

THE SECRETARY OF STATE,
Washington, D.C., February 2, 1964.

DEAR MRS. KELLY: May I express my deep appreciation for your contribution to the work of the U.S. delegation during the 18th session of the United Nations General Assembly. It was reassuring that our delegation could at all times turn to you for a forthright and authoritative presentation of the congressional point of view. You gave unstintingly of your time and energy, and I congratulate you on the effective manner in which you helped the delegation advance the interests of the United States. I hope that you also found your experience a rewarding one.

We appreciated your constructive participation in the Sixth Committee of the General Assembly, especially on the complex subject of principles of international law concerning friendly relations and cooperation among States in accordance with the United Nations Charter. Your work was also most valuable in connection with the expanded program of technical assistance and special fund pledging conference, the effects of atomic radiation, and the United Nations Relief and Works Agency for Palestine Refugees pledging session.

With best regards.

Sincerely,

DEAN RUSK.

The part of Ambassador Adlai Stevenson's letter which dealt with my work at the United Nations reads:

> I hope you won't become a stranger to the mission now that you have returned to your familiar haunts along the Potomac. You made a real contribution during your autumn tenure with us and, selfishly, we anticipate tapping you for advice and counsel in the future.

I am very proud of these letters. For it is a singular honor to represent our Nation in the United Nations and I will always remember my appointment as a milestone in my career of public service.

RETURNED TO WASHINGTON TO VOTE ON ALL MAJOR BILLS

In spite of the fact that the pace at the United Nations was vigorous and the workday long, I returned to Washington on every possible occasion to vote on bills important to our district and the Nation, even though I was excused from this responsibility. I daily kept in touch with my office, and discharged and directed the responsibilities of my office and the problems of my constituents. Some of the bills for which I returned to the House of Representatives and cast my vote in favor of were the following, which are now law:

H.R. 8363, Revenue Act of 1963;

H. Res. 541, Civil Rights Commission extension;

H.R. 7179, Defense Department appropriations, conference report;

H.R. 6143, Higher Education Facilities Act, conference report;

H.R. 8969, public debt limit increase; and

H.R. 9499, foreign aid appropriations.

There were some bills, which are now laws, for which I was paired. I could not return to Washington for these, because I was giving the speech for the United States on that day. These speeches were the following:

October 15: Statement on behalf of the United States pledging assistance to the expanded program of technical assistance and to the Special Fund of the United Nations;

October 18: Statement on behalf of the United States in the Legal (Sixth) Committee on the question of Extended Participation in General Multilateral Treaties concluded under the auspices of the League of Nations. My constituents should know that I was the only nonlawyer appointed to the Sixth Committee, which is the International Law Committee of the United Nations.

October 31: Statement on behalf of the United States in the Special Political Committee on the Effects of Atomic Radiation;

November 19: Statement on behalf of the United States in the Legal Committee on the Peaceful Settlement of Disputes. This is a most historic document and one which will be used for years to come. It was a 2-hour speech.

December 3: Statement on behalf of the United States in the Sixth Committee on Consideration of Principles of International Law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations.

December 7: Statement on behalf of the United States, again in the Legal Committee, on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law.

December 9: Statement on behalf of the United States on contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Anyone who is interested may obtain copies of these speeches by writing to the Department of State, which has published them in the State Department Bulletin.

PROGRESS OF THE 2D SESSION OF THE 88TH CONGRESS

The major bills considered and acted upon to date include:

The $11½ billion tax cut, approved by both Houses of Congress and signed into law by the President.

The $115 million Peace Corps authorization. This bill was handled by my committee and I received the following letter from the Director of the Peace Corps, Mr. Sargent Shriver:

> PEACE CORPS,
> *Washington, D.C., March 9, 1964.*
>
> Hon. EDNA F. KELLY,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MRS. KELLY: Many thanks for all your support. I especially appreciate your excellent presentation during debate on the Peace Corps authorization Wednesday afternoon.
>
> I'm grateful.
>
> Sincerely,
>
> SARGENT SHRIVER,
> *Director.*

National Security Agency Act amendments, to assist the Secretary of Defense in discharging his duties by strengthening the security provisions of the original law.

The $16.9 billion authorization for procurement and construction of planes, missiles, ships, and for research, development, tests, and evaluation in fiscal 1965.

The $71.8 million authorization for strengthening the U.S. Coast Guard.

Increased U.S. participation in the Inter-American Development Bank.

Increased U.S. contributions to operations of the South Pacific Commission, whose jurisdiction includes American Samoa, Guam, and trust territories.

Broadened the Small Business Administration's disaster loan authority.

Extended the Federal Airport Act for 3 years.

Renamed the National Cultural Center as the John Fitzgerald Kennedy Center for the Performing Arts.

Authorized the General Services Administration to provide funds and facilities for the orderly transition of Executive power between election and inauguration of a new President.

Established a commission to recommend procedures for settlement of the political status of Puerto Rico.

Suspended the equal time requirement of the Federal Communications Act to nominees for President and Vice President in 1964.

Extended Federal Assistance to urban areas under the Library Services Act.

Replenished the President's disaster relief fund.

Extended assistance to veterans in the form of educational assistance to children of veterans with total and permanent service-connected disability and allowed conversion or exchange of national life insurance policies to new plans.

Continued present cotton price-support and subsidy for exporters.

Authorized a new wheat marketing certificate program.

Approved the American-Mexican Chamizal Convention Act of 1964.

Some of the most important bills have been passed by the House of Representatives and are awaiting action in the Senate. These House-passed bills are:

The Civil Rights Act of 1963, which I supported, and as a result of which I received the following letter from Mr. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People:

> APRIL 7, 1964.
>
> Hon. EDNA F. KELLY,
> *House Office Building,*
> *Washington, D.C.*
>
> DEAR MRS. KELLY: On March 30 the Senate began formal consideration of H.R. 7152, the civil rights bill passed by the House February 10, 1964, by a vote of 290 to 130.
>
> The National Association for the Advancement of Colored People thanks you for your aid and for your vote in passing the most comprehensive civil rights bill in our history in a forthright effort to meet the greatest human rights crisis to face our Nation since the Civil War. We are advising our members in your district of your valued support for human rights.
>
> We have also advised them and the general public that Congressmen of both parties who voted for the civil rights bill consistently in the Committee of the Whole where amendments were considered, as well as on final passage, deserve the support of voters at the polls next November.
>
> We are working hard to persuade the Senate to follow your example and to enact H.R. 7152 substantially as it came from the House.
>
> Very sincerely yours,
>
> ROY WILKINS,
> *Executive Secretary.*

The $46.7 billion defense appropriation bill.

A $15.6 million authorization for civil defense fallout shelters.

A $5.2 billion authorization for the National Aeronautics and Space Administration.

A $1.59 billion authorization for construction projects at Armed Forces bases.

Davis-Bacon Act amendments.

Revised the rules and limited the use of Government funds allowed Members of Congress for travel abroad.

Authorized a 5-year, $500,000 program of grants for collection, reproduction and publication of original documents significant to U.S. history.

Approved appropriations for the Departments of Labor and Health, Education, and Welfare and a portion of the funds will be used to implement the many education bills approved by the 1st session of the 88th Congress.

Authorized a 5-year, $5-million-a-year program of aid to the States for nursing home facilities in State veterans' homes.

Extended disability income provisions of national service life insurance policies.

Broadened and made permanent the food stamp program.

Extended the Renegotiation Act for 2 years.

Though Congress, and particularly the House of Representatives, can be proud of its record of accomplishment thus far in this session, many major bills are still awaiting action. These include:

The President's war on poverty program, on which hearings are currently being held in the House Committee on Education and Labor; Federal pay raise legislation, on which a new bill has been reported by the House Committee on Post Office and Civil Service; medical care for the aged; National Service Corps; area redevelopment; youth employment; foreign aid, and housing.

I will report to you on the status of these bills in my annual report at the close of this session of Congress.

Washington Report

EXTENSION OF REMARKS
OF

HON. BRUCE ALGER

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 18, 1964

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of May 16, 1964:

> WASHINGTON REPORT, MAY 16, 1964
>
> (By Congressman BRUCE ALGER, Fifth District, Texas)
>
> HOW DO WE EXPLAIN TO THOSE LEFT BEHIND?
>
> How can we answer the mothers, wives and children of those who are dying in South Vietnam when they ask, Why? The shocking facts which are only now being brought to light are finally arousing the American people to what a lack of firm and decisive policy by the administration is costing. I have received a letter from a mother in Dallas, pleading for help so that her son will have at least a fighting chance to survive. What can I tell her when we learn that our boys have been sent to fight a war that is not a war, under a plan that is not designed to win, and in outworn and inferior equipment?
>
> The mess in South Vietnam was described this week by Jim Lucas, Scripps Howard reporter who is covering the story first hand. Following the Lucas story of how Capt. Jerry Shank and Capt. Robert Brumett were killed in old and decrepit planes, Congressman STEVEN B. DEROUNIAN, of New York, told the

House, "This is murder, Mr. McNamara." Congressman Derounian said:

"According to Jim Lucas, the Communist Vietcong did not kill either Jerry Shank or Bob Brumett, but our own obsolete American planes did and this is what he said:

"On April 9, Capt. Robert Brumett, 36, put his craft into a dive and it didn't come out. His buddies, flying nearby saw the wings fall off and watched in horror as the plane plowed into the paddies.

"And again: 'On March 24, Jerry Shank put his ship into a dive between Soc Trang and Back Lieu and its wing separated from the fuselage.'

"Secretary McNamara is making another one of his trips to Vietnam, which will be followed by more press conferences, but he will not report the facts about the outmoded planes he sends our men over there. So far he has done nothing to improve the deplorable situation in Vietnam. I call upon him and upon our President to give our fighting men a fighting chance."

Congressman Derounian was joined by me, Ed Foreman, and others who urged Congress to demand of the President an answer to why we sent American men into war with inadequate equipment. We believe we should either fight the war to win or get out.

Barry Goldwater, in his New York City address and again on his nationwide television report, reminded the American people of the Republican position that peace can be secured through strength. There would be no American boys dying in Vietnam if we had a clear, unmistakable foreign policy such as set forth in the Republican Declaration of Principles of 1962:

"In foreign policy, the overriding national goal must be victory over communism, through the establishment of a world in which men can live in freedom, security, and national independence."

MORE TRUTH THAN HUMOR

Don MacLean, a Washington columnist: "Maybe I can sort out the South Vietnam situation for you. It's simple; we've gone from Ngo Dinh Nhu to 'No Khan Du'."

PRAYER AMENDMENT CONFUSION

The first amendment to the Constitution reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Supreme Court, in its hotly contested decision, nullified the second part of that amendment by, in effect, prohibiting the free exercise of religion. It is to clarify the intent of the first amendment that Congressman Becker of New York, joined by me and other Members who believe that our national life is founded upon a firm belief in God, introduced what has become known as the Becker amendment.

The Becker amendment simply proposes:

"An amendment to the Constitution of the United States permitting the offering, reading from, or listening to prayers or Biblical Scriptures, if participation therein is on a voluntary basis, in any governmental or public school, institution, or place, and making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States."

The proposal does not "establish a religion." I would be the first to oppose the forced reading of a prayer or Biblical passages dictated by an governmental body—Federal, State, local, or school board. The Becker amendment is not in conflict with the first part of the first amendment. It corrects the situation created by the Supreme Court and reestablishes the second part, "the free exercise" of religion. It changes nothing from the practice and custom which has been a part of our national life since the beginning of this Nation. Our religious practices and customs are being challenged by atheists and the Becker amendment merely reemphasizes the right of the majority of our people to exercise, as they have always done, their belief in God.

President Johnson Proclaims National Observance of National Small Business Week

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Monday, May 18, 1964

Mr. EVINS. Mr. Speaker, President Johnson, by proclamation has recently designated the week of May 24 to 30, next, as Small Business Week, and called for national observance of the contributions which small business makes to our Nation's progress and well-being.

In this connection, under unanimous consent, I include my weekly newsletter, Capitol Comments, which concerns the important role of small business in the development of America, in the Record.

The newsletter follows:

CAPITOL COMMENTS

(By Joe L. Evins, Member of Congress, Fourth District, Tennessee)

SMALL BUSINESS WEEK

President Johnson, by proclamation, has designated next week as Small Business Week.

Nine out of every 10 businesses that supply the needs and wants of the American people are small and independently owned and operated.

Our country's 4.6 million small businesses provide about one-third of the Nation's goods and services.

Small business creates a broad source of diversified employment, continuously broadens the tax base of local communities, States and the Nation, and provides consumers with a wide choice of products.

Small business preserves economic freedom through competition, stimulates the growth of individual initiative, generates new ideas, develops new methods and new products.

In short, small business is the vital center of our free enterprise system.

PARTNERS IN AMERICAN FREE ENTERPRISE

Congress repeatedly has declared that it is the policy of the Federal Government to encourage, assist, and promote small business.

As chairman of the House Small Business Committee, your Representative is increasingly convinced that the preservation and strengthening of our private enterprise system requires fresh thinking about the relationship between public and private business.

The momentous changes in our economy, both at home and abroad, make it abundantly clear that there must be a constantly more effective private-public partnership.

Our small business committee membership has always sought to serve, encourage, and assist American small business in the hope that in due course it will become big business. The concept of our committee is that what is good for small business, generally, is good for all business, and good for the public at large. Our committee is not against big business as such; it is rather pro small business.

Congress and the executive branch can be—and have been—helpful to business. And conversely, business can be helpful to the Congress and to the departments and agencies of the Federal Government by coming forward with their particular ideas and suggestions for solving various problems that face industries and Government.

The Department of Commerce and the Small Business Administration are great and increasingly useful arms of the Federal Government, created and supported by Congress to serve, promote, and encourage all segments of the business community.

A feature of Small Business Week will be the annual meeting in Washington of the National Advisory Council of the SBA. This Council is composed of leading businessmen and women in all parts of the country who are familiar with the problems of small firms in their localities. The regional directors and branch managers of the SBA will participate in this meeting with the Advisory Council members—a meeting which symbolizes, and serves to advance our growing American partnership in free enterprise.

Immigration Proposals Outlined to Intergovernmental Committee for European Migration

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 18, 1964

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the Record, I am pleased to submit an address by me before the Council of the Intergovernmental Committee for European Migration at its 21st session in Geneva, Switzerland, on May 12, 1964.

My statement follows:

Your Excellency, Mr. Chairman and officers, members of this very distinguished body, reference has been made to the fact that I am dean of the congressional delegation. The assumption is that I am old. I may be chronologically old, but I can assure you that I am young in spirit. And you know what is said that "old trees bear fruit, and while the candle burns, there is much work to be done," and I can assure you even on the subject of immigration there is a great deal of work to be done.

However, I cannot let the occasion go by without expressing a word of compliment to the very fine statement made by the Dutch Minister, Mr. Veldkamp. We heard his remarks with admiration. Now, I intend to make a declaration of immigration policy on the part of the administration in Washington, which I am sure will bring comfort to most if not all the members of the Intergovernmental Committee on European Migration. We feel in the United States that the time has come for a review and a revision of the U.S. immigration laws. They must be liberalized in the interests of smaller nations. They are presently inflexible and permit of little or no discretion on the part of the administration in the interests of equality and in the interests of humanity. The so-called national origin theory of immigration which you have heard a great deal over the years must eventually be discarded. It is anachronistic, it is unjust; likewise, rigid inflexible quotas must be cast into limbo.

Mr. Chairman, the Director, Mr. Haveman has given us—or gave us yesterday—a truly searching analysis of the background of the Intergovernmental Committee for European Migration's work at the present juncture. It is well to know that an organization of this character—an organization dealing with, not goods, but with human beings—is continuously adjusting its functions to existing realities and while adhering to the constitutional terms of reference, the organization remains sufficiently flexible to adapt itself to ever-changing conditions in Europe, across the Mediterranean, across the Atlantic, and across the Pacific. It is this flexibility, the flexibility clearly intended by the framers of the Intergovernmental Committee for European Migration's Constitution, which makes this organization viable.

In order to enlarge upon Mr. Haveman's presentation, I believe I ought to give the Council a brief outline of the situation in the United States as it might affect this organization's future work. I have in mind the determined effort initiated by the late lamented, the late martyred President John F. Kennedy, an effort now fully and vigorously sustained by our present President, President Johnson. Namely, the effort designed to provide for a fundamental reform of our immigration fabric.

As most of you know, I had the privilege of introducing in the House of Representatives a legislative proposal recommended by the late President Kennedy. My bill, called "House Resolutions 7700" was abetted without the slightest equivocation by President Johnson. No less than 57 Members of the House of Representatives have joined in this initiative, by introducing bills identical with my own. A large number of similar bills are pending in the U.S. Senate. President Johnson vouchsafed to me prior to my coming here to Geneva his desire to have the bill passed. The power and the potency and the prestige of the President and his office are all behind this new proposed legislation.

The bill I am speaking about is more than just an amendment to the immigration law which has remained on our statute book since 1952. That law perpetuated the principle of national origins, an antiquated immigration system proven beyond peradventure of a doubt to be unworkable, and was devised in 1921—more than 40 years ago, in an atmosphere of fear bordering on hysteria—a direct result of the unsettled domestic and foreign conditions following World War I.

In one of the very first speeches that I ever made in Congress was a speech inveighing and condemning the national origins theory which was embedded in that old law and was embedded in the new law. Now conditions have drastically changed, the climate can be made favorable for decided change, namely the liberalization of our immigration fabric. The fundamental feature of my bill is the elimination from our laws of the fallacious belief that the place of birth or the racial origin of a human being determines the quality or the level of a man's intellect, or his moral character or his suitability for assimilation into our Nation and our society.

In searching for a brief and comprehensive description of the underlying principle of my bill I use these words: "We do not intend to ask any immigrant 'Where were you born?' We intend to ask him only 'Who are you and what can you do for the country in which you have chosen to live?'" There shall no longer be any preference as to race. And as to preferentials as to race and to those who say that my blood is better than your blood, to them I say: Take your blood to the marketplace and see what it will buy you. The good Lord gave us a common ancestor, Adam, so that it could never be said that one man is better than another. Do we not all come from the same stem?

Instead of apportioning our immigration quotas according to the national origins theory, national origins of an intending immigrant, under my bill our future total immigration quota will be divided, regardless of the immigrant's place of birth, into categories completely divorced from the concept of race, nationality, citizenship, or place of birth. Inclusion of an intending immigrant into one of the categories will depend (i) on his skill, or ((ii) on his relationship to a citizen in the United States or of an immigrant previously admitted to our country, but (iii) a large portion of the annual immigration quota will always remain available for refugees and displaced persons in a spirit of mercy, in a spirit of humanity. And lastly, a category will be raised for so-called new seed immigration, immigration of people who in their own mind have formulated the desire to abandon their old country and seek new opportunities for themselves and their children in the United States.

The process of elimination of the national origins principle will continue for 5 years after the enactment of the bill. The reason for this gradual approach is of a purely practical nature. It is there in my bill for administrative purposes only. Obviously the Kennedy and Johnson administrations, as well as myself, would have preferred that the old condemned anachronistic system of national origins be wiped out immediately. However, we must be practical and recognize that such a drastic change, if imposed overnight, would simply create havoc with the administrative processes of immigration and immigrant visa issuance by our consulates spread all over the world. Thus it is proposed to cut 20 percent of our quota in each of the 5 years succeeding the enactment of my bill, and place that number of visas in a pool operated under the new system. At the termination of 5 years, the new system will be in full effect, and the administrators will all have gained the necessary experience obtained through the gradual use of the new system.

It is important to keep in mind that under the new system the entire quota will be used, will actually be used, in every 12-month period. We will not have then the unfortunate situation which faces us every year at the present time. I have in mind that situation where tens of thousands of immigrant visas allocated under existing quotas are not used by certain nations, by immigrants born in those certain countries, while immigrants born in other countries with small or simply token quotas have to experience waiting time extending in the case of many countries of southern and eastern Europe as well as Asia, for 5 years to almost 25 years. That is horrendous, and has got to stop.

In all frankness I must tell you, gentlemen, that I do not want to sound here a note of undue optimism. The changes that I suggest are somewhat drastic and the climate of public opinion must be developed out of which can spring these changes. But we shall develop that climate favorable to these changes. I have served in the House of Representatives for 42 years. I believe I know its procedures as well as I know its atmosphere. It is undeniable that the reform which we propose is just as drastic as it is necessary. Old prejudices, however—old prejudices I repeat—do not just fade away—they die hard. Old formulas are difficult to change, even more difficult to eradicate.

We have a difficult task before us. We are, however, determined to tackle it with just as much determination as we decided to face the issue. And I repeat, we have the administration, headed by President Johnson, behind us in this regard. And it is significant to know that only recently the House of Representatives passed a civil rights bill which you probably have heard of in the public press. I had the honor of being the House manager of that bill, that bill bears my name. I am proud that it bears my name, but within 5 minutes after the bill was adopted by the House, I received a telephone message from the President of the United States, and he thanked me for my efforts on the civil rights bill and then he significantly added: "Now how about my immigration bill?" That shows you what an activist the President of the United States is. That is very significant, I say to the members of this Committee. He wants this immigration bill that I speak of. And I am going to do all in my power to see to it that he and the United States and the world gets that bill. We have his personal support behind us, and we do not intend to relent in our efforts until we write it into our law books, this immigration statute which will be worthy of the traditions of the United States and of our country's responsibility in the world of today. Unless we do that, we deny that famous phrase in our Declaration of Independence, which says "All men are created equal." This national origins theory says all men are not created equal, because it gives preferences to some and metes out discrimination and proscriptions to others.

The American Consumer

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD the message from the President of the United States on the American Consumer which he sent to the Congress on February 5, 1964.

As you will recall, the President's message reiterates the importance of the consumer in our economy and reaffirms the consumer's right to have his interests fully protected. Included, too, in the President's message is a list of recent advances in this field as well as one recommending further legislation. It is this last list and particularly that portion dealing with unfair trade practices and price maintenance which I believe merits particular attention; for it is here that the President states his full opposition to legislation prohibiting competition and freedom of choice. There is no doubt from the position the President takes that the enactment of the quality stabilization bill or any similar legislation is clearly threatened by Presidential veto.

In fact, no other legislation in recent years has been so persistently and continually threatened by Presidential veto. In adopting this stand, our Presidents have given true recognition to the iniquitous provisions of this proposed legislation. Consumers everywhere should follow Presidential leadership by working to defeat the present version of price fixing legislation now pending in this Congress.

The message follows:

[H. Doc. No. 220, 88th Cong., 2d sess.]

THE AMERICAN CONSUMER

(Message from the President of the United States, Feb. 5, 1964—referred to the Committee of the Whole House on the State of the Union and ordered to be printed)

To the Congress of the United States:

America's economy centers on the consumer:

The consumer buys in the marketplace nearly two-thirds of our gross national product—$380 billion out of an output of $600 billion.

To meet consumer needs with an ever-widening range and quality of products is the prime object of American producers.

To increase consumer well-being—both the quality and the comforts of life—is one of the highest purposes of private and public policy.

Yet, for far too long, the consumer has had too little voice and too little weight in government.

As a worker, as a businessman, as a farmer, as a lawyer or doctor, the citizen has been well represented. But as a consumer, he has had to take a back seat.

That situation is changing. The consumer is moving forward. We cannot rest content until he is in the front row, not displacing the interest of the producer—yet gaining equal rank and representation with that interest.

Federal action in the consumer interest is not new. To protect the consumer, we have Federal laws and regulations:

To eliminate impure and harmful food, drugs, and cosmetics.

To standardize weights and measures, and improve labeling.

To prevent fraud, deception, and false advertising.

To promote fair competition.

To assure fair rates in transportation, power, fuel, communications, and the like.

To avoid abuses in the sale of securities.

What is new is the concern for the total interest of the consumer, the recognition of certain basic consumer rights:

The right to safety.

The right to be informed.

The right to choose.

The right to be heard.

President Kennedy—in his historic consumer message of March 15, 1962—first set forth those rights.

I reaffirm those rights.

What is also new is active representation of the consumer—and a loud, clear-channel voice—at the topmost levels of government:

1. In July 1962, President Kennedy established the Consumer Advisory Council. In its landmark "First Report" of last October, the Council urged stronger and more effective representation at the Presidential level.

2. On January 3, I appointed a new Special Assistant for Consumer Affairs and established the President's Committee on Consumer Interests, composed of:

Representatives of the Federal departments and agencies most concerned with consumer affairs.

Members of the Consumer Advisory Council.

The newly appointed Presidential Assistant, as Chairman.

My special assistant and the new Consumer Committee will lead an intensified campaign:

To assure that the best practice of the great American marketplace—where free men and women buy, sell, and produce—becomes common practice.

To fight, side by side with enlightened business leadership and consumer organizations, against the selfish minority who defraud and deceive consumers, charge unfair prices, or engage in other sharp practices.

To identify the gaps in our system of consumer protection, information, and choice that still need to be filled.

RECENT ADVANCES

Since 1962, the consumer's position has been protected and strengthened in several important ways:

1. New drugs must now be approved for effectiveness as well as safety.

2. Beginning in May of this year, all television sets produced and sold in interstate commerce must be able to receive all channels, including the ultra-high-frequency ranges. This will bring to millions of American homes a wider range of noncommercial educational TV, as well as more commercial programing.

3. During the past year, the Federal Trade Commission has intensified its programs to protect consumers against:

False advertising as to the safety and efficacy of nonprescription drug products.

Misrepresentation of savings in the purchase of food-freeze plans.

Deceptive television ratings and demonstrations.

Misbranding of clothing.

Bait-and-switch tactics in the sale of consumer products.

4. Federal Power Commission orders on gas rates have channeled millions of dollars of refunds of past overcharges to American families who use gas for cooking and heating.

5. Remedies have now been provided for air travelers who are victims of overbooking.

The job ahead. But the road to consumer safety, accurate information, free choice, and an adequate hearing is never ending. In modern society, the consumer is constantly exposed to the winds of change. Countless new products—and new forms of old products—vie for his attention and his dollar. Services take a larger and larger share of the consumer dollar. Yet they are often performed without established standards of safety or values.

The American housewife—the major American consumer—cannot help but feel confused, and too often unheard, as she seeks the best value for the hard-earned dollar she spends.

This Government is pledged to come to her aid with new legislation and new administrative actions.

RECOMMENDED LEGISLATION

Food, drugs, cosmetics, and medical devices

Too often, we await the spur of tragedy before strengthening the Food, Drug, and Cosmetic Act.

Too often, we discover dangers in foods and cosmetics only through serious injury to a consumer.

Testing and inspection powers.

The Food and Drug Administration now lacks the needed authority:

To inspect fully the factories in which food is produced.

To require a showing that cosmetics are safe before they are offered to the public.

To examine, for safety and effectiveness before they are marketed, medical devices for the diagnosis of symptoms and treatment of illnesses. The improper treatment with worthless devices can be the cruelest hoax of all.

Therefore: (1) I recommend the enactment of new legislation to:

Extend and clarify inspection authority—comparable to that which now governs prescription drugs—over foods, over-the-counter drugs, cosmetics, and therapeutics, diagnostic and prosthetic devices;

Require that cosmetics be tested and proved safe before they are marketed; and

Require therapeutic, diagnostic, and prosthetic devices to be manufactured under conditions that will assure their reliability, and require proof of safety and effectiveness before they are marketed.

Warning labels

The container for the common household drug is a familiar—and often reassuring—sight in our medicine closets. Yet, unless properly marked with necessary warning against accidental injury, it can be as dangerous, and fatal, as a time bomb.

Drugs that ease the pains of adults, for example, might kill a child—yet Federal authority to require warning labels on such containers is far from clear.

A pressurized container, improperly used or handled, can also be a lethal instrument—yet, existing law does not require that users be warned against these dangers. Therefore:

(2) I recommend that existing legislation be extended and clarified to require that labels include warnings against avoidable accidental injury from drugs and cosmetics, and pressurized containers.

(3) In addition, the Department of Health, Education, and Welfare should be authorized to subpena evidence in connection with administrative hearings under the Federal Food, Drugs, and Cosmetic Act. Other regulatory agencies have this indispensable power. Without it, effective regulation is extremely difficult.

Screening of pesticides

Equally important is the growing danger from the use of pesticides which have not been properly screened. We must not recklessly interfere with the harmony of nature. Yet, today the Department of Agriculture is required to register products that it cannot certify as safe—and these may be put to use. Therefore:

(4) I recommend that the Congress enact legislation—already passed by the Senate—to end the present practice by which pesticides may be registered by manufacturers under protest before the Department of Agriculture has passed upon their safety.

Meat and poultry inspection

The inspection of meat and poultry products moving in interstate commerce effectively insures safe and wholesome supplies of these foods, but this protection does not extend to products sold within a State. Therefore:

(5) I recommend legislation to insure that all meat and poultry sold in the United States—intrastate as well as interstate—is inspected for safety and wholesomeness, either by the Department of Agriculture or in cooperation with State authorities.

Unfair trade practices and price maintenance

There are serious defects in the Federal shield against unfair practices and false advertising. Unlawful trade practices may continue during the time administrative hearings are pending. Often, the damage has been done by the time the decision is rendered. Therefore:

(6) I recommend legislation to grant the Federal Trade Commission authority to issue temporary cease-and-desist orders at the outset of a proceeding, subject to court review, when the Commission has good reason to believe that the continuation of the practice would result in irreparable injury to the public.

Freedom of choice for consumers from our storehouse of goods, at the lowest possible prices, is the very cornerstone of American consumer policy. I believe strongly in this principle. Therefore, I oppose legislation which limits price competition, whether under the label of quality stabilization or any other name.

Truth in packaging

We all like interesting packages, and we are attracted by them. In today's markets they are the silent salesmen for their products.

But salesmen should be both helpful and truthful.

When the American housewife comes face to face with one of these silent salesmen, she wants it to report to her the nature and quantity of its contents in a manner that is simple, direct, visible, and accurate.

All too often, she cannot find such labeling today. Hearings on the Hart-Celler bill to require "Truth in Packaging" have shown us that informed judgments are often made difficult or impossible by deceptive or confusing packaging and labeling.

The shopper ought to be able to tell at a glance what is in the package, how much of it there is, and how much it costs.

We do not seek monotonous conformity.

We do seek packages that are easily understood and compared with respect to: sizes, weights, and degrees of fill.

Many of our staples, like sugar and flour, have long been packaged in standard quantities. Much more can be done along these lines.

Packagers themselves should take the initiative in this effort. It is in the best interests of the manufacturer and the retailer as well as the consumer.

The Government has had, and has exercised, a responsibility toward the consumer in this field for a long time. But the case-by-case trail to which we are limited by existing law is a long and winding one.

More clear-cut regulations are needed to deal effectively with the problem of: misleading adjectives; fractional variations in weight which are designed to confuse; illustrations which have no relationship to the contents of the package. Therefore,

(7) I recommend legislation to insure that the consumer has access to the information necessary to make a rational choice among competing packaged products.

Truth in lending

The consumer credit system has helped the American economy to grow and prosper:

Credit is used to finance the purchase of homes, cars, appliances, education and recreation.

Consumer credit and mortgage debt on urban family homes together total over $250 billion.

The cost of such credit must be made as clear and unambiguous as possible, eliminating all possibility of abuse. The antiquated legal doctrine, "Let the buyer beware," should be superseded by the doctrine, "Let the seller make full disclosure." Therefore:

(8) I recommend enactment of legislation requiring all lenders and extenders of credit to disclose to borrowers in advance the actual amount of their commitment and the annual rate of interest they will be required to pay.

Truth in securities

American consumers are also investors. Approximately 17 million persons hold stock in publicly held corporations.

Almost a generation ago, laws were passed to assure full disclosure of needed information to persons about to purchase securities listed on national securities exchanges.

But those who purchase over-the-counter securities have no similar protection. They need it.

Legislation broadening these disclosure provisions to include widely owned over-the-counter stocks has already passed the Senate and is pending before the Interstate and Foreign Commerce Committee of the House. This measure will help complement the voluntary changes in rules and practices now being made by securities dealers and stock exchanges to afford greater protection to investors. Therefore:

(9) I recommend prompt enactment of this disclosure legislation for over-the-counter securities.

Better housing

The purchase of a home is the largest investment most American families make. Housing costs, for owners and renters, take 14 percent of the average city family's dollar every year.

Good housing should be within the reach of low and moderate income families—now and in the future. We must have orderly development with look-ahead planning for our sprawling cities.

Therefore

(10) I recommend enactment of the administration's housing program (outlined in my recent Message on Housing) which is designed:

To provide more housing for low-income families by acquiring and improving existing housing as well as by constructing new public housing.

To help local governments and developers plan suburban developments which will include a proper balance of community facilities, recreation, transportation, and business centers.

ADMINISTRATIVE IMPROVEMENTS

There are in addition, many steps that can—and will—be taken immediately to strengthen our present programs of consumer protection.

First, I am directing the President's Committee on Consumer Interests to undertake the following actions:

1. Under the auspices of its Chairman, the Special Assistant for Consumer Affairs, to begin a series of regional consumer conferences:

Representatives of consumer groups, manufacturers, retailers, advertising agencies, Government agencies, and others will discuss the problems of adequate consumer information at these meetings.

The results will be reported to me, along with appropriate recommendations for action.

2. To develop as promptly as possible effective ways and means of reaching more homes and more families—particularly low-income families—with information to help them to get the most for their money:

Most of the budget management and consumer publications now available are geared to middle-income families.

They often do not penetrate to the lowest 20 percent of the Nation's income groups.

Yet it is the poor who suffer most from sharp practices.

I am asking all Federal agencies now engaged in consumer educational activities (a) to cooperate in this effort and (b) to explore fully such possibilities as the adapting of the extension service concept, so successful in rural areas, to an urban setting.

3. To examine the many programs for consumer education in our schools, to stimulate the development of curriculums and training materials, and to encourage larger numbers of our young people to seek instruction in the fundamentals of budgeting, buying, and borrowing.

4. To develop means of keeping the public continuously informed of developments of importance in the consumer field.

Second, as I have emphasized in my Economic Report, we must make sure that any upward pressures on costs and prices that may develop as the economy expands do not get out of hand:

Price stability is essential to an economic climate favorable to consumers.

Price increases, without improvements in performance or quality, would erode dollar values.

Our record of overall price stability in recent years has been excellent. But the trend of consumer spending for services has been constantly rising; and the safeguarding of the consumer's interest in the area of services is comparatively weak:

Because of their personal and informal nature, services cannot be treated in the same way as foods and drugs.

Yet, they are equally subject to the abuses of poor quality, high prices, and exaggerated claims.

I am asking the Committee to make recommendations for improvement of protection in this area; and we will also call upon the interested industries for their advice.

CONCLUSION

All these proposals for consumer protection would cost us as taxpayers only a small fraction of what they would save us as consumers. And there is no measure of what they would prevent in human suffering.

But in the last analysis, the remedy for errors of taste, poor judgment, and disorder in our economic life is not to be found in the legislatures or the courts but in the leadership of those who care.

This is an individual matter.

But it is also a matter for corporations and organizations dedicated to the public interest.

I know that the program outlined here to improve the safety and welfare of our consumers will help all Americans to pursue the excellent and reject the tawdry—in every phase and in every aspect of American life.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 5, 1964*.

China Reports Revealing

EXTENSION OF REMARKS

OF

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. BROWN of California. Mr. Speaker, this week newspaper readers have had a rare opportunity to look through a window into Communist China. A group of Western correspondents had an 8-day tour of the country and a two-part report of their visit to Shanghai, Peiping, and Hangchow by Andrew Wilson of the London Observer appeared in the Washington Post May 11 and 12.

The newsman reported, among other things, that China does not expect to be a nuclear power for a long time to come, but is industrializing rapidly. No signs of discontent or poverty endemic in other Asian countries were seen.

While British reporters are very competent, I regret that American reporters were not able to accompany their flight and make a firsthand report directly to their American readers. It is in our national interest for us to know what is going on in this country of some 700 million people. I urge our State Department to make a new, determined effort for a travel breakthrough so that newsmen, scholars, scientists, businessmen, churchmen, and others can visit Communist China.

The sooner we establish some communication between the world's most powerful nation and the world's most populous nation, the better will be the prospects for peace in the world.

I join with Senator J. W. FULBRIGHT in his view:

> The Far East is another area of the world in which American policy is handicapped by the divergence of old myths and new realities (March 25).

I also join with Senator BOB BARTLETT, of Alaska, who said, on February 19:

> It is important, however, in our Asian policies, that we strive to achieve flexibility, flexibility which our policies in recent years have failed to have. We cannot allow ourselves to be frozen forever with a rigid policy hoary with age. In Asia as elsewhere we must be willing to discuss anything with anybody who is willing to discuss in a rational and responsible manner. We are the greatest power on earth and we have no need to fear Red China and no need to fear negotiations.

The articles from the Washington Post are as follows:

[From the Washington Post, May 11, 1964]

WINDOW ON PEIPING I—HAPPY FACES, SHOPS FULL OF GOODS GREET WESTERN NEWSMEN IN RED CHINA

(By Andrew Wilson)

LONDON.—Communist China does not expect to be a nuclear power for a long time to come. This seems the surest conclusion to be drawn from several days of question and answer with officials in Peiping, including Foreign Minister Chen Yi.

Marshal Chen said China would be quite capable of developing nuclear fission when she had "reached the necessary industrial level," but she might not catch up with the most advanced countries for 10, 20, or 30 years.

On the other hand, Chinese industry apparently is capable of producing capital goods, weapons, and electronic equipment in much greater quantities than Western observers have yet been allowed to see.

In an 8-day tour I visited Shanghai, Peiping, and Hangchow. Nowhere was there any sign of discontent or even the poverty endemic in other Asian countries. The people I saw, even in obviously impoverished quarters, seemed happy and purposeful.

Peiping is an old city rapidly becoming modern with wide streets, an up-to-date transport system, some wedding-cake-style buildings on the Moscow scale—and dozens of parks.

Shops are full of goods, not yet of very good quality. The pavements are crowded. There is none of the deadness that characterized Eastern Europe under Stalinism.

Industrialized Shanghai, a city of 7 million people, again is full of the liveliness that makes you forget this is a Communist state.

Hangchow, 150 miles west of Shanghai, has a willow-pattern flavor, full of temples, pagodas, and dragons. It is intended to be one of the chief attractions for foreigners when tours get going as a result of the new Pakistan-China air service by which we made our visit.

There is no doubt that the unprecedented admission of a score of Western journalists was a major gesture designed to go with a new departure in Chinese policy—a suggestion that Mainland China is not inflexibly committed to world revolution by force, that she can mount a peace offensive as effectively as Russia.

We were so hospitably entertained, and our hosts were so careful to avoid the jargon of Marxism, that it was nearly possible to believe that this new peaceful, reasonable China was the only one that had ever existed.

It was only when reading through Peiping magazines like Revolution and Evergreen, with their textbook instruction in revolutionary warfare in Asia, Africa, and Latin America, that one was reminded of the reality of Communist aims.

There were the inevitable flower-waving children and a 12-course banquet given by Hangchow.

PREMIER AT BANQUET

Next day we flew to Peiping, where arrangements were more relaxed. We were able to leave the hotel and walk around the city. In the evening we attended an Eve of May Day banquet in the Hall of the People. Premier Chou En-lai turned up and dined with other leaders, as host to 2,000 guests.

When speeches had been made and official toasts drunk, Chou took his glass of wine and went clinking glasses with the guests. There were no security precautions. Photographers were practically standing on Chou's toes.

He was obviously enjoying himself and later signed autographs.

On May Day we were driven through streets packed with youth processions to the grounds of the summer palace, just outside the city, where hundreds of boats were swaying beneath balloons on the lake and a female soldier sang patriotic songs in the Hall of Great Happiness.

SUMMONED BY CHEN YI

Later there were visits to the Great Wall and a Ming tomb.

Then suddenly we were summoned to an interview with Chen Yi, Chou En-lai's deputy and reportedly Mao Tse-tung's successor, who now ranks as China's No. 2 leader. It was the first major interview given here to a group of non-Communist journalists in 15 years and plainly intended for widest publicity.

For 2 hours, puffing cigarettes beneath carved screens and flower decorations, Chen—a burly genial figure—painted a picture of the New China.

He kept returning to the theme of peaceful coexistence. China, he said, did not want satellites, nor did she want to be a satellite herself. There were broad opportunities for cultural and technical exchanges not only with France but with other Western countries.

By the end of next year China would have repaid her last debt to Russia; she could then concentrate on building up the living standards of her people, Chen added.

ALSO VISITED COMMUNE

The tour given us by the Communist Chinese Government included a visit to a commune. Apparently there have been big changes in the commune system but no relaxation in its application. I visited a commune of 6,700 families (28,000 people) near Shanghai.

Fields were thick with corn and it was not difficult to accept the official figure of a 67-percent increase in production since 1957. There was a flourishing dairy herd and a factory using homemade machinery to make simple tools.

Officials admitted, however, that the basic unit was no longer the commune itself but the smaller "production brigade," of which there were 26 in this commune. The brigade, equal in size to the old Chinese village, is responsible for organizing "production teams"—in this commune engaged in the fields, the dairy farm, the workshop, a fertilizer plant, and fishing the local river.

It was obvious that as a result of early mistakes the unwieldy organization of the communes has now been reduced and decisionmaking brought nearer to the soil.

There was a rudimentary hospital, a number of schools and a store full of dusty luxury goods—radios, toys, patterned cotton cloth and tinned delicacies. Commune members each had an individual 65-square-yard garden plot for their own needs and said all they needed to spend was about 6 yen (less than $3) on rice each month.

Everybody looked healthy and happy despite loudspeakers which 6 hours a day blared songs like "Socialism Is Good for You" "Everybody Is Praising the Peoples Communes' Vegetables."

WINDOW ON PEIPING, II—WESTERN GOODS POUR OUT OF CHINA

(By Andrew Wilson)

LONDON.—Communist China's industry has increased more than tenfold since the liberation.

On our 8-day-tour through Peiping, Shanghai, and Hangchow we saw freely on sale, to those who could afford them, Chinese imitations of Leica and Rolliflex cameras, fountain pens, transistor radios, and watches made by a transplanted Swiss factory.

Cathode ray tubes are being mass produced in Shanghai, for a Russian-type television set with a 10-inch screen, and the prototype of a new six-cylinder car, the Phoenix, is being shown at an industrial exhibition there.

An earlier car, the Red Flag, is claimed to be in production but is not much in evidence.

Toy factories pour out models of motor cars, machine guns, Jeeps and American-pattern tanks, apparently for the southeast Asia market.

Much of this production finds its exit through Hong Kong which, as an official of the Chinese Foreign Ministry laughingly admitted, practically makes mainland China a member of the British Commonwealth for trade purposes.

Production of capital goods is the great enigma. The Shanghai exhibition included heavy electrical generating equipment, tractors, a truck, and a wide range of electrical and electronic goods. All these exhibits have certainly been built in the People's Republic, but are they actually in production?

So far as motor vehicles are concerned, China still relies overwhelmingly on reconditioned Russian and American trucks. But all Peiping trolley buses are domestically produced and China's workshops allegedly built a comfortable double-decker train on which I traveled from Hangchow to Shanghai.

Before we left China, our travels had thrown light on other aspects of the "New China":

Hotels: Mostly used by visiting delegations, the hotels are large and good. Some are preliberation, taken over with all their trappings, like the Shanghai Peace Hotel, formerly the Cathay. Others have been built overnight to quaint architectural plans.

Nor has socialism dimmed the Chinese art of cooking, which is highly regional and quite unlike the debased Cantonese cooking of Chinese restaurants in Europe and America.

Every hotel has a visitors' shop full of goods beyond the pocket of ordinary citizens. Tipping is forbidden; nobody thinks of locking up valuables; and honesty is carried to extreme lengths. Our departure from Shanghai was delayed 15 minutes while a China Intourist official sought the owner of an English penny left in one of the rooms.

Shops: Foreigners can buy cheaply in the so-called friendship shops open to anybody with money. But even Chinese city workers—the best off—have an average wage of only 70 yen a month (about $31 at the official exchange rate).

Of this about 7 percent goes in rent. Sugar costs the equivalent of 28 cents a pound, pork about 42 cents, fish 21 cents, eggs 28 cents a dozen, cigarettes 21 cents a pack. Cereals, most meats, fats, and sugar are rationed. Cakes, fruit, and vegetables are not.

The real shortage is cotton cloth—rationed to 3 yards a year for each person. Nowhere in three major cities or in the countryside did I see any sign of malnutrition.

"Luxury" goods are poor enough by Western standards but one can buy a fair pair of men's shoes for the equivalent of $8.40 or a shirt for $3.50.

Working conditions: Workers are on a 45-hour, 6-day week in most factories and a 63-hour week in the communes. There are no vacations aside from May Day, National Day, and five other "days"—though workers separated from their families may be given a fortnight's leave to visit them each year as a special concession.

Men retire from work at 60, women at 55, on a pension of up to 70 percent of their wages. A factory I visited at Hangchow gave 4 hours' "education" each week after working hours and also provided health and social services.

Women: They earn the same wages as men and participate in everything, including the armed forces. But there are signs that they are tiring of their eternal blue overalls. In Shanghai, which tries to be "with it," there's a fashion for tightly cut slacks and pointed shoes. Business women have one or two pretty dresses for official parties and those in contact with foreigners—Intourist interpreters and so on—manage to get a smart weekly hairdo.

The question now is what the newly open China will make of Western visitors, and what the Chinese will make of the West. On the aircraft returning to Karachi, my Chinese neighbor looked curiously at the cigarettes offered by the Pakistan airline, embossed with the British royal arms.

Karachi Airport, with its confusion and emaciated porters, must have fulfilled the textbook picture of a country ripe for communism. Will the new leaders of countries like Pakistan be able to match Chinese political dedication, order, and economic self-discipline?

The Urgent Need for Urban Mass Transit Legislation

EXTENSION OF REMARKS
OF
HON. ALBERT RAINS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 18, 1964

Mr. RAINS. Mr. Speaker, last week my good friend and distinguished colleague, Congressman WELTNER, of Georgia, made an excellent speech at the Institute for Rapid Transit meeting here in Washington, and I wish to insert the speech in the RECORD for the benefit of the House.

The speech makes a most compelling case for the need to pass mass transportation legislation this year. H.R. 3881, the administration's urban mass transportation bill, now pending before the Rules Committee, would provide vitally needed aid to help cities cope with their growing problems of traffic congestion. I am hopeful the bill will be scheduled for floor action soon and that we can send this legislation, so urgently needed by urban and suburban communities, to the President for signature.

The speech follows:

ADDRESS BY CHARLES LONGSTREET WELTNER, MEMBER OF CONGRESS, FIFTH DISTRICT OF GEORGIA, TO THE INSTITUTE FOR RAPID TRANSIT, WASHINGTON, D.C., MAY 14, 1964

The public, of recent years, has become increasingly reliant upon polls. Practically every day we can read a newspaper poll, telling who's slipping, or who's rising, or who's winning, or who's losing. In the Congress, as well, we take polls—called a whip check—to see what chances a bill or resolution might have. Right now, those of us interested in transportation for cities are studying the latest surveys, attempting to gage our strength, speculating on loose votes, and, generally hoping for a favorable outcome to H.R. 3881, the Urban Mass Transportation Act of 1963.

Now, I'm glad to know that we need not be concerned about a whip check at this meeting today. Each one of you is here because of your interest in, and support of, the mass transit bill. The interests represented are varied. Some of you are engineers, whose profession is vitally connected with the bill. Some of you are manufacturers, whose products will be in great demand as mass systems develop over the Nation. Some are operators of existing transit systems, whose experience and abilities will be essential to sound programs. Some are planners, who see mass transit as an integral part of the cities we are building, and will build during the remainder of this century.

These varied interests have a single goal—passage of mass transportation legislation—this year, by this Congress.

Because of the unanimity of your support, I need not dwell upon the desirability of this legislation. I am not called upon to persuade you, or entice you, or enjoin you to back this bill.

Nor would it be very profitable for me to render a section-by-section analysis of the legislation. You've seen it analyzed; you've heard it discussed. You're familiar with the grant provision, the loan provision, the labor provision, the recapture provision, and the authorization provision. Thus, it will not be my part to dissect this bill for you.

Nor, do I intend to dwell upon that old feud—between transit interests and highway interests. Roadbuilders want to build roads. They want to sell aggregate, and concrete, and asphalt, and centerline paint, and luminous signs, and curbing. That is well and good. No one will quarrel with the desire of a man to work his trade. They are not subject to criticism on that score, for each of you has something to sell, "airbrakes, steel, professional services, engineering, and the like."

No, I do not intend to argue for this particular bill, nor to analyze any single piece of legislation, nor to enter any feud.

What I hope to do is to lay out some figures, and to review some historical facts. I believe we can establish, right here, that mass transportation is not a convenience, but a necessity; not a desirable urban program, but an absolute urban imperative.

Consider the great cities of the world—Paris, London, New York, Tokyo, Moscow, Boston, Chicago. No one will tell you, "In New York, all we need is a few more lanes of expressways." Hardly. Each of these cities has long had a highly developed system for mass transportation—and those systems are vital to their very existence.

Automobiles, despite their convenience and independence of movement, have created a host of problems. Only last year, for instance, did the Congress pass the Clean Air Act, designed to meet, among other problems, air pollution from automobile exhausts. The great cities of our Nation and of the world could hardly survive with automobile traffic alone. They function as centers of activity—commercial, financial, cultural, governmental—because their systems are capable of moving great numbers of people in and out, back and forth, to and fro. Without that ability, they would rapidly deteriorate.

Let me review quickly the beginnings of some of the world's most famous transit systems * * * the Metro, the Tube, the underground, the subway, the MTA.

The Metro was begun in 1900 when Paris had a population of 2,700,000. The Tube was opened in London in 1863 when that city had a population of 2,363,000. The underground in Moscow, and I am not speaking of the early beginnings of the Communist Party, was constructed in 1934 when the population of Moscow was 3,600,000. Boston opened the MTA in 1897 when its population was 561,000. The Chicago and New York subways were built in 1943 and 1904 respectively, when those cities had populations of 3,390,000 and 3,400,000.

Subways and elevated trains are not new. They began in another era—the railroad age. Then came the automobile, which has proliferated beyond all imagination. Yet the need for these mass systems, predating the automobile, is ever greater—because of the automobile.

Without adequate mass facilities, how would these cities fare? Have you ever been in New York during a subway strike, when commuter trains were shut down? There's the answer.

Yes, this is but one aspect of the lesson that history affords.

The fact to be recognized here is that these cities began their rapid transit systems when they were the same size as a number of American cities will be by 1975, the lead-time required to build new systems:

In 1975, Minneapolis-St. Paul will have—2,100,000 people; Denver—1,500,000; Atlanta—1,470,000; St. Louis—3 million. The nation's Capital, Washington, D.C., will have more than 3,500,000 people in its metropolitan area.

The point of the population figures is this: The early systems were built at the same population stage as these of the emerging cities of the United States today.

What happens when great cities are built without mass systems?

Los Angeles is the child of the automobile age. And what kind of a city is it? More than two-thirds of its central city, if we may speak of a central city in relation to Los Angeles, is devoted to expressways and parking lots. Some might say it is not a city at all, but a highway and parking lot, bordered by a few buildings.

There are 16 lanes of traffic. All are stalled at 6 p.m. There is a story of the Los Angeles helicopter police report: "Traffic is moving at a brisk pace this afternoon on the Hollywood Freeway, approximately 8 miles an hour. On the Santa Ana Freeway, there is a little congestion, due to an accident at the Anaheim exit (some 35 miles away)."

I have a friend in Atlanta who sells advertising specialties. True to his trade, he is given to slogans, of which his favorite is: "No one is entirely worthless. He can always be used as a horrible example."

We can thank Los Angeles for its experiment—and the horrible example it affords. Its experience proves one thing conclusively * * * we cannot build enough expressways to handle traffic in a growing city. There is a type of Parkinson's law working here. "One more lane of expressway will produce twice as many cars as it can handle."

Los Angeles has attempted the single solution approach to urban transportation * * * and it has failed. Now, when more than 66 percent of what was once living room and working room has been given over to the automobile, Los Angeles finds that it must turn to some form of rapid transit. After being scattered all over the southern California countryside, after years of lives spent in automobiles going to and from work, they must build a mass transit system.

I am not passing judgment on Los Angeles, but simply stating a fact—we cannot maintain a growing city whose only mode of transportation is the expressway.

Many critics of mass transportation are blind to these facts.

They will tell you that the concept of mass transportation is outmoded. They will cite reams of figures on declining passenger usage, financially failing public and private transit systems. Yet, these arguments ignore some very simple statistics, some very simple facts. We have tried the freeway solution and it has failed.

In cities of more than 1 million population in the United States, more than 75 percent of the people travel to and from work by some form of mass transit. A transit strike in New York, such as the one in 1957, is a major catastrophe.

Some critics are more charitable. They will accept the argument that the systems we presently have are needed. But they immediately contend that we need no new systems. They say that people will not leave their cars and ride a new system. Yet, history proves them wrong.

Cleveland, a city of 936,000 at the time, built a new subway system which opened in 1955. The passenger load for the first full year of operation was 14.7 million trips. By 1960, the passenger trip figure had risen to 18.3 million. Automobiles were left at home; the fare box offers irrefutable proof.

Let us now turn to the emerging new cities of America. Atlanta is one of these. They are the regional capitals, with populations between 1 and 2 million. They have grown by serving as the financial, educational, transportation, warehousing, manufacturing, and communications centers for geographic regions of our country. Among them are Atlanta, Dallas-Fort Worth, Denver, Kansas City, St. Louis, Minneapolis-St. Paul.

They are vital cities, growing cities, serving as the center for the countryside and smaller cities around them.

They have all the problems of growing cities—the need for more schools, sewers, parks, the problems of air pollution, water pollution, and urban blight.

But one problem common to all is transportation. All have central cities and central business districts.

None of them have adequate mass transit systems. All are expressway cities—and all—in varying degrees—face serious problems.

Atlanta has been building an expressway system since 1946, when it was a city of 560,000. Today the metropolitan area has more than 1,100,000 people. We're still building, and the traffic situation worsens daily. By 1970, automobile traffic would require 36 expressway lanes north and south, and 22 east and west. Already, more than one-third of our central city is devoted to streets and parking lots.

The absurdity of having only street transportation in Atlanta is obvious just by stating the requirement, 58 expressway lanes by 1970, where we only have built 12 in the last 18 years.

They are growing at an average of 50 percent each decade. Atlanta is growing at the rate of 34,000 people annually. By 1980, it will be a city of 2 million people.

The facts are obvious. Great cities absolutely require multiple transportation systems. But the regional capitals of the United States are moving toward metropolis status with only expressways.

We cannot leave these new regional capitals to the fate of Los Angeles—but that is precisely what we are doing.

If we are to have mass transit systems to meet demands, we must begin now. To postpone mass transit systems is to consign regional cities to the awful and expensive fate of piecing their towns back together in the future.

For, as the Los Angeles experience proves, we will have to build them sooner or later—and the later we begin, the higher the cost.

A very modest beginning toward the development of systems for the regional capitals—and for my home—Atlanta—is embodied in H.R. 3881, the Urban Mass Transportation Act of 1963.

I say "modest," for this bill provides only $500 million in matching funds for the development of systems.

The projected Atlanta system, alone, would cost approximately $300 million. But H.R. 3881 would allow us to begin. And it would allow other cities like Atlanta to begin to develop alternatives to expressways, traffic jams, parking lots, and carbon monoxide.

History makes no mistakes. Its lesson is plain to any who will read it.

Let us take this lesson back to our cities before it is too late. Let us act before American cities become vast wastelands of concrete and stalled cars.

Let us support this bill, not because it is helpful, or progressive, or forward looking—but because it is an historic imperative.